

ORIGINAL

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FILED

LOS ANGELES SUPERIOR COURT

APR 17 2009

JOHN A. CLARKE, CLERK
John A. Clarke
BY MARY GARCIA, DEPUTY

D 24
Robert J. Hens

1 HOPE J. SINGER (Bar No. 132838)
hsinger@bushgottlieb.com
2 PAMELA D. CHANDRAN (Bar No. 250829)
pchandran@bushgottlieb.com
3 BUSH GOTTLIEB SINGER LÓPEZ
KOHANSKI ADELSTEIN & DICKINSON
4 A Law Corporation
500 North Central Avenue
5 Suite 800
Glendale, California 91203-3345
6 Telephone: (818) 973-3200
Facsimile: (818) 973-3201

7 Attorneys for Plaintiff
8 INTERNATIONAL BROTHERHOOD OF
ELECTRICAL WORKERS, LOCAL 11

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10
11 SUPERIOR COURT OF THE STATE OF CALIFORNIA

12 FOR THE COUNTY OF LOS ANGELES

13 INTERNATIONAL BROTHERHOOD
OF ELECTRICAL WORKERS,
14 LOCAL 11,

15 Plaintiff,

16 v.

17 UST DRY UTILITIES, INC.; DAVID
BELL, an individual; and DOES
18 1 through 25, inclusive,

19 Defendants.

CASE NO.:

BC 412040

COMPLAINT FOR BREACH OF
CONTRACT, FRAUD, CONVERSION
AND MONIES HAD AND RECEIVED

BUSH GOTTLIEB SINGER LÓPEZ KOHANSKI ADELSTEIN & DICKINSON
500 North Central Avenue, Suite 800
Glendale, California 91203-3345

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21 Plaintiff alleges as follows:

22 1. Plaintiff INTERNATIONAL BROTHERHOOD OF ELECTRICAL
23 WORKERS, LOCAL 11 ("Plaintiff" or "the Union") is a labor union, an unincorporated
24 association, with its primary place of business in Pasadena, Los Angeles County, California.

25 2. Defendant UST DRY UTILITIES, INC. ("UST") is, and at all times herein
26 mentioned was, a corporation organized and existing under the laws of the State of
27 California engaged in providing business telephone systems, with its primary place of
28 business in Ontario, San Bernardino County, California.

Complaint for Breach of Contract, Fraud,
Conversion and Monies Had and Received

CIT/CASE: BC412040 LEA/DEFN:
RECEIPT #: CCH445980057
FILED: 04/17/09 11:34:43 AM
FEE: \$50.00
REVIEW: \$50.00
CHECK: \$50.00
CASH: \$50.00
JAN: \$50.00
APR: \$50.00

1 that Defendant UST install the system in its office located in Commerce, Los Angeles
2 County, California. Defendant BELL, in violation of the Contract, insisted that he needed
3 the balance of the total amount in order to purchase the equipment necessary. The Union
4 then paid the balance of the total amount due of \$19,929.72 on September 5, 2008. For this
5 one payment only, the Union permitted Defendant UST to make a preauthorized electronic
6 withdrawal from the Union's bank account in this amount. A true and correct copy of the
7 Union's September bank statement which depicts the withdrawal by UST, redacted to
8 remove irrelevant and secure information, is attached as Exhibit C and made part of this
9 pleading.

10 9. Defendant BELL repeatedly promised the Union from October 2008 through
11 January 2009 that the equipment was available and ready to be installed but never provided
12 the equipment nor installed any equipment or the predictive dialer system.

13 10. In or about October 2008, Defendant BELL assured the Union that Defendant
14 UST would install the equipment and would also refund to the Union the full amount that
15 the Union had paid to Defendant UST of \$39,859.44.

16 11. Furthermore, on or about October 3, 2008, Defendant UST unlawfully and
17 without authorization withdrew from the Union's bank account an additional \$19,929.72.
18 This amount was above and beyond in excess of the full contract price. Defendant BELL
19 immediately acknowledged this error, but never returned the monies to the Union. A true
20 and correct copy of the Union's October bank statement which depicts the second
21 withdrawal by UST, redacted to remove irrelevant and secure information, is attached as
22 Exhibit D and made part of this pleading.

23 12. From November 2008 through February 2009, Defendant BELL repeatedly
24 promised the Union that Defendant UST would return the entire amount of \$59,789.16,
25 which included \$39,859.44 the Union had paid Defendant UST plus \$19,929.72 which
26 Defendant UST had unlawfully and without authorization deducted from the Union's bank
27 account. Defendant BELL repeatedly assured the Union that the money had been wired to
28 the Union's bank account, that it was sent by overnight mail and that BELL would provide

1 the tracking number for such overnight mail, that the money would be available that same
2 day, and that BELL was waiting a credit necessary before he could recompense the Union.
3 Defendant BELL admitted that he had given the Union "false promises."

4 13. Defendant UST never returned any money to the Union, nor did it ever install
5 the phone system or any equipment.

6 **FIRST CAUSE OF ACTION FOR**
7 **BREACH OF CONTRACT AGAINST**
8 **DEFENDANT UST DRY UTILITIES AND DOES 1 - 25**

9 14. Plaintiff incorporates by reference each and every allegation contained in
10 paragraphs 1 through 13 above as if fully set forth herein.

11 15. Plaintiff has performed all conditions, covenants, and promises required on its
12 part to be performed in accordance with the terms and conditions of the Contract.

13 16. In or about February 2008, Plaintiff requested that Defendant UST perform its
14 obligations under the Contract.

15 17. From in or about February 2008 and continuing through February 2009,
16 Defendant UST breached the Contract by failing to provide hardware or software for a
17 predictive dialer system, by failing to install such a system and by failing to training
18 Plaintiff's staff regarding the system.

19 18. Additionally, Defendants BELL and UST breached the Contract by demanding
20 the balance of the contract, \$19,929.72, to purchase equipment though the Contract
21 unambiguously states that the balance of the contract is due upon completion.

22 19. As a result of Defendant UST's breach, Plaintiff has lost \$59,789.16 plus
23 interest.

24 **SECOND CAUSE OF ACTION**
25 **FOR FRAUD AGAINST**
26 **ALL DEFENDANTS**

27 20. Plaintiff incorporates by reference each and every allegation contained in
28 paragraphs 1 through 19 above as if fully set forth herein.

1 were, in fact, false. The true facts are that no equipment or predictive dialer system was ever
2 installed, no money was ever sent to Plaintiff in any form, Defendants BELL and UST never
3 intended to send the money, BELL never sent a letter to the Union memorializing Defendant
4 UST's liabilities, that "money is very tight" (January 26, 2009), that "funds are also tight"
5 (February 5, 2009), and BELL ultimately provided nothing but admitted that he had made
6 "false promises" (February 11, 2009).

7 24. When Defendants made these representations, they knew them to be false and
8 made these representations with the intention to deceive and defraud Plaintiff and to induce
9 Plaintiff to act in reliance on these representations in the manner hereafter alleged, or with
10 the expectation that Plaintiff would so act.

11 25. Plaintiff, at the time these representations were made by Defendants and at the
12 time Plaintiff took the actions herein alleged, was ignorant of the falsity of Defendants'
13 representations and believed them to be true. In reliance on these representations, Plaintiff
14 was induced to and did continue to attempt to do business with Defendants and refrained
15 from contracting with another vendor for the predictive dialer system. Additionally,
16 Plaintiff refrained from bringing suit against Defendants earlier. [Had Plaintiff known the
17 actual facts, it would have changed its actions.] Plaintiff's reliance on Defendants'
18 representations was justified because Defendants continually reassured Plaintiff that
19 equipment was immediately available and ready for installation and that compensatory
20 money was en route to Plaintiff.

21 26. As a proximate result of the fraudulent conduct of Defendants as herein
22 alleged, Plaintiff has lost \$59,789.16.

23 27. The aforementioned conduct of Defendants was an intentional
24 misrepresentation, deceit, and concealment of a material fact known to Defendants with the
25 intention on the part of Defendants of thereby depriving Plaintiff of property and was
26 despicable conduct that subjected Plaintiff to a cruel and unjust hardship in conscious
27 disregard of Plaintiff's rights, so as to justify an award of exemplary and punitive damages.

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**THIRD CAUSE OF ACTION
FOR CONVERSION AGAINST
DEFENDANTS UST AND DOES 1 - 25**

28. Plaintiff incorporates by reference each and every allegation contained in paragraphs 1 through 27 above as if fully set forth herein.

29. At all times mentioned herein, and in particular on or about October 3, 2008, Plaintiff was and still is the owner and was and still is entitled to the possession of the following personal property, namely \$19,929.72.

30. On or about October 3, 2008, without the Union's knowledge or permission, Defendant UST made an unauthorized withdrawal from Plaintiff's bank account and took the property described above, \$19,929.72, from Plaintiff's possession and converted the same to its own use.

31. On or about November 2008 and subsequently, Plaintiff orally and in writing demanded the immediate return of the above-mentioned property but Defendant BELL failed and refused, and continues to fail and refuse, to return the property to Plaintiff.

32. Between the time of Defendants' conversion of the above-mentioned property to their own use and the filing of this action, Plaintiff has been deprived of its monies which should have been expended in the interest of the Union's members instead, all to Plaintiff's further damage in the sum of additional interest. As a direct request of Defendants' conversation, Plaintiff has lost \$59,789.16.

33. The Defendants' acts alleged above were willful, wanton, malicious and oppressive, were undertaken with the intent to defraud, and justify the awarding of exemplary and punitive damages.

**FOURTH CAUSE OF ACTION
FOR MONEY HAD AND RECEIVED (COMMON COUNT)
AGAINST DEFENDANTS UST AND DOES 1 - 25**

34. Plaintiff incorporates by reference each and every allegation contained in paragraphs 1 through 33 above as if fully set forth herein.

1 35. On or about October 3, 2008, Defendant UST became indebted to Plaintiff in
2 the sum of \$59,789.16 for money had and received by Defendant for the use and benefit of
3 Plaintiff.

4 36. No payment has been made by Defendant to Plaintiff and there is now owing
5 the sum of \$19,929.72 with interest since December 7, 2007, plus an additional \$19,929.72
6 with interest since September 5, 2008, plus yet an additional \$19,929.72 with interest since
7 October 3, 2008.

8 WHEREFORE, Plaintiff prays judgment as follows:

9 As against all Defendants:

- 10 1. Compensatory damages in the amount of \$59,789.16;
- 11 2. Interest calculated as follows: for the first sum of \$19,929.72: interest since
12 December 7, 2007; for the second sum of \$19,929.72: interest since September 5, 2008; for
13 the third sum of \$19,929.72: interest since October 3, 2008; all pursuant to Section 3287(a)
14 of the Civil Code;
- 15 3. For exemplary and punitive damages in an amount appropriate to punish the
16 Defendants and deter others from engaging in similar misconduct;
- 17 4. For costs of suit herein incurred; and
- 18 5. For such other and further relief as the court may deem proper.

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DATED: April 17, 2009

Respectfully submitted,

BUSH GOTTLIEB SINGER LÓPEZ KOHANSKI
ADELSTEIN & DICKINSON
A Law Corporation

By: 

Pamela D. Chandran
Attorneys for Plaintiffs IBEW Local 11

UST
DRY UTILITIES, Inc.
 2001 E. Elm Ct.
 Ontario, CA 91761
 800-818-9777

To: Attn Kim Craft IBEW-11 297 N Morengo Ave. Pasadena CA 91101 Phone: 626-243-9700 X705 / Fax: 626-793-9743	June 15, 2007
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Item	Description	Qty	Price ea	Total Cost
1	Dell Latitude 131 L Notebook Computers	26	\$925.00	\$24,050.00
2	Voicent Agent Dialer Pro Software	25	\$375.00	\$9,375.00
3	Plantronics CT-12 Cordless Phone/Headset Combo	25	\$110.00	\$2,750.00
	Sub-total			\$36,175.00
	Sales Tax			\$2,984.44
5	Installation, programming, training	7	\$100.00	\$700.00
	Total Amount			\$39,859.44

A 50% deposit is required to schedule an installation date. The balance is due upon completion.

Please note that all equipment is provided with a advanced replacement **THREE YEAR WARRANTY** on all parts and installation. The above price includes all necessary hardware needed to complete the installation. If the above quote is accepted please initial below and get back to me with a date for install. If you have any questions please don't hesitate to call 626-205-1132 ext. 1132.

Contact: Brady Allen
 2001 E Elm Court
 Ontario CA 91761
 D: 626-205-1132
 F: 626-205-1133
 E: ballen@ustdryutilities.com

Accepted by: 

Date: 12.7.07

122000166
12/19/2007
6126491418

This is a LEGAL COPY of
your check. You can use
the same way you would
use the original check.

122238572 12/18/2007
063100012698500

THIS DOCUMENT HAS A COLORED BACKGROUND AND MICROPRINTING. THE REVERSE SIDE INCLUDES AN OPTICAL WATERMARK.

LOCAL UNION NO. 11
INTERNATIONAL BROTHERHOOD
OF ELECTRICAL WORKERS
 AFFILIATED WITH A.F.L.-C.I.O.
 GENERAL FUND
 287 N. HAZENGO AVE. (666) 792-0081
 PASADENA, CA 91101

WELTON
 1ST BUSINESS BANK
 ONE RUNNER HILL BUILDING
 601 WEST FIFTH STREET
 LOS ANGELES, CA 90071
 (818) 984-7120

CHECK NO. 064724

DATE 12/18/2007

AMOUNT \$19,929.72

PAY TO THE ORDER OF UST DRY UTILITIES, INC.
 2001 E ELM COURT
 ONTARIO, CA 91761

LOCAL UNION NO. 11, I.B.E.W.

[Signature]
 PRESIDENT
 TROOPSMAN

EXHIBIT B

1 1 7888 12/18/2007
063100012698500
122000166 12/19/2007
6126491418

Do not endorse or write below this line.

ENDORSE HERE:

PAY TO THE ORDER OF
VINEYARD BANK
RANCHO CUCAMONGA, CA 91730-3546
122238572
FOR DEPOSIT ONLY
UST DRY UTILITIES, INC.
001164230

DO NOT WRITE, STAMP OR SIGN BELOW THIS LINE
RESERVED FOR FINANCIAL INSTITUTION USE.

>122238572<
063100012698500

1222385724
Vineyard Bank

12/18/2007

12182007
120012698500 3
063100012698500

120012698500 3
063100012698500

The security features listed below are not listed on the front of the document.
Security Features: Micro Print, Security Screen, Erasure protection, Security Screen.
Write marks appear when heated.
Absence of Original Document language on back of check.
FEDERAL RESERVE BOARD OF GOVERNORS REG. CC

EXHIBIT B



BNY MELLON
WEALTH MANAGEMENT

OCT - 7 2008

SEPTEMBER 30, 2008
0001-770012

Page 4 of 52

Direct inquiries to:

213-489-1000

IBEW LOCAL UNION 11
GENERAL ACCOUNT
297 N MARENGO AVE
PASADENA CA 91102-2500

Mellon 1st Business Bank, N.A.
601 West Fifth Street
Los Angeles CA 90071

Number	Date	Amount	Number	Date	Amount
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Date	Description	Serial Number	Additions	Subtractions
------	-------------	---------------	-----------	--------------

09-05	#Preauthorized Wd USTDRYUTILITIES USTUTIL 080905 1968624	(1)		-19,929.72
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① Payment of remaining balance per UST 12/12/07
invoice billing

EXHIBIT C



BNY MELLON
WEALTH MANAGEMENT

OCTOBER 31, 2008
0001-770012

Page 5 of 62

Direct inquiries to:

213-489-1000

IBEW LOCAL UNION 11
GENERAL ACCOUNT
297 N MARENGO AVE
PASADENA CA 91102-2500

NOV 10 2008

Mellon 1st Business Bank, N.A.
601 West Fifth Street
Los Angeles CA 90071

② Withdrawal by UST in error
Their invoice was paid in full via the
9/5/08 pre authorized withdrawal

Date	Description	Serial Number	Additions	Subtractions
10-03	#Preauthorized Wd USTDRYUTILITIES USTUTIL 081003 2139849	②		-19,929.72

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, Street number, and address):
Hope J. Singer (SB# 132838); Pamela D. Chandran (SB# 250829)
Bush Gottlieb, et al.
500 N. Central Avenue, Suite 800
Glendale, CA 91203

TELEPHONE NO.: (818) 973-3200 FAX NO.: (818) 973-3201
ATTORNEY FOR (Name): Plaintiff IBEW Local 11

APR 17 2009

JOHN A. CLARKE, CLERK
BY MARY GARCIA, DEPUTY

SUPERIOR COURT OF CALIFORNIA, COUNTY OF Los Angeles
STREET ADDRESS: 111 N. Hill Street
MAILING ADDRESS: same
CITY AND ZIP CODE: Los Angeles, CA 90012
BRANCH NAME: Stanley Mosk Courthouse, Central District

CASE NAME:
IBEW Local 11 v. UST Dry Utilities, et al.

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)

CASE NUMBER:
BC 412040
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:

<p>Auto Tort</p> <input type="checkbox"/> Auto (22) <input type="checkbox"/> Uninsured motorist (46) <p>Other P/IPD/WD (Personal Injury/Property Damage/Wrongful Death) Tort</p> <input type="checkbox"/> Asbestos (04) <input type="checkbox"/> Product liability (24) <input type="checkbox"/> Medical malpractice (45) <input type="checkbox"/> Other PI/PD/WD (23) <p>Non-P/IPD/WD (Other) Tort</p> <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) <p>Employment</p> <input type="checkbox"/> Wrongful termination (36) <input type="checkbox"/> Other employment (15)	<p>Contract</p> <input checked="" type="checkbox"/> Breach of contract/warranty (06) <input type="checkbox"/> Rule 3.740 collections (09) <input type="checkbox"/> Other collections (09) <input type="checkbox"/> Insurance coverage (18) <input type="checkbox"/> Other contract (37) <p>Real Property</p> <input type="checkbox"/> Eminent domain/Inverse condemnation (14) <input type="checkbox"/> Wrongful eviction (33) <input type="checkbox"/> Other real property (26) <p>Unlawful Detainer</p> <input type="checkbox"/> Commercial (31) <input type="checkbox"/> Residential (32) <input type="checkbox"/> Drugs (38) <p>Judicial Review</p> <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)	<p>Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400-3.403)</p> <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) <p>Enforcement of Judgment</p> <input type="checkbox"/> Enforcement of judgment (20) <p>Miscellaneous Civil Complaint</p> <input type="checkbox"/> RICO (27) <input type="checkbox"/> Other complaint (not specified above) (42) <p>Miscellaneous Civil Petition</p> <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):
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: April 16, 2009
Pamela D. Chandran
(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

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 (25)
 - Legal Malpractice
 - Other Professional Malpractice *(not medical or legal)*
- Other Non-PI/PD/WD Tort (35)

Employment

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

Contract

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

Real Property

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

Unlawful Detainer

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

Judicial Review

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

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

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

Enforcement of Judgment

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

Miscellaneous Civil Complaint

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

Miscellaneous Civil Petition

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

SHORT TITLE: IBEW Local 11 v. UST Dry Utilities, et al.	CASE NUMBER <div style="text-align: right; font-size: 1.2em; font-weight: bold;">BC 412040</div>
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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 LASC Local Rule 2.0 in all new civil case filings in the Los Angeles Superior Court.

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

JURY TRIAL? YES CLASS ACTION? YES LIMITED CASE? YES TIME ESTIMATED FOR TRIAL _____ HOURS/ DAYS

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

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

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

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

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

- | | |
|---|--|
| <ol style="list-style-type: none"> 1. Class Actions must be filed in the County Courthouse, Central District. 2. May be filed in Central (Other county, or no Bodily Injury/Property Damage). 3. Location where cause of action arose. 4. Location where bodily injury, death or damage occurred. 5. Location where performance required or defendant resides. | <ol style="list-style-type: none"> 6. Location of property or permanently garaged vehicle. 7. Location where petitioner resides. 8. Location wherein defendant/respondent functions wholly. 9. Location where one or more of the parties reside. 10. Location of Labor Commissioner Office. |
|---|--|

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

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

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

Employment

Contract

Real Property

Judicial Review Unlawful Detainer

SHORT TITLE: IBEW Local 11 v. UST Dry Utilities, et al.	CASE NUMBER
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A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons -See Step 3 Above
Professional Negligence (25)	<input type="checkbox"/> A6017 Legal Malpractice <input type="checkbox"/> A6050 Other Professional Malpractice (not medical or legal)	1., 2., 3. 1., 2., 3.
Other (35)	<input type="checkbox"/> A6025 Other Non-Personal Injury/Property Damage tort	2., 3.
Wrongful Termination (36)	<input type="checkbox"/> A6037 Wrongful Termination	1., 2., 3.
Other Employment (15)	<input type="checkbox"/> A6024 Other Employment Complaint Case <input type="checkbox"/> A6109 Labor Commissioner Appeals	1., 2., 3. 10.
Breach of Contract/Warranty (06) (not insurance)	<input type="checkbox"/> A6004 Breach of Rental/Lease Contract (not Unlawful Detainer or wrongful eviction) <input type="checkbox"/> A6008 Contract/Warranty Breach -Seller Plaintiff (no fraud/negligence) <input type="checkbox"/> A6019 Negligent Breach of Contract/Warranty (no fraud) <input type="checkbox"/> A6028 Other Breach of Contract/Warranty (not fraud or negligence)	2., 5. 2., 5. 1., 2., 5. 1., 2., 5.
Collections (09)	<input type="checkbox"/> A6002 Collections Case-Seller Plaintiff <input type="checkbox"/> A6012 Other Promissory Note/Collections Case	2., 5., 6. 2., 5.
Insurance Coverage (18)	<input type="checkbox"/> A6015 Insurance Coverage (not complex)	1., 2., 5., 8.
Other Contract (37)	<input checked="" type="checkbox"/> A6009 Contractual Fraud <input type="checkbox"/> A6031 Tortious Interference <input type="checkbox"/> A6027 Other Contract Dispute(not breach/insurance/fraud/negligence)	1., 2., 3., 5. 1., 2., 3., 5. 1., 2., 3., 8.
Eminent Domain/Inverse Condemnation (14)	<input type="checkbox"/> A7300 Eminent Domain/Condemnation Number of parcels _____	2.
Wrongful Eviction (33)	<input type="checkbox"/> A6023 Wrongful Eviction Case	2., 6.
Other Real Property (26)	<input type="checkbox"/> A6018 Mortgage Foreclosure <input type="checkbox"/> A6032 Quiet Title <input type="checkbox"/> A6060 Other Real Property (not eminent domain, landlord/tenant, foreclosure)	2., 6. 2., 6. 2., 6.
Unlawful Detainer-Commercial (31)	<input type="checkbox"/> A6021 Unlawful Detainer-Commercial (not drugs or wrongful eviction)	2., 6.
Unlawful Detainer-Residential (32)	<input type="checkbox"/> A6020 Unlawful Detainer-Residential (not drugs or wrongful eviction)	2., 6.
Unlawful Detainer-Drugs (38)	<input type="checkbox"/> A6022 Unlawful Detainer-Drugs	2., 6.
Asset Forfeiture (05)	<input type="checkbox"/> A6108 Asset Forfeiture Case	2., 6.
Petition re Arbitration (11)	<input type="checkbox"/> A6115 Petition to Compel/Confirm/Vacate Arbitration	2., 5.

SHORT TITLE: IBEW Local 11 v. UST Dry Utilities, et al.	CASE NUMBER
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Judicial Review (Cont'd.)

A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Writ of Mandate (02)	<input type="checkbox"/> A6151 Writ - Administrative Mandamus <input type="checkbox"/> A6152 Writ - Mandamus on Limited Court Case Matter <input type="checkbox"/> A6153 Writ - Other Limited Court Case Review	2., 8. 2. 2.
Other Judicial Review (39)	<input type="checkbox"/> A6150 Other Writ /Judicial Review	2., 8.

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 <input type="checkbox"/> A6160 Abstract of Judgment <input type="checkbox"/> A6107 Confession of Judgment (non-domestic relations) <input type="checkbox"/> A6140 Administrative Agency Award (not unpaid taxes) <input type="checkbox"/> A6114 Petition/Certificate for Entry of Judgment on Unpaid Tax <input type="checkbox"/> A6112 Other Enforcement of Judgment Case	2., 9. 2., 6. 2., 9. 2., 8. 2., 8. 2., 8., 9.
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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 <input type="checkbox"/> A6040 Injunctive Relief Only (not domestic/harassment) <input type="checkbox"/> A6011 Other Commercial Complaint Case (non-tort/non-complex) <input type="checkbox"/> A6000 Other Civil Complaint (non-tort/non-complex)	1., 2., 8. 2., 8. 1., 2., 8. 1., 2., 8.

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 <input type="checkbox"/> A6123 Workplace Harassment <input type="checkbox"/> A6124 Elder/Dependent Adult Abuse Case <input type="checkbox"/> A6190 Election Contest <input type="checkbox"/> A6110 Petition for Change of Name <input type="checkbox"/> A6170 Petition for Relief from Late Claim Law <input checked="" type="checkbox"/> A6100 Other Civil Petition	2., 3., 9. 2., 3., 9. 2., 3., 9. 2. 2., 7. 2., 3., 4., 8. 2., 9.

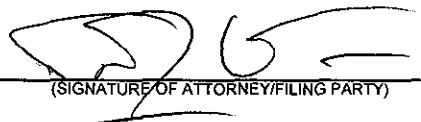
SHORT TITLE: IBEW Local 11 v. UST Dry Utilities, et al.	CASE NUMBER
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Item III. Statement of Location: Enter the address of the accident, party's residence or place of business, performance, or other circumstance indicated in Item II., Step 3 on Page 1, as the proper reason for filing in the court location you selected.

REASON: CHECK THE NUMBER UNDER COLUMN C WHICH APPLIES IN THIS CASE		ADDRESS: 297 N. Marengo Avenue	
<input checked="" type="checkbox"/> 1. <input checked="" type="checkbox"/> 2. <input checked="" type="checkbox"/> 3. <input type="checkbox"/> 4. <input checked="" type="checkbox"/> 5. <input type="checkbox"/> 6. <input type="checkbox"/> 7. <input type="checkbox"/> 8. <input checked="" type="checkbox"/> 9. <input type="checkbox"/> 10.			
CITY: Pasadena	STATE: CA	ZIP CODE: 91101	

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

Dated: April 16, 2009


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