

FILED IN FORMA PAUPERIS (CRC 985)
ORDER DATED _____
AMOUNT RECOVERABLE PURSUANT
TO 98511.3 GC \$ 220.00
PLUS A ONE TIME ADMINISTRATIVE FEE UPON JUDGMENT
IF THE PARTY BECOMES A JUDGMENT CREDITOR.

11/20/07
FEE WAIVER

PINNOCK & WAKEFIELD

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FILED
LOS ANGELES SUPERIOR COURT

NOV 21 2007

JOHN A. CLARKE, CLERK
BY MARY GARCIA, DEPUTY

Attorneys for Plaintiff

Case assigned to D-47
Judge

Aurelio Munoz

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

JIM COHAN;

Plaintiff,

v.

**GOLDEN LIFE PHARMACY;
BOTSCH, WALTER W AND DIANE M
TRS; WALTER AND DIANE BOTSCH
TRUST; And DOES 1 THROUGH 10,
Inclusive**

Defendants.

Case No.

BC381197

CIVIL COMPLAINT:
DISCRIMINATORY PRACTICES IN
PUBLIC ACCOMMODATIONS
[42 U.S.C. 12182(a) ET. SEQ; CIVIL
CODE 51, 52, 54, 54.1]

NAMED DEFENDANTS AND NAMED PLAINTIFF

1. Defendants are, and, at all times mentioned herein, were, a business or corporation or franchise organized and existing and/or doing business under the laws of the State of California.
2. Plaintiffs are further informed and believe and thereon allege that Defendants GOLDEN LIFE PHARMACY; BOTSCH, WALTER W AND DIANE M TRS; and WALTER AND DIANE BOTSCH TRUST are the owners, operators, and/or lessors of

1 the real property, as well as the business operated thereon. GOLDEN LIFE PHARMACY

2 BUSINESS ADDRESS:

3 1860 COLORADO BLVD STE 108

4 LOS ANGELES, CA 90041-1302

5 CONTACT NAME: ERIC DE SAGUNN

6 CONTACT ADDRESS:

7 4411 CORLISS ST

8 LOS ANGELES, CA 90041

9 PROPERTY OWNER: BOTSCH, WALTER W AND DIANE M TRS; WALTER AND
10 DIANE BOTSCH TRUST (TRUSTEE/CONSERVATOR)

11 MAILING ADDRESS: 2501 COLORADO BLVD, LOS ANGELES, CA 90041

12 PROPERTY ADDRESS: 2501 COLORADO BLVD, LOS ANGELES, CA 90041

13 3. The words "Plaintiffs" and "Plaintiff's Member" as used herein specifically
14 include the organization and TRIPPLE AAA ASSOCIATION FOR CHILDREN AND
15 ADULTS WITH DEVELOPMENTAL DISABILITIES, SUING ON BEHALF OF ITS
16 MEMBERS, JIM COHAN; and persons associated with its Members who accompanied
17 Members to Defendants' facilities.

18 4. Defendants Does 1 through 10, were at all times relevant herein subsidiaries,
19 employers, employees, agents, of Defendants GOLDEN LIFE PHARMACY; BOTSCH,
20 WALTER W AND DIANE M TRS; and WALTER AND DIANE BOTSCH TRUST.
21 Plaintiffs are ignorant of the true names and capacities of Defendants sued herein as Does
22 1 through 10, inclusive, and therefore sues these Defendants by such fictitious names.
23 Plaintiffs will pray leave of the court to amend this complaint to allege the true names
24 and capacities of the Does when ascertained.

25 5. Plaintiffs are informed and believe, and thereon allege, that Defendants and each
26 of them herein were, at all times relevant to the action, the owner, lessor, lessee,
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1 franchiser, franchisee, general partner, limited partner, agent, employee, representing
2 partner, or joint venturer of the remaining Defendants and were acting within the course
3 and scope of that relationship. Plaintiffs are further informed and believe, and thereon
4 allege, that each of the Defendants herein gave consent to, ratified, and/or authorized the
5 acts alleged herein to each of the remaining Defendants.

6 **CONCISE SET OF FACTS**

7 6. Plaintiff's Members JIM COHAN visited the Defendants' facility. Plaintiff has an
8 impairment.

9 7. Defendants failed to provide auxiliary aids and services that are necessary to
10 ensure equal access to the goods, services, privileges, or accommodations that it offers.

11 Title 28, part 36.303 of Code of Federal Regulations states:

12 (a) General. A public accommodation shall take those steps that may be
13 necessary to ensure that no individual with a disability is excluded, denied
14 services, segregated or otherwise treated differently than other individuals
15 because of the absence of auxiliary aids and services, unless the public
16 accommodation can demonstrate that taking those steps would
17 fundamentally alter the nature of the goods, services, facilities, privileges,
18 advantages, or accommodations being offered or would result in an undue
19 burden, i.e., significant difficulty or expense.

20 (b) Examples. The term "auxiliary aids and services" includes:

21 (1) Qualified interpreters, notetakers, computer-aided transcription
22 services, written materials, telephone handset amplifiers, assistive
23 listening devices, assistive listening systems, telephones compatible with
24 hearing aids, closed caption decoders, open and closed captioning,
25 telecommunications devices for deaf persons (TDD's), videotext displays,
26 or other effective methods of making aurally delivered materials available
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to individuals with hearing impairments;

(2) Qualified readers, taped texts, audio recordings, Brailled materials, large print materials, or other effective methods of making visually delivered materials available to individuals with visual impairments;

(3) Acquisition or modification of equipment or devices; and

(4) Other similar services and actions.

(c) Effective communication. A public accommodation shall furnish appropriate auxiliary aids and services where necessary to ensure effective communication with individuals with disabilities.

Defendants failed to comply with Title 28, part 36.303 of Code of Federal Regulations as it failed to provide Qualified readers, taped texts, audio recordings, Brailled materials, or large print materials. Further, Defendants failed to remove architectural barriers as attached as Exhibit A.

8. Plaintiff's Member and Plaintiff(s) have physical impairments because their conditions affect one or more of the following body systems: neurological, musculoskeletal, special sense organs, and/or cardiovascular. Further, Plaintiff's Member and Plaintiff(s) said physical impairments substantially limits one or more of the following major life activities: seeing and mobility. In addition, Plaintiff's Member and Plaintiff(s) cannot perform one or more of the said major life activities in the manner, speed, and duration when compared to the average person. Moreover, Plaintiff's Member and Plaintiff(s) has a history of or has been classified as having a physical impairment as required by 42 U.S.C. § 12102(2)(A).

9. Plaintiff's Members expressly intend to patronize the establishment and the property that is the subject of this Complaint in the immediate future.

10. Plaintiff's Member was deterred from patronizing the facility.

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1 **WHAT CLAIMS ARE PLAINTIFFS ALLEGING AGAINST EACH NAMED**
2 **DEFENDANT**

3 10. Defendants GOLDEN LIFE PHARMACY; BOTSCH, WALTER W AND
4 DIANE M TRS; WALTER AND DIANE BOTSCH TRUST; and Does 1 through 10 will
5 be referred to collectively hereinafter as "Defendants."

6 11. Plaintiffs aver that the Defendants are liable for the following claims as alleged
7 below:

8
9 **DISCRIMINATORY PRACTICES IN PUBLIC ACCOMMODATIONS**

10 **FIRST CAUSE OF ACTION AGAINST ALL DEFENDANTS- Claims Under The**
11 **Americans With Disabilities Act Of 1990**

12 **Claim I**

13 12. Based on the facts stated above, Defendants discriminated against Plaintiffs on the
14 basis of disability in the full and equal enjoyment of the goods, services, facilities,
15 privileges, advantages, or accommodations of any place of public accommodation as
16 Defendants own, lease (or lease to), or operate a place of public accommodation in
17 violation of 42 U.S.C. §12182.

18 **Claim II**

19 13. Based on the facts stated above, Defendants discriminated against Plaintiffs
20 directly, or through contractual, licensing, or other arrangements, to a denial of the
21 opportunity of the individual or class to participate in or benefit from the goods, services,
22 facilities, privileges, advantages, or accommodations of an entity in violation of 42
23 U.S.C. §12182.

24 **Claim III**

25 14. Based on the facts stated above, Defendants discriminated against Plaintiffs as it
26 is discriminatory to afford an individual or class of individuals, on the basis of a disability
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1 or disabilities of such individual or class, directly, or through contractual, licensing, or
2 other arrangements with the opportunity to participate in or benefit from a good, service,
3 facility, privilege, advantage, or accommodation that is not equal to that afforded to other
4 individuals in violation of 42 U.S.C. §12182.

5 Claim IV

6 15. Based on the facts stated above, Defendants discriminated against Plaintiffs as it
7 is discriminatory to provide an individual or class of individuals, on the basis of a
8 disability or disabilities of such individual or class, directly, or through contractual,
9 licensing, or other arrangements with a good, service, facility, privilege, advantage, or
10 accommodation that is different or separate from that provided to other individuals.

11 Claim V

12 16. Based on the facts stated above, Defendants discriminated against Plaintiffs as
13 Defendants failed to afford to an individual with a disability in the most integrated
14 setting appropriate to the needs of the individual in violation of 42 U.S.C. §12182.

15 Claim VI

16 17. Based on the facts stated above, Defendants discriminated against Plaintiffs as
17 Defendants utilized standards or criteria or methods of administration that have the effect
18 of discriminating on the basis of disability; or that perpetuate the discrimination of others
19 who are subject to common administrative control in violation of 42 U.S.C. §12182.

20 Claim VII

21 18. Based on the facts stated above, Defendants discriminated against Plaintiffs as it
22 is discriminatory to exclude or otherwise deny equal goods, services, facilities, privileges,
23 advantages, accommodations, or other opportunities to an individual or entity because of
24 the known disability of an individual with whom the individual or entity is known to have
25 a relationship or association in violation of 42 U.S.C. §12182. See Niece v. Fitzner 922 F.
26 Supp. 1208 (1996)

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1 Claim VIII

2 19. Based on the facts stated above, Defendants discriminated against Plaintiffs as
3 Defendants engaged in the specific prohibitions as stated in 42 U.S.C. §12182.

4 Claim IX

5 20. Based on the facts stated above, Defendants discriminated against Plaintiffs as
6 Defendant failed to demonstrate that the removal of a barrier is not readily achievable,
7 and made such goods, services, facilities, privileges, advantages, or accommodations
8 available through alternative methods in a segregated manner in violation of 42 U.S.C.
9 §12182.

10 Claim X

11 21. Based on the facts stated above, Defendants discriminated against Plaintiffs as
12 Defendants altered the use of their establishment in a manner that affected or could have
13 affected the usability of the facility or part thereof and failed to make alterations in such a
14 manner that, to the maximum extent feasible, the altered portions of the facility are
15 readily accessible to and usable by individuals with disabilities, including individuals
16 who use wheelchairs in violation of 42 U.S.C. §12183.

17 22. WHEREFORE, Plaintiffs pray for judgment and relief as hereinafter set forth.
18

19 **SECOND CAUSE OF ACTION AGAINST ALL DEFENDANTS - CLAIMS UNDER**
20 **CALIFORNIA ACCESSIBILITY LAWS**

21 **CLAIM I: Denial Of Full And Equal Access**

22 23. Based on the facts plead above and elsewhere in this complaint, Plaintiff's
23 Member and Plaintiff(s) was denied full and equal access to Defendants' goods, services,
24 facilities, privileges, advantages, or accommodations within a public accommodation
25 owned, leased, and/or operated by Defendants as required by Civil Code Sections 54 and
26 54.1.

27 **CLAIM II: Failure To Modify Practices, Policies And Procedures**

1 24. Based on the facts plead at ¶¶ 6-16 above and elsewhere herein this complaint,
2 Defendants failed and refused to provide a reasonable alternative by modifying its
3 practices, policies, and procedures in that they failed to have a scheme, plan, or design to
4 assist Plaintiffs and/or others similarly situated in entering and utilizing Defendants'
5 services as required by Civil Code § 54.1. Thus, Plaintiff's Member and Plaintiff(s) were
6 subjected to discrimination in violation of Civil Code § 54.1.

7 **CLAIM III: Violation Of The Unruh Act**

8 25. Based on the facts plead above and elsewhere herein this complaint and because
9 Defendants violated the Civil Code § 51 by failing to comply with 42 United States Code
10 § 12182(b)(2)(A)(iv) and 42 U.S.C. § 12183(a)(2), Defendants did and continue to
11 knowingly discriminate against Plaintiffs and persons similarly situated in violation of
12 Civil Code §§ 51, 52, and 54.1. Plaintiffs allege the access violations alleged here are so
13 obvious as to implicate at least a prima facie case of discriminatory intent.

14 26. Based on the facts plead above, Claims I, II, and III of Plaintiffs' Second Cause
15 Of Action above, and the facts elsewhere herein this complaint, Plaintiffs will suffer
16 irreparable harm unless Defendants are ordered to remove architectural, non-
17 architectural, and communication barriers at Defendants' public accommodation.
18 Plaintiffs allege that Defendants' discriminatory conduct is capable of repetition, and this
19 discriminatory repetition adversely impacts Plaintiffs and a substantial segment of the
20 disability community. Plaintiffs allege there is a state and national public interest in
21 requiring accessibility in places of public accommodation. Plaintiffs have no adequate
22 remedy at law to redress the discriminatory conduct of Defendants. Plaintiffs desire to
23 return to Defendants' places of business in the immediate future. Accordingly, the
24 Plaintiffs allege that a structural or mandatory injunction is necessary to enjoin
25 compliance with state civil rights laws enacted for the benefit of individuals with
26 disabilities.
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27. Wherefore, Plaintiffs pray for damages and relief as hereinafter stated.

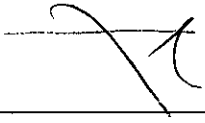
DEMAND FOR JUDGMENT FOR RELIEF:

- A. For injunctive relief pursuant to 42 U.S.C. § 12188(a).
- B. For damages pursuant to Cal. Civil Code § 52 or 54.3
- C. For attorneys fees pursuant to 42 U.S.C. § 1988, 42 U.S.C. § 12205, and Cal. Civil Code § 51, 52; 54.3;
- D. A Jury Trial and;
- E. For such other further relief as the court deems proper.

Respectfully submitted:

PINNOCK & WAKEFIELD, A.P.C.

Dated: September 6, 2007

By: 

 THEODORE A. PINNOCK, ESQ.
 MICHELLE L. WAKEFIELD, ESQ.
 Attorneys for Plaintiffs

**ACCESSIBILITY SURVEY
ADA TITLE III**

Disability Compliance Documentation

Reported August 6, 2007

GOLDEN LIFE PHARMACY
2501 COLORADO BLVD.
L.A., CA 90041

Report of Findings

I. IN GENERAL

This report focuses on architectural barriers and the provision of auxiliary aids which may challenge access to goods or services. This is only a preliminary report conducted to comply with Rule 11 of the Federal Rules of Civil Procedure.

- II. **AUXILIARY AIDS:** The pharmacy provides written information to customers without offering large print, Braille or taped text. Written information in the form of medicine instructions is given to customers to take home.

A pharmacy must provide the Auxiliary Aids as follows:

- a. **Purchase Braille Translation Software:** The industry leading multi-platform, multi-language Braille translator for anyone from the casual user to the power user. **Approximate Cost Price: \$580.00. The purpose of the device is to translate current word documents to be printed as Braille.**
- b. **Purchase or provide Digital Dictating Machine/Voice. Approximate Cost Price: \$15.00. The purpose of this machine is to provide taped text to**

Exhibit A

customers that are blind that do not read Braille.

- c. Provide large Print by using Microsoft Word.

Large Print is 16 point or greater upon customer request.

- d. Provide Qualified Reader - A trained employee who

reads the prescriptions. Costs -none.

- e. Provide signage as to the availability of auxiliary aids;

- f. Provide staff training as to how to provide auxiliary aids and to provide staff training to recognize customers with sight impairments to offer available auxiliary aids.

III. ARCHITECTURAL BARRIERS

A. VIOLATIONS

This report contains a number of serious violations to the accessibility Standards as outlined in the ADA Act of 1990 Title III, and the California Accessibility Standards Title 24. However, more violations could, and perhaps do exist. A more detailed study must be conducted to identify all violations. Such a study is beyond the scope of the violations noted in this survey.

4/13/99

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):
 Theodore A. Pinnock, Esq. SBN:153434
 PINNOCK & WAKEFIELD, A.P.C.
 3033 Fifth Avenue, Suite 410
 San Diego, CA 92103
 TELEPHONE NO.: (619) 858-3671 FAX NO.: (619) 858-3646
 ATTORNEY FOR (Name): Plaintiff

SUPERIOR COURT OF CALIFORNIA, COUNTY OF Los Angeles
 STREET ADDRESS: 111 North Hill Street
 MAILING ADDRESS: 111 North Hill Street
 CITY AND ZIP CODE: Los Angeles, CA 90012
 BRANCH NAME: Stanley Mosk Courthouse

CASE NAME: JIM COHAN; v. GOLDEN LIFE PHARMACY; BOTSCH, WALTER W AND DIANE M TRS; WALTER AND DIANE BOTSCH TRUST; And DIES 1 THROUGH 10

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)

FOR COURT USE ONLY
FILED
 LOS ANGELES SUPERIOR COURT

 NOV 21 2007

 JOHN A. CLARKE, CLERK
 BY MARY GARCIA, DEPUTY


 CASE NUMBER: **BC381197**
 JUDGE:
 DEPT:

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

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

2. This case is is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:
- | | |
|--|--|
| a. <input type="checkbox"/> Large number of separately represented parties | d. <input 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): 2
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: 09/24/2007
 Theodore A. Pinnock, Esq. 
(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.

INSTRUCTIONS ON HOW TO COMPLETE THE COVER SHEET

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

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

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

CASE TYPES AND EXAMPLES

<p>Auto Tort</p> <ul style="list-style-type: none"> Auto (22)—Personal Injury/Property Damage/Wrongful Death Uninsured Motorist (46) (<i>if the case involves an uninsured motorist claim subject to arbitration, check this item instead of Auto</i>) <p>Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort</p> <ul style="list-style-type: none"> Asbestos (04) <ul style="list-style-type: none"> Asbestos Property Damage Asbestos Personal Injury/Wrongful Death Product Liability (<i>not asbestos or toxic/environmental</i>) (24) Medical Malpractice (45) <ul style="list-style-type: none"> Medical Malpractice—Physicians & Surgeons Other Professional Health Care Malpractice Other PI/PD/WD (23) <ul style="list-style-type: none"> Premises Liability (e.g., slip and fall) Intentional Bodily Injury/PD/WD (e.g., assault, vandalism) Intentional Infliction of Emotional Distress Negligent Infliction of Emotional Distress Other PI/PD/WD <p>Non-PI/PD/WD (Other) Tort</p> <ul style="list-style-type: none"> Business Tort/Unfair Business Practice (07) Civil Rights (e.g., discrimination, false arrest) (<i>not civil harassment</i>) (08) Defamation (e.g., slander, libel) (13) Fraud (16) Intellectual Property (19) Professional Negligence (25) <ul style="list-style-type: none"> Legal Malpractice Other Professional Malpractice (<i>not medical or legal</i>) Other Non-PI/PD/WD Tort (35) <p>Employment</p> <ul style="list-style-type: none"> Wrongful Termination (36) Other Employment (15) 	<p>Contract</p> <ul style="list-style-type: none"> Breach of Contract/Warranty (06) <ul style="list-style-type: none"> Breach of Rental/Lease Contract (<i>not unlawful detainer or wrongful eviction</i>) Contract/Warranty Breach—Seller Plaintiff (<i>not fraud or negligence</i>) Negligent Breach of Contract/Warranty Other Breach of Contract/Warranty Collections (e.g., money owed, open book accounts) (09) <ul style="list-style-type: none"> Collection Case—Seller Plaintiff Other Promissory Note/Collections Case Insurance Coverage (<i>not provisionally complex</i>) (18) <ul style="list-style-type: none"> Auto Subrogation Other Coverage Other Contract (37) <ul style="list-style-type: none"> Contractual Fraud Other Contract Dispute <p>Real Property</p> <ul style="list-style-type: none"> Eminent Domain/Inverse Condemnation (14) Wrongful Eviction (33) Other Real Property (e.g., quiet title) (26) <ul style="list-style-type: none"> Writ of Possession of Real Property Mortgage Foreclosure Quiet Title Other Real Property (<i>not eminent domain, landlord/tenant, or foreclosure</i>) <p>Unlawful Detainer</p> <ul style="list-style-type: none"> Commercial (31) Residential (32) Drugs (38) (<i>if the case involves illegal drugs, check this item; otherwise, report as Commercial or Residential</i>) <p>Judicial Review</p> <ul style="list-style-type: none"> Asset Forfeiture (05) Petition Re: Arbitration Award (11) Writ of Mandate (02) <ul style="list-style-type: none"> Writ—Administrative Mandamus Writ—Mandamus on Limited Court Case Matter Writ—Other Limited Court Case Review Other Judicial Review (39) <ul style="list-style-type: none"> Review of Health Officer Order Notice of Appeal—Labor Commissioner Appeals 	<p>Provisionally Complex Civil Litigation (Cal. Rules of Court Rules 3.400–3.403)</p> <ul style="list-style-type: none"> Antitrust/Trade Regulation (03) Construction Defect (10) Claims Involving Mass Tort (40) Securities Litigation (28) Environmental/Toxic Tort (30) Insurance Coverage Claims (<i>arising from provisionally complex case type listed above</i>) (41) <p>Enforcement of Judgment</p> <ul style="list-style-type: none"> Enforcement of Judgment (20) <ul style="list-style-type: none"> Abstract of Judgment (Out of County) Confession of Judgment (<i>non-domestic relations</i>) Sister State Judgment Administrative Agency Award (<i>not unpaid taxes</i>) Petition/Certification of Entry of Judgment on Unpaid Taxes Other Enforcement of Judgment Case <p>Miscellaneous Civil Complaint</p> <ul style="list-style-type: none"> RICO (27) Other Complaint (<i>not specified above</i>) (42) <ul style="list-style-type: none"> Declaratory Relief Only Injunctive Relief Only (<i>non-harassment</i>) Mechanics Lien Other Commercial Complaint Case (<i>non-tort/non-complex</i>) Other Civil Complaint (<i>non-tort/non-complex</i>) <p>Miscellaneous Civil Petition</p> <ul style="list-style-type: none"> Partnership and Corporate Governance (21) Other Petition (<i>not specified above</i>) (43) <ul style="list-style-type: none"> Civil Harassment Workplace Violence Elder/Dependent Adult Abuse Election Contest Petition for Name Change Petition for Relief From Late Claim Other Civil Petition
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SHORT TITLE: JIM COHAN, v. GOLDEN LIFE PHARMACY, et al.	CASE NUMBER BC381197
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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 3 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)

- | | |
|---|--|
| <ol style="list-style-type: none"> 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. | <ol style="list-style-type: none"> 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 checked="" 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.

Non-Personal Injury/Property Damage/
Wrongful Death Tort (Cont'd.)

SHORT TITLE: JIM COHAN, v. GOLDEN LIFE PHARMACY, et al.	CASE NUMBER
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Employment

A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons -See Step 3 Above
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	2., 3.

Contract

Wrongful Termination (36)	<input type="checkbox"/> A6037 Wrongful Termination	1., 2., 3.
Other Employment (15)	<input type="checkbox"/> A6024 Other Employment Complaint Case <input type="checkbox"/> A6109 Labor Commissioner Appeals	1., 2., 3. 10.
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	2., 5., 6. 2., 5.
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.

Real Property

Eminent Domain/Inverse Condemnation (14)	<input type="checkbox"/> A7300 Eminent Domain/Condemnation Number of parcels _____	2.
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.

Judicial Review Unlawful Detainer

Unlawful Detainer-Commercial (31)	<input type="checkbox"/> A6021 Unlawful Detainer-Commercial (not drugs or wrongful eviction)	2., 6.
Unlawful Detainer-Residential (32)	<input type="checkbox"/> A6020 Unlawful Detainer-Residential (not drugs or wrongful eviction)	2., 6.
Unlawful Detainer-Drugs (38)	<input type="checkbox"/> A6022 Unlawful Detainer-Drugs	2., 6.
Asset Forfeiture (05)	<input type="checkbox"/> A6108 Asset Forfeiture Case	2., 6.
Petition re Arbitration (11)	<input type="checkbox"/> A6115 Petition to Compel/Confirm/Vacate Arbitration	2., 5.

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Judicial Review (Cont'd.)

 Provisionally Complex Litigation

 Enforcement of Judgment

 Miscellaneous Civil Complaints

 Miscellaneous Civil Petitions

A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
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.
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 (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 <input type="checkbox"/> A6040 Injunctive Relief Only (not domestic/harassment) <input type="checkbox"/> A6011 Other Commercial Complaint Case (non-tort/non-complex) <input type="checkbox"/> A6000 Other Civil Complaint (non-tort/non-complex)	1., 2., 8. 2., 8. 1., 2., 8. 1., 2., 8.
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.

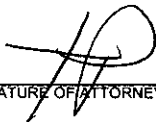
SHORT TITLE: JIM COHAN; v. GOLDEN LIFE PHARMACY, et al.	CASE NUMBER
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Item III. Statement of Location: Enter the address of the accident, party's residence or place of business, performance, or other circumstance indicated in Item II., Step 3 on Page 1, as the proper reason for filing in the court location you selected.

REASON: CHECK THE NUMBER UNDER COLUMN C WHICH APPLIES IN THIS CASE <input type="checkbox"/> 1. <input 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.			ADDRESS: 2501 COLORADO BLVD.
CITY: LOS ANGELES	STATE: CA	ZIP CODE: 90041	

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 Stanley Mosk 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)).

Dated: 09/24/2007


 (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 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.

10/25/07