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Attorney for Plaintiff,
Catherine. RUCKER

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF MARIN**

Catherine RUCKER, an individual,)	Case No.: CV 0001667
)	
Plaintiff,)	
)	
vs.)	CERTIFICATE RE
)	COMPLIANCE WITH ADR
)	REQUIREMENTS (CC §§5930, 5950);
POINTE MARIN ASSOCIATION, a non-)	
profit mutual benefit corporation; DOES 1-10,)	
inclusive,)	
)	
Defendants.)	JUDGE: Hon. Sweet

DEPT: E

Complaint Filed: 12/21/2023 _
Trial Date: not yet set

1 **CERTIFICATION**

2 Alternative dispute resolution (“ADR”) is not required prior to filing the complaint in
3 this action because:

- 4 1. The other party to this dispute did not accept the terms offered for alternative
5 dispute resolution.
6 2. Preliminary and temporary injunctive relief is necessary. Plaintiff will be
7 seeking such relief pursuant to an ex parte application, which will be filed
8 shortly hereafter.
9

10 **FACTS**

11 **A. Association Did Not Accept the Terms Plaintiff Offered For Alternative**
12 **Dispute Resolution.**

13 Pursuant to Civil Code Section 5950(a), the Plaintiff, Catherine Rucker, has satisfied
14 the condition of “One of the other parties to the dispute did not accept the terms offered for
15 alternative dispute resolution.” See Civil Code Section 5950(a)(1).

16 On August 10, 2023, the Plaintiff, Catherine Rucker, served her “Request for ADR”
17 on the Pointe Marin Association (PMA). However, (PMA) did not accept the terms for the
18 Plaintiff’s “Request for ADR” within 30 days. See the Civil Code Section 5935 “Request for
19 Resolution” requirements and attached Plaintiff’s “Request for ADR” (Aug. 10, 2023).

20 With this rejection of Plaintiff’s offer of ADR, Plaintiff has complied with the
21 requirements under Civil Code sections 5930, 5950.

22 **B. Preliminary and Temporary Injunctive Relief is Necessary.**
23

24 In addition, the Civil Code Section 5950(a)(3) additional condition of “Preliminary or
25 temporary injunctive relief is necessary” is also satisfied because on October 16, 2023, the
26 PMA issued a “call for candidates” for an election to conclude on February 8, 2024 – that will
27 fill the three Director positions that are “other than” the two Director positions that are being
28 held by Pat Eklund and Michael Christian, which expired in May 2023 – and the Plaintiff’s

1 civil suit calls for an election to fill those two Director positions as soon as possible. (Note:
2 the PMA Director terms last for 2 years, and PMA Directors Pat Eklund and Michael
3 Christian were elected to their positions on May 13, 2021.)

4 Immediate preliminary and temporary injunctive Relief is necessary to enjoin the
5 Association from conducting an election using those Election Rules.

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7 Dated: December 21, 2023

Respectfully submitted,

8 *Edward M Teyssier*

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10 _____
11 Edward M. Teyssier.
12 Attorney for Plaintiff,
13 Catherine L. Rucker
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