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5 FONTANA UNION WATER COMPANY, SAN
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6 WHITEHEAD, AND FRANK LO GUIDICE

7
8 SUPERIOR COURT OF CALIFORNIA
9 COUNTY OF SAN BERNARDINO
10 CENTRAL DISTRICT

11 THOMAS M. SLEMMER, ELIZABETH)
SLEMMER, MARGARET SLEMMER and)
12 MICHAEL SLEMMER,)

13 Plaintiffs,)

14 vs.)

15 FONTANA UNION WATER COMPANY,)
CUCAMONGA COUNTY WATER)
DISTRICT, SAN GABRIEL VALLEY)
16 WATER COMPANY, KAISER VENTURES,)
INC., KAISER VENTURES LLC, MICHAEL)
17 L. WHITEHEAD, FRANK LO GUIDICE,)
ROBERT A. DELOACH, HENRY L. STOY,)
18 JEROME M. WILSON, ROBERT NEUFELD,)
and DOES 1 through 50, inclusive,)

19 Defendants.)
20

Case No. SCVSS 086856

[Assigned to Judge Christopher J. Warner,
Dept. S2]

NOTICE OF RULING

Complaint Filed: February 14, 2002
Trial Date: October 25, 2005

21 **TO ALL PARTIES AND TO THEIR ATTORNEYS OF RECORD HEREIN:**

22 **PLEASE TAKE NOTICE** that on June 2, 2005, this case came before the above-entitled
23 Court, Department S2, for the hearing on Cucamonga Valley Water District, Robert A. DeLoach,
24 Henry L. Stoy, Jerome M. Wilson, and Robert Neufeld's Motion for Summary Adjudication as to
25 Plaintiffs' Fourth Cause of Action. The Motion was joined by San Gabriel Valley Water
26 Company, Michael Whitehead, Frank Lo Guidice, and Fontana Union Water Company. Dale
27 Lysak appeared on behalf of Plaintiffs, Thomas Slemmer, Elizabeth Slemmer, Margaret Slemmer,
28 and Michael Slemmer. Kevin M. Osterberg appeared on behalf of Defendants, San Gabriel Valley

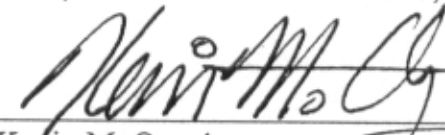
1 Water Company, Michael L. Whitehead, Frank Lo Guidice, and Fontana Union Water Company.
2 Cynthia M. Cohen appeared on behalf of Defendants, San Gabriel Valley Water Company,
3 Michael L. Whitehead, and Frank Lo Guidice. Gene Tanaka and Cynthia Germano appeared on
4 behalf of Defendants, Cucamonga Valley Water District, Robert A. DeLoach, Henry L. Stoy,
5 Jerome M. Wilson, and Robert Neufeld. Heather Beatty appeared on behalf of Defendant, Kaiser
6 Ventures. The Honorable Judge Christopher J. Warner was presiding.

7 After considering the moving, opposition, and reply papers, all evidence submitted by the
8 parties, and the argument of counsel, Judge Warner ordered as follows:

9 1. Defendants' Motion for Summary Adjudication is denied. The Court's Minute
10 Order is attached hereto as Exhibit "A."

11
12 Dated: June 8, 2005

HAIGHT, BROWN & BONESTEEL, L.L.P.

13
14 By: 
15 Kevin M. Osterberg
16 Attorneys for Defendants
17 FONTANA UNION WATER
18 COMPANY, SAN GABRIEL VALLEY
19 WATER COMPANY, MICHAEL L.
20 WHITEHEAD, AND FRANK LO
21 GUIDICE