

OF L

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DELAY REDUCTION CASE

FILED

MAR 21 2016

Clerk of the Napa Superior Court

By: blm
Deputy

5
6 MINNIS & SMALLETS LLP
SONYA L. SMALLETS, Bar No. 226190
7 369 Pine Street, Suite 500
San Francisco, CA 94104
8 Telephone: (415) 551-0885
Facsimile: (415) 683-7157
9 Email: sonya@minnisandsmallets.com

CASE MANAGEMENT CONFERENCE

DATE: 08-30-16

TIME: 8:30am

PLACE: Courtroom I

825 Brown Street, Napa CA 94559

111 Third

10 Attorneys for Plaintiff
11 Alene Anase

12 SUPERIOR COURT OF THE STATE OF CALIFORNIA
13 FOR THE COUNTY OF NAPA – UNLIMITED JURISDICTION
14

15 ALENE ANASE

16 Plaintiff,

17 vs.

18 ALPHA OMEGA WINERY, LLC, and
19 Does 1 – 50, Inclusive,

20 Defendants.
21
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23
24
25
26

Case No. 16CV000134

COMPLAINT FOR:

- (1) UNRUH CIVIL RIGHTS ACT VIOLATIONS (CIVIL CODE § 51.9)
- (2) INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS;
- (3) NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS;
- (4) SEXUAL HARASSMENT IN VIOLATION OF FEHA;
- (5) FAILURE TO PREVENT SEXUAL HARASSMENT IN VIOLATION OF FEHA; and
- (6) RETALIATION IN VIOLATION OF FEHA

Jury Trial Demanded

RECEIVED

MAR 18 2016

Napa Superior Court

1 Plaintiff Alene Anase ("Plaintiff") hereby alleges against Defendant Alpha Omega Winery, LLC
2 ("Alpha") and Does 1 - 50 ("Doe Defendants") as follows:

3 **PARTIES, VENUE, AND JURISDICTION**

4 1. Plaintiff Alene Anase is a resident of Walnut Creek, California in Contra Costa
5 County, California. At all relevant times herein, she was an employee of Alpha.

6 2. Defendant Alpha is a limited liability company with its principal place of business
7 in Napa County, California. At all relevant times herein, Alpha conducted business in Napa
8 County. At all relevant times herein, Plaintiff worked for Defendant Alpha.

9 3. On information and belief, Doe Defendants are residents of and/or conduct
10 business in the State of California. Plaintiff does not currently have any information on the Doe
11 Defendants' identity or citizenship.

12 4. Plaintiff's damages exceed the jurisdictional minimum of the Court.

13 **BACKGROUND**

14 5. Plaintiff has been employed as a tasting room attendant for Alpha since 2013. Her
15 job duties include greeting wine tasters and pouring wine for them during the tasting. For certain
16 special events, Plaintiff would leave Alpha's premises in order to act as a tasting attendant at
17 such events. At times, this would include acting as an attendant on Alpha's 62 foot yacht (the
18 "Yacht").

19 6. On August 12, 2015, Plaintiff and a female co-worker were instructed to act as
20 attendants on the Yacht for approximately twenty five individuals who had bid on and won a
21 cruise on the Yacht at a charity fundraiser. These individuals, the Doe Defendants, were all
22 supposed to be men. Plaintiff understood the men to be important investors in Alpha.

23 7. The Yacht picked up the Doe Defendants at Pier 41 in San Francisco, California.
24 Sometime after the Doe Defendants boarded the Yacht, Plaintiff realized that the men had
25 brought prostitutes, hard liquor, and what appeared to be cocaine onto the Yacht. Plaintiff was
26 extremely disturbed by the presence of the prostitutes, especially because it appeared that some
27 of the girls were too young to consent to sexual activity.

28 8. The Doe Defendants drew straws for which prostitutes would be claimed by each

1 man and thereafter took the prostitutes to the bedrooms on the lower deck of the Yacht to engage
2 in sexual activities. Plaintiff could hear sexual activity occurring in the bedrooms as she went to
3 the lower deck in order to refill supplies that were stored at that location. The prostitutes also
4 moved around the Yacht topless between servicing the Doe Defendants. At the end of the cruise,
5 the Doe Defendants lined the prostitutes up on the deck of the Yacht, reviewed out loud and in
6 detail the sexual services performed and paid them in front of Plaintiff. Watching the Doe
7 Defendants review their sexual conquests with the prostitutes and overhearing the sexual activity
8 made Plaintiff feel upset, threatened, and scared.

9 9. As the Yacht travelled in the San Francisco Bay, the Doe Defendants participated
10 in sexual conduct with the prostitutes within ear shot of Plaintiff and consumed large quantities
11 of alcohol and a white substance Plaintiff understood to be cocaine. Several of the Doe
12 Defendants made comments about getting "fucked up" due to the substances they were
13 consuming.

14 10. Plaintiff was concerned that due to the Doe Defendants' intoxicated and/or
15 drugged state, they would act aggressively toward her. At least one of the Doe Defendants
16 suggested to Plaintiff that she should provide services of a sexual nature to the Doe Defendants.
17 Said solicitation made Plaintiff extremely uncomfortable and caused her to fear sexual assault by
18 the Doe Defendants. Several of the Doe Defendants made multiple lewd and sexually charged
19 comments while Plaintiff was present.

20 11. Plaintiff and her co-worker made multiple calls from her co-worker's work cell
21 phone to Alpha in order to get assistance to escape the hostile work environment. They were able
22 to reach the Director of Marketing at Alpha, whom they asked for assistance. Rather than
23 command the captain to turn the Yacht around and return Plaintiff and her co-worker to safety,
24 Alpha told Plaintiff to simply "lie low" and try to do as little as possible in order to avoid
25 harassment.

26 12. Plaintiff was extremely upset that Alpha refused to do anything to take her out of
27 harm's way.

28 13. Although Plaintiff attempted to "lie low", as she performed her job duties,

1 Plaintiff continued to witness the Doe Defendants making sexual contact with, fondling, and
2 sucking the breasts of the topless prostitutes, to hear the Doe Defendants engaging in sexual
3 activities with prostitutes, and to see the Doe Defendants pay the prostitutes for their "services"
4 while the prostitutes were lined up on the Yacht's middle deck. Plaintiff was sickened by the
5 manner in which the Doe Defendants treated the women as sexual objects and felt she had no
6 escape, being trapped on the Yacht that was being used for illegal sexual activity.

7 14. Although Plaintiff and her co-worker attempted to interact with the Doe
8 Defendants as little as possible, Plaintiff remained in constant fear that she would be sexually
9 assaulted or otherwise aggressively approached by the Doe Defendants if she did not provide
10 wine when requested.

11 15. Plaintiff had received no training from Alpha with regard to what actions she
12 should take when confronted by such a situation. Alpha provided no sexual harassment training
13 and no guidance on how Plaintiff could remove herself from such a situation.

14 16. Upon returning to land, Plaintiff advised Alpha that the situation on the Yacht had
15 been so stressful that she could not immediately return to work. At that point, she began
16 psychological counseling for the trauma suffered on the Yacht and began to take medications for
17 the anxiety and depression caused by the events.

18 17. Due to the stress of the events associated with the Yacht, Plaintiff's co-worker
19 never returned to work at Alpha and Plaintiff took two months of disability leave during
20 September and October 2015.

21 18. After months of therapy, in November 2015, Plaintiff agreed to return to work.
22 Plaintiff wanted to make sure that the sexual harassment that she experienced on the Yacht was
23 not revealed to her co-workers, as Plaintiff did not want to be the center of salacious gossip
24 among her co-workers. Defendant Alpha agreed to this request. However, on her first day back to
25 work, one of Alpha's owners mentioned the events on the Yacht in front of Plaintiff's co-
26 workers, which resulted in questioning from her co-workers, which increased her stress and
27 anxiety.

28 19. Because of the questioning from Plaintiff's co-workers, Plaintiff suffered

1 additional stress and humiliation. Plaintiff did not attend the annual Alpha holiday party because
2 she knew she would be the center of gossip and questioning by her co-workers.. Hearing such
3 gossip caused Plaintiff to relive the sexual harassment that she experienced on the Yacht, which
4 caused her further emotional distress, anxiety, and humiliation.

5 20. Although Alpha and Plaintiff had agreed that she would return to work on a part-
6 time basis beginning in November, Alpha soon stopped putting Plaintiff on the schedule. Alpha
7 did not schedule Plaintiff for any hours in January. In February, Alpha scheduled her to work on
8 only one Saturday. Alpha knew from Plaintiff's several years of work at Alpha that she was not
9 available to work on Saturdays. Alpha therefore effectively refused to schedule Plaintiff to work
10 in both January and February 2016. Alpha did not schedule Plaintiff for any hours in March.
11 Alpha's refusal to schedule Plaintiff for work was in retaliation for Plaintiff's complaining about
12 the treatment she endured on the Yacht. Alpha's failure and refusal to schedule Plaintiff to work
13 resulted in Alpha terminating Plaintiff's employment.

14 21. As a result of her experiences on the Yacht, Plaintiff has been depressed, has
15 been unable to muster the energy she used to have, and has been unable to function at a level to
16 which she was accustomed prior to the events on the Yacht. Plaintiff suffers from sleep
17 disturbances, including waking up from nightmares in panic. At times the panic is so bad when
18 she wakes up that she throws up and remains unable to sleep for several hours or even for the
19 remainder of the night.

20 22. Upon information and belief, Alpha engaged in a pattern and practice of
21 harassment, discrimination, and retaliation.

22 23. As a result of Defendants' actions, Plaintiff has suffered, and continues to suffer,
23 severe physical and emotional damages.

24 24. Defendants' actions have been undertaken for improper purposes as alleged above
25 and have been willful, oppressive and in conscious disregard of Plaintiff's rights, and have been
26 designed and intended to cause and have, in fact, caused Plaintiff to suffer severe emotional
27 distress, pain and suffering, and substantial economic damage and, therefore, justify the awarding
28 of exemplary and punitive damages.

1 36. As a result of Defendant's outrageous conduct, Plaintiff has suffered severe
2 emotional distress and seeks actual and punitive damages.

3 37. Wherefore Plaintiff prays for the relief sought herein.

4 **THIRD CAUSE OF ACTION**

5 **(Negligent Infliction of Emotional Distress Against Doe Defendants)**

6 38. The allegations in each preceding paragraph are incorporated by reference as if
7 fully set forth herein.

8 39. The Doe Defendants owed a duty to the public, including the Plaintiff, to avoid
9 taking actions that were indecent, lewd, unwanted, and harassing to others.

10 40. On the evening of August 12, 2015, the Doe Defendants breached the duty they
11 owed to Plaintiff by negligently failing to obtain Plaintiff's consent to consuming copious
12 amounts of alcohol and other drugs in Plaintiff's presence, engaging in sexual activity with
13 prostitutes near Plaintiff, degrading and objectifying the prostitutes in Plaintiff's presence, and
14 soliciting Plaintiff for sexual activities.

15 41. The Doe Defendants knew or should have known that their failure to exercise due
16 care as described above would cause Plaintiff severe emotional distress.

17 42. As a proximate result of the Doe Defendants' actions, Plaintiff has suffered severe
18 emotional distress, including anguish, humiliation, shame, grief, worry, and anxiety.

19 43. Plaintiff seeks actual damages, punitive damages, costs and such other remedies
20 as permitted by law, in an amount to be proved hereafter.

21 44. Wherefore Plaintiff prays for the relief sought herein.

22 **FOURTH CAUSE OF ACTION**

23 **(Sexual Harassment in Violation of FEHA Against Defendant Alpha)**

24 45. The allegations in each preceding paragraph are incorporated by reference as if
25 fully set forth herein.

26 46. Plaintiff was an employee of Defendant Alpha.

27 47. Plaintiff was subjected to unwanted harassing conduct because of her sex and
28 personally witnessed harassing conduct that took place in her immediate work environment.

1 65. Plaintiff's complaint was a substantial motivating reason for Defendant Alpha's
2 failure to assign Plaintiff work shifts and resultant termination of Plaintiff's employment.

3 66. Plaintiff was harmed.

4 67. Defendant Alpha's conduct was a substantial factor in causing Plaintiff harm.

5 68. Wherefore Plaintiff prays for the relief sought herein.

6 **PRAYER**

7 WHEREFORE, Plaintiff prays for relief as follows:

8 WHEREFORE, Plaintiff seeks, to the extent allowed by law, economic damages, non-
9 economic damages for pain, suffering and emotional distress, exemplary damages, statutory
10 penalties, treble damages, equitable relief, injunctive relief, legal interest, statutory attorney's
11 fees, and costs of suit. Plaintiff also seeks such other relief as the court deems just.

12
13 **DEMAND FOR JURY TRIAL**

14 Plaintiff hereby demands a trial by jury.

15
16 Dated: March 14, 2016

MINNIS & SMALLETS LLP

17
18 THE LAW OFFICES OF DAWN CEIZLER
DAWN CEIZLER

19 By 
20 Attorneys for Plaintiff Alene Anase

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Dawn Ceizler, 214873 Law Offices of Dawn Ceizler 165 Lennon Lane, Suite 101, Walnut Creek, CA 94598 TELEPHONE NO.: (925) 932-8225 FAX NO.: (925) 226-4849 ATTORNEY FOR (Name): Plaintiff, Alene Anase		FOR COURT USE ONLY <div style="font-size: 2em; font-weight: bold; margin: 10px 0;">FILED</div> <div style="font-size: 1.2em; font-weight: bold; margin: 5px 0;">MAR 21 2016</div> <div style="margin: 5px 0;">Clerk of the Napa Superior Court</div> <div style="margin: 5px 0;">By: <u><i>[Signature]</i></u></div>	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Napa STREET ADDRESS: 825 Brown Street MAILING ADDRESS: CITY AND ZIP CODE: Napa, CA 94559 BRANCH NAME:			
CASE NAME: Alene Anase v. Alpha Omega Winery, LLC, et al.			
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; padding: 5px;"> CIVIL CASE COVER SHEET <input checked="" type="checkbox"/> Unlimited (Amount demanded exceeds \$25,000) </td> <td style="width: 50%; padding: 5px;"> <input type="checkbox"/> Limited (Amount demanded is \$25,000 or less) </td> </tr> </table>			CIVIL CASE COVER SHEET <input checked="" type="checkbox"/> Unlimited (Amount demanded exceeds \$25,000)
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)		CASE NUMBER: 16CV000134 JUDGE: DEPT:	

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)

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): 6 - Unruh, IIED, NIED, Sexual Harassment, Failure to prevent SH, Retaliation
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: March 15, 2016

Dawn Ceizler
(TYPE OR PRINT NAME)

[Signature]
(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 collection **RECEIVED** 740 or a complex case, this cover sheet will be used for statistical purposes only.

Page 1 of 2

MAR 18 2016

CIVIL CASE COVER SHEET

Napa Superior Court

SUMMONS (CITACION JUDICIAL)

NOTICE TO DEFENDANT: (AVISO AL DEMANDADO):

ALPHA OMEGA WINERY, LLC, and Does 1 – 50, Inclusive

YOU ARE BEING SUED BY PLAINTIFF: (LO ESTÁ DEMANDANDO EL DEMANDANTE):

ALENE ANASE

DELAY REDUCTION CASE

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

FILED

MAR 21 2016

Clerk of the Napa Superior Court

By: blom
Deputy

NOTICE! You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association. **NOTE:** The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case. **AVISO!** Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.sucorte.ca.gov), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.sucorte.ca.gov) o poniéndose en contacto con la corte o el colegio de abogados locales. **AVISO:** Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 ó más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.

The name and address of the court is:
(El nombre y dirección de la corte es): Napa County Superior Court

825 Brown Street
Napa, CA 94559

CASE NUMBER:
(Número del Caso):

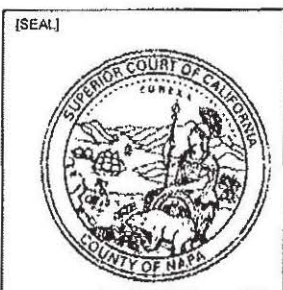
16CV000134

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:
(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):
Dawn Ceizler, 165 Lennon Lane, Suite 101, Walnut Creek, CA 94598 (925) 932-8225

DATE: MAR 21 2016
(Fecha)

Clerk, by blom RICHARD D. FELDSTEIN Deputy
(Secretario) (Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)
(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).



NOTICE TO THE PERSON SERVED: You are served

1. ☐ as an individual defendant.
2. ☐ as the person sued under the fictitious name of (specify):
3. ☐ on behalf of (specify):
under: ☐ CCP 416.10 (corporation) ☐ CCP 416.60 (minor)
☐ CCP 416.20 (defunct corporation) ☐ CCP 416.70 (conservatee)
☐ CCP 416.40 (association or partnership) ☐ CCP 416.90 (authorized person)
☐ other (specify):
4. ☐ by personal delivery on (date):

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Page 1 of 1

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11 Alene Anase

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13 FOR THE COUNTY OF NAPA – UNLIMITED JURISDICTION
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15 ALENE ANASE

16 Plaintiff,

17 vs.

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Case No. 16CV000134

NOTICE OF DEPOSIT OF JURY
FEES

22 TO ALL PARTIES AND THEIR COUNSEL OF RECORD:

23 PLEASE TAKE NOTICE THAT PLAINTIFF Alene Anase deposited jury fees in

24 the amount of \$150.00 with the above entitled court as required by California Code of Civil

25 Procedure § 631(b).
26

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MAR 18 2016

Napa Superior Court

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MAR 21 2016

Clerk of the Napa Superior Court

By: blm
Deputy

1 Dated: March 14, 2016
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THE LAW OFFICES OF DAWN CEIZLER
DAWN CEIZLER

By 
Attorneys for Plaintiff Alene Anase

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11 Alene Anase

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15 ALENE ANASE

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By: [Signature]
Deputy

1 Dated: March 14, 2016

2 THE LAW OFFICES OF DAWN CEIZLER
3 DAWN CEIZLER

4 By *Dawn Ceizler*
5 Attorneys for Plaintiff Alene Anase

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Attorney or Party without Attorney: DAWN CEIZLER, Bar #214873 LAW OFFICES OF DAWN CEIZLER 165 LENNON LANE, SUITE 101 Walnut Creek, CA 94598 Telephone No: 925-954-7235 KATY@CEIZLER.COM Attorney for: Plaintiff				For Court Use Only <h1 style="margin: 0;">FILED</h1> APR 15 2016 Clerk of the Napa Superior Court By: Deputy	
Ref. No. or File No.:					
Insert name of Court, and Judicial District and Branch Court: Napa County Superior Court					
Plaintiff: ALENE ANASE Defendant: ALPHA OMEGA WINERY, LLC					
PROOF OF SERVICE SUMMONS & COMPLAINT		Hearing Date:	Time:	Dept/Div:	Case Number: 16CV000134

1. At the time of service I was at least 18 years of age and not a party to this action.
2. I served copies of the SUMMONS, COMPLAINT, CIVIL CASE COVER SHEET; NOTICE OF JURY FEE DEPOSIT, BLANK CASE MANAGEMENT STATEMENT
3.

a. Party served: b. Person served:	ALPHA OMEGA WINERY, LLC CHELSEA BELLOWS, VICE PRESIDENT OF OPERATIONS, AUTHORIZED TO ACCEPT, Caucasian, Female, 38 Years Old, Blonde Hair, Blue Eyes, 5 Feet 5 Inches, 150 Pounds
---------------------------------------	--
4. Address where the party was served: 1155 MEE LANE
Saint Helena, CA 94574
5. I served the party:
 - a. by personal service. I personally delivered the documents listed in item 2 to the party or person authorized to receive process for the party (1) on: Tue., Mar. 29, 2016 (2) at: 8:20AM
6. The "Notice to the Person Served" (on the Summons) was completed as follows:
 - a. as an individual defendant
7. Person Who Served Papers:

a. BARBARA SIMPSON b. Solano Legal, Inc. dba S&R of Solano 710 Empire Street Fairfield, CA 94533 c. (707) 426-6066, FAX (707) 598-1858	Recoverable Cost Per CCP 1033.5(a)(4)(B) d. The Fee for Service was: \$80.00 e. I am: (3) registered California process server <ol style="list-style-type: none"> (i) Independent Contractor (ii) Registration No.: 413 (iii) County: Solano
--	---

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APR 14 2016

Napa Superior Court

8. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: Tue, Mar. 29, 2016

(BARBARA SIMPSON)

1 Dawn Ceizler (State Bar No. 214873)
LAW OFFICES OF DAWN CEIZLER
2 165 Lennon Lane, Suite 101
Walnut Creek, CA 94598
3 Telephone: (925) 932-8225
Facsimile: (925) 226-4849
4 E-mail: dc@ceizler.com

5 Sonya L. Smallets (State Bar No. 226190)
MINNIS & SMALLETS LLP
6 369 Pine Street, Suite 500
San Francisco, CA 94104
7 Telephone: (415) 551-0885
Facsimile: (415) 683-7157
8 E-mail: sonya@minnisandsmallets.com

9 Attorneys for Plaintiff,
ALENE ANASE

10
11 Lisa Barnett Sween (State Bar No. 191155)
Angel R. Sevilla (State Bar No. 239072)
JACKSON LEWIS P.C.
12 50 California Street, 9th Floor
San Francisco, California 94111
13 Telephone: (415) 394-9400
Facsimile: (415) 394-9401
14 E-mail: lisa.sween@jacksonlewis.com
E-mail: angel.sevilla@jacksonlewis.com

15 Attorneys for Defendant,
16 ALPHA OMEGA WINERY, LLC

17 SUPERIOR COURT OF THE STATE OF CALIFORNIA
18 COUNTY OF NAPA
19

20 ALENE ANASE,

Case No. 16CV000134

21 Plaintiff,

22 v.

STIPULATION AND [PROPOSED]
ORDER EXTENDING TIME TO
RESPOND TO COMPLAINT

23 ALPHA OMEGA WINERY, LLC, and Does
24 1-50, Inclusive,

Complaint Filed: March 21, 2016
Trial Date: None Set

25 Defendants.
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RECEIVED

STIPULATION AND [PROPOSED] ORDER EXTENDING TIME TO RESPOND TO COMPLAINT

Case No. 16CV000134

MAY 17 2016

NAPA SUPERIOR COURT

BY FAX

per
mm

1 IT IS HEREBY STIPULATED AND AGREED, pursuant to California Rules of Court
2 3.110(e), by and between Plaintiff ALENE ANASE ("Plaintiff") and Defendant ALPHA
3 OMEGA WINERY, LLC ("Defendant"), through their respective counsel of record, as follows:

- 4 1. Plaintiff's Complaint for Damages was filed on March 21, 2016.
- 5 2. Defendant was served with the Complaint on March 29, 2016.
- 6 3. The Parties agree that in order to conserve judicial and party resources, they want
7 to engage in mediation prior to Defendant filing any responsive pleading or a motion to compel
8 arbitration, and prior to engaging in formal discovery.
- 9 4. Plaintiff's Complaint is premised on claims against Doe defendants. Plaintiff and
10 Defendant are working together to identify these individuals, so all parties can meaningfully
11 participate in mediation. If the Doe Defendants do not stipulate to mediation, Plaintiff will, in due
12 course, file appropriate fictitious name amendments and pursue them in the litigation.
- 13 5. The Parties hereby stipulate that Defendant's time to file any responsive pleading
14 to the Complaint or a motion to compel arbitration shall be extended to 120 days from the date of
15 this Stipulation, to allow the parties to participate in mediation.

16 IT IS SO STIPLUATED.

17 Dated: May 17, 2016

LAW OFFICES OF DAWN CEIZLER

19 By: 

20 Dawn Ceizler
21 Attorneys for Plaintiff,
22 ALENE ANASE

23 Dated: May 16, 2016

JACKSON LEWIS P.C.

24 By: 

25 Lisa B. Sween
26 Angel R. Sevilla
27 Attorneys for Defendant,
28 ALPHA OMEGA WINERY, LLC

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ORDER

THE PARTIES HAVING STIPULATED AND GOOD CAUSE APPEARING
THEREFORE, IT IS HEREBY ORDERED THAT:

The deadline for ALPHA OMEGA, LLC's to file any responsive pleading to the
Complaint or a motion to compel arbitration shall be filed within 120 days of the date of the
above Stipulation.

IT IS SO ORDERED.

Dated: _____
Judge of the Superior Court, Napa County

FILED

MAY 20 2016

Clerk of the Napa Superior Court
By _____ Deputy

1 Dawn Ceizler (State Bar No. 214873)
2 LAW OFFICES OF DAWN CEIZLER
3 165 Lennon Lane, Suite 101
4 Walnut Creek, CA 94598
5 Telephone: (925) 932-8225
6 Facsimile: (925) 226-4849
7 E-mail: dc@ceizler.com

8 Sonya L. Smallets (State Bar No. 226190)
9 MINNIS & SMALLETS LLP
10 369 Pine Street, Suite 500
11 San Francisco, CA 94104
12 Telephone: (415) 551-0885
13 Facsimile: (415) 683-7157
14 E-mail: sonya@minnisandsmallets.com

15 Attorneys for Plaintiff,
16 ALENE ANASE

17 Lisa Barnett Sween (State Bar No. 191155)
18 Angel R. Sevilla (State Bar No. 239072)
19 JACKSON LEWIS P.C.
20 50 California Street, 9th Floor
21 San Francisco, California 94111
22 Telephone: (415) 394-9400
23 Facsimile: (415) 394-9401
24 E-mail: lisa.sween@jacksonlewis.com
25 E-mail: angel.sevilla@jacksonlewis.com

26 Attorneys for Defendant,
27 ALPHA OMEGA WINERY, LLC

28 SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF NAPA

29 ALENE ANASE,

30 Plaintiff,

31 v.

32 ALPHA OMEGA WINERY, LLC, and Does
33 I-50, Inclusive,

34 Defendants.

Case No. 16CV000134

**STIPULATION AND [PROPOSED]
ORDER EXTENDING TIME TO
RESPOND TO COMPLAINT**

Complaint Filed: March 21, 2016
Trial Date: None Set

RECEIVED

1
STIPULATION AND [PROPOSED] ORDER EXTENDING TIME TO RESPOND TO COMPLAINT

Case No. 16CV000134

MAY 17 2016

NAPA SUPERIOR COURT

BY FAX

per [signature]

1 IT IS HEREBY STIPULATED AND AGREED, pursuant to California Rules of Court
2 3.110(e), by and between Plaintiff ALENE ANASE ("Plaintiff") and Defendant ALPHA
3 OMEGA WINERY, LLC ("Defendant"), through their respective counsel of record, as follows:

4 1. Plaintiff's Complaint for Damages was filed on March 21, 2016.

5 2. Defendant was served with the Complaint on March 29, 2016.

6 3. The Parties agree that in order to conserve judicial and party resources, they want
7 to engage in mediation prior to Defendant filing any responsive pleading or a motion to compel
8 arbitration, and prior to engaging in formal discovery.

9 4. Plaintiff's Complaint is premised on claims against Doe defendants. Plaintiff and
10 Defendant are working together to identify these individuals, so all parties can meaningfully
11 participate in mediation. If the Doe Defendants do not stipulate to mediation, Plaintiff will, in due
12 course, file appropriate fictitious name amendments and pursue them in the litigation.

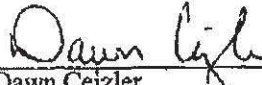
13 5. The Parties hereby stipulate that Defendant's time to file any responsive pleading
14 to the Complaint or a motion to compel arbitration shall be extended to 120 days from the date of
15 this Stipulation, to allow the parties to participate in mediation.

16 IT IS SO STIPLUATED.

17
18 Dated: May 17, 2016

LAW OFFICES OF DAWN CEIZLER


19
20 By:


Dawn Ceizler
Attorneys for Plaintiff,
ALENE ANASE

21
22
23 Dated: May 16, 2016

JACKSON LEWIS P.C.

24
25 By:


Lisa B. Sween
Angel R. Sevilla
Attorneys for Defendant,
ALPHA OMEGA WINERY, LLC

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ORDER

THE PARTIES HAVING STIPULATED AND GOOD CAUSE APPEARING
THEREFORE, IT IS HEREBY ORDERED THAT:

The deadline for ALPHA OMEGA, LLC's to file any responsive pleading to the
Complaint or a motion to compel arbitration shall be filed within 120 days of the date of the
above Stipulation.

IT IS SO ORDERED.

Dated: 5/19/16



Judge of the Superior Court, Napa County

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Law Offices of Dawn Ceizler Dawn Ceizler, Esq., Bar No. 214873 165 Lennon Lane, Suite 101, Walnut Creek, CA 94598 TELEPHONE NO.: (925) 932-8225 FAX NO. (Optional): (925) 266-4849 E-MAIL ADDRESS (Optional): dc@ceizler.com ATTORNEY FOR (Name): Plaintiff, Alene Anase		FOR COURT USE ONLY FILED AUG 11 2016 Clerk of the Napa Superior Court By <u>[Signature]</u> Deputy
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Napa STREET ADDRESS: 111 Third Street MAILING ADDRESS: CITY AND ZIP CODE: Napa, CA 94539 BRANCH NAME:		
PLAINTIFF/PETITIONER: Alene Anase DEFENDANT/RESPONDENT: Alpha Omega Winery, LLC, et al.		
CASE MANAGEMENT STATEMENT (Check one): <input checked="" type="checkbox"/> UNLIMITED CASE (Amount demanded exceeds \$25,000) <input type="checkbox"/> LIMITED CASE (Amount demanded is \$25,000 or less)		CASE NUMBER: 16CV000134
A CASE MANAGEMENT CONFERENCE is scheduled as follows: Date: August 30, 2016 Time: 8:30 a.m. Dept.: F Div.: Room: Address of court (if different from the address above): <input checked="" type="checkbox"/> Notice of Intent to Appear by Telephone, by (name): Dawn Ceizler, Esq./Sonya Smallets, Esq.		

INSTRUCTIONS: All applicable boxes must be checked, and the specified information must be provided.

- Party or parties (answer one):**
 - ☒ This statement is submitted by party (name): Plaintiff, Alene Anase
 - ☐ This statement is submitted jointly by parties (names):
- Complaint and cross-complaint (to be answered by plaintiffs and cross-complainants only)**
 - The complaint was filed on (date): March 21, 2016
 - ☐ The cross-complaint, if any, was filed on (date):
- Service (to be answered by plaintiffs and cross-complainants only)**
 - ☒ All parties named in the complaint and cross-complaint have been served, have appeared, or have been dismissed.
 - ☒ The following parties named in the complaint or cross-complaint
 - ☒ have not been served (specify names and explain why not):
Does 1-50, Plaintiff is still identifying
 - ☒ have been served but have not appeared and have not been dismissed (specify names):
Alpha Omega Winery, LLC
 - ☐ have had a default entered against them (specify names):
 - ☐ The following additional parties may be added (specify names, nature of involvement in case, and date by which they may be served):
- Description of case**
 - Type of case in ☒ complaint ☐ cross-complaint (Describe, including causes of action):
 Complaint for Unruh Civil Rights Act Violations, IIED, NEID, Sexual Harassment, Failure to Prevent Sexual Harassment, and Retaliation in Violation of FEHA

PLAINTIFF/PETITIONER: Alene Anase
 DEFENDANT/RESPONDENT: Alpha Omega Winery, LLC, et al.

CASE NUMBER:
 16CV000134

4. b. Provide a brief statement of the case, including any damages. (If personal injury damages are sought, specify the injury and damages claimed, including medical expenses to date [indicate source and amount], estimated future medical expenses, lost earnings to date, and estimated future lost earnings. If equitable relief is sought, describe the nature of the relief.)

On August 12, 2015, Plaintiff, while in the course and scope of her employment, was working on a yacht hired by the Does. The Does brought prostitutes, hard liquor, and what appeared to be cocaine onto the yacht and engaged in illegal activities. Plaintiff contacted her employer to take her out of harm's way and was told to "lie low" as she performed her job duties. Plaintiff was never able to return to work due to the stress of the situation.

☐ (If more space is needed, check this box and attach a page designated as Attachment 4b.)

5. Jury or nonjury trial

The party or parties request ☒ a jury trial ☐ a nonjury trial. (If more than one party, provide the name of each party requesting a jury trial):

6. Trial date

a. ☐ The trial has been set for (date):

b. ☒ No trial date has been set. This case will be ready for trial within 12 months of the date of the filing of the complaint (if not, explain):

Does will need to be identified and significant discovery and coordination of same will be necessary.

c. Dates on which parties or attorneys will not be available for trial (specify dates and explain reasons for unavailability):
 March 6-10, 2016 (out of country vacation)

7. Estimated length of trial

The party or parties estimate that the trial will take (check one):

a. ☒ days (specify number): 7-9

b. ☐ hours (short causes) (specify):

8. Trial representation (to be answered for each party)

The party or parties will be represented at trial ☒ by the attorney or party listed in the caption ☒ by the following:

a. Attorney: Sonya Smallets, Esq.

b. Firm: Minnis & Smallets LLP

c. Address: 369 Pine Street, Suite 500

d. Telephone number: (415) 551-0885

f. Fax number: (415) 683-7157

e. E-mail address: sonya@minnisandsmallets.com

g. Party represented: Plaintiff

☐ Additional representation is described in Attachment 8.

9. Preference

☐ This case is entitled to preference (specify code section):

10. Alternative dispute resolution (ADR)

a. ADR information package. Please note that different ADR processes are available in different courts and communities; read the ADR information package provided by the court under rule 3.221 for information about the processes available through the court and community programs in this case.

(1) For parties represented by counsel: Counsel ☒ has ☐ has not provided the ADR information package identified in rule 3.221 to the client and reviewed ADR options with the client.

(2) For self-represented parties: Party ☐ has ☐ has not reviewed the ADR information package identified in rule 3.221.

b. Referral to judicial arbitration or civil action mediation (if available).

(1) ☐ This matter is subject to mandatory judicial arbitration under Code of Civil Procedure section 1141.11 or to civil action mediation under Code of Civil Procedure section 1775.3 because the amount in controversy does not exceed the statutory limit.

(2) ☐ Plaintiff elects to refer this case to judicial arbitration and agrees to limit recovery to the amount specified in Code of Civil Procedure section 1141.11.

(3) ☒ This case is exempt from judicial arbitration under rule 3.811 of the California Rules of Court or from civil action mediation under Code of Civil Procedure section 1775 et seq. (specify exemption):
 Amount in controversy exceeds \$50,000.

PLAINTIFF/PETITIONER: Alene Anase	CASE NUMBER:
DEFENDANT/RESPONDENT: Alpha Omega Winery, LLC, et al.	16CV000134

10. c. Indicate the ADR process or processes that the party or parties are willing to participate in, have agreed to participate in, or have already participated in (check all that apply and provide the specified information):

	The party or parties completing this form are willing to participate in the following ADR processes (check all that apply):	If the party or parties completing this form in the case have agreed to participate in or have already completed an ADR process or processes, indicate the status of the processes (attach a copy of the parties' ADR stipulation):
(1) Mediation	<input checked="" type="checkbox"/>	<input type="checkbox"/> Mediation session not yet scheduled <input type="checkbox"/> Mediation session scheduled for (date): <input type="checkbox"/> Agreed to complete mediation by (date): <input checked="" type="checkbox"/> Mediation completed on (date): 8/29/16
(2) Settlement conference	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/> Settlement conference not yet scheduled <input type="checkbox"/> Settlement conference scheduled for (date): <input type="checkbox"/> Agreed to complete settlement conference by (date): <input type="checkbox"/> Settlement conference completed on (date):
(3) Neutral evaluation	<input type="checkbox"/>	<input type="checkbox"/> Neutral evaluation not yet scheduled <input type="checkbox"/> Neutral evaluation scheduled for (date): <input type="checkbox"/> Agreed to complete neutral evaluation by (date): <input type="checkbox"/> Neutral evaluation completed on (date):
(4) Nonbinding judicial arbitration	<input type="checkbox"/>	<input type="checkbox"/> Judicial arbitration not yet scheduled <input type="checkbox"/> Judicial arbitration scheduled for (date): <input type="checkbox"/> Agreed to complete judicial arbitration by (date): <input type="checkbox"/> Judicial arbitration completed on (date):
(5) Binding private arbitration	<input type="checkbox"/>	<input type="checkbox"/> Private arbitration not yet scheduled <input type="checkbox"/> Private arbitration scheduled for (date): <input type="checkbox"/> Agreed to complete private arbitration by (date): <input type="checkbox"/> Private arbitration completed on (date):
(6) Other (specify):	<input type="checkbox"/>	<input type="checkbox"/> ADR session not yet scheduled <input type="checkbox"/> ADR session scheduled for (date): <input type="checkbox"/> Agreed to complete ADR session by (date): <input type="checkbox"/> ADR completed on (date):

PLAINTIFF/PETITIONER: Alene Anase	CASE NUMBER:
DEFENDANT/RESPONDENT: Alpha Omega Winery, LLC, et al.	16CV000134

11. Insurance

- a. ☐ Insurance carrier, if any, for party filing this statement (*name*):
- b. Reservation of rights: ☐ Yes ☐ No
- c. ☐ Coverage issues will significantly affect resolution of this case (*explain*):

12. Jurisdiction

Indicate any matters that may affect the court's jurisdiction or processing of this case and describe the status.

☐ Bankruptcy ☐ Other (*specify*):

Status:

13. Related cases, consolidation, and coordination

- a. ☐ There are companion, underlying, or related cases.

(1) Name of case:

(2) Name of court:

(3) Case number:

(4) Status:

☐ Additional cases are described in Attachment 13a.

- b. ☐ A motion to ☐ consolidate ☐ coordinate will be filed by (*name party*):

14. Bifurcation

- ☐ The party or parties intend to file a motion for an order bifurcating, severing, or coordinating the following issues or causes of action (*specify moving party, type of motion, and reasons*):

15. Other motions

- ☒ The party or parties expect to file the following motions before trial (*specify moving party, type of motion, and issues*):
- Motions in limine

16. Discovery

- a. ☐ The party or parties have completed all discovery.

- b. ☒ The following discovery will be completed by the date specified (*describe all anticipated discovery*):

<u>Party</u>	<u>Description</u>	<u>Date</u>
Plaintiff	Written discovery	October 2016
Plaintiff	Expert Discovery	Per the Code
Plaintiff	Defendants' depositions	1/17-6/17

- c. ☐ The following discovery issues, including issues regarding the discovery of electronically stored information, are anticipated (*specify*):

PLAINTIFF/PETITIONER: Alene Anase	CASE NUMBER: 16CV000134
DEFENDANT/RESPONDENT: Alpha Omega Winery, LLC, et al.	

17. Economic litigation

- a. ☐ This is a limited civil case (i.e., the amount demanded is \$25,000 or less) and the economic litigation procedures in Code of Civil Procedure sections 90-98 will apply to this case.
- b. ☐ This is a limited civil case and a motion to withdraw the case from the economic litigation procedures or for additional discovery will be filed (if checked, explain specifically why economic litigation procedures relating to discovery or trial should not apply to this case):

18. Other issues

- ☒ The party or parties request that the following additional matters be considered or determined at the case management conference (specify):
Continuing the CMC to allow mediation to occur and possibly result in a settlement.

19. Meet and confer

- a. ☒ The party or parties have met and conferred with all parties on all subjects required by rule 3.724 of the California Rules of Court (if not, explain):
- b. After meeting and conferring as required by rule 3.724 of the California Rules of Court, the parties agree on the following (specify):
The parties have agreed to mediate the matter on August 29, 2016.


20. Total number of pages attached (if any): _____

I am completely familiar with this case and will be fully prepared to discuss the status of discovery and alternative dispute resolution, as well as other issues raised by this statement, and will possess the authority to enter into stipulations on these issues at the time of the case management conference, including the written authority of the party where required.

Date: August 8, 2016

Dawn Celzler, Esq.

(TYPE OR PRINT NAME)

▶ 

(SIGNATURE OF PARTY OR ATTORNEY)

(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY)

☐ Additional signatures are attached.

I, Kathleen B. McDonough, the undersigned, hereby certify and declare under penalty of perjury that the following statements are true and correct:

1. I am over the age of 18 years and am not a party to the within cause.
2. My business address is 165 Lennon Lane, Suite 101, Walnut Creek, CA 94598.

3. On August 9, 2016 I served a true and correct copy of the attached document entitled exactly:

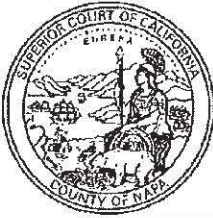
CASE MANAGEMENT STATEMENT

by placing said document in an addressed, sealed envelope and depositing the envelope in United States mail with postage fully prepaid to the following:

Lisa Barnett Sween
Angel R. Sevilla
JACKSON LEWIS P.C.
50 California Street, 9th Floor
San Francisco, CA 94111
Tel: (415) 394-9400
Fax: (415) 394-9401
Email: lisa.sween@jacksonlewis.com
Email: angel.sevilla@jacksonlewis.com
Attorneys for Defendant
Alpha Omega Winery, LLC

Executed this 9th day of August, 2016, at Walnut Creek, California.


Kathleen B. McDonough



**Superior Court of California
County of Napa**

Minutes

Case #: 16CV000134

Alene Anase vs Alpha Omega Winery, LLC

Hearing Date:	August 30, 2016	Hearing Time:	8:30 AM
Judicial Officer:	Rodney Stone	Clerk:	Jolyn Barnes; S Estudillo
Court Reporter:	No Court Reporter	Interpreter:	No Interpreter
Courtroom:	Department F		

Parties Present:

Ceizler, Dawn Marie

Attorney, via CourtCall

NATURE OF PROCEEDINGS

The matter comes on calendar regularly this date for a Conference: Case Management.

HEARING

Counsel apprise the Court mediation occurred yesterday and still awaiting the outcome.

The Court Orders this matter continued as set forth below.

Counsel shall file an updated Case Management Statement.

FUTURE HEARINGS

September 21, 2016 8:30 AM Conference: Case Management - Department C

-oOo-

FOR COURT USE ONLY

FILED

SEP 08 2016

Clerk of the Napa Superior Court

By [Signature]
Deputy

INSTRUCTIONS: All applicable boxes must be checked, and the specified information must be provided.

1. **Party or parties (answer one):**
a. ☒ This statement is submitted by party (name): Plaintiff, Alene Anase
b. ☐ This statement is submitted jointly by parties (names):
2. **Complaint and cross-complaint (to be answered by plaintiffs and cross-complainants only)**
a. The complaint was filed on (date): March 21, 2016
b. ☐ The cross-complaint, if any, was filed on (date):
3. **Service (to be answered by plaintiffs and cross-complainants only)**
a. ☒ All parties named in the complaint and cross-complaint have been served, have appeared, or have been dismissed.
b. ☒ The following parties named in the complaint or cross-complaint
(1) ☒ have not been served (specify names and explain why not):
Does 1-50, Plaintiff is still identifying
(2) ☒ have been served but have not appeared and have not been dismissed (specify names):
Alpha Omega Winery, LLC
(3) ☐ have had a default entered against them (specify names):
c. ☐ The following additional parties may be added (specify names, nature of involvement in case, and date by which they may be served):
4. **Description of case**
a. Type of case in ☒ complaint ☐ cross-complaint (Describe, including causes of action):
Complaint for Unruh Civil Rights Act Violations, IIED, NEID, Sexual Harassment, Failure to Prevent Sexual Harassment, and Retaliation in Violation of FEHA

PLAINTIFF/PETITIONER: Alone Anase	CASE NUMBER:
DEFENDANT/RESPONDENT: Alpha Omega Winery, LLC, et al.	16CV000134

4. b. Provide a brief statement of the case, including any damages. (If personal injury damages are sought, specify the injury and damages claimed, including medical expenses to date [indicate source and amount], estimated future medical expenses, lost earnings to date, and estimated future lost earnings. If equitable relief is sought, describe the nature of the relief.)

On August 12, 2015, Plaintiff, while in the course and scope of her employment, was working on a yacht hired by the Does. The Does brought prostitutes, hard liquor, and what appeared to be cocaine onto the yacht and engaged in illegal activities. Plaintiff contacted her employer to take her out of harm's way and was told to "lie low" as she performed her job duties. Plaintiff was never able to return to work due to the stress of the situation.

☐ (If more space is needed, check this box and attach a page designated as Attachment 4b.)

5. **Jury or nonjury trial**

The party or parties request ☒ a jury trial ☐ a nonjury trial. (If more than one party, provide the name of each party requesting a jury trial):

6. **Trial date**

a. ☐ The trial has been set for (date):

b. ☒ No trial date has been set. This case will be ready for trial within 12 months of the date of the filing of the complaint (if not, explain):

Does will need to be identified and significant discovery and coordination of same will be necessary.

c. Dates on which parties or attorneys will not be available for trial (specify dates and explain reasons for unavailability):
March 6-10, 2017 (out of country vacation)

7. **Estimated length of trial**

The party or parties estimate that the trial will take (check one):

a. ☒ days (specify number): 7-9

b. ☐ hours (short causes) (specify):

8. **Trial representation (to be answered for each party)**

The party or parties will be represented at trial ☒ by the attorney or party listed in the caption ☒ by the following:

a. Attorney: Sonya Smallets, Esq.

b. Firm: Minnis & Smallets LLP

c. Address: 369 Pine Street, Suite 500

d. Telephone number: (415) 551-0885

f. Fax number: (415) 683-7157

e. E-mail address: sonya@minnisandsmallets.com

g. Party represented: Plaintiff

☐ Additional representation is described in Attachment 8.

9. **Preference**

☐ This case is entitled to preference (specify code section):

10. **Alternative dispute resolution (ADR)**

a. **ADR information package.** Please note that different ADR processes are available in different courts and communities; read the ADR information package provided by the court under rule 3.221 for information about the processes available through the court and community programs in this case.

(1) For parties represented by counsel: Counsel ☒ has ☐ has not provided the ADR information package identified in rule 3.221 to the client and reviewed ADR options with the client.

(2) For self-represented parties: Party ☐ has ☐ has not reviewed the ADR information package identified in rule 3.221.

b. **Referral to judicial arbitration or civil action mediation (if available).**

(1) ☐ This matter is subject to mandatory judicial arbitration under Code of Civil Procedure section 1141.11 or to civil action mediation under Code of Civil Procedure section 1775.3 because the amount in controversy does not exceed the statutory limit.

(2) ☐ Plaintiff elects to refer this case to judicial arbitration and agrees to limit recovery to the amount specified in Code of Civil Procedure section 1141.11.

(3) ☒ This case is exempt from judicial arbitration under rule 3.811 of the California Rules of Court or from civil action mediation under Code of Civil Procedure section 1775 et seq. (specify exemption):
Amount in controversy exceeds \$50,000.

PLAINTIFF/PETITIONER: Alene Anase	CASE NUMBER:
DEFENDANT/RESPONDENT: Alpha Omega Winery, LLC, et al.	16CV000134

10. c. Indicate the ADR process or processes that the party or parties are willing to participate in, have agreed to participate in, or have already participated in (check all that apply and provide the specified information):

	The party or parties completing this form are willing to participate in the following ADR processes (check all that apply):	If the party or parties completing this form in the case have agreed to participate in or have already completed an ADR process or processes, indicate the status of the processes (attach a copy of the parties' ADR stipulation):
(1) Mediation	<input checked="" type="checkbox"/>	<input type="checkbox"/> Mediation session not yet scheduled <input type="checkbox"/> Mediation session scheduled for (date): <input type="checkbox"/> Agreed to complete mediation by (date): <input checked="" type="checkbox"/> Mediation completed on (date): 8/29/16
(2) Settlement conference	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/> Settlement conference not yet scheduled <input type="checkbox"/> Settlement conference scheduled for (date): <input type="checkbox"/> Agreed to complete settlement conference by (date): <input type="checkbox"/> Settlement conference completed on (date):
(3) Neutral evaluation	<input type="checkbox"/>	<input type="checkbox"/> Neutral evaluation not yet scheduled <input type="checkbox"/> Neutral evaluation scheduled for (date): <input type="checkbox"/> Agreed to complete neutral evaluation by (date): <input type="checkbox"/> Neutral evaluation completed on (date):
(4) Nonbinding judicial arbitration	<input type="checkbox"/>	<input type="checkbox"/> Judicial arbitration not yet scheduled <input type="checkbox"/> Judicial arbitration scheduled for (date): <input type="checkbox"/> Agreed to complete judicial arbitration by (date): <input type="checkbox"/> Judicial arbitration completed on (date):
(5) Binding private arbitration	<input type="checkbox"/>	<input type="checkbox"/> Private arbitration not yet scheduled <input type="checkbox"/> Private arbitration scheduled for (date): <input type="checkbox"/> Agreed to complete private arbitration by (date): <input type="checkbox"/> Private arbitration completed on (date):
(6) Other (specify):	<input type="checkbox"/>	<input type="checkbox"/> ADR session not yet scheduled <input type="checkbox"/> ADR session scheduled for (date): <input type="checkbox"/> Agreed to complete ADR session by (date): <input type="checkbox"/> ADR completed on (date):

PLAINTIFF/PETITIONER: Alene Anase	CASE NUMBER: 16CV000134
DEFENDANT/RESPONDENT: Alpha Omega Winery, LLC, et al.	

11. Insurance

- a. ☐ Insurance carrier, if any, for party filing this statement (*name*):
- b. Reservation of rights: ☐ Yes ☐ No
- c. ☐ Coverage issues will significantly affect resolution of this case (*explain*):

12. Jurisdiction

Indicate any matters that may affect the court's jurisdiction or processing of this case and describe the status.

☐ Bankruptcy ☐ Other (*specify*):

Status:

13. Related cases, consolidation, and coordination

- a. ☐ There are companion, underlying, or related cases.
- (1) Name of case:
- (2) Name of court:
- (3) Case number:
- (4) Status:
- ☐ Additional cases are described in Attachment 13a.
- b. ☐ A motion to ☐ consolidate ☐ coordinate will be filed by (*name party*):

14. Bifurcation

- ☐ The party or parties intend to file a motion for an order bifurcating, severing, or coordinating the following issues or causes of action (*specify moving party, type of motion, and reasons*):

15. Other motions

- ☒ The party or parties expect to file the following motions before trial (*specify moving party, type of motion, and issues*):
- Motions in limine

16. Discovery

- a. ☐ The party or parties have completed all discovery.
- b. ☒ The following discovery will be completed by the date specified (*describe all anticipated discovery*):

<u>Party</u>	<u>Description</u>	<u>Date</u>
Plaintiff	Written discovery	October 2016
Plaintiff	Expert Discovery	Per the Code
Plaintiff	Defendants' depositions	1/17-6/17

- c. ☐ The following discovery issues, including issues regarding the discovery of electronically stored information, are anticipated (*specify*):

PLAINTIFF/PETITIONER: Alene Anase	CASE NUMBER: 16CV000134
DEFENDANT/RESPONDENT: Alpha Omega Winery, LLC, et al.	

17. Economic litigation

- a. ☐ This is a limited civil case (i.e., the amount demanded is \$25,000 or less) and the economic litigation procedures in Code of Civil Procedure sections 90-98 will apply to this case.
- b. ☐ This is a limited civil case and a motion to withdraw the case from the economic litigation procedures or for additional discovery will be filed (if checked, explain specifically why economic litigation procedures relating to discovery or trial should not apply to this case):

18. Other issues

- ☒ The party or parties request that the following additional matters be considered or determined at the case management conference (specify):
- Continuing the CMC to allow mediator's number to be considered by all parties. Deadline is September 12, 2016.

19. Meet and confer

- a. ☒ The party or parties have met and conferred with all parties on all subjects required by rule 3.724 of the California Rules of Court (if not, explain):
- b. After meeting and conferring as required by rule 3.724 of the California Rules of Court, the parties agree on the following (specify):
- The mediator has provided a proposed number and the Doe defendants have requested until September 12, 2016 to respond. At that time, the matter will either be resolved or the stay lifted and the Doe Defendants served.

20. Total number of pages attached (if any): _____

I am completely familiar with this case and will be fully prepared to discuss the status of discovery and alternative dispute resolution, as well as other issues raised by this statement, and will possess the authority to enter into stipulations on these issues at the time of the case management conference, including the written authority of the party where required.

Date: September 6, 2016

Dawn Ceizler, Esq.

(TYPE OR PRINT NAME)

▶ 

(SIGNATURE OF PARTY OR ATTORNEY)

(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY)

☐ Additional signatures are attached.

Case No.: 16CV000134

I, Kathleen B. McDonough, the undersigned, hereby certify and declare under penalty of perjury that the following statements are true and correct:

1. I am over the age of 18 years and am not a party to the within cause.
2. My business address is 165 Lennon Lane, Suite 101, Walnut Creek, CA 94598.
3. On September 6, 2016 I served a true and correct copy of the attached document entitled exactly:

CASE MANAGEMENT STATEMENT

by placing said document in an addressed, sealed envelope and depositing the envelope in United States mail with postage fully prepaid to the following:

Lisa Barnett Sween
Angel R. Sevilla
JACKSON LEWIS P.C.
50 California Street, 9th Floor
San Francisco, CA 94111
Tel: (415) 394-9400
Fax: (415) 394-9401
Email: lisa.sween@jacksonlewis.com
Email: angel.sevilla@jacksonlewis.com
Attorneys for Defendant
Alpha Omega Winery, LLC

Paul Moncrief
JOHNSON MONCRIEF & HART, PC
16 W Gabilan St.
Salinas, CA 93901
Tel: (831) 759-0900
Fax: (832) 759-0902
Email: paul@johsonmoncrief.com

Executed this 6th day of September, 2016, at Walnut Creek, California.


Kathleen B. McDonough

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Dawn Ceizler, 214873 Law Offices of Dawn Ceizler 165 Lennon Lane, Suite 101, Walnut Creek, CA 94598 TELEPHONE NO.: (925) 932-8225 FAX NO. (Optional): (925) 226-4849 E-MAIL ADDRESS (Optional): dc@ceizler.com ATTORNEY FOR (Name) Plaintiff, Alene Anase		FOR COURT USE ONLY <div style="font-size: 2em; font-weight: bold; text-align: center;">FILED</div> <div style="text-align: center;">SEP 19 2016</div> <div style="text-align: center;">CLERK OF THE NAPA SUPERIOR COURT</div> <div style="text-align: center;"><i>[Signature]</i> DEPUTY </div>	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Napa STREET ADDRESS: 111 Third Street MAILING ADDRESS: CITY AND ZIP CODE: Napa, CA 94539 BRANCH NAME			
PLAINTIFF/PETITIONER: Alene Anase DEFENDANT/RESPONDENT: Alpha Omega Winery, LLC, et al.			
NOTICE OF SETTLEMENT OF ENTIRE CASE		CASE NUMBER: 16CV000134 JUDGE: Hon. Diane M. Price DEPT.: I	
<div style="text-align: center;">NOTICE TO PLAINTIFF OR OTHER PARTY SEEKING RELIEF</div> <p>You must file a request for dismissal of the entire case within 45 days after the date of the settlement if the settlement is unconditional. You must file a dismissal of the entire case within 45 days after the date specified in item 1b below if the settlement is conditional. Unless you file a dismissal within the required time or have shown good cause before the time for dismissal has expired why the case should not be dismissed, the court will dismiss the entire case.</p>			

To the court, all parties, and any arbitrator or other court-connected ADR neutral involved in this case:

1. This entire case has been settled. The settlement is:
 - a. ☒ **Unconditional.** A request for dismissal will be filed within 45 days after the date of the settlement.
Date of settlement: **9/12/16**
 - b. ☐ **Conditional.** The settlement agreement conditions dismissal of this matter on the satisfactory completion of specified terms that are not to be performed within 45 days of the date of the settlement. A request for dismissal will be filed no later than (date):
2. Date initial pleading filed: **March 21, 2016**
3. Next scheduled hearing or conference:
 - a. Purpose: **Case Management Conference**
 - b. ☒ (1) Date: **9/21/2016**
(2) Time: **8:30 a.m.**
(3) Department: **I**
4. Trial date:
 - a. ☒ **No trial date set.**
 - b. ☐ (1) Date:
(2) Time:
(3) Department:

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: **September 16, 2016**

Dawn Ceizler, Esq.

(TYPE OR PRINT NAME OF ☒ ATTORNEY ☐ PARTY WITHOUT ATTORNEY)

[Signature]
(SIGNATURE)

RECEIVED

SEP 16 2016

NAPA SUPERIOR COURT

BY FAX

Case No.: 16CV000134

I, Cecilia Holmgren-Kates, the undersigned, hereby certify and declare under penalty of perjury that the following statements are true and correct:

1. I am over the age of 18 years and am not a party to the within cause.
2. My business address is 165 Lennon Lane, Suite 101, Walnut Creek, CA 94598.
3. On September 16, 2016 I served a true and correct copy of the attached document entitled exactly:

NOTICE OF SETTLEMENT OF ENTIRE CASE

by placing said document in an addressed, sealed envelope and depositing the envelope in United States mail with postage fully prepaid to the following:

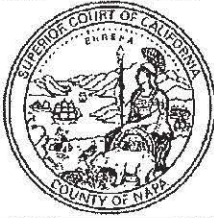
Lisa Barnett Sween
Angel R. Sevilla
JACKSON LEWIS P.C.
50 California Street, 9th Floor
San Francisco, CA 94111
Tel: (415) 394-9400
Fax: (415) 394-9401
Email: lisa.sween@jacksonlewis.com
Email: angel.sevilla@jacksonlewis.com
Attorneys for Defendant
Alpha Omega Winery, LLC

Paul Moncrief
JOHNSON MONCRIEF & HART, PC
16 W Gabilan St.
Salinas, CA 93901
Tel: (831) 759-0900
Fax: (832) 759-0902
Email: paul@johsonmoncrief.com

Executed this 16th day of September, 2016, at Walnut Creek, California.


Cecilia Holmgren-Kates

PROOF OF SERVICE



**Superior Court of California
County of Napa**

Minutes

Case #: 16CV000134

Alene Anase vs Alpha Omega Winery, LLC

Hearing Date: 10/27/2016
Judicial Officer: Diane Price
Court Reporter: No Court Reporter
Courtroom: Department C

Hearing Time: 8:30 AM
Clerk: S Estudillo
Interpreter: No Interpreter

Parties Present:

Ceizler, Dawn Marie

Attorney, via
CourtCall

NATURE OF PROCEEDINGS

The matter comes on calendar regularly this date for a OSC: Court's Motion to Dismiss.

HEARING

Counsel apprise the Court regarding the status of the case.

The Court Orders this matter continued as set forth below.

Counsel shall give notice.

FUTURE HEARINGS

November 30, 2016 8:30 AM OSC: Court's Motion to Dismiss - Department C

-oOo-

Superior Court of California
County of Napa
825 Brown Street, Napa, CA 94559

Case #: 16CV000134

Alene Anase vs Alpha Omega Winery, LLC

LISA B. SWEEN, ESQ
JACKSON LEWIS, PC
50 CALIFORNIA STREET, 9TH FLOOR
SAN FRANCISCO CA 94111

Date: 10/27/2016

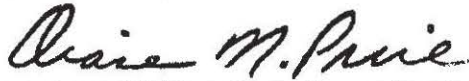
Time: 8:30 AM

Room: Department C

ORDER TO SHOW CAUSE: DISMISSAL OF CASE

YOU ARE HEREBY ORDERED TO APPEAR IN THE NAPA SUPERIOR COURT at the time and date listed above. You are ordered to appear then and there to show cause why the court should not dismiss this case on its own motion. Appearances will be excused in the event dismissals (and/or judgments) are filed prior to the hearing disposing of all parties and cross-actions by dismissal or judgment.

Date: 9/19/2016



Judge of the Napa Superior Court

Any responsive papers shall be filed with the Court Executive Officer and served five (5) days prior to the date scheduled upon all parties who have been previously served or have appeared in the action.

CERTIFICATE OF MAILING

I hereby certify that I am not a party to this cause and that a copy of the foregoing document was

- ☒ mailed (first class postage pre-paid) in a sealed envelope
☐ placed in attorney/agency folders in the ☐ Criminal Courthouse ☐ Historic Courthouse
☐ personal service – personally delivered to the party listed above

at Napa, California on this date and that this certificate is executed at Napa, California this Date. I am readily familiar with the Court's standard practice for collection and processing of correspondence for mailing within the United States Postal Service and, in the ordinary course of business, the correspondence would be deposited with the United States Postal Service on the day on which it is collected at the Courthouse.

Date: 9/19/2016

Richard D. Feldstein, Court Executive Officer


Yolanda O'Donnell, Deputy Court Executive Officer

An Assistive listening system is available upon request pursuant to Section 54.8(a) of the Civil Code.

CourtCall telephonic program is available for Napa Superior Court for selected civil hearings pursuant to Local Rule 2.9. For more information on the services provided by CourtCall, please call 1 888 88 COURT.

Superior Court of California
County of Napa
825 Brown Street, Napa, CA 94559

Case #: 16CV000134 **Alene Anase vs Alpha Omega Winery, LLC**

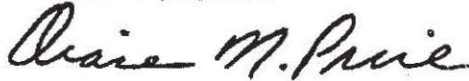
DAWN M. CEIZLER, ESQ
LAW OFFICES OF DAWN CEIZLER
165 LENNON LANE, SUITE 101
WALNUT CREEK CA 94598

Date: 10/27/2016 **Time:** 8:30 AM **Room:** Department C

ORDER TO SHOW CAUSE: DISMISSAL OF CASE

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Date: 9/19/2016



Judge of the Napa Superior Court

Any responsive papers shall be filed with the Court Executive Officer and served five (5) days prior to the date scheduled upon all parties who have been previously served or have appeared in the action.

CERTIFICATE OF MAILING

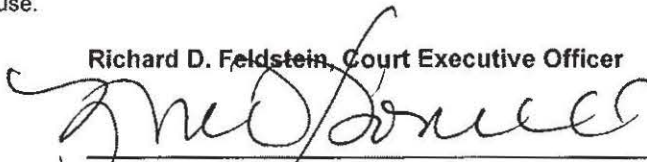
I hereby certify that I am not a party to this cause and that a copy of the foregoing document was

- ☒ **mailed** (first class postage pre-paid) in a sealed envelope
☐ **placed in attorney/agency folders** in the ☐ Criminal Courthouse ☐ Historic Courthouse
☐ **personal service** – personally delivered to the party listed above

at Napa, California on this date and that this certificate is executed at Napa, California this Date. I am readily familiar with the Court's standard practice for collection and processing of correspondence for mailing within the United States Postal Service and, in the ordinary course of business, the correspondence would be deposited with the United States Postal Service on the day on which it is collected at the Courthouse.

Date: 9/19/2016

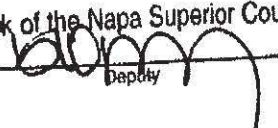
Richard D. Feldstein, Court Executive Officer



Yolanda O'Donnell, Deputy Court Executive Officer

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ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address) Dawn Ceizler, 214873 Law Offices of Dawn Ceizler, Dawn Ceizler 165 Lennon Lane, Suite 101, Walnut Creek, CA 94598 TELEPHONE NO.: (925) 932-8225 FAX NO. (Optional): (925) 226-4849 E-MAIL ADDRESS (Optional): dc@ceizler.com ATTORNEY FOR (Name): Plaintiff, Alene Anase	FOR COURT USE ONLY <h1 style="margin: 0;">FILED</h1> NOV 21 2016 Clerk of the Napa Superior Court By  Deputy
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Napa STREET ADDRESS: 111 Third Street MAILING ADDRESS: CITY AND ZIP CODE: Napa, CA 94539 BRANCH NAME:	CASE NUMBER: 16CV000134
PLAINTIFF/PETITIONER: Alene Anase DEFENDANT/RESPONDENT: Alpha Omega Winery, LLC, et al.	
REQUEST FOR DISMISSAL	
A conformed copy will not be returned by the clerk unless a method of return is provided with the document.	
This form may not be used for dismissal of a derivative action or a class action or of any party or cause of action in a class action. (Cal. Rules of Court, rules 3.760 and 3.770.)	

1. TO THE CLERK: Please dismiss this action as follows:

- a. (1) ☒ With prejudice (2) ☐ Without prejudice
- b. (1) ☐ Complaint (2) ☐ Petition
- (3) ☐ Cross-complaint filed by (name):
- (4) ☐ Cross-complaint filed by (name):
- (5) ☒ Entire action of all parties and all causes of action
- (6) ☒ Other (specify):* Parties to bear own fees and costs.

on (date):

on (date):

2. (Complete in all cases except family law cases.)

The court ☐ did ☒ did not waive court fees and costs for a party in this case. (This information may be obtained from the clerk. If court fees and costs were waived, the declaration on the back of this form must be completed).

Date: November 21, 2016

Dawn Ceizler, Esq.

(TYPE OR PRINT NAME OF ☒ ATTORNEY ☐ PARTY WITHOUT ATTORNEY)

*If dismissal requested is of specified parties only or specified causes of action only, or of specified cross-complaints only, so state and identify the parties, causes of action, or cross-complaints to be dismissed.

Attorney or party without attorney for:

- ☒ Plaintiff/Petitioner ☐ Defendant/Respondent
- ☐ Cross-Complainant

3. TO THE CLERK: Consent to the above dismissal is hereby given.**

Date:

(TYPE OR PRINT NAME OF ☐ ATTORNEY ☐ PARTY WITHOUT ATTORNEY)

(SIGNATURE)

** If a cross-complaint – or Response (Family Law) seeking affirmative relief – is on file, the attorney for cross-complainant (respondent) must sign this consent if required by Code of Civil Procedure section 581 (i) or (j).

Attorney or party without attorney for:

- ☐ Plaintiff/Petitioner ☐ Defendant/Respondent
- ☐ Cross-Complainant

(To be completed by clerk)

4. ☒ Dismissal entered as requested on (date): **NOV 21 2016**5. ☐ Dismissal entered on (date): as to only (name):6. ☐ Dismissal not entered as requested for the following reasons (specify):7. a. ☒ Attorney or party without attorney notified on (date):b. ☐ Attorney or party without attorney not notified. Filing party failed to provide☐ a copy to be conformed ☐ means to return conformed copyDate: **NOV 21 2016**Clerk, by 

Deputy

BY FAX

PLAINTIFF/PETITIONER: Alene Anase
 DEFENDANT/RESPONDENT: Alpha Omega Winery, LLC, et al.

CASE NUMBER:
 16CV000134

COURT'S RECOVERY OF WAIVED COURT FEES AND COSTS

If a party whose court fees and costs were initially waived has recovered or will recover \$10,000 or more in value by way of settlement, compromise, arbitration award, mediation settlement, or other means, the court has a statutory lien on that recovery. The court may refuse to dismiss the case until the lien is satisfied. (Gov. Code, § 68637.)

Declaration Concerning Waived Court Fees

1. The court waived court fees and costs in this action for (name): None
2. The person named in item 1 is (check one below):
 - a. ☐ not recovering anything of value by this action.
 - b. ☐ recovering less than \$10,000 in value by this action.
 - c. ☐ recovering \$10,000 or more in value by this action. (If item 2c is checked, item 3 must be completed.)
3. ☐ All court fees and court costs that were waived in this action have been paid to the court (check one): ☐ Yes ☐ No

I declare under penalty of perjury under the laws of the State of California that the information above is true and correct.

Date: November 21, 2016

Dawn Ceizler

(TYPE OR PRINT NAME OF ☒ ATTORNEY ☐ PARTY MAKING DECLARATION)


 (SIGNATURE)

I, Cecilia Holmgren-Kates, the undersigned, hereby certify and declare under penalty of perjury that the following statements are true and correct:

1. I am over the age of 18 years and am not a party to the within cause.
2. My business address is 165 Lennon Lane, Suite 101, Walnut Creek, CA 94598.
3. On November 21, 2016 I served a true and correct copy of the attached document entitled exactly:

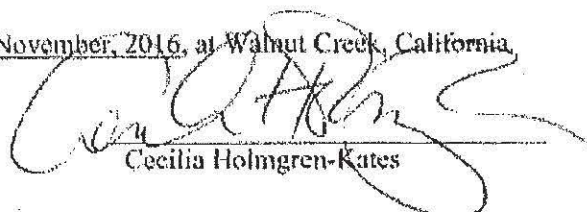
REQUEST FOR DISMISSAL

by placing said document in an addressed, sealed envelope and depositing the envelope in United States mail with postage fully prepaid to the following:

Lisa Barnett Sween
Angel R. Sevilla
JACKSON LEWIS P.C.
50 California Street, 9th Floor
San Francisco, CA 94111
Tel: (415) 394-9400
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Email: lisa.sween@jacksonlewis.com
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Attorneys for Defendant
Alpha Omega Winery, LLC

Paul Moncrief
JOHNSON MONCRIEF & HART, PC
16 W Gabilan St.
Salinas, CA 93901
Tel: (831) 759-0900
Fax: (832) 759-0902
Email: paul@johsonmoncrief.com

Executed this 21st day of November, 2016, at Walnut Creek, California.


Cecilia Holmgren-Kates