FOR C ELECTRONICALLY FILED ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address); Superior Court of California, Howard J. Silldorf, Esq. (SBN: 99132) County of Orange Shani O. Zakay, Esq. (SBN: 277924) SILLDORF & LEVINE, LLP 11/02/2015 at 04:51:00 PM 5060 Shoreham Place, Suite 115 Clerk of the Superior Court San Diego, CA 92122 By e Clerk Deputy Clerk TELEPHONE NO.: 858-625-3900 FAX NO. (Optional): 858-625-3901 E-MAIL ADDRESS (Optional): szakay@silldorf-levine.com ATTORNEY FOR (Name): Plaintiff Harbor Ridge Association SUPERIOR COURT OF CALIFORNIA, COUNTY OF Orange STREET ADDRESS: 700 Civic Center Drive West MAILING ADDRESS: 700 Civic Center Drive West CITY AND ZIP CODE: Santa Ana 92701 BRANCH NAME: Central Justice Center PLAINTIFF/PETITIONER: HARBOR RIDGE ASSOCIATION, a California nonprofit mutual benefit corporation DEFENDANT/RESPONDENT:DON F. WILKINSON, an individual; KATHLEEN J. BANMILLER, an individual; and DOES 1-2 CASE NUMBER: CASE MANAGEMENT STATEMENT 30-2015-00790388-CL-CL-**UNLIMITED CASE** X LIMITED CASE (Check one): (Amount demanded is \$25,000 (Amount demanded exceeds \$25,000) or less) A CASE MANAGEMENT CONFERENCE is scheduled as follows: Date: November 17, 2015 Time: 1:30 p.m. Dept.: C03x Div.: Room: Address of court (if different from the address above):

INSTRUCTIONS: All applicable boxes must be checked, and the specified information must be provided.

- 1. Party or parties (answer one):
  - a. X This statement is submitted by party (name): Harbor Ridge Association

X Notice of Intent to Appear by Telephone, by (name): Shani O. Zakay, Esq.

- b. This statement is submitted **jointly** by parties (names):
- 2. Complaint and cross-complaint (to be answered by plaintiffs and cross-complainants only)
  - a. The complaint was filed on (date): May 29, 2015
  - b. The cross-complaint, if any, was filed on (date):
- 3. Service (to be answered by plaintiffs and cross-complainants only)
  - All parties named in the complaint and cross-complaint have been served, have appeared, or have been dismissed.
  - b. X The following parties named in the complaint or cross-complaint
    - (1) X have not been served (specify names and explain why not): Don F. Wilkinson and Kathleen J. Banmiller. Unable to locate Defendants
    - (2) have been served but have not appeared and have not been dismissed (specify names):
    - (3) have had a default entered against them (specify names):
  - c. The following additional parties may be added (specify names, nature of involvement in case, and date by which they may be served):
- 4. Description of case
  - a. Type of case in X complaint cross-complaint (Describe, including causes of action): Plaintiff has filed a collection action for: 1. Breach of Coveneants; and 2. Foreclosure.

PLAINTIFF/PETITIONER: HARBOR RIDGE ASSOCIATION, a California nonprofit mutual benefit corporation DEFENDANT/RESPONDENT: DON F. WILKINSON, an individual; KATHLEEN J. BANMILLER, an individual; and DOES 1-2

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4. b. Provide a brief statement of the case, including any damages. (If personal injury damages are sought, specify the injury and damages claimed, including medical expenses to date [indicate source and amount], estimated future medical expenses, lost earnings to date, and estimated future lost earnings. If equitable relief is sought, describe the nature of the relief.)

Plaintiff filed a collection action for delinquent assessments, late charges, interest, and collection costs, including reasonable attorneys' fees from May 2010 to the present date.

(If more space is needed, check this box and attach a page designated as Attachment 4b.)

#### 5. Jury or nonjury trial

The party or parties request a jury trial X a nonjury trial. (If more than one party, provide the name of each party requesting a jury trial):

#### 6. Trial date

- a. The trial has been set for (date):
- b. X No trial date has been set. This case will be ready for trial within 12 months of the date of the filing of the complaint (if not, explain):
- c. Dates on which parties or attorneys will not be available for trial (specify dates and explain reasons for unavailability):

### 7. Estimated length of trial

The party or parties estimate that the trial will take (check one):

- a. days (specify number):
- b. X hours (short causes) (specify): 1-2 hours
- 8. Trial representation (to be answered for each party)

The party or parties will be represented at trial X by the attorney or party listed in the caption by the following:

- a. Attornev:
- b. Firm:
- c. Address:
- d. Telephone number:

f. Fax number:

e. E-mail address:

g. Party represented:

Additional representation is described in Attachment 8.

### 9. Preference

This case is entitled to preference (specify code section):

### 10. Alternative dispute resolution (ADR)

- a. ADR information package. Please note that different ADR processes are available in different courts and communities; read the ADR information package provided by the court under rule 3.221 for information about the processes available through the court and community programs in this case.
- (1) For parties represented by counsel: Counsel X has has not provided the ADR information package identified in rule 3.221 to the client and reviewed ADR options with the client.
- (2) For self-represented parties: Party has has not reviewed the ADR information package identified in rule 3.221.

## b. Referral to judicial arbitration or civil action mediation (if available).

- (1) This matter is subject to mandatory judicial arbitration under Code of Civil Procedure section 1141.11 or to civil action mediation under Code of Civil Procedure section 1775.3 because the amount in controversy does not exceed the statutory limit.
- (2) Plaintiff elects to refer this case to judicial arbitration and agrees to limit recovery to the amount specified in Code of Civil Procedure section 1141.11.
- (3) This case is exempt from judicial arbitration under rule 3.811 of the California Rules of Court or from civil action mediation under Code of Civil Procedure section 1775 et seq. (specify exemption):

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10. c. Indicate the ADR process or processes that the party or parties are willing to participate in, have agreed to participate in, or have already participated in *(check all that apply and provide the specified information)*:

	The party or parties completing this form are willing to participate in the following ADR processes (check all that apply):	If the party or parties completing this form in the case have agreed to participate in or have already completed an ADR process or processes, indicate the status of the processes (attach a copy of the parties' ADR stipulation):
		X Mediation session not yet scheduled
(1) Mediation	X	Mediation session scheduled for (date):
(1)		Agreed to complete mediation by (date):
		Mediation completed on (date):
		Settlement conference not yet scheduled
(2) Settlement		Settlement conference scheduled for (date):
conference		Agreed to complete settlement conference by (date):
		Settlement conference completed on (date):
		Neutral evaluation not yet scheduled
		Neutral evaluation scheduled for (date):
(3) Neutral evaluation		Agreed to complete neutral evaluation by (date):
		Neutral evaluation completed on (date):
(4) Nonbinding judicial arbitration		Judicial arbitration not yet scheduled
		Judicial arbitration scheduled for (date):
		Agreed to complete judicial arbitration by (date):
		Judicial arbitration completed on (date):
		Private arbitration not yet scheduled
(5) Binding private arbitration		Private arbitration scheduled for (date):
		Agreed to complete private arbitration by (date):
		Private arbitration completed on (date):
		ADR session not yet scheduled
		ADR session scheduled for (date):
(6) Other (specify):		Agreed to complete ADR session by (date):
		ADR completed on (date):

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PLAINTIFF/PETITIONER: HARBOR RIDGE ASSOCIATION, a	CASE NUMBER:
California nonprofit mutual benefit corporation  DEFENDANT/RESPONDENT: DON F. WILKINSON, an individual;  KATHLEEN J. BANMILLER, an individual; and DOES 1-2	30-2015-00790388-CL-CL-

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- a. Insurance carrier, if any, for party filing this statement (name):
- b. Reservation of rights: Yes

No

c. Coverage issues will significantly affect resolution of this case (explain):

### 12. Jurisdiction

Indicate any matters that may affect the court's jurisdiction or processing of this case and describe the status.

Bankruptcy Other (specify):

Status:

#### 13. Related cases, consolidation, and coordination

- a. There are companion, underlying, or related cases.
  - (1) Name of case:
  - (2) Name of court:
  - (3) Case number:
  - (4) Status:

Additional cases are described in Attachment 13a.

b. A motion to consolidate coordinate will be filed by (name party):

# 14. Bifurcation

The party or parties intend to file a motion for an order bifurcating, severing, or coordinating the following issues or causes of action (specify moving party, type of motion, and reasons):

### 15. Other motions

The party or parties expect to file the following motions before trial (specify moving party, type of motion, and issues):

## 16. Discovery

- a. The party or parties have completed all discovery.
- b. The following discovery will be completed by the date specified (describe all anticipated discovery):

<u>Party</u> <u>Description</u> <u>Date</u>

c. The following discovery issues, including issues regarding the discovery of electronically stored information, are anticipated (specify):

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#### 17. Economic litigation

- This is a limited civil case (i.e., the amount demanded is \$25,000 or less) and the economic litigation procedures in Code a of Civil Procedure sections 90-98 will apply to this case.
- b. This is a limited civil case and a motion to withdraw the case from the economic litigation procedures or for additional discovery will be filed (if checked, explain specifically why economic litigation procedures relating to discovery or trial should not apply to this case):

#### 18. Other issues

x The party or parties request that the following additional matters be considered or determined at the case management conference (specify): Plaintiff recently obtained a current address for Defendants and Summons and Complaint is out for service.

#### 19. Meet and confer

- The party or parties have met and conferred with all parties on all subjects required by rule 3.724 of the California Rules of Court (if not, explain):
- b. After meeting and conferring as required by rule 3.724 of the California Rules of Court, the parties agree on the following (specify):

20.	Total	number	of pages	attached	(if	anv):	
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I am completely familiar with this case and will be fully prepared to discuss the status of discovery and alternative dispute resolution, as well as other issues raised by this statement, and will possess the authority to enter into stipulations on these issues at the time of the case management conference, including the written authority of the party where required.

Date: November UZ, 2015	
Shani O. Zakay, Esq. (TYPE OR PRINT NAME)	(SIGNATURE OF PARTY OR ATTORNEY)
(TYPE OR PRINT NAME)	(SIGNATURE OF PARTY OR ATTORNEY)

Additional signatures are attached.