

**SUPERIOR COURT OF CALIFORNIA  
COUNTY OF SAN FRANCISCO**

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Case Number: CGC-17-558259

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COMPLAINT

EVAN MINTON VS. DIGNITY HEALTH ET AL

001C05829709

**Instructions:**

Please place this sheet on top of the document to be scanned.

# SUMMONS (CITACION JUDICIAL)

FOR COURT USE ONLY  
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### NOTICE TO DEFENDANT: (AVISO AL DEMANDADO):

Dignity Health; Dignity Health d/b/a Mercy San Juan Medical Center

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

Evan Minton

**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): San Francisco Superior Court  
400 McAllister Street  
San Francisco, CA 94102

CASE NUMBER:  
(Número de Caso): **CGC 17-558259**

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):  
Christine Saunders Haskett, One Front Street, San Francisco, CA 94111 (415) 591-6000

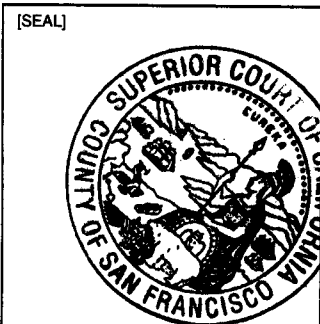
DATE: April 19, 2017  
(Fecha)

**APR 19 2017**

**CLERK OF THE COURT**, by  
(Secretario)

, Deputy  
(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

- as an individual defendant.
- as the person sued under the fictitious name of (specify):  
**DE LA VEGA NAVARRO, Rossaly**
- 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):
- by personal delivery on (date):

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15 *Attorneys for Plaintiff*  
16 Additional Attorneys Listed on Signature Page

CGC 17-558259

17  
18 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
19 **FOR THE COUNTY OF SAN FRANCISCO**

20  
21 EVAN MINTON,

22 Plaintiff,

23 v.

24 DIGNITY HEALTH; DIGNITY HEALTH  
d/b/a MERCY SAN JUAN MEDICAL  
CENTER,

25 Defendants.

Case No.

**VERIFIED COMPLAINT FOR  
DECLARATORY AND INJUNCTIVE RELIEF  
AND STATUTORY DAMAGES**

**FILED**  
San Francisco County Superior Court  
APR 19 2017  
CLERK OF THE COURT  
BY: *[Signature]*  
Deputy Clerk

FAXED

**INTRODUCTION**

1  
2           1.       Plaintiff Evan Minton (“Plaintiff” or “Mr. Minton”) sought and was denied access to  
3 medical services by Defendant Dignity Health, doing business as Mercy San Juan Medical Center  
4 (“Defendant” or “MSJMC”), because he is transgender. MSJMC’s denial to Mr. Minton of medical  
5 services that it regularly provides to non-transgender patients is sex discrimination and violates the  
6 Unruh Civil Rights Act, Cal. Civ. Code § 51.

7           2.       As part of the medical treatment stemming from his diagnosis of gender dysphoria,  
8 Mr. Minton’s surgeon, Dr. Dawson, scheduled a hysterectomy for Mr. Minton at MSJMC on August 30,  
9 2016. Dr. Dawson regularly performs hysterectomies at MSJMC, and in fact she had another  
10 hysterectomy scheduled immediately following Mr. Minton’s scheduled procedure. In a conversation  
11 two days before the scheduled procedure, however, Mr. Minton notified MSJMC personnel that he is  
12 transgender. The next day, Dr. Dawson was informed that she would not be permitted to perform  
13 Mr. Minton’s hysterectomy at MSJMC—either the following day or any day.

14           3.       According to MSJMC personnel, Dr. Dawson was prevented from performing  
15 Mr. Minton’s hysterectomy at MSJMC based on Mr. Minton’s diagnosis of gender dysphoria. Gender  
16 dysphoria is a serious medical condition resulting from the feeling of incongruence between one’s  
17 gender identity and one’s sex assigned at birth.

18           4.       Because Defendant routinely allows Dr. Dawson and other physicians to perform  
19 hysterectomies for patients on the bases of diagnoses other than gender dysphoria, Defendant’s refusal  
20 to allow Dr. Dawson to perform Mr. Minton’s hysterectomy constitutes discrimination against  
21 Mr. Minton because of his gender identity.

22           5.       Defendant’s discrimination violates California’s Unruh Civil Rights Act, which broadly  
23 prohibits business establishments from discriminating in the provision of goods and services to the  
24 general public. The Unruh Act prohibits discrimination based on sex, which is explicitly defined to  
25 include gender identity. Cal. Civ. Code § 51(b). Discriminating against Mr. Minton on the basis of his  
26 gender dysphoria diagnosis therefore violates California law.

27           6.       Mr. Minton seeks a declaratory judgment that Defendant violates California law by  
28

1 prohibiting doctors from performing hysterectomies for patients with gender dysphoria while permitting  
2 doctors to perform hysterectomies for patients without gender dysphoria. In addition, Mr. Minton seeks  
3 an injunction requiring Defendant to allow doctors to perform the same procedures on patients with  
4 gender dysphoria that they are permitted to perform on patients without gender dysphoria. Finally,  
5 Mr. Minton seeks statutory damages under the Unruh Civil Rights Act, Cal. Civ. Code § 52(a).

#### 6 **JURISDICTION AND VENUE**

7 7. This Court has jurisdiction under article VI, section 10, of the California Constitution and  
8 California Code of Civil Procedure §§ 410.10, 525-26, 1060, and 1085.

9 8. Venue in this court is proper because this is an action against a nonprofit corporation,  
10 Dignity Health, which has its the principal place of business in the City and County of San Francisco, at  
11 185 Berry Street, Suite 300, San Francisco, CA 94107.<sup>1</sup> Civ. Code § 395.5.

#### 12 **THE PARTIES**

##### 13 **Plaintiff Evan Minton**

14 9. Plaintiff Evan Minton resides in Orangevale, California, a suburb of Sacramento.  
15 Mr. Minton is a transgender man, which means that he was assigned the sex of female at birth, but his  
16 gender identity is male and he identifies as a man.

##### 17 **Defendant Dignity Health**

18 10. Dignity Health is registered as a 501(c)(3) tax-exempt nonprofit corporation. According  
19 to its website, Dignity Health is the fifth-largest health system in the country, owning and operating a  
20 large network of hospitals.<sup>2</sup> Also according to its website, Dignity Health is the largest hospital provider  
21 in California, with 31 hospitals in the state.<sup>3</sup> In 2012, Dignity Health's federal tax form 990 listed  
22 revenue of \$8.7 billion and employment of 51,991 people. In Sacramento County, Dignity Health does  
23

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24 <sup>1</sup> Dignity Health describes itself as "a California nonprofit public benefit corporation headquartered in  
25 San Francisco," 2012 Form 990, Part III, Line 4a, and lists a San Francisco address for the company.  
26 Dignity Health's most recent Statement of Information, filed with the California Secretary of State on  
27 October 7, 2016, lists the corporation's "Principal Office Address" as 185 Berry Street, Suite 300, San  
28 Francisco, CA 94017.

<sup>2</sup> <http://www.dignityhealth.org/cm/content/pages/about-us.asp>

<sup>3</sup> *Id.*

1 business as Mercy San Juan Medical Center.

2 **STATEMENT OF FACTS**

3 **Gender Dysphoria Diagnosis and Treatment**

4 11. "Gender identity" is a well-established medical concept, referring to one's sense of  
5 belonging to a particular gender. Typically, people who are designated female at birth based on their  
6 external anatomy identify as girls or women, and people who are designated male at birth based on their  
7 external anatomy identify as boys or men. For a transgender individual, however, gender identity differs  
8 from the sex assigned to that person at birth. Transgender men typically are men who were assigned  
9 "female" at birth, but have a male gender identity.

10 12. The medical diagnosis for the feeling of incongruence between one's gender identity and  
11 one's sex assigned at birth, and the resulting distress caused by that incongruence, is "gender dysphoria"  
12 (previously known as "gender identity disorder"). Gender dysphoria is a serious medical condition  
13 codified in the Diagnostic and Statistical Manual of Mental Disorders (DSM-V) and International  
14 Classification of Diseases (ICD-10).<sup>4</sup> The criteria for diagnosing gender dysphoria are set forth in the  
15 DSM-V (302.85).

16 13. The widely accepted standards of care for treating gender dysphoria are published by the  
17 World Professional Association for Transgender Health ("WPATH"). The WPATH Standards of Care  
18 have been recognized as the authoritative standards of care by leading medical organizations, the U.S.  
19 Department of Health and Human Services, and federal courts.

20 14. Under the WPATH standards, treatment for gender dysphoria may require medical steps  
21 to affirm one's gender identity and help an individual transition from living as one gender to another.  
22 This treatment, often referred to as transition-related care, may include hormone therapy, surgery  
23 (sometimes called "sex reassignment surgery" or "gender affirming surgery"), and other medical

24 <sup>4</sup> *Gender Dysphoria*, American Psychiatric Association (2013),  
25 <http://www.dsm5.org/documents/gender%20dysphoria%20fact%20sheet.pdf> ("For a person to be  
26 diagnosed with gender dysphoria, there must be a marked difference between the individual's  
27 expressed/experienced gender and the gender others would assign him or her . . . Gender dysphoria is  
28 manifested in a variety of ways, including strong desires to be treated as the other gender or to be rid of  
one's sex characteristics, or a strong conviction that one has feelings and reactions typical of the other  
gender.").

1 services that align individuals' bodies with their gender identities. The exact medical treatment varies  
2 based on the individualized needs of the person.

3 15. Hysterectomy is surgery to remove a patient's uterus and is performed to treat a number  
4 of health conditions, including uterine fibroids, endometriosis, pelvic support problems, abnormal  
5 uterine bleeding, chronic pelvic pain, and gynecological cancer.<sup>5</sup> A patient can no longer become  
6 pregnant after undergoing a hysterectomy.<sup>6</sup> Thus, hysterectomy is an inherently sterilizing procedure,  
7 regardless of the reason for which it is performed. According to the U.S. Department of Health and  
8 Human Services, hysterectomy is the second most common surgery, after a Cesarean section, among  
9 women in the United States.<sup>7</sup>

10 16. Transgender men often decide to undergo hysterectomy as a gender-affirming surgical  
11 treatment for gender dysphoria. The National Transgender Discrimination Survey in 2015, which  
12 surveyed almost 28,000 transgender people, found that 14% of transgender men surveyed had  
13 undergone a hysterectomy, and 57% wanted a hysterectomy someday.<sup>8</sup> According to every major  
14 medical organization and the overwhelming consensus among medical experts, treatments for gender  
15 dysphoria, including surgical procedures such as hysterectomy, are effective and safe.

16 **Mr. Minton's Gender Dysphoria and Treatment**

17 17. Mr. Minton first began to identify as male and take social steps such as trying out  
18 different male names and asking friends and family to call him by male pronouns in 2011. He was  
19 subsequently diagnosed with gender dysphoria. Pursuant to this diagnosis and on the recommendation  
20 of his treating physicians, Mr. Minton began to take additional steps to continue his transition shortly  
21 after receiving the diagnosis. He began hormone replacement therapy in April of 2012 and had a

22 <sup>5</sup> *Hysterectomy*, American College of Obstetricians and Gynecologists (March 2015),  
23 <http://www.acog.org/Patients/FAQs/Hysterectomy#what>.

24 <sup>6</sup> *Id.*

25 <sup>7</sup> *Hysterectomy*, Office on Women's Health, U.S. Dept. of Health & Human Services (2014),  
26 <https://www.womenshealth.gov/publications/our-publications/fact-sheet/hysterectomy.html#n>.

27 <sup>8</sup> James, S. E., Herman, J. L., Rankin, S., Keisling, M., Mottet, L., & Ana, M. (2016). *The Report of the*  
28 *2015 U.S. Transgender Survey*. Washington, DC: National Center for Transgender Equality.  
<http://www.transequality.org/sites/default/files/docs/usts/USTS%20Full%20Report%20-%20FINAL%201.6.17.pdf>

1 bilateral mastectomy in July of 2014. Mr. Minton legally changed his name by way of court order in  
2 December 2014, and he legally changed the gender shown on his driver's license in 2015.

3 18. By August 2016, Mr. Minton and his treating physicians had a plan for a series of  
4 medical procedures that would result in a phalloplasty, or the surgical creation of a penis.<sup>9</sup> The first of  
5 these planned steps was a complete hysterectomy, or removal of his uterus, fallopian tubes, and ovaries.  
6 In Mr. Minton's case, hysterectomy was medically necessary care to treat his diagnosis of gender  
7 dysphoria. This was the professional opinion of Mr. Minton's hysterectomy surgeon and two mental  
8 health professionals who counseled Mr. Minton during his transition.

9 **Defendant's Discrimination Against Mr. Minton on the Basis of his Gender Identity**

10 19. After consulting further with his primary care physician and obstetrician/ gynecologist,  
11 Dr. Lindsey Dawson, Mr. Minton scheduled his hysterectomy with Dr. Dawson at MSJMC for August  
12 30, 2016.

13 20. Dr. Dawson has been practicing as a board-certified obstetrician/gynecologist for 11  
14 years and has had admitting privileges at MSJMC since 2010. Dr. Dawson regularly performs about 1-2  
15 hysterectomies per month at MSJMC.

16 21. Two days prior to Mr. Minton's scheduled surgery, on August 28, 2016, a pre-operation  
17 nurse called Mr. Minton to prepare him for the surgery. During that conversation, Mr. Minton  
18 mentioned that he is transgender.

19 22. On August 29, a day before his scheduled procedure, Dr. Dawson received a call from  
20 MSJMC's surgery department notifying her that Mr. Minton's hysterectomy had been cancelled.  
21 Dr. Dawson received further confirmation of the cancellation during a telephone call to MSJMC nurse  
22 manager Andrea Markham, and a telephone call and meeting with MSJMC's president, Brian Ivie. Mr.  
23 Ivie also stated that Dr. Dawson would never be allowed to perform a hysterectomy on Mr. Minton at  
24 MSJMC. According to Mr. Ivie, MSJMC would not allow the hysterectomy to proceed because it was  
25

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26 <sup>9</sup> "Phalloplasty in transgender men involves the creation of a penis using any one of a number of  
27 procedures." *Phalloplasty and metaoidioplasty - overview and postoperative considerations*,  
28 Center of Excellence in Transgender Health, <http://www.transhealth.ucsf.edu/tcoe?page=guidelines-phalloplasty>.



1 scheduled as part of a course of treatment for gender dysphoria, as opposed to any other medical  
2 diagnosis.

3 23. MSJMC's refusal to allow Dr. Dawson to perform Mr. Minton's hysterectomy on August  
4 30, 2016 caused Mr. Minton great anxiety and grief. Mr. Minton had no time to spare, as he needed to  
5 undergo his hysterectomy three months before his phalloplasty, which was scheduled for November  
6 23rd. Mr. Minton had already experienced numerous delays throughout his medical transition, including  
7 battles over insurance coverage and scheduling his phalloplasty. As a result, the timing of his  
8 hysterectomy was particularly sensitive.

9 24. As an alternative, Mr. Ivie suggested that Dr. Dawson could get emergency admitting  
10 privileges at Methodist Hospital, a non-Catholic Dignity Health hospital about 30 minutes away from  
11 MSJMC. Dr. Dawson's schedule could not accommodate that alternative immediately.

12 25. Ultimately, Dr. Dawson was able to secure emergency surgical privileges for later in the  
13 week, and she performed Mr. Minton's hysterectomy at Methodist Hospital on Friday, September 2.

14 26. Dr. Dawson routinely performs hysterectomies for her patients, and in fact performed  
15 another hysterectomy at MSJMC the same day that Mr. Minton's surgery had been scheduled. Other  
16 physicians who practice at MSJMC also regularly perform hysterectomies at the hospital for patients  
17 who have not been diagnosed with gender dysphoria, for indications such as chronic pelvic pain and  
18 uterine fibroids.

19 27. If Defendant is not enjoined from preventing doctors from performing hysterectomy  
20 procedures for patients with gender dysphoria in its hospitals, Mr. Minton and others similarly  
21 situated—*i.e.*, transgender individuals who suffer from gender dysphoria—will be unlawfully denied  
22 access to medical treatment at hospitals run by the largest hospital provider in California.

23 **FIRST CAUSE OF ACTION**

24 **(Violation of The Unruh Act, Civ. Code § 51(b))**

25 28. Plaintiff incorporates by reference the allegations of the above paragraphs as though fully  
26 set forth herein.

27 29. The Unruh Act prohibits discrimination on the basis of sex in all business establishments.  
28

1 Civ. Code § 51(b).

2 30. The Unruh Act defines “sex” to include a person’s gender. “Gender” means sex, and  
3 includes a person’s gender identity and gender expression. Civ. Code § 51(e)(5).

4 31. Discrimination against an individual on the basis of his or her gender identity is  
5 discrimination on the basis of “sex” under the Unruh Act.

6 32. Defendant prevented Dr. Dawson from performing Mr. Minton’s hysterectomy to treat  
7 his diagnosis of gender dysphoria, a medical condition unique to individuals whose gender identity does  
8 not conform to the sex they were assigned at birth.

9 33. Defendant does not prohibit physicians at its hospitals from treating other diagnoses with  
10 hysterectomy.

11 34. By preventing Dr. Dawson from performing Mr. Minton’s hysterectomy to treat gender  
12 dysphoria, Defendant discriminated against Mr. Minton on the basis of his gender identity.

13 35. Defendant’s preventing Dr. Dawson from performing Mr. Minton’s hysterectomy at  
14 MSJMC is sex discrimination in violation of California Civil Code § 51(b).

15 36. Defendant’s discriminatory practices caused Plaintiff considerable harm. Therefore, Mr.  
16 Minton seeks injunctive relief and statutory damages under the Unruh Act.

17 **PRAYER FOR RELIEF**

18 WHEREFORE, Plaintiff respectfully requests that the Court:

19 A. Enter a declaratory judgment stating that Defendant’s preventing Mr. Minton’s physician  
20 from performing his hysterectomy at Mercy violated the Unruh Act, Civil Code § 51(b).

21 B. Enter an order for statutory damages of \$4,000 under the Unruh Act, Civil Code § 52(a).

22 C. Enter an order enjoining Defendant, its agents, employees, successors, and all others  
23 acting in concert with them, from (1) discriminating on the basis of gender identity or expression,  
24 transgender status, and/or diagnosis of gender dysphoria in the provision of health care services,  
25 treatment, and facilities; and (2) preventing doctors from performing hysterectomy procedures in its  
26 hospitals on the basis of a diagnosis of gender dysphoria.

27 D. Enter an order requiring Defendant to pay Plaintiff’s attorneys’ fees and costs under Civil  
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1 Code § 52.1(h), Civil Code § 52(a), Code of Civil Procedure § 1021.5, and any other applicable statutes.

2 E. Grant Plaintiff any further relief the Court deems just and proper.

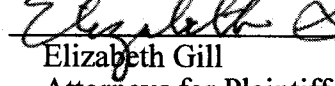
3  
4 Dated: April 19, 2017

Respectfully Submitted,

5  
6 COVINGTON & BURLING LLP

7 By:   
Christine Saunders Haskett  
Attorneys for Plaintiff

8  
9 ACLU FOUNDATION OF NORTHERN  
10 CALIFORNIA, INC.

11 By:   
Elizabeth Gill  
Attorneys for Plaintiff

12  
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**VERIFICATION**

I, Evan Minton, have read paragraphs 9, 17-19, 21, and 23 of this Verified Complaint for Declaratory and Injunctive Relief and Statutory Damages in the matter of *Minton v. Dignity Health*. The facts within these paragraphs are within my own personal knowledge and I know them to be true.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

DATED: 4/19/17

Evan Michael Minton

Evan Minton

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ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar Number, and address):  
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ATTORNEY FOR (Name): Evan Minton

FOR COURT USE ONLY  
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San Francisco County Superior Court  
APR 19 2017  
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BY: [Signature] Deputy Clerk

SUPERIOR COURT OF CALIFORNIA, COUNTY OF San Francisco  
STREET ADDRESS: 400 McAllister Street  
MAILING ADDRESS:  
CITY AND ZIP CODE: San Francisco, CA 94103  
BRANCH NAME:

CASE NAME:  
Minton v. Dignity Health 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:  
JUDGE: GGC 17-558259  
DEPT:

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

FAXED

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

2. This case  is  is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:
- |  |  |
|--|--|
| a. <input type="checkbox"/> Large number of separately represented parties   | d. <input type="checkbox"/> Large number of witnesses  |
| b. <input type="checkbox"/> Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve | e. <input type="checkbox"/> Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court |
| c. <input type="checkbox"/> Substantial amount of documentary evidence   | f. <input type="checkbox"/> Substantial postjudgment judicial supervision  |
3. Remedies sought (check all that apply): a.  monetary b.  nonmonetary; declaratory or injunctive relief c.  punitive
4. Number of causes of action (specify): One - Unruh Act, Cal. Civ. Code Section 51(b)
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 19, 2017  
Lindsey Barnhart  
(TYPE OR PRINT NAME)

[Signature: Lindsey Barnhart]  
(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 P/IPD/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