

ORIGINAL

FILED
Los Angeles Superior Court

DEC 13 2012

John A. Clarke, Executive Officer/Clerk
By SHAUNYA WESLEY Deputy

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14 herself and all others similarly situated

15 SUPERIOR COURT OF CALIFORNIA

16 COUNTY OF LOS ANGELES

BC 497373

17 KATHERINE CLAY, on behalf of herself and
18 all others similarly situated,

19 Plaintiff,

20 v.

21 WALT DISNEY PICTURES, a California
22 corporation, and DOES 1 through 100,
23 inclusive,

24 Defendants.

CASE NO.

CLASS ACTION COMPLAINT FOR
DAMAGES, INJUNCTIVE RELIEF, AND
RESTITUTION

- 1) Failure to Pay Overtime Wages (Labor Code §§ 1194, 558)
- 2) Failure to Provide Meal Breaks In Violation of Labor Code §226.7, 512 and Wage Orders of the Industrial Welfare Commission
- 3) Failure to Provide Rest Periods In Violation of Labor Code §226.7, 512 and Wage Orders of the Industrial Welfare Commission
- 4) Knowing and Intentional Failure to Comply With Itemized Employee Wage Statement Provisions (Labor Code §226(b))
- 5) Violations of the Unfair Competition Law (Bus. & Prof. Code §§ 17200-17208)
- 6) Penalties Pursuant to Cal. Labor Code §2699

DEMAND FOR JURY TRIAL

BY FAX

CLASS ACTION COMPLAINT

RECEIPT # : CCH46598615
 DATE PAID : 12/11/12
 TIME PAID : 11:02:04 PM
 RECEIVED :
 CASH : \$435.00
 CHECK # :
 CHECK \$: \$0.00
 CASH \$: \$0.00

CITY/CASE : BC497373
LEADER#: 5

12/13/2012

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1 Plaintiff KATHERINE CLAY on behalf of herself and all others similarly situated
2 complains and alleges as follows:

3 I.

4 INTRODUCTION

5 1. This case arises out of the non-payment of overtime compensation to 30 current
6 and/or former employees of Walt Disney Pictures ("Disney") and Does 1- 20, who worked as Sr.
7 Financial Analyst, Sr. Contract & Rights Admin. Analyst, Sr. Contract & Rights Analyst, Sr.
8 Contract Reporting Analyst, Sr. Contract Residual Analyst, Sr. Financial Systems Analyst,
9 Sr. Legal Rights Residuals Analyst, Sr. Production Library Analyst in Participation, Royalties
10 and Residuals Processing at any time during the period December 1, 2006 through July 20, 2012.
11 The proposed plaintiff Class members, although performing non-exempt functions for the
12 Defendants, were misclassified as exempt employees and not paid overtime compensation.

13 2. As used herein, the term "Plaintiff" includes KATHERINE CLAY who is the
14 named Plaintiff Class representative.

15 3. Plaintiff seeks compensation for work performed and monies due her and the
16 Plaintiff Class during the "Class Period," which is defined as December 1, 2006 through July 20,
17 2012.

18 II.

19 VENUE AND JURISDICTION

20 4. Venue is proper in this Judicial district and the County of Los Angeles because,
21 Defendants reside and/or are domiciled in this county, and maintain principal offices and transact
22 business in this county, and work was performed by members of the class in Los Angeles
23 County, California.

24 III.

25 THE PARTIES

26 A. **The Plaintiffs**

27 5. Plaintiff KATHERINE CLAY is a former employee of the Defendants entitled to
28 overtime compensation who was employed during the Class Period as a Senior Financial

1 Analyst.

2 6. Each of the Plaintiff Class members are identifiable, similarly situated persons
3 who were and/or are salaried employees actively employed by Defendants in Participation,
4 Royalties and Residuals processing activities.

5 **B. The Defendants**

6 7. Plaintiff is informed and believes, and based thereon alleges, that Disney is a
7 California corporation with its principal place of business in Burbank, California, and is and was
8 the employer of Plaintiff and the members of Plaintiff Class during the Class Period.

9 8. Plaintiff is ignorant of the true names, capacities, relationships and extent of
10 participation in the conduct herein alleged, of the Defendants sued herein as DOES 1 through
11 100, inclusive, but on information and belief alleges that said Defendants are legally responsible
12 for the payment of overtime compensation, by virtue of their unlawful practices, and therefore
13 sue these Defendants by such fictitious names. Plaintiff will amend this complaint to allege the
14 true names and capacities of the DOE Defendants when ascertained.

15 9. Plaintiff is informed and believes, and based thereon alleges, that each Defendant
16 acted in all respects pertinent to this action as the agent of the other Defendants, carried out a
17 joint scheme, business plan or policy in all respects pertinent hereto, and the acts of each
18 Defendant are legally attributable to the other Defendants.

19 **IV.**

20 **GENERAL ALLEGATIONS**

21 10. California Labor Code §§ 510 and 1194, provide that notwithstanding any
22 agreement to work for a lesser wage, an employee receiving less than the legal overtime
23 compensation is entitled to such overtime and can recover in a civil action the unpaid balance of
24 their overtime compensation, including interest thereon, reasonable attorneys fees, and costs of
25 suit. California Labor Code §226.7, 512, and applicable wage orders of the Industrial Welfare
26 Commission, provide that employers must make available to employees meal and rest breaks.
27 Labor Code §226 provides that California employers must provide accurate itemized wage
28 statements to employees.

1 11. Business and Professions Code § 17204 provides that any person who has
2 suffered actual injury and has lost money or property as a result of the unfair competition may
3 bring an action for restitution in a court of competent jurisdiction.

4 12. During all, or a portion, of the Class Period, Plaintiff and the Plaintiff Class
5 members were employed by Defendants and each of them, in the State of California.

6 13. Plaintiff and the Plaintiff Class members were non-exempt employees covered
7 under one or more Industrial Welfare Commission (IWC) Wage Orders, including Wage Order
8 12 regulating the Motion Picture Industry and Occupational Wage Order 4 ("Wage Orders"), and
9 the California Labor Code, all of which imposed an obligation on the part of the Defendants to
10 pay Plaintiff and Plaintiff Class members lawful overtime compensation, make available rest and
11 meal breaks as required by law, and provide accurate wage statements. As to terminated
12 employees, the Labor Code also requires prompt payment of final wages. Each Plaintiff Class
13 member was not subject to an exemption for executive, administrative, computer and/or
14 professional employees.

15 14. During the Class Period, the Defendants, and each of them, suffered, permitted
16 and required Plaintiff and Plaintiff Class members to work overtime without lawful
17 compensation, did not make available all meal and rest breaks Plaintiff and Plaintiff class
18 members were entitled to, and did not provide wage statements in violation of the various above
19 applicable Wage Orders, regulations and Labor Code provisions; and the Defendants willfully
20 failed and refused, and continue to fail and refuse to pay overtime wages due to those class
21 members whose employment has ended.

22 V.

23 **CLASS ACTION ALLEGATIONS**

24 15. Plaintiff brings this action on behalf of herself and all other similarly situated
25 persons, as a class action pursuant to California Code of Civil Procedure § 382. The class which
26 Plaintiff seeks to represent is composed of and defined as follows:

27 Plaintiff Class: All persons employed by Defendants in California as Sr. Financial
28 Analyst, Sr. Contract & Rights Admin. Analyst, Sr. Contract & Rights

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1 Analyst, Sr. Contract Reporting Analyst, Sr. Contract Residual Analyst, Sr.
2 Financial Systems Analyst, Sr. Legal Rights Residuals Analyst, Sr. Production
3 Library Analyst in Participation, Royalties and Residuals processing positions at
4 any time between December 1, 2006 through July 20, 2012.

5 16. Plaintiff reserves the right under Rule 3.764, California Rules of Court, to amend
6 or modify the Class description with greater specificity or further division into subclasses or
7 limitation to particular issues.

8 17. This action has been brought and may be maintained as a class action pursuant to
9 Code of Civil Procedure § 382 because there is a well-defined common interest of many persons
10 and it is impractical to bring them all before the court.

11 a. The Plaintiff Class members are so numerous that the individual joinder of
12 all such plaintiffs is impractical. Plaintiff is informed and believes, and thereon alleges that there
13 are 30 persons at one time or another in class positions during the class period. Therefore,
14 joinder of all Plaintiff Class members is impractical.

15 b. Common questions of law and fact exist as to the Plaintiff and Plaintiff
16 Class members, and predominate over any questions which affect only individual members of the
17 Plaintiff Class. These common questions include, but are not limited to:

18 (1) Whether Plaintiff and Plaintiff Class are entitled to overtime
19 compensation from the Defendants under the applicable IWC Wage Orders, regulations and
20 statutes, or whether the Plaintiff and Plaintiff Class members are "exempt" from the requirements
21 of overtime compensation as set forth in the applicable Wage Orders, regulations and statutes;

22 (2) Whether the Class members primarily performed non-exempt
23 related functions and spent less than 50% percent of their time performing exempt functions;

24 (3) Whether the Class Members exercised discretion and independent
25 judgment of the type and frequency that would factor into a finding that they were exempt from
26 overtime.

27 (4) Whether the Defendants violated Unfair Competition Law,
28 Business and Professions Code § 17200, et seq., by their practices as alleged herein;

1 (5) Whether Defendants violated section 11174 of the Labor Code by
2 failing to keep accurate records of the Plaintiff Class members' hours of work;

3 (6) The effect upon and the extent of any injuries sustained by the
4 Plaintiff Class members and appropriate type and/or measure of damages;

5 (7) Whether the Class members no longer employed are entitled to
6 waiting time penalties under Labor Code section 203;

7 (8) The amount of restitution owed by the Defendants attributable to
8 their violation of the Unfair Competition Law by failure to pay overtime compensation to the
9 class members;

10 (9) The appropriateness and nature of relief to each Plaintiff Class
11 member;

12 (10) The appropriate nature of class wide equitable relief; and

13 (11) The extent of liability of each Defendant, including DOE
14 Defendants, to each Plaintiff Class member.

15 c. Plaintiff is a member of the Plaintiff Class and her claims are typical of the
16 claims of the Plaintiff Class. Plaintiff and all members of the Plaintiff Class sustained similar
17 injuries and damages arising out of Defendants' common course of conduct in violation of the
18 law as alleged herein. Although class members had different titles, the nature of their work was
19 not markedly different from the class members who had different titles.

20 d. Plaintiff will adequately and fairly protect the interests of the members of
21 the Plaintiff Class. Plaintiff has been employed during the Class Period by the Defendants in a
22 Senior Financial Analyst position, misclassified as "exempt", and not paid overtime, was subject
23 to deadlines that caused her and her colleagues to be unable to take some of the duty free meal
24 breaks and rest breaks the law contemplates; and is, therefore, an adequate representative for the
25 Plaintiff Class, as she has no interest adverse to the interests of the absent class members.
26 Plaintiff is represented by legal counsel who have substantial civil litigation and class action
27 experience in employment law.

28 e. A class action is superior to other available means for fair and efficient

1 adjudication of the claims of the Plaintiff Class since joinder of all members of the Plaintiff Class
2 is impractical. Class action treatment will allow a large number of similarly situated persons to
3 prosecute their common claims in a single forum, simultaneously, efficiently, and without the
4 unnecessary duplication of effort and expense that numerous individual actions would cause to
5 such plaintiff class members or to the court system. The burden and expenses of individual
6 litigation in a specialized area of law would make it difficult or impossible for individual
7 members of the class to seek and obtain relief, while a class action will serve an important public
8 interest. Further, individual litigation would present the potential for inconsistent or
9 contradictory judgments.

10 18. Plaintiff is unaware of any difficulties that are likely to be encountered in the
11 management of this action that would preclude its maintenance as a class action.

12 VI.

13 **FIRST CAUSE OF ACTION**

14 **FAILURE TO PAY OVERTIME WAGES**

15 **(Plaintiff and each Plaintiff Class member against each Defendant)**

16 19. Plaintiff incorporates paragraphs 1 through 18 of this complaint as if fully alleged
17 herein.

18 20. Plaintiff and the Plaintiff Class members were suffered, permitted and required to
19 work overtime hours and are entitled to overtime compensation for overtime work performed for
20 the Defendants, in an amount according to proof. Pursuant to Labor Code § 1194, the Plaintiff
21 Class members seek the payment of all overtime compensation which they earned during the
22 Class period commencing December 31, 2006 according to proof, through the date of Judgment.

23 21. Additionally, Plaintiff and Plaintiff Class members are entitled to attorneys' fees,
24 prejudgment interest, and costs, pursuant to California Labor Code § 1194.

25 22. A number of class members are no longer employed by Defendants. The failure
26 to pay those class members all overtime sums owing to them upon termination of their
27 employment was wilful, and therefore, those class members are also entitled to relief under Labor
28 Code §203.

1 30. Defendant willfully failed and refused, and continues to willfully fail and refuse to
2 pay the Class the amounts they are owed for missed meal breaks. As a consequence, those class
3 members whose employment with Defendant has ended at any time prior to judgment in this
4 action, are entitled to waiting time wages according to proof, pursuant to Labor Code Section
5 203.

6 **THIRD CAUSE OF ACTION**

7 **FAILURE TO PROVIDE REST PERIODS**

8 **(Plaintiff and each Plaintiff Class member against each Defendant)**

9 31. Plaintiff incorporates paragraphs 1 through 30 as though fully set forth herein.

10 32. At relevant times, Plaintiff and the other members of the Class were employees
11 of Defendant covered by Labor Code Section 226.7 and Wage Orders of the Industrial Welfare
12 Commission.

13 33. Pursuant to Labor Code Section 226.7 and the Wage Orders, Plaintiff and the
14 other members of the Class were entitled to rest periods of at least 10 minutes for each four hour
15 period of work and one hour of additional pay for every day a rest period was not provided.

16 34. At times Defendants failed to allow Plaintiff and other members of the Class to
17 take rest periods in accordance with Labor Code Section 226.7 and the Wage Orders.

18 35. Defendant failed to provide Plaintiff and other members of the Class the
19 additional hour of pay required by Labor Code 226.7 and the Wage Orders for rest break
20 violations.

21 36. As a result of Defendant's unlawful conduct, Plaintiff and other members of the
22 Class have suffered damages in an amount, subject to proof.

23 37. Plaintiff and other members of the Class are entitled to recover the full amount of
24 their unpaid additional pay for missed rest periods. Pursuant to Labor Code Section 218.6 and
25 Civil Code Section 3287(a), Plaintiff and other members of the Class are entitled to recover
26 prejudgment interest on the wages owed for missed meal periods.

27 38. Defendant willfully failed and refused, and continues to willfully fail and refuse to
28 pay the Class the amounts they are owed. As a consequence, those class members whose

1 employment with Defendant has ended at any time prior to judgment in this action, are entitled to
2 waiting time wages according to proof, pursuant to Labor Code Section 203.
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5 **FOURTH CAUSE OF ACTION**

6 **KNOWING AND INTENTIONAL FAILURE TO COMPLY WITH ITEMIZED**
7 **EMPLOYEE WAGE STATEMENT PROVISIONS**

8 **(Labor Code § 226(b))**

9 **(Plaintiff and each Plaintiff Class member against each Defendant)**

10 39. Plaintiff incorporates paragraphs 1 through 38 as though fully set forth herein.

11 40. Section 226(a) of the California Labor Code requires Defendants to accurately
12 report total hours worked by Plaintiff and the members of the proposed Class, and to accurately
13 set forth wages earned. Defendants have knowingly and intentionally failed to comply with
14 Labor Code section 226(a) on each and every wage statement provided to Plaintiff and members
15 of the proposed Class by failing to list all hours worked.

16 41. As a consequence of Defendants' knowing and intentional failure to comply with
17 Labor Code section 226(a), Plaintiff and each Class member she seeks to represent are each
18 entitled to actual damages or penalties not to exceed \$4000 pursuant to Labor Code section
19 226(b), together with interest thereon and attorneys' fees and costs.

20 **FIFTH CAUSE OF ACTION**

21 **VIOLATIONS OF UNFAIR COMPETITION LAW**

22 **(Plaintiff and each Plaintiff Class and Subclass member against each Defendant)**

23 42. Plaintiff incorporates paragraphs 1 through 41 of this complaint as if fully alleged
24 herein.

25 43. The failure by Defendants to pay lawful overtime compensation and missed meal
26 and rest break premium pay to each Plaintiff Class member, and the failure to timely pay all pay
27 due upon termination of employment to each Class member no longer employed are unlawful
28 and unfair business practices within the meaning of Business and Professions Code § 17200, et

1 seq.

2 44. This cause of action is brought under Business and Professions Code §§ 17203
3 and 17204, commonly called the Unfair Competition Law. Under this cause of action and
4 pursuant to Business and Professions Code § 17208, Plaintiff and all Plaintiff Class members
5 seek restitution of unpaid overtime and missed meal and rest premium wages due each of the
6 class members during the Class Period, according to proof.

7 45. As a result of the Defendants' unlawful and unfair business practices, each
8 Plaintiff Class member is entitled to restitution in an amount according to proof.

9 **SIXTH CAUSE OF ACTION**

10 **PENALTIES FOR VIOLATION OF CAL. LAB. CODE § 2699 ET SEQ.**

11 **(Plaintiff and each Plaintiff Class and Subclass member against each Defendant)**

12 46. Plaintiff incorporates paragraphs 1 through 45 of this complaint as if fully alleged
13 herein.

14 47. Cal Labor Code § 2698-2699 The Labor Code Private Attorneys General Act of
15 2004 ("PAGA") expressly establishes that any provision of the Cal. Labor Code which provides
16 for a civil penalty to be assessed and collected by the Labor and Workforce Development Agency
17 ("LWDA"), or any of its departments, divisions, commissions, boards agencies or employees for
18 a violation of the Cal. Labor Code, may be recovered through a civil action brought by an
19 aggrieved employee on behalf of himself or herself, and other current or former employees.

20 48. Whenever the LWDA, or any of its departments, divisions, commissions, boards,
21 agencies, or employees has discretion to assess a civil penalty, a court in a civil action is
22 authorized to exercise the same discretion, subject to the same limitations and conditions.

23 49. Plaintiff and the members of the Classes defined herein are "aggrieved
24 employees" as defined by Cal. Labor Code §2699 in that they are all current or former employees
25 of Defendants, and one or more of the alleged violations was committed against them.
26
27
28

1 50. Plaintiff asserts all of her claims in this Complaint against Defendants on behalf
2 of all aggrieved employees in her capacity as private attorney general, and seeks all statutory
3 penalties available under the Cal. Labor Code.

4 51. Pursuant to Cal. Labor Code §2699 Plaintiff, individually, and on behalf of all
5 aggrieved employees, requests and is entitled to recover from Defendants compensation
6 according to proof, as well as all statutory penalties against Defendants, including but not limited
7 to:

8 (a) Where penalties are not already specified in the applicable provision of the
9 California Labor Code, penalties under Cal. Labor Code §2699 in the
10 amount of \$100 for each aggrieved employee per pay period for the initial
11 violation, and \$200 for each aggrieved employee per pay period for each
12 subsequent violation;

13 (b) Penalties under Cal. Code of Regulations Title 8, set forth in the
14 applicable Wage Order, in the amount of \$50 for each aggrieved employee
15 per pay period for an initial violation, and \$100 for each aggrieved
16 employee per pay period for each subsequent violation;

17 (c) Penalties under Cal. Labor Code §210 in addition to, and entirely
18 independent and apart from, any other penalty provided in the Cal. Labor
19 Code, in the amount of \$100 for each aggrieved employee per pay period
20 for the initial violation, and \$200 for each aggrieved employee per pay
21 period for each subsequent violation or any willful or intentional violation,
22 plus 25% of the wages wrongfully withheld; and,

23 (d) Any and all additional penalties and sums as provided by the Cal.
24 Labor Code and/or other statutes

25 52. In addition thereto Plaintiff seeks and is entitled to have 75% of all recovered
26 penalties allocated to the LWDA and 25% to the aggrieved employees.

27 53. Further, Plaintiff is entitled to seek and recover reasonable attorneys' fees and
28

1 costs pursuant to Cal. Labor Code §§2699, 218.5, 1194, 210 and 212 and any other applicable
2 statute.

3 54. More than thirty-three days prior to the filing of this Complaint, Plaintiff sent
4 a certified letter to the LWDA and to Defendants, as prescribed by the California Labor
5 Code. The LWDA did not timely respond to the letter. Therefore, Plaintiff may proceed
6 with this Cause of Action pursuant to California Labor Code § 2699, et seq.

7 **VII.**

8 **PRAYER FOR RELIEF**

9 **Wherefore, Plaintiff, on her own behalf and on behalf of the Plaintiff Class prays as**
10 **follows:**

- 11 1. That the court determine this action may be maintained as a class action and
12 certify the Plaintiff Class;
- 13 2. That the court determine that the failure of the Defendants to pay overtime pay,
14 and missed meal break and rest break premium compensation to the Plaintiff and
15 each Plaintiff Class member be adjudged and decreed to violate the applicable
16 IWC Wage Orders, regulations and statutes;
- 17 3. That the Defendants be ordered to pay and judgment be entered for overtime
18 wages and missed break premium pay for Plaintiff and each Plaintiff Class
19 member on the First, Second and Third Causes of Action, according to proof;
- 20 4. That the Defendants be ordered to pay and judgment be entered on the First,
21 Second and Third Causes of Action, according to proof, for Labor Code §203
22 penalties to Plaintiff class members who are no longer employed by Defendants.
- 23 5. That the Defendants be found to have engaged in unfair competition in violation
24 of Business and Professions Code § 17200;
- 25 6. That the Defendants be ordered to pay restitution to Plaintiff, and each Plaintiff
26 Class member due to the Defendants' unlawful and unfair competition, including
27 disgorgement of their wrongfully withheld wages according to proof, and interest
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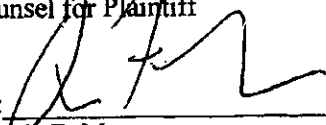
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thereon pursuant to Business and Professions Code §§ 17203 and 17204;

- 7. That Plaintiff and Plaintiff Class members be awarded Attorneys fees and costs pursuant to statute, including but not limited to Labor Code § 1194 and Code of Civil Procedure § 1021.5;
- 8. That Plaintiff and Plaintiff Class members be awarded all available statutory remedies on the Fourth Cause of Action pursuant to Labor Code section 226(b), together with interest thereon and attorneys' fees and costs.;
- 9. Otherwise determine the appropriate remedy to compensate Plaintiff and the Plaintiff Class members as required to promote fairness and justice, including but not limited to establishing procedures for compensation, compensation amounts and fluid recovery if appropriate;
- 10. Prejudgment Interest; and
- 11. Any other relief as this court deems proper.

DENNIS F. MOSS, ATTORNEY AT LAW
Counsel for Plaintiff

Dated: December 12, 2012


By: 
Dennis F. Moss
Counsel for Plaintiff

DEMAND FOR JURY TRIAL

Plaintiff demands a trial by jury.

DENNIS F. MOSS, ATTORNEY AT LAW
Counsel for Plaintiff

Dated: December 12, 2012

By: 
Dennis F. Moss
Counsel for Plaintiff

12/13/2012

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Dennis F. Moss (SBN 77512) DENNIS F. MOSS, ATTORNEY AT LAW 15300 Ventura Boulevard, Suite 207 Sherman Oaks, CA 91403 TELEPHONE NO.: 310-773-0323 FAX NO.: 310-861-0389 ATTORNEY FOR (Name): Katherine Clay		FOR COUNTY USE ONLY FILED Los Angeles Superior Court DEC 13 2012 John A. Clarke, Executive Officer/Clerk By <u>SHAUNYA WESLEY</u> Deputy
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Los Angeles STREET ADDRESS: 111 North Hill Street MAILING ADDRESS: CITY AND ZIP CODE: Los Angeles, CA 90012 BRANCH NAME: Stanley Mosk Courthouse		CASE NUMBER: BC497373 JUDGE: DEPT:
CASE NAME: Clay v. Walt Disney Pictures		
CIVIL CASE COVER SHEET <input checked="" type="checkbox"/> Unlimited (Amount demanded exceeds \$25,000) <input type="checkbox"/> Limited (Amount demanded is \$25,000 or less)		Complex Case Designation <input type="checkbox"/> Counter <input type="checkbox"/> Joinder Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)

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

BY FAX

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 type="checkbox"/> Other non-PI/PD/WD tort (35) Employment <input type="checkbox"/> Wrongful termination (36) <input checked="" 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 (38)	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): 9

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: December 12, 2012
 Dennis F. Moss
 (TYPE OR PRINT NAME) (SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE

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

ORIGINAL

SHORT TITLE: Clay v. Walt Disney Pictures	CASE NUMBER
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**CIVIL CASE COVER SHEET ADDENDUM AND
STATEMENT OF LOCATION
(CERTIFICATE OF GROUNDS FOR ASSIGNMENT TO COURTHOUSE LOCATION)**

BY FAX

This form is required pursuant to Local Rule 2.0 in all new civil case filings in the Los Angeles Superior Court.

Item I. Check the types of hearing and fill in the estimated length of hearing expected for this case:
 JURY TRIAL? YES CLASS ACTION? YES LIMITED CASE? YES TIME ESTIMATED FOR TRIAL 15 HOURS/ DAYS

Item II. Indicate the correct district and courthouse location (4 steps - If you checked "Limited Case", skip to Item III, Pg. 4):

Step 1: After first completing the Civil Case Cover Sheet form, find the main Civil Case Cover Sheet heading for your case in the left margin below, and, to the right in Column A, the Civil Case Cover Sheet case type you selected.

Step 2: Check one Superior Court type of action in Column B below which best describes the nature of this case.

Step 3: In Column C, circle the reason for the court location choice that applies to the type of action you have checked. For any exception to the court location, see Local Rule 2.0.

Applicable Reasons for Choosing Courthouse Location (see Column C below)

- Class actions must be filed in the Stanley Mosk Courthouse, central district.
- May be filed in central (other county, or no bodily injury/property damage).
- Location where cause of action arose.
- Location where bodily injury, death or damage occurred.
- Location where performance required or defendant resides.
- Location of property or permanently garaged vehicle.
- Location where petitioner resides.
- Location wherein defendant/respondent functions wholly.
- Location where one or more of the parties reside.
- Location of Labor Commissioner Office

Step 4: Fill in the information requested on page 4 in Item III; complete Item IV. Sign the declaration.

	A Civil Case Cover Sheet Category No.	B Type of Action (check only one)	C Applicable Reasons (See Step 3 Above)
Auto Tort	Auto (22)	<input type="checkbox"/> A7100 Motor Vehicle - Personal Injury/Property Damage/Wrongful Death	1., 2., 4.
	Uninsured Motorist (46)	<input type="checkbox"/> A7110 Personal Injury/Property Damage/Wrongful Death - Uninsured Motorist	1., 2., 4.
Other Personal Injury/Property Damage/Wrongful Death Tort	Asbestos (04)	<input type="checkbox"/> A6070 Asbestos Property Damage	2.
		<input type="checkbox"/> A7221 Asbestos - Personal Injury/Wrongful Death	2.
	Product Liability (24)	<input type="checkbox"/> A7260 Product Liability (not asbestos or toxic/environmental)	1., 2., 3., 4., 8.
	Medical Malpractice (45)	<input type="checkbox"/> A7210 Medical Malpractice - Physicians & Surgeons	1., 4.
		<input type="checkbox"/> A7240 Other Professional Health Care Malpractice	1., 4.
Other Personal Injury Property Damage Wrongful Death (23)	<input type="checkbox"/> A7250 Premises Liability (e.g., slip and fall)	1., 4.	
	<input type="checkbox"/> A7230 Intentional Bodily Injury/Property Damage/Wrongful Death (e.g., assault, vandalism, etc.)	1., 4.	
	<input type="checkbox"/> A7270 Intentional Infliction of Emotional Distress	1., 3.	
	<input type="checkbox"/> A7220 Other Personal Injury/Property Damage/Wrongful Death	1., 4.	

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SHORT TITLE:

Clay v. Walt Disney Pictures

CASE NUMBER

Non-Personal Injury/ Property
Damage/ Wrongful Death Tort

Employment

Contract

Real Property

Unlawful Detainer

A Civil Case Cover Sheet Category No.	B Cause of Action (Check only one)	C Applicable Reasons See Step 3 Above
Business Tort (07)	<input type="checkbox"/> A6029 Other Commercial/Business Tort (not fraud/breach of contract)	1., 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 <input type="checkbox"/> A6050 Other Professional Malpractice (not medical or legal)	1., 2., 3. 1., 2., 3.
Other (35)	<input type="checkbox"/> A6025 Other Non-Personal Injury/Property Damage tort	2., 3.
Wrongful Termination (36)	<input type="checkbox"/> A6037 Wrongful Termination	1., 2., 3.
Other Employment (15)	<input checked="" type="checkbox"/> A6024 Other Employment Complaint Case <input type="checkbox"/> A6109 Labor Commissioner Appeals	① 2., 3. 10.
Breach of Contract/ Warranty (06) (not insurance)	<input type="checkbox"/> A6004 Breach of Rental/Lease Contract (not unlawful detainer or wrongful eviction) <input type="checkbox"/> A6008 Contract/Warranty Breach - Seller Plaintiff (no fraud/negligence) <input type="checkbox"/> A6019 Negligent Breach of Contract/Warranty (no fraud) <input type="checkbox"/> A6028 Other Breach of Contract/Warranty (not fraud or negligence)	2., 5. 2., 5. 1., 2., 5. 1., 2., 5.
Collections (09)	<input type="checkbox"/> A6002 Collections Case-Seller Plaintiff <input type="checkbox"/> A6012 Other Promissory Note/Collections Case	2., 5., 6. 2., 5.
Insurance Coverage (18)	<input type="checkbox"/> A6015 Insurance Coverage (not complex)	1., 2., 5., 8.
Other Contract (37)	<input type="checkbox"/> A6009 Contractual Fraud <input type="checkbox"/> A6031 Tortious Interference <input type="checkbox"/> A6027 Other Contract Dispute(not breach/insurance/fraud/negligence)	1., 2., 3., 5. 1., 2., 3., 5. 1., 2., 3., 8.
Eminent Domain/Inverse Condemnation (14)	<input type="checkbox"/> A7300 Eminent Domain/Condemnation Number of parcels _____	2.
Wrongful Eviction (33)	<input type="checkbox"/> A6023 Wrongful Eviction Case	2., 6.
Other Real Property (28)	<input type="checkbox"/> A6018 Mortgage Foreclosure <input type="checkbox"/> A6032 Quiet Title <input type="checkbox"/> A6060 Other Real Property (not eminent domain, landlord/tenant, foreclosure)	2., 6. 2., 6. 2., 6.
Unlawful Detainer-Commercial (31)	<input type="checkbox"/> A6021 Unlawful Detainer-Commercial (not drugs or wrongful eviction)	2., 6.
Unlawful Detainer-Residential (32)	<input type="checkbox"/> A6020 Unlawful Detainer-Residential (not drugs or wrongful eviction)	2., 6.
Unlawful Detainer- Post-Foreclosure (34)	<input type="checkbox"/> A6020F Unlawful Detainer-Post-Foreclosure	2., 6.
Unlawful Detainer-Drugs (38)	<input type="checkbox"/> A6022 Unlawful Detainer-Drugs	2., 6.

SHORT TITLE

Clay v. Walt Disney Pictures

CASE NUMBER

A Civil Case Cover Sheet Category No.	B Type of Action (Check all that apply)	C Applicable Reasons (See Step 3 Above)
Asset Forfeiture (05)	<input type="checkbox"/> A6108 Asset Forfeiture Case	2., 6.
Petition re Arbitration (11)	<input type="checkbox"/> A6115 Petition to Compel/Confirm/Vacate Arbitration	2., 5.
Writ of Mandate (02)	<input type="checkbox"/> A6151 Writ - Administrative Mandamus <input type="checkbox"/> A6152 Writ - Mandamus on Limited Court Case Matter <input type="checkbox"/> A6163 Writ - Other Limited Court Case Review	2., 8. 2. 2.
Other Judicial Review (39)	<input type="checkbox"/> A6150 Other Writ /Judicial Review	2., 8.
Antitrust/Trade Regulation (03)	<input type="checkbox"/> A6003 Antitrust/Trade Regulation	1., 2., 8.
Construction Defect (10)	<input type="checkbox"/> A6007 Construction Defect	1., 2., 3.
Claims Involving Mass Tort (40)	<input type="checkbox"/> A6006 Claims Involving Mass Tort	1., 2., 8.
Securities Litigation (28)	<input type="checkbox"/> A6035 Securities Litigation Case	1., 2., 8.
Toxic Tort Environmental (30)	<input type="checkbox"/> A6036 Toxic Tort/Environmental	1., 2., 3., 8.
Insurance Coverage Claims from Complex Case (41)	<input type="checkbox"/> A6014 Insurance Coverage/Subrogation (complex case only)	1., 2., 5., 8.
Enforcement of Judgment (20)	<input type="checkbox"/> A6141 Sister State Judgment <input type="checkbox"/> A6160 Abstract of Judgment <input type="checkbox"/> A6107 Confession of Judgment (non-domestic relations) <input type="checkbox"/> A6140 Administrative Agency Award (not unpaid taxes) <input type="checkbox"/> A6114 Petition/Certificate for Entry of Judgment on Unpaid Tax <input type="checkbox"/> A6112 Other Enforcement of Judgment Case	2., 9. 2., 6. 2., 9. 2., 8. 2., 8. 2., 8., 9.
RICO (27)	<input type="checkbox"/> A6033 Racketeering (RICO) Case	1., 2., 8.
Other Complaints (Not Specified Above) (42)	<input type="checkbox"/> A6030 Declaratory Relief Only <input type="checkbox"/> A6040 Injunctive Relief Only (not domestic/harassment) <input type="checkbox"/> A6011 Other Commercial Complaint Case (non-tort/non-complex) <input type="checkbox"/> A6000 Other Civil Complaint (non-tort/non-complex)	1., 2., 8. 2., 8. 1., 2., 8. 1., 2., 8.
Partnership Corporation Governance (21)	<input type="checkbox"/> A6113 Partnership and Corporate Governance Case	2., 8.
Other Petitions (Not Specified Above) (43)	<input type="checkbox"/> A6121 Civil Harassment <input type="checkbox"/> A6123 Workplace Harassment <input type="checkbox"/> A6124 Elder/Dependent Adult Abuse Case <input type="checkbox"/> A6190 Election Contest <input type="checkbox"/> A6110 Petition for Change of Name <input type="checkbox"/> A6170 Petition for Relief from Late Claim Law <input type="checkbox"/> A6100 Other Civil Petition	2., 3., 9. 2., 3., 9. 2., 3., 9. 2. 2., 7. 2., 3., 4., 8. 2., 9.

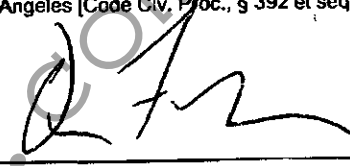
SHORT TITLE: Clay v. Walt Disney Pictures	CASE NUMBER
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Item III. Statement of Location: Enter the address of the accident, party's residence or place of business, performance, or other circumstance indicated in Item II., Step 3 on Page 1, as the proper reason for filing in the court location you selected.

REASON: Check the appropriate boxes for the numbers shown under Column C for the type of action that you have selected for this case. <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.	ADDRESS: 500 South Buena Vista Street	
	CITY: Burbank	STATE: CA

Item IV. Declaration of Assignment: I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that the above-entitled matter is properly filed for assignment to the Stanley Mosk courthouse in the Central _____ District of the Superior Court of California, County of Los Angeles [Code Civ. Proc., § 392 et seq., and Local Rule 2.0, subds. (b), (c) and (d)].

Dated: December 12, 2012



 (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. 03/11).
5. Payment in full of the filing fee, unless fees have been waived.
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.

12/13/12
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