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8 Attorneys for Lifestyle Publications, LLC

9 **UNITED STATES DISTRICT COURT**  
10 **CENTRAL DISTRICT OF CALIFORNIA, SOUTHERN DIVISION**

11 Christopher Lowe, an individual, on  
12 behalf of himself and all other  
13 similarly situated individuals,

14 Plaintiffs,

15 v.

16 Lifestyle Publications, LLC, a Kansas  
17 Limited Liability Company; and Does  
18 1 through 100, inclusive,

19 Defendants.

Case No.

Superior Court of Orange County  
Case No. 30-2019-01044249-CU-  
OE-CXC

**NOTICE OF REMOVAL OF  
CIVIL ACTION UNDER 28 U.S.C.  
§ 1332, 1441, 1446 AND 1453**

**Demand for Jury Trial**

20 PLEASE TAKE NOTICE THAT Defendant Lifestyle Publications, LLC  
21 (“Defendant”) hereby removes this action from the Superior Court of the State of  
22 California, County of Orange, to the United States District Court for the Central  
23 District of California, Southern Division, pursuant to 28 U.S.C. §§ 1332, 1441,  
24 1446, and 1453. The grounds for removal are as follows:

25 **THIS COURT HAS JURISDICTION**

26 1. Under 28 U.S.C. § 1446(a), a notice of removal must: (1) be signed  
27 pursuant to Rule 11 of the Federal Rules of Civil Procedure; (2) contain a “short

1 and plain statement of the grounds for removal”; and (3) be accompanied by a  
2 copy of all process, pleadings, and orders served on the defendant in the action.

3 **VENUE IS PROPER**

4 2. Venue is proper in this Court pursuant to 28 U.S.C. sections 84(a),  
5 1391 and 1446, because this action was originally brought in the Superior Court  
6 of California, County of Orange as Case No. 30-2019-01044249-CU-OE-CXC.

7 **PLEADINGS, PROCESS AND ORDERS**

8 3. On January 15, 2019, this putative class action was commenced  
9 and is currently pending in the Superior Court of California, County of  
10 Orange, as Case No. 30-29-01044249-CU-OE-CXC, entitled *Christopher*  
11 *Lowe vs. Lifestyle Publications, LLC., et al.* A true and correct copy of the Class  
12 Action Complaint (the “Complaint”) is attached hereto as **Exhibit A**.

13 4. The Complaint asserts the following causes of action: (1) Count  
14 1: violation of California Labor Code § 2802 (Failure to Indemnify or  
15 Reimburse Business Expenses), Count 2: violation of California Labor Code  
16 § 221 (Unlawful Deduction From Wages), Count 3: violation of California  
17 Labor Code §§ 1194, 1194.2, 1197 and 2802 (Failure to Pay Minimum  
18 Wage), Count 4: violation of California Labor Code §§ 510, 1194, 218.5,  
19 218.6 (Failure to Pay Overtime), Count 5: violation of California Labor  
20 Code §§ 201-203 (Waiting Time Penalties), Count 6: violation of California  
21 Labor Code §§ 226, 1174.5 (Failure to Provide Accurate Wage Statements),  
22 Count 7: violation of California Labor Code § 204 (Failure to Timely Pay  
23 Wages), Count 8: violation of California Business & Professions Code §§  
24 17200, et. seq. (Unfair Competition); Count 10 (sic) (Declaratory Relief).  
25 See **Exhibit A**, at 11:11 – 19:18.

26 5. On January 24, 2019, Plaintiff Christopher Lowe (“Plaintiff”) served  
27 Defendant's statutory agent InCorp Services, Inc.

1           6.       According to the Superior Court docket, a true and correct copy of  
2 which is attached at **Exhibit B**, the following documents have been filed:  
3 Summons, Civil Case Cover Sheet, Class Action/B&P 17200 Questionnaire,  
4 Complaint, Notice of Case Assignment, Declaration in Support of Motion re  
5 Disqualification of Judicial Officer Pursuant to C.C.P. 170.6, Proof of Service of  
6 Summons, Minute Entry Re-Assigning case to Honorable Randall J. Sherman,  
7 Clerk’s Certificate of Mailing/Electronic Service, and Notice of Order re Case  
8 Reassignment for All Purposes. True and correct copies of all documents  
9 (excluding the Complaint attached hereto as Exhibit A) as identified on the  
10 Superior Court docket are attached hereto as **Exhibit C**.

11           7.       Pursuant to 28 U.S.C. 1446(a), the attached **Exhibits A-C** constitute  
12 all pleadings and orders filed in this action. No Defendant has appeared or filed  
13 an answer in the Superior Court of California, County of Orange.

14                           **DEFENDANT HAS SATISFIED THE PROCEDURAL**  
15                           **REQUIREMENTS FOR REMOVAL**

16           8.       This Notice of Removal is timely. Plaintiff served the Summons  
17 and Complaint on Defendant on January 24, 2019. Pursuant to 28 U.S.C.  
18 1446(b) and Federal Rule of Civil Procedure, Rule 6(a)(1)(C), this Notice of  
19 Removal is therefore timely filed as it is within thirty (30) days after service of  
20 the Summons and Complaint and within one year after commencement of this  
21 action. *See Murphy Bros., Inc. v. Michetti Pipe Stringing, Inc.*, 526 U.S. 344,  
22 356 (1999) (30-day removal period runs from the service of the summons and  
23 complaint).

24           9.       Pursuant to 28 U.S.C. § 1446(d), a copy of this Notice of Removal is  
25 being served upon counsel for Plaintiff and a “Notice to State Court and Adverse  
26 Parties of Removal of Action” (to include a copy of this Notice of Removal  
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28

1 without Exhibits) will be promptly filed with the Clerk of the Superior Court in  
2 Orange County, and served on all other parties to this action.

3 **THIS COURT HAS DIVERSITY JURISDICTION**

4 10. Plaintiff is a citizen of the State of California. See **Exhibit A** at  
5 2:20-22.

6 11. Lifestyle Publications, LLC is, and at all relevant times was, a  
7 limited liability company duly organized and existing under the laws of the State  
8 of Kansas. See **Exhibit A** at 2:24-26.

9 12. Defendant has two members: Matthew Perry and Steven  
10 Schowengerdt, both citizens of the State of Arizona.

11 13. For diversity purposes, limited liability companies are citizens of all  
12 states where each of their members is a citizen. See *Americold Realty Trust v.*  
13 *ConAgra Foods, Inc.*, 136 S. Ct. 1012, 1016-17 (2016); *Lindley Contours, LLC v.*  
14 *AABB Fitness Holdings, Inc.*, 414 F. App'x 62, 64 (9th Cir. 2011).

15 14. Defendant is not, and was not at any relevant time, a citizen of the  
16 State of California.

17 15. The Complaint also names Defendants Does 1-100. Pursuant to 28  
18 U.S.C. § 1441(a), the citizenship of these unidentified listed defendants is  
19 disregarded.

20 16. Defendant is the only named party and therefore all defendants  
21 consent to this removal.

22 17. The amount in controversy herein exceeds the sum or value of  
23 \$75,000, exclusive of interest and costs, as detailed more fully below.

24 18. Plaintiff is the owner of LoweKeyDesign, LLC, a limited liability  
25 marketing and advertising company headquartered in Philadelphia, PA  
26 (hereinafter "LKD"). According to the Complaint, LKD had an independent  
27 contractor relationship with Defendant between February 2018 and September  
28

1 2018, *see* **Exhibit A** at 2:22-23; 4:4-5, that period covers at least 14 wage  
 2 payment periods if Plaintiff were determined to be Defendant's employee (one in  
 3 February and September for partial services performed and two per month in all  
 4 other months services were performed, per Cal. Lab. Code, § 204).

Complaint Count	Calculation Facts	Damages
Count 1: violation of California Labor Code § 2802 (Failure to Indemnify)	<p>During the relationship LKD paid a \$6,000 startup fee and monthly operating expenses for magazine production costs to Defendant in the amount of \$14,286.97. <i>See</i> <b><u>Exhibit A</u></b> at 5:21-6:7.</p> <p>It is unknown exactly what expenses LKD incurred for employment of its editorial team, photographers, and writers, phone line, answering service, conference attendance out of state, auto mileage and maintenance, computer, office furniture, appointment setters, magazine mock ups and displays, entertainment expenses, internet and cell phone usage. <i>See</i> <b><u>Exhibit A</u></b> at 6:8-23; 11:19-27.</p> <p>A reasonable</p>	<p><b><u>\$20,286.97</u></b> in operating costs paid by LKD to Defendant.</p> <p>Reasonable estimate of monthly operating costs of \$2,000 per month:</p> <p>February 2018 partial: <b><u>\$1,000</u></b></p> <p>6 full months at \$2,000 per month: <b><u>\$12,000</u></b></p> <p>September 2018 partial: <b><u>\$1,000</u></b></p> <p><b><u>Total: \$34,286.97</u></b></p>

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	<p>assumption of such operating expenses based on other similar publisher's costs are in the range of \$2,000 per month.</p>	
<p>Count 2: violation of California Labor Code § 221 (Unlawful Deduction From Wages)</p>	<p>Failure to comply with the deduction laws results in a penalty of \$100 for an initial violation and \$200 for each further violation, plus 25% of the amount wrongfully withheld. (Cal. Lab. Code §§ 225 and 225.5)</p>	<p>February = \$100  13 other pay periods = \$200  <b><u>\$2,700</u></b>  25% of amount wrongfully withheld of minimum wage (\$11,760), overtime (\$4,410) and unreimbursed business expenses (\$34,286.97) =  <b><u>\$12,614.24</u></b></p>
<p>Count 3: violation of California Labor Code §§ 1194, 1194.2, 1197 and 2802 (Failure to Pay Minimum Wage)</p>	<p>Plaintiff claims that he regularly worked in excess of 60 hours per week and that he was never compensated. <i>See Exhibit A</i> at 5:15-18; 14:15-16.  During the relevant time period, the minimum wage in Newport Beach, CA was \$10.50 for employers with less than 25 employees.</p>	<p>40 hours per week at \$10.50 per hour =  \$420 per week  February 15, 2018 to September 15, 2018 includes 28 weeks 28 weeks unpaid for minimum wage =  <b><u>\$11,760</u></b></p>
<p>Count 4: violation of</p>	<p>Per the above, not</p>	<p>10 hours per week at</p>

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<p>California Labor Code §§ 510, 1194, 218.5, 218.6 (Failure to Pay Overtime)</p>	<p>including the potential for daily overtime or double time, Plaintiff claims to have regularly worked at least 20 hours of overtime per week. <i>See Exhibit A</i> at 5:15-18; 14:15-16.</p> <p>A reasonable estimate based on Plaintiff's description would be that he worked an average of 10 hours of overtime a week.</p>	<p>overtime rate of \$15.75 =</p> <p>\$157.5 per week</p> <p>28 weeks unpaid overtime =</p> <p><b><u>\$4,410</u></b></p>
<p>Count 5: violation of California Labor Code §§ 201-203 (Waiting Time Penalties)</p>	<p>Plaintiff alleges that he is entitled to continued payment of wages upon separation of employment for up to 30 days. <i>See Exhibit A</i>, at 15:15-24.</p>	<p>8 hours per day x \$10.50 per hour = \$84 per day</p> <p>\$84 x 30 days =</p> <p><b><u>\$2,520</u></b></p>
<p>Count 6: violation of California Labor Code §§ 226, 1174.5 (Failure to Provide Accurate Wage Statements)</p>	<p>Plaintiff alleges that Defendant regularly failed to provide accurate wage statements subjecting it to civil penalties of \$50 for initial pay period and \$100 for each subsequent violation, not to exceed \$4,000 per employee <i>See Exhibit A</i>, at 16:13-16.</p>	<p>February 2018 = \$50</p> <p>13 other pay periods = \$100</p> <p><b><u>\$1,350</u></b></p>
<p>Count 7: violation of California Labor Code § 204 (Failure to Timely Pay Wages)</p>	<p>Failure to comply with the pay period laws may result in a penalty of \$100 for an initial violation and \$200 for each further violation, plus 25% of the</p>	<p>February = \$200</p> <p>13 other pay periods = \$200</p> <p><b><u>\$2,800</u></b></p>

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	<p>amount wrongfully withheld (Cal. Lab. Code § 210).</p> <p>A willful violation may result in a \$200 penalty from the start. Plaintiff alleges that Defendant's actions were willful. <i>See</i> <b>Exhibit A</b>, at 17:9-11.</p>	<p>25% of amount wrongfully withheld of minimum wage (\$11,760), overtime (\$4,410) and unreimbursed business expenses (\$34,286.97) = <b><u>\$12,614.24</u></b></p>
<p>Count 8: violation of California Business &amp; Professions Code §§ 17200, <i>et. seq.</i> (Unfair Competition).</p>	<p>Plaintiff seeks injunctive relief, restitutionary damages, and a disgorgement of profits earned by Defendant. <i>See</i> <b>Exhibit A</b>, at 18:8-21.</p>	<p>None considered for removal threshold</p>
<p>Count 10 (sic): declaratory relief under California Code of Civil Procedure § 1060</p>		<p>None considered for removal threshold</p>
<p>Attorney Fees; Plaintiff's pro rata share</p>	<p>Plaintiff seeks attorney fees. <i>See</i> <b>Exhibit A</b>, at 12:21-22; 13:25; 15:1; 16:12-13; 18:21-25</p>	<p>To date, Defendant has incurred approximately <b><u>\$5,000</u></b> in attorney fees and estimates that Plaintiff has incurred an amount in excess of this estimate for investigation and drafting of his class action complaint drafting.</p> <p>More, Defendant conservatively estimates that it will incur fees in excess of <b><u>\$30,000</u></b> through the end of this litigation and estimates that</p>



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		Plaintiff will incur at least a similar amount. <i>See Sasso v. Noble Utah Long Beach, LLC</i> , No. CV 14-09154-AB, 2015 WL 898468, at * 5-6 (C.D. Cal. March 3, 2015).
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19. Based on the detailed estimates provided, the amount in controversy in this lawsuit ranges from **\$90,055.45 to \$115,055.45**, and exceeds the amount required for diversity jurisdiction based removal under 28 U.S.C. §1332(a)(1) of \$75,000.

**CONCLUSION**

20. This Court has original jurisdiction over Plaintiff’s claims by virtue of diversity jurisdiction under 28 U.S.C. §1332(a)(1). This action is thus properly removable to federal court pursuant to 28 U.S.C. § 1441. In the event this Court has a question regarding the propriety of this Notice of Removal, Defendant requests the opportunity to submit evidence, points and authorities further supporting the removal of this action.

21. Defendant demands a jury trial on all claims with a right to a trial by jury.

RESPECTFULLY SUBMITTED this 31<sup>st</sup> day of January, 2019.

**STINSON LEONARD STREET LLP**

By: /s/ Carrie M. Francis  
Carrie M. Francis  
1850 North Central Avenue, Suite 2100  
Phoenix, Arizona 85004-4584

*Attorneys for Defendant Lifestyle Publications, LLC*

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**CERTIFICATE OF SERVICE**

I hereby certify that on January 31, 2019, I caused the foregoing document to be filed electronically with the Clerk of Court through ECF; and as Plaintiff's counsel is not yet a registered ECF user for this matter, I sent a copy by U.S. Mail and email of this same filing to:

Ross E. Shanberg  
Shane C. Stafford  
Aaron A. Bartz  
SHANBERG STAFFORD & BARTZ LLP  
5031 Birch Street  
Newport Beach, CA 92660

/s/ Valerie Corral

FOR COURT USE ONLY

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):  
 Ross F. Shanberg (SBN 179842); Shane C. Stafford (SBN 216151); Aaron A. Bartz (SBN 198722)  
 Shanberg, Stafford & Bartz, LLP  
 5031 Birch Street  
 Newport Beach, CA 92660  
 TELEPHONE NO.: (949) 205-7515 FAX NO.: (949) 205-7144  
 ATTORNEY FOR (Name): Plaintiff Christopher Lowe

**ELECTRONICALLY FILED**  
 Superior Court of California,  
 County of Orange  
**01/15/2019** at 04:40:17 PM  
 Clerk of the Superior Court  
 By Georgina Ramirez, Deputy Clerk

SUPERIOR COURT OF CALIFORNIA, COUNTY OF Orange  
 STREET ADDRESS: 751 W. Santa Ana Blvd.  
 MAILING ADDRESS:  
 CITY AND ZIP CODE: Santa Ana, CA 92701  
 BRANCH NAME: Civil Complex Center

CASE NAME:  
 Lowe v. Lifestyle Publications, LLC

**CIVIL CASE COVER SHEET**  
 **Unlimited** (Amount demanded exceeds \$25,000)  
 **Limited** (Amount demanded is \$25,000 or less)

**Complex Case Designation**  
 **Counter**  **Joinder**  
 Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)

CASE NUMBER:  
 30-2019-01044249-CU-OE-CXC  
 JUDGE: Judge Glenda Sanders  
 DEPT: CX-101

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

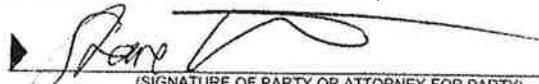
1. Check one box below for the case type that best describes this case:

<p><b>Auto Tort</b></p> <input type="checkbox"/> Auto (22) <input type="checkbox"/> Uninsured motorist (46) <p><b>Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort</b></p> <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) <p><b>Non-PI/PD/WD (Other) Tort</b></p> <input type="checkbox"/> Business tort/unfair business practice (07) <input type="checkbox"/> Civil rights (08) <input type="checkbox"/> Defamation (13) <input type="checkbox"/> Fraud (16) <input type="checkbox"/> Intellectual property (19) <input type="checkbox"/> Professional negligence (25) <input type="checkbox"/> Other non-PI/PD/WD tort (35) <p><b>Employment</b></p> <input type="checkbox"/> Wrongful termination (36) <input checked="" type="checkbox"/> Other employment (15)	<p><b>Contract</b></p> <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) <p><b>Real Property</b></p> <input type="checkbox"/> Eminent domain/Inverse condemnation (14) <input type="checkbox"/> Wrongful eviction (33) <input type="checkbox"/> Other real property (26) <p><b>Unlawful Detainer</b></p> <input type="checkbox"/> Commercial (31) <input type="checkbox"/> Residential (32) <input type="checkbox"/> Drugs (38) <p><b>Judicial Review</b></p> <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)	<p><b>Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400-3.403)</b></p> <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) <p><b>Enforcement of Judgment</b></p> <input type="checkbox"/> Enforcement of judgment (20) <p><b>Miscellaneous Civil Complaint</b></p> <input type="checkbox"/> RICO (27) <input type="checkbox"/> Other complaint (not specified above) (42) <p><b>Miscellaneous Civil Petition</b></p> <input type="checkbox"/> Partnership and corporate governance (21) <input type="checkbox"/> Other petition (not specified above) (43)
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2. This case  is  is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:
- |   |  |
|---|--|
| a. <input type="checkbox"/> Large number of separately represented parties  | d. <input checked="" type="checkbox"/> Large number of witnesses   |
| b. <input checked="" type="checkbox"/> Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve | e. <input type="checkbox"/> Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court |
| c. <input checked="" type="checkbox"/> Substantial amount of documentary evidence   | f. <input type="checkbox"/> Substantial postjudgment judicial supervision  |
3. Remedies sought (check all that apply): a.  monetary b.  nonmonetary; declaratory or injunctive relief c.  punitive
4. Number of causes of action (specify): 9
5. This case  is  is not a class action suit.
6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: January 14, 2019  
 Shane C. Stafford

(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.

Ross E. Shanberg (SBN 179842)  
Shane C. Stafford (SBN 216151)  
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Facsimile: (949) 205-7144

Attorneys for Plaintiff  
CHRISTOPHER LOWE, on behalf of himself and all others similarly situated

**SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF ORANGE COUNTY**

CHRISTOPHER LOWE, an individual on  
behalf of himself and others similarly  
situated,

Plaintiff,

vs.

LIFESTYLE PUBLICATIONS, LLC, a  
Kansas Limited Liability Company; and  
DOES 1 to 100, inclusive,

Defendants.

Case No.:

**CLASS ACTION**

**COMPLAINT FOR:**

- 1. FAILURE TO REIMBURSE BUSINESS EXPENSES;**
- 2. UNLAWFUL DEDUCTIONS FROM WAGES;**
- 3. FAILURE TO PAY MINIMUM WAGE;**
- 4. FAILURE TO PAY OVERTIME;**
- 5. WAITING TIME PENALTIES;**
- 6. FAILURE TO PROVIDE ACCURATE WAGE STATEMENTS;**
- 7. FAILURE TO TIMELY PAY WAGES;**
- 8. UNFAIR COMPETITION; and**
- 9. DECLARATORY RELIEF**

**DEMAND FOR JURY TRIAL**

1 Plaintiff CHRISTOPHER LOWE ("LOWE" or "PLAINTIFF") on behalf of himself and  
2 all others similarly situated, for his causes of action against Defendant LIFESTYLE  
3 PUBLICATIONS, LLC (hereinafter referred to as "LIFESTYLE") and DOES 1 through 100  
4 (hereinafter LIFESTYLE and DOES 1 through 100 are sometimes collectively referred to herein  
5 as "Defendants"), hereby complains and alleges as follows:

6 **I. INTRODUCTION**

7 1. This is a class action, under Code of Civil Procedure § 382, seeking recovery for  
8 Defendants' violations of California Labor Code §§ 2802, 221, 1194, 510, 226, 201-203, 204,  
9 Business & Professions Code §17200, and all applicable Industrial Welfare Commission (IWC)  
10 Wage Orders.

11 2. Plaintiff's action seeks, among other things, monetary damages, restitution from  
12 Defendants as a result of Defendants' unlawful, fraudulent, and/or unfair business practices,  
13 declaratory relief, and injunctive relief.

14 3. This action is brought as a class action on behalf of all current and former  
15 employees of Defendants who are California citizens and who worked for Defendants in  
16 California during the relevant time period (hereinafter referred to as "Employee Publishers").

17 4. The acts complained of herein occurred, occur and will occur, at least in part,  
18 within the time period from four (4) years preceding the filing of this Complaint, up to and  
19 through the time of trial for this matter.

20 **II. THE PARTIES**

21 5. Plaintiff LOWE was, and at all relevant times mentioned herein, has been an  
22 individual residing within the State of California. Plaintiff LOWE worked for Defendants as a  
23 magazine publisher from February 2018 to approximately September 2018.

24 6. Defendant LIFESTYLE publishes local "lifestyle" magazines across the country,  
25 including in the state of California. Plaintiff is informed and believes, and based thereon alleges,  
26 that Defendant LIFESTYLE is a limited liability company organized and existing under the laws  
27 of the State of Kansas and doing business in the State of California.

28 7. Plaintiff is informed and believes, and based thereon alleges, that Defendants, and  
each of them, were at all time mentioned herein the agents, servants, and/or employees of each of

1 the remaining Defendants, and in doing the things alleged herein, were acting within the course  
2 and scope of their authority and acted with the knowledge, consent and permission of the other  
3 Defendants, and each of them. Each and every one of the acts and omissions alleged herein were  
4 performed by and/or attributable to, all Defendants, each acting under the direction and control  
5 of each of the other Defendants and said acts and failures to act were within the course and scope  
6 of said agency, employment and/or direction and control, and were committed willfully,  
7 oppressively, and fraudulently.

8 8. Defendants DOES 1 through 100, inclusive, are sued herein under fictitious  
9 names. Their true names and capacities are unknown to Plaintiff. When their true names and  
10 capacities are ascertained, Plaintiff will amend the complaint by inserting their true names and  
11 capacities herein. Plaintiff is informed and believes, and based thereon alleges, that each of the  
12 fictitiously named Defendants are responsible in some manner for the occurrences herein alleged  
13 and that Plaintiff's damages as herein alleged were proximately caused by the Defendants. Each  
14 reference in this complaint to "Defendant," "Defendants," or a specifically named Defendant  
15 refers also to all Defendants sued under fictitious names.

16 9. Plaintiff is informed and believes, and thereon alleges, that at all relevant times  
17 herein Defendants maintained offices, employed persons, conducted business in, and/or engaged  
18 in illegal employment practices and policies in the State of California.

### 19 **III. JURISDICTION**

20 10. The California Superior Court has jurisdiction in this matter due to Defendants'  
21 violations of California statutes and related industrial welfare commission wage orders.

22 11. The California Superior Court also has jurisdiction in this matter because both the  
23 individual and aggregate monetary damages, restitution, and other relief sought herein exceed the  
24 jurisdiction limits of the Superior Court and will be established at trial, according to proof.

### 25 **IV. VENUE**

26 12. Venue in Orange County is proper in this matter because Defendants conduct  
27 business in Orange County, San Diego County, and throughout the State of California, and the  
28 acts and liabilities complained of herein arose in Orange County, San Diego County, and  
throughout the State of California. Moreover, Defendants have not designated a principal office

1 in the State of California pursuant to Corporations Code § 2105, therefore, Defendants may be  
2 sued in any county in the State.

3 **V. COMMON FACTUAL ALLEGATIONS**

4 13. Plaintiff worked for Defendant LIFESTYLE as a magazine publisher for Lifestyle  
5 Del Mar magazine from February 2018 through approximately September 2018.

6 14. Defendant LIFESTYLE is a national company that distributes locally-focused  
7 "lifestyle" magazines that are mailed directly to local homes and businesses. Defendant  
8 LIFESTYLE hires individuals throughout the country, and California, as Employee Publishers of  
9 the local magazines. The Employee Publishers are expected to sell advertising space to local  
10 businesses and professionals to be placed in their magazines.

11 **Defendant LIFESTYLE Misclassifies the Employee Publishers**

12 15. As part of the hiring process, Defendant LIFESTYLE charges a non-refundable  
13 start-up fee to the Employee Publishers, which Plaintiff LOWE paid to Defendant LIFESTYLE.  
14 Plaintiff LOWE began working for Defendant LIFESTYLE on or about February 2, 2018.

15 16. Throughout their employment, Defendant LIFESTYLE retains the right to control  
16 the entire manner and means by which Plaintiff and the Employee Publishers perform their  
17 responsibilities as publishers of the Lifestyle magazines. All advertising content must be  
18 approved by Defendant LIFESTYLE, and all advertising revenue for each local magazine must  
19 be sent directly to Defendant LIFESTYLE for collection and processing rather than to the  
20 Employee Publishers.

21 17. Defendant LIFESTYLE has unilateral control over setting the price for the  
22 advertising in the magazines and that Employee Publishers may only quote such prices and terms  
23 to advertisers as are set by Defendant LIFESTYLE. All advertising contracts must be prepared  
24 on Defendant LIFESTYLE forms and software, and Defendant LIFESTYLE must also approve  
25 all advertising contracts. Defendant LIFESTYLE does not allow Employee Publishers to sell  
26 advertisements for night clubs, casinos, or adult novelty stores. Essentially, Defendant  
27 LIFESTYLE regularly controls and directs the performance of the Employee Publishers.

28 18. Moreover, Defendant LIFESTYLE'S business is the publishing of the Lifestyle  
magazines, which is exactly the work performed by Plaintiff and the Employee Publishers. The

1 Employee Publishers do not perform work for Defendants that is outside the usual course of  
2 Defendants' business. Finally, the Employee Publishers are not customarily engaged in an  
3 independently established trade, occupation or business of the same nature as the work  
4 performed for Defendant LIFESTYLE.

5 **Defendant LIFESTYLE'S Unlawful Compensation Structure**

6 19. Defendant LIFESTYLE also unilaterally sets the compensation structure for each  
7 of its Employee Publishers. Pursuant to Defendant LIFESTYLE's policies, Employee Publishers  
8 are not compensated until the advertising revenue for a particular Lifestyle magazine exceeds the  
9 cost to print and distribute the magazine. In some instances, Defendant LIFESTYLE unilaterally  
10 changes the compensation structure for Plaintiff and the Employee Publishers without notice.  
11 Such changes generally make it more difficult for Plaintiff, and the Employee Publishers, to earn  
12 any compensation. Defendant LIFESTYLE essentially retains all advertising revenue for itself.

13 20. Defendant LIFESTYLE maintains an online portal that allows the Employee  
14 Publishers to review advertising revenue and costs. However, Defendant LIFESTYLE charges  
15 Plaintiff and the Employee Publishers excessive costs that usually exceed the advertising revenue  
16 each month. As such, many members of the class, including Plaintiff LOWE, were not  
17 compensated while working as Employee Publishers for Defendants, despite regularly working  
18 in excess of 60 hours per week. In addition, Defendant LIFESTYLE fails to disclose an actual  
19 breakdown of the costs and revenue for each magazine at any time, thereby making it impossible  
20 for the Employee Publishers to determine whether the costs being charged against them are  
21 accurate or to determine whether revenue is actually exceeding costs.

22 21. When Defendant LIFESTYLE believes that advertising revenue for a particular  
23 magazine is insufficient, Defendant LIFESTYLE requires the Employee Publisher to pay the  
24 difference to Defendant LIFESTYLE immediately in order to publish the magazine on time.  
25 Considering the Employee Publishers have developed business relationships with their  
26 advertisers, they have no choice but to pay the additional fees demanded by Defendant  
27 LIFESTYLE in order to maintain the magazine's viability. As a result, many Employee  
28 Publishers, including Plaintiff LOWE, not only received no compensation from Defendants, but



1 also had to pay additional funds to Defendant LIFESTYLE for purported excess “costs” that  
2 exceeded revenue, for which they were provided no documentation.

3 22. In addition, if an advertiser does not make timely payment to Defendant  
4 LIFESTYLE for advertisements placed in the magazine, Defendant LIFESTYLE requires the  
5 Employee Publisher to pay the amount to Defendant LIFESTYLE directly. As above, the  
6 Employer Publishers have no choice but to pay the “excess” costs in order to keep the magazine  
7 viable.

8 23. Defendant LIFESTYLE also requires Employee Publishers to hire an editor for  
9 the magazines at the Employee Publisher's own cost and is not reimbursed by Defendant  
10 LIFESTYLE. Employee Publishers are also required to hire photographers and writers for the  
11 magazines, again at their own cost and for which Defendant LIFESTYLE does not reimburse  
12 them.

13 24. Defendant LIFESTYLE further requires the Employee Publishers to maintain a  
14 dedicated phone line and answering machine at their own expense. Defendant LIFESTYLE does  
15 not reimburse the Employee Publishers for these costs.

16 25. Defendant LIFESTYLE also requires the Employee Publishers to attend Lifestyle  
17 conferences out of state, all at the Employee Publisher's expense. Defendant LIFESTYLE does  
18 not reimburse the Employee Publishers for the costs incurred for these trips.

19 26. Employee Publishers also incur numerous other expenses in the course and scope  
20 of their employment for Defendant LIFESTYLE, including, but not limited to, automobile  
21 expenses for mileage and maintenance, computers, office furniture, the hiring of appointment  
22 setters, phone dialing software, magazine mock ups and displays, entertainment expenses,  
23 internet and cell phone usage. Defendant LIFESTYLE does not reimburse the Employee  
24 Publishers for these costs.

25 27. Defendant LIFESTYLE also retains the unilateral right to transfer the magazine to  
26 a new Employee Publisher at any time, without notice to the previous Employee Publisher.

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1 **VI. CLASS ACTION ALLEGATIONS**

2 28. Plaintiff brings this action as a class action on behalf of himself and all others  
3 similarly situated, as a class action pursuant to California Code of Civil Procedure § 382. The  
4 class is specifically defined as follows:

5 All persons who, within four years of the filing date of  
6 Plaintiff's Complaint, worked for Defendant LIFESTYLE  
7 in the state of California as magazine publishers.

8  
9 29. The members of the class described in the Class above will hereinafter  
10 collectively be referred to as the "Class Members."

11 30. Throughout discovery in this litigation, Plaintiff may find it appropriate and/or  
12 necessary to amend the definition of the Class. In any event, Plaintiff will formally define and  
13 designate a class definition at such time when Plaintiff seeks to certify the Class alleged herein.

14 31. Numerosity (Code of Civil Procedure (CCP) § 382):

- 15 a. The potential quantity of members of the Class as defined is so numerous  
16 that joinder of all members is unfeasible or impractical;
- 17 b. The disposition of the claims of the members of the Class through this  
18 class action will benefit both the parties and this Court;
- 19 c. The quantity and identity of such membership of the Class is readily  
20 ascertainable via inspection of Defendants' records.

21 32. Superiority (CCP § 382): The nature of this action and the nature of the laws  
22 available to Plaintiff makes the use of the class action format particularly efficient and the  
23 appropriate procedure to afford relief to Plaintiff for the wrongs alleged herein, as follows:

- 24 a. California public policy encourages the use of the class action device;
- 25 b. By establishing a technique whereby the claims of many individuals can  
26 be resolved at the same time, the class suit both eliminates the possibility  
27 of repetitious litigation and provides claimants with a method of obtaining  
28 redress for claims that may be too small to warrant individual litigation;

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- c. This case involves relatively large corporate Defendants and numerous individual Class Members with relatively small claims and common issues of law and fact;
- d. If each individual member of the Class was required to file an individual lawsuit, the corporate Defendants would necessarily gain an unconscionable advantage because Defendants would be able to exploit and overwhelm the limited resources of each individual member of the Class with Defendants' vastly superior financial and legal resources;
- e. Requiring each individual member of the Class to pursue an individual remedy would also discourage the assertion of lawful claims by the members of the Class who would be disinclined to pursue an action against Defendants because of an appreciable and justifiable fear of retaliation and permanent damage to their lives, careers and well-being;
- f. Proof of a common business practice or factual pattern, of which the members of the Class experienced, is representative of the Class herein and will establish the right of each of the members of the Class to recover on the causes of action alleged herein;
- g. Absent class treatment, the prosecution of separate actions by the individual members of the Class, even if possible, would likely create:
  - (i) a substantial risk of each individual Plaintiff presenting in separate, duplicative proceedings the same or essentially similar arguments and evidence, including expert testimony;
  - (ii) a multiplicity of trials conducted at enormous expense to both the judicial system and the litigants;
  - (iii) inconsistent or varying verdicts or adjudications with respect to the individual members of the Class against Defendants;
  - (iv) potentially incompatible standards of conduct for Defendants; and
  - (v) potentially incompatible legal determinations with respect to individual members of the Class which may be dispositive of the

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interest of the other members of the Class who are not parties to the adjudications, or which would substantially impair or impede the ability of the members of the Class to protect their interests.

- h. The claims of the individual Class Members are not sufficiently large to warrant vigorous individual prosecution considering all of the concomitant costs and expenses attendant thereto;
- i. Courts seeking to preserve the efficiency and other benefits of class actions routinely fashion methods to manage any individual questions; and
- j. The Supreme Court of California urges trial courts to consider the use of innovative procedural tools to manage class actions.

33. Well-defined Community of Interest: Plaintiff also meets the established standards for class certification as follows:

- a. Typicality: The claims of Plaintiff are typical of all members of the Class he seeks to represent because all members of the Class sustained injuries and damages arising out of Defendants’ common course of conduct in violation of California law, as alleged herein.
- b. Adequacy: Plaintiff LOWE:
  - (i) is an adequate representative of the Class he seeks to represent;
  - (ii) will fairly protect the interests of the members of the Class;
  - (iii) has no interests antagonistic to the members of the Class; and
  - (iv) will vigorously pursue this suit via attorneys who are competent, skilled, and experienced in litigating matters of this type.
- c. Predominant Common Questions of Law or Fact: There are common questions of law and fact that predominate over questions affecting only individual members. For instance, Defendants have adopted unlawful wage and hour policies and practices that apply to each and every California employee. Additional questions that should be decided on a class-wide basis, include, without limitation:

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- (i) Whether Defendants violated California Labor Code § 1194, 1197, the UCL, and applicable IWC Wage Orders by failing to pay minimum wages to Class Members;
- (ii) Whether Defendants violated California Labor Code § 510, 1194, the UCL, and applicable IWC Wage Orders by failing to pay overtime to Class Members;
- (iii) Whether Defendants violated California Labor Code § 221, the UCL, and applicable IWC Wage Orders by unlawfully deducting wages from Class Members;
- (vi) Whether Defendants violated California Labor Code §§ 226(a), 1174.5, and applicable IWC Wage Orders by failing to furnish to Class Members proper itemized wage statements as alleged herein;
- (vii) Whether Defendants violated California Labor Code § 2802 by failing to reimburse Class Members for reasonable business expenses they incurred;
- (viii) Whether Defendants violated California Labor Code § 204 by failing to timely pay Class Members while employed by Defendants;
- (ix) Whether Defendants violated §§ 201-203 by failing to timely pay Class Members all wages due at the conclusion of their employment relationship;
- (x) Whether class members have been mis-classified as independent contractors by Defendants;
- (xi) Whether Defendants engaged in unfair business practices;
- (xii) Whether Defendants' conduct was willful or reckless;
- (xii) Whether Plaintiff and the members of the Class are entitled to seek recovery of penalties for the Labor Code and IWC Wage Order violations alleged herein;

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- (xiv) Whether the members of the Class are entitled to compensatory damages, and if so, the means of measuring such damages;
- (xv) Whether the members of the Class are entitled to injunctive relief;
- (xvi) Whether the members of the Class are entitled to restitution;
- (xvii) Whether Defendants are liable for attorneys' fees and costs;
- (xviii) Whether Defendants violated California Business and Professions Code § 17200

34. The members of the Class are commonly entitled to declaratory relief, injunctive relief, damages, and restitution. This action is brought for the benefit of all members of the Class. Whether each member of the Class might be required to ultimately justify an individual claim does not preclude maintenance of a class action.

**FIRST CAUSE OF ACTION**

**Failure to Reimburse Business Expenses  
(Labor Code § 2802)**

35. Plaintiff hereby incorporates by reference Paragraphs 1-34 above as if fully set forth herein.

36. California Labor Code § 2802 provides that "[a]n employer shall indemnify his or her employee for all necessary expenditures or losses incurred by the employee in direct consequence of the discharge of his or her duties."

37. As a matter of policy and/or practice, Defendants adopted, implemented and enforced policies and procedures whereby Plaintiff and the Employee Publishers were required to incur expenditures in carrying out their duties for Defendants, including expenses for the maintenance and gasoline for their automobiles, for cell phones, computers, dedicated phone lines, answering machines, office furniture, phone dialing software, magazine mock ups and displays, entertainment expenses, and internet usage. In addition, Plaintiff and the Employee Publishers incurred expenses for attending meetings and/or conferences, and for hiring editors, appointment setters, photographers, and writers pursuant to Defendants' requirements.

1 38. As a matter of policy, Defendants failed to indemnify or reimburse Plaintiff and  
2 the Employee Publishers for these expenditures. Defendants have violated and continue to  
3 violate California Labor Code Section 2802.

4 39. As a direct and proximate result of Defendants' conduct, Plaintiff LOWE and the  
5 Employee Publishers have suffered substantial losses according to proof, including pre-judgment  
6 interest, costs, and attorneys' fees for the prosecution of this action.

7 **SECOND CAUSE OF ACTION**

8 **Unlawful Deductions From Wages**

9 **(Labor Code § 221)**

10 40. Plaintiff hereby incorporates by reference Paragraphs 1-39 above as if fully set  
11 forth herein.

12 41. Defendants have unlawfully withheld monies from the compensation earned by  
13 Plaintiff LOWE and the Employee Publishers, in violation of Labor Code Sections 221.  
14 Specifically, Defendants have withheld and refused to pay the Employee Publishers  
15 compensation they rightfully earned by selling advertisements for their respective magazines.

16 42. Defendants have withheld said funds unlawfully without providing Plaintiff  
17 LOWE and the Employee Publishers with notice of the amounts, reasons, documentation, or any  
18 justification for such deductions and absent any lawfully sufficient reason for such conduct.

19 43. As a direct and proximate result of Defendants' conduct, Plaintiff LOWE and the  
20 Employee Publishers have suffered substantial losses and they have been deprived of  
21 compensation to which they were entitled, according to proof, including monetary damages, pre-  
22 judgment interest, costs, and attorneys' fees for the prosecution of this action.

23 **THIRD CAUSE OF ACTION**

24 **Failure To Pay Minimum Wage**

25 **(Labor Code §§ 1194, 1197)**

26 44. Plaintiff hereby incorporates by reference Paragraphs 1-43 above as if fully set  
27 forth herein.

1           45. California Labor Code § 1194 states any employee receiving less than the legal  
2 minimum wage is entitled to recover the unpaid balance of the full amount of this minimum  
3 wage, including interest thereon, reasonable attorney’s fees, and costs of suit.

4           46. California Labor Code § 1197 states that the minimum wage for employees fixed  
5 by the commission is the minimum wage to be paid to employees, and the payment of a lesser  
6 wage than the minimum so fixed is unlawful.

7           47. California law requires every employer to pay each employee, on the established  
8 payday for the period involved, not less than the applicable minimum wage for all hours worked  
9 in the payroll period, whether the remuneration is measured by time, piece, commission, or  
10 otherwise.

11           48. During the employment of Plaintiff and all Class Members, Defendants, on  
12 multiple and repeated occasions failed to timely and properly pay Plaintiff and the Class  
13 Members legally mandated minimum wages for work performed for Defendants, thus violating  
14 California’s minimum wage law and/or the applicable orders of the commission.

15           49. Pursuant to Labor Code § 1194.2, in any action under Section 1194 to recover  
16 wages because of the payment of a wage less than a minimum wage fixed by an order of the  
17 commission, an employee shall be entitled to recover liquidated damages in an amount equal to  
18 the wages unlawfully unpaid and interest thereon.

19           50. Due to Defendants’ unlawful wage deductions, Plaintiff LOWE and the Employee  
20 Publishers worked for Defendants for months, and sometimes years, without any compensation.  
21 Accordingly, Plaintiff LOWE and the Employee Publishers were not paid minimum wages, as  
22 required by California law.

23           51. As a direct and proximate result of Defendant LIFESTYLE's conduct, Plaintiff  
24 LOWE and the Employee Publishers have suffered substantial losses and they have been  
25 deprived of compensation to which they were entitled, according to proof, including monetary  
26 damages, pre-judgment interest, costs, and attorneys' fees for the prosecution of this action.

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**FOURTH CAUSE OF ACTION**

**Failure To Pay Overtime**

**(Labor Code §§ 510, 1194)**

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4 52. Plaintiff hereby incorporates by reference Paragraphs 1-51 above as if fully set  
5 forth herein.

6 53. California Labor Code 510(a) and the IWC Wage Orders regulating payment of  
7 wages in the state of California, provide that eight (8) hours of labor constitutes a day's work and  
8 any work in excess of eight (8) hours in one (1) workday and any work in excess of forty (40)  
9 hours in any one workweek shall be compensated at the rate of no less than one and one-half  
10 times the regular rate of pay for each employee and any work in excess of twelve (12) hours in  
11 any one workday shall be compensated at the rate of no less than twice the regular rate of pay for  
12 each employee.

13 54. California Labor Code § 1194 states that any employee receiving less than the  
14 legal overtime compensation due is entitled to recover the unpaid balance of the full amount of  
15 this overtime compensation, including interest, reasonable attorney's fees, and costs of suit.

16 55. Plaintiff LOWE and the Class Members regularly worked up to 60 hours per  
17 week as Employee Publishers for Defendants without payment of any wages whatsoever.

18 56. Plaintiff LOWE and the Class Members are legally entitled to overtime  
19 compensation for all hours worked in excess of eight hours per day and all hours worked in  
20 excess of forty hours per week pursuant to the California Labor Code and the applicable Wage  
21 Orders.

22 57. As a direct and proximate result of Defendants' conduct, Plaintiff LOWE and the  
23 Employee Publishers have suffered substantial losses and they have been deprived of  
24 compensation to which they were entitled, according to proof, including monetary damages, pre-  
25 judgment interest, costs, and attorneys' fees for the prosecution of this action.

26 58. Plaintiff and the Class Members request that the Court award them interest on all  
27 unpaid wages at the legal rate specified by California Civil Code § 3289(b), accruing from the  
28 date the wages were due and payable pursuant to Labor Code § 218.6. Plaintiff and Class

1 Members further request that this Court award reasonable attorneys' fees and costs incurred in  
2 this action pursuant to Labor Code §§ 218.5, 1194(a), and pursuant to the common fund doctrine.

3 **FIFTH CAUSE OF ACTION**

4 **Waiting Time Penalties**

5 **(Violation of California Labor Code §§ 201 and 202)**

6 59. Plaintiff hereby incorporates by reference Paragraphs 1-58 above as if fully set  
7 forth herein.

8 60. Labor Code § 201 states that an employer is required to provide an employee who  
9 is terminated all unpaid wages immediately upon termination.

10 61. Plaintiff is informed and believes and thereon alleges that Defendants failed to pay  
11 Plaintiff and the Class Members all wages due and owing immediately upon termination, thereby  
12 violating Labor Code § 201.

13 62. Labor Code § 202 states, in pertinent part, that an employer is required to provide  
14 an employee who quits his or her employment all wages due and owing not later than 72 hours  
15 thereafter.

16 63. Plaintiff is informed and believes and thereon alleges that Defendants failed to  
17 pay Plaintiff and the Class Members all wages due and owing upon voluntary resignation,  
18 thereby violating Labor Code § 202.

19 64. Labor Code § 203 states that if an employer willfully fails to pay an employee  
20 wages according to Labor Code §§ 201 and 202, these wages shall continue as a penalty for up to  
21 a maximum of 30 days.

22 65. Defendants willfully withheld paying Plaintiff and the Class Members wages  
23 thereby violating Labor Code § 203 and requiring Defendants to pay them a 30-day wage penalty  
24 in addition to all unpaid wages as described herein.

25 **SIXTH CAUSE OF ACTION**

26 **Failure To Provide Accurate Wage Statements**

27 **(Labor Code §§ 226, 1174.5)**

28 66. Plaintiff hereby incorporates by reference Paragraphs 1-65 above as if fully set  
forth herein.

1           67. Labor Code § 226(a) provides that every employer shall, semi-monthly or at the  
2 time of each payment of wages, furnish each its employees, an accurate, itemized statement in  
3 writing, showing (1) gross wages earned, (2) total hours worked, (3) the number of piece rate  
4 units earned if applicable, (4) all deductions, (5) net wages earned, (6) the inclusive dates of the  
5 period for which the employee was paid, (7) the name of the employee and last 4 digits of the  
6 social security number, (8) the name of the employer and (9) all applicable daily rates in effect  
7 during the pay period and corresponding number of hours worked.

8           68. Defendants failed to provide Plaintiff LOWE and the Class Members with  
9 accurate wage statements as is required by Labor Code § 226.

10           69. As a direct and proximate result of Defendants’ conduct, Plaintiff LOWE and the  
11 Class Members have suffered substantial losses and they have been deprived of compensation to  
12 which they were entitled, according to proof, including monetary damages, pre-judgment  
13 interest, costs, and attorneys’ fees for the prosecution of this action.

14           70. As a direct and proximate result of Defendants’ conduct, Plaintiff LOWE and the  
15 Class Members are each entitled to recover \$50 for the initial pay period in which a violation of  
16 Labor Code § 226 occurred, and \$100 per class member for each violation in a subsequent pay  
17 period, not to exceed \$4000 per class member, pursuant to Labor Code §226(e).

18                           **SEVENTH CAUSE OF ACTION**

19                           **Failure To Timely Pay Wages**

20                           **(Violation of California Labor Code § 204)**

21           71. Plaintiff hereby incorporates by reference Paragraphs 1-70 above as if fully set  
22 forth herein.

23           72. Labor Code § 204(a) provides in pertinent part that “[a]ll wages, other than those  
24 mentioned in [Labor Code] Section 201, 201.3, 202, 204.1, or 204.2, earned by any person in any  
25 employment are due and payable twice during each calendar month, on days designated in  
26 advance by the employer as the regular paydays. Labor performed between the 1st and 15th  
27 days, inclusive, of any calendar month shall be paid for between the 16th and the 26th day of the  
28 month during which the labor was performed, and labor performed between the 16th and the last

1 day, inclusive, of any calendar month, shall be paid for between the 1st and 10th day of the  
2 following month.”

3 73. Pursuant to Labor Code § 204(b)(1), moreover, “all wages earned for labor in  
4 excess of the normal work period shall be paid no later than the payday for the next regular  
5 payroll period.”

6 74. Plaintiff LOWE and the Employee Publishers were not paid proper minimum  
7 wage or overtime wages within seven calendar days following the close of any payroll period  
8 during the relevant time period. As a result, they were not paid in a timely manner as required  
9 by Labor Code § 204.

10 75. Defendants had a consistent and uniform policy, practice and procedure of failing  
11 to comply with Labor Code § 204 with regard to the Class Members.

12 76. Plaintiff LOWE and the Employee Publishers are entitled to recovery pursuant to  
13 Labor Code § 204, as well as prejudgment interest pursuant to Civil Code § 3289(b) on all  
14 amounts recovered in this action.

## 15 **EIGHTH CAUSE OF ACTION**

### 16 **Unfair Competition**

#### 17 **(Violation of Business & Professions Code § 17200)**

18 77. Plaintiff hereby incorporates by reference Paragraphs 1-76 above as if fully set  
19 forth herein.

20 78. California Business & Professions Code §17200 prohibits unfair competition in  
21 the form of any unlawful, deceptive, or fraudulent business practice. The acts and practices  
22 described within this Complaint constitute unlawful, unfair and fraudulent business practices,  
23 and unfair competition within the meaning of Business & Professions Code §17200.

24 79. Plaintiff LOWE and the Class Members have suffered monetary loss and damages  
25 due to Defendants’ unlawful wage and hour policies.

26 80. Beginning at an exact date unknown to Plaintiff, but at least since 2015,  
27 Defendants committed unlawful acts as described above, including: failing to pay overtime  
28 compensation to its employees, failing to pay minimum wages to its employees, failing to timely  
pay Plaintiffs and members of the Class all wages due and owing, failing to reimburse class

1 members for necessary business expenses, unlawfully deducting wages from employees, and  
2 failing to properly maintain and submit itemized wage statements.

3 81. The violations of these laws serve as unlawful business practices for purposes of  
4 Business and Professions Code § 17200 and remedies are provided therein under Business and  
5 Professions Code § 17203.

6 82. As a proximate result of the aforementioned acts, the Defendants received and  
7 continue to hold ill-gotten gains belonging to Plaintiff and all Class Members in that Defendants  
8 have profited from their unlawful practices.

9 83. Business and Professions Code § 17203 provides that the Court may restore to  
10 any person in interest any money or property that may have been acquired by means of such  
11 unfair competition and order restitutionary damages to Defendants by operation of the practices  
12 alleged therein. Plaintiff and all Class Members are entitled to restitution pursuant to Business  
13 and Professions Code §§ 17203 and 17208 for all wages and civil penalties unlawfully withheld  
14 from them during the four (4) years prior to the filing date of this complaint.

15 84. Plaintiff and all Class Members are entitled to unpaid wages, unpaid overtime,  
16 injunctive relief, statutory and civil penalties, and any other remedy owing to them.

17 85. Injunctive relief is necessary and proper to prevent Defendants from repeating  
18 their wrongful practices as alleged above.

19 86. In order to prevent Defendants from profiting and benefitting from their wrongful  
20 and illegal acts, an order requiring Defendants to pay restitutionary damages to Plaintiff and all  
21 Class Members is also appropriate and necessary.

22 87. Plaintiff LOWE has taken it upon himself to enforce these claims. There is a  
23 financial burden incurred in pursuing this action and it would be against the interests of justice to  
24 penalize Plaintiff by forcing him to pay attorneys' fees in this action. Therefore, attorneys' fees  
25 are appropriate pursuant to Code of Civil Procedure Section 1021.5.

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**TENTH CAUSE OF ACTION**

**(Declaratory Relief)**

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3 88. Plaintiff hereby incorporates by reference Paragraphs 1-87 above as if fully set  
4 forth herein.

5 89. California Code of Civil Procedure §1060 provides that any person who desires a  
6 declaration of his or her rights or duties with respect to another, in cases of actual controversy  
7 relating to the legal rights and duties of the respective parties, may ask the Court for a declaration  
8 of rights or duties, and the Court may make a binding declaration of these rights or duties,  
9 whether or not further relief is or could be claimed at the time; any such declaration by the Court  
10 shall have the force of a final judgment.

11 90. Defendants continue to this day to engage in some or all of the unlawful and  
12 unfair conduct as described herein.

13 91. An actual controversy exists in that Defendants assert they have the legal right to  
14 perform the acts as described herein.

15 92. Plaintiff desires a declaration as to the rights of Plaintiff and all others similarly  
16 situated with respect to Defendants' unlawful and unfair conduct, as described herein.

17 93. It is therefore necessary that the Court declare the rights and duties of the parties  
18 hereto.

**WHEREFORE**, Plaintiff prays:

19 1. That the Court issue an Order certifying the Class herein, appointing the named  
20 Plaintiff as representative of all others similarly situated, and appointing the law firms  
21 representing the named Plaintiff as counsel for members of the Class;

22 2. For an Order requiring Defendants to identify each of the members of the Class  
23 by name, home address, e-mail addresses, and home telephone number;

24 3. For the creation of an administrative process wherein each injured member of the  
25 Class may submit a claim in order to receive his or her money;

26 4. For general and compensatory damages according to proof at trial;

27 5. For damages as authorized by each and every California Labor Code statute as  
28 referenced herein, including recovery of all unpaid wages due and owing;

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- 6. For preliminary, permanent, and mandatory injunctive relief prohibiting the Defendants and their agents from committing any future violations of the law as herein alleged;
- 7. For an order imposing all statutory and/or civil penalties provided by law;
- 8. For an award of restitution, according to proof, under the Business and Professions Code §17200 et seq. and applicable California Labor Code provisions;
- 9. For a declaration from the Court determining the rights of Plaintiff and all others similarly situated regarding Defendants’ unlawful and unfair conduct as described herein; .
- 10. Costs of suit, including attorney’s fees pursuant to California Labor Code § 1194, 218.5, 226, the common fund doctrine, and all applicable labor code provisions;
- 11. For interest at the legal rate of 10% per annum;
- 12. Liquidated damages pursuant to Labor Code § 1194.2;
- 13. Such further relief as the Court deems just and proper.

Dated: January 15, 2019

SHANBERG, STAFFORD & BARTZ LLP

By:           //Ross E. Shanberg//            
ROSS E. SHANBERG  
SHANE C. STAFFORD  
AARON A. BARTZ  
Attorneys for Plaintiff  
CHRISTOPHER LOWE, on behalf of  
himself and all others similarly situated

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**DEMAND FOR JURY TRIAL**

Plaintiff Christopher Lowe, on behalf of himself and all others similarly situated, hereby demands a Trial by Jury for all triable issues.

Dated: January 15, 2019

SHANBERG, STAFFORD & BARTZ LLP

By: //Ross E. Shanberg//  
ROSS E. SHANBERG  
SHANE C. STAFFORD  
AARON A. BARTZ  
Attorneys for Plaintiff  
CHRISTOPHER LOWE, on behalf of  
himself and all others similarly situated



**SUPERIOR COURT OF CALIFORNIA,  
COUNTY OF ORANGE  
CENTRAL JUSTICE CENTER**

**MINUTE ORDER**

DATE: 01/24/2019 TIME: 04:33:00 PM DEPT: C16

JUDICIAL OFFICER PRESIDING: Supervising Judge James J. Di Cesare

CLERK: Martha Diaz

REPORTER/ERM: None

BAILIFF/COURT ATTENDANT: None

CASE NO: **30-2019-01044249-CU-OE-CXC** CASE INIT.DATE: 01/15/2019

CASE TITLE: **Lowe vs. Lifestyle Publications LLC**

CASE CATEGORY: Civil - Unlimited CASE TYPE: Other employment

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EVENT ID/DOCUMENT ID: 72972027

**EVENT TYPE:** Chambers Work

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**APPEARANCES**

There are no appearances by any party.

A Peremptory Challenge under C.C.P. 170.6 as to the Honorable Glenda Sanders in Department CX101, having been filed on 01/23/2019, by plaintiff and this matter having been transferred to C16 for reassignment, the Court now rules as follows:

This case is reassigned to the Honorable Randall J. Sherman in Department CX105 for all purposes.

Counsel to contact clerk in Department CX105 within 15 days days of receipt of this order to reschedule any pending hearings.

Each party who has not paid the Complex fee of \$ 1000.00 as required by Government Code section 70616 shall pay the fee to the Clerk of the Court within 10 calendar days from date of this minute order. Failure to pay required fees may result in the dismissal of complaint/cross-complaint or the striking of responsive pleadings and entry of default.

The Court determines that for purposes of exercising C.C.P. 170.6 rights, there are two sides to this matter unless the contrary is brought to the attention of the Court, by Ex-Parte motion. Counsel has 15 days from the date of the enclosed certificate of mailing in which to exercise any rights under C.C.P. 170.6.

Clerk to give notice to plaintiff and plaintiff to give notice to all other parties.

Case Summary:

Case Id:	30-2019-01044249-CU-OE-CXC
Case Title:	CHRISTOPHER LOWE VS. LIFESTYLE PUBLICATIONS LLC
Case Type:	OTHER EMPLOYMENT
Filing Date:	01/15/2019
Category:	CIVIL - UNLIMITED

Register Of Actions:

ROA	Docket	Filing Date	Filing Party	Document	Select
1	E-FILING TRANSACTION 4926935 RECEIVED ON 01/15/2019 04:40:17 PM.	01/16/2019		<i>NV</i>	
2	COMPLAINT FILED BY LOWE, CHRISTOPHER ON 01/15/2019	01/15/2019		21 pages	<input type="checkbox"/>
3	CIVIL CASE COVER SHEET FILED BY LOWE, CHRISTOPHER ON 01/15/2019	01/15/2019		1 pages	<input type="checkbox"/>
4	SUMMONS ISSUED AND FILED FILED BY LOWE, CHRISTOPHER ON 01/15/2019	01/15/2019		1 pages	<input type="checkbox"/>
5	CLASS ACTION / B 17200 QUESTIONNAIRE FILED BY LOWE, CHRISTOPHER ON 01/15/2019	01/15/2019		1 pages	<input type="checkbox"/>
6	PAYMENT RECEIVED BY ONELEGAL FOR 194 - COMPLAINT OR OTHER 1ST PAPER, 34 - COMPLEX CASE FEE - PLAINTIFF IN THE AMOUNT OF 1,435.00, TRANSACTION NUMBER 12483867 AND RECEIPT NUMBER 12307566.	01/16/2019		1 pages	<input type="checkbox"/>
7	CASE ASSIGNED TO JUDICIAL OFFICER SANDERS, GLENDA ON 01/15/2019.	01/15/2019		1 pages	<input type="checkbox"/>
8	E-FILING TRANSACTION 1583195 RECEIVED ON 01/23/2019 01:58:56 PM.	01/24/2019		<i>NV</i>	
9	PEREMPTORY CHALLENGE PURSUANT TO 170.6 CCP (AS TO HON. GLENDA SANDERS) FILED BY LOWE, CHRISTOPHER ON 01/23/2019	01/23/2019		2 pages	<input type="checkbox"/>
10	CASE REASSIGNED TO RANDALL SHERMAN EFFECTIVE 01/24/2019.	01/24/2019		<i>NV</i>	
11	PEREMPTORY CHALLENGE UNDER C.C.P. 170.6 AS TO THE HONORABLE GLENDA SANDERS FILED.	01/24/2019		<i>NV</i>	
12	THIS CASE IS REASSIGNED TO THE HONORABLE RANDALL J. SHERMAN FOR ALL PURPOSES.	01/24/2019		<i>NV</i>	
13	MINUTES FINALIZED FOR CHAMBERS WORK 01/24/2019 04:33:00 PM.	01/24/2019		1 pages	<input type="checkbox"/>
14	CLERK'S CERTIFICATE OF MAILING/ELECTRONIC SERVICE	01/24/2019		2 pages	<input type="checkbox"/>
15	E-FILING TRANSACTION 1584075 RECEIVED ON 01/25/2019 11:26:08 AM.	01/25/2019		<i>NV</i>	
16	PROOF OF SERVICE FILED BY LOWE, CHRISTOPHER ON 01/25/2019	01/25/2019		2 pages	<input type="checkbox"/>
17	E-FILING TRANSACTION 4930371 RECEIVED ON 01/25/2019 11:02:47 AM.	01/29/2019		<i>NV</i>	
18	NOTICE - OTHER FILED BY LOWE, CHRISTOPHER ON 01/25/2019.	01/25/2019		6 pages	<input type="checkbox"/>

Participants:

Name	Type	Assoc	Start Date	End Date
CHRISTOPHER LOWE	PLAINTIFF		01/16/2019	
LIFESTYLE PUBLICATIONS LLC	DEFENDANT		01/16/2019	
SHANBERG, STAFFORD & BARTZ LLP	ATTORNEY		01/16/2019	

Hearings:

Description	Date	Time	Department	Judge
Print this page				

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name & Address): Russ E. Shanberg (SBN 179842); Shane C. Stafford (SBN 216131) Shanberg, Stafford & Bartz, LLP, 5031 Birch Street, Newport Beach, CA 92660 Telephone No.: (949) 205-7515 Fax No. (Optional): (949) 205-7144 E-Mail Address (Optional): ATTORNEY FOR (Name): Plaintiffs Bar No:	FOR COURT USE ONLY  <b>ELECTRONICALLY FILED</b> Superior Court of California, County of Orange  <b>01/15/2019</b> at 04:40:17 PM Clerk of the Superior Court By Georgina Ramirez, Deputy Clerk
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE</b> Civil Complex Center - 751 W. Santa Ana Blvd., Bldg. 36, Santa Ana, CA 92701-4512	
PLAINTIFF / PETITIONER: Christopher Lowe	
DEFENDANT / RESPONDENT: Lifestyle Publications, LLC	
<b>CLASS ACTION/B&amp;P 17200 QUESTIONNAIRE</b>	
<u>(To be filed by counsel for plaintiff/s within 30 days of filing initial complaint)</u>	30-2019-01044249-CU-OE-CXC DEPT: CX-101 JUDGE: Judge Glenda Sanders STATUS CONFERENCE DATE:

In response to the conflict of interest issues raised in Apple Computer, Inc. v. The Superior Court of Los Angeles County (2005) 126 Cal. App. 4th 1253, counsel for each proposed class representative is to provide the following information under oath to the Court:

1. Is any proposed class representative an attorney? Yes  No

2. Is any proposed class representative a spouse, child or family member of plaintiff's counsel or of a partner or associate of the law firm of which plaintiff's counsel is a member? Yes  No

If yes, explain relationship: \_\_\_\_\_

3. Within the last 5 years, has any proposed class representative filed prior class action lawsuits using the same plaintiff's counsel or firm as in the present case? Yes  No

If yes, explain: \_\_\_\_\_

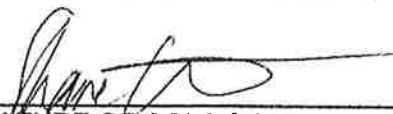
4. Does any proposed class representative have a business relationship with plaintiff's counsel, including but not limited to, the relationship of law partner, associate, employee, principal, agent, independent contractor, or professional corporation? Yes  No

If yes, explain relationship: \_\_\_\_\_

5. If there is co-counsel, have the attorneys been co-counsel in other class actions? Yes  No

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

January 14, 2019  
DATE

  
SIGNATURE OF COUNSEL FOR PLAINTIFF(S)

**CLASS ACTION/B&P 17200 QUESTIONNAIRE**

**SUMMONS  
(CITACION JUDICIAL)**

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

LIFESTYLE PUBLICATIONS, LLC, a Kansas Limited Liability Company; and DOES 1 to 100 inclusive

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

CHRISTOPHER LOWE, an individual on behalf of himself and others similarly situated

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

**ELECTRONICALLY FILED**  
Superior Court of California,  
County of Orange

**01/15/2019** at 04:40:17 PM  
Clerk of the Superior Court  
By Georgina Ramirez, Deputy Clerk

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

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

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

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

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

The name and address of the court is:  
(El nombre y dirección de la corte es): Orange County Superior Court  
751 W. Santa Ana Blvd, Bldg 36, Santa Ana, CA 92701-4512

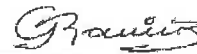
CASE NUMBER:  
(^ 30-2019-01044249-CU-DE-CXC  
Judge Glenda Sanders

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):  
Shanberg, Stafford & Bartz, LLP, 5031 Birch Street, Newport Beach, CA 92660; 949-205-7515

DATE: 01/15/2019  
(Fecha)

DAVID H. YAMASAKI, Clerk of the Court

Clerk, by  
(Secretario)



Georgina Ramirez

, Deputy  
(Adjunto)

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

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



**NOTICE TO THE PERSON SERVED:** You are served

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

**SUPERIOR COURT OF CALIFORNIA**

ORANGE

751 W. Santa Ana Blvd

Santa Ana , CA 92701

(657) 622-5300

www.occourts.org

**NOTICE OF CASE ASSIGNMENT**Case Number: **30-2019-01044249-CU-OE-CXC**

Your case has been assigned for all purposes to the judicial officer indicated below. A copy of this information must be provided with the complaint or petition, and with any cross-complaint that names a new party to the underlying action.

<b>ASSIGNED JUDGE</b>	<b>COURT LOCATION</b>	<b>DEPARTMENT/ROOM</b>	<b>PHONE</b>
Hon. Glenda Sanders	Civil Complex Center	CX101	(657) 622-5300
<b>Hearing:</b>	<b>Date:</b>	<b>Time:</b>	
<b>JUDGE</b>	<b>COURT LOCATION</b>	<b>DEPARTMENT/ROOM</b>	<b>PHONE</b>
Hon.			

[ x ] ADR Information attached.

**SCHEDULING INFORMATION****Judicial Scheduling Calendar Information**

Individual courtroom information and the items listed below may be found at: [www.occourts.org](http://www.occourts.org).

Case Information, Court Local Rules, filing fees, forms, Civil Department Calendar Scheduling Chart, Department phone numbers, Complex Civil E-filing, and Road Map to Civil Filings and Hearings.

**Ex Parte Matters**

Rules for Ex Parte Applications can be found in the California Rules of Court, rules 3.1200 through 3.1207 at: [www.courtinfo.ca.gov](http://www.courtinfo.ca.gov). Trials that are in progress have priority; therefore, you may be required to wait for your ex parte hearing.

**Noticed Motions**

- \* The following local Orange County Superior Court rules are listed for your convenience:
  - Rule 307 - Telephonic Appearance Litigants - Call CourtCall, LLC at (310) 914-7884 or (888) 88-COURT.
  - Rule 380 - Fax Filing, Rule 450 - Trial Pre-Conference (Unlimited Civil)
- \* All Complex Litigation cases are subject to mandatory Electronic Filing, unless excused by the Court.
- \* Request to Enter Default and Judgment are strongly encouraged to be filed as a single packet.

**Other Information**

Hearing dates and times can be found on the Civil Department Calendar Scheduling Chart.

All fees and papers must be filed in the Clerk's Office of the Court Location address listed above.

Date: 01/16/2019

Georgina Ramirez, Deputy Clerk

**NOTICE OF CASE ASSIGNMENT**

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Ross E. Shanberg (SBN 179842); Shane C. Stafford (SBN 216151) Shanberg Stafford & Bartz LLP 5031 Birch Street, Newport Beach, CA 92660  TELEPHONE NO.: 949-205-7515 FAX NO. (Optional): 949-205-7144 E-MAIL ADDRESS (Optional): rshanberg@ssbfirm.com ATTORNEY FOR (Name): Plaintiffs Bar No: 179842	FOR COURT USE ONLY
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE</b> JUSTICE CENTER: <input checked="" type="checkbox"/> Central - 700 Civic Center Dr. West, Santa Ana, CA 92701-4045 <input type="checkbox"/> Harbor - Newport Beach Facility, 4601 Jamboree Rd., Newport Beach, CA 92660 <input type="checkbox"/> Lamoreaux - 341 The City Drive South, Orange, CA 92868-3205 <input type="checkbox"/> North - 1275 N. Berkeley Ave., P.O. Box 5000, Fullerton, CA 92838 <input type="checkbox"/> West - 8141 13 <sup>th</sup> Street, Westminster, CA 92683	
PLAINTIFF/PETITIONER: Christopher Lowe	CASE NUMBER: 30-2019-01044249-CU-OE-CXC
DEFENDANT/RESPONDENT: Lifestyle Publications	JUDICIAL OFFICER: Hon. Glenda Sanders
<b>DECLARATION IN SUPPORT OF MOTION                  RE DISQUALIFICATION OF JUDICIAL OFFICER                  PURSUANT TO C.C.P. 170.6</b>	DEPARTMENT:  CX-101

I am  a party  the attorney for a party in the above entitled case and declare that  
 Honorable Glenda Sanders, the judicial officer before whom the trial or hearing  
 in this action or special proceeding is pending, or to whom this case is assigned, is prejudiced against the party or  
 the party's attorney, or the interest of the party or party's attorney, such that the declarant cannot, or believes that  
 he/she cannot, have a fair and impartial trial or hearing before the judicial officer.

This judicial officer  has  has not presided over a hearing, motion, or other proceeding in the past in this case.

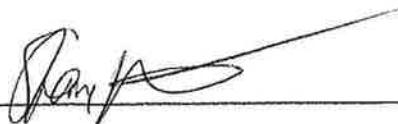
Pursuant to the provisions of Code of Civil Procedure section 170.6, I request that this case be assigned to another  
 judicial officer for further proceedings.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: January 23, 2019

Shane C. Stafford, Esq.

(Type or print name)



(Signature of declarant)

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Ross E. Shanberg (SBN 179842); Shane C. Stafford (SBN 216151) Shanberg Stafford & Bartz LLP 5031 Birch Street, Newport Beach, CA 92660  TELEPHONE NO.: 949-205-7515 FAX NO. (Optional): 949-205-7144 E-MAIL ADDRESS (Optional): rshanberg@ssbfirm.com ATTORNEY FOR (Name): Plaintiffs Bar No: 179842	FOR COURT USE ONLY
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE</b> JUSTICE CENTER: <input checked="" type="checkbox"/> Central - 700 Civic Center Dr. West, Santa Ana, CA 92701-4045 <input type="checkbox"/> Harbor - Newport Beach Facility, 4601 Jamboree Rd., Newport Beach, CA 92660 <input type="checkbox"/> Lamoreaux - 341 The City Drive South, Orange, CA 92868-3205 <input type="checkbox"/> North - 1275 N. Berkeley Ave., P.O. Box 5000, Fullerton, CA 92838 <input type="checkbox"/> West - 8141 13 <sup>th</sup> Street, Westminster, CA 92683	
PLAINTIFF/PETITIONER: Christopher Lowe	CASE NUMBER: 30-2019-01044249-CU-OE-CXC
DEFENDANT/RESPONDENT: Lifestyle Publications	JUDICIAL OFFICER: Hon. Glenda Sanders
<b>DECLARATION IN SUPPORT OF MOTION                  RE DISQUALIFICATION OF JUDICIAL OFFICER                  PURSUANT TO C.C.P. 170.6</b>	DEPARTMENT:  CX-101

I am  a party  the attorney for a party in the above entitled case and declare that Honorable Glenda Sanders, the judicial officer before whom the trial or hearing in this action or special proceeding is pending, or to whom this case is assigned, is prejudiced against the party or the party's attorney, or the interest of the party or party's attorney, such that the declarant cannot, or believes that he/she cannot, have a fair and impartial trial or hearing before the judicial officer.

This judicial officer  has  has not presided over a hearing, motion, or other proceeding in the past in this case.

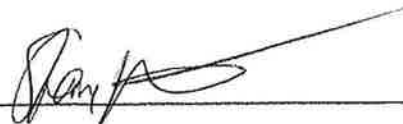
Pursuant to the provisions of Code of Civil Procedure section 170.6, I request that this case be assigned to another judicial officer for further proceedings.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: January 23, 2019

Shane C. Stafford, Esq.

(Type or print name)



(Signature of declarant)

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**PROOF OF SERVICE - C.C.P. §§ 1013A, 2015.5**

**STATE OF CALIFORNIA, COUNTY OF ORANGE**

I, the undersigned, am employed in the County of Orange, State of California. I am over the age of eighteen (18) years and not a party to the within action. My business address is 5031 Birch Street, Newport Beach, California 92660.

On January 23, 2019, I caused to be served true copies of the foregoing documents described as: **DECLARATION IN SUPPORT OF MOTION RE DISQUALIFICATION OF JUDICIAL OFFICER PURSUANT TO CCP 170.6** on the interested parties in this action, addressed as follows:

Lifestyle Publications LLC  
c/o Incomp Services, Inc.  
5716 Corsa Ave Ste 110  
Westlake Village, CA 91362-7354

**BY PERSONAL/ HAND DELIVERY:** The documents were placed in sealed, addressed envelopes and served by personal delivery to the party or attorney indicated herein or, if upon an attorney, by leaving the labeled envelopes with a receptionist or other person having charge of the attorney's office.

**BY U.S. MAIL:** The documents were placed in sealed, addressed envelopes on the above date and placed for collection and mailing at my place of business. I am "readily familiar" with the firm's practice of collecting and processing correspondence for mailing. Under that practice, it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid at Newport Beach, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

**BY OVERNIGHT DELIVERY:** The documents were placed in sealed, addressed packaging for overnight delivery on this date in the ordinary course of business, with all charges to be paid by my employer, to be deposited in a facility regularly maintained by the overnight delivery carrier, or delivered to a courier or driver authorized by the overnight delivery carrier to receive such packages.


**BY ELECTRONIC TRANSMISSION:** I transmitted a PDF version of this document by electronic mail to the party(s) identified on the above service list using the e-mail address(es) indicated.

(State) I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration was executed on **January 23, 2019** at Newport Beach, California.

/Shane C. Stafford/  
Shane C. Stafford



A0800946

	<b>Secretary of State</b> <b>Registered Corporate Agent for Service of Process Certificate</b> (Registered Corporations ONLY)	<b>1505</b>
<p><b>IMPORTANT — Read Instructions before completing this form.</b></p> <p><b>Filing Fee — \$30.00</b></p> <p><b>Copy Fees —</b> First page \$1.00; each attachment page \$0.50;                  Certification Fee - \$5.00 plus copy fees</p> <p><b>Who Can File?</b> Any <b>active</b> corporation that is registered with the California Secretary of State can file this Form 1505 to become authorized to be a corporate agent for service of process for other business entities that are registered with the Secretary of State. To check the status of your corporation, and to ensure you are entering the <b>exact</b> name of the corporation and the <b>correct</b> 7-digit Secretary of State file number, go to <i>BusinessSearch.sos.ca.gov</i>.</p>		

**FILED**  
 Secretary of State  
 State of California

JUL 24 2017

IPU

This Space For Office Use Only

**1. Corporate Name** (Enter the **exact** name of the corporation as it is recorded with the California Secretary of State.)

InCorp Services, Inc.

*AGENT ADD*

**2. 7-Digit Secretary of State File Number**

C2294569

**3. Address for Service of Process**

(Enter the **complete** street address in California of the office where any entity that named your corporation as agent for service of process may be served with process.)  
 Do not enter a P.O. Box or "in care of" an individual or entity.

Street Address - Do not enter a P.O. Box	City (no abbreviations)	State	Zip Code
5716 Corsa Ave, Ste 110	Westlake Village	CA	91362-7354

**4. Authorized Employees**

(Enter the names of all persons employed by your corporation who are authorized to accept delivery of any copy of service of process, at the address entered in Item 3 above, on any entity who has designated your corporation as its agent for service of process. **Must** enter at least 1 person. If there are more than 3, **see Instructions**.)

a. First Name of Authorized Employee	Middle Name	Last Name	Suffix
Steven		Pickett	
b. First Name of Authorized Employee	Middle Name	Last Name	Suffix
Stacy		Palmisano	
c. First Name of Authorized Employee	Middle Name	Last Name	Suffix
Jourdan		Cerrillo	

**5. Statement of Consent** (Do not alter the Statement of Consent.)

This corporation consents that delivery of a copy of service of process to an authorized employee at the address designated in item 3 shall constitute delivery of any such copy to the corporation, as the agent for service of process.

**6. Read and Sign Below** (See Instructions. Office or title not required. Do not use a computer generated signature.)

I am a corporate officer and am authorized to sign on behalf of the corporation.

*Kurt Teshima*  
 Signature

Kurt Teshima  
 Type or Print Name

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address) ROSS E. SHANBERG   SBN: 179842 SHANBERG, STAFFORD & BARTZ LLP 5031 BIRCH STREET NEWPORT BEACH, CA 92660  TELEPHONE NO.: (949) 205-7515   FAX NO. (949) 205-7144   E-MAIL ADDRESS (Optional): clerical@ssbfirm.com ATTORNEY FOR (Name): :	FOR COURT USE ONLY
<b>ORANGE COUNTY SUPERIOR COURT</b>  STREET ADDRESS: 751 WEST SANTA ANA BLVD.  MAILING ADDRESS:  CITY AND ZIP CODE: SANTA ANA, CA 92701  BRANCH NAME: SANTA ANA	
PLAINTIFF: CHRISTOPHER LOWE  DEFENDANT: LIFESTYLE PUBLICATIONS, LLC, A KANSAS LIMITED LIABILITY COMPANY	CASE NUMBER:  30-2019-01044249-CU-OE-CXC
<b>PROOF OF SERVICE OF SUMMONS</b>	Ref. No. or File No.:

(Separate proof of service is required for each party served.)

1. At the time of service I was at least 18 years of age and not a party to this action.
2. I served copies of:
  - a.  Summons
  - b.  Complaint
  - c.  Alternative Dispute Resolution (ADR) package
  - d.  Civil Case Cover Sheet (served in complex cases only)
  - e.  Cross-complaint
  - f.  other **CLASS ACTION/B&P 17200 QUESTIONNAIRE; DECLARATION IN SUPPORT OF MOTION RE DISQUALIFICATION OF JUDICIAL OFFICER PURSUANT TO C.C.P. 170.6**
3. a. Party served (specify name of party as shown on documents served):  
**LIFESTYLE PUBLICATIONS, LLC, A KANSAS LIMITED LIABILITY COMPANY**
  - b.  Person (other than the party in item 3a) served on behalf of an entity or as an authorized agent (and not a person under item 5b on whom substituted service was made) (specify name and relationship to the party named in item 3a):  
**INCORP SERVICES, INC. - JORDAN CERILLO - AUTHORIZED TO ACCEPT - AGENT FOR SERVICES - FRONT DESK**  
 Age: 18 - 25      Weight: 161-180 Lbs      Hair: BROWN      Sex: Male  
 Height: 5'7 - 6'0      Eyes:      Race: HISPANIC
4. Address where the party was served: **5716 Corsa Ave Ste 110  
Westlake Village, CA 91362-7354**
5. I served the party
  - a.  **by personal service.** I personally delivered the documents listed in item 2 to the party or person authorized to receive service of process for the party (1) on (date): **1/24/2019** (2) at (time): **12:39 PM**
  - b.  **by substituted service.** On (date): at (time): I left the documents listed in item 2 with or in the presence of (name and title or relationship to person indicated in item 3b):
    - (1)  **(business)** a person at least 18 years of age apparently in charge at the office or usual place of business of the person to be served. I informed him or her of the general nature of the papers.
    - (2)  **(home)** a competent member of the household (at least 18 years of age) at the dwelling house or usual place of abode of the party. I informed him or her of the general nature of the papers.
    - (3)  **(physical address unknown)** a person at least 18 years of age apparently in charge at the usual mailing address of the person to be served, other than a United States Postal Service post office box. I informed him or her of the general nature of the papers.
    - (4)  I thereafter mailed (by first-class, postage prepaid) copies of the documents to the person to be served at the place where the copies were left (Code Civ. Proc., §415.20). I mailed the documents on (date): from (city): or  a declaration of mailing is attached.
    - (5)  I attach a **declaration of diligence** stating actions taken first to attempt personal service.

PETITIONER: CHRISTOPHER LOWE  RESPONDENT: LIFESTYLE PUBLICATIONS, LLC, A KANSAS LIMITED LIABILITY COMPANY	CASE NUMBER:  30-2019-01044249-CU-OE-CXC
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- c.  **by mail and acknowledgment of receipt of service.** I mailed the documents listed in item 2 to the party, to the address shown in item 4, by first-class mail, postage prepaid,
- (1) on (date): \_\_\_\_\_ (2) from (city): \_\_\_\_\_
- (3)  with two copies of the *Notice and Acknowledgment of Receipt* and a postage-paid return envelope addressed to me. (*Attach completed Notice and Acknowledgement of Receipt.*) (Code Civ. Proc., § 415.30.)
- (4)  to an address outside California with return receipt requested. (Code Civ. Proc., § 415.40.)
- d.  **by other means** (*specify means of service and authorizing code section*):

Additional page describing service is attached.

6. The "Notice to the Person Served" (on the summons) was completed as follows:

- a.  as an individual defendant.
- b.  as the person sued under the fictitious name of (*specify*):
- c.  as occupant.
- d.  On behalf of (*specify*): **LIFESTYLE PUBLICATIONS, LLC, A KANSAS LIMITED LIABILITY COMPANY**  
under the following Code of Civil Procedure section:
- |   |   |
|---|---|
| <input type="checkbox"/> 416.10 (corporation)                     | <input type="checkbox"/> 415.95 (business organization, form unknown) |
| <input type="checkbox"/> 416.20 (defunct corporation)             | <input type="checkbox"/> 416.60 (minor)                               |
| <input type="checkbox"/> 416.30 (joint stock company/association) | <input type="checkbox"/> 416.70 (ward or conservatee)                 |
| <input type="checkbox"/> 416.40 (association or partnership)      | <input type="checkbox"/> 416.90 (authorized person)                   |
| <input type="checkbox"/> 416.50 (public entity)                   | <input type="checkbox"/> 415.46 (occupant)                            |
|   | <input checked="" type="checkbox"/> other: <b>17701.16</b>            |

7. Person who served papers

- a. Name: **RYAN LANCASTER - JPL PROCESS SERVICE, LLC**
- b. Address: **14482 BEACH BLVD. STE S WESTMINSTER, CA 92683**
- c. Telephone number: **(866) 754-0520**
- d. The fee for service was: **\$ 75.00**
- e. I am:

- (1)  not a registered California process server.
- (2)  exempt from registration under Business and Professions Code section 22350(b).
- (3)  registered California process server:
- (i)  owner  employee  independent contractor.
- (ii) Registration No.: **7067**
- (iii) County: **LOS ANGELES**

8.  I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.
- or
9.  I am a California sheriff or marshal and I certify that the foregoing is true and correct.

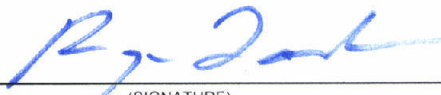
Date: **1/25/2019**

**JPL PROCESS SERVICE, LLC**  
**14482 BEACH BLVD. STE S**  
**WESTMINSTER, CA 92683 | (866) 754-0520**



**RYAN LANCASTER**

(NAME OF PERSON WHO SERVED PAPERS/SHERIFF OR MARSHAL)

  
 (SIGNATURE)

<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE</b> Civil Complex Center 751 W. Santa Ana Blvd Santa Ana, CA 92701	
<b>SHORT TITLE:</b> Lowe vs. Lifestyle Publications LLC	
<b>CLERK'S CERTIFICATE OF MAILING/ELECTRONIC SERVICE</b>	<b>CASE NUMBER:</b> <b>30-2019-01044249-CU-OE-CXC</b>

I certify that I am not a party to this cause. I certify that the following document(s), Minute Order dated 01/24/19, have been transmitted electronically by Orange County Superior Court at Santa Ana, CA. The transmission originated from Orange County Superior Court email address on January 24, 2019, at 4:52:32 PM PST. The electronically transmitted document(s) is in accordance with rule 2.251 of the California Rules of Court, addressed as shown above. The list of electronically served recipients are listed below:

SHANBERG, STAFFORD & BARTZ LLP  
SSTAFFORD@SSBFIRM.COM

Clerk of the Court, by: M. Ring, Deputy

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**CLERK'S CERTIFICATE OF MAILING/ELECTRONIC SERVICE**

**SUPERIOR COURT OF CALIFORNIA,  
COUNTY OF ORANGE  
CENTRAL JUSTICE CENTER**

**MINUTE ORDER**

DATE: 01/24/2019 TIME: 04:33:00 PM DEPT: C16  
JUDICIAL OFFICER PRESIDING: Supervising Judge James J. Di Cesare  
CLERK: Martha Diaz  
REPORTER/ERM: None  
BAILIFF/COURT ATTENDANT: None

CASE NO: **30-2019-01044249-CU-OE-CXC** CASE INIT.DATE: 01/15/2019  
CASE TITLE: **Lowe vs. Lifestyle Publications LLC**  
CASE CATEGORY: Civil - Unlimited CASE TYPE: Other employment

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EVENT ID/DOCUMENT ID: 72972027  
**EVENT TYPE:** Chambers Work

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**APPEARANCES**

There are no appearances by any party.

A Peremptory Challenge under C.C.P. 170.6 as to the Honorable Glenda Sanders in Department CX101, having been filed on 01/23/2019, by plaintiff and this matter having been transferred to C16 for reassignment, the Court now rules as follows:

This case is reassigned to the Honorable Randall J. Sherman in Department CX105 for all purposes.

Counsel to contact clerk in Department CX105 within 15 days days of receipt of this order to reschedule any pending hearings.

Each party who has not paid the Complex fee of \$ 1000.00 as required by Government Code section 70616 shall pay the fee to the Clerk of the Court within 10 calendar days from date of this minute order. Failure to pay required fees may result in the dismissal of complaint/cross-complaint or the striking of responsive pleadings and entry of default.

The Court determines that for purposes of exercising C.C.P. 170.6 rights, there are two sides to this matter unless the contrary is brought to the attention of the Court, by Ex-Parte motion. Counsel has 15 days from the date of the enclosed certificate of mailing in which to exercise any rights under C.C.P. 170.6.

Clerk to give notice to plaintiff and plaintiff to give notice to all other parties.

Ross E. Shanberg (SBN 179842)  
Shane C. Stafford (SBN 216151)  
Aaron A. Bartz (SBN 198722)  
SHANBERG, STAFFORD & BARTZ LLP  
5031 Birch Street  
Newport Beach, California 92660  
Telephone: (949) 205-7515  
Facsimile: (949) 205-7144

Attorneys for Plaintiff  
CHRISTOPHER LOWE, on behalf of himself and all others similarly situated

**SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF ORANGE COUNTY**

CHRISTOPHER LOWE, an individual on  
behalf of himself and others similarly  
situated,

Plaintiff,

vs.

LIFESTYLE PUBLICATIONS, LLC, a  
Kansas Limited Liability Company; and  
DOES 1 to 100, inclusive,

Defendants.

) Case No.: 30-2019-01044249-CU-OE-CXC

) Assigned For All Purposes To:  
) Hon. Randall J. Sherman  
) Dept. CX105

) **NOTICE OF ORDER RE CASE  
) REASSIGNMENT FOR ALL PURPOSES**

) Complaint Filed: January 15, 2019  
) Trial Date: None Set

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**TO ALL INTERESTED PARTIES AND THEIR ATTORNEYS OF RECORD:**  
**PLEASE TAKE NOTICE** effective January 24, 2019, the herein matter previously assigned to Honorable Glenda Sanders shall be reassigned for all purposes to Honorable Randall J. Sherman in Department CX105 of the Orange County Superior Court, located at Civil Complex Center, 751 W. Santa Ana Blvd., Santa Ana, CA 92701. A true and correct copy of the Court's Minute Order is attached hereto as **Exhibit A**.

Dated: January 25, 2019

SHANBERG, STAFFORD & BARTZ LLP

By: //Shane C. Stafford//  
ROSS E. SHANBERG  
SHANE C. STAFFORD  
AARON A. BARTZ  
Attorneys for Plaintiff  
CHRISTOPHER LOWE, on behalf of  
himself and all others similarly situated

# **EXHIBIT A**



**SUPERIOR COURT OF CALIFORNIA,  
COUNTY OF ORANGE  
CENTRAL JUSTICE CENTER**

**MINUTE ORDER**

DATE: 01/24/2019 TIME: 04:33:00 PM DEPT: C16

JUDICIAL OFFICER PRESIDING: Supervising Judge James J. Di Cesare

CLERK: Martha Diaz

REPORTER/ERM: None

BAILIFF/COURT ATTENDANT: None

CASE NO: **30-2019-01044249-CU-OE-CXC** CASE INIT.DATE: 01/15/2019

CASE TITLE: **Lowe vs. Lifestyle Publications LLC**

CASE CATEGORY: Civil - Unlimited CASE TYPE: Other employment

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EVENT ID/DOCUMENT ID: 72972027

EVENT TYPE: Chambers Work

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**APPEARANCES**

There are no appearances by any party.

A Peremptory Challenge under C.C.P. 170.6 as to the Honorable Glenda Sanders in Department CX101, having been filed on 01/23/2019, by plaintiff and this matter having been transferred to C16 for reassignment, the Court now rules as follows:

This case is reassigned to the Honorable Randall J. Sherman in Department CX105 for all purposes.

Counsel to contact clerk in Department CX105 within 15 days days of receipt of this order to reschedule any pending hearings.

Each party who has not paid the Complex fee of \$ 1000.00 as required by Government Code section 70616 shall pay the fee to the Clerk of the Court within 10 calendar days from date of this minute order. Failure to pay required fees may result in the dismissal of complaint/cross-complaint or the striking of responsive pleadings and entry of default.

The Court determines that for purposes of exercising C.C.P. 170.6 rights, there are two sides to this matter unless the contrary is brought to the attention of the Court, by Ex-Parte motion. Counsel has 15 days from the date of the enclosed certificate of mailing in which to exercise any rights under C.C.P. 170.6.

Clerk to give notice to plaintiff and plaintiff to give notice to all other parties.

<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE</b> Civil Complex Center 751 W. Santa Ana Blvd Santa Ana, CA 92701	
<b>SHORT TITLE:</b> Lowe vs. Lifestyle Publications LLC	
<b>CLERK'S CERTIFICATE OF MAILING/ELECTRONIC SERVICE</b>	<b>CASE NUMBER:</b> <b>30-2019-01044249-CU-OE-CXC</b>

I certify that I am not a party to this cause. I certify that the following document(s), Minute Order dated 01/24/19, have been transmitted electronically by Orange County Superior Court at Santa Ana, CA. The transmission originated from Orange County Superior Court email address on January 24, 2019, at 4:52:32 PM PST. The electronically transmitted document(s) is in accordance with rule 2.251 of the California Rules of Court, addressed as shown above. The list of electronically served recipients are listed below:

SHANBERG, STAFFORD & BARTZ LLP  
SSTAFFORD@SSBFIRM.COM

Clerk of the Court, by: M. Roy, Deputy

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**CLERK'S CERTIFICATE OF MAILING/ELECTRONIC SERVICE**

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**PROOF OF SERVICE - C.C.P. §§ 1013A, 2015.5**

**STATE OF CALIFORNIA, COUNTY OF ORANGE**

I, the undersigned, am employed in the County of Orange, State of California. I am over the age of eighteen (18) years and not a party to the within action. My business address is 5031 Birch Street, Newport Beach, California 92660.

On January 25, 2019, I caused to be served true copies of the foregoing documents described as: **NOTICE OF ORDER RE CASE REASSIGNMENT FOR ALL PURPOSES** on the interested parties in this action, addressed as follows:

Lifestyle Publications LLC  
c/o InCorp Services, Inc.  
5716 Corsa Ave Ste 110  
Westlake Village, CA 91362-7354

**BY PERSONAL/ HAND DELIVERY:** The documents were placed in sealed, addressed envelopes and served by personal delivery to the party or attorney indicated herein or, if upon an attorney, by leaving the labeled envelopes with a receptionist or other person having charge of the attorney's office.

**BY U.S. MAIL:** The documents were placed in sealed, addressed envelopes on the above date and placed for collection and mailing at my place of business. I am "readily familiar" with the firm's practice of collecting and processing correspondence for mailing. Under that practice, it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid at Newport Beach, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

**BY OVERNIGHT DELIVERY:** The documents were placed in sealed, addressed packaging for overnight delivery on this date in the ordinary course of business, with all charges to be paid by my employer, to be deposited in a facility regularly maintained by the overnight delivery carrier, or delivered to a courier or driver authorized by the overnight delivery carrier to receive such packages.

**BY ELECTRONIC TRANSMISSION:** I transmitted a PDF version of this document by electronic mail to the party(s) identified on the above service list using the e-mail address(es) indicated.

(State) I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration was executed on **January 25, 2019** at Newport Beach, California.

/Pilar A. Fabregas/  
Pilar A. Fabregas

# ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: [Lifestyle Publications Hit with Class Action that Challenges Alleged Ad Revenue-Based Compensation Structure](#)

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