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County Counsel
2 KRISTY VAN HERICK [178685]
Assistant County Counsel
3 SCOTT J. FEUDALE [242671]
Deputy County Counsel
4 Office of the County Counsel, County of Alameda
1221 Oak Street, Suite 450
5 Oakland, California 94612
Telephone: (510) 272-6700
6 Attorney for County of Alameda

7
8
9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA
11

12 ARAM BRONSTON,
Plaintiff,
13
v.
14 COUNTY OF ALAMEDA, et al.,
15
Defendants.
16

Case No. _____

**NOTICE OF REMOVAL OF ACTION
UNDER 28 U.S.C. § 1441(a) (FEDERAL
QUESTION)**

17 **TO THE CLERK OF THE ABOVE-ENTITLED COURT:**
18

19 PLEASE TAKE NOTICE that Defendant County of Alameda (“Defendant”) hereby
20 removes to this Court the state court action described below.

21 1. On March 23, 2021, a civil action was commenced in the Superior Court of the
22 State of California in and for the County of Alameda entitled *Bronston v. County of Alameda, et*
23 *al.*, Case Number: RG21094751. A true and correct copy of that complaint, and other paperwork
24 served along with it, is attached hereto as **Exhibit A**.

25 2. The first date upon which Defendant received a copy of the said compliant was on
26 April 19, 2021, when Plaintiff, through a process server, personally served a copy of the said
27 complaint and summons on the Clerk of the Board of Supervisors, as permitted under California
28 Code of Civil Procedure § 416.50(a). A copy of the summons with the completed proof of

1 service is attached as **Exhibit B**. On May 18, 2021, Defendant filed an answer in superior court
2 and served Plaintiff's counsel with a copy thereof. A true and correct copy of that answer, along
3 with the proof of service, is attached as **Exhibit C**.

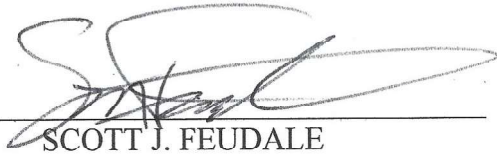
4 3. This action is a civil action of which this Court has original jurisdiction under 28
5 U.S.C. § 1331, and one which may be removed to this Court by Defendant under the provisions
6 of 28 U.S.C. § 1441(a) in that it arises under the Fair Labor Standards Act. (See Ex A at p. 2-3.)

7 4. All Defendants who have been served with the summons and complaint have
8 joined in this Notice of Removal.

9
10 DATED: May 19, 2021

DONNA R. ZIEGLER,
County Counsel in and for the County of
Alameda, State of California

11
12
13
14 By



SCOTT J. FEUDALE
Deputy County Counsel
Attorneys for County of Alameda

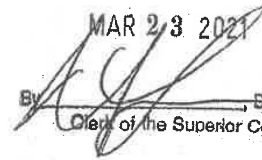
EXHIBIT A

Joshua - sever

2021-89X SUM-100

SUMMONS
(CITACION JUDICIAL)

RECEIVED
APR 19 2021
CLERK & BOARD
OF SUPERVISORS

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)
FILED
ALAMEDA COUNTY
MAR 23 2021
By  Deputy Clerk
Clerk of the Superior Court

NOTICE TO DEFENDANT:
(AVISO AL DEMANDADO):
COUNTY OF ALAMEDA, and DOES 1 through 20, inclusive

YOU ARE BEING SUED BY PLAINTIFF:
(LO ESTÁ DEMANDANDO EL DEMANDANTE):
ARAM LIN BRONSTON, an individual

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 o más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.

The name and address of the court is:
(El nombre y dirección de la corte es): Superior Court of California, County of Alameda
1225 Fallon Street, Oakland, California 94612

CASE NUMBER: (Número del Caso):
RG 21094751

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):

Joseph Gruchawka, 725 College Ave., Santa Rosa, CA 95404, (707) 843-7985

DATE: (Fecha) **MAR 9 2021** Chad Finke, Court Executive Officer Clerk, by (Secretario)  Deputy (Adjunto)

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

[SEA]

NOTICE TO THE PERSON SERVED: You are served

- as an individual defendant.
- as the person sued under the fictitious name of (specify):
- on behalf of (specify): County of Alameda
under: CCP 416.10 (corporation) CCP 416.60 (minor)
 CCP 416.20 (defunct corporation) CCP 416.70 (conservatee)
 CCP 416.40 (association or partnership) CCP 416.80 (authorized person)
 other (specify): CCP 416.50
- by personal delivery on (date): **4-19-21**

Form Adopted for Mandatory Use
Judicial Council of California
SUM-100 (Rev. July 1, 2009)

SUMMONS

Page 4 of 4
Code of Civil Procedure §§ 412.20, 468
www.courtinfo.ca.gov

CM-010

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Joseph Gruchawka, SBN 303548 725 College Ave. Santa Rosa, CA 95404 TELEPHONE NO.: (707) 843-7085 FAX NO. (Optional): ATTORNEY FOR (Name): Aram Lin Bronston	FOR COURT USE ONLY ENDORSED FILED ALAMEDA COUNTY MAR 23 2021 By Deputy Clerk Clerk of the Superior Court
SUPERIOR COURT OF CALIFORNIA, COUNTY OF ALAMEDA STREET ADDRESS: 1225 Fallon Street MAILING ADDRESS: CITY AND ZIP CODE: Oakland, CA 94612 BRANCH NAME: Civil	
CASE NAME: Bronston v. County of Alameda	
CIVIL CASE COVER SHEET <input checked="" type="checkbox"/> Unlimited (Amount demanded exceeds \$25,000) <input type="checkbox"/> Limited (Amount demanded is \$25,000)	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: <div style="font-size: 24pt; font-weight: bold; text-align: center;">RG21094751</div> JUDGE: DEPT.:	

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

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

Auto Tort <input type="checkbox"/> Auto (22) <input type="checkbox"/> Uninsured motorist (48) Other PIP/D/W (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 PIP/D/W (23) Non-PIP/D/W (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/W/D tort (35) Employment <input type="checkbox"/> Wrongful termination (36) <input checked="" type="checkbox"/> Other employment (15)	Contract <input type="checkbox"/> Breach of contract/warranty (06) <input type="checkbox"/> Rule 3.740 collections (09) <input type="checkbox"/> Other collections (09) <input type="checkbox"/> Insurance coverage (18) <input type="checkbox"/> Other contract (37) Real Property <input type="checkbox"/> Eminent domain/inverse condemnation (14) <input type="checkbox"/> Wrongful eviction (33) <input type="checkbox"/> Other real property (26) Unlawful Detainer <input type="checkbox"/> Commercial (31) <input type="checkbox"/> Residential (32) <input type="checkbox"/> Drugs (38) Judicial Review <input type="checkbox"/> Asset forfeiture (05) <input type="checkbox"/> Petition re: arbitration award (11) <input type="checkbox"/> Writ of mandate (02) <input type="checkbox"/> Other judicial review (39)	Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400-3.403) <input type="checkbox"/> Antitrust/Trade regulation (03) <input type="checkbox"/> Construction defect (10) <input type="checkbox"/> Mass tort (40) <input type="checkbox"/> Securities litigation (28) <input type="checkbox"/> Environmental/Toxic tort (30) <input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41) Enforcement of Judgment <input type="checkbox"/> Enforcement of judgment (20) Miscellaneous Civil Complaint <input type="checkbox"/> RICO (27) <input type="checkbox"/> Other complaint (not specified above) (42) Miscellaneous Civil Petition <input type="checkbox"/> Partnership and corporate governance (21) <input type="checkbox"/> Other petition (not specified above) (43)
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2. This case is is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:
- | | |
|--|--|
| a. <input type="checkbox"/> Large number of separately represented parties | d. <input type="checkbox"/> Large number of witnesses |
| b. <input type="checkbox"/> Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve | e. <input type="checkbox"/> Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court |
| c. <input type="checkbox"/> Substantial amount of documentary evidence | f. <input type="checkbox"/> Substantial postjudgment judicial supervision |
3. Remedies sought (check all that apply): a. monetary b. nonmonetary; declaratory or injunctive relief c. punitive
4. Number of causes of action (specify): 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: 3/23/2021

Joseph Gruchawka

(TYPE OR PRINT NAME)

NOTICE

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

- 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

Filed By Fax



23423482

FILED
ALAMEDA COUNTY

MAR 23 2021

CLERK OF THE SUPERIOR COURT
By *[Signature]* Deputy

1 Joseph Gruchawka, SBN 303548
2 The Law Office of Joseph Gruchawka
3 725 College Ave.
4 Santa Rosa, CA 95404
5 (707) 843-7085
6 joseph@lawofficeofjg.com

7 Attorney for
8 Plaintiff ARAM LIN BRONSTON

9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
10 **FOR THE COUNTY OF ALAMEDA**

11 ARAM LIN BRONSTON, an individual,
12 Plaintiff,

13 vs.

14 COUNTY OF ALAMEDA, and DOES 1 through
15 20, inclusive,
16 Defendants.

Case No.: **RG 21094751**
COMPLAINT FOR:
FAILURE TO PAY REQUIRED
OVERTIME

MAR 23 2021

Filed By Fax

1 Plaintiff alleges as follows:

2 **I. JURISDICTION AND VENUE**

3 1. This Court has jurisdiction over all causes of action asserted in this Complaint pursuant to
4 the California Constitution, Article VI, Section 10, because this case comprises causes of action not
5 assigned by statute to other trial courts.

6 2. This Court has jurisdiction over all causes of action asserted in this Complaint as provided
7 for by 29 USCS § 216(b).

8 3. This Court has jurisdiction over each Defendant named in this Complaint because each
9 Defendant is a person or entity who is either domiciled in California or has sufficient minimum
10 contacts with California so as to render the exercise of jurisdiction by the California Courts
11 (including this Court) reasonable and just, according to our nation's traditional conception of fair
12 play and substantial justice.

13 4. Venue is proper in this Court in accordance with California Code of Civil Procedure section
14 394(a), because this is the county in which the Defendant is situated.

15 **II. FACTS COMMON TO ALL CLAIMS**

16 5. On or about November 19, 2018, Plaintiff began working for Defendant as an EMS
17 Coordinator, coordinating disaster responses.

18 6. Plaintiff was paid on an hourly basis. His starting regular rate of pay was \$50.62 an hour,
19 which rose to \$52.73 an hour on December 30, 2018, \$63.03 an hour on January 13, 2019, and
20 \$65.08 an hour on December 29, 2019.

21 7. Plaintiff's primary duty was not management of the County of Alameda or of a customarily
22 recognized department or subdivision of the County of Alameda.

23 8. Plaintiff did not customarily and regularly direct the work of two or more other employees
24 of Defendant.

25 9. Plaintiff did not have the authority to hire or fire other employees of Defendant, and
26 Plaintiff's suggestions and recommendations as to the hiring, firing, advancement, promotion or any
27 other change of status of other employees were not given particular weight.
28

1 10. In spite of the fact that Plaintiff was a nonexempt employee, Defendant misclassified
2 Plaintiff as an allegedly exempt "M-designated" employee, and willfully failed to pay him for
3 overtime hours worked. In fact, Defendant forbid Plaintiff from recording the overtime hours he
4 worked in Defendant's timekeeping system, and on numerous occasions, Plaintiff's supervisor
5 entered eight hours per day, in spite of the fact that Plaintiff worked many more hours. Defendant
6 was aware of the hours Plaintiff actually worked because Plaintiff kept his own accurate records and
7 submitted them to Defendant.

8 11. Defendant willfully violated the Fair Labor Standards Act ("FLSA"), by, inter alia,
9 knowingly failing to pay Plaintiff for the overtime hours he worked, by failing to keep records of
10 the numerous overtime hours worked by Plaintiff, by forbidding Plaintiff from entering his overtime
11 hours worked in Defendant's timekeeping system, and by fabricating and understating the hours
12 worked by Plaintiff.

13 12. During his employment with Defendant, Plaintiff worked approximately 1,418.5 overtime
14 hours for which he was not compensated. For example, the week of August 9, 2020 through August
15 15, 2020, Plaintiff worked 88 hours, but was only paid for 40 hours.

16 13. Plaintiff's last day of employment with Defendant was on or about August 21, 2020.

17 **FAILURE TO PAY REQUIRED OVERTIME**

18 [29 USCS §§ 207, 216]

19 14. Plaintiff re-alleges each paragraph of this Complaint as though fully set forth herein.

20 15. Defendant employed Plaintiff from November 19, 2018 through August 21, 2020.

21 16. Defendant engaged in interstate commerce by contracting for goods and services from
22 businesses outside the State of California.

23 17. Defendant failed to pay Plaintiff the overtime pay required by law.

24 18. Between November 19, 2018 and August 21, 2020, Plaintiff worked approximately 1,418.5
25 hours in excess of 40 each workweek for which he was not compensated.

26 19. Defendant owes Plaintiff \$137,788.25 in unpaid overtime pay.

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PRAYER FOR RELIEF

Wherefore, Plaintiff prays for the following relief against Defendant:

- 1. \$137,788.25 in unpaid overtime wages,
- 2. \$137,788.25 in liquidated damages,
- 3. Attorney's fees and costs, and
- 4. Prejudgment interest.

DATED: March 23, 2021


 Joseph Gruchawka
 Attorney for Plaintiff ARAM LIN
 BRONSTON

Superior Court of California, County of Alameda



Notice of Assignment of Judge for All Purposes

Case Number: RG21094751
Case Title: Bronston VS County of Alameda
Date of Filing: 03/23/2021

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

Pursuant to Rule 3.734 of the California Rules of Court and Title 3 Chapter 2 of the Local Rules of the Superior Court of California, County of Alameda, this action is hereby assigned by the Presiding Judge for all purposes to:

Judge:	Delbert C. Gee
Department:	514
Address:	Hayward Hall of Justice 24405 Amador Street Hayward CA 94544
Phone Number:	(510) 690-2723
Fax Number:	(510) 267-1584
Email Address:	Dept514@alameda.courts.ca.gov

Under direct calendaring, this case is assigned to a single judge for all purposes including trial.

Please note: In this case, any challenge pursuant to Code of Civil Procedure section 170.6 must be exercised within the time period provided by law. (See Code Civ. Proc. §§ 170.6, subd. (a)(2) and 1013.)

NOTICE OF NONAVAILABILITY OF COURT REPORTERS: Effective June 4, 2012, the court will not provide a court reporter for civil law and motion hearings, any other hearing or trial in civil departments, or any afternoon hearing in Department 201 (probate). Parties may arrange and pay for the attendance of a certified shorthand reporter. In limited jurisdiction cases, parties may request electronic recording.

Amended Local Rule 3.95 states: "Except as otherwise required by law, in general civil case and probate departments, the services of an official court reporter are not normally available. For civil trials, each party must serve and file a statement before the trial date indicating whether the party requests the presence of an official court reporter."

IT IS THE DUTY OF EACH PLAINTIFF AND CROSS COMPLAINANT TO SERVE A COPY OF THIS NOTICE IN ACCORDANCE WITH LOCAL RULES.

General Procedures

Following assignment of a civil case to a specific department, all pleadings, papers, forms, documents and writings can be submitted for filing at either Civil Clerk's Office, located at the René C. Davidson Courthouse, Room 109, 1225 Fallon Street, Oakland, California, 94612, and the Hayward Hall of Justice, 24405 Amador Street, Hayward, California, 94544. All documents, with the exception of the original summons and the original civil complaint, shall have clearly typed on the face page of each document, under the case number, the following:

ASSIGNED FOR ALL PURPOSES TO
JUDGE Delbert C. Gee
DEPARTMENT 514

All parties are expected to know and comply with the Local Rules of this Court, which are available on the court's website at: [http://www.alameda.courts.ca.gov/Pages.aspx/Local-Rules\(1\)](http://www.alameda.courts.ca.gov/Pages.aspx/Local-Rules(1)) and with the California Rules of Court, which are available at www.courtinfo.ca.gov.

Parties must meet and confer to discuss the effective use of mediation or other alternative dispute processes (ADR) prior to the Initial Case Management Conference. The court encourages parties to file a "Stipulation to Attend ADR and Delay Initial Case Management Conference for 90 Days". Plaintiff received that form in the ADR information package at the time the complaint was filed. The court's website also contains this form and other ADR information. If the parties do not stipulate to attend ADR, the parties must be prepared to discuss referral to ADR at the Initial Case Management Conference.

Chambers copies of all papers filed in connection with any hearing (motion, ex parte application) shall be delivered to Dept. 514 on the date of filing. For discovery motions, the court requires compliance with Local Rule 3.31 before a reservation number will be provided. (See below).

Appearances by attorneys not counsel of record are not permitted except for good cause shown. Any appearing counsel must have full authority to make decisions on a case. All references to counsel apply equally to self-represented parties and must comply the rules cited in this Notice. Hearings and calendar events are scheduled by EMAIL ONLY to Dept. 514. Except for scheduling matters, all emails to the Court must include all other parties (or their counsel, if represented) and must show that all other parties have been copied. All parties are required to include available email addresses in the caption of all filed papers, as required by California Rules of Court 2.111(1).

Schedule for Department 514

The following scheduling information is subject to change at any time, without notice. Please contact the department at the phone number or email address noted above if you have questions.

- Trials generally are held: Fridays at 9:00 a.m. for Jury and Court Trials. Trial Readiness Conferences are held 2 weeks prior to the trial date. Compliance with Local Rule 3.35 and personal appearance of trial counsel is required.
- Case Management Conferences are held: Tuesday -Thursday at 8:30 a.m. (ICMC) and Monday-Thursday at 8:30 a.m. (CMCC) Timely-filed and complete CMC statements are required. Tentative rulings for case management conferences are available in the register of actions.

- Law and Motion matters are heard: Tuesdays at 2:30 p.m. and Fridays at 1:30 p.m. Email Dept. 514 for reservations. Chambers copies of all papers shall be delivered to Dept. 514 on the date of filing.
- Settlement Conferences are heard: Counsel are encouraged to consider alternative dispute resolution. Settlement Conferences may be specially set on a case-specific basis.
- Ex Parte matters are heard: Monday, Wednesday, Thursday at 2:30 p.m. Chambers copies of all papers shall be delivered to Dept. 514 on the date of filing. The applicant must provide CRC 3.1203(a) notice to all parties.
- For L&M Email: Dept514@alameda.courts.ca.gov. Include case name & number, title of motion and identity of moving party and affirmation that the parties have met and conferred on agreeable dates before requesting a hearing date. No Discovery motion may be filed until an informal discovery conference ("IDC") has been held or denied by the court, as set forth in Local Rule 3.31. Email Dept. 514 to schedule an IDC and submit declarations in conformity with Rule 3.31. When requesting a hearing date for a discovery motion, include information about the IDC, including the date the hearing was held or denied.

Law and Motion Procedures

To obtain a hearing date for a Law and Motion or ex parte matter, parties must contact the department as follows:

- Motion Reservations
Email: Dept514@alameda.courts.ca.gov
- Ex Parte Matters
Email: Dept514@alameda.courts.ca.gov

Tentative Rulings

The court may issue tentative rulings in accordance with the Local Rules. Tentative rulings will become the Court's order unless contested in accordance with the Local Rules. Tentative rulings will be available at:

- Website: www.alameda.courts.ca.gov/domainweb, Calendar Information for Dept. 514
- Phone: 1-866-223-2244

Dated: 04/12/2021



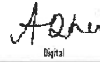
Presiding Judge,
Superior Court of California, County of Alameda

CLERK'S CERTIFICATE OF MAILING

I certify that the following is true and correct: I am the clerk of the above-named court and not a party to this cause. I served this Notice by placing copies in envelopes addressed as shown on the attached Notice of Initial Case Management Conference and then by sealing and placing them for collection, stamping or metering with prepaid postage, and mailing on the date stated below, in the United States mail at Alameda County, California, following standard court practices.

Executed on 04/13/2021

By



Deputy Clerk

The Law Office of Joseph Gruchawka
 Attn: Gruchawka, Joseph
 725 College Ave
 Santa Rosa, CA 95404

Superior Court of California, County of Alameda

Bronston Plaintiff/Petitioner(s) VS. County of Alameda Defendant/Respondent(s) (Abbreviated Title)	No. RG21094751 NOTICE OF CASE MANAGEMENT CONFERENCE AND ORDER Unlimited Jurisdiction
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TO ALL PARTIES AND TO THEIR ATTORNEYS OF RECORD:
 Notice is given that a Case Management Conference has been scheduled as follows:

Date: 08/06/2021 Time: 02:00 PM	Department: 514 Location: Hayward Hall of Justice 2nd Floor 24405 Amador Street, Hayward CA 94544 Internet: www.alameda.courts.ca.gov	Judge: Delbert C. Gee Clerk: Cynthia Trinidad Clerk telephone: (510) 690-2723 E-mail: Dept514@alameda.courts.ca.gov Fax: (510) 267-1584
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ORDERS

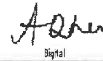
1. **Plaintiff must:**
 - a. **Serve** all named defendants and file proofs of service on those defendants with the court within 60 days of the filing of the complaint (Cal. Rules of Court, 3.110(b)); and
 - b. **Give notice** of this conference to all other parties and file proof of service.
2. **Defendant must** respond as stated on the summons.
3. **All parties who have appeared before the date of the conference must:**
 - a. **Meet and confer**, in person or by telephone as required by Cal. Rules of Court, rule 3.724;
 - b. **File and serve** a completed *Case Management Statement* on Form CM-110 at least **15** days before the Case Management Conference (Cal. Rules of Court, rule 3.725); and
 - c. **Post jury fees** as required by Code of Civil Procedure section 631.
4. If you do not follow the orders above, the court may issue an order to show cause why you should not be sanctioned under Cal. Rules of Court, rule 2.30. Sanctions may include monetary sanctions, striking pleadings or dismissal of the action.
5. You are further ordered to appear in person or through your attorney of record at the Case Management Conference noticed above. You must be thoroughly familiar with the case and fully authorized to proceed. You may be able to appear at Case Management Conferences by telephone. Contact CourtCall, an independent vendor, at least three business days before the scheduled conference. Call 1-888-882-6878, or fax a service request to (888) 882-2946. The vendor charges for this service.
6. You may file *Case Management Conference Statements* by E-Delivery. Submit them directly to the E-Delivery Fax Number (510) 267-5732. No fee is charged for this service. For further information, go to www.alameda.courts.ca.gov/ff.
7. The judge may place a *Tentative Case Management Order* in your case's on-line register of actions before the conference. This order may establish a discovery schedule, set a trial date or refer the case to Alternate Dispute Resolution, such as mediation or arbitration. Check the website of each assigned department for procedures regarding tentative case management orders at www.alameda.courts.ca.gov/dc.

CLERK'S CERTIFICATE OF MAILING

I certify that the following is true and correct: I am the clerk of the above-named court and not a party to this cause. I served this Notice of Hearing by placing copies in envelopes addressed as shown hereon and then by sealing and placing them for collection, stamping or metering with prepaid postage, and mailing on the date stated below, in the United States mail at Alameda County, California, following standard court practices.

Executed on 04/13/2021.

By



Aden

Digital

Deputy Clerk



Superior Court of California, County of Alameda Alternative Dispute Resolution (ADR) Information Packet

The person who files a civil lawsuit (plaintiff) must include the ADR Information Packet with the complaint when serving the defendant. Cross complainants must serve the ADR Information Packet on any new parties named to the action.

The Court *strongly encourages* the parties to use some form of ADR before proceeding to trial. You may choose ADR by:

- Indicating your preference on Case Management Form CM-110;
- Filing the Stipulation to ADR and Delay Initial Case Management Conference for 90 Days (a local form included with the information packet); or
- Agree to ADR at your Initial Case Management Conference.

QUESTIONS? Call (510) 891-6055. Email adrprogram@alameda.courts.ca.gov
Or visit the court's website at <http://www.alameda.courts.ca.gov/adr>

What Are The Advantages Of Using ADR?

- **Faster** –Litigation can take years to complete but ADR usually takes weeks or months.
- **Cheaper** – Parties can save on attorneys' fees and litigation costs.
- **More control and flexibility** – Parties choose the ADR process appropriate for their case.
- **Cooperative and less stressful** – In mediation, parties cooperate to find a mutually agreeable resolution.
- **Preserve Relationships** – A mediator can help you effectively communicate your interests and point of view to the other side. This is an important benefit when you want to preserve a relationship.

What Is The Disadvantage Of Using ADR?

- **You may go to court anyway** – If you cannot resolve your dispute using ADR, you may still have to spend time and money resolving your lawsuit through the courts.

What ADR Options Are Available?

- **Mediation** – A neutral person (mediator) helps the parties communicate, clarify facts, identify legal issues, explore settlement options, and agree on a solution that is acceptable to all sides.
 - **Court Mediation Program:** Mediators do not charge fees for the first two hours of mediation. If parties need more time, they must pay the mediator's regular fees.

Some mediators ask for a deposit before mediation starts which is subject to a refund for unused time.

- **Private Mediation:** This is mediation where the parties pay the mediator's regular fees and may choose a mediator outside the court's panel.
- **Arbitration** – A neutral person (arbitrator) hears arguments and evidence from each side and then decides the outcome of the dispute. Arbitration is less formal than a trial and the rules of evidence are often relaxed. Arbitration is effective when the parties want someone other than themselves to decide the outcome.
 - **Judicial Arbitration Program** (non-binding): The judge can refer a case or the parties can agree to use judicial arbitration. The parties select an arbitrator from a list provided by the court. If the parties cannot agree on an arbitrator, one will be assigned by the court. There is no fee for the arbitrator. The arbitrator must send the decision (award of the arbitrator) to the court. The parties have the right to reject the award and proceed to trial.
 - **Private Arbitration** (binding and non-binding) occurs when parties involved in a dispute either agree or are contractually obligated. This option takes place outside of the courts and is normally binding meaning the arbitrator's decision is final.

Mediation Service Programs In Alameda County

Low cost mediation services are available through non-profit community organizations. Trained volunteer mediators provide these services. Contact the following organizations for more information:

SEEDS Community Resolution Center

2530 San Pablo Avenue, Suite A, Berkeley, CA 94702-1612

Telephone: (510) 548-2377 Website: www.seedscrc.org

Their mission is to provide mediation, facilitation, training and education programs in our diverse communities – Services that Encourage Effective Dialogue and Solution-making.

Center for Community Dispute Settlement

291 McLeod Street, Livermore, CA 94550

Telephone: (925) 373-1035 Website: www.trivalleymediation.com

CCDS provides services in the Tri-Valley area for all of Alameda County.

For Victim/Offender Restorative Justice Services

Catholic Charities of the East Bay: Oakland

433 Jefferson Street, Oakland, CA 94607

Telephone: (510) 768-3100 Website: www.cceb.org

Mediation sessions involve the youth, victim, and family members work toward a mutually agreeable restitution agreement.

ALA ADR-001

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address) TELEPHONE NO.: _____ FAX NO. (Optional): _____ E-MAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): _____	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, ALAMEDA COUNTY STREET ADDRESS: _____ MAILING ADDRESS: _____ CITY AND ZIP CODE: _____ BRANCH NAME: _____	
PLAINTIFF/PETITIONER: _____ DEFENDANT/RESPONDENT: _____	
STIPULATION TO ATTEND ALTERNATIVE DISPUTE RESOLUTION (ADR) AND DELAY INITIAL CASE MANAGEMENT CONFERENCE FOR 90 DAYS	

INSTRUCTIONS: All applicable boxes must be checked, and the specified information must be provided.

This stipulation is effective when:

- All parties have signed and filed this stipulation with the Case Management Conference Statement at least 15 days before the initial case management conference.
- A copy of this stipulation has been received by the ADR Program Administrator, 24405 Amador Street, Hayward, CA 94544 or Fax to (510) 267-5727.

1. Date complaint filed: _____ An **Initial Case Management Conference** is scheduled for:

Date: _____ Time: _____ Department: _____

2. Counsel and all parties certify they have met and conferred and have selected the following ADR process (check one):

- Court mediation Judicial arbitration
 Private mediation Private arbitration

3. All parties agree to complete ADR within 90 days and certify that:

- No party to the case has requested a complex civil litigation determination hearing;
- All parties have been served and intend to submit to the jurisdiction of the court;
- All parties have agreed to a specific plan for sufficient discovery to make the ADR process meaningful;
- Copies of this stipulation and self-addressed stamped envelopes are provided for returning endorsed filed stamped copies to counsel and all parties;
- Case management statements are submitted with this stipulation;
- All parties will attend ADR conferences; and,
- The court will not allow more than 90 days to complete ADR.

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

Date:

_____  _____
 (TYPE OR PRINT NAME) (SIGNATURE OF PLAINTIFF)

Date:

_____  _____

(TYPE OR PRINT NAME)

(SIGNATURE OF ATTORNEY FOR PLAINTIFF)

ALA ADR-001

PLAINTIFF/PETITIONER:	CASE NUMBER.:
DEFENDANT/RESPONDENT:	

Date:

(TYPE OR PRINT NAME)



(SIGNATURE OF DEFENDANT)

Date:

(TYPE OR PRINT NAME)



(SIGNATURE OF ATTORNEY FOR DEFENDANT)

EXHIBIT B

Joshua - sewer

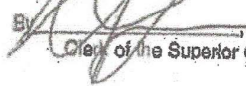
2021-89X SUM-100

SUMMONS
(CITACION JUDICIAL)

RECEIVED
APR 19 2021
CLERK & BOARD
OF SUPERVISORS

FOR COURT USE ONLY
(SOLO PARA USAR EN LOS TRIBUNALES)
FILED
ALAMEDA COUNTY

MAR 23 2021

By  Deputy Clerk
Clerk of the Superior Court

NOTICE TO DEFENDANT:
(AVISO AL DEMANDADO):
COUNTY OF ALAMEDA, and DOES 1 through 20, inclusive

YOU ARE BEING SUED BY PLAINTIFF:
(LO ESTÁ DEMANDANDO EL DEMANDANTE):
ARAM LIN BRONSTON, an individual

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 protegerán. 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 queda 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 o más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.

The name and address of the court is:
(El nombre y dirección de la corte es): Superior Court of California, County of Alameda
1225 Fallon Street, Oakland, California 94612

CASE NUMBER: (Número del Caso):
RC 21094751

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):**
Joseph Gruchawka, 725 College Ave., Santa Rosa, CA 95404, (707) 843-7985

DATE: **APR 9 2021** Clerk, by  Deputy
(Fecha) Chad Finke, Court Executive Officer **(Secretario)** **(Adjunto)**

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

NOTICE TO THE PERSON SERVED: You are served

1. as an individual defendant.

2. as the person sued under the fictitious name of (specify):

3. on behalf of (specify): County of Alameda
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): CCP 416.50

4. by personal delivery on (date): **4-19-21**

POS-010

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Joseph Gruchawka, SBN 303548 725 College Ave. Santa Rosa, CA 95404 TELEPHONE NO.: (707) 843-7085 FAX NO. (Optional): E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name): Aram Lin Bronston	FOR COURT USE ONLY FILED BY FAX ALAMEDA COUNTY April 20, 2021 CLERK OF THE SUPERIOR COURT By Cheryl Clark, Deputy CASE NUMBER: RG21094751
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Alameda STREET ADDRESS: MAILING ADDRESS: 1225 Fallon St CITY AND ZIP CODE: Oakland CA 94612 BRANCH NAME: Rene C. Davidson Courthouse	CASE NUMBER: RG21094751
PLAINTIFF/PETITIONER: Aram Lin Bronston DEFENDANT/RESPONDENT: County of Alameda	CASE NUMBER: RG21094751
PROOF OF SERVICE OF SUMMONS	Ref. No. or File No.:

(Separate proof of service is required for each party served.)

1. At the time of service I was at least 18 years of age and not a party to this action.
2. I served copies of:
 - a. summons
 - b. complaint
 - c. Alternative Dispute Resolution (ADR) package
 - d. Civil Case Cover Sheet (served in complex cases only)
 - e. cross-complaint
 - f. other (specify documents): NTC of Assignment of Judge for All Purposes, NTC of CMC
3.
 - a. Party served (specify name of party as shown on documents served):
 County Of Alameda (C/O Anika Campbell-Belton, Clerk, Board of Supervisors)
 - b. Person (other than the party in item 3a) served on behalf of an entity or as an authorized agent (and not a person under item 5b on whom substituted service was made) (specify name and relationship to the party named in item 3a):
4. Address where the party was served:
 1221 Oak Street Suite 536 Oakland, CA 94612
5. I served the party (check proper box)
 - a. **by personal service.** I personally delivered the documents listed in item 2 to the party or person authorized to receive service of process for the party (1) on (date): (2) at (time):
 - b. **by substituted service.** On (date): 04/19/2021 at (time): 3:20 PM I left the documents listed in item 2 with or in the presence of (name and title or relationship to person indicated in item 3):
 Tisa Dantzler "Deputy CLerk"
 - (1) **(business)** a person at least 18 years of age apparently in charge at the office or usual place of business of the person to be served. I informed him or her of the general nature of the papers.
 - (2) **(home)** a competent member of the household (at least 18 years of age) at the dwelling house or usual place of abode of the party. I informed him or her of the general nature of the papers.
 - (3) **(physical address unknown)** a person at least 18 years of age apparently in charge at the usual mailing address of the person to be served, other than a United States Postal Service post office box. I informed him or her of the general nature of the papers.
 - (4) I thereafter mailed (by first-class, postage prepaid) copies of the documents to the person to be served at the place where the copies were left (Code Civ. Proc., § 415.20). I mailed the documents on (date): 04/19/21 from (city): Oakland or a declaration of mailing is attached.
 - (5) I attach a **declaration of diligence** stating actions taken first to attempt personal service.

PLAINTIFF/PETITIONER: Aram Lin Bronston	CASE NUMBER: RG21094751
DEFENDANT/RESPONDENT: County of Alameda	

5. c. **by mail and acknowledgment of receipt of service.** I mailed the documents listed in item 2 to the party, to the address shown in item 4, by first-class mail, postage prepaid,
- (1) on (date): _____ (2) from (city): _____
- (3) with two copies of the *Notice and Acknowledgment of Receipt* and a postage-paid return envelope addressed to me. (*Attach completed Notice and Acknowledgement of Receipt.*) (Code Civ. Proc., § 415.30.)
- (4) to an address outside California with return receipt requested. (Code Civ. Proc., § 415.40.)
- d. **by other means** (*specify means of service and authorizing code section*):

Additional page describing service is attached.

6. The "Notice to the Person Served" (on the summons) was completed as follows:

- a. as an individual defendant.
- b. as the person sued under the fictitious name of (*specify*):
- c. as occupant.
- d. On behalf of (*specify*): **County of Alameda**

under the following Code of Civil Procedure section:

- | | |
|---|---|
| <input type="checkbox"/> 416.10 (corporation) | <input type="checkbox"/> 415.95 (business organization, form unknown) |
| <input type="checkbox"/> 416.20 (defunct corporation) | <input type="checkbox"/> 416.60 (minor) |
| <input type="checkbox"/> 416.30 (joint stock company/association) | <input type="checkbox"/> 416.70 (ward or conservatee) |
| <input type="checkbox"/> 416.40 (association or partnership) | <input type="checkbox"/> 416.90 (authorized person) |
| <input checked="" type="checkbox"/> 416.50 (public entity) | <input type="checkbox"/> 415.46 (occupant) |
| | <input type="checkbox"/> other: |

7. **Person who served papers**

- a. Name: **Joshua Blank**
- b. Address: **P. O. BOX 11426 Oakland CA 94611**
- c. Telephone number: **510-224-5340**
- d. **The fee** for service was: \$ **90.10**
- e. I am:

- (1) not a registered California process server.
- (2) exempt from registration under Business and Professions Code section 22350(b).
- (3) a registered California process server:
- (i) owner employee independent contractor.
- (ii) Registration No.: **2020-0001354**
- (iii) County: **San Francisco**

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

or

9. **I am a California sheriff or marshal and** I certify that the foregoing is true and correct.

Date: **04/19/2021**

Joshua Blank

(NAME OF PERSON WHO SERVED PAPERS/SHERIFF OR MARSHAL)

(SIGNATURE)

EXHIBIT C

1 DONNA R. ZIEGLER [142415]
 County Counsel
 2 KRISTY van HERICK [178685]
 Assistant County Counsel
 3 SCOTT J. FEUDALE [242671]
 Deputy County Counsel
 4 Office of the County Counsel, County of Alameda
 1221 Oak Street, Suite 450
 5 Oakland, California 94612
 Telephone: (510) 272-6700
 6 Attorney for County of Alameda

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 8
 9 SUPERIOR COURT OF THE STATE OF CALIFORNIA
 10 COUNTY OF ALAMEDA
 11 RENE C. DAVIDSON COURTHOUSE

12 ARAM BRONSTON,
 13 Plaintiff,
 14 v.
 15 COUNTY OF ALAMEDA, et al.,
 16 Defendants.

Case No.: RG21094751

DEFENDANT'S ANSWER

GENERAL DENIAL

17
 18
 19 Defendant County of Alameda (“the County”), pursuant to California Code of Civil
 20 Procedure Section 431.30(d), denies each and every, all and singular, generally, and specifically,
 21 allegation of Plaintiffs’ unverified Complaint (“the Complaint”) filed on March 23, 2021.

AFFIRMATIVE DEFENSES

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 23 In addition, the County asserts the following Affirmative Defenses to the Complaint:

24 **First Affirmative Defense**

25 The Complaint fails to set forth facts sufficient to constitute a cause of action against the
 26 County.

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Second Affirmative Defense

Plaintiff was properly classified as an exempt employee under the Fair Labor Standards Act’s (“FLSA”), as codified in 29 U.S.C. § 213(a)(1), and applicable regulations, and thus exempt from the FLSA overtime requirements.

Third Affirmative Defense

The County acted in good faith in classifying Plaintiff and in conformity with and in reliance on all applicable written regulations, orders, rulings, approvals, interpretations, and administrative practices or policies of the United States Department of Labor’s Wage and Hour Division and thus is not liable for any alleged violations of the Fair Labor Standards Act under 29 U.S.C. § 259(a).

Fourth Affirmative Defense

The County acted in good faith and with reasonable grounds to believe that it was not violating the Fair Labor Standards Act and thus Plaintiff is not entitled to liquidated damages under 29 U.S.C. § 260.

Fifth Affirmative Defense

If it is determined that Plaintiff is entitled to any relief for overtime compensation pursuant to the Fair Labor Standards Act, Plaintiff is limited to payment for overtime at one and one-half times Plaintiff’s hourly rate as established by 29 U.S.C § 206(a)(1).

Sixth Affirmative Defense

Part or all of Plaintiff’s Fair Labor Standards Act (“FLSA”) claim is barred by the statute of limitations because Plaintiff did not file suit within two years of the date of accrual as required under 29 U.S.C. § 255(a) and the County did not willfully violate the FLSA entitling Plaintiff to a three-year statute of limitations.

Seventh Affirmative Defense

To the extent that Plaintiff seeks compensatory damages or other damages not available under the Fair Labor Standards Act, any such attempt to obtain those damages is barred.

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Eighth Affirmative Defense

To the extent that Plaintiff is seeking recovery for unpaid wages pursuant to a provision of the collective bargaining agreement between the County and Plaintiff's union, Plaintiff must exhaust the grievance/arbitration process as outlined in the aforementioned agreement between the County and Plaintiff's union.

Ninth Affirmative Defense

The County is entitled to offset monies or other consideration paid or provided to Plaintiff by the County for periods in which Plaintiff was not engaged to work.

Tenth Affirmative Defense

Plaintiff failed to make reasonable efforts to mitigate his damages, if any, as alleged or otherwise, and as such, Plaintiff's recovery should thereby be reduced.

Eleventh Affirmative Defense

Plaintiff is barred in whole or in part under the doctrine of equitable estoppel from claiming damages as alleged or otherwise from the County.

Twelfth Affirmative Defense

The claims and/or issues alleged in the Complaint were previously adversely adjudicated against Plaintiff in another forum, and thus, Plaintiff is barred from re-litigating these claims and/or issues under the doctrines of res judicata and collateral estoppel.

Thirteenth Affirmative Defense

Plaintiff unreasonably delayed in bringing this action against the County and that such delay substantially prejudiced the County. Therefore, the Complaint, in whole or in part, is barred by the doctrine of *laches*.

Fourteenth Affirmative Defense

The County has not yet fully investigated the facts of this case and so cannot fully anticipate all affirmative defenses which may be applicable and, accordingly, the County reserves the right to assert any and all such additional affirmative defenses as are applicable in this action without waiver thereof.

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PRAYER FOR RELIEF

WHEREFORE, the County seeks judgment as follows:


- 1. Plaintiff takes nothing by way of his Complaint, and that judgment is rendered in favor of the County and against Plaintiff;
- 2. In the event Plaintiff has judgment in his favor, any liability attributable to the County be limited as provided by law and in direct proportion to the percentage of fault actually attributed to the County;
- 3. The County is awarded all attorney’s fees and costs of suit incurred in defending this action; and
- 4. The County is awarded any legal or equitable relief as the Court deems just and proper.

DEMAND FOR JURY TRIAL

The County requests a jury trial in this matter.

DATED: May 18, 2021

DONNA R. ZIEGLER,
County Counsel in and for the County of
Alameda, State of California

By 
 SCOTT J. FEUDALE
 Deputy County Counsel
 Attorneys for County of Alameda

PROOF OF SERVICE

I, Frances Chen, declare:

At the time of service, I was over 18 years of age and not a party to this action. I am employed in the County of Alameda, State of California, over the age of 18 years and not a party to the within case. My business address is 1221 Oak Street, Suite 450, Oakland, CA 94612-4296. My electronic service address is frances.chen@acgov.org.

On May 18, 2021, I served the following document(s):

DEFENDANT'S ANSWER

I served the documents on the person(s) below, as follows:

Joseph Gruchawka, Esq.
The Law Office of Joseph Gruchawka
725 College Ave.
Santa Rosa, CA 95404

The documents were served by the following means:

UNITED STATES MAIL: I enclosed the documents in a sealed envelope or package addressed to the persons above, placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with this business's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid. I am a resident or employed in the county where the mailing occurred. The envelope or package was placed in the mail at Oakland, CA.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed at Oakland, California on May 18, 2021.



Frances Chen

CIVIL COVER SHEET

The JS-CAND 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved in its original form by the Judicial Conference of the United States in September 1974, is required for the Clerk of Court to initiate the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

<p>I. (a) PLAINTIFFS</p> <p>ARAM BRONSTON</p> <p>(b) County of Residence of First Listed Plaintiff Sonoma <i>(EXCEPT IN U.S. PLAINTIFF CASES)</i></p> <p>(c) Attorneys (Firm Name, Address, and Telephone Number)</p> <p>Joseph Gruchawka The Law Office of Joseph Gruchawka 725 College Avenue Santa Rosa, CA 95404</p>	<p>DEFENDANTS</p> <p>COUNTY OF ALAMEDA, et al.</p> <p>County of Residence of First Listed Defendant Alameda <i>(IN U.S. PLAINTIFF CASES ONLY)</i></p> <p>NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.</p> <p>Attorneys (If Known)</p> <p>Scott J. Feudale, Deputy County Counsel 1221 Oak Street, Suite 450 Oakland, CA 94612</p>
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<p>II. BASIS OF JURISDICTION <i>(Place an "X" in One Box Only)</i></p> <p><input type="checkbox"/> 1 U.S. Government Plaintiff <input checked="" type="checkbox"/> 3 Federal Question <i>(U.S. Government Not a Party)</i></p> <p><input type="checkbox"/> 2 U.S. Government Defendant <input type="checkbox"/> 4 Diversity <i>(Indicate Citizenship of Parties in Item III)</i></p>	<p>III. CITIZENSHIP OF PRINCIPAL PARTIES <i>(Place an "X" in One Box for Plaintiff and One Box for Defendant)</i></p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th></th> <th>PTF</th> <th>DEF</th> <th></th> <th>PTF</th> <th>DEF</th> </tr> </thead> <tbody> <tr> <td>Citizen of This State</td> <td><input type="checkbox"/> 1</td> <td><input type="checkbox"/> 1</td> <td>Incorporated or Principal Place of Business In This State</td> <td><input type="checkbox"/> 4</td> <td><input type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td><input type="checkbox"/> 2</td> <td><input type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business In Another State</td> <td><input type="checkbox"/> 5</td> <td><input type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td><input type="checkbox"/> 3</td> <td><input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td><input type="checkbox"/> 6</td> <td><input type="checkbox"/> 6</td> </tr> </tbody> </table>		PTF	DEF		PTF	DEF	Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4	Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5	Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6
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IV. NATURE OF SUIT *(Place an "X" in One Box Only)*

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES								
110 Insurance 120 Marine 130 Miller Act 140 Negotiable Instrument 150 Recovery of Overpayment Of Veteran's Benefits 151 Medicare Act 152 Recovery of Defaulted Student Loans (Excludes Veterans) 153 Recovery of Overpayment of Veteran's Benefits 160 Stockholders' Suits 190 Other Contract 195 Contract Product Liability 196 Franchise	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 50%;">PERSONAL INJURY</th> <th style="width: 50%;">PERSONAL INJURY</th> </tr> <tr> <td>310 Airplane 315 Airplane Product Liability 320 Assault, Libel & Slander 330 Federal Employers' Liability 340 Marine 345 Marine Product Liability 350 Motor Vehicle 355 Motor Vehicle Product Liability 360 Other Personal Injury 362 Personal Injury -Medical Malpractice</td> <td>365 Personal Injury - Product Liability 367 Health Care/ Pharmaceutical Personal Injury Product Liability 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY 370 Other Fraud 371 Truth in Lending 380 Other Personal Property Damage 385 Property Damage Product Liability</td> </tr> <tr> <th style="width: 50%;">CIVIL RIGHTS</th> <th style="width: 50%;">PRISONER PETITIONS</th> </tr> <tr> <td>440 Other Civil Rights 441 Voting 442 Employment 443 Housing/ Accommodations 445 Amer. w/Disabilities-Employment 446 Amer. w/Disabilities-Other 448 Education</td> <td>HABEAS CORPUS 463 Alien Detainee 510 Motions to Vacate Sentence 530 General 535 Death Penalty OTHER 540 Mandamus & Other 550 Civil Rights 555 Prison Condition 560 Civil Detainee- Conditions of Confinement</td> </tr> </table>	PERSONAL INJURY	PERSONAL INJURY	310 Airplane 315 Airplane Product Liability 320 Assault, Libel & Slander 330 Federal Employers' Liability 340 Marine 345 Marine Product Liability 350 Motor Vehicle 355 Motor Vehicle Product Liability 360 Other Personal Injury 362 Personal Injury -Medical Malpractice	365 Personal Injury - Product Liability 367 Health Care/ Pharmaceutical Personal Injury Product Liability 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY 370 Other Fraud 371 Truth in Lending 380 Other Personal Property Damage 385 Property Damage Product Liability	CIVIL RIGHTS	PRISONER PETITIONS	440 Other Civil Rights 441 Voting 442 Employment 443 Housing/ Accommodations 445 Amer. w/Disabilities-Employment 446 Amer. w/Disabilities-Other 448 Education	HABEAS CORPUS 463 Alien Detainee 510 Motions to Vacate Sentence 530 General 535 Death Penalty OTHER 540 Mandamus & Other 550 Civil Rights 555 Prison Condition 560 Civil Detainee- Conditions of Confinement	625 Drug Related Seizure of Property 21 USC § 881 690 Other LABOR <input checked="" type="checkbox"/> 710 Fair Labor Standards Act 720 Labor/Management Relations 740 Railway Labor Act 751 Family and Medical Leave Act 790 Other Labor Litigation 791 Employee Retirement Income Security Act IMMIGRATION 462 Naturalization Application 465 Other Immigration Actions	422 Appeal 28 USC § 158 423 Withdrawal 28 USC § 157 PROPERTY RIGHTS 820 Copyrights 830 Patent 835 Patent-Abbreviated New Drug Application 840 Trademark 880 Defend Trade Secrets Act of 2016 SOCIAL SECURITY 861 HIA (1395ff) 862 Black Lung (923) 863 DIWC/DIWW (405(g)) 864 SSID Title XVI 865 RSI (405(g)) FEDERAL TAX SUITS 870 Taxes (U.S. Plaintiff or Defendant) 871 IRS-Third Party 26 USC § 7609	375 False Claims Act 376 Qui Tam (31 USC § 3729(a)) 400 State Reapportionment 410 Antitrust 430 Banks and Banking 450 Commerce 460 Deportation 470 Racketeer Influenced & Corrupt Organizations 480 Consumer Credit 485 Telephone Consumer Protection Act 490 Cable/Sat TV 850 Securities/Commodities/Exchange 890 Other Statutory Actions 891 Agricultural Acts 893 Environmental Matters 895 Freedom of Information Act 896 Arbitration 899 Administrative Procedure Act/Review or Appeal of Agency Decision 950 Constitutionality of State Statutes
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V. ORIGIN *(Place an "X" in One Box Only)*

1 Original Proceeding 2 Removed from State Court 3 Remanded from Appellate Court 4 Reinstated or Reopened 5 Transferred from Another District (specify) 6 Multidistrict Litigation-Transfer 8 Multidistrict Litigation-Direct File

VI. CAUSE OF ACTION Cite the U.S. Civil Statute under which you are filing *(Do not cite jurisdictional statutes unless diversity):*
 29 U.S.C. § 201, et seq.
 Brief description of cause:
 Plaintiff seeks compensation, liquidated damages, interest, and attorneys fees for alleged unpaid overtime wages.

VII. REQUESTED IN COMPLAINT: CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, Fed. R. Civ. P. DEMAND \$ 275,577.00 CHECK YES only if demanded in complaint: JURY DEMAND: Yes No

VIII. RELATED CASE(S), IF ANY *(See instructions):* JUDGE _____ DOCKET NUMBER _____

IX. DIVISIONAL ASSIGNMENT (Civil Local Rule 3-2)
(Place an "X" in One Box Only) SAN FRANCISCO/OAKLAND SAN JOSE EUREKA-MCKINLEYVILLE

DATE 05/19/2021 SIGNATURE OF ATTORNEY OF RECORD