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ELECTRONICALLY
FILED
Superior Court of California,
County of San Francisco
06/24/2015
Clerk of the Court
BY: EDNALEEN JAVIER
Deputy Clerk

7 SUPERIOR COURT OF CALIFORNIA

8 COUNTY OF SAN FRANCISCO

10 JERAE RUSSELL,

11 Plaintiff,

12 vs.

13 APPLE AMERICAN GROUP, LLC,
14 and DOES 1-20,

15 Defendants.

) Case No.: CGC-15-543480

) **DEFENDANT APPLE AMERICAN**
) **GROUP, LLC'S REPLY IN SUPPORT OF**
) **DEMURRER TO COMPLAINT**

) Date: June 29, 2015

) Time: 9:30 a.m.

) Dept.: 302

) **Reservation Number: 012215-06**

) Action Filed: 1/2/15

19
20 Plaintiff Jeræ Russell ("Plaintiff") has failed to file any response or opposition to
21 Defendant's Demurrer filed on February 3, 2015, and served on Plaintiff's counsel the same day.


22 In its Demurrer, Defendant argues that Plaintiff's injuries arose out of and in the course
23 of her employment with Defendant and thus her exclusive remedy is workers' compensation
24 under the Workers' Compensation Act (California Labor Code, Section 3200 *et seq.*). Plaintiff
25 has not presented any facts or arguments why her claim does not fall under the exclusive
26 jurisdiction of the Workers' Compensation Act. Accordingly, Defendant's demurrer should be
27 sustained without leave to amend because the court does not have jurisdiction over this matter.

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1 Dated: June 24, 2015

APPLE AMERICAN GROUP, LLC

2
3 By:


BETH FRUECHTENICHT-ANEY
Attorneys for Defendant,
APPLE AMERICAN GROUP, LLC

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PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF SAN FRANCISCO

I am employed in the County of San Francisco, State of California. I am over the age of 18 and not a party to the within action; my business address is 225 Bush Street, Suite 1800, San Francisco, CA 94104.

On June 24, 2015, I caused the following documents:

- **DEFENDANT'S REPLY IN SUPPORT OF DEMURRER TO PLAINTIFF'S COMPLAINT**

to be served on the interested parties in this action by placing a true copy thereof enclosed in sealed envelopes addressed as follows:

**Stephen Jaffe, Esq.
The Jaffe Law Firm
150 California Street, 21st Floor
San Francisco, CA 94111
Tel (415) 618-0100
Attorneys for Plaintiff**

[X] **(BY MAIL)** I caused such envelope(s) fully prepaid to be placed in the United States Mail at San Francisco, California. I am "readily familiar" with the firm's practice of collection and processing correspondence or mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid at San Francisco, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct, and I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Executed on June 24, 2015, at San Francisco, California.


BETH FRUECHTENICHT ANEY