

1 Mark L. Venardi (SBN 173140)  
2 Martin Zurada (SBN 218235)  
3 Mark Freeman (SBN 293721)  
4 VENARDI ZURADA LLP  
5 25 Orinda Way, Suite 250  
Orinda, California 94563  
Telephone: (925) 937-3900  
Facsimile: (925) 937-3905

6 Attorneys for Plaintiffs  
7 CORBY KUCIEMBA and  
ROBERT KUCIEMBA

**FILED**  
San Francisco County Superior Court

OCT 23 2020

CLERK OF THE COURT  
BY: Chalene Holman  
Deputy Clerk

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
COUNTY OF SAN FRANCISCO  
UNLIMITED JURISDICTION

11 CORBY KUCIEMBA, an individual;  
12 ROBERT KUCIEMBA, an individual,

13 Plaintiffs,

14 v.

15 VICTORY WOODWORKS, INC., a Nevada  
16 Corporation; and Does 1-20, inclusive,

17 Defendants.

CASE NO.: **CGC-20-587507**

COMPLAINT FOR DAMAGES; DEMAND  
FOR JURY TRIAL

**BY FAX**

VENARDI ZURADA LLP  
25 Orinda Way, Suite 250  
Orinda, CA 94563  
Tel: (925) 937-3900  
Fax: (925) 937-3905

19 Plaintiffs CORBY KUCIEMBA and ROBERT KUCIEMBA allege as follows:

20 **PARTIES**

21 1. Plaintiffs CORBY KUCIEMBA and ROBERT KUCIEMBA ("Plaintiffs") are and  
22 were married at the time of the events described in this Complaint.

23 2. Defendant VICTORY WOODWORKS, INC. is a Nevada corporation with its  
24 principal place of business located at 340 Kresge Lane, Sparks, Nevada. Defendant conducts  
25 business throughout California, including in San Francisco, California.

26 3. The true names or capacities, whether individual, corporate, associate or otherwise,  
27 of Defendants, DOES 1 through 20, inclusive, are unknown to Plaintiffs who, therefore, sue said  
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VENARDI ZURADA LLP  
25 Orinda Way, Suite 250  
Orinda, CA 94563  
Tel: (925) 937-3900  
Fax: (925) 937-3905

1 Defendants by such fictitious names and will seek leave of Court to amend this Complaint when the  
2 same have been ascertained. Plaintiffs are informed and believes, and upon such information and  
3 belief, alleges that each Defendant designated herein as a DOE was responsible, negligently or in  
4 some other actionable manner, for the events and happenings referred to herein which proximately  
5 caused injury to Plaintiffs as hereinafter alleged. Each reference in this Complaint to “defendant,”  
6 “defendants” or a specifically named defendant refers also to all defendants sued under fictitious  
7 names. Plaintiffs are informed and believe, and based thereon allege, that at all times herein  
8 mentioned each of the defendants was the agent, employee and servant of each of the remaining  
9 defendants, and in doing the things hereinafter alleged was acting within the scope of such agency,  
10 employment, and servitude, with the knowledge and consent of each of the defendants. Whenever  
11 this Complaint makes reference to “defendants” or “defendants, and each of them,” such allegations  
12 shall be deemed to mean the acts of defendants acting individually, jointly and/or severally.

#### 13 SUBJECT MATTER JURISDICTION AND VENUE

14 4. This Court has subject matter jurisdiction and is a proper venue because  
15 Mr. Kuciemba was employed by Defendant in San Francisco County. Furthermore, Mr. Kuciemba  
16 contracted COVID-19 on a job site operated by Defendant in San Francisco County and thereafter  
17 infected his wife with COVID-19.

#### 18 GENERAL ALLEGATIONS

19 5. Severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2) is a strain of  
20 coronavirus. This virus is responsible for causing the disease known as COVID-19.

21 6. COVID-19 is a highly contagious respiratory illness that spreads between people  
22 through close contact and via respiratory droplets produced from coughs or sneezes. The virus can  
23 be devastating and even fatal especially for vulnerable populations, e.g. persons who are over 65 or  
24 who have pre-existing health conditions.

25 7. After the virus arose in an initial outbreak in Wuhan, China, it spread rapidly around  
26 the globe in early 2020. The World Health Organization declared COVID-19 a pandemic in March  
27 2020. As of the filing of this complaint, it is estimated that COVID-19 has infected over 41 million  
28 people and killed at least 1.13 million.

VENARDI ZURADA LLP  
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1           8.       Beginning in March 2020, the Bay Area Counties issued Shelter in Place Orders that  
2 Order prohibited all nonessential travel and required individuals to otherwise remain at their place  
3 of residence in order to limit the spread of COVID-19.

4           9.       In the early days of the pandemic, the Centers for Disease Control (“CDC”) issued  
5 guidance stating that individuals exposed to people infected with COVID-19 must quarantine at  
6 home for 14 days after their last contact with the infected individual. This guidance is designed to  
7 limit the spread of the highly infectious virus.

8           10.      Over time, these various Shelter in Place Orders were relaxed to allow for the safe  
9 reopening of the economy. Government agencies at the state, federal, and local level also issued  
10 various health orders targeted for specific industries. Most relevant here is San Francisco City and  
11 County’s Order of the Health Officer No. C19-07c (Issued May 5, 2020) (the “Health Order”).

12           11.      The Health Order requires individuals engaged in the construction industry to follow  
13 strict health and safety guidelines to prevent the spread of COVID-19. The Health Order required  
14 that construction sites must “Establish a daily screening protocol for arriving staff to ensure that  
15 potentially infected staff do not enter the construction site. If workers leave the jobsite and return  
16 the same day, establish a cleaning and decontamination protocol prior to entry and exit of the  
17 jobsite.” Construction sites were also required to “[p]ost the daily screening protocol at all entrances  
18 and exits to the jobsite.”

19           12.      The Health Order also required construction sites to provide notices to employees  
20 that they should “not enter the jobsite if you have a fever, cough, or other COVID-19 symptoms. If  
21 you feel sick, or have been exposed to anyone who is sick, stay at home.”

22           13.      Beginning on May 6, 2020 Plaintiff Robert Kuciemba began working for Defendant  
23 at a construction jobsite in San Francisco (the “Premises”).

24           14.      In or around July 3, 2020, Defendant transferred workers from a jobsite in Mountain  
25 View, California jobsite operated by Defendant to Mr. Kuciemba’s location.

26           15.      Defendant transferred these workers from its Mountain View jobsite after workers at  
27 the same location became infected with COVID-19. Defendant knew or should have known that its  
28 workers at the Mountain View jobsite were all potentially exposed to COVID-19. Defendant was

VENARDI ZURADA LLP  
25 Orinda Way, Suite 250  
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1 also aware of the CDC guidelines and the San Francisco Health Order that would have prohibited  
2 these potentially infected individuals from entering the Premises without properly quarantining.

3 16. Instead of quarantining the individuals from its Mountain View jobsite, Defendant  
4 decided to put profits over safety by commingling the Mountain View workers with workers at the  
5 Premises including Mr. Kuciemba. Defendant was well aware of the dangers posed by COVID-19,  
6 including that it was highly infectious and potentially lethal for older, high-risk individuals. Despite  
7 this knowledge, Defendant knowingly, recklessly, and willfully failed to follow all health and safety  
8 protocols issued CDC and the Health Order when it permitted potentially infected individuals to  
9 enter and re-enter the Premises.

10 17. One or more of these workers from the Mountain View jobsite was in fact infected  
11 with COVID-19. In early July 2020, Mr. Kuciemba was forced to work in close contact with  
12 workers at the Premises, who came from the infected Mountain View jobsite, and one or more of  
13 these workers then infected him with COVID-19.

14 18. Mr. Kuciemba's last day on the job at the Premises was July 10, 2020. Within the  
15 next 1-2 days, Mr. Kuciemba and his wife both began experiencing symptoms. Mr. and Mrs.  
16 Kuciemba both tested positive for COVID-19 on July 16, 2020.

17 19. Both Plaintiffs were ultimately hospitalized after they developed respiratory  
18 symptoms from COVID-19. Mrs. Kuciemba, who is 65 and a high risk individual due to her age  
19 and health, developed a severe infection and remained hospitalized until early August 2020.

20 20. The actions of Defendant were a substantial factor in causing Plaintiff Mrs.  
21 Kuciemba's severe and traumatic injuries resulting from the COVID-19 infection to Mrs.  
22 Kuciemba.

23 21. Defendant committed various wrongful acts, including without limitation,  
24 Defendant:

25 (a) Improperly operated, managed, used, maintained and controlled the Premises in  
26 violation of applicable building codes and federal, state and municipal  
27 regulations including without limitation OSHA, Cal OSHA and the San  
28 Francisco Health Order as well as CDC guidelines;

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- (b) Failed to properly screen employees for COVID-19 who were entering the Premises;
- (c) Failed to protect employees from COVID-19 symptomatic (or asymptomatic persons) or potentially infectious persons;
- (d) Failed to cleanse and sanitize the workspace at the Premises;
- (e) Failed to provide personal protective equipment;
- (f) Failed to implement a social distancing policy;
- (g) Failed to otherwise follow the health and safety mandates required by OSHA, Cal OSHA, and/or the San Francisco Health Order as well as CDC guidelines;
- (h) Failed to warn Mr. Kuciemba, and other persons lawfully on the Premises property, of the danger presented by the workers from the Mountain View job site who were working at the Premises when Defendant knew, or in the exercise of reasonable care should have known, that the warnings were necessary to prevent injury to Plaintiffs, residents and/or visitors at the Premises;
- (i) Failed to make a reasonable inspection of the Premises when Defendant knew, or in the exercise of reasonable care should have known, that the inspection was necessary to prevent injury to Plaintiff, residents and/or visitors at the Premises;
- (j) Allowed the aforementioned premise to remain in a dangerous condition, for an unreasonable length of time; and/or
- (k) Failed to otherwise exercise due care with respect to the matters alleged in this Complaint.

22. Mr. Kuciemba is bringing a claim for Loss of Consortium in this Court arising from injuries to his wife.

**FIRST CAUSE OF ACTION**  
**Negligence**  
**(Plaintiff Mrs. Kuciemba Against all Defendants)**

23. Plaintiffs re-allege and incorporate the allegations set forth in paragraphs 1-22 of this Complaint.

1           24. Defendant breached the duty of care owed to Plaintiffs when it knowingly,  
2 recklessly, and willfully acted as set forth in paragraph 21. Defendant exposed Mr. Kuciemba to  
3 COVID-19 at the jobsite and it was foreseeable that Mrs. Kuciemba would also develop COVID-19  
4 through her husband.

5           25. Defendant’s breach of the duty of care to Ms. Kuciemba was the actual and  
6 proximate cause of Plaintiffs’ damages alleged herein.

7           26. Defendant’s actions were malicious, oppressive, and fraudulent, and Plaintiff Mrs.  
8 Kuciemba is entitled to recover punitive damages  
9

10   **SECOND CAUSE OF ACTION**  
11   **Negligence Per Se**

12   **(Plaintiff Mrs. Kuciemba Against all Defendants)**

13           27. Plaintiffs re-allege and incorporate the allegations set forth in paragraphs 1–26 of  
14 this Complaint.

15           28. Defendant’s actions constitute a violation of San Francisco City and County’s Order  
16 of the Health Officer No. C19-07c (Issued May 5, 2020) and all related state, federal, and local  
17 statutes, regulations, and orders including without limitation OSHA and Cal OSHA. Plaintiff  
18 Mrs. Kuciemba is in the class of persons protected under such state, federal, and local statutes,  
19 regulations and orders.

20           29. Defendant’s violation of the above laws/regulations/orders was a substantial factor in  
21 bringing about Plaintiff Mrs. Kuciemba’s harm and the loss.

22           30. As a direct and proximate result of Defendant’s negligent acts and omissions, Mrs.  
23 Kuciemba was injured and is entitled to recover compensatory damages in an amount according to  
24 proof.

25           31. Defendant’s actions were malicious, oppressive, and fraudulent, and Mrs. Kuciemba  
26 is entitled to recover punitive damages.  
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**THIRD CAUSE OF ACTION**  
**Negligence – Premises Liability**  
**(Plaintiff Mrs. Kuciemba Against All Defendants)**

32. Plaintiffs re-allege and incorporate the allegations set forth in paragraphs 1–31 of this Complaint.

33. Defendant, as owners and/or operator of the Premises, by and through their agents, servants, and/or employees, as the persons responsible for the maintenance of the Premises, acted with less than reasonable care and committed one or more of the following careless and negligent acts and/or omissions as described in paragraph 21.

34. The dangerous condition on property owned or controlled by Defendants was the actual and proximate cause of the injuries alleged herein.

**FOURTH CAUSE OF ACTION**  
**Public Nuisance – Assisting in the Creation of Substantial and Unreasonable Harm to Public Health and Safety that Affects an Entire Community or Considerable Number of Persons [Cal. Civil Code §§ 3479, 3480, 3491, 3493; C.C.P. § 731]**  
**(Plaintiff Mrs. Kuciemba Against All Defendants)**

35. Plaintiffs re-allege and incorporate the allegations set forth in paragraphs 1–34 of this Complaint.

36. California Civil Code § 3479 defines "nuisance" as "[a]nything which is injurious to health, ... or is indecent or offensive to the senses, ... so as to interfere with the comfortable enjoyment of life or property."

37. California Civil Code § 3480 defines "public nuisance" as any nuisance that "affects at the same time an entire community or neighborhood, or any considerable number of persons, although the extent of the annoyance or damage inflicted upon individuals may be unequal."

38. To constitute a "public nuisance," the offense against, or interference with the exercise of rights common to the public must be substantial and unreasonable. *People ex rel. Gallo v. Acuna* (1997) 14 Cal.4<sup>th</sup> 1090, 1102, 1105.

39. The acts and omissions of Defendant alleged herein, which caused a considerable number of persons to suffer increased exposures and risks of exposures to the COVID-19 virus at Defendant's workplaces (including the Premises), including but not limited to Defendant's workers,

VENARDI ZURADA LLP  
25 Orinda Way, Suite 250  
Orinda, CA 94563  
Tel: (925) 937-3900  
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1 and other persons with whom those workers come into contact with both at Defendant's workplaces  
2 (including the Premises) and outside of Defendant's workplaces (including Mrs. Kuciemba).  
3 Defendant substantially and unreasonably created, and substantially assisted in the creation of, a  
4 grave risk to public health and safety, and wrongfully and unduly interfered with Mrs. Kuciemba's  
5 comfortable enjoyment of their lives and property. *See County of Santa Clara v. Atlantic Richfield*  
6 *Co.* (2006) 137 Cal.App.4<sup>th</sup> 292, 305-06.

7 40. The acts and omissions of Defendant alleged herein substantially and unreasonably  
8 created or assisted in the creation of the spread and transmission of grave, life-threatening disease  
9 and infection, the risk of spread and transmission of grave, life-threatening disease and infection  
10 disease or infection, and the actual and real fear and anxiety of the spread and transmission of  
11 grave, life-threatening disease and infection, all of which constitutes an actionable public nuisance.  
12 *See, e.g.*, Restatement (Second) of Torts § 821B & cmt. G (“[T]he threat of communication of  
13 smallpox to a single person may be enough to constitute a public nuisance because of the possibility  
14 of an epidemic; and a fire a hazard to one adjoining landowner may be a public nuisance because of  
15 the danger of a conflagration.”); *Birke v. Oakwood Worldwide* (2009) 169 Cal.App.4<sup>th</sup> 1540, 1546  
16 (secondhand smoke in condominium complex); *County of Santa Clara v. Atlantic Richfield Co.*  
17 (2006) 137 Cal.App.4<sup>th</sup> 292, 306.

18 41. The public nuisance caused by Defendant as alleged herein has caused and will  
19 continue to cause special injury to Mrs. Kuciemba within the meaning of Civil Code § 3493, due to  
20 the infection Mrs. Kuciemba personally suffered, the risk of exposures she faced, and the increased  
21 anxiety and fear caused by her pre-existing medical condition and her need to separate herself  
22 from close family members to minimize the risk of further community spread. Those harms are  
23 different from the types of harms suffered by members of the general public who did not work or  
24 have direct contact with employees who worked at the Premises.

25 42. California Code of Civil Procedure § 731 and California Civil Code § 3491, 3493,  
26 and 3495 authorize Mrs. Kuciemba to bring this action for injunctive, equitable abatements, and  
27 damages relief from Defendant.  
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VENARDI ZURADA LLP  
25 Orinda Way, Suite 250  
Orinda, CA 94563  
Tel: (925) 937-3900  
Fax: (925) 937-3905

1           43. Defendant's failure to comply with health and safety standard in its workplace,  
2 including the Premises, has caused, and is reasonably certain to cause, community spread of the  
3 COVID-19 infection. Such community spread has not been, and will not be, limited to the physical  
4 location of Defendant's workplaces only, or to the workers at the workplaces only (including the  
5 Premises), as infected works and other persons present at Defendant's workplaces (including the  
6 Premises) have interacted with their family members, co-residents neighbors, and others with whom  
7 they must necessarily interact as they undertake essential daily activities such as shopping, doctor's  
8 visits, and childcare.

9           44. This community spread has resulted in increased disease and will continue to result  
10 in increased disease.

11           45. Defendant's conduct as alleged herein unreasonably interferes with the common  
12 public right to public health and safety.

13           46. Defendant's decision to operate its workplaces (including the Premises) without  
14 ensuring minimum basic health and safety standards, including by meeting the OSHA, Cal Osha,  
15 the Health Order, and/or CDC regulations, guidelines, and other minimum public health standards  
16 necessary to stop or substantially reduce the spread of COVID-19, is reasonably certain to cause  
17 further spread of COVID-19 infection and the reasonable and severe fear of the further spread of  
18 COVID-19 to Plaintiffs and other members of the community.

19           47. Administrative and governmental remedies have proven inadequate to protect Mrs.  
20 Kuciemba from the harms alleged in this complaint and the wrongful conduct by Defendant alleged  
21 in this complaint. OSHA and Cal/OSHA, the principal government agencies tasked with ensuring  
22 workplace safety, have deprioritized inspections an enforcement at non-medical workplaces. The  
23 CDC, while able to issue recommendations, does not have or exercise independent enforcement  
24 authority against businesses that fail to follow those recommendations.

25           48. The risk of injury faced by Mrs. Kuciemba outweighs the cost of the reasonable  
26 measures included in Mrs. Kuciemba's proposed injunction.

27           49. Defendant and each of them are substantial contributors to the public nuisance  
28 alleged herein.

1 50. Defendant's past and ongoing conduct is a direct and proximate cause of Mrs.  
2 Kuciemba's injuries and threatened injuries.

3 51. Defendant knew and should have known that their conduct as alleged herein would  
4 be the direct and proximate cause of the injuries alleged herein to Mrs. Kuciemba .

5 52. Defendant's conduct as alleged herein constitutes a substantial and unreasonable  
6 interference with and obstruction of public rights and property, including the public rights to health,  
7 safety and welfare of Mrs. Kuciemba and members of the public, and those who come in contact  
8 with them, whose safety and lives are at risk due to Defendant's failure to adopt an implement  
9 proper procedures for protecting workers, customers, and other from exposure to the COVID-19  
10 virus.

11 53. Defendant has committed and continue to commit the acts alleged herein knowingly  
12 and willfully.

13 54. As a proximate result of Defendant's unlawful actions and omissions,  
14 Mrs. Kuciemba has been damaged in an amount according to proof of trial.

15 55. In addition to declaratory relief, injunctive relief, and damages as alleged herein,  
16 Mrs. Kuciemba is entitled to interest, penalties, attorneys' fees and expenses pursuant to CCP §  
17 1021.5, and costs of suit.

18  
19 **FIFTH CAUSE OF ACTION**

**Loss of Consortium**

**(Plaintiff Mr. Kuciemba Against All Defendants)**

20  
21 56. Plaintiffs re-allege and incorporate the allegations set forth in paragraphs 1-55 of  
22 this Complaint.

23 57. Mr. Kuciemba and Mrs. Kuciemba were married at all relevant times.

24 58. Prior to July 2020, Mrs. Kuciemba was able to and did perform her duties as a wife.

25 59. As a direct and proximate result of the conduct, acts, and/or omissions of defendants,  
26 and each of them, as set forth herein above, Mrs. Kuciemba has been unable to perform the  
27 necessary duties of a husband including but not limited to the work and services usually performed  
28 in the care, maintenance and management of the family home, and he will be unable to perform

1 such work, services and duties in the future. By reason thereof, Mr. Kuciemba has been deprived  
2 and will be deprived of the love, companionship, comfort, care, assistance, protection, affection,  
3 society, moral support, and the loss of enjoyment of sexual relations.

4 60. Plaintiffs reserve the right to prove the amount of damages at trial. The amount of  
5 compensatory damages sought will be in excess of the amount sufficient to establish jurisdiction.

6  
7 **PRAYER FOR RELIEF**

8 WHEREFORE, Plaintiffs pray that judgment be entered against Defendants follows:

- 9 1. For general and compensatory damages, including damages for pain and suffering,  
10 loss of enjoyment of life, lost wages, loss of consortium, lost earning capacity and  
11 emotional distress damages, in excess of the amount sufficient to establish  
12 jurisdiction according to proof at trial;
- 13 2. For punitive damages against Defendants;
- 14 3. For attorneys' fees and costs pursuant to CCP § 1021.5;
- 15 4. For injunctive relief;
- 16 5. For prejudgment interest on all amounts claimed;
- 17 6. For costs of suit; and
- 18 7. For such other and further relief as the Court may deem just and proper.

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20 Date: October 22, 2020

VENARDI ZURADA LLP

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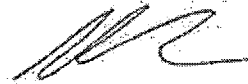
23 \_\_\_\_\_  
24 Martin Zurada  
25 Attorneys for Plaintiff  
26 CORBY KUCIEMBA and  
27 ROBERT KUCIEMBA  
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DEMAND FOR JURY TRIAL

Plaintiffs demand a trial by jury.

Date: October 22, 2020

VENARDI ZURADA LLP



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Martin Zurada  
Attorneys for Plaintiff  
CORBY KUCIEMBA and  
ROBERT KUCIEMBA

VENARDI ZURADA LLP  
25 Orinda Way, Suite 250  
Orinda, CA 94563  
Tel: (925) 937-3900  
Fax: (925) 937-3905

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ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):  
Martin Zurada (SBN 218235)  
Venardi Zurada LLP  
25 Orinda Way, Suite 250  
Orinda, CA 94563  
TELEPHONE NO.: (925) 937-3900 FAX NO.: (925) 937-3905  
ATTORNEY FOR (Name): Plaintiffs Corby Kuciemba and Robert Kuciemba

FOR COURT USE ONLY

**FILED**  
San Francisco County Superior Court

OCT 23 2020

CLERK OF THE COURT

BY: *Skylene Hobnis*  
Deputy Clerk

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN FRANCISCO  
STREET ADDRESS: 400 McAllister Street  
MAILING ADDRESS:  
CITY AND ZIP CODE: San Francisco, CA 94102  
BRANCH NAME:

CASE NAME:  
Corby Kuciemba and Robert Kuciemba vs. Victory Woodworks, Inc., et al.

CASE NUMBER: **CGC-20-587507**

**CIVIL CASE COVER SHEET**  
 **Unlimited** (Amount demanded exceeds \$25,000)  
 **Limited** (Amount demanded is \$25,000 or less)

**Complex Case Designation**  
 **Counter**  **Joinder**  
Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)

DEPT:

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

2. This case  is  is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:
- |  |  |
|--|--|
| a. <input type="checkbox"/> Large number of separately represented parties   | d. <input type="checkbox"/> Large number of witnesses  |
| b. <input type="checkbox"/> Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve | e. <input type="checkbox"/> Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court |
| c. <input type="checkbox"/> Substantial amount of documentary evidence   | f. <input type="checkbox"/> Substantial postjudgment judicial supervision  |
3. Remedies sought (check all that apply): a.  monetary b.  nonmonetary; declaratory or injunctive relief c.  punitive
4. Number of causes of action (specify): Five (5)
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: October 22, 2020  
Martin Zurada

*[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.

## INSTRUCTIONS ON HOW TO COMPLETE THE COVER SHEET

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

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

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

## CASE TYPES AND EXAMPLES

<b>Auto Tort</b>	<b>Contract</b>	<b>Provisionally Complex Civil Litigation (Cal. Rules of Court Rules 3.400–3.403)</b>
Auto (22)–Personal Injury/Property Damage/Wrongful Death	Breach of Contract/Warranty (06)	Antitrust/Trade Regulation (03)
Uninsured Motorist (46) ( <i>if the case involves an uninsured motorist claim subject to arbitration, check this item instead of Auto</i> )	Breach of Rental/Lease Contract ( <i>not unlawful detainer or wrongful eviction</i> )	Construction Defect (10)
<b>Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort</b>	Contract/Warranty Breach–Seller Plaintiff ( <i>not fraud or negligence</i> )	Claims Involving Mass Tort (40)
Asbestos (04)	Negligent Breach of Contract/Warranty	Securities Litigation (28)
Asbestos Property Damage	Other Breach of Contract/Warranty	Environmental/Toxic Tort (30)
Asbestos Personal Injury/Wrongful Death	Collections (e.g., money owed, open book accounts) (09)	Insurance Coverage Claims ( <i>arising from provisionally complex case type listed above</i> ) (41)
Product Liability ( <i>not asbestos or toxic/environmental</i> ) (24)	Collection Case–Seller Plaintiff	<b>Enforcement of Judgment</b>
Medical Malpractice (45)	Other Promissory Note/Collections Case	Enforcement of Judgment (20)
Medical Malpractice–Physicians & Surgeons	Insurance Coverage ( <i>not provisionally complex</i> ) (18)	Abstract of Judgment (Out of County)
Other Professional Health Care Malpractice	Auto Subrogation	Confession of Judgment ( <i>non-domestic relations</i> )
<b>Other PI/PD/WD (23)</b>	Other Coverage	Sister State Judgment
Premises Liability (e.g., slip and fall)	Other Contract (37)	Administrative Agency Award ( <i>not unpaid taxes</i> )
Intentional Bodily Injury/PD/WD (e.g., assault, vandalism)	Contractual Fraud	Petition/Certification of Entry of Judgment on Unpaid Taxes
Intentional Infliction of Emotional Distress	Other Contract Dispute	Other Enforcement of Judgment Case
Negligent Infliction of Emotional Distress	<b>Real Property</b>	<b>Miscellaneous Civil Complaint</b>
Other PI/PD/WD	Eminent Domain/Inverse Condemnation (14)	RICO (27)
<b>Non-PI/PD/WD (Other) Tort</b>	Wrongful Eviction (33)	Other Complaint ( <i>not specified above</i> ) (42)
Business Tort/Unfair Business Practice (07)	Other Real Property (e.g., quiet title) (26)	Declaratory Relief Only
Civil Rights (e.g., discrimination, false arrest) ( <i>not civil harassment</i> ) (08)	Writ of Possession of Real Property	Injunctive Relief Only ( <i>non-harassment</i> )
Defamation (e.g., slander, libel) (13)	Mortgage Foreclosure	Mechanics Lien
Fraud (16)	Quiet Title	Other Commercial Complaint Case ( <i>non-tort/non-complex</i> )
Intellectual Property (19)	Other Real Property ( <i>not eminent domain, landlord/tenant, or foreclosure</i> )	Other Civil Complaint ( <i>non-tort/non-complex</i> )
Professional Negligence (25)	<b>Unlawful Detainer</b>	<b>Miscellaneous Civil Petition</b>
Legal Malpractice	Commercial (31)	Partnership and Corporate Governance (21)
Other Professional Malpractice ( <i>not medical or legal</i> )	Residential (32)	Other Petition ( <i>not specified above</i> ) (43)
Other Non-PI/PD/WD Tort (35)	Drugs (38) ( <i>if the case involves illegal drugs, check this item; otherwise, report as Commercial or Residential</i> )	Civil Harassment
<b>Employment</b>	<b>Judicial Review</b>	Workplace Violence
Wrongful Termination (36)	Asset Forfeiture (05)	Elder/Dependent Adult Abuse
Other Employment (15)	Petition Re: Arbitration Award (11)	Election Contest
	Writ of Mandate (02)	Petition for Name Change
	Writ–Administrative Mandamus	Petition for Relief From Late Claim
	Writ–Mandamus on Limited Court Case Matter	Other Civil Petition
	Writ–Other Limited Court Case Review	
	Other Judicial Review (39)	
	Review of Health Officer Order	
	Notice of Appeal–Labor	
	Commissioner Appeals	