

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO

STREET ADDRESS: 330 West Broadway
MAILING ADDRESS: 330 West Broadway
CITY AND ZIP CODE: San Diego, CA 92101
BRANCH NAME: Central
TELEPHONE NUMBER: (619) 450-7065

PLAINTIFF(S) / PETITIONER(S): Theodore A Pinnock

DEFENDANT(S) / RESPONDENT(S): Julian Chamber of Commerce et.al.

THEODORE A PINNOCK VS JULIAN CHAMBER OF COMMERCE

NOTICE OF CASE ASSIGNMENT

CASE NUMBER:

37-2008-00087001-CU-NP-CTL

Judge: Joan M. Lewis

Department: C-65

COMPLAINT/PETITION FILED: 07/08/2008

CASES ASSIGNED TO THE PROBATE DIVISION ARE NOT REQUIRED TO COMPLY WITH THE CIVIL REQUIREMENTS LISTED BELOW

IT IS THE DUTY OF EACH PLAINTIFF (AND CROSS-COMPLAINANT) TO SERVE A COPY OF THIS NOTICE WITH THE COMPLAINT (AND CROSS-COMPLAINT).

ALL COUNSEL WILL BE EXPECTED TO BE FAMILIAR WITH SUPERIOR COURT RULES WHICH HAVE BEEN PUBLISHED AS DIVISION II, AND WILL BE STRICTLY ENFORCED.

TIME STANDARDS: The following timeframes apply to general civil cases and must be adhered to unless you have requested and been granted an extension of time. General civil consists of all cases except: Small claims appeals, petitions, and unlawful detainers.

COMPLAINTS: Complaints must be served on all named defendants, and a **CERTIFICATE OF SERVICE (SDSC CIV-345)** filed within 60 days of filing. This is a mandatory document and may not be substituted by the filing of any other document.

DEFENDANT'S APPEARANCE: Defendant must generally appear within 30 days of service of the complaint. (Plaintiff may stipulate to no more than a 15 day extension which must be in writing and filed with the Court.)

DEFAULT: If the defendant has not generally appeared and no extension has been granted, the plaintiff must request default within 45 days of the filing of the Certificate of Service.

THE COURT ENCOURAGES YOU TO CONSIDER UTILIZING VARIOUS ALTERNATIVES TO LITIGATION, INCLUDING MEDIATION AND ARBITRATION, PRIOR TO THE CASE MANAGEMENT CONFERENCE. MEDIATION SERVICES ARE AVAILABLE UNDER THE DISPUTE RESOLUTION PROGRAMS ACT AND OTHER PROVIDERS. SEE ADR INFORMATION PACKET AND STIPULATION.

YOU MAY ALSO BE ORDERED TO PARTICIPATE IN ARBITRATION PURSUANT TO CCP 1141.10 AT THE CASE MANAGEMENT CONFERENCE. THE FEE FOR THESE SERVICES WILL BE PAID BY THE COURT IF ALL PARTIES HAVE APPEARED IN THE CASE AND THE COURT ORDERS THE CASE TO ARBITRATION PURSUANT TO CCP 1141.10. THE CASE MANAGEMENT CONFERENCE WILL BE CANCELLED IF YOU FILE FORM SDSC CIV-359 PRIOR TO THAT HEARING

2008 JUN -8 A 9:31
SAN DIEGO COUNTY, CA

PINNOCK & WAKEFIELD

A Professional Corporation
Theodore A. Pinnock, Esq. Bar #: 153434
3033 Fifth Avenue, Suite 410
San Diego, CA 92103
Telephone: 619.858.3671
Facsimile: 619.858.3646

Attorneys for Plaintiff

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SAN DIEGO**

THEODORE A. PINNOCK,

Plaintiff,

v.

**JULIAN CHAMBER OF
COMMERCE; LAWYERS AGAINST
LAWSUIT ABUSE; JULIANITES
AGAINST SHAKEDOWN TACTICS;
DAVID WARREN PETERS; ERIK
WYATT And DOES 1 THROUGH 10,
Inclusive**

Defendants.

Case No.

37-2008-00087001-CU-NP-CTL

CIVIL COMPLAINT:

- (1) ABUSE OF PROCESS
- (2) INTENTIONAL INFLECTION OF EMOTIONAL DISTRESS
- (3) NEGLIGENCE INFLECTION OF EMOTIONAL DISTRESS
- (4) FALSE LIGHT
- (5) CONSPIRACY
- (6) AIDING AND ABETTING TORT

**JURY DEMAND
UNLIMITED CIVIL**

NAMED DEFENDANTS AND NAMED PLAINTIFF

1. Plaintiff is informed, believes and thereon alleges that Defendants are Julian Chamber of Commerce; Lawyers Against Lawsuit Abuse; Julianites Against Shakedown Tactics; David Warren Peters; Erik Wyatt and, at all times mentioned herein, were, a person, a business or corporation or franchise organized and existing and/or doing business under the laws of the State of California..

2. Defendants Does 1 through 10, were at all times relevant herein subsidiaries, employers, employees, agents, of Defendants Julian Chamber of Commerce; Lawyers Against Lawsuit Abuse; Julianites Against Shakedown Tactics; David Warren Peters; Erik Wyatt. Plaintiff is

1 ignorant of the true names and capacities of Defendants sued herein as Does 1 through 10,
2 inclusive, and therefore sues these Defendants by such fictitious names. Plaintiff will pray leave
3 of the court to amend this complaint to allege the true names and capacities of the Does when
4 ascertained.

5 3. Plaintiff is informed and believes, and thereon alleges, that Defendants and each of them
6 herein were, at all times relevant to the action, the owner, lessor, lessee, franchiser, franchisee,
7 general partner, limited partner, agent, employee, representing partner, or joint venturer of the
8 remaining Defendants and were acting within the course and scope of that relationship. Plaintiff
9 is further informed and believe, and thereon allege, that each of the Defendants herein gave
10 consent to, ratified, and/or authorized the acts alleged herein to each of the remaining Defendants.
11

12 **CONCISE SET OF FACTS**

13 4. On December 27, 2005 the defendants filed a federal lawsuit named Julianites
14 Against Shakedown Tactics v. TEJJR (Total Equality, Just Judgment and Rights), an organization
15 of unknown nature; et al., Case # 05-CV-2353 W (WMc)

16
17 5. On May 2, 2007, the United States District Court Southern District of California
18 dismissed the lawsuit with prejudice. The lawsuit had no merit what so ever, and was intended
19 to injure Mr. Theodore A. Pinnock's name and reputation. No competent lawyer would have
20 filed such a suit. Defendants did agree to work together to ruin Mr. Pinnock's name by using the
21 news media and the web to mislead the public so that the public would hate Mr. Pinnock. Mr.
22 Pinnock was depressed for 3 years and suffered financially due to the Defendants conduct. The
23 lawsuit filed against Mr. Pinnock did not state any federal claim and had no basis

24
25 6. Defendant Wyatt deliberately gave an interview with the Sacramento newspaper
26 that portrayed Mr. Pinnock in a negative manner and did imply that Mr. Pinnock was doing
27 something wrong by filing ADA lawsuits. Defendant Wyatt continued to portray Mr. Pinnock as
28 a bad person for advocating for the disabled. Defendant Wyatt stated, "I think it's wrong" in a

1 Sacramento Bee article on January 19, 2007. Thus, Defendant Wyatt stated publicly that
2 Pinnock's ADA advocacy was wrong. This portrayed Pinnock in a false light in a public forum.
3 Defendant Wyatt retained defendant David Peters to deliberately delay the probate proceedings
4 where Mr. Pinnock is the trustee of the Wyatt trust. Defendant David W. Peters has no interest in
5 practicing probate law. Defendant David Peters' only interest is to attack Mr. Pinnock whenever
6 he can. Defendant David Peters deliberately conspired with others to ruin Mr. Pinnock's name
7 and reputation with out good cause. Defendant Peters is behind the following site:
8 www.adaabuse.com/pinnockwakefield.html. The site is not accurate and portrays Pinnock in a
9 false light.
10

11 7. Mr. Pinnock suffered deep depression due to the above conduct and suffered
12 financially due to the above conduct.
13

14 CLAIMS

15 Wrongful Use of Civil Proceedings

16 Plaintiff claims that Defendants wrongfully brought a lawsuit against Plaintiff. To establish this
17 claim, *plaintiff* shall prove all of the following:
18

- 19 1. That Defendants were actively involved in bringing [or continuing] the lawsuit;
- 20 2. That the lawsuit ended in *plaintiff's* favor;
- 21 3. That no reasonable person in Defendants' circumstances would have believed that there were
22 reasonable grounds to bring the lawsuit against Theodore Pinnock;
- 23 4. That Defendants acted primarily for a purpose other than succeeding on the merits of the claim;
- 24 5. That Plaintiff was harmed; and
- 25 6. That Defendants' conduct was a substantial factor in causing Theodore Pinnock's harm.
26

27
28 1520. Abuse of Process—Essential Factual Elements

1 Plaintiff claims that Defendants wrongfully filed and pursued legal action. To establish this claim,

2 Plaintiff shall prove all of the following:

- 3 1. That Defendants filed and pursued legal action;
- 4 2. That Defendants intentionally used this legal procedure to destroy Plaintiff's name, business,
- 5 profession and reputation;
- 6 3. That Plaintiff was harmed; and
- 7 4. That Defendants' conduct was a substantial factor in causing Theodore Pinnock's harm.
- 8

9 1600. Intentional Infliction of Emotional Distress—Essential

10 Factual Elements

11 0002 [ST: 849] [ED: 10000] [REL: 7] Composed: Wed Dec 12 18:30:02 EST 2007

12 XPP 7.3C.1 Patch #3 SC_01283 nllp 1283 [PW=514pt PD=720pt TW=352pt TD=528pt]

13 VER: [SC_01283-Local:15 Nov 07 12:25][MX-SECNDARY: 22 Nov 07 13:59][TT-: 07 Dec 07

14 14:50 loc=usa unit=01283-ch1600] 0

15 Plaintiff claims that Defendants' conduct caused Plaintiff to suffer severe emotional distress. To

16 establish this claim, Plaintiff shall prove all of the following:

- 17 1. That Defendants' conduct was outrageous;
- 18 2. That Defendants intended to cause Theodore Pinnock emotional distress;
- 19

20 [or]

21 That Defendants acted with reckless disregard of the probability that Plaintiff would suffer

22 emotional distress, knowing that Plaintiff was present when the conduct occurred;

- 23 3. That Plaintiff suffered severe emotional distress; and
- 24 4. That Defendants' conduct was a substantial factor in causing Theodore Pinnock's severe
- 25 emotional distress.

26 Negligent Infliction of Emotional Distress—Direct

27 Victim—Essential Factual Elements

28 Plaintiff claims that Defendants' conduct caused Plaintiff to suffer serious emotional distress. To

1 establish this claim, Plaintiff shall prove all of the following:

- 2 1. That Defendants was negligent;
- 3 2. That Plaintiff suffered serious emotional distress; and
- 4 3. That Defendants' negligence was a substantial factor in causing Theodore Pinnock's serious
- 5 emotional distress. Emotional distress includes suffering, anguish, fright, horror, nervousness,
- 6 grief, anxiety, worry, shock, humiliation, and shame.

7 Serious emotional distress exists if an ordinary, reasonable person would be unable to cope with

8 it.

9 1802. False Light

10 Plaintiff claims that Defendants violated his right to privacy. To establish this claim, Plaintiff

11 must prove all of the following:

- 12 1. That Defendants publicized information or material that showed Plaintiff in a false light;
- 13 2. That the false light created by the publication would be highly offensive to a reasonable person
- 14 in Theodore Pinnock's position;
- 15 3. That there is clear and convincing evidence that Julian Chamber of Commerce; Lawyers
- 16 Against Lawsuit Abuse; JAST; David Warren Peters; Erik Wyatt knew the publication would
- 17 create a false impression about Plaintiff or acted with reckless disregard for the truth;

18 *[or]*

19 That Defendants were negligent in determining the truth of the information or whether a false

20 impression would be created by its publication;

- 21 4. That Plaintiff was harmed; and

22 *[or]*

23 That Plaintiff sustained harm to his property, business, profession, or occupation including loss

24 earnings; and

- 25 5. That Defendants' conduct was a substantial factor in causing Theodore Pinnock's harm.

26 1802. False Light

27 Plaintiff claims that Defendants violated his right to privacy. To establish this claim, Plaintiff

28

1 must prove all of the following:

- 2 1. That Defendants publicized information or material that showed Plaintiff in a false light;
3
4 2. That the false light created by the publication would be highly offensive to a reasonable person
5 in Theodore Pinnock's position;
6
7 3. That there is clear and convincing evidence that Julian Chamber of Commerce; Lawyers
8 Against Lawsuit Abuse; JAST; David Warren Peters; Erik Wyatt knew the publication would
9 create a false impression about Plaintiff or acted with reckless disregard for the truth;

10 *[or]*

11 That Defendants were negligent in determining the truth of the information or whether a false
12 impression would be created by its publication;

- 13 4. That Plaintiff was harmed; and

14 *[or]*

- 15 4. [That Plaintiff sustained harm to his property, business, profession, or occupation including
16 loss earnings; and

- 17 5. That Defendants' conduct was a substantial factor in causing Theodore Pinnock's harm.

18 www.lexisnexis.com/bookstore, for public and internal court use.

19 3600. Conspiracy—Essential Factual Elements

20 Plaintiff claims that he was harmed by all Defendant co-conspirators' false light conduct and
21 malicious prosecutorial animus and those Defendants are liable. A conspiracy is an agreement by
22 two or more persons to commit a wrongful act. Such an agreement may be made orally or in
23 writing or may be implied by the conduct of the parties.

24 If you find that Defendants co-conspirators' false light conduct and malicious prosecutorial
25 animus that harmed Theodore Pinnock then you must determine whether Defendants is also
26 responsible for the harm. Defendants is responsible if Plaintiff proves both of the following:

- 27 1. That Defendants was aware that Defendants co-conspirators planned to false statements and
28 abuse of legal process; and
2. That Defendants agreed with Defendants co-conspirators and intended that the false statements

1 and abuse of legal process be committed.

2 0002 [ST: 631] [ED: 10000] [REL: 7] Composed: Wed Dec 12 19:37:45 EST 2007

3 XPP 7.3C.1 Patch #3 SC_01283 nllp 1283 [PW=514pt PD=720pt TW=352pt TD=528pt]

4 VER: [SC_01283-Local:15 Nov 07 12:25][MX-SECNDARY: 22 Nov 07 13:59][TT-: 07 Dec 07
5 14:50 loc=usa unit=01283-ch3600] 0

6
7 3610. Aiding and Abetting Tort—Essential Factual Elements

8 Plaintiff claims that he was harmed by all Defendants' abuse of process, malicious prosecution
9 and false light and that Erik Wyatt and Julian Chamber of Commerce are responsible for the harm
10 because they aided and abetted David Warren Peters in committing the false statements and abuse
11 of legal process.

12 If you find that David Warren Peters committed false statements and abuse of legal process that
13 harmed Theodore Pinnock, then you must determine whether Defendants is also responsible for
14 the harm.

15 Defendants is responsible as an aider and abetter if Theodore Pinnock proves all of the following:

- 16 1. That Defendants knew that false statements and abuse of legal process were being committed
17 by David Warren Peters against Theodore Pinnock;
18 2. That Defendants gave substantial assistance or encouragement to David Warren Peters; and
19 3. That Defendants' conduct was a substantial factor in causing harm to Theodore Pinnock.

20 Mere knowledge that false statements and abuse of legal process were being committed and the
21 failure to prevent it do not constitute aiding and abetting.

22
23 0291 [ST: 1] [ED: 10000] [REL: 2008S1] Composed: Mon May 5 14:58:21 EDT 2008

24 XPP 7.3C.1 Patch #3 SC_01283 nllp 1283 [PW=514pt PD=720pt TW=352pt TD=528pt]

25 VER: [SC_01283-Local:02 Apr 08 14:44][MX-SECNDARY: 14 Apr 08 18:14][TT-: 15 Apr 08
26 13:17 loc=usa unit=01283-v1supp] 0

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DEMAND FOR JUDGMENT FOR RELIEF:

- A. For special damages;
- B. For general damages;
- C. For punitive damages;
- D. For attorney's fees;
- E. A Jury Trial and;
- F. For such other further relief as the court deems proper.

Respectfully submitted:

Dated: July 8, 2008

PINNOCK & WAKEFIELD, A.P.C.



By: _____

THEODORE A. PINNOCK, ESQ.

Attorney for Plaintiff

SUMMONS (CITACION JUDICIAL)

NOTICE TO DEFENDANT: (AVISO AL DEMANDADO):

JULIAN CHAMBER OF COMMERCE; LAWYERS AGAINST LAWSUIT ABUSE;
JULIANITES AGAINST SHAKEDOWN TACTICS; DAVID WARREN PETERS;
ERIK WYATT ; and DOES 1 THROUGH 10, Inclusive

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

THEODORE A. PINNOCK

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

JUL 08 9:51 AM '08

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.

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.courtinfo.ca.gov/selfhelp/espanol/), 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.courtinfo.ca.gov/selfhelp/espanol/) o poniéndose en contacto con la corte o el colegio de abogados locales.

The name and address of the court is: San Diego Superior Court
(El nombre y dirección de la corte es):

CASE NUMBER
(Número del Caso): **37-2008-00087001-CU-NP-CTL**

Hall of Justice
330 West Broadway, San Diego, California 92101

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):

Theodore A. Pinnock, Esq. Bar #: 153434
3033 Fifth Avenue, Suite 410 San Diego, CA 92103

DATE:
(Fecha)

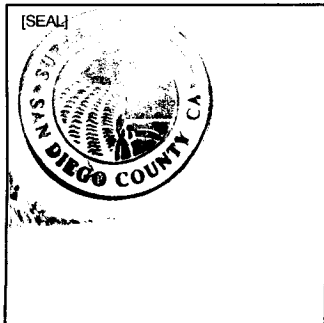
Clerk, by *Lani E. Martin*, Deputy
(Secretario) **LANI E. MARTIN** (Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-016).)
(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):



ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State, number, and address): Theodore A. Pinnock, Esq. Bar #: 153434 3033 Fifth Avenue, Suite 410 San Diego, CA 92103 TELEPHONE NO.: 619.858.3671 FAX NO.: 619.858.3646 ATTORNEY FOR (Name): PLAINTIFF	FOR COURT USE ONLY RECEIVED JUL - 8 A 9:30 2008
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SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO
 STREET ADDRESS: 330 West Broadway
 MAILING ADDRESS:
 CITY AND ZIP CODE: San Diego, California 92101
 BRANCH NAME: Hall of Justice

CASE NAME: **THEODORE A. PINNOCK v. JULIAN CHAMBER OF COMMERCE; ET AL**

CIVIL CASE COVER SHEET <input checked="" type="checkbox"/> Unlimited (Amount demanded exceeds \$25,000) <input type="checkbox"/> Limited (Amount demanded is \$25,000 or less)	Complex Case Designation <input type="checkbox"/> Counter <input type="checkbox"/> Joinder Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)	CASE NUMBER: 37-2008-00087001-CU-NP-CTL JUDGE: DEPT:
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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 type="checkbox"/> Intellectual property (19) <input type="checkbox"/> Professional negligence (25) <input checked="" 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"/> Collections (09) <input type="checkbox"/> Insurance coverage (18) <input type="checkbox"/> Other contract (37) Real Property <input type="checkbox"/> Eminent domain/Inverse condemnation (14) <input type="checkbox"/> Wrongful eviction (33) <input type="checkbox"/> Other real property (26) Unlawful Detainer <input type="checkbox"/> Commercial (31) <input type="checkbox"/> Residential (32) <input type="checkbox"/> Drugs (38) Judicial Review <input type="checkbox"/> Asset forfeiture (05) <input type="checkbox"/> Petition re: arbitration award (11) <input type="checkbox"/> Writ of mandate (02) <input type="checkbox"/> Other judicial review (39)	Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400-3.403) <input type="checkbox"/> Antitrust/Trade regulation (03) <input type="checkbox"/> Construction defect (10) <input type="checkbox"/> Mass tort (40) <input type="checkbox"/> Securities litigation (28) <input type="checkbox"/> Environmental/Toxic tort (30) <input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41) Enforcement of Judgment <input type="checkbox"/> Enforcement of judgment (20) Miscellaneous Civil Complaint <input type="checkbox"/> RICO (27) <input type="checkbox"/> Other complaint (not specified above) (42) Miscellaneous Civil Petition <input type="checkbox"/> Partnership and corporate governance (21) <input type="checkbox"/> Other petition (not specified above) (43)
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2. This case is is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:

a. <input type="checkbox"/> Large number of separately represented parties	d. <input type="checkbox"/> Large number of witnesses
b. <input type="checkbox"/> Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve	e. <input type="checkbox"/> Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court
c. <input type="checkbox"/> Substantial amount of documentary evidence	f. <input type="checkbox"/> Substantial postjudgment judicial supervision

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

4. Number of causes of action (specify): **6**

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: **07/08/08**
 Theodore A. Pinnock _____
 (TYPE OR PRINT NAME) (SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE

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

INSTRUCTIONS ON HOW TO COMPLETE THE COVER SHEET

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

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

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 Contract/Warranty—Wrongful Death
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

Real Property

Other Contract Dispute
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 1800–1812)
Breach of Rental/Lease
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