

1 Karl Olson (SBN 104760)
kolson@ramolson.com
2 RAM & OLSON LLP
555 Montgomery Street, Suite 820
3 San Francisco, CA 94111
Tel: 415-433-4949
4 Fax: 415-433-7311

5 Karlene Goller (SBN 147065)
Karlene.Goller@latimes.com
6 BURBANK LEADER
TIMES COMMUNITY NEWS
7 202 West First Street
Los Angeles, CA 90012
8 Tel: 213-237-3760
9 Fax: 213-237-3810

10 Attorneys for Petitioner

9151
91310
FILED
Los Angeles Superior Court

JAN 28 2011

John A. [Signature] Executive Officer/Clerk
By [Signature] Deputy
DOROTHY SWAN

11
12 SUPERIOR COURT OF THE STATE OF CALIFORNIA
13 COUNTY OF LOS ANGELES - CENTRAL DISTRICT

14 BURBANK LEADER,
15
16 Petitioner,
17 v.

18 CITY OF BURBANK,
19
20 Respondent.

No.

BS130379

PETITION FOR WRIT OF MANDATE
UNDER THE CALIFORNIA PUBLIC
RECORDS ACT (Govt. Code section 6259)

Date:
Time:
Place:

21 I. INTRODUCTION

22 1. This Petition is brought under the California Public Records Act, Government
23 Code section 6259, to compel the release of public records essential to enable members of the
24 public and the journalists who serve them to evaluate how their government is working and how
25 public money is spent. The records in question concern bonuses paid by the City of Burbank to
26 its employees. Burbank has a highly unusual and generous bonus payout scheme under which
27 874 out of 1,500 city employees are eligible to receive a bonus, and of those eligible 445 more
28 than 50 percent, received such a bonus last year. But Burbank has defied Supreme Court

1 precedent¹ and an Attorney General opinion² and refused to disclose the names of those receiving
2 such generous payouts. This Petition should be granted, to enable to public to see how Burbank
3 is spending public money.

4 II. FACTS AND PROCEDURAL HISTORY

5 2. Petitioner *Burbank Leader* (hereafter “petitioner” or “the *Leader*”) is a newspaper
6 of general circulation published in the city of Burbank, Los Angeles County. The *Leader* is part
7 of the *Los Angeles Times*’ Times Community News division.

8 3. Respondent city of Burbank is located in Los Angeles County and is a “local
9 agency” as defined in Government Code section 6252 which is therefore subject to the California
10 Public Records Act.

11 4. On December 1, 2010, Gretchen Meier, a reporter for the *Leader*, made a written
12 Public Records Act (“PRA”) request to respondent, following up on a voicemail, which informed
13 respondent that the city of Glendale had just posted all bonuses received by city employees on its
14 website, and which stated, “I wanted to request similar information for Burbank.” A copy of Ms.
15 Meier’s Public Records Act request is attached hereto as Exhibit A.

16 5. On December 9, 2010, respondent city of Burbank responded to the PRA request
17 by objecting to providing information about which employees received bonuses – or as the city
18 described the bonuses, “merit pay for performance” – and in what amount. A copy of
19 respondent’s December 9, 2010 letter, written by Chief Assistant City Attorney Juli Scott, is
20 attached hereto as Exhibit B.

21 6. Petitioner attempted to persuade respondent to reconsider its position. On
22 December 15, 2010, petitioner and respondent engaged in a conference call in which petitioner’s
23 legal representatives informed respondent of the above Supreme Court decision and Attorney
24 General opinion, and petitioner informed respondent that it would take legal action if respondent
25

27 ¹ *International Federation of Professional and Technical Engineers Local 21 v. Superior*
28 *Court* (2007) 42 Cal. 4th 319 [hereafter “*IFPTE*”].

² 68 Ops. Cal. Atty. Gen. 73, 1985 Cal. AG LEXIS 40 (1985).

1 did not reconsider its position. Petitioner followed up the December 15, 2010 telephone
2 conversation by sending a written Public Records Act request dated December 16, 2010 to Ms.
3 Scott. The December 16 PRA request, which was e-mailed and hand-delivered on that day,
4 requested the total compensation information (base, overtime, loans, and merit/bonus pay, etc.)
5 for all city employees given bonuses/merit pay for 2007-08, 2008-09, 2009-2010, and the current
6 fiscal year, 2010-11. A copy of this request is attached hereto as Exhibit C.

7 7. On January 7, 2011, respondent reiterated its previous refusal to disclose the
8 specific amount of "merit pay" awarded individual employees. A copy of respondent's January
9 7, 2011 letter is attached hereto as Exhibit D. Petitioner once again requested that respondent
10 city of Burbank reconsider its refusal to disclose the names and amounts of "merit pay" recipients
11 in a January 18, 2011 e-mail from petitioner's counsel to respondent's counsel attached as
12 Exhibit E hereto. Respondent has not reconsidered its position and still refuses to disclose the
13 names and amounts of "merit pay" recipients.

14 8. Respondent City's position that it need not disclose bonuses/"merit pay" is
15 directly contrary to the Supreme Court's *IFPTE* decision and the Attorney General's 1985
16 Opinion, 68 Ops. Cal. Atty. Gen. 73. It is also contrary to the practice of the vast majority of
17 local agencies, including but not limited to the neighboring city of Glendale, which do disclose
18 bonus payments to named public employees, and the amount thereof.

19 9. Petitioner has no plain, speedy and adequate remedy at law to compel the release
20 of the records sought herein other than this Petition. Timely production of records is an
21 important mandate of the Public Records Act and is an essential feature of the news-gathering
22 process. Indeed, Government Code section 6258 provides that hearings in PRA matters "shall be
23 set by the judge of the court with the object of securing a decision as to these matters at the
24 earliest possible time."

25 WHEREFORE, Petitioner *Burbank Leader* prays as follows:

26 1. That the records sought in the December 1 and December 16, 2010 Public Records Act
27 requests, Exhibits A and C hereto, be ordered released to petitioner as soon as possible, and that
28 respondent be ordered to provide the names and specific amounts of those receiving "merit pay"

1 or bonuses, with a breakdown of the specific bonuses or "merit pay" for each named employee;

2 2. Alternatively, that the court examine the records being withheld in camera
3 pursuant to Government Code section 6259, and after in camera review direct that the records be
4 released;

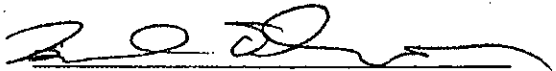
5 3. Alternatively, that the Court order respondent city of Burbank to show cause on or
6 before the hearing in this matter why all records sought in Exhibits A and C hereto, including a
7 breakdown of bonuses and "merit pay" by individual recipient, should not be released, and
8 thereafter order such records' disclosure;

9 4. For court costs and reasonable attorneys' fees to petitioner *Burbank Leader*
10 pursuant to, *inter alia*, Government Code section 6259(d) and/or Code of Civil Procedure section
11 1021.5; and

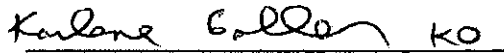
12 5. For such other and further relief as the Court may deem just and proper.

13 Dated: January 27, 2011

RAM & OLSON LLP

14
15 By: 
Karl Olson

16
17 BURBANK LEADER TIMES
18 COMMUNITY NEWS

19 By: 
20 Karlene Goller

21 Attorneys for Petitioners

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23
24 N:\Docs\630-19\Petition for Writ.DOC


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VERIFICATION

I, Dan Evans, am the editor of the *Burbank Leader*, petitioner in this action. I have read the foregoing pleading and the foregoing is true and correct, except as to matters stated on information and belief and as to them I am informed and believe the matters stated therein are true and on that ground allege that the matters stated therein are true.

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

Executed in Burbank, California on January 26, 2011.



Dan Evans

EXHIBIT A

From: Meier, Gretchen
Sent: Wednesday, December 01, 2010 12:30 PM
To: 'Sterling, Keith'
Cc: 'Barlow, Dennis'; 'iscott@ci.burbank.ca.us'
Subject: Merit Pay

Hi Keith-

Per my voicemail, Glendale city just posted all bonuses received by city employees over the past ten years (<http://www.ci.glendale.ca.us/pdf/MeritPayPoicy1999-2010.pdf>) on their website <http://www.ci.glendale.ca.us/> and I wanted to request similar information for Burbank.

I would also like to make a public records request for the external audit reports for the city done by Mayer Hoffman McCann FY 05/06 to the present.

Thank you!

Gretchen Meier
City Reporter
Burbank Leader <<http://www.burbankleader.com/>> / Glendale News-Press
<<http://www.glendalenewspress.com/>>
Los Angeles Times, Times Community News Division
gretchen.meier@latimes.com <<mailto:gretchen.meier@latimes.com>>
(o) 818.637.3242
(c) 213.235.7380

EXHIBIT B

December 9, 2010

Writers Direct Dial
(818)238-5707

VIA EMAIL
GRETCHEN.MEIER@LATIMES.COM

Ms. Gretchen Meier
Los Angeles Times, Community News Division
Burbank, CA 91506

Re: Records Request for Merit Pay Amounts

Dear Ms. Meier:

You have made a request via email under the California Public Records Act for documents relating to the payment of bonuses to Burbank City employees. Specifically, you stated that the City of Glendale posted bonuses received by city employees over the past ten years on their website, and you were making a similar request for information from Burbank.

The City of Burbank does not provide bonuses. Rather, there is an established merit pay for performance process that was created, approved and funded by the Burbank City Council a number of years ago. You have been provided with the collective bargaining agreements in which the merit pay plan is provided for as part of the compensation package for employees in those bargaining groups, as well as City Council Resolutions, and the applicable Administrative Procedure. You have also been provided with information which indicates the aggregate amount of merit pay pools and the aggregate amount of merit pay actually awarded for 2009 – 2010.

We would object to providing information pertaining to which employees received the merit pay for performance and in what amount on the grounds that California Government Code § 6254(c) provides that personnel records, the disclosure of which would constitute an unwarranted invasion of personal privacy, are exempt from disclosure. The gross compensation of all City employees who have earned in excess of \$100,000 is posted on the City's official website. Given that the merit pay awards are directly related to an employee's performance, we believe that disclosing the actual individual amounts would violate the privacy rights of individuals relating to their performance or lack thereof.

Sincerely,

Juli C. Scott
Chief Assistant City Attorney

EXHIBIT C

----- Original Message -----

From: Evans, Dan

To: jscott@ci.burbank.ca.us <jscott@ci.burbank.ca.us>

Cc: dbarlow@ci.burbank.ca.us <dbarlow@ci.burbank.ca.us>; Meier, Gretchen; Goller, Karlene; kolson@ramolson.com <kolson@ramolson.com>

Sent: Thu Dec 16 12:46:43 2010

Subject: PRA request

Hi Juli,

Below is a copy of the letter I dropped off at your office this morning. Lisa said she would make sure you received it. Please let me know if you have any questions.

Dan

Dan Evans

Editorial Director: Brand X

Editor: Glendale News-Press * Burbank Leader * La Cañada Valley Sun
(213) 237-7858 * (818) 637-3234 * (562) 331-5516

VIA EMAIL AND PERSONAL DELIVERY

Dec. 16, 2010

Juli C. Scott
Chief Asst. City Attorney
City of Burbank

RE: Public Records Act Request

Dear Ms. Scott:

Pursuant to my rights under the California Public Records Act (Government Code Section 6250 et seq.), I ask to obtain a copy of the following, which I understand to be held by your agency:

- Total compensation information (base, OT, loans, merit/bonus, etc.) for Burbank all city employees given bonuses/merit pay, broken down by individual/title/name for the current fiscal year (2010-11)
- The same information for 2009-10
- The same information for 2008-09
- The same information for 2007-08

And, for each of the above years, the total number of employees working for the city and the total number of those eligible for merit-based bonuses.

I ask for a determination on this request within 10 days of your receipt of it, and an even prompter reply if you can make that determination without

having to review the record in question.

If you determine that any or all of the information qualifies for an exemption from disclosure, I ask you to note whether, as is normally the case under the Act, the exemption is discretionary, and if so whether it is necessary in this case to exercise your discretion to withhold the information.

In any event, please provide a signed notification citing the legal authorities on which you rely if you determine that any or all of the information is exempt and will not be disclosed.

If I can provide any clarification that will help expedite your attention to my request, please contact me at 818-637-3234.

Thank you for your time and attention to this matter.

Sincerely,

Dan Evans
Editor, Burbank Leader

EXHIBIT D



CITY OF BURBANK
OFFICE OF THE CITY ATTORNEY

275 East Olive Avenue • P.O. Box 6459 • Burbank, California 91510-6459
818.238.5700 • 818.238.5724 FAX

DENNIS A. BARLOW
City Attorney

JULI CHRISTINE SCOTT
Chief Assistant City Attorney

January 7, 2011

Writers Direct Dial
(818)238-5707

Mr. Dan Evans
Burbank Leader
221 N. Brand Blvd., Ste 200
Glendale, CA 91203-2609

Re: Public Records Act Request for Compensation and Merit Pay Amounts

Dear Mr. Evans:

The following is the City of Burbank's response to the letter that was delivered to the Burbank City Attorney's office on December 16, 2010, in which you requested certain information relating to the compensation of Burbank City employees.

Specifically, you have requested the following:

"Total compensation information (base, OT, loans, merit/bonus, etc.) for Burbank all city employees [sic] given bonuses/merit pay, broken down by individual/title/name for the current fiscal year (2010-2011)
-The same information for 2009-10
-The same information for 2008-09
-The same information for 2007-08
-And, for each of the above years, the total number of employees working for the city and the total number of those eligible for merit-based bonuses."

The information you seek is or may be contained in a variety of documents and/or databases. The City has already provided you with, will provide with or has directed you to the City's public website for the following information regarding City employee compensation is posted:

1. A listing of the total gross compensation earned by full-time City employees who earned over \$100,000 for calendar year 2009 is already posted on the City's website at www.ci.burbank.ca.us. The City will shortly be posting on our website an expanded list that would include the total gross compensation figures for all full-time City employees.
2. The total gross compensation earned by each full-time City employee for calendar years 2007 and 2008 is also currently being assembled and will hopefully be completed by the end of next week. We will provide you with the estimated cost of extracting this electronically stored data per Government Code § 6253.9 and the City's Fee Resolution.
3. Total amount budgeted for merit pay pool for fiscal year 2009-2010 (previously provided);

4. Total amount of merit pay actually awarded from merit pay pool – by bargaining unit - for fiscal year 2009-2010 (already provided);
5. The total amount budgeted for merit pay pool for fiscal years 2007-2008 and 2008-2009 is currently being calculated;
6. The total amount of merit pay actually awarded from merit pay pool –by bargaining unit- for fiscal years 2007-2008 and 2008-2009 is currently being assembled. We will provide you with the estimated cost to retrieve this electronically stored data pursuant to Government Code § 6253.9 and the City's Fee Resolution;
7. We are unable to calculate the figures for amount awarded for merit pay for fiscal year 2010-2011 as the fiscal year is not yet complete.
8. For informational purposes, although not requested, the amounts reflected in total compensation figures provided may include one or more of the following in addition to base pay: overtime, merit pay, shooting pay, uniform allowance, leave cash-out, bilingual pay, certain additional shift pay and other differentials, as provided in various collective bargaining agreements and City Council resolutions which have been provided to you. A complete list of these "differentials" is also on the City's website.
9. The City of Burbank has no loan program for city employees or officials. No City of Burbank monies have been loaned to any City employees, elected or appointed City officials.
10. In response to Ms. Gretchen Meier's recent request, we will separately be providing a list of the names and position titles of all current full-time city employees. There is no actual document which lists employees' personal relationships to other employees in the City.
11. You have already been provided with the relevant collective bargaining agreements which were approved by the City Council (and which are posted on the City's website), City Council Resolutions incorporating the merit pay program into compensation and the City Administrative Procedure which explains implementation guidelines. As you were previously advised, this pay for performance program has been in existence for many years.
12. Although not requested, you may also view the City's salary schedule which provides salary ranges for all positions on the City's website.

City's Objections

The City maintains its previously stated objection to your request for the specific amount of merit pay awarded each individual employee for the time periods requested. As stated previously, this objection is based on Government Code § 6254(c), which provides that personnel records, the disclosure of which would constitute an unwarranted invasion of personal privacy, are exempt from public disclosure. Given that the merit pay earned by an individual city employee is directly related to their specific

individual performance¹, we believe that disclosing the individual amounts earned by each employee would be a unwarranted violation of the privacy rights of the employees, to the same degree as if we publicly released their performance evaluations. We also believe that at all times since this merit pay program has been in existence the employees who negotiated this program as part of their compensation packages in their collective bargaining agreements had and continue to have an expectation that, as it is directly tied to their performance evaluations, it is as confidential and private as their performance evaluations.

We recognize that you and your attorneys take the position that the case law requires public disclosure of the individual merit pay amounts, however, we respectfully disagree that the holding in the *International Federation of Professional and Technical Engineers, Local 21, AFL-CIO v. Superior Court* case governs the facts of this particular case. We have provided you with information about how the merit pay program was established and approved by the City Council through compensation resolutions and collective bargaining agreements. We have provided you with the implementation guidelines explaining how merit pay is to be determined and awarded. We have provided you with the amount of money that is budgeted for the merit pay pools and the amount that was paid out. We have provided you with the number of city employees who received merit pay. We have publicly posted the gross compensation amounts earned by each full-time city employee earning over \$100,000 and will be posting the gross earnings of all other city employees early next week. The salary schedules and differentials are also listed on the City's website. As stated above, there is no realistic way to disclose the individual amount of merit pay that was or was not awarded without it directly reflecting on an individual employee's performance, which is private and confidential. Certainly no employee, public or private wants or reasonably expects to see their performance evaluation publicly disclosed.

Should you have any questions about any of the above, please do not hesitate to contact the City's Public Information Officer, Keith Sterling at (818) 238-5849.

Sincerely,


Juli C. Scott

Chief Assistant City Attorney

¹ City Administrative Procedure II - 37, provided to you previously states that the merit pay program is part of a management compensation philosophy that rewards performance. "A current evaluation must be on file in the Management Services Department or a memorandum from the Department Manager summarizing current performance and justification for the merit bonus must be completed for each non-represented management employee and must accompany all requests for payment under the Merit Bonus Plan."

January 7, 2011
Page 4

cc: Hon. Mayor and City Council Members
Mike Flad, City Manager
Joy Forbes, Deputy City Manager
Justin Hess, Deputy City Manager
Judie Wilke, Management Services Department

EXHIBIT E

Karl Olson

From: Karl Olson [kolson@ramolson.com]
Sent: Tuesday, January 18, 2011 4:14 PM
To: 'jscott@ci.burbank.ca.us'
Cc: 'Goller, Karlene'; 'dan.evans@latimes.com'; 'Ann M. Williams'
Subject: Burbank Leader Public Records Act request
Importance: High

Dear Ms. Scott,

I am writing on behalf of my client the Burbank Leader in response to your January 7, 2011 letter to Dan Evans of The Leader.

The response is not satisfactory in that the city continues its refusal to disclose the specific amount of merit pay awarded each employee for the time periods requested. The law is clear that records of the amounts and reasons for performance awards are subject to disclosure under the Public Records Act. *International Federation of Professional and Technical Engineers Local 21 v. Superior Court* (2007) 42 Cal. 4th 319, 331; "Records for Performance Awards," 68 Os. Cal. Atty. Gen. 73, 78. Both the Supreme Court's decision in the IFPTE case and the Attorney General Opinion rejected the privacy arguments asserted by the City here. The Attorney General Opinion explicitly held that releasing the total amount of the bonus program, as Burbank has offered to do, is not enough: "Additional information is necessary to determine whether the program is being properly administered." (68 Ops. Cal. Atty. Gen. 73, 77.)

We hope the city will reconsider its position by the end of this week. If it does not do so, my client intends to institute litigation, as we advised you in our December 15, 2010 telephone call. If you have any questions, please do not hesitate to give me a call.

Sincerely, Karl Olson

1/22/2011

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, Street number, and address):
Karl Olson (SBN 104760)
RAM & OLSON LLP
555 Montgomery Street, Suite 820
San Francisco, CA 94111
TELEPHONE NO.: 415-433-4949 FAX NO.: 415-433-7311
ATTORNEY FOR (Name): Petitioner Burbank Leader

FOR COURT USE ONLY
FILED
Los Angeles Superior Court
JAN 28 2011
John A. [Signature] Executive Officer/Clerk
Deputy
DOROTHY SWAIN

SUPERIOR COURT OF CALIFORNIA, COUNTY OF Los Angeles
STREET ADDRESS: 111 North Hill Street
MAILING ADDRESS:
CITY AND ZIP CODE: Los Angeles, CA 90012
BRANCH NAME:

CASE NAME:
Burbank Leader v. City of Burbank

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

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

CASE NUMBER: **BS130379**
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:
- | | | |
|---|---|--|
| <p>Auto Tort</p> <input type="checkbox"/> Auto (22)
<input type="checkbox"/> Uninsured motorist (46) <p>Other PI/PD/W/D (Personal Injury/Property Damage/Wrongful Death) Tort</p> <input type="checkbox"/> Asbestos (04)
<input type="checkbox"/> Product liability (24)
<input type="checkbox"/> Medical malpractice (45)
<input type="checkbox"/> Other PI/PD/W/D (23) <p>Non-PI/PD/W/D (Other) Tort</p> <input type="checkbox"/> Business tort/unfair business practice (07)
<input type="checkbox"/> Civil rights (08)
<input type="checkbox"/> Defamation (13)
<input type="checkbox"/> Fraud (16)
<input type="checkbox"/> Intellectual property (19)
<input type="checkbox"/> Professional negligence (25)
<input type="checkbox"/> Other non-PI/PD/W/D tort (35) <p>Employment</p> <input type="checkbox"/> Wrongful termination (36)
<input type="checkbox"/> Other employment (15) | <p>Contract</p> <input type="checkbox"/> Breach of contract/warranty (06)
<input type="checkbox"/> Rule 3.740 collections (09)
<input type="checkbox"/> Other collections (09)
<input type="checkbox"/> Insurance coverage (18)
<input type="checkbox"/> Other contract (37) <p>Real Property</p> <input type="checkbox"/> Eminent domain/Inverse condemnation (14)
<input type="checkbox"/> Wrongful eviction (33)
<input type="checkbox"/> Other real property (26) <p>Unlawful Detainer</p> <input type="checkbox"/> Commercial (31)
<input type="checkbox"/> Residential (32)
<input type="checkbox"/> Drugs (38) <p>Judicial Review</p> <input type="checkbox"/> Asset forfeiture (05)
<input type="checkbox"/> Petition re: arbitration award (11)
<input type="checkbox"/> Writ of mandate (02)
<input type="checkbox"/> Other judicial review (39) | <p>Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400-3.403)</p> <input type="checkbox"/> Antitrust/Trade regulation (03)
<input type="checkbox"/> Construction defect (10)
<input type="checkbox"/> Mass tort (40)
<input type="checkbox"/> Securities litigation (28)
<input type="checkbox"/> Environmental/Toxic tort (30)
<input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41) <p>Enforcement of Judgment</p> <input type="checkbox"/> Enforcement of judgment (20) <p>Miscellaneous Civil Complaint</p> <input type="checkbox"/> RICO (27)
<input type="checkbox"/> Other complaint (not specified above) (42) <p>Miscellaneous Civil Petition</p> <input type="checkbox"/> Partnership and corporate governance (21)
<input checked="" type="checkbox"/> Other petition (not specified above) (43) |
|---|---|--|

2. This case is is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:
- | | |
|--|--|
| a. <input type="checkbox"/> Large number of separately represented parties | d. <input type="checkbox"/> Large number of witnesses |
| b. <input type="checkbox"/> Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve | e. <input type="checkbox"/> Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court |
| c. <input type="checkbox"/> Substantial amount of documentary evidence | f. <input type="checkbox"/> Substantial postjudgment judicial supervision |
3. Remedies sought (check all that apply): a. monetary b. nonmonetary; declaratory or injunctive relief c. punitive
4. Number of causes of action (specify): One
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: January 27, 2011
Karl Olson

[Signature]
(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.

SHORT TITLE:

Burbank Leader v. City of Burbank

CASE NUMBER

BS130379

FOR COURT USE ONLY

FILED
Los Angeles Superior Court

JAN 28 2011

John A. Swain, Executive Officer/Clerk
Dorothy Swain, Deputy
DOROTHY SWAIN

**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 TRIAL¹ 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 Stanley Mosk Courthouse, Central District.
2. May be filed in Central (Other county, or no Bodily Injury/Property Damage).
3. Location where cause of action arose.
4. Location where bodily injury, death or damage occurred.
5. Location where performance required or defendant resides.
6. Location of property or permanently garaged vehicle.
7. Location where petitioner resides.
8. Location wherein defendant/respondent functions wholly.
9. Location where one or more of the parties reside.
10. Location of Labor Commissioner Office

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

	A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Auto Tort	Auto (22)	<input type="checkbox"/> A7100 Motor Vehicle - Personal Injury/Property Damage/Wrongful Death	1., 2., 4.
	Uninsured Motorist (46)	<input type="checkbox"/> A7110 Personal Injury/Property Damage/Wrongful Death – Uninsured Motorist	1., 2., 4.
Other Personal Injury/Property Damage/Wrongful Death Tort	Asbestos (04)	<input type="checkbox"/> A6070 Asbestos Property Damage <input type="checkbox"/> A7221 Asbestos - Personal Injury/Wrongful Death	2. 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 <input type="checkbox"/> A7240 Other Professional Health Care Malpractice	1., 2., 4. 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.	

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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
Non-Personal Injury/ Property Damage/ Wrongful Death Tort	Business Tort (07)	<input type="checkbox"/> A6029 Other Commercial/Business Tort (not fraud/breach of contract)	1., 2., 3.
	Civil Rights (08)	<input type="checkbox"/> A6005 Civil Rights/Discrimination	1., 2., 3.
	Defamation (13)	<input type="checkbox"/> A6010 Defamation (slander/libel)	1., 2., 3.
	Fraud (16)	<input type="checkbox"/> A6013 Fraud (no contract)	1., 2., 3.
	Professional Negligence (25)	<input type="checkbox"/> A6017 Legal Malpractice <input type="checkbox"/> A6050 Other Professional Malpractice (not medical or legal)	1., 2., 3. 1., 2., 3.
	Other (35)	<input type="checkbox"/> A6025 Other Non-Personal Injury/Property Damage tort	2., 3.
Employment	Wrongful Termination (36)	<input type="checkbox"/> A6037 Wrongful Termination	1., 2., 3.
	Other Employment (15)	<input type="checkbox"/> A6024 Other Employment Complaint Case <input type="checkbox"/> A6109 Labor Commissioner Appeals	1., 2., 3. 10.
Contract	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.
Real Property	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	Unlawful Detainer-Residential (32)	<input type="checkbox"/> A6020 Unlawful Detainer-Residential (not drugs or wrongful eviction)	2., 6.
	Unlawful Detainer-Foreclosure (34)	<input type="checkbox"/> A6020F Unlawful Detainer-Foreclosure	2., 6.
	Unlawful Detainer-Drugs (38)	<input type="checkbox"/> A6022 Unlawful Detainer-Drugs	2., 6.

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

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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 <input type="checkbox"/> 1. <input checked="" 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.		ADDRESS: 275 E. OLIVE AVE
CITY: BURBANK	STATE: CA	ZIP CODE: 91510

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 Stanley Mosk 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)].

Dated: January 27, 2011


 (SIGNATURE OF ATTORNEY/FILING PARTY)

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 (Rev. 01/07).
5. Payment in full of the filing fee, unless fees have been waived.
6. Signed order appointing the Guardian ad Litem, JC form FL-935, if the plaintiff or petitioner is a minor under 18 years of age, or if required by Court.
7. Additional copies of documents to be conformed by the Clerk. Copies of the cover sheet and this addendum must be served along with the summons and complaint, or other initiating pleading in the case.