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9

UNITED STATES DISTRICT COURT

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CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION

11

12 ANNE HEITING, individually and on
 behalf of all others similarly situated,

13

Plaintiff,

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v.

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16 EXTRA SPACE STORAGE INC., a
 Maryland corporation; DOES 1 through
 25, inclusive,

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Defendant.

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Case No. 2:24-cv-04243

[Removed from Los Angeles Superior Court, Case No. 24STCV09846]

NOTICE OF REMOVAL OF CIVIL ACTION

Filed concurrently with Declarations of Wynter L. Deagle and Brett Nelson

Trial Date: Not Set

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1 TO THE CLERK OF THE ABOVE-ENTITLED COURT, PLAINTIFF,
2 AND HER ATTORNEY OF RECORD:

3 PLEASE TAKE NOTICE that pursuant to 28 U.S.C. §§ 1331, 1332, 1441,
4 1446, Defendant Extra Storage Inc. (“Defendant” or “Extra Space”) hereby removes
5 the action *Anne Heiting v. Extra Space Storage, Inc.*, pending in the Superior Court
6 of the State of California, County of Los Angeles, Case No. 24STCV09846, to the
7 United States District Court for the Central District of California.

8 Removal is based on the Class Action Fairness Act (“CAFA”), 28 U.S.C.
9 Sections 1332(d), 1441(b) and 1446 and, in the alternative, diversity of citizenship
10 under 28 U.S.C. § 1332(a)(1).

11 This Court has original jurisdiction pursuant to the CAFA, 28 U.S.C. 1332(d),
12 because: (1) the proposed class contains at least 100 members; (2) Extra Space is not
13 a state, state official or other governmental entity; (3) the total amount in
14 controversy for all class members exceeds \$5,000,000 in the aggregate, exclusive of
15 interest and costs; and (4) minimal diversity exists between the parties.

16 This Court also has original jurisdiction pursuant to 28 U.S.C. 1332(a)(1)
17 because: (1) there is complete diversity between the named parties; and (2) the
18 amount in controversy exceeds the sum of \$75,000, exclusive of interests and costs.

19 **I. BACKGROUND**

20 1. On April 18, 2024, Anne Heiting (“Heiting” or “Plaintiff”) commenced
21 this action by filing a Complaint against Extra Space in the Superior Court of the
22 State of California, County of Los Angeles styled *Anne Heiting v. Extra Space*
23 *Storage, Inc.*, Case No. 24STCV09846. Plaintiff’s Complaint was filed as a
24 putative class action under California Code of Civil Procedure Section 382, on
25 behalf of herself and “[a]ll persons within California whose information was sent to
26 TikTok by the Website through the TikTok Software within the statute of limitations
27 period.” (Compl., ¶ 26.)
28

1 2. Extra Space was served with a Summons and copy of the Complaint on
2 April 22, 2024. (Declaration of Wynter L. Deagle in Support of Defendant
3 Defendant’s Notice of Removal (“Deagle Decl.”), ¶ 5 & Ex. B.)

4 3. In sum, Plaintiff alleges that Extra Space “install[ed] TikTok’s
5 sophisticated state-of-the art [sic] tracking software on its website. . . allows
6 TikTok to track all user behavior of anyone. . . This information is immediately sent
7 to TikTok so that it can deanonymize the web traffic so that both TikTok and
8 ExtraSpace can use the information they put together for their own respective
9 dossiers of American citizens.” (Compl., ¶ 2.) On that basis, the Complaint alleges
10 a single cause of action against Extra Space for violation of one of the provisions of
11 the California Invasion of Privacy Act (“CIPA”), California Penal Code § 638.51.
12 (See Compl., ¶¶ 32–39.)

13 4. In her Prayer for Relief, Plaintiff seeks an injunction enjoining Extra
14 Space from engaging in the conduct complained of; statutory damages,
15 compensatory damages, punitive damages, statutory damages, and costs of suit and
16 attorney’s fees. (See Compl., Prayer, at 8.)

17 **II. VENUE**

18 5. Under 28 U.S.C. §§ 84(a) and 1441(a), venue is proper in the United
19 States District for the Central District of California because this Court embraces the
20 Superior Court for Los Angeles County, where this action is pending.

21 **III. NOTICE TO SUPERIOR COURT AND PLAINTIFF**

22 6. In accordance with 28 U.S.C. § 1446(d), Notice of Removal will be
23 promptly served on Plaintiff and filed with the Clerk of the Superior Court of the
24 State of California for the County of Los Angeles.

25 7. In compliance with 28 U.S.C. § 1446(a), true and correct copies of all
26 “process, pleadings, and orders” from the state court action served on Extra Space or
27 filed by Extra Space are attached as **Exhibits A through C** to the Declaration of
28 Wynter L. Deagle, filed concurrently herewith.

1 **IV. REMOVAL IS TIMELY**

2 8. Under 28 U.S.C. § 1446(b), there are “two thirty-day windows during
3 which a case may be removed—during the first thirty days after the defendant
4 receives the initial pleading or during the first thirty days after the defendant
5 receives a paper ‘from which it may first be ascertained that the case is one which is
6 or has become removable’ if ‘the case stated by the initial pleading is not
7 removable.’” *Harris v. Bankers Life & Cas. Co.*, 425 F.3d 689, 692 (9th Cir. 2005).

8 9. When a complaint is “indeterminate,” a defendant is under no duty to
9 investigate the facts showing the basis for removal, and the first 28 U.S.C. §1446(b)
10 thirty-day window does not begin to run. *Harris*, 425. F.3d at 692–95. “[T]he
11 ground for removal must be revealed affirmatively in the initial pleading in order for
12 the first thirty-day clock under § 1446(b) to begin.” *Id.* at 695. This reasoning was
13 more recently confirmed in *Roth v. Cha Hollywood Medical Center, L.P.*, 720 F.3d
14 1121, 1125: “even if a defendant could have discovered grounds for removability
15 through investigation, it does not lose the right to remove because it did not conduct
16 such an investigation and then file a notice of removal within thirty days of
17 receiving the indeterminate document.” *See also Rea v. Michaels Stores Inc.*, 742
18 F.3d 1234, 1237–38 (9th Cir. 2014) (citing *Harris* and *Roth* and instructing that “as
19 long as the complaint or ‘an amended pleading, motion, order or other paper’ does
20 not reveal that the case is removable, the 30-day time period never starts to run and
21 the defendant may remove at any time).

22 10. A complaint is “indeterminate” when “it is unclear from the complaint
23 whether the case is removable, *i.e.*, the [jurisdictional facts are] unstated or
24 ambiguous.” *Harris*, 425 F.3d at 693. Here, the Complaint fails to affirmatively
25 allege or otherwise state the amount in controversy. Further, it is not discernable
26 from the face of the Complaint what amount has been placed in controversy. For
27 example, Plaintiff fails to affirmatively allege the amount in controversy, her
28 purported monetary damages, or any information from which such a determination

1 can be made on the face of the pleadings (e.g., the size of the putative class, the actual
2 or average price of the subject products, the actual or estimated number of subject
3 products sold, etc.). (*See generally* Compl.)

4 11. Under *Harris*, the Court must not “inquire into the subjective
5 knowledge of the defendant, an inquiry that could degenerate into a mini-trial
6 regarding who knew what and when. Rather . . . the court [may] rely on the face of
7 the initial pleading and on the documents exchanged in the case by the parties to
8 determine when the defendant had notice of the grounds for removal, requiring that
9 those grounds be apparent within the four corners of the initial pleading or
10 subsequent paper.” *Harris*, 425 F.3d at 695 (quoting, *Lovern v. GMC*, 121 F.3d
11 160, 162 (4th Cir. 1997)). Thus, the Complaint is “indeterminate” and its service
12 does not trigger the first 28 U.S.C. § 1446(b) thirty-day window to remove. *See*
13 *Roth*, 720 F.3d at 1125 (holding that complaint was “indeterminate” when “[i]t did
14 not reveal on its face that...there was sufficient amount in controversy to support
15 jurisdiction under CAFA.”); *see also Calkins v. Google, Inc.*, 2013 WL 3556042 at
16 *3 (N.D. Cal. 2013) (holding that service of complaint did not trigger thirty-day
17 window when amount in controversy was not affirmatively stated, even where
18 defendant could have deduced the amount in controversy from documents in its
19 possession).

20 12. As of the date of this filing, the parties have not exchanged any
21 subsequent papers determinative of the jurisdictional amount in controversy in this
22 matter. Where neither the initial pleading nor “other paper” discloses the grounds
23 for removal, a defendant may remove at any time after it independently learns of the
24 facts supporting removal jurisdiction. *Roth*, 720 F.3d at 1125. Extra Space, based
25 on its investigation and internal records, has since been able to determine that the
26 amount in controversy based on the allegations in the Complaint exceeds
27 \$5,000,000.00. Thus, like in *Roth*, the facts alleged in this notice support that
28 removal is both proper and timely.

1 13. Even if the Court were to deem the Complaint not indeterminate, and
2 that the actual acceptance of service triggered the deadline, this Notice of Removal
3 is also timely filed pursuant to 28 U.S.C. § 1446(b)(1) because it is being filed
4 within thirty days of April 22, 2024, the date on which Defendants received the
5 Complaint through service of Summons and a copy of the Complaint. This Notice
6 of Removal also is filed within one year of the commencement of this action, and is
7 thus also timely pursuant to 28 U.S.C. § 1446(c)(1).

8 **V. JOINDER**

9 14. The only defendant named in the Complaint is Extra Space and
10 fictitiously named Doe Defendants.

11 15. Extra Space is not aware of any other defendant that exists, who has
12 been named in the Complaint, or who has been served with a summons and/or
13 Complaint. Pursuant to 28 U.S.C. § 1441(a), the residence of fictitious and
14 unknown defendants should be disregarded for purposes of establishing removal
15 jurisdiction under 28 U.S.C. § 1332. *Fristoe v. Reynolds Metals Co.*, 615 F.2d
16 1209, 1213 (9th Cir. 1980) (unnamed defendants are not required to join in a
17 removal petition); *Soliman v. Philip Morris, Inc.*, 311 F.3d 966, 971 (9th Cir. 2002)
18 (citizenship of fictitious defendants disregarded for removal). Thus, the existence of
19 Doe defendants 1 through 10 does not deprive this Court of jurisdiction.

20 **VI. JURISDICTION IS PROPER UNDER CAFA**

21 16. CAFA was enacted on February 18, 2005. In relevant part, CAFA
22 grants federal district courts original jurisdiction over civil class action lawsuits filed
23 under federal or state law in which any member of a class of plaintiffs is a citizen of
24 a state different from any defendant, and where the amount in controversy exceeds
25 \$5,000,000, exclusive of interest and costs. 28 U.S.C. § 1332(d).

26 17. This Court has jurisdiction over this case under CAFA, 28 U.S.C. §
27 1332(d), and this case may be removed pursuant to the provisions of 28 U.S.C. §
28 1441(a), in that it is a civil class action wherein: (1) the proposed class contains at

1 least 100 members; (2) the defendant is not a state, state official or other
2 governmental entity; (3) the total amount in controversy for all class members
3 exceeds \$5,000,000 and; (4) there is diversity of citizenship between at least one
4 class member and one defendant.

5 18. Under CAFA, a removing defendant need not submit any evidence of
6 the facts establishing jurisdiction in its notice of removal. *Dart Cherokee Basin*
7 *Operating Co., LLC v. Owens*, 574 U.S. 81, 84 (2014) (holding notice of removal
8 “need not contain evidentiary submissions.”). Rather, “[a] defendant’s notice of
9 removal need include only a plausible allegation.” *Id.* at 89. Evidence is required
10 “only when the plaintiff contests, or the court questions, the defendant’s allegation.”
11 *Id.* (emphasis added); *Arias v. Residence Inn by Marriott*, 936 F.3d 920, 924 (9th
12 Cir. 2019) (finding courts may not remand where notice of removal plausibly
13 alleges the basis for removal, without giving the defendant an opportunity to prove
14 the jurisdictional requirements are satisfied).

15 19. The United States Supreme Court in *Dart Cherokee* held that “no
16 antiremoval presumption attends cases invoking CAFA, which Congress enacted to
17 facilitate adjudication of certain class actions in federal court,” adding that CAFA
18 “should be read broadly, with a strong preference that interstate class actions should
19 be heard in a federal court if properly removed by any defendant.” *Dart Cherokee*,
20 574 U.S. at 89. Following *Dart Cherokee*, the Ninth Circuit has directed the district
21 courts to “interpret CAFA’s provisions under section 1332 broadly in favor of
22 removal” *Jordan v. Nationstar Mortg. LLC*, 781 F.3d 1178, 1184 (9th Cir.
23 2015); *see also Ibarra v. Manheim Invs., Inc.*, 775 F.3d 1193, 1197 (9th Cir. 2015)
24 (“Congress intended CAFA to be interpreted expansively.”); *Bridewell-Sledge v.*
25 *Blue Cross*, 798 F.3d 923, 929 (9th Cir. 2015) (finding, under *Dart Cherokee*, that
26 district court erred “in its remand orders by applying a ‘strong presumption against
27 removal jurisdiction.’”); *Moppin v. Los Robles Reg'l Med. Ctr.*, 2015 WL 5618872,
28 at *2 (C.D. Cal. 2015) (“[N]o presumption against removal exists in cases invoking

1 CAFA, which Congress enacted to facilitate adjudication of certain class actions in
2 federal court.”).

3 20. As set forth below, this action satisfies each of the requirements of
4 Section 1332(d)(2) for original jurisdiction under CAFA.

5 **A. This is a Class Action with a Putative Class of at Least 100**
6 **Members and None of the Defendants are States, State Officials, or**
7 **Government Entities**

8 21. This action meets CAFA’s definition of a class action, which is “any
9 civil action filed under Rule 23 of the Federal Rules of Civil Procedure or similar
10 State statute or rule of judicial procedure authorizing an action to be brought by 1 or
11 more representative persons as a class action.” 28 U.S.C. §§ 1332(d)(1)(B), 1435(a)
12 & (b). This action has been styled as a California class action and Plaintiff purports
13 to bring this case, pursuant to California’s class action statute, California Code of
14 Civil Procedure Section 382, “individually and on behalf of all others similarly
15 situation [sic].” (Compl., ¶ 26.) She identifies a putative class of all “[a]ll persons
16 within California whose information was sent to TikTok by the Website through the
17 TikTok Software within the statute of limitations period.” (Compl., ¶ 26.)

18 22. 28 U.S.C. § 1332(d)(5) excludes from CAFA jurisdiction cases in
19 which “the primary defendants are States, State officials, or other governmental
20 entities against whom the district court may be foreclosed from ordering relief; or . .
21 . the number of members of all proposed plaintiff classes in the aggregate is less
22 than 100.” Extra Space is a publicly traded company. It is not a state, a state
23 official, or a government entity.

24 23. The Complaint alleges that Plaintiff believes the number of potential
25 class members is “in the thousands.” (Compl., ¶ 27.) On the basis of its own
26 investigation, Extra Space has estimated there are at least 1,000 individuals who are
27 members of the proposed class. (Declaration of Brett Nelson in Support of
28 Defendant’s Notice of Removal (“Nelson Decl.”), ¶ 7.) Therefore, Plaintiff’s

1 proposed class consists of at least 100 members both now at the time of removal and
2 at the institution of this civil action, as required by 28 U.S.C. § 1332 (d)(5)(B).

3 **B. The Parties Are Minimally Diverse**

4 24. CAFA’s minimal diversity requirement is satisfied when: (1) at least
5 one plaintiff is a citizen of a state in which none of the defendants are citizens; (2) at
6 least one plaintiff is a citizen of a foreign state and one defendant is a U.S. citizen;
7 or (3) at least one plaintiff is a U.S. citizen and one defendant is a citizen of a
8 foreign state. *See* 28 U.S.C. § 1332(d). This requirement is easily satisfied here.

9 25. Plaintiff alleges in the Complaint that she resides in and is a citizen of
10 California within Los Angeles County. (Compl., ¶ 8). An allegation of the parties’
11 citizenship is sufficient for removal. *Ehrman v. Cox Communs., Inc.*, 932 F.3d
12 1223, 1227 (9th Cir. 2019). An individual is a “citizen” of the state in which he is
13 domiciled. *Kantor v. Wellesley Galleries, Ltd.*, 704 F.2d 1088, 1090 (9th Cir. 1983).
14 Although no evidence of domicile is required at the notice of removal stage, *cf. Dart*
15 *Cherokee*, 574 U.S. at 84, “[p]roof of residence in a state is usually thought prima
16 facie evidence of domicile.” *Bradley Min. Co. v. Boice*, 194 F.2d 80, 84 (9th Cir.
17 1951); *see also Anderson v. Watt*, 138 U.S. 694, 706 (1891) (“The place where a
18 person lives is taken to be his domicile until facts adduced establish the contrary . . .
19 ”); *Barbosa v. Transp. Drivers, Inc.*, 2015 WL 9272828, at *2 (C.D. Cal. 2015)
20 (“[A] person’s residence is prima facie evidence of his or her place of domicile for
21 purposes of diversity jurisdiction.”) (quoting *Bey v. SolarWorld Indus. Am., Inc.*,
22 904 F. Supp. 2d 1103, 1105 (D. Or. 2012)). Regardless, an allegation of the parties’
23 citizenship is sufficient for removal. *Ehrman*, 932 F.3d at 1227. Furthermore, “a
24 party with the burden of proving citizenship may rely on the presumption of
25 continuing domicile, which provides that, once established, a person’s state of
26 domicile continues unless rebutted with sufficient evidence of change.” *Mondragon*
27 *v. Capital One Auto Fin.*, 736 F.3d 880, 885 (9th Cir. 2013). Accordingly, Plaintiff
28 is a citizen of California for purposes of determining diversity.

1 26. Extra Space is not a citizen of California. It is a citizen of Maryland
2 and Utah.¹ For diversity purposes, a corporation is deemed to be a citizen of every
3 state by which it has been incorporated and of the state where it has its principal
4 place of business. 28 U.S.C. § 1332(c)(1); *Davis v. HSBC Bank Nevada, N.A.*, 557
5 F.3d 1026, 1028 (9th Cir. 2009). Extra Space is a corporation organized under the
6 laws of Maryland. (Nelson Decl., ¶ 3.) Extra Space’s “principal place of business”
7 is the place where its officers direct, control, and coordinate the corporation’s
8 activities, and “in practice it should normally be the place where the corporation
9 maintains its headquarters.” *Hertz Corp. v. Friend*, 559 U.S. 77, 92-93 (2010).
10 Extra Space maintains its headquarters and principal place of business in Salt Lake
11 City, Utah. (Nelson Decl., ¶ 4.) Accordingly, Extra Space is a citizen of Maryland
12 and Utah.

13 27. Accordingly, the minimum diversity requirement under CAFA is
14 satisfied because now and at the time of the institution of this civil action, Extra
15 Space was a citizen of Maryland and Utah (not California), and Plaintiff, is now,
16 and at the institution of this civil action was, a citizen of California (not Maryland or
17 Utah).

18 **C. The Aggregate Amount In Controversy Exceeds \$5,000,000**

19 28. Without making any admission of liability or damages with respect to
20 any aspects of this case, or the proper legal test(s) applicable to Plaintiff’s
21 allegations on behalf of themselves and the putative class, the amount that has been
22 placed in controversy by Plaintiff exceeds the jurisdictional minimum of this Court,
23 \$5,000,000, as detailed below.

24 29. “[A] defendant’s notice of removal need include only a plausible
25 allegation that the amount in controversy exceeds the jurisdictional threshold.” *Dart*
26

27 ¹ In the caption of the state court complaint, Extra Space was incorrectly identified by Plaintiff as being a Utah
28 corporation. Extra Space is a Maryland corporation with its principal place of business in Utah. Extra Space has
updated the action accordingly.

1 *Cherokee*, 574 U.S. at 89. Moreover, a defendant need not set forth evidence
2 establishing the amount in its notice of removal. *Id.* A defendant is not obliged to
3 “research, state, and prove the plaintiff’s claim for damages.” *McCraw v. Lyons*,
4 863 F. Supp. 430, 434 (W.D. Ky. 1994). Here, Extra Space alleges there is more
5 than \$5,000,000 in controversy.

6 30. Under CAFA, the claims of the individual class members are
7 aggregated to determine if the amount in controversy exceeds the required “sum or
8 value of \$5,000,000, exclusive of interest and costs.” 28 U.S.C. § 1332(d)(2),
9 (d)(6); *see also Abrego v. The Dow Chemical Co.*, 443 F.3d 676, 684 (9th Cir.
10 2006).

11 31. The amount in controversy “is simply an estimate of the total amount in
12 dispute, not a prospective assessment of [the] defendant’s liability.” *Lewis v.*
13 *Verizon Comms., Inc.*, 627 F.3d 395, 400 (9th Cir. 2010). To determine the amount
14 in controversy, the Court must assume that the allegations in the operative pleading
15 are true and that a jury will return a verdict for the plaintiff on all such claims. *See*
16 *Cain v. Hartford Life & Accident Ins. Co.*, 890 F. Supp. 2d 1246, 1249 (C.D. Cal.
17 2012) (“The ultimate inquiry is what amount is put ‘in controversy’ by the
18 plaintiff’s complaint, not what a defendant will actually owe.” (emphasis and
19 internal quotation marks omitted)).

20 32. In the Ninth Circuit, the amount in controversy is determined “at the
21 time of removal.” *Kroske v. US Bank Corp.*, 432 F.3d 976, 980 (9th Cir. 2005)
22 (quoting *Singer v. State Farm Mut. Auto. Ins. Co.*, 116 F.3d 373, 376 (9th Cir.
23 1997)). However, as the Ninth Circuit has explained, “[t]hat the amount in
24 controversy is assessed at the time of removal does not mean that the mere futurity
25 of certain classes of damages precludes them from being part of the amount in
26 controversy.” *Chavez v. JPMorgan Chase*, 888 F.3d 413, 417 (9th Cir. 2018).
27 *Chavez* held that “the amount in controversy is not limited to damages incurred prior
28 to removal . . . Rather, the amount in controversy is determined by the complaint

1 operative at the time of removal and encompasses all relief a court may grant on that
2 complaint if the plaintiff is victorious.” *Id.* at 414–15. These principles were
3 affirmed again by the Ninth Circuit in *Fritsch v. Swift Transp. Co. of Ariz., LLC*,
4 899 F.3d 785, 791 (9th Cir. 2018).

5 33. Plaintiff’s pleadings in this action fail to affirmatively disclose the
6 amount in controversy, or information from which Extra Space could readily
7 ascertain the amount in controversy without independent investigation and analysis.
8 (*See generally*, Compl.) As such, on its face, the Complaint is “indeterminate” as to
9 whether federal jurisdiction under 28 U.S.C. § 1332(d) exists. As the Ninth Circuit
10 has held, if the complaint is ambiguous, as here, defendants are entitled to make
11 reasonable assumptions concerning the number of violations. *Arias*, 936 F.3d at
12 922, 926.

13 34. Without making any admission of liability or damages with respect to
14 any aspects of this case, or the proper legal test(s) applicable to Plaintiff’s
15 allegations on behalf of themselves and the putative class, the amount that has been
16 placed in controversy by Plaintiff exceeds the jurisdictional minimum of this Court,
17 \$5,000,000, as detailed below.

18 ***1. Statutory Damages of At Least \$5,000,000***

19 35. The purported class is defined as “[a]ll persons within Californian
20 whose information was sent to TikTok by the Website without consent through the
21 TikTok Software within the statute of limitations period.” (Compl., ¶ 26.) The
22 Statute of Limitations for CIPA claims is one year. *Montalti v. Catanzariti*, 191 Cal.
23 App. 3d 96, 97–98, (Ct. App. 1987). As a result, Extra Space independently
24 determined, based on its own investigation and business records, that at least 1,000
25 individuals would be members of the class (as defined in the Complaint). (Nelson
26 Decl., ¶ 7.)

27 36. Further, the Complaint alleges that Plaintiff and the class members are
28 entitled to statutory damages for violation of CIPA under California Penal Code §

1 637.2. (Compl., ¶ 39.) California Penal Code § 637.2 provides that any person who
2 has been injured by a violation of CIPA may recover statutory damages of \$5,000
3 per violation. Applying that value, and assuming each individual only visited the
4 Website one time, Extra Space’s conservative calculation of the statutory damages
5 in controversy is **\$5,000,000** (i.e., \$5,000 x 1,000 class members) — the statutory
6 minimum on its own.

7 **2. Attorneys’ Fees of \$1,250,000**

8 37. Plaintiff also alleges an entitlement to attorneys’ fees. (Compl., at 8.)
9 Under Ninth Circuit precedent, a plaintiff’s claim for attorneys’ fees must be
10 included in the amount in controversy. *Galt G/S v. JSS Scandinavia*, 142 F.3d 1150,
11 1156 (9th Cir. 1998) (“[W]here an underlying statute authorizes an award of
12 attorneys’ fees, either with mandatory or discretionary language, such fees may be
13 included in the amount in controversy.”). In *Fritsch v. Swift Transp. Co. of Ariz.,*
14 *LLC*, 899 F.3d 785, 793–94 (9th Cir. 2018), the Ninth Circuit held that future
15 attorneys’ fees that are claimed, but not accrued at the time of removal, must be
16 considered in the amount in controversy.

17 38. Courts may use a 25% benchmark of total recovery when estimating
18 the attorneys’ fees in controversy. *Garibay v. Archstone Communities LLC*, 539 F.
19 App’x 763, 764 (9th Cir. 2013); *Rodriguez v. Cleansource, Inc.*, 2014 WL 3818304,
20 at *4 (S.D. Cal. Aug. 4, 2014); *Marshall v. G2 Secure Staff, LLC*, 2014 WL
21 3506608 (C.D. Cal. July 14, 2014); *Jasso v. Money Mart Exp., Inc.*, 2012 WL
22 699465 (N.D. Cal. Mar. 1, 2012); *Ramos v. Schenker, Inc.*, 2018 WL 5779978, at *3
23 (C.D. Cal. Nov. 1, 2018); *Ramirez v. Benihana Nat’l Corp.*, 2019 WL 131843, at *2
24 (N.D. Cal. Jan. 8, 2019); *see also Hanlon v. Chrysler Corp.*, 150 F.3d 1011, 1029
25 (9th Cir. 1998) (“This circuit has established 25% of the common fund as a
26 benchmark award for attorney fees.”). Thus, an additional minimum amount of
27 **\$1,250,000** must be included in the amount in controversy (\$5,000,000 x 25%).
28

1 39. The same amount for alleged attorneys' fees is in controversy using the
2 "lodestar" method of fee computation. *Chavez v. Netflix, Inc.*, 162 Cal. App. 4th 43,
3 66 n.11 (2008) ("Empirical studies show that, regardless whether the percentage
4 method or the lodestar method is used, fee awards in class actions average around
5 one-third of the recovery[.]"); *Smith v. CRST Van Expedited, Inc.*, 2013 WL 163293,
6 at *5 (S.D. Cal. Jan. 14, 2013) ("California has recognized that most fee awards
7 based on either a lodestar or percentage calculation are 33 percent and has endorsed
8 the federal benchmark of 25 percent[.]").

9 40. For all of the forgoing reasons, Extra Space alleges that the amount
10 placed in controversy by Plaintiff's Complaint is at least \$6,250,000 which is greater
11 than the jurisdictional minimum of \$5,000,000 required by CAFA, both at the time
12 removal and at the institution of this civil action. The amount in controversy
13 requirement for CAFA is therefore satisfied.

14 3. *No CAFA Exceptions Apply*

15 41. CAFA contains a number of exceptions to its grant of original
16 jurisdiction, contained in 28 U.S.C. Sections 1332(d)(3)–(5). However, none of
17 these exceptions are applicable here. The party resisting removal has the burden of
18 proving the existence of a CAFA exception. *King v. Great Am. Chicken Corp.*, 903
19 F.3d 875, 878 (9th Cir. 2018).

20 42. The first is a discretionary exception based on the number of putative
21 class members found in the state where the action was filed. *See* 28 U.S.C.
22 § 1332(d)(3). However, the exception only applies where the "primary defendants
23 are citizens of the State in which the action was originally filed." Here, the action
24 was originally filed in California and, as noted above, Extra Space is not a citizen of
25 California. Thus, this exception does not apply.

26 43. Similarly, 28 U.S.C. Section 1332(d)(4) contains an exception to
27 CAFA's grant of jurisdiction, based on the number of putative class members in the
28 state in which the action was filed. However, this exception, too, only applies where

1 all primary defendants, or at least one defendant whose alleged conduct forms a
2 significant basis for the claims asserted by the proposed plaintiff class, is a “citizen
3 of the State in which the action was originally filed.” *See* 28 U.S.C.

4 §§ 1332(d)(4)(A)(i)(II),1332(d)(4)(B). Given that this action was originally filed in
5 California, and that Extra Space, which is the only defendant in this lawsuit and
6 whose alleged conduct forms a significant basis for the claims asserted by the
7 proposed class, is not a California citizen, these exceptions also do not apply.

8 44. Finally, 28 U.S.C. Section 1332(d)(5) presents two additional
9 exceptions for defendants who are government entities, or putative classes which
10 number less than 100 in the aggregate. *See* 28 U.S.C. §§ 1332(d)(5)(A)–(B). Given
11 that Extra Space is not a governmental entity, and that the proposed class numbers
12 are alleged to be greater than 100 individuals, these exceptions also do not apply.

13 **VII. DIVERSITY JURISDICTION**

14 45. Original jurisdiction is also present through complete diversity. Under
15 28 U.S.C. § 1332(a)(1), “[t]he district courts shall have original jurisdiction of all
16 civil actions where the matter in controversy exceeds the sum or value of \$75,000,
17 exclusive of interest and costs, and is between . . . citizens of different states.”

18 46. As set forth above, the amount in controversy for this matter exceeds
19 \$5,000,000, which is exponentially greater than 28 U.S.C. § 1332(a)(1)’s \$75,000
20 requirement.

21 47. In addition, complete diversity of citizenship exists. As discussed
22 above, the named parties are completely diverse. Extra Space is a citizen of
23 Maryland and Utah and Plaintiff is a citizen of California. Further, for purposes of
24 determining if complete diversity exists, unnamed class members shall not be
25 considered. *See Devlin v. Scardelletti*, 536 U.S. 1, 10, 122 S. Ct. 2005 (2002) (“The
26 rule that nonnamed class members cannot defeat complete diversity is likewise
27 justified by the goals of class action litigation.”). Pursuant to 28 U.S.C. Section
28 1441(a), the residence of fictitious and unknown defendants should be disregarded

1 for purposes of establishing removal jurisdiction under 28 U.S.C. Section 1332.
2 *Fristoe*, 615 F.2d at 1213 (unnamed defendants are not required to join in a removal
3 petition); *Soliman*, 311 F.3d at 971 (citizenship of fictitious defendants disregarded
4 for removal). Thus, the existence of Doe defendants 1 through 25, does not deprive
5 this Court of jurisdiction.

6 48. Finally, Extra Space consents to removal as required by 28 U.S.C. §
7 1446(b)(2)(a) and is the only named defendant.

8 49. Accordingly, this Court has jurisdiction over this matter pursuant to 28
9 U.S.C. § 1332(a)(1).

10 50. WHEREFORE, having provided notice as is required by law, the above
11 entitled action is removed from the Superior Court for the County of Los Angeles to
12 the United States District Court for the Central District of California.

13 Dated: May 22, 2024

14 SHEPPARD, MULLIN, RICHTER &
15 HAMPTON LLP

16
17 By /s/ Wynter L. Deagle
18 WYNTER L. DEAGLE
19 ANNE-MARIE D. DAO
20 TERESA R. MORIN

21 Attorneys for Defendant
22 Extra Space Storage Inc.

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6 Facsimile: 858.509.3691

7 Attorneys for Defendant
Extra Space Storage Inc.

8

9 UNITED STATES DISTRICT COURT
10 CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION

11

12 ANNE HEITING, individually and on
behalf of all others similarly situated,

13

Plaintiff,

14

v.

15

16 EXTRA SPACE STORAGE INC., a
Maryland corporation; DOES 1 through
25, inclusive,

17

Defendant.

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Case No. 2:24-cv-04243

[Removed from Los Angeles Superior
Court, Case No. 24STCV09846]

**DECLARATION OF WYNTER L.
DEAGLE IN SUPPORT OF
DEFENDANT’S NOTICE OF
REMOVAL OF CIVIL ACTION**

*Filed concurrently with Notice of
Removal and Declaration of Brett
Nelson*

Trial Date: Not Set

20

21 **DECLARATION OF WYNTER L. DEAGLE**

22 I, Wynter L. Deagle, declare as follows:

23 1. I am an attorney duly admitted to practice before this Court. I am a
24 partner with Sheppard, Mullin, Richter & Hampton LLP, attorneys of record for
25 Defendant Extra Space Storage Inc. (“Defendant” or “Extra Space”).

26 2. If called as a witness, I could and would competently testify to all facts
27 within my personal knowledge except where stated upon information and belief.

28

1 3. This declaration is submitted in support of Defendant’s Notice of
2 Removal of Civil Action.

3 4. On April 18, 2024, Plaintiff Anne Heiting (“Plaintiff” or “Heiting”)
4 filed a Complaint against Extra Space Storage in the Superior Court of the State of
5 California for the County of Los Angeles (the “Complaint”), entitled *Anne Heiting,*
6 *et al. v. Extra Space Storage, Inc., et al.*, Case No. 24STCV09846 (the “State Court
7 Action”). Attached as **Exhibit A** is a true and correct copy of the Complaint.

8 5. Plaintiff served Extra Space on April 22, 2024 by delivering a copy to
9 Extra Space’s agent for service of process. Attached as **Exhibit B** is a true and
10 correct copy of the Summons and the service of process notification from Extra
11 Space’s registered agent.

12 6. Attached as **Exhibits C** are true and correct copies of all other
13 documents filed in the State Court Action.

14 I declare under penalty of perjury under the laws of the United States of
15 America that the foregoing is true and correct.

16 Executed on this 22nd day of May, 2024, at San Diego, California.

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/s/ Wynter L. Deagle
Wynter L. Deagle

EXHIBIT A

EXHIBIT A

1 Robert Tauler (SBN 241964)
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2 Matthew J. Smith, Esq. (SBN 240353)
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5
6 *Attorneys for Plaintiff*
7

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Superior Court of California,
County of Los Angeles
4/18/2024 4:26 PM
David W. Slayton,
Executive Officer/Clerk of Court,
By J. Covarrubias, Deputy Clerk

8 **SUPERIOR COURT FOR THE STATE OF CALIFORNIA**

9 **COUNTY OF LOS ANGELES**

10
11 ANNE HEITING, individually and on behalf of
all others similarly situated;

12 Plaintiff,

13 v.

14 EXTRA SPACE STORAGE, INC., a Utah
corporation; DOES 1 through 25, inclusive

15 Defendant.
16
17

Case No. **24STCV09846**

**CLASS ACTION COMPLAINT FOR
VIOLATIONS OF THE CALIFORNIA
TRAP AND TRACE LAW**

(CAL. PENAL CODE § 638.51)

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COMPLAINT

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I. INTRODUCTION

1. Defendant Extra Space Storage, Inc. (“ExtraSpace” or “Defendant”) sells storage units to people who can’t afford extra space in their domicile, often due to unexpected changes in their lives. In order to learn who to target, Defendant partners with TikTok to learn all that it can about people who are experiencing life transitions.

2. This begins when ExtraSpace install TikTok’s sophisticated state-of-the-art tracking software on its website. Through this partnership, ExtraSpace allows TikTok to track all user behavior of anyone with the misfortune of visiting ExtraSpace’s website. This information is immediately sent to TikTok so that it can deanonymize the web traffic so that both TikTok and ExtraSpace can use the information they put together for their own respective dossiers of American citizens.

3. Plaintiff Anne Heiting (“Plaintiff”) visited Defendant’s website on January 29, 2024. Without Plaintiff’s knowledge or consent, Defendant deployed a de-anonymization process to identify Plaintiff using electronic impulses generated from Plaintiff’s device, as further described herein. Defendant’s installation of the TikTok tracing process violates California’s Trap and Trace Law, codified at California Penal Code § 638.51.

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II. JURISDICTION AND VENUE

4. Subject matter jurisdiction is proper in this Court because the amount in controversy is within this Court’s jurisdictional limit.

5. Defendant has sufficient minimum contacts in the State of California or otherwise purposefully avails itself of the California market. Exercising jurisdiction over Defendant would be consistent with traditional notions of fair play and substantial justice.

6. Defendant is also subject to jurisdiction under California’s “long-arm” statute found at California Code of Civil Procedure section 410.10 because the exercise of jurisdiction over Defendant is not “inconsistent with the Constitution of this state or the United States.”

7. Venue is proper in this County pursuant to California Code of Civil Procedure section 394(b) because the Defendant is not a resident of California.

28

III. PARTIES

8. Plaintiff is a citizen of California residing within Los Angeles County.

1 9. Defendant EXTRA SPACE STORAGE, INC., is a Utah corporation with its principal
2 place of business at 2795 East Cottonwood Parkway, #400, Salt Lake City, Utah 84121.

3 10. The above-named Defendant, along with its affiliates and agents, are collectively referred
4 to as "Defendants." The true names and capacities of the Defendants sued herein as DOE
5 DEFENDANTS 1 through 25, inclusive, are currently unknown to Plaintiff, who therefore sues such
6 Defendants by fictitious names. Each of the Defendants designated herein as a DOE is legally
7 responsible for the unlawful acts alleged herein. Plaintiff will seek leave of Court to amend the
8 Complaint to reflect the true names and capacities of the DOE Defendants when such identities become
9 known.

10 11. Plaintiff is informed and believes that at all relevant times, every Defendant was acting
11 as an agent and/or employee of each of the other Defendants and was acting within the course and scope
12 of said agency and/or employment with the full knowledge and consent of each of the other Defendants,
13 and that each of the acts and/or omissions complained of herein was ratified by each of the other
14 Defendants.

15 **IV. FACTUAL ALLEGATIONS**

16 **A. Defendant's Website and the Tik Tok Software.**

17 12. Defendant is the operator of self-storage facilities. By virtue of their services, their
18 marketing tries to a distinct group of people – those going through unexpected life changes. Defendant
19 operates <https://www.extraspace.com> (the "Website"), however, the website alone is not useful in
20 finding customers that are within a targeted marketing group.

21 13. This is why Defendant has installed on its Website software created by TikTok in order
22 to identify website visitors (the "TikTok Software").

23 14. The TikTok Software acts via a process known as "fingerprinting." Put simply, the
24 TikTok Software collects as much data as it can about an otherwise anonymous visitor to the Website
25 and matches it with existing data TikTok has acquired and accumulated about hundreds of millions of
26 Americans.

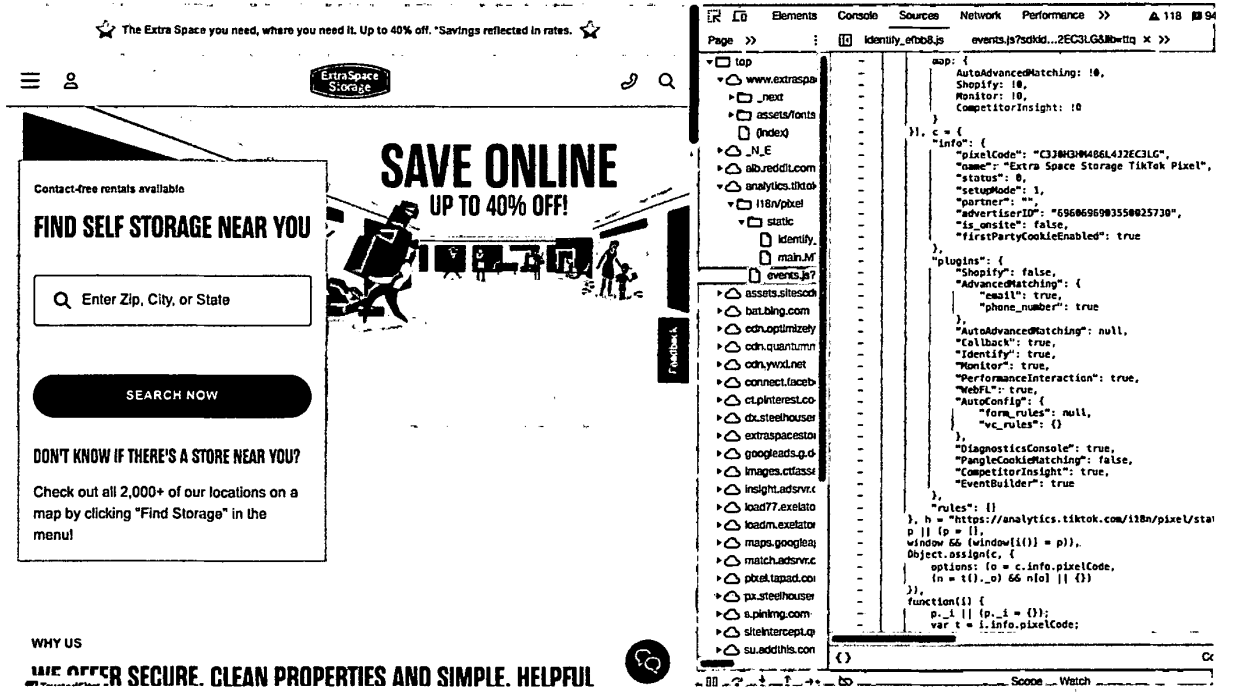
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1 15. The TikTok Software gathers device and browser information, geographic information,
2 referral tracking, and url tracking by running code or “scripts” on the Website to send user details to
3 TikTok.

4 16. The TikTok Software begins to collect information the moment a user lands on the
5 Website. Thus, even though the Website has a “cookie banner” the information has already been sent
6 to TikTok regarding the user’s visit.

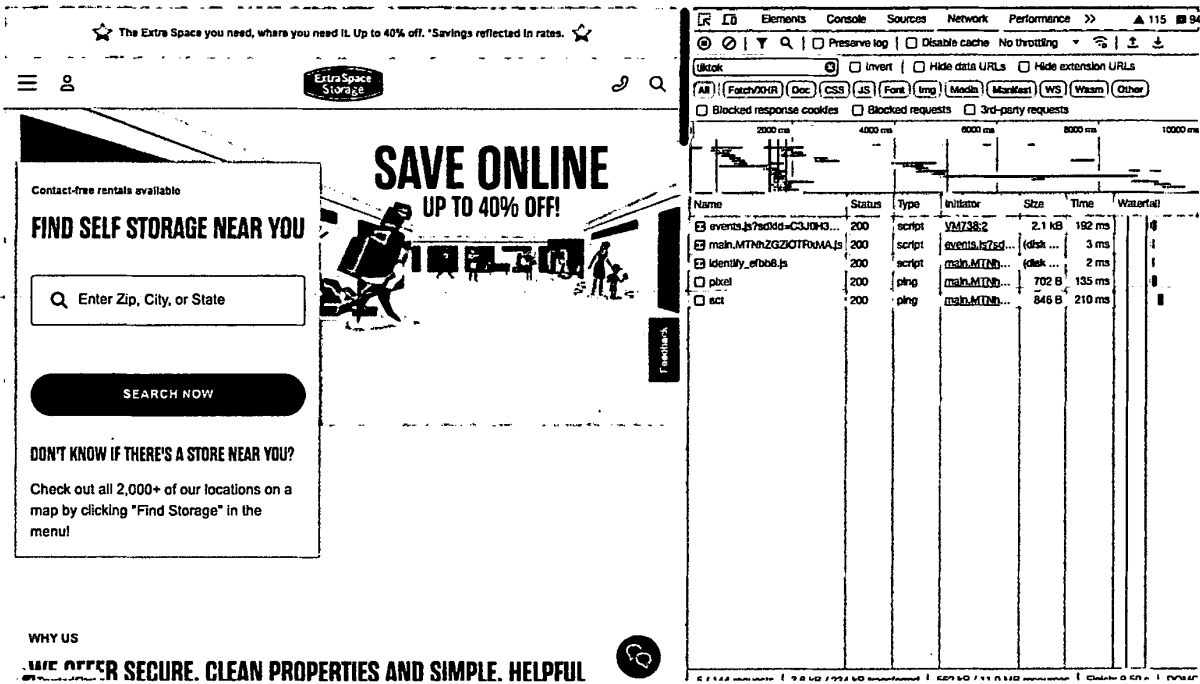
7 17. Additionally, since ExtraSpace has decided to use TikTok’s “AutoAdvanced Matching”
8 technology, TikTok scans every website for information. Thus, when the website asks for information,
9 such as name, date of birth, and address, the information is sent simultaneously to TikTok, so that
10 TikTok can isolate with certainty the individual to be targeted.

11 18. The TikTok Software runs on virtually every page of ExtraSpace’s website, sending to
12 TikTok images of website user’s interests in games, toys, children’s books, regardless of their age. An
13 image of the code, as it appears side by side (and simultaneously) with the TikTok AutoAdvanced
14 Matching tracking code ExtraSpace has placed on the page, can be seen here:



19. The ExtraSpace website instantly sends communications to TikTok when a user lands,
20 and every time a user clicks on a page. In the example below, the right side of the image shows the

1 various TikTok scripts being run by Defendant, and the electronic impulses being sent to TikTok to
 2 add to their collection of user behavior:



15
 16 **B. The TikTok Software is a Trap and Trace Device.**

17 20. California Penal Code § 638.50(c). California law defines a “trap and trace device” as “a
 18 device or process that captures the incoming electronic or other impulses that identify the originating
 19 number or other dialing, routing, addressing, or signaling information reasonably likely to identify the
 20 source of a wire or electronic communication, but not the contents of a communication.” California
 21 Penal Code § 638.50(c).

22 21. The TikTok Software is a process to identify the source of electronic communication by
 23 capturing incoming electronic impulses and identifying dialing, routing, addressing, and signaling
 24 information generated by users, who are never informed that the website is collaborating with the
 25 Chinese government to obtain their phone number and other identifying information.

26 22. The TikTok Software is “reasonably likely” to identify the source of incoming electronic
 27 impulses. In fact, it is designed solely to meet this objective.

28 23. Defendant did not obtain Class Members’ express or implied consent to be subjected to
 data sharing with TikTok for the purposes of fingerprinting and de-anonymization.

1 30. ADEQUACY: Plaintiff will fairly and adequately protect the interests of the members
2 of The Class. Plaintiff has retained attorneys experienced in the class action litigation. All individuals
3 with interests that are actually or potentially adverse to or in conflict with the class or whose inclusion
4 would otherwise be improper are excluded.

5 31. SUPERIORITY: A class action is superior to other available methods of adjudication
6 because individual litigation of the claims of all Class Members is impracticable and inefficient. Even
7 if every Class Member could afford individual litigation, the court system could not. It would be unduly
8 burdensome to the courts in which individual litigation of numerous cases would proceed.

9 **FIRST CAUSE OF ACTION**

10 **Violations of the California Trap and Trace Law**

11 **Cal. Penal Code § 638.51**

12 32. California’s Trap and Trace Law is part of the California Invasion of Privacy Act
13 (“CIPA”) codified at Cal. Penal Code 630, *et. seq.*

14 33. CIPA was enacted due to curb “the invasion of privacy resulting from the continual and
15 increasing use of” certain technologies determined to pose “a serious threat to the free exercise of
16 personal liberties.” CIPA extends civil liability for various means of surveillance using technology,
17 including the installation of a trap and trace device.

18 34. A “trap and trace device” as “a device or process that captures the incoming electronic
19 or other impulses that identify the originating number or other dialing, routing, addressing, or signaling
20 information reasonably likely to identify the source of a wire or electronic communication, but not the
21 contents of a communication.” California Penal Code § 638.50(c).

22 35. California Penal Code §638.51 provides that “a person may not install or use...a trap and
23 trace device without first obtaining a court order...” § 638.51(a).

24 36. Defendant uses a trap and trace process on its Website by deploying the TikTok Software
25 on its Website, because the software is designed to capture the phone number, email, routing, addressing
26 and other signaling information of website visitors. As such, the TikTok Software is solely to identify
27 the source of the incoming electronic and wire communications to the Website.

28

1 37. Defendant did not obtain consent from Plaintiff or any of the class members before using
2 trap and trace technology to identify users of its Website, and has violated Section 638.51.

3 38. CIPA imposes civil liability and statutory penalties for violations of §638.51.

4 39. Therefore, Plaintiff and Class Members are entitled to injunctive relief and statutory
5 damages under California Penal Code § 637.2 and the equitable relief prayed for herein.

6 **PRAYER**

7 WHEREFORE, Plaintiff prays for the following relief against Defendant:

8 1. An order certifying the Class, naming Plaintiff as the representative of the Class and
9 Plaintiff's attorneys as Class counsel;

10 2. An order enjoining Defendant's conduct as alleged herein and ordering disgorgement
11 of data acquired through the TikTok Software;

12 3. Statutory damages pursuant to CIPA;

13 4. Punitive damages;

14 5. Reasonable attorneys' fees and costs; and

15 6. All other relief that would be just and proper as a matter of law or equity, as determined
16 by the Court.

17
18 DATED: April 18, 2024

TAULER SMITH LLP

19
20 By: /s/ Robert Tauler

21 Robert Tauler, Esq.
22 Attorneys for Plaintiff
23 Anne Heiting
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DEMAND FOR JURY TRIAL

Plaintiff hereby demands a trial by jury.

DATED: April 18, 2024

TAULER SMITH LLP

By: /s/ Robert Tauler
Robert Tauler, Esq.
Attorney for Plaintiff

EXHIBIT B

EXHIBIT B

SUM-100

**SUMMONS
(CITACION JUDICIAL)**

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

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Superior Court of California,
County of Los Angeles
4/18/2024 4:26 PM
David W. Slayton,
Executive Officer/Clerk of Court,
By J. Covarrubias, Deputy Clerk

**NOTICE TO DEFENDANT:
(AVISO AL DEMANDADO):**

EXTRA SPACE STORAGE, INC., a Utah corporation; DOES 1 through 25, inclusive

**YOU ARE BEING SUED BY PLAINTIFF:
(LO ESTÁ DEMANDANDO EL DEMANDANTE):**

ANNE HEITING, individually and on behalf of all others similarly situated

NOTICE! You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association. **NOTE:** The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case. **AVISO!** Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.sucorte.ca.gov), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.sucorte.ca.gov) o poniéndose en contacto con la corte o el colegio de abogados locales. **AVISO:** Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 ó más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.

The name and address of the court is:
(El nombre y dirección de la corte es): Superior Court of California, County of Los Angeles
111 N. Hill Street, Los Angeles, CA 90012

CASE NUMBER:
(Número del Caso):
24STCV09846

David W. Slayton, Executive Officer/Clerk of Court

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:
(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):
Robert Tauler, Tauler Smith LLP, 626 Wilshire Boulevard, Suite 550, Los Angeles, CA 90017; (213) 927-9270; robert@taulersmith.com

DATE: 04/18/2024
(Fecha)

Clerk, by J. Covarrubias, Deputy
(Secretario) (Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)
(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010).)



NOTICE TO THE PERSON SERVED: You are served

1. as an individual defendant.
2. as the person sued under the fictitious name of (specify):
3. on behalf of (specify): Extra Space Storage, Inc.
 under: CCP 416.10 (corporation) CCP 416.60 (minor)
 CCP 416.20 (defunct corporation) CCP 416.70 (conservatee)
 CCP 416.40 (association or partnership) CCP 416.90 (authorized person)
 other (specify):
4. by personal delivery on (date): 4-22-24



CT Corporation
Service of Process Notification
04/22/2024
CT Log Number 546255534

Service of Process Transmittal Summary

TO: Suzie Lindsey, Real Estate Manager/Paralegal
Extra Space Storage LLC
2795 E COTTONWOOD PKWY STE 300
SALT LAKE CITY, UT 84121-6928

RE: Process Served in California

FOR: Extra Space Storage Inc. (Domestic State: MD)

ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:

TITLE OF ACTION: ANNE HEITING, individually and on behalf of all others similarly situated vs. EXTRA SPACE STORAGE, INC.

CASE #: 24STCV09846

PROCESS SERVED ON: C T Corporation System, GLENDALE, CA

DATE/METHOD OF SERVICE: By Process Server on 04/22/2024 at 11:10

JURISDICTION SERVED: California

ACTION ITEMS: CT will retain the current log
Image SOP
Email Notification, Gwyn McNeal gmcneal@extraspacespace.com
Email Notification, Brett Nelson bnelson@extraspacespace.com
Email Notification, Suzie Lindsey slindsey@extraspacespace.com
Email Notification, Kirk Grimshaw kgrimshaw@extraspacespace.com

REGISTERED AGENT CONTACT: C T Corporation System
330 N BRAND BLVD
STE 700
GLENDALE, CA 91203
866-203-1500
DealTeam@wolterskluwer.com

The information contained in this Transmittal is provided by CT for quick reference only. It does not constitute a legal opinion, and should not otherwise be relied on, as to the nature of action, the amount of damages, the answer date, or any other information contained in the included documents. The recipient(s) of this form is responsible for reviewing and interpreting the included documents and taking appropriate action, including consulting with its legal and other advisors as necessary. CT disclaims all liability for the information contained in this form, including for any omissions or inaccuracies that may be contained therein.



PROCESS SERVER DELIVERY DETAILS

Date: Mon, Apr 22, 2024
Server Name: Arturo Ruiz

Entity Served	EXTRA SPACE STORAGE INC.
Case Number	24STCV09846
Jurisdiction	CA

Inserts		



EXHIBIT C

EXHIBIT C

CM-010

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Robert Tauler (SBN 241964) Tauler Smith LLP, 626 Wilshire Boulevard, Suite 550, Los Angeles, CA 90017 TELEPHONE NO.: (213) 927-9270 FAX NO.: (310) 943-1455 EMAIL ADDRESS: robert@taulersmith.com ATTORNEY FOR (Name): Plaintiff Anne Heiting	FOR COURT USE ONLY Electronically FILED by Superior Court of California, County of Los Angeles 4/18/2024 4:26 PM David W. Slayton, Executive Officer/Clerk of Court, By J. Covarrubias, Deputy Clerk
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Los Angeles STREET ADDRESS: MAILING ADDRESS: 111 N. Hill Street CITY AND ZIP CODE: Los Angeles, 90012 BRANCH NAME: Stanley Mosk Courthouse	
CASE NAME: ANNE HEITING v. EXTRA SPACE STORAGE, INC.	

CIVIL CASE COVER SHEET <input checked="" type="checkbox"/> Unlimited (Amount demanded exceeds \$35,000) <input type="checkbox"/> Limited (Amount demanded is \$35,000 or less)	Complex Case Designation <input type="checkbox"/> Counter <input type="checkbox"/> Joinder Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)	CASE NUMBER: 24STCV09846 JUDGE: DEPT.:
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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 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 checked="" 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): One (1)
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: April 18, 2024
Robert Tauler

(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.

Page 1 of 2

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 (2)—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 ANNE HEITING v. EXTRA SPACE STORAGE, INC.	CASE NUMBER 24STCV09846
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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 Local Rule 2.3 in all new civil case filings in the Los Angeles Superior Court

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

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

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

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

	A Civil Case Cover Sheet Case Type	B Type of Action (check only one)	C Applicable Reasons (see Step 3 above)
Auto Tort	Auto (22)	<input type="checkbox"/> 2201 Motor Vehicle – Personal Injury/Property Damage/Wrongful Death	1, 4
	Uninsured Motorist (46)	<input type="checkbox"/> 4601 Uninsured Motorist – Personal Injury/Property Damage/Wrongful Death	1, 4
Other Personal Injury/ Property Damage/ Wrongful Death	Other Personal Injury/ Property Damage/ Wrongful Death (23)	<input type="checkbox"/> 2301 Premise Liability (e.g., dangerous conditions of property, slip/trip and fall, dog attack, etc.)	1, 4
		<input type="checkbox"/> 2302 Intentional Bodily Injury/Property Damage/Wrongful Death (e.g., assault, battery, vandalism, etc.)	1, 4
		<input type="checkbox"/> 2303 Intentional Infliction of Emotional Distress	1, 4
		<input type="checkbox"/> 2304 Other Personal Injury/Property Damage/Wrongful Death	1, 4
		<input type="checkbox"/> 2305 Elder/Dependent Adult Abuse/Claims Against Skilled Nursing Facility	1, 4
		<input type="checkbox"/> 2306 Intentional Conduct – Sexual Abuse Case (in any form)	1, 4

SHORT TITLE ANNE HEITING v. EXTRA SPACE STORAGE, INC.	CASE NUMBER
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	A Civil Case Cover Sheet Case Type	B Type of Action (check only one)	C Applicable Reasons (see Step 3 above)
Other Personal Injury/ Property Damage/ Wrongful Death		<input type="checkbox"/> 2307 Construction Accidents	1, 4
		<input type="checkbox"/> 2308 Landlord – Tenant Habitability (e.g., bed bugs, mold, etc.)	1, 4
	Product Liability (24)	<input type="checkbox"/> 2401 Product Liability (not asbestos or toxic/ environmental)	1, 4
		<input type="checkbox"/> 2402 Product Liability – Song-Beverly Consumer Warranty Act (CA Civil Code §§1790-1795.8) (Lemon Law)	1, 3, 5
	Medical Malpractice (45)	<input type="checkbox"/> 4501 Medical Malpractice – Physicians & Surgeons	1, 4
		<input type="checkbox"/> 4502 Other Professional Health Care Malpractice	1, 4
Non-Personal Injury/Property Damage/Wrongful Death Tort	Business Tort (07)	<input type="checkbox"/> 0701 Other Commercial/Business Tort (not fraud or breach of contract)	1, 2, 3
	Civil Rights (08)	<input type="checkbox"/> 0801 Civil Rights/Discrimination	1, 2, 3
	Defamation (13)	<input type="checkbox"/> 1301 Defamation (slander/libel)	1, 2, 3
	Fraud (16)	<input type="checkbox"/> 1601 Fraud (no contract)	1, 2, 3
	Professional Negligence (25)	<input type="checkbox"/> 2501 Legal Malpractice	1, 2, 3
		<input type="checkbox"/> 2502 Other Professional Malpractice (not medical or legal)	1, 2, 3
Other (35)	<input type="checkbox"/> 3501 Other Non-Personal Injury/Property Damage Tort	1, 2, 3	
Employment	Wrongful Termination (36)	<input type="checkbox"/> 3601 Wrongful Termination	1, 2, 3
	Other Employment (15)	<input type="checkbox"/> 1501 Other Employment Complaint Case	1, 2, 3
		<input type="checkbox"/> 1502 Labor Commissioner Appeals	10
Contract	Breach of Contract / Warranty (06) (not insurance)	<input type="checkbox"/> 0601 Breach of Rental/Lease Contract (not unlawful detainer or wrongful eviction)	2, 5
		<input type="checkbox"/> 0602 Contract/Warranty Breach – Seller Plaintiff (no fraud/negligence)	2, 5
		<input type="checkbox"/> 0603 Negligent Breach of Contract/Warranty (no fraud)	1, 2, 5
		<input type="checkbox"/> 0604 Other Breach of Contract/Warranty (no fraud/ negligence)	1, 2, 5
		<input type="checkbox"/> 0605 Breach of Rental/Lease Contract (COVID-19 Rental Debt)	2, 5
	Collections (09)	<input type="checkbox"/> 0901 Collections Case – Seller Plaintiff	5, 6, 11
		<input type="checkbox"/> 0902 Other Promissory Note/Collections Case	5, 11
		<input type="checkbox"/> 0903 Collections Case – Purchased Debt (charged off consumer debt purchased on or after January 1, 2014)	5, 6, 11
		<input type="checkbox"/> 0904 Collections Case – COVID-19 Rental Debt	5, 11
	Insurance Coverage (18)	<input type="checkbox"/> 1801 Insurance Coverage (not complex)	1, 2, 5, 8

SHORT-TITLE ANNE HEITING v. EXTRA SPACE STORAGE, INC.	CASE NUMBER
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	A Civil Case Cover Sheet Case Type	B Type of Action (check only one)	C Applicable Reasons (see Step 3 above)
Contract (Continued)	Other Contract (37)	<input type="checkbox"/> 3701 Contractual Fraud	1, 2, 3, 5
		<input type="checkbox"/> 3702 Tortious Interference	1, 2, 3, 5
		<input type="checkbox"/> 3703 Other Contract Dispute (not breach/insurance/fraud/negligence)	1, 2, 3, 8, 9
Real Property	Eminent Domain/Inverse Condemnation (14)	<input type="checkbox"/> 1401 Eminent Domain/Condemnation Number of Parcels _____	2, 6
		<input type="checkbox"/> 3301 Wrongful Eviction Case	2, 6
	Other Real Property (26)	<input type="checkbox"/> 2601 Mortgage Foreclosure	2, 6
		<input type="checkbox"/> 2602 Quiet Title	2, 6
		<input type="checkbox"/> 2603 Other Real Property (not eminent domain, landlord/tenant, foreclosure)	2, 6
Unlawful Detainer	Unlawful Detainer – Commercial (31)	<input type="checkbox"/> 3101 Unlawful Detainer – Commercial (not drugs or wrongful eviction)	6, 11
	Unlawful Detainer – Residential (32)	<input type="checkbox"/> 3201 Unlawful Detainer – Residential (not drugs or wrongful eviction)	6, 11
	Unlawful Detainer – Post Foreclosure (34)	<input type="checkbox"/> 3401 Unlawful Detainer – Post Foreclosure	2, 6, 11
	Unlawful Detainer – Drugs (38)	<input type="checkbox"/> 3801 Unlawful Detainer – Drugs	2, 6, 11
Judicial Review	Asset Forfeiture (05)	<input type="checkbox"/> 0501 Asset Forfeiture Case	2, 3, 6
	Petition re Arbitration (11)	<input type="checkbox"/> 1101 Petition to Compel/Confirm/Vacate Arbitration	2, 5
	Writ of Mandate (02)	<input type="checkbox"/> 0201 Writ – Administrative Mandamus	2, 8
		<input type="checkbox"/> 0202 Writ – Mandamus on Limited Court Case Matter	2
		<input type="checkbox"/> 0203 Writ – Other Limited Court Case Review	2
	Other Judicial Review (39)	<input type="checkbox"/> 3901 Other Writ/Judicial Review	2, 8
<input type="checkbox"/> 3902 Administrative Hearing		2, 8	
<input type="checkbox"/> 3903 Parking Appeal		2, 8	
Provisionally Complex Litigation	Antitrust/Trade Regulation (03)	<input type="checkbox"/> 0301 Antitrust/Trade Regulation	1, 2, 8
	Asbestos (04)	<input type="checkbox"/> 0401 Asbestos Property Damage	1, 11
		<input type="checkbox"/> 0402 Asbestos Personal Injury/Wrongful Death	1, 11

LASC CIV 109 Rev. 01/23
For Mandatory Use

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

LASC Local Rule 2.3

SHORT-TITLE ANNE HEITING v. EXTRA SPACE STORAGE, INC.	CASE NUMBER
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	A Civil Case Cover Sheet Case Type	B Type of Action (check only one)	C Applicable Reasons (see Step 3 above)
Provisionally Complex Litigation (Continued)	Construction Defect (10)	<input type="checkbox"/> 1001 Construction Defect	1, 2, 3
	Claims Involving Mass Tort (40)	<input type="checkbox"/> 4001 Claims Involving Mass Tort	1, 2, 8
	Securities Litigation (28)	<input type="checkbox"/> 2801 Securities Litigation Case	1, 2, 8
	Toxic Tort Environmental (30)	<input type="checkbox"/> 3001 Toxic Tort/Environmental	1, 2, 3, 8
	Insurance Coverage Claims from Complex Case (41)	<input type="checkbox"/> 4101 Insurance Coverage/Subrogation (complex case only)	1, 2, 5, 8
Enforcement of Judgment	Enforcement of Judgment (20)	<input type="checkbox"/> 2001 Sister State Judgment	2, 5, 11
		<input type="checkbox"/> 2002 Abstract of Judgment	2, 6
		<input type="checkbox"/> 2004 Administrative Agency Award (not unpaid taxes)	2, 8
		<input type="checkbox"/> 2005 Petition/Certificate for Entry of Judgment Unpaid Tax	2, 8
		<input type="checkbox"/> 2006 Other Enforcement of Judgment Case	2, 8, 9
Miscellaneous Civil Complaints	RICO (27)	<input type="checkbox"/> 2701 Racketeering (RICO) Case	1, 2, 8
	Other Complaints (not specified above) (42)	<input type="checkbox"/> 4201 Declaratory Relief Only	1, 2, 8
		<input type="checkbox"/> 4202 Injunctive Relief Only (not domestic/harassment)	2, 8
		<input type="checkbox"/> 4203 Other Commercial Complaint Case (non-tort/noncomplex)	1, 2, 8
		<input checked="" type="checkbox"/> 4204 Other Civil Complaint (non-tort/non-complex)	① 2, 8
Miscellaneous Civil Petitions	Partnership Corporation Governance (21)	<input type="checkbox"/> 2101 Partnership and Corporation Governance Case	2, 8
	Other Petitions (not specified above) (43)	<input type="checkbox"/> 4301 Civil Harassment with Damages	2, 3, 9
		<input type="checkbox"/> 4302 Workplace Harassment with Damages	2, 3, 9
		<input type="checkbox"/> 4303 Elder/Dependent Adult Abuse Case with Damages	2, 3, 9
		<input type="checkbox"/> 4304 Election Contest	2
		<input type="checkbox"/> 4305 Petition for Change of Name/Change of Gender	2, 7
		<input type="checkbox"/> 4306 Petition for Relief from Late Claim Law	2, 3, 8
		<input type="checkbox"/> 4307 Other Civil Petition	2, 9


SHORT TITLE ANNE HEITING v. EXTRA SPACE STORAGE, INC.	CASE NUMBER
---	-------------

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

REASON: <input checked="" type="checkbox"/> 1. <input 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. <input type="checkbox"/> 11	ADDRESS:
CITY:	STATE:
ZIP CODE:	

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

Dated: April 18, 2024



 (SIGNATURE OF ATTORNEY/FILING PARTY)

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

1. Original Complaint or Petition.
2. If filing a Complaint, a completed Summons form for issuance by the Clerk.
3. Civil Case Cover Sheet Judicial Council form CM-010.
4. Civil Case Cover Sheet Addendum and Statement of Location form LASC CIV 109 (01/23).
5. Payment in full of the filing fee, unless there is a court order for waiver, partial or schedule payments.
6. A signed order appointing a Guardian ad Litem, Judicial Council form CIV-010, if the plaintiff or petitioner is a minor under 18 years of age will be required by Court to issue a Summons.
7. Additional copies of documents to be conformed by the Clerk. Copies of the cover sheet and this addendum must be served along with the Summons and Complaint, or other initiating pleading in the case.

<p>SUPERIOR COURT OF CALIFORNIA COUNTY OF LOS ANGELES</p> <p>COURTHOUSE ADDRESS: Spring Street Courthouse 312 North Spring Street, Los Angeles, CA 90012</p> <p style="text-align: center;">NOTICE OF CASE ASSIGNMENT UNLIMITED CIVIL CASE</p>	<p style="font-size: small;">Reserved for Clerk's File Stamp</p> <p style="font-size: large; font-weight: bold;">FILED</p> <p>Superior Court of California County of Los Angeles</p> <p style="font-size: large; font-weight: bold;">04/18/2024</p> <p style="font-size: small;">David W. Slayton, Executive Officer / Clerk of Court</p> <p>By: <u>J. Covarrubias</u> Deputy</p>
<p>Your case is assigned for all purposes to the judicial officer indicated below.</p>	<p style="font-size: small;">CASE NUMBER:</p> <p>24STCV09846</p>

THIS FORM IS TO BE SERVED WITH THE SUMMONS AND COMPLAINT

	ASSIGNED JUDGE	DEPT	ROOM		ASSIGNED JUDGE	DEPT	ROOM
✓	Stuart M. Rice	1					

Given to the Plaintiff/Cross-Complainant/Attorney of Record David W. Slayton, Executive Officer / Clerk of Court
 on 04/19/2024 (Date) By J. Covarrubias, Deputy Clerk

INSTRUCTIONS FOR HANDLING UNLIMITED CIVIL CASES

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

APPLICATION

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

PRIORITY OVER OTHER RULES

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

CHALLENGE TO ASSIGNED JUDGE

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

TIME STANDARDS

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

COMPLAINTS

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

CROSS-COMPLAINTS

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

STATUS CONFERENCE

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

FINAL STATUS CONFERENCE

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

SANCTIONS

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

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

Class Actions

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

***Provisionally Complex Cases**

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



Superior Court of California, County of Los Angeles

ALTERNATIVE DISPUTE RESOLUTION (ADR) INFORMATION PACKAGE

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

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

What is ADR?

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

Advantages of ADR

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

Disadvantages of ADR

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

Main Types of ADR

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

Mediation may be appropriate when the parties

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

Mediation may not be appropriate when the parties

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

How to Arrange Mediation in Los Angeles County

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

a. **The Civil Mediation Vendor Resource List**

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

- **ADR Services, Inc.** Assistant Case Manager Janet Solis, janet@adrservices.com
(213) 683-1600
- **Mediation Center of Los Angeles** Program Manager info@mediationLA.org
(833) 476-9145

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

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

- b. **Los Angeles County Dispute Resolution Programs.** Los Angeles County-funded agencies provide mediation services on the day of hearings in small claims, unlawful detainer (eviction), civil harassment, and limited civil (collections and non-collection) cases.
<https://dcba.lacounty.gov/countywidedrp/>

Online Dispute Resolution (ODR). Parties in small claims and unlawful detainer (eviction) cases should carefully review the Notice and other information they may receive about (ODR) requirements for their case. <https://my.lacourt.org/odr/>

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

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

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

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

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

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

Civil Division

Central District, Spring Street Courthouse, Department 1

24STCV09846

ANNE HEITING, vs EXTRA SPACE STORAGE, INC.

May 3, 2024

10:04 AM

Judge: Honorable Stuart M. Rice

Judicial Assistant: A. He

Courtroom Assistant: None

CSR: None

ERM: None

Deputy Sheriff: None

APPEARANCES:

For Plaintiff(s): No Appearances

For Defendant(s): No Appearances

NATURE OF PROCEEDINGS: Court Order Scheduling Initial Status Conference

By this order, the Court determines this case to be Complex according to Rule 3.400 of the California Rules of Court. The Clerk's Office has assigned this case to this department for all purposes.

Pursuant to Government Code Sections 70616(a) and 70616(b), a single complex fee of one thousand dollars (\$1,000.00) must be paid on behalf of all plaintiffs. For defendants, a complex fee of one thousand dollars (\$1,000.00) must be paid for each defendant, intervenor, respondent or adverse party, not to exceed, for each separate case number, a total of eighteen thousand dollars (\$18,000.00), collected from all defendants, intervenors, respondents, or adverse parties. All such fees are ordered to be paid to Los Angeles Superior Court, within ten (10) days of service of this order.

By this order, the Court stays the case, except for service of the Summons and Complaint. The stay continues at least until the Initial Status Conference. Initial Status Conference is set for 08/20/2024 at 09:00 AM in this department. At least ten (10) days prior to the Initial Status Conference, counsel for all parties must discuss the issues set forth in the Initial Status Conference Order issued this date. Counsel must file a Joint Initial Status Conference Response Statement five (5) court days before the Initial Status Conference.

The Initial Status Conference Order, served concurrently with this Minute Order, is to help the Court and the parties manage this complex case by developing an orderly schedule for briefing, discovery, and court hearings. The parties are informally encouraged to exchange documents and information as may be useful for case evaluation.

Responsive pleadings shall not be filed until further Order of the Court. Parties must file a Notice of Appearance in lieu of an Answer or other responsive pleading. The filing of a Notice of Appearance shall not constitute a waiver of any substantive or procedural challenge to the

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

Civil Division

Central District, Spring Street Courthouse, Department 1

24STCV09846

ANNE HEITING, vs EXTRA SPACE STORAGE, INC.

May 3, 2024

10:04 AM

Judge: Honorable Stuart M. Rice

Judicial Assistant: A. He

Courtroom Assistant: None

CSR: None

ERM: None

Deputy Sheriff: None

Complaint. Nothing in this order stays the time for filing an Affidavit of Prejudice pursuant to Code of Civil Procedure Section 170.6. Nothing in this order stays the filing of an Amended Complaint pursuant to Labor Code Section 2699.3(a)(2)(C) by a plaintiff wishing to add a Private Attorney General Act (“PAGA”) claim.

For information on electronic filing in the Complex Courts, please refer to <https://www.lacourt.org/division/efiling/efiling2.aspx#civil>. See, in particular, the link therein for “Complex Civil efilng.” Parties shall file all documents in conformity with the Presiding Judge’s First Amended General Order of May 3, 2019, particularly including the provisions therein requiring Bookmarking with links to primary documents and citations; that Order is available on the Court’s website at the link shown above.

For efficiency in communication with counsel, the complex program requires the parties in every new case to use an approved third-party cloud service that provides an electronic message board. In order to facilitate communication with counsel prior to the Initial Status Conference, the parties must sign-up with the e-service provider at least ten (10) court days in advance of the Initial Status Conference and advise the Court which provider was selected.

The court has implemented LACourtConnect to allow attorneys, self-represented litigants and parties to make audio or video appearances in Los Angeles County courtrooms. LACourtConnect technology provides a secure, safe and convenient way to attend hearings remotely. A key element of the Court’s Access LACourt YOUR WAY program to provide services and access to justice, LACourtConnect is intended to enhance social distancing and change the traditional in-person courtroom appearance model. See <https://my.lacourt.org/laccwelcome> for more information.

This Complex Courtroom does not use Los Angeles Superior Court’s Court Reservation (“CRS”) portal to reserve motion hearing dates. Rather, counsel may secure dates by calling the Courtroom Assistant at 213-310-70xx with the “xx” being the Department number, e.g. Dept. 1 is 01 and Dept. 10 is 10.

Court reporters are not provided for hearings or trials. The parties should make their own arrangements for any hearing where a transcript is desired.

If you believe a party or witness will need an interpreter, see the court’s website for information on how to make such a request in a timely manner. <https://www.lacourt.org/irud/UI/index.aspx>

Counsel are directed to access the following link for further information on procedures in the

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

Civil Division

Central District, Spring Street Courthouse, Department 1

24STCV09846

ANNE HEITING, vs EXTRA SPACE STORAGE, INC.

May 3, 2024

10:04 AM

Judge: Honorable Stuart M. Rice

Judicial Assistant: A. He

Courtroom Assistant: None

CSR: None

ERM: None

Deputy Sheriff: None

Complex litigation Program courtrooms: <https://www.lacourt.org/division/civil/CI0042.aspx>.

The plaintiff must serve a copy of this minute order and the attached Initial Status Conference Order on all parties forthwith and file a Proof of Service in this department within seven (7) days of service.

Certificate of Mailing is attached.

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FILED
Superior Court of California
County of Los Angeles
05/03/2024
David W. Slayton, Executive Officer / Clerk of Court
By: A. He Deputy

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

ANNE HEITING, individually and on behalf of) Case No.: 24STCV09846
all others similarly situated,)
) **INITIAL STATUS CONFERENCE ORDER**
) **(COMPLEX CLASS ACTIONS)**
Plaintiff,)
)
v.) Case Assigned for All Purposes to
) Judge Stuart M. Rice
EXTRA SPACE STORAGE, INC., a Utah)
corporation,) Department: 1
)
Defendant.)
)
)
)
)
)

This action has been designated as complex pursuant to CRC 3.400(a), and thus requires exceptional judicial management to carry out the purposes of Rule 3.400(a) and to promote effective decision-making by the Court. This Initial Status Conference Order (Complex Class Actions) supplements a Minute Order served concurrently herewith. That Minute Order sets a date and time for the Initial Status Conference and includes many other important provisions which are NOT repeated in this Order. Counsel must review that Minute Order carefully to be fully informed of your obligations and the unique processes used in the Los Angeles Superior Court Complex Courtrooms.

Note: Some provisions of this Order are in reference to wage-and-hour class actions and may not be applicable to other types of class actions. Insofar as they are irrelevant to your case, say so in your Joint Initial Status Conference Response Statement.

1 Pending further order, the following is ordered:

2 The Court orders counsel to prepare for the Initial Status Conference (“ISC”) by identifying and
3 discussing the central legal and factual issues in the case. Counsel for plaintiff is ordered to initiate contact
4 with counsel for defense to begin this process. Counsel then must negotiate and agree, as much as possible,
5 on a case management plan. To this end, counsel must file a Joint Initial Status Conference Response
6 Statement five (5) court days before the Initial Status Conference. The Joint Response Statement must be
7 filed on line-numbered pleading paper and must specifically answer each of the below-numbered
8 questions. Do not use the Judicial Council Form CM-110 (Case Management Statement).

9 **1. PARTIES AND COUNSEL:** Please list all presently-named class representatives and
10 presently-named defendants, together with all counsel of record, including counsel’s contact and email
11 information.

12 **2. STATUS OF PLEADINGS:** Please indicate whether defendant has filed a Notice of
13 Appearance or an Answer to the Complaint, and, if so, indicate the filing date(s).

14 **3. POTENTIAL ADDITIONAL PARTIES:** Indicate whether any plaintiff presently
15 intends to add additional class representatives, and, if so, the name(s) and date by which these class
16 representatives will be added. Indicate whether any plaintiff presently intends to name additional
17 defendants, and, if so, the name(s) and date by which the defendant(s) will be added. Indicate whether
18 any appearing defendant presently intends to file a cross-complaint and, if so, the names of cross-
19 defendants and the date by which the cross-complaint will be filed.

20 **4. IMPROPERLY NAMED DEFENDANT(S):** If the complaint names the wrong person
21 or entity, please explain why the named defendant is improperly named and the proposed procedure to
22 correct this error.

23 **5. ADEQUACY OF PROPOSED CLASS REPRESENTATIVE(S):** If any party believes
24 one or more named plaintiffs might not be an adequate class representative, including reasons of conflict
25 of interest as described in *Apple Computer v. Superior Court* (2005) 126 Cal.App.4th 1253, please explain.
26 No prejudice will attach to these responses.

27 **6. ESTIMATED CLASS SIZE:** Please discuss and indicate the estimated class size.

28 **7. OTHER ACTIONS WITH OVERLAPPING CLASS DEFINITIONS:** Please list

1 other cases with overlapping class definitions. Please identify the court, the short caption title, the docket
2 number, and the case status.

3 **8. POTENTIALLY RELEVANT ARBITRATION AND/OR CLASS ACTION**
4 **WAIVER CLAUSES:** Please state whether arbitration is an issue in this case and attach a sample of any
5 relevant clause of this sort. Opposing parties must summarize their views on this issue.

6 **9. POTENTIAL EARLY CRUCIAL MOTIONS:** Opposing counsel should identify and
7 describe the significant core issues in the case, and then identify efficient ways to resolve those issues,
8 including one or more of the following:

- 9 • Motion to Compel Arbitration,
- 10 • Early motions in limine,
- 11 • Early motions about particular jury instructions and verdict forms,
- 12 • Demurrers,
- 13 • Motions to strike,
- 14 • Motions for judgment on the pleadings, and
- 15 • Motions for summary judgment and summary adjudication.

16 **10. CLASS CONTACT INFORMATION:** Counsel should discuss whether obtaining class
17 contact information from defendant's records is necessary in this case and, if so, whether the parties
18 consent to an "opt-out" notice process (as approved in *Belaire-West Landscape, Inc. v. Superior Court*
19 (2007) 149 Cal.App.4th 554, 561). Counsel should address timing and procedure, including allocation of
20 cost and the necessity of a third party administrator.

21 **11. PROTECTIVE ORDERS:** Parties considering an order to protect confidential
22 information from general disclosure should begin with the model protective orders found on the Los
23 Angeles Superior Court Website under "Civil Tools for Litigators."

24 **12. DISCOVERY:** Discovery is stayed until further order of the Court. Please discuss a
25 discovery plan. If the parties cannot agree on a plan, summarize each side's views on discovery. The
26 court generally allows discovery on matters relevant to class certification, which (depending on
27 circumstances) may include factual issues also touching the merits. The Court generally does not permit
28 extensive or expensive discovery relevant only to the merits (for example, detailed damages discovery) at

1 the initial stage unless a persuasive showing establishes early need. If any party seeks discovery from
2 absent class members, please estimate how many, and also state the kind of discovery you propose. See
3 California Rule of Court, Rule 3.768

4 **13. INSURANCE COVERAGE:** Please state if (1) there is insurance for indemnity or
5 reimbursement, and (2) whether there are any insurance coverage issues which might affect settlement.

6 **14. ALTERNATIVE DISPUTE RESOLUTION:** Please discuss ADR and state each party's
7 position about it. If pertinent, how can the court help identify the correct neutral and prepare the case for
8 a successful settlement negotiation?

9 **15. TIMELINE FOR CASE MANAGEMENT:** Please recommend dates and times for the
10 following:

- 11 • The next status conference,
- 12 • A schedule for alternative dispute resolution, if it is relevant,
- 13 • A filing deadline for the motion for class certification, and
- 14 • Filing deadlines and descriptions for other anticipated non-discovery motions.

15 **16. REMINDER WHEN SEEKING TO DISMISS:**

16 "A dismissal of an entire class action, or of any party or cause of action in a class action, requires
17 court approval. . . Requests for dismissal must be accompanied by a declaration setting forth the
18 facts on which the party relies. The declaration must clearly state whether consideration, direct or
19 indirect, is being given for the dismissal and must describe the consideration in detail." California
20 Rule of Court, Rule 3.770.

21 If the parties settle the class action, that too will require judicial approval based on a noticed
22 motion.

23 **17. REMINDER WHEN SEEKING APPROVAL OF A SETTLEMENT:**

24 Plaintiff(s) must address the issue of any fee splitting agreement in their motion for preliminary
25 approval and demonstrate compliance with California Rule of Court 3.769, and the Rules of Professional
26 Conduct 2-200(a) as required by *Mark v. Spencer* (2008) 166 Cal.App. 4th 219.

27 **18. NOTICE OF THE INITIAL STATUS CONFERENCE ORDER:**

1 Plaintiff's counsel shall serve this Initial Status Conference Order on all defense counsel, or if
2 counsel is not known, on each defendant and file a Proof of Service with the court within seven (7) days
3 of the date of this Order. If the Complaint has not been served as of the date of this Order, plaintiff(s)
4 must serve the Complaint, along with a copy of this Order, within five (5) days of the date of this Order.
5 Once served, each as yet non-appearing defendant shall file a Notice of Appearance (identifying counsel
6 by name, firm name, address, email address, telephone number and fax number). The filing of a Notice
7 of Appearance is without prejudice to (a) any jurisdictional, substantive or procedural challenge to the
8 Complaint, (b) any affirmative defense, and (c) the filing of any cross-complaint in this action.

9 **19. e-Service Provider**

10 The parties should refer to the Court's website for the list of e-service providers which are
11 approved for complex cases. The parties must sign up with the provider at least ten court days in advance
12 of the Initial Status Conference and advise the Court, via email to sscdept1@lacourt.org, which provider
13 was selected. While the parties are free to choose any approved service, Department 1 prefers Case
14 Anywhere.

15 Dated: May 3, 2024



A handwritten signature in black ink that reads "Stuart M. Rice".

Stuart M. Rice / Judge

Honorable Stuart M. Rice
Judge of the Los Angeles Superior Court

SUPERIOR COURT OF CALIFORNIA COUNTY OF LOS ANGELES	Reserved for Clerk's File Stamp
COURTHOUSE ADDRESS: Spring Street Courthouse 312 North Spring Street, Los Angeles, CA 90012	FILED Superior Court of California County of Los Angeles 05/03/2024 David W. Slayton, Executive Officer / Clerk of Court By: <u> A. He </u> Deputy
PLAINTIFF/PETITIONER: Anne Heiting,	
DEFENDANT/RESPONDENT: Extra Space Storage, Inc.	
CERTIFICATE OF MAILING	CASE NUMBER: 24STCV09846

I, the below-named Executive Officer/Clerk of the above-entitled court, do hereby certify that I am not a party to the cause herein, and that on this date I served the Minute Order (Court Order Scheduling Initial Status Conference) of 05/03/2024, Initial Status Conference Order upon each party or counsel named below by placing the document for collection and mailing so as to cause it to be deposited in the United States mail at the courthouse in Los Angeles, California, one copy of the original filed/entered herein in a separate sealed envelope to each address as shown below with the postage thereon fully prepaid, in accordance with standard court practices.

Robert Tauler
Tauler Smith LLP
626 Wilshire Blvd.
Suite 550
Los Angeles, CA 90017

David W. Slayton, Executive Officer / Clerk of Court

Dated: 05/3/2024

By: A. He
Deputy Clerk

CERTIFICATE OF MAILING

1 SHEPPARD, MULLIN, RICHTER & HAMPTON LLP
 WYNTER L. DEAGLE, Cal Bar No. 296501
 2 wdeagle@sheppardmullin.com
 ANNE-MARIE D. DAO, Cal Bar No. 282632
 3 adao@sheppardmullin.com
 TERESA R. MORIN, Cal Bar No. 351874
 4 tmorin@sheppardmullin.com
 12275 El Camino Real, Suite 100
 5 San Diego, California 92130-4092
 Telephone: 858.720.8900
 6 Facsimile: 858.509.3691

7 Attorneys for Defendant
 Extra Space Storage Inc.

8

9

UNITED STATES DISTRICT COURT

10

CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION

11

12 ANNE HEITING, individually and on
 behalf of all others similarly situated,

13

Plaintiff,

14

v.

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16 EXTRA SPACE STORAGE INC., a
 Maryland corporation; DOES 1 through
 25, inclusive,

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Defendant.

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Case No. 2:24-cv-04243

[Removed from Los Angeles Superior Court, Case No. 24STCV09846]

DECLARATION OF BRETT NELSON IN SUPPORT OF DEFENDANT'S NOTICE OF REMOVAL OF CIVIL ACTION

Filed concurrently with Notice of Removal and Declaration of Wynter L. Deagle

Trial Date: Not Set

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DECLARATION

I, Brett Nelson, declare as follows:

1. I am the Vice President, Senior Legal Counsel for Extra Space Storage Inc. (“Extra Space”), a party in the above-entitled action, am authorized to make this declaration on its behalf, and I make this declaration for that reason. I have personal knowledge of the facts set forth herein, which are known by me to be true and correct, and if called as a witness, I could and would competently testify thereto.

2. This declaration is submitted in support of Defendant Extra Space’s Notice of Removal of Civil Action.

3. Defendant Extra Space is a corporation that at all relevant times during this litigation was incorporated in Maryland and existing under the laws of the State of Maryland.

4. Extra Space’s corporate headquarters and executive offices are located in Salt Lake City, Utah. Salt Lake City is where most of the high level executives and officers of Extra Space are located. It is also where Extra Space generally develops and promulgates its corporate-wide policies, procedures, and business strategies.

5. Attached hereto as **Exhibit A** is a true and correct copy of Extra Space’s Statement of Information filed with the California Secretary of State confirming Extra Space’s state of incorporation and principal place of business.


6. Extra Space is informed and believes that Plaintiff is, and was at the commencement of the state court action, not a resident of Maryland or Utah. Rather, Plaintiff is a citizen of California. Extra Space’s belief is based on the State Court complaint which states “Plaintiff is a citizen of California residing within Los Angeles County.” (Compl. at ¶ 8.)

7. On the basis of its own investigation, Extra Space has estimated there are more than 1,000 individuals from California who have visited Extra Space’s website in the twelve months preceding the filing of the Complaint.

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

Executed on this 21st day of May, 2024, at Salt Lake County, Utah



Brett Nelson

EXHIBIT A

EXHIBIT A



STATE OF CALIFORNIA
Office of the Secretary of State
STATEMENT OF INFORMATION
CORPORATION

California Secretary of State
 1500 11th Street
 Sacramento, California 95814
 (916) 653-3516

For Office Use Only

-FILED-

File No.: BA20230869397

Date Filed: 5/30/2023

B1802-3642 05/30/2023 5:26 AM Received by California Secretary of State

Entity Details			
Corporation Name	EXTRA SPACE STORAGE INC.		
Entity No.	2669251		
Formed In	MARYLAND		
Street Address of Principal Office of Corporation			
Principal Address	2795 EAST COTTONWOOD PARKWAY, # 400 SALT LAKE CITY, UT 84121		
Mailing Address of Corporation			
Mailing Address	2795 EAST COTTONWOOD PARKWAY, # 400 SALT LAKE CITY, UT 84121		
Attention			
Street Address of California Office of Corporation			
Street Address of California Office	None		
Officers			
	Officer Name	Officer Address	Position(s)
<input checked="" type="checkbox"/>	JOSEPH MARGOLIS	2795 EAST COTTONWOOD PARKWAY, # 400 SALT LAKE CITY, UT 84121	Chief Executive Officer
<input checked="" type="checkbox"/>	Gwyn G. McNeal	2795 EAST COTTONWOOD PARKWAY, # 400 Salt Lake City, UT 84121	Secretary
<input checked="" type="checkbox"/>	Scott P. Stubbs	2795 EAST COTTONWOOD PARKWAY, # 400 Salt Lake City, UT 84121	Chief Financial Officer
Additional Officers			
	Officer Name	Officer Address	Position
			Stated Position
None Entered			
Agent for Service of Process			
	California Registered Corporate Agent (1505)	C T CORPORATION SYSTEM Registered Corporate 1505 Agent	
Type of Business			
	Type of Business	Operate, manage, real property	
Email Notifications			
	Opt-in Email Notifications	Yes, I opt-in to receive entity notifications via email.	
Labor Judgment			
No Officer or Director of this Corporation has an outstanding final judgment issued by the Division of Labor Standards Enforcement or a court of law, for which no appeal therefrom is pending, for the violation of any wage order or provision of the Labor Code.			

Electronic Signature

By signing, I affirm that the information herein is true and correct and that I am authorized by California law to sign.

Kelly Lettmann

05/30/2023

Signature

Date

ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: [Extra Space Storage Secretly Allows TikTok to Track Website Users, Class Action Lawsuit Claims](#)
