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LEGAL PROCESS #1

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9 David E. Ernce and Lynn Trinka Ernce

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SUPERIOR COURT OF THE STATE OF CALIFORNIA  
COUNTY OF SACRAMENTO

11 MJB/BIXBY CONSTRUCTION, INC.,

12 Plaintiff,

13 v.

14 DAVID AND LYNN ERNCE,

15 Defendants.

Case No. 01AS07168

**NOTICE OF RELATED CASES**

[Related Case No. 01AM06877]

16 DAVID E. ERNCE and LYNN TRINKA  
17 ERNCE,

18 Cross-Complainants,

19 v.

20 MJB/BIXBY CONSTRUCTION, INC.,  
21 a corporation and MARK J. BIXBY,  
22 individually and dba BIXBY  
23 CONSTRUCTION,

24 Cross-Defendants.

1 **TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD IN THE CASES**  
2 **LISTED BELOW:**

3 NOTICE IS HEREBY GIVEN, pursuant to California Rules of Court, Rule 804,  
4 that the following related actions or proceedings are currently pending:

5 1. Deborah Doty and Robert Doty v. Mark J. Bixby, MJB/Bixby  
6 Construction, et al., Case No. 01AM06877, filed on August 31, 2001, renumbered as Case No.  
7 01AS07640. This case is related to the above-captioned case in that both cases:

8 (a) involve some of the same parties, namely MJB/Bixby Construction,  
9 Inc. and Mark J. Bixby (together, "Bixby"); and

10 (b) are based on some of the same or similar claims, including, but  
11 not limited to, claims for unfair competition against Bixby under Business and Professions Code  
12 section 17200.

13 2. David E. Ernce and Lynn Trinka Ernce v. MJB/Bixby Construction, Inc.,  
14 Case No. 01CS01368, filed on September 21, 2001. This case is related to the above-captioned  
15 case in that it involves the same parties and the same property, transaction or event. The case has  
16 proceeded to judgment but remains an open case file at this time.

17 Dated: July 11, 2002

ORRICK, HERRINGTON & SUTCLIFFE LLP

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19 

Norman C. Hile

Margaret Carew Toledo  
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David E. Ernce and Lynn Trinka Ernce

1 **PROOF OF SERVICE BY MAIL**

2 I am a citizen of the United States, more than eighteen years old and not a party to  
3 this action. My place of employment and business address is 400 Capitol Mall, Suite 3000,  
4 Sacramento, California 95814.

5 On July 11, 2002, I served the foregoing: **NOTICE OF RELATED CASES**  
6 by placing a true copy of this letter in envelopes addressed:

7  
8 Edward R. Brenner  
9 Law Offices of Edward R. Brenner  
10 California Plaza  
2180 Harvard Street, Suite 560  
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(Case No. 01AS07168)

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(Related Case No. 01AS07640)

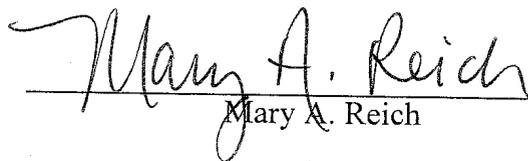
16 Allan Owen  
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Registered Agent for Service of Process for  
MJB/Bixby Construction, Inc.  
(Related Case No. 01CS01368)

18  
19 and then sealing the envelopes, affixing adequate first-class postage and depositing them in the  
20 United States mail at Sacramento, California.

21 Executed on July 11, 2002 at Sacramento, California.

22 I declare under penalty of perjury under the laws of the State of California and  
23 these United States that the foregoing is true and correct.

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26 \_\_\_\_\_  
Mary A. Reich