

PEIRANO & ASSOCIATES, INC.

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Attorney for Plaintiff, Jorge Cervantes

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF ORANGE
CENTRAL JUSTICE CENTER

JUL 03 2012

ALAN CARLSON, Clerk of the Court

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF ORANGE, CENTRAL JUSTICE CENTER

30-2012

JORGE CERVANTES,

Plaintiff,

vs.

JBM SPORT TRUCK ACCESSORIES, INC. (A CALIFORNIA CORPORATION) d/b/a JBM MOTORING, T-REX TRUCK PRODUCTS, INC. (A CALIFORNIA CORPORATION) d/b/a JBM MOTORING, BEHROUZ MIZBAN, JENNIFER MIZBAN, and DOES 1 TO 50, inclusive,

Defendants.

Case No.: 00581058

COMPLAINT FOR DAMAGES

- (1) UNPAID MINIMUM WAGES (CAL. LAB. CODE §§ 1194 & APPLICABLE I.W.C. ORDERS);
- (2) UNPAID OVERTIME WAGES (CAL. LAB. CODE §§ 1194 & APPLICABLE I.W.C. ORDERS);
- (3) FAILURE TO PAGE WAGES;
- (4) FAILURE TO PROVIDE REST PERIODS ((CAL. LAB. CODE § 226.7 & APPLICABLE I.W.C. ORDERS);
- (5) FAILURE TO MAINTIAN REQUISITE WAGE RECORDS (CAL. LAB. CODE §§ 226 & 1174);
- (6) FAILURE TO PAY WAGES OF DISCHARGED OR RESIGNED EMPLOYEE (CAL. LAB. CODE §§ 201, 202, & 203); &
- (7) VIOLATIONS OF THE UNFAIR COMPETITION ACT (CAL. BUSINESS & PROFESSIONS CODE §§ 17200-208).

JUDGE JOHN C. GASTELUM

1 Plaintiff Jorge Cervantes ("Plaintiff") complains and allege as follows:

2 **GENERAL ALLEGATIONS**

- 3 1. Plaintiff Jorge Cervantes ("Mr. Cervantes") is and at all times herein relevant was an
4 individual residing in the County of Los Angeles, and working for defendants in the City of
5 Orange, State of California.
- 6 2. Defendant JBM SPORT TRUCK ACCESSORIES, INC. (A CALIFORNIA
7 CORPORATION) is and at all times mentioned herein was a corporation incorporated under and
8 by virtue of the laws of the State of California. Unlimited is and at all times mentioned
9 conducted business in the County of Orange doing business as JBM MOTORNING.
- 10 3. Defendant T-REX TRUCK PORDUCTS, INC. (A CALIFORNIA CORPORATION) is
11 and at all times mentioned herein was a corporation incorporated under and by virtue of the laws
12 of the State of California. Unlimited is and at all times mentioned conducted business in the
13 County of Orange doing business as JBM MOTORNING.
- 14 4. Defendant BEHROUZ MIZBAN is and at all times mentioned herein is an individual and
15 at all times mentioned conducted business and resided in the County of Orange doing business as
16 JBM MOTORNING.
- 17 5. Defendant JENNIFER MIZBAN is and at all times mentioned herein is an individual and
18 at all times mentioned conducted business and resided in the County of Orange doing business as
19 JBM MOTORNING.
- 20 6. The true names and capacities, whether individual, corporate, associate, or otherwise, of
21 defendants sued herein and DOES 1 through 50, inclusive, are currently unknown to Plaintiff,
22 who therefore sues defendants by such fictitious names under section 474 of the California Code
23 of Civil Procedure. Plaintiff is informed and believes, and based thereon alleges, that each of the
24 defendants designated herein as DOE is legally responsible in some manner for the unlawful acts
25 referred to herein. Plaintiff will seek leave of court to amend this Complaint to reflect the true
26 names and capacities of the defendants designed hereinafter as DOES when such identities
27 become known.
- 28 7. Plaintiff is informed and believes, and based thereon alleges, that each defendant acted in

1 all respects pertinent to this action as the agent of the other defendants, carried out a joint
2 scheme, business plan or policy in all respects pertinent hereto, and the acts of each of the
3 defendants are legally attributable to the other defendants.

4 8. Plaintiff is informed and believes, and based thereon alleges, that each of the defendants
5 was the agent, servant, and employee of each of the other co-defendants, and in doing the things
6 alleged, acted in the course and scope of such agency and employment.

7 9. Defendants share a common management and have commingled their assets and caused
8 those assets to be transferred amongst themselves without adequate consideration such that
9 Defendants are mere shells and instrumentalities for the conduct of the business and activities of
10 each other.

11 10. Adherence to the fiction of a separate existence of JBM SPORT TRUCK
12 ACCESSORIES, INC. (A CALIFORNIA CORPORATION) d/b/a JBM MOTORING, T-REX
13 TRUCK PRODUCTS, INC. (A CALIFORNIA CORPORATION) d/b/a JBM MOTORING,
14 BEHROUZ MIZBAN, JENNIFER MIZBAN, and DOES 1 TO 50, inclusive, would sanction
15 fraud and permit an abuse of the legal benefits of true limited liability companies and
16 corporations.

17 11. As alter egos, each Defendant is jointly and severally liable for any judgment hereunder
18 against any of the other Defendants.

19 12. The defendants designated herein as DOES aided and assisted the named defendants in
20 committing the wrongful acts alleged herein and have proximately caused damages and injury to
21 Plaintiff as herein alleged.

22 13. Defendants, each of them, conspired and agreed among themselves to do the acts
23 complained of herein and were, in doing such acts, acting pursuant to and in furtherance of said
24 conspiracy. Each Defendant sued herein is jointly and severally responsible and liable to Plaintiff
25 for the damages alleged herein.

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VENUE

14. Venue is proper in the Superior Court of California for the County of Orange because the Defendants entered into their employment agreement with Plaintiff in the County of Orange, State of California.

15. Venue is proper in the Superior Court of California for the County of Orange because all of the evidence and witnesses regarding the subject matter of this action are located in the County of Orange, State of California.

FIRST CAUSE OF ACTION

(Against all Defendants)

FAILURE TO PAY MINIMUM WAGES

16. Plaintiff incorporates paragraphs 1 through 15 as though fully set forth herein.

17. By their failure to pay minimum wage as alleged hereinabove, Defendants willfully violated the provisions of section 1194 of the California Labor Code and applicable Wage Orders, which require minimum wage compensation.

18. By failing to keep adequate time records required by section 1174(d) of the California Labor Code, Defendants have made it difficult to calculate the minimum wage compensation due to Plaintiff's.

19. As a result of the unlawful acts of Defendants, Plaintiff has been deprived of interest thereon, liquidated damages, attorney's fees, and costs, under section 1194, 1194.2(a), and 218.6 of the California Labor Code and other applicable law.

SECOND CAUSE OF ACTION

(Against All Defendants)

FAILURE TO PAY OVERTIME WAGES

20. Plaintiff incorporates paragraphs 1 through 19 as though fully set forth herein. By their failure to pay overtime compensation as alleged, Defendants willfully violated the provisions of

1 section 1194 of the California Labor Code and the applicable wage Orders, which require overtime
2 compensation to non-exempt employees.

3 21. By failing to keep adequate time records required by section 1174(d) of the California
4 Labor Code, Defendants have made it difficult to calculate the overtime compensation due to Plaintiff.

5 22. As a result of the unlawful acts of Defendants, Plaintiffs have been deprived of overtime
6 compensation, and are entitled to the recovery of such amounts, plus prejudgment interest thereon,
7 attorney's fees, and costs, under Labor Code sections 1194, 218.5 and 218.6 and other applicable law.

8
9 **THIRD CAUSE OF ACTION**

10 (Against all Defendants)

11 **FAILURE TO PAY WAGES**

12 23. Plaintiff incorporates paragraphs 1 through 22 as though fully set forth herein.

13 24. Defendants seek recovery of all wages owed for all work, together with prejudgment
14 interest, costs and attorney's fees pursuant to sections 218.5 and 218.6 of the Labor Code and other
15 applicable law. Mr. Cervantes is owed at least \$139,401.00 in wages for work performed since
16 December 15, 2009 to April 1, 2011.

17 **FOURTH CAUSE OF ACTION**

18 (Against All Defendants)

19 **FAILURE TO PROVIDE REST PERIODS UNDER LABOR CODE § 226.7 & APPLICABLE**

20 **I.W.C. ORDERS**

21 25. Plaintiff incorporates paragraphs 1 through 24 as though fully set forth herein.

22 26. Section 12 of the applicable Wage Orders requires that the employer permit and authorize
23 all employees to take paid rest periods of 10 minutes for each 4-hour period worked. It is a violation of
24 section 226.7 for an employer to require any employee to work during any rest period mandated under
25 any Wage Order.

26 27. By requiring and instructing Plaintiff to work through rests periods as alleged above,
27 Defendants willfully violated provisions of section 226.7 and the applicable Wage Orders.

28 28. As a result of the unlawful acts of Defendants, Plaintiffs is entitled to premium pay of

1 one hour's regular pay under section 226.7 and section 12 of the applicable Wage Orders for each rest
2 period that was denied as alleged above. Mr. Cervantes is owed at least 10,000.00 in unpaid premium
3 wages for missed rest periods for missed rest period. Mr. Cervantes is owed at least \$18,000.00 in
4 unpaid premium wages for missed rest periods.

5 29. Plaintiff is entitled to recover prejudgment interest, attorneys' fees, and costs.

6 **FIFTH CAUSE OF ACTION**

7 (Against All Defendants)

8 **FAILURE TO MAINTIAN REQUISITE WAGE RECORDS (CAL.LAB.CODE §§226 & 1174)**

9 30. Plaintiff incorporates paragraphs 1 through 29 as though fully set forth herein.

10 31. Sections 226 and 1174 of the California Labor Code provide that an employer must
11 maintain records of, inter alia, the hours worked daily, the wages paid to their employees, the hourly
12 rate, and to provide them regularly with accurate itemized statement of the hours worked, wages paid
13 and the hourly rate. It is a violation of the Labor Code to fail to do so.

14 31. As alleged above, Plaintiff are entitled to have Defendants maintain records of their hours
15 worked and wages paid and provide them with accurate statement of the their hours and wages paid, but
16 Defendants did not do so. Defendant's failure to comply with the law was knowing and intentional,
17 designed as it was to further their illegal practice of denying minimum wage, premium wages, and
18 overtime compensation to Plaintiffs.

19 32. Defendant's unlawful failure to maintain the requisite records and to provide the
20 mandated statements has injured and will continue to injure Plaintiffs in that it makes it more difficult to
21 prove the precise number of regular hours and overtime hours that Plaintiff has worked by relying on
22 accurate records. Plaintiff is entitled under section 226(e) of the California Labor Code to recover actual
23 damages or, in the alternative, \$50.00 for the initial pay period and \$100.00 for each subsequent pay
24 period in which inadequate records were maintained up to a total of \$4,000.00 per employee.

25 **SIXTH CAUSE OF ACTION**

26 (Against All Defendants)

27 **FAILURE TO PAY WAGES OF DISCHARGED OR RESIGNED EMPLOYEES**

28 **UNDER LABOR CODE §§ 201, 202, 203**

1
2 33. Plaintiff incorporates paragraphs 1 through 32 as though fully set forth herein.

3 34. Sections 201 and 202 of the California Labor Code require Defendants to pay its
4 employees all wages due immediately at time of discharge of an employee or within 72 hours after an
5 employee quits his or her employment. Section 203 of the California Labor Code provides that if an
6 employee willfully fails to timely pay such wages the employer must, as a penalty, continue to pay the
7 subject employee's wages until the back wages are paid in full or an action is commenced. The penalty
8 cannot exceed 30 days of wages.

9 35. As alleged above, Plaintiffs are entitled to overtime compensation, minimum wage,
10 and/or premium pay for pay for missed rest periods and working a split shift, but to date has not received
11 such compensation.

12 36. More than 30 days have passed since Plaintiff's termination.

13 37. As a consequence of Defendant's willful conduct in not paying the foregoing
14 compensation, Plaintiffs are entitled to 30 days of wages as provided for under section 203 of the
15 California Labor Code, together with interest thereon and attorney's fees and costs. Plaintiff is entitled
16 to at least \$1,920.00 in waiting time penalties. Plaintiff is entitled to at least \$3,360.00 in waiting time
17 penalties.

18 **SEVENTH CAUSE OF ACTION**

19 (Against All Defendants)

20 **VIOLATION OF THE UNFAIR COMPETITION**

21 **BUS. & PRO. CODE §§ 17200-17208**

22 38. Plaintiff incorporates paragraphs 1 through 37 as though fully set forth herein.

23 39. Defendants' failure to pay legally required minimum wages, wages owed, and overtime
24 compensation to Plaintiffs under the Wage Orders and applicable sections of the California Labor Code,
25 their to permit and authorize Plaintiff to take required rest periods, their failure to pay Plaintiffs wages
26 when due, failure to reimburse Plaintiffs, and their failure to keep proper time records, as alleged above,
27 constitute unlawful activity prohibited by sections 172000, et. seq. of the California Business and
28 Professions Code.

1 40. As a result of their unlawful acts, Defendants have reaped and continue to reap unfair
2 benefits and illegal profits at the expense of Plaintiff. Defendant should be enjoined from this activity
3 and made to disgorge these ill-gotten gains and restore to Plaintiff the wrongfully withheld wages,
4 overtime wages, minimum premium pay, and reimbursements pursuant to section 17203 of the
5 California Business and Professions Code in the amounts to be proven at trial, but not less than
6 \$139,401.00 for Plaintiff.

7 41. Plaintiff also seeks an award of prejudgment interest, attorney's fees and costs.

8 **PRAYER FOR DAMAGES**

9 42. That Defendants be found to have violated overtime and minimum wage provisions of
10 the Labor Code and the Wage Orders as to Plaintiff;

11 43. That Defendants be found to have violated the record keeping provisions of section 226
12 and 1174(d) and section 7 of the Wage Orders as to Plaintiff;

13 44. That Defendants be found to violated sections 201, 202, and 203 for willful failure to pay
14 compensation at the time of the termination of employment as to Plaintiff;

15 45. That Defendants be found, to have violated section 17200, et. seq. of the California
16 Business and Professions Code;

17 46. That Defendants' violations as described above are found to be have been willful and
18 intentional;

19 47. An award to Plaintiff of damages for the amount of unpaid wages and overtime
20 compensation, including prejudgment interest thereon;

21 48. That Defendants be ordered and enjoined to disgorge all ill-gotten benefits and pay
22 restitution to Plaintiff due to him as a result of Defendant's unlawful activities pursuant to sections
23 17200-05 of the California Business and Professions Code;

24 49. That Defendant further be enjoined to cease and desist from unfair activities in violation
25 of section 17200 of the California Business and Professions Code;

26 50. That Plaintiff be awarded attorney's fees and costs pursuant to section 218.5, 1194, and
27 section 12965 of the California Government code, and/or other applicable laws;

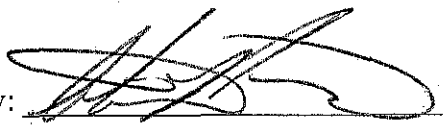
28 51. For reimbursement of all costs incurred by Plaintiff;

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52. For a judgment in the amount of \$139,410.00 in favor of Plaintiff; &
53. An award of such other and further relief that is proper and just.

Dated: 07/02/2012

PEIRANO & ASSOCIATES, INC.

By: 
Cristian L. Peirano, Esq.
Attorneys for Plaintiff,
Jorge Cervantes

**SUMMONS
(CITACION JUDICIAL)**

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

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF ORANGE
CENTRAL JUSTICE CENTER

JUL 03 2012

ALAN CARLSON, Clerk of the Court

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

JBM Sport Truck Accessories, Inc. (a California Corporation) d/b/a JBM Motoring

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

Jorge Cervantes

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 County of Orange
Central Justice Center
700 Civic Center Dr. West, Santa Ana, CA 92701

CASE NUMBER:
(Número del Caso):

30-2012

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:
(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):
PEIRANO & ASSOCIATES, INC., 1212 N. Broadway, Suite 150, Santa Ana, CA 92701 714-881-5985

JUDGE JOHN C. GASTELUM

00581058

ALAN CARLSON

DATE:
(Fecha)

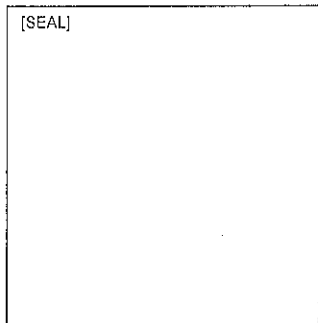
JUL 03 2012

Clerk, by
(Secretario)

MICHAEL PORTER

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)).



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): *T-Rep Truck Products, Inc. d/b/a JBM Motoring.*

- under: CCP 416.10 (corporation) CCP 416.60 (minor)
- CCP 416.20 (defunct corporation) CCP 416.70 (conservatee)
- CCP 416.40 (association or partnership) CCP 416.90 (authorized person)
- other (specify):

4. by personal delivery on (date):

SHORT TITLE: Jorge Cervantes v JBM Sport truck Accessories et, al.,	CASE NUMBER:
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INSTRUCTIONS FOR USE

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

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

Plaintiff Defendant Cross-Complainant Cross-Defendant

T-Rex Truck Products, Inc. (a California Corporation) d/b/a JBM Motoring, Behrouz Mizban, Jennifer Mizban, and Does 1 to 50 Inclusive

COPY

FOR COURT USE ONLY

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address) PEIRANO & ASSOCIATES, INC. Cristian L. Peirano, Esq. [CSB No.: 213.] 1212 N. Broadway, Suite 150 Santa Ana, CA 92701

TELEPHONE NO.: 714-881-5985 FAX NO.: 714-558-4854

ATTORNEY FOR (Name): Plaintiff, Jorge Cervantes

FILED SUPERIOR COURT OF CALIFORNIA COUNTY OF ORANGE CENTRAL JUSTICE CENTER

JUL 03 2012

ALAN CARLSON, Clerk of the Court

SUPERIOR COURT OF CALIFORNIA, COUNTY OF Orange STREET ADDRESS: 700 Civic Center Drive West MAILING ADDRESS: Same CITY AND ZIP CODE: Santa Ana, 92701 BRANCH NAME: Central Justice Center

CASE NAME: Jorge Cervantes v JBM Sport Truck Accessories, Inc.

CASE NUMBER: 30-2012

JUDGE: DE: 00581058

CIVIL CASE COVER SHEET [X] Unlimited (Amount demanded exceeds \$25,000) [] Limited (Amount demanded is \$25,000 or less) [] Counter [] Joinder Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)

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

1. Check one box below for the case type that best describes this case: Auto Tort, Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort, Non-PI/PD/WD (Other) Tort, Employment, Contract, Real Property, Unlawful Detainer, Judicial Review, Provisionally Complex Civil Litigation, Enforcement of Judgment, Miscellaneous Civil Complaint, Miscellaneous Civil Petition

2. This case [] is [X] 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. [] Large number of separately represented parties b. [] Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve c. [] Substantial amount of documentary evidence d. [] Large number of witnesses e. [] Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court f. [] Substantial postjudgment judicial supervision

3. Remedies sought (check all that apply): a. [X] monetary b. [] nonmonetary; declaratory or injunctive relief c. [] punitive

4. Number of causes of action (specify): 5. This case [] is [X] 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: 07/02/2012 Cristian L. Peirano, Esq.

(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.

JUDGE JOHN C. GASTELLUM

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	Contract	Provisionally Complex Civil Litigation (Cal. Rules of Court Rules 3.400–3.403)
Auto (22)–Personal Injury/Property Damage/Wrongful Death	Breach of Contract/Warranty (06)	Antitrust/Trade Regulation (03)
Uninsured Motorist (46) (<i>if the case involves an uninsured motorist claim subject to arbitration, check this item instead of Auto</i>)	Breach of Rental/Lease Contract (<i>not unlawful detainer or wrongful eviction</i>)	Construction Defect (10)
	Contract/Warranty Breach–Seller Plaintiff (<i>not fraud or negligence</i>)	Claims Involving Mass Tort (40)
	Negligent Breach of Contract/Warranty	Securities Litigation (28)
Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort	Other Breach of Contract/Warranty	Environmental/Toxic Tort (30)
Asbestos (04)	Collections (e.g., money owed, open book accounts) (09)	Insurance Coverage Claims (<i>arising from provisionally complex case type listed above</i>) (41)
Asbestos Property Damage	Collection Case–Seller Plaintiff	Enforcement of Judgment
Asbestos Personal Injury/Wrongful Death	Other Promissory Note/Collections Case	Enforcement of Judgment (20)
Product Liability (<i>not asbestos or toxic/environmental</i>) (24)	Insurance Coverage (<i>not provisionally complex</i>) (18)	Abstract of Judgment (Out of County)
Medical Malpractice (45)	Auto Subrogation	Confession of Judgment (<i>non-domestic relations</i>)
Medical Malpractice–Physicians & Surgeons	Other Coverage	Sister State Judgment
Other Professional Health Care Malpractice	Other Contract (37)	Administrative Agency Award (<i>not unpaid taxes</i>)
Other PI/PD/WD (23)	Contractual Fraud	Petition/Certification of Entry of Judgment on Unpaid Taxes
Premises Liability (e.g., slip and fall)	Other Contract Dispute	Other Enforcement of Judgment Case
Intentional Bodily Injury/PD/WD (e.g., assault, vandalism)	Real Property	Miscellaneous Civil Complaint
Intentional Infliction of Emotional Distress	Eminent Domain/Inverse Condemnation (14)	RICO (27)
Negligent Infliction of Emotional Distress	Wrongful Eviction (33)	Other Complaint (<i>not specified above</i>) (42)
Other PI/PD/WD	Other Real Property (e.g., quiet title) (26)	Declaratory Relief Only
Non-PI/PD/WD (Other) Tort	Writ of Possession of Real Property	Injunctive Relief Only (<i>non-harassment</i>)
Business Tort/Unfair Business Practice (07)	Mortgage Foreclosure	Mechanics Lien
Civil Rights (e.g., discrimination, false arrest) (<i>not civil harassment</i>) (08)	Quiet Title	Other Commercial Complaint Case (<i>non-tort/non-complex</i>)
Defamation (e.g., slander, libel) (13)	Other Real Property (<i>not eminent domain, landlord/tenant, or foreclosure</i>)	Other Civil Complaint (<i>non-tort/non-complex</i>)
Fraud (16)	Unlawful Detainer	Miscellaneous Civil Petition
Intellectual Property (19)	Commercial (31)	Partnership and Corporate Governance (21)
Professional Negligence (25)	Residential (32)	Other Petition (<i>not specified above</i>) (43)
Legal Malpractice	Drugs (38) (<i>if the case involves illegal drugs, check this item; otherwise, report as Commercial or Residential</i>)	Civil Harassment
Other Professional Malpractice (<i>not medical or legal</i>)	Judicial Review	Workplace Violence
Other Non-PI/PD/WD Tort (35)	Asset Forfeiture (05)	Elder/Dependent Adult Abuse
Employment	Petition Re: Arbitration Award (11)	Election Contest
Wrongful Termination (36)	Writ of Mandate (02)	Petition for Name Change
Other Employment (15)	Writ–Administrative Mandamus	Petition for Relief From Late Claim
	Writ–Mandamus on Limited Court Case Matter	Other Civil Petition
	Writ–Other Limited Court Case Review	
	Other Judicial Review (39)	
	Review of Health Officer Order	
	Notice of Appeal–Labor	
	Commissioner Appeals	