

Downtown L.A. Law Group
3460 Wilshire Blvd., ST. #950
Los Angeles, CA 90010

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FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF RIVERSIDE

OCT 26 2018

D. Williams

JG
OCT 29 2018
R

7 Attorneys for Plaintiff,
8 GLADYS GRAHAM, a minor, By and through her G.A.L., TRINY GRAHAM

9 **SUPERIOR COURT OF CALIFORNIA**
10 **FOR THE COUNTY OF RIVERSIDE**

11
12 GLADYS GRAHAM, a minor, by and through
13 her Guardian Ad Litem, TRINY GRAHAM,

14 Plaintiffs,

15 v.

16 HEMET UNIFIED SCHOOL DISTRICT;
17 THE CITY OF HEMET; THE COUNTY OF
18 RIVERSIDE; STATE OF CALIFORNIA
19 DEPARTMENT OF EDUCATION; and
DOES 1-25, inclusive,

20 Defendants.
21
22

Case No.: **RIC 18 2225 2 -**

Rm Fry

(UNLIMITED CIVIL ACTION)
(DEMAND EXCEEDS \$25,000)

COMPLAINT FOR DAMAGES

1. **ASSAULT AND BATTERY**
2. **INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**
3. **NEGLIGENT HIRING, SUPERVISION AND RETENTION**

[JURY DEMANDED]

23 COMES NOW, Plaintiff, GLADYS GRAHAM, a minor, by and through her
24 Guardian Ad Litem, TRINY GRAHAM (hereinafter referred to "Plaintiff"), and alleges
25 against Defendants, and each of them, as follows:

- 26 1. At all times relevant herein, Plaintiff, was a resident of the County of
27 Riverside, State of California.
28

1 2. Plaintiff is informed and believes, and based upon such information and
2 belief alleges that at all times relevant hereto HEMET UNIFIED SCHOOL DISTRICT,
3 THE CITY OF HEMET, THE COUNTY OF RIVERSIDE, THE STATE OF
4 CALIFORNIA DEPARTMENT OF EDUCATION, and DOES 1-25 (hereinafter referred to
5 as "Defendants") are, and at all times herein mentioned, where government entities,
6 individuals, corporations, sole proprietors, shareholders, associations, partners and
7 partnerships, joint venturers, and/or business entities unknown, primarily residing and doing
8 business in the county of Riverside, State of California. At all times herein mentioned, said
9 Defendants were the easement holders, owners, lessors, sub-lessors, managing agents,
10 landlords, renters, managers, operators, marketers, inspectors, maintainers and controllers,
11 of Hemet High School, located at or near 41701 East Stetson Ave., East Hemet, CA 92544
12 (hereinafter referred to as "THE SUBJECT PREMISES"), which real property available for
13 travel by the general public.

14 3. Defendants DOES 1-25, inclusive, are sued herein under fictitious names,
15 their true names and capacities being unknown to Plaintiff. Plaintiff will amend this
16 complaint to allege their true names and capacities when ascertained. Plaintiff is informed
17 and believes and thereon alleges that each of the fictitiously named Defendants are
18 responsible in some manner for the occurrences herein alleged, and that Plaintiff's damages
19 as herein alleged were proximately caused by those Defendants.

20 4. At all times herein mentioned, each of the Defendants were the agents,
21 servants, and employees of their co-defendants, and in doing the things hereinafter alleged
22 were acting in the scope of their authority as agents, servants, and employees, and with
23 permission and consent of their co-defendants. Plaintiff is further informed and believes,
24 and thereon alleges, that each of the Defendants herein gave consent to, ratified, and
25 authorized the acts alleged herein to each of the remaining Defendants.

26 **GENERAL ALLEGATIONS**

27 5. On or about November 9, 2017, Plaintiff was at THE SUBJECT PREMISES.
28 At approximately 12:00 p.m. on the afternoon of November 9, 2017, Plaintiff approached

1 another student who had been bullying her for the prior two (2) months. Plaintiff had
2 reported the bully via the proper channels, yet no action had been taken by Defendants to
3 deter the abusive behavior. Thus, Plaintiff was forced to confront her tormentor and attempt
4 to deal with the harassment herself. Due to Defendants' inaction, Plaintiff was left with no
5 choice but to confront the man who had been bullying her for months.

6 6. After Plaintiff engaged in a verbal confrontation, the students were
7 approached by an employee of the school who stood in between the arguing teenagers for
8 approximately twenty (20) seconds.

9 7. Immediately thereafter, another employee of Defendants', likely a supervisor
10 or security guard, grabbed Plaintiff by the chest, underneath her breasts, lifted her off the
11 ground multiple times and correspondingly slammed her back down. Plaintiff was then
12 forcefully removed from THE SUBJECT PREMISES.

13 8. As a result of the foregoing events, Plaintiff has suffered significant physical,
14 emotional, and financial injury and will continue to suffer from such injuries in the future.

15 **EXHAUSTION OF ADMINISTRATIVE REMEDIES**

16 9. "Pursuant to the Government Code, any party with a claim against a public
17 entity must first present the claim to the entity; only if the governmental claim is denied or
18 rejected may the claimant then institute civil litigation. (Gov. Code §954.4.)"

19 10. On or about May 23, 2018 Plaintiff filed a Government Tort Claim against
20 Defendant, and was rejected on August 9, 2018 by an authorized agent of THE STATE OF
21 CALIFORNIA DEPARTMENT OF EDUCATION. (See Exhibit A).

22 11. On or about May 10, 2018 Plaintiff filed a Government Tort Claim against
23 Defendant, and was rejected on June 7, 2018 by an authorized agent of THE COUNTY OF
24 RIVERSIDE. (See Exhibit B).

25 12. On or about May 10, 2018 Plaintiff filed a Government Tort Claim against
26 Defendant, and was rejected on May 15, 2018 by an authorized agent of THE CITY OF
27 HEMET. (See Exhibit C).

28 13. On or about May 10, 2018 Plaintiff filed a Government Tort Claim against

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Los Angeles, CA 90010

1 Defendant THE CITY OF HEMET. (See Exhibit D). The claim was deemed rejected
2 pursuant to Gov't Code sections 912.6(a), 912.4(c).

3 **FIRST CAUSE OF ACTION**
4 **ASSAULT AND BATTERY**
5 **(Against All Defendants)**

6 14. Plaintiff hereby incorporates into this first cause of action paragraphs 1
7 through 13, inclusive, of this Complaint.

8 15. Without consent or legal privilege, Defendants' employee, whose identity is
9 currently unknown and will be included in this complaint as DOE 1 once such information
10 is obtained, while acting within the course and scope of his employment with Defendants,
11 intentionally assaulted and physically battered Plaintiff with the intent to harm Plaintiff as
12 described herein. Such conduct was extreme and outrageous and would be deemed highly
13 offensive to a reasonable person.

14 16. Upon learning of Defendants' employee's behavior and of its wrongful
15 nature, Defendants ratified the assault and battery on Plaintiff by failing to take any
16 remedial measures, including terminating Defendants' employee for his outrageous conduct.

17 17. As a result of the aforementioned conduct, Plaintiff was physically and
18 psychologically damaged, incurred medical bills, sustained disability and had to retain an
19 attorney (and has incurred legal costs in connection therewith) in order to prosecute this
20 action.

21 18. Defendants' employee acted with malice and oppression and with a
22 conscious disregard of Plaintiff's rights, making Defendants liable for punitive damages
23 under California Civil Code §§3294, 3295. Said Defendants additionally violated various
24 California Penal Code sections in their subsequent attempts to cover up their assault and
25 battery on Plaintiff.

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27 ///

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1 **SECOND CAUSE OF ACTION**
2 **INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**
3 **(Against all Defendants)**

4 19. Plaintiff hereby incorporates into this second cause of action paragraphs 1
5 through 18, inclusive, of this Complaint.

6 20. In doing the things and acts described herein, Defendants engaged in extreme
7 and outrageous conduct that transcended the bounds of human decency.

8 21. Defendants intended to cause, and did cause, Plaintiff to experience severe
9 physical injury and emotional distress and they each acted with reckless disregard of the
10 probability that Plaintiff would suffer such injuries.

11 22. Defendants conduct was a substantial factor in causing Plaintiff's severe
12 distress.

13 23. Plaintiff has accordingly been damaged in an amount to be determined at the
14 time of trial.

15 **THIRD CAUSE OF ACTION**
16 **NEGLIGENT HIRING, SUPERVISION, AND RETENTION**
17 **(Against all Defendants)**

18 24. Plaintiff hereby incorporates into this third cause of action paragraphs 1
19 through 23, inclusive, of this Complaint as though fully set forth herein.

20 25. Defendants owed a duty of care to Plaintiff (and to all other students
21 attending their school) to hire employees that could conform their conduct to the law and
22 that would not inflict harm upon their students.

23 26. Defendants were negligent in their hiring, training, and supervising of their
24 employees including but not limited to Defendants' employee who assaulted Plaintiff, in
25 that Defendants knew that the aforementioned employee was unfit to perform the work for
26 which he was hired and that he had violent tendencies, but continued to employ him
27 notwithstanding such tendencies.

28 ///

1 27. Based on Defendants' employee's known violent tendencies, Defendants
2 knew or should have known that this employee was unfit to perform the work for which he
3 was hired and that his continued employment would result in the hiring, supervision, and/or
4 retention of an employee whose conduct did not conform to the law and whose conduct
5 could create an unreasonable and foreseeable risk of harm to others.

6 28. As an actual and proximate result of said conduct, Defendants' employee
7 assaulted and battered Plaintiff, which resulted in physical, psychological and financial
8 harm to Plaintiff.

9 29. Defendants' negligence in hiring, supervising, and/or retaining the
10 aforementioned employee was a substantial factor in causing Plaintiff's harm.

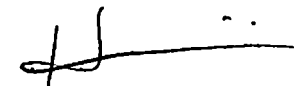
11 **PRAYER FOR RELIEF**

12 WHEREFORE, Plaintiff demands judgment against Defendants as follows:

- 13 1. For medical, hospital, and related expenses according to proof;
14 2. For general damages in a sum according to proof;
15 3. For loss of future earning capacity according to proof;
16 4. For costs of suit herein incurred;
17 5. For pre-trial interest as allowable by law;
18 6. For punitive and/or exemplary damages in an amount appropriate to punish
19 Defendants and deter others from engaging in similar misconduct; and
20 6. For such other and further relief as this Court may deem proper.

21
22 DATED: October 23, 2018

DOWNTOWN L.A. LAW GROUP, LLP

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24
25 
26 Christoffer Gaddini, Esq.
27 Attorneys for Plaintiff,
28 GLADYS GRAHAM, a minor,
By and through her G.A.L., TRINY GRAHAM

JURY TRIAL DEMANDED

Plaintiff demands trial by jury of all issues so triable.

DATED: October 23, 2018

DOWNTOWN L.A. LAW GROUP, LLP



Christoffer Gaddini, Esq.
Attorneys for Plaintiff,
GLADYS GRAHAM, a minor,
By and through her G.A.L., TRINY GRAHAM

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EXHIBIT A

08/09/2018

Downtown LA Law Group
3460 Wilshire Boulevard, Suite 950
Los Angeles, CA 90010

RE: Claim 18005006 for Gladys Graham against Department of Education (CDE)

Dear Downtown LA Law Group,

Government Claims Program (GCP) staff completed its investigation of your claim and rejected it for the following reasons.

The claim involves complex issues that are beyond the scope of analysis and legal interpretation typically undertaken by the GCP. Claims involving complex issues are best determined by the courts. Therefore, staff did not make a determination regarding the merit of the claim, and it is being rejected so you can initiate court action if you choose to pursue this matter further.

If you choose to pursue court action in this matter, it is not necessary or proper to include the GCP in your lawsuit unless the GCP was identified as a defendant in your original claim. Please consult Government Code section 955.4 regarding proper service of the summons.

If you have questions about this matter, please feel free to contact GCP by phone, mail, or email using the contact information below. Please remember to reference the assigned claim number (18005006) in your communication.

Sincerely,



Trevor Rabena, Program Analyst
Government Claims Program
gcinfo@dgs.ca.gov

WARNING: Subject to certain exceptions, you have only six (6) months from the date this notice was personally delivered or deposited in the mail to file a court action on this claim. See Government Code Section 945.6. You may seek the advice of an attorney of your choice in connection with this matter. If you desire to consult an attorney, you should do so immediately.

DECLARATION OF SERVICE BY U.S. MAIL

Name of Claimant: Gladys Graham
GCP File no.: 18005006

I am employed by the Government Claims Program. I am 18 years of age or older. I am familiar with the business practice at the Government Claims Program for collection and processing of correspondence for mailing with the United States Postal Service. In accordance with that practice, correspondence placed in the internal mail collection system at the Government Claims Program is deposited with the United States Postal Service with postage thereon fully prepaid that same day in the ordinary course of business. On 08/09/2018, I served the attached letter by placing a true copy thereof enclosed in a sealed envelope in the internal mail collection system at the Government Claims Program, located at 707 Third Street, West Sacramento, CA 95605, addressed as follows:

Downtown LA Law Group
3460 Wilshire Boulevard, Suite 950
Los Angeles, CA 90010

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration was executed on 08/09/2018, at West Sacramento, California.


Trevor Rabena

RECEIVED

AUG 14 2018

YS #12119

EXHIBIT B



OFFICE OF THE
CLERK OF THE BOARD OF SUPERVISORS
1st FLOOR, COUNTY ADMINISTRATIVE CENTER
P.O. BOX 1147, 4080 LEMON STREET
RIVERSIDE, CA 92502-1147
PHONE: (951) 955-1060 FAX: (951) 955-1071

KECIA HARPER-IHEM
Clerk of the Board of Supervisors

KIMBERLY A. RECTOR
Assistant Clerk of the Board

June 7, 2018

TRINY GRAHAM
c/o DOWNTOWN LA LAW GROUP
3460 WILSHIRE BLVD., STE. 950
LOS ANGELES, CA 90010-2297

RE: NOTICE OF REJECTION OF CLAIM BY OPERATION OF LAW

Claimant: GRAHAM, Triny c/o Gladys Graham
Date of Loss: 11/09/17
Claim No: 187-18
Date Claim Received: 05/10/18

Notice is hereby given that the Claim you presented to the Clerk of the Board of Supervisors, was rejected by operation of law on June 7, 2018.

Warning

Subject to certain exceptions, you have only six (6) months from the date this notice was personally delivered or deposited in the mail to file a court action on this claim. See Government Code section 945.6.

You may seek the advice of any attorney of your choice in connection with this matter. If you desire to consult an attorney, you should do so immediately.

This warning, and the six-month deadline, only apply to the extent a lawsuit would be based on California law, and do not apply to the extent a lawsuit would be based on federal law.

Kecia Harper-Ihem
Clerk to the Board of Supervisors

By: 
Board Assistant

I declare that my business address is 1st Floor, County Administrative Center, 4080 Lemon Street, Riverside California, that I am a citizen of the United States of America, employed by the County of Riverside and am not a party to the action. On the date stated below I mailed the foregoing notice by depositing a copy thereof in the outgoing mail at Riverside, California, in a sealed envelope, with postage prepaid, addressed to the person(s) listed above. I declare under penalty of perjury that the foregoing is true and correct.

Executed at Riverside, California on June 7, 2018.


Cecilia Gil, Board Assistant

EXHIBIT C



City of Hemet

445 EAST FLORIDA AVENUE · HEMET, CALIFORNIA 92543 · (951)765-2307

From the Office of
Sarah McComas
CITY CLERK

May 15, 2018

DOWNTOWN LA LAW GROUP
3460 Wilshire Blvd., Suite 950
Los Angeles, CA 90010-2297

Claim:	City of Hemet
Your Client:	Gladys Graham
DOL:	November 9, 2017
Our File:	1980403RW
Rec'd Date:	May 10, 2018

Dear Downtown LA Law Group:

This will acknowledge our receipt of the above claim. Please be advised that the subject claim has been reviewed and was denied on May 15, 2018.

WARNING

Subject to certain exceptions, (including but not limited to Federal causes of action which may or may not have a shorter or longer Statute of Limitations), you have only six (6) months from the date this notice was personally delivered or deposited in the United States mail to file a court action on this claim. (See Government Code Section 945.6.) You may seek advice from an attorney of your choice in connection with this matter.

Sincerely,

Sarah McComas
City Clerk

EXHIBIT D

E 1312.3
1312.5
4030
4144
4244
4344

HEMET UNIFIED SCHOOL DISTRICT
Complaint Form
For Board Policy and/or Administrative Regulations
(1312.3, 1312.5, 4030, 4144/4244/4344)

Date Received _____

For use with all District complaint procedures except the Instructional Materials (See BP/AR/E 1312.2), Sexual Harassment procedures (See BP/AR/E 4119.11/4219.11/4319/11/5145.7) and Williams Uniform Complaints (See AR/E 1312.4). Please refer to the appropriate policy and regulation for timelines and other information.

It is the philosophy of the Hemet Unified School District to secure, at the lowest possible administrative level, equitable responses to complaints. The District prohibits all retaliation against complainants or participants in complaint procedures.

Check appropriate Step: Step 2 Immediate Supervisor Step 3 Supt./Designee Step 4 Governing Bd.

Complaint is concerning a district employee. Employee's Name: _____

Position: Supervisor/ Security Guard Location: Hemet High School

Complaint is concerning a: Program, Curriculum, Policy, Procedure and not an employee.

Program etc.: _____ Location: _____

Complainant's Name (If parent/guardian, include child's name): Triny Graham c/o Gladys Graham

Complainant's Address: 45521 State Hwy 74 # 9 Hemet, CA 92544

Complainant's Telephone Number: 213-389-3765

Description of the alleged violations, including the time, place, nature, participants in and witnesses to the alleged violation. Include laws, regulations, policies, or procedures allegedly violated if known. (If more space is needed, please attach additional sheets.)

Claimant (Gladys Graham) was physically assaulted by the supervisor/ security guard on 11/09/2018 around 12:00 p.m. School district and its employees have a duty to ensure the safety of its students. Employees must receive the proper training to prevent negligent breach of duty that took place in this incident. Hemet Unified school district negligently trained, supervised and hired the security guards.

Indicate the remedy sought and assistance we can provide.

Claimant reserves the right to provide an answer at a later time.

Triny Graham 05/04/18
Complainant's signature Date
Gladys Graham

Complainants may, in some circumstances, have the right to appeal decisions to the California Department of Education, or to seek review by the U.S. Department of Education, Office of Civil Rights, or may seek civil remedies for allegations of employment discrimination through the U.S. Equal Employment Opportunity Commission and California Dept. of Fair Employment and Housing. See applicable policies and regulations.



Date: May 10, 2018

Reference Graham Gladys:

The following is in response to your May 10, 2018 request for delivery information on your Certified Mail™/RRE item number 9414810898765010898736. The delivery record shows that this item was delivered on May 9, 2018 at 9:36 am in HEMET, CA 92545. The scanned image of the recipient information is provided below.

Signature of Recipient :

A handwritten signature in black ink, appearing to be "Graham Gladys".

Address of Recipient :

A handwritten address in black ink: "1791 W. ACACIA BLVD".

Thank you for selecting the Postal Service for your mailing needs.

If you require additional assistance, please contact your local Post Office or postal representative.

Sincerely,
United States Postal Service

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Christoffer Gaddini, Esq. (SBN 305660) DOWNTOWN L.A. LAW GROUP, LLP 3460 Wilshire Boulevard, Suite 950 Los Angeles, California 90010 TELEPHONE NO.: (213) 289-3765 FAX NO.: (877) 389-2775 ATTORNEY FOR (Name): Plaintiff, Gladys Graham, a minor		FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF RIVERSIDE STREET ADDRESS: 4050 Main Street MAILING ADDRESS: 4050 Main Street CITY AND ZIP CODE: Riverside, 92501 BRANCH NAME: Riverside Historic Courthouse		
CASE NAME: Gladys Graham vs. Hemet Unified School District, 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)	Complex Case Designation <input type="checkbox"/> Counter <input type="checkbox"/> Joinder Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)	CASE NUMBER: RIC 1822252 -
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/W/D (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 checked="" type="checkbox"/> Other PI/PD/W/D (23) Non-PI/PD/W/D (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/W/D tort (35) Employment <input type="checkbox"/> Wrongful termination (36) <input type="checkbox"/> Other employment (15)	Contract <input type="checkbox"/> Breach of contract/warranty (06) <input type="checkbox"/> Rule 3.740 collections (09) <input type="checkbox"/> Other collections (09) <input type="checkbox"/> Insurance coverage (18) <input type="checkbox"/> Other contract (37) Real Property <input type="checkbox"/> Eminent domain/inverse condemnation (14) <input type="checkbox"/> Wrongful eviction (33) <input type="checkbox"/> Other real property (26) Unlawful Detainer <input type="checkbox"/> Commercial (31) <input type="checkbox"/> Residential (32) <input type="checkbox"/> Drugs (38) Judicial Review <input type="checkbox"/> Asset forfeiture (05) <input type="checkbox"/> Petition re: arbitration award (11) <input type="checkbox"/> Writ of mandate (02) <input type="checkbox"/> Other judicial review (39)	Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400-3.403) <input type="checkbox"/> Antitrust/Trade regulation (03) <input type="checkbox"/> Construction defect (10) <input type="checkbox"/> Mass tort (40) <input type="checkbox"/> Securities litigation (28) <input type="checkbox"/> Environmental/Toxic tort (30) <input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41) Enforcement of Judgment <input type="checkbox"/> Enforcement of judgment (20) Miscellaneous Civil Complaint <input type="checkbox"/> RICO (27) <input type="checkbox"/> Other complaint (not specified above) (42) Miscellaneous Civil Petition <input type="checkbox"/> Partnership and corporate governance (21) <input type="checkbox"/> Other petition (not specified above) (43)
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2. This case is is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:
- | | |
|--|--|
| a. <input type="checkbox"/> Large number of separately represented parties | d. <input type="checkbox"/> Large number of witnesses |
| b. <input type="checkbox"/> Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve | e. <input type="checkbox"/> Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court |
| c. <input type="checkbox"/> Substantial amount of documentary evidence | f. <input type="checkbox"/> Substantial postjudgment judicial supervision |
3. Remedies sought (check all that apply): a. monetary b. nonmonetary; declaratory or injunctive relief c. punitive
4. Number of causes of action (specify): **Three (3)**
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: October 23, 2018
Christoffer Gaddini, Esq.

(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE

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

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

<p>Auto Tort Auto (22)—Personal Injury/Property Damage/Wrongful Death Uninsured Motorist (46) (<i>if the case involves an uninsured motorist claim subject to arbitration, check this item instead of Auto</i>)</p> <p>Other PI/PD/AWD (Personal Injury/Property Damage/Wrongful Death) Tort Asbestos (04) Asbestos Property Damage Asbestos Personal Injury/Wrongful Death Product Liability (<i>not asbestos or toxic/environmental</i>) (24) Medical Malpractice (45) Medical Malpractice—Physicians & Surgeons Other Professional Health Care Malpractice Other PI/PD/AWD (23) Premises Liability (e.g., slip and fall) Intentional Bodily Injury/PD/AWD (e.g., assault, vandalism) Intentional Infliction of Emotional Distress Negligent Infliction of Emotional Distress Other PI/PD/AWD</p> <p>Non-PI/PD/AWD (Other) Tort Business Tort/Unfair Business Practice (07) Civil Rights (e.g., discrimination, false arrest) (<i>not civil harassment</i>) (08) Defamation (e.g., slander, libel) (13) Fraud (16) Intellectual Property (19) Professional Negligence (25) Legal Malpractice Other Professional Malpractice (<i>not medical or legal</i>) Other Non-PI/PD/AWD Tort (35)</p> <p>Employment Wrongful Termination (36) Other Employment (15)</p>	<p>Contract Breach of Contract/Warranty (06) Breach of Rental/Lease Contract (<i>not unlawful detainer or wrongful eviction</i>) Contract/Warranty Breach—Seller Plaintiff (<i>not fraud or negligence</i>) 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 (<i>not provisionally complex</i>) (18) Auto Subrogation Other Coverage Other Contract (37) Contractual Fraud Other Contract Dispute</p> <p>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 (<i>not eminent domain, landlord/tenant, or foreclosure</i>)</p> <p>Unlawful Detainer Commercial (31) Residential (32) Drugs (38) (<i>if the case involves illegal drugs, check this item; otherwise, report as Commercial or Residential</i>)</p> <p>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</p>	<p>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 (<i>arising from provisionally complex case type listed above</i>) (41)</p> <p>Enforcement of Judgment Enforcement of Judgment (20) Abstract of Judgment (Out of County) Confession of Judgment (<i>non-domestic relations</i>) Sister State Judgment Administrative Agency Award (<i>not unpaid taxes</i>) Petition/Certification of Entry of Judgment on Unpaid Taxes Other Enforcement of Judgment Case</p> <p>Miscellaneous Civil Complaint RICO (27) Other Complaint (<i>not specified above</i>) (42) Declaratory Relief Only Injunctive Relief Only (<i>non-harassment</i>) Mechanics Lien Other Commercial Complaint Case (<i>non-tort/non-complex</i>) Other Civil Complaint (<i>non-tort/non-complex</i>)</p> <p>Miscellaneous Civil Petition Partnership and Corporate Governance (21) Other Petition (<i>not specified above</i>) (43) Civil Harassment Workplace Violence Elder/Dependent Adult Abuse Election Contest Petition for Name Change Petition for Relief From Late Claim Other Civil Petition</p>
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