

CAPOBIANCO LAW OFFICES, P.C.  
A PROFESSIONAL CORPORATION

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8 Trilogy at La Quinta Maintenance Association

9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
10 **COUNTY OF RIVERSIDE**

12 TRILOGY AT LA QUINTA  
13 MAINTENANCE ASSOCIATION, a  
14 California nonprofit mutual benefit  
15 corporation,

15 Plaintiff,

16 v.

17 STRATOSPHERIC HOLDINGS 4, LLC, a  
18 Michigan limited liability company; CBGM,  
19 LLC, a California limited liability company;  
20 JOSH GROSSMAN, an individual;  
21 THOMAS BROWN, an individual; and  
22 DOES 1 through 25 inclusive,

22 Defendants.

Case No. CVPS2103761

[Assigned to the Hon. Carol A. Greene]

**DECLARATION OF BRIAN  
MOONEY IN SUPPORT OF  
PLAINTIFF'S EX PARTE  
APPLICATION FOR AN ORDER  
TO SHOW CAUSE RE CONTEMPT  
AND OTHER RELIEF**

**Date:** Oct. 28, 2021  
**Time:** 8:30 a.m.  
**Department:** 5

**Complaint filed:** July 22, 2021  
**Trial date:** None

**DECLARATION OF BRIAN MOONEY**

I, Brian Mooney, declare as follows:

1. I am the president of the Board of Directors of Trilogy at La Quinta Maintenance Association (“*Trilogy*”), plaintiff in this action and the homeowners’ association that oversees the Trilogy at La Quinta residential community. I have personal knowledge of facts stated in this declaration and they are true to the best of my knowledge. I am competent to testify to the facts stated in this declaration.

2. The owners of the Coral Mountain Golf Course (the “*Golf Course*”) previously announced that reseeded of the Golf Course would begin September 20, 2021, since which time the Golf Course has been closed. During the 14 years that I have owned a residence at Trilogy at La Quinta, the Golf Course has been “scalped” and reseeded every winter, without exception. The process typically takes about four weeks to the best of my recollection.

3. From my perspective, it is apparent that the reseeded process is not moving in a normal timeframe and it is unlikely, based on my experiences as a Trilogy homeowner and consistent with past practice, that the Golf Course will be able to open in the normal course before mid- to late November. The Golf Course has been closed since September 20, 2021, yet the owners have not planted new seed as of October 26, 2021, let alone commenced the rewatering process that would allow the winter grass to grow.

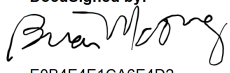
4. As a result, the Golf Course is rapidly drying out and has become an unsightly nuisance and potential fire hazard. The Trilogy board has received numerous complaints about this situation from homeowners who are concerned that the actions of CBGM, LLC are endangering property values, the saleability of homes and the attractiveness of the community. Thus, the refusal of the Golf Course owners to complete reseeded and rewater and reopen the Golf Course are threatening irreparable harm to Trilogy’s homeowners.

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I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed at La Quinta, California this 26th day of October 2021.

DocuSigned by:  
  
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Brian Mooney