

6024
9/20/11

1 AEGIS LAW FIRM, PC
2 SAMUEL A. WONG, State Bar No. 217104
3 FAHEEM A. TUKHI, State Bar No. 310249
4 9811 Irvine Center Drive, Suite 100
5 Irvine, California 92618
6 Telephone: (949) 379-6250
7 Facsimile: (949) 379-6251

FILED
Superior Court of California
County of Los Angeles

JUL 13 2017
Sherri R. Carter, Executive Officer/Clerk
By *[Signature]* Deputy
Stephania Golden

8 Attorneys for Plaintiff,
9 IVY XIAO

10 *42 Kendig*
11 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
12 **COUNTY OF LOS ANGELES**

13 IVY XIAO, an individual,
14 Plaintiff,

15 vs.

16 MORGAN STANLEY SMITH BARNEY,
17 LLC, a Delaware limited liability company;
18 CHRISTOPHER RICHERT, an individual;
19 and DOES 1 through 20, inclusive,
20 Defendants.

Case No.: **BC 668234**

COMPLAINT FOR:

- 1. Sexual Harassment;
- 2. Sex Discrimination;
- 3. Retaliation;
- 4. Failure to Prevent Harassment, Discrimination, and Retaliation; and
- 5. Wrongful Termination in Violation of Public Policy.

JURY TRIAL REQUESTED

21 Plaintiff IVY XIAO ("Plaintiff") hereby brings this Complaint against Defendant MORGAN
22 STANLEY SMITH BARNEY, LLC ("Morgan Stanley"), CHRISTOPHER RICHERT ("Richer")
23 and DOES 1 through 20, inclusive (collectively "Defendants") and alleges:
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RECEIPT #: CC0465990013
DATE PAID: 07/13/17 09:29 AM
PAYMENT: \$435.00
RECEIVED: 310
BY FAX
CHECK: \$435.00
CASH: \$0.00
CHANGE: \$0.00
CARD: \$0.00

CIT/CASE: BC668234
LEA/DEF#:

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1 PARTIES, VENUE, AND GENERAL ALLEGATIONS

2 1. Plaintiff is and was an individual residing in Los Angeles County, California.

3 2. Pursuant to California Code of Civil Procedure section 395(a), venue is proper in the
4 above-entitled Court because all the facts giving rise to the causes of action herein arose in the
5 county of Los Angeles, California.

6 3. Plaintiff is informed, believes, and thereon alleges that Morgan Stanley is a Delaware
7 limited liability company with its principal place of business located at 1453 Third Street, Suite 200,
8 in Santa Monica, Los Angeles County, California, and that Morgan Stanley maintains records
9 relevant to Plaintiff's employment in Los Angeles County, California.

10 4. Plaintiff is informed, believes, and thereon alleges that at all times herein, Richert is
11 and was an individual residing in Los Angeles County, California.

12 5. Plaintiff is informed, believes, and thereon alleges that at all times herein, Morgan
13 Stanley was and continues to be a company that employs five (5) or more employees in Los Angeles
14 County, California and was and is an employer covered by the Fair Employment and Housing Act
15 ("FEHA") and the California Government Code ("Government Code").

16 6. The true names and capacities, whether a corporation, agent, individual or otherwise
17 of DOES 1 through 20 are unknown to Plaintiff, who therefore sues said Defendants by such
18 fictitious names. Each Defendant designated herein as a DOE is negligently or otherwise legally
19 responsible in some manner for the events and happenings referred to herein and thereby
20 proximately caused injuries and damages to Plaintiff as alleged herein. Plaintiff will seek leave of
21 Court to amend this Complaint to show their true names and capacities when they are ascertained.

22 7. At all times herein, DOES 1 through 20 were the agents, representatives, employees,
23 successors and/or assigns of Defendants and were acting within the course and scope of their
24 authority as such agents, representatives, employees, successors, and/or assigns.

25 8. Plaintiff is informed and believes that at all times herein, Defendant and/or DOES 1
26 through 20 are and were corporations, business entities, individuals, and partnerships, licensed to
27 do business and actually doing business in the State of California, thereby subjecting them to the
28 FEHA and the Government Code.

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1 9. Plaintiff is informed, believes, and thereon alleges that at all relevant times, each
2 defendant, whether named or fictitious, was an alter ego with respect to each other, was a dual
3 employer of Plaintiff's and was the agent, representative, employee, successor, and/or assign of the
4 other defendants and, in participating in the acts alleged in this Complaint, acted within the course
5 and scope of such agency or employment or ratified the acts of the other

6 10. Plaintiff is informed and believes that Defendants committed other wrongful acts or
7 omissions of which Plaintiff is presently unaware. Plaintiff shall conduct discovery to identify said
8 wrongful acts, and will seek leave of Court to amend this Complaint to add said acts upon discovery.

9 **FACTS COMMON TO ALL CAUSES OF ACTION**

10 11. Plaintiff was hired by Defendants in or about September 2012 as a Financial Advisor
11 Associate. She was wrongfully terminated on or about September 27, 2016.

12 12. To become a Financial Advisor Associate for Morgan Stanley, applicants must
13 complete a rigorous program, the first four months of which consists of training and studying to
14 pass regulatory exams. Applicants who pass this stage continue to additional training and testing,
15 and are subject to termination if they do not meet their goals. Plaintiff successfully completed all
16 the training stages and passed her regulatory exams, and was consequently hired by Defendants.

17 13. Plaintiff was one of few females in her department.. Almost immediately upon her
18 hiring, Plaintiff was subjected to repeated sexual harassment due to a sexually-charged work
19 environment, sexual propositions and demeaning treatment. Morgan Stanley fostered the such
20 environment by failing to adequately train its managers, failing to take preventative measures,
21 failing to properly investigate and failing to take appropriate corrective action against its employees,
22 among other things. As explained *infra*, Morgan Stanley allowed its supervisors and managers to
23 prey on younger female associates, so long as it was profitable for the Company.

24 14. On one occasion, Plaintiff's manager assaulted her by pressing his body against hers,
25 placed his hands on her upper thigh and buttocks underneath her skirt, and attempted to kiss her.
26 Plaintiff refused his advances and immediately forced him to stop. As a consequence of Plaintiff's
27 refusal of his sexual advances, he removed her from all the accounts they shared. Plaintiff
28 complained to Morgan Stanley, but Plaintiff does not believe a proper investigation was conducted,

1 nor was proper corrective action taken against this manager.

2 15. On another occasion, one of Plaintiff's managers asked her to send him sexually
3 explicit photos of herself. Plaintiff was disgusted by the request. When Plaintiff declined, the
4 manager rescinded his offer to Plaintiff to join his team. This type of behavior was commonplace at
5 Morgan Stanley. In fact, Morgan Stanley perpetuated the sexual harassment and hostile work
6 environment by turning a blind eye and refusing to address the concerns raised by Plaintiff and
7 others.

8 16. After Plaintiff filed a complaint regarding the sexual harassment to Defendants'
9 Human Resources department, she took a leave of absence due to the extreme emotional distress
10 caused by the sexual harassment.

11 17. Rather than taking action against the harassers, Defendants' Human Resources
12 department instead transferred Plaintiff, in or about December 2013, to another Morgan Stanley
13 office in Santa Monica, California, where the sexual harassment continued.

14 18. Unfortunately, the work environment at the Santa Monica office was similarly
15 sexually-charged and hostile. Shortly after being transferred, the branch manager, Christopher
16 Richert began making sexual advances towards Plaintiff. Sexual innuendo and complements were
17 also rampant. The following are some examples of Richert's behavior:

- 18 • Richert often complimented Plaintiff's appearance;
- 19 • Richert repeatedly rubbed Plaintiff's legs and said, "your skin is very smooth" and
20 "you Asians don't have hair";
- 21 • Richert often touched Plaintiff's thighs, waist and shoulders;
- 22 • Richert texted Plaintiff frequently after work hours and on the weekends and often
23 invited her to his home;
- 24 • Richert asked Plaintiff out on dates and offered to have drinks with her;
- 25 • Richert rubbed his hand on Plaintiff's upper leg and thigh under her skirt and told
26 her that she was "really pretty" and that he wished she had a twin sister, and that he
27 would love to date her twin sister.

28 19. While trying to maintain a friendly and professional tone, and to not upset Reichert,

1 Plaintiff attempted to make it clear to Richert that she was not interested in him beyond a
2 professional working relationship. In the Spring of 2016, Plaintiff could no longer deal with the
3 constant harassment and told Richert that she was dating someone else and tried to distance herself
4 from Richert more. Consequently, Richert began retaliating against Plaintiff and took actions that
5 adversely affected her employment, including, but not limited to:

- 6 • Sabotaging her career opportunities;
- 7 • Denying Plaintiff teaming opportunities to develop her book of business;
- 8 • Refusing to assign clients of retiring Financial Advisors to Plaintiff;
- 9 • Refused to allow Plaintiff to move her workspace to a part of the office that was far
10 from Richert's office; and
- 11 • Terminating Plaintiff's employment.

12 20. In fact, in a meeting with Plaintiff on or about September 19, 2016, Plaintiff asked
13 Richert why he became disengaged and no longer working with her with business development.
14 Richert told Plaintiff that he felt she was "ungrateful" to him and that he was "unappreciated" by
15 Plaintiff.

16 21. Approximately one week later, Richert terminated Plaintiff's employment on or
17 about September 27, 2016.

18 22. Plaintiff filed a Charge of Discrimination with the Department of Fair Employment
19 and Housing on March 23, 2017 and obtained a Right to Sue Notice authorizing this action.

20 **FIRST CAUSE OF ACTION**

21 **SEXUAL HARASSMENT**

22 **(Against All Defendants)**

23 23. Plaintiff incorporates by reference the allegations above as fully set forth herein.

24 24. At all times herein, Government Code §§ 12940(j) was in full force and effect, and
25 binding upon Defendants, and each of them. Said section required Defendants to refrain from the
26 harassment of an employee, including harassment on the basis of the employee's sex and gender;
27 and prescribes that harassment because of sex includes sexual harassment and gender harassment.

28 25. At all times herein, Government Code §§ 12940(j) and (k) were in full force and

1 effect, and biding upon Defendants and each of them. Said sections required each Defendant to
2 refrain from the harassment of an employee, including harassment based on gender and sex.

3 26. Plaintiff, as one of the few females in her department, suffered severe and pervasive
4 sexual harassment on the basis of her sex and gender. Throughout her employment with Defendants,
5 Plaintiff was subjected to a hostile work environment, including sexual harassment by supervisors
6 who had actual and/or apparent authority over her.

7 27. Plaintiff was subjected to sexual harassment that included, but not was limited to,
8 hostile work environment, sexual advances, quid pro quo harassment, and unwanted/nonconsensual
9 touching by Defendants' employees.

10 28. Defendants, and each of them, are strictly liable for the sexual harassment by its
11 supervisors and managerial employees because at all times relevant, they had actual or apparent
12 authority over Plaintiff.

13 29. Defendants, and each of them, are liable to Plaintiff for the sexual harassment
14 because they knew or should have known that harassing behavior was occurring, but failed to take
15 immediate and corrective action in violation of Government Code §§ 12940(j) and (k).

16 30. While employed by Defendants, Plaintiff was sexually harassed by Richert and other
17 employees. Defendants ratified this conduct by fostering a sexually charged environment and by
18 failing to take immediate corrective action against the sexual harassment following Plaintiff's
19 complaints to Defendants. This allowed the sexual harassment to continue.

20 31. As a direct and proximate result of these unlawful employment practices, Plaintiff
21 sustained substantial economic losses in wages, future earnings, loss of employment and benefits.

22 32. As a direct and proximate result of the unlawful employment practices described
23 herein, Plaintiff suffered and continues to suffer humiliation, emotional distress, and mental pain
24 and anguish, all to her damage in an amount to be determined at trial according to proof.

25 33. Defendants' conduct was a substantial factor in causing Plaintiff to suffer the above-
26 mentioned harm.

27 34. Defendant consciously and knowingly committed the acts described in this
28 Complaint oppressively, fraudulently, and maliciously, thereby entitling Plaintiff to an award of

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1 exemplary and punitive damages pursuant to Civil Code section 3294 and in an amount to be
2 determined at trial according to proof.

3 35. Pursuant to Government Code § 12965(b), Plaintiff requests an award of attorney's
4 fees and costs against Defendants, and each of them.

5 **SECOND CAUSE OF ACTION**

6 **SEX DISCRIMINATION IN VIOLATION OF GOVERNMENT CODE § 12940 *et seq.***

7 **(Against Morgan Stanley and Does 1 through 20)**

8 36. Plaintiff incorporates by reference the allegations above as fully set forth herein.

9 37. At all times herein, Government Code § 12940(a) was in full force and effect, and
10 binding upon Defendants and each of them. Said section required Defendants to refrain from
11 discriminating against any employee on the basis of sex and prohibits discrimination in the terms,
12 conditions and privileges of that person's employment. As used in Government Code section
13 12940(a) and defined in Government Code section 12926(r)(2), "sex" includes a person's gender.

14 38. Plaintiff, as set forth above, was discriminated against on the basis of her sex in the
15 form of sexual harassment which included, *inter alia*, unwelcome sexual advances and sexual
16 innuendo by her direct supervisors.

17 39. Plaintiff is informed, believes, and thereon alleges that her sex was a substantial
18 factor contributing to Defendants' discrimination in the terms, conditions and privileges of her
19 employment including, but not limited to, sexual harassment, loss of opportunities, differential
20 treatment, retaliation, and wrongful termination.

21 40. To the extent that Plaintiff's sex was substantial factor contributing to the conduct of
22 Defendants and their agents and employees, the above-described acts of Defendants constitute
23 unlawful employment practices in violation of Government Code §12940(a).

24 41. As a direct and proximate result of the unlawful employment practices described
25 herein, Plaintiff has sustained substantial economic losses, including lost wages and lost future
26 earnings, loss of employment and benefits.

27 42. As a direct and proximate result of the unlawful employment practices described
28 herein, Plaintiff suffered and continues to suffer humiliation, emotional distress, and mental pain

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1 and anguish, all to her damage in an amount to be determined at trial according to proof.

2 43. Defendants consciously and knowingly committed the acts described in this
3 Complaint oppressively, fraudulently, and maliciously, thereby entitling Plaintiff to an award of
4 exemplary and punitive damages pursuant to Civil Code section 3294 and in an amount to be
5 determined at trial according to proof.

6 44. Pursuant to Government Code § 12965(b), Plaintiff requests an award of attorney's
7 fees and costs against Defendants, and each of them.

8 **THIRD CAUSE OF ACTION**

9 **RETALIATION IN VIOLATION OF GOVERNMENT CODE § 12940(h)**

10 **(Against Morgan Stanley and Does 1 through 20)**

11 45. Plaintiff incorporates by reference the allegations above as fully set forth herein.

12 46. At all times herein, Government Code section 12940(h) and (k) were in full force
13 and effect, and binding on Defendants. Said section makes it unlawful for an employer to retaliate
14 against an employee on the basis of sex and for engaging in protected activities, such as reporting
15 sexual harassment.

16 47. As set forth above, Plaintiff engaged in a protected activity by, *inter alia*, being a
17 woman, reporting/filing complaints regarding sexual harassment, and opposing sexually harassing
18 conduct by Defendants' employees and supervisors.

19 48. Defendants retaliated against Plaintiff by subjecting her to adverse employment
20 actions, including but not limited to, altering the terms and conditions of her employment,
21 transferring her to different offices, taking away opportunities and ultimately terminating her
22 employment.

23 49. As a proximate result of Defendants' wrongful conduct, Plaintiff sustained and
24 continues to sustain substantial losses in earnings and other employment benefits in an amount
25 according to proof at the time of trial.

26 50. As a direct and proximate result of the unlawful employment practices described
27 herein, Plaintiff suffered and continues to suffer humiliation, emotional distress, and mental pain
28 and anguish, all to her damage in an amount to be determined at trial according to proof.

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1 51. Defendants consciously and knowingly committed the acts described in this
2 Complaint oppressively, fraudulently, and maliciously, thereby entitling Plaintiff to an award of
3 exemplary and punitive damages pursuant to Civil Code section 3294 and in an amount to be
4 determined at trial according to proof.

5 52. Pursuant to Government Code § 12965(b), Plaintiff requests an award of attorney's
6 fees and costs against Defendants, and each of them.

7
8 **FOURTH CAUSE OF ACTION**

9 **FAILURE TO PREVENT HARASSMENT, DISCRIMINATION, AND RETALIATION**

10 **IN VIOLATION OF GOVERNMENT CODE § 12940 *et seq.***

11 **(Against Morgan Stanley and Does 1 through 20)**

12 53. Plaintiff incorporates by reference the allegations above as fully set forth herein.

13 54. It is an unlawful employment practice for an employer to fail to take all reasonable
14 steps necessary to prevent harassment, discrimination and retaliation from occurring. *Gov. Code* §
15 12940(k).

16 55. Plaintiff was continually sexually harassed and discriminated against on the basis of
17 her sex by Defendants and its employees.

18 56. Plaintiff was subjected to sexual harassment and was further subjected to retaliation
19 because she reported the sexual harassment to management.

20 57. In doing the acts herein, Defendants failed to take reasonable steps to prevent the
21 harassment and/or retaliation. Such conduct is in violation of the California Government Code
22 section 12900 *et seq.* and has resulted in damage and injury to Plaintiff as alleged herein.

23 58. As a direct and proximate result of the wrongful conduct of Defendants, and each of
24 them, Plaintiff sustained and continues to sustain substantial losses in earnings and other
25 employment benefits in an amount according to proof at the time of trial.

26 59. As a direct and proximate result of the unlawful employment practices described
27 herein, Plaintiff suffered and continues to suffer humiliation, emotional distress, and mental pain
28 and anguish, all to her damage in an amount to be determined at trial according to proof.

1 60. Defendants consciously and knowingly committed the acts described in this
2 Complaint oppressively, fraudulently, and maliciously, thereby entitling Plaintiff to an award of
3 exemplary and punitive damages pursuant to Civil Code section 3294 and in an amount to be
4 determined at trial according to proof.

5 61. Pursuant to Government Code § 12965(b), Plaintiff requests an award of attorney's
6 fees and costs against Defendants, and each of them.

7 **FIFTH CAUSE OF ACTION**

8 **WRONGFUL TERMINATION IN VIOLATION OF PUBLIC POLICY**

9 **(Against Morgan Stanley and Does 1 through 20)**

10 62. Plaintiff incorporates by reference the allegations above as fully set forth herein.

11 63. Defendants' discharge of Plaintiff's employment violates fundamental principles of
12 public policy, including public policies against terminating employees for unlawful purposes,
13 including on account of an employee's sex, gender, reporting sexual harassment, opposing sexual
14 harassment and exercising rights under the laws and Constitution of the State of California.

15 64. In doing the acts alleged hereinabove, Defendants deprived Plaintiff of prospective
16 career and employment opportunities, as well as other benefits, by failing to perform its duties to
17 administer all state and local laws, procedures, and regulations.

18 65. As a direct and proximate result of the unlawful employment practices described
19 herein, Plaintiff suffered and continues to suffer humiliation, emotional distress, and mental pain
20 and anguish, all to her damage in an amount to be determined at trial according to proof.

21 66. Defendants consciously and knowingly committed the acts described in this
22 Complaint oppressively, fraudulently, and maliciously, thereby entitling Plaintiff to an award of
23 exemplary and punitive damages pursuant to Civil Code section 3294 and in an amount to be
24 determined at trial according to proof.

25 **PRAAYER FOR RELIEF**

26 WHEREFORE, Plaintiff prays for judgment as follows:

- 27 1. For general damages and special damages in an amount according to proof;
28 2. For compensatory damages according to proof, including past and future loss of

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- earnings and other employment benefits, costs of seeking other employment and for damages for emotional distress, humiliation, and mental anguish;
- 3. For interest at the legal rate from the date of injury or pursuant to Code of Civil Procedure section 3287;
- 4. For all damages and penalties available for violations of the FEHA;
- 5. For an award of attorneys' fees pursuant to Government Code § 12965(b) and any other applicable provisions of California statutory and common law;
- 6. For costs of suit incurred;
- 7. For punitive and exemplary damages according to proof; and
- 8. For any other and further relief as the Court deems just and proper.

DATED: July 6, 2017

AEGIS LAW FIRM, PC



By:

Samuel A. Wong
Faheem A. Tukhi
Attorneys for Plaintiff IVY XIAO

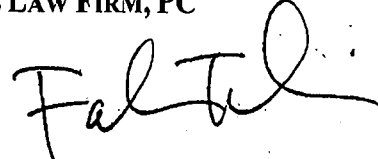
07/13/2017

DEMAND FOR JURY TRIAL

Plaintiff hereby demands trial of her claims by jury to the extent authorized by law.

DATED: July 6, 2017

AEGIS LAW FIRM, PC



By: _____

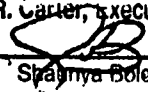
Samuel A. Wong
Faheem A. Tukhi
Attorneys for Plaintiff IVY XIAO

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07/13/2017

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):
AEGIS LAW FIRM, PC
 Samuel Wong(SBN: 217104) Faheem A.Tukhi (SBN: 310249)
 9811 Irvine Center Dr., Suite 100
 Irvine, California 92618
 TELEPHONE NO.: 949-379-6250 FAX NO.: 949-379-6251
 ATTORNEY FOR (Name): **Plaintiff Ivy Xiao**

FOR COURT USE ONLY
FILED
 Superior Court of California
 County of Los Angeles

JUL 13 2017
 Sherri R. Carter, Executive Officer/Clerk
 By  Deputy
 Stranyia Golden

SUPERIOR COURT OF CALIFORNIA, COUNTY OF Los Angeles
 STREET ADDRESS: 111 N. Hill Street
 MAILING ADDRESS:
 CITY AND ZIP CODE: Los Angeles, CA 90012
 BRANCH NAME: Stanley Mosk Courthouse

CASE NAME:
Ivy Xiao v. Morgan Stanley Smith Barney, LLC

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

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

CASE NUMBER:
BC 668234
 JUDGE:
 DEPT:

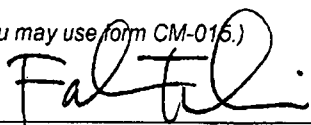
Items 1-6 below must be completed (see instructions on page 2).

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

<p>Auto Tort</p> <input type="checkbox"/> Auto (22) <input type="checkbox"/> Uninsured motorist (46) <p>Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort</p> <input type="checkbox"/> Asbestos (04) <input type="checkbox"/> Product liability (24) <input type="checkbox"/> Medical malpractice (45) <input type="checkbox"/> Other PI/PD/WD (23) <p>Non-PI/PD/WD (Other) Tort</p> <input type="checkbox"/> Business tort/unfair business practice (07) <input type="checkbox"/> Civil rights (08) <input type="checkbox"/> Defamation (13) <input type="checkbox"/> Fraud (16) <input type="checkbox"/> Intellectual property (19) <input type="checkbox"/> Professional negligence (25) <input type="checkbox"/> Other non-PI/PD/WD tort (35) <p>Employment</p> <input type="checkbox"/> Wrongful termination (36) <input checked="" type="checkbox"/> Other employment (15)	<p>Contract</p> <input type="checkbox"/> Breach of contract/warranty (06) <input type="checkbox"/> Rule 3.740 collections (09) <input type="checkbox"/> Other collections (09) <input type="checkbox"/> Insurance coverage (18) <input type="checkbox"/> Other contract (37) <p>Real Property</p> <input type="checkbox"/> Eminent domain/Inverse condemnation (14) <input type="checkbox"/> Wrongful eviction (33) <input type="checkbox"/> Other real property (26) <p>Unlawful Detainer</p> <input type="checkbox"/> Commercial (31) <input type="checkbox"/> Residential (32) <input type="checkbox"/> Drugs (38) <p>Judicial Review</p> <input type="checkbox"/> Asset forfeiture (05) <input type="checkbox"/> Petition re: arbitration award (11) <input type="checkbox"/> Writ of mandate (02) <input type="checkbox"/> Other judicial review (39)	<p>Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400-3.403)</p> <input type="checkbox"/> Antitrust/Trade regulation (03) <input type="checkbox"/> Construction defect (10) <input type="checkbox"/> Mass tort (40) <input type="checkbox"/> Securities litigation (28) <input type="checkbox"/> Environmental/Toxic tort (30) <input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41) <p>Enforcement of Judgment</p> <input type="checkbox"/> Enforcement of judgment (20) <p>Miscellaneous Civil Complaint</p> <input type="checkbox"/> RICO (27) <input type="checkbox"/> Other complaint (not specified above) (42) <p>Miscellaneous Civil Petition</p> <input type="checkbox"/> Partnership and corporate governance (21) <input 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): 5
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-016.)

Date: July 12, 2017
 Faheem A. Tukhi
 (TYPE OR PRINT NAME)


 (SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

BY FAX

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.

07/13/2017

SHORT TITLE: Xiao v. Morgan Stanley Smith Barney, LLC	CASE NUMBER
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**CIVIL CASE COVER SHEET ADDENDUM AND
STATEMENT OF LOCATION
(CERTIFICATE OF GROUNDS FOR ASSIGNMENT TO COURTHOUSE LOCATION)**

This form is required pursuant to Local Rule 2.3 in all new civil case filings in the Los Angeles Superior Court.

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

JURY TRIAL? YES CLASS ACTION? YES LIMITED CASE? YES TIME ESTIMATED FOR TRIAL 7-10 HOURS/DAYS

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

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

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

Step 3: In Column **C**, circle the reason for the court location choice that applies to the type of action you have checked. For any exception to the court location, see Local Rule 2.3.

Applicable Reasons for Choosing Courthouse Location (see Column C below)

- | | |
|--|--|
| 1. Class actions must be filed in the Stanley Mosk Courthouse, central district. | 6. Location of property or permanently garaged vehicle. |
| 2. May be filed in central (other county, or no bodily injury/property damage). | 7. Location where petitioner resides. |
| 3. Location where cause of action arose. | 8. Location wherein defendant/respondent functions wholly. |
| 4. Location where bodily injury, death or damage occurred. | 9. Location where one or more of the parties reside. |
| 5. Location where performance required or defendant resides. | 10. Location of Labor Commissioner Office |
| | 11. Mandatory Filing Location (Hub Case) |

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

BY FAX

07/13/2017
Other Personal Injury/Property
Damage/Wrongful Death Tort

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

SHORT TITLE:

Xiao v. Morgan Stanley Smith Barney, LLC

CASE NUMBER

Non-Personal Injury/Property
Damage/Wrongful Death Tort

Employment

Contract

Real Property

Unlawful Detainer

A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons See Step 3 Above
Business Tort (07)	<input type="checkbox"/> A6029 Other Commercial/Business Tort (not fraud/breach of contract)	1., 3.
Civil Rights (08)	<input type="checkbox"/> A6005 Civil Rights/Discrimination	1., 2., 3.
Defamation (13)	<input type="checkbox"/> A6010 Defamation (slander/libel)	1., 2., 3.
Fraud (16)	<input type="checkbox"/> A6013 Fraud (no contract)	1., 2., 3.
Professional Negligence (25)	<input type="checkbox"/> A6017 Legal Malpractice	1., 2., 3.
	<input type="checkbox"/> A6050 Other Professional Malpractice (not medical or legal)	1., 2., 3.
Other (35)	<input type="checkbox"/> A6025 Other Non-Personal Injury/Property Damage tort	2., 3.
Wrongful Termination (36)	<input type="checkbox"/> A6037 Wrongful Termination	1., 2., 3.
Other Employment (15)	<input checked="" type="checkbox"/> A6024 Other Employment Complaint Case	1., 2., 3.
	<input type="checkbox"/> A6109 Labor Commissioner Appeals	10.
Breach of Contract/ Warranty (06) (not insurance)	<input type="checkbox"/> A6004 Breach of Rental/Lease Contract (not unlawful detainer or wrongful eviction)	2., 5.
	<input type="checkbox"/> A6008 Contract/Warranty Breach -Seller Plaintiff (no fraud/negligence)	2., 5.
	<input type="checkbox"/> A6019 Negligent Breach of Contract/Warranty (no fraud)	1., 2., 5.
	<input type="checkbox"/> A6028 Other Breach of Contract/Warranty (not fraud or negligence)	1., 2., 5.
Collections (09)	<input type="checkbox"/> A6002 Collections Case-Seller Plaintiff	2., 5., 6, 11
	<input type="checkbox"/> A6012 Other Promissory Note/Collections Case	2., 5, 11
	<input type="checkbox"/> A6034 Collections Case-Purchased Debt (Charged Off Consumer Debt Purchased on or after January 1, 2014)	5, 6, 11
Insurance Coverage (18)	<input type="checkbox"/> A6015 Insurance Coverage (not complex)	1., 2., 5., 8.
Other Contract (37)	<input type="checkbox"/> A6009 Contractual Fraud	1., 2., 3., 5.
	<input type="checkbox"/> A6031 Tortious Interference	1., 2., 3., 5.
	<input type="checkbox"/> A6027 Other Contract Dispute(not breach/insurance/fraud/negligence)	1., 2., 3., 8.
Eminent Domain/Inverse Condemnation (14)	<input type="checkbox"/> A7300 Eminent Domain/Condemnation Number of parcels _____	2.
Wrongful Eviction (33)	<input type="checkbox"/> A6023 Wrongful Eviction Case	2., 6.
Other Real Property (26)	<input type="checkbox"/> A6018 Mortgage Foreclosure	2., 6.
	<input type="checkbox"/> A6032 Quiet Title	2., 6.
	<input type="checkbox"/> A6060 Other Real Property (not eminent domain, landlord/tenant, foreclosure)	2., 6.
Unlawful Detainer-Commercial (31)	<input type="checkbox"/> A6021 Unlawful Detainer-Commercial (not drugs or wrongful eviction)	2., 6.
Unlawful Detainer-Residential (32)	<input type="checkbox"/> A6020 Unlawful Detainer-Residential (not drugs or wrongful eviction)	2., 6.
Unlawful Detainer-Post-Foreclosure (34)	<input type="checkbox"/> A6020F Unlawful Detainer-Post-Foreclosure	2., 6.
Unlawful Detainer-Drugs (38)	<input type="checkbox"/> A6022 Unlawful Detainer-Drugs	2., 6.

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SHORT TITLE:

Xiao v. Morgan Stanley Smith Barney, LLC

CASE NUMBER

A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Asset Forfeiture (05)	<input type="checkbox"/> A6108 Asset Forfeiture Case	2., 6.
Petition re Arbitration (11)	<input type="checkbox"/> A6115 Petition to Compel/Confirm/Vacate Arbitration	2., 5.
Writ of Mandate (02)	<input type="checkbox"/> A6151 Writ - Administrative Mandamus <input type="checkbox"/> A6152 Writ - Mandamus on Limited Court Case Matter <input type="checkbox"/> A6153 Writ - Other Limited Court Case Review	2., 8. 2. 2.
Other Judicial Review (39)	<input type="checkbox"/> A6150 Other Writ /Judicial Review	2., 8.
Antitrust/Trade Regulation (03)	<input type="checkbox"/> A6003 Antitrust/Trade Regulation	1., 2., 8.
Construction Defect (10)	<input type="checkbox"/> A6007 Construction Defect	1., 2., 3.
Claims Involving Mass Tort (40)	<input type="checkbox"/> A6006 Claims Involving Mass Tort	1., 2., 8.
Securities Litigation (28)	<input type="checkbox"/> A6035 Securities Litigation Case	1., 2., 8.
Toxic Tort Environmental (30)	<input type="checkbox"/> A6036 Toxic Tort/Environmental	1., 2., 3., 8.
Insurance Coverage Claims from Complex Case (41)	<input type="checkbox"/> A6014 Insurance Coverage/Subrogation (complex case only)	1., 2., 5., 8.
Enforcement of Judgment (20)	<input type="checkbox"/> A6141 Sister State Judgment <input type="checkbox"/> A6160 Abstract of Judgment <input type="checkbox"/> A6107 Confession of Judgment (non-domestic relations) <input type="checkbox"/> A6140 Administrative Agency Award (not unpaid taxes) <input type="checkbox"/> A6114 Petition/Certificate for Entry of Judgment on Unpaid Tax <input type="checkbox"/> A6112 Other Enforcement of Judgment Case	2., 9. 2., 6. 2., 9. 2., 8. 2., 8. 2., 8., 9.
RICO (27)	<input type="checkbox"/> A6033 Racketeering (RICO) Case	1., 2., 8.
Other Complaints (Not Specified Above) (42)	<input type="checkbox"/> A6030 Declaratory Relief Only <input type="checkbox"/> A6040 Injunctive Relief Only (not domestic/harassment) <input type="checkbox"/> A6011 Other Commercial Complaint Case (non-tort/non-complex) <input type="checkbox"/> A6000 Other Civil Complaint (non-tort/non-complex)	1., 2., 8. 2., 8. 1., 2., 8. 1., 2., 8.
Partnership Corporation Governance (21)	<input type="checkbox"/> A6113 Partnership and Corporate Governance Case	2., 8.
Other Petitions (Not Specified Above) (43)	<input type="checkbox"/> A6121 Civil Harassment <input type="checkbox"/> A6123 Workplace Harassment <input type="checkbox"/> A6124 Elder/Dependent Adult Abuse Case <input type="checkbox"/> A6190 Election Contest <input type="checkbox"/> A6110 Petition for Change of Name <input type="checkbox"/> A6170 Petition for Relief from Late Claim Law <input type="checkbox"/> A6100 Other Civil Petition	2., 3., 9. 2., 3., 9. 2., 3., 9. 2. 2., 7. 2., 3., 4., 8. 2., 9.

7102/81/0

Miscellaneous
Civil Petitions

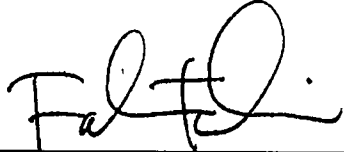
SHORT TITLE: Xiao v. Morgan Stanley Smith Barney, LLC	CASE NUMBER
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Item III. Statement of Location: Enter the address of the accident, party's residence or place of business, performance, or other circumstance indicated in Item II., **Step 3** on Page 1, as the proper reason for filing in the court location you selected.

REASON: Check the appropriate boxes for the numbers shown under Column C for the type of action that you have selected for this case. <input type="checkbox"/> 1. <input checked="" type="checkbox"/> 2. <input type="checkbox"/> 3. <input type="checkbox"/> 4. <input type="checkbox"/> 5. <input type="checkbox"/> 6. <input type="checkbox"/> 7. <input type="checkbox"/> 8. <input type="checkbox"/> 9. <input type="checkbox"/> 10. <input type="checkbox"/> 11.		ADDRESS: 444 S Flower St. 35th Floor
CITY: Los Angeles	STATE: CA	ZIP CODE: 90071

Item IV. Declaration of Assignment: I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that the above-entitled matter is properly filed for assignment to the Stanley Mosk courthouse in the Central District of the Superior Court of California, County of Los Angeles [Code Civ. Proc., § 392 et seq., and Local Rule 2.3, subd.(a).

Dated: July 12, 2017



 (SIGNATURE OF ATTORNEY/FILING PARTY)

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

1. Original Complaint or Petition.
2. If filing a Complaint, a completed Summons form for issuance by the Clerk.
3. Civil Case Cover Sheet, Judicial Council form CM-010.
4. Civil Case Cover Sheet Addendum and Statement of Location form, LACIV 109, LASC Approved 03-04 (Rev. 03/15).
5. Payment in full of the filing fee, unless fees have been waived.
6. A signed order appointing the Guardian ad Litem, Judicial Council form CIV-010, if the plaintiff or petitioner is a minor under 18 years of age will be required by Court in order to issue a summons.
7. Additional copies of documents to be conformed by the Clerk. Copies of the cover sheet and this addendum must be served along with the summons and complaint, or other initiating pleading in the case.

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