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FILED
Superior Court Of California
County Of Los Angeles

AUG 18 2014

Sherri R. Carter, Executive Officer/Clerk
By Kristina Vargas, Deputy
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7 *Counsel for Plaintiff and all*
8 *others similarly situated*

D-310 Kenneth Freeman

9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

10 **COUNTY OF LOS ANGELES, CENTRAL DISTRICT**

11
12 LINDA RUBENSTEIN, on behalf of herself
and all others similarly situated,

13 Plaintiffs,

14 v.

15 THE GAP, INC., a Delaware Corporation, and
16 DOES 1-50, inclusive,

17 Defendants.

Case No. **BC555010**

) **CLASS ACTION**
) **COMPLAINT FOR:**

) **1. Violation of California's False Advertising**
) **Laws ("FAL"); Bus. & Prof. Code § 17500 et**
) **seq.;**

) **2. Violation of California's Unfair**
) **Competition Laws ("UCL"); Bus. & Prof.**
) **Code § 17200 et seq.;**

) **3. Violation of California's Consumer Legal**
) **Remedies Act ("CLRA"); Civ. Code § 1750**
) **et seq.**

) **JURY TRIAL DEMANDED**

LAW OFFICES
KIRTLAND & PACKARD LLP

08/18/2014

CITY/CASE: BC555010
LEA/DEF#: _____
RECEIPT #: CCH517486040
DATE PAID: 08/18/14 04:00 PM
PAYMENT: \$435.00 310
RECEIVED:
CHECK: \$435.00
CASH: \$0.00
CHANGE: \$0.00
CARD: \$0.00

1 Plaintiff Linda Rubenstein (also referred to as the "Plaintiff"), on behalf of herself and all
2 others similarly situated, alleges as follows. Plaintiff's allegations are based on the investigation
3 of counsel, and thus on information and belief, except as to the individual actions of Plaintiff, as to
4 which Plaintiff has personal knowledge.

5 **THE PARTIES**

6 1. Plaintiff Linda Rubenstein is a citizen and resident of Los Angeles County, California who
7 purchased clothing from the Gap Factory Store and Banana Republic Factory Store (also
8 referred to as the "Factory Stores") in Camarillo, California.

9 2. Plaintiff is informed and believes, and upon such information and belief alleges, that The
10 Gap, Inc. (also referred to as "Defendant") is the parent-company of the Gap Factory Store
11 and Banana Republic Factory Store and is a Delaware corporation, with its principle place
12 of business in San Francisco, California. Defendant markets, distributes, and/or sells retail
13 clothing, accessories and personal care products for men, women, children and babies.
14 Defendant sells its clothing and accessories to consumers in California.

15 3. Plaintiff does not know the true names or capacities of the persons or entities sued herein
16 as DOES 1-50, inclusive, and therefore sues such Defendants by such fictitious names.
17 Plaintiff is informed and believes, and upon such information and belief alleges, that each
18 of the DOE Defendants is in some manner legally responsible for the damages suffered by
19 Plaintiff and the members of the Class as alleged herein. Plaintiff will amend this
20 Complaint to set forth the true names and capacities of these Defendants when they have
21 been ascertained, along with appropriate charging allegations, as may be necessary.

22 4. At all times herein mentioned, Defendants, and each of them, were the agents, principals,
23 servants, employees, and subsidiaries of each of the remaining Defendants, and were at all
24 times acting within the purpose and scope of such agency, service, and employment, and
25 directed, consented, ratified, permitted, encouraged, and approved the acts of each
26 remaining Defendant.

27 //
28 //

1 **JURISDICTION AND VENUE**

2 5. This Court has jurisdiction over all causes of action asserted herein under the California
3 Constitution.

4 6. Venue is proper in this County pursuant to California Civil Code § 1780(d) because
5 Defendant does business here.

6 7. Venue is proper in this District pursuant to Los Angeles County Superior Court Rule
7 2.3(a)(1)(A) because this is a class action.

8 8. Out-of-state participants can be brought before this Court pursuant to California’s “long-
9 arm” jurisdictional statute.

10 **FACTUAL ALLEGATIONS**

11 9. The Gap, Inc. is a leading global retailer offering clothing, accessories, and personal care
12 products for men, women, and children under the Gap, Banana Republic, Old Navy,
13 Piperlime, Athleta, and Intermix brands. Fiscal year 2013 net sales were \$16.1 billion. The
14 Gap, Inc. products are available for purchase in more than 90 countries worldwide through
15 more than 3,100 company-operated stores, over 350 franchise stores, and e-commerce
16 sites.

17 10. Defendant also operates many Gap Factory Stores and Banana Republic Factory Stores.
18 These Factory Stores, or similarly “outlet stores,” are an alternative way for large retail
19 companies to capture a larger pool of consumers because they offer clothing and
20 accessories at discounted prices from in-demand retail stores.

21 11. Factory stores are a popular avenue for sale-seeking consumers because in-demand retail
22 stores, such as Defendant’s plethora of clothing stores, will often sell clothes that are “after
23 season” or clothing that had very little popularity and did not sell. To mitigate further
24 losses on the clothing, the retail stores will sell this clothing at various outlet malls for a
25 discount.

26 12. Contagion among large retail stores operating outlet stores have spread throughout outlet-
27 specific malls and shoppers have become accustomed to seeing products that once were
28 sold at the traditional retail stores. For example, apparel sales at factory outlets rose 17.8%

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1 in 2011, according to estimates by market research firm NPD Group. Meanwhile, apparel
2 sales industry-wide rose a meager 1.4%.¹

3 13. Furthermore, the chief industry analyst at NPD Group states, "What outlets have been able
4 to do is touch the core of the American consumer. There's no question that what we're
5 witnessing is the transformation of how and where consumers are shopping. The recession
6 really kicked it into high gear for outlet centers."

7 14. It is, therefore, no surprise that Defendant has immersed itself into this lucrative industry to
8 continue to grow their robust billion dollar business. Plaintiff and other Outlet Store
9 shoppers (also referred to as the "Class") were also looking to obtain benefits from
10 Defendant's discounted stores, which included buying the alleged same exact clothing after
11 season and/or excess clothing that Defendant's traditional stores once carried, but for a
12 discounted price.

13 15. Defendant labels its Factory Store clothing with a tag hidden on the inside of the garment
14 that has three consecutive squares on it. These three squares indicate that the clothing is
15 made specifically for the Factory Stores at a lesser quality. There is no other indication, in
16 the store or on the garment, that suggests the Factory Store clothing was never actually sold
17 at the traditional Banana Republic or Gap stores and/or made of lesser quality.

18 16. Furthermore, Defendant's inconspicuous three consecutive square hidden on the tag also
19 do not specify what they mean. Unless the ordinary shopper is diligent in their retail store
20 research what the three squares mean, Defendant's deceptive practices will not be
21 discovered.

22 17. Defendant's strategy exploits the expectations of outlet mall shopping because Defendant
23 positions themselves to capture shoppers looking for the exact same clothing they thought
24 was once sold at the traditional Banana Republic and Gap stores but for a discount, but are
25 instead offering clothing for sale that was never sold in their retail stores.

26 18. Plaintiff was misled about the quality and authenticity of Defendant's clothing, and in
27

28 ¹<http://articles.latimes.com/2011/aug/07/business/la-fi-0807-cover-outlet-malls-20110807>

1 reliance thereon, decided to purchase the clothing from Defendant's Factory Stores. As a
2 result, Plaintiff was damaged because she did not experience any of Defendant's promised
3 benefits of receiving an article of clothing that was discounted, but still of the same quality
4 to the traditional Banana Republic and Gap clothing.

5 19. Defendant's concealed disclosures regarding the quality of the clothing and deceptive
6 marketing were designed to, and did, lead Plaintiff and the putative Class to believe that
7 the clothing was once a traditional Banana Republic and/or Gap garment and of equal
8 quality, when in fact, the Factory Store clothing was not. Further, Plaintiff and members of
9 the Class relied on Defendant's misrepresentations and good faith and would not have paid
10 as much, if at all, for the Factory Store clothing but for Defendant's deceptive marketing.

11 20. Plaintiff brings this lawsuit to enjoin the ongoing deception of thousands of California
12 consumers by Defendant, and to recover the monetary gains taken by this unlawful
13 practice.

14 CLASS DEFINITIONS AND CLASS ALLEGATIONS

15 21. Plaintiff brings this action on behalf of herself and on behalf of all others similarly situated
16 and, as members of the Class or subclasses (collectively referred to hereafter as the
17 "Class") defined as follows:

18 (1) California Class: The Class that Plaintiff seeks to represent ("the California
19 Class") consists of all persons who purchased Banana Republic Factory Store or
20 Gap Factory Store clothing in California within the four years prior to the filing of
21 the initial complaint. Excluded from the Class are Defendant, any parent,
22 subsidiary, affiliate or controlled person of Defendant, as well as the officers and
23 directors of Defendant, and the immediate family member of any such person. Also
24 excluded is any judge who may preside over this case.

25 22. **Numerosity**: The proposed Class is so numerous that individual joinder of all its members
26 is impracticable. Due to the nature of the trade and commerce involved, Plaintiff believes
27 that the total number of Class members is at least in the thousands and that members of the
28 Class are numerous and geographically dispersed across California. While the exact

1 number and identities of the Class members are unknown at this time, such information can
2 be ascertained through appropriate investigation and discovery. The disposition of the
3 claims of the Class members in a single class action will provide substantial benefits to all
4 parties and to the Court.

5 23. **Common Questions of Law and Fact Predominate:** There are many questions of law
6 and fact common to the representative Plaintiff and the Class, and those questions
7 substantially predominate over any questions that may affect individual Class members.

8 The common questions of fact and law include, but are not limited to, the following:

- 9 i. Whether Defendant's advertising was and is misleading;
- 10 ii. Whether Defendant's representations were likely to mislead and did in fact
11 mislead Plaintiff and Class members;
- 12 iii. Whether Defendant was willful, deceptive, and oppressive in its conduct; and
- 13 iv. Whether Defendant engaged in unlawful, unfair, or fraudulent business
14 practices.

15 24. These common questions of law and fact predominate over questions that may affect
16 individual Class members in that the claims of all Class members for each of the claims
17 herein can be established with common proof. Additionally, a class action would be
18 "superior to other available methods for the fair and efficient adjudication of the
19 controversy" because: (1) Class members have little interest in individually controlling the
20 prosecution of separate actions because the individual damages claims of each Class
21 member are not substantial enough to warrant individual filings; (2) Plaintiff is not aware
22 of other lawsuits against Defendant commenced by or on behalf of members of the Class;
23 and (3) because the disputed advertisements are common to all Class members and because
24 resolution of the claims of Plaintiff will resolve the claims of the remaining Class,
25 certification does not pose any manageability problems.

26 25. **Typicality:** Plaintiff's claims are typical of the claims of the members of the Class.
27 Plaintiff and all members of the Class have been similarly affected by Defendant's conduct
28 since they all relied on Defendant's representations that the clothing was once a traditional

1 Banana Republic or Gap retail store garment made with the same quality and purchased the
2 discounted clothing based on those representations.

3 26. **Adequacy of Representation:** Plaintiff will fairly and adequately represent and protect the
4 interests of the Class. Plaintiff has retained counsel with substantial experience in handling
5 complex class action litigation. Plaintiff and her counsel are committed to prosecuting this
6 action vigorously on behalf of the Class and have the financial resources to do so.

7 27. **Superiority of Class Action:** Plaintiff and the members of the Class suffered and will
8 continue to suffer harm as a result of Defendant's unlawful and wrongful conduct. A class
9 action is superior to other available methods for the fair and efficient adjudication of the
10 present controversy. Class members have little interest in individually controlling the
11 prosecution of separate actions because the individual damages claims of each Class
12 member are not substantial enough to warrant individual filings. In sum, for many, if not
13 most, Class members, a class action is the only feasible mechanism that will allow them an
14 opportunity for legal redress and justice.

15 28. Adjudication of individual Class members' claims with respect to Defendant would, as a
16 practical matter, be dispositive of the interests of other members not parties to the
17 adjudication, and could substantially impair or impede the ability of other Class members
18 to protect their interests.

19 **FIRST CAUSE OF ACTION**

20 **Business and Professions Code § 17500**

21 **(Violation of the False Advertising Laws)**

22 **(By Plaintiff and the Class Against Defendant)**

23 29. Plaintiff hereby incorporates paragraphs 1-28 above as if set forth in full.

24 30. California Business and Professions Code Section 17500 provides that "[i]t is unlawful for
25 any ... corporation ... with intent ... to dispose of ... personal property ... to induce the public
26 to enter into any obligation relating thereto, to make or disseminate or cause to be made or
27 disseminated ... from this state before the public in any state, in any newspaper or other
28 publication, or any advertising device, or by public outcry or proclamation, or in any other

1 manner or means whatever, including over the Internet, any statement ... which is untrue or
2 misleading, and which is known, or which by the exercise of reasonable care should be
3 known, to be untrue or misleading....”

4 31. Defendant misled consumers by making untrue statements and failing to disclose what is
5 required as stated in the Code, as alleged above.

6 32. As a direct and proximate result of Defendant’s misleading advertising and concealed
7 disclosures, Plaintiff and the members of the Class have suffered injury in fact and have
8 lost money.

9 33. The misleading advertising and concealed disclosures described herein presents a
10 continuing threat to Plaintiff and the Class in that Defendant persists and continues to
11 engage in these practices, and will not cease doing so unless and until forced to do so by
12 this Court. Defendant’s conduct will continue to cause irreparable injury to consumers
13 unless enjoined or restrained.

14 **SECOND CAUSE OF ACTION**

15 **Business and Professions Code § 17200 et seq.**

16 **(Violation of the Unfair Competition Laws)**

17 **(By Plaintiff and the Class Against Defendant)**

18 34. Plaintiff hereby incorporates paragraphs 1-33 above as if set forth in full.

19 35. California *Business and Professions Code* § 17200 et seq. (hereafter referred to as the
20 “Unfair Competition Law” or “UCL”) authorizes private lawsuits to enjoin acts of “unfair
21 competition,” which include any unlawful, unfair, or fraudulent business practice.

22 36. The UCL imposes strict liability. Plaintiff need not prove that Defendant intentionally or
23 negligently engaged in unlawful, unfair, or fraudulent business practices—but only that
24 such practices occurred.

25 37. The material misrepresentations, concealment, and non-disclosures by Defendant as part of
26 its marketing and advertising of the discounted clothing are unlawful, unfair, and
27 fraudulent business practices prohibited by the UCL.
28

1 38. In carrying out such marketing, Defendant has violated the Consumer Legal Remedies Act,
2 the False Advertising Law, and various other laws, regulations, statutes, and/or common
3 law duties. Defendant's business practices alleged herein, therefore, are unlawful within
4 the meaning of the UCL.

5 39. The harm to Plaintiff and members of the public outweighs the utility of Defendant's
6 practices and, consequently, Defendant's practices, as set forth fully above, constitute an
7 unfair business act or practice within the meaning of the UCL.

8 40. Defendant's practices are additionally unfair because they have caused Plaintiff and the
9 Class substantial injury, which is not outweighed by any countervailing benefits to
10 consumers or to competition, and which is not an injury the consumers themselves could
11 have reasonably avoided.

12 41. Defendant's practices, as set forth above, have misled the general public in the past and
13 will mislead the general public in the future. Consequently, Defendant's practices
14 constitute an unlawful and unfair business practice within the meaning of the UCL.

15 42. Pursuant to Business and Professions Code § 17204, an action for unfair competition may
16 be brought by any "person . . . who has suffered injury in fact and has lost money or
17 property as a result of such unfair competition." Defendant's wrongful misrepresentations
18 and omissions have directly and seriously injured Plaintiff and the putative Class by
19 causing them to purchase the discounted clothing based upon misleading advertising and
20 concealed disclosures.

21 43. The unlawful, unfair, and fraudulent business practices of Defendant are ongoing and
22 present a continuing threat that members of the public will be misled into purchasing the
23 clothing from the Factory Stores and that upon learning that the clothing was never sold at
24 the traditional Banana Republic or Gap stores and of lesser quality, they will be damaged
25 financially.

26 44. Pursuant to the UCL, Plaintiff is entitled to preliminary and permanent injunctive relief
27 ordering Defendant to cease this unfair competition, as well as disgorgement and
28

1 restitution to Plaintiff and the Class of all of Defendant's revenues associated with its
2 unfair competition, or such portion of those revenues as the Court may find equitable.

3 **THIRD CAUSE OF ACTION**

4 **Civil Code § 1750 et seq.**

5 **(Violation of the Consumer Legal Remedies Act)**

6 **(By Plaintiff and the Class Against Defendant)**

7 45. Plaintiff hereby incorporates paragraphs 1-44 above as if set forth in full.

8 46. The Consumer Legal Remedies Act (hereafter referred to as the "CLRA") creates a non-
9 exclusive statutory remedy for unfair methods of competition and unfair or deceptive acts
10 or business practices. *See Reveles v. Toyota by the Bay*, 57 Cal. App. 4th 1139, 1164
11 (1997). Its self-declared purpose is to protect consumers against these unfair and deceptive
12 business practices, and to provide efficient and economical procedures to secure such
13 protection. Cal. Civ. Code § 1760. The CLRA was designed to be liberally construed and
14 applied in favor of consumers to promote its underlying purposes. *Id.*

15 47. More specifically, Plaintiff alleges that Defendant has violated paragraphs 5, 7, 9 and 14 of
16 Civil Code Section 1770(a) by engaging in the unfair and/or deceptive acts and practices
17 set forth herein. Defendant's unfair and deceptive business practices in carrying out the
18 marketing program described herein were and are intended to and did and do result in the
19 purchase of Defendant's discounted clothing by consumers, including Plaintiff, in violation
20 of the CLRA. Cal. Civ. Code § 1770 *et seq.*

21 48. As a result of Defendant's unfair and/or deceptive business practices, Plaintiff and all
22 purchasers of Defendant's discounted clothing have suffered damage and lost money in
23 that they paid for goods that does not have the qualities as represented. Plaintiff seeks and
24 is entitled to an order enjoining Defendant from continuing to engage in the unfair and
25 deceptive business practices alleged herein.

26 49. Pursuant to Section 1782 of the CLRA, Plaintiff intends to notify Defendant in writing of
27 the particular violations of Section 1770 of the CLRA (the "Notice Letter"). If Defendant
28 fails to comply with Plaintiff's demands within thirty days of receipt of the Notice Letter,

1 pursuant to Section 1782 of the CLRA, Plaintiff will amend this Complaint to further
2 request damages under the CLRA.

3 **PRAYER FOR RELIEF**

4 **WHEREFORE**, Plaintiff, individually and on behalf of the Class, prays for relief and
5 judgment as follows:

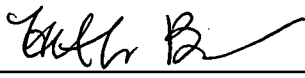
- 6 1. For preliminary and permanent injunctive relief enjoining Defendant, its agents, servants
7 and employees, and all persons acting in concert with it, from engaging in, and continuing
8 to engage in, the unfair, unlawful and/or fraudulent business practices alleged above and
9 that may yet be discovered in the prosecution of this action;
- 10 2. For certification of the putative class;
- 11 3. For restitution and disgorgement of all money or property wrongfully obtained by
12 Defendant by means of its herein-alleged unlawful, unfair, and fraudulent business
13 practices;
- 14 4. For an accounting by Defendant for any and all profits derived by Defendant from its
15 herein-alleged unlawful, unfair and/or fraudulent conduct and business practices;
- 16 5. An award of statutory damages according to proof, except that no damages are currently
17 sought on Plaintiff's Cause of Action regarding the Consumer Legal Remedies Act at this
18 time;
- 19 6. An award of general damages according to proof, except that no damages are currently
20 sought on Plaintiff's Cause of Action regarding the Consumer Legal Remedies Act at this
21 time;
- 22 7. An award of special damages according to proof, except that no damages are currently
23 sought on Plaintiff's Cause of Action regarding the Consumer Legal Remedies Act at this
24 time;
- 25 8. Exemplary damages, except that no damages are currently sought on Plaintiff's Cause of
26 Action regarding the Consumer Legal Remedies Act at this time;
- 27 9. For attorneys' fees and expenses pursuant to all applicable laws, including, without
28 limitation, the CLRA and the common law private attorney general doctrine;

- 1 10. For costs of suit; and
- 2 11. For such other and further relief as the Court deems just and proper.

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DATED: August 18, 2014

KIRTLAND & PACKARD LLP

By: 

MICHAEL LOUIS KELLY
BEHRAM V. PAREKH
HEATHER M. BAKER

*Counsel for Plaintiff and all
others similarly situated*

LAW OFFICES
KIRTLAND & PACKARD LLP

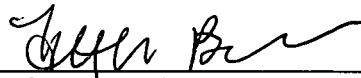
08 / 18 / 2014

JURY TRIAL DEMANDED

Plaintiff demands a jury trial on all issues so triable.

DATED: August 18, 2014

KIRTLAND & PACKARD LLP

By: 

MICHAEL LOUIS KELLY
BEHRAM V. PAREKH
HEATHER M. BAKER

*Counsel for Plaintiff and all
others similarly situated*

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08/18/2014

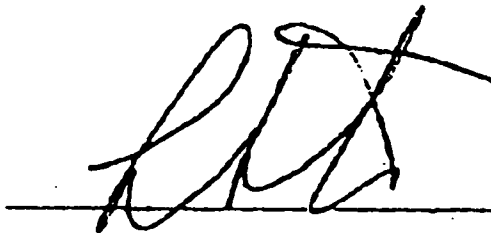
DECLARATION OF PROPER VENUE BY LINDA RUBENSTEIN

I, Linda Rubenstein, declare as follows:

1. I am a Plaintiff in this action, and am a resident and citizen of the State of California. I have personal knowledge of the facts alleged herein and, if called as a witness, I could and would testify competently thereto.

2. The Complaint in this action, filed concurrently with this Declaration, is filed in the proper place for trial under Civil Code Section 1780(d) in that Los Angeles County is a county where Defendant does business.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.



Linda Rubenstein

KIRTLAND & PACKARD LLP

08/18/2014

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ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):
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KIRTLAND & PACKARD LLP
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TELEPHONE NO.: (310) 536-1000 FAX NO.: (310) 536-1001
ATTORNEY FOR (Name): Plaintiff and all others similarly situated

FOR COURT USE ONLY
FILED
Superior Court Of California
County Of Los Angeles

AUG 18 2014
Sherri K. Lauer, Executive Officer/Clerk
By Kristina Vargas, Deputy
Kristina Vargas

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES
STREET ADDRESS: 111 N. Hill Street
MAILING ADDRESS:
CITY AND ZIP CODE: Los Angeles, CA 90012
BRANCH NAME: Central District

CASE NAME: LINDA RUBENSTEIN v. THE GAP, INC., et al.

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)

CASE NUMBER: **BC555010**

JUDGE:
DEPT:

Items 1-6 below must be completed (see instructions on page 2).

1. Check one box below for the case type that best describes this case:

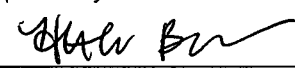
Auto Tort <input type="checkbox"/> Auto (22) <input type="checkbox"/> Uninsured motorist (46)	Contract <input type="checkbox"/> Breach of contract/warranty (06) <input type="checkbox"/> Rule 3.740 collections (09) <input type="checkbox"/> Other collections (09) <input type="checkbox"/> Insurance coverage (18) <input type="checkbox"/> Other contract (37)	Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400-3.403) <input type="checkbox"/> Antitrust/Trade regulation (03) <input type="checkbox"/> Construction defect (10) <input type="checkbox"/> Mass tort (40) <input type="checkbox"/> Securities litigation (28) <input type="checkbox"/> Environmental/Toxic tort (30) <input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41)
Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort <input type="checkbox"/> Asbestos (04) <input type="checkbox"/> Product liability (24) <input type="checkbox"/> Medical malpractice (45) <input type="checkbox"/> Other PI/PD/WD (23)	Real Property <input type="checkbox"/> Eminent domain/Inverse condemnation (14) <input type="checkbox"/> Wrongful eviction (33) <input type="checkbox"/> Other real property (26)	Enforcement of Judgment <input type="checkbox"/> Enforcement of judgment (20)
Non-PI/PD/WD (Other) Tort <input checked="" type="checkbox"/> Business tort/unfair business practice (07) <input type="checkbox"/> Civil rights (08) <input type="checkbox"/> Defamation (13) <input type="checkbox"/> Fraud (16) <input type="checkbox"/> Intellectual property (19) <input type="checkbox"/> Professional negligence (25) <input type="checkbox"/> Other non-PI/PD/WD tort (35)	Unlawful Detainer <input type="checkbox"/> Commercial (31) <input type="checkbox"/> Residential (32) <input type="checkbox"/> Drugs (38)	Miscellaneous Civil Complaint <input type="checkbox"/> RICO (27) <input type="checkbox"/> Other complaint (not specified above) (42)
Employment <input type="checkbox"/> Wrongful termination (36) <input type="checkbox"/> Other employment (15)	Judicial Review <input type="checkbox"/> Asset forfeiture (05) <input type="checkbox"/> Petition re: arbitration award (11) <input type="checkbox"/> Writ of mandate (02) <input type="checkbox"/> Other judicial review (39)	Miscellaneous Civil Petition <input type="checkbox"/> Partnership and corporate governance (21) <input type="checkbox"/> Other petition (not specified above) (43)

2. This case is is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:
a. Large number of separately represented parties d. Large number of witnesses
b. Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve e. Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court
c. Substantial amount of documentary evidence f. Substantial postjudgment judicial supervision

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

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

5. This case is is not a class action suit.

6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)
Date: August 18, 2014
Michael Louis Kelly/Heather M. Baker (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.

To Plaintiffs and Others Filing First Papers. If you are filing a first paper (for example, a complaint) in a civil case, you must complete and file, along with your first paper, the *Civil Case Cover Sheet* contained on page 1. This information will be used to compile statistics about the types and numbers of cases filed. You must complete items 1 through 6 on the sheet. In item 1, you must check **one** box for the case type that best describes the case. If the case fits both a general and a more specific type of case listed in item 1, check the more specific one. If the case has multiple causes of action, check the box that best indicates the **primary** cause of action. To assist you in completing the sheet, examples of the cases that belong under each case type in item 1 are provided below. A cover sheet must be filed only with your initial paper. Failure to file a cover sheet with the first paper filed in a civil case may subject a party, its counsel, or both to sanctions under rules 2.30 and 3.220 of the California Rules of Court.

To Parties in Rule 3.740 Collections Cases. A "collections case" under rule 3.740 is defined as an action for recovery of money owed in a sum stated to be certain that is not more than \$25,000, exclusive of interest and attorney's fees, arising from a transaction in which property, services, or money was acquired on credit. A collections case does not include an action seeking the following: (1) tort damages, (2) punitive damages, (3) recovery of real property, (4) recovery of personal property, or (5) a prejudgment writ of attachment. The identification of a case as a rule 3.740 collections case on this form means that it will be exempt from the general time-for-service requirements and case management rules, unless a defendant files a responsive pleading. A rule 3.740 collections case will be subject to the requirements for service and obtaining a judgment in rule 3.740.

To Parties in Complex Cases. In complex cases only, parties must also use the *Civil Case Cover Sheet* to designate whether the case is complex. If a plaintiff believes the case is complex under rule 3.400 of the California Rules of Court, this must be indicated by completing the appropriate boxes in items 1 and 2. If a plaintiff designates a case as complex, the cover sheet must be served with the complaint on all parties to the action. A defendant may file and serve no later than the time of its first appearance a joinder in the plaintiff's designation, a counter-designation that the case is not complex, or, if the plaintiff has made no designation, a designation that the case is complex.

CASE TYPES AND EXAMPLES

Auto Tort

- Auto (22)—Personal Injury/Property Damage/Wrongful Death
- Uninsured Motorist (46) (*if the case involves an uninsured motorist claim subject to arbitration, check this item instead of Auto*)

Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort

- Asbestos (04)
 - Asbestos Property Damage
 - Asbestos Personal Injury/Wrongful Death
- Product Liability (*not asbestos or toxic/environmental*) (24)
- Medical Malpractice (45)
 - Medical Malpractice—Physicians & Surgeons
 - Other Professional Health Care Malpractice
- Other PI/PD/WD (23)
 - Premises Liability (e.g., slip and fall)
 - Intentional Bodily Injury/PD/WD (e.g., assault, vandalism)
 - Intentional Infliction of Emotional Distress
 - Negligent Infliction of Emotional Distress
 - Other PI/PD/WD

Non-PI/PD/WD (Other) Tort

- Business Tort/Unfair Business Practice (07)
- Civil Rights (e.g., discrimination, false arrest) (*not civil harassment*) (08)
- Defamation (e.g., slander, libel) (13)
- Fraud (16)
- Intellectual Property (19)
- Professional Negligence (25)
 - Legal Malpractice
 - Other Professional Malpractice (*not medical or legal*)
- Other Non-PI/PD/WD Tort (35)
- Employment
 - Wrongful Termination (36)
 - Other Employment (15)

Contract

- Breach of Contract/Warranty (06)
 - Breach of Rental/Lease
 - Contract (*not unlawful detainer or wrongful eviction*)
 - Contract/Warranty Breach—Seller Plaintiff (*not fraud or negligence*)
 - Negligent Breach of Contract/Warranty
 - Other Breach of Contract/Warranty
- Collections (e.g., money owed, open book accounts) (09)
 - Collection Case—Seller Plaintiff
 - Other Promissory Note/Collections Case
- Insurance Coverage (*not provisionally complex*) (18)
 - Auto Subrogation
 - Other Coverage
- Other Contract (37)
 - Contractual Fraud
 - Other Contract Dispute

Real Property

- Eminent Domain/Inverse Condemnation (14)
- Wrongful Eviction (33)
- Other Real Property (e.g., quiet title) (26)
 - Writ of Possession of Real Property
 - Mortgage Foreclosure
 - Quiet Title
 - Other Real Property (*not eminent domain, landlord/tenant, or foreclosure*)

Unlawful Detainer

- Commercial (31)
- Residential (32)
- Drugs (38) (*if the case involves illegal drugs, check this item; otherwise, report as Commercial or Residential*)

Judicial Review

- Asset Forfeiture (05)
- Petition Re: Arbitration Award (11)
- Writ of Mandate (02)
 - Writ—Administrative Mandamus
 - Writ—Mandamus on Limited Court Case Matter
 - Writ—Other Limited Court Case Review
- Other Judicial Review (39)
 - Review of Health Officer Order
 - Notice of Appeal—Labor
 - Commissioner Appeals

Provisionally Complex Civil Litigation (Cal. Rules of Court Rules 3.400–3.403)

- Antitrust/Trade Regulation (03)
- Construction Defect (10)
- Claims Involving Mass Tort (40)
- Securities Litigation (28)
- Environmental/Toxic Tort (30)
- Insurance Coverage Claims (*arising from provisionally complex case type listed above*) (41)

Enforcement of Judgment

- Enforcement of Judgment (20)
 - Abstract of Judgment (Out of County)
 - Confession of Judgment (*non-domestic relations*)
 - Sister State Judgment
 - Administrative Agency Award (*not unpaid taxes*)
 - Petition/Certification of Entry of Judgment on Unpaid Taxes
 - Other Enforcement of Judgment Case

Miscellaneous Civil Complaint

- RICO (27)
- Other Complaint (*not specified above*) (42)
 - Declaratory Relief Only
 - Injunctive Relief Only (*non-harassment*)
 - Mechanics Lien
 - Other Commercial Complaint Case (*non-tort/non-complex*)
 - Other Civil Complaint (*non-tort/non-complex*)

Miscellaneous Civil Petition

- Partnership and Corporate Governance (21)
- Other Petition (*not specified above*) (43)
 - Civil Harassment
 - Workplace Violence
 - Elder/Dependent Adult Abuse
 - Election Contest
 - Petition for Name Change
 - Petition for Relief from Late Claim
 - Other Civil Petition

**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 HOURS/ DAYS

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

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

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

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

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

- 1. Class actions must be filed in the Stanley Mosk Courthouse, central district.
- 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.
- 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.

Auto Tort
 Other Personal Injury/Property Damage/Wrongful Death Tort

A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Auto (22)	<input type="checkbox"/> A7100 Motor Vehicle - Personal Injury/Property Damage/Wrongful Death	1., 2., 4.
Uninsured Motorist (46)	<input type="checkbox"/> A7110 Personal Injury/Property Damage/Wrongful Death – Uninsured Motorist	1., 2., 4.
Asbestos (04)	<input type="checkbox"/> A6070 Asbestos Property Damage <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) <input type="checkbox"/> A7230 Intentional Bodily Injury/Property Damage/Wrongful Death (e.g., assault, vandalism, etc.) <input type="checkbox"/> A7270 Intentional Infliction of Emotional Distress <input type="checkbox"/> A7220 Other Personal Injury/Property Damage/Wrongful Death	1., 4. 1., 4. 1., 3. 1., 4.

SHORT TITLE: LINDA RUBENSTEIN v. THE GAP, INC., et al.

CASE NUMBER

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 checked="" type="checkbox"/> A6029 Other Commercial/Business Tort (not fraud/breach of contract)	1., 3.
Civil Rights (08)	<input type="checkbox"/> A6005 Civil Rights/Discrimination	1., 2., 3.
Defamation (13)	<input type="checkbox"/> A6010 Defamation (slander/libel)	1., 2., 3.
Fraud (16)	<input type="checkbox"/> A6013 Fraud (no contract)	1., 2., 3.
Professional Negligence (25)	<input type="checkbox"/> A6017 Legal Malpractice	1., 2., 3.
	<input type="checkbox"/> A6050 Other Professional Malpractice (not medical or legal)	1., 2., 3.
Other (35)	<input type="checkbox"/> A6025 Other Non-Personal Injury/Property Damage tort	2., 3.
Wrongful Termination (36)	<input type="checkbox"/> A6037 Wrongful Termination	1., 2., 3.
	<input type="checkbox"/> A6024 Other Employment Complaint Case <input type="checkbox"/> A6109 Labor Commissioner Appeals	1., 2., 3. 10.
Breach of Contract/ Warranty (06) (not insurance)		<input type="checkbox"/> A6004 Breach of Rental/Lease Contract (not unlawful detainer or wrongful eviction)
	<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.

4 10 2 / 8 1 / 8 0

SHORT TITLE: LINDA RUBENSTEIN v. THE GAP, INC., et al. 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.

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.

<p>REASON: Check the appropriate boxes for the numbers shown under Column C for the type of action that you have selected for this case.</p> <p><input checked="" type="checkbox"/> 1. <input 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.</p>	<p>ADDRESS: 5050 Bluebell Ave</p>			
<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:33%;">CITY: Valley Village</td> <td style="width:33%;">STATE: CA</td> <td style="width:33%;">ZIP CODE: 91607</td> </tr> </table>	CITY: Valley Village	STATE: CA	ZIP CODE: 91607	
CITY: Valley Village	STATE: CA	ZIP CODE: 91607		

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 Los Angeles 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, subds. (b), (c) and (d)].

Dated: Aug. 18, 2014



 (SIGNATURE OF ATTORNEY/FILING PARTY)
 Michael Louis Kelly /
 Heather M. Baker

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.

08/18/2014