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8 Attorneys for Plaintiffs Christopher Ellis, Bradley D. Elow,  
9 Robert Finch and Howard LaBore individually, and on  
10 behalf of all others similarly situated

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13 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
14 **FOR THE COUNTY OF SAN DIEGO**

15 CHRISTOPHER ELLIS, BRADLEY D. ELOW, )  
16 ROBERT FINCH and HOWARD LaBORE, )  
17 individually, and on behalf of all others similarly )  
18 situated, )

19 Plaintiffs, )

20 v. )

21 JACKSON, DeMARCO, TIDUS & )  
22 PECKENPAUGH, A LAW CORPORATION, )  
23 GREGORY GLENN PETERSEN, an individual, )  
24 CHRISTOPHER D. NISSEN, an individual, )  
25 BRADLEY MATHEWS, an individual, )  
26 STEPHENEY R. WINDSOR, an individual, )  
27 MICHAEL ANTHONY JENKINS, an individual, )  
28 and DOES 1-50, )

Defendants. )

CASE NO: 37-2010-00086284-  
CU-PN-CTL

NOTICE OF MOTION AND  
MOTION FOR CLASS  
CERTIFICATION

Date: November 19, 2010  
Time: 10:00 a.m.  
Judge: Hon. Ronald S. Prager  
Dept: C-71  
Complaint Filed: February 24, 2010  
Trial: July 15, 2011

29 **TO ALL PARTIES AND TO THEIR COUNSEL OF RECORD:**

30 **NOTICE IS HEREBY GIVEN** that on November 19, 2010, at 10:00 a.m., or as soon  
31 thereafter as counsel may be heard in Department C-71 of the above-entitled court, located at 330  
32 West Broadway, San Diego, California, plaintiffs Christopher Ellis, Bradley D. Elow, Robert  
33 Finch and Howard LaBore will move, pursuant to Code of Civil Procedure section 382, and  
34 hereby do move, on behalf of themselves and all others similarly situated, for an order:

35 1. Determining that a class action is proper as to the negligence cause of action, the  
36 sole cause of action asserted in the Complaint.

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2. Certifying a plaintiff class defined as follows:

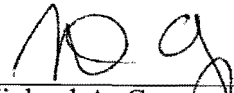
“All Safety Members in the San Diego Police Officers Association who began their employment for the City of San Diego before July 1, 2005, and have retired, or will retire, after July 1, 2009, except present clients of Gregory G. Petersen.”

3. Appointing Christopher Ellis, Bradley D. Elow, Robert Finch and Howard Labore as class representatives and Michael A. Conger as class counsel.

This motion is made on the ground that class action treatment is proper in this case. The motion will be based upon this Notice and the accompanying Memorandum of Points and Authorities in Support of Plaintiffs’ Motion for Class Certification, Declaration of Michael A. Conger in Support of Plaintiffs’ Motion for Class Certification, Declaration of Jeff Jordon in Support of Motion for Certification of Class Action, Request for Judicial Notice in Support of Plaintiffs’ Motion for Class Certification, and Notice of Lodgment in Support of Plaintiffs’ Motion for Class Certification, all served and filed herewith, the pleadings and records on file herein, and on such oral and documentary evidence as may be presented to the court upon hearing of this motion.

Dated: October 15, 2010

**LAW OFFICE OF MICHAEL A. CONGER**

By:   
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Michael A. Conger  
Attorney for Plaintiffs