

**SUMMONS  
Cross-Complaint  
(CITACION JUDICIAL-CONTRADEMANDA)**

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

**NOTICE TO CROSS-DEFENDANT:  
(A VISO AL CONTRA-DEMANDADO):**  
ROBERT ("BOB") FILNER, AND ROES 1 THROUGH 20

**YOU ARE BEING SUED BY CROSS-COMPLAINANT:  
(LO ESTÁ DEMANDANDO EL CONTRADEMANDANTE):**  
CITY OF SAN DIEGO

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 cross-complainant. 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](http://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](http://www.lawhelpcalifornia.org)), the California Courts Online Self-Help Center ([www.courtinfo.ca.gov/selfhelp](http://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.

*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 contrademandante. 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](http://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](http://www.lawhelpcalifornia.org)), en el Centro de Ayuda de las Cortes de California ([www.sucorte.ca.gov](http://www.sucorte.ca.gov)), o uniéndose en contacto con la corte o el colegio de abogados locales. AVISO: Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 ó más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.*

The name and address of the court is:  
(El nombre y dirección de la corte es):  
San Diego Superior Court  
330 West Broadway  
San Diego, CA 92101

SHORT NAME OF CASE (from Complaint): (Nombre de Caso):  
McCormack Jackson v. City of San Diego, et al.

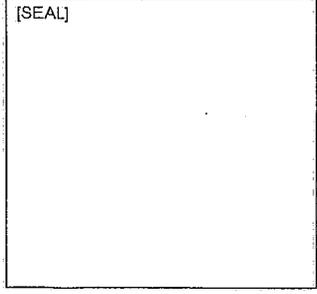
CASE NUMBER: (Número del Caso):  
37-2013-00058613-CU-OE-CTL

The name, address, and telephone number of cross-complainant's attorney, or cross-complainant without an attorney, is:  
(El nombre, la dirección y el número de teléfono del abogado del contrademandante, o del contrademandante que no tiene abogado, es): Joe Cordileone, Chief Deputy City Attorney SBN 73606 Telephone: (619) 533-5800  
Office of the City Attorney  
1200 Third Avenue, Suite 1100, San Diego, CA 92101

DATE: \_\_\_\_\_ Clerk, by \_\_\_\_\_, Deputy  
(Fecha) (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 cross-defendant.
  - 2.  as the person sued under the fictitious name of (specify):
  - 3.  on behalf of (specify):
- under:  CCP 416.10 (corporation)  CCP 416.60 (minor)
- CCP 416.20 (defunct corporation)  CCP 416.70 (conservatee)
- CCP 416.40 (association or partnership)  CCP 416.90 (authorized person)
- other (specify):
- 4.  by personal delivery on (date):

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State number, and address):  
Joe Cordileone, Chief Deputy City Attorney SBN 73606  
Office of the City Attorney  
1200 Third Avenue, Suite 1100  
San Diego, CA 92101

TELEPHONE NO.: (619) 533-5800

FAX NO.: (619) 533-5856

FOR COURT USE ONLY

ATTORNEY FOR (Name):

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO

STREET ADDRESS: 330 West Broadway

MAILING ADDRESS: 330 West Broadway

CITY AND ZIP CODE: San Diego, CA 92101

BRANCH NAME: Central

CASE NAME: Irene McCormack Jackson v. City of San Diego, et al.

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:

37-2013-00058613-CU-OE-CTL

JUDGE: Richard Strauss

DEPT: 75

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

- Auto (22)  
 Uninsured motorist (46)

Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort

- Asbestos (04)  
 Product liability (24)  
 Medical malpractice (45)  
 Other PI/PD/WD (23)

Non-PI/PD/WD (Other) Tort

- Business tort/unfair business practice (07)  
 Civil rights (08)  
 Defamation (13)  
 Fraud (16)  
 Intellectual property (19)  
 Professional negligence (25)  
 Other non-PI/PD/WD tort (35)

Employment

- Wrongful termination (36)  
 Other employment (15)

Contract

- Breach of contract/warranty (06)  
 Rule 3.740 collections (09)  
 Other collections (09)  
 Insurance coverage (18)  
 Other contract (37)

Real Property

- Eminent domain/Inverse condemnation (14)  
 Wrongful eviction (33)  
 Other real property (26)

Unlawful Detainer

- Commercial (31)  
 Residential (32)  
 Drugs (38)

Judicial Review

- Asset forfeiture (05)  
 Petition re: arbitration award (11)  
 Writ of mandate (02)  
 Other judicial review (39)

Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400-3.403)

- Antitrust/Trade regulation (03)  
 Construction defect (10)  
 Mass tort (40)  
 Securities litigation (28)  
 Environmental/Toxic tort (30)  
 Insurance coverage claims arising from the above listed provisionally complex case types (41)

Enforcement of Judgment

- Enforcement of judgment (20)

Miscellaneous Civil Complaint

- RICO (27)  
 Other complaint (not specified above) (42)

Miscellaneous Civil Petition

- Partnership and corporate governance (21)  
 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.  Large number of separately represented parties d.  Large number of witnesses  
b.  Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve e.  Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court  
c.  Substantial amount of documentary evidence f.  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): Three (3)

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: July 30, 2013

JOE CORDILEONE

(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE

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

Page 1 of 2

1 JAN I. GOLDSMITH, City Attorney  
2 PAUL COOPER, Assistant City Attorney  
3 JOE CORDILEONE, Chief Deputy City Attorney  
4 California State Bar No. 73606  
5 Office of the City Attorney  
6 1200 Third Avenue, Suite 1100  
7 San Diego, California 92101-4100  
8 Telephone: (619) 533-5800  
9 Facsimile: (619) 533-5856

6 Attorneys for Defendant  
7 CITY OF SAN DIEGO

Exempt from fees per  
Gov. Code § 6103  
To the benefit of the City of San Diego

8 SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO

10 IRENE McCORMACK JACKSON

11 Plaintiff,

12 v.

13 CITY OF SAN DIEGO, ROBERT ("BOB")  
14 FILNER, *et al.*

15 Defendants.

Case No. 37-2013-00058613-CU-OE-CTL  
DEFENDANT CITY OF SAN DIEGO'S  
CROSS-COMPLAINT AGAINST  
ROBERT FILNER FOR INDEMNITY

16 CITY OF SAN DIEGO

17 Cross-complainant,

18 v.

19 ROBERT ("BOB") FILNER, and ROES 1  
20 through 20,

21 Cross-defendants.

I/C Judge: Richard Strauss  
Dept.: 75  
Comp. filed: July 22, 2013  
Trial date:

22 GENERAL ALLEGATIONS

23 1. City is now and at all times relevant herein was a charter city, duly organized and  
24 existing under the laws of the State of California.

25 2. The true names or capacities, whether individual, corporate or otherwise of Cross-  
26 defendants Roes 1 through 20 are unknown to City who, therefore, sues said Cross-defendants by  
27 such fictitious names and will ask leave to amend this Cross-Complaint to show their true names  
28 and capacities when the same have been ascertained. City is informed and believes that said

1 Roes 1 through 20 are in some manner responsible for the events and happenings referred to  
2 herein and are liable to Cross-complainant as hereinafter alleged.

3 3. City is informed and believes that Cross-defendants, and each of them, were the  
4 agents or employees, servants, partners, or in some manner agents or principals for each other  
5 and acting within the course and scope of said agency or employment, and with the knowledge  
6 and consent, express or implied, of the other Cross-defendants herein.

7 4. Cross-defendant Robert Filner is an individual who resides in San Diego County.

8 5. Plaintiff's Complaint, incorporated herein by reference, alleges that injuries and  
9 other damages occurred to Plaintiff while employed by the City of San Diego.

10 6. The allegations of the Complaint, if true, constitute a violation of City policies  
11 against sexual harassment. The City of San Diego maintains a zero tolerance policy as to sexual  
12 harassment and sexual harassment is not within the course and scope of employment.

13 7. On information and belief, City denies that it is liable for Plaintiff's damages, if  
14 any, but if she suffered damages, City alleges that Cross-defendants are liable to City for any such  
15 damage alleged against it.

16 FIRST CAUSE OF ACTION

17 (Equitable Indemnity against All Cross-Defendants)

18 8. City incorporates by reference the allegations contained in all paragraphs above  
19 as though fully set forth herein.

20 9. City is informed and believes that it neither caused nor contributed to the  
21 damages alleged by Plaintiffs in the Complaint in this action. If, however, it is found that City was  
22 responsible for any part of the damages claimed by Plaintiff, City is entitled to equitable  
23 indemnity from Cross-defendants for the injuries and damages allegedly suffered by Plaintiff, if  
24 any, and for reasonable attorney fees and costs incurred in defending this action.

25 SECOND CAUSE OF ACTION

26 (Contribution against all Cross-Defendants)

27 10. City incorporates by reference the allegations of all paragraphs above as though  
28 fully set forth herein.

1 11. If City is held liable to Plaintiff, or to anyone else, for damages as a result of the  
2 incidents and occurrences alleged in Plaintiff's Complaint, the damages, if any, were either  
3 wholly or in part directly and legally caused by the culpable conduct of Cross-defendants, and  
4 each of them. Each Cross-defendant should be required to pay a share of the damages in  
5 proportion to the responsibility of that Cross-defendant in causing the damages and should  
6 further be required to reimburse City for any payment of damages it makes in excess of its  
7 proportional share, if any, of all parties' responsibility for the damages.

8 THIRD CAUSE OF ACTION

9 (Declaratory Relief against all Cross-Defendants)

10 12. City incorporates by reference the allegations of all paragraphs above as though  
11 fully set forth herein.

12 13. A dispute has arisen and an actual controversy exists between City and Cross-  
13 Defendants, and each of them, in that City contends it is entitled to total and/or partial indemnity,  
14 equitable indemnity, apportionment and contribution from such Cross-Defendants in proportion  
15 to the respective fault or liability of each of them.

16 14. City is informed and believes that a judicial determination is necessary and  
17 proper to determine the rights of City and the respective duties of Cross-defendants in connection  
18 with the matters alleged in Plaintiff's Complaint and this Cross-Complaint.

19 As to the First Cause of Action:

20 1. For complete indemnity from Cross-defendants, and each of them, for any  
21 judgment entered against City in the above-captioned action;

22 2. For complete indemnity from Cross-defendants, and each of them, for costs and  
23 attorney's fees reasonable incurred by Cross-complainant in defending against Plaintiff's claims;

24 As to the Second Cause of Action:

25 3. For a pro rata partial equitable indemnity from Cross-defendants, and each of  
26 them, for any portion of any judgment entered in this action against Cross-complainant which  
27 does not fairly reflect Cross-complainant's pro rata fault or responsibility, if any;

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As to the Third Cause of Action:

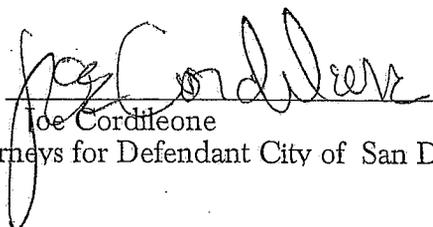
4. For a judicial determination of the rights and duties of the parties with respect to the matters alleged herein;

As to All Causes of Action:

- 5. For costs of suit including attorney's fees;
- 6. For such other and further relief as the Court may deem just and proper.

Dated: July 30, 2013

JAN I. GOLDSMITH, City Attorney

By   
Joe Cordileone  
Attorneys for Defendant City of San Diego