

**SUMMONS
(CITACION JUDICIAL)**

COPY

SUM-100

NOTICE TO DEFENDANT: ROBBINS BROS. CORPORATION;
(AVISO AL DEMANDADO): ROBBINS BROS. JEWELRY, INC.; and
DOES 1 to 50, Inclusive

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)

**CONFORMED COPY
OF ORIGINAL FILED**
Los Angeles Superior Court

AUG 11 2010

John A. Clarke, Executive Officer/Clerk
By SHAUNYA WESLEY, Deputy

YOU ARE BEING SUED BY PLAINTIFF: JOSEPH CANDELARIA, on
(LO ESTÁ DEMANDANDO EL DEMANDANTE): behalf of himself
and others similarly situated,

NOTICE! You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association. **NOTE:** The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case. **¡AVISO!** Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.sucorte.ca.gov), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.sucorte.ca.gov) o poniéndose en contacto con la corte o el colegio de abogados locales. **AVISO:** Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 ó más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.

The name and address of the court is:
(El nombre y dirección de la corte es):
SUPERIOR COURT OF THE STATE OF CALIFORNIA
111 N. HILL STREET

CASE NUMBER:
(Número del Caso): **BC 44 35 30**

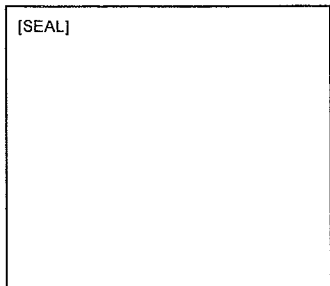
LOS ANGELES, CA 90012

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:
(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):
ERIC B. KINGSLEY, ESQ. SBN-185123 (818) 990-8300 Fax (818) 990-2903

ELANA R. LEVINE, ESQ. SBN-234155
KELSEY PETERSON-MORE, ESQ. SBN-260264
KINGSLEY & KINGSLEY, APC, 16133 VENTURA BLVD., SUITE 1200, ENCINO, CA 91436

DATE: _____ Clerk, by JOHN A. CLARKE, CLERK, Deputy
(Fecha) *(Secretario)* *(Adjunto)*

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)
(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).



NOTICE TO THE PERSON SERVED: You are served

- as an individual defendant.
- as the person sued under the fictitious name of *(specify)*:
- on behalf of *(specify)*:
under: CCP 416.10 (corporation) CCP 416.60 (minor)
 CCP 416.20 (defunct corporation) CCP 416.70 (conservatee)
 CCP 416.40 (association or partnership) CCP 416.90 (authorized person)
 other *(specify)*:
- by personal delivery on *(date)*:

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1 KINGSLEY & KINGSLEY, APC
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KELSEY PETERSON-MORE, ESQ. SBN-260264
3 16133 VENTURA BL., SUITE 1200
ENCINO, CA 91436
4 (818) 990-8300, FAX (818) 990-2903

5 Attorneys for Plaintiffs

6
7
8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 FOR THE COUNTY OF LOS ANGELES

10 BC 44 35 30

11 JOSEPH CANDELARIA, on behalf)
of himself and others similarly)
12 situated,)

13 Plaintiffs,)

14 v.)

15 ROBBINS BROS.)
CORPORATION;)
16 ROBBINS BROS. JEWELRY, INC.;)
and DOES 1 to 50, Inclusive,)

17 Defendants.)
18

CASE NO.:

CLASS ACTION COMPLAINT

- 1. Failure to Pay Overtime
- 2. Violation of Labor Code §226(a)
- 3. Penalties Pursuant to Labor Code §203
- 4. Violation of Business & Professions Code §17200 (Overtime and Rest Breaks)

19
20 Plaintiff **JOSEPH CANDELARIA**, on behalf of himself and all others similarly situated,
21 complains of Defendants, and each of them, as follows:

22 I

23 INTRODUCTION

24 1. This is a Class Action, pursuant to Code of Civil Procedure §382, on behalf of Plaintiff
25 and all individuals who hold or held the position of "salesperson" who are employed by, or formerly
26 employed by Robbins Bros. Corporation, Robbins Bros. Jewelry, Inc., and any subsidiaries or affiliated
27 companies doing business as "Robbins Bros." (hereinafter referred to as "Robbins Bros." or
28 "Defendants"), within the State of California.

1 (b) Work without being provided a minimum ten (10) minute rest period for every
2 four (4) hours or major fraction thereof worked and not being compensated one (1) hour of pay at their
3 regular rate of compensation for each workday that a rest period was not provided; and

4 (c) Work without being provided an accurate itemized wage statement that reflects
5 all deductions from payment of wages and accurately reports total hours worked, including when the
6 employee begins and ends each work period and the total daily hours worked by Plaintiff and the
7 members of the proposed Class.

8 **B. Defendants**

9 10. Defendant Robbins Bros. Corporation is a Delaware corporation. They own and operate
10 several locations in the State of California. Defendant employed Plaintiff and similarly situated
11 persons within California. Defendant's mailing address is 1300 W. Optical Dr. Suite 200, Azuza,
12 California 91702. Defendant has done and does business in the County of Los Angeles.

13 11. Defendant Robbins Bros. Corporation is a Delaware corporation. They own and operate
14 several locations in the State of California. Defendant employed Plaintiff and similarly situated
15 persons within California. Defendant's mailing address is 1300 W. Optical Dr. Suite 200, Azuza,
16 California 91702. Defendant has done and does business in the County of Los Angeles.

17 12. The true names and capacities, whether individual, corporate, associate, or otherwise,
18 of Defendants sued herein as DOES 1 to 50, inclusive, are currently unknown to Plaintiff, who
19 therefore sues Defendants by such fictitious names under Code of Civil Procedure §474. Plaintiff is
20 informed and believes, and based thereon alleges, that each of the Defendants designated herein as a
21 DOE is legally responsible in some manner for the unlawful acts referred to herein. Plaintiff will seek
22 leave of court to amend this Complaint to reflect the true names and capacities of the Defendants
23 designated hereinafter as DOES when such identities become known.

24 13. Plaintiff is informed and believes, and based thereon alleges, that each Defendant acted
25 in all respects pertinent to this action as the agent of the other Defendants, carried out a joint scheme,
26 business plan or policy in all respects pertinent hereto, and the acts of each Defendant are legally
27 attributable to the other Defendants. Furthermore, Defendants in all respects acted as the employer
28 and/or joint employer of Plaintiff and the Class.

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III

FACTUAL BACKGROUND

14. Plaintiff and the Class are and, at all times pertinent hereto, have been non-exempt employees within the meaning of the California Labor Code and the implementing rules and regulations of the IWC California Wage Orders. Defendants hire employees who work as "salespersons."

15. Plaintiff and the Class were not properly compensated for all hours that they worked. Plaintiff and the Class receive hourly wage plus commission. However, when Plaintiff and the Class work overtime, Defendant does not include commission in the calculation of the overtime rate. As such, Plaintiff and the Class have been deprived the proper compensation for overtime hours worked.

16. Plaintiff and the Class have not been provided rest periods for work days in excess of four (4) hours or major fraction thereof worked, and were not compensated one hour's wages in lieu thereof.

17. Defendants have failed to comply with the California Labor Code and Industrial Welfare Commission ("IWC") Wage Order 7-2001(7) by failing to maintain time records showing when the employee begins and ends each work period and total daily hours worked by itemizing in wage statements all deductions from payment of wages and accurately reporting total hours worked by Plaintiff and the members of the proposed Class.

18. Plaintiff and the proposed Class are and, at all times pertinent hereto, have been non-exempt employees within the meaning of the California Labor Code, and the implementing rules and regulations of the IWC California Wage Orders.

19. Plaintiff and the Class are covered by California Industrial Welfare Commission Occupational Wage Order No. 7-2001, California Industrial Welfare Commission in No. 9 (Title 8 Cal. Code of Reg. §§11090).

IV

CLASS ACTION ALLEGATIONS

20. Plaintiff brings this action on behalf of himself and all others similarly situated as a Class Action pursuant to §382 of the Code of Civil Procedure. Plaintiff seeks to represent a class

1 defined as follows:

2 All persons who are employed or have been employed, and who have worked
3 as salespersons for Defendants in the State of California since four (4) years
4 prior to the filing of this action.

5 21. Plaintiff reserves the right under Rule 3.765, California Rules of Court, to amend or
6 modify the class description with greater specificity or further division into subclasses or limitation
7 to particular issues.

8 22. This action has been brought and may properly be maintained as a class action under
9 the provisions of §382 of the Code of Civil Procedure because there is a well-defined community of
10 interest in the litigation and the proposed Class is easily ascertainable.

11 **A. Numerosity**

12 23. The potential members of the Class as defined are so numerous that joinder of all the
13 members of the Class is impracticable. While the precise number of Class Members has not been
14 determined at this time, Plaintiff is informed and believes that Defendants currently employ, and
15 during the relevant time periods employed, over 100 "salespersons."

16 24. Accounting for employee turnover during the relevant periods necessarily increases this
17 number substantially. Plaintiff alleges Defendants' employment records would provide information
18 as to the number and location of all Class Members. Joinder of all members of the proposed Class is
19 not practicable.

20 **B. Commonality**

21 25. There are questions of law and fact common to the Class that predominate over any
22 questions affecting only individual Class Members. These common questions of law and fact include,
23 without limitation:

24 (a) Whether Defendants failed to pay wages as required by the Labor Code and Wage
25 Orders;

26 (b) Whether Defendants violated Labor Code §§226.7 and 512, IWC Wage Order 7-2001
27 or other applicable IWC Wage Orders, and Cal. Code Regs., Title 8, Section 11070 by failing to
28 provide rest periods before the fourth (4) hour of employment or major fraction thereof worked, and
failing to compensate said employees one (1) hour's wages in lieu of rest periods;

1 (c) Whether Defendants violated Labor Code §226 and Wage Order 7-2001 or other
2 applicable IWC Wage Orders, and Cal. Code Regs., Title 8, Section 11070 by failing to provide an
3 accurate itemized wage statement that reflects all deductions from payment of wages and accurately
4 report total hours worked, including when the employee begins and ends each work period and the
5 total daily hours worked by Plaintiff and the members of the proposed Class;

6 (d) Whether Defendants violated §§203 of the Labor Code by failing to pay compensation
7 due and owing at the time that any Class Member's employment with Defendants terminated;

8 (e) Whether Defendants violated §17200 et seq. of the Business & Professions Code by
9 engaging in the acts previously alleged; and

10 (f) Whether Plaintiff and the members of the Class are entitled to equitable relief pursuant
11 to Business & Professions Code §17200, et. seq.

12 **C. Typicality**

13 26. The claims of the named Plaintiff are typical of the claims of the Class. Plaintiff and
14 all members of the Class sustained injuries and damages arising out of and caused by Defendants'
15 common course of conduct in violation of laws, regulations that have the force and effect of law, and
16 statutes as alleged herein.

17 **D. Adequacy of Representation**

18 27. Plaintiff will fairly and adequately represent and protect the interests of the members
19 of the Class. Counsel who represents Plaintiff is competent and experienced in litigating large
20 employment class actions.

21 **E. Superiority of Class Action**

22 28. A class action is superior to other available means for the fair and efficient adjudication
23 of this controversy. Individual joinder of all Class Members is not practicable, and questions of law
24 and fact common to the Class predominate over any questions affecting only individual members of
25 the Class. Each member of the Class has been damaged and is entitled to recovery by reason of
26 Defendants' illegal policy and/or practice of denying Class Members proper compensation.

27 29. Class action treatment will allow those similarly situated persons to litigate their claims
28 in the manner that is most efficient and economical for the parties and the judicial system. Plaintiff

1 is unaware of any difficulties that are likely to be encountered in the management of this action that
2 would preclude its maintenance as a class action.

3 V

4 **FIRST CAUSE OF ACTION**

5 **FAILURE TO PAY OVERTIME**

6 **(LABOR CODE §§510 AND 1194)**

7 30. Plaintiff re-alleges and incorporates herein by reference each and every allegation
8 contained in the preceding paragraphs of this Complaint as though fully set forth herein.

9 31. Defendants willfully violated the provisions of the Labor Code by failing to
10 compensate Plaintiff and the proposed Class for all hours worked at the proper rate.

11 32. Plaintiff and the Class were not properly compensated for all hours that they worked.
12 Plaintiff and the Class receive hourly wage plus commission. However, when Plaintiff and the Class
13 work overtime, Defendant does not include commission in the calculation of the overtime rate.
14 Because the overtime compensation does not include the commission rate, Plaintiff and the Class have
15 been deprived of proper compensation for all overtime hours worked.

16 33. By their policy of requiring non-exempt employees to work without properly
17 compensating such employees, as alleged above, Defendants willfully violated the provisions of Labor
18 Code §§510 and 1194.

19 34. As a result of the unlawful acts of Defendants, Plaintiff and the Class he seeks to
20 represent have been deprived of wages in amounts to be determined at trial, and are entitled to recovery
21 of such amounts, plus interest and penalties thereon, attorneys' fees, and costs, pursuant to Labor Code
22 §§1194.

23 VI

24 **SECOND CAUSE OF ACTION**

25 **VIOLATION OF LABOR CODE SECTION 226(a)**

26 35. Plaintiff re-alleges and incorporates herein by reference each and every allegation
27 contained in the preceding paragraphs of this Complaint as though fully set forth herein.

28 36. Section 226(a) of the California Labor Code requires Defendants to itemize in wage

1 statements all deductions from payment of wages and to accurately report total hours worked by
2 Plaintiff and the members of the proposed Class. Defendants have knowingly and intentionally failed
3 to comply with Labor Code §226(a) on each and every wage statement that should have been provided
4 to Plaintiff and members of the proposed Class.

5 37. IWC Wage Order 7-2001(7) requires Defendants to maintain time records showing,
6 among other things, when the employee begins and ends each work period and total daily hours
7 worked in an itemized wage statement. Time records must also show all deductions from payment of
8 wages and accurately report total hours worked by Plaintiff and the members of the proposed Class.

9 38. An employee suffering injury as a result of a knowing and intentional failure by an
10 employer to comply with Labor Code §226(a) is entitled to recover the greater of all actual damages
11 or fifty dollars (\$50) for the initial pay period in which a violation occurs and one hundred dollars
12 (\$100) per employee for each violation in a subsequent pay period, not exceeding an aggregate penalty
13 of four thousand dollars (\$4,000), and is entitled to an award of costs and reasonable attorney's fees.

14 VII

15 THIRD CAUSE OF ACTION

16 WAITING TIME PENALTIES UNDER LABOR CODE §203

17 39. Plaintiff re-alleges and incorporates herein by reference each and every allegation
18 contained in the preceding paragraphs of this Complaint as though fully set forth herein.

19 40. Numerous members of the Class including the Plaintiff are no longer employed by
20 Defendants. They were either fired or quit Defendants employ.

21 41. Defendants' failure to pay wages, as alleged above, was willful in that Defendants,
22 and each of them, knew wages to be due but failed to pay them, thus entitling Plaintiff and the Class
23 to penalties under Labor Code §203, which provides that an employee's wages shall continue as a
24 penalty until paid for a period of up to thirty (30) days from the time they were due.

25 42. Defendants have failed to pay Plaintiff and others a sum certain at the time of
26 termination or within seventy-two (72) hours of their resignation, and have failed to pay those sums
27 for thirty (30) days thereafter. Pursuant to the provisions of Labor Code §203, Plaintiff and members
28 of the Class are entitled to a penalty in the amount of Plaintiff's and others daily wage multiplied by

1 thirty (30) days.

2 **VIII**

3 **FOURTH CAUSE OF ACTION**

4 **UNFAIR COMPETITION PURSUANT TO**

5 **BUSINESS & PROFESSIONS CODE §17200**

6 43. Plaintiff re-alleges and incorporates herein by reference each and every allegation
7 contained in the preceding paragraphs of this Complaint as though fully set forth herein.

8 44. This is a Representative Private Attorney General Action and Class Action for Unfair
9 Business Practices. Plaintiff, **JOSEPH CANDELARIA**, on his own behalf and on behalf of others
10 similarly situated, and on behalf of the general public, brings this claim pursuant to Business &
11 Professions Code §17200, et seq. The conduct of all Defendants as alleged in this Complaint has been
12 and continues to be unfair, unlawful, and harmful to Plaintiff, the general public, and the Class.
13 Plaintiff seeks to enforce important rights affecting the public interest within the meaning of C.C.P.
14 §1021.5.

15 45. Plaintiff is a "person" within the meaning of Business & Professions Code §17204, and
16 therefore has standing to bring this cause of action for injunctive relief, restitution, and other
17 appropriate equitable relief.

18 46. Business & Profession Code §17200, et seq. prohibits unlawful and unfair business
19 practices.

20 47. Wage and hour laws express fundamental public policies. Providing employees with
21 proper compensation, overtime, and breaks are fundamental public policies of this State and of the
22 United States. Labor Code §90.5(a) articulates the public policies of this State to enforce vigorously
23 minimum labor standards, to ensure that employees are not required or permitted to work under
24 substandard and unlawful conditions, and to protect law-abiding employers and their employees from
25 competitors who lower their costs by failing to comply with minimum labor standards.

26 48. Defendants have violated statutes and public policies. Through the conduct alleged in
27 this Complaint, Defendants, and each of them, have acted contrary to these public policies, have
28 violated specific provisions of the Labor Code, and have engaged in other unlawful and unfair business

1 practices in violation of Business & Profession Code §17200, et seq., depriving Plaintiff and all
2 persons similarly situated, and all interested persons, of rights, benefits, and privileges guaranteed to
3 all employees under law.

4 49. Defendants' conduct, as alleged herein, constitutes unfair competition in violation
5 of §17200 et. seq. of the Business & Professions Code.

6 50. Defendants, by engaging in the conduct herein alleged, either knew or in the exercise
7 of reasonable care should have known that the conduct was unlawful. As such it is a violation of
8 §17200 et. seq. of the Business & Professions Code.

9 51. As a proximate result of the above mentioned acts of Defendants, Plaintiff and others
10 similarly situated have been damaged in a sum as may be proven.

11 52. Unless restrained by this Court, Defendants will continue to engage in the unlawful
12 conduct as alleged above. Pursuant to Business & Professions Code, this Court should make such
13 orders or judgments, including the appointment of a receiver, as may be necessary to prevent the use
14 or employment by Defendants or their agents and employees of any unlawful or deceptive practice
15 prohibited by the Business & Professions Code, including, but not limited to, disgorgement of profits,
16 which may be necessary to restore to Plaintiff and the Class Members the money Defendants have
17 unlawfully failed to pay.

18
19 **RELIEF REQUESTED**

20 **WHEREFORE**, Plaintiff, on behalf of himself and the members of the Class, prays for
21 judgment against Defendants as follows:

22 An Order that this action may proceed and be maintained as a class action, that the named
23 Plaintiff act as Class Representative, and that Plaintiff's counsel be named Class Counsel;

24 **A. FOR THE FIRST CAUSE OF ACTION:**

- 25 1. For wages and/or overtime from at least three (3) years prior to the filing of this action to
26 the present as may be proven;
- 27 2. For an award of prejudgment and post judgment interest; and
- 28 3. For an award of attorneys' fees.

1 **B. FOR THE SECOND CAUSE OF ACTION:**

2 1. For penalties for failing to provide Plaintiff and each Class Member with itemized wage
3 statements from at least one (1) year prior to the filing of this action to the present as may be proven;

4 2. An order enjoining Respondent and its agents, servants, and employees, and all persons
5 acting under, in concert with, or for it, from failing to provide Plaintiff and the Class with accurate
6 itemized records pursuant to Labor Code Sections 226(a), 510, and IWC 7-2001; and

7 3. For an award of attorneys' fees.

8 **C. FOR THE THIRD CAUSE OF ACTION:**

9 1. For penalties pursuant to Labor Code Section 203 for all employees who quit or were fired
10 equal to their daily wage times thirty (30) days.

11 **D. FOR THE FOURTH CAUSE OF ACTION:**

12 1. An order enjoining Respondent and its agents, servants, and employees, and all persons
13 acting under, in concert with, or for it, from failing to provide Plaintiff and the Class with proper
14 overtime, rest breaks, and accurate itemized records pursuant to Labor Code Sections 226(a), 226.7,
15 510, and IWC 7-2001; and

16 2. For restitution for unfair competition pursuant to Business & Professions Code §17200,
17 including disgorgement of profits, from four (4) years prior to the filing of the complaint to the present
18 as may be proven.

19 **E. FOR ALL CAUSES OF ACTION:**

20 1. For an award providing for payment of costs of suit;

21 2. Such other relief as the court may deem just and proper under the circumstances.
22

23 Dated: August 10, 2010

KINGSLEY & KINGSLEY, APC

24
25 By: 
26 ELANA R. LEVINE
27 ATTORNEY FOR PLAINTIFF
28



SHORT TITLE: JOSEPH CANDELARIA V. ROBBINS BROS. CORPORATION; ROBBINS BROS. JEWELRY, INC.	CASE NUMBER
--	-------------

**CIVIL CASE COVER SHEET ADDENDUM AND STATEMENT OF LOCATION
(CERTIFICATE OF GROUNDS FOR ASSIGNMENT TO COURTHOUSE LOCATION)**

This form is required pursuant to LASC Local Rule 2.0 in all new civil case filings in the Los Angeles Superior Court.

Item I. Check the types of hearing and fill in the estimated length of hearing expected for this case:
 JURY TRIAL? YES CLASS ACTION? YES LIMITED CASE? YES TIME ESTIMATED FOR TRIAL 7-10 HOURS/ DAYS

Item II. Select the correct district and courthouse location (4 steps – If you checked "Limited Case", skip to Item III, Pg. 4):

Step 1: After first completing the Civil Case Cover Sheet Form, find the main civil case cover sheet heading for your case in the left margin below, and, to the right in Column A, the Civil Case Cover Sheet case type you selected.

Step 2: Check one Superior Court type of action in Column B below which best describes the nature of this case.

Step 3: In Column C, circle the reason for the court location choice that applies to the type of action you have checked. For any exception to the court location, see Los Angeles Superior Court Local Rule 2.0.

Applicable Reasons for Choosing Courthouse Location (See Column C below)

- | | |
|---|--|
| 1. Class Actions must be filed in the County Courthouse, Central District.
2. May be filed in Central (Other county, or no Bodily Injury/Property Damage).
3. Location where cause of action arose.
4. Location where bodily injury, death or damage occurred.
5. Location where performance required or defendant resides. | 6. Location of property or permanently garaged vehicle.
7. Location where petitioner resides.
8. Location wherein defendant/respondent functions wholly.
9. Location where one or more of the parties reside.
10. Location of Labor Commissioner Office. |
|---|--|

Step 4: Fill in the information requested on page 4 in Item III; complete Item IV. Sign the declaration.

	A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Auto Tort	Auto (22)	<input type="checkbox"/> A7100 Motor Vehicle - Personal Injury/Property Damage/Wrongful Death	1., 2., 4.
	Uninsured Motorist (46)	<input type="checkbox"/> A7110 Personal Injury/Property Damage/Wrongful Death – Uninsured Motorist	1., 2., 4.
Other Personal Injury/Property Damage/Wrongful Death Tort	Asbestos (04)	<input type="checkbox"/> A6070 Asbestos Property Damage	2.
		<input type="checkbox"/> A7221 Asbestos - Personal Injury/Wrongful Death	2.
	Product Liability (24)	<input type="checkbox"/> A7260 Product Liability (not asbestos or toxic/environmental)	1., 2., 3., 4., 8.
	Medical Malpractice (45)	<input type="checkbox"/> A7210 Medical Malpractice - Physicians & Surgeons	1., 2., 4.
<input type="checkbox"/> A7240 Other Professional Health Care Malpractice		1., 2., 4.	
Non-Personal Injury/Property Damage/Wrongful Death Tort	Other Personal Injury Property Damage Wrongful Death (23)	<input type="checkbox"/> A7250 Premises Liability (e.g., slip and fall)	1., 2., 4.
		<input type="checkbox"/> A7230 Intentional Bodily Injury/Property Damage/Wrongful Death (e.g., assault, vandalism, etc.)	1., 2., 4.
		<input type="checkbox"/> A7270 Intentional Infliction of Emotional Distress	1., 2., 3.
		<input type="checkbox"/> A7220 Other Personal Injury/Property Damage/Wrongful Death	1., 2., 4.
	Business Tort (07)	<input type="checkbox"/> A6029 Other Commercial/Business Tort (not fraud/breach of contract)	1., 2., 3.
	Civil Rights (08)	<input type="checkbox"/> A6005 Civil Rights/Discrimination	1., 2., 3.
	Defamation (13)	<input type="checkbox"/> A6010 Defamation (slander/libel)	1., 2., 3.
	Fraud (16)	<input type="checkbox"/> A6013 Fraud (no contract)	1., 2., 3.

Non-Personal Injury/Property Damage/
Wrongful Death Tort (Cont'd.)

Employment

Contract

Real Property

Unlawful Detainer
Judicial Review

SHORT TITLE: JOSEPH CANDELARIA V. ROBBINS BROS. CORPORATION; ROBBINS BROS. JEWELRY, INC.		CASE NUMBER
A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Professional Negligence (25)	<input type="checkbox"/> A6017 Legal Malpractice	1., 2., 3.
	<input type="checkbox"/> A6050 Other Professional Malpractice (not medical or legal)	1., 2., 3.
Other (35)	<input type="checkbox"/> A6025 Other Non-Personal Injury/Property Damage tort	2., 3.
Wrongful Termination (36)	<input type="checkbox"/> A6037 Wrongful Termination	1., 2., 3.
Other Employment (15)	<input checked="" type="checkbox"/> A6024 Other Employment Complaint Case	1, 2., 3.
	<input type="checkbox"/> A6109 Labor Commissioner Appeals	10.
Breach of Contract/Warranty (06) (not insurance)	<input type="checkbox"/> A6004 Breach of Rental/Lease Contract (not Unlawful Detainer or wrongful eviction)	2., 5.
	<input type="checkbox"/> A6008 Contract/Warranty Breach -Seller Plaintiff (no fraud/negligence)	2., 5.
	<input type="checkbox"/> A6019 Negligent Breach of Contract/Warranty (no fraud)	1., 2., 5.
	<input type="checkbox"/> A6028 Other Breach of Contract/Warranty (not fraud or negligence)	1., 2., 5.
Collections (09)	<input type="checkbox"/> A6002 Collections Case-Seller Plaintiff	2., 5., 6.
	<input type="checkbox"/> A6012 Other Promissory Note/Collections Case	2., 5.
Insurance Coverage (18)	<input type="checkbox"/> A6015 Insurance Coverage (not complex)	1., 2., 5., 8.
Other Contract (37)	<input type="checkbox"/> A6009 Contractual Fraud	1., 2., 3., 5.
	<input type="checkbox"/> A6031 Tortious Interference	1., 2., 3., 5.
	<input type="checkbox"/> A6027 Other Contract Dispute(not breach/insurance/fraud/negligence)	1., 2., 3., 8.
Eminent Domain/Inverse Condemnation (14)	<input type="checkbox"/> A7300 Eminent Domain/Condemnation Number of parcels _____	2.
Wrongful Eviction (33)	<input type="checkbox"/> A6023 Wrongful Eviction Case	2., 6.
Other Real Property (26)	<input type="checkbox"/> A6018 Mortgage Foreclosure	2., 6.
	<input type="checkbox"/> A6032 Quiet Title	2., 6.
	<input type="checkbox"/> A6060 Other Real Property (not eminent domain, landlord/tenant, foreclosure)	2., 6.
Unlawful Detainer - Commercial (31)	<input type="checkbox"/> A6021 Unlawful Detainer-Commercial (not drugs or wrongful eviction)	2., 6.
Unlawful Detainer - Residential (32)	<input type="checkbox"/> A6020 Unlawful Detainer-Residential (not drugs or wrongful eviction)	2., 6.
Unlawful Detainer - Drugs (38)	<input type="checkbox"/> A6022 Unlawful Detainer-Drugs	2., 6.
Asset Forfeiture (05)	<input type="checkbox"/> A6108 Asset Forfeiture Case	2., 6.
Petition re Arbitration (11)	<input type="checkbox"/> A6115 Petition to Compel/Confirm/Vacate Arbitration	2., 5.

SHORT TITLE: JOSEPH CANDELARIA V. ROBBINS BROS. CORPORATION; ROBBINS BROS. JEWELRY, INC.	CASE NUMBER
--	-------------

Item III. Statement of Location: Enter the address of the accident, party's residence or place of business, performance, or other circumstance indicated in Item II., Step 3 on Page 1, as the proper reason for filing in the court location you selected.

REASON: CHECK THE NUMBER UNDER COLUMN C WHICH APPLIES IN THIS CASE <input checked="" type="checkbox"/> 1. <input type="checkbox"/> 2. <input type="checkbox"/> 3. <input type="checkbox"/> 4. <input type="checkbox"/> 5. <input type="checkbox"/> 6. <input type="checkbox"/> 7. <input type="checkbox"/> 8. <input type="checkbox"/> 9. <input type="checkbox"/> 10.			ADDRESS: CLASS ACTION TO BE FILED IN CENTRAL CORP ADDRESS: 1300 W. OPTICAL DRIVE, SUITE 200
CITY: AZUZA	STATE: CA	ZIP CODE: 91702	

Item IV. *Declaration of Assignment*: I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that the above-entitled matter is properly filed for assignment to the SUPERIOR COURT OF THE STATE courthouse in the LOS ANGELES District of the Los Angeles Superior Court (Code Civ. Proc., § 392 et seq., and LASC Local Rule 2.0, subds. (b), (c) and (d)).

KINGSLEY & KINGSLEY, APC

Dated: AUGUST 9, 2010



(SIGNATURE OF ATTORNEY/FILING PARTY)

ELANA R. LEVINE

PLEASE HAVE THE FOLLOWING ITEMS COMPLETED AND READY TO BE FILED IN ORDER TO PROPERLY COMMENCE YOUR NEW COURT CASE:

1. Original Complaint or Petition.
2. If filing a Complaint, a completed Summons form for issuance by the Clerk.
3. Civil Case Cover Sheet form CM-010.
4. Complete Addendum to Civil Case Cover Sheet form LACIV 109 (Rev 01/07), LASC Approved 03-04.
5. Payment in full of the filing fee, unless fees have been waived.
6. Signed order appointing the Guardian ad Litem, JC form FL-935, if the plaintiff or petitioner is a minor under 18 years of age, or if required by Court.
7. Additional copies of documents to be conformed by the Clerk. Copies of the cover sheet and this addendum must be served along with the summons and complaint, or other initiating pleading in the case.

BC 44 35 30

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES
NOTICE OF CASE ASSIGNMENT - UNLIMITED CIVIL CASE
Case Number _____

THIS FORM IS TO BE SERVED WITH THE SUMMONS AND COMPLAINT

Your case is assigned for all purposes to the judicial officer indicated below (Local Rule 7.3(c)). There is additional information on the reverse side of this form.

ASSIGNED JUDGE	DEPT	ROOM	ASSIGNED JUDGE	DEPT	ROOM
Hon. Elihu M. Berle	1	534	Hon. Holly E. Kendig	42	416
Hon. J. Stephen Czuleger	3	224	Hon. Mel Red Recana	45	529
Hon. Luis A. Lavin	13	630	Hon. Debre Katz Weintraub	47	507
Hon. Terry A. Green	14	300	Hon. Elizabeth Allen White	48	506
Hon. Richard Fruin	15	307	Hon. Conrad Aragon	49	509
Hon. Rita Miller	16	306	Hon. John Shepard Wiley Jr.	50	508
Hon. Richard E. Rico	17	309	Hon. Abraham Khan	51	511
Hon. Rex Heeseman	19	311	Hon. Susan Bryant-Deason	52	510
Hon. Kevin C. Brazile	20	310	Hon. John P. Shook	53	513
Hon. Zaven V. Sinanian	23	315	Hon. Ernest M. Hiroshige	54	512
Hon. Robert L. Hess	24	314	Hon. Malcolm H. Mackey	55	515
Hon. Mary Ann Murphy	25	317	Hon. Jane L. Johnson	56	514
Hon. James R. Dunn	26	316	Hon. Ralph W. Dau	57	517
Hon. Yvette M. Palazuelos	28	318	Hon. Rolf M. Treu	58	516
Hon. John A. Kronstadt	30	400	Hon. David L. Minning	61	632
Hon. Alan S. Rosenfield	31	407	Hon. Michael L. Stern	62	600
Hon. Mary H. Strobel	32	406	Hon. Kenneth R. Freeman	64	601
Hon. Charles F. Palmer	33	409	Hon. Mark Mooney	68	617
Hon. Amy D. Hogue	34	408	Hon. Ramona See	69	621
Hon. Daniel Buckley	35	411	Hon. Soussan G. Bruguera	71	729
Hon. Gregory Alarcon	36	410	Hon. Ruth Ann Kwan	72	731
Hon. Joanne O'Donnell	37	413	Hon. Teresa Sanchez-Gordon	74	735
Hon. Maureen Duffy-Lewis	38	412	Hon. William F. Fahey	78	730
Hon. Michael C. Solner	39	415	Hon. Emilie H. Elias*	324	CCW
Hon. Michelle R. Rosenblatt	40	414	Other		
Hon. Ronald M. Sohigian	41	417			

***Class Actions**

All class actions are initially assigned to Judge Emilie H. Elias in Department 324 of the Central Civil West Courthouse (600 S. Commonwealth Ave., Los Angeles 90005). This assignment is for the purpose of assessing whether or not the case is complex within the meaning of California Rules of Court, rule 3.400. Depending on the outcome of that assessment, the class action case may be reassigned to one of the judges of the Complex Litigation Program or reassigned randomly to a court in the Central District.

Given to the Plaintiff/Cross-Complainant/Attorney of Record on _____ JOHN A. CLARKE, Executive Officer/Clerk
By _____, Deputy Clerk

INSTRUCTIONS FOR HANDLING UNLIMITED CIVIL CASES

The following critical provisions of the Chapter Seven Rules, as applicable in the Central District, are summarized for your assistance.

APPLICATION

The Chapter Seven Rules were effective January 1, 1994. They apply to all general civil cases.

PRIORITY OVER OTHER RULES

The Chapter Seven Rules shall have priority over all other Local Rules to the extent the others are inconsistent.

CHALLENGE TO ASSIGNED JUDGE

A challenge under Code of Civil Procedure section 170.6 must be made within 15 days after notice of assignment for all purposes to a judge, or if a party has not yet appeared, within 15 days of the first appearance.

TIME STANDARDS

Cases assigned to the Individual Calendaring Court will be subject to processing under the following time standards:

COMPLAINTS: All complaints shall be served within 60 days of filing and proof of service shall be filed within 90 days of filing.

CROSS-COMPLAINTS: Without leave of court first being obtained, no cross-complaint may be filed by any party after their answer is filed. Cross-complaints shall be served within 30 days of the filing date and a proof of service filed within 60 days of the filing date.

A Status Conference will be scheduled by the assigned Independent Calendar Judge no later than 270 days after the filing of the complaint. Counsel must be fully prepared to discuss the following issues: alternative dispute resolution, bifurcation, settlement, trial date, and expert witnesses.

FINAL STATUS CONFERENCE

The Court will require the parties at a status conference not more than 10 days before the trial to have timely filed and served all motions in limine, bifurcation motions, statements of major evidentiary issues, dispositive motions, requested jury instructions, and special jury instructions and special jury verdicts. These matters may be heard and resolved at this conference. At least 5 days before this conference, counsel must also have exchanged lists of exhibits and witnesses and have submitted to the court a brief statement of the case to be read to the jury panel as required by Chapter Eight of the Los Angeles Superior Court Rules.

SANCTIONS

The court will impose appropriate sanctions for the failure or refusal to comply with Chapter Seven Rules, orders made by the Court, and time standards or deadlines established by the Court or by the Chapter Seven Rules. Such sanctions may be on a party or if appropriate on counsel for the party.

This is not a complete delineation of the Chapter Seven Rules, and adherence only to the above provisions is therefore not a guarantee against the imposition of sanctions under Trial Court Delay Reduction. Careful reading and compliance with the actual Chapter Rules is absolutely imperative.

**SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES
ALTERNATIVE DISPUTE RESOLUTION (ADR) INFORMATION PACKAGE**

[CRC 3.221 Information about Alternative Dispute Resolution]

For additional ADR information and forms visit the Court ADR web application at www.lasuperiorcourt.org (click on ADR).

The plaintiff shall serve a copy of this Information Package on each defendant along with the complaint (**Civil only**).

What Is ADR:

Alternative Dispute Resolution (ADR) is the term used to describe all the other options available for settling a dispute which once had to be settled in court. ADR processes, such as arbitration, mediation, neutral evaluation (NE), and settlement conferences, are less formal than a court process and provide opportunities for parties to reach an agreement using a problem-solving approach.

There are many different kinds of ADR. All of them utilize a "neutral", an impartial person, to decide the case or help the parties reach an agreement.

Mediation:

In mediation, a neutral person called a "mediator" helps the parties try to reach a mutually acceptable resolution of the dispute. The mediator does not decide the dispute but helps the parties communicate so they can try to settle the dispute themselves. Mediation leaves control of the outcome with the parties.

Cases for Which Mediation May Be Appropriate

Mediation may be particularly useful when parties have a dispute between or among family members, neighbors, or business partners. Mediation is also effective when emotions are getting in the way of resolution. An effective mediator can hear the parties out and help them communicate with each other in an effective and nondestructive manner.

Cases for Which Mediation May Not Be Appropriate

Mediation may not be effective if one of the parties is unwilling to cooperate or compromise. Mediation also may not be effective if one of the parties has a significant advantage in power over the other. Therefore, it may not be a good choice if the parties have a history of abuse or victimization.

Arbitration:

In arbitration, a neutral person called an "arbitrator" hears arguments and evidence from each side and then decides the outcome of the dispute. Arbitration is less formal than a trial, and the rules of evidence are often relaxed. Arbitration may be either "binding" or "nonbinding." *Binding arbitration* means that the parties waive their right to a trial and agree to accept the arbitrator's decision as final. *Nonbinding arbitration* means that the parties are free to request a trial if they do not accept the arbitrator's decision.

Cases for Which Arbitration May Be Appropriate

Arbitration is best for cases where the parties want another person to decide the outcome of their dispute for them but would like to avoid the formality, time, and expense of a trial. It may also be appropriate for complex matters where the parties want a decision-maker who has training or experience in the subject matter of the dispute.

Cases for Which Arbitration May Not Be Appropriate

If parties want to retain control over how their dispute is resolved, arbitration, particularly binding arbitration, is not appropriate. In binding arbitration, the parties generally cannot appeal the arbitrator's award, even if it is not supported by the evidence or the law. Even in nonbinding arbitration, if a party requests a trial and does not receive a more favorable result at trial than in arbitration, there may be penalties.

Neutral Evaluation:

In neutral evaluation, each party gets a chance to present the case to a neutral person called an "evaluator." The evaluator then gives an opinion on the strengths and weaknesses of each party's evidence and arguments and about how the dispute could be resolved. The evaluator is often an expert in the subject matter of the dispute. Although the evaluator's opinion is not binding, the parties typically use it as a basis for trying to negotiate a resolution of the dispute.

Cases for Which Neutral Evaluation May Be Appropriate

Neutral evaluation may be most appropriate in cases in which there are technical issues that require special expertise to resolve or the only significant issue in the case is the amount of damages.

Cases for Which Neutral Evaluation May Not Be Appropriate

Neutral evaluation may not be appropriate when there are significant personal or emotional barriers to resolving the dispute.

Settlement Conferences:

Settlement conferences may be either mandatory or voluntary. In both types of settlement conferences, the parties and their attorneys meet with a judge or a neutral person called a "settlement officer" to discuss possible settlement of their dispute. The judge or settlement officer does not make a decision in the case but assists the parties in evaluating the strengths and weaknesses of the case and in negotiating a settlement. Settlement conferences are appropriate in any case where settlement is an option. Mandatory settlement conferences are often held close to the date a case is set for trial.

LOS ANGELES SUPERIOR COURT ADR PROGRAMS

CIVIL:

- **Civil Action Mediation** (Governed by Code of Civil Procedure (CCP) sections 1775-1775.15, California Rules of Court, rules 3.850-3.868 and 3.870-3.878, Evidence Code sections 1115-1128, and Los Angeles Superior Court Rules, chapter 12.)
- **Retired Judge Settlement Conference**
- **Neutral Evaluation** (Governed by Los Angeles Superior Court Rules, chapter 12.)
- **Judicial Arbitration** (Governed by Code of Civil Procedure sections 1141.10-1141.31, California Rules of Court, rules 3.810-3.830, and Los Angeles Superior Court Rules, chapter 12.)
- **Eminent Domain Mediation** (Governed by Code of Civil Procedure section 1250.420.)
- **Civil Harassment Mediation**
- **Small Claims Mediation**

FAMILY LAW (non-custody):

- **Mediation**
- **Forensic Certified Public Accountant (CPA) Settlement Conference**
- **Settlement Conference**
- **Nonbinding Arbitration** (Governed by Family Code section 2554.)

PROBATE:

- **Mediation**
- **Settlement Conference**

NEUTRAL SELECTION

Parties may select a mediator, neutral evaluator, or arbitrator from the Court Party Select Panel or may hire someone privately, at their discretion. If the parties utilize the Random Select Mediation or Arbitration Panel, the parties will be assigned on a random basis the name of one neutral who meets the case criteria entered on the court's website.

COURT ADR PANELS

- Party Select Panel** The Party Select Panel consists of mediators, neutral evaluators, and arbitrators who have achieved a specified level of experience in court-connected cases. The parties (collectively) may be charged \$150.00 per hour for the first three hours of hearing time. Thereafter, the parties may be charged for additional hearing time on an hourly basis at rates established by the neutral if the parties consent in writing.
- Random Select Panel** The Random Select Panel consists of trained mediators, neutral evaluators, and arbitrators who have not yet gained the experience to qualify for the Party Select Panel, as well as experienced neutrals who make themselves available pro bono as a way of supporting the judicial system. It is the policy of the Court that all Random Select Panel volunteer mediators, neutral evaluators, and arbitrators provide three hours hearing time per case. Thereafter, the parties may be charged for additional hearing time on an hourly basis at rates established by the neutral if the parties consent in writing.
- Private Neutral** The market rate for private neutrals can range from \$300-\$1,000 per hour.

ADR ASSISTANCE

For assistance regarding ADR, please contact the ADR clerk at the courthouse in which your case was filed.

COURTHOUSE	ADDRESS	ROOM	CITY	PHONE	FAX
Antonovich	42011 4th St. West	None	Lancaster, CA 93534	(661)974-7275	(661)974-7060
Chatsworth	9425 Penfield Ave.	1200	Chatsworth, CA 91311	(818)576-8565	(818)576-8687
Compton	200 W. Compton Blvd.	1002	Compton, CA 90220	(310)603-3072	(310)223-0337
Glendale	600 E. Broadway	273	Glendale, CA 91206	(818)500-3160	(818)548-5470
Long Beach	415 W. Ocean Blvd.	316	Long Beach, CA 90802	(562)491-6272	(562)437-3802
Norwalk	12720 Norwalk Blvd.	308	Norwalk, CA 90650	(562)807-7243	(562)462-9019
Pasadena	300 E. Walnut St.	109	Pasadena, CA 91101	(626)356-5685	(626)666-1774
Pomona	400 Civic Center Plaza	106	Pomona, CA 91766	(909)620-3183	(909)629-6283
San Pedro	505 S. Centre	209	San Pedro, CA 90731	(310)519-6151	(310)514-0314
Santa Monica	1725 Main St.	203	Santa Monica, CA 90401	(310)260-1829	(310)319-6130
Stanley Mosk	111 N. Hill St.	113	Los Angeles, CA 90012	(213)974-5425	(213)633-5115
Torrance	825 Maple Ave.	100	Torrance, CA 90503	(310)222-1701	(310)782-7326
Van Nuys	6230 Sylmar Ave.	418	Van Nuys, CA 91401	(818)374-2337	(818)902-2440

Partially Funded by the Los Angeles County Dispute Resolution Program

A complete list of the County Dispute Resolution Programs is available online and upon request in the Clerk's Office

COPY

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):
KINGSLEY & KINGSLEY, APC
 ERIC B. KINGSLEY, ESQ. SBN- 185123
 ELANA R. LEVINE, ESQ. SBN-234155
 KELSEY PETERSON-MORE, ESQ. SBN-260264
 16133 VENTURA BLVD., SUITE 1200, ENCINO, CA 91436
 TELEPHONE NO.: (818) 990-8300 FAX NO.: (818) 990-2903
 ATTORNEY FOR (Name): **JOSEPH CANDELARIA, PLAINTIFF**

FOR COURT USE ONLY
CONFIRMED COPY OF ORIGINAL FILED
 Los Angeles Superior Court
 AUG 11 2010
 John A. Clarke, Executive Officer/Clerk
 By *[Signature]* **SHAUNYA WESLEY**, Deputy

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES
 STREET ADDRESS: 111 N. HILL STREET
 MAILING ADDRESS:
 CITY AND ZIP CODE: LOS ANGELES, CA 90012
 BRANCH NAME: CENTRAL DISTRICT

CASE NAME: **JOSEPH CANDELARIA V. ROBBINS BROS. CORPORATION; ROBBINS BROS. JEWELRY, INC.**

CIVIL CASE COVER SHEET
 Unlimited (Amount demanded exceeds \$25,000)
 Limited (Amount demanded is \$25,000 or less)

Complex Case Designation
 Counter **Joinder**
 Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)

CASE NUMBER: **BC443530**
 JUDGE:
 DEPT:

Items 1-6 below must be completed (see instructions on page 2).

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

<p>Auto Tort</p> <input type="checkbox"/> Auto (22) <input type="checkbox"/> Uninsured motorist (46) <p>Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort</p> <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) <p>Non-PI/PD/WD (Other) Tort</p> <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) <p>Employment</p> <input type="checkbox"/> Wrongful termination (36) <input checked="" type="checkbox"/> Other employment (15)	<p>Contract</p> <input type="checkbox"/> Breach of contract/warranty (06) <input type="checkbox"/> Rule 3.740 collections (09) <input type="checkbox"/> Other collections (09) <input type="checkbox"/> Insurance coverage (18) <input type="checkbox"/> Other contract (37) <p>Real Property</p> <input type="checkbox"/> Eminent domain/Inverse condemnation (14) <input type="checkbox"/> Wrongful eviction (33) <input type="checkbox"/> Other real property (26) <p>Unlawful Detainer</p> <input type="checkbox"/> Commercial (31) <input type="checkbox"/> Residential (32) <input type="checkbox"/> Drugs (38) <p>Judicial Review</p> <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)	<p>Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400-3.403)</p> <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) <p>Enforcement of Judgment</p> <input type="checkbox"/> Enforcement of judgment (20) <p>Miscellaneous Civil Complaint</p> <input type="checkbox"/> RICO (27) <input type="checkbox"/> Other complaint (not specified above) (42) <p>Miscellaneous Civil Petition</p> <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 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:
 a. Large number of separately represented parties d. Large number of witnesses
 b. Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve e. Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court
 c. Substantial amount of documentary evidence f. Substantial postjudgment judicial supervision

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

4. Number of causes of action (specify): **FOUR (4)**
 5. This case is is not a class action suit.
 6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)
 Date: **AUGUST 10, 2010**
ELANA R. LEVINE
 (TYPE OR PRINT NAME)

KINGSLEY & KINGSLEY, APC
[Signature]
 (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 Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) 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 3.400 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 collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

To Plaintiffs and Others Filing First Papers. If you are filing a first paper (for example, a complaint) in a civil case, you **must** complete and file, along with your first paper, the *Civil Case Cover Sheet* contained on page 1. This information will be used to compile statistics about the types and numbers of cases filed. You must complete items 1 through 6 on the sheet. In item 1, you must check **one** box for the case type that best describes the case. If the case fits both a general and a more specific type of case listed in item 1, check the more specific one. If the case has multiple causes of action, check the box that best indicates the **primary** cause of action. To assist you in completing the sheet, examples of the cases that belong under each case type in item 1 are provided below. A cover sheet must be filed only with your initial paper. Failure to file a cover sheet with the first paper filed in a civil case may subject a party, its counsel, or both to sanctions under rules 2.30 and 3.220 of the California Rules of Court.

To Parties in Rule 3.740 Collections Cases. A "collections case" under rule 3.740 is defined as an action for recovery of money owed in a sum stated to be certain that is not more than \$25,000, exclusive of interest and attorney's fees, arising from a transaction in which property, services, or money was acquired on credit. A collections case does not include an action seeking the following: (1) tort damages, (2) punitive damages, (3) recovery of real property, (4) recovery of personal property, or (5) a prejudgment writ of attachment. The identification of a case as a rule 3.740 collections case on this form means that it will be exempt from the general time-for-service requirements and case management rules, unless a defendant files a responsive pleading. A rule 3.740 collections case will be subject to the requirements for service and obtaining a judgment in rule 3.740.

To Parties in Complex Cases. In complex cases only, parties must also use the *Civil Case Cover Sheet* to designate whether the case is complex. If a plaintiff believes the case is complex under rule 3.400 of the California Rules of Court, this must be indicated by completing the appropriate boxes in items 1 and 2. If a plaintiff designates a case as complex, the cover sheet must be served with the complaint on all parties to the action. A defendant may file and serve no later than the time of its first appearance a joinder in the plaintiff's designation, a counter-designation that the case is not complex, or, if the plaintiff has made no designation, a designation that the case is complex.

CASE TYPES AND EXAMPLES

Auto Tort

- Auto (22)—Personal Injury/Property Damage/Wrongful Death
- Uninsured Motorist (46) (*if the case involves an uninsured motorist claim subject to arbitration, check this item instead of Auto*)

Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort

- Asbestos (04)
 - Asbestos Property Damage
 - Asbestos Personal Injury/Wrongful Death
- Product Liability (*not asbestos or toxic/environmental*) (24)
- Medical Malpractice (45)
 - Medical Malpractice—Physicians & Surgeons
 - Other Professional Health Care Malpractice
- Other PI/PD/WD (23)
 - Premises Liability (e.g., slip and fall)
 - Intentional Bodily Injury/PD/WD (e.g., assault, vandalism)
 - Intentional Infliction of Emotional Distress
 - Negligent Infliction of Emotional Distress
- Other PI/PD/WD

Non-PI/PD/WD (Other) Tort

- Business Tort/Unfair Business Practice (07)
- Civil Rights (e.g., discrimination, false arrest) (*not civil harassment*) (08)
- Defamation (e.g., slander, libel) (13)
- Fraud (16)
- Intellectual Property (19)
- Professional Negligence (25)
 - Legal Malpractice
 - Other Professional Malpractice (*not medical or legal*)
- Other Non-PI/PD/WD Tort (35)
- Employment
 - Wrongful Termination (36)
 - Other Employment (15)

Contract

- Breach of Contract/Warranty (06)
 - Breach of Rental/Lease
 - Contract (*not unlawful detainer or wrongful eviction*)
 - Contract/Warranty Breach—Seller Plaintiff (*not fraud or negligence*)
 - Negligent Breach of Contract/Warranty
 - Other Breach of Contract/Warranty
- Collections (e.g., money owed, open book accounts) (09)
 - Collection Case—Seller Plaintiff
 - Other Promissory Note/Collections Case
- Insurance Coverage (*not provisionally complex*) (18)
 - Auto Subrogation
 - Other Coverage
- Other Contract (37)
 - Contractual Fraud
 - Other Contract Dispute

Real Property

- Eminent Domain/Inverse Condemnation (14)
- Wrongful Eviction (33)
- Other Real Property (e.g., quiet title) (26)
 - Writ of Possession of Real Property
 - Mortgage Foreclosure
 - Quiet Title
 - Other Real Property (*not eminent domain, landlord/tenant, or foreclosure*)

Unlawful Detainer

- Commercial (31)
- Residential (32)
- Drugs (38) (*if the case involves illegal drugs, check this item; otherwise, report as Commercial or Residential*)

Judicial Review

- Asset Forfeiture (05)
- Petition Re: Arbitration Award (11)
- Writ of Mandate (02)
 - Writ—Administrative Mandamus
 - Writ—Mandamus on Limited Court Case Matter
 - Writ—Other Limited Court Case Review
- Other Judicial Review (39)
 - Review of Health Officer Order
 - Notice of Appeal—Labor
 - Commissioner Appeals

Provisionally Complex Civil Litigation (Cal. Rules of Court Rules 3.400–3.403)

- Antitrust/Trade Regulation (03)
- Construction Defect (10)
- Claims Involving Mass Tort (40)
- Securities Litigation (28)
- Environmental/Toxic Tort (30)
- Insurance Coverage Claims (*arising from provisionally complex case type listed above*) (41)

Enforcement of Judgment

- Enforcement of Judgment (20)
 - Abstract of Judgment (Out of County)
 - Confession of Judgment (*non-domestic relations*)
 - Sister State Judgment
 - Administrative Agency Award (*not unpaid taxes*)
 - Petition/Certification of Entry of Judgment on Unpaid Taxes
 - Other Enforcement of Judgment Case

Miscellaneous Civil Complaint

- RICO (27)
- Other Complaint (*not specified above*) (42)
 - Declaratory Relief Only
 - Injunctive Relief Only (*non-harassment*)
 - Mechanics Lien
 - Other Commercial Complaint Case (*non-tort/non-complex*)
 - Other Civil Complaint (*non-tort/non-complex*)

Miscellaneous Civil Petition

- Partnership and Corporate Governance (21)
- Other Petition (*not specified above*) (43)
 - Civil Harassment
 - Workplace Violence
 - Elder/Dependent Adult Abuse
 - Election Contest
 - Petition for Name Change
 - Petition for Relief from Late Claim
 - Other Civil Petition