

NOV 20 2007

**FEE WAIVER
FILED**

FILED IN FORMA PAUPERIS (CPC 985)
ORDER DATED _____
AMOUNT RECOVERABLE PURSUANT
TO 88511.3 GC § _____
PLUS A ONE TIME ADMINISTRATIVE FEE UPON JUDGMENT
IF THE PARTY BECOMES A JUDGMENT CREDITOR.

LOS ANGELES SUPERIOR COURT

PINNOCK & WAKEFIELD

A Professional Corporation

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NOV 21 2007

JOHN A. CLARKE, CLERK
BY MARY GARCIA, DEPUTY

Attorneys for Plaintiff

Case assigned to *D-B*
Judge *Helen I. Bendix*

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES
Central District, Stanley Mosk Courthouse**

JAMES F. COHAN;

Case No.

BC381196

Plaintiff,

v.

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

**CVS Drugs; RAVEN ENTERPRISES
LP; SMULL, LESTER SMULL TRUST
ETAL; And DOES 1 THROUGH 10,
Inclusive**

Defendants.

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. PROPERTY Owner: RAVEN ENTERPRISES LP; SMULL, LESTER SMULL TRUST ETAL

Mailing Address: 2760 E SPRING ST #200, LONG BEACH, CA 90806

Property Address: 2560 GLENDALE BLVD, LOS ANGELES, CA 90039

2. Plaintiffs are further informed and believe and thereon allege that Defendants, CVS Drugs; RAVEN ENTERPRISES LP; SMULL, LESTER SMULL TRUST ETAL,

1 are the owners, operators, and/or lessors of the real property, as well as the business
2 operated thereon.

3 3. The words "Plaintiffs" and "Plaintiff's Member" as used herein specifically
4 include the organization and TRIPPLE AAA ASSOCIATION FOR CHILDREN AND
5 ADULTS WITH DEVELOPMENTAL DISABILITIES, SUING ON BEHALF OF ITS
6 MEMBERS, JAMES H. COHAN; and persons associated with its Members who
7 accompanied Members to Defendants' facilities.

8 4. Defendants Does 1 through 10, were at all times relevant herein subsidiaries,
9 employers, employees, agents, of Defendants CVS Drugs; RAVEN ENTERPRISES LP;
10 SMULL, LESTER SMULL TRUST ETAL. Plaintiffs are ignorant of the true names and
11 capacities of Defendants sued herein as Does 1 through 10, inclusive, and therefore sues
12 these Defendants by such fictitious names. Plaintiffs will pray leave of the court to
13 amend this complaint to allege the true names and capacities of the Does when
14 ascertained.

15 5. Plaintiffs are informed and believe, and thereon allege, that Defendants and each
16 of them herein were, at all times relevant to the action, the owner, lessor, lessee,
17 franchiser, franchisee, general partner, limited partner, agent, employee, representing
18 partner, or joint venturer of the remaining Defendants and were acting within the course
19 and scope of that relationship. Plaintiffs are further informed and believe, and thereon
20 allege, that each of the Defendants herein gave consent to, ratified, and/or authorized the
21 acts alleged herein to each of the remaining Defendants.
22

23
24 **CONCISE SET OF FACTS**

25 6. Plaintiff has an impairment.

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

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

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

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

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

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

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

21 (4) Other similar services and actions.

22 (c) Effective communication. A public accommodation shall furnish
23 appropriate auxiliary aids and services where necessary to ensure effective
24 communication with individuals with disabilities.
25

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

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

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

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

13
14 **WHAT CLAIMS ARE PLAINTIFFS ALLEGING AGAINST EACH NAMED**
15 **DEFENDANT**

16 11. Defendants CVS Drugs; RAVEN ENTERPRISES LP; SMULL, LESTER
17 SMULL TRUST ETAL; and Does 1 through 10 will be referred to collectively
18 hereinafter as "Defendants."

19 12. Plaintiffs aver that the Defendants are liable for the following claims as alleged
20 below:

21
22 **DISCRIMINATORY PRACTICES IN PUBLIC ACCOMMODATIONS**

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

25
26 **Claim I**

27 13. Based on the facts stated above, Defendants discriminated against Plaintiffs on the
28 basis of disability in the full and equal enjoyment of the goods, services, facilities,

1 privileges, advantages, or accommodations of any place of public accommodation as
2 Defendants own, lease (or lease to), or operate a place of public accommodation in
3 violation of 42 U.S.C. §12182.

4 Claim II

5 14. Based on the facts stated above, Defendants discriminated against Plaintiffs
6 directly, or through contractual, licensing, or other arrangements, to a denial of the
7 opportunity of the individual or class to participate in or benefit from the goods, services,
8 facilities, privileges, advantages, or accommodations of an entity in violation of 42
9 U.S.C. §12182.

10 Claim III

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

17 Claim IV

18 16. Based on the facts stated above, Defendants discriminated against Plaintiffs as it
19 is discriminatory to provide an individual or class of individuals, on the basis of a
20 disability or disabilities of such individual or class, directly, or through contractual,
21 licensing, or other arrangements with a good, service, facility, privilege, advantage, or
22 accommodation that is different or separate from that provided to other individuals.

23 Claim V

24 17. Based on the facts stated above, Defendants discriminated against Plaintiffs as
25 Defendants failed to afforded to an individual with a disability in the most integrated
26 setting appropriate to the needs of the individual in violation of 42 U.S.C. §12182.

27 Claim VI

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

5 Claim VII

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

12 Claim VIII

13 20. Based on the facts stated above, Defendants discriminated against Plaintiffs as
14 Defendants engaged in the specific prohibitions as stated in 42 U.S.C. §12182.

15 Claim IX

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

21 Claim X

22 22. Based on the facts stated above, Defendants discriminated against Plaintiffs as
23 Defendants altered the use of their establishment in a manner that affected or could have
24 affected the usability of the facility or part thereof and failed to make alterations in such a
25 manner that, to the maximum extent feasible, the altered portions of the facility are
26 readily accessible to and usable by individuals with disabilities, including individuals
27 who use wheelchairs in violation of 42 U.S.C. §12183.
28

1 WHEREFORE, Plaintiffs pray for judgment and relief as hereinafter set forth.

2 **SECOND CAUSE OF ACTION AGAINST ALL DEFENDANTS - CLAIMS UNDER**
3 **CALIFORNIA ACCESSIBILITY LAWS**

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

5 24. Based on the facts plead above and elsewhere in this complaint, Plaintiff's
6 Member and Plaintiff(s) was denied full and equal access to Defendants' goods, services,
7 facilities, privileges, advantages, or accommodations within a public accommodation
8 owned, leased, and/or operated by Defendants as required by Civil Code Sections 54 and
9 54.1.

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

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

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

18 26. Based on the facts plead above and elsewhere herein this complaint and because
19 Defendants violated the Civil Code § 51 by failing to comply with 42 United States Code
20 § 12182(b)(2)(A)(iv) and 42 U.S.C. § 12183(a)(2), Defendants did and continue to
21 knowingly discriminate against Plaintiffs and persons similarly situated in violation of
22 Civil Code §§ 51, 52, and 54.1. Plaintiffs allege the access violations alleged here are so
23 obvious as to implicate at least a prima facie case of discriminatory intent.

24 27. Based on the facts plead above, Claims I, II, and III of Plaintiffs' Second Cause
25 Of Action above, and the facts elsewhere herein this complaint, Plaintiffs will suffer
26 irreparable harm unless Defendants are ordered to remove architectural, non-
27 architectural, and communication barriers at Defendants' public accommodation.
28

1 Plaintiffs allege that Defendants' discriminatory conduct is capable of repetition, and this
2 discriminatory repetition adversely impacts Plaintiffs and a substantial segment of the
3 disability community. Plaintiffs allege there is a state and national public interest in
4 requiring accessibility in places of public accommodation. Plaintiffs have no adequate
5 remedy at law to redress the discriminatory conduct of Defendants. Plaintiffs desire to
6 return to Defendants' places of business in the immediate future. Accordingly, the
7 Plaintiffs allege that a structural or mandatory injunction is necessary to enjoin
8 compliance with state civil rights laws enacted for the benefit of individuals with
9 disabilities.

10 28. Wherefore, Plaintiffs pray for damages and relief as hereinafter stated.
11

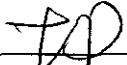
12 **DEMAND FOR JUDGMENT FOR RELIEF:**

- 13
14 A. For injunctive relief pursuant to 42 U.S.C. § 12188(a).
15 B. For attorneys fees pursuant to 42 U.S.C. § 1988, 42 U.S.C. § 12205, and Cal.
16 Civil Code § 51, 52; 54.3;
17 C. A Jury Trial and;
18 D. For such other further relief as the court deems proper.

19 Respectfully submitted:

20 **PINNOCK & WAKEFIELD, A.P.C.**

21 Dated: September 4, 2007

22 By: 
23 THEODORE A. PINNOCK, ESQ.
24 MICHELLE L. WAKEFIELD, ESQ.
25 Attorneys for Plaintiffs
26
27
28

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
E-MAIL ADDRESS (Optional): Pinnock99@aol.com
ATTORNEY FOR (Name): Plaintiff

FOR COURT USE ONLY
FILED
LOS ANGELES SUPERIOR COURT
NOV 20 2007
JOHN A. CLARKE, CLERK
[Signature]
BY F. CALDERA, DEPUTY
CASE NUMBER: BC381196

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

PLAINTIFF/PETITIONER: JAMES F. COHAN;
CVS DWGS; RAVEN ENTERPRISES II; SMULL, LESTER
DEFENDANT/RESPONDENT: SMULL TRUST ET AL; And DOES I THROUGH 10, Inclusive

ORDER ON APPLICATION FOR WAIVER OF COURT FEES AND COSTS

- The application was filed on (date): 11-20-07 A previous order was issued on (date):
- The application was filed by (name): James F. Rohan
- IT IS ORDERED that the application is **granted** in whole in part (complete item 4 below).
 - No payments.** Payment of all the fees and costs listed in California Rules of Court, rule 3.61, is waived.
 - The applicant shall pay** all the fees and costs listed in California Rules of Court, rule 3.61, EXCEPT the following:

(1) <input type="checkbox"/> Filing papers.	(6) <input type="checkbox"/> Sheriff and marshal fees.
(2) <input type="checkbox"/> Certification and copying.	(7) <input type="checkbox"/> Reporter's fees* (valid for 60 days).
(3) <input type="checkbox"/> Issuing process and certification.	(8) <input type="checkbox"/> Telephone appearance (Gov. Code, § 68070.1 (c))
(4) <input type="checkbox"/> Transmittal of papers.	(9) <input type="checkbox"/> Other (specify code section):
(5) <input type="checkbox"/> Court-appointed interpreter.	

Reporter's fees are per diem pursuant to Code Civ. Proc., §§ 269, 274c, and Gov. Code, §§ 69947, 69948, and 72195.
 - Method of payment.** The applicant shall pay all the fees and costs when charged, EXCEPT as follows:

(1) <input type="checkbox"/> Pay (specify):	percent.	(2) <input type="checkbox"/> Pay: \$	per month or more until the balance is paid.
---------------------------------------------	----------	--------------------------------------	----------------------------------------------
 - The clerk of the court, county financial officer, or appropriate county officer is authorized to require the applicant to appear before and be examined by the court no sooner than four months from the date of this order, and not more than once in any four-month period. The applicant is ordered to appear in this court as follows for review of his or her financial status:

Date:	Time:	Dept.:	Div.:	Room:
-------	-------	--------	-------	-------
 - The clerk is directed to mail a copy of this order only to the applicant's attorney or to the applicant if not represented. **All unpaid fees and costs shall be deemed to be taxable costs if the applicant is entitled to costs and shall be a lien on any judgment recovered by the applicant and shall be paid directly to the clerk by the judgment debtor upon such recovery.**
- IT IS ORDERED that the application is **denied** in whole in part for the following reasons (see Cal. Rules of Court, rules 3.50-3.63):
 - Monthly household income exceeds guidelines (Gov. Code, § 68511.3(a)(6)(B); form FW-001-INFO).
 - Other (Complete line 4b on page 2).
 - The applicant shall pay any fees and costs due in this action within 10 days from the date of service of this order or any paper filed by the applicant with the clerk will be of no effect.
 - The clerk is directed to mail a copy of this order to all parties who have appeared in this action.
- IT IS ORDERED that a **hearing** be held.
 - The substantial evidentiary conflict to be resolved by the hearing is (specify):
 - The applicant should appear in this court at the following hearing to help resolve the conflict:

Date:	Time:	Dept.:	Div.:	Room:
-------	-------	--------	-------	-------
 - The address of the court is (specify):

<input type="checkbox"/> Same as above

 - The clerk is directed to mail a copy of this order only to the applicant's attorney or to the applicant if not represented.

NOTICE: If item 3d or item 5b is filled in and the applicant does not attend the hearing, the court may revoke or change the order or deny the application without considering information the applicant wants the court to consider.
WARNING: The applicant must immediately tell the court if he or she becomes able to pay court fees or costs during this action. The applicant may be ordered to appear in court and answer questions about his or her ability to pay fees or costs.

Date: NOV 20 2007
Clerk, by *[Signature]*, Deputy
JUDICIAL OFFICER (Clerk may GRANT in full a nondiscretionary fee waiver; see Cal. Rules of Court, rules 3.56.) Page 1 of 2

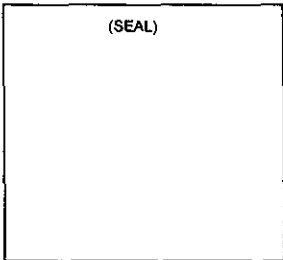
PLAINTIFF/PETITIONER (Name): <u>JAMES F. COHAN;</u> <u>CVS DRUGS; RAVEN ENTERPRISES LP; SMULL,</u> DEFENDANT/RESPONDENT (Name): <u>LESTER SMULL TRUST ET AL; AND DOES THROUGH D</u>	CASE NUMBER:
-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------

4b Application is denied in whole or in part (specify reasons):

CLERK'S CERTIFICATE OF MAILING

I certify that I am not a party to this cause and that a true copy of the foregoing was mailed first class, postage prepaid, in a sealed envelope addressed as shown below, and that the mailing of the foregoing and execution of this certificate occurred at
 (place): _____, California,
 on (date): _____

Clerk, by _____, Deputy



CLERK'S CERTIFICATE

I certify that the foregoing is a true and correct copy of the original on file in my office.

Date: _____

Clerk, by _____, Deputy

405444

NOV 27 2007

JOHN A. CLARKE, CLERK
BY MARY GARCIA, DEPUTY

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
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CITY AND ZIP CODE: Los Angeles, CA 90012
BRANCH NAME: Stanley Mosk Courthouse

CASE NAME: JAMES F. COHAN; v. CVS Drgs; RAVEN ENTERPRISES LP; SMALL, LESTER SMALL TRUST ET AL; And DOES 1 THROUGH 10, Inclusive

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: BC 481196
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)	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)	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)
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)	Real Property <input type="checkbox"/> Eminent domain/Inverse condemnation (14) <input type="checkbox"/> Wrongful eviction (33) <input type="checkbox"/> Other real property (26)	Enforcement of Judgment <input type="checkbox"/> Enforcement of judgment (20)
Non-PI/PD/WD (Other) Tort <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)	Unlawful Detainer <input type="checkbox"/> Commercial (31) <input type="checkbox"/> Residential (32) <input type="checkbox"/> Drugs (38)	Miscellaneous Civil Complaint <input type="checkbox"/> RICO (27) <input type="checkbox"/> Other complaint (not specified above) (42)
Employment <input type="checkbox"/> Wrongful termination (36) <input type="checkbox"/> Other employment (15)	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)	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): 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] (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

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
Other PI/PD/WD

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

SHORT TITLE: JAMES F. COHAN; v. CDS Drugs, et al.	CASE NUMBER BC381196
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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)

- | | |
|---------------------------------------------------------------------------------|------------------------------------------------------------|
| 1. Class Actions must be filed in the County Courthouse, Central District. | 6. Location of property or permanently garaged vehicle. |
| 2. May be filed in Central (Other county, or no Bodily Injury/Property Damage). | 7. Location where petitioner resides. |
| 3. Location where cause of action arose. | 8. Location wherein defendant/respondent functions wholly. |
| 4. Location where bodily injury, death or damage occurred. | 9. Location where one or more of the parties reside. |
| 5. Location where performance required or defendant resides. | 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	2.
		<input type="checkbox"/> A7221 Asbestos - Personal Injury/Wrongful Death	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	1., 2., 4.
<input type="checkbox"/> A7240 Other Professional Health Care Malpractice		1., 2., 4.	
Other Personal Injury/Property Damage/Wrongful Death (23)	<input type="checkbox"/> A7250 Premises Liability (e.g., slip and fall)	1., 2., 4.	
	<input type="checkbox"/> A7230 Intentional Bodily Injury/Property Damage/Wrongful Death (e.g., assault, vandalism, etc.)	1., 2., 4.	
	<input type="checkbox"/> A7270 Intentional Infliction of Emotional Distress	1., 2., 3.	
	<input type="checkbox"/> A7220 Other Personal Injury/Property Damage/Wrongful Death	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.)

Employment

Contract

Real Property

Judicial Review Unlawful Detainer

SHORT TITLE: JAMES F. COHAN; v. CVS Drugs i et al.	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
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.
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.
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.
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.

SHORT TITLE: JAMES F. COHAN; v. CVS Drugs, et al.	CASE NUMBER
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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: JAMES F. COHAN; v. CVS Drugs, 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: 2560 GLENDALE BLVD.
CITY: LOS ANGELES	STATE: CA	ZIP CODE: 90039	

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.

LACIV 109