

FOR COURT USE ONLY

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address)

Jeffrey V. Dunn (131926) Wendy Y. Wang (228923)

BEST BEST &amp; KRIEGER LLP

18101 Van Karman Ave, Suite 1000

Irvine, CA 92612

TELEPHONE NO (949) 263-2600

FAX NO (Optional) (949) 260-0972

E-MAIL ADDRESS (Optional)

ATTORNEY FOR (Name) Cross-Complainant Los Angeles Co Waterworks Dist. 40

SUPERIOR COURT OF CALIFORNIA, COUNTY OF Los Angeles

STREET ADDRESS 111 North Hill Street

MAILING ADDRESS

CITY AND ZIP CODE Los Angeles, CA 90012

BRANCH NAME Stanley Mosk Courthouse

**CONFORMED COPY  
ORIGINAL FILED**  
Superior Court of California  
County of Los Angeles

SEP 21 2015

PLAINTIFF/PETITIONER: Los Angeles County Waterworks District No 40, et al.

DEFENDANT/RESPONDENT: Diamond Farming Company, et al.

Sherri R. Carter, Executive Officer/Clerk

By Anita Pergler, Deputy

REQUEST FOR  
(Application)

Entry of Default



Clerk's Judgment



Court Judgment

CASE NUMBER

JCCP No. 4408-CLASS ACTION

Santa Clara Case No. 1-05-CV-049053

1. TO THE CLERK: On the complaint or cross-complaint filed

a. on (date): August 21, 2008

b. by (name): Los Angeles County Waterworks District No. 40, et al.

c. ☒ Enter default of defendant (names): Francisco Batino, Roe 732d. ☐ I request a court judgment under Code of Civil Procedure sections 585(b), 585(c), 989, etc., against defendant (names):

(Testimony required. Apply to the clerk for a hearing date, unless the court will enter a judgment on an affidavit under Code Civ. Proc., § 585(d).)

e. ☐ Enter clerk's judgment(1) ☐ for restitution of the premises only and issue a writ of execution on the judgment. Code of Civil Procedure section 1174(c) does not apply. (Code Civ. Proc., § 1169.)☐ Include in the judgment all tenants, subtenants, named claimants, and other occupants of the premises. The Prejudgment Claim of Right to Possession was served in compliance with Code of Civil Procedure section 415.46.(2) ☐ under Code of Civil Procedure section 585(a). (Complete the declaration under Code Civ. Proc., § 585.5 on the reverse (item 5).)(3) ☐ for default previously entered on (date):

2. Judgment to be entered.

|                              | Amount  | Credits acknowledged | Balance |
|------------------------------|---------|----------------------|---------|
| a. Demand of complaint.....  | \$      | \$                   | 0.00    |
| b. Statement of damages *    |         |                      |         |
| (1) Special .....            | \$      | \$                   | 0.00    |
| (2) General .....            | \$      | \$                   | 0.00    |
| c. Interest.....             | \$      | \$                   | 0.00    |
| d. Costs (see reverse) ..... | 0.00 \$ | \$                   | 0.00    |
| e. Attorney fees .....       | \$      | \$                   | 0.00    |
| f. TOTALS .....              | 0.00 \$ | 0.00 \$              | 0.00    |

g. Daily damages were demanded in complaint at the rate of: \$

per day beginning (date):

(\* Personal injury or wrongful death actions; Code Civ. Proc., § 425.11.)

3. ☐ (Check if filed in an unlawful detainer case) Legal document assistant or unlawful detainer assistant information is on the reverse (complete item 4).

Date: 9/17/2015

Wendy Y. Wang

(TYPE OR PRINT NAME)

(SIGNATURE OF PLAINTIFF OR ATTORNEY FOR PLAINTIFF)

(1) ☒ Default entered as requested on (date):(2) ☐ Default NOT entered as requested (state reason):

SEP 21 2015

SHERRI R. CARTER

FOR COURT  
USE ONLY

A. PERGLER

Clerk, by \_\_\_\_\_, Deputy

|  |                                     |
|--|-------------------------------------|
| PLAINTIFF/PETITIONER: Los Angeles County Waterworks District No. 40, et al | CASE NUMBER                         |
| DEFENDANT/RESPONDENT: Diamond Farming Company, et al.                      | JCCP No. 4408-CLASS ACTION          |
|  | Santa Clara Case No. 1-05-CV-049053 |

4. **Legal document assistant or unlawful detainer assistant (Bus. & Prof. Code, § 6400 et seq.).** A legal document assistant or unlawful detainer assistant ☐ did ☐ did not for compensation give advice or assistance with this form.  
(If declarant has received any help or advice for pay from a legal document assistant or unlawful detainer assistant, state):

a. Assistant's name:

b. Street address, city, and zip code:

c. Telephone no.:

d. County of registration:

e. Registration no.:

f. Expires on (date):

5. ☐ **Declaration under Code of Civil Procedure Section 585.5 (required for entry of default under Code Civ. Proc., § 585(a)).**  
This action

- a. ☐ is ☐ is not on a contract or installment sale for goods or services subject to Civ. Code, § 1801 et seq. (Unruh Act),  
b. ☐ is ☐ is not on a conditional sales contract subject to Civ. Code, § 2981 et seq. (Rees-Levering Motor Vehicle Sales and Finance Act).  
c. ☐ is ☐ is not on an obligation for goods, services, loans, or extensions of credit subject to Code Civ. Proc., § 395(b).

6. **Declaration of mailing (Code Civ. Proc., § 587).** A copy of this *Request for Entry of Default* was

a. ☐ **not mailed** to the following defendants, whose addresses are unknown to plaintiff or plaintiff's attorney (names):

b. ☒ **mailed first-class, postage prepaid, in a sealed envelope addressed to each defendant's attorney of record or, if none, to each defendant's last known address as follows:**

(1) Mailed on (date): September 18, 2015

(2) To (specify names and addresses shown on the envelopes):

Francisco Batino  
1663 Scottsdale Rd.  
Beaumont, CA 92223

I declare under penalty of perjury under the laws of the State of California that the foregoing items 4, 5, and 6 are true and correct.  
Date: 9/18/2015

Rosanna R. Perez

(TYPE OR PRINT NAME)

(SIGNATURE OF DECLARANT)

7. **Memorandum of costs (required if money judgment requested).** Costs and disbursements are as follows (Code Civ. Proc., § 1033.5):

a. Clerk's filing fees.....\$  
b. Process server's fees .....\$  
c. Other (specify): .....\$  
d. ....\$  
e. **TOTAL**.....\$ 0.00

f. ☐ Costs and disbursements are waived.

g. I am the attorney, agent, or party who claims these costs. To the best of my knowledge and belief this memorandum of costs is correct and these costs were necessarily incurred in this case.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

(TYPE OR PRINT NAME)

(SIGNATURE OF DECLARANT)

8. ☒ **Declaration of nonmilitary status (required for a judgment).** No defendant named in item 1c of the application is in the military service so as to be entitled to the benefits of the Servicemembers Civil Relief Act (50 U.S.C. App. § 501 et seq.).

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: 9/18/2015

Wendy Y. Wang

(TYPE OR PRINT NAME)

(SIGNATURE OF DECLARANT)

|   |  |
|---|--|
| ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):<br><b>Jeffrey V. Dunn/SBN 131828</b><br><b>Stefanie D. Hedlund/SBN 239787</b><br><b>Best Best &amp; Krieger LLP</b><br><b>5 Park Plaza, Suite 1500, Irvine, California 92614</b><br>TELEPHONE NO: (949) 263-2600 FAX NO (Optional): (949) 260-0972<br>E-MAIL ADDRESS (Optional): jeffrey.dunn@bbkllaw.com<br>ATTORNEY FOR (Name): Los Angeles County Waterworks District No. 40 | FOR COURT USE ONLY<br><br><b>CONFORMED COPY<br/>ORIGINAL FILED</b><br>Superior Court of California<br>County of Los Angeles<br><br><b>SEP 21 2015</b><br><br>Sherri R. Carter, Executive Officer/Clerk<br>By Anita Pergler, Deputy<br><br>CASE NUMBER:<br>Judicial Council Coordination<br>Proceeding No. 4408 |
| SUPERIOR COURT OF CALIFORNIA, COUNTY OF Los Angeles<br>STREET ADDRESS: 111 North Hill Street<br>MAILING ADDRESS:<br>CITY AND ZIP CODE: Los Angeles, CA 90012<br>BRANCH NAME: Central Branch   |  |
| PLAINTIFF/PETITIONER: LOS ANGELES COUNTY WATERWORKS DISTRICT NO. 40, et al.<br>DEFENDANT/RESPONDENT: DIAMOND FARMING COMPANY, et al.  |  |
| <b>NOTICE AND ACKNOWLEDGMENT OF RECEIPT—CIVIL</b>   |  |

TO (insert name of party being served): **FRANCISCO BATINO**

#### NOTICE

The summons and other documents identified below are being served pursuant to section 415.30 of the California Code of Civil Procedure. Your failure to complete this form and return it within 20 days from the date of mailing shown below may subject you (or the party on whose behalf you are being served) to liability for the payment of any expenses incurred in serving a summons on you in any other manner permitted by law.

If you are being served on behalf of a corporation, an unincorporated association (including a partnership), or other entity, this form must be signed by you in the name of such entity or by a person authorized to receive service of process on behalf of such entity. In all other cases, this form must be signed by you personally or by a person authorized by you to acknowledge receipt of summons. If you return this form to the sender, service of a summons is deemed complete on the day you sign the acknowledgment of receipt below.

Date of mailing: June 10, 2009

**Stefanie D. Hedlund**

(TYPE OR PRINT NAME)

  
 (SIGNATURE OF SENDER—MUST NOT BE A PARTY IN THIS CASE)

#### ACKNOWLEDGMENT OF RECEIPT

This acknowledges receipt of (to be completed by sender before mailing):

- ☐ A copy of the summons and of the complaint.
- ☒ Other (specify): Summons on First Amended Cross-Complaint, First Amended Cross-Complaint, Model Answer to Complaint and All Cross-Complaints

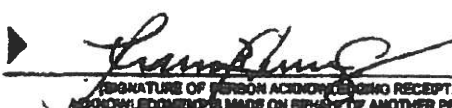
(To be completed by recipient):

Date this form is signed: **6-21-09**

**Francisco Batino Jr.**

(TYPE OR PRINT YOUR NAME AND NAME OF ENTITY, IF ANY,  
ON WHOSE BEHALF THIS FORM IS SIGNED)

*\* Please see attached letter  
manifesting intention to join  
class suit*

  
 (SIGNATURE OF PERSON ACKNOWLEDGING RECEIPT, WITH TITLE IF  
ACKNOWLEDGMENT IS MADE ON BEHALF OF ANOTHER PERSON OR ENTITY)

**PROOF OF SERVICE**

I, Rosanna R. Pérez, declare:

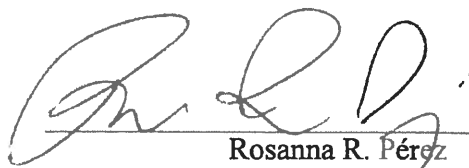
I am a resident of the State of California and over the age of eighteen years, and not a party to the within action; my business address is Best Best & Krieger LLP, 300 S. Grand Avenue, 25th Floor, Los Angeles, California 90071. On September 18, 2015, I served the following document(s):

**REQUEST FOR ENTRY OF DEFAULT – FRANCISCO BATINO, ROE 732**



by posting the document(s) listed above to the Santa Clara County Superior Court website in regard to the Antelope Valley Groundwater matter.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed on September 18, 2015, at Los Angeles, California.

  
Rosanna R. Pérez

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THE SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA CLARA  
ELECTRONIC FILING - WWW.SCEFILING.ORG

c/o Glotrans

2915 McClure Street

Oakland, CA94609

TEL: (510) 208-4775

FAX: (510) 465-7348

EMAIL: Info@Glotrans.com

THE SUPERIOR COURT OF THE STATE OF CALIFORNIA  
IN AND FOR THE COUNTY OF SANTA CLARA

Coordination Proceeding Special Title (Rule  
1550(b)) ANTELOPE VALLEY GROUNDWATER CASES  
(JCCP 4408) Included Actions: Los Angeles  
County Waterworks District No. 40

Plaintiff,

vs.

Diamond Farming Co. Superior Court of  
California County of Los Angeles, Case No.  
BC 325 201 Los Angeles County Waterworks  
District No. 40 v. Diamond Farming Co.  
Superior Court of California, County of  
Kern, Case No. S-1500-CV-254-348 Wm.  
Bolthouse Farms, Inc. v. City of Lancaster  
Diamond Farming Co. v. City of Lancaster  
Diamond Farming Co. v. Palmdale Water Dist.  
Superior Court of California, County of  
Riverside, consolidated actions, Case Nos.  
RIC 353 840, RIC 344 436, RIC 344 668

Defendant.

) Antelope Valley Groundwater Cases (JCCP  
4408)

) Lead Case No.1-05-CV-049053

) Hon. Jack Komar

AND RELATED ACTIONS

) **PROOF OF SERVICE**  
) **Electronic Proof of Service**

I am employed in the County of Alameda, State of California.

I am over the age of 18 and not a party to the within action; my business address is 2915 McClure  
Street, Oakland, CA 94609.

The documents described on page 2 of this Electronic Proof of Service were submitted via the  
worldwide web on Fri. September 18, 2015 at 4:19 PM PDT and served by electronic mail notification.

I have reviewed the Court's Order Concerning Electronic Filing and Service of Pleading Documents and  
am readily familiar with the contents of said Order. Under the terms of said Order, I certify the above-described  
document's electronic service in the following manner:

The document was electronically filed on the Court's website, <http://www.scefilling.org>, on Fri. September  
18, 2015 at 4:19 PM PDT

Upon approval of the document by the Court, an electronic mail message was transmitted to all parties  
on the electronic service list maintained for this case. The message identified the document and provided  
instructions for accessing the document on the worldwide web.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and

correct. Executed on September 18, 2015 at Oakland, California.

Dated: September 18, 2015

For WWW.SCEFILING.ORG

Andy Jamieson

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THE SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA CLARA  
ELECTRONIC FILING SYSTEM - WWW.SCEFILING.ORG

Electronic Proof of Service  
Page 2

Document(s) submitted by Jeffrey Dunn of Best Best & Krieger, LLP on Fri. September 18, 2015 at 4:19 PM PDT

1. Req:Entry of Default: Request for Entry of Default of Francisco Batino, Roe 732