



CM-110

FOR COURT USE ONLY

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):  
 Elizabeth F. Stone (Bar No. 239285)  
 Goodwin Procter LLP  
 Three Embarcadero Center, 24th Floor  
 San Francisco, CA 94111  
 TELEPHONE NO.: 415.733.6000 FAX NO. (Optional): 415.677.0041  
 E-MAIL ADDRESS (Optional): estone@goodwinproctor.com  
 ATTORNEY FOR (Name): Plaintiffs

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.

FILED  
 ALAMEDA COUNTY  
 JUN 29 2009

Clerk  
 [Signature]

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

Deputy  
 CASE NUMBER:  
 RG 07363452

A CASE MANAGEMENT CONFERENCE is scheduled as follows:  
 Date: July 13, 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.**

- Party or parties (answer one):
  - This statement is submitted by party (name): Plaintiffs. See attachment 1a.
  - 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): December 28, 2007
  - The cross-complaint, if any, was filed on (date): February 28, 2008
- Service (to be answered by plaintiffs and cross-complainants only)
  - All parties named in the complaint and cross-complaint have been served, or 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 the date by which they may be served):
- Description of case
  - 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.

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PLAINTIFF/PETITIONER: Ron Lee, et al.	CASE NUMBER:
DEFENDANT/RESPONDENT: Sharon Bowles, et al.	RG 07363452

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.)

See Attachment 4b.

(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 attachment 6b.

- c. Dates on which parties or attorneys will not be available for trial (specify dates and explain reasons for unavailability):  
 See attachment 6c.

7. **Estimated length of trial**

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

- a.  days (specify number): 10  
 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: Sherri C. Strand  
 b. Firm: Thompson Coburn LLP  
 c. Address: One US Bank Plaza, St. Louis, Missouri 63101  
 d. Telephone number: 314.552.6199  
 e. Fax number: 314.552.7199  
 f. E-mail address: sstrand@thompsoncoburn.com  
 g. Party represented: Plaintiffs

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): This case was not resolved.

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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 a voluntary mediation session on October 31, 2008, and a mandatory settlement conference on June 12, 2009.

- 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):  
The parties participated in a mandatory settlement conference on June 12, 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):  
Some of the Plaintiffs intend to file a motion to amend their complaint. Plaintiffs also expect to file a motion for summary judgment.

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*):

Party	Description	Date
All	Interrogatories; Requests for Production of Documents; Requests for Admissions; Depositions	12/15/2009

- c.  The following discovery issues are anticipated (*specify*):  
The parties are continuing to complete written discovery after a number of meet and confers. If an agreement cannot be reached, Plaintiffs anticipate filing a motion 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*):  
Some of the Plaintiffs are requesting leave to amend their complaint for an accounting, damages, and additional declaratory relief.

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*):  
Plaintiffs have conferred with Defendants in the past regarding most of the topics in Rule 3.724 and will continue to confer with them before the Case Management Conference.
- b. After meeting and conferring as required by rule 3.724 of the California Rules of Court, the parties agree on the following (*specify*):

21. **Case management orders**

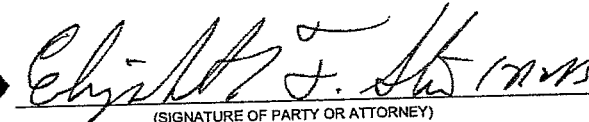
Previous case management orders in this case are (*check one*):  none  attached as Attachment 21.

22. Total number of pages attached (*if any*): 2

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: June 29, 2009

Elizabeth F. Stone  
\_\_\_\_\_  
(TYPE OR PRINT NAME)

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

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

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

Additional signatures are attached

**ATTACHMENT TO JUNE 29, 2009 CASE MANAGEMENT STATEMENT**

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

Superior Court of California, County of Alameda

Case No. RG07363452

**Attachment 1a:**

Plaintiffs 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 California not-for-profit religious corporation.

**Attachment 4b:**

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 engaged a pastor who is not in accordance with the doctrine of the church and contrary to Our Redeemer'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 Plaintiffs and other faithful communicant members of Our Redeemer. Plaintiffs seek equitable relief and injunction, including ejection.

**Attachment 6b:**

The parties have engaged in an extended series of initial pleadings, discovery, and settlement negotiations. Based upon the discovery to-date, some of the Plaintiffs are requesting leave to amend their complaint. Because of this, as well as Plaintiffs' intent to file a motion for summary judgment after discovery is complete (which entails lead time for the Court's consideration), Plaintiffs request that trial of this matter be set after February 15, 2010.

**Attachment 6c:**

The exclusionary dates for Plaintiffs and their attorneys are:

January 28-29, 2010 (Plaintiffs committed to prescheduled meetings with others);  
February 1-14, 2010 (Plaintiffs' counsel has conflicts with discovery schedule in separate case);  
February 15-23, 2010 (Plaintiffs committed to prescheduled meetings with others);  
April 15-22, 2010 (Plaintiffs committed to prescheduled meetings with others);  
May 27-31, 2010 (Plaintiffs committed to prescheduled meetings with others);  
May 28-June 11, 2010 (Plaintiffs' counsel has conflicts with discovery schedule in separate case);

July 12-20, 2010 (Plaintiffs' lead counsel is committed to attend board meetings, committee meetings, and a convention with other clients);  
September 9-14, 2010 (Plaintiffs committed to prescheduled meetings with others).

**Attachment 8:**

Attorney: Timothy F. Noelker  
Firm: Thompson Coburn LLP  
Address: One US Bank Plaza, St. Louis, Missouri 63101  
Telephone Number: 314.552.6091  
Fax Number: 314.552.7091  
E-mail Address: tnoelker@thompsoncoburn.com  
Party Represented: Plaintiffs

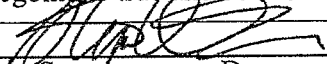
Attorney: Ann Ahrens Beck  
Firm: Thompson Coburn LLP  
Address: One US Bank Plaza, St. Louis, Missouri 63101  
Telephone Number: 314.552.6536  
Fax Number: 314.552.7536  
E-mail Address: abeck@thompsoncoburn.com  
Party Represented: Plaintiffs

Attorney: Elizabeth F. Stone  
Firm: Goodwin Procter LLP  
Address: Three Embarcadero Center, 24th Floor  
Telephone Number: 415.733.6000  
Fax Number: 415.677.9041  
E-mail Address: estone@goodwinprocter.com  
Party Represented: Plaintiffs

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PROOF OF SERVICE	
1.	At the time of service I was at least 18 years of age and <b>not a party to this legal action.</b>
2.	My business address is Goodwin Procter LLP, Three Embarcadero Center, 24th Floor, San Francisco, CA 94114.
3.	<b>I Served Copies Of The Following Documents:</b>  <b>CASE MANAGEMENT STATEMENT</b>
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"/> <b>By personal service.</b> 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"/> <b>By United States mail.</b> 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 Saint Louis, Missouri.
c.	<input type="checkbox"/> <b>By overnight delivery.</b> 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.

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d. <input type="checkbox"/>	<b>By messenger service.</b> 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"/>	<b>By fax transmission.</b> 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"/>	<b>By e-mail or electronic transmission.</b> 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: <b>June 29, 2009</b>	
I declare under penalty of perjury that this document is signed in San Francisco, CA, under the laws of the State of California that the foregoing is true and correct.	
6/29/09 DATE	Stephanie Wilson (TYPE OR PRINT NAME)
 (SIGNATURE OF DECLARANT)	

**SERVICE LIST**

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

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