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14 Attorneys for Plaintiff  
15 CRAIG E. SIMMONS

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

18 BC 49 781 0

19 CRAIG E. SIMMONS, an individual,

CASE NO.

20 Plaintiff,

COMPLAINT FOR DAMAGES:

21 vs.

1. Defamation

22 SCREEN ACTORS GUILD—PRODUCERS  
23 PENSION AND HEALTH PLAN, and DOES  
24 1 through 100 inclusive,

25 Defendants.

DEMAND FOR JURY TRIAL

26 Plaintiff Craig E. Simmons ("Simmons" or "Plaintiff") hereby alleges as follows:

27 GENERAL ALLEGATIONS

28 1. At all relevant times, Plaintiff was and is an individual, residing in  
California, Los Angeles County, California. Plaintiff was employed by the Screen Actors  
Guild—Producers Pension and Health Plans. He was wrongfully terminated from his  
employment on March 25, 2011, shortly after he reported illegal misconduct and improper  
behavior of Bruce Dow, Chief Executive Officer of the Screen Actors Guild—Producers

FILED  
LOS ANGELES SUPERIOR COURT  
DEC 19 2012  
JOHN A. CLARKE, CLERK  
DEPUTY

D-71  
12/19/12  
D-71  
12/19/12

RECEIPT # CCH47805708  
DATE PAID 12/19/12 5:50PM  
PAYMENT: \$43.00  
RECEIVED  
CHECK: \$0.00  
CASH: \$0.00  
CHARGE: \$0.00  
CARD: \$0.00

CIT/CASE: BC497810  
LEA/DEF#:

1 Pension and Health Plans, to a SAG-PPHP Board Trustee. Defendants have also  
2 defamed Plaintiff by accusing him of making false statements regarding his discovery of  
3 Dow's illegal misconduct and of committing misconduct during his employment.

4       2. Plaintiff is informed, believes, and alleges that at all relevant times the  
5 Screen Actors Guild ("SAG") is a labor union representing film and television performers  
6 worldwide. At all relevant times, SAG was (and is) located in Hollywood, California, Los  
7 Angeles County, California.

8       3. Plaintiff is informed, believes, and alleges that at all relevant times that  
9 Defendant Screen Actors Guild—Producers Pension and Health Plans ("SAG-PPHP") is a  
10 multi-employer trust fund that offers and provides health and benefit packages to SAG  
11 members.

12       4. Plaintiff is informed, believes, and alleges, that at all relevant times, that  
13 Bruce Dow ("Dow"), was the Chief Executive Officer ("CEO") of SAG-PPHP. At all  
14 relevant times, Dow was Plaintiff's direct supervisor. Plaintiff is informed and believes  
15 that, at all relevant times, Dow was residing in Los Angeles County.

16       5. All acts complained of herein occurred in the County of Los Angeles,  
17 California.

18       6. The true names and capacities, whether individual, corporate, associate or  
19 otherwise of the Defendants named herein as DOES 1 through 100, are unknown to  
20 Plaintiff at this time. Plaintiff therefore sues said Defendants by such fictitious names  
21 pursuant to section 474 of the California Code of Civil Procedure. Plaintiff will seek leave  
22 to amend this Complaint to allege the true names and capacities of DOES 1 through 100  
23 when their names are ascertained. Plaintiff is informed, believes, and alleges, that each  
24 of the DOE Defendants is in some manner liable to Plaintiff for the events and actions  
25 alleged herein.

26       7. Plaintiff is informed, believes, and alleges, that at all times, each Defendant  
27 was acting as an agent for each of the other Defendants and each were co-conspirators  
28 with respect to the acts and the wrongful conduct alleged herein so that each is

1 responsible for the acts of the other in connection with the conspiracy in such wrongful  
2 acts in connection with the other Defendants.

3 8. Plaintiff is further informed, believes, and alleges that at all relevant times,  
4 Defendants, and each of them, acted in concert and furtherance of the interests of each  
5 other Defendant.

6 9. Jurisdiction is premised on the fact that Defendants' wrongful conduct  
7 occurred in the County of Los Angeles, State of California, and Plaintiffs' damages are in  
8 excess of the minimum sum required for jurisdiction in the Superior Court of the State of  
9 California. Pursuant to §395, et. seq. of the California Code of Civil Procedure, venue is  
10 proper in the Superior Court of California for the County of Los Angeles, State of  
11 California, because this is where the Plaintiff was employed, where the Defendants were  
12 housed and where the wrongful misconduct alleged herein occurred.

13  
14 **FACTUAL ALLEGATIONS**

15 10. On July 8, 2008, Plaintiff was retained by the SAG-PPHP as a Consultant.

16 11. On October 1, 2008, Plaintiff became a full-time regular employee.

17 Simultaneously, Plaintiff was promoted to Executive Director of Human Resources ("HR").

18 12. Plaintiff was an employee of the SAG-Producers Pension Plan ("SAG-PPP")  
19 and the SAG Producer's Health Plan ("SAG PHP"). Collectively, these two entities  
20 comprise the SAG-PPHP. Thus, Plaintiff was employed by the SAG-PPHP.

21 13. During his tenure as Executive Director of HR, Plaintiff transitioned at least  
22 50-60 employees out of the organization or to different positions within the organization,  
23 without one claim or lawsuit against the SAG-PPHP. Plaintiff virtually eliminated the use  
24 of outside labor counsel and he significantly reduced legal billings.

25 14. During his employment with the SAG-PPHP, Plaintiff received extremely  
26 positive annual reviews from all of his supervisors and merit pay increases. Plaintiff  
27 received his last annual review on January 3, 2011 by Dow. In that performance review,  
28

1 Dow expressed his belief that Plaintiff was an excellent employee. On January 4, 2011,  
2 Plaintiff received a merit pay increase.

3 15. On January 14, 2011, Plaintiff was promoted to Executive Director of HR,  
4 Information Technology and Risk Management. In this position, he had approximately 65  
5 employees directly or indirectly reporting to him.

6 16. In January of 2011, Plaintiff informed two members of the SAG-PPHP Board  
7 of Trustees, Leah French and Duncan Crabtree-Ireland, that Dow was underreporting the  
8 losses of IT embezzlement and fraud incidents by millions of dollars. This was a situation  
9 where a former SAG-PPHP IT executive had embezzled millions of dollars from the entity.  
10 At about this time, Plaintiff began to have concerns about Dow's leadership of the SAG-  
11 PPHP.

12 16. By February of 2011, Plaintiff had suspicions that Dow was committing  
13 criminal and unethical misconduct. Plaintiff was concerned about the following:

- 14 a. That Dow intentionally underreported the amount of money  
15 embezzled by a former employee;
- 16 b. That Dow was sending SAG-PPHP insurance business to his wife  
17 and pocketing a portion of the money on the insurance premiums;
- 18 c. That Dow's brother-in-law was a "phantom employee" of the SAG-  
19 PPHP, receiving \$48,000 and pension benefits while doing no work  
20 for SAG-PPHP; and,
- 21 d. That Dow was using insider investment information about where  
22 SAG-PPHP was investing money to benefit the International Church  
23 of the Foursquare Gospel, by exploiting his leadership role in both  
24 organizations.

25 17. In February of 2011, Dow asked Plaintiff to assist him regarding a  
26 Department of Labor investigation ("DOL") into his conduct as CEO of SAG-PPHP. The  
27 investigation concerned Dow's wife's (Ms. Dow) insurance business and its questionable  
28 connection to SAG-PPHP as well as Dow's brother-in-law having a "phantom job" with the

1 SAG-PPHP. The DOL investigator was conducting interviews with various SAG-PPHP  
2 employees. Dow asked Plaintiff to lie to the DOL investigator by affirming that Dow's  
3 brother-in-law was an employee of SAG-PPHP. Plaintiff refused. Moreover, Dow asked  
4 Plaintiff not to tell the Board about his interview. Once again, Plaintiff refused. After  
5 Plaintiff's refusal, Dow ended up arranging for another Plan Executive, Amanda Bernard,  
6 to be interviewed by the DOL investigator.

7 18. On March 9, 2011, Dow invited Plaintiff to a previously unscheduled "budget  
8 meeting." Upon his arrival to meet with Dow, the Chief Operating Officer, and outside  
9 legal counsel were also present. Dow lied about wanting to discuss budget issues with  
10 Plaintiff. During this meeting, Dow attacked Plaintiff's credibility and integrity by making  
11 false accusations of misconduct against him. Without reviewing any documents, Plaintiff  
12 verbally responded to all of Dow's false accusations. At this meeting, Plaintiff was  
13 suspended without pay and escorted off the premises.

14 19. On March 11, 2011, Plaintiff received a suspension letter from Dow in which  
15 Dow made additional false accusations against him. Dow requested that Plaintiff respond  
16 by March 13, 2011.

17 20. Plaintiff was given an extension to respond to March 22, 2011. However,  
18 Plaintiff was not allowed access to his e-mails and his files from which to provide  
19 documentary support to his response. Nonetheless, Plaintiff responded in writing on  
20 March 22, 2011.

21 21. On or about March 23, 2011, Dow scheduled a follow-up meeting with  
22 Plaintiff to be held on March 28, 2011 to discuss the outcome and findings of the alleged  
23 SAG-PPHP internal investigation of Plaintiff's alleged misconduct.

24 22. On March 24, 2011, Plaintiff met with Trustee Duncan Crabtree-Ireland of  
25 the SAG-PPHP Board. He reported his concerns of Dow's illegal and unethical  
26 misconduct. He scheduled a meeting with other SAG Trustees, including Board Chairman  
27  
28

1 David White, for the following week to further discuss the investigation into wrongdoing  
2 and misconduct at SAG-PPHP.

3 23. On March 25, 2011, Dow terminated Plaintiff's employment with the SAG-  
4 PPHP. Plaintiff is informed and believes that Dow was informed of Plaintiff's complaints to  
5 the SAG-PPHP Board Trustee and he terminated him in retaliation.

6 24. Plaintiff is informed and believes that on December 22, 2011, the SAG-  
7 PPHP Board of Trustees delivered a letter to thousands SAG Plan Participants. In this  
8 letter, the Board of Trustees claimed that an independent investigator found that most of  
9 Plaintiff's allegations were false. Plaintiff is informed and believes that the Board of  
10 Trustees wrote this letter knowing that Plaintiff's allegations against Dow were true.  
11 However, the Board of Trustees wrote this letter to the SAG Plan Participants, in an  
12 attempt to protect the SAG-PPHP against a lawsuit by Plaintiff. In short, the Board of  
13 Trustees was "circling the wagons." The Board of Trustees signed the letter and ratified  
14 its contents by their collective action.

15 25. Prior to March 9, 2011, Plaintiff was never disciplined or counseled for any  
16 reason. He never received any complaints from any of his supervisors regarding his work  
17 performance.

18 **FIRST CAUSE OF ACTION**

19 **FOR DEFAMATION (LIBEL PER SE) AGAINST ALL DEFENDANTS**

20  
21 26. Plaintiff incorporates paragraphs 1 through 25, inclusive, as though fully set  
22 forth herein.

23 27. On or about December 22, 2011, Defendants, and each of them, published  
24 or caused to be published, a letter which was sent out to thousands of SAG members.  
25 Attached hereto as exhibit "1" is true and correct copy of said letter.

26 28. In the letter, the Defendants, and each of them, make direct reference to  
27 Plaintiff and state that he made false accusations against CEO Bruce Dow and others  
28

1 concerning, among other things, the mismanagement of funds belonging to the union.

2 29. The statement that Plaintiff made false allegations against Dow and others  
3 were libelous per se because the language in the letter tends to directly injure Plaintiff with  
4 respect to his profession, trade, or business by claiming that a Human Resources  
5 Manager purposefully made false complaints thereby imputing that he is not qualified to  
6 perform the duties of a human resources manager in violation of California Civil Code  
7 section 45a.

9 30. The words uttered were false because Plaintiff's complaints were in fact  
10 true.

11 31. As a proximate result of this false statement, Plaintiff has suffered injury to  
12 his reputation in a sum according to proof said injuries are presumed by law.

13 32. As a further proximate result of this false statement, Plaintiff has suffered  
14 injury to his business, trade, profession, and occupation in a sum according to proof.

15 33. The above-described words were spoken or written by Defendants, and  
16 each of them, with malice and oppression in that Defendants, and each of them, willfully  
17 and intentionally uttered or wrote the above-referenced false statements, solely for the  
18 purpose of causing Plaintiff ridicule, embarrassment, and disdain in the community.  
19 Defendant's, and each of them, conduct thus warrants the assessment of punitive  
20 damages.  
21

22 34. The aforesaid acts of Defendants, and each of them, directed towards  
23 Plaintiff were carried out by managerial employees, officers and directors, and were  
24 directed and ratified by Defendants, and each of them, with a conscious disregard of  
25 Plaintiff's rights and with the intent to vex, injure, and annoy Plaintiff, such as to constitute  
26 oppression, fraud or malice pursuant to California Civil Code section 3294, entitling  
27  
28

1 Plaintiff to punitive damages in a sum which is an amount appropriate to punish and set  
2 an example of said Defendants.

3  
4 **SECOND CAUSE OF ACTION**

5 **FOR INVASION OF PRIVACY (FALSE LIGHT) AGAINST ALL DEFENDANTS**

6  
7 35. Plaintiff incorporates paragraphs 1 through 34, inclusive, as though fully set  
8 forth herein.

9 36. Defendants, and each of them, invaded Plaintiff's right to privacy and held  
10 him in a false light by sending the December 22, 2011 letter to many thousands of SAG  
11 members thereby destroying Plaintiff's reputation as a human resource manager. The  
12 letter was published by Defendants, and each of them, solely for the purpose of subjecting  
13 Plaintiff to ridicule, embarrassment, and disdain in the community.

14  
15 37. The publicity created by Defendants, and each of them, by publishing the  
16 letter placed Plaintiff in a false light in the public eye in that the letter accused Plaintiff of  
17 reporting false charges of misconduct and portraying Plaintiff as a liar.

18 38. The publication created by Defendants, and each of them, was offensive  
19 and objectionable to Plaintiff and a reasonable person of ordinary sensibilities in that it  
20 made Plaintiff the object of ridicule, embarrassment, and disdain.

21  
22 39. The publication created by Defendants, and each of them, was done with  
23 malice in that it was made either with knowledge of its falsity or in reckless disregard of its  
24 truth in that the statements, were calculated falsehoods created to destroy Plaintiff's  
25 reputation as an honest human resource manager.

26 40. As a direct and proximate result of above-described statements and  
27 depiction, Plaintiff has been, and will be, exposed to contempt and ridicule, and has been  
28



1 personally humiliated and was mentally upset; distressed and aggravated. Plaintiff claims  
2 general damages for such mental distress and aggravation in a sum to be shown  
3 according to proof.

4 41. Plaintiff is informed and believes, and thereon alleges, that Defendants, and  
5 each of them, did the acts herein alleged, intentionally, maliciously and in conscious  
6 disregard of Plaintiff's rights, and by reason of these intentional acts, Plaintiff is entitled to  
7 punitive damages according to proof.

9 42. The aforesaid acts directed towards Plaintiff were carried out by managerial  
10 employees, officers and directors of VCA, and were directed and ratified by Defendants,  
11 and each of them, with conscious disregard of Plaintiff's rights and with the intent to vex,  
12 injure, and annoy Plaintiff, such as to constitute oppression, fraud or malice pursuant to  
13 California Civil Code section 3294, entitling Plaintiff to punitive damages in a sum which is  
14 an amount appropriate to punish and set an example of said Defendants.  
15

16  
17 **THIRD CAUSE OF ACTION**

18 **FOR DEFAMATION (LIBEL PER QUOD) AGAINST ALL DEFENDANTS**

19 43. Plaintiff incorporates paragraphs 1 through 42, inclusive, as though fully set  
20 forth herein.

22 44. On or about December 22, 2011, Defendants, and each of them, published  
23 or caused to be published, a letter which was sent out to thousands of SAG members.

24 Attached hereto as exhibit "1" is true and correct copy of said letter.

25 45. In the letter, the Defendants, and each of them, make direct reference to  
26 Plaintiff and state that he made false accusations against CEO Bruce Dow and others  
27 concerning, among other things, the mismanagement of funds belonging to the union.  
28

1           46. The statement that Plaintiff made false allegations against Dow and others  
2 were defamatory because letter exposed Plaintiff to hatred, contempt, ridicule or obloquy  
3 which caused Plaintiff to be shunned, and or avoided, and had a tendency to injure  
4 Plaintiff in his occupation as a lawyer and human resource manager. The statements in  
5 the letter were purposefully made in violation of California Civil Code section 45.  
6

7           47. The words uttered were false because Plaintiff's complaints were in fact  
8 true.

9           48. As a proximate result of the false statements in the letter as stated herein,  
10 Plaintiff has suffered injury to his reputation and has lost specific sums of money because  
11 he is unable to obtain gainful employment as a human resource manager and/or attorney.  
12

13           49. As a further proximate result of this false statement, Plaintiff has suffered  
14 injury to his business, trade, profession, and occupation in a sum according to proof.

15           50. The above-described words were spoken or written by Defendants, and  
16 each of them, with malice and oppression in that Defendants, and each of them, willfully  
17 and intentionally uttered or wrote the above-referenced false statements, solely for the  
18 purpose of causing Plaintiff ridicule, embarrassment, and disdain in the community.  
19 Defendant's, and each of them, conduct thus warrants the assessment of punitive  
20 damages.  
21

22           51. The aforesaid acts of Defendants, and each of them, directed towards  
23 Plaintiff were carried out by managerial employees, officers and directors, and were  
24 directed and ratified by Defendants, and each of them, with a conscious disregard of  
25 Plaintiff's rights and with the intent to vex, injure, and annoy Plaintiff, such as to constitute  
26 oppression, fraud or malice pursuant to California Civil Code section 3294, entitling  
27 Plaintiff to punitive damages in a sum which is an amount appropriate to punish and set  
28

1 an example of said Defendants.

2 **WHEREFORE**, Plaintiff seeks judgment as follows:


3 Against all Defendants, and each of them, on the First Cause of Action for:

- 4 1. Actual, consequential and incidental losses, special damages  
5 including but not limited to, loss of earnings, earning capacity, and  
6 benefits, according to proof, together with prejudgment interest;  
7  
8 2. Damages to Plaintiff's reputation according to proof;  
9  
10 3. Damages to Plaintiff's business, trade, profession, and occupation  
11 according to proof;  
12  
13 4. Exemplary and punitive damages in a sum appropriate to punish  
14 Defendants and set an example for others;  
15  
16 5. Costs of suit incurred herein; and  
17  
18 6. Such other and further relief as the Court may deem proper.

17 Dated: December 18, 2012

ROBERT STANFORD BROWN, APC

18  
19 By:



ROBERT S. BROWN  
Attorney for Plaintiff  
CRAIG E. SIMMONS

22 Dated: December 18, 2012

LAW OFFICES OF GREGORY W. SMITH

23  
24 By:



GREGORY W. SMITH  
Attorneys for Plaintiff  
CRAIG E. SIMMONS

DEADLINE.COM

12/19/2012

**EXHIBIT "1"**

**SCREEN ACTORS GUILD-PRODUCERS PENSION & HEALTH PLANS**

December 22, 2011

Dear Plan Participant:

We are writing to advise you of our findings in connection with an investigation of recent allegations made by a former employee regarding the management and fiscal integrity of the SAG - Producers Pension and Health Plans (SAG-PPHP). As the Trustees of your funds, we are guided by the principle that our responsibility is to act in your sole and exclusive interests. To that end, we have conducted a comprehensive review of the allegations with an intense scrutiny that was designed to ensure that your funds continue to be managed in accordance with our obligations as fiduciaries. In summary:

1. We authorized an extensive and independent investigation of the allegations made.
2. We have established a special subcommittee of the Board to conduct a comprehensive review of our policies and guidelines, and ensure they conform to best practices.
3. Based on the results of the investigation, we can assure you that the fiscal integrity of the SAG-PPHP remains sound and your benefits are secure. In plain English, your Pension Plan is safe; your Health Plan is safe.

By way of background, we want to describe to you the allegations, investigative activities, and findings surrounding this matter. A former Plan employee, Craig Simmons, made allegations against certain staff members, including CEO Bruce Dow, regarding inappropriate use of funds and improper treatment of employees. To determine the validity of the allegations, the Board retained a highly regarded independent investigator with extensive experience in workplace investigations. We gave the independent investigator unrestricted access to all Plan employees and records with the instruction to take all steps necessary to thoroughly assess the allegations. As part of her evaluation, the independent investigator offered Mr. Simmons the opportunity to discuss and expand upon his written allegations, which he declined to do.

The independent investigator found that most of Mr. Simmons' allegations are false, including his claims that Mr. Dow is anti-gay, that he caused the Plans to improperly reimburse health expenses for his wife, that he caused Plan employees to work on his home and perform personal chores for him, that he promoted employees who were unqualified, and that he instructed staff to mislead U.S. Department of Labor auditors. The findings presented by the independent investigator were reviewed by PricewaterhouseCoopers' (PwC) forensic auditors.

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 (818) 954-9400 • FAX (818) 953-2505 • (800) 777-4013  
 E-mail: psd@sagph.org Web site: www.sagph.org

12/19/2011 1002

Letter to SAG-PPHP Participants  
December 22, 2011

As to Mr. Simmons' claims of financial mismanagement, while it is accurate that the Trustees discovered in 2008 that approximately \$2 million had been misappropriated by a then-Plan employee, the Plans investigated the matter immediately, engaging forensic auditors and legal counsel. The matter was successfully resolved earlier this year and substantially all of the misappropriated funds were recovered from our insurance company. Plan assets were not materially affected.

The independent investigation is now complete and, as a result of its findings, we are evaluating whether any remedial actions are required. The Trustees are committed to carrying out our fiduciary and ethical obligations and are now engaged in a full review of the Plans' internal operational controls. We have created a special subcommittee of the Board with its own independent counsel to review the Plans' policies and guidelines to ensure that they remain current with best practices.

Finally, we want to remind you that we have more than 200 employees who come to work every day focused on the core mission of the organization, which is to ensure that your employers are contributing to the Plans appropriately and that those contributions are invested and used in a manner that serves the Plans' participants as effectively as possible.

We appreciate the trust you place in the Plans to oversee your pension and health benefits.

Sincerely,

The Board of Trustees

DEADLINE.com

12/19/2011

2011

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): <b>GREGORY W. SMITH (SBN 134385)</b> <b>LAW OFFICES OF GREGORY W. SMITH</b> 9100 WILSHIRE BOULEVARD, SUITE 345E BEVERLY HILLS, CALIFORNIA 90212  TELEPHONE NO.: (310) 777-7894 FAX NO.: (310) 777-7895 ATTORNEY FOR (Name): <b>Plaintiff CRAIG SIMMONS</b>		FOR COURT USE ONLY  <div style="text-align: center; font-size: 24pt; font-weight: bold;">FILED</div> LOS ANGELES SUPERIOR COURT  DEC 19 2012  JOHN A. CLARKE, CLERK <i>[Signature]</i> BY MARY FLORES, DEPUTY
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Items 1-6 below must be completed (see instructions on page 2).

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

<b>Auto Tort</b> <input type="checkbox"/> Auto (22) <input type="checkbox"/> Uninsured motorist (46) <b>Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort</b> <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) <b>Non-PI/PD/WD (Other) Tort</b> <input type="checkbox"/> Business tort/unfair business practice (07) <input type="checkbox"/> Civil rights (08) <input checked="" 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) <b>Employment</b> <input type="checkbox"/> Wrongful termination (36) <input type="checkbox"/> Other employment (15)	<b>Contract</b> <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) <b>Real Property</b> <input type="checkbox"/> Eminent domain/Inverse condemnation (14) <input type="checkbox"/> Wrongful eviction (33) <input type="checkbox"/> Other real property (26) <b>Unlawful Detainer</b> <input type="checkbox"/> Commercial (31) <input type="checkbox"/> Residential (32) <input type="checkbox"/> Drugs (38) <b>Judicial Review</b> <input type="checkbox"/> Asset forfeiture (05) <input type="checkbox"/> Petition re: arbitration award (11) <input type="checkbox"/> Writ of mandate (02) <input type="checkbox"/> Other judicial review (39)	<b>Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400-3.403)</b> <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) <b>Enforcement of Judgment</b> <input type="checkbox"/> Enforcement of judgment (20) <b>Miscellaneous Civil Complaint</b> <input type="checkbox"/> RICO (27) <input type="checkbox"/> Other complaint (not specified above) (42) <b>Miscellaneous Civil Petition</b> <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): **THREE (3)**
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 18, 2012**  
 GREGORY W. SMITH (SBN 134385)  
 ROBERT S. BROWN (SBN 187845) *[Signature]*  
(TYPE OR PRINT NAME) (SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

**NOTICE**

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

Page 1 of 2

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

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

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

## CASE TYPES AND EXAMPLES

## Auto Tort

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

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

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

## Non-PI/PD/WD (Other) Tort

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

## Employment

- Wrongful Termination (36)
- Other Employment (15)

## Contract

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

## Real Property

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

## Unlawful Detainer

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

## Judicial Review

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

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

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

## Enforcement of Judgment

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

## Miscellaneous Civil Complaint

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

## Miscellaneous Civil Petition

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



**CIVIL CASE COVER SHEET ADDENDUM AND STATEMENT OF LOCATION  
(CERTIFICATE OF GROUNDS FOR ASSIGNMENT TO COURTHOUSE LOCATION)**

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

Item I. Check the types of hearing and fill in the estimated length of hearing expected for this case:

JURY TRIAL?  YES CLASS ACTION?  YES LIMITED CASE?  YES TIME ESTIMATED FOR TRIAL 7-10  HOURS/  DAYS

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

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

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

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

**Applicable Reasons for Choosing Courthouse Location (See Column C below)**

1. Class Actions must be filed in the County Courthouse, Central District.
2. May be filed in Central (Other county, or no Bodily Injury/Property Damage).
3. Location where cause of action arose.
4. Location where bodily injury, death or damage occurred.
5. Location where performance required or defendant resides.
6. Location of property or permanently garaged vehicle.
7. Location where petitioner resides.
8. Location wherein defendant/respondent functions wholly.
9. Location where one or more of the parties reside.
10. Location of Labor Commissioner Office.

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

	<b>A</b> Civil Case Cover Sheet Category No.	<b>B</b> Type of Action (Check only one)	<b>C</b> Applicable Reasons - See Step 3 Above
Auto Tort	Auto (22)	<input type="checkbox"/> A7100 Motor Vehicle - Personal Injury/Property Damage/Wrongful Death	1., 2., 4.
	Uninsured Motorist (46)	<input type="checkbox"/> A7110 Personal Injury/Property Damage/Wrongful Death – Uninsured Motorist	1., 2., 4.
Other Personal Injury/Property Damage/Wrongful Death Tort	Asbestos (04)	<input type="checkbox"/> A6070 Asbestos Property Damage	2.
		<input type="checkbox"/> A7221 Asbestos - Personal Injury/Wrongful Death	2.
	Product Liability (24)	<input type="checkbox"/> A7260 Product Liability (not asbestos or toxic/environmental)	1., 2., 3., 4., 8.
	Medical Malpractice (45)	<input type="checkbox"/> A7210 Medical Malpractice - Physicians & Surgeons	1., 2., 4.
		<input type="checkbox"/> A7240 Other Professional Health Care Malpractice	1., 2., 4.
Other Personal Injury Property Damage Wrongful Death, (23)	<input type="checkbox"/> A7250 Premises Liability (e.g., slip and fall)	1., 2., 4.	
	<input type="checkbox"/> A7230 Intentional Bodily Injury/Property Damage/Wrongful Death (e.g., assault, vandalism, etc.)	1., 2., 4.	
	<input type="checkbox"/> A7270 Intentional Infliction of Emotional Distress	1., 2., 3.	
	<input type="checkbox"/> A7220 Other Personal Injury/Property Damage/Wrongful Death	1., 2., 4.	
Non-Personal Injury/Property Damage/Wrongful Death Tort	Business Tort (07)	<input type="checkbox"/> A6029 Other Commercial/Business Tort (not fraud/breach of contract)	1., 2., 3.
	Civil Rights (08)	<input type="checkbox"/> A6005 Civil Rights/Discrimination	1., 2., 3.
	Defamation (13)	<input checked="" type="checkbox"/> A6010 Defamation (slander/libel)	1., 2., 3.
	Fraud (16)	<input type="checkbox"/> A6013 Fraud (no contract)	1., 2., 3.

Non-Personal Injury/Property Damage/  
Wrongful Death Tort (Cont'd.)

Employment

Contract

Real Property

Unlawful Detainer

Judicial Review

SHORT TITLE: CRAIG E. SIMMONS v. SCREEN ACTORS GUILD-  
PRODUCERS PENSION AND HEALTH PLAN, et al. CASE NUMBER

A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Professional Negligence (25)	<input type="checkbox"/> A6017 Legal Malpractice	1., 2., 3.
	<input type="checkbox"/> A6050 Other Professional Malpractice (not medical or legal)	1., 2., 3.
Other (35)	<input type="checkbox"/> A6025 Other Non-Personal Injury/Property Damage tort	2., 3.
Wrongful Termination (36)	<input type="checkbox"/> A6037 Wrongful Termination	1., 2., 3.
Other Employment (15)	<input type="checkbox"/> A6024 Other Employment Complaint Case	1., 2., 3.
	<input type="checkbox"/> A6109 Labor Commissioner Appeals	10.
Breach of Contract/ Warranty (06) (not insurance)	<input type="checkbox"/> A6004 Breach of Rental/Lease Contract (not Unlawful Detainer or wrongful eviction)	2., 5.
	<input type="checkbox"/> A6008 Contract/Warranty Breach -Seller Plaintiff (no fraud/negligence)	2., 5.
	<input type="checkbox"/> A6019 Negligent Breach of Contract/Warranty (no fraud)	1., 2., 5.
	<input type="checkbox"/> A6028 Other Breach of Contract/Warranty (not fraud or negligence)	1., 2., 5.
Collections (09)	<input type="checkbox"/> A6002 Collections Case-Seller Plaintiff	2., 5., 6.
	<input type="checkbox"/> A6012 Other Promissory Note/Collections Case	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	1., 2., 3., 5.
	<input type="checkbox"/> A6031 Tortious Interference	1., 2., 3., 5.
	<input type="checkbox"/> A6027 Other Contract Dispute(not breach/insurance/fraud/negligence)	1., 2., 3., 8.
Eminent Domain/Inverse Condemnation (14)	<input type="checkbox"/> A7300 Eminent Domain/Condemnation Number of parcels _____	2.
Wrongful Eviction (33)	<input type="checkbox"/> A6023 Wrongful Eviction Case	2., 6.
Other Real Property (26)	<input type="checkbox"/> A6018 Mortgage Foreclosure	2., 6.
	<input type="checkbox"/> A6032 Quiet Title	2., 6.
	<input type="checkbox"/> A6060 Other Real Property (not eminent domain, landlord/tenant, foreclosure)	2., 6.
Unlawful Detainer - Commercial (31)	<input type="checkbox"/> A6021 Unlawful Detainer-Commercial (not drugs or wrongful eviction)	2., 6.
Unlawful Detainer - Residential (32)	<input type="checkbox"/> A6020 Unlawful Detainer-Residential (not drugs or wrongful eviction)	2., 6.
Unlawful Detainer - Drugs (38)	<input type="checkbox"/> A6022 Unlawful Detainer-Drugs	2., 6.
Asset Forfeiture (05)	<input type="checkbox"/> A6108 Asset Forfeiture Case	2., 6.
Petition re Arbitration (11)	<input type="checkbox"/> A6115 Petition to Compel/Confirm/Vacate Arbitration	2., 5.

Judicial Review (Cont'd.)

Provisionally Complex Litigation

Enforcement of Judgment

Miscellaneous Civil Complaints

Miscellaneous Civil Petitions

A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Writ of Mandate (02)	<input type="checkbox"/> A6151 Writ - Administrative Mandamus <input type="checkbox"/> A6152 Writ - Mandamus on Limited Court Case Matter <input type="checkbox"/> A6153 Writ - Other Limited Court Case Review	2., 8. 2. 2.
Other Judicial Review (39)	<input type="checkbox"/> A6150 Other Writ / Judicial Review	2., 8.
Antitrust/Trade Regulation (03)	<input type="checkbox"/> A6003 Antitrust/Trade Regulation	1., 2., 8.
Construction Defect (10)	<input type="checkbox"/> A6007 Construction defect	1., 2., 3.
Claims Involving Mass Tort (40)	<input type="checkbox"/> A6006 Claims Involving Mass Tort	1., 2., 8.
Securities Litigation (28)	<input type="checkbox"/> A6035 Securities Litigation Case	1., 2., 8.
Toxic Tort Environmental (30)	<input type="checkbox"/> A6036 Toxic Tort/Environmental	1., 2., 3., 8.
Insurance Coverage Claims from Complex Case (41)	<input type="checkbox"/> A6014 Insurance Coverage/Subrogation (complex case only)	1., 2., 5., 8.
Enforcement of Judgment (20)	<input type="checkbox"/> A6141 Sister State Judgment <input type="checkbox"/> A6160 Abstract of Judgment <input type="checkbox"/> A6107 Confession of Judgment (non-domestic relations) <input type="checkbox"/> A6140 Administrative Agency Award (not unpaid taxes) <input type="checkbox"/> A6114 Petition/Certificate for Entry of Judgment on Unpaid Tax <input type="checkbox"/> A6112 Other Enforcement of Judgment Case	2., 9. 2., 6. 2., 9. 2., 8. 2., 8. 2., 8., 9.
RICO (27)	<input type="checkbox"/> A6033 Racketeering (RICO) Case	1., 2., 8.
Other Complaints (Not Specified Above) (42)	<input type="checkbox"/> A6030 Declaratory Relief Only <input type="checkbox"/> A6040 Injunctive Relief Only (not domestic/harassment) <input type="checkbox"/> A6011 Other Commercial Complaint Case (non-tort/non-complex) <input type="checkbox"/> A6000 Other Civil Complaint (non-tort/non-complex)	1., 2., 8. 2., 8. 1., 2., 8. 1., 2., 8.
Partnership Corporation Governance (21)	<input type="checkbox"/> A6113 Partnership and Corporate Governance Case	2., 8.
Other Petitions (Not Specified Above) (43)	<input type="checkbox"/> A6121 Civil Harassment <input type="checkbox"/> A6123 Workplace Harassment <input type="checkbox"/> A6124 Elder/Dependent Adult Abuse Case <input type="checkbox"/> A6190 Election Contest <input type="checkbox"/> A6110 Petition for Change of Name <input type="checkbox"/> A6170 Petition for Relief from Late Claim Law <input type="checkbox"/> A6100 Other Civil Petition	2., 3., 9. 2., 3., 9. 2., 3., 9. 2. 2., 7. 2., 3., 4., 8. 2., 9.

SHORT TITLE: CRAIG E. SIMMONS v. SCREEN ACTORS GUILD- PRODUCERS PENSION AND HEALTH PLAN, et al.	CASE NUMBER
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Item III. Statement of Location: Enter the address of the accident, party's residence or place of business, performance, or other circumstance indicated in Item II., Step 3 on Page 1, as the proper reason for filing in the court location you selected.

REASON: CHECK THE NUMBER UNDER COLUMN C WHICH APPLIES IN THIS CASE		ADDRESS:
<input type="checkbox"/> 1. <input checked="" 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.		1800 CENTURY PARK EAST, #300
CITY:	STATE:	ZIP CODE:
LOS ANGELES	CA	90067

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 SUPERIOR COURT OF THE STATE OF CALIFORNIA courthouse in the CENTRAL District of the Los Angeles Superior Court (Code Civ. Proc., § 392 et seq., and LASC Local Rule 2.0, subs. (b), (c) and (d)).

Dated: DECEMBER 18, 2012

  
 \_\_\_\_\_  
 (SIGNATURE OF ATTORNEY/FILING PARTY)  
 GREGORY W. SMITH

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

1. Original Complaint or Petition.
2. If filing a Complaint, a completed Summons form for issuance by the Clerk.
3. Civil Case Cover Sheet form CM-010.
4. Complete Addendum to Civil Case Cover Sheet form LACIV 109 (Rev 01/07), LASC Approved 03-04.
5. Payment in full of the filing fee, unless fees have been waived.
6. Signed order appointing the Guardian ad Litem, JC form FL-935, if the plaintiff or petitioner is a minor under 18 years of age, or if required by Court.
7. Additional copies of documents to be conformed by the Clerk. Copies of the cover sheet and this addendum must be served along with the summons and complaint, or other initiating pleading in the case.