

F I L E D

Clerk of the Superior Court

DEC 14 2007

By: D. HARDER, Deputy

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SAN DIEGO

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

Plaintiffs,

v.

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

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

ORDER GRANTING PLAINTIFFS'
MOTION FOR CLASS
CERTIFICATION

The motion of plaintiffs Donald R. Short, James F. Gleason, Casey Meehan, Marilyn Short, and Patty Westervelt came on for hearing in Department 60 of this Court on December 14, 2007. Michael A. Conger appeared on behalf of the plaintiffs. Eric M. Acker and Linda L. Lane appeared on behalf of all defendants.

Having read the motion, the points and authorities filed by the parties, and the other documents filed the parties, and having heard arguments of counsel, this Court finds:

(1) It is impracticable to bring all members of the class before the Court;

(2) The class is ascertainable and sufficiently numerous to warrant class treatment;

- (3) The questions of law or fact common to the class are substantially similar and predominate over the questions affecting individual members;
- (4) The claims or defenses of the representative plaintiffs are typical of the claims or defenses of the class;
- (5) The representative plaintiffs will fairly and adequately protect the interests of the class; and
- (6) The class action is the superior means of adjudicating the claims in the litigation.

THEREFORE, IT IS ORDERED THAT:

1. A class action is proper as to all causes of action of the Third Amended Complaint herein.

2. The following subclasses are certified:

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 granted 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 granted for this class for the fifth cause of action for violations of the

1 Consumer Legal Remedies Act, only. The proposed class representatives
2 are James F. Gleason, Casey Meehan, and Marilyn Short.

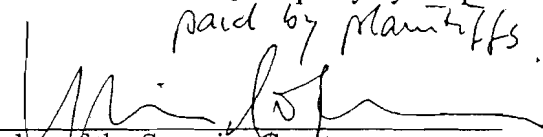
- 3 3. Michael A. Conger of the Law Office of Michael A. Conger is appointed as class
4 counsel for both subclasses.

5 The Court additionally finds that class members are entitled to notice of the pendency of
6 this action and to an opportunity to exclude themselves from the action. Counsel for the parties
7 are ordered to meet and confer regarding a proposed notice to the class, as described in rule 3.766
8 of the California Rules of Court, to be submitted to the Court no later than noon on December
9 19, 2007. A further ^{CAC} hearing on the notice is set for 1/18/08 10:30 AM.

10 **IT IS FURTHER ORDERED THAT:**

- 11 1. Defendants shall provide the names and mailing addresses of all class members,
12 including responsible persons, if any, to counsel for the plaintiffs no later than
13 noon on Wednesday, December 19, 2007. *otherwise appear ex parte 12/20/07 8:30A*
14 2. Within 10 days of the date of entry of the order authorizing the mailing of the
15 notice, plaintiffs shall send or cause to be sent through the United States mail, first
16 class postage, the form of the notice approved by the Court.
17 3. The costs of printing and mailing the notice are to be ~~shared equally by the parties.~~
18 *paid by plaintiffs.*

19 Date: December 14, 2007


Judge of the Superior Court

YURI HOFMANN