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FILED
Superior Court of California
County of Los Angeles

JUL 12 2018

Sherril R. Carter, Executive Officer/Clerk
By [Signature] Deputy
Spayma Braden

SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES

BC 713666

DIANA HOLLOWAY and PATRICIA
BUCK, Individually and as Successors-in
Interest to LOUISE HOLLOWAY,

Plaintiffs

vs.

JOYCE EISENBURG KEEFER MEDICAL
CENTER, KAISER FOUNDATION
HOSPITAL - BALDWIN PARK, COMINA
REHABILITATION CENTER and DOES 1
through 50, inclusive,

Defendants.

CASE NO.

COMPLAINT FOR DAMAGES
FOR ELDER ABUSE/NEGLECT,
PROFESSIONAL NEGLIGENCE,
VIOLATION OF PATIENT'S RIGHTS,
WRONGFUL DEATH AND NEGLIGENT
INFLECTION OF EMOTIONAL DISTRESS

By Fax

GENERAL ALLEGATIONS

1. Plaintiffs DIANA HOLLOWAY and PATRICIA BUCK (hereinafter "plaintiffs") are natural persons and children of LOUISE HOLLOWAY, deceased (hereinafter "decedent"), who died intestate. This action is subject to the provisions of the Elder Abuse and Dependent Adult Civil Protection Act, Welfare & Institutions Code §15600, et seq., and plaintiffs are entitled to the remedies contained therein. Plaintiffs are also entitled to the enhanced remedies contained in Civil Code §3345.

2. Defendants JOYCE EISENBURG KEEFER MEDICAL CENTER (hereinafter "JEK"), KAISER FOUNDATION HOSPITAL - BALDWIN PARK (hereinafter "KAISER")

CIT/CASE: BC713666
LEA/DEF#:

RECEIPT # CCM452900072
DATE PAID: 07/12/18 03:03 PM
AMOUNT: \$135.00
CASH: \$0.00
CHECK: \$135.00
CHARGE: \$0.00
CARD: \$0.00

1 COVINA REHABILITATION CENTER (hereinafter "COVINA") are business entities whose forms
2 of organization are unknown to plaintiffs. Plaintiffs will amend this complaint to allege these
3 defendants' forms of business organization when this information is ascertained. Plaintiffs are
4 informed and believe and thereon allege that JEK, KAISER and COVINA were and are facilities
5 licensed pursuant to Health & Safety Code §1250, et seq., and that JEK and KAISER are "[g]eneral
6 acute care hospital[s]" as defined by Health & Safety Code §1250 and COVINA is a "long-term
7 health care facility" as defined in Health & Safety Code §1418(a)(1) and Welfare & Institutions Code
8 §15610.47(a). JEK, KAISER and COVINA were at all times mentioned herein doing business in
9 the County of Los Angeles, California. At all times relevant hereto, decedent was a patient of JEK,
10 KAISER or COVINA.

11 3. Plaintiffs are ignorant of the names of those defendants sued herein as DOES 1
12 through 50, inclusive, and for that reason have sued such defendants by such fictitious names.
13 Plaintiffs will seek leave of the court to amend this complaint to reflect said names when the same
14 have been ascertained.

15 4. Plaintiffs are informed and believe and thereon allege that, at all times mentioned
16 herein, JEK, KAISER and COVINA and those defendants sued herein as DOES 1 through 50 were
17 health care providers licensed by the State of California, providing preventive, diagnostic, and
18 treatment services to decedent. In the case of JEK and KAISER, the medical services that were to
19 be provided to decedent included medical, nursing, and other hospital services in their roles as
20 general acute care hospitals. In the case of COVINA, the medical services that were to be provided
21 to decedent included medical, nursing, and other hospital services in its role as a skilled nursing
22 facility. Defendants sued herein as DOES include the Administrators, Medical Directors, Directors
23 of Nursing, and others in the management, administration, and staff of JEK, KAISER and/or
24 COVINA. Each of these defendants was a "care custodian" as defined in Welfare & Institutions
25 Code §15610.17(a).

26 5. In doing the things hereinafter alleged, defendants and each of them acted as the
27 agents, servants and employees of their co-defendants, acting within the course and scope of said
28 agency and employment, and with the knowledge, consent and approval of their co-defendants; their

1 conduct was ratified by their co-defendants.

2 6. Decedent was a resident at COVINA from on or about July 12, 2017 through on or
3 about December 3, 2017. Decedent was resident at JEK from on or about May 12, 2017 through on
4 or about June 26, 2017. Decedent was resident at KAISER for numerous periods from on or about
5 June 26, 2017 through on or about December 3, 2017. The breaches of duty alleged herein occurred
6 at these facilities during the times decedent was resident there. During most if not all of these
7 periods, decedent was mentally incapacitated due to dementia and psychosis. As a result of this
8 condition, during most if not all of these stays and through the time of decedent's death, decedent
9 was unable to comprehend rights that decedent was otherwise bound to know, and was unable to
10 comprehend such business transactions as hiring an attorney and instigation of legal action.
11 Decedent was also unable to discover decedent's injuries as alleged herein, defendants' breaches of
12 duty, and that decedent's injuries were the result of those breaches of duty, which occurred from the
13 date of decedent's first admission until the date of decedent's final discharge. Via correspondence
14 properly served on defendant JEK on May 14, 2018, plaintiffs complied with the provisions of Code
15 of Civil Procedure §364.

16
17 **FIRST CAUSE OF ACTION**
18 **(ELDER ABUSE/NEGLECT**
AGAINST ALL DEFENDANTS)

19 7. Plaintiffs incorporate the allegations of paragraphs 1 through 6, above, as though set
20 forth in full.

21 8. At all times hereinmentioned, defendants knew that decedent was an "elder" as
22 defined by the Elder Abuse and Dependent Adult Civil Protection Act, Welfare & Institutions Code
23 §15600 and as defined by Penal Code §368(d).

24 9. At all times hereinmentioned, defendants, and each of them, had a duty of care to
25 plaintiff. This duty is defined by the applicable standard of care, including but not limited to the
26 provisions of numerous Federal and State statutes and regulations, including, with regard to JEK and
27 KAISER, 22 Cal.Code.Reg. §70001 et. seq. and 42 C.F.R. §482.1 et.seq., and with regard to
28 COVINA, 22 Cal.Code.Reg. §72001 et.seq., and 42 C.F.R. §483.1 et.seq. JEK, KAISER and

1 COVINA's duties included, inter alia, the duty to plan decedent's care and treatment and to ensure
2 that decedent received services in accordance with this plan and decedent's physician's orders; to
3 provide initial assessment of decedent and ongoing periodic assessments; to notify others of
4 decedent's attending healthcare professionals of changes in decedent's condition and obtain
5 necessary assistance from those persons; and to prepare documentation and clinical notes.

6 10. At all times hereinmentioned, defendants and each of them had actual or constructive
7 knowledge of the peril to be apprehended by decedent because they knew or should have known that,
8 unless care and monitoring were provided to residents, including decedent, residents, including
9 decedent, were at risk for physical abuse or neglect and serious injuries. Because of defendants' duty
10 to be familiar with all applicable standards of care and with the provisions of relevant federal and
11 state statutes and regulations, and because of defendants' day-to-day observation of decedent and
12 their familiarity with decedent's physical and mental diagnoses and decedent's consequent need for
13 assistance and monitoring, defendants knew that serious injury to decedent was a probable, as
14 opposed to a possible, result if defendants failed to provide care and monitoring to residents,
15 including decedent, which met the applicable standards of care. Despite defendants' actual or
16 constructive knowledge of the peril to be apprehended by decedent, as hereinabove described, and
17 despite defendants' actual or constructive knowledge that injury to decedent was a probable, as
18 opposed to possible, result if defendants failed to adhere to the applicable standards of care and to
19 otherwise care for and monitor residents, including decedent, defendants consciously failed to act
20 to avoid known perils to decedent because defendants failed to provide care to decedent and failed
21 to ensure that decedent was not subjected to physical abuse and neglect. These failures constituted
22 reckless neglect, recklessness and/or despicable conduct in willful and conscious disregard of the
23 rights and safety of decedent, and subjected decedent to cruel and unjust hardship, thus constituting
24 malicious and oppressive conduct on the part of defendants. Examples of defendants' clear notice
25 and knowledge of decedent's risk for harm and injury if proper care was not provided to decedent
26 include, but are not limited to:

- 27 a. Decedent's chart with defendant evidenced decedent's compromised
28 mobility, tendency to rest too long in one position, and need for

1 assistance with activities of daily living, including but not limited to
2 pressure relief, range of motion, bed mobility, transfers and
3 ambulation. Decedent's chart also evidenced decedent's need for
4 assistance with regard to nutrition, hydration, toileting, bathing and
5 maintenance of hygiene. Despite notice of the above, defendants
6 failed to provide medical care for decedent's physical health needs
7 and failed to protect decedent from health and safety hazards,
8 including but not limited to failure to provide the care and assistance
9 described above.

10 11. The aforementioned acts and omissions constitute "abuse of an elder or a dependent
11 adult" as defined in Welfare & Institutions Code §15610.07 because they constitute neglect or other
12 treatment with resulting physical harm or pain or mental suffering, or the deprivation by a care
13 custodian of goods or services that are necessary to avoid physical harm or mental suffering. These
14 acts or omissions also constitute "neglect" as defined in Welfare & Institutions Code §15610.57
15 because such acts and omissions constitute a negligent failure on the part of defendants to exercise
16 that degree of care which a reasonable person in a like position would exercise, including
17 defendants' failure to provide proper care for decedent's physical and mental health needs and
18 defendants' failure to protect decedent from health and safety hazards. Defendants, and each of
19 them, were "care custodians" as defined in Welfare & Institutions Code §15610.17.

20 12. As a legal result of defendants' failures, actions, and inactions, decedent sustained
21 unnecessary injury, pain, and suffering including:

- 22 a. Injuries resulting from defendants' failure to address decedent's care
23 needs as described above. Such injuries included, but were not
24 limited to, dehydration, malnutrition and weight loss; severe bedsores
25 and similar skin breakdown; other conditions stemming from the
26 above; and ultimately death.
- 27 b. Pain, irritation, severe emotional distress and ultimately death
28 resulting from defendants' failure to provide monitoring and

1 treatment as is more specifically described above.

2 c. Medical expenses according to proof at trial.

3 13. Defendants' actions, inactions, and misconduct violated the specific provisions of
4 Welfare & Institutions Code §15600, et seq., and plaintiffs is entitled to all damages set forth in the
5 Elder Abuse and Dependent Adult Civil Protection Act, including but not limited to the remedies
6 contained in Welfare & Institutions Code §15657 and Civil Code §3345.

7
8 **SECOND CAUSE OF ACTION**
9 **(PROFESSIONAL NEGLIGENCE**
10 **AGAINST ALL DEFENDANTS)**

11 14. Plaintiffs incorporate the allegations of paragraphs 1 through 13, inclusive, as though
12 set forth in full.

13 15. At all relevant times, because of the relationship between decedent and defendants,
14 and each of them, defendants had a duty to comply with the applicable standard of care.

15 16. At all times hereinmentioned, defendants, and each of them, breached their duty of
16 care to decedent by negligently failing to possess and exercise, in both monitoring and treatment, that
17 reasonable degree of knowledge and skill that is ordinarily possessed and exercised by other skilled
18 nursing facilities and/or general acute care hospitals in the same or similar locality in similar
19 circumstances in that, among other things, defendants, and each of them, negligently failed to
20 properly treat and monitor decedent.

21 17. As a direct and proximate result of defendants' negligence, decedent sustained the
22 following injuries and damages:

23 a. Injuries resulting from defendants' failure to address decedent's care
24 needs as described above. Such injuries included, but were not
25 limited to, dehydration, malnutrition and weight loss; severe bedsores
26 and similar skin breakdown; other conditions stemming from the
27 above; and ultimately death.

28 b. Pain, irritation, severe emotional distress and ultimately death
resulting from defendants' failure to provide monitoring and

1 treatment as is more specifically described above.

2 c. Medical expenses according to proof at trial.

3 18. During the periods of decedent's residence at defendants', defendants breached duties
4 to decedent, including those duties enumerated hereinabove. Defendants and each of them had
5 actual or constructive knowledge of the peril to be apprehended by decedent because these
6 defendants knew or should have known that, unless care and monitoring were provided to decedent,
7 decedent was at risk for precipitous declines in health, including declines caused by physical abuse
8 or neglect and resulting from failures to identify decedent's care needs, develop a care plan for
9 decedent, and implement decedent's plan. Because of defendants' special knowledge and expertise
10 as skilled nursing facilities and/or general acute care hospitals; because of defendants' duty to be
11 familiar with all applicable standards of care and with the provisions of relevant federal and state
12 statutes and regulations, including those cited hereinabove; and because of defendants' day-to-day
13 observation of decedent and familiarity with decedent's physical and mental diagnoses and
14 consequent need for assistance, monitoring, and proper administrations of treatments, defendants
15 knew that injury was a probable, as opposed to a possible, result if defendants failed to provide care
16 to decedent which met the applicable standards of care. Despite defendants' actual or constructive
17 knowledge of the peril to be apprehended by decedent, as hereinabove described, and despite
18 defendants' actual or constructive knowledge that injury to decedent was a probable, as opposed to
19 possible, result if defendants failed to adhere to the applicable standards of care and to otherwise
20 properly care for decedent, defendants consciously failed to act to avoid known perils to decedent
21 because defendants failed to ensure that decedent was not subjected to physical neglect and failed
22 to ensure that decedent's care needs were identified and addressed.

23
24 **THIRD CAUSE OF ACTION**
25 **(VIOLATION OF PATIENT'S RIGHTS**
AGAINST COVINA)

26 19. Plaintiffs incorporate the allegations of paragraphs 1 through 18, inclusive, as though
27 set forth in full.

28 20. The acts and omissions alleged above constitute violations of patients' rights within

1 the meaning of 22 California Code of Regulations §§70707 and 72527(a) and of other rights
2 provided by federal and state law and regulation.

3 21. Plaintiffs are accordingly entitled to an injunction against permitting these violations
4 to continue and to costs and attorney fees under Health and Safety Code §1430(b).

5
6 **FOURTH CAUSE OF ACTION**
7 **(WRONGFUL DEATH**
8 **AGAINST ALL DEFENDANTS)**

9 22. Plaintiffs incorporate the allegations of paragraphs 1 through 21, inclusive, as though
10 set forth in full.

11 23. Plaintiffs include the children of decedent.

12 24. As a direct and proximate result of defendants' negligence and carelessness as
13 described hereinabove, decedent sustained injuries that resulted in decedent's death on December
14 3, 2017.

15 25. As the direct and proximate result of the foregoing and the death of the decedent,
16 plaintiffs have been deprived of a kind and loving mother and of her care, comfort, love, protection,
17 advice, society and physical assistance.

18 26. As a further direct and proximate result of the foregoing, plaintiffs have been
19 generally damaged in a sum to be established according to proof, as provided by Code of Civil
20 Procedure §425.10 and §425.11.

21 27. As a further direct and proximate result of the death of the decedent, plaintiffs have
22 incurred reasonable and necessary expenses for decedent's funeral, burial, and memorial services
23 to plaintiffs' damage in a sum to be proven at time of trial.

24 **FIFTH CAUSE OF ACTION**
25 **(NEGLIGENT INFLECTION OF EMOTIONAL DISTRESS**
26 **AGAINST ALL DEFENDANTS)**

27 28. Plaintiff incorporates the allegations of paragraphs 1 through 13 and paragraphs 19
28 through 27, inclusive, as though set forth in full.

29. During a substantial period of time immediately preceding decedent's death,

1 defendants, and each of them, engaged in the conduct as alleged with the result that decedent's health
2 and general physical condition noticeably deteriorated. Decedent ultimately died as a result of the
3 foregoing deficiencies in care.

4 30. Plaintiffs are the children of decedent, and thus were closely related to her. Plaintiffs
5 regularly visited decedent during the time she was resident at defendants' facilities, and thus were
6 present during the injury-producing events at or near the time they occurred and was then aware of
7 these injury-producing events and their effects, which occurred through defendants' wrongdoing, and
8 were aware that these events and their effects were causing injury to decedent.

9 31. The conduct of the defendants, as alleged, caused plaintiffs to sustain severe
10 emotional injury and severe physical and mental pain and suffering to plaintiffs' damage in a sum
11 according to proof at trial.

12 WHEREFORE, plaintiffs pray for judgment as follows:
13

14 **ON THE FIRST CAUSE OF ACTION:**

- 15 1. For general and special damages according to proof at trial, including general
16 damages pursuant to W. & I. C. §15657(a).
17 2. For punitive damages according to proof at trial.
18 3. For treble damages pursuant to Civil Code §3345.
19 4. For attorney fees and costs under W. & I. C. §15657(a).

20 **ON THE SECOND CAUSE OF ACTION:**

- 21 5. For special damages according to proof at trial.

22 **ON THE THIRD CAUSE OF ACTION:**

- 23 6. For damages and injunction pursuant to Health and Safety Code §1430(b).
24 7. For attorney fees and costs under Health and Safety Code §1430(b).

25 **ON THE FOURTH CAUSE OF ACTION:**

- 26 8. For general damages for the loss of care, comfort and society of decedent, in a
27 sum according to proof at trial.
28 9. For special damages for the cost of burial and related expense, in a sum to be

1 proved at time of trial.

2 ON THE FIFTH CAUSE OF ACTION:

3 10. For general damages for emotional distress in a sum according to proof at trial.

4 ON ALL CAUSES OF ACTION:

5 11. For costs of suit and for such other and further relief as the court deems just and
6 proper.

7
8 Dated: July 12 2018

LAW OFFICE OF ANTHONY D. GHECEA

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11 ANTHONY D. GHECEA, ESQ.
12 Attorney for Plaintiffs
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07/12/2018

CM-010

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Anthony D. Ghecea Law Office of Anthony D. Ghecea P.O. Box 576367, Modesto, CA 95357 1508 Coffee Rd., Ste. I, Modesto, CA 95355 TELEPHONE NO.: (209) 918-4311 ATTORNEY FOR (Name): Plaintiffs		State Bar No. 216459 FILED Superior Court of California County of Los Angeles JUL 12 2018 Sherri R. Carter, Executive Officer/Clerk By <u>[Signature]</u> Deputy Sharmya Baiden
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Los Angeles STREET ADDRESS: 312 N. Spring St. MAILING ADDRESS: CITY AND ZIP CODE: Los Angeles, CA 90012 BRANCH NAME: Stanley Mosk Courthouse		CASE NUMBER: BC 713 666 JUDGE: <u>[Signature]</u> DEPT: <u>[Signature]</u>
CASE NAME: HOLLOWAY, et al., v. JOYCE EISENBURG KEEFER, 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 P/DPD/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 checked="" type="checkbox"/> Other P/DPD/WD (23) Non-P/DPD/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-P/DPD/WD tort (35) Employment <input type="checkbox"/> Wrongful termination (36) <input 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 (26) <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)

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): Five (5)
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: July 12, 2018

Anthony D. Ghecea, Esq.

(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

Form Adopted for Mandatory Use
Judicial Council of California
CM-010 (Rev. July 1, 2007)

CIVIL CASE COVER SHEET

Cal. Rules of Court, rules 2.30, 3.220, 3.400-3.403, 3.740;
Cal. Standards of Judicial Administration, eld. 2.10
www.courtinfo.ca.gov

07/12/2018

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 P/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 (23)
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

07/12/2018

CM-010 (Rev. July 1, 2007)

CIVIL CASE COVER SHEET

Page 2 of 2

BC 713666

SHORT TITLE:

HOLLOWAY, et al., v. JOYCE EISENBURG KEEFER, et al.

CASE NUMBER

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

By Fax

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 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.
2. May be filed in central (other county, or no bodily injury/property damage).
3. Location where cause of action arose.
4. Location where bodily injury, death or damage occurred.
5. Location where performance required or defendant resides.
6. Location of property or permanently garaged vehicle.
7. Location where petitioner resides.
8. Location wherein defendant/respondent functions wholly.
9. Location where one or more of the parties reside.
10. Location of Labor Commissioner Office.

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

	A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3: Above
Auto Tort	Auto (22)	<input type="checkbox"/> A7100 Motor Vehicle - Personal Injury/Property Damage/Wrongful Death	1., 2., 4.
	Uninsured Motorist (46)	<input type="checkbox"/> A7110 Personal Injury/Property Damage/Wrongful Death – Uninsured Motorist	1., 2., 4.
Other Personal Injury/Property Damage/Wrongful Death Tort	Asbestos (04)	<input type="checkbox"/> A6070 Asbestos Property Damage <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) <input type="checkbox"/> A7230 Intentional Bodily Injury/Property Damage/Wrongful Death (e.g., assault, vandalism, etc.) <input type="checkbox"/> A7270 Intentional Infliction of Emotional Distress <input checked="" type="checkbox"/> A7220 Other Personal Injury/Property Damage/Wrongful Death	1., 4. 1., 4. 1., 3. 1. (4)

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SHORT TITLE:

HOLLOWAY, et al., v. JOYCE EISENBURG KEEFER, et al.

CASE NUMBER

Non-Personal Injury/ Property
Damage/ Wrongful Death Tort

Employment

Contract

Real Property

Unlawful Detainer

A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
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.
Wrongful Termination (36)	<input type="checkbox"/> A6037 Wrongful Termination	1., 2., 3.
Other Employment (15)	<input type="checkbox"/> A6024 Other Employment Complaint Case <input type="checkbox"/> A6109 Labor Commissioner Appeals	1., 2., 3. 10.
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.
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-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 type="checkbox"/> 2. <input type="checkbox"/> 3. <input checked="" 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: 7150 Tampa Avenue	
CITY: Rosedale	STATE: CA	ZIP CODE: 91335	

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: 8/6/2018

7/12/18

MDG

(SIGNATURE OF ATTORNEY/FILING PARTY)

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.

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