

<p>ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Peter E. Sibley (SBN 49080) Carol J. Stair (SBN 169334) Cooper, White & Cooper LLP 201 California Street, 17th Floor San Francisco, California 94111 TELEPHONE NO.: 415-433-1900 FAX NO. (Optional): 415-433-5530 E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name): MERITAGE HOMES OF CALIFORNIA, INC.</p>	<p>FOR COURT USE ONLY</p> <p style="font-size: 24pt;">5879-91</p> <p style="font-size: 24pt;">pld</p> <p>JBC ALA TPB</p>
<p>SUPERIOR COURT OF CALIFORNIA, COUNTY OF PLACER STREET ADDRESS: 101 Maple Street MAILING ADDRESS: same CITY AND ZIP CODE: Auburn, CA 95603 BRANCH NAME:</p>	
<p>PLAINTIFF/PETITIONER: WENDY SMOLICH, et al. DEFENDANT/RESPONDENT: MERITAGE HOMES OF CALIFORNIA, INC., et al.</p>	
<p style="text-align: center;">CASE MANAGEMENT STATEMENT</p> <p>(Check one): <input checked="" type="checkbox"/> UNLIMITED CASE <input type="checkbox"/> LIMITED CASE (Amount demanded exceeds \$25,000) (Amount demanded is \$25,000 or less)</p>	
<p>CASE NUMBER: SCV 20090</p>	

A **CASE MANAGEMENT CONFERENCE** is scheduled as follows:

Date: May 1, 2007 Time: 10:30 a.m. Dept.: 3 Div.: Room:

Address of court (if different from the address above):

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

1. **Party or parties (answer one):**
 - a. This statement is submitted by party (name): Meritage Homes of California, Inc.
 - b. This statement is submitted jointly by parties (names):

2. **Complaint and cross-complaint (to be answered by plaintiffs and cross-complainants only)**
 - a. The complaint was filed on (date):
 - b. The cross-complaint, if any, was filed on (date): December 8, 2006

3. **Service (to be answered by plaintiffs and cross-complainants only)**
 - a. All parties named in the complaint and cross-complaint have been served, or have appeared, or have been dismissed.
 - b. The following parties named in the complaint or cross-complaint
 - (1) have not been served (specify names and explain why not): Roe cross-defendants.
 - (2) have been served but have not appeared and have not been dismissed (specify names):
 - (3) have had a default entered against them (specify names):
 - c. The following additional parties may be added (specify names, nature of involvement in case, and the date by which they may be served): Defendant recently filed a Notice of Claim against the City of Lincoln. The City has 45 days within which to accept or reject that claim. Therefore defendant cannot serve the City of Lincoln until the Notice of Claim has been accepted or rejected.

4. **Description of case**
 - a. Type of case in complaint cross-complaint (describe, including causes of action):
 Indemnity, contribution

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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 Wendy Smolich has raised claims arising out of noise emanating from the nearby lumber mill and purports to act as class representative plaintiff on behalf of the owners of 185 homes, each of whom bought their properties at different times and under different circumstances. The presence of the mill and the fact that it emits noise, noxious odors, etc. were disclosed to buyers.

(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):* Defendant reserves

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)*: Class action claims make this case unlikely to be ready for trial before 2009. Defendant joins in Plaintiffs' request to have this case reclassified as complex.
 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)*: Unknown; depends on class allegations and court ruling on purported class.
 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. Fax number:
 f. 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. Counsel has has not provided the ADR information package identified in rule 3.221 to the client and has reviewed ADR options with the client.
 b. All parties have agreed to a form of ADR. ADR will be completed by *(date)*: July 2007
 c. The case has gone to an ADR process *(indicate status)*:

