

SUMMONS
(CITACION JUDICIAL)

SUM-100

NOTICE TO DEFENDANT: THE CITY OF SAN DIEGO; and DOES 1
(AVISO AL DEMANDADO): through 20

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

ELECTRONICALLY FILED
Superior Court of California;
County of San Diego

01/20/2015 at 12:43:21 PM

Clerk of the Superior Court
By Adriane Bennett, Deputy Clerk

YOU ARE BEING SUED BY PLAINTIFF: ARTHUR SCOTT
(LO ESTÁ DEMANDANDO EL DEMANDANTE):

NOTICE! You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association. **NOTE:** The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case. **¡AVISO!** Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.sucorte.ca.gov), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.sucorte.ca.gov) o poniéndose en contacto con la corte o el colegio de abogados locales. **AVISO:** Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 ó más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.

The name and address of the court is:
(El nombre y dirección de la corte es):

Superior Court, County of San Diego
330 West Broadway
San Diego, CA 92101
Hall of Justice

CASE NUMBER:

(Nº) 37-2015-00001940-CU-OE-CTL

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:

(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):

Daniel M. Gilleon (SBN 195200) 619.702.8623 619.702.6337
The Gilleon Law Firm
1320 Columbia Street, Suite 200
San Diego, CA 92101

DATE:
(Fecha) 01/21/2015

Clerk, by A. Bennett, Deputy
(Secretario) (Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)

(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).

NOTICE TO THE PERSON SERVED: You are served

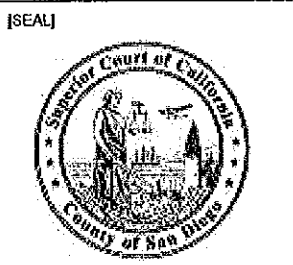
1. ☐ as an individual defendant.
2. ☐ as the person sued under the fictitious name of (specify):

3. ☐ on behalf of (specify):

- under: ☐ CCP 416.10 (corporation) ☐ CCP 416.60 (minor)
☐ CCP 416.20 (defunct corporation) ☐ CCP 416.70 (conservatee)
☐ CCP 416.40 (association or partnership) ☐ CCP 416.90 (authorized person)
☐ other (specify):

4. ☐ by personal delivery on (date):

Page 1 of 1



ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Daniel M. Gilleon (SBN 195200) James C. Mitchell (SBN 87151) Gilleon Law Firm 1320 Columbia Street, Suite 200 San Diego, CA 92101 TELEPHONE NO.: 619.702.8623 FAX NO.: 619.702.6337 ATTORNEY FOR (Name): Plaintiff Arthur Scott		FOR COURT USE ONLY ELECTRONICALLY FILED Superior Court of California, County of San Diego 01/20/2015 at 12:43:21 PM Clerk of the Superior Court By Adriane Bennett, Deputy Clerk	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF San Diego STREET ADDRESS: 330 West Broadway MAILING ADDRESS: 330 West Broadway CITY AND ZIP CODE: San Diego, CA 92101 BRANCH NAME: Hall of Justice		CAS 37-2015-00001940-CU-OE-CTL JUDGE: Judge Joel R. Wohlfeil DEPT:	
CASE NAME: Scott v. City of San Diego			
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)	

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) 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) 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) Employment <input type="checkbox"/> Wrongful termination (36) <input checked="" type="checkbox"/> Other employment (15)	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) Real Property <input type="checkbox"/> Eminent domain/inverse condemnation (14) <input type="checkbox"/> Wrongful eviction (33) <input type="checkbox"/> Other real property (26) Unlawful Detainer <input type="checkbox"/> Commercial (31) <input type="checkbox"/> Residential (32) <input type="checkbox"/> Drugs (38) 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)	Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400-3.403) <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) Enforcement of Judgment <input type="checkbox"/> Enforcement of judgment (20) Miscellaneous Civil Complaint <input type="checkbox"/> RICO (27) <input type="checkbox"/> Other complaint (not specified above) (42) Miscellaneous Civil Petition <input type="checkbox"/> Partnership and corporate governance (21) <input type="checkbox"/> Other petition (not specified above) (43)
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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): 4

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: January 19, 2015

Daniel M. Gilleon (SBN 195200)

(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

1 Daniel M. Gilleon (SBN 195200)
James C. Mitchell (SBN 87151)
2 The Gilleon Law Firm
1320 Columbia Street, Suite 200
3 San Diego, CA 92101
Tel: 619.702.8623
4 Fax: 619.702.6337

ELECTRONICALLY FILED
Superior Court of California,
County of San Diego
01/20/2015 at 12:43:21 PM
Clerk of the Superior Court
By Adriane Bennett, Deputy Clerk

5 Attorneys for Plaintiff Arthur Scott

6
7
8 **SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO**
9 **(Central Courthouse)**

10
11 ARTHUR SCOTT,

12 Plaintiff,

13 vs.

14 THE CITY OF SAN DIEGO; and
15 DOES 1 through 20,

16 Defendants.

CASE NO.: 37-2015-00001940-CU-OE-CTL

COMPLAINT FOR:

1. Race Discrimination/Harassment (Hostile Work Environment);
2. Failure To Prevent Race Discrimination/Harassment;
3. Adverse Employment Action (Retaliation); and
4. Failure To Prevent Retaliation.

17
18 Plaintiff Arthur Scott ("Scott") alleges:

19 **GENERAL ALLEGATIONS**

20 1. Plaintiff Arthur Scott ("Scott") at all material times, resided in San Diego County,
21 California.

22 2. Defendant The City of San Diego (the "City") is a government entity.

23 3. The true names and capacities, whether individual or otherwise, of defendants Does
24 1 through 20 are unknown to Scott who, therefore, sues them by such fictitious names pursuant to
25 CCP § 474. Scott is informed and believes that each of the Doe defendants is responsible in some
26 manner for the acts of omissions alleged in this complaint or caused Scott's damages.

27 ///

28 ///

1 4. At all material times, all of the defendants were agents and employees of the other
2 defendants and when doing the acts alleged in this complaint they acted within the course and scope
3 of such agency and employment.

4 5. Scott has been employed by the City as a sworn law enforcement officer with the San
5 Diego Police Department ("SDPD") since October 22, 2004. He has the rank of Sergeant, a
6 supervisory position to which he was promoted in 2013. During Sgt. Scott's employment with
7 SDPD, he has been committed to serving not only the people of San Diego, but also various police
8 officer associations, including the San Diego Police Officers Association, the National Latino Police
9 Officers Association, the San Diego Pan Pacific Law Enforcement Association, and the San Diego
10 Black Police Officers Association ("SDBPOA"). Sgt. Scott has dedicated himself to supporting
11 diversity, training, and professionalism at SDPD, and has been active in furthering the mission of
12 the police associations by speaking out against discrimination and other improprieties in the
13 workplace. Sgt. Scott is currently the Vice President of SDBPOA. He is a decorated officer and,
14 until he spoke out about racism and discrimination at SDPD, Sgt. Scott boasted an exemplary work
15 record and high performance evaluations.

16 6. On or about August 27, 2014, Sgt. Scott attended mandatory training called "Sergeant
17 Lieutenant Update Training," which was a forty hour (one week) course. Part of the training
18 included a class taught by retired SDPD Lieutenant, Tom Giaquinto, with the San Diego Police
19 Historical Association. During the class, which took place at the San Diego Police Museum, Lt.
20 Giaquinto passed around a racist cartoon from the early 1900's, of "Patrolman Frank McCarter," who
21 Lt. Giaquinto said was the first black SDPD officer. Officer McCarter is honored on the SDPD
22 museum's webpage, entitled "Firsts" and "Recognizing Pioneering Officers." However, the cartoon
23 that Lt. Giaquinto passed out caricatured Officer McCarter as ape-like, carrying a large pistol and
24 brandishing an oversized police baton. Lt. Giaquinto's use of the cartoon had nothing to do with race
25 relations, nor was it used as an example of racism or discriminatory treatment. The sole stated
26 purpose of the cartoon was to discuss Officer McCarter himself and his history of having served as
27 an SDPD officer and being allowed to police non-black communities, something that was
28 extraordinary for the period. The racist cartoon also disparaged the Asian culture with comments

1 such as, "Even The Chink's Dog Beats It, To Safety," and, "He No Likee John China Man." A true
2 and correct copy of cartoon, which offended Scott and, he believes, numerous other police officers
3 in attendance, is attached as Exhibit 1. A true and correct copy of a photograph of "Patrolman
4 McCarter 1909" from the police museum website is attached as Exhibit 2. This photograph of the
5 late officer, who the SDPD recognizes as one of its pioneering officers, was not used in the training
6 session.

7 7. The following day, on or about August 28, 2014, Sgt. Scott complained to his
8 supervisor, Lt. Mark Hanten, who was also the SDPD Lieutenant in charge of the training. Sgt. Scott
9 informed Lt. Hanten about the cartoon, describing it as offensive racist words and imagery that, he
10 reasonably believed, should have no place in SDPD training. On August 29, 2014, after having
11 shared the cartoon with his wife, Lt. Hanten acknowledged the cartoon was, in fact, offensive. This
12 was not the first time Sgt. Scott had complained to Lt. Hanten about inappropriate racist imagery
13 being displayed at SDPD. In 2011, when President Barack Obama was campaigning for re-election,
14 racist images of the President were posted on some SDPD officers' lockers. When Sgt. Scott
15 complained about this, Lt. Hanten told him he was being "hyper-sensitive," but the posters were then
16 removed. Likewise, due to Sgt. Scott's complaint about the Officer McCarter caricature, the racist
17 ape-like cartoon was removed from SDPD training materials. However, Lt. Hanten made sure to
18 spread the word to other police officers, including SDPD's top level command staff, that Sgt. Scott
19 had again complained about racism and discrimination at SDPD.

20 8. Two weeks later, on September 11, 2014, Sgt. Scott was at SDPD headquarters for
21 a meeting when he stopped by Assistant Chief Todd Jarvis' office to thank him for his support in
22 obtaining pay raises for officers. When Chief Jarvis saw Sgt. Scott, he said, "Come in and sit down.
23 I've been meaning to call you," or words to that effect. Chief Jarvis was a Director of and the
24 "Museum Liaison" for the San Diego Police Museum, and it was Chief Jarvis who required SDPD
25 officers to attend Lt. Giaquinto's class at the museum. Chief Jarvis is close friends with Lt.
26 Giaquinto. When Sgt. Scott sat down, Chief Jarvis said he had heard of the complaints about the
27 cartoon, and acknowledged that, as a result of the complaint, Lt. Giaquinto was ordered to stop using
28 it. Nonetheless, at first, Chief Jarvis actually attempted to defend using racist cartoon by suggesting

1 it showed how Officer McCarter had gained the respect of his peers at the time. Sgt. Scott responded
2 that the cartoon did not depict the real Officer McCarter, but instead caricatured him as an ape in a
3 police uniform, adding that he was certain the late Officer McCarter would agree it was. When
4 Chief Jarvis realized Sgt. Scott was not buying his defense of using the cartoon, he leaned back in
5 his chair, stared at Sgt. Scott for several seconds, and ended the meeting. Sgt. Scott sensed he would
6 be paying a price for speaking out against Lt. Giaquinto's and the SDPD's using racist imagery and
7 words during formal, mandated SDPD officer training. Sgt. Scott's fear was well-founded.

8 9. Thereafter, in retaliation for complaining about the racist cartoon, specifically, and
9 for being an outspoken member of the SDBPOA, not only was Sgt. Scott passed over for a
10 promotion to an investigating sergeant's position, but worse, on January 7, 2015, the SDPD forced
11 him--through duress--to accept a lateral transfer to Central Division. Sgt. Scott did not want to go
12 to Central, and knew that a forced transfer like this would harm his career and prospects for future
13 promotions and/or his being selected for special assignments, like the investigating sergeant position
14 he was not selected for shortly after complaining about the racist cartoon. However, Sgt. Scott
15 believed he had no other reasonable choice. He was threatened with a pretextual disciplinary action,
16 based upon frivolous allegations of misconduct, if he did not go along with the transfer. He was told
17 that unless he agreed to the transfer, he would face allegations and an investigation for "conduct
18 unbecoming of an officer," based upon frivolous, pretextual, and post-complaint (after the meeting
19 with Chief Jarvis on September 11, 2014) allegations he had done something wrong by reprimanding
20 two officers who refused to follow Sgt. Scott's commands during a dangerous hostage situation, and
21 for speaking up for a young black officer who had received improper instructions from a Field
22 Training Officer. Based upon this threat of a frivolous disciplinary action, Sgt. Scott conceded to
23 the involuntary transfer.

24 10. Scott has exhausted his external administrative remedies by filing a complaint with
25 the California Department of Fair Employment and Housing and receiving a right-to-sue letter dated
26 January 19, 2015.

27 ///

28 ///

1 **FIRST CAUSE OF ACTION**
2 **(Race Discrimination/Harassment — Hostile Work Environment,**
3 **Government Code § 12940 Against All Defendants)**

4 11. Scott realleges paragraphs 1 through 10.

5 12. The conduct by the City and Does 1 through 20 and the conduct by City, SDPD and
6 the SDPD supervisory personnel and senior command staff, as described in paragraphs 6 through
7 9, amounted to race discrimination/harassment of Scott and created a hostile work environment for
8 him, which violated the Fair Employment and Housing Act, Government Code § 12940 ("FEHA").
9 This conduct adversely affected Scott's employment conditions, reputation as a police officer, and
10 future opportunities for promotion and special assignments within SDPD.

11 13. The defendants' wrongful conduct was a substantial factor that has caused Scott
12 damages as follows:

- 13 a. The loss of future earning capacity, promotions and special assignments; and
14 b. General damages consisting of mental distress.

15 **SECOND CAUSE OF ACTION**
16 **(Failure To Prevent Harassment,**
17 **Government Code § 12940(k) Against Defendant City)**

18 14. Scott realleges paragraphs 1 through 10.

19 15. The City and SDPD, as Scott's employers, had the duty, under Government Code §
20 12940(k) to take all reasonable steps necessary to prevent the racial discrimination/harassment and
21 hostile work environment described in paragraphs 6 through 9.

22 16. The City and SDPD failed to take reasonable measures to prevent such conduct from
23 continuing. Instead, they permitted, condoned and acquiesced in the wrongful conduct, all in
24 violation of Government Code § 12940(k).

25 17. Scott realleges paragraph 13.

26 **THIRD CAUSE OF ACTION**
27 **(Adverse Employment Action — Retaliation,**
28 **Government Code § 12940(h) Against Defendant City)**

18. Scott realleges paragraphs 1 through 10.

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1 19. Scott opposed the City's and Does 1 through 20's acts of racial
2 discrimination/harassment by reporting what he reasonably believed was discriminatory conduct
3 prohibited by FEHA to his supervisors.

4 20. The City and SDPD, in particular, SDPD's top-level command staff, retaliated against
5 Scott by the actions alleged in paragraph 9.

6 21. Scott realleges paragraph 13.

7 **FOURTH CAUSE OF ACTION**
8 **(Failure To Prevent Retaliation,**
9 **Government Code § 12940(k) Against Defendant City)**

10 22. Scott realleges paragraphs 1 through 10, 16, 19 and 20.

11 23. The City and SDPD failed to take reasonable steps to prevent the retaliation against
12 Scott, as alleged in paragraph 9, a violation of Government Code § 12940(k).

13 24. Scott realleges paragraph 13.

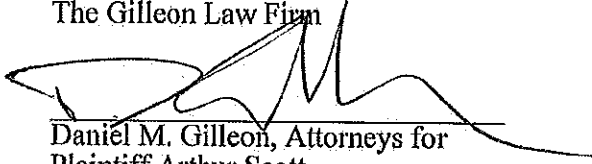
14 **REQUEST FOR RELIEF**

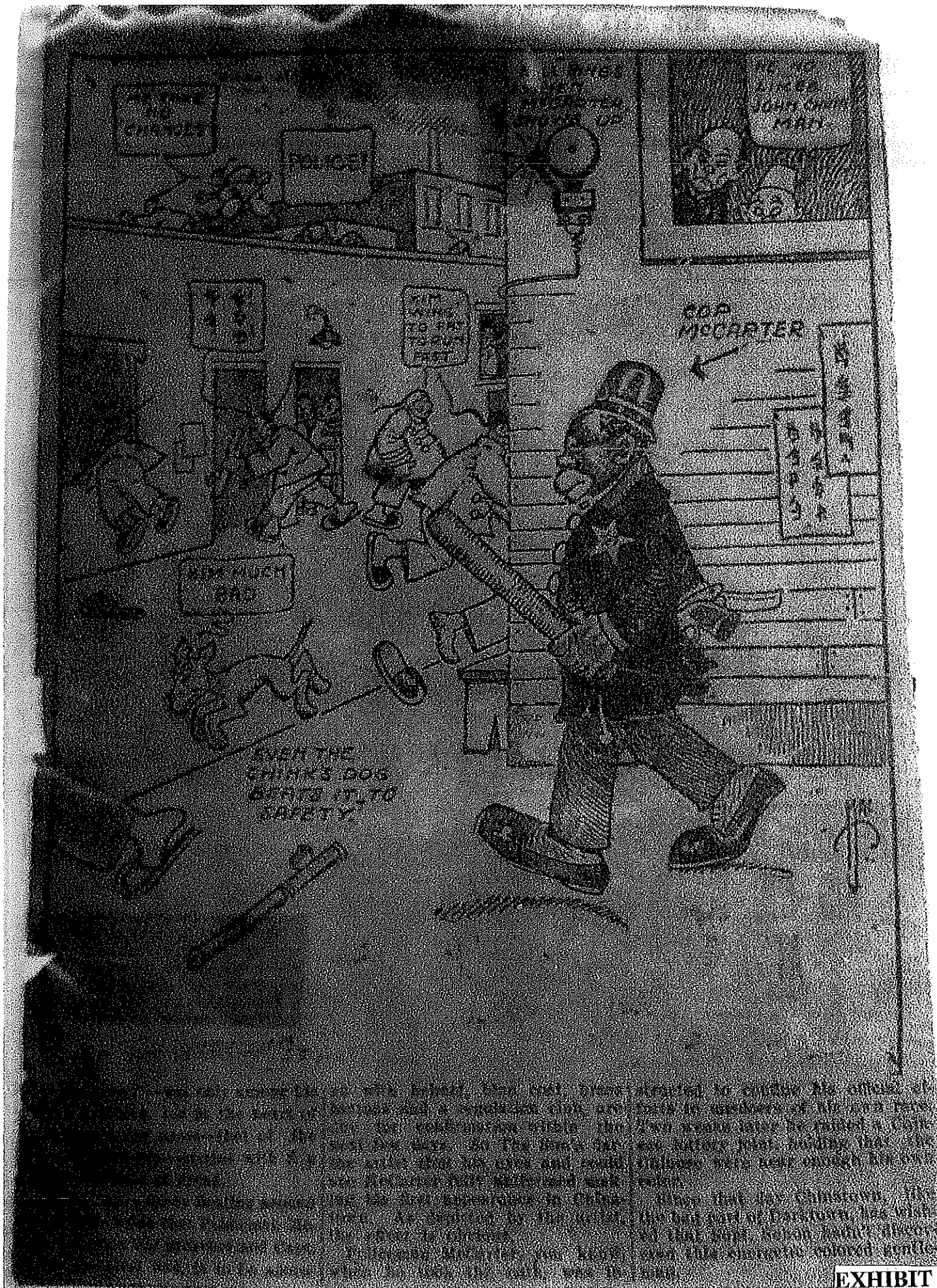
15 THEREFORE, plaintiff Arthur Scott requests a judgment against defendant City of San
16 Diego and Does 1 to 20 for:

- 17 a. Past and future economic and non-economic damages;
18 b. Attorneys' fees and expert fees under Government Code § 12965;
19 c. Costs of suit; and
20 e. Any other proper relief.

21 Date: January 20, 2015

The Gilleon Law Firm


Daniel M. Gilleon, Attorneys for
Plaintiff Arthur Scott



SDPD's First Black Officer



**Patrolman Frank McCarter
1909**

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO

STREET ADDRESS: 330 W Broadway
MAILING ADDRESS: 330 W Broadway
CITY AND ZIP CODE: San Diego, CA 92101-3827
BRANCH NAME: Central
TELEPHONE NUMBER: (619) 450-7073

PLAINTIFF(S) / PETITIONER(S): Arthur Scott

DEFENDANT(S) / RESPONDENT(S): The City of San Diego

ARTHUR SCOTT VS THE CITY OF SAN DIEGO [IMAGED]

**NOTICE OF CASE ASSIGNMENT
and CASE MANAGEMENT CONFERENCE**

CASE NUMBER:

37-2015-00001940-CU-OE-CTL

CASE ASSIGNMENT

Judge: Joel R. Wohlfeil

Department: C-73

COMPLAINT/PETITION FILED: 01/20/2015

TYPE OF HEARING SCHEDULED	DATE	TIME	DEPT	JUDGE
Civil Case Management Conference	06/26/2015	01:30 pm	C-73	Joel R. Wohlfeil

A case management statement must be completed by counsel for all parties or self-represented litigants and timely filed with the court at least 15 days prior to the initial case management conference. (San Diego Local Rules, Division II, CRC Rule 3.725).

All counsel of record or parties in pro per shall appear at the Case Management Conference, be familiar with the case, and be fully prepared to participate effectively in the hearing, including discussions of ADR* options.

IT IS THE DUTY OF EACH PLAINTIFF (AND CROSS-COMPLAINANT) TO SERVE A COPY OF THIS NOTICE WITH THE COMPLAINT (AND CROSS-COMPLAINT), THE ALTERNATIVE DISPUTE RESOLUTION (ADR) INFORMATION FORM (SDSC FORM #CIV-730), A STIPULATION TO USE ALTERNATIVE DISPUTE RESOLUTION (ADR) (SDSC FORM #CIV-359), AND OTHER DOCUMENTS AS SET OUT IN SDSC LOCAL RULE 2.1.5.

ALL COUNSEL WILL BE EXPECTED TO BE FAMILIAR WITH SUPERIOR COURT RULES WHICH HAVE BEEN PUBLISHED AS DIVISION II, AND WILL BE STRICTLY ENFORCED.

TIME STANDARDS: The following timeframes apply to general civil cases and must be adhered to unless you have requested and been granted an extension of time. General civil cases consist of all civil cases except: small claims proceedings, civil petitions, unlawful detainer proceedings, probate, guardianship, conservatorship, juvenile, parking citation appeals, and family law proceedings.

COMPLAINTS: Complaints and all other documents listed in SDSC Local Rule 2.1.5 must be served on all named defendants.

DEFENDANT'S APPEARANCE: Defendant must generally appear within 30 days of service of the complaint. (Plaintiff may stipulate to no more than 15 day extension which must be in writing and filed with the Court.) (SDSC Local Rule 2.1.6)

JURY FEES: In order to preserve the right to a jury trial, one party for each side demanding a jury trial shall pay an advance jury fee in the amount of one hundred fifty dollars (\$150) on or before the date scheduled for the initial case management conference in the action.

*ALTERNATIVE DISPUTE RESOLUTION (ADR): THE COURT ENCOURAGES YOU TO CONSIDER UTILIZING VARIOUS ALTERNATIVES TO TRIAL, INCLUDING MEDIATION AND ARBITRATION, PRIOR TO THE CASE MANAGEMENT CONFERENCE. PARTIES MAY FILE THE ATTACHED STIPULATION TO USE ALTERNATIVE DISPUTE RESOLUTION (SDSC FORM #CIV-359).



Superior Court of California
County of San Diego

**NOTICE OF ELIGIBILITY TO eFILE
AND ASSIGNMENT TO IMAGING DEPARTMENT**

This case is eligible for eFiling. Should you prefer to electronically file documents, refer to General Order 051414 at www.sdcourt.ca.gov for rules and procedures or contact the Court's eFiling vendor at www.onelegal.com for information.

This case has been assigned to an Imaging Department and original documents attached to pleadings filed with the court will be imaged and destroyed. Original documents should not be filed with pleadings. If necessary, they should be lodged with the court under California Rules of Court, rule 3.1302(b).

On August 1, 2011 the San Diego Superior Court began the Electronic Filing and Imaging Pilot Program ("Program"). As of August 1, 2011 in all new cases assigned to an Imaging Department all filings will be imaged electronically and the electronic version of the document will be the official court file. The official court file will be electronic and accessible at one of the kiosks located in the Civil Business Office and on the Internet through the court's website.

You should be aware that the electronic copy of the filed document(s) will be the official court record pursuant to Government Code section 68150. The paper filing will be imaged and held for 30 days. After that time it will be destroyed and recycled. **Thus, you should not attach any original documents to pleadings filed with the San Diego Superior Court. Original documents filed with the court will be imaged and destroyed except those documents specified in California Rules of Court, rule 3.1806.** Any original documents necessary for a motion hearing or trial shall be lodged in advance of the hearing pursuant to California Rules of Court, rule 3.1302(b).

It is the duty of each plaintiff, cross-complainant or petitioner to serve a copy of this notice with the complaint, cross-complaint or petition on all parties in the action.

On all pleadings filed after the initial case originating filing, all parties must, to the extent it is feasible to do so, place the words **"IMAGED FILE"** in all caps immediately under the title of the pleading on all subsequent pleadings filed in the action.

Please refer to the General Order - Imaging located on the San Diego Superior Court website at:

<http://www.sdcourt.ca.gov/CivillmagingGeneralOrder>



SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO

ALTERNATIVE DISPUTE RESOLUTION (ADR) INFORMATION

CASE NUMBER: 37-2015-00001940-CU-OE-CTL CASE TITLE:

Arthur Scott vs The City of San Diego [IMAGED]

NOTICE: All plaintiffs/cross-complainants in a general civil case are required to serve a copy of the following three forms on each defendant/cross-defendant, together with the complaint/cross-complaint:

- (1) this Alternative Dispute Resolution (ADR) Information form (SDSC form #CIV-730),
- (2) the Stipulation to Use Alternative Dispute Resolution (ADR) form (SDSC form #CIV-359), and
- (3) the Notice of Case Assignment form (SDSC form #CIV-721).

Most civil disputes are resolved without filing a lawsuit, and most civil lawsuits are resolved without a trial. The courts, community organizations, and private providers offer a variety of Alternative Dispute Resolution (ADR) processes to help people resolve disputes without a trial. The San Diego Superior Court expects that litigants will utilize some form of ADR as a mechanism for case settlement before trial, and it may be beneficial to do this early in the case.

Below is some information about the potential advantages and disadvantages of ADR, the most common types of ADR, and how to find a local ADR program or neutral. A form for agreeing to use ADR is attached (SDSC form #CIV-359).

Potential Advantages and Disadvantages of ADR

ADR may have a variety of advantages or disadvantages over a trial, depending on the type of ADR process used and the particular case:

Potential Advantages

- Saves time
- Saves money
- Gives parties more control over the dispute resolution process and outcome
- Preserves or improves relationships

Potential Disadvantages

- May take more time and money if ADR does not resolve the dispute
- Procedures to learn about the other side's case (discovery), jury trial, appeal, and other court protections may be limited or unavailable

Most Common Types of ADR

You can read more information about these ADR processes and watch videos that demonstrate them on the court's ADR webpage at <http://www.sdcourt.ca.gov/adr>.

Mediation: A neutral person called a "mediator" helps the parties communicate in an effective and constructive manner so they can try to settle their dispute. The mediator does not decide the outcome, but helps the parties to do so. Mediation is usually confidential, and may be particularly useful when parties want or need to have an ongoing relationship, such as in disputes between family members, neighbors, co-workers, or business partners, or when parties want to discuss non-legal concerns or creative resolutions that could not be ordered at a trial.

Settlement Conference: A judge or another neutral person called a "settlement officer" helps the parties to understand the strengths and weaknesses of their case and to discuss settlement. The judge or settlement officer does not make a decision in the case but helps the parties to negotiate a settlement. Settlement conferences may be particularly helpful when the parties have very different ideas about the likely outcome of a trial and would like an experienced neutral to help guide them toward a resolution.

Arbitration: A neutral person called an "arbitrator" considers arguments and evidence presented by each side and then decides the outcome of the dispute. Arbitration is less formal than a trial, and the rules of evidence are usually relaxed. If the parties agree to binding arbitration, they waive their right to a trial and agree to accept the arbitrator's decision as final. With nonbinding arbitration, any party may reject the arbitrator's decision and request a trial. Arbitration may be appropriate when the parties want another person to decide the outcome of their dispute but would like to avoid the formality, time, and expense of a trial.

Other ADR Processes: There are several other types of ADR which are not offered through the court but which may be obtained privately, including neutral evaluation, conciliation, fact finding, mini-trials, and summary jury trials. Sometimes parties will try a combination of ADR processes. The important thing is to try to find the type or types of ADR that are most likely to resolve your dispute. Be sure to learn about the rules of any ADR program and the qualifications of any neutral you are considering, and about their fees.

Local ADR Programs for Civil Cases

Mediation: The San Diego Superior Court maintains a Civil Mediation Panel of approved mediators who have met certain minimum qualifications and have agreed to charge \$150 per hour for each of the first two (2) hours of mediation and their regular hourly rate thereafter in court-referred mediations.

On-line mediator search and selection: Go to the court's ADR webpage at www.sdcourt.ca.gov/adr and click on the "Mediator Search" to review individual mediator profiles containing detailed information about each mediator including their dispute resolution training, relevant experience, ADR specialty, education and employment history, mediation style, and fees and to submit an on-line Mediator Selection Form (SDSC form #CIV-005). The Civil Mediation Panel List, the Available Mediator List, individual Mediator Profiles, and Mediator Selection Form (CIV-005) can also be printed from the court's ADR webpage and are available at the Mediation Program Office or Civil Business Office at each court location.

Settlement Conference: The judge may order your case to a mandatory settlement conference, or voluntary settlement conferences may be requested from the court if the parties certify that: (1) settlement negotiations between the parties have been pursued, demands and offers have been tendered in good faith, and resolution has failed; (2) a judicially supervised settlement conference presents a substantial opportunity for settlement; and (3) the case has developed to a point where all parties are legally and factually prepared to present the issues for settlement consideration and further discovery for settlement purposes is not required. Refer to SDSC Local Rule 2.2.1 for more information. To schedule a settlement conference, contact the department to which your case is assigned.

Arbitration: The San Diego Superior Court maintains a panel of approved judicial arbitrators who have practiced law for a minimum of five years and who have a certain amount of trial and/or arbitration experience. Refer to SDSC Local Rules Division II, Chapter III and Code Civ. Proc. § 1141.10 et seq or contact the Arbitration Program Office at (619) 450-7300 for more information.

More information about court-connected ADR: Visit the court's ADR webpage at www.sdcourt.ca.gov/adr or contact the court's Mediation/Arbitration Office at (619) 450-7300.

Dispute Resolution Programs Act (DRPA) funded ADR Programs: The following community dispute resolution programs are funded under DRPA (Bus. and Prof. Code §§ 465 et seq.):

- In Central, East, and South San Diego County, contact the National Conflict Resolution Center (NCRC) at www.ncrconline.com or (619) 238-2400.
- In North San Diego County, contact North County Lifeline, Inc. at www.nclifeline.org or (760) 726-4900.

Private ADR: To find a private ADR program or neutral, search the Internet, your local telephone or business directory, or legal newspaper for dispute resolution, mediation, settlement, or arbitration services.

Legal Representation and Advice

To participate effectively in ADR, it is generally important to understand your legal rights and responsibilities and the likely outcomes if you went to trial. ADR neutrals are not allowed to represent or to give legal advice to the participants in the ADR process. If you do not already have an attorney, the California State Bar or your local County Bar Association can assist you in finding an attorney. Information about obtaining free and low cost legal assistance is also available on the California courts website at www.courtinfo.ca.gov/selfhelp/lowcost.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO STREET ADDRESS: 330 West Broadway MAILING ADDRESS: 330 West Broadway CITY, STATE, & ZIP CODE: San Diego, CA 92101-3827 BRANCH NAME: Central	FOR COURT USE ONLY
PLAINTIFF(S): Arthur Scott	
DEFENDANT(S): The City of San Diego	
SHORT TITLE: ARTHUR SCOTT VS THE CITY OF SAN DIEGO [IMAGED]	
STIPULATION TO USE ALTERNATIVE DISPUTE RESOLUTION (ADR)	CASE NUMBER: 37-2015-00001940-CU-OE-CTL

Judge: Joel R. Wohlfeil

Department: C-73

The parties and their attorneys stipulate that the matter is at issue and the claims in this action shall be submitted to the following alternative dispute resolution (ADR) process. Selection of any of these options will not delay any case management timelines.

- | | |
|---|--|
| <input type="checkbox"/> Mediation (court-connected) | <input type="checkbox"/> Non-binding private arbitration |
| <input type="checkbox"/> Mediation (private) | <input type="checkbox"/> Binding private arbitration |
| <input type="checkbox"/> Voluntary settlement conference (private) | <input type="checkbox"/> Non-binding judicial arbitration (discovery until 15 days before trial) |
| <input type="checkbox"/> Neutral evaluation (private) | <input type="checkbox"/> Non-binding judicial arbitration (discovery until 30 days before trial) |
| <input type="checkbox"/> Other (specify e.g., private mini-trial, private judge, etc.): _____ | |

It is also stipulated that the following shall serve as arbitrator, mediator or other neutral: (Name) _____

Alternate neutral (for court Civil Mediation Program and arbitration only): _____

Date: _____

Date: _____

Name of Plaintiff

Name of Defendant

Signature

Signature

Name of Plaintiff's Attorney

Name of Defendant's Attorney

Signature

Signature

If there are more parties and/or attorneys, please attach additional completed and fully executed sheets.

It is the duty of the parties to notify the court of any settlement pursuant to Cal. Rules of Court, rule 3.1385. Upon notification of the settlement, the court will place this matter on a 45-day dismissal calendar.

No new parties may be added without leave of court.

IT IS SO ORDERED.

Dated: 01/21/2015

JUDGE OF THE SUPERIOR COURT