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91342

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

DEC 11 2012

John A. Clark, Executive Officer/Clerk  
BY Cristina Grijalva Deputy  
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BC 497125

Attorneys for Plaintiffs and the Putative Class

**SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF LOS ANGELES - CENTRAL DISTRICT**

**UNLIMITED JURISDICTION**

16 YESHAYAHU MICHAELY, DEAN  
17 MICHAELS, ANDREA PROVENZALE,  
18 STEPHEN BECK, MICHAEL  
19 HEMMING and ANI GEVSHENIAN, on  
20 behalf of themselves and all others  
21 similarly situated,

Plaintiffs,

vs.

22 BROWNING-FERRIS INDUSTRIES OF  
23 CALIFORNIA, INC., and DOES 1-100,

Defendants.

CASE NO. BC 497125

CLASS ACTION COMPLAINT FOR:

- 1. PRIVATE NUISANCE
- 2. PUBLIC NUISANCE
- 3. NEGLIGENCE/GROSS NEGLIGENCE

JURY TRIAL DEMANDED

**INTRODUCTION**

24 1. Plaintiffs bring this class action against Browning-Ferris Industries of  
25 California. Browning-Ferris Industries of California operates the Sunshine Canyon Landfill  
26 that releases pollutants, air contaminants, and noxious odors, causing material injury to  
27 Plaintiffs' property through negligence and nuisance.

28 ///

CIT/CASE: BC497125  
LEA/DEF#: 0019517056  
RECEIPT: 02:47 PM  
DATE PAID: 12/11/12  
PAYMENT: \$1,435.00  
RECEIVED: 310  
CHRG: \$1,435.00  
ORF: \$0.00  
CHRG: \$0.00  
ORF: \$0.00

ARIAS OZZELLO & GIGNAC LLP

2012/11/12

PARTIES

2. Plaintiff, Yeshayahu Michaely, does reside and at all relative times has resided at 13329 Canyon Ridge Lane, Granada Hills, California, 91344.

3. Plaintiff, Dean Michaels, does reside and at all relative times has resided at 13329 Canyon Ridge Lane, Granada Hills, California, 91344.

4. Plaintiff, Andrea Provenzale, does reside and at all relative times has resided at 13300 Golden Valley Lane, Granada Hills, California, 91344.

5. Plaintiff, Stephen Beck, does reside and at all relative times has resided at 13834 Balboa Blvd., Unit 172, Sylmar, California, 91342.

6. Plaintiff, Michael Hemming, does reside and at all relative times has resided at 17103 Nanette St., Granada Hills, California, 91344.

7. Plaintiff, Ani Gevshenian, does reside and at all relative times has resided at 17061 Timber Ridge, Granada Hills, California, 91344.

8. At all relevant times herein, Defendant, Browning-Ferris Industries of California, Inc., is a California corporation with its principal place of business in Phoenix, Arizona. Browning-Ferris Industries of California, Inc., its subsidiaries and its predecessors constructed, operate and/or maintain the Sunshine Canyon Landfill at 14747 San Fernando Road, Sylmar, CA 91342.

9. At all relevant times herein, Defendant Browning-Ferris Industries of California, Inc., its subsidiaries and its predecessors did and do business in Sylmar, California. There existed and exists a unity of interest and ownership between each of them, such that any individuality and separateness between them has ceased, and each such entity is the alter ego of each other entity.

10. The names of other Defendants and/or their involvement in Plaintiffs' situation are presently unknown to Plaintiffs, who therefore sue such Defendant in this action by fictitious names, identified as Does 1-100. Each of the Defendants designated as a Doe is legally responsible in some manner for the unlawful acts described above.

1 Plaintiffs will seek leave of the Court to amend this complaint to reflect the true names and  
2 capacities of the Defendants designated as Does 1-100 when their identities and/or  
3 involvement become known.

4 11. Each Defendant (including Does 1-100) was at all relevant times the co-  
5 conspirator, employee, servant, partner, joint venturer, successor, assign, aider and/or  
6 abettor of each other Defendant with respect to the wrongful conduct alleged. Each was  
7 acting within the course and scope of said conspiracy, agency, employment, unity of  
8 interest and/or joint venture and with the permission, knowledge, approval, ratification and  
9 consent of each other, and each is responsible and liable in some manner for the damages or  
10 injuries sustained or threatened to be sustained by Plaintiffs and the Class.

11 12. Whenever this complaint references acts of any Defendant or one of its  
12 unnamed agents or co-conspirators, such allegation shall be deemed to mean the act of all  
13 other Defendants, unless the reference is in a particular cause of action, in which case it  
14 shall be deemed to mean the act of all other Defendants named in that cause of action, and  
15 each of them acting, individually, jointly, and severally.

16 13. Defendants aided and abetted each other in accomplishing the wrongful acts.  
17 In doing so, Defendants acted with an awareness of their wrongdoing and realized that their  
18 conduct would substantially assist the accomplishment of the wrongful scheme.

19 14. Each Defendant committed, conspired to commit and/or ratified each of the  
20 acts and omissions alleged in this Complaint.

21 **GENERAL ALLEGATIONS**

22 15. On recurrent and intermittent occasions, Plaintiffs' property including Plaintiffs'  
23 neighborhoods, residences and yards have been and continue to be physically invaded by  
24 noxious odors, pollutants and air contaminants.

25 16. The noxious odors, pollutants, and air contaminants which entered Plaintiffs'  
26 property originated from the Sunshine Canyon Landfill facilities and/or landfill located at 14747  
27 San Fernando Road, in the City of Sylmar, in the County of Los Angeles, State of California.  
28

1 (hereinafter, the "landfill").

2 17. It is Plaintiffs' information and belief that Defendant either constructed or  
3 directed the construction of the facilities and exercised control and/or ownership over the  
4 landfill.

5 18. The Defendant receives approximately 10,000 tons of trash and/or garbage per  
6 day at its landfill.

7 19. In the last several years, the South Coast Air Quality Management District  
8 (AQMD) has received in excess of 1,000 complaints from residents concerning the noxious  
9 odors emitted from Defendants' landfill.

10 20. The Defendant has received numerous violations from AQMD due to its  
11 emission of odors.

12 21. The invasion of Plaintiffs' property by pollutants, noxious odors, and air  
13 contaminants has caused Plaintiffs to suffer injuries including, but not limited to, exposure to  
14 pollutants, horrific odors, and air contaminants.

15 22. The invasion of Plaintiffs' property by pollutants, noxious odors, and air  
16 contaminants has interfered with Plaintiffs' use and enjoyment of their property.

17 23. Defendants intentionally, recklessly, willfully, wantonly, maliciously, grossly  
18 and negligently failed to construct, maintain and/or operate the landfill, and caused the invasion  
19 of Plaintiffs' property by noxious odors, air contaminants, and other airborne pollutants on  
20 intermittent and reoccurring dates.

21 24. Defendants are vicariously liable for all damages suffered by Plaintiffs, caused  
22 by Defendants' employees, representatives and agents, who, during the course and scope of  
23 their employment, allowed or failed to correct the problem(s) which caused noxious odors, and  
24 air contaminants to physically invade Plaintiffs' property.

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1  
2 **CLASS ALLEGATIONS**

3 **A. Definition of the Class**

4 25. Plaintiffs bring this action individually and on behalf of all persons as the  
5 Court may determine to be appropriate for class certification, pursuant to Code of Civil  
6 Procedure § 382. Plaintiffs seek to represent a Class of persons defined as:

7 **All persons residing within a 3 mile radius of the Sunshine Canyon**  
8 **Landfill.**

9 Excluded from the Class are Defendants and their affiliates, predecessors, successors, officers,  
10 directors, agents, servants, or employees, and the immediate family members of such persons.  
11 Plaintiffs reserve the right to modify the class definition and/or propose one or more subclasses  
12 if discovery reveals such modifications are appropriate.

13 **B. Numerosity**

14 26. Upon information and belief, there are over 1,000 residents within a 3 mile  
15 radius of the landfill. Accordingly, the members of the Class are so numerous that joinder  
16 of all parties is impracticable.

17 **C. Commonality**

18 27. There is a well-defined community of interest in the relevant questions of  
19 law and fact affecting putative Class members. Common questions of law and fact  
20 predominate over any individual questions affecting Class members, including, but not  
21 limited to the following:

- 22
- 23 a. whether Defendant intentionally, recklessly, willfully, wantonly,  
24 maliciously, grossly and negligently failed to construct, maintain  
25 and/or operate the landfill;
  - 26 b. whether Defendant owed any duties to Plaintiffs;
  - 27 c. which duties Defendant owed to Plaintiffs;
  - 28 d. whether it was reasonably foreseeable that Defendant's failure to properly

1                   construct, maintain and/or operate the landfill would result in an invasion  
2                   of Plaintiffs' possessory interests; and,

- 3                   e.       what is the proper measure of damages incurred by Plaintiffs and the  
4                   Class members?

5       **D.    Typicality**

6           28.    Plaintiffs have the same interests in this matter as all the other members of  
7           the Class, and their claims are typical of all members of the Class.  If brought and  
8           prosecuted individually, the claims of each Class member would require proof of many of  
9           the same material and substantive facts, rely upon the same remedial theories and seek the  
10          same relief.

11          29.    The claims of Plaintiffs and the other Class members have a common origin  
12          and share a common basis.  The claims originate from the same failure of the Defendant to  
13          properly construct, maintain and/or operate the landfill.

14          30.    All Class members have suffered injury in fact resulting in the loss of  
15          property value by reason of Defendant's failure to properly construct, maintain and/or  
16          operate the landfill.

17       **E.    Adequacy of Representation**

18          31.    Plaintiffs' claims are sufficiently aligned with the interests of the absent  
19          members of the Class to ensure that the Class claims will be prosecuted with diligence and  
20          care by Plaintiffs as representatives of the Class.  Plaintiffs will fairly and adequately  
21          represent the interests of the Class and do not have interests adverse to the Class.

22          32.    Plaintiffs have retained the services of counsel, who are experienced in  
23          complex class action litigation, and in particular class actions involving landfill odor.  
24          Plaintiffs' counsel will adequately prosecute this action and will otherwise protect and  
25          fairly and adequately represent Plaintiffs and all absent Class members.

26       **F.    Class Treatment Is the Superior Method of Adjudication**

27          33.    The prosecution of separate actions by individual Class members would  
28

1 create a risk of inconsistent or varying adjudications which would establish incompatible  
2 standards of conduct for the parties opposing the Class. Such incompatible standards of  
3 conduct and varying adjudications on the same essential facts, proof and legal theories  
4 would also create and allow the existence of inconsistent and incompatible rights within the  
5 Class.

6 34. Moreover, a class action is superior to other methods for the fair and efficient  
7 adjudication of the controversies raised in this Complaint because:

- 8 a. Individual claims by the Class members would be impracticable as the  
9 costs of pursuit would far exceed what any one Class member has at  
10 stake;
- 11 b. Very little individual litigation has been commenced over the  
12 controversies alleged in this Complaint and individual Class members  
13 are unlikely to have an interest in separately prosecuting and  
14 controlling individual actions;
- 15 c. The concentration of litigation of these claims in one forum will  
16 achieve efficiency and promote judicial economy; and
- 17 d. The proposed class action is manageable.

18 35. Therefore, class treatment of Plaintiffs' claims is appropriate and necessary.  
19

#### 20 JURISDICTION AND VENUE

21 36. This Court has jurisdiction under Code of Civil Procedure § 410.10.  
22 Plaintiffs' damages exceed the jurisdictional minimum of this Court. Venue is proper in  
23 the County of Los Angeles because a substantial amount of Defendants' conduct  
24 complained of herein took place in the County of Los Angeles, and because the Plaintiffs  
25 reside and suffered injury in the County of Los Angeles.

#### 26 CAUSES OF ACTION I AND II

#### 27 PUBLIC AND PRIVATE NUISANCE

28 37. Plaintiffs restate the allegations set forth in Paragraphs 1 through 36 of this

1 Complaint as if fully rewritten herein.

2 38. The noxious odors, pollutants, and air contaminants which entered Plaintiffs'  
3 property originated from the landfill constructed, maintained and/or operated by Defendants.

4 39. The odors, pollutants and air contaminants invading Plaintiffs' property are  
5 indecent and/or offensive to the senses, and obstruct the free use of their property so as to  
6 interfere with the comfortable enjoyment of life and/or property, including in but not limited to  
7 the following ways:

- 8 a. causing Plaintiffs to remain inside their homes and forego use of their  
9 yards;
- 10 b. causing Plaintiffs to keep doors and windows closed when weather  
11 conditions otherwise would not so require; and
- 12 c. causing Plaintiffs embarrassment and reluctance to invite guests to their  
13 homes.

14 40. Defendant owed and continues to owe a duty to Plaintiffs to take positive action  
15 to prevent and/or abate the interference with the public interest and/or the invasion of the private  
16 interests of the Plaintiffs.

17 41. By constructing and then failing to reasonably repair and/or maintain its facility,  
18 Defendants have negligently created an unreasonable risk of foreseeable harm by causing the  
19 invasion of Plaintiffs' property by noxious odors, pollutants, and air contaminants.

20 42. As a foreseeable, direct and proximate result of the foregoing conduct of  
21 Defendants, Plaintiffs suffered injuries and damages to their property as alleged herein.

22 43. The injuries and damages suffered by Plaintiffs are specially injurious to  
23 themselves, as compared with the public.

24 44. Plaintiffs did not consent for noxious odors, pollutants, dust, debris and air  
25 contaminants to enter and settle upon their land and property.

26 45. By causing noxious odors, pollutants, and air contaminants produced and  
27 controlled by Defendants to physically invade Plaintiffs' land and property, Defendants  
28



1 intentionally, recklessly, and negligently created a nuisance which substantially and  
2 unreasonably interfered with Plaintiffs' comfortable use and enjoyment of their property.

3 46. Defendants' substantial and unreasonable interference with Plaintiffs' use and  
4 enjoyment of their property constitutes a nuisance for which Defendants are liable to Plaintiffs  
5 for all damages arising from such nuisance, including compensatory, exemplary, injunctive and  
6 punitive relief since Defendants actions were, and continue to be, intentional, willful, malicious  
7 and made with a conscious disregard for the rights of Plaintiffs, entitling Plaintiffs to  
8 compensatory and punitive damages.

9 **CAUSE OF ACTION III**

10 **NEGLIGENCE/GROSS NEGLIGENCE**

11 48. Plaintiffs restate the allegations set forth in Paragraphs 1 through 46 of this  
12 Complaint as if fully rewritten herein.

13 49. On occasions too numerous to mention, Defendant negligently and improperly  
14 constructed, maintained and/or operated the landfill in that the landfill caused the emission of  
15 noxious odors, pollutants, and air contaminants onto Plaintiffs' homes, land and property.

16 50. As a direct and proximate result of Defendant's negligence and gross negligence  
17 in constructing, maintaining and/or operating the landfill, Plaintiffs' property, on occasions too  
18 numerous to mention, was invaded by noxious odors, pollutants, and air contaminants.

19 51. As a further direct and proximate result of the foregoing conduct of Defendants,  
20 Plaintiffs suffered damages to their property as alleged herein.

21 52. The invasion and subsequent damages suffered by Plaintiffs were reasonably  
22 foreseeable by the Defendant.

23 53. By failing to properly construct, maintain and/or operate its landfill, Defendant  
24 failed to exercise its duty of ordinary care and diligence so that noxious odors, pollutants, noise,  
25 dust, debris and air contaminants would not invade Plaintiffs' property.

26 54. By failing to construct, maintain and/or operate its landfill, Defendant has  
27 intentionally caused the invasion of Plaintiffs' property by noxious odors, pollutants, and air  
28

1 contaminants.

2 55. Defendant knowingly breached its duty to exercise ordinary care and diligence  
3 when it improperly constructed, maintained and/or operated the landfill and knew, or should  
4 have known upon reasonable inspection that such actions would cause Plaintiffs' property to be  
5 invaded by noxious odors, pollutants, and air contaminants.

6 56. As a direct and proximate result of the failure of Defendant to exercise ordinary  
7 care, Plaintiffs' residences were invaded by noxious odors, pollutants, and air contaminants.

8 57. The conduct of Defendant in knowingly allowing conditions to exist which  
9 caused noxious odors, pollutants, and air contaminants to physically invade Plaintiffs' property  
10 constitutes gross negligence as it demonstrates a substantial lack of concern for whether an  
11 injury resulted to Plaintiffs.

12 58. Defendants' gross negligence was malicious and made with a conscious  
13 disregard for the rights and safety of Plaintiffs, which entitles Plaintiffs to an award of  
14 compensatory, exemplary, and punitive relief.

15 **PRAYER FOR RELIEF**

16 WHEREFORE, Plaintiffs, individually and on behalf of the proposed Class, pray for  
17 judgment as follows:

18 A. Certification of the proposed Class pursuant to Code of Civil Procedure  
19 § 382;

20 B. Designation of Plaintiffs as representative of the proposed Class and  
21 designation of their counsel as Class counsel;

22 C. Judgment in favor of Plaintiffs and the Class members and against  
23 Defendant;

24 D. Award Plaintiffs and the Class members compensatory and punitive  
25 damages, and attorneys' fees and costs, including pre-judgment and post-judgment interest  
26 thereon;

27 E. Award Plaintiffs and the Class members attorneys' fees pursuant to Code of  
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Civil Procedure § 1021.5; and

F. Such further relief as the Court deems just and proper.

Dated: December 11, 2012

**ARIAS OZZELLO & GIGNAC LLP**

By:



MIKE ARIAS  
DENIS M. DELJA  
CHRISTOPHER D. DIPIETRO

**MACUGA, LIDDLE & DUBIN, P.C.**  
STEVEN D. LIDDLE\*  
PETER W. MACUGA, II\*

*Attorneys for Plaintiffs*

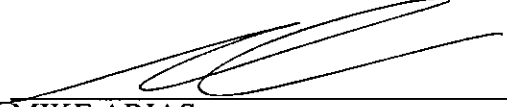
**JURY DEMAND**

Plaintiffs hereby demand a trial by jury.

Dated: December 11, 2012

**ARIAS OZZELLO & GIGNAC LLP**

By:



MIKE ARIAS  
DENIS M. DELJA  
CHRISTOPHER D. DIPIETRO

**MACUGA, LIDDLE & DUBIN, P.C.**  
STEVEN D. LIDDLE\*  
PETER W. MACUGA, II\*

*Attorneys for Plaintiffs*

\* *Pro Hac Vice* applications to be submitted.

ARIAS OZZELLO & GIGNAC LLP

2012/12/11

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):  
 Mike Arias, Esq. (CSB 115385)  
 ARIAS OZZELLO & GIGNAC LLP  
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 TELEPHONE NO.: (310) 670-1600 FAX NO.: (310) 670-1231  
 ATTORNEY FOR (Name): Plaintiffs and the Putative Class

FOR COURT USE ONLY

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

DEC 11 2012

John A. Clarke, Executive Officer/Clerk  
 BY Cristina Orjalva Deputy  
 Cristina Orjalva

SUPERIOR COURT OF CALIFORNIA, COUNTY OF Los Angeles  
 STREET ADDRESS: 111 North Hill Street  
 MAILING ADDRESS:  
 CITY AND ZIP CODE: Los Angeles, CA 90012  
 BRANCH NAME: Stanley Mosk Courthouse

CASE NAME: MICHAELY, et al. v. BROWNING-FERRIS INDUSTRIES OF CALIFORNIA, INC., and DOES 1-100

**CIVIL CASE COVER SHEET**

**Unlimited** (Amount demanded exceeds \$25,000)  **Limited** (Amount demanded is \$25,000 or less)

**Complex Case Designation**

**Counter**  **Joinder**

Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)

CASE NUMBER: **BC 497125**

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:

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

b.  Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve e.  Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court

c.  Substantial amount of documentary evidence f.  Substantial postjudgment judicial supervision

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

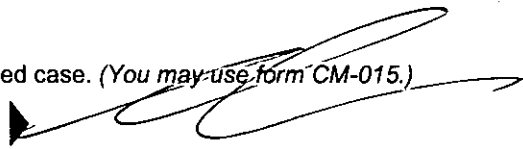
4. Number of causes of action (specify): Three (3)

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: December 11, 2012

Mike Arias, Esq. (CSB 115385)

(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**

**CM-010**

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

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

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

**CASE TYPES AND EXAMPLES**

**Auto Tort**

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

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

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

**Non-PI/PD/WD (Other) Tort**

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

**Employment**

- Wrongful Termination (36)
- Other Employment (15)

**Contract**

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

**Real Property**

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

**Unlawful Detainer**

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

**Judicial Review**

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

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

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

**Enforcement of Judgment**

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

**Miscellaneous Civil Complaint**

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

**Miscellaneous Civil Petition**

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

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

This form is required pursuant to Local Rule 2.0 in all new civil case filings in the Los Angeles Superior Court.

**Item I.** Check the types of hearing and fill in the estimated length of hearing expected for this case:

JURY TRIAL?  YES CLASS ACTION?  YES LIMITED CASE?  YES TIME ESTIMATED FOR TRIAL 30  HOURS/  DAYS

**Item II.** Indicate the correct district and courthouse location (4 steps – If you checked “Limited Case”, skip to Item III, Pg. 4):

**Step 1:** After first completing the Civil Case Cover Sheet form, find the main Civil Case Cover Sheet heading for your case in the left margin below, and, to the right in Column **A**, the Civil Case Cover Sheet case type you selected.

**Step 2:** Check one Superior Court type of action in Column **B** below which best describes the nature of this case.

**Step 3:** In Column **C**, circle the reason for the court location choice that applies to the type of action you have checked. For any exception to the court location, see Local Rule 2.0.

**Applicable Reasons for Choosing Courthouse Location (see Column C below)**

- |  |  |
|--|--|
| 1. Class actions must be filed in the Stanley Mosk Courthouse, central district. | 6. Location of property or permanently garaged vehicle.    |
| 2. May be filed in central (other county, or no bodily injury/property damage).  | 7. Location where petitioner resides.                      |
| 3. Location where cause of action arose.   | 8. Location wherein defendant/respondent functions wholly. |
| 4. Location where bodily injury, death or damage occurred.                       | 9. Location where one or more of the parties reside.       |
| 5. Location where performance required or defendant resides.                     | 10. Location of Labor Commissioner Office                  |

**Step 4:** Fill in the information requested on page 4 in Item III; complete Item IV. Sign the declaration.

	<b>A</b> Civil Case Cover Sheet Category No.	<b>B</b> Type of Action (Check only one)	<b>C</b> Applicable Reasons - See Step 3 Above
Auto Tort	Auto (22)	<input type="checkbox"/> A7100 Motor Vehicle - Personal Injury/Property Damage/Wrongful Death	1., 2., 4.
	Uninsured Motorist (46)	<input type="checkbox"/> A7110 Personal Injury/Property Damage/Wrongful Death – Uninsured Motorist	1., 2., 4.
Other Personal Injury/Property Damage/ Wrongful Death Tort	Asbestos (04)	<input type="checkbox"/> A6070 Asbestos Property Damage	2.
		<input type="checkbox"/> A7221 Asbestos - Personal Injury/Wrongful Death	2.
	Product Liability (24)	<input type="checkbox"/> A7260 Product Liability (not asbestos or toxic/environmental)	1., 2., 3., 4., 8.
	Medical Malpractice (45)	<input type="checkbox"/> A7210 Medical Malpractice - Physicians & Surgeons	1., 4.
		<input type="checkbox"/> A7240 Other Professional Health Care Malpractice	1., 4.
Other Personal Injury Property Damage Wrongful Death (23)	<input type="checkbox"/> A7250 Premises Liability (e.g., slip and fall)	1., 4.	
	<input type="checkbox"/> A7230 Intentional Bodily Injury/Property Damage/Wrongful Death (e.g., assault, vandalism, etc.)	1., 4.	
	<input type="checkbox"/> A7270 Intentional Infliction of Emotional Distress	1., 3.	
	<input checked="" type="checkbox"/> A7220 Other Personal Injury/Property Damage/Wrongful Death	1., 4.	

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	<b>A</b> Civil Case Cover Sheet Category No.	<b>B</b> Type of Action (Check only one)	<b>C</b> Applicable Reasons (See Step 3 Above)
<b>Non-Personal Injury/Property Damage/ Wrongful Death Tort</b>	Business Tort (07)	<input type="checkbox"/> A6029 Other Commercial/Business Tort (not fraud/breach of contract)	1., 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	2., 3.
<b>Employment</b>	Wrongful Termination (36)	<input type="checkbox"/> A6037 Wrongful Termination	1., 2., 3.
	Other Employment (15)	<input type="checkbox"/> A6024 Other Employment Complaint Case <input type="checkbox"/> A6109 Labor Commissioner Appeals	1., 2., 3. 10.
<b>Contract</b>	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	2., 5., 6. 2., 5.
	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.
	Eminent Domain/Inverse Condemnation (14)	<input type="checkbox"/> A7300 Eminent Domain/Condemnation      Number of parcels _____	2.
<b>Real Property</b>	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-Commercial (31)	<input type="checkbox"/> A6021 Unlawful Detainer-Commercial (not drugs or wrongful eviction)	2., 6.
<b>Unlawful Detainer</b>	Unlawful Detainer-Residential (32)	<input type="checkbox"/> A6020 Unlawful Detainer-Residential (not drugs or wrongful eviction)	2., 6.
	Unlawful Detainer- Post-Foreclosure (34)	<input type="checkbox"/> A6020F Unlawful Detainer-Post-Foreclosure	2., 6.
	Unlawful Detainer-Drugs (38)	<input type="checkbox"/> A6022 Unlawful Detainer-Drugs	2., 6.

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<b>A</b> Civil Case Cover Sheet Category No.	<b>B</b> Type of Action (Check only one)	<b>C</b> Applicable Reasons - See Step 3 Above	
<b>Judicial Review</b>	Asset Forfeiture (05) <input type="checkbox"/> A6108 Asset Forfeiture Case	2., 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.	
<b>Provisionally Complex Litigation</b>	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.	
<b>Enforcement of Judgment</b>	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., 9. 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) <input type="checkbox"/> A6000 Other Civil Complaint (non-tort/non-complex)	1., 2., 8. 1., 2., 8.
	Partnership Corporation Governance (21) <input type="checkbox"/> A6113 Partnership and Corporate Governance Case	2., 8.	
<b>Miscellaneous Civil Petitions</b>	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 <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., 4., 8. 2., 9.	



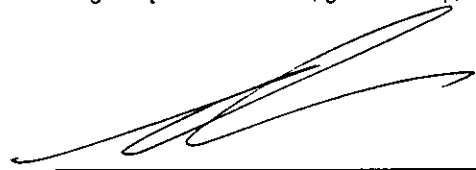
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**Item III. Statement of Location:** Enter the address of the accident, party's residence or place of business, performance, or other circumstance indicated in Item II., Step 3 on Page 1, as the proper reason for filing in the court location you selected.

<b>REASON: Check the appropriate boxes for the numbers shown under Column C for the type of action that you have selected for this case.</b>  <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.			ADDRESS: 14747 San Fernando Road		
CITY: Sylmar	STATE: CA	ZIP CODE: 91342			

**Item IV. Declaration of Assignment:** I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that the above-entitled matter is properly filed for assignment to the \_\_\_\_\_ courthouse in the \_\_\_\_\_ District of the Superior Court of California, County of Los Angeles [Code Civ. Proc., § 392 et seq., and Local Rule 2.0, subds. (b), (c) and (d)].

Dated: December 11, 2012



(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. 03/11).
5. Payment in full of the filing fee, unless fees have been waived.
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.