

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Christopher J. Hogan, Esq. (191546)/Kara L. Wild, Esq. (271647) Ericksen Arbuthnot 2300 Clayton Road, Suite 350 Concord, California 94520 TELEPHONE NO.: 510-832-7770 FAX NO. (Optional): 510-832-0102 E-MAIL ADDRESS (Optional): chogan@ericksenarbuthnot.com/kwild@ericksenarbuthnot.com ATTORNEY FOR (Name): Charter Court SJC, LP; VPM Management, Inc.		FOR COURT USE ONLY Electronically Filed by Superior Court of CA, County of Santa Clara, on 2/26/2019 3:29 PM Reviewed By: System System Case #16CV296656 Envelope: 2559127
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Santa Clara STREET ADDRESS: 191 N. First St. MAILING ADDRESS: CITY AND ZIP CODE: San Jose, CA 95113 BRANCH NAME: Downtown Superior Court		
PLAINTIFF/PETITIONER: Mary Crouse DEFENDANT/RESPONDENT: Charter Court SJC, LP		
CASE MANAGEMENT STATEMENT (Check one): <input checked="" type="checkbox"/> UNLIMITED CASE (Amount demanded exceeds \$25,000) <input type="checkbox"/> LIMITED CASE (Amount demanded is \$25,000 or less)		CASE NUMBER: 16CV296656
A CASE MANAGEMENT CONFERENCE is scheduled as follows: Date: March 7, 2019 Time: 10:30am Dept.: 6 Div.: Room: Address of court (if different from the address above): <input checked="" type="checkbox"/> Notice of Intent to Appear by Telephone, by (name): Kara L. Wild, Esq.		

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

1. **Party or parties (answer one):**
 - a. ☒ This statement is submitted by party (name): Charter Court SJC, LP; VPM Management, Inc.
 - 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): 6/20/16
 - b. ☐ The cross-complaint, if any, was filed on (date):
3. **Service (to be answered by plaintiffs and cross-complainants only)**
 - a. ☒ All parties named in the complaint and cross-complaint have been served, have appeared, or have been dismissed.
 - b. ☐ The following parties named in the complaint or cross-complaint
 - (1) ☐ have not been served (specify names and explain why not):
 - (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 ☒ complaint ☐ cross-complaint (Describe, including causes of action):
Plaintiff has alleged 14 causes of action against Charter Court and VPM, including breach of the covenant of quiet enjoyment, negligence, wrongful eviction, and breach of the implied warranty.

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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 alleges that Chart Court and VPM did not respond quickly enough to investigate and repair damage from a water leak in her ceiling. As a result, plaintiff claims she was exposed to toxic mold and suffered ill effects.
- ☐ *(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 ☐ 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. ☒ 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)*:
 Trials: 3/25/19; 5/6/19; 5/17/19; 6/14/19; 6/21/19; 8/12/19; 8/29/19; 9/13/19; 9/26/19; 9/30/19; 4/1/20; 5/11/20; 5/27/20; 6/8/20
7. **Estimated length of trial**
 The party or parties estimate that the trial will take *(check one)*:
 a. ☒ days *(specify number)*: 3-5
 b. ☐ hours *(short causes) (specify)*:
8. **Trial representation *(to be answered for each party)***
 The party or parties will be represented at trial ☒ by the attorney or party listed in the caption ☐ by the following:
 a. Attorney:
 b. Firm:
 c. Address:
 d. Telephone number:
 e. E-mail address:
 f. Fax number:
 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 ☐ 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 (<i>check all that apply</i>):	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 (<i>attach a copy of the parties' ADR stipulation</i>):
(1) Mediation	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/> Mediation session not yet scheduled <input type="checkbox"/> Mediation session scheduled for (date): <input type="checkbox"/> Agreed to complete mediation by (date): <input type="checkbox"/> Mediation completed on (date):
(2) Settlement conference	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/> Settlement conference not yet scheduled <input type="checkbox"/> Settlement conference scheduled for (date): <input type="checkbox"/> Agreed to complete settlement conference by (date): <input type="checkbox"/> Settlement conference completed on (date):
(3) Neutral evaluation	<input type="checkbox"/>	<input type="checkbox"/> Neutral evaluation not yet scheduled <input type="checkbox"/> Neutral evaluation scheduled for (date): <input type="checkbox"/> Agreed to complete neutral evaluation by (date): <input type="checkbox"/> Neutral evaluation completed on (date):
(4) Nonbinding judicial arbitration	<input type="checkbox"/>	<input type="checkbox"/> Judicial arbitration not yet scheduled <input type="checkbox"/> Judicial arbitration scheduled for (date): <input type="checkbox"/> Agreed to complete judicial arbitration by (date): <input type="checkbox"/> Judicial arbitration completed on (date):
(5) Binding private arbitration	<input type="checkbox"/>	<input type="checkbox"/> Private arbitration not yet scheduled <input type="checkbox"/> Private arbitration scheduled for (date): <input type="checkbox"/> Agreed to complete private arbitration by (date): <input type="checkbox"/> Private arbitration completed on (date):
(6) Other (<i>specify</i>):	<input type="checkbox"/>	<input type="checkbox"/> ADR session not yet scheduled <input type="checkbox"/> ADR session scheduled for (date): <input type="checkbox"/> Agreed to complete ADR session by (date): <input type="checkbox"/> ADR completed on (date):

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11. Insurance

- a. ☒ Insurance carrier, if any, for party filing this statement (name): Philadelphia Insurance Company
- 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):
- All necessary motions, including motions in limine.

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>
All Parties	Expert Discovery	Per Code
Charter Court/VPM	Plaintiff IMS	April 2019

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

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17. Economic litigation

- a. ☐ This is a limited civil case (i.e., the amount demanded is \$25,000 or less) and the economic litigation procedures in Code 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

- ☐ The party or parties request that the following additional matters be considered or determined at the case management conference (specify):

19. Meet and confer

- a. ☒ 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):

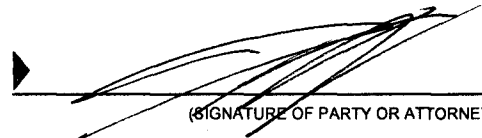
20. Total number of pages attached (if any): _____

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: February 25, 2019

Chritopher J. Hogan, Esq./Kara L. Wild, Esq.

(TYPE OR PRINT NAME)


(SIGNATURE OF PARTY OR ATTORNEY)


(SIGNATURE OF PARTY OR ATTORNEY)

☐ Additional signatures are attached.

PROOF OF SERVICE
[CCP §§1013, 2015.5]

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I the undersigned, hereby declare that I am over the age of 18 years and not a party to the within action. I am employed in the County of Contra Costa, the County in which the following service occurred. My business address is 2300 Clayton Road, Suite 350, Concord, California, 94520.

On February 26, 2019, I caused a true copy of the following document(s) to be served in this action upon the person(s) set forth below, by the method indicated.

DOCUMENT(S) SERVED: CASE MANAGEMENT STATEMENT

PERSON(S) SERVED:

Attorneys for Plaintiff

John Kevin Crowley, Esq.
125 S. Market Street, Suite 1200
San Jose, CA 95113

XX (BY MAIL) I caused such envelope with postage thereon fully prepaid to be placed in the United States Mail this day in Concord, California. I am "readily familiar" with the firm's practice of collecting and processing mail. It is deposited with the U.S. Postal Service on that same day in the ordinary course of business.

(BY PERSONAL SERVICE) I caused said document(s) to be personally delivered by hand to the persons named above.

(BY ELECTRONIC SERVICE) I certify that this document was served electronically to the person(s) named above. Notice of this filing will be sent to the above person(s) by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

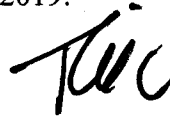
(BY ELECTRONIC MAIL) I caused said document(s) to be electronically mailed to the person(s) named above at the electronic mail address stated.

(BY FACSIMILE TRANSMISSION) I causes the said document(s) to be transmitted by facsimile transmission to the number indicated after the addresses noted above or on the attachment herein.

(BY OVERNIGHT COURIER) I caused each such envelope addressed to the party/parties, with postage or delivery fees thereon fully prepaid or provided for, and depositing said envelope(s) in a box or other facility regularly maintained by the overnight courier or driver authorized by the overnight courier to receive documents.

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

3 Executed at Concord, California on February 26, 2019.

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