

**SUMMONS
(CITACION JUDICIAL)**

**NOTICE TO DEFENDANT:
(AVISO AL DEMANDADO):**
SUSAN WALKER, an individual; DOES 1 through 25, inclusive,

**YOU ARE BEING SUED BY PLAINTIFF:
(LO ESTÁ DEMANDANDO EL DEMANDANTE):**
Additional Parties Attachment form is attached.

SUM-100

**CONFORMED COPY
OF ORIGINAL FILED**
Los Angeles Superior Court

MAY 31 2011

John A. Clarke, Executive Officer/Clerk
By SHAUNYA WESLEY, Deputy

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 extras 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 desearchar el caso.

The name and address of the court is:
(El nombre y dirección de la corte es):
Los Angeles County Superior Court - Central District
111 North Hill Street, Los Angeles, CA

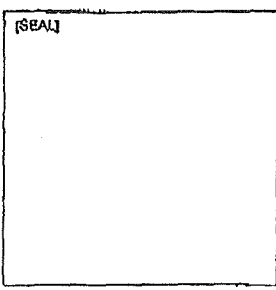
CASE NUMBER:
(Número del Caso):
BC 462605

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):
Aaron Morris, Morris & Stone, LLP, 17800 E. 17th St., Ste. 201, Tustin, CA 92780; Tel: (714) 954-0700

MAY 31 2011
John A. Clarke, Clerk, by
Shaunya Wesley, Deputy

DATE: _____
(Fecha)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)
(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).



- NOTICE TO THE PERSON SERVED: You are served**
- as an individual defendant.
 - as the person sued under the fictitious name of (specify):
 - on behalf of (specify):
under: CCP 416.10 (corporation) CCP 416.60 (minor)
 CCP 416.20 (defunct corporation) CCP 416.70 (conservatee)
 CCP 416.40 (association or partnership) CCP 416.80 (authorized person)
 other (specify):
 - by personal delivery on (date):

SHORT TITLE:

FILLER, et al. v. WALKER, et al.

CASE NUMBER:

INSTRUCTIONS FOR USE

- This form may be used as an attachment to any summons if space does not permit the listing of all parties on the summons.
- If this attachment is used, insert the following statement in the plaintiff or defendant box on the summons: "Additional Parties Attachment form is attached."

List additional parties (Check only one box. Use a separate page for each type of party.):

Plaintiff Defendant Cross-Complainant Cross-Defendant

AARON FILLER, MD, PHD, an individual; AARON FILLER, MD, PHD, APC, a California Professional Corporation; IMAGE BASED SURGICENTER CORPORATION, a California Corporation; and NEUROGRAPHY INSTITUTE MEDICAL ASSOCIATES, a California Professional Corporation,

Page 1 of 1

Page 1 of 1

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES
 NOTICE OF CASE ASSIGNMENT - UNLIMITED CIVIL CASE
 Case Number: _____

THIS FORM IS TO BE SERVED WITH THE SUMMONS AND COMPLAINT

BC462605

Each case is assigned for all purposes to the judicial officer indicated below (Local Rule 7.30). There is additional information on the reverse side of this form.

ASSIGNED JUDGE	DEPT	ROOM	ASSIGNED JUDGE	DEPT	ROOM
Hon. Carolyn B. Kuhl	1	534	Hon. Holly E. Kendig	42	416
Hon. J. Stephen Czuleger	3	224	Hon. Mel Red Recana	45	529
Hon. Luis A. Lavin	13	630	Hon. Debre Katz Weintraub	47	507
Hon. Terry A. Green	14	300	Hon. Elizabeth Allen White	48	506
Hon. Richard Fruin	15	307	Hon. Deirdre Hill	49	509
Hon. Rita Miller	16	306	Hon. John Shepard Wiley Jr.	50	508
Hon. Richard E. Rico	17	309	Hon. Abraham Khan	51	511
Hon. Rex Heeseman	19	311	Hon. Susan Bryant-Deason	52	510
Hon. Kevin C. Brazile	20	310	Hon. John P. Shook	53	513
Hon. Zaven V. Sinanian	23	315	Hon. Ernest M. Hiroshige	54	512
Hon. Robert L. Hess	24	314	Hon. Malcolm H. Mackey	55	515
Hon. Mary Ann Murphy	25	317	Hon. Michael Johnson	56	514
Hon. James R. Dunn	26	316	Hon. Ralph W. Dau	57	517
Hon. Yvette M. Palazuelos	28	318	Hon. Rolf M. Treu	58	516
<i>Pending Assignment</i>	30	400	Hon. David L. Minning	61	632
Hon. Alan S. Rosenfield	31	407	Hon. Michael L. Stern	62	600
Hon. Mary H. Strobel	32	406	Hon. Kenneth R. Freeman	64	601
Hon. Charles F. Palmer	33	409	Hon. Mark Mooney	68	617
Hon. Amy D. Hogue	34	408	Hon. Ramona See	69	621
Hon. Daniel Buckley	35	411	Hon. Soussan G. Bruguera	71	729
Hon. Gregory Alarcon	36	410	Hon. Ruth Ann Kwan	72	731
Hon. Joanne O'Donnell	37	413	Hon. Teresa Sanchez-Gordon	74	735
Hon. Maureen Duffy-Lewis	38	412	Hon. William F. Fahey	78	730
Hon. Michael C. Solner	39	415	Hon. Emilie H. Elias*	324	CCW
Hon. Michelle R. Rosenblatt	40	414	other		
Hon. Ronald M. Sohigian	41	417			

***Class Actions**

All class actions are initially assigned to Judge Emilie H. Elias in Department 324 of the Central Civil West Courthouse (600 S. Commonwealth Ave., Los Angeles 90005). This assignment is for the purpose of assessing whether or not the case is complex within the meaning of California Rules of Court, rule 3.400. Depending on the outcome of that assessment, the class action case may be reassigned to one of the judges of the Complex Litigation Program or reassigned randomly to a court in the Central District.

Given to the Plaintiff/Cross-Complainant/Attorney of Record on _____ **JOHN A. CLARKE**, Executive Officer/Clerk
 By _____, Deputy Clerk

CM-010

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Aaron Morris, Esq. (SBN 130727); Deanna Stone Killeen (252053) MORRIS & STONE, LLP 17852 E. 17th Street, Suite 201, Tustin, CA 92780 Tustin, CA 92780 TELEPHONE NO.: (714) 954-0700 FAX NO.: ATTORNEY FOR (Name): Plaintiffs Aaron Filler, MD, PHD, et al.		CONFORMED COPY OF ORIGINAL FILED Los Angeles Superior Court MAY 31 2011 John A. Clarke, Executive Officer/Clerk By: <i>[Signature]</i> Deputy SHAUNYA WESLEY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES STREET ADDRESS: 111 N. Hill Street MAILING ADDRESS: 111 N. Hill Street CITY AND ZIP CODE: Los Angeles, CA BRANCH NAME: CENTRAL DISTRICT		
CASE NAME: FILLER, et al. v. WALKER, et al.		CASE NUMBER: BC462605
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) <input type="checkbox"/> Counter <input type="checkbox"/> Joinder Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)		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 (08) <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 3.406-3.408) <input 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 PUPD/W/D (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 PUPD/W/D (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-PUPD/W/D (Other) Tort <input type="checkbox"/> Business tort/unfair business practice (07) <input type="checkbox"/> Civil rights (08) <input checked="" 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-PUPD/W/D 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. <input type="checkbox"/> Large number of separately represented parties	d. <input type="checkbox"/> Large number of witnesses
b. <input type="checkbox"/> Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve	e. <input type="checkbox"/> Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court
c. <input type="checkbox"/> Substantial amount of documentary evidence	f. <input type="checkbox"/> Substantial postjudgment judicial supervision

3. Remedies sought (check all that apply): a. monetary b. nonmonetary; declaratory or injunctive relief c. punitive

4. Number of causes of action (specify): **2**

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: **May 31, 2011**
 Aaron Morris, Esq. (SBN 130727) *[Signature]*
 (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.

**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 4 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)

- | | |
|---|---|
| <ul style="list-style-type: none"> 1. Class actions must be filed in the Stanley Mosk Courthouse, central district. 2. May be filed in central (other county, or no bodily injury/property damage). 3. Location where cause of action arose. 4. Location where bodily injury, death or damage occurred. 5. Location where performance required or defendant resides. | <ul style="list-style-type: none"> 6. Location of property or permanently garaged vehicle. 7. Location where petitioner resides. 8. Location wherein defendant/respondent functions wholly. 9. Location where one or more of the parties reside. 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.

	A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Auto Tort	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.
Other Personal Injury/ Property Damage/ Wrongful Death Tort	Asbestos (04)	<input type="checkbox"/> A6070 Asbestos Property Damage <input type="checkbox"/> A7221 Asbestos - Personal Injury/Wrongful Death	2. 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 <input type="checkbox"/> A7240 Other Professional Health Care Malpractice	1., 4. 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.	

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 checked="" 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 type="checkbox"/> A6024 Other Employment Complaint Case	1., 2., 3.
	<input type="checkbox"/> A6109 Labor Commissioner Appeals	10.
Breach of Contract/ Warranty (06) (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.

TITLE: Aaron Filler, et al. v. Susan H. Walker

CASE NUMBER

	A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Judicial Review	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.
Provisionally Complex Litigation	Antitrust/Trade Regulation (03)	<input 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	Enforcement of Judgment (20)	<input type="checkbox"/> A6141 Sister State Judgment	2., 9.
		<input type="checkbox"/> A6160 Abstract of Judgment	2., 6.
		<input type="checkbox"/> A6107 Confession of Judgment (non-domestic relations)	2., 9.
		<input type="checkbox"/> A6140 Administrative Agency Award (not unpaid taxes)	2., 8.
		<input type="checkbox"/> A6114 Petition/Certificate for Entry of Judgment on Unpaid Tax	2., 8.
		<input type="checkbox"/> A6112 Other Enforcement of Judgment Case	2., 8., 9.
Miscellaneous Civil Complaints	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	1., 2., 8.
		<input type="checkbox"/> A6040 Injunctive Relief Only (not domestic/harassment)	2., 8.
		<input type="checkbox"/> A6011 Other Commercial Complaint Case (non-tort/non-complex)	1., 2., 8.
<input type="checkbox"/> A6000 Other Civil Complaint (non-tort/non-complex)		1., 2., 8.	
Miscellaneous Civil Petitions	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	2., 3., 9.
		<input type="checkbox"/> A6123 Workplace Harassment	2., 3., 9.
		<input type="checkbox"/> A6124 Elder/Dependent Adult Abuse Case	2., 3., 9.
		<input type="checkbox"/> A6190 Election Contest	2.
		<input type="checkbox"/> A6110 Petition for Change of Name	2., 7.
<input type="checkbox"/> A6170 Petition for Relief from Late Claim Law		2., 3., 4., 8.	
	<input type="checkbox"/> A6100 Other Civil Petition	2., 9.	

TITLE

Aaron Filler, et al. v. Susan H. Walker

CASE NUMBER

Item III. Statement of Location: Enter the address of the accident, party's residence or place of business, performance, or other circumstance indicated in Item II., **Step 3** on Page 1, as the proper reason for filing in the court location you selected.

REASON: Check the appropriate boxes for the numbers shown under Column C for the type of action that you have selected for this case. <input type="checkbox"/> 1. <input checked="" type="checkbox"/> 2. <input type="checkbox"/> 3. <input type="checkbox"/> 4. <input type="checkbox"/> 5. <input type="checkbox"/> 6. <input type="checkbox"/> 7. <input type="checkbox"/> 8. <input type="checkbox"/> 9. <input type="checkbox"/> 10.			ADDRESS: 2716 Ocean Park Blvd. Suite 1007
CITY: Santa Monica	STATE: CA	ZIP CODE: 90405	

Item IV. Declaration of Assignment: I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that the above-entitled matter is properly filed for assignment to the Stanley Mosk courthouse in the Central _____ District of the Superior Court of California, County of Los Angeles [Code Civ. Proc., § 392 et seq., and Local Rule 2.0, subs. (b), (c) and (d)].

Dated: May 31, 2011

(SIGNATURE OF ATTORNEY/FILING PARTY)

PLEASE HAVE THE FOLLOWING ITEMS COMPLETED AND READY TO BE FILED IN ORDER TO PROPERLY COMMENCE YOUR NEW COURT CASE:

1. Original Complaint or Petition.
2. If filing a Complaint, a completed Summons form for issuance by the Clerk.
3. Civil Case Cover Sheet, Judicial Council form CM-010.
4. Civil Case Cover Sheet Addendum and Statement of Location form, LACIV 109, LASC Approved 03-04 (Rev. 03/11).
5. Payment in full of the filing fee, unless fees have been waived.
6. A signed order appointing the Guardian ad Litem, Judicial Council form CIV-010, if the plaintiff or petitioner is a minor under 18 years of age will be required by Court in order to issue a summons.
7. Additional copies of documents to be conformed by the Clerk. Copies of the cover sheet and this addendum must be served along with the summons and complaint, or other initiating pleading in the case.

CONFORMED COPY
OF ORIGINAL FILED
Los Angeles Superior Court

MAY 31 2011

John A. Clarke, Executive Officer/Clerk
By SHAUNYA WESLEY, Deputy

1 Aaron P. Morris, Esq. (SBN 130727)
2 Deanna Stone Killeen, Esq. (SBN 252053)
3 MORRIS & STONE, LLP
4 17852 E. 17th St., Suite 201
5 Tustin, CA 92780
6 Tel: (714) 954-0700
7 Morris@TopLawFirm.com
8 Stone@TopLawFirm.com

6 Attorneys for Plaintiffs
7 Aaron Filler, MD, PhD; Aaron Filler, MD, PhD, APC;
8 Image Based Surgicenter Corporation; Neurography
9 Institute Medical Associates

10 SUPERIOR COURT OF THE STATE OF CALIFORNIA
11 IN AND FOR THE COUNTY OF LOS ANGELES

12
13 AARON FILLER, MD, PHD, an individual;
14 AARON FILLER, MD, PHD, APC, a
15 California Professional Corporation; IMAGE
16 BASED SURGICENTER CORPORATION,
17 a California Corporation; and
18 NEUROGRAPHY INSTITUTE MEDICAL
19 ASSOCIATES, a California Professional
20 Corporation,

17 Plaintiffs,

18 vs.

20 SUSAN H. WALKER, an individual; DOES
21 1 through 25, inclusive,

21 Defendants.

CASE NO. BC 462605

Assigned for all purposes to:

COMPLAINT FOR:

- 1. DEFAMATION
- 2. INTERFERENCE WITH PROSPECTIVE ECONOMIC ADVANTAGE

23 Plaintiffs AARON FILLER, MD, PHD, an individual; AARON FILLER, MD, PHD,
24 APC, a California professional corporation; IMAGE BASED SURGICENTER
25 CORPORATION, a California corporation; and NEUROGRAPHY INSTITUTE MEDICAL
26 ASSOCIATES, a California professional corporation, allege as follows against Defendants
27 SUSAN H. WALKER, an individual, and DOES 1 through 25, inclusive:
28

1 Aaron P. Morris, Esq. (SBN 130727)
2 Deanna Stone Killeen, Esq. (SBN 252053)
3 MORRIS & STONE, LLP
4 17852 E. 17th St., Suite 201
5 Tustin, CA 92780
6 Tel: (714) 954-0700
7 Morris@TopLawFirm.com
8 Stone@TopLawFirm.com

6 Attorneys for Plaintiffs
7 Aaron Filler, MD, PhD; Aaron Filler, MD, PhD, APC;
8 Image Based Surgicenter Corporation; Neurography
9 Institute Medical Associates

10 SUPERIOR COURT OF THE STATE OF CALIFORNIA
11 IN AND FOR THE COUNTY OF LOS ANGELES

12
13 AARON FILLER, MD, PHD, an individual;
14 AARON FILLER, MD, PHD, APC, a
15 California Professional Corporation; IMAGE
16 BASED SURGICENTER CORPORATION,
17 a California Corporation; and
18 NEUROGRAPHY INSTITUTE MEDICAL
19 ASSOCIATES, a California Professional
20 Corporation,

21 Plaintiffs,

22 vs.

23 SUSAN H. WALKER, an individual; DOES
24 1 through 25, inclusive,

25 Defendants.

CASE NO.

Assigned for all purposes to:

COMPLAINT FOR:

1. **DEFAMATION**
2. **INTERFERENCE WITH PROSPECTIVE ECONOMIC ADVANTAGE**

26 Plaintiffs AARON FILLER, MD, PHD, an individual; AARON FILLER, MD, PHD,
27 APC, a California professional corporation; IMAGE BASED SURGICENTER
28 CORPORATION, a California corporation; and NEUROGRAPHY INSTITUTE MEDICAL
ASSOCIATES, a California professional corporation, allege as follows against Defendants
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8

9
10 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
11 **IN AND FOR THE COUNTY OF LOS ANGELES**

12
13 AARON FILLER, MD, PHD, an individual;
AARON FILLER, MD, PHD, APC, a
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BASED SURGICENTER CORPORATION,
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NEUROGRAPHY INSTITUTE MEDICAL
16 ASSOCIATES, a California Professional
Corporation,

17 Plaintiffs,

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1 through 25, inclusive,

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CASE NO.

Assigned for all purposes to:

COMPLAINT FOR:

1. **DEFAMATION**
2. **INTERFERENCE WITH PROSPECTIVE ECONOMIC ADVANTAGE**

23 Plaintiffs AARON FILLER, MD, PHD, an individual; AARON FILLER, MD, PHD,
24 APC, a California professional corporation; IMAGE BASED SURGICENTER
25 CORPORATION, a California corporation; and NEUROGRAPHY INSTITUTE MEDICAL
26 ASSOCIATES, a California professional corporation, allege as follows against Defendants
27 SUSAN H. WALKER, an individual, and DOES 1 through 25, inclusive:
28

1 **GENERAL ALLEGATIONS**

2 1. At all times alleged herein, Plaintiff AARON FILLER, M.D., PhD (hereinafter,
3 "DR. FILLER"), was an individual residing in the County of Los Angeles.

4 2 At all times alleged herein Plaintiff AARON FILLER, MD, PhD, APC, doing
5 business as Institute for Nerve Medicine (hereinafter, "INM") was a professional corporation
6 organized and existing under the laws of the State of California, and is and was qualified to do
7 business in California, with its principal place of business at 2716 Ocean Park Blvd. Suite 3082,
8 Santa Monica, CA 90405.

9 3. At all times alleged herein Plaintiff IMAGE BASED SURGICENTER
10 CORPORATION ("IBSC") was a corporation organized and existing under the laws of the State
11 of California, and is and was qualified to do business in California, with its principal place of
12 business at 2716 Ocean Park Blvd. Suite 1007, Santa Monica, CA 90405.

13 4. At all times alleged herein Plaintiff NEUROGRAPHY INSTITUTE MEDICAL
14 ASSOCIATES ("NIMA"), was a California professional corporation organized and existing
15 under the laws of the State of California, and is and was qualified to do business in California,
16 with its principal place of business at 2716 Ocean Park Blvd. Suite 3075, Santa Monica, CA
17 90405.

18 5. Plaintiffs are ignorant of the true names and capacities, whether individual,
19 corporate, associate, or otherwise, of the Defendants sued herein as DOES 1 through 25
20 inclusive, and therefore, sues said Defendants by such fictitious names. Plaintiffs allege that
21 each of the fictitiously named Defendants is responsible in some manner for the occurrences
22 herein alleged, and proximately caused Plaintiffs' damages. Plaintiffs will amend this Complaint
23 to allege the true names and capacities of DOES 1-25 when the same have been ascertained.

24 6. Moreover, at all times herein mentioned, Defendants confirm, conspire to, consent
25 to, affirm, direct, authorize, acknowledge, and ratify the acts of each and every of the Defendants
26 herein as to each of the acts hereinafter alleged.

27 ///

1 **FIRST CAUSE OF ACTION**

2 **(Defamation – All Plaintiffs Against All Defendants)**

3 7. Plaintiffs incorporate by reference as though set forth in full Paragraphs 1 through
4 6 of the General Allegations.

5 8. Plaintiff DR. FILLER, operating professionally in the County of Los Angeles,
6 State of California, has enjoyed a good reputation both generally and in his profession as a
7 neurosurgeon.

8 9. Plaintiff INM, with its principal place of business in the County of Los Angeles,
9 State of California, has enjoyed a good reputation both generally and as a professional medical
10 corporation providing neurosurgical services.

11 10. Plaintiff IBSC, with its principal place of business in the County of Los Angeles,
12 State of California, has enjoyed a good reputation both generally and as a provider of surgicenter
13 facility services.

14 11. Plaintiff NIMA, with its principal place of business in the County of Los Angeles,
15 State of California, has enjoyed a good reputation both generally and as a provider of radiology
16 services.

17 12. Commencing in September of 2010 and thereafter through the present date,
18 Defendant SUSAN H. WALKER ("WALKER") and DOES 1 to 25 have published on the
19 Internet defamatory and untruthful statements about the Plaintiffs, apparently attempting to use
20 this campaign of defamation to damage the reputation of the Plaintiffs. The defamatory
21 statements were directed at and concern Plaintiffs, all of whom reside and are doing business in
22 the County of Los Angeles, State of California, making venue and jurisdiction proper before this
23 court. WALKER, individually or with the assistance of DOES 1 to 25, published her false,
24 defamatory and damaging statements on a number of websites, including but not limited to the
25 following:

26 (1) Stating falsely that information she has seen suggested Dr Filler posed an
27 unusually high risk of death to patients: "Now imagine how many more cases went to arbitration.
28

1 Imagine how many more cases are located at other court houses (this list is two years dated).
2 Malpractice 8/12/2003, Malpractice 5/16/2005, Malpractice 4/3/1998, Malpractice 3/10/1997,
3 Malpractice 11/14/1996, ... Again, my purpose in writing this is to attempt to save another patient
4 from what I am going through. You would not wish this on your worst enemy. If Dr. Filler reads
5 this, I would hope it would cause him to reflect on his practice, and change his incredibly
6 arrogant attitude before he kills someone (assuming he hasn't already)." (9/20/2010 –
7 RunningForums.com).

8 (2) Asserting fraud: "I was billed for one procedure that was never conducted."
9 (4/3/11 RateMDs.com);

10 (3) Suggesting fraud: "... their fraud unit is investigating. State Farm, Sue Walker,
11 check it out. Louise has had direct communication from them (Sam Gonzales, SF) regarding their
12 ongoing review." (10/19/10 RateMDs.com);

13 (4) Asserting fraud: "There is a current fraud investigation underway, Louise was
14 informed of this in early September and I confirmed it with State Farm yesterday. (2/18/11
15 RateMDs.com)"

16 (5) "Dr. Filler and his staff are the aggressive, irresponsible, libelous thieves - not me.
17 (10/13/10 RateMDS.com)"

18 (6) Stating falsely that Dr. Filler is intentionally injecting patients with a material
19 known to cause a slow painful unpreventable death in every patient so exposed. "Wydase is no
20 longer manufactured and has not been manufactured in at least seven years, so I'm not sure why
21 Filler refers to the use of Wydase, and given the remote risk of CSE transmission that it poses,
22 injecting it directly adjacent to a nerve does not seem advised. (1/31/11 RunningForums)"

23 (7) Stating falsely that she has seen information documenting that Dr. Filler's surgery
24 has resulted in severing nerves – which causes immediate permanent paralysis – even though Dr.
25 Filler has never severed a nerve: "Look at the doctor-rating sites and see how Dr. Filler is rated
26 by patients. You will see a lot of what is on this board, glowing reviews, and glowering criticism,
27 mostly based on money and bad office staff experiences, many also though on failed surgeries
28

1 and cases where Filler's treatment resulted in severing nerves and worse outcomes. (9/18/10
2 RunningForums)"

3 (8) Stating falsely that the IBSC offers procedures that don't work even though there
4 is a greater than 95% diagnostic success rate and even though her procedures were a success:
5 "1.5 hours in the "Image-based Surgi-Center." Not bad. Too bad it didn't work" (3/28/11
6 RateMDs.com – 673 thread)

7 (9) Stating falsely that INM and IBSC have unconscionable fees, incompetent staff
8 and inaccurate billing: "I expect to be similarly "taken care of" for the balances for the "Institute
9 of Nerve Medicine" and the "Image Based Surgery Center." But I will continue to get the word
10 out about his unconscionable fees and incompetent and rude billing staff. I have YET to get an
11 accurate billing that I can use to appeal to insurance" (10/15/10 RunningForums.com, thread
12 157)

13 (10) Making statements on a page about the Neurography Institute suggesting that this
14 facility will charge tens of thousands of dollars for an MR Neurography scan and that it is
15 disreputable: "Be forewarned, Dr. Filler is outrageously expensive. I saw him for an exam, two
16 MRNs, and MRI injections in my neck and hip. Total time: less than three hours. Total cost:
17 \$53,000. I believe he is a very skilled neurosurgeon, but I see no need for him to charge such
18 outrageous fees. And his office staff made serious errors in billing, do not return multiple phone
19 messages – but they are very quick to send out their erroneous bills, repeatedly, and threaten
20 collections actions." (11/6/2010 on "nervepain.tv/ Magnetic Resonance Neurography: Dr. Aaron
21 Filler")

22 13. Each of the statements were false as they pertain to Plaintiffs.

23 14. The statements published by Defendants, and each of them, are defamatory on
24 their face because they (1) charge Plaintiffs with improper, illegal, and immoral conduct; (2)
25 subject Plaintiffs to hatred, contempt, ridicule and obloquy, and; (3) injure Plaintiffs in their trade
26 and business by imputing to them a lack of integrity, professionalism and honesty, and have a
27 natural tendency to lessen their ability to conduct business in the medical field.

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15. As a proximate result of the above-described publications, Plaintiffs have suffered a loss of reputation, and have or will be exposed to hatred, contempt, ridicule or obloquy, all to their general damage, in an amount that is not presently know with precision, but which exceeds the jurisdictional minimum of this court. The defamatory statements have injured Plaintiffs in their business and/or occupation.

16. As a further proximate result, it is also alleged that Plaintiffs have suffered special damages from loss of business in an amount to be determined at time of trial.

17. The above-described publications were published by Defendant, and each of them, with malice in that they knew said misstatements of fact were false and they made said publications with the specific intent to injure Plaintiffs' positions as medical practitioners. Such conduct justifies the award of punitive damages.

SECOND CAUSE OF ACTION

**(Interference with Prospective Economic Advantage –
All Plaintiffs Against All Defendants)**

18. Plaintiffs refer to paragraphs 1 through 17 of this complaint and incorporates them by this reference as though fully set forth herein.

19. Plaintiffs have each enjoyed a profitable business and goodwill. Defendants, and each of them, conspired with one another to interfere with Plaintiffs' prospective economic advantage by sullyng their names and consequently their business reputations in the medical field.

20. In furtherance of this conspiracy, Defendants, and each of them, committed wrongful acts, including without limitation, making the aforesaid false and defamatory statements attributing unethical, illegal, immoral, unprofessional and dishonest conduct to Plaintiffs.

21. By virtue of the false statements, Plaintiffs are informed and believe and thereupon allege that each of them have been deprived of business opportunities and additional income.

1 22. The foregoing acts by Defendants were done for the purpose and had the effect of
2 damaging Plaintiffs' reputation and goodwill and preventing Plaintiffs from realizing additional
3 income.

4 23. As a direct result of Defendants' unlawful conduct, and each of theirs as alleged
5 herein, Plaintiffs have been damaged in an amount which is presently unknown, but which is
6 believed to exceed the jurisdictional minimum of this Court, together with interest thereon. The
7 exact amount of Plaintiffs' damages have not yet been fully ascertained and Plaintiffs will seek
8 leave of Court to amend this Complaint to set forth the exact amount of damages when
9 ascertained, or according to proof at time of trial.

10 24. In doing the things herein alleged, the Defendants, and each of them, acted with
11 fraud, malice, oppression and with conscious disregard for the interests of Plaintiffs such that
12 Plaintiffs are entitled to an award of punitive damages.

13 **WHEREFORE**, Plaintiffs pray for judgment against Defendants, and each of them, as
14 follows:

- 15 1. For compensatory damages according to proof at the time of trial;
- 16 2. For general damages according to proof;
- 17 3. For punitive damages according to proof;
- 18 4. For injunctive relief, prohibiting Defendants, and each of them, from repeating
19 statements judicially determined to be defamatory (*Balboa Island Village Inn, Inc.*
20 *v. Lemen* (2007) 40 Cal. 4th 1141);
- 21 5. For costs of suit; and
- 22 6. For such other and further relief as the court may deem proper.

23
24 DATED: May 31, 2011

MORRIS & STONE

25
26 By: 

Aaron Morris

27 Attorneys for Plaintiffs
28

NOTICE

All Civil Complaints and Civil Petitions are assigned to a Judicial Officer for ALL PURPOSES. The letter CASE NUMBER DESIGNATION at the END of the INDICATES the DEPARTMENT to which the case has been ASSIGNED.

For QUICK & PROPER ROUTING, of your documents, please, place the DEPARTMENT LETTER DESIGNATION at the END of the CASE NUMBER on ALL SUBSEQUENT documents filings.

Thank You.

Superior Court of California, County of Los Angeles

JOHN A. CLARKE
EXECUTIVE OFFICER/CLERK

ALTERNATIVE DISPUTE RESOLUTION (ADR)

INFORMATION RE: CASES REFERRED TO ADR

The Los Angeles Superior Court Alternative Dispute Resolution (ADR) Program is governed by Los Angeles Superior Court Rules, Chapter Twelve, California Rules of Court, rules 1600-1639 and Code of Civil Procedure sections 1141.10-1141.31 and 1775-1775.15.

ADR Clerk

This referral has been assigned to the ADR Clerk located at the courthouse indicated at right.

Initiating The ADR Process

Upon referral to ADR, the parties must immediately:

1. Complete the ADR intake forms
 - a. ADR Case Referral Intake (ADR 039) – To be fully completed by plaintiff.
 - b. ADR Demographic Information (ADR 011) – One sheet must be completed for each litigant named in the action.
2. Submit completed forms to the ADR Clerk either in person or by fax filing (LASC Rules Ch. 18). **THE ADR REFERRAL WILL NOT BE PROCESSED UNLESS ALL FORMS ARE PROPERLY COMPLETED AND SUBMITTED TO THE ADR CLERK WITHIN 10 DAYS OF THE DATE ON THE NOTICE OF REFERRAL.**

Extra forms may be obtained from the Court's website (www.lasuperiorcourt.org, click on ADR then Forms) or the ADR Clerk.

Neutral Selection

General Jurisdiction – The parties may select a Neutral from the Court's website and indicate their choice on the ADR Case Referral Intake. If the Neutral is not available at the time the ADR Clerk receives the Intake, the ADR Clerk will randomly select another Neutral.

Limited Jurisdiction – The ADR Clerk randomly selects the Neutral.

Should the parties decide to contract a private ADR Neutral, plaintiff should immediately notify the ADR Clerk and assigned Neutral (if any).

ADR Completion Date

Unless the Court has set a completion date, the ADR Clerk will set a completion date at the 60th day from the date of assignment in mediation cases and at the 90th day in arbitration cases.

Where To File Documents

Filed directly with the ADR Clerk:

- o Disqualification of ADR Neutral (LASC Rules 12.6)
- o Notice of ADR Hearing (including amended notices)
- o Statement of Agreement or Nonagreement (mediation only)
- o Award of Arbitrator (arbitration only)
- o Request for Trial de Novo (arbitration only)
- o Notice of Settlement

NOTE: The ADR Clerk processes documents related to cases going through the Court's ADR program only. Documents related to cases going through private ADR, binding arbitration, contractual arbitration, mandatory fee arbitration, etc., are to be filed directly with the Civil Clerk or assigned Courtroom.

Filed directly with the Civil Clerk or Referring Courtroom:

- o Motion to Extend ADR Completion Date
- o Notice or Order Extending ADR Completion Date**
- o Notice or Order Removing Case from ADR**
- o Stipulation Re Settlement
- o Request for Dismissal**
- o All other papers (i.e., motions, orders to show cause, etc.) related to the case

**With a copy to the ADR Clerk.

IF THIS CASE HAS BEEN PREVIOUSLY SENT TO THE COURT'S ADR PROGRAM, PLEASE IMMEDIATELY NOTIFY THE ADR CLERK.

ADR 044 04-04
LASC Approved
(Rev. 06-05)

INFORMATION RE: CASES REFERRED TO ADR

COURTHOUSE:	
<input type="checkbox"/>	Alhambra 150 W. Commonwealth Ave., 91801 (626) 308-5521
<input type="checkbox"/>	Beverly Hills 9355 Burton Way, 90210 (310) 288-1300
<input type="checkbox"/>	Burbank 300 E. Olive Ave., Rm. 225, 91502 (818) 857-3462
<input type="checkbox"/>	Chatsworth 9425 Penfield St., Rm. 1200, 91311 (818) 878-8565
<input type="checkbox"/>	Compton 200 W. Compton Bl., Rm. 1002, 90220 (310) 603-3072
<input type="checkbox"/>	El Monte (Rio Hondo) 11234 E. Valley Bl., Rm. 100, 91731 (626) 675-4288
<input type="checkbox"/>	Glendale 600 E. Broadway, Rm. 273, 91206 (818) 500-3160
<input type="checkbox"/>	Inglewood One Regent St., Rm. 630, 90301 (310) 419-5701
<input type="checkbox"/>	Lancaster (Antelope Valley) 42011 4th St. West, 93534 (661) 974-7247
<input type="checkbox"/>	Long Beach 415 W. Ocean Bl., Rm. 316, 90802 (562) 491-6272
<input type="checkbox"/>	Los Angeles 111 N. Hill St., Rm. 113, 90012 (213) 974-5425
<input type="checkbox"/>	Mallibu 23625 Civic Center Way, 90265 (310) 456-0595
<input type="checkbox"/>	Norwalk 12720 Norwalk Bl., Rm. 308, 90650 (562) 807-7243
<input type="checkbox"/>	Pasadena 300 E. Walnut St., Rm. 100, 91101 (626) 356-5685
<input type="checkbox"/>	Pomona 400 Civic Center Plaza, Rm. 106, 91766 (909) 620-3183
<input type="checkbox"/>	Redondo Beach (Beach Cities) 117 W. Torrance Bl., Rm. 100, 90277 (310) 788-6876
<input type="checkbox"/>	San Pedro 505 S. Centre St., Rm. 200, 90731 (310) 519-6151
<input type="checkbox"/>	Santa Monica 1725 Main Bl., Rm. 203, 90401 (310) 280-1829
<input type="checkbox"/>	Torrance 826 Maple Ave., Rm. 100, 90503 (310) 222-1701
<input type="checkbox"/>	Van Nuys 6230 Sylmar Ave., Rm. 331, 91401 (818) 374-2337
<input type="checkbox"/>	West Covina (Clirus) 1427 West Covina Pkwy., 91780 (626) 813-3270

**LOS ANGELES COUNTY
DISPUTE RESOLUTION PROGRAMS ACT (DRPA) CONTRACTORS**

The following organizations provide mediation services under contract with the Los Angeles County Department of Community & Senior Services. Services are provided to parties in any civil case filed in the Los Angeles County Superior Court. Services are not provided under this program to family, probate, traffic, criminal, appellate, mental health, unlawful detainer/eviction or juvenile court cases.

Asian-Pacific American Dispute Resolution Center
(213) 250-8190
(Spanish & Asian languages capability)

California Academy of Mediation Professionals
(818) 377-7250

Center for Conflict Resolution
(818) 380-1840

Inland Valleys Justice Center
(909) 397-5780
(Spanish language capability)

Office of the Los Angeles City Attorney Dispute Resolution Program
(213) 485-8324
(Spanish language capability)

Los Angeles County Bar Association Dispute Resolution Services
toll free number 1-877-4Resolve (737-6583) or (213) 896-6533
(Spanish language capability)

Los Angeles County Department of Consumer Affairs
(213) 974-0825
(Spanish language capability)

The Loyola Law School Center for Conflict Resolution
(213) 736-1145
(Spanish language capability)

Martin Luther King Legacy Association Dispute Resolution Center
(323) 290-4132
(Spanish language capability)

City of Norwalk
(562) 929-5603

DRPA Contractors do not provide legal advice or assistance, including help with responding to summonses. Accessing these services does not negate any responsibility you have to respond to a summons or appear at any set court date. See the reverse side of this sheet for information on the mediation process and obtaining legal advice.

THIS IS A TWO-SIDED DOCUMENT.

<p>What is the goal of mediation?</p> <p>The goal is to assist the parties in reaching a mutually acceptable agreement or understanding on some or all of the issues. The parties jointly become the primary decision maker in how to resolve the issues as opposed to the traditional judge and/or jury system.</p>	
<p>Do I need an attorney for this?</p> <p>While it is recommended to have an attorney and/or receive legal advice before the mediation starts, you are not required to have representation. If you do have an attorney, they may participate in the mediation with you.</p>	
<p>How long does it take?</p> <p>Face-to-face mediations generally last one to three hours. Telephone conciliations, in which the parties do not meet face to face, vary from a few days to several weeks. Much depends on the number of parties involved and the complexities of the issues. When the mediation takes place depends on parties scheduling availability.</p>	
<p>A Mediator helps parties. . .</p> <ul style="list-style-type: none"> ◆ Have productive discussions ◆ Avoid or break impasses ◆ Defuse controversy ◆ Generate options that have potential for mutual gain ◆ Better understand each other's concerns and goals ◆ Focus on their interests rather than their positions 	<p>A Mediator does not...</p> <ul style="list-style-type: none"> ◆ Provide advice or opinions ◆ Offer legal information ◆ Make decisions for parties ◆ Represent or advocate for either side ◆ Judge or evaluate anyone or anything ◆ Conduct research ◆ "Take Sides"
<p>What does it cost?</p> <p>The first three hours of any mediation are free. Thereafter, charges are based on income or revenue. All fees are waived for low-income individuals.</p>	<p>Legal Advice/Information</p> <p>If you want to retain an attorney, a list of state certified referral services is at courtinfo.ca.gov which also has an on-line self help legal center.</p> <p>Self-Help Legal Access Centers are at the Inglewood, Palmdale, Pomona, and Van Nuys courthouses. nls-la.org and lafta.org</p> <p>Court Personnel can answer non-legal questions (forms, fees, fee waivers). lasuperiorcourt.org</p> <p>Low-income individuals may qualify for help from non-profit legal organizations. Court Personnel and DRPA contractors have such listings.</p>
<p>What is the difference between the contractors listed and the Superior Court ADR Office?</p> <p>The services offered by the contractors listed may be accessed immediately. Those offered by the Superior Court ADR Office, also a DRPA contractor, may not be accessed by parties until a court appearance, or at the directive of the judge assigned to the case.</p>	
<p>Dispute Resolution Programs Act (DRPA) Grants Administration Office (213) 738-2621 (The DRP Office is not a Superior Court Office. Consult your phone directory to locate the number of the Court Office on your summons.)</p>	

THIS IS A TWO-SIDED DOCUMENT.

NAME, ADDRESS, AND TELEPHONE NUMBER OF ATTORNEY OR PARTY WITHOUT ATTORNEY:		STATE BAR NUMBER	Reserved for Clerk's File Stamp
ATTORNEY FOR (Name):			
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES			
COURTHOUSE ADDRESS:			
PLAINTIFF:			
DEFENDANT:			
STIPULATION TO PARTICIPATE IN - ALTERNATIVE DISPUTE RESOLUTION (ADR)			CASE NUMBER:

The undersigned parties stipulate to participate in Alternative Dispute Resolution (ADR) in the above-entitled action, as follows:

1. ALTERNATIVE DISPUTE RESOLUTION PROCESS:

- Mediation
- Non-Binding Arbitration
- Binding Arbitration
- Settlement Conference
- Other ADR Process (describe): _____

2. NEUTRAL:

- Court Panel: The parties request the assignment of one of the following neutrals from the Court's
 - Pro Bono Panel (no charge to the parties for the first 3 hours of hearing time)
 - The parties request that the ADR Clerk select the neutral.

If neither choice of neutral is available, the Court's ADR Office will select the neutral.
- Party Pay Panel (\$150.00 per hour charge to the parties for the first 3 hours of hearing time)

First choice: _____ Alternate: _____

Dated: _____

Name of Stipulating Party
 Plaintiff Defendant Cross-defendant

Name of Party or Attorney Executing Stipulation

Signature of Party or Attorney

Name of Stipulating Party
 Plaintiff Defendant Cross-defendant

Name of Party or Attorney Executing Stipulation

Signature of Party or Attorney

Additional signature(s) on reverse

Short Title	Case Number
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Name of Stipulating Party <input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant <input type="checkbox"/> Cross-defendant	Name of Party or Attorney Executing Stipulation	Signature of Party or Attorney
Name of Stipulating Party <input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant <input type="checkbox"/> Cross-defendant	Name of Party or Attorney Executing Stipulation	Signature of Party or Attorney
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Name of Stipulating Party <input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant <input type="checkbox"/> Cross-defendant	Name of Party or Attorney Executing Stipulation	Signature of Party or Attorney

**SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES
ALTERNATIVE DISPUTE RESOLUTION (ADR) INFORMATION PACKAGE**

[CRC 3.221 Information about Alternative Dispute Resolution]

For additional ADR information and forms visit the Court ADR web application at www.lasuperiorcourt.org (click on ADR).

The plaintiff shall serve a copy of this Information Package on each defendant along with the complaint (**Civil only**).

What is ADR:

Alternative Dispute Resolution (ADR) is the term used to describe all the other options available for settling a dispute which once had to be settled in court. ADR processes, such as arbitration, mediation, neutral evaluation (NE), and settlement conferences, are less formal than a court process and provide opportunities for parties to reach an agreement using a problem-solving approach.

There are many different kinds of ADR. All of them utilize a "neutral", an impartial person, to decide the case or help the parties reach an agreement.

Mediation:

In mediation, a neutral person called a "mediator" helps the parties try to reach a mutually acceptable resolution of the dispute. The mediator does not decide the dispute but helps the parties communicate so they can try to settle the dispute themselves. Mediation leaves control of the outcome with the parties.

Cases for Which Mediation May Be Appropriate

Mediation may be particularly useful when parties have a dispute between or among family members, neighbors, or business partners. Mediation is also effective when emotions are getting in the way of resolution. An effective mediator can hear the parties out and help them communicate with each other in an effective and nondestructive manner.

Cases for Which Mediation May Not Be Appropriate

Mediation may not be effective if one of the parties is unwilling to cooperate or compromise. Mediation also may not be effective if one of the parties has a significant advantage in power over the other. Therefore, it may not be a good choice if the parties have a history of abuse or victimization.

Arbitration:

In arbitration, a neutral person called an "arbitrator" hears arguments and evidence from each side and then decides the outcome of the dispute. Arbitration is less formal than a trial, and the rules of evidence are often relaxed. Arbitration may be either "binding" or "nonbinding." *Binding arbitration* means that the parties waive their right to a trial and agree to accept the arbitrator's decision as final. *Nonbinding arbitration* means that the parties are free to request a trial if they do not accept the arbitrator's decision.

Cases for Which Arbitration May Be Appropriate

Arbitration is best for cases where the parties want another person to decide the outcome of their dispute for them but would like to avoid the formality, time, and expense of a trial. It may also be appropriate for complex matters where the parties want a decision-maker who has training or experience in the subject matter of the dispute.

Cases for Which Arbitration May Not Be Appropriate

If parties want to retain control over how their dispute is resolved, arbitration, particularly binding arbitration, is not appropriate. In binding arbitration, the parties generally cannot appeal the arbitrator's award, even if it is not supported by the evidence or the law. Even in nonbinding arbitration, if a party requests a trial and does not receive a more favorable result at trial than in arbitration, there may be penalties.

Neutral Evaluation:

In neutral evaluation, each party gets a chance to present the case to a neutral person called an "evaluator." The evaluator then gives an opinion on the strengths and weaknesses of each party's evidence and arguments and about how the dispute could be resolved. The evaluator is often an expert in the subject matter of the dispute. Although the evaluator's opinion is not binding, the parties typically use it as a basis for trying to negotiate a resolution of the dispute.

Cases for Which Neutral Evaluation May Be Appropriate

Neutral evaluation may be most appropriate in cases in which there are technical issues that require special expertise to resolve or the only significant issue in the case is the amount of damages.

Cases for Which Neutral Evaluation May Not Be Appropriate

Neutral evaluation may not be appropriate when there are significant personal or emotional barriers to resolving the dispute.

Settlement Conferences:

Settlement conferences may be either mandatory or voluntary. In both types of settlement conferences, the parties and their attorneys meet with a judge or a neutral person called a "settlement officer" to discuss possible settlement of their dispute. The judge or settlement officer does not make a decision in the case but assists the parties in evaluating the strengths and weaknesses of the case and in negotiating a settlement. Settlement conferences are appropriate in any case where settlement is an option. Mandatory settlement conferences are often held close to the date a case is set for trial.

LOS ANGELES SUPERIOR COURT ADR PROGRAMS

CIVIL:

- **Civil Action Mediation** (Governed by Code of Civil Procedure (CCP) sections 1775-1775.15, California Rules of Court, rules 3.850-3.868 and 3.870-3.878, Evidence Code sections 1115-1128, and Los Angeles Superior Court Rules, chapter 12.)
- **Retired Judge Settlement Conference**
- **Neutral Evaluation** (Governed by Los Angeles Superior Court Rules, chapter 12.)
- **Judicial Arbitration** (Governed by Code of Civil Procedure sections 1141.10-1141.31, California Rules of Court, rules 3.810-3.830, and Los Angeles Superior Court Rules, chapter 12.)
- **Eminent Domain Mediation** (Governed by Code of Civil Procedure section 1260.420.)
- **Civil Harassment Mediation**
- **Small Claims Mediation**

FAMILY LAW (non-custody):

- **Mediation**
- **Forensic Certified Public Accountant (CPA) Settlement Conference**
- **Settlement Conference**
- **Nonbinding Arbitration** (Governed by Family Code section 2654.)

PROBATE:

- **Mediation**
- **Settlement Conference**

NEUTRAL SELECTION

Parties may select a mediator, neutral evaluator, or arbitrator from the Court Party Select Panel or may hire someone privately, at their discretion. If the parties utilize the Random Select Mediation or Arbitration Panel, the parties will be assigned on a random basis the name of one neutral who meets the case criteria entered on the court's website.

COURT ADR PANELS

- Party Select Panel** The Party Select Panel consists of mediators, neutral evaluators, and arbitrators who have achieved a specified level of experience in court-connected cases. The parties (collectively) may be charged \$150.00 per hour for the first three hours of hearing time. Thereafter, the parties may be charged for additional hearing time on an hourly basis at rates established by the neutral if the parties consent in writing.
- Random Select Panel** The Random Select Panel consists of trained mediators, neutral evaluators, and arbitrators who have not yet gained the experience to qualify for the Party Select Panel, as well as experienced neutrals who make themselves available pro bono as a way of supporting the judicial system. It is the policy of the Court that all Random Select Panel volunteer mediators, neutral evaluators, and arbitrators provide three hours hearing time per case. Thereafter, the parties may be charged for additional hearing time on an hourly basis at rates established by the neutral if the parties consent in writing.
- Private Neutral** The market rate for private neutrals can range from \$300-\$1,000 per hour.

ADR ASSISTANCE

For assistance regarding ADR, please contact the ADR clerk at the courthouse in which your case was filed.

COURT	ADDRESS	PHONE	CITY	PHONE	FAX
Antonovich	42011 4th St. West	None	Lancaster, CA 93534	(661)974-7275	(661)974-7060
Chatsworth	9426 Penfield Ave.	1200	Chatsworth, CA 91311	(818)576-8665	(818)576-8687
Compton	200 W. Compton Blvd.	1002	Compton, CA 90220	(310)803-3072	(310)223-0337
Glendale	600 E. Broadway	273	Glendale, CA 91206	(818)500-3160	(818)548-5470
Long Beach	415 W. Ocean Blvd.	316	Long Beach, CA 90802	(562)491-6272	(562)437-3802
Norwalk	12720 Norwalk Blvd.	308	Norwalk, CA 90680	(562)807-7243	(562)452-9019
Pasadena	300 E. Walnut St.	109	Pasadena, CA 91101	(626)366-6666	(626)666-1774
Pomona	400 Civic Center Plaza	106	Pomona, CA 91766	(909)620-3183	(909)629-6283
San Pedro	505 S. Centre	209	San Pedro, CA 90731	(310)519-6151	(310)514-0314
Santa Monica	1726 Main St.	203	Santa Monica, CA 90401	(310)260-1829	(310)319-6130
Stanley Mosk	111 N. Hill St.	113	Los Angeles, CA 90012	(213)974-5425	(213)633-5115
Torrance	825 Maple Ave.	100	Torrance, CA 90503	(310)222-1701	(310)782-7326
Van Nuys	6230 Sylmar Ave.	418	Van Nuys, CA 91401	(818)374-2337	(818)902-2440

Partially Funded by the Los Angeles County Dispute Resolution Program

A complete list of the County Dispute Resolution Programs is available online and upon request in the Clerk's Office

NEW

from the
**LOS ANGELES SUPERIOR COURT
ADR DEPARTMENT**

If you have a general jurisdiction case involving one of these 6 subject matter areas:

- commercial
- employment
- medical malpractice
- real estate
- trade secrets
- unfair competition

***Your case may be eligible for the court's pilot
Early Neutral Evaluation (ENE) program.***

- ◆ **ENE can reduce litigation time and costs and promote settlement.**
- ◆ ENE is an informal process that offers a non-binding evaluation by an experienced neutral lawyer with expertise in the subject matter of the case. After counsel present their claims and defenses, the neutral evaluates the case based on the law and the evidence.
- ◆ **ENE is voluntary and confidential.**
- ◆ The benefits of ENE include helping to clarify, narrow or eliminate issues, identify areas of agreement, offer case-planning suggestions and, if requested by the parties, assist in settlement.
- ◆ **The first three (3) hours of the ENE session are free of charge.**

See back for a list of participating pilot courthouses and departments.

For additional ENE information, visit the Court's web site at www.lasuperiorcourt.org/adr

Early Neutral Evaluation

Early Neutral Evaluation (ENE) is a new court program that will provide the parties and their counsel, on a voluntary basis and in a confidential session, the opportunity to make summary presentations of their claims and defenses and receive a non-binding evaluation by an experienced neutral lawyer with subject matter expertise.

The pilot ENE program is available in general jurisdiction cases in five designated courthouses: Santa Monica, Pomona, Chatsworth, Van Nuys, and the Stanley Mosk Courthouse departments listed below.

Department 15	Department 31	Department 47	Department 56
Department 16	Department 32	Department 50	Department 68
Department 28	Department 38	Department 52	Department 71
Department 30	Department 42	Department 55	Department 89

The program offers evaluators with subject matter expertise in the following areas: commercial disputes, employment, medical malpractice, real estate, trade secrets, and unfair competition.

Goals

The goals of ENE are to:

- Enhance direct communication between the parties about their claims and supporting evidence
- Provide an assessment of the merits of the case by a neutral expert
- Provide a "reality check" for lawyers and their clients
- Identify and clarify the central issues in dispute
- Assist with discovery and motion planning or with an informal exchange of key information
- Facilitate settlement discussions, only when requested by the parties

Process

The evaluator, an experienced attorney with expertise in the subject matter of the case, will convene an informal meeting of clients and counsel. At the informal meeting, each side - through counsel, clients or witnesses - will present evidence and argument supporting its case without regard to Rules of Evidence and without direct or cross-examination of witnesses.

The evaluator will ask questions after the initial presentations, and then each side may present a responsive presentation. Following the presentations, the evaluator will identify areas of agreement and disagreement, clarify and focus the issues, and encourage the parties to enter procedural and substantive stipulations.

The evaluator will then prepare an evaluation, outside the presence of the parties, which may include an estimate, where feasible, of the likelihood of liability and the dollar range of damages, and an assessment of the relative strengths and weaknesses of each party's case.

If requested by the parties, the evaluator will also facilitate settlement discussions.

Voluntary and Confidential

ENE may not be ordered; it is available on a voluntary basis only. Communications made in connection with an ENE session ordinarily may not be disclosed to the assigned judge or to

anyone else not involved in the litigation, unless otherwise agreed. The confidential evaluation is non-binding and is not shared with the trial judge.

Written Statements

Counsel exchange and submit written statements to the evaluator at least 7 days before the ENE session. These statements are not filed with the court.

The Neutral Evaluator

The evaluators on the court's ENE panel were selected for their litigation experience and subject matter expertise. The parties select the evaluator for their case.

How to Start the ENE Process

The parties agree to participate in ENE by completing the form Stipulation to Participate in ADR. Upon receipt of the Stipulation, the Court or ADR Department may refer the parties to ENE (the "ENE Referral").

When a case is referred to ENE, counsel will complete and submit immediately to the ADR Department the required ADR forms. Counsel will then choose from the court's ENE Panel an available neutral evaluator with expertise in the substantive legal area of the lawsuit and no apparent conflict of interest.

Appropriate Cases for ENE

Cases with the following characteristics may be particularly appropriate for ENE:

- Counsel or the parties are far apart on their views of the law and/or value of the case;
- The case involves technical or specialized subject matter, and it is important to have a neutral with expertise in that subject;
- Communication across party lines (about merits or procedure) could be improved;
- Equitable relief is sought, if parties, with the aid of a neutral expert, might agree on the terms of an injunction or consent decree; and/or
- The parties wish to communicate with each other about the case, but are not ready specifically to discuss settlement.

Cost

The evaluators on the court's ENE panel provide time for a pre-session telephone conference, preparation time, and the first three (3) hours of the session free of charge. Thereafter, the parties may be charged for additional hearing time on an hourly basis at rates established by the evaluator if the parties so consent in writing

Different from Mediation and Arbitration

ENE is different from arbitration and mediation. Arbitration involves an evidentiary hearing and actual determination on the merits of a case. ENE is less formal; counsel present their case in a narrative form. The evaluator assesses the relative strengths and weaknesses of each party's case, based on the law and the evidence.

Mediation does not involve an evidentiary hearing nor is it based solely upon the law. Instead, the goal of mediation is to resolve a case based upon the parties' respective interests and may involve the mediator learning confidential information from each party.

Choosing ENE does not mean that the parties cannot later choose to mediate or arbitrate their case.