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

NOV 16 '07 PM 11:18
CLERK - SUPERIOR COURT
SAN DIEGO COUNTY, CA

NOV 16 2007

CLERK - SUPERIOR COURT
SAN DIEGO COUNTY, CA

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: 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 LODGMENT IN
SUPPORT OF PLAINTIFFS'
MOTION FOR CLASS
CERTIFICATION

20 In support of the plaintiffs' motion for class certification, the plaintiffs lodge the
21 following documents:

22 Exhibit 1: La Jolla Village Towers resident petitions as of November 15, 2007;

23 Exhibit 2: Plaintiff's Special Interrogatories Propounded to Defendant CC-La Jolla,
24 Inc. [Set No. One], dated February 28, 2007;

25 Exhibit 3: Defendants' response to plaintiff's special interrogatory number 1;

26 ///

27 ///

28 ///

- 1 Exhibit 4: Excerpts of the deposition of defendants' Person Most Knowledgeable
2 Gary Smith, taken on May 8, 2007¹;
- 3 Exhibit 5: Classic Residence by Hyatt's Semi-Annual Provider Meeting - November
4 28, 2006;
- 5 Exhibit 6: Excerpts of the deposition of defendants' Person Most Knowledgeable
6 Kelly Parkins Aguirre, taken on August 23, 2007;²
- 7 Exhibit 7: Memorandum dated March 24, 2000, from Linda McGrath to Resident
8 Marketing Committee, with advertising insert published in the LA Times,
9 The Orange County Register, and the San Diego Union-Tribune;
- 10 Exhibit 8: La Jolla Village Towers, A Classic Residence by Hyatt, marketing
11 brochure;
- 12 Exhibit 9: La Jolla Village Towers newsletter, Summer 1999;
- 13 Exhibit 10: La Jolla Village Towers newsletter, Fall 1999;
- 14 Exhibit 11: Defendants' marketing brochure: "Classic Residence by Hyatt's Your
15 Guide to Navigating Continuing Care and Life Care Retirement
16 Communities";
- 17 Exhibit 12: Defendants' marketing brochure: "Classic Residence by Hyatt's
18 Continuing Care Guide";
- 19 Exhibit 13: Defendants' marketing brochure: "Classic Residence by Hyatt's
20 Experience Luxury Senior Living at its Finest";
- 21 Exhibit 14: Defendants' marketing brochure: "La Jolla Village Towers' Continuum of
22

23 ¹ Pursuant to the Stipulation and Protective Order, signed by the Honorable Linda
24 B. Quinn on May 2, 2007, and rule 2.551 of the California Rules of Court, Exhibit 4 has been
25 conditionally filed under seal because the defendants have designated these deposition excerpts
as confidential.

26 ² Pursuant to the Stipulation and Protective Order, signed by the Honorable Linda
27 B. Quinn on May 2, 2007, and rule 2.551 of the California Rules of Court, Exhibit 6 has been
28 conditionally filed under seal because the defendants have designated these deposition excerpts
as confidential.

- 1 Care”;
- 2 Exhibit 15: Defendants’ marketing brochure: “La Jolla Village Towers’ Our
- 3 Continuing Care Program”;
- 4 Exhibit 16: Defendants’ internet marketing brochure: “Welcome to luxury senior
- 5 living in San Diego, California”;
- 6 Exhibit 17: Defendants’ internet marketing brochure: “Independent living with peace
- 7 of mind”;
- 8 Exhibit 18: Defendants’ internet marketing brochure: “Continuing care and life care
- 9 retirement communities frequently asked questions”;
- 10 Exhibit 19: Memorandum dated June 6, 2003, from defendants’ Executive Director
- 11 Jim Hayes to all La Jolla Village Towers Residents;
- 12 Exhibit 20: Excerpts from questions and answers provided by defendants to all
- 13 residents;
- 14 Exhibit 21: Memorandum dated November 14, 2000, from Carolyn Zuehl to all
- 15 residents of La Jolla Village Towers;
- 16 Exhibit 22: Memorandum dated December 6, 2001, from Carolyn Zuehl to all
- 17 residents of La Jolla Village Towers;
- 18 Exhibit 23: Letter dated February 18, 2004, from La Jolla Village Towers to La Jolla
- 19 Village Towers residents Clayton and Mildred Shehorn;
- 20 Exhibit 24: Memorandum dated August 6, 2003, from defendants’ Executive Director
- 21 Jim Hayes to all Residents at La Jolla Village Towers;
- 22 Exhibit 25: Letter dated March 10, 2000, from defendants’ Assistant Vice President of
- 23 Sales and Marketing Stacie Mills to La Jolla Village Towers Residents;³
- 24 Exhibit 26: Excerpts from Volume II of the deposition of Donald R. Short, taken on
- 25

26 ³ Pursuant to the Stipulation and Protective Order, signed by the Honorable Linda

27 B. Quinn on May 2, 2007, and rule 2.551 of the California Rules of Court, Exhibit 25 has been

28 conditionally filed under seal because the defendants have designated this document as confidential.

- 1 October 12, 2007;
- 2 Exhibit 27: Management and Marketing Agreement dated April 28, 1998, executed by
- 3 defendants' Executive Vice President John Kevin Poorman, by and
- 4 between CCW La Jolla, L.L.C. a Delaware Limited Liability Company and
- 5 Classic Residence Management Limited Partnership, an Illinois Limited
- 6 Partnership;
- 7 Exhibit 28: Letter dated December 20, 2000, from defendants' Executive Director
- 8 Vicky Simpson to all residents of La Jolla Village Towers;
- 9 Exhibit 29: Letter dated December 15, 2003, from defendants' Executive Director
- 10 Steve Brudnick to all residents of La Jolla Village Towers;
- 11 Exhibit 30: Letter dated November 14, 2005, from defendants' Executive Director
- 12 Steve Brudnick to all residents;
- 13 Exhibit 31: Excerpts from questions and answers provided by defendants to all
- 14 residents;
- 15 Exhibit 32: La Jolla Village Towers, A Classic Residency by Hyatt, Projected Monthly
- 16 Fees;
- 17 Exhibit 33: Defendant CCW-La Jolla, L.L.C.'s Supplemental Response to Special
- 18 Interrogatories (Set One) propounded by plaintiff Donald R. Short, dated
- 19 April 27, 2007;
- 20 Exhibit 34: Letter dated August 29, 2007, from defendants' Care Center Administrator
- 21 Jonathan M. Bliss to Beatrice and Lewis Schoen;
- 22 Exhibit 35: Letter dated September 5, 2007, from defendants' Care Center
- 23 Administrator Jonathan M. Bliss to Beatrice and Lewis Schoen;
- 24 Exhibit 36: Photograph of entrance courtyard at La Jolla Village Towers prior to
- 25 construction;
- 26 Exhibit 37: Photograph of entrance courtyard at La Jolla Village Towers as it has
- 27 appeared for the past two years;
- 28 Exhibit 38: Letter dated June 18, 2007, from daughter of La Jolla Village Towers

1 resident to her father regarding major disruptions experienced while
2 visiting at La Jolla Village Towers;

3 Exhibit 39: La Jolla Village Towers, Classic Residence by Hyatt Questions and
4 Answers, June, 1998;

5 Exhibit 40: Defendant CC-La Jolla, Inc.'s Response to Form Interrogatories (Set Two)
6 propounded by plaintiff Donald R. Short, dated November 5, 2007;


7 Exhibit 41: Excerpts from Volume II of the deposition of Mary Katherine Meehan,
8 taken on September 26, 2007; and

9 Exhibit 42: Letter dated August 4, 1998, from defendants' Chief Operating Officer
10 Mary G. Leary to Residents of La Jolla Village Towers, with attachment.

11
12 Dated: November 16, 2007

LAW OFFICE OF MICHAEL A. CONGER

13
14 By:



Michael A. Conger
Attorney for Plaintiffs

EXHIBIT 1

La Jolla Village Towers Resident Petitions as of November 15, 2007

1. Alleshouse, Margaret
2. Alleshouse, Paul
3. Badgley, Marion
4. Ballard, Sally
5. Bodinger, Cleo P.
6. Brooks, Helen Louise
7. Buckley, Frances Shea
8. Campbell, Muriel H.
9. Cariola, Roy E.
10. Chen, May Y.
11. Cooper, George
12. Cooper, Joan R.
13. Dagradi, Rosalind
14. Danan, Lynne
15. Darling, Fred
16. Darling, Ruth
17. Diener, Anna
18. Diener, Natan
19. Earle, Millie
20. Eichberg, Norman

21. Eichberg, Joan
22. Eisenberg, Doris
23. Elliott, Ann
24. Feldman, Dan
25. Feldman, Sylvia
26. Fishleder, Phyllis
27. Flentye, Louise
28. Forsyth, Rebecca
29. Freidman, Barry
30. Freidman, Sue
31. George, Robert
32. Ginsberg, Mona
33. Gleason, Patricia B.
34. Goldsmid, Eileen
35. Grim, Wendy
36. Gusman, Samuel
37. Hansson, Karl
38. Hertwig, Waldemar R.
39. Jackson, Elizabeth
40. Jaimerena, Luis
41. James, David
42. James, Nancy

43. Kahn, Eugene
44. Kimball, Denise
45. Kornbluth, Pearl
46. Krintzman, Carol A.
47. Krintzman, Jean
48. Lane, Alva J.
49. Larson, Luisa J.
50. Law, Edward
51. Law, Helen
52. Livingston, Magdaline
53. McCharles, Eva R.
54. McKearly, Georgia M.
55. McKellar, Beverly
56. Miller, Grace A.
57. Pearlman, Nelle
58. Pittluck, Betty
59. Rabin, Marilyn
60. Rabin, Seymour
61. Redlitz, Louise M.
62. Ridgeway, Carolyn D.
63. Roberts, Ann
64. Rubin, Jeanette M.

65. Sawyer, George A.
66. Sawyer, Ruth W.
67. Sein, Joseph
68. Seramur, Doris
69. Seramur, Paul L.
70. Shafer, Margie
71. Shehorn, Clayton
72. Silva, Edward J.
73. Slutzky, Herman
74. Small, Mildred
75. Sokol, Beatrice
76. Tennent, Jeanne M.
77. Venn, Kenneth
78. Venn, Mary Frances
79. Watkins, Ruby
80. Watson, Kenneth M.
81. Watt, Robert
82. Worlein, Deane
83. Worlein, Frances
84. Wubbeler, Raymond A.
85. Abraham (illegible)

I, the undersigned, am a resident of La Jolla Village Towers.

I am familiar with the pending lawsuit brought by Don Short and 5 other residents, because I have received and read the plaintiffs' second amended complaint, with exhibits.

If the Court grants class certification, I would opt to be a class member, because I have claims similar to the plaintiffs' claims.

If the Court does not grant class certification, I will seriously consider filing my own lawsuit.

Dated: 9-23-'07

Margaret Alshouse

SHORT 2217

pleass
return to Don Short
or his in house
2009

2009-09-23

I, the undersigned, am a resident of La Jolla Village Towers.

I am familiar with the pending lawsuit brought by Don Short and 5 other residents, because I have received and read the plaintiffs' second amended complaint, with exhibits.

If the Court grants class certification, I would opt to be a class member, because I have claims similar to the plaintiffs' claims.

If the Court does not grant class certification, I will seriously consider filing my own lawsuit.

Dated: 9-27-07

Paul Alleshouse
(Margaret Alleshouse)

SHORT 2218

please
return to Don Short
or his in house
2009

Alleshouse, P

I, the undersigned, am a resident of La Jolla Village Towers.

I am familiar with the pending lawsuit brought by Don Short and 5 other residents, because I have received and read the plaintiffs' second amended complaint, with exhibits.

If the Court grants class certification, I would opt to be a class member, because I have claims similar to the plaintiffs' claims.

If the Court does not grant class certification, I will seriously consider filing my own lawsuit.

Dated: 11-7-07 M Badgley

I, the undersigned, am a resident of La Jolla Village Towers.

I am familiar with the pending lawsuit brought by Don Short and 5 other residents, because I have received and read the plaintiffs' second amended complaint, with exhibits.

If the Court grants class certification, I would opt to be a class member, because I have claims similar to the plaintiffs' claims.

If the Court does not grant class certification, I will seriously consider filing my own lawsuit.

Dated: 11/9/07

Sally Ballard

I, the undersigned, am a resident of La Jolla Village Towers.

I am familiar with the pending lawsuit brought by Don Short and 5 other residents, because I have received and read the plaintiffs' second amended complaint, with exhibits.

If the Court grants class certification, I would opt to be a class member, because I have claims similar to the plaintiffs' claims.

If the Court does not grant class certification, I will seriously consider filing my own lawsuit.

Dated: Nov 7, 2007 Alan P. Bodinger

I, the undersigned, am a resident of La Jolla Village Towers.

I am familiar with the pending lawsuit brought by Don Short and 5 other residents, because I have received and read the plaintiffs' second amended complaint, with exhibits.

If the Court grants class certification, I would opt to be a class member, because I have claims similar to the plaintiffs' claims.

If the Court does not grant class certification, I will seriously consider filing my own lawsuit.

Dated: 9/7/07 Helen Louise Brooks

SHORT 2219

I, the undersigned, am a resident of La Jolla Village Towers.

I am familiar with the pending lawsuit brought by Don Short and 5 other residents, because I have received and read the plaintiffs' second amended complaint, with exhibits.

If the Court grants class certification, I would opt to be a class member, because I have claims similar to the plaintiffs' claims.

If the Court does not grant class certification, I will seriously consider filing my own lawsuit.

Dated: 11 Sept 2007 Adam James Allen Buckley, D. U.S.R., R.R.

SHORT 2220

I, the undersigned, am a resident of La Jolla Village Towers.

I am familiar with the pending lawsuit brought by Don Short and 5 other residents, because I have received and read the plaintiffs' second amended complaint, with exhibits.

If the Court grants class certification, I would opt to be a class member, because I have claims similar to the plaintiffs' claims.

If the Court does not grant class certification, I will seriously consider filing my own lawsuit.

Dated: 9/13/07 Michael H. Campbell

SHORT 2221

I, the undersigned, am a resident of La Jolla Village Towers.

I am familiar with the pending lawsuit brought by Don Short and 5 other residents, because I have received and read the plaintiffs' second amended complaint, with exhibits.

If the Court grants class certification, I would opt to be a class member, because I have claims similar to the plaintiffs' claims.

If the Court does not grant class certification, I will seriously consider filing my own lawsuit.

Dated: SEPT 13

Roy E. Caride

SHORT 2222

I, the undersigned, am a resident of La Jolla Village Towers.

I am familiar with the pending lawsuit brought by Don Short and 5 other residents, because I have received and read the plaintiffs' second amended complaint, with exhibits.

If the Court grants class certification, I would opt to be a class member, because I have claims similar to the plaintiffs' claims.

If the Court does not grant class certification, I will seriously consider filing my own lawsuit.

Dated: 9/14/07 Henry J. Chen

SHORT 2223

MAT 00310 1710

I, the undersigned, am a resident of La Jolla Village Towers.

I am familiar with the pending lawsuit brought by Don Short and 5 other residents, because I have received and read the plaintiffs' second amended complaint, with exhibits.

If the Court grants class certification, I would opt to be a class member, because I have claims similar to the plaintiffs' claims.

If the Court does not grant class certification, I will seriously consider filing my own lawsuit.

Dated: 11-7-07 Ray L Cooper

I, the undersigned, am a resident of La Jolla Village Towers.

I am familiar with the pending lawsuit brought by Don Short and 5 other residents, because I have received and read the plaintiffs' second amended complaint, with exhibits.

If the Court grants class certification, I would opt to be a class member, because I have claims similar to the plaintiffs' claims.

If the Court does not grant class certification, I will seriously consider filing my own lawsuit.

Dated: 11/8/007

Joan R. Cooyse

I, the undersigned, am a resident of La Jolla Village Towers.

I am familiar with the pending lawsuit brought by Don Short and 5 other residents, because I have received and read the plaintiffs' second amended complaint, with exhibits.

If the Court grants class certification, I would opt to be a class member, because I have claims similar to the plaintiffs' claims.

If the Court does not grant class certification, I will seriously consider filing my own lawsuit.

Dated: 9 13, 09

Rosario M. Lopez

SHORT 2225

JAS 1001

I, the undersigned, am a resident of La Jolla Village Towers.

I am familiar with the pending lawsuit brought by Don Short and 5 other residents, because I have received and read the plaintiffs' second amended complaint, with exhibits.

If the Court grants class certification, I would opt to be a class member, because I have claims similar to the plaintiffs' claims.

If the Court does not grant class certification, I will seriously consider filing my own lawsuit.

Dated: 9/14/07 Lynne Danan
apr. 4/12

Dear Don:

Thank you so much
for all your work & time
spent for all of us.
L.

SHORT 2226

DANAN

I, the undersigned, am a resident of La Jolla Village Towers.

I am familiar with the pending lawsuit brought by Don Short and 5 other residents, because I have received and read the plaintiffs' second amended complaint, with exhibits.

If the Court grants class certification, I would opt to be a class member, because I have claims similar to the plaintiffs' claims.

If the Court does not grant class certification, I will seriously consider filing my own lawsuit.

Dated: 9/12/07 Fred Darling #901

SHORT 2227

FRED DARING

I, the undersigned, am a resident of La Jolla Village Towers.

I am familiar with the pending lawsuit brought by Don Short and 5 other residents, because I have received and read the plaintiffs' second amended complaint, with exhibits.

If the Court grants class certification, I would opt to be a class member, because I have claims similar to the plaintiffs' claims.

If the Court does not grant class certification, I will seriously consider filing my own lawsuit.

Dated: 9-16-07

Ruth J. Darling

SHORT 2228

I, the undersigned, am a resident of La Jolla Village Towers.

I am familiar with the pending lawsuit brought by Don Short and 5 other residents, because I have received and read the plaintiffs' second amended complaint, with exhibits.

If the Court grants class certification, I would opt to be a class member, because I have claims similar to the plaintiffs' claims.

If the Court does not grant class certification, I will seriously consider filing my own lawsuit.

Dated: 9/15/07 Anna Triner

SHORT 2229

I, the undersigned, am a resident of La Jolla Village Towers.

I am familiar with the pending lawsuit brought by Don Short and 5 other residents, because I have received and read the plaintiffs' second amended complaint, with exhibits.

If the Court grants class certification, I would opt to be a class member, because I have claims similar to the plaintiffs' claims.

If the Court does not grant class certification, I will seriously consider filing my own lawsuit.

Dated: 9/15/07 Nathan Lerner

SHORT 2230

Exhibit 2230

I, the undersigned, am a resident of La Jolla Village Towers.

I am familiar with the pending lawsuit brought by Don Short and 5 other residents, because I have received and read the plaintiffs' second amended complaint, with exhibits.

If the Court grants class certification, I would opt to be a class member, because I have claims similar to the plaintiffs' claims.

If the Court does not grant class certification, I will seriously consider filing my own lawsuit.

Dated: 9/19/07 Michael Earle

SHORT 2231

please
return to Don Short
or his in house
2009

Michael Earle

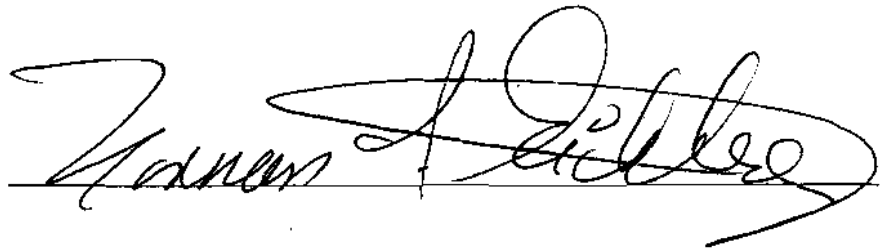
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If the Court grants class certification, I would opt to be a class member, because I have claims similar to the plaintiffs' claims.

If the Court does not grant class certification, I will seriously consider filing my own lawsuit.

Dated: 9/10/07

A handwritten signature in black ink, appearing to read "Yvonne A. Gillette", written over a horizontal line.

SHORT 2232

Notary Public

I, the undersigned, am a resident of La Jolla Village Towers.

I am familiar with the pending lawsuit brought by Don Short and 5 other residents, because I have received and read the plaintiffs' second amended complaint, with exhibits.

If the Court grants class certification, I would opt to be a class member, because I have claims similar to the plaintiffs' claims.

If the Court does not grant class certification, I will seriously consider filing my own lawsuit.

Dated: 9/10/07

Joan Levine Eichberg

SHORT 2233

Joan Levine Eichberg

I, the undersigned, am a resident of La Jolla Village Towers.

I am familiar with the pending lawsuit brought by Don Short and 5 other residents, because I have received and read the plaintiffs' second amended complaint, with exhibits.

If the Court grants class certification, I would opt to be a class member, because I have claims similar to the plaintiffs' claims.

If the Court does not grant class certification, ~~I will seriously consider filing my own lawsuit.~~

Dated: 9/13/07 Doris Eisenberg

SHORT 2234

I, the undersigned, am a resident of La Jolla Village Towers.

I am familiar with the pending lawsuit brought by Don Short and 5 other residents, because I have received and read the plaintiffs' second amended complaint, with exhibits.

If the Court grants class certification, I would opt to be a class member, because I have claims similar to the plaintiffs' claims.

If the Court does not grant class certification, I will seriously consider filing my own lawsuit.

Dated: 11/08/07 Ann J. Elliott

I, the undersigned, am a resident of La Jolla Village Towers.

I am familiar with the pending lawsuit brought by Don Short and 5 other residents, because I have received and read the plaintiffs' second amended complaint, with exhibits.

If the Court grants class certification, I would opt to be a class member, because I have claims similar to the plaintiffs' claims.

If the Court does not grant class certification, I will seriously consider filing my own lawsuit.

Dated: 9/12/2007

Daniel Feldman

SHORT 2236

DAN FELDMAN

I, the undersigned, am a resident of La Jolla Village Towers.

I am familiar with the pending lawsuit brought by Don Short and 5 other residents, because I have received and read the plaintiffs' second amended complaint, with exhibits.

If the Court grants class certification, I would opt to be a class member, because I have claims similar to the plaintiffs' claims.

If the Court does not grant class certification, I will seriously consider filing my own lawsuit.

Dated: 9/13/07 Sylvia Feldman

SHORT 2237

Sylvia Feldman

I, the undersigned, am a resident of La Jolla Village Towers.

I am familiar with the pending lawsuit brought by Don Short and 5 other residents, because I have received and read the plaintiffs' second amended complaint, with exhibits.

If the Court grants class certification, I would opt to be a class member, because I have claims similar to the plaintiffs' claims.

If the Court does not grant class certification, I will seriously consider filing my own lawsuit.

Dated: 10/4/07 Phyllis Friedlander

I, the undersigned, am a resident of La Jolla Village Towers.

I am familiar with the pending lawsuit brought by Don Short and 5 other residents, because I have received and read the plaintiffs' second amended complaint, with exhibits.

If the Court grants class certification, I would opt to be a class member, because I have claims similar to the plaintiffs' claims.

If the Court does not grant class certification, I will seriously consider filing my own lawsuit.

Dated: Sept. 14, 2007

Louise S. Flemye

SHORT 2238

LOUISE FLEMYE

I, the undersigned, am a resident of La Jolla Village Towers.

I am familiar with the pending lawsuit brought by Don Short and 5 other residents, because I have received and read the plaintiffs' second amended complaint, with exhibits.

If the Court grants class certification, I would opt to be a class member, because I have claims similar to the plaintiffs' claims.

If the Court does not grant class certification, I will seriously consider filing my own lawsuit.

Dated: 9.19.07 Rebecca R. Forsyth

SHORT 2239

Forsyth

I, the undersigned, am a resident of La Jolla Village Towers.

I am familiar with the pending lawsuit brought by Don Short and 5 other residents, because I have received and read the plaintiffs' second amended complaint, with exhibits.

If the Court grants class certification, I would opt to be a class member, because I have claims similar to the plaintiffs' claims.

If the Court does not grant class certification, I will seriously consider filing my own lawsuit.

Dated: 9/18/2007 Garry Friedman
Sue Friedman

SHORT 2240

Garry Sue Friedman

I, the undersigned, am a resident of La Jolla Village Towers.

I am familiar with the pending lawsuit brought by Don Short and 5 other residents, because I have received and read the plaintiffs' second amended complaint, with exhibits.

If the Court grants class certification, I would opt to be a class member, because I have claims similar to the plaintiffs' claims.

If the Court does not grant class certification, I will seriously consider filing my own lawsuit.

Dated: 7-13-07

Robert C. George
ROBERT C. GEORGE

SHORT 2241

Robert George

I, the undersigned, am a resident of La Jolla Village Towers.

I am familiar with the pending lawsuit brought by Don Short and 5 other residents, because I have received and read the plaintiffs' second amended complaint, with exhibits.

If the Court grants class certification, I would opt to be a class member, because I have claims similar to the plaintiffs' claims.

If the Court does not grant class certification, I will seriously consider filing my own lawsuit.

Dated: 11-7-67

Mona Ginsberg

I, the undersigned, am a resident of La Jolla Village Towers.

I am familiar with the pending lawsuit brought by Don Short and 5 other residents, because I have received and read the plaintiffs' second amended complaint, with exhibits.

If the Court grants class certification, I would opt to be a class member, because I have claims similar to the plaintiffs' claims.

If the Court does not grant class certification, I will seriously consider filing my own lawsuit.

Dated: 11-15-02

Patricia B. Gleason

I, the undersigned, am a resident of La Jolla Village Towers.

I am familiar with the pending lawsuit brought by Don Short and 5 other residents, because I have received and read the plaintiffs' second amended complaint, with exhibits.

If the Court grants class certification, I would opt to be a class member, because I have claims similar to the plaintiffs' claims.

If the Court does not grant class certification, I will seriously consider filing my own lawsuit.

Dated: 9/12/07 Eileen Goldsmit

SHORT 2243

Eileen Goldsmit

I, the undersigned, am a resident of La Jolla Village Towers.

I am familiar with the pending lawsuit brought by Don Short and 5 other residents, because I have received and read the plaintiffs' second amended complaint, with exhibits.

If the Court grants class certification, I would opt to be a class member, because I have claims similar to the plaintiffs' claims.

~~If the Court does not grant class certification, I will seriously consider filing my own lawsuit.~~

Dated: 9-18-07

Andy Krum

SHORT 2244

please
return to Don Short
or his in house
2009

W. J. Krum

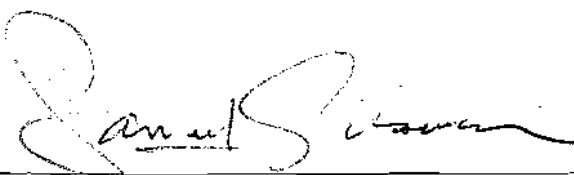
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If the Court grants class certification, I would opt to be a class member, because I have claims similar to the plaintiffs' claims.

If the Court does not grant class certification, I will seriously consider filing my own lawsuit.

Dated: 6/11/07



SAMUEL GUSMAN

SHORT 2245

I, the undersigned, am a resident of La Jolla Village Towers.

I am familiar with the pending lawsuit brought by Don Short and 5 other residents, because I have received and read the plaintiffs' second amended complaint, with exhibits.

If the Court grants class certification, I would opt to be a class member, because I have claims similar to the plaintiffs' claims.

If the Court does not grant class certification, I will seriously consider filing my own lawsuit.

Dated: 11/8/07 Karl J. Larson

I, the undersigned, am a resident of La Jolla Village Towers.

I am familiar with the pending lawsuit brought by Don Short and 5 other residents, because I have received and read the plaintiffs' second amended complaint, with exhibits.

If the Court grants class certification, I would opt to be a class member, because I have claims similar to the plaintiffs' claims.

If the Court does not grant class certification, I will seriously consider filing my own lawsuit.

Dated: 9-12-07 Waldemar R. Hertwig

SHORT 2246

I, the undersigned, am a resident of La Jolla Village Towers.

I am familiar with the pending lawsuit brought by Don Short and 5 other residents, because I have received and read the plaintiffs' second amended complaint, with exhibits.

If the Court grants class certification, I would opt to be a class member, because I have claims similar to the plaintiffs' claims.

If the Court does not grant class certification, I will seriously consider filing my own lawsuit.

Dated: 11/7/07 Elizabeth Jackson

I, the undersigned, am a resident of La Jolla Village Towers.

I am familiar with the pending lawsuit brought by Don Short and 5 other residents, because I have received and read the plaintiffs' second amended complaint, with exhibits.

If the Court grants class certification, I would opt to be a class member, because I have claims similar to the plaintiffs' claims.

If the Court does not grant class certification, I will seriously consider filing my own lawsuit.

Dated: 9/14/07

Luis G. Jimenez

SHORT 2248

I, the undersigned, am a resident of La Jolla Village Towers.

I am familiar with the pending lawsuit brought by Don Short and 5 other residents, because I have received and read the plaintiffs' second amended complaint, with exhibits.

If the Court grants class certification, I would opt to be a class member, because I have claims similar to the plaintiffs' claims.

If the Court does not grant class certification, I will seriously consider filing my own lawsuit.

Dated: 10-2-07 David James
Nancy James

I, the undersigned, am a resident of La Jolla Village Towers.

I am familiar with the pending lawsuit brought by Don Short and 5 other residents, because I have received and read the plaintiffs' second amended complaint, with exhibits.

If the Court grants class certification, I would opt to be a class member, because I have claims similar to the plaintiffs' claims.

If the Court does not grant class certification, I will seriously consider filing my own lawsuit.

Dated: 9/23/07 Eugene Kahn
#413

SHORT 2249

please
return to Don Short
or his in house
2009

E. Kahn

I, the undersigned, am a resident of La Jolla Village Towers.

I am familiar with the pending lawsuit brought by Don Short and 5 other residents, because I have received and read the plaintiffs' second amended complaint, with exhibits.

If the Court grants class certification, I would opt to be a class member, because I have claims similar to the plaintiffs' claims.

If the Court does not grant class certification, I will seriously consider filing my own lawsuit.

Dated: 9-14-07

Debra E. Kimball

SHORT 2250

I, the undersigned, am a resident of La Jolla Village Towers.

I am familiar with the pending lawsuit brought by Don Short and 5 other residents, because I have received and read the plaintiffs' second amended complaint, with exhibits.

If the Court grants class certification, I would opt to be a class member, because I have claims similar to the plaintiffs' claims.

If the Court does not grant class certification, I will seriously consider filing my own lawsuit.

Dated: 9/28/07 Earl Kornbluth

SHORT 2251

please
return to Don Short
or his in house
2009

I, the undersigned, am a resident of La Jolla Village Towers.

I am familiar with the pending lawsuit brought by Don Short and 5 other residents, because I have received and read the plaintiffs' second amended complaint, with exhibits.

If the Court grants class certification, I would opt to be a class member, because I have claims similar to the plaintiffs' claims.

If the Court does not grant class certification, I will seriously consider filing my own lawsuit.

Dated: 9/06/07

Carol G. Krutzman

SHORT 2322

I, the undersigned, am a resident of La Jolla Village Towers.

I am familiar with the pending lawsuit brought by Don Short and 5 other residents, because I have received and read the plaintiffs' second amended complaint, with exhibits.

If the Court grants class certification, I would opt to be a class member, because I have claims similar to the plaintiffs' claims.

If the Court does not grant class certification, I will seriously consider filing my own lawsuit.

Dated: 9/6/07

Jean H. Hentzen

I, the undersigned, am a resident of La Jolla Village Towers.

I am familiar with the pending lawsuit brought by Don Short and 5 other residents, because I have received and read the plaintiffs' second amended complaint, with exhibits.

If the Court grants class certification, I would opt to be a class member, because I have claims similar to the plaintiffs' claims.

~~If the Court does not grant class certification, I will seriously consider filing my own lawsuit.~~ A J L

Dated: 11/2/07

Alma J Lane

I, the undersigned, am a resident of La Jolla Village Towers.

I am familiar with the pending lawsuit brought by Don Short and 5 other residents, because I have received and read the plaintiffs' second amended complaint, with exhibits.

If the Court grants class certification, I would opt to be a class member, because I have claims similar to the plaintiffs' claims.

If the Court does not grant class certification, I will seriously consider filing my own lawsuit.

Dated: 9/10/07 Luisa J. Larson Apt. #1708

SHORT 2252

LARSON

2003

I, the undersigned, am a resident of La Jolla Village Towers.

I am familiar with the pending lawsuit brought by Don Short and 5 other residents, because I have received and read the plaintiffs' second amended complaint, with exhibits.

If the Court grants class certification, I would opt to be a class member, because I have claims similar to the plaintiffs' claims.

If the Court does not grant class certification, I will seriously consider filing my own lawsuit.

Dated: 9/12/07 Eduardo Law

SHORT 2253

I, the undersigned, am a resident of La Jolla Village Towers.

I am familiar with the pending lawsuit brought by Don Short and 5 other residents, because I have received and read the plaintiffs' second amended complaint, with exhibits.

If the Court grants class certification, I would opt to be a class member, because I have claims similar to the plaintiffs' claims.

If the Court does not grant class certification, I will seriously consider filing my own lawsuit.

Dated: 9-11-07

Margelaine Livingston

SHORT 2255

I, the undersigned, am a resident of La Jolla Village Towers.

I am familiar with the pending lawsuit brought by Don Short and 5 other residents, because I have received and read the plaintiffs' second amended complaint, with exhibits.

If the Court grants class certification, I would opt to be a class member, because I have claims similar to the plaintiffs' claims.

~~If the Court does not grant class certification, I will seriously consider filing my own lawsuit.~~

Dated 10-31-07

Eva R. Mc Charles

I, the undersigned, am a resident of La Jolla Village Towers.

I am familiar with the pending lawsuit brought by Don Short and 5 other residents, because I have received and read the plaintiffs' second amended complaint, with exhibits.

If the Court grants class certification, I would opt to be a class member, because I have claims similar to the plaintiffs' claims.

If the Court does not grant class certification, I will seriously consider filing my own lawsuit.

Dated: 9/8/07 Georgia M. McKeally

SHORT 2256

M. McKeally

I, the undersigned, am a resident of La Jolla Village Towers.

I am familiar with the pending lawsuit brought by Don Short and 5 other residents, because I have received and read the plaintiffs' second amended complaint, with exhibits.

If the Court grants class certification, I would opt to be a class member, because I have claims similar to the plaintiffs' claims.

If the Court does not grant class certification, I will seriously consider filing my own lawsuit.

Dated: 9/10/07

Brendy I. McNamara

SHORT 2257

McNamara

I, the undersigned, am a resident of La Jolla Village Towers.

I am familiar with the pending lawsuit brought by Don Short and 5 other residents, because I have received and read the plaintiffs' second amended complaint, with exhibits.

If the Court grants class certification, I would opt to be a class member, because I have claims similar to the plaintiffs' claims.

If the Court does not grant class certification, I will seriously consider filing my own lawsuit.

Dated: 9/13/07

Grace A. Miller

I, the undersigned, am a resident of La Jolla Village Towers.

I am familiar with the pending lawsuit brought by Don Short and 5 other residents, because I have received and read the plaintiffs' second amended complaint, with exhibits.

If the Court grants class certification, I would opt to be a class member, because I have claims similar to the plaintiffs' claims.

If the Court does not grant class certification, I will seriously consider filing my own lawsuit.

Dated: 9/6/07 Nelle Perlman

I, the undersigned, am a resident of La Jolla Village Towers.

I am familiar with the pending lawsuit brought by Don Short and 5 other residents, because I have received and read the plaintiffs' second amended complaint, with exhibits.

If the Court grants class certification, I would opt to be a class member, because I have claims similar to the plaintiffs' claims.

If the Court does not grant class certification, I will seriously consider filing my own lawsuit.

Dated: 9/12/07 Betty Pattuck

SHORT 2258

Betty Pattuck

I, the undersigned, am a resident of La Jolla Village Towers.

I am familiar with the pending lawsuit brought by Don Short and 5 other residents, because I have received and read the plaintiffs' second amended complaint, with exhibits.

If the Court grants class certification, I would opt to be a class member, because I have claims similar to the plaintiffs' claims.

If the Court does not grant class certification, I will seriously consider filing my own lawsuit.

Dated: 11/3/07 Marilyn Lake

I, the undersigned, am a resident of La Jolla Village Towers.

I am familiar with the pending lawsuit brought by Don Short and 5 other residents, because I have received and read the plaintiffs' second amended complaint, with exhibits.

If the Court grants class certification, I would opt to be a class member, because I have claims similar to the plaintiffs' claims.

If the Court does not grant class certification, I will seriously consider filing my own lawsuit.

Dated: 11/13/07 Seymour Rubin

I, the undersigned, am a resident of La Jolla Village Towers.

I am familiar with the pending lawsuit brought by Don Short and 5 other residents, because I have received and read the plaintiffs' second amended complaint, with exhibits.

If the Court grants class certification, I would opt to be a class member, because I have claims similar to the plaintiffs' claims.

If the Court does not grant class certification, I will seriously consider filing my own lawsuit.

Dated: 11/8/07

Laura M. Reilly

I, the undersigned, am a resident of La Jolla Village Towers.

I am familiar with the pending lawsuit brought by Don Short and 5 other residents, because I have received and read the plaintiffs' second amended complaint, with exhibits.

If the Court grants class certification, I would opt to be a class member, because I have claims similar to the plaintiffs' claims.

If the Court does not grant class certification, I will seriously consider filing my own lawsuit.

Dated: 7/13/07 Carolyn D Ridgeway #502

SHORT 2259

Ridgeway

I, the undersigned, am a resident of La Jolla Village Towers.

I am familiar with the pending lawsuit brought by Don Short and 5 other residents, because I have received and read the plaintiffs' second amended complaint, with exhibits.

If the Court grants class certification, I would opt to be a class member, because I have claims similar to the plaintiffs' claims.

If the Court does not grant class certification, I will seriously consider filing my own lawsuit.

Dated: 11-7-07 Ann Roberts

I, the undersigned, am a resident of La Jolla Village Towers.

I am familiar with the pending lawsuit brought by Don Short and 5 other residents, because I have received and read the plaintiffs' second amended complaint, with exhibits.

If the Court grants class certification, I would opt to be a class member, because I have claims similar to the plaintiffs' claims.

If the Court does not grant class certification, I will seriously consider filing my own lawsuit.

Dated: _____

Janet M. Palmer 1/7/07

I, the undersigned, am a resident of La Jolla Village Towers.

I am familiar with the pending lawsuit brought by Don Short and 5 other residents, because I have received and read the plaintiffs' second amended complaint, with exhibits.

If the Court grants class certification, I would opt to be a class member, because I have claims similar to the plaintiffs' claims.

If the Court does not grant class certification, I will seriously consider filing my own lawsuit.

Dated: 9/17/07

Ruth W. Sawyer George A. Sawyer

SHORT 2260

Sawyer

I, the undersigned, am a resident of La Jolla Village Towers.

I am familiar with the pending lawsuit brought by Don Short and 5 other residents, because I have received and read the plaintiffs' second amended complaint, with exhibits.

If the Court grants class certification, I would opt to be a class member, because I have claims similar to the plaintiffs' claims.

If the Court does not grant class certification, I will seriously consider filing my own lawsuit.

Dated: 9/16/07

Joseph S. [Signature]

SHORT 2261

I, the undersigned, am a resident of La Jolla Village Towers.

I am familiar with the pending lawsuit brought by Don Short and 5 other residents, because I have received and read the plaintiffs' second amended complaint, with exhibits.

If the Court grants class certification, I would opt to be a class member, because I have claims similar to the plaintiffs' claims.

and other claims than

If the Court does not grant class certification, I will seriously consider filing my own lawsuit.

Paul L. Srnamur

Dated: 9-13-87

Donis' Affirm Srnamur

SHORT 2262

SEP 14 1987

I, the undersigned, am a resident of La Jolla Village Towers.

I am familiar with the pending lawsuit brought by Don Short and 5 other residents, because I have received and read the plaintiffs' second amended complaint, with exhibits.

If the Court grants class certification, I would opt to be a class member, because I have claims similar to the plaintiffs' claims.

If the Court does not grant class certification, I will seriously consider filing my own lawsuit.

Dated: 9/11/07 Margie W. Skaper #1907

SHORT 2263

SHORT 2263

I, the undersigned, am a resident of La Jolla Village Towers.

I am familiar with the pending lawsuit brought by Don Short and 5 other residents, because I have received and read the plaintiffs' second amended complaint, with exhibits.

If the Court grants class certification, I would opt to be a class member, because I have claims similar to the plaintiffs' claims.

If the Court does not grant class certification, I will seriously consider filing my own lawsuit.

Dated: 7-12-07

Gayton Short

SHORT 2264

I, the undersigned, am a resident of La Jolla Village Towers.

I am familiar with the pending lawsuit brought by Don Short and 5 other residents, because I have received and read the plaintiffs' second amended complaint, with exhibits.

If the Court grants class certification, I would opt to be a class member, because I have claims similar to the plaintiffs' claims.

If the Court does not grant class certification, I will seriously consider filing my own lawsuit.

Dated: Sept. 12, 2007 Edward J. Silva

SHORT 2265

I, the undersigned, am a resident of La Jolla Village Towers.

I am familiar with the pending lawsuit brought by Don Short and 5 other residents, because I have received and read the plaintiffs' second amended complaint, with exhibits.

If the Court grants class certification, I would opt to be a class member, because I have claims similar to the plaintiffs' claims.

If the Court does not grant class certification, I will seriously consider filing my own lawsuit.

Dated: 9/13/07

Norman Slitzky

2006

SHORT 2266

HEPMAV SLITZKY

I, the undersigned, am a resident of La Jolla Village Towers.

I am familiar with the pending lawsuit brought by Don Short and 5 other residents, because I have received and read the plaintiffs' second amended complaint, with exhibits.

If the Court grants class certification, I would opt to be a class member, because I have claims similar to the plaintiffs' claims.

If the Court does not grant class certification, I will seriously consider filing my own lawsuit.

Dated: 9/17/07 Mildred Small

SHORT 2267

I, the undersigned, am a resident of La Jolla Village Towers.

I am familiar with the pending lawsuit brought by Don Short and 5 other residents, because I have received and read the plaintiffs' second amended complaint, with exhibits.

If the Court grants class certification, I would opt to be a class member, because I have claims similar to the plaintiffs' claims.

If the Court does not grant class certification, I will seriously consider filing my own lawsuit.

Dated: 9/14 Beatrice Lopez

SHORT 2268

5/25/20

I, the undersigned, am a resident of La Jolla Village Towers.

I am familiar with the pending lawsuit brought by Don Short and 5 other residents, because I have received and read the plaintiffs' second amended complaint, with exhibits.

If the Court grants class certification, I would opt to be a class member, because I have claims similar to the plaintiffs' claims.

If the Court does not grant class certification, I will seriously consider filing my own lawsuit.

Dated: 9/13/07 Jeanne M. Tennant

I, the undersigned, am a resident of La Jolla Village Towers.

I am familiar with the pending lawsuit brought by Don Short and 5 other residents, because I have received and read the plaintiffs' second amended complaint, with exhibits.

If the Court grants class certification, I would opt to be a class member, because I have claims similar to the plaintiffs' claims.

If the Court does not grant class certification, I will seriously consider filing my own lawsuit.

Dated: Sept 10, '07

Kenneth Venn

SHORT 2270

I, the undersigned, am a resident of La Jolla Village Towers.

I am familiar with the pending lawsuit brought by Don Short and 5 other residents, because I have received and read the plaintiffs' second amended complaint, with exhibits.

If the Court grants class certification, I would opt to be a class member, because I have claims similar to the plaintiffs' claims.

If the Court does not grant class certification, I will seriously consider filing my own lawsuit.

Dated: 9/12/07

Mary Frances Frey Vonn

SHORT 2272

I, the undersigned, am a resident of La Jolla Village Towers.

I am familiar with the pending lawsuit brought by Don Short and 5 other residents, because I have received and read the plaintiffs' second amended complaint, with exhibits.

If the Court grants class certification, I would opt to be a class member, because I have claims similar to the plaintiffs' claims.

If the Court does not grant class certification, I will seriously consider filing my own lawsuit.

Dated: _____

Ruby Waters 11-7-07

I, the undersigned, am a resident of La Jolla Village Towers.

I am familiar with the pending lawsuit brought by Don Short and 5 other residents, because I have received and read the plaintiffs' second amended complaint, with exhibits.

If the Court grants class certification, I would opt to be a class member, because I have claims similar to the plaintiffs' claims.

If the Court does not grant class certification, I will seriously consider filing my own lawsuit.

Dated: 11/14/07 Kenneth M. Watson

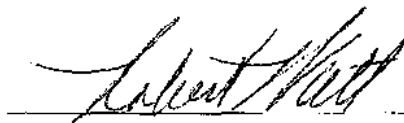
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I am familiar with the pending lawsuit brought by Don Short and 5 other residents, because I have received and read the plaintiffs' second amended complaint, with exhibits.

If the Court grants class certification, I would opt to be a class member, because I have claims similar to the plaintiffs' claims.

If the Court does not grant class certification, I will seriously consider filing my own lawsuit.

Dated: 9-14-07



SHORT 2276

I, the undersigned, am a resident of La Jolla Village Towers.

I am familiar with the pending lawsuit brought by Don Short and 5 other residents, because I have received and read the plaintiffs' second amended complaint, with exhibits.

If the Court grants class certification, I would opt to be a class member, because I have claims similar to the plaintiffs' claims.

If the Court does not grant class certification, I will seriously consider filing my own lawsuit.

Dated: 9/18/07

Leane Thorlein

SHORT 2278

I, the undersigned, am a resident of La Jolla Village Towers.

I am familiar with the pending lawsuit brought by Don Short and 5 other residents, because I have received and read the plaintiffs' second amended complaint, with exhibits.

If the Court grants class certification, I would opt to be a class member, because I have claims similar to the plaintiffs' claims.

If the Court does not grant class certification, I will seriously consider filing my own lawsuit.

9-19-07 Frances G. Goleman
Dated: _____

SHORT 2277

I, the undersigned, am a resident of La Jolla Village Towers.

I am familiar with the pending lawsuit brought by Don Short and 5 other residents, because I have received and read the plaintiffs' second amended complaint, with exhibits.

If the Court grants class certification, I would opt to be a class member, because I have claims similar to the plaintiffs' claims.

If the Court does not grant class certification, I will seriously consider filing my own lawsuit.

Dated: 7-17-86 Raymond A. Whittaker

SHORT 2279

please
return to Don Short
or his in house box
2003

Raymond A. Whittaker

I, the undersigned, am a resident of La Jolla Village Towers.

I am familiar with the pending lawsuit brought by Don Short and 5 other residents, because I have received and read the plaintiffs' second amended complaint, with exhibits.

If the Court grants class certification, I would opt to be a class member, because I have claims similar to the plaintiffs' claims.

~~If the Court does not grant class certification, I will seriously consider filing my own lawsuit.~~

Dated: 9/14/07

Abraham

SHORT 2242

Abraham Steinman 204