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15 Additional counsel on following page

16 **SUPERIOR COURT OF THE STATE OF CALIFORNIA,**
17 **COUNTY OF SAN FRANCISCO – UNLIMITED JURISDICTION**

18 DAN SPITZER, individually and on behalf of all
19 others similarly situated;

20 Plaintiff,

21 v.

22 CENTRAL COAST AGRICULTURE, LLC, DBA
23 RAW GARDEN, a Delaware corporation; and DOES
24 1-1000, inclusive,

25 Defendants.

26 **CASE NO. 006-20-585809**

27 **CLASS ACTION COMPLAINT FOR:**

- 28 1. **VIOLATION OF THE CONSUMER LEGAL REMEDIES ACT, CALIFORNIA CIVIL CODE SECTION 1750, ET. SEQ.;**
2. **VIOLATION OF CALIFORNIA BUSINESS AND PROFESSIONS CODE SECTION 17500, ET. SEQ.;**
3. **VIOLATION OF CALIFORNIA BUSINESS AND PROFESSIONS CODE SECTION 17200, ET. SEQ.;**
4. **UNJUST ENRICHMENT;**
5. **IMPLIED WARRANTY;**
6. **NEGLIGENT MISREPRESENTATION**

DEMAND FOR JURY TRIAL

FILED
San Francisco County Superior Court

JUL 29 2020

CLERK OF THE COURT
BY: *Chalene Polonio*
Deputy Clerk

ORIGINAL

FAXED

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Attorneys for Plaintiff Dan Spitzer
as Representative of the Class

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1 Individual and representative Plaintiff DAN SPITZER (hereinafter "Plaintiff"), on behalf of
2 himself and others similarly situated, alleges as follows against Defendant, CENTRAL COAST
3 AGRICULTURE, LLC DBA RAW GARDEN (hereinafter "Defendant" or "Raw Garden"):

4 **NATURE OF THE ACTION**

5 1. Since the legalization of recreational cannabis (commonly referred to as marijuana) and
6 cannabis products in California, manufacturers of cannabis products have competed for sales in much
7 the same way as other consumer product manufacturers do – by distinguishing the quality of their
8 product and by pricing the product at an appropriate level based on consumer's perception of the product
9 and corresponding demand for it.

10 2. Live Resin is considered a high-quality marijuana extract that is sold at a premium price.

11 3. Raw Garden manufactures and sells vape cartridges that it advertises and labels as Live
12 Resin (the "Product" or "Products").

13 4. Upon information and belief, Raw Garden's "Live Resin" vape cartridges do not contain
14 Live Resin, but instead are made with a distillate and reintroduced terpenes.

15 5. Marijuana distillates are a materially different product from Live Resin and are less
16 valuable and sell at a lower price.

17 6. Nonetheless, Raw Garden sells its vape cartridges containing marijuana distillates
18 mislabeled and falsely advertised as Live Resin and charges a premium price for these cartridges.

19 7. During the relevant time period, Plaintiff purchased Raw Garden vape cartridges which
20 were advertised and labeled as Live Resin.

21 8. Plaintiff paid a premium price for these products because he believed them to contain
22 Live Resin.

23 9. Plaintiff was therefore damaged by Raw Garden's false labeling and advertising of its
24 "Live Resin" vape cartridges because he paid more for these products than he would have if they had
25 been properly labeled and advertised as distillate and not mislabeled as Live Resin.

26 **JURISDICTION AND VENUE**

27 10. The Court has personal jurisdiction over Defendant Raw Garden because it is a Delaware
28 corporation registered to do business in California with its principal place of business in Buellton, CA,

1 a city of Santa Barbara County.

2 11. Venue is proper in this county in accordance with section 395(a) of the California Code
3 of Civil Procedure because Defendant operates its business in this county and sells its Product in this
4 county.

5 **THE PARTIES**

6 12. Plaintiff Dan Spitzer is an individual who resides in Solano, California.

7 13. Plaintiff purchased Raw Garden branded "Live Resin" vape cartridge Products in San
8 Francisco, California, in compliance with California law. Plaintiff has purchased many varieties of the
9 Raw Garden branded "Live Resin" vape cartridge Products during the relevant time period.

10 14. Prior to making is purchases, Plaintiff reviewed Defendant's advertisements,
11 representations and warranties that the products were "Live Resin" on Defendant's packaging and on its
12 website.

13 15. Plaintiff relied upon such representations in making his decision to purchase the Product.

14 16. Plaintiff suffered injury in fact and lost money and property as a result of the unfair,
15 deceptive, untrue, and misleading advertising described here. Had Plaintiff known the subject products
16 did not contain "Live Resin" he would not have purchased the product or would have paid much less for
17 the product.

18 17. If Plaintiff were to encounter product information and advertisements for Defendants'
19 products, he could not rely on them. However, Plaintiff would be willing to purchase products from
20 Defendant in the future so long as Defendant engaged in corrective advertising.

21 18. On information and belief, Defendant CENTRAL COAST AGRICULTURE, LLC, DBA
22 RAW GARDEN holds at least 97 state cultivation licenses in Santa Barbara County through its Buellton-
23 based subsidiary Central Coast AG Farming LLC. Central Coast AG Farming, LLC has been
24 incorporated since May 17, 2018 and has a company mailing address of 85 W. Highway 246, #233
25 Buellton, CA 93427.

26 19. The true names and capacities of the Defendants sued as DOES 1-1000 are presently
27 unknown to the Plaintiff who, therefore, sues these Defendants by fictitious names. Plaintiff is informed
28 and believes, and on that basis, alleges, that each fictitiously named Defendant is responsible, in some

1 manner, for the acts and omissions alleged herein.

2 20. Plaintiff seeks leave of Court to amend this complaint to set forth the names and capacities
3 of each fictitiously named Defendant after they have been ascertained.

4 **GENERAL ALLEGATIONS**

5 **Raw Garden Uses a Distillate Instead of Live Resin in its Live Resin Vape Cartridges**

6 21. Cannabis products can be broadly broken down into various product categories based on
7 the finished product that is sold to the consumer. For example, there is cannabis flower that is smoked
8 or vaporized, cannabis edibles that are consumed, cannabis tinctures that are applied sublingually, and
9 cannabis topicals that are applied to the skin.

10 22. One extremely popular product type is the vape cartridge. Vape cartridges contain a
11 vaporizable liquid that contains marijuana's principal psychoactive component Tetrahydrocannabinol
12 ("THC") as well as other organic compounds that are extracted from the marijuana flower.

13 23. Typically, consumers of the vape cartridge use a small battery-powered vape pen to heat
14 and vaporize the vape cartridge liquid. The consumer then inhales the vapor.

15 24. Of course, because vape cartridges contain a liquid and marijuana flower is a solid, the
16 marijuana flower must be processed to create a liquid extract that can be used in a vape cartridge.

17 25. Live Resin is a premium extract. It is prized for retaining the flavor of the marijuana plant
18 and it is believed to be more potent than other extracts because it contains more of the original organic
19 compounds contained within the marijuana flower.

20 26. These organic compounds include, but are not limited to, terpenes. Terpenes are organic
21 compounds produced by plants that have a strong odor. Examples of terpenes which are commonly found
22 in Live Resin are limonene, which is contained within citrus fruit peels and caryophyllene, which
23 contributes to the smell of black pepper.

24 27. Live Resin is made by flash freezing the marijuana flower, extracting organic compounds
25 using a solvent, and removing the solvent from the extracted marijuana compounds.

26 28. By contrast, another type of extract known as a distillate is made by extracting the organic
27 compounds using a solvent and then distilling the resulting extract.

28 29. Distillation is a process used in many industries in which a mixture is separated into its

1 component parts based on the boiling point (and molecular weight of those components).

2 30. By distilling the marijuana extract, a high THC extract can be made, but other organic
3 compounds from the marijuana flower are absent from the extract.

4 31. Live Resin is never made through distillation because distillation removes the organic
5 compounds that Live Resin is designed to retain.

6 32. While the result of the distillation process is a liquid, Live Resin is a soupy solid
7 containing THC crystal known as a “sauce.”

8 33. The sauce is not suitable for use in a vape cartridge and must be converted into a liquid
9 through a process that does not result in the loss of the non-THC organic compounds within the Live
10 Resin.

11 34. Manufacturers use various proprietary methods for converting Live Resin sauce to a liquid
12 that is suitable for use in a Live Resin vape cartridge. Distillation is not one of these methods, because,
13 as explained above, distillation destroys the character of the Live Resin.

14 35. Upon information and belief, rather than converting Live Resin sauce into a liquid for use
15 in its “Live Resin” vape cartridges, Raw Garden creates these cartridges by making Live Resin and then
16 distilling the Live Resin.

17 36. Upon information and belief, Raw Garden then adds terpenes back into this distillate.

18 37. Raw Garden then packages, markets, and sells the resulting liquid as a Live Resin vapor
19 cartridge.

20 38. However, the liquid used in Raw Garden’s “Live Resin” cartridge is not Live Resin
21 because it has been distilled and because despite the re-addition of terpenes, it does not contain all of the
22 organic compounds that are in a true Live Resin.

23 39. The process of creating a true Live Resin vape cartridge is more expensive than creating
24 a distillate-based vape cartridge.

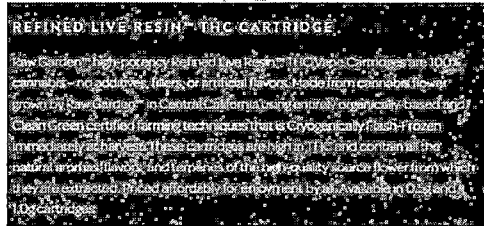
25 40. Live Resin vape cartridges are sold at a premium compared to distillate-based vape
26 cartridges reflecting both the increased cost of production and consumer preference for Live Resin
27 products.

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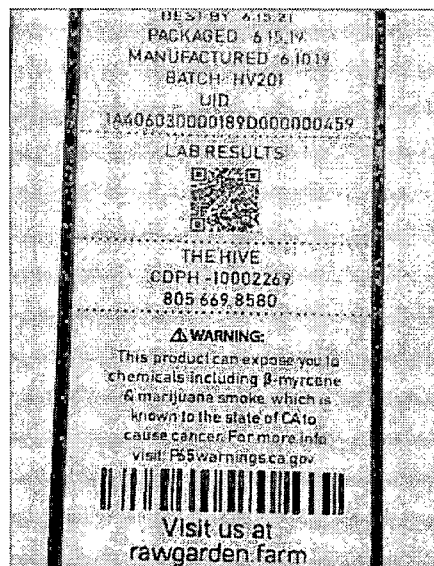
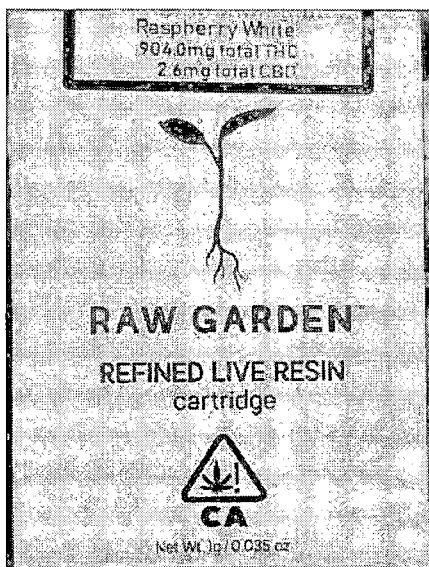
1 **Raw Garden’s Deceptive Packaging and Advertising**

2 41. Raw Garden falsely advertises its distillate-based vape cartridges as Live Resin.

3 42. For example, the following image, taken from Raw Garden’s website on July 27, 2020,
4 shows that Raw Garden advertises its vape cartridges as “Live Resin” and maintains falsely that they
5 “contain all the natural aromas, flavors, and terpenes of the high-quality source flower.



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17 43. Likewise, the packaging for the Product indicates that it contains Live Resin as seen in
18 the images below which were obtained on the internet.



1 **Ascertainable Class**

2 51. The proposed Class is ascertainable in that each member can be identified using
3 information contained in Defendant's records. Otherwise the Court may order means of notice
4 reasonably calculated to apprise the class members of the pendency of the action by publication pursuant
5 to California Rules of Court, Rule 3.766(f).

6 **Numerosity of Class**

7 52. The proposed Class is so numerous that the individual joinder of all its members is
8 impracticable. Though the exact number of identities of Class members is unknown at this time, and
9 can be ascertained only through appropriately discovery, Plaintiff is informed and believes that at least
10 thousands of units of the **PRODUCTS** were falsely labeled, marketed, or advertised as set forth in
11 paragraphs 1-36 and sold in California.

12 **Existence of Common Question of Law and Fact**

13 53. Questions of law and fact of common and general interest to the Class exist as to all
14 members of the Class. Among the questions of fact and law common to the Class are:

- 15 a. Whether the Products marketed, advertised and packaged by Defendant, to be "Live
16 Resin" actually contain Live Resin;
- 17 b. Whether Defendant's advertising and marketing of the Products was likely to deceive
18 consumers;
- 19 c. Whether Defendant's representations about the Products were likely to induce
20 customers into purchasing the Products and/or paying a premium price for the Products;
- 21 d. Whether members of the Class suffered an ascertainable loss;
- 22 e. Whether any ascertainable loss suffered by members of the Class is the result of
23 Defendant's conduct;
- 24 f. Whether injunctive relief is an appropriate remedy;
- 25 g. Whether disgorgement of profits is an appropriate remedy;
- 26 h. Whether punitive damages are an appropriate remedy; and
- 27 i. What is the measure of restitution or damages.
- 28

1 **Typicality of Claims**

2 54. Plaintiff's claims are typical of the claims of the Class because all such claims arise out
3 of the purchase by Plaintiff and the Class of the Products that falsely claim to be "Live Resin" and fail to
4 disclose the Products actually contain distillate and reintroduced terpenes. Plaintiff and all members of
5 the Class were injured as a result of **Defendant's** common course of conduct as alleged herein.

6 **Adequate Representation**

7 55. Plaintiff will fairly and adequately protect the interests of the members of the Class and
8 has no interests that are contrary to or in conflict with those of the Class members. Plaintiff has retained
9 counsel who are experienced and competent in the prosecution of class actions.

10 **Predominance and Superiority**

11 56. This action is appropriate for certification as a class action because questions of law and
12 fact common to the members of the Class, some of which have been identified above, predominate over
13 any questions affecting only individual members. A class action is superior to other available methods
14 for the fair and efficient adjudication of this controversy, since individual joinder of all members of the
15 Class is impracticable. Furthermore, as the damages suffered by each individual Class member are
16 relatively small compared to the expense and burden of prosecution of a complex case, this action is the
17 only way each Class member can redress the harm and damage Defendant caused.

18 57. Even if Class members could afford individual litigation in separate actions, courts
19 throughout California would face a multiplicity of lawsuits burdening the court system and unduly
20 burdening all parties involved with delay and expense. By contrast, the class action device presents far
21 fewer management difficulties and provides the benefit of unitary adjudication, economies of scale, and
22 comprehensive supervision by a single court. Concentrating this litigation in one forum would present
23 far fewer management difficulties while promoting judicial economy and efficiency and parity among
24 the claims of individual Class members.

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1 **FIRST CAUSE OF ACTION**

2 **(Violation of the Consumer Legal Remedies Act, California Civil Code Section 1750, et. seq. –**
3 **Against All Defendants)**

4 58. The foregoing and subsequent allegations are realleged and incorporated by reference as
5 if fully set forth herein and include by reference previously described wrongdoing by Defendant indicated
6 in all foregoing paragraphs.

7 59. Beginning at an exact date unknown to Plaintiff, as set forth above, Defendant has
8 employed or committed methods, acts, or practices declared unlawful by Cal. Civ. Code §1770 in
9 connection with the Product by representing that the Product is Live Resin when in fact it is made from
10 distillate.

11 60. Plaintiff will provide notice to Defendant pursuant to California Civil Code §1782 for
12 violations of Cal. Civ. Code § 1770 (“CLRA”) and intends to amend the Complaint to seek damages for
13 CLRA violations only after such notice has been sent and Defendant is given an appropriate opportunity
14 to respond.

15 **SECOND CAUSE OF ACTION**

16 **(Violation of Business & Professions Code §17500, et. seq. – Against All Defendants)**

17 61. The foregoing and subsequent allegations are realleged and incorporated by reference as
18 if fully set forth herein and include by reference previously described wrongdoing by Defendant indicated
19 in in all foregoing paragraphs.

20 62. Beginning at an exact date unknown to the Plaintiff, , Defendant committed acts of untrue
21 and misleading advertising as defined by Bus. & Prof. Code §17500, by engaging in false advertising of
22 the Product by advertising and labeling the Product as Live Resin when the Product did not in fact contain
23 live resin.

24 63. The fraudulent, unlawful and unfair business practices and false and misleading
25 advertising of Defendants, as described above, present a continuing threat to consumers in that they will
26 continue to mislead consumers, including Plaintiff and the Class into purchasing the Product on false
27 premises.

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1 e. The above-described false advertising and promotion violate Cal. Civ. Code §
2 1770(a)(5), which bars “[r]epresenting that goods or services have sponsorship,
3 approval, characteristics, ingredients, uses, benefits, or qualities which they do
4 not have . . .”;

5 f. The above-described false advertising and promotion violate Cal. Civ. Code
6 §1770(a)(7), which bars “[r]epresenting that goods or services are of a particular
7 standard, quality, or grade, or that goods are of a particular style or model, if
8 they are of another’;

9 68. The harm of the above-described false advertising and promotion to Plaintiff and to other
10 consumers outweighs the utility of the practices by the Defendant and, consequently, constitutes and
11 unfair business act or practice within the meaning of the UCL.

12 69. The fraudulent, unlawful and unfair business practices and false and misleading
13 advertising of Defendant, as described above, present a continuing threat to Plaintiff, the Class and
14 consumers in that they will continue to be misled into purchasing the Product for a premium price false
15 premises.

16 **FOURTH CAUSE OF ACTION**

17 **(Unjust Enrichment- Against all Defendants)**

18 70. Plaintiff repeats and realleges the allegations set forth in the preceding paragraphs, and
19 incorporates the same as if set forth herein at length.

20 71. Plaintiff brings this claim individually, as well as on behalf of members of the Class.

21 72. At all times relevant hereto, Defendant deceptively labeled, marketed, advertised, and
22 sold the Product to Plaintiff and the Class.

23 73. Plaintiff and members of the Class conferred upon Defendant non-gratuitous payments
24 for the Product that they would not have due to Defendant’s deceptive labeling, advertising, and
25 marketing. Defendant accepted or retained the non-gratuitous benefits conferred by the Plaintiff and
26 members of the Class, with full knowledge and awareness that, as a result of Defendant’s deception, the
27 Plaintiff and members of the Class were not receiving a product of the quality, nature, fitness, or value
28 that had been represented by Defendant and reasonable consumers would have expected.

1 84. Defendants have not sufficiently (meaning specifically and conspicuously) disclaimed
2 the implied warranty of merchantability.

3 85. As developer, manufacturer, producer, advertiser, marketer, seller and/or distributor of
4 washing machines, Defendant is a “merchant” within the meaning of the California commercial code
5 governing the implied warranty of merchantability.

6 86. Further, Defendant is a merchant with respect to The Product. Defendant developed,
7 manufactured, produced, advertised, marketed, sold, and/or distributed the Product.

8 87. The Product can be classified as a “good.”

9 88. As a merchant of the Product, Defendant knew that purchasers relied upon it to develop,
10 manufacture, produce, sell, and distribute the Product, as promised.

11 89. Defendant breached its implied warranties in connection with the sale of the Product to
12 Plaintiff and members of the Class. The Products are neither adequately represented nor conform to the
13 promises or affirmations of fact.

14 90. Defendant had actual knowledge that the Products did not contain Live Resin and
15 Plaintiff therefore was not required to notify Defendant of its breach. If notice is required, Plaintiff and
16 the Class adequately have provided Defendant of such notice through the filing of this lawsuit.

17 91. Plaintiff gave Defendant actual or constructive notice of the breaches of these warranties,
18 and Defendant has failed to cure these breaches.

19 92. As a direct and proximate result of the breaches of these implied warranties, Plaintiff and
20 the members of the Class have suffered damages, injury in fact and ascertainable loss in an amount to
21 be determined at trial, including repair and replacement costs and damages to other property. As a direct
22 and proximate result of Defendant’s breach of implied warranties, Plaintiff and other members of the
23 Class have been injured. Plaintiff and the other members of the Class would not have purchased the
24 Product but for Defendant’s representations and warranties. Defendant misrepresented the character of
25 the Product, which caused injuries to Plaintiff and the other members of the Class because either they
26 paid a price premium due to the deceptive representations or they purchased products that were not of a
27 character and fitness as promised and therefore had no value to Plaintiff and the other members of the
28 Class.

1 93. Plaintiff demands judgment against Defendants for compensatory damages for
2 themselves and each class member, for the establishment of a common fund, plus additional remedies
3 as this Court deems fit.

4 **SIXTH CAUSE OF ACTION**

5 **(Negligent Misrepresentation- Against all Defendants)**

6 94. Plaintiff repeats and realleges the allegations set forth in the preceding paragraphs, and
7 incorporates the same as if set forth herein at length.

8 95. As discussed above, Raw Garden misrepresented the qualities of its Products by
9 representing that they contain “Live Resin” when, in fact, Raw Garden does not inform consumers that
10 its alleged “Live Resin” vape cartridges contain distillates and reintroduced terpenes and are not truly
11 Live Resin.

12 96. At the time Raw Garden made these representations, it knew or should have known that
13 these representations were false or made them without knowledge of their truth or veracity.

14 97. In making representations of fact to Plaintiff and the Class members about the Product,
15 Defendants failed to fulfill their duty to disclose the material facts alleged above. Such failure to disclose
16 on the part of Defendants amounts to negligent misrepresentation.

17 98. At an absolute minimum, Defendants negligently misrepresented and/or negligently
18 omitted material facts about the Products.

19 99. The negligent misrepresentations and omissions made by Defendants, upon which
20 Plaintiff and Class members reasonably and justifiably relied, were intended to induce and actually
21 induced Plaintiffs and Class members to purchase the Products.

22 100. Plaintiff and Class members would not have purchased the Products or would not have
23 purchased the products on the same terms, if the true facts had been known.

24 101. Plaintiff and the other members of the Class, as a direct and proximate cause of
25 Defendant’s negligent misrepresentations, reasonably relied upon such misrepresentations to their
26 detriment. By reason thereof, Plaintiff and the other Class members have suffered damages in an amount
27 to be proven at trial.

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PRAYER FOR RELIEF

WHEREFORE, the Plaintiff prays for the following relief¹:

- a. Certify the Class and name Plaintiff as class representative and Plaintiff's Counsel as class counsel;
- b. Enjoin Defendant permanently from marketing the Product as "Live Resin";
- c. Order Defendant to disclose on the packaging that the Product contains distillate and/or terpenes;
- d. Compensatory damages in an amount according to proof at the time of trial for Plaintiff;
- e. Disgorgement of all profits and/or restitution to Plaintiff and the Class of all funds acquired by means of any act or practice declared by this Court to be unlawful or fraudulent or constituting unfair competition under Bus. & Prof. Code §§17200, et. seq., or untrue or misleading advertising under Bus. & Prof. Code §17500.
- f. Pre and post judgment interest;
- g. Attorneys' fees and costs;
- h. Punitive damages against the Defendant in an amount to be determined at trial; and
- i. Any other relief as the Court may deem just and proper.

Dated: July 29, 2020

**BRADLEY/GROMBACHER LLP
PATTON TRIAL ATTORNEYS PC**

By: _____

Marcus Bradley
Kiley L. Grombacher
Robert N. Fisher
Christopher L. Patton

Attorneys for Plaintiff Dan Spitzer
as Representative of the Class

¹ As noted supra, Plaintiff is not presently seeking damages under the CLRA.

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DEMAND FOR JURY TRIAL

Plaintiff hereby demands a trial by jury on all issues so triable as a matter of right.

Dated: July 29, 2020

**BRADLEY/GROMBACHER LLP
PATTON TRIAL ATTORNEYS PC**

By: 

Marcus Bradley
Kiley L. Grombacher
Robert N. Fisher
Christopher L. Patton

Attorneys for Plaintiff Dan Spitzer
as Representative of the Class

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ATTORNEY FOR (Name): Plaintiff DAN SPITZER

FOR COURT USE ONLY

FILED
San Francisco County Superior Court

JUL 29 2020

CLERK OF THE COURT

BY: [Signature] Deputy Clerk

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN FRANCISCO
STREET ADDRESS: 400 McAllister St,
MAILING ADDRESS: 400 McAllister St,
CITY AND ZIP CODE: San Francisco, CA 94102
BRANCH NAME: Main

CASE NAME:
SPITZER v. CENTRAL COAST AGRICULTURE, LLC, DBA RAW GARDEN, et al.

CASE NUMBER: CGC-20-585809

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

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), [] Other PI/PD/WD (23)
Non-PI/PD/WD (Other) Tort: [] Business tort/unfair business practice (07), [] Civil rights (08), [] Defamation (13), [X] 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 [X] 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
b. [X] Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve
c. [X] Substantial amount of documentary evidence
d. [X] Large number of witnesses
e. [] Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court
f. [] Substantial postjudgment judicial supervision
3. Remedies sought (check all that apply): a. [X] monetary b. [X] nonmonetary; declaratory or injunctive relief c. [X] punitive
4. Number of causes of action (specify): Six (6)
5. This case [X] 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 29, 2020

Kiley L. Grombacher

(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE

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



ORIGINAL

INSTRUCTIONS ON HOW TO COMPLETE THE COVER SHEET

CM-010

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/IPD/W/D (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/IPD/W/D (23)
- Premises Liability (e.g., slip and fall)
- Intentional Bodily Injury/PD/W/D (e.g., assault, vandalism)
- Intentional Infliction of Emotional Distress
- Negligent Infliction of Emotional Distress
- Other P/IPD/W/D

Non-P/IPD/W/D (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/IPD/W/D 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