

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state bar number, and address) Mark D. Potter/Russell C. Lundy 166317/195058 Center for Disability Access, LLP 1022 Pennsylvania Avenue, P.O. Box 34606 San Diego, CA 92163-4606 TELEPHONE NO: (619) 291-7593 FAX NO: (619) 725-0720 ATTORNEY FOR (Name): Chris Langer		FOR COURT USE ONLY  <b>F I L E D</b> STEPHEN V. LOVE Clerk of the Superior Court  NOV 13 2002  By: D. CADAVA, Deputy
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO</b> <input checked="" type="checkbox"/> HALL OF JUSTICE, 330 W. BROADWAY, SAN DIEGO, CA 92101-3827 <input type="checkbox"/> NORTH COUNTY DIVISION, 325 S. MELROSE DR., VISTA, CA 92083-6643 <input type="checkbox"/> EAST COUNTY DIVISION, 250 E. MAIN ST., EL CAJON, CA 92020-3941 <input type="checkbox"/> RAMONA BRANCH, 1428 MONTECITO RD., RAMONA, CA 92065-5200 <input type="checkbox"/> SOUTH COUNTY DIVISION, 500 3RD AVE., CHULA VISTA, CA 91910-5649		
PLAINTIFF	Chris Langer	IC JUDGE: Janis Sammartino DEPT: 71
DEFENDANT	James N. Durkin; Joan M. Durkin; Ramzi B. Murad	DATE/TIME OF HEARING: 11-22-02, 2:00 P.M.
<b>EARLY CASE MANAGEMENT CONFERENCE - MEDIATION ASSESSMENT</b> (San Diego Superior Court Rules, Division II, Rule 9.8)		CASE NUMBER: GIC 793200

Are you:  Plaintiff  Defendant  Cross-Complainant  Cross-Defendant

Instructions: This document must be completed by counsel for each party or by each party appearing without an attorney. The original Mediation Assessment must be filed with the department and a copy must be served on all parties in the case AT LEAST FIVE CALENDAR DAYS PRIOR to the Early Case Management Conference. **Parties must also send or fax a copy of the Mediation Assessment to the Mediation Program Office** at the Hall of Justice, 330 W. Broadway, Room 241, San Diego, CA 92101 or fax to 619-531-3750. Please note that this Mediation Assessment **does not replace the Case Management Conference Questionnaire (SDSC CIV-351)**.

1. I am:

an attorney for a party  a party appearing without an attorney

2. What type of case is this:

- |   |   |  |
|---|---|--|
| <input type="checkbox"/> Business/Contract          | <input type="checkbox"/> Medical Malpractice        | <input type="checkbox"/> Personal Injury         |
| <input type="checkbox"/> Construction               | <input type="checkbox"/> Intellectual Property      | <input type="checkbox"/> Motor Vehicle Accident  |
| <input type="checkbox"/> Employment/Labor Relations | <input checked="" type="checkbox"/> Landlord/Tenant | <input type="checkbox"/> Property Damage         |
| <input type="checkbox"/> Government/Public Agency   | <input type="checkbox"/> Professional Negligence    | <input type="checkbox"/> Commercial Real Estate  |
| <input type="checkbox"/> Insurance                  | <input type="checkbox"/> Partnership                | <input type="checkbox"/> Residential Real Estate |

3. What is the nature of the dispute?

The Plaintiff, who is disabled, encountered architectural barriers at the Defendants' public facility, which barriers were in violation of federal and state disability access laws, which violations denied the Plaintiff access to the Defendants' facilities and services.

4. For personal injury cases, please specify damages and medical expenses:

- Are there pre-existing injuries?  YES  NO
- Are there injuries related to the accident?  YES  NO

If yes, describe

- |                                    |  |             |
|------------------------------------|--|-------------|
| • What are the medical damages?    | To date  | Anticipated |
| • Is there loss of income?         | To date  | Anticipated |
| • Is there property damage?        | To date  | Anticipated |
| • Are there other special damages? | To date  | Anticipated |
| • Is liability in question?        | <input type="checkbox"/> YES <input type="checkbox"/> NO |             |

5. What is the relief sought? Please check all that apply:

Damages, Amount To be proven		Specific Performance	
Attorneys fees and costs	X	Injunction	X
Declaratory Relief		Rescission	
Accounting		Other	
Punitive Damages	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		

6. How many parties are involved in this lawsuit? 4  
Is each party represented by a separate attorney?  YES  NO

7. Do you feel that this case would benefit from mediation?  Yes  No

8. Please state why the case is suitable for mediation:  
The issues between the parties are of the type that are susceptible to mediation.

Please state why the case is not suitable for mediation:

9. In your opinion, can you mediate this case in the next 60 days?  Yes  No If no, why not?  
Plaintiff feels that it will not have its discovery completed by and will not be ready for mediation at that time.

10. Discovery:

What discovery has taken place?

Plaintiff has propounded Form Interrogatories, Interrogatories, Requests for Admissions and Requests for Production of Documents; defendants have answered.

What discovery has been scheduled and when?

11. List three nominees who you are willing to have serve as mediator in this case: (please refer to the list of court-approved mediators located in the court's Arbitration/Mediation Office and on the court's web site)  
Robert Ames, Esquire; James G. Ehlers, Esquire; Dennis Fredrickson, Esquire

Questions about the Early Case Management Conference should be directed to the department and phone number on the Notice. Questions about this Mediation Assessment form or the Mediation Pilot Program should be directed to (619) 515-8908.

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

Date: November 12, 2002

Mark D. Potter  
TYPE OR PRINT NAME

  
SIGNATURE OF PARTY OR PARTY'S ATTORNEY