

SUMMONS  
(CITACION JUDICIAL)

SUM-100

NOTICE TO DEFENDANT:  
(AVISO AL DEMANDADO):

WYETH; and  
DOES 1 to 50, Inclusive

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

WILLIAM BARNICK, on behalf of himself and others  
similarly situated

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

CONFORMED COPY  
OF ORIGINAL FILED  
Los Angeles Superior Court

MAY 09 2007

John A. Clarke, Executive Officer/Clerk  
by EDUARDO CHANES Deputy

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](http://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](http://www.lawhelpcalifornia.org)), the California Courts Online Self-Help Center ([www.courtinfo.ca.gov/selfhelp](http://www.courtinfo.ca.gov/selfhelp)), or by contacting your local court or county bar association.

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

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, ([www.lawhelpcalifornia.org](http://www.lawhelpcalifornia.org)), en el Centro de Ayuda de las Cortes de California, ([www.courtinfo.ca.gov/selfhelp/espanol/](http://www.courtinfo.ca.gov/selfhelp/espanol/)) o poniéndose en contacto con la corte o el colegio de abogados locales.

The name and address of the court is:

(El nombre y dirección de la corte es):  
SUPERIOR COURT, COUNTY OF LOS ANGELES-UNLIMITED  
111 North Hill Street, Room 102  
P.O. Box 958  
LOS ANGELES, CA 90012  
CENTRAL DISTRICT

CASE NUMBER:  
(Número del Caso): BC370878

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):

KINGSLEY & KINGSLEY, APC (818) 990-8300 FAX (818) 990-2903  
GEORGE R. KINGSLEY, ESQ. SBN-38022  
ERIC B. KINGSLEY, ESQ. SBN-185123  
DARREN M. COHEN, ESQ. SBN-221938 16133 VENTURA BL #1200, ENCINO, CA 91436

DATE: MAY 09 2007 John A. Clarke Clerk, by EDUARDO CHANES Deputy (Adjunto) (Secretario)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)

(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).

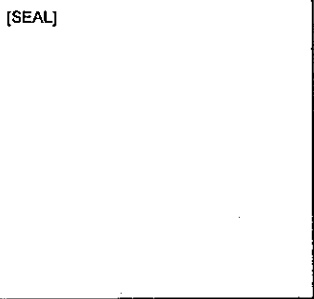
NOTICE TO THE PERSON SERVED: You are served

1.  as an individual defendant.  
2.  as the person sued under the fictitious name of (specify):

3.  on behalf of (specify):

- under:  CCP 416.10 (corporation)  CCP 416.60 (minor)  
 CCP 416.20 (defunct corporation)  CCP 416.70 (conservatee)  
 CCP 416.40 (association or partnership)  CCP 416.90 (authorized person)  
 other (specify):

4.  by personal delivery on (date):



1 KINGSLEY & KINGSLEY, APC  
2 GEORGE R. KINGSLEY, ESQ. SBN-38022  
3 ERIC B. KINGSLEY, ESQ. SBN-185123  
4 DARREN M. COHEN, ESQ. SBN-221938  
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6 16133 VENTURA BL., SUITE 1200  
7 ENCINO, CA 91436  
8 (818) 990-8300, FAX (818) 990-2903

9 IRA SPIRO  
10 GREGORY N. KARASIK  
11 SPIRO MOSS BARNES  
12 11377 W. OLYMPIC BL., 5TH FLOOR  
13 LOS ANGELES, CA 90064  
14 (310) 235-2468; FAX (310) 235-2456

15 Attorneys for Plaintiffs

**CONFORMED COPY**  
OF ORIGINAL FILED  
Los Angeles Superior Court

MAY 09 2007

John A. Clarke, Executive Officer/Clerk  
By EDUARDO CHANES Deputy

16 SUPERIOR COURT OF THE STATE OF CALIFORNIA

17 FOR THE COUNTY OF LOS ANGELES-UNLIMITED

18 WILLIAM BARNICK, on behalf )  
19 of himself and others )  
20 similarly situated, )

21 Plaintiffs, )

22 v. )

23 WYETH; and )  
24 DOES 1 to 50, Inclusive, )  
25 Defendants. )

CASE NO.: **BC370878**

CLASS ACTION COMPLAINT FOR:

1. Failure to Pay Overtime
2. Meal Break Premium Pay Under Labor §226.7
3. Rest Break Premium Pay Under Labor Code §226.7
4. Violation of Labor Code §226(a)
5. Wages Pursuant to Labor Code §203
6. Violation of Business & Professions Code §17200

26 Plaintiff WILLIAM BARNICK on behalf of himself and all others  
27 similarly situated, complain of defendants, and each of them, as  
28 follows:

I

INTRODUCTION

1. This is a Class Action, pursuant to Code of Civil Procedure §382, on behalf of plaintiff and all individuals who hold or held the position of "Pharmaceutical Representative" who are

1 employed by, or formerly employed by WYETH, and any subsidiaries or  
2 affiliated companies (hereinafter referred to as "WYETH" or  
3 "defendants") within the State of California.

4 2. In this pleading, the term "Pharmaceutical Representative"  
5 means all persons who have been, are, or in the future will be  
6 employed by any of the Defendants in any job whose title is or was  
7 referred to by any of the following titles, and employees who  
8 performed substantially the same work as employees with those  
9 titles (discovery may reveal additional titles and employees that  
10 should be included):

- 11 a. Medical Sales Representative
- 12 b. Territory Manager
- 13 c. Senior Territory Manager
- 14 d. Professional Territory Manager

15 3. For at least four (4) years prior to the filing of this  
16 action continuing to the present, defendants have had a consistent  
17 policy of failing to pay overtime to all "Pharmaceutical  
18 Representatives" for all work over eight (8) hours per day or forty  
19 (40) per week.

20 4. For at least four (4) years prior to the filing of this  
21 action and continuing to the present, defendants have had a  
22 consistent policy of requiring "Pharmaceutical Representatives"  
23 within the State of California, including plaintiff, to work at  
24 least five (5) hours without an uninterrupted meal period and  
25 failing to pay such employees one (1) hour of pay at the employees  
26 regular rate of compensation for each workday that the meal period  
27 is not provided or provided after five (5) hours, as required by  
28 California state wage and hour laws.



1 and similarly situated persons as "Pharmaceutical Representatives"  
2 within California.

3 10. Defendant WYETH, a foreign corporation, has not designated  
4 a principal place of business with the California Secretary of  
5 State, therefore can be sued in any county. Therefore, the proper  
6 venue for this complaint is Los Angeles.

7 III

8 FACTUAL BACKGROUND

9 11. Defendant hires "Pharmaceutical Representatives" who work  
10 throughout California. These employees work in non-exempt  
11 positions and on a regular basis work over eight (8) hours per day  
12 or over forty (40) hours per week without the proper overtime  
13 compensation. In addition, plaintiff and the members of the class  
14 were regularly required to work in excess of five (5) hours per  
15 day, without being provided a meal period and work days in excess  
16 of three and one-half hours (3 1/2) without being provided a rest  
17 period.

18 12. Plaintiff and the proposed class are, and at all times  
19 pertinent hereto, have been non-exempt employees within the meaning  
20 of the California Labor Code, and the implementing rules and  
21 regulations of the IWC California Wage Orders.

22 13. Plaintiff and the class members did not sell tangible or  
23 intangible items nor obtain orders nor contracts for products,  
24 services nor use of facilities. Therefore, the outside sales  
25 explanation would not be applicable.

26 14. Defendants' requirement that plaintiff and the members of  
27 the class work over eight (8) hours per day and/or forty (40) hours  
28 per week without the proper overtime compensation was willful and

1 deliberate. Defendants' willfully failed to pay overtime  
2 compensation when each employee quit or was discharged.

3 15. Defendants' requirement that plaintiff and the class work  
4 through meal and rest periods without paying legal compensation for  
5 failure to provide meal and rest periods was willful and  
6 deliberate. Defendants willfully failed to pay one hours wages in  
7 lieu of meal and rest periods, when each employee quit or was  
8 discharged.

9 16. Defendants have failed to comply with Industrial Welfare  
10 Commission ("IWC") Wage Order 4-2001(7) by failing to maintain time  
11 records showing when the employee begins and ends each work period,  
12 meal periods, and total daily hours worked by itemizing in wage  
13 statements all deductions from payment of wages and accurately  
14 reporting total hours worked by plaintiff and the members of the  
15 proposed class.

16 17. Plaintiff and the class are covered by California  
17 Industrial Welfare Commission Occupational Wage Order No. 4-2001,  
18 California Industrial Welfare Commission in No. 4 (Title 8 Cal.  
19 Code of Reg. §§11040).

20 18. As a "Pharmaceutical Representative", plaintiff was  
21 regularly required to:

22 (a) Work over eight (8) hours per day or forty (40) per  
23 week without being provided premium overtime pay rates; and

24 (b) Work in excess of five (5) hours per day without  
25 being provided a meal period and not being compensated one (1) hour  
26 of pay at the regular rate of compensation for each workday that a  
27 meal period was not provided or provided after five (5) hours, all  
28 in violation of California labor laws, regulations, and Industrial

1 Welfare Commission Wage Orders; and

2 (c) Work without being provided a minimum ten (10) minute  
3 rest period for every four (4) hours or major fraction thereof  
4 worked and not being compensated one (1) hour of pay at their  
5 regular rate of compensation for each workday that a rest period  
6 was not provided; and

7 (d) Work without being provided an accurate itemized  
8 wage statements that reflects all deductions from payment of wages  
9 and accurately reporting total hours worked, including when the  
10 employee begins and ends each work period, meal periods, and total  
11 daily hours worked, by plaintiff and the members of the proposed  
12 class.

13 19. Defendants willfully failed to compensate them for wages  
14 at the termination of their employment with defendants.

15 20. The true names and capacities, whether individual,  
16 corporate, associate, or otherwise, of defendants sued herein as  
17 DOES 1 to 50, inclusive, are currently unknown to plaintiff, who  
18 therefore sue defendants by such fictitious names under Code of  
19 Civil Procedure §474. Plaintiff is informed and believes, and  
20 based thereon alleges, that each of the defendants designated  
21 herein as a DOE are legally responsible in some manner for the  
22 unlawful acts referred to herein. Plaintiff will seek leave of  
23 court to amend this Complaint to reflect the true names and  
24 capacities of the defendants designated hereinafter as DOES when  
25 such identities become known.

26 21. Plaintiff is informed and believes, and based thereon  
27 alleges, that each defendant acted in all respects pertinent to  
28 this action as the agent of the other defendants, carried out a

1 joint scheme, business plan or policy in all respects pertinent  
2 hereto, and the acts of each defendant are legally attributable to  
3 the other defendants. Furthermore, defendants in all respects  
4 acted as the employer and/or joint employer of plaintiff and the  
5 proposed class.

6 IV

7 CLASS ACTION ALLEGATIONS

8 22. Plaintiff brings this action on behalf of himself and all  
9 others similarly situated as a Class Action pursuant to §382 of the  
10 Code of Civil Procedure. Plaintiff seeks to represent a class  
11 composed of and defined as follows:

12 All persons who are employed or have been  
13 employed as "Pharmaceutical Representatives" by  
14 defendants in the State of California and for at  
least four (4) years prior to the filing of this  
action.

15 23. Plaintiff reserves the right under Rule 1855(b),  
16 California Rules of Court, to amend or modify the class description  
17 with greater specificity or further division into subclasses or  
18 limitation to particular issues.

19 24. This action has been brought and may properly be  
20 maintained as a class action under the provisions of §382 of the  
21 Code of Civil Procedure because there is a well-defined community  
22 of interest in the litigation and the proposed Class is easily  
23 ascertainable.

24 A. Numerosity

25 25. The potential members of the proposed class as defined are  
26 so numerous that joinder of all the members of the proposed class  
27 is impracticable. While the precise number of proposed class  
28 members has not been determined at this time, plaintiff is informed

1 and believes that defendants currently employ, and during the  
2 relevant time periods employed, over 1,000 "Pharmaceutical  
3 Representatives".

4 26. Accounting for employee turnover during the relevant  
5 periods necessarily increases this number substantially. Plaintiff  
6 alleges defendants' employment records would provide information as  
7 to the number and location of all proposed class members. Joinder  
8 of all members of the proposed class is not practicable.

9 **B. Commonality**

10 27. There are questions of law and fact common to the proposed  
11 class that predominate over any questions affecting only individual  
12 class members. These common questions of law and fact include,  
13 without limitation:

14 (a) Whether defendants failed to pay overtime  
15 compensation as required by the Labor Code and Wage Orders;

16 (b) Whether defendants violated Labor Code §§226.7 and  
17 512, IWC Wage Order 4-2001 or other applicable IWC Wage Orders, by  
18 failing to provide meal periods on days they worked in excess of  
19 five (5) hours and failing to compensate said employees one (1)  
20 hours wages in lieu of meal periods;

21 (c) Whether defendants violated Labor Code §§226.7 and  
22 512, Wage Order 4-2001 or other applicable IWC Wage Orders, and  
23 Cal. Code Regs., Title 8, Section 11040 by failing to provide daily  
24 rest periods for every three and one-half (3 1/2) hours or major  
25 fraction thereof worked and failing to compensate said employees  
26 one (1) hours wages in lieu of rest periods;

27 (d) Whether defendants violated Labor Code §226 and Wage  
28 Order 4-2001 or other applicable IWC Wage Orders, and Cal. Code

1 Regs., Title 8, Section 11040 by failing to provide an accurate  
2 itemized wage statements that reflects all deductions from payment  
3 of wages and accurately reporting total hours worked, including  
4 when the employee begins and ends each work period, meal periods,  
5 and total daily hours worked, by plaintiff and the members of the  
6 proposed class;

7 (e) Whether defendants violated §§201-203 of the Labor  
8 Code by failing to pay compensation due and owing at the time that  
9 any proposed class member's employment with defendants terminated;

10 (f) Whether defendants violated §17200 et seq. of the  
11 Business & Professions Code by failing to provide overtime wages  
12 and meal and rest period compensation to "Pharmaceutical  
13 Representatives"; and

14 (g) Whether plaintiff and the members of the proposed  
15 class are entitled to equitable relief pursuant to Business &  
16 Professions Code §17200, et. seq.

17 **C. Typicality**

18 28. The claims of the named plaintiff are typical of the  
19 claims of the proposed class. Plaintiff and all members of the  
20 proposed class sustained injuries and damages arising out of and  
21 caused by defendants' common course of conduct in violation of  
22 laws, regulations that have the force and effect of law and  
23 statutes as alleged herein.

24 **D. Adequacy of Representation**

25 29. Plaintiff will fairly and adequately represent and protect  
26 the interests of the members of the proposed class. Counsel who  
27 represents plaintiff is competent and experienced in litigating  
28 large employment class actions.



1 34. As previously alleged, plaintiff and others were forced  
2 to work on a regular and consistent basis, more than eight (8)  
3 hours a day and/or forty (40) hours per week. Plaintiff was not  
4 compensated for said work at premium rates.

5 35. As a result of the unlawful acts of defendants, plaintiff  
6 has been deprived of overtime an amount to be determined at trial,  
7 and are entitled to recovery of such amounts, plus interest and  
8 penalties thereon, attorneys' fees, and costs, pursuant to Labor  
9 Code §§1194 and 218.5.

10 VI

11 SECOND CAUSE OF ACTION

12 FAILURE TO PROVIDE MEAL BREAK PER LABOR CODE §512

13 36. Plaintiff incorporates paragraphs 1 through 35 as though  
14 fully set forth herein.

15 37. Labor Code §512 requires an employer to pay an additional  
16 hour of compensation for each meal period the employer fails to  
17 provide. Employees are entitled to a meal period of a least thirty  
18 (30) minutes per five (5) hour work period. Plaintiff and the  
19 class consistently worked over five (5) hour shifts. Pursuant to  
20 the Code, plaintiff and the class are entitled to a meal period of  
21 not less than thirty (30) minutes prior to exceeding five (5) hours  
22 of employment.

23 38. Defendants failed to provide plaintiff and others with  
24 timely meal breaks of not less than thirty (30) minutes as required  
25 by the Labor Code during the relevant class period.

26 39. Pursuant to Labor Code §226.7, plaintiff is entitled to  
27 damages in an amount equal to one (1) hour of wages per missed meal  
28 break, in a sum to be proven at trial.



1 payment of wages and to accurately report total hours worked by  
2 plaintiff and the members of the proposed class. Defendants have  
3 knowingly and intentionally failed to comply with Labor Code  
4 §226(a) on each and every wage statement that should have been  
5 provided to plaintiff and members of the proposed class.

6 47. IWC Wage Orders 4-2001(7), 4-2000(7), 4-1998(7) require  
7 defendants to maintain time records showing, among others, when the  
8 employee begins and ends each work period, meal periods, split  
9 shift intervals and total daily hours worked in an itemized wage  
10 statements, and must show all deductions from payment of wages, and  
11 accurately report total hours worked by plaintiff and the members  
12 of the proposed class.

13 48. An employee suffering injury as a result of a knowing and  
14 intentional failure by an employer to comply with Labor Code  
15 §226(a) is entitled to recover the greater of all actual damages or  
16 fifty dollars (\$50) for the initial pay period in which a violation  
17 occurs and one hundred dollars (\$100) per employee for each  
18 violation in a subsequent pay period, not exceeding an aggregate  
19 penalty of four thousand dollars (\$4,000), and is entitled to an  
20 award of costs and reasonable attorney's fees.

21 IX

22 FIFTH CAUSE OF ACTION

23 WAITING TIME WAGES UNDER LABOR CODE §203

24 49. Plaintiff incorporates paragraphs 1 through 48 as though  
25 fully set forth herein.

26 50. Numerous members of the proposed class are no longer  
27 employed by defendants. They were either fired or quit defendants  
28 employ.



1 Procedure §1021.5.

2 55. Plaintiff is a "person" within the meaning of Business &  
3 Professions Code §17204, and therefore has standing to bring this  
4 cause of action for injunctive relief, restitution, and other  
5 appropriate equitable relief.

6 56. Business & Profession Code §17200, et seq. prohibits  
7 unlawful and unfair business practices.

8 57. Wage and hour laws express fundamental public policies.  
9 Providing employees with proper overtime compensation and meal  
10 and/or rest breaks are fundamental public policies of this State  
11 and of the United States. Labor Code §90.5(a) articulates the  
12 public policies of this State to vigorously enforce minimum labor  
13 standards, to ensure that employees are not required or permitted  
14 to work under substandard and unlawful conditions, and to protect  
15 law-abiding employers and their employees from competitors who  
16 lower their costs by failing to comply with minimum labor  
17 standards.

18 58. Defendants have violated statutes and public policies.  
19 Through the conduct alleged in this Complaint, defendants, and each  
20 of them, have acted contrary to these public policies, have  
21 violated specific provisions of the Labor Code, and have engaged in  
22 other unlawful and unfair business practices in violation of  
23 Business & Profession Code §17200, et seq., depriving plaintiff,  
24 and all persons similarly situated, and all interested persons of  
25 rights, benefits, and privileges guarantees to all employees under  
26 law.

27 59. Defendants' conduct, as alleged hereinabove, constitutes  
28 unfair competition in violation of §17200 et. seq. of the Business

1 & Professions Code.

2 60. Defendants by engaging in the conduct herein alleged, by  
3 not providing overtime compensation and proper breaks, either knew  
4 or in the exercise of reasonable care should have known that the  
5 conduct was unlawful. As such it is a violation of §17200 et. seq.  
6 of the Business & Professions Code.

7 61. As a proximate result of the above mentioned acts of  
8 defendants, plaintiff and others similarly situated have been  
9 damaged and therefore entitled to restitution in a sum as may be  
10 proven.

11 62. Unless restrained by this Court, defendants will continue  
12 to engage in the unlawful conduct as alleged above. Pursuant to  
13 Business & Professions Code this Court should make such orders or  
14 judgments, including the appointment of a receiver, as may be  
15 necessary to prevent the use or employment, by defendants, their  
16 agents or employees, of any unlawful or deceptive practice  
17 prohibited by the Business & Professions Code, and/or, including  
18 but not limited to, disgorgement of profits which may be necessary  
19 to restore plaintiff and the proposed class members to the money  
20 defendants have unlawfully failed to pay.

21  
22 **RELIEF REQUESTED**

23 **WHEREFORE,** plaintiff prays for the following relief:

24 1. For overtime in an amount according to proof, with  
25 interest thereon;

26 2. For compensatory damages in the amount of plaintiff's and  
27 each class members' hourly wage for each meal period missed or  
28 taken late from at least four (4) years prior to the filing of this

1 action to the present as may be proven;

2 3. For compensatory damages in the amount of plaintiff's and  
3 each class members' hourly wage for each shift where rest period(s)  
4 were missed from at least four (4) years prior to the filing of  
5 this action to the present as may be proven;

6 4. For penalties pursuant to Labor Code §226(e) for violation  
7 of Labor Code §226(a) in the amount of fifty dollars (\$50) for the  
8 initial pay period in which a violation occurs and one hundred  
9 dollars (\$100) per employee for each violation in a subsequent pay  
10 period, not exceeding an aggregate penalty of four thousand dollars  
11 (\$4,000);

12 5. For wages pursuant to Labor Code §203 for all employees  
13 who quit or were fired equal to their daily wage times thirty (30)  
14 days;

15 6. An award of prejudgment and post judgment interest;

16 7. An order enjoining defendant and its agents, servants, and  
17 employees, and all persons acting under, in concert with, or for it  
18 from providing plaintiff and each class member with proper overtime  
19 compensation and meal and rest breaks pursuant to Labor Code §§  
20 226.7, 510, 512, and IWC 4-2001;

21 8. For restitution for unfair competition pursuant to  
22 Business & Professions Code §17200, including disgorgement or  
23 profits, in an amount as may be proven;

24 9. An award providing for payment of costs of suit;

25 10. An award of attorneys' fees; and

26 11. Such other and further relief as this Court may deem  
27 proper and just.


28

DEMAND FOR JURY TRIAL

Plaintiff hereby demand trial of their claims by jury to the extent authorized by law.

DATED: May \_\_\_\_, 2007

KINGSLEY & KINGSLEY, APC

By:   
DARREN M. COHEN  
Attorney For Plaintiff

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

This form is required pursuant to LASC Local Rule 2.0 in all new civil case filings in the Los Angeles Superior Court.

Item I. Check the types of hearing and fill in the estimated length of hearing expected for this case:

JURY TRIAL?  YES CLASS ACTION?  YES LIMITED CASE?  YES TIME ESTIMATED FOR TRIAL 6-10  HOURS/  DAYS

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

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

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

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

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

1. Class Actions must be filed in the County Courthouse, Central District.
2. May be filed in Central (Other county, or no Bodily Injury/Property Damage).
3. Location where cause of action arose.
4. Location where bodily injury, death or damage occurred.
5. Location where performance required or defendant resides.
6. Location of property or permanently garaged vehicle.
7. Location where petitioner resides.
8. Location wherein defendant/respondent functions wholly.
9. Location where one or more of the parties reside.
10. Location of Labor Commissioner Office.

**Step 4:** Fill in the information requested on page 4 in Item III; complete Item IV. Sign the declaration.

	<b>A</b> Civil Case Cover Sheet Category No.	<b>B</b> Type of Action (Check only one)	<b>C</b> Applicable Reasons - See Step 3 Above
<b>Auto Tort</b>	Auto (22)	<input type="checkbox"/> A7100 Motor Vehicle - Personal Injury/Property Damage/Wrongful Death	1., 2., 4.
	Uninsured Motorist (46)	<input type="checkbox"/> A7110 Personal Injury/Property Damage/Wrongful Death – Uninsured Motorist	1., 2., 4.
<b>Other Personal Injury/Property Damage/Wrongful Death Tort</b>	Asbestos (04)	<input type="checkbox"/> A6070 Asbestos Property Damage	2.
		<input type="checkbox"/> A7221 Asbestos - Personal Injury/Wrongful Death	2.
	Product Liability (24)	<input type="checkbox"/> A7260 Product Liability (not asbestos or toxic/environmental)	1., 2., 3., 4., 8.
	Medical Malpractice (45)	<input type="checkbox"/> A7210 Medical Malpractice - Physicians & Surgeons	1., 2., 4.
		<input type="checkbox"/> A7240 Other Professional Health Care Malpractice	1., 2., 4.
Other Personal Injury Property Damage Wrongful Death (23)	<input type="checkbox"/> A7250 Premises Liability (e.g., slip and fall)	1., 2., 4.	
	<input type="checkbox"/> A7230 Intentional Bodily Injury/Property Damage/Wrongful Death (e.g., assault, vandalism, etc.)	1., 2., 4.	
	<input type="checkbox"/> A7270 Intentional Infliction of Emotional Distress	1., 2., 3.	
	<input type="checkbox"/> A7220 Other Personal Injury/Property Damage/Wrongful Death	1., 2., 4.	
<b>Non-Personal Injury/Property Damage/Wrongful Death Tort</b>	Business Tort (07)	<input type="checkbox"/> A6029 Other Commercial/Business Tort (not fraud/breach of contract)	1., 2., 3.
	Civil Rights (08)	<input type="checkbox"/> A6005 Civil Rights/Discrimination	1., 2., 3.
	Defamation (13)	<input type="checkbox"/> A6010 Defamation (slander/libel)	1., 2., 3.
	Fraud (16)	<input type="checkbox"/> A6013 Fraud (no contract)	1., 2., 3.

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

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	<b>A</b> Civil Case Cover Sheet Category No.	<b>B</b> Type of Action (Check only one)	<b>C</b> Applicable Reasons - See Step 3 Above
Judicial Review (Cont'd.)	Writ of Mandate (02)	<input type="checkbox"/> A6151 Writ - Administrative Mandamus <input type="checkbox"/> A6152 Writ - Mandamus on Limited Court Case Matter <input type="checkbox"/> A6153 Writ - Other Limited Court Case Review	2., 8. 2. 2.
	Other Judicial Review (39)	<input type="checkbox"/> A6150 Other Writ / Judicial Review	2., 8.
Provisionally Complex Litigation	Antitrust/Trade Regulation (03)	<input type="checkbox"/> A6003 Antitrust/Trade Regulation	1., 2., 8.
	Construction Defect (10)	<input type="checkbox"/> A6007 Construction defect	1., 2., 3.
	Claims Involving Mass Tort (40)	<input type="checkbox"/> A6006 Claims Involving Mass Tort	1., 2., 8.
	Securities Litigation (28)	<input type="checkbox"/> A6035 Securities Litigation Case	1., 2., 8.
	Toxic Tort Environmental (30)	<input type="checkbox"/> A6036 Toxic Tort/Environmental	1., 2., 3., 8.
	Insurance Coverage Claims from Complex Case (41)	<input type="checkbox"/> A6014 Insurance Coverage/Subrogation (complex case only)	1., 2., 5., 8.
Enforcement of Judgment	Enforcement of Judgment (20)	<input type="checkbox"/> A6141 Sister State Judgment <input type="checkbox"/> A6160 Abstract of Judgment <input type="checkbox"/> A6107 Confession of Judgment (non-domestic relations) <input type="checkbox"/> A6140 Administrative Agency Award (not unpaid taxes) <input type="checkbox"/> A6114 Petition/Certificate for Entry of Judgment on Unpaid Tax <input type="checkbox"/> A6112 Other Enforcement of Judgment Case	2., 9. 2., 6. 2., 9. 2., 8. 2., 8. 2., 8., 9.
	RICO (27)	<input type="checkbox"/> A6033 Racketeering (RICO) Case	1., 2., 8.
	Other Complaints (Not Specified Above) (42)	<input type="checkbox"/> A6030 Declaratory Relief Only	1., 2., 8.
		<input type="checkbox"/> A6040 Injunctive Relief Only (not domestic/harassment)	2., 8.
		<input type="checkbox"/> A6011 Other Commercial Complaint Case (non-tort/non-complex)	1., 2., 8.
		<input type="checkbox"/> A6000 Other Civil Complaint (non-tort/non-complex)	1., 2., 8.
Miscellaneous Civil Petitions	Partnership Corporation Governance (21)	<input type="checkbox"/> A6113 Partnership and Corporate Governance Case	2., 8.
	Other Petitions (Not Specified Above) (43)	<input type="checkbox"/> A6121 Civil Harassment <input type="checkbox"/> A6123 Workplace Harassment <input type="checkbox"/> A6124 Elder/Dependent Adult Abuse Case <input type="checkbox"/> A6190 Election Contest <input type="checkbox"/> A6110 Petition for Change of Name <input type="checkbox"/> A6170 Petition for Relief from Late Claim Law <input type="checkbox"/> A6100 Other Civil Petition	2., 3., 9. 2., 3., 9. 2., 3., 9. 2. 2., 7. 2., 3., 4., 8. 2., 9.

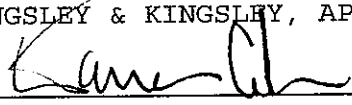
SHORT TITLE: BARNICK v. WYETH; et al.	CASE NUMBER
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Item III. Statement of Location: Enter the address of the accident, party's residence or place of business, performance, or other circumstance indicated in Item II., Step 3 on Page 1, as the proper reason for filing in the court location you selected.

REASON: CHECK THE NUMBER UNDER COLUMN C WHICH APPLIES IN THIS CASE			ADDRESS:
<input checked="" type="checkbox"/> 1. <input type="checkbox"/> 2. <input type="checkbox"/> 3. <input type="checkbox"/> 4. <input type="checkbox"/> 5. <input type="checkbox"/> 6. <input type="checkbox"/> 7. <input type="checkbox"/> 8. <input type="checkbox"/> 9. <input type="checkbox"/> 10.			CLASS ACTION TO BE FILED IN CENTRAL: CORP. ADDRESS: FIVE GIRALDA FARMS
CITY: MADISON	STATE: NJ	ZIP CODE: 07940	

Item IV. Declaration of Assignment. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that the above-entitled matter is properly filed for assignment to the SUPERIOR COURT,  
COUNTY OF LOS ANGELES courthouse in the CENTRAL District of the Los Angeles Superior Court  
(Code Civ. Proc., § 392 et seq., and LASC Local Rule 2.0, subs. (b), (c) and (d)).

KINGSLEY & KINGSLEY, APC



(SIGNATURE OF ATTORNEY/FILING PARTY)

DARREN M. COHEN

Dated: MAY 8, 2007

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

1. Original Complaint or Petition.
2. If filing a Complaint, a completed Summons form for issuance by the Clerk.
3. Civil Case Cover Sheet form CM-010.
4. Complete Addendum to Civil Case Cover Sheet form LASC Approved CIV 109 03-04 (Rev. 03/06).
5. Payment in full of the filing fee, unless fees have been waived.
6. Signed order appointing the Guardian ad Litem, JC form 982(a)(27), if the plaintiff or petitioner is a minor under 18 years of age, or if required by Court.
7. Additional copies of documents to be conformed by the Clerk. Copies of the cover sheet and this addendum must be served along with the summons and complaint, or other initiating pleading in the case.

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, Street number, and address): <b>KINGSLEY &amp; KINGSLEY, APC</b> GEORGE R. KINGSLEY, ESQ. SBN-38022 ERIC B. KINGSLEY, ESQ. SBN-185123 DARREN M. COHEN, ESQ. SBN-221938 16133 VENTURA BL., #1200, ENCINO, CA 91436 TELEPHONE NO.: (818) 990-8300 FAX NO.: (818) 990-2903 ATTORNEY FOR (Name): <u>Plaintiff, WILLIAM BARNICK</u>		FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES STREET ADDRESS: 111 North Hill Street, Room 102 MAILING ADDRESS: P.O. Box 958 CITY AND ZIP CODE: LOS ANGELES, CA 90012 BRANCH NAME: CENTRAL DISTRICT		
CASE NAME: <u>BARNICK v. WYETH; et al.</u>		
<b>CIVIL CASE COVER SHEET</b> <input checked="" type="checkbox"/> <b>Unlimited</b> (Amount demanded exceeds \$25,000) <input type="checkbox"/> <b>Limited</b> (Amount demanded is \$25,000 or less)	<b>Complex Case Designation</b> <input type="checkbox"/> <b>Counter</b> <input type="checkbox"/> <b>Joinder</b> Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)	CASE NUMBER:  JUDGE:  DEPT:

*Items 1-5 below must be completed (see instructions on page 2).*

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

<b>Auto Tort</b> <input type="checkbox"/> Auto (22) <input type="checkbox"/> Uninsured motorist (46) <b>Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort</b> <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) <b>Non-PI/PD/WD (Other) Tort</b> <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) <b>Employment</b> <input type="checkbox"/> Wrongful termination (36) <input checked="" type="checkbox"/> Other employment (15)	<b>Contract</b> <input type="checkbox"/> Breach of contract/warranty (06) <input type="checkbox"/> Collections (09) <input type="checkbox"/> Insurance coverage (18) <input type="checkbox"/> Other contract (37) <b>Real Property</b> <input type="checkbox"/> Eminent domain/Inverse condemnation (14) <input type="checkbox"/> Wrongful eviction (33) <input type="checkbox"/> Other real property (26) <b>Unlawful Detainer</b> <input type="checkbox"/> Commercial (31) <input type="checkbox"/> Residential (32) <input type="checkbox"/> Drugs (38) <b>Judicial Review</b> <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)	<b>Provisionally Complex Civil Litigation</b> (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) <b>Enforcement of Judgment</b> <input type="checkbox"/> Enforcement of judgment (20) <b>Miscellaneous Civil Complaint</b> <input type="checkbox"/> RICO (27) <input type="checkbox"/> Other complaint (not specified above) (42) <b>Miscellaneous Civil Petition</b> <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 b. <input type="checkbox"/> Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve c. <input type="checkbox"/> Substantial amount of documentary evidence	d. <input type="checkbox"/> Large number of witnesses 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 f. <input type="checkbox"/> Substantial postjudgment judicial supervision
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3. Type of remedies sought (check all that apply):  
 a.  monetary    b.  nonmonetary; declaratory or injunctive relief    c.  punitive

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

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-014.)  
 Date: MAY 8, 2007  
DARREN M. COHEN (TYPE OR PRINT NAME)      [Signature] (SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)  
 KINGSLEY & KINGSLEY, APC

**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 complex case, this cover sheet will be used for statistical purposes only.

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