

COPY

SUMMONS ON FIRST AMENDED
(CITACION JUDICIAL) CLASS ACTION COMPLAINT

SUM-100

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

NOTICE TO DEFENDANT: THERMASOURCE, INC.; and DOES 1
(AVISO AL DEMANDADO): to 50, Inclusive

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

DEC 28 2009

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

YOU ARE BEING SUED BY PLAINTIFF: DON HODGES and WALTER
(LO ESTÁ DEMANDANDO EL DEMANDANTE): ZUNIGA, on behalf
of themselves 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):
BC425928

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):
KINGSLEY & KINGSLEY, APC
ERIC B. KINGSLEY, ESQ. SBN-185123 (818) 990-8300 FAX (818) 990-2903
BRIAN LEVINE, ESQ., SBN-251416
16133 VENTURA BLVD., SUITE 1200, ENCINO, CA 91436

DATE: _____ Clerk, by SHAUNYA WESLEY, Deputy
(Fecha) DEC 28 2009 (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

[SEAL]

- 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):

1 **KINGSLEY & KINGSLEY, APC**
2 **ERIC B. KINGSLEY, ESQ. SBN-185123**
3 **BRIAN LEVINE, ESQ. SBN-251416**
4 **16133 VENTURA BLVD., SUITE 1200**
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6 **(818) 990-8300, FAX (818) 990-2903**

7 **THOMAS L. FOX, ESQ. SBN-111046**
8 **16133 VENTURA BL., SUITE 1200**
9 **ENCINO, CA 91436**
10 **(818) 995-4074; FAX (818) 995-1213**

11 **Attorneys for Plaintiffs**

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

DEC 28 2009

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

12 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
13 **FOR THE COUNTY OF LOS ANGELES**

14 **DON HODGES and WALTER ZUNIGA,**)
15 **on behalf of themselves and others**)
16 **similarly situated,**)

17 **Plaintiffs,**)

18 **v.**)

19 **THERMASOURCE, INC.; and**)
20 **DOES 1 to 50, Inclusive,**)

21 **Defendants.**)

CASE NO.: BC425928

**FIRST AMENDED CLASS ACTION
COMPLAINT FOR:**

- 1. Unpaid Wages and/or Overtime
- 2. Failure to Provide Meal Breaks Under Labor Code §226.7
- 3. Failure to Provide Rest Breaks Under Labor Code §226.7
- 4. Violation of Labor Code §226
- 5. Penalties Pursuant to Labor Code §203
- 6. Violation of Business & Professions Code §17200
- 7. Penalties Pursuant to Labor Code §2699

22 Plaintiffs **DON HODGES** and **WALTER ZUNIGA** on behalf of themselves and all others
23 similarly situated, complain of Defendants, and each of them, as follows:

I

INTRODUCTION

24 1. This is a Class Action, pursuant to Code of Civil Procedure §382, on behalf of Plaintiffs
25 and all individuals who hold or held the position of hourly employees, who are employed by, or
26 formerly employed by THERMASOURCE, INC. and any subsidiaries or affiliated companies
27 (hereinafter referred to as "THERMASOURCE" or "Defendants") within the State of California.
28

1 alleged herein have a direct effect on Plaintiffs and those similarly situated within the State of
2 California.

3 8. Plaintiffs **DON HODGES** and **WALTER ZUNIGA** are residents of California.

4 9. As hourly employees, Plaintiffs were regularly required to:

5 (1) Work without being provided all wages due for all hours worked;

6 (2) Work in excess of five (5) hours per day without being provided a meal period and
7 not being compensated one (1) hour of pay at the regular rate of compensation for each workday that
8 a meal period was not provided or provided after five (5) hours, all in violation of California labor laws,
9 regulations, and Industrial Welfare Commission Wage Orders;

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

13 (4) Work without being provided an accurate itemized wage statement.

14 10. Defendants willfully failed to compensate Plaintiffs and others for wages at the termination
15 of their employment with Defendants.

16 **B. Defendants**

17 11. Defendant THERMASOURCE, INC. is a California corporation operating in California.
18 They own and operate several locations in the State of California. The Defendant's corporate address
19 is 3883 Airway Dr. #340, Santa Rosa, California 95403. Defendants employed Plaintiffs and similarly
20 situated persons as hourly employees within California.

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

28 ///

1 13. Plaintiffs are informed and believe, and based thereon allege, that each Defendant acted
2 in all respects pertinent to this action as the agent of the other Defendants, carried out a joint scheme,
3 business plan or policy in all respects pertinent hereto, and the acts of each Defendant are legally
4 attributable to the other Defendants. Furthermore, Defendants in all respects acted as the employer
5 and/or joint employer of Plaintiffs and the proposed class.

6 **III**

7 **FACTUAL BACKGROUND**

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

12 15. Plaintiffs and the class worked without receiving compensation for all hours worked at the
13 proper corresponding rate. Specifically, Defendants have required employees to report to work fifteen
14 minutes prior to the start of their shift, without compensation.

15 16. Plaintiffs and the Class have not been provided meal periods for work days in excess of
16 five (5) hours and were not compensated one hours wages in lieu thereof. Amongst other things, on a
17 regular and consistent basis, Plaintiffs and the class were not provided a meal break, required to stay
18 on the premises during their meal break, and/or were interrupted during their meal break without
19 receiving the proper compensation.

20 17. Plaintiffs and the Class have rest periods for work days in excess of four (4) without being
21 provided a rest period and were not compensated one hours wages in lieu thereof.

22 18. Defendants did not fully compensate the proposed class for Defendants' failure to provide
23 rest periods and meal periods. Defendants' requirement that Plaintiffs and the proposed class work
24 through meal and rest periods without paying legal compensation for failure to provide meal or rest
25 periods was willful and deliberate.

26 19. Defendants have failed to comply with Industrial Welfare Commission ("IWC") Wage
27 Order 7-2001(7) by failing to maintain time records showing when the employee begins and ends each
28 work period, meal periods, and total daily hours worked by itemizing in wage statements all deductions

1 from payment of wages and accurately reporting total hours worked by Plaintiffs and the members of
2 the proposed class.

3 20. Plaintiffs and the class are covered by California Industrial Welfare Commission
4 Occupational Wage Order No. 16-2001, California Industrial Welfare Commission in No. 16 (Title 8
5 Cal. Code of Reg. §§110160).

6 IV

7 **CLASS ACTION ALLEGATIONS**

8 21. Plaintiffs bring this action on behalf of themselves and all others similarly situated as a
9 Class Action pursuant to §382 of the Code of Civil Procedure. Plaintiffs seek to represent a class
10 composed of and defined as follows:

11 All non-exempt hourly employees who are employed or have been
12 employed by Defendants in the State of California and for at least four (4)
years prior to the filing of this action.

13 22. Plaintiffs reserve the right under Rule 3.765, California Rules of Court, to amend or modify
14 the class description with greater specificity or further division into subclasses or limitation to particular
15 issues.

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

19 A. **Numerosity**

20 24. The potential members of the proposed class as defined are so numerous that joinder of
21 all the members of the proposed class is impracticable. While the precise number of proposed class
22 members has not been determined at this time, Plaintiffs are informed and believe that Defendants
23 currently employ, and during the relevant time periods employed, over 100 hourly employees.

24 25. Accounting for employee turnover during the relevant periods necessarily increases this
25 number substantially. Plaintiffs allege Defendants' employment records would provide information as
26 to the number and location of all proposed class members. Joinder of all members of the proposed class
27 is not practicable.

28 ///

1 **B. Commonality**

2 26. There are questions of law and fact common to the proposed class that predominate over
3 any questions affecting only individual class members. These common questions of law and fact
4 include, without limitation:

5 (1) Whether Defendants failed to pay class members for all hours worked;

6 (2) Whether Defendants violated Labor Code §§ 226.7 and 512, IWC Wage Order 16-
7 2001 or other applicable IWC Wage Orders, by failing to provide meal periods on days they worked in
8 excess of five (5) hours and failing to compensate said hourly employees one (1) hours wages in lieu
9 of meal periods;

10 (3) Whether Defendants violated Labor Code §§226.7 and 512, Wage Order 16-2001 or
11 other applicable IWC Wage Orders, by failing to provide daily rest periods for every three and one-half
12 (3 1/2) hours or major fraction thereof worked and failing to compensate said hourly employees one (1)
13 hours wages in lieu of rest periods;

14 (4) Whether Defendants violated §§201-203 of the Labor Code by failing to pay
15 compensation due and owing at the time that any proposed class member's employment with Defendants
16 terminated;

17 (5) Whether Defendants violated §17200 et seq. of the Business & Professions Code by
18 failing to provide wages and compensation to hourly employees; and

19 (6) Whether Plaintiffs and the members of the proposed class are entitled to equitable
20 relief pursuant to Business & Professions Code §17200, et. seq.

21 (7) Whether Defendants violated §2699 of the Labor Code by committing the acts
22 alleged by Plaintiff in violation of the Labor Code;

23 **C. Typicality**

24 27. The claims of the Named Plaintiffs are typical of the claims of the proposed class.
25 Plaintiffs and all members of the proposed class sustained injuries and damages arising out of and
26 caused by Defendants' common course of conduct in violation of laws, regulations that have the force
27 and effect of law and statutes as alleged herein.

28 ///

1 amounts to be determined at trial, and are entitled to recovery of such amounts, plus interest and
2 penalties thereon, attorneys' fees, and costs, pursuant to Labor Code §§ 1194 and 17200, et seq.

3 **VI**

4 **SECOND CAUSE OF ACTION**

5 **FAILURE TO PROVIDE MEAL BREAK PER LABOR CODE §226.7**

6 34. Plaintiffs incorporate each and every allegation set forth in all of the foregoing paragraphs
7 as if fully set forth herein.

8 35. Labor Code §226.7 requires an employer to pay an additional hour of compensation for
9 each meal period the employer fails to provide. Employees are entitled to a meal period of a least thirty
10 (30) minutes per five (5) hour work period. Labor Code §§ 512 and 516. Plaintiffs and the class
11 consistently worked over five (5) hour shifts. Pursuant to the Code, Plaintiffs and the class are entitled
12 to a meal period of not less than thirty (30) minutes prior to exceeding five (5) hours of employment.

13 36. Defendants failed to provide Plaintiffs and others with timely meal breaks of not less than
14 thirty (30) minutes as required by the Labor Code during the relevant class period.

15 37. Pursuant to Labor Code §226.7, Plaintiffs are entitled to damages in an amount equal to
16 one (1) hour of wages per missed meal break, in a sum to be proven at trial.

17 **VII**

18 **THIRD CAUSE OF ACTION**

19 **FAILURE TO PROVIDE REST BREAKS UNDER LABOR CODE §226.7**

20 38. Plaintiffs incorporate each and every allegation set forth in all of the foregoing paragraphs
21 as if fully set forth herein.

22 39. Labor Code §226.7 requires an employer to pay an additional hour (1) of compensation
23 for each rest period the employer fails to provide. Employees are entitled to a paid ten (10) minute rest
24 break for every four (4) hours worked. Plaintiffs and the proposed class consistently worked over four
25 (4) hours per shift with no rest breaks.

26 40. Defendants failed to provide Plaintiffs and others with rest breaks of not less than ten (10)
27 minutes as required by the Labor Code during the relevant class period.

28 41. Pursuant to Labor Code §226.7, Plaintiffs are entitled to damages in an amount equal to

1 one (1) hour of wages per missed rest break, in a sum to be proven at trial.

2
3 **VIII**

4 **FOURTH CAUSE OF ACTION**

5 **VIOLATION OF LABOR CODE §226**

6 42. Plaintiffs incorporate each and every allegation set forth in all of the foregoing paragraphs
7 as if fully set forth herein.

8 43. Section 226(a) of the California Labor Code requires Defendants to itemize in wage
9 statements all deductions from payment of wages and to accurately report total hours worked by
10 Plaintiffs and the members of the proposed class. Defendants have knowingly and intentionally failed
11 to comply with Labor Code §226(a) on each and every wage statement that should have been provided
12 to Plaintiffs and members of the proposed class.

13 44. By failing to keep adequate records as required by §226(a) of the Labor Code, Defendants
14 have injured Plaintiffs and class members and made it difficult to calculate the unpaid wages earned,
15 unpaid meal period compensation, and losses and expenditures not indemnified by Defendants
16 (including wages, interest, and penalties thereon) due Plaintiffs and members of the proposed class.

17 45. Plaintiffs and the class they seek to represent request relief as described herein and below.

18 **IX**

19 **FIFTH CAUSE OF ACTION**

20 **WAITING TIME PENALTIES PURSUANT TO LABOR CODE §203**

21 46. Plaintiffs incorporate each and every allegation set forth in all of the foregoing paragraphs
22 as if fully set forth herein.

23 47. Numerous members of the proposed class including Plaintiffs are no longer employed by
24 Defendants. They were either fired or quit Defendants employ.

25 48. Defendants' failure to pay wages, as alleged above was willful in that Defendants and each
26 of them knew wages to be due but failed to pay them, thus entitling Plaintiffs and the proposed class
27 to penalties under Labor Code §203, which provides that an employee's wages shall continue as a
28 penalty until paid for a period of up to thirty (30) days from the time they were due.

1 55. Defendants have violated statutes and public policies. Through the conduct alleged in this
2 Complaint, Defendants, and each of them, have acted contrary to these public policies, have violated
3 specific provisions of the Labor Code, and have engaged in other unlawful and unfair business practices
4 in violation of Business & Profession Code §17200, et seq., depriving Plaintiffs, and all persons
5 similarly situated, and all interested persons of rights, benefits, and privileges guarantees to all
6 employees under law.

7 56. Defendants' conduct, as alleged hereinabove, constitutes unfair competition in violation
8 of §17200 et. seq. of the Business & Professions Code.

9 57. Defendants by engaging in the conduct herein alleged, by not providing the proper
10 compensation and breaks, either knew or in the exercise of reasonable care should have known that the
11 conduct was unlawful. As such it is a violation of §17200 et. seq. of the Business & Professions Code.

12 58. As a proximate result of the above mentioned acts of Defendants, Plaintiffs and others
13 similarly situated have been damaged in a sum as may be proven.

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

21 **XI**

22 **SEVENTH CAUSE OF ACTION**

23 **PENALTIES PURSUANT TO LABOR CODE §2699**

24 60. Plaintiffs incorporate each and every allegation set forth in all of the foregoing paragraphs
25 as if fully set forth herein.

26 61. As a result of the acts alleged above, Plaintiffs seek penalties under California Labor Code
27 §2698, et seq. because of Defendants' violation of Labor Code §§201, 202, 203, 226, 226.7, 510, 512,
28 1194, and 1199.

Thermasource

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

Case Number _____

BC 425028

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 Czaleger | 3 | 224 | Hon. Mel Red Recana | 45 | 529 |
| Hon. Luis A. Lavin | 13 | 630 | Hon. Aurelio Munoz | 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. Helen I. Bendix | 18 | 308 | Hon. Susan Bryant-Deason | 52 | 510 |
| Pending Assignment | 19 | 311 | Hon. John P. Shook | 53 | 513 |
| Hon. Kevin C. Brazile | 20 | 310 | Hon. Ernest M. Hiroshige | 54 | 512 |
| Hon. Zaven V. Sinanian | 23 | 315 | Hon. Malcolm H. Mackey | 55 | 515 |
| Hon. Robert L. Hess | 24 | 314 | Hon. Jane L. Johnson | 56 | 514 |
| Hon. Mary Ann Murphy | 25 | 317 | Hon. Ralph W. Dau | 57 | 517 |
| Hon. James R. Dunn | 26 | 316 | Hon. Rolf M. Treu | 58 | 516 |
| Hon. Yvette M. Palazuelos | 28 | 318 | Hon. David L. Minning | 61 | 632 |
| Hon. John A. Kronstadt | 30 | 400 | Hon. Michael L. Stern | 62 | 600 |
| Hon. Alan S. Rosenfield | 31 | 407 | Hon. Kenneth R. Freeman | 64 | 601 |
| Hon. Mary H. Strobel | 32 | 406 | Hon. Mark Mooney | 68 | 617 |
| Hon. Charles F. Palmer | 33 | 409 | Hon. Edward A. Ferns | 69 | 621 |
| Hon. Amy D. Hogue | 34 | 408 | 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. Carl J. West* | 311 | CCW |
| Hon. Michelle R. Rosenblatt | 40 | 414 | Other | | |
| Hon. Ronald M. Sohigian | 41 | 417 | | | |

***Class Actions**

All class actions are initially assigned to Judge Carl J. West in Department 311 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