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8 Attorney for all Plaintiffs, individually,
9 and 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: December 14, 2007

Time: 10:30 a.m.

Judge: Hon. Yuri Hofmann

Dept: 60

Action Filed: December 29, 2006

Trial Date: Not yet set

NOTICE OF MOTION AND
MOTION FOR CLASS
CERTIFICATION

26 TO ALL PARTIES AND THEIR COUNSEL OF RECORD:

27 PLEASE TAKE NOTICE that on December 14, 2007, at 10:30 a.m., or as soon thereafter
28 as counsel may be heard in Department 60 of the above-entitled court, located at 330 West
Broadway, San Diego, California, plaintiffs Donald R. Short, James F. Gleason, Casey Meehan,
Marilyn Short, and Patty Westervelt will move and do move, on behalf of themselves and all
others similarly situated, for an order:

1. Determining that a class action is proper as to all causes of action in the Third
Amended Complaint;
2. Certifying plaintiff classes as follows:

Sub-class # 1:

A class consisting of all current residents of La Jolla Village Towers, located at 8515 Costa Verde Boulevard, San Diego, California, including those who have already transferred to the care center located at 4171 Las Palmas Square, San Diego, California, who entered into a residency agreement with any defendant prior to August 1, 2005. Certification is sought for all causes of action except the fifth cause of action for violations of the Consumer Legal Remedies Act. The proposed class representatives are Donald R. Short, James F. Gleason, Casey Meehan, Marilyn Short, and Patty Westervelt; and

Sub-class # 2:

A class consisting of all current residents of La Jolla Village Towers, located at 8515 Costa Verde Boulevard, San Diego, California, including those who have already transferred to the care center located at 4171 Las Palmas Square, San Diego, California, who entered into a residency agreement with any defendant prior to August 1, 2005. Certification is sought for this class for the fifth cause of action for violations of the Consumer Legal Remedies Act, only. The proposed class representatives are James F. Gleason, Casey Meehan, and Marilyn Short.

3. Appointing Michael A. Conger of the Law Office of Michael A. Conger as class counsel; and
4. Requiring counsel for the parties to meet and confer regarding a proposed notice to the class, as described in rule 3.766 of the California Rules of Court, to be submitted to the Court.

This motion will be made on the grounds that certification of Sub-class # 1 is proper under Code of Civil Procedure section 382 and certification of Sub-class # 2 is proper under Civil Code section 1781.

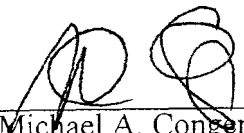
The motion will be based on (1) this Notice of Motion and Motion, (2) the accompanying

1 memorandum of points and authorities, (3) the Declaration of Michael A. Conger in Support of
2 Plaintiffs' Motion for Class Certification, (4) the Declaration of Richard H. Benes in Support of
3 Plaintiffs' Motion for Class Certification, (5) the Declaration of James F. Gleason in Support of
4 Plaintiffs' Motion for Class Certification, and (6) the Notice of Lodgment in Support of
5 Plaintiffs' Motion for Class Certification (including those exhibits provisionally filed under seal
6 pursuant to rule 2.551 of the California Rules of Court, all served and filed herewith, the
7 arguments of counsel and the records and files in this action.
8

9 Dated: November 15, 2007

LAW OFFICE OF MICHAEL A. CONGER

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11 By:



Michael A. Conger
Attorney for Plaintiffs