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5 *Attorney for Defendant Aptive*  
*Environmental, LLC*  
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8 UNITED STATES DISTRICT COURT  
9 FOR THE CENTRAL DISTRICT OF CALIFORNIA

10 MICHAEL NIEMAN, individually and  
11 on behalf of all others similarly situated,

12 Plaintiff,

13 v.

14 APTIVE ENVIRONMENTAL, LLC, a  
15 Utah limited liability company, and  
DOES 1 through 10, inclusive, and each  
16 of them,

17 Defendants.  
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Case No. 2:22-cv-02365

**NOTICE OF REMOVAL**

(Los Angeles County Superior Court  
Case No. 22STCV10880)

1 **TO THE CLERK OF THE UNITED STATES DISTRICT COURT FOR THE**  
2 **CENTRAL DISTRICT OF CALIFORNIA:**

3 **PLEASE TAKE NOTICE** that Defendant Aptive Environmental,  
4 LLC (“Aptive”) hereby invokes this Court’s jurisdiction under the provisions of 28  
5 U.S.C. §§ 1332, 1441 and 1453, and removes this action from state court to federal  
6 court pursuant to 28 U.S.C. § 1446. In support thereof, Aptive asserts as follows:

7 **I. Statement of the Case**

8 1. On March 29, 2022, Plaintiff Michael Nieman (“Plaintiff”) filed a  
9 lawsuit in the Superior Court of California, County of Los Angeles, captioned  
10 *Nieman v. Aptive Environmental, LLC*, and designated as Case Number  
11 22STCV10880 (the “State Court Action”). On April 1, 2022, Aptive was served  
12 with the Summons and Complaint. True and correct copies of the Summons,  
13 Complaint and all associated papers served upon Aptive are attached hereto as  
14 Exhibit A. A true and correct copy of the Service of Process Transmittal is attached  
15 hereto at Exhibit B. As of the filing of this Notice of Removal, no further  
16 proceedings have been had in the State Court Action.

17 2. Plaintiff alleges that Aptive unlawfully recorded telephone calls of  
18 California residents without their consent in violation of California Penal Code  
19 §§ 632 and 632.7. Compl. ¶¶ 2-3.

20 3. Plaintiff alleges that in or around March 2022, he “placed a call to  
21 [Aptive’s] toll-free customer service number” and that, “[d]uring this  
22 communication, [Aptive] recorded the call without ever disclosing to Plaintiff that  
23 the call was being recorded.” *Id.* ¶ 13. According to Plaintiff, he “was unaware  
24 that [Aptive] had been recording the call until Plaintiff specifically asked if his call  
25 was being recorded.” *Id.* ¶ 14.

26 4. Based on these allegations, Plaintiff seeks to represent a class of “[a]ll  
27 persons who, residing or located in California, placed a call to [Aptive’s] toll-free  
28 telephone number at any time during the period from March 9, 2021 through the

1 present . . . , and spoke with a representative without having been first informed or  
2 without having first consented to recordation of such call.” *Id.* ¶ 22. Plaintiff  
3 alleges that he believes the number of class members “to be in the thousands, if not  
4 more.” *Id.* ¶ 23.

5 5. Plaintiff alleges that he and other class members are entitled to, among  
6 other things, (i) “statutory damages of \$5,000 per violation or three times actual  
7 damages per violation pursuant to Penal Code § 637.2(a)”; (ii) “\$2,500 per violation  
8 of California Penal Code § 632.7”; (iii) preliminary and permanent injunctive relief;  
9 (iv) “exemplary or treble damages”; (v) “costs of suit”; (vi) “prejudgment interest at  
10 the legal rate”; and (vii) “attorney’s fees and costs.” *Id.* ¶¶ 59-64, 67-74.<sup>1</sup>

## 11 **II. Procedural Statement**

12 6. Removal of this action is timely. Aptive was served with the  
13 Summons and Complaint on April 1, 2022. *See* Ex. B. Thus, the Notice of  
14 Removal was “filed within 30 days after the receipt by the defendant, through  
15 service or otherwise, of a copy of the initial pleading setting forth the claim for  
16 relief upon which such action or proceeding is based[.]” 28 U.S.C. § 1446(b)(1);  
17 *Murphy Bros., Inc. v. Michette Pipe Stringing, Inc.*, 526 U.S. 344, 347-48 (1999)  
18 (“[A] named defendant’s time to remove is triggered by simultaneous service of the  
19 summons and complaint, or receipt of the complaint, ‘through service or otherwise,’  
20 after and apart from service of the summons, but not by mere receipt of the  
21 complaint unattended by any formal service.”).

22 7. Aptive is the only defendant served. Does 1-10 have not been named  
23 or served and need not consent to this Notice of Removal. *See Soliman v. Philip*  
24 *Morris, Inc.*, 311 F.3d 966, 971 (9th Cir. 2002).

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28 <sup>1</sup> On Page 12 of the Complaint, there is a typographical error. Paragraph “57”  
should be “67.”

1 8. Venue lies in the United States District Court for the Central District of  
2 California pursuant to 28 U.S.C. § 1441(a) because the Complaint was filed in this  
3 District.

4 9. As stated above, pursuant to 28 U.S.C. § 1446(a), a true and correct  
5 copy of all pleadings and orders served upon Aptive in the State Court Action are  
6 attached hereto as Exhibit A.

7 10. Written notice of the filing of this Notice of Removal will be promptly  
8 served upon Plaintiff. Aptive will also promptly file a copy of this Notice with the  
9 Clerk of the Superior Court of California, County of Los Angeles.

10 **III. Basis for Removal Jurisdiction: Class Action Fairness Act**

11 11. This Court has original jurisdiction over this action pursuant to the  
12 Class Action Fairness Act (“CAFA”), codified under 28 U.S.C. § 1332(d). CAFA  
13 provides that a putative class action is removable to federal court if: (a) any member  
14 of a class of plaintiffs is a citizen of a different state from any defendant; (b) the  
15 proposed class members number at least 100; and (c) the amount in controversy  
16 exceeds \$5,000,000, exclusive of interest and costs. 28 U.S.C. § 1332(d). Each of  
17 these requirements is met in this case.

18 **A. The Citizenship of the Parties Is Diverse**

19 12. CAFA’s minimal diversity requirement is satisfied when “[a]ny  
20 member of a class of plaintiffs is a citizen of a State different from any  
21 defendant[.]” 28 U.S.C. §§ 1332(d)(2)(A).

22 13. Plaintiff is “a citizen and resident of the State of California.” Compl.  
23 ¶ 6.

24 14. Under CAFA, a limited liability company’s citizenship is based solely  
25 on its principal place of business. *Jack v. Ring LLC*, 553 F. Supp. 3d 711, 715  
26 (N.D. Cal. 2021). Aptive’s principal place of business is 5132 North 300 West,  
27 Suite 150, Provo, Utah, 84604-5819. As such, Aptive is a citizen of Utah.

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1 15. Because Plaintiff is a citizen of a state different from Aptive, minimum  
2 diversity exists. 28 U.S.C. § 1332(d)(2)(A).

3 **B. Numerosity**

4 16. CAFA requires that “the number of members of all proposed plaintiff  
5 classes in the aggregate” be at least 100. 28 U.S.C. § 1332(d)(5)(B).

6 17. The Complaint alleges Plaintiff “believes the number [of class  
7 members] to be in the thousands, if not more.” Compl. ¶ 23. Thus, the allegations  
8 in the Complaint confirm that there are more than 100 people in the putative class.

9 18. Further, Aptive’s business records indicate that there are more than  
10 100 people in the putative class.

11 19. Accordingly, CAFA’s numerosity requirement is satisfied. 28 U.S.C.  
12 § 1332(d)(5)(B).

13 **C. Amount in Controversy**

14 20. CAFA requires that “the matter in controversy exceeds the sum or  
15 value of \$5,000,000, exclusive of interest and costs[.]” 28 U.S.C. § 1332(d)(2). It  
16 further provides that “to determine whether the matter in controversy exceeds the  
17 sum or value of \$5,000,000,” the “claims of the individual class members shall be  
18 aggregated[.]” *Id.* § 1332(d)(6).

19 21. Although Aptive denies that it has any liability to Plaintiff or the  
20 putative class, and denies that any class could be properly certified under Federal  
21 Rule of Civil Procedure 23, the aggregate amount of relief sought by the putative  
22 class exceeds \$5,000,000, exclusive of interest and costs.

23 22. Plaintiff alleges that the number of class members are “in the  
24 thousands, if not more.” Compl. ¶ 23. Plaintiff and the putative class seek statutory  
25 damages of \$5,000 for each alleged violation. *Id.* ¶¶ 59, 67. Accordingly, even if  
26 there were just 1,001 calls rather than the alleged “thousands” of calls, the alleged  
27 statutory damages, in the aggregate, exceed \$5,000,000 (*i.e.*, 1,001 calls x \$5,000  
28 per call = \$5,005,000). Moreover, Plaintiff also seeks statutory damages of \$2,500

1 per violation under California Penal Code § 632.7 on top of the statutory damages  
2 of \$5,000 per violation. *Id.* ¶ 68.

3 23. In addition, Plaintiff, on behalf of himself and putative class, also  
4 seeks preliminary and permanent injunctive relief, exemplary or treble damages,  
5 costs of suit, prejudgment interest at the legal rate, and attorneys’ fees and costs.  
6 *Id.* ¶¶ 60-64, 70, 72-74. Plaintiffs’ demand for such further relief further elevates  
7 the amount in controversy above the threshold CAFA jurisdictional requirement.

8 24. By way of example, “when a statute or contract provides for the  
9 recovery of attorneys’ fees, prospective attorneys’ fees must be included in the  
10 assessment of the amount in controversy.” *Arias v. Residence Inn by Marriott*, 936  
11 F.3d 920, 922 (9th Cir. 2019). “The reasonableness of attorney’s fees, when such  
12 fees are unascertainable on the face of the complaint, can be calculated by looking  
13 to other attorney’s fees awards in similar cases.” *Garcia v. ACE Cash Express,*  
14 *Inc.*, 2014 WL 2468344, at \*5 (C.D. Cal. May 30, 2014) (citing *Kroske v. U.S.*  
15 *Bank Corp.*, 432 F.3d 976, 980 (9th Cir. 2005)). Courts in this Circuit have  
16 awarded substantial attorneys’ fees in class action settlements based on claims  
17 under the California Invasion of Privacy Act (“CIPA”). *See, e.g., In re Yahoo Mail*  
18 *Litig.*, 2016 WL 4474612, at \*11 (N.D. Cal. Aug. 25, 2016) (awarding “\$4 million  
19 in attorney’s fees” in CIPA class action controversy).

20 25. Because this is a putative class action, in which there is minimal  
21 diversity, at least 100 punitive class members, and more than \$5,000,000 in the  
22 aggregate in controversy, this Court has original subject matter jurisdiction under  
23 28 U.S.C. § 1332, and this action is removable under 28 U.S.C. § 1441(a).

24 **IV. Reservation of Defenses**

25 26. Nothing in this Notice of Removal shall be interpreted as a  
26 relinquishment of Aptive’s right to assert any defense or affirmative matter.

27 27. Aptive reserves the right to amend or supplement this Notice of  
28 Removal.

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WHEREFORE, Aptive hereby removes the above-captioned action from the Superior Court of California, County of Los Angeles, to this Court, and requests that all further proceedings be conducted in this Court, as required by law.

Dated: April 8, 2022

SIMPSON THACHER & BARTLETT LLP

By /s/ Chet A. Kronenberg  
CHET A. KRONENBERG

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Los Angeles, CA 90067  
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Facsimile: (310) 407-7502  
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*Attorney for Defendant Aptive  
Environmental, LLC*

# EXHIBIT A



**SUMMONS  
(CITACION JUDICIAL)**

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

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

APTIVE ENVIROMENTAL, LLC, a Utah limited liability company, and DOES 1 through 10, inclusive, and each of them,

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

MICHAEL NIEMAN, 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](http://www.courtinfo.ca.gov/selfhelp)), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

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

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

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

22STCV10880

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:  
(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):  
Todd M. Friedman, 21031 Ventura Blvd., Suite 340 Woodland Hills, CA 91364, 323-306-4234

Sherri R. Carter Executive Officer / Clerk of Court

DATE: 03/29/2022  
(Fecha)

Clerk, by J. Covarrubias, Deputy  
(Secretario) (Adjunto)

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



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

- as an individual defendant.
- as the person sued under the fictitious name of (specify):
- on behalf of (specify): Aptive Environmental, LLC, a Utah limited liability company  
under:  CCP 416.10 (corporation)  CCP 416.60 (minor)  
 CCP 416.20 (defunct corporation)  CCP 416.70 (conservatee)  
 CCP 416.40 (association or partnership)  CCP 416.90 (authorized person)  
 other (specify):
- by personal delivery on (date):

1 Todd M. Friedman (SBN 216752)  
 2 Adrian R. Bacon (SBN 280332)  
 3 Thomas E. Wheeler (SBN 308789)  
 4 LAW OFFICES OF TODD M. FRIEDMAN, P.C.  
 5 21031 Ventura Blvd, Suite 340  
 6 Woodland Hills, CA 91364  
 7 Phone: 323-306-4234  
 8 Fax: 866-633-0228  
 9 tfriedman@toddfllaw.com  
 10 abacon@toddfllaw.com  
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12 Michael M. Crosner, Esq. SBN 41299  
 13 mike@crosnerlegal.com  
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 16 Blake R. Jones, Esq., SBN 211221  
 17 blake@crosnerlegal.com  
 18 **CROSNER LEGAL, P.C.**  
 19 9440 Santa Monica Blvd., Suite 301  
 20 Beverly Hills, CA 90210  
 21 Tel: (310) 496-5818  
 22 Fax: (310) 510-6429

*Attorneys for Plaintiff, and all other similarly situated*

23 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
 24 **FOR THE COUNTY OF LOS ANGELES**  
 25 **UNLIMITED JURISDICTION**

26 MICHAEL NIEMAN, individually and on ) Case No. **22STCV10880**  
 27 behalf of all others similarly situated, )

28 Plaintiff,

) **CLASS ACTION**

vs.

) **COMPLAINT FOR DAMAGES**  
) **PURSUANT TO:**

29 APTIVE ENVIRONMENTAL, LLC, a Utah )  
 30 limited liability company, and DOES 1 )  
 31 through 10, inclusive, and each of them, )

(1) **CALIFORNIA PENAL CODE §**  
**632 [CLASS CLAIM]; AND**  
 (2) **CALIFORNIA PENAL CODE §**  
**632.7 [CLASS CLAIM]**

Defendants.

) **DEMAND FOR JURY TRIAL**

**CLASS ACTION COMPLAINT**

1 1. MICHAEL NIEMAN (“Plaintiff”) brings this Class Action Complaint for damages,  
2 injunctive relief, and any other available legal or equitable remedies, resulting from the illegal  
3 actions of APTIVE ENVIRONMENTAL, LLC (“Defendant”), its related entities, subsidiaries and  
4 agents in knowingly, and/or willfully employing and/or causing to be employed certain recording  
5 equipment in order to record telephone conversations with Plaintiff without the knowledge or  
6 consent of Plaintiff, in violation of California Penal Code §§ 630 et seq., thereby invading Plaintiff’s  
7 privacy. Plaintiff alleges as follows upon personal knowledge as to himself and his own acts and  
8 experiences, and, as to all other matters, upon information and belief, including investigation  
9 conducted by his attorneys.

10 2. California Penal Code § 632 prohibits one party to a telephone call from intentionally  
11 recording the conversation without the knowledge or consent of the other. Penal Code § 632 is  
12 violated the moment the recording is made without the consent of all parties thereto, regardless of  
13 whether it is subsequently disclosed. The only intent required by Penal Code § 632 is that the act  
14 of recording itself be done intentionally. There is no requisite intent on behalf of the party doing  
15 the surreptitious recording to break California or any other law, or to invade the privacy right of  
16 any other person. Plaintiff alleges that despite California’s two-party consent rule, Defendants  
17 continue to violate Penal Code § 632 by impermissibly recording its telephone conversations with  
18 California residents.

19 3. California Penal Code § 632.7 prohibits one party to a telephone call from intentionally  
20 recording the conversation without the knowledge or consent of the other while the person being  
21 recorded is on a cellular telephone. Penal Code § 632.7 is violated the moment the recording is  
22 made without the consent of all parties thereto, regardless of whether it is subsequently disclosed.  
23 The only intent required by Penal Code § 632 is that the act of recording itself be done intentionally.  
24 There is no requirement under California Penal Code § 632.7 that the communication be  
25 confidential. Plaintiff alleges that Defendants continue to violate Penal Code § 632.7 by  
26 impermissibly recording its telephone conversations with California residents while said residents  
27 are on cellular telephones.

**JURISDICTION AND VENUE**

1 4. This Court has personal jurisdiction over Defendant. Defendant continually and  
2 systematically conducts business within the State of California, has purposely availed itself of the  
3 benefits and protections of the State of California, and/or has sufficient contact with this State such  
4 that maintenance of this action in this locale would be consistent with traditional notions of fair  
5 play and substantial justice. Therefore, personal jurisdiction is present, and this Court has  
6 jurisdiction.

7  
8 5. Venue is proper in the Superior Court of the State of California for the County of Los  
9 Angeles because the Plaintiff resides in the County of Los Angeles, a substantial part of the events  
10 giving rise to Plaintiff's causes of action against Defendants occurred within the County of Los  
11 Angeles, and Defendants conduct business in the County of Los Angeles, California.

**PARTIES**

12 6. Plaintiff is, and at all times mentioned herein was, a citizen and resident of the State of  
13 California. Plaintiff is, and at all times mentioned herein was a "person" as defined by 47 U.S.C. §  
14 153 (39).

15  
16 7. Plaintiff is informed and believes, and thereon alleges, that Defendant is, and at all times  
17 mentioned herein was, a limited liability company that provides pest control services throughout  
18 the United States, including in California. Defendant is and at all times mentioned herein was, a  
19 corporation and is a "person," as defined by 47 U.S.C. § 153 (39). Plaintiff alleges that at all times  
20 relevant herein Defendant conducted business in the State of California and in the County of Los  
21 Angeles, and within this judicial district.

22 8. Defendant and its subsidiaries and agents, are collectively referred to as "Defendants." The  
23 true names and capacities of the Defendants sued herein as DOE DEFENDANTS 1 through 10,  
24 inclusive, are currently unknown to Plaintiff, who therefore sues such Defendants by fictitious  
25 names. Each of the Defendants designated herein as a DOE is legally responsible for the unlawful  
26 acts alleged herein. Plaintiff will seek leave of Court to amend the Complaint to reflect the true  
27 names and capacities of the DOE Defendants when such identities become known.

28 9. Plaintiff is informed and believes that at all relevant times, each Defendant was acting as

1 an agent and/or employee of each of the other Defendants and was acting within the course and  
2 scope of said agency and/or employment with the full knowledge and consent of each of the other  
3 Defendants. Plaintiff is informed and believes that each of the acts and/or omissions complained  
4 of herein was made known to, and ratified by, each of the other Defendants.

5 **FACTUAL ALLEGATIONS**

6 10. At all times relevant, Plaintiff was a citizen of the State of California. Plaintiff is, and at  
7 all times mentioned herein was, a “person” as defined by 47 U.S.C. § 153 (39).

8 11. Defendant is, and at all times mentioned herein was, a corporation and “person,” as defined  
9 by 47 U.S.C. § 153 (39).

10 12. At all times relevant Defendant conducted business in the State of California and in the  
11 County of Los Angeles, within this judicial district. Defendant’s employees and agents are directed,  
12 trained and instructed to, and do record, the telephone conversations with the public, including  
13 California residents.

14 13. In or around March, 2022, Plaintiff placed a call to Defendant’s toll-free customer service  
15 number at 1-844-573-7111 from the State of California while using his cellular phone. During this  
16 communication, Defendant recorded the call without ever disclosing to Plaintiff that the call was  
17 being recorded. At no time did Plaintiff ever provide actual or constructive consent to Defendant  
18 to record the telephone calls.

19 14. Plaintiff was unaware that Defendant had been recording the call until Plaintiff specifically  
20 asked if his call was being recorded.

21 15. The contents of the call between Defendant and Plaintiff that were recorded by Defendant  
22 were confidential in nature due to the fact that Plaintiff’s first and last name as well as his  
23 residential address was discussed, for which Plaintiff had an expectation of privacy.

24 16. Plaintiff had a reasonable expectation that his telephone conversation with Defendant was,  
25 and would remain, private and confidential to the parties on the telephone. He did not expect that  
26 his telephone communications with Defendant were being recorded. Such recording without his  
27 consent is highly offensive to Plaintiff and would  
28

1 17. Plaintiff is informed and believes, and based thereon alleges, that Defendants have  
2 intentionally utilized technology comprised of hardware and/or software to carry out a practice  
3 and policy of recording all the calls made to and from Defendant. The calls request the caller's  
4 address for pest control, as well as other personal information including their first and last name,  
5 credit and debit card information, address and telephone information, and other highly confidential  
6 information which is used to purchase Defendant's products and to conduct other customer service  
7 business. Defendant does not inform or warn the California residents, including Plaintiff, that the  
8 telephone calls may be or will be recorded. Plaintiff was unaware that the phone call between  
9 himself and Defendant in California were recorded prior to Plaintiff asking. There was no pre-call  
10 recorded message. The Defendants' representatives never informed Plaintiff that the calls were  
11 being recorded until after Plaintiff's inquiry.

12 18. Plaintiff did not learn that Defendants recorded the phone call between Plaintiff and  
13 Defendants until after the event occurred.

14 19. Plaintiff did not discover, and could not discover through the exercise of reasonable  
15 diligence, the fact that Defendant was recording the phone calls between Plaintiff and Class  
16 Members (as defined below) and Defendants without their knowledge or consent.

17 20. Defendants concealed from Plaintiff and Class Members that it was recording the telephone  
18 calls between itself on the one hand and Plaintiff or Class Members on the other hand.

19 21. Defendants concealed the fact that it was recording the afore-mentioned phone calls to  
20 create the false impression in the minds of Plaintiff and Class Members that they were not being  
21 recorded. At the outset of the phone calls there was no warning that the phone calls were, or even  
22 may, be recorded.

23 **CLASS ACTION ALLEGATIONS**

24 22. Plaintiff brings this action pursuant to California Code of Civil Procedure § 382 on behalf  
25 of himself and the following class (the "Class"):

26 \\  
27 \\  
28 \\  
29

1 All persons who, while residing or located in California, placed a  
2 call to Defendant Aptive Environmental, LLC's toll-free telephone  
3 number at any time during the period from March 9, 2021 through  
4 the present (the "Class Period"), and spoke with a representative  
without having been first informed or without having first consented  
to recordation of such call.

5 23. Defendants and their employees or agents are excluded from the Class. Plaintiff does not  
6 know the number of Class Members, but believes the number to be in the thousands, if not more.  
7 Thus, this matter should be certified as a Class action to assist in the expeditious litigation of this  
8 matter.

9 24. Plaintiff and Class Members were harmed by the acts of Defendants in at least the  
10 following ways: Defendants, either directly or through its agents, illegally recording inbound and  
11 outbound cellular telephone conversations without their consent within the one year prior to the  
12 filing of the original Complaint in this action. Plaintiff and Class Members were damaged thereby.

13 25. This suit seeks only damages and injunctive relief for recovery of economic injury on  
14 behalf of Class Members, and it expressly is not intended to request any recovery for personal  
15 injury and claims related thereto. Plaintiff reserves the right to expand the Class definition to seek  
16 recovery on behalf of additional persons as warranted as facts are learned in further investigation  
17 and discovery.

18 26. The joinder of the Class Members is impractical and the disposition of their claims in the  
19 Class action will provide substantial benefits both to the parties and to the court. The Class can be  
20 identified through Defendants' records or Defendants' agents' records.

21 27. There is a well-defined community of interest in the questions of law and fact involved  
22 affecting the parties to be represented. The questions of law and fact to the Class predominate  
23 over questions which may affect individual Class members, including the following:

- 24 1. Whether Defendants have a policy of recording incoming and/or outgoing calls;
- 25 2. Whether Defendants have a policy of recording incoming and/or outgoing calls  
initiated to a cellular telephone;
- 26 3. Whether Defendants discloses to callers and/or obtains their consent that their  
27 incoming and/or outgoing telephone conversations were being recorded;
- 28

- 1 4. Whether Defendants' policy of recording incoming and/or outgoing calls to
- 2 cellular telephones constituted a violation of California Penal Code §§632(a),
- 3 632.7; and 637;
- 4 5. Whether Plaintiff and Class Members were damaged thereby, and the extent of
- 5 damages for such violations; and
- 6 6. Whether Defendants should be enjoined from engaging in such conduct in the
- 7 future.

8 28. As a person whose telephone communications from Defendants were recorded without  
9 notice or consent, Plaintiff is asserting claims that are typical of the Class because every other  
10 Class Member, like Plaintiff, was exposed to virtually identical conduct and are entitled to the  
11 greater of statutory damages of \$2,500 per violation pursuant to California Penal Code § 632.7.

12 29. Plaintiff is asserting claims that are typical of the Class because every other Class Member,  
13 like Plaintiff, were exposed to virtually identical conduct and are entitled to statutory damages of  
14 \$5,000 per violation pursuant to California Penal Code § 637.2(a).

15 30. Plaintiff will fairly and adequately represent and protect the interests of the Class in that  
16 Plaintiff has no interests antagonistic to any Class Member.

17 31. Plaintiff and Class Members have all suffered irreparable harm as a result of the  
18 Defendants' unlawful and wrongful conduct. Absent a class action, the Class will continue to face  
19 the potential for irreparable harm. In addition, these violations of law will be allowed to proceed  
20 without remedy and Defendants will likely continue such illegal conduct. Because of the size of  
21 the individual Class Member's claims, few, if any, Class Members could afford to seek legal  
22 redress for the wrongs complained of herein.

23 32. Plaintiff has retained counsel experienced in handling class action claims to further ensure  
24 such protection.

25 33. A class action is a superior method for the fair and efficient adjudication of this  
26 controversy. Class-wide damages are essential to induce Defendants to comply with federal and  
27 California law. The interest of Class Members in individually controlling the prosecution of  
28 separate claims against Defendant is small because the maximum statutory damages in an



1 individual action for violation of privacy are minimal. Management of these claims is likely to  
2 present significantly fewer difficulties than those presented in many class claims.

3 34. Defendant has acted on grounds generally applicable to the Class, thereby making  
4 appropriate final injunctive relief and corresponding declaratory relief with respect to the Class as  
5 a whole.

6 **FIRST CAUSE OF ACTION**

7 **UNLAWFUL RECORDING OF CONFIDENTIAL COMMUNICATIONS**

8 **PLAINTIFF AND THE CLASS AGAINST ALL DEFENDANTS**

9 **(VIOLATION OF CALIFORNIA PENAL CODE § 632)**

10 35. Plaintiff incorporates by reference all of the above paragraphs of this Complaint as though  
11 fully stated herein.

12 36. Californians have a constitutional right to privacy. Moreover, the California Supreme  
13 Court has definitively linked the constitutionally protected right to privacy within the purpose,  
14 intent and specific protections of the Privacy Act, including specifically, Penal Code § 632. “In  
15 addition, California’s explicit constitutional privacy provision (Cal. Const., 1 § 1) was enacted in  
16 part specifically to protect California from overly intrusive business practices that were seen to  
17 pose a significant and increasing threat to personal privacy. (Citations omitted). Thus, Plaintiff  
18 believes that California must be viewed as having a strong and continuing interest in the full and  
19 vigorous application of the provisions of section 632 prohibiting the recording of telephone  
20 conversations without the knowledge or consent of all parties to the conversation.

21 37. California Penal Code § 632 prohibits one party to a telephone call from intentionally  
22 recording the conversation without the knowledge or consent of the other party. Penal Code § 632  
23 is violated the moment the recording is made without the consent of all parties thereto, regardless  
24 of whether it is subsequently disclosed that the telephone call was recorded. The only intent  
25 required by Penal Code § 632 is that the act of recording itself be done intentionally. There is no  
26 requisite intent on behalf of the party doing the surreptitious recording to break California law or  
27 any other law, or to invade the privacy right of any other person.

1 38. Plaintiff is informed and believes, and thereupon alleges, that Defendants employed and/or  
2 caused to be employed certain recording equipment on the telephone lines of all employees,  
3 officers, directors, and managers of Defendants.

4 39. Plaintiff is informed and believes, and thereupon alleges, that all these devices were  
5 maintained and utilized to record each and every outgoing telephone conversation over said  
6 telephone lines.

7 40. Said recording equipment was used to record the telephone conversations of Plaintiff and  
8 Class Members, all in violation of California Penal Code § 632.6(a).

9 41. At no time during which these telephone conversations were taking place between  
10 Defendants or any employee, agent, manager, officer, or director of Defendants, and any other  
11 person, did Defendants inform Plaintiff or any other Class Member that the recording of their  
12 telephone conversations were taking place and at no time did Plaintiff or any other Class Member  
13 consent to this activity.

14 42. Defendants, knowing that this conduct was unlawful and a violation of Plaintiff and Class  
15 Members' right to privacy and a violation of California Penal Code § 630, *et seq.*, did intrude on  
16 Plaintiff and Class Members' privacy by knowingly and/or negligently and/or intentionally  
17 engaging in the aforementioned recording activities relative to the telephone conversations  
18 between Plaintiff and Class Members, on the one hand, and Defendants on the other hand, as  
19 alleged herein above.

20 43. Based on the foregoing, Plaintiff and Class Members are entitled to, and below herein do  
21 pray for, their statutory remedies and damages, including but not limited to, those set forth in  
22 California Penal Code § 637.2.

23 44. Because this case is brought for the purposes of enforcing important rights affecting the  
24 public interest, Plaintiff and Class Members seek recovery of their attorney's fees pursuant to the  
25 private attorney general doctrine codified in Code of Civil Procedure § 1021.5, or any other  
26 statutory basis.

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**SECOND CAUSE OF ACTION**

**UNLAWFUL RECORDING OF COMMUNICATIONS  
PLAINTIFF AND THE CLASS AGAINST ALL DEFENDANTS  
(VIOLATION OF CALIFORNIA PENAL CODE § 632.7)**

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49. Plaintiff incorporates by reference all of the above paragraphs of this Complaint as stated herein.

50. Californians have a constitutional right to privacy. Moreover, the California Supreme Court has definitively linked the constitutionally protected right to privacy within the purpose, intent and specific protections of the Privacy Act, including specifically, Penal Code § 632. “In addition, California’s explicit constitutional privacy provision (Cal. Const., 1 § 1) was enacted in part specifically to protect California from overly intrusive business practices that were seen to pose a significant and increasing threat to personal privacy. (Citations omitted). Thus, Plaintiff believes that California must be viewed as having a strong and continuing interest in the full and vigorous application of the provisions of section 632 prohibiting the recording of telephone conversations without the knowledge or consent of all parties to the conversation.

51. California Penal Code § 632.7 prohibits in pertinent part “[e]very person who, without the consent of all parties to a communication...intentionally records, or assists in the...intentional recordation of, a communication transmitted between...a cellular radio telephone and a landline telephone.” Thus, on its face, California Penal Code § 632.7 precludes the recording of all communications involving a cellular telephone.

52. Though similar, California Penal Code § 632 and 632.7 are not duplicative and protect separate rights. California Penal Code § 632.7 grants a wider range of protection to conversations where one participant uses a cellular phone or cordless phone. For example, the “confidential communication” requirement of California Penal Code § 632 is absent from California Penal Code § 632.7.

53. Defendants caused to be employed certain recording equipment on the telephone lines of all employees, officers, directors, and managers of Defendants.

1 54. Plaintiff is informed and believes, and thereupon alleges, that all these devices were  
2 maintained and utilized to record each and every outgoing telephone conversation over said  
3 telephone lines.

4 55. Said recording equipment was used to record the telephone conversations of Plaintiff and  
5 Class Members utilizing cellular telephones, all in violation of California Penal Code § 632.7.

6 56. Based on the foregoing, Plaintiff and Class Members are entitled to, and below herein do  
7 pray for, their statutory remedies and damages, including but not limited to, those set forth in  
8 California Penal Code § 632.7; and California Penal Code § 637.2.

9 57. Because this case is brought for the purposes of enforcing important rights affecting the  
10 public interest, Plaintiffs and Class Members seek recovery of their attorney's fees pursuant to the  
11 private attorney general doctrine codified in Code of Civil Procedure § 1021.5, or any other  
12 statutory basis.

13 **PRAYER FOR RELIEF**

14 **FIRST CAUSE OF ACTION:**

15 **VIOLATION OF PENAL CODE § 632**

16 Wherefore, Plaintiff respectfully requests the Court grant Plaintiff and Class Members the  
17 following relief against Defendants:

18 58. That this action be certified as a class action on behalf of the Class and Plaintiff be  
19 appointed as the representative of the Class;

20 59. For the greater of statutory damages of \$5,000 per violation or three times actual damage  
21 per violation pursuant to Penal Code § 637.2(a) for Plaintiff and Class Members;

22 60. Injunctive relief in the form of an order requiring Defendants to disgorge all ill-gotten gains  
23 and awarding Plaintiff, Class Members full restitution of all monies wrongfully acquired by  
24 Defendants by means of such unfair and unlawful conduct;

25 61. That the Court preliminarily and permanently enjoin Defendants from recording each and  
26 every oncoming and outgoing telephone conversation with California resident, including Plaintiff  
27 and Class Members, without their prior consent, as required by California Penal Code § 630, *et*  
28 *seq.*, and to maintain the confidentiality of the information of Plaintiff and Class Members;

- 62. For exemplary or treble damages;
- 63. For costs of suit;
- 64. For prejudgment interest at the legal rate; and
- 65. For such further relief as this Court deems necessary, just, and proper.

**SECOND CAUSE OF ACTION:**

**VIOLATION OF PENAL CODE § 632.7**

66. That this action be certified as a class action on behalf of the Class and Plaintiff be appointed as the representative of the Class;

57. For statutory damages of \$5,000 per violation pursuant to Penal Code § 637.2(a) for Plaintiff and Class Members;

68. For \$2,500 per violation of California Penal Code § 632.7 for Plaintiff and Class Members;

69. Injunctive relief in the form of an order prohibiting Defendants from unilaterally recording telephone conversations, without first informing and receiving consent from the other party to the conversation.

70. That the Court preliminarily and permanently enjoin Defendants from overhearing, recording, and listening to each and every oncoming and outgoing telephone conversation with California resident, including Plaintiff and Class Members, without their prior consent, as required by California Penal Code § 630, et seq., and to maintain the confidentiality of the information of Plaintiff and the Class.

71. For general damages according to proof;

72. For costs of suit;

73. For prejudgment interest at the legal rate;

74. For attorney's fees and costs, pursuant to Cal. Code of Civ. Proc. § 1021.5; and,

75. For such further relief as this Court deems necessary, just, and proper.

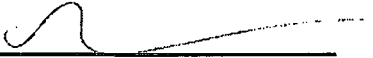
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**DEMAND FOR JURY TRIAL**

1  
2 76. Pursuant to the seventh amendment to the Constitution of the United States of America,  
3 Plaintiff is entitled to, and demands, a trial by jury.

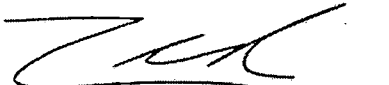
4 Dated: March 29, 2022

**LAW OFFICES OF TODD M. FRIEDMAN, P.C.**

5  
6 BY:   
7 TODD M. FRIEDMAN, ESQ.  
8 ATTORNEYS FOR PLAINTIFF

9  
10 Dated: March 29, 2022

**CROSNER LEGAL, P.C.**

11  
12  
13 BY:   
14 Michael M. Crosner, Esq.  
15 Zachary M. Crosner, Esq.  
16 Blake R. Jones, Esq.

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Todd M. Friedman, Esq. SBN 216752 Law Offices of Todd M. Friedman 21031 Ventura Blvd., Suite 340 Woodland Hills, CA 91364 TELEPHONE NO: 323-306-4234 FAX NO: 866-633-0228		FOR COURT USE ONLY
ATTORNEY FOR (Name): Plaintiff, Michael Nieman		
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Los Angeles STREET ADDRESS: 111 North Hill Street MAILING ADDRESS: 111 North Hill Street CITY AND ZIP CODE: Los Angeles, CA 90012 BRANCH NAME: Stanley Mosk Courthouse		
CASE NAME: Michael Nieman, et al. v Aptive Environmental, LLC, et al.		
<b>CIVIL CASE COVER SHEET</b> <input checked="" type="checkbox"/> <b>Unlimited</b> (Amount demanded exceeds \$25,000)	<input type="checkbox"/> <b>Limited</b> (Amount demanded is \$25,000 or less)	CASE NUMBER: <b>22STCV10880</b>  JUDGE:  DEPT:
<b>Complex Case Designation</b> <input type="checkbox"/> <b>Counter</b> <input type="checkbox"/> <b>Joinder</b> Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)		


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

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

<b>Auto Tort</b> <input type="checkbox"/> Auto (22) <input type="checkbox"/> Uninsured motorist (46) <b>Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort</b> <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) <b>Non-PI/PD/WD (Other) Tort</b> <input type="checkbox"/> Business tort/unfair business practice (07) <input type="checkbox"/> Civil rights (08) <input type="checkbox"/> Defamation (13) <input type="checkbox"/> Fraud (16) <input type="checkbox"/> Intellectual property (19) <input type="checkbox"/> Professional negligence (25) <input checked="" type="checkbox"/> Other non-PI/PD/WD tort (35) <b>Employment</b> <input type="checkbox"/> Wrongful termination (36) <input type="checkbox"/> Other employment (15)	<b>Contract</b> <input type="checkbox"/> Breach of contract/warranty (06) <input type="checkbox"/> Rule 3.740 collections (09) <input type="checkbox"/> Other collections (09) <input type="checkbox"/> Insurance coverage (18) <input type="checkbox"/> Other contract (37) <b>Real Property</b> <input type="checkbox"/> Eminent domain/Inverse condemnation (14) <input type="checkbox"/> Wrongful eviction (33) <input type="checkbox"/> Other real property (26) <b>Unlawful Detainer</b> <input type="checkbox"/> Commercial (31) <input type="checkbox"/> Residential (32) <input type="checkbox"/> Drugs (38) <b>Judicial Review</b> <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)	<b>Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400-3.403)</b> <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) <b>Enforcement of Judgment</b> <input type="checkbox"/> Enforcement of judgment (20) <b>Miscellaneous Civil Complaint</b> <input type="checkbox"/> RICO (27) <input type="checkbox"/> Other complaint (not specified above) (42) <b>Miscellaneous Civil Petition</b> <input type="checkbox"/> Partnership and corporate governance (21) <input type="checkbox"/> Other petition (not specified above) (43)
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2. This case  is  is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:
- |   |   |
|---|---|
| a. <input type="checkbox"/> Large number of separately represented parties  | d. <input checked="" type="checkbox"/> Large number of witnesses  |
| b. <input checked="" type="checkbox"/> Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve | e. <input checked="" type="checkbox"/> Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court |
| c. <input checked="" type="checkbox"/> Substantial amount of documentary evidence   | f. <input type="checkbox"/> Substantial postjudgment judicial supervision   |
3. Remedies sought (check all that apply): a.  monetary    b.  nonmonetary; declaratory or injunctive relief    c.  punitive
4. Number of causes of action (specify): 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: March 29, 2022  
 Todd M. Friedman



(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

**NOTICE**

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

## INSTRUCTIONS ON HOW TO COMPLETE THE COVER SHEET

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

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

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

## CASE TYPES AND EXAMPLES

<b>Auto Tort</b>	<b>Contract</b>	<b>Provisionally Complex Civil Litigation (Cal. Rules of Court Rules 3.400-3.403)</b>
Auto (22)—Personal Injury/Property Damage/Wrongful Death	Breach of Contract/Warranty (06)	Antitrust/Trade Regulation (03)
Uninsured Motorist (46) (if the case involves an uninsured motorist claim subject to arbitration, check this item instead of Auto)	Breach of Rental/Lease	Construction Defect (10)
	Contract (not unlawful detainer or wrongful eviction)	Claims Involving Mass Tort (40)
	Contract/Warranty Breach—Seller Plaintiff (not fraud or negligence)	Securities Litigation (28)
	Negligent Breach of Contract/Warranty	Environmental/Toxic Tort (30)
	Other Breach of Contract/Warranty	Insurance Coverage Claims (arising from provisionally complex case type listed above) (41)
<b>Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort</b>	Collections (e.g., money owed, open book accounts) (09)	<b>Enforcement of Judgment</b>
Asbestos (04)	Collection Case—Seller Plaintiff	Enforcement of Judgment (20)
Asbestos Property Damage	Other Promissory Note/Collections Case	Abstract of Judgment (Out of County)
Asbestos Personal Injury/Wrongful Death	Insurance Coverage (not provisionally complex) (18)	Confession of Judgment (non-domestic relations)
Product Liability (not asbestos or toxic/environmental) (24)	Auto Subrogation	Sister State Judgment
Medical Malpractice (45)	Other Coverage	Administrative Agency Award (not unpaid taxes)
Medical Malpractice—Physicians & Surgeons	Other Contract (37)	Petition/Certification of Entry of Judgment on Unpaid Taxes
Other Professional Health Care Malpractice	Contractual Fraud	Other Enforcement of Judgment Case
Other PI/PD/WD (23)	Other Contract Dispute	<b>Miscellaneous Civil Complaint</b>
Premises Liability (e.g., slip and fall)	<b>Real Property</b>	RICO (27)
Intentional Bodily Injury/PD/WD (e.g., assault, vandalism)	Eminent Domain/Inverse Condemnation (14)	Other Complaint (not specified above) (42)
Intentional Infliction of Emotional Distress	Wrongful Eviction (33)	Declaratory Relief Only
Negligent Infliction of Emotional Distress	Other Real Property (e.g., quiet title) (26)	Injunctive Relief Only (non-harassment)
Other PI/PD/WD	Writ of Possession of Real Property	Mechanics Lien
<b>Non-PI/PD/WD (Other) Tort</b>	Mortgage Foreclosure	Other Commercial Complaint Case (non-tort/non-complex)
Business Tort/Unfair Business Practice (07)	Quiet Title	Other Civil Complaint (non-tort/non-complex)
Civil Rights (e.g., discrimination, false arrest) (not civil harassment) (08)	Other Real Property (not eminent domain, landlord/tenant, or foreclosure)	<b>Miscellaneous Civil Petition</b>
Defamation (e.g., slander, libel) (13)	<b>Unlawful Detainer</b>	Partnership and Corporate Governance (21)
Fraud (16)	Commercial (31)	Other Petition (not specified above) (43)
Intellectual Property (19)	Residential (32)	Civil Harassment
Professional Negligence (25)	Drugs (38) (if the case involves illegal drugs, check this item; otherwise, report as Commercial or Residential)	Workplace Violence
Legal Malpractice	<b>Judicial Review</b>	Elder/Dependent Adult Abuse
Other Professional Malpractice (not medical or legal)	Asset Forfeiture (05)	Election Contest
Other Non-PI/PD/WD Tort (35)	Petition Re: Arbitration Award (11)	Petition for Name Change
<b>Employment</b>	Writ of Mandate (02)	Petition for Relief From Late Claim
Wrongful Termination (36)	Writ—Administrative Mandamus	Other Civil Petition
Other Employment (15)	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	



SHORT TITLE: Michael Nieman, et al. v Aptive Enviromental, LLC, et al.	CASE NUMBER: 22STCV10880
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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)**

- |  |   |
|--|---|
| 1. Class actions must be filed in the Stanley Mosk Courthouse, Central District.<br>2. Permissive filing in central district.<br>3. Location where cause of action arose.<br>4. Mandatory personal injury filing in North District.<br>5. Location where performance required or defendant resides.<br>6. Location of property or permanently garaged vehicle. | 7. Location where petitioner resides.<br>8. Location wherein defendant/respondent functions wholly.<br>9. Location where one or more of the parties reside.<br>10. Location of Labor Commissioner Office.<br>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
<b>Auto Tort</b>	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
<b>Other Personal Injury/ Property Damage/ Wrongful Death Tort</b>	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: <b>Michael Nieman, et al. v Aptive Enviromental, LLC, et al.</b>	CASE NUMBER
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	<b>A</b> Civil Case Cover Sheet Category No.	<b>B</b> Type of Action (Check only one)	<b>C</b> Applicable Reasons - See Step 3 Above
<b>Non-Personal Injury/Property Damage/Wrongful Death Tort</b>	Business Tort (07)	<input type="checkbox"/> A6029 Other Commercial/Business Tort (not fraud/breach of contract)	1, 2, 3
	Civil Rights (08)	<input type="checkbox"/> A6005 Civil Rights/Discrimination	1, 2, 3
	Defamation (13)	<input type="checkbox"/> A6010 Defamation (slander/libel)	1, 2, 3
	Fraud (16)	<input type="checkbox"/> A6013 Fraud (no contract)	1, 2, 3
	Professional Negligence (25)	<input type="checkbox"/> A6017 Legal Malpractice	1, 2, 3
		<input type="checkbox"/> A6050 Other Professional Malpractice (not medical or legal)	1, 2, 3
	Other (35)	<input checked="" type="checkbox"/> A6025 Other Non-Personal Injury/Property Damage tort	1, 2, 3
<b>Employment</b>	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
<b>Contract</b>	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
		<input type="checkbox"/> A6034 Collections Case-Purchased Debt (Charged Off Consumer Debt Purchased on or after January 1, 2014)	5, 6, 11
Insurance Coverage (18)	<input type="checkbox"/> A6015 Insurance Coverage (not complex)	1, 2, 5, 8	
Other Contract (37)	<input type="checkbox"/> A6009 Contractual Fraud	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	
<b>Real Property</b>	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	
<b>Unlawful Detainer</b>	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

**CIVIL CASE COVER SHEET ADDENDUM  
AND STATEMENT OF LOCATION**

Local Rule 2.3

LASC CIV 109 Rev. 12/18  
For Mandatory Use

Page 2 of 4

SHORT TITLE: Michael Nieman, et al. v Aptive Enviromental, LLC, et al.	CASE NUMBER
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	<b>A</b> Civil Case Cover Sheet Category No.	<b>B</b> Type of Action (Check only one)	<b>C</b> Applicable Reasons - See Step 3 Above
<b>Judicial Review</b>	Asset Forfeiture (05)	<input type="checkbox"/> A6108 Asset Forfeiture Case	2, 3, 6
	Petition re Arbitration (11)	<input type="checkbox"/> A6115 Petition to Compel/Confirm/Vacate Arbitration	2, 5
	Writ of Mandate (02)	<input type="checkbox"/> A6151 Writ - Administrative Mandamus	2, 8
		<input type="checkbox"/> A6152 Writ - Mandamus on Limited Court Case Matter	2
<input type="checkbox"/> A6153 Writ - Other Limited Court Case Review		2	
Other Judicial Review (39)	<input type="checkbox"/> A6150 Other Writ /Judicial Review	2, 8	
<b>Provisionally Complex Litigation</b>	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
<b>Enforcement of Judgment</b>	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		
<b>Miscellaneous Civil Complaints</b>	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		
<b>Miscellaneous Civil Petitions</b>	Partnership Corporation Governance (21)	<input type="checkbox"/> A6113 Partnership and Corporate Governance Case	2, 8
	Other Petitions (Not Specified Above) (43)	<input type="checkbox"/> A6121 Civil Harassment With Damages	2, 3, 9
		<input type="checkbox"/> A6123 Workplace Harassment With Damages	2, 3, 9
		<input type="checkbox"/> A6124 Elder/Dependent Adult Abuse Case With Damages	2, 3, 9
		<input type="checkbox"/> A6190 Election Contest	2
		<input type="checkbox"/> A6110 Petition for Change of Name/Change of Gender	2, 7
<input type="checkbox"/> A6170 Petition for Relief from Late Claim Law		2, 3, 8	
<input type="checkbox"/> A6100 Other Civil Petition	2, 9		

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

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

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

Dated: March 29, 2022

  
 \_\_\_\_\_  
 (SIGNATURE OF ATTORNEY/FILING PARTY)

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

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

<b>SUPERIOR COURT OF CALIFORNIA COUNTY OF LOS ANGELES</b>	<small>Reserved for Clerk's File Stamp</small>  <b>FILED</b> Superior Court of California County of Los Angeles <b>03/29/2022</b> Sherri R. Carter, Executive Officer / Clerk of Court By: <u>J. Covarrubias</u> Deputy
COURTHOUSE ADDRESS: Spring Street Courthouse 312 North Spring Street, Los Angeles, CA 90012	
<b>NOTICE OF CASE ASSIGNMENT UNLIMITED CIVIL CASE</b>	
Your case is assigned for all purposes to the judicial officer indicated below.	CASE NUMBER: <b>22STCV10880</b>

**THIS FORM IS TO BE SERVED WITH THE SUMMONS AND COMPLAINT**

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

Given to the Plaintiff/Cross-Complainant/Attorney of Record Sherri R. Carter, Executive Officer / Clerk of Court  
 on 03/30/2022 (Date) By J. Covarrubias, Deputy Clerk

**NOTICE OF CASE ASSIGNMENT – UNLIMITED CIVIL CASE**

**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.

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

**MAY 03 2019**

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

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

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

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

1) DEFINITIONS

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

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

16 2) MANDATORY ELECTRONIC FILING

17 a) Trial Court Records

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

22 b) Represented Litigants

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

25 c) Public Notice

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



1 d) Documents in Related Cases

2 Documents in related cases must be electronically filed in the eFiling portal for that case type if  
3 electronic filing has been implemented in that case type, regardless of whether the case has  
4 been related to a Civil case.

5 3) EXEMPT LITIGANTS

6 a) Pursuant to California Rules of Court, rule 2.253(b)(2), self-represented litigants are exempt  
7 from mandatory electronic filing requirements.

8 b) Pursuant to Code of Civil Procedure section 1010.6, subdivision (d)(3) and California Rules of  
9 Court, rule 2.253(b)(4), any party may make application to the Court requesting to be excused  
10 from filing documents electronically and be permitted to file documents by conventional  
11 means if the party shows undue hardship or significant prejudice.

12 4) EXEMPT FILINGS

13 a) The following documents shall not be filed electronically:

14 i) Peremptory Challenges or Challenges for Cause of a Judicial Officer pursuant to Code of  
15 Civil Procedure sections 170.6 or 170.3;

16 ii) Bonds/Undertaking documents;

17 iii) Trial and Evidentiary Hearing Exhibits

18 iv) Any ex parte application that is filed concurrently with a new complaint including those  
19 that will be handled by a Writs and Receivers department in the Mosk courthouse; and

20 v) Documents submitted conditionally under seal. The actual motion or application shall be  
21 electronically filed. A courtesy copy of the electronically filed motion or application to  
22 submit documents conditionally under seal must be provided with the documents  
23 submitted conditionally under seal.

24 b) Lodgments

25 Documents attached to a Notice of Lodgment shall be lodged and/or served conventionally in  
26 paper form. The actual document entitled, "Notice of Lodgment," shall be filed electronically.

27 //

28 //

1 5) ELECTRONIC FILING SYSTEM WORKING PROCEDURES

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

4 6) TECHNICAL REQUIREMENTS

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

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

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

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

15 i) Depositions;

16 ii) Declarations;

17 iii) Exhibits (including exhibits to declarations);

18 iv) Transcripts (including excerpts within transcripts);

19 v) Points and Authorities;

20 vi) Citations; and

21 vii) Supporting Briefs.

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

24 f) Accompanying Documents

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

27 g) Multiple Documents

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

1 h) Writs and Abstracts

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

3 i) Sealed Documents

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

8 j) Redaction

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

13 7) ELECTRONIC FILING SCHEDULE

14 a) Filed Date

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

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

26 8) EX PARTE APPLICATIONS

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

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

4 9) PRINTED COURTESY COPIES

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

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

- 11 i) Any printed document required pursuant to a Standing or General Order;  
12 ii) Pleadings and motions (including attachments such as declarations and exhibits) of 26  
13 pages or more;  
14 iii) Pleadings and motions that include points and authorities;  
15 iv) Demurrers;  
16 v) Anti-SLAPP filings, pursuant to Code of Civil Procedure section 425.16;  
17 vi) Motions for Summary Judgment/Adjudication; and  
18 vii) Motions to Compel Further Discovery.

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

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

- 23 a) Fees and costs associated with electronic filing must be waived for any litigant who has  
24 received a fee waiver. (California Rules of Court, rules 2.253(b)(1), 2.258(b), Code Civ. Proc. §  
25 1010.6(d)(2).)  
26 b) Fee waiver applications for waiver of court fees and costs pursuant to Code of Civil Procedure  
27 section 1010.6, subdivision (b)(6), and California Rules of Court, rule 2.252(f), may be  
28 electronically filed in any authorized action or proceeding.

1 11) SIGNATURES ON ELECTRONIC FILING

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

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

9  
10 DATED: May 3, 2019



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*Kevin C. Brazile*  
\_\_\_\_\_  
KEVIN C. BRAZILE  
Presiding Judge

### VOLUNTARY EFFICIENT LITIGATION STIPULATIONS

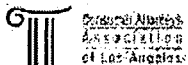


Superior Court of California  
County of Los Angeles

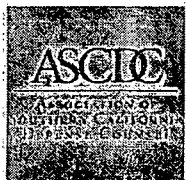


Los Angeles County  
Bar Association  
Litigation Section

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):			
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES</b>			
COURTHOUSE ADDRESS:			
PLAINTIFF:			
DEFENDANT:			
<b>STIPULATION – EARLY ORGANIZATIONAL MEETING</b>			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](http://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](http://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)	➤	_____
Date: _____ (TYPE OR PRINT NAME)	➤	_____
Date: _____ (TYPE OR PRINT NAME)	➤	_____
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Date: _____ (TYPE OR PRINT NAME)	➤	_____
Date: _____ (TYPE OR PRINT NAME)	➤	_____



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): _____		
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES</b>		
COURTHOUSE ADDRESS:		
PLAINTIFF:		
DEFENDANT:		
<b>STIPULATION – DISCOVERY RESOLUTION</b>		CASE NUMBER:

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

**The parties agree that:**

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

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

SHORT TITLE:	CASE NUMBER:
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The following parties stipulate:

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

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

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

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

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\_\_\_\_\_  
(ATTORNEY FOR PLAINTIFF)

Date:

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(TYPE OR PRINT NAME)

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\_\_\_\_\_  
(ATTORNEY FOR DEFENDANT)

Date:

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(ATTORNEY FOR DEFENDANT)

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(ATTORNEY FOR \_\_\_\_\_)

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\_\_\_\_\_  
(ATTORNEY FOR \_\_\_\_\_)

**THE COURT SO ORDERS.**

Date: \_\_\_\_\_

\_\_\_\_\_  
JUDICIAL OFFICER

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**FILED**  
LOS ANGELES SUPERIOR COURT

MAY 11 2011

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

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

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

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

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

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

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

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

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

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

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



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

3  
4 DATED: May 11, 2011

5 Carolyn B. Kuhl  
6 Carolyn B. Kuhl, Supervising Judge of the  
7 Civil Departments, Los Angeles Superior Court  
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## Superior Court of California, County of Los Angeles

### **ALTERNATIVE DISPUTE RESOLUTION (ADR) INFORMATION PACKAGE**

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

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

#### **What is ADR?**

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

#### **Advantages of ADR**

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

#### **Disadvantages of ADR**

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

#### **Main Types of ADR**

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

#### **Mediation may be appropriate when the parties**

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

#### **Mediation may not be appropriate when the parties**

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

## How to Arrange Mediation in Los Angeles County

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

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

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

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

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

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

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

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

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

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

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

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

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

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

# EXHIBIT B



**Service of Process  
Transmittal**

04/01/2022  
CT Log Number 541333472

**TO:** Registered Agent Department  
Business Filings Incorporated (Recipient Account Only)  
8020 Excelsior Dr Ste 200  
Madison, WI 53717-1998

**RE: Process Served in California**

**FOR:** Aptive Environmental, LLC (Domestic State: UT)

**ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:**

**TITLE OF ACTION:** MICHAEL NIEMAN, individually and on behalf of all others similarly situated vs. APTIVE ENVIRONMENTAL, LLC

**DOCUMENT(S) SERVED:** --

**COURT/AGENCY:** None Specified  
Case # 22STCV10880

**ON WHOM PROCESS WAS SERVED:** Business Filings Incorporated, Sacramento, CA

**DATE AND HOUR OF SERVICE:** By Process Server on 04/01/2022 at 12:03

**JURISDICTION SERVED :** California

**APPEARANCE OR ANSWER DUE:** None Specified

**ATTORNEY(S) / SENDER(S):** None Specified

**ACTION ITEMS:** CT has retained the current log, Retain Date: 04/01/2022, Expected Purge Date: 04/06/2022

Image SOP

Email Notification, Registered Agent Department ctsop@bizfilings.com

**REGISTERED AGENT ADDRESS:** Business Filings Incorporated  
555 Capitol Mall  
Suite 1000  
Sacramento, CA 95814  
844-832-8351  
CTService@wolterskluwer.com

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



### PROCESS SERVER DELIVERY DETAILS

**Date:** Fri, Apr 1, 2022  
**Server Name:** Jim Sands

Entity Served	APTIVE ENVIRONMENTAL, LLC
Case Number	22STCV10880
Jurisdiction	CA

Inserts		



# ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: [Aptive Environmental Records Calls Without Consumers' Consent, Class Action Claims](#)

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