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11 *Attorneys for Defendant Bank of America,*  
12 *N.A.*

13  
14 **UNITED STATES DISTRICT COURT**  
15 **CENTRAL DISTRICT OF CALIFORNIA**

16 FRANCISCO ROLDAN, III, an  
17 individual; KIENSANG HUYNH, an  
18 individual; ROGELIO RAMIREZ, an  
19 individual; MIKHAIL GERSHZON, an  
20 individual; VISHAL SHAH, an  
21 individual; and PATRICIA  
22 COBARRUVIAZ, an  
23 individual, on behalf of themselves and  
24 all others similarly situated,

25  
26  
27 Plaintiffs,

28 v.

BANK OF AMERICA, N.A., a national  
association; and DOES 1 through 100,  
Defendants.

Case No. 2:24-cv-00136

**NOTICE OF REMOVAL**

State Court Docket: Superior Court of  
California, County of Los Angeles

Case No. 23STCV28840

1 **TO THE CLERK OF THE ABOVE-TITLED COURT:**

2 PLEASE TAKE NOTICE THAT, for the reasons stated below, Defendant  
3 Bank of America, N.A. (“Bank of America”) hereby removes the above-captioned  
4 action from the Superior Court of California for the County of Los Angeles to the  
5 United States District Court for the Central District of California.

6 As grounds for removal, Bank of America states as follows:

7 **SUMMARY**

8 1. A defendant may remove an action from state court pursuant to 28  
9 U.S.C. § 1441(a) if the federal district court has original jurisdiction over the action.

10 2. This Court has original jurisdiction over this action as an alleged class  
11 action in which “any member of a class of plaintiffs is a citizen of a State different  
12 from any defendant” and in which “the matter in controversy exceeds the sum or  
13 value of \$5,000,000, exclusive of interest and costs.” 28 U.S.C. § 1332(d)(2). Such  
14 actions may be removed from state court pursuant to 28 U.S.C. § 1453(b).

15 **PROCEDURAL HISTORY AND BACKGROUND**

16 3. On November 21, 2023, Plaintiffs Francisco Roldan, III, Kiensang  
17 Huynh, Rogelio Ramirez, Mikhail Gershwin, Vishal Shah, and Patricia Cobarruviaz  
18 filed a putative class action complaint captioned *Francisco Roldan, III, et al. v. Bank*  
19 *of America, N.A., et al.*, Case No. 23STCV28840, in the Superior Court of California  
20 for the County of Los Angeles. A copy of the Complaint, together with all process,  
21 pleadings, and orders served on Bank of America in the state court action, are  
22 attached hereto.

23 4. In the Complaint, Plaintiff alleges that Bank of America’s Online  
24 Banking Service Agreement (“Agreement”) “require[s] users to agree that they shall  
25 not make any statements” that expose the bank to “liability, reputational harm or  
26 brand damage” and “threaten[s] to suspend or terminate a user’s access” to the

1 services provided in the Agreement if users do so. Compl. ¶¶ 5, 6. Plaintiffs allege  
2 they “applied for, enrolled in, activated, downloaded, or used any of the Services”  
3 provided for in the Agreement. *Id.* ¶¶ 11-16. The Complaint alleges, on behalf of a  
4 putative class, violations of California Civil Code § 1670.8 and the California Unfair  
5 Competition Law, Cal. Bus. & Prof. Code §§ 17200, *et seq.* *Id.* ¶¶ 47-60. Plaintiffs  
6 seek statutory civil penalties, restitution, disgorgement, injunctive relief, pre- and  
7 post- judgment interest, and attorneys’ fees and costs. *Id.* at 10-11.

8 5. Bank of America disputes the allegations in the Complaint and disputes  
9 that Plaintiffs are entitled to any relief.

10 6. Plaintiffs served Bank of America with the original Complaint and  
11 summons on December 6, 2023. Bank of America’s time to respond to the  
12 Complaint and summons has not expired, and Bank of America has not served or  
13 filed an answer.

14 7. This notice of removal is timely filed under 28 U.S.C. § 1446(b)  
15 because it is filed less than 30 days from December 6, 2023, the date on which Bank  
16 of America was served with a copy of the Complaint and summons. No previous  
17 notice of removal has been filed or made to this Court for the relief sought herein.

18 8. This action is removable to this Court because Los Angeles County is  
19 located in the Central District of California. *See* 28 U.S.C. § 1441(a).

20 **GROUND FOR REMOVAL**

21 9. A defendant may remove an action from state court if the federal district  
22 court has original jurisdiction over the action. 28 U.S.C. § 1441(a).

23 10. This Court has original jurisdiction over this action under the Class  
24 Action Fairness Act (“CAFA”), 28 U.S.C. § 1332(d).

25 11. CAFA vests federal district courts with “original jurisdiction of any  
26 civil action” (A) that “is a class action,” (B) in which “the number of members of all  
27

1 proposed plaintiff classes in the aggregate is [not] less than 100,” (C) in which “any  
2 member of a class of plaintiffs is a citizen of a State different from any defendant”;  
3 and (D) in which “the matter in controversy exceeds the sum or value of \$5,000,000,  
4 exclusive of interest and costs.” 28 U.S.C. § 1332(d). This action satisfies these  
5 requirements.

6 **A. This Action is a Putative Class Action**

7 12. Original jurisdiction under CAFA applies to any civil action that “is a  
8 class action.” 28 U.S.C. § 1332(d)(2). A “class action” means “any civil action filed  
9 under rule 23 of the Federal Rules of Civil Procedure or similar State statute or rule  
10 of judicial procedure authorizing an action to be brought by 1 or more representative  
11 persons as a class action.” 28 U.S.C. § 1332(d)(1)(B).

12 13. California Code of Civil Procedure § 382 provides in part that “when  
13 the question is one of a common or general interest, of many persons, or when the  
14 parties are numerous, and it is impracticable to bring them all before the court, one  
15 or more may sue or defend for the benefit of all.” Section 382 is the California state  
16 analog to Federal Rule of Civil Procedure 23. *See Huckleby v. Manpower, Inc.*, 2010  
17 WL 11552970, at \*3 n.1 (C.D. Cal. Sept. 7, 2010).

18 14. Plaintiffs bring their action as a class action “[p]ursuant to California  
19 Code of Civil Procedure section 382” on behalf of “all persons residing in California  
20 who applied for, enrolled in, activated, downloaded, or used any of the Services”  
21 provided for in the Agreement. Compl. ¶ 27. This action is therefore a putative  
22 class action removable under CAFA under 28 U.S.C. § 1332(d)(2)

23 **B. The Putative Class is Sufficiently Numerous**

24 15. Under 28 U.S.C. § 1332(d)(5)(B), the number of members of all  
25 proposed plaintiff classes must equal or exceed 100 in the aggregate for the action  
26 to be removable under CAFA.

1 16. Plaintiff estimates that “members of the Class number in at least the  
2 tens of thousands or hundreds of thousands.” Compl. ¶ 31. The proposed class is  
3 thus sufficiently numerous under 28 U.S.C. § 1332(d)(5)(B).

4 **C. There is Diversity of Citizenship Between The Parties.**

5 17. A putative class action is removable if “any member of a class of  
6 plaintiffs is a citizen of a State different from any defendant.” 28 U.S.C.  
7 § 1332(d)(2)(A).

8 18. Plaintiff Francisco Roldan, III is a “citizen of the State of California  
9 and a resident of Los Angeles.” Compl. ¶ 11. All other listed Plaintiffs allege that  
10 they are citizens of the State of California. Compl. ¶¶ 12-16.

11 19. Bank of America, N.A. is a national bank headquartered in Charlotte,  
12 North Carolina. *See Robinson v. Bank of Am., N.A.*, 2022 WL 837073, at \*1 (S.D.  
13 Cal. Mar. 21, 2022) (“Defendant Bank of America, N.A., is a national bank  
14 headquartered in Charlotte, North Carolina”).

15 20. Because Plaintiff Roldan is a citizen of California and Bank of America  
16 is a citizen of North Carolina, this is a putative class action in which “any member  
17 of a class of plaintiffs is a citizen of a State different from any defendant.” 28 U.S.C.  
18 § 1332(d). Diversity of citizenship accordingly exists between the parties.

19 **D. The Amount in Controversy Exceeds \$5,000,000**

20 21. “In any class action, the claims of the individual class members shall  
21 be aggregated to determine whether the matter in controversy exceeds the sum or  
22 value of \$5,000,000, exclusive of interest and costs.” 28 U.S.C. § 1332(d)(6). “The  
23 amount in controversy is simply an estimate of the total amount in dispute, not a  
24 prospective assessment of defendant’s liability.” *Lewis v. Verizon Commc’ns, Inc.*,  
25 627 F.3d 395, 400 (9th Cir. 2010).

1 22. Plaintiffs seek statutory civil penalties, restitution, disgorgement,  
2 injunctive relief, pre- and post- judgment interest, and attorneys' fees and costs.  
3 Compl. at 10-11.

4 23. Violators of Cal. Civ. Code § 1670.8 are subject to \$2,500 fines for  
5 their first violations, and \$5,000 for the second and each subsequent violation. §  
6 1670.8(c).

7 24. Bank of America vigorously denies that it is liable to Plaintiffs or the  
8 putative class in any way whatsoever. But if a court were to order the specific relief  
9 that Plaintiff demands, based on the size of the putative class alleged, the amount  
10 would exceed \$5,000,000. Plaintiff's requested equitable relief would also impose  
11 substantial additional burdens on Bank of America. Thus, the amount-in-  
12 controversy requirement for removal under CAFA is satisfied.

13 **OTHER PROCEDURAL MATTERS**

14 25. Promptly upon its filing, a true copy of this Notice of Removal will be  
15 provided to all adverse parties pursuant to 28 U.S.C. § 1446(d). Pursuant to Federal  
16 Rule of Civil Procedure 5(d), Bank of America will file with this Court a Certificate  
17 of Service of notice to the adverse party of removal to federal court.

18 26. Upon the filing of this Notice of Removal, Bank of America will  
19 promptly file a Notification of Filing of Notice of Removal with the Clerk of the  
20 Superior Court of California, County of Los Angeles, in accordance with 28 U.S.C.  
21 § 1446(d).

22 27. By filing this Notice of Removal, Bank of America does not waive any  
23 defenses that may be available to it, including without limitation any defenses  
24 relating to service, process, and jurisdiction, and does not concede that the  
25 allegations in the complaint state a valid claim under any applicable law.

1 28. Bank of America reserves the right to submit additional factual support,  
2 evidence, and affidavits to support the basis for federal jurisdiction as necessary at  
3 the appropriate time.

4  
5 **NOTICE TO STATE COURT AND PLAINTIFF**

6 Counsel for Bank of America certifies that pursuant to 28 U.S.C. § 1446(d),  
7 copies of this Notice of Removal will be filed with the Clerk of the Superior Court  
8 of California, County of Los Angeles, and given to Plaintiff’s counsel promptly.  
9 WHEREFORE, the case now pending in the Superior Court of California, County  
10 of Los Angeles, Case No. 23STCV28840, is hereby removed to the United States  
11 District Court for the Central District of California pursuant to 28 U.S.C. §§ 1332,  
12 1441, and 1453.

13  
14  
15 Dated: January 5, 2024

Respectfully submitted,

/s/ Matthew D. Benedetto  
Matthew D. Benedetto (SBN 252379)  
WILMER CUTLER PICKERING  
HALE AND DORR LLP  
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matthew.benedetto@wilmerhale.com

*Attorney for Defendant  
Bank of America, N.A.*

# Exhibit A



## CASE INFORMATION

[Case Information](#) | [Register Of Actions](#) | [FUTURE HEARINGS](#) | [PARTY INFORMATION](#) | [Documents Filed](#) | [Proceedings Held](#)

**Case Number:** 23STCV28840

FRANCISCO ROLDAN, III, ET AL. VS BANK OF AMERICA, N.A.

**Filing Courthouse:** Spring Street Courthouse

**Filing Date:** 11/21/2023

**Case Type:** Other Complaint (non-tort/non-complex) (General Jurisdiction)

**Status:** Pending

[Click here to access document images for this case](#)

If this link fails, you may go to the Case Document Images site and search using the case number displayed on this page

## FUTURE HEARINGS

[Case Information](#) | [Register Of Actions](#) | [FUTURE HEARINGS](#) | [PARTY INFORMATION](#) | [Documents Filed](#) | [Proceedings Held](#)

**03/18/2024** at 2:30 PM in Department 10 at 312 North Spring Street, Los Angeles, CA 90012

Initial Status Conference

## PARTY INFORMATION

[Case Information](#) | [Register Of Actions](#) | [FUTURE HEARINGS](#) | [PARTY INFORMATION](#) | [Documents Filed](#) | [Proceedings Held](#)

BANK OF AMERICA N.A. - Defendant

COBARRUVIAZ PATRICIA - Plaintiff

GERSHZON MIKHAIL - Plaintiff

HUYNH KIENSANG - Plaintiff

RAMIREZ ROGELIO - Plaintiff

RODRIGUEZ CHRISTOPHER R. - Attorney for Plaintiff

ROLDAN FRANCISCO III - Plaintiff

SHAH VISHAL - Plaintiff

## DOCUMENTS FILED

[Case Information](#) | [Register Of Actions](#) | [FUTURE HEARINGS](#) | [PARTY INFORMATION](#) | [Documents Filed](#) | [Proceedings Held](#)

### Documents Filed (Filing dates listed in descending order)

**12/14/2023** Certificate of Mailing for ((Court Order Re: Initial Status Conference Order) of 12/14/2023, Initial Status Conference Order)

Filed by Clerk

**12/14/2023** Minute Order ( (Court Order Re: Initial Status Conference Order))

Filed by Clerk

**12/12/2023** Initial Status Conference Order

Filed by Clerk

**12/06/2023** Proof of Service Summons

Filed by Francisco Roldan, III (Plaintiff)

**12/04/2023** Summons (on Complaint)

Filed by Francisco Roldan, III (Plaintiff); Kiensang Huynh (Plaintiff); Rogelio Ramirez (Plaintiff) et al.

**11/21/2023** Notice of Case Assignment - Unlimited Civil Case

Filed by Clerk

**11/21/2023** Voluntary Efficient Litigation Stipulation Packet

Filed by Clerk

**11/21/2023** First Amended General Order re: Mandatory Electronic Filing

Filed by Clerk

**11/21/2023** Alternate Dispute Resolution Packet

Filed by Clerk

**11/21/2023** Civil Case Cover Sheet

Filed by Francisco Roldan, III (Plaintiff); Kiensang Huynh (Plaintiff); Rogelio Ramirez (Plaintiff) et al.

**11/21/2023** Complaint

Filed by Francisco Roldan, III (Plaintiff); Kiensang Huynh (Plaintiff); Rogelio Ramirez (Plaintiff) et al.

## PROCEEDINGS HELD

[Case Information](#) | [Register Of Actions](#) | [FUTURE HEARINGS](#) | [PARTY INFORMATION](#) | [Documents Filed](#) | [Proceedings Held](#)

### Proceedings Held (Proceeding dates listed in descending order)

**12/14/2023** at 09:01 AM in Department 10, William F. Highberger, Presiding Court Order

## REGISTER OF ACTIONS

[Case Information](#) | [Register Of Actions](#) | [FUTURE HEARINGS](#) | [PARTY INFORMATION](#) | [Documents Filed](#) | [Proceedings Held](#)

**12/14/2023** Initial Status Conference scheduled for 03/18/2024 at 02:30 PM in Spring Street Courthouse at Department 10

**12/14/2023** The case is placed in special status of: Deemed Complex

**12/14/2023** The case is placed in special status of: Stay - Deemed Complex

**12/14/2023** Minute Order (Court Order Re: Initial Status Conference Order)

**12/14/2023** Certificate of Mailing for (Court Order Re: Initial Status Conference Order) of 12/14/2023, Initial Status Conference Order; Filed by: Clerk

**12/14/2023** The case is removed from the special status of: Provisionally Complex ? Case Type

**12/12/2023** Initial Status Conference Order; Signed and Filed by: Clerk

**12/12/2023** Updated -- Initial Status Conference Order: Result: Granted ; Result Date: 12/12/2023

**12/06/2023** Proof of Service Summons; Filed by: Francisco Roldan, III (Plaintiff); As to: Bank of America, N.A. (Defendant); Service Cost: 180.40; Proof of Mailing Date: 12/06/2023; Service Cost Waived: No

**12/04/2023** Summons on Complaint; Issued and Filed by: Francisco Roldan, III (Plaintiff); Kiensang Huynh (Plaintiff); Rogelio Ramirez (Plaintiff) et al. As to: Bank of America, N.A. (Defendant)

**11/27/2023** Case assigned to Hon. William F. Highberger in Department 10 Spring Street Courthouse

**11/21/2023** The case is placed in special status of: Class Action

**11/21/2023** The case is placed in special status of: Provisionally Complex ? Case Type

**11/21/2023** Notice of Case Assignment - Unlimited Civil Case; Filed by: Clerk

**11/21/2023** Voluntary Efficient Litigation Stipulation Packet; Filed by: Clerk

**11/21/2023** First Amended General Order re: Mandatory Electronic Filing; Filed by: Clerk

**11/21/2023** Alternate Dispute Resolution Packet; Filed by: Clerk

**11/21/2023** Civil Case Cover Sheet; Filed by: Francisco Roldan, III (Plaintiff); Kiensang Huynh (Plaintiff); Rogelio Ramirez (Plaintiff) et al. As to: Bank of America, N.A. (Defendant)

**11/21/2023** Complaint; Filed by: Francisco Roldan, III (Plaintiff); Kiensang Huynh (Plaintiff); Rogelio Ramirez (Plaintiff) et al. As to: Bank of America, N.A. (Defendant)

1 **SINGLETON SCHREIBER, LLP**  
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Electronically FILED by  
 Superior Court of California,  
 County of Los Angeles  
 11/21/2023 8:01 PM  
 David W. Slayton,  
 Executive Officer/Clerk of Court,  
 By G. Carini, Deputy Clerk

9 **LAW OFFICE OF THOMAS LEARY, APC**  
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12 Attorneys for Plaintiffs

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

16 FRANCISCO ROLDAN, III, an  
 17 individual; KIENSANG HUYNH, an  
 individual; ROGELIO RAMIREZ, an  
 18 individual; MIKHAIL GERSHZON, an  
 individual; VISHAL SHAH, an individual;  
 19 and PATRICIA COBARRUVIAZ, an  
 individual, on behalf of themselves and all  
 20 others similarly situated,

21 Plaintiffs,

22 v.

23 BANK OF AMERICA, N.A., a national  
 association; and DOES 1 through 100,

24 Defendants.

No. **23STCV28840**

**CLASS ACTION COMPLAINT**

**JURY TRIAL DEMANDED**

1 COMPLAINT

2 Plaintiffs Francisco Roldan, III; Kiensang Huynh; Rogelio Ramirez; Mikhail Gershzon;  
3 Vishal Shah; and Patricia Cobarruviaz, by and through their undersigned counsel, on their own  
4 behalf and on behalf of all other persons similarly situated (residents of California only)  
5 (collectively, “Plaintiffs”), sue Bank of America, N.A. (“Bank”) and DOES 1 through 100 (“Doe  
6 Defendants”) (Bank and Doe Defendants are collectively referred to herein as the “Defendants”)  
7 and for this Complaint, allege upon information and belief, and based on the investigation to date  
8 of their counsel, as follows:

9 INTRODUCTION

10 1. This is a class action brought for the benefit and protection of Plaintiffs, and all other  
11 similarly situated consumers who are residents of California and who have used any online or  
12 mobile banking services maintained by Bank and accessible through bankofamerica.com, or any  
13 mobile banking application of Bank, to obtain financial products and services, access and view  
14 account information, and, for certain accounts, move money electronically and perform authorized  
15 transactions (the “Services”).

16 2. By way of this action, Plaintiffs, and all others similarly situated, seek damages,  
17 restitution, injunctive relief, public injunctive relief, and other relief necessitated by Defendants’  
18 unlawful and unfair actions in violation of California Civil Code section 1670.8 and California  
19 Business and Professions Code section 17200. Plaintiffs on behalf of themselves and all others  
20 similarly situated seek an order permanently enjoining Defendants from engaging in these ongoing  
21 unlawful and unfair practices, and civil penalties and damages available under California law.

22 3. Because of the current power of the internet and social media platforms to publicize  
23 a company’s offerings of goods or services—and the potential harm to corporate interests when  
24 negative consumer statements “go viral”—Defendants have a significant incentive to minimize the  
25 negative publicity they receive, including in the form of negative online reviews and comments.  
26 Some companies have gone so far as to attempt to prohibit customers and potential customers from  
27 making negative statements about the goods or services they offer, to the detriment of consumers,  
28 potential consumers, and the public of the State of California. Fortunately, California Civil Code

1 section 1670.8 was enacted to protect the right of California consumers to voice their opinions,  
2 observations, and experiences about the products and services delivered or offered to California  
3 consumers, as well as the citizens of the State of California. The California Legislature reasonably  
4 and correctly determined that such freedom is important to keep the public informed and keep large  
5 corporations honest about the quality of the goods or services they offer to consumers.

6 4. Section 1670.8(a) provides as follows: “(1) **A contract or proposed contract** for  
7 the sale or lease of consumer goods or services **may not include a provision waiving the**  
8 **consumer’s right to make any statement** regarding the seller or lessor or its employees or agents,  
9 or concerning the goods or services” and “(2) **It shall be unlawful to threaten or seek to enforce**  
10 **a provision made unlawful under this section, or to otherwise penalize a consumer for making**  
11 **any statement protected under this section.**” Section 1670.8’s protections are so important that  
12 the statute expressly provides that “**any waiver of the provisions of this section is contrary to**  
13 **public policy, and is void and unenforceable.**”

14 5. In order to use and benefit from the Services, users of the Services are informed that  
15 they must agree to the Bank’s Online Banking Service Agreement (the “Agreement”). In fact, the  
16 Bank asserts that whenever a user applies for, enrolls in, activates, downloads, or uses any of the  
17 Services, they are deemed to have agreed to be bound by the Agreement.

18 6. While conducting substantial business with California consumers, the Agreement’s  
19 terms that Defendants imposed upon their customers and prospective customers clearly violate  
20 Section 1670.8. Pursuant to the Agreement that Defendants impose upon their customers for the  
21 privilege of accessing the goods and/or services offered, Defendants require users to agree that they  
22 shall not make any statements “that expose [Defendants] . . . to liability, reputational harm or brand  
23 damage” and further threaten to suspend or terminate a user’s access to the Services if user does  
24 so. Defendants maintain that they possess sole discretion to determine what user conduct amounts  
25 to reputational harm or brand damage.

26 7. Defendants’ conduct is unlawful, including among other reasons, because it is aimed  
27 to stifle California consumers’ right to free speech, and the right of the California public to hear  
28 lawful discourse. Defendants’ strong-arm tactics to silence injured parties were and continue to be

1 intentionally exercised to protect Defendants' self-promoting public image for commercial and  
2 other benefits. Defendants' unlawful business practices, purposefully designed to maintain and  
3 increase their consumers and prop up their stock price, all while denying the public, consumers,  
4 and potential consumers accurate information so that they may make informed decisions as  
5 consumers.

6 8. By way of these provisions, Defendants seek to have users waive their right as  
7 consumers to make negative statements regarding Defendants or their goods or services, and further  
8 threaten to penalize consumers for making such statements. These unlawful restrictions—imposed  
9 by Defendants against their own customers and prospective customers—is an important component  
10 of Defendants' business strategy, which relies upon the popularity of their product offerings  
11 nationwide to generate significant revenues and profits. But Defendants' efforts to silence their  
12 customers and prospective customers is clearly prohibited by California law, thereby subjecting  
13 Defendants to significant penalties, as described herein.

#### 14 **JURISDICTION AND VENUE**

15 9. This Court has jurisdiction over the claims and causes of action asserted herein  
16 because such claims arise solely and specifically out of Defendants' unlawful business practices  
17 within the State of California, and relate to at least one statute—California Civil Code section  
18 1670.8—that was designed to protect California's citizens, the application of which is exclusively  
19 a matter for the courts of this State.

20 10. Venue is proper in this Court because: Defendants transact business in California  
21 and in the County of Los Angeles based on Plaintiffs' use of the Services in this County; Defendants  
22 have committed unlawful acts in the County by and through the Services and associated business  
23 transactions within the County; and a substantial part of the events giving rise to the claims alleged  
24 herein occurred in this County, where at least one of the Plaintiffs resides.

#### 25 **THE PARTIES**

26 11. At all relevant times, Plaintiff Francisco Roldan, III was and has been a citizen of  
27 the State of California and a resident of Los Angeles. Roldan, III is an individual who applied for,  
28 enrolled in, activated, downloaded, or used any of the Services within the applicable limitations

1 period in Los Angeles County in the State of California.

2 12. At all relevant times, Plaintiff Kiensang Huynh was and has been a citizen of the  
3 State of California. Huynh is an individual who applied for, enrolled in, activated, downloaded, or  
4 used any of the Services within the applicable limitations period in the State of California.

5 13. At all relevant times, Plaintiff Rogelio Ramirez was and has been a citizen of the  
6 State of California. Ramirez is an individual who applied for, enrolled in, activated, downloaded,  
7 or used any of the Services within the applicable limitations period in the State of California.

8 14. At all relevant times, Plaintiff Mikhail Gershzon was and has been a citizen of the  
9 State of California. Gershzon is an individual who applied for, enrolled in, activated, downloaded,  
10 or used any of the Services within the applicable limitations period in the State of California.

11 15. At all relevant times, Plaintiff Vishal Shah was and has been a citizen of the State  
12 of California. Shah is an individual who applied for, enrolled in, activated, downloaded, or used  
13 any of the Services within the applicable limitations period in the State of California.

14 16. At all relevant times, Plaintiff Patricia Cobarruviaz was and has been a citizen of the  
15 State of California. Cobarruviaz is an individual who applied for, enrolled in, activated,  
16 downloaded, or used any of the Services within the applicable limitations period in the State of  
17 California.

18 17. Defendant Bank is an entity that transacts business in the state of California with  
19 California citizens. The Bank develops, markets, and sells a variety of goods or services, including  
20 financial services. Defendant Bank operates in California and generates sales through the Services.

21 18. The true names and/or capacities, whether individual, corporate, partnership,  
22 associate, governmental, or otherwise, of the Doe Defendants, inclusive, and each of them, are  
23 unknown to Plaintiffs at this time, who therefore sues said Doe Defendants by such fictitious names.  
24 Plaintiffs are informed and believe, and thereon allege, that each defendant designated herein as a  
25 Doe Defendant caused injuries and damages proximately thereby to Plaintiffs as hereafter alleged,  
26 and that each Doe Defendant is liable to Plaintiffs for the acts and omissions alleged herein below,  
27 and the resulting injuries to Plaintiffs, and damages sustained by Plaintiffs. Plaintiffs will amend  
28 this Complaint to allege the true names and capacities of said Doe Defendants when that same is



1 ascertained.

2 **FACTS COMMON TO ALL CLASS MEMBERS**

3 19. At all relevant times, Defendants were and currently are in the business of designing,  
4 researching, manufacturing, testing, advertising, promoting, marketing, selling, and distributing  
5 consumer financial products and services through the Services, which are targeted to, and  
6 accessible by, the citizenry of California.

7 20. Defendants are well-aware that their public image is vital to maintaining and gaining  
8 customers. If the public sees content posted by users that may be insulting to the Bank, and/or  
9 concerning any of its goods or services, and/or any of the Defendants, then current customers and/or  
10 prospective customers may shift to a competitor, ultimately resulting in loss of business and loss of  
11 revenue. The need for financial institutions, like the Bank, to maintain a positive public imagine  
12 has grown exponentially more important since the 2008 financial crisis and corresponding public  
13 distrust of financial institutions.

14 21. Thus, in order to maintain a positive public image, Defendants have engaged in an  
15 intentional business strategy to silence each and every customer or potential customer who uses  
16 their Services by purporting to bind users to the Agreement—immediately upon accessing any of  
17 the Services. Specifically, the Agreement provides that by applying for, activating, downloading,  
18 or using any of the Services, users are deemed to have agreed to be bound by the Agreement,  
19 including the provision prohibiting users from using the Services in any manner that exposes  
20 Defendants to “liability, reputational harm or brand damage.” Defendants maintain that they  
21 possess sole discretion to determine what user conduct amounts to reputational harm or brand  
22 damage.

23 22. The Agreement, moreover, threatens to penalize users for making any statements  
24 that Defendants consider to be “reputationally harmful” or “brand damaging” in providing that  
25 Defendants will “suspend or terminate” users’ use of the Services.

26 23. Defendants have sold and continue to sell millions of financial products and services  
27 to California consumers through the Services.

28 24. Defendants purport to forbid any California consumers who have used, will use, or

1 are even considering using financial products and services from Defendants through the Services  
2 from making any so-called “reputationally harmful” or “brand damaging” statements about the  
3 Bank, Defendants themselves, or any of their goods or services.

4 25. In doing so, Defendants have and continue to engage in unlawful and unfair conduct,  
5 that is contrary to public policy and in violation of California Civil Code section 1670.8 and  
6 California Business and Professions Code section 17200.

7 26. Each of the Plaintiffs specifically identified herein, and millions more similarly  
8 situated persons in the State of California, have used the Services—either as consumers or potential  
9 consumers—and thus have ostensibly been subjected to the unlawful Agreement.

10 **CLASS ACTION ALLEGATIONS**

11 27. Pursuant to California Code of Civil Procedure section 382, Plaintiffs bring this  
12 class action on their own behalf and on behalf of all other similarly situated consumers in California.  
13 The proposed class is defined as follows:

14 a. During the fullest period allowed by law, all persons residing in California who applied  
15 for, enrolled in, activated, downloaded, or used any of the Services (“Class”).

16 28. Like Plaintiffs, all Class members are California residents who used the Services  
17 and who were subject to the Agreement that limits their right as consumers to make statements  
18 regarding Bank, or any of the Defendants, or their goods or services.

19 29. Excluded from the Class are assigned judges and members of their families within  
20 the first degree of consanguinity; Defendants; and Defendants’ subsidiaries, affiliates, officers, and  
21 directors.

22 30. The requirements of Code of Civil Procedure section 382 are satisfied for the  
23 proposed Class.

24 31. The proposed Class is so numerous that individual joinder of all the members is  
25 impracticable because members of the Class number in at least the tens of thousands or hundreds  
26 of thousands. The precise number of Class members and their identities are unknown to Plaintiffs  
27 at this time but are objectively ascertainable and will be determined through appropriate discovery  
28 and other readily available means.

1           32. Defendants possess objective evidence as to the identity of each Class member and,  
2 to a reasonable degree of certainty, the harm suffered by each Class member, including without  
3 limitation web and mobile data evidencing access to and use of the Services, sales receipts, phone  
4 numbers, names, rewards accounts data, credit card data, customer service complaint  
5 forms/emails/date, and other evidence which objectively identifies Class members.

6           33. Class members may be notified of the pendency of this action by mail, publication  
7 and/or through the records of Defendants.

8           34. There are common questions of law and fact affecting Plaintiffs and Class members.  
9 Common legal and factual questions include, but are not limited to:

10           a. Whether each imposition of Defendants' Agreement upon members of the Class  
11 constitutes a violation of the provisions of California Civil Code section 1670.8 and, if so, whether  
12 each such violation is a "willful, intentional, or reckless" violation;

13           b. Whether Defendants' Agreement is unlawful, contrary to public policy, void and/or  
14 unenforceable;

15           c. Whether by the misconduct set forth in this Complaint, Defendants engaged and continue  
16 to engage in unfair, fraudulent, or unlawful business practices;

17           d. Whether the Class is entitled to recover statutory attorney's fees;

18           e. Whether Class members are entitled to civil penalties; and

19           f. Whether, as a result of Defendants' misconduct alleged herein, Plaintiffs and Class  
20 members are entitled to restitution, injunctive, public injunctive, and/or monetary relief and, if so,  
21 the amount and nature of such relief.

22           35. Plaintiffs' claims are typical of the claims of the proposed Class because the rights  
23 of Plaintiffs and Class members were violated in the same manner by the same conduct.

24           36. Plaintiffs and Class members are all entitled to recover statutory penalties and other  
25 relief arising out of Defendants' violations of statutory law alleged herein.

26           37. Plaintiffs will fairly and adequately represent and protect the interests of the Class.

27           38. Plaintiffs' interests do not conflict with the interests of the Class they seek to  
28 represent. Plaintiffs have retained counsel competent and experienced in prosecuting class actions,

1 and Plaintiffs intend to vigorously prosecute this action.

2 39. The class mechanism is superior to other available means for the fair and efficient  
3 adjudication of the claims of Plaintiffs and Class members.

4 40. Given the relative value of statutory penalties available to any of the individual Class  
5 members, individual litigation is not practicable.

6 41. Individual Class members will not wish to undertake the burden and expense of  
7 individual cases.

8 42. In addition, individualized litigation increases the delay and expense to all parties  
9 and multiplies the burden on the judicial system. Individualized litigation also presents the potential  
10 for inconsistent or contradictory judgments.

11 43. In contrast, the class action device presents far fewer management difficulties and  
12 provides the benefits of single adjudication, economy of scale, and comprehensive supervision by  
13 a single court.

14 44. Questions of law and fact common to all Class members predominate over any  
15 questions affecting only individual Class members. Injuries sustained by Plaintiffs and Class  
16 members flow, in each instance, from a common nucleus of operative facts as set forth above.

17 45. In each case, Defendants' actions caused harm to all Class members as a result of  
18 such conduct. The resolution of these central issues will be the focus of the litigation and  
19 predominate over any individual issues.

20 46. Proposed Class counsel possesses the knowledge, experience, reputation, ability,  
21 skill, and resources to represent the Class and should be appointed lead counsel for the Class.

22 **COUNT I— VIOLATION OF CIVIL CODE SECTION 1670.8**

23 47. Plaintiffs re-allege and incorporate by reference Paragraphs 1 through 46 of their  
24 Complaint. Plaintiffs assert this first cause of action on behalf of themselves and all other similarly  
25 situated persons residing in California who used the Services to complete transactions.

26 48. Defendants are in the business of selling consumer financial goods or services.

27 49. Plaintiffs and Class members accessed, and/or used, and/or purchased goods or  
28 services from Defendants via the Services.

1           50. Pursuant to the Agreement that Defendants impose upon their customers for the  
2 privilege of accessing the goods and/or services offered, Defendants require users to agree that they  
3 shall not make any statements “that expose [Defendants] . . . to liability, reputational harm or brand  
4 damage” and further threaten to suspend or terminate a user’s access to the Services if user does  
5 so. Defendants maintain that they possess sole discretion to determine what user conduct amounts  
6 to reputational harm or brand damage.

7           51. By simply accessing or using the Services, Defendants purport to have charged  
8 Plaintiffs and Class members with having read, understood, and agreed to be bound by the  
9 Agreement’s terms.

10           52. By way of this restriction, Defendants intentionally, willfully, or recklessly seek to  
11 have Plaintiffs and the Class members waive their right as consumers to make statements regarding  
12 Defendants and/or punish consumers for making such statements, which restrictions are prohibited  
13 under California Civil Code 1670.8 and are contrary to public policy.

14           53. Defendants have repeatedly violated California Civil Code 1670.8 in relation to each  
15 of the Plaintiffs and Class members and their respective online or mobile banking transactions.

16           54. Defendants’ conduct has caused Plaintiffs and Class members to suffer harm.

17           55. Plaintiffs and Class members are entitled to restitutionary and injunctive relief,  
18 including public injunctive relief.

19           56. Plaintiffs and Class members are also entitled to civil penalties for Defendants’  
20 violations of Civil Code 1670.8.

21           **COUNT II—VIOLATION OF BUSINESS AND PROFESSIONS CODE SECTION 17200**

22           57. Plaintiffs re-allege and incorporate by reference Paragraphs 1 through 56 of their  
23 Complaint. Plaintiffs assert this second cause of action on behalf of themselves and all other  
24 similarly situated persons residing in California who used the Services.

25           58. By engaging in the above-described conduct, Defendants, and each of them, acted  
26 in a manner that is unlawful and unfair—including by virtue of the fact that their conduct violates  
27 California Civil Code section 1670.8—and have thus engaged in unfair business practices to the  
28 extreme detriment of Plaintiffs, which conduct is prohibited under California Business &

1 Professions Code sections 17200, et seq.

2 59. Defendants' unlawful and unfair conduct has allowed for Defendants to enrich  
3 themselves at the expense of Plaintiffs, including through Plaintiffs' payment of monies to  
4 Defendants, including without limitation through the mobile and online banking transactions.

5 60. Plaintiffs are thus entitled to restitutionary and injunctive relief, including without  
6 limitation public injunctive relief and disgorgement of any unlawful gains that Defendants obtained  
7 as a result of their unlawful and unfair conduct at the expense of Plaintiffs.

8 **PRAYERS FOR RELIEF**

9 **WHEREFORE**, Plaintiffs, on behalf of themselves and the putative Class members, pray  
10 for judgment as follows:

11 a. Determining that this action is a proper class action and certifying the Class, as defined  
12 herein;

13 b. Appointing Plaintiffs as Class representatives;

14 c. Appointing the undersigned as Class counsel;

15 d. Finding Defendants liable to Plaintiffs and Class members for damages in such amount(s)  
16 as the Court or Jury may determine;

17 e. Awarding statutorily provided damages to Plaintiffs and Class members as appropriate;

18 f. Awarding restitutionary disgorgement and all other forms of equitable monetary relief to  
19 Plaintiffs and Class members;

20 h. Awarding pre- and post-judgment interest;

21 i. Awarding injunctive relief, including public injunctive relief, as claimed herein or as the  
22 Court may deem proper;

23 j. Awarding Plaintiffs and Class members attorney fees and all litigation costs as allowed  
24 by law; and

25 k. Awarding such other and further relief as may be just and proper.

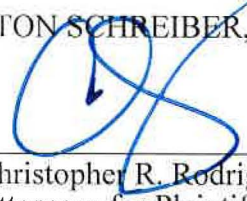
26  
27 **DEMAND FOR JURY TRIAL**

28 Plaintiffs hereby demand a trial by jury on all issues so triable.

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Dated: November 21, 2023

SINGLETON SCHREIBER, LLP

By:   
Christopher R. Rodriguez  
Attorneys for Plaintiffs

LAW OFFICES OF THOMAS LEARY,  
APC

By:   
Thomas A. Leary  
Attorneys for Plaintiffs

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Christopher R. Rodriguez SBN 212274, Andrew D. Bluth SBN 232387 Singleton Schreiber, LLP, 1414 K Street, Suite 470, Sacramento, CA 95814  TELEPHONE NO.: (916) 248-8478 FAX NO. (Optional): (619) 255-1515 E-MAIL ADDRESS: crodriguez@singletonschreiber.com ATTORNEY FOR (Name): Plaintiffs, Francisco Roldan III, et al.	FOR COURT USE ONLY  <b>Electronically FILED by</b> <b>Superior Court of California,</b> <b>County of Los Angeles</b> <b>11/21/2023 8:01 PM</b> <b>David W. Slayton,</b> <b>Executive Officer/Clerk of Court,</b> <b>By G. Carini, Deputy Clerk</b>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES</b> STREET ADDRESS: 111 North Hill Street MAILING ADDRESS: 111 North Hill Street CITY AND ZIP CODE: Los Angeles, 90012 BRANCH NAME: Stanley Mosk Courthouse	CASE NUMBER: <div style="font-size: 1.2em; font-weight: bold; text-align: center;">23STCV28840</div> JUDGE: DEPT.:
<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)	<b>Complex Case Designation</b> <input type="checkbox"/> Counter <input type="checkbox"/> Joinder Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)
CASE NAME: Francisco Roldon, III, et al. v. Bank of America, N.A., et al.	

*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 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 checked="" type="checkbox"/> Other complaint ( <i>not specified above</i> ) (42) <b>Miscellaneous Civil Petition</b> <input type="checkbox"/> Partnership and corporate governance (21) <input type="checkbox"/> Other petition ( <i>not specified above</i> ) (43)
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2. This case  is  is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:

a. <input type="checkbox"/> Large number of separately represented parties	d. <input type="checkbox"/> Large number of witnesses
b. <input type="checkbox"/> Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve	e. <input type="checkbox"/> Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court
c. <input checked="" type="checkbox"/> Substantial amount of documentary evidence	f. <input checked="" 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: November 21, 2023  
 Christopher R. Rodriguez

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

(TYPE OR PRINT NAME)

**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****CM-010**

**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

SHORT TITLE Francisco Roldan III, et al. v. Bank of America, N.A., et al.	CASE NUMBER <b>23STCV28840</b>
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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.

<b>Applicable Reasons for Choosing Courthouse Location (Column C)</b>	
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. Location where bodily injury, death or damage occurred.	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).
6. Location of property or permanently garaged vehicle.	

	<b>A</b> Civil Case Cover Sheet Case Type	<b>B</b> Type of Action (check only one)	<b>C</b> Applicable Reasons (see Step 3 above)
<b>Auto Tort</b>	Auto (22)	<input type="checkbox"/> 2201 Motor Vehicle – Personal Injury/Property Damage/Wrongful Death	1, 4
	Uninsured Motorist (46)	<input type="checkbox"/> 4601 Uninsured Motorist – Personal Injury/Property Damage/Wrongful Death	1, 4
<b>Other Personal Injury/ Property Damage/ Wrongful Death</b>	Other Personal Injury/ Property Damage/ Wrongful Death (23)	<input type="checkbox"/> 2301 Premise Liability (e.g., dangerous conditions of property, slip/trip and fall, dog attack, etc.)	1, 4
		<input type="checkbox"/> 2302 Intentional Bodily Injury/Property Damage/Wrongful Death (e.g., assault, battery, vandalism, etc.)	1, 4
		<input type="checkbox"/> 2303 Intentional Infliction of Emotional Distress	1, 4
		<input type="checkbox"/> 2304 Other Personal Injury/Property Damage/Wrongful Death	1, 4
		<input type="checkbox"/> 2305 Elder/Dependent Adult Abuse/Claims Against Skilled Nursing Facility	1, 4
		<input type="checkbox"/> 2306 Intentional Conduct – Sexual Abuse Case (in any form)	1, 4

SHORT TITLE Francisco Roldan III, et al. v. Bank of America, N.A., et al.	CASE NUMBER
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	A Civil Case Cover Sheet Case Type	B Type of Action (check only one)	C Applicable Reasons (see Step 3 above)
Other Personal Injury/ Property Damage/ Wrongful Death		<input type="checkbox"/> 2307 Construction Accidents	1, 4
		<input type="checkbox"/> 2308 Landlord – Tenant Habitability (e.g., bed bugs, mold, etc.)	1, 4
	Product Liability (24)	<input type="checkbox"/> 2401 Product Liability (not asbestos or toxic/ environmental)	1, 4
		<input type="checkbox"/> 2402 Product Liability – Song-Beverly Consumer Warranty Act (CA Civil Code §§1790-1795.8) (Lemon Law)	1, 3, 5
	Medical Malpractice (45)	<input type="checkbox"/> 4501 Medical Malpractice – Physicians & Surgeons	1, 4
		<input type="checkbox"/> 4502 Other Professional Health Care Malpractice	1, 4
Non-Personal Injury/Property Damage/Wrongful Death Tort	Business Tort (07)	<input type="checkbox"/> 0701 Other Commercial/Business Tort (not fraud or breach of contract)	1, 2, 3
	Civil Rights (08)	<input type="checkbox"/> 0801 Civil Rights/Discrimination	1, 2, 3
	Defamation (13)	<input type="checkbox"/> 1301 Defamation (slander/libel)	1, 2, 3
	Fraud (16)	<input type="checkbox"/> 1601 Fraud (no contract)	1, 2, 3
	Professional Negligence (25)	<input type="checkbox"/> 2501 Legal Malpractice	1, 2, 3
		<input type="checkbox"/> 2502 Other Professional Malpractice (not medical or legal)	1, 2, 3
Other (35)	<input type="checkbox"/> 3501 Other Non-Personal Injury/Property Damage Tort	1, 2, 3	
Employment	Wrongful Termination (36)	<input type="checkbox"/> 3601 Wrongful Termination	1, 2, 3
	Other Employment (15)	<input type="checkbox"/> 1501 Other Employment Complaint Case	1, 2, 3
		<input type="checkbox"/> 1502 Labor Commissioner Appeals	10
Contract	Breach of Contract / Warranty (06) (not insurance)	<input type="checkbox"/> 0601 Breach of Rental/Lease Contract (not unlawful detainer or wrongful eviction)	2, 5
		<input type="checkbox"/> 0602 Contract/Warranty Breach – Seller Plaintiff (no fraud/negligence)	2, 5
		<input type="checkbox"/> 0603 Negligent Breach of Contract/Warranty (no fraud)	1, 2, 5
		<input type="checkbox"/> 0604 Other Breach of Contract/Warranty (no fraud/ negligence)	1, 2, 5
		<input type="checkbox"/> 0605 Breach of Rental/Lease Contract (COVID-19 Rental Debt)	2, 5
	Collections (09)	<input type="checkbox"/> 0901 Collections Case – Seller Plaintiff	5, 6, 11
		<input type="checkbox"/> 0902 Other Promissory Note/Collections Case	5, 11
		<input type="checkbox"/> 0903 Collections Case – Purchased Debt (charged off consumer debt purchased on or after January 1, 2014)	5, 6, 11
		<input type="checkbox"/> 0904 Collections Case – COVID-19 Rental Debt	5, 11
Insurance Coverage (18)	<input type="checkbox"/> 1801 Insurance Coverage (not complex)	1, 2, 5, 8	

SHORT TITLE Francisco Roldan III, et al. v. Bank of America, N.A., et al.		CASE NUMBER	
	<b>A</b> Civil Case Cover Sheet Case Type	<b>B</b> Type of Action (check only one)	<b>C</b> Applicable Reasons (see Step 3 above)
<b>Contract</b> (Continued)	Other Contract (37)	<input type="checkbox"/> 3701 Contractual Fraud	1, 2, 3, 5
		<input type="checkbox"/> 3702 Tortious Interference	1, 2, 3, 5
		<input type="checkbox"/> 3703 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"/> 1401 Eminent Domain/Condemnation Number of Parcels _____	2, 6
		<input type="checkbox"/> 3301 Wrongful Eviction Case	2, 6
	Other Real Property (26)	<input type="checkbox"/> 2601 Mortgage Foreclosure	2, 6
		<input type="checkbox"/> 2602 Quiet Title	2, 6
	<input type="checkbox"/> 2603 Other Real Property (not eminent domain, landlord/tenant, foreclosure)	2, 6	
<b>Unlawful Detainer</b>	Unlawful Detainer – Commercial (31)	<input type="checkbox"/> 3101 Unlawful Detainer – Commercial (not drugs or wrongful eviction)	6, 11
	Unlawful Detainer – Residential (32)	<input type="checkbox"/> 3201 Unlawful Detainer – Residential (not drugs or wrongful eviction)	6, 11
	Unlawful Detainer – Post Foreclosure (34)	<input type="checkbox"/> 3401 Unlawful Detainer – Post Foreclosure	2, 6, 11
	Unlawful Detainer – Drugs (38)	<input type="checkbox"/> 3801 Unlawful Detainer – Drugs	2, 6, 11
<b>Judicial Review</b>	Asset Forfeiture (05)	<input type="checkbox"/> 0501 Asset Forfeiture Case	2, 3, 6
	Petition re Arbitration (11)	<input type="checkbox"/> 1101 Petition to Compel/Confirm/Vacate Arbitration	2, 5
	Writ of Mandate (02)	<input type="checkbox"/> 0201 Writ – Administrative Mandamus	2, 8
		<input type="checkbox"/> 0202 Writ – Mandamus on Limited Court Case Matter	2
		<input type="checkbox"/> 0203 Writ – Other Limited Court Case Review	2
	Other Judicial Review (39)	<input type="checkbox"/> 3901 Other Writ/Judicial Review	2, 8
<input type="checkbox"/> 3902 Administrative Hearing		2, 8	
<input type="checkbox"/> 3903 Parking Appeal		2, 8	
<b>Provisionally Complex Litigation</b>	Antitrust/Trade Regulation (03)	<input type="checkbox"/> 0301 Antitrust/Trade Regulation	1, 2, 8
	Asbestos (04)	<input type="checkbox"/> 0401 Asbestos Property Damage	1, 11
		<input type="checkbox"/> 0402 Asbestos Personal Injury/Wrongful Death	1, 11

SHORT TITLE Francisco Roldan III, et al. v. Bank of America, N.A., et al.	CASE NUMBER
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	<b>A</b> Civil Case Cover Sheet Case Type	<b>B</b> Type of Action (check only one)	<b>C</b> Applicable Reasons (see Step 3 above)
<b>Provisionally Complex Litigation</b> (Continued)	Construction Defect (10)	<input type="checkbox"/> 1001 Construction Defect	1, 2, 3
	Claims Involving Mass Tort (40)	<input type="checkbox"/> 4001 Claims Involving Mass Tort	1, 2, 8
	Securities Litigation (28)	<input type="checkbox"/> 2801 Securities Litigation Case	1, 2, 8
	Toxic Tort Environmental (30)	<input type="checkbox"/> 3001 Toxic Tort/Environmental	1, 2, 3, 8
	Insurance Coverage Claims from Complex Case (41)	<input type="checkbox"/> 4101 Insurance Coverage/Subrogation (complex case only)	1, 2, 5, 8
<b>Enforcement of Judgment</b>	Enforcement of Judgment (20)	<input type="checkbox"/> 2001 Sister State Judgment	2, 5, 11
		<input type="checkbox"/> 2002 Abstract of Judgment	2, 6
		<input type="checkbox"/> 2004 Administrative Agency Award (not unpaid taxes)	2, 8
		<input type="checkbox"/> 2005 Petition/Certificate for Entry of Judgment Unpaid Tax	2, 8
		<input type="checkbox"/> 2006 Other Enforcement of Judgment Case	2, 8, 9
<b>Miscellaneous Civil Complaints</b>	RICO (27)	<input type="checkbox"/> 2701 Racketeering (RICO) Case	1, 2, 8
	Other Complaints (not specified above) (42)	<input type="checkbox"/> 4201 Declaratory Relief Only	1, 2, 8
		<input type="checkbox"/> 4202 Injunctive Relief Only (not domestic/harassment)	2, 8
		<input type="checkbox"/> 4203 Other Commercial Complaint Case (non-tort/noncomplex)	1, 2, 8
		<input checked="" type="checkbox"/> 4204 Other Civil Complaint (non-tort/non-complex)	1, 2, 8
<b>Miscellaneous Civil Petitions</b>	Partnership Corporation Governance (21)	<input type="checkbox"/> 2101 Partnership and Corporation Governance Case	2, 8
	Other Petitions (not specified above) (43)	<input type="checkbox"/> 4301 Civil Harassment with Damages	2, 3, 9
		<input type="checkbox"/> 4302 Workplace Harassment with Damages	2, 3, 9
		<input type="checkbox"/> 4303 Elder/Dependent Adult Abuse Case with Damages	2, 3, 9
		<input type="checkbox"/> 4304 Election Contest	2
		<input type="checkbox"/> 4305 Petition for Change of Name/Change of Gender	2, 7
		<input type="checkbox"/> 4306 Petition for Relief from Late Claim Law	2, 3, 8
		<input type="checkbox"/> 4307 Other Civil Petition	2, 9

SHORT TITLE Francisco Roldan III, et al. v. Bank of America, N.A., 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:	
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 of Civ. Proc. 392 et seq., and LASC Local Rule 2.3(a)(1)(E)]

Dated: 11/21/2023

  
 \_\_\_\_\_  
 (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 LASC CIV 109 (01/23).
5. Payment in full of the filing fee, unless there is a court order for waiver, partial or schedule payments.
6. A signed order appointing a 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 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.



## 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 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.** Assistant Case Manager Janet Solis, [janet@adrservices.com](mailto:janet@adrservices.com)  
(213) 683-1600
- **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.** Los Angeles County-funded agencies provide mediation services on the day of hearings in small claims, unlawful detainer (eviction), civil harassment, and limited civil (collections and non-collection) cases.

<https://dcbalacounty.gov/countywidedrp/>

**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. <https://my.lacourt.org/odr/>

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

<https://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 <https://www.lacourt.org/division/civil/CI0047.aspx>

Los Angeles Superior Court ADR website: <https://www.lacourt.org/division/civil/CI0109.aspx>

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



**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  
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



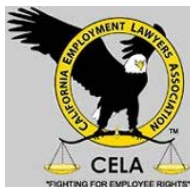
Consumer Attorneys  
Association of Los Angeles



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

NAME AND ADDRESS OF ATTORNEY OR PARTY WITHOUT ATTORNEY:	STATE BAR NUMBER	Reserved for Clerk's File Stamp
TELEPHONE NO.: _____ FAX NO. (Optional): _____ E-MAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): _____		
<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 \_\_\_\_\_)

**Print**

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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: _____ (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 _____)

**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**

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

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

16           Now, therefore, this Court hereby finds that there is good cause to extend for 30  
17 days the time to respond to a complaint or to a cross complaint in any action in which  
18 the parties have entered into the Early Organizational Meeting Stipulation. This finding  
19 of good cause is based on the anticipated judicial efficiency and benefits of economic  
20 case resolution that the Early Organizational Meeting Stipulation is intended to  
21 promote.  
22

23  
24           IT IS HEREBY ORDERED that, in any case in which the parties have entered  
25 into an Early Organizational Meeting Stipulation, the time for a defending party to  
26 respond to a complaint or cross complaint shall be extended by the 30 days permitted  
27  
28

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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<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>11/21/2023</b> David W. Slayton, Executive Officer / Clerk of Court By: <u>          G. Carini          </u> Deputy
COURTHOUSE ADDRESS: Spring Street Courthouse 312 North Spring Street, Los Angeles, CA 90012	
<b>NOTICE OF CASE ASSIGNMENT UNLIMITED CIVIL CASE</b>	
<b>Your case is assigned for all purposes to the judicial officer indicated below.</b>	CASE NUMBER: <b>23STCV28840</b>

**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 **David W. Slayton, Executive Officer / Clerk of Court**

on 11/27/2023  
(Date)

By G. Carini, 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.

**SUMMONS  
(CITACION JUDICIAL)**

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

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

BANK OF AMERICA, N.A., a national association; and DOES 1 through 100,

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

FRANCISCO ROLDAN, III, an individual; (Additional Parties Attachment form is attached.)

Electronically FILED by  
Superior Court of California,  
County of Los Angeles  
12/04/2023 7:31 PM  
David W. Slayton,  
Executive Officer/Clerk of Court,  
By J. Gnade, Deputy Clerk

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

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

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

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

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, ([www.lawhelpcalifornia.org](http://www.lawhelpcalifornia.org)), en el Centro de Ayuda de las Cortes de California, ([www.sucorte.ca.gov](http://www.sucorte.ca.gov)) o poniéndose en contacto con la corte o el colegio de abogados locales. **AVISO:** Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 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): Los Angeles County Superior Court  
111 North Hill Street, Los Angeles, CA 90012

CASE NUMBER:  
(Número del Caso):  
23STCV28840

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):  
Christopher R. Rodriguez, Singleton Schreiber, LLP, 1414 K Street, Suite 470, Sacramento, CA 95814, (916) 248-8478

DATE: 12/04/2023 David W. Slayton, Executive Officer/Clerk of Court Clerk, by J. Gnade, Deputy  
(Fecha) (Secretario) (Adjunto)

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



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

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

SHORT TITLE: Francisco Roldan, III, et al. v. Bank of America, N.A., et al.	CASE NUMBER: 23STCV28840
--	-----------------------------

**INSTRUCTIONS FOR USE**

- This form may be used as an attachment to any summons if space does not permit the listing of all parties on the summons.
- If this attachment is used, insert the following statement in the plaintiff or defendant box on the summons: "Additional Parties Attachment form is attached."

**List additional parties** (Check only one box. Use a separate page for each type of party.):

Plaintiff     Defendant     Cross-Complainant     Cross-Defendant

KIENSANG HUYNH, an individual; ROGELIO RAMIREZ, an individual; MIKHAIL GERSHZON, an individual; VISHAL SHAH, an individual; and PATRICIA COBARRUVIAZ, an individual, on behalf of themselves and all others similarly situated,

Attorney or Party without Attorney: CHRISTOPHER R. RODRIGUEZ (SBN 212274) SINGLETON SCHREIBER LLP 1414 K STREET SUITE 470 SACRAMENTO, CA 95814 Telephone No: 916-248-8478  Attorney For: Plaintiff				For Court Use Only  <b>Electronically FILED by                  Superior Court of California,                  County of Los Angeles                  12/06/2023 3:53 PM                  David W. Slayton,                  Executive Officer/Clerk of Court,                  By J. Gnade, Deputy Clerk</b>	
Ref. No. or File No.: ROLDAN V BANK OF AMERICA					
Insert name of Court, and Judicial District and Branch Court: IN THE SUPERIOR COURT OF CALIFORNIA COUNTY OF LOS ANGELES					
Plaintiff: FRANCISCO ROLDAN, III, an individual, et al. Defendant: BANK OF AMERICA, N.A., a national association					
<b>PROOF OF SERVICE SUMMONS</b>		Hearing Date:	Time:	Dept/Div:	Case Number: 23STCV28840

1. At the time of service I was at least 18 years of age and not a party to this action.
2. I served copies of the SUMMONS; CLASS-ACTION COMPLAINT; CIVIL CASE COVER SHEET; CIVIL CASE COVER SHEET ADDENDUM AND STATEMENT OF LOCATION; ADR INFORMATION PACKAGE; NOTICE OF CASE ASSIGNMENT; VOLUNTARY EFFICIENT LITIGATION STIPULATION PACKET; FIRST AMENDED GENERAL ORDER; NOTICE OF STIPULATION DISCOVERY RESOLUTION
3.
  - a. Party served: BANK OF AMERICA, N.A., a national association
  - b. Person served: DIANA RUIZ, CT CORPORATION SYSTEM, REGISTERED AGENT FOR SERVICE OF PROCESS.
4. Address where the party was served: 330 N. BRAND BLVD, GLENDALE, CA 91203
5. I served the party:
  - a. **by personal service.** I personally delivered the documents listed in item 2 to the party or person authorized to receive service of process for the party (1) on (date): Wed, Dec 06 2023 (2) at (time): 12:40 PM
    - (1)  (business)
    - (2)  (home)
    - (3)  (other) :
6. The "Notice to the Person Served" (on the summons) was completed as follows:
  - a.  as an individual defendant.
  - b.  as the person sued under the fictitious name of (specify):
  - c.  as occupant.
  - d.  On behalf of (specify): BANK OF AMERICA, N.A., a national association under the following Code of Civil Procedure section:
 

<input type="checkbox"/> 416.10 (corporation)	<input type="checkbox"/> 415.95 (business organization, form unknown)
<input type="checkbox"/> 416.20 (defunct corporation)	<input type="checkbox"/> 416.60 (minor)
<input type="checkbox"/> 416.30 (joint stock company/association)	<input type="checkbox"/> 416.70 (ward or conservatee)
<input checked="" type="checkbox"/> 416.40 (association or partnership)	<input type="checkbox"/> 416.90 (authorized person)
<input type="checkbox"/> 416.50 (public entity)	<input type="checkbox"/> 415.46 (occupant)
<input type="checkbox"/> other:	





<b>Plaintiff:</b> FRANCISCO ROLDAN, III, an individual, et al. <b>Defendant:</b> BANK OF AMERICA, N.A., a national association	<b>Case Number:</b> 23STCV28840
---	------------------------------------

Recoverable cost Per CCP 1033.5(a)(4)(B)

7. **Person who served papers**

- a. Name: Douglas Forrest
- b. Address: **FIRST LEGAL**  
1000 G Street, Suite 250  
SACRAMENTO, CA 95814
- c. Telephone number: (916) 444-5111
- d. **The fee** for service was: 108.40
- e. I am:
  - (1)  not a registered California process server.
  - (2)  exempt from registration under Business and Professions Code section 22350(b).
  - (3)  a registered California process server:
    - (i)  owner  employee  independent contractor
    - (ii) Registration No: 5141, Los Angeles
    - (iii) County: Los Angeles

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

12/06/2023

(Date)

Douglas Forrest



**FILED**  
Superior Court of California  
County of Los Angeles  
12/12/2023

David W. Slayton, Executive Officer / Clerk of Court  
By:                     R. Aspiras                     Deputy

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

FRANCISCO ROLDAN, III, et al.

Plaintiff,

v.

BANK OF AMERICA, N.A.

Defendant.

) Case No. 23STCV28840

) INITIAL STATUS CONFERENCE ORDER  
(COMPLEX CLASS ACTIONS)

) Case Assigned for All Purposes to  
Judge William F. Highberger

) Department: SS10  
) Date: 03/18/2024  
) Time: 2:30 PM

This Initial Status Conference Order (Complex Class Actions) supplements a Minute Order served concurrently herewith. That Minute Order sets a date and time for the Initial Status Conference and includes many other important provisions which are NOT repeated in this Order. Counsel must review that Minute Order carefully to be fully informed of your obligations and the unique processes used in the Los Angeles Superior Court Complex Courtrooms.

Note: Some provisions of this Order are in reference to wage-and-hour class actions and may not be applicable to other types of class actions. Insofar as they are irrelevant to your case, say so in your Joint Initial Status Conference Response Statement.

Pending further order, the following is ordered:

1 The court orders counsel to prepare for the Initial Status Conference (“ISC”) by identifying and  
2 discussing the central legal and factual issues in the case. Counsel for plaintiff is ordered to initiate  
3 contact with counsel for defense to begin this process. Counsel then must negotiate and agree, as much  
4 as possible, on a case management plan. To this end, counsel must file a Joint Initial Status Conference  
5 Response Statement five (5) court days before the Initial Status Conference. The Joint Response  
6 Statement must be filed on line-numbered pleading paper and must specifically answer each of the  
7 below-numbered questions. Do not use the Judicial Council Form CM-110 (Case Management  
8 Statement).

- 9
- 10 **1. PARTIES AND COUNSEL:** Please list all presently-named class representatives and presently-  
11 named defendants, together with all counsel of record, including counsel’s contact and email  
12 information.
- 13 **2. STATUS OF PLEADINGS:** Please indicate whether defendant has filed a Notice of Appearance  
14 or an Answer to the Complaint, and, if so, indicate the filing date(s).
- 15 **3. POTENTIAL ADDITIONAL PARTIES:** Indicate whether any plaintiff presently intends to add  
16 additional class representatives, and, if so, the name(s) and date by which these class representatives  
17 will be added. Indicate whether any plaintiff presently intends to name additional defendants, and, if  
18 so, the name(s) and date by which the defendant(s) will be added. Indicate whether any appearing  
19 defendant presently intends to file a cross-complaint and, if so, the names of cross-defendants and  
20 the date by which the cross-complaint will be filed.
- 21
- 22 **4. IMPROPERLY NAMED DEFENDANT(S):** If the complaint names the wrong person or entity,  
23 please explain why the named defendant is improperly named and the proposed procedure to correct  
24 this error.
- 25
- 26 **5. ADEQUACY OF PROPOSED CLASS REPRESENTATIVE(S):** If any party believes one or  
27 more named plaintiffs might not be an adequate class representative, including reasons of conflict of  
28

1 interest as described in *Apple Computer v. Superior Court* (2005) 126 Cal.App.4<sup>th</sup> 1253, please  
2 explain. No prejudice will attach to these responses.

3 **6. ESTIMATED CLASS SIZE:** Please discuss and indicate the estimated class size.

4 **7. OTHER ACTIONS WITH OVERLAPPING CLASS DEFINITIONS:** Please list other cases  
5 with overlapping class definitions. Please identify the court, the short caption title, the docket  
6 number, and the case status.

7 **8. POTENTIALLY RELEVANT ARBITRATION AND/OR CLASS ACTION WAIVER**

8 **CLAUSES:** Please state whether arbitration is an issue in this case and attach a sample of any  
9 relevant clause of this sort. Opposing parties must summarize their views on this issue.

10 **9. POTENTIAL EARLY CRUCIAL MOTIONS:** Opposing counsel should identify and describe  
11 the significant core issues in the case, and then identify efficient ways to resolve those issues,  
12 including one or more of the following:

- 13 ■ Motion to Compel Arbitration,
- 14 ■ Early motions in limine,
- 15 ■ Early motions about particular jury instructions and verdict forms,
- 16 ■ Demurrers,
- 17 ■ Motions to strike,
- 18 ■ Motions for judgment on the pleadings, and
- 19 ■ Motions for summary judgment and summary adjudication.

20 **10. CLASS CONTACT INFORMATION:** Counsel should discuss whether obtaining class contact  
21 information from defendant's records is necessary in this case and, if so, whether the parties  
22 consent to an "opt-out" notice process (as approved in *Belaire-West Landscape, Inc. v. Superior*  
23 *Court* (2007) 149 Cal.App.4<sup>th</sup> 554, 561). Counsel should address timing and procedure, including  
24 allocation of cost and the necessity of a third party administrator.  
25  
26  
27  
28

1 **11. PROTECTIVE ORDERS:** Parties considering an order to protect confidential information from  
2 general disclosure should begin with the model protective orders found on the Los Angeles Superior  
3 Court Website under “Civil Tools for Litigators.”

4 **12. DISCOVERY:** Please discuss a discovery plan. If the parties cannot agree on a plan, summarize  
5 each side’s views on discovery. The court generally allows discovery on matters relevant to class  
6 certification, which (depending on circumstances) may include factual issues also touching the  
7 merits. The court generally does not permit extensive or expensive discovery relevant only to the  
8 merits (for example, detailed damages discovery) at the initial stage unless a persuasive showing  
9 establishes early need. If any party seeks discovery from absent class members, please estimate how  
10 many, and also state the kind of discovery you propose<sup>1</sup>.

11  
12 **13. INSURANCE COVERAGE:** Please state if (1) there is insurance for indemnity or reimbursement,  
13 and (2) whether there are any insurance coverage issues which might affect settlement.

14 **14. ALTERNATIVE DISPUTE RESOLUTION:** Please discuss ADR and state each party’s position  
15 about it. If pertinent, how can the court help identify the correct neutral and prepare the case for a  
16 successful settlement negotiation?  
17

18 **15. TIMELINE FOR CASE MANAGEMENT:** Please recommend dates and times for the following:

- 19 ■ The next status conference,
- 20 ■ A schedule for alternative dispute resolution, if it is relevant,
- 21 ■ A filing deadline for the motion for class certification, and
- 22 ■ Filing deadlines and descriptions for other anticipated non-discovery motions.

23  
24 **16. REMINDER WHEN SEEKING TO DISMISS:**

25 “A dismissal of an entire class action, or of any party or cause of action in a class action, requires  
26 court approval. . . . Requests for dismissal must be accompanied by a declaration setting forth  
the facts on which the party relies. The declaration must clearly state whether consideration,

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<sup>1</sup> See California Rule of Court, Rule 3.768.

direct or indirect, is being given for the dismissal and must describe the consideration in detail.”<sup>2</sup>

If the parties have settled the class action, that too will require judicial approval based on a noticed motion (although it may be possible to shorten time by consent for good cause shown).

**17. REMINDER WHEN SEEKING APPROVAL OF A SETTLEMENT:**

Plaintiff(s) must address the issue of any fee splitting agreement in their motion for preliminary approval and demonstrate compliance with California Rule of Court 3.769, and the Rules of Professional Conduct 2-200(a) as required by *Mark v. Spencer* (2008) 166 Cal.App. 4<sup>th</sup> 219.

**18. NOTICE OF THE ISC ORDER:**

Plaintiff’s counsel shall serve this Initial Status Conference Order on all defense counsel, or if counsel is not known, on each defendant and file a Proof of Service with the court within seven (7) days of the date of this Order. If the Complaint has not been served as of the date of this Order, plaintiff(s) must serve the Complaint, along with a copy of this Order, within five (5) days of the date of this Order. Once served, each as yet non-appearing defendant shall file a Notice of Appearance (identifying counsel by name, firm name, address, email address, telephone number and fax number). The filing of a Notice of Appearance is without prejudice to (a) any jurisdictional, substantive or procedural challenge to the Complaint, (b) any affirmative defense, and (c) the filing of any cross-complaint in this action.

Dated: 12/12/2023



William F. Highberger / Judge  
William F. Highberger  
Judge of the Los Angeles Superior Court

<sup>2</sup> California Rule of Court, Rule 3.770(a)

**SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES**

**Civil Division**

Central District, Spring Street Courthouse, Department 10

**23STCV28840**

December 14, 2023

**FRANCISCO ROLDAN, III, et al. vs BANK OF AMERICA,  
N.A.**

9:01 AM

Judge: Honorable William F. Highberger

CSR: None

Judicial Assistant: R. Aspiras

ERM: None

Courtroom Assistant: R. Sanchez

Deputy Sheriff: None

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**APPEARANCES:**

For Plaintiff(s): No Appearances

For Defendant(s): No Appearances

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**NATURE OF PROCEEDINGS:** Court Order Re: Initial Status Conference Order

By this order, the Court determines this case to be Complex according to Rule 3.400 of the California Rules of Court. The Clerk's Office has assigned this case to this department for all purposes.

Pursuant to Government Code Sections 70616(a) and 70616(b), a single complex fee of one thousand dollars (\$1,000.00) must be paid on behalf of all plaintiffs. For defendants, a complex fee of one thousand dollars (\$1,000.00) must be paid for each defendant, intervenor, respondent or adverse party, not to exceed, for each separate case number, a total of eighteen thousand dollars (\$18,000.00), collected from all defendants, intervenors, respondents, or adverse parties. All such fees are ordered to be paid to Los Angeles Superior Court, within ten (10) days of service of this order.

By this order, the Court stays the case, except for service of the Summons and Complaint. The stay continues at least until the Initial Status Conference. Initial Status Conference is set for 03/18/2024 at 02:30 PM in this department. At least ten (10) days prior to the Initial Status Conference, counsel for all parties must discuss the issues set forth in the Initial Status Conference Order issued this date. Counsel must file a Joint Initial Status Conference Response Statement five (5) court days before the Initial Status Conference.

The Initial Status Conference Order, served concurrently with this Minute Order, is to help the Court and the parties manage this complex case by developing an orderly schedule for briefing, discovery, and court hearings. The parties are informally encouraged to exchange documents and information as may be useful for case evaluation.

Responsive pleadings shall not be filed until further Order of the Court. Parties must file a Notice of Appearance in lieu of an Answer or other responsive pleading. The filing of a Notice of

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Appearance shall not constitute a waiver of any substantive or procedural challenge to the Complaint. Nothing in this order stays the time for filing an Affidavit of Prejudice pursuant to Code of Civil Procedure Section 170.6. Nothing in this order stays the filing of an Amended Complaint pursuant to Labor Code Section 2699.3(a)(2)(C) by a plaintiff wishing to add a Private Attorney General Act (“PAGA”) claim.

For information on electronic filing in the Complex Courts, please refer to <https://www.lacourt.org/division/efiling/efiling2.aspx#civil>. See, in particular, the link therein for “Complex Civil eFiling.” Parties shall file all documents in conformity with the Presiding Judge’s First Amended General Order of May 3, 2019, particularly including the provisions therein requiring Bookmarking with links to primary documents and citations; that Order is available on the Court’s website at the link shown above.

For efficiency in communication with counsel, the complex program requires the parties in every new case to use an approved third-party cloud service that provides an electronic message board. In order to facilitate communication with counsel prior to the Initial Status Conference, the parties must sign-up with the e-service provider at least ten (10) court days in advance of the Initial Status Conference and advise the Court which provider was selected.

The court has implemented LACourtConnect to allow attorneys, self-represented litigants and parties to make audio or video appearances in Los Angeles County courtrooms. LACourtConnect technology provides a secure, safe and convenient way to attend hearings remotely. A key element of the Court’s Access LACourt YOUR WAY program to provide services and access to justice, LACourtConnect is intended to enhance social distancing and change the traditional in-person courtroom appearance model. See <https://my.lacourt.org/laccwelcome> for more information.

This Complex Courtroom does not use Los Angeles Superior Court’s Court Reservation (“CRS”) portal to reserve motion hearing dates. Rather, counsel may secure dates by calling the Courtroom Assistant at 213-310-70xx with the “xx” being the Department number, e.g. Dept. 1 is 01 and Dept. 10 is 10.

Court reporters are not provided for hearings or trials. The parties should make their own arrangements for any hearing where a transcript is desired.

If you believe a party or witness will need an interpreter, see the court’s website for information on how to make such a request in a timely manner. <https://www.lacourt.org/irud/UI/index.aspx>



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Deputy Sheriff: None

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Counsel are directed to access the following link for further information on procedures in the Complex litigation Program courtrooms: <https://www.lacourt.org/division/civil/CI0042.aspx>.

The plaintiff must serve a copy of this minute order and the attached Initial Status Conference Order on all parties forthwith and file a Proof of Service in this department within seven (7) days of service.

Certificate of Mailing is attached.

<b>SUPERIOR COURT OF CALIFORNIA COUNTY OF LOS ANGELES</b>	Reserved for Clerk's File Stamp
COURTHOUSE ADDRESS: Spring Street Courthouse 312 North Spring Street, Los Angeles, CA 90012	<b>FILED</b> Superior Court of California County of Los Angeles <b>12/14/2023</b>
PLAINTIFF/PETITIONER: Francisco Roldan, III et al	David W. Slayton, Executive Officer / Clerk of Court By: <u>          R. Aspiras          </u> Deputy
DEFENDANT/RESPONDENT: Bank of America, N.A.	
<b>CERTIFICATE OF MAILING</b>	CASE NUMBER: <b>23STCV28840</b>

I, the below-named Executive Officer/Clerk of the above-entitled court, do hereby certify that I am not a party to the cause herein, and that on this date I served the Minute Order (Court Order Re: Initial Status Conference Order) of 12/14/2023, Initial Status Conference Order upon each party or counsel named below by placing the document for collection and mailing so as to cause it to be deposited in the United States mail at the courthouse in Los Angeles, California, one copy of the original filed/entered herein in a separate sealed envelope to each address as shown below with the postage thereon fully prepaid, in accordance with standard court practices.

Christopher R. Rodriguez  
Lewis Brisbois Bisgaard & Smith LLP  
1414 K Street, Suite 470  
Sacramento, CA 95814

David W. Slayton, Executive Officer / Clerk of Court

Dated: 12/15/2023

By:           R. Aspiras            
Deputy Clerk

**CERTIFICATE OF MAILING**

# ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: [Lawsuit Says Bank of America Stifles Free Speech with Provision that Prohibits Users from Badmouthing Bank](#)

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