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12 Trust

13 SUPERIOR COURT OF THE STATE OF CALIFORNIA

14 COUNTY OF LOS ANGELES—CENTRAL DISTRICT

15 **ANTELOPE VALLEY**
16 **GROUNDWATER CASES**

17 Included Actions:

18 Los Angeles County Waterworks District
19 No. 40 v. Diamond Farming Co., Superior
20 Court of California, County of Los
21 Angeles, Case No. BC 325201

22 Los Angeles County Waterworks District
23 No. 40 v. Diamond Farming Co., Superior
24 Court of California, County of Kern, Case
25 No. S-1500-CV-254348

26 Wm. Bolthouse Farms, Inc. v. City of
27 Lancaster, Diamond Farming Co. v. City of
28 Lancaster, Diamond Farming Co. v.
Palmdale Water District, Superior Court of
California, County of Riverside, Case Nos.
RIC 353 840, RIC 344 436, RIC 344 668

Judicial Council Coordination No. 4408

CLASS ACTION

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

**NOTICE OF MOTION AND MOTION TO
SET ASIDE DEFAULT IN CROSS-
COMPLAINT; REQUEST FOR
SANCTIONS AGAINST CROSS-
COMPLAINANT; MEMORANDUM OF
POINTS AND AUTHORITIES;
DECLARATION OF CHARLES TAPIA;
and DECLARATION OF HEATHER A.
IJAMES**

Date: September 26, 2014

Time: 10:00 a.m.

Place: 191 No. First St., Dept. 20
San Jose, CA 95113

NOTICE OF MOTION AND MOTION

TO THE CROSS COMPLAINANT AND ITS ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that on September 26, 2014, at 10:00 a.m., or as soon thereafter
as the matter can be heard in Department 20, of the above-titled Court, located at the Stanley
Mosk Courthouse, 111 North Hill Street, Los Angeles, CA 90012, Cross Defendant CHARLES
TAPIA, an individual residing in Newhall, California, and CHARLES TAPIA, TRUSTEE of the
NELLIE TAPIA FAMILY TRUST, will move the Court for an order setting aside the defaults

1 entered against themselves, both named as a joint Cross-Defendant and otherwise known together
2 as Roe 568.

3 This Motion is made pursuant to sections 473 and 473.5 of the Code of Civil Procedure, on
4 the grounds that CHARLES TAPIA AND NELLIE TAPIA FAMILY TRUST did not receive
5 actual notice that they were a named cross-defendant until June 2014. As of the date of this
6 Motion, CHARLES TAPIA nor NELLIE TAPIA FAMILY TRUST have not had a judgment
7 entered against them and neither has been served with notice of default.

8 This Motion to set aside entry of default will be made and based upon this Notice of
9 Motion and Motion to Set Aside Default, the Memorandum of Points and Authorities herein, the
10 Declaration of Charles Tapia, and all records and documents filed in this case hereunder, and such
11 oral argument as the Court would hear at the time of hearing on this matter.

12 Dated: September 4, 2014

BRUMFIELD & HAGAN, LLP
A Limited Liability Partnership

13
14
15 By: 

Robert H. Brumfield, III
Attorneys for Charles Tapia and the Nellie
Tapia Family Trust

1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **A. Background and Facts.**

3 A cross-complaint was filed in the captioned title of the Antelope Valley Groundwater
4 Cases by party LOS ANGELES COUNTY WATERWORKS DISTRICT NO. 40, ("County"),
5 and party CHARLES TAPIA ("Tapia"), as well as the NELLIE TAPIA FAMILY TRUST
6 ("Trust"). These were named as a singular cross-defendant, originally Roe 568. Tapia is the
7 Trustee of the Trust.

8 Tapia and the Trust are owners of real property located in Rosamond, California, with a
9 tax roll address of 8301 Avenue A, Assessor's Tax No. 374-020-53-00-6, in Rosamond,
10 California, Kern County, (hereinafter, "Ranch"). The mailing address of the Ranch is 8425 W.
11 Avenue A, Rosamond, California, Kern County.

12 After minimal attempts to serve both Tapia and the Trust at Tapia's residence in Newhall
13 California, at times when Tapia was either not home or asleep for the night, County falsely
14 represented that Tapia and the Trust were un-servable via traditional personal service, and
15 requested that the court allow service by publication. Service by publication, however, did not
16 provide actual notice to either Tapia or the Trust.

17 County has lacked overall diligence in its service attempts. Of the mere three attempts to
18 serve Tapia, none were done at a time of day that Tapia would have been home from work, and
19 prior to his going to bed at night. (True and correct copies of the service attempts on Tapia and
20 the Trust are attached hereto as Exhibit "A" and "B," respectively.)

21 The process server employed by County purported to be blocked from personally accessing
22 Tapia because Tapia's home residence has a gate around it. However, the gate has a bell by which
23 to notify the resident if the resident is, in fact, at home or still awake for the evening.

24 Instead, the process server feigned accessibility simply because he came either too early in
25 the day, or too late. Further, no service attempts were made at Tapia's Ranch, the parcel
26 responsible for bringing Tapia and the Trust into the litigation to begin with.

27 Rather than exercise diligence and either attempt service at the Ranch, or attempt service
28 at the Tapia residence after work hours but before retirement for the evening, County submitted a

1 declaration with an application for publication on the false premise that Tapia and the Trust were
2 otherwise un-servable, as shown in Exhibits "A" and "B."

3 To receive the authority from the Court to engage in publication, County represented to
4 the Court that service could not be made in any of the traditional methods, such as hand service,
5 substituted service, acknowledgement and receipt, or any other method which would include
6 attempting service upon the Ranch where Tapia could have been located during the day. County's
7 counsel Daniel S. Roberts declared under penalty of perjury that *none* of the above methods were
8 successful after *diligent* attempts. (A true and correct copy of County's Ex Parte Application for
9 Order for Publication of Summons and accompanying Declaration of Merits signed by Daniel S.
10 Roberts is attached hereto as Exhibit "C.") This was false.

11 Not only did County fail to attempt service at Tapia's personal address during a diversity
12 of times, but they failed to make more than three attempts, or attempt on a weekend when Tapia
13 would be more likely to be home during the morning hours. It should also be noted that of the
14 plethora of declarations of diligence that were used to support the numerous publications in the
15 case at large, there was a median effort of about five to seven service attempts for each Roe.
16 Tapia only received three attempts, and the Trust a fourth (also during work hours when Tapia
17 was not at home.)

18 It is also false that County employed an acceptable service method outside of hand
19 delivery, such as serving Tapia at his employment or sending the Summons and Cross-Compliant
20 via mail with an accompanying Notice and Acknowledgment of Receipt. According to the
21 Declarations of Exhibits "A" and "B," County only attempted Tapia's residence.

22 Tapia has lived at his address for twenty-five (25) years, and other than the location of the
23 Ranch's office, he has no additional address or forwarding address. The Ranch address stated on
24 public records for the Ranch's property tax bill is easily ascertainable by a simple search. (A true
25 and correct copy of the 2012-2013 Farm's property tax bill is attached hereto as Exhibit "D.")

26 Publication thereafter ensued and a default only was entered against Tapia and the Trust
27 on or about March 23, 2012. No Notice of Default was ever sent to either Tapia or the Trust,
28 although County surely had the correct address by which mail could be delivered. (A true and

1 correct copy of the proof of publication attached to the Request for Default is attached hereto as
2 Exhibit "E.")

3 Tapia, on behalf of himself and for the Trust, knew that there was some sort of litigation
4 involving his Ranch's water rights. He did not, however, know that he was a named cross-
5 defendant until June of 2014, which is also when he also learned about his default.

6 Due to County's failure to exercise reasonable diligence to serve either Tapia or the Trust,
7 and the failure to send a simple Notice of Default to the known address of Tapia and the Trust,
8 Tapia has learned of his and the Trust's default at this late stage. Tapia originally hired a
9 Lancaster attorney toward the end of March 2014 to communicate with County regarding the
10 case, specifically to see if he or his Ranch were involved in the dispute. A few months later, in
11 what can only be characterized as County's counsel overall disdain in responding to such
12 questions, County, through their attorney Jeffrey Dunn not only verified that Tapia and the Trust
13 were named Cross-Defendants, but had also been defaulted two years earlier. (A true and correct
14 copy of the letter from Tapia's former counsel notifying Tapia of the defaults is attached hereto as
15 Exhibit "F.") Tapia then hired present counsel to file this Motion.

16 Current counsel has attempted to re-request County's counsel to set aside the default, but
17 County's counsel has, par the course, failed to respond to four different requests, necessitating the
18 filing of this Motion, as is more detailed in the accompanying Declaration of Heather A. Ijames.
19 All documents that are relevant to Tapia's and the Trust's default and attempted service have
20 been pulled by either Tapia or counsel for Tapia and the Trust from the online public records on
21 the Antelope Valley Groundwater Cases. Counsel for County has been wholly unresponsive in all
22 manners of requests for information.

23 As of the drafting of this Motion and upon checking the Antelope Valley Groundwater
24 Case online calendar, there has been no judgment entered against either Tapia or the Trust, nor
25 any actual Notice of Entry of Default.

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1 **B. Argument.**

2 **1. This Court has broad discretion and encompassing legal authority to set aside a**
3 **default, even one two years later if it has not been perfected by judgment, and**
4 **where the moving party has not delayed more than 180 days to bring their**
5 **motion.**

6 In considering a motion to set aside a default, a trial court generally has wide discretion to
7 grant relief from a default, so that such can be reconciled with the public policy that favors
8 hearing and disposing of matters upon their merits. *Berman v. Klassman* (1971) 17 Cal.App.3d
9 900, 909.

10 Code of Civil Procedure Section 473 lays outside parameters of when a party may set
11 aside a judgment or order, and specifically in Section 473.5, the parameters whereby a party
12 without notice to the lawsuit can bring such a motion.

13 CCP Section 473.5 states in pertinent part:

14 “(a) When service of a summons has not resulted in actual notice to a party in time
15 to defend the action and a default or default judgment has been entered against him
16 or her in the action, he or she may serve and file a notice of motion to set aside the
17 default or default judgment and for leave to defend the action. The notice of
18 motion shall be served and filed within a reasonable time, but in no event
19 exceeding the earlier of: (i) two years after entry of a default judgment against him
20 or her; or (ii) 180 days after service on him or her of a written notice that the
21 default or default judgment has been entered.”

22 There has yet to be a judgment, leaving only subsection (ii) as the outsider parameter for
23 Tapia and the Trust to bring this Motion. Tapia never received actual notice that he and the Trust
24 had been named as cross-defendants until the end of June, and at that time also learned of their
25 defaulted status. (Decl. of C. Tapia, ¶ 6.) Therefore, Tapia and the Trust are within the 180 days
26 enumerated in CCP§473.5(a) and properly bring this motion.

27 Furthermore, Tapia did not have actual notice of the action. Cal. Code Civ. Proc. Section
28 473.5 requires a party moving to set aside a default to: 1) Show there was no actual notice in time
29 to defend the action; 2) file their motion within a reasonable time and less than a 180 days after
30 written notice of the default; and 3) lack of actual notice that was not caused by avoidance of
31 service or inexcusable neglect.

32 Tapia and the Trust can demonstrate all the above criteria in that Tapia received no actual
33 notice, (Decl. of C. Tapia ¶¶ 5,8, and 9); is bringing his motion within the specified time period as

1 there never has been *written* notice of the defaults directed to Tapia, (Decl. of C. Tapia ¶ 15); and
2 was not avoiding service or engaging in inexcusable neglect, merely at work or asleep for the
3 night during the three service attempts, (Decl. of C. Tapia ¶¶ 10, 11). He was merely at work or
4 retired for bed on the three service attempts.

5 Thus, Tapia and the Trust have standing to bring this motion.

6 **2. Extrinsic Fraud also exists in the circumstances, giving the Court a power of**
7 **equity to set aside the defaults.**

8 A court has an inherent, equitable power to set aside a default upon the grounds of
9 extrinsic fraud. Fraud can include “almost any set of extrinsic circumstances which deprive a
10 party of a fair adversary hearing.” *Falahati v. Kondo*, (2005) 127 CA4th 823, 833.

11 Further, CCP §473(b) empowers courts to grant relief on terms *as may be just*, thereby
12 authorizing courts to exercise equitable powers in considering applications for relief, which gives
13 a court application to broaden the scope of “mistake, inadvertence, surprise, or excusable neglect”
14 due to the presence of extrinsic fraud. *Aldrich v. San Fernando Valley Lumber Co., Inc.* (1985)
15 170 CA3d 725, 736.

16 The extrinsic fraud here is that the County declared to the Court that Tapia was
17 unreachable, and thus unservable, but this was not true. The process server could have come back
18 in the early evening when it is commonly known that most working people are home for the day.
19 Alternatively, they could have made an attempt at the easily accessible Ranch.

20 In all, the County has only provided shallow attempts at complying with the Code of Civil
21 Procedure when it comes to service, and hoped no one would notice.

22 Thereafter, the County resorted to grouping Tapia with hundreds and hundreds of other
23 Roes on a mass request for publication and then default. All the while, Tapia is living at an
24 address the County is familiar with, and working at a property involved in this litigation, yet the
25 County fraudulently declared the impossibility of service upon Tapia.

26 With an equitable power to set aside the default, the Court must weigh the defendant’s
27 diligence and the prejudice to the plaintiff, while recognizing the two are inextricably intertwined.
28 *Id.* at 833. However, the courts have decided that when a default has resulted in an actual

1 judgment, only then does there exist a high degree of prejudice to plaintiff. *Id.* at 833-834.

2 Here, there is no judgment. In fact, it would only be a ministerial task for the County to set
3 aside the default and add Tapia and the Trust as answering cross defendants to the mailing list of
4 this case. Yet, the County, habitually, ignores request after request to conduct such ministerial
5 task and forces defaulted Roes to pepper this docket with motions to set aside.

6 Furthermore, there is no statutory limitation in bringing a motion to set aside based on this
7 request of equitable relief. *Desper v. King* (1967) 251 CA2d 659, 662.663. Thus, the County's
8 perpetual ignoring of not only the requests by defaulted cross-defendants to set aside the defaults,
9 but the failure to respond to counsel regarding such, shows the long line of extrinsic fraud
10 perpetrated by the County in burying their head in the sand so that they do not have to deal with
11 yet another Roe cross defendant.

12 **3. The County's defaults against Tapia and the Trust should be set aside because**
13 **the County's attempt were nothing more than façade of diligence; the defaults**
are void because the publication is void.

14 A lack of proper service deprives a court from having a defendant under its personal
15 jurisdiction, making the default void and a violation of due process. *County of San Diego v.*
16 *Gorham* (2010) 186 Cal.App.4th 1215, 1226.

17 The fact that Tapia and the Trust could have easily been served with even a modicum of
18 additional diligence—coming to the residence after the workday but before bedtime, or
19 attempting service at the Ranch Tapia spends his days at and is an interested parcel in the
20 litigation—leads to the conclusion that there was a lack of proper service. Again, the process
21 server only tried *three* times and did not demonstrate a diversity of time stamps.

22 California Code of Civil Procedure Section 415.50(a) lays out the perquisites before a
23 litigant may apply to the court for an order of publication:

24 "A summons may be served by publication if upon affidavit it
25 appears to the satisfaction of the court in which the action is
26 pending that the party to be served *cannot with reasonable*
diligence be served in another manner specified in this article..."
[Emphasis added.]

27 ///

1 “The term ‘reasonable diligence’ . . . denotes a thorough, systematic investigation and
2 inquiry conducted in good faith by the party or his agent or attorney.” *Watts v. Crawford* (1995)
3 10 Cal.4th 743, 749 n.5.

4 Tapia could have been personally served at his home address. The County’s process
5 server stood right there, at the property, knowing that someone lived there but simply was not at
6 home on the mere three attempts he had made. Concluding that Tapia was unservable at that
7 point, and going right for publication only demonstrates the County’s underlying intent to defraud
8 the Court into believing there was no other way to serve Tapia and the Trust.

9 The County seems to have had an agenda to default as many of the Roes as they could,
10 with as little effort involved. If Tapia were a singular cross-defendant, there would have been
11 more than three attempts at Tapia’s residence, or an attempt at a workplace. There would have
12 been something more than the County’s fraudulent attempt to sweep this Roe under the rug.

13 Even now, by the County’s efforts to ignore Tapia’s counsel’s request to set aside the
14 default shows an intent on behalf of the County of avoiding to properly bring Tapia under the
15 personal jurisdiction of this Court.

16 If an order for publication of summons is void because the affidavit on which it is based is
17 insufficient, the default entered on the basis of service made pursuant to that order is void on its
18 face, is subject to direct or collateral attack, and must be set aside. *Olvera v. Olvera* (1991) 232
19 CA3d 32, 41.

20 Because the County did not exercise reasonable diligence in its attempting service upon
21 Tapia and the Trust, the defaults must be set aside.

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C. Conclusion

The court has authority to set aside the defaults based on Tapia and the Trusts being within the time constraints of CCP §473.5, or under the alternative request for equitable relief under CCP §473(b) on account of the Country's misrepresentations to the court that Tapia and the Trust were unservable.

Dated: September 4, 2014

BRUMFIELD & HAGAN, LLP
A Limited Liability Partnership


By: 
Robert H. Brumfield, III
Attorneys for Charles Tapia and the Nellie Tapia Family Trust

EXHIBIT “A”

COPY

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): ERIC L GARNER 130665 Best Best & Krieger (PFI) 5 PARK PLAZA, SUITE 1500 IRVINE CA		FOR COURT USE ONLY	
TELEPHONE NO.: FAX NO. (Optional): EMAIL ADDRESS (Optional): ATTORNEY FOR (Name): ANTELOPE VALLEY GROUNDWATER CASES		CONFORMED COPY OF ORIGINAL FILED Los Angeles Superior Court SEP 25 2008 John A. Clarke, Executive Officer/Clerk BY <i>[Signature]</i> : Dept CASE NUMBER: 4408 Ref. No. or File No.: 254040108	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES. STREET ADDRESS: 111 N. HILL ST MAILING ADDRESS: ROOM 109 CITY AND ZIP CODE: LOS ANGELES 90012 BRANCH NAME: STANLEY MOSK UNLIMITED CIVIL			
PLAINTIFF/PETITIONER: ANTELOPE VALLEY GROUNDWATER CASES			
DEFENDANT/RESPONDENT:			
DECLARATION OF NON SERVICE			

I declare that I am and was on the dates herein mentioned, a citizen of the United States, over the age of 18 years, not a party to nor interested in the above entitled action, and competent to be a witness therein.

I received the following documents for service:

Summons on First Amended Cross-complaint; Notice of Trial; First-amended Cross-complaint of Public Water Suppliers for Declaratory and Injunctive Relief and Adjudication of Water Rights; Model Answer to Complaint and All Cross-complaints; Letter Dated 8/20/08

I attempted to serve **CHARLES TAPIA**
at the address of **21083 PLACERITA CANYON RD , NEWHALL, Los Angeles County, CA 91321**

and was unable to effect service for the following reasons:

9/15/2008 9:30:00 PM: No Access to subject's door (gated entrance), dark inside
9/16/2008 11:25:00 AM: No Access to subject's door
9/17/2008 8:05:00 AM: No Access to subject's door

Fee for service: \$ 185.00

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

Date: **9/24/2008**

James Figueroa
(PRINTED NAME OF DECLARANT)

[Signature]
(SIGNATURE OF DECLARANT)

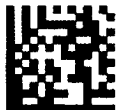


EXHIBIT “B”

COPY

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): ERIC L GARNER 130665 Best Best & Krieger (PFI) 5 PARK PLAZA, SUITE 1500 IRVINE CA TELEPHONE NO.: FAX NO. (Optional): EMAIL ADDRESS (Optional): ATTORNEY FOR (Name): ANTELOPE VALLEY GROUNDWATER CASES		FOR COURT USE ONLY CONFORMED COPY OF ORIGINAL FILED Los Angeles Superior Court SEP 25 2008 John A. Clarke, Executive Officer/Clerk by <i>Raul Sanchez</i> RAUL SANCHEZ , Dept.	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES. STREET ADDRESS: 111 N. HILL ST MAILING ADDRESS: ROOM 109 CITY AND ZIP CODE: LOS ANGELES 90012 BRANCH NAME: STANLEY MOSK UNLIMITED CIVIL			
PLAINTIFF/PETITIONER: ANTELOPE VALLEY GROUNDWATER CASES		CASE NUMBER: 4408	
DEFENDANT/RESPONDENT:			
DECLARATION OF NON SERVICE		Ref. No. or File No.: 374020535	

I declare that I am and was on the dates herein mentioned, a citizen of the United States, over the age of 18 years, not a party to nor interested in the above entitled action, and competent to be a witness therein.

I received the following documents for service:

Summons on First Amended Cross-complaint; Notice of Trial; First-amended Cross-complaint of Public Water Suppliers for Declaratory and Injunctive Relief and Adjudication of Water Rights; Model Answer to Complaint and All Cross-complaints; Letter Dated 8/20/08

I attempted to serve **NELLIE FAMILY TRUST**
at the address of **21083 PLACERITA CANYON RD , NEWHALL, Los Angeles County, CA 91321**

and was unable to effect service for the following reasons:

9/15/2008 9:30:00 PM: No Access to subject's door (gated entrance), dark inside
9/16/2008 11:25:00 AM: No Access to subject's door
9/17/2008 8:05:00 AM: No Access to subject's door
9/19/2008 2:00:00 PM: attempts made. never any answer.

Fee for service: \$ 185.00

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

Date: **9/24/2008**

James Figueroa
(PRINTED NAME OF DECLARANT)

(SIGNATURE OF DECLARANT)



DECLARATION OF NON SERVICE

Order No. 5671848 LAX



EXHIBIT “C”

1 BEST BEST & KRIEGER LLP
ERIC L. GARNER, Bar No. 130665
2 JEFFREY V. DUNN, Bar No. 131926
DANIEL S. ROBERTS, Bar No. 205535
3 STEFANIE D. HEDLUND, Bar No. 239787
5 PARK PLAZA, SUITE 1500
4 IRVINE, CALIFORNIA 92614
TELEPHONE: (949) 263-2600
5 TELECOPIER: (949) 260-0972

**EXEMPT FROM FILING FEES
UNDER GOVERNMENT CODE
SECTION 6103**

6 OFFICE OF COUNTY COUNSEL
COUNTY OF LOS ANGELES

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8 MICHAEL MOORE, Bar No. 175599
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11 Attorneys for Defendants
12 ROSAMOND COMMUNITY SERVICES
DISTRICT and LOS ANGELES COUNTY
13 WATERWORKS DISTRICT NO. 40

14 SUPERIOR COURT OF THE STATE OF CALIFORNIA

15 COUNTY OF LOS ANGELES – CENTRAL DISTRICT
16

17 **ANTELOPE VALLEY GROUNDWATER
CASES**

18 Included Actions:

19 Los Angeles County Waterworks District No.
40 v. Diamond Farming Co., Superior Court of
20 California, County of Los Angeles, Case No.
BC 325201;

21 Los Angeles County Waterworks District No.
22 40 v. Diamond Farming Co., Superior Court of
California, County of Kern, Case No. S-1500-
23 CV-254-348;

24 Wm. Bolthouse Farms, Inc. v. City of
Lancaster, Diamond Farming Co. v. City of
25 Lancaster, Diamond Farming Co. v. Palmdale
Water Dist., Superior Court of California,
26 County of Riverside, Case Nos. RIC 353 840,
RIC 344 436, RIC 344 668

RELATED CASE TO JUDICIAL
COUNCIL COORDINATION
PROCEEDING NO. 4408

**EX PARTE APPLICATION FOR
ORDER FOR PUBLICATION OF
SUMMONS AND DECLARATION OF
DANIEL S. ROBERTS IN SUPPORT OF
SAME; EXHIBITS**

1 **EX PARTE APPLICATION FOR ORDER FOR PUBLICATION OF SUMMONS**

2 The Public Water Suppliers hereby make this ex parte application for an order directing
3 service of the Summons and First Amended Cross-complaint by the Public Water Suppliers on
4 the remaining unserved Cross-Defendants as listed in Exhibit "A" hereto by publication. The
5 bulk of the Cross-Defendants the Court ordered to be served personally have been so served
6 (approximately 547), but the Public Water Suppliers have not been able to serve the remaining
7 approximately 120 Cross-Defendants. Service on the remaining unserved Defendants is
8 requested to be by publication pursuant to Code of Civil Procedure section 415.50 in both the Los
9 Angeles Times and the Bakersfield Californian, which are newspapers of general circulation in
10 California. These newspapers are most likely to give notice to the Cross-defendants because they
11 are the major newspapers covering the area wherein the property at issue in this case lies, and
12 therefore where the Cross-defendants to be served are believed to be found.

13 The First Amended Cross-complaint, which is for declaratory and injunctive relief and
14 adjudication of groundwater rights, was filed herein on March 13, 2007. A copy of the Summons
15 and First Amended Cross-complaint could not be served on those Cross-Defendants listed in
16 Exhibit "A" by any of the following methods:

- 17 1. Handing a copy to the person to be served. (Personal service
18 – Code Civ. Proc., § 415.10).
- 19 2. Leaving a copy, during usual office hours and in the office
20 of the person to be served, with the person who apparently was in
21 charge and by thereafter mailing copies (by first class mail, postage
22 prepaid) to the person to be served at the place where the copies
23 were left. (Service on a corporation, partnership, association, or
24 public entity - Code Civ. Proc., § 415.20(a)).
- 25 3. Leaving a copy at the dwelling house, usual place of abode,
26 or usual place of business of the person to be served in the presence
27 of a competent member of the household or person apparently in
28 charge of his office or place of business, at least 18 years of age,

1 who shall be informed of the general nature of the papers and by
2 thereafter mailing copies (by first class mail, postage prepaid) to the
3 person to be served at the place where the copies were left. (Service
4 on natural person, minor, incompetent, or candidate - Code Civ.
5 Proc., § 415.20(b)).

6 4. Sending (by first class mail or airmail) a copy to the person
7 to be served, together with two copies of required form of notice
8 and acknowledgement and a return envelope, postage prepaid,
9 addressed to the sender. (Service by mail - Code Civ. Proc.,
10 § 415.30).

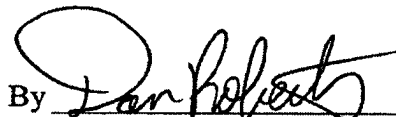
11 5. Sending (by registered or certified airmail with return
12 receipt requested) copies to the person to be served. (Service by
13 mail outside the State of California - Code Civ. Proc., § 415.40).

14 6. Any other method (Code Civ. Proc., §§ 413.10, 413.30).

15 The reasonable attempts to serve the Cross-Defendants listed in Exhibit "A" hereto are set
16 forth in the Declarations of the process servers employed to effect service on these Cross-
17 defendants. Copies of those Declarations are attached hereto collectively as Exhibit "B."

18 Dated: November 21, 2008

BEST BEST & KRIEGER LLP

19
20 By 

21 ERIC L. GARNER
22 JEFFREY V. DUNN
23 DANIEL S. ROBERTS
24 STEFANIE D. HEDLUND
25 Attorneys for Cross-Complainants
26 ROSAMOND COMMUNITY SERVICES
27 DISTRICT and LOS ANGELES
28 COUNTY WATERWORKS DISTRICT
NO. 40

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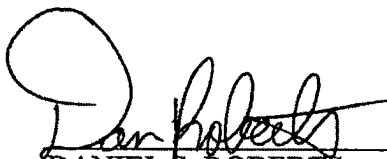
DECLARATION OF MERITS

I, Daniel S. Roberts, declare as follows:

I am an associate of Best Best & Krieger LLP, counsel for Rosamond Community Services District and Los Angeles County Waterworks District No. 40 in the above referenced case. In that capacity, Best Best & Krieger LLP has taken the lead in serving the Public Water Suppliers' First Amended Cross-Complaint on those Cross-defendants the Court has order to be served individually. The Public Water Suppliers' First Amended Cross-complaint is for declaratory and injunctive relief and adjudication of groundwater rights within the Antelope Valley groundwater basin. The Cross-defendants named therein, including those sought by this application to be served by publication, are those whom public records show to be the owners of and/or beneficial interest holders in, real property within the basin to be adjudicated, and whom therefore do or may claim an interest in the rights to be adjudicated in this case. In addition, the Court ordered these individuals to be served with process in this case.

Therefore, the Public Water Suppliers respectfully request the Court order that those remaining unserved Cross-defendants listed in Exhibit "A" hereto be served by publication in the Los Angeles Times and Bakersfield Californian pursuant to Code of Civil Procedure 415.50.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed this 21st day of November, 2008, at Irvine, California.


DANIEL S. ROBERTS

ORANGED\ROBERTS\52338.1

PROOF OF SERVICE

I, Kerry V. Keefe, 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, 5 Park Plaza, Suite 1500, Irvine, California 92614. On November 21, 2008, I served the within document(s):

**EX PARTE APPLICATION FOR ORDER FOR PUBLICATION OF SUMMONS AND
DECLARATION OF DANIEL S. ROBERTS IN SUPPORT OF SAME; EXHIBITS**



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



by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at Irvine, California addressed as set forth below.



by causing personal delivery by ASAP Corporate Services of the document(s) listed above to the person(s) at the address(es) set forth below.



by personally delivering the document(s) listed above to the person(s) at the address(es) set forth below.



I caused such envelope to be delivered via overnight delivery addressed as indicated on the attached service list. Such envelope was deposited for delivery by Federal Express following the firm's ordinary business practices.

I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

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

Executed on November 21, 2008, at Irvine, California.

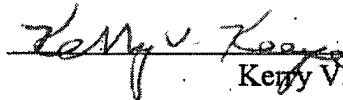

Kerry V. Keefe

EXHIBIT “D”



Jackie Denney

Kern County Treasurer - Tax Collector

1115 Truxtun Avenue, 2nd Floor, Bakersfield, CA 93301



Kern County Treasurer - Tax Collector

2012-2013 SECURED PROPERTY TAX BILL

FOR FISCAL YEAR BEGINNING JULY 1, 2012 AND ENDING JUNE 30, 2013

1 BILL TYPE: 2012-2013 SECURED

2 PROPERTY ADDRESS - DESCRIPTION

8301 AVENUE A ROSAMOND 137.36 AC

32 9 13

VEHARA RANCH

PAY ONLINE: www.kcttc.co.kern.ca.us

CURRENT OWNER



TAPIA CHARLES & NELLIE FAMILY TRUST
C/O TAPIA CHARLES SUCC TTEE
21083 PLACERITA CANYON RD
NEWHALL CA 91321-1924

FELIX AND CHARLES OWN

119007

RETAIN THIS PORTION FOR YOUR RECORDS

3 OWNER OF RECORD AS OF 01/01/12

TAPIA CHARLES & NELLIE FAMILY TRUST

4 EVENT DATE

01/01/12

5 BILL DATE

09/08/12

6 BILL NO.	7 ASSESSOR TAX NO.	8 TRA	9 1st INSTALLMENT	+	10 2nd INSTALLMENT	=	11 TOTAL DUE
2012-1265898-00-2	374-020-53-00-6	119-004	3,579.35	+	3,579.35	=	7,158.70

12 YOUR TAX DISTRIBUTION		
TAXING AGENCY	RATE/PHONE #	TAX AMOUNT
GEN LOCAL GOVT	1.000000	6,001.95
AVEK WTR-DEBT	070490	423.07
ANT VLY COL 2004A	001984	11.90
ANT VLY COL 2004B	008515	51.10
ANT VLY COL 06REF	008701	52.22
ANT VLY COL 2004C	010289	61.75
SO KERN RFD 2002A	011665	70.01
SO KERN 2002A	026826	161.00
SO KERN 2002B	011148	66.90
SO KERN 2002C	016177	97.09
SO KERN 2008A	015127	90.79
SO KERN 2008B	011817	70.92
TOTAL	1.192739	7,158.70

13 YOUR TAX DISTRIBUTION		
TAXING AGENCY	RATE/PHONE #	TAX AMOUNT
<p><i>PAID</i></p> <p><i>OK # 1621</i></p> <p><i>11/26/12</i></p>		

14 VALUES	MINERAL	LAND	IMPROVEMENTS	OTHER IMPROVEMENTS	PERSONAL PROPERTY	EXEMPTIONS	15 NET TOTAL VALUE
01/01/12	0	338,037	262,153	0	0	0	600,190

WELL -

Serial #

111206

EXHIBIT “E”

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): JEFFREY V. DUNN SBN 131926; STEFANIE D. HEDLUND SBN 239787 Best Best & Krieger, LLP - Irvine 5 Park Plaza, #1500 Irvine, CA 92614 TELEPHONE NO.: (949) 263-2600 FAX NO. (Optional): E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name): CROSS-COMPLAINANTS	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES STREET ADDRESS: 111 North Hill Street MAILING ADDRESS: Room 109 CITY AND ZIP CODE: Los Angeles 90012 BRANCH NAME: Central District, Stanley Mosk Courthouse	
PLAINTIFF/PETITIONER: Los Angeles County Waterworks District No. 40, et al. DEFENDANT/RESPONDENT: Diamond Farming Company, et al.	
REQUEST FOR <input checked="" type="checkbox"/> Entry of Default <input type="checkbox"/> Clerk's Judgment (Application) <input type="checkbox"/> Court Judgment AMENDED	CASE NUMBER: 4408

1. TO THE CLERK: On the complaint or cross-complaint filed
- on (date): August 21, 2008
 - by (name): Los Angeles County Waterworks District No. 40, et al.
 - ☒ Enter default of defendant (names): See Exhibit "A" attached hereto.
 - ☐ 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).)
 - ☐ 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.
- | | <u>Amount</u> | <u>Credits acknowledged</u> | <u>Balance</u> | |
|---|----------------|-----------------------------|----------------|-------------|
| 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 \$ | 0.00 |
| g. Daily damages were demanded in complaint at the rate of: \$ _____ per day beginning (date): _____ | | | | |
| (* <i>Personal injury or wrongful death actions; Code Civ. Proc., § 425.11.</i>) | | | | |
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: 2/15/12

Stefanie D. Hedlund

(TYPE OR PRINT NAME)



(SIGNATURE OF PLAINTIFF OR ATTORNEY FOR PLAINTIFF)

**FOR COURT
USE ONLY**

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

Clerk, by _____, Deputy

PLAINTIFF/PETITIONER: Los Angeles County Waterworks District No. 40, et al.	CASE NUMBER: 4408
DEFENDANT/RESPONDENT: Diamond Farming Company, et al.	

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).

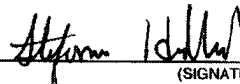
6. **Declaration of mailing (Code Civ. Proc., § 587).** A copy of this *Request for Entry of Default* was

a. ☒ **not mailed** to the following defendants, whose addresses are **unknown** to plaintiff or plaintiff's attorney (names):
Please see attached Exhibit "A", Proof of Electronic Service, and Proofs of Publication
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): (2) To (specify names and addresses shown on the envelopes):

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: 2/5/12

Stefanie D. Hedlund

(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

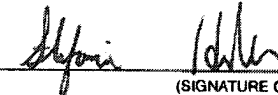
f. ☒ Costs and disbursements are waived.

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: 2/5/12

Stefanie D. Hedlund

(TYPE OR PRINT NAME)

▶ 

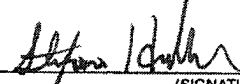
(SIGNATURE OF DECLARANT)

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: 2/5/12

Stefanie D. Hedlund

(TYPE OR PRINT NAME)

▶ 

(SIGNATURE OF DECLARANT)

EXHIBIT "A"

LORI MARCH SCOURBY, ROE 551	SOL LESHIN, ROE 614
JOHN STERN AND ELEANOR STERN TRUST, ROE 560	RETLAW ENTERPRISES LLC, ROE 617
HELEN H. STOOKEY, ROE 561	THOMAS APPLEBY, ROE 687
SUPERMED HEALTH INC., ROE 565	MARIA BALICE, ROE 716
SYLVAN VISTA DEVELOPMENT CO., ROE 566	BASROCK WOODCREEK GARDENS, ROE 731
CHARLES TAPIA AND NELLIE TAPIA FAMILY TRUST, ROE 568	JAMES BECKER, ROE 738
UNITED CUSTOMHOUSE BROKERS INC., ROE 571	VICTORIA BENNER, ROE 745
RICHARD A. WHITE AND VALERIE K. WHITE TRUST, ROE 577	NANCY BENZ, ROE 748
WOOD FAMILY TRUST, ROE 578	AMANTE BERMUNDO, ROE 752
LINCOLN CHU KUEN YUNG, ROE 581	SYLVIA BIGORNIA, ROE 756
EPIC, ROE 603	GAYLE BOVEE, ROE 776
SMITH DEVELOPMENT CO., ROE 604	VICKI BOVEE, ROE 777
TYWLA LAKE, ROE 610	

PROOF OF SERVICE

I, Jennifer M. Maguire, 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, 500 Capitol Mall, Suite 1700, Sacramento, California 95814. On March 20, 2012, I served the within document(s):

AMENDED REQUEST FOR ENTRY OF DEFAULT



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

See attached Proofs of Publication



by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at Irvine, California addressed as set forth below.



by causing personal delivery by ASAP Corporate Services of the document(s) listed above to the person(s) at the address(es) set forth below.



by personally delivering the document(s) listed above to the person(s) at the address(es) set forth below.



I caused such envelope to be delivered via overnight delivery addressed as indicated on the attached service list. Such envelope was deposited for delivery by Federal Express following the firm's ordinary business practices.

I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

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

Executed on March 20, 2012, at Sacramento, California.


Jennifer M. Maguire

(2015.5 C.C.P.)


County of Los Angeles

Notice Type: SLIMMONS

Plaintiff: ANTELOPE VALLEY
GROUNDWATER CASES
Case Number: JUDICIAL COUNCIL
COORDINATION PROCEEDING NO. 4408

was a citizen of the United States and a resident of the County aforesaid, I am over the age of eighteen years, and not a party to or interested in the above entitled matter. I am the principal clerk of the printer of the Antelope Valley Press, a newspaper of general circulation, printed and published daily in the city of Palmdale, County of Los Angeles, and which newspaper has been assigned a newspaper of general circulation by the Superior Court of the County of Los Angeles, State of California, under date of October 24, 1931, Case Number 3248601; Modified Case Number 657770 April 11, 1956; also operating as the Ledger-Enterprise, adjudicated a legal newspaper June 15, 1927, by Superior Court Decree No. 274545; also operating as the Desert Mailer News, formerly known as the South Antelope Valley Foothill News, adjudicated a newspaper of general circulation by the Superior Court of the County of Los Angeles, State of California on May 29, 1957. Case Number NOC554 and adjudicated a newspaper of general circulation for the City of Lancaster, State of California on January 26, 1990. Case Number NOC107174, Modified October 22, 1990; that the notice, of which the annexed is a printed copy (set in type not smaller than nonpareil), has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to-wit:

April 8, 15, 22, 29, 2010
I certify (or declare) under penalty of perjury that the foregoing is true and correct.


Signature

Dated: April 29, 2010
Executed at Palmdale, California

ANTELOPE VALLEY PRESS
37404 SIERRA HWY., PALMDALE CA 93550
Telephone (661)267-4112/Fax (661)947-4870

[illegible][illegible]

SUM. ON FIRST AMENDED CROSS-COMPLAINT
(CITATION JUDICIAL)

Case Number (Numero del Caso): Judicial Council Coordination Proceeding No. 4408

NOTICE TO CROSS-DEFENDANT:
(AVISO AL DEMANDADO)

ABC Williams Enterprises LP; ACEH Capital, LLC; Jacqueline Ackermann; Canon Advincula, Oliva M. Advincula, Mashallah Afshar, Antonio G. Agustines, Altrust Singapore Private Limited, Marwan M. Aldais, Allen Alevey, Allen Alevey and Alevey Family Trust, Georgine J. Archer, Georgine J. Archer as Trustee for the Georgine J. Archer Trust, A V Materials, Inc.; Guss A. Barks, Jr., Peter G. Barks, Idefonso S. Bayani, Nilda V. Bayani, Big West Corp., Randall Y. Blayney, Melody S. Bloom, Bolthouse Properties, Inc., David L. Bowers, Ronald E. Bowers, Leroy Daniel Bronston, Marilyn Burgess, Laverne C. Burroughs, Laverne C. Burroughs, Trustee of the Burroughs Family Irrevocable Trust Dated August 1, 1986, Bruce Burrows, John and B. Calandri 2001 Trust, California Portland Cement Company, Calmat Lantz Co., Melinda E. Cameron, Castle Butte Dev Corp, Cutellus Development Corporation, Bong S. Chang, Jeanne Y. Chang, Moon S. Chang, Jacob Chetrit, Frank S. Chiu, Lee S. Chiu, M. S. Chung, City of Los Angeles, Carol K. Claypool, Clifford M. Claypool, W. F. Cluser, Jr., W. F. Cluser, Jr. as Trustee for the P C Rev Inter Vivos Trust, Consolidated Rock Products Co., County Sanitation District No. 14 of Los Angeles County, County Sanitation District No. 20 of Los Angeles County, Ruth A. Cumming, Ruth A. Cumming as Trustee of the Cumming Family Trust, Catharine M. Davis, Milford S. Davis, Del Sur Ranch LLC, Diamond Farming Company, Sarkis Djanibekyan, Hong Dong, Ying X Dong, Dorothy Dreier, George E. Dreier, Mortaza M. Foroughi, Mortaza M. Foroughi as Trustee of the Foroughi Family Trust, Lewis Friedrichsen, Lewis Friedrichsen as Trustee of the Friedrichsen Family Trust, Joan A. Funk, Eugene Gabrych, Marian Gabrych, Aurora P. Gabuya, Rodrigo L. Gabuya, GGF LLC, Genus LP, Betty Gluckstein, Joseph H. Gluckstein, Forrest G. Godde, Forrest G. Godde as Trustee of the Forrest G. Godde Trust, Lawrence A. Godde, Lawrence A. Godde and Godde Trust, Maria B. Gorrindo, Maria B. Gorrindo as Trustee for the M. Gorrindo Trust, Wendell G. Hanks, Andreas Hauke, Marilyn Hauke, Healy Enterprises, Inc., Walter E. Helmick, Donna L. Higelmire, Michael N. Higelmire, David L. and Diana D. Hines Family Trust, Dev Jangach Inc., Chi S. Huang, Suchu F. Huang, John Hul, Hypericum Interests LLC, Daryush, Iraninezhad, Minoo Iraninezhad, Esfandiar Kadivar, Esfandiar Kadivar as Trustee of the Kadivar Family Trust, A. David Kagon, A. David Kagon as Trustee for the Kagon Trust, Jack D. Kahlo, Cheng Lin Kang, Herbert Katz, Herbert Katz as Trustee for the Katz Family Trust, Marianne Katz, Lilien S. Kauffman, Lilith S. Kaufman as Trustee for the Kaufman Family Trust, Kazuko Yoshimatsu, Barbara L. Keys, Barbara L. Keys as Trustee of the Barbara L. Keys Family Trust, Billy H. Kim, Billy King, Billy King as Trustee of the Billy King Family Trust, Knoten Properties, Inc., Kutu Investment Co., Gailen Kyle, Gailen Kyle as Trustee of the Kyle Trust, James W. Kyle, James W. Kyle as Trustee of the Kyle Family Trust, Julia Kyle, Wanda E. Kyle, Fares A. Lahoud, Evg Lai, Paul Lai, Ying Wah Lam, Land Business Corporation, Richard E. Landfield, Richard E. Landfield as Trustee of the Richard E. Landfield Trust, Lawrence Charles Trust, William Lewis, Mary Lewis, Pei Chi Lin, Man C. Lo Shlung, Ru Lo, Lyman C. Miles, Lyman C. Miles as Trustee for the Miles Family Trust, Malloy Family Partners LP, Mission Bell Ranch Development, Barry S. Munz, Kathleen M. Munz, Terry A. Munz, M.R. Nair, Souad H. Nasir, Eugene B. Nebeker, Simin C. Neman, Henry Ngo, Frank T. Nguyen, Juanita R. Nichols, Oliver Nichols, Oliver Nichols as Trustee of the Nichols Family Trust, Owl Properties, Inc., Palmdale Hills Property LLC, Norman L. Poulsen, Marilyn J. Prewoznik, Marilyn J. Prewoznik as Trustee of the Marilyn J. Prewoznik Trust, Elias Qurnout, Victoria Rahimi, R and M Runch, Inc., Patricia A. Rucht, Patricia A. Rucht, Reineit Rosenlocher, Corp, PSE, Patricia J. Riggins, Patricia J. Riggins as Trustee of the Riggins Family Trust, Edgar E. Ritter, Paula E. Ritter, Paula E. Ritter as Trustee of the Ritter Family Trust, Roman Catholic Archbishop of Los Angeles, Royal Lake Los Angeles Partnership, Rosemount Equities LLC Series, Royal Investors Group, Royal Western Properties LLC, Oscar Rudnick, Rebecca Rudnick, Santa Monica Mountains Conservancy, Marygrace H. Santoro, Marygrace H. Santoro as Trustee for the Marygrace H. Santoro Rev Trust, San Yui Enterprises, Inc., Daniel Saparvalde, Helen Stathatos, Seven Star United LLC, Stathatos as Trustee for the Stathatos Family Trust, Seven Star United LLC, Mark H. Shafron, Robert L. Shafron, Kamran S. Shakib, Donna L. Simpson, Gareth L. Simpson, Gareth L. Simpson as Trustee of the Simpson Family Trust, Soaring Vista Properties, Inc., State of California, George C. Stevens, Jr., George C. Stevens, Jr. as Trustee of the George C. Stevens, Jr. Trust, George L. Stimson, Jr., George L. Stimson, Jr. as Trustee of the George L. Stimson, Jr. Trust, Egon Ranch, Mark E. Thompson A P C Profit Sharing Plan, Tierra Santa Ranch Company, Thong D. Thu, Beverly J. Tobias, Beverly J. Tobias as Trustee of the Tobias Family Trust, Jung N. Tom, Wilma D. Trueblood, Wilma D. Trueblood as Trustee of the Trueblood Family Trust, Unison Investment Co., LLC, Delmar D. Van Dam, Gertrude J. Van Dam, Keith E. Wales, E C Wheeler LLC, William Bolthouse Farms, Inc., Alex Woodchis, Elizabeth Wong, Mary Wong, Mike M. Wu, Mike M. Wu as Trustee of the Wu Family Trust, State of California 56th District and Agricultural Association in U.S. Bonds, Rose 1 through 100,000, ABC Diamonds, Inc. (Roe 403); Aldais, Marwan M. (Doe 6); Alesso, John S., Jr. (Roe 589); Alesso Lawrence V & Marianne TR (Roe 404); Alnd, Farhad (Roe 278); Alnd, Hersell (Roe 279); Appleby, Thomas (Roe 687); Balice, Maria (Roe 718); Banducci Enterprises (Roe 408); Basrock Woodcreek Gardens (Roe 731); Becker, James (Roe 738); Benner, Victoria (Roe 745); Benz, Nancy (Roe 748); Bermundo, Amante (Roe 752); Bigornia, Sylvia (Roe 756); Baidram, Adriana (Roe 2226); Blenkhorn, Leslie C. (Roe 411); Blenkhorn, Marilyn M. (Roe 412); Boyce, Nicki (Roe 777); Bramlett, Mark F. (Roe 414); Daniel, Eronston Leroy (Roe 512); Burrows, Bruce (Roe 18); Carmil, Bar Or (Roe 2274); Carranza, Rosendo (Roe 844); Cates, Louise S. TR (Roe 252); Cernicky, Edward (Roe 870); Chang, Jeanna Y. (Roe 27); Cherf, Theodore His-En and Wen-Hui C. As Co-Trustees of the Chen Family Trust Established October 27, 1989 (Roe 264); Chetrit, Jacob (Doe 29); Chit Yong See (Roe 428); Chol, Kenneth (Roe 891); Christensen, Madine (Roe 897); Cole, C.C. Thelma (Doe 35); Cole, J. (Doe 36); Cordova, William (Roe 431); Capital Pacific Homes (or CPH) Tachapatt 280 LLC, (Roe 250); Dacles, Simplicia, Ina (Roe 948); Davis, Siba (Roe 948); Deng, Long (Roe 269); Digon, Adelaida (Roe 882); Donis, Esteban (Roe 994); Dumit, Rosalina (Roe 998); Dora Land (Roe 441); Douglas, Michael (Roe 939); Douglass, Katherine (Roe 1000); Dreier, George E. (Doe 50); Dunn, James (Roe 1011); Durst, Carol A. Tr. (Roe 443); Eastley, George M. (Roe 447); Elhayek, Mohammed Naji (Roe 274); Empert, Rosario (Roe 1037); EPIC (Roe 603); Smith Development Co. (Roe 604); Fang, Ling Ling (Roe 1432); Felts, Denise (Roe 1061); Fogler Ronald D & Irene P TR (Roe 483); Fuller, Russell (Roe 1091); Funk, Joan A. (Doe 18); George L Stimson Jr Trust (Doe 183); Gill Family Trust 1999 (Roe 468); Giescht, James H. and Mary L. TRS (Roe 281); Gnanon Trust (Roe 1124); Glesner, Paul (Roe 1120); Gluckstein, Morris (Doe 60); Gluckstein, Rose (Doe 61); Godshali, Harry C. TR (Roe 282); Gorrindo, J. (Doe 66); Green, Hilda (Roe 1145); Green Grove Mutual Water Company Inc. (Doe 202); Griffin, Leonard (Roe 1152); Groff, Gerald (Roe 1154); H & N Development Co Inc. (Roe 476); Hauke, Marilyn (Doe 72); Hauke, Andreas (Doe 71); Hester, David J. TR (Roe 288); Hilton, Rita (Roe 288); Hirsch, Clement L Jr TR (Roe 289); Holzman, Fela (Roe 480); Holzman, Jerome I (Roe 490); Holzman, HJ (Roe 491); Hooper, Martha (Roe 1232); Hopkins, David W. (Roe 222); Hsu, Ja BIRCH, TR (Roe 295); Huang, Chi Shuius (Roe 371); Hunter, James A. (Roe 288); Hwang, Amy (Roe 1258); Iraninezhad, Daryush (Doe 82); Iraninezhad, Minoo (Doe 83); Jablonski, Helena (Roe 1272); Johnson, Henry (Roe 1291); Johnson, Donald (Roe 2231); Johnson Emma Lou (Roe 604); Jones, Thomas TR (Roe 304); Kadivar, Esfandiar (Doe 84); Kadivar Family Trust (Doe 85); Kamm, Annette F. (Roe 506); Kaneaster, Charlotte (Roe 1306); Ku, David (Roe 1359); Ku, Sou (Roe 1360); Kutu Investment Co (Doe 28); Lai, Eva (Doe 27); Lai, Paul (Doe 28); Laka, Twyla (Roe 610); Lawrence, Charles Trust (Doe 106); Leshin, Sol (Roe 614); Lewis, Mary Ann (Roe 513); Li, David H. (Roe 232); Lin, Michael (Roe 325); Lin, Thaniel (Roe 444); Lola R. Johnson Trust (Roe 1444); Lombardo Family Rev Liv Trust (Roe 1446); Loving, Robert (Roe

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STATE OF CALIFORNIA
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I am a citizen of the United States and a resident of aforesaid County. I am over the age of eighteen years, and not a party to or interested in the above matter. I am the Principal Clerk of the printer of the LOS ANGELES TIMES, a newspaper of general circulation, printed and published DAILY in the City of Los Angeles, County of Los Angeles and which newspaper was adjudged a newspaper of general circulation by the Superior Court of the County of Los Angeles, San Francisco, under the date of April 28, 1952, Case Number 59. The notice, a true and correct copy of which is annexed, published in each regular and entire issue of said newspaper following dates, to wit:

WEDNESDAY; APRIL 7, 2010; WEDNESDAY; APRIL 14, 2010;
WEDNESDAY; APRIL 21, 2010; WEDNESDAY; APRIL 28, 2010;

I certify (or declare) under penalty of perjury under the law that the foregoing is true and correct.

Dated at Los Angeles, California,

This 24th day of November 2010

Signature

Angelina de Cordova

PROOF OF PUBLICATION

The BAKERSFIELD CALIFORNIAN
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STATE OF CALIFORNIA
COUNTY OF KERN

I AM A CITIZEN OF THE UNITED STATES AND A RESIDENT OF THE COUNTY AFORESAID: I AM OVER THE AGE OF EIGHTEEN YEARS, AND NOT A PARTY TO OR INTERESTED IN THE ABOVE ENTITLED MATTER. I AM THE ASSISTANT PRINCIPAL CLERK OF THE PRINTER OF THE BAKERSFIELD CALIFORNIAN, A NEWSPAPER OF GENERAL CIRCULATION, PRINTED AND PUBLISHED DAILY IN THE CITY OF BAKERSFIELD COUNTY OF KERN,

AND WHICH NEWSPAPER HAS BEEN ADJUDGED A NEWSPAPER OF GENERAL CIRCULATION BY THE SUPERIOR COURT OF THE COUNTY OF KERN, STATE OF CALIFORNIA, UNDER DATE OF FEBRUARY 5, 1952, CASE NUMBER 57610; THAT THE NOTICE, OF WHICH THE ANNEXED IS A PRINTED COPY, HAS BEEN PUBLISHED IN EACH REGULAR AND ENTIRE ISSUE OF SAID NEWSPAPER AND NOT IN ANY SUPPLEMENT THEREOF ON THE FOLLOWING DATES, TO WIT:

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I CERTIFY (OR DECLARE) UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

Kirsten Blackburn

DATED AT BAKERSFIELD CALIFORNIA

May 17, 2010

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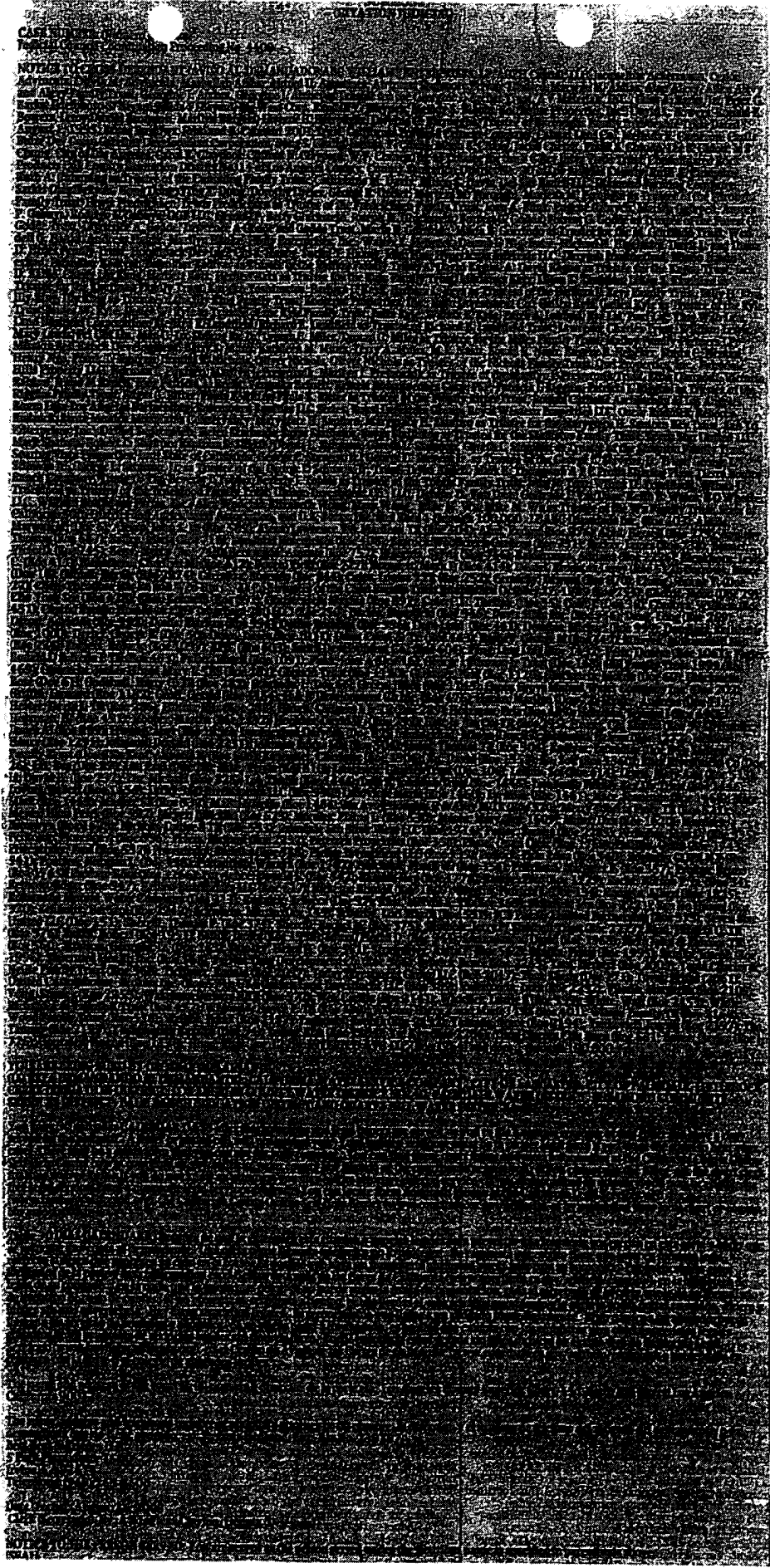


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June 30, 2014

Charles Tapia
21083 Placerita Canyon
Newhall, CA 91321

Re: Antelope Valley Groundwater Cases
Lead Case No.: BC325201

Dear Mr. Tapia:

The law firm that named you as a Defendant and whom I have been dealing with will not agree to set aside the Default entered against you. Since it was done 2 years ago, I do not believe you can get it set aside so that you cannot be involved in the settlement.

I am sorry I was not able to do more for you, but at this time I cannot think of anything more I can do.

Very truly yours,

MICHELIZZI, SCHWABACHER, WARD
& COLLINS



THOMAS J. WARD

TJW:mf

661-263-0132

1
2
3 **PROOF OF SERVICE BY MAIL**

4 I am a citizen of the United States and employed in Kern County, California. I am over
5 the age of eighteen years and not a party to the within-entitled action. My business address is
6 2031 F Street Bakersfield, California 93301. I am readily familiar with this firm's practice for
7 collection and processing of correspondence for mailing with the United States Postal Service.

8 On September 4, 2014, I placed with this firm at the above address for deposit with the
9 United States Postal Service a true and correct copy of the within document(s):

10 **NOTICE OF MOTION AND MOTION TO SET ASIDE DEFAULT IN**
11 **CROSS-COMPLAINT; REQUEST FOR SANCTIONS AGAINST CROSS-**
12 **COMPLAINANT; MEMORANDUM OF POINTS AND AUTHORITIES;**
13 **DECLARATION OF CHARLES TAPIA; and DECLARATION OF**
14 **HEATHER A. IJAMES**

15 in a sealed envelope, postage fully paid, addressed as follows:

16 Jeffrey V. Dunn, Esq.
17 Best Best & Krieger, LLP
18 5 Park Plaza, Suite 1500
19 Irvine, CA 92614

20 Following ordinary business practices, the envelope was sealed and placed for collection
21 and mailing on this date, and would, in the ordinary course of business, be deposited with the
22 United States Postal Service on this date.

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

25 Executed on September 4, 2014, at Bakersfield, California.

26
27
28 
Olga Lampkin