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FILED
 Superior Court of California
 County of Los Angeles

06/01/2022

Sherri R. Carter, Executive Officer / Clerk of Court

By: A. Barton Deputy

Attorney for Plaintiff, MALENA GURCINAS NICOLINI

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

MALENA GURCINAS NICOLINI, as an
 individual,

Plaintiff,

vs.

EGL PROPERTIES, INCORPORATED, a
 California corporation; and DOES 1 through
 100, inclusive,

Defendants.

CASE NO: 22STCV00372

[Assigned for All Purposes to the Hon. Monica
 Bachner, Dept. 71]

**FIRST AMENDED UNLIMITED
 COMPLAINT FOR:**

1. **VIOLATION OF LABOR CODE
 SECTION 233 [Labor Code §233];**
2. **VIOLATION OF LABOR CODE
 SECTIONS 1102.5; [Labor Code
 §1102.5]**
3. **VIOLATION OF LABOR CODE
 SECTION 98.6; [Labor Code §98.6]**
4. **VIOLATION OF LABOR CODE
 SECTIONS 226; [Labor Code §226]**
5. **CIVIL PAGA PENALTIES [Labor
 Code §2698]**

DEMAND FOR JURY TRIAL

1 Plaintiff MALENA GURCINAS NICOLINI (hereinafter “Plaintiff), as an individual,
2 alleges as follows:

3 **PARTIES, VENUE, AND JURISDICTION**

4 1. Plaintiff is an individual residing and domiciled in the State of California, and in the
5 County of Los Angeles.

6 2. Defendant EGL PROPERTIES, INCORPORATED, is a California corporation duly
7 licensed to conduct business as well as domiciled in the State of California. This entity along
8 with Does 1 through 50 shall be referred to as “EGL” or “Defendant” or “DEFENDANT.”)
9 Plaintiff is unaware of the names and capacities of those entity defendants sued as DOES 1
10 through 50 but will amend this complaint when that information becomes known.

11 3. Plaintiff is unaware of the names and capacities of other individual defendants who
12 may have also engaged in violations against Plaintiff, and who are hereby sued as DOES 51
13 through 100. Plaintiff will amend this complaint when that information becomes known.

14 4. Plaintiff is informed and believes and thereon alleges that, at all relevant times, each
15 of the defendants, including the DOE defendants, was the officer, director, employee, agent,
16 representative, alter ego, or co-conspirator of each of the other defendants, and in engaging in the
17 conduct alleged herein, was acting in the course and scope of, and in furtherance of, such
18 relationship. Plaintiff is informed and believes, and thereon alleges that each of the fictitiously
19 named Defendants is responsible for the alleged occurrences and injuries to Plaintiff. Plaintiff
20 further is informed and believes, and based thereon alleges, that each Defendant acted in all
21 respects pertinent to this action as the agent of the other Defendants, carried out a joint scheme,
22 business plan or policy in all respects pertinent hereto, and the acts of each of the Defendants are
23 legally attributable to the other Defendants. Plaintiff is informed and believes, and based thereon
24 alleges, that each of the Defendants was the agent, servant, and employee of each of the other Co-
25 Defendants, and in doing the things alleged, acted in the course and scope of such agency and
26 employment. Plaintiff now amends and does in Michal Vaakil, previously sued as Doe 51.

27 5. This court possesses original subject matter jurisdiction over this matter because the
28 amount at issue is within the jurisdictional limits of the Superior Court of the State of California.

1 6. This court has personal jurisdiction over the Defendants because they either are
2 residents of the State of California, transact a substantial amount of business in the State of
3 California, and/or have transacted substantial business in the State of California related to the
4 subject matter of this action.

5 7. Venue is proper under California Government Code section 12965(b) and California
6 Code of Civil Procedure section 395 because one or more of the Defendants reside, can be found
7 in, or engaged in wrongful acts related to the subject matter of this action, and otherwise
8 conducted or are conducting business in the County of Los Angeles. Plaintiff is ignorant of the
9 true names and capacities of Corporate Defendants sued herein as DOES 1 through 50, inclusive,
10 and therefore sues these Defendants by such fictitious names. Plaintiff is ignorant of the true
11 names and capacities of individual Defendants sued herein as DOES 51 through 100, inclusive,
12 and therefore sues these Defendants by such fictitious names. Plaintiff will amend this complaint
13 to allege their true names and capacities when ascertained. Plaintiff is informed and believes, and
14 thereon alleges that each of the fictitiously named Defendants is responsible for the alleged
15 occurrences and injuries to Plaintiff.

16 8. The Court has subject matter jurisdiction because the potential amount of damages
17 and civil penalties are within the jurisdictional amounts of the Superior Court of California.

18 9. The Court has personal jurisdiction over the Defendants as they are either domiciled
19 residents of the State of California, or transact a substantial portion of their business within the
20 State of California. Corporate Defendants, and each of them, have transacted extensive business
21 in California related to the subject matter of this action.

22 10. Venue is proper under California Code of Civil Procedure Section 395 because one
23 or more of the Defendants reside in the County of Los Angeles.

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12. On or about in March of 2021, Plaintiff requested sick leave. Plaintiff was criticized for taking this sick leave, and in fact, was not properly paid for the sick leave despite her request. Plaintiff complained and protested Defendant's attempt to punish her and/or discourage her for using sick leave. Rather than accommodate her need for sick leave, Plaintiff was unlawfully terminated on pretextual grounds because Defendants did not want to accommodate Plaintiff's need and use of sick leave, including but not limited to possible future use of sick leave.

VIOLATION OF LABOR CODE §233

13. The allegations set forth in paragraphs 1 through 12 are re-alleged and incorporated herein by reference. Plaintiff's employment was terminated in violation of California Labor Code section 233, which permits an employee to take sick leave for himself or herself. Because Plaintiff exercised her rights to take sick leave and was even denied payment for the use of sick leave, Defendant unlawfully retaliated against, discriminated against, and wrongfully terminated Plaintiff in violation of Labor Code Section 233.

15. That as a proximate result of the acts of Defendants, and each of them, as described above, Plaintiff has suffered and will continue to suffer economic damages, including lost wages, lost benefits, loss of promotional opportunity, and other compensatory damages in an amount to be ascertained at the time of trial.

16. That as a proximate result of the acts of Defendants, and each of them, Plaintiff suffered and continues to suffer humiliation, emotional, mental and physical distress, anxiety,

1 nervousness, stress and has been generally damaged in an amount to be ascertained at the time of
2 trial.

3 17. That as a direct and proximate result of the conduct of Defendants, and each of
4 them, Plaintiff was forced to incur substantial costs and attorney's fees.

5 18. That the acts of Defendants, and each of them, which were carried out by
6 managing agents, were intentional, willful and malicious and done in conscious disregard of
7 Plaintiff's rights, safety and well-being and with the intent to vex, injure and annoy Plaintiff, as
8 such Plaintiff requests that exemplary and punitive damages be assessed against each of these
9 Defendants in an amount sufficient to punish said Defendants and to deter others from engaging
10 in similar conduct.

11 19. Plaintiff also seeks her attorney's fees as permitted by Labor Code Section 233.

12 **SECOND CAUSE OF ACTION:**

13 **VIOLATION OF LABOR CODE §1102.5**

14 (By Plaintiff As Against EGL PROPERTIES, INCORPORATED and Does 1-50)

15 20. The allegations set forth in paragraphs 1 through 19 are re-alleged and
16 incorporated herein by reference.

17 21. Plaintiff's employment was terminated in violation of California Labor Code
18 section 1102.5 et seq. because Plaintiff opposed unlawful discrimination and disparate treatment,
19 in addition to protesting disparate treatment as it pertained to the application of Defendants' own
20 policies and procedures during the course of employment. Plaintiff also protested the denial of
21 her sick leave as permitted by Labor Code Sections 233 and 246.5.

22 23. Defendants' conduct as alleged above constituted unlawful retaliation in
23 employment on account of Plaintiff's protected activity in violation of California Labor Code
24 section 1102.5 et seq.

25 24. That as a proximate result of the acts of defendants, and each of them, as
26 described above, Plaintiff has suffered and will continue to suffer economic damages, including
27 lost wages, lost benefits, loss of promotional opportunity, and other compensatory damages in an
28 amount to be ascertained at the time of trial.

1 25. That as a proximate result of the acts of defendants, and each of them, Plaintiff
2 suffered and continues to suffer humiliation, emotional, mental and physical distress, anxiety,
3 nervousness, stress and has been generally damaged in an amount to be ascertained at the time of
4 trial.

5 26. That as a direct and proximate result of the conduct of defendants, and each of
6 them, Plaintiff was forced to incur substantial costs and attorney's fees.

7 27. That the acts of defendants, and each of them, which were carried out by
8 managing agents, were intentional, willful and malicious and done in conscious disregard of
9 Plaintiff's rights, safety and well-being and with the intent to vex, injure and annoy Plaintiff, as
10 such Plaintiff requests that exemplary and punitive damages be assessed against each of these
11 defendants in an amount sufficient to punish said Defendants and to deter others from engaging
12 in similar conduct.

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14 28. Plaintiff seeks any and all damages, statutory penalties, attorney's fees, and
15 costs.

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17 **THIRD CAUSE OF ACTION**

18 **VIOLATION OF LABOR CODE §98.6**

19 (By Plaintiff As Against EGL PROPERTIES, INCORPORATED and Does 1-50)

20 29. The allegations set forth in paragraphs 1 through 28 are re-alleged and
21 incorporated herein by reference.

22 30. Plaintiff's employment was terminated in violation of California Labor Code
23 section 98.6, which reads: "(a) A person shall not discharge an employee or in any manner
24 discriminate, retaliate, or take any adverse action against any employee or applicant for
25 employment because the employee or applicant engaged in any conduct delineated in this
26 chapter, including the conduct described in subdivision (k) of Section 96, and Chapter 5
27 (commencing with Section 1101) of Part 3 of Division 2, or because the employee or applicant
28 for employment has filed a bona fide complaint or claim or instituted or caused to be instituted

1 any proceeding under or relating to his or her rights that are under the jurisdiction of the Labor
2 Commissioner, made a written or oral complaint that he or she is owed unpaid wages, or because
3 the employee has initiated any action or notice pursuant to Section 2699, or has testified or is
4 about to testify in a proceeding pursuant to that section, or because of the exercise by the
5 employee or applicant for employment on behalf of himself, herself, or others of any rights
6 afforded him or her.”

7 31. Defendants’ conduct as alleged above, and as throughout this complaint,
8 including but not limited to discriminating and retaliating against Plaintiff for her exercise of sick
9 leave and complaints about the denial of sick leave in employment on account of Plaintiff’s
10 protected activity in violation of California Labor Code section 98.6 *et seq.*

11 32. That as a proximate result of the acts of defendants, and each of them, as
12 described above, Plaintiff has suffered and will continue to suffer economic damages, including
13 lost wages, lost benefits, loss of promotional opportunity, and other compensatory damages in an
14 amount to be ascertained at the time of trial.

15 33. That as a proximate result of the acts of defendants, and each of them, Plaintiff
16 suffered and continues to suffer humiliation, emotional, mental and physical distress, anxiety,
17 nervousness, stress and has been generally damaged in an amount to be ascertained at the time of
18 trial.

19 34. That as a direct and proximate result of the conduct of defendants, and each of
20 them, Plaintiff was forced to incur substantial costs and attorney’s fees.

21 35. That the acts of defendants, and each of them, which were carried out by
22 managing agents, were intentional, willful and malicious and done in conscious disregard of
23 Plaintiff’s rights, safety and well-being and with the intent to vex, injure and annoy Plaintiff, as
24 such Plaintiff requests that exemplary and punitive damages be assessed against each of these
25 defendants in an amount sufficient to punish said Defendants and to deter others from engaging
26 in similar conduct.

27 36. In addition, Plaintiff seeks any and all statutory penalties, as well as damages.

28 ///

1 **FOURTH CAUSE OF ACTION**

2 **VIOLATION OF LABOR CODE SECTION 226**

3 (California Labor Code §§226 and 2698 ET SEQ.)

4 (By Plaintiff As Against EGL PROPERTIES, INCORPORATED and Does 1-
5 50)

6 37. Plaintiff incorporates paragraphs 1 through 36 of this complaint as if fully
7 alleged herein. During the period preceding the filing of the initial complaint in this action,
8 Defendants violated Labor Code sections 226. These violations subject Employer to civil
9 penalties as set forth in (1) the foregoing statute.

10 38. Specifically, Defendants have committed the following violations of California
11 Labor Code:

12 39. A. Record Violations: Plaintiff, by and through her attorney, requested the
13 time records required to be maintained by the employer, pursuant to Labor Code Section 226,
14 to be turned over in accordance to the twenty-one day period. Notwithstanding, Defendants
15 failed to provide or provide access to the records as required by subdivisions f and c of Labor
16 Code section 226.

17 40. Plaintiff is thus entitled to statutory civil penalties, in addition to attorney's
18 fees and costs.

19 **FIFTH CAUSE OF ACTION FOR CIVIL PENALTIES FOR LABOR**
20 **CODE VIOLATIONS PURSUANT TO THE PRIVATE ATTORNEYS GENERAL**

21 **ACT OF 2004 (California Labor Code §§2698 et seq.)**

22 (By Plaintiff, on behalf of herself and all aggrieved employees, against All Defendants
23 and DOES 1 through 100)

24 41. Plaintiffs incorporate paragraphs 1 through 40 of this complaint as if fully
25 alleged herein. During the the statute of limitations' period preceding the filing of the initial
26 complaint in this action, Plaintiff alleges on behalf of herself and all others—on information
27 and belief—that Defendants violated Labor Code sections 98.6, 1102.5, 201, 202, 203, 204,
28 210, 226, 226.3, 226.6, 233, 246.5, 256, 510, 558, 558.1, 1174, 1174.5, 1194, 1194.2, 1197,

1 1197.1, 1198, 1199, 2802, and all applicable Wage Orders, including but not limited to Order
2 nos. 5. As to Mr. Vaakil, Plaintiff is only pursuing PAGA civil penalties against him for
3 violations of Labor Code Section 226.6, 1197.1, 558, and 558.1 only.

4 42. The violations described and flow from both the allegations in the operative
5 PAGA notice and the aforementioned statutes, and Defendants thus violated all of the
6 aforementioned labor code violations. These violations subject Employer and individuals to
7 civil penalties as set forth in (1) the foregoing statutes to the extent that they are specified and
8 contained therein, which Plaintiff will be seeking on his own behalf and on the behalf of all
9 aggrieved employees; or to (2) other PAGA relief. To the extent that that the statutes do not
10 provide for PAGA civil penalties or PAGA available relief, then Plaintiff will seek the default
11 PAGA penalties for each of the preceding statutory violations in accordance with Labor Code
12 Section 2699(f) for himself and for all aggrieved employees, as well as the LWDA.

13 43. Pursuant to Labor Code section 2699(g), Plaintiff is entitled to an award of
14 reasonable attorney's fees and costs in connection with his claims for civil penalties. Plaintiff
15 exhausted all of her administrative remedies on or about March 22, 2022 in accordance to the
16 PAGA statutes and never heard from the LWDA or Defendants about the violations.

17 **WHEREFORE,** Plaintiff prays for judgment as against Defendants, and each of them, as
18 follows:

19 **AS TO ALL CAUSES OF ACTION:**

- 20 1. For general damages against Defendants according to proof;
 - 21 2. For special damages against Defendants according to proof;
 - 22 3. For exemplary and punitive damages according to proof;
 - 23 4. For costs of suit incurred herein;
 - 24 5. For pre-judgment and post-judgment interest;
 - 25 6. For declaratory and injunctive relief; and
 - 26 7. For such other and further relief as the court deems just and proper.
- 27
28

1 **ON THE FIRST AND SECOND CAUSES OF ACTION**

2 (By Plaintiff As Against EGL PROPERTIES, INCORPORATED and Does 1-50)

- 3 1. For reasonable attorney's fees according to proof and as permitted by statute; and
4 2. For declaratory and injunctive relief, including but not limited to reinstatement.

5 **ON THE THIRD CAUSE OF ACTION**

6 (By Plaintiff As Against EGL PROPERTIES, INCORPORATED and Does 1-50)

- 7 1. For declaratory and injunctive relief, including but not limited to reinstatement.

8 **ON THE FOURTH AND FIFTH CAUSE OF ACTION**

9 (As Against All Defendants and Does 1-50)

- 10 1. For statutory and civil penalties and damages as provided by statute;
11 2. For reasonable attorney's fees according to proof and as permitted by statute; and
12 3. For declaratory and injunctive relief, including but not limited to reinstatement,
13 and restitution.

14 Dated: May 27, 2022

LAW OFFICE OF ALFREDO NAVA JR.

15
16 
17 By: _____

18 ALFREDO NAVA
19 Attorneys for Plaintiff

20 **DEMAND FOR JURY TRIAL**

21 Plaintiff hereby demands a trial by jury of the causes of action and claims asserted herein.

22 Dated: May 27, 2022

LAW OFFICE OF ALFREDO NAVA JR.

23
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25 By: _____

26 ALFREDO NAVA
27 Attorneys for Plaintiff

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PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am an employee in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the action; my business address is 3500 West Beverly Blvd., Montebello, CA 90640.

On June 1, 2022 I served the foregoing documents, described as

- 1. FIRST AMENDED UNLIMITED COMPLAINT;**
2. DOE AMENDMENT

on all interested parties in this action by electronic service as follows:

<i>Attorney for Defendant EGL Properties Incorporated</i> Ellen Cohen, Esq. Jane Kim, Esq. Ellen.Cohen@Jacksonlewis.com Jane.Kim@jacksonlewis.com	
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☐ **(BY MAIL)** As follows:

I placed such envelope, with postage thereon prepaid, in the United States mail at Los Angeles, California for overnight delivery.

I am “readily familiar” with the firm’s practice of collecting and processing correspondence for overnight mailing. Under that practice, it would be deposited with the U.S. Postal Service on that same day, with postage thereon fully prepaid, at Los Angeles, California, in the ordinary course of business for overnight delivery. I am aware that, on motion of the party served, service is presumed invalid if the postal cancellation or postage meter date is more than one day after the date of deposit for mailing in this affidavit.

☒ **(BY ELECTRONIC MAIL)** I sent such document via email to the address noted above pursuant to CCP Section 1010.6.

☒ **(STATE)** I declare, under penalty of perjury under the laws of the State of California, that the above is true and correct.

POS

Executed on June 1, 2022, in Lakewood, CA



Alfredo Nava, Esq.

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address) **22STCV00372****Alfredo Nava, Esq. (SBN 282698)****Law Office of Alfredo Nava Jr., APC, 3500 W. Beverly Blvd., Montebello, CA 90640**TELEPHONE NO.: **323-725-1151**FAX NO. (Optional): **855-777-0925**E-MAIL ADDRESS: **alfredo@lawofficeofalfredonava.com**ATTORNEY FOR (Name): **Malena Nicolini****FOR COURT USE ONLY****SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES**STREET ADDRESS: **111 N. Hill Street**MAILING ADDRESS: **Same**CITY AND ZIP CODE: **Los Angeles 90012**BRANCH NAME: **Central-Stanley Mosk**

CASE NAME:

Nicolini vs. EGL Properties Incorporated**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)

CASE NUMBER:

22STCV00372

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): Four Causes of Action for Violations of Labor Code Sections 233, 1102.5, 98.6, and 226

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: 1/5/22

Alfredo Nava

(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

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

	A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Auto Tort	Auto (22)	☐ 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
Other Personal Injury/Property Damage/Wrongful Death Tort	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)	1, 4, 11
		☐ 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

SHORT TITLE: Nicolini vs. EGL PROPERTIES, INCORPORATED	CASE NUMBER
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	A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above	
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	
	Real Property	Eminent Domain/Inverse Condemnation (14)	☐ A7300 Eminent Domain/Condemnation Number of parcels_____	2, 6
		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		Unlawful Detainer-Commercial (31)	☐ A6021 Unlawful Detainer-Commercial (not drugs or wrongful eviction)	6, 11
	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	

SHORT TITLE: Nicolini vs. EGL PROPERTIES, INCORPORATED	CASE NUMBER
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	A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above	
Judicial Review	Asset Forfeiture (05)	☐ 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	
	Miscellaneous Civil Petitions	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: Nicolini vs. EGL PROPERTIES, INCORPORATED	CASE NUMBER
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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: 1543 PONTIUS AVE
CITY: Los Angeles	STATE: CA	ZIP CODE: 90025	

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

Dated: 1/5/22



(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.

Assigned for all purposes to: Stanley Mosk Courthouse, Judicial Officer: Monica Bachner

1 Alfredo Nava, Esq. (SBN 282698)
2 **Law Office of Alfredo Nava Jr.**
3 3500 West Beverly Blvd.
4 Montebello, CA 90640
Telephone: (323) 725-1151
Facsimile: (855) 777-0925

5 Attorney for Plaintiff, MALENA GURCINAS NICOLINI

6
7 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
8 **COUNTY OF LOS ANGELES-CENTRAL DISTRICT**

9
10 MALENA GURCINAS NICOLINI, as an
individual,

11
12 Plaintiff,

13
14 vs.

15
16 EGL PROPERTIES, INCORPORATED, a
17 California corporation; and DOES 1 through
18 100, inclusive,

19
20 Defendants.
21

CASE NO: 22STCV00372

UNLIMITED COMPLAINT FOR:

1. **VIOLATION OF LABOR CODE
SECTION 233 [Labor Code §233];**
2. **VIOLATION OF LABOR CODE
SECTIONS 1102.5; [Labor Code
§1102.5]**
3. **VIOLATION OF LABOR CODE
SECTION 98.6; [Labor Code §98.6]**
4. **VIOLATION OF LABOR CODE
SECTIONS 226; [Labor Code §226]**

DEMAND FOR JURY TRIAL

1 Plaintiff MALENA GURCINAS NICOLINI (hereinafter “Plaintiff), as an individual,
2 alleges as follows:

3 **PARTIES, VENUE, AND JURISDICTION**

4 1. Plaintiff is an individual residing and domiciled in the State of California, and in the
5 County of Los Angeles.

6 2. Defendant EGL PROPERTIES, INCORPORATED, is a California corporation duly
7 licensed to conduct business as well as domiciled in the State of California. This entity along
8 with Does 1 through 50 shall be referred to as “EGL” or “Defendant” or “DEFENDANT.”)
9 Plaintiff is unaware of the names and capacities of those entity defendants sued as DOES 1
10 through 50 but will amend this complaint when that information becomes known.

11 3. Plaintiff is unaware of the names and capacities of other individual defendants who
12 may have also engaged in violations against Plaintiff, and who are hereby sued as DOES 51
13 through 100. Plaintiff will amend this complaint when that information becomes known.

14 4. Plaintiff is informed and believes and thereon alleges that, at all relevant times, each
15 of the defendants, including the DOE defendants, was the officer, director, employee, agent,
16 representative, alter ego, or co-conspirator of each of the other defendants, and in engaging in the
17 conduct alleged herein, was acting in the course and scope of, and in furtherance of, such
18 relationship. Plaintiff is informed and believes, and thereon alleges that each of the fictitiously
19 named Defendants is responsible for the alleged occurrences and injuries to Plaintiff. Plaintiff
20 further is informed and believes, and based thereon alleges, that each Defendant acted in all
21 respects pertinent to this action as the agent of the other Defendants, carried out a joint scheme,
22 business plan or policy in all respects pertinent hereto, and the acts of each of the Defendants are
23 legally attributable to the other Defendants. Plaintiff is informed and believes, and based thereon
24 alleges, that each of the Defendants was the agent, servant, and employee of each of the other Co-
25 Defendants, and in doing the things alleged, acted in the course and scope of such agency and
26 employment.

27 5. This court possesses original subject matter jurisdiction over this matter because the
28 amount at issue is within the jurisdictional limits of the Superior Court of the State of California.

1 6. This court has personal jurisdiction over the Defendants because they either are
2 residents of the State of California, transact a substantial amount of business in the State of
3 California, and/or have transacted substantial business in the State of California related to the
4 subject matter of this action.

5 7. Venue is proper under California Government Code section 12965(b) and California
6 Code of Civil Procedure section 395 because one or more of the Defendants reside, can be found
7 in, or engaged in wrongful acts related to the subject matter of this action, and otherwise
8 conducted or are conducting business in the County of Los Angeles. Plaintiff is ignorant of the
9 true names and capacities of Corporate Defendants sued herein as DOES 1 through 50, inclusive,
10 and therefore sues these Defendants by such fictitious names. Plaintiff is ignorant of the true
11 names and capacities of individual Defendants sued herein as DOES 51 through 100, inclusive,
12 and therefore sues these Defendants by such fictitious names. Plaintiff will amend this complaint
13 to allege their true names and capacities when ascertained. Plaintiff is informed and believes, and
14 thereon alleges that each of the fictitiously named Defendants is responsible for the alleged
15 occurrences and injuries to Plaintiff.

16 8. The Court has subject matter jurisdiction because the potential amount of damages
17 and civil penalties are within the jurisdictional amounts of the Superior Court of California.

18 9. The Court has personal jurisdiction over the Defendants as they are either domiciled
19 residents of the State of California, or transact a substantial portion of their business within the
20 State of California. Corporate Defendants, and each of them, have transacted extensive business
21 in California related to the subject matter of this action.

22 10. Venue is proper under California Code of Civil Procedure Section 395 because one
23 or more of the Defendants reside in the County of Los Angeles.

24 ///

25 ///

26 ///

1 **GENERAL ALLEGATIONS**

2 11. Plaintiff performed various apartment managements tasks throughout her
3 employment, all of which she performed competently and capably for this property management
4 company.

5 12. On or about in March of 2021, Plaintiff requested sick leave. Plaintiff was criticized
6 for taking this sick leave, and in fact, was not properly paid for the sick leave despite her request.
7 Plaintiff complained and protested Defendant's attempt to punish her and/or discourage her for
8 using sick leave. Rather than accommodate her need for sick leave, Plaintiff was unlawfully
9 terminated on pretextual grounds because Defendants did not want to accommodate Plaintiff's
10 need and use of sick leave, including but not limited to possible future use of sick leave.

11 **FIRST CAUSE OF ACTION:**

12 **VIOLATION OF LABOR CODE §233**

13 (By Plaintiff As Against all Defendants and Does 1-50)

14 13. The allegations set forth in paragraphs 1 through 12 are re-alleged and
15 incorporated herein by reference. Plaintiff's employment was terminated in violation of
16 California Labor Code section 233, which permits an employee to take sick leave for himself or
17 herself. Because Plaintiff exercised her rights to take sick leave and was even denied payment
18 for the use of sick leave, Defendant unlawfully retaliated against, discriminated against, and
19 wrongfully terminated Plaintiff in violation of Labor Code Section 233.

20 14. Defendants' conduct as alleged above constituted unlawful retaliation,
21 discrimination, denial of sick leave, and wrongful termination in employment on account of
22 Plaintiff's protected sick leave in violation of California Labor Code section 233.

23 15. That as a proximate result of the acts of Defendants, and each of them, as
24 described above, Plaintiff has suffered and will continue to suffer economic damages, including
25 lost wages, lost benefits, loss of promotional opportunity, and other compensatory damages in an
26 amount to be ascertained at the time of trial.

27 16. That as a proximate result of the acts of Defendants, and each of them, Plaintiff
28 suffered and continues to suffer humiliation, emotional, mental and physical distress, anxiety,

1 nervousness, stress and has been generally damaged in an amount to be ascertained at the time of
2 trial.

3 17. That as a direct and proximate result of the conduct of Defendants, and each of
4 them, Plaintiff was forced to incur substantial costs and attorney's fees.

5 18. That the acts of Defendants, and each of them, which were carried out by
6 managing agents, were intentional, willful and malicious and done in conscious disregard of
7 Plaintiff's rights, safety and well-being and with the intent to vex, injure and annoy Plaintiff, as
8 such Plaintiff requests that exemplary and punitive damages be assessed against each of these
9 Defendants in an amount sufficient to punish said Defendants and to deter others from engaging
10 in similar conduct.

11 19. Plaintiff also seeks her attorney's fees as permitted by Labor Code Section 233.

12 **SECOND CAUSE OF ACTION:**

13 **VIOLATION OF LABOR CODE §1102.5**

14 (By Plaintiff As Against all Defendants and Does 1-50)

15 20. The allegations set forth in paragraphs 1 through 19 are re-alleged and
16 incorporated herein by reference.

17 21. Plaintiff's employment was terminated in violation of California Labor Code
18 section 1102.5 et seq. because Plaintiff opposed unlawful discrimination and disparate treatment,
19 in addition to protesting disparate treatment as it pertained to the application of Defendants' own
20 policies and procedures during the course of employment. Plaintiff also protested the denial of
21 her sick leave as permitted by Labor Code Sections 233 and 246.5.

22 23. Defendants' conduct as alleged above constituted unlawful retaliation in
23 employment on account of Plaintiff's protected activity in violation of California Labor Code
24 section 1102.5 et seq.

25 24. That as a proximate result of the acts of defendants, and each of them, as
26 described above, Plaintiff has suffered and will continue to suffer economic damages, including
27 lost wages, lost benefits, loss of promotional opportunity, and other compensatory damages in an
28 amount to be ascertained at the time of trial.

1 25. That as a proximate result of the acts of defendants, and each of them, Plaintiff
2 suffered and continues to suffer humiliation, emotional, mental and physical distress, anxiety,
3 nervousness, stress and has been generally damaged in an amount to be ascertained at the time of
4 trial.

5 26. That as a direct and proximate result of the conduct of defendants, and each of
6 them, Plaintiff was forced to incur substantial costs and attorney's fees.

7 27. That the acts of defendants, and each of them, which were carried out by
8 managing agents, were intentional, willful and malicious and done in conscious disregard of
9 Plaintiff's rights, safety and well-being and with the intent to vex, injure and annoy Plaintiff, as
10 such Plaintiff requests that exemplary and punitive damages be assessed against each of these
11 defendants in an amount sufficient to punish said Defendants and to deter others from engaging
12 in similar conduct.

13
14 28. Plaintiff seeks any and all damages, statutory penalties, attorney's fees, and
15 costs.

16
17 **THIRD CAUSE OF ACTION**

18 **VIOLATION OF LABOR CODE §98.6**

19 (By Plaintiff As Against all Defendants and Does 1-50)

20 29. The allegations set forth in paragraphs 1 through 28 are re-alleged and
21 incorporated herein by reference.

22 30. Plaintiff's employment was terminated in violation of California Labor Code
23 section 98.6, which reads: "(a) A person shall not discharge an employee or in any manner
24 discriminate, retaliate, or take any adverse action against any employee or applicant for
25 employment because the employee or applicant engaged in any conduct delineated in this
26 chapter, including the conduct described in subdivision (k) of Section 96, and Chapter 5
27 (commencing with Section 1101) of Part 3 of Division 2, or because the employee or applicant
28 for employment has filed a bona fide complaint or claim or instituted or caused to be instituted

1 any proceeding under or relating to his or her rights that are under the jurisdiction of the Labor
2 Commissioner, made a written or oral complaint that he or she is owed unpaid wages, or because
3 the employee has initiated any action or notice pursuant to Section 2699, or has testified or is
4 about to testify in a proceeding pursuant to that section, or because of the exercise by the
5 employee or applicant for employment on behalf of himself, herself, or others of any rights
6 afforded him or her.”

7 31. Defendants’ conduct as alleged above, and as throughout this complaint,
8 including but not limited to discriminating and retaliating against Plaintiff for her exercise of sick
9 leave and complaints about the denial of sick leave in employment on account of Plaintiff’s
10 protected activity in violation of California Labor Code section 98.6 *et seq.*

11 32. That as a proximate result of the acts of defendants, and each of them, as
12 described above, Plaintiff has suffered and will continue to suffer economic damages, including
13 lost wages, lost benefits, loss of promotional opportunity, and other compensatory damages in an
14 amount to be ascertained at the time of trial.

15 33. That as a proximate result of the acts of defendants, and each of them, Plaintiff
16 suffered and continues to suffer humiliation, emotional, mental and physical distress, anxiety,
17 nervousness, stress and has been generally damaged in an amount to be ascertained at the time of
18 trial.

19 34. That as a direct and proximate result of the conduct of defendants, and each of
20 them, Plaintiff was forced to incur substantial costs and attorney’s fees.

21 35. That the acts of defendants, and each of them, which were carried out by
22 managing agents, were intentional, willful and malicious and done in conscious disregard of
23 Plaintiff’s rights, safety and well-being and with the intent to vex, injure and annoy Plaintiff, as
24 such Plaintiff requests that exemplary and punitive damages be assessed against each of these
25 defendants in an amount sufficient to punish said Defendants and to deter others from engaging
26 in similar conduct.

27 36. In addition, Plaintiff seeks any and all statutory penalties, as well as damages.

28 ///

1 **FOURTH CAUSE OF ACTION**

2 **VIOLATION OF LABOR CODE SECTION 226**

3 (California Labor Code §§226 and 2698 ET SEQ.)

4 (By Plaintiff against All Defendants and Does 1 through 50)

5 37. Plaintiff incorporates paragraphs 1 through 36 of this complaint as if fully
6 alleged herein. During the period preceding the filing of the initial complaint in this action,
7 Defendants violated Labor Code sections 226. These violations subject Employer to civil
8 penalties as set forth in (1) the foregoing statute.

9 38. Specifically, Defendants have committed the following violations of California
10 Labor Code:

11 39. A. Record Violations: Plaintiff, by and through her attorney, requested the
12 time records required to be maintained by the employer, pursuant to Labor Code Section 226,
13 to be turned over in accordance to the twenty-one day period. Notwithstanding, Defendants
14 failed to provide or provide access to the records as required by subdivisions f and c of Labor
15 Code section 226.

16 40. Plaintiff is thus entitled to statutory civil penalties, in addition to attorney's
17 fees and costs.

18 **WHEREFORE**, Plaintiff prays for judgment as against Defendants, and each of them, as
19 follows:

20 **AS TO ALL CAUSES OF ACTION:**

- 21 1. For general damages against Defendants according to proof;
22 2. For special damages against Defendants according to proof;
23 3. For exemplary and punitive damages according to proof;
24 4. For costs of suit incurred herein;
25 5. For pre-judgment and post-judgment interest;
26 6. For declaratory and injunctive relief; and
27 7. For such other and further relief as the court deems just and proper.
28

1 **ON THE FIRST AND SECOND CAUSES OF ACTION**

2 (As Against All Defendants and DOES 1-100)

- 3 1. For reasonable attorney's fees according to proof and as permitted by statute; and
4 2. For declaratory and injunctive relief, including but not limited to reinstatement.

5 **ON THE THIRD CAUSE OF ACTION**

6 (As Against All Defendants and DOES 1-100)

- 7 1. For declaratory and injunctive relief, including but not limited to reinstatement.

8 **ON THE FOURTH CAUSE OF ACTION**

9 (As Against All Defendants and Does 1-50)

- 10 1. For statutory penalties and damages as provided by statute;
11 2. For reasonable attorney's fees according to proof and as permitted by statute; and
12 3. For declaratory and injunctive relief, including but not limited to reinstatement.

13 Dated: January 5, 2022

LAW OFFICE OF ALFREDO NAVA JR.

14
15 
16 By: _____

17
18 ALFREDO NAVA
19 Attorneys for Plaintiff

20 **DEMAND FOR JURY TRIAL**

21 Plaintiff hereby demands a trial by jury of the causes of action and claims asserted herein.

22 Dated: January 5, 2022

LAW OFFICE OF ALFREDO NAVA JR.

23
24 
25 By: _____

26 ALFREDO NAVA
27 Attorneys for Plaintiff
28

FILED
Superior Court of California
County of Los Angeles

MAY 03 2019

Sherri R. Carter, Executive Officer/Clerk
 By Rizalinda Mina, Deputy

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

IN RE LOS ANGELES SUPERIOR COURT) FIRST AMENDED GENERAL ORDER
 – MANDATORY ELECTRONIC FILING)
 FOR CIVIL)

On December 3, 2018, the Los Angeles County Superior Court mandated electronic filing of all documents in Limited Civil cases by litigants represented by attorneys. On January 2, 2019, the Los Angeles County Superior Court mandated electronic filing of all documents filed in Non-Complex Unlimited Civil cases by litigants represented by attorneys. (California Rules of Court, rule 2.253(b).) All electronically filed documents in Limited and Non-Complex Unlimited cases are subject to the following:

1) DEFINITIONS

- a) **“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.
- b) **“Efiling Portal”** The official court website includes a webpage, referred to as the efiling portal, that gives litigants access to the approved Electronic Filing Service Providers.
- c) **“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.
- d) **“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).)

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

2) MANDATORY ELECTRONIC FILING

a) 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)).

b) Represented Litigants

Pursuant to California Rules of Court, rule 2.253(b), represented litigants are required to electronically file documents with the Court through an approved EFSP.

c) Public Notice

The Court has issued a Public Notice with effective dates the Court required parties to electronically file documents through one or more approved EFSPs. Public Notices containing effective dates and the list of EFSPs are available on the Court’s website, at www.lacourt.org.

1 d) Documents in Related Cases

2 Documents in related cases must be electronically filed in the eFiling portal for that case type if
3 electronic filing has been implemented in that case type, regardless of whether the case has
4 been related to a Civil case.

5 3) EXEMPT LITIGANTS

6 a) Pursuant to California Rules of Court, rule 2.253(b)(2), self-represented litigants are exempt
7 from mandatory electronic filing requirements.

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

12 4) EXEMPT FILINGS

13 a) The following documents shall not be filed electronically:

- 14 i) Peremptory Challenges or Challenges for Cause of a Judicial Officer pursuant to Code of
15 Civil Procedure sections 170.6 or 170.3;
- 16 ii) Bonds/Undertaking documents;
- 17 iii) Trial and Evidentiary Hearing Exhibits
- 18 iv) Any ex parte application that is filed concurrently with a new complaint including those
19 that will be handled by a Writs and Receivers department in the Mosk courthouse; and
- 20 v) Documents submitted conditionally under seal. The actual motion or application shall be
21 electronically filed. A courtesy copy of the electronically filed motion or application to
22 submit documents conditionally under seal must be provided with the documents
23 submitted conditionally under seal.

24 b) Lodgments

25 Documents attached to a Notice of Lodgment shall be lodged and/or served conventionally in
26 paper form. The actual document entitled, "Notice of Lodgment," shall be filed electronically.

27 //

28 //

1 5) ELECTRONIC FILING SYSTEM WORKING PROCEDURES

2 Electronic filing service providers must obtain and manage registration information for persons
3 and entities electronically filing with the court.

4 6) TECHNICAL REQUIREMENTS

5 a) Electronic documents must be electronically filed in PDF, text searchable format **when**
6 technologically feasible without impairment of the document's image.

7 b) The table of contents for any filing must be bookmarked.

8 c) Electronic documents, including but not limited to, declarations, proofs of service, and
9 exhibits, must be bookmarked within the document pursuant to California Rules of Court, rule
10 3.1110(f)(4). Electronic bookmarks must include links to the first page of each bookmarked
11 item (e.g. exhibits, declarations, deposition excerpts) and with bookmark titles that identify the
12 bookedmarked item and briefly describe the item.

13 d) Attachments to primary documents must be bookmarked. Examples include, but are not
14 limited to, the following:

15 i) Depositions;

16 ii) Declarations;

17 iii) Exhibits (including exhibits to declarations);

18 iv) Transcripts (including excerpts within transcripts);

19 v) Points and Authorities;

20 vi) Citations; and

21 vii) Supporting Briefs.

22 e) Use of hyperlinks within documents (including attachments and exhibits) is strongly
23 encouraged.

24 f) Accompanying Documents

25 Each document accompanying a single pleading must be electronically filed as a **separate**
26 digital PDF document.

27 g) Multiple Documents

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

h) Writs and Abstracts

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

i) Sealed Documents

If and when a judicial officer orders documents to be filed under seal, those documents must be filed electronically (unless exempted under paragraph 4); the burden of accurately designating the documents as sealed at the time of electronic submission is the submitting party's responsibility.

j) 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.

7) ELECTRONIC FILING SCHEDULE

a) Filed Date

i) Any document received electronically by the court between 12:00 am and 11:59:59 pm shall be deemed to have been effectively filed on that court day if accepted for filing. Any document received electronically on a non-court day, is deemed to have been effectively filed on the next court day if accepted. (California Rules of Court, rule 2.253(b)(6); Code Civ. Proc. § 1010.6(b)(3).)

ii) 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; or (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.

8) EX PARTE APPLICATIONS

a) 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.

- b) Any written opposition to an ex parte application must be electronically filed by 8:30 a.m. the day of the ex parte hearing. A printed courtesy copy of any opposition to an ex parte application must be provided to the court the day of the ex parte hearing.

9) PRINTED COURTESY COPIES

- a) For any filing electronically filed two or fewer days before the hearing, a courtesy copy must be delivered to the courtroom by 4:30 p.m. the same business day the document is efiled. If the efiled is submitted after 4:30 p.m., the courtesy copy must be delivered to the courtroom by 10:00 a.m. the next business day.
- b) Regardless of the time of electronic filing, a printed courtesy copy (along with proof of electronic submission) is required for the following documents:
- i) Any printed document required pursuant to a Standing or General Order;
 - ii) Pleadings and motions (including attachments such as declarations and exhibits) of 26 pages or more;
 - iii) Pleadings and motions that include points and authorities;
 - iv) Demurrers;
 - v) Anti-SLAPP filings, pursuant to Code of Civil Procedure section 425.16;
 - vi) Motions for Summary Judgment/Adjudication; and
 - vii) Motions to Compel Further Discovery.
- c) Nothing in this General Order precludes a Judicial Officer from requesting a courtesy copy of additional documents. Courtroom specific courtesy copy guidelines can be found at www.lacourt.org on the Civil webpage under "Courtroom Information."

10) WAIVER OF FEES AND COSTS FOR ELECTRONICALLY FILED DOCUMENTS

- a) Fees and costs associated with electronic filing must be waived for any litigant who has received a fee waiver. (California Rules of Court, rules 2.253(b)(1), 2.258(b), Code Civ. Proc. § 1010.6(d)(2).)
- b) Fee waiver applications for waiver of court fees and costs pursuant to Code of Civil Procedure section 1010.6, subdivision (b)(6), and California Rules of Court, rule 2.252(f), may be electronically filed in any authorized action or proceeding.

11) SIGNATURES ON ELECTRONIC FILING

For purposes of this General Order, all electronic filings must be in compliance with California Rules of Court, rule 2.257. This General Order applies to documents filed within the Civil Division of the Los Angeles County Superior Court.

This First Amended General Order supersedes any previous order related to electronic filing, and is effective immediately, and is to remain in effect until otherwise ordered by the Civil Supervising Judge and/or Presiding Judge.

DATED: May 3, 2019



Kevin C. Brazile

KEVIN C. BRAZILE
Presiding Judge

NAME, ADDRESS, AND TELEPHONE NUMBER OF ATTORNEY OR PARTY WITHOUT ATTORNEY: Alfredo Nava, Esq. Law Office of Alfredo Nava Jr., APC 3500 W. Beverly Blvd. Montebello, CA 90640		STATE BAR NUMBER 282698	Reserved for Clerk's File Stamp
ATTORNEY FOR (Name): Malena Gurcinas Nicolini			
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES			
COURTHOUSE ADDRESS: 111 N. Hill Street			
PLA NTIFF: Malena Nicolini			
DEFENDANT: EGL PROPERTIES, INCORPORATED			
AMENDMENT TO COMPLAINT (Fictitious /Incorrect Name)			CASE NUMBER: 22STCV00372

☒ FICTITIOUS NAME (No order required)

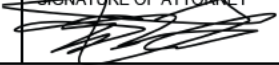
Upon the filing of the complaint, the plaintiff, being ignorant of the true name of the defendant and having designated the defendant in the complaint by the fictitious name of:

FICTITIOUS NAME
Doe 51

and having discovered the true name of the defendant to be:

TRUE NAME
Michal Vaakil

amends the complaint by substituting the true name for the fictitious name wherever it appears in the complaint.

DATE	TYPE OR PRINT NAME	SIGNATURE OF ATTORNEY
6/1/22	Alfredo Nava	

☐ INCORRECT NAME (Order required)

The plaintiff, having designated a defendant in the complaint by the incorrect name of:

INCORRECT NAME

and having discovered the true name of the defendant to be:

TRUE NAME

amends the complaint by substituting the true name for the incorrect name wherever it appears in the complaint.

DATE	TYPE OR PRINT NAME	SIGNATURE OF ATTORNEY

ORDER

THE COURT ORDERS the amendment approved and filed.

Dated _____ Judicial Officer _____

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I am an employee in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the action; my business address is 3500 West Beverly Blvd., Montebello, CA 90640.

1. DOE AMENDMENT

on all interested parties in this action by electronic service as follows:

*Attorney for Defendant EGL Properties
Incorporated*
Ellen Cohen, Esq.
Jane Kim, Esq.
Ellen.Cohen@Jacksonlewis.com
Jane.Kim@jacksonlewis.com

☐ **(BY MAIL)** As follows:

I placed such envelope, with postage thereon prepaid, in the United States mail at Los Angeles, California for overnight delivery.

I am “readily familiar” with the firm’s practice of collecting and processing correspondence for overnight mailing. Under that practice, it would be deposited with the U.S. Postal Service on that same day, with postage thereon fully prepaid, at Los Angeles, California, in the ordinary course of business for overnight delivery. I am aware that, on motion of the party served, service is presumed invalid if the postal cancellation or postage meter date is more than one day after the date of deposit for mailing in this affidavit.

☒ **(BY ELECTRONIC MAIL)** I sent such document via email to the address noted above pursuant to CCP Section 1010.6.

☒ (STATE) I declare, under penalty of perjury under the laws of the State of California, that the above is true and correct.

Executed on June 2, 2022, in Lakewood, CA



Alfredo Nava, Esq.

SUPERIOR COURT OF CALIFORNIA COUNTY OF LOS ANGELES		Reserved for Clerk's File Stamp FILED Superior Court of California County of Los Angeles 01/05/2022 Sherri R. Carter, Executive Officer / Clerk of Court By: <u>L. Castillejo</u> Deputy
COURTHOUSE ADDRESS: Stanley Mosk Courthouse 111 North Hill Street, Los Angeles, CA 90012		
NOTICE OF CASE ASSIGNMENT UNLIMITED CIVIL CASE		
Your case is assigned for all purposes to the judicial officer indicated below.		CASE NUMBER: 22STCV00372

THIS FORM IS TO BE SERVED WITH THE SUMMONS AND COMPLAINT

	ASSIGNED JUDGE	DEPT	ROOM		ASSIGNED JUDGE	DEPT	ROOM
✓	Monica Bachner	71					

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

Sherri R. Carter, Executive Officer / Clerk of Court

on 01/05/2022
(Date)

By L. Castillejo, 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.

SUMMONS
(CITACION JUDICIAL)

NOTICE TO DEFENDANT:
(AVISO AL DEMANDADO):

EGL PROPERTIES, INCORPORATED, a California corporation; and
DOES 1 through 100, inclusive,

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

MALENA GURCINAS NICOLINI, as an individual,

To keep other people from
seeing what you entered on
your form, please press the
Clear This Form button at the
end of the form when finished.

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 for the State of California
For the County of Los Angeles-Central, 111 N. Hill Street, Los Angeles,
CA 90012

CASE NUMBER:
(Número del Caso):

22STCV00372

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):
Law Office of Alfredo Nava Jr., Alfredo Nava, 3500 W. Beverly Blvd., Montebello, CA 90640, 323-725-1151

DATE:
(Fecha) 01/05/2022

Sherri R. Carter Executive Officer / Clerk of Court

Clerk, by

(Secretario)

L. Castillejo

, 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]



NOTICE TO THE PERSON SERVED: You are served

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

VOLUNTARY EFFICIENT LITIGATION STIPULATIONS



Superior Court of California
County of Los Angeles



Los Angeles County
Bar Association
Litigation Section

Los Angeles County
Bar Association Labor and
Employment Law Section



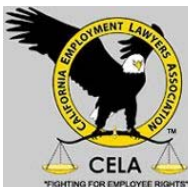
Consumer Attorneys
Association of Los Angeles



Southern California
Defense Counsel



Association of
Business Trial Lawyers



California Employment
Lawyers Association

The Early Organizational Meeting Stipulation, Discovery Resolution Stipulation, and Motions in Limine Stipulation are voluntary stipulations entered into by the parties. The parties may enter into one, two, or all three of the stipulations; however, they may not alter the stipulations as written, because the Court wants to ensure uniformity of application. These stipulations are meant to encourage cooperation between the parties and to assist in resolving issues in a manner that promotes economic case resolution and judicial efficiency.

The following organizations endorse the goal of promoting efficiency in litigation and ask that counsel consider using these stipulations as a voluntary way to promote communications and procedures among counsel and with the court to fairly resolve issues in their cases.

◆Los Angeles County Bar Association Litigation Section◆

◆ Los Angeles County Bar Association Labor and Employment Law Section◆

◆Consumer Attorneys Association of Los Angeles◆

◆Southern California Defense Counsel◆

◆Association of Business Trial Lawyers◆

◆California Employment Lawyers Association◆

NAME AND ADDRESS OF ATTORNEY OR PARTY WITHOUT ATTORNEY:		STATE BAR NUMBER	Reserved for Clerk's File Stamp
TELEPHONE NO.: E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name):		FAX NO. (Optional):	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES			
COURTHOUSE ADDRESS:			
PLAINTIFF:			
DEFENDANT:			CASE NUMBER:
STIPULATION – EARLY ORGANIZATIONAL MEETING			

This stipulation is intended to encourage cooperation among the parties at an early stage in the litigation and to assist the parties in efficient case resolution.

The parties agree that:

1. The parties commit to conduct an initial conference (in-person or via teleconference or via videoconference) within 15 days from the date this stipulation is signed, *to discuss and consider whether there can be agreement on the following*:
 - a. Are motions to challenge the pleadings necessary? If the issue can be resolved by amendment as of right, or if the Court would allow leave to amend, could an amended complaint resolve most or all of the issues a demurrer might otherwise raise? If so, the parties agree to work through pleading issues so that a demurrer need only raise issues they cannot resolve. Is the issue that the defendant seeks to raise amenable to resolution on demurrer, or would some other type of motion be preferable? Could a voluntary targeted exchange of documents or information by any party cure an uncertainty in the pleadings?
 - b. Initial mutual exchanges of documents at the “core” of the litigation. (For example, in an employment case, the employment records, personnel file and documents relating to the conduct in question could be considered “core.” In a personal injury case, an incident or police report, medical records, and repair or maintenance records could be considered “core.”);
 - c. Exchange of names and contact information of witnesses;
 - d. Any insurance agreement that may be available to satisfy part or all of a judgment, or to indemnify or reimburse for payments made to satisfy a judgment;
 - e. Exchange of any other information that might be helpful to facilitate understanding, handling, or resolution of the case in a manner that preserves objections or privileges by agreement;
 - f. Controlling issues of law that, if resolved early, will promote efficiency and economy in other phases of the case. Also, when and how such issues can be presented to the Court;
 - g. Whether or when the case should be scheduled with a settlement officer, what discovery or court ruling on legal issues is reasonably required to make settlement discussions meaningful, and whether the parties wish to use a sitting judge or a private mediator or other options as

SHORT TITLE:	CASE NUMBER:
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discussed in the “Alternative Dispute Resolution (ADR) Information Package” served with the complaint;

- h. Computation of damages, including documents, not privileged or protected from disclosure, on which such computation is based;
 - i. Whether the case is suitable for the Expedited Jury Trial procedures (see information at www.lacourt.org under “Civil” and then under “General Information”).
2. The time for a defending party to respond to a complaint or cross-complaint will be extended to _____ for the complaint, and _____ for the cross-complaint, which is comprised of the 30 days to respond under Government Code § 68616(b), and the 30 days permitted by Code of Civil Procedure section 1054(a), good cause having been found by the Civil Supervising Judge due to the case management benefits provided by this Stipulation. A copy of the General Order can be found at www.lacourt.org under “Civil”, click on “General Information”, then click on “Voluntary Efficient Litigation Stipulations”.

(INSERT DATE) (INSERT DATE)
 3. The parties will prepare a joint report titled “Joint Status Report Pursuant to Initial Conference and Early Organizational Meeting Stipulation, and if desired, a proposed order summarizing results of their meet and confer and advising the Court of any way it may assist the parties’ efficient conduct or resolution of the case. The parties shall attach the Joint Status Report to the Case Management Conference statement, and file the documents when the CMC statement is due.
 4. References to “days” mean calendar days, unless otherwise noted. If the date for performing any act pursuant to this stipulation falls on a Saturday, Sunday or Court holiday, then the time for performing that act shall be extended to the next Court day

The following parties stipulate:

Date:

(TYPE OR PRINT NAME)

Date:

(TYPE OR PRINT NAME)

Date:

(TYPE OR PRINT NAME)

Date:

(TYPE OR PRINT NAME)

Date:

(TYPE OR PRINT NAME)

Date:

(TYPE OR PRINT NAME)

Date:

(TYPE OR PRINT NAME)

➤ _____
(ATTORNEY FOR PLAINTIFF)

➤ _____
(ATTORNEY FOR DEFENDANT)

➤ _____
(ATTORNEY FOR DEFENDANT)

➤ _____
(ATTORNEY FOR DEFENDANT)

➤ _____
(ATTORNEY FOR _____)

➤ _____
(ATTORNEY FOR _____)

➤ _____
(ATTORNEY FOR _____)

NAME AND ADDRESS OF ATTORNEY OR PARTY WITHOUT ATTORNEY:		STATE BAR NUMBER	Reserved for Clerk's File Stamp
TELEPHONE NO.: E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name):		FAX NO. (Optional):	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES			
COURTHOUSE ADDRESS:			
PLAINTIFF:			
DEFENDANT:			CASE NUMBER:
STIPULATION – DISCOVERY RESOLUTION			

This stipulation is intended to provide a fast and informal resolution of discovery issues through limited paperwork and an informal conference with the Court to aid in the resolution of the issues.

The parties agree that:

1. Prior to the discovery cut-off in this action, no discovery motion shall be filed or heard unless the moving party first makes a written request for an Informal Discovery Conference pursuant to the terms of this stipulation.
2. At the Informal Discovery Conference the Court will consider the dispute presented by parties and determine whether it can be resolved informally. Nothing set forth herein will preclude a party from making a record at the conclusion of an Informal Discovery Conference, either orally or in writing.
3. Following a reasonable and good faith attempt at an informal resolution of each issue to be presented, a party may request an Informal Discovery Conference pursuant to the following procedures:
 - a. The party requesting the Informal Discovery Conference will:
 - i. File a Request for Informal Discovery Conference with the clerk's office on the approved form (copy attached) and deliver a courtesy, conformed copy to the assigned department;
 - ii. Include a brief summary of the dispute and specify the relief requested; and
 - iii. Serve the opposing party pursuant to any authorized or agreed method of service that ensures that the opposing party receives the Request for Informal Discovery Conference no later than the next court day following the filing.
 - b. Any Answer to a Request for Informal Discovery Conference must:
 - i. Also be filed on the approved form (copy attached);
 - ii. Include a brief summary of why the requested relief should be denied;

SHORT TITLE:	CASE NUMBER:
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- iii. Be filed within two (2) court days of receipt of the Request; and
 - iv. Be served on the opposing party pursuant to any authorized or agreed upon method of service that ensures that the opposing party receives the Answer no later than the next court day following the filing.
- c. No other pleadings, including but not limited to exhibits, declarations, or attachments, will be accepted.
- d. If the Court has not granted or denied the Request for Informal Discovery Conference within ten (10) days following the filing of the Request, then it shall be deemed to have been denied. If the Court acts on the Request, the parties will be notified whether the Request for Informal Discovery Conference has been granted or denied and, if granted, the date and time of the Informal Discovery Conference, which must be within twenty (20) days of the filing of the Request for Informal Discovery Conference.
- e. If the conference is not held within twenty (20) days of the filing of the Request for Informal Discovery Conference, unless extended by agreement of the parties and the Court, then the Request for the Informal Discovery Conference shall be deemed to have been denied at that time.
4. If (a) the Court has denied a conference or (b) one of the time deadlines above has expired without the Court having acted or (c) the Informal Discovery Conference is concluded without resolving the dispute, then a party may file a discovery motion to address unresolved issues.
5. The parties hereby further agree that the time for making a motion to compel or other discovery motion is tolled from the date of filing of the Request for Informal Discovery Conference until (a) the request is denied or deemed denied or (b) twenty (20) days after the filing of the Request for Informal Discovery Conference, whichever is earlier, unless extended by Order of the Court.
- It is the understanding and intent of the parties that this stipulation shall, for each discovery dispute to which it applies, constitute a writing memorializing a “specific later date to which the propounding [or demanding or requesting] party and the responding party have agreed in writing,” within the meaning of Code Civil Procedure sections 2030.300(c), 2031.320(c), and 2033.290(c).
6. Nothing herein will preclude any party from applying *ex parte* for appropriate relief, including an order shortening time for a motion to be heard concerning discovery.
7. Any party may terminate this stipulation by giving twenty-one (21) days notice of intent to terminate the stipulation.
8. References to “days” mean calendar days, unless otherwise noted. If the date for performing any act pursuant to this stipulation falls on a Saturday, Sunday or Court holiday, then the time for performing that act shall be extended to the next Court day.

SHORT TITLE:	CASE NUMBER:
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The following parties stipulate:

Date:

(TYPE OR PRINT NAME)

Date:

(TYPE OR PRINT NAME)

Date:

(TYPE OR PRINT NAME)

Date:

(TYPE OR PRINT NAME)

Date:

(TYPE OR PRINT NAME)

Date:

(TYPE OR PRINT NAME)

Date:

(TYPE OR PRINT NAME)



(ATTORNEY FOR PLAINTIFF)



(ATTORNEY FOR DEFENDANT)



(ATTORNEY FOR DEFENDANT)



(ATTORNEY FOR DEFENDANT)



(ATTORNEY FOR _____)



(ATTORNEY FOR _____)



(ATTORNEY FOR _____)

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NAME AND ADDRESS OF ATTORNEY OR PARTY WITHOUT ATTORNEY:		STATE BAR NUMBER	Reserved for Clerk's File Stamp
TELEPHONE NO.: E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name):		FAX NO. (Optional):	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES			
COURTHOUSE ADDRESS:			
PLAINTIFF:			
DEFENDANT:			CASE NUMBER:
INFORMAL DISCOVERY CONFERENCE (pursuant to the Discovery Resolution Stipulation of the parties)			

- This document relates to:

☐ Request for Informal Discovery Conference
☐ Answer to Request for Informal Discovery Conference
- Deadline for Court to decide on Request: _____ (insert date 10 calendar days following filing of the Request).
- Deadline for Court to hold Informal Discovery Conference: _____ (insert date 20 calendar days following filing of the Request).
- For a Request for Informal Discovery Conference, briefly describe the nature of the discovery dispute, including the facts and legal arguments at issue. For an Answer to Request for Informal Discovery Conference, briefly describe why the Court should deny the requested discovery, including the facts and legal arguments at issue.**

NAME AND ADDRESS OF ATTORNEY OR PARTY WITHOUT ATTORNEY:		STATE BAR NUMBER	Reserved for Clerk's File Stamp
TELEPHONE NO.: E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name):		FAX NO. (Optional):	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES			
COURTHOUSE ADDRESS:			
PLAINTIFF:			
DEFENDANT:			CASE NUMBER:
STIPULATION AND ORDER – MOTIONS IN LIMINE			

This stipulation is intended to provide fast and informal resolution of evidentiary issues through diligent efforts to define and discuss such issues and limit paperwork.

The parties agree that:

1. At least ____ days before the final status conference, each party will provide all other parties with a list containing a one paragraph explanation of each proposed motion in limine. Each one paragraph explanation must identify the substance of a single proposed motion in limine and the grounds for the proposed motion.
2. The parties thereafter will meet and confer, either in person or via teleconference or videoconference, concerning all proposed motions in limine. In that meet and confer, the parties will determine:
 - a. Whether the parties can stipulate to any of the proposed motions. If the parties so stipulate, they may file a stipulation and proposed order with the Court.
 - b. Whether any of the proposed motions can be briefed and submitted by means of a short joint statement of issues. For each motion which can be addressed by a short joint statement of issues, a short joint statement of issues must be filed with the Court 10 days prior to the final status conference. Each side's portion of the short joint statement of issues may not exceed three pages. The parties will meet and confer to agree on a date and manner for exchanging the parties' respective portions of the short joint statement of issues and the process for filing the short joint statement of issues.
3. All proposed motions in limine that are not either the subject of a stipulation or briefed via a short joint statement of issues will be briefed and filed in accordance with the California Rules of Court and the Los Angeles Superior Court Rules.

SHORT TITLE:	CASE NUMBER:
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The following parties stipulate:

Date:

(TYPE OR PRINT NAME)

Date:

(TYPE OR PRINT NAME)

Date:

(TYPE OR PRINT NAME)

Date:

(TYPE OR PRINT NAME)

Date:

(TYPE OR PRINT NAME)

Date:

(TYPE OR PRINT NAME)

Date:

(TYPE OR PRINT NAME)



(ATTORNEY FOR PLAINTIFF)



(ATTORNEY FOR DEFENDANT)



(ATTORNEY FOR DEFENDANT)



(ATTORNEY FOR DEFENDANT)



(ATTORNEY FOR _____)



(ATTORNEY FOR _____)



(ATTORNEY FOR _____)

THE COURT SO ORDERS.

Date: _____

JUDICIAL OFFICER

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FILED
LOS ANGELES SUPERIOR COURT

MAY 11 2011

JOHN A. CLARKE, CLERK
N. Navarro
BY NANCY NAVARRO, DEPUTY

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

General Order Re) ORDER PURSUANT TO CCP 1054(a),
Use of Voluntary Efficient Litigation) EXTENDING TIME TO RESPOND BY
Stipulations) 30 DAYS WHEN PARTIES AGREE
) TO EARLY ORGANIZATIONAL
) MEETING STIPULATION

Whereas the Los Angeles Superior Court and the Executive Committee of the Litigation Section of the Los Angeles County Bar Association have cooperated in drafting "Voluntary Efficient Litigation Stipulations" and in proposing the stipulations for use in general jurisdiction civil litigation in Los Angeles County;

Whereas the Los Angeles County Bar Association Litigation Section; the Los Angeles County Bar Association Labor and Employment Law Section; the Consumer Attorneys Association of Los Angeles; the Association of Southern California Defense Counsel; the Association of Business Trial Lawyers of Los Angeles; and the California Employment Lawyers Association all "endorse the goal of promoting efficiency in litigation, and ask that counsel consider using these stipulations as a voluntary way to promote communications and procedures among counsel and with the court to fairly resolve issues in their cases;"

1 Whereas the Early Organizational Meeting Stipulation is intended to encourage
2 cooperation among the parties at an early stage in litigation in order to achieve
3 litigation efficiencies;

4 Whereas it is intended that use of the Early Organizational Meeting Stipulation
5 will promote economic case resolution and judicial efficiency;

6
7 Whereas, in order to promote a meaningful discussion of pleading issues at the
8 Early Organizational Meeting and potentially to reduce the need for motions to
9 challenge the pleadings, it is necessary to allow additional time to conduct the Early
10 Organizational Meeting before the time to respond to a complaint or cross complaint
11 has expired;

12
13 Whereas Code of Civil Procedure section 1054(a) allows a judge of the court in
14 which an action is pending to extend for not more than 30 days the time to respond to
15 a pleading "upon good cause shown";

16 Now, therefore, this Court hereby finds that there is good cause to extend for 30
17 days the time to respond to a complaint or to a cross complaint in any action in which
18 the parties have entered into the Early Organizational Meeting Stipulation. This finding
19 of good cause is based on the anticipated judicial efficiency and benefits of economic
20 case resolution that the Early Organizational Meeting Stipulation is intended to
21 promote.
22

23
24 IT IS HEREBY ORDERED that, in any case in which the parties have entered
25 into an Early Organizational Meeting Stipulation, the time for a defending party to
26 respond to a complaint or cross complaint shall be extended by the 30 days permitted
27
28

1 by Code of Civil Procedure section 1054(a) without further need of a specific court
2 order.

3
4 DATED: May 11, 2011

Carolyn B. Kuhl
Carolyn B. Kuhl, Supervising Judge of the
Civil Departments, Los Angeles Superior Court