

1 BINGHAM McCUTCHEM LLP  
JOHN C. MORRISSEY (SBN 122194)  
2 HEATHER C. BEATTY (SBN 161907)  
355 South Grand Avenue, Suite 4400  
3 Los Angeles, CA 90071-1560  
Telephone: (213) 680-6400  
4 Facsimile: (213) 680-6499

5 Attorneys for Defendants  
Kaiser Ventures LLC and Kaiser Ventures Inc.  
6  
7

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
9 COUNTY OF SAN BERNARDINO  
10

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

13 Plaintiffs,

14 v.

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

20 Defendants.

No. SCVSS 086856

Honorable Christopher J. Warner

**NOTICE OF AND DEFENDANTS  
KAISER VENTURES LLC'S AND  
KAISER VENTURES INC.'S  
DEMURRER TO FIRST AMENDED  
COMPLAINT**

Date: Sept. 12, 2002

Time: 8:30 a.m.

Dept.: S2

21  
22 TO THE COURT, PLAINTIFFS AND DEFENDANTS, AND THEIR  
23 ATTORNEYS OF RECORD:

24 PLEASE TAKE NOTICE that on September 12, 2002, at 8:30 a.m., or as soon  
25 thereafter as counsel may be heard, in Department S2 of the San Bernardino County Superior  
26 Court, 351 N. Arrowhead, San Bernardino, California, 92415-0240, pursuant to Code of Civil  
27 Procedure § 430.10(e) and (f), the demurrer of Defendants Kaiser Ventures LLC and Kaiser  
28 Ventures Inc. (collectively "Kaiser") to the first amended complaint of Plaintiffs Thomas M.

1 Slemmer, Elizabeth Slemmer, Margaret Slemmer, and Michael Slemmer ("Plaintiffs") will be  
2 heard. The demurrer will be made on the grounds that each of Plaintiffs' causes of action fails to  
3 state facts sufficient to constitute a cause of action against Kaiser, and each of Plaintiffs' causes  
4 of action is uncertain.

5 The demurrer will be based on this Notice, the attached Demurrer, the  
6 concurrently filed Memorandum of Points and Authorities, the concurrently filed Request for  
7 Judicial Notice, the concurrently filed Declaration of Terry L. Cook Re Request for Judicial  
8 Notice, the papers and records on file herein, and on all oral and documentary evidence as may  
9 be presented at or before the time of the hearing of this matter.

10 DATED: August 12, 2002

BINGHAM McCUTCHEN LLP  
JOHN C. MORRISSEY  
HEATHER C. BEATTY

11  
12  
13  
14 By: Heather C. Beatty  
Heather C. Beatty  
Attorneys for Defendants  
Kaiser Ventures LLC and Kaiser Ventures Inc.

1 DEMURRER

2 Defendants Kaiser Ventures LLC and Kaiser Ventures Inc. (collectively  
3 "Kaiser"), hereby demur to the first amended complaint of Plaintiffs Thomas M. Slemmer,  
4 Elizabeth Slemmer, Margaret Slemmer, and Michael Slemmer ("Plaintiffs") on the following  
5 grounds:

6 FIRST CAUSE OF ACTION

7 1. The first cause of action fails to state facts sufficient to constitute a cause  
8 of action against Kaiser pursuant to Code of Civil Procedure § 430.10(e).

9 2. The first cause of action is uncertain pursuant to Code of Civil Procedure  
10 § 430.10(f).

11 SECOND CAUSE OF ACTION

12 1. The second cause of action fails to state facts sufficient to constitute a  
13 cause of action against Kaiser pursuant to Code of Civil Procedure § 430.10(e).

14 2. The second cause of action is uncertain pursuant to Code of Civil  
15 Procedure § 430.10(f).

16 THIRD CAUSE OF ACTION

17 1. The third cause of action fails to state facts sufficient to constitute a cause  
18 of action against Kaiser pursuant to Code of Civil Procedure § 430.10(e).

19 2. The third cause of action is uncertain pursuant to Code of Civil Procedure  
20 § 430.10(f).

21 FOURTH CAUSE OF ACTION

22 1. The fourth cause of action fails to state facts sufficient to constitute a  
23 cause of action against Kaiser pursuant to Code of Civil Procedure § 430.10(e).

24 ///

25 ///

26 ///

1                    2.     The fourth cause of action is uncertain pursuant to Code of Civil  
2 Procedure § 430.10(f).

3  
4 DATED: August 12, 2002

BINGHAM McCUTCHEN LLP  
JOHN C. MORRISSEY  
HEATHER C. BEATTY

5  
6  
7 By: Heather C. Beatty  
8                    Heather C. Beatty  
9                    Attorneys for Defendants  
10                    Kaiser Ventures LLC and Kaiser Ventures Inc.