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**SUPERIOR COURT OF THE STATE OF CALIFORNIA
 FOR THE COUNTY OF LOS ANGELES**

OSVALDO MARTINEZ, individually, and on
 behalf of other aggrieved employees pursuant to
 the California Private Attorneys General Act;

Plaintiff,

vs.

HARVEST PACK, INC., a California corporation;
 and DOES 1 through 100, inclusive,

Defendants.

Case No.: **20LBCV00545**

**COMPLAINT FOR ENFORCEMENT
 UNDER THE PRIVATE
 ATTORNEYS GENERAL ACT,
 CALIFORNIA LABOR CODE § 2698,
 ET SEQ.**

Violation of California Labor Code §
 2698, et seq. (California Labor Code
 Private Attorneys General Act of 2004)

DEMAND FOR JURY TRIAL

LAWYERS for JUSTICE, PC
 410 West Arden Avenue, Suite 203
 Glendale, California 91203

COMES NOW, Plaintiff OSVALDO MARTINEZ ("Plaintiff"), individually, and on behalf of other aggrieved employees pursuant to the California Private Attorneys General Act, and alleges as follows:

JURISDICTION AND VENUE

1. This representative action is brought pursuant to the California Labor Code section 2698, et seq. The civil penalties sought by Plaintiff exceed the minimal jurisdiction limits of the Superior Court and will be established according to proof at trial.

2. This Court has jurisdiction over this action pursuant to the California Constitution, Article VI, Section 10, which grants the superior court "original jurisdiction in all other causes" except those given by statute to other courts. The statutes under which this action is brought do not specify any other basis for jurisdiction.

3. This Court has jurisdiction over Defendant because, upon information and belief, Defendant is a citizen of California, has sufficient minimum contacts in California, or otherwise intentionally avails itself of the California market so as to render the exercise of jurisdiction over it by the California courts consistent with traditional notions of fair play and substantial justice.

4. Venue is proper in this Court because, upon information and belief, Defendant maintains offices, has agents, and/or transacts business in the State of California, including the County of Los Angeles. The majority of acts and omissions alleged herein relating to Plaintiff and the other class members took place in the State of California, including the County of Los Angeles. At all relevant times, Defendant maintained its headquarters/"nerve center" within the State of California, County of Los Angeles.

PARTIES

5. Plaintiff OSVALDO MARTINEZ is an individual residing in the State of California, County of Los Angeles.

6. Defendant HARVEST PACK, INC., at all times herein mentioned, was and is, upon information and belief, an employer whose employees are engaged throughout the State of California, including the County of Los Angeles.

11. Plaintiff further alleges that Defendants including the unknown defendants identified as DOES, directly or indirectly controlled or affected the working conditions, wages, working hours, and conditions of employment of Plaintiff and the other aggrieved employees so as to make each of said Defendants employers and employers liable under the statutory provisions set forth herein.

12. At all times herein set forth, California Private Attorneys General Act (“PAGA”) was applicable to Plaintiff’s employment by Defendants.

1 13. At all times herein set forth, PAGA provides that any provision of law under the
2 California Labor Code that provides for a civil penalty to be assessed and collected by the
3 LWDA for violations of the California Labor Code may, as an alternative, be recovered
4 through a civil action brought by an aggrieved employee on behalf of herself and other current
5 or former employees pursuant to procedures outlined in California Labor Code section 2699.3.

6 14. Pursuant to PAGA, a civil action under PAGA may be brought by an “aggrieved
7 employee,” who is any person that was employed by the alleged violator and against whom
8 one or more of the alleged violations was committed.

9 15. Plaintiff was employed by Defendants and the alleged violation was committed
10 against his during his time of employment and he is, therefore, an aggrieved employee.
11 Plaintiff and the other employees are “aggrieved employees” as defined by California Labor
12 Code section 2699(c) in that they are all current or former employees of Defendants, and one
13 or more of the alleged violations were committed against them.

14 16. Pursuant to California Labor Code sections 2699.3 and 2699.5, an aggrieved
15 employee, including Plaintiff, may pursue a civil action arising under PAGA after the
16 following requirements have been met:

17 b. The aggrieved employee shall give written notice by online submission
18 (hereinafter “Employee’s Notice”) to the LWDA and by U.S. Certified
19 Mail the employer of the specific provisions of the California Labor
20 Code alleged to have been violated, including the facts and theories to
21 support the alleged violations.

22 c. The LWDA shall provide notice (hereinafter “LWDA Notice”) to the
23 employer and the aggrieved employee by certified mail that it does not
24 intend to investigate the alleged violation within sixty (60) calendar days
25 of the postmark date of the Employee’s Notice. Upon receipt of the
26 LWDA Notice, or if the LWDA Notice is not provided within sixty-five
27 (65) calendar days of the postmark date of the Employee’s Notice, the
28 aggrieved employee may commence a civil action pursuant to California

1 Labor Code section 2699 to recover civil penalties in addition to any
2 other penalties to which the employee may be entitled.

3 17. On September 30, 2020, Plaintiff provided written notice by U.S. Certified Mail
4 to the LWDA and to Defendant HARVEST PACK, INC. of the specific provisions of the
5 California Labor Code alleged to have been violated, including the facts and theories to
6 support the alleged violations. Plaintiff has not received an LWDA Notice within sixty-five
7 (65) calendar days of the date of submission of Plaintiff's Notice.

8 18. Therefore, Plaintiff has satisfied the administrative prerequisites under
9 California Labor Code section 2699.3(a) to recover civil penalties against Defendants for
10 violations of California Labor Code sections 201, 202, 203, 204, 226(a), 226.7, 510, 512(a),
11 1174(d), 1194, 1197, 1197.1, 1198, 2800 and 2802.

12 **GENERAL ALLEGATIONS**

13 19. At all relevant times set forth herein, Defendants employed Plaintiff and other
14 aggrieved employees, including but not limited to (a) all current and former hourly-paid or
15 non-exempt individuals who were employed by any of the Defendants within the State of
16 California ("aggrieved employees subgroup A"), and (b) all current and former salaried
17 production supervisors, or persons who held similar job titles and/ or performed similar job
18 duties, misclassified as "exempt" who were employed by any of the Defendants within the
19 State of California ("aggrieved employees subgroup B")(collectively with subgroup A as
20 "aggrieved employees").

21 20. Defendants, jointly and severally, employed Plaintiff as an hourly-paid, non-
22 exempt employee, and as a salaried employee misclassified as "exempt" from approximately
23 June 2019 to approximately July 2019 in the State of California, County of Los Angeles.

24 21. Defendants hired Plaintiff and the other aggrieved employees in subgroup A,
25 and failed to compensate them for all hours worked, missed meal periods or rest breaks.

26 22. Defendants hired Plaintiff and the other aggrieved employees in subgroup B,
27 misclassified them as "exempt" employees, and paid them on a salary basis, without
28 compensation for overtime hours worked, missed meal periods or rest breaks.

23. Defendants had the authority to hire and terminate Plaintiff and the other aggrieved employees, to set work rules and conditions governing Plaintiff's and the other aggrieved employees' employment, and to supervise their daily employment activities.

24. Defendants exercised sufficient authority over the terms and conditions of Plaintiff's and the other aggrieved employees' employment for them to be joint employers of Plaintiff and the other aggrieved employees.

25. Defendants directly hired and paid wages and benefits to Plaintiff and the other aggrieved employees.

26. Defendants continue to employ salaried, on-site employees misclassified as "exempt" within the State of California.

27. Plaintiff is informed and believes, and based thereon alleges, that Plaintiff and the other aggrieved employees worked over eight (8) hours in a day, and/or forty (40) hours in a week during their employment with Defendants.

28. Plaintiff is informed and believes, and based thereon alleges, that Defendants engaged in a uniform policy and systematic scheme of wage abuse against their "exempt" or salaried store-level employees. This scheme involved, *inter alia*, misclassifying these positions as "exempt" managerial employees for purposes of the payment of overtime compensation when, in fact, they were "non-exempt" non-managerial employees according to California law.

29. Plaintiff is informed and believes, and based thereon alleges, that Defendants knew or should have known that Plaintiff and the other aggrieved employees were entitled to receive certain wages for overtime compensation and that they were not receiving wages for overtime compensation.

30. Plaintiff is informed and believes, and based thereon alleges, that Defendants failed to provide Plaintiff and the other aggrieved employees the required rest and meal periods during the relevant time period as required under the applicable Industrial Welfare Commission ("IWC") Wage Orders and thus they are entitled to any and all applicable penalties.

1 31. Plaintiff is informed and believes, and based thereon alleges, that Defendants
2 knew or should have known that Plaintiff and the other aggrieved employees were entitled to
3 receive all meal periods or payment of one additional hour of pay at Plaintiff's and the other
4 aggrieved employee's regular rate of pay when a meal period was missed, and they did not
5 receive all meal periods or payment of one additional hour of pay at Plaintiff's and the other
6 aggrieved employee's regular rate of pay when a meal period was missed.

7 32. Plaintiff is informed and believes, and based thereon alleges, that Defendants
8 knew or should have known that Plaintiff and the other aggrieved employees were entitled to
9 receive all rest periods or payment of one additional hour of pay at Plaintiff's regular rate of
10 pay when a rest period was missed, and they did not receive all rest periods or payment of one
11 additional hour of pay at Plaintiff's and the other aggrieved employees' regular rate of pay
12 when a rest period was missed.

13 33. Plaintiff is informed and believes, and based thereon alleges, that Defendants
14 knew or should have known that Plaintiff and the other aggrieved employees were entitled to
15 receive at least minimum wages for compensation and that they were not receiving at least
16 minimum wages for all hours worked.

17 34. Plaintiff is informed and believes, and based thereon alleges, that Defendants
18 knew or should have known that the aggrieved employees were entitled to receive all wages
19 owed to them upon discharge or resignation, including overtime wages and meal and rest
20 period premiums, and they did not, in fact, receive all such wages owed to them at the time of
21 their discharge.

22 35. Plaintiff is informed and believes, and based thereon alleges, that Defendants
23 knew or should have known that Plaintiff and the other aggrieved employees were entitled to
24 receive all wages owed to them during their employment. Plaintiff and the other aggrieved
25 employees did not receive payment of all wages, including overtime wages and meal and rest
26 period premiums, within any time permissible under California Labor Code section 204.

27 36. Plaintiff is informed and believes, and based thereon alleges, that Defendants
28 knew or should have known that Plaintiff and the other aggrieved employees were entitled to

1 receive complete and accurate wage statements in accordance with California law, but, in fact,
2 they did not receive complete and accurate wage statements from Defendants. The
3 deficiencies included, *inter alia*, the failure to include the total number of hours worked by
4 Plaintiff and the other aggrieved employees.

5 37. Plaintiff is informed and believes, and based thereon alleges, that Defendants
6 knew or should have known that Defendants had to keep complete and accurate payroll records
7 for Plaintiff and the other aggrieved employees in accordance with California law, but, in fact,
8 did not keep complete and accurate payroll records.

9 38. Plaintiff is informed and believes, and based thereon alleges, that Defendants
10 knew or should have known that Plaintiff and the other aggrieved employees were entitled to
11 reimbursement for necessary business-related expenses and costs.

12 39. Plaintiff is informed and believes, and based thereon alleges, that Defendants
13 knew or should have known that they had a duty to compensate Plaintiff and the other
14 aggrieved employees pursuant to California law, and that Defendants had the financial ability
15 to pay such compensation, but willfully, knowingly, and intentionally failed to do so, and
16 falsely represented to Plaintiff and the other aggrieved employees that they were properly
17 denied wages, all in order to increase Defendants' profits.

18 40. At all material times set forth herein, Defendants failed to pay overtime wages
19 to Plaintiff and the other aggrieved employees. Plaintiff and the other aggrieved employees
20 were required to work more than eight (8) hours per day and/or forty (40) hours per week
21 without overtime compensation.

22 41. At all material times set forth herein, Defendants failed to provide uninterrupted
23 meal and rest periods to Plaintiff and the other aggrieved employees.

24 42. At all material times set forth herein, Defendants failed to pay Plaintiff and the
25 other aggrieved employees at least minimum wages for all hours worked.

26 43. At all material times set forth herein, Defendants failed to pay the aggrieved
27 employees all wages owed to them upon discharge or resignation.

28 44. At all material times set forth herein, Defendants failed to pay Plaintiff and the

1 other aggrieved employees' wages within any time permissible under California law,
2 including, *inter alia*, California Labor Code section 204.

3 45. At all material times set forth herein, Defendants failed to provide complete and
4 accurate wage statements to Plaintiff and the other aggrieved employees.

5 46. At all material times set forth herein, Defendants failed to keep complete and
6 accurate payroll records for Plaintiff and the other aggrieved employees.

7 47. At all material times set forth herein, Defendants failed to reimburse Plaintiff
8 and the other aggrieved employees for necessary business-related expenses and costs.

9 48. At all material times set forth herein, Defendants failed to properly compensate
10 Plaintiff and the other aggrieved employees pursuant to California law in order to increase
11 Defendants' profits.

12 49. California Labor Code section 218 states that nothing in Article 1 of the Labor
13 Code shall limit the right of any wage claimant to "sue directly . . . for any wages or penalty
14 due to him [or her] under this article."

15 **FIRST CAUSE OF ACTION**

16 **Violation of California Labor Code § 2698, et seq.**

17 **(Against HARVEST PACK, INC., and DOES 1 through 100)**

18 50. Plaintiff incorporates by reference the allegations contained in paragraphs 1
19 through 49, and each and every part thereof with the same force and effect as though fully set
20 forth herein.

21 51. PAGA expressly establishes that any provision of the California Labor Code
22 which provides for a civil penalty to be assessed and collected by the LWDA, or any of its
23 departments, divisions, commissions, boards, agencies or employees for a violation of the
24 California Labor Code, may be recovered through a civil action brought by an aggrieved
25 employee on behalf of himself or herself, and other current or former employees.

26 52. Whenever the LWDA, or any of its departments, divisions, commissions,
27 boards, agencies, or employees has discretion to assess a civil penalty, a court in a civil action
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1 is authorized to exercise the same discretion, subject to the same limitations and conditions, to
2 assess a civil penalty.

3 53. Plaintiff and the other salaried, on-site employees misclassified as “exempt” are
4 “aggrieved employees” as defined by California Labor Code section 2699(c) in that they are all
5 current or former employees of Defendants, and one or more of the alleged violations was
6 committed against them.

7 **Failure to Pay Overtime**

8 54. Defendants’ failure to pay legally required overtime wages to Plaintiff and the
9 other aggrieved employees is in violation of the applicable IWC Wage Orders and constitutes
10 unlawful or unfair activity prohibited by California Labor Code sections 510 and 1198.

11 **Failure to Provide Meal Periods**

12 55. Defendants’ failure to provide legally required meal periods to Plaintiff and the
13 other aggrieved employees is in violation of the applicable IWC Wage Orders and constitutes
14 unlawful or unfair activity prohibited by California Labor Code sections 226.7 and 512(a).

15 **Failure to Provide Rest Periods**

16 56. Defendants’ failure to provide legally required rest periods to Plaintiff and the
17 other aggrieved employees is in violation of the applicable IWC Wage Orders and constitutes
18 unlawful or unfair activity prohibited by California Labor Code section 226.7.

19 **Failure to Pay Minimum Wages**

20 57. Defendants’ failure to pay legally required minimum wages to Plaintiff
21 and the other aggrieved employees is in violation of the Wage Orders and constitutes
22 unlawful or unfair activity prohibited by California Labor Code sections 1194, 1197
23 and 1197.1.

24 **Failure to Timely Pay Wages Upon Termination**

25 58. Defendants’ failure to timely pay wages to Plaintiff and the other aggrieved
26 employees upon termination in accordance with Labor Code sections 201 and 202 constitutes
27 unlawful and/or unfair activity prohibited by California Labor Code sections 201 and 202.

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Failure to Timely Pay Wages During Employment

59. Defendants' failure to timely pay wages to Plaintiff and the other aggrieved employees during employment in accordance with Labor Code section 204 constitutes unlawful and/or unfair activity prohibited by California Labor Code section 204.

Failure to Provide Complete and Accurate Wage Statements

60. Defendants' failure to provide complete and accurate wage statements to Plaintiff and the other aggrieved employees in accordance with Labor Code section 226(a) constitutes unlawful and/or unfair activity prohibited by California Labor Code section 226(a).

Failure to Keep Complete and Accurate Payroll Records

61. Defendants' failure to keep complete and accurate payroll records relating to Plaintiff and the other aggrieved employees in accordance with California Labor Code section 1174(d) constitutes unlawful and/or unfair activity prohibited by California Labor Code section 1174(d).

Failure to Reimburse Necessary Business-Related Expenses and Costs

62. Defendants' failure to reimburse Plaintiff and the other aggrieved employees for necessary business-related expenses and costs in accordance with California Labor Code sections 2800 and 2802 constitutes unlawful and/or unfair activity prohibited by California Labor Code sections 2800 and 2802.

63. Pursuant to California Labor Code section 2699, Plaintiff, individually, and on behalf of all aggrieved employees, requests and is entitled to recover from Defendants and each of them, business expenses, unpaid wages, and/or untimely wages according to proof, interest, attorneys' fees and costs pursuant to California Labor Code section 218.5, as well as all statutory penalties against Defendants, and each of them, including but not limited to:

- a. Penalties under California Labor Code section 2699 in the amount of a hundred dollars (\$100) for each aggrieved employee per pay period for the initial violation, and two hundred dollars (\$200) for each aggrieved employee per pay period for each subsequent violation;

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- b. Penalties under California Code of Regulations Title 8 section 11010, et seq. in the amount of fifty dollars (\$50) for each aggrieved employee per pay period for the initial violation, and one hundred dollars (\$100) for each aggrieved employee per pay period for each subsequent violation;
- c. Penalties under California Labor Code section 210 in addition to, and entirely independent and apart from, any other penalty provided in the California Labor Code in the amount of a hundred dollars (\$100) for each aggrieved employee per pay period for the initial violation, and two hundred dollars (\$200) for each aggrieved employee per pay period for each subsequent violation; and
- d. Any and all additional penalties and sums as provided by the California Labor Code and/or other statutes.

64. Pursuant to California Labor Code section 2699(i), civil penalties recovered by aggrieved employees shall be distributed as follows: seventy-five percent (75%) to the Labor and Workforce Development Agency for the enforcement of labor laws and education of employers and employees about their rights and responsibilities and twenty-five percent (25%) to the aggrieved employees.

65. Further, Plaintiff is entitled to seek and recover reasonable attorneys' fees and costs pursuant to California Labor Code sections 210, 218.5 and 2699 and any other applicable statute.

DEMAND FOR JURY TRIAL

Plaintiff, individually, and on behalf of other aggrieved employees pursuant to the California Private Attorneys General Act, requests a trial by jury.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff, individually, and on behalf of other aggrieved employees pursuant to the Private Attorneys General Act, prays for relief and judgment against Defendants, jointly and severally, in excess of twenty-five thousand dollars (\$25,000):

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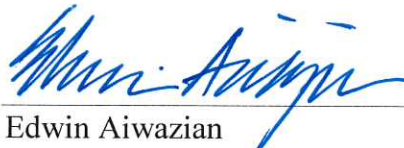
As to the First Cause of Action

1. For civil penalties pursuant to California Labor Code sections 2699(a), (f) and (g) plus costs/expenses and attorneys' fees for violation of California Labor Code sections 201, 202, 203, 204, 226(a), 226.7, 510, 512(a), 1174(d), 1194, 1197, 1197.1, 1198, 2800 and 2802; and

2. For such other and further relief as the Court may deem equitable and appropriate.

DATED: December 16, 2020

LAWYERS for JUSTICE, PC

By: 
Edwin Aiwasian
Attorneys for Plaintiff

CM-010

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Edwin Aiwasian (State Bar No. 232943) LAWYERS FOR JUSTICE, PC 410 West Arden Avenue, Suite 203 Glendale, California 91203 TELEPHONE NO.: (818) 265-1020 FAX NO.: (818) 265-1021 ATTORNEY FOR (Name): Plaintiff Osvaldo Martinez		FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES STREET ADDRESS: 275 Magnolia Ave. MAILING ADDRESS: CITY AND ZIP CODE: Long Beach, 90802 BRANCH NAME: Governor George Deukmejian Courthouse		
CASE NAME: Martinez vs. Harvest Pack, Inc.		
CIVIL CASE COVER SHEET ☒ Unlimited (Amount demanded exceeds \$25,000) ☐ Limited (Amount demanded is \$25,000 or less)	Complex Case Designation ☐ Counter ☐ Joinder Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)	

Items 1–6 below must be completed (see instructions on page 2).

1. Check **one** box below for the case type that best describes this case:

Auto Tort ☐ 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)
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2. This case ☐ is ☒ is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:
- | | |
|--|--|
| a. ☐ 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: December 16, 2020

Edwin Aiwasian

(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

Page 1 of 2

INSTRUCTIONS ON HOW TO COMPLETE THE COVER SHEET

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

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

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

CASE TYPES AND EXAMPLES

Auto Tort

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

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

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

Non-PI/PD/WD (Other) Tort

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

Employment

Wrongful Termination (36)
Other Employment (15)

Contract

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

Real Property

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

Unlawful Detainer

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

Judicial Review

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

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

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

Enforcement of Judgment

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

Miscellaneous Civil Complaint

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

Miscellaneous Civil Petition

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

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

This form is required pursuant to Local Rule 2.3 in all new civil case filings in the Los Angeles Superior Court.

Step 1: After completing the Civil Case Cover Sheet (Judicial Council form CM-010), find the exact case type in Column A that corresponds to the case type indicated in the Civil Case Cover Sheet.

Step 2: In Column B, check the box for the type of action that best describes the nature of the case.

Step 3: In Column C, circle the number which explains the reason for the court filing location you have chosen.

Applicable Reasons for Choosing Court Filing Location (Column C)

- | | |
|--|---|
| 1. Class actions must be filed in the Stanley Mosk Courthouse, Central District.
2. Permissive filing in central district.
3. Location where cause of action arose.
4. Mandatory personal injury filing in North District.
5. Location where performance required or defendant resides.
6. Location of property or permanently garaged vehicle. | 7. Location where petitioner resides.
8. Location wherein defendant/respondent functions wholly.
9. Location where one or more of the parties reside.
10. Location of Labor Commissioner Office.
11. Mandatory filing location (Hub Cases – unlawful detainer, limited non-collection, limited collection, or personal injury). |
|--|---|

Auto Tort

Other Personal Injury/Property Damage/Wrongful Death Tort

A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Auto (22)	☐ A7100 Motor Vehicle - Personal Injury/Property Damage/Wrongful Death	1, 4, 11
Uninsured Motorist (46)	☐ A7110 Personal Injury/Property Damage/Wrongful Death – Uninsured Motorist	1, 4, 11
Asbestos (04)	☐ A6070 Asbestos Property Damage ☐ A7221 Asbestos - Personal Injury/Wrongful Death	1, 11 1, 11
Product Liability (24)	☐ A7260 Product Liability (not asbestos or toxic/environmental)	1, 4, 11
Medical Malpractice (45)	☐ A7210 Medical Malpractice - Physicians & Surgeons ☐ A7240 Other Professional Health Care Malpractice	1, 4, 11 1, 4, 11
Other Personal Injury Property Damage Wrongful Death (23)	☐ A7250 Premises Liability (e.g., slip and fall) ☐ A7230 Intentional Bodily Injury/Property Damage/Wrongful Death (e.g., assault, vandalism, etc.) ☐ A7270 Intentional Infliction of Emotional Distress ☐ A7220 Other Personal Injury/Property Damage/Wrongful Death	1, 4, 11 1, 4, 11 1, 4, 11 1, 4, 11

	A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Non-Personal Injury/ Property Damage/ Wrongful Death Tort	Business Tort (07)	☐ A6029 Other Commercial/Business Tort (not fraud/breach of contract)	1, 2, 3
	Civil Rights (08)	☐ A6005 Civil Rights/Discrimination	1, 2, 3
	Defamation (13)	☐ A6010 Defamation (slander/libel)	1, 2, 3
	Fraud (16)	☐ A6013 Fraud (no contract)	1, 2, 3
	Professional Negligence (25)	☐ A6017 Legal Malpractice ☐ A6050 Other Professional Malpractice (not medical or legal)	1, 2, 3 1, 2, 3
	Other (35)	☐ A6025 Other Non-Personal Injury/Property Damage tort	1, 2, 3
Employment	Wrongful Termination (36)	☐ A6037 Wrongful Termination	1, 2, 3
	Other Employment (15)	☒ A6024 Other Employment Complaint Case ☐ A6109 Labor Commissioner Appeals	1, 2, 3 10
Contract	Breach of Contract/ Warranty (06) (not insurance)	☐ A6004 Breach of Rental/Lease Contract (not unlawful detainer or wrongful eviction) ☐ A6008 Contract/Warranty Breach -Seller Plaintiff (no fraud/negligence) ☐ A6019 Negligent Breach of Contract/Warranty (no fraud) ☐ A6028 Other Breach of Contract/Warranty (not fraud or negligence)	2, 5 2, 5 1, 2, 5 1, 2, 5
	Collections (09)	☐ A6002 Collections Case-Seller Plaintiff ☐ A6012 Other Promissory Note/Collections Case ☐ A6034 Collections Case-Purchased Debt (Charged Off Consumer Debt Purchased on or after January 1, 2014)	5, 6, 11 5, 11 5, 6, 11
	Insurance Coverage (18)	☐ A6015 Insurance Coverage (not complex)	1, 2, 5, 8
	Other Contract (37)	☐ A6009 Contractual Fraud ☐ A6031 Tortious Interference ☐ A6027 Other Contract Dispute(not breach/insurance/fraud/negligence)	1, 2, 3, 5 1, 2, 3, 5 1, 2, 3, 8, 9
	Eminent Domain/Inverse Condemnation (14)	☐ A7300 Eminent Domain/Condemnation Number of parcels_____	2, 6
Real Property	Wrongful Eviction (33)	☐ A6023 Wrongful Eviction Case	2, 6
	Other Real Property (26)	☐ A6018 Mortgage Foreclosure ☐ A6032 Quiet Title ☐ A6060 Other Real Property (not eminent domain, landlord/tenant, foreclosure)	2, 6 2, 6 2, 6
	Unlawful Detainer-Commercial (31)	☐ A6021 Unlawful Detainer-Commercial (not drugs or wrongful eviction)	6, 11
Unlawful Detainer	Unlawful Detainer-Residential (32)	☐ A6020 Unlawful Detainer-Residential (not drugs or wrongful eviction)	6, 11
	Unlawful Detainer- Post-Foreclosure (34)	☐ A6020F Unlawful Detainer-Post-Foreclosure	2, 6, 11
	Unlawful Detainer-Drugs (38)	☐ A6022 Unlawful Detainer-Drugs	2, 6, 11

	A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Judicial Review	Asset Forfeiture (05)	☐ A6108 Asset Forfeiture Case	2, 3, 6
	Petition re Arbitration (11)	☐ A6115 Petition to Compel/Confirm/Vacate Arbitration	2, 5
	Writ of Mandate (02)	☐ A6151 Writ - Administrative Mandamus ☐ A6152 Writ - Mandamus on Limited Court Case Matter ☐ A6153 Writ - Other Limited Court Case Review	2, 8 2 2
	Other Judicial Review (39)	☐ A6150 Other Writ /Judicial Review	2, 8
Provisionally Complex Litigation	Antitrust/Trade Regulation (03)	☐ A6003 Antitrust/Trade Regulation	1, 2, 8
	Construction Defect (10)	☐ A6007 Construction Defect	1, 2, 3
	Claims Involving Mass Tort (40)	☐ A6006 Claims Involving Mass Tort	1, 2, 8
	Securities Litigation (28)	☐ A6035 Securities Litigation Case	1, 2, 8
	Toxic Tort Environmental (30)	☐ A6036 Toxic Tort/Environmental	1, 2, 3, 8
	Insurance Coverage Claims from Complex Case (41)	☐ A6014 Insurance Coverage/Subrogation (complex case only)	1, 2, 5, 8
Enforcement of Judgment	Enforcement of Judgment (20)	☐ A6141 Sister State Judgment ☐ A6160 Abstract of Judgment ☐ A6107 Confession of Judgment (non-domestic relations) ☐ A6140 Administrative Agency Award (not unpaid taxes) ☐ A6114 Petition/Certificate for Entry of Judgment on Unpaid Tax ☐ A6112 Other Enforcement of Judgment Case	2, 5, 11 2, 6 2, 9 2, 8 2, 8 2, 8, 9
	RICO (27)	☐ A6033 Racketeering (RICO) Case	1, 2, 8
	Other Complaints (Not Specified Above) (42)	☐ A6030 Declaratory Relief Only ☐ A6040 Injunctive Relief Only (not domestic/harassment) ☐ A6011 Other Commercial Complaint Case (non-tort/non-complex) ☐ A6000 Other Civil Complaint (non-tort/non-complex)	1, 2, 8 2, 8 1, 2, 8 1, 2, 8
	Partnership Corporation Governance (21)	☐ A6113 Partnership and Corporate Governance Case	2, 8
	Other Petitions (Not Specified Above) (43)	☐ A6121 Civil Harassment With Damages ☐ A6123 Workplace Harassment With Damages ☐ A6124 Elder/Dependent Adult Abuse Case With Damages ☐ A6190 Election Contest ☐ A6110 Petition for Change of Name/Change of Gender ☐ A6170 Petition for Relief from Late Claim Law ☐ A6100 Other Civil Petition	2, 3, 9 2, 3, 9 2, 3, 9 2 2, 7 2, 3, 8 2, 9

SHORT TITLE: Martinez vs. Harvest Pack, Inc.

CASE NUMBER

Step 4: Statement of Reason and Address: Check the appropriate boxes for the numbers shown under Column C for the type of action that you have selected. Enter the address which is the basis for the filing location, including zip code. (No address required for class action cases).

REASON: ☐ 1. ☐ 2. ☒ 3. ☐ 4. ☐ 5. ☐ 6. ☐ 7. ☐ 8. ☐ 9. ☐ 10. ☐ 11.			ADDRESS: 1214 W Jon St.
CITY: Torrance	STATE: CA	ZIP CODE: 90502	

Step 5: Certification of Assignment: I certify that this case is properly filed in the South District of the Superior Court of California, County of Los Angeles [Code Civ. Proc., §392 et seq., and Local Rule 2.3(a)(1)(E)].

Dated: December 16, 2020


(SIGNATURE OF ATTORNEY FILING PARTY)

PLEASE HAVE THE FOLLOWING ITEMS COMPLETED AND READY TO BE FILED IN ORDER TO PROPERLY COMMENCE YOUR NEW COURT CASE:

1. Original Complaint or Petition.
2. If filing a Complaint, a completed Summons form for issuance by the Clerk.
3. Civil Case Cover Sheet, Judicial Council form CM-010.
4. Civil Case Cover Sheet Addendum and Statement of Location form, LACIV 109, LASC Approved 03-04 (Rev. 02/16).
5. Payment in full of the filing fee, unless there is court order for waiver, partial or scheduled payments.
6. A signed order appointing the Guardian ad Litem, Judicial Council form CIV-010, if the plaintiff or petitioner is a minor under 18 years of age will be required by Court in order to issue a summons.
7. Additional copies of documents to be conformed by the Clerk. Copies of the cover sheet and this addendum must be served along with the summons and complaint, or other initiating pleading in the case.

SUPERIOR COURT OF CALIFORNIA COUNTY OF LOS ANGELES		Reserved for Clerk's File Stamp FILED Superior Court of California County of Los Angeles 12/16/2020 Sherri R. Carter, Executive Officer / Clerk of Court By: <u>J. Ballesteros</u> Deputy
COURTHOUSE ADDRESS: Governor George Deukmejian Courthouse 275 Magnolia Ave, Long Beach, CA 90802		
NOTICE OF CASE ASSIGNMENT UNLIMITED CIVIL CASE		
Your case is assigned for all purposes to the judicial officer indicated below.		CASE NUMBER: 20LBCV00545

THIS FORM IS TO BE SERVED WITH THE SUMMONS AND COMPLAINT

	ASSIGNED JUDGE	DEPT	ROOM		ASSIGNED JUDGE	DEPT	ROOM
✓	Michael P. Vicencia	S26					

Given to the Plaintiff/Cross-Complainant/Attorney of Record

Sherri R. Carter, Executive Officer / Clerk of Court

on 12/17/2020
(Date)

By J. Ballesteros, Deputy Clerk

INSTRUCTIONS FOR HANDLING UNLIMITED CIVIL CASES

The following critical provisions of the California Rules of Court, Title 3, Division 7, as applicable in the Superior Court, are summarized for your assistance.

APPLICATION

The Division 7 Rules were effective January 1, 2007. They apply to all general civil cases.

PRIORITY OVER OTHER RULES

The Division 7 Rules shall have priority over all other Local Rules to the extent the others are inconsistent.

CHALLENGE TO ASSIGNED JUDGE

A challenge under Code of Civil Procedure Section 170.6 must be made within **15** days after notice of assignment for all purposes to a judge, or if a party has not yet appeared, within 15 days of the first appearance.

TIME STANDARDS

Cases assigned to the Independent Calendaring Courts will be subject to processing under the following time standards:

COMPLAINTS

All complaints shall be served within 60 days of filing and proof of service shall be filed within 90 days.

CROSS-COMPLAINTS

Without leave of court first being obtained, no cross-complaint may be filed by any party after their answer is filed. Cross-complaints shall be served within 30 days of the filing date and a proof of service filed within 60 days of the filing date.

STATUS CONFERENCE

A status conference will be scheduled by the assigned Independent Calendar Judge no later than 270 days after the filing of the complaint. Counsel must be fully prepared to discuss the following issues: alternative dispute resolution, bifurcation, settlement, trial date, and expert witnesses.

FINAL STATUS CONFERENCE

The Court will require the parties to attend a final status conference not more than 10 days before the scheduled trial date. All parties shall have motions in limine, bifurcation motions, statements of major evidentiary issues, dispositive motions, requested form jury instructions, special jury instructions, and special jury verdicts timely filed and served prior to the conference. These matters may be heard and resolved at this conference. At least five days before this conference, counsel must also have exchanged lists of exhibits and witnesses, and have submitted to the court a brief statement of the case to be read to the jury panel as required by Chapter Three of the Los Angeles Superior Court Rules.

SANCTIONS

The court will impose appropriate sanctions for the failure or refusal to comply with Chapter Three Rules, orders made by the Court, and time standards or deadlines established by the Court or by the Chapter Three Rules. Such sanctions may be on a party, or if appropriate, on counsel for a party.

This is not a complete delineation of the Division 7 or Chapter Three Rules, and adherence only to the above provisions is therefore not a guarantee against the imposition of sanctions under Trial Court Delay Reduction. Careful reading and compliance with the actual Chapter Rules is imperative.

Class Actions

Pursuant to Local Rule 2.3, all class actions shall be filed at the Stanley Mosk Courthouse and are randomly assigned to a complex judge at the designated complex courthouse. If the case is found not to be a class action it will be returned to an Independent Calendar Courtroom for all purposes.

***Provisionally Complex Cases**

Cases filed as provisionally complex are initially assigned to the Supervising Judge of complex litigation for determination of complex status. If the case is deemed to be complex within the meaning of California Rules of Court 3.400 et seq., it will be randomly assigned to a complex judge at the designated complex courthouse. If the case is found not to be complex, it will be returned to an Independent Calendar Courtroom for all purposes.

20LBCV00545

SUM-100

SUMMONS (CITACION JUDICIAL)

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

NOTICE TO DEFENDANT: (AVISO AL DEMANDADO):

HARVEST PACK, INC., a California corporation; and DOES 1 through 100, inclusive,

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

OSVALDO MARTINEZ, individually, and on behalf of other aggrieved employees pursuant to the California Private Attorneys General Act;

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): Superior Court of the State of California

County of Los Angeles - Governor George Deukmejian Courthouse

275 Magnolia Ave., Long Beach, California 90802

CASE NUMBER:
(Número del Caso):

20LBCV00545

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):

Edwin Aiwarzian, 410 Arden Ave., Suite 203, Glendale, CA 91203; Telephone (818) 265-1020

Sherri R. Carter Executive Officer / Clerk of Court

Clerk, by

(Secretario)

J. Ballesteros

, Deputy

(Adjunto)

DATE: 12/16/2020
(Fecha)

(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]



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):

under: ☐ CCP 416.10 (corporation)

☐ CCP 416.20 (defunct corporation)

☐ CCP 416.40 (association or partnership)

☐ other (specify):

☐ CCP 416.60 (minor)

☐ CCP 416.70 (conservatee)

☐ CCP 416.90 (authorized person)

- ☐ by personal delivery on (date):

FILED
 Superior Court of California
 County of Los Angeles

NOV 05 2018

Sherri R. Carter, Executive Officer/Clerk

By Rizalinda Mina, Deputy

SUPERIOR COURT OF THE STATE OF CALIFORNIA
 FOR THE COUNTY OF LOS ANGELES

MANDATORY ELECTRONIC FILING FOR CIVIL	)	GENERAL ORDER RE MANDATORY ELECTRONIC FILING FOR CIVIL
	)	
	)	
	)	
	)	

The Los Angeles County Superior Court will mandate electronic filing of all documents filed in the Limited and Unlimited Civil Divisions by litigants represented by attorneys. (California Rules of Court, rule 2.253(b).) The effective date for voluntary electronic filing is November 13, 2018 for Limited and December 3, 2018 for Unlimited Civil. The effective date for mandatory electronic filing is December 3, 2018 for Limited Civil, and January 2, 2019 for Complex and non-Complex Unlimited Civil. All electronically filed Civil documents are subject to the following:

a) Definitions

- 1) **“Bookmark”** A bookmark is a PDF document navigational tool that allows the reader to quickly locate and navigate to a designated point of interest within a document.
- 2) **“Efiling Portal”** The official court website includes a webpage, referred to as the efiling portal, gives litigants access to the approved Electronic Filing Service Providers.
- 3) **“Electronic Envelope”** A transaction through the electronic service provider for submission of documents to the Court for processing which may contain one or more PDF documents attached.
- 4) **“Electronic Filing”** Electronic Filing (efiling) is the electronic transmission to a Court of a document in electronic form. (California Rules of Court, rule 2.250 (b)(7).)

- 1 5) **“Electronic Filing Service Provider”** An Electronic Filing Service Provider (EFSP) is a
 2 person or entity that receives an electronic filing from a party for retransmission to the Court.
 3 In the submission of filings, the Electronic Filing Service Provider does so on behalf of the
 4 electronic filer and not as an agent of the Court. (California Rules of Court, rule 2.250(b)(8).)
- 5 6) **“Electronic Signature”** For purposes of these local rules and in conformity with Code of
 6 Civil Procedure section 17, subdivision (b)(3), section 34, and section 1010.6, subdivision
 7 (b)(2), Government Code section 68150, subdivision (g), and California Rules of Court, rule
 8 2.257, the term “Electronic Signature” is generally defined as an electronic sound, symbol,
 9 or process attached to or logically associated with an electronic record and executed or
 10 adopted by a person with the intent to sign the electronic record.
- 11 7) **“Hyperlink”** An electronic link providing direct access from one distinctively marked place
 12 in a hypertext or hypermedia document to another in the same or a different document.
- 13 8) **“Portable Document Format”** (PDF) signifies a digital document format that preserves all
 14 fonts, formatting, colors and graphics of the original source document, regardless of the
 15 application platform used.

16 **b) *Mandatory Electronic Filing***

17 1) Represented Litigants

18 Pursuant to California Rules of Court, rule 2.253(b), represented litigants will be required to
 19 electronically file documents with the Court through an approved Electronic Filing Service
 20 Provider.

21 2) Public Notice

22 The Court will issue a Public Notice with effective dates the Court requires parties to
 23 electronically file documents through one or more approved Electronic Filing Service
 24 Providers. Public Notices containing effective dates and the list of Electronic Filing Service
 25 Providers shall be available on the Court’s website, at www.lacourt.org.

26 3) Exempt Litigants

27 A. Pursuant to California Rules of Court, rule 2.253(b)(2), self-represented litigants are
 28 exempt from mandatory Electronic Filing requirements.

1 B. Pursuant to Code of Civil Procedure section 1010.6, subdivision (d)(1)(C), and
2 California Rules of Court, rule 2.253(b)(4), any party may make application to the
3 Court requesting to be excused from filing documents electronically and be permitted
4 to file documents by conventional means if the party shows undue hardship or
5 significant prejudice.

6 4) Exempt Filings

7 A. The following documents shall not be filed electronically:

- 8 i. Peremptory Challenges or Challenges for Cause of a Judicial Officer;
- 9 ii. Bonds/Undertaking documents; and
- 10 iii. Trial and Evidentiary Hearing Exhibits.

11 5) Documents in Related Cases

12 A. Documents in related cases must be electronically filed in the efilings portal for that
13 case type regardless of whether the case has been related to a Civil case.

14 6) Lodgments

15 A. Documents attached to a Notice of Lodgment shall be lodged and/or served
16 conventionally in paper form. The actual document entitled "Notice of Lodgment"
17 shall be filed electronically.

18 **c) *Electronic Filing System Working Procedures***

19 1) Electronic Filing Service Providers

20 Electronic Filing Service Providers must obtain and manage registration information for
21 persons and entities electronically filing documents with the Court.

22 2) Technical Requirements

23 A. Documents must be electronically filed in PDF, text searchable format.

24 B. Declarations, Proofs of Service, and Exhibits to documents must be text searchable
25 when technologically feasible without impairment of the document's image and must
26 be bookmarked within the document pursuant to California Rules of Court, rule
27 3.1110(f)(4).
28

C. Digital documents containing exhibits must comply with California Rules of Court, rule 3.1110(f)(4).

D. Attachments to primary documents shall be bookmarked. Examples include but are not limited to the following:

- i. Depositions;
- ii. Declarations;
- iii. Exhibits (including exhibits to declarations);
- iv. Transcripts (including excerpts within transcripts);
- v. Points and Authorities;
- vi. Citations; and
- vii. Supporting Briefs.

E. Use of hyperlinks within documents (including attachments and exhibits) is strongly encouraged.

3) Accompanying Documents

All documents accompanying a single pleading or law and motion item must be electronically filed as separate digital PDF documents.

4) Multiple Documents

Multiple documents relating to one case can be uploaded in one envelope transaction.

5) Writs and Abstracts

Writs and Abstracts must be submitted as a separate electronic envelope.

6) Sealed Documents

Sealed and conditionally under seal documents pursuant to California Rules of Court, rule 2.551, et seq., shall be filed electronically; the burden of accurately designating the documents as sealed or conditionally under seal at the time of submission is the submitting party's responsibility.

7) Redaction

Pursuant to California Rules of Court, rule 1.201, it is the submitting party's responsibility to redact confidential information (such as using initials for names of minors, using the last

four digits of a social security number, and using the year for date of birth) so that the information shall not be publicly displayed.

d) *Electronic Filing Schedule*

1) Trial Court Records

Pursuant to Government Code section 68150, trial court records may be created, maintained, and preserved in electronic format. Any document that the Court receives electronically must be clerically processed and must satisfy all legal filing requirements in order to be filed as an official court record. (California Rules of Court, rules 2.100, et seq. and 2.253(b)(6)).

2) Filed Date

A. Any document received electronically before midnight on a court day is deemed to have been effectively filed on that court day if accepted for filing, and any document received electronically after midnight is deemed to have been effectively filed on the next court day. (California Rules of Court, rule 2.253(b)(7).)

B. Notwithstanding any other provision of this order, if a digital document is not filed in due course because of: (1) an interruption in service; (2) a transmission error that is not the fault of the transmitter; (3) a processing failure that occurs after receipt, the Court may order, either on its own motion or by noticed motion submitted with a declaration for Court consideration, that the document be deemed filed and/or that the document's filing date conform to the attempted transmission date.

3) Ex Parte Applications

Ex parte applications and all documents in support thereof must be electronically filed no later than 10:00 a.m. the court day before the ex parte hearing. Any written opposition to an ex parte application shall be electronically filed by 8:30 a.m. the day of the ex parte hearing. If written opposition is electronically filed after 4:00 p.m. the court day before, a printed courtesy copy is required.

4) Printed Courtesy Copies

Courtesy copies for filings with a hearing date of two days or less shall be delivered to the courtroom by 4:30 p.m. the same business day if the electronic filing is submitted with the

1 court prior to that time. If submitted after 4:30 p.m., the courtesy copy shall be delivered to
 2 the courtroom by 10 a.m. the next business day.

3 Regardless of the time of electronic filing, a printed courtesy copy (along with proof of electronic
 4 submission) is required for the following documents:

- 5 A. Any printed document required pursuant to a Standing or General Order;
- 6 B. Pleadings and motions (including attachments such as declarations and exhibits)
 7 of 26 pages or more;
- 8 C. Pleadings and motions that include points and authorities;
- 9 D. Demurrers;
- 10 E. Anti-SLAPP filings, pursuant to Code Civ. Proc., § 425.16;
- 11 F. Motions for Summary Judgment/Adjudication; and
- 12 G. Motions to Compel Further Discovery.

13 5) Courtroom Guidelines

14 Nothing in this General Order precludes a Judicial Officer from requesting a courtesy copy
 15 of additional documents. Courtroom specific courtesy copy guidelines can be found at
 16 www.lacourt.org on the Civil webpage under “Courtroom Information.”

17 e) *Waiver of Fees and Costs for Electronically Filed Documents*

18 1) Fees and Costs

19 Fees and costs associated with Electronic Filing must be waived for any litigant who has
 20 received a fee waiver. (California Rules of Court, rules 2.253(b)(6), 2.258(b).)

21 2) Fee Waivers

22 Pursuant to Code of Civil Procedure section 1010.6, subdivision (b)(6), and California
 23 Rules of Court, rule 2.252(f), applications for waiver of court fees and costs may be
 24 electronically filed in any authorized action or proceeding.

25 f) *Signatures on Electronic Filings*

26 1) Signatures

27 For purposes of these local rules all Electronic Filings shall be in compliance with California
 28 Rules of Court, rule 2.257.

1 This General Order applies to documents filed within the Civil Division of the Los Angeles
2 County Superior Court. This General Order is to remain in effect until otherwise ordered by the
3 Presiding Judge.

4
5
6 DATED: November 5, 2018



Daniel J. Buckley

DANIEL J. BUCKLEY
Presiding Judge



Superior Court of California, County of Los Angeles

ALTERNATIVE DISPUTE RESOLUTION (ADR) INFORMATION PACKAGE

THE PLAINTIFF MUST SERVE THIS ADR INFORMATION PACKAGE ON EACH PARTY WITH THE COMPLAINT.

CROSS-COMPLAINANTS must serve this ADR information Package on any new parties named to the action with the cross-complaint.

What is ADR?

ADR helps people find solutions to their legal disputes without going to trial. The main types of ADR are negotiation, mediation, arbitration and settlement conferences. When ADR is done by phone or computer, it may be called Online Dispute Resolution (ODR). These “alternatives” to litigation and trial are described below.

Advantages of ADR

- **Saves Time:** ADR is faster than going to trial.
- **Saves Money:** Parties can save on court costs, attorney’s fees and witness fees.
- **Keeps Control** with the parties: Parties choose their ADR process and provider for voluntary ADR.
- **Reduces stress/protects privacy:** ADR is done outside the courtroom, in private offices, by phone or online.

Disadvantages of ADR

- **Costs:** If the parties do not resolve their dispute, they may have to pay for ADR and litigation and trial.
- **No Public Trial:** ADR does not provide a public trial or a decision by a judge or jury.

Main Types of ADR:

1. **Negotiation:** Parties often talk with each other in person, or by phone or online about resolving their case with a settlement agreement instead of a trial. If the parties have lawyers, they will negotiate for their clients.
2. **Mediation:** In mediation, a neutral “mediator” listens to each person’s concerns, helps them evaluate the strengths and weaknesses of their case, and works with them to try to create a settlement agreement that is acceptable to all. Mediators do not decide the outcome. Parties may go to trial if they decide not to settle.

Mediation may be appropriate when the parties

- want to work out a solution but need help from a neutral person.
- have communication problems or strong emotions that interfere with resolution.

Mediation may not be appropriate when the parties

- want a public trial and want a judge or jury to decide the outcome.
- lack equal bargaining power or have a history of physical/emotional abuse.

How to arrange mediation in Los Angeles County

Mediation for civil cases is voluntary and parties may select any mediator they wish. Options include:

a. The Civil Mediation Vendor Resource List

Parties may contact these organizations to request a “Resource List Mediation” for reduced-cost or free (for selected cases) mediation in person or with ODR (by phone or online).

- JAMS, Inc.: Case Manager (213) 253-9776 mdawson@jamsadr.com
- Mediation Center of Los Angeles: Case Manager: (833) 476-9145 info@mediationLA.org

These organizations cannot accept every case and they may decline cases at their discretion.

Visit www.lacourt.org/ADR.Res.List for important information and FAQs before contacting them.

NOTE: This service is not available for family law, probate or small claims.

b. Los Angeles County Dispute Resolution Programs

<https://wdacs.lacounty.gov/programs/drp/>

- Free, day- of- trial mediations at the courthouse for small claims, unlawful detainers (evictions) and, at the Stanley Mosk Courthouse, limited civil. No appointment needed.
- Free or low-cost mediations before the day of trial for these and other case types.
- For ODR by phone or computer for small claims or unlawful detainer (eviction) cases before the day of trial, visit

<http://www.lacourt.org/division/smallclaims/pdf/OnlineDisputeResolutionFlyer-EngSpan.pdf>

c. Mediators and ADR and Bar organizations that provide mediation may be found on the internet.

3. **Arbitration:** Arbitration is less formal than trial, but like trial, the parties present evidence and arguments to the person who decides the outcome. In “binding” arbitration, the arbitrator’s decision is final; there is no right to trial. In “nonbinding” arbitration, any party can request a trial after the arbitrator’s decision. For more information about arbitration, visit <http://www.courts.ca.gov/programs-adr.htm>
4. **Mandatory Settlement Conferences (MSC):** MSCs are ordered by the Court and are often held close to the trial date. The parties and their attorneys meet with a judge or settlement officer who does not make a decision but assists the parties in evaluating the strengths and weaknesses of the case and in negotiating a settlement. For information about the Court’s MSC programs for civil cases, visit: www.lacourt.org/division/civil/settlement

Los Angeles Superior Court ADR website: www.lacourt.org/division/civil/settlement

For general information and videos about ADR, visit <http://www.courts.ca.gov/programs-adr.htm>

Superior Court of California
County of Los Angeles

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Receipt EFM-2020-2709178.1

Date: 12/17/20 10:33 AM
Time: 12/17/20 10:33 AM

CASE # 20LBCV00545
OSVALDO MARTINEZ vs HARVEST PACK,

Unlimited Civil- Compt/UD/Pet filed >25k - GC70611,70602.5,70602.6	435.00
Court Transaction Fee	2.25
Case Total:	<u>437.25</u>

Total Paid: 437.25

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