

BA FILE #

CM-110

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state bar number, and address): Erica L. Brachfeld, Esq., S.B.N. 180683 Law Offices of Brachfeld & Associates, P.C. 20300 S Vermont Ave Suite 120 Torrance, Ca 90502-1338 TELEPHONE NO. 310/273-7867                      FAX NO : ATTORNEY FOR (Name): PLAINTIFF	<b>FOR COURT USE ONLY</b>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES</b> STREET ADDRESS: _____ CITY AND ZIP CODE _____ BRANCH NAME: _____	
PLAINTIFF/PETITIONER                      LVNV FUNDING LLC ASSIGNEE OF GE Capital DEFENDANT/RESPONDENT:                      vs. T AL.	
<div style="display: flex; justify-content: space-between;"> <div style="width: 60%;"> <p style="text-align: center;"><b>CASE MANAGEMENT CONFERENCE STATEMENT</b></p> <p>(Check one):</p> <div style="display: flex; justify-content: space-around; align-items: center;"> <div style="text-align: center;"> <input type="checkbox"/> <p><b>UNLIMITED CASE</b></p> <p><small>(Amount demanded exceeds \$25,000)</small></p> </div> <div style="text-align: center;"> <input checked="" type="checkbox"/> <p><b>LIMITED CASE</b></p> <p><small>(Amount demanded is \$25,000 or less)</small></p> </div> </div> </div> <div style="width: 35%; border-left: 1px solid black; padding-left: 5px;">                 CASE NO: 09C             </div> </div>	

A CASE MANAGEMENT CONFERENCE is scheduled as follows:			
Date:	Time: 8:30AM	Dept. 005	Div: Room
Address of court (if different from the address above):			
<input type="checkbox"/> Notice of Intent to Appear by Telephone, by (name):			

**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) LVNV FUNDING LLC ASSIGNEE OF GE Capital  
 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): 2009  
 b.  The cross-complaint, if any, was filed on (date)

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)  
     (2)  have been served but not yet 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):

4. **Description of case**  
 a. Type of case is  complaint     cross-complaint    (describe, including causes of action).  
**BREACH OF CONTRACT, COMMON COUNT**

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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.)*

Defendants, and each of them, entered into a written agreement with Plaintiff. By the terms of the agreements defendants promised to provide payment in the sum of \$17,590.03 and interest thereon which defendants and each of them failed to provide.

*(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. The case will be ready for trial within 12 months of the date of filing of the complaint *(if not explain):*

c. Dates on which parties or attorneys will not be available for trial *(specify dates and explain reason for unavailability):*

7. **Estimated length of trial**

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

a  days *(specify number):*  
 b  hours *(short courses) (specify):* 4 hours

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  
 By an association of counsel whom shall be present for trial

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 renewed ADR options with the client
- b.  All parties have agreed to a form of ADR. ADR will be completed by *(date)*
- c.  The case has gone to an ADR process *(indicate status):*

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10.d The party or parties are will to participate in (check all that apply).

- (1)  Mediation  
 (2)  Nonbinding judicial arbitration under Code of Civil Procedure section 1141.12 (discovery to close 15 days before arbitration under Cal. Rules of court, rule 3.822)  
 (3)  Nonbinding judicial arbitration under Code of Civil Procedure section 1141.12 (discovery to remain open until 30 days before final order required under Cal. Rule of Court, rule 3.822)  
 (4)  Binding judicial arbitration  
 (5)  Binding private arbitration  
 (6)  Neutral case evaluation  
 (7)  Other (specify)

- e.  This matter is subject to mandatory judicial arbitration because the amount in controversy does not exceed the statutory limit  
 f.  Plaintiff elects to refer this case to judicial and agrees to limit recovery to the amount specified in Code of Civil Procedure section 1141.11.  
 g.  This case is exempt from judicial arbitration under rule 3.811 of the California Rules of Court (specify exemption):

#### 11. Settlement conference

- The party or parties are willing to participate in an early settlement conference (specify when): At court's convenience

#### 12. 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):

#### 13. Jurisdiction

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

- Bankruptcy  Other (specify)

Status:

#### 14. Related cases, consolidation, and coordination

- a.  There are companion, underlying, or related cases  
 (1) Name of case:  
 (2) Name of court:  
 (3) Case number:  
 (4) Status:  
 Additional cases are described in Attachment 14a  
 b.  A motion to  coordinate will be filed by (name party):

#### 15. 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):

#### 16. Other motions

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

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**17. 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	Interrogatories, Requests for Admissions, Document Requests	November 19, 2009
Plaintiff	Deposition	November 19, 2009

- c.  The following discovery issues are anticipated (specify):

**18. Economic Litigation**

- a.  This is a limited civil case (i.e., the amount is \$25,000 or less) and the economic litigation procedures in Code of Civil Procedure section 90 through 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 cause)

**19. Other issues**

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

**20. Meet the 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 California Rule of Court, the parties agree on the following (specify):

**21. Case management orders**

previous case management orders in this case are (check one):  none  attached as attachment 21.

22. 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 ADR, as well as other issues raised by the 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: 2009

Erica L. Brachfeld, Esq.  
\_\_\_\_\_  
(TYPE OR PRINT NAME)

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

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

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

2 **PROOF OF SERVICE**

3  Mail  Personal Service  Other

- 4
- 5 1. At the time of service I was at least 18 years of age and not a party to this legal action.
- 6 2. My residence or business address is (specify): 20300 S Vermont Ave Suite 120,  
Torrance, Ca 90502-1338
- 7 3. I mailed or personally delivered a copy of the

8 **CASE MANAGEMENT CONFERENCE STATEMENT**

9 a.  **Mail.** I am a resident of or employed in the county where the mailing occurred.

10 (1) I enclosed a copy in an envelope AND

11 a.  deposited the sealed envelope with the United States Postal  
Service with the postage fully prepaid.

12 b.  placed the envelope for collection and mailing on the date and at  
the place shown in items below following our ordinary business  
practices. I am readily familiar with this business's practice for  
collecting and processing correspondence for mailing. On the  
same day that correspondence is placed for collection and  
mailing, it is deposited in the ordinary course of business with  
the United States Postal Service in a sealed envelope with  
postage fully prepaid.

13 (2) The envelope was addressed and mailed as follows:

14 (a) Name of person served: ROBERT STEPLER

15 (b) Address on envelope: P.O. BOX 1721

16 PALM SPRINGS, CA

17 92263-1721

18 (c) Date of mailing: 7/2009

19 (d) Place of mailing (city and state): Torrance, Ca 90502-1338

20 b.  **Personal delivery.** I personally delivered a copy as follows:

21 (1) Name of person served:

22 (2) Address where delivered:

23 (3) Date delivered:

24 (4) Time delivered:

25 c.  **Other.** I sent each of the document by facsimile to \_\_\_\_\_

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

28 (Type or print name)

29 (Signature)