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LOS ANGELES SUPERIOR COURT

FEB 05 2008

JOHN A. CLARKE, CLERK

BY D.M. SWAIN, DEPUTY

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8 Attorneys for Plaintiff
9 AUSTIN GRAY, an individual, on behalf of herself and
10 all others similarly situated

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

BC384948

11 AUSTIN GRAY, an individual, on behalf of
12 herself and all others similarly situated,

13 Plaintiff,

14 v.

15 AT&T, SBC SERVICES, INC.,
16 SOUTHWESTERN BELL, YELLOW
17 PAGES, INC., YELLOWPAGES.COM LLC,
18 BELL SOUTH, CINGULAR WIRELESS.
19 WHITEPAGES.COM. IYP, LLC AND
20 SOUTHWESTERN BELL
21 YELLOWPAGES,

22 Defendants.

NO.

COMPLAINT FOR DAMAGES

CLASS ACTION (Plaintiff Class)
(California Code of Civil Procedure §382)

1. FAILURE TO PAY OVERTIME
COMPENSATION (CAL. LABOR
CODE SECTION 1194)

2. FAILURE TO PROVIDE MEAL
AND REST PERIODS (CAL. LABOR
CODE SECTION 226.7)

3. WAITING TIME PENALTIES (CAL.
LABOR CODE SECTION 203)

4. FAILURE TO PROVIDE
ACCURATE WAGE STATEMENTS
(CAL. CIVIL CODE SECTION 226 ET.
SEQ.)

5. UNFAIR BUSINESS PRACTICES
(CALIFORNIA BUSINESS AND
PROFESSIONS CODE SECTION 17200
ET SEQ.)

6. CONVERSION (CAL. CIVIL CODE
§§ 3336, 3294)

Victoria Choney
Dkt 4
Assigned to Judge

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& CLARKE

CITY/CASE: 00294728 LEH/SEFW
RECEIVED: 02/05/08 02:15:54 PM
DATE PAID: 02/06/08 02:15:54 PM
FACILITY: 1320.00
AMOUNT: 326.00
0310

1 Plaintiff Austin Gray, as an individual, and on behalf of herself and all others
2 similarly situated, and the general public, complain and allege the following against
3 defendants AT&T, Yellowpages.com, SBC Services, Inc., Southwestern Bell, Bell South,
4 Cingular Wireless, Whitepages.Com., IYP, LLC and Southwestern Bell Yellowpages
5 (collectively, "defendants").

6 JURISDICTION AND VENUE

7 1. It is appropriate for this court to exercise jurisdiction over defendants
8 because they are residents of and/or doing business in the State of California.

9 2. Venue is proper in this Court in accordance with Section 395(a) of the
10 California Code of Civil Procedure because defendants, or some of them, reside in Los
11 Angeles County. Moreover, defendants employed Plaintiff in Los Angeles County and the
12 harms occurred in Los Angeles County.

13 PARTIES

14 3. Defendant AT&T is the largest communications holding company in the
15 United State and worldwide. AT&T is incorporated in the state other than the State of
16 California and has its principal place of business in San Antonio, Texas.

17 4. In 2005 SBC Communications Inc. acquired AT&T Corp. and created the
18 "new" AT&T, the defendant herein.

19 5. Yellowpages.com is a California corporation conducting business in the
20 County of Los Angeles, State of California.

21 6. SBC Communications is a corporation incorporated in a state other than the
22 State of California with its principal place of business in San Antonio, Texas.

23 7. Southwestern Bell is a predecessor of SBC Communications, Inc. and has the
24 same corporate citizenship and principal place of business as SBC Services, Inc.

25 8. Bell South Corporation merged with AT&T in 2006 and has the same
26 corporate citizenship and principal place of business as defendant AT&T.

27 9. Cingular Wireless is a subsidiary corporation of AT&T and has the same
28 corporate citizenship and principal place of business.

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1 10. IYP, LLC is a corporation related to AT&T and, based on information and
2 belief has the same corporate citizenship and principal place of business.

3 11. Southwestern Bell Yellowpages is an entity, form unknown, related to AT&T
4 and, based on information and belief has the same corporate citizenship and principal place
5 of business.

6 12. Plaintiff Austin Gray was at all relevant times a nonexempt employee of
7 defendants and a resident of the County of Los Angeles, State of California. Plaintiff
8 began employment with defendants during the past four years, whereby plaintiff agreed to
9 perform certain duties in exchange for wages to be paid by defendants.

10 13. Plaintiff's job duties concerned a support role in the business operation of
11 defendants. Plaintiff performed all obligations as required during her employment.
12 Defendants, AT&T, SBC Services, Inc., Southwestern Bell, Yellow Pages, Inc., IWP
13 Group, LLC, Yellowpages.Com LLC, Bell South, Cingular Wireless and Whitepages.Com.
14 and Does 1 through 25, are, and at all relevant times were, California corporations
15 conducting business in the County of Los Angeles, State of California.

16 14. At all times mentioned herein, defendants, and each of them, were the agents,
17 representatives, employees, successors, assigns, parents, subsidiaries and/or affiliates, each
18 of the other, and at all times pertinent hereto were acting within the course and scope of
19 their authority as such agents, representatives, employees, successors, assigns, parents,
20 subsidiaries and/or affiliates.

21 CLASS ACTION ALLEGATIONS

22 15. Plaintiff brings this action on behalf of herself and all others similarly
23 situated as a class action pursuant to California Code of Civil Procedure Section 382.
24 While defendants assert that business development, product development, marketing
25 employees and similar such category are exempt from California's mandatory wage and
26 hour laws by calling them "managers," the job duties which they performed demonstrate
27 clearly that they are misclassified by defendants. The class that plaintiff seeks to represent
28 (herein referred to "Plaintiff Class") is composed of and defined of as follows: All

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1 employees categorized as exempt by defendants working on the business side of said
2 defendants, including, but not limited to operations, front end, marketing, business
3 development, customer service, front end design team, front end marketing, graphics, info
4 space, infrastructure, Netopia, operations, products, product development, product
5 marketing, marketing infrastructure, sales, QA, site managements, sub infrastructure,
6 vendor-access, web operations, website, brand marketing and business development.

7 16. The foregoing class of employees of defendants were misclassified as exempt
8 and, therefore, denied overtime pay and meal and rest breaks to which they were entitled
9 pursuant to the California Labor Code, the California Industrial Welfare Commission's
10 ("IWC") Wage Orders, the FLSA and other applicable employment laws and regulations.

11 17. The members of the Class are so numerous that joinder of all members would
12 be unfeasible and not practical. The membership of the entire Class is unknown to plaintiff
13 at this time; however, it is estimated that the entire Class is greater than 800 individuals,
14 but the identity of such membership is readily ascertainable via inspection of the personnel
15 records and other documents maintained by defendants.

16 18. There are common questions of law and fact as to the class which
17 predominate over questions affecting only individual members including, without
18 limitation:

19 (a) Whether defendants denied the Plaintiff Class overtime pay to which
20 they were entitled pursuant to the California Labor Code, California Industrial Welfare
21 Commission's ("IWC") Wage Orders, the FLSA and other applicable employment law and
22 regulations.

23 (b) Whether defendants denied the Plaintiff Class meal breaks to which
24 they were entitled to by law and failed to compensate plaintiff for missed meal breaks.

25 (c) Whether defendants failed to provide the Plaintiff Class rest breaks to
26 which they were entitled by law, and failed to compensate the Plaintiff Class for missed rest
27 breaks.

28 (d) Whether defendants engaged in unfair business practices.

- 1 (e) Whether defendants converted wages of the Plaintiff Class.
- 2 (f) Whether defendants failed to provide the Plaintiff Class with accurate
- 3 itemized pay statements.
- 4 (g) Whether defendants acted with malice oppression or fraud thereby
- 5 justifying the award of punitive and exemplary damages.
- 6 (h) The effect upon and the extent of damages suffered by the Plaintiff
- 7 Class and the appropriate amount of compensation.

8 19. The claims of plaintiff pled as class action claims are typical of the claims of
9 all members of the Class as they arise out of the same course of conduct and are predicated
10 on the same violations(s) of the law. Plaintiff, as a representative party, will fairly and
11 adequately protect the interests of the Class by vigorously pursuing this suit through their
12 attorneys who are skilled and experienced in handling matters of this type.

13 20. The nature of this action and the nature of the laws available to the Plaintiff
14 Class make use of the class action format a particularly efficient and appropriate procedure
15 to afford relief to the Plaintiff Class. Further, this case involves a corporate employer and
16 a large number of individual employees possessing claims with common issues of law and
17 fact. If each employee were required to file an individual lawsuit, the corporate defendants
18 would necessarily gain an unconscionable advantage since it would be able to exploit and
19 overwhelm the limited resources of each individual plaintiff with its vastly superior
20 financial and legal resources. Requiring each Class member to pursue an individual
21 remedy would also discourage the assertion of lawful claims by employees who would be
22 disinclined to pursue an action against their present and/or former employer for an
23 appreciable and justifiable fear of retaliation and permanent damage to their careers at
24 present and/or subsequent employment. Proof of a common business practice or factual
25 pattern, of which the named plaintiff experienced, is representative of the Class mentioned
26 herein and will establish the right of each of the members of the Class to recovery on the
27 claims alleged herein.

28 ////

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1 **FOURTH CAUSE OF ACTION**

2 FAILURE TO PROVIDE ACCURATE WAGE STATEMENTS

3 (CAL. CIVIL CODE SECTION 226 ET. SEQ.)

4 (By Plaintiff in her Individual Capacity and in her Capacity as Representative of all
5 Similarly Situated Members of the Plaintiff Class against all Defendants)

6 41. Plaintiff realleges and incorporates, by reference, as though fully set forth
7 herein, the allegations contained in paragraphs 1 through 40.

8 42. Defendant's failure to provide accurate itemized statements, including the
9 overtime and/or unprovided rest and meal periods compensation to which plaintiff and the
10 Plaintiff Class were entitled to, was a violation of California Labor Code Section 226.

11 43. Defendants' failure to provide accurate itemized statements was willful,
12 entitling plaintiff and the Plaintiff Class to penalties under Labor Code §226.

13 **FIFTH CAUSE OF ACTION**

14 UNFAIR COMPETITION AND BUSINESS PRACTICES

15 (CALIFORNIA BUSINESS AND PROFESSIONS CODE SECTION 17200, ET SEQ.)

16 (By Plaintiff in her Individual Capacity and in her Capacity as Representative of all
17 Similarly Situated Members of the Plaintiff Class against all Defendants)

18 44. Plaintiff realleges and incorporates, by reference, as though fully set forth
19 herein, the allegations contained in paragraphs 1 through 43.

20 45. Defendants' violations of the employment laws and regulations, as alleged
21 herein, including (1) defendants' failure and refusal to pay all overtime wages earned by
22 plaintiff and the Plaintiff Class pursuant to defendants' illegal pay practices described
23 above; (2) defendants' failure to provide meal and rest breaks to plaintiff and members of
24 the Plaintiff Class and to compensate them for missed meal and rest breaks; (3) defendants'
25 failure to pay wages due to plaintiff in a timely manner upon her termination or
26 resignation; and (4) defendants' wrongful withhold and conversion of wages and
27 compensation due to plaintiff and the Plaintiff Class. The aforementioned violations
28 constitute unfair business practices in violation of the Unfair Competition law, California

1 Business & Professions Code section 17200, et seq.

2 46. As a result of defendants' unfair business practices, defendants have reaped
3 unfair benefits and illegal profits at the expense of plaintiff, the Plaintiff Class and
4 members of the public. Defendants should be made to disgorge their ill-gotten gains and
5 restore such monies to plaintiff and the Plaintiff Class.

6 47. Defendants' unfair business practices entitle plaintiff and the Plaintiff Class
7 to seek preliminary and permanent injunctive relief, including but not limited to, orders
8 that the defendants account for, disgorge and restore to plaintiff and the Plaintiff Class the
9 compensation unlawfully withheld from them, for the last four years together with interest
10 thereon, as well as costs, and reasonable attorneys' fees pursuant to statute including Code
11 of Civil Procedure section 1021.5.

12 **SIXTH CAUSE OF ACTION**

13 **CONVERSION (CAL. CIVIL CODE §§ 3336, 3294)**

14 (By Plaintiff in her Individual Capacity and in her Capacity as Representative of all
15 Similarly Situated Members of the Plaintiff Class against all Defendants)

16 48. Plaintiff realleges and incorporates, by reference, as though fully set forth
17 herein, the allegations contained in paragraphs 1 through 47.

18 49. The Labor Code and other applicable law provides that wages become the
19 property of the employees on the next pay day after they are earned. In failing to pay and
20 retaining the wages owed to plaintiff and the Plaintiff Class on and after the next pay day
21 after they were owned, Defendants wrongfully exercised dominion and control over
22 monies otherwise owed to plaintiff and the Plaintiff Class.

23 50. As a direct and legal result of Defendants actions, plaintiff and the Plaintiff
24 Class have been damaged in amounts to be proven at trial.

25 51. Defendants' conduct, in converting the pay owed to plaintiff and the Plaintiff
26 Class, pursuant to practices and policies that Defendants knew violated applicable law, was
27 willful, malicious, oppressive and done with conscious disregard of plaintiff's rights and
28 the rights of the Plaintiff Class, entitling plaintiff and the Plaintiff Class to punitive

1 damages.

2 **PRAYER FOR RELIEF**

3 WHEREFORE, plaintiff prays for judgment as follows:

4 1. That the court determine that all causes of action may be maintained as a class
5 action;

6 2. For injunctive relief to stop defendants' illegal practices relating to the
7 payment of overtime wages as described above;

8 3. For general and compensatory damages, according to proof.

9 4. For restitution of all monies due to plaintiff and the Plaintiff Class and
10 disgorgement of profits from the unlawful business practices of defendants.

11 5. For waiting time penalties pursuant to California Labor Code section 203.

12 6. For penalties pursuant to California Labor Code section 557, and all other
13 applicable labor code sections, industrial wage orders and/or employment law and
14 regulations;

15 7. For interest accrued to date;

16 8. For costs of the suit incurred herein;

17 9. For loss of earnings, according to proof;

18 10. For punitive damages and exemplary damages, according to proof;

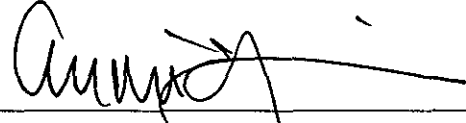
19 11. For attorneys' fees and costs pursuant to California Labor Code sections
20 218.6 and 1194, California Code of Civil Procedure section 1021.5; and

21 12. For such other and further relief that the court may deem just and proper.

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Dated: February 4, 2008

KNAPP, PETERSEN & CLARKE

By: 

André E. Jardini
Attorneys for Plaintiff
AUSTIN GRAY, an individual, on
behalf of herself and all others
similarly situated

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BY D.M. SWAIN, DEPUTY

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):
Andre E. Jardini, Esq.
KNAPP, PETERSEN & CLARKE
500 North Brand Boulevard
20th Floor
Glendale, CA 91203
TELEPHONE NO.: (818) 547-5000 FAX NO.: (818) 547-5329
ATTORNEY FOR (Name): Plaintiff

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES
STREET ADDRESS: 111 North Hill Street
MAILING ADDRESS: Same
CITY AND ZIP CODE: Los Angeles, CA 90012
BRANCH NAME: CENTRAL

CASE NAME: AUSTIN GRAY V. AT&T, ET AL.

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

CASE NUMBER: BC384948
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
<input type="checkbox"/> Auto (22)
<input type="checkbox"/> Uninsured motorist (46)
Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort
<input type="checkbox"/> Asbestos (04)
<input type="checkbox"/> Product liability (24)
<input type="checkbox"/> Medical malpractice (45)
<input type="checkbox"/> Other PI/PD/WD (23)
Non-PI/PD/WD (Other) Tort
<input type="checkbox"/> Business tort/unfair business practice (07)
<input type="checkbox"/> Civil rights (08)
<input type="checkbox"/> Defamation (13)
<input type="checkbox"/> Fraud (16)
<input type="checkbox"/> Intellectual property (19)
<input type="checkbox"/> Professional negligence (25)
<input type="checkbox"/> Other non-PI/PD/WD tort (35)
Employment
<input type="checkbox"/> Wrongful termination (36)
<input checked="" type="checkbox"/> Other employment (15) | Contract
<input type="checkbox"/> Breach of contract/warranty (06)
<input type="checkbox"/> Rule 3.740 collections (09)
<input type="checkbox"/> Other collections (09)
<input type="checkbox"/> Insurance coverage (18)
<input type="checkbox"/> Other contract (37)
Real Property
<input type="checkbox"/> Eminent domain/Inverse condemnation (14)
<input type="checkbox"/> Wrongful eviction (33)
<input type="checkbox"/> Other real property (26)
Unlawful Detainer
<input type="checkbox"/> Commercial (31)
<input type="checkbox"/> Residential (32)
<input type="checkbox"/> Drugs (38)
Judicial Review
<input type="checkbox"/> Asset forfeiture (05)
<input type="checkbox"/> Petition re: arbitration award (11)
<input type="checkbox"/> Writ of mandate (02)
<input type="checkbox"/> Other judicial review (39) | Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400-3.403)
<input type="checkbox"/> Antitrust/Trade regulation (03)
<input type="checkbox"/> Construction defect (10)
<input type="checkbox"/> Mass tort (40)
<input type="checkbox"/> Securities litigation (28)
<input type="checkbox"/> Environmental/Toxic tort (30)
<input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41)
Enforcement of Judgment
<input type="checkbox"/> Enforcement of judgment (20)
Miscellaneous Civil Complaint
<input type="checkbox"/> RICO (27)
<input type="checkbox"/> Other complaint (not specified above) (42)
Miscellaneous Civil Petition
<input type="checkbox"/> Partnership and corporate governance (21)
<input type="checkbox"/> Other petition (not specified above) (43) |
|---|--|--|

2. This case is is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:
- | | |
|--|--|
| a. <input type="checkbox"/> Large number of separately represented parties | d. <input type="checkbox"/> Large number of witnesses |
| b. <input type="checkbox"/> Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve | e. <input type="checkbox"/> Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court |
| c. <input type="checkbox"/> Substantial amount of documentary evidence | f. <input type="checkbox"/> Substantial postjudgment judicial supervision |
3. Remedies sought (check all that apply): a. monetary b. nonmonetary; declaratory or injunctive relief c. punitive
4. Number of causes of action (specify): Six
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: February 4, 2008
Andre E. Jardini, Esq.

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

(TYPE OR PRINT NAME)

NOTICE

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

INSTRUCTIONS ON HOW TO COMPLETE THE COVER SHEET

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

- Asbestos (04)
 - Asbestos Property Damage
 - Asbestos Personal Injury/Wrongful Death
- Product Liability (*not asbestos or toxic/environmental*) (24)
- Medical Malpractice (45)
 - Medical Malpractice—Physicians & Surgeons
 - Other Professional Health Care Malpractice
- Other PI/PD/WD (23)
 - Premises Liability (e.g., slip and fall)
 - Intentional Bodily Injury/PD/WD (e.g., assault, vandalism)
 - Intentional Infliction of Emotional Distress
 - Negligent Infliction of Emotional Distress

Non-PI/PD/WD (Other) Tort

- Business Tort/Unfair Business Practice (07)
- Civil Rights (e.g., discrimination, false arrest) (*not civil harassment*) (08)
- Defamation (e.g., slander, libel) (13)
- Fraud (16)
- Intellectual Property (19)
- Professional Negligence (25)
 - Legal Malpractice
 - Other Professional Malpractice (*not medical or legal*)
- Other Non-PI/PD/WD Tort (35)

Employment

- Wrongful Termination (36)
- Other Employment (15)

Contract

- Breach of Contract/Warranty (06)
- Breach of Rental/Lease
 - Contract (*not unlawful detainer or wrongful eviction*)
- Contract/Warranty Breach—Seller Plaintiff (*not fraud or negligence*)
- Negligent Breach of Contract/Warranty
- Other Breach of Contract/Warranty
- Collections (e.g., money owed, open book accounts) (09)
- Collection Case—Seller Plaintiff
- Other Promissory Note/Collections Case
- Insurance Coverage (*not provisionally complex*) (18)
 - Auto Subrogation
 - Other Coverage
- Other Contract (37)
 - Contractual Fraud
 - Other Contract Dispute

Real Property

- Eminent Domain/Inverse Condemnation (14)
- Wrongful Eviction (33)
- Other Real Property (e.g., quiet title) (26)
 - Writ of Possession of Real Property
 - Mortgage Foreclosure
 - Quiet Title
 - Other Real Property (*not eminent domain, landlord/tenant, or foreclosure*)

Unlawful Detainer

- Commercial (31)
- Residential (32)
- Drugs (38) (*if the case involves illegal drugs, check this item; otherwise, report as Commercial or Residential*)

Judicial Review

- Asset Forfeiture (05)
- Petition Re: Arbitration Award (11)
- Writ of Mandate (02)
 - Writ—Administrative Mandamus
 - Writ—Mandamus on Limited Court Case Matter
 - Writ—Other Limited Court Case Review
- Other Judicial Review (39)
 - Review of Health Officer Order
 - Notice of Appeal—Labor Commissioner Appeals

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

- Antitrust/Trade Regulation (03)
- Construction Defect (10)
- Claims Involving Mass Tort (40)
- Securities Litigation (28)
- Environmental/Toxic Tort (30)
- Insurance Coverage Claims (*arising from provisionally complex case type listed above*) (41)

Enforcement of Judgment

- Enforcement of Judgment (20)
 - Abstract of Judgment (Out of County)
 - Confession of Judgment (*non-domestic relations*)
 - Sister State Judgment
 - Administrative Agency Award (*not unpaid taxes*)
 - Petition/Certification of Entry of Judgment on Unpaid Taxes
 - Other Enforcement of Judgment Case

Miscellaneous Civil Complaint

- RICO (27)
- Other Complaint (*not specified above*) (42)
- Declaratory Relief Only
- Injunctive Relief Only (*non-harassment*)
- Mechanics Lien
- Other Commercial Complaint Case (*non-tort/non-complex*)
- Other Civil Complaint (*non-tort/non-complex*)

Miscellaneous Civil Petition

- Partnership and Corporate Governance (21)
- Other Petition (*not specified above*) (43)
 - Civil Harassment
 - Workplace Violence
 - Elder/Dependent Adult Abuse
 - Election Contest
 - Petition for Name Change
 - Petition for Relief from Late Claim
 - Other Civil Petition

ORIGINAL

SHORT TITLE: GRAY V. AT&T	CASE NUMBER BC384948
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**CIVIL CASE COVER SHEET ADDENDUM AND STATEMENT OF LOCATION
(CERTIFICATE OF GROUNDS FOR ASSIGNMENT TO COURTHOUSE LOCATION)**

This form is required pursuant to LASC Local Rule 2.0 in all new civil case filings in the Los Angeles Superior Court.

Item I. Check the types of hearing and fill in the estimated length of hearing expected for this case:
 JURY TRIAL? YES CLASS ACTION? YES LIMITED CASE? YES TIME ESTIMATED FOR TRIAL 10 HOURS/ DAYS

Item II. Select the correct district and courthouse location (4 steps – If you checked "Limited Case", skip to Item III, Pg. 4):

Step 1: After first completing the Civil Case Cover Sheet Form, find the main civil case cover sheet heading for your case in the left margin below, and, to the right in Column A, the Civil Case Cover Sheet case type you selected.

Step 2: Check one Superior Court type of action in Column B below which best describes the nature of this case.

Step 3: In Column C, circle the reason for the court location choice that applies to the type of action you have checked. For any exception to the court location, see Los Angeles Superior Court Local Rule 2.0.

Applicable Reasons for Choosing Courthouse Location (See Column C below)

- | | |
|---|--|
| 1. Class Actions must be filed in the County Courthouse, Central District.
2. May be filed in Central (Other county, or no Bodily Injury/Property Damage).
3. Location where cause of action arose.
4. Location where bodily injury, death or damage occurred.
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. |
|---|--|

Step 4: Fill in the information requested on page 4 in Item III; complete Item IV. Sign the declaration.

	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., 2., 4.
	Uninsured Motorist (46)	<input type="checkbox"/> A7110 Personal Injury/Property Damage/Wrongful Death – Uninsured Motorist	1., 2., 4.
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	2. 2.
	Product Liability (24)	<input type="checkbox"/> A7260 Product Liability (not asbestos or toxic/environmental)	1., 2., 3., 4., 8.
	Medical Malpractice (45)	<input type="checkbox"/> A7210 Medical Malpractice - Physicians & Surgeons <input type="checkbox"/> A7240 Other Professional Health Care Malpractice	1., 2., 4. 1., 2., 4.
	Other Personal Injury Property Damage Wrongful Death (23)	<input type="checkbox"/> A7250 Premises Liability (e.g., slip and fall) <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., 2., 4. 1., 2., 4. 1., 2., 3. 1., 2., 4.
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.

CIVIL CASE COVER SHEET ADDENDUM AND STATEMENT OF LOCATION

C Applicable Reasons - See Step 3 Above	B Type of Action (Check only one)	A Civil Case Cover Sheet Category No.
	A6017 Legal Malpractice	Professional Negligence (25)
	A6050 Other Professional Malpractice (not medical or legal)	Other (35)
	A6037 Wrongful Termination	Wrongful Termination (36)
1, 2, 3	A6024 Other Employment Complaint Case	Other Employment (15)
10	A6109 Labor Commissioner Appeals	Other Employment (15)
	A6004 Breach of Rental/Lease Contract (not Unlawful Detainer or wrongful eviction)	Breach of Contract/Warranty (06)
2, 5	A6008 Contract/Warranty Breach - Seller Plaintiff (no fraud/negligence)	Warranty (06)
1, 2, 5	A6019 Negligent Breach of Contract/Warranty (no fraud)	(not insurance)
1, 2, 5	A6028 Other Breach of Contract/Warranty (not fraud or negligence)	Warranty (06)
2, 5, 6	A6002 Collections Case-Seller Plaintiff	Collections (09)
2, 5	A6012 Other Promissory Note/Collections Case	Collections (09)
1, 2, 5, 8	A6015 Insurance Coverage (not complex)	Insurance Coverage (18)
1, 2, 3, 5	A6009 Contractual Fraud	Other Contract (37)
1, 2, 3, 5	A6031 Tortious Interference	Other Contract (37)
1, 2, 3, 8	A6027 Other Contract Dispute(not breach/insurance/fraud/negligence)	Other Contract (37)
	A7300 Eminent Domain/Condemnation Number of parcels	Eminent Domain/Inverse Condemnation (14)
2		Wrongful Eviction (33)
2, 6	A6023 Wrongful Eviction Case	Wrongful Eviction (33)
2, 6	A6018 Mortgage Foreclosure	Other Real Property (26)
2, 6	A6032 Quiet Title	Other Real Property (26)
2, 6	A6060 Other Real Property (not eminent domain, landlord/tenant, foreclosure)	Other Real Property (26)
2, 6	A6021 Unlawful Detainer-Commercial (not drugs or wrongful eviction)	Unlawful Detainer - Commercial (31)
2, 6	A6020 Unlawful Detainer-Residential (not drugs or wrongful eviction)	Unlawful Detainer - Residential (32)
2, 6	A6022 Unlawful Detainer-Drugs	Unlawful Detainer - Drugs (38)
2, 6	A6108 Asset Forfeiture Case	Asset Forfeiture (05)
2, 5	A6115 Petition to Compel/Confirm/Vacate Arbitration	Petition re Arbitration (11)

Judicial Review Unlawful Detainer Real Property Contract Employment Non-Personal Injury/Property Damage/ Wrongful Death Tort (Cont'd.)

SHORT TITLE: GRAY V. AT&T	CASE NUMBER
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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
Judicial Review (Cont'd.)	Writ of Mandate (02)	<input type="checkbox"/> A6151 Writ - Administrative Mandamus <input type="checkbox"/> A6152 Writ - Mandamus on Limited Court Case Matter <input type="checkbox"/> A6153 Writ - Other Limited Court Case Review	2., 8. 2. 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 <input type="checkbox"/> A6160 Abstract of Judgment <input type="checkbox"/> A6107 Confession of Judgment (non-domestic relations) <input type="checkbox"/> A6140 Administrative Agency Award (not unpaid taxes) <input type="checkbox"/> A6114 Petition/Certificate for Entry of Judgment on Unpaid Tax <input type="checkbox"/> A6112 Other Enforcement of Judgment Case	2., 9. 2., 6. 2., 9. 2., 8. 2., 8. 2., 8., 9.
	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 <input type="checkbox"/> A6123 Workplace Harassment <input type="checkbox"/> A6124 Elder/Dependent Adult Abuse Case <input type="checkbox"/> A6190 Election Contest <input type="checkbox"/> A6110 Petition for Change of Name <input type="checkbox"/> A6170 Petition for Relief from Late Claim Law <input type="checkbox"/> A6100 Other Civil Petition	2., 3., 9. 2., 3., 9. 2., 3., 9. 2. 2., 7. 2., 3., 4., 8. 2., 9.

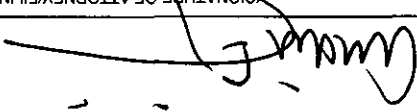
**CIVIL CASE COVER SHEET ADDENDUM
AND STATEMENT OF LOCATION**

1. Original Complaint or Petition.
2. If filing a Complaint, a completed Summons form for issuance by the Clerk.
3. Civil Case Cover Sheet form CM-010.
4. Complete Addendum to Civil Case Cover Sheet form LACIV 109 (Rev 01/07), LASC Approved 03-04.
5. Payment in full of the filing fee, unless fees have been waived.
6. Signed order appointing the Guardian ad Litem, JC form FL-935, if the plaintiff or petitioner is a minor under 18 years of age, or if required by Court.
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.

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

Dated: February 4, 2008

ANDRE E. JARDINI
(SIGNATURE OF ATTORNEY/FILING PARTY)



Item IV. *Declaration of Assignment*: I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that the above-entitled matter is properly filed for assignment to the Los Angeles courthouse in the Central District of the Los Angeles Superior Court (Code Civ. Proc., § 392 et seq., and LASC Local Rule 2.0, subs. (b), (c) and (d)).

REASON: CHECK THE NUMBER UNDER COLUMN C WHICH APPLIES IN THIS CASE <input type="checkbox"/> 1. <input checked="" type="checkbox"/> 2. <input 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.	ADDRESS: 1010 Wilshire Boulevard CITY: Los Angeles STATE: CA ZIP CODE: 90017
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Item III. *Statement of Location*: Enter the address of the accident, party's residence or place of business, performance, or other circumstance indicated in Item II, Step 3 on Page 1, as the proper reason for filing in the court location you selected.

SHORT TITLE: GRAY V. AT&T	CASE NUMBER
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