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10 Attorneys for Defendants
CARTER’S, INC.; CARTER’S RETAIL, INC.;
11 THE WILLIAM CARTER COMPANY;
OSHKOSH B’GOSH, INC.
12

13
14 UNITED STATES DISTRICT COURT
15 CENTRAL DISTRICT OF CALIFORNIA
16

17 SINDY MAYORGA, on behalf of herself,
all others similarly situated, and the general
18 public,

19 Plaintiff,

20 v.

21 CARTER’S INC., a Delaware Corporation;
CARTER’S RETAIL, INC., a Delaware
22 Corporation; THE WILLIAM CARTER
COMPANY, a Massachusetts Corporation;
23 OSHKOSH B’GOSH, INC., a Delaware
Corporation; and DOES 1 through 100,
24 inclusive,

25 Defendants.
26
27
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Case No. 2:22-cv-1467

**DEFENDANTS’ NOTICE OF
REMOVAL**

[Removal from Los Angeles County
Superior Court Case No.
22STCV02309]

Complaint Filed: January 20, 2022
Trial Date: None Set

1 **TO THE UNITED STATES DISTRICT COURT FOR THE CENTRAL**
2 **DISTRICT OF CALIFORNIA AND TO PLAINTIFF SINDY MAYORGA AND**
3 **HER ATTORNEYS OF RECORD:**

4 **PLEASE TAKE NOTICE** that Defendants, Carter’s Inc., Carter’s Retail, Inc.,
5 The William Carter Company, and Oshkosh B’Gosh, Inc. (“Defendants”), by and through
6 their undersigned counsel, file this Notice of Removal, (1) asserting original federal
7 question jurisdiction pursuant to 28 U.S.C. § 1331; and (2) federal jurisdiction under the
8 Class Action Fairness Act of 2005 (“CAFA”) pursuant to 28 U.S.C. §§ 1332(c),
9 1332(d)(2), 1441(a), 1446, and 1453, to effectuate the removal of the above-captioned
10 action, which was originally commenced in the Superior Court of the State of California
11 for the County of Los Angeles, to the United States District Court for the Central District
12 of California. This Court has original jurisdiction over the action pursuant to federal
13 question jurisdiction and CAFA for the following reasons:

14 **I. BACKGROUND**

15 1. On January 20, 2022, Plaintiff Sindy Mayorga (“Plaintiff”) filed a purported
16 class action complaint in the Superior Court of State of California for the County of Los
17 Angeles, titled “*SINDY MAYORGA, on behalf of herself, all other similarly situated, and*
18 *the general public vs. CARTERS, INC.; CARTER’S RETAIL, INC.; THE WILLIAM*
19 *CARTER COMPANY; OSHKOSH B’GOSH, INC.; and DOES 1 through 100, inclusive*”
20 Case No. 22STCV02309 (“Complaint”). The Complaint asserts one cause of action for
21 an alleged violation of 15 U.S.C. § 1681b(b)(2)(A) of the federal Fair Credit Reporting
22 Act. (Ex. A—Complaint, ¶¶ 23-42.)

23 2. On February 1, 2022, Defendants Carter’s Retail, Inc., The William Carter
24 Company, and Oshkosh B’Gosh, Inc. were served by personal service with a copy of the
25 Summons and Complaint. On February 7, 2022, Defendant Carter’s Inc. was served by
26 substituted service with a copy of the Summons and Complaint. A true and correct copy
27 of all available state court filings are attached hereto as **Exhibit A**.

1 3. On March 1, 2022, Defendants filed their Answer to Plaintiff’s Complaint in
2 the Superior Court of State of California for the County of Los Angeles. A true and
3 correct copy of the filed Answer to Plaintiff’s Complaint is attached hereto as **Exhibit B**.

4 4. Defendants have not filed or received any other pleadings or papers, other
5 than the pleadings described as Exhibit A and Exhibit B, in this action prior to filing this
6 Notice of Removal.

7 **II. TIMELINESS OF REMOVAL**

8 5. Notice of removal is timely if it is filed within 30 days after the service of
9 the complaint or summons on the last served defendant. *See* 28 U.S.C. § 1446(b)(1)
10 (“The notice of removal . . . shall be filed within 30 days after the receipt by the
11 defendant, through service or otherwise, of a copy of the initial pleading setting forth the
12 claim for relief upon which such action or proceeding is based, or within 30 days after the
13 service of summons upon the defendant . . .”). *See also* 28 U.S.C. 1446(b)(2)(C) (“If
14 defendants are served at different times, and a later-served defendant files a notice of
15 removal, any earlier-served defendant may consent to the removal even though that
16 earlier-served defendant did not initiate or consent to removal.”).

17 6. Defendants’ Notice of Removal is timely because it is filed on March 3,
18 2022, which is within 30 days of service of the February 1, 2022 service of the Summons
19 and Complaint on Defendants Carter Retail, Inc., The William Carter Company, and
20 Oshkosh B’Gosh, Inc., and within 30 days of the February 7, 2022 service of the
21 Summons and Complaint on Carter’s Inc. 28 U.S.C. § 1446(b); *Murphy Bros., Inc. v.*
22 *Michetti Pipe Stringing, Inc.*, 526 U.S. 344, 347–48 (1999) (“we hold that a named
23 defendant’s time to remove is triggered by simultaneous service of the summons and
24 complaint . . .”).

25 **III. REMOVAL UNDER FEDERAL QUESTION JURISDICTION IS PROPER** 26 **BECAUSE PLAINTIFF ASSERTS A CLAIM UNDER THE FEDERAL** 27 **FAIR CREDIT REPORTING ACT.**

28 7. 28 U.S.C. § 1331 provides that “the district courts shall have original
jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the

1 United States.” See *Sullivan v. First Affiliated Securities, Inc.*, 813 F.2d 1368, 1371 (9th
2 Cir. 1987) (case presents a “federal question” if a claim “aris[es] under the Constitution,
3 laws, or treaties of the United States”) (quoting 28 U.S.C. § 1331).

4 8. Plaintiff’s Complaint presents an original federal question under the Fair
5 Credit Reporting Act (“FCRA”), a federal law, which confers this Court with original
6 jurisdiction over this action. (Ex. A—Complaint, ¶¶ 23-42.)

7 9. This FCRA claim therefore presents a federal question over which this Court
8 has original jurisdiction and removal is proper on this basis alone. 28 U.S.C. § 1331.

9 10. This Court further has subject matter jurisdiction over this action because
10 Plaintiff’s Complaint alleges that she and putative class members were “injured” by,
11 among other things, an alleged invasion of their privacy rights. (Ex. A—Complaint, ¶
12 40.) Plaintiff’s Complaint seeks, among other relief, “compensatory . . . damages” and
13 “actual damages” allegedly incurred by Plaintiff and putative class members. (*Id.* ¶¶ 3,
14 40, 41.) Plaintiff, therefore, alleges that she and putative class members suffered a
15 “concrete harm” for purposes of Article III standing. *TransUnion, LLC v. Ramirez*, 594
16 U.S. ___, 141 S.Ct. 2190 (2021); *Spokeo, Inc. v. Robins*, 578 U.S. 330 (2016).

17 **IV. REMOVAL UNDER THE CLASS ACTION FAIRNESS ACT**

18 11. Under the CAFA, district courts have original jurisdiction for class actions
19 “if [1] the class has more than 100 members, [2] the parties are minimally diverse, and
20 [3] the amount in controversy exceeds \$5 million.” *Dart Cherokee Basin Operating Co.,*
21 *LLC v. Owens* (“*Dart*”), 135 S. Ct. 547, 552 (2014) (citing 28 U.S.C. § 1332(d)(2),
22 (5)(B)). As set forth below, each of these three requirements are met and thus this action
23 is independently removable, pursuant to 28 U.S.C. § 1441(a).

24 **A. The Class Action Includes Approximately Over 100 Putative Class** 25 **Members.**

26 12. A removal under CAFA requires at least 100 members in a proposed class.
27 See 28 U.S.C. § 1332(d)(5)(B) (providing that CAFA jurisdiction does not apply to any
28

1 class action in which “the number of members of all proposed plaintiff classes in the
2 aggregate is less than 100”).

3 13. Here, Plaintiff defines the proposed class to include “[a]ll of Defendants’
4 current, former, and prospective applicants for employment in the United States who
5 applied for a job with Defendants at any time during the period for which a background
6 check was performed beginning five years prior to the filing of this action and ending on
7 the date that final judgment is entered in this action.” (Ex. A—Complaint, ¶ 12.) Based
8 on the filing date of the Complaint on January 20, 2022, the proposed class period covers
9 the time period of January 20, 2017 to the present.

10 14. Based on the proposed class definition, Defendants have confirmed that
11 there are more than 100 individuals in the proposed class. Defendants routinely order
12 background checks on applicants for employment. As a large, nationwide employer,
13 Defendants have ordered in excess of 5,001 background checks during the purported
14 class period. (Declaration of Jennifer Frazer in Support of Defendant’s Notice of
15 Removal (“Frazer Decl.”), ¶ 9.)

16 **B. Plaintiff And Defendants Are Minimally Diverse.**

17 15. CAFA requires only minimal diversity for the purpose of establishing
18 federal jurisdiction; that is, at least one purported class member must be a citizen of a
19 state different from any named defendant. 28 U.S.C. § 1332(d)(2)(A).

20 16. A party’s citizenship is determined at the time the lawsuit was filed. *In re*
21 *Digimarc Corp. Derivative Litig.*, 549 F.3d 1223, 1236 (9th Cir. 2008) (“[T]he
22 jurisdiction of the court depends upon the state of things at the time of the action [was]
23 brought.”).

24 17. In the instant case, Plaintiff is a citizen of a state (California) that is different
25 from the states of citizenship of Defendants (Delaware and Georgia). (Frazer Decl. ¶¶ 5-
26 7.)

1 **1. Plaintiff Is A Citizen Of California.**

2 18. For diversity purposes, a natural person’s state citizenship is determined by
3 that person’s domicile—*i.e.*, “[one’s] permanent home, where [that person] resides with
4 the intention to remain or to which [that person] intends to return.” *Kantor v. Warner-*
5 *Lambert Co.*, 265 F.3d 853, 857 (9th Cir. 2001).

6 19. In this case, Plaintiff alleges that “at all relevant times . . . [she] was an
7 individual residing in the State of California and a resident of the state of California,
8 County of Los Angeles (Ex. A—Complaint, ¶ 6.) Therefore, Plaintiff was at all relevant
9 times, and still is, a citizen and resident of the State of California.

10 **2. Defendants Are Not Citizens Of California.**

11 20. Defendants are, and were at the time of the filing of this action, citizens of a
12 state other than California within the meaning of 28 U.S.C. § 1332(c)(1).

13 21. For diversity purposes, a corporation is deemed a citizen of the state “by
14 which it has been incorporated” and of the state “where it has its principal place of
15 business.” 28 U.S.C. § 1332(c)(1).

16 22. Defendants are now, and ever since this action commenced have been,
17 incorporated under the laws of the State of Delaware. (Frazer Decl., ¶ 5.) Thus, for
18 purposes of diversity jurisdiction, Defendants are citizens of Delaware.

19 23. Further, as shown below, Defendants’ principal places of business have been
20 at all relevant times located in the State of Georgia. (Frazer Decl., ¶ 6.) Thus, for
21 purposes of diversity jurisdiction, Defendants are also citizens of Georgia.

22 24. The United States Supreme Court held that when determining a
23 corporation’s principal place of business for diversity purposes, the appropriate test is the
24 “nerve center” test. *Hertz Corp. v. Friend*, 559 U.S. 77, 80–81, 92–93 (2010). Under the
25 “nerve center” test, the “principal place of business” means the corporate headquarters
26 where a corporation’s high level officers direct, control and coordinate its activities on a
27 day-to-day basis. *Id.* at 92–93; *see also Industrial Tectonics, Inc. v. Aero Alloy*, 912 F.2d
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1 1090, 1092–93 (9th Cir. 1990) (holding that the “nerve center” is where “its executive
2 and administrative functions are performed”).

3 25. Under the “nerve center” test, Georgia is the principal place of business for
4 each Defendant. Defendants’ corporate headquarters are located in Atlanta, Georgia
5 where Defendants’ high level officers direct, control, and coordinate its activities.
6 (Frazer Decl., ¶ 6.) Defendants’ high level corporate officers maintain offices in Atlanta,
7 and many of Defendants’ corporate level functions are performed in the Atlanta office.
8 (*Id.*) Additionally, many of Defendants’ executive and administrative functions,
9 including corporate finance and accounting, are directed from the Atlanta headquarters.
10 (*Id.* at ¶ 7.)

11 26. Therefore, for purposes of diversity of citizenship, Defendants are, and have
12 been at all times since this action commenced, citizens of the States of Delaware and
13 Georgia. 28 U.S.C. § 1332(c)(1).

14 27. Because Plaintiff is a citizen of California and Defendants are citizens of
15 Delaware and Georgia, minimal diversity exists for purposes of CAFA.

16 3. The Citizenship Of Doe Defendants Should Be Disregarded.

17 28. The other defendants named in the Complaint are merely fictitious parties
18 identified as “Does 1 through 100” whose citizenship shall be disregarded for purposes of
19 this removal. 28 U.S.C. § 1441(b) (for purposes of removal, “the citizenship of
20 defendants sued under fictitious names shall be disregarded”); *see also Soliman v. Philip*
21 *Morris, Inc.*, 311 F. 3d 966, 971 (9th Cir. 2002) (“citizenship of fictitious defendants is
22 disregarded for removal purposes and becomes relevant only if and when the plaintiff
23 seeks leave to substitute a named defendant”).

24 29. Thus, the existence of “Does 1 through 100” in the Complaint does not
25 deprive this Court of jurisdiction. *Abrego v. Dow Chemical Co.*, 443 F.3d 676, 679–80
26 (9th Cir. 2006) (rule applied in CAFA removal).

1 **C. The Amount In Controversy Exceeds The \$5 Million Statutory**
2 **Threshold Under CAFA**

3 30. CAFA requires that the amount in controversy exceed \$5,000,000, exclusive
4 of interest and costs. 28 U.S.C. § 1332(d)(2). Under CAFA, the claims of the individual
5 members in a class action are aggregated to determine if the amount in controversy
6 exceeds the sum or value of \$5,000,000. 28 U.S.C. § 1332(d)(6).

7 31. In addition, Congress intended for federal jurisdiction to be appropriate
8 under CAFA “if the value of the matter in litigation exceeds \$5,000,000 either from the
9 viewpoint of the plaintiff or the viewpoint of the defendant, and regardless of the type of
10 relief sought” Senate Judiciary Committee Report, S. Rep. No. 109-14, at 42
11 (2005), *reprinted in* 2005 U.S.C.C.A.N. 3, 40.

12 32. The Senate Judiciary Committee’s Report on the final version of CAFA also
13 makes clear that any doubts regarding the maintenance of interstate class actions in state
14 or federal court should be resolved in favor of federal jurisdiction. *Id.* at 42–43 (“if a
15 federal court is uncertain about whether ‘all matters in controversy’ in a purposed class
16 action ‘do not in the aggregate exceed the sum or value of \$5,000,000, the court should
17 err in favor of exercising jurisdiction over the case Overall, new section 1332(d) is
18 intended to expand substantially federal court jurisdiction over class actions. Its
19 provision should be read broadly, with a strong preference that interstate class actions
20 should be heard in a federal court if properly removed by any defendant.”).

21 33. The “defendants’ notice of removal need include only a plausible allegation
22 that the amount in controversy exceeds the jurisdictional threshold.” *Dart*, 135 S. Ct. at
23 554 (emphasis added); *see also Arias v. Residence Inn by Marriott*, 936 F.3d 920, 922
24 (9th Cir. 2019) (“Because some remnants of our former antiremoval presumption seem to
25 persist, we reaffirm three principles that apply in CAFA removal cases. First, a removing
26 defendant’s notice of removal ‘need not contain evidentiary submissions’ but **only**
27 **plausible allegations** of the jurisdictional elements”; “An assertion that the amount in
28 controversy exceeds the jurisdictional threshold is not defeated merely because it is

1 equally possible that damages might be ‘less than the requisite . . . amount’”) (emphasis
2 added).

3 34. The burden of establishing the jurisdictional threshold “is not daunting, as
4 courts recognize that under this standard, a removing defendant is not obligated to
5 research, state, and prove the plaintiff’s claims for damages.” *Korn v. Polo Ralph Lauren*
6 *Corp.*, 536 F. Supp. 2d 1199, 1204–05 (E.D. Cal. 2008) (internal quotations omitted); *see*
7 *also Valdez v. Allstate Ins. Co.*, 372 F.3d 1115, 1117 (9th Cir. 2004) (“the parties need
8 not predict the trier of fact’s eventual award with one hundred percent accuracy”).

9 35. For purposes of ascertaining the amount in controversy, “the court must
10 accept as true plaintiff’s allegations as plead in the Complaint and assume that plaintiff
11 will prove liability and recover the damages alleged.” *Muniz v. Pilot Travel Ctrs. LLC*,
12 2007 WL 1302504, *3 (E.D. Cal. May 1, 2007).

13 36. Here, Plaintiff seeks to recover, on behalf of herself and the alleged class,
14 compensatory damages, actual damages, statutory damages, punitive damages, interest,
15 restitution and attorneys’ fees and costs. (Ex. A—Complaint, ¶¶ 3, 40-42, Prayer for
16 Relief.)

17 37. Plaintiff’s sole cause of action is brought under Section 1681b(b)(2) of the
18 FCRA, 15 U.S.C. § 1681b(b)(2). (Ex. A—Complaint, ¶¶ 23-42.) Plaintiff alleges that
19 “Defendants did not provide legally compliant disclosure and authorization forms to
20 Plaintiff and the putative class.” (*Id.* ¶ 22.) As described above, the putative class
21 includes “*all*” individuals on whom Defendants ordered a background check during the
22 purported class period beginning on January 20, 2017. (Ex. A—Complaint, ¶ 12.)

23 38. Plaintiff’s Complaint and Prayer for Relief include a request for “statutory
24 penalties.” (Ex. A—Complaint, ¶¶ 41, Prayer for Relief.) Plaintiff’s Complaint further
25 alleges that Defendants committed “willful” violations of Section 1681b(b)(2) of the
26 FCRA. (Ex. A—Complaint, ¶ 39.)
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1 39. Section 1681n(a)(1)(A) of the FCRA provides that any defendant “who
2 willfully fails to comply” with the FCRA will be subject to statutory “damages of not less
3 than \$100 and not more than \$1,000 . . .”. 15 U.S.C. § 1681n(a)(1)(A).

4 40. As stated above, during the purported class period, Defendants procured in
5 excess of 5,001 background checks (Frazer Decl.”), ¶ 9.) Accordingly, based only on
6 available statutory damages, the amount in controversy for Plaintiff’s FCRA claim
7 exceeds the \$5,000,000 minimum threshold. (5,001-plus class members * \$1,000
8 statutory damages maximum).

9 41. In addition to statutory damages, Plaintiff also seeks attorneys’ fees.
10 (Ex. A—Complaint, Prayer for Relief) Requests for attorneys’ fees must also be taken
11 into account in ascertaining the amount in controversy. *Galt G/S v. JSS Scandinavia*, 142
12 F.3d 1150, 1156 (9th Cir. 1998) (claims for statutory attorneys’ fees are to be included in
13 amount in controversy, regardless of whether award is discretionary or mandatory);
14 *Brady v. Mercedes-Benz USA, Inc.*, 243 F. Supp. 2d 1004, 1010–11 (N.D. Cal. 2002)
15 (“Where the law entitles the prevailing plaintiff to recover reasonable attorney fees, a
16 reasonable estimate of fees likely to be incurred to resolution is part of the benefit
17 permissibly sought by the plaintiff and thus contributes to the amount in controversy.”).

18 42. The Ninth Circuit held that “a court must include future attorneys’ fees
19 recoverable by statute or contract when assessing whether the amount-in-controversy
20 requirement is met.” *Fritsch v. Swift Transp. Co. of Arizona, LLC*, 899 F.3d 785, 794
21 (9th Cir. 2018); *see also Chavez v. JPMorgan Chase & Co.*, 888 F.3d 413, 414–15 (9th
22 Cir. 2018) (“[T]he amount in controversy is not limited to damages incurred prior to
23 removal—for example, it is not limited to wages a plaintiff-employee would have earned
24 before removal (as opposed to after removal). Rather, the amount in controversy is
25 determined by the complaint operative at the time of removal and encompasses all relief a
26 court may grant on that complaint if the plaintiff is victorious.”); *Lucas v. Michael Kors*
27 *(USA), Inc.*, 2018 WL 2146403 (C.D. Cal. May 9, 2018) (holding that “unaccrued post-
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1 removal attorneys' fees can be factored into the amount in controversy" for CAFA
2 jurisdiction).

3 43. Indeed, the Ninth Circuit explicitly confirmed that "when a statute or
4 contract provides for the recovery of attorneys' fees, prospective attorneys' fees must be
5 included in the assessment of the amount in controversy," including in the context of
6 determining CAFA jurisdiction and as a "principle[] that appl[ies] in CAFA removal
7 cases." *Arias*, 936 F.3d at 922.

8 44. In the class action context, courts have found that 25 percent of the
9 aggregate amount in controversy is a benchmark for attorneys' fees award under the
10 "percentage of fund" calculation and courts may depart from this benchmark when
11 warranted. *See, e.g., Wheatley*, 2019 WL 688209, at *6 (C.D. Cal. Feb. 19, 2019)
12 (finding that an estimate of attorney's fees of 25% reasonable); *Ramos v. Schenker, Inc.*,
13 2018 WL 5779978, at *3 (C.D. Cal. Nov. 1, 2018) ("[T]he 25% benchmark provides a
14 non-speculative guidepost for assessing jurisdiction."); *Campbell v. Vitran Exp., Inc.*, 471
15 F. App'x 646, 649 (9th Cir. 2012) (attorneys' fees appropriately included in determining
16 amount in controversy under CAFA); *Powers v. Eichen*, 229 F.3d 1249, 1256–57 (9th
17 Cir. 2000) ("We have also established twenty-five percent of the recovery as a
18 'benchmark' for attorneys' fees calculations under the percentage-of-recovery
19 approach");

20 45. Even under the conservative benchmark of 25 percent of the total amount in
21 controversy for Plaintiff's claims, attorneys' fees based on statutory damages alone
22 would be upward of \$1,250,000 in this case, which is 25% of the maximum amount of
23 statutory damages described above.

24 46. Although Defendants deny Plaintiff's allegations that she or the putative
25 class are entitled to any relief, based on Plaintiff's allegations and prayer for relief, and a
26 conservative estimate based only on statutory damages and attorneys' fees, the total
27 amount in controversy far exceeds the \$5,000,000 threshold set forth under 28 U.S.C. §
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1 1332(d)(2) for removal jurisdiction. Moreover, this does *not* take into account Plaintiff’s
2 request for uncapped punitive damages, compensatory damages, and actual damages.

3 47. Because minimal diversity of citizenship exists, and the amount in
4 controversy exceeds \$5,000,000, this Court independently has original jurisdiction of this
5 action pursuant to 28 U.S.C. § 1332(d)(2). This action is therefore proper for removal to
6 this Court pursuant to 28 U.S.C. § 1441(a).

7 **V. VENUE**

8 48. Venue lies in the United States District Court for the Central District of
9 California, pursuant to 28 U.S.C. §§ 1391(a), 1441, and 84(c). This action originally was
10 brought in the Superior Court of the State of California for the County of Los Angeles,
11 which is located within the Central District of California. 28 U.S.C. § 84(c). Therefore,
12 venue is proper because it is the “district and division embracing the place where such
13 action is pending.” 28 U.S.C. § 1441(a).

14 49. A true and correct copy of this Notice of Removal will be promptly served
15 on Plaintiff and filed with the Clerk of the Superior Court of the State of California for
16 the County of Los Angeles as required under 28 U.S.C. § 1446(d).

17 **VI. NOTICE TO STATE COURT AND TO PLAINTIFF**

18 50. Defendants will give prompt notice of the filing of this Notice of Removal to
19 Plaintiff and to the Clerk of the Superior Court of the State of California for the County
20 of Los Angeles. The Notice of Removal is concurrently being served on all parties.

21 **VII. PRAYER FOR REMOVAL**

22 51. WHEREFORE, Defendants pray that this civil action be removed from
23 Superior Court of the State of California for the County of Los Angeles to the United
24 States District Court for the Central District of California.

1 DATED: March 3, 2022

SEYFARTH SHAW LLP

2
3 By: /s/ Leo Q. Li

4 Jon D. Meer
5 Leo Q. Li
6 Attorneys for Defendants
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Exhibit "A"

SUMMONS (CITACION JUDICIAL)

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

NOTICE TO DEFENDANT: CARTER'S INC. a Delaware Corporation; CARTER'S
(AVISO AL DEMANDADO): RETAIL, INC., a Delaware Corporation; THE WILLIAM
CARTER COMPANY, a Massachusetts Corporation; OSHKOSH B'GOSH, INC, a Delaware
Corporation; and DOES 1 through 100, inclusive,

YOU ARE BEING SUED BY PLAINTIFF: SINDY MAYORGA, on behalf of herself,
(LO ESTÁ DEMANDANDO EL DEMANDANTE): all others similarly situated, and
the general public,

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 North Hill Street
Los Angeles, California 90012

CASE NUMBER:
(Número del Caso):

22STCV02309

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is: Bruce Kokozian, Esq.
(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):
KOKOZIAN LAW FIRM, APC
10940 Wilshire Boulevard, Suite 1200, Los Angeles, CA 90024

Sherri R. Carter Executive Officer / Clerk of Court
(323) 857-5900

DATE:
(Fecha) 01/20/2022

Clerk, by _____, Deputy
(Secretario) R. Lozano *(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

- as an individual defendant.
- as the person sued under the fictitious name of *(specify)*:
- on behalf of *(specify)*:

under: <input type="checkbox"/> CCP 416.10 (corporation)	<input type="checkbox"/> CCP 416.60 (minor)
<input type="checkbox"/> CCP 416.20 (defunct corporation)	<input type="checkbox"/> CCP 416.70 (conservatee)
<input type="checkbox"/> CCP 416.40 (association or partnership)	<input type="checkbox"/> CCP 416.90 (authorized person)
<input type="checkbox"/> other <i>(specify)</i> :	
- by personal delivery on *(date)*:

Assigned for all purposes to: Spring Street Courthouse, Judicial Officer: Maren Nelson

Electronically FILED by Superior Court of California, County of Los Angeles on 01/20/2022 11:35 AM Sherri R. Carter, Executive Officer/Clerk of Court, by R. Lozano, Deputy Clerk

1 Bruce Kokozyan, Esq. (SBN 195723)
 Alex DiBona, Esq. (SBN 265744)
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6 SINDY MAYORGA, individually and on behalf of others
 7 similarly situated

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
 9 FOR THE COUNTY OF LOS ANGELES- CENTRAL DISTRICT

11 SINDY MAYORGA, on behalf of herself, all
 12 others similarly situated, and the general
 public,

13 *Plaintiff,*

14 vs.

15 CARTER’S INC. a Delaware Corporation;
 16 CARTER’S RETAIL, INC., a Delaware
 Corporation; THE WILLIAM CARTER
 17 COMPANY, a Massachusetts Corporation;
 OSHKOSH B’GOSH, INC, a Delaware
 18 Corporation; and DOES 1 through 100,
 inclusive,

19 *Defendants.*

Case No. **22STCV02309**

CLASS ACTION

COMPLAINT

1. Violation of 15 U.S.C. §§ 1681b(b)(2)(A)
 (Fair Credit Reporting Act);

JURY TRIAL DEMANDED

1
2 COMES NOW, Plaintiff SINDY MAYORGA (“Plaintiff”), on behalf of herself, all others
3 similarly situated, and the general public, complains and alleges as follows:

4 **INTRODUCTION**

5 1. Plaintiff brings this class action against defendants CARTER’S INC.; CARTER’S
6 RETAIL, INC.; THE WILLIAM CARTER COMPANY; OSHKOSH B’GOSH, INC; and DOES 1
7 through 100, inclusively (collectively referred to as “Defendants”) for alleged violations of the Fair
8 Credit Reporting Act (“FCRA”).

9 2. Plaintiff alleges that Defendants routinely acquire consumer, investigative consumer
10 and/or consumer credit reports (referred to collectively as “credit and background reports”) to
11 conduct background checks on Plaintiff and other prospective, current and former employees and
12 use information from credit and background reports in connection with their hiring process without
13 providing proper disclosures and obtaining proper authorization in compliance with the law.

14 3. Plaintiff, individually and on behalf of all others similarly situated current, former
15 and prospective employees, seeks compensatory and punitive damages due to Defendants’
16 systematic and willful violations of the FCRA (15 U.S.C. §§ 1681 *et seq.*).

17 **JURISDICTION AND VENUE**

18 4. This Court has subject matter jurisdiction to hear this case because Plaintiff is
19 informed and believes, and thereupon alleges that the monetary damages and restitution sought
20 herein for Defendants’ conduct exceeds the minimal jurisdictional limits of the Superior Court.

21 5. Venue is proper in Los Angeles County pursuant to Code of Civil Procedure sections
22 395(a) and 395.5 in that liability arose in the county because at least some of the transactions that
23 are the subject matter of this Complaint occurred therein and/or each defendant is found, maintains
24 offices, transacts business and/or has an agent therein.

25 **PARTIES**

26 6. Plaintiff is, and at all relevant times mentioned herein was, an individual residing in
27 the State of California and a resident of the state of California, County of Los Angeles.

28 7. Defendant CARTER’S INC. is, and at all relevant times mentioned herein was, a

1 Delaware Corporation organized and existing under the laws of Delaware and doing business in the
2 State of California. Defendant CARTER’S RETAIL, INC. is, and at all relevant times mentioned
3 herein was, a Delaware Limited Liability Company Corporation organized and existing under the
4 laws of Delaware and doing business in the State of California. THE WILLIAM CARTER
5 COMPANY, is, and at all relevant times mentioned herein was, a Massachusetts organized and
6 existing under the laws of Massachusetts and doing business in the State of California. OSHKOSH
7 B’GOSH, INC, is, and at all relevant times mentioned herein was, a Delaware Corporation
8 organized and existing under the laws of Delaware and doing business in the State of California.

9 8. Plaintiff is ignorant of the true names, capacities, relationships, and extent of
10 participation in the conduct alleged herein, of the defendants sued as DOES 1 through 100,
11 inclusive, but is informed and believes and thereupon alleges that the defendants are legally
12 responsible for the wrongful conduct alleged herein and therefore sues these defendants by such
13 fictitious names. Plaintiff will amend the Complaint to allege the true names and capacities of the
14 DOE defendants when ascertained.

15 9. Plaintiff is informed and believes and thereupon alleges that, at all relevant times
16 mentioned herein, all defendants were the agents, employees and/or servants, masters or employers
17 of the remaining defendants, and in doing the things hereinafter alleged, were acting within the
18 course and scope of such agency or employment, and with the approval and ratification of each of
19 the other defendants.

20 10. Plaintiff alleges that each and every one of the acts and omissions alleged herein
21 were performed by and/or attributable to all defendants, each acting as agents and/or employees,
22 and/or under the direction and control of each of the other defendants, and that the alleged acts and
23 failures to act were within the course and scope of the agency, employment and/or direction and
24 control.

25 **CLASS ALLEGATIONS**

26 11. This action is brought and may be maintained as a class action pursuant to Code of
27 Civil Procedure section 382 because there is a well-defined community of interest among the
28 persons who comprise the readily ascertainable classes defined below and because Plaintiff is

1 unaware of any difficulties likely to be encountered in managing this case as a class action.

2 12. **Class Definitions:** The classes are defined as follows:

3 **FCRA Class:** All of Defendants' current, former and prospective applicants for
4 employment in the United States who applied for a job with Defendants at any time
5 during the period for which a background check was performed beginning five years
6 prior to the filing of this action and ending on the date that final judgment is entered
7 in this action.

8 13. **Reservation of Rights:** Pursuant to Rule of Court 3.765(b), Plaintiff reserves the
9 right to amend or modify the class definitions with greater specificity, by further division into sub-
10 classes and/or by limitation to particular issues.

11 14. **Numerosity:** The class members are so numerous that the individual joinder of each
12 individual class member is impractical. While Plaintiff does not currently know the exact number
13 of class members, Plaintiff is informed and believes that the actual number exceeds the minimum
14 required for numerosity under California law.

15 15. **Commonality and Predominance:** Common questions of law and fact exist as to
16 all class members and predominate over any questions which affect only individual class members.
17 These questions include, but are not limited to:

- 18 A. Whether Defendants failed to comply with the requirements of 15 U.S.C. §
19 7001 section 101(c)(1);
- 20 B. Whether Defendants willfully failed to provide the class with stand-alone
21 written disclosures before obtaining a credit or background report in
22 compliance with the statutory mandates;
- 23 C. Whether Defendants willfully failed to identify the name, address, telephone
24 number, and/or website of the investigative consumer reporting agency
25 conducting the investigation;
- 26 D. Whether Defendants willfully failed to identify the source of the credit report
27 to be performed;
- 28 E. Whether Defendants willfully failed to comply with the FCRA.

16. **Typicality:** Plaintiff's claims are typical of the other class members' claims.

1 Plaintiff is informed and believes and thereupon alleges that Defendants have a policy, practice or
2 lack of a policy or practice which resulted in Defendants failing to comply with the FCRA as
3 alleged herein.

4 17. **Adequacy of Class Representative:** Plaintiff is an adequate class representative in
5 that she has no interests that are adverse to, or otherwise in conflict with, the interests of the absent
6 class members. Plaintiff is dedicated to vigorously prosecuting this action on behalf of class
7 members. Plaintiff will fairly and adequately represent and protect the interests of class members.

8 18. **Adequacy of Class Counsel:** Plaintiffs' counsel are adequate class counsel in that
9 they have no known conflicts of interest with Plaintiff or absent class members, are experienced in
10 class action litigation and are dedicated to vigorously prosecuting this action on behalf of Plaintiff
11 and absent class members.

12 19. **Superiority:** A class action is vastly superior to other available means for fair and
13 efficient adjudication of class members' claims and would be beneficial to the parties and the Court.
14 Class action treatment will allow a number of similarly situated persons to simultaneously and
15 efficiently prosecute their common claims in a single forum without the unnecessary duplication of
16 effort and expense that numerous individual actions would entail. In addition, the monetary
17 amounts due to many individual class members are likely to be relatively small and would therefore
18 make it difficult, if not impossible, for individual class members to both seek and obtain relief.
19 Moreover, a class action will serve an important public interest by permitting class members to
20 effectively pursue the recovery of monies owed to them. Further, a class action will prevent the
21 potential for inconsistent or contradictory judgments inherent in individual litigation.

22 **GENERAL ALLEGATIONS COMMON TO ALL CAUSES OF ACTION**

23 20. Plaintiff was employed with Defendants beginning in or about August 2021 and
24 whose employment ended in or around November 2021.

25 21. When Plaintiff applied for employment, Defendants performed a background
26 investigation on Plaintiff.

27 22. Based upon information and belief, Defendants did not provide legally compliant
28 disclosure and authorization forms to Plaintiff and the putative class.

FIRST CAUSE OF ACTION

**FAILURE TO PROVIDE PROPER DISCLOSURE IN VIOLATION OF THE FCRA
(15 U.S.C. §§ 1681b(b)(2)(A))**

(Plaintiff and FCRA Class Against All Defendants)

23. Plaintiff incorporates the preceding paragraphs of this Complaint as if fully alleged herein.

24. Defendants are “persons” as defined by Section 1681a(b) of the FCRA.

25. Plaintiff and class members are “consumers” within the meaning of Section 1681a(c) of the FCRA because they are “individuals.”

26. Section 1681a(d)(1) of the FCRA defines “consumer report” as:

“The term “consumer report” means any written, oral, or other communication of any information by a consumer reporting agency bearing on a consumer’s credit worthiness, credit standing, credit capacity, character, general reputation, personal characteristics, or mode of living which is used or expected to be used or collected in whole or in part for the purpose of serving as a factor in establishing the consumer’s eligibility for—

- (A) credit or insurance to be used primarily for personal, family, or household purposes;
- (B) employment purposes; or
- (C) any other purpose authorized under section 1681b of this title.”

Accordingly, a credit and background report qualifies as a consumer report.

27. Section 1681a(e) of the FCRA defines “investigative consumer report” as:

“The term ‘investigative consumer report’ means a consumer report or portion thereof in which information on a consumer’s character, general reputation, personal characteristics, or mode of living is obtained through personal interviews with neighbors, friends, or associates of the consumer reported on or with others with whom he is acquainted or who may have knowledge concerning any such items off information. However, such information shall not include specific factual information on a consumer’s credit record obtained directly from a creditor of the consumer or from a consumer reporting agency when such information was obtained directly from a creditor of the consumer or from the consumer.”

Accordingly, a credit and background report qualifies as an investigative consumer report.

28. Section 1681b(b)(2)(A) of the FCRA provides:

Conditions for furnishing and using consumer reports for employment purposes
Except as provided in subparagraph (B), a person may not procure a consumer report, or cause a consumer report to be procured, for employment purposes with respect to any consumer, unless—

- (i) A ***clear and conspicuous*** disclosure has been made in writing to the consumer at any time before the report is procured or caused to be procured, in a document that ***consists solely of the disclosure***, that a consumer report

1 may be obtained for employment purposes; and

2 (ii) The consumer has authorized in writing (which authorization may be made
3 on the document referred to in clause (i)) the procurement of the report by
4 that person. (Emphasis added.)

5 29. Section 1681b(b)(2)(A)(i) requires that a clear and conspicuous disclosure be made
6 in writing.

7 30. Because Defendants' disclosures do not meet the requirement of 15 U.S.C. section
8 7001(c), the disclosures do not satisfy the written requirement.

9 31. Plaintiff alleges, upon information and belief, that in evaluating his and other class
10 members for employment, Defendants procured or caused to be procured credit and background
11 reports (i.e. a consumer report and/or investigative consumer report as defined by 15 U.S.C. section
12 1681a(d)(1)(B) and 15 U.S.C. section 1681a(e).

13 32. The purported disclosures do not meet the requirements under the law because they
14 are embedded with extraneous information, and are not clear and unambiguous disclosures in
15 stand-alone documents. Extraneous information within the disclosure includes, but is not limited to,
16 misleading information of the applicant's rights under section of the FCRA, having the applicant fill
17 out extensive background information and placing a disclaimer regarding the use of the background
18 information that is being provided.

19 33. Under the FCRA, it is unlawful to procure or cause to be procured, a consumer
20 report or investigative consumer report for employment purposes unless the disclosure is made in a
21 document that consists solely of the disclosure and the consumer has authorized, in writing, the
22 procurement of the report. (15 U.S.C. §1681b(b)(2)(A)(i)-(ii).) The inclusion of other extraneous
23 information therefore violates section 1681b(b)(2)(A) of the FCRA.

24 34. Although the disclosure and authorization may be combined in a single document,
25 the Federal Trade Commission ("FTC") has warned that the form should not include any extraneous
26 information or be part of another document. For example, in response to an inquiry as to whether
27 the disclosure may be set forth within an application for employment or whether it must be included
28 in a separate document, the FTC stated:

 "The disclosure may not be part of an employment application because the language

1 [of 15 U.S.C. section 1681b(b)(2)(A) is] intended to ensure that it appears
2 conspicuously in a document not encumbered by any other information. The reason
3 for requiring that the disclosure be in a stand-alone document is to prevent
consumers from being distracted by other information side-by-side within the
disclosure.”

4 35. In a report dated July 2011, the FTC reiterated that “the notice [under 15 U.S.C.
5 section 1681b(b)(2)(A))] may not include extraneous or contradictory information, such as a request
6 for a consumer’s waiver of his or her rights under the FCRA.”

7 36. By including other extraneous information, Defendants willfully disregarded the
8 FTC’s regulatory guidance and violated section 1681b(b)(2)(A) of the FCRA. Additionally, the
9 inclusion of the extraneous provisions causes the disclosure to fail to be “clear and conspicuous”
10 and “clear and accurate” and therefore violates sections 1681b(b)(2)(A) and 1681d(a).

11 37. Defendants’ conduct in violation of section 1681b(b)(2)(A) of the FCRA was and is
12 willful. Defendants’ acts are in deliberate or reckless disregard of their obligations and the rights of
13 applicants and employees, including Plaintiff and class members. Defendants’ willful conduct is
14 reflected by, among other things, the following facts:

- 15 A. Defendants are a large corporation with access to legal advice;
16 B. Defendants required a purported authorization to perform credit and
17 background checks in the process of employing the class members which,
18 although defective, evidences Defendants’ awareness of and willful failure to
19 follow the governing laws concerning such authorizations;

20 38. Based upon the facts likely to have evidentiary support after a reasonable
21 opportunity to further investigation and discovery, Plaintiff alleges that Defendants have a policy
22 and practice of procuring investigative consumer reports or causing investigative consumer reports
23 to be procured for applicants and employees without informing them of their right to request a
24 summary of their rights under the FCRA at the same time as the disclosure explaining that an
25 investigative consumer report may be made. Pursuant to that policy and practice, Defendants
26 procured investigative consumer reports or caused investigative consumer reports to be procured for
27 Plaintiff and class members, as described above, without informing class members of their rights to
28 request a written summary of their rights under the FCRA.

1 39. Accordingly, Defendants willfully violated and continue to violate the FCRA,
2 including but not limited to, sections 1681b(b)(2)(A) and 1681d(a). Defendants' willful conduct is
3 reflected by, among other things, the facts set forth above.

4 40. As a result of Defendants' unlawful procurement of credit and background reports by
5 way of their inadequate disclosures, as set forth above, Plaintiff and class members have been
6 injured, including but not limited to, having their privacy and statutory rights invaded in violation of
7 the FCRA.

8 41. Plaintiff, on behalf of herself and all class members, seeks all available remedies
9 pursuant to 15 U.S.C. section 1681n, including statutory damages and/or actual damages, punitive
10 damages, injunctive and equitable relief and attorneys' fees and costs.

11 42. In the alternative to Plaintiff's allegation that these violations were willful, Plaintiff
12 alleges that the violations were negligent and seeks the appropriate remedy, if any, under 15 U.S.C.
13 section 1681o, including statutory damages and attorneys' fees and costs.

14 **PRAYER FOR RELIEF**

15 WHEREFORE, Plaintiff, on behalf of herself and all others similarly situated, prays for
16 relief and judgment against Defendants as follows:

- 17 A. An order that the action be certified as a class action;
18 B. An order that Plaintiff be appointed class representative;
19 C. An order that counsel for Plaintiff be appointed class counsel;
20 D. Statutory penalties;
21 E. Civil penalties;
22 F. Punitive damages;
23 G. Injunctive relief;
24 H. Costs of suit;
25 I. Interest;
26 J. Restitution;
27 K. Reasonable attorneys' fees; and
28 L. Such other relief as the Court deems just and proper.

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DEMAND FOR JURY TRIAL

Plaintiff, on behalf of herself and all others similarly situated, hereby demands a jury trial on all issues so triable.

Dated: January 17, 2022

Kokozian Law Firm, APC



Bruce Kokozian, Esq.
Attorneys for SINDY MAYORGA

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar Number, and Address):
Bruce Kokozyan, Esq.
KOKOZYAN LAW FIRM, APC
10940 Wilshire Boulevard, Suite 1200, Los Angeles, CA 90024
TELEPHONE NO.: (323) 857-5900 FAX NO. (Optional): (310) 275-6301
E-MAIL ADDRESS: bkokozyan@kokozyanlawfirm.com
ATTORNEY FOR (Name): Sindy Mayorga

FOR COURT USE ONLY
CASE NUMBER:
22STCV02309
JUDGE:
DEPT.:

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

CASE NAME: Mayorga v. Carter's Inc., et al.

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

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

1. Check **one** box below for the case type that best describes this case:

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

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: **1/17/22**
Bruce Kokozyan, Esq.


(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

(TYPE OR PRINT NAME)

NOTICE

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

INSTRUCTIONS ON HOW TO COMPLETE THE COVER SHEET

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

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

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

CASE TYPES AND EXAMPLES

Auto Tort

Auto (22)–Personal Injury/Property Damage/Wrongful Death
Uninsured Motorist (46) (*if the case involves an uninsured motorist claim subject to arbitration, check this item instead of Auto*)

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

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

Non-PI/PD/WD (Other) Tort

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

Employment

Wrongful Termination (36)
Other Employment (15)

Contract

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

Real Property

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

Unlawful Detainer

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

Judicial Review

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

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

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

Enforcement of Judgment

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

Miscellaneous Civil Complaint

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

Miscellaneous Civil Petition

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

SHORT TITLE: Mayorga v Carter's Inc.	CASE NUMBER 22STCV02309
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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 Court Filing 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. Mandatory personal injury filing in North District. | 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, or personal injury). |
| 6. Location of property or permanently garaged vehicle. | |

	A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Auto Tort	Auto (22)	<input type="checkbox"/> A7100 Motor Vehicle - Personal Injury/Property Damage/Wrongful Death	1, 4, 11
	Uninsured Motorist (46)	<input type="checkbox"/> A7110 Personal Injury/Property Damage/Wrongful Death – Uninsured Motorist	1, 4, 11
Other Personal Injury/Property Damage/Wrongful Death Tort	Asbestos (04)	<input type="checkbox"/> A6070 Asbestos Property Damage	1, 11
		<input type="checkbox"/> A7221 Asbestos - Personal Injury/Wrongful Death	1, 11
	Product Liability (24)	<input type="checkbox"/> A7260 Product Liability (not asbestos or toxic/environmental)	1, 4, 11
	Medical Malpractice (45)	<input type="checkbox"/> A7210 Medical Malpractice - Physicians & Surgeons	1, 4, 11
		<input type="checkbox"/> A7240 Other Professional Health Care Malpractice	1, 4, 11
Other Personal Injury Property Damage Wrongful Death (23)	<input type="checkbox"/> A7250 Premises Liability (e.g., slip and fall) <input type="checkbox"/> A7230 Intentional Bodily Injury/Property Damage/Wrongful Death (e.g., assault, vandalism, etc.) <input type="checkbox"/> A7270 Intentional Infliction of Emotional Distress <input type="checkbox"/> A7220 Other Personal Injury/Property Damage/Wrongful Death	1, 4, 11 1, 4, 11 1, 4, 11 1, 4, 11	

SHORT TITLE: Mayorga v Carter's Inc.	CASE NUMBER
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	A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Non-Personal Injury/Property Damage/Wrongful Death Tort	Business Tort (07)	<input checked="" type="checkbox"/> A6029 Other Commercial/Business Tort (not fraud/breach of contract)	1, 2, 3
	Civil Rights (08)	<input type="checkbox"/> A6005 Civil Rights/Discrimination	1, 2, 3
	Defamation (13)	<input type="checkbox"/> A6010 Defamation (slander/libel)	1, 2, 3
	Fraud (16)	<input type="checkbox"/> A6013 Fraud (no contract)	1, 2, 3
	Professional Negligence (25)	<input type="checkbox"/> A6017 Legal Malpractice	1, 2, 3
		<input type="checkbox"/> A6050 Other Professional Malpractice (not medical or legal)	1, 2, 3
	Other (35)	<input type="checkbox"/> A6025 Other Non-Personal Injury/Property Damage tort	1, 2, 3
Employment	Wrongful Termination (36)	<input type="checkbox"/> A6037 Wrongful Termination	1, 2, 3
	Other Employment (15)	<input type="checkbox"/> A6024 Other Employment Complaint Case	1, 2, 3
		<input type="checkbox"/> A6109 Labor Commissioner Appeals	10
Contract	Breach of Contract/ Warranty (06) (not insurance)	<input type="checkbox"/> A6004 Breach of Rental/Lease Contract (not unlawful detainer or wrongful eviction)	2, 5
		<input type="checkbox"/> A6008 Contract/Warranty Breach -Seller Plaintiff (no fraud/negligence)	2, 5
		<input type="checkbox"/> A6019 Negligent Breach of Contract/Warranty (no fraud)	1, 2, 5
		<input type="checkbox"/> A6028 Other Breach of Contract/Warranty (not fraud or negligence)	1, 2, 5
	Collections (09)	<input type="checkbox"/> A6002 Collections Case-Seller Plaintiff	5, 6, 11
		<input type="checkbox"/> A6012 Other Promissory Note/Collections Case	5, 11
<input type="checkbox"/> A6034 Collections Case-Purchased Debt (Charged Off Consumer Debt Purchased on or after January 1, 2014)		5, 6, 11	
Insurance Coverage (18)	<input type="checkbox"/> A6015 Insurance Coverage (not complex)	1, 2, 5, 8	
Other Contract (37)	<input type="checkbox"/> A6009 Contractual Fraud	1, 2, 3, 5	
	<input type="checkbox"/> A6031 Tortious Interference	1, 2, 3, 5	
	<input type="checkbox"/> A6027 Other Contract Dispute(not breach/insurance/fraud/negligence)	1, 2, 3, 8, 9	
Real Property	Eminent Domain/Inverse Condemnation (14)	<input type="checkbox"/> A7300 Eminent Domain/Condemnation Number of parcels_____	2, 6
	Wrongful Eviction (33)	<input type="checkbox"/> A6023 Wrongful Eviction Case	2, 6
	Other Real Property (26)	<input type="checkbox"/> A6018 Mortgage Foreclosure	2, 6
<input type="checkbox"/> A6032 Quiet Title		2, 6	
<input type="checkbox"/> A6060 Other Real Property (not eminent domain, landlord/tenant, foreclosure)		2, 6	
Unlawful Detainer	Unlawful Detainer-Commercial (31)	<input type="checkbox"/> A6021 Unlawful Detainer-Commercial (not drugs or wrongful eviction)	6, 11
	Unlawful Detainer-Residential (32)	<input type="checkbox"/> A6020 Unlawful Detainer-Residential (not drugs or wrongful eviction)	6, 11
	Unlawful Detainer-Post-Foreclosure (34)	<input type="checkbox"/> A6020F Unlawful Detainer-Post-Foreclosure	2, 6, 11
	Unlawful Detainer-Drugs (38)	<input type="checkbox"/> A6022 Unlawful Detainer-Drugs	2, 6, 11

SHORT TITLE: Mayorga v Carter's Inc.	CASE NUMBER
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	A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Judicial Review	Asset Forfeiture (05)	<input type="checkbox"/> A6108 Asset Forfeiture Case	2, 3, 6
	Petition re Arbitration (11)	<input type="checkbox"/> A6115 Petition to Compel/Confirm/Vacate Arbitration	2, 5
	Writ of Mandate (02)	<input type="checkbox"/> A6151 Writ - Administrative Mandamus	2, 8
		<input type="checkbox"/> A6152 Writ - Mandamus on Limited Court Case Matter	2
		<input type="checkbox"/> A6153 Writ - Other Limited Court Case Review	2
Other Judicial Review (39)	<input type="checkbox"/> A6150 Other Writ /Judicial Review	2, 8	
Provisionally Complex Litigation	Antitrust/Trade Regulation (03)	<input type="checkbox"/> A6003 Antitrust/Trade Regulation	1, 2, 8
	Construction Defect (10)	<input type="checkbox"/> A6007 Construction Defect	1, 2, 3
	Claims Involving Mass Tort (40)	<input type="checkbox"/> A6006 Claims Involving Mass Tort	1, 2, 8
	Securities Litigation (28)	<input type="checkbox"/> A6035 Securities Litigation Case	1, 2, 8
	Toxic Tort Environmental (30)	<input type="checkbox"/> A6036 Toxic Tort/Environmental	1, 2, 3, 8
	Insurance Coverage Claims from Complex Case (41)	<input type="checkbox"/> A6014 Insurance Coverage/Subrogation (complex case only)	1, 2, 5, 8
Enforcement of Judgment	Enforcement of Judgment (20)	<input type="checkbox"/> A6141 Sister State Judgment	2, 5, 11
		<input type="checkbox"/> A6160 Abstract of Judgment	2, 6
		<input type="checkbox"/> A6107 Confession of Judgment (non-domestic relations)	2, 9
		<input type="checkbox"/> A6140 Administrative Agency Award (not unpaid taxes)	2, 8
		<input type="checkbox"/> A6114 Petition/Certificate for Entry of Judgment on Unpaid Tax	2, 8
		<input type="checkbox"/> A6112 Other Enforcement of Judgment Case	2, 8, 9
Miscellaneous Civil Complaints	RICO (27)	<input type="checkbox"/> A6033 Racketeering (RICO) Case	1, 2, 8
	Other Complaints (Not Specified Above) (42)	<input type="checkbox"/> A6030 Declaratory Relief Only	1, 2, 8
		<input type="checkbox"/> A6040 Injunctive Relief Only (not domestic/harassment)	2, 8
		<input type="checkbox"/> A6011 Other Commercial Complaint Case (non-tort/non-complex)	1, 2, 8
<input type="checkbox"/> A6000 Other Civil Complaint (non-tort/non-complex)	1, 2, 8		
Miscellaneous Civil Petitions	Partnership Corporation Governance (21)	<input type="checkbox"/> A6113 Partnership and Corporate Governance Case	2, 8
	Other Petitions (Not Specified Above) (43)	<input type="checkbox"/> A6121 Civil Harassment With Damages	2, 3, 9
		<input type="checkbox"/> A6123 Workplace Harassment With Damages	2, 3, 9
		<input type="checkbox"/> A6124 Elder/Dependent Adult Abuse Case With Damages	2, 3, 9
		<input type="checkbox"/> A6190 Election Contest	2
		<input type="checkbox"/> A6110 Petition for Change of Name/Change of Gender	2, 7
		<input type="checkbox"/> A6170 Petition for Relief from Late Claim Law	2, 3, 8
<input type="checkbox"/> A6100 Other Civil Petition	2, 9		

SHORT TITLE: Mayorga v Carter's Inc.	CASE NUMBER
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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:						
<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:30%; padding: 2px;">CITY:</td> <td style="width:30%; padding: 2px;">STATE:</td> <td style="width:40%; padding: 2px;">ZIP CODE:</td> </tr> <tr> <td style="height: 20px;"></td> <td></td> <td></td> </tr> </table>	CITY:	STATE:	ZIP CODE:				
CITY:	STATE:	ZIP CODE:					

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



Dated: 1/17/22

(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, LACIV 109, LASC Approved 03-04 (Rev. 02/16).
5. Payment in full of the filing fee, unless there is court order for waiver, partial or scheduled payments.
6. A signed order appointing the 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 in order 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.

SUPERIOR COURT OF CALIFORNIA COUNTY OF LOS ANGELES	<small>Reserved for Clerk's File Stamp</small> FILED Superior Court of California County of Los Angeles 01/20/2022 Sherri R. Carter, Executive Officer / Clerk of Court By: <u> R. Lozano </u> Deputy
COURTHOUSE ADDRESS: Spring Street Courthouse 312 North Spring Street, Los Angeles, CA 90012	
NOTICE OF CASE ASSIGNMENT UNLIMITED CIVIL CASE	
Your case is assigned for all purposes to the judicial officer indicated below.	CASE NUMBER: 22STCV02309

THIS FORM IS TO BE SERVED WITH THE SUMMONS AND COMPLAINT

	ASSIGNED JUDGE	DEPT	ROOM		ASSIGNED JUDGE	DEPT	ROOM
✓	Maren Nelson	17					

Given to the Plaintiff/Cross-Complainant/Attorney of Record Sherri R. Carter, Executive Officer / Clerk of Court
 on 01/20/2022 (Date) By R. Lozano, 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 a 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.** Case Manager Elizabeth Sanchez, elizabeth@adrservices.com (949) 863-9800
- **JAMS, Inc.** Assistant Manager Reggie Joseph, RJoseph@jamsadr.com (310) 309-6209
- **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**

<https://hrc.lacounty.gov/wp-content/uploads/2020/05/DRP-Fact-Sheet-23October19-Current-as-of-October-2019-1.pdf>

Day of trial mediation programs have been paused until further notice.

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.

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 <http://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 <http://www.lacourt.org/division/civil/C10047.aspx>

Los Angeles Superior Court ADR website: <http://www.lacourt.org/division/civil/C10109.aspx>
For general information and videos about ADR, visit <http://www.courts.ca.gov/programs-adr.htm>

FILED
Superior Court of California
County of Los Angeles

MAY 03 2019

Sherri R. Carter, Executive Officer/Clerk
By Rizalinda Mina, Deputy
Rizalinda Mina

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

IN RE LOS ANGELES SUPERIOR COURT) FIRST AMENDED GENERAL ORDER
- MANDATORY ELECTRONIC FILING)
FOR CIVIL)

On December 3, 2018, the Los Angeles County Superior Court mandated electronic filing of all documents in Limited Civil cases by litigants represented by attorneys. On January 2, 2019, the Los Angeles County Superior Court mandated electronic filing of all documents filed in Non-Complex Unlimited Civil cases by litigants represented by attorneys. (California Rules of Court, rule 2.253(b).) All electronically filed documents in Limited and Non-Complex Unlimited cases are subject to the following:

1) DEFINITIONS

- a) **“Bookmark”** A bookmark is a PDF document navigational tool that allows the reader to quickly locate and navigate to a designated point of interest within a document.
- b) **“Efiling Portal”** The official court website includes a webpage, referred to as the efiling portal, that gives litigants access to the approved Electronic Filing Service Providers.
- c) **“Electronic Envelope”** A transaction through the electronic service provider for submission of documents to the Court for processing which may contain one or more PDF documents attached.
- d) **“Electronic Filing”** Electronic Filing (eFiling) is the electronic transmission to a Court of a document in electronic form. (California Rules of Court, rule 2.250(b)(7).)

- 1 e) **“Electronic Filing Service Provider”** An Electronic Filing Service Provider (EFSP) is a
2 person or entity that receives an electronic filing from a party for retransmission to the Court.
3 In the submission of filings, the EFSP does so on behalf of the electronic filer and not as an
4 agent of the Court. (California Rules of Court, rule 2.250(b)(8).)
- 5 f) **“Electronic Signature”** For purposes of these local rules and in conformity with Code of
6 Civil Procedure section 17, subdivision (b)(3), section 34, and section 1010.6, subdivision
7 (b)(2), Government Code section 68150, subdivision (g), and California Rules of Court, rule
8 2.257, the term “Electronic Signature” is generally defined as an electronic sound, symbol, or
9 process attached to or logically associated with an electronic record and executed or adopted
10 by a person with the intent to sign the electronic record.
- 11 g) **“Hyperlink”** An electronic link providing direct access from one distinctively marked place
12 in a hypertext or hypermedia document to another in the same or different document.
- 13 h) **“Portable Document Format”** A digital document format that preserves all fonts,
14 formatting, colors and graphics of the original source document, regardless of the application
15 platform used.

16 2) MANDATORY ELECTRONIC FILING

17 a) Trial Court Records

18 Pursuant to Government Code section 68150, trial court records may be created, maintained,
19 and preserved in electronic format. Any document that the Court receives electronically must
20 be clerically processed and must satisfy all legal filing requirements in order to be filed as an
21 official court record (California Rules of Court, rules 2.100, et seq. and 2.253(b)(6)).

22 b) Represented Litigants

23 Pursuant to California Rules of Court, rule 2.253(b), represented litigants are required to
24 electronically file documents with the Court through an approved EFSP.

25 c) Public Notice

26 The Court has issued a Public Notice with effective dates the Court required parties to
27 electronically file documents through one or more approved EFSPs. Public Notices containing
28 effective dates and the list of EFSPs are available on the Court’s website, at www.lacourt.org.

1 d) Documents in Related Cases

2 Documents in related cases must be electronically filed in the eFiling portal for that case type if
3 electronic filing has been implemented in that case type, regardless of whether the case has
4 been related to a Civil case.

5 3) EXEMPT LITIGANTS

6 a) Pursuant to California Rules of Court, rule 2.253(b)(2), self-represented litigants are exempt
7 from mandatory electronic filing requirements.

8 b) Pursuant to Code of Civil Procedure section 1010.6, subdivision (d)(3) and California Rules of
9 Court, rule 2.253(b)(4), any party may make application to the Court requesting to be excused
10 from filing documents electronically and be permitted to file documents by conventional
11 means if the party shows undue hardship or significant prejudice.

12 4) EXEMPT FILINGS

13 a) The following documents shall not be filed electronically:

14 i) Peremptory Challenges or Challenges for Cause of a Judicial Officer pursuant to Code of
15 Civil Procedure sections 170.6 or 170.3;

16 ii) Bonds/Undertaking documents;

17 iii) Trial and Evidentiary Hearing Exhibits

18 iv) Any ex parte application that is filed concurrently with a new complaint including those
19 that will be handled by a Writs and Receivers department in the Mosk courthouse; and

20 v) Documents submitted conditionally under seal. The actual motion or application shall be
21 electronically filed. A courtesy copy of the electronically filed motion or application to
22 submit documents conditionally under seal must be provided with the documents
23 submitted conditionally under seal.

24 b) Lodgments

25 Documents attached to a Notice of Lodgment shall be lodged and/or served conventionally in
26 paper form. The actual document entitled, "Notice of Lodgment," shall be filed electronically.

27 //

28 //

1 5) ELECTRONIC FILING SYSTEM WORKING PROCEDURES

2 Electronic filing service providers must obtain and manage registration information for persons
3 and entities electronically filing with the court.

4 6) TECHNICAL REQUIREMENTS

5 a) Electronic documents must be electronically filed in PDF, text searchable format **when**
6 technologically feasible without impairment of the document's image.

7 b) The table of contents for any filing must be bookmarked.

8 c) Electronic documents, including but not limited to, declarations, proofs of service, and
9 exhibits, must be bookmarked within the document pursuant to California Rules of Court, rule
10 3.1110(f)(4). Electronic bookmarks must include links to the first page of each bookmarked
11 item (e.g. exhibits, declarations, deposition excerpts) and with bookmark titles that identify the
12 bookedmarked item and briefly describe the item.

13 d) Attachments to primary documents must be bookmarked. Examples include, but are not
14 limited to, the following:

15 i) Depositions;

16 ii) Declarations;

17 iii) Exhibits (including exhibits to declarations);

18 iv) Transcripts (including excerpts within transcripts);

19 v) Points and Authorities;

20 vi) Citations; and

21 vii) Supporting Briefs.

22 e) Use of hyperlinks within documents (including attachments and exhibits) is strongly
23 encouraged.

24 f) Accompanying Documents

25 Each document accompanying a single pleading must be electronically filed as a **separate**
26 digital PDF document.

27 g) Multiple Documents

28 Multiple documents relating to one case can be uploaded in one envelope transaction.

1 h) Writs and Abstracts

2 Writs and Abstracts must be submitted as a separate electronic envelope.

3 i) Sealed Documents

4 If and when a judicial officer orders documents to be filed under seal, those documents must be
5 filed electronically (unless exempted under paragraph 4); the burden of accurately designating
6 the documents as sealed at the time of electronic submission is the submitting party's
7 responsibility.

8 j) Redaction

9 Pursuant to California Rules of Court, rule 1.201, it is the submitting party's responsibility to
10 redact confidential information (such as using initials for names of minors, using the last four
11 digits of a social security number, and using the year for date of birth) so that the information
12 shall not be publicly displayed.

13 7) ELECTRONIC FILING SCHEDULE

14 a) Filed Date

15 i) Any document received electronically by the court between 12:00 am and 11:59:59 pm
16 shall be deemed to have been effectively filed on that court day if accepted for filing. Any
17 document received electronically on a non-court day, is deemed to have been effectively
18 filed on the next court day if accepted. (California Rules of Court, rule 2.253(b)(6); Code
19 Civ. Proc. § 1010.6(b)(3).)

20 ii) Notwithstanding any other provision of this order, if a digital document is not filed in due
21 course because of: (1) an interruption in service; (2) a transmission error that is not the
22 fault of the transmitter; or (3) a processing failure that occurs after receipt, the Court may
23 order, either on its own motion or by noticed motion submitted with a declaration for Court
24 consideration, that the document be deemed filed and/or that the document's filing date
25 conform to the attempted transmission date.

26 8) EX PARTE APPLICATIONS

27 a) Ex parte applications and all documents in support thereof must be electronically filed no later
28 than 10:00 a.m. the court day before the ex parte hearing.

1 b) Any written opposition to an ex parte application must be electronically filed by 8:30 a.m. the
2 day of the ex parte hearing. A printed courtesy copy of any opposition to an ex parte
3 application must be provided to the court the day of the ex parte hearing.

4 9) PRINTED COURTESY COPIES

5 a) For any filing electronically filed two or fewer days before the hearing, a courtesy copy must
6 be delivered to the courtroom by 4:30 p.m. the same business day the document is efiled. If
7 the efiled is submitted after 4:30 p.m., the courtesy copy must be delivered to the courtroom
8 by 10:00 a.m. the next business day.

9 b) Regardless of the time of electronic filing, a printed courtesy copy (along with proof of
10 electronic submission) is required for the following documents:

11 i) Any printed document required pursuant to a Standing or General Order;

12 ii) Pleadings and motions (including attachments such as declarations and exhibits) of 26
13 pages or more;

14 iii) Pleadings and motions that include points and authorities;

15 iv) Demurrers;

16 v) Anti-SLAPP filings, pursuant to Code of Civil Procedure section 425.16;

17 vi) Motions for Summary Judgment/Adjudication; and

18 vii) Motions to Compel Further Discovery.

19 c) Nothing in this General Order precludes a Judicial Officer from requesting a courtesy copy of
20 additional documents. Courtroom specific courtesy copy guidelines can be found at
21 www.lacourt.org on the Civil webpage under "Courtroom Information."

22 10) WAIVER OF FEES AND COSTS FOR ELECTRONICALLY FILED DOCUMENTS

23 a) Fees and costs associated with electronic filing must be waived for any litigant who has
24 received a fee waiver. (California Rules of Court, rules 2.253(b)(1), 2.258(b), Code Civ. Proc. §
25 1010.6(d)(2).)

26 b) Fee waiver applications for waiver of court fees and costs pursuant to Code of Civil Procedure
27 section 1010.6, subdivision (b)(6), and California Rules of Court, rule 2.252(f), may be
28 electronically filed in any authorized action or proceeding.

1 11) SIGNATURES ON ELECTRONIC FILING

2 For purposes of this General Order, all electronic filings must be in compliance with California
3 Rules of Court, rule 2.257. This General Order applies to documents filed within the Civil
4 Division of the Los Angeles County Superior Court.

5
6 This First Amended General Order supersedes any previous order related to electronic filing,
7 and is effective immediately, and is to remain in effect until otherwise ordered by the Civil
8 Supervising Judge and/or Presiding Judge.

9
10 DATED: May 3, 2019



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KEVIN C. BRAZILE
Presiding Judge

VOLUNTARY EFFICIENT LITIGATION STIPULATIONS



Superior Court of California
County of Los Angeles



Los Angeles County
Bar Association
Litigation Section

Los Angeles County
Bar Association Labor and
Employment Law Section



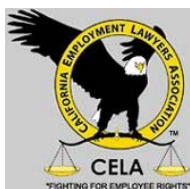
Consumer Attorneys
Association of Los Angeles



Southern California
Defense Counsel



Association of
Business Trial Lawyers



California Employment
Lawyers Association

The Early Organizational Meeting Stipulation, Discovery Resolution Stipulation, and Motions in Limine Stipulation are voluntary stipulations entered into by the parties. The parties may enter into one, two, or all three of the stipulations; however, they may not alter the stipulations as written, because the Court wants to ensure uniformity of application. These stipulations are meant to encourage cooperation between the parties and to assist in resolving issues in a manner that promotes economic case resolution and judicial efficiency.

The following organizations endorse the goal of promoting efficiency in litigation and ask that counsel consider using these stipulations as a voluntary way to promote communications and procedures among counsel and with the court to fairly resolve issues in their cases.

◆ Los Angeles County Bar Association Litigation Section ◆

◆ Los Angeles County Bar Association
Labor and Employment Law Section ◆

◆ Consumer Attorneys Association of Los Angeles ◆

◆ Southern California Defense Counsel ◆

◆ Association of Business Trial Lawyers ◆

◆ California Employment Lawyers Association ◆

NAME AND ADDRESS OF ATTORNEY OR PARTY WITHOUT ATTORNEY:	STATE BAR NUMBER	Reserved for Clerk's File Stamp
TELEPHONE NO.: E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name):		
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES		
COURTHOUSE ADDRESS:		
PLAINTIFF:		
DEFENDANT:		
STIPULATION – EARLY ORGANIZATIONAL MEETING		CASE NUMBER:

This stipulation is intended to encourage cooperation among the parties at an early stage in the litigation and to assist the parties in efficient case resolution.

The parties agree that:

1. The parties commit to conduct an initial conference (in-person or via teleconference or via videoconference) within 15 days from the date this stipulation is signed, *to discuss and consider whether there can be agreement on the following:*
 - a. Are motions to challenge the pleadings necessary? If the issue can be resolved by amendment as of right, or if the Court would allow leave to amend, could an amended complaint resolve most or all of the issues a demurrer might otherwise raise? If so, the parties agree to work through pleading issues so that a demurrer need only raise issues they cannot resolve. Is the issue that the defendant seeks to raise amenable to resolution on demurrer, or would some other type of motion be preferable? Could a voluntary targeted exchange of documents or information by any party cure an uncertainty in the pleadings?
 - b. Initial mutual exchanges of documents at the “core” of the litigation. (For example, in an employment case, the employment records, personnel file and documents relating to the conduct in question could be considered “core.” In a personal injury case, an incident or police report, medical records, and repair or maintenance records could be considered “core.”);
 - c. Exchange of names and contact information of witnesses;
 - d. Any insurance agreement that may be available to satisfy part or all of a judgment, or to indemnify or reimburse for payments made to satisfy a judgment;
 - e. Exchange of any other information that might be helpful to facilitate understanding, handling, or resolution of the case in a manner that preserves objections or privileges by agreement;
 - f. Controlling issues of law that, if resolved early, will promote efficiency and economy in other phases of the case. Also, when and how such issues can be presented to the Court;
 - g. Whether or when the case should be scheduled with a settlement officer, what discovery or court ruling on legal issues is reasonably required to make settlement discussions meaningful, and whether the parties wish to use a sitting judge or a private mediator or other options as

SHORT TITLE:	CASE NUMBER:
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discussed in the “Alternative Dispute Resolution (ADR) Information Package” served with the complaint;

- h. Computation of damages, including documents, not privileged or protected from disclosure, on which such computation is based;
 - i. Whether the case is suitable for the Expedited Jury Trial procedures (see information at www.lacourt.org under “Civil” and then under “General Information”).
2. The time for a defending party to respond to a complaint or cross-complaint will be extended to _____ for the complaint, and _____ for the cross-complaint, which is comprised of the 30 days to respond under Government Code § 68616(b), and the 30 days permitted by Code of Civil Procedure section 1054(a), good cause having been found by the Civil Supervising Judge due to the case management benefits provided by this Stipulation. A copy of the General Order can be found at www.lacourt.org under “Civil”, click on “General Information”, then click on “Voluntary Efficient Litigation Stipulations”.
(INSERT DATE) (INSERT DATE)
 3. The parties will prepare a joint report titled “Joint Status Report Pursuant to Initial Conference and Early Organizational Meeting Stipulation, and if desired, a proposed order summarizing results of their meet and confer and advising the Court of any way it may assist the parties’ efficient conduct or resolution of the case. The parties shall attach the Joint Status Report to the Case Management Conference statement, and file the documents when the CMC statement is due.
 4. References to “days” mean calendar days, unless otherwise noted. If the date for performing any act pursuant to this stipulation falls on a Saturday, Sunday or Court holiday, then the time for performing that act shall be extended to the next Court day

The following parties stipulate:

Date: _____ (TYPE OR PRINT NAME)	➤	_____ (ATTORNEY FOR PLAINTIFF)
Date: _____ (TYPE OR PRINT NAME)	➤	_____ (ATTORNEY FOR DEFENDANT)
Date: _____ (TYPE OR PRINT NAME)	➤	_____ (ATTORNEY FOR DEFENDANT)
Date: _____ (TYPE OR PRINT NAME)	➤	_____ (ATTORNEY FOR DEFENDANT)
Date: _____ (TYPE OR PRINT NAME)	➤	_____ (ATTORNEY FOR _____)
Date: _____ (TYPE OR PRINT NAME)	➤	_____ (ATTORNEY FOR _____)
Date: _____ (TYPE OR PRINT NAME)	➤	_____ (ATTORNEY FOR _____)

NAME AND ADDRESS OF ATTORNEY OR PARTY WITHOUT ATTORNEY:	STATE BAR NUMBER	Reserved for Clerk's File Stamp
TELEPHONE NO.: _____ FAX NO. (Optional): _____ E-MAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): _____		
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES		
COURTHOUSE ADDRESS:		
PLAINTIFF:		
DEFENDANT:		
STIPULATION – DISCOVERY RESOLUTION		CASE NUMBER:

This stipulation is intended to provide a fast and informal resolution of discovery issues through limited paperwork and an informal conference with the Court to aid in the resolution of the issues.

The parties agree that:

1. Prior to the discovery cut-off in this action, no discovery motion shall be filed or heard unless the moving party first makes a written request for an Informal Discovery Conference pursuant to the terms of this stipulation.
2. At the Informal Discovery Conference the Court will consider the dispute presented by parties and determine whether it can be resolved informally. Nothing set forth herein will preclude a party from making a record at the conclusion of an Informal Discovery Conference, either orally or in writing.
3. Following a reasonable and good faith attempt at an informal resolution of each issue to be presented, a party may request an Informal Discovery Conference pursuant to the following procedures:
 - a. The party requesting the Informal Discovery Conference will:
 - i. File a Request for Informal Discovery Conference with the clerk's office on the approved form (copy attached) and deliver a courtesy, conformed copy to the assigned department;
 - ii. Include a brief summary of the dispute and specify the relief requested; and
 - iii. Serve the opposing party pursuant to any authorized or agreed method of service that ensures that the opposing party receives the Request for Informal Discovery Conference no later than the next court day following the filing.
 - b. Any Answer to a Request for Informal Discovery Conference must:
 - i. Also be filed on the approved form (copy attached);
 - ii. Include a brief summary of why the requested relief should be denied;

SHORT TITLE:	CASE NUMBER:
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- iii. Be filed within two (2) court days of receipt of the Request; and
 - iv. Be served on the opposing party pursuant to any authorized or agreed upon method of service that ensures that the opposing party receives the Answer no later than the next court day following the filing.
- c. No other pleadings, including but not limited to exhibits, declarations, or attachments, will be accepted.
- d. If the Court has not granted or denied the Request for Informal Discovery Conference within ten (10) days following the filing of the Request, then it shall be deemed to have been denied. If the Court acts on the Request, the parties will be notified whether the Request for Informal Discovery Conference has been granted or denied and, if granted, the date and time of the Informal Discovery Conference, which must be within twenty (20) days of the filing of the Request for Informal Discovery Conference.
- e. If the conference is not held within twenty (20) days of the filing of the Request for Informal Discovery Conference, unless extended by agreement of the parties and the Court, then the Request for the Informal Discovery Conference shall be deemed to have been denied at that time.
4. If (a) the Court has denied a conference or (b) one of the time deadlines above has expired without the Court having acted or (c) the Informal Discovery Conference is concluded without resolving the dispute, then a party may file a discovery motion to address unresolved issues.
5. The parties hereby further agree that the time for making a motion to compel or other discovery motion is tolled from the date of filing of the Request for Informal Discovery Conference until (a) the request is denied or deemed denied or (b) twenty (20) days after the filing of the Request for Informal Discovery Conference, whichever is earlier, unless extended by Order of the Court.

It is the understanding and intent of the parties that this stipulation shall, for each discovery dispute to which it applies, constitute a writing memorializing a “specific later date to which the propounding [or demanding or requesting] party and the responding party have agreed in writing,” within the meaning of Code Civil Procedure sections 2030.300(c), 2031.320(c), and 2033.290(c).

6. Nothing herein will preclude any party from applying *ex parte* for appropriate relief, including an order shortening time for a motion to be heard concerning discovery.
7. Any party may terminate this stipulation by giving twenty-one (21) days notice of intent to terminate the stipulation.
8. References to “days” mean calendar days, unless otherwise noted. If the date for performing any act pursuant to this stipulation falls on a Saturday, Sunday or Court holiday, then the time for performing that act shall be extended to the next Court day.

SHORT TITLE:	CASE NUMBER:
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The following parties stipulate:

Date: _____ (TYPE OR PRINT NAME)	➤	_____ (ATTORNEY FOR PLAINTIFF)
Date: _____ (TYPE OR PRINT NAME)	➤	_____ (ATTORNEY FOR DEFENDANT)
Date: _____ (TYPE OR PRINT NAME)	➤	_____ (ATTORNEY FOR DEFENDANT)
Date: _____ (TYPE OR PRINT NAME)	➤	_____ (ATTORNEY FOR DEFENDANT)
Date: _____ (TYPE OR PRINT NAME)	➤	_____ (ATTORNEY FOR _____)
Date: _____ (TYPE OR PRINT NAME)	➤	_____ (ATTORNEY FOR _____)
Date: _____ (TYPE OR PRINT NAME)	➤	_____ (ATTORNEY FOR _____)

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NAME AND ADDRESS OF ATTORNEY OR PARTY WITHOUT ATTORNEY: TELEPHONE NO.: _____ FAX NO. (Optional): _____ E-MAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): _____	STATE BAR NUMBER	Reserved for Clerk's File Stamp
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES		
COURTHOUSE ADDRESS:		
PLAINTIFF:		
DEFENDANT:		
INFORMAL DISCOVERY CONFERENCE (pursuant to the Discovery Resolution Stipulation of the parties)		CASE NUMBER:

1. This document relates to:
 - Request for Informal Discovery Conference
 - Answer to Request for Informal Discovery Conference
2. Deadline for Court to decide on Request: _____ (insert date 10 calendar days following filing of the Request).
3. Deadline for Court to hold Informal Discovery Conference: _____ (insert date 20 calendar days following filing of the Request).
4. **For a Request for Informal Discovery Conference, briefly describe the nature of the discovery dispute, including the facts and legal arguments at issue. For an Answer to Request for Informal Discovery Conference, briefly describe why the Court should deny the requested discovery, including the facts and legal arguments at issue.**

NAME AND ADDRESS OF ATTORNEY OR PARTY WITHOUT ATTORNEY:	STATE BAR NUMBER	Reserved for Clerk's File Stamp
TELEPHONE NO.: _____ FAX NO. (Optional): _____ E-MAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): _____		
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES		
COURTHOUSE ADDRESS:		
PLAINTIFF:		
DEFENDANT:		CASE NUMBER:
STIPULATION AND ORDER – MOTIONS IN LIMINE		

This stipulation is intended to provide fast and informal resolution of evidentiary issues through diligent efforts to define and discuss such issues and limit paperwork.

The parties agree that:

1. At least ____ days before the final status conference, each party will provide all other parties with a list containing a one paragraph explanation of each proposed motion in limine. Each one paragraph explanation must identify the substance of a single proposed motion in limine and the grounds for the proposed motion.
2. The parties thereafter will meet and confer, either in person or via teleconference or videoconference, concerning all proposed motions in limine. In that meet and confer, the parties will determine:
 - a. Whether the parties can stipulate to any of the proposed motions. If the parties so stipulate, they may file a stipulation and proposed order with the Court.
 - b. Whether any of the proposed motions can be briefed and submitted by means of a short joint statement of issues. For each motion which can be addressed by a short joint statement of issues, a short joint statement of issues must be filed with the Court 10 days prior to the final status conference. Each side's portion of the short joint statement of issues may not exceed three pages. The parties will meet and confer to agree on a date and manner for exchanging the parties' respective portions of the short joint statement of issues and the process for filing the short joint statement of issues.
3. All proposed motions in limine that are not either the subject of a stipulation or briefed via a short joint statement of issues will be briefed and filed in accordance with the California Rules of Court and the Los Angeles Superior Court Rules.

SHORT TITLE:	CASE NUMBER:
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The following parties stipulate:

Date: _____ (TYPE OR PRINT NAME)	➤ _____ (ATTORNEY FOR PLAINTIFF)
Date: _____ (TYPE OR PRINT NAME)	➤ _____ (ATTORNEY FOR DEFENDANT)
Date: _____ (TYPE OR PRINT NAME)	➤ _____ (ATTORNEY FOR DEFENDANT)
Date: _____ (TYPE OR PRINT NAME)	➤ _____ (ATTORNEY FOR DEFENDANT)
Date: _____ (TYPE OR PRINT NAME)	➤ _____ (ATTORNEY FOR _____)
Date: _____ (TYPE OR PRINT NAME)	➤ _____ (ATTORNEY FOR _____)
Date: _____ (TYPE OR PRINT NAME)	➤ _____ (ATTORNEY FOR _____)

THE COURT SO ORDERS.

Date: _____

JUDICIAL OFFICER

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FILED
LOS ANGELES SUPERIOR COURT

MAY 11 2011

JOHN A. CLARKE, CLERK
N. Navarro
BY NANCY NAVARRO, DEPUTY

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

General Order Re)	ORDER PURSUANT TO CCP 1054(a),
Use of Voluntary Efficient Litigation)	EXTENDING TIME TO RESPOND BY
Stipulations)	30 DAYS WHEN PARTIES AGREE
)	TO EARLY ORGANIZATIONAL
)	MEETING STIPULATION

Whereas the Los Angeles Superior Court and the Executive Committee of the Litigation Section of the Los Angeles County Bar Association have cooperated in drafting "Voluntary Efficient Litigation Stipulations" and in proposing the stipulations for use in general jurisdiction civil litigation in Los Angeles County;

Whereas the Los Angeles County Bar Association Litigation Section; the Los Angeles County Bar Association Labor and Employment Law Section; the Consumer Attorneys Association of Los Angeles; the Association of Southern California Defense Counsel; the Association of Business Trial Lawyers of Los Angeles; and the California Employment Lawyers Association all "endorse the goal of promoting efficiency in litigation, and ask that counsel consider using these stipulations as a voluntary way to promote communications and procedures among counsel and with the court to fairly resolve issues in their cases;"

1 Whereas the Early Organizational Meeting Stipulation is intended to encourage
2 cooperation among the parties at an early stage in litigation in order to achieve
3 litigation efficiencies;

4 Whereas it is intended that use of the Early Organizational Meeting Stipulation
5 will promote economic case resolution and judicial efficiency;

6
7 Whereas, in order to promote a meaningful discussion of pleading issues at the
8 Early Organizational Meeting and potentially to reduce the need for motions to
9 challenge the pleadings, it is necessary to allow additional time to conduct the Early
10 Organizational Meeting before the time to respond to a complaint or cross complaint
11 has expired;

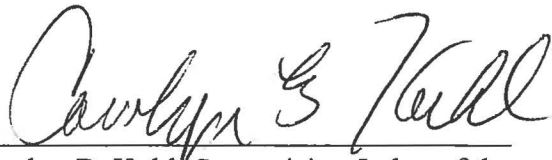
12
13 Whereas Code of Civil Procedure section 1054(a) allows a judge of the court in
14 which an action is pending to extend for not more than 30 days the time to respond to
15 a pleading "upon good cause shown";

16 Now, therefore, this Court hereby finds that there is good cause to extend for 30
17 days the time to respond to a complaint or to a cross complaint in any action in which
18 the parties have entered into the Early Organizational Meeting Stipulation. This finding
19 of good cause is based on the anticipated judicial efficiency and benefits of economic
20 case resolution that the Early Organizational Meeting Stipulation is intended to
21 promote.
22

23
24 IT IS HEREBY ORDERED that, in any case in which the parties have entered
25 into an Early Organizational Meeting Stipulation, the time for a defending party to
26 respond to a complaint or cross complaint shall be extended by the 30 days permitted
27
28

1 by Code of Civil Procedure section 1054(a) without further need of a specific court
2 order.

3
4 DATED: May 11, 2011

5 
6 Carolyn B. Kuhl, Supervising Judge of the
Civil Departments, Los Angeles Superior Court

Attorney or Party without Attorney: Alex DiBona, SBN: 265744 Kokoziyan Law Firm, APC 10940 Wilshire Blvd Ste 1200 Los Angeles, CA 900243952 TELEPHONE No.: (323) 857-5900 Attorney for: Plaintiff Sindy Mayorga				E-MAIL ADDRESS (Optional): FAX No. (Optional): (310) 275-6301	FOR COURT USE ONLY
Ref No. or File No.: S. Mayorga			Insert name of Court, and Judicial District and Branch Court: LOS ANGELES COUNTY SUPERIOR COURT - STANLEY MOSK COURTHOUSE		
Plaintiff: Sindy Mayorga Defendant: Carter's Inc., et al.					
PROOF OF SERVICE BY MAIL	HEARING DATE:	TIME:	DEPT.: SSC 17	CASE NUMBER: 22STCV02309	

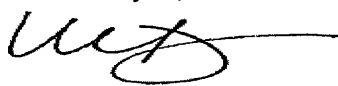
1. I am over the age of 18 and not a party to this action. I am employed in the county where the mailing occurred.
2. I served copies of the Summons; Complaint; Alternative Dispute (ADR) package; Civil Case Cover Sheet, Civil Case Cover Sheet Addendum and Statement of Location, Notice of Case Assignment-Unlimited Civil Case, First Amended General Order Re Mandatory Electronic Filing for Civil, Voluntary Efficient Litigation Stipulations, Order Pursuant to CCP 1054(a);
3. By placing a true copy thereof enclosed in a sealed envelope, with First Class postage thereon fully prepaid, in the United States Mail at Costa Mesa, California, addressed as follows:
 - a. Date of Mailing: February 08, 2022
 - b. Place of Mailing: Costa Mesa, CA
 - c. Addressed as follows: Carter's Inc. a Delaware Corporation
ATTENTION: Michael D. Casey - CEO
3438 Peachtree Road NE 1800
Atlanta, GA 30326

I am readily familiar with the firm's practice for collection and processing of documents for mailing. Under that practice, it would be deposited within the United States Postal Service, on that same day, with postage thereon fully prepaid at Costa Mesa, California in the ordinary course of business.

Fee for Service: \$ 158.77
DDS Legal Support
 2900 Bristol Street
 Costa Mesa, CA 92626
 (714) 662-5555
 Ref: S. Mayorga



I declare under penalty of perjury under the laws of the The State of California that the foregoing information contained in the return of service and statement of service fees is true and correct and that this declaration was executed on **February 08, 2022**.

Signature: 
Monica Figueroa

PROOF OF SERVICE BY MAIL

Order#: 243269/mailproof

POS-010

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address) Alex DiBona SBN: 265744 Kokozyan Law Firm, APC 10940 Wilshire Blvd Ste 1200 Los Angeles, CA 900243952 TELEPHONE NO.: (323) 857-5900 FAX NO. (310) 275-6301 E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name): Plaintiff: Sindy Mayorga	FOR COURT USE ONLY
LOS ANGELES COUNTY SUPERIOR COURT STREET ADDRESS: 111 NORTH HILL ST. MAILING ADDRESS: CITY AND ZIP CODE: LOS ANGELES, CA 90012 BRANCH NAME: STANLEY MOSK COURTHOUSE	
PLAINTIFF: Sindy Mayorga DEFENDANT: Carter's Inc., et al.	CASE NUMBER: 22STCV02309
PROOF OF SERVICE OF SUMMONS	Ref. No. or File No.: S. Mayorga

1. At the time of service I was at least 18 years of age and not a party to this action.

2. I served copies of:

- a. Summons
- b. Complaint
- c. Alternative Dispute Resolution (ADR) package
- d. Civil Case Cover Sheet *(served in complex cases only)*
- e. Cross-complaint
- f. other *(specify documents):* Civil Case Cover Sheet, Civil Case Cover Sheet Addendum and Statement of Location, Notice of Case Assignment-Unlimited Civil Case, First Amended General Order Re Mandatory Electronic Filing for Civil, Voluntary Efficient Litigation Stipulations, Order Pursuant to CCP 1054(a)

3. a. Party served *(specify name of party as shown on documents served):*

Oshkosh B'Gosh, Inc, a Delaware Corporation

b. Person (other than the party in item 3a) served on behalf of an entity or as an authorized agent (and not a person under item 5b on whom substituted service was made) *(specify name and relationship to the party named in item 3a):*

Cogency Global Inc.; Mai Houa Yang - Customer Service Respresentative

Age: 28 + yrs Weight: 150 lbs Hair: Brown Sex: Female
 Height: 5'4" Eyes: Race: Asian

4. Address where the party was served: **1325 J St Ste 1550
 Sacramento, CA 95814-2976**

5. I served the party *(check proper box)*

a. **by personal service.** I personally delivered the documents listed in item 2 to the party or person authorized to receive service of process for the party (1) on *(date):* **2/1/2022** (2) at *(time):* **2:25 PM**

b. **by substituted service.** On *(date):* at *(time):* I left the documents listed in item 2 with or in the presence of *(name and title or relationship to person indicated in item 3b):*

- (1) **(business)** a person at least 18 years of age apparently in charge at the office or usual place of business of the person to be served. I informed him of her of the general nature of the papers.
- (2) **(home)** a competent member of the household (at least 18 years of age) at the dwelling house or usual place of abode of the party. I informed him or her of the general nature of the papers.
- (3) **(physical address unknown)** a person at least 18 years of age apparently in charge at the usual mailing address of the person to be served, other than a United States Postal Service post office box. I informed him of her of the general nature of the papers.
- (4) I thereafter mailed (by first-class, postage prepaid) copies of the documents to the person to be served at the place where the copies were left (Code Civ. Proc., §415.20). I mailed the documents on *(date):* from *(city):* or a declaration of mailing is attached.
- (5) I attach a **declaration of diligence** stating actions taken first to attempt personal service.

PETITIONER: Sindy Mayorga RESPONDENT: Carter's Inc., et al.	CASE NUMBER: 22STCV02309
--	------------------------------------

- c. by mail and acknowledgment of receipt of service. I mailed the documents listed in item 2 to the party, to the address shown in item 4, by first-class mail, postage prepaid.
- (1) on (date): _____ (2) from (city): _____
- (3) with two copies of the *Notice and Acknowledgment of Receipt* and a postage-paid return envelope addressed to me. (Attach completed *Notice and Acknowledgment of Receipt*.) (Code Civ. Proc., § 415.30.)
- (4) to an address outside California with return receipt requested. (Code Civ. Proc., § 415.40.)
- d. by other means (specify means of service and authorizing code section):

Additional page describing service is attached.

6. The "Notice to the Person Served" (on the summons) was completed as follows:

- a. as an individual defendant.
- b. as the person sued under the fictitious name of (specify):
- c. as occupant.
- d. On behalf of (specify): **Oshkosh B'Gosh, Inc, a Delaware Corporation**
 under the following Code of Civil Procedure section:
- | | |
|---|---|
| <input checked="" type="checkbox"/> 416.10 (corporation) | <input type="checkbox"/> 415.95 (business organization, form unknown) |
| <input type="checkbox"/> 416.20 (defunct corporation) | <input type="checkbox"/> 416.60 (minor) |
| <input type="checkbox"/> 416.30 (joint stock company/association) | <input type="checkbox"/> 416.70 (ward or conservatee) |
| <input type="checkbox"/> 416.40 (association or partnership) | <input type="checkbox"/> 416.90 (authorized person) |
| <input type="checkbox"/> 416.50 (public entity) | <input type="checkbox"/> 415.46 (occupant) |
| | <input type="checkbox"/> other: |

7. Person who served papers

- a. Name: **Katrina Williams - DDS Legal Support**
- b. Address: **2900 Bristol Street Costa Mesa, CA 92626**
- c. Telephone number: **(714) 662-5555**
- d. The fee for service was: **\$ 55.00**
- e. I am:

- (1) not a registered California process server.
- (2) exempt from registration under Business and Professions Code section 22350(b).
- (3) registered California process server:
- (i) owner employee independent contractor.
- (ii) Registration No.: **2016-10**
- (iii) County: **Sacramento**

8. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

or

9. I am a California sheriff or marshal and I certify that the foregoing is true and correct.

Date: 2/3/2022
 DDS Legal Support
 2900 Bristol Street
 Costa Mesa, CA 92626
 (714) 662-5555
 www.ddslegal.com



Katrina Williams

(NAME OF PERSON WHO SERVED PAPERS/SHERIFF OR MARSHAL)

(SIGNATURE)

POS-010

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address) Alex DiBona SBN: 265744 Kokozian Law Firm, APC 10940 Wilshire Blvd Ste 1200 Los Angeles, CA 900243952 TELEPHONE NO.: (323) 857-5900 FAX NO. (310) 275-6301 E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name): Plaintiff: Sindy Mayorga	FOR COURT USE ONLY
LOS ANGELES COUNTY SUPERIOR COURT STREET ADDRESS: 111 NORTH HILL ST. MAILING ADDRESS: CITY AND ZIP CODE: LOS ANGELES, CA 90012 BRANCH NAME: STANLEY MOSK COURTHOUSE	
PLAINTIFF: Sindy Mayorga DEFENDANT: Carter's Inc., et al.	CASE NUMBER: 22STCV02309
PROOF OF SERVICE OF SUMMONS	Ref. No. or File No.: S. Mayorga

1. At the time of service I was at least 18 years of age and not a party to this action.
2. I served copies of:
 - a. Summons
 - b. Complaint
 - c. Alternative Dispute Resolution (ADR) package
 - d. Civil Case Cover Sheet (served in complex cases only)
 - e. Cross-complaint
 - f. other (specify documents): **Civil Case Cover Sheet, Civil Case Cover Sheet Addendum and Statement of Location, Notice of Case Assignment-Unlimited Civil Case, First Amended General Order Re Mandatory Electronic Filing for Civil, Voluntary Efficient Litigation Stipulations, Order Pursuant to CCP 1054(a)**
3. a. Party served (specify name of party as shown on documents served):
The William Carter Company, a Massachusetts Corporation
- b. Person (other than the party in item 3a) served on behalf of an entity or as an authorized agent (and not a person under item 5b on whom substituted service was made) (specify name and relationship to the party named in item 3a):
Cogency Global Inc.; Mai Houa Yang - Customer Service Respresentative
 Age: 28 + yrs Weight: 150 lbs Hair: Brown Sex: Female
 Height: 5'4" Eyes: Race: Asian
4. Address where the party was served: **1325 J St Ste 1550
Sacramento, CA 95814-2976**
5. I served the party (check proper box)
 - a. **by personal service.** I personally delivered the documents listed in item 2 to the party or person authorized to receive service of process for the party (1) on (date): **2/1/2022** (2) at (time): **2:25 PM**
 - b. **by substituted service.** On (date): at (time): I left the documents listed in item 2 with or in the presence of (name and title or relationship to person indicated in item 3b):
 - (1) **(business)** a person at least 18 years of age apparently in charge at the office or usual place of business of the person to be served. I informed him of her of the general nature of the papers.
 - (2) **(home)** a competent member of the household (at least 18 years of age) at the dwelling house or usual place of abode of the party. I informed him or her of the general nature of the papers.
 - (3) **(physical address unknown)** a person at least 18 years of age apparently in charge at the usual mailing address of the person to be served, other than a United States Postal Service post office box. I informed him of her of the general nature of the papers.
 - (4) I thereafter mailed (by first-class, postage prepaid) copies of the documents to the person to be served at the place where the copies were left (Code Civ. Proc., §415.20). I mailed the documents on (date): from (city): or a declaration of mailing is attached.
 - (5) I attach a **declaration of diligence** stating actions taken first to attempt personal service.

PETITIONER: Sindy Mayorga	CASE NUMBER:
RESPONDENT: Carter's Inc., et al.	22STCV02309

- c. by mail and acknowledgment of receipt of service. I mailed the documents listed in item 2 to the party, to the address shown in item 4, by first-class mail, postage prepaid.
- (1) on (date): _____ (2) from (city): _____
- (3) with two copies of the *Notice and Acknowledgment of Receipt* and a postage-paid return envelope addressed to me. (Attach completed *Notice and Acknowledgment of Receipt*.) (Code Civ. Proc., § 415.30.)
- (4) to an address outside California with return receipt requested. (Code Civ. Proc., § 415.40.)
- d. by other means (specify means of service and authorizing code section):

Additional page describing service is attached.

6. The "Notice to the Person Served" (on the summons) was completed as follows:

- a. as an individual defendant.
- b. as the person sued under the fictitious name of (specify):
- c. as occupant.
- d. On behalf of (specify): **The William Carter Company, a Massachusetts Corporation**
under the following Code of Civil Procedure section:

- | | |
|---|---|
| <input checked="" type="checkbox"/> 416.10 (corporation) | <input type="checkbox"/> 415.95 (business organization, form unknown) |
| <input type="checkbox"/> 416.20 (defunct corporation) | <input type="checkbox"/> 416.60 (minor) |
| <input type="checkbox"/> 416.30 (joint stock company/association) | <input type="checkbox"/> 416.70 (ward or conservatee) |
| <input type="checkbox"/> 416.40 (association or partnership) | <input type="checkbox"/> 416.90 (authorized person) |
| <input type="checkbox"/> 416.50 (public entity) | <input type="checkbox"/> 415.46 (occupant) |
| | <input type="checkbox"/> other: |

7. Person who served papers

- a. Name: **Katrina Williams - DDS Legal Support**
- b. Address: **2900 Bristol Street Costa Mesa, CA 92626**
- c. Telephone number: **(714) 662-5555**
- d. The fee for service was: **\$ 55.00**
- e. I am:

- (1) not a registered California process server.
- (2) exempt from registration under Business and Professions Code section 22350(b).
- (3) registered California process server:
- (i) owner employee independent contractor.
- (ii) Registration No.: **2015-10**
- (iii) County: **Sacramento**

8. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

or

9. I am a California sheriff or marshal and I certify that the foregoing is true and correct.

Date: **2/3/2022**
DDS Legal Support
2900 Bristol Street
Costa Mesa, CA 92626
(714) 662-5555
www.ddslegal.com



Katrina Williams

(NAME OF PERSON WHO SERVED PAPERS/SHERIFF OR MARSHAL)

(SIGNATURE)

POS-010

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address) Alex DiBona SBN: 265744 Kokoziyan Law Firm, APC 10940 Wilshire Blvd Ste 1200 Los Angeles, CA 900243952 TELEPHONE NO.: (323) 857-5900 FAX NO. (310) 275-8301 E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name): Plaintiff: Sindy Mayorga	FOR COURT USE ONLY
LOS ANGELES COUNTY SUPERIOR COURT STREET ADDRESS: 111 NORTH HILL ST. MAILING ADDRESS: CITY AND ZIP CODE: LOS ANGELES, CA 90012 BRANCH NAME: STANLEY MOSK COURTHOUSE	
PLAINTIFF: Sindy Mayorga DEFENDANT: Carter's Inc., et al.	CASE NUMBER: 22STCV02309
PROOF OF SERVICE OF SUMMONS	Ref. No. or File No.: S. Mayorga

1. At the time of service I was at least 18 years of age and not a party to this action.
2. I served copies of:
 - a. Summons
 - b. Complaint
 - c. Alternative Dispute Resolution (ADR) package
 - d. Civil Case Cover Sheet *(served in complex cases only)*
 - e. Cross-complaint
 - f. other *(specify documents):* **Civil Case Cover Sheet, Civil Case Cover Sheet Addendum and Statement of Location, Notice of Case Assignment-Unlimited Civil Case, First Amended General Order Re Mandatory Electronic Filing for Civil, Voluntary Efficient Litigation Stipulations, Order Pursuant to CCP 1054(a)**
3. a. Party served *(specify name of party as shown on documents served):*
Carter's Retail, Inc., a Delaware corporation
 - b. Person (other than the party in item 3a) served on behalf of an entity or as an authorized agent (and not a person under item 5b on whom substituted service was made) *(specify name and relationship to the party named in item 3a):*
Cogency Global Inc.; Mai Houa Yang - Customer Service Representative
 Age: 28 + yrs Weight: 150 lbs Hair: Brown Sex: Female
 Height: 5'4" Eyes: Race: Asian
4. Address where the party was served: **1325 J Street Apt. 1550
Sacramento, CA 95814**
5. I served the party *(check proper box)*
 - a. **by personal service.** I personally delivered the documents listed in item 2 to the party or person authorized to receive service of process for the party (1) on *(date):* **2/1/2022** (2) at *(time):* **2:25 PM**
 - b. **by substituted service.** On *(date):* at *(time):* I left the documents listed in item 2 with or in the presence of *(name and title or relationship to person indicated in item 3b):*
 - (1) **(business)** a person at least 18 years of age apparently in charge at the office or usual place of business of the person to be served. I informed him of her of the general nature of the papers.
 - (2) **(home)** a competent member of the household (at least 18 years of age) at the dwelling house or usual place of abode of the party. I informed him or her of the general nature of the papers.
 - (3) **(physical address unknown)** a person at least 18 years of age apparently in charge at the usual mailing address of the person to be served, other than a United States Postal Service post office box. I informed him of her of the general nature of the papers.
 - (4) I thereafter mailed (by first-class, postage prepaid) copies of the documents to the person to be served at the place where the copies were left (Code Civ. Proc., §415.20). I mailed the documents on *(date):* from *(city):* or a declaration of mailing is attached.
 - (5) I attach a **declaration of diligence** stating actions taken first to attempt personal service.

PETITIONER: Sindy Mayorga	CASE NUMBER:
RESPONDENT: Carter's Inc., et al.	22STCV02309

- c. by mail and acknowledgment of receipt of service. I mailed the documents listed in item 2 to the party, to the address shown in item 4, by first-class mail, postage prepaid.
- (1) on (date): _____ (2) from (city): _____
- (3) with two copies of the *Notice and Acknowledgment of Receipt* and a postage-paid return envelope addressed to me. (Attach completed *Notice and Acknowledgment of Receipt*.) (Code Civ. Proc., § 415.30.)
- (4) to an address outside California with return receipt requested. (Code Civ. Proc., § 415.40.)
- d. by other means (specify means of service and authorizing code section):

Additional page describing service is attached.

6. The "Notice to the Person Served" (on the summons) was completed as follows:

- a. as an individual defendant.
- b. as the person sued under the fictitious name of (specify):
- c. as occupant.
- d. On behalf of (specify): **Carter's Retail, Inc., a Delaware corporation**
under the following Code of Civil Procedure section:

- | | |
|---|---|
| <input checked="" type="checkbox"/> 416.10 (corporation) | <input type="checkbox"/> 415.95 (business organization, form unknown) |
| <input type="checkbox"/> 416.20 (defunct corporation) | <input type="checkbox"/> 416.60 (minor) |
| <input type="checkbox"/> 416.30 (joint stock company/association) | <input type="checkbox"/> 416.70 (ward or conservatee) |
| <input type="checkbox"/> 416.40 (association or partnership) | <input type="checkbox"/> 416.90 (authorized person) |
| <input type="checkbox"/> 416.50 (public entity) | <input type="checkbox"/> 415.46 (occupant) |
| | <input type="checkbox"/> other: |

7. Person who served papers

- a. Name: **Katrina Williams - DDS Legal Support**
- b. Address: **2900 Bristol Street Costa Mesa, CA 92626**
- c. Telephone number: **(714) 662-5555**
- d. The fee for service was: **\$ 108.90**
- e. I am:

- (1) not a registered California process server.
- (2) exempt from registration under Business and Professions Code section 22350(b).
- (3) registered California process server:
- (i) owner employee independent contractor.
- (ii) Registration No.: **2015-10**
- (iii) County: **Sacramento**

8. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

or

9. I am a California sheriff or marshal and I certify that the foregoing is true and correct.

Date: **2/3/2022**
DDS Legal Support
2900 Bristol Street
Costa Mesa, CA 92626
(714) 662-5555
www.ddslegal.com



Katrina Williams

(NAME OF PERSON WHO SERVED PAPERS/SHERIFF OR MARSHAL)

(SIGNATURE)

POS-010

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address) Alex DiBona SBN: 265744 Kokozian Law Firm, APC 10940 Wilshire Blvd Ste 1200 Los Angeles, CA 900243952 TELEPHONE NO.: (323) 857-5900 FAX NO. (310) 275-6301 E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name): Plaintiff: Sindy Mayorga	FOR COURT USE ONLY
LOS ANGELES COUNTY SUPERIOR COURT STREET ADDRESS: 111 NORTH HILL ST. MAILING ADDRESS: CITY AND ZIP CODE: LOS ANGELES, CA 90012 BRANCH NAME: STANLEY MOSK COURTHOUSE	
PLAINTIFF: Sindy Mayorga DEFENDANT: Carter's Inc., et al.	CASE NUMBER: 22STCV02309
PROOF OF SERVICE OF SUMMONS	Ref. No. or File No.: S. Mayorga

1. At the time of service I was at least 18 years of age and not a party to this action.

2. I served copies of:

- a. Summons
- b. Complaint
- c. Alternative Dispute Resolution (ADR) package
- d. Civil Case Cover Sheet (served in complex cases only)
- e. Cross-complaint
- f. other (specify documents): **Civil Case Cover Sheet, Civil Case Cover Sheet Addendum and Statement of Location, Notice of Case Assignment-Unlimited Civil Case, First Amended General Order Re Mandatory Electronic Filing for Civil, Voluntary Efficient Litigation Stipulations, Order Pursuant to CCP 1054(a)**

3. a. Party served (specify name of party as shown on documents served):

Carter's Inc. a Delaware Corporation

- b. Person (other than the party in item 3a) served on behalf of an entity or as an authorized agent (and not a person under item 5b on whom substituted service was made) (specify name and relationship to the party named in item 3a):

Michael D. Casey - CEO

4. Address where the party was served: **3438 Peachtree Road NE, # 1800
Atlanta, GA 30326**

5. I served the party (check proper box)

- a. **by personal service.** I personally delivered the documents listed in item 2 to the party or person authorized to receive service of process for the party (1) on (date): (2) at (time):

- b. **by substituted service.** On (date): **2/7/2022** at (time): **12:10 PM** I left the documents listed in item 2 with or in the presence of (name and title or relationship to person indicated in item 3b):

Kyle Pollit - Administrative - Person Authorized to Accept

Age: 35 yrs Weight: 195 lbs Hair: Blonde Sex: Male
Height: 5'10" Eyes: Race: Caucasian

- (1) **(business)** a person at least 18 years of age apparently in charge at the office or usual place of business of the person to be served. I informed him or her of the general nature of the papers.
- (2) **(home)** a competent member of the household (at least 18 years of age) at the dwelling house or usual place of abode of the party. I informed him or her of the general nature of the papers.
- (3) **(physical address unknown)** a person at least 18 years of age apparently in charge at the usual mailing address of the person to be served, other than a United States Postal Service post office box. I informed him or her of the general nature of the papers.
- (4) I thereafter mailed (by first-class, postage prepaid) copies of the documents to the person to be served at the place where the copies were left (Code Civ. Proc., §415.20). I mailed the documents on (date): from (city): a declaration of mailing is attached.
- (5) I attach a **declaration of diligence** stating actions taken first to attempt personal service.

PETITIONER: Sindy Mayorga RESPONDENT: Carter's Inc., et al.	CASE NUMBER: 22STCV02309
--	---------------------------------

- c. **by mail and acknowledgment of receipt of service.** I mailed the documents listed in item 2 to the party, to the address shown in item 4, by first-class mail, postage prepaid,
- (1) on (date): _____ (2) from (city): _____
- (3) with two copies of the *Notice and Acknowledgment of Receipt* and a postage-paid return envelope addressed to me. (Attach completed Notice and Acknowledgement of Receipt.) (Code Civ. Proc., § 415.30.)
- (4) to an address outside California with return receipt requested. (Code Civ. Proc., § 415.40.)
- d. **by other means** (specify means of service and authorizing code section):

Additional page describing service is attached.

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- a. as an individual defendant.
- b. as the person sued under the fictitious name of (specify): _____
- c. as occupant.
- d. On behalf of (specify): **Carter's Inc. a Delaware Corporation**
under the following Code of Civil Procedure section:

- | | |
|---|---|
| <input type="checkbox"/> 416.10 (corporation) | <input type="checkbox"/> 415.95 (business organization, form unknown) |
| <input type="checkbox"/> 416.20 (defunct corporation) | <input type="checkbox"/> 416.60 (minor) |
| <input type="checkbox"/> 416.30 (joint stock company/association) | <input type="checkbox"/> 416.70 (ward or conservatee) |
| <input type="checkbox"/> 416.40 (association or partnership) | <input type="checkbox"/> 416.90 (authorized person) |
| <input type="checkbox"/> 416.50 (public entity) | <input type="checkbox"/> 415.46 (occupant) |
| | <input type="checkbox"/> other: _____ |

7. **Person who served papers**

- a. Name: **Will Acree - DDS Legal Support**
- b. Address: **2900 Bristol Street Costa Mesa, CA 92626**
- c. Telephone number: **(714) 662-5555**
- d. The fee for service was: **\$ 158.77**
- e. I am:

- (1) not a registered California process server. Out of State Process Server.
- (2) exempt from registration under Business and Professions Code section 22350(b).
- (3) registered California process server:
- (i) owner employee independent contractor.
- (ii) Registration No.: _____
- (iii) County: _____

8. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

or

9. I am a California sheriff or marshal and I certify that the foregoing is true and correct.

Date: 2/8/2022

DDS Legal Support
 2900 Bristol Street
 Costa Mesa, CA 92626
 (714) 662-5555
 www.ddslegal.com



Will Acree

(NAME OF PERSON WHO SERVED PAPERS/SHERIFF OR MARSHAL)

(SIGNATURE)

Exhibit “B”

Electronically FILED by Superior Court of California, County of Los Angeles on 03/01/2022 04:58 PM Sherri R. Carter, Executive Officer/Clerk of Court, by C. Perez, Deputy Clerk

1 SEYFARTH SHAW LLP
Jon D. Meer (SBN 144389)
2 Leo Q. Li (SBN 293539)
2029 Century Park East, Suite 3500
3 Los Angeles, California 90067-3021
Telephone: (310) 277-7200
4 Facsimile: (310) 201-5219

5 Attorneys for Defendants
6 CARTER’S INC., CARTER’S RETAIL, INC.,
THE WILLIAM CARTER COMPANY, and
7 OSHKOSH B’GOSH, INC.

8
9 SUPERIOR COURT OF THE STATE OF CALIFORNIA
10 COUNTY OF LOS ANGELES

11
12 SINDY MAYORGA, on behalf of herself, all
13 others similarly situated, and the general public,

14 Plaintiff,

15 v.

16 CARTER’S INC.; CARTER’S RETAIL, INC.;
17 THE WILLIAM CARTER COMPANY;
OSHKOSH B’GOSH, INC.; and DOES 1 through
100, inclusive,,

18 Defendants.

CLASS ACTION

Case No. 22STCV02309

HONORABLE MAREN NELSON [DEPT. 17]

**DEFENDANTS’ ANSWER TO
PLAINTIFF’S UNVERIFIED
COMPLAINT**

Complaint Filed: January 20, 2022
Trial Date: None Set

1 Defendants Carter’s Inc., Carter’s Retail, Inc., The William Carter Company, and Oshkosh
2 B’Gosh, Inc. (“Defendants”), hereby answer and assert the following affirmative and other defenses to
3 the unverified individual and purported class-action Complaint (“Complaint”) filed by Plaintiff Sindy
4 Mayorga (“Plaintiff”), as follows:

5 **GENERAL DENIAL**

6 Pursuant to California Code of Civil Procedure Section 430.10(d) and (e), Defendants deny,
7 generally and specifically, each and every allegation, and each purported cause of action contained in
8 the Complaint. Defendants further deny, generally and specifically, that Plaintiff has been damaged in
9 any amount, or at all, by reason of any alleged act or omission of Defendants. Defendants further deny,
10 generally and specifically, that Plaintiff is entitled to any legal or equitable relief within the jurisdiction
11 of this Court.

12 **AFFIRMATIVE AND ADDITIONAL DEFENSES**

13 In further answer to the Complaint, and as separate and distinct affirmative and other additional
14 defenses, Defendants allege as follows, without thereby assuming the burden of proof on any defense on
15 which they would not otherwise have the burden of proof by operation of law:

16 **FIRST DEFENSE**

17 **(Failure to State a Cause of Action Or Claim For Relief)**

18 Neither the Complaint as a whole, nor any purported cause of action alleged therein, states facts
19 sufficient to constitute a cause of action or claim for relief against Defendants.

20 **SECOND DEFENSE**

21 **(Statute Of Limitations)**

22 Plaintiff’s claims and/or the putative class members’ claims are barred in whole or in part to the
23 extent they occurred and/or accrued outside the applicable statutes of limitations.

24 **THIRD DEFENSE**

25 **(No Equitable Tolling)**

26 Plaintiff’s claims and/or the putative class members’ claims are not entitled to equitable tolling to
27 extend the applicable statute of limitations.

1 **FOURTH DEFENSE**

2 **(Failure To Mitigate)**

3 To the extent that Plaintiff and/or putative class members have failed to mitigate their alleged
4 damages, Plaintiff's and/or the putative class members' claims for relief are barred.

5 **FIFTH DEFENSE**

6 **(Lack Of Standing)**

7 To the extent Plaintiff and/or putative class members suffered no cognizable harm, such
8 individuals lack standing to bring suit or recover anything against Defendants.

9 **SIXTH DEFENSE**

10 **(Compliance with Disclosure and Authorization Requirements)**

11 At all relevant times, and before procuring any consumer report, Defendants complied with each
12 of the disclosure and authorization requirements set forth in the Fair Credit Reporting ("FCRA") to the
13 extent applicable.

14 **SEVENTH DEFENSE**

15 **(Substantial Compliance with Disclosure and Authorization Requirements)**

16 The Complaint, and each purported cause of action alleged therein, is barred in whole or in part
17 because Defendant complied with its statutory obligations, and to the extent it is determined that there
18 was technical non-compliance, Defendant substantially complied with its obligations and is not liable in
19 whole or in part for the claims of Plaintiff.

20 **EIGHTH DEFENSE**

21 **(Release)**

22 To the extent Plaintiff or any putative class member has executed a release encompassing claims
23 alleged in the Complaint, those claims are barred by that release.

24 **NINTH DEFENSE**

25 **(Res Judicata/Collateral Estoppel)**

26 The Complaint and each cause of action therein is barred by the doctrines of *res judicata* and/or
27 collateral estoppel, to the extent that Plaintiff or any potential class members have asserted the same or
28 substantially similar claims in any prior legal or administrative proceedings.

1 **TENTH DEFENSE**

2 **(Waiver)**

3 Plaintiff and the purported class have waived their right to assert the purported claims contained
4 in the Complaint, and each purported cause of action therein, against Defendants. Plaintiff or any
5 putative class member, by their own conduct and actions, has waived the right, if any, to assert the
6 claims alleged in the Complaint.

7 **ELEVENTH DEFENSE**

8 **(Estoppel)**

9 Plaintiff and the purported class are barred by the doctrine of estoppel from pursuing the
10 Complaint, and each purported cause of action alleged therein. Plaintiff or any putative class member,
11 by their own conduct and actions, are estopped, as a matter of law, from pursuing the claims alleged in
12 the Complaint.

13 **TWELFTH DEFENSE**

14 **(Not Appropriate For Class Action)**

15 The Complaint, and each purported cause of action alleged therein, is not proper for treatment as
16 a class action because, among other reasons: (a) Plaintiff cannot establish commonality of claims; (b)
17 Plaintiff cannot establish typicality of claims; and (c) the individualized nature of Plaintiff's claims
18 predominate and thus makes class treatment inappropriate.

19 **THIRTEENTH DEFENSE**

20 **(Class Action Not Superior Method Of Adjudication)**

21 The alleged claims are barred, in whole or in part, as a class action, because a class action is not
22 the superior method of adjudicating this dispute.

23 **FOURTEENTH DEFENSE**

24 **(Inadequate Class Representative)**

25 The Complaint, and each purported cause of action alleged therein, fails to the extent that
26 Plaintiff is not an adequate representative of alleged class that she purports to represent. Defendants
27 allege that Plaintiff does not have claims typical of the alleged class, if any, and that Plaintiff's interests
28

1 are antagonistic to the alleged class she purports to represent. As such, the class action claims and
2 allegations fail as a matter of law.

3 **FIFTEENTH DEFENSE**

4 **(No Entitlement to Statutory/Punitive Damages In The Absence Of Any “Willful” Violation)**

5 Plaintiff and/or putative class members are not entitled to statutory and/or punitive damages
6 because Defendants made good faith efforts to comply with the FCRA and Defendants’ reading of their
7 obligations under the FCRA was objectively reasonable, not reckless, consistent with existing law,
8 consistent with the relevant statutory text, and made in good faith.

9 **SIXTEENTH DEFENSE**

10 **(Award of Excessive Statutory/Punitive Damages is Unconstitutional)**

11 Plaintiff is not entitled to excessive statutory and/or punitive damages because such an award
12 would violate the right of Defendants to be protected from “excessive fines,” as provided in the Eighth
13 Amendment to the United States Constitution and in Article I, Section 17 of the Constitution of the State
14 of California. Moreover, such an award would violate the right of Defendants to procedural and
15 substantive due process under the Fifth and Fourteenth Amendments to the United States Constitution
16 and under the Constitution of the State of California.

17 **SEVENTEENTH DEFENSE**

18 **(No Causation)**

19 Any damages sustained by Plaintiff and/or putative class members were not proximately caused
20 by Defendants.

21 **EIGHTEENTH DEFENSE**

22 **(Right To Raise Other Defenses)**

23 Defendants hereby give notice that they intend to rely upon such other and further affirmative
24 and additional defenses as may become available during discovery in this action, and Defendants reserve
25 the right to amend this Answer to assert any such defenses.

26 **PRAYER**


27 WHEREFORE, Defendants prays for judgment as follows:

28 That Plaintiff take nothing by her Complaint;

1 That judgment be entered in favor of Defendants and against Plaintiff on all causes of action;
2 That Defendants be awarded reasonable attorneys' fees according to proof;
3 That Defendants be awarded their costs of suit incurred herein; and
4 That Defendants be awarded such other and further relief as the Court may deem appropriate.

5 DATED: March 1, 2022

Respectfully submitted,
SEYFARTH SHAW LLP

8 By: 
9 Jon D. Meer
Leo Q. Li

10 Attorneys for Defendants

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action; my business address is: 2029 Century Park East, Suite 3500, Los Angeles, California 90067. On March 1, 2022, I served the within document(s):

DEFENDANTS' ANSWER TO PLAINTIFF'S UNVERIFIED COMPLAINT



(BY MAIL) The envelope was mailed with postage thereon fully prepaid. As follows: I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with U.S. postal service on that same day with postage thereon fully prepaid at Los Angeles, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.



(BY HAND DELIVERY) I delivered the within documents to Nationwide Legal, Inc. for delivery to the person(s) at the address(es) set forth below with instructions that such envelope be delivered personally on _____, 2022.



(BY OVERNIGHT MAIL) I am readily familiar with the firm's practice of collection and processing correspondence for mailing with GSO/FedEx. Under that practice it would be deposited with GSO/FedEx on that same day thereon fully prepaid at Los Angeles, California in the ordinary course of business. The envelope was sealed and placed for collection and mailing on that date following ordinary business practices.



(BY ELECTRONIC MAIL) I caused the document(s) listed above to be electronically-served via the e-mail address(es) set forth below.

Bruce Kokozyan
Alex DiBona
KOKOZIAN LAW FIRM, APC
10940 Wilshire Blvd., Suite 1200
Los Angeles, California 90024

Tel: 323-857-5900
bkokozyan@kokozyanlawfirm.com
dibona@kokozyanlawfirm.com

*[attorneys for Plaintiff
SINDY MAYORGA]*

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on March 1, 2022, at Los Angeles, California.



Inah Lee

1 Seyfarth Shaw LLP
Jon D. Meer (SBN 144389)
2 E-mail: jmeer@seyfarth.com
Leo Q. Li (SBN 293539)
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12

13
14 UNITED STATES DISTRICT COURT
15 CENTRAL DISTRICT OF CALIFORNIA
16

17 SINDY MAYORGA, on behalf of herself,
all others similarly situated, and the general
18 public,

19 Plaintiff,

20 v.

21 CARTER’S INC., a Delaware Corporation;
CARTER’S RETAIL, INC., a Delaware
22 Corporation; THE WILLIAM CARTER
COMPANY, a Massachusetts Corporation;
23 OSHKOSH B’GOSH, INC., a Delaware
Corporation; and DOES 1 through 100,
24 inclusive,

25 Defendants.
26
27
28

Case No. 2:22-cv-1467

**DECLARATION OF JENNIFER
FRAZER IN SUPPORT OF NOTICE
OF REMOVAL**

[Los Angeles County Superior Court
Case No. 22STCV02309]

Complaint Filed: January 20, 2022
Trial Date: None Set

ClassAction.org

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