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Balifornio

AUG 0 5 2016

Attorneys for Plaintiff

PAX

JASON LITAK

Sherri R. Carter, Executive Officer/Clerk
By Deputy

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES -CENTRAL DISTRICT

JASON LITAK, an individual

Plaintiff

VS.

SOUTHERN CALIFORNIA PERMANENTE MEDICAL GROUP. INC., a California corporation KAISER PERMANENTE INTERNATIONAL, a California corporation; KAISER FOUNDATION HOSPITALS, a California corporation; and DOES 1 through 50, inclusive Defendants

Case No.

BC 6 2 8 4 8 6

COMPLAINT FOR:

- RETALIATION IN VIOLATION OF THE **CALIFORNIA FAMILY RIGHTS ACT** ("CFRA") AND THE FAMILY MEDICAL LEAVE ACT ("FMLA");
- 2. ASSOCIATIONAL DISABILITY DISCRIMINATION IN VIOLATION OF CAL. GOVERNMENT CODE §12940 ET SEQ. ("FEHA");
- 3. RETALIATION IN VIOLATION OF FEHA;
- WRONGFUL TERMINATION IN VIOLATION OF PUBLIC POLICY;
- FAILURE TO PAY OVERTIME WAGES: AND:
- UNFAIR BUSINESS PRACTICES IN VIOLATION OF CALIFORNIA BUSINESS AND PROFESSIONS CODE § 17200, BT RECEIPT DATE PAI SEQ.;

Plaintiff, JASON LITAK, hereby brings his complaint against the above-named

Defendants and states and alleges as follows:

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COMPLAINT

CIT/CASE: BC628486

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PRELIMINARY ALLEGATIONS

- At all times material herein, Plaintiff, JASON LITAK (hereinafter referred to as "Plaintiff") was and is a resident of the State of California, County of Los Angeles.
- Plaintiff is informed, believes, and based thereon alleges that Defendant SOUTHERN CALIFORNIA PERMANENTE MEDICAL GROUP, INC. is a California corporation and was at all times mentioned in this complaint duly licensed to do business, was and is doing business. under and by virtue of the laws of the State of California, in Los Angeles county. Plaintiff is informed, believes, and based thereon alleges that SOUTHERN CAMPORNIA PERMANENTE MEDICAL GROUP, INC.'s principal place of business is in the State of California, County of Los Angeles.
- Plaintiff is informed, believes, and based thereon alleges that Defendant KAISER PERMANENTE INTERNATIONAL is a California corporation and was at all times mentioned in this complaint duly licensed to do business, was and is doing business, under and by virtue of the laws of the State of California, in Los Angeles county.
- Plaintiff is informed believes, and based thereon alleges that Defendant KAISER FOUNDATION HOSPITALS is California corporation and was at all times mentioned in this complaint duly licensed to do business, was and is doing business, under and by virtue of the laws of the State of California, in Los Angeles county.
- At all times mentioned herein, Plaintiff was employed by Defendants SOUTHERN CALIFORNIA PERMANENTE MEDICAL GROUP, INC., KAISER PERMANENTE INTERNATIONAL and KAISER FOUNDATION HOSPITALS who are hereinafter collectively referred to as "KAISER."
- At all times mentioned herein, Plaintiff was employed by KAISER in the State of California, County of Los Angeles,
- 7. DOES 1 through 50, and each of them, were and are the shareholders, and/or directors, and/or officers, and/or agents, and/or alter egos of KAISER, and in doing the things herein described, were acting within the scope of their authority as such shareholders, and/or directors, and/or officers, and/or agents, and/or alter egos of KAISER.

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8. The true names and capacities, whether individual, corporate, associate or otherwise
of DOES 1 through 50 are unknown to Plaintiff who therefore sues these Defendants under said
fictitious names. Plaintiff is informed and believes that each of the Defendants named as a DOF
Defendant is legally responsible in some manner for the events referred to in this complaint,
either negligently, willfully, wantonly, recklessly, tortiously, strictly liable, statutorily liable or
otherwise, for the injuries and damages described below to this Plaintiff. Plaintiff will in the
future seek leave of this court to show the true names and capacities of these DOE Defendants is
and when they have been ascertained.

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- Plaintiff is informed and believes, and based thereon alleges, that each of the fictitiously named Defendants is responsible in some manner for, and proximately caused, the harm and damages alleged herein below.
- 10. Plaintiff is informed and believes, and based thereon alleges, that each of the Defendants named herein acted as the employee, agent, partner, alter-ego and/or joint venturer of each of the other Defendants named hereig and, in doing the acts and in carrying out the wrongful conduct alleged herein, each of said Defendants acted within the scope of said relationship and with the permission, consent and ratification of each of the other Defendants named herein.
- 11. Hereinafter in the Complaint, unless otherwise specified, reference to a Defendant or Defendants shall refer to all Defendants, and each of them.

FACTUAL ALLEGATIONS

- 12. Plaintiff began his employment with KAISER as an Associate Physician on or about September 10, 2012. Plaintiff performed all his job duties satisfactorily and became a valued member of KAISER.
- 13. KAISER informed Plaintiff during his orientation that Associate Physicians are almost universally promoted to Partner Physician at their three-year mark, unless an Associate Physician is subject to formal disciplinary write-ups on a K-1 form. KAISER also informed Plaintiff during his orientation that denial of partnership would not come as a surprise to him, and that he was encouraged to take advantage of all benefits offered by KAISER.

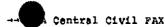
14.	Throughout his two years as an Ass	ociate Physician, Plaintiff consistently received
positive M	APPS scores and performance data.	Plaintiff never received any K-1 write-ups during
his employ	ment at KAISER.	

- 15. During Plaintiff's employment with KAISER, Plaintiff requested and took intermittent time off to attend medical appointments related to his wife's pregnancy and serious health condition related thereto. Plaintiff used his sick days for these medical appointments. Plaintiff informed KAISER of his need to take this time off due to his wife's pregnancy and related serious medical condition. Plaintiff's daughter was born on December 7, 2013.
- 16. Plaintiff took FMLA and CFRA protected leave to bond with his newborn daughter from approximately December 9, 2013 through January 7, 2014. Plaintiff previously submitted the proper notification to KAISER, and KAISER approved Plaintiff's request for leave.
- 17. Thereafter, KAISER denied Plaintiff referention bonuses in the amount of about \$15,000 and informed Plaintiff that it was due to his "overuse of sick days." Plaintiff is informed and believes, and based thereon alleges, that KAISER denied his retention bonus in retaliation for his taking of CFRAFMLA protected leave. Plaintiff complained to Greg Kelman and to Chief of Dermatology low Twersky regarding KAISER's denial of his retention bonuses.
- 18. Plaintiff took a second FMLA and CFRA protected leave from approximately June 3, 2014, through July 3, 2014. Plaintiff previously submitted the proper notification to KAISER, and KAISER approved Plaintiff's second request for leave.
- When Plaintiff returned from FMLA/CFRA leave, Assistant Area Medical Director Greg Kelman remarked to Plaintiff: "I've never seen another employee take so much family leave" and that Plaintiff was putting "pressure" on other surgeons because of his decision to take so much family leave time. KAISER area medical director Shirley Suda also told Plaintiff "when you take leave, it puts stress on others."
- 20. On or about August 7, 2014, approximately one month after Plaintiff returned from his second FMLA/CFRA leave, KAISER Chief of Dermatology Joy Twersky and Assistant Area Medial Director Greg Kelman informed Plaintiff that he would not be recommended for the promotion of Partner Physician due to a vote by "all of the chiefs." Plaintiff is informed and

believes, and based thereon alleges, that there was no such vote. Ms. Twersky and Mr. Kelman then told Plaintiff that if he did not resign, he would be terminated effective October 1, 2014, and would only be allowed to work for KAISER as a Per Diem physician thereafter.

- 21. Plaintiff is informed and believes, and based thereon alleges, that KAISER denied him the promotion to Partner Physician in retaliation for his use of CFRA/FMLA protected leave and his engagement in protected activity under the Fair Employment and Housing Act (FEHA), as well as his association with his pregnant wife.
- 22. Later that day, on or about August 7, 2014, during a meeting with Area Medical Director Shirley Suda, Ms. Suda informed Plaintiff that his "leave" and "unexcused absences" has been viewed by KAISER as a lack of support for his repartment and that it appeared as though he was not "all in." Plaintiff did not take any unexcused absences during his employment with KAISER.
- 23. Plaintiff, acting as a reasonable person, had no choice but to resign. On or about August 14, 2014, Plaintiff submitted the resignation letter drafted for him by KAISER, effective October 13, 2014. On or about October 15, 2014, Plaintiff began employment as a Per Diem Physician for KAISER. Plaintiff's demotion to Per Diem physician resulted in a loss of benefits, including health insurance, and a pay cut of about \$13.00 less per hour.
- 24. On or about December 5, 2015, KAISER terminated Plaintiff from his Per Diem Physician position for pretextual reasons. Plaintiff is informed and believes, and based thereon alleges, that KAISER's stated reasons for Plaintiff's termination were pretext. KAISER was substantially motivated in not selecting Plaintiff for partnership, in denying his retention bonus, and in terminating him from his per diem position by Plaintiff's engagement in protected activity, including his utilization of CFRA/FMLA protected leave, his complaints.
- 25. During his employment as a Per Diem Physician with KAISER, Plaintiff was not exempt from the employment laws and regulations of California. Defendants failed to pay Plaintiff all wages for his overtime hours worked as a Per Diem Physician.
- 26. Plaintiff properly exhausted his administrative remedies. On or about November 3, 2014, Plaintiff submitted a written complaint to KAISER appealing KAISER's aforementioned

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decisions and requesting initiation of the dispute resolution procedure. In his request, Plaintiff complained that he felt his parenting/family care leave was the reason KAISER did not select him as a partner. On January 21, 2015, KAISER denied Plaintiff's appeal. Furthermore, Plaintiff filed a complaint with the Department of Fair Housing and Employment ("DFEH") against Defendants on December 2, 2015. The DFEH issued Plaintiff an immediate right to sue letter on the same date, on December 2, 2015.

FIRST CAUSE OF ACTION

RETALIATION IN VIOLATION OF THE CALIFORNIA FAMILY RIGHTS ACT (CFRA) AND THE FAMILY MEDICAL LEAVE ACT (FMLA)

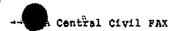
(Against All Defendants)

- 27. Plaintiff restates and incorporates all preceding paragraphs of this Complaint as if fully set forth herein.
- 28. At all relevant times herein, Plaintiff was qualified for and entitled to protected leave under the California Family Rights Act (CFRA) and Family Medical Leave Act (FMLA).

 Plaintiff was entitled to the benefits of the CFRA and FMLA because he worked for Defendants for more than one year and had at least 1250 hours of service in the year preceding his requests for leave to bond with his children, and
- 29. At all relevant times herein, Defendants are subject to the provisions of the CFRA and FMLA because they employed fifty (50) or more full or part time employees within 75 miles of Plaintiff's place of employment.
- U.S.C. § 2601 et seq.) prohibit employers from discriminating or retaliating against an employee for having exercised or attempted to exercise any CFRA or FMLA right.
- 31. For example, California Government Code section 12945.2(1) provides: "It shall be an unlawful employment practice for an employer to refuse to hire, or to discharge, fine, suspend, expel, or discriminate against, any individual because of any of...an individual's exercise of the right to family care and medical leave."

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	32.	Furthermore, 29 U.S.C. § 2615 provides: "It shall be unlawful for any employer t
inter	fere w	rith, restrain, or deny the exercise of or the attempt to exercise, any right provided
unde	r this	subchapter" and that "It shall be unlawful for any employer to discharge or in any
othe	manı	ner discriminate against any individual for opposing any practice made unlawful by
		apter."

- 33. Plaintiff properly requested and took CFRA/FMLA protected leave from approximately December 9, 2013 through January 7, 2014 and from approximately June 3, 2014, through July 3, 2014.
- 34. Thereafter, Defendants denied Plaintiff retention bonuses, refused to promote him to Partner Physician, demoted him to a Per Diem Physician, and then wrongfully terminated his employment altogether. Defendants were substantially motivated in taking these adverse employment actions by retaliatory animus towards Plaintiff due to his engagement in protected activity under the CFRA and FMLA.
- 35. As a proximate result of the aforesaid acts of Defendants, Plaintiff has suffered actual, consequential and incidental financial losses, including without limitation, loss of salary and benefits, and the intangible loss of employment related opportunities in his field and damage to his professional reputation, all in an amount subject to proof at the time of trial. Plaintiff claims such amounts as damages pursuant to Civil Code § 3287 and/or § 3288 and/or any other provision of law providing for prejudgment interest.
- 36 As the proximate result of the wrongful acts of Defendants, Plaintiff has suffered and continues to suffer emotional distress, humiliation, mental anguish and embarrassment, as well as the manifestation of physical symptoms. Plaintiff is informed and believes, and thereupon alleges, that he will continue to experience said physical and emotional suffering for a period in the future not presently ascertainable, all in an amount subject to proof at the time of trial.
- 37. As a proximate result of the wrongful acts of Defendants Plaintiff has been forced to hire attorneys to prosecute his claims herein and has incurred and is expected to continue to incur attorneys' fees and costs in connection therewith. Plaintiff is entitled to recover attorneys' fees and costs under California Government Code § 12965(b).

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38. Plaintiff is informed and believes, and based thereon alleges, that Defendants had in place policies and procedures that specifically prohibited Defendants' managers, officers, and agents from discriminating and retaliating against employees based on their engagement in protected activity under the CFRA/FMLA. Managers, officers, and/or agents of Defendants were aware of Defendants' policies and procedures prohibiting Defendants' managers, officers, and agents from discriminating and retaliating against employees based on their engagement in protected activity under the CFRA/FMLA. However, Defendants chose to consciously and willfully ignore said policies and procedures and therefore, Defendants' outrageous conduct was fraudulent, malicious, oppressive, and was done in wanton disregard for the rights of Plaintiff and the rights and duties owed by each Defendant to Plaintiff Each Defendant aided, abetted, participated in, authorized, ratified, and/or conspired to engage in the wrongful conduct alleged above. Plaintiff should, therefore, be awarded examplary and punitive damages against each Defendant in an amount to be established that is appropriate to punish each Defendant and deter others from engaging in such conduct.

39. Plaintiff is informed and believes, and based thereon alleges, that Defendants had a pattern and practice of discriminating and retaliating against employees based on their engagement in protected activity under the CFRA/FMLA. Plaintiff should, therefore, be awarded exemplary and punitive damages against each Defendant in an amount to be established that is appropriate to punish each Defendant and deter others from engaging in such conduct.

SECOND CAUSE OF ACTION

ASSOCIATIONAL DISABILITY DISCRIMINATION IN VIOLATION OF GOVT. CODE §§ 12940 ET SEQ. (FEHA)

(Against All Defendants)

- 40. Plaintiff hereby repeats and incorporates all preceding paragraphs as though fully set forth herein.
- 41. At all times herein mentioned, California Government Code §§ 12940 et seq. were in full force and effect and were binding on Defendants and each of them, as Defendants regularly employed five (5) or more persons.

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42. Under the Fair Emp	loyment and Housing Act ("FEHA"), Government Code §§
12940 e. seq., it is an unlawful e	employment practice for an employer because of the person's
association with the disability o	f a person to discharge the person from employment or to
discriminate against the person	in compensation or in terms, conditions, or privileges of
employment. Under Governme	nt Code 12926(o), "physical disability" includes a perception the
the nercon is associated with a t	person who has, or who is perceived to have a physical disability

- 43. During Plaintiff's employment with KAISER, Plaintiff requested and took intermittent time off to attend medical appointments related to his wife's pregnancy and serious health condition related thereto. Plaintiff used his sick days for these medical appointments. Plaintiff informed KAISER of his need to take this time off due to his wife's pregnancy and related serious medical condition. At all times herein, Plaintiff was able to perform the essential functions of his position with reasonable accommodation.
- 44. Defendants subjected Plaintiff to a pattern and practice of unlawful retaliation because of his association. As set forth above, Defendants were substantially motivated to deny Plaintiff's retention bonus, demote him, and then terminate his employment on the basis of his association with a disabled person, specifically his pregnant wife. Such conduct constituted associational discrimination in violation of the FEHA.
- As a proximate result of the aforesaid acts of Defendants, and each of them, Plaintiff has suffered actual, consequential and incidental financial losses, including without limitation, loss of salary and benefits, and the intangible loss of employment related opportunities in his field and damage to his professional reputation, all in an amount subject to proof at the time of trial. Plaintiff claims such amounts as damages pursuant to Civil Code § 3287 and/or § 3288 and/or any other provision of law providing for prejudgment interest.
- 46. As a proximate result of the wrongful acts of Defendants, and each of them, Plaintiff has suffered and continues to suffer emotional distress, humiliation, mental anguish and embarrassment, as well as the manifestation of physical symptoms. Plaintiff is informed and believes and thereupon alleges that he will continue to experience said physical and emotional

suffering for a period in the future not presently ascertainable, all in an amount subject to proof at the time of trial.

- 47. As a proximate result of the wrongful acts of Defendants, and each of them, Plaintiff has been forced to hire attorneys to prosecute his claims herein, and has incurred and is expected to continue to incur attorneys' fees and costs in connection therewith. Plaintiff is entitled to recover attorneys' fees and costs under California Government Code § 12965(b).
- 48. Plaintiff is informed and believes, and based thereon alleges, that Defendants had in place policies and procedures that specifically prohibited and required Defendants' managers, officers, and agents to prevent discrimination and retaliation based on association with a disabled person against and upon employees of Defendants. Managers, officers, and/or agents of Defendants were aware of Defendants' policies and procedures requiring Defendants' managers, officers, and agents to prevent, and investigate, discrimination based on association with a disabled person against and upon employees of Defendants. However, Defendants chose to consciously and willfully ignore said policies and procedures and therefore, Defendants' outrageous conduct was fraudulent, malicious, oppressive, and was done in wanton disregard for the rights of Plaintiff and the rights and duties owed by each Defendant to Plaintiff. Each Defendant aided, abetted, participated in, authorized, ratified, and/or conspired to engage in the wrongful conduct alleged above. Plaintiff should, therefore, be awarded exemplary and punitive damages against each Defendant in an amount to be established that is appropriate to punish each Defendant and deter others from engaging in such conduct.

THIRD CAUSE OF ACTION

RETALIATION IN VIOLATION OF FEHA

(Against All Defendants)

- 49. Plaintiff hereby repeats and incorporates all preceding paragraphs as though fully set forth herein.
- 50. At all times herein mentioned, California Government Code § 12940 et seq. was in full force and effect and was binding on Defendants, as Defendants regularly employed five or more persons. California Government Code §§ 12940(h) and 12940(l)(4) make it unlawful for

any person to retaliate against an employee who has engaged in protected activity under the FEHA, including requesting accommodations related to the disability of a person associated with the employee.

- 51. During Plaintiff's employment with KAISER, Plaintiff requested and took intermittent time off to attend medical appointments related to his wife's pregnancy and serious health condition related thereto. Plaintiff informed KAISER of his need to take this time off due to his wife's pregnancy and related serious medical condition.
- 52. In retaliation for Plaintiff's engagement in protected activity under the FEHA,

 Defendants denied him his retention bonuses, declined to promote Plaintiff to Partner Physician,
 demoted Plaintiff to a per diem position, and then terminated him for pretextual reasons.
- 53. Defendants' conduct, as alleged above, constituted unlawful retaliation in violation of California Government Code § 12940 et sea.
- 54. As a proximate result of the aforesaid acts of Defendants, and each of them, Plaintiff has suffered actual, consequential and incidental financial losses, including without limitation, loss of salary and benefits, and the intengible loss of employment related opportunities in his field and damage to his professional reputation, all in an amount subject to proof at the time of trial. Plaintiff claims such amounts as damages pursuant to Civil Code § 3287 and/or § 3288 and/or any other provision of law providing for prejudgment interest.
- 55. As a proximate result of the wrongful acts of Defendants, and each of them, Plaintiff has suffered and continues to suffer emotional distress, humiliation, mental anguish and embarrassment, as well as the manifestation of physical symptoms. Plaintiff is informed and believes and thereupon alleges that she will continue to experience said physical and emotional suffering for a period in the future not presently ascertainable, all in an amount subject to proof at the time of trial.
- 56. As a proximate result of the wrongful acts of Defendants, and each of them, Plaintiff has been forced to hire attorneys to prosecute his claims herein, and has incurred and is expected to continue to incur attorneys' fees and costs in connection therewith. Plaintiff is entitled to recover attorneys' fees and costs under California Government Code § 12965(b).

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Defendants had in place policies and procedures that specifically prohibited and required Defendants' managers, officers, and agents to prevent retaliation for requesting accommodations under the FEHA against and upon employees of Defendants. Defendants' managers, officers, and/or agents were aware of Defendants' policies and procedures requiring Defendants' managers, officers, and agents to prevent retaliation for complaints of sexual harassment against and upon employees of Defendants. Furthermore, Defendants managers, officers, and agents maintained broad discretionary powers regarding staffing managing, hiring, firing, contracting, supervising, assessing and establishing of corporate policy and practice in the Defendant's facilities. However, Defendants' managers, officers, and agents chose to consciously and willfully ignore said policies and procedures and therefore, their outrageous conduct was fraudulent, malicious, oppressive, and was done in wanton disregard for the rights of Plaintiff and the rights and duties owed by each Defendant to Plaintiff. Each Defendant aided, abetted, participated in, authorized, ratified, and/or conspired to engage in the wrongful conduct alleged above. Plaintiff should, therefore, be awarded exemplary and punitive damages against each Defendant in an amount to be established that is appropriate to punish each Defendant and deter others from engaging in such conduct.

FOURTH CAUSE OF ACTION

WRONGFUL TERMINATION IN VIOLATION OF PUBLIC POLICY

(Against All Defendants)

- 58 Plaintiff incorporates by reference paragraphs all preceding paragraphs of this Complaint as if fully set forth at this place.
- 59. At all times mentioned herein, the public policy of the State of California and the United States of America, as codified in California Government Code §12945.2 et seq. and 29 U.S.C. § 2601 et seq., is to prohibit employers from discriminating, harassing and retaliating against any individual on the basis of engagement in protected activity under the California Family Rights Act and Family Medical Leave Act. Plaintiff was at all relevant times a full time employee of Defendants and had worked in excess of 1,250 hours. Plaintiff was therefore an eligible employee under the CFRA and FMLA. Accordingly, the actions of Defendants, and

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each of them, in terminating Plaintiff on the grounds alleged and described herein were wrongful and in contravention of the express public policy of the State of California, to wit, the policy set forth in Cal. Government Code §§ 12945.2, et seq., 29 U.S.C. § 2601 et seq., and the laws and regulations promulgated thereunder.

- 60. At all times mentioned, the public policy of the State of California, as codified, expressed and mandated in Government Code § 12940 et seq. is to prohibit employers from discriminating against any individual on the basis of the person's association with the physical disability, including pregnancy-related health condition, of another person. Similarly the public policy of the State of California, as codified, expressed and mandated in Government Code § 12940 et seq. is to prohibit employers from retaliating against any individual due to their engagement in protected activity. These public policies of the State of California are designed to protect all employees and to promote the welfare and well-being of the community at large. Accordingly, the actions of Defendants, and each of them, in terminating Plaintiff on the grounds alleged and described herein were wrongful and in contravention of the express public policy of the State of California, to wit, the policies set forth in California Government Code §§ 12940 et seq., and the laws and regulations promulgated thereunder.
- As a proximate result of the aforesaid acts of Defendants, and each of them, Plaintiff 61. has suffered actual, consequential and incidental financial losses, including without limitation, loss of salary and benefits, and the intangible loss of employment related opportunities in her field and damage to her professional reputation, all in an amount subject to proof at the time of trial. Plaintiff claims such amounts as damages pursuant to Civil Code § 3287 and/or § 3288 and/or any other provision of law providing for prejudgment interest.
- As a proximate result of the wrongful acts of Defendants, and each of them, Plaintiff has suffered and continues to suffer stress, anxiety, depression, humiliation, great emotional trauma. Plaintiff is informed and believes and thereupon alleges that she will continue to experience said physical and emotional suffering for a period in the future not presently ascertainable, all in an amount subject to proof at the time of trial,

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63	. The acts taken toward Plaintiff were carried out by De	fendants' officers and/or
managin	g agents acting in a despicable, oppressive, malicious, del	iberate, egregious and
inexcusa	able manner and in conscious disregard for the rights and s	afety of Plaintiff, and in direc
violation	n of California law, thereby justifying an award of punitive	damages in a sum appropriat
to punis	h and make an example of Defendants, and each of them.	

- 64. Further, because the wrongful acts against Plaintiff were carried out, authorized or ratified by Defendants' directors, officers and/or managing agents, acting with malice, oppression or fraud, or were deliberate, willful and in conscious disregard of the probability of causing injury to Plaintiff, as reflected by the actions as described earlier in this Complaint, Plaintiff seeks punitive damages against Defendants, in order to defer Defendants from such and similar conduct in the future.
- 65. Plaintiff is informed and believes, and based thereon alleges, that Defendants had a pattern and practice of wrongfully terminating employees based on their engagement in protected activity under the CFRA/FMLA/FEHA/Plaintiff should, therefore, be awarded exemplary and punitive damages against each Defendant in an amount to be established that is appropriate to punish each Defendant and deter others from engaging in such conduct.

FIFTH CAUSE OF ACTION

FAILURE TO PAY OVERTIME WAGES

IN VIOLATION OF CAL. LABOR CODE §§510, 1194, AND 1198

(Against Ali Defendants)

- Plaintiff hereby repeats and incorporates all preceding paragraphs as though fully set forth herein.
- California Labor Code § 510 mandates that any work in excess of eight hours in one workday and any work in excess of forty hours in any one workweek and the first eight hours worked on the seventh day of work in any one workweek shall be compensated at the rate of no less than one and one-half times the regular rate of pay for an employee.
- 68. California Labor Code § 510 also requires that any work in excess of 12 hours in one day shall be compensated at the rate of no less than twice the regular rate of pay for an employee.

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In addition, any work in excess of eight hours on any seventh day of a workweek shall be compensated at the rate of no less than twice the regular rate of pay of an employee.

- 69. Further, California Labor Code §1194 states, in pertinent part: "Notwithstanding any agreement to work for a lesser wage, any employee receiving less than the legal minimum wage or the legal overtime compensation applicable to the employee is entitled to recover in a civil action the unpaid balance of the full amount of this minimum wage or overtime compensation, including interest thereon, reasonable attorney's fees, and costs of suit."
- Throughout the relevant time period, Plaintiff was not exempt from the employment laws and regulations of California and was required to work more than eight hours in one day and/or more than forty hours in one week.
- Defendants failed and refused to pay Plaintiff all of his owed overtime compensation required by California employment laws and regulations.
- 72. Plaintiff has been deprived of his rightfully earned overtime compensation as a direct and proximate result of Defendants' failure and refusal to pay said compensation. Plaintiff is entitled to recover such amounts, this interest thereon, attorneys' fees and costs pursuant to California Labor Code sections 510, 1194 and 1198.

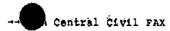
SIXTH CAUSE OF ACTION

UNFAIR BUSINESS PRACTICES PURSUANT TO CAL. BUSINESS & PROFESSIONS CODE §§ 17200, *ET SEO*.

(Against All Defendants)

- 73. Plaintiff hereby repeats and incorporates all preceding paragraphs as though fully set forth herein.
- Plaintiff and aggrieved employees hereby bring a claim for Unfair Business Practices against Defendants pursuant to California Business and Professions Code §§ 17200, et seq. The conduct of Defendants as alleged in this Complaint has been and continues to be unfair, unlawful, and harmful to Plaintiff, aggrieved employees, and the general public. Plaintiff seeks to enforce important rights affecting the public interest within the meaning of California Code of Civil Procedure § 1021.5.

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75. California Business and Professions Code §§ 17200, et seq., prohibit unlawful and unfair business practices. Plaintiff is a "person" within the meaning of California Business and Professions Code § 17204, and therefore has standing to bring this cause of action for injunctive relief, restitution, and other appropriate equitable remedies.

- 76. California Labor Code § 90.5(a) articulates the public policies of this state to enforce vigorously minimum labor standards, to ensure that employees are not required or permitted to work under substandard and unlawful conditions and to protect law-abiding employers and their employees from competitors who lower their costs by failing to comply with minimum labor standards.
- 77. Through the conduct alleged in this Complaint, Defendants have acted contrary to these public policies, have violated specific provisions of the California Labor Code, and have engaged in other unlawful and unfair business practices in violation of California Business and Profession Code §§ 17200 et seq., depriving Plaintiff of rights, benefits, and privileges guaranteed to all employees under the law
- 78. Defendants' conduct, as alleged hereinabove, constituted unfair competition in violation of sections 17200, et seq.
- 79. Defendants, by engaging in the conduct herein alleged, such as intentionally by failing to pay Plaintiff his earned overtime compensation, either knew or in the exercise of reasonable care should have known that the conduct was unlawful.
- 80 As a proximate result of the above mentioned acts of Defendants, Plaintiff is entitled to restitution for all of Defendant's ill-gotten gains.
- 81. Unless restrained by this Court, Plaintiff believes Defendants will continue to engage in the unlawful conduct as alleged above. Pursuant to the California Business and Professions Code, this Court should make such orders or judgments, including the appointment of a receiver, as may be necessary to prevent the use or employment, by Defendants, its agents or employees, of any unlawful or deceptive business practice, disgorgement of profits which may be necessary to restore to Plaintiff the money Defendants have unlawfully failed to pay him.

1	82. Plaintiff further seeks attorney's fees pursuant to California Cod	e of Civil Procedure
2	§ 1021.5.	
3	WHEREFORE, Plaintiff prays for judgment as follows:	
4	For general damages, according to proof;	
5	2. For special damages, according to proof;	
6	3. For loss of earnings, according to proof;	
7	4. For declaratory and injunctive relief, according to proof	
8	5. For statutory penalties for wage and hour violations under the	California Labor
9	Code;	
10	6. For attorneys' fees, according to proof;	;
11	7. For prejudgment interest, according to proof;	-
12	8. For punitive and exemplary damages, according to proof;	
13	9. For costs of suit incurred herein, and	
14	10. For such other relief that the Court may deem just and proper	
15		
16	DEMAND FOR JURY TRIAL	
17	Plaintiff hereby demands a jury trial.	
18		
19	DATED: August 04, 2016 JML LAW, A Professional Law	Corporation .
20		
21		
22	Ву: /	
23	JOSEPH M. LOVRETOV	'ICH
24	LANCE M. WILLIAMS	٠
25	CHRISTINA R. MANAL	o
26		
27		j
28		
	17	



2004/025

		CM-010
ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Sar Joseph M. Lovretovich; Lance M. Williams	number, end eddress); s: Christina R. Manalo	FOR COURT USE ONLY
SBN: 73403; 282508; 297718		
JML LAW, APLC 21052 Oxnard Street, Woodland Hills, CA	91367	
TELEPHONE NO.: (818)610-8800	FAXNO. (818)610-3030	
ATTORNEY FOR (Name): JASON LITAK	OR ANGELEG	FILED
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LO		Superior Court of California County of Los Angeles
MAILING ADDRESS: 111 North Hill Street		
GIYAND ZIP CODE: Los Angeles, CA 900	012	AUG 0 5 2016
BRANCH NAME: CENTRAL CASE NAME:		Shari B. Carter Eventius Officer/Clark
LITAK v. SOUTHERN CALIFORN	NA PERMANENTE MEDICAL	Sherri R. Carter, Executive Officer/Clerk
CIVIL CASE COVER SHEET	Complex Case Designation	CASE NUMBER: Nancy Alvarez
✓ Untimited		
(Amount (Amount	Counter Joinder	JUDGE:
demended demanded is exceeds \$25,000 or less)	Filed with first appearance by defen (Cal. Rules of Court, rule 3.402)	
	low must be completed (see instructions	on page 2).
1. Check one box below for the case type the	at best describes this case:	
Aulo Tort	Contract	Provisionally Complex Civil Liligation (Cal. Rules of Court, rules 3.400–3.403)
Auto (22) Uninsured motorist (49)	Breach of contract/warranty (09) Rule 3.740 collections (08)	Aplitrust/Trade regulation (03)
Other PI/PD/WD (Personal Injury/Property	Ciher collections (09)	Construction defect (10)
Damage/Wronglul Death) Tort	Insurance coverage (18)	Mass tort (40)
Asbestos (04)	Other contract (37)	Becurilies litigation (28)
Product liability (24) Medical majoractice (45)	Real Property	Environmental/Toxic tort (30)
Other PI/PD/WD (23)	Eminent domain/inverse condemnation (14)	Insurance coverage claims arising from the above listed provisionally complex case
Non-PI/PD/WD (Other) Tort	Wrongful eviction (33)	types (41)
Business tordunfair business practice (07	7) Ciher real property (26)	Enforcement of Judgment
Civil rights (08)	Unlawful Detainer	Enforcement of judgment (20)
Defamation (13)	Commercial (31)	Miscellaneous Civil Comptaint
Fraud (16) Intellectual property (19)	Readontia! (32)	RICO (27)
Professional negligence (25)	Judicial Review	Unior complaint (not apacified above) (42) Miscellaneous Civil Petition
Other non-PI/PD/WD tort (35)	Asset forfeiture (05)	Partnership and corporate governance (21)
Employment	Petition re: arbitration award (11)	Other petition (not specified above) (49)
Wrongful termination (36)	Wril of mandate (02)	
2. This case la la la is no com	Other Judicial review (39)	using of Court of the coop is complete, bands the
2. This case les les is not comfactors requiring exceptional judicial mana		tules of Court. If the case is complex, mark the
a. Large pumber of separately repre	·	er of witnesses
b. Extensive motion practice raising		with related actions pending in one or more courts
iasues that will be time-consumin		nties, states, or countries, or in a federal court
c. Substantial emount of documents	ary evidence 1 Substantial p	oostjudgment judiciał supervision
3. Remedies sought (check all that apply): a	a. monetary b. nonmonetary;	declaratory or injunctive reliaf c. punitive
4. Number of causes of action (specify): 6	,	
6. This case is is le not a cla		August .
6. If there are any known related cases, file	and salve a notice of related case. (Yeu	mby 080 (0.0)1 (aux-015.)
Pate: August 5, 2016 Lance M. Williams	\ / -	/
(TYPE OR PRINT NAME)		BIONATURE OF PARTY OR ATTORNEY FOR PARTY)
The build moved file this enver phoof with the	NOTICE NOTICE	Es (event email claims enous At coops filed
Plaintiff must file this cover sheet with the under the Probate Code, Family Code, of	Welfare and Institutions Code). (Cal. Ru	ites of Court, rule 3.220.) Failure to file may result
in senctions.		•
** File this cover sheet in addition to any cover this case is complex under rule 3,400 e	ver eneer required by local countrile. t seq, of the California Rules of Court. Ve	ou must serve a copy of this cover sheet on all
Alber norther to the artion or proceeding		
Unless this is a collections case under rule.	ie 3.740 or a complex case, this cover sh	neet will be used for statistical purposes only. Page 1 of 2
		Col. Button of Court, p.des. 2.30, 3.220, 3.400-3.403, 3.740;

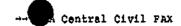
Form Adopted for Mendalory Use Judicial Council of California CM-010 [Rev. July 1, 2007]

CIVIL CASE COVER SHEET

Cel. Rules of Court, ades 2.30, 3.220, 3.400-3.403, 3.740; Cel. Blanderos of Judicial Administration, etd. 3.10 www.countrilo.ce.gov

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2005/025

EHORY TITLE: LITAK V. SOUTHERN CALIFORNIA PERMANENTE	E MEDICAL CASE NUMBER

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

This form is required nursuant to	l ocal Rula 2.0 in all new civil ca	ise filings in the Los Angeles Superior Co	1124
i ilis icitii is redulied puisuatit to	Local Ruie 2.0 in all new civil ca	ise militos in the LDS Andeles Subbrior.Lo	un.

tem I. Check the types	s of nearing and fill in the	estimated lengtr	i of near	ing expected for this case:	\wedge (
	21 400 40TIQUE T		П. -	ing expected for this case: TIME ESTIMATED FOR TRIAL	7/10	(C) 1521 may (C) may (a)
JUNY INIALY EL TES	CLASS ACTION? L. YE	S LIMITED CASE?	LLIYES	TIME ESTIMATED FOR TRIAL	Jan .	U HOURS/ EJ DAYS

Item II. Indicate 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 bast 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 Local Rule 2.0/

Applicable Reasons for Choosing Courthquise Location (see Column C below)

- Class actions must be filed in the Stanley Mosk Courthouse, control district.
 May be filed in central (other county, or no bodily injury/property demand).
 Location where cause of action arose.
 Location where bodily injury, death or damage occurred.
 Location where performance required or defendant resides.

- Location of property or permanently garaged vehicle.
 Location where politioner resides.
 Location wherein defendant/respondent functions wholly.
 Location where one or more of the parties reside.
 Location of Labor Commissioner Office

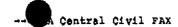
Step 4: Fill in the information requested on page 4 in Item III; complete Item IV. Sign the declaration.

	A Civil Case Cover Shael Calegory No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Auto Tort	Auto (22)	☐ A7100 Motor Vehicle - Personal Injury/Property Damage/Wrongful Death	1., 2., 4.
A 7	Uninsured Motorist (48)	CI A7110 Personal injury/Property Damage/Wrongful Death - Unineured Motorist	1., 2., 4.
nty rt	Asbestas (04)	A6070 Asbestos Properly Damage A7221 Asbestos - Personal Injury/Wrongful Death	2. 2.
Diğiği Personal injuryi Property Damagel Wrongful Death Tort	Product Liability (24)	☐ A7280 Product Liability (not asbestos or toxic/environmental)	1., 2., 3., 4., 8.
	Medical Malpractice (45)	☐ A7210 Medical Malpractice - Physicians & Surgeons ☐ A7240 Other Professional Heelth Care Malpractice	1., 4. 1., 4.
ું Other Person Damage/Wh	Olher Personal Injury Property Damage Wrongful Death (23)	□ A7250 Premises Liability (e.g., slip and fall) □ A7230 Intentional Bodily Injury/Property Damage/Wronglut Death (e.g., essault, vandalism, etc.) □ A7270 Intentional Infliction of Emolional Distress □ A7220 Other Personal Injury/Property Damage/Wronglut Death	1., 4. 1., 4. 1., 3. 1., 4.

LACIV 109 (Rev. 03/11) LASC Approved 03-04

CIVIL CASE COVER SHEET ADDENDUM AND STATEMENT OF LOCATION

Local Rule 2.0 Page 1 of 4 08/05/2016 FRI 11:59 FAX



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CASE NUMBER

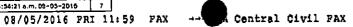
CASE NUMBER

CASE NUMBER

Non-Personal Injuryl Property Damagel Wrongful Death Tort	A Civil Case Gover Shaef Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
	Business Tort (07)	☐ A6028 Other Commercial/Business Tort (not fraud/breach of contract)	1., 3.
	Civil Rights (08)	☐ A8005 Civil Rights/Discrimination	1., 2.(3.)
	Defamation (13)	☐ A8010 Defamation (stander/libet)	1., 2.) 3.
	Fraud (16)	□ A8013 Fraud (no contract)),, 2,, 3,
	Professional Negligence (25)	A6017 Legal Malpractice A8050 Other Professional Malpractice (not medical or legal)	1., 2., 3. 1., 2., 3.
	Other (36)	☐ A6025 Other Non-Personal Injury/Property Demage ton	2.,3.
	Wronglul Termination (38)	☑ A8037 Wrongful Termination	1., 2., 3,
Епрхужен	Other Employment (15)	A6024 Other Employment Complaint Case A6109 Labor Commissioner Appeals	1., 2., 3. 10.
Contract	Breach of Contract Werrenty (06) (not insuranco)	A8004 Breach of Rental/Cease Contract (not unlawful detainer or wrongful eviction) A8008 Contract/Warrenty Breach -Sellor Plaintiff (no fraud/negligence) A8019 Negligent Breach of Contract/Warrenty (no fraud) A6028 Other Breach of Contract/Warrenty (not fraud or negligence)	2., 5. 2., 6. 1., 2., 5. 1., 2., 5.
	Collections (09)	A6002 Collections Case-Seller Plaintiff A8012 Other Promissory Note/Collections Case	2., 5., 6. 2., 5.
	Insurance Coverage (16)	A6015 Insurance Coverage (not complex)	1., 2., 5., 6.
	Other Centraci (37)	A6009 Contractuel Fraud A6001 Tortious Interference A6027 Other Contract Dispute(not breach/insurance/fraud/negligence)	1., 2., 3., 5. 1., 2., 3., 5. 1., 2., 3., 8.
	Eminant Domain/Inverse Condemnation (14)	☐ A7300 Eminent Domsin/Condemnation Number of perceis	2.
Real Property	Wrongful Eviction (33)	D A6023 Wrongful Eviction Case	2., 6.
	Olher Real Property (26)	A6016 Mortgage Foreclosure A6032 Quiet Title A8080 Other Real Property (not eminent domain, landford/tenant, foreclosure)	2., 6. 2., 6. 2., 6.
을 좋을 건가 없을 가장을 Unlawful Detainer	Unlawful Detainer-Commercial (31)	☐ A5021 Unlawful Datainer-Commercial (not drugs or wrongful eviction)	2., 6.
	Untawful Detainer-Residential (32)	A8020 Unlawful Detainst-Residential (not drugs or wrongful eviction)	2., 6.
	Unlawful Detainer- Post-Foreploaure (34)	A6020FUnlawful Detainer-Posi-Foreclosure	2., 6.
,;,,3	Unlawful Detainer-Druge (38)	☐ AG022 Unlawful Dateiner-Drugs	2., 6.

LACIV 109 (Rov. 03/11) LASC Approved 03-04 CIVIL CASE COVER SHEET ADDENDUM AND STATEMENT OF LOCATION

Local Rule 2.0 Page 2 of 4 11:34:21 a.m. 08-03-2016 7



2007/025

SMORT TITLE: LITAK V. SOUTHERN CALIFORNIA PERMANENTE MEDICAL	GASE NUMBER

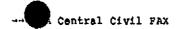
	A Civil Case Cover Sheet Category No.	B Type of Action (Check only one):	C Applicable Reasons - See Sjap 3 Abova
	Assel Forfellure (05)	□ A8108 Asset Forfelture Case	2., 8,
¥e.	Petition re Arbitrellon (11)	☐ A6115 Petition to Compol/Confirm/Vacate Arbitration	2., 5
Juɗicial Review	Writ of Mandata (02)	□ A6151 Writ - Administrative Mandamus □ A6152 Writ - Mandamus on Limited Court Case Matter □ A6153 Writ - Other Limited Court Case Review	2, B.
	Other Judicial Review (38)	☐ A6150 Other Writ /Judicist Review	2., 6.
Provisionally Complex Litigation	Antitrust/Trade Regulation (03)	□ A6003 AntitrustTrade Regulation	1., 2., 8,
	Construction Defect (10)	□ A6007 Construction Defect	1., 2., 3.
	Claims involving Mass Tort (40)	Q ABOOB Cigims involving Mass Tort	1., 2., 8.
	Securilies Liligation (28)	□ A8035 Securities Litigation Case	1., 2., 8.
	Toxic Tort Environmental (30)	□ ASD36 Toxic Tort/Environmentel	1., 2., 3., 8.
	insurance Coverage Claims from Complex Case (41)	☐ A8014 Insurance Coverage/Subrogation (complex case only)	1., 2., 5., 8.
Enforcement of Judgment	Enforcement of Judgment (20)	□ A8141 Sister State Judgment □ A8180 Abstract of Judgment □ A9107 Confession of Judgment (non-domestic relations) □ A8140 Administrative Agency Award (not unpaid taxes) □ A8114 Petition/Certificate for Entry of Judgment on Unpaid Tax □ A8112 Other Enforcement of Judgment Case	2., 8. 2., 8. 2., 8. 2., 8. 2., 8. 2., 8.
Miscellaneous Civil Complaints	RICO (27)	C) A6033 Racketeering (RICO) Case	1., 2., 8.
	Other Comptainte (Not Specified Above) (42)	A6030 Declaratory Relief Only A6040 Injunctive Relief Only (not domestic/narassment) A6011 Other Commercial Complaint Case (non-tort/non-complex) A6000 Other Civil Complaint (non-tort/non-complex)	1., 2., 8. 2., 8. 1., 2., 8. 1., 2., 8.
	Partnership Corporation Governance (21)	☐ A8113 Partnership and Corporate Governance Case	2., 8.
€ / Mišcellárkous Civil Petrions	Other Pelitions (Not Specified Above) (43)	☐ A6121 Civil Harssement ☐ A6123 Workplace Harassment ☐ A6124 Elder/Dependent Adult Abuse Case ☐ A6180 Election Contest ☐ A6110 Pelition for Change of Name	2., 3., 9. 2., 3., 9. 2., 3., 9. 2.
સ જ ક		☐ A6170 Petition for Relief from Late Claim Law ☐ A8100 Other Civil Petition	2., 3., 4., 8 . 2., 9.

LACIV 109 (Rev. 03/11) LASC Approved 03-04

CIVIL CASE COVER SHEET ADDENDUM AND STATEMENT OF LOCATION

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08/05/2016 FRI 12:00



2008/025

EHORT TITLE: LITAK V. SOUTHERN CALIFORNIA PERMANENTE MEDICAL	CASE NUMBER
	<u></u>

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 appropriate boxes under Column C for the type of action the this case.			ADDRESS. 5601 De Solo Ave.	
□1. □2. □3. □4. □5. □6. □7. □8. □9. □10.				
CITY:	STATE:	ZIP CODE:		
Woodland Hills	CA	91367	,	

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 Stanley-Mosk Central District of the Superior Court of California, County of Los Angelos (Gode Civ. Proc., § 392 et seq., and Local

Rule 2.0, subds. (b), (c) and (d)].

Dated: August 5, 2016

URE OF ATTORNEY/FILING PARTY)

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

- 1. Original Complaint or Petition.
- 2. If filling a Complaint, a complete Summons form for issuance by the Clerk.
- Civil Case Cover Sheet, Judicial Council form CM-010.
- Civil Case Cover Sheet Addendum and Statement of Location form, LACIV 109, LASC Approved 03-04 (Rev. 03/11).
- Payment In full of the fitting fee, unless fees have been waived.
- A signed order appointing the Guardian ad Litem, Judicial Council form CIV-010, if the plaintiff or petitioner is a minor under 18 years of age will be required by Court in order to issue a summons.
- 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.

LACIV 109 (Rev. 03/11) LASC Approved 03-04

CIVIL CASE COVER SHEET ADDENDUM AND STATEMENT OF LOCATION

Local Rule 2.0 Page 4 of 4