

ORIGINAL

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Attorney for Plaintiff,
Steven Klein

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES

APR 30 2013

JOHN A. CLARKE, CLERK
BY [Signature] Deputy
Gina Grider

DSO John L. Segal
SUPERIOR COURT FOR THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES - CENTRAL JUDICIAL DISTRICT

BC507557

STEVEN KLEIN,

Plaintiff,

v.

KAISER FOUNDATION HOSPITALS;
and DOES 1 through 100, Inclusive,

Defendants.

CASE NO.:

COMPLAINT FOR DAMAGES

1. DISABILITY DISCRIMINATION

2. FAILURE TO PROVIDE
REASONABLE ACCOMMODATION
[Government Code §12940(m)]

3. FAILURE TO ENGAGE IN THE
INTERACTIVE PROCESS [Government
Code §12940(n)]

4. RETALIATION

GENERAL ALLEGATIONS

1. Plaintiff is informed and believes and thereon alleges that Defendant KAISER FOUNDATION HOSPITALS ("KAISER") and DOES 1 through 40, and each of them, were, at all times herein mentioned, corporations engaged, as a matter of commercial actual purposeful economic activity, within the County of Los Angeles, State of California,

2. Plaintiff is informed and believes and thereon alleges that Defendants DOES 41 through 100, and each of them, were, at all times herein mentioned, residents of the State of California and were managers, officers, supervisors, managing agents, and/or employees of KAISER, and each of them, having the actual or apparent authority to participate in or

\$435.00
\$0.00
\$0.00
\$0.00

RECEIPT # : CCH07412058
DATE PAID : 04/30/13
PAYMENT : \$435.00
04:02 PM
310

CIT/CASE: BC507557
LEA/DEF#:

1 recommend decisions affecting the Plaintiff's ability to engage in a business, profession, or
2 vocation at KAISER.

3 3. The true names or capacities, whether individual, corporate, associate, or
4 otherwise, of Defendants DOES 1 through 100, inclusive, are unknown to Plaintiff, and
5 therefore, Plaintiff sues these Defendants by such fictitious names. Plaintiff will amend this
6 complaint to allege their true names and capacities when ascertained. Plaintiff is informed and
7 believes and based thereon alleges that each of these fictitiously named Defendants is responsible
8 in some manner for the occurrences herein alleged, and that Plaintiff's damages, as herein
9 alleged, were proximately caused by their conduct.

10 4. Plaintiff is informed and believes and thereon alleges that, at all times mentioned,
11 each of the Defendants, including the fictitiously named Defendants, was the agent and employee
12 of each of the remaining Defendants and in doing the things hereinafter alleged, was acting
13 within the scope and course of such agency

14 5. Plaintiff had been employed by KAISER since 1996 as a Maintenance Assistant in
15 the Engineering Department. Plaintiff has been subjected to discrimination by Defendant, as
16 will be more fully described below.

17 6. Plaintiff became a "disabled" individual following a work related injury that
18 occurred on February 11, 2008. Plaintiff's injury has been diagnosed as right knee medial
19 meniscal tear, right knee chondromalacia, degenerative joint disease. A workers' compensation
20 claim has been filed on Plaintiff's behalf.

21 7. After having reported his injury, Plaintiff continued working for approximately 2
22 and 1/2 weeks. He eventually sought medical treatment and was taken off work on a medical
23 disability leave of absence.

24 8. Plaintiff had an initial surgical procedure in June 2009. After returning to work in
25 or about September 2009, on light duty status, Plaintiff was eventually able to resume performing
26 the essential job duties of his position as Maintenance Assistant.

27 9. Plaintiff thus continued working in that capacity until January 3, 2011, when he
28 was taken off work by KAISER and sent home, having been told that his 90 day light duty status

1 had ended.

2 10. Plaintiff had a second surgical procedure on February 9, 2011, and thereafter,
3 remained off work on disability. As of approximately March 2012, Plaintiff's condition had
4 improved to the point where he soon would have been able to return to performing the essential
5 job duties of the Maintenance Assistant position. Plaintiff's primary treating physician, Dr.
6 Pandya, confirmed that fact in a Progress Report dated March 5, 2012.

7 11. Plaintiff was examined by Charles Herring, M.D., the Qualified Medical
8 Examiner, in connection with Plaintiff's workers' compensation case. Dr. Herring issued a QME
9 report dated March 27, 2012, indicating Plaintiff's work restrictions.

10 12. Following issuance of the QME report, and on or about June 11, 2012, Plaintiff
11 attended a meeting with KAISER Disability Operation Consultant Sandra Charleston and Facility
12 Services Director Robert Calderon. Also present were Plaintiff's union representative and a third
13 party return-to-work consultant.

14 13. Most of the discussion during the meeting concerned Plaintiff's job duties as
15 Maintenance Assistant and his work restrictions. Plaintiff emphasized to those in attendance that
16 he would be able to perform the essential job duties of his position.

17 14. However, toward the end of the meeting, Calderon stated that Plaintiff should not
18 be allowed to return to work at his regular job position because Calderon felt that Plaintiff's work
19 restrictions would "prevent him from running up stairs if there is a fire alarm."

20 15. Plaintiff vehemently disagreed with Calderon's assessment, stating that most of
21 the fire alarms were "false alarms" and that, if necessary, he would, in fact, be able to ascend the
22 stairs in a sufficient manner. Thus, despite the fact that Plaintiff was ready, willing, and able to
23 resume working at his regular job position, he was denied that opportunity.

24 16. After the meeting ended, Sandra Charleston and Plaintiff discussed alternative
25 positions; Charleston told Plaintiff to "go online and look for positions."

26 17. Thereafter, Plaintiff remained in contact with Charleston and continued
27 submitting applications for suitable positions for which he was qualified, to no avail. As of
28 January 2013, Blanch Batarra was assigned in place of Charleston to return Plaintiff to work.

1 18. In January 2013, Plaintiff became aware of an opening for the position of Tool
2 Crib Attendant. Plaintiff had, in fact, performed many of the duties of this position during his
3 tenure at KAISER. Thus, Plaintiff immediately submitted an application.

4 19. Plaintiff next received notification from Batarra to attend a meeting on February
5 7, 2013, regarding his application for the Tool Crib Attendant position. Plaintiff was quite
6 excited about the prospect of obtaining the position and he arrived at the meeting approximately
7 10 minutes prior to the scheduled time. However, when Plaintiff arrived, he was notified that the
8 meeting had already taken place and that he had been rejected for the position based upon the
9 QME's restrictions that had been listed in the QME report issued a year earlier, in March 2012.
10 Thus, despite the fact that Plaintiff had not been a participant in the purported
11 interactive/accommodation meeting, despite the fact that Plaintiff was ready, willing, and
12 qualified to perform the duties of the Tool Crib Attendant position, and despite the fact that
13 Plaintiff's primary treating physician, Robert Pandya, M.D., had stated in a March 5, 2012, report
14 that Plaintiff could "return to full duty on April 3, 2012, with no limitation or restrictions," he
15 was summarily denied that opportunity.

16 20. Plaintiff was thereafter terminated, effective March 15, 2013.

17 21. Plaintiff contends that KAISER, and KAISER's management, failed to engage in
18 a good faith, meaningful interactive process in order to accommodate and reinstate him to an
19 employment position. Plaintiff contends that KAISER's failure to accommodate him, and
20 resulting termination, was motivated by Plaintiff's disabling condition, his need for
21 accommodation, as well as the fact of Plaintiff's having filed and pursued a workers'
22 compensation claim. Said disparate treatment was thus in retaliation for Plaintiff's having
23 engaged in the protected activity of asserting rights pursuant to the FEHA.

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FIRST CAUSE OF ACTION
AGAINST DEFENDANT KAISER FOUNDATION HOSPITALS;
AND DOES 1 THROUGH 40, AND EACH OF THEM
[DISABILITY DISCRIMINATION]

22. Plaintiff incorporates the allegations set forth in paragraphs 1 through 21, as if set forth in full herein.

23. At all times herein mentioned, Government Code §§12940 et seq., were in full force and effect and were binding on KAISER, and each of them. These sections require KAISER, and each of them, to refrain from discriminating against a disabled employee.

24. Plaintiff has been subjected to adverse employment actions by KAISER because of his disabling condition. Said acts and conduct of KAISER, as have been more fully set forth above, were on the basis of Plaintiff's disability, or on account of the fact that Plaintiff was regarded as disabled, or on account of the fact that Plaintiff has a record of a disability. Further, any "100% healed," or "fully healed" policy, or policy limiting extended medical leave for disabled persons, or policy limiting length of accommodations, or policy prohibiting reinstatement, or policy mandating termination on account of Plaintiff's disabling condition, has a disparate impact on disabled employees, such as the Plaintiff, and thus, constitutes continuing violations of Government Code §§12940 et seq.

25. The unlawful employment practices on the part of Defendant KAISER, and each of them, were a substantial factor in causing damages and injuries to Plaintiff, as set forth below.

26. Administrative charges have been filed on Plaintiff's behalf with the California Department of Fair Employment and Housing (DFEH), pursuant to Section 12960 of the Government Code, on March 27, 2013, substantially alleging the acts and conduct as herein above described. DFEH issued a "Right to Sue" notice on March 27, 2013. (True and correct copies of same are attached hereto as Exhibits "1" through "2," respectively).

27. As a result of the aforesaid unlawful acts of said Defendants, and each of them, Plaintiff has lost, and will continue to lose, income and benefits in an amount to be proven at

1 time of trial. Plaintiff claims such amount as damages, together with prejudgment interest,
2 pursuant to Civil Code §3287 and/or any other provision of law providing for prejudgment
3 interest.

4 28. As a result of the aforesaid unlawful acts of said Defendants, and each of them,
5 Plaintiff was personally humiliated and has become mentally upset, distressed, and aggravated.
6 Plaintiff claims general damages for such mental distress and aggravation in an amount to be
7 proven at time of trial.

8 29. As a further result of the said acts of said Defendants, and each of them, Plaintiff
9 has employed medical practitioners and physicians to examine, treat, and care for Plaintiff and
10 will continue to incur medical and incidental expenses, which will be shown according to proof.

11 30. The acts of Defendants KAISER, and each of them, as hereinabove alleged, were
12 carried out by supervisors, managers, officers, and/or directors of KAISER and were directed
13 and/or ratified by KAISER, and each of them, with a conscious disregard of Plaintiff's rights,
14 such as to constitute oppression, fraud, or malice under California Civil Code §3294, entitling
15 Plaintiff to punitive damages in an amount appropriate to punish and set an example of
16 Defendant.

17
18 **SECOND CAUSE OF ACTION**

19 **AGAINST DEFENDANT KAISER FOUNDATION HOSPITALS;**

20 **AND DOES 1 THROUGH 40, AND EACH OF THEM**

21 **[FAILURE TO PROVIDE REASONABLE ACCOMMODATION -**

22 **Government Code §12940(m)]**

23
24 31. Plaintiff incorporates the allegations set forth in paragraphs 22 through 30, as if
25 set forth in full herein.

26 32. During the period of Plaintiff's employment with KAISER, Government Code
27 §12926.1(a),(e) and §12940(m), were in full force and effect and were binding on said
28 Defendant. These subsections impose a continuing, mandatory duty upon employers to make

1 reasonable accommodations for the known disabilities of an employee, so as to allow a disabled
2 employee to continue working.

3 33. As alleged above, KAISER has violated these subsections by failing to provide a
4 reasonable accommodation for Plaintiff.

5 34. The unlawful employment practices on the part of Defendant KAISER, and each
6 of them, were a substantial factor in causing those damages and injuries to Plaintiff as set forth
7 by reallegation of paragraphs 27 through 30 (in paragraph 31).

8
9 **THIRD CAUSE OF ACTION**
10 **AGAINST DEFENDANT KAISER FOUNDATION HOSPITALS;**
11 **AND DOES 1 THROUGH 40, AND EACH OF THEM**
12 **[FAILURE TO ENGAGE IN THE INTERACTIVE PROCESS -**
13 **Government Code §12940(n)**

14
15 35. Plaintiff incorporates the allegations set forth in paragraphs 22 through 30 and
16 paragraphs 32 through 33, as if set forth in full herein.

17 36. During the period of Plaintiff's employment with KAISER Government Code
18 §12926.1(a),(e) and §12940(n), were in full force and effect and were binding on said Defendant.
19 These subsections impose a continuing, mandatory duty upon employers to engage in a timely,
20 good faith interactive process to determine effective reasonable accommodations for a medically
21 disabled employee.

22 37. As alleged above, KAISER violated these subsections by failing to engage in the
23 interactive process in order to determine, initiate, and establish reasonable accommodations for
24 the Plaintiff.

25 38. The unlawful employment practices on the part of Defendant KAISER, and each
26 of them, were a substantial factor in causing those damages and injuries to Plaintiff as set forth
27 by reallegation of paragraphs 27 through 30 (in paragraph 35).

28 ///

04/30/2013

04/30/2013

1 **FOURTH CAUSE OF ACTION**
2 **AGAINST DEFENDANT KAISER FOUNDATION HOSPITALS;**
3 **AND DOES 1 THROUGH 40, AND EACH OF THEM**
4 **[RETALIATION]**

5
6 39. Plaintiff incorporates the allegations set forth in paragraphs 22 through 30,
7 paragraphs 32 through 33, and paragraphs 36 through 37, as if set forth in full herein.

8 40. At all times herein mentioned, Government Code §12940(h) was in full force and
9 effect and was binding on KAISER, and each of them. This section requires said Defendant to
10 refrain from retaliating against an employee for having engaged in an activity that is protected
11 under the FEHA.

12 41. Plaintiff alleges that the aforesaid acts and conduct of said Defendant toward
13 Plaintiff constituted significant, adverse employment actions, which were in retaliation for, and
14 were motivated by, Plaintiff's having engaged in the protected activity of exercising and asserting
15 FEHA protected rights as a "disabled" individual.

16 42. The aforesaid actions and conduct of KAISER and DOES 1 through 40, and each
17 of them, thereby constituted Retaliation toward Plaintiff and were in violation of California
18 Government Code §12940(h).

19 43. As a direct and proximate result of the conduct of said Defendant, as aforesaid,
20 Plaintiff has suffered those injuries and damages set forth by reallegation of paragraphs 27
21 through 30 (in paragraph 39).

22 WHEREFORE, Plaintiff seeks judgment against Defendants KAISER FOUNDATION
23 HOSPITALS and DOES 1 through 40, and each of them, on all Causes of Action, for:

24 1. All medical expenses, actual, consequential, and incidental losses, including but
25 not limited to, loss of income and benefits, according to proof, together with prejudgment
26 interest, pursuant to Civil Code §3287 and/or §3288;

27 2. General damages for emotional distress and mental suffering in a sum according
28 to proof;

1 3. Exemplary and punitive damages in a sum appropriate to punish Defendants and
2 set an example for others;

3 4. Attorneys' fees, per Government Code §12965(b), and costs of suit;

4 5. Such other and further relief as the Court may deem proper.

5 Dated: April 29, 2013

LAW OFFICES OF STEPHEN A. EBNER

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8 STEPHEN A. EBNER
9 Attorney for Plaintiff,
10 Steven Klein
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Courthouse News Service

04/30/2013



CALIFORNIA DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING
EMPLOYMENT

COMPLAINT OF DISCRIMINATION UNDER THE PROVISIONS OF THE CALIFORNIA FAIR EMPLOYMENT AND HOUSING ACT

DFEH INQUIRY NUMBER:
102852-45880

COMPLAINANT NAME:
steven klein

NAMED IS THE EMPLOYER, PERSON, LABOR ORGANIZATION, EMPLOYMENT AGENCY, APPRENTICESHIP COMMITTEE, OR
STATE OR LOCAL GOVERNMENT AGENCY WHO DISCRIMINATED AGAINST ME:

RESPONDENT NAME: RESPONDENT ADDRESS: TELEPHONE NUMBER:
1550 edgemont st
kaiser foundation hospitals
los angeles, ca, 90027

AGENT FOR SERVICE: AGENT FOR SERVICE ADDRESS: CITY/STATE/ZIP:
one kaiser plaza,
csc lawyers incorporating service
oakland, ca, 94612

NO. OF EMPLOYEES/MEMBERS: DATE MOST RECENT DISCRIMINATION TOOK PLACE: TYPE OF EMPLOYER:
5 Mar 15, 2013

CO-RESPONDENT(S):

NAME

ADDRESS

I wish to pursue this matter in court. I hereby request that the Department of Fair Employment and Housing provide a right to sue. I understand that if I want a federal right to sue notice, I must visit the U.S. Equal Employment Opportunity Commission (EEOC) to file a complaint within 30 days of receipt of the DFEH "Notice of Case Closure and Right to Sue," or within 300 days of the alleged discriminatory act, whichever is earlier.

I have not been coerced into making this request, nor do I make it based on fear of retaliation if I do not do so. I understand it is the Department of Fair Employment and Housing's policy to not process or reopen a complaint once the complaint has been closed on the basis of "Complainant Elected Court Action."

By submitting this complaint, I am declaring under penalty of perjury under the laws of the State of California that, to the best of my knowledge, all information contained in this complaint is true and correct, except matters stated on my information and belief, and I declare that those matters I believe to be true.

DATED March 27, 2013 At calabasas VERIFIED BY: stephen ebner attorney for claimant

DFEH-300-030 (07/12)
DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING

DATE FILED: Mar 27, 2013
MODIFIED: Mar 27, 2013

STATE OF CALIFORNIA

Page 1/2



CALIFORNIA DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING
EMPLOYMENT

COMPLAINT OF DISCRIMINATION UNDER THE PROVISIONS OF THE CALIFORNIA FAIR EMPLOYMENT AND
HOUSING ACT

I ALLEGE THAT I EXPERIENCED:
Discrimination, Retaliation

ON OR BEFORE: Mar 15, 2013

BECAUSE OF MY Disability - including HIV and AIDS, Engagement in Protected Activity
ACTUAL OR
PERCEIVED:

AS A RESULT, I WAS: Denied a good faith interactive process, Denied a work environment free of discrimination
and/or retaliation, Denied reasonable accommodation, Denied reinstatement, Terminated, Other
Disparate Impact

STATE WHAT YOU BELIEVE TO BE THE REASON(S) FOR DISCRIMINATION:

Disability discrimination, failure to accommodate, denied good faith interactive process, retaliation, disparate impact, denied reinstatement

04/30/2013

DFEH-300-030 (07/12)
DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING

DATE FILED: Mar 27, 2013
MODIFIED: Mar 27, 2013

STATE OF CALIFORNIA

Courthouse News Service

04/30/2013



DEPARTMENT OF FAIR EMPLOYMENT & HOUSING

DIRECTOR PHYLLIS W. CHENG

2218 Kausen Drive, Suite 100 | Elk Grove | CA | 95758
(800) 884-1684 | Videophone (916) 226-5285 | TDD (800) 700-2320
www.dfeh.ca.gov | email: contact.center@dfeh.ca.gov

Mar 27, 2013

steven klein

c/o law offices of stephen a. ebner, 4766 park granada, #206
calabasas, ca 91302

RE: 102852-45880 - klein steven - Right To Sue

Notice of Case Closure and Right to Sue

Dear steven klein:

This letter informs you that the above-referenced complaint that was filed with the Department of Fair Employment and Housing (DFEH) has been closed effective Mar 27, 2013 because an immediate Right to Sue notice was requested. DFEH will take no further action on the complaint.

This letter is also your Right to Sue notice. According to Government Code section 12965, subdivision (b), a civil action may be brought under the provisions of the Fair Employment and Housing Act against the person, employer, labor organization or employment agency named in the above-referenced complaint. The civil action must be filed within one year from the date of this letter.

To obtain a federal Right to Sue notice, you must visit the U.S. Equal Employment Opportunity Commission (EEOC) to file a complaint within 30 days of receipt of this DFEH Notice of Case Closure or within 300 days of the alleged discriminatory act, whichever is earlier.

DFEH does not retain case files beyond three years after a complaint is filed, unless the case is still open at the end of the three-year period.

Sincerely,

Department of Fair Employment and Housing

cc: kaiser foundation hospitals, Agent for Service for

04/30/2013

KL



ORIGINAL

CM-010

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Stephen A. Ebner, Esq. (SBN 108348) LAW OFFICES OF STEPHEN A. EBNER 4766 Park Granada Suite 206 Calabasas, CA 91302-3340 TELEPHONE NO.: (818) 591-7990 FAX NO.: (818) 591-7781		FOR COURT USE ONLY FILED SUPERIOR COURT OF CALIFORNIA COUNTY OF LOS ANGELES APR 30 2013 JOHN A. CLARKE, CLERK OF COURT BY <u>[Signature]</u> Deputy Diana Grider	
ATTORNEY FOR (Name): Plaintiff, STEVEN KLEIN		CASE NUMBER: BC 507557 JUDGE: _____ DEPT: _____	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES STREET ADDRESS: 111 NORTH HILL STREET MAILING ADDRESS: 111 NORTH HILL STREET CITY AND ZIP CODE: LOS ANGELES, CA 90012-3014 BRANCH NAME: COUNTY OF LOS ANGELES - CENTRAL DISTRICT			
CASE NAME: KLEIN v. KAISER FOUNDATION HOSPITALS, et al.			
CIVIL CASE COVER SHEET <input checked="" type="checkbox"/> Unlimited (Amount demanded exceeds \$25,000) <input type="checkbox"/> Limited (Amount demanded is \$25,000 or less)		Complex Case Designation <input type="checkbox"/> Counter <input type="checkbox"/> Joinder Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)	

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:

Auto Tort <input type="checkbox"/> Auto (22) <input type="checkbox"/> Uninsured motorist (46) Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort <input type="checkbox"/> Asbestos (04) <input type="checkbox"/> Product liability (24) <input type="checkbox"/> Medical malpractice (45) <input type="checkbox"/> Other PI/PD/WD (23) Non-PI/PD/WD (Other) Tort <input type="checkbox"/> Business tort/unfair business practice (07) <input type="checkbox"/> Civil rights (08) <input type="checkbox"/> Defamation (13) <input type="checkbox"/> Fraud (16) <input type="checkbox"/> Intellectual property (19) <input type="checkbox"/> Professional negligence (25) <input type="checkbox"/> Other non-PI/PD/WD tort (35) Employment <input type="checkbox"/> Wrongful termination (36) <input checked="" type="checkbox"/> Other employment (15)	Contract <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) Real Property <input type="checkbox"/> Eminent domain/inverse condemnation (14) <input type="checkbox"/> Wrongful eviction (33) <input type="checkbox"/> Other real property (26) Unlawful Detainer <input type="checkbox"/> Commercial (31) <input type="checkbox"/> Residential (32) <input type="checkbox"/> Drugs (38) Judicial Review <input type="checkbox"/> Asset forfeiture (05) <input type="checkbox"/> Petition re: arbitration award (11) <input type="checkbox"/> Writ of mandate (02) <input type="checkbox"/> Other judicial review (39)	Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400-3.403) <input type="checkbox"/> Antitrust/Trade regulation (03) <input type="checkbox"/> Construction defect (10) <input type="checkbox"/> Mass tort (40) <input type="checkbox"/> Securities litigation (28) <input type="checkbox"/> Environmental/Toxic tort (30) <input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41) Enforcement of Judgment <input type="checkbox"/> Enforcement of judgment (20) Miscellaneous Civil Complaint <input type="checkbox"/> RICO (27) <input type="checkbox"/> Other complaint (not specified above) (42) Miscellaneous Civil Petition <input type="checkbox"/> Partnership and corporate governance (21) <input type="checkbox"/> Other petition (not specified above) (43)
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2. This case ☐ is ☒ is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:
- | | |
|--|--|
| a. <input type="checkbox"/> Large number of separately represented parties | d. <input type="checkbox"/> Large number of witnesses |
| b. <input type="checkbox"/> Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve | e. <input type="checkbox"/> Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court |
| c. <input type="checkbox"/> Substantial amount of documentary evidence | f. <input type="checkbox"/> Substantial 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**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: **April 29, 2013**

Stephen A. Ebner, Esq. (SBN 108348)

(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate 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.

Page 1 of 2

INSTRUCTIONS ON HOW TO COMPLETE THE COVER SHEET

CM-010

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

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

This form is required pursuant to 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. 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 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 Local Rule 2.0.

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

- | | |
|--|--|
| 1. Class actions must be filed in the Stanley Mosk Courthouse, central district. | 6. Location of property or permanently garaged vehicle. |
| 2. May be filed in central (other county, or no bodily injury/property damage). | 7. Location where petitioner resides. |
| 3. Location where cause of action arose. | 8. Location wherein defendant/respondent functions wholly. |
| 4. Location where bodily injury, death or damage occurred. | 9. Location where one or more of the parties reside. |
| 5. Location where performance required or defendant resides. | 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 <input type="checkbox"/> A7221 Asbestos - Personal Injury/Wrongful Death	2. 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 <input type="checkbox"/> A7240 Other Professional Health Care Malpractice	1., 4. 1., 4.
	Other Personal Injury Property Damage Wrongful Death (23)	<input type="checkbox"/> A7250 Premises Liability (e.g., slip and fall)	1., 4.
		<input type="checkbox"/> A7230 Intentional Bodily Injury/Property Damage/Wrongful Death (e.g., assault, vandalism, etc.)	1., 4.
<input type="checkbox"/> A7270 Intentional Infliction of Emotional Distress <input type="checkbox"/> A7220 Other Personal Injury/Property Damage/Wrongful Death		1., 3. 1., 4.	

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	A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Non-Personal Injury/Property Damage/ Wrongful Death Tort	Business Tort (07)	<input type="checkbox"/> A6029 Other Commercial/Business Tort (not fraud/breach of contract)	1., 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.
	Professional Negligence (25)	<input type="checkbox"/> A6017 Legal Malpractice <input type="checkbox"/> A6050 Other Professional Malpractice (not medical or legal)	1., 2., 3. 1., 2., 3.
	Other (35)	<input type="checkbox"/> A6025 Other Non-Personal Injury/Property Damage tort	2., 3.
Employment	Wrongful Termination (36)	<input type="checkbox"/> A6037 Wrongful Termination	1., 2., 3.
	Other Employment (15)	<input checked="" type="checkbox"/> A6024 Other Employment Complaint Case <input type="checkbox"/> A6109 Labor Commissioner Appeals	1., 2., 3. 10.
Contract	Breach of Contract/ Warranty (06) (not insurance)	<input type="checkbox"/> A6004 Breach of Rental/Lease Contract (not unlawful detainer or wrongful eviction) <input type="checkbox"/> A6008 Contract/Warranty Breach -Seller Plaintiff (no fraud/negligence) <input type="checkbox"/> A6019 Negligent Breach of Contract/Warranty (no fraud) <input type="checkbox"/> A6028 Other Breach of Contract/Warranty (not fraud or negligence)	2., 5. 2., 5. 1., 2., 5. 1., 2., 5.
	Collections (09)	<input type="checkbox"/> A6002 Collections Case-Seller Plaintiff <input type="checkbox"/> A6012 Other Promissory Note/Collections Case	2., 5., 6. 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 <input type="checkbox"/> A6031 Tortious Interference <input type="checkbox"/> A6027 Other Contract Dispute(not breach/insurance/fraud/negligence)	1., 2., 3., 5. 1., 2., 3., 5. 1., 2., 3., 8.
Real Property	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 <input type="checkbox"/> A6032 Quiet Title <input type="checkbox"/> A6060 Other Real Property (not eminent domain, landlord/tenant, foreclosure)	2., 6. 2., 6. 2., 6.
Unlawful Detainer	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- Post-Foreclosure (34)	<input type="checkbox"/> A6020F Unlawful Detainer-Post-Foreclosure	2., 6.
	Unlawful Detainer-Drugs (38)	<input type="checkbox"/> A6022 Unlawful Detainer-Drugs	2., 6.

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	A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above		
Judicial Review	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.		
	Writ of Mandate (02)	<input type="checkbox"/> A6151 Writ - Administrative Mandamus <input type="checkbox"/> A6152 Writ - Mandamus on Limited Court Case Matter <input type="checkbox"/> A6153 Writ - Other Limited Court Case Review	2., 8. 2. 2.		
	Other Judicial Review (39)	<input type="checkbox"/> A6150 Other Writ /Judicial Review	2., 8.		
Provisionally Complex Litigation	Antitrust/Trade Regulation (03)	<input type="checkbox"/> A6003 Antitrust/Trade Regulation	1., 2., 8.		
	Construction Defect (10)	<input type="checkbox"/> A6007 Construction Defect	1., 2., 3.		
	Claims Involving Mass Tort (40)	<input type="checkbox"/> A6006 Claims Involving Mass Tort	1., 2., 8.		
	Securities Litigation (28)	<input type="checkbox"/> A6035 Securities Litigation Case	1., 2., 8.		
	Toxic Tort Environmental (30)	<input type="checkbox"/> A6036 Toxic Tort/Environmental	1., 2., 3., 8.		
	Insurance Coverage Claims from Complex Case (41)	<input type="checkbox"/> A6014 Insurance Coverage/Subrogation (complex case only)	1., 2., 5., 8.		
Enforcement of Judgment	Enforcement of Judgment (20)	<input type="checkbox"/> A6141 Sister State Judgment <input type="checkbox"/> A6160 Abstract of Judgment <input type="checkbox"/> A6107 Confession of Judgment (non-domestic relations) <input type="checkbox"/> A6140 Administrative Agency Award (not unpaid taxes) <input type="checkbox"/> A6114 Petition/Certificate for Entry of Judgment on Unpaid Tax <input type="checkbox"/> A6112 Other Enforcement of Judgment Case	2., 9. 2., 6. 2., 9. 2., 8. 2., 8. 2., 8., 9.		
	RICO (27)	<input type="checkbox"/> A6033 Racketeering (RICO) Case	1., 2., 8.		
	Miscellaneous Civil Complaints	Other Complaints (Not Specified Above) (42)	<input type="checkbox"/> A6030 Declaratory Relief Only <input type="checkbox"/> A6040 Injunctive Relief Only (not domestic/harassment) <input type="checkbox"/> A6011 Other Commercial Complaint Case (non-tort/non-complex) <input type="checkbox"/> A6000 Other Civil Complaint (non-tort/non-complex)	1., 2., 8. 2., 8. 1., 2., 8. 1., 2., 8.	
		Partnership Corporation Governance (21)	<input type="checkbox"/> A6113 Partnership and Corporate Governance Case	2., 8.	
		Miscellaneous Civil Petitions	Other Petitions (Not Specified Above) (43)	<input type="checkbox"/> A6121 Civil Harassment <input type="checkbox"/> A6123 Workplace Harassment <input type="checkbox"/> A6124 Elder/Dependent Adult Abuse Case <input type="checkbox"/> A6190 Election Contest <input type="checkbox"/> A6110 Petition for Change of Name <input type="checkbox"/> A6170 Petition for Relief from Late Claim Law <input type="checkbox"/> A6100 Other Civil Petition	2., 3., 9. 2., 3., 9. 2., 3., 9. 2. 2., 7. 2., 3., 4., 8. 2., 9.

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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 for the numbers shown under Column C for the type of action that you have selected for this case. <input type="checkbox"/> 1. <input checked="" 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: 1550 Edgemont Street
CITY: Los Angeles	STATE: CA	ZIP CODE: 90027

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 courthouse in the Central Judicial District of the Superior Court of California, County of Los Angeles [Code Civ. Proc., § 392 et seq., and Local Rule 2.0, subds. (b), (c) and (d)].

Dated: April 29, 2013

(SIGNATURE OF ATTORNEY/FILING PARTY)

Stephen A. Ebner, Esq. (SBN 108348)

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, Judicial Council form CM-010.
4. Civil Case Cover Sheet Addendum and Statement of Location form, LACIV 109, LASC Approved 03-04 (Rev. 03/11).
5. Payment in full of the filing fee, unless fees have been waived.
6. 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.
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.