



PLAINTIFF/PETITIONER: West Coast Home Builders, Inc. DEFENDANT/RESPONDENT: City of Benicia	CASE NUMBER: FCS048992
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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.)*  
 West Coast Home Builders, Inc. contends the City violated the California Environmental Quality Act ("CEQA") by certifying an Initial Study / Mitigated Negative Declaration for the City's Transportation & Employment Center Plan ("TEC Plan") and adopting the TEC Plan in May 2017. West Coast Home Builders, Inc. also contends these actions violate an agreement between the City of Benicia and the Solano Transportation Authority. Petitioner seeks writs, injunctive reliefs, and declaratory relief to prevent future damages to its property in the TEC Plan area.  
 *(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)*: 1  
 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)*: Public Resources Code section 21167.1 (CEQA)

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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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 <b>are willing to</b> participate in the following ADR processes ( <i>check all that apply</i> ):	If the party or parties completing this form in the case <b>have agreed to</b> participate in or have already completed an ADR process or processes, indicate the status of the processes ( <i>attach a copy of the parties' ADR stipulation</i> ):
(1) Mediation	<input type="checkbox"/>	<input type="checkbox"/> Mediation session not yet scheduled <input type="checkbox"/> Mediation session scheduled for ( <i>date</i> ): <input type="checkbox"/> Agreed to complete mediation by ( <i>date</i> ): <input type="checkbox"/> Mediation completed on ( <i>date</i> ):
(2) Settlement conference	<input checked="" type="checkbox"/>	<input type="checkbox"/> Settlement conference not yet scheduled <input type="checkbox"/> Settlement conference scheduled for ( <i>date</i> ): <input type="checkbox"/> Agreed to complete settlement conference by ( <i>date</i> ): <input checked="" type="checkbox"/> Settlement conference completed on ( <i>date</i> ): July 10, 2017
(3) Neutral evaluation	<input type="checkbox"/>	<input type="checkbox"/> Neutral evaluation not yet scheduled <input type="checkbox"/> Neutral evaluation scheduled for ( <i>date</i> ): <input type="checkbox"/> Agreed to complete neutral evaluation by ( <i>date</i> ): <input type="checkbox"/> Neutral evaluation completed on ( <i>date</i> ):
(4) Nonbinding judicial arbitration	<input type="checkbox"/>	<input type="checkbox"/> Judicial arbitration not yet scheduled <input type="checkbox"/> Judicial arbitration scheduled for ( <i>date</i> ): <input type="checkbox"/> Agreed to complete judicial arbitration by ( <i>date</i> ): <input type="checkbox"/> Judicial arbitration completed on ( <i>date</i> ):
(5) Binding private arbitration	<input type="checkbox"/>	<input type="checkbox"/> Private arbitration not yet scheduled <input type="checkbox"/> Private arbitration scheduled for ( <i>date</i> ): <input type="checkbox"/> Agreed to complete private arbitration by ( <i>date</i> ): <input type="checkbox"/> Private arbitration completed on ( <i>date</i> ):
(6) Other ( <i>specify</i> ): Please see Response #18, below.	<input checked="" type="checkbox"/>	<input type="checkbox"/> ADR session not yet scheduled <input type="checkbox"/> ADR session scheduled for ( <i>date</i> ): <input type="checkbox"/> Agreed to complete ADR session by ( <i>date</i> ): <input type="checkbox"/> ADR completed on ( <i>date</i> ):

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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> |
|--------------|--------------------|-------------|
|--------------|--------------------|-------------|

- 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 parties have agreed in principle to a temporary stay of this action to allow them to attempt to resolve their dispute. The City has agreed to allow West Coast Home Builders, Inc. to submit comments on the TEC Plan and to schedule public hearings before both the Planning Commission and the City Council to reconsider the TEC Plan as previously adopted, taking into account West Coast Home Builders, Inc.'s comments (as well as any additional comments from the public). The parties are currently negotiating a stipulation and proposed order to implement their agreement.

19. Meet and confer

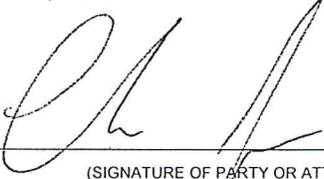
- a.  The party or parties have met and conferred with all parties on all subjects required by rule 3.724 of the California Rules of Court (if not, explain): As discussed above, the parties have agreed in principal to a temporary stay of this action.
- b. After meeting and conferring as required by rule 3.724 of the California Rules of Court, the parties agree on the following (specify):

20. Total number of pages attached (if any): \_\_\_\_\_

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: July 28, 2017

Christopher D. Jensen  
\_\_\_\_\_  
(TYPE OR PRINT NAME)

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

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

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

Additional signatures are attached.

1 **PROOF OF SERVICE**

2 *West Coast Home Builders, Inc. v. City of Benicia*  
3 Solano County Superior Court; Case No. FCS048992

4 **STATE OF CALIFORNIA, COUNTY OF SAN FRANCISCO**

5 At the time of service, I was over 18 years of age and not a party to this action. I  
6 am employed in the County of San Francisco, State of California. My business address  
is 425 Market Street, 26th Floor, San Francisco, CA 94105.

7 On July 28, 2017, I served true copies of the following document(s) described as

8 **CASE MANAGEMENT STATEMENT**

9 on the interested parties in this action as follows:

10 **Attorneys for Respondent and Defendant**  
11 **City of Benicia**

12 Rick W. Jarvis  
13 Jarvis, Fay, Doport & Gibson, LLP  
14 492 Ninth Street, Suite 310  
15 Oakland, CA 94607  
16 Telephone: (510) 238-1400  
17 Facsimile: (510) 238-1404  
18 Email: rick@jarvisfay.com

19 Heather McLaughlin  
20 City Attorney  
21 250 East L Street  
22 Benicia, CA 94510  
23 Telephone: (707) 746-4216  
24 Facsimile: (707) 746-1196  
25 Email: heather.mclaughlin@ci.benicia.ca.us

26 **BY MAIL:** I enclosed the document(s) in a sealed envelope or package  
27 addressed to the persons at the addresses listed in the Service List and placed the  
28 envelope for collection and mailing, following our ordinary business practices. I am  
readily familiar with Hanson Bridgett LLP'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 declare under penalty of perjury under the laws of the State of California that the  
foregoing is true and correct.

Executed on July 28, 2017, at San Francisco, California.

27   
28 Susan Christensen