



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

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Dec-03-2018 1:21 pm

Case Number: CGC-18-571773

Filing Date: Dec-03-2018 1:15

Filed by: MEREDITH GRIER

Image: 06594710

COMPLAINT

**HARVEST ON GEARY INC., A CALIFORNIA CORPORATION ET AL VS. HARVEST
OF NAPA, INC., A CALIFORNIA CORPORATION ET AL**

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Instructions:

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

SUMMONS (CITACION JUDICIAL)

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

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

HARVEST ON GEARY, INC., a California corporation; GOOD LIVING MGMT II, INC., a California corporation; and COSECHA HOLDING CO., INC, a California corporation

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

HARVEST OF NAPA, INC., a California corporation; *see attachment SUM200(A)*

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):

Civic Center Courthouse - 400 McAllister St., San Francisco, CA 94102

CASE NUMBER:
(Número del Caso):

CGC-18-571773

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):

Katy M. Young, AD ASTRA LAW GROUP, LLP
582 Market St., 17th Floor, San Francisco, CA 94104; (415) 795-3579

DATE:

(Fecha)

DEC 03 2018

CLERK OF THE COURT

Clerk, by
(Secretario)

MEREDITH GRIER

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):

under: <input type="checkbox"/> CCP 416.10 (corporation)	<input type="checkbox"/> CCP 416.60 (minor)
<input type="checkbox"/> CCP 416.20 (defunct corporation)	<input type="checkbox"/> CCP 416.70 (conservatee)
<input type="checkbox"/> CCP 416.40 (association or partnership)	<input type="checkbox"/> CCP 416.90 (authorized person)
<input type="checkbox"/> other (specify):	
4. ☐ by personal delivery on (date):

SHORT TITLE:

Harvest on Geary, Inc. et al. v. Harvest of Napa, Inc. et al.

CASE NUMBER:

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

HARVEST OF MERCED, a California business entity form unknown; HARVEST OF MORENO VALLEY, a California business form unknown; HARVEST DISPENSARIES, CULTIVATION & PRODUCTION FACILITIES, LLC, an Arizona limited liability company; HARVEST ENTERPRISES, INC., a business entity form unknown; and DOES 1 through 30, inclusive

1 Katy M. Young (SBN 267791)
2 Michael S. Dorsi (SBN 281865)
3 Hannah M. Stitt (SBN 309349)
4 **AD ASTRA LAW GROUP, LLP**
5 582 Market Street, 17th Floor
6 San Francisco, CA 94104
7 Telephone: (415) 795-3579
8 Facsimile: (415) 276-1976
9 kyoung@astralegal.com
10 mdorsi@astralegal.com
11 hstitt@astralegal.com

12 Attorneys for Plaintiffs Harvest on Geary, Inc.,
13 Good Living Mgmt II, Inc., and Cosecha Holding Co., Inc.

14 **SUPERIOR COURT OF CALIFORNIA**

15 **COUNTY OF SAN FRANCISCO - UNLIMITED JURISDICTION**

16 **HARVEST ON GEARY, INC., a California**
17 **corporation; GOOD LIVING MGMT II, INC.,**
18 **a California corporation; and COSECHA**
19 **HOLDING CO., INC, a California corporation,**

20 **Plaintiffs,**

21 **v.**

22 ✓ **HARVEST OF NAPA, INC., a California**
23 **corporation; HARVEST OF MERCED, a**
24 **California business entity form unknown;**
25 ✓ **HARVEST OF MORENO VALLEY, a**
26 **California business form unknown; HARVEST**
27 **DISPENSARIES, CULTIVATION &**
28 **PRODUCTION FACILITIES, LLC, an**
Arizona limited liability company; HARVEST
ENTERPRISES, INC., a business entity form
unknown; and DOES 1 through 30, inclusive,

Defendants.

FILED
San Francisco County Superior Court

DEC 03 2018

CLERK OF THE COURT
BY: *[Signature]*
Deputy Clerk

CASE NO. **CGC-18-571773**
COMPLAINT FOR TRADEMARK
INFRINGEMENT AND UNFAIR
COMPETITION

Plaintiffs Harvest on Geary, Inc., Cosecha Holding Co., Inc. ("Cosecha") and Good Living Mgmt, II, Inc. (collectively, "Harvest California" or "Plaintiffs") hereby allege as follows:

1. Plaintiff Cosecha owns the California registered and common law trademark HARVEST. Cosecha grants permission to use the HARVEST mark to two cannabis retailers: Harvest on Geary and Harvest off Mission. Defendant Harvest Enterprises, Inc. acquired a California business entity, which was in the cannabis permitting process, to open a dispensary in Napa, California, and announced it would open under the name Harvest of Napa.

2. Harvest Enterprises, Inc. announced that it had obtained regulatory approval to open two other retail cannabis businesses, one in Merced, California, and the other in Moreno Valley, California.

3. Harvest California seeks injunctive relief and damages for the infringement of the HARVEST mark. This case is a simple case of trademark infringement with one wrinkle: the parties are in the cannabis industry. Although California legalized medical marijuana in 1996 and recreational use in 2016, marijuana and cannabinoids remain illegal under the federal Controlled Substances Act. This leaves only state law trademark rights and remedies.

THE PARTIES

4. Harvest on Geary, Inc. is a California corporation and retail cannabis business located in the City and County of San Francisco.

5. Good Living Mgmt II, Inc. ("Harvest Mission") is a California corporation that does business as Harvest off Mission. It is a retail cannabis business located in San Francisco, California.

6. Cosecha Holding Co., Inc.¹ is California corporation doing business in California with its principal place of business in the Oakland, California.

7. On information and belief, Defendant Harvest Dispensaries, Cultivation & Production Facilities, LLC ("Harvest DCP") is, and was at all relevant times alleged herein, an Arizona limited liability company doing business and employing persons in Arizona.

8. Harvest Enterprises, Inc. ("Harvest Enterprises") is a business entity form unknown. On information and belief, Harvest Enterprises is currently in the process of or recently completed a reverse takeover, with the purpose of being listed in the Canadian Securities Exchange (CSE) in Toronto, Canada. Harvest Enterprises is an affiliate of Harvest DCP. On information and belief, Harvest DCP and Harvest Enterprises (collectively "Harvest Arizona") did not do business in California prior to July 2018.

9. Harvest of Napa, Inc. ("Harvest Napa") is a California corporation established to open a retail cannabis business in Napa, California, formed during or after July 2018. Harvest Enterprises acquired Harvest of Napa or a related entity with permit-related rights on or about

¹ The word *cosecha* is Spanish for *harvest*.

1 September 10, 2018. On or about the same date, one or more Defendants announced that Harvest of
2 Napa would open under that name as part of Harvest Arizona's expansion into California.

3 10. Harvest of Merced ("Harvest Merced") is the name of the cannabis retail business
4 affiliated with Harvest Enterprises that plans to open in Merced, California. On information and
5 belief, Harvest of Merced is a separate legal entity, owned in whole or in part by Harvest
6 Enterprises, and has acquired some or all of the necessary permits to begin retail cannabis sales
7 under California law and local ordinances.

8 11. Harvest of Moreno Valley ("Harvest Moreno Valley") is the name of the cannabis
9 retail business affiliated with Harvest Enterprises that plans to open in Moreno Valley, California.
10 On information and belief, Harvest of Moreno Valley is a separate legal entity, owned in whole or
11 in part by Harvest Enterprises, and has acquired some or all of the necessary permits to begin retail
12 cannabis sales under California law and local ordinances.

13 12. Plaintiffs do not know the true names and capacities of defendants sued in this
14 Complaint as Doe 1 through Doe 30, inclusive, and therefore sues these defendants by fictitious
15 names under Section 474 of the California Code of Civil Procedure. Plaintiffs will amend this
16 Complaint to allege the true names and capacities of Doe 1 through Doe 30, inclusive, when
17 ascertained. Plaintiffs are informed and believe, and on that basis allege, that each of the defendants
18 named herein as Doe 1 through Doe 30, inclusive, is responsible in some manner for the
19 occurrence, injury, and other damages alleged in this Complaint.

20 13. The designations of Does 1 through 15, inclusive, are reserved for defendants who
21 infringed directly on the HARVEST mark. The designations of Does 16 through 30, inclusive, are
22 reserved for defendants who are otherwise liable for their participation in the Defendants' activities.

23 14. On information and belief, Defendants and each of them, including the fictitiously
24 named Doe Defendants, 1-30, inclusive, are and were at all relevant times acting as the duly
25 authorized agent, employee, and/or joint venturer of each and every other defendant, and was acting
26 within the course and scope of such agency or employment or joint venture. Each defendant,
27 including all Doe Defendants, and all of them, knowingly conspired with each other, and aided and
28 abetted, or acted as the alter ego of each of other.

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25. Harvest Napa has taken steps in preparation for its store opening in Napa, including hiring employees. Harvest California received inquiries from potential employees concerning the Napa location. These communications showed actual confusion by potential employees who believed that Harvest California planned to open a related business in Napa, California.

26. Napa, California is located approximately 50 miles from San Francisco, California. Both cities are part of the San Francisco Bay Area. Napa and San Francisco counties are frequently referred to as two of the “Nine Bay Area Counties.” Numerous businesses maintain two locations: one in San Francisco, and the other in Napa County.

27. Harvest Enterprises took actions to cause Harvest Merced and Harvest Moreno Valley to prepare to open. Harvest Merced and Harvest Moreno Valley are preparing to open and commence sales to retail customers. On information and belief, Harvest Merced and Harvest Moreno Valley have already hired employees.

28. Harvest Merced is located within 150 miles of Harvest Geary and Harvest Mission.

29. Harvest California expects that the actual confusion that occurred in the employment market will also occur in the retail market. In Harvest California's experience, potential employees are more sophisticated and discerning than potential customers. As a result, Harvest California expects confusion among customers.

30. Harvest California expects that the opening of Harvest Napa, Harvest Merced, and Harvest Moreno Valley will result in brand dilution. Harvest California invests in the quality and reputation of Harvest Geary and Harvest Mission.

FIRST CAUSE OF ACTION

(Trademark Infringement — Against All Defendants)

31. Plaintiffs incorporate paragraphs 1–30 of this Complaint as if fully set forth herein.

32. California Business and Professions Code sections 14200 through 14272 and California common law afford the owner of a trademark, either by common law rights or registration with the Secretary of State, with the right to exclusive use of the mark for the given type of business.

33. Plaintiff Cosecha owns the HARVEST mark, and grants permission to Harvest

1 Geary and Harvest Mission to use the mark.

2 34. HARVEST is a valid and protectable mark under California law. The mark's validity
3 arises from:

4 a. Common law rights arising from use in commerce in California, and

5 b. Registration with the California Secretary of State, Registration Number
6 302630.

7 35. Harvest California's use of the mark commenced during or before January 2016.

8 36. Cosecha obtained registration on June 6, 2018.

9 37. On information and belief, Harvest Arizona did not commence business in
10 California until July 2018 or later and does not plan to commence retail sales except through
11 affiliates Harvest Napa, Harvest Merced, and Harvest Moreno Valley.

12 38. On information and belief, Harvest Napa did not commence business in California
13 until July 2018 or later and has not yet commenced retail sales.

14 39. On information and belief, Harvest Merced did not commence business in California
15 until July 2018 or later and has not yet commenced retail sales.

16 40. On information and belief, Harvest Moreno Valley did not commence business in
17 California until July 2018 or later and has not yet commenced retail sales.

18 41. The HARVEST mark is at a minimum suggestive, if not arbitrary or fanciful.

19 42. Harvest Arizona, Harvest Napa, Harvest Merced, Harvest Moreno Valley, and Does
20 1 through 15 are infringing on the HARVEST mark by using it as the name of their own business
21 operation in Napa, California.

22 43. Defendants' business operation, using the name Harvest, has already caused actual
23 confusion among potential employees.

24 44. Defendants' business operation, using the name Harvest, will cause actual or likely
25 confusion among potential customers.

26 45. As a result of Defendants' conduct, Harvest California will lose sales, suffer brand
27 dilution, and be forced to spend greater resources on marketing to educate potential customers
28 about the difference between Harvest California and Harvest Napa.

46. Harvest California is entitled to treble damages under California's trademark statute.

47. Harvest California is entitled to injunctive relief. It lacks an adequate remedy at law because of the irreparable and unquantifiable injury that results from trademark infringement. Infringement on trademarks creates a presumption of irreparable harm, and California law authorizes injunctive relief to protect common law and state-registered trademarks.

48. Defendants' actions described in this Cause of Action constitute malice, oppression, and/or fraud, and therefore the Court should impose punitive damages.

SECOND CAUSE OF ACTION

(Unfair Completion (Section 17200) — Against All Defendants)

49. Plaintiffs incorporates paragraphs 1–48 of this Complaint as if fully set forth herein.

50. Defendants, by engaging in the wrongful conduct alleged in this Complaint, engaged in unlawful, unfair, and/or fraudulent business acts or practices, within the meaning of California Business and Professions Code section 17200 et seq. (the “Unfair Competition Law”).

51. Defendants engaged in unlawful behavior by infringing on the HARVEST mark.

52. Defendants engaged in unfair or fraudulent behavior by opening businesses (Harvest Napa, Harvest Merced, and Harvest Moreno Valley) in a state where the name Harvest is known to customers and associated with Harvest California's business, and in a way that will trick consumers into believing that they are purchasing from the reputable businesses of Harvest California.

53. Defendants' unlawful, unfair, or fraudulent conduct resulted in an unfair competitive advantage to Defendants at Harvest California's expense, and by those actions caused concrete and particularized injury to Harvest California.

54. Defendants' violation of the Unfair Competition Law entitles Harvest California to restitution and disgorgement of profit and revenue obtained by Defendants as a result of such unfair business conduct, in an amount according to proof.

55. Harvest California is entitled to injunctive relief under the Unfair Competition Law. It lacks an adequate remedy at law because of the irreparable and unquantifiable injury that results from unfair competition. California law authorizes injunctive relief to protect businesses from unfair competition.

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PRAYER FOR RELIEF

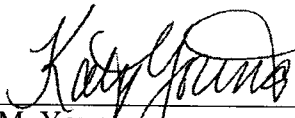
WHEREFORE, Plaintiffs pray for judgment in their favor and jointly and severally against Defendants, and each of them, as follows:

1. For damages according to proof;
2. For injunctive relief:
 - a. For a permanent injunction restraining Harvest Napa, Harvest Merced, Harvest Moreno Valley, Harvest Arizona, and any related entity from using the HARVEST mark in California, and
 - b. If an interim agreement cannot be reached concerning conduct during the pendency of litigation, for a preliminary injunction restraining Harvest Napa, Harvest Merced, Harvest Moreno Valley, Harvest Arizona, and any related entity from using the HARVEST mark in California until the entry of judgment;
3. For restitution, disgorgement of profits, revenues, or payments according to proof;
4. For prejudgment interest;
5. For costs of suit; and
6. For such other relief as the Court deems just and proper.

Dated: November 30, 2018

AD ASTRA LAW GROUP, LLP

By


Katy M. Young
Attorneys for Plaintiffs Harvest on Geary, Inc.,
Good Living Mgmt II, Inc., and Cosecha Holding
Co., Inc.

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Katy M. Young, Esq. (SBN 267791) / Michael S. Dorsi, Esq. (SBN 281865) AD ASTRA LAW GROUP, LLP 582 Market Street, 17th Floor San Francisco CA 94104 TELEPHONE NO.: (415) 795-3579 FAX NO.: (415) 276-1976 ATTORNEY FOR (Name): Plaintiffs Harvest on Geary, Inc. et al.		FOR COURT USE ONLY FILED San Francisco County Superior Court DEC 03 2018 CLERK OF THE COURT BY: <i>Messiah Gove</i> 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 BRANCH NAME: Civic Center Courthouse		
CASE NAME: Harvest on Geary, Inc. et al. v. Harvest of Napa, Inc. et al.		
CIVIL CASE COVER SHEET <input checked="" type="checkbox"/> Unlimited (Amount demanded exceeds \$25,000)	<input type="checkbox"/> Limited (Amount demanded is \$25,000 or less)	CASE NUMBER: CGC-18-571773 JUDGE: DEPT:
Complex Case Designation <input type="checkbox"/> Counter <input type="checkbox"/> 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
<input type="checkbox"/> Auto (22)
<input type="checkbox"/> Uninsured motorist (46)
Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort
<input type="checkbox"/> Asbestos (04)
<input type="checkbox"/> Product liability (24)
<input type="checkbox"/> Medical malpractice (45)
<input type="checkbox"/> Other PI/PD/WD (23)
Non-PI/PD/WD (Other) Tort
<input type="checkbox"/> Business tort/unfair business practice (07)
<input type="checkbox"/> Civil rights (08)
<input type="checkbox"/> Defamation (13)
<input type="checkbox"/> Fraud (16)
<input checked="" type="checkbox"/> Intellectual property (19)
<input type="checkbox"/> Professional negligence (25)
<input type="checkbox"/> Other non-PI/PD/WD tort (35)
Employment
<input type="checkbox"/> Wrongful termination (36)
<input type="checkbox"/> Other employment (15) | Contract
<input type="checkbox"/> Breach of contract/warranty (06)
<input type="checkbox"/> Rule 3.740 collections (09)
<input type="checkbox"/> Other collections (09)
<input type="checkbox"/> Insurance coverage (18)
<input type="checkbox"/> Other contract (37)
Real Property
<input type="checkbox"/> Eminent domain/Inverse condemnation (14)
<input type="checkbox"/> Wrongful eviction (33)
<input type="checkbox"/> Other real property (26)
Unlawful Detainer
<input type="checkbox"/> Commercial (31)
<input type="checkbox"/> Residential (32)
<input type="checkbox"/> Drugs (38)
Judicial Review
<input type="checkbox"/> Asset forfeiture (05)
<input type="checkbox"/> Petition re: arbitration award (11)
<input type="checkbox"/> Writ of mandate (02)
<input type="checkbox"/> Other judicial review (39) | Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400-3.403)
<input type="checkbox"/> Antitrust/Trade regulation (03)
<input type="checkbox"/> Construction defect (10)
<input type="checkbox"/> Mass tort (40)
<input type="checkbox"/> Securities litigation (28)
<input type="checkbox"/> Environmental/Toxic tort (30)
<input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41)
Enforcement of Judgment
<input type="checkbox"/> Enforcement of judgment (20)
Miscellaneous Civil Complaint
<input type="checkbox"/> RICO (27)
<input checked="" type="checkbox"/> Other complaint (not specified above) (42)
Miscellaneous Civil Petition
<input type="checkbox"/> Partnership and corporate governance (21)
<input type="checkbox"/> Other petition (not specified above) (43) |
|---|--|---|
2. This case ☐ is ☒ is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:
- | | |
|--|--|
| a. <input type="checkbox"/> Large number of separately represented parties | d. <input 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): 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: November 30, 2018

Katy M. Young, Esq.

(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE

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

Page 1 of 2

INSTRUCTIONS ON HOW TO COMPLETE THE COVER SHEET

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

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

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

CASE TYPES AND EXAMPLES

Auto Tort

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

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

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

Non-PI/PD/WD (Other) Tort

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

Employment

Wrongful Termination (36)
Other Employment (15)

Contract

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

Real Property

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

Unlawful Detainer

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

Judicial Review

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

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

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

Enforcement of Judgment

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

Miscellaneous Civil Complaint

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

Miscellaneous Civil Petition

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