



**SUPERIOR COURT OF CALIFORNIA  
COUNTY OF SAN FRANCISCO**

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Feb-07-2018 2:22 pm

Case Number: CGC-18-564162

Filing Date: Feb-07-2018 2:20

Filed by: KALENE APOLONIO

Image: 06209589

COMPLAINT

DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING VS. CITY AND COUNTY  
OF SAN FRANCISCO - DEPARTMENT OF ET AL

001C06209589

**Instructions:**

Please place this sheet on top of the document to be scanned.

**SUMMONS  
(CITACION JUDICIAL)**

**SUM-100**

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

**NOTICE TO DEFENDANT:**

**(AVISO AL DEMANDADO):** CITY AND COUNTY OF SAN FRANCISCO - DEPARTMENT OF POLICE ACCOUNTABILITY, and DOES 1 through 10, inclusive,

TANESH NUTALL, Real Party in Interest.

**YOU ARE BEING SUED BY PLAINTIFF:**

**(LO ESTÁ DEMANDANDO EL DEMANDANTE):**

DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING, an agency of the State of California,

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

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

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

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

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

The name and address of the court is:

(El nombre y dirección de la corte es):  
San Francisco Superior Court  
400 McAllister Street  
400 McAllister Street  
San Francisco, CA 94102-4514

CASE NUMBER:  
(Número de caso): **CGC-18-564162**

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):  
Jennet Zapata (#277063) (916) 478-7251 (888) 382-5293  
Department of Fair Employment and Housing  
2218 Kausen Drive, Suite 100  
Elk Grove, CA 95758

*Kalene Apolonio*  
**KALENE APOLONIO**, Deputy  
(Adjunto)

DATE: \_\_\_\_\_ **FEB 07 2018** \_\_\_\_\_  
(Fecha) \_\_\_\_\_ **CLERK OF THE COURT** \_\_\_\_\_  
(Secretario)

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

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

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

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



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AND HOUSING  
2218 Kausen Drive, Suite 100  
Elk Grove, CA 95758  
Telephone: (916) 478-7251  
Facsimile: (888) 382-5293

Attorneys for Plaintiff, Department of Fair Employment and Housing  
(Fee Exempt, Gov. Code, § 6103)

**FILED**  
San Francisco County Superior Court

FEB 07 2018

CLERK OF THE COURT  
BY: Galena J. Rubio  
Deputy Clerk

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA  
IN AND FOR THE COUNTY OF SAN FRANCISCO

DEPARTMENT OF FAIR EMPLOYMENT )  
AND HOUSING, an agency of the State of )  
California, )  
Plaintiff, )  
vs. )  
CITY AND COUNTY OF SAN FRANCISCO - )  
DEPARTMENT OF POLICE )  
ACCOUNTABILITY, and DOES 1 through 10, )  
inclusive, )  
Defendants. )  
TANESH NUTALL, )  
Real Party in Interest. )

Case No. **CGC-18-564162**

**CIVIL RIGHTS COMPLAINT FOR  
COMPENSATORY DAMAGES AND  
INJUNCTIVE RELIEF FOR  
DISCRIMINATION IN PUBLIC  
ACCOMMODATIONS**

[Gov. Code, § 12948; Civ. Code, § 51;  
Gov. Code, § 11135, subd. (a)]

**JURY TRIAL DEMANDED**

Plaintiff DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING (DFEH) alleges the following against defendants CITY AND COUNTY OF SAN FRANCISCO - DEPARTMENT OF POLICE ACCOUNTABILITY (DEPARTMENT OF POLICE ACCOUNTABILITY), and DOES ONE through TEN, inclusive, in its own name and on behalf of real party in interest TANESH NUTALL (NUTALL).

ORIGINAL

FAXED



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1. The DFEH brings this civil rights case to vindicate Ms. Tanesh Nutall’s right to be free from discrimination and to enforce compliance with the Fair Employment and Housing Act (FEHA; Gov. Code, § 12900 et seq.) and the Unruh Civil Rights Act (Unruh Act; Civ. Code, § 51 et seq.).

2. Defendant Department of Police Accountability violated the Unruh Act when it discriminated against Ms. Nutall on the basis of her gender identity and expression. A Department of Police Accountability employee, Ms. Mary Ivas, denied Ms. Nutall, an African-American transgender woman, access to the women’s restroom and made derogatory comments to Ms. Nutall. This incident caused Ms. Nutall significant emotional stress, and other damages.

3. In addition, as a recipient of financial assistance from the State of California, defendants violated the anti-discriminatory provisions of Government Code section 11135.

**PARTIES**

4. Plaintiff DFEH is the state agency charged with enforcing the civil rights established by the FEHA and is authorized by Government Code section 12965 to file civil complaints on behalf of itself and persons aggrieved by discriminatory practices. The Department’s enforcement of the FEHA and the Unruh Act (Civ. Code, § 51), as incorporated into the FEHA under Government Code section 12948, is an exercise of the police power of the State of California, and implements the public policy of the State of California, to protect the civil rights of all people in California to be free and equal and to have full and equal access to accommodations, advantages, facilities, privileges, or services in all business establishments of every kind whatsoever no matter what their sex, sexual orientation, gender identity or gender expression is. (Gov. Code, §§ 12920, 12926, subd. (r), and Civ. Code, § 51, subs. (a), (e).)

5. Real party in interest Tanesh Nutall is a “person” “aggrieved” by an alleged unlawful practice under Civil Code section 52, subdivision (f), and is therefore the real party in interest in this matter.

6. Defendant Department of Police Accountability is now and was, at all times relevant to this complaint, a “business establishment” under Civil Code section 51. The Department of Police



1 Accountability is a department of the City and County of San Francisco. The Department of Police  
2 Accountability accepts and investigates complaints filed by members of the public against San  
3 Francisco police officers. Its investigators are civilians who have never been police officers.  
4 Plaintiff believes and thereon alleges that Ms. Ivas was an employee of the Department of Police  
5 Accountability at all times relevant to this complaint.

6 7. The Department of Police Accountability was originally named the Office of Citizen  
7 Complaints (OCC). In 2016, an amendment to the San Francisco City Charter (section 4.136)  
8 renamed the OCC the Department of Police Accountability.

9 8. At all relevant times, Ms. Nutall attended a training in defendants' office building. A  
10 Department of Police Accountability employee unlawfully denied Ms. Nutall full and equal  
11 accommodations, facilities, or privileges by denying her access to the women's restroom due to her  
12 gender identity and expression as an African-American transgender woman.

13 9. At all times relevant to this complaint, defendants were funded directly by the State of  
14 California or received financial assistance from the State of California, and are subject to  
15 Government Code section 11135's anti-discriminatory provisions, which provide in relevant part that  
16 "[n]o person in the State of California shall, on the basis of sex, race, color . . . or sexual orientation,  
17 be unlawfully denied full and equal access to the benefits of, or be unlawfully subjected to  
18 discrimination under, any program or activity that is conducted, operated, or administered by the state  
19 or by any state agency, is funded directly by the state, or receives any financial assistance from the  
20 state."

21 10. The true names of DOES ONE through TEN are unknown to DFEH at this time. The  
22 DFEH sues these defendants by fictitious names pursuant to Code of Civil Procedure section 474.  
23 The DFEH will amend this complaint to allege their true names and capacities when the same are  
24 ascertained. Each of the DOE defendants is legally responsible for the injuries and damages alleged  
25 in this complaint.

26 11. The DFEH is informed and believes, and thereon alleges that, at all times mentioned  
27 herein, each and every defendant is and was the agent or employee of their co-defendants herein and  
28 was acting within the scope of said agency, service, employment, or representation, and that each and

1 every defendant herein is jointly and severally responsible and liable to the real party for the damages  
2 hereinafter alleged.

3 **PROCEDURAL HISTORY, JURISDICTION, AND VENUE**

4 12. The DFEH realleges and fully incorporates by reference each and every allegation  
5 contained in paragraphs 1 through 11, inclusive.

6 13. The DFEH files this action pursuant to Government Code section 12965.

7 14. Venue is proper in San Francisco County under Government Code section 12965,  
8 subdivision (a), because the unlawful practices complained of in this complaint occurred in San  
9 Francisco County.

10 15. On or about February 8, 2017, Ms. Nutall filed a verified complaint with the DFEH  
11 alleging that the Office of Citizen Complaints (now the Department of Police Accountability) had  
12 denied full or equal accommodations and facilities, in violation of the Unruh Act, within the  
13 preceding year. DFEH investigated Ms. Nutall's complaint and found merit to her allegations.

14 16. The parties participated in a mediation convened pursuant to Government Code  
15 section 12965 on February 1, 2018, but were unable to resolve their differences.

16 17. All conditions precedent to the filing of this civil action have been fulfilled.

17 18. The amount of damages sought by this complaint exceeds the minimum jurisdictional  
18 limits of this Court.

19 **FACTUAL ALLEGATIONS**

20 19. The DFEH realleges and incorporates by reference each and every allegation  
21 contained in paragraphs 1 through 18, inclusive.

22 20. Tanesh Nutall is an African-American transgender woman. At the time of the  
23 unlawful denial of public accommodations, Ms. Nutall worked for the San Francisco AIDS  
24 Foundation (AIDS Foundation) as its TransLife Program Manager. She was an HIV/AIDS educator  
25 and headed a program for gender non-conforming individuals. Ms. Nutall was confident in her  
26 appearance and conducted her daily activities without self-consciousness.

1           21.     As part of her job responsibilities at the AIDS Foundation, on Thursday, February 18,  
2 2016, Ms. Nutall attended a training presented by the San Francisco Department of Public  
3 Health/HIV Health Services. The training was titled “Tools for De-Escalation and Support: Working  
4 with Clients who have experienced Poverty, Violence, and Other Traumas.” The presenters were Ms.  
5 Dania Sacks March, LCSW, MPH and Natalie Thoreson, M.Ed. Ms. Thoreson is a consultant with  
6 InVision Consulting. The training was held at the Department of Police Accountability building at  
7 25 Van Ness Ave., San Francisco.

8           22.     At approximately 11:00 or 11:30 a.m., during a break, Ms. Nutall left the training  
9 room to use the restroom, which was available to employees and visitors of the Department of Police  
10 Accountability, and was located around the corner from the training room.

11          23.     When Ms. Nutall was a few steps away from the women’s restroom door, she saw  
12 another woman entering the restroom. The women’s restroom had a key pad, which required a code.  
13 As the woman (later identified as Ms. Mary Ivas) entered the key code, Ms. Nutall asked her,  
14 “Excuse me Miss, can you hold the door?” Ms. Ivas turned to Ms. Nutall and said, “No, this is a  
15 women’s restroom,” implying that Ms. Nutall was not a woman. Ms. Ivas quickly closed the door  
16 behind her, denying Ms. Nutall access to the restroom consistent with her gender identity. Ms. Ivas  
17 perceived Ms. Nutall as a drag queen, a man in drag, or a man in woman’s clothing.

18          24.     At all times relevant to this complaint, Ms. Ivas was an investigator for the  
19 Department of Police Accountability, and she obtained the key code to the restroom door through her  
20 employment at that Department.

21          25.     Shaken, Ms. Nutall returned to the training room and informed the instructor, Ms.  
22 Thoreson, that someone was denying her access to the women’s restroom. Ms. Nutall asked Ms.  
23 Thoreson to accompany her so she could safely access the women’s restroom without being further  
24 accosted. As they approached the bathroom, Ms. Ivas was exiting the restroom. Ms. Nutall told Ms.  
25 Thoreson, “That’s the woman right there. She wouldn’t let me use the restroom.” Ms. Ivas turned to  
26 Ms. Thoreson and Ms. Nutall. Ms. Ivas responded, “Yes, this is a woman’s restroom, and that is a  
27 fucking man.” She then turned to Ms. Nutall and called her a “fucking freak.” Ms. Thoreson told Ms.

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1 Ivas that what she did was unacceptable and asked for her name and whether she was employed in  
2 the building.

3 26. Ms. Ivas ignored Ms. Thoreson's questions and ran down the hall and into an office.  
4 Ms. Nutall and Ms. Thoreson followed her into the office where they again requested she provide her  
5 name and position. Ms. Ivas again refused to provide any information. An office manager, possibly  
6 Deputy Director Erik Baltazar, and a security guard then arrived. Ms. Nutall and Ms. Thoreson  
7 described the incident to the manager and security guard and again requested the woman's name.  
8 Both the office manager and security guard refused to provide her name. The security guard then  
9 suggested Ms. Nutall write up a formal complaint and handed her a small piece of paper.

10 27. Ms. Thoreson had to return to the class, so Ms. Nutall went alone to discuss the issue  
11 with the front desk security guard on the first floor. That guard instructed her to go to the eighth floor  
12 to file a complaint with the San Francisco Human Rights Commission. Ms. Nutall was then joined by  
13 her direct supervisor at the San Francisco AIDS Foundation, Ace Robinson, who arrived to support  
14 her. Ms. Nutall and Mr. Robinson went to the eighth floor and began the process of filing a statement  
15 with the City of San Francisco Human Rights Commission representative.

16 28. Ms. Nutall filed a complaint with the Human Rights Commission, and later filed with  
17 DFEH.

18 **FIRST CAUSE OF ACTION**  
19 **Violation of the Unruh Civil Rights Act on the Basis of Gender Identity and Expression**  
20 **(Civ. Code, § 51, subd. (b), against all defendants)**

21 29. The DFEH realleges, and incorporates by reference, each and every allegation  
22 contained in paragraphs 1 through 28, inclusive.

23 30. Civil Code section 51, subdivision (b), makes it an unlawful practice for a business  
24 establishment of every kind whatsoever to deny full and equal accommodations or facilities because  
25 of sex. Civil Code section 51, subdivision (e)(5) defines "sex" to include a person's gender identity  
26 and gender expression. "Gender expression" means "a person's gender-related appearance and  
27 behavior whether or not stereotypically associated with the person's assigned sex at birth." (Civ.  
28 Code, § 51, subd. (e)(5).) The acts and conduct of the defendants, as described above, constitute  
unlawful discrimination in violation of Civil Code section 51, subdivision (b).







1           38.     California Government Code section 11135, subdivision (a) provides that no person in  
2 the State of California shall be unlawfully denied full and equal access to the benefits of, or be  
3 unlawfully subjected to discrimination under any program or activity that receives funding from the  
4 State of California on the basis of sex.

5           39.     At all relevant times, the Department of Police Accountability is and was a department  
6 of the City and County of San Francisco, which receives financial assistance from the State of  
7 California; as such, the Department must abide by Government Code section 11135's anti-  
8 discriminatory provision, which provides in relevant part that "[n]o person in the State of California  
9 shall, on the basis of sex, race, color . . . or sexual orientation, be unlawfully denied full and equal  
10 access to the benefits of, or be unlawfully subjected to discrimination under, any program or activity  
11 that is conducted, operated, or administered by the state or by any state agency, is funded directly by  
12 the state, or receives any financial assistance from the state."

13           40.     Under Government Code section 11135, subdivision (a), the Department of Police  
14 Accountability is liable for subjecting Ms. Nutall to unlawful discrimination because a Department  
15 employee denied Ms. Nutall access to the women's bathroom at the Department's building, as well as  
16 by failing to adequately train its supervisors, managers or employees on preventing discrimination or  
17 harassment from occurring.

18           41.     As a direct result of the defendants' unlawful practices, Ms. Nutall incurred costs and  
19 lost wages and other benefits of employment in an amount to be proven at trial.

20           42.     As a further and direct result of the defendants' unlawful practices, Ms. Nutall has  
21 suffered, and continues to suffer, from emotional distress, anxiety, frustration, humiliation, mental  
22 anguish, and other non-pecuniary losses.

23           43.     The DFEH lacks a plain, speedy, adequate remedy at law to prevent such harm, injury,  
24 and loss until this Court enjoins the unlawful conduct and grants other affirmative relief as prayed for  
25 wherein.

26     ///

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**PRAAYER FOR RELIEF**  
**All Causes of Action**

WHEREFORE, the DFEH prays that the Court issue judgment in favor of the DFEH and real party in interest, Tanesh Nutall, and order defendants to do the following:

1. Pay Ms. Nutall damages caused by defendants, including actual damages, including but not limited to out-of-pocket expenses and loss of earnings and, damages for emotional distress resulting from defendants' unlawful practices, up to three times the amount of actual damage, in an amount to be determined at trial;

2. Cease and desist from discriminating and harassing any persons on the basis of sex, gender identity and gender expression;

3. Within 90 days of entry of judgment, Department of Police Accountability will conduct, at its own expense, a minimum of one (1) two-hour in-person gender identity/gender expression harassment and discrimination prevention training for all employees of the Department. That training should occur annually thereafter for a period of three years, for all supervisors, managers, employees, and human resources personnel working at the Department.

4. Within 30 days of entry of judgment, that the Department of Police Accountability certify mandatory DFEH poster DFEH-E04P-ENG (Transgender Rights in the Workplace) has been placed in a conspicuous place where employees tend to congregate, at all its facilities in California and that it distribute DFEH pamphlets titled "Public Access Discrimination and Civil Rights" (DFEH U02B-ENG & DFEH U02B-SP) and "Unruh Civil Rights Act Fact Sheet" (DFEH U01P-ENG) to all its employees.

5. Within 100 days of the Court's order, that the Department of Police Accountability submit a verified report of completion and continued compliance with the requirements outlined above. The report shall include a copy of any training materials used, a sign-in sheet or other form of acknowledgement of training received.

6. Pay reasonable attorney fees and costs to DFEH and Ms. Nutall's attorney, Transgender Law Center, as provided by statute; and



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7. For such other relief as the Court deems just and proper.

DATED: February 7, 2018

DEPARTMENT OF FAIR EMPLOYMENT  
AND HOUSING

NELSON CHAN  
Assistant Chief Counsel

JENNET ZAPATA  
Staff Counsel

By:   
Jennet Zapata



ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):  
Jennet Zapata (#277063)  
Department of Fair Employment and Housing  
2218 Kausen Drive  
Suite 100  
Elk Grove, CA 95758  
TELEPHONE NO.: (916) 478-7251 FAX NO.: (888) 382-5293  
ATTORNEY FOR (Name): Department of Fair Employment and Housing

FOR COURT USE ONLY

**FILED**  
San Francisco County Superior Court

FEB 07 2018

CLERK OF THE COURT  
BY: *Shelene Johnson*  
Deputy Clerk

SUPERIOR COURT OF CALIFORNIA, COUNTY OF San Francisco  
STREET ADDRESS: 400 McAllister Street  
MAILING ADDRESS: 400 McAllister Street  
CITY AND ZIP CODE: San Francisco, CA 94102-4514  
BRANCH NAME: Civic Center Courthouse

CASE NAME: DEPT. OF FAIR EMPLOYMENT AND HOUSING v. CITY AND COUNTY OF SAN FRANCISCO-DEPT. OF POLICE ACCOUNTABILITY

**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)

CA NUMBER: **COC-18-564162**  
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/W/D (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/W/D (23)</p> <p><b>Non-PI/PD/W/D (Other) Tort</b></p> <p><input type="checkbox"/> Business tort/unfair business practice (07)</p> <p><input checked="" 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/W/D 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 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> |
|--|---|---|

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): TWO (2)
5. This case  is  is not a class action suit.
6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: 2/7/2018  
Jennet Zapata (#277063)  
(TYPE OR PRINT NAME)

*Jennet Zapata*  
(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.

ORIGINAL FAXED

# 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 PIPD/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