

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

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May-08-2018 11:38 am

Case Number: CGC-18-566392

Filing Date: May-08-2018 11:35

Filed by: KALENE APOLONIO

Image: 06326916

COMPLAINT

**MATTHEW TALBOT ET AL VS. LYFT, INC.**

001C06326916

**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):**

Lyft, Inc.

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

Matthew Talbot and Monica Garcia, *individually and on behalf of all others similarly situated*

**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 St.  
San Francisco, CA 94102

CASE NUMBER:  
(Número del Caso):  
**CGC-18-566392**

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):  
**Shannon Liss-Riordan, 729 Boylston Street, Suite 2000, Boston, MA 02116**

DATE: 5/07/2018  
(Fecha)

**CLERK OF THE COURT**  
(Secretario)

*Kalene Apolonio*  
**KALENE APOLONIO**, 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)).

**MAY 08 2018**



**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): **Lyft, Inc.**  
 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):

1 SHANNON LISS-RIORDAN (SBN 310719)

(sliss@llrlaw.com)

2 LICHTEN & LISS-RIORDAN, P.C.

3 729 Boylston Street, Suite 2000

Boston, MA 02116

4 Telephone: (617) 994-5800

5 Facsimile: (617) 994-5801

6 *Attorney for Plaintiffs Matthew Talbot and Monica Garcia,*  
7 *on behalf of themselves and all others similarly situated*

**FILED**

San Francisco County Superior Court

MAY 08 2018

CLERK OF THE COURT

BY: Shalene Tolino  
Deputy Clerk

8  
9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

10 **FOR THE COUNTY OF SAN FRANCISCO**

11 Case No. **CGC-18-566392**

12 MATTHEW TALBOT AND MONICA  
13 GARCIA, individually and on behalf of all  
14 others similarly situated,

15 Plaintiffs,

16 v.

17 LYFT, INC.,

18 Defendant.

19 **CLASS ACTION COMPLAINT**

- 20 1. FAILURE TO REIMBURSE FOR BUSINESS EXPENSES (CAL. LAB. CODE § 2802)
- 21 2. MINIMUM WAGE (CAL. LABOR CODE §§ 1194, 1197)
- 22 3. OVERTIME (CAL. LABOR CODE §§ 1194, 1198, 510, AND 554)
- 23 4. WILLFUL MISCLASSIFICATION (CAL. LABOR CODE § 226.8)
- 24 5. UNLAWFUL AND/OR UNFAIR BUSINESS PRACTICES (CAL. BUS. & PROF. CODE §§17200-17208)

1 **I. INTRODUCTION**

2 1. This case is brought on behalf of individuals who have worked as Lyft drivers in  
3 California. Lyft, Inc. ("Lyft"), is a car service, which engages thousands of drivers across the  
4 state of California to transport riders. Lyft is based in San Francisco, California, and it does  
5 business across the United States and extensively throughout California.

6 2. As described further below, Lyft has willfully misclassified its drivers including  
7 Plaintiffs Matthew Talbot and Monica Garcia Dora, in violation of Cal. Labor Code § 226.8.  
8 Additionally, because of drivers' misclassification as independent contractors, Lyft has  
9 unlawfully required drivers to pay business expenses (including expenses to own or lease a  
10 vehicle and maintain and fuel it, as well as phone/data expenses) in violation of Cal. Lab. Code  
11 §2802 and has also failed to pay required minimum wage for all hours worked in violation of  
12 Cal. Lab. Code §§ 1197 and 1194. Lyft has also failed to pay overtime wages in violation of  
13 Cal. Lab. Code §§ 1194, 1198, 510, and 554.  
14

15 **II. PARTIES**

16 3. Plaintiff Matthew Talbot is an adult resident of San Francisco, California, where he has  
17 worked as a Lyft driver.

18 4. Plaintiff Monica Garcia is an adult resident of West Covina, California, where she has  
19 worked as a Lyft driver.

20 5. Plaintiffs brings this action on their own behalf and on behalf of all others similarly  
21 situated, namely all other individuals who have worked as drivers for Lyft throughout California.

22 6. Defendant Lyft, Inc. ("Lyft") is a headquartered in San Francisco, California.

23 **III. JURISDICTION**

24 7. This Court has jurisdiction over Plaintiffs' claims pursuant to California Code of  
25 Civil Procedure § 410.10.

26 8. The monetary relief which Plaintiffs seek is in excess of the jurisdictional  
27

1 minimum required by this Court and will be established according to proof at trial.

2 9. Venue is proper in this Court pursuant to Code of Civ. P. §§ 395 and 395.5  
3 because Lyft is headquartered in San Francisco County. Furthermore, Defendant engages in  
4 business activities in and throughout the State of California, including San Francisco County.

5 **IV. STATEMENT OF FACTS**

6 10. Lyft is a San Francisco-based transportation service, which engages drivers across  
7 the state of California to transport riders.

8 11. Lyft offers customers the ability to order rides via a mobile phone application,  
9 which its drivers then carry out.

10 12. Plaintiff Matthew Talbot has driven for Lyft at various times, including over the  
11 last year, and continues to drive for Lyft.

12 13. Plaintiff Monica Garcia has driven for Lyft at various times, including over the  
13 last year, and continues to drive for Lyft.

14 14. Lyft classifies its drivers like Mr. Talbot and Ms. Garcia as “independent  
15 contractors,” but under California law they should be classified as employees.

16 15. Drivers provide a service in the usual course of Lyft’s business because Lyft is a  
17 car service that provides transportation to its customers, and drivers such as Mr. Talbot and Ms.  
18 Garcia perform that transportation service. Lyft holds itself out as a transportation service, and it  
19 generates its revenue primarily from customers paying for the very rides that its drivers perform.  
20 Without drivers to perform rides, Lyft would not exist.

21 16. Lyft also requires its drivers to abide by a litany of policies and rules designed to  
22 control the drivers’ work performance. Lyft both retains the right to, and does in fact exercise,  
23 control over the drivers’ work.

24 17. Lyft drivers are not typically engaged in their own transportation business. When  
25 driving Lyft customers, they wear the “hat” of Lyft.  
26

1           18.     Lyft communicates directly with customers and follows up with drivers if the  
2 customer complains that the ride failed to meet their expectations. Based on any customer  
3 feedback, Lyft may suspend or terminate drivers at its sole discretion.

4           19.     Lyft does not reimburse drivers for any expenses they may occur while working  
5 for Lyft, including, but not limited to the cost of owning or leasing and maintaining their  
6 vehicles, gas, insurance, and phone and data expenses for running the Lyft Application. Drivers  
7 incur these costs as a necessary expenditure to work for Lyft, which California law requires  
8 employers to reimburse.

9           20.     Lyft has violated Cal. Lab. Code §§ 1197 and 1194 by failing to ensure that its  
10 drivers receive the applicable state minimum wage for all hours worked.

11           21.     Lyft has violated Cal. Lab. Code §§ 1194, 1198, 510 and 554 by failing to pay its  
12 drivers the appropriate overtime premium for all overtime hours worked.

13           22.     On April 30, 2018, the California Supreme Court issued its decision in Dynamex  
14 Operations W., Inc. v. Superior Court, No. S222732, 2018 WL 1999120 (Cal. Apr. 30, 2018),  
15 which makes clear that Lyft drivers should be classified as employees rather than as independent  
16 contractors under California law for purposes of wage-and-hour statutes like the ones at issue  
17 here. Under the “ABC” test adopted in Dynamex, in order to justify classifying the drivers as  
18 independent contractors, Lyft would have to prove that its drivers perform services outside its  
19 usual course of business, which it cannot do. Notwithstanding this decision, Lyft has willfully  
20 continued to misclassify its couriers as independent contractors.

21  
22           **V.     CLASS ALLEGATIONS**

23           23.     Plaintiffs Matthew Talbot and Monica Garcia brings this case as a class action  
24 pursuant to California Code of Civil Procedure § 382 on behalf of all Lyft drivers who have  
25 worked for Lyft in California.

26           24.     Plaintiffs and other class members have uniformly been deprived reimbursement  
27

1 of their necessary business expenditures.

2 25. The members of the class are so numerous that joinder of all class members is  
3 impracticable.

4 26. Common questions of law and fact regarding Lyft's conduct in classifying  
5 drivers as independent contractors, failing to reimburse them for business expenditures, and  
6 failing to ensure they are paid at least minimum wage and overtime for all weeks, exist as to all  
7 members of the class and predominate over any questions affecting solely any individual  
8 members of the class. Among the questions of law and fact common to the class are:  
9

- 10 a. Whether the work performed by class members—providing driving services to  
11 customers—is within Lyft's usual course of business;
- 12 b. Whether class members are typically engaged in their own businesses or whether they  
13 wear the "hat" of Lyft when performing transportation services;
- 14 c. Whether class members have been required to follow uniform procedures and policies  
15 regarding their work for Lyft;
- 16 d. Whether these class members have been required to bear the expenses of their  
17 employment, such as expenses for maintaining their vehicles and expenses for gas,  
18 insurance, phone and data plan.

19 27. Named Plaintiffs Matthew Talbot and Monica Garcia are class members who  
20 suffered damages as a result of Defendant's conduct and actions alleged herein.

21 28. The named plaintiffs' claims are typical of the claims of the class, and the named  
22 plaintiff has the same interests as the other members of the class.

23 29. The named plaintiffs will fairly and adequately represent and protect the interests  
24 of the class. The named plaintiffs have retained able counsel experienced in class action  
25 litigation. The interests of the named plaintiffs are coincident with, and not antagonistic to, the  
26 interests of the other class members.  
27

1 30. The questions of law and fact common to the members of the class predominate  
2 over any questions affecting only individual members, including legal and factual issues relating  
3 to liability and damages.

4 31. A class action is superior to other available methods for the fair and efficient  
5 adjudication of this controversy because joinder of all class members is impractical. Moreover,  
6 since the damages suffered by individual members of the class may be relatively small, the  
7 expense and burden of individual litigation makes it practically impossible for the members of  
8 the class individually to redress the wrongs done to them. The class is readily definable and  
9 prosecution of this action as a class action will eliminate the possibility of repetitive litigation.  
10 There will be no difficulty in the management of this action as a class action.  
11

12  
13 **COUNT I**  
14 **Expense Reimbursement**  
15 **Violation of Cal. Lab. Code § 2802**

16 30. Defendant's conduct, as set forth above, in misclassifying Lyft drivers as  
17 independent contractors, and failing to reimburse them for expenses they paid that should have  
18 been borne by their employer, constitutes a violation of California Labor Code Section 2802.  
19 This claim is brought on behalf of a class of similarly situated individuals who have worked for  
20 Lyft in California.

21 **COUNT II**  
22 **Willful Misclassification**  
23 **Violation of Cal. Lab. Code § 226.8**

24 31. Defendant's conduct, as set forth above, in continuing to classify drivers as  
25 independent contractors notwithstanding the California Supreme Court's decision in Dynamex  
26 Operations W., Inc. v. Superior Court, No. S222732, 2018 WL 1999120 (Cal. Apr. 30, 2018),  
27 which makes clear that drivers are employees under California law, violates Cal. Lab. Code  
28



1 §226.8 and constitutes willful misclassification. This claim is brought on behalf of a class of  
2 similarly situated individuals who have worked for Lyft in California.  
3

4 **COUNT III**  
5 **Minimum Wage**  
6 **Violation of Cal. Lab. Code §§ 1197 and 1194**

7 32. Defendant's conduct, as set forth above, in failing to pay its employees minimum  
8 wage for all hours worked as required by California law, violates Cal. Lab. Code §§ 1197 and  
9 1194. This claim is brought on behalf of a class of similarly situated individuals who worked for  
10 Lyft in California.

11 **COUNT IV**  
12 **Overtime**  
13 **Violation of Cal. Lab. Code §§ 1194, 1198, 510 and 554**

14 33. Defendant's conduct, as set forth above, in failing to pay its employees the  
15 appropriate overtime premium for overtime hours worked as required by California Law,  
16 violates Cal. Lab. Code §§ 1194, 1198, 510 and 554. This claim is brought on behalf of a class  
17 of similarly situated individuals who worked for Lyft in California.

18 **COUNT V**  
19 **Unfair Business Practices**  
20 **Violation of Cal. Bus. & Prof. Code §17200, *et seq.***

21 34. Defendant's conduct, as set forth above, violates the California Unfair  
22 Competition Law, Cal. Bus. & Prof. Code § 17200 *et seq.* ("UCL"). Defendant's conduct  
23 constitutes unlawful business acts or practices, in that Defendant has violated California Labor  
24 Code §§ 2802, 1194, 1197, and 226.8. As a result of Defendant's unlawful conduct, Plaintiffs  
25 and class members suffered injury in fact and lost money and property, including, but not limited  
26 to business expenses that drivers were required to pay and wages that drivers were due. Pursuant  
27 to California Business and Professions Code § 17203, Plaintiffs and class members seek

1 declaratory and injunctive relief for Defendant's unlawful conduct and to recover restitution.  
2 Pursuant to California Code of Civil Procedure § 1021.5, Plaintiffs and class members who  
3 worked for Lyft are entitled to recover reasonable attorneys' fees, costs, and expenses incurred in  
4 bringing this action.  
5

6 WHEREFORE, Plaintiffs request that this Court enter the following relief:  
7

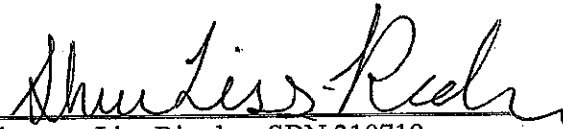
- 8 a. Declare and find that the Defendant violated the UCL and Cal. Lab. Code §§ 2802,  
9 1194, 1197, and 226.8;
- 10 b. Certify a class action under Count I through V and appoint Plaintiffs Matthew Talbot  
11 and Monica Garcia and their counsel to represent a class of Lyft drivers who have  
12 worked in California;
- 13 c. Award compensatory damages, including all expenses and wages owed, in an amount  
14 according to proof;
- 15 d. Award pre- and post-judgment interest;
- 16 e. Award reasonable attorneys' fees, costs, and expenses;
- 17 f. Injunctive relief in the form of an order requiring Defendant to comply with the  
18 California Labor Code; and
- 19 g. Any other relief to which the Plaintiffs may be entitled.  
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Respectfully submitted,

MATTHEW TALBOT and MONICA GARCIA,  
individually and on behalf of all others similarly  
situated,

By their attorney,



Shannon Liss-Riordan, SBN 310719  
LICHTEN & LISS-RIORDAN, P.C.  
729 Boylston Street, Suite 2000  
Boston, MA 02116  
(617) 994-5800  
Email: sliss@llrlaw.com

Dated: May 7, 2018

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):  
Shannon Liss-Riordan (SBN310719)  
Lichten & Liss-Riordan, P.C.  
729 Boylston Street, Suite 2000  
Boston, MA 02116  
TELEPHONE NO.: 617-994-5800 FAX NO.: 617-994-5801  
ATTORNEY FOR (Name): Plaintiff

FOR COURT USE ONLY  
**FILED**  
San Francisco County Superior Court  
MAY 08 2018  
CLERK OF THE COURT  
BY: *Chalene Johnson*  
Deputy Clerk

SUPERIOR COURT OF CALIFORNIA, COUNTY OF San Francisco  
STREET ADDRESS: 400 McAllister St  
MAILING ADDRESS:  
CITY AND ZIP CODE: San Francisco, 94102  
BRANCH NAME: Civil Division

CASE NAME:  
Talbot et al. v. Lyft Technologies, Inc.

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

CASE NO: **CCC-18-566392**  
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:
- |  |   |  |
|--|---|--|
| <b>Auto Tort</b><br><input type="checkbox"/> Auto (22)<br><input type="checkbox"/> Uninsured motorist (46)   | <b>Contract</b><br><input type="checkbox"/> Breach of contract/warranty (06)<br><input type="checkbox"/> Rule 3.740 collections (09)<br><input type="checkbox"/> Other collections (09)<br><input type="checkbox"/> Insurance coverage (18)<br><input type="checkbox"/> Other contract (37) | <b>Provisionally Complex Civil Litigation</b><br>(Cal. Rules of Court, rules 3.400-3.403)<br><input type="checkbox"/> Antitrust/Trade regulation (03)<br><input type="checkbox"/> Construction defect (10)<br><input type="checkbox"/> Mass tort (40)<br><input type="checkbox"/> Securities litigation (28)<br><input type="checkbox"/> Environmental/Toxic tort (30)<br><input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41) |
| <b>Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort</b><br><input type="checkbox"/> Asbestos (04)<br><input type="checkbox"/> Product liability (24)<br><input type="checkbox"/> Medical malpractice (45)<br><input type="checkbox"/> Other PI/PD/WD (23)  | <b>Real Property</b><br><input type="checkbox"/> Eminent domain/Inverse condemnation (14)<br><input type="checkbox"/> Wrongful eviction (33)<br><input type="checkbox"/> Other real property (26)   | <b>Enforcement of Judgment</b><br><input type="checkbox"/> Enforcement of judgment (20)  |
| <b>Non-PI/PD/WD (Other) Tort</b><br><input type="checkbox"/> Business tort/unfair business practice (07)<br><input type="checkbox"/> Civil rights (08)<br><input type="checkbox"/> Defamation (13)<br><input type="checkbox"/> Fraud (16)<br><input type="checkbox"/> Intellectual property (19)<br><input type="checkbox"/> Professional negligence (25)<br><input type="checkbox"/> Other non-PI/PD/WD tort (35) | <b>Unlawful Detainer</b><br><input type="checkbox"/> Commercial (31)<br><input type="checkbox"/> Residential (32)<br><input type="checkbox"/> Drugs (38)  | <b>Miscellaneous Civil Complaint</b><br><input type="checkbox"/> RICO (27)<br><input type="checkbox"/> Other complaint (not specified above) (42)  |
| <b>Employment</b><br><input type="checkbox"/> Wrongful termination (36)<br><input checked="" type="checkbox"/> Other employment (15)   | <b>Judicial Review</b><br><input type="checkbox"/> Asset forfeiture (05)<br><input type="checkbox"/> Petition re: arbitration award (11)<br><input type="checkbox"/> Writ of mandate (02)<br><input type="checkbox"/> Other judicial review (39)  | <b>Miscellaneous Civil Petition</b><br><input type="checkbox"/> Partnership and corporate governance (21)<br><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): Cal Lab. Code 2802, 226.8, 1197, 1194, 1198, 510, and 554
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: 5/07/2018  
Shannon Liss-Riordan  
(TYPE OR PRINT NAME)

*Shannon Liss-Riordan*  
(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.

BY FAX  
ONE LEGAL LLC

## 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