

AUG 8 2007 4:13

1 **MICHAEL A. CONGER, ESQUIRE (State Bar #147882)**  
2 **LAW OFFICE OF MICHAEL A. CONGER**  
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F I L E D  
Clerk of the Superior Court

AUG 06 2007

By: G. MALLOZA, Deputy

5 Attorney for all Plaintiffs, individually, and  
6 on behalf of all others similarly situated

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

10 DONALD R. SHORT, JAMES F. GLEASON, )  
11 CASEY MEEHAN, MARILYN SHORT, PATTY )  
12 WESTERVELT, AND DOTTIE YELLE, )  
individually, and on behalf of all others similarly )  
situated, )

13 Plaintiffs, )

14 v. )

15 CC-LA JOLLA, Inc., a Delaware Corporation, CC- )  
16 LA JOLLA, L.L.C., a Delaware limited liability )  
company, CC-DEVELOPMENT GROUP, INC., )  
17 CLASSIC RESIDENCE MANAGEMENT )  
LIMITED PARTNERSHIP, an Illinois Limited )  
Partnership, and DOES 1 to 110, inclusive, )

18 Defendants. )  
19

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 NORMAN  
EICHBERG

20  
21 I, Norman Eichberg, declare as follows:

22 1. I have personal knowledge of the matters stated herein and if called to do so could  
23 testify competently thereto.

24 2. I am a resident at La Jolla Village Towers, located at 8515 Costa Verde  
25 Boulevard in San Diego, California, where I have resided since 1999.

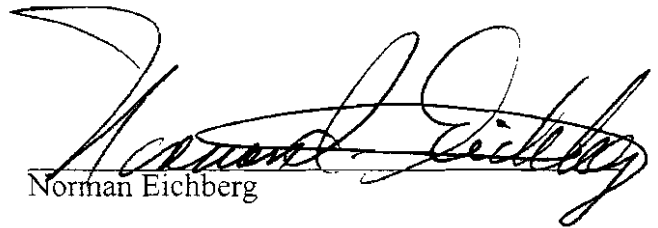
26 3. Recently, I asked Eric Popejoy, Classic Residence Management Limited  
27 Partnership's director of accounting, if I could have the names and last known addresses of the  
28 Grantors under the Master Trust Agreement. Mr. Popejoy stated that he had this information

1 readily available, but that he would not disclose this information to me, other than to inform me  
2 that I was such a Grantor.

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

5 Executed this 6<sup>th</sup> day of August, 2007, at San Diego, California.

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Norman Eichberg