

SUMMONS (CITACION JUDICIAL)

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

**ENDORSED
FILED**

JUL 27 2022

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF DEL NORTE**

**NOTICE TO DEFENDANT:
(AVISO AL DEMANDADO):**

CRESCENT NORTHWOODS INN, INC., a California Corporation; and DOES 1 through 50, Inclusive;

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

MELISSA ALLEN, an individual, on behalf of herself, and on behalf of all persons similarly situated,

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

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

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

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

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

The name and address of the court is:

Del Norte Superior Court
450 H St #209, Crescent City, CA 95531

CASE NUMBER: (Número del Caso):

CVU-2022-1192

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is: (El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):

Nicole Barvie, Esq. (SBN 282352) Barvie Law, APC, 550 W B Street, Fourth Floor, San Diego, CA 92101

DATE: July 27, 2022
(Fecha)

Clerk, by
(Secretario) 15/AL Freshman Deputy
(Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)

(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).



NOTICE TO THE PERSON SERVED: You are served

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

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Nicole Barvie, Esq. (SBN 282352), Barvie Law, APC 550 W B Street, Fourth Floor, San Diego, CA 92101		FOR COURT USE ONLY ENDORSED FILED JUL 27 2022 SUPERIOR COURT OF CALIFORNIA COUNTY OF DEL NORTE			
TELEPHONE NO.: 858-255-0928 FAX NO. (Optional): E-MAIL ADDRESS: nicole@barvielaw.com ATTORNEY FOR (Name): Melissa Allen					
SUPERIOR COURT OF CALIFORNIA, COUNTY OF DEL NORTE STREET ADDRESS: 450 H St #209 MAILING ADDRESS: 450 H St #209 CITY AND ZIP CODE: Crescent City, 95531 BRANCH NAME:					
CASE NAME: MELISSA ALLEN v. CRESCENT NORTHWOODS INN, INC., et al					
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 35%; padding: 5px;"> CIVIL CASE COVER SHEET ☒ Unlimited (Amount demanded exceeds \$25,000) </td> <td style="width: 35%; padding: 5px;"> ☐ Limited (Amount demanded is \$25,000 or less) </td> <td style="width: 30%; padding: 5px;"> Complex Case Designation ☐ Counter ☐ Joinder Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402) </td> </tr> </table>			CIVIL CASE COVER SHEET ☒ Unlimited (Amount demanded exceeds \$25,000)	☐ Limited (Amount demanded is \$25,000 or less)	Complex Case Designation ☐ Counter ☐ Joinder Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)
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CASE NUMBER: CVWJ-2022-1192		JUDGE: McElfresh DEPT.: ONE			

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

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

Auto Tort ☐ Auto (22) ☐ Uninsured motorist (46) Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort ☐ Asbestos (04) ☐ Product liability (24) ☐ Medical malpractice (45) ☐ Other PI/PD/WD (23) Non-PI/PD/WD (Other) Tort ☐ Business tort/unfair business practice (07) ☐ Civil rights (08) ☐ Defamation (13) ☐ Fraud (16) ☐ Intellectual property (19) ☐ Professional negligence (25) ☐ Other non-PI/PD/WD tort (35) Employment ☐ Wrongful termination (36) ☒ Other employment (15)	Contract ☐ Breach of contract/warranty (06) ☐ Rule 3.740 collections (09) ☐ Other collections (09) ☐ Insurance coverage (18) ☐ Other contract (37) Real Property ☐ Eminent domain/Inverse condemnation (14) ☐ Wrongful eviction (33) ☐ Other real property (26) Unlawful Detainer ☐ Commercial (31) ☐ Residential (32) ☐ Drugs (38) Judicial Review ☐ Asset forfeiture (05) ☐ Petition re: arbitration award (11) ☐ Writ of mandate (02) ☐ Other judicial review (39)	Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400–3.403) ☐ Antitrust/Trade regulation (03) ☐ Construction defect (10) ☐ Mass tort (40) ☐ Securities litigation (28) ☐ Environmental/Toxic tort (30) ☐ Insurance coverage claims arising from the above listed provisionally complex case types (41) Enforcement of Judgment ☐ Enforcement of judgment (20) Miscellaneous Civil Complaint ☐ RICO (27) ☐ Other complaint (not specified above) (42) Miscellaneous Civil Petition ☐ Partnership and corporate governance (21) ☐ Other petition (not specified above) (43)
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2. This case ☒ is ☐ is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:
- | | |
|--|---|
| a. ☐ Large number of separately represented parties
b. ☒ Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve
c. ☒ Substantial amount of documentary evidence | d. ☒ Large number of witnesses
e. ☐ Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court
f. ☐ Substantial postjudgment judicial supervision |
|--|---|
3. Remedies sought (check all that apply): a. ☒ monetary b. ☒ nonmonetary; declaratory or injunctive relief c. ☐ punitive
4. Number of causes of action (specify):
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: July 26, 2022

Nicole Barvie, Esq.

(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE

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

Page 1 of 2

1 **BARVIE LAW, APC**

2 NICOLE BARVIE (State Bar # 282352)

3 550 West B Street, 4th Floor

4 San Diego, CA 92101-3598

5 Telephone: 858.255.0928

6 Facsimile: 858.357.8592

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8 **ZAKAY LAW GROUP, APLC**

9 Shani O. Zakay (State Bar #277924)

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16 **JCL LAW FIRM, APC**

17 Jean-Claude Lapuyade (State Bar #248676)

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19 5440 Morehouse Drive, Suite 3600

20 San Diego, CA 92121

21 Telephone: (619) 599-8292

22 Facsimile: (619) 599-8291

23 jlapuyade@jcl-lawfirm.com

24 Attorney for MELISSA ALLEN

25 Individually and on behalf of all other similarly situated

26 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

27 **FOR THE COUNTY OF DEL NORTE**

28 MELISSA ALLEN, an individual, on behalf of
herself, and on behalf of all persons similarly
situated,

Plaintiff,

v.

CRESCENT NORTHWOODS INN, INC.,
a California Corporation; and DOES 1 through
50, Inclusive;

Defendants.

Case No. **CVUJ-2022-1192**

CLASS ACTION COMPLAINT FOR:

1. UNFAIR COMPETITION IN
VIOLATION OF CAL. BUS. & PROF.
CODE §§ 17200, *et seq.*;
2. FAILURE TO PAY OVERTIME
WAGES IN VIOLATION OF CAL.
LAB. CODE §§ 510, *et seq.*

**[ADDITIONAL CAUSES OF ACTION
CONTINUED ON NEXT PAGE]**

SUPERIOR COURT OF CALIFORNIA, COUNTY OF Del Norte

FOR COURT USE ONLY

STREET ADDRESS: 450 H Street, Room 209

MAILING ADDRESS:

CITY AND ZIP CODE: Crescent City, CA 95531

BRANCH NAME:

FILED

JUL 27 2022

SUPERIOR COURT OF CALIFORNIA
COUNTY OF DEL NORTE

PLAINTIFF(S):

Melissa Allen

DEFENDANT(S):

Crescent Northwinds Inn, Inc.

Case Number:

CVUJ-2022-1192

NOTICE OF INCLUSION (GENERAL CIVIL)Proof of Service on all named Defendants due:
(90 days from filing of Complaint)10-25-22
Due DateResponsive pleadings due by all named Defendants:
(120 days from filing of Complaint)11-28-22
Due DateCross Complaints must be served by:
(150 days from filing of Complaint)12-27-22
Due DateCase Management Conference Statement Due:
(15 days prior to conference set below.)01-12-23
Due DateCase Management Conference Scheduled for: Friday, 01-27-23 at 10:00AM in Dept 1.
(180 days from filing of Complaint)

Date:

07-27-22ESPERANZA ESPARZA
Clerk of the Court

By:


Deputy Clerk