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Attorneys for Defendant
THE REGENTS OF THE
UNIVERSITY OF CALIFORNIA

UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

VALENTINA RIFFEL, as an individual, on behalf
of herself and all persons similarly situated,

Plaintiff,

v.

THE REGENTS OF THE UNIVERSITY OF
CALIFORNIA, a California nonprofit corporation;
and DOES 1 through 50, inclusive,

Defendants.

Civil Case No.:
State Court Case No. 19-STCV-28323

**NOTICE OF REMOVAL OF CIVIL
ACTION FROM STATE COURT**

[Filed concurrently with Civil Cover Sheet
and Corporate Disclosure Statement]

Complaint Filed: August 14, 2019

NOTICE OF REMOVAL

TO THE CLERK OF THE ABOVE-ENTITLED COURT:

PLEASE TAKE NOTICE that Defendant THE REGENTS OF THE UNIVERSITY OF CALIFORNIA (hereafter, “The Regents”) hereby removes the state court action, Case No. 19-STCV-28323 from the Superior Court of the State of California for the County of Los Angeles, described below, to the United States District Court for the Central District of California, Western Division, pursuant to 28 U.S.C. sections 1332, 1441, 1446, and 1453 on the basis of diversity jurisdiction under the Class Action Fairness Act of 2005 (hereafter, “CAFA”).

In further support of this Notice of Removal, The Regents states as follows:

I. PROCEDURAL BACKGROUND

1. On August 14, 2019, plaintiff Valentina Riffel (hereafter, “Plaintiff”) filed her Class Action Complaint (hereafter, “Complaint”) in the Superior Court of the State of California, County of Los Angeles, Case No. 19-STCV-28323, entitled, *VALENTINA RIFFEL V. THE REGENTS OF THE UNIVERSITY OF CALIFORNIA and DOES 1 through 50*. A true and correct copy of the Complaint is attached hereto as Exhibit “A.”

2. The Regents received a copy of the Complaint on August 26, 2019. This was the first date upon which The Regents received notice of the subject lawsuit.

3. Exhibit A constitutes all of the process, pleadings, and orders served on The Regents in this case, and is attached hereto pursuant to 28 U.S.C. § 1446(a).

4. The Regents intends to respond to the Complaint by October 2, 2019, pursuant to Rule 81(c)(2)(C) of the Federal Rules of Civil Procedure.

II. NATURE OF THE CASE

5. The Complaint contains the following causes of action against The Regents: (1) Fraud; (2) Negligent Misrepresentation; (3) False Advertising; (4) Violation of Business and Professions Code Section 17200 (Unfair Competition); and (5) Negligence. Plaintiff seeks a variety of remedies, including restitution, damages, and injunctive relief.

III. PARTIES

6. Plaintiff is an individual who “reimbursed her parents for an application fee that

1 Plaintiff's parents paid to Defendant, in connection with an application for admission to UCLA during
 2 the Class Period." Ex. A, Complaint ("Compl.") ¶ 3.¹

3 7. The Regents "is a corporation" that "administers the University of California" and
 4 "UCLA is a University of California campus . . . located in Los Angeles County, and is therefore a
 5 resident of Los Angeles County." Ex. A, Compl. ¶ 4.

6 **IV. TIMELINESS OF REMOVAL**

7 8. The Regents received a copy of the Complaint on August 26, 2019. This was the first
 8 date upon which The Regents received notice of the subject lawsuit.

9 9. This Notice of Removal is therefore timely pursuant to 28 U.S.C. § 1446(b) and Rule 6(a)
 10 of the Federal Rules of Civil Procedure in that it is filed within 30 days of receipt of the Complaint on
 11 August 26, 2019.

12 **V. BASIS FOR REMOVAL JURISDICTION**

13 10. Generally. The claims asserted by Plaintiff give rise to jurisdiction under the CAFA, 28
 14 U.S.C. § 1332(d). The Regents also invokes all other grounds for removal that exist under applicable
 15 law.

16 11. The Court has jurisdiction over this action under the CAFA, 28 U.S.C. § 1332(d),
 17 because this case is (1) a proposed class action within the meaning of CAFA, in which (2) "any member
 18 of a class of plaintiffs is a citizen of a State different from any defendant," (3) the "number of members
 19 of all proposed plaintiff classes in the aggregate is [not] less than 100," and (4) "the matter in
 20 controversy exceeds the sum or value of \$5,000,000, exclusive of interests and costs." 28 U.S.C.
 21 § 1332(d)(2), (d)(5)(B).

22 12. Covered class action. CAFA defines a "class action" to include "any civil action filed
 23 under rule 23 of the Federal Rules of Civil Procedure or similar State statute . . . authorizing an action to
 24 be brought by 1 or more representative persons as a class action." 28 U.S.C. § 1332(d)(1)(B). The
 25 present action is a "class action" for purposes of CAFA because Plaintiff is bringing her action "on
 26

27 ¹ The Complaint does not allege that Plaintiff is a resident of Los Angeles County, California, let alone a
 28 resident of California generally.

1 behalf herself and all persons similarly situated.” Ex. A, Compl. caption.

2 13. Specifically, Plaintiff seeks to represent “all individuals who paid, or reimbursed the
3 payment of, an admission application fee in connection with an application for admission to the
4 University of California, Los Angeles (‘UCLA’) during the Class Period,” which “is defined as four (4)
5 years prior to the filing of this Complaint, through the date final judgment is entered in this case.” Ex.
6 A, Compl. ¶ 1. As defined, the putative class includes not just residents of California, but also residents
7 of the 50 states as well as foreign nationals.

8 14. CAFA’s minimal diversity requirement. CAFA’s minimal diversity requirement is
9 satisfied when “any member of a class of plaintiffs is a citizen of a State different from any defendant.”
10 28 U.S.C. § 1332(d)(2)(A). This requirement is satisfied here because (1) The Regents is incorporated
11 in California and has its main offices or principal places of business in California and (2) Plaintiff seeks
12 to represent a nationwide (and even international) class, at least one putative member of which is not a
13 resident of California. *See* Ex. B (UCLA Admission Statistics) (detailing the number of out-of-state
14 applicants who submitted an application for admission). Because The Regents is diverse from many of
15 the putative class members Plaintiff seeks to represent, CAFA’s minimal diversity requirement is
16 satisfied.

17 15. CAFA’s amount-in-controversy requirement. The CAFA’s jurisdictional requirement
18 requires that “the matter in controversy [must] exceed[] the sum or value of \$5,000,000, exclusive of
19 interest and costs.” 28 U.S.C. § 1332(d)(2). “In any class action, the claims of the individual class
20 members shall be aggregated to determine whether the matter in controversy” meets the \$5,000,000
21 threshold. *Id.* § 1332(d)(6).

22 16. A notice of removal “need include only a plausible allegation that the amount in
23 controversy exceeds the jurisdictional threshold,” not an evidentiary submission. *See Dart Cherokee*
24 *Basin Operating Co., LLC v. Owens*, 135 S. Ct. 547, 554 (2014); *see also Ibarra v. Manheim*
25 *Investments, Inc.*, 775 F.3d 1193, 1196 (9th Cir. 2015) (recognizing *Dart*’s holding).

26 17. Plaintiff does not explicitly allege the value of the matter in controversy in the
27 Complaint. The Regents do not concede that it is liable to Plaintiff or the purported class in any amount,
28 or at all.

1 18. Nevertheless, and without conceding the merits of Plaintiff's allegations, Plaintiff seeks
2 damages and/or restitution for all class members to compensate for the admission fee paid "in
3 connection with an application for admission to" UCLA. Ex. A, Compl. ¶ 1.

4 19. Using data and records that The Regents maintains in the normal course of business, the
5 admission fees received by The Regents in connection with the applications submitted during the
6 putative class period, in the aggregate, are in excess of \$5 million.

7 20. If the nationwide putative class is awarded the damages and restitution sought in the
8 Complaint, the admission fee volume described above demonstrates that the amount awarded would be
9 in excess of \$5 million.

10 21. In addition, the Complaint seeks attorneys' fees and costs. Ex. A, Compl. at p. 10. Such
11 fees are included in any amount-in-controversy analysis. *See Guglielmino v. McKee Foods Corp.*, 506
12 F.3d 696, 700 (9th Cir. 2007). In addition, the Complaint seeks injunctive relief, whose value (together
13 with attorneys' fees, costs, and damages or restitution to the putative class, would be in excess of \$5
14 million.

15 22. For the reasons set forth above, the relief sought in the Complaint places more than
16 \$5,000,000 in controversy, exclusive of interest and costs. Thus, the CAFA's amount-in-controversy
17 requirement is satisfied. *See Dart*, 135 S. Ct. at 554.

18 23. CAFA's numerosity requirement. This is not an action in which the "number of
19 members of all proposed plaintiff classes in the aggregate is less than 100." 28 U.S.C. § 1332(d)(5)(B).
20 Plaintiff brings this action on behalf of "all individuals who paid, or reimbursed the payment of, an
21 admission application fee in connection with an application for admission to . . . UCLA" from the last
22 four years until "the date final judgment is entered in this case." Ex. A, Compl. ¶ 1. In both 2017 and
23 2018, over 100,000 freshman applicants submitted an application, presumably most of which with an
24 application fee, for admission to UCLA. *See*, Ex. B (UCLA Admission Statistics). Given the putative
25 class period alleged by Plaintiff, and because the putative class purportedly includes both undergraduate
26 and graduate applicants, the size of the putative class in this case exceeds the numerosity requirements
27 imposed by 28 U.S.C. § 1332(d)(5)(B).
28

24. The “home state” or “local controversy” exception does not apply. The “home state” or “local controversy” exception to the CAFA is not applicable here because another class action “has been filed within the past three years on behalf of the same persons against [The Regents] asserting the same or similar factual allegations.” 28 U.S.C. § 1332(d)(4). The two prior actions are styled *Tyler Bendis, et al. v. William “Rick” Singer, et al.*, Case No. 5:19-cv-01405-EJD (N.D. Cal., filed March 15, 2019) and *Alyssa Tamboura, et al. v. William “Rick” Singer, et al.*, Case No. 5:19-cv-03411-EJD (N.D. Cal., filed June 14, 2019). The Regents will move to transfer this action to the Northern District of California pursuant to 28 U.S.C. § 1404 and the “first-to-file” doctrine.

25. Removal to the Central District is proper. The removal of this action to this Court is proper under 28 U.S.C. § 1441(a) inasmuch as the Superior Court of the State of California, County of Los Angeles, where this action was originally filed, is located within this federal judicial district.

VI. NOTICE TO STATE COURT AND PLAINTIFF

26. Counsel for The Regents certify that, pursuant to 28 U.S.C. § 1446(d), copies of this Notice of Removal will be filed with the Clerk of the Superior Court of the State of California, County of Los Angeles, and served upon counsel for Plaintiff promptly.

WHEREFORE, the case now pending in the Superior Court of the State of California, County of Los Angeles, Case No. 19-STCV-28323, is hereby removed to the United States District Court for the Central District of California, pursuant to 28 U.S.C. §§ 1441, 1453.

DATED: September 24, 2019

COVINGTON & BURLING LLP

By: /s/ William L. Stern

William L. Stern (Bar No. 96105)
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Attorneys for Defendant
THE REGENTS OF THE UNIVERSITY OF
CALIFORNIA

EXHIBIT A

KC
8-26-19
4:34 pm

SUM-100

SUMMONS
(CITACION JUDICIAL)**NOTICE TO DEFENDANT:**
(AVISO AL DEMANDADO):THE REGENTS OF THE UNIVERSITY OF CALIFORNIA, a
California nonprofit corporation; and DOES 1 through 50, inclusive,**YOU ARE BEING SUED BY PLAINTIFF:**
(LO ESTÁ DEMANDANDO EL DEMANDANTE):VALENTINA RIFFEL, as individual, on behalf of herself and all
persons similarly situated,FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)**CONFORMED COPY**
ORIGINAL FILED
Superior Court of California
County of Los Angeles

AUG 14 2019

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

Spring Street Courthouse, 312 N. Spring St., Los Angeles, CA 90012

CASE NUMBER
(Número del caso) **19STCV28323**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):
Katherine J. Odenbreit, 249 East Ocean Blvd., Ste. 814, Long Beach, CA 90802, (562) 590-5550DATE: **AUG 14 2019**
(Fecha)

Sherri R. Carter, Clerk

Clerk, by
(Secretario)**STEVEN DREW**Deputy
(Adjunto)

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

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

[SEAL]

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): **The Regents of the University of California**
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): **Public Entity**

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CONFORMED COPY
ORIGINAL FILED
Superior Court of California
County of Los Angeles

AUG 14 2019

Sherri R. Carter, Executive Officer/Clerk of Court

By Steven Drew, Deputy

Attorneys for Plaintiffs VALENTINA RIFFEL, on behalf of herself and all those similarly situated.

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

VALENTINA RIFFEL, as individual, on
behalf of herself and all persons similarly
situated,

Plaintiff,

v.

THE REGENTS OF THE UNIVERSITY OF
CALIFORNIA, a California nonprofit
corporation; and DOES 1 through 50,
inclusive,

Defendants.

Case No. **19STCV28323**

CLASS ACTION

COMPLAINT FOR DAMAGES

1. Fraudulent Deceit;
2. Negligent Misrepresentation;
3. False Advertising;
4. Unfair Business Practices; and
5. Negligence

DEMAND FOR JURY TRIAL

1 Plaintiff, VALENTINA RIFFEL, (hereinafter, "Plaintiffs") on behalf of herself and the
2 Plaintiff Class, complains and alleges as follows:

3 INTRODUCTION

4 1. This is a Class Action brought by Plaintiff on behalf of the Class she seeks to
5 represent ("Plaintiff Class" or "Class Members"). Plaintiff Class consists of all individuals who
6 paid, or reimbursed the payment of, an admission application fee in connection with an
7 application for admission to the University of California, Los Angeles ("UCLA") during the Class
8 Period. The Class Period is defined as four (4) years prior to the filing of this Complaint, through
9 the date final judgment is entered in this case.

10 2. Plaintiffs reserve the right to amend this Complaint to reflect a different "Class
11 Period" or "Plaintiff Class" as further discovery is conducted.

12 PARTIES

13 **Plaintiff**

14 3. Plaintiff VALENTINA RIFFEL reimbursed her parents for an application fee that
15 Plaintiff's parents paid to Defendant, in connection with an application for admission to UCLA
16 during the Class Period.

17 **Defendant**

18 4. The Regents of the University of California ("Regents" or "Defendant") is a
19 corporation, in the form of a board composed of seven ex officio members and eighteen
20 appointive members. (Cal. Const., art. IX, § 9, subd. (a).) The Regents administers the University
21 of California, which is a public trust. (*Id.*) UCLA is a University of California campus. UCLA is
22 a public, highly selective university located in Los Angeles County, and is therefore a resident of
23 Los Angeles County.

24 5. Plaintiff is not aware of the true names and/or capacities of those entities or
25 individuals sued herein as DOES 1 through 50, inclusive, and therefore sues these Defendants by
26 their fictitious names. Plaintiff will seek leave of this Court to amend this Complaint to insert
27 their true names and/or capacities when the same are ascertained.

28 6. Unless otherwise specified herein, each DOE Defendant was the agent and

1 employee of each Defendant, and in doing the things hereinafter mentioned, were at all times
2 acting within the course and scope of that agency and employment.

3 JURISDICTION AND VENUE

4 7. Plaintiff re-alleges and incorporates by reference the preceding paragraphs of this
5 Complaint as if fully alleged herein.

6 8. This Court has subject matter jurisdiction over the causes of action alleged in this
7 Complaint because the Court is a court of general subject matter jurisdiction and is not otherwise
8 excluded from exercising subject matter jurisdiction over said causes of action.

9 9. Venue is proper in the County of Los Angeles because UCLA resides in Los
10 Angeles County and the action involves loss of property as a result of negligence and wrongful
11 acts.

12 CLASS ALLEGATIONS

13 10. Plaintiff re-alleges and incorporates by reference the preceding paragraphs of this
14 Complaint as if fully alleged herein.

15 11. Plaintiff brings this action on behalf of herself and all other similarly situated
16 persons, as a class action pursuant to California Code of Civil Procedure §382.

17 12. Plaintiff reserves the right under Rule 1855(b), *California Rules of Court*, to
18 amend or modify the Class description with greater specificity or further division into subclasses
19 or limitation to particular issues.

20 13. This action has been brought, and may be maintained, as a class action pursuant
21 to *Code of Civil Procedure* § 382, because there is a well-defined common interest of many
22 persons and it is impractical to bring them all before the court.

23 14. This Court should permit this action to be maintained as a class action pursuant to
24 *California Code of Civil Procedure* § 382 because:

- 25 (a) The questions of law and fact common to the Class predominate over any
26 question affecting only individual members;
- 27 (b) A class action is superior to any other available method for the fair and
28 efficient adjudication of the claims of the members of the Class;

- 1 (c) The Class is so numerous that it is impractical to bring all member of the
2 Class before the Court;
- 3 (d) Plaintiff and Plaintiff Class will not be able to obtain effective and
4 economic legal redress unless the action is maintained as a class action;
- 5 (e) There is a community of interest in obtaining appropriate legal and
6 equitable relief for the common law and statutory violations and other
7 improprieties, and in obtaining adequate compensation for the damages
8 and injuries which Defendant's actions have inflicted upon the Class;
- 9 (f) There is a community of interest in ensuring that the combined assets
10 and available insurance of the Defendant are sufficient to adequately
11 compensate Plaintiff Class for the injuries sustained;
- 12 (g) Without class certification, the prosecution of separate actions by
13 individual members of the Class would create a risk of:
- 14 (1) Inconsistent or varying adjudications with respect to individual
15 members of the Class which would establish incompatible
16 standard of conduct for the Defendants; and/or
- 17 (2) Adjudications with respect to the individual members which
18 would, as a practical matter, be dispositive of the interests
19 of other members not parties to the adjudications, or would
20 substantially impair or impede their ability to protect their
21 interests, including but not limited to the potential for exhausting
22 the funds available from those parties who are, or may be,
23 responsible Defendant; and
- 24 (h) Defendant has acted or refused to act on grounds generally
25 applicable to the Class, thereby making final injunctive relief
26 appropriate with respect to the Class as a whole.

27 ///

28 ///

FIRST CAUSE OF ACTION

Fraud

(Plaintiffs and Plaintiff Class against Defendant The Regents of the University of California)

15. Plaintiff re-alleges and incorporates by reference the preceding paragraphs of this Complaint as if fully alleged herein.

16. “The elements of fraud are: (1) a misrepresentation (false representation, concealment, or nondisclosure); (2) knowledge of falsity (or scienter); (3) intent to defraud, i.e., to induce reliance; (4) justifiable reliance; and (5) resulting damage [citation].” (*Robinson Helicopter Co., Inc. v. Dana Corp.* (2004) 34 Cal.4th 979, 990.)

17. Through its website, UCLA represented that it would consider applicants for admission to UCLA on their merits, stating that: “The goal of the campus’ admissions review process is to single out from a large and growing pool of academically strong applicants those unique individuals who have demonstrated the intellectual curiosity, tenacity, and commitment to community service expected of the UCLA graduate.” The Representation continues: “Selection is based on a comprehensive review of all information—both academic and personal—presented in the application. All applications are read twice, in their entirety, by professionally trained readers. After independently reading and analyzing a file, the reader determines a comprehensive score that is the basis upon which the student is ultimately admitted or denied.” (the “Representation”)

18. The Representation was untrue, as UCLA failed to state that, in exchange for payment, it would designate applicants for admission as student-athlete recruits and thereby afford them a higher likelihood of admission than applicants who are not designated as student-athlete recruits (the “Omission”). As UCLA’s men’s soccer coach was accepting money in exchange for “student-athlete recruit designations,” at time the Representation was made, UCLA had no reasonable ground for believing the Representation to be true.

19. The Representation was made through UCLA’s website with intent to induce would-be applicants, including Plaintiff and Plaintiff Class, to rely upon the Representation and

1 pay, or reimburse, an application fee in connection with an application for admission to UCLA.
 2 Having no knowledge of Representation's falsity, Plaintiff and Plaintiff Class relied upon the
 3 truth of the Representation, and paid, or reimbursed payment of, an application fee in connection
 4 with an application for admission to UCLA during the class period. As a result of their reliance,
 5 Plaintiff and each member of the Plaintiff Class suffered a loss of property—the fee these Class
 6 Members paid or reimbursed in connection with an application for admission to UCLA during
 7 the class period.

8 SECOND CAUSE OF ACTION

9 Negligent Misrepresentation

10 **(Plaintiff and Plaintiff Class against Defendant The Regents of the University of** 11 **California)**

12 20. Plaintiff re-alleges and incorporated by reference the preceding paragraphs of this
 13 Complaint as if fully alleged herein.

14 21. The elements of a cause of action for negligent misrepresentation are: 1) The
 15 defendant must have made a representation as to a past or existing material fact; 2) The
 16 representation must have been untrue; 3) Regardless of his actual belief the defendant must have
 17 made the representation without any reasonable ground for believing it to be true; 4) The
 18 representation must have been made with the intent to induce plaintiff to rely upon it; 5) The
 19 plaintiff must have been unaware of the falsity of the representation; he must have acted in
 20 reliance upon the truth of the representation and he must have been justified in relying upon the
 21 representation; and 6) As a result of his reliance upon the truth of the representation, the plaintiff
 22 must have sustained damage. (*Friedman v. Merck & Co.* (2003) 107 Cal.App.4th 454, 476.)

23 22. UCLA's Representation was untrue, as applicants for admission to UCLA during
 24 the class period could also pay unpublished amounts of money to have their applications for
 25 admission considered under the more lenient standard applied to student-athlete recruits.

26 23. As UCLA's men's soccer coach was accepting money in exchange for "student-
 27 athlete recruit designations" at time the Representation was made, UCLA had no reasonable
 28 ground for believing the Representation to be true. The Representation was made through

1 UCLA's website with the intent to induce would-be applicants, including Plaintiff and Plaintiff
2 Class, to rely upon the representation and pay, or reimburse the payment of, an application fee in
3 connection with an application for admission to UCLA.

4 24. Having no knowledge of Representation's falsity, Plaintiff and each member of
5 the Plaintiff Class relied upon the truth of the Representation and paid, or reimbursed the payment
6 of, an application fee in connection with an application for admission to UCLA. As a result of
7 their reliance, Plaintiff and each member of the Plaintiff Class suffered a loss of property — the
8 fee paid or reimbursed in connection with an application for admission to UCLA during the class
9 period.

10 **THIRD CAUSE OF ACTION**

11 **False Advertising**

12 **(Plaintiff and Plaintiff Class against Defendant The Regents of the University of** 13 **California)**

14 25. Plaintiff re-alleges and incorporates by reference the preceding paragraphs of this
15 Complaint as if fully alleged herein.

16 26. Under California Business and Professions Code, section 17500, "[i]t is unlawful
17 for any...corporation or association...with intent directly or indirectly...to perform services...to
18 make or disseminate or cause to be made or disseminated before the public in this state...in
19 any...manner or means whatever, including over the Internet, any statement, concerning...those
20 services...which is untrue or misleading, and which is known, or which by the exercise of
21 reasonable care should be known, to be untrue or misleading."

22 27. Defendant, with intent to perform services, disseminated untrue and/or misleading
23 statements concerning those services to the public in the State of California. Specifically, on its
24 website, Defendant made the Representation.

25 28. At the time Defendant made its Criteria Statement, UCLA's men's soccer coach
26 designated applicants for admission to USC as recruited athletes in exchange for payment to a
27 sports marketing company controlled by the UCLA's men's soccer coach.

28 29. The admissions prospects of recruited athletes at UCLA are higher than those of

1 non-recruited athletes with similar grades and standardized test scores.

2 30. Although Plaintiff may have reasonably expected that recruited athletes may have
3 a lower academic bar to clear, Plaintiff was not aware that an applicant could pay money to have
4 his or her application considered under that same lowered bar.

5 31. Defendant knew or should have known that its men's soccer coach was selling
6 "student-athlete recruit" designations that allowed students who were not recruited student-
7 athletes to have their applications for admission considered under the lower bar reserved for
8 student-athlete recruits.

9 32. Although Defendant knew or should have known that it was selling passes for a
10 lowered admissions standard, it omitted that fact from the Representation. If Plaintiff knew that
11 Defendant was selling passes for a lowered admission standard, she would not have paid or
12 reimbursed an application fee in connection with an application for admission to UCLA.

13 **FOURTH CAUSE OF ACTION**

14 **Unfair Competition, in Violation of Business and Professions Code Section 17200 et seq.** 15 **(Plaintiff and Plaintiff Class against Defendant The Regents of the University of** 16 **California)**

17 33. Plaintiff re-alleges and incorporates by reference the preceding paragraphs of this
18 Complaint as if fully alleged herein.

19 34. California Business and Professions Code section 17203 in relevant part provides,
20 "Any person who engages, has engaged, or proposes to engage in unfair competition may be
21 enjoined in any court of competent jurisdiction. The court may make such orders or judgments...as
22 may be necessary to restore to any person in interest any money or property, real or personal,
23 which may have been acquired by means of such unfair competition."

24 35. As used in section 17203, "unfair competition" includes "any unlawful, unfair or
25 fraudulent business act or practice and unfair, deceptive, untrue or misleading advertising and any
26 act prohibited by [Business and Professions Code section 17500 et seq.]."

27 36. Defendant engaged in fraudulent business acts and practices against Plaintiff and
28 Plaintiff Class by advertising that it would consider applicants for admission to UCLA on their

merits, as stated in the Representation.

37. However, UCLA failed to state that, in exchange for payment, it would designate applicants for admission as student-athlete recruits and thereby afford them a higher likelihood of admission than applicants who are not designated as student-athlete recruits. By choosing to speak, UCLA had a duty to speak the whole truth. UCLA's representation is likely to deceive members of the public, as it fails to disclose that applicants can pay a fee and have their applications judged by less stringent criteria than that applied to the general applicant pool.

38. As a result of Defendant's unfair competition, Plaintiff and Plaintiff Class have suffered injury in fact and lost money, in the form of payment, or reimbursement of payment, of application fees in connection with applications for admission into UCLA during the class period.

39. Plaintiff, on behalf of herself and Plaintiff Class, requests restitution of the funds paid, or reimbursed, by Class Members in connection with an application for admission to UCLA during the class period.

FIFTH CAUSE OF ACTION

Negligence

(Plaintiff and Plaintiff Class against Defendant The Regents of the University of California)

40. Plaintiff re-alleges and incorporates by reference the preceding paragraphs of this Complaint as if fully alleged herein.

41. Actionable negligence involves a legal duty to use due care, a breach of such legal duty, and the breach as the proximate or legal cause of the resulting injury [citation]." (*United States Liability Ins. Co. v. Haidinger-Hayes, Inc.* (1970) 1 Cal.3d 586, 594.) "Everyone is responsible, not only for the result of his or her willful acts, but also for an injury occasioned to another by his or her want of ordinary care or skill in the management of his or her property or person..." (Civ. Code, § 1714, subd. (a).)

42. UCLA had a legal duty to use due care in publishing the criteria for admission into UCLA. UCLA breached that duty by misleading the public — in the Representation — about how it evaluated applications for admission into UCLA. As a direct and foreseeable result of the

Representation, Plaintiff and Class Members paid, or reimbursed the payment of, application fees in connection with an application for admission to UCLA during the class period. Plaintiff and Class Members suffered damage, as they would not have paid, or reimbursed the payment of, an application fee, but for the Representation.

PRAYER FOR RELIEF

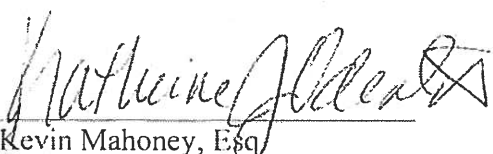
WHEREFORE, Plaintiff prays for the following relief:

1. For compensatory damages, including liquidated damages in an amount according to proof;
2. For general damages in an amount according to proof;
3. Injunctive relief, enjoining Defendant from engaging in the unlawful and unfair business practices complained herein.
4. For declaratory relief, declaring Defendant's practices as unlawful and unfair business practices within the meaning of Business and Professions Code sections 17200 et seq.,
5. For restitution under Business and Professions Code sections 17200 et seq.
6. Further declaratory relief, declaring the amounts of damages, equitable relief, costs, and attorneys' fees to which Plaintiff is entitled; and
7. For such other and further relief as this Court may deem just and proper.

Dated: August 14, 2019

MAHONEY LAW GROUP, APC

By:


Kevin Mahoney, Esq.
Katherinc J. Odenbreit, Esq.
Attorneys for Plaintiff VALENTINA RIFFEL

DEMAND FOR JURY TRIAL

Plaintiff VALENTINA RIFFEL, on behalf of herself and the Class she seeks to represent,
hereby demands a jury trial on all issues so triable.

Dated: August 14, 2019

MAHONEY LAW GROUP, APC

By:



Kevin Mahoney, Esq.

Katherine J. Odenbreit, Esq.

Attorneys for Plaintiff VALENTINA RIFFEL

SHORT TITLE

Riffel v. The Regents of the University of California

CASE NUMBER

19STCV28323

**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. | 7. Location where petitioner resides. |
| 2. Permissive filing in central district. | 8. Location wherein defendant/respondent functions wholly. |
| 3. Location where cause of action arose. | 9. Location where one or more of the parties reside. |
| 4. Mandatory personal injury filing in North District. | 10. Location of Labor Commissioner Office. |
| 5. Location where performance required or defendant resides. | 11. Mandatory filing location (Hub Cases – unlawful detainer, limited non-collection, limited collection, or personal injury). |
| 6. Location of property or permanently garaged vehicle. | |

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

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

SHORT TITLE: Riffel v. The Regents of the University of California		CASE NUMBER
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	A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Judicial Review	Asset Forfeiture (05)	<input type="checkbox"/> A6108 Asset Forfeiture Case	2, 3, 6
	Petition re Arbitration (11)	<input type="checkbox"/> A6115 Petition to Compel/Confirm/Vacate Arbitration	2, 5
	Writ of Mandate (02)	<input type="checkbox"/> A6151 Writ - Administrative Mandamus	2, 8
		<input type="checkbox"/> A6152 Writ - Mandamus on Limited Court Case Matter	2
		<input type="checkbox"/> A6153 Writ - Other Limited Court Case Review	2
Other Judicial Review (39)	<input type="checkbox"/> A6150 Other Writ /Judicial Review	2, 8	
Provisionally Complex Litigation	Antitrust/Trade Regulation (03)	<input type="checkbox"/> A6003 Antitrust/Trade Regulation	1, 2, 8
	Construction Defect (10)	<input type="checkbox"/> A6007 Construction Defect	1, 2, 3
	Claims Involving Mass Tort (40)	<input type="checkbox"/> A6006 Claims Involving Mass Tort	1, 2, 8
	Securities Litigation (28)	<input type="checkbox"/> A6035 Securities Litigation Case	1, 2, 8
	Toxic Tort Environmental (30)	<input type="checkbox"/> A6036 Toxic Tort/Environmental	1, 2, 3, 8
	Insurance Coverage Claims from Complex Case (41)	<input type="checkbox"/> A6014 Insurance Coverage/Subrogation (complex case only)	1, 2, 5, 8
Enforcement of Judgment	Enforcement of Judgment (20)	<input type="checkbox"/> A6141 Sister State Judgment	2, 5, 11
		<input type="checkbox"/> A6160 Abstract of Judgment	2, 6
		<input type="checkbox"/> A6107 Confession of Judgment (non-domestic relations)	2, 9
		<input type="checkbox"/> A6140 Administrative Agency Award (not unpaid taxes)	2, 8
		<input type="checkbox"/> A6114 Petition/Certificate for Entry of Judgment on Unpaid Tax	2, 8
		<input type="checkbox"/> A6112 Other Enforcement of Judgment Case	2, 8, 9
Miscellaneous Civil Complaints	RICO (27)	<input type="checkbox"/> A6033 Racketeering (RICO) Case	1, 2, 8
	Other Complaints (Not Specified Above) (42)	<input type="checkbox"/> A6030 Declaratory Relief Only	1, 2, 8
		<input type="checkbox"/> A6040 Injunctive Relief Only (not domestic/harassment)	2, 8
		<input type="checkbox"/> A6011 Other Commercial Complaint Case (non-tort/non-complex)	1, 2, 8
<input type="checkbox"/> A6000 Other Civil Complaint (non-tort/non-complex)	1, 2, 8		
Miscellaneous Civil Petitions	Partnership Corporation Governance (21)	<input type="checkbox"/> A6113 Partnership and Corporate Governance Case	2, 8
	Other Petitions (Not Specified Above) (43)	<input type="checkbox"/> A6121 Civil Harassment	2, 3, 9
		<input type="checkbox"/> A6123 Workplace Harassment	2, 3, 9
		<input type="checkbox"/> A6124 Elder/Dependent Adult Abuse Case	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 Riffel v. The Regents of the University of California	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 312 N. Spring St., Los Angeles, CA 90012		
CITY Los Angeles	STATE CA	ZIP CODE: 90012			

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: August 14, 2019


 (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.

Kevin Mahoney (SBN: 235367)
 kmahoney@mahoney-law.net
 Katherine J. Odenbreit (SBN: 184619)
 amohoney@mahoney-law.net
MAHONEY LAW GROUP, APC
 249 East Ocean Boulevard, Suite 814
 Long Beach, CA 90802
 Telephone No.: (562) 590-5550
 Facsimile No.: (562) 590-8400

Attorneys for Plaintiffs VALENTINA RIFFEL, on behalf of herself and all those similarly situated.

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

SPRING STREET COURTHOUSE

VALENTINA RIFFEL, as individual, on
 behalf of herself and all persons similarly
 situated,

Plaintiff,

v.

THE REGENTS OF THE UNIVERSITY OF
 CALIFORNIA, a California nonprofit
 corporation; and DOES 1 through 50,
 inclusive,

Defendants.

Case No.: 19STCV28323

CLASS ACTION

**PLAINTIFF'S NOTICE OF DEPOSIT OF
 JURY FEES**

Assigned for all purposes to:
 Hon. William F. Highberger
 Dept. 10, Spring Street Courthouse

Complaint Filed: August 14, 2019
 Trial Date: None Yet Set

TO THE HONORABLE COURT AND DEFENDANTS:

PLEASE TAKE NOTICE that pursuant to Code of Civil Procedure Section 631(b),
 Plaintiff VALENTINA RIFFEL, has posted the requisite jury fees in the amount of \$150.00.

Dated: August 16, 2019

MAHONEY LAW GROUP, APC

By: 

Kevin Mahoney, Esq.

Katherine J. Odenbreit, Esq.

Attorneys for Plaintiff VALENTINA RIFFEL

CM-010

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address) Kevin Mahoney (SBN: 235367)/Katherine J. Odenbreit (SBN: 184619) MAHONEY LAW GROUP, APC 249 E. Ocean Blvd., Ste. 814 Long Beach, CA 90802 TELEPHONE NO (562) 590-5550 FAX NO (562) 590-8400 ATTORNEY FOR (Name) Plaintiff Valentina Riffel	FOR COURT USE ONLY CONFORMED COPY ORIGINAL FILED Superior Court of California County of Los Angeles AUG 14 2019 Sherri K. Carter, Executive Officer/Clerk of Court By <u><i>[Signature]</i></u> , Deputy Steven Drew
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Los Angeles STREET ADDRESS 312 N. Spring Street MAILING ADDRESS 312 N. Spring Street CITY AND ZIP CODE Los Angeles, CA 90012 BRANCH NAME Spring Street Courthouse	
CASE NAME: Riffel v. The Regents of the University of California	
CIVIL CASE COVER SHEET <input checked="" type="checkbox"/> Unlimited (Amount demanded exceeds \$25,000) <input type="checkbox"/> Limited (Amount demanded is \$25,000 or less)	Complex Case Designation <input type="checkbox"/> Counter <input type="checkbox"/> Joinder Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)
CASE NUMBER 19STCV28323 JUDGE _____ DEPT. _____	

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

1 Check one box below for the case type that best describes this case		
Auto Tort <input type="checkbox"/> Auto (22) <input type="checkbox"/> Uninsured motorist (46) Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort <input type="checkbox"/> Asbestos (04) <input type="checkbox"/> Product liability (24) <input type="checkbox"/> Medical malpractice (45) <input type="checkbox"/> Other PI/PD/WD (23) Non-PI/PD/WD (Other) Tort <input type="checkbox"/> Business tort/unfair business practice (07) <input type="checkbox"/> Civil rights (08) <input type="checkbox"/> Defamation (13) <input type="checkbox"/> Fraud (16) <input type="checkbox"/> Intellectual property (19) <input type="checkbox"/> Professional negligence (25) <input checked="" type="checkbox"/> Other non-PI/PD/WD tort (35) Employment <input type="checkbox"/> Wrongful termination (36) <input type="checkbox"/> Other employment (15)	Contract <input type="checkbox"/> Breach of contract/warranty (06) <input type="checkbox"/> Rule 3.740 collections (09) <input type="checkbox"/> Other collections (09) <input type="checkbox"/> Insurance coverage (18) <input type="checkbox"/> Other contract (37) Real Property <input type="checkbox"/> Eminent domain/Inverse condemnation (14) <input type="checkbox"/> Wrongful eviction (33) <input type="checkbox"/> Other real property (26) Unlawful Detainer <input type="checkbox"/> Commercial (31) <input type="checkbox"/> Residential (32) <input type="checkbox"/> Drugs (38) Judicial Review <input type="checkbox"/> Asset forfeiture (05) <input type="checkbox"/> Petition re: arbitration award (11) <input type="checkbox"/> Writ of mandate (02) <input type="checkbox"/> Other judicial review (39)	Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400–3.403) <input type="checkbox"/> Antitrust/Trade regulation (03) <input type="checkbox"/> Construction defect (10) <input type="checkbox"/> Mass tort (40) <input type="checkbox"/> Securities litigation (28) <input type="checkbox"/> Environmental/Toxic tort (30) <input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41) Enforcement of Judgment <input type="checkbox"/> Enforcement of judgment (20) Miscellaneous Civil Complaint <input type="checkbox"/> RICO (27) <input type="checkbox"/> Other complaint (not specified above) (42) Miscellaneous Civil Petition <input type="checkbox"/> Partnership and corporate governance (21) <input type="checkbox"/> Other petition (not specified above) (43)

- 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 checked="" type="checkbox"/> Large number of separately represented parties | d <input checked="" type="checkbox"/> Large number of witnesses |
| b <input type="checkbox"/> Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve | e <input type="checkbox"/> Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court |
| c <input 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): 5
- 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: August 14, 2019

Katherine J. Odenbreit, Esq.

(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE

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

Page 1 of 2

CM-010

INSTRUCTIONS ON HOW TO COMPLETE THE COVER SHEET

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

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

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

CASE TYPES AND EXAMPLES

Auto Tort

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

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

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

Non-PI/PD/WD (Other) Tort

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

Employment

Wrongful Termination (36)
Other Employment (15)

Contract

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

Real Property

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

Unlawful Detainer

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

Judicial Review

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

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

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

Enforcement of Judgment

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

Miscellaneous Civil Complaint

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

Miscellaneous Civil Petition

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

SUPERIOR COURT OF CALIFORNIA COUNTY OF LOS ANGELES		Reserved for Clerk's File Stamp <div style="text-align: center;"> FILED Superior Court of California County of Los Angeles 08/14/2019 Sherri R. Carter, Executive Officer / Clerk of Court By: <u>Steve Drew</u> Deputy </div>
COURTHOUSE ADDRESS: Spring Street Courthouse 312 North Spring Street, Los Angeles, CA 90012		
NOTICE OF CASE ASSIGNMENT UNLIMITED CIVIL CASE		
Your case is assigned for all purposes to the judicial officer indicated below.		CASE NUMBER: 19STCV28323

THIS FORM IS TO BE SERVED WITH THE SUMMONS AND COMPLAINT

	ASSIGNED JUDGE	DEPT	ROOM			ASSIGNED JUDGE	DEPT	ROOM
✓	William F. Highberger	10						

Given to the Plaintiff/Cross-Complainant/Attorney of Record

Sherri R. Carter, Executive Officer / Clerk of Court

on 08/14/2019
(Date)

By Steve Drew, Deputy Clerk

INSTRUCTIONS FOR HANDLING UNLIMITED CIVIL CASES

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

APPLICATION

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

PRIORITY OVER OTHER RULES

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

CHALLENGE TO ASSIGNED JUDGE

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

TIME STANDARDS

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

COMPLAINTS

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

CROSS-COMPLAINTS

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

STATUS CONFERENCE

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

FINAL STATUS CONFERENCE

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

SANCTIONS

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

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

Class Actions

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

***Provisionally Complex Cases**

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

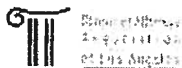
VOLUNTARY EFFICIENT LITIGATION STIPULATIONS

Superior Court of California
County of Los Angeles



Los Angeles County
Bar Association
Litigation Section

Los Angeles County
Bar Association Labor and
Employment Law Section



Consumer Attorneys
Association of Los Angeles



Southern California
Defense Counsel



Association of
Business Trial Lawyers



California Employment
Lawyers Association

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

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

◆ Los Angeles County Bar Association Litigation Section ◆

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

◆ Consumer Attorneys Association of Los Angeles ◆

◆ Southern California Defense Counsel ◆

◆ Association of Business Trial Lawyers ◆

◆ California Employment Lawyers Association ◆

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

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

The parties agree that:

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

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

- h. Computation of damages, including documents, not privileged or protected from disclosure, on which such computation is based;
 - i. Whether the case is suitable for the Expedited Jury Trial procedures (see information at www.lacourt.org under "Civil" and then under "General Information").
2. The time for a defending party to respond to a complaint or cross-complaint will be extended to _____ for the complaint, and _____ for the cross-complaint, which is comprised of the 30 days to respond under Government Code § 68616(b), and the 30 days permitted by Code of Civil Procedure section 1054(a), good cause having been found by the Civil Supervising Judge due to the case management benefits provided by this Stipulation. A copy of the General Order can be found at www.lacourt.org under "Civil", click on "General Information", then click on "Voluntary Efficient Litigation Stipulations".
 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:

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Date:

(TYPE OR PRINT NAME)

Date:

(TYPE OR PRINT NAME)

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(ATTORNEY FOR PLAINTIFF)

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(ATTORNEY FOR DEFENDANT)

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(ATTORNEY FOR DEFENDANT)

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(ATTORNEY FOR DEFENDANT)

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(ATTORNEY FOR _____)

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(ATTORNEY FOR _____)

>

(ATTORNEY FOR _____)

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

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

The parties agree that:

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

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

SHORT TITLE:	CASE NUMBER:
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The following parties stipulate:

Date:

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(ATTORNEY FOR PLAINTIFF)

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(ATTORNEY FOR DEFENDANT)

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(ATTORNEY FOR DEFENDANT)

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(ATTORNEY FOR DEFENDANT)

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(ATTORNEY FOR _____)

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(ATTORNEY FOR _____)

➤

(ATTORNEY FOR _____)

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

1. This document relates to:

☐
☐

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

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

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

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

The parties agree that:

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

SHORT TITLE:	CASE NUMBER:
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The following parties stipulate:

Date:

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Date:

(TYPE OR PRINT NAME)> _____
(ATTORNEY FOR PLAINTIFF)> _____
(ATTORNEY FOR DEFENDANT)> _____
(ATTORNEY FOR DEFENDANT)> _____
(ATTORNEY FOR DEFENDANT)> _____
(ATTORNEY FOR _____)> _____
(ATTORNEY FOR _____)> _____
(ATTORNEY FOR _____)**THE COURT SO ORDERS.**

Date: _____

JUDICIAL OFFICER



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 or computer, it may be called Online Dispute Resolution (ODR). These "alternatives" to litigation and trial are described below.

Advantages of ADR

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

Disadvantages of ADR

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

Main Types of ADR:

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

Mediation may be appropriate when the parties

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

Mediation may not be appropriate when the parties

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

How to arrange mediation in Los Angeles County

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

a. The Civil Mediation Vendor Resource List

Parties may contact these organizations to request a "Resource List Mediation" for reduced-cost or free (for selected cases) mediation in person or with ODR (by phone or online).

- JAMS, Inc.: Case Manager (213) 253-9776 mdawson@jamsadr.com
- Mediation Center of Los Angeles: Case Manager: (833) 476-9145 info@mediationLA.org

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

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

NOTE: This service is not available for family law, probate or small claims.

b. Los Angeles County Dispute Resolution Programs

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

- Free, day-of-trial mediations at the courthouse for small claims, unlawful detainers (evictions) and, at the Stanley Mosk Courthouse, limited civil. No appointment needed.
- Free or low-cost mediations before the day of trial for these and other case types.
- For ODR by phone or computer for small claims or unlawful detainer (eviction) cases before the day of trial, visit <http://www.lacourt.org/division/smallclaims/pdf/OnlineDisputeResolutionFlyer-EngSpan.pdf>

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

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

Los Angeles Superior Court ADR website: www.lacourt.org/division/civil/settlement

For general information and videos about ADR, visit <http://www.courts.ca.gov/programs-adr.htm>

ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: [Student Seeks Application Fee Refunds from UCLA Over College Admissions Scandal](#)
