

PLD-PI-001

SHORT TITLE: CARR RUSH v. AMAZON.COM, INC., et al.	CASE NUMBER:
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4. Plaintiff (name):
 is doing business under the fictitious name (specify):

and has complied with the fictitious business name laws.

5. Each defendant named above is a natural person

- a. **except** defendant (name): **AMAZON.COM, INC** c. **except** defendant (name):
- | | |
|--|--|
| (1) <input type="checkbox"/> a business organization, form unknown | (1) <input type="checkbox"/> a business organization, form unknown |
| (2) <input checked="" type="checkbox"/> a corporation | (2) <input type="checkbox"/> a corporation |
| (3) <input type="checkbox"/> an unincorporated entity (describe): | (3) <input type="checkbox"/> an unincorporated entity (describe): |
| (4) <input type="checkbox"/> a public entity (describe): | (4) <input type="checkbox"/> a public entity (describe): |
| (5) <input type="checkbox"/> other (specify): | (5) <input type="checkbox"/> other (specify): |

- b. **except** defendant (name):
- (1) a business organization, form unknown
 - (2) a corporation
 - (3) an unincorporated entity (describe):
 - (4) a public entity (describe):
 - (5) other (specify):

- d. **except** defendant (name):
- (1) a business organization, form unknown
 - (2) a corporation
 - (3) an unincorporated entity (describe):
 - (4) a public entity (describe):
 - (5) other (specify):

Information about additional defendants who are not natural persons is contained in Attachment 5.

6. The true names of defendants sued as Does are unknown to plaintiff.

- a. Doe defendants (specify Doe numbers): 1 to 10 were the agents or employees of other named defendants and acted within the scope of that agency or employment.
- b. Doe defendants (specify Doe numbers): 11 to 25 are persons whose capacities are unknown to plaintiff.

7. Defendants who are joined under Code of Civil Procedure section 382 are (names):

8. This court is the proper court because

- a. at least one defendant now resides in its jurisdictional area.
- b. the principal place of business of a defendant corporation or unincorporated association is in its jurisdictional area.
- c. injury to person or damage to personal property occurred in its jurisdictional area.
- d. other (specify):

9. Plaintiff is required to comply with a claims statute, and

- a. has complied with applicable claims statutes, or
- b. is excused from complying because (specify):

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10. The following causes of action are attached and the statements above apply to each (each complaint must have one or more causes of action attached):

- a. Motor Vehicle
- b. General Negligence
- c. Intentional Tort
- d. Products Liability
- e. Premises Liability
- f. Other (specify):

11. Plaintiff has suffered

- a. wage loss
- b. loss of use of property
- c. hospital and medical expenses
- d. general damage
- e. property damage
- f. loss of earning capacity
- g. other damage (specify):

12. The damages claimed for wrongful death and the relationships of plaintiff to the deceased are

- a. listed in Attachment 12.
- b. as follows:

13. The relief sought in this complaint is within the jurisdiction of this court.

14. Plaintiff prays for judgment for costs of suit; for such relief as is fair, just, and equitable; and for

- a. (1) compensatory damages
- (2) punitive damages

The amount of damages is (in cases for personal injury or wrongful death, you must check (1)):

- (1) according to proof
- (2) in the amount of: \$

15. The paragraphs of this complaint alleged on information and belief are as follows (specify paragraph numbers):

Date: September 30, 2015

DAVID H. RICKS, ESQ.

(TYPE OR PRINT NAME)



(SIGNATURE OF PLAINTIFF OR ATTORNEY)

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SHORT TITLE: CARR RUSH v. AMAZON.COM, INC., et al.	CASE NUMBER:
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FIRST **CAUSE OF ACTION—General Negligence** Page 4
(number)

ATTACHMENT TO Complaint Cross - Complaint

(Use a separate cause of action form for each cause of action.)

GN-1. Plaintiff (name): LINEAH CARR RUSH

alleges that defendant (name): AMAZAON.COM, INC.

Does 1 to 25

was the legal (proximate) cause of damages to plaintiff. By the following acts or omissions to act, defendant negligently caused the damage to plaintiff

on (date): September 29, 2014

at (place): 1910 E Central Avenue, San Bernardino, California 92408

(description of reasons for liability):

Ms. Rush was an employee of Defendant AMAZON.COM at the San Bernardino distribution center. Mrs. Rush was off work for a period of time due to a pregnancy associated illness. Approximately a week or two prior to the incident of September 29, 2014, Mrs. Rush returned to work and performed her normal duties. On the date her paycheck it was not properly processed. . It was arranged that on Monday, September 29, 2014, on her day off from work, she would come by the Human Resources Department and would receive a check. She arrived on site at approximately 6:00 p.m. Mrs. Rush went into the HR department and took a seat in front of an Amazon employee working for the HR department. Unfortunately, Mrs. Rush does not know the woman's name and is identified herein as DOE 1.

After speaking for about 15 minutes, Mrs. Rush was feeling uncomfortable because her fetus was moving. Mrs. Rush stood up, faced towards the wall and away from the room, and stretched her arms and back. In doing so, Mrs. Rush's shirt lifted up over her pregnant abdomen thereby exposing her pants and the fact that her pants were not buttoned and could not be buttoned at the front due to her advanced stage of pregnancy. At that moment, DOE 1, chastised Mrs. Rush for her pants being open at the front and indicated that this was inappropriate at the facility. At this point, DOE 1 told Mrs. Rush that she was going to fix her pants and took an industrial duty rubber band, wrapped it between the two edges of the open pants, and cinched it tight to close the gap. Mrs. Rush was shocked by the action but was submissive because she was within her employer's place of business.

For the next forty-five minutes, Mrs. Rush was required to sit and wait in the HR department for a person to issue the paycheck. While sitting and waiting, Mrs. Rush could feel the waistband of the pants was gathered tight across her pregnant belly and she could feel her child kicking initially following the tightening of the rubber band. Frustrated with waiting and being advised that the check could not be ready that evening, Mrs. Rush left the facility to rejoin her mother who was waiting outside in the car during the hour and thirty minutes Mrs. Rush was in the building.

Page 1 of 1

GENERAL NEGLIGENCE 1 (CON'T)

1
2 As soon as Mrs. Rush got out of the building and was walking to her mother's car, she attempted to
3 remove the rubber band, however, because the rubber band was so tight and so heavy, she did not
4 have the strength to remove it. Her mother secured some fingernail clippers and finally clipped the
5 rubber band off. Mrs. Rush recalls seeing marks of the waistband around her mid-section once the
6 pants came loose. She also recalls, that from near the end of the time she was in HR, and thereafter,
7 she never felt the baby move again.

8 That evening, concerned, yet hoping that the baby was merely asleep, Mrs. Rush rubbed her
9 pregnant belly, took a bath and remained awake during the night. By 5:30 a.m., on September 30,
10 2014, Mrs. Rush was very concerned because she had not felt the baby move for about the last 10
11 hours. She contacted her insurance company and her physician and was instructed by both to
12 immediately go to the hospital emergency room. Mrs. Rush's doctor met her and her husband at the
13 hospital. An ultrasound was performed and the baby was found to be dead. Her doctor was shocked
14 since at the last visit, which was less than a week prior, the baby was perfectly healthy and well
15 developed. Mrs. Rush was induced to deliver her still born son. He was born on October 1, 2014.

16 Upon the delivery of the now deceased baby boy, the child was born with his eyes and mouth
17 wide open as if the baby was screaming in terror. His face was fully discolored from the color of
18 his body. There was no cord around the neck of the infant and the placenta was properly intact.

19 Due to the sudden lack of movement following the placement of the rubber band on Mrs.
20 Rush's pants and the otherwise unexplained death of the child, it is concluded that the unsolicited,
21 unnecessary and inappropriate actions of DOE 1, in taking it upon herself to cinch tight Mrs. Rush's
22 pants, caused causing the death of Plaintiff's fetus. Plaintiff suffered severe emotional stress,
23 depression, distress and loss due to the actions of DOE 1, in her capacity as an employee of
24 Defendant AMAZON.COM.

25 Plaintiff seeks damages caused to her in an amount according to proof at trial.
26
27
28

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SHORT TITLE: CARR RUSH v. AMAZON.COM, et al.	CASE NUMBER
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SECOND **CAUSE OF ACTION—Intentional Tort** Page 5
(number)

ATTACHMENT TO Complaint Cross - Complaint

(Use a separate cause of action form for each cause of action.)

IT-1. Plaintiff (name): LINEAH CARR RUSH

alleges that defendant (name): DOE 1, employee of Defendant AMAZON.COM

Does 2 to 25

was the legal (proximate) cause of damages to plaintiff. By the following acts or omissions to act, defendant intentionally caused the damage to plaintiff
on (date) September 29, 2015
at (place) 1910 E Central Avenue, San Bernardino, California 92408

(description of reasons for liability):

Ms. Rush was an employee of Defendant AMAZON.COM at the San Bernardino distribution center. Mrs. Rush was off work for a period of time due to a pregnancy associated illness. Approximately a week or two prior to the incident of September 29, 2014, Mrs. Rush returned to work and performed her normal duties. On the date her paycheck it was not properly processed. It was arranged that on Monday, September 29, 2014, on her day off from work, she would come by the Human Resources Department and would receive a check. She arrived on site at approximately 6:00 p.m. Mrs. Rush went into the HR department and took a seat in front of an Amazon employee working for the HR department. Unfortunately, Mrs. Rush does not know the woman's name and is identified herein as DOE 1.

After speaking for about 15 minutes, Mrs. Rush was feeling uncomfortable because her fetus was moving. Mrs. Rush stood up, faced towards the wall and away from the room, and stretched her arms and back. In doing so, Mrs. Rush's shirt lifted up over her pregnant abdomen thereby exposing her pants and the fact that her pants were not buttoned and could not be buttoned at the front due to her advanced stage of pregnancy. At that moment, DOE 1, chastised Mrs. Rush for her pants being open at the front and indicated that this was inappropriate at the facility. At this point, DOE 1 told Mrs. Rush that she was going to fix her pants and took an industrial duty rubber band, wrapped it between the two edges of the open pants, and cinched it tight to close the gap. Mrs. Rush was shocked by the action but was submissive because she was within her employer's place of business and did not feel she had the authority to reject the unwanted takes.

This touching by DOE 1 was unwanted, unconsented to, and harmful to Plaintiff. As a direct and proximate result of this improper and harmful touching of Plaintiff, Plaintiff's fetus died. Plaintiff suffered severe emotional distress and has incurred medical expenses.

Plaintiff seeks damages for the alleged assault and battery in a sum according to proof at trial. Plaintiff seeks for damages by way of exemplary damages due to the intentional and improper conduct of DOE 1.

Page 1 of 1

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN BERNARDINO

LINEAH CARR RUSH

CASE NO.:

CIVDS1514600

vs.

By Fax

CERTIFICATE OF ASSIGNMENT

AMAZON.COM INC., et al.

A civil action or proceeding presented for filing must be accompanied by this Certificate. If the ground is the residence of a party, name and residence shall be stated.

The undersigned declares that the above-entitled matter is filed for proceedings in the CENTRAL District of the Superior Court under Rule 404 of this court for the checked reason:

- General (checked) Collection

Table with 2 columns: Nature of Action and Ground. Includes 21 items with checkboxes and corresponding descriptions.

The address of the accident, performance, party, detention, place of business, or other factor which qualifies this case for filing in the above-designed district is:

Form fields for Name, Address, City, State, and ZIP Code.

I declare, under penalty of perjury, that the foregoing is true and correct and that this declaration was executed on September 30, 2015 at Rancho Cucamonga, California

Handwritten signature of Attorney/Party

CERTIFICATE OF ASSIGNMENT

SUM-100

**SUMMONS
(CITACION JUDICIAL)**

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

AMAZON.COM INC. and DOES 1 through 25, inclusive,

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

LINEAH CARR RUSH, individually,

By Fax

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)
FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN BERNARDINO
SAN BERNARDINO CIVIL DIVISION
OCT 01 2015
By *Angelica Rodriguez*
Angelica Rodriguez Deputy

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 desachar el caso.

The name and address of the court is:
(El nombre y dirección de la corte es): SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN BERNARDINO, CENTRAL DISTRICT,
247 W. Third Street, San Bernardino, CA 92415-0210

CASE NUMBER:
(Número del Caso): CIVDS1514600

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):
David H. Ricks & Associates, 8600 Utica Ave., Ste. 200, Rancho Cucamonga, CA 91730 (909) 481-0100

DATE:
(Fecha)

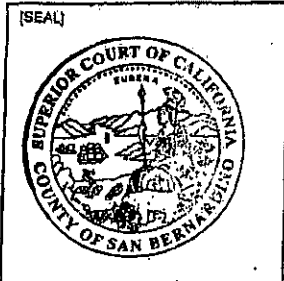
OCT 01 2015

Clerk, by
(Secretaria)

Angelica Rodriguez

Deputy
(Adjunto)

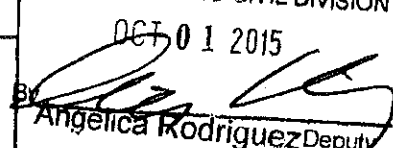
(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)
(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010).) Angelica Rodriguez



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 416.80 (authorized person)
 - other (specify):
- 4. by personal delivery on (date):

CM-010

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): DAVID H. RICKS, Esq., SBN 132575 DAVID H. RICKS & ASSOCIATES 8600 Utica Avenue, Suite 200 Rancho Cucamonga, CA 91730 TELEPHONE NO.: 909-481-0100 FAX NO.: 909-481-5858 ATTORNEY FOR (Name): Plaintiff LINEAH CARR RUSH	By Fax	FOR COURT USE ONLY FILED SUPERIOR COURT OF CALIFORNIA COUNTY OF SAN BERNARDINO SAN BERNARDINO CIVIL DIVISION OCT 01 2015 By  Angelica Rodriguez Deputy
SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN BERNARDINO STREET ADDRESS: 247 W. Third Street MAILING ADDRESS: CITY AND ZIP CODE: San Bernardino, California 92415-0210 BRANCH NAME: Central District		CASE NUMBER: <div style="text-align: right; font-size: 1.2em;">CIVDS1514600</div>
CASE NAME: LINEAH CARR RUSH vs. AMAZON.COM INC.		JUDGE: DEPT:
CIVIL CASE COVER SHEET <input checked="" type="checkbox"/> Unlimited (Amount demanded exceeds \$25,000) <input type="checkbox"/> Limited (Amount demanded is \$25,000 or less)	Complex Case Designation <input type="checkbox"/> Counter <input type="checkbox"/> Joinder Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)	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) Other P/IPD/W/D (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 checked="" type="checkbox"/> Other P/IPD/W/D (23) Non-P/IPD/W/D (Other) Tort <input type="checkbox"/> Business tort/unfair business practice (07) <input type="checkbox"/> Civil rights (08) <input type="checkbox"/> Defamation (13) <input type="checkbox"/> Fraud (16) <input type="checkbox"/> Intellectual property (19) <input type="checkbox"/> Professional negligence (25) <input type="checkbox"/> Other non-P/IPD/W/D tort (35) Employment <input type="checkbox"/> Wrongful termination (36) <input type="checkbox"/> Other employment (15)	Contract <input type="checkbox"/> Breach of contract/warranty (06) <input type="checkbox"/> Rule 3.740 collections (09) <input type="checkbox"/> Other collections (09) <input type="checkbox"/> Insurance coverage (18) <input type="checkbox"/> Other contract (37) Real Property <input type="checkbox"/> Eminent domain/inverse condemnation (14) <input type="checkbox"/> Wrongful eviction (33) <input type="checkbox"/> Other real property (26) Unlawful Detainer <input type="checkbox"/> Commercial (31) <input type="checkbox"/> Residential (32) <input type="checkbox"/> Drugs (38) Judicial Review <input type="checkbox"/> Asset forfeiture (05) <input type="checkbox"/> Petition re: arbitration award (11) <input type="checkbox"/> Writ of mandate (02) <input type="checkbox"/> Other judicial review (39)	Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400-3.403) <input type="checkbox"/> Antitrust/Trade regulation (03) <input type="checkbox"/> Construction defect (10) <input type="checkbox"/> Mass tort (40) <input type="checkbox"/> Securities litigation (28) <input type="checkbox"/> Environmental/Toxic tort (30) <input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41) Enforcement of Judgment <input type="checkbox"/> Enforcement of judgment (20) Miscellaneous Civil Complaint <input type="checkbox"/> RICO (27) <input type="checkbox"/> Other complaint (not specified above) (42) Miscellaneous Civil Petition <input type="checkbox"/> Partnership and corporate governance (21) <input type="checkbox"/> Other petition (not specified above) (43)
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2. This case is is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:
- | | |
|--|--|
| a. <input type="checkbox"/> Large number of separately represented parties | d. <input type="checkbox"/> Large number of witnesses |
| b. <input type="checkbox"/> Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve | e. <input type="checkbox"/> Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court |
| c. <input type="checkbox"/> Substantial amount of documentary evidence | f. <input type="checkbox"/> Substantial postjudgment judicial supervision |
3. Remedies sought (check all that apply): a. monetary b. nonmonetary; declaratory or injunctive relief c. punitive
4. Number of causes of action (specify):
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: September 30, 2015
 DAVID H. RICKS, 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.

CM-010

INSTRUCTIONS ON HOW TO COMPLETE THE COVER SHEET

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/WVD (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/WVD (23)
Premises Liability (e.g., slip and fall)
Intentional Bodily Injury/PD/WVD (e.g., assault, vandalism)
Intentional Infliction of Emotional Distress
Negligent Infliction of Emotional Distress
Other PI/PD/WVD

Non-PI/PD/WVD (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/WVD 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

CIV-050

- DO NOT FILE WITH THE COURT -
-UNLESS YOU ARE APPLYING FOR A DEFAULT JUDGMENT UNDER CODE OF CIVIL PROCEDURE § 585 -

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name and Address): DAVID H. RICKS, ESQ. SBN: 132575 DAVID H. RICKS & ASSOCIATES 8600 Utica Avenue, Suite 200 Rancho Cucamonga, CA 91730 ATTORNEY FOR (name): Plaintiff LINEAH CARR RUSH	TELEPHONE NO.:	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN BERNARDINO STREET ADDRESS: 247 W. Third Street MAILING ADDRESS: CITY AND ZIP CODE: San Bernardino, California 92415-0210 BRANCH NAME: Central District		CASE NUMBER: <p align="center" style="font-size: 1.2em;">CIVDS1514600</p>
PLAINTIFF: LINEAH CARR RUSH DEFENDANT: AMAZON.COM INC.		
STATEMENT OF DAMAGES (Personal Injury or Wrongful Death)		

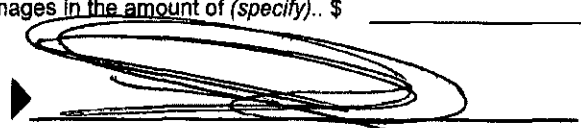
To (name of one defendant only): **AMAZON.COM INC.**
 Plaintiff (name of one plaintiff only): **LINEAH CARR RUSH**
 seeks damages in the above-entitled action, as follows:

	AMOUNT
1. General damages	
a. <input checked="" type="checkbox"/> Pain, suffering, and inconvenience	\$ 250,000.00
b. <input type="checkbox"/> Emotional distress	\$ 250,000.00
c. <input type="checkbox"/> Loss of consortium	\$ _____
d. <input type="checkbox"/> Loss of society and companionship (wrongful death actions only)	\$ _____
e. <input type="checkbox"/> Other (specify)	\$ _____
f. <input type="checkbox"/> Other (specify)	\$ _____
g. <input type="checkbox"/> Continued on Attachment 1.g.	
2. Special damages	
a. <input type="checkbox"/> Medical expenses (to date)	\$ _____
b. <input type="checkbox"/> Future medical expenses (present value)	\$ _____
c. <input type="checkbox"/> Loss of earnings (to date)	\$ _____
d. <input type="checkbox"/> Loss of future earning capacity (present value)	\$ _____
e. <input type="checkbox"/> Property damage	\$ _____
f. <input type="checkbox"/> Funeral expenses (wrongful death actions only)	\$ _____
g. <input type="checkbox"/> Future contributions (present value) (wrongful death actions only)	\$ _____
h. <input type="checkbox"/> Value of personal service, advice, or training (wrongful death actions only)	\$ _____
i. <input type="checkbox"/> Other (specify)	\$ _____
j. <input type="checkbox"/> Other (specify)	\$ _____
k. <input type="checkbox"/> Continued on Attachment 2.k.	
3. <input type="checkbox"/> Punitive damages: Plaintiff reserves the right to seek punitive damages in the amount of (specify).. \$ _____ when pursuing a judgment in the suit filed against you.	

Date: **December 9, 2015**

DAVID H. RICKS

(TYPE OR PRINT NAME)


 (SIGNATURE OF PLAINTIFF OR ATTORNEY FOR PLAINTIFF)

(Proof of service on reverse)

Page 1 of 2

CIV-050

PLAINTIFF: LINEAH CARR RUSH	CASE NUMBER:
DEFENDANT: AMAZON.COM INC.	CIVDS1514600

PROOF OF SERVICE

(After having the other party served as described below, with any of the documents identified in item 1, have the person who served the documents complete this Proof of Service. Plaintiff cannot serve these papers.)

1. I served the

- a. Statement of Damages Other (specify):
- b. on (name):
- c. by serving defendant other (name and title or relationship to person served):
- d. by delivery at home at business
 - (1) date:
 - (2) time:
 - (3) address:
- e. by mailing
 - (1) date:
 - (2) place:

2. Manner of service (check proper box):

- a. **Personal service.** By personally delivering copies. (CCP § 415.10)
- b. **Substituted service on corporation, unincorporated association (including partnership), or public entity.** By leaving, during usual office hours, copies in the office of the person served with the person who apparently was in charge and thereafter mailing (by first-class mail, postage prepaid) copies to the person served at the place where the copies were left. (CCP § 415.20(a))
- c. **Substituted service on natural person, minor, conservatee, or candidate.** By leaving copies at the dwelling house, usual place of abode, or usual place of business of the person served in the presence of a competent member of the household or a person apparently in charge of the office or place of business, at least 18 years of age, who was informed of the general nature of the papers, and thereafter mailing (by first-class mail, postage prepaid) copies to the person served at the place where the copies were left. (CCP § 415.20(b)) **(Attach separate declaration or affidavit stating acts relied on to establish reasonable diligence in first attempting personal service.)**
- d. **Mail and acknowledgment service.** By mailing (by first-class mail or airmail, postage prepaid) copies to the person served, together with two copies of the form of notice and acknowledgment and a return envelope, postage prepaid, addressed to the sender. (CCP § 415.30) **(Attach completed acknowledgment of receipt.)**
- e. **Certified or registered mail service.** By mailing to an address outside California (by first-class mail, postage prepaid, requiring a return receipt) copies to the person served. (CCP § 415.40) **(Attach signed return receipt or other evidence of actual delivery to the person served.)**
- f. **Other (specify code section):**
 additional page is attached.

3. At the time of service I was at least 18 years of age and not a party to this action.

4. Fee for service: \$

5. Person serving:

- a. California sheriff, marshal, or constable
- b. Registered California process server
- c. Employee or independent contractor of a registered California process server
- d. Not a registered California process server
- e. Exempt from registration under Bus. & Prof. Code § 22350(b)

f. Name, address and telephone number and, if applicable, county of registration and number:

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

(For California sheriff, marshal, or constable use only)
I certify that the foregoing is true and correct.

Date:

Date:

(SIGNATURE)

(SIGNATURE)

OCT 12 2015

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN BERNARDINO

San Bernardino District - Civil
247 West Third Street

San Bernardino, CA. 924150210

CASE NO: CIVDS1514600

DAVID H RICKS & ASSOCIATES
8600 UTICA AVENUE SUITE 200
RANCHO CUCAMONGA CA 91730

NOTICE OF TRIAL SETTING CONFERENCE
and NOTICE OF CASE ASSIGNMENT

IN RE: RUSH-V-AMAZON.COM INC

THIS CASE HAS BEEN ASSIGNED TO: DONNA GUNNELL GARZA IN DEPARTMENT S24
FOR ALL PURPOSES.

Notice is hereby given that the above-entitled case has been set for
Trial Setting Conference at the court located at 247 WEST THIRD STREET
SAN BERNARDINO, CA 92415-0210.

HEARING DATE: 03/30/16 at 8:30 in Dept. S24

DATE: 10/05/15 Christina M. Volkers, Clerk of the Court

By: ANGELICA RODRIGUEZ

CERTIFICATE OF SERVICE

I am a Deputy Clerk of the Superior Court for the County of San
Bernardino at the above listed address. I am not a party to this
action and on the date and place shown below, I served a copy of the
above listed notice:

Enclosed in a sealed envelope mailed to the interested party
addressed above, for collection and mailing this date, following
standard Court practices.

Enclosed in a sealed envelope, first class postage prepaid in the
U.S. mail at the location shown above, mailed to the interested party
and addressed as shown above, or as shown on the attached listing.

A copy of this notice was given to the filing party at the counter

A copy of this notice was placed in the bin located at this office
and identified as the location for the above law firm's collection of
file stamped documents.

Date of Mailing: 10/05/15

I declare under penalty of perjury that the foregoing is true and
correct. Executed on 10/05/15 at San Bernardino, CA

BY: ANGELICA RODRIGUEZ

(P)