

GE/326/CM

1 **MICHAEL A. CONGER, ESQUIRE (State Bar #147882)**
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 4 **Mailing:** P.O. Box 9374
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5 Attorney for Plaintiff Donald R. Short, individually,
 6 and on behalf of all others similarly situated

AMERICAN ENTERING LIBRARY
 Date 02-27-08 Due 04-30-08
 Desc No. 01087707
 Receipt No. 00001-37092
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 Allocation Amount
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 Total Allocated 220.00
 Balance due 220.00
 Tender CA del 20.00
 Total 200.00

7 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
 8 **FOR THE COUNTY OF SAN DIEGO** **877707**

10 DONALD R. SHORT, individually, and on behalf of all others similarly situated	)	CASE NO.
11 Plaintiff,	)	CLASS ACTION COMPLAINT
12 v.	)	FOR:
13 CC-LA JOLLA, Inc., a Delaware Corporation, CC-	)	(1) VIOLATION OF STATUTE;
14 LA JOLLA, L.L.C., a Delaware limited liability	)	(2) FRAUD AND DECEIT-
15 company, and DOES 1 to 70, inclusive,	)	INTENTIONAL
16 Defendants.	)	MISREPRESENTATION;
	)	(3) FRAUD AND DECEIT-
	)	NEGLIGENT
	)	MISREPRESENTATION;
	)	(4) FRAUD AND DECEIT-
	)	CONCEALMENT;
	)	(5) ELDER ABUSE;
	)	(6) VIOLATION OF THE
	)	CONSUMER LEGAL REMEDIES
	)	ACT; AND
	)	(6) UNFAIR BUSINESS
	)	PRACTICES

20 **THIS IS A CLASS ACTION LAWSUIT.**

21 1. This is a class action lawsuit brought by the plaintiff, Donald R. Short ("Short"),
 22 who is a resident of San Diego, California, and a resident of a continuing care resident
 23 community known as the La Jolla Village Towers. The plaintiff brings this suit on his own
 24 behalf and on behalf of a class of persons similarly situated pursuant to section 382 of the
 25 California Code of Civil Procedure. The definition of the class is set forth in paragraph 10 of
 26 this complaint.

27 2. Defendant CC-La Jolla, Inc., is a Delaware corporation with its principal place of
 28 business in San Diego, California.

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11. This action is properly brought and maintained as a class action because:

- (a) the questions and issues of law and fact raised are of common and general interest affecting the class;
- (b) the plaintiff class is estimated to contain in excess of 200 individuals and it is impractical to bring all members of the class individually before the court;
- (c) the questions of law or fact common to the class are substantially similar and predominate over those questions that affect individual members.

These common questions include:

- (i) whether the defendants violated provisions of the Health and Safety Code expressly designed for the protection of the plaintiff and the plaintiff class;
 - (ii) whether the defendants representations to residents are false;
 - (iii) whether the defendants have filed false financial statements and provided other false information to the Department of Social Services in order to gain a license to operate the La Jolla Village Towers;
 - (iv) whether the defendants have provided false financial statements and provided other false information to residents in order to justify monthly fee increases;
 - (v) whether the defendants have purposely entered into a number of transactions with related entities in order to obfuscate and carry out a scheme to defraud the residents of La Jolla Village Towers out of their life savings;
 - (vi) whether the plaintiff class is entitled to injunctive relief;
 - (vii) whether the plaintiff class is entitled to pre-judgment interest; and
 - (viii) whether the plaintiff class is entitled to attorney fees.
- (d) the claims of the representative plaintiff are typical of those of the class;

- 1 (e) the representative plaintiff will fairly and adequately protect the
2 interests of the class, has no interests which conflict with the class,
3 and has retained an attorney experienced in the prosecution of class
4 and multi-plaintiff litigation to represent the class herein;
- 5 (f) the prosecution of separate actions by individual members of the
6 class will create a risk of:
- 7 (i) inconsistent or varying adjudications with respect to individual
8 members of the class which would establish incompatible standards
9 of conduct for defendants; or
- 10 (ii) adjudications with respect to some individual members which
11 would, as a practical matter, be dispositive of the interests of the
12 other members not parties to the adjudications; or
- 13 (iii) adjudications which would substantially impair or impede the
14 ability of individual members to protect their interests;
- 15 (g) a plaintiff class action is superior to other available methods for the
16 fair and efficient adjudication of the claims presented in this
17 complaint, and will prevent the undue financial, administrative and
18 procedural burdens on the parties and on this Court which
19 individual litigants and litigations would impose.

20 12. Proof of a common or single practice by the defendants will establish the right of
21 each of the members of the plaintiff class to recover on the causes of actions herein alleged.

22 13. The defendants have acted and refused to act on grounds generally applicable to
23 the class, thereby making appropriate final injunctive relief with respect to the class as a whole.

24 14. All of the members of the plaintiff class were subject to a systematic course and
25 pattern of practice and were thereby treated by the defendants in a similar manner, as is
26 specifically alleged elsewhere in this complaint.

27 15. The plaintiff class is entitled in common to a specific fund with respect to the
28 monies paid by or on the behalf of the plaintiff class to the defendants for services in connection

1 with the legal representation of plaintiff class. The plaintiff class is entitled in common to
 2 damages for which the defendants are liable. This action is brought for the benefit of the entire
 3 class. The representative plaintiff will expend efforts and expense to prevail in this action from
 4 which other members of the plaintiff class will derive benefits. This action will result in the
 5 conferral of substantial benefits to the plaintiff class, of both a pecuniary and a non-pecuniary
 6 nature.

7 **FIRST CAUSE OF ACTION - VIOLATION OF STATUTE**

8 **(Against CC-La Jolla, Inc., the L.L.C., and DOES 1-10)**

9 16. Plaintiff incorporates by reference and realleges paragraph 1 through 15 as though
 10 fully set forth herein.

11 17. CC-La Jolla, Inc. and the L.L.C. are authorized pursuant to a certificate of
 12 authority granted by the California Department of Social Services to operate La Jolla Village
 13 Towers.

14 18. CC-La Jolla, Inc. and the L.L.C. are subject to Health and Safety Code sections
 15 1770, *et seq.*, which were enacted to provided the minimum requirements to protect the elderly
 16 residents of continuing care communities, who often spend a significant portion of their life
 17 savings in order to purchase care in such a community.

18 19. Based on information and belief, CC-La Jolla, Inc. and the L.L.C. have failed to
 19 comply with numerous mandatory provisions of Health and Safety Code sections 1770, *et seq.*,
 20 including, but not limited to sections 1771.8, subdivisions (c)-(h), 1787, 1788, and 1793.5.

21 20. As the result of these violations, the plaintiff and those residents similarly situated
 22 have suffered damages in an amount to be proved at trial.

23 **SECOND CAUSE OF ACTION - FRAUD AND DECEIT**

24 **INTENTIONAL MISREPRESENTATION**

25 **(Against CC-La Jolla, Inc., the L.L.C., and DOES 11-20)**

26 21. Plaintiff incorporates by reference and realleges paragraph 1 through 15 as though
 27 fully set forth herein.

28 22. In numerous publications and advertisements, defendants made continuing care

1 promises, within the meaning of Health and Safety Code section 1771, subdivision c(10). These
2 promises included that residents would "receive . . . as part of Your Monthly Fee . . . 'emergency
3 call response, twenty-four (24) hours per day'" and other promises pertaining to providing
4 numerous amenities and "luxury" living.

5 23. Based on information and belief, the defendants also made numerous
6 representations to plaintiff, other residents, and the Department of Social Services regarding
7 financial information pertaining to the operation of La Jolla Village Towers and the necessity for
8 increases in the monthly fees paid by plaintiff and other residents to the defendants. These
9 representations included that all operating expenses were reasonable and necessarily incurred by
10 the defendants.

11 24. These promises and representations described in the previous two paragraphs were
12 false.

13 25. The defendants knew that the promises and representations were false when they
14 made them.

15 26. The defendants intended the plaintiff and others similarly situated to rely of these
16 statements.

17 27. Plaintiff and other residents of La Jolla Village Towers reasonably relied on these
18 statements.

19 28. Plaintiff and others similarly situated were harmed by the defendants'
20 misrepresentation.

21 29. Plaintiff's reliance on defendants' representations was a substantial factor in
22 causing harm to him.

23 30. The conduct of defendants as described herein, was despicable and was carried on
24 by them with wilful and conscious disregard for the rights of the plaintiff and others similarly
25 situated. The defendants were aware of the probable dangerous consequences of their conduct
26 and wilfully and deliberately failed to avoid those consequences. This conduct constitutes malice,
27 oppression and fraud such that the plaintiff are entitled pursuant to California Civil Code section
28 3294 to recover punitive damages in an amount sufficient to punish and set an example of these

1 defendants.

2 **THIRD CAUSE OF ACTION - FRAUD AND DECEIT**

3 **NEGLIGENT MISREPRESENTATION**

4 **(Against CC-La Jolla, Inc., the L.L.C., and DOES 21-30)**

5 31. Plaintiff incorporates by reference and realleges paragraph 1 through 15 as though
6 fully set forth herein.

7 32. In numerous publications and advertisements, defendants made continuing care
8 promises, within the meaning of Health and Safety Code section 1771, subdivision c(10). These
9 promises included that residents would "receive . . . as part of Your Monthly Fee . . . 'emergency
10 call response, twenty-four (24) hours per day'" and other promises pertaining to providing
11 numerous amenities and "luxury" living.

12 33. Based on information and belief, the defendants also made numerous
13 representations to plaintiff, other residents, and the Department of Social Services regarding
14 financial information pertaining to the operation of La Jolla Village Towers and the necessity for
15 increases in the monthly fees paid by plaintiff and other residents to the defendants. These
16 representations included that all operating expenses were reasonable and necessarily incurred by
17 the defendants.

18 34. These promises and representations described in the previous two paragraphs were
19 not true.

20 35. The defendants had no reasonable grounds for believing the representations were
21 true when they made them.

22 36. The defendants intended the plaintiff and others similarly situated to rely of these
23 statements.

24 37. Plaintiff and other residents of La Jolla Village Towers reasonably relied on these
25 statements.

26 38. Plaintiff and others similarly situated were harmed by the defendants'
27 misrepresentation.

28 39. Plaintiff's reliance on defendants' representations was a substantial factor in

1 causing harm to him.

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FOURTH CAUSE OF ACTION - FRAUD AND DECEIT

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CONCEALMENT

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(Against CC-La Jolla, Inc., the L.L.C., and DOES 31-40)

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40. Plaintiff incorporates by reference and realleges paragraph 1 through 15 as though

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fully set forth herein.

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41. The defendants intentionally failed to disclose important facts to plaintiffs and

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other similarly situated and those facts were known only to the defendants.

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42. Plaintiff and others similarly situated could not have discovered those facts.

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43. Plaintiff and others similarly situated did not have discovered those facts.

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44. The defendants intended to deceive plaintiff and others similarly situated by

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concealing these facts.

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45. Plaintiff and others similarly situated reasonably relied on the defendants'

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deception.

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46. Plaintiff and others similarly situated were harmed by the defendants' deception.

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47. Plaintiff's reliance on defendants' representations was a substantial factor in

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causing harm to him.

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48. The conduct of defendants as described herein, was despicable and was carried on

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by them with wilful and conscious disregard for the rights of the plaintiff and others similarly

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situated. The defendants were aware of the probable dangerous consequences of their conduct

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and wilfully and deliberately failed to avoid those consequences. This conduct constitutes malice,

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oppression and fraud such that the plaintiff are entitled pursuant to California Civil Code section

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3294 to recover punitive damages in an amount sufficient to punish and set an example of these

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defendants.

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FIFTH CAUSE OF ACTION - ELDER ABUSE

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(Against CC-La Jolla, Inc., the L.L.C., and DOES 41-50)

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49. Plaintiff incorporates by reference and realleges paragraph 1 through 15 as though

1 fully set forth herein.

2 ///

3 50. Defendants appropriated and retained the property of the plaintiff and others
4 similarly situated.

5 51. Plaintiff and others similarly situated are over 65 of age at the time of the
6 defendants' conduct.

7 52. The defendants appropriated and retained plaintiff's property for and wrongful use
8 and or with an intent to defraud.

9 53. Plaintiff and others similarly situated were harmed by the defendants' deception.

10 54. Plaintiff's reliance on defendants' representations was a substantial factor in
11 causing harm to him.

12 55. The conduct of defendants as described herein, was despicable and was carried on
13 by them with wilful and conscious disregard for the rights of the plaintiff and others similarly
14 situated. The defendants were aware of the probable dangerous consequences of their conduct
15 and wilfully and deliberately failed to avoid those consequences. This conduct constitutes malice,
16 oppression and fraud such that the plaintiff are entitled pursuant to California Civil Code section
17 3294 to recover punitive damages in an amount sufficient to punish and set an example of these
18 defendants.

19 **SIXTH CAUSE OF ACTION - VIOLATION OF CONSUMER**

20 **LEGAL REMEDY ACT**

21 **(Against CC-La Jolla, Inc., the L.L.C., and DOES 51-60)**

22 56. Plaintiff incorporates by reference and realleges paragraph 1 through 15 as though
23 fully set forth herein.

24 57. In order to induce plaintiff and others similarly situated to pay tens of millions of
25 dollars to defendants, the defendants represented that the "Luxury Senior Living" at La Jolla
26 Village Towers was of a particular standard, quality or grade.

27 58. The services and facilities at La Jolla Village Towers are of a lesser standard,
28 quality or grade than represented by the defendants.

1 59. The defendants' deception is prohibited by Civil Code section 1770, subdivision
2 (a)(7).

3 60. Plaintiff and others similarly situated were harmed by the defendants' deception.

4 61. Plaintiff's reliance on defendants' representations was a substantial factor in
5 causing harm to him.

6 62. The conduct of defendants as described herein, was despicable and was carried on
7 by them with wilful and conscious disregard for the rights of the plaintiff and others similarly
8 situated. The defendants were aware of the probable dangerous consequences of their conduct
9 and wilfully and deliberately failed to avoid those consequences. This conduct constitutes malice,
10 oppression and fraud such that the plaintiff are entitled pursuant to California Civil Code section
11 3294 to recover punitive damages in an amount sufficient to punish and set an example of these
12 defendants.

13 **SEVENTH CAUSE OF ACTION - UNFAIR BUSINESS PRACTICES**

14 **(Against CC-La Jolla, Inc., the L.L.C., and DOES 61-70)**

15 63. Plaintiff incorporates by reference and realleges paragraph 1 through 15 as though
16 fully set forth herein.

17 64. By violating statutes and deceiving prospective and existing residents for profit,
18 the defendants have engaged in unfair business practices.

19 65. As a result of these violations, the plaintiff and others similarly situated have been
20 harmed.

21 66. Unless enjoined by this court, the defendants' violations will continue.

22 **WHEREFORE, Plaintiff prays that he and the class of those past and present**
23 **residents of La Jolla Village Towers be awarded:**

- 24 1. general and special damages;
- 25 2. punitive damages on the second, fourth, fifth and sixth causes of action;
- 26 3. injunctive relief on the seventh cause of action;
- 27 4. costs;

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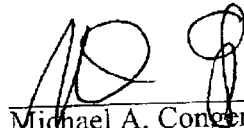
5. attorney fees; and

6. such other and further relief as it deems necessary and proper.

Dated: December 28, 2006

LAW OFFICE OF MICHAEL A. CONGER

By:



Michael A. Conger
Attorney for Plaintiff

Jury trial demanded

SUMMONS (CITACION JUDICIAL)

SUM-100

FOR COURT USE ONLY (SOLO PARA USO DE LA CORTE)
DEC 29 11:13

NOTICE TO DEFENDANT:

(AVISO AL DEMANDADO):

CC-LA JOLLA, Inc., a Delaware Corporation, CC-LA JOLLA, L.L.C., a Delaware limited liability company, and DOES 1 to 25, inclusive.

YOU ARE BEING SUED BY PLAINTIFF: (LO ESTÁ DEMANDANDO EL DEMANDANTE):

DONALD R. SHORT, individually, and on behalf of all others similarly situated.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro.

The name and address of the court is: (El nombre y dirección de la corte es): SAN DIEGO SUPERIOR COURT 330 WEST BROADWAY P.O. BOX 120128 SAN DIEGO, CA 92112-0128

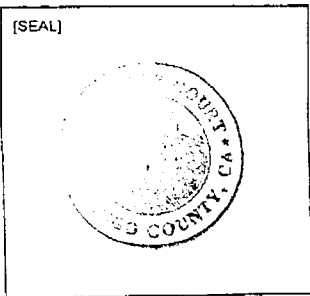
CASE NUMBER: 877707

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is: (El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es): MICHAEL A. CONGER, ESQUIRE (858) 759-0200 (858) 759-1906 LAW OFFICE OF MICHAEL A. CONGER Telephone # Fax # 16236 SAN DIEGUITO ROAD, SUITE 4-14 (MAILING ADDRESS: P.O. BOX 9374) RANCHO SANTA FE, CA 92067

DATE: DEC 29 2006

Clerk, by: L. Martinez Deputy (Secretario) (Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).) (Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).



NOTICE TO THE PERSON SERVED: You are served

- 1. as an individual defendant.
2. as the person sued under the fictitious name of (specify):
3. on behalf of (specify):
under: CCP 416.10 (corporation) CCP 416.20 (defunct corporation) CCP 416.40 (association or partnership) other (specify):
4. by personal delivery on (date):

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State bar number, and address): MICHAEL A. CONGER, ESQUIRE LAW OFFICE OF MICHAEL A. CONGER 16236 SAN DIEGUITO ROAD, SUITE 4-14 MAILING ADDRESS: P.O. BOX 9374 RANCHO SANTA FE, CA 92067 TELEPHONE NO: (858) 759-0200 FAX NO: (858) 759-1906		FOR COURT USE ONLY DEC 29 11:13
ATTORNEY FOR (Name): Donald R. Short SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO STREET ADDRESS: 330 WEST BROADWAY MAILING ADDRESS: P.O. BOX 120128 CITY AND ZIP CODE: SAN DIEGO, CA 92112-0128 BRANCH NAME:		
CASE NAME: SHORT v. CC-LA JOLLA, INC., et al.		CASE NUMBER: 877707
CIVIL CASE COVER SHEET <input checked="" type="checkbox"/> Unlimited (Amount demanded exceeds \$25,000)	<input type="checkbox"/> Limited (Amount demanded is \$25,000 or less)	Complex Case Designation <input type="checkbox"/> Counter <input type="checkbox"/> Joinder Filed with first appearance by defendant (Cal. Rules of Court, rule 1811)
JUDGE:		DEPT:

Items 1-5 below must be completed (see instructions on page 2).

1. Check one box below for the case type that best describes this case:

Auto Tort <input type="checkbox"/> Auto (22) <input type="checkbox"/> Uninsured motorist (46)	Contract <input type="checkbox"/> Breach of contract/warranty (06) <input type="checkbox"/> Collections (09) <input type="checkbox"/> Insurance coverage (18) <input type="checkbox"/> Other contract (37)	Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 1800-1812) <input type="checkbox"/> Antitrust/Trade regulation (03) <input type="checkbox"/> Construction defect (10) <input type="checkbox"/> Mass tort (40) <input type="checkbox"/> Securities litigation (28) <input type="checkbox"/> Environmental/Toxic tort (30) <input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41)
Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort <input type="checkbox"/> Asbestos (04) <input type="checkbox"/> Product liability (24) <input type="checkbox"/> Medical malpractice (45) <input type="checkbox"/> Other PI/PD/WD (23)	Real Property <input type="checkbox"/> Eminent domain/Inverse condemnation (14) <input type="checkbox"/> Wrongful eviction (33) <input type="checkbox"/> Other real property (26)	Enforcement of Judgment <input type="checkbox"/> Enforcement of judgment (20)
Non-PI/PD/WD (Other) Tort <input type="checkbox"/> Business tort/unfair business practice (07) <input type="checkbox"/> Civil rights (08) <input type="checkbox"/> Defamation (13) <input checked="" type="checkbox"/> Fraud (16) <input type="checkbox"/> Intellectual property (19) <input type="checkbox"/> Professional negligence (25) <input type="checkbox"/> Other non-PI/PD/WD tort (35)	Unlawful Detainer <input type="checkbox"/> Commercial (31) <input type="checkbox"/> Residential (32) <input type="checkbox"/> Drugs (38)	Miscellaneous Civil Complaint <input type="checkbox"/> RICO (27) <input type="checkbox"/> Other complaint (not specified above) (42)
Employment <input type="checkbox"/> Wrongful termination (36) <input type="checkbox"/> Other employment (15)	Judicial Review <input type="checkbox"/> Asset forfeiture (05) <input type="checkbox"/> Petition re: arbitration award (11) <input type="checkbox"/> Writ of mandate (02) <input type="checkbox"/> Other judicial review (39)	Miscellaneous Civil Petition <input type="checkbox"/> Partnership and corporate governance (21) <input type="checkbox"/> Other petition (not specified above) (43)

2. This case is is not complex under rule 1800 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:
- | | |
|--------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------|
| a. <input type="checkbox"/> Large number of separately represented parties | d. <input type="checkbox"/> Large number of witnesses |
| b. <input type="checkbox"/> Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve | e. <input type="checkbox"/> Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court |
| c. <input type="checkbox"/> Substantial amount of documentary evidence | f. <input type="checkbox"/> Substantial postjudgment judicial supervision |
3. Type of remedies sought (check all that apply):
 a. monetary b. nonmonetary; declaratory or injunctive relief c. punitive
4. Number of causes of action (specify): **Seven (7)**
5. This case is is not a class action suit.
6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015).

Date: **December 28, 2006**
MICHAEL A. CONGER, ESQUIRE
 (TYPE OR PRINT NAME)


 (SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 201.8.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 1800 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a complex case, this cover sheet will be used for statistical purposes only.

Page 1 of 2

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO

INDEPENDENT CALENDAR CLERK
330 W. Broadway
San Diego, CA 92101

FILE COPY

TO:
MICHAEL CONGER (P)

DONALD R SHORT	Plaintiff(s)	Case No.: GIC877707
	vs.	NOTICE OF CASE ASSIGNMENT
CC-LA JOLLA INC	Defendant(s)	Judge: LINDA B. QUINN Department: 74 Phone: 619-685-6118

COMPLAINT FILED 12/29/06

IT IS THE DUTY OF EACH PLAINTIFF (AND CROSS-COMPLAINANT) TO SERVE A COPY OF THIS NOTICE WITH THE COMPLAINT (AND CROSS-COMPLAINT).

ALL COUNSEL WILL BE EXPECTED TO BE FAMILIAR WITH SUPERIOR COURT RULES WHICH HAVE BEEN PUBLISHED AS DIVISION II, AND WILL BE STRICTLY ENFORCED.

TIME STANDARDS: The following timeframes apply to general civil cases and must be adhered to unless you have requested and been granted an extension of time. General civil consists of all cases except: Small claims appeals, petitions, and unlawful detainers.

COMPLAINTS: Complaints must be served on all named defendants, and a CERTIFICATE OF SERVICE (SDSC CIV-345) filed within 60 days of filing. This is a mandatory document and may not be substituted by the filing of any other document. (Rule 2.5)

DEFENDANT'S APPEARANCE: Defendant must generally appear within 30 days of service of the complaint. (Plaintiff may stipulate to no more than a 15 day extension which must be in writing and filed with the Court.) (Rule 2.6)

DEFAULT: If the defendant has not generally appeared and no extension has been granted, the plaintiff must request default within 45 days of the filing of the Certificate of Service. (Rule 2.7)

THE COURT ENCOURAGES YOU TO CONSIDER UTILIZING VARIOUS ALTERNATIVES TO LITIGATION, INCLUDING MEDIATION AND ARBITRATION, PRIOR TO THE CASE MANAGEMENT CONFERENCE. MEDIATION SERVICES ARE AVAILABLE UNDER THE DISPUTE RESOLUTION PROGRAMS ACT AND OTHER PROVIDERS. SEE ADR INFORMATION PACKET AND STIPULATION.

YOU MAY ALSO BE ORDERED TO PARTICIPATE IN ARBITRATION PURSUANT TO CCP 1141.10 AT THE CASE MANAGEMENT CONFERENCE. THE FEE FOR THESE SERVICES WILL BE PAID BY THE COURT IF ALL PARTIES HAVE APPEARED IN THE CASE AND THE COURT ORDERS THE CASE TO TO ARBITRATION PURSUANT TO CCP 1141.10. THE CASE MANAGEMENT CONFERENCE WILL BE CANCELLED IF YOU FILE FORM SDSC CIV-359 PRIOR TO THAT HEARING.

ALSO SEE THE ATTACHED NOTICE TO LITIGANTS.

CERTIFICATE OF SERVICE

I certify that I am not a party to the above-entitled case; on the date shown below, I served this notice on the parties shown by personally handing it to the attorney or their personal representative at **SAN DIEGO** California.

DATED: 12/29/06

BY: CLERK OF THE SUPERIOR COURT