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11 FAMILY DOLLAR STORES, INC.

12 UNITED STATES DISTRICT COURT
13 CENTRAL DISTRICT OF CALIFORNIA

14 MARISA MARTINEZ, individually and
15 on behalf of all others similarly situated,

16 Plaintiff,

17 vs.

18 FAMILY DOLLAR STORES, INC.

19 Defendant.

Case No.: 2:20-cv-2030

**NOTICE OF REMOVAL OF ACTION
TO THE UNITED STATES DISTRICT
COURT FOR THE CENTRAL
DISTRICT OF CALIFORNIA
PURSUANT TO 28 U.S.C. §§ 1332,
1441, 1446, AND 1453**

*[Filed concurrently with Civil Cover
Sheet, Declaration of Elisabeth F.
Whittemore; Notice of Interested Parties;
Corporate Disclosure Statement; and
Notice of Related Cases]*

Complaint Filed: January 29, 2020

Trial Date: Not Set

20 TO THE HONORABLE CLERK OF THE UNITED STATES DISTRICT COURT
21 FOR THE CENTRAL DISTRICT OF CALIFORNIA:

22 PLEASE TAKE NOTICE that Defendant FAMILY DOLLAR STORES, INC.
23 hereby invokes this Court’s jurisdiction under the provisions of 28 U.S.C. §§ 1332,
24 1441(a)-(b), 1446, and 1453, and removes the above-entitled action to this Court from the
25 Superior Court of the State of California in and for the County of Los Angeles.
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SERVICE AND PLEADINGS IN STATE COURT

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2 1. On January 9, 2020, Plaintiff MARISA MARTINEZ (“Plaintiff”) filed a civil
3 complaint against Defendant FAMILY DOLLAR STORES, INC. (“Defendant”), in the
4 Superior Court of the State of California in and for the County of Los Angeles (“Superior
5 Court”) entitled *Marisa Martinez, et al. v. Family Dollar Stores, Inc., et al.*, Case No.
6 20STCV03676, which sets forth the following two (2) causes of action: (1) Violation of
7 the Unruh Civil Rights Act; and (2) Violation of the Disabled Persons Act. [A true and
8 correct copy of the Summons and Complaint is attached to the Declaration of Elisabeth F.
9 Whittemore (“Whittemore Decl.”), ¶ 3, Exh. A, filed concurrently herewith.]

10 2. On January 31, 2020, Plaintiff served Defendant with the Complaint. [A true
11 and correct copy of the Proof of Service is attached to Whittemore Decl., ¶ 4, Exh. B.]

12 3. On February 18, 2020, the Superior Court issued an Order regarding Newly
13 Filed Class Action, an Initial Status Conference Order, and a Minute Order. [True and
14 correct copies of these documents are attached to Whittemore Decl., ¶ 5, Exh. C.]

15 4. On February 27, 2020, Defendant filed and served its Answer to the
16 Complaint with the State Court. [A true and correct copy of the Answer is attached to
17 Whittemore Decl., ¶ 6, Exh. D.]

18 5. Exhibits A through D constitute all the pleadings that have been filed in this
19 action as of the date of the filing of this Notice of Removal. [Whittemore Decl. ¶ 7.]

20 **TIMELINESS OF REMOVAL**

21 6. This Notice of Removal has been filed within thirty (30) days after Defendant
22 first received a copy of Plaintiff’s Summons and Complaint upon which this action is
23 based. This Notice of Removal is therefore filed within the time period provided by 28
24 U.S.C. § 1446(b).

25 7. In accordance with 28 U.S.C. § 1446(d), the undersigned counsel certifies that
26 a copy of this Notice of Removal and all supporting documents will be promptly served on
27 Plaintiff’s counsel and filed with the Clerk of the Los Angeles County Superior Court.
28 Therefore, all procedural requirements under 28 U.S.C. § 1446 will be satisfied.

JURISDICTION PURSUANT TO THE CLASS ACTION FAIRNESS ACT

8. Pursuant to Section 4 of the Class Action Fairness Act of 2005 (“CAFA”), 28 U.S.C. § 1332(d)(2) has been amended to read, in relevant part:

The district courts shall have original jurisdiction of any civil action in which the matter in controversy exceeds the sum or value of \$5,000,000, exclusive of interest and costs, and is a class action in which – (A) any member of a class of plaintiffs is a citizen of a State different from any defendant.

9. In addition, CAFA provides for jurisdiction in the district courts only where the proposed class involves 100 or more members, or where the primary defendants are not States, State officials, or other governmental entities. 28 U.S.C. § 1332(d)(5).

10. As set forth below, this is a civil action over which this Court has original jurisdiction under 28 U.S.C. § 1332(d), in that it is a civil action filed as a class action involving more than 100 members, Plaintiff is a citizen of a state different from Defendant, and Defendant is not a State, State official, or any other governmental entity. *See* 28 U.S.C. §§ 1332(d) and 1453.

11. Furthermore, based on the allegations in the Complaint the matter in controversy exceeds the sum of \$5,000,000, exclusive of interest and costs. In the Complaint Plaintiff seeks compensatory damages, including statutory penalties, attorneys’ fees and costs, and injunctive and declaratory relief. The amount in controversy, pursuant to Plaintiff’s allegations within her Complaint, is therefore:

- a. **\$72,480,000** in claimed statutory penalties under the Unruh Civil Rights Act and the Disabled Persons Act (Plaintiff’s pleading intimates one (1) visit per week during the two-year statutory period per putative class member per California store);
- b. **\$1,000,000** in claimed attorneys’ fees;
- c. **\$417,000** for claimed injunctive relief to redesign and/or modify California stores; and

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1 d. **\$604,000** in claimed emotional distress damages (Unruh Civil Rights Act
2 permits non-quantifiable damages for emotional distress).

3 **MINIMAL DIVERSITY**

4 12. CAFA's diversity requirement is satisfied, in relevant part, when at least one
5 member of a class of plaintiffs is a citizen of a state different from any named defendant.
6 28 U.S.C. § 1332(d)(2); *see also Snyder v. Harris*, 394 U.S. 332, 340 (1969) ("if one
7 member of a class is of diverse citizenship from the class' opponent, and no nondiverse
8 members are named parties, the suit may be brought in federal court even though all other
9 members of the class are citizens of the same State as the defendant and have nothing to
10 fear from trying the lawsuit in the courts of their own State."); *In re "Agent Orange" Prod.*
11 *Liab. Litig.*, 818 F.2d 145, 162 (2d Cir. 1987) ("It is hornbook law, based on 66 years of
12 Supreme Court precedent, that complete diversity is required only between the named
13 Plaintiff and the named defendants in a federal class action."); *Reece v. Bank of N.Y.*
14 *Mellon*, 760 F.3d 771, 777 (8th Cir. 2014) ("[T]he citizenship of 'the entire plaintiff class'
15 has no bearing on the jurisdictional inquiry. Diversity jurisdiction in a class action depends
16 solely on the citizenship of the *named* parties.") (emphasis in original).

17 13. Citizenship of the parties in this Action is determined by their citizenship
18 status at the Action's commencement. *See Mann v. Tucson, Dep't of Police*, 782 F.2d 790,
19 794 (9th Cir. 1986).

20 14. For diversity jurisdiction purposes, citizenship is determined by a person's
21 domicile. *Lew v. Moss*, 797 F.2d 747, 749–50 (9th Cir. 1986); *see also Crowley v. Glaze*,
22 710 F.2d 676, 678 (10th Cir. 1983). "A person's domicile is her permanent home, where
23 she resides with the intention to remain or to which she intends to return." *Kanter v.*
24 *Warner-Lambert Co.*, 265 F.3d 853, 857 (9th Cir. 2001). While residence and citizenship
25 are not the same, a person's place of residence is *prima facie* evidence of his or her
26 citizenship. *State Farm Mut. Auto. Ins. Co. v. Dyer*, 19 F.3d 514, 519–20 (10th Cir. 1994)
27 (allegation by party in state court complaint of residency "created a presumption of
28 continuing residence in [state] and put the burden of coming forward with contrary

1 evidence on the party seeking to prove otherwise”); *see also Smith v. Simmons*, 2008 U.S.
2 Dist. LEXIS 21162, *22 (E.D. Cal. 2008) (place of residence provides “*prima facie*” case
3 of domicile). Furthermore, a person’s intention to remain may be established by his or her
4 place of employment. *Youn Kyung Park v. Holder*, 572 F.3d 619, 625 (9th Cir. 2009); *see*
5 *also Francisco v. Emeritus Corp.*, 2017 U.S. Dist. LEXIS 90131, at *10 (C.D. Cal. June
6 12, 2017) (“Plaintiff’s residence and employment in California are sufficient evidence of
7 his intent to remain in California.”).

8 15. Plaintiff is, and at all relevant times was, a citizen of California, residing in
9 Los Angeles County, California. [Compl., ¶ 16.] Accordingly, Plaintiff is a citizen of the
10 State of California within the meaning of 28 U.S.C. § 1332(a). *See e.g. Zavala v. Deutsche*
11 *Bank Tr. Co. Ams.*, 2013 U.S. Dist. LEXIS 96719, at *9–10 (N.D. Cal. July 10, 2013) (“A
12 party’s residence is ‘*prima facie*’ evidence of domicile. In the absence of evidence to the
13 contrary, [plaintiff] is a California citizen for diversity purposes.”) (internal citations
14 omitted).

15 16. Pursuant to 28 U.S.C. section 1332(c)(1), Defendant, as a corporation, is a
16 citizen of any state in which it is incorporated and of the state where it maintains its
17 principal place of business. *See also Hertz Corp. v. Friend*, 559 U.S. 77, 93 (2010) (holding
18 that a corporation’s nerve center “should normally be the place where the corporation
19 maintains its headquarters—provided that the headquarters is the actual center of direction,
20 control, and coordination, *i.e.*, the ‘nerve center[.]’”). Defendant was, at the time the
21 Complaint was filed in state court, and still is, at the time of removal, a Delaware
22 corporation with its principal place of business Virginia, where Defendant conducts a
23 predominance of its corporate and business activities. [Compl. ¶ 17; *see also* Whittemore
24 Decl., ¶ 8, Exh. E.]

25 17. Because at least one member of the class of Plaintiffs is a citizen of a state
26 (*i.e.* California) different from Defendant (*i.e.* Delaware or Virginia), minimal diversity
27 exists here. *Bradford v. Bank of Am. Corp.*, 2015 U.S. Dist. LEXIS 120800, at *13 (C.D.
28 Cal. Sep. 10, 2015) (“[defendant] needed only to establish that one plaintiff was a citizen

1 of a different state from any one defendant at the time of removal.”).

2 **AMOUNT IN CONTROVERSY**

3 18. Without conceding that Plaintiff, and the putative class, are entitled to
4 damages or should recover damages in any amount whatsoever, the amount in controversy
5 in this action exceeds the jurisdictional requirements.

6 19. CAFA, 28 U.S.C. Section 1332(d), authorizes the removal of class action
7 cases in which, among other factors mentioned above, the amount in controversy for all
8 class members exceeds \$5,000,000. In *Dart Cherokee Basin Operating Company, LLC v.*
9 *Owens*, 574 U.S. 81, 84, 89 (2014), the United States Supreme Court held that where a
10 plaintiff’s complaint is silent as to whether the amount in controversy is less than CAFA’s
11 jurisdictional threshold of \$5,000,000 a defendant’s notice of removal need include only a
12 plausible allegation that the amount in controversy exceeds the jurisdictional threshold.

13 20. In determining whether the amount in controversy exceeds \$5,000,000, the
14 Court must presume Plaintiff will prevail on each and every one of her claims. *Kenneth*
15 *Rothschild Trust v. Morgan Stanley Dean Witter*, 199 F.Supp. 993, 1001 (C.D. Cal. 2002),
16 *citing Burns v. Windsor Ins. Co.*, 31 F.3d 1092, 1096 (11th Cir. 1994) (the amount in
17 controversy analysis presumes that “plaintiff prevails on liability”) and *Angus v. Shiley*
18 *Inc.*, 989 F.2d 142, 146 (3d Cir. 1993) (“the amount in controversy is not measured by the
19 low end of an open-ended claim, but rather by a reasonable reading of the value of the
20 rights being litigated”). The argument and facts set forth herein may appropriately be
21 considered in determining whether the jurisdictional amount in controversy is satisfied.
22 *Cohn v. Petsmart, Inc.*, 281 F.3d 837, 843, n.1 (9th Cir. 2002), *citing Willingham v.*
23 *Morgan*, 395 U.S. 402, 407 n.3 (1969). Notably, “[t]here is no obligation by defendant to
24 support removal with production of extensive business records to prove or disprove
25 liability and/or damages with respect to plaintiff or the putative class members at this
26 premature (pre-certification) stage of the litigation.” *Muniz v. Pilot Travel Ctrs. LLC*, 2007
27 U.S. Dist. LEXIS 31515, at *15 (E.D. Cal. Apr. 30, 2007) (citation omitted).

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1 21. Under CAFA, the claims of the individual members in a class action are
2 aggregated to determine if the amount in controversy exceeds the sum or value of
3 \$5,000,000. *See* 28 U.S.C. § 1332(d)(6). Congress intended federal jurisdiction to be
4 appropriate under CAFA “if the value of the matter in litigation exceeds \$5,000,000 either
5 from the viewpoint of the plaintiff or the viewpoint of the defendant, and regardless of the
6 type of relief sought (e.g., damages, injunctive relief, or declaratory relief).” Sen. Jud.
7 Comm. Rep., S. Rept. 109-14, at 42. Moreover, any doubts regarding the maintenance of
8 interstate class actions in state or federal court should be resolved in favor of federal
9 jurisdiction. S. Rept. 109-14, at 42–43 (“[I]f a federal court is uncertain about whether ‘all
10 matters in controversy’ in a purported class action ‘do not in the aggregate exceed the sum
11 or value of \$5,000,000, the court should err in favor of exercising jurisdiction over the case
12 Overall, new section 1332(d) is intended to expand substantially federal court
13 jurisdiction over class actions. Its provisions should be read broadly”)

14 22. Plaintiff does not allege a specific amount in damages for the class she
15 purports to represent, but indicates that she seeks damages in excess of twenty-five
16 thousand dollars (\$25,000). [Whittemore Decl., ¶ 3, Exh. A, at 2.]

17 23. The Court may look beyond the Complaint to determine whether the putative
18 class action meets jurisdictional requirements. *Standard Fire Ins. Co. v. Knowles*, 568 U.S.
19 588 (2013). In interpreting *Standard Fire*, the Ninth Circuit explained that courts cannot
20 reinforce plaintiff’s prerogative, as master of the complaint, to avoid federal jurisdiction
21 by forgoing a portion of the recovery on behalf of the putative class. *Rodriguez v. AT&T*
22 *Mobility Servs. LLC*, 728 F.3d 975, 981 (9th Cir. 2013).

23 24. Moreover, if a plaintiff asserts statutory violations, the court must assume that
24 the violation rate is 100% unless the plaintiff specifically alleges otherwise. *See Muniz v.*
25 *Pilot Travel Ctrs. LLC*, 2007 U.S. Dist. LEXIS 31515, at *12–13 (E.D. Cal. Apr. 30, 2007)
26 (“As these allegations reveal, plaintiff includes no fact-specific allegations that would
27 result in a putative class or violation rate that is discernibly smaller than 100%, used by
28 defendant in its calculations. Plaintiff is the ‘master of [her] claim[s],’ and if she wanted to

1 avoid removal, she could have alleged facts specific to her claims which would narrow the
2 scope of the putative class or the damages sought.”) (citing *Caterpillar, Inc. v. Williams*,
3 482 U.S. 386, 392 (1987)); *see also Arreola v. The Finish Line*, No. 14-CV-03339-LHK,
4 2014 U.S. Dist. LEXIS 170464, at *12 (N.D. Cal. Dec. 9, 2014) (“District courts in the
5 Ninth Circuit have permitted a defendant removing an action under CAFA to make
6 assumptions when calculating the amount in controversy—such as assuming a 100 percent
7 violation rate, or assuming that each member of the class will have experienced some type
8 of violation—when those assumptions are reasonable in light of the allegations in the
9 complaint.”); *Coleman v. Estes Express Lines, Inc.*, 730 F. Supp. 2d 1141, 1149 (C.D. Cal.
10 2010) (“[C]ourts have assumed a 100% violation rate in calculating the amount in
11 controversy when the complaint does not allege a more precise calculation.”). The Court,
12 therefore, may look to Plaintiff’s potential state statutory penalties in determining the
13 jurisdictional amount in controversy.

14 25. Plaintiff pleads in her Complaint that she, and the alleged putative class, are
15 entitled to recover “declaratory and injunctive relief, attorneys’ fees, expenses and costs
16 pursuant to 42 U.S.C. § 12181.” [Compl., 2.] Further, the Complaint asserts that Defendant
17 is “responsible for statutory damages” pursuant to the Unruh Civil Rights Act and the
18 Disabled Persons Act. [Compl. ¶¶ 43 and 49.]

19 26. The Complaint seeks relief on behalf of “all persons with qualified mobility
20 disabilities who have attempted, or will attempt, to access the interior of any store owned
21 or operated by Defendant within the State of California and have, or will have, experienced
22 access barriers in interior paths of travel.” [Compl. ¶ 32.] Plaintiff further alleges that
23 “309 [Family Dollar] stores” in California are impacted. [Compl. ¶ 27.] As claimed by
24 Plaintiff, the putative class may exceed one (1) putative class member per store.
25 Additionally, Plaintiff asserts she “regularly frequent[s]” the Whittier, California, location.
26 [Compl. ¶ 6.] In fact, she purports to visit the store “once a week” and during each incident
27 she allegedly encountered violations in support of her Complaint. [Comp. ¶ 20.] Based on
28 Plaintiff’s contentions, therefore, the statutory violations per putative class member is one

1 (1) incident per week during the two-year statutory period (*i.e.*, January 2018 to January
2 2020). *See e.g. Lucas v. Michael Kors (USA) Inc.*, 2018 U.S. Dist. LEXIS 78510, at *8
3 (C.D. Cal. May 9, 2018) (“Defendants may use reasonable assumptions in calculating the
4 amount in controversy for purposes of removal.”) During the statute of limitations (*e.g.*,
5 the past two years), however, there were approximately 151 Family Dollar stores in
6 California—not 309 as Plaintiff alleges. Thus, as claimed over the statutory period and
7 using a conservative number based on actual Family Dollar stores in California, the
8 putative class contains 151 members. *Behrazfar v. UNISYS Corp.*, 687 F.Supp.2d 999,
9 1004 (C.D. Cal. 2009) (When a “[d]efendant’s calculations were relatively conservative,
10 made in good faith, and based on evidence wherever possible,” the Court may find that the
11 “[d]efendant has established by a preponderance of the evidence that the amount in
12 controversy exceeds \$5,000,000.”).

13 27. The Unruh Civil Rights Act provides for damages up to a maximum of three
14 times the amount of actual damages, but in no case less than four thousand dollars (\$4,000)
15 *per occurrence*, plus attorneys’ fees. *See* Cal. Civ. Code, § 52(a). The Disabled Persons
16 Act provides for actual damages and any amount as may be determined by a trier-of-fact
17 up to a maximum of three times the amount of actual damages *per occurrence*, but in no
18 case less than one thousand dollars (\$1,000), plus attorneys’ fees. *See* Cal. Civ. Code, §
19 54.3(a). As alleged in Plaintiff’s Complaint, the statutory penalties are based on one (1)
20 putative class member per store and one (1) incident per week over a two-year period. The
21 amount in controversy is, thereby, approximately: **\$72,480,000** (\$57,984,000 (\$4,000 x
22 (151 members x 4 visits per month x 24 months)) + \$14,496,000 (\$1,000 x (151 members
23 x 4 visits per month x 24 months)). *See e.g. Romeo v. Home Depot U.S.A., Inc.*, 2006 U.S.
24 Dist. LEXIS 79881, at *8 (S.D. Cal. Oct. 30, 2006) (holding that when a plaintiff seeks the
25 statutory maximum in her complaint, plaintiff “cannot avoid satisfaction of the amount in
26 controversy by alleging it would be ‘far from reasonable to infer that a court or jury’ would
27 award the statutory maximum.”); *Behrazfar*, 687 F.Supp.2d at 1004 (When a
28 “[d]efendant’s calculations were relatively conservative, made in good faith, and based on

1 evidence wherever possible,” the Court may find that the “[d]efendant has established by
2 a preponderance of the evidence that the amount in controversy exceeds \$5,000,000.”).

3 28. Plaintiff also seeks compensatory damages for her “frustration, discomfort,
4 and embarrassment” caused by Defendant’s alleged violation of her civil rights pursuant
5 to the Unruh Civil Rights Act. [Compl. ¶ 44]. Plaintiff further pleads she is entitled to
6 injunctive relief under the Unruh Civil Rights Act, and attorneys’ fees, litigation expenses,
7 and costs of suit. [Compl. ¶¶ 43, 49, and Prayer for Relief.]

8 29. Pursuant to the Unruh Civil Rights Act, a plaintiff may also seek actual
9 damages which includes “non-quantifiable damages for emotional distress.” Cal. Civ.
10 Code § 52(h); *see also Pickern v. Marino’s Pizza & Italian Rest.*, 2003 U.S. Dist. LEXIS
11 26950, at *5–7 (E.D. Cal. April 8, 2003) (finding \$200 in emotional distress for single
12 plaintiff who was vexatious ADA litigant and admissions limited emotional distress);
13 *Boemio v. Love’s Restaurant*, 954 F.Supp. 204, 208–09 (S.D. Cal. 2007) (Unruh Act single
14 plaintiff requested emotional distress damages that “far exceeded the statutory minimum”);
15 *Wyatt v. Ralphs Grocery Co.*, 2002 U.S. Dist. LEXIS 27958, 12–13 (finding under the
16 Unruh Act plaintiff entitled to “actual damages” for emotional distress and may be entitled
17 to up to three times his actual damages in penalties).

18 30. In the case at hand, Plaintiff pleads that she “does not seek to value [her
19 emotional distress damages] greater than the amount of prescribed statutory damages.”
20 [Compl. ¶ 44]. This language within the Complaint suggests Plaintiff is seeking at least
21 \$4,000 (statutory minimum under Unruh) per putative class member. Accordingly, as pled,
22 the amount in controversy attributable to the minimum statutory damages for emotional
23 distress for the putative class is **\$604,000** (151 putative class members x \$4,000).

24 31. In determining whether a complaint meets the amount in controversy,
25 Defendant asserts the amount in controversy may be proven by reviewing similar cases’
26 for attorneys’ fees awards and by analyzing the costs to Defendant if an injunction were
27 issued. The Ninth Circuit has approved the process of looking to previous similar cases to
28 determine whether the potential amount in controversy was satisfied. (See *Kroske v. U.S.*

1 *Bank Corp.*, 432 F.3d 976, 980 (9th Cir. 2005) (approving decision in which lower court
2 looked to plaintiff's interrogatory responses and reviewed emotional damages awards in
3 similar cases statewide to ascertain potential damages).

4 32. Here, Plaintiff claims attorneys' fees in support of the amount in controversy.
5 Plaintiff's counsel, Carlson Lynch LLP, bills an hourly rate of approximately \$600.00 to
6 \$725.00 per hour, and has been awarded fees ranging from \$350,000 to \$1,452,542 in
7 similar class action matters. *See Kim Carter, et al. v. Gen. Nutrition Ctrs., Inc., et al.*, 2:16-
8 cv-00633-MRH, Doc. 106 (W.D. Pa. November 1, 2019) (court awarded Class Counsel,
9 including Carlson Lynch, \$1,452,542.96 in attorneys' fees and \$47,457.04 in costs); *Sarah*
10 *Heinzl v. Cracker Barrel Old Country Store, Inc.* 2:14-cv-01455-RCM, Doc. 175-1 (W.D.
11 Pa. Aug. 1, 2019) (Carlson Lynch LLP awarded \$830,000 in attorneys' fees for ADA class
12 action); *Becky A. Matthews Pease v. Jackson Nat'l Life Ins. Co.*, 1:17-cv-00284-JTN-ESC,
13 Doc. 51 (W.D. Mich. February 5, 2019) (court awarded Class Counsel, including Carlson
14 Lynch, attorneys' fees in the amount of \$1,350,000 and costs in the amount of \$74,897.73);
15 *see e.g. Richard Dieter v. Aldi Inc.*, 2:18-cv-0086-JFC, Doc. 51-1 (W.D. Pa. April 19,
16 2019) (Class counsel awarded \$350,000 in attorneys' fees in ADA action). Based on
17 Plaintiff's counsel's class action experience, and Plaintiff's allegations, the amount in
18 controversy relating to Plaintiff's attorneys' fees may **exceed the sum of \$1,000,000**.

19 33. Further, in this Court, the amount in controversy as to attorneys' fees has
20 exceeded \$1,000,000 in at least one class action. *See Kim v. Tinder, Inc.*, 2019 U.S. Dist.
21 LEXIS 108041 (C.D. Cal. June 19, 2019) (awarding \$1,200,000 in attorneys' fees for
22 Unruh Civil Act class claim). Single plaintiff claims pursuant to the Unruh Civil Rights
23 Act and similar statutes also intimate that, if the cases were asserted as class actions with
24 100 or more putative class members, the amount in controversy with attorneys' fees could
25 be significant. *See Civil Rights Educ. & Enforcement Ctr. v. Ashford Hospitality Trust,*
26 *Inc.*, 2016 U.S. Dist. LEXIS 37256, at *4, *9 (N.D. Cal. March 22, 2016) (where plaintiff
27 did not seek damages on behalf of class or named plaintiffs, court granted settlement
28 limiting attorneys' fees to \$165,000); *Arroyo v. Svela*, 2012 U.S. Dist. LEXIS 113725

1 (C.D. Cal. Aug. 13, 2012) (*single* paraplegic plaintiff awarded \$4,000 for one Unruh Civil
2 Rights Act violation and \$48,660 in attorneys' fees wherein attorneys' rate was \$425 per
3 hour); *Brady v. Wal-Mart Stores, Inc.*, 455 F.Supp.2d 57 (E.D. N.Y. 2006) (former
4 employee alleged violations of Americans with Disabilities Act, 42 U.S.C. section 12101
5 *et seq.*, and New York Human Rights Law, N.Y. Exec. Law section 290 *et seq.*, court
6 awarded employee total of \$601,355 as reimbursement of reasonable attorney's fees);
7 *Watanabe v. Home Depot USA, Inc.*, 2003 U.S. Dist. LEXIS 27009 (C.D. Cal. Oct. 29,
8 2003) (*single* plaintiff paraplegic successful on Unruh Civil Rights Act claim for
9 unlawfully placed obstacles in aisles, plaintiff requested \$71,971.50 in attorneys' fees
10 wherein max attorney rate was \$275 per hour); *Engel v. Worthington*, 60 Cal.App.4th 628,
11 (1997) (request for approximately \$80,000 in attorney's fees by a *single* plaintiff in a Civil
12 Code section 52, civil rights action, in which he recovered \$250.00 in damages); *Morales*
13 *v. City of San Rafael*, 96 F.3d 359 (9th Cir. 1996) (*single* plaintiff awarded \$17,500 in
14 compensatory damages and, as a matter of law, awarded attorneys' fees and costs totaling
15 nearly \$140,000).

16 34. In actions where the plaintiff seeks injunctive or declaratory relief and where
17 the amount in controversy is often not readily determinable, the amount in controversy is
18 determined by "the value of the object of the litigation." *Hunt v. Wash. State Apple Adver.*
19 *Comm'n*, 432 U.S. 333, 347 (1977). The jurisdictional amount is to be calculated on the
20 basis of the property right which is being injured. (*Columbia Gas Transmission Co. v.*
21 *Tarback*, 62 F.3d, 538, 542, fn. 3 (3rd Cir. 1995).

22 35. In the Complaint, Plaintiff asserts Defendant "positions a host of obstructions,
23 including merchandise, merchandise displays, stocking carts, bins, dollies, and ladders so
24 that they block or narrow the interior pathways of its stores" in violation of the Unruh Civil
25 Rights Act and the California Disabled Persons Act. [Compl. ¶ 2.] Plaintiff seeks an
26 injunction requiring "Defendant remediate all interior path of travel access barriers at
27 Defendant's California stores." (*Id.* ¶ 13.) If Defendant is found by a trier-of-fact to be in
28 violation of such laws as Plaintiff alleges, Defendant may be ordered to comply therewith,

1 and Defendant may incur substantial monetary losses in remedial actions for redesigning
2 139 store floor plans. For example, it may cost approximately \$3,000 per store to remediate
3 all interior paths. Thus, as pled by Plaintiff, a remediation for 139 stores may cost **\$417,000**
4 (\$3,000 x 139 open California stores).

5 36. In light of Plaintiff's allegations in her Complaint, the combination of the
6 claimed compensatory damages, attorneys' fees and costs, and costs associated with
7 redesigning and/or modifying 139 store floor plans exceeds the jurisdictional amount of
8 \$5,000,000 and, as such, this case is removable to federal court.

9 **NUMEROSITY**

10 37. CAFA also provides that the district courts shall not have jurisdiction over
11 actions where "the number of members of all proposed plaintiff classes in the aggregate is
12 less than 100." 28 U.S.C. § 1332(d)(5).

13 38. Here, Plaintiff fails to allege the size of the class, but estimates that at least
14 "309 stores" are impacted in California. [Compl. ¶ 27.] A conservative interpretation of
15 this allegation is that there is one (1) putative class member per store. Hence, 309 putative
16 class members. However, in actuality, there were approximately 151 Family Dollar stores
17 in California during the operative period. The putative class—based on Plaintiff's
18 allegation of asserting a violation in every Family Dollar store—is 151 members. As such,
19 this Court properly has jurisdiction over this matter, as the class proposed by Plaintiff
20 contains in excess of 100 members.

21 **VENUE IS PROPER**

22 39. Venue lies in the United States District Court for the Central District of
23 California pursuant to 28 U.S.C. § 1441(a) and 1391(c) because the state action was filed
24 in this district and Defendant is subject to personal jurisdiction in the Central District of
25 California.

26 **NOTICE TO COURT AND PARTIES**

27 40. In accordance with 28 U.S.C. § 1446(d), contemporaneously with the filing
28 of this Notice of Removal in the United States District Court for the Central District of

1 California, written notice of the removal will be given by the undersigned to counsel for
2 Plaintiff and a copy of this Notice of Removal will be filed with the Clerk of the Superior
3 Court for the State of California, County of Los Angeles. Therefore, all procedural
4 requirements under 28 U.S.C. § 1446 will be satisfied.

5 WHEREFORE, Defendant removes the above-entitled action now pending in the
6 Superior Court of the State of California for the County of Los Angeles to this Court.

7
8 Dated: March 2, 2020

JACKSON LEWIS P.C.

9
10 /s/ Elisabeth F. Whittemore

11 Bren K. Thomas
12 Elisabeth F. Whittemore

13 Attorneys for Defendant
14 FAMILY DOLLAR STORES, INC.

15 4834-7235-1669, v. 9
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PROOF OF SERVICE

CALIFORNIA SUPERIOR COURT, COUNTY OF LOS ANGELES
CASE NAME: MARISA MARTINEZ v. FAMILY DOLLAR STORES, INC.

STATE OF CALIFORNIA, COUNTY OF ORANGE

I am employed in the County of Orange, State of California. I am over the age of 18 and not a party to the within action. My business address is: 200 Spectrum Center Drive, Suite 500, Irvine, CA 92618.

On **March 2, 2020**, I caused the foregoing document(s) described as: **NOTICE OF REMOVAL OF ACTION TO THE UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF CALIFORNIA PURSUANT TO 28 U.S.C. §§ 1332, 1441, 1446, AND 1453**

to be served on all interested parties in this action by placing a true copy the original thereof enclosed in sealed envelope(s) addressed as follows:

Eric D. Zard, Esq. CARLSON LYNCH LLP 1350 Columbia St., Ste. 306 San Diego, CA 92101	<i>Attorneys for Plaintiff Marisa Martinez</i> Phone: (619) 762-1910 Fax: (619) 756-6991 E-Mail: ezard@carlsonlynch.com
(Eddie) Jae K. Kim, Esq. CARLSON LYNCH LLP 117 East Colorado Blvd., Ste. 600 Pasadena, CA 91105	<i>Attorneys for Plaintiff Marisa Martinez</i> Phone: (619) 550-1250 Fax: (619) 756-6991 E-Mail: ekim@carlsonlynch.com
(2.20.20 Pro Hac Vice Pending) R. Bruce Carlson, Esq. CARLSON LYNCH LLP 1133 Penn Ave., 5 th Floor Pittsburgh, PA 15222	<i>Attorneys for Plaintiff Marisa Martinez</i> Phone: (412) 322-9243 Fax: (412) 231-0246 E-Mail: bcarlson@carlsonlynch.com

MAIL: by placing a true copy of the document(s) listed above for collection and mailing following the firm’s ordinary business practice in a sealed envelope with postage thereon fully prepaid for deposit in the United States mail at Irvine, California addressed as set forth herein.

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

Executed on **March 2, 2020**, at Irvine, California.



 Cynthia L. Kuno

EXHIBIT A

SUM-100

**SUMMONS
(CITACION JUDICIAL)**

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)
**CONFORMED COPY
ORIGINAL FILED**
Superior Court of California
County of Los Angeles
JAN 29 2020
Sherri R. Carter, Secretary Officer/Clerk of Court
By: *[Signature]*, Deputy

**NOTICE TO DEFENDANT:
(AVISO AL DEMANDADO):**
FAMILY DOLLAR STORES, INC.

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

MARISA MARTINEZ, individually and on behalf of all others similarly situated,

NOTICE! You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.
You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.
There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association. NOTE: The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case.
¡AVISO! Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.
Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.sucorte.ca.gov); en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.
Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California (www.sucorte.ca.gov) o poniéndose en contacto con la corte o el colegio de abogados locales. AVISO: Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 ó más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.

The name and address of the court is:
(El nombre y dirección de la corte es): Stanley Mosk Courthouse
111 N. Hill Street
Los Angeles, CA 90012

CASE NUMBER (Número del Caso) **20STCV03676**

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):
Eric D. Zard 1350 Columbia Street, Ste. 306 San Diego, CA 92101 (619)762-1910

DATE: 1/29/2020 **JAN 29 2020** Sherri R. Carter, Clerk Clerk, by **STEVEN DREW**, Deputy (Fecha) (Secretario) (Adjunto)

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

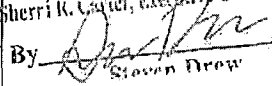
[SEAL]

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): Family Dollar Stores, Inc.
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)

COPY

CM-010

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Eric D. Zard 323320 1350 Columbia Street Ste 306 San Diego, CA 92101 TELEPHONE NO. 619-762-1910 FAX NO. 619-756-6991 ATTORNEY FOR (Name): Marisa Martinez	FOR COURT USE ONLY CONFIRMED COPY ORIGINAL FILED Superior Court of California County of Los Angeles JAN 29 2020 Sherril K. Carter, Clerk of Court By  , Deputy
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Los Angeles STREET ADDRESS: 111 N. Hill Street MAILING ADDRESS: 111 N. Hill Street CITY AND ZIP CODE: Los Angeles, CA 90012 BRANCH NAME: Stanley Mosk Courthouse Central District	
CASE NAME: Marisa Martinez v. Family Dollar Stores, Inc.	
CIVIL CASE COVER SHEET <input checked="" type="checkbox"/> Unlimited (Amount demanded exceeds \$25,000) <input type="checkbox"/> Limited (Amount demanded is \$25,000 or less)	Complex Case Designation <input type="checkbox"/> Counter <input type="checkbox"/> Joinder Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)
CASE NUMBER: 20STCV03676 JUDGE: _____ DEPT: _____	

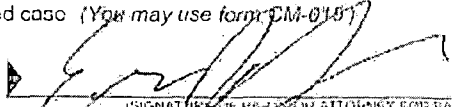
Items 1-6 below must be completed (see instructions on page 2).

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

Auto Tort <input type="checkbox"/> Auto (22) <input type="checkbox"/> Uninsured motorist (46) Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort <input type="checkbox"/> Asbestos (04) <input type="checkbox"/> Product liability (24) <input type="checkbox"/> Medical malpractice (45) <input type="checkbox"/> Other PI/PD/WD (23) Non-PI/PD/WD (Other) Tort <input type="checkbox"/> Business tort/unfair business practice (07) <input checked="" type="checkbox"/> Civil rights (08) <input type="checkbox"/> Defamation (13) <input type="checkbox"/> Fraud (16) <input type="checkbox"/> Intellectual property (19) <input type="checkbox"/> Professional negligence (25) <input type="checkbox"/> Other non-PI/PD/WD tort (35) Employment <input type="checkbox"/> Wrongful termination (36) <input type="checkbox"/> Other employment (15)	Contract <input type="checkbox"/> Breach of contract/warranty (06) <input type="checkbox"/> Rule 3 740 collections (09) <input type="checkbox"/> Other collections (00) <input type="checkbox"/> Insurance coverage (18) <input type="checkbox"/> Other contract (37) Real Property <input type="checkbox"/> Eminent domain/inverse condemnation (14) <input type="checkbox"/> Wrongful eviction (33) <input type="checkbox"/> Other real property (26) Unlawful Detainer <input type="checkbox"/> Commercial (31) <input type="checkbox"/> Residential (32) <input type="checkbox"/> Drugs (38) Judicial Review <input type="checkbox"/> Asset forfeiture (05) <input type="checkbox"/> Petition re: arbitration award (11) <input type="checkbox"/> Writ of mandate (02) <input type="checkbox"/> Other judicial review (39)	Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400-3.403) <input type="checkbox"/> Antitrust/Trade regulation (03) <input type="checkbox"/> Construction defect (10) <input type="checkbox"/> Mass tort (40) <input type="checkbox"/> Securities litigation (28) <input type="checkbox"/> Environmental/Toxic tort (30) <input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41) Enforcement of Judgment <input type="checkbox"/> Enforcement of judgment (20) Miscellaneous Civil Complaint <input type="checkbox"/> RICO (27) <input type="checkbox"/> Other complaint (not specified above) (42) Miscellaneous Civil Petition <input type="checkbox"/> Partnership and corporate governance (21) <input type="checkbox"/> Other petition (not specified above) (43)
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- 2 This case is is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management
- | | |
|---|---|
| a <input type="checkbox"/> Large number of separately represented parties | d <input type="checkbox"/> Large number of witnesses |
| b <input type="checkbox"/> Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve | e <input type="checkbox"/> Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court |
| c <input type="checkbox"/> Substantial amount of documentary evidence | f <input type="checkbox"/> Substantial postjudgment judicial supervision |
- 3 Remedies sought (check all that apply) a monetary b nonmonetary, declaratory or injunctive relief c punitive
- 4 Number of causes of action (specify) 2
- 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 1/29/20
 Eric D. Zard


 (SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE

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

INSTRUCTIONS ON HOW TO COMPLETE THE COVER SHEET

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

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

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

CASE TYPES AND EXAMPLES

Auto Tort

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

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

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

Non-PI/PD/WD (Other) Tort

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

Employment

Wrongful Termination (36)
Other Employment (15)

Contract

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

Real Property

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

Unlawful Detainer

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

Judicial Review

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

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

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

Enforcement of Judgment

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

Miscellaneous Civil Complaint

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

Miscellaneous Civil Petition

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

COPY

SHORT TITLE:	CASE NUMBER 20STCV03676
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**CIVIL CASE COVER SHEET ADDENDUM AND
STATEMENT OF LOCATION
(CERTIFICATE OF GROUNDS FOR ASSIGNMENT TO COURTHOUSE LOCATION)**

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

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

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

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

Applicable Reasons for Choosing Court Filing Location (Column C)

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

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

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

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

SHORT TITLE:	CASE NUMBER

Step 4: Statement of Reason and Address: Check the appropriate boxes for the numbers shown under Column C for the type of action that you have selected. Enter the address which is the basis for the filing location, including zip code. (No address required for class action cases).

REASON: <input checked="" type="checkbox"/> 1. <input type="checkbox"/> 2. <input type="checkbox"/> 3. <input type="checkbox"/> 4. <input type="checkbox"/> 5. <input type="checkbox"/> 6. <input type="checkbox"/> 7. <input type="checkbox"/> 8. <input type="checkbox"/> 9. <input type="checkbox"/> 10. <input type="checkbox"/> 11.	ADDRESS: 14153 Whittier Blvd., Whittier, CA 90605	
CITY:	STATE:	ZIP CODE:

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

Dated: 1/29/20



 (SIGNATURE OF ATTORNEY/FILING PARTY)

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

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

<p>SUPERIOR COURT OF CALIFORNIA COUNTY OF LOS ANGELES</p>	<p>Reserved for Clerk's File Stamp</p> <p>FILED Superior Court of California County of Los Angeles 01/29/2020 Sherri R. Carter, Executive Officer / Clerk of Court By: <u>Steve Drew</u> Deputy</p>
<p>COURTHOUSE ADDRESS: Spring Street Courthouse 312 North Spring Street, Los Angeles, CA 90012</p>	
<p>NOTICE OF CASE ASSIGNMENT UNLIMITED CIVIL CASE</p>	
<p>Your case is assigned for all purposes to the judicial officer indicated below.</p>	<p>CASE NUMBER: 20STCV03676</p>

THIS FORM IS TO BE SERVED WITH THE SUMMONS AND COMPLAINT

	ASSIGNED JUDGE	DEPT	ROOM		ASSIGNED JUDGE	DEPT	ROOM
✓	Maren Nelson	17					

Given to the Plaintiff/Cross-Complainant/Attorney of Record Sherri R. Carter, Executive Officer / Clerk of Court
 on 01/29/2020 (Date) By Steve Drew, Deputy Clerk

INSTRUCTIONS FOR HANDLING UNLIMITED CIVIL CASES

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

APPLICATION

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

PRIORITY OVER OTHER RULES

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

CHALLENGE TO ASSIGNED JUDGE

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

TIME STANDARDS

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

COMPLAINTS

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

CROSS-COMPLAINTS

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

STATUS CONFERENCE

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

FINAL STATUS CONFERENCE

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

SANCTIONS

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

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

Class Actions

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

***Provisionally Complex Cases**

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



Superior Court of California, County of Los Angeles

ALTERNATIVE DISPUTE RESOLUTION (ADR) INFORMATION PACKAGE

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

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

What is ADR?

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

Advantages of ADR

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

Disadvantages of ADR

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

Main Types of ADR:

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

Mediation may be appropriate when the parties

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

Mediation may not be appropriate when the parties

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

How to arrange mediation in Los Angeles County

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

a. The Civil Mediation Vendor Resource List

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

- **ADR Services, Inc.** Case Manager patricia@adrservices.com (310) 201-0010 (Ext. 261)
- **JAMS, Inc.** Senior Case Manager mbinder@jamsadr.com (310) 309-6204
- **Mediation Center of Los Angeles (MCLA)** Program Manager info@mediationLA.org (833) 476-9145
 - Only MCLA provides mediation in person, by phone and by videoconference.

These organizations cannot accept every case and they may decline cases at their discretion.

Visit www.lacourt.org/ADR.Res.List for important information and FAQs before contacting them.

NOTE: This program does not accept family law, probate, or small claims cases.

b. Los Angeles County Dispute Resolution Programs

<https://wdacs.lacounty.gov/programs/drp/>

- Small claims, unlawful detainers (evictions) and, at the Spring Street Courthouse, limited civil:
 - Free, day-of-trial mediations at the courthouse. No appointment needed.
 - Free or low-cost mediations before the day of trial.
 - For free or low-cost Online Dispute Resolution (ODR) by phone or computer before the day of trial visit <http://www.lacourt.org/division/smallclaims/pdf/OnlineDisputeResolutionFlyer-EngSpan.pdf>

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

3. **Arbitration:** Arbitration is less formal than trial, but like trial, the parties present evidence and arguments to the person who decides the outcome. In "binding" arbitration, the arbitrator's decision is final; there is no right to trial. In "nonbinding" arbitration, any party can request a trial after the arbitrator's decision. For more information about arbitration, visit <http://www.courts.ca.gov/programs-adr.htm>
4. **Mandatory Settlement Conferences (MSC):** MSCs are ordered by the Court and are often held close to the trial date or on the day of trial. The parties and their attorneys meet with a judge or settlement officer who does not make a decision but assists the parties in evaluating the strengths and weaknesses of the case and in negotiating a settlement. For information about the Court's MSC programs for civil cases, visit <http://www.lacourt.org/division/civil/CI0047.aspx>

Los Angeles Superior Court ADR website: <http://www.lacourt.org/division/civil/CI0109.aspx>
For general information and videos about ADR, visit <http://www.courts.ca.gov/programs-adr.htm>

COPY

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ORIGINAL FILED
Superior Court of California
County of Los Angeles

JAN 29 2020

Sherri K. Yager, County Clerk of Court
By Steven Drew, Deputy

8 (Eddie) Jae K. Kim (CA Bar # 236805)
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15 *Attorneys for Plaintiff**

16 **Additional counsel on signature page.*

17 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

18 **FOR THE COUNTY OF LOS ANGELES**

19 MARISA MARTINEZ, individually and
20 on behalf of all others similarly situated,

Case No. **20STCV03676**

21 Plaintiff,

ELECTRONICALLY FILED

22 v.

**Class Action Complaint for
Declarative and Injunctive Relief
and Damages for Violations of:
The Unruh Civil Rights Act and The
California Disabled Persons Act**

23 FAMILY DOLLAR STORES, INC.,

24 Defendant.

1 Plaintiff Marisa Martinez (“Plaintiff”), individually and on behalf of all others
2 similarly situated, brings this class action against Defendant
3 Family Dollar Stores, Inc. (“Defendant” or “Family Dollar”), alleging violations of
4 the Unruh Civil Rights Act, Cal. Civ. Code § 51 *et seq.* (the “Unruh Act”), and the
5 California Disabled Persons Act, Cal. Civ. Code §§ 54–54.3 (the “Disabled Persons
6 Act”), for declaratory and injunctive relief, attorneys’ fees, expenses and costs
7 pursuant to 42 U.S.C. § 12181, and alleges as follows:
8

9
10 **INTRODUCTION**

11
12 1. This is a case about putting profit ahead of the rights of people with
13 disabilities.

14
15 2. Family Dollar positions a host of obstructions, including merchandise,
16 merchandise displays, stocking carts, bins, dollies, and ladders so that they block or
17 narrow the interior pathways of its stores.

18
19 3. For years, Family Dollar stores have had a reputation for messy,
20 cluttered aisles that are difficult to navigate. *See, e.g., Family Dollar’s Biggest*
21 *Problem in 3 Photos and a Vine*, HuffPost, (June 11, 2014) (“Family Dollar stores
22 have *way* too much merchandise on the floor. So much, in fact, that you can’t even
23 comfortably walk down some aisles.”);¹ *A Nasty Look Filth, Clutter Define Local*

24
25
26
27 ¹ Available at https://www.huffpost.com/entry/family-dollars-biggest-problem-photos_n_5479837 as of January 29, 2020.
28

1 *Family Dollar Store, The Spirit*, (Feb. 20 2019) (“[A]isles are blocked by items and
2 trash that make it impossible to navigate”);² *Local Family Dollar Closes Over What*
3 *Some Say Are “Deplorable” Conditions*, Local Memphis (Nov. 7 2019).³
4

5 4. Upon information and belief, this practice is intentional, and driven by
6 a calculated judgment that impeding interior paths of travel increases sales revenue
7 and profits. *Stuff Piled in the Aisle? It’s There to Get You to Spend More*, The New
8 York Times, (April 7, 2011).⁴ See also, e.g., *Why a Messy, Cluttered Store is Good*
9 *for Business*, Time Magazine, (April 8, 2011).⁵
10
11

12 5. Although this practice may indeed increase profits for Family Dollar, it
13 does so at the expense of basic civil rights guaranteed to people with disabilities
14 because it results in unlawful access barriers.
15

16 6. Plaintiff has frequently visited Family Dollar stores and has been
17 repeatedly denied full and equal access to the stores as a result of accessibility barriers
18 existing in interior paths of travel. These access barriers include but are not limited
19
20

21 _____
22 ² Available at <http://chesterspirit.com/2019/02/a-nasty-look-filth-clutter-define-local-family-dollar-store/> as of January 29, 2020.

23 ³ Available at <https://www.localmemphis.com/news/local-biz/local-family-dollar-store-close-over-what-some-say-are-deplorable-conditions/> as of January 29, 2020.

24 ⁴ Available at <https://www.nytimes.com/2011/04/08/business/08clutter.html> as of
25 January 29, 2020.
26

27 ⁵ Available at <http://business.time.com/2011/04/08/why-a-messy-cluttered-store-is-good-for-business/>
28 as of January 29, 2020.

1 to: merchandise displays, carts, boxes, and ladders, positioned so that they
2 impermissibly block or narrow the aisle pathways. These conditions severely impede
3 Plaintiff's access to the goods and services offered at Defendant's stores, and Plaintiff
4 has been repeatedly deterred from accessing Defendant's goods and services as a
5 result.
6

7
8 7. The access barriers described herein are not temporary and isolated.
9 They are systemic, recurring, and reflective of Family Dollar's marketing and store
10 policies and practices.
11

12 8. Notably, Family Dollar has also been sued in federal class actions in the
13 District of Colorado and the Western District of Pennsylvania challenging the same
14 and/or similar types of violations that are being challenged by the Plaintiff in this
15 Complaint. *See Agardy v. Family Dollar Stores, Inc.*, 1:19-cv-03381-RM-KLM (D.
16 Co.); *Lewandowski v. Family Dollar Stores Inc.*, 2:19-cv-00858-MJH (W.D. Pa.).
17

18 9. Family Dollar was also recently investigated by the U.S. Department of
19 Justice in Rhode Island for failing to ensure that its stores' interior paths of access
20 are unimpeded. The investigation concluded with a settlement agreement, including
21 a civil penalty and an agreement that Family Dollar will ensure all of its Rhode Island
22 stores remain fully accessible to people with disabilities by ensuring that its
23 employees will not place merchandise, shopping carts, boxes or other items in a way
24 that reduces or eliminates accessibility. *See RI Family Dollar Stores to Pay \$7,500*,
25
26
27
28

1 *Address ADA Compliance Issues Following Settlement with U.S., GoLocalProv*
2 (Sept. 25, 2019).⁶
3

4 10. As in the DOJ's enforcement action against Defendant in Rhode Island,
5 similarly, this action is not about a single specific barrier that Plaintiff has
6 encountered – rather, this action seeks to address the persistently inaccessible
7 conditions of Defendant's stores that are occurring because of Defendant's practices
8 and policies of cluttering its stores with merchandise and other items within interior
9 paths of travel. Plaintiff is putting Defendant on notice that its stores' conditions are
10 inaccessible because of the many types of access barriers that are present, persisting,
11 and reoccurring within its stores.
12
13

14 11. Counsel for Plaintiff has overseen an investigation into Defendant's
15 California stores which has confirmed the widespread existence of interior access
16 barriers that are the same as, or similar to, the barriers directly experienced by
17 Plaintiff. This investigation further confirms Plaintiff's experiences of encountering
18 various access barriers at multiple locations within Defendant's stores of a specific
19 type and sort – typically merchandise, merchandise displays, and stocking equipment
20 projecting into interior paths of travel.
21
22
23

24 12. Plaintiff brings this civil rights class action against Family Dollar to
25 enforce Section 51(f) of the California Civil Code, which provides that a violation of
26

27 _____
28 ⁶ Available at <https://www.golocalprov.com/news/ri-family-dollar-stores-to-pay-7500-address-ada-compliance-issues-following> as of January 29, 2020.

1 the right of any individual under the Americans with Disabilities Act shall also
2 constitute a violation of the Unruh Civil Rights Act.

3
4 13. Plaintiff seeks a permanent injunction requiring that:

5 a. Defendant remediate all interior path of travel access barriers
6 at Defendant's California stores;

7
8 b. Defendant change its policies and practices to ensure its
9 facilities are fully accessible to, and independently usable by,
10 individuals who use wheelchairs or scooters; and

11
12 c. Plaintiff's representatives shall monitor Defendant's California
13 stores to ensure that the injunctive relief ordered pursuant to
14 this Complaint has been implemented and will remain in place.
15

16 **JURISDICTION AND VENUE**

17 14. The Court has subject matter jurisdiction over this action. The Court has
18 personal jurisdiction over Defendant because Defendant conducts substantial
19 business in the State of California.
20

21 15. Venue is proper because this is the judicial district in which a substantial
22 part of the acts and omissions giving rise to Plaintiff's claims occurred.
23

24 **PARTIES**

25 16. Plaintiff Marisa Martinez is, and at all times relevant hereto was, a
26 resident of Whittier, California. Ms. Martinez suffered an injury approximately
27
28

1 thirty-two years ago that resulted in T-12 paralysis. Ms. Martinez uses a wheelchair
2 for mobility.

3
4 17. Defendant Family Dollar Stores, Inc. is a Delaware corporation, and is
5 headquartered at 10401 Monroe Road, Matthews, North Carolina 28105-5349.

6
7 18. Defendant is a public accommodation pursuant to Title III of the
8 Americans with Disabilities Act of 1990, 42 U.S.C. § 12181(7). Defendant is also a
9 “business establishment” within the meaning of the Unruh Civil Rights Act,
10 California Civil Code § 51 *et seq.*

11
12 **FACTUAL ALLEGATIONS AND PLAINTIFF’S EXPERIENCE**

13 **I. Plaintiff Has Been Denied Full and Equal Access to Defendant’s Stores.**

14
15 19. Plaintiff regularly frequent Defendant’s stores for goods, and her ability
16 to independently patronize businesses is important to Plaintiff and her quality of life;
17 it enables her to obtain necessary goods and services and allows her to interact with
18 the community, which is a critical social outlet for her.

19
20 20. Plaintiff regularly visits Defendant’s store located at 14153 Whittier
21 Blvd, Whittier, CA 90605 (the “Whittier Store”). Plaintiff typically visits the Whittier
22 Store once a week, and during her visits she has continually encountered unlawful
23 and discriminatory interior access barriers including, but not limited to, merchandise,
24 merchandise displays, and stocking carts that narrowed interior paths of access to a
25 width below statutorily prescribed requirements and precluded Plaintiff’s equal
26 access to Defendant’s goods and services. These barriers inhibit Plaintiff’s ability to
27
28

1 navigate Defendant's stores and preclude her access to Defendant's goods. Plaintiff
2 would shop at Defendant's Whittier Store more often, and with less difficulty, if
3 Defendant's stores were readily accessible.
4

5 21. Plaintiff shops at the Whittier Store in particular because it is near her
6 home. The Whittier Store is approximately 2.2 miles from Plaintiff's residence.
7

8 22. An investigation of the Whittier Store, on behalf of Plaintiff, revealed
9 the same types of access barriers that Plaintiff has repeatedly encountered, as
10 depicted in the following images, which demonstrate access barriers narrowing the
11 pathway to less than thirty-two inches in width:
12



28 *Figure 1 – Family Dollar, 14153 Whittier Blvd, Whittier, CA 90605*

1 23. In addition, a sampling investigation of Defendant's California retail
2 locations revealed the same problems existed that were present in the locations visited
3 by Plaintiff, as depicted in the following images, which demonstrate access barriers
4 narrowing the pathway to less than thirty-two inches in width:
5

6 a. 649 E 6th Ave, Beaumont, CA 92223
7



26 *Figure 2 – Family Dollar, 649 E 6th Ave*
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b. 943 E Vista Way, Vista, CA 92084



Figure 3 – Family Dollar, 943 E Vista Way

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c. 1223 S San Jacinto Ave, San Jacinto, CA 92583



Figure 4 – Family Dollar, 1223 S San Jacinto Ave

d. 1281 N Santa Fe Ave, Vista, CA 92084



Figure 5 – Family Dollar, 1281 N Santa Fe Ave

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e. 2249 E Florida Ave, Hemet, CA 92544



Figure 6 – Family Dollar, 2249 E Florida Ave

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f. 3400 E Chapman Ave, Orange, CA 92869



Figure 7 – Family Dollar, 3400 E Chapman Road

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g. 5065 Logan Ave, San Diego, CA 92113



Figure 8 – Family Dollar, 5065 Logan Ave

1 h. 31281 Riverside Drive, Lake Elsinore, Poway, CA 92530
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21 *Figure 9 – Family Dollar, 31281 Riverside Drive*

22 24. As a result of Defendant's non-compliance with the ADA, Plaintiff's
23 right to full and equal, non-discriminatory, and safe access to Defendant's goods and
24 facilities has been denied.
25

26 25. Plaintiff will be deterred from returning to and fully and safely accessing
27 Defendant's stores so long as Defendant's stores remain non-compliant, and so long
28

1 as Defendant continues to employ the same policies and practices that have led, and
2 in the future will lead, to inaccessibility at Defendant's stores.

3
4 26. Without injunctive relief, Plaintiff will continue to be unable to fully
5 and safely access Defendant's stores in violation of her rights under the ADA.

6 **II. Defendant Denies Individuals With Disabilities Full and Equal Access to**
7 **its Stores.**

8
9 27. Defendant is engaged in the ownership, management, operation, and
10 development of retail stores throughout the United States, including, upon
11 information and belief, approximately 309 stores in California.

12
13 28. As the owner and manager of its properties, Defendant employs
14 centralized policies, practices, and procedures with regard to the design,
15 maintenance, and operation of its facilities.

16
17 29. However, as set forth herein, these policies, practices, and procedures
18 are inadequate in that Defendant's stores are operated and maintained in
19 discriminatory and inaccessible conditions.

20
21 30. Absent a change in Defendant's corporate policies and practices, access
22 barriers are likely to reoccur in Defendant's stores even after they have been
23 remediated in the first instance.

24
25 31. Accordingly, Plaintiff seeks an injunction to remove the barriers
26 currently present in Defendant's California stores and an injunction to modify the
27

28

1 policies and practices that have created or allowed, and will create or allow, access
2 barriers in Defendant's California stores.

3
4 **CLASS ALLEGATIONS**

5 32. Plaintiff brings this class action individually and on behalf of the
6 following class of California residents: all persons with qualified mobility disabilities
7 who have attempted, or will attempt, to access the interior of any store owned or
8 operated by Defendant within the State of California and have, or will have,
9 experienced access barriers in interior paths of travel.

10
11
12 33. Numerosity: The class described above is so numerous that joinder of
13 all individual members in one action would be impracticable. The disposition of the
14 individual claims of the respective class members through this class action will
15 benefit both the parties and this Court, and will facilitate judicial economy.

16
17 34. Typicality: Plaintiff's claims are typical of the claims of the members of
18 the class. The claims of Plaintiff and members of the class are based on the same
19 legal theories and arise from the same unlawful conduct.

20
21 35. Common Questions of Fact and Law: There is a well-defined
22 community of interest and common questions of fact and law affecting members of
23 the class in that they all have been and/or are being denied their civil rights to full
24 and equal access to, and use and enjoyment of, Defendant's facilities due to
25 Defendant's failure to make its facilities fully accessible and independently usable as
26 above described. The questions of law and fact that are common to the class include:
27
28

- 1 a. Whether Defendant's stores are public accommodations subject to
2 accessibility requirements.
3
4 b. Whether storing merchandise in interior aisles of Defendant's stores makes
5 the stores inaccessible to Plaintiff and putative class members; and,
6
7 c. Whether Defendant's storage, stocking and setup policies and practices
8 discriminate against Plaintiff and putative class members in violation of
9 accessibility requirements.

10 36. Adequacy of Representation: Plaintiff is an adequate representative of
11 the class because her interests do not conflict with the interests of the members of the
12 class. Plaintiff will fairly, adequately, and vigorously represent and protect the
13 interests of the members of the class, and Plaintiff has no interests antagonistic to the
14 members of the class. Plaintiff has retained counsel who are competent and
15 experienced in the prosecution of class action litigation, generally, and who possess
16 specific expertise in the context of civil rights class litigation.
17
18
19

20 37. Class certification is appropriate because Defendant has acted or refused
21 to act on grounds generally applicable to the class, making appropriate both
22 declaratory and injunctive relief with respect to Plaintiff and the class as a whole.
23

24 38. Alternatively, class certification is appropriate because questions of law
25 and fact common to the members of the Class predominate over questions affecting
26 only individual members of the Class, and because a class action is superior to other
27 available methods for the fair and efficient adjudication of this litigation.
28

1 **FIRST CAUSE OF ACTION:**
2 **VIOLATION OF THE UNRUH CIVIL RIGHTS ACT**

3 39. Plaintiff incorporates by reference the foregoing allegations as if set
4 forth fully herein.

5
6 40. Similar to the Americans with Disabilities Act, the Unruh Act
7 guarantees individuals with disabilities entitlement to full and equal
8 accommodations, advantages, facilities, privileges, and services in all public
9 accommodations within the jurisdiction of the State of California. Cal. Civ. Code. §
10 51(b).
11

12 41. Under the Unruh Act, a violation of the ADA is considered a violation
13 of the Unruh Act. *Id.* § 51(f).
14

15 42. Defendant's actions and failings, as described above, are in violation of
16 the Unruh Act because Defendant has denied, aided, or incited the denial of
17 Plaintiff's rights to full and equal use of Defendant's facilities and accommodations.
18

19 43. Because Defendant's violations of the Unruh Act resulted in difficulty,
20 discomfort, and embarrassment for Plaintiff, Defendant is also responsible for
21 statutory damages. Cal. Civ. Code §§ 55.56(a)-(c).
22

23 44. While Plaintiff was impacted by the discriminatory conditions and
24 barriers she encountered, including by enduring frustration, discomfort, and
25 embarrassment, which may qualify as emotional distress injuries, Plaintiff does not
26 seek to value these injuries greater than the amount of prescribed statutory damages.
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**SECOND CAUSE OF ACTION:
VIOLATION OF THE DISABLED PERSONS ACT**

45. Plaintiff incorporates by reference the foregoing allegations as if set forth fully herein.

46. The California Disabled Persons Act, Cal. Civ. Code §§ 54–54.3, guarantees full and equal access for persons with disabilities to the accommodations, advantages, facilities, and privileges of all places of public accommodation.

47. Defendant’s actions and failings, as described above, are in violation of the Disabled Persons Act because Defendant has denied Plaintiff’s right to full and equal access of Defendant’s facilities and accommodations.

48. Under the Disabled Persons Act, a violation of the ADA is also considered a violation of the Disabled Persons Act. Cal. Civ. Code § 54.1.

49. As a result of Defendant’s wrongful conduct, Plaintiff and the Class are entitled to statutory minimum damages under Cal. Civ. Code § 54.3 for each offense.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff, individually and on behalf of the members of the putative class, prays for:

- a. A declaratory judgment that Defendant is in violation of the specific requirements of the Unruh Act and the Disabled Persons Act, in that Defendant’s facilities are not fully accessible to and independently usable by individuals who use wheelchairs or scooters;

1 b. A permanent injunction that: (i) directs Defendant to take all steps
2 necessary to remove the access barriers described above and to ensure that its
3 California facilities are fully accessible to, and independently usable by, individuals
4 who use wheelchairs or scooters; (ii) directs Defendant to change its policies and
5 practices to ensure its facilities are fully accessible to, and independently usable by,
6 individuals who use wheelchairs or scooters; and (iii) directs that Plaintiff shall
7 monitor Defendant's facilities to ensure that the injunctive relief ordered above
8 remains in place;

9
10
11 c. Damages in an amount to be determined by proof, including all
12 applicable statutory damages;

13
14 d. An Order certifying the class proposed by Plaintiff, naming Plaintiff
15 as class representative, and appointing her counsel as class counsel;

16
17 e. Payment of costs of suit;

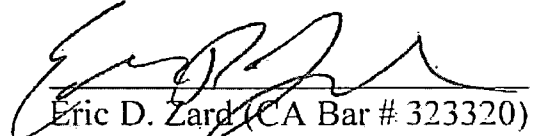
18 f. Payment of reasonable attorneys' fees; and,

19 g. The provision of whatever other relief the Court deems just, equitable,
20 and appropriate.
21

22
23 Dated: January 29, 2020

Respectfully submitted,

CARLSON LYNCH LLP



Eric D. Zard (CA Bar # 323320)

ezard@carlsonlynch.com

Eddie Kim (CA Bar # 236805)

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**pro hac vice* admission forthcoming

Attorneys for Plaintiff

VOLUNTARY EFFICIENT LITIGATION STIPULATIONS



**Superior Court of California
County of Los Angeles**

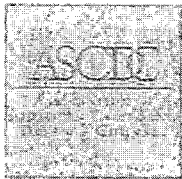


**Los Angeles County
Bar Association
Litigation Section**

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



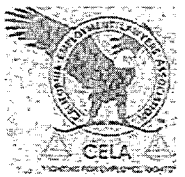
**Consumer Attorneys
Association of Los Angeles**



**Southern California
Defense Counsel**



**Association of
Business Trial Lawyers**



**California Employment
Lawyers Association**

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

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

◆ **Los Angeles County Bar Association Litigation Section** ◆

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

◆ **Consumer Attorneys Association of Los Angeles** ◆

◆ **Southern California Defense Counsel** ◆

◆ **Association of Business Trial Lawyers** ◆

◆ **California Employment Lawyers Association** ◆

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

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

The parties agree that:

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

SHORT TITLE:

CASE NUMBER:

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

SHORT TITLE:	CASE NUMBER:
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The following parties stipulate:

Date: _____	➤	_____
(TYPE OR PRINT NAME)		(ATTORNEY FOR PLAINTIFF)
Date: _____	➤	_____
(TYPE OR PRINT NAME)		(ATTORNEY FOR DEFENDANT)
Date: _____	➤	_____
(TYPE OR PRINT NAME)		(ATTORNEY FOR DEFENDANT)
Date: _____	➤	_____
(TYPE OR PRINT NAME)		(ATTORNEY FOR DEFENDANT)
Date: _____	➤	_____
(TYPE OR PRINT NAME)		(ATTORNEY FOR _____)
Date: _____	➤	_____
(TYPE OR PRINT NAME)		(ATTORNEY FOR _____)
Date: _____	➤	_____
(TYPE OR PRINT NAME)		(ATTORNEY FOR _____)

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

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

The parties agree that:

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

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

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

The following parties stipulate:

Date:

(TYPE OR PRINT NAME)

>

(ATTORNEY FOR PLAINTIFF)

Date:

(TYPE OR PRINT NAME)

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(ATTORNEY FOR DEFENDANT)

Date:

(TYPE OR PRINT NAME)

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(ATTORNEY FOR DEFENDANT)

Date:

(TYPE OR PRINT NAME)

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(ATTORNEY FOR DEFENDANT)

Date:

(TYPE OR PRINT NAME)

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(ATTORNEY FOR _____)

Date:

(TYPE OR PRINT NAME)

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(ATTORNEY FOR _____)

Date:

(TYPE OR PRINT NAME)

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(ATTORNEY FOR _____)

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

1. This document relates to:

- Request for Informal Discovery Conference
- Answer to Request for Informal Discovery Conference

2. Deadline for Court to decide on Request: _____ (insert date 10 calendar days following filing of the Request).

3. Deadline for Court to hold Informal Discovery Conference: _____ (insert date 20 calendar days following filing of the Request).

4. For a Request for Informal Discovery Conference, briefly describe the nature of the discovery dispute, including the facts and legal arguments at issue. For an Answer to Request for Informal Discovery Conference, briefly describe why the Court should deny the requested discovery, including the facts and legal arguments at issue.

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

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

The parties agree that:

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

SHORT TITLE:	CASE NUMBER:
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The following parties stipulate:

Date: _____ (TYPE OR PRINT NAME)	✓ _____ (ATTORNEY FOR PLAINTIFF)
Date: _____ (TYPE OR PRINT NAME)	✓ _____ (ATTORNEY FOR DEFENDANT)
Date: _____ (TYPE OR PRINT NAME)	✓ _____ (ATTORNEY FOR DEFENDANT)
Date: _____ (TYPE OR PRINT NAME)	✓ _____ (ATTORNEY FOR DEFENDANT)
Date: _____ (TYPE OR PRINT NAME)	✓ _____ (ATTORNEY FOR _____)
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Date: _____ (TYPE OR PRINT NAME)	✓ _____ (ATTORNEY FOR _____)

THE COURT SO ORDERS.

Date: _____

JUDICIAL OFFICER

ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: [Class Action Claims Family Dollar's 'Messy, Cluttered Aisles' Discriminate Against Disabled Customers](#)
