

SUMMONS (CITACION JUDICIAL)

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

NOTICE TO DEFENDANT: (AVISO AL DEMANDADO):

COUNTY OF SAN BERNARDINO, a public entity, SAN
BERNARDINO COUNTY SHERIFFS DEPARTMENT, a public entity,

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

FLORENCIO MUNGUIA, MERCEDES MUNGUIA, LINDA
MUNGUIA, CHRISTOPHER ORTEGA, A MINOR, BY AND

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): San Bernardino Superior Court
247 W. 3rd Street
San Bernardino, California 92415

CASE NUMBER:
(Número del Caso):

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:
(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):
THE PIRNIA LAW GROUP, 8549 Wilshire Blvd., Suite 1193, Beverly Hill, CA 90211; Tel.: (844) 747-5294

DATE:
(Fecha)

Clerk, by _____, 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)).

(SEAL)

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):

SHORT TITLE:

Munguia, et al. v. County of San Bernardino, et al.

CASE NUMBER:

INSTRUCTIONS FOR USE

- This form may be used as an attachment to any summons if space does not permit the listing of all parties on the summons.
- If this attachment is used, insert the following statement in the plaintiff or defendant box on the summons: "Additional Parties Attachment form is attached."

List additional parties (Check only one box. Use a separate page for each type of party.):

☐ Plaintiff ☐ Defendant ☐ Cross-Complainant ☐ Cross-Defendant

MICHAEL ANDRADEA, individually, and DOES 1 through 50, inclusive,

SHORT TITLE: Munguia, et al. v. County of San Bernardino, et al.	CASE NUMBER:
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INSTRUCTIONS FOR USE

- This form may be used as an attachment to any summons if space does not permit the listing of all parties on the summons.
- If this attachment is used, insert the following statement in the plaintiff or defendant box on the summons: "Additional Parties Attachment form is attached."

List additional parties (Check only one box. Use a separate page for each type of party.):

☐ Plaintiff
 ☐ Defendant
 ☐ Cross-Complainant
 ☐ Cross-Defendant

THROUGH HIS GUARDIAN AD LITEM, LINDA MUNGUIA

1 Ardy Pirnia, Esq. (State Bar No. 288805)
2 THE PIRNIA LAW GROUP
3 8549 Wilshire Blvd., Suite 1193
4 Beverly Hills California 90211
5 Tel.: (844) 747-5294
6 Fax: (877) 858-7268

7 Attorneys for Plaintiffs,
8 FLORENCIO MUNGUIA, MERCEDES MUNGUIA, LINDA MUNGUIA, CHRISTOPHER
9 ORTEGA, A MINOR, BY AND THROUGH HIS GUARDIAN AD LITEM, LINDA
10 MUNGUIA

11 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
12 **FOR THE COUNTY OF SAN BERNARDINO – CIVIL DIVISION**

13 FLORENCIO MUNGUIA, MERCEDES) **CASE NO.**
14 MUNGUA, LINDA MUNGUIA, AND)
15 CHRISTOPHER ORTEGA, A MINOR,) **COMPLAINT FOR DAMAGES**
16 BY AND THROUGH HIS GUARDIAN) **[GOV. CODE SECTIONS 815.2 AND 820 –**
17 AD LITEM, LINDA MUNGUIA,) **LIABILITY OF PUBLIC ENTITIES AND**
18) **PUBLIC EMPLOYEES]**

19 Plaintiffs,

20 v.

21 COUNTY OF SAN BERNARDINO, a
22 public entity, SAN BERNARDINO
23 COUNTY SHERIFFS DEPARTMENT, a
24 public entity, MICHAEL ANDRADEA,
25 individually, and DOES 1 through 50,
26 inclusive,

27 Defendants.

28 COMES NOW the Plaintiffs FLORENCIO MUNGUIA, MERCEDES MUNGUIA,
LINDA MUNGUIA, CHRISTOPHER ORTEGA, A MINOR, BY AND THROUGH HIS
GUARDIAN AD LITEM, LINDA MUNGUIA (“Plaintiffs”), complaining of the Defendants,
and each of them, as follows:

GENERAL ALLEGATIONS

1. The true names and/or capacities, whether individual, corporate, associate or otherwise, of defendants, and each of them, and DOES 1 through 50, inclusive, are unknown to Plaintiffs who therefore sue said defendants by such fictitious names. Plaintiffs are informed and believe, and thereupon allege, that each defendant fictitiously named herein as a DOE was legally responsible, negligently or in some other actionable manner, for the events and happenings, or lack thereof, hereinafter referred to, and thereby proximately caused the injuries and damages to Plaintiffs as hereinafter alleged. Plaintiffs will seek leave of court to amend this Complaint to insert the true names and/or capacities of such fictitiously named defendants when the same have been ascertained.

2. Plaintiffs are informed and believe and thereupon allege that at all times mentioned herein, defendants, and each of them, including DOES 1 through 50, inclusive, were the agents, servants, employees and/or joint venturers of their codefendants, and were as such acting within the course and scope and authority of said agency, employment and/or venture, and that each and every defendant, as aforesaid, when acting as a principal, was negligent in the selection and hiring of each and every other defendant as an agent, employee and/or joint venture, and that each and every defendant had knowledge, consent, permission, ratified and approved the acts of his or her agents employees and/or joint venturers by and through its officers, directors and/or managing agents.

3. That at all times mentioned herein, Plaintiffs, FLORENCIO MUNGUIA, MERCEDES MUNGUIA, LINDA MUNGUIA, CHRISTOPHER ORTEGA, A MINOR, THROUGH HIS GUARDIAN AD LITEM, LINDA MUNGUIA (hereinafter referred to as "Plaintiffs") were and are residents of the City of San Bernardino, County of San Bernardino, State of California.

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1 4. That at all times mentioned herein, Defendant, MICHAEL ANDRADEA,
2 (hereinafter referred to as "ANDRADEA") was and is a resident of the City of San Bernardino,
3 County of San Bernardino, State of California.

4 5. That at all times mentioned herein, Defendant, COUNTY OF SAN
5 BERNARDINO (hereinafter referred to as "COUNTY"), was and is a governmental public
6 entity in the County of San Bernardino, State of California.

7 6. That at all times mentioned herein, Defendant, SAN BERNARDINO COUNTY
8 SHERIFFS DEPARTMENT (hereinafter referred to as "SHERIFFS") was and is a governmental
9 public entity in the County of San Bernardino, State of California.

10 **FIRST CAUSE OF ACTION**

11 **(Government Code Sections 815.2 and 820 –**

12 **LIABILITY OF PUBLIC ENTITIES AND PUBLIC EMPLOYEES)**

13 7. Plaintiffs, reallege as though fully set forth at length, and incorporate herein by
14 reference, all of the allegations and statements contained in paragraphs 1 through 6, inclusive, of
15 the allegations set forth above.

16 8. Plaintiffs bring forth their complaint for damages pursuant to the Tort Claims Act
17 under Government Code Sections 815.2 and 820 for injuries caused by the acts and omissions of
18 COUNTY employees acting within the scope of their employment and for injuries caused by an
19 employee of COUNTY for acts or omissions for acts or omissions committed within the scope
20 of the employees employment.

21 9. Plaintiffs properly filed his claim against COUNTY and SHERIFFS within six
22 months of the date of accident, on May 8, 2018. A true and correct copy of Plaintiffs' claim and
23 its attachments are attached hereto as Exhibit "A".

24 10. Thereafter, COUNTY rejected the claim on July 11, 2018.

25 11. That at all times mentioned herein, Defendants, COUNTY, SHERIFFS, and
26 DOES 1 through 25, inclusive, and each of them, were the owners of, or had an ownership
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1 interest in that certain 2010 Ford Crown Victoria, bearing California license plate number
2 1350848, hereinafter referred to as "Defendant's vehicle".

3 12. Plaintiffs are informed and believe, and thereupon allege, that at all times
4 mentioned herein, Defendants, COUNTY, SHERIFFS, and DOES 1 through 25, inclusive, and
5 each of them, permitted "Defendant's vehicle" to be used and driven by Defendant,
6 ANDRADEA, and DOES 26 through 50, inclusive, and each of them, who Defendants,
7 COUNTY, SHERIFFS, and DOES 1 through 25, inclusive, and each of them, knew or from facts
8 known to them should have known, from facts ascertainable through the exercise of reasonable
9 care should have known, were reckless, negligent and incompetent drivers.

10 13. That on or about April 24, 2018, at approximately 4:15 p.m., Plaintiff,
11 FLORENCIO MUNGUIA, was operating a 1996 Ford Taurus. Plaintiffs were traveling
12 eastbound on Pacific Street approaching its intersection with Conejo Drive. Plaintiffs were
13 traveling in the No. 2 lane. The intersection is controlled by stop signs for northbound and
14 southbound traffic on Conejo Drive, only. Defendant, ANDRADEA was traveling westbound on
15 Pacific Street. As Plaintiffs proceeded through the intersection, ANDRADEA in "Defendant's
16 vehicle," turned left in front of Plaintiffs' vehicle, causing the collision between the two vehicles.

17 14. That at said time and place, Defendants, COUNTY, SHERIFFS, and DOES 1
18 through 50, inclusive, and Defendant, ANDRADEA, and each of them, negligently, recklessly
19 and carelessly drove, owned, operated, controlled, entrusted, bailed, managed and maintained
20 "Defendant's vehicle" so that same was caused to and did collide with Plaintiffs, proximately
21 causing the injuries and damages to Plaintiffs as herein alleged.

22 15. Government Code § 815.2 provides in pertinent part: "A public entity is liable for
23 injury proximately caused by an act or omission of an employee of the public entity within the
24 scope of his employment if the act or omission would, apart from this section, have given rise to
25 a cause of action against that employee or his personal representative.

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1 16. Government Code § 820(a) provides in pertinent part: "Except as otherwise
2 provided by statute (including Section 820.2), a public employee is liable for injury caused by
3 his act or omission to the same extent as a private person.

4 17. Defendants COUNTY, SHERIFFS, and each of them, as a governmental public
5 entity that drove, owned, operated, controlled, entrusted, bailed, managed and/or maintained
6 "Defendant's vehicle" so that same was caused to and did collide with Plaintiffs, owed a special
7 duty of care, by and through its employees, to drive, own, operate, control, entrust, bail, manage
8 and/or maintain "Defendant's vehicle" in a reasonable and safe manner to prevent injury or harm
9 to the common public, including, but not limited to Plaintiffs.

10 18. Defendant ANDRADEA, and each of them, drove, owned, operated, controlled,
11 entrusted, bailed, managed and/or maintained "Defendant's vehicle" so that same was caused to
12 and did collide with Plaintiffs, proximately causing the injuries and damages to Plaintiffs as
13 herein alleged.

14 19. The negligent or wrongful acts or omissions of Defendants COUNTY,
15 SHERIFFS, its agents or employees, including, but not limited to Defendant, ANDRADEA, and
16 each of them, within the purpose, scope, or course of their employment, to drive, own, operate,
17 control, entrust, bail, manage and/or maintain "Defendant's vehicle" resulted in a breach of that
18 duty and caused the collision with Plaintiffs.

19 20. That as a direct, proximate and legal result of the aforesaid negligence of
20 Defendants, and each of them, Plaintiffs have suffered severe, serious and permanent injuries to
21 their person, all to their general damages, according to proof.

22 21. That as a direct, proximate and legal result of the aforesaid negligence of
23 Defendants, and each of them, Plaintiff's vehicle sustained property damage, in an amount,
24 according to proof.

25 22. That as a direct, proximate and legal result of the aforesaid negligence of
26 Defendants, and each of them, Plaintiffs were compelled to and did employ the services of
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1 hospitals, physicians, surgeons, nurses and the like, to care for and treat them, and did incur
2 hospital, medical, professional and incidental expenses, and Plaintiffs are informed and believe
3 and upon such information and belief, allege that he will necessarily, by reason of their injuries,
4 incur additional like expenses for an indefinite period of time in the future.

5 23. As a further direct, proximate and legal result of said negligence of the
6 Defendants, and each of them, Plaintiffs have suffered and continue to suffer loss of earnings and
7 earning capacity, and will suffer a future loss of earning capacity; the exact amount of which is
8 unknown to Plaintiffs at this time; Plaintiffs will ask leave of court to amend this complaint when
9 same is ascertained.

10 WHEREFORE, Plaintiffs pray judgment against defendants, and each of them, as
11 follows:

12 1. For medical expenses, past and future, and incidental expenses, according to
13 proof at trial;

14 2. For loss of earning and loss of earning capacity, past and future, according to
15 proof at trial;

16 3. For general damages in an amount as will be shown pursuant to California *Code*
17 *of Civil Procedure*, § 425.10, which amount is in excess of \$25,000, according to proof at trial;

18 4. For prejudgment interest, according to proof at trial;

19 5. For cost of suit incurred herein;

20 6. For such other and further relief that the Court may deem just and proper.

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1 DATED: January 3, 2019

THE PIRNIA LAW GROUP

2
3 By: 

4 ARDY PIRNIA, ESQ.

5 Attorney for Plaintiffs, FLORENCIO MUNGUIA,
6 MERCEDES MUNGUIA, LINDA MUNGUIA,
7 CHRISTOPHER ORTEGA, A MINOR, BY AND
8 THROUGH HIS GUARDIAN AD LITEM, LINDA
9 MUNGUIA
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ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): The Pirnia Law Group Ardy Pirnia, Esq. (SBN 288805) 8549 Wilshire Blvd., Suite 1193 Beverly Hills, California 90211 TELEPHONE NO.: (844) 747-5294 FAX NO.: (877) 858-7268 ATTORNEY FOR (Name): Plaintiffs, Florencio Munguia, et al.	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES STREET ADDRESS: 247 W. 3rd Street MAILING ADDRESS: CITY AND ZIP CODE: San Bernardino, California 92415 BRANCH NAME: Civil Division	
CASE NAME: Munguia, et al. v. County of San Bernardino, et al.	
CIVIL CASE COVER SHEET <input checked="" type="checkbox"/> Unlimited (Amount demanded exceeds \$25,000) <input type="checkbox"/> Limited (Amount demanded is \$25,000 or less)	Complex Case Designation <input type="checkbox"/> Counter <input type="checkbox"/> Joinder Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)
	CASE NUMBER: JUDGE: DEPT:

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

1. Check **one** box below for the case type that best describes this case:
- | | | |
|---|--|--|
| Auto Tort
<input checked="" type="checkbox"/> Auto (22)
<input type="checkbox"/> Uninsured motorist (46)
Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort
<input type="checkbox"/> Asbestos (04)
<input type="checkbox"/> Product liability (24)
<input type="checkbox"/> Medical malpractice (45)
<input type="checkbox"/> Other PI/PD/WD (23)
Non-PI/PD/WD (Other) Tort
<input type="checkbox"/> Business tort/unfair business practice (07)
<input type="checkbox"/> Civil rights (08)
<input type="checkbox"/> Defamation (13)
<input type="checkbox"/> Fraud (16)
<input type="checkbox"/> Intellectual property (19)
<input type="checkbox"/> Professional negligence (25)
<input type="checkbox"/> Other non-PI/PD/WD tort (35)
Employment
<input type="checkbox"/> Wrongful termination (36)
<input type="checkbox"/> Other employment (15) | Contract
<input type="checkbox"/> Breach of contract/warranty (06)
<input type="checkbox"/> Rule 3.740 collections (09)
<input type="checkbox"/> Other collections (09)
<input type="checkbox"/> Insurance coverage (18)
<input type="checkbox"/> Other contract (37)
Real Property
<input type="checkbox"/> Eminent domain/Inverse condemnation (14)
<input type="checkbox"/> Wrongful eviction (33)
<input type="checkbox"/> Other real property (26)
Unlawful Detainer
<input type="checkbox"/> Commercial (31)
<input type="checkbox"/> Residential (32)
<input type="checkbox"/> Drugs (38)
Judicial Review
<input type="checkbox"/> Asset forfeiture (05)
<input type="checkbox"/> Petition re: arbitration award (11)
<input type="checkbox"/> Writ of mandate (02)
<input type="checkbox"/> Other judicial review (39) | Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400–3.403)
<input type="checkbox"/> Antitrust/Trade regulation (03)
<input type="checkbox"/> Construction defect (10)
<input type="checkbox"/> Mass tort (40)
<input type="checkbox"/> Securities litigation (28)
<input type="checkbox"/> Environmental/Toxic tort (30)
<input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41)
Enforcement of Judgment
<input type="checkbox"/> Enforcement of judgment (20)
Miscellaneous Civil Complaint
<input type="checkbox"/> RICO (27)
<input type="checkbox"/> Other complaint (not specified above) (42)
Miscellaneous Civil Petition
<input type="checkbox"/> Partnership and corporate governance (21)
<input type="checkbox"/> Other petition (not specified above) (43) |
|---|--|--|
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 |
|--|--|
3. Remedies sought (check all that apply): a. ☒ monetary b. ☐ nonmonetary; declaratory or injunctive relief c. ☐ punitive
4. Number of causes of action (specify):
5. This case ☐ is ☒ is not a class action suit.
6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: January 3, 2019
 Ardy Pirnia, Esq.

(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on **all** other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

Page 1 of 2

INSTRUCTIONS ON HOW TO COMPLETE THE COVER SHEET

To Plaintiffs and Others Filing First Papers. If you are filing a first paper (for example, a complaint) in a civil case, you **must** complete and file, along with your first paper, the *Civil Case Cover Sheet* contained on page 1. This information will be used to compile statistics about the types and numbers of cases filed. You must complete items 1 through 6 on the sheet. In item 1, you must check **one** box for the case type that best describes the case. If the case fits both a general and a more specific type of case listed in item 1, check the more specific one. If the case has multiple causes of action, check the box that best indicates the **primary** cause of action. To assist you in completing the sheet, examples of the cases that belong under each case type in item 1 are provided below. A cover sheet must be filed only with your initial paper. Failure to file a cover sheet with the first paper filed in a civil case may subject a party, its counsel, or both to sanctions under rules 2.30 and 3.220 of the California Rules of Court.

To Parties in Rule 3.740 Collections Cases. A "collections case" under rule 3.740 is defined as an action for recovery of money owed in a sum stated to be certain that is not more than \$25,000, exclusive of interest and attorney's fees, arising from a transaction in which property, services, or money was acquired on credit. A collections case does not include an action seeking the following: (1) tort damages, (2) punitive damages, (3) recovery of real property, (4) recovery of personal property, or (5) a prejudgment writ of attachment. The identification of a case as a rule 3.740 collections case on this form means that it will be exempt from the general time-for-service requirements and case management rules, unless a defendant files a responsive pleading. A rule 3.740 collections case will be subject to the requirements for service and obtaining a judgment in rule 3.740.

To Parties in Complex Cases. In complex cases only, parties must also use the *Civil Case Cover Sheet* to designate whether the case is complex. If a plaintiff believes the case is complex under rule 3.400 of the California Rules of Court, this must be indicated by completing the appropriate boxes in items 1 and 2. If a plaintiff designates a case as complex, the cover sheet must be served with the complaint on all parties to the action. A defendant may file and serve no later than the time of its first appearance a joinder in the plaintiff's designation, a counter-designation that the case is not complex, or, if the plaintiff has made no designation, a designation that the case is complex.

CASE TYPES AND EXAMPLES

Auto Tort

Auto (22)—Personal Injury/Property Damage/Wrongful Death
Uninsured Motorist (46) (*if the case involves an uninsured motorist claim subject to arbitration, check this item instead of Auto*)

Other PI/PD/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 PI/PD/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 PI/PD/WD

Non-PI/PD/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-PI/PD/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 BERNARDINO

Munguia, et al. _____

CASE NO.: _____

vs.

CERTIFICATE OF ASSIGNMENT

County of San Bernardino, et al. _____

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

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

☒ General

☐ Collection

Nature of Action

Ground

- | | |
|---|--|
| <input type="checkbox"/> 1. Adoption | Petitioner resides within the district |
| <input type="checkbox"/> 2. Conservator | Petitioner or conservatee resides within the district. |
| <input type="checkbox"/> 3. Contract | Performance in the district is expressly provided for. |
| <input type="checkbox"/> 4. Equity | The cause of action arose within the district. |
| <input type="checkbox"/> 5. Eminent Domain | The property is located within the district. |
| <input type="checkbox"/> 6. Family Law | Plaintiff, defendant, petitioner or respondent resides within the district. |
| <input type="checkbox"/> 7. Guardianship | Petitioner or ward resides within the district or has property within the district. |
| <input type="checkbox"/> 8. Harassment | Plaintiff, defendant, petitioner or respondent resides within the district. |
| <input type="checkbox"/> 9. Mandate | The defendant functions wholly within the district. |
| <input type="checkbox"/> 10. Name Change | The petitioner resides within the district. |
| <input checked="" type="checkbox"/> 11. Personal Injury | The injury occurred within the district. |
| <input type="checkbox"/> 12. Personal Property | The property is located within the district. |
| <input type="checkbox"/> 13. Probate | Decedent resided or resides within the district or had property within the district. |
| <input type="checkbox"/> 14. Prohibition | The defendant functions wholly within the district. |
| <input type="checkbox"/> 15. Review | The defendant functions wholly within the district. |
| <input type="checkbox"/> 16. Title to Real Property | The property is located within the district. |
| <input type="checkbox"/> 17. Transferred Action | The lower court is located within the district. |
| <input type="checkbox"/> 18. Unlawful Detainer | The property is located within the district. |
| <input type="checkbox"/> 19. Domestic Violence | The petitioner, defendant, plaintiff or respondent resides within the district. |
| <input type="checkbox"/> 20. Other _____ | |
| <input type="checkbox"/> 21. THIS FILING WOULD | NORMALLY FALL WITHIN JURISDICTION OF SUPERIOR COURT |

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

Accident occurred at the intersection of Pacific Street and Conejo Drive

NAME - INDICATE TITLE OR OTHER QUALIFYING FACTOR

ADDRESS

Fontana

CA

CITY

STATE

ZIP CODE

I declare, under penalty of perjury, that the foregoing is true and correct and that this declaration was executed on January 3, 2019 at Beverly Hills, California



Signature of Attorney/Party

CERTIFICATE OF ASSIGNMENT

ATTORNEY (Name, State Bar number, and address): The Pirnia Law Group Ardy Pirnia, Esq. (SBN 288805) 8549 Wilshire Blvd., Suite 1193 Beverly Hills, California 90211 TELEPHONE NO: (844) 747-5294 FAX NO. (Optional): (877) 858-7268 E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name): Plaintiffs, Florencio Munguia, et al.		To keep other people from seeing what you entered on your form, please press the Clear This Form button at the end of the form when finished.
SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN BERNARDINO STREET ADDRESS: 247 W. 3rd Street MAILING ADDRESS: CITY AND ZIP CODE: San Bernardino, California 92415 BRANCH NAME: Civil Division		
PLAINTIFF/PETITIONER: Florencio Munguia, et al. DEFENDANT/RESPONDENT: County of San Bernardino, et al.		
APPLICATION AND ORDER FOR APPOINTMENT OF GUARDIAN AD LITEM—CIVIL <input checked="" type="checkbox"/> EX PARTE		
		CASE NUMBER:
NOTE: This form is for use in civil proceedings in which a party is a minor, an incapacitated person, or a person for whom a conservator has been appointed. A party who seeks the appointment of a guardian ad litem in a family law or juvenile proceeding should use form FL-935. A party who seeks the appointment of a guardian ad litem in a probate proceeding should use form DE-350/GC-100. An individual cannot act as a guardian ad litem unless he or she is represented by an attorney or is an attorney.		

- Applicant (name): **Linda Munguia** is
 - ☒ the parent of (name): **Christopher Ortega**
 - ☐ the guardian of (name):
 - ☐ the conservator of (name):
 - ☐ a party to the suit.
 - ☐ the minor to be represented (if the minor is 14 years of age or older).
 - ☐ another interested person (specify capacity):
- This application seeks the appointment of the following person as guardian ad litem (state name, address, and telephone number):
Linda Munguia, 2008 N. Sierra Way, San Bernardino, California 92405; Tel.: (909) 352-2136
- The guardian ad litem is to represent the interests of the following person (state name, address, and telephone number):
Christopher Ortega, 2008 N. Sierra Way, San Bernardino, California 92405; Tel.: (909) 352-2136
- The person to be represented is:
 - ☒ a minor (date of birth): **9/23/13**
 - ☐ an incompetent person.
 - ☐ a person for whom a conservator has been appointed.
- The court should appoint a guardian ad litem because:
 - ☒ the person named in item 3 has a cause or causes of action on which suit should be brought (describe):
Negligence action against defendants for personal injuries sustained by minor in an automobile accident on April 24, 2018.

☐ Continued on Attachment 5a.

PLAINTIFF/PETITIONER: Florencio Munguia, et al.	CASE NUMBER:
DEFENDANT/RESPONDENT: County of San Bernardino, et al.	

5. b. ☐ more than 10 days have elapsed since the summons in the above-entitled matter was served on the person named in item 3, and no application for the appointment of a guardian ad litem has been made by the person identified in item 3 or any other person.
- c. ☐ the person named in item 3 has no guardian or conservator of his or her estate.
- d. ☐ the appointment of a guardian ad litem is necessary for the following reasons (specify):

☐ Continued on Attachment 5d.

6. The proposed guardian ad litem's relationship to the person he or she will be representing is:
- a. ☒ related (state relationship): Biological mother
- b. ☐ not related (specify capacity):
7. The proposed guardian ad litem is fully competent and qualified to understand and protect the rights of the person he or she will represent and has no interests adverse to the interests of that person. (If there are any issues of competency or qualification or any possible adverse interests, describe and explain why the proposed guardian should nevertheless be appointed):

☐ Continued on Attachment 7.

Ardy Pirnia, Esq.

(TYPE OR PRINT NAME)

(SIGNATURE OF ATTORNEY)

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

Date:

Linda Munguia

(TYPE OR PRINT NAME)

(SIGNATURE OF APPLICANT)

CONSENT TO ACT AS GUARDIAN AD LITEM

I consent to the appointment as guardian ad litem under the above petition.

Date:

Linda Munguia

(TYPE OR PRINT NAME)

(SIGNATURE OF PROPOSED GUARDIAN AD LITEM)

ORDER ☐ EX PARTE

THE COURT FINDS that it is reasonable and necessary to appoint a guardian ad litem for the person named in item 3 of the application, as requested.

THE COURT ORDERS that (name):

is hereby appointed as the guardian ad litem for (name):
for the reasons set forth in item 5 of the application.

Date:

JUDICIAL OFFICER

☐ SIGNATURE FOLLOWS LAST ATTACHMENT