



PLAINTIFF/PETITIONER: WENDY SMOLICH, on behalf of herself and all others similarly situated	CASE NUMBER:
DEFENDANT/RESPONDENT: MERITAGE HOMES OF CALIFORNIA, INC., et. al.	SCV20090

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.)*  
 Defendant failed to disclose to Plaintiff, and others in her community, that the sawmill on the abutting property generated extremely loud noise such that members of the community are unable to sleep at night. Defendant further failed to disclose that the sawmill possessed an easement for the noise. Plaintiff seeks rescission of the purchase and sale agreement, expert fees, attorneys fees and interest.

*(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)*: This is a complex class action matter. Plaintiff requests that this Court redesignate this matter for a 24 month disposition date.
- 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)*: Three weeks
- 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)*:

