

ORIGINAL



PCW

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; althompson@duanemorris.com
 ATTORNEY FOR (Name) Defendants

FILED
ALAMEDA COUNTY

JUN 29 2009

Exec. Off. Clerk

Pat Newton

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 NUMBER
RG 07363452

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

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.

FILE BY FAX

- Party or parties (answer one):
 - This statement is submitted by party (name): Defendants
 - 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.

CM-110

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):

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 cases) (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): Mediation completed October 31, 2008

CM-110

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 continued settlement discussions at the 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):

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

CM-110

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 |
| Defendants | Interrogatories; Requests for Production of Documents; Requests for Admission; Depositions. | September 2009 |

- c. The following discovery issues are anticipated (specify): The parties agreed to paused further discovery until all settlement discussions have been exhausted. It is unknown whether further settlement discussions will take place and if so belated meet and confer sessions regarding already propounded discovery will need to be recalendared. To the extent an agreement on certain issues cannot be reached, defendants 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):

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: June 29, 2009

Audra L. Thompson
(TYPE OR PRINT NAME)

[Signature]
(SIGNATURE OF PARTY OR ATTORNEY)

(TYPE OR PRINT NAME)

[Signature]
(SIGNATURE OF PARTY OR ATTORNEY)

Additional signatures are attached

CASE MANAGEMENT STATEMENT

ATTACHMENT TO CASE MANAGEMENT STATEMENT

Ron Lee, et al. v. Sharon Bowles, et al.
Alameda Superior Court Case No. RG07363452

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 ejectment. 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), Defendants request that trial of this matter be set after January 2010.

PROOF OF SERVICE

Ron Lee, et al, v. Sharon Bowles, et al.
Alameda Superior Court Case No. RG07363452

I am a resident of the state of California, I am over the age of 18 years, and I am not a party to this lawsuit. My business address is Duane Morris LLP, 633 West 5th Street, Suite 4600, Los Angeles, California 90071-2065. On the date set forth below, I served the following document(s):

DEFENDANTS CASE MANAGEMENT CONFERENCE STATEMENT

on the interested party(ies) in this action in the following manner:

BY FACSIMILE: On the date set forth below, at Los Angeles, California, I caused the foregoing document(s) to be transmitted by facsimile transmission. I am readily familiar with the firm's business practice regarding facsimile transmissions. According to that practice, the document(s) will be transmitted by facsimile from the offices of Duane Morris that same day to the law office(s) stated below to their known business facsimile number(s) and/or to the facsimile number(s) maintained by the addressee(s) designated below at the facsimile machine telephone number as last given by that person on any document which he or she has filed in the cause and served on the party making the service. The transmission(s) was(were) reported as complete and without error.

BY PERSONAL DELIVERY: On the date set forth below, at Los Angeles, California, I forwarded the above-referenced document(s) to an attorney service regularly utilized by my office for our messenger/courier service. The document(s) was(were) placed in a sealed envelope or package designated by our messenger/courier service with delivery fees paid or provided for, addressed to the person(s) on whom it is to be personally served at the address(es) shown below, at the office address(es) as last given by that person on any document filed in the cause and served on the party making service; otherwise at that party's place of residence. The messenger/courier service was provided with instructions that the envelope or package be personally served on the addressee(s) by same day delivery (C.C.P. §1011).

BY MAIL: On the date set forth below, at Los Angeles, California, I placed the document(s) in a sealed envelope(s), addressed as set forth below, for collection and mailing with the United States Postal Service. I am readily familiar with the firm's practice for collection and processing of correspondence for mailing with the United States Postal Service. According to that practice, the correspondence will be deposited with the United States Postal Service that same day in the ordinary course of business, with first-class prepaid postage thereon. Service made pursuant to CCP § 1013a(3), upon motion of a party served, shall be presumed invalid if the postal cancellation date or postage meter date on the envelope is more than one day after the date of deposit for mailing contained in the affidavit.

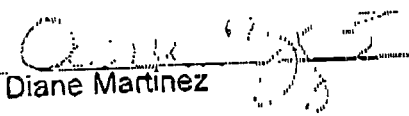
Robert B. Bader, Esq. (*via personal srv*)
Elizabeth F. Stone, Esq.
GOODWIN PROCTER LLP
Three Embarcadero Center, 24th Floor
San Francisco, CA 94111
Telephone: (415) 733-6000
Facsimile: (415) 677-9041

Sherri C. Strand, Esq. (*via mail*)
Timothy Noelker, Esq.
Rebecca Pinto, Esq.
THOMPSON COBURN LLP
One US Bank Plaza
St. Louis, MO 63101
Telephone: (314) 552-6000
Facsimile: (314) 552-7000

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

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

Executed on June 29, 2009, at Los Angeles, California.



Diane Martinez