

CM-110

<p>ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):  <b>Tory J. Christensen, Esq.</b>  <b>SLOVAK BARON EMPEY MURPHY &amp; PINKNEY, LLP</b>  <b>1800 E. Tahquitz Canyon Way</b>  <b>Palm Springs, CA 92262</b></p> <p>TELEPHONE NO.: 760-322-2275      FAX NO. (Optional): 760-322-2107  E-MAIL ADDRESS (Optional): sartain@sbemp.com  ATTORNEY FOR (Name):</p>	<p>FOR COURT USE ONLY</p> <h1>FILED</h1> <p>Superior Court Of California  County Of Riverside  07/02/2014  <b>J.VERDUGO</b>  <b>BY FAX</b></p>
<p><b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF RIVERSIDE</b>  STREET ADDRESS: 3255 E. Tahquitz Canyon Way  MAILING ADDRESS:  CITY AND ZIP CODE: Palm Springs, CA 92262  BRANCH NAME: Palm Springs</p>	<p>CASE NUMBER:  <b>PSC 1400430</b></p>
<p>PLAINTIFF/PETITIONER: George Glancz, individually, and as Trustee of the Glancz Family Trust U/T/D April  DEFENDANT/RESPONDENT: WINDERMERE REAL ESTATE SOCIAL, INC., a California corporation; and FAITH MESSENGER</p>	
<p><b>CASE MANAGEMENT STATEMENT</b></p> <p>(Check one):    <input checked="" type="checkbox"/> <b>UNLIMITED CASE</b>      <input type="checkbox"/> <b>LIMITED CASE</b>  (Amount demanded exceeds \$25,000)      (Amount demanded is \$25,000 or less)</p>	
<p>A CASE MANAGEMENT CONFERENCE is scheduled as follows:  Date: 7-22-14      Time: 8:30 a.m.      Dept.: PS-2      Div.:      Room:  Address of court (if different from the address above):</p> <p><input type="checkbox"/> Notice of Intent to Appear by Telephone, by (name):</p>	

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): Plaintiff George Glancz, individually & as Trustee of the Glancz Family Trust
  - This statement is submitted jointly by parties (names):
- Complaint and cross-complaint (to be answered by plaintiffs and cross-complainants only)
  - The complaint was filed on (date): January 23, 2014
  - 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 Fiduciary Duty; Fraud and Deceit; Negligence; Negligent Misrepresentation; Financial Elder Abuse; Intentional Infliction of Emotional Distress; Negligent Infliction of Emotional Distress; and Breach of Contract

CM-110

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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.)

Plaintiff entered into a contract with Defendants as broker and agent for the sale of real property. Defendants acted against Plaintiff's interests and fraudulently and negligently in an attempt to sell Plaintiff's property to another party that Defendants represented.

Defendants' misrepresentation to Plaintiff, who is an elderly man, and the sale of his property based upon those representations caused Plaintiff to lose a large portion of the sale proceeds and other damages totaling over \$800,000.

(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):

7. **Estimated length of trial**

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

a.  days (specify number): 4-5 days

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:

f. Fax number:

e. E-mail address:

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):

CM-110

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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 (check all that apply):	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 (attach a copy of the parties' ADR stipulation):
(1) Mediation	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/> Mediation session not yet scheduled <input type="checkbox"/> Mediation session scheduled for (date): <input type="checkbox"/> Agreed to complete mediation by (date): <input type="checkbox"/> Mediation completed on (date):
(2) Settlement conference	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/> Settlement conference not yet scheduled <input type="checkbox"/> Settlement conference scheduled for (date): <input type="checkbox"/> Agreed to complete settlement conference by (date): <input type="checkbox"/> Settlement conference completed on (date):
(3) Neutral evaluation	<input type="checkbox"/>	<input type="checkbox"/> Neutral evaluation not yet scheduled <input type="checkbox"/> Neutral evaluation scheduled for (date): <input type="checkbox"/> Agreed to complete neutral evaluation by (date): <input type="checkbox"/> Neutral evaluation completed on (date):
(4) Nonbinding judicial arbitration	<input type="checkbox"/>	<input type="checkbox"/> Judicial arbitration not yet scheduled <input type="checkbox"/> Judicial arbitration scheduled for (date): <input type="checkbox"/> Agreed to complete judicial arbitration by (date): <input type="checkbox"/> Judicial arbitration completed on (date):
(5) Binding private arbitration	<input type="checkbox"/>	<input type="checkbox"/> Private arbitration not yet scheduled <input type="checkbox"/> Private arbitration scheduled for (date): <input type="checkbox"/> Agreed to complete private arbitration by (date): <input type="checkbox"/> Private arbitration completed on (date):
(6) Other (specify):	<input type="checkbox"/>	<input type="checkbox"/> ADR session not yet scheduled <input type="checkbox"/> ADR session scheduled for (date): <input type="checkbox"/> Agreed to complete ADR session by (date): <input type="checkbox"/> ADR completed on (date):

CM-110

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**11. Insurance**

- a.  Insurance carrier, if any, for party filing this statement (*name*):
- 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: Rothman v. Glancz
- (2) Name of court: Riverside County Superior Court
- (3) Case number: INC 1302067
- (4) Status: completed
- 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>     |
|--------------|--|-----------------|
| Plaintiff    | Complete Depositions with Request for Production of Documents; | September, 2014 |
| Plaintiff    | Additional written discovery                                   | September, 2014 |
- c.  The following discovery issues, including issues regarding the discovery of electronically stored information, are anticipated (*specify*):

CM-110

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---	-----------------------------

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):

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): \_\_\_\_\_

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: 7-1-14

Tory J. Christensen  
\_\_\_\_\_  
(TYPE OR PRINT NAME)

▶   
\_\_\_\_\_  
(SIGNATURE OF PARTY OR ATTORNEY)

\_\_\_\_\_  
(TYPE OR PRINT NAME)

▶ \_\_\_\_\_  
(SIGNATURE OF PARTY OR ATTORNEY)

Additional signatures are attached.

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**PROOF OF SERVICE**

STATE OF CALIFORNIA, COUNTY OF RIVERSIDE

I am employed in the County of Riverside, State of California. I am over the age of 18 years and not a party to the within action; my business address is Slovak, Baron Empey Murphy & Pinkney LLP, 1800 East Tahquitz Canyon Way, Palm Springs, California 92262; 760/322-2275.

On July 2, 2014, I served the foregoing document described as PLAINTIFF'S CASE MANAGEMENT STATEMENT on all interested parties in this action:

by placing a true copy thereof enclosed in sealed envelopes addressed as follows:

Robert Sunderland, Esq.  
Sunderland McCutchan, LLP  
11770 Bernardo Plaza Ct., Ste. 310  
San Diego, CA 92128  
T: 858-675-7800  
F: 858-675-7807


(BY MAIL) I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. postal service on that same day with postage thereon fully prepaid at PALM SPRINGS, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

(BY OVERNIGHT MAIL) I caused such envelope to be delivered via UPS, Overnight Delivery, to the office of the above addressee.

(BY FACSIMILE TRANSMISSION) I caused such document to be transmitted by facsimile to the interested parties to the last known facsimile number for each as set forth herein.

(BY ELECTRONIC MAIL) I am personally and readily familiar with the business practice of the firm for the preparation and processing of documents in portable document format (PDF) for emailing. I prepared said document(s) in PDF and then caused such document(s) on or about on the date set forth above to be served by electronic mail to the above addressee(s) to the last known e-mail address as set forth herein from my e-mail address of sartain@sbemp.com and no undeliverable notice was received.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on July 2, 2014, at Palm Springs, California.

  
\_\_\_\_\_  
Susan Sartain