

ATTORNEY OR PARTY WITHOUT ATTORNEY (NAME, ADDRESS, PHONE) ADAM J. STEWART # 167403 MOORAD, CLARK & STEWART 1301 L STREET, STE. 1, MODESTO, CA 95354 Attorney for: PLAINTIFF, SHARON ROCHA	FOR COURT USE ONLY FILED 03 SEP 26 PM 2:40 CLERK OF THE SUPERIOR COURT COUNTY OF STANISLAUS <i>S. Kennedy</i> DEPUTY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STANISLAUS Street Address: 800 11th Street, Modesto, CA 95354 Civil Clerk' Office: 1100 I Street, P.O. Box 1098, Modesto, CA 95353	
Plaintiff: SHARON ROCHA Defendant: SCOTT PETERSON	
NOTICE OF CASE MANAGEMENT CONFERENCE	CASE NUMBER 841803

1. NOTICE is given that a Case Management Conference has been scheduled as follows:

Date: 1/23/04	Time: 9:30	Dept: 15	Room:
Address of court <input type="checkbox"/> shown above <input type="checkbox"/> is:			

2. You must file and serve a completed *Case Management Conference Questionnaire* at least **fifteen (15)** days before the case management conference.
3. You must be familiar with the case and be fully prepared to participate effectively in the case management conference.
4. At the case management conference the court may make pretrial orders, including the following:
 - a. An order establishing a discovery schedule.
 - b. An order referring the case to arbitration.
 - c. An order dismissing fictitious defendants.
 - d. An order scheduling exchange of expert witness information.
 - e. An order setting subsequent conferences and the trial date.
 - f. Other orders to achieve the goals of the Trial Court Delay Reduction Act (Gov. Code, § 68600 et seq.).

Date: **SEP 26 2003**

Clerk, by *Stephanie Kennedy* Deputy
STEPHANIE KENNEDY

—SANCTIONS—

If you do not file the *Case Management Conference Questionnaire* required by local rule, or attend the case management conference or participate effectively in the conference, the court may impose sanctions (including dismissal of the case, striking of the answer, and payment of money).

NOTICE OF CASE MANAGEMENT CONFERENCE

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state bar number, and address): ADAM J. STEWART, ESQ. #167403 MOORAD, CLARK & STEWART 1301 L Street, Suite 1 Modesto, CA 95354 TELEPHONE NO.: (209) 526-0522 FAX NO.: (209) 526-4703 ATTORNEY FOR (Name):		FOR COURT USE ONLY <p style="text-align: center; font-size: 24pt; font-weight: bold;">FILED</p> <p style="text-align: center; font-size: 18pt;">03 SEP 26 PM 2: 36</p>	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Stanislaus STREET ADDRESS: 1100 I Street MAILING ADDRESS: P. O. Box 1098 CITY AND ZIP CODE: Modesto, CA 95354 BRANCH NAME: Modesto Branch		CLERK OF THE SUPERIOR COURT COUNTY OF STANISLAUS BY <u>U.S.K.</u> DEPUTY	
CASE NAME: Rocha v. Peterson, et al		CASE NUMBER: 341803	
CIVIL CASE COVER SHEET <input checked="" type="checkbox"/> Unlimited (Amount demanded exceeds \$25,000)		<input type="checkbox"/> Limited (Amount demanded is \$25,000 or less)	
<input type="checkbox"/> Counter		<input type="checkbox"/> Joinder Filed with first appearance by defendant (Cal. Rules of Court, rule 1811)	
		JUDGE: _____ DEPT.: _____	

All five (5) items below must be completed (see instructions on page 2).

1. Check one box below for the case type that best describes this case:

Auto Tort <input type="checkbox"/> Auto (22) <input type="checkbox"/> Uninsured motorist (46) Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort <input type="checkbox"/> Asbestos (04) <input type="checkbox"/> Product liability (24) <input type="checkbox"/> Medical malpractice (45) <input type="checkbox"/> Other PI/PD/WD (23) Non-PI/PD/WD (Other) Tort <input type="checkbox"/> Business tort/unfair business practice (07) <input type="checkbox"/> Civil rights (08) <input type="checkbox"/> Defamation (13) <input type="checkbox"/> Fraud (16) <input type="checkbox"/> Intellectual property (19) <input type="checkbox"/> Professional negligence (25) <input type="checkbox"/> Other non-PI/PD/WD tort (35) Employment <input type="checkbox"/> Wrongful termination (36) <input type="checkbox"/> Other employment (15)	Contract <input type="checkbox"/> Breach of contract/warranty (06) <input type="checkbox"/> Collections (09) <input type="checkbox"/> Insurance coverage (18) <input type="checkbox"/> Other contract (37) Real Property <input type="checkbox"/> Eminent domain/Inverse condemnation (14) <input type="checkbox"/> Wrongful eviction (33) <input type="checkbox"/> Other real property (26) Unlawful Detainer <input type="checkbox"/> Commercial (31) <input type="checkbox"/> Residential (32) <input type="checkbox"/> Drugs (38) Judicial Review <input type="checkbox"/> Asset forfeiture (05) <input type="checkbox"/> Petition re: arbitration award (11) <input type="checkbox"/> Writ of mandate (02) <input type="checkbox"/> Other judicial review (39)	Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 1800-1812) <input type="checkbox"/> Antitrust/Trade regulation (03) <input type="checkbox"/> Construction defect (10) <input type="checkbox"/> Mass tort (40) <input type="checkbox"/> Securities litigation (28) <input type="checkbox"/> Environmental/Toxic tort (30) <input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41) Enforcement of Judgment <input type="checkbox"/> Enforcement of judgment (20) Miscellaneous Civil Complaint <input type="checkbox"/> RICO (27) <input checked="" type="checkbox"/> Other complaint (not specified above) (42) Miscellaneous Civil Petition <input type="checkbox"/> Partnership and corporate governance (21) <input type="checkbox"/> Other petition (not specified above) (43)
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2. This case is is not complex under rule 1800 of the California Rules of Court. If case is complex, mark the factors requiring exceptional judicial management:

a. <input type="checkbox"/> Large number of separately represented parties	d. <input type="checkbox"/> Large number of witnesses
b. <input checked="" type="checkbox"/> Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve	e. <input type="checkbox"/> Coordination with related actions pending in one or more courts in other counties, states or countries, or in a federal court
c. <input type="checkbox"/> Substantial amount of documentary evidence	f. <input type="checkbox"/> Substantial post-judgment judicial supervision

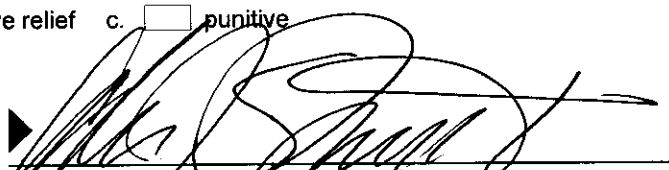
3. Type of remedies sought (check all that apply):
 a. monetary b. nonmonetary; declaratory or injunctive relief c. punitive

4. Number of causes of action (specify): One

5. This case is is not a class action suit.

Date: September 25, 2003

ADAM J. STEWART, ESQ. #167403
 (TYPE OR PRINT NAME)


 (SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate, Family, or Welfare and Institutions Code). (Cal. Rules of Court, rule 201.8.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 1800 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a complex case, this cover sheet shall be used for statistical purposes only.

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7 Attorneys for Plaintiff, SHARON ROCHA

FILED
03 SEP 26 PM 2: 36

CLERK OF THE SUPERIOR COURT
COUNTY OF STANISLAUS

BY W. Kennedy DEPUTY

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 IN AND FOR THE COUNTY OF STANISLAUS

10 SHARON ROCHA,
11 Plaintiff,
12 v.
13 SCOTT PETERSON
14 and DOES 1 through 50, inclusive,
15 Defendants.

CASE NO. 841803

COMPLAINT FOR IMPOSITION OF AN
INVOLUNTARY TRUST
(Civil Code §2225)

17 INTRODUCTION

18 Plaintiff, Sharon Rocha, is the natural mother and beneficiary of the estate of decedent/victim
19 Laci Peterson and authorized by law to bring a civil action pursuant to California Civil Code §2225.
20 Plaintiff is a proper person as a family member who is described in Civil Code of Procedures §377.60
21 and §377.10 and also Probate Code §6402(a) and is therefore a "beneficiaries" as defined in Civil Code
22 §2225(a)(4).

23 Plaintiff is authorized to require that "proceeds and/or profits" received by a person against whom
24 an indictment or information for a felony has been filed in Superior Court to be subject to a constructive
25 trust. This is intended to prevent any waste of proceeds or profits that would be received by defendant.
26 Plaintiff is authorized to bring this action as there is probable cause to believe proceeds or profits would
27 be subject to an involuntary trust should said defendant, Scott Peterson, be convicted.

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1 **FIRST CAUSE OF ACTION**

2 **IMPOSITION OF CONSTRUCTIVE TRUST**

3 1. Scott Peterson is an individual against whom an indictment or information for a felony
4 has been filed in Superior Court, State of California, County of Stanislaus. To wit, murder of decedent,
5 Laci Peterson and her unborn child, Connor Peterson.

6 2. Does 1 through 50 are the fictitious names of individuals, corporations, partnerships and
7 other legal entities who are agents, servants, employees or representatives of Scott Peterson within the
8 meaning of Civil Code §2225(a).

9 3. Said unnamed Doe defendants have acted in concert or are expected to act in concert
10 with defendant Peterson, who will receive "proceeds or profits" as defined by Civil Code
11 §2225(a)(9)(10) by designation of Peterson, or on behalf of Peterson, or in the stead of Peterson, whether
12 by Peterson's designation or by operation of law.

13 Because Plaintiff presently is uninformed as to the true names and capacities of these
14 defendants, Plaintiff sues them herein by fictitious names, but will seek leave to amend the Complaint
15 when their true names are discovered.

16 4. Plaintiff is informed and believes and thereon alleges that defendant Peterson, or
17 defendants Does 1 through 50, as well as representatives of Scott Peterson, have solicited, arranged
18 payment for, received, or will in the future receive "income and profits" from the sale of rights, the value
19 of which is enhanced by the notoriety gained from being a person against whom an indictment or
20 information for a felony has been filed in Superior Court.

21 5. Plaintiff is further informed and believes and thereupon alleges that defendant Scott
22 Peterson or defendants Does 1 through 50, as representatives of Scott Peterson have solicited, arranged
23 payment for, received, or will in the future receive "proceeds" from the sale of rights to or materials that
24 include or are based on the story of a felony for which Peterson is charged with and may ultimately be
25 convicted.

26 6. Defendant Scott Peterson and Does 1 through 50 hold all such income or expected
27 income as involuntary trustees for the benefits of the family members of the victim, Laci Peterson, who
28 are beneficiaries within the meaning of Civil Code §2225(a)(4)(a) through (c). Plaintiff is informed and

1 believes and thereon alleges that the "proceeds" and "profits" described above may be subject to waste.

2 Wherefore Plaintiff prays for judgment against defendants as follows:

3 1. That the court grant a preliminary injunction against defendant Scott Peterson, a person
4 against whom an indictment or information for a felony has been filed enjoining defendant and of each
5 of them from expending, disbursing, transferring or otherwise utilizing such incomes, funds or assets
6 without the express authorization of this court.

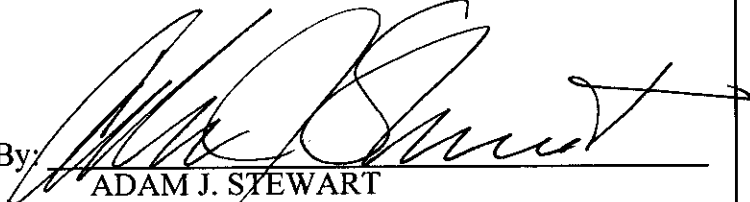
7 2. For an order declaring that defendant and each of them hold all income received to
8 date and that all income to be received in the future by defendant Scott Peterson or Does 1 through 50
9 as representatives of defendants in all of those "profits and proceeds" as defined in Civil Code
10 §2225(a)(9)(10) in trust for the benefit of the victim's beneficiaries.

11 3. For an order declaring that all such trust funds and assets be placed in and deposited in
12 a bank and held in trust by the bank, as trustee, until an order of disposition is made by this court.

13 4. For such other and further relief as may be just and proper.

14
15 DATED: 9/24/03

MOORAD, CLARK & STEWART

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18 By: 
19 ADAM J. STEWART
20 Attorney for Plaintiff
21 SHARON ROCHA
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