



Rob

FILED
ALAMEDA COUNTY
GM-110
FOR COURT USE ONLY

2009 JAN 12 PM 3:40

CLERK OF THE SUPERIOR COURT

BY Paula Fahren DEPUTY

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):
Paul D. Nelson (SBN 62258)
Audra L. Thompson (SBN 218479)
Duane Morris LLP
One Market, Spear Tower, Suite 2000, San Francisco, CA 94105-1104
TELEPHONE NO.: (415) 957-3000 FAX NO. (Optional): (415) 957-3001
E-MAIL ADDRESS (Optional): pdnelson@duanemorris.com; athompson@duanemorris.com
ATTORNEY FOR (Name): Defendants

SUPERIOR COURT OF CALIFORNIA, COUNTY OF Alameda
STREET ADDRESS: 1221 Oak Street
MAILING ADDRESS: Administration Building, Third Floor
CITY AND ZIP CODE: Oakland, CA 94612
BRANCH NAME: Rene C. Davidson Courthouse

PLAINTIFF/PETITIONER: Ron Lee, et al.
DEFENDANT/RESPONDENT: Sharon Bowles, et al.

CASE MANAGEMENT STATEMENT
(Check one): UNLIMITED CASE (Amount demanded exceeds \$25,000) LIMITED CASE (Amount demanded is \$25,000 or less)

CASE NUMBER:
RG 07363452

A CASE MANAGEMENT CONFERENCE is scheduled as follows:
Date: January 27, 2009 Time: 3:00 p.m. Dept.: 22 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):
 - b. This statement is submitted jointly by parties (names): See attachment.
2. Complaint and cross-complaint (to be answered by plaintiffs and cross-complainants only)
 - a. The complaint was filed on (date): December 28, 2007
 - b. The cross-complaint, if any, was filed on (date): February 28, 2008
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 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):
4. Description of case
 - a. Type of case in complaint cross-complaint (describe, including causes of action):
Complaint for declaratory relief and injunctive relief; cross-claim for accounting and restitution against individual plaintiff Ron Lee.

FAXED

PLAINTIFF/PETITIONER: RON LEE, et al.	CASE NUMBER: RG 07363452
DEFENDANT/RESPONDENT: SHARON BOWLES, et al.	

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.)*
Individual plaintiffs, who are voting members and/or officers of plaintiff Our Redeemer Lutheran Church, as well as Our Redeemer Lutheran Church and The California-Nevada-Hawaii District of The Lutheran Church-Missouri Synod, allege that defendants, a splinter faction of Our Redeemer's congregation, have unilaterally purported to oust plaintiff Ron Lee as Our Redeemer's president, have disaffiliated themselves with the Lutheran Church-Missouri Synod, have installed a pastor contrary to District and Our Redeemer Lutheran Church's authority, and illegally claimed the right to exercise control over Our Redeemer's real and personal property, books, accounts, and membership rosters, to the exclusion of the plaintiffs and other faithful communicants of Our Redeemer and The Lutheran Church-Missouri Synod. Plaintiffs seek equitable relief by way of declaratory relief and injunction, including ejectment.

(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)*: See attached page.

- c. Dates on which parties or attorneys will not be available for trial *(specify dates and explain reasons for unavailability)*:
April 13, 2009

7. **Estimated length of trial**

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

- a. days *(specify number)*: 14
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)*:

c. The case has gone to an ADR process *(indicate status)*:

PLAINTIFF/PETITIONER: RON LEE, et al.	CASE NUMBER: RG 07363452
DEFENDANT/RESPONDENT: SHARON BOWLES, et al.	

10. d. The party or parties are willing 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 trial; order required under Cal. Rules of Court, rule 3.822)
(4) Binding judicial arbitration
(5) Binding private arbitration
(6) Neutral case evaluation
(7) Other (specify): The parties participated in mediation on Friday, October 31, 2008 and agreed to continue to discuss settlement.

- 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 arbitration 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): 3.811(b)(1), equitable relief

11. Settlement conference

- The party or parties are willing to participate in an early settlement conference (specify when):
March 2009

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 consolidate 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):
The parties believe that a motion for summary judgment may be appropriate after the close of discovery.

PLAINTIFF/PETITIONER: RON LEE, et al.	CASE NUMBER: RG 07363452
DEFENDANT/RESPONDENT: SHARON BOWLES, et al.	

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>
All	Interrogatories; Requests for Production of Documents; Requests for Admission; Depositions.	July 2009

- c. The following discovery issues are anticipated (*specify*): The parties are currently completing written discovery after meeting and conferring on a number of discovery issues. To the extent an agreement on certain issues cannot be reached, the parties anticipate filing motions to compel.

18. 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 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 case*):

19. Other issues

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

20. 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*): The parties agree to the matters set forth in this statement

21. Case management orders

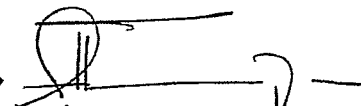
Previous case management orders in this case are (*check one*): none attached as Attachment 21.

22. Total number of pages attached (*if any*): 1

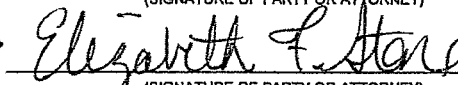
I am completely familiar with this case and will be fully prepared to discuss the status of discovery and ADR, as well as other issues raised by this statement, and will possess the authority to enter into stipulations on these issues at the time of the case management conference, including the written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

Date: January 12, 2009

Audra L. Thompson
(TYPE OR PRINT NAME)

▶ 
(SIGNATURE OF PARTY OR ATTORNEY)

Elizabeth F. Stone
(TYPE OR PRINT NAME)

▶ 
(SIGNATURE OF PARTY OR ATTORNEY)

Additional signatures are attached

ATTACHMENT TO CASE MANAGEMENT STATEMENT

Ron Lee, et al. v. Sharon Bowles, et al.

Alameda Superior Court Case No. RG07363452

Attachment 1b.

Ron Lee, Naomi Gatzke, Joseph Thompson, Jr., Miriam Thompson Our Redeemer Lutheran Church, a not-for-profit religious corporation, and The California-Nevada-Hawaii District of The Lutheran Church-Missouri Synod, a not-for-profit religious corporation, Plaintiffs vs. Sharon Bowles, Mary-Ann Hill, Portia Ridgeway and Celia Moyer, Defendants
Sharon Bowles, Mary-Ann Hill, Portia Ridgeway and Celia Moyer, Cross-Complainants v. Ron Lee, Cross-Defendant.

Attachment 4b:

Defendants allege that their actions were proper and/or justified, that plaintiffs are not officers or directors of Our Redeemer and lack capacity to bring the action in the name of Our Redeemer, and that the California-Nevada-Hawaii District of The Lutheran Church-Missouri Synod has no right, standing or capacity to sue defendants for ejection. Defendants' also allege in a cross-complaint that plaintiff Ron Lee has acted improperly and in violation of the Constitution of Our Redeemer in undertaking the post of both Church President and Treasurer and has wasted, spoiled, converted and improperly distributed the funds and financial assets of Our Redeemer Lutheran Church. Plaintiff Ron Lee has denied the allegations raised in the cross-complaint:

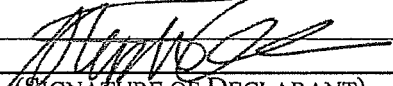
Attachment 6b:

The parties have engaged in an extended series of initial pleadings. Because of this, as well as the parties' belief that, after discovery, motions for summary judgment may well be filed on both sides (which entails lead time for the Court's consideration), the parties request that trial of this matter would be set after October 2009.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

PROOF OF SERVICE	
Alameda Superior Case No. Case No. RG07363452	
1.	At the time of service I was at least 18 years of age and not a party to this legal action.
2.	My business address is 3 Embarcadero Center, 24 th Floor, San Francisco, CA 94111.
3.	I Served Copies Of The Following Documents: 1. Joint Case Management Statement
4.	I served the documents listed above in item 3 on the following persons at the addresses listed::
	(SEE ATTACHED SERVICE LIST)
5. a.	<input type="checkbox"/> By personal service. I personally delivered the documents on the date shown below to the persons at the addresses listed above in item 4. (1) For a party represented by an attorney, delivery was made to the attorney or at the attorney's office by leaving the documents in an envelope or package clearly labeled to identify the attorney being served with a receptionist or an individual in charge of the office. (2) For a party delivery was made to the party or by leaving the documents at the party's residence between the hours of eight in the morning and six in the evening with some person not less than 18 years of age.
b.	<input checked="" type="checkbox"/> By United States mail. I enclosed the documents in a sealed envelope or package addressed to the persons at the addresses in item 4 and <i>(specify one)</i> :
	(1) <input type="checkbox"/> deposited the sealed envelope with the United States Postal Service, with the postage fully prepaid on the date shown below, or
	(2) <input checked="" type="checkbox"/> placed the envelope for collection and mailing on the date shown 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.
	I am a resident or employed in the county where the mailing occurred. The envelope or package was placed in the mail at San Francisco, California.
c.	<input type="checkbox"/> By overnight delivery. I enclosed the documents on the date shown below in an envelope or package provided by an overnight delivery carrier and addressed to the person at the addresses in item 4. I placed the envelope or package for collection and overnight delivery at an office or a regularly utilized drop box of the overnight delivery carrier.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

d. <input type="checkbox"/>	By messenger service. I served the documents on the date shown below by placing them in an envelope or package addressed to the person on the addresses listed in item 4 and providing them to a professional messenger service for service.	
e. <input type="checkbox"/>	By fax transmission. Based on an agreement of the parties to accept service by fax transmission, I faxed the documents on the date shown below to the fax numbers of the persons listed in item 4. No error was reported by the fax machine that I used. A copy of the fax transmission, which I printed out, is attached.	
f. <input type="checkbox"/>	By e-mail or electronic transmission. Based on an agreement of the parties to accept service by e-mail or electronic transmission, I caused the documents to be sent on the date shown below to the e-mail addresses of the persons listed in item 4. I did not receive within a reasonable time after the transmission any electronic message or other indication that the transmission was unsuccessful.	
6. I served the documents by the means described in item 5 on: January 12, 2009		
I declare under penalty of perjury that this document is signed in San Francisco, California under the laws of the State of California that the foregoing is true and correct.		
1/12/09	Stephanie Wilson	
DATE	(TYPE OR PRINT NAME)	(SIGNATURE OF DECLARANT)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

SERVICE LIST

*Ron Lee, et al. v. Sharon Bowles, et al.
Alameda Superior No. RG07-363452*

Audra Thompson, Esq. Duane Morris LLP 633 West Fifth Street Los Angeles, CA 90071-2065 Phone: 213.689.7423 Fax: 213.689.7401 athompson@duanemorris.com Attorney for Defendants	Paul D. Nelson, Esq. Duane Morris LLP Suite 2000 One Market, Spear Tower San Francisco, CA 94105-1104 Phone: 415.957.3138 Fax: 415.957.3001 PDNelson@duanemorris.com Attorney for Defendants
--	---

Goodwin Procter LLP
Three Embarcadero Center, 24th Floor
San Francisco, CA 94111