

COPY

FILED
CIVIL BUSINESS OFFICE 8
CENTRAL DIVISION

11 NOV 30 PM 3:45

CLERK-SUPERIOR COURT
SAN DIEGO COUNTY, CA

1 Michael J. Aguirre, Esq., SBN 060402
2 Christopher S. Morris, Esq., SBN 163188
3 Maria C. Severson, Esq., SBN 173967
4 AGUIRRE, MORRIS & SEVERSON LLP
5 444 West C Street, Suite 210
6 San Diego, CA 92101
7 Telephone: (619) 876-5364
8 Facsimile: (619) 876-5368

9 Attorneys for Plaintiff

10
11 SUPERIOR COURT OF THE STATE OF CALIFORNIA
12 COUNTY OF SAN DIEGO

13 RAY LUTZ,

14 Plaintiff,

15 v.

16 CBRE Group, Inc., a Delaware corporation;
17 and DOE DEFENDANTS 1 through 100,

18 Defendants.

Case No. 37-2011-00101822-CU-NP-CTL

COMPLAINT FOR:

**FALSE IMPRISONMENT; INTENTIONAL
INFLECTION OF EMOTIONAL DISTRESS**

JURY TRIAL DEMANDED

1 1. Ray Lutz is a long-time San Diego County resident. He was born in La Mesa,
2 California. Mr. Lutz was raised in El Cajon and attended Granite Hills High School. Mr. Lutz
3 attended Grossmont Community College and San Diego State University, where he received his
4 undergraduate degree and Master's of Science in Electronics Engineering. He married his wife
5 Jill in 1987, and they have two sons, Austin and Garrett. They have lived in the El Cajon area
6 throughout their marriage. Mr. Lutz began his career at the Naval Ocean Systems Center in San
7 Diego working in the field of defense communication technology. In 2010, Mr. Lutz was the
8 Democratic Party nominee for the United States Congress in California's 52nd Congressional
9 District.

10 2. On 29 November 2011 Mr. Lutz was eligible to register citizens to register to vote
11 in California. He was a citizen of the United States, a resident of California, over 18 years of age,
12 not in prison or on parole for the conviction of a felony, and not declared to be mentally
13 incompetent by a court.

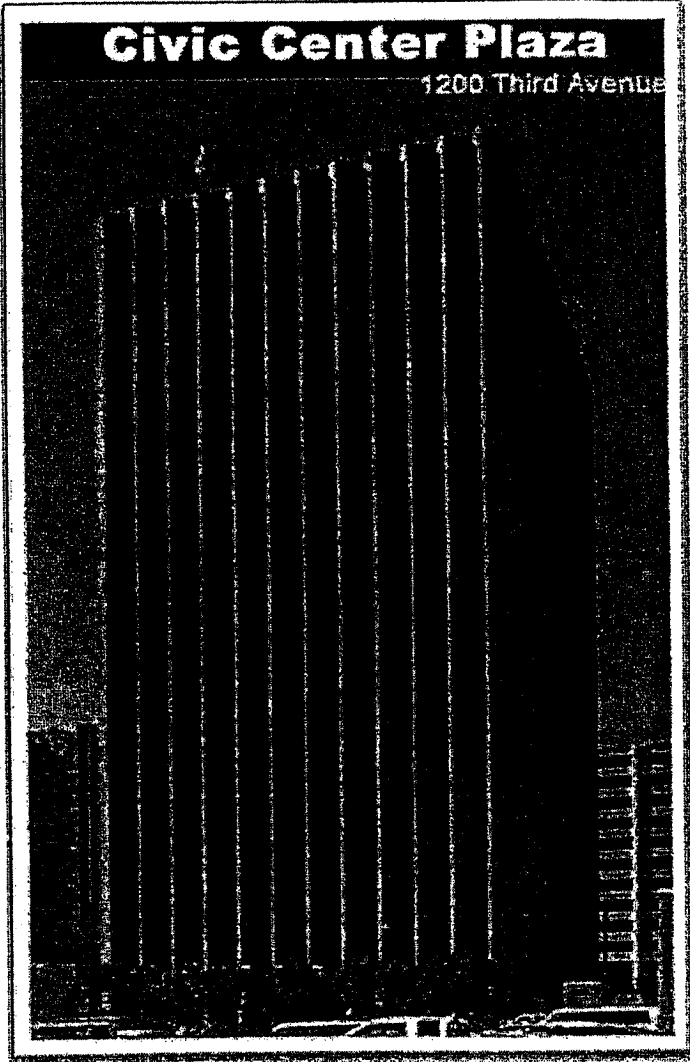
14 3. On 29 November 2011 Mr. Lutz was physically present at the San Diego Civic
15 Center Plaza located at 1200 Third Avenue in San Diego, California – a plaza bordered by
16 municipal buildings and offices, including those of elected officials of the City of San Diego. Mr.
17 Lutz possessed a supply of blank affidavits of registration. Mr. Lutz attempted to register to vote
18 citizens present at the Civic Center Plaza. In order to make it possible for citizens to fill out the
19 affidavits of voter registration Mr. Lutz provided a small card table to provide support for the
20 affidavits while they were being filled out by prospective registrants.

21 4. Mr. Lutz was registering a college student for the first time in her life to register as
22 was her right and privilege to do when he was arrested as described below.

23 5. Mr. Lutz set up his table at a location in front of the San Diego Civic Center
24 building which is managed by the CBRE Group, Inc. ("CBRE") or one of its affiliated
25 subsidiaries. CBRE manages the building located on the property at the Civic Center Plaza in
26 San Diego that forms part of the public plaza. Several City of San Diego governmental bodies
27 maintain office space in the building. The location at which Mr. Lutz was attempting to register
28 voters is regularly used to hold public events, news conferences. These events are held on a

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

regular basis without obtaining the permission of CBRE on any other party. The building on the Civic Center Plaza is shown here:



6. Defendant CBRE Group, Inc. (CBRE) (formerly known as CB Richard Ellis Group Inc.,) operates as a commercial real estate services company worldwide. It provides advisory services, which include real estate services, such as strategic advice and execution to owners, investors, and occupiers of real estate in connection with leasing, disposition, and acquisition of property; capital markets services comprising investment sales property advisory services, as well as the origination, sale, and service of commercial mortgage loans; and valuation

1 services consisting of market value appraisals, litigation support, discounted cash flow analyses,
2 and feasibility and fairness opinions.

3 7. CBRE is one of the world's largest commercial real estate services firm, based on
4 2008 revenue, with leading full-service operations in major metropolitan areas throughout the
5 world. Defendant CBRE also offers outsourcing services that comprise a suite of corporate
6 services, including transaction management, project management, facilities management,
7 strategic consulting, portfolio management, and other services to corporations, health care
8 institutions, and public sector entities with real estate portfolios. In addition, its outsourcing
9 services consist of asset services, such as property management, construction management,
10 marketing, leasing, accounting, and financial services for income-producing office, industrial, and
11 retail properties owned by local, regional, and institutional investors.

12 8. Defendant CBRE provides investment management services to pension plans,
13 foundations, endowments, and other organizations investing in real estate. Additionally, it
14 involves in real estate development and investment activities. CBRE has offered its commercial
15 real estate services under the CB Richard Ellis and CBRE brand names; and development
16 services under the Trammell Crow brand name. CBRE was formerly known as CB Richard Ellis
17 Group, Inc. and changed its name to CBRE Group, Inc. in October 2011. CBRE Group, Inc. was
18 founded in 1906 and is headquartered in Los Angeles, California.

19 9. CBRE's major owners include a variety of Wall Street firms as of September 2011
20 as illustrated in the following table:

21

22 Top Institutional Holders	Shares	% Outstanding	Value
23 GOLDMAN SACHS GROUP INC	27,060,000	8.25	\$364,227,600
24 BLUM CAPITAL PARTNERS, L.P.	24,160,514	7.37	\$325,200,518
25 STATE STREET CORPORATION	10,857,774	3.31	\$146,145,638

26
27
28

BANK of NEW YORK MELLON	9,368,622	2.86	\$126,101,652
PAULSON & CO	8,450,000	2.58	\$113,737,000

10. The Goldman Sachs Group, Inc., together with its subsidiaries, provides investment banking, securities, and investment management services to corporations, financial institutions, governments, and high-net-worth individuals worldwide. Its Investment Banking segment offers financial advisory, including advisory assignments with respect to mergers and acquisitions, divestitures, corporate defense, risk management, restructurings, and spin-offs; and underwriting securities, loans and other financial instruments, and derivative transactions.

11. State Street Corporation, through its subsidiaries, provides various financial services and products to the institutional investors worldwide. Its Investment Servicing business line offers services, such as custody, product-and participant-level accounting, daily pricing, and administration; master trust and master custody; recordkeeping; foreign exchange, brokerage, and other trading services; securities finance; deposit and short-term investment facilities; loans and lease financing; investment manager and alternative investment manager operations outsourcing; and performance, risk, and compliance analytics. This business line also provides shareholder services, including mutual fund and collective investment fund shareholder accounting.

12. State Street Corporation's Investment Management business line offers a range of services for managing financial assets, which include investment management and investment research services comprising passive and active U.S. and non-U.S. equity and fixed-income strategies, and other related services, such as securities finance. State Street Corporation serves mutual funds, collective investment funds and other investment pools, corporate and public retirement plans, insurance companies, foundations, endowments, and investment managers. State Street Corporation was founded in 1832 and is headquartered in Boston, Massachusetts.

13. Blum Capital Partners is a private equity firm that specializes in investments in both public and private companies. It typically invests in small and mid-capitalization companies

1 that have a market capitalization between \$350 million and \$3 billion. The firm takes a
2 substantial position in each business, either through the acquisition of strategic blocks of common
3 shares in the public market, privately-negotiated minority investment, or a private control
4 position. It seeks to invest in fundamentally good companies that are undervalued. The firm
5 prefers to have a seat on the boards of the portfolio companies. It typically invests with a two to
6 more than four years holding period in its portfolio companies. Blum Capital Partners was
7 founded in 1975 and is based in San Francisco, California.

8 14. State Street Corporation, through its subsidiaries, provides various financial
9 services and products to the institutional investors worldwide. Its Investment Servicing business
10 line offers services, such as custody, product-and participant-level accounting, daily pricing, and
11 administration; master trust and master custody; recordkeeping; foreign exchange, brokerage, and
12 other trading services; securities finance; deposit and short-term investment facilities; loans and
13 lease financing; investment manager and alternative investment manager operations outsourcing;
14 and performance, risk, and compliance analytics. This business line also provides shareholder
15 services, including mutual fund and collective investment fund shareholder accounting.

16 15. State Street Corp.'s Investment Management business line offers a range of
17 services for managing financial assets, which include investment management and investment
18 research services comprising passive and active U.S. and non-U.S. equity and fixed-income
19 strategies, and other related services, such as securities finance. State Street Corporation serves
20 mutual funds, collective investment funds and other investment pools, corporate and public
21 retirement plans, insurance companies, foundations, endowments, and investment managers. The
22 company was founded in 1832 and is headquartered in Boston, Massachusetts.

23 16. Paulson & Co. Inc. (PCI) is an employee owned hedge fund sponsor. The firm
24 primarily provides its services to pooled investment vehicles. It also manages accounts for
25 banking or thrift institutions, pension and profit sharing plans, and corporations. The firm
26 manages separate client-focused portfolios. It invests in the public equity markets across the
27 globe. The firm employs merger arbitrage, long/short, and event-driven strategy to make its
28 investments. It employs fundamental analysis to make its investments. The firm benchmarks the

1 performance of its investments against the S&P 500 Index. It conducts in-house research. Paulson
2 & Co. was founded in July 1994 and is based in New York, New York.

3 17. John Alfred Paulson is the President, Founder, Portfolio Manager, and Director at
4 Paulson & Co. Inc. He is the General Partner at Paulson Partners L.P. and Investment Manager at
5 Paulson International Ltd. Prior to this, Mr. Paulson was a General Partner at Gruss Partners from
6 1988 to 1992. He was a Managing Director of Mergers and Acquisitions at Bear Stearns from
7 1984 to 1988. Following Harvard Business School, Mr. Paulson was a Management Consultant at
8 Boston Consulting Group from 1980 to 1982. He was an Associate at Odyssey Partners from
9 1982 to 1984. Mr. Paulson obtained a Masters of Business Administration with high distinction,
10 as a Baker Scholar, from the Harvard Business School in 1980. He graduated, summa cum laude,
11 in Finance from New York University's College of Business and Public Administration in 1978,
12 where Mr. Paulson was Valedictorian of his class.

13 18. Plaintiff alleges each Doe defendant was an agent or employee acting on behalf
14 of the remaining defendants. Plaintiff is ignorant of the true names and capacities of Doe
15 defendants 1 through 100, and therefore sues these defendants by such fictitious names. Plaintiff
16 will amend this complaint to allege their true names and capacities when discovered.

17 UNLAWFUL CONDUCT

18 False Imprisonment

19 19. While Mr. Lutz was exercising his First Amendment rights (guaranteed by the
20 United States Constitution) and his Article 1 Section 2 rights under the California Constitution
21 and beginning the process to register voters Doe defendants 1 through 25 caused a "citizen's
22 arrest" to be made of Mr. Lutz. After the citizen's arrest was made, San Diego City police
23 officers took Mr. Lutz into custody. They handcuffed him, placed him into the back of a locked
24 police car, transported him to the San Diego City police department building and left him in the
25 back seat handcuffed with all the doors closed for approximately one hour.

26 20. This action is brought against CBRE and Doe defendants 1 through 25 for false
27 imprisonment. The citizen's arrest that resulted in Mr. Lutz being taken into custody by the San
28 Diego Police Department was an unlawful violation of Mr. Lutz' personal liberty. The citizen's

1 arrest and custodial arrest was a nonconsensual, intentional confinement of a Mr. Lutz without
2 lawful privilege.

3 21. Mr. Lutz was restrained by Doe defendants 1 through 25. The restraint was made
4 by force, both express and implied. The confinement consisted of Mr. Lutz being handcuffed,
5 held in a police car for approximately one hour with no one else in the car, confinement at the San
6 Diego police department building and confinement in the San Diego County jail. Mr. Lutz was
7 imprisoned and deprived of his liberty, forced to remain where he or she did not wish to remain
8 and to go where Mr. Lutz did not wish to go.

9 22. The restraint was accomplished by both physical force, words or conduct
10 furnishing a reasonable apprehension on the part of the Mr. Lutz that he would not be allowed to
11 leave.

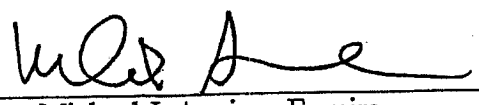
12 23. The acts of defendant(s)[, and each of them,] as herein alleged were willful,
13 wanton, malicious, and oppressive, and justify the awarding of punitive damages.

14 WHEREFORE, plaintiff prays judgment as follows:

- 15 1. For general damages according to proof;
- 16 2. For all medical and incidental expenses according to proof;
- 17 3. For all loss of earnings, past and future, according to proof;
- 18 4. For punitive damages;
- 19 5. For costs of suit herein incurred; and
- 20 6. For such other and further relief as the court may deem proper.

21 Respectfully submitted,

22 AGUIRRE, MORRIS & SEVERSON LLP

23 

24 Dated: November 30, 2011

25 Michael J. Aguirre, Esquire
26 Attorneys for Plaintiff

**SUMMONS
(CITACION JUDICIAL)**

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

CBRE; DOE DEFENDANTS 1 through 100

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

RAY LUTZ

FILED SUM-100
CIVIL DIVISION FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)
11 NOV 30 PM 3:45
CLERK-SUPERIOR COURT
SAN DIEGO COUNTY, CA

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): Superior Court of California
County of San Diego, Central District-Hall of Justice
330 West Broadway, San Diego, CA 92101

CASE NUMBER:
(Número del Caso):
37-2011-00101822-CU-NP-CTL

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):
Michael J. Aguirre, Esq., SBN 060402, 444 West C Street, Suite 210, San Diego, CA 92101 (619) 876-5364

DATE: **NOV 30 2011**
(Fecha)

Clerk, by **D. SMITH**, Deputy
(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)).

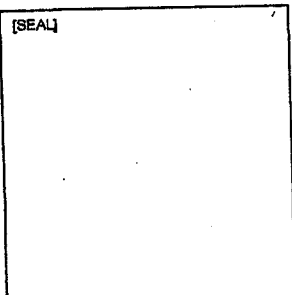
NOTICE TO THE PERSON SERVED: You are served

- 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 416.20 (defunct corporation)
 - CCP 416.40 (association or partnership)
 - other (specify):
- CCP 416.60 (minor)
 - CCP 416.70 (conservatee)
 - CCP 416.90 (authorized person)

4. by personal delivery on (date):



FILED FOR COURT USE ONLY

11 NOV 30 PM 3:45

CLERK-SUPERIOR COURT SAN DIEGO COUNTY, CA

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Michael J. Aguirre, Esq., SBN 060402 AGUIRRE, MORRIS & SEVERSON LLP 444 West C Street, Suite 210 San Diego, CA 92101 TELEPHONE NO.: (619) 876-5364 FAX NO.: ATTORNEY FOR (Name): Plaintiff

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO STREET ADDRESS: 330 West Broadway MAILING ADDRESS: CITY AND ZIP CODE: San Diego, CA 92101 BRANCH NAME: Central District-Hall of Justice

CASE NAME: Ray Lutz v. CBRE, et al.

CASE NUMBER: 37-2011-00101822-CU-NP-CTL

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

Complex Case Designation [] Counter [] Joinder Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)

JUDGE: DEPT:

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

1. Check one box below for the case type that best describes this case: Auto Tort, Other P/DPD/Wrongful Death Tort, Non-P/DPD/Wrongful Death Tort, Employment, Contract, Real Property, Unlawful Detainer, Judicial Review, Provisionally Complex Civil Litigation, Enforcement of Judgment, Miscellaneous Civil Complaint, Miscellaneous Civil Petition

- 2. This case is [] is [X] is not complex under rule 3.400 of the California Rules of Court. Factors requiring exceptional judicial management: a. Large number of separately represented parties, b. Extensive motion practice, c. Substantial amount of documentary evidence, d. Large number of witnesses, e. Coordination with related actions, f. Substantial postjudgment judicial supervision. 3. Remedies sought: a. [X] monetary, b. [] nonmonetary, c. [X] punitive. 4. Number of causes of action: Two (2). 5. This case is [] is [X] is not a class action suit. 6. If there are any known related cases, file and serve a notice of related case.

Date: November 30, 2011 Michael J. Aguirre, Esquire (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). 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.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO

STREET ADDRESS: 330 West Broadway
MAILING ADDRESS: 330 West Broadway
CITY AND ZIP CODE: San Diego, CA 92101
BRANCH NAME: Central
TELEPHONE NUMBER: (619) 450-7067

PLAINTIFF(S) / PETITIONER(S): Ray Lutz

DEFENDANT(S) / RESPONDENT(S): CBRE Group Inc

LUTZ VS. CBRE GROUP INC

NOTICE OF CASE ASSIGNMENT

CASE NUMBER:

37-2011-00101822-CU-NP-CTL

Judge: William S. Dato

Department: C-67

COMPLAINT/PETITION FILED: 11/30/2011

**ALL CASES MUST COMPLY WITH THE CIVIL REQUIREMENTS LISTED BELOW,
EXCEPT FOR PARKING CITATION APPEALS**

IT IS THE DUTY OF EACH PLAINTIFF (AND CROSS-COMPLAINANT) TO SERVE A COPY OF THIS NOTICE WITH THE COMPLAINT (AND CROSS-COMPLAINT), THE ALTERNATIVE DISPUTE RESOLUTION (ADR) INFORMATION FORM (SDSC FORM #CIV-730), A STIPULATION TO USE ALTERNATIVE DISPUTE RESOLUTION (ADR) (SDSC FORM #CIV-359), AND OTHER DOCUMENTS AS SET OUT IN SDSC LOCAL RULE 2.1.5.

ALL COUNSEL WILL BE EXPECTED TO BE FAMILIAR WITH SUPERIOR COURT RULES WHICH HAVE BEEN PUBLISHED AS DIVISION II, AND WILL BE STRICTLY ENFORCED.

TIME STANDARDS: The following timeframes apply to general civil cases and must be adhered to unless you have requested and been granted an extension of time. General civil cases consist of all civil cases except: small claims proceedings, civil petitions, unlawful detainer proceedings, probate, guardianship, conservatorship, juvenile, and family law proceedings.

COMPLAINTS: Complaints and all other documents listed in SDSC Local Rule 2.1.5 must be served on all named defendants, and a Certificate of Service (SDSC form #CIV-345) filed within 60 days of filing.

DEFENDANT'S APPEARANCE: Defendant must generally appear within 30 days of service of the complaint. (Plaintiff may stipulate to no more than 15 day extension which must be in writing and filed with the Court.) (SDSC Local Rule 2.1.6)

DEFAULT: If the defendant has not generally appeared and no extension has been granted, the plaintiff must request default within 45 days of the filing of the Certificate of Service. (SDSC Local Rule 2.1.7)

CASE MANAGEMENT CONFERENCE: A Case Management Conference will be set within 150 days of filing the complaint.

ALTERNATIVE DISPUTE RESOLUTION (ADR): THE COURT ENCOURAGES YOU TO CONSIDER UTILIZING VARIOUS ALTERNATIVES TO TRIAL, INCLUDING MEDIATION AND ARBITRATION, PRIOR TO THE CASE MANAGEMENT CONFERENCE. PARTIES MAY FILE THE ATTACHED STIPULATION TO USE ALTERNATIVE DISPUTE RESOLUTION (SDSC FORM #CIV-359).

YOU MAY ALSO BE ORDERED TO PARTICIPATE IN ARBITRATION. IF THE CASE IS ORDERED TO ARBITRATION PURSUANT TO CODE CIV. PROC. 1411.11, THE COSTS OF ARBITRATION WILL BE PAID BY THE COURT PURSUANT TO CODE CIV. PROC. 1141.28.

FOR MORE INFORMATION, SEE THE ATTACHED ALTERNATIVE DISPUTE RESOLUTION (ADR) INFORMATION FORM (SDSC FORM #CIV-730)

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 P/IPD/WD (Personal Injury/Property Damage/Wrongful Death) Tort

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

Non-P/IPD/WD (Other) Tort

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

Employment

- Wrongful Termination (36)
- Other Employment (15)

Contract

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

Real Property

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

Unlawful Detainer

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

Judicial Review

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

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

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

Enforcement of Judgment

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

Miscellaneous Civil Complaint

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

Miscellaneous Civil Petition

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



Superior Court of California
County of San Diego

NOTICE TO ALL COUNSEL

**THIS CASE HAS BEEN ASSIGNED TO AN
IMAGING DEPARTMENT**

Pursuant to the Order of this Court, the words:

“IMAGED FILE”

Shall be placed under the title of each pleading filed
subsequent to the initial case filing.

A copy of this notice shall be served on all parties with service of
the summons and complaint or other initial case filing.



Superior Court of California
County of San Diego

**NOTICE OF ASSIGNMENT
TO IMAGING DEPARTMENT**

This case has been assigned to an Imaging Department and original documents attached to pleadings filed with the court will be imaged and destroyed. Original documents should not be filed with pleadings. If necessary, they should be lodged with the court under California Rules of Court, rule 3.1302(b).

On August 1, 2011 the San Diego Superior Court began the Electronic Filing and Imaging Pilot Program ("Program"). As of August 1, 2011 in all new cases assigned to an Imaging Department all filings will be imaged electronically and the electronic version of the document will be the official court file. The official court file will be electronic and accessible at one of the kiosks located in the Civil Business Office and on the Internet through the court's website. This Program will be expanding to other civil courtrooms over time.

You should be aware that the electronic copy of the filed document(s) will be the official court record pursuant to Government Code section 68150. The paper filing will be imaged and held for 90 days. After that time it will be destroyed and recycled. **Thus, you should not attach any original documents to pleadings filed with the San Diego Superior Court. Original documents filed with the court will be imaged and destroyed except those documents specified in California Rules of Court, rule 3.1806.** Any original documents necessary for a motion hearing or trial shall be lodged in advance of the hearing pursuant to California Rules of Court, rule 3.1302(b).

It is the duty of each plaintiff, cross-complainant or petitioner to serve a copy of this notice with the complaint, cross-complaint or petition on all parties in the action.

All parties are ordered to place the words **"IMAGED FILE"** in all caps immediately under the title of the pleading on all subsequent pleadings filed in the action.

**Please refer to General Order 072511 for more details.
The General Order may be obtained from the San Diego
Superior Court website at:**

<http://www.sdcourt.ca.gov/pls/portal/docs/page/sdcourt/civil2/civilimaging/order072511.pdf>



SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO

ALTERNATIVE DISPUTE RESOLUTION (ADR) INFORMATION

CASE NUMBER: 37-2011-00101822-CU-NP-CTL CASE TITLE: Lutz vs. CBRE Group Inc

NOTICE: All plaintiffs/cross-complainants in a general civil case are required to serve a copy of the following three forms on each defendant/cross-defendant, together with the complaint/cross-complaint:

- (1) this Alternative Dispute Resolution (ADR) Information form (SDSC form #CIV-730),
- (2) the Stipulation to Use Alternative Dispute Resolution (ADR) form (SDSC form #CIV-359), and
- (3) the Notice of Case Assignment form (SDSC form #CIV-721).

Most civil disputes are resolved without filing a lawsuit, and most civil lawsuits are resolved without a trial. The courts, community organizations, and private providers offer a variety of Alternative Dispute Resolution (ADR) processes to help people resolve disputes without a trial. The San Diego Superior Court expects that litigants will utilize some form of ADR as a mechanism for case settlement before trial, and it may be beneficial to do this early in the case.

Below is some information about the potential advantages and disadvantages of ADR, the most common types of ADR, and how to find a local ADR program or neutral. A form for agreeing to use ADR is attached (SDSC form #CIV-359).

Potential Advantages and Disadvantages of ADR

ADR may have a variety of advantages or disadvantages over a trial, depending on the type of ADR process used and the particular case:

Potential Advantages

- Saves time
- Saves money
- Gives parties more control over the dispute resolution process and outcome
- Preserves or improves relationships

Potential Disadvantages

- May take more time and money if ADR does not resolve the dispute
- Procedures to learn about the other side's case (discovery), jury trial, appeal, and other court protections may be limited or unavailable

Most Common Types of ADR

You can read more information about these ADR processes and watch videos that demonstrate them on the court's ADR webpage at <http://www.sdscourt.ca.gov/adr>.

Mediation: A neutral person called a "mediator" helps the parties communicate in an effective and constructive manner so they can try to settle their dispute. The mediator does not decide the outcome, but helps the parties to do so. Mediation is usually confidential, and may be particularly useful when parties want or need to have an ongoing relationship, such as in disputes between family members, neighbors, co-workers, or business partners, or when parties want to discuss non-legal concerns or creative resolutions that could not be ordered at a trial.

Settlement Conference: A judge or another neutral person called a "settlement officer" helps the parties to understand the strengths and weaknesses of their case and to discuss settlement. The judge or settlement officer does not make a decision in the case but helps the parties to negotiate a settlement. Settlement conferences may be particularly helpful when the parties have very different ideas about the likely outcome of a trial and would like an experienced neutral to help guide them toward a resolution.

Arbitration: A neutral person called an "arbitrator" considers arguments and evidence presented by each side and then decides the outcome of the dispute. Arbitration is less formal than a trial, and the rules of evidence are usually relaxed. If the parties agree to binding arbitration, they waive their right to a trial and agree to accept the arbitrator's decision as final. With nonbinding arbitration, any party may reject the arbitrator's decision and request a trial. Arbitration may be appropriate when the parties want another person to decide the outcome of their dispute but would like to avoid the formality, time, and expense of a trial.

Other ADR Processes: There are several other types of ADR which are not offered through the court but which may be obtained privately, including neutral evaluation, conciliation, fact finding, mini-trials, and summary jury trials. Sometimes parties will try a combination of ADR processes. The important thing is to try to find the type or types of ADR that are most likely to resolve your dispute. Be sure to learn about the rules of any ADR program and the qualifications of any neutral you are considering, and about their fees.

Local ADR Programs for Civil Cases

Mediation: The San Diego Superior Court maintains a Civil Mediation Panel of approved mediators who have met certain minimum qualifications and have agreed to charge \$150 per hour for each of the first two (2) hours of mediation and their regular hourly rate thereafter in court-referred mediations.

On-line mediator search and selection: Go to the court's ADR webpage at www.sdcourt.ca.gov/adr and click on the "Mediator Search" to review individual mediator profiles containing detailed information about each mediator including their dispute resolution training, relevant experience, ADR specialty, education and employment history, mediation style, and fees and to submit an on-line Mediator Selection Form (SDSC form #CIV-005). The Civil Mediation Panel List, the Available Mediator List, individual Mediator Profiles, and Mediator Selection Form (CIV-005) can also be printed from the court's ADR webpage and are available at the Mediation Program Office or Civil Business Office at each court location.

Settlement Conference: The judge may order your case to a mandatory settlement conference, or voluntary settlement conferences may be requested from the court if the parties certify that: (1) settlement negotiations between the parties have been pursued, demands and offers have been tendered in good faith, and resolution has failed; (2) a judicially supervised settlement conference presents a substantial opportunity for settlement; and (3) the case has developed to a point where all parties are legally and factually prepared to present the issues for settlement consideration and further discovery for settlement purposes is not required. Refer to SDSC Local Rule 2.2.1 for more information. To schedule a settlement conference, contact the department to which your case is assigned.

Arbitration: The San Diego Superior Court maintains a panel of approved judicial arbitrators who have practiced law for a minimum of five years and who have a certain amount of trial and/or arbitration experience. Refer to SDSC Local Rules Division II, Chapter III and Code Civ. Proc. § 1141.10 et seq or contact the Arbitration Program Office at (619) 450-7300 for more information.

More information about court-connected ADR: Visit the court's ADR webpage at www.sdcourt.ca.gov/adr or contact the court's Mediation/Arbitration Office at (619) 450-7300.

Dispute Resolution Programs Act (DRPA) funded ADR Programs: The following community dispute resolution programs are funded under DRPA (Bus. and Prof. Code §§ 465 et seq.):

- In Central, East, and South San Diego County, contact the National Conflict Resolution Center (NCRC) at www.ncrconline.com or (619) 238-2400.
- In North San Diego County, contact North County Lifeline, Inc. at www.nclifeline.org or (760) 726-4900.

Private ADR: To find a private ADR program or neutral, search the Internet, your local telephone or business directory, or legal newspaper for dispute resolution, mediation, settlement, or arbitration services.

Legal Representation and Advice

To participate effectively in ADR, it is generally important to understand your legal rights and responsibilities and the likely outcomes if you went to trial. ADR neutrals are not allowed to represent or to give legal advice to the participants in the ADR process. If you do not already have an attorney, the California State Bar or your local County Bar Association can assist you in finding an attorney. Information about obtaining free and low cost legal assistance is also available on the California courts website at www.courtinfo.ca.gov/selfhelp/lowcost.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO		<i>FOR COURT USE ONLY</i>
STREET ADDRESS:	330 West Broadway	
MAILING ADDRESS:	330 West Broadway	
CITY, STATE, & ZIP CODE:	San Diego, CA 92101-3827	
BRANCH NAME:	Central	
PLAINTIFF(S): Ray Lutz		CASE NUMBER: 37-2011-00101822-CU-NP-CTL
DEFENDANT(S): CBRE Group Inc		
SHORT TITLE: LUTZ VS. CBRE GROUP INC		
STIPULATION TO USE ALTERNATIVE DISPUTE RESOLUTION (ADR)		

Judge: William S. Dato

Department: C-67

The parties and their attorneys stipulate that the matter is at issue and the claims in this action shall be submitted to the following alternative dispute resolution (ADR) process. Selection of any of these options will not delay any case management timelines.

- | | |
|---|--|
| <input type="checkbox"/> Mediation (court-connected) | <input type="checkbox"/> Non-binding private arbitration |
| <input type="checkbox"/> Mediation (private) | <input type="checkbox"/> Binding private arbitration |
| <input type="checkbox"/> Voluntary settlement conference (private) | <input type="checkbox"/> Non-binding judicial arbitration (discovery until 15 days before trial) |
| <input type="checkbox"/> Neutral evaluation (private) | <input type="checkbox"/> Non-binding judicial arbitration (discovery until 30 days before trial) |
| <input type="checkbox"/> Other (specify e.g., private mini-trial, private judge, etc.): _____ | |

It is also stipulated that the following shall serve as arbitrator, mediator or other neutral: (Name) _____

Alternate neutral (for court Civil Mediation Program and arbitration only): _____

Date: _____

Date: _____

Name of Plaintiff

Name of Defendant

Signature

Signature

Name of Plaintiff's Attorney

Name of Defendant's Attorney

Signature

Signature

If there are more parties and/or attorneys, please attach additional completed and fully executed sheets.

It is the duty of the parties to notify the court of any settlement pursuant to Cal. Rules of Court, rule 3.1385. Upon notification of the settlement, the court will place this matter on a 45-day dismissal calendar.

No new parties may be added without leave of court.

IT IS SO ORDERED.

Dated: 11/30/2011

JUDGE OF THE SUPERIOR COURT