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7 Attorneys for Defendant
WAL-MART STORES, INC.

8 UNITED STATES DISTRICT COURT
9 CENTRAL DISTRICT OF CALIFORNIA
10

11 GEORGE PARTIDA, on behalf of
himself and all others similarly
12 situated,

13 Plaintiff,

14 v.

15 WAL-MART STORES, INC.,
16 Defendant.
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Case No. CV 12 - 10015 JAK (VBKx)

**DEFENDANT WAL-MART
STORES, INC.'S NOTICE OF
REMOVAL OF CIVIL ACTION
FROM STATE COURT
PURSUANT TO 28 U.S.C. §§ 1332,
1441, AND 1446**

[Diversity Jurisdiction and Class
Action Fairness Act Jurisdiction]

2012 NOV 21 PM 2:54
CLERK U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
SANTA ANA

FILED

PLEASE TAKE NOTICE THAT defendant Wal-Mart Stores, Inc. (“Wal-Mart”) hereby removes this matter from the Los Angeles County Superior Court to the United States District Court for the Central District of California pursuant to 28 U.S.C. §§ 1332, 1441, and 1446. The grounds for removal are set forth below.

CLAIMS ASSERTED IN COMPLAINT

1. On August 13, 2012, plaintiff George Partida (“Partida”) filed his unverified Complaint for Damages and Permanent Injunctive Relief for Violation of Unruh Civil Rights Act (“Complaint”) against Wal-Mart in the Los Angeles County Superior Court, Case No. BC488176, captioned *George Partida, on behalf of himself and all others similarly situated v. Wal-Mart Stores, Inc.*

2. Partida seeks class action certification of two proposed classes, one of which would include: “All disabled California residents confined to a wheelchair, power chair or scooter who were either (a) unable to use any of the credit or debit card readers at a California Sam’s Club at any time within the two years before filing of this action because the available card readers at the store were all mounted too high above the floor to reach; or (b) were deterred from patronizing any California Sam’s Club store at any time within the two years before filing of this action because the available card readers at the store were all mounted too high above the floor to reach.” The second proposed class Partida seeks to certify would include: “All disabled California residents confined to a wheelchair, power chair or scooter who were either (a) unable to use any of the credit or debit card readers at a California Walmart [sic] at any time within the two years before filing of this action because the available card readers at the store were all mounted too high above the floor to reach; or (b) were deterred from patronizing any California Walmart [sic] store at any time within the two years before filing of this action because the available card readers at the store were all mounted too high above the floor to reach.” (Compl. ¶ 15.)

1 3. Partida asserts claims on his own behalf and on behalf of the proposed
2 classes for violations of the Unruh Civil Rights Act ("Unruh Act"), citing to both
3 the California Civil Code and the Americans with Disabilities Act. (Compl. ¶¶ 23,
4 29.) Partida seeks statutory damages, injunctive relief, and attorney's fees.
5 (Compl., Prayer.)

6 **COMPLIANCE WITH STATUTORY REQUIREMENTS**

7 4. On October 31, 2012, Partida served Wal-Mart with the Complaint.
8 Wal-Mart's removal of this action is timely because it filed the instant Notice of
9 Removal within 30 days of the date Partida served Wal-Mart with the Complaint.
10 *See* 28 U.S.C. § 1446(b). In accordance with 28 U.S.C. § 1446(a), copies of
11 Partida's Summons and Complaint are attached to this Notice of Removal as
12 Exhibit A.

13 5. Wal-Mart filed its Answer to the Complaint in state court on
14 November 20, 2012. A copy of Wal-Mart's Answer is attached to this Notice of
15 Removal as Exhibit B.

16 6. Pursuant to 28 U.S.C. § 1446(d), Wal-Mart will provide written notice
17 of removal of this action to Partida's counsel, and will promptly file a copy of this
18 Notice of Removal and the operative additional documents with the Clerk of the
19 Los Angeles County Superior Court. A courtesy copy of Wal-Mart's "Notice to
20 State Court and Adverse Party of Removal of Civil Action from State Court to the
21 United States District Court for the Central District of California" (without
22 exhibits) is attached to this Notice of Removal as Exhibit C.

23 **VENUE AND INTRADISTRICT ASSIGNMENT**

24 7. Venue lies in the United States District Court for the Central District
25 of California pursuant to 28 U.S.C. §§ 1391(a) and 1441(a) because the Complaint
26 was filed in this District. Pursuant to 28 U.S.C. § 1441(a), this case may properly
27 be assigned to the Western Division of the Central District of California because
28 Partida filed this case in the Los Angeles County Superior Court.

JURISDICTION

A. Diversity Jurisdiction

8. This Court has original jurisdiction over this matter pursuant to 28 U.S.C. § 1332 because this is an action between “citizens of different States” and the “matter in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs.”

1. Partida and Wal-Mart are Citizens of Different States

9. Partida alleges he is a resident of California (Compl. ¶ 3.), and is therefore a citizen of California for purposes of diversity. Wal-Mart is a corporation incorporated under the laws of Delaware, with its principal place of business, *i.e.*, its headquarters and nerve center, located in Bentonville, Arkansas. (Compl. ¶ 4.) Accordingly, for purposes of removal, Wal-Mart is a citizen of the states of Delaware and Arkansas. 28 U.S.C. § 1332(c)(1); *see The Hertz Corp. v. Friend*, 130 S. Ct. 1181, 1192-93 (2010).

2. The Amount in Controversy Exceeds \$75,000

10. Partida’s Complaint does not allege a specific dollar amount in damages but asserts claims for statutory damages and attorneys’ fees. (Compl., Prayer.) Although Wal-Mart does not concede liability in any way, the amount Partida places in controversy exceeds the \$75,000 jurisdictional minimum. 28 U.S.C. § 1332(a); *see also Gibson v. Chrysler Corp.*, 261 F.3d 927, 941 (9th Cir. 2001).

11. First Claim for Relief: Violation of Unruh Act at Sam’s Club. Partida alleges that he shopped at Sam’s Club “several times each month for the past 10 or more years,” and that he “intends to continue to shop there.” (Compl. ¶ 7.) Partida further alleges that credit card readers in Sam’s Club stores are inaccessible for individuals with mobility disabilities because the readers are mounted too high for wheelchair users. (Compl. ¶ 12.) He claims to have personally encountered these alleged “barriers” during his shopping trips to Sam’s Club (Compl. ¶¶ 13, 16(d),

21), and that these barriers prevented him from independently using the credit card readers in violation of the Unruh Act as well as regulations promulgated under the Americans with Disabilities Act. (Compl. ¶ 23.)

12. Based upon these allegations, the Complaint is reasonably and conservatively read to plead that Partida purportedly encountered inaccessible credit card readers on at least one occasion during his “several” monthly shopping trips to Sam’s Club stores. Partida seeks to recover \$4,000 in statutory damages (Cal. Civ. Code § 52) for each such encounter. Hence, the amount in controversy arising from Partida’s first claim for relief is at least \$96,000 in statutory penalties ($\$4,000 \times 1 \text{ violation per month} \times 24 \text{ months} = \$96,000$).

13. Second Claim for Relief: Violation of Unruh Act at Wal-Mart. Partida alleges that he shopped at Wal-Mart “several times each month for the approximately 6 years,” and that he “intends to continue to shop there.” (Compl. ¶ 8.) Partida further alleges that credit card readers in Wal-Mart stores are inaccessible for individuals with mobility disabilities because the readers are mounted too high for wheelchair users. (Compl. ¶ 12.) He claims to have personally encountered these alleged “barriers” during his shopping trips to Wal-Mart (Compl. ¶¶ 13, 16(d), 21), and that these barriers prevented him from independently using the credit card readers in violation of the Unruh Act as well as regulations promulgated under the Americans with Disabilities Act. (Compl. ¶ 29.)

14. Based upon these allegations, the Complaint is reasonably and conservatively read to plead that Partida purportedly encountered inaccessible credit card readers on at least one occasion during his “several” monthly shopping trips to Wal-Mart stores. Partida seeks to recover \$4,000 in statutory damages (Cal. Civ. Code § 52) for each such encounter. Hence, the amount in controversy arising from Partida’s second claim for relief is at least \$96,000 in statutory penalties ($\$4,000 \times 1 \text{ violation per month} \times 24 \text{ months} = \$96,000$).

1 15. Attorneys' Fees. Partida contends that he is entitled to recover his
2 attorneys' fees pursuant to California Civil Code section 52. (Compl., Prayer.)
3 Attorneys' fees are properly included in the amount in controversy for purposes of
4 evaluating diversity jurisdiction. *See, e.g., Galt G/S v. JSS Scandinavia*, 142 F.3d
5 1150, 1156 (9th Cir. 1998). Even a modest amount of attorneys' fees further
6 increases the amount in controversy beyond the jurisdictional minimum.

7 16. Summary of Partida's Amount In Controversy. The amount-in-
8 controversy requirement for traditional diversity jurisdiction is satisfied. Even
9 without quantifying Partida's claim for attorneys' fees, Partida's individual claims
10 place in controversy more than \$75,000: \$96,000 [Unruh Act violations at Sam's
11 Club in Torrance, California] + \$96,000 [Unruh Act violations at Wal-Mart in
12 Torrance, California] = **\$192,000**. While this is the amount in controversy, Wal-
13 Mart nevertheless disputes that Partida is entitled to recover anything by virtue of
14 this action.

15 17. Because this Court has original jurisdiction pursuant to 28 U.S.C. §
16 1332(a) over Partida's individual claims, it has supplemental jurisdiction that
17 extends to the claims of the unnamed proposed class members. *See Exxon Mobil*
18 *Corp. v. Allapattah Servs., Inc.*, 545 U.S. 546, 549 (2005) (holding that "where the
19 other elements of [diversity] jurisdiction are present and at least one named plaintiff
20 in the action satisfies the amount-in-controversy requirement, § 1367 authorizes
21 supplemental jurisdiction over the claims of other plaintiffs in the same Article III
22 case or controversy, even if those claims are for less than the jurisdictional amount
23 specified in the statute setting forth the requirements for diversity jurisdiction");
24 *Gibson*, 261 F.3d at 940 (holding that "there is supplemental jurisdiction over the
25 claims of unnamed class members when the claim of an individual named plaintiff
26 satisfies the amount-in-controversy requirement").
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B. Class Action Fairness Act Jurisdiction

18. In addition, this Court has original jurisdiction over this matter pursuant to 28 U.S.C. § 1332(d) (as amended by the Class Action Fairness Act of 2005, Pub. L. No. 109-2, 119 Stat. 14 (“CAFA”)). Under Section 1332(d), federal courts have original diversity jurisdiction over a class action whenever: (1) “any member of a [putative] class of plaintiffs is a citizen of a State different from any defendant”; (2) “the matter in controversy exceeds the sum or value of \$5,000,000, exclusive of interest and costs”; and (3) “the number of members of all proposed plaintiff classes in the aggregate is” more than 100. 28 U.S.C. § 1332(d)(2), (5)(B). As explained below, all CAFA requirements are satisfied in this case.

1. Partida and Wal-Mart are Citizens of Different States

19. Under CAFA, only “minimal diversity,” *i.e.*, diversity between any plaintiff and any defendant, is required. 28 U.S.C. § 1332(d)(2)(A). As noted above, there is complete diversity here because Partida is a citizen of the State of California while Wal-Mart is a citizen of the States of Delaware and Arkansas. Thus, minimal and complete diversity are satisfied.

2. The Amount in Controversy Exceeds \$5,000,000

20. Partida’s Complaint does not allege a specific dollar amount in damages but asserts claims for statutory damages and attorneys’ fees. (Compl., Prayer.) Although Wal-Mart concedes neither liability on Partida’s claims nor the propriety or breadth of the classes as alleged by Partida, the amount Partida places in controversy with his class claims exceeds the \$5,000,000 jurisdictional minimum under CAFA. *See* 28 U.S.C. § 1332(d).

21. Class Claims for Relief: Violation of Unruh Act at Sam’s Club and Wal-Mart. Partida alleges that credit card readers in Sam’s Club and Wal-Mart stores are inaccessible for individuals with mobility disabilities because the readers are mounted too high for wheelchair users. (Compl. ¶ 12.) He claims to have personally encountered these alleged “barriers” during his shopping trips to Sam’s

1 Club and Wal-Mart (Compl. ¶¶ 13, 16(d), 21, 27), and that these barriers prevented
 2 him from independently using the credit card readers in violation of the Unruh Act
 3 as well as regulations promulgated under the Americans with Disabilities Act.
 4 (Compl. ¶¶ 23, 29.)

5 22. Further, Partida purports to represent a class of “at least several
 6 thousand” members who have encountered similar barriers. (Compl. ¶ 16(a).)
 7 Based upon these allegations, the Complaint is reasonably and conservatively
 8 construed to plead a class of at least 2,000 members and that each proposed class
 9 member encountered inaccessible credit card readers on at least one occasion.

10 Partida seeks to recover \$4,000 in statutory damages (Cal. Civ. Code § 52) for each
 11 such encounter. Hence, the amount in controversy arising from Partida’s class
 12 claims for relief is at least \$8,000,000 in statutory penalties (\$4,000 per violation x
 13 2,000 members = \$8,000,000).

14 23. Attorneys’ Fees. As noted above, Partida alleges that he is entitled to
 15 recover his attorneys’ fees pursuant to California Civil Code section 52. (Compl.,
 16 Prayer.) Even a modest amount of attorneys’ fees further increases the amount in
 17 controversy beyond the jurisdictional minimum.

18 24. Summary of Proposed Classes’ Amount In Controversy. The amount-
 19 in-controversy requirement for CAFA jurisdiction is satisfied. Even without
 20 quantifying Partida’s claim for attorneys’ fees, the amount in controversy with
 21 respect to the class claims exceeds \$5,000,000. While \$8,000,000 is the amount in
 22 controversy, Wal-Mart nevertheless disputes that Partida or any proposed class
 23 member is entitled to recover anything by virtue of this action.

24 3. Number of Putative Class Members

25 25. The third requirement to invoke CAFA jurisdiction is that the
 26 aggregate number of members of all proposed plaintiff classes be more than 100.
 27 28 U.S.C. § 1332(d)(5)(B). Here, Partida alleges that “there are at least several
 28 thousand affected class members.” (Compl. ¶ 16(a).) Thus, this requirement for

1 CAFA jurisdiction has been met.

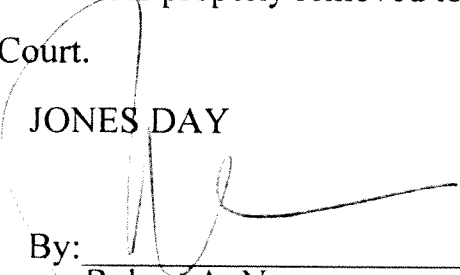
2 **RESERVATION OF RIGHTS**

3 26. In alleging the amount in controversy for purposes of removal, Wal-
4 Mart does not concede in any way that the allegations in the Complaint are
5 accurate, or that Partida or any proposed class member is entitled to class
6 certification, damages, injunctive relief, attorneys' fees, or any other relief. Wal-
7 Mart reserves its right to defend the allegations in the Complaint to the fullest
8 extent.

9 27. Based on the foregoing, this action is properly removed to this Court
10 from the Los Angeles County Superior Court.

11 Dated: November 21, 2012.

JONES DAY

12
13 By: 

14 Robert A. Naeve

15 Attorneys for Defendant
16 WAL-MART STORES, INC.
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EXHIBIT A

10/31/12 9:23 a.m.

**SUMMONS
(CITACION JUDICIAL)****NOTICE TO DEFENDANT:
(AVISO AL DEMANDADO):**

WAL-MART STORES, INC.

**YOU ARE BEING SUED BY PLAINTIFF:
(LO ESTÁ DEMANDANDO EL DEMANDANTE):**GEORGE PARTIDA, on behalf of himself and all others similarly
situated

SUM-100

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)CONFIRMED COPY
ORIGINAL FILED
SUPERIOR COURT OF CALIFORNIA

AUG 24 2012

Deputy

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 waiver 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 o 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): Los Angeles County Superior Court
Central District, Stanley Mosk Courthouse, Unlimited Jurisdiction
111 N. Hill Street, Los Angeles, CA 90012-3014

CASE NUMBER:
(Número del Caso):

BC488176

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:

(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):
Julie Mehrban, Esq.; 15233 Ventura Boulevard, Suite 1000, Sherman Oaks, CA 91403; 310-694-8331

DATE:
(Fecha)

John A. Clarke

Clerk, by
(Secretario)

GINA GRIDER

Deputy
(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)).

(SEAL)

AUG 24 2012

NOTICE TO THE PERSON SERVED: You are served

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

Julie Mehrban (Bar No. 271290)
MEHRBAN LAW CORPORATION, A.P.C.
15233 Ventura Boulevard, Suite 1000
Sherman Oaks, California 91403-2251
Telephone: 310-694-8331
Facsimile: 310-882-5809
Email: Julie@JulieMehrban.com
Website: www.MehrbanLaw.com

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Superior Court of California
County of Los Angeles

AUG 13 2012

John A. Clarke, Executive Officer/Clerk
By Moses Soto Deputy
MOSES SOTO

Attorney for Plaintiff,
George Partida

SUPERIOR COURT OF CALIFORNIA

COUNTY OF LOS ANGELES, CENTRAL DISTRICT, STANLEY MOSK COURTHOUSE

UNLIMITED JURISDICTION

GEORGE PARTIDA, on behalf of himself and
all others similarly situated,

Plaintiff,

v.

WAL-MART STORES, INC.,

Defendant.

Case No.

BC488176

[CLASS ACTION]

COMPLAINT FOR DAMAGES AND
PERMANENT INJUNCTIVE RELIEF FOR
VIOLATION OF UNRUH CIVIL RIGHTS ACT;
JURY TRIAL DEMAND

Plaintiff, GEORGE PARTIDA, on behalf of himself and all others similarly situated, and
demanding trial by jury, complains and alleges upon information and belief as follows:

JURISDICTION

1. This is an action seeking injunctive relief and statutory damages pursuant to the Unruh Civil Rights Act, California Civil Code section 51, *et seq.* This Court has jurisdiction over the class action claims alleged herein pursuant to California Code of Civil Procedure section 382.

VENUE

2. Venue is proper in Los Angeles County pursuant to Code of Civil Procedure section 395, subdivision (a) and 395.5. Liability arises in Los Angeles County. Defendant has been committing the acts alleged herein in Los Angeles County and violating the rights of disabled persons in Los Angeles County causing them injury.

PARTIES

3. Plaintiff, GEORGE PARTIDA is an individual citizen of California and resides in Los Angeles County. GEORGE PARTIDA is unable to walk, confined to his power wheelchair, and dependent thereon for mobility. He has a disability within the meaning of the ADA, 42 U.S.C. § 12102(2)(A), and a physical disability as that term is defined in applicable California law, including California Government Code section 12926.
4. Defendant, WAL-MART STORES, INC. is a Delaware corporation headquartered in Bentonville, Arkansas. WAL-MART STORES, INC. is a multi-billion dollar, publicly traded company that operates Sam's Club and Walmart stores throughout the state of California.
5. Plaintiff seeks full and equal access to credit or debit Card Readers in all California Sam's Club and Walmart store locations a service offered by said Defendant's California retail stores.

FACTS

6. GEORGE PARTIDA is a resident of Torrance, California, is currently an active Sam's Club member, and has been since approximately 1990.
7. GEORGE PARTIDA has been an active Sam's Club member for approximately 20 years, and is a long-term customer of Sam's Club. GEORGE PARTIDA has shopped there several times each month for the past 10 or more years, and intends to continue to shop there.

1 8. GEORGE PARTIDA is a long-term customer of Walmart and has shopped there several times
2 each month for approximately 6 years, and intends to continue to shop there.

3 9. During the preceding two years, WAL-MART STORES, INC. has operated Sam's Club retail
4 stores throughout California that are available to members only. Customers who wish to become
5 members must pay membership fees and receive membership cards that the customers use to
6 access the store to browse product and make purchases. Sam's Club stores purportedly give
7 customers special access to various items including household goods, electronics, groceries,
8 clothing, and toys, which it advertises, are sold at very low prices.

9 10. During the preceding two years, WAL-MART STORES, INC. has operated Walmart retail stores
10 throughout California that sell various items including household goods, electronics, groceries,
11 clothing, and toys, which it advertises, are sold at very low prices. Walmart stores do not require
12 patrons to purchase membership.

13 11. WAL-MART STORES, INC. offers credit or debit card readers, also known as point of sale
14 terminals (hereinafter "Card Readers") that allow Sam's Club and Walmart customers various
15 payment options in completing purchases made at said California store locations.

16 12. While many of Defendant's Sam's Club and Walmart stores offer accessible Card Readers, other
17 California Sam's Club and Walmart locations have not made any modifications. Even despite
18 that Defendant is on notice of the violations herein, and has demonstrated that it is fully capable
19 of making these changes, WAL-MART STORES, INC. has continued to fail and refuse to offer
20 accessible Card Readers to the disabled. Card Readers at these forgotten locations have been
21 mounted at inaccessible heights above the eye level of a person in a seated position. Hence, they
22 could not be independently used by wheelchair-bound customers, if at all. As a result, said card
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1 readers constitute architectural barriers as they are physical aspects of California Sam's Club and
 2 Walmart stores that impede full and equal access to those in wheelchairs.

3 13. During the preceding two years, GEORGE PARTIDA wanted, but was unable to independently
 4 use the available Card Readers in California Sam's Club and Walmart stores because they were
 5 too high for him to view and select options, and enter information from his seated position.

6 14. This action concerns approximately 33 Sam's Club store locations throughout the state of
 7 California, and more than 150 Walmart store locations throughout California.

8 CLASS ALLEGATIONS

9 15. Plaintiff brings this action on behalf of himself and all those similarly situated as a class action
 10 pursuant to California Code of Civil Procedure section 382. The classes which Plaintiff seeks to
 11 represent is composed of and defined as follows:

12 All disabled California residents confined to a wheelchair, power chair or
 13 scooter who were either (a) unable to use any of the credit or debit card
 14 readers at a California Sam's Club at any time within the two years before
 15 filing of this action because the available card readers at the store were all
 16 mounted too high above the floor to reach; or (b) were deterred from
 patronizing any California Sam's Club store at any time within the two
 years before filing of this action because the available card readers at the
 store were all mounted too high above the floor to reach.

16 AND

17 All disabled California residents confined to a wheelchair, power chair or
 18 scooter who were either (a) unable to use any of the credit or debit card
 19 readers at a California Walmart at any time within the two years before
 20 filing of this action because the available card readers at the store were all
 21 mounted too high above the floor to reach; or (b) were deterred from
 patronizing any California Walmart store at any time within the two years
 before filing of this action because the available card readers at the store
 were all mounted too high above the floor to reach.

22 16. This action has been brought and may properly be maintained as a class action, pursuant to the
 23 provisions of California Code of Civil procedure section 382 because there is a well-defined
 24 community of interest and the proposed class is easily ascertainable:

1 (a) **Numerosity:** The Plaintiff Class is so numerous that the individual joinder of all members
2 is impracticable under the circumstances of this case. While the exact number of class
3 members is unknown to plaintiff at this time, plaintiff is informed and believes that there
4 are at least several thousand affected class members in California. Therefore, joinder of
5 all members of the Plaintiff Class is not practical.

6 (b) **Common Questions Predominate:** Common questions of law and fact exist as to all
7 members of the Plaintiff Class and predominate over any questions which affect only
8 individual members of the class. These questions of law and fact include, without
9 limitation:

10 (i) Whether Defendant violated the Unruh Civil Rights Act by its failure to
11 provide card readers at a height accessible to those confined to
12 wheelchairs;

13 (ii) The scope and duration of Defendant's failure to provide card readers at a
14 height accessible to those confined to wheelchairs;

15 (iii) Whether Defendant maintains any policy regarding accessible architecture
16 and design, and if so, the extent of Defendant's failure to implement such
17 policy;

18 (iv) To what extent Defendant's failure to provide card readers at a height
19 accessible to those confined to wheelchairs entitles Plaintiff and the
20 Plaintiff Class to damages and injunctive relief pursuant to Civil Code
21 section 52, subdivision (a); and

22 (v) The appropriate nature of class-wide equitable relief.
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- 1 (c) **Typicality:** Plaintiff's claim is typical of the members of the Plaintiff Class. Pursuant to
2 Civil Code section 52, Plaintiff and all members of the Plaintiff Class are entitled to the
3 minimum statutory penalty for Defendant's failure to provide card readers at a height
4 accessible to those confined to wheelchairs. The discrimination, injury, and damages of
5 Plaintiff and the Plaintiff Class were caused directly by Defendant's wrongful conduct in
6 violation of the Unruh Civil Rights Act.
- 7 (d) **Adequacy:** Plaintiff, GEORGE PARTIDA will fairly and adequately protect the interest
8 of the members of the Plaintiff Class. Plaintiff (a long-term active Sam's Club member
9 and long-term Walmart customer) resides in Los Angeles County, California and has
10 personally encountered the violations herein complained of, on numerous occasions
11 while patronizing Sam's Club and Walmart, with the last several years. Plaintiff has
12 demonstrated his long-term commitment this cause by seeking removal of said
13 architectural barriers by consistently complaining to Sam's Club cashiers and managers,
14 orally and in writing, and has not given up despite being repeatedly ignored. Furthermore,
15 Plaintiff has retained competent counsel with previous experience in class action
16 litigation, background in civil rights litigation, as well consumer protection litigation, and
17 extensive trial experience, including a recent jury trial verdict where she successfully
18 compelled a fast-food giant to modify its policy to reflect the requirements of the
19 American's with Disabilities Act of 1990.
- 20 (e) **Superiority:** A class action is superior to other available means for the fair and efficient
21 adjudication of this controversy since individual joinder of all members of the class is
22 impracticable. Class action treatment will permit a large number of similarly situated
23 persons to prosecute their common claims in a single forum simultaneously, efficiently,
24

1 and without the unnecessary duplication of effort and expense that numerous individual
 2 actions would engender. Furthermore, the expense and burden of individual litigation
 3 would make it difficult or impossible for individual members of the class to redress the
 4 wrongs done to them, while an important public interest will be served by addressing the
 5 matter as a class action. The cost to the court system of adjudication of such
 6 individualized litigation would be substantial. Individualized litigation would also present
 7 the potential for inconsistent or contradictory judgments.

- 8 17. There are no obstacles to effective and efficient management of this action that would preclude
 9 its maintenance as a class action.

10 **FIRST CAUSE OF ACTION FOR VIOLATION OF THE UNRUH CIVIL RIGHTS ACT**

11 **(CALIFORNIA CIVIL CODE SECTION 51)**

- 12 18. Plaintiff incorporates herein by reference the foregoing facts as if fully set forth herein.

- 13 19. At all times mentioned herein, GEORGE PARTIDA has been disabled insofar as he could not
 14 stand or walk. Therefore, he has been confined to his power wheelchair, and dependent thereon
 15 for mobility.

- 16 20. At all times mentioned herein, WAL-MART STORES, INC. has been doing business as a Sam's
 17 Club retail store located at 6201 Skypark Drive, Torrance, California 90505, and has been the
 18 lessee of the building at said address.

- 19 21. During the preceding two years, while patronizing said place of public accommodation,
 20 GEORGE PARTIDA experienced difficulty. GEORGE PARTIDA wanted, but was unable to,
 21 independently use the available Card Readers at said facility's checkout terminals because they
 22 were mounted too high for him view and select options, and enter information from his seated
 23 position.

1 22. Removing said architectural barriers would have been readily achievable (easily accomplishable
2 and able to be carried out without much difficulty or expense) for WAL-MART STORES, INC.

3 23. The foregoing constitutes violation of Civil Code section 51, 28 C.F.R. § 36.303 and 42 U.S.C. §
4 12182.

5 **SECOND CAUSE OF ACTION FOR VIOLATION OF THE UNRUH CIVIL RIGHTS ACT**

6 **(CALIFORNIA CIVIL CODE SECTION 51)**

7 24. Plaintiff incorporates herein by reference the foregoing facts as if fully set forth herein.

8 25. At all times mentioned herein, GEORGE PARTIDA has been disabled insofar as he could not
9 stand or walk. Therefore, he has been confined to his power wheelchair, and dependent thereon
10 for mobility.

11 26. At all times mentioned herein, WAL-MART STORES, INC. has been doing business as a
12 Walmart store located at 19503 Normandie Avenue, Torrance, California 90501, and has been
13 the lessee of the building at said address.

14 27. During the preceding two years, while patronizing said place of public accommodation,
15 GEORGE PARTIDA experienced difficulty. GEORGE PARTIDA wanted, but was unable to,
16 independently use the available Card Readers at said facility's checkout terminals because they
17 were mounted too high for him to view and select options, and enter information from his seated
18 position.

19 28. Removing said architectural barriers would have been readily achievable (easily accomplishable
20 and able to be carried out without much difficulty or expense) for WAL-MART STORES, INC.

21 29. The foregoing constitutes violation of Civil Code section 51, 28 C.F.R. § 36.303 and 42 U.S.C. §
22 12182.

23 \\\

PRAYER

WHEREFORE, Plaintiff prays:

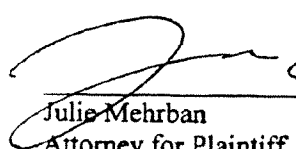
- (a) That the Court determine this action may be maintained as a class action;
- (b) That Plaintiff and members of the Plaintiff class recover damages pursuant to Civil Code section 52, for each and every offense in violation of the Unruh Civil Rights Act, permanent injunctive relief, and attorney's fees;
- (c) That Plaintiff and the other members of the Plaintiff Class be granted such further relief as the nature of the case may require or as is just and proper.

Dated: 8/8/2012

Respectfully Submitted,

MEHRBAN LAW CORPORATION, A.P.C.

By:


Julie Mehrban
Attorney for Plaintiff,
George Partida

JURY TRIAL DEMAND

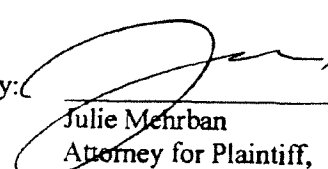
Plaintiff, on his own behalf and on behalf of all others similarly situated, hereby demands a trial by jury.

Dated: 8/8/2012

Respectfully Submitted,

MEHRBAN LAW CORPORATION, A.P.C.

By:


Julie Mehrban
Attorney for Plaintiff,
George Partida

SHORT TITLE Partida v Wal-Mart Stores, Inc.	CASE NUMBER BC488176
---	--------------------------------

DECLARATION OF MAILING

INSTRUCTIONS: Only a person who is age 18 years or older and *not* a party to this action can serve document copies by mail. (Code Civ. Proc., § 1013a.) An unsigned copy of this *Declaration of Mailing* must be attached to and mailed with the copies. After the copies are deposited in the mail, the person who mailed them must fill out and sign this form attached as the last page of the originals for filing. (Code Civ. Proc., § 1013(b).) **WARNING:** *Falsifying this form can be a felony, punishable by imprisonment in state prison.* (Pen. Code, §§ 118 & 126)

1. I am employed in, or a resident of, the county in which this mailing occurred, and not a party to this action. At the time of mailing, I was at least 18 years of age or older;
2. I am readily familiar with the practice at the residence or business address shown below for collection and processing of correspondence for mailing with the United States Postal Service, which causes it to be sealed and deposited with said Postal Service with the postage prepaid the same day it is mailed or placed for collection and processing.
3. My ☐ residence ☒ business address and telephone number are as follows:

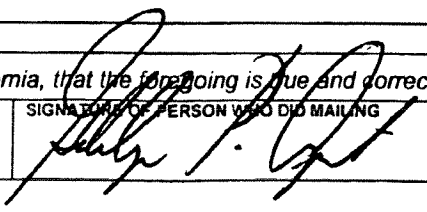
ADDRESS 15233 Ventura Blvd., Suite 1000	TELEPHONE NUMBER (310) 571-0104
CITY, STATE AND ZIP CODE Sherman Oaks, CA 91403-2251	

4. I served the below document(s) on behalf of Plaintiff, George Partida (name of party) by ☐ personally sealing and mailing with postage prepaid, ☒ placing for collection and mailing following ordinary business practices, true copies to the addressed as shown, on the date and at the place shown, in envelope(s) sealed, or to be sealed in the ordinary course of business, and addressed as follows:

The California Commission on Disability Access
721 Capitol Mall, Room 260
Sacramento, CA 95814

DATE MAILED 10/23/12	PLACE OF MAILING (City and state) Sherman Oaks, California
--------------------------------	--

5. Exact title(s) of document(s) served: Verified Complaint for Damages and Permanent Injunctive Relief

<i>I declare under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct.</i>		
DATED 10/23/12	TYPE OR PRINT NAME OF PERSON WHO DID MAILING Gwen Aparente	SIGNATURE OF PERSON WHO DID MAILING 

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES
NOTICE OF CASE ASSIGNMENT - UNLIMITED CIVIL CASE (NON-CLASS ACTION)
Case Number _____

THIS FORM IS TO BE SERVED WITH THE SUMMONS AND COMPLAINT

BC488176

Your case is assigned for all purposes to the judicial officer indicated below (Local Rule 3.3(c)). There is additional information on the reverse side of this form.

ASSIGNED JUDGE	DEPT	ROOM	ASSIGNED JUDGE	DEPT	ROOM
Hon. Carolyn B. Kuhl	1	534	Hon. Debra Katz Weintraub	47	507
Hon. Michael P. Linfield	10	631	Hon. Elizabeth Allen White	48	506
Hon. Barbara A. Meiers	12	636	Hon. Deirdre Hill	49	509
Hon. Terry A. Green	14	300	Hon. John L. Segal	50	508
Hon. Richard Fruin	15	307	Hon. Abraham Khan	51	511
Hon. Rita Miller	16	306	Hon. Susan Bryant-Deason	52	510
Hon. Richard E. Rico	17	309	Hon. Steven J. Kleinfeld	53	513
Hon. Kevin C. Brazile	20	310	Hon. Ernest M. Hiroshige	54	512
Hon. Robert L. Hess	24	314	Hon. Malcolm H. Mackey	55	515
Hon. Mary Ann Murphy	25	317	Hon. Michael Johnson	56	514
Hon. James R. Dunn	26	316	Hon. Ralph W. Dau	57	517
Hon. Yvette M. Palazuelos	28	318	Hon. Rolf M. Treu	58	516
Hon. Barbara Scheper	30	400	Hon. David L. Minning	61	632
Hon. Alan S. Rosenfield	31	407	Hon. Michael L. Stern	62	600
Hon. Mary H. Strobel	32	406	Hon. Mark Mooney	68	617
Hon. Charles F. Palmer	33	409	Hon. Ramona See	69	621
Hon. Amy D. Hogue	34	408	Hon. Soussan G. Bruguera	71	729
Hon. Daniel Buckley	35	411	Hon. Ruth Ann Kwan	72	731
Hon. Gregory Alarcon	36	410	Hon. Teresa Sanchez-Gordon	74	735
Hon. Joanne O'Donnell	37	413	Hon. William F. Fahey	78	730
Hon. Maureen Duffy-Lewis	38	412	Hon. Emilie H. Elias	324	CCW
Hon. Michelle R. Rosenblatt	40	414	Hon. Elihu M. Berle	323	CCW
Hon. Ronald M. Sohigian	41	417	other		
Hon. Holly E. Kendig	42	416			
Hon. Mel Red Recana	45	529			
Hon. Fredrick C. Shaller	46	601			

Given to the Plaintiff/Cross-Complainant/Attorney of Record on _____ **JOHN A. CLARKE**, Executive Officer/Clerk

By _____, Deputy Clerk

ORIGINAL FILED
Superior Court of California
County of Los Angeles

NOTICE SENT TO:

Mehrban Law Corporation
15233 Ventura Boulevard, Suite 1000
Sherman Oaks CA 91403FILE STAMP
AUG 21 2012John A. Clarke, Executive Officer/Clerk
DEPT

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

GEORGE PARTIDA

Plaintiff(s),

CASE NUMBER

BC488176

VS.

WAL-MART STORES INC

Defendant(s).

NOTICE OF CASE
MANAGEMENT CONFERENCE

TO THE PLAINTIFF(S)/ATTORNEY(S) FOR PLAINTIFF(S) OF RECORD:

You are ordered to serve this notice of hearing on all parties/attorneys of record forthwith, and meet and confer with all parties/attorneys of record about the matters to be discussed no later than 30 days before the Case Management Conference.

Your Case Management Conference has been scheduled for November 26, 2012 at 8:30 am in Dept. 49 at 111 North Hill Street, Los Angeles, California 90012.

NOTICE TO DEFENDANT: THE SETTING OF THE CASE MANAGEMENT CONFERENCE DOES NOT EXEMPT THE DEFENDANT FROM FILING A RESPONSIVE PLEADING AS REQUIRED BY LAW.

Pursuant to California Rules of Court, rules 3.720-3.730, a completed Case Management Statement (Judicial Council form # CM-110) must be filed at least **15 calendar days** prior to the Case Management Conference. The Case Management Statement may be filed jointly by all parties/attorneys of record or individually by each party/attorney of record. You must be familiar with the case and be fully prepared to participate effectively in the Case Management Conference.

At the Case Management Conference, the Court may make pretrial orders including the following, but not limited to, an order establishing a discovery schedule; an order referring the case to Alternative Dispute Resolution (ADR); an order reclassifying the case; an order setting subsequent conference and the trial date; or other orders to achieve the goals of the Trial Court Delay Reduction Act (Gov. Code, section 68600 et seq.)

Notice is hereby given that if you do not file the Case Management Statement or appear and effectively participate at the Case Management Conference, the Court may impose sanctions pursuant to LASC Local Rule 7.13, Code of Civil Procedure sections 177.5, 575.2, 583.150, 583.360 and 583.410, Government Code Section 68608 (b), and California Rules of Court 2.2 et seq.

Date: August 21, 2012

DEIRDRE HILL

Judicial Officer

CERTIFICATE OF SERVICE

I, the below named Executive Officer/Clerk of the above-entitled court, do hereby certify that I am not a party to the cause herein, and that on this date I served the Notice of Case Management Conference upon each party or counsel named above:

☒ by depositing in the United States mail at the courthouse in Los Angeles, California, one copy of the original filed herein in a separate sealed envelope to each address as shown above with postage thereon fully prepaid.

☐ by personally giving the party notice upon filing the complaint.

Date: August 21, 2012

John A. Clarke, Executive Officer/Clerk

by _____, Deputy Clerk

F. ESTRADA

Cal. Rules of Court, rule 3.720-3.730
LASC Local Rules, Chapter Seven

8. A copy of this Notice and Order and the Defendant's Application shall be served on the plaintiff or plaintiff's attorney by hand delivering it or mailing it to the address listed on the complaint on the same date that the court issues the Notice and Order of Stay of Proceeding and Early Evaluation Conference.

Date:

Clerk, by _____, Deputy

More information about this Notice and Order and the defendant's application, and instructions to assist plaintiff and defendants in complying with this Notice and Order, may be obtained at www.courtinfo.ca.gov/selfhelp.

Request for Accommodation

Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least 5 days before the date on which you are to appear. Contact the clerk's office or go to www.courtinfo.ca.gov/forms for Request for Accommodations by Persons with Disabilities and Order (form MC-410). (Civil Code Section 54.8)

Proof of Service

(Required from Defendant Filing Application for Stay and Early Evaluation Conference)

I served a copy of the defendant's Application For Stay and Early Evaluation Conference Pursuant To Civil Code Section 55.54 and the court Notice and Order of Stay of Proceedings and Early Evaluation Conference (check one):

_____ On the Plaintiff's attorney

_____ On the Plaintiff who is not represented by an attorney.

By hand delivering it or mailing it to the address listed on the complaint on the day the Court issued this Notice and Order of Stay of Proceedings and Early Evaluation Conference.

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

Dated: _____

Type or Print Name

Signature

Address of named person

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number if attorney, and address): 		FOR COURT USE ONLY
TELEPHONE NO.: _____ FAX NO. (Optional): _____ E-MAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): _____		
SUPERIOR COURT OF CALIFORNIA, COUNTY OF _____ STREET ADDRESS: _____ MAILING ADDRESS: _____ CITY AND ZIP CODE: _____ BRANCH NAME: _____		
PLAINTIFF: _____ DEFENDANT: _____		
DEFENDANT'S APPLICATION FOR STAY AND EARLY EVALUATION CONFERENCE PURSUANT TO CIVIL CODE SECTION 55.54 (CONSTRUCTION-RELATED ACCESSIBILITY CLAIM)		CASE NUMBER: _____

(Information about this application and the filing instructions may be obtained at www.courtinfo.ca.gov/selfhelp.)

1. Defendant (name) _____ requests a stay of proceedings and early evaluation conference pursuant to Civil Code Section 55.54.
2. The complaint in this case alleges a construction-related accessibility claim as defined under Civil Code Section 55.52(a)(1).
3. The claim concerns a site that (check the box if the statement is true):
 - a. _____ Has been inspected by a Certified Access Specialist (CASp) and determined to be CASp inspected or CASp determination pending and, if CASp inspected, there have been no modifications completed or commenced since the date of inspection that may impact compliance with construction-related accessibility standards to the best of defendant's knowledge; and
 - b. _____ An inspection report by a Certified Access Specialist (CASp) relating to the site has been issued.Both (a) and (b) must be met for the court to order a Stay and Early Evaluation Conference.)
4. I am requesting the court to:
 - a. Stay the proceedings relating to the construction-related accessibility claim.
 - b. Schedule an Early Evaluation Conference.
 - c. Order Defendant to file a confidential copy of the Certified Access Specialist (CASp) report with the court and serve a copy of the report on the Plaintiff at least fifteen (15) days before the date of the Early Evaluation Conference, which shall be kept confidential as set forth in Civil Code Section 55.54(d)(4).
 - d. Order Plaintiff to file the statement required by Civil Code Section 55.54(d)(6)(A)-(D) with the court and serve a copy of the statement on the Defendant at least fifteen (15) days before the date of the Early Evaluation Conference.

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

Date:

(TYPE OR PRINT NAME OF DECLARANT)

(SIGNATURE OF DECLARANT)

(TITLE OF DECLARANT)

DEFENDANT'S APPLICATION FOR STAY OF PROCEEDINGS AND EARLY EVALUATION CONFERENCE

Civil Code § 55.54

IMPORTANT ADVISORY INFORMATION FOR BUILDING OWNERS AND TENANTS

STATE LAW REQUIRES THAT YOU GET THIS IMPORTANT ADVISORY
INFORMATION FOR BUILDING OWNERS AND TENANTS

This information is available in English, Spanish, Chinese, Vietnamese, and Korean through the Judicial Council of California. Persons with visual impairments can get assistance in viewing this form through the Judicial Council Internet Web site at www.courts.ca.gov.

California law requires that you receive this information because the demand letter or court complaint you received with this document claims that your building or property does not comply with one or more existing construction-related accessibility laws or regulations protecting the civil rights of persons with disabilities to access public places.

YOU HAVE IMPORTANT LEGAL OBLIGATIONS. Compliance with disability access laws is a serious and significant responsibility that applies to all California building owners and tenants with buildings open for business to the public. You may obtain information about your legal obligations and how to comply with disability access laws through the Division of the State Architect at www.dgs.ca.gov. Information is also available from the California Commission on Disability Access at www.ccda.ca.gov/guide.htm.

YOU HAVE IMPORTANT LEGAL RIGHTS. The allegations made in the accompanying demand letter or court complaint do not mean that you are required to pay any money unless and until a court finds you liable. Moreover, RECEIPT OF A DEMAND LETTER OR COURT COMPLAINT AND THIS ADVISORY DOES NOT NECESSARILY MEAN YOU WILL BE FOUND LIABLE FOR ANYTHING. You will have the right if you are later sued to fully present your explanation why you believe you have not in fact violated disability access laws or have corrected the violation or violations giving rise to the claim.

You have the right to seek assistance or advice about this demand letter or court complaint from any person of your choice. If you have insurance, you may also wish to contact your insurance provider. Your best interest may be served by seeking legal advice or representation from an attorney, but you may also represent yourself and file the necessary court papers to protect your interests if you are served with a court complaint. If you have hired an attorney to represent you, you should immediately notify your attorney.

If a court complaint has been served on you, you will get a separate advisory notice with the complaint advising you of special options and procedures available to you under certain conditions.

ADDITIONAL THINGS YOU SHOULD KNOW: If the document accompanying this notice is a demand letter from a lawyer and not a formal court complaint, the lawyer is generally required by law to also provide a copy of it to the State Bar of California, until January 1, 2016, in order that the State Bar may determine whether the demand letter complies with legal requirements, INCLUDING THAT THE DEMAND LETTER MAY NOT MAKE A REQUEST OR DEMAND FOR MONEY OR AN OFFER OR AGREEMENT TO ACCEPT MONEY. Any

demand letter or court complaint must list the lawyer's State Bar license number on the document.

You are encouraged, but are not required, to provide the State Bar with a copy of the demand letter so the State Bar is aware that you received this demand letter and may determine whether it is in compliance with specified legal requirements. A copy of the letter can be sent to the State Bar by facsimile transmission to 1-415-538-2171, or by mail to the State Bar of California, 180 Howard Street, San Francisco, CA, 94105, Attention: Professional Competence.

ADVISORY NOTICE TO DEFENDANT

YOU MAY BE ENTITLED TO ASK FOR A COURT STAY (AN ORDER TEMPORARILY STOPPING ANY LAWSUIT) AND EARLY EVALUATION CONFERENCE IN THIS LAWSUIT AND MAY BE ASSESSED REDUCED STATUTORY DAMAGES IF YOU MEET CERTAIN CONDITIONS.

If the construction-related accessibility claim pertains to a site that has a Certified Access Specialist (CAsp) inspection report for that site, or to a site where new construction or improvement was approved after January 1, 2008, by the local building permit and inspection process, you may make an immediate request for a court stay and early evaluation conference in the construction-related accessibility claim by filing the attached application form with the court. You may be entitled to the court stay and early evaluation conference regarding the accessibility claim only if ALL of the statements in the application form applicable to you are true.

FURTHER, if you are a defendant described above (with a CAsp inspection report or with new construction after January 1, 2008), and, to the best of your knowledge, there have been no modifications or alterations completed or commenced since the CAsp report or building department approval of the new construction or improvement that impacted compliance with construction-related accessibility standards with respect to the plaintiff's claim, your liability for minimum statutory damages may be reduced to \$1,000 for each offense, unless the violation was intentional, and if all construction-related accessibility violations giving rise to the claim are corrected within 60 days of being served with this complaint.

IN ADDITION, if your business is a small business that, over the previous three years, or the existence of the business if less than three years, employs 25 or fewer employees on average over that time period and meets specified gross receipts criteria, you may also be entitled to the court stay and early evaluation conference and your minimum statutory damages for each claim may be reduced to \$2,000 for each offense, unless the violation was intentional, and if all the alleged construction-related accessibility violations are corrected within 30 days of being served with the complaint.

If you plan to correct the violations giving rise to the claim, you should take pictures and measurements or similar action to document the condition of the physical barrier asserted to be the basis for a violation before undertaking any corrective action in case a court needs to see the condition of a barrier before it was corrected.

The court will schedule the conference to be held within 70 days after you file the attached application form.

[If you are not a defendant with a CAsp inspection report, until a form is adopted by the Judicial Council, you may use the attached form if you modify the form and supplement it with your declaration stating any one of the following:

- (1) Until January 1, 2018, that the site's new construction or improvement on or after January 1, 2008, and before January 1, 2016, was approved pursuant to the local building permit and

inspection process; that, to the best of your knowledge, there have been no modifications or alterations completed or commenced since the building department approval that impacted compliance with construction-related accessibility standards with respect to the plaintiff's claim; and that all violations giving rise to the claim have been corrected, or will be corrected within 60 days of the complaint being served.

(2) That the site's new construction or improvement passed inspection by a local building department inspector who is a certified access specialist; that, to the best of your knowledge, there have been no modifications or alterations completed or commenced since that inspection approval that impacted compliance with construction-related accessibility standards with respect to the plaintiff's claim; and that all violations giving rise to the claim have been corrected, or will be corrected within 60 days of the complaint being served.

(3) That your business is a small business with 25 or fewer employees and meets the gross receipts criteria set out in Section 55.56 of the Civil Code, and that all violations giving rise to the claim have been corrected, or will be corrected within 30 days of being served with the complaint.]

The court will also issue an immediate stay of the proceedings unless the plaintiff has obtained a temporary restraining order in the construction-related accessibility claim. You may obtain a copy of the application form, filing instructions, and additional information about the stay and early evaluation conference through the Judicial Council Internet Web site at www.courts.ca.gov/selfhelp-start.htm.

You may file the application after you are served with a summons and complaint, but no later than your first court pleading or appearance in this case, which is due within 30 days after you receive the summons and complaint. If you do not file the application, you will still need to file your reply to the lawsuit within 30 days after you receive the summons and complaint to contest it. You may obtain more information about how to represent yourself and how to file a reply without hiring an attorney at www.courts.ca.gov/selfhelp-start.htm.

You may file the application without the assistance of an attorney, but it may be in your best interest to immediately seek the assistance of an attorney experienced in disability access laws when you receive a summons and complaint. You may make an offer to settle the case, and it may be in your interest to put that offer in writing so that it may be considered under Section 55.55 of the Civil Code.

EXHIBIT B

1 Robert A. Naeve (State Bar No. 106095)
 2 rnaeve@jonesday.com
 3 Mark E. Earnest (State Bar No. 253490)
 4 mearnest@jonesday.com
 5 JONES DAY
 6 3161 Michelson Drive
 7 Suite 800
 8 Irvine, CA 92612-4408
 9 Telephone: (949) 851-3939
 10 Facsimile: (949) 553-7539
 11 Attorneys for Defendant
 12 WAL-MART STORES, INC.

CONFIRMED COPY
 OF ORIGINAL FILED
 Los Angeles Superior Court

NOV 20 2012

John A. Clarke, Executive Officer/Clerk
 by Dawn Alexander, Deputy
 DAWN ALEXANDER

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

11 GEORGE PARTIDA, on behalf of himself
 12 and all others similarly situated,
 13 Plaintiff,

14 v.

15 WAL-MART STORES, INC.,
 16 Defendant.

Case No. BC488176

Assigned to Hon. Deirdre Hill, Dept. 49

ANSWER OF DEFENDANT WAL-
 MART STORES, INC.

Complaint Filed: August 13, 2012

18 Defendant Wal-Mart Stores, Inc. ("Wal-Mart"), for itself alone, hereby answers the
 19 unverified Complaint for Damages and Permanent Injunctive Relief for Violation of Unruh Civil
 20 Rights Act ("Complaint") filed by plaintiff George Partida ("Plaintiff") as follows:

21 **GENERAL DENIAL**

22 Pursuant to the provisions of California Code of Civil Procedure section 431.30(d), Wal-
 23 Mart hereby generally denies each and every allegation, statement, matter, and purported cause of
 24 action contained in Plaintiff's Complaint and, without limiting the generality of the foregoing,
 25 denies that a class action should be certified, denies that Plaintiff is entitled to injunctive relief,
 26 and further denies that Plaintiff has been damaged in the manner or sums alleged, or in any way at
 27 all, by reason of any acts or omission of Wal-Mart.
 28

1 **AFFIRMATIVE DEFENSES**

2 Without conceding that it bears the burden of proof or persuasion, Wal-Mart asserts the
3 following separate and affirmative defenses:

4 **FIRST AFFIRMATIVE DEFENSE**

5 (Failure To State A Cause of Action)

6 The Complaint and each cause of action alleged therein fail to state a cause of action
7 against Wal-Mart upon which relief can be granted.

8 **SECOND AFFIRMATIVE DEFENSE**

9 (Failure To State A Cause of Action For Injunctive Relief)

10 The Complaint fails to state a cause of action upon which injunctive relief can be granted.

11 **THIRD AFFIRMATIVE DEFENSE**

12 (Statutes Of Limitation)

13 The Complaint and each cause of action alleged therein are barred to the extent they
14 purport to seek recovery for alleged acts or omissions occurring outside any applicable limitations
15 period.

16 **FOURTH AFFIRMATIVE DEFENSE**

17 (No Authority)

18 The Complaint and each cause of action alleged therein are barred to the extent Plaintiff
19 demands that Wal-Mart act in a manner not required by applicable law.

20 **FIFTH AFFIRMATIVE DEFENSE**

21 (Not Readily Achievable)

22 The Complaint and each cause of action alleged therein are barred to the extent Plaintiff
23 demands that Wal-Mart remove alleged barriers where such removal is not readily achievable.

24 **SIXTH AFFIRMATIVE DEFENSE**

25 (Undue Burden)

26 The Complaint and each cause of action alleged therein are barred to the extent Plaintiff
27 demands that Wal-Mart provide auxiliary aids or services which would result in an undue burden
28 on Wal-Mart.

1 SEVENTH AFFIRMATIVE DEFENSE

2 (Fundamental Alterations)

3 The Complaint and each cause of action alleged therein are barred to the extent Plaintiff
4 demands that Wal-Mart provide auxiliary aids or services and modify its policies and procedures
5 where such provision and modification would fundamentally alter the nature of Wal-Mart's
6 goods, services or facilities.

7 EIGHTH AFFIRMATIVE DEFENSE

8 (Flexibility To Choose Alternative Methods)

9 The Complaint and each cause of action alleged therein are barred to the extent Plaintiff
10 demands that Wal-Mart act in a manner not required because Wal-Mart has the flexibility to
11 choose what alternative methods it may provide.

12 NINTH AFFIRMATIVE DEFENSE

13 (Good Faith Reliance)

14 The Complaint and each cause of action alleged therein fail because Wal-Mart relied in
15 good faith upon reasonable interpretations of California law by local building authorities and
16 issuance of appropriate building permits certifying that Wal-Mart complied with the California
17 Building Code.

18 TENTH AFFIRMATIVE DEFENSE

19 (Not Authorized By Unruh Act)

20 Plaintiffs are barred from obtaining relief under California Civil Code section 51, *et seq.*
21 because nothing contained in that section requires Wal-Mart to act in the manner Plaintiff
22 requests.

23 ELEVENTH AFFIRMATIVE DEFENSE

24 (Failure To Mitigate Damages)

25 Plaintiff had a duty to mitigate his damages and, to the extent he failed to do so, any
26 damages awarded to Plaintiff should be reduced accordingly.

TWELFTH AFFIRMATIVE DEFENSE

(Construction Tolerances)

The Complaint and each cause of action alleged therein are barred to the extent the elements identified in the Complaint substantially comply with applicable law and are within construction tolerances.

THIRTEENTH AFFIRMATIVE DEFENSE

(Equivalent Facilitation)

The Complaint and each cause of action alleged therein are barred to the extent any departure from technical requirements in the elements identified in the Complaint is permitted because the departures provide substantially equivalent or greater access to and usability of the particular element.

WAL-MART'S PRAYER FOR RELIEF

Wal-Mart does not presently know all the facts and circumstances respecting Plaintiff's causes of action. Wal-Mart reserves the right to amend this Answer should it later discover facts demonstrating the existence of additional affirmative defenses.

WHEREFORE, Wal-Mart hereby prays for the following relief:

1. That Plaintiff takes nothing by reason of the Complaint;
2. That judgment be rendered in favor of Wal-Mart;
3. That a class action not be certified;
4. That Wal-Mart be awarded its attorneys' fees and costs of suit incurred in this action; and
5. For such other and further relief as the Court deems just and proper.

Dated: November 20, 2012

Jones Day

By:

Robert A. Naeve
Attorneys for Defendant
WAL-MART STORES, INC.

PROOF OF SERVICE BY MAIL

I am a citizen of the United States and employed in Orange County, California. I am over the age of eighteen years and not a party to the within-entitled action. My business address is 3161 Michelson Drive, Suite 800, Irvine, California 92612.4408. I am readily familiar with this firm's practice for collection and processing of correspondence for mailing with the United States Postal Service. On November 20, 2012, I placed with this firm at the above address for deposit with the United States Postal Service a true and correct copy of the within document(s):

ANSWER OF DEFENDANT WAL-MART STORES, INC.

in a sealed envelope, postage fully paid, addressed as follows:

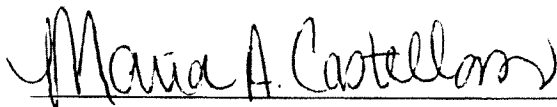
Julie Mehrban, Esq.
 Mehrban Law Corporation, APC
 15233 Ventura Blvd., Suite 1000
 Sherman Oaks, CA 91403-2251
 Telephone: (310) 694-8331
 Fax: (310) 822-5809
Julie@JulieMehrban.com

Attorneys for: Plaintiff, George Partida

Following ordinary business practices, the envelope was sealed and placed for collection and mailing on this date, and would, in the ordinary course of business, be deposited with the United States Postal Service on this date.

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

Executed on November 20, 2012, at Irvine, California.



Maria A. Castellanos

EXHIBIT C

1 Robert A. Naeve (State Bar No. 106095)
maeve@jonesday.com
2 Mark E. Earnest (State Bar No. 253490)
mearnest@jonesday.com
3 JONES DAY
3161 Michelson Drive
4 Suite 800
Irvine, CA 92612.4408
5 Telephone: (949) 851-3939
Facsimile: (949) 553-7539
6

Attorneys for Defendant
7 WAL-MART STORES, INC.

8 SUPERIOR COURT FOR THE STATE OF CALIFORNIA
9 COUNTY OF LOS ANGELES, CENTRAL JUDICIAL DISTRICT
10

11 GEORGE PARTIDA, on behalf of himself
and all others similarly situated,

12 Plaintiff,
13

14 v.

15 WAL-MART STORES, INC.,

16 Defendant.
17

Case No. BC488176

Assigned to Hon. Deirdre Hill, Dept. 49

**NOTICE TO STATE COURT AND
ADVERSE PARTY OF REMOVAL OF
CIVIL ACTION FROM STATE
COURT TO THE UNITED STATES
DISTRICT COURT FOR THE
CENTRAL DISTRICT OF
CALIFORNIA**

Complaint Filed: August 13, 2012
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1 PLEASE TAKE NOTICE THAT on November 21, 2012, defendant Wal-Mart Stores, Inc.
2 filed its Notice of Removal of Civil Action from State Court Pursuant to 28 U.S.C. §§ 1332,
3 1441, and 1446 ("Notice of Removal") to remove this action to the United States District Court
4 for the Central District of California. In compliance with 28 U.S.C. § 1446(d), a copy of the
5 Notice of Removal is attached as Exhibit 1 to this Notice and is served and filed herewith.

6 PLEASE TAKE FURTHER NOTICE THAT, pursuant to 28 U.S.C. § 1446(d), the filing
7 and service of this Notice removes this action and stays all proceedings in connection therewith in
8 the Los Angeles County Superior Court unless and until this action is remanded.

9 Dated: November 21, 2012

Jones Day

10
11 By: _____

12 Robert A. Naeve
13 Attorneys for Defendant
14 WAL-MART STORES, INC.
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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

NOTICE OF ASSIGNMENT TO UNITED STATES MAGISTRATE JUDGE FOR DISCOVERY

This case has been assigned to District Judge John Kronstadt and the assigned discovery Magistrate Judge is Victor B. Kenton.

The case number on all documents filed with the Court should read as follows:

CV12- 10015 JAK (VBKx)

Pursuant to General Order 05-07 of the United States District Court for the Central District of California, the Magistrate Judge has been designated to hear discovery related motions.

All discovery related motions should be noticed on the calendar of the Magistrate Judge

=====

NOTICE TO COUNSEL

A copy of this notice must be served with the summons and complaint on all defendants (if a removal action is filed, a copy of this notice must be served on all plaintiffs).

Subsequent documents must be filed at the following location:

☐ **Western Division**
312 N. Spring St., Rm. G-8
Los Angeles, CA 90012

☐ **Southern Division**
411 West Fourth St., Rm. 1-053
Santa Ana, CA 92701-4516

☐ **Eastern Division**
3470 Twelfth St., Rm. 134
Riverside, CA 92501

Failure to file at the proper location will result in your documents being returned to you.

COPY

CIVIL COVER SHEET

I (a) PLAINTIFFS (Check box if you are representing yourself ☐ GEORGE PARTIDA, on behalf of himself and all others similarly situated,		DEFENDANTS WAL-MART STORES, INC.	
(b) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.) Julie Mehrban Mehrban Law Corporation, A.P.C. 15233 Ventura Blvd., Ste. 1000, Sherman Oaks, CA 91403; (310) 694-8331		Attorneys (If Known) Jones Day Robert Naeve, Steven Zdravec, Mark Earnest 3161 Michelson Drive, Suite 800, Irvine, CA 92612 (949) 851-3939	

II. BASIS OF JURISDICTION (Place an X in one box only.) ☐ 1 U.S. Government Plaintiff ☐ 3 Federal Question (U.S. Government Not a Party) ☐ 2 U.S. Government Defendant ☒ 4 Diversity (Indicate Citizenship of Parties in Item III)	III. CITIZENSHIP OF PRINCIPAL PARTIES - For Diversity Cases Only (Place an X in one box for plaintiff and one for defendant.) <table style="width:100%; border: none;"> <tr> <td style="width:35%;"></td> <td style="width:10%; text-align: center;">PTF</td> <td style="width:10%; text-align: center;">DEF</td> <td style="width:45%;"></td> <td style="width:10%; text-align: center;">PTF</td> <td style="width:10%; text-align: center;">DEF</td> </tr> <tr> <td>Citizen of This State</td> <td style="text-align: center;">☒ 1</td> <td style="text-align: center;">☐ 1</td> <td>Incorporated or Principal Place of Business in this State</td> <td style="text-align: center;">☐ 4</td> <td style="text-align: center;">☐ 4</td> </tr> <tr> <td>Citizen of Another State</td> <td style="text-align: center;">☐ 2</td> <td style="text-align: center;">☐ 2</td> <td>Incorporated and Principal Place of Business in Another State</td> <td style="text-align: center;">☐ 5</td> <td style="text-align: center;">☒ 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td style="text-align: center;">☐ 3</td> <td style="text-align: center;">☐ 3</td> <td>Foreign Nation</td> <td style="text-align: center;">☐ 6</td> <td style="text-align: center;">☐ 6</td> </tr> </table>		PTF	DEF		PTF	DEF	Citizen of This State	☒ 1	☐ 1	Incorporated or Principal Place of Business in this State	☐ 4	☐ 4	Citizen of Another State	☐ 2	☐ 2	Incorporated and Principal Place of Business in Another State	☐ 5	☒ 5	Citizen or Subject of a Foreign Country	☐ 3	☐ 3	Foreign Nation	☐ 6	☐ 6
	PTF	DEF		PTF	DEF																				
Citizen of This State	☒ 1	☐ 1	Incorporated or Principal Place of Business in this State	☐ 4	☐ 4																				
Citizen of Another State	☐ 2	☐ 2	Incorporated and Principal Place of Business in Another State	☐ 5	☒ 5																				
Citizen or Subject of a Foreign Country	☐ 3	☐ 3	Foreign Nation	☐ 6	☐ 6																				

IV. ORIGIN (Place an X in one box only.)
☐ 1 Original Proceeding ☒ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify): ☐ 6 Multi-District Litigation ☐ 7 Appeal to District Judge from Magistrate Judge

V. REQUESTED IN COMPLAINT: JURY DEMAND: ☒ Yes ☐ No (Check 'Yes' only if demanded in complaint.)
CLASS ACTION under F.R.C.P. 23: ☒ Yes ☐ No ☒ MONEY DEMANDED IN COMPLAINT: \$ unspecified

VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.)
 28 U.S.C. §§ 1332, 1441, and 1446

VII. NATURE OF SUIT (Place an X in one box only.)

OTHER STATUTES ☐ 400 State Reapportionment ☐ 410 Antitrust ☐ 430 Banks and Banking ☐ 450 Commerce/ICC Rates/etc. ☐ 460 Deportation ☐ 470 Racketeer Influenced and Corrupt Organizations ☐ 480 Consumer Credit ☐ 490 Cable/Sat TV ☐ 810 Selective Service ☐ 850 Securities/Commodities/Exchange ☐ 875 Customer Challenge 12 USC 3410 ☐ 890 Other Statutory Actions ☐ 891 Agricultural Act ☐ 892 Economic Stabilization Act ☐ 893 Environmental Matters ☐ 894 Energy Allocation Act ☐ 895 Freedom of Info. Act ☐ 900 Appeal of Fee Determination Under Equal Access to Justice ☐ 950 Constitutionality of State Statutes	CONTRACT ☐ 110 Insurance ☐ 120 Marine ☐ 130 Miller Act ☐ 140 Negotiable Instrument ☐ 150 Recovery of Overpayment & Enforcement of Judgment ☐ 151 Medicare Act ☐ 152 Recovery of Defaulted Student Loan (Excl. Veterans) ☐ 153 Recovery of Overpayment of Veteran's Benefits ☐ 160 Stockholders' Suits ☐ 190 Other Contract ☐ 195 Contract Product Liability ☐ 196 Franchise REAL PROPERTY ☐ 210 Land Condemnation ☐ 220 Foreclosure ☐ 230 Rent Lease & Ejectment ☐ 240 Torts to Land ☐ 245 Tort Product Liability ☐ 290 All Other Real Property	TORTS PERSONAL INJURY ☐ 310 Airplane ☐ 315 Airplane Product Liability ☐ 320 Assault, Libel & Slander ☐ 330 Fed. Employers' Liability ☐ 340 Marine ☐ 345 Marine Product Liability ☐ 350 Motor Vehicle ☐ 355 Motor Vehicle Product Liability ☐ 360 Other Personal Injury ☐ 362 Personal Injury-Med Malpractice ☐ 365 Personal Injury-Product Liability ☐ 368 Asbestos Personal Injury Product Liability IMMIGRATION ☐ 462 Naturalization Application ☐ 463 Habeas Corpus-Alien Detainee ☐ 465 Other Immigration Actions	TORTS PERSONAL PROPERTY ☐ 370 Other Fraud ☐ 371 Truth in Lending ☐ 380 Other Personal Property Damage ☐ 385 Property Damage Product Liability BANKRUPTCY ☐ 422 Appeal 28 USC 158 ☐ 423 Withdrawal 28 USC 157 CIVIL RIGHTS ☐ 441 Voting ☐ 442 Employment ☐ 443 Housing/Accommodations ☐ 444 Welfare ☐ 445 American with Disabilities - Employment ☐ 446 American with Disabilities - Other ☒ 440 Other Civil Rights	PRISONER PETITIONS ☐ 510 Motions to Vacate Sentence ☐ 530 General ☐ 535 Death Penalty ☐ 540 Mandamus/Other ☐ 550 Civil Rights ☐ 555 Prison Condition FORFEITURE / PENALTY ☐ 610 Agriculture ☐ 620 Other Food & Drug ☐ 625 Drug Related Seizure of Property 21 USC 881 ☐ 630 Liquor Laws ☐ 640 R.R. & Truck ☐ 650 Airline Regs ☐ 660 Occupational Safety /Health ☐ 690 Other	LABOR ☐ 710 Fair Labor Standards Act ☐ 720 Labor/Mgmt. Relations ☐ 730 Labor/Mgmt. Reporting & Disclosure Act ☐ 740 Railway Labor Act ☐ 790 Other Labor Litigation ☐ 791 Empl. Ret. Inc. Security Act PROPERTY RIGHTS ☐ 820 Copyrights ☐ 830 Patent ☐ 840 Trademark SOCIAL SECURITY ☐ 861 HIA (1395ff) ☐ 862 Black Lung (923) ☐ 863 DIWC/DIWW (405(g)) ☐ 864 SSID Title XVI ☐ 865 RSI (405(g)) FEDERAL TAX SUITS ☐ 870 Taxes (U.S. Plaintiff or Defendant) ☐ 871 IRS-Third Party 26 USC 7609
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CV 12 - 10015 JAK (VBKx)

FOR OFFICE USE ONLY: Case Number:

AFTER COMPLETING THE FRONT SIDE OF FORM CV-71, COMPLETE THE INFORMATION REQUESTED BELOW.

**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET**

VIII(a). IDENTICAL CASES: Has this action been previously filed in this court and dismissed, remanded or closed? ☒ No ☐ Yes

If yes, list case number(s): _____

VIII(b). RELATED CASES: Have any cases been previously filed in this court that are related to the present case? ☒ No ☐ Yes

If yes, list case number(s): _____

Civil cases are deemed related if a previously filed case and the present case:

- (Check all boxes that apply) ☐ A. Arise from the same or closely related transactions, happenings, or events; or
☐ B. Call for determination of the same or substantially related or similar questions of law and fact; or
☐ C. For other reasons would entail substantial duplication of labor if heard by different judges; or
☐ D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

IX. VENUE: (When completing the following information, use an additional sheet if necessary.)

(a) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named plaintiff resides.

☐ Check here if the government, its agencies or employees is a named plaintiff. If this box is checked, go to item (b).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Los Angeles County	

(b) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named defendant resides.

☐ Check here if the government, its agencies or employees is a named defendant. If this box is checked, go to item (c).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
	Delaware and Arkansas

(c) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** claim arose.

Note: In land condemnation cases, use the location of the tract of land involved.

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Los Angeles County	

* Los Angeles, Orange, San Bernardino, Riverside, Ventura, Santa Barbara, or San Luis Obispo Counties

Note: In land condemnation cases, use the location of the tract of land involved

X. SIGNATURE OF ATTORNEY (OR PRO PER): _____ Date November 21, 2012

Notice to Counsel/Parties: The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet.)

Key to Statistical codes relating to Social Security Cases:

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405(g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405(g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. (g))