

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN FRANCISCO**

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Case Number: CGC-17-563082

Filing Date: Dec-13-2017 9:19

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Image: 06141286

COMPLAINT

KAREN CLOPTON VS. CALIFORNIA PUBLIC UTILITIES COMMISSION ET AL

001C06141286

Instructions:

Please place this sheet on top of the document to be scanned.

SUMMONS
(CITACION JUDICIAL)

SUM-100

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

NOTICE TO DEFENDANT:
(AVISO AL DEMANDADO):

California Public Utilities Commission, Micael Picker,
Carla J. Peterman, Liane M. Randolph, Martha
Guzman Aceves, Clifford Rechtschaffen and Does 1-15

YOU ARE BEING SUED BY PLAINTIFF:

(LO ESTÁ DEMANDANDO EL DEMANDANTE):

Karen Clopton

NOTICE! You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association. **NOTE:** The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case.

¡AVISO! Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.

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

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.sucorte.ca.gov) o poniéndose en contacto con la corte o el colegio de abogados locales. **AVISO:** Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 ó más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.

The name and address of the court is:
(El nombre y dirección de la corte es):

Superior Court of California City and County of San Francisco
400 McAllister Street
San Francisco, CA 94102

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):

Jane Brunner SNB 135422
475 14th Street, Suite, Oakland CA 94612
520-839-1200

DATE: 12/13/17
(Fecha)

DEC 13 2017

CLERK OF THE COURT

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)).

NOTICE TO THE PERSON SERVED: You are served

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

3. ☐ on behalf of (specify):

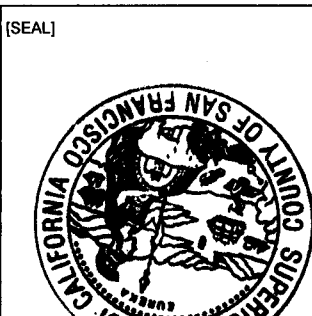
under:

- ☐ CCP 416.10 (corporation)
☐ CCP 416.20 (defunct corporation)
☐ CCP 416.40 (association or partnership)
☐ other (specify):

- ☐ CCP 416.60 (minor)
☐ CCP 416.70 (conservatee)
☐ CCP 416.90 (authorized person)

4. ☐ by personal delivery on (date):

[SEAL]



DAN SIEGEL, SBN 56400
JANE BRUNNER, SBN 135422
SIEGEL, YEE & BRUNNER
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Oakland, California 94612
Telephone: (510) 839-1200
Facsimile: (510) 444-6698

Attorneys for Plaintiff
KAREN CLOPTON

FILED
San Francisco County Superior Court
DEC 19 2017
CLERK OF THE COURT
BY: *[Signature]*
Deputy Clerk

SUPERIOR COURT OF CALIFORNIA
CITY AND COUNTY OF SAN FRANCISCO
CC-17-563082

KAREN CLOPTON,
Plaintiff,

vs.

CALIFORNIA PUBLIC UTILITIES
COMMISSION, MICHAEL PICKER,
CARLA J. PETERMAN, LIANE M.
RANDOLPH, MARTHA GUZMAN
ACEVES, CLIFFORD RECHTSCHAFFEN,
and Does 1-15,

Defendants.

Case No:

**VERIFIED COMPLAINT FOR
DAMAGES AND INJUNCTIVE
RELIEF**

(Employment)

Demand for Jury Trial

Plaintiff KAREN CLOPTON complains against defendants CALIFORNIA PUBLIC UTILITIES COMMISSION, MICHAEL PICKER, CARLA J. PETERMAN, LIANE M. RANDOLPH, MARTHA GUZMAN ACEVES, CLIFFORD RECHTSCHAFFEN, and Does 1-15 as follows:

PRELIMINARY STATEMENT

1. Defendant California Public Utilities Commission (CPUC), its president, Michael Picker, and its members, Carla J. Peterman, Liane M. Randolph, Martha Guzman Aceves, and Clifford Rechtschaffen, retaliated against and ultimately

terminated plaintiff Karen Clopton from her position as the Commission's Chief Administrative Law Judge in response to her lawful, protected activities. Ms. Clopton cooperated with state and federal investigations into the misconduct of CPUC commissioners and staff involved in collusion between the CPUC and the Pacific Gas & Electric Company (PGE) over the selection of administrative law judges to hear PGE matters pending before the CPUC. Ms. Clopton also instructed the administrative law judges and other staff under her supervision to cooperate with the outside investigations of the CPUC.

2. Ms. Clopton opposed the appointment as a CPUC administrative law judge of a Commission staff member whose relationship with PGE posed potential conflict of interest issues. Finally, Ms. Clopton confronted CPUC Commissioners and staff over their racially discriminatory conduct and statements directed towards her and other African American CPUC staff.

JURISDICTION

3. Plaintiff's claims arise under the statutory law of the State of California.

4. The actions giving rise to this lawsuit occurred in the City and County of San Francisco.

VENUE

5. Venue is proper in Superior Court of California, City and County of San Francisco because the acts complained of herein occurred there.

PARTIES

6. Plaintiff KAREN CLOPTON was employed by defendant CALIFORNIA PUBLIC UTILITIES COMMISSION as its Chief Administrative Law Judge from January 5, 2009, to August 25, 2017. She is a resident of the City and County of San Francisco.

7. At all relevant times, defendant CALIFORNIA PUBLIC UTILITIES COMMISSION was and is a subordinate agency of the State of California with its principal offices in the City and County of San Francisco.

1 8. At all relevant times, defendants MICHAEL PICKER, CARLA J.
2 PETERMAN, LIANE M. RANDOLPH, MARTHA GUZMAN ACEVES, and CLIFFORD
3 RECHTSCHAFFEN were the appointed commissioners of the CALIFORNIA PUBLIC
4 UTILITIES COMMISSION.

5 9. The true names and capacities of the defendants named herein as Does 1
6 through 15, inclusive, whether individual, corporate, associate, or otherwise are
7 unknown to plaintiff, who therefore sues such defendants by fictitious names pursuant
8 to Code of Civil Procedure § 474. Plaintiff is informed and believes, and thereon alleges,
9 that each of the fictitiously named defendants is responsible in the manner set forth
10 herein, or in some other manner for the occurrences alleged herein and that the
11 damages as alleged herein were proximately caused by their conduct. Plaintiff is
12 informed and believes, and thereon alleges, that each of the fictitiously named
13 defendants is a California resident. Plaintiff will amend this complaint to show the true
14 names and capacities of each of the fictitiously named defendants when such names and
15 capacities have been determined.
16

17 **STATEMENT OF FACTS**

18 10. On January 5, 2009, the California Public Utilities Commission (CPUC)
19 appointed Karen Clopton as its Chief Administrative Law Judge.

20 11. The responsibilities of the CPUC's Chief Administrative Law Judge
21 include, but are not limited to, managing a staff of approximately 40 administrative law
22 judges and 35 other personnel who hear administrative cases and prepare draft
23 decisions for consideration by the CPUC. In this capacity Ms. Clopton was responsible
24 for the selection, supervision, and evaluation of her staff, assignment of cases, oversight
25 management of proceedings, review of proposed decisions for quality control and
26 timeliness, presentation of those decisions to the full Commission, creating an
27 internship program and other leadership opportunities for judges, and preparation of
28 annual reports and records of accomplishments to the Commission and the public.

1 12. Ms. Clopton provided exemplary service to the CPUC from January 5,
2 2009, to the effective date of her termination, August 25, 2017. Among her
3 achievements as Chief Administrative Law Judge were the following:

4 (a) Holding hearings to receive input from regulated energy utilities and stake
5 holders to aid in the development of the CPUC's Strategic Plan for long-term energy
6 efficiency;

7 (b) Assisting in CPUC rulemaking to consider policies for modernization of
8 the electrical grid and development of the "Smart Grid;"

9 (c) Carrying out an investigation into promoting the development of a
10 transmission network to provide access to renewable energy resources;

11 (d) Issuing a decision that adopted policies and findings to fulfill the
12 requirements of the Energy Independence and Security Act to complete the Smart Grid
13 and require utilities to provide customers with advanced meters;

14 (e) Assisting in CPUC rulemaking to re-examine gas cost incentive programs;

15 (f) Issuing decisions to require the development of regulations to protect the
16 public from potential hazards, including fires;

17 (g) Holding public workshops to gain input from stakeholders on ways to
18 improve the CPUC's public participation programs;

19 (h) In the wake of the San Bruno Pipeline rupture, drafting orders to increase
20 safety measures, including ordering pressure testing for previously exempt pipelines
21 and opening penalty proceedings against PGE;

22 (i) Ordering stakeholders to develop a Fire Safety Plan for San Diego County
23 to decrease the risk of fires from electric power lines;

24 (j) Ordering formal investigations into extended outages after a series of
25 incidents and malfunctions;

26 (k) Assisting in adoption of cap and trade program rules and directing that 85
27 percent of revenue generated from the sale of emission allowances be allocated to
28

1 households as a rate reduction and climate dividend;

2 (l) Settling of actions resulting from the 2007 Malibu fires;

3 (m) Working with the National Transportation Safety Board to investigate rail
4 accidents, requiring that corrective plans address all issues, and monitoring the
5 implementation of those plans;

6 (n) Issuing decisions in connection with the CPUC's investigations of PGE's
7 violations of state and federal laws, rules, standards, and regulations in connection with
8 the operation of its gas transmission system and recommending \$1.4 billion in
9 penalties;

10 (o) Issuing recommendations for revisions to the California LifeLine Program
11 to meet the requirements of the Moore Universal Telephone Service Act leading to the
12 enrollment of over 500,000 wireless subscribers in the program;

13 (p) Holding hearings regarding the fatal accident at the San Francisco
14 Municipal Transportation Agency's Mission Rock Station;

15 (q) Initiating proceedings in conjunction with the State Air Resources Board
16 to reduce natural gas leakage resulting in methane emissions that contribute to climate
17 change;
18

19 (r) Instituting an investigation into whether PGE's organizational culture and
20 governance prioritize safety;

21 (s) Assisting in CPUC rulemaking to facilitate the Governor's goal of 1.5
22 million alternative-fueled vehicles through the development of infrastructure for electric
23 vehicle charging stations;

24 (t) Investigating the gas leak at the SoCalGas Aliso Canyon Facility and
25 coordinating the response to the Aliso Canyon shut-down;

26 (u) Facilitating an investigation into a series of power outages in Long Beach
27 during summer 2015;

28 (v) Developing regulations directing water utilities to improve forecast

1 methodologies, develop programs to implement high user water tiers, and install
2 advance metering infrastructure and meter reading to detect leaks and provide data
3 communication benefits.

4 13. In addition to her duties as the CPUC's Chief Administrative Law Judge,
5 Ms. Clopton has provided extraordinary service to the legal profession and the
6 community at large by the following actions, among others:

7 (a) She has served the State Bar of California as the Chair of the Council on
8 Access and Fairness; Chair of the Executive Committee of the Labor and Employment
9 Law Section; Member of the Commission for the Revision of the Rules of Professional
10 Conduct; and Member of the Task Force on Admissions Regulation Reform
11 Implementation;

12 (b) Chaired the Task Force on Inter-Group Relations appointed by the
13 President of San Francisco State University;

14 (c) Elected as Presiding Judge of the Ecclesiastical Court of the Episcopal
15 Diocese of California;

16 (d) Served as the President of the San Francisco Civil Service Commission.

17 (e) Awarded the Robert B. Yegge Award for Outstanding Contributions in the
18 Field of Judicial Administration by the American Bar Association, Judicial Division,
19 Lawyers Conference in 2017; the Silver SPUR Award, for promoting active public
20 discourse, integrity and transparency in government; the Mary C. Lawton award for
21 Outstanding Government Service from the American Bar Association, Section on
22 Administrative Law and Regulatory Practices.

23 14. In November 2014, the CPUC fined Pacific Gas and Electric Company
24 \$1.05 million for its back-channel communications made in an effort to secure a
25 favorable judge in a rate-setting case. The fine was imposed after investigators
26 concluded that CPUC Commissioner Mike Florio and the chief of staff for CPUC
27
28

1 President Michael Peevey had encouraged and/or assisted PGE in its efforts to influence
2 the selection of judges whom would be assigned to hear matters involving PGE.

3 15. Federal and state prosecutors investigated these matters to determine
4 whether any laws had been broken. The City of San Bruno demanded that the CPUC
5 turn over some 65,000 emails between PGE and company officials, leading to the public
6 release of about 7000 emails.

7 16. Chief Administrative Law Judge Clopton engaged in "protected activities"
8 within the meaning of Government Code § 8547.8 and California Labor Code § 1102.5,
9 as set forth below in paragraphs 17-21.

10 17. Beginning in September 2014, Ms. Clopton cooperated fully with state and
11 federal prosecutors in their efforts to determine whether any laws were broken in
12 connection with the communications between PGE and members of the Commission
13 and their staff and instructed all of the judges on her staff to cooperate with these
14 investigations.

15 18. Ms. Clopton also advised members of the Commission not to interfere in
16 the assignment of judges to particular cases and urged them to maintain their integrity.
17 Additionally, Ms. Clopton recommended that Commission Executive Director Timothy
18 Sullivan not appoint Michael Colvin as an administrative law judge. Her
19 recommendation was based on Mr. Colvin's close and unethical relationships with
20 certain PGE employees. Specifically, Mr. Colvin had conducted back channel
21 communications with PGE staff regarding issues pending before the Commission,
22 including writing emails that disparaged African American administrative law judges in
23 a racially offensive manner. Right before entering the meeting where Ms. Clopton
24 objected to Colvin's appointment, Picker, President of the Commission, said to her "Are
25 you ready to meet with the three white men with white hair?"
26

27 19. Ms. Clopton promoted actions designed to address racial bias at the CPUC,
28 including appointing a more diverse staff of administrative law judges and conducting

1 training on implicit bias. On a regular basis in weekly Director meetings, Ms. Clopton
2 discussed implicit bias and race discrimination concerns, including the potentially
3 discriminatory implications of having employee photographs on emails and suggesting
4 that directors privately self-administer Harvard University's Implicit Association Tests.

5 20. In addition, Ms. Clopton alerted the Human Resources Director and the
6 Executive Director about archaic and debunked racist theories of white supremacy being
7 taught by the agency's preferred training provider for the statutorily mandated
8 management training for all State supervisors and managers.

9 21. As a result of Ms. Clopton's participation in the protected activities
10 described above, and in retaliation for such actions, CPUC has subjected her to the
11 following adverse actions, in violation of Government Code § 8547.8 and/or California
12 Labor Code § 1102.5. Specifically,

13 (a) The Commission unjustifiably delayed payment to the counsel retained to
14 represent Ms. Clopton during the federal and state investigations into the Commission's
15 relationship with PGE.
16

17 (b) Then Commissioner Catherine J. K. Sandoval chastised Ms. Clopton for
18 describing the collusion between PGE and certain PUC commissioners and staff to
19 influence the assignment of judges who would hear PGE matters as a "scandal."

20 (c) Commissioners criticized Ms. Clopton for "upholding the rules" when she
21 advised the Commission to refrain from interfering in the assignment of judges.

22 (d) The Commission altered the terms of Ms. Clopton's employment by
23 changing the process by which her employment performance was evaluated.
24 Commissioners failed to use standard forms, evaluative tools, measurements, and
25 protocols. Previously, her evaluations had been conducted by the Commission's Chair
26 and Executive Director. Under the new, ad hoc practice, all Commissioners evaluated
27 Ms. Clopton's performance, and the Executive Director's role in the evaluation was
28 eliminated.

1 (e) Beginning in June 2016, the Commission began an investigation and hired
2 an outside investigator to look into Ms. Clopton's "management style," including
3 allegations that she engaged in "bullying, intimidating, and retaliatory" behavior
4 towards staff. The allegations against Ms. Clopton were without any factual basis and
5 represent merely the efforts of a few disgruntled employees whose performance Ms.
6 Clopton was required to criticize and correct.

7 (f) On February 9, 2017, the Commission gave Ms. Clopton a poor evaluation,
8 rating her as "Improvement Needed" in key areas of her performance, including
9 "Communications Skills" and "Relations with Others." The deficient ratings in these
10 areas reflect resentment directed at Ms. Clopton's efforts to encourage the Commission
11 and staff to maintain high ethical standards in the context of the investigation into the
12 relationship between the PUC and PGE and her persistent efforts to identify and critique
13 actions and statements reflecting racial bias by Commission members and their staff.
14 The poor evaluation also stands in sharp contrast to the Commission's action in naming
15 Ms. Clopton to the position of CPUC Acting General Counsel for the year beginning
16 March 3, 2014, and the universal acclaim of her performance in that position by the
17 Commission.
18

19 (g) The Commission has attempted to remove civil service protections for the
20 position of Chief Administrative Law Judge through seeking changes in the legislation
21 authorizing it. That action would not only place the Chief Administrative Law Judge in a
22 vulnerable position with respect to efforts by Commissioners to influence his or her
23 decisions, but would also facilitate the termination of a Chief Administrative Law Judge
24 for rejecting improper efforts to influence her in the performance of her official duties.

25 23. In further retaliation for Ms. Clopton's protected activities, the
26 Commission issued a Notice of Adverse Action - Dismissal to Ms. Clopton on June 30,
27 2017, originally effective July 28, 2017, subsequently amended to be effective August 25,
28 2017. As a result Ms. Clopton has been terminated from her position.

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25. On October 5, 2017, the State Personnel Board issued a notice of exhaustion regarding plaintiff's California Whistleblower Protection Act complaint.

27. On October 17, 2017, the DFEH issued a Notice of Case Closure and Right to Sue Letter to Ms. Clopton.

(against defendants California Public Utilities Commission, Michael Picker, Carla J. Peterman, Liane M. Randolph, Martha Guzman Aceves, and Clifford Rechtschaffen)
(Government Code § 8547, *et seq.*)

29. By virtue of the foregoing, defendants engaged in acts of retaliation against Ms. Clopton for her actions in upholding the law and complaining about violations of the law, all with respect to the proper and lawful administration of the California Public Utilities Commission.

(against defendant CPUC)
(Lab. Code, § 1102.5)

31. By virtue of the foregoing, defendant retaliated against plaintiff for upholding the law and disclosing what she reasonably believed were violations of local,

1 state, or federal law to a superior and a government agency in violation of Labor Code §
2 1102.5.

3 **THIRD CLAIM FOR RELIEF**
4 **DISCRIMINATION BASED ON RACE**
5 (against defendant CPUC)
6 (Government Code § 12940)

7 32. Ms. Clopton refers to and incorporates by reference paragraphs 1-31 above
8 as though fully set forth herein.

9 33. By virtue of the foregoing, CPUC discriminated against Ms. Clopton based
10 on her race.

11 **FOURTH CLAIM FOR RELIEF**
12 **FAIR EMPLOYMENT AND HOUSING ACT RETALIATION**
13 (against defendant CPUC)
14 (Government Code § 12940)

15 34. Ms. Clopton refers to and incorporates by reference paragraphs 1-33 above
16 as though fully set forth herein.

17 35. By virtue of the foregoing, CPUC retaliated against Ms. Clopton after she
18 complained about discrimination at the CPUC.

19 **DAMAGES**

20 37. In taking the actions described above, defendants Picker, Peterman,
21 Randolph, Aceves, and Rechtschaffen acted with malice and oppression for the purpose
22 of punishing and harming Ms. Clopton in retaliation for the exercise of her protected
23 rights. Accordingly, Ms. Clopton seeks punitive damages from said defendants for the
24 purpose of punishing them and to make an example of them so that others in their
25 positions will refrain from engaging in similar misconduct.

26 38. As a result of the actions of defendants, plaintiff has been injured and has
27 suffered damages as follows:

28 (a) She has lost compensation to which she was entitled and will lose such
compensation in the future;

1 (b) She has suffered from emotional distress, embarrassment and humiliation,
2 and has suffered damage to her professional reputation and standing; and

3 (c) She has incurred out of pocket expenses for health care benefits.

4 **PRAYER**

5 WHEREFORE, Karen Clopton prays for judgment against defendants CPUC,
6 Michael Picker, Carla J. Peterman, Liane M. Randolph, Martha Guzman Aceves, and
7 Clifford Rechtschaffen and requests that this Court grant her relief as follows:

8 (1) Injunctive relief to require defendant CPUC to reinstate plaintiff to her
9 position as Chief Administrative Law Judge of the California Public Utilities
10 Commission together with all pay, benefits, seniority, and emoluments of that position,
11 and to treat her without retaliation;

12 (2) Compensatory damages for past and future lost wages and benefits, in an
13 amount to be determined;

14 (3) General damages for pain, suffering, emotional distress, and damage to her
15 reputation, in an amount to be determined;

16 (4) Punitive damages in an amount to be determined;

17 (5) Interest at the legal rate;

18 (6) Attorneys' fees;

19 (7) Costs of the suit;

20 (8) Removal of all negative evaluations and other negative documentation from
21 her personnel file and from all CPUC files and records; and.

22 (9) Such other and further relief as the Court may deem proper.
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1 Dated: December 11, 2017

SIEGEL, YEE & BRUNNER

2
3 By: 

Jane Brunner

Dan Siegel

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6 Attorneys for Plaintiff
KAREN CLOPTON
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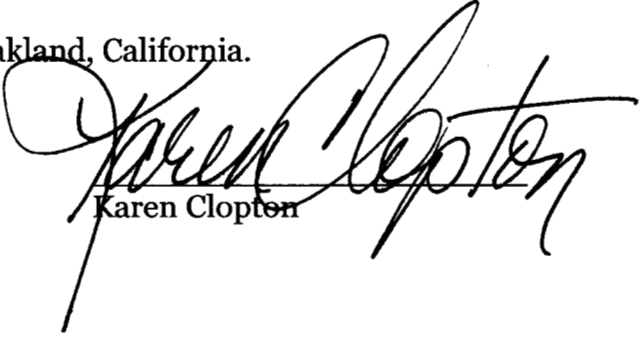
VERIFICATION

I, Karen Clopton, declare as follows:

I am the plaintiff in this action. I have read the foregoing Verified Complaint and know the contents thereof. The same is true of my own knowledge, except for those allegations stated on information and belief, and as to such allegations, I believe it to be true.

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

Dated December 11, 2017, at Oakland, California.


Karen Clopton

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Dan Siegel, 56400 Jane Brunner, 135422 Siegel, Yee & Brunner 475 14th Street, Suite 500, Oakland, CA 94612 TELEPHONE NO.: (510) 839-1200 FAX NO.: (510) 444-6698 ATTORNEY FOR (Name): Plaintiff Karen Clopton		FOR COURT USE ONLY DEC 13 2017 CLERK OF THE COURT By: [Signature] Deputy Clerk
SUPERIOR COURT OF CALIFORNIA, COUNTY OF San Francisco STREET ADDRESS: 400 McAllister Street MAILING ADDRESS: CITY AND ZIP CODE: San Francisco, CA 94102 BRANCH NAME:		
CASE NAME: Clopton v. California Public Utilities Commission, 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: CGC-17-563082 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 (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 checked="" 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): 4-Violation Govt. Code Section 8547, Labor Code Section 1102.5, Govt. Code Section 12940
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: December 12, 2017

Dan Siegel

(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.

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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