

Depot 23 Inela Ann Bigelow

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FILED
LOS ANGELES SUPERIOR COURT

APR 17 2008

JOHN A. CLARKE, CLERK
BY SHAUNYA WESLEY, DEPUTY

8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
9 **FOR THE COUNTY OF LOS ANGELES, CENTRAL DISTRICT**

11 Shirley Schroit, an individual,
12 Plaintiff,
13 vs.
14 B'nai David-Judea Congregation, a
California corporation, and DOES 1
15 through 25,
16 Defendants.

CASE NO. BC389152
**COMPLAINT FOR FINANCIAL
ABUSE OF AN ELDER AND
RELATED CAUSES OF ACTION**

17 Plaintiff Shirley Schroit alleges as follows:

- 18 1. Plaintiff Shirley Schroit ("Mrs. Schroit") is an individual residing in
- 19 Los Angeles County, California.
- 20 2. Mrs. Schroit is more than 65 years of age and is an "elder" as defined
- 21 in Welfare & Inst. Code § 15610.27.
- 22 3. Mrs. Schroit is informed and believes and thereupon alleges that
- 23 Defendant B'nai David-Judea Congregation ("BDJ") is a corporation
- 24 existing under the laws of the State of California. Its principal place of business
- 25 located in Los Angeles, California.
- 26 4. The true names and capacities of defendants DOES 1 through 25 are
- 27 unknown to Mrs. Schroit, and she will seek leave of the Court to amend this
- 28

CIT/CASE: BC389152 LEA/NEF#:
RECEIPT # 02465980049
DATE PAID 04/17/08 02:55:55 PM
PAYMENT \$320.00
RECEIVED 0310
CHECK: 320.00
CASH:
CHANGE:

1 complaint to allege such names and capacities as soon as they are ascertained. Mrs.
2 Schroit is informed and believes, and thereon alleges, that each of the fictitiously-
3 named defendants is responsible in some manner for the occurrences herein alleged
4 and that Mrs. Schroit's damages as herein alleged were proximately caused by those
5 defendants.

6 5. At all times mentioned herein, Mrs. Schroit is informed and believes,
7 and thereon alleges, that each DOE defendant was the agent or employee of BDJ
8 and was acting in the course of such agency and employment.

9 6. Mrs. Schroit is the widow of Rabbi Philip Schroit. Rabbi Schroit died
10 in August 2002. Rabbi Schroit became the rabbi of BDJ in 1948, and he officially
11 retired fifty years later, in 1998. After 1998, he held the title of Rabbi Emeritus.
12 Mrs. Schroit was married to Rabbi Schroit throughout the time that he was the
13 Rabbi of BDJ, and was his wife at time of his death.

14 7. Not later than January 1986, Rabbi Schroit expressed his desire to the
15 BDJ Board to establish a fund for his retirement. The Board and Rabbi Schroit
16 discussed this and agreed that, for tax-planning purposes, BDJ would establish
17 certain bank accounts for this purpose.

18 8. On or about January 22, 1986, BDJ established an account (account
19 number 9-009625-6) at Union Federal Savings and Loan Association (the "CD
20 Account") and deposited \$100,000 into the account to fund the purchase of a
21 \$100,000 certificate of deposit. The account was titled in the name of "Bnai David
22 Judea Rabbi Schroit Retirement Trust, Allan W. Wolfson, Trustee."

23 9. At the same time, a money market account (account 9-305811-3) in the
24 same name was established to hold the interest earned on the \$100,000 CD in the
25 CD Account (the "Money Market Account"). Collectively, the \$100,000 deposited
26 into the CD Account and funds reflecting the interest accrued in the rollover Money
27 Market Account are referred to hereafter as the "Rabbi Retirement Funds".

28 10. As reflected in the name of the accounts, the Rabbi Retirement Funds

1 were established to provide retirement funds for Rabbi Schroit under a program that
2 would allow the funds to grow through a tax-deferred strategy.

3 11. As a result of various banking mergers between 1986 and the present,
4 Citibank became the depository bank for the CD Account and the Money Market
5 Account. As of January 2006, the two accounts bore account numbers 732-000-
6 8167 (Certificate of Deposit) and 732-400-4980 (Money Market rollover account).

7 12. As of November 2005, the account statements for the Money Market
8 Account were sent to Mrs. Schroit's home address. The addressee of the statements
9 was "Bnai David Judea Congregation for Rabbi Philip Schroit."

10 13. As of November 2005, the amount in the Money Market rollover
11 interest account was approximately \$41,500, while the amount of the CD remained
12 \$100,000. Accordingly, the Rabbi Retirement Funds totaled approximately
13 \$141,500.

14 14. These accounts were established with the intent to create an irrevocable
15 trust for the benefit of Rabbi Schroit as a means of providing tax-deferred
16 compensation to him for his retirement or, in the event of his death, to Mrs. Schroit
17 as his widow and intestate successor.

18 15. Notwithstanding the foregoing, within the past two years BDJ has
19 taken the position that it is the owner of the CD Account and the Money Market
20 Account; that it is entitled to exclusive possession of the CD Account and the
21 Money Market Account and all funds contained therein; that it owns all of the Rabbi
22 Retirement Funds; and that Mrs. Schroit has no entitlement to any of the Rabbi
23 Retirement Funds. Indeed, despite the fact that BDJ is not the Trustee on the
24 accounts, BDJ and DOES 1 through 15 have caused Citigroup to alter the accounts,
25 change the names on the accounts, change the address to which the account
26 statements are sent, and to deny Mrs. Schroit access to any information regarding
27 the accounts or to the funds contained therein.

28 16. Despite repeated demands by Mrs. Schroit upon BDJ for the Rabbi

1 Retirement Funds and access to the CD Account and the Money Market Account,
2 BDJ has repeatedly denied such demands and continuously asserted that it is the
3 rightful owner of the funds and the accounts. As a result, BDJ has denied Mrs.
4 Schroit, the octogenarian widow of BDJ's rabbi for five decades, access to the
5 retirement funds established by her husband to help provide for her in her senior
6 years of life.

7 17. When Mrs. Schroit made demand upon BDJ for these funds, BDJ
8 stated that it would deny Mrs. Schroit access to other retirement funds she is
9 receiving if she followed through with her demand to attempt to obtain access to
10 these funds through legal means, despite the fact that BDJ has no legal basis or
11 authority to support this threat against an elderly widow.

12 18. The conduct of BDJ and DOES 1 through 25 constitutes elder abuse as
13 defined in Welfare & Institutions Code § 15610.30.

14 **FIRST CAUSE OF ACTION**
15 **(Conversion)**

16 19. Plaintiff incorporates by this reference the allegations in paragraphs 1
17 through 18, above, as though they were set forth in full at this point.

18 20. At all times herein mentioned, plaintiff was, and still is, entitled to
19 possession of the Rabbi Retirement Funds contained in the CD Account and the
20 Money Market Account.

21 21. At a date uncertain but within the past two years, defendant BDJ and
22 DOES 1 through 25 took the property described above and converted the same to
23 BDJ's own use by causing Citibank to change the name on the account and
24 transferring the funds to BDJ's own use.

25 22. At the time BDJ and DOES 1 through 25 converted the property, they
26 were guilty of malice, oppression, and a willful and conscious disregard for the
27 rights of Mrs. Schroit in that each defendant, without making any investigation and
28 with reckless indifference and willful and conscious disregard of the rights of any

1 person who may have had an interest in the converted property, and particularly for
2 the rights of plaintiff, did convert the property.

3 23. Further, after knowledge and notice of Mrs. Schroit's interest in the
4 converted property was given to defendants, defendants failed and refused, and
5 continue to fail and refuse, to return the property. By reason of these acts Mrs.
6 Schroit has been oppressed and seeks punitive and exemplary damages against the
7 DOE defendants, and will seek leave of Court to amend this Complaint to seek
8 punitive damages against BDJ.

9 **SECOND CAUSE OF ACTION**

10 **(Violation of Elder Abuse and Dependent Adult Civil Protection Act)**

11 24. Plaintiff incorporates by this reference the allegations in paragraphs 1
12 through 23, above, as though they were set forth in full at this point.

13 25. As the intestate successor to her husband, Mrs. Schroit had the right to
14 have the Rabbi Retirement Funds transferred or made readily available to her, and
15 Defendants knew or should have known that she had this right.

16 26. Within the last two years, through the acts of BDJ and DOES of taking,
17 appropriating and/or retaining the Rabbi Retirement Funds, or assisting in said
18 taking, appropriating and/or retaining the Rabbi Retirement Funds for a wrongful
19 use or with the intent to defraud, Mrs. Schroit was harmed and deprived of her right
20 to use and enjoy said funds.

21 27. Defendants' conduct was a substantial factor in causing Mrs. Schroit's
22 harm.

23 28. Defendants' conduct was undertaken with recklessness, oppression,
24 fraud or malice, and plaintiff seeks punitive and exemplary damages, and all other
25 damages and compensation available under the Elder Abuse and Dependent Adult
26 Civil Protection Act, Welfare & Institutions Code § 15657.5(a) against all DOE
27 defendants, and will seek leave of Court to amend this Complaint to seek punitive
28 damages against BDJ.

1 **THIRD CAUSE OF ACTION**

2 **(Negligence)**

3 29. Plaintiff incorporates paragraphs 1 through 28 inclusive herein, as if set
4 forth in full at this point.

5 30. Defendants and each of them owed Mrs. Schroit a duty of care, which
6 each one breached, thereby causing plaintiff to experience foreseeable harm and
7 injury.

8 31. Defendants owed a duty to Mrs. Schroit to preserve and maintain the
9 funds that had been deposited into the CD Account and the Money Market Account
10 for the benefit of her husband, Rabbi Philip Schroit, and upon his death for her
11 benefit, and to make them available to her upon her demand.

12 32. Defendants have breached their duty to Mrs. Schroit by refusing to
13 provide the funds that were for her benefit, despite her repeated demands for such
14 funds, which has caused Mrs. Schroit foreseeable injuries and damages.

15 33. Mrs. Schroit has repeatedly demanded that the Rabbi Retirement Funds
16 be remitted to her and asserted her entitlement to such funds. Mrs. Schroit has
17 repeatedly demanded that BDJ provide any and all evidence that supports its
18 assertion that it is the rightful beneficiary of the CD Account and the Money Market
19 Account notwithstanding the names on the accounts and Mrs. Schroit's assertion to
20 the contrary, yet BDJ has provided no evidence whatsoever to support its assertion.

21 34. As a proximate result of Defendants' failure to comply with its duty to
22 Mrs. Schroit as the rightful owner of and claimant to the Rabbi Retirement Funds,
23 Mrs. Schroit has suffered general damages in an amount according to proof.

24 **FOURTH CAUSE OF ACTION**

25 **(BREACH OF FIDUCIARY DUTY)**

26 35. Plaintiff incorporates paragraphs 1 through 34 as though fully set forth
27 herein.

28 36. In taking the Rabbi Retirement Funds of Rabbi Schroit and establishing

1 the CD Account and the Money Market Account, BDJ and the DOE defendants
2 became the agent for Rabbi Schroit and for Mrs. Schroit as his legal wife, and
3 subsequently as his widow and intestate successor. BDJ owed Rabbi Schroit and
4 Mrs. Schroit a fiduciary duty in their handling and maintenance of such funds.

5 37. Defendants breached that duty and the correlative duties of loyalty and
6 care by, among other things, treating the Rabbi Retirement Funds as their own; by
7 changing the names on the CD Account and the Money Market Account and the
8 addresses to which statements on these accounts were sent to deny Mrs. Schroit
9 access to the Rabbi Retirement Funds or to information regarding said accounts or
10 funds; by failing upon request to provide information regarding the Rabbi
11 Retirement Funds to Mrs. Schroit; by failing to properly account for the Rabbi
12 Retirement Funds upon demand by Mrs. Schroit; by failing timely to pay the Rabbi
13 Retirement Funds to Mrs. Schroit upon her demand; by denying the existence of
14 Mrs. Schroit's rights in the Rabbi Retirement Funds, the CD Account or the Money
15 Market Account; and by otherwise misusing the Rabbi Retirement Funds for BDJ's
16 own benefit and not for the benefit of Mrs. Schroit.

17 38. The foregoing damaged Mrs. Schroit, among other ways, in that the
18 conduct of BDJ and Does has prevented Mrs. Schroit from enjoying the benefit and
19 use of the Rabbi Retirement Funds in her advanced years of life, and Mrs. Schroit
20 has incurred expenses in enforcing her rights as the rightful owner and claimant of
21 the Rabbi Retirement Funds, all in an amount to be proved at the time of trial.

22 39. The aforementioned conduct of Defendants was willful and malicious
23 and was intended to oppress and cause injury to Mrs. Schroit, in conscious disregard
24 of her rights, and Mrs. Schroit will seek an award of punitive and exemplary
25 damages against the DOE defendants, and will seek leave of Court to amend this
26 Complaint to seek punitive damages against BDJ.

1 **FIFTH CAUSE OF ACTION**

2 **(Violation of Cal. Bus. & Prof. Code § 17200)**

3 40. Plaintiff incorporates paragraphs 1 through 39 inclusive herein, as if set
4 forth in full at this point.

5 41. The acts of BDJ described above constitute an unlawful, unfair or
6 fraudulent business act or practice in violation of California Business & Professions
7 Code § 17200.

8 42. BDJ's act or practice of denying Mrs. Schroit access to the Rabbi
9 Retirement Funds violates the Elder Abuse and Dependent Adult Civil Protection
10 Act and, consequently, constitutes an unlawful business act or practice within the
11 meaning of Business and Professions Code § 17200.

12 43. As a direct and proximate result of the aforementioned acts, BDJ
13 received and continues to hold the Rabbi Retirement Funds belonging to Mrs.
14 Schroit.

15
16 WHEREFORE, Mrs. Schroit prays judgment against defendants, and each of
17 them, as follows:

18 44. For the value of the Rabbi Retirement Funds;

19 45. For interest at the legal rate on the foregoing sum pursuant to Section
20 3336 of the Civil Code;

21 46. For issuance of a protective order and/or temporary restraining order
22 pursuant to Welfare and Institutions Code § 15657.03;

23 47. For an accounting;

24 48. Pursuant to Business and Professions Code section 17203 and pursuant
25 to the equitable powers of this Court, Mrs. Schroit prays that defendants be
26 preliminarily and permanently enjoined from asserting ownership, dominion or
27 control over the Rabbi Retirement Funds;

28 49. Pursuant to Business and Professions Code § 17203 and pursuant to the

SUMMONS
(CITACION JUDICIAL)

SUM-100

NOTICE TO DEFENDANT:

(AVISO AL DEMANDADO):

B'NAI DAVID-JUDEA CONGREGATION, a California corporation, and DOES 1 through 25

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

YOU ARE BEING SUED BY PLAINTIFF:

(LO ESTÁ DEMANDANDO EL DEMANDANTE):

SHIRLEY SCHROIT, an individual

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.

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.courtinfo.ca.gov/selfhelp/espanol/), 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.courtinfo.ca.gov/selfhelp/espanol/) o poniéndose en contacto con la corte o el colegio de abogados locales.

The name and address of the court is:

(El nombre y dirección de la corte es):

LOS ANGELES COUNTY SUPERIOR COURT
Central District
111 North Hill Street
Los Angeles, CA 90012

CASE NUMBER:
(Número del Caso):

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):

Thomas V. Reichert 310-201-2100
Bird, Marella, et al.
1875 Century Park East, 23rd Floor
Los Angeles, CA 90067-2561

DATE:

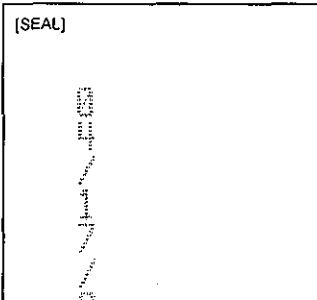
Clerk, by _____, Deputy
(Fecha) *(Secretario)* *(Adjunto)*

(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):

Thomas V. Reichert (SNB 171299)
Bird, Marella, Boxer, Wolpert, et al.
1875 Century Park East
23rd Floor
Los Angeles, CA 90067-2561

TELEPHONE NO.: 310-201-2100 FAX NO.: 310-201-2110

ATTORNEY FOR (Name): Shirley Schroit

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

STREET ADDRESS: 111 North Hill Street

MAILING ADDRESS:

CITY AND ZIP CODE: Los Angeles, CA 90012

BRANCH NAME: Central

CASE NAME: Schroit v. B'nai David-Judea

FILED
LOS ANGELES SUPERIOR COURT

APR 17 2008

JOHN A. CLARKE, CLERK

BY SHAUNYA WESLEY, DEPUTY

CASE NUMBER:

BC389152

JUDGE:

DEPT:

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)

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

Auto (22)
 Uninsured motorist (46)

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

Asbestos (04)
 Product liability (24)
 Medical malpractice (45)
 Other PI/PD/WD (23)

Non-PI/PD/WD (Other) Tort

Business tort/unfair business practice (07)
 Civil rights (08)
 Defamation (13)
 Fraud (16)
 Intellectual property (19)
 Professional negligence (25)
 Other non-PI/PD/WD tort (35)

Employment

Wrongful termination (36)
 Other employment (15)

Contract

Breach of contract/warranty (06)
 Rule 3.740 collections (09)
 Other collections (09)
 Insurance coverage (18)
 Other contract (37)

Real Property

Eminent domain/Inverse condemnation (14)
 Wrongful eviction (33)
 Other real property (26)

Unlawful Detainer

Commercial (31)
 Residential (32)
 Drugs (38)

Judicial Review

Asset forfeiture (05)
 Petition re: arbitration award (11)
 Writ of mandate (02)
 Other judicial review (39)

Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400-3.403)

Antitrust/Trade regulation (03)
 Construction defect (10)
 Mass tort (40)
 Securities litigation (28)
 Environmental/Toxic tort (30)
 Insurance coverage claims arising from the above listed provisionally complex case types (41)

Enforcement of Judgment

Enforcement of judgment (20)

Miscellaneous Civil Complaint

RICO (27)
 Other complaint (not specified above) (42)

Miscellaneous Civil Petition

Partnership and corporate governance (21)
 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): five

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

6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: April 16, 2008

Thomas V. Reichert (SNB 171299)

(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

**CIVIL CASE COVER SHEET ADDENDUM AND STATEMENT OF LOCATION
(CERTIFICATE OF GROUNDS FOR ASSIGNMENT TO COURTHOUSE LOCATION)**

This form is required pursuant to LASC 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 3 HOURS/ DAYS

Item II. Select 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 Los Angeles Superior Court Local Rule 2.0.

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

1. Class Actions must be filed in the County 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.

	A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Auto Tort	Auto (22)	<input type="checkbox"/> A7100 Motor Vehicle - Personal Injury/Property Damage/Wrongful Death	1., 2., 4.
	Uninsured Motorist (46)	<input type="checkbox"/> A7110 Personal Injury/Property Damage/Wrongful Death – Uninsured Motorist	1., 2., 4.
Other Personal Injury/Property Damage/Wrongful Death Tort	Asbestos (04)	<input type="checkbox"/> A6070 Asbestos Property Damage	2.
		<input type="checkbox"/> A7221 Asbestos - Personal Injury/Wrongful Death	2.
	Product Liability (24)	<input type="checkbox"/> A7260 Product Liability (not asbestos or toxic/environmental)	1., 2., 3., 4., 8.
	Medical Malpractice (45)	<input type="checkbox"/> A7210 Medical Malpractice - Physicians & Surgeons	1., 2., 4.
		<input type="checkbox"/> A7240 Other Professional Health Care Malpractice	1., 2., 4.
Other Personal Injury Property Damage Wrongful Death (23)	<input type="checkbox"/> A7250 Premises Liability (e.g., slip and fall)	1., 2., 4.	
	<input type="checkbox"/> A7230 Intentional Bodily Injury/Property Damage/Wrongful Death (e.g., assault, vandalism, etc.)	1., 2., 4.	
	<input type="checkbox"/> A7270 Intentional Infliction of Emotional Distress	1., 2., 3.	
	<input type="checkbox"/> A7220 Other Personal Injury/Property Damage/Wrongful Death	1., 2., 4.	
Non-Personal Injury/Property Damage/Wrongful Death Tort	Business Tort (07)	<input type="checkbox"/> A6029 Other Commercial/Business Tort (not fraud/breach of contract)	1., 2., 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.

**CIVIL CASE COVER SHEET ADDENDUM
 AND STATEMENT OF LOCATION**

A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Professional Negligence (25)	A6017 Legal Malpractice <input type="checkbox"/> A6050 Other Professional Malpractice (not medical or legal) <input type="checkbox"/>	1., 2., 3.
Other (35)	A6025 Other Non-Personal Injury/Property Damage tort <input type="checkbox"/>	2., 3.
Wrongful Termination (36)	A6037 Wrongful Termination <input type="checkbox"/>	1., 2., 3.
Other Employment (15)	A6109 Labor Commissioner Appeals <input type="checkbox"/> A6024 Other Employment Complaint Case <input type="checkbox"/>	1., 2., 3., 10.
Breach of Contract Warranty (06) (not insurance)	A6004 Breach of Rental/Lease Contract (not Unlawful Detainer or wrongful eviction) <input type="checkbox"/> A6008 Contract/Warranty Breach - Seller Plaintiff (no fraud/negligence) <input type="checkbox"/> A6019 Negligent Breach of Contract/Warranty (no fraud) <input type="checkbox"/> A6028 Other Breach of Contract/Warranty (not fraud or negligence) <input type="checkbox"/>	2., 5., 1., 2., 5.
Collections (09)	A6002 Collections Case-Seller Plaintiff <input type="checkbox"/> A6012 Other Promissory Note/Collections Case <input type="checkbox"/>	2., 5., 6.
Insurance Coverage (18)	A6015 Insurance Coverage (not complex) <input type="checkbox"/>	1., 2., 5., 8.
Other Contract (37)	A6009 Contractual Fraud <input checked="" type="checkbox"/> A6031 Tortious Interference <input type="checkbox"/> A6027 Other Contract Dispute(not breach/insurance/fraud/negligence) <input type="checkbox"/>	1., 2., 3., 5., 1., 2., 3., 5., 1., 2., 3., 8.
Eminent Domain/Inverse Condemnation (14)	A7300 Eminent Domain/Condemnation Number of parcels _____ <input type="checkbox"/>	2.
Wrongful Eviction (33)	A6023 Wrongful Eviction Case <input type="checkbox"/>	2., 6.
Other Real Property (26)	A6018 Mortgage Foreclosure <input type="checkbox"/> A6032 Quiet Title <input type="checkbox"/> A6060 Other Real Property (not eminent domain, landlord/tenant, foreclosure) <input type="checkbox"/>	2., 6., 2., 6., 2., 6.
Unlawful Detainer - Commercial (31)	A6021 Unlawful Detainer-Commercial (not drugs or wrongful eviction) <input type="checkbox"/>	2., 6.
Unlawful Detainer - Residential (32)	A6020 Unlawful Detainer-Residential (not drugs or wrongful eviction) <input type="checkbox"/>	2., 6.
Unlawful Detainer - Drugs (38)	A6022 Unlawful Detainer-Drugs <input type="checkbox"/>	2., 6.
Asset Forfeiture (05)	A6108 Asset Forfeiture Case <input type="checkbox"/>	2., 6.
Petition re Arbitration (11)	A6115 Petition to Compel/Confirm/Vacate Arbitration <input type="checkbox"/>	2., 5.

Judicial Review Unlawful Detainer Real Property Contract Employment Non-Personal Injury/Property Damage/ Wrongful Death Tort (Cont'd.)

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	A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Judicial Review (Cont'd.)	Writ of Mandate (02)	<input type="checkbox"/> A6151 Writ - Administrative Mandamus	2., 8.
		<input type="checkbox"/> A6152 Writ - Mandamus on Limited Court Case Matter	2.
		<input type="checkbox"/> A6153 Writ - Other Limited Court Case Review	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
<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.

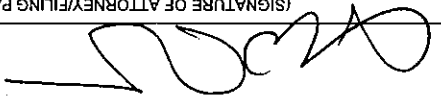
**CIVIL CASE COVER SHEET ADDENDUM
AND STATEMENT OF LOCATION**

1. Original Complaint or Petition.
2. If filing a Complaint, a completed Summons form for issuance by the Clerk.
3. Civil Case Cover Sheet form CM-010.
4. Complete Addendum to Civil Case Cover Sheet form LACIV 109 (Rev 01/07), LASC Approved 03-04.
5. Payment in full of the filing fee, unless fees have been waived.
6. Signed order appointing the Guardian ad Litem, JC form FL-935, if the plaintiff or petitioner is a minor under 18 years of age, or if required by Court.
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.

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

Dated: April 16, 2008

Thomas V. Reichert
(SIGNATURE OF ATTORNEY/FILING PARTY)



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 COUNTY SUPERIOR courthouse in the CENTRAL District of the Los Angeles Superior Court (Code Civ. Proc., § 392 et seq., and LASC Local Rule 2.0, subs. (b), (c) and (d)).

CITY: Los Angeles		STATE: CA	ZIP CODE: 90035
REASON: CHECK THE NUMBER UNDER COLUMN C WHICH APPLIES IN THIS CASE		ADDRESS: 8906 West Pico Boulevard	
<input type="checkbox"/> 1. <input type="checkbox"/> 2. <input checked="" 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.			

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.

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