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Hugenberg

FILED
Superior Court of California
County of Los Angeles

APR 25 2016

Sherri R. Carter, Executive Officer/Clerk
By [Signature] Deputy
Shaunya Bolden

Attorneys for Plaintiff Michael Rose

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES**

MICHAEL ROSE, individually and on behalf
of other persons similarly situated,

Case No.:

BC 618027

Plaintiff,

CLASS ACTION

vs.

**COMPLAINT FOR DAMAGES,
PENALTIES AND INJUNCTIVE RELIEF**

WHOLE FOODS MARKET CALIFORNIA,
INC.; and DOES 1-50,

1. VIOLATION OF CONSUMERS LEGAL REMEDIES ACT (*Civil Code §§ 1750 et seq.*)
2. UNFAIR COMPETITION (*Bus. & Prof. Code. §§17200 et seq.*)
3. FALSE ADVERTISING (*Bus. & Prof. Code. §§17500 et seq.*)

Defendants.

DEMAND FOR JURY TRIAL

Plaintiff MICHAEL ROSE ("Plaintiff") on behalf of himself, and all others similarly situated, complains and alleges as follows:

INTRODUCTION

1. This is a class action lawsuit, under Code of Civil Procedure § 382, seeking damages under the the Consumer Legal Remedies Act ("CLRA") for deceptive acts or practices by Defendant, injunctive relief and other equitable relief, reasonable attorneys' fees and costs brought on behalf of Plaintiff and others similarly situated.

547227019

RECEIPT # 091465980099
 DATE PAID: 04/25/16 03:56 PM
 PAYMENT: \$435.00
 RECEIVED: 310
 CHECK: \$435.00
 CASH: \$0.00
 CHANGE: \$0.00
 CARD: \$0.00

REC'D PT # 091465980100
 DATE PAID: 04/25/16 03:56 PM
 PAYMENT: \$1,000.00
 RECEIVED: 310
 CHECK: \$1,000.00
 CASH: \$0.00
 CHANGE: \$0.00
 CARD: \$0.00

CIT/Case: BC618027
LEADER#:

CLASS ACTION COMPLAINT

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JURISDICTION AND VENUE

2. This Court has jurisdiction over this action under Article 6 of the California Constitution and *California Code of Civil Procedure* §410.10.

3. This Court has jurisdiction over Plaintiff's and Class Members' claims under *California Civil Code* §1780.

4. This Court has jurisdiction over Plaintiff's and the Class Members' claims for injunctive relief, and from Defendants' unlawful and/or unfair business practices under *California Business & Professions Code* §§17200 *et seq.*

5. Venue is proper in this judicial district, pursuant to *California Code of Civil Procedure* §395.5 because the acts, conduct, omissions, and events alleged herein, occurred in part as to a large portion of the class members in this county.

PARTIES

6. Plaintiff is, and at all relevant times was, a California resident. As recently as Janaury 18, 2015, Plaintiff experienced Defendants' unlawful and deceptive acts and pratices.

7. Plaintiff appears in this action on behalf of himself and on behalf of all others similarly situated.

8. Defendant WHOLE FOODS CALIFORNIA, INC. ("Whole Foods" or Defendant) is a California corporation located in Los Angeles County, California and operates a grocery store.

9. Plaintiff is informed an believes that DOES 1 through 50 are corporations, individuals, limited liability partnerships, limited liability companies, general partnerships, sole proprietorships or are other business entities or organizations of a nature not currently known to Defendant.

10. Plaintiff is unaware of the true names of Defendants DOES 1 through 50. Plaintiff sues said defendants by said fictitious name, and will amend this complaint when the true names and capacities are ascertained or when such facts pertaining to liability are ascertained, or as permitted by law or by the Court. Plaintiff is informed and believes that each

1 of the fictitiously named Defendants is in some manner responsible for the events and allegations
2 set forth in this complaint.

3 11. Plaintiff is informed and believes, and based thereon alleges that at all relevant
4 times, each Defendant was an employer, was the principal, agent, partner, joint venture, officer,
5 director, controlling shareholder, subsidiary affiliate, parent corporation, successor in interest
6 and/or predecessor in interest of some or all of the other Defendants, and was engaged with
7 some or all of the other Defendants in a joint enterprise for profit and bore such other
8 relationships to some or all of the other Defendants so as to be liable for their conduct with
9 respect to the matters alleged in this complaint. Plaintiff is further informed and believes and
10 thereon alleges that each Defendant acted pursuant to and within the scope of the relationships
11 alleged above, and that at all relevant times, each Defendant knew or should have known about,
12 authorized, ratified, adopted, approved, controlled, aided and abetted the conduct of all other
13 Defendants. As used in this complaint "Defendant" means "Defendants and each of them," and
14 refers to the Defendants named in the particular cause of Unified and DOES 1 through 50.

15 12. At all times mentioned herein, each Defendant was the co-conspirator, agent,
16 servant, employee, and/or joint venture of each of the other Defendants and was acting within the
17 course and scope of said conspiracy, agency, employment, and/or joint venture and with the
18 permission and consent and knowledge of each of the other Defendants.

19 **FACTS COMMON TO CAUSES OF ACTION**

20 13. Whole Foods operates in Los Angeles County, California.

21 14. At times during the liability period, Whole Foods operated a grocery store and
22 sold produce to the general public, including Plaintiff and others similarly situated as Plaintiff.

23 15. At all times during the liability period, Plaintiff and others similarly situated
24 shopped and weighed produce using scales provided by Whole Foods in the produce department
25 prior to their purchase of said produce. The produce department scales provided one weight, yet
26 when Plaintiff and others similarly situated used the scale at the cashier counter, they were
27 charged more than the stated amount from the produce department scale.
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1 16. During the liability period, Defendants charged Plaintiff and all other members of
2 the putative class more money for a heavier amount of produce than what Plaintiff and others
3 similarly situated actually had purchased.

4 17. Plaintiff is informed and believes and based thereon alleges that Defendants'
5 business practices required its employees to calibrate the cashier scales so that they were
6 calibrated heavier than the produce scales.

7 18. At all times during the liability period, Plaintiff and those other similarly situated
8 were not provided reimbursement for the difference in price in weight of produce.

9 **CLASS DEFINITIONS AND CLASS ALLEGATIONS**

10 19. Plaintiff brings this action on behalf of himself, on behalf of all others similarly
11 situated, and on behalf of the General Public, and as a member of classes defined as follows:

12 **Produce Weighing Class:** All persons that have weighed
13 produce at Whole Foods prior to the purchase of the produce
14 and purchased the produce at any time beginning three (3)
years prior to the filing of the Complaint through the date
notice is mailed to the class.

15 20. This action has been brought and may be properly maintained as a class action
16 pursuant to the provisions of *California Code of Civil Procedure* §382 and other applicable law.

17 21. **Numerosity of the Classes:** Members of the Classes are so numerous that their
18 individual joinder is impracticable. Plaintiff estimates that there are no less than 1,000 persons
19 in the identified classes. The precise number of Class members and their addresses are unknown
20 to Plaintiff. However, Plaintiff is informed and believes that the number can be obtained from
21 Defendants' records. Class members may be notified of the pendency of this action by
22 conventional mail, electronic mail, the Internet, or published notice.

23 22. **Existence of Predominance of Common Questions of Fact and Law:**
24 Common questions of law and fact exist as to all members of the Class. These questions
25 predominate over any questions effecting only individual members of the class. These common
26 factual and legal questions include:

- 27 (a) Whether Defendants' produce scales are made readily available to weigh produce
28 for the Produce Weighing Class;

- 1 (b) Whether Defendants' produce scales were calibrated different than the cashier
- 2 scales;
- 3 (c) Whether Defendants' charged the Produce Weighing Class for the amount
- 4 weighed at the cashier scale rather than the amount weighed at the produce
- 5 department scale;
- 6 (d) Whether Defendants' failed reimburse the Produce Weighing Class for
- 7 overcharging them; to pay overtime wages as required by law for all hours
- 8 worked in excess of 8 hours in a day of 40 hours in a week;
- 9 (e) Whether Defendants committed unfair or deceptive acts and/or practices within
- 10 the meaning of *California Civil Code* §1770;
- 11 (f) Whether Defendants committed unlawful business practices or acts within the
- 12 meaning of *Business & Professions Code* §§17200 *et seq.*;
- 13 (g) Whether Defendants' affirmative defenses, if any, raise any common issues of
- 14 law or fact as to Plaintiff and the Class members as a whole.

15 23. **Typicality:** Plaintiff's claims are typical of the claims of the members of the
 16 respective Classes because Plaintiff, as a consumer who weighed produce at Whole Foods on the
 17 produce department scale and was overcharged based on the cashier scale, was exposed to the
 18 same unlawful business practices as the members of the respective class. Plaintiff sustained the
 19 same types of injuries and losses that the class members sustained. Plaintiff is subject to the
 20 same affirmative defenses as the members of the class.

21 24. **Adequacy:** Plaintiff will adequately and fairly protect the interests of the
 22 members each of the Class. Plaintiff has no interest adverse to the interests of absent Class
 23 members. Plaintiff is represented by legal counsel who has substantial class action experience in
 24 civil litigation.

25 25. **Superiority:** A class action is superior to other available means for fair and
 26 efficient adjudication of the claims of the Class and would be beneficial for the parties and the
 27 court. Class action treatment will allow a large number of similarly situated persons to prosecute
 28 their common claims in a single forum, simultaneously, efficiently, and without the unnecessary

1 duplication of effort and expense that numerous individual actions would require. The monetary
2 amounts due to many individual class members are likely to be relatively small, and the burden
3 and expense of individual litigation would make it difficult or impossible for individual members
4 of each Class to seek and obtain relief. A class action will serve an important public interest by
5 permitting such individuals to effectively pursue recovery of the sums owed to them. Further,
6 class litigation prevents the potential for inconsistent or contradictory judgments raised by
7 individual litigation.

8 **FIRST CAUSE OF ACTION**
9 **CONSUMERS LEGAL REMEDIES ACT**

10 **(By Plaintiff and the Produce Weighing Class Against Defendants)**

11 26. Plaintiff incorporates paragraphs 1 through 25 of this complaint as though fully
12 alleged herein.

13 27. At all relevant times, Plaintiff and the other members of the Produce Weighing
14 Class were consumers of Defendants covered by Civil Code §§1750 *et seq.*

15 28. Civil Code §§1770(a)(9) prohibits “[A]dvertising good or services with intent not
16 to sell them as advertised.” Defendants have violated this provision by advertising a how much
17 certain produce cost based in its weight and charging more than is advertised.

18 29. Civil Code §§1770(a)(13) prohibits “[M]aking false or misleading statements of
19 fact concerning reasons for, existence of, or amounts of price reductions.” Defendants have
20 violated this provision by representing a how much certain produce cost based in its weight and
21 charging more than it represented.

22 30. As a result of Defendants’ unlawful conduct, Plaintiff and the Produce Weighing
23 Class suffered injuries caused by Defendants’ misrepresentations because: (a) they were induced
24 to purchase a product they would not have otherwise purchased if they had known that actual
25 weight of produce; (b) they paid a price premium due to the weighted cashier scale.

26 31. On October 16, 2015, prior to the filing of this Complaint, a CLRA notice letter
27 was served on Defendant, Whole Foods that complies in all respects with *California Civil Code*
28 §1782(a). Plaintiff sent Defendant a letter via certified mail, return receipt requested, advising
29

1 Whole Foods that it is in violation of the CLRA and must correct, repair, replace or otherwise
2 rectify the goods alleged to be in violation of §1770. A true and correct copy of Plaintiff,
3 Michael Rose's CLRA letter is attached hereto as Exhibit A. As of the date of this filing,
4 Defendants failed to remedy these violations.

5 32. Pursuant to Civil Code §1780(a), Plaintiff and other members of the Class seek
6 actual damages, an order of this Court enjoining Defendants from engaging in the methods, act
7 or practices alleged herein, restitution of property and punitive damages.

8 **SECOND CAUSE OF ACTION**
9 **UNFAIR COMPETITION**

10 (By Plaintiff and the Produce Weighing Class Against Defendants)

11 33. Plaintiff incorporates paragraphs 1 through 32 of this complaint as though fully
12 alleged herein.

13 34. This cause of action is brought pursuant to Unfair Competition Law of the
14 Business & Professions Code §17200 *et seq.* Defendants' conduct constitutes unfair, unlawful
15 and/or fraudulent business practices within the meaning of Business & Professions Code §17200.

16 35. Plaintiffs bring this Cause of Action on behalf of the general public solely in their
17 capacities as private attorneys general pursuant to Business & Professions Code §17204.

18 36. Whole Foods operates grocery stores in Los Angeles County, California.

19 37. At times during the liability period, Whole Foods operated a grocery store and
20 sold produce to the general public, including Plaintiff and others similarly situated as Plaintiff.

21 38. At all times during the liability period, Plaintiff and others similarly situated
22 shopped and weighed produce using scales provided by Whole Foods in the produce department
23 prior to their purchase of said produce. The produce department scales provided one weight, yet
24 when Plaintiff and others similarly situated used the scale at the cashier counter, they were
25 charged more than the stated amount from the produce department scale.

26 39. During the liability period, Defendants charged Plaintiff and all other members of
27 the putative class more money for a heavier amount of produce than what Plaintiff and others
28 similarly situated actually had purchased.

1 40. Plaintiff is informed and believes and based thereon alleges that Defendants'
2 business practices required its employees to calibrate the cashier scales so that they were
3 calibrated heavier than the produce scales.

4 41. At all times during the liability period, Plaintiff and those other similarly situated
5 were not provided reimbursement for the difference in price in weight of produce.

6 **THIRD CAUSE OF ACTION**
7 **UNTRUE OR MISLEADING ADVERTISING**

8 (By Plaintiff and Produce Weighing Class against Defendants)

9 42. Plaintiff incorporates paragraphs 1 through 41 of this complaint as though fully
10 alleged herein.

11 43. This cause of action is brought pursuant to the Unfair Competition Law at
12 Business & Professions Code §17500 *et seq.*

13 44. Plaintiff bring this cause of action solely in their capacities as private attorneys
14 general pursuant to Business & Professions Code §17535.

15 45. Defendants intended to sell personal property and/or to perform services.

16 46. Defendants advertises to the public in California that: (a) contained statements
17 that were illegal, untrue or misleading; (b) Defendants knew, or in the exercise of reasonable
18 care should have known, was illegal, untrue or misleading; (c) concerned the personal property
19 or services or their disposition or performance; and (d) was likely to mislead or deceive a
20 reasonable consumer. The illegal, untrue and/or misleading statements and representations made
21 by these Defendants include but are not limited to words and images that state or imply that
22 Whole foods provides one pound of produce at a certain price, when in fact Whole foods does
23 not charge that advertised price for one pound of produce, and charges approximately three times
24 that amount.

25 47. Defendants advertise extensively in California-based newspapers and magazines.
26 These advertisements contain some or all of the illegal, false and/or misleading statements and
27 representations as alleged herein.

28 48. Defendants advertise extensively on local television stations in California. These

1 advertisements contain some or all of the illegal, false and/or misleading statements and
2 representations as alleged herein.

3 49. Defendants advertise on the Internet in California. These advertisements contain
4 some or all of the illegal, false and/or misleading statements and representations as alleged
5 herein.

6 50. Pursuant to Business & Professions Code §§17203 and 17535, Plaintiff, on behalf
7 of the general public, seek restitution and the disgorgement of all earnings, profits, compensation
8 and benefit obtained by Defendants as a result by means of practices unlawful under Business &
9 Professions Code §17500 *et seq.*

10 51. Pursuant to Business & Professions Code §§17204 and 17535, Plaintiff seeks an
11 order of this Court enjoining defendants from continuing to make such illegal, misleading and/or
12 untrue statements. The public will be irreparably harmed if such an order is not granted.

13 **PRAYER FOR RELIEF**

14 WHEREFORE, Plaintiff on behalf of himself and all others similarly situated, pray for
15 relief and judgment against Defendants as follows:

16 1. That this action be certified as a class action, pursuant to Code of Civil Procedure
17 §382 and/or the Consumer Legal Remedies Act, Civil Code §1781;

18 2. That pursuant to Business and Professions Code §§17204 and 17535, all
19 Defendants, their officers, directors, principals, assignees, successors, agents, representatives,
20 employees, subsidiaries, affiliates, and all persons, corporations and other entities acting by,
21 through, under, or on behalf of said defendants, or acting in concert or participation with them,
22 be permanently enjoined from directly or indirectly making any illegal, untrue or misleading
23 statements in violation of Business and Professions Code §§17200 and 17500, including, but not
24 limited to, the untrue or misleading statements alleged in this complaint;

25 3. That pursuant to Business and Professions Code §17204, all Defendants, their
26 officers, directors, principals, assignees, successors, agents, representatives, employees,
27 subsidiaries, affiliates, and all persons, corporations and other entities acting by, through, under,
28 or on behalf of said defendants, or acting in concert or participation with them, be permanently

1 enjoined from directly or indirectly committing any violations of Business and Professions Code
2 §17200 *et seq.*, including, but not limited to, the violations alleged in this complaint;

3 4. Ordering the disgorgement of all sums unjustly obtained from Plaintiff, the
4 members of the Class and the public

5 5. Ordering Defendants to make restitution to Plaintiff, the members of the Class.
6 and the public;

7 6. Awarding Plaintiff and the members of the Class compensatory damages
8 according to proof;

9 7. Awarding Plaintiff and the members of the Class general damages according to
10 proof;

11 8. Awarding Plaintiff and the members of the Class economic damages according to
12 proof;

13 9. Awarding plaintiffs and members of the Class punitive and exemplary damages
14 according to proof;

15 10. Awarding prejudgment and post-judgment interest at the maximum legal rate;

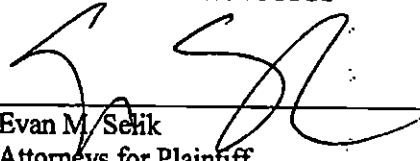
16 11. Awarding attorneys' fees according to proof;

17 12. Awarding costs of suit herein; and

18 13. All such other and further relief as the Court deems just.

19
20 Dated: April 21, 2016

SELIK & ASSOCIATES
LAW OFFICES OF ARI MOSS

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22 By: 
23 Evan M. Selik
24 Attorneys for Plaintiff

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DEMAND FOR JURY TRIAL

Plaintiff demands a trial by jury for himself and the Classes on all claims.

Dated: April 21, 2016

SELIK & ASSOCIATES
LAW OFFICES OF ARI MOSS

By: _____

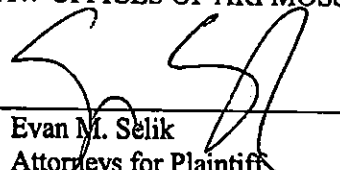

Evan M. Selik
Attorneys for Plaintiff

Exhibit A

04/25/2016

C. J.

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C. J.

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C. J.

Selik & Associates, APC

15300 Ventura Blvd., Suite 207
Sherman Oaks, California 91403
Ph: (818) 602-4173 * Fax: (310) 861-0389
selik@selikassociates.com

October 16, 2015

Via Certified Mail:

WHOLE FOODS MARKET, INC. 550 Bowie Street Austin, TX 78703-4644	WHOLE FOODS CALIFORNIA, INC. 21347 Ventura Blvd. Woodland Hills, CA 91364
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RE: Demand Letter Pursuant to California Civil Code §1782

To Whom It May Concern:

This letter serves as a preliminary notice and demand for corrective action by Whole Foods California, Inc./Whole Foods Market, Inc. (hereinafter "Whole Foods") pursuant to *California Civil Code §1782*, on behalf of my client, Michael Rose, and all other persons similarly situated.

Whole Foods has scales located in its produce departments to allow customers to weigh produce to determine how much produce they want to purchase in regards to how much they want to pay. Essentially, Whole Foods sells much of its produce in a price per pound metric. Whole Foods advertises that a specific produce item is, for example, \$3.99/lbs. The customer weighs it to their desired amount on the produce department scale and then goes to the cashier, where it is weighed again at the cashier scale. Yet, the cashier scales weighs the produce item heavier than what it had weighed at the produce department scale. Thus, Whole Foods' cashier scales are "weighted", which overcharges customers for the produce. Whole Foods also falsely advertises the price per pound of the produce because Whole Foods ends up charging a different rate pursuant to the cashier's scale.

The price per pound advertising is a representation that is prominently displayed and advertised at the Whole Foods grocery store in Woodland Hills on each of the produce stands. Consumers rely on such pricing when they purchase produce.

Michael Rose is a resident of the State of California and is a consumer as defined in *California Civil Code §1761(d)* in that he purchased produce, specifically grapes, "for personal, family or household purposes." Mr. Rose weighed one pound of grapes at the Woodland Hills, California Whole Foods locations. The grapes were advertised as \$3.99/lbs. Mr. Rose

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proceeded to pay for the grapes with the cashier. The cashier weighed the grapes and charged Mr. Rose three times that amount. This has happened multiple times at this Whole Foods location, and as recently as January 18, 2015.

If Whole Foods advertised the real price per pound for the grapes, i.e. the price that Mr. Rose ended up paying, Mr. Rose would not have purchased it. Mr. Rose suffered a loss of money as a result of Whole Foods misrepresentation and deceit in the amount of \$7.98.

By Whole Foods' conduct, it has violated numerous provisions of California law, including the Consumers Legal Remedies Act, *Civil Code* §1770(a)(9) and (13).

We hereby demand that Whole Foods immediately (1) cease and desist from further produce sales of produce sold pursuant to the weight of the produce, and (2) make full restitution to all purchasers of money obtained from sales of produce sold based on the weight of the produce.

It is further demanded that Whole Foods preserve all documents and other evidence which refer or relate to any of the above-described practices including but not limited to, the following:

1. All documents concerning credit or debit card sales of produce sold by weight in California within the past three years;
2. All documents concerning advertising, marketing or sale of produce sold by weight in California within the past three years; and
3. All documents showing communications with customers within the past three years concerning complaints or comments regarding produce sold by weight in California.

Pursuant to *California Civil Code* §1782, please comply with this demand within 30 days from receipt of this letter.

We are willing to negotiate with Whole Foods to attempt to resolve the demands asserted in this letter. If Whole Foods wishes to enter into such discussions, please contact the undersigned.

04/21/2015

If Whole Foods contends that any statement in this letter is inaccurate in any respect, please provide me with your contentions and supporting documents upon receipt of this letter, but in no event later than 30 days from the date of receipt.

Best Regards,

Evan M. Selik

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CM-010

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Evan M. Selik of Selik & Associates, APC (SBN 251039) 15300 Ventura Blvd., Ste. 207 Sherman Oaks, CA 91403		FOR COURT USE ONLY FILED APR 25 2016 Superior Court of California County of Los Angeles
TELEPHONE NO.: (818) 602-4173 FAX NO.: (310) 861-0389 ATTORNEY FOR (Name): Plaintiff, Michael Rose and those persons similiary situated		
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES STREET ADDRESS: 111 N. Hill Street MAILING ADDRESS: Same CITY AND ZIP CODE: Los Angeles, CA 90012 BRANCH NAME:		Sherrill R. Carter, Executive Officer/Clerk By: <i>[Signature]</i> Deputy Shaunya Bolden
CIVIL CASE COVER SHEET <input checked="" type="checkbox"/> Unlimited (Amount demanded exceeds \$25,000) <input type="checkbox"/> Limited (Amount demanded is \$25,000 or less)		Complex Case Designation <input type="checkbox"/> Counter <input type="checkbox"/> Joinder Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)
		CASE NUMBER: BC 618027 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 <input type="checkbox"/> Auto (22) <input type="checkbox"/> Uninsured motorist (46)	Contract <input type="checkbox"/> Breach of contract/warranty (06) <input type="checkbox"/> Rule 3.740 collections (09) <input type="checkbox"/> Other collections (09) <input type="checkbox"/> Insurance coverage (18) <input type="checkbox"/> Other contract (37)	Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400-3.403) <input checked="" type="checkbox"/> Antitrust/Trade regulation (03) <input type="checkbox"/> Construction defect (10) <input type="checkbox"/> Mass tort (40) <input type="checkbox"/> Securities litigation (28) <input type="checkbox"/> Environmental/Toxic tort (30) <input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41)
Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort <input type="checkbox"/> Asbestos (04) <input type="checkbox"/> Product liability (24) <input type="checkbox"/> Medical malpractice (45) <input type="checkbox"/> Other PI/PD/WD (23)	Real Property <input type="checkbox"/> Eminent domain/Inverse condemnation (14) <input type="checkbox"/> Wrongful eviction (33) <input type="checkbox"/> Other real property (26)	Enforcement of Judgment <input type="checkbox"/> Enforcement of judgment (20)
Non-PI/PD/WD (Other) Tort <input type="checkbox"/> Business tort/unfair business practice (07) <input type="checkbox"/> Civil rights (08) <input type="checkbox"/> Defamation (13) <input type="checkbox"/> Fraud (16) <input type="checkbox"/> Intellectual property (19) <input type="checkbox"/> Professional negligence (25) <input type="checkbox"/> Other non-PI/PD/WD tort (35)	Unlawful Detainer <input type="checkbox"/> Commercial (31) <input type="checkbox"/> Residential (32) <input type="checkbox"/> Drugs (38)	Miscellaneous Civil Complaint <input type="checkbox"/> RICO (27) <input type="checkbox"/> Other complaint (not specified above) (42)
Employment <input type="checkbox"/> Wrongful termination (36) <input type="checkbox"/> Other employment (15)	Judicial Review <input type="checkbox"/> Asset forfeiture (05) <input type="checkbox"/> Petition re: arbitration award (11) <input type="checkbox"/> Writ of mandate (02) <input type="checkbox"/> Other judicial review (39)	Miscellaneous Civil Petition <input type="checkbox"/> Partnership and corporate governance (21) <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. Large number of separately represented parties
 - b. Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve
 - c. Substantial amount of documentary evidence
 - d. Large number of witnesses
 - e. Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court
 - 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): three
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 21, 2016

Evan M. Selik

(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.

Page 1 of 2

CIVIL CASE COVER SHEET

Cal. Rules of Court, rules 2.30, 3.220, 3.400-3.403, 3.740;
 Cal. Standards of Judicial Administration, std. 3.10
 www.courtinfo.ca.gov
 www.accesslaw.com

Form Adopted for Mandatory Use
 Judicial Council of California
 CM-010 (Rev. July 1, 2007)

SHORT TITLE: Michael Rose v. Whole Foods Market California, Inc.	CASE NUMBER RC 618027
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**CIVIL CASE COVER SHEET ADDENDUM AND
STATEMENT OF LOCATION
(CERTIFICATE OF GROUNDS FOR ASSIGNMENT TO COURTHOUSE LOCATION)**

This form is required pursuant to Local Rule 2.0 in all new civil case filings in the Los Angeles Superior Court.

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

JURY TRIAL? YES CLASS ACTION? YES LIMITED CASE? YES TIME ESTIMATED FOR TRIAL 30 HOURS/ DAYS

Item II. Indicate the correct district and courthouse location (4 steps - If you checked "Limited Case", skip to Item III, Pg. 4):

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

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

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

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

- | | |
|--|--|
| 1. Class actions must be filed in the Stanley Mosk Courthouse, central district. | 6. Location of property or permanently garaged vehicle. |
| 2. May be filed in central (other county, or no bodily injury/property damage). | 7. Location where petitioner resides. |
| 3. Location where cause of action arose. | 8. Location wherein defendant/respondent functions wholly. |
| 4. Location where bodily injury, death or damage occurred. | 9. Location where one or more of the parties reside. |
| 5. Location where performance required or defendant resides. | 10. Location of Labor Commissioner Office |

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

Auto
Tort

Other Personal Injury/Property
Damage/Wrongful Death Tort

Civil Case Cover Sheet Category No.	Type of Action (Check only one)	Applicable Reasons (See Step 3 Above)
Auto (22)	<input type="checkbox"/> A7100 Motor Vehicle - Personal Injury/Property Damage/Wrongful Death	1., 2., 4.
Uninsured Motorist (46)	<input type="checkbox"/> A7110 Personal Injury/Property Damage/Wrongful Death - Uninsured Motorist	1., 2., 4.
Asbestos (04)	<input type="checkbox"/> A6070 Asbestos Property Damage	2.
	<input type="checkbox"/> A7221 Asbestos - Personal Injury/Wrongful Death	2.
Product Liability (24)	<input type="checkbox"/> A7260 Product Liability (not asbestos or toxic/environmental)	1., 2., 3., 4., 8.
Medical Malpractice (45)	<input type="checkbox"/> A7210 Medical Malpractice - Physicians & Surgeons	1., 4.
	<input type="checkbox"/> A7240 Other Professional Health Care Malpractice	1., 4.
Other Personal Injury Property Damage Wrongful Death (23)	<input type="checkbox"/> A7250 Premises Liability (e.g., slip and fall)	1., 4.
	<input type="checkbox"/> A7230 Intentional Bodily Injury/Property Damage/Wrongful Death (e.g., assault, vandalism, etc.)	1., 4.
	<input type="checkbox"/> A7270 Intentional Infliction of Emotional Distress	1., 3.
	<input type="checkbox"/> A7220 Other Personal Injury/Property Damage/Wrongful Death	1., 4.

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Non-Personal Injury/Property Damage/Wrongful Death Tort

Employment

Contract

Real Property

Unlawful Detainer

A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons (See Step 3 Above)
Business Tort (07)	<input type="checkbox"/> A6029 Other Commercial/Business Tort (not fraud/breach of contract)	1, 3.
Civil Rights (08)	<input type="checkbox"/> A6005 Civil Rights/Discrimination	1, 2, 3.
Defamation (13)	<input type="checkbox"/> A6010 Defamation (slander/libel)	1, 2, 3.
Fraud (16)	<input type="checkbox"/> A6013 Fraud (no contract)	1, 2, 3.
Professional Negligence (25)	<input type="checkbox"/> A6017 Legal Malpractice	1, 2, 3.
	<input type="checkbox"/> A6050 Other Professional Malpractice (not medical or legal)	1, 2, 3.
Other (35)	<input type="checkbox"/> A6025 Other Non-Personal Injury/Property Damage tort	2, 3.
Wrongful Termination (36)	<input type="checkbox"/> A6037 Wrongful Termination	1, 2, 3.
Other Employment (15)	<input checked="" type="checkbox"/> A6024 Other Employment Complaint Case	1, 2, 3.
	<input type="checkbox"/> A6109 Labor Commissioner Appeals	10.
Breach of Contract/ Warranty (08) (not insurance)	<input type="checkbox"/> A6004 Breach of Rental/Lease Contract (not unlawful detainer or wrongful eviction)	2, 5.
	<input type="checkbox"/> A6008 Contract/Warranty Breach -Seller Plaintiff (no fraud/negligence)	2, 5.
	<input type="checkbox"/> A6019 Negligent Breach of Contract/Warranty (no fraud)	1, 2, 5.
	<input type="checkbox"/> A6028 Other Breach of Contract/Warranty (not fraud or negligence)	1, 2, 5.
Collections (09)	<input type="checkbox"/> A6002 Collections Case-Seller Plaintiff	2, 5, 6.
	<input type="checkbox"/> A6012 Other Promissory Note/Collections Case	2, 5.
Insurance Coverage (18)	<input type="checkbox"/> A6015 Insurance Coverage (not complex)	1, 2, 5, 8.
Other Contract (37)	<input type="checkbox"/> A6009 Contractual Fraud	1, 2, 3, 5.
	<input type="checkbox"/> A6031 Tortious Interference	1, 2, 3, 5.
	<input type="checkbox"/> A6027 Other Contract Dispute(not breach/insurance/fraud/negligence)	1, 2, 3, 8.
Eminent Domain/Inverse Condemnation (14)	<input type="checkbox"/> A7300 Eminent Domain/Condemnation Number of parcels _____	2.
Wrongful Eviction (33)	<input type="checkbox"/> A6023 Wrongful Eviction Case	2, 6.
Other Real Property (26)	<input type="checkbox"/> A6018 Mortgage Foreclosure	2, 6.
	<input type="checkbox"/> A6032 Quiet Title	2, 6.
	<input type="checkbox"/> A6060 Other Real Property (not eminent domain, landlord/tenant, foreclosure)	2, 6.
Unlawful Detainer-Commercial (31)	<input type="checkbox"/> A6021 Unlawful Detainer-Commercial (not drugs or wrongful eviction)	2, 6.
Unlawful Detainer-Residential (32)	<input type="checkbox"/> A6020 Unlawful Detainer-Residential (not drugs or wrongful eviction)	2, 6.
Unlawful Detainer-Post-Foreclosure (34)	<input type="checkbox"/> A6020F Unlawful Detainer-Post-Foreclosure	2, 6.
Unlawful Detainer-Drugs (38)	<input type="checkbox"/> A6022 Unlawful Detainer-Drugs	2, 6.

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A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons (See Step 3 Above)
Asset Forfeiture (05)	<input type="checkbox"/> A6108 Asset Forfeiture Case	2., 6.
Petition re Arbitration (11)	<input type="checkbox"/> A6115 Petition to Compel/Confirm/Vacate Arbitration	2., 5.
Writ of Mandate (02)	<input type="checkbox"/> A6151 Writ - Administrative Mandamus <input type="checkbox"/> A6152 Writ - Mandamus on Limited Court Case Matter <input type="checkbox"/> A6153 Writ - Other Limited Court Case Review	2., 8. 2. 2.
Other Judicial Review (39)	<input type="checkbox"/> A6150 Other Writ /Judicial Review	2., 8.
Antitrust/Trade Regulation (03)	<input checked="" type="checkbox"/> A6003 Antitrust/Trade Regulation	1., 2., 8.
Construction Defect (10)	<input type="checkbox"/> A6007 Construction Defect	1., 2., 3.
Claims Involving Mass Tort (40)	<input type="checkbox"/> A6006 Claims Involving Mass Tort	1., 2., 8.
Securities Litigation (28)	<input type="checkbox"/> A6035 Securities Litigation Case	1., 2., 8.
Toxic Tort Environmental (30)	<input type="checkbox"/> A6036 Toxic Tort/Environmental	1., 2., 3., 8.
Insurance Coverage Claims from Complex Case (41)	<input type="checkbox"/> A6014 Insurance Coverage/Subrogation (complex case only)	1., 2., 5., 8.
Enforcement of Judgment (20)	<input type="checkbox"/> A6141 Sister State Judgment <input type="checkbox"/> A6160 Abstract of Judgment <input type="checkbox"/> A6107 Confession of Judgment (non-domestic relations) <input type="checkbox"/> A6140 Administrative Agency Award (not unpaid taxes) <input type="checkbox"/> A6114 Petition/Certificate for Entry of Judgment on Unpaid Tax <input type="checkbox"/> A6112 Other Enforcement of Judgment Case	2., 9. 2., 8. 2., 9. 2., 8. 2., 8. 2., 8., 9.
RICO (27)	<input type="checkbox"/> A6033 Racketeering (RICO) Case	1., 2., 8.
Other Complaints (Not Specified Above) (42)	<input type="checkbox"/> A6030 Declaratory Relief Only <input type="checkbox"/> A6040 Injunctive Relief Only (not domestic/harassment) <input type="checkbox"/> A6011 Other Commercial Complaint Case (non-tort/non-complex) <input type="checkbox"/> A6000 Other Civil Complaint (non-tort/non-complex)	1., 2., 8. 2., 8. 1., 2., 8. 1., 2., 8.
Partnership Corporation Governance (21)	<input type="checkbox"/> A6113 Partnership and Corporate Governance Case	2., 8.
Other Petitions (Not Specified Above) (43)	<input type="checkbox"/> A6121 Civil Harassment <input type="checkbox"/> A6123 Workplace Harassment <input type="checkbox"/> A6124 Elder/Dependent Adult Abuse Case <input type="checkbox"/> A6190 Election Contest <input type="checkbox"/> A6110 Petition for Change of Name <input type="checkbox"/> A6170 Petition for Relief from Late Claim Law <input type="checkbox"/> A6100 Other Civil Petition	2., 3., 9. 2., 3., 9. 2., 3., 9. 2. 2., 7. 2., 3., 4., 8. 2., 9.

Judicial Review

Provisionally Complex Litigation

Enforcement of Judgment

Miscellaneous Civil Complaints

Miscellaneous Civil Petitions

