

1 STEPTOE & JOHNSON LLP
 2 STEPHANIE A. SHERIDAN, State Bar No. 135910
ssheridan@steptoe.com
 3 ANTHONY J. ANSCOMBE, State Bar No. 135883
aanscombe@steptoe.com
 4 MEEGAN B. BROOKS, State Bar No. 298570
mbrooks@steptoe.com
 5 One Market Street
 6 Steuart Tower, Suite 1800
 7 San Francisco, CA 94105
 8 Telephone: 415.365.6700
 9 Facsimile: 415.365.6699

10 Attorneys for Defendant
 11 SWAROVSKI NORTH AMERICA LIMITED

12 UNITED STATES DISTRICT COURT
 13 SOUTHERN DISTRICT OF CALIFORNIA
 14

15 ANNA LERMAN, on behalf of
 16 herself and all others similarly
 17 situated,

17 Plaintiff,

18 v.

19 SWAROVSKI NORTH AMERICA
 20 LIMITED, SWAROVSKI RETAIL
 21 VENTURES LIMITED,
 22 SWAROVSKI DIGITAL
 BUSINESS USA INC. and DOES 1-

23 Defendants.

CASE NO. '19CV0638 LAB BLM

NOTICE OF REMOVAL

[Originally San Diego County Superior
 Court Case No. 37-2019-00011559-CU-
 BT-CTL]

1 TO THE JUDGES OF THE UNITED STATES DISTRICT COURT FOR THE
2 SOUTHERN DISTRICT OF CALIFORNIA, AND TO THE CLERK OF THAT
3 COURT:

4 **PLEASE TAKE NOTICE** that Defendant Swarovski North America
5 Limited (“Swarovski”), pursuant to 28 U.S.C. §§ 1332, 1441, 1446, and 1453,
6 hereby removes the above-captioned action from the Superior Court of California,
7 County of San Diego to the United States District Court for the Southern District
8 of California.

9 **I. INTRODUCTION**

10 1. This Action is properly removed to this Court pursuant to 28 U.S.C. §
11 1441 because this Court has jurisdiction under the Class Action Fairness Act, 28
12 U.S.C. § 1332(d) (“CAFA”), in that this Action is a civil action in which the
13 alleged amount in controversy exceeds the sum of \$5,000,000 exclusive of costs
14 and interest, has more than 100 members in the proposed putative class, and is
15 between citizens of different states.

16 **II. BACKGROUND**

17 2. On March 1, 2019, Plaintiff Anna Lerman, purportedly on behalf of
18 herself and all others similarly situated, filed a civil action in the San Diego
19 Superior Court entitled *Anna Lerman v. Swarovski North America Limited*, San
20 Diego County Superior Court, Case No. 37-2019-00011559-CU-BT-CTL. (*See*
21 Exhibit A, which includes the summons, Complaint and all of the documents
22 served on Swarovski.) Swarovski has not been served with any other process or
23 pleading, nor is it aware of the filing of any other process or pleading.

24 3. The Complaint, which is styled as a class action, purports to bring
25 claims under California’s Invasion of Privacy Act (“CIPA”), Penal Code §§ 630, *et*
26 *seq.* (Complaint ¶ 2.) Plaintiff’s Complaint arises from two purported telephone
27 calls with Swarovski’s toll-free customer service while Plaintiff was a resident of
28 California, in San Diego County. *Id.* ¶ 8.

1 4. The proposed putative class consists of “[a]ll California residents
2 who, while located in California at any time during the one-year period of time
3 preceding the filing of the original Complaint and until said practice is terminated
4 (‘Class Period’), called Defendants’ toll-free customer service number 1-800-426-
5 3088 while one or both parties were using a cellular or cordless telephone and
6 whose calls were recorded by Defendants without warning or disclosure at the call
7 outset.” (Complaint ¶ 24.)

8 5. Plaintiff served the Complaint upon Swarovski by personal service on
9 March 6, 2019. *See* Exhibit A, page 1.

10 6. Nothing in this Notice of Removal should be interpreted as a
11 concession of liability, the appropriateness of venue, the appropriateness of class
12 treatment, Plaintiff’s class definition, or the validity of Plaintiff’s claim for relief.
13 Swarovski reserves the right to supplement and amend this Notice of Removal.

14 **III. REQUIREMENTS FOR REMOVAL UNDER CAFA**

15 7. This Court has original jurisdiction over this action under the Class
16 Action Fairness Act of 2005 (“CAFA”), codified in part at 28 U.S.C. §§ 1332 and
17 1453. Under CAFA, a district court shall have original jurisdiction over any
18 putative civil class action in which: (1) there are at least 100 members in all
19 proposed plaintiff classes; (2) “the matter in controversy exceeds the sum or value
20 of \$5,000,000, exclusive of interest and costs”; and (3) “any member of a class of
21 plaintiffs is a citizen of a state different from any defendant.” 28 U.S.C. §
22 1332(d)(2, 5). Because this action meets each of CAFA’s requirements, it may be
23 removed to federal court. 28 U.S.C. § 1441(a) (“[A]ny civil action brought in a
24 State Court of which the district courts of the United States have original
25 jurisdiction, may be removed by the defendant.”).

1 **IV. THE REQUIREMENTS FOR REMOVAL UNDER CAFA ARE**
2 **SATISFIED**

3 **A. The Number of Proposed Class Members Exceeds 100**

4 8. The Complaint alleges that members of the putative class are “so
5 numerous that joinder of all members is impracticable,” but does not identify the
6 number of class members. (Complaint ¶ 28.)

7 9. According to Plaintiff’s Complaint, the putative class is “[a]ll
8 California residents who, while located in California at any time during the one-
9 year period of time preceding the filing of the original Complaint and until said
10 practice is terminated (“Class Period”), called Defendants’ toll-free customer
11 service number 1-800-426-3088 while one or both parties were using a cellular or
12 cordless telephone and whose calls were recorded by Defendants without warning
13 or disclosure at the call outset.” (Complaint ¶ 24.) Plaintiff alleges that all
14 customer service calls are recorded. (See, e.g. Complaint ¶ 21 – “Plaintiff is
15 further informed and believes and thereon alleges, that during the Class Period,
16 Defendants intentionally utilized certain computer hardware and software
17 technology (‘Call Recording Technology’) to execute a company-wide policy and
18 practice of recording inbound telephone communications with callers, including
19 California callers.”)

20 10. The Complaint clearly pleads that more than 100 individuals from the
21 State of California called Defendants’ toll-free customer service number 1-800-
22 426-3088 during the putative class period. Swarovski’s toll-free customer service
23 number is available Monday – Sunday 8:00am – 1:00am EST. Thus, if the
24 customer service number received less than two customer calls a day during the
25 one-year class period, the class size requirement would be satisfied. The size of
26 the putative class thus well exceeds 100 members.

1 **B. The Amount in Controversy Exceeds \$5 Million**

2 11. Defendant denies Plaintiff's substantive allegations, the
3 appropriateness of class treatment, and that Plaintiff is entitled to any of the relief
4 sought in her Complaint, and does not waive any defense with respect to any of
5 Plaintiff's claims. Nonetheless, the amount in controversy is determined by
6 accepting Plaintiff's allegations as true. See *Cain v. Hartford Life & Accident Ins.*
7 *Co.*, 890 F. Supp. 2d 1246, 1249 (C.D. Cal. 2012) ("In measuring the amount in
8 controversy, a court must assume that the allegations of the complaint are true and
9 assume that a jury will return a verdict for the plaintiff on all claims made in the
10 complaint."). Here, taking Plaintiff's allegations as true, the amount in controversy
11 in this action (including attorney's fees) exceeds \$5,000,000.

12 12. Case law is clear that "the amount-in-controversy allegation of a
13 defendant seeking federal-court adjudication should be accepted when not
14 contested by the plaintiff or questioned by the court." *Dart Cherokee Basin*
15 *Operating Co., LLC v. Owens*, 135 S. Ct. 547, 549-50, (2014) (citations omitted);
16 *see also* Schwarzer, Tashima, et al., California Practice Guide: Federal Civil
17 Procedure Before Trial (2016) § 2:2395, at 2D-30 ("[D]efendant may simply allege
18 in its notice of removal that the jurisdictional threshold has been met and discovery
19 may be taken with regard to that question."); *id.* § 2:3435, at 2D-172 – 173
20 ("Defendant's notice of removal 'need include only a plausible allegation that the
21 amount in controversy exceeds the jurisdictional threshold.>"). Further, CAFA's
22 legislative history indicates that even if the Court "is uncertain about whether all
23 matters in controversy in a purported class action do not in the aggregate exceed
24 the sum or value of \$5,000,000, the court should err in favor of exercising
25 jurisdiction over the case." Senate Report on the Class Action Fairness Act of
26 2005 Dates of Consideration and Passage, S. Rep. 109-14.

27 13. Plaintiff seeks an order awarding Plaintiff and each member of the
28 Class statutory damages of five thousand dollars (\$5,000) per violation under

1 California Penal Code § 637.2(a)(1). (Prayer for Relief ¶ 3.) This means that the
2 \$5,000,000 amount in controversy requirement would be satisfied if the class
3 contains just 1,000 members, or just over three callers per day.

4 14. Moreover, Plaintiff also seeks an award of attorney's fees. (Prayer for
5 Relief ¶ 5.) This amount should also be included in connection with the amount in
6 controversy. *See Guglielmino v. McKee Foods Corp.*, 506 F.3d 696, 700 (9th Cir.
7 2007). Although Defendant denies Plaintiff's claim for attorneys' fees, for
8 purposes of removal, the Ninth Circuit uses a benchmark rate of twenty-five
9 percent of the potential damages as the amount of attorneys' fees. *In re Quintus*
10 *Sec. Litig.*, 148 F. Supp. 2d 967, 973 (N.D. Cal. 2001) (benchmark for attorneys'
11 fees is 25% of 10 the common fund). Assuming the amount in controversy is
12 \$5,000,000, an award of 25% attorneys' fees based upon such amount would be an
13 additional \$1,250,000.

14 15. Plaintiff also seeks injunctive relief. The potential cost of compliance
15 with a request for injunctive relief may be considered when calculating the amount
16 put in controversy under CAFA. *Tompkins v. Basic Research LLC*, No. 5-08-244,
17 2008 WL 71808316, at *4 & n9 (E.D. Cal. Apr. 22, 2008) (noting that under
18 CAFA, the amount put in controversy includes defendants' potential cost of
19 compliance with a request for injunctive relief); *see also* James Wm. Moore et al.,
20 Moore's Federal Practice's 102.26(c)(iii) (3d ed. 2010) ("The amount in
21 controversy in CAFA cases may be determined on the basis of the aggregate value
22 to either the plaintiff class members or to the defendants"). The costs to comply
23 with an injunction could potentially be significant and Plaintiff's request for
24 injunctive relief further takes the amount in controversy over the statutory
25 threshold. *See* 28 U.S.C. § 1332(d)(2).

26 16. While Plaintiff's claim for damages, in itself, puts the amount in
27 controversy above \$5,000,000, the actual, punitive and statutory damages;
28

1 attorney's fees; and injunctive relief requested by Plaintiff make clear that this
2 requirement is satisfied.

3 **C. Minimum Diversity Exists**

4 17. The minimal diversity standard of CAFA is met as long as any one
5 defendant is a citizen of a different state than any of the named plaintiffs. 28
6 U.S.C. § 1332(d)(2)(A). Plaintiff is a resident of California. (Complaint ¶ 8.)

7 18. For purposes of diversity, a corporation is deemed to be a citizen of
8 (1) the state under whose laws it is organized; and (2) the state of its "principal
9 place of business." 28 U.S.C. § 1332(c)(1). Swarovski is a Rhode Island
10 corporation with its principal executive offices in Cranston, Rhode Island.
11 (Complaint ¶ 10.) Thus, Swarovski is a citizen of Rhode Island, and no other state.

12 19. Thus, minimal diversity is satisfied because Plaintiff is a citizen of a
13 state (California) different from Swarovski (Rhode Island).

14 **D. No CAFA Exceptions Apply**

15 20. The Action does not fall within any of exclusion to removal
16 jurisdiction recognized by 28 U.S.C. § 1332(d), and Plaintiff has the burden of
17 proving otherwise. *See Serrano v. 180 Connect, Inc.*, 478 F.3d 1018, 1021 (9th
18 Cir. 2007) ("[T]he party seeking remand bears the burden to prove an exception to
19 CAFA's jurisdiction").

20 **V. THE OTHER PROCEDURAL REQUISITES FOR REMOVAL**
21 **ARE SATISFIED**

22 21. Removal to this judicial district and division is proper under 28 U.S.C.
23 §§ 1441(a), 1446(a), because the Superior Court of the State of California for the
24 County of San Diego is located within the Southern District of California.

25 22. This Notice of Removal is timely because it was filed within thirty
26 days of March 6, 2019, the date on which Swarovski was served with the
27 Summons and Complaint. 28 U.S.C. § 1446(b).
28

1 23. Pursuant to 28 U.S.C. § 1446(a), a copy of the Summons, Complaint,
2 and all other documents served on Swarovski are attached as Exhibit A.

3 24. Pursuant to 28 U.S.C. § 1446(d), a copy of this Notice of Removal
4 and all documents in support thereof and concurrently therewith are being filed
5 with the Clerk of the Superior Court for the County of San Diego. Written notice
6 of the filing of this Notice of Removal is being served upon counsel for Plaintiff.

7 **VI. CONCLUSION**

8 Swarovski respectfully submits that this action is removed properly pursuant
9 to the Class Action Fairness Act.

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

DATED: April 3, 2019

STEPTOE & JOHNSON LLP

By: /s/ Stephanie A. Sheridan
Stephanie A. Sheridan
Anthony J. Anscombe
Meegan B. Brooks
Attorneys for Defendant
SWAROVSKI NORTH AMERICA
LIMITED

CIVIL COVER SHEET

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

I. (a) PLAINTIFFS

ANNA LERMAN, on behalf of herself and all others similarly situated

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

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

Zev B. Zysman Law Offices of Zev B. Zysman 15760 Ventura Blvd 16th Floor Encino CA 91436

DEFENDANTS

SWAROVSKI NORTH AMERICA LIMITED, et al.

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

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

Attorneys (If Known)

Stephanie A. Sheridan, Anthony J. Anscombe, Meegan B. Brooks, Steptoe & Johnson One Market Street Steuart Tower Ste 1800 San Francisco CA 94105 415.365.6700

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

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

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

Table with columns for Plaintiff (PTF) and Defendant (DEF) citizenship and business location (Citizen of This State, Citizen of Another State, Citizen or Subject of a Foreign Country, Incorporated or Principal Place of Business In This State, Incorporated and Principal Place of Business In Another State, Foreign Nation).

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

Click here for: Nature of Suit Code Descriptions.

Large table with categories: CONTRACT, REAL PROPERTY, CIVIL RIGHTS, TORTS, PRISONER PETITIONS, FORFEITURE/PENALTY, LABOR, IMMIGRATION, BANKRUPTCY, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER STATUTES. Each category contains a list of legal codes with checkboxes.

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

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

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

Cal. Penal Code Section 632.7

Brief description of cause:

Violation of Cal. Penal Code Section 632.7

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$ 5,000,000.00

CHECK YES only if demanded in complaint: JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

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

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
- (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
- (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
 United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.
 United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
 Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
 Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- V. Origin.** Place an "X" in one of the seven boxes.
 Original Proceedings. (1) Cases which originate in the United States district courts.
 Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.
 Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
 Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
 Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
 Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.
 Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.
PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7. Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
 Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
 Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.

EXHIBIT A



Notice of Service of Process

Transmittal Number: 19461486
Date Processed: 03/07/2019

Primary Contact: Robin Arsenault
Swarovski North America Limited
1 Kenney Dr
Cranston, RI 02920-4403

Electronic copy provided to: Mr. Edward Capobianco
Emily Foster

Entity: Swarovski North America Limited
Entity ID Number 2351418

Entity Served: Swarovski North America Limited

Title of Action: Anna Lerman vs. Swarovski North America Limited

Document(s) Type: Summons/Complaint

Nature of Action: Class Action

Court/Agency: San Diego County Superior Court, CA

Case/Reference No: 37-2019-00011669-CU-BT-CTL

Jurisdiction Served: California

Date Served on CSC: 03/06/2019

Answer or Appearance Due: 30 Days

Originally Served On: CSC

How Served: Personal Service

Sender Information: Zev B. Zysman
818-783-8836

Information contained on this transmittal form is for record keeping, notification and forwarding the attached document(s). It does not constitute a legal opinion. The recipient is responsible for interpreting the documents and taking appropriate action.

To avoid potential delay, please do not send your response to CSC

251 Little Falls Drive, Wilmington, Delaware 19808-1674 (888) 690-2882 | sop@cscglobal.com

SUM-100

SUMMONS
(CITACION JUDICIAL)

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

NOTICE TO DEFENDANT:
(AVISO AL DEMANDADO):

ELECTRONICALLY FILED
Superior Court of California,
County of San Diego

Swarovski North America Limited, Swarovski Retail Ventures Limited,
Swarovski Digital Business USA Inc, and DOES 1 through 100, inclusive

03/01/2019 at 04:17:27 PM

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

Clerk of the Superior Court
By Kristin Sorianosos, Deputy Clerk

Anna Lerman, on Behalf of Herself and All Others Similarly Situated,

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

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

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

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

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

The name and address of the court is:
(El nombre y dirección de la corte es): San Diego Superior Court - Central Div.

CASE NUMBER:
(Número del Caso):

37-2019-00011559-CU-BT-CTL

330 West Broadway
San Diego, CA 92101

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):
Zev B. Zysman, Law Offices of Zev Zysman, 15760 Ventura Blvd., 16th Fl, Encino, CA 91436; 818-783-8836

DATE: 03/04/2019
(Fecha)

Clerk, by
(Secretario)

K. Sorianosos
K. Sorianosos

Deputy
(Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)
(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).

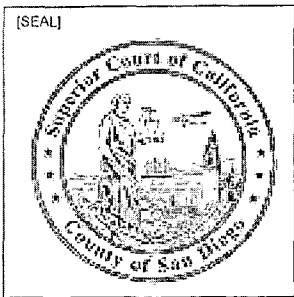
NOTICE TO THE PERSON SERVED: You are served

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

3. on behalf of **(specify): Swarovski North America Limited**

- 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): 3-6-19**



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

FILED
Clerk of the Superior Court

DEC 31 2018

By: T. STEPPAT

**THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SAN DIEGO**

**IN RE PROCEDURES REGARDING
ELECTRONICALLY IMAGED COURT
RECORDS, ELECTRONIC FILING, AND
ACCESS TO ELECTRONIC COURT
RECORDS IN CIVIL AND PROBATE
CASES**

**GENERAL ORDER OF THE
PRESIDING DEPARTMENT**

ORDER NO. 010119-22

THIS COURT FINDS AND ORDERS AS FOLLOWS:

1. ELECTRONIC FILING AND IMAGING PROGRAM

On August 1, 2011, the San Diego Superior Court ("court") began an Electronic Filing and Imaging Pilot Program (the "Program" or "Imaged Program") designed to reduce paper filings and storage, facilitate electronic access to civil court files, and allow remote electronic filing ("E-File" or "E-Filing") of papers in civil cases. The ultimate goal of the Program is to create a paperless or electronic file in all civil cases, as well as in other case categories. The Program has since been expanded to other divisions as well as to probate cases.

The Program is being implemented in phases:

Phase One: The court began scanning all papers in newly filed cases in designated divisions and departments. The imaged documents are stored in an electronic court file that can be viewed in the Business Offices and are accessible remotely through the Register of Actions on the court's website as set forth below. Imaged Program cases that are reassigned or transferred to

1 a department outside of the Program may be removed from the Program and converted to a paper
2 filing system.

3 Phase Two: E-Filing access was implemented to allow E-Filing by counsel and parties
4 through the court's E-File Service Provider in designated case types.

5 Phase Three: On October 2, 2017, the Imaged Program expanded to small claims cases.
6 All new small claims cases filed on or after October 2, 2017, are imaged and the documents are
7 being stored in an electronic court file that is available for viewing in all of the court's Business
8 Offices.

9 2. THE ELECTRONIC COURT FILE IN IMAGED CASES IS THE OFFICIAL COURT
10 RECORD

11 Pursuant to Government Code section 68150 and California Rules of Court ("CRC"), rule
12 2.504, the electronic court file in Imaged Program cases is certified as the official record of the
13 court. The paper filings that are imaged and stored electronically will be physically stored by the
14 court for 30 days after filing, after which time they will be shredded and recycled, except for
15 original wills and bonds in probate cases, which will be physically retained by the court for the
16 period required by law. During this 30-day period, these documents will not be stored in a manner
17 that will allow a party or its attorney to access them, and access will only be granted by order of
18 the court upon a showing of good cause.

19 3. CIVIL AND PROBATE CASES INCLUDED IN THE PROGRAM

20 The following cases have been or will be imaged and stored in an electronic court file, and
21 are considered Imaged Program cases:

22 a. Civil cases initiated after a particular department or division began
23 participating in the imaging program;

24 b. Civil class actions, construction defect cases, JCCP cases, consolidated and
25 coordinated actions where all cases involved are imaged cases, and actions that are
26 provisionally complex under CRC, rule 3.40-3.403 (as set forth in the Civil Case
27 Cover Sheet). "Complex cases" include antitrust/trade regulation, mass tort,
28

1 environmental/toxic tort, and securities litigation cases, as well as insurance
2 coverage claims arising from these case types;

3 c. Probate cases filed on or after March 1, 2012 and all probate cases initiated
4 prior to March 1, 2012 in which the Court has notified the parties that the case has
5 been back scanned;

6 d. All new civil and probate cases; and,

7 e. All small claims cases filed on or after October 2, 2017.

8 **4. MANDATORY AND PERMISSIVE ELECTRONIC FILING**

9 Mandatory electronic filing through the court E-File Service Provider One Legal is
10 required for all case types listed in paragraph 3.b. above, including construction defect and other
11 cases previously filed through File&Serve Xpress (fka LexisNexis File&Serve). Further
12 information can be found on the court's website, at www.sdcourt.ca.gov.

13 Electronic filing is encouraged in all other imaged cases.

14 **5. GENERAL E-FILING REQUIREMENTS**

15 Documents can only be electronically filed through the court's electronic service provider
16 One Legal (the "Provider"). E-file Provider information is available on the court's website.

17 All E-filers shall comply with CRC, rules 2.250-2.261 and California Code of Civil
18 Procedure ("CCP") § 1010.6. All documents E-filed with the court must be in a text searchable
19 format, i.e., OCR. The court is unable to accept documents that do not comply with these
20 requirements, or documents that include but are not limited to: digitized signatures, fillable forms,
21 or a negative image. E-filers are required to comply with the provisions of the E-Filing
22 Requirements Documents, located on the Court's website at www.sdcourt.ca.gov. Civil E-Filing
23 Requirements can be found on the Civil Division's E-Filing page; Probate E-Filing Requirements
24 can be found on the Probate Division's E-Filing page.

25 The receipt and filing of documents submitted electronically is governed by CCP 1010.6
26 and CRC, rule 2.259. The Court's filing deadline is 11:59:59 p.m. (Pacific Time) on court days.
27 The electronic transmission of a document to the Court can take time, so waiting until shortly
28 before the deadline to electronically transmit a filing is not advised, as it could be received by the

1 court after 11:59:59 p.m. and deemed filed the next court day. Per CRC, rule 2.259(a)(4), the filer
2 is responsible for verifying that the court received and filed any document submitted electronically.
3 Please see One Legal's website for filing instructions. To the extent any San Diego Superior Court
4 Local Rules set forth a different time deadline for filing electronic documents, the applicable
5 portions of the Local Rules are no longer valid.

6 Additional and more specific information on electronic filing can be found on the court's
7 website at www.sdcourt.ca.gov.

8 **6. FILING AND SERVICE REQUIREMENTS IN IMAGED CASES**

9 a. Service of Notice: All parties filing new actions assigned to the imaging
10 program shall serve on all parties a copy of the "Notice of Assignment to Imaging
11 Department" with the complaint, cross-complaint, petition, claim, or other case
12 initiating pleading. A copy of this notice will be provided to the filing party by the
13 court clerk when case originating filings are processed.

14 b. "Imaged" Identifier: On all pleadings filed after the initial case originating
15 filing, all parties must, to the extent it is feasible to do so, place the words
16 "IMAGED FILE" in all caps immediately under the title of the pleading on all
17 subsequent pleadings filed in the action.

18 c. Original Documents: Original underlying documents, other than wills and
19 bonds in probate cases, that are relevant to a case should not be attached as exhibits
20 to filed documents or filed in any other manner, as these documents will be imaged
21 and the paper filings destroyed in accordance with this Order (except for those
22 documents set forth in paragraph 6.d. below). Any original document, other than a
23 will or bond in a probate case, that is included in a **filed** document in a case within
24 the Program will be imaged and destroyed in accordance with this Order. Original
25 documents may be **lodged** with the court, as necessary, under the procedures set
26 forth in paragraphs 6.g. and 6.h. below.

27 d. Proposed Orders: Proposed orders should only be submitted with initial
28 pleadings for an ex parte hearing, and should not be submitted for a law and motion

1 hearing until after the hearing is completed.

2 e. Exhibits: Any exhibits attached to a pleading presented for filing must have
3 the exhibit tabs located at the bottom of the respective documents, in accordance
4 with California Rules of Court, rule 3.1110(f), and each exhibit must be preceded
5 by a cover page that contains solely the word "Exhibit" and the exhibit's identifying
6 number or letter.

7 f. Confidential Documents: Any documents classified or considered
8 confidential pursuant to statute, rule of court or local rule shall be filed with the
9 court and will be imaged and destroyed in accordance with this order. Access to
10 the imaged confidential document(s) shall be as set forth in paragraph 7.d. below.

11 g. Civil Cases other than Probate:

12 (1) Lodged Documents:

13 The Notice of Lodgment itself must be filed with the court. In accordance
14 with California Rules of Court, rule 3.1302(b), the documents submitted
15 with the notice must be lodged and not filed. The lodged documents will
16 not be imaged, will not be part of the official court file, and will be
17 returned in the manner requested or recycled if no manner of return is
18 specified.

19 (2) Documents in Support of Judgments:

20 Applications for entry of a judgment that include an instrument, contract,
21 or written obligation will have the relevant document(s) cancelled and
22 merged if the judgment is entered, in accordance with California Rules of
23 Court, rule 3.1806, after which the document will then be imaged and
24 maintained in the electronic court record. The submitted document(s) will
25 then be returned to the proffering party for safe-keeping. Parties must
26 provide a suitable method of return along with the submitted document(s).
27 If no method of return is included, the document(s) will be shredded and
28 recycled.

1 h. Probate Cases:

2 (1) Lodged Documents:

3 (a) The Notice of Lodgment itself must be filed with the court. In
4 accordance with California Rules of Court, rule 3.1302(b) and San
5 Diego Superior Court Rule 4.3.2 (F), the documents submitted with
6 the notice must be lodged and not filed. The lodged documents will
7 not be imaged, will not be part of the official court file, and will be
8 returned in the manner requested or recycled if no manner of return
9 is specified.

10 (b) A party filing a motion or other paperwork that refers to a trust
11 or will document that was previously lodged with the petition must
12 separately lodge the trust or will with these later-filed papers, in
13 accordance with the procedures in paragraph 6.h.(1)(a) above.

14 (c) In support of an accounting of assets as required by Probate
15 Code section 2620 or an interim accounting required by San Diego
16 Superior Court Rule 4.15.2, the originals of account statements,
17 closing escrow statements, and bill statements for a residential or
18 long-term care facility shall be lodged with the court, in accordance
19 with the procedures in paragraph 6.h.(1)(a) above. The lodged
20 documents will not be imaged, will not be part of the official court
21 file, and will be returned in the manner requested after the court's
22 determination of the accounting has become final.

23 (2) Inclusion of Petition's ROA Number on All Pleadings:

24 Parties are ordered to comply with San Diego Superior Court Rule
25 4.3.1(B) and include the Petition's Register of Action (ROA) number
26 directly below the case number on all subsequently filed pleadings related
27 to that Petition.
28

1 7. ENHANCED ELECTRONIC ACCESS TO OFFICIAL COURT FILE AND COURT
2 DOCUMENTS

3 a. Access in Clerk's Business Offices: Public kiosks providing free access to
4 the official electronic record of the court files for cases being handled under the
5 Program are available in the below Business Offices:

- 6 • Hall of Justice Civil Business Office, located at 330 West Broadway,
7 San Diego, California 92101;
- 8 • East County Family Business Office, located at 250 E. Main Street, El
9 Cajon, California, 92020;
- 10 • South County Family Business Office, located at 500 Third Avenue,
11 Chula Vista, California, 91910;
- 12 • Central Courthouse, Probate Business Office, located at 1100 Union
13 Street, San Diego, California, 92101; and
- 14 • North County Civil Business Office, located at 325 S. Melrose Drive,
15 Vista, California, 92081.

16 The public may access these files and view all public portions of the files
17 just as they currently can in the paper court files. If there are people waiting to use
18 the kiosks, a time limit of 20 minutes will be imposed. Additional time will be
19 permitted after waiting in line to use one of the kiosks again. Any changes to this
20 policy will be made by the Presiding Judge of the court and the new policy will be
21 posted in the applicable Business Offices.

22 b. Notice Regarding Electronic Access: In accordance with California Rules of
23 Court, rule 2.504(d), the public accessing court records electronically, are advised
24 the Manager of Central Court Civil and Family Operations, Summer Travis, is the
25 court staff member who may be contacted about the requirements for accessing the
26 court's records electronically in all divisions of the court supporting imaging and
27 E-filing.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

c. Copyright and other proprietary rights may apply to information in a case file, absent express grant of additional rights by the holder of the copyright or other proprietary right. In this regard, you are advised:

(1) Use of such information in a case file is permissible only to the extent permitted by law or court order; and

(2) Any use inconsistent with proprietary rights is prohibited.

d. Access to Confidential Documents: Court documents classified or considered confidential pursuant to statute or rule of court shall remain confidential and may not be released except to the extent necessary to comply with the law.

e. The electronic records of cases within the Program available for viewing in the Business Offices are the official records of the court. There is no charge for accessing or viewing court files in the Business Offices. Copies of any documents in an electronic court file may be obtained by paying the copy fees of \$0.50 per page (Govt. Code § 70627(a)). Certified copies may be obtained by payment of a \$25.00 fee (Govt. Code § 70626(a)(4)). Additional instructions about obtaining printed copies of records from the electronic court file will be provided at the kiosk locations in the applicable Business Offices.

f. Any person who willfully destroys or alters any court record maintained in electronic form is subject to the penalties imposed by Government Code section 6201.

g. No person shall photograph or otherwise record any digital images of documents displayed on the kiosk screens in the Business Offices.

h. Remote Electronic Access of Program Cases: Court documents from records of cases within the Program are available in electronic format for viewing and printing remotely to the extent permitted by California Law and/or California Rules

///
///
///

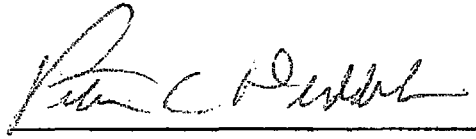
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

of Court, rule 2.503(b), by visiting the court's website at www.sdcourt.ca.gov and paying the required fees.

This Order shall expire on December 31, 2019, unless otherwise ordered by this court.

IT IS SO ORDERED.

Dated: December 31, 2018



HON. PETER C. DEDDEH
PRESIDING JUDGE

ELECTRONIC FILING REQUIREMENTS OF THE
SAN DIEGO SUPERIOR COURT – CIVIL DIVISION

These requirements are issued pursuant to California Rules of Court ("CRC", rules 2.250 et seq., Code of Civil Procedure §1010.6, and San Diego Superior Court General Order: In Re Procedures Regarding Electronically Imaged Court Records, Electronic Filing and Access to Electronic Court Records in Civil and Probate Cases.

Effective November 1, 2013, documents that are determined to be unacceptable for eFiling by the Court due to eFiling system restrictions or for failure to comply with these requirements will be rejected subject to being allowed to be filed nunc pro tunc to the original submittal date upon ex-parte application to the court and upon good cause shown.

It is the duty of the plaintiff (and cross-complainant) to serve a copy of the San Diego Superior Court General Order: In Re Procedures Regarding Electronically Imaged Court Records, Electronic Filing and Access to Electronic Court Records in Civil and Probate Cases, and Electronic Filing Requirements of the San Diego Superior Court with the complaint (and cross-complaint).

PERMISSIVE eFILING

Effective March 4, 2013, documents may be filed electronically in non-mandated civil cases in the Central Division where either: (1) the case is first initiated on or after March 4, 2013; or (2) the case has been imaged by the court and it displays as imaged on the case title in the Court's Register of Actions. Documents may be filed electronically in non-mandated civil cases in the North County Division where either: (1) the case is first

initiated on or after June 30, 2014; or (2) the case has been imaged by the court and it displays as imaged on the case title in the Court's Register of Actions.

MANDATORY eFILING

The case types that shall be subject to mandatory eFiling are: civil class actions, consolidated and coordinated actions where all cases involved are imaged cases, and actions that are provisionally complex under CRC 3.40 – 3.403 (as set forth in the Civil Case Cover Sheet, Judicial Council form CM-010 – including Construction Defect actions). “Complex cases” included in mandatory eFiling include Antitrust/Trade Regulation, Mass Tort, Environmental/Toxic Tort, and Securities Litigation cases, as well as insurance coverage claims arising from these case types.

Effective June 2, 2014 Construction Defect and other cases, previously electronically filed through File&Serve Xpress (fka LexisNexis File&Serve), must be electronically filed through the court's Electronic Filing and Service Provider, One Legal. Documents electronically filed in Construction Defect and other cases prior to June 2, 2014 will be maintained in the File&Serve Xpress system and can be viewed via a File&Serve Xpress subscription or on the Court's internal CD/JCCP Document viewer kiosk located in the Civil Business Office, Room 225 of the Hall of Justice (2nd floor).

For cases of the type subject to mandatory eFiling that are initiated on or after March 4, 2013, all documents must be filed electronically, subject to the exceptions set forth below. All documents electronically filed in a mandatory eFile Construction Defect/JCCP case must be electronically served on all parties in the case pursuant to CRC 2.251(c).

The court will maintain and make available an official electronic service list in Construction Defect/JCCP cases through One Legal. This is the service list the court

will use to serve documents on the parties. (See CRC 2.251(d).) It is the responsibility of the parties to provide One Legal their correct contact information for the service list in each eFiled case in which they are involved. New parties who file and/or enter a case must provide One Legal with their electronic service address for that case within 7 days of the filing of or their joining the case. All parties must notify One Legal of any changes to that address, within 7 days of the change, should a change occur during the pendency of the action. (See CRC 2.251(f)(1).) Failure to keep the official list updated may result in the court being unable to provide notice to a non-complying party of upcoming hearings, orders, and other proceedings.

All documents must be filed electronically in cases designated for mandatory eFiling, subject to the exceptions set forth below.

A party may request to be excused from mandatory electronic filing and/or service requirements. This request must be in writing and may be made by ex-parte application to the judge or department to whom the case is assigned. The clerk will not accept or file any documents in paper form that are required to be filed electronically, absent a court order allowing the filing.

Self-represented litigants are not required to eFile or electronically serve documents in a mandatory eFile case; however, they may eFile and electronically serve documents if they choose to do so and/or are otherwise ordered to eFile and/or electronically serve documents by the court.

REQUIREMENTS FOR ALL eFILERS eFile documents can only be filed through the court's Electronic Filing and Service Provider (the "Provider"). See www.onelegal.com.

eFilers must comply with CRC 2.250–2.261. Also, all documents electronically filed must be in a text searchable format, i.e., OCR. The court is unable to accept documents that do not comply with these requirements, or documents that include but are not limited to: digitized signatures, fillable forms, or a negative image.

eFilers are required to enter all parties listed on the document being filed, if the party is not already a part of the case. (If the filer is submitting a new complaint, ALL parties must be entered.) If all parties are not entered, the transaction will be rejected.

Documents that contain exhibits must be bookmarked, as set forth on the Provider's site. Documents not so bookmarked are subject to rejection. Moving papers with exhibits that are not bookmarked may be rejected and/or not considered. (See CRC 3.1110(f).)

Exhibits to be considered via a Notice of Lodgment shall not be attached to the electronically filed Notice of Lodgment; instead, the submitting party must provide the assigned department with hard copies of the exhibits with a copy of the Notice of Lodgment that includes the eFiling Transaction ID # noted in the upper right hand corner and hard copies of the exhibits.

Exhibits to declarations that are real objects, i.e. construction materials, core samples, etc. or other documents, i.e. plans, manuals, etc., which otherwise may not be comprehensibly viewed in an electronic format must be lodged and will not be filed.

All documents must be uploaded as individual documents within the same transaction, unless filing a Motion. [Example: A Request to Waive Court Fees must be uploaded separately from the document to which it applies, i.e. complaint, answer or other

responsive pleading, motion, etc...]. If filing a notice of motion, all documents can be scanned and uploaded as one document under a filing that most closely captures the type of motion. All filings and exhibits within these filings must be bookmarked.

Unless otherwise required by law, per CRC 1.20(b) only the last four digits of a social security or financial account number may be reflected in court case filings. Exclusion or redaction is the responsibility of the filer, not the clerk, CRC 1.20(b)(3). Failure to comply with this requirement may result in monetary sanctions, CRC 2.30(b).

Proposed filings, such as proposed court orders and amended complaints, should be submitted as an exhibit and then re-submitted as a separate and new eFiling transaction after the Court has ruled on the matter to which the proposed document applies. See also CRC 3.1312.

Any document filed electronically shall be considered as filed with the Clerk of the Superior Court when it is first transmitted to the vendor and the transmission is completed, except that any document filed on a day that the court is not open for business, or after 11:59:59 p.m. (Pacific Time) on a day the court is open for business, shall be deemed to have been filed on the next court day.

Electronically filed documents must be correctly named and/or categorized by Document Type. The lead document must also be designated appropriately, as the lead document determines how the transaction will be prioritized in the work queue. Failure to correctly name the document and/or designate the lead document appropriately may result in a detrimental delay in processing of the transaction.

Please be advised that you must schedule a motion hearing date directly with the Independent Calendar Department. A motion filed without an appointment, even when a conformed copy of the filing is provided by the court, is not scheduled and the hearing will not occur.

If a hearing is set within 2 court days of the time documents are electronically filed, litigant(s) must provide hard copies of the documents to the court. Transaction ID numbers must be noted on the documents to the extent it is feasible to do so. Hard copies for Ex Parte hearings must be delivered directly to the department on or before 12 Noon the court day immediately preceding the hearing date.

An original of all documents filed electronically, including original signatures, shall be maintained by the party filing the document, pursuant to CRC 2.257.

DOCUMENTS INELIGIBLE FOR ELECTRONIC FILING

The following documents are **not eligible for eFiling** in cases subject to either mandatory or permissive filing, and shall be filed in paper form:

- Safe at Home Name Change Petitions
- Civil Harassment TRO / RO
- Workplace Violence TRO / RO
- Elder Abuse TRO / RO
- Stand alone exhibits
- Transitional Housing Program Misconduct TRO / RO
- School Violence Prevention TRO / RO
- Out-of-State Commission Subpoena
- Undertaking / Surety Bonds
- Request for Payment of Trust Funds
- Notice of Appeal of Labor Commissioner

- Abstracts
- Warrants
- Settlement Conference Briefs (to be lodged)
- Confidential documents lodged conditionally under seal
- Interpleader actions pursuant to CC §2924j

The following documents **may be filed in paper form**, unless the court expressly directs otherwise:

- Documents filed under seal or provisionally under seal pursuant to CRC 2.551 (although the motion to file under seal itself must be electronically filed)

DOCUMENTS DISPLAYED ON THE PUBLIC-FACING REGISTER OF ACTIONS

Any documents submitted for eFiling (and accepted) will be filed and displayed on the San Diego Superior Court's public-facing Register of Actions with the exception of the following documents:

- CASp Inspection Report
- Confidential Cover Sheet False Claims Action
- Confidential Statement of Debtor's Social Security Number
- Financial Statement
- Request for Accommodations by Persons with Disabilities and Court's Response
- Defendant/Respondent Information for Order Appointing Attorney Under Service Members Civil Relief Act
- Request to Waive Court Fees
- Request to Waive Additional Court Fees

Documents not included in the list above, that are intended to be kept confidential, should NOT be eFiled with the court.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO STREET ADDRESS: 330 West Broadway MAILING ADDRESS: 330 West Broadway CITY, STATE, & ZIP CODE: San Diego, CA 92101-3827 BRANCH NAME: Central	FOR COURT USE ONLY
PLAINTIFF(S): Anna Lerman	
DEFENDANT(S): Swarovski North America Limited et.al.	
SHORT TITLE: LERMAN VS SWAROVSKI NORTH AMERICA LIMITED [EFILE]	
STIPULATION TO USE ALTERNATIVE DISPUTE RESOLUTION (ADR)	CASE NUMBER: 37-2019-00011559-CU-BT-CTL

Judge: Ronald F. Frazier

Department: C-65

The parties and their attorneys stipulate that the matter is at issue and the claims in this action shall be submitted to the following alternative dispute resolution (ADR) process. Selection of any of these options will not delay any case management timelines.

- | | |
|--|--|
| <input type="checkbox"/> Mediation (court-connected) | <input type="checkbox"/> Non-binding private arbitration |
| <input type="checkbox"/> Mediation (private) | <input type="checkbox"/> Binding private arbitration |
| <input type="checkbox"/> Voluntary settlement conference (private) | <input type="checkbox"/> Non-binding judicial arbitration (discovery until 15 days before trial) |
| <input type="checkbox"/> Neutral evaluation (private) | <input type="checkbox"/> Non-binding judicial arbitration (discovery until 30 days before trial) |
| <input type="checkbox"/> Other (<i>specify e.g., private mini-trial, private judge, etc.</i>): _____ | |

It is also stipulated that the following shall serve as arbitrator, mediator or other neutral: (*Name*) _____

Alternate neutral (for court Civil Mediation Program and arbitration only): _____

Date: _____

Date: _____

Name of Plaintiff

Name of Defendant

Signature

Signature

Name of Plaintiff's Attorney

Name of Defendant's Attorney

Signature

Signature

If there are more parties and/or attorneys, please attach additional completed and fully executed sheets.

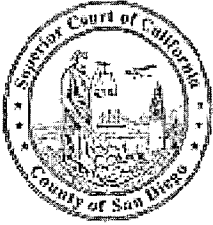
It is the duty of the parties to notify the court of any settlement pursuant to Cal. Rules of Court, rule 3.1385. Upon notification of the settlement, the court will place this matter on a 45-day dismissal calendar.

No new parties may be added without leave of court.

IT IS SO ORDERED.

Dated: 03/04/2019

JUDGE OF THE SUPERIOR COURT



SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO

ALTERNATIVE DISPUTE RESOLUTION (ADR) INFORMATION

CASE NUMBER: 37-2019-00011559-CU-BT-CTL

CASE TITLE: Lerman vs Swarovski North America Limited [EFILE]

NOTICE: All plaintiffs/cross-complainants in a general civil case are required to serve a copy of the following three forms on each defendant/cross-defendant, together with the complaint/cross-complaint:

- (1) this Alternative Dispute Resolution (ADR) Information form (SDSC form #CIV-730),
- (2) the Stipulation to Use Alternative Dispute Resolution (ADR) form (SDSC form #CIV-359), and
- (3) the Notice of Case Assignment form (SDSC form #CIV-721).

Most civil disputes are resolved without filing a lawsuit, and most civil lawsuits are resolved without a trial. The courts, community organizations, and private providers offer a variety of Alternative Dispute Resolution (ADR) processes to help people resolve disputes without a trial. The San Diego Superior Court expects that litigants will utilize some form of ADR as a mechanism for case settlement before trial, and it may be beneficial to do this early in the case.

Below is some information about the potential advantages and disadvantages of ADR, the most common types of ADR, and how to find a local ADR program or neutral. A form for agreeing to use ADR is attached (SDSC form #CIV-359).

Potential Advantages and Disadvantages of ADR

ADR may have a variety of advantages or disadvantages over a trial, depending on the type of ADR process used and the particular case:

Potential Advantages

- Saves time
- Saves money
- Gives parties more control over the dispute resolution process and outcome
- Preserves or improves relationships

Potential Disadvantages

- May take more time and money if ADR does not resolve the dispute
- Procedures to learn about the other side's case (discovery), jury trial, appeal, and other court protections may be limited or unavailable

Most Common Types of ADR

You can read more information about these ADR processes and watch videos that demonstrate them on the court's ADR webpage at <http://www.sdcourt.ca.gov/adr>.

Mediation: A neutral person called a "mediator" helps the parties communicate in an effective and constructive manner so they can try to settle their dispute. The mediator does not decide the outcome, but helps the parties to do so. Mediation is usually confidential, and may be particularly useful when parties want or need to have an ongoing relationship, such as in disputes between family members, neighbors, co-workers, or business partners, or when parties want to discuss non-legal concerns or creative resolutions that could not be ordered at a trial.

Settlement Conference: A judge or another neutral person called a "settlement officer" helps the parties to understand the strengths and weaknesses of their case and to discuss settlement. The judge or settlement officer does not make a decision in the case but helps the parties to negotiate a settlement. Settlement conferences may be particularly helpful when the parties have very different ideas about the likely outcome of a trial and would like an experienced neutral to help guide them toward a resolution.

Arbitration: A neutral person called an "arbitrator" considers arguments and evidence presented by each side and then decides the outcome of the dispute. Arbitration is less formal than a trial, and the rules of evidence are usually relaxed. If the parties agree to binding arbitration, they waive their right to a trial and agree to accept the arbitrator's decision as final. With nonbinding arbitration, any party may reject the arbitrator's decision and request a trial. Arbitration may be appropriate when the parties want another person to decide the outcome of their dispute but would like to avoid the formality, time, and expense of a trial.

Other ADR Processes: There are several other types of ADR which are not offered through the court but which may be obtained privately, including neutral evaluation, conciliation, fact finding, mini-trials, and summary jury trials. Sometimes parties will try a combination of ADR processes. The important thing is to try to find the type or types of ADR that are most likely to resolve your dispute. Be sure to learn about the rules of any ADR program and the qualifications of any neutral you are considering, and about their fees.

Local ADR Programs for Civil Cases

Mediation: The San Diego Superior Court maintains a Civil Mediation Panel of approved mediators who have met certain minimum qualifications and have agreed to charge \$150 per hour for each of the first two (2) hours of mediation and their regular hourly rate thereafter in court-referred mediations.

On-line mediator search and selection: Go to the court's ADR webpage at www.sdcourt.ca.gov/adr and click on the "Mediator Search" to review individual mediator profiles containing detailed information about each mediator including their dispute resolution training, relevant experience, ADR specialty, education and employment history, mediation style, and fees and to submit an on-line Mediator Selection Form (SDSC form #CIV-005). The Civil Mediation Panel List, the Available Mediator List, individual Mediator Profiles, and Mediator Selection Form (CIV-005) can also be printed from the court's ADR webpage and are available at the Mediation Program Office or Civil Business Office at each court location.

Settlement Conference: The judge may order your case to a mandatory settlement conference, or voluntary settlement conferences may be requested from the court if the parties certify that: (1) settlement negotiations between the parties have been pursued, demands and offers have been tendered in good faith, and resolution has failed; (2) a judicially supervised settlement conference presents a substantial opportunity for settlement; and (3) the case has developed to a point where all parties are legally and factually prepared to present the issues for settlement consideration and further discovery for settlement purposes is not required. Refer to SDSC Local Rule 2.2.1 for more information. To schedule a settlement conference, contact the department to which your case is assigned.

Arbitration: The San Diego Superior Court maintains a panel of approved judicial arbitrators who have practiced law for a minimum of five years and who have a certain amount of trial and/or arbitration experience. Refer to SDSC Local Rules Division II, Chapter III and Code Civ. Proc. § 1141.10 et seq or contact the Arbitration Program Office at (619) 450-7300 for more information.

More information about court-connected ADR: Visit the court's ADR webpage at www.sdcourt.ca.gov/adr or contact the court's Mediation/Arbitration Office at (619) 450-7300.

Dispute Resolution Programs Act (DRPA) funded ADR Programs: The following community dispute resolution programs are funded under DRPA (Bus. and Prof. Code §§ 465 et seq.):

- In Central, East, and South San Diego County, contact the National Conflict Resolution Center (NCRC) at www.ncrconline.com or (619) 238-2400.
- In North San Diego County, contact North County Lifeline, Inc. at www.nclifeline.org or (760) 726-4900.

Private ADR: To find a private ADR program or neutral, search the Internet, your local telephone or business directory, or legal newspaper for dispute resolution, mediation, settlement, or arbitration services.

Legal Representation and Advice

To participate effectively in ADR, it is generally important to understand your legal rights and responsibilities and the likely outcomes if you went to trial. ADR neutrals are not allowed to represent or to give legal advice to the participants in the ADR process. If you do not already have an attorney, the California State Bar or your local County Bar Association can assist you in finding an attorney. Information about obtaining free and low cost legal assistance is also available on the California courts website at www.courtinfo.ca.gov/selfhelp/lowcost.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO	
STREET ADDRESS: 330 W Broadway	
MAILING ADDRESS: 330 W Broadway	
CITY AND ZIP CODE: San Diego, CA 92101-3827	
BRANCH NAME: Central	
TELEPHONE NUMBER: (619) 450-7065	
PLAINTIFF(S) / PETITIONER(S): Anna Lerman	
DEFENDANT(S) / RESPONDENT(S): Swarovski North America Limited et.al.	
LERMAN VS SWAROVSKI NORTH AMERICA LIMITED [EFILE]	
NOTICE OF CASE ASSIGNMENT AND CASE MANAGEMENT CONFERENCE on MANDATORY eFILE CASE	CASE NUMBER: 37-2019-00011559-CU-BT-CTL

CASE ASSIGNMENT

Judge: Ronald F. Frazier

Department: C-65

COMPLAINT/PETITION FILED: 03/01/2019

TYPE OF HEARING SCHEDULED	DATE	TIME	DEPT	JUDGE
Civil Case Management Conference	08/02/2019	11:15 am	C-65	Ronald F. Frazier

A case management statement must be completed by counsel for all parties or self-represented litigants and timely filed with the court at least 15 days prior to the initial case management conference. (San Diego Local Rules, Division II, CRC Rule 3.725).

All counsel of record or parties in pro per shall appear at the Case Management Conference, be familiar with the case, and be fully prepared to participate effectively in the hearing, including discussions of ADR* options.

IT IS THE DUTY OF EACH PLAINTIFF (AND CROSS-COMPLAINANT) TO SERVE A COPY OF THIS NOTICE WITH THE COMPLAINT (AND CROSS-COMPLAINT), THE ALTERNATIVE DISPUTE RESOLUTION (ADR) INFORMATION FORM (SDSC FORM #CIV-730), A STIPULATION TO USE ALTERNATIVE DISPUTE RESOLUTION (ADR) (SDSC FORM #CIV-359), AND OTHER DOCUMENTS AS SET OUT IN SDSC LOCAL RULE 2.1.5.

ALL COUNSEL WILL BE EXPECTED TO BE FAMILIAR WITH SUPERIOR COURT RULES WHICH HAVE BEEN PUBLISHED AS DIVISION II, AND WILL BE STRICTLY ENFORCED.

TIME STANDARDS: The following timeframes apply to general civil cases and must be adhered to unless you have requested and been granted an extension of time. General civil cases consist of all civil cases except: small claims proceedings, civil petitions, unlawful detainer proceedings, probate, guardianship, conservatorship, juvenile, parking citation appeals, and family law proceedings.

COMPLAINTS: Complaints and all other documents listed in SDSC Local Rule 2.1.5 must be served on all named defendants.

DEFENDANT'S APPEARANCE: Defendant must generally appear within 30 days of service of the complaint. (Plaintiff may stipulate to no more than 15 day extension which must be in writing and filed with the Court.) (SDSC Local Rule 2.1.6)

JURY FEES: In order to preserve the right to a jury trial, one party for each side demanding a jury trial shall pay an advance jury fee in the amount of one hundred fifty dollars (\$150) on or before the date scheduled for the initial case management conference in the action.

MANDATORY eFILE: Case assigned to mandatory eFile program per CRC 3.400-3.403 and SDSC Rule 2.4.11. All documents must be eFiled at www.onelegal.com. Refer to General Order in re procedures regarding electronically imaged court records, electronic filing, and access to electronic court records in civil and probate cases or guidelines and procedures.

COURT REPORTERS: Court reporters are not provided by the Court in Civil cases. See policy regarding normal availability and unavailability of official court reporters at www.sdcourt.ca.gov.

*ALTERNATIVE DISPUTE RESOLUTION (ADR): THE COURT ENCOURAGES YOU TO CONSIDER UTILIZING VARIOUS ALTERNATIVES TO TRIAL, INCLUDING MEDIATION AND ARBITRATION, PRIOR TO THE CASE MANAGEMENT CONFERENCE. PARTIES MAY FILE THE ATTACHED STIPULATION TO USE ALTERNATIVE DISPUTE RESOLUTION (SDSC FORM #CIV-359).

CM-010

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Zev B. Zysman (176805) LAW OFFICES OF ZEV B. ZYSMAN, APC 15760 Ventura Boulevard, 16th Floor, Encino, CA 91436 TELEPHONE NO.: (818) 783-8836 FAX NO.: (818) 783-9985 ATTORNEY FOR (Name): Anna Lerman	FOR COURT USE ONLY ELECTRONICALLY FILED Superior Court of California, County of San Diego 03/01/2019 at 04:17:27 Plw Clerk of the Superior Court By Kristin Sorianosos, Deputy Clerk
SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO STREET ADDRESS: 330 West Broadway MAILING ADDRESS: CITY AND ZIP CODE: San Diego, CA 92101 BRANCH NAME: Hall of Justice	CASE NAME: Anna Lerman v. Swarovski North America Limited, et al.
CIVIL CASE COVER SHEET <input checked="" type="checkbox"/> Unlimited (Amount demanded exceeds \$25,000) <input type="checkbox"/> Limited (Amount demanded is \$25,000 or less)	Complex Case Designation <input type="checkbox"/> Counter <input type="checkbox"/> Joinder Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)
CASE NUMBER: 37-2019-00011559-CU-BT-CTL	JUDGE: Judge Ronald F. Frazier 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 checked="" type="checkbox"/> Business tort/unfair business practice (07) <input type="checkbox"/> Civil rights (08) <input type="checkbox"/> Defamation (13) <input type="checkbox"/> Fraud (16) <input type="checkbox"/> Intellectual property (19) <input type="checkbox"/> Professional negligence (25) <input type="checkbox"/> Other non-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)
---	--	--

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 type="checkbox"/> Large number of witnesses |
| b. <input type="checkbox"/> Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve | e. <input type="checkbox"/> Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court |
| c. <input 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): One
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: March 1, 2019
 Zev B. Zysman, Esq.
(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE

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

Page 1 of 2

CM-010

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

1 LAW OFFICES OF ZEV B. ZYSMAN
A Professional Corporation
2 Zev B. Zysman (176805)
zev@zysmanlawca.com
3 15760 Ventura Boulevard
16th Floor
4 Encino, CA 91436
Telephone: (818) 783-8836
5 Facsimile: (818) 783-9985

6 *Attorneys for Plaintiff*

ELECTRONICALLY FILED
Superior Court of California,
County of San Diego
03/01/2019 at 04:17:27 PM
Clerk of the Superior Court
By Kristin Sorianosos, Deputy Clerk

7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SAN DIEGO**

ANNA LERMAN, on Behalf of Herself and All)
Others Similarly Situated,)

Plaintiff,)

v.)

SWAROVSKI NORTH AMERICA LIMITED,)
SWAROVSKI RETAIL VENTURES)
LIMITED, SWAROVSKI DIGITAL)
BUSINESS USA INC., and DOES 1 through)
100, inclusive,)

Defendants.)

Case No: 37-2019-00011559-CU-BT-CTL

CLASS ACTION

COMPLAINT FOR:

**STATUTORY DAMAGES AND
INJUNCTIVE RELIEF**

DEMAND FOR JURY TRIAL

1 Plaintiff Anna Lerman (“Plaintiff”), brings this action against Defendants Swarovski
2 North America Limited, Swarovski Retail Ventures Limited, Swarovski Digital Business USA
3 Inc., and DOES 1-100 (collectively referred to as “Swarovski” or “Defendants”) on behalf of
4 herself, and all others similarly situated, upon information and belief, except as to her own
5 actions, the investigation of her counsel, and the facts that are a matter of public record, as
6 follows:

7 **INTRODUCTION**

8 1. This class action arises out Defendants’ policy and practice to record, without the
9 consent of all parties, consumer-initiated telephone calls made to Defendants’ toll-free customer
10 service telephone number 1-800-426-3088 in violation of California’s Invasion of Privacy Act,
11 California Penal Code § 632.7. Swarovski designs, manufactures, and markets high-quality
12 crystals, gemstones and other finished products such as jewelry and accessories to consumers
13 throughout California and this County. 1-800-426-3088 is Defendants’ toll-free number that
14 connects callers to Defendants’ customer service call centers, including connecting callers to live
15 customer service representatives. During the relevant time period, Defendants intentionally and
16 surreptitiously recorded telephone communications made to Defendants’ toll-free number 1-800-
17 426-3088. Defendants did so without warning or disclosing to inbound callers that their calls
18 might be recorded.

19 2. Defendants’ policy and practice of recording telephone conversations without the
20 consent of all parties violates the California Invasion of Privacy Act (Penal Code §§ 630, *et seq.*).
21 Specifically, Defendants’ acts and practices violate Penal Code § 632.7, which prohibits the
22 intentional recording of any communication without the consent of all parties where at least one
23 of the parties to the communication is using a cellular or cordless telephone. Penal Code § 632.7
24 is violated the moment the recording is made without the consent of all parties thereto, regardless
25 of whether it is subsequently disclosed. The only intent required is that the act of recording itself
26 be done intentionally. There is no requisite intent on behalf of the party doing the surreptitious
27 recording to break California law, or to invade the privacy rights of any other person.

28

1 3. Penal Code §632.7 play an important role in protecting the privacy of California
2 residents. As recognized by the California Supreme Court, secret recording “denies the speaker
3 an important aspect of privacy of communication – the right to control the nature and extent of
4 the firsthand dissemination of his statements.” *Ribas v. Clark*, 38 Cal. 3d 355, 361 (1985)
5 (citations omitted). The California Supreme Court has declared that California has a “strong and
6 continuing interest in the full and vigorous application” of the provisions that prohibit “the
7 recording of telephone conversations without the knowledge or consent of *all* parties to the
8 conversations.” *Kearney v. Salomon Smith Barney, Inc.*, 39 Cal. 4th 95, 126 (2006) (italics in
9 original). In *Kearney*, the California Supreme Court explained that if a company wants to record
10 calls as part of its routine business activity, it can avoid liability by giving an appropriate
11 warning at the beginning of each call. “A business that adequately advises all parties to a
12 telephone call, at the outset of the conversation, of its intent to record the call would not violate
13 the provision.” *Id* at 118. Furthermore, businesses can take unfair advantage of consumers if
14 they do not disclose that the calls are being recorded, by “selectively disclosing recordings when
15 disclosure serves the company’s interest, but not volunteering the recordings’ existence (or
16 quickly destroying them) when they would be detrimental to the company. . .” *Id* at 126.

17 4. As a result of Defendants’ violations, all individuals who called Swarovski’s
18 toll-free customer service telephone number 1-800-426-3088, while they were in California and
19 were recorded by Defendants surreptitiously and without disclosure are entitled to an award of
20 statutory damages as set forth in Penal Code § 637.2 and injunctive relief as detailed therein.

21 **JURISDICTION AND VENUE**

22 5. This Court has subject matter jurisdiction over the cause of action asserted herein
23 pursuant to Article VI, § 10 of the California Constitution, California Penal Code § 632.7 and
24 637.2. In the aggregate, the damages caused to the members of the Class as defined below
25 exceed the jurisdictional minimum of this Court, but neither the Plaintiff nor any member of the
26 Class individually has suffered damages of, at least, \$75,000.

27 6. This Court has personal jurisdiction over the Defendants named herein because
28 Defendants do sufficient business in California, have sufficient minimum contacts with

1 California or otherwise intentionally avails themselves of the markets within California through
2 their sales, services, advertising and marketing to render the exercise of jurisdiction by California
3 courts and the application of California law to the claims of the Plaintiff permissible under
4 traditional notions of fair play and substantial justice. Further, there is no federal question at
5 issue as the claims herein are based solely on California law.

6 7. Venue is proper in this Court since because California Code of Civil Procedure
7 §§395 and 395.5, and case law interpreting those sections, provide that if a foreign business
8 entity fails to designate with the office of the California Secretary of State a principal place of
9 business in California, it is subject to being sued in any county in the State that plaintiff desires.
10 On information and belief, Defendants Swarovski North America Limited, Swarovski Retail
11 Ventures Limited, and Swarovski Digital Business USA Inc., are foreign business entities, and
12 each has failed to designate a principal place of business in California with the office of the
13 Secretary of State as of the date this Complaint was filed.

14 **THE PARTIES**

15 **A. Plaintiff**

16 8. Plaintiff Anna Lerman (herein referred to as "Plaintiff") is an individual and
17 resident of California. It is alleged that on January 15, 2019 and January 29, 2019, while
18 Plaintiff resided in and was physically present in the State of California, she called Swarovski's
19 toll-free customer service telephone number 1-800-426-3088 and had telephonic communications
20 with live representatives of Defendants while using a cellular telephone. Plaintiff is informed
21 and believes and thereon alleges, that the communications were secretly recorded by Defendants,
22 without first providing her notice and without first obtaining her consent to record the telephone
23 communications.

24 **B. Defendants**

25 9. Defendant Swarovski North America Limited, is a Rhode island corporation with
26 a principal place of business at One Kenney Drive, Cranston, Rhode Island 02920. Swarovski
27 North America Limited systematically and continuously does business in California and with
28 California residents.

1 10. Defendant Swarovski Retail Ventures Limited, is a Rhode island corporation
2 with a principal place of business at One Kenney Drive, Cranston, Rhode Island 02920.
3 Swarovski Retail Ventures Limited Inc. systematically and continuously does business in
4 California and with California residents.

5 11. Defendant Swarovski Digital Business USA Inc., is a Rhode island corporation
6 with a principal place of business at One Kenney Drive, Cranston, Rhode Island 02920.
7 Swarovski Digital Business USA Inc. systematically and continuously does business in
8 California and with California residents.

9 **C. Doe Defendants**

10 12. The true names and capacities of Defendants sued in this Complaint as DOES 1
11 through 100, inclusive, are currently unknown to Plaintiff, who therefore sues such Defendants
12 by such fictitious names. Plaintiff will amend this Complaint to reflect the true names and
13 capacities of the Defendants designated herein as DOES 1 through 100 when such identities
14 become known. For ease of reference, Plaintiff will refer to the named defendants Swarovski
15 North America Limited, Swarovski Retail Ventures Limited, Swarovski Digital Business USA
16 Inc., and the DOE defendants collectively as “Defendants.”

17 13. Plaintiff is informed and believes, and based thereon alleges, that Defendants and
18 the DOE defendants own and operate call center(s) which connect callers located in California.
19 Plaintiff is informed and believes, and based thereon alleges, that Defendants’ employees, agents,
20 and representatives at these call center(s) are directed, trained and instructed to, and do, record
21 incoming telephone communications from prospective customers, including residents of
22 California.

23 **D. Agency/Aiding And Abetting**

24 14. At all times herein mentioned, Defendants, and each of them, were an agent or
25 joint venturer of each of the other Defendants, and in doing the acts alleged herein, were acting
26 within the course and scope of such agency. Each Defendant had actual and/or constructive
27 knowledge of the acts of each of the other Defendants, and ratified, approved, joined in,
28

1 acquiesced and/or authorized the wrongful acts of each co-defendant, and/or retained the benefits
2 of said wrongful acts.

3 15. Defendants, and each of them, aided and abetted, encouraged and rendered
4 substantial assistance to the other Defendants in breaching their obligations to Plaintiff and the
5 Class, as alleged herein. In taking action, as particularized herein, to aid and abet and
6 substantially assist the commissions of these wrongful acts and other wrongdoings complained
7 of, each of the Defendants acted with an awareness of its primary wrongdoing and realized that
8 its conduct would substantially assist the accomplishment of the wrongful conduct, wrongful
9 goals, and wrongdoing.

10 16. All allegations in this Complaint are based on information and belief and/or are
11 likely to have evidentiary support after a reasonable opportunity for further investigation or
12 discovery. Whenever allegations in this Complaint are contrary or inconsistent, such allegations
13 shall be deemed alternative.

14 **CONDUCT GIVING RISE TO THE VIOLATIONS OF THE LAW**

15 **A. Plaintiff's Contact with Defendants**

16 17. On January 15, 2019, and thereafter on January 29, 2019, Plaintiff placed calls to
17 Defendants from within the State of California and while using her cellular telephone. On each
18 of these occasions, Plaintiff called Swarovski's toll-free telephone number at 1-800-426-3088.
19 During two successive calls on January 15, 2019, Plaintiff obtained information about her online
20 merchandise purchase (Customer Order # 10US00000156235) and attempted to change the
21 expected delivery date with a live representative of Defendants. During the call on January 29,
22 2019, Plaintiff confirmed details of the purchase (Customer Order # 10US00000156235) as well
23 as Swarovski's merchandise return policy and credit card refund policy for the merchandise with
24 a live representative of Defendants. Plaintiff is informed and believes, and based thereon alleges,
25 that the toll-free telephone number connected Plaintiff to a call center which is owned and
26 operated by Defendants, and that Plaintiff had telephone conversations.

27 ///

28 ///

1 18. During these inbound telephone communications with employees, agents, or
2 representatives of Defendants, Plaintiff revealed sensitive, private, and confidential information,
3 including but not limited to her first and last name and residential address. At no point during
4 these inbound telephone communications was Plaintiff ever informed that her communications
5 were being recorded. At no point during the inbound telephone communications did Plaintiff give
6 her consent for the telephone communications to be recorded, and she was entirely unaware that
7 Defendants were engaged in that practice during the telephone communications. On information
8 and belief, these inbound telephone communications were recorded by Defendants, without
9 Plaintiff's knowledge or consent.

10 **B. Defendants' Conduct Violated Penal Code § 632.7**

11 19. Plaintiff is informed and believes and thereon alleges, that Defendants recorded
12 said inbound telephone communications. Defendants failed to verbally warn Plaintiff, at the
13 outset of the telephone communications, of Defendants' intent to record the communications.
14 Defendants failed to provide an automated, pre-recorded warning at the call outset or a
15 periodically repeated, audible "beep tone" or other sound throughout the duration of the
16 telephone communications to warn Plaintiff that the communications were being recorded.
17 Plaintiff did not give, and could not have given consent for the telephone communications to be
18 recorded because she was entirely unaware that Defendants were engaged in that practice during
19 the telephone communications.

20 20. Because Defendants failed to warn Plaintiff at the outset of the telephone
21 communications that the communications were being recorded and her consent for recording of
22 the telephone communications never was sought, Plaintiff had an objectively reasonable
23 expectation that her telephone communication with Defendants' employees, agents, or
24 representatives were not being recorded. That recording without her consent is highly offensive
25 to Plaintiff and would be highly offensive to a reasonable person, including members of the Class
26 proposed herein.

27 21. Plaintiff is further informed and believes and thereon alleges, that during the
28 Class Period, Defendants intentionally utilized certain computer hardware and software

1 technology (“Call Recording Technology”) to execute a company-wide policy and practice of
2 recording inbound telephone communications with callers, including California callers.

3 22. Plaintiff is further informed and believes and thereon alleges, that Defendants
4 installed and/or utilized Call Recording Technology on its consumer-facing telephone line. This
5 Call Recording Technology enabled Defendants to record telephone communications with
6 callers, and allowed them to store and listen to these recordings for various purposes.

7 23. Plaintiff is further informed and believes and thereon alleges, that Defendants’
8 employees, agents, and representatives were directed, trained, and instructed to, and did record
9 inbound telephone communications made to Swarovski’s toll-free customer service telephone
10 number 1-800-426-3088 from California callers, including Plaintiff, without their consent.

11 **PLAINTIFF’S CLASS ACTION ALLEGATIONS**

12 24. Plaintiff brings this lawsuit on behalf of an ascertainable statewide Class
13 consisting of the following (the “Class”):

14 All California residents who, while located in California at any time during the
15 one-year period of time preceding the filing of the original Complaint and until
16 said practice is terminated (“Class Period”), called Defendants’ toll-free customer
17 service telephone number 1-800-426-3088 while one or both parties to the call
18 were using a cellular or cordless telephone and whose calls were recorded by
19 Defendants without warning or disclosure at the call outset.

20 25. Excluded from the Class are all employees of Defendants, all attorneys and
21 employees of Defendants’ counsel, all attorneys and employees of Plaintiff’s Counsel, and the
22 judicial officers to whom this matter is assigned and their staff.

23 26. Plaintiff reserves the right under Rule 3.765 of the California Rules of Court to
24 amend or otherwise alter the Class definition presented to the Court at the appropriate time, or
25 propose or eliminate subclasses, in response to facts learned through discovery, legal argument
26 advanced by Defendant, or otherwise.

27 ///

28 ///

1 27. This action has been brought and may properly be maintained as a class action
2 pursuant to California Code of Civil Procedure § 382, and case law thereunder, to which the
3 California trial courts have been directed by the California Supreme Court to look for guidance.

4 28. The members of the Class are so numerous that joinder of all members is
5 impracticable. While the exact number of Class members is unknown to Plaintiff at this time,
6 Plaintiff estimates that there are more than 100 persons. Moreover, Plaintiff alleges that the
7 precise number of Class members and their location can be ascertained through appropriate
8 discovery and records held by Defendant and/or third parties, including without limitation
9 Defendants' call records, purchase records, customer records, call lists, and the secret recordings
10 themselves. This information may then be used to contact potential Class members.

11 29. There is a well-defined community of interest in the questions law and fact
12 affecting the parties represented in this action.

13 30. Common questions of law and fact exist as to all members of the Class. These
14 common questions predominate over the questions affecting only individual members of the
15 Class.

16 31. Among the questions of law and fact common to the Class are, *inter alia*:

17 a. Whether Defendants have a policy and practice of recording inbound telephone
18 calls made to Swarovski's toll-free telephone number at 1-800-426-3088;

19 b. Whether Defendants installed Call Recording Technology to implement their
20 policy of recording inbound telephone calls with callers;

21 c. Whether Defendants' employees, agents, or representatives were directed, trained,
22 and instructed to, and did, record inbound telephone calls with callers in order to implement the
23 Defendants' policy and practice of recording telephone calls with callers;

24 d. Whether Defendants' policy and practice of recording inbound telephone calls
25 included a policy and practice of warning Class members, including the Plaintiff, at the outset of
26 each recorded telephone call that the telephone call was being recorded;

27 e. Whether Defendants failed to warn Class members who participated in an inbound
28 telephone call with the Defendants that the telephone call was being recorded;

1 f. Whether Defendants have a policy or practice of not obtaining consent to record
2 telephone calls made to Swarovski's toll-free telephone number at 1-800-426-3088;

3 g. Whether Defendants' recording of Plaintiff's and Class members' inbound
4 telephone calls without warning or disclosure at the call outset constitutes violations of
5 California Penal Code § 632.7;

6 h. Whether Plaintiff and each Class member are entitled to statutory damages of five
7 thousand dollars (\$5,000) under California Penal Code § 637.2(a)(1) for each violation of
8 California Penal Code § 632.7; and

9 i. Whether Plaintiff and Class members are entitled to injunctive relief under
10 California Penal Code § 637.2(b) to enjoin or restrain the Defendants from committing further
11 violations of California Penal Code § 632.7.

12 32. Plaintiff's claims are typical of the claims of all of the other members of the Class.
13 Plaintiff's claims and the Class member's claims are based on the same legal theories and arise
14 from the same unlawful conduct, resulting in the same injury to Plaintiff and to all of the other
15 Class members.

16 33. Plaintiff will fairly and adequately represent the interests of the Class, she has no
17 conflicts of interest with other Class members, is subject to no unique defenses, and has retained
18 counsel competent and experienced in the prosecution of class actions.

19 34. A class action is superior to other available methods for the fair and efficient
20 adjudication of this controversy because joinder of all members is impracticable, the damages
21 suffered by each Class member are low, the likelihood of individual Class members prosecuting
22 separate claims is remote and individual Class members do not have a significant interest in
23 individually controlling the prosecution of separate actions. Relief concerning Plaintiff's rights
24 under the laws alleged herein and with respect to the Class as a whole would be appropriate.
25 Plaintiff knows of no difficulty to be encountered in the management of this action which would
26 preclude its maintenance as a class action.

27 35. The prosecution of individual actions by California Penal Code § 632.7 Class
28 members would run the risk of establishing inconsistent standards for Defendants.

1 36. Defendants have acted, or refused to act, on grounds generally applicable to the
2 Class, thereby making injunctive relief and statutory damages pursuant to California Penal Code
3 § 637.2 appropriate with respect to the Class as a whole. Likewise, Defendants' conduct as
4 described above is unlawful, capable of repetition, and could continue unless restrained and
5 enjoined by the Court.

6 37. Plaintiff explicitly reserves the right to add additional class representatives,
7 provided that Defendants are given an opportunity to conduct discovery on the chosen
8 representative(s). Plaintiff will identify and propose class representatives with the filing of
9 Plaintiff's motion for class certification.

10 **FIRST CAUSE OF ACTION**

11 **FOR VIOLATIONS OF CALIFORNIA PENAL CODE § 632.7**

12 **(By Plaintiff and the Class Against Defendants Swarovski North America Limited,
13 Swarovski Retail Ventures Limited, Swarovski Digital Business USA Inc., and DOES 1
through 100, Inclusive)**

14 38. Plaintiff re-alleges and incorporates by reference the allegations contained in the
15 preceding paragraphs above as if fully set forth herein and further alleges as follows.

16 39. On and around January 15, 2019 and January 29, 2019, and while physically
17 present in the State of California, Plaintiff used her cellular telephone and called Defendants'
18 1-800-426-3088 toll-free customer service telephone number.

19 40. Plaintiff alleges on information and belief that, within the applicable statute of
20 limitations, Plaintiff and the Class members, while physically present in the State of California,
21 called Defendants' toll-free customer service telephone number 1-800-426-3088 and participated
22 in telephone communications with live representatives of Defendants while using a cellular or
23 cordless telephone, which communications were recorded by Defendants without the consent of
24 Plaintiff and the Class members. Defendants did not notify Plaintiff and the Class members at
25 the call outset that their communications were being recorded. There were no beeps or similar
26 sounds that would lead Plaintiff and the Class members to believe that their communications
27 were being recorded.

28

1 41. Penal Code § 632.7 prohibits the intentional recording of any communication
2 without the consent of all parties where at least one of the parties to the communication is using a
3 cellular or cordless telephone. Defendants violated Penal Code § 632.7 in their telephone
4 communications with Plaintiff and the Class during the Class Period. Plaintiff is informed and
5 believes and thereon alleges that, Defendants as a standard business practice, have intentionally
6 made use of a Call Recording Technology that enabled Defendants to secretly record
7 communications with Plaintiff and the Class members, that were made to toll-free telephone
8 number 1-800-426-3088 on cellular or cordless telephones, without obtaining their consent.

9 42. Because Defendants did not disclose to Plaintiff or Class members who called the
10 toll-free telephone number 1-800-426-3088, at the call outset, that their calls were being
11 recorded, Defendants did not obtain, and could not have obtained, Plaintiffs or Class members
12 consent to the recording of those conversations. Indeed, Plaintiff and the Class had an
13 objectively reasonable expectation that their calls were not being recorded. That expectation and
14 its objective reasonableness arises, in part, and is supported by the fact that: (1) Defendants are
15 required by law to inform persons it receives calls from, at the outset of the communication, of its
16 intent to record the calls; (2) Businesses that record telephone calls customarily do so inform the
17 persons they call or receive calls from, at the outset of the communication; and (3) Defendants
18 did not inform Plaintiff and Class members who called 1-800-426-3088, at the outset of the
19 communications, that their telephone communications were being recorded, nor did Defendants
20 seek to obtain their consent to record. As the California Supreme Court has stated, “in light of
21 the circumstances that California consumers are accustomed to being informed at the outset of a
22 telephone call whenever a business entity intends to record the call, it appears equally plausible
23 that, in the absence of such an advisement, a California consumer reasonably would anticipate
24 that such a telephone call is not being recorded, particularly in view of the strong privacy interest
25 most persons have with regard to the personal financial information frequently disclosed in such
26 calls.” *Kearney v. Salomon Smith Barney, Inc.*, 39 Cal. 4th 95, 118 (2006).

27 ///

28 ///

1 43. Due to these violations as set forth herein, Plaintiff and Class members are entitled
2 to an award of five thousand dollars (\$5,000) per violation pursuant to California Penal Code
3 § 637.2, even in the absence of proof of actual damages, an amount deemed proper by the
4 California Legislature. Plaintiff and the Class are also entitled to injunctive relief to enjoin
5 further violations pursuant to California Penal Code § 637.2(b).

6 44. Plaintiff and Class members are entitled to recover reasonable attorneys' fees
7 pursuant to California Code of Civil Procedure § 1021.5, the substantial benefit doctrine and/or
8 the common fund doctrine.

9 **PRAYER FOR RELIEF**

10 WHEREFORE, Plaintiff, on behalf of herself and members of the Class, prays for
11 judgment against Defendants as follows:

- 12 1. For an order certifying this matter as a class action;
- 13 2. For an order declaring that Defendants' actions, as described herein, violate
14 California Penal Code § 632.7;
- 15 3. For an order awarding Plaintiff and each member of the Class statutory damages
16 of five thousand dollars (\$5,000) per violation under California Penal Code § 637.2(a)(1);
- 17 4. For appropriate injunctive relief under California Penal Code § 637.2(b);
- 18 5. For an award of attorneys' fees as authorized by statute including, but not limited
19 to, the provisions of California Code of Civil Procedure § 1021.5, and as authorized under the
20 "common fund" doctrine, and as authorized by the "substantial benefit" doctrine;
- 21 6. For costs of the suit incurred herein;
- 22 7. For prejudgment interest at the legal rate; and
- 23 8. For such other and further relief as the Court may deem proper.

24 ///

25 ///

26 ///

27 ///

28 ///

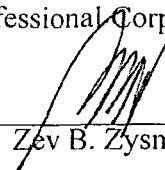
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

DEMAND FOR JURY TRIAL

Plaintiff hereby demands a trial by jury for Plaintiff and the Class on all claims so triable.

Dated: March 1, 2019

LAW OFFICES OF ZEV B. ZYSMAN
A Professional Corporation

By: 
Zev B. Zysman

15760 Ventura Boulevard,
16th Floor
Encino, CA 91436
Telephone: (818) 783-8836
Facsimile: (818) 783-9985

Attorneys for Plaintiff

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 Swarovski Secretly Records Customer Service Calls](#)
