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NAME, ADDRESS, AND TELEPHONE NUMBER OF ATTORNEY OR PARTY WITHOUT ATTORNEY: <b>Danny Soong, Esq.</b> <b>LAW OFFICE OF DANNY SOONG</b> <b>100 N. Barranca St., Suite 700</b> <b>West Covina, CA 91791</b> <b>(626) 858-2068</b> ATTORNEY FOR (Name): <b>JUSTIN SHEETS</b>		STATE BAR NUMBER <b>192045</b>	Reserved for Clerk's File Stamp
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES</b>			<b>FILED</b> Superior Court of California County of Los Angeles <b>02/10/2022</b> Shorti P. Carter, Executive Officer / Clerk of Court By: <u>M. Valenzuela</u> Deputy
COURTHOUSE ADDRESS: <b>111 N. Hill St. Los Angeles, CA 90012</b>			
PLAINTIFF: <b>JUSTIN SHEETS</b>			
DEPENDANT: <b>SHENZHEN MXJO TECHNOLOGY COMPANY, LTD., and DOES 1 to 100, inclusive</b>			
<b>ORDER FOR PUBLICATION</b>			CASE NUMBER: <b>19STCV00020</b>

**IT IS ORDERED** that the service of the summons, citation, notice of hearing, or \_\_\_\_\_  
 \_\_\_\_\_ in this action shall be made upon defendant,  
 respondent, or citee SHENZHEN MXJO TECHNOLOGY COMPANY, LTD. by  
 publication thereof in Global Legal Network a newspaper of general  
 circulation published at West Covina, California  
 and that said publication be made at least once a week for four successive weeks.

**IT IS FURTHER ORDERED** that a copy of said summons, citation, notice of hearing, or \_\_\_\_\_  
 \_\_\_\_\_ and of said complaint or petition in this action be forthwith deposited in the  
 United States Post Office, postage prepaid, directed to said defendant, respondent, or citee if his address is  
 ascertained before expiration of the time prescribed for the publication of this summons, citation or notice of  
 hearing. A declaration of this mailing, or of the fact that the address was not ascertained, must be filed at the  
 expiration of the time prescribed for the publication.

Dated: 02/10/2022



*Mark E. Windham*

Judicial Officer  
 Mark E. Windham / Judge

**ORDER FOR PUBLICATION**

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**SUMMONS  
(CITACION JUDICIAL)**

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

**NOTICE TO DEFENDANT:  
(AVISO AL DEMANDADO):**

SHENZHEN MXJO TECHNOLOGY COMPANY, LTD., and DOES 1  
to 100, Inclusive

**YOU ARE BEING SUED BY PLAINTIFF:  
(LO ESTÁ DEMANDANDO EL DEMANDANTE):**

JUSTIN SHEETS

**NOTICE!** You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center ([www.courtinfo.ca.gov/selfhelp](http://www.courtinfo.ca.gov/selfhelp)), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site ([www.lawhelpcalifornia.org](http://www.lawhelpcalifornia.org)), the California Courts Online Self-Help Center ([www.courtinfo.ca.gov/selfhelp](http://www.courtinfo.ca.gov/selfhelp)), or by contacting your local court or county bar association. **NOTE:** The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case. **¡AVISO!** Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California ([www.sucorte.ca.gov](http://www.sucorte.ca.gov)), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, ([www.lawhelpcalifornia.org](http://www.lawhelpcalifornia.org)), en el Centro de Ayuda de las Cortes de California, ([www.sucorte.ca.gov](http://www.sucorte.ca.gov)) o poniéndose en contacto con la corte o el colegio de abogados locales. **AVISO:** Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 ó más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.

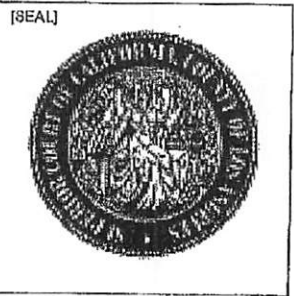
The name and address of the court is:  
(El nombre y dirección de la corte es): **LOS ANGELES SUPERIOR COURT**  
111 N. Hill St.  
Los Angeles, CA 90012

CASE NUMBER:  
(Número del Caso):

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:  
(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):  
Danny Soong, 100 N. Barranca St., Suite 700, West Covina, CA 91791, (626) 858-2068  
Sherri R. Carter Executive Officer / Clerk of Court

DATE: 01/02/2019 Clerk, by Nancy Alvarez, Deputy  
(Fecha) (Secretario) (Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)  
(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).



**NOTICE TO THE PERSON SERVED:** You are served

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

Assigned for all purposes to: Spring Street Courthouse, Judicial Officer: Georgina Rizk

1 Danny Soong, SBN# 192045  
LAW OFFICE OF DANNY SOONG  
2 100 N. Barranca St., Suite 700  
West Covina, CA. 91791  
3 (626) 858-2068

4 Attorney for Plaintiff JUSTIN SHEETS

5  
6  
7

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

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JUSTIN SHEETS, )  
 )  
 Plaintiff, )  
 )  
 SHENZHEN MXJO TECHNOLOGY )  
 COMPANY, LTD., and DOES 1 to 100, )  
 Inclusive, )  
 )  
 Defendant(s). )

**CASE NO.:**  
**COMPLAINT FOR STRICT**  
**PRODUCTS LIABILITY, NEGLIGENT**  
**PRODUCTS LIABILITY, AND**  
**FAILURE TO WARN**

17

18 COMES NOW the Plaintiff, JUSTIN SHEETS, and alleges the following Causes of Action  
19 against Defendant, SHENZHEN MXJO TECHNOLOGY COMPANY, LTD., as follows:

- 20 1. Plaintiff JUSTIN SHEETS is a natural person, and his place of residence is 2020  
21 E. Route 66, Glendora, California, 91740.  
22 2. Defendant SHENZHEN MXJO TECHNOLOGY COMPANY, LTD. is, and at all  
23 times relevant herein was, a business entity, form unknown, and its principal place of business  
24 is Block A, Guangxingyuan Internet Creative Park, Xingye Road, Bao'an District, Shenzhen,  
25 Guangdong, China.

1           3.     The true names and capacities of Defendants shown herein as Does 1 through 100,  
2 whether their capacity be individual, corporate or otherwise, are unknown to Plaintiff who  
3 therefore sues said Defendants by such fictitious names and she will amend this Complaint to  
4 include their true names when ascertained. Plaintiff is informed and believes and thereon alleges  
5 that Defendants are responsible contractually and otherwise or in some manner for the occurrences  
6 herein alleged, and that Plaintiff's damages as herein alleged were proximately caused by  
7 Defendants' actions.

8           4.     Plaintiff is informed and believes and thereon alleges that at all times herein  
9 mentioned, the Defendants, and each of them, were the agents and/or employees of each of the  
10 other Defendants, and, in doing the things herein mentioned, were acting within the course and  
11 scope of their authority as such agents and/or employees and with the permission and consent of  
12 their authority as such.

13  
14                           **GENERAL ALLEGATIONS & FACTUAL BACKGROUND**  
15

16           5.     Plaintiff purchased an electronic cigarette and its related parts. Defendants are the  
17 manufacturers of the electronic cigarette and related parts. On January 12, 2017, Plaintiff was  
18 visiting a friend's home. Plaintiff had an e-cigarette battery in his right front pocket. Suddenly,  
19 the battery exploded, and Plaintiff's right leg was engulfed in flames. Plaintiff, in extreme pain,  
20 frantically tried to remove the burning battery with his right hand, eventually getting it out of his  
21 pants. The flames were eventually extinguished with the help of his friends, and they took him  
22 immediately to a local emergency room, where he was told they did not have the means to properly  
23 treat the seriousness of his injuries, and recommended he go immediately to USC Hospital burn  
24 center in Los Angeles. His friends drove Plaintiff to USC, all the while in extreme pain from his  
25 injuries. Plaintiff was treated for second and third degree burns on his right leg and right hand.

1 Plaintiff remained in the hospital for six days for treatments, with regular out-patient treatments  
2 for the next few months. Plaintiff's leg and hand are functional, but permanently scarred.

3 6. Electronic cigarettes, or e-cigarettes, as they are more commonly known, claim to  
4 provide a tobacco-free alternative to the traditional cigarette. E-cigarettes offer doses of nicotine  
5 with a vaporized solution, providing a physical sensation similar to tobacco smoke, supposedly  
6 without the harmful effects of actual tobacco or smoke. E-cigarettes also offer non-nicotine  
7 flavors, coming in enticing varieties such as gummy bears, vanilla and blueberry pancake. Using  
8 e-cigarettes is known as "vaping," and users are known as "vapers." In addition to the e-cigarettes  
9 used by Plaintiff, Defendants manufacture, design, and sell a variety of other e-cigarette products  
10 sold across California.

11 7. All e-cigarettes work basically the same way. They consist of three parts: a tank or  
12 cartridge, a battery, which works to heat the liquid nicotine or other chemicals (often called  
13 "juices" or "e-liquids") contained in the tank or cartridge, and an atomizer, which converts the  
14 contents of the liquid-filled cartridge to vapor that the user then inhales. Some batteries are  
15 rechargeable, some are disposable. The batteries are cylinder lithium-ion batteries. Some e-  
16 cigarettes are closed systems, in which pre-filled cartridges are used. There are open systems  
17 where a user can manually refill a cartridge. E-cigarettes come in pen form (modeled after a  
18 traditional cigarette) and mods—devices, her mechanical or electrical, that are heavier and carry a  
19 much higher capacity for juice and vapor. There are many different types of mods, some of which  
20 require the use of coils—coils that require installation before or after purchase.

21 8. While e-cigarettes were first patented in 2003, they entered the market solely in  
22 China in 2004 and did not first appear in the United States of America ("United States") until 2007.  
23 Since their introduction into the United States, sales have risen dramatically, from approximately  
24 \$20 million in 2008 to \$2.5 billion in 2014. Some media sources report that industry experts  
25 predict that the e-cigarette industry will become an \$85 billion industry within a decade and surpass

1 the tobacco industry. (See Clarke, Toni, *Reports of e-cigarette injury jump amid rising popularity*,  
2 United States data show, Reuters.com, April 17, 2014.)

3 9. E-cigarettes carry mass appeal to consumers, as they are heavily advertised and  
4 offer a cheaper alternative to smoking. There are currently hundreds of brands of e-cigarettes on  
5 the market, and since e-cigarette marketing is completely unfettered and unregulated, e-cigarette  
6 products reach minors and people who would never smoke a traditional cigarette, but who are  
7 nevertheless intrigued by e-cigarettes. The variety of flavors offered, including root beer float,  
8 bubble gum, and cotton candy, further target and spark the intrigue of minors. (California  
9 Department of Public Health, California Tobacco Control Program, *State Health Officer's Report*  
10 *on E-cigarettes: A Community Health Threat*, Sacramento, CA 2015, at 3.) Finally, e-cigarette  
11 advertisements are unrestricted, appearing on television and radio, where tobacco advertisements  
12 have been banned for more than 40 years. (California Department of Public Health, California  
13 Tobacco Control Program, *State Health Officer's Report on E-cigarettes: A Community Health*  
14 *Threat*, Sacramento, CA 2015, at 7.) E-cigarettes simply have the ability to reach a broader  
15 consumer base than traditional cigarettes.

16 10. E-cigarettes differ from traditional cigarettes in a critical way: the e-cigarette is  
17 battery-operated and uses a heating element to produce vapor, and the traditional cigarette has no  
18 electronic component. While both products may produce a similar physical sensation, e-cigarettes  
19 pose an additional danger—the battery-powered heating element can cause, and has caused,  
20 explosions, fires, and serious injury.

21 11. Lithium-ion batteries, commonly used in all types of e-cigarettes, have an inherent  
22 risk of fire and explosion. Combining lithium-ion batteries with a heating element, as done in e-  
23 cigarettes, poses serious dangers and risks. According to a medical case report, a man in New  
24 Jersey had an e-cigarette explode in his pocket, ignite his pants on fire, and cause him severe burns.  
25 The case report further highlighted the inherent danger of lithium-ion batteries and pointed to

1 research that recognized that “the poor design, use of low-quality materials, manufacturing flaws  
2 and defects, and improper use and handling can all contribute to a condition known as “thermal  
3 runaway, whereby the internal battery temperature can increase to the point of causing a battery  
4 fire or explosion.” (*Id.* citing Brown CM, Cheng JM. *Electronic Cigarettes: Product*  
5 *Characterization and Design Considerations*, Tobacco Control, 2014.) The medical case report  
6 noted that as the industry grows, “the potential for serious burn injuries related to device  
7 malfunction is of concern.” (*Spontaneous Electronic Cigarette Explosion: A Case Report*,  
8 *American Journal of Medical Case Reports*, 2015, Vol. 3, No. 4, 93-94, 94.)

9       12. There has been much debate over the supposed “safety” of e-cigarettes. Many tout  
10 e-cigarettes as the safer alternative to traditional cigarettes because e-cigarettes (1) do not contain  
11 tobacco; (2) do not create smoke for a person to inhale; and (3) do not pose as high of a risk for  
12 second-hand smoke inhalation. This supposed “safer” alternative to traditional cigarettes is still  
13 under debate because e-juice contains nicotine—a neurotoxin which is extremely addictive—and  
14 other chemicals which may have long-term effects that are still unknown since e-cigarettes  
15 technology is relatively new. Additionally, the vapor that users inhale have been found to contain  
16 toxic chemicals such as formaldehyde, lead, nickel, and acetaldehyde, all of which are on  
17 California’s Proposition 65 list of chemicals known to cause cancer and birth defects. (California  
18 Department of Public Health, California Tobacco Control Program, *State Health Officer’s Report*  
19 *on E-cigarettes: A Community Health Threat*, Sacramento, CA 2015, at 3.) Finally, when non-  
20 vapers inhale second-hand vapor, they also report increased coughing and wheezing.

21       13. The e-cigarette industry carries mass appeal to manufacturers, distributors, and  
22 sellers because the cost of production is low and the return on profits is high. Manufacturers,  
23 distributors, and sellers also profit from these products because of the lack of regulatory oversight  
24 at the Federal, state, and local level. (See Tobacco Control Legal Consortium, *Regulating*  
25 *Electronic Cigarettes and Similar Devices*, Updated August 2015, California Department of Public

1 Health, California Tobacco Control Program, *State Health Officer's Report on E-cigarettes: A*  
2 *Community Health Threat*, Sacramento, CA 2015.) Historically, manufacturers, distributors, and  
3 sellers have not been required to spend *any* money on testing or to otherwise ensure the safety of  
4 the products. This unregulated environment creates an industry that is full of lucrative business  
5 Opportunities. And injured consumers.

6 14. China continues to be a major source of e-cigarettes. It was estimated that more  
7 than 300 million e-cigarettes would be shipped from China to the United States and Europe in  
8 2015. (Barboza, David, *China's E-cigarette Boom Lacks Oversight for Safety*, New York Times,  
9 Dec. 13, 2014.) Most United States distributors choose to import e-cigarettes from China because  
10 of the low cost and non-existent quality control.

11 15. Only a few Federal regulations have been proposed regulating the use of e-  
12 cigarettes. Still, none of these regulations deal with the safety of the actual device itself. *Currently,*  
13 *e-cigarettes are not subject to any manufacturing or quality control standards at the Federal, state,*  
14 *or local level.* Many of these products are shipped from China and placed directly into the stream  
15 of commerce without any knowledge as to the composition, design, or safety of the products.

16 16. E-cigarettes are more dangerous than other products that contain lithium batteries  
17 because the e-cigarette is most often a cylindrical device. Thus, when the device malfunctions or  
18 fails, the battery can be propelled like a bullet or a rocket. (United States Fire Administration,  
19 *Electronic Cigarette Fires and Explosions*, October 2014, at 5.) There are different methods to  
20 protect against these batteries, but because of a lack of regulation, the protections are left up to the  
21 e-cigarette manufacturers (*Id.* at 6.)

22 17. E-cigarettes have caused fires and explosions which have injured many consumers.  
23 Federal, state, and local efforts have been primarily aimed at protecting public health via  
24 regulations on the sale and use of e-cigarettes, but unfortunately, not on the safety hazards posed  
25 by the products themselves.





1           23.    On January 12, 2017, as Plaintiff had on his person one of Defendants' products, e-  
2 cigarette battery model number MXJO 18650 3000mAh Rechargeable Battery, in a reasonably  
3 foreseeable manner. Suddenly, the e-cigarette battery exploded in Plaintiff's pocket, causing  
4 severe and painful burns to Plaintiff's right leg and right hand.

5           24    Defendants knew that consumers would use the above-referenced product as  
6 Plaintiff did on January 12, 2017.

7           25.    Defendants manufactured, designed, assembled, packaged, tested, fabricated,  
8 inspected, marketed, distributed, and sold the e-cigarette products, and each of their component  
9 parts with defects in both design and manufacturing which made them dangerous, hazardous, and  
10 unsafe for their intended and reasonably foreseeable use.

11          26.    The design and manufacturing defects in the e-cigarette products included: unsafe  
12 design, which resulted in excessive overheating of the products, causing them to explode and catch  
13 fire in the course of their intended use.

14          27.    The e-cigarette products contained a design and/or manufacturing defect when the  
15 e-cigarette products were introduced into the stream of commerce by Defendants.

16          28.    The e-cigarette products were defective and unsafe for their intended use. Due to  
17 the design and/or manufacturing defects, the e-cigarette products failed to perform as safely as an  
18 ordinary consumer would expect when used in an intended or reasonably foreseeable manner.

19          29.    Furthermore, the risk of danger in the design of Defendants e-cigarette products  
20 outweighed any benefits of the design and safer alternatives were available at the time of  
21 manufacture. Therefore, the Defendants' e-cigarettes presented a substantial and unreasonable  
22 risk of serious injuries to users of said e-cigarette products or those in the vicinity of use.

23          30.    The defects in the design and manufacture of Defendants' e-cigarette products and  
24 their component parts were a substantial factor in causing Plaintiff's severe injuries and damages  
25 as herein alleged.

1           31. Defendants had actual or constructive knowledge of the risks inherent in their e-  
2 cigarette products at the time of their sale to Plaintiff, and that the products could cause explosions  
3 or fire.

4           32. The inherent risks and dangers in using Defendants e-cigarette products in an  
5 intended or reasonably foreseeable way presented a substantial danger to Plaintiff.

6           33. An ordinary consumer, such as Plaintiff, would not have recognized the potential  
7 risks and dangers inherent in Defendants e-cigarette products.

8           34. Defendants failed to warn of the dangers in the reasonably foreseeable use of their  
9 e-cigarette products. Nowhere do the products or packaging warn of the risk of explosion. There  
10 were simply no warnings about the hazards inherent in the e-cigarette products.

11           35. Defendants failure to warn of the risks and to provide instructions on their products'  
12 safe use was a substantial factor in causing Plaintiff's severe injuries and damages as herein  
13 alleged.

14           36 As a result of the defective e-cigarette products, and Defendants failure to warn,  
15 Plaintiff sustained severe personal injuries and damages, as alleged herein:

- 16           a. Plaintiff has suffered, continues to suffer, and will continue to suffer great physical,  
17 mental, and emotional pain, in sums according to proof at trial; and  
18           b. Plaintiff has incurred lost wages in an amount according to proof at trial.

19           37. Defendants' conduct described herein was despicable conduct carried out with a  
20 willful and conscious disregard of the risk of injury to Plaintiff. Defendants failed to implement a  
21 safer alternative, or conduct any testing or safety precautions on devices that have an inherent risk  
22 of explosion. Defendants knew of the risk that e-cigarette components could explode and  
23 knowingly failed to take steps to design and manufacture a safer product, or warn consumers of  
24 such known risks. Defendants placed profit over safety and knowingly decided to forego safer  
25 Designs because of decisions to cut corners and costs.

1           38. The aforementioned conduct by Defendants subjected Plaintiff to cruel and unjust  
2 hardship in conscious disregard of his rights, and/or was an intentional misrepresentation, deceit  
3 or concealment of material facts known to Defendants, with the intention to deprive Plaintiff of  
4 property, legal rights, or to otherwise cause injury. Said conduct constitutes malice, oppression,  
5 or fraud under *California Civil Code* §394, thereby entitling Plaintiff to punitive damages against  
6 Defendants in an amount appropriate to punish or set an example.

7           39. Defendants conduct described herein was undertaken by its officers or managing  
8 agents, who were responsible for the design, manufacture, marketing, wholesaling, retailing,  
9 distributing, packaging, and warnings regarding use of their e-cigarette products. The  
10 aforementioned conduct of said managing agents and individuals was therefore undertaken on  
11 behalf of Defendants. Said Defendants further had advance knowledge of the actions and conduct  
12 of these individuals whose acts and conduct were ratified, authorized, and approved by managing  
13 agents.

14           40. Plaintiff reserves the right to seek leave of court to amend this Complaint to allege  
15 punitive damages against unknown defendants in the event specific facts that may be learned  
16 during discovery would justify such amendment.

17  
18   **SECOND CAUSE OF ACTION**

19   **NEGLIGENT PRODUCTS LIABILITY**

20   {Against all Defendants}

21           41. Plaintiff refers to, and incorporates by reference, the allegations of paragraphs 1  
22 through 40 of this Complaint, as though fully set forth herein.

23           42. Defendants negligently, recklessly, and carelessly manufactured, fabricated,  
24 designed, assembled, distributed, sold, inspected, warranted, and advertised their e-cigarette  
25

1 products such that they were dangerous and unsafe for their intended and/or reasonably foreseeable  
2 use.

3 43. Defendants owed a duty to Plaintiff to exercise reasonable care in the design,  
4 manufacture, and sale of their e-cigarette products, to ensure their e-cigarette products were safe  
5 for their reasonably foreseeable use.

6 44. Defendants failed to exercise the amount of care in the design, manufacture, and  
7 sale of their e-cigarette products that a reasonably careful manufacturer, designer, seller,  
8 wholesaler, or distributor would have used in similar circumstances to avoid exposing others to a  
9 foreseeable risk of harm.

10 45. Defendants knew or reasonably should have known that their e-cigarette products  
11 were dangerous when used in a reasonably foreseeable manner.

12 46. Defendants knew or reasonably should have known that users of their e-cigarette  
13 products would not realize the danger of explosion and/or fire.

14 47. Defendants failed to adequately warn of the dangers of explosion and/or fire, or  
15 instruct on the safe use of their e-cigarette products.

16 48. A reasonable manufacturer, designer, seller, wholesaler, or distributor in similar  
17 circumstances would have warned of the danger, or instructed on the safe use of their product.

18 49. Defendants failure to warn or instruct was a substantial factor in causing Plaintiff's  
19 harm.

20 50. As a proximate result of said negligent conduct, Plaintiff suffered injuries as  
21 previously alleged. Defendants negligence was a substantial factor in causing the explosion, fire,  
22 and serious injuries to Plaintiff as previously alleged.

23 51. Plaintiff incorporates by reference the damage allegations of paragraph 36 alleged  
24 against Defendants as though fully set forth herein.

25 / / /

1 **THIRD CAUSE OF ACTION**

2 **FAILURE TO WARN**

3 **(Against all Defendants)**

4 52. Plaintiff refers to, and incorporates by reference, the allegations of paragraphs 1  
5 through 51 of this Complaint, as though fully set forth herein.

6 53. Defendant is in the business of manufacturing, distributing, and marketing e-  
7 cigarettes, and shipping them world-wide.

8 54. A major component of e-cigarettes is Lithium-ion batteries. These particular  
9 batteries are prone to sudden, unexpected combustion or explosion, even when used in an intended  
10 or reasonably foreseeable way.

11 55. Defendant either knew or should have known of the propensity of the Lithium-ion  
12 batteries they manufactured and sold as part of their e-cigarette products to combust or explode,  
13 thereby posing a substantial danger to consumers.

14 56. The dangers of Lithium-ion batteries are such that ordinary consumers would not  
15 have recognized the potential risks. The products contained no warning of these risks.

16 57. Defendant failed to adequately warn consumers of the potential risks in the ordinary  
17 usage of their products.

18 58. As a result of the lack of instructions and warnings on their products, Plaintiff  
19 suffered severe bodily injuries.

20 59. Plaintiff incorporates by reference the damage allegations of paragraph 36 alleged  
21 against Defendants as though fully set forth herein.

22  
23 **WHEREFORE, Plaintiff prays for judgment against Defendants and each of them as**  
24 **follows:**

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**FIRST CAUSE OF ACTION**

1. For general damages according to proof;
2. For special damages according to proof;
3. For property damage according to proof;
4. Punitive damages, in an amount to be determined at trial;
5. For prejudgment interest on the said sum to the date of judgment herein;
6. For an award of attorney's fees and costs of suit;
7. For any such further relief that the Court may deem just and proper.

**SECOND CAUSE OF ACTION**

1. For general damages according to proof;
2. For special damages according to proof;
3. For property damage according to proof;
4. For prejudgment interest on the said sum to the date of judgment herein;
5. For an award of attorney's fees and costs of suit;
6. For any such further relief that the Court may deem just and proper.

**THIRD CAUSE OF ACTION**

1. For general damages according to proof;
2. For special damages according to proof;
3. For property damage according to proof;
4. For prejudgment interest on the said sum to the date of judgment herein;
5. For an award of attorney's fees and costs of suit;
6. For any such further relief that the Court may deem just and proper.

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Dated: 12/27/18

LAW OFFICES OF DANNY SOONG

By: *Danny Soong*  
DANNY C. SOONG, Esq.  
Attorney for Plaintiff JUSTIN SHEETS



ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): <b>Danny Soong, SEN #192043</b> <b>LAW OFFICE OF DANNY SOONG</b> 100 N. Barranca Ave., Suite 700 West Covina, CA 91791 TELEPHONE NO.: (626) 858-2068 FAX NO.: (626) 858-1922		FOR COURT USE ONLY
ATTORNEY FOR (Name): <b>JUSTIN SHEETS</b>		
SUPERIOR COURT OF CALIFORNIA, COUNTY OF <b>LOS ANGELES</b>		
STREET ADDRESS: <b>111 N. Hill St.</b> MAILING ADDRESS: <b>111 N. Hill St.</b> CITY AND ZIP CODE: <b>Los Angeles, CA 90012</b> BRANCH NAME: <b>CENTRAL JUDICIAL DISTRICT</b>		
CASE NAME: <b>SHEETS v. SHENZHEN MXJO TECHNOLOGY COMPANY, LTD.</b>		
<b>CIVIL CASE COVER SHEET</b> <input checked="" type="checkbox"/> <b>Unlimited</b> (Amount demanded exceeds \$25,000) <input type="checkbox"/> <b>Limited</b> (Amount demanded is \$25,000 or less)	<b>Complex Case Designation</b> <input type="checkbox"/> <b>Counter</b> <input type="checkbox"/> <b>Joinder</b> Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)	CASE NUMBER:  JUDGE:  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:

<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 checked="" 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 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 (08) <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</b> (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) <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): **2**
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 27, 2018  
**DANNY SOONG**  
 (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

CM-010

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

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

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

### CASE TYPES AND EXAMPLES

#### Auto Tort

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

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

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

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

- Business Tort/Unfair Business Practice (07)
- Civil Rights (e.g., discrimination, false arrest) (not civil harassment) (08)
- Defamation (e.g., slander, libel) (13)
- Fraud (16)
- Intellectual Property (19)
- Professional Negligence (26)
- 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 (08)
- Breach of Rental/Lease Contract (not unlawful detainer or wrongful eviction)
- Contract/Warranty Breach—Seller Plaintiff (not fraud or negligence)
- Negligent Breach of Contract/Warranty
- Other Breach of Contract/Warranty
- Collections (e.g., money owed, open book accounts) (09)
- Collection Case—Seller Plaintiff
- Other Promissory Note/Collections Case
- Insurance Coverage (not provisionally complex) (18)
- Auto Subrogation
- Other Coverage
- Other Contract (37)
- Contractual Fraud
- Other Contract Dispute

#### Real Property

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

#### Unlawful Detainer

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

#### Judicial Review

- Asset Forfeiture (05)
- Petition Re: Arbitration Award (11)
- Writ of Mandate (02)
- Writ—Administrative Mandamus
- Writ—Mandamus on Limited Court Case Matter
- Writ—Other Limited Court Case Review

- Other Judicial Review (39)
- Review of Health Officer Order
- Notice of Appeal—Labor Commissioner Appeals

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

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

#### Enforcement of Judgment

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

#### Miscellaneous Civil Complaint

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

#### Miscellaneous Civil Petition

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

SHORT TITLE: SHEETS v. SHENZHEN MXJO TECHNOLOGY COMPANY, LTD.	CASE NUMBER
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**CIVIL CASE COVER SHEET ADDENDUM AND  
STATEMENT OF LOCATION  
(CERTIFICATE OF GROUNDS FOR ASSIGNMENT TO COURTHOUSE LOCATION)**

This form is required pursuant to Local Rule 2.3 in all new civil case filings in the Los Angeles Superior Court.

**Step 1:** After completing the Civil Case Cover Sheet (Judicial Council form CM-010), find the exact case type in Column A that corresponds to the case type indicated in the Civil Case Cover Sheet.

**Step 2:** In Column B, check the box for the type of action that best describes the nature of the case.

**Step 3:** In Column C, circle the number which explains the reason for the court filing location you have chosen.

**Applicable Reasons for Choosing Court Filing Location (Column C)**

- |  |   |
|--|---|
| <ul style="list-style-type: none"> <li>1. Class actions must be filed in the Stanley Mosk Courthouse, Central District.</li> <li>2. Permissive filing in central district.</li> <li>3. Location where cause of action arose.</li> <li>4. Mandatory personal injury filing in North District.</li> <li>5. Location where performance required or defendant resides.</li> <li>6. Location of property or permanently garaged vehicle.</li> </ul> | <ul style="list-style-type: none"> <li>7. Location where petitioner resides.</li> <li>8. Location wherein defendant/respondent functions wholly.</li> <li>9. Location where one or more of the parties reside.</li> <li>10. Location of Labor Commissioner Office.</li> <li>11. Mandatory filing location (Hub Cases – unlawful detainer, limited non-collection, limited collection, or personal injury).</li> </ul> |
|--|---|

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

SHORT TITLE:

SHEETS v. SHENZHEN MXJO TECHNOLOGY COMPANY, LTD.

CASE NUMBER

	A Civil Case Cover Sheet (16-07-13)	B Type of Action (Check only one)	C Applicable Reasons - See Step 5 Above
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 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	1, 2, 3
Employment	Wrongful Termination (36)	<input type="checkbox"/> A6037 Wrongful Termination	1, 2, 3
	Other Employment (15)	<input type="checkbox"/> A6024 Other Employment Complaint Case <input type="checkbox"/> A6109 Labor Commissioner Appeals	1, 2, 3 10
Contract	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 <input type="checkbox"/> A6034 Collections Case-Purchased Debt (Charged Off Consumer Debt Purchased on or after January 1, 2014)	5, 6, 11 6, 11 5, 6, 11
	Insurance Coverage (18)	<input type="checkbox"/> A6015 Insurance Coverage (not complex)	1, 2, 5, 8
	Other Contract (37)	<input type="checkbox"/> A6009 Contractual Fraud <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, 9
	Eminent Domain/Inverse Condemnation (14)	<input type="checkbox"/> A7300 Eminent Domain/Condemnation      Number of parcels_____	2, 6
Real Property	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"/> A6030 Other Real Property (not eminent domain, landlord/tenant, foreclosure)		2, 6	
Unlawful Detainer	Unlawful Detainer-Commercial (31)	<input type="checkbox"/> A6021 Unlawful Detainer-Commercial (not drugs or wrongful eviction)	6, 11
	Unlawful Detainer-Residential (32)	<input type="checkbox"/> A6020 Unlawful Detainer-Residential (not drugs or wrongful eviction)	6, 11
	Unlawful Detainer- Post-Foreclosure (34)	<input type="checkbox"/> A6020F Unlawful Detainer-Post-Foreclosure	2, 6, 11
	Unlawful Detainer-Drugs (38)	<input type="checkbox"/> A6022 Unlawful Detainer-Drugs	2, 6, 11

SHORT TITLE:

SHEETS v. SHENZHEN MXJO TECHNOLOGY COMPANY, LTD.

CASE NUMBER

	A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Judicial Review	Asset Forfeiture (06)	<input type="checkbox"/> A6106 Asset Forfeiture Case	2, 3, 6
	Petition re Arbitration (11)	<input type="checkbox"/> A6115 Petition to Compel/Confirm/Vacate Arbitration	2, 5
	Writ of Mandate (02)	<input type="checkbox"/> A6151 Writ - Administrative Mandamus <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"/> A6180 Other Writ /Judicial Review	2, 8
Provisionally Complex Litigation	Antitrust/Trade Regulation (03)	<input type="checkbox"/> A6003 Antitrust/Trade Regulation	1, 2, 8
	Construction Defect (10)	<input type="checkbox"/> A6007 Construction Defect	1, 2, 3
	Claims Involving Mass Tort (40)	<input type="checkbox"/> A6006 Claims Involving Mass Tort	1, 2, 8
	Securities Litigation (28)	<input type="checkbox"/> A6035 Securities Litigation Case	1, 2, 8
	Toxic Tort Environmental (30)	<input type="checkbox"/> A6036 Toxic Tort/Environmental	1, 2, 3, 8
Insurance Coverage Claims from Complex Case (41)	<input type="checkbox"/> A6014 Insurance Coverage/Subrogation (complex case only)	1, 2, 5, 8	
Enforcement of Judgment	Enforcement of Judgment (20)	<input type="checkbox"/> A6141 Sister State Judgment	2, 5, 11
		<input type="checkbox"/> A6150 Abstract of Judgment	2, 6
		<input type="checkbox"/> A6107 Confession of Judgment (non-domestic relations)	2, 9
		<input type="checkbox"/> A6140 Administrative Agency Award (not unpaid taxes)	2, 8
		<input type="checkbox"/> A6114 Petition/Certificate for Entry of Judgment on Unpaid Tax	2, 8
		<input type="checkbox"/> A6112 Other Enforcement of Judgment Case	2, 5, 9
Miscellaneous Civil Complaints	RICO (27)	<input type="checkbox"/> A6033 Racketeering (RICO) Case	1, 2, 8
	Other Complaints (Not Specified Above) (42)	<input type="checkbox"/> A6030 Declaratory Relief Only	1, 2, 8
		<input type="checkbox"/> A6040 Injunctive Relief Only (not domestic/harassment)	2, 8
		<input type="checkbox"/> A6011 Other Commercial Complaint Case (non-tort/non-complex) <input type="checkbox"/> A6000 Other Civil Complaint (non-tort/non-complex)	1, 2, 8 1, 2, 8
Miscellaneous Civil Petitions	Partnership Corporation Governance (21)	<input type="checkbox"/> A6113 Partnership and Corporate Governance Case	2, 8
	Other Petitions (Not Specified Above) (43)	<input type="checkbox"/> A6121 Civil Harassment	2, 3, 9
		<input type="checkbox"/> A6123 Workplace Harassment	2, 3, 9
		<input type="checkbox"/> A6124 Elder/Dependent Adult Abuse Case	2, 3, 9
		<input type="checkbox"/> A6190 Election Contest	2
		<input type="checkbox"/> A6110 Petition for Change of Name/Change of Gender	2, 7
<input type="checkbox"/> A6170 Petition for Relief from Late Claim Law <input type="checkbox"/> A6100 Other Civil Petition		2, 3, 8 2, 9	

SHORT TITLE: <b>SHEETS v. SHENZHEN MXJO TECHNOLOGY COMPANY, LTD.</b>	CASE NUMBER
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**Step 4: Statement of Reason and Address:** Check the appropriate boxes for the numbers shown under Column C for the type of action that you have selected. Enter the address which is the basis for the filing location, including zip code. (No address required for class action cases).

<b>REASON:</b> <input type="checkbox"/> 1. <input type="checkbox"/> 2. <input type="checkbox"/> 3. <input type="checkbox"/> 4. <input type="checkbox"/> 5. <input type="checkbox"/> 6. <input type="checkbox"/> 7. <input type="checkbox"/> 8. <input type="checkbox"/> 9. <input type="checkbox"/> 10. <input checked="" type="checkbox"/> 11.			<b>ADDRESS:</b>  2020 E. Route 66
<b>CITY:</b> Glendora	<b>STATE:</b> CA	<b>ZIP CODE:</b> 91740	

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

Dated: December 27, 2018

  
 (SIGNATURE OF ATTORNEY/FILING PARTY)

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

1. Original Complaint or Petition.
2. If filing a Complaint, a completed Summons form for Issuance by the Clerk.
3. Civil Case Cover Sheet, Judicial Council form CM-010.
4. Civil Case Cover Sheet Addendum and Statement of Location form, LACIV 109, LASC Approved 03-04 (Rev. 02/18).
5. Payment in full of the filing fee, unless there is court order for waiver, partial or scheduled payments.
6. A signed order appointing the Guardian ad Litem, Judicial Council form CIV-010, if the plaintiff or petitioner is a minor under 18 years of age will be required by Court in order to issue a summons.
7. Additional copies of documents to be conformed by the Clerk. Copies of the cover sheet and this addendum must be served along with the summons and complaint, or other initiating pleading in the case.

<b>SUPERIOR COURT OF CALIFORNIA COUNTY OF LOS ANGELES</b>	<small>Reserved for Clerk's File Stamp</small>
COURTHOUSE ADDRESS: Spring Street Courthouse 312 North Spring Street, Los Angeles, CA 90012	<b>FILED</b> Superior Court of California County of Los Angeles <b>01/02/2019</b> Sherri R. Carter, Executive Officer / Clerk of Court By: <u>Nancy Alvarez</u> Deputy
<b>NOTICE OF CASE ASSIGNMENT UNLIMITED CIVIL CASE</b>	
Your case is assigned for all purposes to the judicial officer indicated below.	CASE NUMBER: <b>19STCV00020</b>

**THIS FORM IS TO BE SERVED WITH THE SUMMONS AND COMPLAINT**

	ASSIGNED JUDGE	DEPT	ROOM		ASSIGNED JUDGE	DEPT	ROOM
✓	Georgina T. Rizk	2					

Given to the Plaintiff/Cross-Complainant/Attorney of Record

Sherri R. Carter, Executive Officer / Clerk of Court

on 01/03/2019

(Date)

By Nancy Alvarez, Deputy Clerk

## **INSTRUCTIONS FOR HANDLING UNLIMITED CIVIL CASES**

The following critical provisions of the California Rules of Court, Title 3, Division 7, as applicable in the Superior Court, are summarized for your assistance.

### **APPLICATION**

The Division 7 Rules were effective January 1, 2007. They apply to all general civil cases.

### **PRIORITY OVER OTHER RULES**

The Division 7 Rules shall have priority over all other Local Rules to the extent the others are inconsistent.

### **CHALLENGE TO ASSIGNED JUDGE**

A challenge under Code of Civil Procedure Section 170.6 must be made within 15 days after notice of assignment for all purposes to a judge, or if a party has not yet appeared, within 15 days of the first appearance.

### **TIME STANDARDS**

Cases assigned to the Independent Calendaring Courts will be subject to processing under the following time standards:

### **COMPLAINTS**

All complaints shall be served within 60 days of filing and proof of service shall be filed within 90 days.

### **CROSS-COMPLAINTS**

Without leave of court first being obtained, no cross-complaint may be filed by any party after their answer is filed. Cross-complaints shall be served within 30 days of the filing date and a proof of service filed within 60 days of the filing date.

### **STATUS CONFERENCE**

A status conference will be scheduled by the assigned Independent Calendar Judge no later than 270 days after the filing of the complaint. Counsel must be fully prepared to discuss the following issues: alternative dispute resolution, bifurcation, settlement, trial date, and expert witnesses.

### **FINAL STATUS CONFERENCE**

The Court will require the parties to attend a final status conference not more than 10 days before the scheduled trial date. All parties shall have motions in limine, bifurcation motions, statements of major evidentiary issues, dispositive motions, requested form jury instructions, special jury instructions, and special jury verdicts timely filed and served prior to the conference. These matters may be heard and resolved at this conference. At least five days before this conference, counsel must also have exchanged lists of exhibits and witnesses, and have submitted to the court a brief statement of the case to be read to the jury panel as required by Chapter Three of the Los Angeles Superior Court Rules.

### **SANCTIONS**

The court will impose appropriate sanctions for the failure or refusal to comply with Chapter Three Rules, orders made by the Court, and time standards or deadlines established by the Court or by the Chapter Three Rules. Such sanctions may be on a party, or if appropriate, on counsel for a party.

**This is not a complete delineation of the Division 7 or Chapter Three Rules, and adherence only to the above provisions is therefore not a guarantee against the imposition of sanctions under Trial Court Delay Reduction. Careful reading and compliance with the actual Chapter Rules is imperative.**

### **Class Actions**

Pursuant to Local Rule 2.3, all class actions shall be filed at the Stanley Mosk Courthouse and are randomly assigned to a complex judge at the designated complex courthouse. If the case is found not to be a class action it will be returned to an Independent Calendar Courtroom for all purposes.

### **\*Provisionally Complex Cases**

Cases filed as provisionally complex are initially assigned to the Supervising Judge of complex litigation for determination of complex status. If the case is deemed to be complex within the meaning of California Rules of Court 3.400 et seq., it will be randomly assigned to a complex judge at the designated complex courthouse. If the case is found not to be complex, it will be returned to an Independent Calendar Courtroom for all purposes.



**FILED**  
Superior Court of California  
County of Los Angeles

**APR 16 2018**

Sherri R. Carter, Executive Officer/Clerk  
By Stephanie Chung Deputy

**SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF LOS ANGELES – CENTRAL DISTRICT**

In re Personal Injury Cases Assigned  
To the Personal Injury Courts  
(Departments 2, 3, 4, 5 and 7 of the Spring  
Street Courthouse)

**FIRST AMENDED STANDING ORDER –  
RE: FINAL STATUS CONFERENCE,  
PERSONAL INJURY (“PI”) COURTS  
(Effective as of April 16, 2018)**

The dates for Trial and Final Status Conference (“FSC”) having been set in this matter, the Court **HEREBY AMENDS AND SUPERSEDES ITS JANUARY 2, 2018 STANDING ORDER—RE: FINAL STATUS CONFERENCE, PERSONAL INJURY (“PI”) COURTS AND, GENERALLY, ORDERS AS FOLLOWS IN THIS AND ALL OTHER GENERAL JURISDICTION PERSONAL INJURY ACTIONS:**

**1. PURPOSE OF THE FSC**

The purpose of the FSC is to verify that the parties/counsel are completely ready to proceed with trial continuously and efficiently, from day to day, until verdict. The PI Courts will verify at the FSC that all parties/counsel have (1) prepared the Exhibit binders and Trial Document binders and (2) met and conferred in an effort to stipulate to ultimate facts, legal issues, motions in limine, and the authentication and admissibility of exhibits.

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1           **2. TRIAL DOCUMENTS TO BE FILED**

2           At least five calendar days prior to the Final Status Conference, the parties/counsel  
3 shall serve and file (in Room 102 of the Stanley Mosk Courthouse or by e-Delivery) the  
4 following Trial Readiness Documents:

5                   **A. TRIAL BRIEFS (OPTIONAL)**

6           Each party/counsel may file, but is not required to file, a trial brief succinctly  
7 identifying:

- 8                   (1) the claims and defenses subject to litigation;  
9                   (2) the major legal issues (with supporting points and authorities);  
10                  (3) the relief claimed and calculation of damages sought; and  
11                  (4) any other information that may assist the court at trial.

12                   **B. MOTIONS IN LIMINE**

13           Before filing motions in limine, the parties/counsel shall comply with the  
14 statutory notice provisions of Code of Civil Procedure ("C.C.P.") Section 1005 and the  
15 requirements of Los Angeles County Court Rule ("Local Rule") 3.57(a). The caption of each  
16 motion in limine shall concisely identify the evidence that the moving party seeks to  
17 preclude. Parties filing more than one motion in limine shall number them consecutively.  
18 Parties filing opposition and reply papers shall identify the corresponding motion number in  
19 the caption of their papers.

20                   **C. JOINT STATEMENT TO BE READ TO THE JURY**

21           For jury trials, the parties/counsel shall work together to prepare and file a joint  
22 written statement of the case for the court to read to the jury. Local Rule 3.25(g)(4).

23                   **D. JOINT WITNESS LIST**

24           The parties/counsel shall work together to prepare and file a joint list of all  
25 witnesses in alphabetical order by last name that each party intends to call (excluding  
26 impeachment and rebuttal witnesses). Local Rule 3.25(g)(5). The joint witness list shall  
27 identify each witness by name, specify which witnesses are experts, and estimate the length  
28 of the direct, cross examination and re-direct examination (if any) of each witness. The

1 parties/counsel shall identify all potential witness scheduling issues and special  
2 requirements. Any party/counsel who seeks to elicit testimony from a witness not identified  
3 on the witness list must first make a showing of good cause to the trial court.

4 **E. LIST OF PROPOSED JURY INSTRUCTIONS**  
5 **(JOINT AND CONTESTED)**

6 The parties/counsel shall jointly prepare and file a list of proposed jury  
7 instructions, organized in numerical order, specifying the instructions upon which all sides  
8 agree and the contested instructions, if any. The List of Proposed Jury Instructions must  
9 include a space by each instruction for the judge to indicate whether the instruction was  
10 given.

11 **F. JURY INSTRUCTIONS**  
12 **(JOINT AND CONTESTED)**

13 The parties/counsel shall prepare a complete set of full-text proposed jury  
14 instructions, editing all proposed California Civil Jury Instructions ("CACI") and insert party  
15 name(s) and eliminate blanks and irrelevant material. The parties/counsel shall prepare  
16 special instructions in a format ready for submission to the jury with the instruction number,  
17 title, and text only (i.e., there should be no boxes or other indication on the printed  
18 instruction itself as to the requesting party).

19 **G. JOINT VERDICT FORM(S)**

20 The parties/counsel shall prepare and jointly file a proposed general verdict  
21 form or special verdict form (with interrogatories) acceptable to all sides. Local Rule  
22 3.25(g)(8). If the parties/counsel cannot agree on a joint verdict form, each party must  
23 separately file a proposed verdict form.

24 **H. JOINT EXHIBIT LIST**

25 The parties/counsel shall prepare and file a joint exhibit list organized with  
26 columns identifying each exhibit and specifying each party's evidentiary objections, if any, to  
27 admission of each exhibit. The parties/counsel shall meet and confer in an effort to resolve  
28 objections to the admissibility of each exhibit.

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**I. PAGE AND LINE DESIGNATION FOR DEPOSITION AND FORMER TESTIMONY**

If the parties/counsel intend to use deposition testimony or former trial testimony in lieu of any witness's live testimony, the parties/counsel shall meet and confer and jointly prepare and file a chart with columns for each of the following: 1) the line and page designations of the deposition or former testimony requested for use, 2) objections, 3) counter-designations, 4) any responses thereto, and 5) the Court's ruling.

**3. EVIDENTIARY EXHIBITS**

The parties/counsel shall jointly prepare (and be ready to temporarily lodge for inspection at the FSC) three sets of tabbed, internally paginated by document, and properly-marked exhibits, organized numerically in three-ring binders (a set for the Court, the Judicial Assistant and the witnesses). The parties/counsel shall mark all non-documentary exhibits and insert a simple written description of the exhibit behind the corresponding numerical tab in the exhibit binder. If the parties have a joint signed exhibit list and electronic copies of their respective exhibits, then the parties/counsel will not be required to produce exhibit binders at the FSC. However, the exhibit binders may be required by the assigned trial judge when the trial commences. In the absence of either a joint signed exhibit list or electronic copies, exhibit binders will be required by all parties/counsel at the FSC.

**4. TRIAL BINDERS REQUIRED IN THE PI COURTS**

The parties/counsel shall jointly prepare (and be ready to temporarily lodge and include the following for inspection at the FSC) the Trial Documents consisting of conformed copies, tabbed and organized into three-ring binders with a table of contents that includes the following:

- Tab A: Trial Briefs (Optional)
- Tab B: Motions in Limine
- Tab C: Joint Statement to Be Read to the Jury
- Tab D: Joint Witness List

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- 1           **Tab E:**       **Joint List of Jury Instructions (Identifying the agreed upon and**
- 2 **contested instructions)**
- 3           **Tab F:**       **Joint and Contested Jury Instructions**
- 4           **Tab G:**       **Joint and/or Contested Verdict Form(s)**
- 5           **Tab H:**       **Joint Exhibit List**
- 6           **Tab I:**       **Joint Chart of Page and Line Designation(s) for Deposition and Former**
- 7 **Testimony**
- 8           **Tab J:**       **Copies of the Current Operative Pleadings (including the operative**
- 9 **complaint, answer, cross-complaint, if any, and answer to any cross-complaint).**

10           **The parties/counsel shall organize motions in limine (tabbed in numerical order)**  
11 **behind Tab B with the opposition papers and reply papers for each motion placed directly**  
12 **behind the moving papers. The parties shall organize proposed jury instructions behind**  
13 **Tab F, with the agreed upon instructions first in order followed by the contested instructions**  
14 **(including special instructions) submitted by each side.**

15           **5. FAILURE TO COMPLY WITH FSC OBLIGATIONS**

16           **The court has discretion to require any party/counsel who fails or refuses to comply**  
17 **with this Amended Standing Order to show cause why the Court should not impose**  
18 **monetary, evidentiary and/or issue sanctions (including the entry of a default or the striking**  
19 **of an answer).**

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Dated: April 16, 2018

Debra K. Weintraub  
Debra K. Weintraub  
Supervising Judge, Civil  
Los Angeles Superior Court

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Superior Court of California  
County of Los Angeles

**APR 16 2018**

Sherril R. Carter, Executive Officer/Clerk  
By Stephanie Chung Deputy

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

IN RE PERSONAL INJURY ) CASE NO.:  
COURT ("PI COURT") PROCEDURES, )  
CENTRAL DISTRICT ) STANDING ORDER RE: PERSONAL  
(EFFECTIVE APRIL 16, 2018) ) INJURY PROCEDURES, CENTRAL  
) DISTRICT  
)  
)

<b>DEPARTMENT:</b>	2	3	4	5	7
<b>FINAL STATUS CONFERENCE ("FSC"):</b>					
• DATE:	_____				AT 10:00 A.M.
<b>TRIAL:</b>					
• DATE:	_____				AT 8:30 A.M.
<b>OSC RE DISMISSAL (CODE CIV. PROC., § 583.210):</b>					
• DATE:	_____				AT 8:30 A.M.

TO EACH PARTY AND TO THE ATTORNEY OF RECORD FOR EACH PARTY:  
Pursuant to the California Code of Civil Procedure ("C.C.P."), the California Rules of Court ("C.R.C.") and the Los Angeles County Court Rules ("Local Rules"), the Los Angeles Superior Court ("LASC" or "Court") HEREBY AMENDS AND SUPERSEDES THE AUGUST 10, 2017 SEVENTH AMENDED GENERAL ORDER AND, GENERALLY, ORDERS AS FOLLOWS IN THIS AND ALL OTHER GENERAL JURISDICTION PERSONAL INJURY ACTIONS FILED IN THE CENTRAL DISTRICT.

1 1. To ensure proper assignment to a PI Court, Plaintiff(s) must carefully fill out the Civil  
 2 Case Cover Sheet Addendum (form LACIV 109). The Court defines "personal injury" as:  
 3 "an unlimited civil case described on the Civil Case Cover Sheet Addendum and  
 4 Statement of Location (LACIV 109) as Motor Vehicle-Personal Injury/Property  
 5 Damage/Wrongful Death; Personal Injury/Property Damage/Wrongful Death-  
 6 Uninsured Motorist; Product Liability (other than asbestos or  
 7 toxic/environmental); Medical Malpractice-Physicians & Surgeons; Other  
 8 Professional Health Care Malpractice; Premises Liability; Intentional Bodily  
 9 Injury/Property Damage/Wrongful Death; or Other Personal Injury/Property  
 10 Damage/Wrongful Death. An action for intentional infliction of emotional  
 11 distress, defamation, civil rights/discrimination, or malpractice (other than  
 12 medical malpractice), is not included in this definition. An action for injury to  
 13 real property is not included in this definition." (Local Rule 2.3(a)(1)(A).)

14 Consistent with Local Rule 2.3(a)(1)(A), the Court will assign a case to the PI Courts if  
 15 plaintiff(s) check any of the following boxes in the Civil Case Cover Sheet Addendum:

- 16 A7100 Motor Vehicle -- Personal Injury/Property Damage/Wrongful Death
- 17 A7110 Personal Injury/Property Damage/Wrongful Death -- Uninsured
- 18 Motorist
- 19 A7260 Product Liability (not asbestos or toxic/environmental)
- 20 A7210 Medical Malpractice -- Physicians & Surgeons
- 21 A7240 Medical Malpractice -- Other Professional Health Care Malpractice
- 22 A7250 Premises Liability (e.g., slip and fall)
- 23 A7230 Intentional Bodily Injury/Property Damage/Wrongful Death (e.g.,
- 24 assault, vandalism etc.)
- 25 A7220 Other Personal Injury/Property Damage/Wrongful Death

26 The Court will not assign cases to the PI Courts if plaintiff(s) check any boxes elsewhere  
 27 in the Civil Case Cover Sheet Addendum (any boxes on pages two and three of that form).

28 ///

1           The Court sets the above dates in this action in the PI Court circled above (Department  
2 2, 3, 4, 5, or 7) at the Spring Street Courthouse, 312 North Spring Street, Los Angeles, CA 90012.  
3 (C.R.C. Rules 3.714(b)(3), 3.729.)

4 **FILING OF DOCUMENTS**

5 2. Parties may file documents in person at the filing window on the first floor of the Stanley  
6 Mosk Courthouse (111 N. Hill Street, Los Angeles, CA 90012) or by U.S. Mail or e-Delivery,  
7 which is available online at [www.lacourt.org](http://www.lacourt.org) (link on homepage). Please note that filings are no  
8 longer accepted via facsimile and must be filed either in person, via U.S. mail or via e-Delivery.  
9 Claims involving an attorney-client fee dispute, documents in which the filing party is a minor,  
10 legally incompetent person, or person for whom a conservator has been appointed, requests to  
11 waive court fees (FW-001) and requests for accommodations by persons with disabilities (MC-  
12 410), may not be filed via e-Delivery.

13 **SERVICE OF SUMMONS AND COMPLAINT**

14 3. Plaintiff(s) shall serve the summons and complaint in this action upon defendant(s) as  
15 soon as possible but no later than three years from the date when the complaint is filed.  
16 (C.C.P. § 583.210, subd.(a).) On the OSC re Dismissal date noted above, the PI Court will  
17 dismiss the action and/or all unserved parties unless the plaintiff(s) show cause why the action  
18 or the unserved parties should not be dismissed. (C.C.P. §§ 583.250; 581, subd. (b)(4).)

19 4. The Court sets the above trial and FSC dates on condition that plaintiff(s) effectuate  
20 service on defendant(s) of the summons and complaint within six months of filing the complaint.

21 5. The PI Court will dismiss the case without prejudice pursuant to C.C.P. § 581 when no  
22 party appears for trial.

23 **STIPULATIONS TO CONTINUE TRIAL**

24 6. Provided that all parties agree (and there is no violation of the "five-year rule," C.C.P.  
25 § 583.310), the parties may advance or continue any trial date in the PI Courts without showing  
26 good cause or articulating any reason or justification for the change. To continue or advance a  
27 trial date, the parties (or their counsel of record) should jointly execute and submit (at the filing  
28 window on the first floor of the Stanley Mosk Courthouse, via U.S. mail or via e-Delivery; fee



1 required) a Stipulation to Continue Trial, FSC and Related Motion/Discovery Dates (form  
2 LACIV CTRL-242, available on the court's website, Personal Injury Court link). The PI Courts  
3 schedule FSCs for 10:00 a.m., eight (8) court days before the trial date. Parties seeking to  
4 continue the trial and FSC dates shall file the Stipulation at least eight court days before the FSC  
5 date. Parties seeking to advance the trial and FSC dates shall file the Stipulation at least eight  
6 court days before the proposed advanced FSC date. (C.C.P. § 595.2; Govt. Code § 70617, subd.  
7 (c)(2).) In selecting a new trial date, parties should avoid setting on any Monday, or the Tuesday  
8 following a court holiday. Parties may submit a maximum of two stipulations to continue trial,  
9 for a total continuance of six months. Subsequent requests to continue trial will be granted upon  
10 a showing of good cause by noticed motion. This rule is retroactive so that any previously  
11 granted stipulation to continue trial will count toward the maximum number of allowed  
12 continuances.

### 13 **NO CASE MANAGEMENT CONFERENCES**

14 7. The PI Courts do not conduct Case Management Conferences. The parties need not file  
15 a Case Management Statement.

### 16 **LAW AND MOTION**

17 8. Any documents with declarations and/or exhibits must be tabbed. (C.R.C. Rule  
18 3.1110(f).) All depositions excerpts referenced in briefs must be marked on the transcripts  
19 attached as exhibits. (C.R.C. Rule 3.1116(c).)

### 20 **CHAMBERS COPIES REQUIRED**

21 9. In addition to filing original motion papers at the filing window on the first floor of the  
22 Stanley Mosk Courthouse, via U.S. mail or via e-Delivery, the parties must deliver, directly to  
23 the PI Court courtrooms at the Spring Street Courthouse, an extra copy (marked "Chambers  
24 Copy") of reply briefs and all other motion papers filed less than seven (7) court days before a  
25 hearing calendared in the PI Courts. The PI Courts also strongly encourage the parties filing and  
26 opposing lengthy motions, such as motions for summary judgment/adjudication, to submit one  
27 or more three-ring binders organizing the chambers copy behind tabs.

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**1 RESERVATION HEARING DATE**

2 10. Parties are directed to reserve hearing dates for motions in the PI Courts using the Court  
3 Reservation System (CRS) available online at [www.lacourt.org](http://www.lacourt.org) (link on homepage). After  
4 reserving a motion hearing date, the reservation requestor must submit the papers for filing with  
5 the reservation receipt (CRS) number printed on the face page of the document under the caption  
6 and attach the reservation receipt as the last page. Parties or counsel who are unable to utilize  
7 the online CRS may reserve a motion hearing date by calling the PI Court courtroom, Monday  
8 through Friday, between 3:00 p.m. and 4:00 p.m.

**9 WITHDRAWAL OF MOTIONS**

10 11. California Rules of Court, Rule 3.1304(b) requires a moving party to notify the court  
11 immediately if a matter will not be heard on the scheduled date. In keeping with that rule, the PI  
12 Courts urge parties who amend pleadings in response to demurrers to file amended pleadings  
13 before the date when opposition to the demurrer is due so that the PI Courts do not needlessly  
14 prepare tentative rulings on demurrers.

**15 DISCOVERY MOTIONS**

16 12. The purpose of an Informal Discovery Conference ("IDC") is to assist the parties to  
17 resolve and/or narrow the scope of discovery disputes. Lead trial counsel on each side, or another  
18 attorney with full authority to make binding agreements, must attend in person. The PI judges  
19 have found that, in nearly every case, the parties amicably resolve disputes with the assistance  
20 of the Court.

21 13. Parties must participate in an IDC before a Motion to Compel Further Responses to  
22 Discovery will be heard unless the moving party submits evidence, by way of declaration, that  
23 the opposing party has failed or refused to participate in an IDC. Scheduling or participating in  
24 an IDC does not automatically extend any deadlines imposed by the Code of Civil Procedure for  
25 noticing and filing discovery motions. Ideally, the parties should participate in an IDC before a  
26 motion is filed because the IDC may avoid the necessity of a motion or reduce its scope. Because  
27 of that possibility, attorneys are encouraged to stipulate to extend the 45 (or 60) day deadline for  
28 filing a motion to compel further discovery responses in order to allow time to participate in an

1 IDC.

2 If parties do not stipulate to extend the deadlines, the moving party may file the motion  
3 to avoid it being deemed untimely. However, the IDC must take place before the motion is  
4 heard so it is suggested that the moving party reserve a date for the motion hearing that is at least  
5 60 days after the date when the IDC reservation is made. Motions to Compel Further Discovery  
6 Responses are heard at 10:00 a.m. If the IDC is not productive, the moving party may advance  
7 the hearing on a Motion to Compel Further Discovery Responses on any available hearing date  
8 that complies with the notice requirements of the Code of Civil Procedure.

9 14. Parties are directed to reserve IDC dates in the PI Courts using CRS available online at  
10 [www.lacourt.org](http://www.lacourt.org) (link on homepage). Parties are to meet and confer regarding the available  
11 dates in CRS prior to accessing the system. After reserving the IDC date, the reservation  
12 requestor must file in the appropriate department and serve an Informal Discovery Conference  
13 Form for Personal Injury Courts, from LACIV 239 (revised 12/14 or later), at least 15 court days  
14 prior to the conference and attach the CRS reservation receipt as the last page. The opposing  
15 party may file and serve a responsive IDC form, briefly setting forth that party's response, at  
16 least 10 court days prior to the IDC.

17 15. Time permitting, the PI Hub judges may be available to participate in IDCs to try to  
18 resolve other types of discovery disputes.

19 **EX PARTE APPLICATIONS**

20 16. Under the California Rules of Court, courts may only grant *ex parte* relief upon a  
21 showing, by admissible evidence, that the moving party will suffer "irreparable harm,"  
22 "immediate danger," or where the moving party identifies "a statutory basis for granting relief  
23 *ex parte*." (C.R.C. Rule 3.1202(c).) The PI Courts have no capacity to hear multiple *ex parte*  
24 applications or to shorten time to add hearings to their fully booked motion calendars. The PI  
25 Courts do not regard the Court's unavailability for timely motion hearings as an "immediate  
26 danger" or threat of "irreparable harm" justifying *ex parte* relief. Instead of seeking *ex parte*  
27 relief, the moving party should reserve the earliest available motion hearing date (even if it is  
28 after the scheduled trial date) and should file a motion to continue trial. Parties should also check

1 the Court Reservation System from time to time because earlier hearing dates may become  
2 available as cases settle or hearings are taken off calendar.

3 **REQUEST FOR TRANSFER TO INDEPENDENT CALENDAR DEPARTMENT**

4 17. Parties seeking to transfer a case from a PI Court to an Independent Calendar (“I/C”)  
5 Court shall file (at the filing window on the first floor of the Stanley Mosk Courthouse, via U.S.  
6 mail or via e-Delivery) and serve the Court’s “Motion to Transfer Complicated Personal Injury  
7 Case to Independent Calendar Court” (form LACIV 238, available on the Court’s website under  
8 the PI Courts link). The PI Courts will transfer a matter to an I/C Court if the case is not a  
9 “Personal Injury” case as defined in this Order, or if it is “complicated.” In determining whether  
10 a personal injury case is “complicated” the PI Courts will consider, among other things, the  
11 number of pretrial hearings or the complexity of issues presented.

12 18. Parties opposing a motion to transfer have five court days to file (at the filing window  
13 on the first floor of the Stanley Mosk Courthouse, via U.S. mail or via e-Delivery) an Opposition  
14 (using the same LACIV 238 Motion to Transfer form).

15 19. The PI Courts will not conduct a hearing on any Motion to Transfer to I/C Court.  
16 Although the parties may stipulate to transfer a case to an Independent Calendar Department, the  
17 PI Courts will make an independent determination whether to transfer the case or not.

18 **FINAL STATUS CONFERENCE**

19 20. Parties shall comply with the requirements of the PI Courts’ “First Amended Standing  
20 Order Re Final Status Conference,” which shall be served with the summons and complaint.

21 **JURY FEES**

22 21. Parties must pay jury fees no later than 365 calendar days after the filing of the initial  
23 complaint. (C. C. P. § 631, subds. (b) and (c).)

24 **JURY TRIALS**

25 22. The PI Courts do not conduct jury trials. On the trial date, a PI Court will contact the  
26 Master Calendar Court, Department One, in the Stanley Mosk Courthouse. Department One  
27 will assign cases out for trial to dedicated Civil Trial Courtrooms and designated Criminal  
28 Courtrooms.

1 **SANCTIONS**

2 23. The Court has discretion to impose sanctions for any violation of this general order.  
3 (C.C.P. §§ 128.7, 187 and Gov. Code, § 68608, subd. (b).)

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Dated: April 16, 2018

Debra K. Weintraub  
Debra K. Weintraub  
Supervising Judge of Civil Courts  
Los Angeles Superior Court

# Superior Court of California County of Los Angeles



## ALTERNATIVE DISPUTE RESOLUTION (ADR) INFORMATION PACKET

The person who files a civil lawsuit (plaintiff) must include the ADR information Packet with the complaint when serving the defendant. Cross-complainants must serve the ADR Information Packet on any new parties named to the action together with the cross-complaint.

There are a number of ways to resolve civil disputes without having to sue someone. These alternatives to a lawsuit are known as alternative dispute resolution (ADR).

In ADR, trained, impartial persons decide disputes or help parties decide disputes themselves. These persons are called neutrals. For example, in mediations, the neutral is the mediator. Neutrals normally are chosen by the disputing parties or by the court. Neutrals can help resolve disputes without having to go to court.

### **Advantages of ADR**

- Often faster than going to trial
- Often less expensive, saving the litigants court costs, attorney's fees and expert fees.
- May permit more participation, allowing parties to have more control over the outcome.
- Allows for flexibility in choice of ADR processes and resolution of the dispute.
- Fosters cooperation by allowing parties to work together with the neutral to resolve the dispute and mutually agree to remedy.
- There are fewer, if any, court appearances. Because ADR can be faster and save money, it can reduce stress.

### **Disadvantages of ADR - ADR may not be suitable for every dispute.**

- If ADR is binding, the parties normally give up most court protections, including a decision by a judge or jury under formal rules of evidence and procedure, and review for legal error by an appellate court.
- ADR may not be effective if it takes place before the parties have sufficient information to resolve the dispute.
- The neutral may charge a fee for his or her services.
- If the dispute is not resolved through ADR, the parties may then have to face the usual and traditional costs of trial, such as attorney's fees and expert fees.

### **The Most Common Types of ADR**

- **Mediation**

In mediation, a neutral (the mediator) assists the parties in reaching a mutually acceptable resolution of their dispute. Unlike lawsuits or some other types of ADR, the parties, rather than the mediator, decide how the dispute is to be resolved.

- **Mediation is particularly effective** when the parties have a continuing relationship, like neighbors or business people. Mediation is also very effective where personal feelings are getting in the way of a resolution. This is because mediation normally gives the parties a chance to express their feelings and find out how the other sees things.
- **Mediation may not be effective** when one party is unwilling to cooperate or compromise or when one of the parties has a significant advantage in power over the other. Therefore, it may not be a good choice if the parties have a history of abuse or victimization.

- **Arbitration**

In arbitration, a neutral person called an “arbitrator” hears arguments and evidence from each side and then decides the outcome of the dispute. Arbitration is typically less formal than a trial, and the rules of evidence may be relaxed. Arbitration may be either “binding” or “non-binding.” Binding arbitration means the parties waive their right to a trial and agree to accept the arbitrator’s decision as final. Non-binding arbitration means that the parties are free to request a trial if they reject the arbitrator’s decision.

Arbitration is best for cases where the parties want another person to decide the outcome of their dispute for them but would like to avoid the formality, time, and expense of a trial. It may also be appropriate for complex matters where the parties want a decision-maker who has training or experience in the subject matter of the dispute.

- **Mandatory Settlement Conference (MSC)**

**Settlement Conferences are appropriate in any case where settlement is an option.**

Mandatory Settlement Conferences are ordered by the Court and are often held near the date a case is set for trial. The parties and their attorneys meet with a judge who devotes his or her time exclusively to preside over the MSC. The judge does not make a decision in the case but assists the parties in evaluating the strengths and weaknesses of the case and in negotiating a settlement.

The Los Angeles Superior Court Mandatory Settlement Conference (MSC) program is free of charge and staffed by experienced sitting civil judges who devote their time exclusively to presiding over MSCs. The judges participating in the judicial MSC program and their locations are identified in the List of Settlement Officers found on the Los Angeles Superior Court website at <http://www.lacourt.org/>. This program is available in general jurisdiction cases with represented parties from independent calendar (IC) and Central Civil West (CCW) courtrooms. In addition, on an ad hoc basis, personal injury cases may be referred to the program on the eve of trial by the personal injury master calendar courts in the Stanley Mosk Courthouse or the asbestos calendar court in CCW.

In order to access the Los Angeles Superior Court MSC Program the judge in the IC courtroom, the CCW Courtroom or the personal injury master calendar courtroom must refer the parties to the program. Further, all parties must complete the information requested in the Settlement Conference Intake Form and email the completed form to [mscdept18@lacourt.org](mailto:mscdept18@lacourt.org).



## **Additional Information**

To locate a dispute resolution program or neutral in your community:

- Contact the California Department of Consumer Affairs ([www.dca.ca.gov](http://www.dca.ca.gov)) Consumer Information Center toll free at 800-952-5210, or;
- Contact the local bar association (<http://www.lacba.org/>) or;
- Look in a telephone directory or search online for “mediators; or “arbitrators.”

There may be a charge for services provided by private arbitrators and mediators.

A list of approved State Bar Approved Mandatory Fee Arbitration programs is available at <http://calbar.ca.gov/Attorneys/MemberServices/FeeArbitration/ApprovedPrograms.aspx#19>

To request information about, or assistance with, dispute resolution, call the number listed below. Or you may call a Contract Provider agency directly. A list of current Contract Provider agencies in Los Angeles County is available at the link below.

<http://css.lacounty.gov/programs/dispute-resolution-program-drp/>

County of Los Angeles Dispute Resolution Program  
3175 West 6th Street, Room 406  
Los Angeles, CA 90020-1798  
TEL: (213) 738-2621  
FAX: (213) 386-3995