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October 3, 2007

The Honorable Charles D. Wachob  
Judge of the Superior Court  
Placer Superior Court  
Historic Courthouse  
101 Maple Street  
Auburn, California 95603

Commissioner Margaret Wells  
Placer Superior Court  
Historic Courthouse  
101 Maple Street  
Auburn, California 95603

Re: Meadow Vista Protection v. Chevreaux Aggregates, Inc., et al.  
(Placer Superior Court No. SCV 19614)

Dear Judge Wachob and Commissioner Wells:

We represent Defendant Chevreaux Aggregates, Inc. in the above matter which is set for trial before Judge Wachob on November 13, 2007. We are writing because there are some inconsistent orders concerning plaintiff Meadow Vista Protection's lack of counsel. The chronology in this matter is as follows:

July 12, 2006 – Complaint filed; plaintiff Meadow Vista Protection (“MVP”) is a California corporation. Complaint, ¶10.

January, 2007 – Trial set for June 11, 2007.<sup>1</sup>

March 16, 2007 – MVP moves to continue trial date.

April 24, 2007 – Motion To Continue Trial Date granted; trial eventually reset for November 13, 2007.

June 29, 2007 – My law firm, Jeffer, Mangels, Butler & Marmaro LLP assumes responsibility for the defense of this matter on behalf of defendant Chevreaux Aggregates, Inc.

August 1, 2007 – MVP's then counsel, The Zumbrun Law Firm, moves to withdraw.

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<sup>1</sup> We were not attorneys of record for Chevreaux when the original trial date was set and we do not know the exact date on which the trial was set.

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August 21, 2007 – Jeff Evans, President of MVP, files a pleading opposing The Zumbrun Law Firm's Motion To Withdraw.

August 28, 2007 – The Zumbrun Law Firm's Motion To Withdraw is granted. Judge Wachob on his own motion sets an Order To Show Cause Re Substitution Of Counsel for September 25, 2007.

September 17, 2007 – Notice Of Entry Of Order Allowing Zumbrun To Withdraw.

September 25, 2007 – Judge Wachob's Order To Show Cause is heard by Commissioner Wells who continues to matter until October 23, 2007 at 11:30 a.m.

September 25, 2007 – Superior Court Clerk serves Notice To Appear on October 30, 2007 at 11:30 a.m. in Dept. 7 before "DeWitt."<sup>2</sup>

September 27, 2007 – Chevreaux files a Motion To Dismiss The Complaint On The Grounds That MVP Is Not Represented By Counsel – set for hearing on October 23, 2007 before Commissioner Wells.

October 19, 2007 – Mandatory Settlement Conference in Auburn.

October 23, 2007 – Hearing date for OSC based on Commissioner Wells' ruling on September 25, 2007 and hearing date of Chevreaux's Motion To Dismiss.

October 30, 2007 – Hearing date on Notice To Appear according to Clerk's Notice filed September 25, 2007.

Our concern, based on the above, is that the return on what was originally Judge Wachob's Order To Show Cause and eventually became Commissioner Wells' Order To Show Cause is October 23, 2007 whereas the Clerk has sent a Notice To Appear on October 30, 2007. We are unsure at which hearing we are required to appear. Moreover, the Mandatory Settlement Conference is scheduled for October 19, 2007 and will be of little value if MVP does not intend to retain new counsel or if it does but after the settlement conference. In other words, it seems unlikely that the case can settle without MVP being represented.

We obviously do not know MVP's intentions in this matter although its website indicates that the deadline to raise money for a retainer for new counsel has expired. Unfortunately, the Court's current schedule to decide whether this action will proceed appears to be set for October 30, 2007 which is only two weeks before trial which will seriously prejudice Chevreaux if the case goes forward.

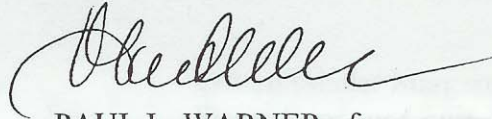
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<sup>2</sup> I apologize for my inability to identify "DeWitt." On the Placer County Superior Court website, Department 7 is listed for Commissioner Wells and there is no "DeWitt." listed as either a Judge or Commissioner.

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In all events, we request a clarifying Order as to exactly when the Court would like an appearance, if at all, on the issue of MVP's lack of counsel.

Very truly yours,



PAUL L. WARNER of  
Jeffer, Mangels, Butler & Marmaro LLP

PLW:lmc

cc: Jeff Evans, President – Meadow Vista Protection  
Chevreaux Aggregates, Inc.