

1 Margaret Rosenthal, SBN 147501
2 Shareef S. Farag, SBN 251650
3 Vartan S. Madoyan, SBN 279015
4 Nicholas D. Poper, SBN 293900
5 **BAKER & HOSTETLER LLP**
6 11601 Wilshire Boulevard, Suite 1400
7 Los Angeles, CA 90025-0509
8 Telephone: 310.820.8800
9 Facsimile: 310.820.8859
10 Email: mrosenthal@bakerlaw.com
11 sfarag@bakerlaw.com
12 vmadoyan@bakerlaw.com
13 npoper@bakerlaw.com

14 Attorneys for
15 HOST INTERNATIONAL, INC.; HMS
16 HOST USA, INC.; HMS HOST FAMILY
17 RESTAURANTS, INC.

18 **UNITED STATES DISTRICT COURT**
19 **CENTRAL DISTRICT OF CALIFORNIA**

20 JENNIFER WILSON, an individual,
21 on behalf of herself and all others
22 similarly situated,

23 Plaintiff,

24 v.

25 HOST INTERNATIONAL, INC., a
26 Delaware corporation; HMS HOST
27 USA INC., a Delaware corporation;
28 HMS HOST FAMILY
RESTAURANTS, INC., a Maryland
corporation; and DOES 1 through 50,
inclusive,

Defendants.

Case No.: 2:18-cv-00916

**NOTICE OF REMOVAL OF
ACTION TO FEDERAL COURT**

[Filed concurrently with Civil Cover
Sheet; Notice of Interested Persons]

Action Filed: November 17, 2017

TO THE CLERK OF THE ABOVE-ENTITLED COURT:

PLEASE TAKE NOTICE that, pursuant to 28 U.S.C. §§ 1332, 1441 and 1446, Host International, Inc. (“Host”), HMS Host USA, Inc., and HMS Host Family Restaurants, Inc.¹ (together, “Defendants”) remove the action filed by Jennifer Wilson (“Plaintiff”) in the Superior Court of the State of California, in and for the County of Los Angeles, and captioned Case No. BC684110, to the United States District Court for the Central District of California.

JURISDICTION AND VENUE

1. This is a civil action over which this Court has original subject matter jurisdiction under 28 U.S.C. §1332, and removal is proper under 28 U.S.C. §§ 1441 and 1446, because it is a civil action that satisfies the requirements stated in the Class Action Fairness Act of 2005 (“CAFA”), codified in part at 28 U.S.C. § 1332(d).

2. This Court is in the judicial district and division embracing the place where the state court case was brought and is pending. Thus, this Court is the proper district court to which this case should be removed. 28 U.S.C. §§ 1441(a) and 1446(a).

THE ACTION & TIMELINESS OF REMOVAL**PROCEDURAL BACKGROUND**

3. On November 17, 2017, Plaintiff, purportedly on behalf of herself and all others similarly situated, filed a class action complaint against Defendants in the Superior Court of the State of California, in and for the County of Los Angeles, Case No. BC684110 (the “State Court Action”). Plaintiff filed the complaint as a putative class action.

¹ HMS Host USA, Inc. and HMS Host Family Restaurants, Inc. never employed Plaintiff or the putative class members during the relevant time period, and thus are improperly joined as a party to this action. HMS Host USA, Inc. and HMS Host Family Restaurants, Inc. join in this removal.

1 also prima facie evidence of domicile. *State Farm Mutual Auto Ins. Co. v. Dyer*, 19
2 F. 3d 514, 520 (10th Cir. 1994). Accordingly, Plaintiff is a citizen of the State of
3 California.

4 11. Defendants' Citizenship. Host and HMS Host USA, Inc. are each
5 citizens of the states of Delaware and Maryland. HMS Host Family Restaurants,
6 Inc. is a citizen of the state of Maryland. Pursuant to 28 U.S.C. § 1332(c), "a
7 corporation shall be deemed to be a citizen of any State by which it has been
8 incorporated and of the State where it has its principal place of business." The
9 United States Supreme Court has concluded that a corporation's "principal place of
10 business" is "where a corporation's officers direct, control, and coordinate the
11 corporation's activities," or its "nerve center." *Hertz Corp. v. Friend*, 130 S. Ct.
12 1181, 1192 (2010). "[I]n practice," a corporation's "nerve center" should
13 "normally be the place where the corporation maintains its headquarters." *Id.* "The
14 public often (though not always) considers it the corporation's main place of
15 business." *Id.* at 1193.

16 12. Host and HMS Host USA, Inc. were, at the time the State Court
17 Action was commenced in State Court, and still are, each a corporation formed in
18 and incorporated under the laws of the State of Delaware. Pursuant to the *Hertz*
19 nerve center test, Host and HMS Host USA, Inc. each have their principal place of
20 business in Maryland. Host and HMS Host USA, Inc.'s headquarters are each
21 located at 6905 Rockledge Drive #1, Bethesda, Maryland 20817-7826. In addition,
22 the majority of Host and HMS Host USA, Inc.'s officers direct, control, and
23 coordinate each respective corporation's activities from that same address – 6905
24 Rockledge Drive #1, Bethesda, Maryland 20817-7826. HMS Host Family
25 Restaurants, Inc. is incorporated in Maryland and has its headquarters and principal
26 place of business located at 6905 Rockledge Drive #1, Bethesda, Maryland 20817-
27 7826.

13. Doe Defendants. Although Plaintiff has also named fictitious defendants “Does 1 through 50,” 28 U.S.C. § 1441(a) provides, “[f]or purposes of removal under this chapter, the citizenship of defendants sued under fictitious names shall be disregarded.” *See also Fristos v. Reynolds Metals Co.*, 615 F.2d 1209, 1213 (9th Cir. 1980) (unnamed defendants are not required to join in a removal petition).

14. Minimal Diversity. Minimal diversity of citizenship is established, pursuant to CAFA, inasmuch as Plaintiff (who is a member of the putative class) is a citizen of the State of California, and Defendants are citizens of Delaware and Maryland.

15. Size of the Putative Class. Plaintiff asserted the State Court Action as a class action. While Plaintiff does not allege a specific class size, the relevant period for many of the claims made by Plaintiff is four years prior to the filing of the State Court Action. Four years prior to Plaintiff’s filing of the Complaint is November 17, 2013. Between November 17, 2013 and Plaintiff’s filing of her Complaint, Host employed approximately 6,513 individuals “as non-exempt employees in the State of California” (the putative class definition provided in Paragraph 5 of the Complaint). Therefore, per the allegations of the Complaint, the putative class size is 6,513 individuals.

16. However, in an abundance of caution and to be conservative, Host has limited for purposes of this Removal the relevant class period to March 20, 2014 to the filing of Plaintiff’s Complaint.² Between March 20, 2014 and the filing of Plaintiff’s Complaint, Host employed 6,302 individuals “as non-exempt employees in the State of California.” Therefore, under Host’s limitation, the putative class size is 6,302.

² This limitation is based on a global settlement of ten class actions filed throughout California that Host entered into and that was preliminarily approved by the Court in *Washington, et al v. Host International, Inc.*, Case No. CIVRS1205929 (San Bernardino Superior Court) on March 19, 2014. The settlement contained a general release that applied to all of the claims asserted by Plaintiff here.

AMOUNT IN CONTROVERSY UNDER CAFA

17. Removal is appropriate when it is more likely than not that the amount is controversy exceeds the jurisdictional requirement, which in this case is \$5,000,000 in the aggregate. *See, e.g., Cohn v. PetSmart, Inc.*, 281 F.3d 837, 839-40 (9th Cir. 2002).

18. This action involves Plaintiff's alleged claims against Defendants for: failure to pay minimum wages, failure to pay overtime, failure to provide meal periods, failure to provide rest periods, failure to provide accurate itemized wage statements, failure to pay all wages due upon separation of employment, failure to maintain required records, failure to indemnify necessary business expenses, unfair competition, and penalties under the California Private Attorneys' General Act ("PAGA"). Plaintiff's Prayer for Relief seeks an award of compensatory damages, including compensation for the claims alleged above, penalties, liquidated damages, restitution, prejudgment interest, attorneys' fees and costs, injunctive and declaratory relief, and such other and further relief as the Court deems just and proper. (See Complaint, Prayer for Relief).

19. Amount in Controversy. Without conceding that Plaintiff or the purported class members are entitled to or could recover damages in any amount, the amount in controversy in this putative class action, in the aggregate, is well in excess of \$5,000,000, exclusive of interest and costs.

a. Variables.

- Although Plaintiff alleges that the class period dates back to November 17, 2013 (four years prior to the filing of the Complaint), to be conservative, Host has limited its amount in controversy calculations to the time period beginning March 20, 2014 (as discussed above), or later depending on the statute of limitations applicable to each claim.
- During the period of November 17, 2014 to the date Plaintiff filed her Complaint, applicable to Plaintiff's waiting time penalties claim,

approximately 3,355 putative class members separated from employment with Host. The average hourly rate of pay among this group is approximately \$12.67.

- During the period of November 17, 2016 to the present, applicable to Plaintiff's wage statement claim, Host employed approximately 3,954 individuals "as non-exempt employees in the State of California." These 3,954 individuals worked a total of 73,769 pay periods between November 17, 2016 and the present.

- b. Claim #5: Failure to Timely Pay Wages Upon Separation. Plaintiff alleges that "Defendants willfully failed to pay accrued wages and other compensation" to putative class members who separated from their employment with Host. (Complaint ¶¶ 33-39.) California Labor Code Section 203 provides that a former employee shall receive regular daily wages for each day they were not paid, at their hourly rate, for up to thirty days. Approximately 3,355 members of the proposed class separated from employment during the three-year statutory period. Using the average final hourly rate of pay for these 3,355 putative class members, and conservatively assuming that the class members work only 8 hours per day, the amount in controversy for this claim would be approximately **\$10,201,884** (3,355 separated employees x 8 hours x \$12.67 average rate x 30 days).
- c. Claim #6: Failure to Provide Accurate, Itemized Wage Statements. Plaintiff alleges that "Defendants have knowingly and intentionally failed to provide Plaintiff and Class Members with timely, accurate, and itemized wage statements in accordance with California Labor Code § 226(a)," in part because Defendants allegedly provided wage statements that were missing or inaccurately stated gross wages and net wages earned, total hours worked, all deductions, and all applicable

hourly rates in effect during each pay period. (Complaint ¶¶ 41-42.) Labor Code § 226(a) provides penalties of \$50 per employee for the initial pay period in which a wage statement violation occurred and \$100 per employee for each violation in a subsequent pay period, not exceeding the maximum aggregate penalty of \$4,000 per employee. Approximately 3,954 members of the proposed class were employed by Host during the one-year statutory period. Using the total number of pay periods worked by each of the 3,949 members and the minimum statutory penalty of \$50 for each violation, the amount in controversy for this claim would be approximately **\$3,688,450** (\$50 penalty for each violation x 73,769 pay periods).

20. Total Amount in Controversy For Just Two Causes Of Action. Based on just two of Plaintiff's causes of action, the class-wide amount in controversy, conservatively estimated, is at least **\$13,890,334**. "As specified in § 1446(a), a defendant's notice of removal need include only a plausible allegation that the amount in controversy exceeds the jurisdictional threshold; the notice need not contain evidentiary submissions." *Dart Cherokee Basin Operating Co., LLC v. Owens*, 135 S. Ct. 547, 549 (2014). A summary of the amount in controversy discussed above is as follows:

Claim	Amount in Controversy
Failure to Timely Pay Wages Upon Separation	\$10,201,884
Failure to Provide Compliant Wage Statements	\$3,688,450
TOTAL:	\$13,890,334

21. Amount in Controversy for Remaining Causes of Action. The above amounts exceed the \$5 million CAFA minimum before taking into account Plaintiff's additional eight (8) claims detailed above.

1 22. Total Amount in Controversy For All Causes of Action. Based on the
2 claims described above, the class-wide amount in controversy, conservatively
3 estimated, is well in excess of \$5,000,000.

4 **ATTORNEY'S FEES**

5 23. When the underlying substantive law provides for the award of
6 attorneys' fees, a party may include that amount in their calculation of the amount
7 in controversy. *Galt G/S v. JSS Scandinavia*, 142 F.3d 1150, 1156 (9th Cir. 1998).
8 Plaintiff has sought attorneys' fees for the Labor Code violations alleged in the
9 Complaint, which should therefore be included in analyzing the amount in
10 controversy, if needed. Conservatively, we do not include them in the above
11 calculations.

12 **NOTICE OF PARTY WITH FINANCIAL INTEREST**

13 24. Pursuant to Local Rule 7.1-1, a Notice of Interested Person is being
14 filed concurrently with this Notice of Removal.

15 **NOTICE**

16 25. As required by 28 U.S.C. § 1446(d), Defendants are providing written
17 notice of the filing of this Notice of Removal to Plaintiff, and are filing a copy of
18 this Notice of Removal with the Clerk of the Superior Court of the State of
19 California, in and for the County of Los Angeles.

20
21 Dated: February 5, 2018

Respectfully submitted,

22
23 BAKER & HOSTETLER LLP

24 By: /s/ Vartan S. Madoyan
Margaret Rosenthal
Shareef S. Farag
Vartan S. Madoyan
Nicholas D. Poper

25
26
27 Attorneys for Defendants
28

PROOF OF SERVICE

I, Hien Tran, declare:

I am a citizen of the United States and employed in Los Angeles County, California. I am over the age of eighteen years and not a party to the within-entitled action. My business address is 11601 Wilshire Boulevard, Suite 1400, Los Angeles, California 90025-7120. On **February 5, 2018**, I served a copy of the within document(s): **NOTICE OF REMOVAL OF ACTION TO FEDERAL COURT**

- ☒ by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, the United States mail at Los Angeles, California addressed as set forth below. I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.
- ☐ by placing the document(s) listed above in a sealed envelope and affixing a pre-paid air bill in the care and custody of **Golden State Overnight**, and causing the envelope to be delivered to a **Golden State Overnight** agent for delivery on the next business day.
- ☐ by placing document(s) listed above in the care and custody of Ace Attorney Services for personal delivery to the person(s) at the address(es) set forth below. Proof of service to be filed after completion of service.
- ☐ by transmitting via e-mail or electronic transmission the document(s) listed above to the person(s) at the e-mail address(es) set forth below.

Matthew J. Matern
Matthew W. Gordon
Braunson C. Virjee
MATERN LAW GROUP, P.C.
1230 Rosecrans Avenue, Suite 200
Manhattan Beach, CA 90266
Telephone: (310) 531-1900
Facsimile: (310) 531-1901

Attorney for Plaintiff
Jennifer Wilson

I declare under penalty of perjury under the laws of the United States of America that the above is true and correct.

Executed on **February 5, 2018** at Los Angeles, California.

Hien Tran

EXHIBIT A

MATERN LAW GROUP, PC
MATTHEW J MATERN (SBN 159798)
MATTHEW W GORDON (SBN 267971)
BRAUNSON C VIRJEE (SBN 295325)
1230 Rosecrans Avenue, Suite 200
Manhattan Beach, California 90266
Telephone: (310) 531-1900
Facsimile: (310) 531-1901

Attorneys for Plaintiff
JENNIFER WILSON, individually, and on
behalf of all others similarly situated

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

NOV 17 2017

Sherril R. Carter, Executive Officer/Clerk
By: M. Soto, Deputy
Moses Soto

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

JENNIFER WILSON, an individual, on behalf
of herself and all others similarly situated,

Plaintiff,

vs.

HOST INTERNATIONAL, INC., a Delaware
corporation; HMS HOST USA, INC., a
Delaware corporation; HMS HOST FAMILY
RESTAURANTS, INC., a Maryland
corporation; and DOES 1 through 50, inclusive,

Defendants.

CASE NO. **BC 684110**

CLASS ACTION

COMPLAINT FOR:

1. Failure to Provide Required Meal Periods
2. Failure to Provide Required Rest Periods
3. Failure to Pay Overtime Wages
4. Failure to Pay Minimum Wages
5. Failure to Pay All Wages Due to Discharged and Quitting Employees
6. Failure to Furnish Accurate Itemized Wage Statements
7. Failure to Maintain Required Records
8. Failure to Indemnify Employees for Necessary Expenditures Incurred in Discharge of Duties
9. Unfair and Unlawful Business Practices

REPRESENTATIVE ACTION:

- 10 Penalties under the Labor Code Private Attorneys General Act, as Representative Action

DEMAND FOR JURY TRIAL

1 Plaintiff JENNIFER WILSON ("PLAINTIFF") an individual, demanding a jury trial, on
2 behalf of herself and other persons similarly situated, hereby alleges as follows:

3 JURISDICTION AND VENUE

4 1. The Superior Court of the State of California has jurisdiction in this matter because
5 PLAINTIFF is a resident and a citizen of the State of California, and Defendants HOST
6 INTERNATIONAL, INC , a Delaware corporation, HMS HOST USA, INC., a Delaware
7 corporation; HMS HOST FAMILY RESTAURANTS, INC , a Maryland corporation; and DOES 1
8 through 50 inclusive (collectively "DEFENDANTS"), are qualified to do business in California
9 and regularly conduct business in California. Further, no federal question is at issue because the
10 claims are based solely on California law.

11 2. Venue is proper in this judicial district and the County of Los Angeles, California
12 because PLAINTIFF, and other persons similarly situated, performed work for DEFENDANTS
13 in the County of Los Angeles, DEFENDANTS maintain offices and facilities and transact
14 business in the County of Los Angeles, and because DEFENDANTS' illegal payroll policies and
15 practices which are the subject of this action were applied, at least in part, to PLAINTIFF, and
16 other persons similarly situated, in the County of Angeles

17 PLAINTIFF

18 3. PLAINTIFF is a resident and a citizen of the State of California and a former
19 employee of DEFENDANTS at times material to this complaint

20 4 PLAINTIFF, on behalf of herself and other similarly situated current and former
21 non-exempt employees of DEFENDANTS in the State of California at any time during the four
22 years preceding the filing of this action, and continuing while this action is pending, brings this
23 class action to recover, among other things, wages and penalties from unpaid wages earned and
24 due, including but not limited to unpaid minimum wages, unpaid and illegally calculated overtime
25 compensation, illegal meal and rest period policies, failure to pay all wages due to discharged and
26 quitting employees, failure to indemnify employees for necessary expenditures and/or losses
27 incurred in discharging their duties, failure to provide accurate itemized wage statements, failure
28 to maintain required records, and interest, attorneys' fees, costs, and expenses

8 6. PLAINTIFF is informed and believes, and thereon alleges, that DEFENDANT
9 HOST INTERNATIONAL, INC is, and at all times relevant hereto was, a Delaware corporation
10 organized and existing under the laws of the State of Delaware PLAINTIFF is further informed
11 and believes, and thereon alleges, that DEFENDANT HOST INTERANTIONAL, INC. is
12 authorized to conduct business in the State of California, and does conduct business in the State
13 of California. Specifically, DEFENDANT HOST INTERNATIONAL, INC. maintains offices
14 and facilities and conducts business in, and engages in illegal payroll practices or policies in, the
15 County of Los Angeles, State of California.

24 8 PLAINTIFF is informed and believes, and thereon alleges, that DEFENDANT
25 HMS HOST FAMILY RESTAURANTS, INC is, and at all times relevant herein was, a
26 Maryland corporation organized and existing under the laws of the State of Maryland
27 PLAINTIFF is further informed and believes, and thereon alleges, that DEFENDANT HMS
28 HOST FAMILY RESTAURANTS, INC is authorized to conduct business in the State of

1 California, and does conduct business in the State of California. Specifically, upon
 2 information and belief, Defendant HMS HOST FAMILY RESTAURANTS, INC maintains
 3 offices and facilities and conducts business in, and engages in illegal payroll practices or policies
 4 in, the County of Los Angeles, State of California.

5 9. The true names and capacities of DOES 1 through 50, inclusive, are unknown to
 6 PLAINTIFF at this time, and PLAINTIFF therefore sues such DOE Defendants under fictitious
 7 names PLAINTIFF is informed and believes, and thereon alleges, that each Defendant
 8 designated as a DOE is in some manner highly responsible for the occurrences alleged herein, and
 9 that PLAINTIFF and CLASS MEMBERS' injuries and damages, as alleged herein, were
 10 proximately caused by the conduct of such DOE Defendants PLAINTIFF will seek leave of the
 11 court to amend this Complaint to allege their true names and capacities of such DOE Defendants
 12 when ascertained.

13 10 At all relevant times herein, DEFENDANTS were the joint employers of
 14 PLAINTIFF and CLASS MEMBERS. PLAINTIFF is informed and believes, and thereon allege,
 15 that at all times material to this complaint DEFENDANTS were the alter egos, divisions,
 16 affiliates, integrated enterprises, joint employers, subsidiaries, parents, principals, related entities,
 17 co-conspirators, authorized agents, partners, joint venturers, and/or guarantors, actual or
 18 ostensible, of each other Each Defendant was completely dominated by his, her or its co-
 19 Defendant, and each was the alter ego of the other

20 11 At all relevant times herein, PLAINTIFF and CLASS MEMBERS were employed
 21 by DEFENDANTS under employment agreements that were partly written, partly oral, and partly
 22 implied In perpetrating the acts and omissions alleged herein, DEFENDANTS, and each of them,
 23 acted pursuant to, and in furtherance of, their policies and practices of not paying PLAINTIFF
 24 and CLASS MEMBERS all wages earned and due, through methods and schemes which include,
 25 but are not limited to, failing to pay overtime premiums, failing to provide rest and meal periods,
 26 failing to properly maintain records, failing to provide accurate itemized statements for each pay
 27 period, failing to properly compensate PLAINTIFF and CLASS MEMBERS for necessary
 28 expenditures, and requiring, permitting or suffering the employees to work off the clock, in

1 violation of the California Labor Code and the applicable Welfare Commission ("IWC") Orders
2 12 PLAINTIFF is informed and believes, and thereon allege, that each and every one
3 of the acts and omissions alleged herein were performed by, and/or attributable to, all
4 DEFENDANTS, each acting as agents and/or employees, and/or under the direction and control
5 of, each of the other DEFENDANTS, and that said acts and failures to act were within the course
6 and scope of said agency, employment and/or direction and control

7 13. As a direct and proximate result of the unlawful actions of DEFENDANTS,
8 PLAINTIFF and CLASS MEMBERS have suffered, and continue to suffer, from loss of earnings
9 in amounts as yet unascertained, but subject to proof at trial, and within the jurisdiction of this
10 Court

11 **CLASS ACTION ALLEGATIONS**

12 14. This action is appropriately suited for a class action because.

13 a. The potential class is a significant number Joinder of all current and
14 former employees individually would be impractical.

15 b This action involves common questions of law and fact to the potential
16 class because the action focuses on DEFENDANTS' systematic course of illegal payroll practices
17 and policies, which was applied to all non-exempt employees in violation of the Labor Code, the
18 applicable IWC wage order, and the Business and Professions Code which prohibits unfair
19 business practices arising from such violations.

20 c The claims of PLAINTIFF are typical of the class because DEFENDANTS
21 subjected all non-exempt employees to identical violations of the Labor Code, the applicable
22 IWC wage order, and the Business and Professions Code

23 d PLAINTIFF is able to fairly and adequately protect the interests of all
24 members of the class because it is in her best interests to prosecute the claims alleged herein to
25 obtain full compensation due to them for all services rendered and hours worked

26 ///

27 ///

28 ///

FIRST CAUSE OF ACTION

Failure to Provide Required Meal Periods

[Cal. Labor Code §§ 226.7, 510, 512, 1194, 1197; IWC Wage Order No. 5-2001, § 11]

(Against all DEFENDANTS)

15. PLAINTIFF incorporates herein by specific reference, as though fully set forth, the allegations in paragraphs 1 through 14.

16 During the CLASS PERIOD, as part of DEFENDANTS' illegal payroll policies and practices to deprive their non-exempt employees all wages earned and due, DEFENDANTS required, permitted or otherwise suffered PLAINTIFF and CLASS MEMBERS to take less than the 30-minute meal period, or to work through them, and have failed to otherwise provide the required meal periods to PLAINTIFF and CLASS MEMBERS pursuant to California Labor Code § 226.7, 512 and IWC Order No. 5-2001, § 11.

17. DEFENDANTS further violated California Labor Code §§ 226.7 and IWC Wage Order No. 5-2001, § 11 by failing to compensate PLAINTIFF and CLASS MEMBERS who were not provided with a meal period, in accordance with the applicable wage order, one additional hour of compensation at each employee's regular rate of pay for each workday that a meal period was not provided.

18. DEFENDANTS further violated California Labor Code §§ 226.7, 510, 1194, 1197, and IWC Wage Order No. 5-2001 by failing to compensate PLAINTIFF and CLASS MEMBERS for all hours worked during their meal periods

19. As a proximate result of the aforementioned violations, PLAINTIFF and CLASS MEMBERS have been damaged in an amount according to proof at trial, and seek all wages earned and due, interest, penalties, expenses, and costs of suit

SECOND CAUSE OF ACTION

Failure to Provide Required Rest Periods

[Cal. Labor Code §§ 226.7, 512; IWC Wage Order No. 5-2001, § 12]

(Against all DEFENDANTS)

20 PLAINTIFF incorporates herein by specific reference, as though fully set forth, the

1 allegations in paragraphs 1 through 19

2 21 At all times relevant herein, as part of DEFENDANTS' illegal payroll policies and
3 practices to deprive their non-exempt employees all wages earned and due, DEFENDANTS
4 failed to provide rest periods to PLAINTIFF and CLASS MEMBERS as required under
5 California Labor Code §§ 226.7 and 512, and IWC Wage Order No. 5-2001, § 12

6 22. DEFENDANTS further violated California Labor Code § 226.7 and IWC Wage
7 Order No. 5-2001, § 12 by failing to pay PLAINTIFF and CLASS MEMBERS who were not
8 provided with a rest period, in accordance with the applicable wage order, one additional hour of
9 compensation at each employee's regular rate of pay for each workday that a rest period was not
10 provided.

11 23. As a proximate result of the aforementioned violations, PLAINTIFF and CLASS
12 MEMBERS have been damaged in an amount according to proof at trial, and seek all wages
13 earned and due, interest, penalties, expenses, and costs of suit.

14 **THIRD CAUSE OF ACTION**

15 **Failure to Pay Overtime Wages**

16 **[Cal. Labor Code §§ 510, 1194, 1198; IWC Wage Order No. 5-2001, § 3]**

17 **(Against all DEFENDANTS)**

18 24. PLAINTIFF incorporates herein by specific reference, as though fully set forth, the
19 allegations in paragraphs 1 through 23

20 25 Pursuant to California Labor Code §§ 510, 1194, and IWC Wage Order No. 5-
21 2001, § 3, DEFENDANTS are required to compensate PLAINTIFF and CLASS MEMBERS for
22 all overtime, which is calculated at one and one-half (1 ½) times the regular rate of pay for all
23 hours worked in excess of eight (8) hours per day and/or forty (40) hours per week, and for the
24 first eight (8) hours on the seventh consecutive workday, with double time for all hours worked in
25 excess of twelve (12) hours in any workday and for all hours worked in excess of eight (8) hours
26 on the seventh consecutive day of work in any workweek

27 26 PLAINTIFF and CLASS MEMBERS are current and former non-exempt
28 employees entitled to the protections of California Labor Code §§ 510, 1194, and IWC Wage

1 Order No 5-2001 During the CLASS PERIOD, DEFENDANTS failed to compensate
 2 PLAINTIFF and CLASS MEMBERS for all overtime hours worked as required under the
 3 foregoing provisions of the California Labor Code and IWC Wage Order by, among other things:
 4 failing to pay overtime at one and one-half (1 ½) or double the regular rate of pay as provided by
 5 California Labor Code §§ 510, 1194, and IWC Wage Order No 5-2001, § 3, miscalculating the
 6 regular rate of pay for overtime purposes by failing to include various forms of non-discretionary
 7 incentive pay, such as discounted and/or free meals, as remuneration in the calculation, requiring,
 8 permitting or suffering PLAINTIFF and CLASS MEMBERS to work off the clock, requiring,
 9 permitting or suffering PLAINTIFF and CLASS MEMBERS to work through meal and rest
 10 breaks, illegally and inaccurately recording time in which PLAINTIFF and CLASS MEMBERS
 11 worked; enforcing an unlawful rounding policy resulting, in practice over time, in the systematic
 12 underpayment of overtime wages to PLAINTIFF and CLASS MEMBERS; failing to properly
 13 maintain PLAINTIFF's and CLASS MEMBERS' records; failing to provide accurate itemized
 14 wage statements to PLAINTIFF for each pay period, and other methods to be discovered

15 27 In violation of California law, DEFENDANTS have knowingly and willfully
 16 refused to perform their obligations to compensate PLAINTIFF and CLASS MEMBERS for all
 17 wages earned and all hours worked As a proximate result, PLAINTIFF and CLASS MEMBERS
 18 have suffered, and continue to suffer, substantial losses related to the use and enjoyment of such
 19 wages, lost interest on such wages, and expenses and attorneys' fees in seeking to compel
 20 DEFENDANTS to fully perform their obligations under state law, all to their respective damages
 21 in amounts according to proof at time of trial, and within the jurisdiction of this Court

22 28 DEFENDANTS' conduct described herein violates California Labor Code §§ 510,
 23 1194, 1198 and IWC Wage Order No 5-2001, § 3 Therefore, pursuant to California Labor Code
 24 §§ 200, 203, 226, 558, 1194, 1197.1, and other applicable provisions under the California Labor
 25 Code and IWC Wage Orders, PLAINTIFF and CLASS MEMBERS are entitled to recover the
 26 unpaid balance of wages owed to them by DEFENDANTS, plus interest, penalties, attorneys'
 27 fees, expenses, and costs of suit

28 ///

FOURTH CAUSE OF ACTION

Failure to Pay Minimum Wages

[Cal Labor Code §§ 1194, 1197; IWC Wage Order No. 5-2001, § 4]

(Against all DEFENDANTS)

29 PLAINTIFF incorporates herein by specific reference, as though fully set forth, the allegations in paragraphs 1 through 28

30. Pursuant to California Labor Code §§ 1194, 1197, and IWC Wage Order No 5-2001, § 4, payment to an employee of less than the applicable minimum wage for all hours worked in a payroll period is unlawful.

31 During the CLASS PERIOD, DEFENDANTS failed to pay PLAINTIFF and CLASS MEMBERS minimum wages for all hours worked by, among other things: requiring, permitting or suffering PLAINTIFF and CLASS MEMBERS to work off the clock; requiring, permitting or suffering PLAINTIFF and CLASS MEMBERS to work through meal and rest breaks; illegally and inaccurately recording time in which PLAINTIFF and CLASS MEMBERS worked; enforcing an unlawful rounding policy resulting, in practice over time, in the systematic failure to compensate PLAINTIFF and CLASS MEMBERS for all hours worked; failing to properly maintain PLAINTIFF's and CLASS MEMBERS' records, failing to provide accurate itemized wage statements to PLAINTIFF and CLASS MEMBERS for each pay period; and other methods to be discovered

32 DEFENDANTS' conduct described herein violates California Labor Code §§ 1194, 1197, and IWC Wage Order No 5-2001, § 4 As a proximate result of the aforementioned violations, PLAINTIFF and CLASS MEMBERS have been damaged in an amount according to proof at trial Therefore, pursuant to California Labor Code §§ 200, 203, 226, 558, 1194, 1197.1, and other applicable provisions under the Labor Code and IWC Wage Orders, PLAINTIFF and CLASS MEMBERS are entitled to recover the unpaid balance of wages owed to them by DEFENDANTS, plus interest, penalties, attorneys' fees, expenses, and costs of suit

///

///

FIFTH CAUSE OF ACTION

Failure to Pay All Wages Due to Discharged and Quitting Employees

[Cal. Labor Code §§ 201, 202, 203]

(Against all DEFENDANTS)

33 PLAINTIFF incorporates herein by specific reference, as though fully set forth, the allegations in paragraphs 1 through 32

34 Pursuant to California Labor Code § 201, 202, and 203, DEFENDANTS are required to pay all earned and unpaid wages to an employee who is discharged. California Labor Code § 201 mandates that if an employer discharges an employee, the employee's wages accrued and unpaid at the time of discharge are due and payable immediately.

35. Furthermore, pursuant to California Labor Code § 202, DEFENDANTS are required to pay all accrued wages due to an employee no later than 72 hours after the employee quits his or her employment, unless the employee provided 72 hours previous notice of his or her intention to quit, in which case the employee is entitled to his or wages at the time of quitting

36 California Labor Code § 203 provides that if an employer willfully fails to pay, in accordance with California Labor Code §§ 201 and 202, any wages of an employee who is discharged or who quits, the employer is liable for waiting time penalties in the form of continued compensation to the employee at the same rate for up to 30 workdays

37 During the CLASS PERIOD, DEFENDANTS have willfully failed to pay accrued wages and other compensation to PLAINTIFF and CLASS MEMBERS in accordance with California Labor Code §§ 201 and 202

38 As a result, PLAINTIFF and CLASS MEMBERS are entitled to all available statutory penalties, including the waiting time penalties provided in California Labor Code § 203, together with interest thereon, as well as other available remedies

39. As a proximate result of DEFENDANTS' unlawful actions and omissions, PLAINTIFF and CLASS MEMBERS have been deprived of compensation in an amount according to proof at the time of trial, but in excess of the jurisdiction of this Court, and are entitled to recovery of such amounts, plus interest thereon, and attorneys' fees and costs, pursuant

1 to California Labor Code §§ 1194 and 2699.

2 **SIXTH CAUSE OF ACTION**

3 **Failure to Furnish Accurate Itemized Wage Statements**

4 **[Cal. Labor Code § 226; IWC Wage Order No. 5-2001, § 7]**

5 **(Against all DEFENDANTS)**

6 40. PLAINTIFF incorporates herein by specific reference, as though fully set forth, the
7 allegations in paragraphs 1 through 39.

8 41. During the CLASS PERIOD, DEFENDANTS routinely failed to provide
9 PLAINTIFF and CLASS MEMBERS with timely, accurate, and itemized wage statements in
10 writing showing each employee's gross wages earned, total hours worked, the number of piece-
11 rate units earned and any applicable piece rate, all deductions made, net wages earned, the
12 inclusive dates of the pay period, only the last four digits of the employee's social security
13 number or an employee identification number, the name and address of the legal entity or entities
14 employing PLAINTIFF and CLASS MEMBERS, and all applicable hourly rates in effect during
15 each pay period and the corresponding number of hours worked at each hourly rate, in violation
16 of California Labor Code § 226 and IWC Wage Order No. 5-2001, § 7

17 42 During the CLASS PERIOD, DEFENDANTS knowingly and intentionally failed
18 to provide PLAINTIFF and CLASS MEMBERS with timely, accurate, and itemized wage
19 statements in accordance with California Labor Code § 226(a)

20 43 As a proximate result of DEFENDANTS' unlawful actions and omissions,
21 PLAINTIFF and CLASS MEMBERS have been damaged in an amount according to proof at
22 trial, and seek all wages earned and due, plus interest thereon. Additionally, PLAINTIFF and
23 CLASS MEMBERS are entitled to all available statutory penalties, including but not limited to
24 civil penalties pursuant to California Labor Code §§ 226(e), 226.3, and 1174.5, and an award of
25 costs, expenses, and reasonable attorneys' fees, including but not limited to those provided in
26 California Labor Code § 226(e), as well as other available remedies

27 ///

28 ///

SEVENTH CAUSE OF ACTION

Failure to Maintain Required Records

[Cal. Labor Code §§ 226, 1174; IWC Wage Order No. 5-2001, § 7]

(Against all DEFENDANTS)

44. PLAINTIFF incorporates herein by specific reference, as though fully set forth, the allegations in paragraphs 1 through 43.

45. During the CLASS PERIOD, as part of DEFENDANTS' illegal payroll policies and practices to deprive PLAINTIFF and CLASS MEMBERS of all wages earned and due, DEFENDANTS knowingly and intentionally failed to maintain records as required under California Labor Code §§ 226, 1174, and IWC Wage Order No. 5-2001, § 7, including but not limited to the following records: total daily hours worked by each employee, applicable rates of pay, all deductions, meal periods; time records showing when each employee begins and ends each work period; and accurate itemized statements

46. As a proximate result of DEFENDANTS' unlawful actions and omissions, PLAINTIFF and CLASS MEMBERS have been damaged in an amount according to proof at trial, and are entitled to all wages earned and due, plus interest thereon. Additionally, PLAINTIFF and CLASS MEMBERS are entitled to all available statutory penalties, including but not limited to civil penalties pursuant to California Labor Code §§ 226.3 and 1174.5, and an award of costs, expenses, and reasonable attorneys' fees, including but not limited to those provided in California Labor Code § 226(e), as well as other available remedies

EIGHTH CAUSE OF ACTION

Failure to Indemnify Employees for Necessary Expenditures Incurred in Discharge of Duties

[Cal. Labor Code § 2802]

(Against all DEFENDANTS)

47. PLAINTIFF incorporates herein by specific reference, as though fully set forth, the allegations in paragraphs 1 through 46

48. California Labor Code § 2802(a) requires an employer to indemnify an employee

1 for all necessary expenditures or losses incurred by the employee in direct consequence of the
2 discharge of his or her duties, or of his or her obedience to the directions of the employer

3 49 During the CLASS PERIOD, DEFENDANTS knowingly and willfully failed to
4 indemnify PLAINTIFF and CLASS MEMBERS for all business expenses and/or losses incurred
5 in direct consequence of the discharge of their duties while working under the direction of
6 DEFENDANTS, including but not limited to expenses for uniforms, and other employment-
7 related expenses, in violation of California Labor Code § 2802

8 50. As a proximate result of DEFENDANTS' unlawful actions and omissions,
9 PLAINTIFF and CLASS MEMBERS have been damaged in an amount according to proof at
10 trial, and seek reimbursement of all necessary expenditures, plus interest thereon pursuant to
11 California Labor Code § 2802(b). Additionally, PLAINTIFF and CLASS MEMBERS are
12 entitled to all available statutory penalties and an award of costs, expenses, and reasonable
13 attorneys' fees, including those provided in California Labor Code § 2802(c), as well as other
14 available remedies.

15 **NINTH CAUSE OF ACTION**

16 **Unfair and Unlawful Business Practices**

17 **[Cal. Bus. & Prof. Code §§ 17200 et. seq.]**

18 **(Against all DEFENDANTS)**

19 51 PLAINTIFF incorporates herein by specific reference, as though fully set forth, the
20 allegations in paragraphs 1 through 50

21 52 Each and every one of DEFENDANTS' acts and omissions in violation of the
22 California Labor Code and/or the applicable IWC Wage Order as alleged herein, including but
23 not limited to DEFENDANTS' failure and refusal to provide required meal periods,
24 DEFENDANTS' failure and refusal to provide required rest periods, DEFENDANTS' failure and
25 refusal to pay overtime compensation, DEFENDANTS' failure and refusal to pay minimum
26 wages, DEFENDANTS' failure and refusal to pay all wages due to discharged or quitting
27 employees, DEFENDANTS' failure and refusal to furnish accurate itemized wage statements,
28 DEFENDANTS' failure and refusal to maintain required records, DEFENDANTS' failure and

1 refusal to indemnify PLAINTIFF and CLASS MEMBERS for necessary expenditures and/or
2 losses incurring in discharging their duties, constitutes an unfair and unlawful business practice
3 under California Business and Professions Code § 17200 et seq

4 53 DEFENDANTS' violations of California wage and hour laws constitute a business
5 practice because DEFENDANTS' aforementioned acts and omissions were done repeatedly over
6 a significant period of time, and in a systematic manner, to the detriment of PLAINTIFF and
7 CLASS MEMBERS.

8 54. DEFENDANTS have avoided payment of wages, overtime wages, meal periods,
9 rest periods, and other benefits as required by the California Labor Code, the California Code of
10 Regulations, and the applicable IWC Wage Order. Further, DEFENDANTS have failed to
11 record, report, and pay the correct sums of assessment to the state authorities under the California
12 Labor Code and other applicable regulations

13 55 As a result of DEFENDANTS' unfair and unlawful business practices,
14 DEFENDANTS have reaped unfair and illegal profits during the CLASS PERIOD at the expense
15 of PLAINTIFF, CLASS MEMBERS, and members of the public. DEFENDANTS should be
16 made to disgorge their ill-gotten gains and to restore them to PLAINTIFF and CLASS
17 MEMBERS

18 56 DEFENDANTS' unfair and unlawful business practices entitle PLAINTIFF and
19 CLASS MEMBERS to seek preliminary and permanent injunctive relief, including but not
20 limited to orders that DEFENDANTS account for, disgorge, and restore to PLAINTIFF and
21 CLASS MEMBERS the wages and other compensation unlawfully withheld from them.
22 PLAINTIFF and CLASS MEMBERS are entitled to restitution of all monies to be disgorged
23 from DEFENDANTS in an amount according to proof at the time of trial, but in excess of the
24 jurisdiction of this Court

25 ///

26 ///

27 ///

28 ///

TENTH CAUSE OF ACTION**Representative Action for Civil Penalties****[Cal. Labor Code §§ 2698–2699.5]****(Against All DEFENDANTS)**

57. PLAINTIFF incorporates herein by specific reference as though fully set forth the allegations in all preceding paragraphs, with exception of the allegations in paragraph 14 and the subparagraphs thereto

58. PLAINTIFF is an “aggrieved employee” within the meaning of California Labor Code § 2699(c), and a proper representative to bring a civil action on behalf of herself and other current and former employees of DEFENDANTS pursuant to the procedures specified in California Labor Code § 2699 3, because PLAINTIFF and other aggrieved employees were employed by DEFENDANTS and the alleged violations of the California Labor Code were committed against PLAINTIFF and other aggrieved employees

59 Pursuant to the California Private Attorneys General Act of 2004 (“PAGA”), Labor Code §§ 2698–2699 5, PLAINTIFF and other aggrieved employees seek to recover civil penalties, including but not limited to penalties under California Labor Code §§ 2699, 210, 226 3, 558, 1174 5, 1197 1, and IWC Wage Order No. 5-2001, § 20, from DEFENDANTS in a representative action for the violations set forth above, including but not limited to violations of California Labor Code §§ 201, 202, 203, 204, 226, 226 7, 510, 512, 1174, 1194, 1197, 1198, and 2802 PLAINTIFF and other aggrieved employees are also entitled to an award of reasonable attorneys’ fees and costs pursuant to California Labor Code § 2699(g)(1)

60 Pursuant to Labor Code § 2699 3, PLAINTIFF gave notice to the California Labor and Workforce Development Agency (“LWDA”) by filing on the website <https://dwtfaforms.net/128> on August 29, 2017, and to DEFENDANTS by certified mail, postmarked August 29, 2017, of the specific provisions of the Labor Code and applicable wage order alleged to have been violated, including the facts and theories to support the alleged violations Within sixty-five (65) calendar of the postmark date of PLAINTIFF’s notice letter, the LWDA did not provide notice to PLAINTIFFS that it intends to investigate the alleged

1 violations

2 57 Therefore, PLAINTIFF has complied with all of the requirements set forth in
3 California Labor Code § 2699.3 to commence a representative action under PAGA.

4 **PRAYER FOR RELIEF**

5 **WHEREFORE**, PLAINTIFF, individually and on behalf of all other persons similarly
6 situated, respectfully prays for relief against DEFENDANTS, and each of them, as follows:

- 7 1. For compensatory damages in an amount to be ascertained at trial;
- 8 2. For restitution of all monies due to PLAINTIFF and CLASS MEMBERS, as well
9 as disgorged profits from DEFENDANTS' unfair and unlawful business practices;
- 10 3. For meal and rest period compensation pursuant to California Labor Code § 226.7
11 and IWC Wage Order No. 5-2001;
- 12 4. For liquidated damages pursuant to California Labor Code §§ 1194.2 and 1197.1,
- 13 5. For preliminary and permanent injunctive relief enjoining DEFENDANTS from
14 violating the relevant provisions of the California Labor Code and the IWC Wage Orders, and
15 from engaging in the unlawful business practices complained of herein;
- 16 6. For waiting time penalties pursuant to California Labor Code § 203,
- 17 7. For statutory and civil penalties according to proof, including but not limited to all
18 penalties authorized by the California Labor Code §§ 226(e) and §§ 2698–2699.5;
- 19 8. For interest on the unpaid wages at 10% per annum pursuant to California Labor
20 Code §§ 218.6, 1194, 2802, California Civil Code §§ 3287, 3288, and/or any other applicable
21 provision providing for pre-judgment interest,
- 22 9. For reasonable attorneys' fees and costs pursuant to California Labor Code
23 §§ 1194, 2699, 2802, California Civil Code § 1021.5, and any other applicable provisions
24 providing for attorneys' fees and costs,
- 25 10. For declaratory relief,
- 26 11. For an order requiring and certifying the First, Second, Third, Fourth, Fifth, Sixth,
27 Seventh, Eighth, and Ninth Causes of Action as a class action,
- 28 12. For an order appointing PLAINTIFF as class representative, and PLAINTIFF's

1 counsel as class counsel, and

2 13 For such further relief that the Court may deem just and proper.

3
4 DATED November 17, 2017

Respectfully submitted,

5 MATERN LAW GROUP, PC

6
7 By: 

MATTHEW J. MATERN
MATTHEW W. GORDON
BRAUNSON C. VIRJEE
Attorneys for Plaintiff
JENNIFER WILSON, individually, and on
behalf of other persons similarly situated

8
9
10
11
12
13 **DEMAND FOR JURY TRIAL**

14 PLAINTIFF hereby demands a jury trial with respect to all issues triable of right by jury.

15
16 DATED November 17, 2017

Respectfully submitted,

17 MATERN LAW GROUP, PC

18 By: 

19
20 MATTHEW J. MATERN
MATTHEW W. GORDON
BRAUNSON C. VIRJEE
Attorneys for Plaintiff
JENNIFER WILSON, individually, and on
behalf of other persons similarly situated

SUMMONS (CITACION JUDICIAL)

NOTICE TO DEFENDANT: HOST INTERNATIONAL, INC., a Delaware
(AVISO AL DEMANDADO): corporation, HMS HOST USA, INC., a Delaware
corporation, HMS HOST FAMILY RESTAURANTS, INC., a Maryland
corporation, and DOES 1 through 50, inclusive,

YOU ARE BEING SUED BY PLAINTIFF: JENNIFER WILSON, an individual,
(LO ESTÁ DEMANDANDO EL DEMANDANTE): on behalf of herself and all
others similarly situated,

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

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

NOV 17 2017

Sherril R. Carter, Executive Officer/Clerk
By: M. Soto, Deputy
Moses Soto

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

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

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

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

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

The name and address of the court is
(El nombre y dirección de la corte es)
Superior Court of California, County of Los Angeles
111 North Hill Street
Los Angeles, California 90012

CASE NUMBER
(Número del Caso)

BC 684110

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is Matthew J. Matern
(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es)
Matern Law Group, PC

1230 Rosecrans Avenue, Suite 200, Manhattan Beach, CA 90266

(310) 531-1900

DATE
(Fecha) NOV 17 2017

SHERRI R. CARTER

Clerk, by
(Secretario)

M. Soto

Deputy
(Adjunto)

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

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

[SEAL]

NOTICE TO THE PERSON SERVED You are served

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 20 (defunct corporation)

☐ CCP 416 40 (association or partnership)

☐ other (specify)

☐ CCP 416 60 (minor)

☐ CCP 416 70 (conservatee)

☐ CCP 416 90 (authorized person)

4 ☒ by personal delivery on (date)

12/18

SUMMONS

Page 1 of 1

SUMMONS (CITACION JUDICIAL)

NOTICE TO DEFENDANT: HOST INTERNATIONAL, INC, a Delaware
(**AVISO AL DEMANDADO**): corporation, **HMS HOST USA, INC**, a Delaware
corporation, **HMS HOST FAMILY RESTAURANTS, INC**, a Maryland
corporation, and **DOES 1 through 50, inclusive**,

YOU ARE BEING SUED BY PLAINTIFF. JENNIFER WILSON, an individual,
(**LO ESTÁ DEMANDANDO EL DEMANDANTE**): on behalf of herself and all
others similarly situated,

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

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

NOV 17 2017

Sherri R. Carter, Executive Officer/Clerk
By: M. Soto, Deputy
Moses Soto

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

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

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

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

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

The name and address of the court is
(El nombre y dirección de la corte es)
Superior Court of California, County of Los Angeles
111 North Hill Street

Los Angeles, California 90012

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is Matthew J. Matern
(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es)

Matern Law Group, PC

1230 Rosecrans Avenue, Suite 200, Manhattan Beach, CA 90266

(310) 531-1900

DATE

(Fecha) NOV 17 2017

SHERRI R. CARTER

Clerk, by

(Secretario)

M. Soto

, Deputy

(Adjunto)

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

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

CASE NUMBER
(Número del Caso)

BC 684110

(SEAL)

NOTICE TO THE PERSON SERVED You are served

1 ☐ as an individual defendant

2 ☐ as the person sued under the fictitious name of (specify)

3 ☒ on behalf of (specify) **HMS Host Family Restaurants, Inc., a Maryland corporation**

under ☒ CCP 416 10 (corporation)

☐ CCP 416 20 (defunct corporation)

☐ CCP 416 40 (association or partnership)

☐ other (specify)

☐ CCP 416 60 (minor)

☐ CCP 416 70 (conservatee)

☐ CCP 416 90 (authorized person)

4 ☒ by personal delivery on (date) **11/12/17**

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name State Bar number and address) Matthew J Matern, Matthew W Gordon, Braunsen C Virjee SBN 159798; 267971, 290376 Matern Law Group, PC 1230 Rosecrans Avenue, Suite 200, Manhattan Beach, CA 90266 TELEPHONE NO (310) 531-1900 FAX NO (310) 531-1901 ATTORNEY FOR (Name) Plaintiff Jennifer Wilson		FOR COURT USE ONLY CONFORMED COPY ORIGINAL FILED Superior Court of California County of Los Angeles NOV 17 2017 Sherri R. Carter, Executive Officer/Clerk By: <u>M. Soto</u> , Deputy Moses Soto	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES STREET ADDRESS 111 North Hill Street MAILING ADDRESS 111 North Hill Street CITY AND ZIP CODE Los Angeles, 90012 BRANCH NAME Stanley Mosk Courthouse on Hill St.			
CASE NAME Jennifer Wilson v Host International, Inc , et al			
CIVIL CASE COVER SHEET <input checked="" type="checkbox"/> Unlimited (Amount demanded exceeds \$25,000)		<input type="checkbox"/> Limited (Amount demanded is \$25,000 or less)	
<input type="checkbox"/> Counter		<input type="checkbox"/> Joinder	
Filed with first appearance by defendant (Cal Rules of Court, rule 3 402)		CASE NUMBER BC 684110	
JUDGE		DEPT	

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

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

- 2 This case ☒ is ☐ is not complex under rule 3 400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management
- | | |
|---|---|
| a <input type="checkbox"/> Large number of separately represented parties | d <input checked="" type="checkbox"/> Large number of witnesses |
| b <input type="checkbox"/> Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve | e <input type="checkbox"/> Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court |
| c <input checked="" type="checkbox"/> Substantial amount of documentary evidence | f <input type="checkbox"/> Substantial postjudgment judicial supervision |

3 Remedies sought (check all that apply) a ☒ monetary b ☒ nonmonetary, declaratory or injunctive relief c ☐ punitive

4 Number of causes of action (specify) Ten (10)

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 17, 2017

Matthew J Matern

(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code) (Cal Rules of Court, rule 3 220) Failure to file may result in sanctions
- File this cover sheet in addition to any cover sheet required by local court rule
- If this case is complex under rule 3 400 et seq of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding
- Unless this is a collections case under rule 3 740 or a complex case, this cover sheet will be used for statistical purposes only

Page 1 of 2

INSTRUCTIONS ON HOW TO COMPLETE THE COVER SHEET

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

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

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

CASE TYPES AND EXAMPLES

Auto Tort

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

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

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

Non-PI/PD/WD (Other) Tort

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

Employment

Wrongful Termination (36)
Other Employment (15)

Contract

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

Real Property

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

Unlawful Detainer

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

Judicial Review

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

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

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

Enforcement of Judgment

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

Miscellaneous Civil Complaint

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

Miscellaneous Civil Petition

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

SHORT TITLE Wilson v Host International, Inc , et al

CASE NUMBER

BC 6 8 4 1 1 0

**CIVIL CASE COVER SHEET ADDENDUM AND
STATEMENT OF LOCATION
(CERTIFICATE OF GROUNDS FOR ASSIGNMENT TO COURTHOUSE LOCATION)**

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

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

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

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

Applicable Reasons for Choosing Court Filing Location (Column C)

- | | |
|--|--|
| 1 Class actions must be filed in the Stanley Mosk Courthouse, Central District | 7 Location where petitioner resides |
| 2 Permissive filing in central district | 8 Location wherein defendant/respondent functions wholly |
| 3 Location where cause of action arose | 9 Location where one or more of the parties reside |
| 4 Mandatory personal injury filing in North District | 10 Location of Labor Commissioner Office |
| 5 Location where performance required or defendant resides | 11 Mandatory filing location (Hub Cases – unlawful detainer, limited non-collection, limited collection, or personal injury) |
| 6 Location of property or permanently garaged vehicle | |

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

SHORT TITLE Wilson v Host International, Inc , et al.	CASE NUMBER
---	-------------

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

SHORT TITLE Wilson v Host International, Inc , et al

CASE NUMBER

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

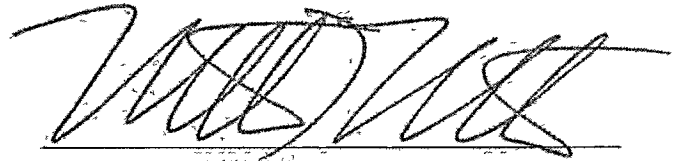
SHORT TITLE Wilson v Host International, Inc , et al.	CASE NUMBER
---	-------------

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

REASON <input checked="" type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5 <input type="checkbox"/> 6 <input type="checkbox"/> 7 <input type="checkbox"/> 8 <input type="checkbox"/> 9 <input type="checkbox"/> 10 <input type="checkbox"/> 11.			ADDRESS 201 World Way
CITY Los Angeles	STATE CA	ZIP CODE 90045	

Step 5: Certification of Assignment: I certify that this case is properly filed in the Central District of the Superior Court of California, County of Los Angeles [Code Civ. Proc., §392 et seq , and Local Rule 2 3(a)(1)(E)].

Dated 11/17/2017


 (SIGNATURE OF ATTORNEY/FILING PARTY)

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

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

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES
NOTICE OF CASE ASSIGNMENT – CLASS ACTION CASES

Case Number _____

BC 684110

THIS FORM IS TO BE SERVED WITH THE SUMMONS AND COMPLAINT

Your case is assigned for all purposes to the judicial officer indicated below (Local Rule 3.3 (c)).

	ASSIGNED JUDGE	DEPT.	ROOM
	Judge Elihu M. Berle	323	1707
X	Judge William F. Highberger	322	1702
	Judge John Shepard Wiley, Jr.	311	1408
	Judge Kenneth Freeman	310	1412
	Judge Ann Jones	308	1415
	Judge Maren E. Nelson	307	1402
	Judge Carolyn B. Kuhl	309	1409

Instructions for handling Class Action Civil Cases

The following critical provisions of the Chapter Three Rules, as applicable in the Central District, are summarized for your assistance

APPLICATION

The Chapter Three Rules were effective January 1, 1994. They apply to all general civil cases.

PRIORITY OVER OTHER RULES

The Chapter Three 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 Individual Calendaring Court 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 of filing.**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.

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 at a status conference not more than 10 days before the trial to have timely filed and served all motions in limine, bifurcation motions, statements of major evidentiary issues, dispositive motions, requested jury instructions, and special jury instructions and special jury verdicts. These matters may be heard and resolved at this conference. At least 5 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 Eight 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 the party.

This is not a complete delineation of the 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 absolutely imperative.

Given to the Plaintiff/Cross Complainant/Attorney of Record on _____ SHERRI R. CARTER, Executive Officer/Clerk

BY _____, Deputy Clerk

Superior Court of California County of Los Angeles



ALTERNATIVE DISPUTE RESOLUTION (ADR) INFORMATION PACKET

The person who files a civil lawsuit (plaintiff) must include the ADR information Packet with the complaint when serving the defendant. Cross-complainants must serve the ADR Information Packet on any new parties named to the action together with the cross-complaint

There are a number of ways to resolve civil disputes without having to sue someone. These alternatives to a lawsuit are known as alternative dispute resolution (ADR).

In ADR, trained, impartial persons decide disputes or help parties decide disputes themselves. These persons are called neutrals. For example, in mediations, the neutral is the mediator. Neutrals normally are chosen by the disputing parties or by the court. Neutrals can help resolve disputes without having to go to court.

Advantages of ADR

- Often faster than going to trial
- Often less expensive, saving the litigants court costs, attorney's fees and expert fees.
- May permit more participation, allowing parties to have more control over the outcome.
- Allows for flexibility in choice of ADR processes and resolution of the dispute.
- Fosters cooperation by allowing parties to work together with the neutral to resolve the dispute and mutually agree to remedy.
- There are fewer, if any, court appearances. Because ADR can be faster and save money, it can reduce stress.

Disadvantages of ADR - ADR may not be suitable for every dispute.

- If ADR is binding, the parties normally give up most court protections, including a decision by a judge or jury under formal rules of evidence and procedure, and review for legal error by an appellate court.
- ADR may not be effective if it takes place before the parties have sufficient information to resolve the dispute.
- The neutral may charge a fee for his or her services.
- If the dispute is not resolved through ADR, the parties may then have to face the usual and traditional costs of trial, such as attorney's fees and expert fees.

The Most Common Types of ADR

- **Mediation**

In mediation, a neutral (the mediator) assists the parties in reaching a mutually acceptable resolution of their dispute. Unlike lawsuits or some other types of ADR, the parties, rather than the mediator, decide how the dispute is to be resolved.

- **Mediation is particularly effective** when the parties have a continuing relationship, like neighbors or business people. Mediation is also very effective where personal feelings are getting in the way of a resolution. This is because mediation normally gives the parties a chance to express their feelings and find out how the other sees things.
- **Mediation may not be effective** when one party is unwilling to cooperate or compromise or when one of the parties has a significant advantage in power over the other. Therefore, it may not be a good choice if the parties have a history of abuse or victimization

- **Arbitration**

In arbitration, a neutral person called an “arbitrator” hears arguments and evidence from each side and then decides the outcome of the dispute. Arbitration is typically less formal than a trial, and the rules of evidence may be relaxed. Arbitration may be either “binding” or “non-binding.” Binding arbitration means the parties waive their right to a trial and agree to accept the arbitrator’s decision as final. Non-binding arbitration means that the parties are free to request a trial if they reject the arbitrator’s decision.

Arbitration is best for cases where the parties want another person to decide the outcome of their dispute for them but would like to avoid the formality, time, and expense of a trial. It may also be appropriate for complex matters where the parties want a decision-maker who has training or experience in the subject matter of the dispute.

- **Mandatory Settlement Conference (MSC)**

Settlement Conferences are appropriate in any case where settlement is an option.

Mandatory Settlement Conferences are ordered by the Court and are often held near the date a case is set for trial. The parties and their attorneys meet with a judge who devotes his or her time exclusively to preside over the MSC. The judge does not make a decision in the case but assists the parties in evaluating the strengths and weaknesses of the case and in negotiating a settlement.

The Los Angeles Superior Court Mandatory Settlement Conference (MSC) program is free of charge and staffed by experienced sitting civil judges who devote their time exclusively to presiding over MSCs. The judges participating in the judicial MSC program and their locations are identified in the List of Settlement Officers found on the Los Angeles Superior Court website at <http://www.lacourt.org/>. This program is available in general jurisdiction cases with represented parties from independent calendar (IC) and Central Civil West (CCW) courtrooms. In addition, on an ad hoc basis, personal injury cases may be referred to the program on the eve of trial by the personal injury master calendar courts in the Stanley Mosk Courthouse or the asbestos calendar court in CCW.

In order to access the Los Angeles Superior Court MSC Program the judge in the IC courtroom, the CCW Courtroom or the personal injury master calendar courtroom must refer the parties to the program. Further, all parties must complete the information requested in the Settlement Conference Intake Form and email the completed form to mscdept18@lacourt.org.

Additional Information

To locate a dispute resolution program or neutral in your community:

- Contact the California Department of Consumer Affairs (www.dca.ca.gov) Consumer Information Center toll free at 800-952-5210, or;
- Contact the local bar association (<http://www.lacba.org/>) or;
- Look in a telephone directory or search online for “mediators; or “arbitrators.”

There may be a charge for services provided by private arbitrators and mediators.

A list of approved State Bar Approved Mandatory Fee Arbitration programs is available at <http://calbar.ca.gov/Attorneys/MemberServices/FeeArbitration/ApprovedPrograms.aspx#19>

To request information about, or assistance with, dispute resolution, call the number listed below. Or you may call a Contract Provider agency directly. A list of current Contract Provider agencies in Los Angeles County is available at the link below.

<http://css.lacounty.gov/programs/dispute-resolution-program-drp/>

County of Los Angeles Dispute Resolution Program
3175 West 6th Street, Room 406
Los Angeles, CA 90020-1798
TEL: (213) 738-2621
FAX: (213) 386-3995

VOLUNTARY EFFICIENT LITIGATION STIPULATIONS

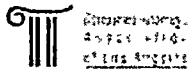


Superior Court of California
County of Los Angeles

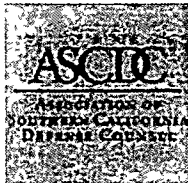


Los Angeles County
Bar Association
Litigation Section

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 E-MAIL ADDRESS (Optional) ATTORNEY FOR (Name)		FAX NO (Optional)	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES			
COURTHOUSE ADDRESS			
PLAINTIFF			
DEFENDANT			CASE NUMBER
STIPULATION – EARLY ORGANIZATIONAL MEETING			

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
-------------	-------------

discussed in the "Alternative Dispute Resolution (ADR) Information Package" served with the complaint,

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

The following parties stipulate

Date

(TYPE OR PRINT NAME)

Date

(TYPE OR PRINT NAME)

Date

(TYPE OR PRINT NAME)

Date

(TYPE OR PRINT NAME)

Date

(TYPE OR PRINT NAME)

Date

(TYPE OR PRINT NAME)

Date

(TYPE OR PRINT NAME)

>

(ATTORNEY FOR PLAINTIFF)

>

(ATTORNEY FOR DEFENDANT)

>

(ATTORNEY FOR DEFENDANT)

>

(ATTORNEY FOR DEFENDANT)

>

(ATTORNEY FOR _____)

>

(ATTORNEY FOR _____)

>

(ATTORNEY FOR _____)

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

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

The parties agree that:

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

SHORT TITLE	CASE NUMBER
-------------	-------------

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

SHORT TITLE	CASE NUMBER
-------------	-------------

The following parties stipulate:

Date:

(TYPE OR PRINT NAME)

Date

(TYPE OR PRINT NAME)

Date.

(TYPE OR PRINT NAME)

Date

(TYPE OR PRINT NAME)

Date:

(TYPE OR PRINT NAME)

Date:

(TYPE OR PRINT NAME)

Date:

(TYPE OR PRINT NAME)

➤

(ATTORNEY FOR PLAINTIFF)

➤

(ATTORNEY FOR DEFENDANT)

➤

(ATTORNEY FOR DEFENDANT)

➤

(ATTORNEY FOR DEFENDANT)

➤

(ATTORNEY FOR _____)

➤

(ATTORNEY FOR _____)

➤

(ATTORNEY FOR _____)

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

1 This document relates to

☐
☐

Request for Informal Discovery Conference

Answer to Request for Informal Discovery Conference

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

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

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

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

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

The parties agree that:

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

SHORT TITLE.	CASE NUMBER.
--------------	--------------

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

NAME, ADDRESS AND TELEPHONE NUMBER OF ATTORNEY OR PARTY WITHOUT ATTORNEY Matthew J. Matern, Matthew W. Gordon, Braunson C. Virjee Matern Law Group, PC 1230 Rosecrans Avenue, Suite 200, Manhattan Beach, CA 90266 e-mail ph (310) 531-1900 fax (310) 531-1901 ATTORNEY FOR (Name) Plaintiff Jennifer Wilson		STATE BAR NUMBER. 159798; 267971; 290376	<i>Reserved for Clerk's File Stamp</i> CONFORMED COPY ORIGINAL FILED Superior Court of California County of Los Angeles NOV 21 2017 Sherrn R. Carter, Executive Officer/Clerk By Robin Sanchez, Deputy
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES			
COURTHOUSE ADDRESS 600 South Commonwealth Avenue, Los Angeles, California 90005			
PLAINTIFF/PETITIONER Jennifer Wilson			
DEFENDANT/RESPONDENT Host International, Inc., et al.			
PEREMPTORY CHALLENGE TO JUDICIAL OFFICER (Code Civ. Proc., § 170.6)		CASE NUMBER BC684110	

Name of Judicial Officer (PRINT) Hon. William F. Highberger	Dept. Number. 322
<input checked="" type="checkbox"/> Judge <input type="checkbox"/> Commissioner <input type="checkbox"/> Referee	

I am a party (or attorney for a party) to this action or special proceeding. The judicial officer named above, before whom the trial of, or a hearing in, this case is pending, or to whom it has been assigned, is prejudiced against the party (or his or her attorney) or the interest of the party (or his or her attorney), so that declarant cannot, or believes that he or she cannot, have a fair and impartial trial or hearing before the judicial officer.


DECLARATION

I declare under penalty of perjury, under the laws of the State of California, that the information entered on this form is true and correct.

Filed on behalf of Jennifer Wilson
Name of Party

☒ Plaintiff/Petitioner
 ☐ Cross Complainant
☐ Defendant/Respondent
 ☐ Cross Defendant
☐ Other

Dated November 21, 2017


Signature of Declarant

Matthew J. Matern
Printed Name

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

DATE 12/14/17

DEPT. 322

HONORABLE William F. Highberger

JUDGE

M. FREGOSO

DEPUTY CLERK

HONORABLE

JUDGE PRO TEM

ELECTRONIC RECORDING MONITOR

NONE

Deputy Sheriff

NONE

Reporter

BC684110

Plaintiff

Counsel

JENNIFER WILSON

NO APPEARANCES

VS

Defendant

HOST INTERNATIONAL INC ET AL

Counsel

170.6/HIGHBERGER BY PLTFF

NATURE OF PROCEEDINGS:

A peremptory Challenge under Section 170.6 of the Code of Civil Procedure was filed against Judge William F. Highberger by Plaintiff on November 21, 2017.

The Court finds that it was timely filed, in proper format and is accepted.

At the direction of the Supervising Judge of Civil, Hon. Debre K. Weintraub, the case is reassigned for all purposes to Judge Elihu Berle in Department 323, located in the Central Civil West Courthouse.

Counsel for plaintiff shall give notice.

CLERK'S CERTIFICATE OF MAILING

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

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

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

DATE 12/14/17

DEPT. 322

HONORABLE William F. Highberger

JUDGE

M. FREGOSO

DEPUTY CLERK

HONORABLE

JUDGE PRO TEM

ELECTRONIC RECORDING MONITOR

NONE

Deputy Sheriff

NONE

Reporter

BC684110

Plaintiff

Counsel

JENNIFER WILSON

NO APPEARANCES

VS

Defendant

HOST INTERNATIONAL INC ET AL

Counsel

170.6/HIGHBERGER BY PLTFF

NATURE OF PROCEEDINGS:

herein in a separate sealed envelope to each address
as shown below with the postage thereon fully prepaid,
in accordance with standard court practices.

Dated: 12/14/17

Sherri R. Carter, Executive Officer/Clerk

By: _____

M. FREGOSO

MATHEW J. MATERN, ESQ.

MATERN LAW GROUP, PC

1230 ROSECRANS AVENUE, SUITE 200

MANHATTAN BEACH, CA 90266

SUPERIOR COURT OF CALIFORNIA COUNTY OF LOS ANGELES		Reserved for Clerk's Stamp ORIGINAL FILED Superior Court of California County of Los Angeles DEC 20 2017 Sherri R. Carter, Executive Officer/Clerk By Veronica Hillard, Deputy
COURT ADDRESS: 600 S Commonwealth Avenue, Los Angeles, California 90005		
PLAINTIFF Jennifer Wilson		
DEFENDANT Host International, Inc , et al.		
CIVIL DEPOSIT		CASE NUMBER BC684110

CLERK PREPARE A FORM FOR EACH DEPOSITOR PAYING SEPARATELY

PLEASE REPORT TO THE CLERK'S OFFICE/CASHIER

☒ Room 102, Central Civil ☐ Clerk's Office , Room _____ ☐ Department Number _____

Distribution Codes		Amt Due	Distribution Codes		Amt Due
<input type="checkbox"/>	251 DAILY JURY FEES Dates _____ # of day(s) _____ x\$ _____		<input type="checkbox"/>	74 DEPOSIT IN TRUST	
<input checked="" type="checkbox"/>	72 JURY FEES Trial Date _____ (Initial Deposit) \$150 00	150 00	<input type="checkbox"/>	101 FIRST PAPERS- GENERAL JURISDICTION	
<input type="checkbox"/>	252 REPORTERS' FEES Dates _____ # of 1/2 day(s) _____ x\$ _____ Full Day _____		<input type="checkbox"/>	101 FIRST PAPERS-LIMITED OVER \$10,000	
<input type="checkbox"/>	721 SANCTIONS ORDERED ON Date _____		<input type="checkbox"/>	141 With declaration Limited to \$10,000 (per B&P 6322 1(a))	
<input type="checkbox"/>	213 MOTIONS/APPLICATION TO CONT HEARING		<input type="checkbox"/>	130 Limited to \$10,000	
<input type="checkbox"/>	200 MOTIONS/APPLICATION TO CONT TRIAL		<input type="checkbox"/>	211 RECLASSIFICATION FEE	
<input type="checkbox"/>	Other _____		<input type="checkbox"/>	150 COMPLEX LITIGATION TRIAL/PLAINTIFF	
<input type="checkbox"/>			<input type="checkbox"/>	151 COMPLEX LITIGATION TRIAL/DEFENDANT	

To be paid via ☐ Cash ☒ Check ☐ Certified Check/Money Order ☐ Credit Card☐ On or Before _____ ☒ ForthwithPayment will be made by ☒ Plaintiff Jennifer Wilson ☐ Defendant _____DATE **DEC 20 2017**
 SHERRI R. CARTER
 BY VERONICA HILLARD
 Deputy Clerk

TO BE COMPLETED BY DEPOSITOR

CASHIER'S VALIDATION

Depositor's Name Matern Law Group, PC☐ Plaintiff in Pro Per ☐ Defendant in Pro Per☒ Counsel for ☒ Plaintiff Jennifer Wilson
Name of Party☐ Defendant _____
Name of PartyAddress of depositor 1230 Rosecrans Avenue Suite 200
Manhattan Beach California 90266

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

DATE 01/02/18

DEPT. 323

HONORABLE ELIHU M. BERLE

JUDGE

K. JAMESON

DEPUTY CLERK

HONORABLE

JUDGE PRO TEM

ELECTRONIC RECORDING MONITOR

NONE

Deputy Sheriff

NONE

Reporter

11:45 am BC684110

Plaintiff

Counsel

JENNIFER WILSON

NO APPEARANCES

VS

Defendant

HOST INTERNATIONAL INC ET AL

Counsel

170.6/HIGHBERGER BY PLTFF

NATURE OF PROCEEDINGS:**COURT ORDER REGARDING NEWLY FILED CLASS ACTION**

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 randomly assigned this case to this department for all purposes.

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 March 1, 2018, at 2:15 p.m. in Department 323. At least 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. The Initial Status Conference 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 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

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

DATE. 01/02/18

DEPT. 323

HONORABLE ELIHU M. BERLE

JUDGE

K. JAMESON

DEPUTY CLERK

HONORABLE

JUDGE PRO TEM

ELECTRONIC RECORDING MONITOR

NONE

Deputy Sheriff

NONE

Reporter

11:45 am

BC684110

Plaintiff

Counsel

JENNIFER WILSON

NO APPEARANCES

VS

Defendant

HOST INTERNATIONAL INC ET AL

Counsel

170.6/HIGHBERGER BY PLTF

NATURE OF PROCEEDINGS:

Prejudice pursuant to Code of Civil Procedure Section 170.6.

Counsel are directed to access the following link for information on procedures in the Complex Litigation Program courtrooms:

<http://www.lacourt.org/division/civil/CI0037.aspx>

According to Government Code Section 70616 subdivisions (a) and (b), each party shall pay a fee of \$1,000.00 to the Los Angeles Superior Court within 10 calendar days from this date.

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 days of service.

CLERK'S CERTIFICATE OF MAILING

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 Initial Status Conference Order and Minute Order dated 01-02-18 upon each party or counsel named below by placing the document for collection and mailing so as to

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

DATE 01/02/18

DEPT. 323

HONORABLE ELIHU M. BERLE

JUDGE

K. JAMESON

DEPUTY CLERK

HONORABLE

JUDGE PRO TEM

ELECTRONIC RECORDING MONITOR

NONE

Deputy Sheriff

NONE

Reporter

11:45 am

BC684110

Plaintiff

Counsel

JENNIFER WILSON

NO APPEARANCES

VS

Defendant

HOST INTERNATIONAL INC ET AL

Counsel

170.6/HIGHBERGER BY PLTFF

NATURE OF PROCEEDINGS:

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.

Dated: January 2, 2018

Sherri R. Carter, Executive Officer/Clerk

By: _____

KELLY JAMESON, JUDICIAL ASSISTANT

Matthew J. Matern
MATERN LAW GROUP, PC
1230 Rosecrans Ave., Suite 200
Manhattan Beach, CA 90266

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

JAN 02 2018

Sherri R. Carter, Executive Officer/Clerk

By Kelly Jameson, Deputy

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

JENNIFER WILSON, an individual, on behalf of
herself and all others similarly situated,

Plaintiff(s),

vs.

HOST INTERNATIONAL, INC., a Delaware
corporation; HMS HOST USA, INC., a Delaware
corporation; HMS HOST FAMILY
RESTAURANTS, INC, a Maryland corporation,
and DOES 1 through 50, inclusive,

Defendant(s).

Case No.: BC684110

**INITIAL STATUS CONFERENCE
ORDER
(COMPLEX LITIGATION
PROGRAM—CLASS ACTIONS)**

Case Assigned for All purposes to
Judge Elihu M. Berle

Department 323

Date: March 1, 2018

Time: 2 15 p.m.

This case has been assigned for all purposes to Judge Elihu M. Berle in the
Complex Litigation Program. An Initial Status Conference is set for March 1, 2018, at
2:15 p.m. in Department 323 located in the Central Civil West Courthouse at 600 South
Commonwealth Avenue, Los Angeles, California 90005. Counsel for all parties are
ordered to attend.

Plaintiff's counsel is directed to serve a copy of this Initial Status Conference Order
on all parties, within five (5) days of service of this order. If any defendant has not yet
been served in this action, service is to be completed within twenty (20) days of the date of
this order.

1 The Court orders counsel to prepare for the Initial Status Conference by identifying
2 and discussing the central legal and factual issues in the case. Counsel for plaintiff is
3 ordered to initiate contact with counsel for defense to begin this process. Counsel then
4 must negotiate and agree, as possible, on a case management plan.

5 Counsel must file a Joint Initial Status Statement five (5) court days before the
6 Initial Status Conference. The Joint Response Statement must be filed on line-numbered
7 pleading paper and must specifically answer each of the below numbered items. Do not
8 use the Judicial Council Form CM-110 (Case Management Statement).

- 9 **1. PARTIES AND COUNSEL:** Please list all presently-named Plaintiff class
10 representatives and presently-named defendants, together with all counsel of
11 record, including counsel's contact and email information.
- 12 **2. ELECTRONIC SERVICE OF PAPERS:** For efficiency, the complex
13 program requires the parties in every new case to use a third party cloud service,
14 such as:
- 15 ■ Case Anywhere (www.caseanywhere.com),
 - 16 ■ CaseHomePage (www.casehomepage.com), or
 - 17 ■ File&ServeXpress (www.lexisnexis.com/fileandserve).

18 The parties are to select one of these vendors and submit the parties' choice
19 when filing the Joint Initial Status Conference Class Action Response Statement.
20 If the parties cannot agree, the court will select the vendor at the Initial Status
21 Conference. Electronic service is not the same as electronic filing. Only
22 traditional methods of filing by physical delivery of original papers or by fax
23 filing are presently acceptable.

- 24 **3. CLAIMS AND DEFENSES:** Set forth a brief description of the core factual
25 and legal issues, derived from Plaintiff's claims and defendant's defenses.

- 26 **4. POTENTIAL ADDITIONAL PARTIES:** Does any plaintiff presently
27 intend to add more class representatives? If so, and if known, by what date and by what
28

1 name? Does any plaintiff presently intend to name more defendants? If so, and if known,
2 by what date and by what name? Does any appearing defendant presently intend to file a
3 cross-complaint? If so, who will be named?

4 **5. IMPROPERLY NAMED DEFENDANT(S):** Does any party contend that
5 the complaint names the wrong person or entity, please explain.

6 **6. ADEQUACY OF PROPOSED CLASS REPRESENTATIVE(S):** Does
7 any party contend one or more named plaintiffs might not be an adequate class
8 representative. If so, please explain.

9 **7. ESTIMATED CLASS SIZE:** What is the estimated size of the putative
10 class?

11 **8. OTHER ACTIONS WITH OVERLAPPING CLASS DEFINITIONS:**
12 Are there other cases with overlapping class definitions? If so, please identify the court, the
13 short caption title, the docket number, and the case status.

14 **9. ARBITRATION AND/OR CLASS ACTION WAIVER CLAUSES:**
15 Does any party contend there is an arbitration and/or class action waiver. If so, please
16 discuss.

17 **10. POTENTIAL EARLY CRUCIAL MOTIONS:** Are there any issues that
18 can be identified and resolved early. If so, please identify and set forth proposed vehicles
19 for resolution.

20 **PLEASE NOTE:** By stipulation a party may move for summary adjudication
21 of a legal issues or a claim for damages that does not completely dispose of a cause of
22 action, an affirmative defense, or an issue of duty. (C.C.P. § 437c(t)).

23 **11. PROTECTIVE ORDERS:** Parties considering an order to protect
24 confidential information from general disclosure should begin with the model protective
25 orders found on the Los Angeles Superior Court Website under "Civil Tools for
26 Litigators."

27 **12. DISCOVERY:** Counsel are to discuss a plan of discovery. Prior to
28

1 certification, the court generally allows discovery on matters relevant to class certification,
2 which depending on circumstances, sometimes may include some factual issues also
3 touching the merits.

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

7 **14. ALTERNATIVE DISPUTE RESOLUTION:** Counsel are requested to
8 discuss ADR and proposed neutrals to conduct such proceedings.

9 **15. TIMELINE FOR CASE MANAGEMENT:** Counsel to propose future
10 dates for:

- 11 ■ The next status conference,
- 12 ■ A schedule for alternative dispute resolution,
- 13 ■ A filing deadline for the motion for class certification, and
- 14 ■ Filing deadlines and descriptions for other anticipated non-discovery motions.

15 **PENDING FURTHER ORDERS OF THIS COURT**, and except as otherwise
16 provided in this Initial Status Conference Order, *these proceedings are stayed, except for*
17 *service of summons and complaint and filing of Notice of Appearance.* This stay shall
18 preclude the filing of any answer, demurrer, motion to strike, or motions challenging the
19 jurisdiction of the Court. Any defendant may file a Notice of Appearance for purposes of
20 identification of counsel and preparation of a service list. The filing such a Notice of
21 Appearance shall be without prejudice to any challenge to the jurisdiction of the Court,
22 substantive or procedural challenges to the Complaint, any affirmative defense, and the
23 filing of any cross-complaint in this action. This stay is issued to assist the Court and the
24 parties in managing this “complex” case. Although the stay applied to discovery, this stay
25 shall not preclude the parties from informally exchanging documents that may assist in
26
27
28

1 their initial evaluation of the issues presented in this case.
2
3
4

5 Dated:

1/2/18

ELIHU M. BERLE

HON. ELIHU M. BERLE
JUDGE OF THE SUPERIOR COURT

NOTICE SENT TO:

Matern, Matthew J., Esq.
 Matern Law Group
 1230 ROSECRANS AVE., SUITE 200
 MANHATTAN BEACH CA 90266

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

JAN 05 2018

Sherri R. Carter, Executive Officer/Clerk
 By _____, Deputy

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

JENNIFER WILSON

Plaintiff(s),

VS.

HOST INTERNATIONAL INC ET AL

Defendant(s).

CASE NUMBER

BC684110

NOTICE RE: CONTINUANCE
 OF HEARING

TO THE PLAINTIFF(S) AND ATTORNEY(S) OF RECORD and/or PARTIES IN PRO PER:

You are hereby notified that the Initial Status Conference previously set for hearing on March 1, 2018 in Dept. 323 - Central Civil West has been reset for hearing on March 20, 2018 at 2:30 pm in the same Department located at the Central Civil West Courthouse, 600 S. Commonwealth Avenue, Los Angeles California 90005.

You are ordered to give notice of the new hearing date by mail or by electronic service if the Court has issued an Order Authorizing Electronic Service. Notice is to be served on all parties and Proof of Service is to be filed, forthwith, in the assigned courtroom. Notwithstanding any Court order requiring electronic service of all documents, the original documents must be filed with the Court.

CERTIFICATE OF MAILING

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 Notice Re: Continuance of Hearing upon each party or counsel named above 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.

Date: January 8, 2018

Sherri R. Carter, EXECUTIVE OFFICER/CLERK

By M. Molnar, Deputy Clerk

EXHIBIT B

COPY

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

FEB 01 2018

Sherri R. Carter, Executive Officer/Clerk
By: Maria Aguirre, Deputy

Margaret Rosenthal, SBN 147501
Shareef S. Farag, SBN 251650
Vartan S. Madoyan, SBN 279015
Nicholas D. Poper, SBN 293900
BAKER & HOSTETLER LLP
11601 Wilshire Boulevard, Suite 1400
Los Angeles, CA 90025-0509
Telephone: 310.820.8800
Facsimile: 310.820.8859
Email: mrosenthal@bakerlaw.com
sfarag@bakerlaw.com
vmadoyan@bakerlaw.com
npoper@bakerlaw.com

Attorneys for HOST INTERNATIONAL, INC.; HMS
HOST USA, INC.; HMS HOST FAMILY
RESTAURANTS, INC.

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

JENNIFER WILSON, individually and on
behalf of all others similarly situated,

Plaintiff,

v.

HOST INTERNATIONAL, INC., a
Delaware corporation; HMS HOST, USA,
INC., a Delaware corporation; HMS HOST
FAMILY RESTAURANTS, INC., a
Maryland corporation; and DOES 1 through
50, inclusive,

Defendants.

Case No.: BC684110

**ANSWER TO PLAINTIFF'S UNVERIFIED
CLASS-ACTION COMPLAINT**

Action Filed: November 17, 2017

HOST INTERNATIONAL, INC. ("Host"); HMS HOST USA, INC.; and HMS HOST
FAMILY RESTAURANTS, INC. (together, "Defendants") answer the unverified class-action
complaint ("Complaint") of Jennifer Wilson ("Plaintiff") as follows:

GENERAL DENIAL

By virtue of the provisions of Section 431.30(d) of the California Code of Civil
Procedure, Defendants deny each and every allegation contained in the Complaint and further
deny that Plaintiff, any putative class members, and/or any allegedly aggrieved employees have
been damaged or injured in the amount or manner alleged, or at all. Defendants also deny that

1 they are liable to Plaintiff, any putative class members, and/or any allegedly aggrieved employees
2 in any amount or manner whatsoever.

3 **AFFIRMATIVE DEFENSES**

4 Defendants assert and allege each of the following affirmative defenses set forth below.

5 **FIRST AFFIRMATIVE DEFENSE**

6 **(Failure to State a Claim)**

7 1. Each purported cause of action in the Complaint fails to include facts sufficient to
8 state a cause of action upon which relief may be granted.

9 **SECOND AFFIRMATIVE DEFENSE**

10 **(Not a Proper Class Action)**

11 2. Any recovery on the class allegations of the Complaint is barred because Plaintiff
12 has failed to identify a proper and ascertainable class of plaintiffs. Additionally, Plaintiff is not
13 an adequate representative of any putative class of plaintiffs; her claims are not typical; common
14 questions of law or fact affecting the individual members of the class do not predominate; and/or
15 a class action is neither manageable nor superior.

16 **THIRD AFFIRMATIVE DEFENSE**

17 **(Release)**

18 3. Each purported cause of action in the Complaint is barred, in whole or in part, to
19 the extent it has been released by Plaintiff, any putative class members, and/or any allegedly
20 aggrieved employees. By way of a specific example, all claims asserted in the Complaint that
21 arose before March 19, 2014 are barred as a result of Host's global settlement of ten separate
22 class action lawsuits, which was preliminarily approved on March 19, 2014.

23 **FOURTH AFFIRMATIVE DEFENSE**

24 **(Consent)**

25 4. Each purported cause of action in the Complaint is barred, in whole or in part,
26 because Plaintiff, putative class members, and/or the allegedly aggrieved employees consented to
27 the alleged improper conduct.
28

FIFTH AFFIRMATIVE DEFENSE**(Offset)**

5. Defendants are entitled to setoff against any amount awarded to Plaintiff, any putative class members, and/or any allegedly aggrieved employees in this action for: (1) all overpayments of compensation, if any, to each of them; (2) other sums that each of them received during the course of their respective employment with Host to which they were not entitled, if any; and (3) all other amounts that may lawfully be deducted from any amount awarded to Plaintiff, any putative class members, and/or any allegedly aggrieved employees.

SIXTH AFFIRMATIVE DEFENSE**(Statute of Limitations)**

6. Each purported cause of action alleged in the Complaint is barred, in whole or in part, by the applicable limitations periods provided by law, including, but not limited to, those set forth in California Code of Civil Procedure §§ 338 and/or 340 and in California Business and Professions Code § 17208

SEVENTH AFFIRMATIVE DEFENSE**(Laches)**

7. Each purported cause of action alleged in the Complaint is barred, in whole or in part, by the equitable doctrine of laches inasmuch as Plaintiff has inexcusably and unreasonably delayed the filing of this action causing prejudice to Defendants.

EIGHTH AFFIRMATIVE DEFENSE**(Limitation on Damages)**

8. Although Defendants deny that Plaintiff, any putative class members, and/or any allegedly aggrieved employees are entitled to any recovery under the Sixth Cause of Action in the Complaint, to the extent recovery is awarded, such recovery is limited to statutory penalties of \$50 per violation.

NINTH AFFIRMATIVE DEFENSE**(Waiver and Estoppel As to All Causes of Action)**

9. Plaintiff, by her own actions, has waived, in whole or in part, each purported cause of action alleged in the Complaint and is now estopped from bringing such causes of action.

TENTH AFFIRMATIVE DEFENSE**(Waiver of Meal Periods and Rest Periods)**

10. The meal and rest period claims in the Complaint are barred, in whole or in part, to the extent that Plaintiff, any putative class members, and/or any allegedly aggrieved employees waived their entitlement to meal and rest periods, or voluntarily chose to skip or take short or late meal and rest periods.

ELEVENTH AFFIRMATIVE DEFENSE**(Doctrine of Avoidable Consequences)**

11. Any potential recovery by Plaintiff, any putative class members, and/or any allegedly aggrieved employees is barred or, at a minimum, limited by the doctrine of avoidable consequences.

TWELFTH AFFIRMATIVE DEFENSE**(No Violation)**

12. The purported cause of action alleged in the Complaint for violations of Labor Code § 226 is barred, in whole or in part, because the wage statements Plaintiff, any putative class members, and/or any allegedly aggrieved employees received included sufficient information to calculate the number of total hours worked, the number of overtime hours worked, and the applicable rates of pay, as well as any other information required by California law, using simple arithmetic. In addition, Plaintiff, any putative class members, and/or any allegedly aggrieved employees received legally compliant wage statements that accurately identified the name and address of the employees' legal employer, which is/was Host International, Inc.

THIRTEENTH AFFIRMATIVE DEFENSE**(De Minimis)**

13. The claims of Plaintiff, any putative class members, and/or any allegedly aggrieved employees, including but not limited to any off-the-clock allegations, fail in whole or in part under the *de minimis* doctrine. In addition, the damages (if any) associated with such claims are too speculative to be permitted.

FOURTEENTH AFFIRMATIVE DEFENSE**(Due Process)**

14. Plaintiff, any putative class members, and/or any allegedly aggrieved employees are precluded from recovering penalties from Defendants to the extent such remedies would violate Defendants' due process under the California and United States Constitutions.

FIFTEENTH AFFIRMATIVE DEFENSE**(Good Faith Dispute)**

15. The purported Fifth Cause of Action in the Complaint, and any claims derivative of the Fifth Cause of Action, are barred because at all relevant times in this matter Defendants had a good-faith belief that Plaintiff, any putative class members, and/or any allegedly aggrieved employees were properly paid all wages legally owed and therefore dispute any allegation that wages are owed and unpaid.

SIXTEENTH AFFIRMATIVE DEFENSE**(Duplicative Recovery)**

16. Recovery of penalties under the Fifth, Sixth, Seventh, and Tenth Causes of Action in the Complaint are barred, in whole or in part, to the extent they are derivative of other allegations contained in the Complaint and would lead to impermissible, duplicative recovery.

SEVENTEENTH AFFIRMATIVE DEFENSE**(Improper Joinder)**

17. Defendants HMS Host USA, Inc. and HMS Host Family Restaurants, Inc. never employed Plaintiff, any putative class members, and/or any allegedly aggrieved employees during

1 the relevant time period. Accordingly, Plaintiff has improperly joined HMS Host USA, Inc. and
2 HMS Host Family Restaurants, Inc. as a party to this action.

3 **EIGHTEENTH AFFIRMATIVE DEFENSE**

4 **(LMRA Preemption and/or Failure to Exhaust Remedies)**

5 18. Each purported cause of action in the Complaint is barred, in whole or in part,
6 because it is preempted by Section 301 of the Labor Management Relations Act ("LMRA")
7 and/or because Plaintiff failed to exhaust remedies set forth in the applicable collective bargaining
8 agreement(s) ("CBA") that covered her employment with Host.

9 **NINETEENTH AFFIRMATIVE DEFENSE**

10 **(Failure to Exhaust Administrative Remedies)**

11 19. The purported causes of action in the Complaint are barred to the extent Plaintiff,
12 the putative class members, and/or the allegedly aggrieved employees failed to satisfy the notice
13 and exhaustion requirements under the Private Attorneys General Act ("PAGA"), and to the
14 extent that they otherwise have failed to exhaust administrative remedies.

15 **TWENTIETH AFFIRMATIVE DEFENSE**

16 **(Failure to Satisfy Requirements of Representative Claim)**

17 20. Plaintiff has failed to plead adequately the elements which are necessary to
18 maintain a representative claim under PAGA because all allegedly "aggrieved employees" who
19 are purportedly represented by Plaintiff are not similarly situated to each other or to Plaintiff.

20 **TWENTY-FIRST AFFIRMATIVE DEFENSE**

21 **(PAGA Failure to Provide Notification)**

22 21. The PAGA cause of action contained in the Complaint is barred because Plaintiff
23 failed to provide the Labor Workforce Development Agency, and fails to provide in the
24 Complaint, the names of allegedly "aggrieved employees" on whose behalf he seeks penalties
25 under PAGA.

TWENTY-SECOND AFFIRMATIVE DEFENSE**(No Penalties Beyond “Initial” Violation)**

22. The PAGA cause of action contained in the Complaint is barred to the extent Plaintiff, the putative class members, and/or the allegedly aggrieved employees seek penalties beyond the “initial” violation as described in California Labor Code § 2699(f)(2).

TWENTY-THIRD AFFIRMATIVE DEFENSE**(Not “Aggrieved” Employees)**

23. The PAGA cause of action contained in the Complaint is barred to the extent Plaintiff, the putative class members, and/or the allegedly aggrieved employees seek penalties on behalf of individuals who are not “aggrieved employees.”

TWENTY-FOURTH AFFIRMATIVE DEFENSE**(Excessive Fines)**

24. The PAGA cause of action contained in the Complaint is barred because an award of civil penalties under PAGA would result in the imposition of excessive fines in violation of the Eighth Amendment to the United States Constitution and Article I, Section 7 of the California Constitution.

TWENTY-FIFTH AFFIRMATIVE DEFENSE**(Reservation of Future Defenses)**

25. Defendants reserve the right to amend this pleading to include further affirmative defenses.

///

///

///

///

///

///

///

///

1 WHEREFORE, Defendants pray for judgment against Plaintiff as follows:

2 (a) For an Order dismissing Plaintiff's claims with prejudice, and entering judgment
3 in favor of Defendants;

4 (b) For all reasonable costs and attorneys' fees incurred by Defendants in connection
5 with the defense of this matter as available under the law; and

6 (c) For such other relief as the Court deems just and proper.
7

8 Dated: February 1, 2018

Respectfully submitted,

9
10 BAKER & HOSTETLER LLP

11 By: 

Margaret Rosenthal
Shareef S. Farag
Vartan S. Madoyan
Nicholas Poper

12
13
14 Attorneys for Defendants
15
16
17
18
19
20
21
22
23
24
25
26
27
28

BAKER & HOSTETLER LLP
ATTORNEYS AT LAW
LOS ANGELES

1 **PROOF OF SERVICE**

2 I, Shirley Suzuki, declare:

3 I am a citizen of the United States and employed in Los Angeles County, California. I am
 4 over the age of eighteen years and not a party to the within-entitled action. My business address
 5 is 11601 Wilshire Boulevard, Suite 1400, Los Angeles, California 90025-7120. On **February 1,**
2018, I served a copy of the within document(s): **ANSWER TO PLAINTIFF'S UNVERIFIED**
CLASS-ACTION COMPLAINT

6 ☒ by placing the document(s) listed above in a sealed envelope with postage thereon fully
 7 prepaid, the United States mail at Los Angeles, California addressed as set forth below. I
 8 am readily familiar with the firm's practice of collection and processing correspondence
 9 for mailing. Under that practice it would be deposited with the U.S. Postal Service on that
 10 same day with postage thereon fully prepaid in the ordinary course of business. I am
 11 aware that on motion of the party served, service is presumed invalid if postal cancellation
 12 date or postage meter date is more than one day after date of deposit for mailing in
 13 affidavit.

14 ☐ by placing the document(s) listed above in a sealed envelope and affixing a pre-paid air
 15 bill in the care and custody of **Golden State Overnight**, and causing the envelope to be
 16 delivered to a **Golden State Overnight** agent for delivery on the next business day.

17 ☐ by placing document(s) listed above in the care and custody of Ace Attorney Services for
 18 personal delivery to the person(s) at the address(es) set forth below. Proof of service to be
 19 filed after completion of service.

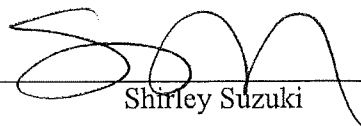
20 ☐ by transmitting via e-mail or electronic transmission the document(s) listed above to the
 21 person(s) at the e-mail address(es) set forth below.

22 Matthew J. Matern
 23 Matthew W. Gordon
 24 Brauson C. Virjee
MATERN LAW GROUP, PC
 1230 Rosecrans Avenue., Suite 200
 Manhattan Beach, CA 90266
 Telephone: (310) 531-1900
 Facsimile: (310) 531-1901

Attorneys for Plaintiff
Jennifer Wilson

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

27 Executed on **February 1, 2018** at Los Angeles, California.

28 
 Shirley Suzuki

BAKER & HOSTETLER LLP
 ATTORNEYS AT LAW
 LOS ANGELES

ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: [Wage and Hour Case Against Host International Removed to California Federal Court](#)
