

SUMMONS (CITACION JUDICIAL)

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

NOTICE TO DEFENDANT:

(AVISO AL DEMANDADO):

Judicial Council of California

CHIEF JUSTICE TANI G. CANTIL-SAKAUE
AND DOES ONE THROUGH TEN

YOU ARE BEING SUED BY PLAINTIFF:

(LO ESTÁ DEMANDANDO EL DEMANDANTE):

Glenn Mahler, James H. Poole, and Julie Conger

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), 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), the California Courts Online Self-Help Center (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), 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), en el Centro de Ayuda de las Cortes de California, (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):

Superior Court of California, County of San Francisco
400 McAllister Street, San Francisco, CA 94102

CASE NUMBER:
(Número del Caso):

CGC - 19-575842

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):

Daniel S. Mason, 101 California Street, Suite 2710, San Francisco, CA 94111 (415) 407-7796

DATE: MAY - 9 2019
(Fecha)

DEPUTY CLERK

Clerk, 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)).

BOWMAN

[SEAL]



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: <input type="checkbox"/> CCP 416.10 (corporation)	<input type="checkbox"/> CCP 416.60 (minor)
<input type="checkbox"/> CCP 416.20 (defunct corporation)	<input type="checkbox"/> CCP 416.70 (conservatee)
<input type="checkbox"/> CCP 416.40 (association or partnership)	<input type="checkbox"/> CCP 416.90 (authorized person)
<input type="checkbox"/> other (specify):	
4. ☐ by personal delivery on (date):

1 Quentin L. Kopp (SBN 25070)

2 qkopp@fsmllaw.com

3 (415) 681-5555

4 Daniel S. Mason (SBN 54065)

5 dmason@fsmllaw.com

6 (415) 407-7796

7 Furth Salem Mason & Li LLP

8 101 California Street, Suite 2710

9 San Francisco, California 94111

10 Thomas W. Jackson (SBN 107608)

11 tjackson@fsmllaw.com

12 (707) 244-9422

13 Furth Salem Mason & Li LLP

14 640 Third Street, Second Floor

15 Santa Rosa, CA 95404

16 Attorneys for Plaintiffs

FILED
Superior Court of California
County of San Francisco

MAY - 8 2019

CLERK OF THE COURT

BY: [Signature]
Deputy Clerk

BOWMAN

17 SUPERIOR COURT OF THE STATE OF CALIFORNIA

18 COUNTY OF SAN FRANCISCO

19 GLENN MAHLER, JAMES H. POOLE, and,
20 JULIE CONGER

21 Plaintiffs,

22 vs.

23 JUDICIAL COUNCIL OF CALIFORNIA,
24 CHIEF JUSTICE TANI G. CANTIL-
25 SAKAUYE, and DOES ONE through TEN,

26 Defendants.

Case No.: CGC - 19-575842

COMPLAINT FOR DAMAGES FOR
EMPLOYMENT DISCRIMINATION

(Government Code section 12940(a))

27 Plaintiffs allege:

28 INTRODUCTION AND BACKGROUND

1. Plaintiffs, retired superior court judges, challenge the recent changes to the Assigned Judges Program ("AJP") implemented by defendants Chief Justice of California and the Judicial Council of California ("Judicial Council") that limit participation by individual retired judge in that program to a total of 1,320 days. These changes constitute an

1 unlawful employment practice in violation of Government Code sec. 12940(a) as it
2 discriminates against plaintiffs because of their age, in the terms, conditions, and privileges
3 of their employment, as more fully set forth below.

4 2. The AJP sets forth the structure by which the Chief Justice of California
5 temporarily assigns retired judges to fill judicial vacancies and to cover for vacations,
6 illnesses, and disqualifications.

7 3. The AJP is authorized by Article VI, section 6(e) of the California
8 Constitution which requires the Chief Justice to “seek to expedite judicial business and to
9 equalize the work of judges.” In order to fulfill this mandate, “[t]he Chief Justice may
10 provide for the assignment of any judge to another court but only with the judge's consent if
11 the court is of lower jurisdiction. A retired judge who consents may be assigned to any
12 court.”

13 4. To be eligible to participate in the AJP a retired judge must not have been
14 defeated in an election for his or her office (Gov. Code §68549); must not have been
15 removed from office by the Commission on Judicial Performance (Cal. Const. Article VI, §
16 18; must have met minimum age and years-of-service requirements and filed a notice of
17 retirement (Gov. Code §75025); must have made certain payments to the Judges’ Retirement
18 Fund (Gov. Code §75026); and must comply with the Code of Judicial Ethics (Code of
19 Judicial Ethics, Canon 6).

20 5. A retired judge must apply to participate in the AJP within two years of
21 retirement or within two years of previous service in the program; renew that application
22 annually; provide a declaration that he or she does not intend to become an active member of
23 the State Bar; certify that the retired judge will not participate in privately compensated
24 dispute resolution activities; submit to a reference check, serve at least 25 days each fiscal
25 year; participate in continuing education; and take an oath of office.

26 6. Retired judges participating in the AJP are evaluated each year by the
27 presiding judges in the courts in which they sit.
28

1 7. Until May 21, 2018 there was no limit on the number of days a retired judge
2 could participate in the AJP. However, on that date, defendant Chief Justice Cantil-Sakuye
3 through defendant Judicial Council arbitrarily and without lawful reason changed the terms,
4 conditions, and privileges of employment of retired judges participating in the AJP by
5 limiting the number of days a retired judge could participate in the AJP to 1,320 days. Said
6 change was made retroactive, thus directly impacting plaintiffs. The stated effective date of
7 the change was July 1, 2018, although implementation of the change was delayed until
8 January 1, 2019.

9 PARTIES

10 8. Plaintiff Glenn Mahler is an adult person over 40 years of age and resident of
11 the County of Orange, State of California. Judge Mahler began his judicial career as a
12 Subordinate Judicial Officer in 1977. Judge Mahler was appointed as an Orange County
13 Municipal Court judge in 1986 and elevated to the Superior Court in 1998. Judge Mahler
14 retired in 2008 and at that time his application for participation in the AJP was accepted.
15 Judge Mahler worked nearly full-time in the AJP, accumulating over 2,000 days of service
16 through December 31, 2018.

17 9. Plaintiff James H. Poole is an adult person over 40 years of age, and resident
18 of the County of Los Angeles, State of California. Judge Poole was first appointed to the
19 Orange County Municipal Court in 1989 and ran unopposed in the next general election.
20 Judge Poole was later elected presiding judge of the West Orange County Municipal Court.
21 In 1992 Judge Poole was elevated to the Superior Court. Judge Poole retired in June 2009
22 and at that time his application for participation in the AJP was accepted. Judge Poole
23 worked in the AJP nearly full-time through December 2018, accumulating approximately
24 1,800 days of service.

25 10. Plaintiff Julie Conger is an adult person over 40 years of age, and a resident of
26 the County of Sonoma, State of California. Judge Conger was elected as Municipal Court
27 judge in Berkeley-Albany in 1982 and served on that court until 1998 when Judge Conger
28

1 was elevated to the Superior Court. Judge Conger retired in April 2008. Shortly thereafter
2 Judge Conger's application for participation in the AJP was accepted. Judge Conger
3 commenced participation in the AJP on July 1, 2008. Since that time Judge Conger has
4 regularly worked approximately nine full months per year in the AJP, accumulating over
5 1,500 days of service.

6 11. At all times mentioned herein Plaintiffs were qualified for the position of
7 Assigned Judge. Plaintiffs are participants in the AJP who as of May 21, 2018 had already
8 worked on assignments for more than 1,320 days. Plaintiffs have applied, and been accepted
9 in, the Assigned Judges Program for 2019, but they have been adversely affected by the new
10 rules in that they will not be able to participate in the AJP under the same terms, conditions,
11 and privileges of employment as existed prior to the change, and as are applicable to
12 younger judges.

13 12. Defendant Judicial Council of California ("Judicial Council") is established
14 under authority of the Constitution of the State of California, Article VI, section 6 and
15 California Rules of Court Rule 10.1. It is the policymaking body of the California courts and
16 is chaired by the Chief Justice. According to its governance policies, "Under the leadership
17 of the Chief Justice and in accordance with the California Constitution, the council is
18 responsible for ensuring the consistent, independent, impartial, and accessible administration
19 of justice." The Judicial Council is subject to suit under the California Fair Employment Act,
20 Government Code Section 12900 et seq. (FEHA), in that it is an employer of five or more
21 persons.

22 13. Defendant Tani G. Cantil-Sakauye is the Chief Justice of California, a
23 position she has held since January 3, 2011. As chair of the Judicial Council Chief Justice
24 Cantil-Sakauye directs the Council's work, including establishing budget policies and
25 promulgating rules for court administration. Chief Justice Cantil-Sakauye appoints 14 of the
26 Judicial Council's 20 other voting members. Defendant Chief Justice Cantil-Sakauye is sued
27 in her official capacity as Chair of the Judicial Council.
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1 14. Plaintiffs are ignorant of the true names and capacities of defendants sued
2 herein as DOES ONE through TEN, inclusive, and therefore sue these defendants by such
3 fictitious names. Plaintiffs will amend this complaint to allege their true names and
4 capacities when ascertained. Plaintiffs are informed and believes that each of these
5 fictitiously-named defendants is responsible in some manner for the occurrences herein
6 alleged, and that plaintiffs' injuries as herein alleged were proximately caused by the
7 aforementioned defendants.

8 15. Plaintiffs are informed and believe and thereon allege that at all times herein
9 mentioned each of the defendants was the agent and employee of each of the remaining
10 defendants and, in doing the things hereinafter alleged, was acting within the course and
11 scope of such agency and employment.

12 RIGHT TO SUE LETTERS

13 16. On March 8, 2019, and within one year of the date of the discrimination
14 committed by defendants, plaintiffs filed charges of discrimination with the California
15 Department of Fair Employment and Housing (DFEH). Copies of these charges are
16 appended hereto, marked "Exhibits A, B, and C," and are incorporated by this reference as
17 though fully set forth.

18 17. On March 8, 2019 the DFEH issued to plaintiffs notices of right to bring a
19 civil action based on the charges that are "Exhibits A, B, and C" to this complaint. Copies of
20 these notices of right of action are appended hereto, marked "Exhibit D, E, and F," and are
21 incorporated by this reference as though fully set forth.

22 VENUE

23 18. Venue is proper in this court because the unlawful employment practices
24 complained of herein occurred in San Francisco County and records relevant to the unlawful
25 employment practices are maintained in San Francisco County
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1 ADVERSE EMPLOYMENT ACTION

2 19. Defendants' policy of arbitrarily limiting assigned judges to 1,320 days of
3 service amounts to illegal age discrimination against plaintiffs in the terms, conditions, and
4 privileges of their employment under the AJP, and is an adverse employment action not
5 based upon bona fide occupational qualifications nor upon any applicable security
6 regulations established by the United States or the State of California. This policy has a
7 disparate impact on plaintiffs and other persons of their age in that it causes them to be
8 demonstrably disadvantaged vis-à-vis younger participants in the AJP in the following
9 manner: plaintiffs, who have 1,320 or more days' experience in the Assigned Judges
10 Program, will no longer be given assignments unless they receive an "exception" to the
11 policy.

12 20. Defendants have purported to establish an "exception" to the newly
13 implemented AJP changes, but the "exception" does not cure the discriminatory purpose and
14 effect of the AJP changes.

15 21. The policy requiring exceptions for participation in the AJP does not apply to
16 younger, more recently retired judges, whose terms, conditions, and privileges of
17 employment have not been changed. It applies only to judges with more than 1320 days'
18 service in the AJP, such as plaintiffs herein

19 22. Most assignments under the exceptions are either to Family Law Departments
20 or to courts located in communities far from the home counties of plaintiffs and most 1320
21 Judges. As a result, acceptance of any such exceptions require considerable travel and long
22 absences from their homes. In addition, "exception" assignments are in unfamiliar courts
23 with unfamiliar practices. And confirmation of "exception" assignments are made in many
24 instances only shortly before the assignment is to commence, providing inadequate time for
25 Judges to prepare and travel to the assigned court and requiring that dates be held open
26 almost up to the proposed date of commencement of the assignment.
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1 23. Judges who have reached 1320 days, in order to continue to work, are
2 required to accept assignments under these discriminatory terms and conditions. Moreover,
3 the "exception" procedure otherwise imposes excessive additional work on local courts,
4 resulting in uncertainty as to whether a needed Judge will in fact be available for assignment.
5 These problems will continue to occur due to the policy requiring "exceptions" for 1320
6 judges.

7 24. Defendants' discriminatory actions against plaintiffs, constitute unlawful
8 discrimination in employment on account of age, in violation of Government Code Section
9 12940(a). As such they violate California Constitution Article VI, Section 6(d), which states
10 that the functions performed by defendants must "not be inconsistent with statute." Further,
11 they are not based on any bona fide job qualifications in that limiting an Assigned Judge to
12 1,320 days of service is not necessary to the AJP, is inefficient and wasteful, and is contrary
13 to law and public policy.

14 25. As a proximate result of defendants' discriminatory actions against plaintiffs,
15 as alleged above, plaintiffs have been harmed in that plaintiffs have suffered the loss of
16 wages, salary, benefits, and additional amounts of money plaintiffs would have received if
17 they had been able to continue actively serving in the Assigned Judges Program. As a result
18 of such discrimination and consequent harm, plaintiffs have suffered such damages in an
19 amount according to proof.

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1 PRAYER FOR RELIEF

2 WHEREFORE, plaintiffs pray for judgment as follows:

- 3 1. For back pay, front pay, and other monetary relief according to proof;
- 4 2. For interest on the sum of damages awarded, calculated from January 1, 2019 to the
- 5 date of judgment;
- 6 3. For reasonable attorney's fees pursuant to Government Code Section 12965(b);
- 7 4. For costs of suit herein incurred; and
- 8 5. For such other and further relief as the court deems proper.

9

10 Dated this 9th day of May, 2019.

11

12 Furth Salem Mason & Li LLP

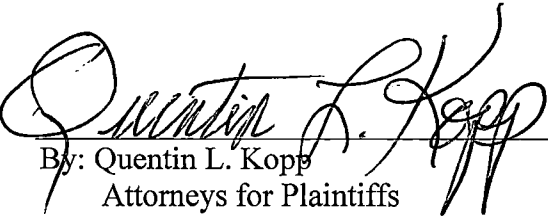
13 
14 By: Quentin L. Kopp
15 Attorneys for Plaintiffs

EXHIBIT A

1 **COMPLAINT OF EMPLOYMENT DISCRIMINATION**
2 **BEFORE THE STATE OF CALIFORNIA**
3 **DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING**
4 **Under the California Fair Employment and Housing Act**
 (Gov. Code, § 12900 et seq.)

5 **In the Matter of the Complaint of**
6 Glenn Mahler

DFEH No. 201903-05391909

7 Complainant,

8 vs.

9 Judicial Council of California
10 455 Golden Gate Avenue
11 San Francisco, 94102

12 The Honorable Tani Cantil-Sakauye
13 455 Golden Gate Avenue
14 San Francisco, California 94102

15 Respondents

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17 1. Respondent **Judicial Council of California** is an **employer** subject to suit under
18 the California Fair Employment and Housing Act (FEHA) (Gov. Code, § 12900 et
19 seq.).

20 2. Complainant **Glenn Mahler**, resides in the City of **State of California**.

21 3. Complainant alleges that on or about **March 8, 2019**, respondent took the
22 following adverse actions:

23 **Complainant was discriminated against** because of complainant's age (40 and
24 over) and as a result of the discrimination was denied any employment benefit or
25 privilege, denied work opportunities or assignments.

26 **Additional Complaint Details:**
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1 VERIFICATION

2 I, **Thomas W. Jackson**, am the **Attorney** in the above-entitled complaint. I have read
3 the foregoing complaint and know the contents thereof. The matters alleged are
4 based on information and belief, which I believe to be true.

5 On March 8, 2019, I declare under penalty of perjury under the laws of the State of
6 California that the foregoing is true and correct.

7 **Santa Rosa, CA**

EXHIBIT B

**In the Matter of the Complaint of
James Poole**

Complainant,

The Honorable Tani Cantil-Sakauye
455 Golden Gate Avenue
San Francisco, California 94102

Additional Complaint Details:

1 VERIFICATION

2 I, **Thomas W. Jackson**, am the **Attorney** in the above-entitled complaint. I have read
3 the foregoing complaint and know the contents thereof. The matters alleged are
4 based on information and belief, which I believe to be true.

5 On March 8, 2019, I declare under penalty of perjury under the laws of the State of
6 California that the foregoing is true and correct.

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Santa Rosa, CSA

EXHIBIT C

**In the Matter of the Complaint of
Julie Conger**

Complainant,

The Honorable Tani Cantil-Sakauye
455 Golden Gate Avenue
San Francisco, California 94102

Additional Complaint Details:

1 VERIFICATION

2 I, **Thomas W. Jackson**, am the **Attorney** in the above-entitled complaint. I have read
3 the foregoing complaint and know the contents thereof. The matters alleged are
4 based on information and belief, which I believe to be true.

5 On March 8, 2019, I declare under penalty of perjury under the laws of the State of
6 California that the foregoing is true and correct.

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Santa Rosa, CA

EXHIBIT D



DEPARTMENT OF FAIR EMPLOYMENT & HOUSING

2218 Kausen Drive, Suite 100 | Elk Grove | CA | 95758
(800) 884-1684 (Voice) | (800) 700-2320 (TTY) | California's Relay Service at 711
<http://www.dfeh.ca.gov> | Email: contact.center@dfeh.ca.gov

KEVIN KISH, DIRECTOR

March 8, 2019

Glenn Mahler
P.O. Box 60666
, California 92602

RE: **Notice of Case Closure and Right to Sue**
DFEH Matter Number: 201903-05391909
Right to Sue: Mahler / Judicial Council of California et al.

Dear Glenn Mahler,

This letter informs you that the above-referenced complaint was filed with the Department of Fair Employment and Housing (DFEH) has been closed effective March 8, 2019 because an immediate Right to Sue notice was requested. DFEH will take no further action on the complaint.

This letter is also your Right to Sue notice. According to Government Code section 12965, subdivision (b), a civil action may be brought under the provisions of the Fair Employment and Housing Act against the person, employer, labor organization or employment agency named in the above-referenced complaint. The civil action must be filed within one year from the date of this letter.

To obtain a federal Right to Sue notice, you must contact the U.S. Equal Employment Opportunity Commission (EEOC) to file a complaint within 30 days of receipt of this DFEH Notice of Case Closure or within 300 days of the alleged discriminatory act, whichever is earlier.

Sincerely,

Department of Fair Employment and Housing

EXHIBIT E



DEPARTMENT OF FAIR EMPLOYMENT & HOUSING

KEVIN KISH, DIRECTOR

2218 Kausen Drive, Suite 100 | Elk Grove | CA | 95758
(800) 884-1684 (Voice) | (800) 700-2320 (TTY) | California's Relay Service at 711
<http://www.dfeh.ca.gov> | Email: contact.center@dfeh.ca.gov

March 8, 2019

James Poole
5524 E. Ocean Blvd.
Long Beach, California 90803

RE: **Notice of Case Closure and Right to Sue**
DFEH Matter Number: 201903-05392009
Right to Sue: Poole / Judicial Council of California et al.

Dear James Poole,

This letter informs you that the above-referenced complaint was filed with the Department of Fair Employment and Housing (DFEH) has been closed effective March 8, 2019 because an immediate Right to Sue notice was requested. DFEH will take no further action on the complaint.

This letter is also your Right to Sue notice. According to Government Code section 12965, subdivision (b), a civil action may be brought under the provisions of the Fair Employment and Housing Act against the person, employer, labor organization or employment agency named in the above-referenced complaint. The civil action must be filed within one year from the date of this letter.

To obtain a federal Right to Sue notice, you must contact the U.S. Equal Employment Opportunity Commission (EEOC) to file a complaint within 30 days of receipt of this DFEH Notice of Case Closure or within 300 days of the alleged discriminatory act, whichever is earlier.

Sincerely,

Department of Fair Employment and Housing

EXHIBIT F



DEPARTMENT OF FAIR EMPLOYMENT & HOUSING

KEVIN KISH, DIRECTOR

2218 Kausen Drive, Suite 100 | Elk Grove | CA | 95758
(800) 884-1684 (Voice) | (800) 700-2320 (TTY) | California's Relay Service at 711
<http://www.dfeh.ca.gov> | Email: contact.center@dfeh.ca.gov

March 8, 2019

Julie Conger
19021 Kenleigh Drive
, California 95476-6014

RE: **Notice of Case Closure and Right to Sue**
DFEH Matter Number: 201903-05391609
Right to Sue: Conger / Judicial Council of California et al.

Dear Julie Conger,

This letter informs you that the above-referenced complaint was filed with the Department of Fair Employment and Housing (DFEH) has been closed effective March 8, 2019 because an immediate Right to Sue notice was requested. DFEH will take no further action on the complaint.

This letter is also your Right to Sue notice. According to Government Code section 12965, subdivision (b), a civil action may be brought under the provisions of the Fair Employment and Housing Act against the person, employer, labor organization or employment agency named in the above-referenced complaint. The civil action must be filed within one year from the date of this letter.

To obtain a federal Right to Sue notice, you must contact the U.S. Equal Employment Opportunity Commission (EEOC) to file a complaint within 30 days of receipt of this DFEH Notice of Case Closure or within 300 days of the alleged discriminatory act, whichever is earlier.

Sincerely,

Department of Fair Employment and Housing

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):

Daniel S. Mason (SBN 54065)
101 California Street, Suite 2710
San Francisco, CA 94111

TELEPHONE NO.: (415) 407-7796

FAX NO.:

ATTORNEY FOR (Name):

FOR COURT USE ONLY

FILED

Superior Court of California
County of San Francisco

MAY -9 2019

CLERK OF THE COURT

BY: BOWMAN Clerk

SUPERIOR COURT OF CALIFORNIA, COUNTY OF San Francisco

STREET ADDRESS: 400 McAllister Street

MAILING ADDRESS:

CITY AND ZIP CODE: San Francisco, 94102

BRANCH NAME:

CASE NAME:

Mahler et al vs- Judicial Council of California 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:

CGC - 19-575842

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:

Auto Tort

☐ Auto (22)
☐ Uninsured motorist (46)

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

☐ Asbestos (04)
☐ Product liability (24)
☐ Medical malpractice (45)
☐ Other PI/PD/WD (23)

Non-PI/PD/WD (Other) Tort

☐ Business tort/unfair business practice (07)
☒ Civil rights (08)
☐ Defamation (13)
☐ Fraud (16)
☐ Intellectual property (19)
☐ Professional negligence (25)
☐ Other non-PI/PD/WD tort (35)

Employment

☐ Wrongful termination (36)
☐ Other employment (15)

Contract

☐ Breach of contract/warranty (06)
☐ Rule 3.740 collections (09)
☐ Other collections (09)
☐ Insurance coverage (18)
☐ Other contract (37)

Real Property

☐ Eminent domain/Inverse condemnation (14)
☐ Wrongful eviction (33)
☐ Other real property (26)

Unlawful Detainer

☐ Commercial (31)
☐ Residential (32)
☐ Drugs (38)

Judicial Review

☐ Asset forfeiture (05)
☐ Petition re: arbitration award (11)
☐ Writ of mandate (02)
☐ Other judicial review (39)

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

☐ Antitrust/Trade regulation (03)
☐ Construction defect (10)
☐ Mass tort (40)
☐ Securities litigation (28)
☐ Environmental/Toxic tort (30)
☐ Insurance coverage claims arising from the above listed provisionally complex case types (41)

Enforcement of Judgment

☐ Enforcement of judgment (20)

Miscellaneous Civil Complaint

☐ RICO (27)
☐ Other complaint (not specified above) (42)

Miscellaneous Civil Petition

☐ Partnership and corporate governance (21)
☐ 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. ☐ Large number of separately represented parties d. ☐ Large number of witnesses
b. ☐ Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve e. ☐ Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court
c. ☐ Substantial amount of documentary evidence f. ☐ 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

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: 5/9/2019

Thomas W. Jackson

(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.

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