

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Juliet M. Brodie (State Bar No. 24898) Michelle Lamy (Stud. Cert. No. 35105) Stanford Community Law Clinic/Mills Legal Clinic of Stanford Law School 2117 University Avenue, Suite A East Palo Alto, CA 94303 TELEPHONE NO.: (650) 725-9200 FAX NO.: E-MAIL ADDRESS: ATTORNEY FOR (Name):	FOR COURT USE ONLY ENDORSED FILED SAN MATEO COUNTY FEB 19 2015 Clerk of the Superior Court By <u>S. Peyrot</u> DEPUTY CLERK
SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN MATEO STREET ADDRESS: 400 County Center MAILING ADDRESS: CITY AND ZIP CODE: Redwood City, CA 94063 BRANCH NAME: Southern Branch	
Plaintiff: Equity Residential Management, LLC Defendant:	
<div style="text-align: center;">ANSWER—UNLAWFUL DETAINER</div> <div style="text-align: right;">CASE NUMBER: CLJ</div>	

1. Defendant (each defendant for whom this answer is filed must be named and must sign this answer unless his or her attorney signs):

answers the complaint as follows:

2. **Check ONLY ONE of the next two boxes:**
 - a. ☐ Defendant generally denies each statement of the complaint. (Do not check this box if the complaint demands more than \$1,000.)
 - b. ☒ Defendant admits that all of the statements of the complaint are true EXCEPT:
 - (1) Defendant claims the following statements of the complaint are false state paragraph numbers from the complaint or explain below or on form MC-025: ☐ Explanation is on MC-025, titled as Attachment 2b(1).
6, 7, 8, 10, 11
 - (2) Defendant has no information or belief that the following statements of the complaint are true, so defendant denies them (state paragraph numbers from the complaint or explain below or on form MC-025):
☐ Explanation is on MC-025, titled as Attachment 2b(2).
4, 5
3. **AFFIRMATIVE DEFENSES (NOTE: For each box checked, you must state brief facts to support it in item 3k (top of page 2).)**
 - a. ☒ (nonpayment of rent only) Plaintiff has breached the warranty to provide habitable premises.
 - b. ☐ (nonpayment of rent only) Defendant made needed repairs and properly deducted the cost from the rent, and plaintiff did not give proper credit.
 - c. ☒ (nonpayment of rent only) On (date): February 9, 2015 before the notice to pay or quit expired, defendant offered the rent due but plaintiff would not accept it.
 - d. ☐ Plaintiff waived, changed, or canceled the notice to quit.
 - e. ☒ Plaintiff served defendant with the notice to quit or filed the complaint to retaliate against defendant.
 - f. ☐ By serving defendant with the notice to quit or filing the complaint, plaintiff is arbitrarily discriminating against the defendant in violation of the Constitution or the laws of the United States or California.
 - g. ☒ Plaintiff's demand for possession violates the local rent control or eviction control ordinance of (city or county, title of ordinance, and date of passage): Rent Stabilization and Just Cause for Eviction Ordinance of the City of East Palo Alto (June 8, 2010)

(Also, briefly state in item 3k the facts showing violation of the ordinance.)
 - h. ☐ Plaintiff accepted rent from defendant to cover a period of time after the date the notice to quit expired.
 - i. ☐ Plaintiff seeks to evict defendant based on acts against defendant or a member of defendant's household that constitute domestic violence, sexual assault, stalking, human trafficking, or abuse of an elder or a dependent adult. (A temporary restraining order, protective order, or police report not more than 180 days old is required naming you or your household member as the protected party or a victim of these crimes.)
 - j. ☒ Other affirmative defenses are stated in item 3k.

CASE NUMBER:

CLJ [REDACTED]

3. AFFIRMATIVE DEFENSES (cont'd)

- k. Facts supporting affirmative defenses checked above (*identify facts for each item by its letter from page 1 below or on form MC-025*):

☒ Description of facts is on MC-025, titled as Attachment 3k.

4. OTHER STATEMENTS

- a. ☐ Defendant vacated the premises on (date):
- b. ☒ The fair rental value of the premises alleged in the complaint is excessive (*explain below or on form MC-025*):

☐ Explanation is on MC-025, titled as Attachment 4b.

due to defects in the premises and/or breach of the warranty of habitability, as stated in Attachment 3k.

- c. ☒ Other (*specify below or on form MC-025 in attachment*):
- ☐ Other statements are on MC-025, titled as Attachment 4c.

Defendant seeks credit for the security deposit in an amount according to proof.

5. DEFENDANT REQUESTS

- a. that plaintiff take nothing requested in the complaint.
- b. costs incurred in this proceeding.
- c. ☒ reasonable attorney fees.
- d. ☐ that plaintiff be ordered to (1) make repairs and correct the conditions that constitute a breach of the warranty to provide habitable premises and (2) reduce the monthly rent to a reasonable rental value until the conditions are corrected.
- e. ☒ Other (*specify below or on form MC-025*):
- ☐ All other requests are stated on MC-025, titled as Attachment 5e.
- such other relief as the Court deems just and proper.

6. Number of pages attached: 2

UNLAWFUL DETAINER ASSISTANT (Bus. & Prof. Code §§ 6400—6415)

7. (*Must be completed in all cases.*) An unlawful detainer assistant ☒ did not ☐ did for compensation give advice or assistance with this form. (*If defendant has received any help or advice for pay from an unlawful detainer assistant, state*):

- a. Assistant's name:
- b. Telephone No.:
- c. Street address, city, and zip code:
- d. County of registration:
- e. Registration No.:
- f. Expires on (date):

(Each defendant for whom this answer is filed must be named in item 1 and must sign this answer unless his or her attorney signs.)

Juliet M. Brodie/Michelle Lamy
(TYPE OR PRINT NAME)

(TYPE OR PRINT NAME)

▶ [Signature]
(SIGNATURE OF DEFENDANT OR ATTORNEY)

▶ _____
(SIGNATURE OF DEFENDANT OR ATTORNEY)

VERIFICATION

(Use a different verification form if the verification is by an attorney or for a corporation or partnership.)

I am the defendant in this proceeding and have read this answer. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Date:

[REDACTED]
(TYPE OR PRINT NAME)

[REDACTED]
(SIGNATURE OF DEFENDANT)

SHORT TITLE: Equity Residential Management, LLC v. [REDACTED]

CASE NUMBER: [REDACTED]

CL. [REDACTED]

ATTACHMENT (Number): 3k

(This Attachment may be used with any Judicial Council form.)

3(a): Breach of the Warranty of Habitability

1. The following defects existed in [REDACTED] during the alleged period of nonpayment, and constitute a breach of the warranty to provide a habitable premises:

- (a) a preexisting pest infestation,
- (b) a leaking roof,
- (c) lack of hot/cold running water in the bathroom and kitchen,
- (d) lack of window screens, and
- (e) a defective electrical outlet.

2. Plaintiff had actual and/or constructive notice of these defects, but failed to make the needed repairs.

3. None of these defects were caused by any conduct of Defendant [REDACTED]

4. In a letter dated February 9, 2015 and delivered with the February rent, Defendant [REDACTED] explained that she was withholding a portion of the rent because of the breach of the warranty of habitability resulting from these defects.

3(c): Tender

5. On February 9, 2015, Defendant [REDACTED] tendered the February rent, in the form of money orders.

6. This payment constituted complete tender of the February rent. (See supra paragraph 4 and infra paragraphs 12-15.)

7. Plaintiff refused to accept this tender.

3(e) and 3(g): Retaliation

8. Defendant [REDACTED] has repeatedly complained to Plaintiff about the defects recited above, which violate the implied warranty of habitability, and repeatedly requested that the necessary repairs be made.

9. Defendant [REDACTED] has otherwise asserted her rights as a tenant under California law, including the successful defense of an ex parte application for judgment against Defendant [REDACTED] brought by Plaintiff in April 2014.

10. Plaintiff has, in response, expressed a desire to evict Defendant [REDACTED] dating back to at least December 2014.

11. Plaintiff's filing of an unlawful detainer action against Defendant [REDACTED] therefore constitutes retaliation in violation of both Section 17 of the East Palo Alto Rent Stabilization Ordinance and California common law.

(If the item that this Attachment concerns is made under penalty of perjury, all statements in this Attachment are made under penalty of perjury.)

Page 1 of 2

(Add pages as required)

SHORT TITLE: Equity Residential Management, LLC v. [REDACTED]

CASE NUMBER:

CLJ [REDACTED]

ATTACHMENT (Number): 3k

(This Attachment may be used with any Judicial Council form.)

3(j): Estoppel

12. In the past, Plaintiff has accepted tender from Defendant [REDACTED] to cure alleged nonpayment more than three days after service of a Three Day Notice.
13. Specifically, Plaintiff communicated to Defendant [REDACTED] on multiple prior occasions that it was acceptable to tender payment on the Monday following service of a Three Day Notice, even if such tender would fall outside the three-day window.
14. Defendant [REDACTED] relied to her detriment upon that prior conduct in tendering payment on Monday, February 9, 2015, more than three days after service of the Three Day Notice.
15. Plaintiff is therefore estopped from enforcing the three-day limitation on tender found in the Three Day Notice.

(If the item that this Attachment concerns is made under penalty of perjury, all statements in this Attachment are made under penalty of perjury.)

Page 2 of 2

(Add pages as required)

1 Juliet M. Brodie (State Bar No. 24898)
2 Michelle Lamy (Stud. Cert. No. 35105)
3 Stanford Community Law Clinic, 2117 University Ave., Suite A
4 East Palo Alto, CA
5 TEL: (650) 725-9200
6 FAX: (650) 326-4162

7 Attorneys for Defendant(s)

ENDORSED FILED
SAN MATEO COUNTY


FEB 19 2015


Clerk of the Superior Court
By S. Peyrot
DEPUTY CLERK

8 **SUPERIOR COURT OF CALIFORNIA**
9 **COUNTY OF SAN MATEO**
10 **LIMITED JURISDICTION**

11 Plaintiff, Equity Residential Management,
12 LLC


13 vs.

14 
15 Defendants
16
17

) Case No.: CL 
) **Unlawful Detainer**

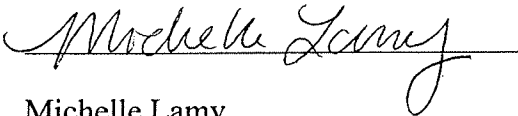
) **DEMAND FOR JURY TRIAL**

18
19 To the clerk of the above entitled court and to plaintiff:

20 NOTICE IS HEREBY GIVEN that defendant  hereby demands a jury trial and settlement
21 conference in the above matter.

22
23 Dated: 2/19/15

24 
25 Juliet M. Brodie

26 
27 Michelle Lamy
28

If you are getting public benefits, are a low-income person, or do not have enough income to pay for household's basic needs and your court fees, you may use this form to ask the court to waive all or part of your court fees. The court may order you to answer questions about your finances. If the court waives the fees, you may still have to pay later if:

- You cannot give the court proof of your eligibility,
- Your financial situation improves during this case, or
- You settle your civil case for \$10,000 or more. The trial court that waives your fees will have a lien on any such settlement in the amount of the waived fees and costs. The court may also charge you any collection costs.

1 Your Information (person asking the court to waive the fees):

Name: [REDACTED]

Street or mailing address: [REDACTED]

City: East Palo Alto State: CA Zip: 94303

Phone number: [REDACTED]

2 Your Job, if you have one (job title): [REDACTED]

Name of employer: [REDACTED]

Employer's address: [REDACTED]

3 Your Lawyer, if you have one (name, firm or affiliation, address, phone number, and State Bar number):

Juliet M. Brodie (State Bar No. 24898); Stanford Community Law Clinic/Mills Legal Clinic of Stanford Law School

2117 University Avenue, Suite A, Palo Alto, CA 94303; (605) 725-9200

a. The lawyer has agreed to advance all or a portion of your fees or costs (check one): Yes ☐ No ☒

b. (If yes, your lawyer must sign here) Lawyer's signature: [REDACTED]

If your lawyer is not providing legal-aid type services based on your low income, you may have to go to a hearing to explain why you are asking the court to waive the fees.

4 What court's fees or costs are you asking to be waived?

- ☒ Superior Court (See Information Sheet on Waiver of Superior Court Fees and Costs (form FW-001-INFO).)
- ☐ Supreme Court, Court of Appeal, or Appellate Division of Superior Court (See Information Sheet on Waiver of Appellate Court Fees (form APP-015/FW-015-INFO).)

5 Why are you asking the court to waive your court fees?

- a. ☒ I receive (check all that apply): ☒ Medi-Cal ☐ Food Stamps ☐ SSI ☐ SSP ☐ County Relief/General Assistance ☐ IHSS (In-Home Supportive Services) ☐ CalWORKS or Tribal TANF (Tribal Temporary Assistance for Needy Families) ☐ CAPI (Cash Assistance Program for Aged, Blind and Disabled)
- b. ☐ My gross monthly household income (before deductions for taxes) is less than the amount listed below. (If you check 5b, you must fill out 7, 8, and 9 on page 2 of this form.)

Family Size	Family Income	Family Size	Family Income	Family Size	Family Income	If more than 6 people at home, add \$422.92 for each extra person.
1	\$1,215.63	3	\$2,061.46	5	\$2,907.30	
2	\$1,638.55	4	\$2,484.38	6	\$3,330.21	

- c. ☐ I do not have enough income to pay for my household's basic needs and the court fees. I ask the court to (check one): ☐ waive all court fees ☐ waive some of the court fees ☐ let me make payments over time (Explain): [REDACTED] (If you check 5c, you must fill out page 2.)

- 6** ☐ Check here if you asked the court to waive your court fees for this case in the last six months. (If your previous request is reasonably available, please attach it to this form and check here:) ☐

I declare under penalty of perjury under the laws of the State of California that the information I have provided on this form and all attachments is true and correct.

Date: 2/19/15

Print your name here

Sign here

CONFIDENTIAL

Clerk stamps date here when form is filed.

FEB 19 2015

Clerk of the Superior Court
By S. Peyrot
DEPUTY CLERK

Fill in court name and street address:

Superior Court of California, County of
SUPERIOR COURT
400 County Center

Redwood City, CA 94063
Southern Branch

Fill in case number and name:

Case Number:

Case Name:

Your name

Case Number:

CLJ

If you checked 5a on page 1, do not fill out below. If you checked 5b, fill out questions 7, 8, and 9 only. If you checked 5c, you **must** fill out this entire page. If you need more space, attach form MC-025 or attach a sheet of paper and write Financial Information and your name and case number at the top.

- 7 ☐ Check here if your income changes a lot from month to month. Fill out below based on your average income for the past 12 months.

8 Your Monthly Income

- a. Gross monthly income (before deductions): \$ _____
List each payroll deduction and amount below:
- (1) _____ \$ _____
(2) _____ \$ _____
(3) _____ \$ _____
(4) _____ \$ _____
- b. Total deductions (add 8a (1)-(4) above): \$ _____
- c. Total monthly take-home pay (8a minus 8b): \$ _____
- d. List the source and amount of any other income you get each month, including: spousal/child support, retirement, social security, disability, unemployment, military basic allowance for quarters (BAQ), veterans payments, dividends, interest, trust income, annuities, net business or rental income, reimbursement for job-related expenses, gambling or lottery winnings, etc.
- (1) _____ \$ _____
(2) _____ \$ _____
(3) _____ \$ _____
(4) _____ \$ _____
- e. Your total monthly income is (8c plus 8d): \$ _____

9 Household Income

- a. List all other persons living in your home and their income; include only your spouse and all individuals who depend in whole or in part on you for support, or on whom you depend in whole or in part for support.

Name	Age	Relationship	Gross Monthly Income
(1) _____	_____	_____	\$ _____
(2) _____	_____	_____	\$ _____
(3) _____	_____	_____	\$ _____
(4) _____	_____	_____	\$ _____

- b. Total monthly income of persons above: \$ _____

Total monthly income and household income (8e plus 9b): \$ _____

To list any other facts you want the court to know, such as unusual medical expenses, family emergencies, etc., attach form MC-025. Or attach a sheet of paper, and write Financial Information and your name and case number at the top. Check here if you attach another page. ☐

Important! If your financial situation or ability to pay court fees improves, you must notify the court within five days on form FW-010.

10 Your Money and Property

- a. Cash \$ _____
- b. All financial accounts (List bank name and amount):
- (1) _____ \$ _____
(2) _____ \$ _____
(3) _____ \$ _____
(4) _____ \$ _____
- c. Cars, boats, and other vehicles
- | Make / Year | Fair Market Value | How Much You Still Owe |
|-------------|-------------------|------------------------|
| (1) _____ | \$ _____ | \$ _____ |
| (2) _____ | \$ _____ | \$ _____ |
| (3) _____ | \$ _____ | \$ _____ |
- d. Real estate
- | Address | Fair Market Value | How Much You Still Owe |
|-----------|-------------------|------------------------|
| (1) _____ | \$ _____ | \$ _____ |
| (2) _____ | \$ _____ | \$ _____ |
| (3) _____ | \$ _____ | \$ _____ |
- e. Other personal property (jewelry, furniture, furs, stocks, bonds, etc.):
- | Describe | Fair Market Value | How Much You Still Owe |
|-----------|-------------------|------------------------|
| (1) _____ | \$ _____ | \$ _____ |
| (2) _____ | \$ _____ | \$ _____ |
| (3) _____ | \$ _____ | \$ _____ |

11 Your Monthly Expenses

(Do not include payroll deductions you already listed in 8b.)

- a. Rent or house payment & maintenance \$ _____
- b. Food and household supplies \$ _____
- c. Utilities and telephone \$ _____
- d. Clothing \$ _____
- e. Laundry and cleaning \$ _____
- f. Medical and dental expenses \$ _____
- g. Insurance (life, health, accident, etc.) \$ _____
- h. School, child care \$ _____
- i. Child, spousal support (another marriage) \$ _____
- j. Transportation, gas, auto repair and insurance \$ _____
- k. Installment payments (list each below):
- | Paid to: | How Much? |
|-----------|-----------|
| (1) _____ | \$ _____ |
| (2) _____ | \$ _____ |
| (3) _____ | \$ _____ |
- l. Wages/earnings withheld by court order \$ _____
- m. Any other monthly expenses (list each below):
- | Paid to: | How Much? |
|-----------|-----------|
| (1) _____ | \$ _____ |
| (2) _____ | \$ _____ |
| (3) _____ | \$ _____ |

Total monthly expenses (add 11a - 11m above): \$ _____

Request to Waive Additional
Court Fees (Superior Court)

This form asks the court to waive *additional* court fees that are not covered in a current order. If you have not already received an order that waived or reduced your court fees, you must complete and file a *Request to Waive Court Fees (Superior Court)*, form FW-001, along with this form.

1 Your Information (person asking the court to waive the fees):

Name: [REDACTED]
 Street or mailing address: [REDACTED]
 City: East Palo Alto State: CA Zip: 94303
 Phone number: _____

2 Your lawyer, if you have one (name, firm or affiliation, address, phone number, and State Bar number): Juliet M. Brodie (State Bar No. 24898)
Stanford Community Law Clinic/Mills Legal Clinic of Stanford Law School
2117 University Avenue, Suite A, Palo Alto, CA 94303; (605) 725-9200

- a. The lawyer has agreed to advance all or a portion of your fees or costs (check one): ☐ Yes ☒ No
 b. (If yes, your lawyer must sign here):
 Lawyer's signature: _____

If your lawyer is not providing legal-aid type services based on your low income, you may have to go to a hearing to explain why you are asking the court to waive the fees.

3 Date your last court fee waiver order, if any, was granted: _____

4 Has your financial situation improved since your last *Request to Waive Court Fees*? ☒ No ☐ Yes (If yes, you must fill out a new *Request to Waive Court Fees*, form FW-001, and attach it to this form.)

5 What other fees do you want your court fee waiver order to cover? (Check all that apply):

- a. ☒ Jury fees and expenses
 b. ☐ Court-appointed interpreter fees for a witness
 c. ☐ Fees for a peace officer to testify in court
 d. ☒ Reporter's daily fees (beyond 60-days after grant of a fee waiver, at court-approved daily rate)
 e. ☐ Fees for court-appointed experts
 f. ☒ Other (specify): per diem fees for the trial of this matter

6 Why do you need these other services? (Explain): I would like to exercise my right to a jury trial, but cannot afford the related court fees.

Notice: The court may order you to answer questions about your finances and later order you to pay back the waived fees. If this happens and you do not pay, the court can make you pay the fees and also charge you collection fees. If there is a change in your financial circumstances during this case that increases your ability to pay fees and costs, you must notify the trial court within five days. (Use form FW-010.) If you win your case, the trial court may order the other side to pay the fees. If you settle your civil case for \$10,000 or more, the trial court will have a lien on the settlement in the amount of the waived fees. The trial court may not dismiss the case until the lien is paid.

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

Date: 2/19/15

Print your name here

Sign here

CONFIDENTIAL

Clerk's stamp date here when form is filed.

SAN MATEO COUNTY

FEB 19 2015

Clerk of the Superior Court
 By S. Peyrot
 DEPUTY CLERK

Fill in court name and street address:

Superior Court of California, County of
 SAN MATEO
 SUPERIOR COURT
 400 County Center

Redwood City, CA 94063
 Southern Branch

Fill in case number and case name:

Case Number:

CLJ [REDACTED]

Case Name:

EQR, LLC [REDACTED]

FW-003**Order on Court Fee Waiver
(Superior Court)**

Clerk stamps date here when form is filed.

ENDORSED FILED
SAN MATEO COUNTY

FEB 19 2015

Clerk of the Superior Court
By S. Peyrot
DEPUTY CLERK

Fill in court name and street address:

Superior Court of California, County of
SAN MATEO
SUPERIOR COURT
400 County CenterRedwood City, CA 94063
Southern Branch

Fill in case number and case name:

Case Number:

CLJ

Case Name:

EQR

1 Person who asked the court to waive court fees:

Name

Street or mailing address

City: East Palo Alto State: CA Zip: 94303**2 Lawyer, if person in 1 has one (name, address, phone number, e-mail, and State Bar number):** Juliet M. Brodie (State Bar No. 24898)
Stanford Community Law Clinic/Mills Legal Clinic of Stanford Law School
2117 University Avenue, Suite A, Palo Alto, CA 94303
(650) 725-9200**3 A request to waive court fees was filed on (date):** FEB 19 2015☐ The court made a previous fee waiver order in this case on (date): _____**Read this form carefully. All checked boxes ☒ are court orders.****Notice:** The court may order you to answer questions about your finances and later order you to pay back the waived fees. If this happens and you do not pay, the court can make you pay the fees and also charge you collection fees. If there is a change in your financial circumstances during this case that increases your ability to pay fees and costs, you must notify the trial court within five days. (Use form FW-010.) If you win your case, the trial court may order the other side to pay the fees. If you settle your civil case for \$10,000 or more, the trial court will have a lien on the settlement in the amount of the waived fees. The trial court may not dismiss the case until the lien is paid.**4 After reviewing your (check one):** ☒ **Request to Waive Court Fees** ☐ **Request to Waive Additional Court Fees**
the court makes the following order:**a. ☒ The court grants your request, as follows:****(1) ☒ Fee Waiver.** The court grants your request and waives your court fees and costs listed below. (*Cal. Rules of Court, rule 3.55.*) You do not have to pay the court fees for the following:

- Filing papers in Superior Court
- Making copies and certifying copies
- Sheriff's fee to give notice
- Reporter's daily fee (*for up to 60 days following the fee waiver order at the court-approved daily rate*)
- Preparing and certifying the clerk's transcript on appeal
- Giving notice and certificates
- Sending papers to another court department
- Court-appointed interpreter in small claims court
- Court fees for phone hearings

(2) ☐ Additional Fee Waiver. The court grants your request and waives your additional superior court fees and costs that are checked below. (*Cal. Rules of Court, rule 3.56.*) You do not have to pay for the checked items.

- ☐ Jury fees and expenses
- ☐ Fees for court-appointed experts
- ☐ Reporter's daily fees (*beyond the 60-day period following the fee waiver order*)
- ☐ Other (*specify*): _____
- ☐ Fees for a peace officer to testify in court
- ☐ Court-appointed interpreter fees for a witness

(3) ☐ Fee Waiver for Appeal. The court grants your request and waives the fees and costs checked below, for your appeal. (*Cal. Rules of Court, rules 3.55, 3.56, 8.26, and 8.818.*) You do not have to pay for the checked items.

- ☐ Preparing and certifying clerk's transcript for appeal
- ☐ Other (*specify*): _____

Your name: _____

Case Number:

CLJ _____

- b. ☐ The court **denies** your request, as follows:

Warning! If you miss the deadline below, the court cannot process your request for hearing or the court papers you filed with your original request. If the papers were a notice of appeal, the appeal may be dismissed.

- (1) ☐ The court **denies** your request because it is incomplete. You have **10 days** after the clerk gives notice of this order (see date below) to:
- Pay your fees and costs, or
 - File a new revised request that includes the items listed below (*specify incomplete items*): _____

- (2) ☐ The court **denies** your request because the information you provided on the request shows that you are not eligible for the fee waiver you requested (*specify reasons*): _____

The court has enclosed a blank *Request for Hearing About Court Fee Waiver Order (Superior Court)*, form FW-006. You have **10 days** after the clerk gives notice of this order (see date below) to:

- Pay your fees and costs, or
- Ask for a hearing in order to show the court more information. (*Use form FW-006 to request hearing.*)

- c. ☐ The court needs more information to decide whether to grant your request. You must go to court on the date below. The hearing will be about (*specify questions regarding eligibility*): _____

☐ Bring the following proof to support your request if reasonably available: _____

**Hearing
Date** →

Date: _____ Time: _____

Dept.: _____ Rm.: _____

Name and address of court if different from page 1: _____

Warning! If item c is checked, and you do not go to court on your hearing date, the judge will deny your request to waive court fees, and you will have 10 days to pay your fees. If you miss that deadline, the court cannot process the court papers you filed with your request. If the papers were a notice of appeal, the appeal may be dismissed.

Date: **FEB 19 2015**

JOHN C. FITTON

S. PEYROT

Signature of (check one): ☐ Judicial Officer ☒ Clerk, Deputy



Request for Accommodations. Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least 5 days before your hearing. Contact the clerk's office for *Request for Accommodation*, Form MC-410. (Civil Code, § 54.8.)

Clerk's Certificate of Service

I certify that I am not involved in this case and (check one): ☐ A certificate of mailing is attached.

☒ I handed a copy of this order to the party and attorney, if any, listed in (1) and (2), at the court, on the date below.

☐ This order was mailed first class, postage paid, to the party and attorney, if any, at the addresses listed in (1) and (2), from (city): _____, California on the date below.

Date: **FEB 19 2015**

Clerk, by **JOHN C. FITTON**

S. PEYROT, Deputy

FW-003**Order on Court Fee Waiver
(Superior Court)**

Additional

RECEIVED

Clerk stamps date here when form is filed.

FEB 19 2015

**SUPERIOR COURT
CIVIL DIVISION**

Fill in court name and street address:

**Superior Court of California, County of
SAN MATEO
SUPERIOR COURT
400 County Center****Redwood City, CA 94063
Southern Branch**

Fill in case number and case name:

Case Number:

CLJ

Case Name:

EQR, LLC

1 Person who asked the court to waive court fees:

Name

Street or mailing address

City: East Palo Alto

State: CA

Zip: 94303

2 Lawyer, if person in 1 has one (name, address, phone number,**e-mail, and State Bar number):** Juliet M. Brodie (State Bar No. 24898)Stanford Community Law Clinic/Mills Legal Clinic of Stanford Law School2117 University Avenue, Suite A, Palo Alto, CA 94303(650) 725-9200**3 A request to waive court fees was filed
on (date):**☐ The court made a previous fee waiver order in this case
on (date):**Read this form carefully. All checked boxes ☒ are court orders.****Notice:** The court may order you to answer questions about your finances and later order you to pay back the waived fees. If this happens and you do not pay, the court can make you pay the fees and also charge you collection fees. If there is a change in your financial circumstances during this case that increases your ability to pay fees and costs, you must notify the trial court within five days. (Use form FW-010.) If you win your case, the trial court may order the other side to pay the fees. If you settle your civil case for \$10,000 or more, the trial court will have a lien on the settlement in the amount of the waived fees. The trial court may not dismiss the case until the lien is paid.**4 After reviewing your (check one): ☐ Request to Waive Court Fees ☒ Request to Waive Additional Court Fees
the court makes the following order:**a. ☐ The court **grants** your request, as follows:(1) ☐ **Fee Waiver.** The court grants your request and waives your court fees and costs listed below. (*Cal. Rules of Court, rule 3.55.*) You do not have to pay the court fees for the following:

- Filing papers in Superior Court
- Making copies and certifying copies
- Sheriff's fee to give notice
- Reporter's daily fee (for up to 60 days following the fee waiver order at the court-approved daily rate)
- Preparing and certifying the clerk's transcript on appeal
- Giving notice and certificates
- Sending papers to another court department
- Court-appointed interpreter in small claims court
- Court fees for phone hearings

(2) ☐ **Additional Fee Waiver.** The court grants your request and waives your additional superior court fees and costs that are checked below. (*Cal. Rules of Court, rule 3.56.*) You do not have to pay for the checked items.

- ☐ Jury fees and expenses
- ☐ Fees for court-appointed experts
- ☐ Reporter's daily fees (beyond the 60-day period following the fee waiver order)
- ☐ Other (specify):
- ☐ Fees for a peace officer to testify in court
- ☐ Court-appointed interpreter fees for a witness

(3) ☐ **Fee Waiver for Appeal.** The court grants your request and waives the fees and costs checked below, for your appeal. (*Cal. Rules of Court, rules 3.55, 3.56, 8.26, and 8.818.*) You do not have to pay for the checked items.

- ☐ Preparing and certifying clerk's transcript for appeal
- ☐ Other (specify):

Your name: _____

Case Number: _____

CLJ _____

- b. ☐ The court **denies** your request, as follows:

Warning! If you miss the deadline below, the court cannot process your request for hearing or the court papers you filed with your original request. If the papers were a notice of appeal, the appeal may be dismissed.

- (1) ☐ The court **denies** your request because it is incomplete. You have **10 days** after the clerk gives notice of this order (see date below) to:
- Pay your fees and costs, or
 - File a new revised request that includes the items listed below (*specify incomplete items*): _____

- (2) ☐ The court **denies** your request because the information you provided on the request shows that you are not eligible for the fee waiver you requested (*specify reasons*): _____

The court has enclosed a blank *Request for Hearing About Court Fee Waiver Order (Superior Court)*, form FW-006. You have **10 days** after the clerk gives notice of this order (see date below) to:

- Pay your fees and costs, or
- Ask for a hearing in order to show the court more information. (*Use form FW-006 to request hearing.*)

- c. ☐ The court needs more information to decide whether to grant your request. You must go to court on the date below. The hearing will be about (*specify questions regarding eligibility*): _____

☐ Bring the following proof to support your request if reasonably available: _____

**Hearing
Date** →

Date: _____ Time: _____
Dept.: _____ Rm.: _____

Name and address of court if different from page 1: _____

Warning! If item c is checked, and you do not go to court on your hearing date, the judge will deny your request to waive court fees, and you will have 10 days to pay your fees. If you miss that deadline, the court cannot process the court papers you filed with your request. If the papers were a notice of appeal, the appeal may be dismissed.

Date: _____

Signature of (check one): ☐ Judicial Officer ☐ Clerk, Deputy



Request for Accommodations. Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least 5 days before your hearing. Contact the clerk's office for *Request for Accommodation*, Form MC-410. (Civil Code, § 54.8.)

Clerk's Certificate of Service

I certify that I am not involved in this case and (check one): ☐ A certificate of mailing is attached.

☐ I handed a copy of this order to the party and attorney, if any, listed in ① and ②, at the court, on the date below.

☐ This order was mailed first class, postage paid, to the party and attorney, if any, at the addresses listed in ① and ②, from (city): _____, California on the date below.

Date: _____

Clerk, by _____, Deputy