

**SUMMONS**  
**(CITACION JUDICIAL)**

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

**NOTICE TO DEFENDANT:** NUMSP LLC, a Delaware limited liability  
**(AVISO AL DEMANDADO):** company d/b/a NETFUSION, and DOES 1  
through 10, inclusive

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

**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](http://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](http://www.lawhelpcalifornia.org)), the California Courts Online Self-Help Center ([www.courtinfo.ca.gov/selfhelp](http://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](http://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](http://www.lawhelpcalifornia.org)), en el Centro de Ayuda de las Cortes de California, ([www.sucorte.ca.gov](http://www.sucorte.ca.gov)) o poniéndose en contacto con la corte o el colegio de abogados locales. **AVISO:** Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 ó más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.

The name and address of the court is:

(El nombre y dirección de la corte es):

Superior Court of California, County of Los Angeles

6230 Sylmar Ave.

Van Nuys, California 91401

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is: Daniel F. Gaines, Esq. #251488

(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):

GAINES & GAINES, APLC

4550 East Thousand Oaks Blvd., Suite 100, Westlake Village, CA 91362

818-703-8985

DATE:

(Fecha) 08/04/2022

Clerk, by Sherri R. Carter Executive Officer / Clerk of Court, Deputy  
(Secretario) A. Salcedo (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 416.20 (defunct corporation)

☐ CCP 416.40 (association or partnership)

☐ other (specify):

☐ CCP 416.60 (minor)

☐ CCP 416.70 (conservatee)

☐ CCP 416.90 (authorized person)

4. ☐ by personal delivery on (date):

|                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                    |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address) <b>22VEC01115</b><br>Daniel F. Gaines, Esq. <b>SBN: 251488</b><br>Gaines & Gaines, APLC<br>4550 East Thousand Oaks Blvd., Suite 100, Westlake Village, CA 91362<br>TELEPHONE NO.: 818-703-8985 FAX NO. (Optional): 818-703-8984<br>E-MAIL ADDRESS: daniel@gaineslawfirm.com<br>ATTORNEY FOR (Name): Plaintiff, Michael Jokel | <b>FOR COURT USE ONLY</b>                                                                                                                                                          |
| <b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES</b><br>STREET ADDRESS: 6230 Sylmar Ave.<br>MAILING ADDRESS: 6230 Sylmar Ave.<br>CITY AND ZIP CODE: Van Nuys, 91401<br>BRANCH NAME: Van Nuys Courthouse East                                                                                                                                                                                    | CASE NUMBER:<br><br>JUDGE:<br>DEPT.:                                                                                                                                               |
| CASE NAME: Jokel v. NUMSP LLC, et al.                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                    |
| <b>CIVIL CASE COVER SHEET</b><br><input checked="" type="checkbox"/> <b>Unlimited</b> (Amount demanded exceeds \$25,000) <input type="checkbox"/> <b>Limited</b> (Amount demanded is \$25,000 or less)                                                                                                                                                                                                | <b>Complex Case Designation</b><br><input type="checkbox"/> Counter <input type="checkbox"/> Joinder<br>Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402) |

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

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

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Auto Tort</b><br><input type="checkbox"/> Auto (22)<br><input type="checkbox"/> Uninsured motorist (46)<br><b>Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort</b><br><input type="checkbox"/> Asbestos (04)<br><input type="checkbox"/> Product liability (24)<br><input type="checkbox"/> Medical malpractice (45)<br><input type="checkbox"/> Other PI/PD/WD (23)<br><b>Non-PI/PD/WD (Other) Tort</b><br><input type="checkbox"/> Business tort/unfair business practice (07)<br><input type="checkbox"/> Civil rights (08)<br><input type="checkbox"/> Defamation (13)<br><input type="checkbox"/> Fraud (16)<br><input type="checkbox"/> Intellectual property (19)<br><input type="checkbox"/> Professional negligence (25)<br><input type="checkbox"/> Other non-PI/PD/WD tort (35)<br><b>Employment</b><br><input type="checkbox"/> Wrongful termination (36)<br><input checked="" type="checkbox"/> Other employment (15) | <b>Contract</b><br><input type="checkbox"/> Breach of contract/warranty (06)<br><input type="checkbox"/> Rule 3.740 collections (09)<br><input type="checkbox"/> Other collections (09)<br><input type="checkbox"/> Insurance coverage (18)<br><input type="checkbox"/> Other contract (37)<br><b>Real Property</b><br><input type="checkbox"/> Eminent domain/Inverse condemnation (14)<br><input type="checkbox"/> Wrongful eviction (33)<br><input type="checkbox"/> Other real property (26)<br><b>Unlawful Detainer</b><br><input type="checkbox"/> Commercial (31)<br><input type="checkbox"/> Residential (32)<br><input type="checkbox"/> Drugs (38)<br><b>Judicial Review</b><br><input type="checkbox"/> Asset forfeiture (05)<br><input type="checkbox"/> Petition re: arbitration award (11)<br><input type="checkbox"/> Writ of mandate (02)<br><input type="checkbox"/> Other judicial review (39) | <b>Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400–3.403)</b><br><input type="checkbox"/> Antitrust/Trade regulation (03)<br><input type="checkbox"/> Construction defect (10)<br><input type="checkbox"/> Mass tort (40)<br><input type="checkbox"/> Securities litigation (28)<br><input type="checkbox"/> Environmental/Toxic tort (30)<br><input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41)<br><b>Enforcement of Judgment</b><br><input type="checkbox"/> Enforcement of judgment (20)<br><b>Miscellaneous Civil Complaint</b><br><input type="checkbox"/> RICO (27)<br><input type="checkbox"/> Other complaint ( <i>not specified above</i> ) (42)<br><b>Miscellaneous Civil Petition</b><br><input type="checkbox"/> Partnership and corporate governance (21)<br><input type="checkbox"/> Other petition ( <i>not specified above</i> ) (43) |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

2. This case ☐ is ☒ is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:
- |                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                  |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| a. <input type="checkbox"/> Large number of separately represented parties<br>b. <input type="checkbox"/> Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve<br>c. <input type="checkbox"/> Substantial amount of documentary evidence | d. <input type="checkbox"/> Large number of witnesses<br>e. <input type="checkbox"/> Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court<br>f. <input type="checkbox"/> Substantial postjudgment judicial supervision |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
3. Remedies sought (*check all that apply*): a. ☒ monetary b. ☒ nonmonetary; declaratory or injunctive relief c. ☐ punitive
4. Number of causes of action (*specify*): Seven (7)
5. This case ☐ is ☒ is not a class action suit.
6. If there are any known related cases, file and serve a notice of related case. (*You may use form CM-015.*)

Date: 8/4/22

Daniel F. Gaines, Esq.

(TYPE OR PRINT NAME)



*Daniel F. Gaines*

(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

|                                               |             |
|-----------------------------------------------|-------------|
| SHORT TITLE <i>Jokel v. NUMSP LLC, et al.</i> | CASE NUMBER |
|-----------------------------------------------|-------------|

**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 Courthouse Location (Column C)**

|                                                                                  |                                                                                                                                |
|----------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------|
| 1. Class Actions must be filed in the Stanley Mosk Courthouse, Central District. | 7. Location where petitioner lives.                                                                                            |
| 2. Permissive filing in Central District.                                        | 8. Location wherein defendant/respondent functions wholly.                                                                     |
| <input checked="" type="checkbox"/> 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.                          |                                                                                                                                |

|                                                                         | <b>A</b><br>Civil Case Cover Sheet<br>Case Type                   | <b>B</b><br>Type of Action<br>(check only one)                                                                                   | <b>C</b><br>Applicable Reasons<br>(See Step 3 above) |
|-------------------------------------------------------------------------|-------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------|
| <b>Personal Injury Cases Assigned to the Personal Injury Hub Courts</b> |                                                                   |                                                                                                                                  |                                                      |
| <b>Auto Tort</b>                                                        | Auto (22)                                                         | <input type="checkbox"/> 2201 Motor Vehicle – Personal Injury/Property Damage/Wrongful Death                                     | 1, 4, 11                                             |
|                                                                         | Uninsured Motorist (46)                                           | <input type="checkbox"/> 4601 Uninsured Motorist – Personal Injury/Property Damage/Wrongful Death                                | 1, 4, 11                                             |
|                                                                         | Other Personal Injury/<br>Property Damage/<br>Wrongful Death (23) | <input type="checkbox"/> 2301 Premise Liability (e.g., dangerous conditions of property, slip/trip and fall, dog attack, etc.)   | 1, 4, 11                                             |
|                                                                         |                                                                   | <input type="checkbox"/> 2302 Intentional Bodily Injury/Property Damage/Wrongful Death (e.g., assault, battery, vandalism, etc.) | 1, 4, 11                                             |
|                                                                         |                                                                   | <input type="checkbox"/> 2303 Intentional Infliction of Emotional Distress                                                       | 1, 4, 11                                             |
|                                                                         |                                                                   | <input type="checkbox"/> 2304 Other Personal Injury/Property Damage/Wrongful Death                                               | 1, 4, 11                                             |
|                                                                         |                                                                   | <input type="checkbox"/> 2307 Construction Accidents                                                                             | 1, 4, 11                                             |

|                                               |             |
|-----------------------------------------------|-------------|
| SHORT TITLE <i>Jokel v. NUMSP LLC, et al.</i> | CASE NUMBER |
|-----------------------------------------------|-------------|

|                                                                          | <b>A</b><br>Civil Case Cover Sheet<br>Case Type                     | <b>B</b><br>Type of Action<br>(check only one)                                                                                                                                                                                                                                                        | <b>C</b><br>Applicable Reasons<br>(See Step 3 above) |
|--------------------------------------------------------------------------|---------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------|
| <b>Personal Injury Cases Assigned to the Independent Calendar Courts</b> |                                                                     |                                                                                                                                                                                                                                                                                                       |                                                      |
| <b>Other Personal Injury/Property<br/>Damage/Wrongful Death Tort</b>     | Product Liability (24)                                              | <input type="checkbox"/> 2401 Product Liability (not asbestos or toxic/<br>environmental)<br><input type="checkbox"/> 2402 Product Liability – Song-Beverly Consumer Warranty<br>Act (CA Civil Code §§1790-1795.8) (Lemon Law)                                                                        | 1, 3, 5<br><br>1, 3, 5                               |
|                                                                          | Medical Malpractice (45)                                            | <input type="checkbox"/> 4501 Medical Malpractice – Physicians & Surgeons<br><input type="checkbox"/> 4502 Other Professional Health Case Malpractice                                                                                                                                                 | 1, 3, 5<br>1, 3, 5                                   |
|                                                                          | Other Personal Injury /<br>Property Damage /<br>Wrongful Death (23) | <input type="checkbox"/> 2305 Elder/Dependent Adult Abuse/Claims Against Skilled<br>Nursing Facility<br><input type="checkbox"/> 2306 Intentional Conduct – Sexual Abuse Case (in any<br>form)<br><input type="checkbox"/> 2308 Landlord – Tenant Habitability (e.g., bed bugs, mold,<br>etc.)        | 1, 3, 5<br><br>1, 3, 5<br><br>1, 3, 5                |
|                                                                          | <b>Other Civil Cases Assigned to Independent Calendar Courts</b>    |                                                                                                                                                                                                                                                                                                       |                                                      |
|                                                                          | Business Tort (07)                                                  | <input type="checkbox"/> 0701 Other Commercial/Business Tort (not fraud or<br>breach of contract)                                                                                                                                                                                                     | 1, 2, 3                                              |
|                                                                          | Civil Rights (08)                                                   | <input type="checkbox"/> 0801 Civil Rights/Discrimination                                                                                                                                                                                                                                             | 1, 2, 3                                              |
| <b>Non-Personal Injury/Property Damage<br/>/Wrongful Death Tort</b>      | Defamation (13)                                                     | <input type="checkbox"/> 1301 Defamation (slander/libel)                                                                                                                                                                                                                                              | 1, 2, 3                                              |
|                                                                          | Fraud (16)                                                          | <input type="checkbox"/> 1601 Fraud (no contract)                                                                                                                                                                                                                                                     | 1, 2, 3                                              |
|                                                                          | Professional Negligence<br>(25)                                     | <input type="checkbox"/> 2501 Legal Malpractice<br><input type="checkbox"/> 2502 Other Professional Malpractice (not medical or legal)                                                                                                                                                                | 1, 2, 3<br>1, 2, 3                                   |
|                                                                          | Other (35)                                                          | <input type="checkbox"/> 3501 Other Non-Personal Injury/Property Damage Tort                                                                                                                                                                                                                          | 1, 2, 3                                              |
|                                                                          | Wrongful Termination (36)                                           | <input type="checkbox"/> 3601 Wrongful Termination                                                                                                                                                                                                                                                    | 1, 2, 3                                              |
|                                                                          | Other Employment (15)                                               | <input checked="" type="checkbox"/> 1501 Other Employment Complaint Case<br><input type="checkbox"/> 1502 Labor Commissioner Appeals                                                                                                                                                                  | 1, 2, <b>3</b><br>10                                 |
| <b>Contract</b>                                                          | Breach of Contract /<br>Warranty (06)<br>(not insurance)            | <input type="checkbox"/> 0601 Breach of Rental/Lease Contract (not unlawful<br>detainer or wrongful eviction)<br><input type="checkbox"/> 0602 Contract/Warranty Breach – Seller Plaintiff (no<br>fraud/negligence)<br><input type="checkbox"/> 0603 Negligent Breach of Contract/Warranty (no fraud) | 2, 5<br><br>2, 5<br><br>1, 2, 5                      |

|                                               |             |
|-----------------------------------------------|-------------|
| SHORT TITLE <i>Jokel v. NUMSP LLC, et al.</i> | CASE NUMBER |
|-----------------------------------------------|-------------|

|                                         | <b>A</b><br>Civil Case Cover Sheet<br>Case Type                                                   | <b>B</b><br>Type of Action<br>(check only one)                                                                                                                                                                                                                                                                                                             | <b>C</b><br>Applicable Reasons<br>(See Step 3 above) |  |
|-----------------------------------------|---------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------|--|
| <b>Contract</b>                         | Breach of Contract/<br>Warranty (06)<br>(not insurance)                                           | <input type="checkbox"/> 0604 Other Breach of Contract/Warranty (no fraud/<br>negligence)<br><input type="checkbox"/> 0605 Breach of Rental/Lease Contract (COVID-19 Rental<br>Debt)                                                                                                                                                                       | 1, 2, 5<br><br>2, 5                                  |  |
|                                         | Collections (09)                                                                                  | <input type="checkbox"/> 0901 Collections Case – Seller Plaintiff<br><input type="checkbox"/> 0902 Other Promissory Note/Collections Case<br><input type="checkbox"/> 0903 Collections Case – Purchased Debt (charged off<br>consumer debt purchased on or after January 1, 2014)<br><input type="checkbox"/> 0904 Collections Case – COVID-19 Rental Debt | 5, 6, 11<br><br>5, 11<br><br>5, 6, 11<br><br>5, 11   |  |
|                                         | Insurance Coverage (18)                                                                           | <input type="checkbox"/> 1801 Insurance Coverage (not complex)                                                                                                                                                                                                                                                                                             | 1, 2, 5, 8                                           |  |
|                                         | Other Contract (37)                                                                               | <input type="checkbox"/> 3701 Contractual Fraud                                                                                                                                                                                                                                                                                                            | 1, 2, 3, 5                                           |  |
|                                         |                                                                                                   | <input type="checkbox"/> 3702 Tortious Interference<br><br><input type="checkbox"/> 3703 Other Contract Dispute (not breach/insurance/fraud/<br>negligence)                                                                                                                                                                                                | 1, 2, 3, 5<br><br>1, 2, 3, 8, 9                      |  |
| <b>Real Property</b>                    | Eminent Domain/ Inverse<br>Condemnation (14)                                                      | <input type="checkbox"/> 1401 Eminent Domain/Condemnation<br><br>Number of Parcels _____                                                                                                                                                                                                                                                                   | 2, 6                                                 |  |
|                                         | Wrongful Eviction (33)                                                                            | <input type="checkbox"/> 3301 Wrongful Eviction Case                                                                                                                                                                                                                                                                                                       | 2, 6                                                 |  |
|                                         | Other Real Property (26)                                                                          | <input type="checkbox"/> 2601 Mortgage Foreclosure                                                                                                                                                                                                                                                                                                         | 2, 6                                                 |  |
| <b>Unlawful Detainer</b>                |                                                                                                   | <input type="checkbox"/> 2602 Quiet Title                                                                                                                                                                                                                                                                                                                  | 2, 6                                                 |  |
|                                         |                                                                                                   | <input type="checkbox"/> 2603 Other Real Property (not eminent domain,<br>landlord/tenant, foreclosure)                                                                                                                                                                                                                                                    | 2, 6                                                 |  |
| Unlawful Detainer –<br>Commercial (31)  | <input type="checkbox"/> 3101 Unlawful Detainer – Commercial (not drugs or<br>wrongful eviction)  | 6, 11                                                                                                                                                                                                                                                                                                                                                      |                                                      |  |
| Unlawful Detainer –<br>Residential (32) | <input type="checkbox"/> 3201 Unlawful Detainer – Residential (not drugs or<br>wrongful eviction) | 6, 11                                                                                                                                                                                                                                                                                                                                                      |                                                      |  |
| <b>Judicial<br/>Review</b>              | Unlawful Detainer – Post<br>Foreclosure (34)                                                      | <input type="checkbox"/> 3401 Unlawful Detainer – Post Foreclosure                                                                                                                                                                                                                                                                                         | 2, 6, 11                                             |  |
|                                         | Unlawful Detainer –<br>Drugs (38)                                                                 | <input type="checkbox"/> 3801 Unlawful Detainer – Drugs                                                                                                                                                                                                                                                                                                    | 2, 6, 11                                             |  |
|                                         | Asset Forfeiture (05)                                                                             | <input type="checkbox"/> 0501 Asset Forfeiture Case                                                                                                                                                                                                                                                                                                        | 2, 3, 6                                              |  |
| <b>Judicial<br/>Review</b>              | Petition re Arbitration<br>(11)                                                                   | <input type="checkbox"/> 1101 Petition to Compel/Confirm/Vacate Arbitration                                                                                                                                                                                                                                                                                | 2, 5                                                 |  |
|                                         | Writ of Mandate (02)                                                                              | <input type="checkbox"/> 0201 Writ – Administrative Mandamus                                                                                                                                                                                                                                                                                               | 2, 8                                                 |  |
|                                         |                                                                                                   | <input type="checkbox"/> 0202 Writ – Mandamus on Limited Court Case Matter<br><br><input type="checkbox"/> 0203 Writ – Other Limited Court Case Review                                                                                                                                                                                                     | 2<br><br>2                                           |  |

|                                               |             |
|-----------------------------------------------|-------------|
| SHORT TITLE <i>Jokel v. NUMSP LLC, et al.</i> | CASE NUMBER |
|-----------------------------------------------|-------------|

|                                         | <b>A</b><br>Civil Case Cover Sheet<br>Case Type  | <b>B</b><br>Type of Action<br>(check only one)                                                                                                                                                                                                                                                                                                                                                                                        | <b>C</b><br>Applicable Reasons<br>(See Step 3 above) |
|-----------------------------------------|--------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------|
| <b>Judicial Review</b>                  | Other Judicial Review (39)                       | <input type="checkbox"/> 3901 Other Writ/Judicial Review<br><input type="checkbox"/> 3902 Administrative Hearing<br><input type="checkbox"/> 3903 Parking Appeal                                                                                                                                                                                                                                                                      | 2, 8<br>2, 8<br>2, 8                                 |
| <b>Provisionally Complex Litigation</b> | Antitrust/Trade Regulation (03)                  | <input type="checkbox"/> 0301 Antitrust/Trade Regulation                                                                                                                                                                                                                                                                                                                                                                              | 1, 2, 8                                              |
|                                         | Asbestos (04)                                    | <input type="checkbox"/> 0401 Asbestos Property Damage<br><input type="checkbox"/> 0402 Asbestos Personal Injury/Wrongful Death                                                                                                                                                                                                                                                                                                       | 1, 11<br>1, 11                                       |
|                                         | Construction Defect (10)                         | <input type="checkbox"/> 1001 Construction Defect                                                                                                                                                                                                                                                                                                                                                                                     | 1, 2, 3                                              |
|                                         | Claims Involving Mass Tort (40)                  | <input type="checkbox"/> 4001 Claims Involving Mass Tort                                                                                                                                                                                                                                                                                                                                                                              | 1, 2, 8                                              |
|                                         | Securities Litigation (28)                       | <input type="checkbox"/> 2801 Securities Litigation Case                                                                                                                                                                                                                                                                                                                                                                              | 1, 2, 8                                              |
|                                         | Toxic Tort Environmental (30)                    | <input type="checkbox"/> 3001 Toxic Tort/Environmental                                                                                                                                                                                                                                                                                                                                                                                | 1, 2, 3, 8                                           |
|                                         | Insurance Coverage Claims from Complex Case (41) | <input type="checkbox"/> 4101 Insurance Coverage/Subrogation (complex case only)                                                                                                                                                                                                                                                                                                                                                      | 1, 2, 5, 8                                           |
| <b>Enforcement of Judgment</b>          | Enforcement of Judgment (20)                     | <input type="checkbox"/> 2001 Sister State Judgment<br><input type="checkbox"/> 2002 Abstract of Judgment<br><input type="checkbox"/> 2003 Confession of Judgment (non-domestic relations)<br><input type="checkbox"/> 2004 Administrative Agency Award (not unpaid taxes)<br><input type="checkbox"/> 2005 Petition/Certificate for Entry of Judgment Unpaid Tax<br><input type="checkbox"/> 2006 Other Enforcement of Judgment Case | 2, 5, 11<br>2, 6<br>2, 9<br>2, 8<br>2, 8<br>2, 8, 9  |
| <b>Miscellaneous Civil Complaints</b>   | RICO (27)                                        | <input type="checkbox"/> 2701 Racketeering (RICO) Case                                                                                                                                                                                                                                                                                                                                                                                | 1, 2, 8                                              |
|                                         | Other Complaints (not specified above) (42)      | <input type="checkbox"/> 4201 Declaratory Relief Only                                                                                                                                                                                                                                                                                                                                                                                 | 1, 2, 8                                              |
|                                         |                                                  | <input type="checkbox"/> 4202 Injunctive Relief Only (not domestic/harassment)                                                                                                                                                                                                                                                                                                                                                        | 2, 8                                                 |
|                                         |                                                  | <input type="checkbox"/> 4203 Other Commercial Complaint Case (non-tort/non-complex)                                                                                                                                                                                                                                                                                                                                                  | 1, 2, 8                                              |
| <b>Miscellaneous Civil Petitions</b>    | Partnership Corporation Governance (21)          | <input type="checkbox"/> 2101 Partnership and Corporation Governance Case                                                                                                                                                                                                                                                                                                                                                             | 2, 8                                                 |
|                                         | Other Petitions (not specified above) (43)       | <input type="checkbox"/> 4301 Civil Harassment with Damages                                                                                                                                                                                                                                                                                                                                                                           | 2, 3, 9                                              |
|                                         |                                                  | <input type="checkbox"/> 4302 Workplace Harassment with Damages                                                                                                                                                                                                                                                                                                                                                                       | 2, 3, 9                                              |

|                                               |             |
|-----------------------------------------------|-------------|
| SHORT TITLE <u>Jokel v. NUMSP LLC, et al.</u> | CASE NUMBER |
|-----------------------------------------------|-------------|

|                                  | <b>A</b><br>Civil Case Cover Sheet<br>Case Type | <b>B</b><br>Type of Action<br>(check only one)                              | <b>C</b><br>Applicable Reasons<br>(See Step 3 above) |
|----------------------------------|-------------------------------------------------|-----------------------------------------------------------------------------|------------------------------------------------------|
| Miscellaneous Civil<br>Petitions | Other Petitions<br>(not specified above) (43)   | <input type="checkbox"/> 4303 Elder/Dependent Adult Abuse Case with Damages | 2, 3, 9                                              |
|                                  |                                                 | <input type="checkbox"/> 4304 Election Contest                              | 2                                                    |
|                                  |                                                 | <input type="checkbox"/> 4305 Petition for Change of Name/Change of Gender  | 2, 7                                                 |
|                                  |                                                 | <input type="checkbox"/> 4306 Petition for Relief from Late Claim Law       | 2, 3, 8                                              |
|                                  |                                                 | <input type="checkbox"/> 4307 Other Civil Petition                          | 2, 9                                                 |

**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:<br><input type="checkbox"/> 1. <input type="checkbox"/> 2. <input checked="" type="checkbox"/> 3. <input type="checkbox"/> 4. <input type="checkbox"/> 5. <input type="checkbox"/> 6. <input type="checkbox"/> 7. <input type="checkbox"/> 8. <input type="checkbox"/> 9. <input type="checkbox"/> 10. <input type="checkbox"/> 11. |              |                    | ADDRESS:<br>17550 Burbank Blvd. Apt 222 |
| CITY:<br>Encino                                                                                                                                                                                                                                                                                                                             | STATE:<br>CA | ZIP CODE:<br>91316 |                                         |

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

Dated: 8/4/22

*Daniel F. Gaines*

(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 LASC CIV 109 (05/22).
5. Payment in full of the filing fee, unless there is a court order for waiver, partial or schedule payments.
6. A signed order appointing a 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 to issue a Summons.
7. Additional copies of documents to be conformed by the Clerk. Copies of the cover sheet and this addendum must be served along with the Summons and Complaint, or other initiating pleading in the case.

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Attorneys for Plaintiff Michael Jokel

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

MICHAEL JOKEL,

Plaintiff,

v.

NUMSP LLC, a Delaware limited liability  
 company d/b/a NETFUSION, and DOES 1  
 through 10, inclusive,

Defendants.

CASE NO:

**COMPLAINT FOR:**

**1. FAILURE TO PAY ALL OVERTIME  
 WAGES DUE (LABOR CODE §§ 510 AND  
 1194; IWC WAGE ORDER 4-2001)**

**2. FAILURE TO PROVIDE REST  
 PERIODS OR COMPENSATION IN LIEU  
 THEREOF (LABOR CODE § 226.7; IWC  
 WAGE ORDER 4-2001)**

**3. FAILURE TO PROVIDE MEAL  
 PERIODS OR COMPENSATION IN LIEU  
 THEREOF (LABOR CODE §§ 226.7, 512,  
 1174, 1174.5, AND 1198; IWC WAGE  
 ORDER 4-2001)**

**4. KNOWING AND INTENTIONAL  
 FAILURE TO COMPLY WITH  
 ITEMIZED EMPLOYEE WAGE  
 STATEMENT PROVISIONS (LABOR  
 CODE § 226(a), (e))**

**5. FAILURE TO PAY WAGES DUE AT  
 SEPARATION OF EMPLOYMENT  
 (LABOR CODE §§ 201-203)**

**6. VIOLATION OF BUSINESS AND  
 PROFESSIONS CODE § 17200**

**7. PENALTIES PURSUANT TO LABOR  
 CODE § 2699(f) FOR VIOLATIONS OF  
 LABOR CODE §§ 201-202, 226(a), 226.7,**

**510, 512, 1174, 1174.5, 1194, AND 1198  
AND PURSUANT TO LABOR CODE §  
2699(a) FOR VIOLATIONS OF LABOR  
CODE §§ 226.3 AND 558**

**DEMAND FOR JURY TRIAL**

Plaintiff MICHAEL JOKEL (“Plaintiff”), individually, on behalf of himself, complains of NUMSP LLC, a Delaware limited liability company d/b/a NETFUSION, and/or any subsidiaries or affiliated companies (hereinafter referred to as “Defendants”), as follows:

**I.**

**INTRODUCTION AND FACTUAL BACKGROUND**

1. For at least four (4) years prior to the filing of this action and continuing through the present (the “liability period”) Defendants have had a consistent policy of voluntarily and knowingly failing to pay all overtime wages due by misclassifying Plaintiff as overtime-exempt; failing to provide legally compliant meal and rest periods or compensation in lieu thereof to Plaintiff; failing to provide accurately itemized wage statements to Plaintiff; and failing to timely pay wages upon separation of employment to Plaintiff.

2. Plaintiff brings this action pursuant to Labor Code §§ 201-203, 226(a), 226.3, 226.7, 510, 512, 558, 1174, 1174.5, 1194 and 1198 seeking compensation for all unpaid wages, civil and statutory penalties, injunctive and other equitable relief, and reasonable attorneys’ fees and costs.

3. Plaintiff, on behalf of himself pursuant to Business & Professions Code §§ 17200-17208, also seeks injunctive relief, restitution, and disgorgement of all benefits Defendants enjoyed from their failure to him pay all wages due.

4. Plaintiff, on behalf of himself and all aggrieved employees pursuant to Labor Code §§ 2698 et seq., seeks penalties for Defendants’ various violations of the California Labor Code.

5. Venue is proper in this judicial district, pursuant to Code of Civil Procedure § 395 because Defendants employed Plaintiff in Los Angeles County, California.

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1 **II.**

2 **PARTIES**

3 **A. Plaintiff**

4 6. Plaintiff MICHAEL JOKEL was employed by Defendants from June 2021 through  
5 December 2021 as a misclassified overtime-exempt employee in Los Angeles County, California.

6 7. During his work with Defendants, Plaintiff was:

- 7 a. Willfully denied the payment of all overtime wages due;  
8 b. Willfully denied rest periods or compensation in lieu thereof;  
9 c. Willfully denied meal periods or compensation in lieu thereof;  
10 d. Willfully denied accurately itemized wage statements; and  
11 e. Willfully denied the timely payment of wages upon separation of his  
12 employment.

13 **B. Defendants**

14 8. Defendant NUMSP LLC is a Delaware limited liability company that does business  
15 as NETFUSION. Defendant employed Plaintiff in Los Angeles County, California.

16 9. The true names and capacities, whether individual, corporate, associate, or otherwise,  
17 of Defendants sued herein as DOES 1 to 10, inclusive, are currently unknown to Plaintiff, who  
18 therefore sues Defendants by such fictitious names under Code of Civil Procedure § 474. Plaintiff is  
19 informed and believes, and based thereon alleges, that each of the Defendants designated herein as a  
20 DOE is legally responsible in some manner for the unlawful acts referred to herein. Plaintiff will  
21 seek leave of court to amend this Complaint to reflect the true names and capacities of the Defendants  
22 designated hereinafter as DOES when such identities become known.

23 10. Plaintiff is informed and believes, and based thereon alleges, that each Defendant acted  
24 in all respects pertinent to this action as the agent of the other Defendants, carried out a joint scheme,  
25 business plan or policy in all respects pertinent hereto, and the acts of each Defendant are legally  
26 attributable to the other Defendants.

27 \\\

28 \\\

11. The Defendants named herein as DOE 1 through DOE 10 are and were persons acting on behalf of, or acting jointly with, Defendants, who violated, or caused to be violated, one or more provisions of the California Labor Code as alleged herein.

### III.

## CAUSES OF ACTION

## FIRST CAUSE OF ACTION

## PLAINTIFF AGAINST ALL DEFENDANTS

## FAILURE TO PAY ALL OVERTIME WAGES DUE

**(LABOR CODE §§ 510 AND 1194; IWC WAGE ORDER 4-2001)**

12. Plaintiff incorporates paragraphs 1 through 11 of this Complaint as though fully set forth herein.

13. During the liability period, Defendants misclassified Plaintiff as overtime-exempt employees even though Plaintiff did not perform the requisite job duties or meet any exempt classification, as required by Labor Code §§ 510 and 1194 and IWC Wage Order 4-2001 (nor was he paid twice the applicable minimum wage even if he met the exempt qualifications). Based on his job duties, Plaintiff did not fall within any overtime exemptions. Plaintiff was not paid a salary of at least twice the minimum wage; his primary job duties did not consist of administrative, executive, or professional tasks; and he did not exercise independent judgment in their job duties. As a result of his misclassification, when Plaintiff worked in excess of eight (8) hours in a workday or in excess of forty (40) hours in a workweek, he was not paid proper overtime wages of one-and-one-half times the regular rate of pay, nor was he paid twice the regular rate of pay for all hours worked in excess of twelve (12) in a workday or eight hours on any seventh day of a workweek. These failures to pay all wages due constitute violations of Labor Code §§ 510 and 1194 and IWC Wage Order 4-2001.

14. As a result of the unlawful acts of Defendants in willfully failing to pay all overtime wages due, Plaintiff has been deprived of wages in amounts to be determined at trial, and is entitled to restitution and recovery of such amounts, plus interest thereon, attorneys' fees, and costs, pursuant to Labor Code § 1194.

Wherefore, Plaintiff requests relief as described below.

1 IV.

2 SECOND CAUSE OF ACTION

3 PLAINTIFF AGAINST ALL DEFENDANTS

4 FAILURE TO PROVIDE REST PERIODS OR COMPENSATION IN LIEU THEREOF

5 (LABOR CODE § 226.7; IWC WAGE ORDER 4-2001)

6 15. Plaintiff incorporates paragraphs 1 through 14 of this Complaint as though fully set  
7 forth herein.

8 16. Plaintiff is entitled to one hour of pay for each day that Defendants failed to properly  
9 provide one or more rest periods as set forth in Labor Code § 226.7.

10 17. Plaintiff was routinely denied a 10-minute rest period for every four (4) hours of work  
11 or major fraction thereof, but was not paid premium wages of one hour's pay for each missed rest  
12 period. Plaintiff was simply denied and not authorized to take his legally entitled rest periods and was  
13 never paid premium wages for missed rest periods. This violates Labor Code § 226.7 and IWC Wage  
14 Order No. 4-2001.

15 18. Pursuant to Labor Code § 226.7, Plaintiff seeks the payment of all rest period  
16 compensation which he is owed for four years preceding the filing of this Action, according to proof.

17 Wherefore, Plaintiff requests relief as described below.

18 V.

19 THIRD CAUSE OF ACTION

20 PLAINTIFF AGAINST ALL DEFENDANTS

21 FAILURE TO PROVIDE MEAL PERIODS OR COMPENSATION IN LIEU THEREOF

22 (LABOR CODE §§ 226.7, 512, 1174, 1174.5, AND 1198; IWC WAGE ORDER 4-2001)

23 19. Plaintiff incorporates paragraphs 1 through 18 of this Complaint as though fully set  
24 forth herein.

25 20. Plaintiff is entitled to one hour of pay for each day that Defendants failed to properly  
26 provide one or more meal periods as set forth in Labor Code §§ 226.7 and 512.

27 21. Plaintiff was routinely denied, and not authorized to take, a timely, uninterrupted, 30-  
28 minute meal period for every shift worked that exceeded five hours in duration, or a second timely,

1 uninterrupted, 30-minute meal period for every shift worked that exceeded ten hours in duration, but  
2 was not paid premium wages of one hour's pay for each missed first or second meal period. When  
3 Plaintiff did receive a meal period, it would be late, short, or improperly on-duty. Defendants also  
4 failed to maintain records indicating the start and end time of each meal period, if one ever occurred.  
5 This violates Labor Code §§ 226.7, 512, 558, 1174, 1174.5, and 1198 and IWC Wage Order 4-2001.

6 22. Pursuant to Labor Code §§ 226.7 and 512, Plaintiff seeks the payment of all meal  
7 period compensation which he is owed for four years preceding the filing of this Action, according  
8 to proof.

9 Wherefore, Plaintiff requests relief as described below.

10 **VI.**

11 **FOURTH CAUSE OF ACTION**

12 **PLAINTIFF AGAINST ALL DEFENDANTS**

13 **KNOWING AND INTENTIONAL FAILURE TO COMPLY WITH ITEMIZED**

14 **EMPLOYEE WAGE STATEMENT PROVISIONS**

15 **(LABOR CODE § 226(a), (e))**

16 23. Plaintiff incorporates paragraphs 1 through 22 of this Complaint as though fully set  
17 forth herein.

18 24. Section 226(a) of the California Labor Code requires Defendants to provide wage  
19 statements to employees. In those wage statements, Defendants must provide an accurate itemized  
20 statement in writing showing (1) gross wages earned, (2) total hours worked by the employee..., (3)  
21 the number of piece-rate units earned and any applicable piece rate if the employee is paid on a piece-  
22 rate basis, (4) all deductions, provided that all deductions made on written orders of the employee  
23 may be aggregated and shown as one item, (5) net wages earned, (6) the inclusive dates of the period  
24 for which the employee is paid, (7) the name of the employee and only the last four digits of his or  
25 her social security number or an employee identification number other than a social security number,  
26 (8) the name and address of the legal entity that is the employer..., and (9) all applicable hourly rates  
27 in effect during the pay period and the corresponding number of hours worked at each hourly rate by  
28

1 the employee. Defendants have knowingly and intentionally failed to comply with Labor Code §  
2 226(a).

3 25. Defendants failed to provide Plaintiff with wage statements that fully and accurately  
4 itemized the requirements set forth in Labor Code §§ 226(a). Plaintiff was not paid all wages due, as  
5 stated above. As such, the wage statements provided by Defendants failed to accurately state all gross  
6 wages earned, in violation of Labor Code § 226(a)(1), total hours worked, in violation of Labor Code  
7 § 226(a)(2), net wages earned, in violation of Labor Code § 226(a)(5), and all applicable hourly rates  
8 in effect during the pay period and the corresponding number of hours worked, in violation of Labor  
9 Code § 226(a)(9).

10 26. As a consequence of Defendants' willful conduct in failing to provide Plaintiff with  
11 accurate itemized wage statements, Plaintiff has been injured because he has not been paid all wages  
12 due and was issued wage statements which do not reflect, and fail to state, all information required  
13 by Labor Code § 226(a). The missing information cannot be discerned at all from the face of the wage  
14 statements themselves. As a result, Plaintiff is entitled to penalties pursuant to Labor Code § 226(e)  
15 to recover the greater of all actual damages or \$50 for the initial pay period in which a violation  
16 occurred and \$100 for each violation in a subsequent pay period, not exceeding an aggregate penalty  
17 of \$4,000, and is entitled to an award of costs and reasonable attorneys' fees pursuant to Labor Code  
18 § 226(h).

19 Wherefore, Plaintiff requests relief as described below.

20 **VII.**

21 **FIFTH CAUSE OF ACTION**

22 **PLAINTIFF AGAINST ALL DEFENDANTS**

23 **FAILURE TO PAY WAGES DUE AT SEPARATION OF EMPLOYMENT**

24 **(LABOR CODE §§ 201-203)**

25 27. Plaintiff incorporates paragraphs 1 through 26 of this Complaint as though fully set  
26 forth herein.

27 28. California Labor Code § 201 and § 202 require Defendants to pay employees all wages  
28 due within 72 hours after resignation of employment or the day of termination of employment. Labor

1 Code § 203 provides that if an employer willfully fails to timely pay such wages, the employer must,  
2 as a penalty, continue to pay the subject employee's daily wages until the back wages are paid in full  
3 or an action is commenced. The penalty cannot exceed 30 days of wages.

4 29. Defendants paid Plaintiff his final wages beyond the time frames set forth in Labor  
5 Code §§ 201 and 202, in violation of Labor Code § 203. As stated above, Plaintiff was not paid all  
6 wages due during the course of his employment, and as a result of this failure, he was not timely paid  
7 all wages due at the separation of his employment. This violates Labor Code §§ 201-203.

8 30. More than 30 days have passed since Plaintiff left Defendants' employ.

9 31. As a consequence of Defendants' willful conduct in not paying wages owed timely  
10 upon separation of employment, Plaintiff is entitled to up to 30 days' wages as a penalty under Labor  
11 Code § 203 for Defendants' failure to timely pay legal wages at separation of employment.

12 Wherefore, Plaintiff requests relief as described below.

13 **VIII.**

14 **SIXTH CAUSE OF ACTION**

15 **PLAINTIFF AGAINST ALL DEFENDANTS**

16 **UNFAIR COMPETITION PURSUANT TO**

17 **BUSINESS & PROFESSIONS CODE § 17200 ET SEQ.**

18 32. Plaintiff incorporates paragraphs 1 through 31 of this Complaint as though fully set  
19 forth herein.

20 33. This is an Action for Unfair Business Practices. Plaintiff brings this claim pursuant to  
21 Business & Professions Code § 17200 *et seq.* The conduct of all Defendants as alleged in this  
22 Complaint has been and continues to be unfair, unlawful, and harmful to Plaintiff. Plaintiff seeks to  
23 enforce important rights affecting the public interest within the meaning of Code of Civil Procedure  
24 § 1021.5.

25 34. Plaintiff is a "person" within the meaning of Business & Professions Code § 17204,  
26 and therefore has standing to bring this cause of action for injunctive relief, restitution, and other  
27 appropriate equitable relief.  
28

1           35.     Business & Professions Code § 17200 *et seq.* prohibits unlawful and unfair business  
2 practices.

3           36.     Wage and hour laws express fundamental public policies. Properly providing  
4 employees with all wages due is a fundamental public policy of this State and of the United States.  
5 Labor Code § 90.5(a) articulates the public policies of this State to enforce vigorously minimum labor  
6 standards, to ensure that employees are not required or permitted to work under substandard and  
7 unlawful conditions, and to protect law-abiding employers and its employees from competitors who  
8 lower their costs by failing to comply with minimum labor standards.

9           37.     Defendants have violated statutes and public policies. Through the conduct alleged  
10 in this Complaint, Defendants, and each of them, have acted contrary to these public policies, have  
11 violated specific provisions of the Labor Code, and have engaged in other unlawful and unfair  
12 business practices in violation of Business & Professions Code § 17200 *et seq.* depriving Plaintiff of  
13 rights, benefits, and privileges guaranteed to all employees under law.

14           38.     Defendants' conduct, as alleged herein, constitutes unfair competition in violation of  
15 §17200 *et seq.* of the Business & Professions Code.

16           39.     Defendants, by engaging in the conduct herein alleged, either knew or in the exercise  
17 of reasonable care should have known that the conduct was unlawful. As such, it is a violation of §  
18 17200 *et seq.* of the Business & Professions Code.

19           40.     As a proximate result of the above-mentioned acts of Defendants, Plaintiff has been  
20 damaged in a sum as may be proven.

21           41.     Unless restrained by this Court, Defendants will continue to engage in the unlawful  
22 conduct, as alleged above. Pursuant to Business & Professions Code § 17200 *et seq.*, this Court  
23 should make such orders or judgments, including the appointment of a receiver, as may be necessary  
24 to prevent the use or employment, by Defendants, its agents, or employees, of any unlawful or  
25 deceptive practice prohibited by the Business & Professions Code, and/or, including but not limited  
26 to, disgorgement of profits which may be necessary to restore Plaintiff the money Defendants have  
27 unlawfully failed to pay.

28 \\\

IX.

SEVENTH CAUSE OF ACTION

**PLAINTIFF AND ALL AGGRIEVED EMPLOYEES AGAINST ALL DEFENDANTS  
PENALTIES FOR VIOLATIONS OF LABOR CODE §§ 201-202, 226(a), 226.7, 510, 512,  
1174, 1174.5, 1194, AND 1198 AND PURSUANT TO LABOR CODE § 2699(a) FOR  
VIOLATIONS OF LABOR CODE §§ 226.3 AND 558**

42. Plaintiff incorporates paragraphs 1 through 41 of this Complaint as though fully set forth herein.

43. As a result of the acts alleged above, including the Labor Code violations set forth herein, Plaintiff seeks penalties pursuant to Labor Code § 2698 *et seq.*

44. For each such violation, Plaintiff and all other aggrieved employees are entitled to penalties in an amount to be shown at the time of trial subject to the following formula:

- a. Pursuant to Labor Code § 2699(f), \$100 for each initial violation and \$200 for each subsequent violation of Labor Code §§ 201-202, 226(a), 226.7, 510, 512, 1174, 1174.5, 1194, and 1198; and
- b. Pursuant to Labor Code § 2699(a), the civil penalties as authorized by Labor Code §§ 226.3 and 558.

45. Penalties recovered will be allocated 75% to the Labor and Workforce Development Agency, and 25% to the affected employees.

46. On March 9, 2022, Plaintiff sent a letter by online submission to the LWDA and by certified mail, return receipt requested, to Defendants setting forth the facts and theories of the violations alleged against Defendants, as prescribed by Labor Code § 2698 *et seq.* Pursuant to Labor Code § 2699.3(a)(2)(A), no notice was received by Plaintiff from the LWDA within sixty-five (65) calendar days of March 9, 2022. Plaintiff may therefore commence this action to seek civil penalties pursuant to Labor Code § 2698 *et seq.*

Wherefore, Plaintiff and the aggrieved employees he seeks to represent request relief as described below.

\\

**RELIEF REQUESTED**

WHEREFORE, Plaintiff prays for the following relief:

1. For compensatory damages pursuant to Labor Code §§ 510 and 1194 in the amount of all unpaid overtime wages due;
2. For civil penalties pursuant to Labor Code § 2698 et seq. for Plaintiff and all other Aggrieved Employees;
2. For compensatory damages in the amount of one hour of wages for each day on which a meal and/or rest period was not properly provided, pursuant to Labor Code § 226.7;
3. For penalties pursuant to Labor Code § 226(e);
4. For penalties pursuant to Labor Code § 203;
5. An award of prejudgment and post-judgment interest;
6. For restitution for unfair competition pursuant to Business & Professions Code § 17200 et seq.;
7. An award providing for payment of costs of suit pursuant to Labor Code §§ 226(h), 1194, 2699(g)(1), and other applicable law;
8. An award of attorneys' fees pursuant to Labor Code §§ 226(h), 1194, 2699(g)(1), and other applicable law; and
9. Such other and further relief as this Court may deem just and proper.

Dated: August 4, 2022

Respectfully submitted,

GAINES & GAINES  
A Professional Law Corporation

By: Daniel F. Gaines  
DANIEL F. GAINES  
EVAN S. GAINES  
Attorneys for Plaintiff

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Dated: August 4, 2022

GAINES & GAINES  
A Professional Law Corporation

By: Daniel F. Gaines  
DANIEL F. GAINES  
EVAN S. GAINES  
Attorneys for Plaintiff



# Superior Court of California, County of Los Angeles

## ALTERNATIVE DISPUTE RESOLUTION (ADR) INFORMATION PACKAGE

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

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

### What is ADR?

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

### Advantages of ADR

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

### Disadvantages of ADR

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

### Main Types of ADR:

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

#### **Mediation may be appropriate when the parties**

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

#### **Mediation may not be appropriate when the parties**

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

## How to arrange mediation in Los Angeles County

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

**a. The Civil Mediation Vendor Resource List**

If all parties agree to mediation, they may contact these organizations to request a “Resource List Mediation” for mediation at reduced cost or no cost (for selected cases):

- **ADR Services, Inc.** Case Manager [patricia@adrservices.com](mailto:patricia@adrservices.com) (310) 201-0010 (Ext. 261)
- **JAMS, Inc.** Senior Case Manager [mbinder@jamsadr.com](mailto:mbinder@jamsadr.com) (310) 309-6204
- **Mediation Center of Los Angeles (MCLA)** Program Manager [info@mediationLA.org](mailto:info@mediationLA.org) (833) 476-9145
  - Only MCLA provides mediation in person, by phone and by videoconference.

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

Visit [www.lacourt.org/ADR.Res.List](http://www.lacourt.org/ADR.Res.List) for important information and FAQs before contacting them.

NOTE: This program does not accept family law, probate, or small claims cases.

**b. Los Angeles County Dispute Resolution Programs**

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

- Small claims, unlawful detainers (evictions) and, at the Spring Street Courthouse, limited civil:
  - Free, day-of-trial mediations at the courthouse. No appointment needed.
  - Free or low-cost mediations before the day of trial.
  - For free or low-cost Online Dispute Resolution (ODR) by phone or computer before the day of trial visit <http://www.lacourt.org/division/smallclaims/pdf/OnlineDisputeResolutionFlyer-EngSpan.pdf>

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

3. **Arbitration:** Arbitration is less formal than trial, but like trial, the parties present evidence and arguments to the person who decides the outcome. In “binding” arbitration, the arbitrator’s decision is final; there is no right to trial. In “nonbinding” arbitration, any party can request a trial after the arbitrator’s decision. For more information about arbitration, visit <http://www.courts.ca.gov/programs-adr.htm>
4. **Mandatory Settlement Conferences (MSC):** MSCs are ordered by the Court and are often held close to the trial date or on the day of trial. The parties and their attorneys meet with a judge or settlement officer who does not make a decision but assists the parties in evaluating the strengths and weaknesses of the case and in negotiating a settlement. For information about the Court’s MSC programs for civil cases, visit <http://www.lacourt.org/division/civil/CI0047.aspx>

Los Angeles Superior Court ADR website: <http://www.lacourt.org/division/civil/CI0109.aspx>

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

## VOLUNTARY EFFICIENT LITIGATION STIPULATIONS

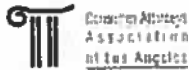


Superior Court of California  
County of Los Angeles



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 ◆

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

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

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| SHORT TITLE: | CASE NUMBER: |
|              |              |

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.lasuperiorcourt.org](http://www.lasuperiorcourt.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.  
(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)

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\_\_\_\_\_  
(ATTORNEY FOR PLAINTIFF)

Date:

\_\_\_\_\_  
(TYPE OR PRINT NAME)

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\_\_\_\_\_  
(ATTORNEY FOR DEFENDANT)

Date:

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(ATTORNEY FOR DEFENDANT)

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| NAME AND ADDRESS OF ATTORNEY OR PARTY WITHOUT ATTORNEY:                                                   |  | STATE BAR NUMBER    | Reserved for Clerk's File Stamp |
| TELEPHONE NO.:<br>E-MAIL ADDRESS (Optional):<br>ATTORNEY FOR (Name):                                      |  | FAX NO. (Optional): |                                 |
| <b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES</b>                                                |  |                     |                                 |
| COURTHOUSE ADDRESS:                                                                                       |  |                     |                                 |
| PLAINTIFF:                                                                                                |  |                     |                                 |
| DEFENDANT:                                                                                                |  |                     | CASE NUMBER:                    |
| <b>INFORMAL DISCOVERY CONFERENCE</b><br>(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.

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| TELEPHONE NO.:<br>E-MAIL ADDRESS (Optional):<br>ATTORNEY FOR (Name): |  | FAX NO. (Optional): |                                 |
| <b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES</b>           |  |                     |                                 |
| COURTHOUSE ADDRESS:                                                  |  |                     |                                 |
| PLAINTIFF:                                                           |  |                     |                                 |
| DEFENDANT:                                                           |  |                     | CASE NUMBER                     |
| <b>STIPULATION – DISCOVERY RESOLUTION</b>                            |  |                     |                                 |

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;

- 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:

**The following parties stipulate:**

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(ATTORNEY FOR PLAINTIFF)

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(ATTORNEY FOR DEFENDANT)

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(ATTORNEY FOR \_\_\_\_\_)

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(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.:<br>E-MAIL ADDRESS (Optional):<br>ATTORNEY FOR (Name): |  | FAX NO. (Optional): |                                 |
| <b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES</b>           |  |                     |                                 |
| COURTHOUSE ADDRESS:                                                  |  |                     |                                 |
| PLAINTIFF:                                                           |  |                     |                                 |
| DEFENDANT:                                                           |  |                     | CASE NUMBER:                    |
| <b>STIPULATION AND ORDER – MOTIONS IN LIMINE</b>                     |  |                     |                                 |

**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.

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| <b>SHORT TITLE:</b> | <b>CASE NUMBER:</b> |
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**The following parties stipulate:**

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(ATTORNEY FOR PLAINTIFF)

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(ATTORNEY FOR \_\_\_\_\_)

**THE COURT SO ORDERS.**

Date: \_\_\_\_\_

\_\_\_\_\_  
JUDICIAL OFFICER

|                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|----------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>SUPERIOR COURT OF CALIFORNIA</b><br><b>COUNTY OF LOS ANGELES</b>                                      | <small>Reserved for Clerk's File Stamp</small><br><br><div style="border: 1px solid black; padding: 5px; width: fit-content; margin: 0 auto;"> <b>FILED</b><br/>             Superior Court of California<br/>             County of Los Angeles<br/> <b>08/04/2022</b><br/>             Sherri R. Carter, Executive Officer / Clerk of Court<br/>             By: <u>          A. Salcedo          </u> Deputy           </div> |
| <small>COURTHOUSE ADDRESS:</small><br>Van Nuys Courthouse East<br>6230 Sylmar Avenue, Van Nuys, CA 91401 |                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| <b>NOTICE OF CASE ASSIGNMENT</b><br><br><b>UNLIMITED CIVIL CASE</b>                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| <b>Your case is assigned for all purposes to the judicial officer indicated below.</b>                   | <small>CASE NUMBER:</small><br><b>22VECV01115</b>                                                                                                                                                                                                                                                                                                                                                                                |

**THIS FORM IS TO BE SERVED WITH THE SUMMONS AND COMPLAINT**

| ASSIGNED JUDGE   | DEPT | ROOM |  | ASSIGNED JUDGE | DEPT | ROOM |
|------------------|------|------|--|----------------|------|------|
| ✓ Valerie Salkin | U    |      |  |                |      |      |

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

Sherri R. Carter, Executive Officer / Clerk of Court

on 08/05/2022  
(Date)

By A. Salcedo, 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.