

Subject: Re: Del Colliano hearing results

Date: Wednesday, June 17, 2015 at 4:26:01 PM Pacific Daylight Time

From: Francine Kirkpatrick <DrFKirk@verizon.net>

To: lserota@kuluvalaw.com <lserota@kuluvalaw.com>, Larry Friedman <lpfriedman1@gmail.com>, Diana Ungerleider <dianaunger3@gmail.com>, syd.vinnedge@gmail.com <syd.vinnedge@gmail.com>, viwalquist@gmail.com <viwalquist@gmail.com>, Hal Erdley <halerdley@gmail.com>

Hello Lori,

I am writing for myself, Larry Friedman, Diana Ungerleider, Syd Vinnedge and Vi Walquist. I also got in touch with Hal Erdley as he wasn't on your email list and he's the 6th board member. All six of us want you to accept service on our behalf. I hope my email authorization is OK and you don't have to hear from each board member individually. Let us know if you do.

Best regard,

Francine Kirkpatrick

President Pro-tem

Palisair Home Owners Association

From: <lserota@kuluvalaw.com>

Date: Tuesday, June 16, 2015 at 6:47 PM

To: LARRY FRIEDMAN <lpfriedman1@gmail.com>, Diana Ungerleider <dianaunger3@gmail.com>, ">" <drfkirk@verizon.net>, <palisair@gmail.com>, Syd Vinnedge <syd.vinnedge@gmail.com>, <viwalquist@gmail.com>, <jvu@chubb.com>

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All,

This morning's hearing on Plaintiffs' petition to the court to allow them to file a motion to amend the complaint to add the six named individual boardmembers as defendants and to add a cause of action against all defendants for negligent abuse of discretion resulted in the court's denial of the petition. The denial was without prejudice, however, and Mr. Huber seemed intent upon re-filing and re-serving an amended petition to try again. This, in spite of the judge's attempts to dissuade him by advising him that the 2nd amended complaint looked to be demurrable on its face and stating that the Del Collianos would not really benefit from adding the individual boardmembers as defendants in light of the adequate insurance coverage. In light of Mr. Huber's determination to keep trying to bring the six of you in as defendants, I anticipate that he will try to serve another petition in the near future. In order to avoid being personally served again, and having to provide me with copies of what documents were served, I can, with your authority, agree to accept service on your behalf. Please let me know if you would like me to do this and I will so advise Mr. Huber.

The judge did allow Mr. Huber to reserve the date of July 29, 2015 to bring a motion to file a 3rd amended complaint, in which he names only the association, but adds the fifth cause of action for negligent abuse of discretion. We will read that motion when it is served

on our office, and determine what, if any opposition can be made against it.

Finally, the judge continued our **trial to April 25, 2016** and stated somewhat emphatically that this was the type of matter that should be mediated and settled rather than tried. We represented to the court that we were in the process of choosing a mediator and hoped to mediate the matter within the next few months. Mr. Huber advised me after the hearing that he would be sending me the names of two mediators who had dates available in August. One of the two was suggested by me and the other by him. I will research his choice and compare to mine, and will provide Jacyntha with available dates in August from which she can choose according to her availability as well.

I will be taking the deposition of Bobby Rees on Thursday, June 18th and have volume two of Gerry Del Colliano's deposition scheduled for July 6, 2015. All discovery and law and motion completion dates have been continued along with the new trial date. Lori

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