

1 Bruce Kokozyan, Esq. (#195723)
2 **KOKOZIAN LAW FIRM, APC**
3 9440 South Santa Monica Boulevard, Suite 510
4 Beverly Hills, CA 90210
5 Telephone (323) 857-5900
6 Fax Number (310) 275-6301

7 Attorneys for Plaintiff
8 ANITA MAYNARD

A6024
90049
DEPT. 42
HOLLY B. KENDIX

FILED
Superior Court of California
County of Los Angeles

MAR 17 2016

Sherri R. Carter, Executive Officer/Clerk
By Judi Lara, Deputy

9 SUPERIOR COURT OF THE STATE OF CALIFORNIA
10 FOR THE COUNTY OF LOS ANGELES - CENTRAL DISTRICT

BC 6 14 228

11 ANITA MAYNARD, an individual)

12 Plaintiff,)

13 v.)

14 BETTY WHITE LUDDEN, an individual and)
15 DOES 1 through 100, Inclusive)

16 Defendants)

CASE NO.:

COMPLAINT FOR:

1. FAILURE TO PAY OVERTIME WAGES;
2. FAILURE TO PAY MINIMUM WAGES;
3. FAILURE TO PROVIDE MEAL PERIODS OR COMPENSATION IN LIEU THEREOF;
4. FAILURE TO AUTHORIZE AND PERMIT PAID REST PERIODS;
5. FAILURE TO TIMELY FURNISH ACCURATE ITEMIZED WAGE STATEMENTS;
6. VIOLATION OF LABOR CODE §203;
7. UNFAIR BUSINESS PRACTICES

DEMAND FOR JURY TRIAL

25 COMES NOW plaintiff ANITA MAYNARD (hereinafter "Plaintiff") and alle

26 follows:

27 ///

\$435.00
\$0.00
\$0.00
\$0.00
310

CIT/CASE: BC614228
LEA/DEF#:
RECEIVED: 03/17/2016
DATE FILED: 03/17/2016
TIME: 02:41 PM
FILING: 310
FEE: \$435.00
CLERK: Sherri R. Carter

1 **ALLEGATIONS COMMON TO ALL CAUSES OF ACTION**

2 1. Plaintiff is and was, at all times relevant hereto, a resident of the County of Los
3 Angeles, State of California.

4 2. Plaintiff is informed and believes, and alleges that defendant BETTY WHITE LUDDEN
5 ("Defendant") is and was an individual residing in the County of Los Angeles, State of California.

6 3. Defendant BETTY WHITE LUDDEN and DOES 1 through 100 are joint
7 employers of Plaintiff (hereinafter collectively Defendants) in that they are and were operating as a
8 joint enterprise; suffered and permitted Plaintiff to work; controlled Plaintiff's hours and working
9 conditions; controlled Plaintiff's wages and made the decision to hire and fire Plaintiff and
10 therefore and they are both the employer of Plaintiff. Defendant BETTY WHITE LUDDEN and
11 Does 1 through 100 are referred to collectively as "Defendants".

12 4. The true names and capacities, whether individual, corporate or associate, or
13 otherwise, of the defendants named herein as DOES 1 through 100, inclusive, are unknown to
14 Plaintiff, who therefore sues said defendants by such fictitious names pursuant to California Code of
15 Civil Procedure §474, and Plaintiff will amend his complaint to show their true names and
16 capacities when the same have been ascertained. Plaintiff is informed and believes and based upon
17 such information and belief, alleges that all defendants sued herein as DOES are in some manner
18 responsible for the acts herein alleged and that Plaintiff's damages were proximately caused by their
19 conduct.

20 5. Plaintiff is informed and believes, and based thereon alleges, that at all times
21 mentioned herein, each of the Defendants and DOES whether specifically named and/or designated
22 herein as a DOE were the agents, principals, employees, employers, representatives, joint venturer
23 or co-conspirators, management companies and/or representatives, or alter ego of each of the other
24 Defendants and DOES, either actually or ostensibly, and in doing the things alleged herein acted
25 within the course and scope of such agency, employment, joint venture, conspiracy, reinsurance
26 agreement, co-insurance agreement, management company agreement, alter ego agreement and/or
27 service with the approval, knowledge, authority, acquiescence and/or ratification of each of the
28 remaining Defendants and DOES.

1 6. All of the acts and conduct herein and below described of each and every corporate
2 defendant was duly authorized, ordered, and directed by the respective and collective defendant
3 corporate employers, and the officers and management-level employees of said corporate
4 employers. In addition thereto, said corporate employers participated in the aforementioned acts and
5 conduct of their said employees, agents and representatives, and each of them; and upon completion
6 of the aforesaid acts and conduct of said corporate employees, agents and representatives, the
7 defendant corporation respectively and collectively ratified, accepted the benefits of, condoned,
8 lauded, acquiesced, authorized and otherwise approved of each and all of the said acts and conduct
9 of the aforementioned corporate employees, agents and representatives.

10 7. Plaintiff has been employed by Defendants since at least February 23, 1994 until
11 Plaintiff's employment ended in March 11, 2016. Plaintiff was employed as a live in domestic
12 worker. Plaintiff was not a personal attendant because she spent more than 20 percent of her time
13 performing work other than feeding and dressing a person who needs supervision. Throughout the
14 relevant period of this complaint, Plaintiff has worked more than nine hours a day. Indeed, Plaintiff
15 worked in excess of fourteen hours a day. Plaintiff was not paid overtime for work performed over
16 nine hours per day. Plaintiff was not given twelve consecutive hours of time off. Plaintiff was not
17 paid overtime rates for hours worked off duty or within the period she was meant to have off.
18 Plaintiff further worked more than twelve hours a day and did not have three hours of free time,
19 either consecutively or not, during those twelve hours. Plaintiff worked six days a work week.
20 Plaintiff was not paid an overtime rate for work on the sixth day of her workweek. Plaintiff was not
21 paid double time for hours worked in excess of nine hours on the six day she worked in a work
22 week. Plaintiff was not provide uninterrupted meal periods or compensation in lieu thereof, and was
23 not provided timely with accurate itemized wage statements. Plaintiff was not paid all her wages
24 owed, including her vacation pay, upon her employment ending.

25 **FIRST CAUSE OF ACTION**

26 **FAILURE TO PAY OVERTIME WAGES**

27 **AGAINST ALL DEFENDANTS**

28 **(Labor Code §1194 et seq.)**

1 8. Plaintiff realleges and incorporates by reference all of the allegations contained in
2 the preceding paragraphs of this Complaint as though fully set forth herein.

3 9. Labor Code §204 establishes the fundamental right of all employees in the State of
4 California to be paid wages , including straight time and overtime, in a timely fashion for their
5 work.

6 10. Labor Code §510(a) states in pertinent part: "Any work in excess of eight hours in
7 one workday and any work in excess of 40 hours in any one workweek and the first eight hours
8 worked on the seventh day of work in any one workweek shall be compensated at the rate of no less
9 that one and one-half times the regular rate of pay for an employee."

10 11. The applicable Industrial Welfare Commission Order No. 15 ("Order No. 15")
11 special overtime rules for household occupations provides that all worked performed in excess of
12 nine hours a day by live in domestic workers who are not personal attendants ("Domestic Workers")
13 shall be compensated at not less than 1.5 times the employees regular rate of pay. Order No. 15
14 further provides that Domestic Workers shall have twelve consecutive hours of time off during a 24
15 hour period and all work required or permitted during off-duty hours or during the 12 consecutive
16 off-duty hours shall be compensated at the rate of 1.5 times the employee's regular rate of pay.
17 Order No. 15 also requires that Domestic Workers receive three hours of free time throughout their
18 twelve hour work day. Plaintiff was not paid 1.5 times her regular rate of pay for hours worked in
19 excess of nine hours a day, was not given 12 consecutive hours off and was not paid 1.5 times her
20 regular rate of pay for work required or permitted during these off duty hours. Plaintiff further did
21 not have three hours off throughout her workday of more than twelve hours.

22 12. Pursuant to Labor Code §1198, it is unlawful to employ person for longer than the
23 hours set by the Industrial Welfare Commission or under conditions prohibited by the IWC Wage
24 Order(s).

25 13. Defendants suffered and/or permitted Plaintiff to work in excess of eight (9) hours
26 per workday compensation for such excess hours worked. Defendants failed to pay Plaintiff
27 overtime compensation for work in excess of eight (9) hours per day, Failed to pay Plaintiff
28 overtime compensation at double the hourly rate for work in excess of 9 hours on her sixth day of

1 work and for all work performed on the seventh day of her work.

2 14. Defendant also suffered and/or permitted Plaintiff to work in excess of nine hours on
3 the sixth consecutive day of work in a workweek without compensating such employees at the
4 appropriate overtime rates which Plaintiff was required to work, as alleged above, Defendants
5 violated the provisions of Labor Code §1194.

6 15. As a result of the unlawful acts of Defendants, Plaintiff has been deprived of wages
7 and/or overtime/double time wages in an amounts to be determined at trial, and is entitled to
8 recovery of such amounts, plus interest and penalties thereon, attorneys' fees, and costs, pursuant to
9 Labor Code §1194; and Civil Code §3287.

10 **SECOND CAUSE OF ACTION**

11 **FAILURE TO PAY MINIMUM WAGES AGAINST ALL DEFENDANTS**

12 **(Labor Code §1197 et seq)**

13 16. Plaintiff incorporates by reference and realleges each and every one of the
14 allegations contained in the preceding and foregoing paragraphs of this Complaint as if fully set
15 forth herein.

16 17. Pursuant to Labor Code §1197, payment of less than the minimum wages fixed by
17 the Labor Commission is unlawful

18 18. California Code of Regulations Title 8, §11000(s) and the IWC Wage Orders states
19 : "Every employer shall pay to each employee- wages not less than eight dollars (\$8.00) per hour for
20 all hours worked, effective January 1, 2008... and not less than nine dollars (\$9.00) per hour for all
21 hours worked effective July 1, 2014 and ten dollars (\$10.00) per hour effective January 1, 2016.

22 19. Defendants required Plaintiff remain under Defendants' control without paying
23 Plaintiff therefore resulting in Plaintiff earning less than the legal minimum wage in State of
24 California.

25 20. Pursuant to Labor Code §1194(a), Plaintiff can recover in a civil action for the
26 unpaid balance of the full amount of the unpaid minimum wages owed, calculated as the difference
27 between the straight time compensation paid and the applicable minimum wage, including interest
28 thereon.

1 additional hour of pay at the employee's regular rate of compensation for each work day that the
2 meal period was not provided, in amounts to be determined at trial, and is entitled to recovery of
3 such amounts, plus interest and penalties thereon, attorneys' fees, and costs, under Labor Code 226,
4 226.7, and 1194; and Civil Code §3287.

5 **FOURTH CAUSE OF ACTION**

6 **FAILURE TO AUTHORIZE AND PERMIT PAID REST PERIODS**

7 **(AGAINST ALL DEFENDANTS)**

8 29. Plaintiff incorporates by reference and reallege each and every one of the
9 allegations contained in the preceding and foregoing paragraphs of this Complaint as if fully set
10 forth herein.

11 30. Labor Code §226.7(a) states: "No employer shall require any employee to work
12 during any meal or rest period mandated by an applicable order of the Industrial Welfare
13 Commission."

14 31. Labor Code §516 provides that the Industrial Welfare commission may adopt or
15 amend working conditions orders with respect to break periods for any workers in California
16 consistent with the health and welfare of those workers.

17 32. Section 12(A) of the IWC Wage Order(s) states: "Every employer shall authorize and
18 permit all employee to take rest periods, which insofar as practicable shall be in the middle of each
19 work period. The authorized rest period time shall be based on the total hours worked daily at the
20 rate of ten (10) minutes net rest time per four (4) hours or major fraction thereof. However, a rest
21 period need not be authorized for employees whose total daily work time is less than three and one-
22 half (3 ½) hours. Authorized rest period time shall be counted as hours worked for which there shall
23 be no deduction from wages."

24 33. Section 12(B) of the IWC Wage Order(s) states: "If an employer fails to provide an
25 employee a rest period in accordance with the applicable provisions of this order, the employer shall
26 pay the employee one (1) hour of pay at the employee's regular rate of compensation for each
27 workday that the rest period is not provided."

28 34. Plaintiff consistently worked over four (4) hours per shift and therefore were entitled

1 to a rest period of not less than ten (10) minutes prior to exceeding four (4) hours of employment.

2 35. As a matter of Defendants' established company policy, Defendants failed to
3 authorize and permit the required rest periods established by Labor Code § 226.7 and Labor Code §
4 516 and Section 12 of the IWC Wage Order(s).

5 36. Pursuant to Section 12 of the IWC Wage Orders(s) and Labor Code § 226.7(b) which
6 states "if an employer fails to provide an employee a meal or rest period in accordance with an
7 applicable order of the Industrial Welfare Commission, the employer shall pay the employee one
8 additional hour of pay at the employee's regular rate of compensation for each work day that the
9 meal or rest period is not provided," Plaintiff is entitled to damages in an amount equal to one (1)
10 additional hour of pay at each employee's regular rate of compensation for each work day that the
11 rest period was not so provided.

12 37. Pursuant to Labor Code § 218.6 and CC § 3287, Plaintiff seeks recovery of pre-
13 judgment interest on all amounts recovered herein

14 **FIFTH CAUSE OF ACTION**

15 **FAILURE TO TIMELY FURNISH ACCURATE ITEMIZED WAGE STATEMENTS -**

16 **LABOR CODE §§226 AGAINST ALL DEFENDANTS)**

17 38. Plaintiff incorporate by reference and reallege each and every one of the allegations
18 contained in the preceding and foregoing paragraphs of this Complaint as if fully set forth herein.

19 39. Labor Code § 226(a) states in pertinent part: "Every employer shall, semimonthly or
20 at the time of each payment of wages, furnish each of his or her employees, either as a detachable
21 part of the check, draft, or voucher paying the employee's wages, or separately when wages are paid
22 by personal check or cash, an accurate itemized statement in writing showing (1) gross wages
23 earned, (2) total hours worked by the employee...(4) all deductions...(5) net wages earned, (6) the
24 inclusive dates of the period for which the employee is paid...(8) the name and address of the legal
25 entity that is the employer, and (9) all applicable hourly rates in effect during each the pay period
26 and the corresponding number of hours worked at each hourly rate by the employee..."

27 40. Further, the IWC Wage Orders states in pertinent part: "(A) Every employer shall
28 keep accurate information with respect to each employee including the following: (3) Time records

1 showing when the employee begins and ends each work period.....and total daily hours worked
2 shall also be recorded...(5) Total hours worked in the payroll period and applicable rates of pay....”

3 41. Therefore, pursuant to Labor Code § 226(a) and the applicable IWC Wage Orders ,
4 California employers are required to maintain accurate records pertaining to the total hours worked
5 for Defendants by Plaintiffs, including but not limited to, beginning and ending of each work period,
6 meal period and split shift interval, the total daily hours worked, total wages paid, and the total
7 hours worked per pay period and applicable rates of pay,

8 42. In violation of Labor Code § 226(a) and the applicable IWC Wage Orders ,
9 Defendants did not and still do not furnish Plaintiff with an accurate itemized statement in writing
10 showing (1) gross wages earned, (2) total hours worked by the employee, (3) all deductions, (4) net
11 wages earned and/or (5) all applicable hourly rates in effect during each respective pay period and
12 the corresponding number of hours worked at each hourly rate by each respective individual.

13 43. In violation of Labor Code § 226(a) and the applicable IWC Wage Orders,
14 Defendants did not and do not maintain accurate records pertaining to the total hours worked for
15 Defendants by Plaintiffs , including but not limited to, beginning and ending of each work period,
16 meal period and split shift interval, the total daily hours worked, and the total hours worked per pay
17 period and applicable rates of pay.

18 44. Plaintiff has suffered injury as a result of Defendants’ failure to maintain accurate
19 records and have suffered injury as a result of Defendants’ failure to maintain accurate records in
20 that Plaintiffs were not timely provided written accurate itemized statements showing all requisite
21 information, including but not limited to total hours worked by the employee, gross wages earned,
22 net wages earned, all deductions, and all applicable hourly rates in effect during the pay period and
23 the corresponding number of hours worked at each hourly at each hourly rate, in violation of Labor
24 Code § 226 and the applicable IWC Wage Orders, such that Plaintiff was misled by Defendants as
25 to the correct information regarding various items, including but not limited to total hours worked
26 by the employee, gross wages earned, net wages earned, all deductions, and all applicable hourly
27 rates in effect during the pay period and the corresponding number of hours worked at each hourly
28 rate.

1 45. Pursuant to Labor Code § 226(e), Plaintiff is entitled to fifty dollars (\$50.00) per
2 employer for the initial pay period in which a violation hereunder occurs and one hundred dollars
3 (\$100.00) per employer for each violation in a subsequent pay period, not exceeding an aggregate
4 penalty of four thousand dollars (\$4,000.00).

5 46. Pursuant to Labor Code § 226(e) and/or § 226(g), Plaintiff is entitled to an award of
6 costs and reasonable attorneys' fees.

7 **SIXTH CAUSE OF ACTION**
8 **VIOLATIONS OF LABOR CODE § 203**
9 **(AGAINST ALL DEFENDANTS)**

10 47. Plaintiff incorporates by reference and realleges each and every one of the allegations
11 contained in the preceding and foregoing paragraphs of this Complaint as if fully set forth herein.

12 48. Labor Code § 203 provides that if an employer willfully fails to pay, without
13 abatement or reduction, in accordance with Labor Code §§ 201 and 202 any wages of an employee
14 who is discharged or who quits, the wages of the employee shall continue at the same rate, for up to
15 thirty (30) days from the due date thereof, until paid or until action therefore is commenced.

16 49. Plaintiff is no longer employed by Defendants.

17 50. Defendants willfully failed to pay Plaintiff the entire wages due and owing at the
18 time of her termination or within seventy-two (72) hours of her resignation, and failed to pay those
19 sums for thirty (30) days thereafter. Plaintiff was not paid overtime and minimum wages owed as
20 described above and also was not paid her vacation pay upon termination.

21 51. Defendants' willful failure to pay wages to Plaintiff violate Labor Code § 203
22 because Defendants knew or should have known wages were due to Plaintiff but failed to pay them.

23 52. Plaintiff is entitled to recovery pursuant to Labor Code § 203, in the amount of his
24 daily wage multiplied by thirty (30) days.

25 53. Pursuant to CC § 3287, Plaintiff seeks recovery of prejudgment interest on all
26 amounts recovered herein.

27 **SEVENTH CAUSE OF ACTION**
28 **UNFAIR BUSINESS PRACTICES**

(AGAINST ALL DEFENDANTS)

54. Plaintiff incorporates by reference and reallege each and every one of the allegations contained in the preceding and foregoing paragraphs of this Complaint as if fully set forth herein.

55. B&PC § 17200 provides in pertinent part "...[U]nfair competition shall mean and include any unlawful, unfair or fraudulent business act...."

56. B&PC § 17205 provides that unless otherwise expressly provided, the remedies or penalties provided for unfair competition "are cumulative to each other and to the remedies or penalties available under all other laws of this state."

57. B&PC § 17204 provides that an action for any relief from unfair competition may be prosecuted by any person who has suffered injury in fact and has lost money or property as a result of such unfair competition.

58. Defendants have engaged in unlawful, unfair and fraudulent business acts or practices prohibited by B&PC § 17200, including those set forth in the preceding and foregoing paragraphs of the complaint, thereby depriving Plaintiff minimum working standards and conditions due to them under the Labor Code and/or the IWC Wage Orders, as specifically described herein.

59. Defendants have engaged in unfair business practices in California by practicing, employing and utilizing the employment practices outlined in the preceding paragraphs, specifically, by requiring employees to perform the labor services complained of herein without the requisite compensation.

60. Defendants' use of such practices constitutes an unfair business practice, unfair competition and provides an unfair advantage over Defendants' competitors.

61. Plaintiff has suffered injury in fact and has lost money or property as a result of such unfair competition.

62. Plaintiff seeks full restitution from Defendants, as necessary and according to proof, restore any and all monies withheld, acquired and/or converted by Defendants by means of the unfair practices complained of herein.

63. Further, if Defendants are not enjoined set forth, above, Defendants will continue to practice, employ and utilize the employment practices outlined in the preceding paragraphs.

1 64. Therefore, Plaintiff requests that the Court issue a preliminary and permanent
2 injunction prohibiting Defendants from engaging in the foregoing conduct.

3 **PRAYER FOR RELIEF**

4 WHEREFORE, Plaintiff respectfully prays that this Court award relief, on all causes of
5 actions, as follows:

- 6 1. For all wages earned and owed;
7 2. Statutory penalties, according to proof;
8 3. Prejudgment and postjudgment interest at the maximum rate allowed by law;
9 4. Preliminary and permanent injunctions prohibiting Defendants from further violating
10 the California Labor Code and requiring the establishment of appropriate and
11 effective means to prevent future violations;
12 5. Preliminary and permanent injunctions pursuant to Business & Professions Code
13 §17203, enjoining and restraining Defendants from continuing the unlawful and
14 unfair business practices set forth above and requiring the establishment of
15 appropriate and effective means to prevent future violations;
16 6. Restitution of wages and benefits due which were acquired by means of any unfair
17 business practice, according to proof;
18 7. For attorneys' fees in prosecuting this action;
19 8. For costs of suit incurred herein; and
20 9. For such other and further relief as the Court deems just and proper.


21 **DEMAND FOR JURY TRIAL**

22 Plaintiff hereby demands trial of her claims by jury to the extent authorized by law.
23 by law.

24 DATED: March 17, 2015

KOKOZIAN LAW FIRM, APC

25
26 By:


Bruce Kekeozian, Esq.
Attorneys for Plaintiff

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Bruce Kokozyan, Esq. (SBN 195723) KOKOZYAN LAW FIRM, APC 9440 South Santa Monica Blvd., Suite 510 Beverly Hills, CA 90210		FOR COURT USE ONLY FILED Superior Court of California County of Los Angeles MAR 17 2016 Sherri K. Carter, Executive Officer/Clerk By <u>Judi Lara</u> , Deputy	
TELEPHONE NO.: (323) 857-5900 FAX NO.: (310) 275-6301 ATTORNEY FOR (Name): Plaintiff Anita Maynard		CASE NUMBER: BC 614228 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 BRANCH NAME: Central			
CASE NAME: Maynard v White			
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/PDWD (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/PDWD (23) Non-PI/PDWD (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/PDWD 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
b. <input type="checkbox"/> Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve
c. <input type="checkbox"/> Substantial amount of documentary evidence | d. <input type="checkbox"/> Large number of witnesses
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
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): Seven (7)

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: 03/17/2016

Bruce Kokozyan, Esq. (SBN 195723)

(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/WDD (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/WDD (23)
Premises Liability (e.g., slip and fall)
Intentional Bodily Injury/PD/WDD (e.g., assault, vandalism)
Intentional Infliction of Emotional Distress
Negligent Infliction of Emotional Distress
Other PI/PD/WDD

Non-PI/PD/WDD (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/WDD 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

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BC 6 14 228

**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 2.3 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 5 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 2.3.

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
11. Mandatory Filing Location (Hub Case)

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	1., 4.
		<input type="checkbox"/> A7240 Other Professional Health Care Malpractice	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 type="checkbox"/> A7220 Other Personal Injury/Property Damage/Wrongful Death	1., 4. 1., 4. 1., 3. 1., 4.

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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 checked="" 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 <input type="checkbox"/> A6034 Collections Case-Purchased Debt (Charged Off Consumer Debt Purchased on or after January 1, 2014)	2., 5., 6, 11 2., 5, 11 5, 6, 11
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.
	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.
	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.

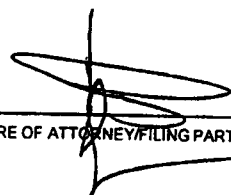
SHORT TITLE: Maynard v. White	CASE NUMBER
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Item III. Statement of Location: Enter the address of the accident, party's residence or place of business, performance, or other circumstance indicated in Item II., Step 3 on Page 1, as the proper reason for 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. <input type="checkbox"/> 11.		ADDRESS: 506 North Carmelina Avenue
CITY: Los Angeles	STATE: CA	ZIP CODE: 90049

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 District of the Superior Court of California, County of Los Angeles [Code Civ. Proc., § 392 et seq., and Local Rule 2.3, subd.(a)].

Dated: 03/17/2016


 (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. 03/15).
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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