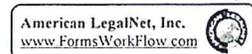


Done - update states per #18  
if less we already have fact.  
TL. @

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): <b>HANSON BRIDGETT LLP</b> Kristina D. Lawson, SBN 221131 Christopher D. Jensen, SBN 235108; Vaneeta Chintamaneni, 303446 425 Market Street, 26th Floor, San Francisco, CA 94105 TELEPHONE NO.: (415) 777-3200 FAX NO. (Optional): (415) 541-9366 E-MAIL ADDRESS (Optional): cjensen@hansonbridgett.com ATTORNEY FOR (Name): Petitioner and Plaintiff West Coast Home Builders, Inc.	FOR COURT USE ONLY  NOV - 6 2017
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF SOLANO</b> STREET ADDRESS: 580 Texas Street MAILING ADDRESS: CITY AND ZIP CODE: Fairfield, CA 94533 BRANCH NAME:	
PLAINTIFF/PETITIONER: West Coast Home Builders, Inc. DEFENDANT/RESPONDENT: City of Benicia	
<b>CASE MANAGEMENT STATEMENT</b> (Check one): <input checked="" type="checkbox"/> <b>UNLIMITED CASE</b> <input type="checkbox"/> <b>LIMITED CASE</b> (Amount demanded exceeds \$25,000) (Amount demanded is \$25,000 or less)	CASE NUMBER: FCS048992
A CASE MANAGEMENT CONFERENCE is scheduled as follows: Date: November 14, 2017 Time: 8:30 a.m. Dept.: 1 Div.: Room: 2 Address of court (if different from the address above): <input checked="" type="checkbox"/> Notice of Intent to Appear by Telephone, by (name): Christopher D. Jensen	

**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): Petitioner and Plaintiff West Coast Home Builders, Inc.
  - 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): June 2, 2017
  - 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 for Declaratory Relief and Injunctive Relief, and Petition for Writ of Mandate for Violation of CEQA and Failure to Comply with STA Agreement.



PLAINTIFF/PETITIONER: West Coast Home Builders, Inc.	CASE NUMBER: FCS048992
DEFENDANT/RESPONDENT: City of Benicia	

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. ("West Coast") contends the City of Benicia ("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 also contends these actions violate an agreement between the City and the Solano Transportation Authority. Petitioner seeks writs, injunctive relief, 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)*:

PLAINTIFF/PETITIONER: West Coast Home Builders, Inc. DEFENDANT/RESPONDENT: City of Benicia	CASE NUMBER: FCS048992
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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 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 type="checkbox"/> Settlement conference completed on ( <i>date</i> ):
(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> ):

PLAINTIFF/PETITIONER: West Coast Home Builders, Inc.	CASE NUMBER: FCS048992
DEFENDANT/RESPONDENT: City of Benicia	

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*):

PLAINTIFF/PETITIONER: West Coast Home Builders, Inc.	CASE NUMBER: FCS048992
DEFENDANT/RESPONDENT: City of Benicia	

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): Pursuant to the stipulation of the parties, the Court entered an order staying this action for 120 days on August 21, 2017. On September 7, West Coast provided additional comments regarding the TEC Plan for the City's consideration. On October 18, the City provided a revised draft of the TEC Plan for West Coast's review. On October 24, West Coast and its counsel met with City staff and counsel for the City to discuss the revised TEC Plan and West Coast's comments. The City's Planning Commission is scheduled to hold a hearing on the revised draft of the TEC Plan on November 9.

19. Meet and confer

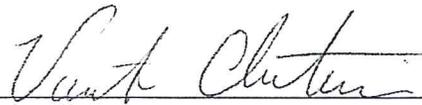
- a.  The party or parties have met and conferred with all parties on all subjects required by rule 3.724 of the California Rules of Court (if not, explain): The parties are engaged in discussions regarding the revised draft of the TEC Plan, and this action is stayed through December 19, 2017.
- b. After 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: October 30, 2017

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

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

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

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

Additional signatures are attached.





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 Los Angeles, CA 90045  
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 Fax: (888) 883-2946  
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*CourtCall Appearance - Service Copy*

This document shall serve as notice of a CourtCall Appearance by the participant listed below in the referenced case. Others wishing to appear remotely should contact CourtCall, LLC at (888) 882-6878 or (310) 342-0888.

Christopher D. Jensen  
 Hanson Bridgett LLP  
 Tel: (415) 777-3200  
 Fax: (415) 541-9366  
 Case Name: West Coast Home Builders vs. City of Benicia  
 Case Number: FCS048992  
 Court Name: Solano County Superior Court (CA)  
 Dept/Judge: 1 / Judge Paul L. Beeman (V)  
 Proceeding: CMC Two  
 Date/Time: Tuesday, November 14th, 2017 at 8:30 AM PT

Per CRC 3.670, effective 7/1/13 the statewide fee for a CourtCall Appearance is \$86.00, \$20.00 of which is for the benefit of the Trial Court Trust Fund.

**Note: this is not a Confirmation of your CourtCall Appearance. Each participant must make his or her own arrangements with CourtCall.**

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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  
7 is 425 Market Street, 26th Floor, San Francisco, CA 94105.

8 On October 30, 2017, I served true copies of the following document(s) described  
9 as

10 **COURTCALL APPEARANCE – SERVICE COPY**  
11 **(Christopher D. Jensen at November 14, 2017 Case Management Conference)**

12 on the interested parties in this action as follows:

13 **Attorneys for Respondent and Defendant City of Benicia:**

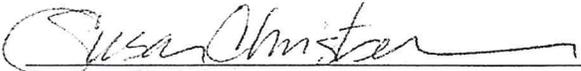
14 Rick W. Jarvis  
15 Jarvis, Fay, Doporto & Gibson, LLP  
16 492 Ninth Street, Suite 310  
17 Oakland, CA 94607  
18 Telephone: (510) 238-1400  
19 Facsimile: (510) 238-1404  
20 Email: rick@jarvisfay.com

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

28 **BY MAIL:** I enclosed the document(s) in a sealed envelope or package  
addressed to the persons at the addresses listed in the Service List and placed the  
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 October 30, 2017, at San Francisco, California.

  
Susan Christensen