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Attorneys for Defendant
THE COCA-COLA COMPANY

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

BRIAN SIMMONS, individually and on
behalf of all others similarly situated,

Plaintiff,

v.

THE COCA-COLA COMPANY, a
Delaware Corporation; and DOE 1
through and including DOE 10,

Defendant.

Case No.

**NOTICE TO FEDERAL COURT
OF REMOVAL OF CIVIL ACTION
FROM STATE COURT
PURSUANT TO 28 U.S.C.
SECTIONS 1331, 1441, AND 1446**

Complaint filed: July 7, 2021

**TO THE CLERK OF THE ABOVE-ENTITLED COURT AND PLAINTIFF
BRIAN SIMMONS AND HIS ATTORNEYS OF RECORD:**

PLEASE TAKE NOTICE that THE COCA-COLA COMPANY (“Defendant”) hereby removes the above-entitled action, Case No. 21STCV24965, from the Superior Court of the State of California, County of Los Angeles, to the United States District Court for the Central District of California, pursuant to 28 U.S.C. §§ 1331, 1441(a), and 1446.

I. STATEMENT OF JURISDICTION

The State Court Action is removable to this Court because it has original jurisdiction over the federal questions presented by Plaintiff’s Complaint pursuant to 28 U.S.C. §§ 1331 and 1441(a).

II. PROCEDURAL BACKGROUND

On July 7, 2021, Plaintiff Brian Simmons filed a Complaint against Defendant in the Superior Court of the State of California, County of Los Angeles, entitled “BRIAN SIMMONS, on behalf of himself and all others similarly situated v. THE COCA-COLA COMPANY a Delaware Corporation; and DOE 1 through and including DOE 10,” Case No. 21STCV24965 (hereinafter the “State Court Action”).

III. REMOVAL PROCEDURE

A. Removal Is Timely Because Notice And The Accompanying Pleadings Have Been Filed Within Thirty Days

An action may be removed from state court by filing a notice of removal, with a copy of all process, pleadings, and orders served on the defendant, within thirty days of service of the initial pleading, and within one-year of the commencement of the action. 28 U.S.C. § 1446(a), (b); *Murphy Bros., Inc. v. Mitchetti Pipe Stringing, Inc.*, 526 U.S. 344, 354 (1999) (the thirty-day removal period runs from the service of the summons and complaint). Removal is timely because this Notice has been filed within thirty days from August 26, 2021, the date upon which Defendant signed and returned the Notice and Acknowledgment of Receipt to counsel for Plaintiff. *See* CCP § 415.30(c)(service

of summons is deemed complete on the date the defendant signs the acknowledgment); *Wagner v. City of South Pasadena*, 78 Cal. App. 4th 943, 948-950 (2000). *See* Behnia Decl. at ¶¶ 2–3, Exs. A–C; *see also* 28 U.S.C. § 1446(c). This Notice also contains all process, pleadings, and orders that Plaintiff served on Defendants and any additional documents or orders filed by Defendant. *See* Behnia Decl. at ¶¶ 2–6, Exs. A–F.

B. Venue Is Proper In This District Pursuant To The Removal Statute And Federal Question Jurisdiction.

Venue is proper in this Court because Plaintiff originally filed this action in Los Angeles County Superior Court, located within the District and Division of this Court. 28 U.S.C. §§ 84(c), 1441(a), and 1446(a). Plaintiff alleges that Defendants did business in and employed Plaintiff and the putative class members in Los Angeles County, California. *See* Behnia Decl. at ¶ 2, Exs. A.

IV. REMOVAL JURISDICTION

Plaintiff’s Complaint alleges violations of the federal Fair Labor Standards Act, 29 U.S.C § 201, *et seq.* (“FLSA”). Plaintiff contends that “Plaintiff was not timely paid his wages. Plaintiff and Collective Action Members worked many hours each day during their employment as herein alleged including over forty hours per week. Under the FLSA, Plaintiff and Collective Action Members are entitled to recover from Defendants their liquidated damages for hours worked, as well as costs and attorney’s fees. Defendants failed to compensate Plaintiff and Collective Action Members as required by the FLSA.” *See* Behnia Decl. at ¶ 2, Exs. A (Complaint, ¶¶ 52–54.) Plaintiff therefore alleges a cause of action for failure to timely pay wages under the FLSA. Thus, the State Court Action is removable to this Court because it has original jurisdiction over the federal questions presented by Plaintiff’s Complaint pursuant to 28 U.S.C. §§ 1331 and 1441(a).

By filing the Notice of Removal, Defendant does not waive any objections it may have as to service, jurisdiction, venue, or any other defenses available at law, in equity

1 or otherwise. Defendant intends no admission of fact or law by this Notice and
 2 expressly reserves all defenses and motions.

3 **V. NOTICE OF REMOVAL**

4 Contemporaneously with filing this Notice of Removal in the United States
 5 District Court for the Central District of California, written notice of this filing will also
 6 be given by the undersigned to Plaintiff's counsel of record: Alan Harris, Priya Mohan,
 7 Min Ji Gal, Harris & Ruble, 655 North Central Avenue, 17th Floor, Glendale, California
 8 91203. In addition, a copy of this Notice of Removal will be filed with the Clerk of
 9 Court of the County of Los Angeles, as required by 28 U.S.C. section 1446(d).

10 Counsel for Defendants has signed this Notice of Removal in compliance with
 11 the requirements of 28 U.S.C. § 1446(a) and Rule 11 of the Federal Rules of Civil
 12 Procedure.

13 **VI. CONCLUSION**

14 Defendants therefore remove this civil action from the Superior Court of the State
 15 of California, County of Los Angeles, to the United States District Court for the Central
 16 District of California.

17 Dated: September 22, 2021

LITTLER MENDELSON P.C.



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 SOPHIA BEHNIA
 ANTHONY G. LY
 ALEXANDRA HEMENWAY
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 THE COCA-COLA COMPANY

27 4835-6929-5605.1 / 085919-1059

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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

BRIAN SIMMONS, individually and on
behalf of all others similarly situated,
Plaintiff,

v.

THE COCA-COLA COMPANY, a
Delaware Corporation; and DOE 1
through and including DOE 10,
Defendant.

Case No.

**DECLARATION OF SOPHIA
BEHNIA IN SUPPORT OF
NOTICE TO FEDERAL COURT
OF THE COCA-COLA
COMPANY'S REMOVAL OF
CIVIL ACTION FROM STATE
COURT PURSUANT TO 28 U.S.C.
SECTIONS 1331, 1441, AND 1446**

DECLARATION OF SOPHIA BEHNIA

I, SOPHIA BEHNIA, declare:

1. I am an attorney at the law firm of Littler Mendelson, P.C., and am counsel for Defendant The Coca-Cola Company (“Defendant”) in the above-entitled matter. I make this declaration in support of Defendant’s Notice of Removal of Action to Federal Court. I have personal knowledge of the facts set forth in this declaration, except such facts made upon information and belief, and, if called upon to do so, could and would competently testify thereto.

2. On July 7, 2021, Plaintiff Brian Simmons (“Plaintiff”) filed his Complaint on behalf of himself and similarly situated employees in the Los Angeles Superior Court styled: “*BRIAN SIMMONS, on behalf of himself and all others similarly situated v. THE COCA-COLA COMPANY a Delaware Corporation; and DOE 1 through and including DOE 10,*” Case No. 21STCV24965. True and correct copies of the initial case documents are attached in **Exhibit A**, which includes a Notice of Acknowledgement and Receipt (NAR), Summons, Complaint, Civil Case Cover Sheet, Addendum, Case Assignment, Alternative Dispute Resolution form (ADR), General Order of Mandatory Electronic Filing, Notice of Order to Show Cause Hearing, Notice of Order Regarding Case Management Conference. Plaintiff’s Proof of Service of these documents on Defendant is attached as **Exhibit B**.

3. True and correct copies of Defendant’s Notice and Acknowledgment of Receipt of the Summons and Complaint are attached as **Exhibit C**.

4. On July 22, 2021, Plaintiff filed a Notice of Related Case with the Los Angeles County Superior Court. A true and correct copy of the Notice of Related Case is attached as **Exhibit D**.

5. On August 25, 2021, the Los Angeles Superior Court issued an order that the cases identified in Plaintiff’s Notice of Related Case were not related as defined by California Rules of Court, rule 3.300(a). A true and correct copy of the order is attached **Exhibit E**. On August 26, 2021, Counsel for Plaintiff served Defendant with Notice of

1 the Court's Order. A true and correct copy of the Notice of Court Order re Cases Not
2 Related is attached as **Exhibit F**.

3 6. The attached exhibits constitute all process, pleadings, and orders served
4 upon Defendants or filed or received in this action by them. As of today, I am informed
5 and believe that no further process, pleadings or orders related to this case have been
6 filed in Los Angeles County Superior Court and no other parties have been named or
7 validly served with the Summons and Complaint in this matter.

8 I declare under penalty of perjury under the laws of the United States that
9 the foregoing is true and correct.

10 Executed September 22, 2021 at San Francisco, California.

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12 /s/ Sophia Behnia
13 Sophia Behnia
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EXHIBIT A

POS-015

ATTORNEY OR PARTY WITHOUT ATTORNEY: STATE BAR NO: SBN 146079 NAME: Alan Harris FIRM NAME: HARRIS & RUBLE STREET ADDRESS: 655 N. Central Ave., 17th Floor CITY: Glendale STATE: CA ZIP CODE: 91203 TELEPHONE NO.: (323) 962-3777 FAX NO.: (323) 962-3001 E-MAIL ADDRESS: harrisa@harrisandruble.com ATTORNEY FOR (Name): Brian Simmons		FOR COURT USE ONLY CASE NUMBER: 21STCV24965
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Los Angeles STREET ADDRESS: 111 N. Hill Street MAILING ADDRESS: 111 N. Hill Street CITY AND ZIP CODE: Los Angeles 90012 BRANCH NAME: Stanley Mosk Courthouse		
Plaintiff/Petitioner: Brian Simmons Defendant/Respondent: The Coca-Cola Company		
NOTICE AND ACKNOWLEDGMENT OF RECEIPT—CIVIL		

TO (insert name of party being served): The Coca-Cola Company**NOTICE**

The summons and other documents identified below are being served pursuant to section 415.30 of the California Code of Civil Procedure. Your failure to complete this form and return it within 20 days from the date of mailing shown below may subject you (or the party on whose behalf you are being served) to liability for the payment of any expenses incurred in serving a summons on you in any other manner permitted by law.

If you are being served on behalf of a corporation, an unincorporated association (including a partnership), or other entity, this form must be signed by you in the name of such entity or by a person authorized to receive service of process on behalf of such entity. In all other cases, this form must be signed by you personally or by a person authorized by you to acknowledge receipt of summons. If you return this form to the sender, service of a summons is deemed complete on the day you sign the acknowledgment of receipt below.

Date of mailing: August 6, 2021Tom Brennan

(TYPE OR PRINT NAME)



(SIGNATURE OF SENDER—MUST NOT BE A PARTY IN THIS CASE)

ACKNOWLEDGMENT OF RECEIPTThis acknowledges receipt of **(to be completed by sender before mailing):**

- ☒ A copy of the summons and of the complaint.
- ☒ Other (specify): Civil Case Cover Sheet, Addendum, Case Assignment, Alternative Dispute Resolution form, General Order of Mandatory Electronic Filing, Notice of Order to Show Cause Hearing, Notice of Order Regarding Case Management Conference.

(To be completed by recipient):

Date this form is signed: _____

(TYPE OR PRINT YOUR NAME AND NAME OF ENTITY, IF ANY,
ON WHOSE BEHALF THIS FORM IS SIGNED)(SIGNATURE OF PERSON ACKNOWLEDGING RECEIPT, WITH TITLE IF
ACKNOWLEDGMENT IS MADE ON BEHALF OF ANOTHER PERSON OR ENTITY)

Page 1 of 1

NOTICE AND ACKNOWLEDGMENT OF RECEIPT — CIVIL

SUM-100

SUMMONS
(CITACION JUDICIAL)

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

NOTICE TO DEFENDANT: THE COCA-COLA COMPANY, a Delaware
(AVISO AL DEMANDADO): Corporation; and DOE 1 through and including
DOE 10

YOU ARE BEING SUED BY PLAINTIFF: BRIAN SIMMONS, individually
(LO ESTÁ DEMANDANDO EL DEMANDANTE): 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), 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: Stanley Mosk Courthouse
(El nombre y dirección de la corte es): 111 N. Hill Street
Los Angeles, CA 90012

CASE NUMBER: (Número del Caso):

21ST CV 24965

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):

Alan Harris - 655 N. Central Avenue, 17th Floor - Glendale, CA 91203 - Tel: (323) 962-3777

DATE:
(Fecha) 07/07/2021

Sherri R. Carter Executive Officer / Clerk of Court
Clerk, by M. Barei, Deputy
(Secretario) (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).)

[SEAL]



NOTICE TO THE PERSON SERVED: You are served

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

Page 1 of 1

Assigned for all purposes to: Stanley Mosk Courthouse, Judicial Officer: William Fahey

Electronically FILED by Superior Court of California, County of Los Angeles on 07/07/2021 02:21 PM Sherri R. Carter, Executive Officer/Clerk of Court, by M. Barel, Deputy Clerk

Alan Harris (SBN 146079)
 Priya Mohan (SBN 228984)
 Min Ji Gal (SBN 311963)
 HARRIS & RUBLE
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Attorneys for Plaintiff Brian Simmons

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

BRIAN SIMMONS, individually and on behalf
 of all others similarly situated,

Plaintiff,

v.

THE COCA-COLA COMPANY, a Delaware
 Corporation; and DOE 1 through and including
 DOE 10,

Defendants.

Case No: **21STCV24965**

REPRESENTATIVE ACTION COMPLAINT

1. Cal. Lab. Code § 226(a), Failure to Provide Compliant Wage Statements
2. Cal. Lab. Code §§ 204, 210, Failure to Timely Pay Wages
3. Cal Lab. Code §§ 1194, 1197 and 1197.1, Failure to Pay Minimum Wages
4. Cal. Lab. Code §§ 226.7, 512 and Wage Order, Failure to Provide Meal Breaks
5. Cal. Lab. Code § 226.7 and Wage Order, Failure to Provide Rest Breaks
6. Cal. Bus & Prof. Code §§ 17200 *et seq.* – Restitution
7. Fair Labor Standards Act, 29 U.S.C. §.201 *et seq.*
8. Cal. Lab. Code § 510 Failure to Pay Proper Overtime

JURY TRIAL DEMANDED

1 Plaintiff Brian Simmons (“Simmons” or “Plaintiff”), by and through his undersigned attorneys,
2 alleges as follows:

3 **JURISDICTION AND VENUE**

4 1. This is a collective action seeking unpaid wages, damages, statutory penalties and
5 attorneys’ fees and costs.

6 2. Venue as to Defendants is proper in this judicial district, pursuant to California Code of
7 Civil Procedure sections 395(a) and 395.5. Defendants maintain an office, transact business, have an
8 agent, or are found in the County of Los Angeles and are within the jurisdiction of this Court for
9 purposes of service of process. The violations of the FLSA alleged herein had a direct effect on and
10 were committed within the State of California, impacting Plaintiff and other similarly situated
11 employees.

12 3. Emergency Rule 9 as promulgated by the Judicial Council of California provides:
13 “Notwithstanding any other law, the statutes of limitations and repose for civil causes of action that
14 exceed 180 days are tolled from April 6, 2020, until October 1, 2020.” The Advisory Committee
15 Comment notes that: “Emergency rule 9 is intended to apply broadly to toll any statute of limitations on
16 the filing of a pleading in court asserting a civil cause of action. The term “civil causes of action”
17 includes special proceedings. (See Code Civ. Proc., §§ 312, 363 [“action,” as used in title 2 of the code
18 (Of the Time of Commencing Civil Actions), is construed “as including a special proceeding of a civil
19 nature”). . . . The rule also applies to statutes of limitations on filing of causes of action in court found in
20 codes other than the Code of Civil Procedure.” Further, the pendency of a class action in California,
21 Flores v. The Coca Cola Company, tolls any applicable statutes of limitation implicated by the
22 California state law claims herein.”

23 **THE PARTIES**

24 4. Plaintiff Simmons is an individual, who, during the time periods relevant to this
25 Complaint, was and is a resident of the County of Los Angeles and/or San Bernardino County.

26 5. The Coca Cola Company (“Coca Cola”) is a Delaware Corporation, which at all times
27 relevant herein, conducted business within the County of Los Angeles, State of California.
28

1 6. Defendants Doe One through and including Doe Ten are sued herein under the provisions
2 of section 474 of the California Code of Civil Procedure. Plaintiff is unaware of the true names,
3 identities or capacities, whether corporate, individual or otherwise, of said fictitiously named defendants,
4 but leave of Court will be prayed to amend this pleading to insert the same herein when finally
5 ascertained. Plaintiff is informed, believes and thereupon alleges that each of the fictitiously named
6 Defendants is an entity, which during the relevant time period maintained a place of business in the
7 County of Los Angeles of the State of California. Defendants Coca Cola and Does One through and
8 including Doe Ten are collectively referred to as Defendants.

9 7. Plaintiff is informed and believes and thereon allege that all defendants, including the
10 fictitious Doe defendants, were at all relevant times acting as actual agents, conspirators, ostensible
11 agents, alter egos, partners and/or joint venturers and/or employees of all other defendants, and that all
12 acts alleged herein occurred within the course and scope of said agency, employment, partnership, and
13 joint venture, conspiracy or enterprise, and with the express and/or implied permission, knowledge,
14 consent authorization and ratification of their co-defendants; however, each of these allegations are
15 deemed “alternative” theories whenever not doing so would result in a contradiction with other
16 allegations

17 **GENERAL ALLEGATIONS**

18 8. Defendants employed Plaintiff for many years. However, in 2019, Defendants suffered
19 from payroll issues which resulted in payment of the incorrect amount of wages. The issues persisted for
20 many months before and after the company-wide payroll issue. Plaintiff was not paid for all hours
21 worked and was not paid for all overtime hours worked at the correct rate. Moreover, Plaintiff was not
22 provided proper rest and meal periods as required.

23 9. At all relevant times mentioned herein, Wage Order 1 (Manufacturing) of the California
24 Industrial Welfare Commission applied to Plaintiff and similarly situated employees. In part, the Wage
25 Order reflects employer obligations regarding hours and days of work, reporting time pay, records, meal
26 periods and rest periods (obligations which the employer, here, failed to fulfill, both with respect to
27 Plaintiff and similarly situated employees). The Wage Order provides, in relevant part:
28

3. Hours and Days of Work.

(A) Daily Overtime-General Provisions

(1) The following overtime provisions are applicable to employees 18 years of age or over and to employees 16 or 17 years of age who are not required by law to attend school and are not otherwise prohibited by law from engaging in the subject work. Such employees shall not be employed more than eight (8) hours in any workday or more than 40 in a workweek unless the employee receives one and one half (1 1/2) times such employee's regular rate of pay for all hours worked over 40 hours in the workweek. Eight (8) hours of labor constitutes a day's work. Employment beyond eight (8) hours in any workday or more than six (6) days in any workweek is permissible provided the employee is compensated for such overtime at not less than:

(a) One and one-half (1 1/2) times the employee's regular rate of pay for all hours worked in excess of eight (8) hours up to and including twelve (12) hours in any workday, and for the first eight (8) hours worked on the seventh (7th) consecutive day of work in a workweek; and

(b) Double the employee's regular rate of pay for all hours worked in excess of 12 hours in any workday and for all hours worked in excess of eight (8) hours on the seventh (7th) consecutive day of work in a workweek.

(c) The overtime rate of compensation required to be paid to a nonexempt full-time salaried employee shall be computed by using the employee's regular hourly salary as one fortieth (1/40) of the employee's weekly salary.

...

7. Records.

(A) Every employer shall keep accurate information with respect to each employee including the following:

(1) Full name, home address, occupation and social security number.

(2) Birth date, if under 18 years, and designation as a minor.

(3) Time records showing when the employee begins and ends each work period. Meal periods, split shift intervals and total daily hours worked shall also be recorded. Meal periods during which operations cease and authorized rest periods need not be recorded.

(4) Total wages paid each payroll period, including value of board, lodging, or other compensation actually furnished to the employee.

(5) Total hours worked in the payroll period and applicable rates of pay. This information shall be made readily available to the employee upon reasonable request.

1 (6) When a piece rate or incentive plan is in operation, piece rates or an explanation of
2 the incentive plan formula shall be provided to employees. An accurate production record
shall be maintained by the employer.

3 (B) Every employer shall semimonthly or at the time of each payment of wages furnish
4 each employee, either as a detachable part of the check, draft, or voucher paying the
5 employee's wages, or separately, an itemized statement in writing showing: (1) all
6 deductions; (2) the inclusive dates of the period for which the employee is paid; (3) the
7 name of the employee or the employee's social security number; and (4) the name of the
employer, provided all deductions made on written orders of the employee may be
aggregated and shown as one item.

8 (C) All required records shall be in the English language and in ink or other indelible
9 form, properly dated, showing month, day, and year and shall be kept on file by the
10 employer for at least three (3) years at the place of employment or at a central location
within the State of California. An employee's records shall be available for inspection by
the employee upon reasonable request.

11 ...

12 **11. Meal Periods.**

13 (A) No employer shall employ any person for a work period of more than five (5) hours
14 without a meal period of not less than 30 minutes, except that when a work period of not
15 more than six (6) hours will complete the day's work the meal period may be waived by
mutual consent of the employer and employee.

16 (B) An employer may not employ an employee for a work period of more than ten (10)
17 hours per day without providing the employee with a second meal period of not less than
18 30 minutes, except that if the total hours worked is no more than 12 hours, the second
meal period may be waived by mutual consent of the employer and the employee only if
the first meal period was not waived.

19 (C) Unless the employee is relieved of all duty during a 30 minute meal period, the meal
20 period shall be considered an "on duty" meal period and counted as time worked. An "on
21 duty" meal period shall be permitted only when the nature of the work prevents an
employee from being relieved of all duty and when by written agreement between the
22 parties an on-the-job paid meal period is agreed to. The written agreement shall state that
the employee may, in writing, revoke the agreement at any time.

23 (D) If an employer fails to provide an employee a meal period in accordance with the
24 applicable provisions of this order, the employer shall pay the employee one (1) hour of
25 pay at the employee's regular rate of compensation for each work day that the meal
period is not provided.

26 (E) In all places of employment where employees are required to eat on the premises, a
27 suitable place for that purpose shall be designated.
28

12. Rest Periods.

(A) Every employer shall authorize and permit all employees to take rest periods, which insofar as practicable shall be in the middle of each work period. The authorized rest period time shall be based on the total hours worked daily at the rate of ten (10) minutes net rest time per four (4) hours or major fraction thereof.

However, a rest period need not be authorized for employees whose total daily work time is less than three and one-half (3 1/2) hours. Authorized rest period time shall be counted as hours worked for which there shall be no deduction from wages.

(B) If an employer fails to provide an employee a rest period in accordance with the applicable provisions of this order, the employer shall pay the employee one (1) hour of pay at the employee's regular rate of compensation for each work day that the rest period is not provided.

Cal. Code of Regs., tit. 8, § 11120 ("Wage Order 1").

10. At all times relevant herein, section 204 of the California Labor Code provided in part:

All wages, other than those mentioned in Section 201, 201.3, 202, 204.1, or 204.2, earned by any person in any employment are due and payable twice during each calendar month, on days designated in advance by the employer as the regular paydays. Labor performed between the 1st and 15th days, inclusive, of any calendar month shall be paid for between the 16th and the 26th day of the month during which the labor was performed, and labor performed between the 16th and the last day, inclusive, of any calendar month, shall be paid for between the 1st and 10th day of the following month.

Cal. Lab. Code § 204.

11. In no event should Plaintiff have been paid later than the time periods established by sections 204 of the California Labor Code, but certain payments to Plaintiff were made weeks after they were due, some have yet to be made, all leading to penalties under sections 204 and 210 of the California Labor Code.

12. At all times relevant herein, section 210 of the California Labor Code provided:

In addition to, and entirely independent and apart from, any other penalty provided in this article, every person who fails to pay the wages of each employee as provided in Sections 204, 204b, 204.1, 204.2, 205, 205.5, and 1197.5, shall be subject to a civil penalty as follows: (a) For any initial violation, one hundred dollars (\$100) for each failure to pay each employee; (b) For each subsequent violation, or any willful or intentional violation, two hundred dollars (\$200) for each failure to pay each employee, plus 25 percent of the amount unlawfully withheld.

Cal. Lab. Code § 210. Further, the Defendants' policy has been to devote insufficient resources to the payroll accounting function, with the inevitable result that employees are routinely paid in tardy fashion,

1 in violation of sections 203 and 204 of the Code, and otherwise in violation of the Code.

2 13. Labor Code sections 226.7, 512 and Section 11 of the Wage Order require an employer to
3 pay an additional hour of compensation for each meal period the employer fails to provide. Section 11
4 requires that "No employer shall employ any person for a work period of more than five (5) hours
5 without a meal period of not less than thirty (30) minutes." Defendants failed to maintain a policy
6 informing all similarly situated employees of these rights.

7 14. Here, Defendants failed to apprise all similarly situated employees of their rights
8 associated with meal periods and failed to provide timely meal periods. Defendants have had a
9 consistent policy of: (1) requiring all similarly situated employees to take late meal breaks that occurred
10 after the first 5 hours of each shift; (2) requiring similarly situated employees to work shifts over 10
11 hours without providing a second meal period of 30 minutes in length; and (3) failing to pay such
12 employees 1 hour of pay at the employees regular rate of compensation for each workday in which a
13 proper meal break was not provided. At all relevant times mentioned herein, section 226.7 of the
14 California Labor Code provided:

15 (a) As used in this section, "recovery period" means a cooldown period afforded an
16 employee to prevent heat illness.

17 (b) An employer shall not require an employee to work during a meal or rest or recovery
18 period mandated pursuant to an applicable statute, or applicable regulation, standard, or
order of the Industrial Welfare Commission, the Occupational Safety and Health

19 (c) If an employer fails to provide an employee a meal or rest or recovery period in
20 accordance with a state law, including, but not limited to, an applicable statute or
21 applicable regulation, standard, or order of the Industrial Welfare Commission, the
Occupational Safety and Health Standards Board, or the Division of Occupational Safety
22 and Health, the employer shall pay the employee one additional hour of pay at the
employee's regular rate of compensation for each workday that the meal or rest or
recovery period is not provided.

23 Cal. Lab. Code § 226.7.

24 15. At all relevant times mentioned herein, section 226 of the Code provided:

25 (a) Every employer shall, semimonthly or at the time of each payment of wages, furnish
26 each of his or her employees, either as a detachable part of the check, draft, or voucher
27 paying the employee's wages, or separately when wages are paid by personal check or
cash, an itemized statement in writing showing (1) gross wages earned, (2) total hours
28 worked by the employee, except for any employee whose compensation is solely based
on a salary and who is exempt from payment of overtime under subdivision (a) of Section

515 or any applicable order of the Industrial Welfare Commission, (3) the number of piece rate units earned and any applicable piece rate if the employee is paid on a piece-rate basis, (4) all deductions, provided, that all deductions made on written orders of the employee may be aggregated and shown as one item, (5) net wages earned, (6) the inclusive dates of the period for which the employee is paid, (7) the name of the employee and his or her social security number, except that by January 1, 2008, only the last four digits of his or her social security number or an employee identification number other than a social security number may be shown on the itemized statement, (8) the name and address of the legal entity that is the employer, and (9) all applicable hourly rates in effect during the pay period and the corresponding number of hours worked at each hourly rate by the employee. The deductions made from payments of wages shall be recorded in ink or other indelible form, properly dated, showing the month, day, and year, and a copy of the statement or a record of the deductions shall be kept on file by the employer for at least three years at the place of employment or at a central location within the State of California.

....
(e) An employee suffering injury as a result of a knowing and intentional failure by an employer to comply with subdivision (a) is entitled to recover the greater of all actual damages or fifty dollars (\$50) for the initial pay period in which a violation occurs and one hundred dollars (\$100) per employee for each violation in a subsequent pay period, not exceeding an aggregate penalty of four thousand dollars (\$4,000), and is entitled to an award of costs and reasonable attorney's fees.

....
(g) An employee may also bring an action for injunctive relief to ensure compliance with this section, and is entitled to an award of costs and reasonable attorney's fees.

Code § 226. Defendants employed Plaintiff and similarly situated employees, but, in all cases, Defendants failed to provide them with the data required by section 226(a) of the Code. The wage statements failed to list all applicable hourly rates in effect and the corresponding number of hours worked at each hourly rate, the inclusive dates of the period for which the employee is paid, among others.

All of the foregoing was intentional misconduct of Defendants that injured Plaintiff and similarly situated employees insofar as they were subjected to confusion and deprived of information to which they were legally entitled.

16. At all relevant times mentioned herein, section 510(a) of the California Labor Code provided:

Eight hours of labor constitutes a day's work. Any work in excess of eight hours in one workday and any work in excess of 40 hours in any one workweek and the first eight hours worked on the seventh day of work in any one workweek shall be compensated at the rate of at least one and one-half times the regular rate of pay for an employee. Any work in excess of 12 hours in one day shall be compensated at the rate of no less than twice the regular rate of pay for an employee. In addition, any work in excess of eight hours on any seventh day of a workweek shall be compensated at the rate of no less than twice the regular rate of pay of an employee. Nothing in

1 this section requires an employer to combine more than one rate of overtime compensation in
2 order to calculate the amount to be paid to an employee for any hour of overtime work.

3 Cal. Lab. Code § 510.

4 17. Plaintiff and similarly situated employees were not timely paid proper overtime wages to
5 which they were entitled in violation of Code §§ 510, and 1194. Both late payment and nonpayment of
6 overtime wages for all hours worked violates the overtime wage statute.

7 18. At all relevant times mentioned herein, section 1194 of the Code provided:

8 Notwithstanding any agreement to work for a lesser wage, any employee receiving less
9 than the legal minimum wage or the legal overtime compensation applicable to the
10 employee is entitled to recover in a civil action the unpaid balance of the full amount of
11 this minimum wage or overtime compensation, including interest thereon, reasonable
12 attorney's fees, and costs of suit.

13 Code § 1194.

14 **COLLECTIVE-ACTION ALLEGATIONS**

15 19. Plaintiff seeks to represent all non-exempt employees during the period beginning no
16 earlier than three years prior to the filing hereof to the mailing of the FLSA Opt-In Notice (such persons
17 are referred to hereafter as "Collective Action Members.").

18 20. Plaintiff is similarly situated to the Collective-Action Members in that Plaintiff and the
19 Collective-Action Members were employed by Defendants and in that Defendants did not pay Plaintiff
20 and the Collective-Action Members their overtime and/or minimum wages when due. Plaintiff's consent
21 to an FLSA collective action is attached hereto as **Exhibit 3**.

22 21. This action is maintainable as an "opt-in" collective action pursuant to 29 U.S.C.
23 § 216(b).

24 22. All Collective-Action Members should be given notice and be allowed to given their
25 consent in writing to participate in—in other words, to opt into—the collective action pursuant to 29
26 U.S.C. § 216(b).

27 **FIRST CAUSE OF ACTION**

28 (Failure to Provide Compliant Pay Stubs, Cal. Lab. Code § 226(a)
On Behalf of Plaintiff Against Defendants)

23. Plaintiff incorporates by reference each and every allegation set forth in this Complaint as though fully set forth herein.

24. Defendants failed to provide Plaintiff with wage statements conforming to the requirements of section 226(a) of the Code.

25. The foregoing was intentional misconduct of Defendants that injured Plaintiff and Collective Action Members insofar as they were deprived of information to which they were legally entitled, including but not limited all applicable rates of pay and the correct rates of pay.

26. The failure of Defendants to provide compliant wage statements violates section 226(a) of the Code. The failure caused them injury by depriving them of information to which they are legally entitled. Accordingly, Plaintiff and Collective Action Members are entitled to damages in an amount according to proof and costs and reasonable attorney's fees in accordance with the provisions of Code section 226(e), all in a sum according to proof in an amount of no less than \$4,000. Plaintiff is entitled to-interest thereon, reasonable attorneys' fees and cost of suit.

SECOND CAUSE OF ACTION

(Untimely Wage During Employment, Cal. Lab. Code §§ 204 and 210
On Behalf of Plaintiff Against All Defendants)

27. Plaintiff realleges and incorporates herein by reference the allegations contained in this Complaint as though fully set forth herein.

28. Plaintiff was not compensated the correct amount of wages owed to him, as Defendants' payroll systems ceased working in proper fashion and Defendants failed to devote sufficient resources to either update their systems or address the deficiencies caused by the upgrades. Accordingly, Plaintiff was not timely compensated each week, on the paydays established by the employers. The purported "corrections" referenced in **Exhibits 1 and 2** required many weeks, to the extent they were ever fully implemented.

29. Plaintiff contends that the failure of Defendants to make timely payments within the time provided for has been and is "willful" within the meaning of such word as used in Section 210 of the California Labor Code because they were informed of the systematic late payment of wages but failed to remedy the underlying issues.

1 30. Labor Code section 210 provides for a statutory penalty of \$100 for each initial violation
2 and \$200 for each subsequent, or willful or intentional violation plus 25 percent of the amount
3 unlawfully withheld.

4 31. Plaintiff and Collective Action Members are entitled to damages and statutory penalties
5 of an amount to be proven at trial, and attorney's fees and costs pursuant to sections 218.5 of the Labor
6 Code and 1021.5 of the Code of Civil Procedure.

7
8 **THIRD CAUSE OF ACTION**

9 (Failure to Pay Minimum Wages, California Labor Code §§ 1194, 1197, 1197.1
10 On Behalf of Plaintiff Against Defendants)

11 32. Plaintiff realleges and incorporates herein by reference the allegations contained in this
12 Complaint as though fully set forth herein.

13 33. Plaintiff and the Collective Action Members , worked many hours for Defendants,
14 without compensation for work performed, as required by law. Both late payment and non-payment of
15 minimum wages violate the state statute requiring the payment of a minimum hourly wage.

16 34. Plaintiff and the Collective Action Members are entitled to recover liquidated damages
17 under section 1194.2 of the California Labor Code in an amount according to proof. Plaintiff is also
18 entitled to recover costs and reasonable attorneys' fees under section 1194 of the California Labor Code

19 **FOURTH CAUSE OF ACTION**

20 (Failure to Provide Meal Breaks, Cal. Lab. Code §§ 226.7 and 512 and Wage Order
21 On Behalf of Plaintiff Against Defendants)

22 35. Plaintiff incorporates by reference each and every allegation set forth in this Complaint as
23 though fully set forth herein.

24 36. At all times herein relevant, sections 226.7 and 512 of the California Labor Code and
25 IWC Wage Order 12 provided that that employees must receive meal periods of not less than thirty
26 minutes if an employee works for a period of more than six hours and a second thirty minute meal
27 period after no less than six hours after the termination of the preceding meal period. By its failure to
28 provide minimum statutory meal periods to Plaintiff and Collective Action Members, Defendants willfully
violated the provisions of Labor Code sections 226.7 and 512, and IWC Wage Order 12.

37. Defendants failed to apprise Plaintiff and Collective Action Members of their rights associated with meal periods and failed to provide timely meal periods. Defendants have had a consistent policy of: (1) requiring all workers to take late meal breaks that occurred after the first 6 hours of each shift; (2) required Aggrieved Employees to work shifts over 12 hours without providing a second meal period of 30 minutes in length; and (3) failed to pay such employees 1 hour of pay at the employees regular rate of compensation for each workday in which a proper meal break was not provided. Plaintiff and Collective Action Members were not permitted to leave for meal periods.

38. Because Defendants failed to properly provide the proper meal periods, it is liable to Plaintiff for one hour of additional pay at the regular rate of compensation for each workday that the proper meal periods were not provided.

39. As a result of the unlawful acts of Defendants, Plaintiff and Collective Action Members have been deprived of premium wages, and/or other compensation in amounts to be determined at trial, and are entitled to recovery of such amounts, plus interest thereon, and costs.

FIFTH CAUSE OF ACTION

(Failure to Provide Rest Breaks, Cal. Lab. Code § 226.7 and IWC Wage Order)
On Behalf of Plaintiff Against Defendants)

40. Plaintiff incorporates by reference each and every allegation set forth in this Complaint as though fully set forth herein.

41. At all times herein relevant, sections 226.7 of the California Labor Code and IWC Wage Order 12 provided that employees must receive rest periods of at the rate of ten (10) minutes net rest time per four (4) hours or major fraction thereof.

42. By its failure to provide required breaks to Plaintiff and Collective Action Members , Defendants willfully violated the provisions of Labor Code sections 226.7 and IWC Wage Order 12.

43. Because Defendants failed to properly provide the proper rest breaks, it is liable to Plaintiff and 17200 Class Members for one hour of additional pay at the regular rate of compensation for each workday that the proper rest breaks were not provided, pursuant to Labor Code section 226.7 and IWC Wage Order 12.

44. As a result of the unlawful acts of Defendants, Plaintiff and Collective Action Members have been deprived of premium wages, and/or other compensation in amounts to be determined at trial, and are entitled to recovery of such amounts, plus interest thereon, fees, and costs.

SIXTH CAUSE OF ACTION

(Unfair Business Practices Business and Professions Code section 17200 *et seq.*
On Behalf of Plaintiff Against Defendants)

45. Plaintiff realleges and incorporates herein by reference the allegations contained in this Complaint as though fully set forth herein.

46. Business and Professions Code section 17200 *et seq.* prohibits acts of unfair competition, including any “unlawful, unfair, or fraudulent business act or practice.” Cal. Bus. & Prof. Code § 17200 *et seq.* Plaintiff and Collective Action Members allege that Defendants engaged in unfair business practices in California by the above-described failure to timely pay all wages due including overtime wages.

47. Defendants’ violation of California wage and hour laws as herein articulated constitutes a business practice because Defendants’ aforementioned acts and omissions were done repeatedly over a significant period of time, and in a systematic manner, to the detriment of Plaintiff and the Collective Action Members .

48. As a result of Defendants’ unfair and unlawful business practices, Defendants have reaped unfair and illegal profits during the relevant time period herein at the expense of Plaintiff and the 17200 Subclass Members and members of the public. Defendants should be made to disgorge its ill-gotten gains and to restore them to Plaintiff and the Collective Action Members.

49. The actions of Defendants entitle Plaintiff to seek the remedies available under section 17200 *et seq.* Plaintiff seeks full restitution of said amounts from Defendants, as necessary and according to proof, to restore any and all amounts—including interest—withheld, acquired, or converted by Defendants by means of the unfair practices complained of herein. Plaintiff, on behalf of himself, as well as on behalf of the general public, further seeks attorney’s fees and costs pursuant to sections 218.5 of the Labor Code and 1021.5 of the Code of Civil Procedure. In addition, Plaintiff seeks the appointment of a receiver as necessary.

SEVENTH CAUSE OF ACTION

(Fair Labor Standards Act On Behalf of Plaintiff and Collective
Action Members Against All Defendants)

50. Plaintiff realleges and incorporates herein by reference the allegations contained in this Complaint as though fully set forth herein.

51. Plaintiff is informed and believes, and on that basis allege, that Defendants are employers engaged in an enterprise in interstate commerce pursuant to the Fair Labor Standards Act (“FLSA”), 29 U.S.C. § 201 *et seq.* Defendants participation in interstate commerce is substantial, in excess of \$1,000,000 per year.

52. Plaintiff was not timely paid his wages. Plaintiff and Collective Action Members worked many hours each day during their employment as herein alleged including over forty hours per week.

53. Under the FLSA, Plaintiff and Collective Action Members are entitled to recover from Defendants their liquidated damages for hours worked, as well as costs and attorney’s fees.

54. Defendants failed to compensate Plaintiff and Collective Action Members as required by the FLSA.

55. Defendants’ violations were willful and intentional.

56. Plaintiff and Collective Action Members are entitled to damages for unpaid wages and/or the associated liquidated damages in an amount to be proven at trial.

57. Plaintiff brings this claim on a collective-action basis pursuant to the FLSA. The FLSA permits an employee to bring an action for unpaid wages on “behalf of himself . . . and other employees similarly situated,” so long as all similarly situated employees “give[] [their] consent in writing to become . . . a party.” 29 U.S.C. § 216(b). Pursuant to the FLSA, Plaintiff seek to represent a Collective Action defined as:

All persons who provided services during the period of time commencing three years prior to the filing of the Complaint, who were paid as non-exempt workers providing services in the State of California (the “Collective Action Members”).

58. On information and belief, none were timely paid all wages as required by sections 201, 202, 203 or 204 of the California Labor Code.

EIGHTH CAUSE OF ACTION

(Damages for Unpaid Overtime Compensation,
California Labor Code §§ 510, 515, 558.1 and 1194
On Behalf of Plaintiff Against All Defendants)

59. Plaintiff realleges and incorporates herein by reference the allegations contained in this Complaint as though fully set forth herein.

60. During Plaintiff's employment by Defendants, Plaintiff, as well as Collective Action Members, worked many hours, including overtime, without proper compensation for work performed, as required by law.

61. Plaintiff and Collective Action Members are entitled to recover such unpaid overtime under section 1194 of the California Labor Code in an amount according to proof for Plaintiff of at least \$400. Plaintiff and Collective Action Members are also entitled to recover costs and reasonable attorneys' fees under section 1194 of the California Labor Code.

WHEREFORE, Plaintiff prays judgment as follows:

1. That the Court certify a Collective Action.

2. That, under the First Cause of Action, this Court enter judgment in favor of Plaintiff, not including interest thereon, reasonable attorneys' fees and cost of suit, and enter judgment in favor of the Plaintiff against Defendants in the amount of damages, interest, and costs, according to proof, and costs and reasonable attorneys' fees in accordance with the provisions of Labor Code section 226(e).

3. That, under the Second Cause of Action, it be adjudged that the failure of Defendants to make payment of Plaintiff's wages was in violation of section 204 of the California Labor Code. That judgment be entered in favor of Plaintiff in an amount prescribed by sections 204 and 210 of the California Labor Code, and costs and reasonable attorneys' fees in accordance with the provisions of California Labor Code section 218.5.

4. That, under the Third Cause of Action, this Court enter judgment in favor of Plaintiff and award damages, penalties, liquidated damages, reasonable attorney's fees and costs of suit, all according to proof, pursuant to section 218.5, 1194, 1194.2 and other relevant sections of the Labor Code.

5. That, under the Fourth Cause of Action, this Court enter judgment in favor of Plaintiff and award damages, penalties, and costs of suit, all according to proof, pursuant to section 218.5 and

1 other relevant sections of the Labor Code.

2 6. That, under the Fifth Cause of Action, this Court enter judgment in favor of Plaintiff and
3 award damages, penalties, and costs of suit, all according to proof, pursuant to section 218.5 and other
4 relevant sections of the Labor Code.

5 7. That, under the Sixth Cause of Action, it be adjudged that Defendants' violations of the
6 applicable Wage Order and above cited sections of the California Labor Code, and violated section
7 17200 *et seq.* of the California Business and Professions Code. Accordingly, Plaintiff requests that the
8 Court order Defendants to pay restitution with interest to Plaintiff. Finally, Plaintiff requests that the
9 Court award Plaintiff's reasonable attorneys' fees and costs, pursuant to section 218.5 of the Labor Code
10 and section 1021.5 of the California Code of Civil Procedure.

11 8. That, with respect to the Seventh Cause of Action this Court enter judgment in favor of
12 Plaintiff and Collective Action Members against Defendants in an amount according to proof for unpaid
13 wages, liquidated damages, interest thereon, costs and reasonable attorney's fees.

14 9. That, with respect to the Eighth Cause of Action, this Court enter judgment in favor of
15 Plaintiff in an amount to be established by proof for unpaid overtime, interest thereon, reasonable
16 attorneys' fees and cost of suit pursuant to sections 218.5 and 1194 of the Code.

17 10. For such further relief as the Court may order, including attorney's fees, costs, and
18 interest pursuant to Labor Code sections 218.5 and 218.6, and Code of Civil Procedure section 1021.5,
19 in an amount according to proof.

20 DATED: July 7, 2021

HARRIS & RUBLE

21 

22 Alan Harris
23 Attorney for Plaintiff
24
25
26
27
28

Exhibit 1



To: Ontario / Fontana Associates

February 14, 2019

Subject: Paycheck issues this week

This morning we learned that many of you received paystubs this week that reflected an incorrect hourly rate. We have already escalated this issue to the Corporate Payroll Team in Atlanta and are working to resolve the problem as soon as possible. If you were directly impacted by this error, whether your hourly rate was lower or higher than it should be, please print a copy of your paystub (or take a picture of it) and bring that to your supervisor so we can track everyone that is affected. Please note that if you were overpaid, the Company will deduct the overpayment from your upcoming check so we would ask you to keep that in mind once your pay is deposited in your financial institution. Thank you for your continued understanding and patience and we apologize for this mistake.

To those employees who were underpaid, payroll will be issuing a second payment / check within the next few business days.

Once again, I apologize for the inconvenience this may cause, and the issue has been escalated to Senior Management.

Tom Davidson

Exhibit 2

The logo features the Coca-Cola script logo in white on a red background, followed by the word "Payroll" in a white sans-serif font.

To: Ontario and Fontana Associates

Regarding: Payroll week ending 2/15

This is a follow up to the posting on February 15, 2019 concerning recent payroll errors.

Based upon the analysis of those errors, many of you received a supplemental payment on February 15 and others were overpaid on that paycheck. Unfortunately, we have since learned that there were additional, unforeseen issues with those make-up payments, resulting either in further underpayments to some and overpayments to others.

For anyone that is still owed money from the February 15 check, you will see a second deposit on 3/1/19 with any outstanding amounts owed. Anyone who has been overpaid (from the initial or subsequent payment) will receive a letter shortly stating the overpayment amount that will be deducted from your March 15 check. We sincerely apologize for any confusion this has created and the mistakes that were made concerning your pay. While we always strive to be accurate in your pay, that was not the case and we are working diligently to correct those issues. Thank you for your continued patience as we work thru this.

Should you have any questions, please contact your Manager.

Exhibit 3

FLSA CONSENT FORM

Pursuant to the provisions of 29 U.S.C. § 216(b), the Fair Labor Standards Act, I hereby consent to be a party plaintiff to this action.

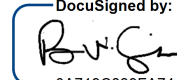
4/23/2020

Date

BRIAN SIMMONS

Print Name

DocuSigned by:



0A719C839FA74A3...

Signature

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number and address):
 Alan Harris (SBN 146079) David Garrett (SBN 160274) Min Ji Gal (SBN 311963)
 Harris & Ruble
 655 North Central Ave, 17th Floor,
 Glendale, CA 91203

TELEPHONE NO.: (323) 962-3777

FAX NO. (Optional):

ATTORNEY FOR (Name): Plaintiff Brian Simmons

SUPERIOR COURT OF CALIFORNIA, COUNTY OF Los Angeles

STREET ADDRESS: 111 N. Hill Street

MAILING ADDRESS: 111 N. Hill Street

CITY AND ZIP CODE: Los Angeles, CA 90012

BRANCH NAME: Stanley Mosk Courthouse

CASE NAME: Simmons v. The Coca-Cola Company

FOR COURT USE ONLY

CIVIL CASE COVER SHEET

☒ **Unlimited** ☐ **Limited**
 (Amount demanded exceeds \$25,000) (Amount demanded is \$25,000)

Complex Case Designation

☐ Counter ☐ Joinder
 Filed with first appearance by defendant
 (Cal. Rules of Court, rule 3.402)

CASE NUMBER:

21STCV24965

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:**Auto Tort**

☐ Auto (22)
☐ Uninsured motorist (46)

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

☐ Asbestos (04)
☐ Product liability (24)
☐ Medical malpractice (45)

Non-PI/PD/WD (Other) Tort

☐ Business tort/unfair business practice (07)
☐ Civil rights (08)
☐ Defamation (13)
☐ Fraud (16)
☐ Intellectual property (19)
☐ Professional negligence (25)
☐ Other non-PI/PD/WD tort (35)

Employment

☐ Wrongful termination (36)
☒ Other employment (15)

Contract

☐ Breach of contract/warranty (06)
☐ Rule 3.740 collections (09)
☐ Other collections (09)
☐ Insurance coverage (18)
☐ Other contract (37)

Real Property

☐ Eminent domain/Inverse condemnation (14)
☐ Wrongful eviction (33)
☐ Other real property (26)

Unlawful Detainer

☐ Commercial (31)
☐ Residential (32)
☐ Drugs (38)

Judicial Review

☐ Asset forfeiture (05)
☐ Petition re: arbitration award (11)
☐ Writ of mandate (02)
☐ Other judicial review (39)

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

☐ Antitrust/Trade regulation (03)
☐ Construction defect (10)
☐ Mass tort (40)
☐ Securities litigation (28)
☐ Environmental/Toxic tort (30)
☐ Insurance coverage claims arising from the above listed provisionally complex case types (41)

Enforcement of Judgment☐ Enforcement of judgment (20)**Miscellaneous Civil Complaint**

☐ RICO (27)
☐ Other complaint (not specified above) (42)

Miscellaneous Civil Petition

☐ Partnership and corporate governance (21)
☐ 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. ☐ Large number of separately represented parties d. ☐ Large number of witnesses
 b. ☐ Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve e. ☐ Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court
 c. ☐ Substantial amount of documentary evidence f. ☐ 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): 8

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: July 7, 2021

Alan Harris

(TYPE OR PRINT NAME)

▶ Alan Harris

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE

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

Page 1 of 2

INSTRUCTIONS ON HOW TO COMPLETE THE COVER SHEET

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

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

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

CASE TYPES AND EXAMPLES

Auto Tort

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

Other P/DPD/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 P/DPD/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 P/DPD/WD

Non-P/DPD/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-P/DPD/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

SHORT TITLE:

Simmons v. The Coca-Cola Company

CASE NUMBER

**CIVIL CASE COVER SHEET ADDENDUM AND
STATEMENT OF LOCATION
(CERTIFICATE OF GROUNDS FOR ASSIGNMENT TO COURTHOUSE LOCATION)**

This form is required pursuant to Local Rule 2.3 in all new civil case filings in the Los Angeles Superior Court.

Step 1: After completing the Civil Case Cover Sheet (Judicial Council form CM-010), find the exact case type in Column A that corresponds to the case type indicated in the Civil Case Cover Sheet.

Step 2: In Column B, check the box for the type of action that best describes the nature of the case.

Step 3: In Column C, circle the number which explains the reason for the court filing location you have chosen.

Applicable Reasons for Choosing Court Filing Location (Column C)

- | | |
|--|---|
| 1. Class actions must be filed in the Stanley Mosk Courthouse, Central District.
2. Permissive filing in central district.
3. Location where cause of action arose.
4. Mandatory personal injury filing in North District.
5. Location where performance required or defendant resides.
6. Location of property or permanently garaged vehicle. | 7. Location where petitioner resides.
8. Location wherein defendant/respondent functions wholly.
9. Location where one or more of the parties reside.
10. Location of Labor Commissioner Office.
11. Mandatory filing location (Hub Cases – unlawful detainer, limited non-collection, limited collection, or personal injury). |
|--|---|

	A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Auto Tort	Auto (22)	<input type="checkbox"/> A7100 Motor Vehicle - Personal Injury/Property Damage/Wrongful Death	1, 4, 11
	Uninsured Motorist (46)	<input type="checkbox"/> A7110 Personal Injury/Property Damage/Wrongful Death – Uninsured Motorist	1, 4, 11
Other Personal Injury/Property Damage/Wrongful Death Tort	Asbestos (04)	<input type="checkbox"/> A6070 Asbestos Property Damage <input type="checkbox"/> A7221 Asbestos - Personal Injury/Wrongful Death	1, 11 1, 11
	Product Liability (24)	<input type="checkbox"/> A7260 Product Liability (not asbestos or toxic/environmental)	1, 4, 11
	Medical Malpractice (45)	<input type="checkbox"/> A7210 Medical Malpractice - Physicians & Surgeons <input type="checkbox"/> A7240 Other Professional Health Care Malpractice	1, 4, 11 1, 4, 11
	Other Personal Injury Property Damage Wrongful Death (23)	<input type="checkbox"/> A7250 Premises Liability (e.g., slip and fall)	1, 4, 11
		<input type="checkbox"/> A7230 Intentional Bodily Injury/Property Damage/Wrongful Death (e.g., assault, vandalism, etc.) <input type="checkbox"/> A7270 Intentional Infliction of Emotional Distress <input type="checkbox"/> A7220 Other Personal Injury/Property Damage/Wrongful Death	1, 4, 11 1, 4, 11 1, 4, 11

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	A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Non-Personal Injury/Property Damage/Wrongful Death Tort	Business Tort (07)	<input type="checkbox"/> A6029 Other Commercial/Business Tort (not fraud/breach of contract)	1, 2, 3
	Civil Rights (08)	<input type="checkbox"/> A6005 Civil Rights/Discrimination	1, 2, 3
	Defamation (13)	<input type="checkbox"/> A6010 Defamation (slander/libel)	1, 2, 3
	Fraud (16)	<input type="checkbox"/> A6013 Fraud (no contract)	1, 2, 3
	Professional Negligence (25)	<input type="checkbox"/> A6017 Legal Malpractice <input type="checkbox"/> A6050 Other Professional Malpractice (not medical or legal)	1, 2, 3 1, 2, 3
	Other (35)	<input type="checkbox"/> A6025 Other Non-Personal Injury/Property Damage tort	1, 2, 3
Employment	Wrongful Termination (36)	<input type="checkbox"/> A6037 Wrongful Termination	1, 2, 3
	Other Employment (15)	<input checked="" type="checkbox"/> A6024 Other Employment Complaint Case <input type="checkbox"/> A6109 Labor Commissioner Appeals	1, 2, 3 10
Contract	Breach of Contract/ Warranty (06) (not insurance)	<input type="checkbox"/> A6004 Breach of Rental/Lease Contract (not unlawful detainer or wrongful eviction) <input type="checkbox"/> A6008 Contract/Warranty Breach -Seller Plaintiff (no fraud/negligence) <input type="checkbox"/> A6019 Negligent Breach of Contract/Warranty (no fraud) <input type="checkbox"/> A6028 Other Breach of Contract/Warranty (not fraud or negligence)	2, 5 2, 5 1, 2, 5 1, 2, 5
	Collections (09)	<input type="checkbox"/> A6002 Collections Case-Seller Plaintiff <input type="checkbox"/> A6012 Other Promissory Note/Collections Case <input type="checkbox"/> A6034 Collections Case-Purchased Debt (Charged Off Consumer Debt Purchased on or after January 1, 2014)	5, 6, 11 5, 11 5, 6, 11
	Insurance Coverage (18)	<input type="checkbox"/> A6015 Insurance Coverage (not complex)	1, 2, 5, 8
	Other Contract (37)	<input type="checkbox"/> A6009 Contractual Fraud <input type="checkbox"/> A6031 Tortious Interference <input type="checkbox"/> A6027 Other Contract Dispute(not breach/insurance/fraud/negligence)	1, 2, 3, 5 1, 2, 3, 5 1, 2, 3, 8, 9
	Eminent Domain/Inverse Condemnation (14)	<input type="checkbox"/> A7300 Eminent Domain/Condemnation Number of parcels_____	2, 6
Real Property	Wrongful Eviction (33)	<input type="checkbox"/> A6023 Wrongful Eviction Case	2, 6
	Other Real Property (26)	<input type="checkbox"/> A6018 Mortgage Foreclosure <input type="checkbox"/> A6032 Quiet Title <input type="checkbox"/> A6060 Other Real Property (not eminent domain, landlord/tenant, foreclosure)	2, 6 2, 6 2, 6
	Unlawful Detainer		
Unlawful Detainer	Unlawful Detainer-Commercial (31)	<input type="checkbox"/> A6021 Unlawful Detainer-Commercial (not drugs or wrongful eviction)	6, 11
	Unlawful Detainer-Residential (32)	<input type="checkbox"/> A6020 Unlawful Detainer-Residential (not drugs or wrongful eviction)	6, 11
	Unlawful Detainer- Post-Foreclosure (34)	<input type="checkbox"/> A6020F Unlawful Detainer-Post-Foreclosure	2, 6, 11
	Unlawful Detainer-Drugs (38)	<input type="checkbox"/> A6022 Unlawful Detainer-Drugs	2, 6, 11

SHORT TITLE: Simmons v. The Coca-Cola Company

CASE NUMBER

	A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Judicial Review	Asset Forfeiture (05)	<input type="checkbox"/> A6108 Asset Forfeiture Case	2, 3, 6
	Petition re Arbitration (11)	<input type="checkbox"/> A6115 Petition to Compel/Confirm/Vacate Arbitration	2, 5
	Writ of Mandate (02)	<input type="checkbox"/> A6151 Writ - Administrative Mandamus	2, 8
		<input type="checkbox"/> A6152 Writ - Mandamus on Limited Court Case Matter	2
		<input type="checkbox"/> A6153 Writ - Other Limited Court Case Review	2
	Other Judicial Review (39)	<input type="checkbox"/> A6150 Other Writ /Judicial Review	2, 8
Provisionally Complex Litigation	Antitrust/Trade Regulation (03)	<input type="checkbox"/> A6003 Antitrust/Trade Regulation	1, 2, 8
	Construction Defect (10)	<input type="checkbox"/> A6007 Construction Defect	1, 2, 3
	Claims Involving Mass Tort (40)	<input type="checkbox"/> A6006 Claims Involving Mass Tort	1, 2, 8
	Securities Litigation (28)	<input type="checkbox"/> A6035 Securities Litigation Case	1, 2, 8
	Toxic Tort Environmental (30)	<input type="checkbox"/> A6036 Toxic Tort/Environmental	1, 2, 3, 8
	Insurance Coverage Claims from Complex Case (41)	<input type="checkbox"/> A6014 Insurance Coverage/Subrogation (complex case only)	1, 2, 5, 8
Enforcement of Judgment	Enforcement of Judgment (20)	<input type="checkbox"/> A6141 Sister State Judgment	2, 5, 11
		<input type="checkbox"/> A6160 Abstract of Judgment	2, 6
		<input type="checkbox"/> A6107 Confession of Judgment (non-domestic relations)	2, 9
		<input type="checkbox"/> A6140 Administrative Agency Award (not unpaid taxes)	2, 8
		<input type="checkbox"/> A6114 Petition/Certificate for Entry of Judgment on Unpaid Tax	2, 8
		<input type="checkbox"/> A6112 Other Enforcement of Judgment Case	2, 8, 9
Miscellaneous Civil Complaints	RICO (27)	<input type="checkbox"/> A6033 Racketeering (RICO) Case	1, 2, 8
	Other Complaints (Not Specified Above) (42)	<input type="checkbox"/> A6030 Declaratory Relief Only	1, 2, 8
		<input type="checkbox"/> A6040 Injunctive Relief Only (not domestic/harassment)	2, 8
		<input type="checkbox"/> A6011 Other Commercial Complaint Case (non-tort/non-complex)	1, 2, 8
<input type="checkbox"/> A6000 Other Civil Complaint (non-tort/non-complex)		1, 2, 8	
Miscellaneous Civil Petitions	Partnership Corporation Governance (21)	<input type="checkbox"/> A6113 Partnership and Corporate Governance Case	2, 8
	Other Petitions (Not Specified Above) (43)	<input type="checkbox"/> A6121 Civil Harassment With Damages	2, 3, 9
		<input type="checkbox"/> A6123 Workplace Harassment With Damages	2, 3, 9
		<input type="checkbox"/> A6124 Elder/Dependent Adult Abuse Case With Damages	2, 3, 9
		<input type="checkbox"/> A6190 Election Contest	2
		<input type="checkbox"/> A6110 Petition for Change of Name/Change of Gender	2, 7
		<input type="checkbox"/> A6170 Petition for Relief from Late Claim Law	2, 3, 8
<input type="checkbox"/> A6100 Other Civil Petition	2, 9		

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Step 4: Statement of Reason and Address: Check the appropriate boxes for the numbers shown under Column C for the type of action that you have selected. Enter the address which is the basis for the filing location, including zip code. (No address required for class action cases).

REASON: <input checked="" type="checkbox"/> 1. <input checked="" type="checkbox"/> 2. <input checked="" type="checkbox"/> 3. <input type="checkbox"/> 4. <input type="checkbox"/> 5. <input type="checkbox"/> 6. <input type="checkbox"/> 7. <input type="checkbox"/> 8. <input type="checkbox"/> 9. <input type="checkbox"/> 10. <input type="checkbox"/> 11.			ADDRESS: 1414 S. Central Ave.,
CITY: Los Angeles	STATE: CA	ZIP CODE: 90021	

Step 5: Certification of Assignment: I certify that this case is properly filed in the _____ Central _____ District of the Superior Court of California, County of Los Angeles [Code Civ. Proc., §392 et seq., and Local Rule 2.3(a)(1)(E)].

Dated: July 7, 2021


 (SIGNATURE OF ATTORNEY/FILING PARTY)

PLEASE HAVE THE FOLLOWING ITEMS COMPLETED AND READY TO BE FILED IN ORDER TO PROPERLY COMMENCE YOUR NEW COURT CASE:

1. Original Complaint or Petition.
2. If filing a Complaint, a completed Summons form for issuance by the Clerk.
3. Civil Case Cover Sheet, Judicial Council form CM-010.
4. Civil Case Cover Sheet Addendum and Statement of Location form, LACIV 109, LASC Approved 03-04 (Rev. 02/16).
5. Payment in full of the filing fee, unless there is court order for waiver, partial or scheduled payments.
6. A signed order appointing the Guardian ad Litem, Judicial Council form CIV-010, if the plaintiff or petitioner is a minor under 18 years of age will be required by Court in order to issue a summons.
7. Additional copies of documents to be conformed by the Clerk. Copies of the cover sheet and this addendum must be served along with the summons and complaint, or other initiating pleading in the case.

SUPERIOR COURT OF CALIFORNIA COUNTY OF LOS ANGELES		Reserved for Clerk's File Stamp <div style="text-align: center;"> FILED Superior Court of California County of Los Angeles 07/07/2021 Sherri R. Carter, Executive Officer / Clerk of Court By: <u>M. Barel</u> Deputy </div>
COURTHOUSE ADDRESS: Stanley Mosk Courthouse 111 North Hill Street, Los Angeles, CA 90012		
NOTICE OF CASE ASSIGNMENT UNLIMITED CIVIL CASE		
Your case is assigned for all purposes to the judicial officer indicated below.		CASE NUMBER: 21STCV24965

THIS FORM IS TO BE SERVED WITH THE SUMMONS AND COMPLAINT

	ASSIGNED JUDGE	DEPT	ROOM		ASSIGNED JUDGE	DEPT	ROOM
✓	William F. Fahey	69					

Given to the Plaintiff/Cross-Complainant/Attorney of Record

Sherri R. Carter, Executive Officer / Clerk of Court

on 07/07/2021
(Date)

By M. Barel, Deputy Clerk

INSTRUCTIONS FOR HANDLING UNLIMITED CIVIL CASES

The following critical provisions of the California Rules of Court, Title 3, Division 7, as applicable in the Superior Court, are summarized for your assistance.

APPLICATION

The Division 7 Rules were effective January 1, 2007. They apply to all general civil cases.

PRIORITY OVER OTHER RULES

The Division 7 Rules shall have priority over all other Local Rules to the extent the others are inconsistent.

CHALLENGE TO ASSIGNED JUDGE

A challenge under Code of Civil Procedure Section 170.6 must be made within **15** days after notice of assignment for all purposes to a judge, or if a party has not yet appeared, within 15 days of the first appearance.

TIME STANDARDS

Cases assigned to the Independent Calendaring Courts will be subject to processing under the following time standards:

COMPLAINTS

All complaints shall be served within 60 days of filing and proof of service shall be filed within 90 days.

CROSS-COMPLAINTS

Without leave of court first being obtained, no cross-complaint may be filed by any party after their answer is filed. Cross-complaints shall be served within 30 days of the filing date and a proof of service filed within 60 days of the filing date.

STATUS CONFERENCE

A status conference will be scheduled by the assigned Independent Calendar Judge no later than 270 days after the filing of the complaint. Counsel must be fully prepared to discuss the following issues: alternative dispute resolution, bifurcation, settlement, trial date, and expert witnesses.

FINAL STATUS CONFERENCE

The Court will require the parties to attend a final status conference not more than 10 days before the scheduled trial date. All parties shall have motions in limine, bifurcation motions, statements of major evidentiary issues, dispositive motions, requested form jury instructions, special jury instructions, and special jury verdicts timely filed and served prior to the conference. These matters may be heard and resolved at this conference. At least five days before this conference, counsel must also have exchanged lists of exhibits and witnesses, and have submitted to the court a brief statement of the case to be read to the jury panel as required by Chapter Three of the Los Angeles Superior Court Rules.

SANCTIONS

The court will impose appropriate sanctions for the failure or refusal to comply with Chapter Three Rules, orders made by the Court, and time standards or deadlines established by the Court or by the Chapter Three Rules. Such sanctions may be on a party, or if appropriate, on counsel for a party.

This is not a complete delineation of the Division 7 or Chapter Three Rules, and adherence only to the above provisions is therefore not a guarantee against the imposition of sanctions under Trial Court Delay Reduction. Careful reading and compliance with the actual Chapter Rules is imperative.

Class Actions

Pursuant to Local Rule 2.3, all class actions shall be filed at the Stanley Mosk Courthouse and are randomly assigned to a complex judge at the designated complex courthouse. If the case is found not to be a class action it will be returned to an Independent Calendar Courtroom for all purposes.

***Provisionally Complex Cases**

Cases filed as provisionally complex are initially assigned to the Supervising Judge of complex litigation for determination of complex status. If the case is deemed to be complex within the meaning of California Rules of Court 3.400 et seq., it will be randomly assigned to a complex judge at the designated complex courthouse. If the case is found not to be complex, it will be returned to an Independent Calendar Courtroom for all purposes.

VOLUNTARY EFFICIENT LITIGATION STIPULATIONS



Superior Court of California
County of Los Angeles

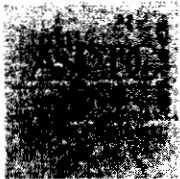


Los Angeles County
Bar Association
Litigation Section

Los Angeles County
Bar Association Labor and
Employment Law Section



Consumer Attorneys
Association of Los Angeles



Southern California
Defense Counsel



Association of
Business Trial Lawyers



California Employment
Lawyers Association

The Early Organizational Meeting Stipulation, Discovery Resolution Stipulation, and Motions in Limine Stipulation are voluntary stipulations entered into by the parties. The parties may enter into one, two, or all three of the stipulations; however, they may not alter the stipulations as written, because the Court wants to ensure uniformity of application. These stipulations are meant to encourage cooperation between the parties and to assist in resolving issues in a manner that promotes economic case resolution and judicial efficiency.

The following organizations endorse the goal of promoting efficiency in litigation and ask that counsel consider using these stipulations as a voluntary way to promote communications and procedures among counsel and with the court to fairly resolve issues in their cases.

◆ Los Angeles County Bar Association Litigation Section ◆

◆ Los Angeles County Bar Association
Labor and Employment Law Section ◆

◆ Consumer Attorneys Association of Los Angeles ◆

◆ Southern California Defense Counsel ◆

◆ Association of Business Trial Lawyers ◆

◆ California Employment Lawyers Association ◆

NAME AND ADDRESS OF PLAINTIFF OR PARTY WITHOUT ATTORNEY		STATE BAR NUMBER	Reserved for Clerk's File Stamp
Alan Harris HARRIS & RUBLE 655 N. Central Ave., 17th Floor Glendale, CA 91203		SBN146079	
TELEPHONE NO.: (323) 962-3777 E-MAIL ADDRESS (Optional): harrisa@harrisandruble.com ATTORNEY FOR (Name): Brian Simmons		FAX NO. (Optional):	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES			
COURTHOUSE ADDRESS: Stanley Mosk Courthouse 111 N. Hill Street, Los Angeles, CA 90012			
PLAINTIFF: BRIAN SIMMONS			CASE NUMBER: 21STCV24965
DEFENDANT: THE COCA-COLA COMPANY			
STIPULATION – EARLY ORGANIZATIONAL MEETING			

This stipulation is intended to encourage cooperation among the parties at an early stage in the litigation and to assist the parties in efficient case resolution.

The parties agree that:

1. The parties commit to conduct an initial conference (in-person or via teleconference or via videoconference) within 15 days from the date this stipulation is signed, *to discuss and consider whether there can be agreement on the following:*
 - a. Are motions to challenge the pleadings necessary? If the issue can be resolved by amendment as of right, or if the Court would allow leave to amend, could an amended complaint resolve most or all of the issues a demurrer might otherwise raise? If so, the parties agree to work through pleading issues so that a demurrer need only raise issues they cannot resolve. Is the issue that the defendant seeks to raise amenable to resolution on demurrer, or would some other type of motion be preferable? Could a voluntary targeted exchange of documents or information by any party cure an uncertainty in the pleadings?
 - b. Initial mutual exchanges of documents at the "core" of the litigation. (For example, in an employment case, the employment records, personnel file and documents relating to the conduct in question could be considered "core." In a personal injury case, an incident or police report, medical records, and repair or maintenance records could be considered "core.");
 - c. Exchange of names and contact information of witnesses;
 - d. Any insurance agreement that may be available to satisfy part or all of a judgment, or to indemnify or reimburse for payments made to satisfy a judgment;
 - e. Exchange of any other information that might be helpful to facilitate understanding, handling, or resolution of the case in a manner that preserves objections or privileges by agreement;
 - f. Controlling issues of law that, if resolved early, will promote efficiency and economy in other phases of the case. Also, when and how such issues can be presented to the Court;
 - g. Whether or when the case should be scheduled with a settlement officer, what discovery or court ruling on legal issues is reasonably required to make settlement discussions meaningful, and whether the parties wish to use a sitting judge or a private mediator or other options as

SHORT TITLE Simmons v. The Coca-Cola Company	CASE NUMBER 21STCV24965
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discussed in the "Alternative Dispute Resolution (ADR) Information Package" served with the complaint;

- h. Computation of damages, including documents, not privileged or protected from disclosure, on which such computation is based;
 - i. Whether the case is suitable for the Expedited Jury Trial procedures (see information at www.lacourt.org under "Civil" and then under "General Information").
2. The time for a defending party to respond to a complaint or cross-complaint will be extended to _____ for the complaint, and _____ for the cross-complaint, which is comprised of the 30 days to respond under Government Code § 68616(b), and the 30 days permitted by Code of Civil Procedure section 1054(a), good cause having been found by the Civil Supervising Judge due to the case management benefits provided by this Stipulation. A copy of the General Order can be found at www.lacourt.org under "Civil", click on "General Information", then click on "Voluntary Efficient Litigation Stipulations".
(INSERT DATE) (INSERT DATE)
 3. The parties will prepare a joint report titled "Joint Status Report Pursuant to Initial Conference and Early Organizational Meeting Stipulation, and if desired, a proposed order summarizing results of their meet and confer and advising the Court of any way it may assist the parties' efficient conduct or resolution of the case. The parties shall attach the Joint Status Report to the Case Management Conference statement, and file the documents when the CMC statement is due.
 4. References to "days" mean calendar days, unless otherwise noted. If the date for performing any act pursuant to this stipulation falls on a Saturday, Sunday or Court holiday, then the time for performing that act shall be extended to the next Court day

The following parties stipulate:

Date:

(TYPE OR PRINT NAME)

Date:

(TYPE OR PRINT NAME)

Date:

(TYPE OR PRINT NAME)

Date:

(TYPE OR PRINT NAME)

Date:

(TYPE OR PRINT NAME)

Date:

(TYPE OR PRINT NAME)

Date:

(TYPE OR PRINT NAME)

(ATTORNEY FOR PLAINTIFF)

(ATTORNEY FOR DEFENDANT)

(ATTORNEY FOR DEFENDANT)

(ATTORNEY FOR DEFENDANT)

(ATTORNEY FOR _____)

(ATTORNEY FOR _____)

(ATTORNEY FOR _____)

NAME AND ADDRESS OF PLAINTIFF OR PARTY WITHOUT ATTORNEY: Alan Harris HARRIS & RUBLE 655 N. Central Ave., 17th Floor Glendale, CA 91203		STATE BAR NUMBER SBN146079	Reserved for Clerk's File Stamp
TELEPHONE NO.: (323) 962-3777 FAX NO. (Optional): E-MAIL ADDRESS (Optional): harrisa@harrisandruble.com ATTORNEY FOR (Name): Brian Simmons			
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES			
COURTHOUSE ADDRESS: Stanley Mosk Courthouse 111 N. Hill Street, Los Angeles, CA 90012			
PLAINTIFF: BRIAN SIMMONS			
DEFENDANT: THE COCA-COLA COMPANY			
STIPULATION – DISCOVERY RESOLUTION			CASE NUMBER: 21STCV24965

This stipulation is intended to provide a fast and informal resolution of discovery issues through limited paperwork and an informal conference with the Court to aid in the resolution of the issues.

The parties agree that:

1. Prior to the discovery cut-off in this action, no discovery motion shall be filed or heard unless the moving party first makes a written request for an Informal Discovery Conference pursuant to the terms of this stipulation.
2. At the Informal Discovery Conference the Court will consider the dispute presented by parties and determine whether it can be resolved informally. Nothing set forth herein will preclude a party from making a record at the conclusion of an Informal Discovery Conference, either orally or in writing.
3. Following a reasonable and good faith attempt at an informal resolution of each issue to be presented, a party may request an Informal Discovery Conference pursuant to the following procedures:
 - a. The party requesting the Informal Discovery Conference will:
 - i. File a Request for Informal Discovery Conference with the clerk's office on the approved form (copy attached) and deliver a courtesy, conformed copy to the assigned department;
 - ii. Include a brief summary of the dispute and specify the relief requested; and
 - iii. Serve the opposing party pursuant to any authorized or agreed method of service that ensures that the opposing party receives the Request for Informal Discovery Conference no later than the next court day following the filing.
 - b. Any Answer to a Request for Informal Discovery Conference must:
 - i. Also be filed on the approved form (copy attached);
 - ii. Include a brief summary of why the requested relief should be denied;

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- iii. Be filed within two (2) court days of receipt of the Request; and
 - iv. Be served on the opposing party pursuant to any authorized or agreed upon method of service that ensures that the opposing party receives the Answer no later than the next court day following the filing.
- c. No other pleadings, including but not limited to exhibits, declarations, or attachments, will be accepted.
- d. If the Court has not granted or denied the Request for Informal Discovery Conference within ten (10) days following the filing of the Request, then it shall be deemed to have been denied. If the Court acts on the Request, the parties will be notified whether the Request for Informal Discovery Conference has been granted or denied and, if granted, the date and time of the Informal Discovery Conference, which must be within twenty (20) days of the filing of the Request for Informal Discovery Conference.
- e. If the conference is not held within twenty (20) days of the filing of the Request for Informal Discovery Conference, unless extended by agreement of the parties and the Court, then the Request for the Informal Discovery Conference shall be deemed to have been denied at that time.
4. If (a) the Court has denied a conference or (b) one of the time deadlines above has expired without the Court having acted or (c) the Informal Discovery Conference is concluded without resolving the dispute, then a party may file a discovery motion to address unresolved issues.
5. The parties hereby further agree that the time for making a motion to compel or other discovery motion is tolled from the date of filing of the Request for Informal Discovery Conference until (a) the request is denied or deemed denied or (b) twenty (20) days after the filing of the Request for Informal Discovery Conference, whichever is earlier, unless extended by Order of the Court.
- It is the understanding and intent of the parties that this stipulation shall, for each discovery dispute to which it applies, constitute a writing memorializing a "specific later date to which the propounding [or demanding or requesting] party and the responding party have agreed in writing," within the meaning of Code Civil Procedure sections 2030.300(c), 2031.320(c), and 2033.290(c).
6. Nothing herein will preclude any party from applying *ex parte* for appropriate relief, including an order shortening time for a motion to be heard concerning discovery.
7. Any party may terminate this stipulation by giving twenty-one (21) days notice of intent to terminate the stipulation.
8. References to "days" mean calendar days, unless otherwise noted. If the date for performing any act pursuant to this stipulation falls on a Saturday, Sunday or Court holiday, then the time for performing that act shall be extended to the next Court day.

SHORT TITLE:

Simmons v. The Coca-Cola Company

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21STCV24965

The following parties stipulate:

Date:

(TYPE OR PRINT NAME)

Date:

(TYPE OR PRINT NAME)

Date:

(TYPE OR PRINT NAME)

Date:

(TYPE OR PRINT NAME)

Date:

(TYPE OR PRINT NAME)

Date:

(TYPE OR PRINT NAME)

Date:

(TYPE OR PRINT NAME)

➤

(ATTORNEY FOR PLAINTIFF)

➤

(ATTORNEY FOR DEFENDANT)

➤

(ATTORNEY FOR DEFENDANT)

➤

(ATTORNEY FOR DEFENDANT)

➤

(ATTORNEY FOR _____)

➤

(ATTORNEY FOR _____)

➤

(ATTORNEY FOR _____)

NAME AND ADDRESS OF ATTORNEY OR PARTY WITHOUT ATTORNEY Alan Harris HARRIS & RUBLE 655 N. Central Ave., 17th Floor Glendale, CA 91203		STATE BAR NUMBER SBN146079	Reserved for Clerk's File Stamp
TELEPHONE NO.: (323)962-3777 FAX NO. (Optional): E-MAIL ADDRESS (Optional): harrisa@harrisandruble.com ATTORNEY FOR (Name): Brian Simmons			
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES			
COURTHOUSE ADDRESS: Stanley Mosk Courthouse 111 N. Hill Street, Los Angeles, CA 90012			
PLAINTIFF: BRIAN SIMMONS			
DEFENDANT: THE COCA-COLA COMPANY			
INFORMAL DISCOVERY CONFERENCE (pursuant to the Discovery Resolution Stipulation of the parties)			CASE NUMBER: 21STCV24965

1. This document relates to:

☐
☐

Request for Informal Discovery Conference
 Answer to Request for Informal Discovery Conference

2. Deadline for Court to decide on Request: _____ (insert date 10 calendar days following filing of the Request).
3. Deadline for Court to hold Informal Discovery Conference: _____ (insert date 20 calendar days following filing of the Request).
4. For a Request for Informal Discovery Conference, briefly describe the nature of the discovery dispute, including the facts and legal arguments at issue. For an Answer to Request for Informal Discovery Conference, briefly describe why the Court should deny the requested discovery, including the facts and legal arguments at issue.

NAME AND ADDRESS OF ATTORNEY OR PARTY WITHOUT ATTORNEY: Alan Harris HARRIS & RUBLE 655 N. Central Ave., 17th Floor Glendale, CA 91203 TELEPHONE NO.: (323)962-3777 FAX NO. (Optional): E-MAIL ADDRESS (Optional): harrisa@harrisandruble.com ATTORNEY FOR (Name): Brian Simmons		STATE BAR NUMBER SBN146079	Reserved for Clerk's File Stamp
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES			
COURTHOUSE ADDRESS: Stanley Mosk Courthouse 111 N. Hill Street, Los Angeles, CA 90012			
PLAINTIFF: BRIAN SIMMONS			
DEFENDANT: THE COCA-COLA COMPANY			
STIPULATION AND ORDER – MOTIONS IN LIMINE			CASE NUMBER: 21STCV24965

This stipulation is intended to provide fast and informal resolution of evidentiary issues through diligent efforts to define and discuss such issues and limit paperwork.

The parties agree that:

1. At least ____ days before the final status conference, each party will provide all other parties with a list containing a one paragraph explanation of each proposed motion in limine. Each one paragraph explanation must identify the substance of a single proposed motion in limine and the grounds for the proposed motion.
2. The parties thereafter will meet and confer, either in person or via teleconference or videoconference, concerning all proposed motions in limine. In that meet and confer, the parties will determine:
 - a. Whether the parties can stipulate to any of the proposed motions. If the parties so stipulate, they may file a stipulation and proposed order with the Court.
 - b. Whether any of the proposed motions can be briefed and submitted by means of a short joint statement of issues. For each motion which can be addressed by a short joint statement of issues, a short joint statement of issues must be filed with the Court 10 days prior to the final status conference. Each side's portion of the short joint statement of issues may not exceed three pages. The parties will meet and confer to agree on a date and manner for exchanging the parties' respective portions of the short joint statement of issues and the process for filing the short joint statement of issues.
3. All proposed motions in limine that are not either the subject of a stipulation or briefed via a short joint statement of issues will be briefed and filed in accordance with the California Rules of Court and the Los Angeles Superior Court Rules.

SHORT TITLE:

Simmons v. The Coca-Cola Company

CASE NUMBER:

21STCV24965

The following parties stipulate:

Date:

(TYPE OR PRINT NAME)

Date:

(ATTORNEY FOR PLAINTIFF)

(TYPE OR PRINT NAME)

Date:

(ATTORNEY FOR DEFENDANT)

(TYPE OR PRINT NAME)

Date:

(ATTORNEY FOR DEFENDANT)

(TYPE OR PRINT NAME)

Date:

(ATTORNEY FOR DEFENDANT)

(TYPE OR PRINT NAME)

Date:

(ATTORNEY FOR _____)

(TYPE OR PRINT NAME)

Date:

(ATTORNEY FOR _____)

(TYPE OR PRINT NAME)

(ATTORNEY FOR _____)

THE COURT SO ORDERS.

Date:

JUDICIAL OFFICER



ALTERNATIVE DISPUTE RESOLUTION (ADR) INFORMATION PACKAGE

THE PLAINTIFF MUST SERVE THIS ADR INFORMATION PACKAGE ON EACH PARTY WITH THE COMPLAINT.

CROSS-COMPLAINANTS must serve this ADR Information Package on any new parties named to the action with the cross-complaint.

What is ADR?

ADR helps people find solutions to their legal disputes without going to trial. The main types of ADR are negotiation, mediation, arbitration, and settlement conferences. When ADR is done by phone, videoconference or computer, it may be called Online Dispute Resolution (ODR). These alternatives to litigation and trial are described below.

Advantages of ADR

- **Saves Time:** ADR is faster than going to trial.
- **Saves Money:** Parties can save on court costs, attorney's fees, and witness fees.
- **Keeps Control** (with the parties): Parties choose their ADR process and provider for voluntary ADR.
- **Reduces Stress/Protects Privacy:** ADR is done outside the courtroom, in private offices, by phone or online.

Disadvantages of ADR

- **Costs:** If the parties do not resolve their dispute, they may have to pay for ADR and litigation and trial.
- **No Public Trial:** ADR does not provide a public trial or a decision by a judge or jury.

Main Types of ADR:

1. **Negotiation:** Parties often talk with each other in person, or by phone or online about resolving their case with a settlement agreement instead of a trial. If the parties have lawyers, they will negotiate for their clients.
2. **Mediation:** In mediation, a neutral mediator listens to each person's concerns, helps them evaluate the strengths and weaknesses of their case, and works with them to try to create a settlement agreement that is acceptable to all. Mediators do not decide the outcome. Parties may go to trial if they decide not to settle.

Mediation may be appropriate when the parties

- want to work out a solution but need help from a neutral person.
- have communication problems or strong emotions that interfere with resolution.

Mediation may not be appropriate when the parties

- want a public trial and want a judge or jury to decide the outcome.
- lack equal bargaining power or have a history of physical/emotional abuse.

How to arrange mediation in Los Angeles County

Mediation for civil cases is voluntary and parties may select any mediator they wish. Options include:

a. The Civil Mediation Vendor Resource List

If all parties agree to mediation, they may contact these organizations to request a "Resource List Mediation" for mediation at reduced cost or no cost (for selected cases):

- **ADR Services, Inc.** Case Manager patricia@adrservices.com (310) 201-0010 (Ext. 261)
- **JAMS, Inc.** Senior Case Manager mbinder@jamsadr.com (310) 309-6204
- **Mediation Center of Los Angeles (MCLA)** Program Manager info@mediationLA.org (833) 476-9145
 - Only MCLA provides mediation in person, by phone and by videoconference.

These organizations cannot accept every case and they may decline cases at their discretion.

Visit www.lacourt.org/ADR.Res.List for important information and FAQs before contacting them.

NOTE: This program does not accept family law, probate, or small claims cases.

b. Los Angeles County Dispute Resolution Programs

<https://wdacs.lacounty.gov/programs/drp/>

- Small claims, unlawful detainers (evictions) and, at the Spring Street Courthouse, limited civil:
 - Free, day-of-trial mediations at the courthouse. No appointment needed.
 - Free or low-cost mediations before the day of trial.
 - For free or low-cost Online Dispute Resolution (ODR) by phone or computer before the day of trial visit <http://www.lacourt.org/division/smallclaims/pdf/OnlineDisputeResolutionFlyer-EngSpan.pdf>

c. Mediators and ADR and Bar organizations that provide mediation may be found on the internet.

3. **Arbitration:** Arbitration is less formal than trial, but like trial, the parties present evidence and arguments to the person who decides the outcome. In "binding" arbitration, the arbitrator's decision is final; there is no right to trial. In "nonbinding" arbitration, any party can request a trial after the arbitrator's decision. For more information about arbitration, visit <http://www.courts.ca.gov/programs-adr.htm>

4. **Mandatory Settlement Conferences (MSC):** MSCs are ordered by the Court and are often held close to the trial date or on the day of trial. The parties and their attorneys meet with a judge or settlement officer who does not make a decision but assists the parties in evaluating the strengths and weaknesses of the case and in negotiating a settlement. For information about the Court's MSC programs for civil cases, visit <http://www.lacourt.org/division/civil/CI0047.aspx>

Los Angeles Superior Court ADR website: <http://www.lacourt.org/division/civil/CI0109.aspx>

For general information and videos about ADR, visit <http://www.courts.ca.gov/programs-adr.htm>

2019-GEN-014-00

FILED
 Superior Court of California
 County of Los Angeles

MAY 03 2019

Sherri R. Carter, Executive Officer/Clerk

By Rizalinda Mina, Deputy
 Rizalinda Mina

SUPERIOR COURT OF THE STATE OF CALIFORNIA
 FOR THE COUNTY OF LOS ANGELES

IN RE LOS ANGELES SUPERIOR COURT) FIRST AMENDED GENERAL ORDER
 – MANDATORY ELECTRONIC FILING)
 FOR CIVIL)
)
)
)
)

On December 3, 2018, the Los Angeles County Superior Court mandated electronic filing of all documents in Limited Civil cases by litigants represented by attorneys. On January 2, 2019, the Los Angeles County Superior Court mandated electronic filing of all documents filed in Non-Complex Unlimited Civil cases by litigants represented by attorneys. (California Rules of Court, rule 2.253(b).) All electronically filed documents in Limited and Non-Complex Unlimited cases are subject to the following:

1) DEFINITIONS

- a) **"Bookmark"** A bookmark is a PDF document navigational tool that allows the reader to quickly locate and navigate to a designated point of interest within a document.
- b) **"Efiling Portal"** The official court website includes a webpage, referred to as the efiling portal, that gives litigants access to the approved Electronic Filing Service Providers.
- c) **"Electronic Envelope"** A transaction through the electronic service provider for submission of documents to the Court for processing which may contain one or more PDF documents attached.
- d) **"Electronic Filing"** Electronic Filing (eFiling) is the electronic transmission to a Court of a document in electronic form. (California Rules of Court, rule 2.250(b)(7).)

- 1 e) **“Electronic Filing Service Provider”** An Electronic Filing Service Provider (EFSP) is a
2 person or entity that receives an electronic filing from a party for retransmission to the Court.
3 In the submission of filings, the EFSP does so on behalf of the electronic filer and not as an
4 agent of the Court. (California Rules of Court, rule 2.250(b)(8).)
- 5 f) **“Electronic Signature”** For purposes of these local rules and in conformity with Code of
6 Civil Procedure section 17, subdivision (b)(3), section 34, and section 1010.6, subdivision
7 (b)(2), Government Code section 68150, subdivision (g), and California Rules of Court, rule
8 2.257, the term “Electronic Signature” is generally defined as an electronic sound, symbol, or
9 process attached to or logically associated with an electronic record and executed or adopted
10 by a person with the intent to sign the electronic record.
- 11 g) **“Hyperlink”** An electronic link providing direct access from one distinctively marked place
12 in a hypertext or hypermedia document to another in the same or different document.
- 13 h) **“Portable Document Format”** A digital document format that preserves all fonts,
14 formatting, colors and graphics of the original source document, regardless of the application
15 platform used.

16 2) **MANDATORY ELECTRONIC FILING**

17 a) **Trial Court Records**

18 Pursuant to Government Code section 68150, trial court records may be created, maintained,
19 and preserved in electronic format. Any document that the Court receives electronically must
20 be clerically processed and must satisfy all legal filing requirements in order to be filed as an
21 official court record (California Rules of Court, rules 2.100, et seq. and 2.253(b)(6)).

22 b) **Represented Litigants**

23 Pursuant to California Rules of Court, rule 2.253(b), represented litigants are required to
24 electronically file documents with the Court through an approved EFSP.

25 c) **Public Notice**

26 The Court has issued a Public Notice with effective dates the Court required parties to
27 electronically file documents through one or more approved EFSPs. Public Notices containing
28 effective dates and the list of EFSPs are available on the Court’s website, at www.lacourt.org.

1 d) Documents in Related Cases

2 Documents in related cases must be electronically filed in the eFiling portal for that case type if
3 electronic filing has been implemented in that case type, regardless of whether the case has
4 been related to a Civil case.

5 3) EXEMPT LITIGANTS

6 a) Pursuant to California Rules of Court, rule 2.253(b)(2), self-represented litigants are exempt
7 from mandatory electronic filing requirements.

8 b) Pursuant to Code of Civil Procedure section 1010.6, subdivision (d)(3) and California Rules of
9 Court, rule 2.253(b)(4), any party may make application to the Court requesting to be excused
10 from filing documents electronically and be permitted to file documents by conventional
11 means if the party shows undue hardship or significant prejudice.

12 4) EXEMPT FILINGS

13 a) The following documents shall not be filed electronically:

- 14 i) Peremptory Challenges or Challenges for Cause of a Judicial Officer pursuant to Code of
15 Civil Procedure sections 170.6 or 170.3;
- 16 ii) Bonds/Undertaking documents;
- 17 iii) Trial and Evidentiary Hearing Exhibits
- 18 iv) Any ex parte application that is filed concurrently with a new complaint including those
19 that will be handled by a Writs and Receivers department in the Mosk courthouse; and
- 20 v) Documents submitted conditionally under seal. The actual motion or application shall be
21 electronically filed. A courtesy copy of the electronically filed motion or application to
22 submit documents conditionally under seal must be provided with the documents
23 submitted conditionally under seal.

24 b) Lodgments

25 Documents attached to a Notice of Lodgment shall be lodged and/or served conventionally in
26 paper form. The actual document entitled, "Notice of Lodgment," shall be filed electronically.

27 //

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1 5) ELECTRONIC FILING SYSTEM WORKING PROCEDURES

2 Electronic filing service providers must obtain and manage registration information for persons
3 and entities electronically filing with the court.

4 6) TECHNICAL REQUIREMENTS

5 a) Electronic documents must be electronically filed in PDF, text searchable format when
6 technologically feasible without impairment of the document's image.

7 b) The table of contents for any filing must be bookmarked.

8 c) Electronic documents, including but not limited to, declarations, proofs of service, and
9 exhibits, must be bookmarked within the document pursuant to California Rules of Court, rule
10 3.1110(f)(4). Electronic bookmarks must include links to the first page of each bookmarked
11 item (e.g. exhibits, declarations, deposition excerpts) and with bookmark titles that identify the
12 bookedmarked item and briefly describe the item.

13 d) Attachments to primary documents must be bookmarked. Examples include, but are not
14 limited to, the following:

15 i) Depositions;

16 ii) Declarations;

17 iii) Exhibits (including exhibits to declarations);

18 iv) Transcripts (including excerpts within transcripts);

19 v) Points and Authorities;

20 vi) Citations; and

21 vii) Supporting Briefs.

22 e) Use of hyperlinks within documents (including attachments and exhibits) is strongly
23 encouraged.

24 f) Accompanying Documents

25 Each document accompanying a single pleading must be electronically filed as a **separate**
26 digital PDF document.

27 g) Multiple Documents

28 Multiple documents relating to one case can be uploaded in one envelope transaction.

1 h) Writs and Abstracts

2 Writs and Abstracts must be submitted as a separate electronic envelope.

3 i) Sealed Documents

4 If and when a judicial officer orders documents to be filed under seal, those documents must be
5 filed electronically (unless exempted under paragraph 4); the burden of accurately designating
6 the documents as sealed at the time of electronic submission is the submitting party's
7 responsibility.

8 j) Redaction

9 Pursuant to California Rules of Court, rule 1.201, it is the submitting party's responsibility to
10 redact confidential information (such as using initials for names of minors, using the last four
11 digits of a social security number, and using the year for date of birth) so that the information
12 shall not be publicly displayed.

13 7) ELECTRONIC FILING SCHEDULE

14 a) Filed Date

15 i) Any document received electronically by the court between 12:00 am and 11:59:59 pm
16 shall be deemed to have been effectively filed on that court day if accepted for filing. Any
17 document received electronically on a non-court day, is deemed to have been effectively
18 filed on the next court day if accepted. (California Rules of Court, rule 2.253(b)(6); Code
19 Civ. Proc. § 1010.6(b)(3).)

20 ii) Notwithstanding any other provision of this order, if a digital document is not filed in due
21 course because of: (1) an interruption in service; (2) a transmission error that is not the
22 fault of the transmitter; or (3) a processing failure that occurs after receipt, the Court may
23 order, either on its own motion or by noticed motion submitted with a declaration for Court
24 consideration, that the document be deemed filed and/or that the document's filing date
25 conform to the attempted transmission date.

26 8) EX PARTE APPLICATIONS

27 a) Ex parte applications and all documents in support thereof must be electronically filed no later
28 than 10:00 a.m. the court day before the ex parte hearing.

- b) Any written opposition to an ex parte application must be electronically filed by 8:30 a.m. the day of the ex parte hearing. A printed courtesy copy of any opposition to an ex parte application must be provided to the court the day of the ex parte hearing.

9) PRINTED COURTESY COPIES

- a) For any filing electronically filed two or fewer days before the hearing, a courtesy copy must be delivered to the courtroom by 4:30 p.m. the same business day the document is efiled. If the efiled is submitted after 4:30 p.m., the courtesy copy must be delivered to the courtroom by 10:00 a.m. the next business day.
- b) Regardless of the time of electronic filing, a printed courtesy copy (along with proof of electronic submission) is required for the following documents:
- i) Any printed document required pursuant to a Standing or General Order;
 - ii) Pleadings and motions (including attachments such as declarations and exhibits) of 26 pages or more;
 - iii) Pleadings and motions that include points and authorities;
 - iv) Demurrers;
 - v) Anti-SLAPP filings, pursuant to Code of Civil Procedure section 425.16;
 - vi) Motions for Summary Judgment/Adjudication; and
 - vii) Motions to Compel Further Discovery.
- c) Nothing in this General Order precludes a Judicial Officer from requesting a courtesy copy of additional documents. Courtroom specific courtesy copy guidelines can be found at www.lacourt.org on the Civil webpage under "Courtroom Information."

10) WAIVER OF FEES AND COSTS FOR ELECTRONICALLY FILED DOCUMENTS

- a) Fees and costs associated with electronic filing must be waived for any litigant who has received a fee waiver. (California Rules of Court, rules 2.253(b)(1), 2.258(b), Code Civ. Proc. § 1010.6(d)(2).)
- b) Fee waiver applications for waiver of court fees and costs pursuant to Code of Civil Procedure section 1010.6, subdivision (b)(6), and California Rules of Court, rule 2.252(f), may be electronically filed in any authorized action or proceeding.

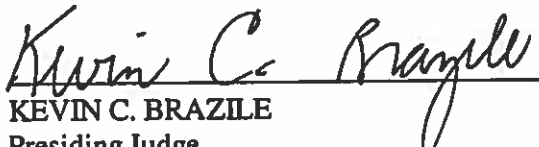
1 11) SIGNATURES ON ELECTRONIC FILING

2 For purposes of this General Order, all electronic filings must be in compliance with California
3 Rules of Court, rule 2.257. This General Order applies to documents filed within the Civil
4 Division of the Los Angeles County Superior Court.
5

6 This First Amended General Order supersedes any previous order related to electronic filing,
7 and is effective immediately, and is to remain in effect until otherwise ordered by the Civil
8 Supervising Judge and/or Presiding Judge.

9
10 DATED: May 3, 2019



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KEVIN C. BRAZILE
Presiding Judge

VOLUNTARY EFFICIENT LITIGATION STIPULATIONS



Superior Court of California
County of Los Angeles

LACBA

Los Angeles County
Bar Association
Litigation Section

Los Angeles County
Bar Association Labor and
Employment Law Section



Consumer Attorneys
Association of Los Angeles



Southern California
Defense Counsel



Association of
Business Trial Lawyers



California Employment
Lawyers Association

The Early Organizational Meeting Stipulation, Discovery Resolution Stipulation, and Motions in Limine Stipulation are voluntary stipulations entered into by the parties. The parties may enter into one, two, or all three of the stipulations; however, they may not alter the stipulations as written, because the Court wants to ensure uniformity of application. These stipulations are meant to encourage cooperation between the parties and to assist in resolving issues in a manner that promotes economic case resolution and judicial efficiency.

The following organizations endorse the goal of promoting efficiency in litigation and ask that counsel consider using these stipulations as a voluntary way to promote communications and procedures among counsel and with the court to fairly resolve issues in their cases.

◆ Los Angeles County Bar Association Litigation Section ◆

◆ Los Angeles County Bar Association
Labor and Employment Law Section ◆

◆ Consumer Attorneys Association of Los Angeles ◆

◆ Southern California Defense Counsel ◆

◆ Association of Business Trial Lawyers ◆

◆ California Employment Lawyers Association ◆

NAME AND ADDRESS OF ATTORNEY OR PARTY WITHOUT ATTORNEY:		STATE BAR NUMBER	Reserved for Clerk's File Stamp
TELEPHONE NO.:		FAX NO. (Optional):	
E-MAIL ADDRESS (Optional):			
ATTORNEY FOR (Name):			
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES			
COURTHOUSE ADDRESS:			
PLAINTIFF:			
DEFENDANT:			
STIPULATION – EARLY ORGANIZATIONAL MEETING			CASE NUMBER:

This stipulation is intended to encourage cooperation among the parties at an early stage in the litigation and to assist the parties in efficient case resolution.

The parties agree that:

1. The parties commit to conduct an initial conference (in-person or via teleconference or via videoconference) within 15 days from the date this stipulation is signed, *to discuss and consider whether there can be agreement on the following:*
 - a. Are motions to challenge the pleadings necessary? If the issue can be resolved by amendment as of right, or if the Court would allow leave to amend, could an amended complaint resolve most or all of the issues a demurrer might otherwise raise? If so, the parties agree to work through pleading issues so that a demurrer need only raise issues they cannot resolve. Is the issue that the defendant seeks to raise amenable to resolution on demurrer, or would some other type of motion be preferable? Could a voluntary targeted exchange of documents or information by any party cure an uncertainty in the pleadings?
 - b. Initial mutual exchanges of documents at the "core" of the litigation. (For example, in an employment case, the employment records, personnel file and documents relating to the conduct in question could be considered "core." In a personal injury case, an incident or police report, medical records, and repair or maintenance records could be considered "core.");
 - c. Exchange of names and contact information of witnesses;
 - d. Any insurance agreement that may be available to satisfy part or all of a judgment, or to indemnify or reimburse for payments made to satisfy a judgment;
 - e. Exchange of any other information that might be helpful to facilitate understanding, handling, or resolution of the case in a manner that preserves objections or privileges by agreement;
 - f. Controlling issues of law that, if resolved early, will promote efficiency and economy in other phases of the case. Also, when and how such issues can be presented to the Court;
 - g. Whether or when the case should be scheduled with a settlement officer, what discovery or court ruling on legal issues is reasonably required to make settlement discussions meaningful, and whether the parties wish to use a sitting judge or a private mediator or other options as

SHORT TITLE:	CASE NUMBER:
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discussed in the "Alternative Dispute Resolution (ADR) Information Package" served with the complaint;

- h. Computation of damages, including documents, not privileged or protected from disclosure, on which such computation is based;
 - i. Whether the case is suitable for the Expedited Jury Trial procedures (see information at www.lacourt.org under "Civil" and then under "General Information").
2. The time for a defending party to respond to a complaint or cross-complaint will be extended to _____ for the complaint, and _____ for the cross-complaint, which is comprised of the 30 days to respond under Government Code § 68616(b), and the 30 days permitted by Code of Civil Procedure section 1054(a), good cause having been found by the Civil Supervising Judge due to the case management benefits provided by this Stipulation. A copy of the General Order can be found at www.lacourt.org under "Civil", click on "General Information", then click on "Voluntary Efficient Litigation Stipulations".
 3. The parties will prepare a joint report titled "Joint Status Report Pursuant to Initial Conference and Early Organizational Meeting Stipulation, and if desired, a proposed order summarizing results of their meet and confer and advising the Court of any way it may assist the parties' efficient conduct or resolution of the case. The parties shall attach the Joint Status Report to the Case Management Conference statement, and file the documents when the CMC statement is due.
 4. References to "days" mean calendar days, unless otherwise noted. If the date for performing any act pursuant to this stipulation falls on a Saturday, Sunday or Court holiday, then the time for performing that act shall be extended to the next Court day

The following parties stipulate:

Date:

(TYPE OR PRINT NAME)

>

(ATTORNEY FOR PLAINTIFF)

Date:

(TYPE OR PRINT NAME)

>

(ATTORNEY FOR DEFENDANT)

Date:

(TYPE OR PRINT NAME)

>

(ATTORNEY FOR DEFENDANT)

Date:

(TYPE OR PRINT NAME)

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(ATTORNEY FOR DEFENDANT)

Date:

(TYPE OR PRINT NAME)

>

(ATTORNEY FOR _____)

Date:

(TYPE OR PRINT NAME)

>

(ATTORNEY FOR _____)

Date:

(TYPE OR PRINT NAME)

>

(ATTORNEY FOR _____)

NAME AND ADDRESS OF ATTORNEY OR PARTY WITHOUT ATTORNEY:		STATE BAR NUMBER	Reserved for Clerk's File Stamp
TELEPHONE NO.: E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name):		FAX NO. (Optional):	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES			
COURTHOUSE ADDRESS:			
PLAINTIFF:			
DEFENDANT:			
STIPULATION – DISCOVERY RESOLUTION			CASE NUMBER:

This stipulation is intended to provide a fast and informal resolution of discovery issues through limited paperwork and an informal conference with the Court to aid in the resolution of the issues.

The parties agree that:

1. Prior to the discovery cut-off in this action, no discovery motion shall be filed or heard unless the moving party first makes a written request for an Informal Discovery Conference pursuant to the terms of this stipulation.
2. At the Informal Discovery Conference the Court will consider the dispute presented by parties and determine whether it can be resolved informally. Nothing set forth herein will preclude a party from making a record at the conclusion of an Informal Discovery Conference, either orally or in writing.
3. Following a reasonable and good faith attempt at an informal resolution of each issue to be presented, a party may request an Informal Discovery Conference pursuant to the following procedures:
 - a. The party requesting the Informal Discovery Conference will:
 - i. File a Request for Informal Discovery Conference with the clerk's office on the approved form (copy attached) and deliver a courtesy, conformed copy to the assigned department;
 - ii. Include a brief summary of the dispute and specify the relief requested; and
 - iii. Serve the opposing party pursuant to any authorized or agreed method of service that ensures that the opposing party receives the Request for Informal Discovery Conference no later than the next court day following the filing.
 - b. Any Answer to a Request for Informal Discovery Conference must:
 - i. Also be filed on the approved form (copy attached);
 - ii. Include a brief summary of why the requested relief should be denied;

SHORT TITLE:	CASE NUMBER:
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- iii. Be filed within two (2) court days of receipt of the Request; and
 - iv. Be served on the opposing party pursuant to any authorized or agreed upon method of service that ensures that the opposing party receives the Answer no later than the next court day following the filing.
- c. No other pleadings, including but not limited to exhibits, declarations, or attachments, will be accepted.
- d. If the Court has not granted or denied the Request for Informal Discovery Conference within ten (10) days following the filing of the Request, then it shall be deemed to have been denied. If the Court acts on the Request, the parties will be notified whether the Request for Informal Discovery Conference has been granted or denied and, if granted, the date and time of the Informal Discovery Conference, which must be within twenty (20) days of the filing of the Request for Informal Discovery Conference.
- e. If the conference is not held within twenty (20) days of the filing of the Request for Informal Discovery Conference, unless extended by agreement of the parties and the Court, then the Request for the Informal Discovery Conference shall be deemed to have been denied at that time.
4. If (a) the Court has denied a conference or (b) one of the time deadlines above has expired without the Court having acted or (c) the Informal Discovery Conference is concluded without resolving the dispute, then a party may file a discovery motion to address unresolved issues.
5. The parties hereby further agree that the time for making a motion to compel or other discovery motion is tolled from the date of filing of the Request for Informal Discovery Conference until (a) the request is denied or deemed denied or (b) twenty (20) days after the filing of the Request for Informal Discovery Conference, whichever is earlier, unless extended by Order of the Court.
- It is the understanding and intent of the parties that this stipulation shall, for each discovery dispute to which it applies, constitute a writing memorializing a "specific later date to which the propounding [or demanding or requesting] party and the responding party have agreed in writing," within the meaning of Code Civil Procedure sections 2030.300(c), 2031.320(c), and 2033.290(c).
6. Nothing herein will preclude any party from applying *ex parte* for appropriate relief, including an order shortening time for a motion to be heard concerning discovery.
7. Any party may terminate this stipulation by giving twenty-one (21) days notice of intent to terminate the stipulation.
8. References to "days" mean calendar days, unless otherwise noted. If the date for performing any act pursuant to this stipulation falls on a Saturday, Sunday or Court holiday, then the time for performing that act shall be extended to the next Court day.

SHORT TITLE:	CASE NUMBER:
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The following parties stipulate:

Date:

(TYPE OR PRINT NAME)

Date:

(TYPE OR PRINT NAME)

Date:

(TYPE OR PRINT NAME)

Date:

(TYPE OR PRINT NAME)

Date:

(TYPE OR PRINT NAME)

Date:

(TYPE OR PRINT NAME)

Date:

(TYPE OR PRINT NAME)

>

(ATTORNEY FOR PLAINTIFF)

>

(ATTORNEY FOR DEFENDANT)

>

(ATTORNEY FOR DEFENDANT)

>

(ATTORNEY FOR DEFENDANT)

>

(ATTORNEY FOR _____)

>

(ATTORNEY FOR _____)

>

(ATTORNEY FOR _____)

NAME AND ADDRESS OF ATTORNEY OR PARTY WITHOUT ATTORNEY:		STATE BAR NUMBER	Reserved for Clerk's File Stamp
TELEPHONE NO.:		FAX NO. (Optional):	
E-MAIL ADDRESS (Optional):			
ATTORNEY FOR (Name):			
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES			
COURTHOUSE ADDRESS:			
PLAINTIFF:			
DEFENDANT:			
INFORMAL DISCOVERY CONFERENCE (pursuant to the Discovery Resolution Stipulation of the parties)			CASE NUMBER:

1. This document relates to:

☐
☐

Request for Informal Discovery Conference
 Answer to Request for Informal Discovery Conference

2. Deadline for Court to decide on Request: _____ (insert date 10 calendar days following filing of the Request).
3. Deadline for Court to hold Informal Discovery Conference: _____ (insert date 20 calendar days following filing of the Request).
4. For a Request for Informal Discovery Conference, briefly describe the nature of the discovery dispute, including the facts and legal arguments at issue. For an Answer to Request for Informal Discovery Conference, briefly describe why the Court should deny the requested discovery, including the facts and legal arguments at issue.

NAME AND ADDRESS OF ATTORNEY OR PARTY WITHOUT ATTORNEY:		STATE BAR NUMBER	Reserved for Clerk's File Stamp
TELEPHONE NO.:		FAX NO. (Optional):	
E-MAIL ADDRESS (Optional):			
ATTORNEY FOR (Name):			
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES			
COURTHOUSE ADDRESS:			
PLAINTIFF:			
DEFENDANT:			
STIPULATION AND ORDER – MOTIONS IN LIMINE			CASE NUMBER:

This stipulation is intended to provide fast and informal resolution of evidentiary issues through diligent efforts to define and discuss such issues and limit paperwork.

The parties agree that:

1. At least ____ days before the final status conference, each party will provide all other parties with a list containing a one paragraph explanation of each proposed motion in limine. Each one paragraph explanation must identify the substance of a single proposed motion in limine and the grounds for the proposed motion.
2. The parties thereafter will meet and confer, either in person or via teleconference or videoconference, concerning all proposed motions in limine. In that meet and confer, the parties will determine:
 - a. Whether the parties can stipulate to any of the proposed motions. If the parties so stipulate, they may file a stipulation and proposed order with the Court.
 - b. Whether any of the proposed motions can be briefed and submitted by means of a short joint statement of issues. For each motion which can be addressed by a short joint statement of issues, a short joint statement of issues must be filed with the Court 10 days prior to the final status conference. Each side's portion of the short joint statement of issues may not exceed three pages. The parties will meet and confer to agree on a date and manner for exchanging the parties' respective portions of the short joint statement of issues and the process for filing the short joint statement of issues.
3. All proposed motions in limine that are not either the subject of a stipulation or briefed via a short joint statement of issues will be briefed and filed in accordance with the California Rules of Court and the Los Angeles Superior Court Rules.

SHORT TITLE:	CASE NUMBER:
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The following parties stipulate:

Date:

(TYPE OR PRINT NAME)

Date:

(TYPE OR PRINT NAME)

Date:

(TYPE OR PRINT NAME)

Date:

(TYPE OR PRINT NAME)

Date:

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Date:

(TYPE OR PRINT NAME)

Date:

(TYPE OR PRINT NAME)

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(ATTORNEY FOR PLAINTIFF)

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(ATTORNEY FOR DEFENDANT)

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(ATTORNEY FOR DEFENDANT)

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(ATTORNEY FOR DEFENDANT)

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(ATTORNEY FOR _____)

>

(ATTORNEY FOR _____)

>

(ATTORNEY FOR _____)

THE COURT SO ORDERS.

Date: _____

JUDICIAL OFFICER

FILED
LOS ANGELES SUPERIOR COURT

MAY 11 2011

JOHN A. CLARKE, CLERK
N. Navarro
BY NANCY NAVARRO, DEPUTY

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES**

General Order Re)	ORDER PURSUANT TO CCP 1054(a),
Use of Voluntary Efficient Litigation)	EXTENDING TIME TO RESPOND BY
Stipulations)	30 DAYS WHEN PARTIES AGREE
)	TO EARLY ORGANIZATIONAL
)	MEETING STIPULATION

Whereas the Los Angeles Superior Court and the Executive Committee of the Litigation Section of the Los Angeles County Bar Association have cooperated in drafting "Voluntary Efficient Litigation Stipulations" and in proposing the stipulations for use in general jurisdiction civil litigation in Los Angeles County;

Whereas the Los Angeles County Bar Association Litigation Section; the Los Angeles County Bar Association Labor and Employment Law Section; the Consumer Attorneys Association of Los Angeles; the Association of Southern California Defense Counsel; the Association of Business Trial Lawyers of Los Angeles; and the California Employment Lawyers Association all "endorse the goal of promoting efficiency in litigation, and ask that counsel consider using these stipulations as a voluntary way to promote communications and procedures among counsel and with the court to fairly resolve issues in their cases;"

1 Whereas the Early Organizational Meeting Stipulation is intended to encourage
2 cooperation among the parties at an early stage in litigation in order to achieve
3 litigation efficiencies;

4 Whereas it is intended that use of the Early Organizational Meeting Stipulation
5 will promote economic case resolution and judicial efficiency;

6 Whereas, in order to promote a meaningful discussion of pleading issues at the
7 Early Organizational Meeting and potentially to reduce the need for motions to
8 challenge the pleadings, it is necessary to allow additional time to conduct the Early
9 Organizational Meeting before the time to respond to a complaint or cross complaint
10 has expired;

11 Whereas Code of Civil Procedure section 1054(a) allows a judge of the court in
12 which an action is pending to extend for not more than 30 days the time to respond to
13 a pleading "upon good cause shown";

14 Now, therefore, this Court hereby finds that there is good cause to extend for 30
15 days the time to respond to a complaint or to a cross complaint in any action in which
16 the parties have entered into the Early Organizational Meeting Stipulation. This finding
17 of good cause is based on the anticipated judicial efficiency and benefits of economic
18 case resolution that the Early Organizational Meeting Stipulation is intended to
19 promote.

20 IT IS HEREBY ORDERED that, in any case in which the parties have entered
21 into an Early Organizational Meeting Stipulation, the time for a defending party to
22 respond to a complaint or cross complaint shall be extended by the 30 days permitted
23

1 by Code of Civil Procedure section 1054(a) without further need of a specific court
2 order.

3
4 DATED: May 11, 2011

Carolyn B. Kuhl
Carolyn B. Kuhl, Supervising Judge of the
Civil Departments, Los Angeles Superior Court



Superior Court of California, County of Los Angeles

ALTERNATIVE DISPUTE RESOLUTION (ADR) INFORMATION PACKAGE

THE PLAINTIFF MUST SERVE THIS ADR INFORMATION PACKAGE ON EACH PARTY WITH THE COMPLAINT.

CROSS-COMPLAINANTS must serve this ADR Information Package on any new parties named to the action with the cross-complaint.

What is ADR?

ADR helps people find solutions to their legal disputes without going to trial. The main types of ADR are negotiation, mediation, arbitration, and settlement conferences. When ADR is done by phone, videoconference or computer, it may be called Online Dispute Resolution (ODR). These alternatives to litigation and trial are described below.

Advantages of ADR

- **Saves Time:** ADR is faster than going to trial.
- **Saves Money:** Parties can save on court costs, attorney's fees, and witness fees.
- **Keeps Control (with the parties):** Parties choose their ADR process and provider for voluntary ADR.
- **Reduces Stress/Protects Privacy:** ADR is done outside the courtroom, in private offices, by phone or online.

Disadvantages of ADR

- **Costs:** If the parties do not resolve their dispute, they may have to pay for ADR, litigation, and trial.
- **No Public Trial:** ADR does not provide a public trial or a decision by a judge or jury.

Main Types of ADR

1. **Negotiation:** Parties often talk with each other in person, or by phone or online about resolving their case with a settlement agreement instead of a trial. If the parties have lawyers, they will negotiate for their clients.
2. **Mediation:** In mediation, a neutral mediator listens to each person's concerns, helps them evaluate the strengths and weaknesses of their case, and works with them to try to create a settlement agreement that is acceptable to all. Mediators do not decide the outcome. Parties may go to trial if they decide not to settle.

Mediation may be appropriate when the parties

- want to work out a solution but need help from a neutral person.
- have communication problems or strong emotions that interfere with resolution.

Mediation may not be appropriate when the parties

- want a public trial and want a judge or jury to decide the outcome.
- lack equal bargaining power or have a history of physical/emotional abuse.

How to Arrange Mediation in Los Angeles County

Mediation for civil cases is voluntary and parties may select any mediator they wish. Options include:

a. The Civil Mediation Vendor Resource List

If all parties in an active civil case agree to mediation, they may contact these organizations to request a "Resource List Mediation" for mediation at reduced cost or no cost (for selected cases).

- **ADR Services, Inc.** Case Manager Elizabeth Sanchez, elizabeth@adrservices.com (949) 863-9800
- **JAMS, Inc.** Assistant Manager Reggie Joseph, RJoseph@jamsadr.com (310) 309-6209
- **Mediation Center of Los Angeles** Program Manager info@mediationLA.org (833) 476-9145

These organizations cannot accept every case and they may decline cases at their discretion. They may offer online mediation by video conference for cases they accept. Before contacting these organizations, review important information and FAQs at www.lacourt.org/ADR.Res.List

NOTE: The Civil Mediation Vendor Resource List program does not accept family law, probate or small claims cases.

b. Los Angeles County Dispute Resolution Programs

<https://hrc.lacounty.gov/wp-content/uploads/2020/05/DRP-Fact-Sheet-23October19-Current-as-of-October-2019-1.pdf>

Day of trial mediation programs have been paused until further notice.

Online Dispute Resolution (ODR). Parties in small claims and unlawful detainer (eviction) cases should carefully review the Notice and other information they may receive about (ODR) requirements for their case.

c. Mediators and ADR and Bar organizations that provide mediation may be found on the internet.

3. Arbitration: Arbitration is less formal than trial, but like trial, the parties present evidence and arguments to the person who decides the outcome. In "binding" arbitration, the arbitrator's decision is final; there is no right to trial. In "nonbinding" arbitration, any party can request a trial after the arbitrator's decision. For more information about arbitration, visit <http://www.courts.ca.gov/programs-adr.htm>

4. Mandatory Settlement Conferences (MSC): MSCs are ordered by the Court and are often held close to the trial date or on the day of trial. The parties and their attorneys meet with a judge or settlement officer who does not make a decision but who instead assists the parties in evaluating the strengths and weaknesses of the case and in negotiating a settlement. For information about the Court's MSC programs for civil cases, visit <http://www.lacourt.org/division/civil/C10047.aspx>

Los Angeles Superior Court ADR website: <http://www.lacourt.org/division/civil/C10109.aspx>
For general information and videos about ADR, visit <http://www.courts.ca.gov/programs-adr.htm>

1 Alan Harris (SBN 146079)
2 Priya Mohan (SBN 228984)
3 Min Ji Gal (SBN 311963)
4 HARRIS & RUBLE
5 655 North Central Avenue 17th Floor
6 Glendale, California 91203
7 Telephone: 323.962.3777
8 Facsimile: 323.962.3004

9 *Attorneys for Plaintiff Brian Simmons*

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SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES

BRIAN SIMMONS, individually and on
behalf of all others similarly situated,

Plaintiff,

vs.

THE COCA-COLA COMPANY, a Delaware
limited liability company; and DOES 1 to
100, inclusive,

Defendants.

Case No. 21STCV24965

Assigned for all purposes to the Hon. William F.
Fahey, Dept. 69.

**NOTICE OF ORDER TO SHOW CAUSE
HEARING**

Date: October 13, 2021

Time: 8:30 a.m.

Dept: 69

Place: Stanley Mosk Courthouse
111 North Hill Street
Los Angeles, California 90012

Action Filed: July 7, 2021


Trial Date: None Set

1 TO EACH PARTY AND THEIR ATTORNEYS OF RECORD:

2 PLEASE TAKE NOTICE that the Court has scheduled the an Order to Show Cause Hearing for
3 the date of October 13, 2021, at 8:30 a.m., in Department 69 of the Stanley Mosk Courthouse, located at
4 111 North Hill Street, Los Angeles, CA 90012. A true and correct copy of the Order is attached.

5
6 DATED: August 5, 2021

HARRIS & RUBLE

7 
8 Alan Harris
9 Attorney for Plaintiff

SUPERIOR COURT OF CALIFORNIA COUNTY OF LOS ANGELES		Reserved for Clerk's File Stamp
COURTHOUSE ADDRESS: Stanley Mosk Courthouse 111 North Hill Street, Los Angeles, CA 90012		FILED Superior Court of California County of Los Angeles 07/14/2021 Sheriff R. Grier, Executive Officer / Clerk of Court By: L. Brito Deputy
PLAINTIFF(S): Brian Simmons		
DEFENDANT(S): The Coca-Cola Company		
ORDER TO SHOW CAUSE HEARING		CASE NUMBER: 21STCV24965

To the party / attorney of record:

You are ordered to appear for an Order to Show Cause Hearing on 10/13/2021 at 8:30 AM in department 69 of this court, Stanley Mosk Courthouse, and show cause why sanctions should not be imposed for:

☒ Failure to file proof of service.

Failure to comply or appear may result in sanctions pursuant to one or more of the following: California Rules of Court, rule 2.30 and rule 3.1340; Code of Civil Procedure sections 177.5, 575.2, 583.150, 583.310, 583.360, 583.410, 583.420, 583.430; and Government Code section 68608.

☒ To avoid a mandatory appearance all required documents must be filed at least 5 days prior to the date of the hearing.



William Fahey

Dated: 07/14/2021

William F. Fahey / Judge
Judicial Officer

ORDER TO SHOW CAUSE HEARING

SUPERIOR COURT OF CALIFORNIA COUNTY OF LOS ANGELES		Reserved for Clerk's File Stamp
COURTHOUSE ADDRESS: Stanley Mosk Courthouse 111 North Hill Street, Los Angeles, CA 90012		FILED Superior Court of California County of Los Angeles 07/14/2021 Sherri R. Carter, Executive Officer / Clerk of Court By: <u>L. Bituin</u> Deputy
PLAINTIFF/PETITIONER: Brian Simmons		
DEFENDANT/RESPONDENT: The Coca-Cola Company		
CERTIFICATE OF MAILING		CASE NUMBER: 21STCV24965

I, the below-named Executive Officer/Clerk of the above-entitled court, do hereby certify that I am not a party to the cause herein, and that on this date I served the Order to Show Cause Failure to File Proof of Service upon each party or counsel named below by placing the document for collection and mailing so as to cause it to be deposited in the United States mail at the courthouse in Los Angeles, California, one copy of the original filed/entered herein in a separate sealed envelope to each address as shown below with the postage thereon fully prepaid, in accordance with standard court practices.

Alan Harris
Harris & Ruble
655 N Central Ave
17th Floor
Glendale, CA 91203

Min Ji Gal
Harris & Ruble
655 N. Central Ave.
17th Floor
Glendale, CA 91203

Priya Mohan
655 North Central Avenue
17th Floor
Glendale, CA 91203

Sherri R. Carter, Executive Officer / Clerk of Court

Dated: 07/14/2021

By: L. Bituin
Deputy Clerk

CERTIFICATE OF MAILING

PROOF OF SERVICE

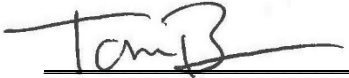
I am over the age of eighteen years, and not a party to the within action. My business address is Harris & Ruble, 655 North Central Avenue, 17th Floor, Glendale, California 91203. On August 5, 2021, I served the within documents:

NOTICE OF ORDER TO SHOW CAUSE HEARING

U.S. Mail: I am readily familiar with the Firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid in the ordinary course of business, addressed as follows:

Sophia Behnia
Sarah Boxer
LITTLER MENDELSON, P.C.
333 Bush Street, 34th Floor
San Francisco, CA 94104
sbehnia@littler.com
sboxer@littler.com

I declare under penalty of perjury that the above is true and correct. Executed on August 5, 2021, at Los Angeles, California.



Tom Brennan

1 Alan Harris (SBN 146079)
2 Priya Mohan (SBN 228984)
3 Min Ji Gal (SBN 311963)
4 HARRIS & RUBLE
5 655 North Central Avenue 17th Floor
6 Glendale, California 91203
7 Telephone: 323.962.3777
8 Facsimile: 323.962.3004

9 *Attorneys for Plaintiff Brian Simmons*

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SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES

BRIAN SIMMONS, individually and on
behalf of all others similarly situated,

Plaintiff,

vs.

THE COCA-COLA COMPANY, a Delaware
limited liability company; and DOES 1 to
100, inclusive,

Defendants.

Case No. 21STCV24965

Assigned for all purposes to the Hon. William F.
Fahey, Dept. 69.

**NOTICE OF ORDER REGARDING CASE
MANAGEMENT CONFERENCE**

Date: November 18, 2021

Time: 8:30 a.m.

Dept: 69

Place: Stanley Mosk Courthouse
111 North Hill Street
Los Angeles, California 90012

Action Filed: July 7, 2021

Trial Date: None Set

1 TO EACH PARTY AND THEIR ATTORNEYS OF RECORD:

2 PLEASE TAKE NOTICE that the Court has scheduled the Case Management Conference for the
3 date of November 18, 2021, at 8:30 a.m., in Department 69 of the Stanley Mosk Courthouse, located at
4 111 North Hill Street, Los Angeles, CA 90012. A true and correct copy of the Order is attached.

5
6 DATED: August 5, 2021

HARRIS & RUBLE

7 
8 Alan Harris
9 Attorney for Plaintiff

SUPERIOR COURT OF CALIFORNIA COUNTY OF LOS ANGELES		Reserved for Clerk's File Stamp
COURTHOUSE ADDRESS: Stanley Mosk Courthouse 111 North Hill Street, Los Angeles, CA 90012		FILED Superior Court of California County of Los Angeles 07/14/2021
PLAINTIFF: Brian Simmons	Sherri R. Carter, Executive Officer / Clerk of Court By: L. Bituin Deputy	
DEFENDANT: The Coca-Cola Company	CASE NUMBER: 21STCV24965	
NOTICE OF CASE MANAGEMENT CONFERENCE		

TO THE PLAINTIFF(S)/ATTORNEY(S) FOR PLAINTIFF(S) OF RECORD:

You are ordered to serve this notice of hearing on all parties/attorneys of record forthwith, and meet and confer with all parties/attorneys of record about the matters to be discussed no later than 30 days before the Case Management Conference.

Your Case Management Conference has been scheduled at the courthouse address shown above on:

Date: 11/18/2021	Time: 8:30 AM	Dept.: 69
-------------------------	----------------------	------------------

NOTICE TO DEFENDANT: THE SETTING OF THE CASE MANAGEMENT CONFERENCE DOES NOT EXEMPT THE DEFENDANT FROM FILING A RESPONSIVE PLEADING AS REQUIRED BY LAW.

Pursuant to California Rules of Court, rules 3.720-3.730, a completed Case Management Statement (Judicial Council form # CM-110) must be filed at least 15 calendar days prior to the Case Management Conference. The Case Management Statement may be filed jointly by all parties/attorneys of record or individually by each party/attorney of record. You must be familiar with the case and be fully prepared to participate effectively in the Case Management Conference.

At the Case Management Conference, the Court may make pretrial orders including the following, but not limited to, an order establishing a discovery schedule; an order referring the case to Alternative Dispute Resolution (ADR); an order reclassifying the case; an order setting subsequent conference and the trial date; or other orders to achieve the goals of the Trial Court Delay Reduction Act (Gov. Code, § 68600 et seq.)

Notice is hereby given that if you do not file the Case Management Statement or appear and effectively participate at the Case Management Conference, the Court may impose sanctions, pursuant to LASC Local Rule 3.37, Code of Civil Procedure sections 177.5, 575.2, 583.150, 583.360 and 583.410, Government Code section 68608, subdivision (b), and California Rules of Court, rule 2.2 et seq.



William Fahey

Dated: 07/14/2021

William F. Fahey / Judge
Judicial Officer

CERTIFICATE OF SERVICE

I, the below named Executive Officer/Clerk of the above-entitled court, do hereby certify that I am not a party to the cause herein, and that on this date I served the Notice of Case Management Conference upon each party or counsel named below:

☒ by depositing in the United States mail at the courthouse in Los Angeles, California, one copy of the original filed herein in a separate sealed envelope to each address as shown below with the postage thereon fully prepaid.

☐ by personally giving the party notice upon filing of the complaint.

Priya Mohan
655 North Central Avenue
17th Floor
Glendale, CA 91203

Sherri R. Carter, Executive Officer / Clerk of Court

Dated: 07/14/2021

By L. Bituin
Deputy Clerk

PROOF OF SERVICE

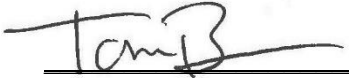
I am over the age of eighteen years, and not a party to the within action. My business address is Harris & Ruble, 655 North Central Avenue, 17th Floor, Glendale, California 91203. On August 5, 2021, I served the within documents:

NOTICE OF ORDER REGARDING CASE MANAGEMENT CONFERENCE

U.S. Mail: I am readily familiar with the Firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid in the ordinary course of business, addressed as follows:

Sophia Behnia
Sarah Boxer
LITTLER MENDELSON, P.C.
333 Bush Street, 34th Floor
San Francisco, CA 94104
sbehnia@littler.com
sboxer@littler.com

I declare under penalty of perjury that the above is true and correct. Executed on August 5, 2021, at Los Angeles, California.



Tom Brennan

EXHIBIT B

Smith, Jeff

From: Behnia, Sophia <SBehnia@littler.com>
Sent: Thursday, August 5, 2021 6:31 PM
To: Smith, Jeff
Cc: Hemenway, Alexandra
Subject: Fwd: Simmons v. The Coca-Cola Company, 21STCV24965
Attachments: 2021-8-5 Simmons_NAR.PDF; 2021-7-7 Simmons_Summons [conformed].pdf; 2021-7-7 Simmons_FLSA Only Complaint [conformed].pdf; 2021-7-7 Simmons_CCCS [conformed].pdf; 2021-7-7 Simmons_Addendum [conformed].pdf; 2021-7-7 Simmons_Case Assignmnt.pdf; 2021-8-5 Simmons_ADR.PDF; 2019-5-3 Notice of General Order_E-Filing.pdf; 2021-8-5 Simmons_Notice of CMC.PDF; 2021-8-5 Simmons_Notice of OSC.PDF

Follow Up Flag: Follow up
Flag Status: Flagged

Sent from my iPhone

Begin forwarded message:

From: Tom Brennan <TBrennan@harrisandruble.com>
Date: August 5, 2021 at 18:12:42 PDT
To: "Behnia, Sophia" <SBehnia@littler.com>
Cc: "Boxer, Sarah" <SBoxer@littler.com>, Alan Harris <HarrisA@harrisandruble.com>, Min Ji Gal <mgal@harrisandruble.com>, Priya Mohan <pmohan@harrisandruble.com>
Subject: Simmons v. The Coca-Cola Company, 21STCV24965

[EXTERNAL E-MAIL]

Dear Ms. Behnia,

Please accept this email as a courtesy copy of the following documents with regard to the above-mentioned case:

Simmons v. The Coca-Cola Company, 21STCV24965

- Notice of Acknowledgement and Receipt (NAR)
- Summons
- Complaint
- Civil Case Cover Sheet
- Addendum
- Case Assignment

- Alternative Dispute Resolution form (ADR)
- General Order of Mandatory Electronic Filing
- Notice of Order to Show Cause Hearing
- Notice of Order Regarding Case Management Conference

A hard-copy of the attached documents has been mailed to your office as official service of these documents.

In addition, please confirm if these attorneys should be included on email correspondence and for service of documents.

Jennifer B. Robinson - jenrobinson@littler.com
Anthony G. Ly - aly@littler.com

Kind regards,

Tom Brennan
Paralegal
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EXHIBIT C

EXHIBIT D

CM-015

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Alan Harris (SBN 146079) HARRIS & RUBLE 655 N. Central Ave., 17th Fl. Glendale, CA 91203 TELEPHONE NO.: 323-962-3777 FAX NO. (Optional): E-MAIL ADDRESS (Optional): harrisa@harrisandruble.com ATTORNEY FOR (Name): Plaintiff Simmons	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Los Angeles STREET ADDRESS: 111 N. Hill St MAILING ADDRESS: CITY AND ZIP CODE: Los Angeles 90012 BRANCH NAME: Stanley Mosk Courthouse	
PLAINTIFF/PETITIONER: Brian Simmons DEFENDANT/RESPONDENT: The Coca-Cola Company	CASE NUMBER: 21STCV24965 JUDICIAL OFFICER: William F. Fahey
NOTICE OF RELATED CASE	DEPT.: 69

Identify, in chronological order according to date of filing, all cases related to the case referenced above.

1. a. Title: **Flores v. The Coca Cola Company**
 b. Case number: **20STCV07230**
 c. Court: ☐ same as above
☒ other state or federal court (name and address): **Spring St Courthouse, 312 N Spring St, LA 90012**
 d. Department: **11**
 e. Case type: ☐ limited civil ☒ unlimited civil ☐ probate ☐ family law ☐ other (specify):
 f. Filing date: **02/09/2021**
 g. Has this case been designated or determined as "complex?" ☒ Yes ☐ No
 h. Relationship of this case to the case referenced above (check all that apply):
☒ involves the same parties and is based on the same or similar claims.
☒ arises from the same or substantially identical transactions, incidents, or events requiring the determination of the same or substantially identical questions of law or fact.
☐ involves claims against, title to, possession of, or damages to the same property.
☒ is likely for other reasons to require substantial duplication of judicial resources if heard by different judges.
☐ Additional explanation is attached in attachment 1h
 i. Status of case:
☒ pending
☐ dismissed ☐ with ☐ without prejudice
☐ disposed of by judgment
2. a. Title:
 b. Case number:
 c. Court: ☐ same as above
☐ other state or federal court (name and address):
 d. Department:

CM-015

PLAINTIFF/PETITIONER: Brian Simmons	CASE NUMBER:
DEFENDANT/RESPONDENT: The Coca-Cola Company	21STCV24965

2. (continued)

- e. Case type: ☐ limited civil ☐ unlimited civil ☐ probate ☐ family law ☐ other (specify):
- f. Filing date:
- g. Has this case been designated or determined as "complex?" ☐ Yes ☐ No
- h. Relationship of this case to the case referenced above (check all that apply):
- ☐ involves the same parties and is based on the same or similar claims.
- ☐ arises from the same or substantially identical transactions, incidents, or events requiring the determination of the same or substantially identical questions of law or fact.
- ☐ involves claims against, title to, possession of, or damages to the same property.
- ☐ is likely for other reasons to require substantial duplication of judicial resources if heard by different judges.
- ☐ Additional explanation is attached in attachment 2h
- i. Status of case:
- ☐ pending
- ☐ dismissed ☐ with ☐ without prejudice
- ☐ disposed of by judgment

3. a. Title:

b. Case number:

c. Court: ☐ same as above☐ other state or federal court (name and address):

d. Department:

e. Case type: ☐ limited civil ☐ unlimited civil ☐ probate ☐ family law ☐ other (specify):

f. Filing date:

g. Has this case been designated or determined as "complex?" ☐ Yes ☐ No

h. Relationship of this case to the case referenced above (check all that apply):

- ☐ involves the same parties and is based on the same or similar claims.
- ☐ arises from the same or substantially identical transactions, incidents, or events requiring the determination of the same or substantially identical questions of law or fact.
- ☐ involves claims against, title to, possession of, or damages to the same property.
- ☐ is likely for other reasons to require substantial duplication of judicial resources if heard by different judges.
- ☐ Additional explanation is attached in attachment 3h

i. Status of case:

- ☐ pending
- ☐ dismissed ☐ with ☐ without prejudice
- ☐ disposed of by judgment

4. ☐ Additional related cases are described in Attachment 4. Number of pages attached: _____

Date: 2021-7-22

Alan Harris

(TYPE OR PRINT NAME OF PARTY OR ATTORNEY)



(SIGNATURE OF PARTY OR ATTORNEY)

PROOF OF SERVICE

I am an attorney for the plaintiff(s) herein, over the age of eighteen years, and not a party to the within action. My business address is Harris & Ruble, 655 N. Central Ave., 17th Floor, Glendale CA, 91203. On July 22, 2021, I served the within documents:

NOTICE OF RELATED CASE

U.S. Mail: I am readily familiar with the Firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid in the ordinary course of business, addressed as follows:

Sophia Behnia
LITTLER MENDELSON, P.C.
333 Bush Street, 34th Floor
San Francisco, CA 94104

I declare under penalty of perjury that the above is true and correct. Executed on July 22, 2021, at Los Angeles, California.

/s/ Min Ji Gal

Min Ji Gal

EXHIBIT E

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

Civil Division

Central District, Spring Street Courthouse, Department 11

20STCV07230

RYAN FLORES vs THE COCA-COLA COMPANY

August 25, 2021

3:48 PM

Judge: Honorable Ann I. Jones

Judicial Assistant: D. Wortham

Courtroom Assistant: C. Concepcion

CSR: None

ERM: None

Deputy Sheriff: None

APPEARANCES:

For Plaintiff(s): No Appearances

For Defendant(s): No Appearances

NATURE OF PROCEEDINGS: Court Order Re: Notice of Related Case

The Court has reviewed the Notice of Related Case, filed 07/23/2021.

The Court finds that the following cases, 20STCV07230 and 21STCV24965, are not related within the meaning of California Rules of Court, rule 3.300(a).

Moving party is ordered to give notice.

Clerk's Certificate of Service By Electronic Service is attached.

EXHIBIT F

1 Alan Harris (SBN 146079)
2 Priya Mohan (SBN 228984)
3 Min Ji Gal (SBN 311963)
4 HARRIS & RUBLE
5 655 North Central Avenue 17th Floor
6 Glendale, California 91203
7 Telephone: 323.962.3777
8 Facsimile: 323.962.3004

9 *Attorneys for Plaintiff Brian Simmons*

10 SUPERIOR COURT OF THE STATE OF CALIFORNIA

11 FOR THE COUNTY OF LOS ANGELES

12 BRIAN SIMMONS, individually and on
13 behalf of all others similarly situated,

14 Plaintiff,

15 vs.

16 THE COCA-COLA COMPANY, a Delaware
17 limited liability company; and DOES 1 to
18 100, inclusive,

19 Defendants.

Case No. 21STCV24965

Assigned for all purposes to the Hon. William F.
Fahey, Dept. 69.

**NOTICE OF COURT ORDER RE CASES
NOT RELATED**


Action Filed: July 7, 2021
Trial Date: None Set

1 TO EACH PARTY AND THEIR ATTORNEYS OF RECORD:

2 PLEASE TAKE NOTICE that the Court in Flores v. The Coca-Cola Company, Case No.
3 20STCV07230, has held that Flores and Simmons v. The Coca-Cola Company, Case No.
4 21STCV24965 are not related pursuant to California Rule of Court, Rule 3.300(a). A true and correct
5 copy of the Order is attached.

6
7 DATED: August 26, 2021

HARRIS & RUBLE

8 
9 Alan Harris
Attorney for Plaintiff

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

Civil Division

Central District, Spring Street Courthouse, Department 11

20STCV07230

RYAN FLORES vs THE COCA-COLA COMPANY

August 25, 2021

3:48 PM

Judge: Honorable Ann I. Jones

Judicial Assistant: D. Wortham

Courtroom Assistant: C. Concepcion

CSR: None

ERM: None

Deputy Sheriff: None

APPEARANCES:

For Plaintiff(s): No Appearances

For Defendant(s): No Appearances

NATURE OF PROCEEDINGS: Court Order Re: Notice of Related Case

The Court has reviewed the Notice of Related Case, filed 07/23/2021.

The Court finds that the following cases, 20STCV07230 and 21STCV24965, are not related within the meaning of California Rules of Court, rule 3.300(a).

Moving party is ordered to give notice.

Clerk's Certificate of Service By Electronic Service is attached.

PROOF OF SERVICE

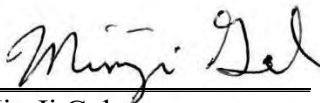
I am over the age of eighteen years, and not a party to the within action. My business address is Harris & Ruble, 655 North Central Avenue, 17th Floor, Glendale, California 91203. On August 26, 2021, I served the within documents:

NOTICE OF COURT ORDER RE CASES NOT RELATED

Electronic Service: I caused the above-entitled document(s) to be served via email to all parties for the above-entitled case as listed below:

Sophia Behnia - sbehnia@littler.com
Alex Hemenway - ahemenway@littler.com
Jennifer B. Robinson - jenrobinson@littler.com
Anthony G. Ly - aly@littler.com
Jeff Smith – jrsmith@littler.com

I declare under penalty of perjury that the above is true and correct. Executed on August 26, 2021, at Los Angeles, California.


Min Ji Gal

ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: [Lawsuit Alleges Coca-Cola Company Employees Underpaid Due to 'Payroll Issues'](#)
