

SUMMONS
(CITACION JUDICIAL)

NOTICE TO DEFENDANT:
(AVISO AL DEMANDADO):

CALIFORNIA DEPARTMENT OF CORRECTIONS AND
REHABILITATION; JANICE NELSON; and DOES 1-50, inclusive

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

CHARLES THOMPSON

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

FILED
Superior Court Of California,
Sacramento
05/19/2017
jinora
By _____, Deputy
Case Number:
34-2017-00212776

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

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

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

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

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

The name and address of the court is:

(El nombre y dirección de la corte es): **SACRAMENTO SUPERIOR COURT**
720 NINTH STREET, SACRAMENTO, CA 95814

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):
Keith D. Cable, Esq., CABLE GALLAGHER, 101 Parkshore Dr., Ste. 100, Folsom, CA 95630, 916-608-7995

DATE:
(Fecha)

MAY 19 2017

Clerk, by
(Secretario)

J. MORA

, Deputy
(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):

CALIFORNIA DEPARTMENT OF CORRECTIONS AND

3. on behalf of (specify): **REHABILITATION**

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): **416.50 (public, entity)**
4. by personal delivery on (date):

Page 1 of 1

1 Keith D. Cable, Esq., CA SBN 170055
2 **CABLE GALLAGHER**
3 101 Parkshore Drive, Suite 100
4 Folsom, CA 95630
5 Telephone: (916) 608-7995
6 Facsimile: (916) 608-7986

7 Attorneys for Plaintiff
8 **CHARLES THOMPSON**

FILED
Superior Court Of California
Sacramento
05/19/2017
jinora
By _____, Deputy
Case Number:
34-2017-00212776

9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
10 **COUNTY OF SACRAMENTO**

11 **CHARLES THOMPSON,**

12 Plaintiff,

13 vs.

14 **CALIFORNIA DEPARTMENT OF**
15 **CORRECTIONS AND REHABILITATION;**
16 **JANICE NELSON; and DOES 1-50, inclusive,**

Defendants.

Case No.:

COMPLAINT FOR DAMAGES

[AMOUNT DEMANDED EXCEEDS
\$25,000]

DEMAND FOR JURY TRIAL

17 **COMPLAINT**

18 Plaintiff **CHARLES THOMPSON** complains of Defendants **CALIFORNIA**
19 **DEPARTMENT OF CORRECTIONS AND REHABILITATION, JANICE NELSON, and**
20 **DOES 1-50, and each of them, and alleges as follows:**

21 1. At all relevant times referenced in the Complaint, Plaintiff **CHARLES**
22 **THOMPSON** was employed as an adult education teacher at Pelican Bay State Prison,

File by Fax

1 a California correctional facility operated by Defendant CALIFORNIA DEPARTMENT OF
2 CORRECTIONS AND REHABILITATION.

3 2. At all relevant times referenced in the Complaint, Defendant JANICE
4 NELSON and DOES 1-50, and each of them, was employed by Defendant CALIFORNIA
5 DEPARTMENT OF CORRECTIONS AND REHABILITATION as the school principal at
6 Pelican Bay State Prison and was Plaintiff's direct supervisor.

7 3. At all relevant times referenced in the Complaint, Defendant CALIFORNIA
8 DEPARTMENT OF CORRECTIONS AND REHABILITATION was and is a public agency
9 of the State of California conducting business throughout the state, including Sacramento
10 County, California. Defendant CALIFORNIA DEPARTMENT OF WATER RESOURCES
11 was, at all relevant times, the employer of Plaintiff and Defendant JANICE NELSON.

12 4. Plaintiff is ignorant of the true names and capacities of defendants sued
13 herein as DOES 1-50, inclusive, and therefore sues these defendants by such fictitious
14 names. Plaintiff will seek leave to amend the Complaint to allege their true names and
15 capacities when those names have been ascertained.

16 5. Defendants and DOES 1-50, and each of them, at all times herein
17 mentioned, were the agents and employees of their co-defendants and in doing the things
18 hereinafter alleged were acting within the course and scope of such agency and with the
19 permission, consent, knowledge, and ratification of their co-defendants.

1 **JURISDICTION, VENUE AND ADMINISTRATIVE REQUIREMENTS**

2 6. Plaintiff hereby adopts and incorporates by reference paragraphs 1
3 through 5, inclusive, and repleads the allegations contained therein as though fully set
4 forth herein.

5 7. At all times relevant to this Complaint, Defendants and DOES 1-50, and
6 each of them, regularly employed five or more persons, bringing all Defendants within
7 the provisions of California Government Code Section 12900, *et seq.*, which prohibits
8 employers from harassing employees, retaliating against employees, discriminating
9 against employees, or creating an environment where harassment, retaliation, or
10 discrimination is tolerated.

11 8. Plaintiff has exhausted his administrative remedies prior to filing his
12 Complaint. Moreover, Plaintiff's government claim and his FEHA claims are timely since
13 he pursued an internal complaint procedure and thus the claims deadlines are subject
14 to equitable tolling pursuant to California law.

15 **FIRST CAUSE OF ACTION**
16 **(VIOLATION OF GOVERNMENT CODE § 12940(j), *et seq.*)**
17 **(Harassment – Hostile Work Environment)**
 (Against all Defendants)

18 9. Plaintiff hereby adopts and incorporates by reference paragraphs 1
19 through 8, inclusive, and repleads the allegations contained therein as though fully set
20 forth herein.

21 10. California Government Code §12940(j), *et al.* makes it unlawful for an
22 employer or a supervisor to harass an employee because of the race or gender of the

1 person. Likewise, the FEHA make an employer strictly liable for workplace harassment
2 by a supervisor. Plaintiff is a male African-American and military veteran.

3 11. Defendants and DOES 1-50, and each of them, violated Government
4 Code § 12940(j), *et al.* by creating a hostile work environment and subjecting Plaintiff to
5 harassment, conduct and comments on the basis of Plaintiff's race and gender.

6 12. The harassment complained of in this Complaint was based on race and
7 gender.

8 13. The harassment complained of was so severe or pervasive as to alter the
9 conditions of Plaintiff's employment and create an abusive working environment.

10 14. Specifically, Defendant JANICE NELSON stated to Plaintiff:

11 (a) *"Boy just doesn't want to follow orders"*

12 (b) *"You have a problem taking orders from women"*

13 (c) Being referred to in the workplace as *"boy"* and *"pimp"*.

14 15. As a direct, foreseeable, and proximate result of the harassment by
15 Defendants and DOES 1-50, and each of them, Plaintiff's rights under the FEHA were
16 violated causing him to suffer, and continue to suffer, humiliation, embarrassment, and
17 mental and emotional distress thereby entitling Plaintiff to recover general and
18 compensatory damages, attorney's fees, and costs.

19 16. The acts committed by Defendants and DOES 1-50, and each of them, as
20 described in this Complaint, were also oppressive, fraudulent, and malicious, thus
21 entitling Plaintiff to an award of punitive damages.

SECOND CAUSE OF ACTION
(VIOLATION OF GOVERNMENT CODE § 12940(h), et seq.)
(Retaliation)
(Against all Defendants)

17. Plaintiff hereby adopts and incorporates by reference paragraphs 1 through 16, inclusive, and repleads the allegations contained therein as though fully set forth herein.

18. California Government Code §12940(h) makes it unlawful for an employer, or supervisors involved in harassment, to retaliate against "any person" who engages in protected activities.

19. Defendants and DOES 1-50, and each of them, violated Government Code § 12940(h) by retaliating against Plaintiff for participating in a protected activity, to wit: filing internal complaints of harassment and discrimination against Defendant JANICE NELSON with the EEO and Internal Affairs.

20. As a result of the retaliation, Plaintiff suffered adverse employment actions which materially affected the terms, conditions, or privileges of his employment. For example, after Plaintiff complained of Defendant JANICE NELSON's harassment and discrimination, Defendant JANICE NELSON responded with a false accusation claiming Plaintiff prevented her from leaving her office. In addition, Plaintiff learned of indirect threats from a third-party that Defendant JANICE NELSON's husband intended to "deal" with Plaintiff. This resulted in Plaintiff seeking a restraining order in Del Norte County.

21. The retaliatory conduct by Defendants and DOES 1-50, and each of them, was a substantial factor in causing Plaintiff's harm.

1 27. As a direct, foreseeable, and proximate result of the discrimination by
2 Defendants and DOES 1-50, and each of them, Plaintiff's rights under the FEHA were
3 violated causing him to suffer, and continue to suffer, humiliation, embarrassment, and
4 mental and emotional distress thereby entitling Plaintiff to recover general and
5 compensatory damages, attorney's fees, and costs.

6 **FOURTH CAUSE OF ACTION**
7 **(INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS)**
8 **(Against Defendant Nelson)**

9 28. Plaintiff hereby adopts and incorporates by reference paragraphs 1
10 through 27, inclusive, and repleads the allegations contained therein as though fully set
11 forth herein.

12 29. The intentional conduct of Defendant JANICE NELSON and DOES 1-50,
13 and each of them, in harassing, retaliating against, and discriminating against Plaintiff, as
14 herein described, was outrageous and was intended to cause Plaintiff to suffer extreme
15 emotional distress.

16 30. As a direct, foreseeable, and proximate result of the emotional distress
17 intentionally inflicted upon Plaintiff by Defendant JANICE NELSON and DOES 1-50,
18 and each of them, Plaintiff's suffered, and continues to suffer, humiliation,
19 embarrassment, and mental and emotional distress thereby entitling Plaintiff to recover
20 general and special damages according to proof at trial.

21 31. The intentional infliction of emotional distress described herein was done
22 with malice, hatred, and ill will toward Plaintiff, and with the intent and desire to injure him.
Because of the malice directed toward Plaintiff by Defendant JANICE NELSON and

1 DOES 1-50, and each of them, in inflicting emotional distress upon Plaintiff, Plaintiff is
2 entitled to an award of punitive damages in an amount to be proven at trial.

3 **FIFTH CAUSE OF ACTION**
4 **NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS**
5 **(Against Defendant Nelson)**

6 32. Plaintiff hereby adopts and incorporates by reference paragraphs 1
7 through 31, inclusive, and repleads the allegations contained therein as though fully set
8 forth herein.

9 33. Defendant JANICE NELSON and DOES 1-50, and each of them, owed a
10 duty of reasonable and due care toward Plaintiff so as not to harass, discriminate against,
11 or retaliate against Plaintiff, or inflict him with emotional distress.

12 34. Defendant JANICE NELSON and DOES 1-50, and each of them, breached
13 said duty of reasonable and due care owed to Plaintiff by harassing him, discriminating
14 against him, or retaliating against him, and inflicting him with emotional distress.

15 35. As a direct, foreseeable, and proximate result of the emotional distress
16 negligently inflicted upon Plaintiff by Defendant JANICE NELSON and DOES 1-50, and
17 each of them, Plaintiff's suffered, and continues to suffer, humiliation, embarrassment,
18 and mental and emotional distress thereby entitling Plaintiff to recover general and
19 special damages according to proof at trial.

20 **RELIEF REQUESTED:**

21 Plaintiff prays that this Court award damages and provide relief as follows:

22 A. General damages according to proof;

B. Special damages according to proof, including wage loss;

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- C. Punitive damages according to proof;
- D. Attorney's fees and costs, according to proof;
- E. For such other and further relief as the Court may deem just and proper.

Dated this 18 day of May 2017.

CABLE GALLAGHER

By: 

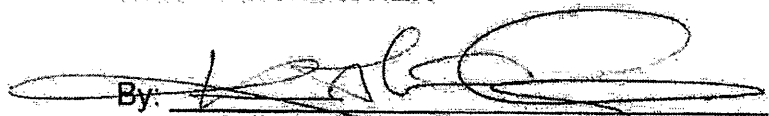
Keith D. Cable, Esq.
Attorney for Plaintiff
CHARLES THOMPSON

DEMAND FOR JURY TRIAL

Plaintiff hereby demands a jury trial for all claims which a jury is permitted.

Dated this 18 day of May 2017.

CABLE GALLAGHER

By: 

Keith D. Cable, Esq.
Attorney for Plaintiff
CHARLES THOMPSON

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):
KEITH D. CABLE, ESQ. (SBN 170055)
CABLE GALLAGHER
101 PARKSHORE DRIVE, STE. 100
FOLSOM, CA 95630
 TELEPHONE NO.: **916-608-7995** FAX NO.: **916-608-7986**
 ATTORNEY FOR (Name): **Plaintiff CHARLES THOMPSON**

FOR COURT USE ONLY

FILED
Superior Court Of California
Sacramento
05/19/2017
jinora
 By _____, Deputy
Case Number:
14-2017-00212776

CASE NUMBER: _____
 JUDGE: _____
 DEPT: _____

SUPERIOR COURT OF CALIFORNIA, COUNTY OF **SACRAMENTO**
 STREET ADDRESS: **720 NINTH STREET**
 MAILING ADDRESS: **720 NINTH STREET**
 CITY AND ZIP CODE: **SACRAMENTO, CA 95814**
 BRANCH NAME: _____

GASE NAME:
Charles Thompson v. California Department of Corrections and Rehab.

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)

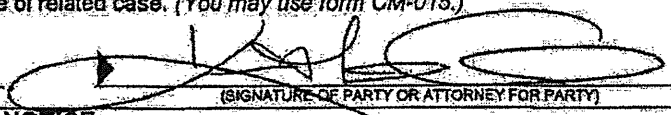
Items 1-6 below must be completed (see instructions on page 2).

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

<p>Auto Tort</p> <input type="checkbox"/> Auto (22) <input type="checkbox"/> Uninsured motorist (46) <p>Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort</p> <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) <p>Non-PI/PD/WD (Other) Tort</p> <input type="checkbox"/> Business tort/unfair business practice (07) <input type="checkbox"/> Civil rights (08) <input type="checkbox"/> Defamation (13) <input type="checkbox"/> Fraud (16) <input type="checkbox"/> Intellectual property (19) <input type="checkbox"/> Professional negligence (25) <input type="checkbox"/> Other non-PI/PD/WD tort (35) <p>Employment</p> <input type="checkbox"/> Wrongful termination (36) <input checked="" type="checkbox"/> Other employment (15)	<p>Contract</p> <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) <p>Real Property</p> <input type="checkbox"/> Eminent domain/inverse condemnation (14) <input type="checkbox"/> Wrongful eviction (33) <input type="checkbox"/> Other real property (26) <p>Unlawful Detainer</p> <input type="checkbox"/> Commercial (31) <input type="checkbox"/> Residential (32) <input type="checkbox"/> Drugs (38) <p>Judicial Review</p> <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)	<p>Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400-3.403)</p> <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) <p>Enforcement of Judgment</p> <input type="checkbox"/> Enforcement of judgment (20) <p>Miscellaneous Civil Complaint</p> <input type="checkbox"/> RICO (27) <input type="checkbox"/> Other complaint (not specified above) (42) <p>Miscellaneous Civil Petition</p> <input type="checkbox"/> Partnership and corporate governance (21) <input type="checkbox"/> Other petition (not specified above) (43)
------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

2. This case is is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:
- | | |
|--------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------|
| a. <input type="checkbox"/> Large number of separately represented parties | d. <input type="checkbox"/> Large number of witnesses |
| b. <input type="checkbox"/> Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve | e. <input type="checkbox"/> Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court |
| c. <input type="checkbox"/> Substantial amount of documentary evidence | f. <input type="checkbox"/> Substantial postjudgment judicial supervision |
3. Remedies sought (check all that apply): a. monetary b. nonmonetary, declaratory or injunctive relief c. punitive
4. Number of causes of action (specify): **5**
5. This case is is not a class-action suit.
6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

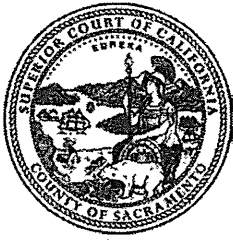
Date: **MAY 19, 2017**
KEITH D. CABLE, ESQ.
 (TYPE OR PRINT NAME)


 (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.

FILE BY FAX



SUPERIOR COURT OF CALIFORNIA
COUNTY OF SACRAMENTO
SACRAMENTO, CALIFORNIA, 95814
916-874-5522
WWW.SACCOURT.CA.GOV

ALTERNATIVE DISPUTE RESOLUTION INFORMATION PACKAGE

Recognizing that many civil disputes can be resolved without the time and expense of traditional civil litigation, the Superior Court of California, County of Sacramento (Sacramento County Superior Court), strongly encourages parties in civil cases to explore and pursue the use of Alternative Dispute Resolution.

What is Alternative Dispute Resolution?

Alternative Dispute Resolution (ADR) is the general term applied to a wide variety of dispute resolution processes which are alternatives to lawsuits. Types of ADR processes include:

- Arbitration
- Mediation
- Settlement Conferences
- Private judging
- Neutral evaluation
- Mini-trials
- Negotiation and *hybrids* of these processes

All ADR processes offer a partial or complete alternative to traditional court litigation for resolving disputes. At the present time, the Sacramento County Superior Court offers Mediation and Arbitration.

What are the advantages of using ADR?

ADR can have a number of advantages over traditional court litigation.

- * **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 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 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 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.

Arbitration and Mediation

Although there are many different types of ADR processes, the types most commonly used to resolve disputes in California state courts are Arbitration and Mediation. The Sacramento County Superior Court currently offers pre-screened panelists with experience and training in each of the following areas.

Arbitration. An Arbitrator hears evidence presented by the parties, makes legal rulings, determines facts and makes an Arbitration award. Arbitration awards may be entered as judgments in accordance with the agreement of the parties or, where there is no agreement, in accordance with California statutes. Arbitration can be binding if the parties so agree in writing. If there is no such agreement, either party can reject the Arbitration award and request a trial.



Mediation. Mediation is a voluntary, informal, confidential process in which the Mediator, a neutral third party, facilitates settlement negotiations. The Mediator improves communication by and among the parties, helps parties clarify facts, identify legal issues, explore options and arrive at a mutually acceptable resolution of the dispute.

Litigants are encouraged to use an ADR process as early in the case as circumstances permit. All appropriate cases will be reviewed for referral to ADR at the Case Management Conference(CMC).

ADR Procedures for the Sacramento County Superior Court

Upon filing a complaint or cross-complaint, the plaintiff/cross-complainant must acquire this information package from the Court's Website, <http://www.saccourt.ca.gov>, or the Superior Court Clerk. Plaintiff is required to include the ADR Information Package when he or she serves the Complaint on the Defendant.

The court's ADR Panel List is available on-line at <http://www.saccourt.ca.gov> or may be obtained at the Civil Filing Counter at the Gordon D. Schaber Sacramento County Courthouse, 720 Ninth Street, Room 101, Sacramento, CA 95814.

Mediation.

All parties to the dispute may voluntarily agree to submit the case to a neutral Mediator, either through a court-appointment or through a private arrangement. The parties may choose either of the following Mediation choices:

Private Mediation. Parties to a civil action agree to mediate their dispute with a Mediator of their choice without court assistance. The cost of Mediation must be borne by the parties equally unless the parties agree otherwise. Parties will be charged an amount as set by the Mediator (refer to the ADR Panel List for current rates).

Court Mediation. Upon stipulation of the parties, a Mediator and alternate Mediator will be selected from the court-approved list of neutrals (ADR Panel List). The court will confirm the selected Mediator and notice parties by mail.

The Mediator is then responsible for contacting the parties to confirm a date, time, and place for Mediation. Mediators on the court's approved ADR Panel List have agreed to provide up to three (3) hours of pro-bono Mediation. In the event the Mediation extends beyond 3 hours and parties determine it would be beneficial to continue the Mediation process; the parties will independently be responsible for compensating the Mediator in an amount as set by the Mediator.

UNLIMITED CIVIL CASES

- A *Stipulation and Order to Mediation – Unlimited Civil Cases*, Form CVE-MED-179 (see attached) may be filed with the court at any time up to 15 calendar days prior to the Case Management Conference.
- If the parties do not stipulate to Mediation prior to their CMC, they may indicate their willingness to stipulate to Mediation at the CMC. In that event, parties must submit a *Stipulation and Order to Mediation – Unlimited Civil Cases* within 14 calendar days after their CMC.
- A *Mediation Statement* must be filed with the *Case Management Statement*.

LIMITED CIVIL CASES

- Parties may select and conduct voluntary Private Mediation without notification to the Court.
- Parties may stipulate to court mediation by filing a *Stipulation and Order to Arbitration/Mediation - Limited Civil Cases* form (CVE-203) at any time after the filing of the Limited Civil Case Status Memorandum form (CVE-202). This form is located on the court's website at <http://www.saccourt.ca.gov>. A *Stipulation and Order to Arbitration/Mediation – Limited Civil Cases* MUST be filed concurrently or subsequent to a Limited Civil Case Status Memorandum.



Arbitration

UNLIMITED CIVIL CASES

- Plaintiff may elect, the parties may stipulate, or the judge may Order the case to Arbitration. Parties will be asked to select an Arbitrator and three alternate Arbitrators from the court's ADR Panel List. The court will send a Notice of Appointment and an appropriate Order to Arbitration to all parties.
- Arbitrations are conducted pursuant to California Rules of Court, rules 3.810 through 3.830, and Local Rules Chapter 2, Part 5. Unless otherwise stipulated, an Award of Arbitrator is not binding upon the parties provided that they file a timely Request for Trial De Novo pursuant to California Rules of Court, rule 3.826. Upon the filing of a timely Request for Trial De Novo, the case will proceed to a Trial-Setting Conference. If no timely Request for Trial De Novo is filed, judgment based upon the Award of Arbitrator will be entered pursuant to California Rules of Court, rule 3.827.

LIMITED CIVIL CASES

Arbitration may occur in a limited civil case under the following circumstances:

- When all parties stipulate to arbitration pursuant to Code of Civil Procedure section 1141.12. A stipulation for arbitration shall be filed using the Court's local form, Stipulation and Order to Arbitration/Mediation – Limited Civil Cases form (CV/E-203). A Stipulation and Order to Arbitration/Mediation – Limited Civil Cases MUST be filed concurrently or subsequent to a Limited Civil Case Status Memorandum form (CV/E-202).
- When plaintiff elects to refer the case to judicial arbitration. A written election by the plaintiff to submit an action or proceeding to arbitration shall be filed using the Court's local form, Limited Civil Case Status Memorandum form (CV/E-202).

Additional Information

For additional information regarding the Court's ADR program, please go to the Court's website <http://www.saccourt.ca.gov>.