

<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA CRUZ</b> Santa Cruz Branch 701 Ocean Street, Room 110 Santa Cruz, CA 95060	<i>For Court Use Only</i> <b>FILED</b> <b>DEC 22 2014</b> ALEX CALVO, CLERK BY JUSTIN BROWN DEPUTY, SANTA CRUZ COUNTY
<b>PLAINTIFF: JAMES RAYMOND FREY</b>  <b>DEFENDANT: SAFEWAY INC.</b>	
<b>CASE MANAGEMENT INFORMATION AND SETTING</b>	<b>CASE NO:</b> <b>CISCV180721</b>

This case is in Santa Cruz County's Case Management Program. It is the duty of each party to be familiar with the California Rules of Court and the date, time and place of the first case management conference.

This notice must be served with the summons on all defendants and cross-defendants. Notice of any other pending case management conference must be served on subsequently named defendants and cross-defendants.

Attention Defendant: You have 30 days after the summons is served on you to file a written response to the complaint with the court. The date below does not extend the time to file a response. See the summons for instructions for responding to the summons and complaint. A written response may not be necessary in all cases. To make this determination it is important to seek legal advice and information. See the referrals at the bottom of this form.

**The first Case Management Conference hearing date is:**

**Date: 04/21/15**

**Time: 8:29**

**Department No.: 4**

Address of the Court: 701 Ocean Street, Santa Cruz, California

***Telephonic court appearances are provided through CourtCall to the court. To make arrangements to appear at the Case Management Conference by telephone, please call the program administrator for CourtCall at (888) 882-6878 at least five (5) court days prior to the hearing. DO NOT CALL THE COURT.***

If you are in need of legal advice or legal information on how to proceed in your case you may call or visit the following resources:

1. Santa Cruz County Bar Association Lawyer Referral Service: Phone 831-425-4755 (Fee based service).
2. Santa Cruz County Law Library: 701 Ocean Street, Room 70 Basement, Santa Cruz, CA 95060 Phone 831-454-2205, [www.lawlibrary.org](http://www.lawlibrary.org), for hours and other resources.
3. Santa Cruz Superior Court Self Help Center: 1 Second Street, Room 301, Watsonville, CA 95076 Phone 831-786-7200, option 4, [www.santacruzcourt.org](http://www.santacruzcourt.org), for hours and workshop options.

**SUMMONS  
(CITACION JUDICIAL)**

**NOTICE TO DEFENDANT:  
(AVISO AL DEMANDADO):**

Safeway Inc.; and DOES 1-20, inclusive

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

**FILED**

DEC 22 2014

ALEX CALVO, CLERK  
BY JUSTIN BROWN  
DEPUTY, SANTA CRUZ COUNTY

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

James Raymond Frey, individually and on behalf of the Estate of Shirlee Jean Frey; DOES 1-20, inclusive

**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](http://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](http://www.lawhelpcalifornia.org)), the California Courts Online Self-Help Center ([www.courtinfo.ca.gov/selfhelp](http://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](http://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](http://www.lawhelpcalifornia.org)), en el Centro de Ayuda de las Cortes de California, ([www.sucorte.ca.gov](http://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): Santa Cruz County Superior Court  
701 Ocean Street, Santa Cruz, CA 95060

CASE NUMBER:  
(Número del Caso): **CV 180 72 1**

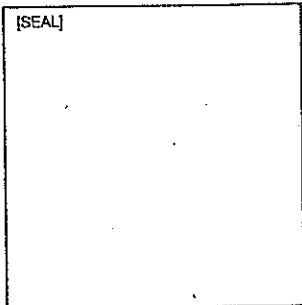
The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:  
(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):  
Harry S. Stern, 220 Montgomery Street, Suite 484, San Francisco, CA 94101; 925-609-1699

DATE: **DEC 22 2014** Clerk, by **ALEX CALVO** **JUSTIN BROWN**, Deputy  
(Fecha) (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):



FOR COURT USE ONLY

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):  
Harry S. Stern, SBN 176854  
RAINS LUCIA STERN, PC  
2300 Contra Costa Blvd., Suite 500  
Pleasant Hill, CA 94523  
TELEPHONE NO.: 925-609-1699 FAX NO.: 925-609-1690  
ATTORNEY FOR (Name): James Raymond Frey, et al.

**FILED**  
DEC 22 2014

ALEX CALVO, CLERK  
BY JUSTIN BROWN  
DEPUTY, SANTA CRUZ COUNTY

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA CRUZ  
STREET ADDRESS: 701 Ocean Street  
MAILING ADDRESS:  
CITY AND ZIP CODE: Santa Cruz, CA 95060  
BRANCH NAME: Santa Cruz Courthouse.

CASE NAME:  
James Raymond Frey, et al. v. Safeway, Inc., et al.

CASE NUMBER: **CV 180 72 1**

**CIVIL CASE COVER SHEET**  
 Unlimited (Amount demanded exceeds \$25,000)  Limited (Amount demanded is \$25,000 or less)

**Complex Case Designation**  
 Counter  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:
- |  |   |   |
|--|---|---|
| <p><b>Auto Tort</b></p> <input type="checkbox"/> Auto (22)<br><input type="checkbox"/> Uninsured motorist (46) <p><b>Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort</b></p> <input type="checkbox"/> Asbestos (04)<br><input type="checkbox"/> Product liability (24)<br><input type="checkbox"/> Medical malpractice (45)<br><input checked="" type="checkbox"/> Other PI/PD/WD (23) <p><b>Non-PI/PD/WD (Other) Tort</b></p> <input type="checkbox"/> Business tort/unfair business practice (07)<br><input type="checkbox"/> Civil rights (08)<br><input type="checkbox"/> Defamation (13)<br><input type="checkbox"/> Fraud (16)<br><input type="checkbox"/> Intellectual property (19)<br><input type="checkbox"/> Professional negligence (25)<br><input type="checkbox"/> Other non-PI/PD/WD tort (35) <p><b>Employment</b></p> <input type="checkbox"/> Wrongful termination (36)<br><input type="checkbox"/> Other employment (15) | <p><b>Contract</b></p> <input type="checkbox"/> Breach of contract/warranty (06)<br><input type="checkbox"/> Rule 3.740 collections (09)<br><input type="checkbox"/> Other collections (09)<br><input type="checkbox"/> Insurance coverage (18)<br><input type="checkbox"/> Other contract (37) <p><b>Real Property</b></p> <input type="checkbox"/> Eminent domain/Inverse condemnation (14)<br><input type="checkbox"/> Wrongful eviction (33)<br><input type="checkbox"/> Other real property (26) <p><b>Unlawful Detainer</b></p> <input type="checkbox"/> Commercial (31)<br><input type="checkbox"/> Residential (32)<br><input type="checkbox"/> Drugs (38) <p><b>Judicial Review</b></p> <input type="checkbox"/> Asset forfeiture (05)<br><input type="checkbox"/> Petition re: arbitration award (11)<br><input type="checkbox"/> Writ of mandate (02)<br><input type="checkbox"/> Other judicial review (39) | <p><b>Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400-3.403)</b></p> <input type="checkbox"/> Antitrust/Trade regulation (03)<br><input type="checkbox"/> Construction defect (10)<br><input type="checkbox"/> Mass tort (40)<br><input type="checkbox"/> Securities litigation (28)<br><input type="checkbox"/> Environmental/Toxic tort (30)<br><input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41) <p><b>Enforcement of Judgment</b></p> <input type="checkbox"/> Enforcement of judgment (20) <p><b>Miscellaneous Civil Complaint</b></p> <input type="checkbox"/> RICO (27)<br><input type="checkbox"/> Other complaint (not specified above) (42) <p><b>Miscellaneous Civil Petition</b></p> <input type="checkbox"/> Partnership and corporate governance (21)<br><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  |

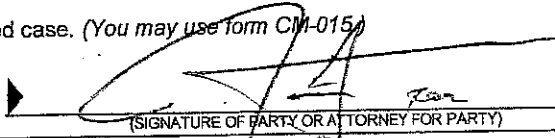
3. Remedies sought (check all that apply): a.  monetary b.  nonmonetary; declaratory or injunctive relief c.  punitive

4. Number of causes of action (specify): Four

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: December 22, 2014  
Harry S. Stern

  
(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

(TYPE OR PRINT NAME)

**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.

COPY

**FILED**

**FILED**  
DEC 22 2014

ALEX CALVO, CLERK  
BY JUSTIN BROWN  
DEPUTY, SANTA CRUZ COUNTY

1 Harry Stern, SBN 176854  
2 RAINS LUCIA STERN, PC  
3 220 Montgomery Street, Suite 484  
4 San Francisco, CA 94104  
5 Tel: 925.609.1699  
6 Fax: 925.609.1690  
7 Email: HStern@RLSlawyers.com

8 William D. Marler  
9 (*pro hac vice* pending)  
10 MARLER CLARK, LLP, PS  
11 1301 Second Avenue, Suite 2800  
12 Seattle, WA 98101  
13 Tel: 206-346-1888  
14 Fax: 206-346-1898  
15 Email: bmarler@marlerclark.com

16 Attorneys for Plaintiffs

17 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
18 COUNTY OF SANTA CRUZ  
19 UNLIMITED JURISDICTION

20 JAMES RAYMOND FREY, individually and on  
21 behalf of the ESTATE OF SHIRLEE JEAN  
22 FREY, and DOES 1-20, inclusive,

23 Plaintiffs,

24 v.

25 SAFEWAY INC. and DOES 1-20, inclusive,

26 Defendants.

Case No. **CV 180 721**

**COMPLAINT FOR PERSONAL INJURIES  
AND WRONGFUL DEATH**

**JURY TRIAL DEMANDED**

27 COME NOW the plaintiffs, James Raymond Frey, individually, and on behalf of the Estate of  
28 Shirlee Jean Frey, his deceased wife, and DOES 1-20 inclusive, by and through attorneys of record, to  
now allege by way of this Complaint as follows:

**PARTIES**

1. The plaintiffs in this action are James Raymond Frey, who is 87 years old, and the

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# SUPERIOR COURT OF CALIFORNIA

COUNTY OF SANTA CRUZ  
701 OCEAN STREET  
SANTA CRUZ, CALIFORNIA 95060  
(831) 420-2200

[www.santacruzcourt.org](http://www.santacruzcourt.org)

## ALTERNATIVE DISPUTE RESOLUTION (ADR) INFORMATION PACKET

The person who files a civil lawsuit (plaintiff) must include the ADR Information Packet with the complaint when serving the defendant(s). Cross complainants must serve the ADR Information Packet on any new parties named to the action. (California Rule of Court 3.221)

The Court *encourages* the parties to use some form of ADR before proceeding to trial. You may choose ADR by:

- Indicating your preference on Case Management Form CM-110;
- Filing the Stipulation and Order to Attend Judicial Mediation or Private Mediation at least 10 days before the Case Management Conference (a local form included with the information packet); or
- Agree to ADR at your Initial Case Management Conference.

**QUESTIONS?** For more information regarding Santa Cruz County's Mediation Program, see local rule 7.1 or contact the Civil Calendar Department at (831) 420-2200.

Alternate Dispute Resolution (ADR) is a process, other than formal litigation, in which a neutral person assists the parties in resolving their dispute. Santa Cruz Superior Court offers Judicial Mediation. If the parties agree to Mediation, it is the policy of this Court to assign appropriate cases to mediation without making a determination of the value of the case.

### What are the Advantages of Using ADR?

- **ADR can save time.** Even in a complex case, a dispute can be resolved through ADR in a matter of months or weeks, while a lawsuit can take years.
- **ADR can save money.** By producing earlier settlements, ADR can save parties and courts money that might otherwise be spent on litigation costs (attorneys fees and court expenses).
- **ADR provides more control and flexibility.** Parties can choose the ADR process most appropriate for their particular situation and that will best serve their particular needs.
- **ADR provides more participation.** Parties have more opportunity with ADR to express their own interests and concerns, while litigation focuses exclusively on the parties' legal rights and responsibilities.
- **ADR can reduce stress and provide greater satisfaction.** ADR encourages cooperation and communication, while discouraging the adversarial atmosphere found in litigation. Surveys of disputants who have gone through ADR have found that satisfaction with ADR is generally high, especially among those with extensive ADR experience.

### What are the Disadvantages of using ADR?

- If you cannot resolve your dispute using ADR, you may still have to spend time and money resolving your lawsuit through the courts.
- If ADR is binding, the parties normally give up most court protections, including a decision by a judge or jury under formal rules of evidence and procedure, and review for legal error or an appellate court.
- There generally is less opportunity to find out about the other side's case with ADR than with litigation. ADR may not be effective if it takes place before the parties have sufficient information to resolve the dispute.

### What ADR Options are Available?

- **Mediation** – A neutral person (mediator) helps the parties communicate, clarify facts, identify legal issues, explore settlement options, and agree on a solution that is acceptable to all sides.
  - **Court Mediation Program:** If the case is appropriate for Judicial Mediation and all parties agree to mediate, the Court will set the Judicial Mediation for a single session. The Case Management Judicial Officer will conduct the mediation.
  - **Private Mediation:** This is mediation where the parties pay the mediator's regular fees and may choose a mediator outside the court.
- **Arbitration** – A neutral person (arbitrator) hears arguments and evidence from each side then decides the outcome of the dispute. Arbitration is less formal than a trial and the rules of evidence are often relaxed. Arbitration is effective when the parties want someone other than themselves to decide the outcome.

ATTORNEY OR PARTY WITHOUT ATTORNEY ( <i>NAME AND ADDRESS</i> ):	TELEPHONE NO.:	<i>For Court Use Only</i>
ATTORNEY FOR ( <i>NAME</i> ):		
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA CRUZ</b> Santa Cruz 701 Ocean Street, Room 110 Santa Cruz, CA 95060		
Plaintiff/Petitioner:		
Defendant/Respondent:		
<b>STIPULATION AND ORDER TO ATTEND JUDICIAL MEDIATION OR PRIVATE ARBITRATION</b> Must be filed 10 days before Case Management Conference		CASE NO.

FOR GOOD CAUSE as stated in the attached supporting declaration,  
CASE MANAGEMENT CONFERENCE CURRENTLY SET FOR: (DATE) \_\_\_\_\_  
CHECK ONLY ONE BOX:

1. ( ) The parties stipulate to court ordered mediation.
2. ( ) The parties stipulate to private mediation or arbitration, to be arranged by the parties and completed within 120 days of the current CMC date stated above. The parties agree that such process shall be a good faith attempt to resolve the case.

**SIGNATURES OF COUNSEL:**

\_\_\_\_\_  
TYPE NAME: \_\_\_\_\_  
DATE: \_\_\_\_\_ ATTORNEY FOR: \_\_\_\_\_  
\_\_\_\_\_  
TYPE NAME: \_\_\_\_\_  
DATE: \_\_\_\_\_ ATTORNEY FOR: \_\_\_\_\_

ADDITIONAL SIGNATURES IN ATTACHMENT "A"

**ORDER**

**BASED ON THE STIPULATION OF THE PARTIES, THE SUPPORTING DECLARATION,  
AND FINDING GOOD CAUSE, THE APPLICATION IS HEREBY GRANTED**

SET FOR JUDICIAL MEDIATION ON: \_\_\_\_\_ AT: \_\_\_\_\_ a.m./p.m.  
 VACATE CMC CURRENTLY SET FOR: \_\_\_\_\_ AT: \_\_\_\_\_ a.m./p.m.

Date: \_\_\_\_\_  
\_\_\_\_\_  
JUDGE OF THE SUPERIOR COURT