

FILED CM-110  
 Superior Court Of California,  
 Sacramento  
 09/17/2014  
 Jburgos  
 By \_\_\_\_\_, Deputy  
 Case Number:  
 34-2014-00160873

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Patrick Reider, Esq. [SBN 232820] FIRST AMERICAN LAW GROUP 5 First American Way, Santa Ana, CA 92707 TELEPHONE NO: (714) 250-3661 FAX NO. (Optional): (714) 689-4049 E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name): First American Servicing Solutions, LLC		CASE NUMBER: 34-2014-00160873-CU-OR-GDS
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Sacramento STREET ADDRESS: 720 9th Street MAILING ADDRESS: CITY AND ZIP CODE: Sacramento, CA 95814 BRANCH NAME: Gordon D. Schaber Sacramento County Courthouse		
PLAINTIFF/PETITIONER: Thaddeus J. Potocki, et al. DEFENDANT/RESPONDENT: Wells Fargo Bank, N.A., et al.		
<b>CASE MANAGEMENT STATEMENT</b> (Check one): <input checked="" type="checkbox"/> UNLIMITED CASE (Amount demanded exceeds \$25,000) <input type="checkbox"/> LIMITED CASE (Amount demanded is \$25,000 or less)		CASE NUMBER: 34-2014-00160873-CU-OR-GDS
A CASE MANAGEMENT CONFERENCE is scheduled as follows: Date: October 2, 2014 Time: 8:30 AM Dept: 39 Div.: Room: Address of court (if different from the address above): <input checked="" type="checkbox"/> Notice of Intent to Appear by Telephone, by (name): Patrick Reider		

BY FAX

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): Defendant First American Servicing Solutions, LLC
  - 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):
  - The cross-complaint, if any, was filed on (date):
- Service (to be answered by plaintiffs and cross-complainants only)
  - All parties named in the complaint and cross-complaint have been served, 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 date by which they may be served):
- Description of case
  - Type of case in  complaint  cross-complaint (Describe, including causes of action):  
 Complaint filed on 3/27/14 alleged negligence per se, violations of Cal. B&P Code Section 17200, Civ. Code 2924 and 2924.17, and declaratory relief. First amended complaint alleged same plus breach of contract.

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DEFENDANT/RESPONDENT: Wells Fargo Bank, N.A., 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.)
- Plaintiffs contest the assignment of the deed of trust at issue to the current beneficiary and seek to enjoin the non-judicial foreclosure against their real property. Aside from the same five causes of action alleged in the complaint, Plaintiffs allege breach of contract against Wells Fargo Bank only. Plaintiffs seek specific performance, declaratory relief, an injunction barring the foreclosure, and monetary damages.
- (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):  
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): 5  
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: f. Fax number:  
e. 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. **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 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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DEFENDANT/RESPONDENT: Wells Fargo Bank, N.A., et al.	34-2014-00160873-CU-OR-GDS

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 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 type="checkbox"/> Mediation completed on (date):
(2) Settlement conference	<input 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 type="checkbox"/> Settlement conference completed on (date):
(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: Thaddeus Potocki v. Wells Fargo Bank NA
  - (2) Name of court: Superior Court of California, Sacramento County
  - (3) Case number: 34-2010-00087317-CU-OR-GDS
  - (4) Status: Dismissed without Prejudice on February 7, 2014.
- 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):  
Defendant First American plans to file a motion to bifurcate the punitive damages and attorney fees.

15. Other motions

- The party or parties expect to file the following motions before trial (specify moving party, type of motion, and issues):  
Defendant First American plans to file a motion for summary judgment and/or motion for summary adjudication.

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):
 

Party	Description	Date
Defendant First American	Form Interrogatories, Special Interrogatories, Requests for Admission, Requests for Production of Documents	January 2015
Defendant First American	Depositions of parties and witnesses	March 2015
- 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):

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: September 15, 2014

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

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

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

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

Additional signatures are attached.

SHORT TITLE: Potocki v. Wells Fargo Bank	CASE NUMBER: 34-2014-00160873-CU-OR-GDS
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ATTACHMENT (Number): 13a*(This Attachment may be used with any Judicial Council form.)*

## 13. Related cases, consolidation, and coordination

(a) There are companion, underlying or related cases.

(1) Name of case: Thaddeus Potocki v. Wells Fargo Bank NA

(2) Name of court: U.S. District Court - Eastern District of California

(3) Case number: 2:11-cv-02467-JAM-KJN

(4) Status: Terminated December 14, 2011 (CA Superior Court Case No. 34-2010-00087317-CU-OR-GDS was removed to USDC on April 16, 2011 and then remanded to CA Superior Court on December 14, 2011.)

(1) Name of case: Thaddeus Potocki v. Wells Fargo Bank NA

(2) Name of court: U.S. District Court - Eastern District of California

(3) Case number: 2:14-cv-01050-WBS-DAD

(4) Status: Terminated July 22, 2014 (CA Superior Court Case No. 34-2014-00160873-CU-OR-GDS was removed to USDC on April 28, 2014 and then remanded to CA Superior Court on July 22, 2014.)

*(If the item that this Attachment concerns is made under penalty of perjury, all statements in this Attachment are made under penalty of perjury.)*Page 1 of 1*(Add pages as required)*

**PROOF OF SERVICE**

I am employed in the County of Orange, State of California. I am over the age of eighteen years and not a party to the within entitled action; my business address is: 5 First American Way, 4<sup>th</sup> Floor, Santa Ana, CA 92707-5913.

On September 15, 2014, I served the foregoing document(s) described: CASE MANAGEMENT STATEMENT on the interested parties in said action as follows:

By placing  the original  a true copy thereof enclosed in a sealed envelope addressed as follows:

Ted A. Greene, Esq.  
Law Offices of Ted A. Greene, Inc.  
1912 F. Street, Ste. 110  
Sacramento, CA 95811

*Counsel for Plaintiffs  
Thaddeus J. Potocki and  
Kelly R. Davenport*

Daska P. Babcock, Esq.  
Severson & Werson  
One Embarcadero Center, Ste. 2600  
San Francisco, CA 94111

*Counsel for Defendants Wells Fargo  
Bank, N.A. and U.S. Bank, N.A.*

**BY U.S. MAIL** I deposited such envelope in an internal collection basket. The envelope was mailed with postage thereon fully prepaid from Santa Ana, California. I am readily familiar with the firm's practice of collection and processing correspondence for mailing. It is deposited with the U.S. Postal Service on that same day in the ordinary course of business. I am aware that on motion of party served, service is presumed invalid if a postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

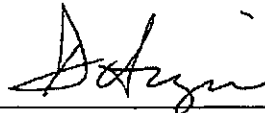
**BY OVERNIGHT DELIVERY** I authorized such envelope to be delivered to an authorized overnight courier or driver authorized to receive documents in an envelope or package with delivery fees paid or provided for, addressed to the person on whom it is to be served, at the office address as last given 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.

**BY HAND DELIVERY** I caused such envelope(s) to be delivered by hand to the office of the addressee(s).

**BY FACSIMILE** I faxed such document from Santa Ana, California to the facsimile number(s) shown on the attached service list.

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

Executed on September 15, 2014, at Santa Ana, California.



Dina Ariza

RECEIVED  
CIVIL DROP BOX

2014 SEP 17 PM 3:01

GDSSO COURTHOUSE  
SUPERIOR COURT  
OF CALIFORNIA  
SACRAMENTO COUNTY