

PLAINTIFF/PETITIONER: BROOKTRAILS TOWNSHIP COMMUNITY SERVICES District DEFENDANT/RESPONDENT: CITY OF WILLITS, a General Law City; and D through 100, inclusive	CASE NUMBER: SCV 253175
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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.)
 See Attachment A

(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): March 6, 2014
- 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):
- 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): 10 - 12
- 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. E-mail address:
 - f. Fax number:
 - g. Party represented: defendant City of Willits
- Additional representation is described in Attachment 8.

9. Preference

This case is entitled to preference (specify code section): C.C.P. § 1062.3; C.C.P. § 527(e)

10. Alternative dispute resolution (ADR)

a. ADR information package. Please note that different ADR processes are available in different courts and communities; read the ADR information package provided by the court under rule 3.221 for information about the processes available through the court and community programs in this case.

- (1) For parties represented by counsel: Counsel has has not provided the ADR information package identified in rule 3.221 to the client and reviewed ADR options with the client.
- (2) For self-represented parties: Party has has not reviewed the ADR information package identified in rule 3.221.

b. Referral to judicial arbitration or civil action mediation (if available).

- (1) This matter is subject to mandatory judicial arbitration under Code of Civil Procedure section 1141.11 or to civil action mediation under of Code of Civil Procedure section 1775.3 because the amount in controversy does not exceed the statutory limit.
- (2) 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.
- (3) This case is exempt from judicial arbitration under rule 3.811 of the California Rules of Court or from civil action mediation under Code of Civil Procedure section 1775 et seq. (specify exemption):

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10. c. Indicate the ADR process or processes that the party or parties are willing to participate in, have agreed to participate in, or have already participated in (check all that apply and provide the specified information):

	The party or parties completing this form are willing to participate in the following ADR processes (check all that apply):	If the party or parties completing this form in the case have agreed to participate in or have already completed an ADR process or processes, indicate the status of the processes (attach a copy of the parties' ADR stipulation):
(1) Mediation	<input checked="" type="checkbox"/>	<input type="checkbox"/> Mediation session not yet scheduled <input type="checkbox"/> Mediation session scheduled for (date): <input type="checkbox"/> Agreed to complete mediation by (date): <input checked="" type="checkbox"/> Mediation completed on (date): April, 2014
(2) Settlement conference	<input checked="" type="checkbox"/>	<input type="checkbox"/> Settlement conference not yet scheduled <input type="checkbox"/> Settlement conference scheduled for (date): <input type="checkbox"/> Agreed to complete settlement conference by (date): <input checked="" type="checkbox"/> Settlement conference completed on (date): 4/22/2014
(3) Neutral evaluation	<input type="checkbox"/>	<input type="checkbox"/> Neutral evaluation not yet scheduled <input type="checkbox"/> Neutral evaluation scheduled for (date): <input type="checkbox"/> Agreed to complete neutral evaluation by (date): <input type="checkbox"/> Neutral evaluation completed on (date):
(4) Nonbinding judicial arbitration	<input type="checkbox"/>	<input type="checkbox"/> Judicial arbitration not yet scheduled <input type="checkbox"/> Judicial arbitration scheduled for (date): <input type="checkbox"/> Agreed to complete judicial arbitration by (date): <input type="checkbox"/> Judicial arbitration completed on (date):
(5) Binding private arbitration	<input type="checkbox"/>	<input type="checkbox"/> Private arbitration not yet scheduled <input type="checkbox"/> Private arbitration scheduled for (date): <input type="checkbox"/> Agreed to complete private arbitration by (date): <input type="checkbox"/> Private arbitration completed on (date):
(6) Other (specify):	<input type="checkbox"/>	<input type="checkbox"/> ADR session not yet scheduled <input type="checkbox"/> ADR session scheduled for (date): <input type="checkbox"/> Agreed to complete ADR session by (date): <input type="checkbox"/> ADR completed on (date):

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11. 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):

12. Jurisdiction

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

- Bankruptcy Other (specify):

Status:

13. 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 13a.
- b. A motion to consolidate coordinate will be filed by (name party):

14. 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):

15. Other motions

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

16. 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 non-expert discovery already completed.		
- c. The following discovery issues, including issues regarding the discovery of electronically stored information, are anticipated (specify):

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17. 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 90-98 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):

18. Other issues

- The party or parties request that the following additional matters be considered or determined at the case management conference (specify): The City requests that the Court issue a final order on the City's Motion for Summary Adjudication, which was heard on April 16, 2014. The City requests that the Court adopt its tentative ruling. Furhter, the City requests that the Court and the parties discuss the currently set trial date.

19. 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):

20. 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 alternative dispute resolution, 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: November 10, 2014

Steven C. Mitchell

(TYPE OR PRINT NAME)

(TYPE OR PRINT NAME)

▶ 

(SIGNATURE OF PARTY OR ATTORNEY)

▶ _____

(SIGNATURE OF PARTY OR ATTORNEY)

Additional signatures are attached.

ATTACHMENT A – ITEM 4

Brief Statement of the Case

The City of Willits and the Brooktrails Township entered into an Agreement which originated in 1967 pursuant to which the City agreed to treat sewage discharged by Brooktrails' property owners in exchange for Brooktrails reimbursing the City for a percentage of both capital improvements to the sewer plant and for ongoing costs to operate the sewer plant. In 2003, the City acquired land adjacent to the plant needed for a required plant upgrade and for environment mitigation purposes. After representing it would reimburse the City for its fixed percentage of the cost of the land acquisition, Brooktrails ultimately refused to reimburse the City for the same, and thereafter initiated a series of disputes over past, and previously paid, operational cost reimbursement statements.

Brooktrails continued to reimburse the City for both loan reimbursement payments on capital improvements and for ongoing monthly operational costs until October, 2012, when it suddenly and unilaterally decided, as a litigation tactic, to refuse to reimburse the City for any monthly operational costs to operate the sewer plant, and it refused to pay the bulk of loan reimbursement payments for capital improvements. Presently, Brooktrails continues to assess its property owners for the costs it is obligate to reimburse the City to treat Brooktrails' sewage, yet it refuses to pay the City anything to operate the power plant, and has refused to do so since October, 2012, creating a financial hardship for the City and its taxpayers. Brooktrails also now contends that it is entitled to unilaterally change the capital reimbursement percentage rate. The City contends that Brooktrails cannot unilaterally change the reimbursement rate, and that it is legally obligated to reimburse at the same rate for capital costs as it has since 1982.

By its Cross-Complaint, the City seeks to hold Brooktrails liable for its share of the 2003 land acquisition (\$285,386) plus interest, plus attorney's fees. It also seeks both damages and an injunction to compel Brooktrails to pay for ongoing monthly operational costs, which Brooktrails unilaterally stopped paying in October, 2012. The City also seeks declaratory relief, including a declaration as to Brooktrails' obligation to pay for ongoing operational costs, and a declaration that Brooktrails is not entitled to unilaterally change its capital reimbursement percentage rate.

1 **PROOF OF SERVICE**

2 I am employed in the County of Sonoma, State of California. I am over the age of 18 years
3 and not a party to the within action. My business address is Geary, Shea, O'Donnell, Grattan &
4 Mitchell, 37 Old Courthouse Square, Fourth Floor, Santa Rosa, CA 95404.

5 On November 10, 2014, I served the attached:

6 **CASE MANAGEMENT STATEMENT**

7 on the parties to this action by placing a true copy thereof in a sealed envelope, addressed as
8 follows:

9 *****SEE ATTACHED SERVICE LIST*****

10 /X/ (BY MAIL) I placed a copy of the above-described document in sealed envelope, with
11 postage thereon fully prepared for First-Class Mail, addressed to the parties as set forth above, for
12 collection and mailing at Santa Rosa, California, following ordinary business practices. I am
13 readily familiar with the practice of Geary, Shea, O'Donnell, Grattan & Mitchell for processing of
14 correspondence, said practice being that in the ordinary course of business, correspondence is
15 deposited in the United States Postal Service the same day as it is placed for processing.

16 / / (BY ELECTRONIC TRANSMISSION) I caused an electronic copy of the above-described
17 document to be transmitted by e-mail to the address(es) known by or represented to me to be the
18 receiving e-mail(s) of the parties noted above.

19 / / (BY OVERNIGHT DELIVERY) I placed such sealed envelope for collection and mailing by
20 overnight delivery at Santa Rosa, California, within the ordinary business practices of Geary, Shea,
21 O'Donnell, Grattan & Mitchell. I am readily familiar with the practices of Geary, Shea, O'Donnell,
22 Grattan & Mitchell for processing overnight correspondence, said practice being that in the
23 ordinary course of business, correspondence is either picked up by or delivered to the delivery
24 company the same day as it is placed for processing.

25 / / (BY PERSONAL SERVICE) I caused such envelope to be delivered by hand to the parties at
26 the address(es) noted above.

27 /X/ (State) I declare under penalty of perjury, under the laws of the State of California, that the
28 foregoing is true and correct.

/ / (Federal) I declare that I am employed in the office of a member of the bar of this Court at
whose direction the service was made.

Executed at Santa Rosa, California, on November 10, 2014.


Michelle A. Stewart

LAW OFFICES OF
GEARY,
SHEA,
O'DONNELL,
GRATTAN &
MITCHELL
P.C.

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SERVICE LIST

Brooktrails Township Community Services District v. City of Willits
Sonoma County Superior Court Case Number SCV 253175

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