



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

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Case Number: CGC-18-566394

Filing Date: May-08-2018 11:55

Filed by: KALENE APOLONIO

Image: 06326962

COMPLAINT

DORA LEE VS. POSTMATES INC.

001C06326962

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):**

Postmates, Inc.

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

Dora Lee, on behalf of herself and 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), 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): San Francisco Superior Court

400 McAllister St.
San Francisco, CA 94102

CASE NUMBER:
(Número de Caso) **000 18-566394**

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) **MAY 08 2018**

CLERK OF THE COURT
(Secretario)

KALENE ANTONIO, 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

- as an individual defendant.
- as the person sued under the fictitious name of (specify):
- on behalf of (specify): Postmates 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):
- 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 Plaintiff Dora Lee,*
7 *on behalf of herself and all others similarly situated*

FILED
San Francisco County Superior Court

MAY 08 2018

CLERK OF THE COURT
BY: Chalene Polonio
Deputy Clerk

8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
9 **FOR THE COUNTY OF SAN FRANCISCO**

10
11 DORA LEE, on behalf of herself and all others
12 similarly situated,

13 Plaintiff,

14 v.

15 POSTMATES INC.,

16 Defendant.
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Case No. **CGC-18-566394**

CLASS ACTION COMPLAINT

1. FAILURE TO REIMBURSE FOR BUSINESS EXPENSES (CAL. LAB. CODE § 2802)
2. MINIMUM WAGE (CAL. LABOR CODE §§ 1194, 1197)
3. WILLFUL MISCLASSIFICATION (CAL. LABOR CODE § 226.8)
4. UNLAWFUL AND/OR UNFAIR BUSINESS PRACTICES (CAL. BUS. & PROF. CODE §§17200-17208)

BY FAX
ONE LEGAL LLC

1 **I. INTRODUCTION**

2 1. This case is brought on behalf of individuals who have worked as Postmates
3 couriers in California. Postmates Inc. ("Postmates") provides on-demand delivery of food and
4 other merchandise to customers at their homes and businesses through its mobile phone
5 application and website. Postmates is based in San Francisco, California, but it does business
6 across the United States and extensively throughout California.
7

8 2. As described further below, Postmates has willfully misclassified its couriers
9 including Plaintiff Dora Lee, in violation of Cal. Labor Code § 226.8. Additionally, because of
10 couriers' misclassification as independent contractors, Postmates has unlawfully required
11 couriers to pay business expenses (including expenses to own or lease a vehicle and maintain and
12 fuel it, as well as phone/data expenses) in violation of Cal. Lab. Code § 2802 and has also failed
13 to pay required minimum wage for all hours worked in violation of Cal. Lab. Code §§ 1197 and
14 1194.

15 **II. PARTIES**

16 3. Plaintiff Dora Lee is an adult resident of Huntington Beach, California, where she
17 has worked as a courier for Postmates.

18 4. Plaintiff brings this action on their own behalf and on behalf of all others similarly
19 situated, namely all other individuals who have worked as couriers for Postmates throughout
20 California.

21 5. Defendant Postmates, Inc. ("Postmates") is headquartered in San Francisco,
22 California.

23 **III. JURISDICTION**

24 6. This Court has jurisdiction over Plaintiff's claims pursuant to California Code of
25 Civil Procedure § 410.10. The monetary relief which Plaintiff seeks is in excess of the
26 jurisdictional minimum required by this Court and will be established according to proof at trial.
27

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

4 **IV. STATEMENT OF FACTS**

5 8. Postmates is a San Francisco-based delivery service, which engages couriers
6 across the state of California to deliver food and other merchandise to its customers at their
7 homes and businesses.

8 9. Postmates offers customers the ability to order food and other items via a mobile
9 phone application or via its website, which Postmates couriers then deliver to customers.

10 10. Postmates holds itself out to the public as a delivery service. Its website
11 homepage advertises that it offers customers “Anything, anywhere, anytime.” Postmates’
12 website also promotes its “Postmates Unlimited” service where customers can subscribe and
13 receive unlimited free deliveries, touting “Pay once, free delivery all year.” Its website also
14 boasts that “Postmates is transforming the way goods move around cities by enabling anyone to
15 have anything delivered on-demand.”

16 11. Plaintiff Dora Lee has driven for Postmates at various times, including over the
17 last year, and continues to drive for Postmates.

18 12. Postmates classifies its couriers like Ms. Lee as “independent contractors,” but
19 under California law, they should be classified as employees.

20 13. Postmates perform services within Postmates’ usual course of business as a
21 delivery service. The couriers’ services are fully integrated into Postmates’ business. Without
22 couriers to perform deliveries, Postmates would not exist.

23 14. Postmates couriers are not typically engaged in their own delivery business. When
24 delivering items for Postmates customers, they wear the “hat” of Postmates.
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1 15. In addition, Postmates maintains the right of control over the couriers'
2 performance of their jobs and exercises detailed control over them.

3 16. Postmates unilaterally sets the pay scheme and rate of pay for couriers' services
4 and changes the rate of pay in its sole discretion.

5 17. Postmates communicates directly with customers and follows up with couriers if
6 the customer complains that something was not delivered or that the delivery otherwise failed to
7 meet their expectations. Based on any customer feedback, Postmates may suspend or terminate
8 couriers.

9 18. Postmates does not reimburse couriers for any expenses they may incur while
10 working for Postmates, including, but not limited to the cost of maintaining their vehicles, gas,
11 insurance, and phone and data expenses for running the Postmates Application. Couriers incur
12 these costs as a necessary expenditure to work for Postmates, which California law requires
13 employers to reimburse.
14

15 19. Postmates pays couriers a fee per delivery plus a certain amount of "boost pay."
16 Postmates has failed to ensure that its couriers receive the applicable state minimum wage for all
17 hours worked, and couriers frequently do not receive minimum wage for all hours worked,
18 particularly given that customers' tips cannot count toward Postmates' minimum wage
19 obligations.

20 20. On April 30, 2018, the California Supreme Court issued its decision in Dynamex
21 Operations W., Inc. v. Superior Court, No. S222732, 2018 WL 1999120 (Cal. Apr. 30, 2018),
22 which makes clear that Postmates couriers should be classified as employees rather than as
23 independent contractors under California law for purposes of wage-and-hour statutes like the
24 ones at issue here. Under the "ABC" test adopted in Dynamex, in order to justify classifying the
25 couriers as independent contractors, Postmates would have to prove that its couriers perform
26

1 services outside its usual course of business, which it cannot do. Notwithstanding this decision,
2 Postmates has willfully continued to misclassify its couriers as independent contractors.

3 **V. CLASS ALLEGATIONS**

4 21. Plaintiff Dora Lee brings this case as a class action pursuant to California Code of
5 Civil Procedure § 382 on behalf of all Postmates couriers who have worked for Postmates in
6 California.

7 22. Plaintiffs and other class members have uniformly been classified as independent
8 contractors, deprived reimbursement of their necessary business expenditures, and have been
9 paid under a system that does not ensure they receive minimum wage.

10 23. The members of the class are so numerous that joinder of all class members is
11 impracticable.

12 24. Common questions of law and fact regarding Postmates' conduct in classifying
13 couriers as independent contractors, failing to reimburse them for business expenditures, and
14 failing to ensure they are paid at least minimum wage for all hours worked, exist as to all
15 members of the class and predominate over any questions affecting solely any individual
16 members of the class. Among the questions of law and fact common to the class are:

- 17 a. Whether the work performed by class members—providing courier service to
18 customers—is within Postmates' usual course of business;
19 b. Whether class members are typically engaged in their own delivery businesses or
20 whether they wear the "hat" of Postmates when performing delivery services;
21 c. Whether class members have been required to follow uniform procedures and policies
22 regarding their work for Postmates;
23 d. Whether these class members have been required to bear the expenses of their
24 employment, such as expenses for owning or leasing and maintaining their vehicles,
25 including expenses for gas, insurance, phone and data plan.
26

1 25. Named Plaintiff Dora Lee is a class member who suffered damages as a result of
2 Defendant's conduct and actions alleged herein.

3 26. The named plaintiff's claims are typical of the claims of the class, and the named
4 plaintiff has the same interests as the other members of the class.

5 27. The named plaintiff will fairly and adequately represent and protect the interests
6 of the class. The named plaintiff has retained able counsel experienced in class action litigation.
7 The interests of the named plaintiff are coincident with, and not antagonistic to, the interests of
8 the other class members.

9 28. The questions of law and fact common to the members of the class predominate
10 over any questions affecting only individual members, including legal and factual issues relating
11 to liability and damages.

12 29. A class action is superior to other available methods for the fair and efficient
13 adjudication of this controversy because joinder of all class members is impractical. Moreover,
14 since the damages suffered by individual members of the class may be relatively small, the
15 expense and burden of individual litigation makes it practically impossible for the members of
16 the class individually to redress the wrongs done to them. The class is readily definable and
17 prosecution of this action as a class action will eliminate the possibility of repetitive litigation.
18 There will be no difficulty in the management of this action as a class action.
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COUNT I
Expense Reimbursement
Violation of Cal. Lab. Code § 2802

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

COUNT II
Willful Misclassification
Violation of Cal. Lab. Code § 226.8

31. Defendant’s conduct, as set forth above, in continuing to classify couriers as independent contractors notwithstanding the California Supreme Court’s decision in Dynamex Operations W., Inc. v. Superior Court, No. S222732, 2018 WL 1999120 (Cal. Apr. 30, 2018), which makes clear that couriers are employees under California law, violates Cal. Lab. Code §226.8 and constitutes willful misclassification. This claim is brought on behalf of a class of similarly situated individuals who have worked for Postmates in California.

COUNT III
Minimum Wage
Violation of Cal. Lab. Code §§ 1197 and 1194

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

COUNT IV
Unfair Business Practices
Violation of Cal. Bus. & Prof. Code §17200, et seq.

33. Defendant's conduct, as set forth above, violates the California Unfair Competition Law, Cal. Bus. & Prof. Code § 17200 *et seq.* ("UCL"). Defendant's conduct constitutes unlawful business acts or practices, in that Defendant has violated California Labor Code §§ 2802, 1194, 1197, and 226.8. As a result of Defendant's unlawful conduct, Plaintiff and class members suffered injury in fact and lost money and property, including, but not limited to business expenses that couriers were required to pay and wages that couriers were due. Pursuant to California Business and Professions Code § 17203, Plaintiff and class members seek declaratory and injunctive relief for Defendant's unlawful conduct and to recover restitution. Pursuant to California Code of Civil Procedure § 1021.5, Plaintiff and class members who worked for Postmates are entitled to recover reasonable attorneys' fees, costs, and expenses incurred in bringing this action.

WHEREFORE, Plaintiff requests that this Court enter the following relief:


- a. Declare and find that the Defendant has violated the UCL and Cal. Lab. Code §§ 2802, 1194, 1197, and 226.8;
- b. Certify a class action under Count I through IV and appoint Plaintiff Dora Lee and her counsel to represent a class of Postmates couriers who have worked in California;
- c. Award compensatory damages, including all expenses and wages owed, in an amount according to proof;
- d. Award pre- and post-judgment interest;
- e. Award reasonable attorneys' fees, costs, and expenses;

- 1 f. Injunctive relief in the form of an order requiring Defendant to comply with the
2 California Labor Code; and
3
4 g. Any other relief to which Plaintiff may be entitled.

5 Respectfully submitted,

6 DORA LEE, on behalf of herself and all others
7 similarly situated,

8 By her attorneys,

9
10 

11 Shannon Liss-Riordan, SBN 310719
12 LICHTEN & LISS-RIORDAN, P.C.
13 729 Boylston Street, Suite 2000
14 Boston, MA 02116
15 (617) 994-5800
16 Email: sliss@llrlaw.com

17 Dated: May 7, 2018
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FILED
FOR COUNTY USE ONLY
San Francisco County Superior Court

MAY 08 2018

CLERK OF THE COURT
BY: Kalene Johnson
Deputy Clerk

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

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:
Lee v. Postmates, 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 NUMBER:
CGC-18-566394
JUDGE:
DEPT:

Items 1-6 below must be completed (see instructions on page 2).

1. Check one box below for the case type that best describes this case:
- | | | |
|--|---|---|
| <p>Auto Tort</p> <input type="checkbox"/> Auto (22)
<input type="checkbox"/> Uninsured motorist (46) <p>Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort</p> <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) <p>Non-PI/PD/WD (Other) Tort</p> <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 type="checkbox"/> Other non-PI/PD/WD tort (35) <p>Employment</p> <input type="checkbox"/> Wrongful termination (36)
<input checked="" type="checkbox"/> Other employment (15) | <p>Contract</p> <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) <p>Real Property</p> <input type="checkbox"/> Eminent domain/Inverse condemnation (14)
<input type="checkbox"/> Wrongful eviction (33)
<input type="checkbox"/> Other real property (26) <p>Unlawful Detainer</p> <input type="checkbox"/> Commercial (31)
<input type="checkbox"/> Residential (32)
<input type="checkbox"/> Drugs (38) <p>Judicial Review</p> <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) | <p>Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400-3.403)</p> <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) <p>Enforcement of Judgment</p> <input type="checkbox"/> Enforcement of judgment (20) <p>Miscellaneous Civil Complaint</p> <input type="checkbox"/> RICO (27)
<input type="checkbox"/> Other complaint (not specified above) (42) <p>Miscellaneous Civil Petition</p> <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 checked="" 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 checked="" type="checkbox"/> Substantial amount of documentary evidence | f. <input checked="" 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 Sections 2802, 226, 226.8, 1197, 1194
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

<p>Auto Tort</p> <p>Auto (22)—Personal Injury/Property Damage/Wrongful Death</p> <p>Uninsured Motorist (46) <i>(if the case involves an uninsured motorist claim subject to arbitration, check this item instead of Auto)</i></p> <p>Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort</p> <p>Asbestos (04)</p> <p>Asbestos Property Damage</p> <p>Asbestos Personal Injury/Wrongful Death</p> <p>Product Liability <i>(not asbestos or toxic/environmental)</i> (24)</p> <p>Medical Malpractice (45)</p> <p>Medical Malpractice—Physicians & Surgeons</p> <p>Other Professional Health Care Malpractice</p> <p>Other PI/PD/WD (23)</p> <p>Premises Liability (e.g., slip and fall)</p> <p>Intentional Bodily Injury/PD/WD (e.g., assault, vandalism)</p> <p>Intentional Infliction of Emotional Distress</p> <p>Negligent Infliction of Emotional Distress</p> <p>Other PI/PD/WD</p> <p>Non-PI/PD/WD (Other) Tort</p> <p>Business Tort/Unfair Business Practice (07)</p> <p>Civil Rights (e.g., discrimination, false arrest) <i>(not civil harassment)</i> (08)</p> <p>Defamation (e.g., slander, libel) (13)</p> <p>Fraud (16)</p> <p>Intellectual Property (19)</p> <p>Professional Negligence (25)</p> <p>Legal Malpractice</p> <p>Other Professional Malpractice <i>(not medical or legal)</i></p> <p>Other Non-PI/PD/WD Tort (35)</p> <p>Employment</p> <p>Wrongful Termination (36)</p> <p>Other Employment (15)</p>	<p>Contract</p> <p>Breach of Contract/Warranty (06)</p> <p>Breach of Rental/Lease</p> <p>Contract <i>(not unlawful detainer or wrongful eviction)</i></p> <p>Contract/Warranty Breach—Seller Plaintiff <i>(not fraud or negligence)</i></p> <p>Negligent Breach of Contract/Warranty</p> <p>Other Breach of Contract/Warranty</p> <p>Collections (e.g., money owed, open book accounts) (09)</p> <p>Collection Case—Seller Plaintiff</p> <p>Other Promissory Note/Collections Case</p> <p>Insurance Coverage <i>(not provisionally complex)</i> (18)</p> <p>Auto Subrogation</p> <p>Other Coverage</p> <p>Other Contract (37)</p> <p>Contractual Fraud</p> <p>Other Contract Dispute</p> <p>Real Property</p> <p>Eminent Domain/Inverse Condemnation (14)</p> <p>Wrongful Eviction (33)</p> <p>Other Real Property (e.g., quiet title) (26)</p> <p>Writ of Possession of Real Property</p> <p>Mortgage Foreclosure</p> <p>Quiet Title</p> <p>Other Real Property <i>(not eminent domain, landlord/tenant, or foreclosure)</i></p> <p>Unlawful Detainer</p> <p>Commercial (31)</p> <p>Residential (32)</p> <p>Drugs (38) <i>(if the case involves illegal drugs, check this item; otherwise, report as Commercial or Residential)</i></p> <p>Judicial Review</p> <p>Asset Forfeiture (05)</p> <p>Petition Re: Arbitration Award (11)</p> <p>Writ of Mandate (02)</p> <p>Writ—Administrative Mandamus</p> <p>Writ—Mandamus on Limited Court Case Matter</p> <p>Writ—Other Limited Court Case Review</p> <p>Other Judicial Review (39)</p> <p>Review of Health Officer Order</p> <p>Notice of Appeal—Labor Commissioner Appeals</p>	<p>Provisionally Complex Civil Litigation (Cal. Rules of Court Rules 3.400–3.403)</p> <p>Antitrust/Trade Regulation (03)</p> <p>Construction Defect (10)</p> <p>Claims Involving Mass Tort (40)</p> <p>Securities Litigation (28)</p> <p>Environmental/Toxic Tort (30)</p> <p>Insurance Coverage Claims <i>(arising from provisionally complex case type listed above)</i> (41)</p> <p>Enforcement of Judgment</p> <p>Enforcement of Judgment (20)</p> <p>Abstract of Judgment (Out of County)</p> <p>Confession of Judgment <i>(non-domestic relations)</i></p> <p>Sister State Judgment</p> <p>Administrative Agency Award <i>(not unpaid taxes)</i></p> <p>Petition/Certification of Entry of Judgment on Unpaid Taxes</p> <p>Other Enforcement of Judgment Case</p> <p>Miscellaneous Civil Complaint</p> <p>RICO (27)</p> <p>Other Complaint <i>(not specified above)</i> (42)</p> <p>Declaratory Relief Only</p> <p>Injunctive Relief Only <i>(non-harassment)</i></p> <p>Mechanics Lien</p> <p>Other Commercial Complaint Case <i>(non-tort/non-complex)</i></p> <p>Other Civil Complaint <i>(non-tort/non-complex)</i></p> <p>Miscellaneous Civil Petition</p> <p>Partnership and Corporate Governance (21)</p> <p>Other Petition <i>(not specified above)</i> (43)</p> <p>Civil Harassment</p> <p>Workplace Violence</p> <p>Elder/Dependent Adult Abuse</p> <p>Election Contest</p> <p>Petition for Name Change</p> <p>Petition for Relief From Late Claim</p> <p>Other Civil Petition</p>
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