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11 ARIZONA BEVERAGES USA LLC

12 UNITED STATES DISTRICT COURT
13 CENTRAL DISTRICT OF CALIFORNIA

14 MICHAEL DOTSON, individually, and
15 on behalf of all others similarly situated,

16 Plaintiff,

17 v.

18 ARIZONA BEVERAGES USA LLC,

19 Defendant.

Case No.: 2:22-cv-22923

**DEFENDANT'S NOTICE OF
REMOVAL**

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1 PLEASE TAKE NOTICE that defendant, Arizona Beverages USA LLC
2 (“Defendant”), through its undersigned counsel, hereby removes the above-
3 captioned action from the Superior Court of California, County of Los Angeles, to
4 the United States District Court for the Central District of California, pursuant to
5 28 U.S.C. §§ 1332, 1441, 1446 and 1453, and respectfully states:

6 1. On January 7, 2022, plaintiff, Michael Dotson (“Plaintiff”),
7 commenced this putative class action against Defendant by filing a Class Action
8 Complaint (“Complaint”) in the Superior Court of the State of California, County
9 of Los Angeles, bearing Case No. 22STCV00751.

10 2. As more fully set out below, this case is being properly removed to
11 the United States District Court for the Central District of California pursuant to
12 28 U.S.C. § 1441 because Defendant has satisfied the procedural requirements for
13 removal and said Court has subject matter jurisdiction over this action pursuant to
14 28 U.S.C. §1332.

15 **I. DEFENDANT HAS SATISFIED THE PROCEDURAL**
16 **REQUIREMENTS FOR REMOVAL**

17 3. The Summons and Complaint were served on Defendant on January
18 12, 2022. See Service of Process Transmittal Form attached as Exhibit A.
19 Accordingly, this Notice of Removal is timely filed pursuant to 28 U.S.C. §
20 1446(b).

21 4. The Superior Court of the State of California, County of Los Angeles,
22 is located within the Central District of California. Therefore, venue is proper
23 within the Central District of California pursuant to 28 U.S.C. § 110 and 28
24 U.S.C. § 1441 because said district is the district and division embracing the place
25 where such action is pending.

26 5. No previous application has been made for the relief requested herein.

27 6. Pursuant to 28 U.S.C. §1446(a), a copy of all process, pleadings, and
28 orders served upon the Defendant, which papers include the Summons and

1 Complaint, is attached as Exhibit B. Pursuant to 28 U.S.C. §1446(d), a copy of
2 this Notice of Removal is being served upon counsel for Plaintiff and a copy is
3 being filed with the Clerk of the Superior Court of the State of California, County
4 of Los Angeles.

5 **II. REMOVAL IS PROPER BECAUSE THIS COURT HAS**
6 **SUBJECT MATTER JURISDICTION PURSUANT TO 28**
7 **U.S.C. §§ 1332 AND 1441.**

8 7. This case is subject to removal pursuant the Class Action Fairness Act
9 (“CAFA”) (codified in various sections of 28 U.S.C. including 28 U.S.C. § 1332).

10 8. As set forth below, this is a putative class action in which: (1) there
11 are 100 or more members in the Plaintiff’s proposed class; (2) any member of the
12 proposed class of plaintiffs is a citizen of a state different from the citizenship of
13 Defendant; and (3) the claims of the proposed class members exceed the sum or
14 value of five million dollars (\$5,000,000.00) in the aggregate. Thus, this Court
15 has subject matter jurisdiction over this action pursuant to 28 U.S.C. § 1332(d).

16 **A. Class Action Consisting of More Than 100 Members.**

17 9. In the Complaint, Plaintiff purports to represent a nationwide class of
18 all purchasers of Defendant’s Georgia Peach Green Tea with ginseng and peach
19 juice products (defined as the “Products”) who purchased the Products within four
20 years prior to filing this action. (Ex. B, Complaint, ¶¶ 9 and 29). Plaintiff also
21 proposes to represent a sub-class of persons who purchased the Products within the
22 State of California during the last four years. (*Id.*, Complaint, ¶ 30).

23 10. Plaintiff alleges that “the Class and Sub-Class include thousands, if
24 not millions of members.” (*Id.*, Complaint, ¶ 32).

25 **B. Diversity of Citizenship.**

26 11. Plaintiff is a resident of the State of California. (*Id.*, Complaint, ¶ 5).
27 Plaintiff does not allege any alternative state of residence. Accordingly, California
28 is the state in which Plaintiff is domiciled and, therefore, the state in which

1 Plaintiff is a citizen.

2 12. Defendant is a limited liability company organized in the State of
3 New York.

4 13. All of the members of Defendant are citizens of the State of New
5 York making Defendant a citizen of the State of New York. *See Johnson v.*
6 *Columbia Properties Anchorage, LP*, 437 F.3d 894, 899 (9th Cir. 2006)

7 **C. The Amount-In-Controversy Requirement Is Satisfied.**

8 15. Plaintiff alleges that Defendant falsely, fraudulently and deceptively
9 labels and advertises the Products as “100% NATURAL” because the Products
10 contain malic acid, an ingredient that Plaintiff asserts is synthetic. (Ex. B,
11 Complaint, ¶¶ 1, 9, 24 and 48).

12 16. Plaintiff seeks a judgment for damages and injunctive relief along
13 with other legal or equitable remedies. (*Id.*, Complaint, ¶¶ 1 and 103(a)-(h)).

14 17. Plaintiff alleges that “[a]s a result of Defendants’ acts and omissions
15 outlined above, Plaintiff has suffered concrete and particularized injuries and harm
16 which include...: Lost money...”. (*Id.*, Complaint, ¶ 28a.).

17 18. Plaintiff claims that Defendant violated the California False
18 Advertising Act, under Cal. Bus. & Prof. Code §§ 17500 *et seq.* (“FAL”), and the
19 California Unfair Business Practices Act, under Cal. Bus. & Prof. Code §§ 17200
20 *et seq.* (“UCL”). (*Id.*, Complaint, ¶¶ 42-71).

21 19. Plaintiff claims being “entitled to preliminary and permanent
22 injunctive relief ordering Defendant to cease their false advertising, as well as
23 disgorgement and restitution to Plaintiff and all Class Members [sic] Defendants’
24 revenues associated with their false advertising, or such portion of those revenues
25 as the Court may find equitable.” (Ex. B, Complaint, ¶ 53).

26 20. Plaintiff, on behalf of himself, the Class and Sub-Class, seeks relief in
27 the form of a judgment awarding: “Actual damages suffered by Plaintiff and Class
28 and Sub-Class Members as applicable or full restitution of all funds acquired from

1 Plaintiff and Class and Sub-Class Members from the sale of misbranded Class
2 Products during the relevant class period” (*Id.*, Complaint, ¶ 103 (c)); “Punitive
3 damages, as allowable, in an amount determined by the Court or jury” (*Id.*,
4 Complaint, ¶ 103(d)); any and all statutory enhanced damages (*Id.*, Complaint, ¶
5 103(e)); and attorneys’ fees. (*Id.*, Complaint, ¶ 103(f)).

6 21. The claims of the individual class members in a class action are
7 aggregated to determine if the amount in controversy exceeds the sum or value of
8 five million dollars (\$5,000,000.00). *See* 28 U.S.C. § 1332(d)(6). Under this
9 aggregated standard, Plaintiff’s claim manifestly meets the jurisdictional threshold.

10 22. Plaintiff sues on behalf of “[a]ll persons within the United States who
11 purchased the Products within four years prior to the filing of this Complaint
12 through to the date of class certification” and on behalf of “[a]ll persons within
13 California who purchased the Products within four years prior to the filing of this
14 Complaint through to the date of class certification.” (Ex. B, Complaint, ¶ 29 and
15 30).

16 23. Plaintiff seeks a judgment awarding Plaintiff and members of the
17 nationwide class restitution for all such sales. (*Id.*, Complaint, ¶ 53, and Prayer for
18 Relief, at p. 16, ¶ 103(c)). Plaintiff also sues for disgorgement. (*Id.*, Complaint, ¶
19 53).

20 24. Additionally, Plaintiff seeks injunctive relief in the form of enjoining
21 the Defendant from labeling and advertising the Products as “100% NATURAL”
22 and/or requiring Defendant to engage in corrective advertising. (*Id.*, Complaint, ¶
23 1, ¶ 71 and Prayer for Relief, at p. 16, ¶ 103(b)). Plaintiff also alleges future harm
24 if Defendant is not “forced to correct fraudulent labeling or remove the synthetic
25 ingredients.” (*Id.*, Complaint, ¶ 20). “The amount in controversy in class actions
26 requesting an injunction may be determined by the cost of compliance by
27 Defendant.” *See Anderson v. Seaworld Parks and Entertainment, Inc.*, 132
28 F.Supp.3d 1156, 1161 (N.D. Cal. 2015). According to the legislative history of

1 CAFA, the value of any injunctive relief sought by the plaintiff is calculated from
2 the perspective of the plaintiff or the defendant. See, *e.g.* S.REP. No. 109-14, at 42
3 (2005) (“the Committee intends that a matter be subject to federal jurisdiction
4 under [28 U.S.C. 1332(d)(6)] if the value of the matter in litigation exceeds
5 \$5,000,000 either from the viewpoint of the plaintiff or the viewpoint of the
6 defendant, and regardless of the type of relief sought (*e.g.*, damages, injunctive
7 relief, or declaratory relief”). Moreover, since CAFA explicitly requires the
8 aggregation of claims in class actions for determining the amount in controversy,
9 28 U.S.C. 1332(d)(6), the pre-CAFA concern “that assessing the amount in
10 controversy from the defendant’s perspective was tantamount to aggregating
11 damages” is no longer relevant. *Id.* at 43. Here, the economic costs to Defendant
12 because of the injunctive relief would be enormous due to the expenses incurred
13 for stopping production and distribution, retrieving and/or buying back the
14 Products already in commerce, removing ingredients from the Products, changing
15 labels and/or engaging in the corrective advertising, all on a nationwide basis.

16 25. Plaintiff purports to bring this action on behalf of all consumers of the
17 disputed Products throughout the United States. Taken in the aggregate, the
18 amount in controversy exceeds five million dollars (\$5,000,000.00) given: (a) the
19 breadth of this proposed class (asserted to be thousands, if not millions, of persons
20 throughout the country); (b) the damages sought by each such individual of the
21 putative classes including the “[a]ctual damages suffered by Plaintiff and Class and
22 Sub-Class Members as applicable or full restitution of all funds acquired from
23 Plaintiff and Class and Sub-Class Members from the sale of misbranded Class
24 Products during the relevant class period” (Ex. B, Complaint, ¶ 103(c)); (c) the
25 claim for disgorgement; (d) the punitive damages sought; (e) the claim for counsel
26 fees; and (f) the economic costs to Defendant should Plaintiff and the putative
27 classes succeed in enjoining Defendant from selling the Products, as labeled, in the
28 United States and/or ordering Defendant to correct allegedly false labels, to

1 remove allegedly synthetic ingredients from the Products and/or to engage in
2 corrective advertising all on a nationwide basis. It is respectfully submitted that
3 the jurisdictional threshold has been satisfied.

4 26. Finally, “Congress intended CAFA to be interpreted expansively.”
5 *See Ibarra v. Manheim Investments, Inc.*, 775 F.3d 1193, 1197 (9th Cir. 2015)
6 (citing to S.Rep No. 109-14, at 42). CAFA’s legislative history sets forth that
7 doubts regarding the maintenance of interstate class actions in state or federal court
8 should be resolved in favor of federal jurisdiction. See, *e.g.*, S.REP. No. 109-14, at
9 43 (“Overall, new section 1332(d) is intended to expand substantially federal court
10 jurisdiction over class actions. Its provisions should be read broadly, with a strong
11 preference that interstate class actions should be heard in a federal court if properly
12 removed by any defendant.”); *id.* at 35 (the intent of CAFA “is to strongly favor
13 the exercise of federal diversity jurisdiction over class actions with interstate
14 ramifications”); *id.* at 27 (“the Committee believes that the federal courts are the
15 appropriate forum to decide most interstate class actions because these cases
16 usually involve large amounts of money and many plaintiffs, and have significant
17 implications for interstate commerce and national policy.”).

18 WHEREFORE, Defendant respectfully removes this action from the
19 Superior Court of the State of California, County of Los Angeles, to the United
20 States District Court for the Central District of California pursuant to 28 U.S.C.
21 §1441.

22
23 Dated: February 10, 2022

WILLENKEN LLP

24
25 By: /s/ Jason H. Wilson

Jason H. Wilson

Attorneys for Defendant

ARIZONA BEVERAGES USA LLC

EXHIBIT A

NATIONAL REGISTERED AGENTS, INC

SERVICE OF PROCESS SUMMARY TRANSMITTAL FORM

To: Martin Cunningham
Hornell Brewing CO., Inc.
60 CROSSWAYS PARK WEST
WOODBURY, NY 11797

SOP Transmittal # 540872313

Entity Served: ARIZONA BEVERAGES USA LLC (Domestic State: DELAWARE)

Enclosed herewith are legal documents received on behalf of the above captioned entity by National Registered Agents, Inc or its Affiliate in the State of DELAWARE on this 12 day of January, 2022. The following is a summary of the document(s) received:

1. **Title of Action:** MICHAEL DOTSON, individually, and on behalf of others similarly situated, vs. ARIZONA BEVERAGES USA LLC

2. **Document(s) Served:** Other: --

3. **Court of Jurisdiction/Case Number:** None Specified
Case # 22STCV00751

4. **Amount Claimed, if any:** N/A

5. **Method of Service:**

Personally served by: Process Server Law Enforcement Deputy Sheriff U. S Marshall

Delivered Via: Certified Mail Regular Mail Facsimile

Other (Explain):

6. **Date and Time of Receipt:** 01/12/2022 04:08:00 AM CST

7. **Appearance/Answer Date:** None Specified

8. **Received From:** None Specified

9. **Carrier Airbill #** 1ZX212780122141747

10. **Call Made to:** Not required

11. **Special Comments:**

SOP Papers with Transmittal, via UPS Next Day Air

Image SOP

Email Notification, David Petshaft dbp@dbplaw.com

Email Notification, Julie Platt JSP@DBPLAW.COM

Registered Agent: NATIONAL REGISTERED AGENTS, INC

CopiesTo:

888-579-0286 - Telephone

302-655-5049 - Fax

The information contained in this Summary Transmittal Form is provided by NRAI for quick reference only. It does not constitute a legal opinion, and should not otherwise be relied on, as to the nature of action, the amount of damages, the answer date, or any other information contained in the included documents. The recipient(s) of this form is responsible for reviewing and interpreting the included documents and taking appropriate action, including consulting with its legal and other advisors as necessary. NRAI disclaims all liability for the information contained in this form, including for any omissions or inaccuracies that may be contained therein.

ORIGINAL

NATIONAL REGISTERED AGENTS, INC

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To: Martin Cunningham
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Entity Served: ARIZONA BEVERAGES USA LLC (Domestic State: DELAWARE)

Transmitted by Gretchen McDougal

ORIGINAL



PROCESS SERVER DELIVERY DETAILS

Date: Wed, Jan 12, 2022
Server Name: Wilmington Drop Serve

Entity Served	ARIZONA BEVERAGES USA LLC
Case Number	22STCV00751
Jurisdiction	DE



EXHIBIT B

Assigned for all purposes to: Spring Street Courthouse, Judicial Officer: Kenneth Freeman

Electronically FILED by Superior Court of California, County of Los Angeles on 01/07/2022 01:28 PM Sherri R. Carter, Executive Officer/Clerk of Court, by K. Martinez, Deputy Clerk

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Todd M. Friedman (SBN 216752)
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Fax: 866-633-0228
tfriedman@toddfllaw.com
abacon@toddfllaw.com

Attorneys for Plaintiff, and all others similarly situated

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

MICHAEL DOTSON, individually,
and on behalf of others similarly
situated,

Plaintiff,

vs.

ARIZONA BEVERAGES USA LLC
Defendant.

Case No. **22STCV00751**

CLASS ACTION COMPLAINT

- (1) Violation of Unfair Competition Law (Cal. Business & Professions Code §§ 17500 *et seq.*) and
- (2) Violation of Unfair Competition Law (Cal. Business & Professions Code §§ 17200 *et seq.*)

Jury Trial Demanded

1 Now comes the Plaintiff, MICHAEL DOTSON (“Plaintiff”), individually
2 and on behalf of all others similarly situated, by and through his attorneys, and for
3 his class action Complaint against the Defendant, ARIZONA BEVERAGES USA
4 LLC, (“Defendant”), Plaintiff alleges and states as follows:

5 **PRELIMINARY STATEMENTS**

6 1. This is an action for damages, injunctive relief, and any other available
7 legal or equitable remedies, for violations of Unfair Competition Law (Cal.
8 Business & Professions Code §§ 17500 *et seq.*, and Unfair Competition Law (Cal.
9 Business & Professions Code §§ 17200 *et seq* resulting from the illegal actions of
10 Defendant, in advertising and labeling its products as 100% natural, when the
11 products contains synthetic ingredients. Plaintiff alleges as follows upon personal
12 knowledge as to himself and his own acts and experiences, and, as to all other
13 matters, upon information and belief, including investigation conducted by his
14 attorneys.

15 **JURISDICTION AND VENUE**

16 2. This class action is brought pursuant to California Code of Civil
17 Procedure § 382. All causes of action in the instant complaint arise under California
18 statutes.

19 3. This court has personal jurisdiction over Defendant, because
20 Defendant does business within the State of California and County of Los Angeles

21 4. Venue is proper in this Court because Defendant does business *inter*
22 *alia* in the county of Los Angeles and a significant portion of the conduct giving
23 rise to Plaintiff’s Claims happened here.

24 **PARTIES**

25 5. Plaintiff is an individual who was at all relevant times residing in Los
26 Angeles, California.

27 6. Defendant is a Delaware limited liability company whose principal
28 ~~place of business is located in New York City, New York.~~

7. At all times relevant hereto, Defendant was engaged in the manufacturing, marketing, and sale of beverages.

FACTS COMMON TO ALL COUNTS

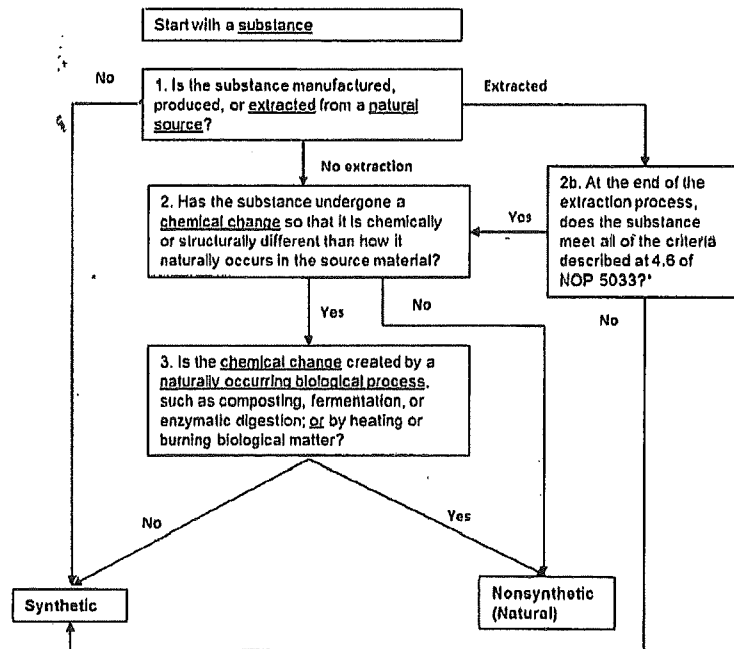
8. Defendant manufactures, advertises, markets, sells, and distributes cosmetics throughout California and the United States under brand name Arizona.

9. During the Class Period Defendant’s Georgia Peach Green Tea with ginseng and peach juice products (the “Products”) were advertised as 100% Natural when they contained synthetic dl-malic acid.

10. Congress defined the term “synthetic” as “a substances that is formulated or manufactured by a chemical process or by a process that chemically changes a substance extracted from naturally occurring [sources]...” 7 U.S.C. § 6502 (21).

11. In 2016, the United States Department of Agriculture released a guidance decision tree for classification of materials as synthetic or non-synthetic. Attached hereto as Exhibit A.

12. The Decision Tree appears as follows:



1 13. Malic Acid (C₄H₆O₅) is the common name for 1-hydroxy-1, 2-
2 ethanedicarboxylic acid. Malic Acid has two isomers, or different arrangements of
3 atoms in the molecule, L-Malic Acid, and D-Malic Acid. 21 C.F.R. § 184.1069. L-
4 Malic Acid *occurs naturally* in various fruits. *Id.* (Emphasis added.) D-Malic Acid
5 *does not occur naturally*. *Id.* (Emphasis added.) D-Malic Acid is most commonly
6 found in a Racemic Mixture, DL-Malic Acid, which is commercially made from
7 petroleum products.

8 14. An isomer is a molecule sharing the same atomic make up as another
9 but differing in structural arrangements. Dan Chong and Johnathan Mooney,
10 *Chirality and Stereoisomers*, (2019).¹ Stereoisomers contain different types of
11 isomers each with distinct characteristics that separate each other as different
12 chemical entities with different chemical properties. *Id.* Stereoisomers differ from
13 each other by spatial arrangement, meaning different atomic particles and molecules
14 are situated differently in any three-dimensional direction by even one degree. *Id.*
15 Enantiomers are a type of stereoisomer that are mirror-images and cannot be
16 superimposed. *Id.* It can be helpful to think of enantiomers as right-hand and left-
17 hand versions of the same molecular formula. D-Malic Acid and L-Malic Acid are
18 enantiomers.

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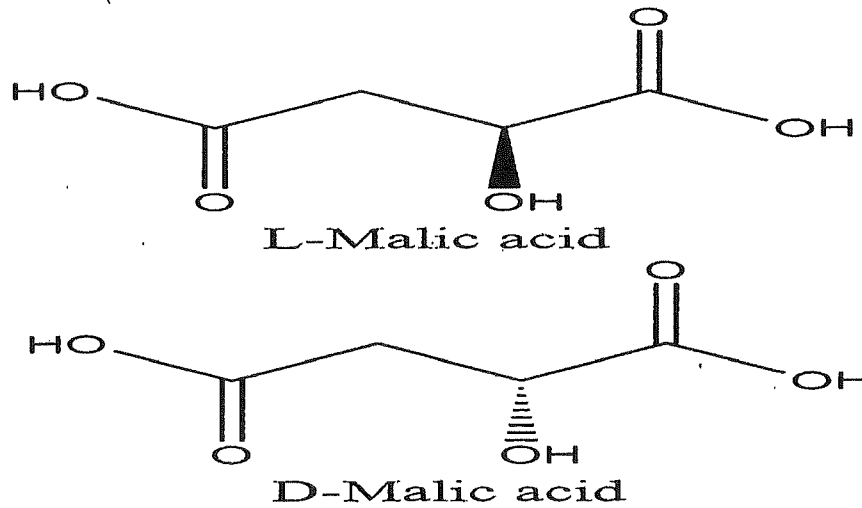
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[https://chem.libretexts.org/Bookshelves/Organic_Chemistry/Supplemental_Modules_\(Organic_Chemistry\)/Chirality/Chirality_and_Stereoisomers](https://chem.libretexts.org/Bookshelves/Organic_Chemistry/Supplemental_Modules_(Organic_Chemistry)/Chirality/Chirality_and_Stereoisomers).

1 15. The following are skeletal formulas of the enantiomers D-Malic Acid
2 and L-Malic Acid:



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11 16. On October 18, 2021, Plaintiff purchased one of the Georgia Peach
12 Green Tea Products from a CK Food Store, located at 515 South Verdugo Road,
13 Glendale, California.

14 17. When purchasing the Product Plaintiff made his purchasing decision
15 because of the labeling on the Product that read "100% natural."

16 18. Persons, like Plaintiff herein, have an interest in purchasing products
17 that do not contain false and misleading claims.

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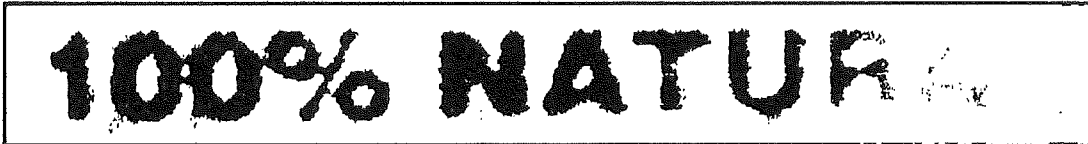
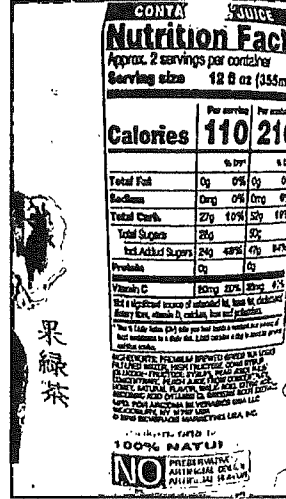
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26 ² The only structural difference between D-Malic Acid and L-Malic Acid is that one
27 Hydroxide (OH) is attached to each different enantiomer at a different angle. The solid cone
28 and the dashed-line cone represent the stereochemical differences. Straight lines represent bonds
on the same plane as the paper, solid cones represent bonds pointed towards the observer, and
dashed-line cones represent bonds pointed away from the observer.

19. The following photos include examples of the Products' packaging including the relevant labeling:



20. Plaintiff is interested in purchasing the Products again in the future, and as a result he will be harmed if Defendant is not forced to correct the fraudulent labeling or remove the synthetic ingredients.

21. Plaintiff has been deprived of his legally-protected interest to obtain true and accurate information about the consumer products he buys as required by California Law.

22. As a result, Plaintiff and the class members have been misled into purchasing Products that did not provide them with the benefit of the bargain they paid money for, namely that the Products were 100% natural.

23. Plaintiff did not understand that the Products contained synthetic ingredients and could not have known without an advanced understanding of chemistry.

1 30. Plaintiff also brings this action on behalf of himself and all others
2 similarly situated, as a member of the proposed California sub-class (the “Sub-
3 Class”), defined as follows:

4 All persons within California who purchased the Products
5 within four years prior to the filing of this Complaint
6 through to the date of class certification.

7 31. Defendant, their employees and agents are excluded from the Class and
8 Sub-Class. Plaintiff does not know the number of members in the Class and Sub-
9 Class, but believe the members number in the thousands, if not more. Thus, this
10 matter should be certified as a Class Action to assist in the expeditious litigation of
11 the matter.

12 32. The Class and Sub-Class are so numerous that the individual joinder
13 of all of their members is impractical. While the exact number and identities of their
14 members are unknown to Plaintiff at this time and can only be ascertained through
15 appropriate discovery, Plaintiff is informed and believes and thereon alleges that
16 the Class and Sub-Class include thousands, if not millions of members. Plaintiff
17 alleges that the class members may be ascertained by the records maintained by
18 Defendant.

19 33. This suit is properly maintainable as a class action pursuant to Fed. R.
20 Civ. P. 23(a) because the Class and Sub-Class are so numerous that joinder of their
21 members is impractical and the disposition of their claims in the Class Action will
22 provide substantial benefits both to the parties and the Court.

23 34. There are questions of law and fact common to the Class and Sub-Class
24 affecting the parties to be represented. The questions of law and fact common to the
25 Class and Sub-Class predominate over questions which may affect individual class
26 members and include, but are not necessarily limited to, the following:

27 a. Whether the Defendant intentionally, negligently, or recklessly
28 ~~disseminated false and misleading information by labeling the~~

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Products as 100% natural when the Products contain synthetic ingredients;

- b. Whether the Class and Sub-Class members were informed that the Products contained synthetic ingredients;
- c. Whether the Products contained synthetic ingredients;
- d. Whether Defendant's conduct was unfair and deceptive;
- e. Whether Defendant unjustly enriched itself as a result of the unlawful conduct alleged above;
- f. Whether the inclusion of synthetic ingredients in the Products is a material fact;
- g. Whether there should be a tolling of the statute of limitations; and
- h. Whether the Class and Sub-Class are entitled to restitution, actual damages, punitive damages, and attorney fees and costs.

35. As a resident of the United States and the State of California who purchased the Products, Plaintiff is asserting claims that are typical of the Class and Sub-Class.

36. Plaintiff has no interests adverse or antagonistic to the interests of the other members of the Class and Sub-Class.

37. Plaintiff will fairly and adequately protect the interests of the members of the Class and Sub-Class. Plaintiff has retained attorneys experienced in the prosecution of class actions.

38. A class action is superior to other available methods of fair and efficient adjudication of this controversy, since individual litigation of the claims of all Class and Sub-Class members is impracticable. Even if every Class and Sub-Class member could afford individual litigation, the court system could not. It would be unduly burdensome to the courts in which individual litigation of numerous issues would proceed. Individualized litigation would also present the

1 potential for varying, inconsistent or contradictory judgments and would magnify
2 the delay and expense to all parties, and to the court system, resulting from multiple
3 trials of the same complex factual issues. By contrast, the conduct of this action as
4 a class action presents fewer management difficulties, conserves the resources of
5 the parties and of the court system and protects the rights of each class member.
6 Class treatment will also permit the adjudication of relatively small claims by many
7 class members who could not otherwise afford to seek legal redress for the wrongs
8 complained of herein.

9 39. The prosecution of separate actions by individual members of the Class
10 and Sub-Class would create a risk of adjudications with respect to them that would,
11 as a practical matter, be dispositive of the interests of the other class members not
12 parties to such adjudications or that would substantially impair or impede the ability
13 of such non-party class members to protect their interests.

14 40. Defendants have acted or refused to act in respect generally applicable
15 to the Class and Sub-Class thereby making appropriate final and injunctive relief
16 with regard to the members of the Class and Sub-Class as a whole.

17 41. The size and definition of the Class and Sub-Class can be identified
18 through records held by retailers carrying and reselling the Products, and by
19 Defendant's own records.

20 **COUNT I**
21 **VIOLATIONS OF THE CALIFORNIA FALSE ADVERTISING ACT**
22 **(Cal. Bus. & Prof. Code §§ 17500 et seq.)**
23 **On behalf of the Class and the Sub-Class**

24 42. Plaintiff incorporates by reference each allegation set forth above in
25 paragraphs 1 through 41.

26 43. Pursuant to California Business and Professions Code section 17500,
27 *et seq.*, it is unlawful to engage in advertising "which is untrue or misleading, and
28 which is known, or which by the exercise of reasonable care should be known, to

1 be untrue or misleading...or...to so make or disseminate or cause to be so made or
2 disseminated any such statement as part of a plan or scheme with the intent not to
3 sell that personal property or those services, professional or otherwise, so
4 advertised at the price stated therein, or as so advertised.”

5 44. California Business and Professions Code section 17500, *et seq.*'s
6 prohibition against false advertising extends to the use of false or misleading
7 written statements.

8 45. Defendant misled consumers by making misrepresentations and
9 untrue statements about the Class Products, namely, Defendant sold the Products
10 with labeling claiming the Products were 100% natural, and made false
11 representations to Plaintiff and other putative class members in order to solicit
12 these transactions.

13 46. Specifically, Defendant claimed the Products were 100% natural
14 when the Products contained synthetic ingredients.

15 47. Defendant knew that their representations and omissions were untrue
16 and misleading, and deliberately made the aforementioned representations and
17 omissions in order to deceive reasonable consumers like Plaintiff and other Class
18 and Sub-Class Members.

19 48. As a direct and proximate result of Defendant's misleading and false
20 advertising, Plaintiff and the other Class Members have suffered injury in fact and
21 have lost money or property. Plaintiff reasonably relied upon Defendant's
22 fraudulent statements regarding the Products, namely that they did not know the
23 Products contained synthetic ingredients. In reasonable reliance on Defendant's
24 omissions of material fact and false advertisements, Plaintiff and other Class and
25 Sub-Class Members purchased the Products. In turn Plaintiff and other Class
26 Members ended up with products that turned out to actually be different than
27 advertised, and therefore Plaintiff and other Class Members have suffered injury
28 in fact.

1 49. Plaintiff alleges that these false and misleading written
2 representations made by Defendant constitute a “scheme with the intent not to sell
3 that personal property or those services, professional or otherwise, so advertised
4 at the price stated therein, or as so advertised.”

5 50. Defendant advertised to Plaintiff and other putative class members,
6 through written representations and omissions made by Defendant and its
7 employees, that the Class Products would be 100% natural.

8 51. Defendant knew that the Class Products did in fact contain synthetic
9 ingredients.

10 52. Thus, Defendant knowingly sold Class Products to Plaintiff and other
11 putative class members that contained synthetic ingredients and were not 100%
12 natural.

13 53. The misleading and false advertising described herein presents a
14 continuing threat to Plaintiff and the Class and Sub-Class Members in that
15 Defendant persists and continues to engage in these practices, and will not cease
16 doing so unless and until forced to do so by this Court. Defendant’s conduct will
17 continue to cause irreparable injury to consumers unless enjoined or restrained.
18 Plaintiff is entitled to preliminary and permanent injunctive relief ordering
19 Defendant to cease their false advertising, as well as disgorgement and restitution
20 to Plaintiff and all Class Members Defendant’s revenues associated with their false
21 advertising, or such portion of those revenues as the Court may find equitable.

22 **COUNT II**
23 **VIOLATIONS OF UNFAIR BUSINESS PRACTICES ACT**
24 **(Cal. Bus. & Prof. Code §§ 17200 et seq.)**
25 **On behalf of the Class and Sub-Class**

26 54. Plaintiff incorporates by reference each allegation set forth above in
27 paragraphs 1 through 41.

1 the Class have suffered injury in fact due to Defendant's decision to sell them
2 fraudulently labeled products (Class Products). Thus, Defendant's conduct has
3 caused substantial injury to Plaintiff and the members of the Class and Sub-Class.

4 59. Moreover, Defendant's conduct as alleged herein solely benefits
5 Defendant while providing no benefit of any kind to any consumer. Such
6 deception utilized by Defendant convinced Plaintiff and members of the Class that
7 the Class Products were 100% natural, in order to induce them to spend money on
8 said Class Products. In fact, knowing that Class Products, by their objective terms
9 contained synthetic ingredients, unfairly profited from their sale, in that Defendant
10 knew that the expected benefit that Plaintiff would receive from this feature is
11 nonexistent, when this is typically never the case in situations involving consumer
12 products. Thus, the injury suffered by Plaintiff and the members of the Class and
13 Sub-Class is not outweighed by any countervailing benefits to consumers.

14 60. Finally, the injury suffered by Plaintiff and members of the Class and
15 California Sub-Class is not an injury that these consumers could reasonably have
16 avoided. After Defendant, fraudulently labeled the Class Products as 100%
17 natural, the Plaintiff, Class members, and Sub-Class Members suffered injury in
18 fact due to Defendant's sale of Class Products to them. Defendant failed to take
19 reasonable steps to inform Plaintiff and Class and Sub-Class members that the
20 Class Products contained synthetic ingredients and are not 100% natural as a
21 result. As such, Defendant took advantage of Defendant's position of perceived
22 power in order to deceive Plaintiff and the Class members to purchase the
23 products. Therefore, the injury suffered by Plaintiff and members of the Class is
24 not an injury which these consumers could reasonably have avoided.

25 61. Thus, Defendant's conduct has violated the "unfair" prong of
26 California Business & Professions Code § 17200.

27 **FRAUDULENT**

1 62. California Business & Professions Code § 17200 prohibits any
2 “fraudulent ... business act or practice.” In order to prevail under the “fraudulent”
3 prong of the UCL, a consumer must allege that the fraudulent business practice
4 was likely to deceive members of the public.

5 63. The test for “fraud” as contemplated by California Business and
6 Professions Code § 17200 is whether the public is likely to be deceived. Unlike
7 common law fraud, a § 17200 violation can be established even if no one was
8 actually deceived, relied upon the fraudulent practice, or sustained any damage.

9 64. Here, not only were Plaintiff and the Class and Sub-Class members
10 likely to be deceived, but these consumers were actually deceived by Defendant.
11 Such deception is evidenced by the fact that Plaintiff agreed to purchase Class
12 Products at a price premium even though the Products contained synthetic
13 ingredients. Plaintiff’s reliance upon Defendant’s deceptive statements is
14 reasonable due to the unequal bargaining powers of Defendant and Plaintiff. For
15 the same reason, it is likely that Defendant’s fraudulent business practice would
16 deceive other members of the public.

17 65. As explained above, Defendant deceived Plaintiff and other Class
18 Members by labeling the Products as 100% natural, when in fact the Products
19 contain synthetic ingredients.

20 66. Thus, Defendant’s conduct has violated the “fraudulent” prong of
21 California Business & Professions Code § 17200.

22 **UNLAWFUL**

23 67. California Business and Professions Code Section 17200, et seq.
24 prohibits “any unlawful...business act or practice.”

25 68. As explained above, Defendant deceived Plaintiff and other Class
26 Members by labeling the Products as 100% natural, when in fact the Products
27 contain synthetic ingredients.

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- (a) An order certifying the Class and Sub-Class and appointing Plaintiff as Representative of the Class and Sub-Class;
- (a) An order certifying the undersigned counsel as Class and Sub-Class Counsel;
- (b) An order requiring Defendant to engage in corrective advertising regarding the conduct discussed above;
- (c) Actual damages suffered by Plaintiff and Class and Sub-Class Members as applicable or full restitution of all funds acquired from Plaintiff and Class and Sub-Class Members from the sale of misbranded Class Products during the relevant class period;
- (d) Punitive damages, as allowable, in an amount determined by the Court or jury;
- (e) Any and all statutory enhanced damages;
- (f) All reasonable and necessary attorneys' fees and costs provided by statute, common law or the Court's inherent power;
- (g) Pre- and post-judgment interest; and
- (h) All other relief, general or special, legal and equitable, to which Plaintiff and Class and Sub-Class Members may be justly entitled as deemed by the Court.

Dated: January 7, 2022

Respectfully submitted,

LAW OFFICES OF TODD M. FRIEDMAN, PC

By: 

TODD M. FRIEDMAN, ESQ.

Attorney for Plaintiff Michael Dotson

22STCV00751

Electronically FILED by Superior Court of California, County of Los Angeles on 01/07/2022 01:28 PM Sherri R. Carter, Executive Officer/Clerk of Court, by K. Martinez, Deputy Clerk SUM-100

SUMMONS
(CITACION JUDICIAL)

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

NOTICE TO DEFENDANT:
(AVISO AL DEMANDADO):

ARIZONA BEVERAGES USA LLC

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

MICHAEL DOTSON, individually, and on behalf of 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): Stanley Mosk Courthouse

CASE NUMBER.
(Número del Caso):

22STCV00751

111 N. Hill Street,
Los Angeles CA 90012

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):

Todd M. Friedman, 21031 Ventura Blvd, Suite 340, Woodland Hills, CA 91364, 323-306-4234

DATE: 01/07/2022
(Fecha)

Clerk, by Sherri R. Carter Executive Officer / Clerk of Court, Deputy
(Secretario) K. Martinez (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

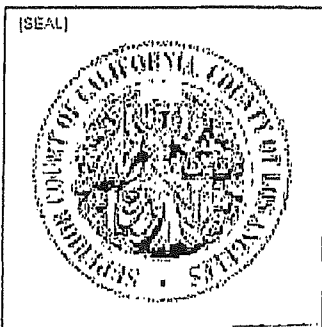
- 1. as an individual defendant.
- 2. as the person sued under the fictitious name of (specify):

3. on behalf of (specify): Arizona Beverages USA LLC

- under: CCP 416.10 (corporation) CCP 416.60 (minor)
- CCP 416.20 (defunct corporation) CCP 416.70 (conservatee)
- CCP 416.40 (association or partnership) CCP 416.90 (authorized person)

other (specify):

4. by personal delivery on (date): 1/12/2022



ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address). Todd M. Friedman, Esq. SBN 216752 Law Offices of Todd M. Friedman 21031 Ventura Blvd, Suite 340 Woodland Hills, CA 91367 TELEPHONE NO.: 323-306-4234 FAX NO.: 866-633-0228 ATTORNEY FOR (Name): Plaintiff, Michael Dotson	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Los Angeles STREET ADDRESS: 111 North Hill Street MAILING ADDRESS: 111 North Hill Street CITY AND ZIP CODE: Los Angeles, CA 90012 BRANCH NAME: Stanley Mosk Courthouse	
CASE NAME: Michael Dotson et al v. Arizona Beverages USA LLC	
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: 22STCV00751 JUDGE: DEPT:

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

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

Auto Tort <input type="checkbox"/> Auto (22) <input type="checkbox"/> Uninsured motorist (46) Other PI/PD/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 PI/PD/WD (23) Non-PI/PD/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 checked="" type="checkbox"/> Other non-PI/PD/WD tort (35) Employment <input type="checkbox"/> Wrongful termination (36) <input 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 | 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 checked="" 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): 3
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: January 7, 2022
 Todd M. Friedman _____
 (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

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

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

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

CASE TYPES AND EXAMPLES**Auto Tort**

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

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

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

Non-PI/PD/WD (Other) Tort

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

Employment

Wrongful Termination (36)
Other Employment (15)

Contract

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

Real Property

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

Unlawful Detainer

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

Judicial Review

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

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

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

Enforcement of Judgment

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

Miscellaneous Civil Complaint

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

Miscellaneous Civil Petition

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

SHORT TITLE: Michael Dotson et al v. Arizona Beverages USA LLC	CASE NUMBER
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**CIVIL CASE COVER SHEET ADDENDUM AND
STATEMENT OF LOCATION
(CERTIFICATE OF GROUNDS FOR ASSIGNMENT TO COURTHOUSE LOCATION)**

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

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

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

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

Applicable Reasons for Choosing Court Filing Location (Column C)

- | | |
|--|---|
| <ul style="list-style-type: none"> 1. Class actions must be filed in the Stanley Mosk Courthouse, Central District. 2. Permissive filing in central district. 3. Location where cause of action arose. 4. Mandatory personal injury filing in North District. 5. Location where performance required or defendant resides. 6. Location of property or permanently garaged vehicle. | <ul style="list-style-type: none"> 7. Location where petitioner resides. 8. Location wherein defendant/respondent functions wholly. 9. Location where one or more of the parties reside. 10. Location of Labor Commissioner Office. 11. Mandatory filing location (Hub Cases – unlawful detainer, limited non-collection, limited collection, or personal injury). |
|--|---|

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

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

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


SHORT TITLE: Michael Dotson et al v. Arizona Beverages USA LLC	CASE NUMBER
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Step 4: Statement of Reason and Address: Check the appropriate boxes for the numbers shown under Column C for the type of action that you have selected. Enter the address which is the basis for the filing location, including zip code. (No address required for class action cases).

REASON: <input checked="" type="checkbox"/> 1. <input type="checkbox"/> 2. <input type="checkbox"/> 3. <input type="checkbox"/> 4. <input type="checkbox"/> 5. <input type="checkbox"/> 6. <input type="checkbox"/> 7. <input type="checkbox"/> 8. <input type="checkbox"/> 9. <input type="checkbox"/> 10. <input type="checkbox"/> 11.	ADDRESS: 						
<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:30%; padding: 2px;">CITY:</td> <td style="width:30%; padding: 2px;">STATE:</td> <td style="width:40%; padding: 2px;">ZIP CODE:</td> </tr> <tr> <td style="height: 20px;"> </td> <td> </td> <td> </td> </tr> </table>	CITY:	STATE:	ZIP CODE:				
CITY:	STATE:	ZIP CODE:					

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

Dated: January 7, 2022



 (SIGNATURE OF ATTORNEY/FILING PARTY)

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

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



Superior Court of California, County of Los Angeles

ALTERNATIVE DISPUTE RESOLUTION (ADR) INFORMATION PACKAGE

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

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

What is ADR?

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

Advantages of ADR

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

Disadvantages of ADR

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

Main Types of ADR

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

Mediation may be appropriate when the parties

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

Mediation may not be appropriate when the parties

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

How to Arrange Mediation in Los Angeles County

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

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

If all parties in an active civil case agree to mediation, they may contact these organizations to request a "Resource List Mediation" for mediation at reduced cost or no cost (for selected cases).

- **ADR Services, Inc.** Case Manager Elizabeth Sanchez, elizabeth@adrservices.com (949) 863-9800
- **JAMS, Inc.** Assistant Manager Reggie Joseph, RJoseph@jamsadr.com (310) 309-6209
- **Mediation Center of Los Angeles** Program Manager info@mediationLA.org (833) 476-9145

These organizations cannot accept every case and they may decline cases at their discretion. They may offer online mediation by video conference for cases they accept. Before contacting these organizations, review important information and FAQs at www.lacourt.org/ADR.Res.List

NOTE: The Civil Mediation Vendor Resource List program does not accept family law, probate or small claims cases.

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

<https://hrc.lacounty.gov/wp-content/uploads/2020/05/DRP-Fact-Sheet-23October19-Current-as-of-October-2019-1.pdf>

Day of trial mediation programs have been paused until further notice.

Online Dispute Resolution (ODR). Parties in small claims and unlawful detainer (eviction) cases should carefully review the Notice and other information they may receive about (ODR) requirements for their case.

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

3. Arbitration: Arbitration is less formal than trial, but like trial, the parties present evidence and arguments to the person who decides the outcome. In "binding" arbitration, the arbitrator's decision is final; there is no right to trial. In "nonbinding" arbitration, any party can request a trial after the arbitrator's decision. For more information about arbitration, visit <http://www.courts.ca.gov/programs-adr.htm>

4. Mandatory Settlement Conferences (MSC): MSCs are ordered by the Court and are often held close to the trial date or on the day of trial. The parties and their attorneys meet with a judge or settlement officer who does not make a decision but who instead assists the parties in evaluating the strengths and weaknesses of the case and in negotiating a settlement. For information about the Court's MSC programs for civil cases, visit <http://www.lacourt.org/division/civil/C10047.aspx>

Los Angeles Superior Court ADR website: <http://www.lacourt.org/division/civil/C10109.aspx>
For general information and videos about ADR, visit <http://www.courts.ca.gov/programs-adr.htm>

FILED
Superior Court of California
County of Los Angeles

MAY 03 2019

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

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

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

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

1) DEFINITIONS

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

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

16 2) MANDATORY ELECTRONIC FILING

17 a) Trial Court Records

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

22 b) Represented Litigants

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

25 c) Public Notice

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

1 5) ELECTRONIC FILING SYSTEM WORKING PROCEDURES

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

4 6) TECHNICAL REQUIREMENTS

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

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

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

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

15 i) Depositions;

16 ii) Declarations;

17 iii) Exhibits (including exhibits to declarations);

18 iv) Transcripts (including excerpts within transcripts);

19 v) Points and Authorities;

20 vi) Citations; and

21 vii) Supporting Briefs.

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

24 f) Accompanying Documents

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

27 g) Multiple Documents

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

1 h) Writs and Abstracts

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

3 i) Sealed Documents

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

8 j) Redaction

9 Pursuant to California Rules of Court, rule 1.201, it is the submitting party's responsibility to
10 redact confidential information (such as using initials for names of minors, using the last four
11 digits of a social security number, and using the year for date of birth) so that the information
12 shall not be publicly displayed.

13 7) ELECTRONIC FILING SCHEDULE

14 a) Filed Date

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

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

26 8) EX PARTE APPLICATIONS

27 a) Ex parte applications and all documents in support thereof must be electronically filed no later
28 than 10:00 a.m. the court day before the ex parte hearing.

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

4 9) PRINTED COURTESY COPIES

5 a) For any filing electronically filed two or fewer days before the hearing, a courtesy copy must
6 be delivered to the courtroom by 4:30 p.m. the same business day the document is efiled. If
7 the efiled is submitted after 4:30 p.m., the courtesy copy must be delivered to the courtroom
8 by 10:00 a.m. the next business day.

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

11 i) Any printed document required pursuant to a Standing or General Order;

12 ii) Pleadings and motions (including attachments such as declarations and exhibits) of 26
13 pages or more;

14 iii) Pleadings and motions that include points and authorities;

15 iv) Demurrers;

16 v) Anti-SLAPP filings, pursuant to Code of Civil Procedure section 425.16;

17 vi) Motions for Summary Judgment/Adjudication; and

18 vii) Motions to Compel Further Discovery.

19 c) Nothing in this General Order precludes a Judicial Officer from requesting a courtesy copy of
20 additional documents. Courtroom specific courtesy copy guidelines can be found at
21 www.lacourt.org on the Civil webpage under "Courtroom Information."

22 10) WAIVER OF FEES AND COSTS FOR ELECTRONICALLY FILED DOCUMENTS

23 a) Fees and costs associated with electronic filing must be waived for any litigant who has
24 received a fee waiver. (California Rules of Court, rules 2.253(b)(1), 2.258(b), Code Civ. Proc. §
25 1010.6(d)(2).)

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

1 11) SIGNATURES ON ELECTRONIC FILING

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

5
6 This First Amended General Order supersedes any previous order related to electronic filing,
7 and is effective immediately, and is to remain in effect until otherwise ordered by the Civil
8 Supervising Judge and/or Presiding Judge.

9
10 DATED: May 3, 2019



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Kevin C. Brazile

KEVIN C. BRAZILE
Presiding Judge

FILED
LOS ANGELES SUPERIOR COURT

MAY 11 2011

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

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

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

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

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

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

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

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

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

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

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

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

3
4 DATED: May 11, 2011

5 Carolyn B. Kuhl
6 Carolyn B. Kuhl, Supervising Judge of the
7 Civil Departments, Los Angeles Superior Court
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VOLUNTARY EFFICIENT LITIGATION STIPULATIONS



Superior Court of California
County of Los Angeles



Los Angeles County
Bar Association
Litigation Section

Los Angeles County
Bar Association Labor and
Employment Law Section



Consumer Attorneys
Association of Los Angeles



Southern California
Defense Counsel



Association of
Business Trial Lawyers



California Employment
Lawyers Association

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

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

◆ Los Angeles County Bar Association Litigation Section ◆

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

◆ Consumer Attorneys Association of Los Angeles ◆

◆ Southern California Defense Counsel ◆

◆ Association of Business Trial Lawyers ◆

◆ California Employment Lawyers Association ◆

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

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

The parties agree that:

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

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

- h. Computation of damages, including documents, not privileged or protected from disclosure, on which such computation is based;
 - i. Whether the case is suitable for the Expedited Jury Trial procedures (see information at www.lacourt.org under "Civil" and then under "General Information").
2. The time for a defending party to respond to a complaint or cross-complaint will be extended to _____ for the complaint, and _____ for the cross-complaint, which is comprised of the 30 days to respond under Government Code § 68616(b), and the 30 days permitted by Code of Civil Procedure section 1054(a), good cause having been found by the Civil Supervising Judge due to the case management benefits provided by this Stipulation. A copy of the General Order can be found at www.lacourt.org under "Civil", click on "General Information", then click on "Voluntary Efficient Litigation Stipulations".
(INSERT DATE) (INSERT DATE)
 3. The parties will prepare a joint report titled "Joint Status Report Pursuant to Initial Conference and Early Organizational Meeting Stipulation, and if desired, a proposed order summarizing results of their meet and confer and advising the Court of any way it may assist the parties' efficient conduct or resolution of the case. The parties shall attach the Joint Status Report to the Case Management Conference statement, and file the documents when the CMC statement is due.
 4. References to "days" mean calendar days, unless otherwise noted. If the date for performing any act pursuant to this stipulation falls on a Saturday, Sunday or Court holiday, then the time for performing that act shall be extended to the next Court day

The following parties stipulate:

Date:

(TYPE OR PRINT NAME)

>

(ATTORNEY FOR PLAINTIFF)

Date:

(TYPE OR PRINT NAME)

>

(ATTORNEY FOR DEFENDANT)

Date:

(TYPE OR PRINT NAME)

>

(ATTORNEY FOR DEFENDANT)

Date:

(TYPE OR PRINT NAME)

>

(ATTORNEY FOR DEFENDANT)

Date:

(TYPE OR PRINT NAME)

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(ATTORNEY FOR _____)

Date:

(TYPE OR PRINT NAME)

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(ATTORNEY FOR _____)

Date:

(TYPE OR PRINT NAME)

>

(ATTORNEY FOR _____)

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

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

The parties agree that:

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

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

SHORT TITLE:	CASE NUMBER:
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The following parties stipulate:

Date:

(TYPE OR PRINT NAME)



(ATTORNEY FOR PLAINTIFF)

Date:

(TYPE OR PRINT NAME)



(ATTORNEY FOR DEFENDANT)

Date:

(TYPE OR PRINT NAME)



(ATTORNEY FOR DEFENDANT)

Date:

(TYPE OR PRINT NAME)



(ATTORNEY FOR DEFENDANT)

Date:

(TYPE OR PRINT NAME)



(ATTORNEY FOR _____)

Date:

(TYPE OR PRINT NAME)



(ATTORNEY FOR _____)

Date:

(TYPE OR PRINT NAME)



(ATTORNEY FOR _____)

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

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

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

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

The parties agree that:

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

SHORT TITLE:	CASE NUMBER:
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The following parties stipulate:

Date:

(TYPE OR PRINT NAME)

➤

(ATTORNEY FOR PLAINTIFF)

Date:

(TYPE OR PRINT NAME)

➤

(ATTORNEY FOR DEFENDANT)

Date:

(TYPE OR PRINT NAME)

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(ATTORNEY FOR DEFENDANT)

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(ATTORNEY FOR DEFENDANT)

Date:

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(ATTORNEY FOR _____)

Date:

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(ATTORNEY FOR _____)

Date:

(TYPE OR PRINT NAME)

➤

(ATTORNEY FOR _____)

THE COURT SO ORDERS.

Date: _____

JUDICIAL OFFICER

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SUPERIOR COURT OF CALIFORNIA COUNTY OF LOS ANGELES	<small>Reserved for Clerk's File Stamp</small> FILED Superior Court of California County of Los Angeles 01/07/2022 Sherri R. Carter, Executive Officer / Clerk of Court By: <u> K. Martínez </u> Deputy
COURTHOUSE ADDRESS: Spring Street Courthouse 312 North Spring Street, Los Angeles, CA 90012	
NOTICE OF CASE ASSIGNMENT UNLIMITED CIVIL CASE	
Your case is assigned for all purposes to the judicial officer indicated below.	CASE NUMBER: 22STCV00751

THIS FORM IS TO BE SERVED WITH THE SUMMONS AND COMPLAINT

	ASSIGNED JUDGE	DEPT	ROOM		ASSIGNED JUDGE	DEPT	ROOM
✓	Kenneth R. Freeman	14					

Given to the Plaintiff/Cross-Complainant/Attorney of Record Sherri R. Carter, Executive Officer / Clerk of Court

on 01/07/2022
(Date)

By K. Martinez, Deputy Clerk

INSTRUCTIONS FOR HANDLING UNLIMITED CIVIL CASES

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

APPLICATION

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

PRIORITY OVER OTHER RULES

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

CHALLENGE TO ASSIGNED JUDGE

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

TIME STANDARDS

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

COMPLAINTS

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

CROSS-COMPLAINTS

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

STATUS CONFERENCE

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

FINAL STATUS CONFERENCE

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

SANCTIONS

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

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

Class Actions

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

***Provisionally Complex Cases**

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

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FILED
Superior Court of California
County of Los Angeles

JAN 31 2022

Sherril R. Carter, Executive Officer/Clerk of Court
By Berta Guerrero Deputy
Berta Guerrero

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

MICHAEL DOTSON

Plaintiff,
vs.

ARIZONA BEVERAGES USA LLC

Defendants.

Case No. 22STCV00751
INITIAL STATUS CONFERENCE ORDER
(COMPLEX LITIGATION PROGRAM)

Case Assigned for All Purposes to
Judge Kenneth R. Freeman

Department: 14
Date: April 29, 2022
Time: 10:00 a.m.

Due to the pandemic and the urgent need to avoid court appearances, the parties MUST sign up with an e- service provider at least ten court days in advance of the Initial Status Conference and advise the Court, via email to sscdept14@lacourt.org, which provider was selected.

This case has been assigned for all purposes to Judge Kenneth R. Freeman in the Complex Litigation Program. An Initial Status Conference is set for **April 29, 2022, at 10:00 a.m., in Department 14** located in the **Spring Street Courthouse**, at United States District Court, at 312 N. Spring Street, Los Angeles, California 90012. Counsel for all the parties are ordered to attend.

The Court orders counsel to prepare for the Initial Status Conference by identifying and discussing the central legal and factual issues in the case. Counsel for plaintiff is ordered to

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initiate contact with counsel for defense to begin this process. Counsel then must negotiate and agree, as possible, on a case management plan. To this end, counsel must file a Joint Initial Status Conference Class Action Response Statement ten (10) court days (**April 15, 2022 and provide a conformed courtesy copy DIRECTLY in Department 14**) before the Initial Status Conference. The Joint Response Statement must be filed on line-numbered pleading paper and must specifically answer each of the below-numbered questions. Do not the use the Judicial Council Form CM-110 (Case Management Statement) for this purpose.

1. PARTIES AND COUNSEL: Please list all presently-named class representatives and presently-named defendants, together with all counsel of record, including counsel's contact and email information.

2. POTENTIAL ADDITIONAL PARTIES: Does any plaintiff presently intend to add more class representatives? If so, and if known, by what date and by what name? Does any plaintiff presently intend to name more defendants? If so, and if known, by what date and by what name? Does any appearing defendant presently intend to file a cross-complaint? If so, who will be named.

3. IMPROPERLY NAMED DEFENDANT(S): If the complaint names the wrong person or entity, please explain.

4. ADEQUACY OF PROPOSED CLASS REPRESENTATIVE(S): If any party believes one or more named plaintiffs might not be an adequate class representative, please explain. No prejudice will attach to these responses.

5. ESTIMATED CLASS SIZE: Please discuss and indicate the estimated class size.

6. OTHER ACTIONS WITH OVERLAPPING CLASS DEFINITIONS: Please list other cases with overlapping class definitions. Please identify the court, the short caption title, the docket number, and the case status.

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7. POTENTIALLY RELEVANT ARBITRATION AND/OR CLASS ACTION

WAIVER CLAUSES: Please include a sample of any clause of this sort. Opposing parties must summarize their views on this issue.

8. POTENTIAL EARLY CRUCIAL MOTIONS: Opposing counsel are to identify and describe the significant core issues in the case. Counsel then are to identify efficient ways to resolve those issues. The vehicles include:

- Early motions in limine,
- Early motions about particular jury instructions,
- Demurrers,
- Motions to strike,
- Motions for judgment on the pleadings, and
- Motions for summary judgment and summary adjudication.

9. CLASS CONTACT INFORMATION: Does plaintiff need class contact information from the defendant’s records? If so, do the parties consent to an “opt-out” notice process (as approved in *Belaire-West Landscape, Inc. v. Superior Court* (2007) 149 Cal.App.4th 554, 561) to precede defense delivery of this information to plaintiff’s counsel? If the parties agree on the notice process, who should pay for it? Should there be a third-party administrator?

10. PROTECTIVE ORDERS: Parties considering an order to protect confidential information from general disclosure should begin with the model protective orders found on the Los Angeles Superior Court Website under “Civil Tools for Litigators.”

11. DISCOVERY: Please discuss discovery. Do the parties agree on a plan? If not, can the parties negotiate a compromise? At minimum, please summarize each side’s views on discovery. The Court generally allows discovery on matters relevant to class certification, which (depending on circumstances) may include factual issues also touching the merits. The Court

1 generally does not permit extensive or expensive discovery relevant only to the merits (for
2 example, detailed damages discovery) unless a persuasive showing establishes early need. If any
3 party seeks discovery from absent class members, please estimate how many, and also state the
4 kind of discovery you propose¹.

5 **12. INSURANCE COVERAGE:** Please state if there is insurance for indemnity or
6 reimbursement.

7
8 **13. ALTERNATIVE DISPUTE RESOLUTION:** Please discuss ADR and state each
9 party's position about it. If pertinent, how can the Court help identify the correct neutral and
10 prepare the case for a successful settlement negotiation?

11 **14. TIMELINE FOR CASE MANAGEMENT:** Please recommend dates and times for
12 the following:

- 13 ■ The next status conference,
- 14 ■ A schedule for alternative dispute resolution, if it is relevant,
- 15 ■ A filing deadline for the motion for class certification, and
- 16 ■ Filing deadlines and descriptions for other anticipated non-discovery motions.

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18 **15. ELECTRONIC SERVICE OF PAPERS:** For efficiency the complex program
19 requires the parties in every new case to use a third-party cloud service. While the parties are free
20 to choose one of the services shown below, this Court (Department 14) prefers that the parties
21 select:

- 22 ■ **Case Anywhere** (<http://www.caseanywhere.com>).

23 The parties are not required to select Case Anywhere, but may chose instead either

- 24 ■ **File & Serve Xpress** (<https://secure.fileandservexpress.com>) or

25
26
27 ¹ See California Rule of Court, Rule 3.768.

1 ■ CaseHomePage (<http://www.casehomepage.com>).

2 Please agree on one and submit the parties' choice when filing the Joint Initial Status
3 Conference Class Action Response Statement. If there is agreement, please identify the vendor. If
4 parties cannot agree, the Court will select the vendor at the Initial Status Conference. Electronic
5 service is not the same as electronic filing. Only traditional methods of filing by physical delivery
6 of original papers or by fax filing are presently acceptable.

7 **Reminder When Seeking To Dismiss Or To Obtain Settlement Approval:**

8 "A dismissal of an entire class action, or of any party or cause of action in a class action,
9 requires Court approval . . . Requests for dismissal must be accompanied by a declaration setting
10 forth the facts on which the party relies. The declaration must clearly state whether consideration,
11 direct or indirect, is being given for the dismissal and must describe the consideration in detail."²
12 If the parties have settled the class action, that too will require judicial approval based on a noticed
13 motion (although it may be possible to shorten time by consent for good cause shown).
14

15 Pending further order of this Court, and except as otherwise provided in this Initial Status
16 Conference Order, these proceedings are stayed in their entirety. This stay shall preclude the filing
17 of any answer, demurrer, motion to strike, or motions challenging the jurisdiction of the Court.
18 However, any defendant may file a Notice of Appearance for purposes of identification of counsel
19 and preparation of a service list. The filing of such a Notice of Appearance shall be without
20 prejudice to any challenge to the jurisdiction of the Court, substantive or procedural challenges to
21 the Complaint, without prejudice to any affirmative defense, and without prejudice to the filing of
22 any cross-complaint in this action. This stay is issued to assist the Court and the parties in
23 managing this "complex" case through the development of an orderly schedule for briefing and
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27 ² California Rule of Court, Rule 3.770(a)
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hearings on procedural and substantive challenges to the complaint and other issues that may assist in the orderly management of these cases. This stay shall not preclude the parties from informally exchanging documents that may assist in their initial evaluation of the issues presented in this case, however shall stay all outstanding discovery requests.

Plaintiff's counsel is directed to serve a copy of this Initial Status Conference Order on counsel for all parties, or if counsel has not been identified, on all parties, within five (5) days of service of this order. If any defendant has not been served in this action, service is to be completed within twenty (20) days of the date of this order.

Dated: 1-31-2022



Judge Kenneth R. Freeman

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES
Civil Division

Central District, Spring Street Courthouse, Department 14

22STCV00751

MICHAEL DOTSON vs ARIZONA BEVERAGES USA LLC

January 31, 2022

11:23 AM

Judge: Honorable Kenneth R. Freeman
Judicial Assistant: B. Guerrero
Courtroom Assistant: C. Gomez

CSR: None
ERM: None
Deputy Sheriff: None

APPEARANCES:

For Plaintiff(s): No Appearances

For Defendant(s): No Appearances

NATURE OF PROCEEDINGS: Court Order Regarding Newly Filed Class Action;

By this order, the Court determines this case to be Complex according to Rule 3.400 of the California Rules of Court. The Clerk's Office has randomly assigned this case to this department for all purposes.

By this order, the Court stays the case, except for service of the Summons and Complaint. The stay continues at least until the Initial Status Conference. Initial Status Conference is set for 04/29/2022 at 10:00 AM in this department. At least 10 days prior to the Initial Status Conference, counsel for all parties must discuss the issues set forth in the Initial Status Conference Order issued this date. The Initial Status Conference Order is to help the Court and the parties manage this complex case by developing an orderly schedule for briefing, discovery, and court hearings. The parties are informally encouraged to exchange documents and information as may be useful for case evaluation.

Responsive pleadings shall not be filed until further Order of the Court. Parties must file a Notice of Appearance in lieu of an Answer or other responsive pleading. The filing of a Notice of Appearance shall not constitute a waiver of any substantive or procedural challenge to the Complaint. Nothing in this order stays the time for filing an Affidavit of Prejudice pursuant to Code of Civil Procedure Section 170.6.

Counsel are directed to access the following link for information on procedures in the Complex litigation Program courtrooms: <http://www.lacourt.org/division/civil/CI0037.aspx>

Pursuant to Government Code Sections 70616(a) and 70616(b), a single complex fee of one thousand dollars (\$1,000.00) must be paid on behalf of all plaintiffs. For defendants, a complex fee of one thousand dollars (\$1,000.00) must be paid for each defendant, intervenor, respondent or adverse party, not to exceed, for each separate case number, a total of eighteen thousand dollars (\$18,000.00), collected from all defendants, intervenors, respondents, or adverse parties.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES
Civil Division

Central District, Spring Street Courthouse, Department 14

22STCV00751

MICHAEL DOTSON vs ARIZONA BEVERAGES USA LLC

January 31, 2022

11:23 AM

Judge: Honorable Kenneth R. Freeman
Judicial Assistant: B. Guerrero
Courtroom Assistant: C. Gomez

CSR: None
ERM: None
Deputy Sheriff: None

All such fees are ordered to be paid to Los Angeles Superior Court, within 10 days of service of this order.

The plaintiff must serve a copy of this minute order and the attached Initial Status Conference Order on all parties forthwith and file a Proof of Service in this department within 7 days of service.

Certificate of Mailing is attached.

SUPERIOR COURT OF CALIFORNIA COUNTY OF LOS ANGELES	Reserved for Clerk's File Stamp
COURTHOUSE ADDRESS: Spring Street Courthouse 312 North Spring Street, Los Angeles, CA 90012	FILED Superior Court of California County of Los Angeles 01/31/2022
PLAINTIFF/PETITIONER: Michael Dotson	Sherri R. Carter, Executive Officer / Clerk of Court By: <u>B. Guerrero</u> Deputy
DEFENDANT/RESPONDENT: Arizona Beverages USA LLC	
CERTIFICATE OF MAILING	CASE NUMBER: 22STCV00751

I, the below-named Executive Officer/Clerk of the above-entitled court, do hereby certify that I am not a party to the cause herein, and that on this date I served the Minute Order (Court Order Regarding Newly Filed Class Action;) of 01/31/2022, Initial Status Conference Order upon each party or counsel named below by placing the document for collection and mailing so as to cause it to be deposited in the United States mail at the courthouse in Los Angeles, California, one copy of the original filed/entered herein in a separate sealed envelope to each address as shown below with the postage thereon fully prepaid, in accordance with standard court practices.

Todd Friedman
21031 Ventura Blvd, Suite 340
Woodland Hills, CA 91364

Sherri R. Carter, Executive Officer / Clerk of Court

Dated: 01/31/2022

By: B. Guerrero
Deputy Clerk

CERTIFICATE OF MAILING

ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: [Class Action Claims Arizona Georgia Peach Green Tea Mislabeled as '100% Natural'](#)
