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5 SUPERIOR COURT OF CALIFORNIA, COUNTY OF TUOLUMNE
6

7 Sierra Park Services, Inc.,) No: SC19415
8 Plaintiff,)
9 vs.) AMENDMENT 2 TO REVISION 16 OF
10 Edward E. Cole and Marjorie Cole,) DEFENDANTS' TRIAL BRIEF
11 Defendants.)
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PREFACE

Amendment 2 to the Defendants' Trial Brief Revision 16 is presented to address:

1) The section herein titled "Dishonesty and Illegal Activity – Plaintiff" amends, supersedes and replaces the like named section in the Defendants' Trial Brief Revision 16 filed with the court.

Exhibit AL-2 has been added to support Amendment 2.

Amendment 1 to the Defendants' Trial Brief Revision 16 and all other sections of the Defendants' Trial Brief Revision 16 and all Exhibits filed with the court remain intact and should be used from those filings.

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8 **II. STATEMENT OF THE AMENDED FACTS.**

9 **Dishonesty and Illegal Activity – Plaintiff**

10 Beyond the causes of dishonesty and illegal operation brought forth throughout this brief,
11 other causes exist:

12 Cause 1 – Conflict of Interest – The plaintiff is in violation of its own bylaws, Section 13,
13 Conflict of Interest Policy (Exhibit AH, Page 5, Section 13, Conflict of Interest Policy), having
14 three of its BOD members (Exhibit AI – Plaintiff’s Newsletter, August 2016, Top of Page 1) also
15 sitting on the Sierra Park Water Company, Inc. BOD (Exhibit AJ – Sierra Park Water Company,
16 Inc. Newsletter, August 2016, Top of Page 1) and not abstaining from conflicting matters.
17 Example: The allocation of the caretaker’s hours split between the Plaintiff and Sierra Park
18 Water Company has been in question in CUPC Case 12-03-017, however the three BOD
19 members’ serving on both BODs have not abstained from ongoing matters involving the
20 documentation of the distribution and allocation of the caretaker’s hours past and present.

21 Cause 2 – T. M. Lechner departed the Plaintiff’s BOD on May 29, 2016 (Exhibit AK -
22 Plaintiff’s Annual Meeting Minutes – May 29, 2016, Page 3, Election of Board of Directors).

23 The Plaintiff’s Claim and ORDER to Go to Small Claims Court, SC-100, contains an
24 evidence page (Exhibit AL, Page 7) that absolutely identifies T. M. Lechner’s position as the
25 “Small Claims Court Advisory Director”. Note: Since the available copy of the evidence page

1 is obscured, the evidence page from a related case is also presented (Exhibit AL-1, Page 7). The
2 Plaintiff's Bylaws define Advisory Directors: "The Board of Directors from time to time may
3 elect one (1) or more persons to be advisory directors, who shall not by such appointment be
4 members of the Board of Directors." (Exhibit AH, Page 6, Section 18, Advisory Directors.). On
5 August 6, 2016 the Plaintiff's BOD appointed Michael Lechner to the BOD. The minutes
6 published in the Plaintiff's August 2016 Newsletter state: "Vice President of Assessments –
7 Michael Lechner – The Board requested that Michael serve in a limited role for one transition
8 year, and he accepted. His efforts will focus on collection of past-due accounts" (Exhibit AI,
9 Page 4., Directors' Reports, Vice President of Assessments (second paragraph from the bottom)).
10 In that "limited roll", Michael Lechner's activities have been limited to; appearing in Small
11 Claims Court representing the Plaintiff for SC19415, SC19417, SC19407, SC19411, SC19409,
12 SC19410, SC19418, filing Requests for Dismissal for SC19416, SC19419 and writing a demand
13 letter related to SC19419 (Exhibit AL-2). T. M. Lechner (Michael Lechner) filing and/or
14 representing the plaintiff in this small claims action is in violation of Code of Civil procedure,
15 Section 116.540 (a) and 116.540 (b) (Exhibit AM, Page 1)

16
17 **V. INDEX OF ADDED EXHIBITS.**

18 Exhibit AL-2 – Plaintiff's Demand Letter related to SC19419 – October 27, 2016
19

20 **VI. ACKNOWLEDGEMENT.**

21 The Brief and Amendment 1 to Revision 16 of Defendants' Trial Brief is the result of a
22 collaborative effort between parties currently being sued by the Plaintiff in Small Claims Court,
23 two past OFSRA Presidents (Charles Varvayanis and Fred Coleman), one past OFSRA Vice
24 President (Steve Wallace), one past OFSHA BOD member Larry Vaughn) and an external party
25 familiar with the Plaintiff and the subdivision. A portion of the information used in the Brief and

1 Amendment 1 to Revision 16 of Defendants' Trial Brief was learned from two additional past
2 OFSRA Presidents, several additional past OFSRA and OFSHA BOD members and greater than
3 twenty past and present parcel owners in the subdivision.

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5 **VII. VERIFICATION.**

6 We are the Defendants in the above matter; the statements in the foregoing document are
7 true of our knowledge.

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9 DATED: November 13, 2016

Respectfully submitted,

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12 By: _____
13 Edward E. Cole
14 Marjorie Cole
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