

1 **MICHAEL A. CONGER, ESQUIRE (State Bar #147882)**
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5 Attorney for all Plaintiffs, individually, and
6 on behalf of all others similarly situated

F I L E D
CIVIL BUSINESS OFFICE
CENTRAL DIVISION

AUG - 2 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: 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' REQUEST FOR
TRIAL PREFERENCE

[C.C.P. § 36(a)]

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

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

26 2. Plaintiff Donald R. Short is 85 years old. Based on information and belief, Mr.
27 Short suffers from Parkinson's disease. He has been advised by his doctor that the sooner this
28 case is tried, the more he will be able to attend trial and participate in that trial. Mr. Short, the

1 original plaintiff, has been very actively involved in this case, and his participation at trial will
2 be very important to a successful trial.

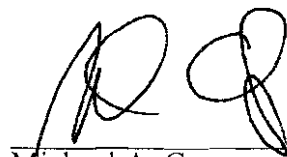
3 3. Plaintiff James F. Gleason is 80 years old. Based on information and belief, Mr.
4 Gleason suffers from a cardiological problem which causes him fatigue, and the condition is
5 worsening with passing time. This condition will diminish Mr. Gleason's ability to participate
6 and attend trial the longer it takes the case to get to trial. Mr. Gleason, the current president of
7 the La Jolla Village Towers Resident Council, has been very actively involved in this case, and
8 his participation will be very important to a successful trial.

9 4. I have informed defense counsel several times since February, 2007, that the plaintiffs
10 would be seeking a trial preference. However, although served with the first amended complaint
11 in January, 2007, the defendants did not commence discovery until late June, 2007.

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

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

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Michael A. Conger