

SUMMONS (CITACION JUDICIAL)

NOTICE TO DEFENDANT: (AVISO AL DEMANDADO):

RUSNAK AUTO GROUP; RUSNAK CORPORATION; Additional Parties Attachment form is attached.

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

RAFFE CHAMOUN, individually, and on behalf of other aggrieved employees pursuant to the California Private Attorneys General Act

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)
FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN BERNARDINO
SAN BERNARDINO DISTRICT

OCT 27 2020

BY Anthony Martinez
ANTHONY MARTINEZ, DEPUTY

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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.**

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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 o 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): San Bernardino Superior Court - Civil

247 West Third Street

San Bernardino, CA 92415-0210

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):

Anthony J. Orshansky, CounselOne, P.C., 9301 Wilshire Blvd. Suite 650, Beverly Hills, CA 90210, Tel. 310-277-9945

CASE NUMBER:
(Número del Caso)

CIV DS 2023062

DATE:

(Fecha)

OCT 27 2020

Clerk, by

(Secretario)

Anthony Martinez

, Deputy

(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)).

[SEAL]

COPY

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): Rusnak Auto Group

- 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):

SHORT TITLE: Chamoun, et al. v. Rusnak Auto Group, et al.	CASE NUMBER:
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List additional parties (Check only one box. Use a separate page for each type of party.):

☐ Plaintiff
 ☒ Defendant
 ☐ Cross-Complainant
 ☐ Cross-Defendant

RUSNAK/WESTLAKE; RUSNAK/PASADENA; RUSNAK/ARCADIA; RUSNAK DAIMLER CHRYSLER CENTER, INC.; and ANAHEIM HILLS JAGUAR LAND ROVER, INC. collectively doing business as BENTLEY PASADENA, HYUNDAI INLAND EMPIRE, JAGUAR ANAHEIM HILLS, LAND ROVER ANAHEIM HILLS, ROLLS-ROYCE MOTOR CARS PASADENA, RUSNAK BMW, RUSNAK MASERATI, MERCEDES-BENZ OF ARCADIA, RUSNAK/PASADENA AUDI, RUSNAK/PASADENA JAGUAR, RUSNAK/PASADENA PORSCHE, RUSNAK VOLVO CARS, RUSNAK/WESTLAKE AUDI, RUSNAK/WESTLAKE PORSCHE, KARMA PASADENA, KARMA WESTLAKE, AND GENESIS OF LOMA LINDA; and DOES 1 through 100

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247 West Third Street

San Bernardino, CA 92415-0210

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:

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(Fecha)

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(Secretario)

Anthony Martinez

, Deputy

(Adjunto)

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2. ☐ as the person sued under the fictitious name of (specify):

3. ☒ on behalf of (specify): Rusnak Corporation

- under: ☒ CCP 416.10 (corporation) ☐ CCP 416.60 (minor)
☐ CCP 416.20 (defunct corporation) ☐ CCP 416.70 (conservatee)
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SHORT TITLE: Chamoun, et al. v. Rusnak Auto Group, et al.	CASE NUMBER:
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 ☐ Cross-Defendant

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- | | |
|---|---|
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| ☐ CCP 416.20 (defunct corporation) | ☐ CCP 416.70 (conservatee) |
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 ☐ Cross-Defendant

RUSNAK/WESTLAKE; RUSNAK/PASADENA; RUSNAK/ARCADIA; RUSNAK DAIMLER CHRYSLER CENTER, INC.; and ANAHEIM HILLS JAGUAR LAND ROVER, INC. collectively doing business as BENTLEY PASADENA, HYUNDAI INLAND EMPIRE, JAGUAR ANAHEIM HILLS, LAND ROVER ANAHEIM HILLS, ROLLS-ROYCE MOTOR CARS PASADENA, RUSNAK BMW, RUSNAK MASERATI, MERCEDES-BENZ OF ARCADIA, RUSNAK/PASADENA AUDI, RUSNAK/PASADENA JAGUAR, RUSNAK/PASADENA PORSCHE, RUSNAK VOLVO CARS, RUSNAK/WESTLAKE AUDI, RUSNAK/WESTLAKE PORSCHE, KARMA PASADENA, KARMA WESTLAKE, AND GENESIS OF LOMA LINDA; and DOES 1 through 100

Page _____ of _____

Page 1 of 1

SUMMONS (CITACION JUDICIAL)

NOTICE TO DEFENDANT: (AVISO AL DEMANDADO):

RUSNAK AUTO GROUP; RUSNAK CORPORATION; Additional Parties Attachment form is attached.

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

RAFFE CHAMOUN, individually, and on behalf of other aggrieved employees pursuant to the California Private Attorneys General Act

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)
FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN BERNARDINO
SAN BERNARDINO DISTRICT

OCT 27 2020

BY Anthony Martinez
ANTHONY MARTINEZ, 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.**

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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 o 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): San Bernardino Superior Court - Civil

247 West Third Street

San Bernardino, CA 92415-0210

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):

Anthony J. Orshansky, CounselOne, P.C., 9301 Wilshire Blvd. Suite 650, Beverly Hills, CA 90210, Tel. 310-277-9945

CASE NUMBER:
(Número del Caso)

CIV DS 2023062

DATE:

(Fecha)

OCT 27 2020

Clerk, by

(Secretario)

Anthony Martinez

, Deputy

(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)).

[SEAL]

COPY

NOTICE TO THE PERSON SERVED: You are served

- ☐ as an individual defendant.
- ☐ as the person sued under the fictitious name of (specify):

- ☒ on behalf of (specify): Rusnak/Arcadia

- 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):

- ☐ by personal delivery on (date):

SHORT TITLE: Chamoun, et al. v. Rusnak Auto Group, et al.	CASE NUMBER:
--	--------------

INSTRUCTIONS FOR USE

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List additional parties (Check only one box. Use a separate page for each type of party.):

☐ Plaintiff
 ☒ Defendant
 ☐ Cross-Complainant
 ☐ Cross-Defendant

RUSNAK/WESTLAKE; RUSNAK/PASADENA; RUSNAK/ARCADIA; RUSNAK DAIMLER CHRYSLER CENTER, INC.; and ANAHEIM HILLS JAGUAR LAND ROVER, INC. collectively doing business as BENTLEY PASADENA, HYUNDAI INLAND EMPIRE, JAGUAR ANAHEIM HILLS, LAND ROVER ANAHEIM HILLS, ROLLS-ROYCE MOTOR CARS PASADENA, RUSNAK BMW, RUSNAK MASERATI, MERCEDES-BENZ OF ARCADIA, RUSNAK/PASADENA AUDI, RUSNAK/PASADENA JAGUAR, RUSNAK/PASADENA PORSCHE, RUSNAK VOLVO CARS, RUSNAK/WESTLAKE AUDI, RUSNAK/WESTLAKE PORSCHE, KARMA PASADENA, KARMA WESTLAKE, AND GENESIS OF LOMA LINDA; and DOES 1 through 100

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SUMMONS (CITACION JUDICIAL)

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RAFFE CHAMOUN, individually, and on behalf of other aggrieved employees pursuant to the California Private Attorneys General Act

FOR COURT USE ONLY
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FILED
SUPERIOR COURT OF CALIFORNIA
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SAN BERNARDINO DISTRICT

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ANTHONY MARTINEZ, DEPUTY

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(El nombre y dirección de la corte es): San Bernardino Superior Court - Civil

247 West Third Street

San Bernardino, CA 92415-0210

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):

Anthony J. Orshansky, CounselOne, P.C., 9301 Wilshire Blvd. Suite 650, Beverly Hills, CA 90210, Tel. 310-277-9945

CASE NUMBER:
(Número del Caso)

CIV DS 2023062

DATE:

(Fecha)

OCT 27 2020

Clerk, by

(Secretario)

Anthony Martinez

, Deputy

(Adjunto)

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[SEAL]

COPY

NOTICE TO THE PERSON SERVED: You are served

- ☐ as an individual defendant.
- ☐ as the person sued under the fictitious name of (specify):

- ☒ on behalf of (specify): Rusnak Daimler Chrysler Center, Inc.

- 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)
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SHORT TITLE: Chamoun, et al. v. Rusnak Auto Group, et al.	CASE NUMBER:
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Anthony J. Orshansky, CounselOne, P.C., 9301 Wilshire Blvd. Suite 650, Beverly Hills, CA 90210, Tel. 310-277-9945

CASE NUMBER:
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CIV DS 2023062

DATE:

(Fecha)

OCT 27 2020

Clerk, by

(Secretario)

Anthony Martinez

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(Adjunto)

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[SEAL]

COPY

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): Anaheim Hills Jaguar Land Rover, Inc.
 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):

SHORT TITLE: Chamoun, et al. v. Rusnak Auto Group, et al.	CASE NUMBER:
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 ☒ Defendant
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 ☐ Cross-Defendant

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Page _____ of _____

Page 1 of 1

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):

Anthony J. Orshansky (SBN 199364)

Counsel One, P.C.

9301 Wilshire Blvd., Suite 650, Beverly Hills, CA 90210

TELEPHONE NO.: (310) 277-9945

FAX NO. (Optional): (424) 277-3727

ATTORNEY FOR (Name): Plaintiff Raffae Chamoun

FOR COURT USE ONLY

FILED
 SUPERIOR COURT OF CALIFORNIA
 COUNTY OF SAN BERNARDINO
 SAN BERNARDINO DISTRICT

OCT 27 2020

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN BERNARDINO

STREET ADDRESS: 247 West Third Street

MAILING ADDRESS: 247 West Third Street

CITY AND ZIP CODE: San Bernardino 92415-0210

BRANCH NAME: San Bernardino District - Civil Division

BY

ANTHONY MARTINEZ, DEPUTY

CASE NAME:

Chamoun v. Rusnak Auto Group, et al.

CIVIL CASE COVER SHEET

☒ **Unlimited**
 (Amount
 demanded
 exceeds \$25,000)

☐ **Limited**
 (Amount
 demanded is
 \$25,000)

Complex Case Designation

☐ Counter ☐ Joinder
 Filed with first appearance by defendant
 (Cal. Rules of Court, rule 3.402)

CASE NUMBER:

CIV DS 2023062

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

☐ Auto (22)
☐ Uninsured motorist (46)

Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort

☐ Asbestos (04)
☐ Product liability (24)
☐ Medical malpractice (45)

☐ Other PI/PD/WD (23)

Non-PI/PD/WD (Other) Tort

☐ Business tort/unfair business practice (07)
☐ Civil rights (08)
☐ Defamation (13)
☐ Fraud (16)
☐ Intellectual property (19)
☐ Professional negligence (25)
☐ Other non-PI/PD/WD tort (35)

Employment

☐ Wrongful termination (36)
☒ Other employment (15)

Contract

☐ Breach of contract/warranty (06)
☐ Rule 3.740 collections (09)
☐ Other collections (09)
☐ Insurance coverage (18)

☐ Other contract (37)

Real Property

☐ Eminent domain/Inverse
 condemnation (14)
☐ Wrongful eviction (33)

☐ Other real property (26)

Unlawful Detainer

☐ Commercial (31)
☐ Residential (32)
☐ Drugs (38)

Judicial Review

☐ Asset forfeiture (05)
☐ Petition re: arbitration award (11)
☐ Writ of mandate (02)
☐ Other judicial review (39)

Provisionally Complex Civil Litigation
(Cal. Rules of Court, rules 3.400-3.403)

☐ Antitrust/Trade regulation (03)
☐ Construction defect (10)
☐ Mass tort (40)
☐ Securities litigation (28)
☐ Environmental/Toxic tort (30)
☐ Insurance coverage claims arising from the
 above listed provisionally complex case
 types (41)

Enforcement of Judgment

☐ Enforcement of judgment (20)

Miscellaneous Civil Complaint

☐ RICO (27)
☐ Other complaint (not specified above) (42)

Miscellaneous Civil Petition

☐ Partnership and corporate governance (21)
☐ 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. ☐ Large number of separately represented parties d. ☒ Large number of witnesses
 b. ☒ Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve e. ☐ Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court
 c. ☒ Substantial amount of documentary evidence f. ☒ 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): one

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: October 26, 2020

Anthony J. Orshansky

(TYPE OR PRINT NAME)

NOTICE

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

- 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

To Plaintiffs and Others Filing First Papers. If you are filing a first paper (for example, a complaint) in a civil case, you must complete and file, along with your first paper, the Civil Case Cover Sheet contained on page 1. This information will be used to compile statistics about the types and numbers of cases filed. You must complete items 1 through 6 on the sheet. In item 1, you must check **one** box for the case type that best describes the case. If the case fits both a general and a more specific type of case listed in item 1, check the more specific one. If the case has multiple causes of action, check the box that best indicates the **primary** cause of action. To assist you in completing the sheet, examples of the cases that belong under each case type in item 1 are provided below. A cover sheet must be filed only with your initial paper. Failure to file a cover sheet with the first paper filed in a civil case may subject a party, its counsel, or both to sanctions under rules 2.30 and 3.220 of the California Rules of Court.

To Parties in Rule 3.740 Collections Cases. A "collections case" under rule 3.740 is defined as an action for recovery of money owed in a sum stated to be certain that is not more than \$25,000, exclusive of interest and attorney's fees, arising from a transaction in which property, services, or money was acquired on credit. A collections case does not include an action seeking the following: (1) tort damages, (2) punitive damages, (3) recovery of real property, (4) recovery of personal property, or (5) a prejudgment writ of attachment. The identification of a case as a rule 3.740 collections case on this form means that it will be exempt from the general time-for-service requirements and case management rules, unless a defendant files a responsive pleading. A rule 3.740 collections case will be subject to the requirements for service and obtaining a judgment in rule 3.740.

To Parties in Complex Cases. In complex cases only, parties must also use the Civil Case Cover Sheet to designate whether the case is complex. If a plaintiff believes the case is complex under rule 3.400 of the California Rules of Court, this must be indicated by completing the appropriate boxes in items 1 and 2. If a plaintiff designates a case as complex, the cover sheet must be served with the complaint on all parties to the action. A defendant may file and serve no later than the time of its first appearance a joinder in the plaintiff's designation, a counter-designation that the case is not complex, or, if the plaintiff has made no designation, a designation that the case is complex.

CASE TYPES AND EXAMPLES

Auto Tort

Auto (22)—Personal Injury/Property Damage/Wrongful Death
Uninsured Motorist (46) (*if the case involves an uninsured motorist claim subject to arbitration, check this item instead of Auto*)

Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort

Asbestos (04)
Asbestos Property Damage
Asbestos Personal Injury/Wrongful Death
Product Liability (*not asbestos or toxic/environmental*) (24)
Medical Malpractice (45)
Medical Malpractice—Physicians & Surgeons
Other Professional Health Care Malpractice
Other PI/PD/WD (23)
Premises Liability (e.g., slip and fall)
Intentional Bodily Injury/PD/WD (e.g., assault, vandalism)
Intentional Infliction of Emotional Distress
Negligent Infliction of Emotional Distress
Other PI/PD/WD

Non-PI/PD/WD (Other) Tort

Business Tort/Unfair Business Practice (07)
Civil Rights (e.g., discrimination, false arrest) (*not civil harassment*) (08)
Defamation (e.g., slander, libel) (13)
Fraud (16)
Intellectual Property (19)
Professional Negligence (25)
Legal Malpractice
Other Professional Malpractice (*not medical or legal*)
Other Non-PI/PD/WD Tort (35)

Employment

Wrongful Termination (36)
Other Employment (15)

Contract

Breach of Contract/Warranty (06)
Breach of Rental/Lease
Contract (*not unlawful detainer or wrongful eviction*)
Contract/Warranty Breach—Seller Plaintiff (*not fraud or negligence*)
Negligent Breach of Contract/Warranty
Other Breach of Contract/Warranty
Collections (e.g., money owed, open book accounts) (09)
Collection Case—Seller Plaintiff
Other Promissory Note/Collections Case
Insurance Coverage (*not provisionally complex*) (18)
Auto Subrogation
Other Coverage
Other Contract (37)
Contractual Fraud
Other Contract Dispute

Real Property

Eminent Domain/Inverse Condemnation (14)
Wrongful Eviction (33)
Other Real Property (e.g., quiet title) (26)
Writ of Possession of Real Property
Mortgage Foreclosure
Quiet Title
Other Real Property (*not eminent domain, landlord/tenant, or foreclosure*)

Unlawful Detainer

Commercial (31)
Residential (32)
Drugs (38) (*if the case involves illegal drugs, check this item; otherwise, report as Commercial or Residential*)

Judicial Review

Asset Forfeiture (05)
Petition Re: Arbitration Award (11)
Writ of Mandate (02)
Writ—Administrative Mandamus
Writ—Mandamus on Limited Court Case Matter
Writ—Other Limited Court Case Review
Other Judicial Review (39)
Review of Health Officer Order
Notice of Appeal—Labor Commissioner Appeals

Provisionally Complex Civil Litigation (Cal. Rules of Court Rules 3.400–3.403)

Antitrust/Trade Regulation (03)
Construction Defect (10)
Claims Involving Mass Tort (40)
Securities Litigation (28)
Environmental/Toxic Tort (30)
Insurance Coverage Claims (*arising from provisionally complex case type listed above*) (41)

Enforcement of Judgment

Enforcement of Judgment (20)
Abstract of Judgment (Out of County)
Confession of Judgment (*non-domestic relations*)
Sister State Judgment
Administrative Agency Award (*not unpaid taxes*)
Petition/Certification of Entry of Judgment on Unpaid Taxes
Other Enforcement of Judgment Case

Miscellaneous Civil Complaint

RICO (27)
Other Complaint (*not specified above*) (42)
Declaratory Relief Only
Injunctive Relief Only (*non-harassment*)
Mechanics Lien
Other Commercial Complaint Case (*non-tort/non-complex*)
Other Civil Complaint (*non-tort/non-complex*)

Miscellaneous Civil Petition

Partnership and Corporate Governance (21)
Other Petition (*not specified above*) (43)
Civil Harassment
Workplace Violence
Elder/Dependent Adult Abuse
Election Contest
Petition for Name Change
Petition for Relief From Late Claim
Other Civil Petition

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FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN BERNARDINO
SAN BERNARDINO DISTRICT

OCT 27 2020

BY Anthony Martinez
ANTHONY MARTINEZ, DEPUTY

6 Attorneys for Plaintiff Raffe Chamoun and Aggrieved Employees

8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

9 **COUNTY OF SAN BERNARDINO**

10 RAFFE CHAMOUN, individually, and on
11 behalf of other aggrieved employees pursuant to
12 the California Private Attorneys General Act,

13 Plaintiff,

15 v.

16
17 RUSNAK AUTO GROUP; RUSNAK
CORPORATION; RUSNAK/WESTLAKE;
18 RUSNAK/PASADENA; RUSNAK/ARCADIA;
RUSNAK DAIMLER CHRYSLER CENTER,
19 INC.; and ANAHEIM HILLS JAGUAR LAND
ROVER, INC. collectively doing business as
20 BENTLEY PASADENA, HYUNDAI INLAND
EMPIRE, JAGUAR ANAHEIM HILLS, LAND
21 ROVER ANAHEIM HILLS, ROLLS-ROYCE
MOTOR CARS PASADENA, RUSNAK
22 BMW, RUSNAK MASERATI, MERCEDES-
23 BENZ OF ARCADIA, RUSNAK/PASADENA
AUDI, RUSNAK/PASADENA JAGUAR,
24 RUSNAK/PASADENA PORSCHE, RUSNAK
VOLVO CARS, RUSNAK/WESTLAKE
25 AUDI, RUSNAK/WESTLAKE PORSCHE,
26 KARMA PASADENA, KARMA WESTLAKE,
AND GENESIS OF LOMA LINDA; and DOES
27 1 through 100,

28 Defendants.

Case No. **CIV DS 2023062**

REPRESENTATIVE ACTION
COMPLAINT FOR:

1. Civil Penalties under the Private Attorneys
General Act (Labor Code § 2698, *et seq.*)

UNLIMITED CIVIL CASE

Plaintiff RAFFE CHAMOUN (“Plaintiff”) on behalf of the people of the State of California and as an “aggrieved employee” acting as a private attorney general under the Labor Code Private Attorneys General Act of 2004, section 2698, *et seq.* (“PAGA”) complains of Defendants RUSNAK AUTO GROUP; RUSNAK CORPORATION; RUSNAK/WESTLAKE; RUSNAK/PASADENA; RUSNAK/ARCADIA; RUSNAK DAIMLER CHRYSLER CENTER, INC.; and ANAHEIM HILLS JAGUAR LAND ROVER, INC. collectively doing business as BENTLEY PASADENA, HYUNDAI INLAND EMPIRE, JAGUAR ANAHEIM HILLS, LAND ROVER ANAHEIM HILLS, ROLLS-ROYCE MOTOR CARS PASADENA, RUSNAK BMW, RUSNAK MASERATI, MERCEDES-BENZ OF ARCADIA, RUSNAK/PASADENA AUDI, RUSNAK/PASADENA JAGUAR, RUSNAK/PASADENA PORSCHE, RUSNAK VOLVO CARS, RUSNAK/WESTLAKE AUDI, RUSNAK/WESTLAKE PORSCHE, KARMA PASADENA, KARMA WESTLAKE, AND GENESIS OF LOMA LINDA; and DOES 1 through 100 (collectively, “Defendants”) and each of them, as follows:

I. INTRODUCTION

1. This is a representative action brought pursuant to Labor Code section 2699, *et seq.*, on behalf of the State of California and on behalf of aggrieved employees as follows: ***All current and former non-exempt employees paid, in whole or part, on a commission basis who worked for Defendants, and/or their predecessor or merged entities, within the State of California within the longest applicable limitations period*** (the “Aggrieved Employees”).

2. On January 20, 2020, Plaintiff and Defendants entered into a tolling agreement to toll all applicable statute of limitations. Plaintiff—by and through counsel—conducted investigation into the allegations herein, and engaged in extensive discussions with counsel for Defendants regarding the violations alleged in this Complaint. The tolling agreement was extended to October 30, 2020.

3. Throughout the time period involved in this case, Defendants willfully maintained a policy/practice of failing to pay all wages, including minimum wages, for all hours worked; failing to pay all overtime wages; failing to provide timely duty-free meal periods; failing to authorize and permit duty-free rest breaks; failing to reimburse for business expenses; failing to maintain and provide accurate itemized wage statements; and failing to pay all wages owed

1 timely and upon separation of employment. Defendants' illegal conduct has given rise to claims
2 for violation of the Private Attorneys General Act of 2004 ("PAGA").

3 4. Plaintiff, on behalf of himself and Aggrieved Employees, brings this
4 representative action against Defendants to recover penalties owed pursuant to Labor Code
5 section 2699. Plaintiff was compelled to retain the services of counsel to file this action to protect
6 his interests and those of Aggrieved Employees and has thereby incurred attorneys' fees and
7 costs, which he is entitled to recover under Labor Code section 2699.

8 **II. JURISDICTION**

9 5. This Court has subject matter jurisdiction over any and all causes of action
10 asserted herein pursuant to Article VI, section 10 of the California Constitution and California
11 Code of Civil Procedure section 410.10 by virtue of the fact that this is a civil action in which
12 the matter in controversy, exclusive of interest, exceeds \$25,000, and because each cause of
13 action asserted arises under the laws of the State of California or is subject to adjudication in the
14 courts of the State of California.

15 6. This Court has personal jurisdiction over Defendants because they have caused
16 injuries in Los Angeles County, San Bernardino County, Ventura County, and Orange County,
17 and the State of California through their acts and by their violation of the California Labor Code
18 and California state common law. Defendants also transact business throughout California and
19 have obtained the benefits of the laws of the United States and the State of California and are
20 therefore subject to the personal jurisdiction of this Court. Defendants transact at least \$500,000
21 dollars of business within the State of California.

22 **III. VENUE**

23 7. Venue as to each defendant is proper in this judicial district, pursuant to Code of
24 Civil Procedure section 395. Defendants operate within California and do business within San
25 Bernardino County.

26 8. This case should be classified as complex according to California Rules of Court,
27 Rule 3.400, and assigned to a complex litigation judge and department because it will involve
28 substantial documentary evidence and a large number of witnesses; is likely to involve extensive

1 motion practice raising difficult or novel issues that will be time-consuming to resolve; and would
2 require substantial post judgment judicial supervision.

3 **IV. PARTIES**

4 9. At all relevant times herein, Defendants employed Plaintiff as a non-exempt
5 employee paid, in whole or part, on a commission basis, from November 2015 until his separation
6 in July 2019, and subjected him to the same employment policies and practices that affected
7 Aggrieved Employees.

8 10. Plaintiff represents the State of California as well as Aggrieved Employees.

9 11. Plaintiff and Aggrieved Employees at all times pertinent hereto are or were
10 employees of Defendants during the statutory time period (“PAGA period”).

11 12. Upon information and belief, Plaintiff and Aggrieved Employees are covered by
12 California Industrial Welfare Commission (“IWC”) Occupational Wage Order No(s). 4-2001
13 and/or 7-2001.

14 13. Defendants own and operate automobile dealerships throughout California.

15 14. Plaintiff is informed and believes, and based thereon alleges, that Defendants do
16 business in the State of California and, at all times hereinafter mentioned, were and are employers
17 as defined in and subject to the Labor Code and IWC Wage Orders, whose employees are
18 engaged throughout this county and the State of California. During the relevant period,
19 Defendants employed Plaintiff and Aggrieved Employees within the State of California.

20 15. The true names and capacities, whether individual, corporate, associate, or
21 otherwise, of defendants sued herein as DOES 1 through 100, inclusive, are currently unknown
22 to Plaintiff, who therefore sues defendants by such fictitious names under Code of Civil
23 Procedure section 474. Plaintiff is informed and believes and based thereon alleges that each of
24 the defendants designated herein as DOE is legally responsible in some manner for the unlawful
25 acts referred to herein. Plaintiff will seek leave of court to amend this Complaint to reflect the
26 true names and capacities of the defendants designated hereinafter as DOES when such identities
27 become known.

28 ///

1 16. Whenever, heretofore or hereinafter, reference is made to “Defendants,” it shall
2 include DOES 1 through 100 identified herein.

3 17. Plaintiff is informed and believes, and based thereon alleges, that each Defendant
4 acted in all respects pertinent to this action as the agent of the other Defendants, carried out a
5 joint scheme, business plan or policy in all respects pertinent hereto, and the acts of each
6 Defendant are legally attributable to other Defendants. Plaintiff is further informed and believes
7 and based thereon alleges that Defendants are joint employers in that they employed Plaintiff and
8 Aggrieved Employees at the same time and were operating as a joint enterprise and single entity
9 at all relevant time periods.

10 18. California courts have recognized that the definition of “employer” for purposes
11 of enforcement of the California Labor Code goes beyond the concept of traditional employment
12 to reach irregular working arrangements for the purpose of preventing evasion and subterfuge of
13 California’s labor laws. *Martinez v. Combs* (2010) 49 Cal. 4th 35, 65. As such, anyone who
14 directly or indirectly, or through an agent or any other person, engages, suffers, or permits any
15 person to work or exercises control over the wages, hours, or working conditions of any person
16 may be liable for violations of the California Labor Code as to that person.

17 19. California law also permits and recognizes the piercing of a corporate veil
18 between sister companies under the single enterprise rule. *Hasso v. Hapke* (2014) 227 Cal. App.
19 4th 107, 155; *Greenspan v. LADT, LLC* (2010) 191 Cal. App. 4th 486, 512. The single enterprise
20 rule applies where “there are two or more personalities, there is but one enterprise; and that this
21 enterprise has been so handled that it should respond, as a whole, for the debts of certain
22 component elements of it.” *Hasso, supra*, 227 Cal. App. 4th at 155; *Greenspan, supra*, 191 Cal.
23 App. 4th at 512.

24 20. At all times throughout their employment, Plaintiff and Aggrieved Employees
25 were regularly and consistently subject to the common policies and practices utilized by
26 Defendants.

27 21. Accordingly, all Defendants engaged, suffered, and permitted Plaintiff and
28 Aggrieved Employees to perform services from which they benefitted. Moreover, the

1 aforementioned Defendants had the right to exercise control over the wages, hours, and/or
2 working conditions over Plaintiff and Aggrieved Employees at all relevant times herein, so as to
3 be considered joint employers. By reason of their status as joint employers, they are each liable
4 for civil penalties for violation of the California Labor Code as to Plaintiff and Aggrieved
5 Employees as set forth herein.

6 **V. REPRESENTATIVE ACTION ALLEGATIONS**

7 **Defendants Systematically Violated State Wage and Hour Laws**

8 22. Defendants employed approximately 600 individuals at automobile dealerships
9 throughout California during the PAGA period.

10 23. Plaintiff and Aggrieved Employees are, and were at all times pertinent hereto,
11 non-exempt employees paid, in whole or part, on a commission basis for the purposes of
12 minimum wages, overtime, rest breaks, meal periods, reimbursement of expenses, and the other
13 underlying claims alleged herein.

14 24. Labor Code section 510 requires an employer to compensate an employee who
15 works more than eight (8) hours in one workday, forty (40) hours in a workweek, and for the first
16 eight (8) hours worked on the seventh consecutive day no less than one and one-half times the
17 regular rate of pay for an employee. Further, Labor Code section 510 obligates employers to
18 compensate employees at no less than twice the regular rate of pay when an employee works
19 more than twelve (12) hours in a day or more than eight (8) hours on the seventh consecutive day
20 of work.

21 25. During the relevant period, Defendants have had a policy/practice of failing to
22 pay overtime wages to Plaintiff and Aggrieved Employees for all overtime hours they worked.
23 The work times of Plaintiff and Aggrieved Employees have been, and continue to be, greater
24 than eight (8) hours per day and/or forty (40) hours per week. Yet, because Defendants did not
25 pay Plaintiff and Aggrieved Employees wages for, *inter alia*, hours that were worked off the
26 clock, including work performed during meal periods, as discussed and alleged *infra*, Plaintiff
27 and Aggrieved Employees were deprived wages at overtime premium amounts attributable to
28 overtime hours. Additionally, if there was any overtime paid to Plaintiff and Aggrieved

1 Employees, upon information and belief, Defendants did not properly include commissions
2 and/or other non-discretionary pay in determining the correct rate of overtime pay, thus depriving
3 Plaintiff and Aggrieved Employees of the full and proper amount of overtime pay due to them.

4 26. By their common policy/practice of requiring Plaintiff and Aggrieved Employees
5 to work in excess of eight (8) hours in a workday and/or forty (40) hours in a workweek without
6 compensating them at the applicable overtime rate of pay, Defendants willfully violated the
7 provisions of Labor Code sections 510 and 1198, as well as IWC Wage Order Nos. 4-2001 and
8 7-2001.

9 27. Throughout the applicable period of time, Defendants did not pay Plaintiff and
10 Aggrieved Employees at least the California minimum wage for all hours worked. Labor Code
11 section 1197 states the California requirement that employees must be paid at least the minimum
12 wage fixed by the Commission, and any payment of less than the minimum wage is unlawful.
13 Similarly, Labor Code section 1194 entitles “any employee receiving less than the legal minimum
14 wage...to recover in a civil action the unpaid balance of the full amount of this minimum wage.”
15 The applicable IWC Wage Order(s) also obligate employers to pay each employee minimum
16 wages for all hours worked.

17 28. These minimum wage standards apply to each hour employees worked for which
18 they were not paid. Therefore, an employer’s failure to pay for any particular hour of time worked
19 by an employee is unlawful, even if averaging an employee’s total pay over all hours worked,
20 paid or not, results in an average hourly wage above minimum wage. *Armenta v. Osmose, Inc.*
21 (2005) 135 Cal. App. 4th 314, 324.

22 29. Labor Code section 1194.2 authorizes employees to recover wages to recover
23 liquidated damages for violations of Labor Code section 1194. Where an employee, like Plaintiff
24 and Aggrieved Employees, is not paid for all hours worked under Labor Code section 1194, the
25 employee may recover minimum wages and liquidated damages for the time for which he or she
26 received no compensation. *Sillah v. Command Int’l Sec. Servs.* (N.D. Cal. 2015) 154 F. Supp.
27 3d 891 (holding that employees suing for failure to pay overtime could recover liquidated
28 damages under § 1194.2 if they also showed they were paid less than minimum wage); *accord*

1 *Andrade v. Arby's Rest. Grp., Inc.* (N.D. Cal. Dec. 12, 2016) No. 15-cv-03175 NC, 2016 U.S.
2 Dist. LEXIS 172319, at *20-21.) Since Defendants failed to provide Plaintiff and Aggrieved
3 Employees with compensation for all hours worked, they are entitled to recover liquidated
4 damages under Labor Code section 1194.2 through PAGA.

5 30. Labor Code section 1197.1 authorizes employees who are paid less than the
6 minimum fixed by an applicable state or local law, or by an order of the commission a civil
7 penalty, restitution of wages, and liquidated damages as follows: (1) [f]or any initial violation
8 that is intentionally committed, one hundred dollars (\$100) for each underpaid employee for each
9 pay period for which the employee is underpaid....[and] (2) [f]or each subsequent violation for
10 the same specific offense, two hundred fifty dollars (\$250) for each underpaid employee for each
11 pay period for which the employee is underpaid regardless of whether the initial violation is
12 intentionally committed. Accordingly, through PAGA and to the extent permitted by law Plaintiff
13 and Aggrieved Employees are entitled to recover for violations of Labor Code section 1197.1.

14 31. Plaintiff and Aggrieved Employees were paid based on commission pay plans that
15 are the functional equivalent of the commission pay plan that was found to be unlawful in
16 *Vaquero v. Stoneledge Furniture, LLC* (2017) 9 Cal. App. 5th 98. In *Stoneledge*, sales associates
17 who worked for Ashley Furniture stores were paid on a commission pay plan, which guaranteed
18 a minimum hourly rate as an advance against commissions earned in later pay periods. The
19 *Stoneledge* court held the commission pay plan was unlawful because it failed to separately
20 compensate sales associates for rest periods in weeks where the employees were paid on a
21 commission basis. Because Defendants' commission pay plans are the functional equivalent of
22 the commission pay plan in *Vaquero v. Stoneledge Furniture*, Plaintiff and Aggrieved Employees
23 are owed unpaid wages for rest periods for each workday in which they worked more than 3.5
24 hours, given Defendants' failure to compensate Plaintiff and Aggrieved Employees separately
25 for rest periods.

26 32. Defendants failed to fully compensate Plaintiff and Aggrieved Employees for "non-
27 productive" time (i.e., non-sales activity). Non-sales activity is compensable time. *See, Stoneledge*,
28 *supra*; *Balasanyan v. Nordstrom* (S.D. Cal. 2012) 913 F. Supp. 2d 1001.

1 33. Defendants failed to provide Plaintiff and Aggrieved Employees with timely duty-
2 free meal periods. Labor Code sections 226.7, 512, and IWC Wage Order Nos. 4-2001 and 7-
3 2001 require employers to provide employees with a thirty (30) minute uninterrupted and duty-
4 free meal period within the first five (5) hours of work. *Brinker Rest. Corp. v. Superior Court*
5 (2012) 53 Cal. 4th 1004, 1042 (“Accordingly, first meal periods must start after no more than
6 five hours.”). Moreover, an employee who works more than ten (10) hours per day is entitled to
7 receive a second thirty- (30-) minute uninterrupted and duty-free meal period. *See*, Labor Code
8 § 512.

9 34. Defendants denied Plaintiff and Aggrieved Employees meal periods that comply
10 with Labor Code sections 226.7, 512, and IWC Wage Order Nos. 4-2001 and 7-2001. Plaintiff
11 and Aggrieved Employees suffered late, short, interrupted, and/or missed first and second meal
12 breaks.

13 35. Defendants were also obligated but failed to provide Plaintiff and Aggrieved
14 Employees with net ten (10) minute rest breaks for work shifts exceeding four (4) hours or a
15 major fraction thereof worked as required by Labor Code section 226.7 and IWC Wage Order
16 Nos. 4-2001 and 7-2001. The California Supreme Court held, in *Augustus v. ABM Security*
17 *Services Inc.*, (2016) 2 Cal. 5th 257, that employees must be relieved of all duties during rest
18 periods pursuant to Labor Code section 226.7 and Subdivision 12(A) of Wage Order Nos. 4-2001
19 and 7-2001. The Court found that the Wage Orders and the Labor Code require employers to
20 “relinquish control over how employees spend their time” and “relieve employees of all duties”
21 during employees’ 10-minute rest periods. Plaintiff and Aggrieved Employees did not receive
22 timely and compliant rest breaks.

23 36. In addition to failing to authorize and permit compliant meal and rest periods,
24 Plaintiff and Aggrieved Employees were not compensated with one (1) hour’s worth of pay at
25 their regular rate of compensation when they were not provided with compliant meal and rest
26 periods in accordance with Labor Code section 226.7(b).

27 37. Plaintiff and Aggrieved Employees incurred necessary business expenses (e.g.,
28 purchase and use of personal cell phones) in discharging their duties. However, Defendants did

1 not pay fully, or at all, for these necessary business expenses incurred by Plaintiff and Aggrieved
2 Employees. Defendants violated Labor Code section 2802 by failing to pay and indemnify
3 Plaintiff and Aggrieved Employees for their necessary business expenditures and losses incurred
4 in direct consequence of the discharge of their duties.

5 38. Labor Code section 203 provides “if an employer willfully fails to pay...any
6 wages of an employee who is discharged or who quits, the wages of the employee shall continue
7 as a penalty...” for up to 30 days. Labor Code § 203; *Mamika v. Barca* (1998) 68 Cal. App. 4th
8 487, 492.

9 39. Due to Defendants’ non-compliant policies/practices described herein, Plaintiff
10 and Aggrieved Employees whose employment with Defendants concluded were not
11 compensated for all straight-time and overtime hours worked, were not paid all meal and rest
12 break premiums owed, and were not reimbursed for necessary business expenses. Thus,
13 Defendants have failed to pay Plaintiff and Aggrieved Employees all wages owed, whose sums
14 were certain, at the time of termination or within seventy-two (72) hours of their resignation and
15 have failed to pay those sums for thirty (30) days thereafter in violation of Labor Code section
16 203.

17 40. Labor Code section 204 expressly requires employers who pay employees on a
18 weekly, biweekly, or semimonthly basis to pay all wages “not more than seven calendar days
19 following the close of the payroll period.”

20 41. Due to Defendants’ failure to pay Plaintiff and Aggrieved Employees with
21 minimum and overtime wages, along with meal period and rest break premiums and
22 unreimbursed business expenses, as described above, Defendants failed to timely pay employees
23 within seven calendar days following the close of payroll in accordance with Labor Code section
24 204 on a regular and consistent basis. *See Parson v. Golden State FC, LLC* (N.D. Cal. May 2,
25 2016) No. 16-cv-00405-JST, 2016 U.S. Dist. LEXIS 58299, 2016 WL 1734010, at *3-5 (finding
26 after *Ling v. P.F Chang’s China Bistro, Inc.* that a failure to pay rest period premiums can support
27 claims under Labor Code §§ 203 and 204).

28 ///

1 42. Plaintiff and Aggrieved Employees were not furnished with accurate itemized
2 wage statements that accurately showed their gross wages earned, net wages earned, premium
3 payments for meal and rest breaks, all applicable hourly rates and corresponding number of hours
4 worked at each hourly rate in effect during their pay periods, and other information required by
5 Labor Code section 226(a).

6 43. As a result of Defendants' violation of Labor Code section 226(a), Plaintiff and
7 Aggrieved Employees suffered injury because, among other things: (a) the violations hindered
8 them from determining the amounts of wages owed; (b) the violations caused them to have to
9 perform mathematical computations to determine the amounts of wages owed to them and made
10 it exponentially more difficult than if the wage statement contained the required accurate
11 information; and (c) the wage statements inaccurately understated the wages, hours, and wage
12 rates to which they were entitled.

13 44. In addition to Labor Code section 226(a), Defendants also knowingly and
14 intentionally failed to provide Plaintiff and Aggrieved Employees with accurate itemized wage
15 statements in violation of Labor Code section 226(e). Defendants undeniably knew that they
16 were not providing Plaintiff and Aggrieved Employees with wage statements required by
17 California law. *See Garnett v. ADT LLC* (E.D. Cal. Oct. 6, 2015) 139 F. Supp. 1121, 1131
18 (finding that the defendant knowingly and intentionally violated Labor Code § 226 because the
19 “[d]efendant knew that it was not providing total hours worked to plaintiff or other employees
20 paid on commission” even though it believed that employees paid solely on commission or
21 commission and salary “are exempt and therefore we do not record hours on a wage statement.”).

22 45. Plaintiff and Aggrieved Employees will prevail on their claim for PAGA penalties
23 under Labor Code section 226(a). *See Lopez v. Friant & Assocs., LLC* (2017) 15 Cal. App. 4th
24 773, 788 (“hold[ing] a plaintiff seeking civil penalties under PAGA for a violation of Labor Code
25 section 226(a) does not have to satisfy the ‘injury’ and ‘knowing and intentional’ requirements
26 of section 226(e)(1).”); *Willner v. Manpower Inc.* (N.D. Cal. 2014) 35 F. Supp. 3d 1116, 1136
27 (To obtain judgment on a PAGA claim, “all [Plaintiffs] needs to establish is a violation of section
28 226(a), which she has done, as discussed above.”); *McKenzie v. Fed Exp. Corp.* (C.D. Cal. 2011)

1 765 F. Supp. 2d 1222, 1232 (holding that “for the purposes of recovering PAGA penalties, one
2 need only prove a violation of Section 226(a), and need not establish a Section 226(e) injury.”);
3 *Aguirre v. Genesis Logistics* (C.D. Cal. July 3, 2013) 2013 U.S. Dist. LEXIS 189815, at *28
4 (“Plaintiffs do not need to establish a Cal. Lab. Code § 226(e) injury to recover penalties under
5 § 2699(f) of PAGA.”)

6 46. Following *Friant*, courts have found that employees can recover separate
7 penalties under PAGA for a defendant’s violations of Labor Code section 226(a) and (e). *See e.g.*
8 *Bell v. Home Depot U.S.A.* (E.D. Cal. Dec. 11, 2017) 2017 U.S. Dist. LEXIS 204493, at *5
9 [finding after *Friant* that “[t]o the extent the Court’s Order [granting summary judgment to Home
10 Depot] was ambiguous, the Court now clarifies that it granted summary judgment on Plaintiffs’
11 derivative claim for [PAGA] penalties under section 226(e)...the Court’s Order should not be
12 read to grant summary judgment on Plaintiffs’ claim for PAGA penalties based on violation of
13 section 226(a).”)].

14 47. Further and in addition to the penalties outlined above, Labor Code section 226.3
15 provides that “[a]ny employer who violates subdivision (a) of Section 226 shall be subject to a
16 civil penalty in the amount of two hundred fifty dollars (\$250) per employee per violation in an
17 initial violation and one thousand dollars (\$1,000) per employee for each violation in a
18 subsequent citation, for which the employer fails to provide the employee a wage deduction
19 statement or fails to keep the records required in subdivision (a) of Section 226.” As explained
20 in detail above, Defendants failed to provide Plaintiff and Aggrieved Employees with accurate
21 itemized wage statements.

22 48. Accordingly, Plaintiff and Aggrieved Employees may also recover Labor Code
23 section 226.3 penalties for Defendants’ violations of Labor Code section 226(a). *See Finder v.*
24 *Leprino Foods Co.* (E.D. Cal. Mar. 12, 2015) No. 1:13-CV-2059 AWI-BAM, 2015 WL 1137151,
25 at *7 [“the weight of authority counsels that violations of Section 226.3 may be the basis of a
26 PAGA claim.”]; *Pedroza v. PetSmart, Inc.*, No. ED CV 11-298 GHK DTB, 2012 WL 9506073,
27 at *6 (C.D. Cal. June 14, 2012) (“Lab. Code § 226.3 merely provides that failure to perform
28 actions mandated by § 226(a) may trigger civil penalties.”).

49. Moreover, California Labor sections 1174(d) and 1174.5 require an employer to keep, at a central location in the state or at the plants or establishments at which employees are employed, payroll records showing the hours worked daily by the wages paid to employees employed at the respective plants or establishments. These records shall be kept with rules established for this purpose by the commission but in any case, shall be kept on file for not less than two years. During the relevant time period, Defendants failed to keep accurate and complete payroll records showing the actual hours worked daily and the wages earned by Plaintiff and Aggrieved Employees, including earned and unpaid minimum, overtime, and premium wages discussed herein.

FIRST CAUSE OF ACTION
PENALTIES PURSUANT TO PRIVATE ATTORNEYS GENERAL ACT OF 2004
Cal. Labor Code §§ 2698, et seq.
[On Behalf of Plaintiff and Aggrieved Employees against All Defendants]

50. Plaintiff, on behalf of himself and Aggrieved Employees, re-alleges and incorporates by reference all of the allegations contained in the previous paragraphs of this Complaint as though fully set forth herein.

51. Plaintiff, on behalf of himself and Aggrieved Employees, brings this representative action against Defendants to recover wages and penalties pursuant to the Private Attorneys General Act of 2004 (“PAGA”), Labor Code section 2698, *et seq.*

52. Based on the above allegations incorporated by reference, Defendants have violated Labor Code sections 201, 202, 203, 204, 210, 226, 226.2, 226.3, 226.7, 510, 512, 1174, 1174.5, 1194, 1194.2, 1197, 1197.1, 1198, 1199, and 2802, as well as IWC Wage Order Nos. 4-2001 and 7-2001.

53. As a result of the acts alleged above, Plaintiff seeks penalties under Labor Code section 2699, *et seq.* because of Defendants' violations of Labor Code 201, 202, 203, 204, 210, 226, 226.2, 226.3, 226.7, 510, 512, 1174, 1174.5, 1194, 1194.2, 1197, 1197.1, 1198, 1199, and 2802, as well as IWC Wage Order Nos. 4-2001 and 7-2001.

/ / /

/ / /

1 54. Under Labor Code sections 2699(f)(2) and 2699.5, Plaintiff and Aggrieved
2 Employees are entitled to penalties in an amount to be shown at the time of trial subject to the
3 following formula:

4 \$100 for the initial violation per employee per pay period; and

5 \$200 for each subsequent violation per employee per pay period.

6 These penalties shall be allocated seventy-five percent (75%) to the Labor and Workforce
7 Development Agency (LWDA) and twenty-five percent (25%) to the affected employees.

8 55. Defendants failed to provide Plaintiff and Aggrieved Employees with accurate
9 itemized wage statements in compliance with Labor Code section 226(a). Plaintiff seeks separate
10 PAGA penalties for Defendants' violations of Labor Code section 226(a) and (e). *Lopez v. Friant*
11 *& Assocs., LLC* (2017) 15 Cal. App. 5th 773, 788; *Bell v. Home Depot U.S.A.* (E.D. Cal. Dec.
12 11, 2017) No. 2:12-cv-02499 JAM-CKD, 2017 U.S. Dist. LEXIS 204493, at *5 [finding after
13 *Friant* that "[t]o the extent the Court's Order [granting summary judgment to *Home Depot*] was
14 ambiguous, the Court now clarifies that it granted summary judgment on Plaintiffs' derivative
15 claim for [PAGA] penalties under section 226(e)...the Court's Order should not be read to grant
16 summary judgment on Plaintiffs' claim for PAGA penalties based on violation of section
17 226(a)."]. For violations of Labor Code section 226(a), Plaintiff seeks the default penalty
18 provided by Labor Code section 226.3. Labor Code section 226.3 provides that "[a]ny employer
19 who violates subdivision (a) of Section 226 shall be subject to a civil penalty in the amount of
20 two hundred fifty dollars (\$250) per employee per violation in an initial violation and one
21 thousand dollars (\$1,000) per employee for each violation in a subsequent citation, for which the
22 employer fails to provide the employee a wage deduction statement or fails to keep the required
23 records in subdivision (a) of Section 226." Accordingly, through PAGA and to the extent
24 permitted by law Plaintiff and Aggrieved Employees are entitled to recover penalties for
25 violations of Labor Code section 226.3 and seek default PAGA penalties for each of Defendants'
26 numerous violations of Labor Code section 226(a).

27 56. Labor Code section 210 provides that "[i]n addition to, an entirely independent
28 and apart from, any other penalty provided in this article, every person who fails to pay the wages

of each employee as provided in Sections...204...shall be subject to a civil penalty as follows:
(1) [f]or any initial violation, one hundred dollars (\$100) for each failure to pay each employee;
(2) [f]or each subsequent violation, or any willful or intentional violation, two hundred dollars (\$200) for each failure to pay each employee, plus 25 percent of the amount unlawfully withheld.” As a result of the faulty compensation policies and practices, Plaintiff and Aggrieved Employees are also entitled to recover penalties under Labor Code section 210 through PAGA.

57. Labor Code section 1197.1 authorizes a civil penalty, restitution of wages, and liquidated damages, in the amount of: “(1) [f]or any initial violation that is intentionally committed, one hundred dollars (\$100) for each underpaid employee for each pay period for which the employee is underpaid...[and] (2) [f]or each subsequent violation for the same specific offense, two hundred fifty dollars (\$250) for each underpaid employee for each pay period for which the employee is underpaid regardless of whether the initial violation is intentionally committed.” Accordingly, through PAGA and to the extent permitted by law, Plaintiff and Aggrieved Employees are entitled to recover pursuant to Labor Code section 1197.1.

58. Plaintiff has fully and completely exhausted his administrative remedies under PAGA prior to proceeding with the PAGA claim. On March 13, 2020, Plaintiff filed his PAGA Notice online with the LWDA and sent a letter by certified mail to Defendants setting forth the facts and theories of the violations alleged against Defendants, as prescribed by Labor Code section 2698, *et seq.* As required by PAGA, Plaintiff submitted the \$75.00 filing fee with the LWDA. Pursuant to Labor Code section 2699.3(a)(2)(A), no notice was received by Plaintiff from the LWDA evidencing its intention to investigate within sixty-five (65) calendar days of the postmark date of the PAGA notice. Plaintiff is therefore entitled to commence and proceed with a civil action pursuant to Labor Code section 2699.

59. Plaintiff, as a personal representative of the general public, will and does seek to recover any and all penalties for each and every violation shown to exist or to have occurred during the PAGA period, in an amount according to proof, as to those penalties that are otherwise only available to public agency enforcement actions. Funds recovered will be distributed in

1 accordance with the PAGA, with 75% of the penalties recovered being reimbursed to the State
2 of California and the LWDA.

3 60. Plaintiff was compelled to retain the services of counsel to file this action to
4 protect his interests and those of Aggrieved Employees, and to assess and collect the wages and
5 penalties owed by Defendants. Plaintiff has thereby incurred attorneys' fees and costs, which he
6 is entitled to recover under Labor Code section 2699(g)(1).

7 **PRAYER FOR RELIEF**

8 **WHEREFORE**, Plaintiff, on behalf of the State of California, prays for judgment
9 against Defendants as follows:

10 1. For penalties and other relief allowable under Labor Code section 2699, *et seq.*
11 because of Defendants' violation of Labor Code sections 201, 202, 203, 204, 210, 226, 226.2,
12 226.3, 226.7, 510, 512, 1174, 1174.5, 1194, 1194.2, 1197, 1197.1, 1198, 1199, and 2802, as well
13 as IWC Wage Order Nos. 4-2001 and/or 7-2001;

14 2. A civil penalty against Defendants in the amount of \$100 for the initial violation
15 and \$200 for each subsequent violation as specified in section 2699(f)(2) of the California Labor
16 Code for Plaintiff and Aggrieved Employees for each and every pay period that occurred during
17 the PAGA period;

18 3. A civil penalty against Defendants pursuant to Labor Code section 1197.1 for the
19 initial violation that was committed, in the amount of one hundred dollars (\$100) for each
20 underpaid employee for each pay period for which the employee is underpaid, and for each
21 subsequent violation, two hundred fifty dollars (\$250) for each subsequent violation for each pay
22 period for which the employee is underpaid, for Plaintiff and Aggrieved Employees for each and
23 every pay period that occurred during the PAGA period;

24 4. A civil penalty against Defendants pursuant to Labor Code section 210 for the
25 initial violation that was committed, in the amount of one hundred dollars (\$100) for each
26 underpaid employee for each pay period for which the employee is underpaid, and for each
27 subsequent violation, two hundred dollars (\$200) for each underpaid employee for each pay
28

1 period for which the employee is underpaid, for Plaintiff and Aggrieved Employees for each and
2 every pay period that occurred during the PAGA period;

3 5. A civil penalty in the amount of \$50 for the initial violation and \$100 for each
4 subsequent violation as specified by Labor Code sections 2699(f) and 226(e) for Plaintiff and
5 Aggrieved Employees for each and every pay period that occurred during the PAGA period;

6 6. A civil penalty in the amount of \$250 for the initial violation and \$1000 for each
7 subsequent violation as specified by Labor Code sections 2699(f) and 226.3 for Plaintiff and
8 Aggrieved Employees for each and every pay period that occurred during the PAGA period for
9 violations of Labor Code section 226(a);

10 7. An award of reasonable attorney's fees against Defendants as specified in Labor
11 Code section 2699(g) and Code of Civil Procedure section 1021.5, for all the work performed by
12 the undersigned counsel in connection with the PAGA claims;

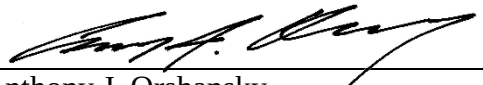
13 8. An award of all costs incurred by the undersigned counsel for Plaintiff in
14 connection with Plaintiff's and Aggrieved Employees' claims against Defendants as provided
15 for in Labor Code section 2699(g)(1); and

16 9. All other relief as this Court deems proper.

17
18 Respectfully submitted,

19 DATED: October 26, 2020

COUNSELONE, PC

20
21 By 
22 Anthony J. Orshansky
23 Jennifer L. Connor
24 Attorneys for Plaintiff and Aggrieved
25 Employees
26
27
28



Alternative Dispute Resolution

Superior Court
of California -
County of San
Bernardino

Alternate Dispute Resolution (ADR) provides an opportunity for parties to receive assistance reaching a resolution in their small claims, landlord tenant, civil, family law, probate case with a trained mediator. These services are provided by Inland Fair Housing and Mediation Board (IFHMB).

These services are available in the following court locations:

- ♦ Barstow
- ♦ Fontana
- ♦ Joshua Tree
- ♦ San Bernardino Justice Center
- ♦ San Bernardino Historic
- ♦ Victorville

Using ADR to resolve disputes can:

- Save time, since it can take a lot less time to work out and write up an agreement than go through a trial.
- Save money on attorney's fees, fees for expert witnesses and other expenses.
- More control over the outcome. In ADR, parties participate more actively in creating a workable solution than leaving the decision up to a judge or a jury. Also, it can create solutions that go beyond what the court can do.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN BERNARDINO

Raffe Chamoun

Case No.: **CIV DS 2023062**

vs.

CERTIFICATE OF ASSIGNMENT

Rusnak Auto Group, et al.

A civil action or proceeding presented for filing must be accompanied by this Certificate. If the ground is the residence of a party, name and residence shall be stated.

The undersigned declares that the above-entitled matter is filed for proceedings in the Civil Division of San Bernardino District of the Superior Court under Rule 131 and General Order of this court for the checked reason:

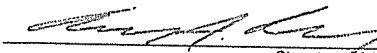
☒ General	☐ Collection
Nature of Action	Ground
☐ 1. Adoption	Petitioner resides within the district
☐ 2. Conservator	Petitioner or conservatee resides within the district.
☐ 3. Contract	Performance in the district is expressly provided for.
☐ 4. Equity	The cause of action arose within the district.
☐ 5. Eminent Domain	The property is located within the district.
☐ 6. Family Law	Plaintiff, defendant, petitioner or respondent resides within the district.
☐ 7. Guardianship	Petitioner or ward resides within the district or has property within the district.
☐ 8. Harassment	Plaintiff, defendant, petitioner or respondent resides within the district.
☐ 9. Mandate	The defendant functions wholly within the district.
☐ 10. Name Change	The petitioner resides within the district.
☐ 11. Personal Injury	The injury occurred within the district.
☐ 12. Personal Property	The property is located within the district.
☐ 13. Probate	Decedent resided or resides within or had property within the district.
☐ 14. Prohibition	The defendant functions wholly within the district.
☐ 15. Review	The defendant functions wholly within the district.
☐ 16. Title to Real Property	The property is located within the district.
☐ 17. Transferred Action	The lower court is located within the district.
☐ 18. Unlawful Detainer	The property is located within the district.
☒ 19. Domestic Violence	The petitioner, defendant, plaintiff or respondent resides within the district.
☒ 20. Other <u>Employment</u>	The defendants reside within the district.
☒ 21. THIS FILING WOULD	NORMALLY FALL WITHIN JURISDICTION OF SUPERIOR COURT

The address of the accident, performance, party, detention, place of business, or other factor which qualifies this case for filing in the above-designed district is:

Defendant Hyundai Inland Empire resides within the district 25072 Redlands Boulevard
NAME - INDICATE TITLE OR OTHER QUALIFYING FACTOR ADDRESS

Loma Linda California 92354
CITY STATE ZIP CODE

I declare, under penalty of perjury, that the foregoing is true and correct and that this declaration was executed on October 26, 2020 at Beverly Hills, California.



 Signature of Attorney/Party

CIV-201102-CIV-DS2023062-ORDR-110702



Scanned Document Coversheet

System Code: CIV
Case Number: DS2023062
Case Type: CIV
Action Code: ORDR
Action Date: 11/02/20
Action Time: 11:07
Action Seq: 0002
Printed by: ACERV

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**Order RE INITIAL COMPLEX CASE MANAGEMENT
CONFERENCE filed**



NEW FILE

1 Superior Court of California
2 County of San Bernardino
3 247 W. Third Street, Dept. S-26
4 San Bernardino, CA 92415-0210

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN BERNARDINO
SAN BERNARDINO DISTRICT

NOV 02 2020

BY Alfie Cervantes
ALFIE CERVANTES, DEPUTY

8 SUPERIOR COURT OF CALIFORNIA
9 COUNTY OF SAN BERNARDINO, SAN BERNARDINO DISTRICT

11 RAFFE CHAMOUN

13 vs.

15
16 RUSNAK AUTO GROUP

Case No.: CIVDS 2023062

INITIAL CASE MANAGEMENT
CONFERENCE ORDER

21
22 This case is assigned for all purposes to Judge David Cohn in the Complex
23 Litigation Program, Department S-26, located at the San Bernardino Justice Center, 247
24 West Third Street, San Bernardino, California, 92415-0210. Telephone numbers for
25 Department S-26 are (909) 521-3519 (Judicial Assistant) and (909) 708-8866 (Court
26 Attendant).
27
28

The Initial Case Management Conference

An initial Case Management Conference (CMC) is scheduled for JAN 28 2021 at 9:00 a.m. Due to the social distancing requirements imposed by the COVID-19 pandemic, the initial CMC (and all subsequent CMCs) will be conducted remotely, via CourtCall. Contact CourtCall at (888) 882-6878 (www.CourtCall.com) to schedule the appearance through CourtCall. Until further order of the Court, in-person attendance at CMCs is not allowed.¹

Counsel for all parties are ordered to attend the initial CMC. If there are defendants who have not yet made a general or special appearance, those parties who are presently before the court may jointly request a continuance of the initial CMC to allow additional time for such non-appearing defendants to make their general or special appearances. Such a request should be made by submitting a Stipulation and Proposed Order to the Court, filed directly in Department S-26, no later than five court days before the scheduled hearing.

Stay of the Proceedings

Pending further order of this Court, and except as otherwise provided in this Order, these proceedings are stayed in their entirety. This stay precludes the filing of any answer, demurrer, motion to strike, or motions challenging the jurisdiction of the Court. Each defendant, however, is directed to file a Notice of General Appearance (or a Notice of Special Appearance if counsel intends to challenge personal jurisdiction) for purposes of identification of counsel and preparation of a service list. The filing of a

¹ In-person appearances are allowed for motions, but are discouraged. Until the Pandemic restrictions are lifted, please use CourtCall whenever possible.

1 Notice of General Appearance is without prejudice to any substantive or procedural
2 challenges to the complaint (including subject matter jurisdiction), without prejudice to
3 any denial or affirmative defense, and without prejudice to the filing of any cross-
4 complaint. The filing of a Notice of Special Appearance is without prejudice to any
5 challenge to the court's exercise of personal jurisdiction. This stay of the proceedings is
6 issued to assist the court and the parties in managing this case through the
7 development of an orderly schedule for briefing and hearings on any procedural or
8 substantive challenges to the complaint and other issues that may assist in the orderly
9 management of this case. This stay shall not preclude the parties from informally
10 exchanging documents and other information that may assist them in their initial
11 evaluation of the issues.
12
13

14 **Service of this Order**

15 Plaintiffs' counsel is ordered to serve this Order on counsel for each defendant,
16 or, if counsel is not known, on each defendant within five days of the date of this Order.
17 If the complaint has not been served as the date of this Order, counsel for plaintiff is to
18 serve the complaint along with this Order within ten days of the date of this Order.
19

20 **Agenda for the Initial Case Management Conference**

21 Counsel for all parties are ordered to meet and confer in person no later than ten
22 days before the initial CMC to discuss the subjects listed below. Counsel
23 must be fully prepared to discuss these subjects with the court:
24

- 25 1. Any issues of recusal or disqualification;
- 26 2. Any potentially dispositive or important threshold issues of law or fact that, if
27 considered by the court, may simplify or further resolution of the case;
28

3. Appropriate mechanisms for Alternative Dispute Resolution;
4. A plan for the preservation of evidence and a uniform system for the identification of documents to be used throughout the course of this litigation, including discovery and trial;
5. A discovery plan for the disclosure and production of documents and other discovery, including whether the court should order automatic disclosures, patterned on Federal Rule of Civil Procedure 26(a) or otherwise;
6. Whether it is advisable to conduct discovery in phases so that information needed to conduct meaningful ADR is obtained early in the case;
7. Any issues involving the protection of evidence and confidentiality;
8. The use and selection of an electronic service provider;
9. The handling of any potential publicity issues;
10. Any other issues counsel deem appropriate to address with the court.

The Joint Report

Counsel are ordered to prepare a Joint Report for the initial CMC, to be filed directly in Department S-26 (not in the Clerk's office), no later than four court days before the conference date. The Joint Report must include the following:

1. Whether the case should or should not be treated as complex;
2. Whether additional parties are likely to be added and a proposed date by which all parties must be served;
3. A service list (the service list should identify all primary and secondary counsel, firm names, addresses, telephone numbers, email addresses, and fax numbers for all counsel.)

- 1 4. Whether the court should issue an order requiring electronic service. Counsel
2 should advise the court regarding any preferred web-based electronic service
3 provider;
- 4 5. Whether any issues of jurisdiction or venue exist that might affect this court's
5 ability to proceed with this case.
- 6 6. Whether there are applicable arbitration agreements, and the parties' views on
7 their enforceability;
- 8 7. A list of all related litigation pending in this or other courts (state and federal), a
9 brief description of any such litigation, including the name of the judge assigned
10 to the case, and a statement whether any additional related litigation is
11 anticipated;
- 12 8. A description of the major factual and legal issues in the case. The parties
13 should address any contracts, statutes, or regulations on which claims or
14 defenses are based, or which will require interpretation in adjudicating the claims
15 and defenses;
- 16 9. The parties' tentative views on an ADR mechanism and how such mechanism
17 might be integrated into the course of the litigation;
- 18 10. A discovery plan, including the time need to conduct discovery and whether
19 discovery should be conducted in phases or limited (and, if so, the order of
20 phasing or types of limitations). With respect to the discovery of electronically
21 stored information (ESI), the plan should include:
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23 a. Identification of the Information Management Systems used by the parties;
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- b. The location and custodians of information that is likely to be subject to production (including the identification of network and email servers and hard-drives maintained by custodians);
 - c. The types of ESI that will be requested and produced, e.g. data files, emails, etc.;
 - d. The format in which ESI will be produced;
 - e. Appropriate search criteria for focused requests.
 - f. A statement whether the parties will allow their respective IT consultants or employees to participate directly in the meet and confer process.
11. Whether the parties will stipulate that discovery stays or other stays entered by the court for case management purposes will be excluded in determining the statutory period for bringing the case to trial under Code of Civil Procedure Section 583.310 (the Five Year Rule).
12. Recommended dates and times for the following:
- a. The next CMC;
 - b. A schedule for any contemplated ADR;
 - c. A filing deadline (and proposed briefing schedule) for any anticipated non-discovery motions.
 - d. With respect to class actions, the parties' tentative views on an appropriate deadline for a class certification motion to be filed.

To the extent the parties are unable to agree on any matter to be addressed in the Joint Report, the positions of each party or of various parties should be set forth separately. The parties are encouraged to propose, either jointly or separately, any

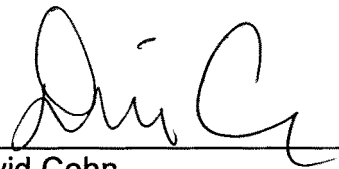
1 approaches to case management that they believe will promote the fair and efficient
2 handling of this case.

3 Any stipulations to continue conferences or other hearings throughout this
4 litigation must be filed with the court directly in Department S-26 (not in the Clerk's
5 office), no later than four court days before the conference or hearing date.
6

7 Informal Discovery Conferences

8 Motions concerning discovery cannot be filed without first requesting an informal
9 discovery conference (IDC) with the court. Making a request for an IDC automatically
10 stays the deadline for filing any such motion. IDCs are conducted remotely, via the
11 BlueJeans Video Conferencing program. Attendees will need to download the
12 BlueJeans program (available from the app stores for IOS or Android) to a computer,
13 laptop, tablet, or smartphone. If the device being used does not have camera
14 capability, the BlueJeans application offers an audio-only option. Video appearance at
15 the IDC, however, is encouraged. The Court will provide a link to join the conference at
16 the appointed time. Please provide Department S-26's Judicial Assistant ((909) 521-
17 3519) or Court Attendant ((909) 708-8866) with an e-mail address. No briefing is
18 required for the IDC, but counsel should lodge (not file) the relevant discovery record in
19 Department S-26 before the IDC.
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25
26 Dated: 11/2, 2020.

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28 
David Cohn,
Judge of the Superior Court