

1 **MICHAEL A. CONGER, ESQUIRE (State Bar #147882)**  
2 **LAW OFFICE OF MICHAEL A. CONGER**  
3 16236 San Dieguito Road, Suite 4-14  
4 **Mailing:** P.O. Box 9374  
5 Rancho Santa Fe, California 92067  
6 Telephone: (858) 759-0200  
7 Facsimile: (858) 759-1906

8 Attorney for all Plaintiffs, individually, and  
9 on behalf of all others similarly situated

10 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
11 **FOR THE COUNTY OF SAN DIEGO**

12 DONALD R. SHORT, JAMES F. GLEASON,  
13 CASEY MEEHAN, MARILYN SHORT, PATTY  
14 WESTERVELT, AND DOTTIE YELLE,  
15 individually, and on behalf of all others similarly  
16 situated,

17 Plaintiffs,

18 v.

19 CC-LA JOLLA, Inc., a Delaware Corporation, CC-  
20 LA JOLLA, L.L.C., a Delaware limited liability  
21 company, CC-DEVELOPMENT GROUP, INC.,  
22 CLASSIC RESIDENCE MANAGEMENT  
23 LIMITED PARTNERSHIP, an Illinois Limited  
24 Partnership, and DOES 1 to 110, inclusive,

25 Defendants.

CASE NO: GIC877707

Date: August 17, 2007

Time: 10:30 a.m.

Judge: Hon. Yuri Hofmann

Dept: 60

Action Filed: December 29, 2006

Trial Date: Not yet set

DECLARATION OF MICHAEL A.  
CONGER IN SUPPORT OF  
PLAINTIFFS' MEMORANDUM OF  
POINTS AND AUTHORITIES IN  
OPPOSITION TO MOTION TO  
STRIKE PLAINTIFFS' SECOND  
AMENDED COMPLAINT

26 I, Michael A. Conger, declare as follows:

27 1. I am an attorney at law duly licensed to practice before all courts in the State of  
28 California and represent the plaintiffs in the captioned action. Except and otherwise stated, I  
have personal knowledge of the matters stated herein and if called to do so could testify  
competently thereto.

2. On behalf of my clients, I have requested that the defendants provide me with the  
names and last known addresses of all Grantors under the Master Trust Agreement. Attached at  
Exhibit 1 is a true and correct copy of my request.

FILED  
Clerk of the Superior Court

AUG 06 2007

By: G. MENDOZA, Deputy

1           3.       However, the defendants' counsel, Linda L. Lane, responded that my request  
2 should be made, and would be considered, only through a formal request for discovery in  
3 litigation. Attached at Exhibit 2 is a true and correct copy of her response.

4           I declare under penalty of perjury under the laws of the State of California that the  
5 foregoing is true and correct.

6           Executed this 2nd day of August, 2007, at Rancho Santa Fe, California.

7  
8   
9 Michael A. Conger

## **EXHIBIT #1**

# LAW OFFICE OF MICHAEL A. CONGER

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(858) 759-0200  
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email: [congermike@aol.com](mailto:congermike@aol.com)

Michael A. Conger

Civil Litigation  
Employment Law  
Business Law  
Wrongful Death  
Serious Injury

July 18, 2007

Via Fax No. (858) 720-5125

Eric M. Acker, Esquire  
Linda L. Lane, Esquire  
Morrison & Foerster LLP  
12531 High Bluff Drive, Suite 100  
San Diego, CA 92130-2040

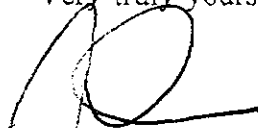
Re: Short, et al. v. CC-La Jolla, Inc., et al.  
San Diego Superior Court Case No. GIC877707

Dear Counsel:

Please promptly provide us with the names and last known addresses of all Grantors under the Master Trust Agreement.

Thank you for your prompt attention to this request.

Very truly yours,



Michael A. Conger

MAC/pbm

07/18/2007 10:00 FAX 858/7591906 Law Off. Michael Conger 001

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\*\*\* TX REPORT \*\*\*  
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## LAW OFFICE OF MICHAEL A. CONGER

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CIVIL LITIGATION  
CLASS ACTIONS  
EMPLOYEES' RIGHTS  
BUSINESS LITIGATION  
WRONGFUL DEATH/SERIOUS INJURY

# Fax Coversheet

To: Eric M. Acker, Esquire  
Linda L. Lane, Esquire  
Morrison & Foerster LLP

Fax No. (858) 720-5125

From: Michael A. Conger, Esquire

Re: Short v. CC-La Jolla, Inc., et al.

Date: July 18, 2007

You should receive 2 pages including this cover sheet

## **EXHIBIT #2**

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TOKYO, LONDON, BEIJING,  
SHANGHAI, HONG KONG,  
SINGAPORE, BRUSSELS

July 20, 2007

Writer's Direct Contact  
858.720.7989  
LLane@mofocom**VIA FACSIMILE**Michael A. Conger  
Post Office Box 9374  
16236 San Dieguito Road, Suite 4-14  
Rancho Santa Fe, CA 92067Re: *Short v. CC-La Jolla, Inc., et al.*,  
San Diego Superior Court Case No. GIC877707

Dear Michael:

This letter is written in response to your letter of July 18, 2007, seeking information regarding Grantors under the Master Trust. As I indicated to you in my e-mail of July 18, 2007, given that we are involved in the litigation of this matter we ask that you avail yourself of the discovery processes available to you under California law. We will respond accordingly.

Sincerely,



Linda L. Lane

**MORRISON | FOERSTER**

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SHANGHAI, HONG KONG,  
SINGAPORE, BRUSSELS

To:

NAME:	FACSIMILE:	TELEPHONE:
Michael A. Conger Law Office of Michael A. Conger	858.759.1906	858.759.0200

FROM: Linda L. Lane

DATE: July 20, 2007

Number of pages with cover page:	2	
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Preparer of this slip has confirmed that facsimile number given is correct: 7252/ACE

Comments:

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