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10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
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13 ANTONIO LARA CERRANO, on his own
behalf and on behalf of all others similarly
14 situated,

15 Plaintiffs,

16 v.

17 SODEXO, INC., a Delaware corporation;
SDH EDUCATION WEST, LLC, a Delaware
18 LLC; and DOES 1 through 100, inclusive,

19 Defendants.
20

No. _____

NOTICE OF REMOVAL OF CIVIL ACTION

Contra Costa Superior Court,
No. C19-00763

1 To the Clerk of the Court, plaintiff Antonio Lara Cerrano and plaintiff's attorneys of record:

2 PLEASE TAKE NOTICE that defendants Sodexo, Inc. ("Sodexo"), and SDH Education West,
3 LLC ("SDH"), hereby remove this action from the Superior Court of California in and for the County of
4 Contra Costa (the "Superior Court") to this Court, based on diversity of citizenship jurisdiction under 28
5 U.S.C. section 1332 (as amended by the Class Action Fairness Act of 2005 ["CAFA"], Pub. L. No. 109-
6 2, § 4(a), 119 Stat. 9 (2005)), and section 1441(a), and, in support of removal, alleges as follows:

7 1. On April 15, 2019, plaintiff Antonio Lara Cerrano commenced a putative class action in
8 the Superior Court entitled: "*Antonio Lara Cerrano, on his own behalf and on behalf of all others*
9 *similarly situated, Plaintiffs, v. Sodexo, Inc., a Delaware corporation; SDH Education West, LLC, a*
10 *Delaware LLC; and DOES 1 through 100, inclusive, Defendants,*" No. C19-00763 (the "Action"). A
11 true copy of plaintiff's complaint in the Action (the "Complaint" or "Cmplt.") is attached as Exhibit A.

12 2. The Complaint asserts five causes of action for: (1) failure to pay for sick days or provide
13 notice of available sick leave; (2) failure to pay vacation wages; (3) failure to provide accurate written
14 wage statements; (4) failure to timely pay all final wages; and (5) unfair business practices under
15 California's unfair competition law, Cal. Bus. & Prof. Code § 17200 *et seq.* (Cmplt., ¶¶ 38-76.)
16 Plaintiff purports to bring these claims on behalf of a "Plaintiff Class," consisting of "[a]ll employees
17 who were or are employed by Defendants during the Class Period (The Class Period is the period from
18 four years prior to the filing of this action through and including the date judgment is rendered in this
19 matter) in California as 'non-exempt employees.'" (*Id.*, ¶ 30.) Plaintiff also alleges a "Terminated Sub
20 Class," which he pleads to include "[a]ll members of the Plaintiff Class, including trainees, whose
21 employment ended during the Class Period." (*Id.*) The allegations in the Complaint are incorporated by
22 reference without admitting the truth of any of them.

23 3. On April 17, 2019, plaintiff effected service of process on defendants of the summons
24 and the Complaint in this Action. True copies of the summons and all papers (in addition to the
25 Complaint) that each defendant respectively received from plaintiff in this Action are attached to this
26 notice; true copies of the summons and all papers (in addition to the Complaint) served on Sodexo are
27 attached as Exhibit B, and true copies of the summons and all papers (in addition to the Complaint)
28 served on SDH are attached as Exhibit C.

1 as of April 15, 2019, a limited liability company organized under the laws of the State of Delaware with
2 its principal place of business in the State of Maryland. SDH is composed solely of Sodexo America,
3 LLC, which is now, and was as of April 15, 2019, a limited liability company organized under the laws
4 of the State of Delaware with its principal place of business in the State of Maryland. Sodexo America,
5 LLC, in turn, is composed solely of Sodexo Management, Inc., which is now, and was as of April 15,
6 2019, a corporation organized under the laws of the State of New York with its principal place of
7 business in the State of Maryland. (Barbary Decl., ¶ 3.)

8 10. Sodexo and SDH are the only defendants named in this Action. The presence of Doe
9 defendants has no bearing on diversity with respect to removal. *See* 28 U.S.C. § 1441(b) (“citizenship
10 of defendants sued under fictitious names shall be disregarded”). Accordingly, no named defendant is a
11 citizen of California, in which state the Action was filed, and there is complete diversity of citizenship
12 between parties.

13 11. Defendants are informed and believe that plaintiff is now, and was at the time the Action
14 was commenced, a citizen of the State of California within the meaning of 28 U.S.C. section 1332(a).
15 (Cmplt., ¶ 8) (“Plaintiff is a resident of Concord, California.”). For diversity purposes, a person is a
16 “citizen” of the state in which he is domiciled. *Kantor v. Wellesley Galleries, Ltd.*, 704 F.2d 1088, 1090
17 (9th Cir. 1983). A person’s domicile is the place he resides with the intention to remain or to which she
18 intends to return. *Kanter v. Warner-Lambert Co.*, 265 F.3d 853, 857 (9th Cir. 2001).

19 ***The Proposed Class Members Number at Least 100***

20 12. Plaintiff defines his proposed class as “[a]ll employees who were or are employed by
21 Defendants during the Class Period (The Class Period is the period from four years prior to the filing of
22 this action through and including the date judgment is rendered in this matter) in California as ‘non-
23 exempt employees.’” (Cmplt., ¶ 30.) The Complaint asserts that the putative class “includes potentially
24 hundreds of members.” (*Id.*, ¶ 32.)

25 13. Since April 15, 2015, defendants employed at least 19,680 non-exempt employees in
26 positions in the State of California. (Barbary Decl., ¶ 9.) Accordingly, the requirement that the
27 proposed class members number at least 100 is easily satisfied.

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The Amount in Controversy Exceeds \$5,000,000

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2 14. A notice of removal “need include only a plausible allegation that the amount in
3 controversy exceeds the jurisdictional threshold.” *Dart Cherokee Basin Operating Co. v. Owens*, 135 S.
4 Ct. 547, 549 (2014). “[T]he amount-in-controversy allegation of a defendant seeking federal-court
5 adjudication should be accepted when not contested by the plaintiff or questioned by the court.” *Id.* at
6 550. If challenged, under CAFA a removing defendant need prove by only a preponderance of the
7 evidence that the amount in controversy exceeds \$5,000,000. *Rodriguez v. AT&T Mobility Servs. LLC*,
8 728 F.3d 975, 981 (9th Cir. 2013) (“A defendant seeking removal of a putative class action must
9 demonstrate, by a preponderance of evidence, that the aggregate amount in controversy exceeds the
10 jurisdictional minimum.”). A preponderance of the evidence requires that a defendant demonstrate that
11 “it is more likely than not” that the amount in controversy satisfies the jurisdictional minimum. *Abrego*
12 *Abrego v. Dow Chem. Co.*, 443 F.3d 676, 683 (9th Cir. 2006) (citing and quoting *Sanchez v.*
13 *Monumental Life Ins. Co.*, 102 F.3d 398, 404 (9th Cir. 1996)).

14 15. Under the removal statute, “[i]n any class action, the claims of the individual class
15 members shall be aggregated to determine whether the matter in controversy exceeds the sum or value
16 of \$5,000,000, exclusive of interest and costs.” 28 U.S.C. § 1332(d)(6).

17 16. Here, plaintiff alleges, among other things, that “Defendants regularly failed to pay
18 Plaintiff and members of the Terminated Sub Class their final wages pursuant to California Labor Code
19 §§ 201-203, and accordingly owe waiting time penalties pursuant to California Labor Code § 203.”
20 (Cmpl., ¶ 61.) Plaintiff further asserts that “Defendants’ willful failure to pay wages due and owing
21 them upon separation from employment results in a continued payment of wages up to thirty (30) days
22 from the time the wages were due.” (*Id.*, ¶ 63.) Plaintiff purports to bring this claim on behalf of
23 himself and all “non-exempt employees” who worked for Sodexo in California and “whose employment
24 ended during the Class Period.” (*Id.*, ¶ 30.) Plaintiff seeks to recover “waiting time penalties as to those
25 class members who quit or have been discharged, pursuant to California Labor Code § 203.” (*Id.*,
26 Prayer for Relief, ¶ 6.)

27 17. Three statutory provisions detail the requirements for pay upon termination in the State of
28 California. California Labor Code section 201 provides that if an employer discharges an employee, it

1 must pay the employee the wages earned and unpaid at the time of discharge. Labor Code section 202
2 provides that if an employee quits his or her employment, an employer must pay the employee's final
3 wages not later than 72 hours thereafter, and on the day of termination if the employee has given 72 hour
4 previous notice of his or her intention to quit. Labor Code section 203 imposes waiting-time penalties in
5 the amount of an employee's daily wages up to a maximum of 30 days for violations of sections 201 and
6 202. Cal. Lab. Code §§ 201-203.

7 18. A claim for waiting-time penalties is governed by the same statute of limitations as the
8 underlying wage claim, *i.e.*, three years. Cal. Lab. Code § 203(b); Cal. Code Civ. Proc. § 338(a); *Pineda*
9 *v. Bank of Am., N.A.*, 50 Cal. 4th 1389, 1401 (2010) (holding that three-year statute of limitations under
10 Code of Civil Procedure section 338(a) applies to Labor Code section 203 claims). Therefore, the
11 limitations period for plaintiff's waiting-time penalties claim began on April 15, 2016 (*i.e.*, three years
12 before plaintiff filed the Complaint on April 15, 2019).

13 19. From April 15, 2016, to May 3, 2019 (the end date for this analysis), at least 14,801 non-
14 exempt employees in California have separated from employment with defendants. (Barbary Decl.,
15 ¶ 10.) Of these 14,801 separated employees, 7,156 were full-time employees who, on average, worked
16 7.81 hours per day at an hourly wage rate at the time of termination of \$14.62, *id.*, ¶ 11, and 7,645 were
17 part-time employees who, on average, worked 6.47 hours per day at an hourly wage rate at the time of
18 termination of \$12.62, *id.*, ¶ 12.

19 20. Accordingly, if, as plaintiff alleges, defendants violated Labor Code sections 201 and 202
20 with respect to non-exempt employees whose employment terminated during the applicable limitations
21 period, his claim for alleged unpaid waiting-time penalties would be **\$43,239,383.28**, calculated as
22 follows:

- 23 a. For separated full-time non-exempt employees: \$24,512,634.69 (\$14.62/hour
24 (average hourly rate) x 7.81 hours (average hours daily) x 30 days x 7,156
25 (number of separated full-time non-exempt employees)). (Barbary Decl., ¶ 13.)
- 26 b. For separated part-time non-exempt employees: \$18,726,748.59 (\$12.62/hour
27 (average hourly rate) x 6.47 hours (average hours daily) x 30 days x 7,645
28 (number of separated part-time non-exempt employees)). (Barbary Decl., ¶ 14.)

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SUPERIOR COURT FOR THE STATE OF CALIFORNIA

COUNTY OF CONTRA COSTA

ANTONIO LARÁ CERRANO, on his
own behalf and on behalf of all others
similarly situated,

Plaintiffs,

v.

SODEXO, INC., a Delaware corporation;
SDH EDUCATION WEST, LLC, a
Delaware LLC; and DOES 1 through 100,
inclusive,

Defendants.

CASE NO.

CLASS ACTION COMPLAINT FOR:

1. Violation of *Labor Code* §246
2. Failure to Pay Vacation Wages
3. Wage Statement Violations
4. Failure to Pay Wages at Time of Termination (California Labor Code §§ 201-203)
5. Unfair Business Practices (*B & P Code* § 17200)

DEMAND FOR JURY TRIAL

FILED

2019 APR 15 P 2:07

CLERK OF THE SUPERIOR COURT
COUNTY OF CONTRA COSTA

PER LOCAL RULE, THIS
CASE IS ASSIGNED TO
DEPT. 39 FOR ALL
PURPOSES.

Cv

C19-00763

SUMMONS ISSUED

1 Plaintiff Antonio Lara Cerrano (hereinafter referred to as "Plaintiff"), hereby
2 submits his Class Complaint against Sodexo, Inc., a Delaware Corporation; and Does 1-100
3 (hereinafter collectively referred to as "Defendants") on behalf of himself and the class of
4 all other similarly situated current and former employees of Defendants as follows:

5 **INTRODUCTION**

6 1. This class action is within the Court's jurisdiction under California *Labor*
7 *Code* §§ 201-203, 226a, 227.3, 246(i), 1174, 1194, 1197, 1197.1, 1199, and 2699; California
8 Business and Professions Code § 17200, *et seq.* (Unfair Practices Act).

9 2. This complaint challenges systemic illegal employment practices resulting in
10 violations of the California *Labor Code*, California *Business and Professions Code*, against
11 employees of Defendants.

12 3. Plaintiff seeks relief on behalf of himself and the members of the putative
13 class as a result of employment policies, practices and procedures more specifically
14 described below, which violate the California *Labor Code*, and the orders and standards
15 promulgated by the California Department of Industrial Relations, Industrial Welfare
16 Commission, and Division of Labor Standards, and which have resulted in the failure of
17 Defendants to pay Plaintiff and the members of the putative class all wages due to them.
18 Said employment policies, practices and procedures are generally described as follows:

- 19 a. Failed to pay Plaintiff and the members of the putative class all appropriate
20 wages;
- 21 b. Failed to pay Plaintiff and the members of the putative class all wages owed
22 at termination;
- 23 c. Failed to provide Plaintiff and members of the putative class with appropriate
24 paychecks.

25 4. Plaintiff is informed and believes and based thereon alleges Defendants have
26 engaged in, among other things a system of willful violations of the California *Labor Code*,
27 California *Business and Professions Code*, and applicable IWC wage orders by creating and
28 maintaining policies, practices and customs that knowingly deny employees the above stated

1 rights and benefits.

2 5. The policies, practices and customs of Defendants described above and
3 below have resulted in unjust enrichment of Defendants and an unfair business advantage
4 over businesses that routinely adhere to the structures of the California *Labor Code*, and
5 California *Business and Professions Code*.

6 **JURISDICTION AND VENUE**

7 6. The Court has jurisdiction over the violations of the California *Labor Code*
8 §§ 201-203, 226a, 227.3, 246(i), 1174, 1194, 1197, 1197.1, 1199, and 2699; and California
9 *Business and Professions Code* § 17200, *et seq.*, (Unfair Practices Act).

10 7. Venue is proper because the Defendants do business in California and in
11 Contra Costa County and the actions that gave rise to this action occurred in Contra Costa
12 County.

13 **PARTIES**

14 8. Plaintiff is a resident of Concord, California. He is a former hourly
15 employee of Defendants who ceased employment for Defendant in November 2018.

16 9. Plaintiff was a victim of the policies, practices and customs of Defendants
17 complained of in this action in ways that have deprived him of the rights guaranteed to him
18 by California *Labor Code* §§ 201-203, 226a, 227.3, 246(i), 1174, 1194, 1197, 1197.1, 1199,
19 and 2699 and California *Business and Professions Code* §17200, *et seq.*, (Unfair Practices
20 Act).

21 10. Plaintiff is informed and believes and based thereon alleges that Defendant
22 Sodexo, Inc. is a Delaware Corporation doing business in the State of California.
23 Defendant's corporate address is: 4640 Admiralty Way, Marina Del Rey, California 90292.

24 11. Plaintiff is informed and believes and based thereon alleges that Defendant
25 SDH Education West LLC was and is, upon information and belief, a Delaware LLC, with
26 its executive offices in Maryland, which as designated a principal place of business in
27 Bakersfield, California. It has businesses and offices throughout the State of California,
28 including Contra Costa County.

1 12. Plaintiff is informed and believes and based thereon alleges that at all times
2 herein mentioned Defendant and DOES 1 through 100, are and were corporations, business
3 entities, individuals, and partnerships, licensed to do business and actually doing business in
4 the State of California.

5 12. As such and based upon information and belief Defendants' business in
6 California, Defendants are subject to California *Labor Code* §§ 201-203, 226a, 227.3,
7 246(i), 1174, 1194, 1197, 1197.1, 1199, and 2699 and California *Business and Professions*
8 *Code* §17200, *et seq.*, (Unfair Practices Act).

9 13. Plaintiff does not know the true names or capacities, whether individual,
10 partner or corporate, of the Defendants sued herein as DOES 1 through 100, inclusive, and
11 for that reason, said Defendants are sued under such fictitious names, and Plaintiff prays for
12 leave to amend this complaint when the true names and capacities are known. Plaintiff is
13 informed and believes and based thereon alleges that each of said fictitious Defendants were
14 responsible in some way for the matters alleged herein and proximately caused Plaintiff and
15 members of the general public and class to be subject to the illegal employment practices,
16 wrongs and injuries complained of herein.

17 14. At all times herein mentioned, each of said Defendants participated in the
18 doing of the acts hereinafter alleged to have been done by the named Defendants; and
19 furthermore, the Defendants, and each of them, were the agents, servants and employees of
20 each of the other Defendants, as well as the agents of all Defendants, and at all times herein
21 mentioned, were acting within the course and scope of said agency and employment.

22 15. Plaintiff is informed and believes and based thereon alleges that at all times
23 material hereto, each of the Defendants named herein were the agent, employee, alter ego
24 and/or joint venturer of, or working in concert with each of the other co-Defendants and
25 were acting within the course and scope of such agency, employment, joint venture, or
26 concerted activity. To the extent said acts, conduct, and omissions were perpetrated by
27 certain Defendants, each of the remaining Defendants confirmed and ratified said acts,
28 conduct, and omissions of the acting Defendants.

1 c. Failed to provide Plaintiff and the members of the putative class with proper
2 paychecks pursuant to *Labor Code* § 226;

3 Plaintiff alleges that the following violations occurred on a routine basis to him
4 and the members of the putative class during their employment with Defendants:

5 a. **Sick Pay:** Plaintiff alleges that on a routine basis that he and the members of
6 the putative class did not receive sick pay.

7 b. **Unpaid Wages:** Plaintiff alleges that on a routine basis that he and the
8 members of the putative class received paychecks without proper wages in
9 violation of the *Labor Code*.

10 c. **Wage Statement Violations:** Plaintiff alleges that on a routine basis that he
11 and the members of the putative class received paychecks without proper
12 wage statements in violation of *Labor Code* §226.

13 d. **Termination/Final Wages:** Defendants' failure to pay for all wages due
14 prior to termination constitutes violation of California *Labor Code* §§ 201-
15 203.

16 ***Defendants' Failure to Pay All Wages Due at Termination of Employment***

17 22. At all times, relevant hereto, California *Labor Code* § 201 required an
18 employer that discharges an employee to pay compensation due and owing to said employee
19 immediately upon discharge. California *Labor Code* § 202 requires an employer to pay an
20 employee who quits any compensation due and owing to said employee within seventy-two
21 (72) hours of an employee's resignation. California *Labor Code* § 203 provides that if an
22 employer willfully fails to pay compensation promptly upon discharge or resignation, as
23 required under Sections 201 and 202, then the employer is liable for waiting time penalties
24 in the form of continued compensation for up to thirty (30) work days. Defendants' failure
25 to pay for all wages earned prior to termination constitutes additional violations of
26 California *Labor Code* §§ 201-203.

27 23. Defendants willfully and knowingly failed to pay Plaintiff and the members
28 of the putative class, upon termination of employment, all accrued compensation.

1 matter) in California as “non-exempt employees.” As used in this class
2 definition, the term “non-exempt employee” refers to those who Defendants
3 have classified as non-exempt from the overtime wage provisions of the
4 California *Labor Code*.

5
6 **Terminated Sub Class:**

7 All members of the Plaintiff Class, including trainees, whose
8 employment ended during the Class Period (The Class Period is the
9 period from four years prior to the filing of this action through and
10 including the date judgment is rendered in this matter).

11 (collectively “Putative Class” or “Class Members.”)

12 31. **Reservation of Rights:** Pursuant to Rule of Court 3.765(b), Plaintiff reserves
13 the right to amend or modify the class definitions with greater specificity, by further
14 division into sub-classes and/or by limitation to particular issues.

15 32. **Numerosity:** The class is so numerous that the individual joinder of all
16 members is impracticable. While the exact number and identification of class members are
17 unknown to Plaintiff at this time and can only be ascertained through appropriate discovery
18 directed to Defendants, Plaintiff is informed and believes that the class includes potentially
19 hundreds of members.

20 33. **Commonality and Predominance:** Common questions of law and fact exist
21 as to all members of the class, which predominate over any questions affecting only
22 individual members of the class. These common legal and factual questions, which do not
23 vary from class member to class member, and which may be determined without reference
24 to the individual circumstances of any class member, include, but are not limited to, the
25 following:

- 26 a. Whether Defendants failed and continue to fail to provide appropriate
27 sick and vacation wages to members of the Putative Class;
- 28 b. Whether the members of the Putative Class that are no longer

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employed by the Defendants are entitled to penalties pursuant to California *Labor Code* §203;

- c. Whether Plaintiff and the members of the Putative Class sustained damages, and if so, the proper measure of such damages, as well as interest, penalties, costs, attorneys' fees, and equitable relief;
- d. Whether Defendants failed to pay Plaintiff and the members of the Putative Class wages for all vacation hours;
- e. Whether Defendants failed to issue appropriate wage statements to Plaintiff and the members of the Putative Class; and
- f. Whether Defendants' conduct as alleged herein violates the Unfair Business Practices Act of California, *Bus. & Prof. Code* § 17200, *et seq.*

34. **Typicality:** The claims of the named Plaintiff are typical of the claims of the members of the Putative Class. Plaintiff and the members of the Putative Class sustained losses, injuries and damages arising from Defendants' common policies, practices, procedures, protocols, routines, and rules which were applied to members of the Putative Classes as well as Plaintiff. Plaintiff seeks recovery for the same type of losses, injuries, and damages as were suffered by the members of the Putative Class.

35. **Adequacy:** Plaintiff is an adequate representative of the Putative Class because he is a member of the classes, and his interests do not conflict with the interests of the members he seeks to represent. Plaintiff has retained competent counsel, experienced in the prosecution of complex class actions, and together Plaintiff and his counsel intend to prosecute this action vigorously for the benefit of the classes. The interests of the Putative Classes will fairly and adequately be protected by Plaintiff and his attorneys.

36. **Superiority:** A class action is superior to other available methods for the fair and efficient adjudication of this litigation since individual litigation of the claims of all Putative Classes is impracticable. It would be unduly burdensome to the courts if these matters were to proceed on an individual basis, because this would potentially result in

1 hundreds of individuals, repetitive lawsuits. Further, individual litigation presents the
2 potential for inconsistent or contradictory judgments, and the prospect of a “race to the
3 courthouse,” and an inequitable allocation of recovery among those with equally meritorious
4 claims. By contrast, the class action device presents far fewer management difficulties, and
5 provides the benefit of a single adjudication, economics of scale, and comprehensive
6 supervision by a single court.

7 37. The various claims asserted in this action are additionally or alternatively
8 certifiable under the provisions of the California Code of Civil Procedure § 382 because:

9 a. The prosecution of separate actions by hundreds of individual
10 Putative Class Members would create a risk of varying adjudications
11 with respect to individual Putative Class Members, thus establishing
12 incompatible standards of conduct for Defendants, and

13 b. The prosecution of separate actions by individual Putative Class
14 Members would also create the risk of adjudications with respect to
15 them that, as a practical matter, would be dispositive of the interest of
16 the other Putative Class Members who are not a party to such
17 adjudications and would substantially impair or impede the ability of
18 such non-party Putative Class Members to protect their interests.

19 **FIRST CAUSE OF ACTION**

20 **VIOLATION OF *LABOR CODE* §246**

21 **(By Plaintiff and the Members of the Putative Class Against All Defendants)**

22 38. Plaintiff incorporates herein by reference the allegations set forth above.

23 39. Pursuant to *Labor Code* § 246, “An employee who, on or after July 1, 2015,
24 works in California for the same employer for 30 or more days within a year from the
25 commencement of employment is entitled to paid sick days as specified in this section.”

26 40. “An employer shall provide an employee with written notice that sets forth the
27 amount of paid sick leave available, or paid time off leave an employer provides in lieu of sick
28 leave, for use on either the employee’s itemized wage statement described in Section 226 or in

1 a separate writing provided on the designated pay date with the employee's payment of wages.
2 If an employer provides unlimited paid sick leave or unlimited paid time off to an employee,
3 the employer may satisfy this section by indicating on the notice or the employee's itemized
4 wage statement 'unlimited.' The penalties described in this article for a violation of this
5 subdivision shall be in lieu of the penalties for a violation of Section 226. This subdivision
6 shall apply to employers covered by Wage Order 11 or 12 of the Industrial Welfare
7 Commission only on and after January 21, 2016."

8 41. By their policy of failing to pay Plaintiff and others for sick pay, Defendants
9 willfully violated the provisions of *Labor Code* § 246(i).

10 42. As a proximate result of the above-mentioned violations. Plaintiff and the
11 members of the putative class have been damaged in an amount according to proof at time of
12 trial.

13 SECOND CAUSE OF ACTION

14 FAILURE TO PAY VACATION WAGES

15 (By Plaintiff and the Members of the Putative Class Against All Defendants)

16 43. Plaintiff incorporates herein by reference the allegations set forth above.

17 44. *Labor Code* § 227.3 provides in pertinent part, "...whenever a contract of
18 employment or employer policy provides for paid vacations, and an employee is terminated
19 without having taken off his vested vacation time, all vested vacation shall be paid to him as
20 wages at his final rate in accordance with such contract of employment or employer policy
21 respecting eligibility or time served; provided, however, that an employment contract or
22 employer policy shall not provide for forfeiture of vested vacation time upon termination."

23 45. Under the above-mentioned wage order and state regulations, Plaintiff and the
24 members of the Putative Class are entitled to recover compensation for all hours worked, but
25 not paid, for the four (4) years preceding the filing of this action, in addition to reasonable
26 attorney's fees and costs of suit in accordance with California *Labor Code* § 218.5, and
27 penalties pursuant to California *Labor Code* §203 and 206.

28 46. Defendants have knowingly and willfully refused to perform their obligations to

1 compensate Plaintiff and the members of the Putative Class for all wages earned and all hours
2 worked, in violation of state law. As a direct result, Plaintiff and the members of the Putative
3 Class have suffered, and continue to suffer, substantial losses related to the use and enjoyment
4 of such wages, lost interest on such wages, and expenses and attorney's fees in seeking to
5 compel Defendants to fully perform their obligation under state law, in accordance with
6 Plaintiff's and the members of the Putative Class's respective damage amounts according to
7 proof at time of trial.

8 47. Defendants committed such actions alleged knowingly and willfully, with the
9 wrongful and deliberate intention of injuring Plaintiff and the members of the putative class,
10 from improper motives amounting to malice, and in conscious disregard of Plaintiff's and the
11 members of the putative class' rights.

12 48. As a proximate result of the above-mentioned violations. Plaintiff and the
13 members of the putative class have been damaged in an amount according to proof at time of
14 trial.

15 **THIRD CAUSE OF ACTION**

16 **WAGE STATEMENT VIOLATIONS**

17 **(By Plaintiff and the Members of the Putative Class Against All Defendants)**

18 49. Plaintiff incorporates all preceding paragraphs as though fully set forth herein.

19 50. *Labor Code* § 226(a) states:

20 "An employer, semimonthly or at the time of each payment of wages, shall
21 furnish to his or his employee, either as a detachable part of the check, draft, or
22 voucher paying the employee's wages, or separately if wages are paid by
23 personal check or cash, an accurate itemized statement in writing showing (1)
24 gross wages earned, (2) total hours worked by the employee, except as provided
25 in subdivision (j), (3) the number of piece-rate units earned and any applicable
26 piece rate if the employee is paid on a piece-rate basis, (4) all deductions,
27 provided that all deductions made on written orders of the employee may be
28 aggregated and shown as one item, (5) net wages earned, (6) the inclusive dates

1 of the period for which the employee is paid, (7) the name of the employee and
2 only the last four digits of his or his social security number or an employee
3 identification number other than a social security number, (8) the name and
4 address of the legal entity that is the employer and, if the employer is a farm
5 labor contractor, as defined in subdivision (b) of Section 1682, the name and
6 address of the legal entity that secured the services of the employer, and (9) all
7 applicable hourly rates in effect during the pay period and the corresponding
8 number of hours worked at each hourly rate by the employee and, beginning July
9 1, 2013, if the employer is a temporary services employer as defined in Section
10 201.3, the rate of pay and the total hours worked for each temporary services
11 assignment. The deductions made from payment of wages shall be recorded in
12 ink or other indelible form, properly dated, showing the month, day, and year,
13 and a copy of the statement and the record of the deductions shall be kept on file
14 by the employer for at least three years at the place of employment or at a central
15 location within the State of California. For purposes of this subdivision, 'copy'
16 includes a duplicate of the itemized statement provided to an employee or a
17 computer-generated record that accurately shows all of the information required
18 by this subdivision."

19 51. The Division of Labor Standards Enforcement ("DLSE") has sought to harmonize
20 the "detachable part of the check" provision and the "accurate itemized statement in writing"
21 provision of *Labor Code* § 226(a) by allowing for electronic wage statements so long as each
22 employee retains the right to elect to receive a written paper stub or record and that those who
23 are provided with electronic wage statements retain the ability to easily access the information
24 and convert the electronic statements into hard copies at no expense to the employee. (DLSE
25 Opinion Letter July 6, 2006).

26 52. Section 226(a) of the California *Labor Code* requires defendants to itemize in
27 wage statements all deductions from payment of wages and to accurately report total hours
28 worked by Plaintiff. Defendants have knowingly and intentionally failed to comply with

1 *Labor Code* §226(a) on each and every wage statement that should have been provided to
2 Plaintiff. By failing to keep adequate records as required by §§226 and 1174(d) of the *Labor*
3 *Code*, defendants have injured Plaintiff and made it difficult to calculate the unpaid wages
4 earned, and losses and expenditures not indemnified by defendants (including wages, interest,
5 and penalties thereon) due to Plaintiff.

6 53. Section 1174 of the California *Labor Code* requires defendants to maintain and
7 preserve, in a centralized location, among other items, records showing the names and addresses
8 of all employees employed, payroll records showing the hours worked daily by and the wages
9 paid to its employees. Defendants have knowingly and intentionally failed to comply with
10 *Labor Code* § 1174. Defendants' failure to comply with *Labor Code* § 1174 is unlawful pursuant
11 to *Labor Code* § 1175.

12 54. IWC Wage Orders 4-2001(7), 4-2000(7), require defendants to maintain time
13 records showing, among other things, when the employee begins and ends each work period,
14 meal periods, split shift intervals and total daily hours worked in an itemized wage
15 statements, and must show all deductions and reimbursements from payment of wages, and
16 accurately report total hours worked by Plaintiff.

17 55. Defendants violated this section as to Plaintiff and Putative Class Members by
18 providing them with inaccurate and/or incomplete wage statements. Specifically, Defendants
19 failed to accurately specify the total regular and/or overtime hours worked, and failed to specify
20 the hourly rate, making it difficult to calculate total wages earned and due.

21 56. Plaintiff requests relief as described herein and below.

22 **FOURTH CAUSE OF ACTION**

23 **FAILURE TO PAY WAGES AT TIME OF**

24 **TERMINATION (California *Labor Code* §§ 201-203)**

25 **(By Plaintiff and Members of the Terminated Sub Class Against All Defendants)**

26 57. Plaintiff alleges and incorporates all preceding paragraphs as though fully set
27 forth herein.

28 58. At all times, relevant herein, Defendants were required to pay their employees all

1 wages owed in a timely fashion during and at the end of their employment, pursuant to
2 California *Labor Code* §§ 201-203.

3 59. At all relevant times, pursuant to *Labor Code* § 201, employees who have been
4 discharged have been entitled to payment of all final wages immediately upon termination.

5 60. At all relevant times, pursuant to *Labor Code* § 202, employees who have
6 resigned after giving at least seventy-two (72) hours notice of resignation have been entitled to
7 payment of all final wages at the time of resignation.

8 61. As a pattern and practice, Defendants regularly failed to pay Plaintiff and
9 members of the Terminated Sub Class their final wages pursuant to California *Labor Code* §§
10 201-203, and accordingly owe waiting time penalties pursuant to California *Labor Code* § 203.

11 62. The conduct of Defendants and their agents and managerial employees as
12 described herein was willful, and in violation of the rights of Plaintiff and the individual
13 members of the Terminated Sub Class.

14 63. Plaintiff is informed and believes, and based thereon alleges, that Defendants'
15 willful failure to pay wages due and owing them upon separation from employment results in a
16 continued payment of wages up to thirty (30) days from the time the wages were due.
17 Therefore, Plaintiff and the members of the Putative Class who have separated from
18 employment are entitled to compensation pursuant to California *Labor Code* § 203.

19 **FIFTH CAUSE OF ACTION**

20 **UNFAIR COMPETITION: CALIFORNIA BUSINESS AND**

21 **PROFESSIONS CODE § 17200**

22 **(By Plaintiff and the Members of the Putative Class, Against All Defendants)**

23 64. Plaintiff alleges and incorporates all preceding paragraphs as though fully set
24 forth herein.

25 65. Section 17200 of the California *Business and Professions Code* prohibits any
26 unlawful, unfair or fraudulent business act or practice.

27 66. Plaintiff brings this cause of action in a representative capacity on behalf of the
28 general public and the persons affected by the unlawful and unfair conduct described herein.

1 Plaintiff and the members of the Putative Class have suffered, and continue to suffer, injury in
2 fact and monetary damages because of Defendants' actions.

3 67. The actions by Defendants as herein alleged amount to conduct, which is
4 unlawful and a violation of law. As such, said conduct amounts to unfair business practices in
5 violation of California *Business and Professions Code* § 17200, *et seq.*

6 68. Defendants' conduct as herein alleged has damaged Plaintiff and the members of
7 the Putative Class by denying them wages due and payable, and by failing to pay all wages due
8 in a timely manner at the time of termination (for the Terminated Sub Class). Defendants'
9 actions are thus substantially injurious to Plaintiff and the members of the Putative Class,
10 causing them injury in fact and loss of money.

11 69. Because of such conduct, Defendants have unlawfully and unfairly obtained
12 monies due to the Plaintiff and the members of the Putative Class.

13 70. All members of the Putative Class can be identified by reference to payroll and
14 related records in the possession of the Defendants. The amount of wages due Plaintiff and the
15 members of the Putative Class can be readily determined from Defendants' records. The Class
16 Members are entitled to restitution of monies due and obtained by Defendants during the Class
17 Period as a result of Defendants' unlawful and unfair conduct.

18 71. During the Class Period, Defendants committed, and continue to commit, acts of
19 unfair competition as defined by § 17200, *et seq.*, of the Business and Professions Code, by and
20 among other things, engaging in the acts and practices described above.

21 72. Defendants' course of conduct, acts, and practices in violation of the California
22 law as mentioned in each paragraph above constitutes a separate and independent violation of §
23 17200, of the *Business and Professions Code*.

24 73. The harm to Plaintiff and the members of the Putative Class of being wrongfully
25 denied lawfully earned and unpaid wages outweighs the utility, if any, of Defendants' policies
26 and practices and, therefore, Defendants' actions described herein constitute an unfair business
27 practice or act within the meaning of *Business and Professions Code* § 17200.

28 74. Defendants' conduct described herein threatens an incipient violation of

1 California's wage and hour laws, and/or violates the policy or spirit of such laws, or otherwise
2 significantly threatens or harms competition.

3 75. Defendants' course of conduct described herein further violates California
4 *Business and Professions Code* § 17200 in that it is fraudulent, improper, and unfair.

5 76. The unlawful, unfair, and fraudulent business practices and acts of Defendants as
6 described herein-above have injured Plaintiff and the members of the Putative Class in that they
7 were wrongfully denied the timely and full payment of wages due to them.

8 **PRAYER FOR RELIEF**

9 WHEREFORE, Plaintiff, on behalf of himself and on behalf of the members of the
10 Putative Class, pray for judgment against Defendants as follows:

- 11 1. For an order certifying the proposed Putative Class;
- 12 2. For nominal damages;
- 13 3. Certification of this class action on behalf of the proposed Putative Class;
- 14 4. Designation of Plaintiff as the class representative of the Putative Class;
- 15 5. An award of statutory penalties pursuant to California *Labor Code* §§ 203,
16 1174.5, and 2698-99 and California *Business & Professions Code* §17206,
17 subject proof at trial;
- 18 6. An award of waiting time penalties as to those class members who quit or have
19 been discharged, pursuant to California *Labor Code* §203, subject proof at trial;
- 20 7. An award of restitution of all amounts owed and unpaid overtime, minimum
21 wage compensation and interest thereon, in an amount to be proved at trial,
22 pursuant to California *Business & Professions Code* §17203;
- 23 8. Disgorgement of profits and all other appropriate equitable relief authorized by
24 California *Business & Professions Code* § 17203;
- 25 9. Prejudgment and post judgment interest on all sums awarded;
- 26 10. Attorneys' fees and litigation expenses in an amount the Court determines to be
27 reasonable, pursuant to California *Labor Code* §§ 1194 (a), 2699 (g) (1) and Cal.
28 *Code of Civil Procedure* §1021.5, and any other such provision as may be

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applicable;

11. An award of attorneys' fees and costs, as allowed by law, including an award of attorneys' fees and costs pursuant to California Civil Code §§ 1785.31(a), 1786.50, and California *Code of Civil Procedure* § 1021.5;

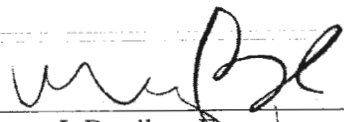
12. For penalties as permitted by the California *Labor Code*, and the regulations, standards and applicable wage orders promulgated thereunder, specifically including, but not limited to, penalties permitted by California *Labor Code* §§ 203, 226.3, 226.7, 510, 512, 512(a), 1174, 1194.2, 1194.5, 1197, 1198, 2699, and 2802;

13. Costs of suit; and,

14. Such other and further relief as is equitable, just, and proper.

DATED: April 15, 2019

**BRADLEY/GROMBACHER, LLP
LAW OFFICES OF SAHAG MAJARIAN II**

By: 


Marcus J. Bradley, Esq.
Kiley L. Grombacher, Esq.
Taylor L. Emerson, Esq.
Sahag Majarian, II, Esq.
Attorneys for Plaintiff

JURY DEMAND

Plaintiff demands a trial by jury on all issues so triable as a matter of right.

DATED: April 15, 2019

**BRADLEY/GROMBACHER, LLP
LAW OFFICES OF SAHAG MAJARIAN II**

By: 

Marcus J. Bradley, Esq.
Kiley L. Grombacher, Esq.
Taylor L. Emerson, Esq.
Sahag Majarian, II, Esq.
Attorneys for Plaintiff

**SUMMONS
(CITACION JUDICIAL)**

SUM-100

NOTICE TO DEFENDANT: SODEXO, INC., a Delaware corporation;
(AVISO AL DEMANDADO): SDH EDUCATION WEST, LLC, a Delaware LLC
and DOES 1 through 100, inclusive.

FOR COURT USE ONLY
(SOLAMENTE PARA USO DE LA CORTE)
FILED

2019 APR 15 P 2:07

PALE DIENER
CLERK OF THE SUPERIOR COURT
COUNTY OF CONTRA COSTA, CA

BY: C. A. JACALA

YOU ARE BEING SUED BY PLAINTIFF:
(LO ESTÁ DEMANDANDO EL DEMANDANTE):
ANTONIO LARA CERRANO, on his own behalf and on behalf of
all others 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 o más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.

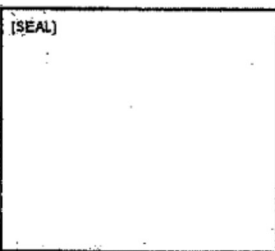
The name and address of the court is:
(El nombre y dirección de la corte es):
Contra Costa Superior Court of the State of California
725 Court Street
Martinez, CA 94553

CASE NUMBER (Número de Caso): 19-00763

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):
Bradley/Grombacher, LLP T: (805) 270-7100 F: (805) 270-7589
Marcus J. Bradley, Esq., 2815 Townsgate Rd., Suite 130, Westlake Village, CA 91361
Kiley L. Grombacher, Esq.
Taylor L. Emerson, Esq.

DATE: APR 15 2019 Clerk, by C. A. JACALA, Deputy (Secretario) (Adiunto)

(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

- as an individual defendant.
- as the person sued under the fictitious name of (specify):
- on behalf of (specify): Sodexo, Inc., a Delaware Corporation
under: CCP 416.10 (corporation) CCP 416.60 (minor)
 CCP 416.20 (defunct corporation) CCP 416.70 (conservatee)
 CCP 416.40 (association or partnership) CCP 416.90 (authorized person)
 other (specify):
- by personal delivery on (date):

CM-010

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number and address): BRADLEY/GROMBACHER, LLP Marcus J. Bradley, Esq. (SBN 174156) mbradley@bradleygrombacher.com Kiley L. Grombacher, Esq. (SBN 245960) Taylor L. Emerson, Esq. (SBN 225303) 2815 Townsgate Road, Suite 130, Westlake Village, CA 91361 TELEPHONE NO.: (805) 270-7100 FAX NO.: (805) 270-7589		FOR COURT USE ONLY <div style="font-size: 2em; font-weight: bold; text-align: center;">FILED</div> <p style="text-align: center;">2019 APR 15 P 2:06</p> <p style="text-align: center; font-size: 0.8em;">WALS BIEBER CLERK OF THE SUPERIOR COURT COUNTY OF CONTRA COSTA, CA</p> <p style="text-align: center;">BY: <i>[Signature]</i></p>
ATTORNEY FOR (Name): Plf, ANTONIO LARA CERRANO, SUPERIOR COURT OF CALIFORNIA, COUNTY OF CONTRA COSTA STREET ADDRESS: 725 Court Street MAILING ADDRESS: 725 Court Street CITY AND ZIP CODE: Martinez, CA 94533 BRANCH NAME:		CASE NUMBER: 00763 JUDGE: DEPT:
CASE NAME: Antonio Lara Cerrano v. Sodexo, Inc., et al.		
CIVIL CASE COVER SHEET <input checked="" type="checkbox"/> Unlimited (Amount demanded exceeds \$25,000) <input type="checkbox"/> Limited (Amount demanded is \$25,000 or less)	Complex Case Designation <input type="checkbox"/> Counter <input type="checkbox"/> Joinder Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)	

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

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

Auto Tort <input type="checkbox"/> Auto (22) <input type="checkbox"/> Uninsured motorist (46) Other P/IPD/WD (Personal Injury/Property Damage/Wrongful Death) Tort <input type="checkbox"/> Asbestos (04) <input type="checkbox"/> Product liability (24) <input type="checkbox"/> Medical malpractice (45) <input type="checkbox"/> Other P/IPD/WD (23) Non-P/IPD/WD (Other) Tort <input type="checkbox"/> Business tort/unfair business practice (07) <input type="checkbox"/> Civil rights (08) <input type="checkbox"/> Defamation (13) <input type="checkbox"/> Fraud (16) <input type="checkbox"/> Intellectual property (19) <input type="checkbox"/> Professional negligence (25) <input type="checkbox"/> Other non-P/IPD/WD tort (35) Employment <input type="checkbox"/> Wrongful termination (36) <input checked="" type="checkbox"/> Other employment (15)	Contract <input type="checkbox"/> Breach of contract/warranty (06) <input type="checkbox"/> Rule 3.740 collections (09) <input type="checkbox"/> Other collections (09) <input type="checkbox"/> Insurance coverage (18) <input type="checkbox"/> Other contract (37) Real Property <input type="checkbox"/> Eminent domain/inverse condemnation (14) <input type="checkbox"/> Wrongful eviction (33) <input type="checkbox"/> Other real property (26) Unlawful Detainer <input type="checkbox"/> Commercial (31) <input type="checkbox"/> Residential (32) <input type="checkbox"/> Drugs (38) Judicial Review <input type="checkbox"/> Asset forfeiture (05) <input type="checkbox"/> Petition re: arbitration award (11) <input type="checkbox"/> Writ of mandate (02) <input type="checkbox"/> Other judicial review (39)	Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400-3.403) <input type="checkbox"/> Antitrust/Trade regulation (03) <input type="checkbox"/> Construction defect (10) <input type="checkbox"/> Mass tort (40) <input type="checkbox"/> Securities litigation (28) <input type="checkbox"/> Environmental/Toxic tort (30) <input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41) Enforcement of Judgment <input type="checkbox"/> Enforcement of judgment (20) Miscellaneous Civil Complaint <input type="checkbox"/> RICO (27) <input type="checkbox"/> Other complaint (not specified above) (42) Miscellaneous Civil Petition <input type="checkbox"/> Partnership and corporate governance (21) <input type="checkbox"/> 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. <input type="checkbox"/> Large number of separately represented parties b. <input checked="" type="checkbox"/> Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve c. <input checked="" type="checkbox"/> Substantial amount of documentary evidence	d. <input checked="" type="checkbox"/> Large number of witnesses 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 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): Five (5)

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: April 15, 2019
 Marcus J. Bradley, Esq. *[Signature]*
(TYPE OR PRINT NAME) (SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE

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

Page 1 of 2

INSTRUCTIONS ON HOW TO COMPLETE THE COVER SHEET

CM-010

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

Superior Court of California, County of Contra Costa

UNLIMITED JURISDICTION
Civil Actions
PACKET

What you will find in this packet:

- **Interpreter Request (MC-300e&s)**
- **Notice To Plaintiffs (CV-655a-INFO)**
- **Notice To Defendants (CV-655d-INFO)**
- **ADR Case Management Stipulation and Order (CV-655b)**
- **Case Management Statement (CM-110)**
- **Alternative Dispute Resolution (ADR) Information (CV-655c-INFO)**

You Can Get Court Forms FREE at: www.cc-courts.org/forms

Superior Court of California, County of Contra Costa

Interpreter Request

If you need an interpreter, please complete the form below and submit it to any Filing Window or courtroom.

Case Number: _____

Case Type:

- | | |
|---|---|
| <input type="checkbox"/> Criminal | <input type="checkbox"/> Small Claims – (\$10,000 or less) |
| <input type="checkbox"/> Traffic | <input type="checkbox"/> Civil - <input type="checkbox"/> \$25,000 <input type="checkbox"/> over \$25,000 |
| <input type="checkbox"/> Civil Harassment | <input type="checkbox"/> Civil – Other _____ |
| <input type="checkbox"/> Conservatorship | <input type="checkbox"/> Family Law |
| <input type="checkbox"/> Proceedings to terminate parental rights | <input type="checkbox"/> Unlawful Detainer |
| <input type="checkbox"/> Dependent Adult Abuse | <input type="checkbox"/> Guardianship |
| <input type="checkbox"/> Juvenile | <input type="checkbox"/> Elder Abuse |

Party Requesting Interpreter: _____

Is interpreter for a witness? Yes No

Phone Number(s) where party can be reached: _____

Date of Hearing: _____ Time of Hearing: _____

Department: _____ Location: Martinez Pittsburg Richmond Walnut Creek

Language Needed: Spanish Mandarin Cantonese Vietnamese

Other: _____

To avoid the risk that your hearing will have to be postponed, please submit this form a minimum of one week in advance.

Current information about this program is available at our website:
www.cc-courts.org/interpreter

Superior Court of California, County of Contra Costa

NOTICE TO PLAINTIFFS
In Unlimited Jurisdiction Civil Actions

AFTER YOU FILE YOUR COURT CASE:

1. **Have the forms the clerk gives you served on all defendants in this case:**
 - a. The Complaint
 - b. The Summons
 - c. The Notice of Case Management Conference (shows hearing date and time)
 - d. The Notice to Defendants (Local Court Form CV-655c-INFO)
 - e. Blank Case Management Statement (Judicial Council Form CM-110)
 - f. Blank Stipulation and Order to Attend ADR and Delay First Case Management Conference 90 Days (Local Court Form CV-655b)
 - g. Alternative Dispute Resolution (ADR) Information (Local Court Form CV-655c-INFO)
2. Within 60 days of the date you filed the complaint you must prove that the forms have been served on (delivered to) the defendants correctly by filing the Proof of Service form (POS-010) (completed by the person who did the service) with the court.
3. Go to the case management conference on the date indicated on The Notice of Case Management Conference.
4. Consider using mediation, arbitration, or neutral case evaluation (ADR) to resolve the dispute. All parties must answer questions about ADR on the Case Management Statement form. For more information, see the enclosed ADR information, visit www.cc-courts.org/adr or email adrweb@contracosta-courts.ca.gov.
5. You may delay the first case management conference while you try to resolve the dispute in ADR. If all parties agree to use ADR, complete and file the Stipulation and Order to Attend ADR and Continue First Case Management Conference 90 Days form to tell the court you want to use this option.

All civil actions (except juvenile, probate, family, unlawful detainer, extraordinary writ, and asset forfeiture¹) and personal injury cases where a party is claiming damages² must meet the Civil Trial Delay Reduction time limits for filing documents and moving their cases forward. These time limits are listed in California Rule of Court 3.110 and Local Court Rules, Title Three. If parties miss these deadlines, a judge might issue an order (Order to Show Cause) for them to explain in court why they should not have to pay a fine or have their case dismissed.

VIEW LOCAL COURT RULES AT: (WWW.CC-COURTS.ORG/RULES)

¹ Health and Safety Code §11470 et seq.

² Including claims for emotional distress and/or wrongful death.

Superior Court of California, County of Contra Costa

NOTICE TO DEFENDANTS
In Unlimited Jurisdiction Civil Actions

YOU ARE BEING SUED. The packet you have been served should contain:

- a. The Summons
- b. The Complaint
- c. The Notice of Case Management (shows hearing date and time)
- d. Blank: Case Management Statement (Judicial Council Form CM-110)
- e. Blank: Stipulation and Order to Attend ADR and Delay First Case Management Conference 90 Days (Local Court Form CV-655b)
- f. Alternative Dispute Resolution (ADR) Information (Local Court Form CV-655c-INFO)

WHAT DO I DO NOW?

You must:

1. **Prepare your response** YOU COULD LOSE YOUR CASE—even before it is heard by a judge or before you can defend yourself, if you do not prepare and file a response on time. See the other side of this page for types of responses you can prepare.
2. **Complete the *Case Management Statement (CM-110)***
3. **File and serve your court papers on time** Once your court forms are complete, you must file 1 original and 2 copies of the forms at court. An adult who is NOT involved in your case must serve one set of forms on the Plaintiff. If you were served in person you must file your response in 30 days. If the server left a copy of the papers with an adult living at your home or an adult in charge at your work or you received a copy by mail you must file your response in 40 days.
4. **Prove you served your court papers on time** by having your server complete a *Proof of Service, (Judicial Council form POS-040)*, that must be filed at the court within 60 days.
5. **Go to court** on the date and time given in the *Notice of Case Management Conference*.
6. **Consider trying to settle your case before trial** If you and the other party to the case can agree to use mediation, arbitration or neutral case evaluation, the *Stipulation and Order to Attend ADR and Delay First Case Management Conference 90 Days* can be filed with your other papers. For more information read the enclosed ADR information, visit www.cc-courts.org/adr, or email adrweb@contracosta.courts.ca.gov.

IMPORTANT! The court recommends consulting an attorney for all or part of your case. While you may represent yourself, lawsuits can be complicated, and the court cannot give you legal advice.

COURT FEES: You must pay court fees the first time you file your papers. If you also file a motion, you must pay another fee. If you cannot afford the fees, you may ask the court to waive (allow you not to pay) fees. Use Judicial Council forms FW-001-INFO [information sheet], FW-001 [application], and FW-003 [order].

COURT FORMS: Buy forms at the Law Library (1020 Ward Street, Martinez, CA) or download them for free at: www.courtinfo.ca.gov/forms/

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF CONTRA COSTA**

 _____ Plaintiff(s) / Cross Plaintiff(s)
 vs.

 _____ Defendant(s) / Cross Defendant(s)

ADR Case Management Stipulation and Order
(Unlimited Jurisdiction Civil Cases)

CASE NO: _____

▶ ALL PARTIES STIPULATING TO ADR AND DELAYING THEIR CASE MANAGEMENT CONFERENCE 90 DAYS MUST **SUBMIT THE ORDER FOR THE JUDGE'S SIGNATURE AND FILE THIS FORM AT LEAST 15 DAYS BEFORE THEIR CASE MANAGEMENT CONFERENCE.** (NOT AVAILABLE IN COMPLEX LITIGATION CASES.)

▶ PARTIES MUST ALSO SEND A COPY OF THIS **FILED STIPULATION AND ORDER TO THE ADR OFFICE:**
 EMAIL adrweb@contracosta.courts.ca.gov FAX: (925) 608-2109 MAIL: P.O. BOX 911, MARTINEZ, CA 94553

Counsel and all parties agree to delay their case management conference 90 days to attend ADR and complete pre-ADR discovery as follows:

1. Selection and scheduling for Alternative Dispute Resolution (ADR):
 - a. The parties have agreed to ADR as follows:
 - i. Mediation (Court-connected Private)
 - ii. Arbitration (Judicial Arbitration (non-binding) Private (non-binding) Private (binding))
 - iii. Neutral case evaluation
 - b. The ADR neutral shall be selected by (date): _____ (no more than 14 days after filing this form)
 - c. ADR shall be completed by (date): _____ (no more than 90 days after filing this form)
2. The parties will complete the following discovery plan:
 - a. Written discovery: (Additional page(s) attached)
 - i. Interrogatories to:
 - ii. Request for Production of Documents to:
 - iii. Request for Admissions to:
 - iv. Independent Medical Evaluation of:
 - v. Other:
 - b. Deposition of the following parties or witnesses: (Additional page(s) attached)
 - i. _____
 - ii. _____
 - iii. _____
 - c. No Pre-ADR discovery needed
3. The parties also agree: _____
4. Counsel and self-represented parties represent they are familiar with and will fully comply with all local court rules related to ADR as provided in Title Three; Chapter 5, will pay the fees associated with these services, and understand that if they do not, without good cause, comply with this stipulation and all relevant local court rules, they may be subject to sanctions.

_____ Counsel for Plaintiff (print)	_____ Fax
_____ Signature	
_____ Counsel for Plaintiff (print)	_____ Fax
_____ Signature	

_____ Counsel for Defendant (print)	_____ Fax
_____ Signature	
_____ Counsel for Defendant (print)	_____ Fax
_____ Signature	

Pursuant to the Stipulation of the parties, and subject to the *Case Management Order* to be filed, **IT IS SO ORDERED** that the Case Management Conference set for _____ is vacated and rescheduled for _____ at (8:30 a.m. / _____) **Plaintiff / Plaintiff's counsel must notify all parties of the new case management conference.**

Dated: _____

Judge of the Superior Court

CM-110

PLAINTIFF/PETITIONER: DEFENDANT/RESPONDENT:	CASE NUMBER:
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10. c. Indicate the ADR process or processes that the party or parties are willing to participate in, have agreed to participate in, or have already participated in (*check all that apply and provide the specified information*):

	The party or parties completing this form are willing to participate in the following ADR processes (<i>check all that apply</i>):	If the party or parties completing this form in the case have agreed to participate in or have already completed an ADR process or processes, indicate the status of the processes (<i>attach a copy of the parties' ADR stipulation</i>):
(1) Mediation	<input type="checkbox"/>	<input type="checkbox"/> Mediation session not yet scheduled <input type="checkbox"/> Mediation session scheduled for (<i>date</i>): <input type="checkbox"/> Agreed to complete mediation by (<i>date</i>): <input type="checkbox"/> Mediation completed on (<i>date</i>):
(2) Settlement conference	<input type="checkbox"/>	<input type="checkbox"/> Settlement conference not yet scheduled <input type="checkbox"/> Settlement conference scheduled for (<i>date</i>): <input type="checkbox"/> Agreed to complete settlement conference by (<i>date</i>): <input type="checkbox"/> Settlement conference completed on (<i>date</i>):
(3) Neutral evaluation	<input type="checkbox"/>	<input type="checkbox"/> Neutral evaluation not yet scheduled <input type="checkbox"/> Neutral evaluation scheduled for (<i>date</i>): <input type="checkbox"/> Agreed to complete neutral evaluation by (<i>date</i>): <input type="checkbox"/> Neutral evaluation completed on (<i>date</i>):
(4) Nonbinding judicial arbitration	<input type="checkbox"/>	<input type="checkbox"/> Judicial arbitration not yet scheduled <input type="checkbox"/> Judicial arbitration scheduled for (<i>date</i>): <input type="checkbox"/> Agreed to complete judicial arbitration by (<i>date</i>): <input type="checkbox"/> Judicial arbitration completed on (<i>date</i>):
(5) Binding private arbitration	<input type="checkbox"/>	<input type="checkbox"/> Private arbitration not yet scheduled <input type="checkbox"/> Private arbitration scheduled for (<i>date</i>): <input type="checkbox"/> Agreed to complete private arbitration by (<i>date</i>): <input type="checkbox"/> Private arbitration completed on (<i>date</i>):
(6) Other (<i>specify</i>):	<input type="checkbox"/>	<input type="checkbox"/> ADR session not yet scheduled <input type="checkbox"/> ADR session scheduled for (<i>date</i>): <input type="checkbox"/> Agreed to complete ADR session by (<i>date</i>): <input type="checkbox"/> ADR completed on (<i>date</i>):

CM-110

PLAINTIFF/PETITIONER: DEFENDANT/RESPONDENT:	CASE NUMBER:
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17. Economic litigation

- a. This is a limited civil case (i.e., the amount demanded is \$25,000 or less) and the economic litigation procedures in Code of Civil Procedure sections 90-98 will apply to this case.
- b. This is a limited civil case and a motion to withdraw the case from the economic litigation procedures or for additional discovery will be filed (if checked, explain specifically why economic litigation procedures relating to discovery or trial should not apply to this case):

18. Other issues

- The party or parties request that the following additional matters be considered or determined at the case management conference (specify):

19. Meet and confer

- a. The party or parties have met and conferred with all parties on all subjects required by rule 3.724 of the California Rules of Court (if not, explain):
- b. After meeting and conferring as required by rule 3.724 of the California Rules of Court, the parties agree on the following (specify):

20. Total number of pages attached (if any): _____

I am completely familiar with this case and will be fully prepared to discuss the status of discovery and alternative dispute resolution, as well as other issues raised by this statement, and will possess the authority to enter into stipulations on these issues at the time of the case management conference, including the written authority of the party where required.

Date:

(TYPE OR PRINT NAME)

▶ _____
(SIGNATURE OF PARTY OR ATTORNEY)

(TYPE OR PRINT NAME)

▶ _____
(SIGNATURE OF PARTY OR ATTORNEY)

Additional signatures are attached.



**CONTRA COSTA COUNTY SUPERIOR COURT
ALTERNATIVE DISPUTE RESOLUTION (ADR) INFORMATION**

All judges in the Civil Trial Delay Reduction Program agree that parties should consider using Alternative Dispute Resolution (ADR) to settle their cases. To tell the court you will use ADR:

- Choose ADR on the *Case Management Form (CM-140)*.
- File a *Stipulation and Order to Attend ADR and Continue First Case Management Conference 90-Days* (local court form), or
- Agree to ADR at your first court appearance.

Questions? Email adrweb@contracosta.courts.ca.gov or call (925) 608-2075

MEDIATION

Mediation is often faster and less expensive than going to trial. Mediators help people who have a dispute talk about ways they can settle their case. Parties email, fax or visit the ADR Programs office to get a list of mediators. After parties have agreed on a mediator, they must write a summary (5 pages or less) explaining the facts, legal arguments, and legal authority for their position. They must send this summary to the other parties and the mediator at least 5 court days before mediation starts.

ALL parties and attorneys must go to mediation. Mediation can be held whenever and wherever the parties and the mediator want, as long as they finish before the court deadline. In some kinds of court cases, parties have the chance to mediate in the courthouse on their trial day.

Most mediators begin by talking with the parties together, helping them focus on the important issues. The mediator may also meet with each party alone. Mediators often ask parties for their ideas about how to settle the case. Some mediators tell the parties how much money they think a case is worth, or tell them what they think might happen if the case went to trial. Other mediators help the parties decide these things for themselves. No matter what approach a mediator takes, decisions about settling a case can only be made when all the parties agree.

If the parties go through the court ADR program, mediators do not charge fees for the first half-hour spent scheduling or preparing for mediation. They also do not charge fees for the first two hours of mediation. If parties need more time, they must pay the mediators regular fees. Some mediators ask for a deposit before mediation starts. Mediators who do this must give back whatever is left after counting the time he or she spent preparing for or doing the mediation. A party whose court fees have been waived (cancelled) may ask if their mediation fees or deposit can be waived.

If parties agree about how they will settle their case, they can choose to keep it private, write it up as a contract, or ask the judge to make it a court order. What parties say and agree to in mediation is confidential (private).

PRIVATE MEDIATION

Private mediation works in the same way as judicial mediation, but the parties do not go through the ADR Programs office. Parties choose a mediator on their own, and pay the mediator's normal fees.

TEMPORARY JUDGE

Some parties want a trial, but want to choose who will decide the case and when the trial will take place. Parties can agree on an attorney that they want the court to appoint as a temporary judge for their case. (See Article 6, Section 21 of the State Constitution and Rule 2.830 of the California Rules of Court.) Temporary judges have nearly the same authority as a superior court judge to conduct a trial and make decisions. As long as the parties meet the court deadline, they can schedule the trial at their own and the temporary judge's convenience.

Each of the temporary judges on the court's panel has agreed to serve at no charge for up to 5 court days. If the parties need more time, they must pay that person's regular fees. All parties and their lawyers must attend the trial and provide a copy of all briefs or other court documents to the temporary judge at least two weeks before the trial. These trials are similar to other civil trials, but are usually held outside the court. The temporary judge's decision can be appealed to the superior court. There is no option for a jury trial. The parties must provide their own court reporter.

SPECIAL MASTER

A special master is a private lawyer, retired judge, or other expert appointed by the court to help make day-to-day decisions in a court case. The special master's role can vary, but often includes making decisions that help the discovery (information exchange) process go more smoothly. He or she can make decisions about the facts in the case. Special masters can be especially helpful in complex cases. The trial judge defines what the special master can and cannot do in a court order.

Special masters often issue both interim recommendations and a final report to the parties and the court. If a party objects to what the special master decides or reports to the court, that party can ask the judge to review the matter. In general, the parties choose (by stipulation) whom they want the court to appoint as the special master, but there are times (see California Code of Civil Procedure Section 639), when the court may appoint a special master or referee without the parties' agreement. The parties are responsible to pay the special master's regular fees.

COMMUNITY MEDIATION SERVICES

Mediation Services are available through non-profit community organizations. These low-cost services are provided by trained volunteer mediators. For more information about these programs contact the ADR Program at adrweb@contracosta.courts.ca.gov

JUDICIAL ARBITRATION (non-binding)

In judicial arbitration, an independent attorney (arbitrator) looks at the evidence, listens to the parties and their witnesses, and decides how the case will be settled. Judicial arbitration is less formal than court. Parties email, fax or visit the ADR Programs office to get a list of arbitrators. If they cannot agree on an arbitrator, the court will assign one. The judge can send cases to arbitration if there is less than \$50,000 in dispute. The person who started the court case can make sure the case goes to arbitration if they agree to limit the amount they are asking for to \$50,000. Parties can also agree they want to use judicial arbitration. The arbitrator must send their decision (award) to the court within 10 days of the last hearing. The award becomes a court judgment unless a party asks the court to review the case within 60 days. Parties must use the ADR-102 form to ask for a new court hearing (called a trial de novo). Judicial arbitrators charge \$150 per case or per day.

PRIVATE ARBITRATION (non-binding and binding)

Private, non-binding arbitration is the same as judicial arbitration, except that the parties do not go through the ADR Programs office to choose an arbitrator, and the arbitrator's award will not become a judgment of the court unless all parties agree. Parties must pay the arbitrator's normal fees.

Binding arbitration is different from judicial or private non-binding arbitration because the arbitrator's decision is final. Parties give up their right to have a judge review their case later (except for reasons listed in California Code of Civil Procedure, Section 1285.2). Binding arbitration rules are listed in California Code of Civil Procedure, Sections 1280-1288.8. Parties may also agree any time before the judge has made a decision that ends the case to switch to binding arbitration. Parties choose the arbitrator on their own, and must pay the arbitrator's normal (not \$150) fees.

SETTLEMENT MENTOR CONFERENCE

Settlement mentors are independent, experienced trial attorneys that a judge has assigned to help parties look for ways to settle their case. The conference is free and is held in the courthouse. It is often held on the morning of trial, but it can be scheduled anytime. These conferences usually last two or three hours. Parties do not present evidence and do not call witnesses. Parties can ask the settlement mentor to keep some information confidential (private) from the other party, but not from the judge. The settlement mentor can share any information with the judge, or involve the judge in settlement discussions. All principals, clients, and claims representatives must attend the settlement mentor conference.

NEUTRAL CASE EVALUATION

In neutral case evaluation, an independent attorney (evaluator) reviews documents and listens to each party's side of the case. The evaluator then tells the parties what they think could happen if the case went to trial. Many people use the evaluator's opinion to reach an agreement on their own, or use this information later in mediation or arbitration to settle their case.

Parties email, fax or visit the ADR Programs office to get a list of evaluators. After parties have agreed on an evaluator, they must write a summary (5 pages or less) explaining the facts, legal arguments, and legal authority for their position. They must send this summary to the other parties and the evaluator at least 5 court days before evaluation starts. ALL parties and their attorneys must go to neutral case evaluation. The evaluation can be held whenever and wherever the parties and the evaluator want, as long as they finish before the court deadline. If the parties go through the court's ADR program, evaluators do not charge any fees for the first half hour spent scheduling or preparing for the evaluation conference. They also do not charge fees for the first two hours of the evaluation. If parties need more time, they must pay that evaluator's regular fees. Some evaluators ask for a deposit before evaluation starts. Evaluators who do this must give back whatever is left after counting the time he or she spent preparing for or doing the evaluation. A party whose court fees have been waived (cancelled) may ask if their evaluation fees or deposit can be waived.

PLAINTIFF/PETITIONER: DEFENDANT/RESPONDENT:	CASE NUMBER: CM-110
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11. Insurance

- a. Insurance carrier, if any, for party filing this statement (*name*):
- b. Reservation of rights: Yes No
- c. Coverage issues will significantly affect resolution of this case (*explain*):

12. Jurisdiction

Indicate any matters that may affect the court's jurisdiction or processing of this case and describe the status.

- Bankruptcy Other (*specify*):

Status:

13. Related cases, consolidation, and coordination

- a. There are companion, underlying, or related cases.

- (1) Name of case:
- (2) Name of court:
- (3) Case number:
- (4) Status:

Additional cases are described in Attachment 13a.

- b. A motion to consolidate coordinate will be filed by (*name party*):

14. Bifurcation

- The party or parties intend to file a motion for an order bifurcating, severing, or coordinating the following issues or causes of action (*specify moving party, type of motion, and reasons*):

15. Other motions

- The party or parties expect to file the following motions before trial (*specify moving party, type of motion, and issues*):

16. Discovery

- a. The party or parties have completed all discovery.
- b. The following discovery will be completed by the date specified (*describe all anticipated discovery*):

<u>Party</u>	<u>Description</u>	<u>Date</u>
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- c. The following discovery issues, including issues regarding the discovery of electronically stored information, are anticipated (*specify*):

CM-110

PLAINTIFF/PETITIONER: DEFENDANT/RESPONDENT:	CASE NUMBER:
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4. b. Provide a brief statement of the case, including any damages. *(If personal injury damages are sought, specify the injury and damages claimed, including medical expenses to date [indicate source and amount], estimated future medical expenses, lost earnings to date, and estimated future lost earnings. If equitable relief is sought, describe the nature of the relief.)*

(If more space is needed, check this box and attach a page designated as Attachment 4b.)

5. **Jury or nonjury trial**

The party or parties request a jury trial a nonjury trial. *(If more than one party, provide the name of each party requesting a jury trial):*

6. **Trial date**

- a. The trial has been set for *(date)*:
- b. No trial date has been set. This case will be ready for trial within 12 months of the date of the filing of the complaint *(if not, explain)*:
- c. Dates on which parties or attorneys will not be available for trial *(specify dates and explain reasons for unavailability)*:

7. **Estimated length of trial**

The party or parties estimate that the trial will take *(check one)*:

- a. days *(specify number)*:
- b. hours (short causes) *(specify)*:

8. **Trial representation (to be answered for each party)**

The party or parties will be represented at trial by the attorney or party listed in the caption by the following:

- a. Attorney:
 - b. Firm:
 - c. Address:
 - d. Telephone number:
 - e. E-mail address:
 - f. Fax number:
 - g. Party represented:
- Additional representation is described in Attachment 8.

9. **Preference**

This case is entitled to preference *(specify code section)*:

10. **Alternative dispute resolution (ADR)**

a. **ADR information package.** Please note that different ADR processes are available in different courts and communities; read the ADR information package provided by the court under rule 3.221 for information about the processes available through the court and community programs in this case.

(1) For parties represented by counsel: Counsel has has not provided the ADR Information package identified in rule 3.221 to the client and reviewed ADR options with the client.

(2) For self-represented parties: Party has has not reviewed the ADR information package identified in rule 3.221.

b. **Referral to judicial arbitration or civil action mediation (if available).**

(1) This matter is subject to mandatory judicial arbitration under Code of Civil Procedure section 1141.11 or to civil action mediation under Code of Civil Procedure section 1775.3 because the amount in controversy does not exceed the statutory limit.

(2) Plaintiff elects to refer this case to judicial arbitration and agrees to limit recovery to the amount specified in Code of Civil Procedure section 1141.11:

(3) This case is exempt from judicial arbitration under rule 3.811 of the California Rules of Court or from civil action mediation under Code of Civil Procedure section 1775 et seq. *(specify exemption)*:

WHAT KIND OF RESPONSES CAN I FILE?

1. If you disagree with some or all of what the plaintiff says in the complaint because you believe, or know it is not true, you can file an **ANSWER**.
2. If you have a claim in the same case against the plaintiff, you may file a **CROSS-COMPLAINT**.
3. If you want to ask the court to do something on your behalf, you may file a **MOTION** (See **TYPES OF MOTIONS** below)

HOW DO I PREPARE AN ANSWER?

There are two kinds of Answers you can use, depending on whether the Complaint was verified. You can tell if a Complaint is verified because it says "Verified Complaint" and/or has a signed oath on the last page.

For complaints that are NOT verified:

Use Judicial Council form PLD-050 – General Denial

For complaints that ARE verified:

- a. For personal injury, property damage, and wrongful death claims, use Judicial Council PLD-PI-003 (do not check number 2).
- b. For contract claims, use Judicial Council PLD-C-010 (do not check number 3a).
- c. Be sure to deny every claim with which you disagree. For example, you might write: "*I believe, or know, that the information in paragraph # __ is untrue/incorrect.*" Continue your list until you have addressed each paragraph in the Complaint.

NOTE: The Judicial Council Answer forms have spaces for your affirmative defenses. Be sure to include them or you may not be able to use them later. To find out what your affirmative defenses might be, go to the law library and ask the librarian to help you find the information you need.

If you want to file a Cross-Complaint, you must do so at the same time you file the Answer.

- a. For a personal injury, property damage, and/or wrongful death Cross-Complaint, use Judicial Council form PLD-PI-002.
- b. For a contract Cross-Complaint, use Judicial Council PLD-C-001.

TYPES OF MOTIONS

Written motions are documents that ask the court to do something. You may have to file an *Answer* at the same time. At this point in the case, you can only make Motions from the following list:

1. **Demurrer** (*the facts stated in the complaint are wrong, or the deadline to file the lawsuit has passed*);
2. **Motion to Strike** (*the complaint is unclear, does not follow the law, "doesn't matter", etc.*);
3. **Motion to Transfer** (*the complaint is in the wrong court or there's a more appropriate court*);
4. **Motion to Quash Service of Summons** (*you were not legally served*);
5. **Motion to Stay** (*put the case on hold*); or
6. **Motion to Dismiss** (*stops the case*).

NOTE: Motions are very complicated and you may want to hire a lawyer to help you.

WHERE CAN I GET MORE HELP?

- **Lawyer Referral Service:** (925) 825-5700
- **Bay Area Legal Aid:** (800) 551-5554
- **Contra Costa County Law Library** Martinez: (925) 646- 2783 Richmond: (510) 374-3019
- **Ask the Law Librarian:** www.247ref.org/portal/access_law3.cfm

Superior Court of California, County of Contra Costa

Solicitud Para Intérprete

Si necesita un intérprete, favor completar este formulario y presentarlo en cualquier ventanilla para archivar documentos o con la secretaria del tribunal.

Número de Caso: _____

Tipo de Caso:

- | | |
|--|--|
| <input type="checkbox"/> Criminal | <input type="checkbox"/> Demanda Civil – (\$10,000 o menos) |
| <input type="checkbox"/> Tráfico | <input type="checkbox"/> Demanda Civil - |
| <input type="checkbox"/> Acoso Civil | <input type="checkbox"/> \$25,000 <input type="checkbox"/> más de \$25,000 |
| <input type="checkbox"/> Conservador | <input type="checkbox"/> Civil – otro tipo _____ |
| <input type="checkbox"/> Casos para Terminar Derechos de Madre o Padre | <input type="checkbox"/> Casos de Familia |
| <input type="checkbox"/> Abuso de Adultos Incapacitados | <input type="checkbox"/> Juicio de Desalojo |
| <input type="checkbox"/> Tribunal de Menores | <input type="checkbox"/> Tutela |
| | <input type="checkbox"/> Abuso de Personas Mayores |

Persona que Necesita Intérprete: _____

Marque aquí si esta persona es un testigo

Número Telefónico: _____

Fecha de la Audiencia Judicial: _____ Hora: _____

Departamento: _____ Ciudad: Martinez Pittsburg Richmond Walnut Creek

Idioma Solicitado: Español Mandarín Cantonés Vietnamita

Otro Idioma: _____

Para evitar la posibilidad que su audiencia sea aplazada, favor the presentar este formulario al menos una semana antes de la fecha de su audiencia.

Información actualizada acerca de este servicio se encuentra en nuestra página web: www.cc-courts.org/interpreter

APR 17 2019

SUM-100

**SUMMONS
(CITACION JUDICIAL)**

**NOTICE TO DEFENDANT: SODEXO, INC., a Delaware corporation;
(AVISO AL DEMANDADO): SDH EDUCATION WEST, LLC, a Delaware LLC
and DOES 1 through 100, inclusive,**

FOR COURT USE ONLY
(SOLAMENTE PARA LA CORTE)

FILED

2019 APR 15 P 2:07

PAUL BRENER
CLERK OF THE SUPERIOR COURT
COUNTY OF CONTRA COSTA, CA

BY: C. A. JACALA

YOU ARE BEING SUED BY PLAINTIFF:

(LO ESTÁ DEMANDANDO EL DEMANDANTE):

ANTONIO LARA CERRANO, on his own behalf and on behalf of all others 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:

(El nombre y dirección de la corte es):

Contra Costa Superior Court of the State of California
725 Court Street
Martinez, CA 94553

CASE NUMBER
(Número de Caso) **19-00763**

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):

Bradley/Grombacher, LLP T: (805) 270-7100 F: (805) 270-7589

Marcus J. Bradley, Esq., 2815 Townsgate Rd., Suite 130, Westlake Village, CA 91361

Kiley L. Grombacher, Esq.

Taylor L. Emerson, Esq.

DATE:

APR 15 2019

Clerk, by

C. A. JACALA

Deputy

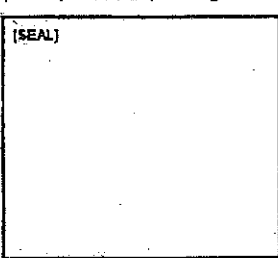
(Fecha)

(Secretario)

(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): **SDH Education West, LLC,**

- under:
- CCP 416.10 (corporation) *a Delaware LLC*
 - CCP 416.20 (defunct corporation)
 - CCP 416.40 (association or partnership)
 - other (specify): **Liability Company**
 - CCP 416.60 (minor)
 - CCP 416.70 (conservatee)
 - CCP 416.90 (authorized person)

4. by personal delivery on (date):

CM-010

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): BRADLEY/GROMBACHER, LLP Marcus J. Bradley, Esq. (SBN 174156) mbradley@bradleygrombacher.com Kiley L. Grombacher, Esq. (SBN 245960) Taylor L. Emerson, Esq. (SBN 225303) 2815 Townsgate Road, Suite 130, Westlake Village, CA 91361 TELEPHONE NO.: (805) 270-7100 FAX NO.: (805) 270-7589		FOR COURT USE ONLY <div style="font-size: 2em; font-weight: bold; letter-spacing: 0.5em;">FILED</div> 2019 APR 15 P 2:06 CLERK OF THE SUPERIOR COURT COUNTY OF CONTRA COSTA BY: <i>[Signature]</i>
ATTORNEY FOR (Name): Plf. ANTONIO LARA CERRANO SUPERIOR COURT OF CALIFORNIA, COUNTY OF CONTRA COSTA STREET ADDRESS: 725 Court Street MAILING ADDRESS: 725 Court Street CITY AND ZIP CODE: Martinez, CA 94533 BRANCH NAME:		
CASE NAME: Antonio Lara Cerrano v. Sodexo, Inc., et al.		
CIVIL CASE COVER SHEET <input checked="" type="checkbox"/> Unlimited (Amount demanded exceeds \$25,000) <input type="checkbox"/> Limited (Amount demanded is \$25,000 or less)	Complex Case Designation <input type="checkbox"/> Counter <input type="checkbox"/> Joinder Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)	CASE NUMBER: 00763 JUDGE: DEPT:

Items 1-8 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 <input type="checkbox"/> Auto (22) <input type="checkbox"/> Uninsured motorist (48) Other PVPD/WD (Personal Injury/Property Damage/Wrongful Death) Tort <input type="checkbox"/> Asbestos (04) <input type="checkbox"/> Product liability (24) <input type="checkbox"/> Medical malpractice (45) <input type="checkbox"/> Other PVPD/WD (23) Non-PVPD/WD (Other) Tort <input type="checkbox"/> Business tort/unfair business practice (07) <input type="checkbox"/> Civil rights (08) <input type="checkbox"/> Defamation (13) <input type="checkbox"/> Fraud (16) <input type="checkbox"/> Intellectual property (19) <input type="checkbox"/> Professional negligence (25) <input type="checkbox"/> Other non-PVPD/WD-tort (36) Employment <input type="checkbox"/> Wrongful termination (36) <input checked="" type="checkbox"/> Other employment (15)	Contract <input type="checkbox"/> Breach of contract/warranty (06) <input type="checkbox"/> Rule 3.740 collections (09) <input type="checkbox"/> Other collections (08) <input type="checkbox"/> Insurance coverage (18) <input type="checkbox"/> Other contract (37) Real Property <input type="checkbox"/> Eminent domain/inverse condemnation (14) <input type="checkbox"/> Wrongful eviction (33) <input type="checkbox"/> Other real property (26) Unlawful Detainer <input type="checkbox"/> Commercial (31) <input type="checkbox"/> Residential (32) <input type="checkbox"/> Drugs (38) Judicial Review <input type="checkbox"/> Asset forfeiture (05) <input type="checkbox"/> Petition re: arbitration award (11) <input type="checkbox"/> Writ of mandate (02) <input type="checkbox"/> Other judicial review (39)	Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400-3.403) <input type="checkbox"/> Antitrust/Trade regulation (03) <input type="checkbox"/> Construction defect (10) <input type="checkbox"/> Maritime (40) <input type="checkbox"/> Securities litigation (28) <input type="checkbox"/> Environmental/Toxic tort (30) <input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41) Enforcement of Judgment <input type="checkbox"/> Enforcement of judgment (20) Miscellaneous Civil Complaint <input type="checkbox"/> RICO (27) <input type="checkbox"/> Other complaint (not specified above) (42) Miscellaneous Civil Petition <input type="checkbox"/> Partnership and corporate governance (21) <input type="checkbox"/> 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. <input type="checkbox"/> Large number of separately represented parties	d. <input checked="" type="checkbox"/> Large number of witnesses
b. <input checked="" type="checkbox"/> Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve	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
c. <input checked="" type="checkbox"/> Substantial amount of documentary evidence	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): Five (5)

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: April 15, 2019
 Marcus J. Bradley, Esq. *[Signature]*
(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.

INSTRUCTIONS ON HOW TO COMPLETE THE COVER SHEET

CM-010

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 P/PPD/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/PPD/WD (23)
Premises Liability (e.g., slip and fall)
Intentional Bodily Injury/PPD/WD (e.g., assault, vandalism)
Intentional Infliction of Emotional Distress
Negligent Infliction of Emotional Distress
Other PI/PPD/WD

Non-PI/PPD/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 (18)
Intellectual Property (19)
Professional Negligence (25)
Legal Malpractice
Other Professional Malpractice (*not medical or legal*)
Other Non-PI/PPD/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

Superior Court of California, County of Contra Costa

Interpreter Request

If you need an interpreter, please complete the form below and submit it to any Filing Window or courtroom.

Case Number: _____

Case Type:

- | | |
|---|---|
| <input type="checkbox"/> Criminal | <input type="checkbox"/> Small Claims -- (\$10,000 or less) |
| <input type="checkbox"/> Traffic | <input type="checkbox"/> Civil - <input type="checkbox"/> \$25,000 <input type="checkbox"/> over \$25,000 |
| <input type="checkbox"/> Civil Harassment | <input type="checkbox"/> Civil - Other _____ |
| <input type="checkbox"/> Conservatorship | <input type="checkbox"/> Family Law |
| <input type="checkbox"/> Proceedings to terminate parental rights | <input type="checkbox"/> Unlawful Detainer |
| <input type="checkbox"/> Dependent Adult Abuse | <input type="checkbox"/> Guardianship |
| <input type="checkbox"/> Juvenile | <input type="checkbox"/> Elder Abuse |

Party Requesting Interpreter: _____

Is interpreter for a witness? Yes No

Phone Number(s) where party can be reached: _____

Date of Hearing: _____ Time of Hearing: _____

Department: _____ Location: Martinez Pittsburg Richmond Walnut Creek

Language Needed: Spanish Mandarin Cantonese Vietnamese

Other: _____

To avoid the risk that your hearing will have to be postponed, please submit this form a minimum of one week in advance.

Current information about this program is available at our website:
www.cc-courts.org/interpreter

Supremo Poder Judicial de Costa Rica, Sala IV, Sala IV, Sala IV

San José, Costa Rica, el día _____ de _____ de _____

REPRESENTADO POR:

Superior Court of California, County of Contra Costa

NOTICE TO DEFENDANTS
In Unlimited Jurisdiction Civil Actions

YOU ARE BEING SUED. The packet you have been served should contain:

- The Summons
- The Complaint
- The Notice of Case Management (shows hearing date and time)
- Blank Case Management Statement (Judicial Council Form CM-110)
- Blank Stipulation and Order to Attend ADR and Delay First Case Management Conference 90 Days (Local Court Form CV-655b)
- Alternative Dispute Resolution (ADR) Information (Local Court Form CV-655c-INFO)

WHAT DO I DO NOW?

YOU MUST:

- Prepare your response.** YOU COULD LOSE YOUR CASE—even before it is heard by a judge or before you can defend yourself. If you do not prepare and file a response on time. See the other side of this page for types of responses you can prepare.
- Complete the Case Management Statement (CM-110)**
- File and serve your court papers on time.** Once your court forms are complete, you must file original and 2 copies of the forms at court. An adult who is NOT involved in your case must serve one set of forms on the Plaintiff. If you were served in person you must file your response in 30 days. If the server left a copy of the papers with an adult living at your home or an adult in charge at your work or you received a copy by mail you must file your response in 40 days.
- Prove you served your court papers on time** by having your server complete a *Proof of Service* (Judicial Council form POS-040) that must be filed at the court within 60 days.
- Go to court on the date and time given in the Notice of Case Management Conference.**
- Consider trying to settle your case before trial.** If you and the other party to the case can agree to use mediation, arbitration or neutral case evaluation, the *Stipulation and Order to Attend ADR and Delay First Case Management Conference 90 Days* can be filed with your other papers. For more information read the enclosed ADR information, visit www.cc.courts.org/adr, or email adweb@contracosta.courts.ca.gov.

IMPORTANT! The court recommends consulting an attorney for all or part of your case. While you may represent yourself, lawsuits can be complicated and the court cannot give you legal advice.

COURT FEES: You must pay court fees the first time you file your papers. If you also file a motion, you must pay another fee. If you cannot afford the fees, you may ask the court to waive (allow you not to pay) fees. Use Judicial Council forms FW-201-INFO (information sheet), FW-999 (application), and FW-993 (order).

COURT FORMS: Buy forms at the Law Library (1020 Ward Street, Martinez, CA) or download them for free at www.courtinfo.ca.gov/forms.

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF CONTRA COSTA**

Plaintiff(s) / Cross Plaintiff(s)

vs.

ADR Case Management Stipulation and Order
(Unlimited Jurisdiction Civil Cases)

Defendant(s) / Cross Defendant(s)

CASE NO: _____

▶ ALL PARTIES STIPULATING TO ADR AND DELAYING THEIR CASE MANAGEMENT CONFERENCE 90 DAYS MUST SUBMIT THE ORDER FOR THE JUDGE'S SIGNATURE AND FILE THIS FORM AT LEAST 15 DAYS BEFORE THEIR CASE MANAGEMENT CONFERENCE. (NOT AVAILABLE IN COMPLEX LITIGATION CASES.)

▶ PARTIES MUST ALSO SEND A COPY OF THIS FILED STIPULATION AND ORDER TO THE ADR OFFICE: EMAIL adrweb@contracosta.courts.ca.gov FAX: (925) 608-2108 MAIL: P.O. BOX 911, MARTINEZ, CA 94563

Counsel and all parties agree to delay their case management conference 90 days to attend ADR and complete pre-ADR discovery as follows:

1. Selection and scheduling for Alternative Dispute Resolution (ADR):
 - a. The parties have agreed to ADR as follows:
 - I. Mediation (Court-connected Private)
 - II. Arbitration (Judicial Arbitration (non-binding) Private (non-binding) Private (binding))
 - III. Neutral case evaluation
 - b. The ADR neutral shall be selected by (date): _____ (no more than 14 days after filing this form)
 - c. ADR shall be completed by (date): _____ (no more than 90 days after filing this form)

2. The parties will complete the following discovery plan:
 - a. Written discovery: (Additional page(s) attached)
 - I. Interrogatories to:
 - II. Request for Production of Documents to:
 - III. Request for Admissions to:
 - IV. Independent Medical Evaluation of:
 - V. Other:
 - b. Deposition of the following parties or witnesses: (Additional page(s) attached)
 - I. _____
 - II. _____
 - III. _____
 - c. No Pre-ADR discovery needed

3. The parties also agree: _____

4. Counsel and self-represented parties represent they are familiar with and will fully comply with all local court rules related to ADR as provided in Title Three, Chapter 5, will pay the fees associated with these services, and understand that if they do not, without good cause, comply with this stipulation and all relevant local court rules, they may be subject to sanctions.

Counsel for Plaintiff (print)	Fax
Signature	
Counsel for Plaintiff (print)	Fax
Signature	

Counsel for Defendant (print)	Fax
Signature	
Counsel for Defendant (print)	Fax
Signature	

Pursuant to the Stipulation of the parties, and subject to the Case Management Order to be filed, IT IS SO ORDERED that the Case Management Conference set for _____ is vacated and rescheduled for _____ at (8:30 a.m. / _____) Plaintiff / Plaintiff's counsel must notify all parties of the new case management conference.

Dated: _____ Judge of the Superior Court

CM-110

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): TELEPHONE NO.: _____ FAX NO. (Optional): _____ E-MAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): _____	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF _____ STREET ADDRESS: _____ MAILING ADDRESS: _____ CITY AND ZIP CODE: _____ BRANCH NAME: _____	
PLAINTIFF/PETITIONER: _____ DEFENDANT/RESPONDENT: _____	
(Check one): <input type="checkbox"/> CASE MANAGEMENT STATEMENT UNLIMITED CASE (Amount demanded exceeds \$25,000) <input type="checkbox"/> LIMITED CASE (Amount demanded is \$25,000 or less)	CASE NUMBER: _____
A CASE MANAGEMENT CONFERENCE is scheduled as follows: Date: _____ Time: _____ Dept.: _____ Div.: _____ Room: _____ Address of court (if different from the address above): _____ <input type="checkbox"/> Notice of Intent to Appear by Telephone, by (name): _____	

INSTRUCTIONS: All applicable boxes must be checked, and the specified information must be provided.

1. Party or parties (answer one):
 - a. This statement is submitted by party (name):
 - b. This statement is submitted jointly by parties (names):

2. Complaint and cross-complaint (to be answered by plaintiffs and cross-complainants only)
 - a. The complaint was filed on (date):
 - b. The cross-complaint, if any, was filed on (date):

3. Service (to be answered by plaintiffs and cross-complainants only)
 - a. All parties named in the complaint and cross-complaint have been served, have appeared, or have been dismissed.
 - b. The following parties named in the complaint or cross-complaint
 - (1) have not been served (specify names and explain why not):
 - (2) have been served but have not appeared and have not been dismissed (specify names):
 - (3) have had a default entered against them (specify names):
 - c. The following additional parties may be added (specify names, nature of involvement in case, and date by which they may be served):

4. Description of case
 - a. Type of case in complaint cross-complaint (Describe, including causes of action):

CM-110

PLAINTIFF/PETITIONER: DEFENDANT/RESPONDENT:	CASE NUMBER:
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10. c. Indicate the ADR process or processes that the party or parties are willing to participate in, have agreed to participate in, or have already participated in (check all that apply and provide the specified information):

	The party or parties completing this form are willing to participate in the following ADR processes (check all that apply):	If the party or parties completing this form in the case have agreed to participate in or have already completed an ADR process or processes, indicate the status of the processes (attach a copy of the parties' ADR stipulation):
(1) Mediation	<input type="checkbox"/>	<input type="checkbox"/> Mediation session not yet scheduled <input type="checkbox"/> Mediation session scheduled for (date): <input type="checkbox"/> Agreed to complete mediation by (date): <input type="checkbox"/> Mediation completed on (date):
(2) Settlement conference	<input type="checkbox"/>	<input type="checkbox"/> Settlement conference not yet scheduled <input type="checkbox"/> Settlement conference scheduled for (date): <input type="checkbox"/> Agreed to complete settlement conference by (date): <input type="checkbox"/> Settlement conference completed on (date):
(3) Neutral evaluation	<input type="checkbox"/>	<input type="checkbox"/> Neutral evaluation not yet scheduled <input type="checkbox"/> Neutral evaluation scheduled for (date): <input type="checkbox"/> Agreed to complete neutral evaluation by (date): <input type="checkbox"/> Neutral evaluation completed on (date):
(4) Nonbinding judicial arbitration	<input type="checkbox"/>	<input type="checkbox"/> Judicial arbitration not yet scheduled <input type="checkbox"/> Judicial arbitration scheduled for (date): <input type="checkbox"/> Agreed to complete judicial arbitration by (date): <input type="checkbox"/> Judicial arbitration completed on (date):
(5) Binding private arbitration	<input type="checkbox"/>	<input type="checkbox"/> Private arbitration not yet scheduled <input type="checkbox"/> Private arbitration scheduled for (date): <input type="checkbox"/> Agreed to complete private arbitration by (date): <input type="checkbox"/> Private arbitration completed on (date):
(6) Other (specify):	<input type="checkbox"/>	<input type="checkbox"/> ADR session not yet scheduled <input type="checkbox"/> ADR session scheduled for (date): <input type="checkbox"/> Agreed to complete ADR session by (date): <input type="checkbox"/> ADR completed on (date):

CM-110

PLAINTIFF/PETITIONER:	CASE NUMBER:
DEFENDANT/RESPONDENT:	

17. Economic litigation

- a. This is a limited civil case (i.e., the amount demanded is \$25,000 or less) and the economic litigation procedures in Code of Civil Procedure sections 90-98 will apply to this case.
- b. This is a limited civil case and a motion to withdraw the case from the economic litigation procedures or for additional discovery will be filed (if checked, explain specifically why economic litigation procedures relating to discovery or trial should not apply to this case):

18. Other issues

- The party or parties request that the following additional matters be considered or determined at the case management conference (specify):

19. Meet and confer

- a. The party or parties have met and conferred with all parties on all subjects required by rule 3.724 of the California Rules of Court (if not, explain):
- b. After meeting and conferring as required by rule 3.724 of the California Rules of Court, the parties agree on the following (specify):

20. Total number of pages attached (if any): _____

I am completely familiar with this case and will be fully prepared to discuss the status of discovery and alternative dispute resolution, as well as other issues raised by this statement, and will possess the authority to enter into stipulations on these issues at the time of the case management conference, including the written authority of the party where required.

Date:

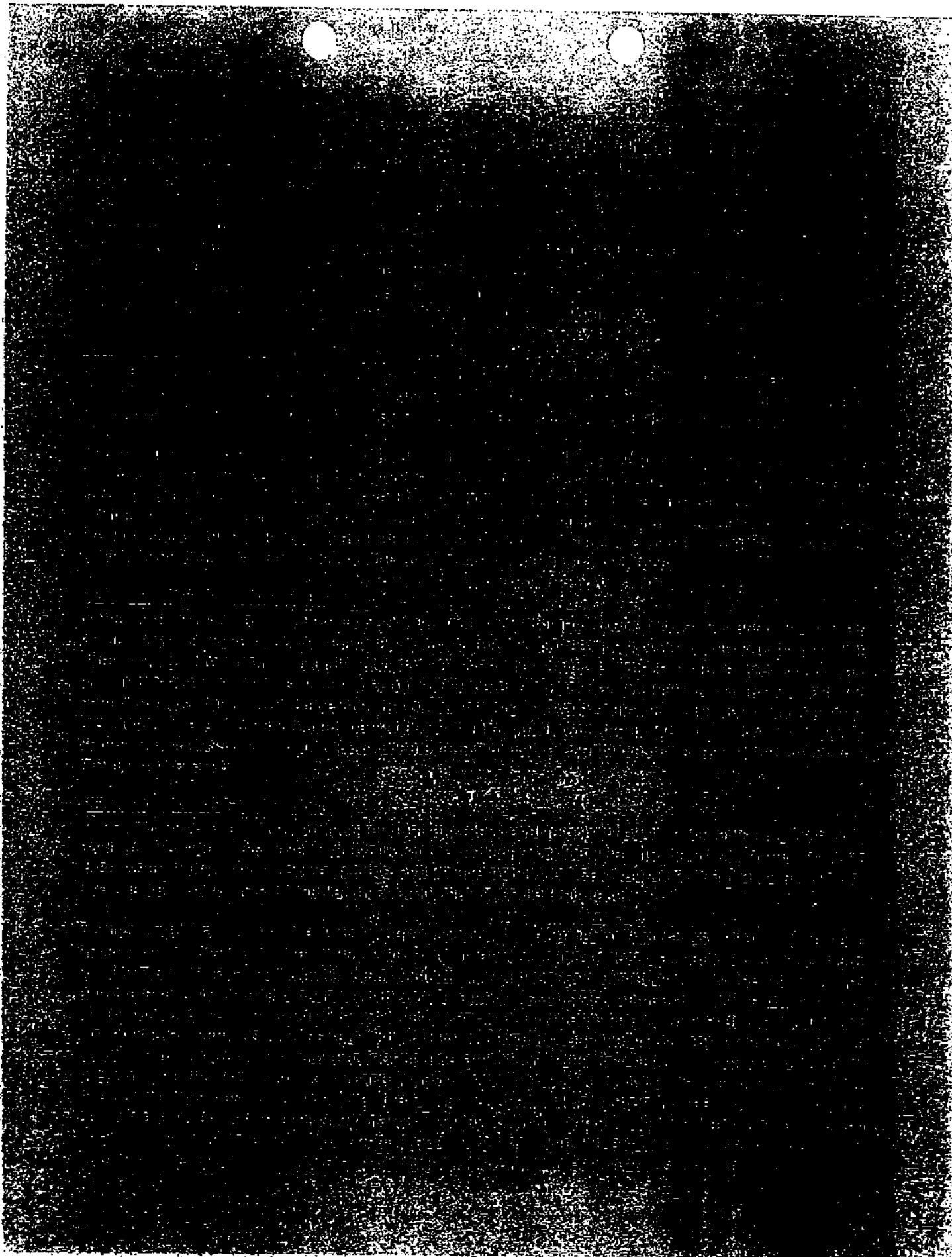
(TYPE OR PRINT NAME)

▶ _____
(SIGNATURE OF PARTY OR ATTORNEY)

(TYPE OR PRINT NAME)

▶ _____
(SIGNATURE OF PARTY OR ATTORNEY)

Additional signatures are attached.



CM-110

PLAINTIFF/PETITIONER:	CASE NUMBER:
DEFENDANT/RESPONDENT:	

11. Insurance

- a. Insurance carrier, if any, for party filing this statement (name):
- b. Reservation of rights: Yes No
- c. Coverage issues will significantly affect resolution of this case (explain):

12. Jurisdiction

Indicate any matters that may affect the court's jurisdiction or processing of this case and describe the status.

- Bankruptcy Other (specify):

Status:

13. Related cases, consolidation, and coordination

- a. There are companion, underlying, or related cases.
- (1) Name of case:
- (2) Name of court:
- (3) Case number:
- (4) Status:
- Additional cases are described in Attachment 13a.
- b. A motion to consolidate coordinate will be filed by (name party):

14. Bifurcation

- The party or parties intend to file a motion for an order bifurcating, severing, or coordinating the following issues or causes of action (specify moving party, type of motion, and reasons):

15. Other motions

- The party or parties expect to file the following motions before trial (specify moving party, type of motion, and issues):

16. Discovery

- a. The party or parties have completed all discovery.
- b. The following discovery will be completed by the date specified (describe all anticipated discovery):
- | Party | Description | Date |
|-------|-------------|------|
| | | |
- c. The following discovery issues, including issues regarding the discovery of electronically stored information, are anticipated (specify):

CM-110

PLAINTIFF/PETITIONER:	CASE NUMBER:
DEFENDANT/RESPONDENT:	

4. b. Provide a brief statement of the case, including any damages. (If personal injury damages are sought, specify the injury and damages claimed, including medical expenses to date [indicate source and amount], estimated future medical expenses, lost earnings to date, and estimated future lost earnings. If equitable relief is sought, describe the nature of the relief.)

(If more space is needed, check this box and attach a page designated as Attachment 4b.)

5. Jury or nonjury trial

The party or parties request a jury trial a nonjury trial. (If more than one party, provide the name of each party requesting a jury trial):

6. Trial date

- a. The trial has been set for (date):
 b. No trial date has been set. This case will be ready for trial within 12 months of the date of the filing of the complaint (if not, explain):

c. Dates on which parties or attorneys will not be available for trial (specify dates and explain reasons for unavailability):

7. Estimated length of trial

The party or parties estimate that the trial will take (check one):

- a. days (specify number):
 b. hours (short causes) (specify):

8. Trial representation (to be answered for each party)

The party or parties will be represented at trial by the attorney or party listed in the caption by the following:

- a. Attorney:
 b. Firm:
 c. Address:
 d. Telephone number:
 e. E-mail address:
 f. Fax number:
 g. Party represented:
 Additional representation is described in Attachment 8.

9. Preference

This case is entitled to preference (specify code section):

10. Alternative dispute resolution (ADR)

- a. ADR information package. Please note that different ADR processes are available in different courts and communities; read the ADR information package provided by the court under rule 3.221 for information about the processes available through the court and community programs in this case.

- (1) For parties represented by counsel: Counsel has has not provided the ADR information package identified in rule 3.221 to the client and reviewed ADR options with the client.
 (2) For self-represented parties: Party has has not reviewed the ADR information package identified in rule 3.221.

- b. Referral to judicial arbitration or civil action mediation (if available).

- (1) This matter is subject to mandatory judicial arbitration under Code of Civil Procedure section 1141.11 or to civil action mediation under Code of Civil Procedure section 1775.3 because the amount in controversy does not exceed the statutory limit.
 (2) Plaintiff elects to refer this case to judicial arbitration and agrees to limit recovery to the amount specified in Code of Civil Procedure section 1141.11.
 (3) This case is exempt from judicial arbitration under rule 3.811 of the California Rules of Court or from civil action mediation under Code of Civil Procedure section 1775 et seq. (specify exemption):

WHAT KIND OF RESPONSES CAN I FILE?

1. If you disagree with some or all of what the plaintiff says in the complaint because you believe, or know it is not true, you can file an ANSWER.
2. If you have a claim in the same case against the plaintiff, you may file a CROSS-COMPLAINT.
3. If you want to ask the court to do something on your behalf, you may file a MOTION (See TYPES OF MOTIONS below)

HOW DO I PREPARE AN ANSWER?

There are two kinds of Answers you can use, depending on whether the Complaint was verified. You can tell if a Complaint is verified because it says "Verified Complaint" and/or has a signed oath on the last page.

For complaints that are NOT verified:

Use Judicial Council form PLD-050 – General Denial

For complaints that ARE verified:

- a. For personal injury, property damage, and wrongful death claims, use Judicial Council PLD-P1-003 (do not check number 2).
- b. For contract claims, use Judicial Council PLD-C-010 (do not check number 3a).
- c. Be sure to deny every claim with which you disagree. For example, you might write: "I believe, or know, that the information in paragraph # ___ is untrue/incorrect." Continue your list until you have addressed each paragraph in the Complaint.

NOTE: The Judicial Council Answer forms have spaces for your affirmative defenses. Be sure to include them or you may not be able to use them later. To find out what your affirmative defenses might be, go to the law library and ask the librarian to help you find the information you need.

If you want to file a Cross-Complaint, you must do so at the same time you file the Answer.

- a. For a personal injury, property damage, and/or wrongful death Cross-Complaint, use Judicial Council form PLD-P1-002.
- b. For a contract Cross-Complaint, use Judicial Council PLD-C-001.

TYPES OF MOTIONS

Written motions are documents that ask the court to do something. You may have to file an Answer at the same time. At this point in the case, you can only make Motions from the following list:

1. Demurrer (the facts stated in the complaint are wrong, or the deadline to file the lawsuit has passed);
2. Motion to Strike (the complaint is unclear, does not follow the law, "doesn't matter", etc.);
3. Motion to Transfer (the complaint is in the wrong court or there's a more appropriate court);
4. Motion to Quash Service of Summons (you were not legally served);
5. Motion to Stay (put the case on hold); or
6. Motion to Dismiss (stops the case).

NOTE: Motions are very complicated and you may want to hire a lawyer to help you.

WHERE CAN I GET MORE HELP?

- Lawyer Referral Service: (925) 825-5700
- Bay Area Legal Aid: (800) 551-5584
- Contra Costa County Law Library Martinez: (925) 648-2783 Richmond: (510) 374-3019
- Ask the Law Librarian: www.247ref.org/portal/access_law3.cfm

Superior Court of California, County of Contra Costa

Solicitud Para Intérprete

Si necesita un intérprete, favor completar este formulario y presentarlo en cualquier ventanilla para archivar documentos o con la secretaria del tribunal.

Número de Caso: _____

Tipo de Caso:

- | | |
|--|--|
| <input type="checkbox"/> Criminal | <input type="checkbox"/> Demanda Civil – (\$10,000 o menos) |
| <input type="checkbox"/> Tráfico | <input type="checkbox"/> Demanda Civil - |
| <input type="checkbox"/> Acoso CMI | <input type="checkbox"/> \$25,000 <input type="checkbox"/> más de \$25,000 |
| <input type="checkbox"/> Conservador | <input type="checkbox"/> Civil – otro tipo _____ |
| <input type="checkbox"/> Casos para Terminar Derechos de Madre o Padre | <input type="checkbox"/> Casos de Familia |
| <input type="checkbox"/> Abuso de Adultos Incapacitados | <input type="checkbox"/> Juicio de Desalojo |
| <input type="checkbox"/> Tribunal de Menores | <input type="checkbox"/> Tutela |
| | <input type="checkbox"/> Abuso de Personas Mayores |

Persona que Necesita Intérprete: _____

Marque aquí si esta persona es un testigo

Número Telefónico: _____

Fecha de la Audiencia Judicial: _____ Hora: _____

Departamento: _____ Ciudad: Martinez Pittsburg Richmond Walnut Creek

Idioma Solicitado: Español Mandarín Cantonés Vietnamita

Otro Idioma: _____

Para evitar la posibilidad que su audiencia sea aplazada, favor the presentar este formulario al menos una semana antes de la fecha de su audiencia.

Información actualizada acerca de este servicio se encuentra en nuestra página web:
www.cc-courts.org/interprete

APR 17 2019

CIVIL COVER SHEET

The JS-CAND 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved in its original form by the Judicial Conference of the United States in September 1974, is required for the Clerk of Court to initiate the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Antonio Lara Cerrano

(b) County of Residence of First Listed Plaintiff Contra Costa County (EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

(see attachment).

DEFENDANTS

Sodexo, Inc., and SDH Education West, LLC

County of Residence of First Listed Defendant (IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

Jeffrey D. Wohl (CSB 096838), Zina Deldar (CSB 282637), Paul A. Holton (CSB 313047) Paul Hastings LLP 101 California Street, 48th Floor San Francisco, CA 94111 (415-856-7000)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff 3 Federal Question (U.S. Government Not a Party) 2 U.S. Government Defendant 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

Table with columns for Plaintiff (PTF) and Defendant (DEF) citizenship and incorporation status. Includes rows for Citizen of This State, Citizen of Another State, Citizen or Subject of a Foreign Country, and Incorporated or Principal Place of Business.

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Large table with columns for CONTRACT, REAL PROPERTY, TORTS, CIVIL RIGHTS, PRISONER PETITIONS, FORFEITURE/PENALTY, LABOR, IMMIGRATION, BANKRUPTCY, SOCIAL SECURITY, FEDERAL TAX SUITS, and OTHER STATUTES. Includes various legal categories and codes.

V. ORIGIN (Place an "X" in One Box Only)

- 1 Original Proceeding 2 Removed from State Court 3 Remanded from Appellate Court 4 Reinstated or Reopened 5 Transferred from Another District (specify) 6 Multidistrict Litigation-Transfer 8 Multidistrict Litigation-Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): 28 U.S.C. section 1332 (as amended by the Class Action Fairness Act of 2005 ["CAFA"], Pub. L. 109-2, § 4(a), 119 Stat. 9), and section 1441(a) Brief description of cause: failure to pay sick pay and vacation pay; to provide accurate written wage statements; to timely pay all final wages; and unfair competition

VII. REQUESTED IN COMPLAINT: CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, Fed. R. Civ. P. DEMAND \$ CHECK YES only if demanded in complaint: JURY DEMAND: Yes No

VIII. RELATED CASE(S), IF ANY (See instructions): JUDGE DOCKET NUMBER

IX. DIVISIONAL ASSIGNMENT (Civil Local Rule 3-2) (Place an "X" in One Box Only) SAN FRANCISCO/OAKLAND SAN JOSE EUREKA-MCKINLEYVILLE

DATE 05/17/2019 SIGNATURE OF ATTORNEY OF RECORD /s/ Jeffrey D. Wohl

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS-CAND 44

Authority For Civil Cover Sheet. The JS-CAND 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved in its original form by the Judicial Conference of the United States in September 1974, is required for the Clerk of Court to initiate the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I. a) **Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
 - b) **County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the “defendant” is the location of the tract of land involved.)
 - c) **Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section “(see attachment).”
- II. **Jurisdiction.** The basis of jurisdiction is set forth under Federal Rule of Civil Procedure 8(a), which requires that jurisdictions be shown in pleadings. Place an “X” in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
- (1) United States plaintiff. Jurisdiction based on 28 USC §§ 1345 and 1348. Suits by agencies and officers of the United States are included here.
 - (2) United States defendant. When the plaintiff is suing the United States, its officers or agencies, place an “X” in this box.
 - (3) Federal question. This refers to suits under 28 USC § 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
 - (4) Diversity of citizenship. This refers to suits under 28 USC § 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. **Residence (citizenship) of Principal Parties.** This section of the JS-CAND 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. **Nature of Suit.** Place an “X” in the appropriate box. If the nature of suit cannot be determined, be sure the cause of action, in Section VI below, is sufficient to enable the deputy clerk or the statistical clerk(s) in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.
- V. **Origin.** Place an “X” in one of the six boxes.
- (1) Original Proceedings. Cases originating in the United States district courts.
 - (2) Removed from State Court. Proceedings initiated in state courts may be removed to the district courts under Title 28 USC § 1441. When the petition for removal is granted, check this box.
 - (3) Remanded from Appellate Court. Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
 - (4) Reinstated or Reopened. Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
 - (5) Transferred from Another District. For cases transferred under Title 28 USC § 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
 - (6) Multidistrict Litigation Transfer. Check this box when a multidistrict case is transferred into the district under authority of Title 28 USC § 1407. When this box is checked, do not check (5) above.
 - (8) Multidistrict Litigation Direct File. Check this box when a multidistrict litigation case is filed in the same district as the Master MDL docket. Please note that there is no Origin Code 7. Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. **Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC § 553. Brief Description: Unauthorized reception of cable service.
- VII. **Requested in Complaint.** Class Action. Place an “X” in this box if you are filing a class action under Federal Rule of Civil Procedure 23. Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction. Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. **Related Cases.** This section of the JS-CAND 44 is used to identify related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.
- IX. **Divisional Assignment.** If the Nature of Suit is under Property Rights or Prisoner Petitions or the matter is a Securities Class Action, leave this section blank. For all other cases, identify the divisional venue according to Civil Local Rule 3-2: “the county in which a substantial part of the events or omissions which give rise to the claim occurred or in which a substantial part of the property that is the subject of the action is situated.”
- Date and Attorney Signature.** Date and sign the civil cover sheet.

ATTACHMENT TO CIVIL COVER SHEET

Plaintiff Antonio Lara Cerrano is represented by the following attorneys:

Marcus J. Bradley (Cal. State Bar No. 174156)
Kiley L. Grombacher (Cal. State Bar No. 245960)
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ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: [Sodexo, SDH Education Sued by Ex-Employee Over Allegedly Unpaid Sick, Vacation Time](#)
