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CM-110

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Robert J. Sunderland, SBN 189214 Cheryl D. Davidson, SBN 149938 SUNDERLAND McCUTCHAN, LLP 11770 Bernardo Plaza Court, Ste. 250, San Diego, CA 92128 TELEPHONE NO.: 858-618-1562 FAX NO. (Optional): 858-675-7807 E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name): Defs. Peggy Shambaugh; Bennion & Deville; J. Deville; Windermere RE		FOR COURT USE ONLY FILED SUPERIOR COURT OF CALIFORNIA COUNTY OF RIVERSIDE DEC 19 2011 C. Mundo	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Riverside STREET ADDRESS: 4050 Main Street MAILING ADDRESS: 4050 Main Street CITY AND ZIP CODE: Riverside, 92501-3703 BRANCH NAME: Riverside Court			
PLAINTIFF/PETITIONER: Twenty-Nine Palms Band of Mission Indians of California, et al. DEFENDANT/RESPONDENT: David Alan Heslop, et al.		CASE NUMBER: RIC 10006101	
CASE MANAGEMENT STATEMENT (Check one): <input checked="" type="checkbox"/> UNLIMITED CASE (Amount demanded exceeds \$25,000) <input type="checkbox"/> LIMITED CASE (Amount demanded is \$25,000 or less)			
A CASE MANAGEMENT CONFERENCE is scheduled as follows: Date: January 4, 2012 Time: 8:30 a.m. Dept.: 7 Div.: Room: Address of court (if different from the address above): <input checked="" type="checkbox"/> Notice of Intent to Appear by Telephone, by (name): Cheryl D. Davidson, Esq.			

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INSTRUCTIONS: All applicable boxes must be checked, and the specified information must be provided.

- Party or parties (answer one):
 - This statement is submitted by party (name):
 - This statement is submitted jointly by parties (names): Peggy Shambaugh; Bennion & Deville; J. Deville; Windermere RE Sv
- Complaint and cross-complaint (to be answered by plaintiffs and cross-complainants only)
 - The complaint was filed on (date):
 - The cross-complaint, if any, was filed on (date):
- Service (to be answered by plaintiffs and cross-complainants only)
 - All parties named in the complaint and cross-complaint have been served, have appeared, or have been dismissed.
 - The following parties named in the complaint or cross-complaint
 - have not been served (specify names and explain why not):
 - have been served but have not appeared and have not been dismissed (specify names):
 - have had a default entered against them (specify names):
 - The following additional parties may be added (specify names, nature of involvement in case, and date by which they may be served):
- Description of case
 - Type of case in complaint cross-complaint (Describe, including causes of action):
 Breach of Contract; Breach of Fiduciary Duty; Professional Negligence; Unjust Enrichment.

PLAINTIFF/PETITIONER: Twenty-Nine Palms Band of Mission Indians DEFENDANT/RESPONDENT: David Alan Heslop, et al.	CASE NUMBER: RIC 10006101
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4. b. Provide a brief statement of the case, including any damages. *(If personal injury damages are sought, specify the injury and damages claimed, including medical expenses to date [indicate source and amount], estimated future medical expenses, lost earnings to date, and estimated future lost earnings. If equitable relief is sought, describe the nature of the relief.)*
 Plaintiffs purchased 47 acres of real property adjacent to their Spotlight 29 Casino in Coachella Valley and other parcels of real estate in Riverside County. Plaintiffs claim defendants failed to advise them that they overpaid and that defendants did not earn their commission for these sales. Plaintiffs claim their general counsel and Shambaugh had a personal relationship that was not disclosed.

(If more space is needed, check this box and attach a page designated as Attachment 4b.)

5. **Jury or nonjury trial**

The party or parties request a jury trial a nonjury trial. *(If more than one party, provide the name of each party requesting a jury trial):*

6. **Trial date**

- a. The trial has been set for *(date)*:
- b. No trial date has been set. This case will be ready for trial within 12 months of the date of the filing of the complaint *(if not, explain)*:
- c. Dates on which parties or attorneys will not be available for trial *(specify dates and explain reasons for unavailability)*:
 01/27/12; 2/10/11; 2/14/12; 02/24/12; 05/11/12; 05/25/12; 6/16/12; 6/18/12; 7/9/12

7. **Estimated length of trial**

The party or parties estimate that the trial will take *(check one)*:

- a. days *(specify number)*: 15
- b. hours *(short causes) (specify)*:

8. **Trial representation** *(to be answered for each party)*

The party or parties will be represented at trial by the attorney or party listed in the caption by the following:

- a. Attorney:
 - b. Firm:
 - c. Address:
 - d. Telephone number:
 - e. E-mail address:
 - f. Fax number:
 - g. Party represented:
- Additional representation is described in Attachment 8.

9. **Preference**

This case is entitled to preference *(specify code section)*:

10. **Alternative dispute resolution (ADR)**

a. **ADR information package.** Please note that different ADR processes are available in different courts and communities; read the ADR information package provided by the court under rule 3.221 for information about the processes available through the court and community programs in this case.

- (1) For parties represented by counsel: Counsel has has not provided the ADR information package identified in rule 3.221 to the client and reviewed ADR options with the client.
- (2) For self-represented parties: Party has has not reviewed the ADR information package identified in rule 3.221.

b. **Referral to judicial arbitration or civil action mediation** (if available).

- (1) This matter is subject to mandatory judicial arbitration under Code of Civil Procedure section 1141.11 or to civil action mediation under Code of Civil Procedure section 1775.3 because the amount in controversy does not exceed the statutory limit.
- (2) Plaintiff elects to refer this case to judicial arbitration and agrees to limit recovery to the amount specified in Code of Civil Procedure section 1141.11.
- (3) This case is exempt from judicial arbitration under rule 3.811 of the California Rules of Court or from civil action mediation under Code of Civil Procedure section 1775 et seq. *(specify exemption)*:

PLAINTIFF/PETITIONER: Twenty-Nine Palms Band of Mission Indians DEFENDANT/RESPONDENT: David Alan Heslop, et al.	CASE NUMBER: RIC 10006101
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10. c. Indicate the ADR process or processes that the party or parties are willing to participate in, have agreed to participate in, or have already participated in (*check all that apply and provide the specified information*):

	The party or parties completing this form are willing to participate in the following ADR processes (<i>check all that apply</i>):	If the party or parties completing this form in the case have agreed to participate in or have already completed an ADR process or processes, indicate the status of the processes (<i>attach a copy of the parties' ADR stipulation</i>):
(1) Mediation	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/> Mediation session not yet scheduled <input type="checkbox"/> Mediation session scheduled for (<i>date</i>): <input type="checkbox"/> Agreed to complete mediation by (<i>date</i>): <input type="checkbox"/> Mediation completed on (<i>date</i>):
(2) Settlement conference	<input checked="" type="checkbox"/>	<input type="checkbox"/> Settlement conference not yet scheduled <input type="checkbox"/> Settlement conference scheduled for (<i>date</i>): <input checked="" type="checkbox"/> Agreed to complete settlement conference by (<i>date</i>): 120 days <input type="checkbox"/> Settlement conference completed on (<i>date</i>):
(3) Neutral evaluation	<input type="checkbox"/>	<input type="checkbox"/> Neutral evaluation not yet scheduled <input type="checkbox"/> Neutral evaluation scheduled for (<i>date</i>): <input type="checkbox"/> Agreed to complete neutral evaluation by (<i>date</i>): <input type="checkbox"/> Neutral evaluation completed on (<i>date</i>):
(4) Nonbinding judicial arbitration	<input type="checkbox"/>	<input type="checkbox"/> Judicial arbitration not yet scheduled <input type="checkbox"/> Judicial arbitration scheduled for (<i>date</i>): <input type="checkbox"/> Agreed to complete judicial arbitration by (<i>date</i>): <input type="checkbox"/> Judicial arbitration completed on (<i>date</i>):
(5) Binding private arbitration	<input type="checkbox"/>	<input type="checkbox"/> Private arbitration not yet scheduled <input type="checkbox"/> Private arbitration scheduled for (<i>date</i>): <input type="checkbox"/> Agreed to complete private arbitration by (<i>date</i>): <input type="checkbox"/> Private arbitration completed on (<i>date</i>):
(6) Other (<i>specify</i>):	<input type="checkbox"/>	<input type="checkbox"/> ADR session not yet scheduled <input type="checkbox"/> ADR session scheduled for (<i>date</i>): <input type="checkbox"/> Agreed to complete ADR session by (<i>date</i>): <input type="checkbox"/> ADR completed on (<i>date</i>):

PLAINTIFF/PETITIONER: Twenty-Nine Palms Band of Mission Indians	CASE NUMBER:
DEFENDANT/RESPONDENT: David Alan Heslop, et al.	RIC 10006101

11. Insurance

- a. Insurance carrier, if any, for party filing this statement (name): TOPA
- b. Reservation of rights: Yes No
- c. Coverage issues will significantly affect resolution of this case (explain):

12. Jurisdiction

Indicate any matters that may affect the court's jurisdiction or processing of this case and describe the status.

- Bankruptcy Other (specify):

Status:

13. Related cases, consolidation, and coordination

- a. There are companion, underlying, or related cases.
 - (1) Name of case: 29 Palms v. Edwards; 29 Palms v. Cadmus; Echo Trail Holdings v. Bennion & Deville
 - (2) Name of court: Orange County Superior Court; San Bernardino Superior Court/Rancho Cucamonga Div./Riverside County SC
 - (3) Case number: 30-2009-00311045; CVS 908132; RIC 10019843
 - (4) Status: Filed 10/13/09; Filed 7/23/09; Filed 1/7/11
- Additional cases are described in Attachment 13a.
- b. A motion to consolidate coordinate will be filed by (name party):

14. Bifurcation

- The party or parties intend to file a motion for an order bifurcating, severing, or coordinating the following issues or causes of action (specify moving party, type of motion, and reasons):

15. Other motions

- The party or parties expect to file the following motions before trial (specify moving party, type of motion, and issues):

16. Discovery

- a. The party or parties have completed all discovery.
- b. The following discovery will be completed by the date specified (describe all anticipated discovery):

<u>Party</u>	<u>Description</u>	<u>Date</u>
Shambaugh/Bennion & Deville	Written Discovery	March 2012
Shambaugh/Bennion & Deville	Site Inspection	March 2012
Shambaugh/Bennion & Deville	Depositions of parties/witnesses	August 2012

- c. The following discovery issues, including issues regarding the discovery of electronically stored information, are anticipated (specify):

Relevancy of Defendant's private financial and personal information; Attorney Client Privilege/Work Product Doctrine issues; Redaction of Plaintiff's documents; Fifth Amendment issues as to defendants and witnesses.

PLAINTIFF/PETITIONER: Twenty-Nine Palms Band of Mission Indians	CASE NUMBER:
DEFENDANT/RESPONDENT: David Alan Heslop, et al.	RIC 10006101

17. **Economic litigation**

- a. This is a limited civil case (i.e., the amount demanded is \$25,000 or less) and the economic litigation procedures in Code of Civil Procedure sections 90-98 will apply to this case.
- b. This is a limited civil case and a motion to withdraw the case from the economic litigation procedures or for additional discovery will be filed (if checked, explain specifically why economic litigation procedures relating to discovery or trial should not apply to this case):

18. **Other issues**

- The party or parties request that the following additional matters be considered or determined at the case management conference (specify):

Fifth Amendment Privilege issue as to Peggy Shambaugh, defendant and major witness.

19. **Meet and confer**

- a. The party or parties have met and conferred with all parties on all subjects required by rule 3.724 of the California Rules of Court (if not, explain):

- b. After meeting and conferring as required by rule 3.724 of the California Rules of Court, the parties agree on the following (specify):

20. Total number of pages attached (if any): 0

I am completely familiar with this case and will be fully prepared to discuss the status of discovery and alternative dispute resolution, as well as other issues raised by this statement, and will possess the authority to enter into stipulations on these issues at the time of the case management conference, including the written authority of the party where required.

Date: December 16, 2011

Cheryl D. Davidson, Esq.

 (TYPE OR PRINT NAME)

▶ 

 (SIGNATURE OF PARTY OR ATTORNEY)

 (TYPE OR PRINT NAME)

▶ _____
 (SIGNATURE OF PARTY OR ATTORNEY)

Additional signatures are attached.