



casetext

Smarter & Faster Legal Research

Guide for California Employment Litigators

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INTRODUCTION

Welcome to Casetext! Congratulations on joining thousands of attorneys who use Casetext to research their legal issues quickly and effectively.

Our core motto is “Researcher First.” We have developed advanced technologies to help you conduct legal research and find authorities that you could not find using traditional legal research methods. Those tools include:

- Our Parallel Search engine, which uses advanced A.I. technology to find cases on your topic, even if the cases do not use any of the words that you used in your search query;
- Our Compose brief automation software, which eliminates much of the typical work required to research and draft a high-quality brief;
- Our CARA A.I. search engine, which finds cases that match the legal and factual issues in your brief;
- Our AllSearch software, which allows you to create your own databases and use our proprietary neural net technology to search e-discovery productions, witness transcripts, prior art, and more;
- Our “Similar Issues” tool, which lets you select any paragraph in a case and generate a list of all cases discussing similar issues.

This guide provides step-by-step instructions for using Casetext to conduct legal research and focuses specifically on the needs of California employment litigators. However, if you still need assistance, please contact our user support team. We have reference attorneys and product specialists available seven days a week to help you.¹

We look forward to assisting you with your legal research!

Best regards,

Valerie McConnell, Esq.

Vice-President, Casetext Customer Success

¹ Our customer support team is available from 7 am to 10 pm Eastern, Monday through Friday, and from 8 am to 5 pm Eastern, Saturday and Sunday. You can reach us by email at support@casetext.com, by telephone at (833) 227-3898, and by live chat on our website.

CHAPTER 1: HOW TO SEARCH ON CASETEXT

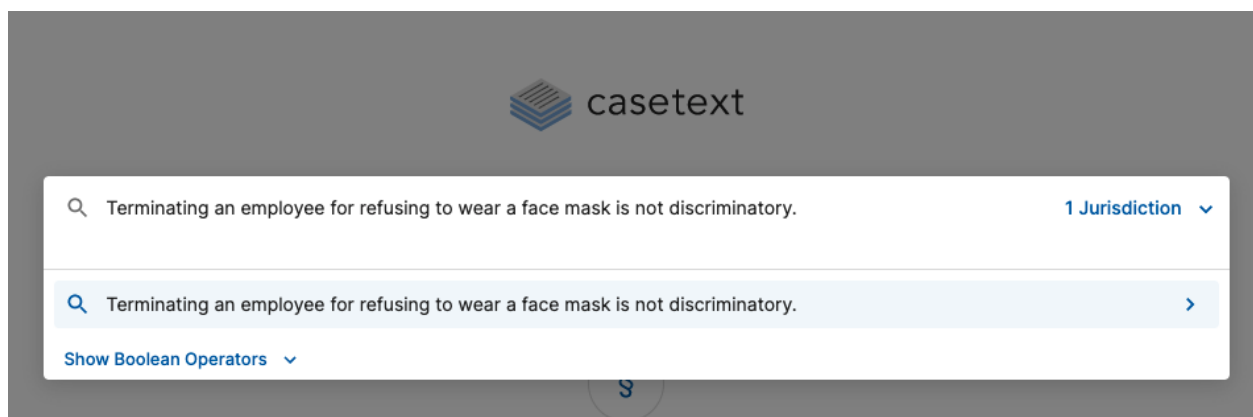
You can start researching from Casetext's home page (www.casetext.com) as soon as you log in. There are three ways of searching on Casetext: (1) Parallel Search, which uses breakthroughs in neural net technology to find cases on your concept, (2) traditional keyword searching, and (3) our CARA. A.I. search, which allows you to upload a document relating to your legal research issue and use the context from that document to find relevant cases.

Parallel Search

Parallel Search applies A.I. technology, trained on the law, to help you find cases that you may miss using traditional search technology. Unlike traditional keyword searching, which generates results based on the words you use in your search, Parallel Search understands synonyms and relationships between words. *This technology enables you to find cases on your topic, even if the cases do not use any of the words that you used to describe your topic.*

You can use Parallel Search to research any legal issue. However, Parallel Search is especially useful if you are having trouble finding relevant cases with a traditional keyword search, or if you want to argue by analogy.

To launch Parallel Search, type a full sentence into the search bar on the Casetext homepage (www.casetext.com) and then click on the magnifying glass:

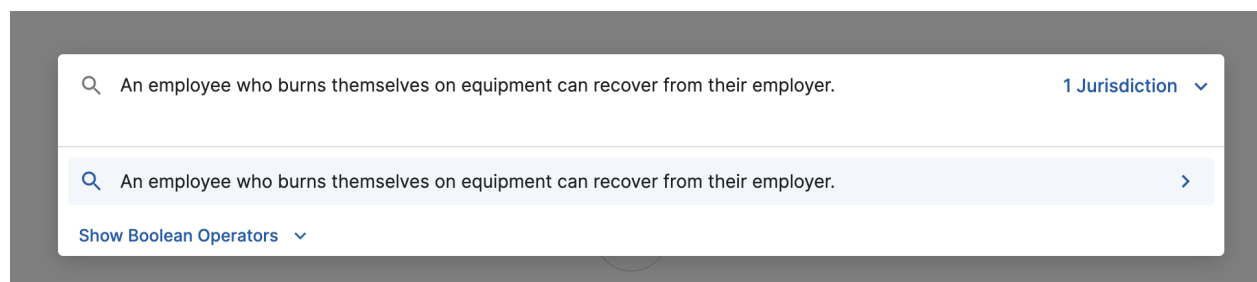


Tips for Your Parallel Search Query

- Do not use Boolean operators with your Parallel Search query. Type in a regular sentence that describes your legal research issue.
- For optimal results, we recommend typing in a declarative sentence, rather than a question.
- Query length has some impact on the length of results returned. A short phrase can return sub-optimal results. Conversely, a long paragraph can also return sub-optimal results. For best results, we recommend using a sentence between 5 and 30 words in length.
- To force certain words to appear in the search results, put quotation marks (") around up to four words.
- You can apply filters to further narrow your results. Please see the section entitled, "Filtering Your Parallel Search or KeyWord Search Results" to learn more about our filters.

Parallel Search Example for Employment Law

In this example, we have entered the Parallel Search string, "An employee who burns themselves on equipment can recover from their employer." The jurisdiction has been set to only search California state law.



The screenshot shows a search interface with a light gray background. At the top, there is a search bar with a magnifying glass icon on the left and the text "An employee who burns themselves on equipment can recover from their employer." on the right. To the right of the search bar, there is a dropdown menu labeled "1 Jurisdiction" with a downward arrow. Below the search bar, there is a light blue bar with a magnifying glass icon on the left, the same search text, and a right arrow on the right. At the bottom left of the search bar, there is a link "Show Boolean Operators" with a downward arrow.

When we run the search, we are directed to the results page below, which tells us that Parallel Search has found 23 cases based on the search string.

Search: An employee who burns themselves on equipment can recover from their employer. 1 Jurisdiction

Primary Law

- Cases
- Statutes
- Regulations
- Rules
- Admin. Materials

Secondary Sources

- Federal Briefs
- California Briefs
- By Gavelytics

23 Cases

recommended by Parallel Search

Published and unpublished All dates Search within Advanced filters Relevance

Graham v. Hopkins

13 Cal.App.4th 1483 (Cal. Ct. App. 1993) Cited 12 times

...Charles Lee Graham (plaintiff) appeals after the trial court, sitting as fact finder, concluded that the machine which caused injury to plaintiff was not a "power press" within the meaning of Labor Code section 4558 That section creates an exception to the exclusive remedy provision of the workers' compensation system. (§ 3602; Bingham v. CTS Corp. (1991) 231 Cal.App.3d 56, 61 [282 Cal.Rptr. 161].) It permits a worker to sue his employer when the worker is injured by a "power press" which is operated without a point of operation guard. We affirm the trial court judgment....

Walters v. Sloan

20 Cal.3d 199 (Cal. 1977) Cited 130 times

Each search result includes an excerpt from the case with a sentence highlighted in blue that the system finds most relevant to your search query.

As demonstrated in the search results below, the Parallel Search tool took our very specific query where an employee was burned on work equipment and found cases that deal with different fact patterns but the same overarching issue—workers getting injured on the job. In *Graham v. Hopkins*, the court discusses recovery for an employee's injuries in the context of a power press injury. In *Walters v. Sloan*, the court discusses the ability of highway workers to recover damages when struck by passing vehicles while working. Neither of these cases deal with an employee being burned on work equipment, but they provide insight into how California courts deal with on-the-job injury.

Graham v. Hopkins

13 Cal.App.4th 1483 (Cal. Ct. App. 1993) Cited 12 times

...Charles Lee Graham (plaintiff) appeals after the trial court, sitting as fact finder, concluded that the machine which caused injury to plaintiff was not a "power press" within the meaning of Labor Code section 4558 That section creates an exception to the exclusive remedy provision of the workers' compensation system. (§ 3602; Bingham v. CTS Corp. (1991) 231 Cal.App.3d 56, 61 [282 Cal.Rptr. 161].) It permits a worker to sue his employer when the worker is injured by a "power press" which is operated without a point of operation guard. We affirm the trial court judgment....

Walters v. Sloan

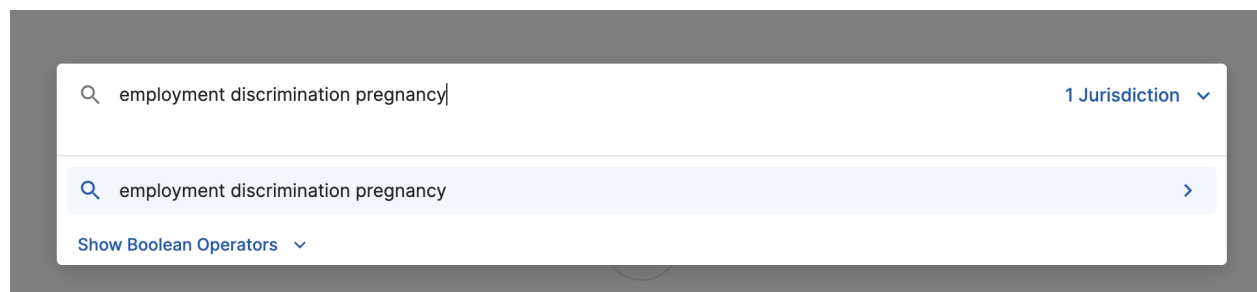
20 Cal.3d 199 (Cal. 1977) Cited 130 times

...normal inherent risk of his employment. Yet, as noted above, past California cases have regularly permitted highway workers — whose jobs obviously subject them to the "inherent risk" of being injured by a negligent driver — to recover for damages inflicted by such third party negligence (see, e.g., *Mecham v. Crump*, supra, 137 Cal.App. 200), and have permitted construction workers — whose employment poses numerous risks of injury at the hands of another — to recover tort damages for work-related injuries so long as the negligent tortfeasor is not their employer. (See, e.g., *Woodcock v. Fontana*...

Keyword Search

Keyword searching generates results based on the words you use in your search. If your search terms do not appear in a case, you will not see that case in your search results.

To conduct a keyword search, enter the case title, citation or keywords you want into the search bar in the middle of the Casetext homepage and then click on the magnifying glass to initiate your search:

A screenshot of the Casetext search bar. The search bar is white with a magnifying glass icon on the left. The text "employment discrimination pregnancy" is entered. To the right of the text is a dropdown menu showing "1 Jurisdiction" with a downward arrow. Below the search bar is a light blue bar with the same text "employment discrimination pregnancy" and a right arrow. Below that is a link "Show Boolean Operators" with a downward arrow.

How to Use Boolean Operators

With a keyword search, you can use Boolean operators with your search terms to provide specific instructions regarding the authorities you want to find. The following chart lists the Boolean operators supported by Casetext and when to use these techniques:

Boolean operator	When to use it	Example
AND	When you want both terms to appear in a case	fraud AND damages
OR	When you want either term to appear in a case	car OR automobile
NOT	To exclude a term from your results	infringement NOT patent
" "	To look for an exact word or specific phrase	"due diligence"
()	To indicate which words should be grouped together	appeal AND (verdict OR judgment)
*	A wildcard letter (to look for different variations of words)	withdr*w
!	Root expander (to look for different variations of words)	Infring!
/n	To look for terms within a specific number (n= number) of words of each other	Investor /5 diligence
/s	To look for terms within the same sentence as each other	Fees /s reasonable
/p	To look for terms within the same paragraph as each other	Fees /p reasonable

How to Exclude Irrelevant Words

You can use the Boolean technique "NOT" to exclude cases containing particular words. To do this, put parentheses around the words that you want to include in your search results. Then, place NOT and the word you want to exclude after the parentheses. Make sure that you type "NOT" and the word you want to exclude at the end of your search string.

For example, if you wanted to find cases that discuss minimum wage payments for employees who work split shifts, but do not want cases discussing overtime payment, you can run the following search:

("split shift" and "minimum wage") NOT overtime

To exclude multiple terms, place a NOT in front of each term you wish to exclude.

For example, if you wanted to find cases that discuss minimum wage payments for employees who work split shifts, but do not want cases discussing overtime payments or employees who work "on call," you can run the following search:

("split shift" and "minimum wage") NOT overtime NOT "on call"

General Keyword Search Recommendations

- Don't try to explain your entire case in a single search - Try to focus on one legal question at a time. (As a rule of thumb, if you are using more than 10 words in the keyword search bar, that is probably too many). You can add details regarding the parties, motion at issue, and cause of action of your case by applying filters after you run your search. Our filters are discussed later in this chapter.
- Don't use a lot of generic terms - Certain words appear so often in court opinions that it is impossible to use those words, by themselves, to find anything relevant. For example, a keyword search for a generic term like "motion" will not help you. The word "motion" appears millions of times in court opinions, making it difficult for you to sort through all those cases to find what you need. Likewise, just searching for the words plaintiff, defendant, party, court, or file will return a lot of irrelevant results.
- Do use legal phrases - You can use quotes to look for a specific phrase. For example, instead of just searching for "motion" (which is too generic), you could search for "motion for reconsideration" through your search results. Putting "motion for reconsideration" in quotes tells our database to look for that motion specifically and not other types of irrelevant motions. However, you only want to search for exact phrases (in quotes) if you are reasonably certain that these phrases actually appear in court opinions. Otherwise, your search will return zero results.

- **Do use the root expander:** You can use the exclamation point (!) to tell our database that you want to look for all variations of a word. Root expanders are commonly used with verbs so that your search captures the past, present, and future tense of a verb. For example, if I want to find cases on witness impeachment, and I just type in impeachment, I'm limited to cases that just mention that word. I miss seeing cases that use different verb tenses (impeached, impeaching, impeach, etc.). But by searching for impeach! I see the cases that discuss impeachment, impeached, impeaching, etc., which yields a much more complete universe of cases.
- **Do use proximity connectors:** Proximity connectors (/n, /s, and /p) tell our database that you want to see cases containing words within a specified distance of one another. This is especially helpful if you want to find cases involving specific outcomes or events. For example, if I want to find cases where a motion for reconsideration was granted, I could search for "motion for reconsideration" /s granted, which will return cases mentioning the exact phrase "motion for reconsideration" within the same sentence as the word "granted."
- **Don't start with a restrictive search:** If you want to use proximity connectors, we recommend starting with a broad connector (like /p for the same paragraph) first. If your search using a broad connector returns a lot of results, you can then narrow those results by using our filters (described below), or by replacing the /p with a narrower connector (like /s, for same sentence). You can always narrow your results, but if you start with a very restrictive search, you miss out on seeing potentially helpful cases and additional avenues for your research.

Keyword Search Example for Employment Law

The below example shows the keyword search ("employment discrimination" /p pregnan!) NOT salary. This search will show results that include the phrase "employment discrimination" in the same paragraph as variations on the word pregnant (i.e., pregnant, pregnancy, pregnancies) and will exclude results that include the word salary.

- **Jurisdiction filter:** The default setting is to show you cases from any state or federal jurisdiction. But you can restrict your results to specific state or federal courts. Please refer to the Help Center article available [here](#) to set your jurisdiction filter.
- **Publication filter:** The default setting is to show you both published and unpublished cases. However, you can choose to hide the unpublished cases by following the instructions available [here](#). For California cases, please note that hiding unpublished cases means that you will hide those cases that have been depublished or designated as not intended for publication pursuant to [California Rules of Court](#), rule 8.1115(a).
- **Motion filter:** You can restrict your results to cases involving one of the following motion types: (1) a motion to dismiss, (2) a motion for summary judgment, or (3) a motion to compel discovery. (If your research does not involve one of these types of motions, you should leave this filter blank; your search results will display cases involving all types of motions). Please refer to the Help Center article available [here](#) to set your motion filter.
- **Cause of action filter:** You can restrict your results to those cases that involve a specific type of cause of action or claim. Instructions for setting your cause of action filter are available [here](#).
- **Date:** The default setting is to show you cases decided at any time, but you can restrict your results to cases that were decided within a specified range of years. Instructions for setting your date filter are available [here](#).
- **Party / Industry:** You can narrow the cases in your search results to those cases that involve a specific type of party or industry. Instructions for setting your party filter are available [here](#).
- **Search within:** You can also search within your Parallel Search or keyword search results for a specific word or phrase. Instructions for using the "search within" function are provided [here](#).

Upload a Document to Find Cases (CARA A.I.)

Our “CARA A.I.” brief analyzer allows you to upload a document relating to your case or research issue to find relevant cases. CARA will analyze the factual and legal context from your document, including any legal citations and any mention of your jurisdiction, and use that context to find cases on the issue that you are researching.

CARA A.I. works with the following file types:

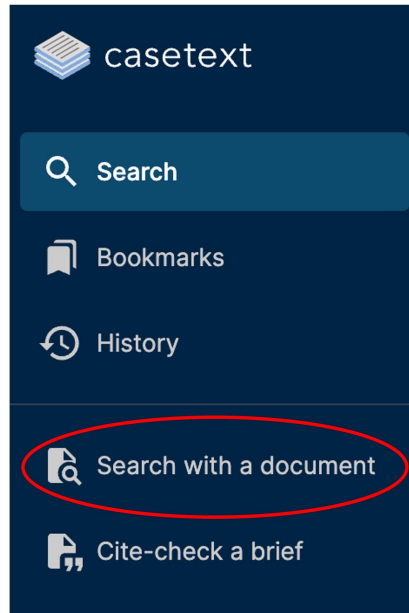
- Word
- PDF (both text recognizable [OCR] and non-text recognizable)
- TXT
- Word Perfect

Do I need a finished legal document to use CARA? You can upload a document at any stage of the drafting process, but the more comprehensive and complete your document is, the more tailored your results will be. However, the uploaded document does *not* have to include case citations or any other legal citations. Examples of documents that you can use with CARA include, but are not limited to, complaints, briefs, motions, and legal memoranda.

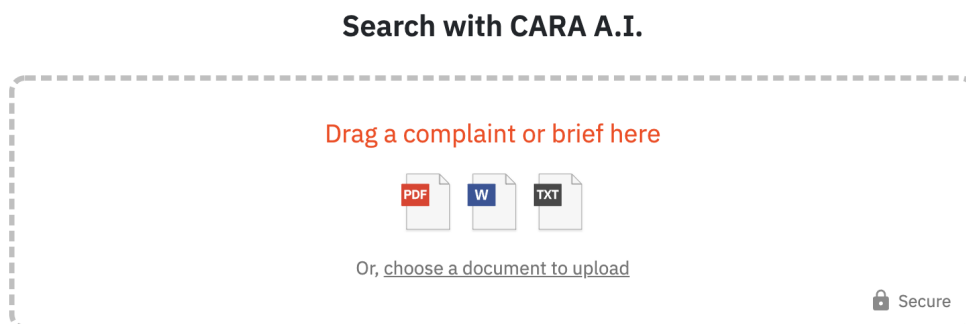
Please note that Casetext does not save any uploaded documents. All uploaded documents are deleted as soon as CARA A.I. is done processing the document.

How to Run a CARA Search: Example from Employment Law

To begin a CARA search, first select “Search with a document” from the left panel on Casetext’s Home page.



Then, simply drag and drop the document into the platform or upload it directly from your computer.



NEW Find on-point cases faster with CARA A.I.

CARA will then scan your document, analyzing any legal citations, fact patterns, relevant language, and/or other signals to find authorities that are most relevant to the issues discussed in your document.

After CARA analyzes your document, you will see a dialog box, asking if you want to focus your results on a specific term or legal issue. Because documents often discuss multiple issues, CARA works best if you choose a specific issue that you want CARA to

focus on. You can choose an issue from CARA's list of "suggested issues," or type in a different issue into the search bar. However, if you want to see the authorities that CARA returns for all issues in your document, select "all suggested cases:"

What issue or fact do you want CARA A.I. to focus on? ✕

SUGGESTED ISSUES

[incorporation by reference](#)

[law of the place](#)

[arbitration clause](#)

[bonding company](#)

[mutual assent](#)

OTHER OPTIONS

[All suggested cases](#)

You will then be taken to the CARA A.I. results page, which shows you the cases that are most relevant to the factual and legal issues in your document. The cases will be ranked by CARA's algorithm by relevance to your document's context, with the most relevant cases appearing on the first page of your search results.

See Cases that Your Brief Left Out

By default, your CARA A.I. search results will include all cases that are relevant to the factual and legal context of your document. This means your search results list will include cases that are already cited in your uploaded document, as well as new cases found by CARA that are not cited in your document. To view only those new cases that were not cited in your document, click on "CARA filters" under the search bar. That will cause a menu to appear, where you can check the box next to "Hide cited authorities." After you check that box, click the blue "Apply" button at the bottom of the menu:

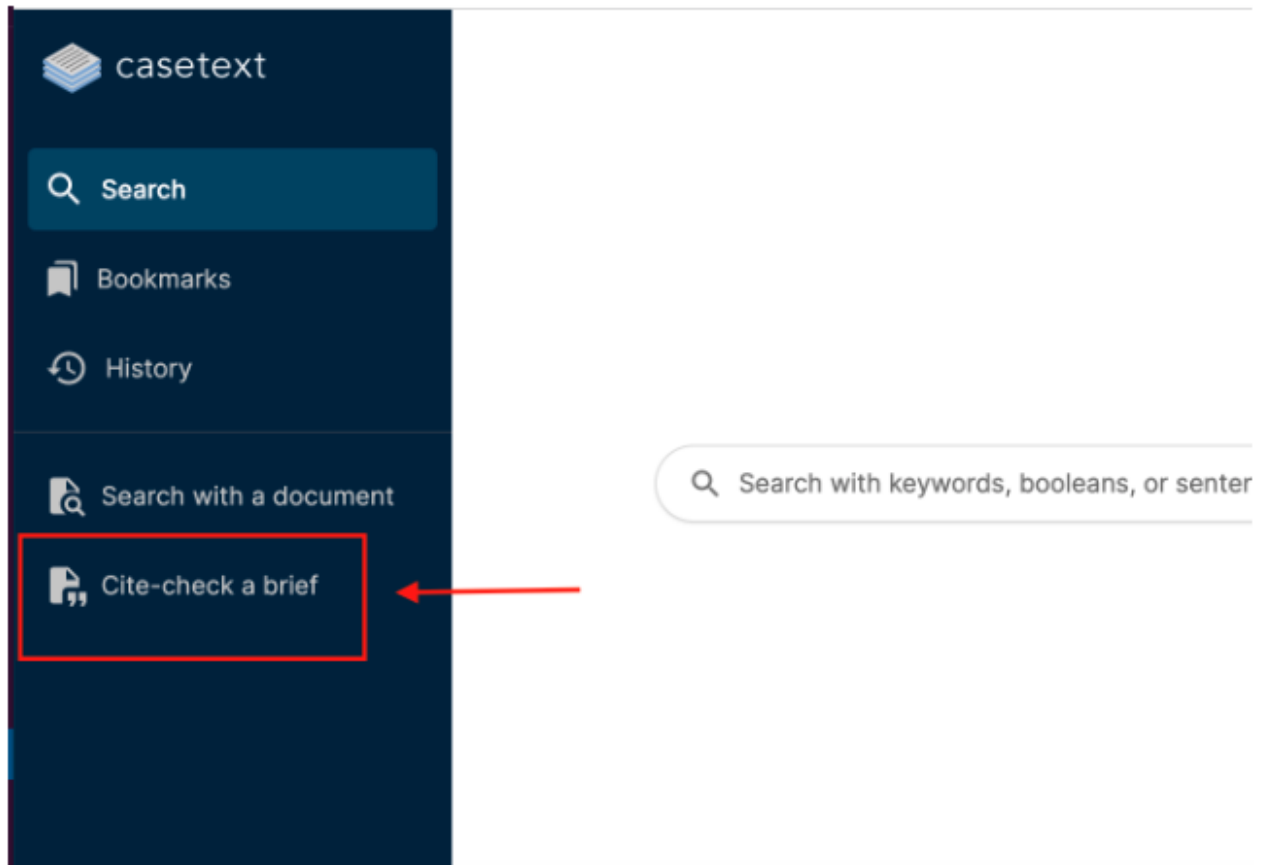
The screenshot shows the CARA AI search results interface. At the top, it says "169 Cases" and "recommended by CARA AI". Below this is a search bar with the text "Search within results". Under the search bar, there are several filter options: "Published and unpublished", "All dates", "CARA filters" (which is highlighted with a red box), and "Advanced Filters". Below these filters, there is a section for "Bell v. Wilmott Storage Servs." with the citation "12 F.4th 1065 (9th Cir. 2021)". The main text of the case is visible, starting with "Our circuit and the majority of our sister...". A red arrow points from the "CARA filters" button to a dropdown menu. The menu has two sections: "Cited Authorities" with a checkbox for "Hide cited authorities" (which is currently unchecked), and "CARA AI Suggested Issues" with links for "fragmented literal similarity", "fair use", "statutory damages", and "Show me all suggested cases". At the bottom of the menu is a blue "Apply" button. The page number "Page 1074" is visible on the right side.

You will now only see those cases recommended by CARA, which your document does not already cite. This is a good way to check to see whether your brief has omitted a relevant case, or whether opposing counsel's brief has overlooked a relevant case.

Cite-Check Your Brief

You can check to see if any cases cited in your brief have received negative treatment by using Casetext's "Cite-check a brief" tool.

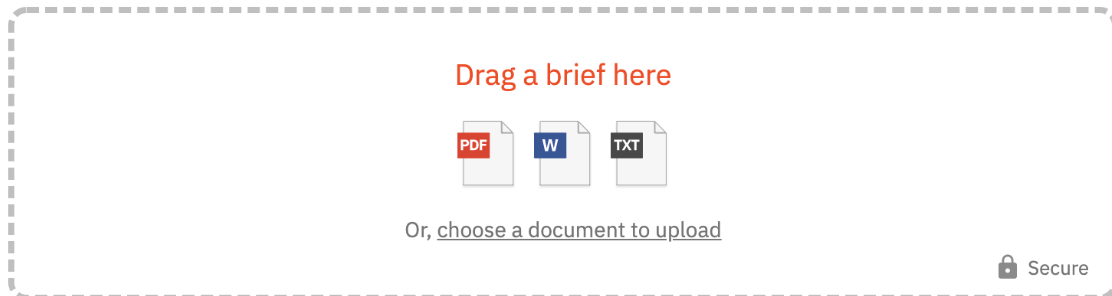
To launch this tool: Click on the "Cite-check a brief" option that appears on the left side of the Casetext homepage:



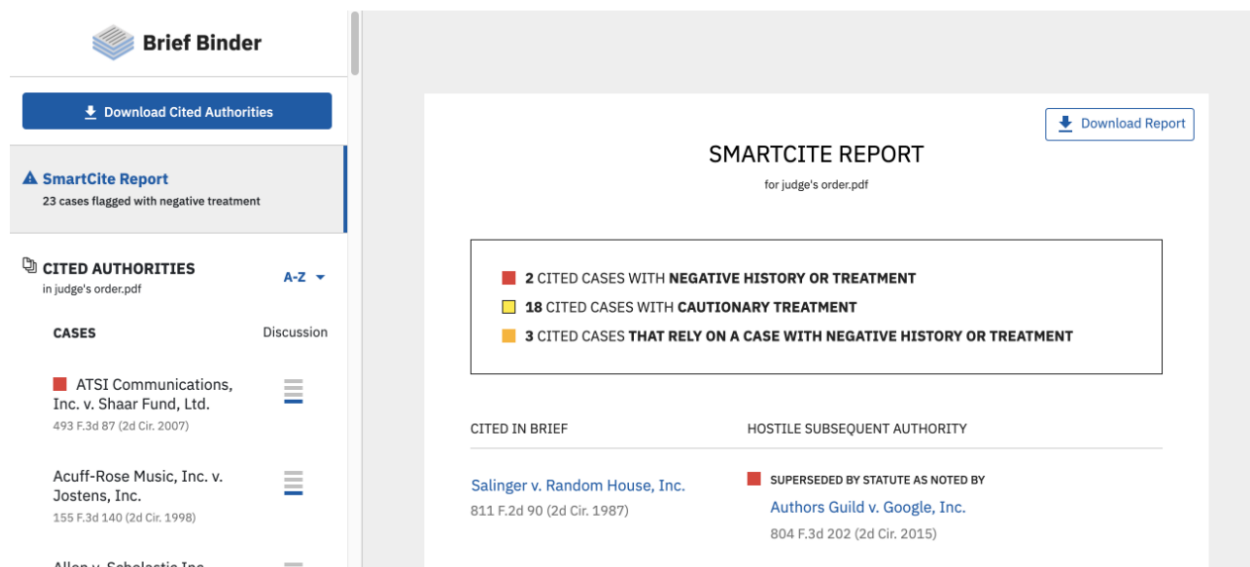
Clicking that button will take you to a new page, showing a dialog box, where you can drag and drop the icon of your document. In lieu of dragging and dropping your document, you can click on the link that says "choose a document to upload" to upload your document from a folder or drive on your computer. This tool works with PDF files, Word documents, and text (txt) files.

Cite-Check and Analyze a Brief

Upload a brief to instantly create a binder of the cited authorities.



Our system will then generate your "Brief Binder," which will list the cases cited in your document and will use flags to indicate whether any of the cases cited in your document have received negative treatment:

The interface is split into two main sections. On the left is a sidebar titled "Brief Binder" with a blue icon of a binder. It contains a "Download Cited Authorities" button, a "SmartCite Report" section showing "23 cases flagged with negative treatment", and a "CITED AUTHORITIES" section with a list of cases. On the right is a large panel titled "SMARTCITE REPORT" for "judge's order.pdf", with a "Download Report" button. It features a summary box with three items: 2 cases with negative history, 18 cases with cautionary treatment, and 3 cases relying on a case with negative history. Below this is a table with two columns: "CITED IN BRIEF" and "HOSTILE SUBSEQUENT AUTHORITY".

CITED IN BRIEF	HOSTILE SUBSEQUENT AUTHORITY
Salinger v. Random House, Inc. 811 F.2d 90 (2d Cir. 1987)	SUPERSEDED BY STATUTE AS NOTED BY Authors Guild v. Google, Inc. 804 F.3d 202 (2d Cir. 2015)

If a case cited in your brief has been reversed, overruled, or received other direct negative treatment, that case will be marked with a red flag, as shown below:

SMARTCITE REPORT

for judge's order.pdf

- **2 CITED CASES WITH NEGATIVE HISTORY OR TREATMENT**
- **18 CITED CASES WITH CAUTIONARY TREATMENT**
- **3 CITED CASES THAT RELY ON A CASE WITH NEGATIVE HISTORY OR TREATMENT**

CITED IN BRIEF

HOSTILE SUBSEQUENT AUTHORITY

[Salinger v. Random House, Inc.](#)
811 F.2d 90 (2d Cir. 1987)

■ **SUPERSEDED BY STATUTE AS NOTED BY**
[Authors Guild v. Google, Inc.](#)
804 F.3d 202 (2d Cir. 2015)

If a case cited in your brief has been distinguished by other courts, or cited by other courts using a contrary citation signal (like but see, but cf., and contra), that case will be marked with a yellow flag, as shown below:

[American Geophysical Union v. Texaco Inc.](#)
60 F.3d 913 (2d Cir. 1994)

■ **DISTINGUISHED BY N.D. TEX. IN 2013**
[Am. Inst. of Physics v. Winstead PC](#)
CIVIL ACTION NO. 3:12-CV-1230-M (N.D. Tex. Dec. 3, 2013)

■ **CITED IN CONTRADICTION BY**
[Princeton University Press v. Michigan Document Services, Inc.](#)
99 F.3d 1381 (6th Cir. 1996)

If a case cited in your brief relies heavily on another case that has been reversed or overruled, that case will be marked with an orange flag, as shown below:

[Ashcroft v. Iqbal](#)
556 U.S. 662 (2009)

 RELIES HEAVILY ON A CASE WITH NEGATIVE HISTORY OR TREATMENT

[Swierkiewicz v. Sorema N.A.](#)
534 U.S. 506 (2002)

To learn more about the flag on a case, please visit the case page by clicking on the blue hyperlinked case title. The case page will display a legend beneath the case title that explains the negative treatment your case received and also includes links to the cases that overruled, reversed, or otherwise negatively treated your case:

Salinger v. Random House, Inc.

NEGATIVE TREATMENT

Overruled by

Authors Guild v. Google, Inc.
804 F.3d 202 (2d Cir. 2015)

[Review treatment](#) >

Overruled by

Salinger v. Random House, Inc.
818 F.2d 252 (2d Cir. 1987)

[Review treatment](#) >

Additional information regarding Casetext's SmartCite citator is provided in Chapter 2 of this guide, in the section entitled, "SmartCite Citator."

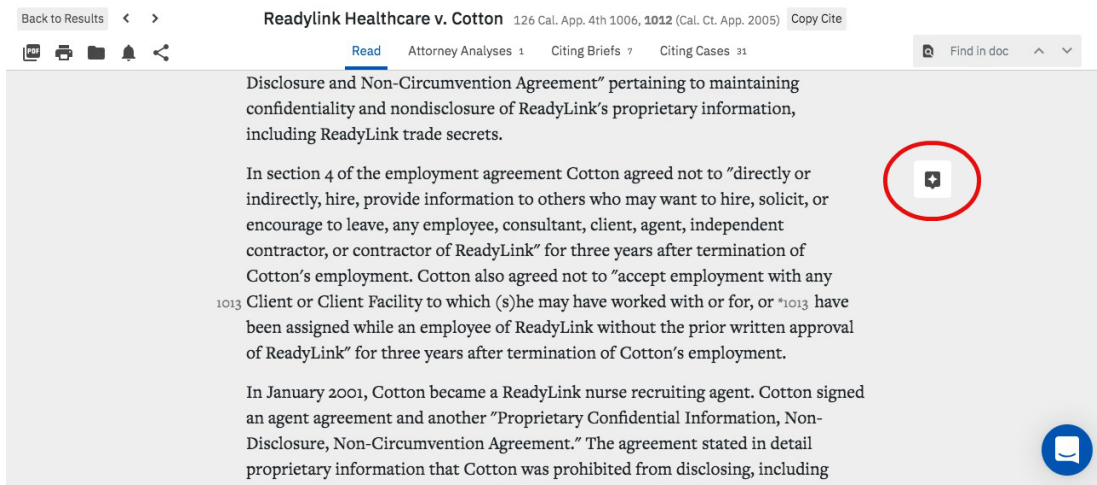
CHAPTER 2: CASE PAGE FEATURES

The case page contains several tools and features that enable you to understand how your case has been treated and cited by other cases. It also contains links to analyses, briefs, judge-written summaries, and other avenues for further research.

“Show Similar Issues” Tool

If you find a paragraph in a case that is relevant to the legal issue you are researching, you can quickly find other cases on the same topic by using the "Show Similar Issues" tool. This tool gives you the ability to turn any paragraph in a case into a natural language search query, which will initiate a search to find other cases addressing the issues covered in that paragraph. To use this tool, follow these steps:

(1) Place your cursor over the paragraph in the case that contains legal or factual issues that you want to find in other cases. A [+] symbol will appear to the right of the paragraph.



(2) Move your cursor over to the [+] symbol. This will cause the entire paragraph to highlight.

Back to Results < > Readylink Healthcare v. Cotton 126 Cal. App. 4th 1006, 1012 (Cal. Ct. App. 2005) Copy Cite

Read Attorney Analyses 1 Citing Briefs 7 Citing Cases 31 Find in doc ^ v

Disclosure and Non-Circumvention Agreement" pertaining to maintaining confidentiality and nondisclosure of ReadyLink's proprietary information, including ReadyLink trade secrets.

In section 4 of the employment agreement Cotton agreed not to "directly or indirectly, hire, provide information to others who may want to hire, solicit, or encourage to leave, any employee, consultant, client, agent, independent contractor, or contractor of ReadyLink" for three years after termination of Cotton's employment. Cotton also agreed not to "accept employment with any Client or Client Facility to which (s)he may have worked with or for, or have been assigned while an employee of ReadyLink without the prior written approval of ReadyLink" for three years after termination of Cotton's employment.

1013 In January 2001, Cotton became a ReadyLink nurse recruiting agent. Cotton signed an agent agreement and another "Proprietary Confidential Information, Non-Disclosure, Non-Circumvention Agreement." The agreement stated in detail proprietary information that Cotton was prohibited from disclosing, including

Show similar issues

3. Click on the [+] symbol. This will pull up a list of other cases that have paragraphs discussing similar legal and factual issues to the paragraph you are currently viewing.

Back to Results < > Readylink Healthcare v. Cotton 126 Cal. App. 4th 1006, 1012 (Cal. Ct. App. 2005) Copy Cite

Read Attorney Analyses 1 Citing Briefs 7 Citing Cases 31 Find in doc ^ v

of ReadyLink's proprietary information, including ReadyLink trade secrets.

In section 4 of the employment agreement Cotton agreed not to "directly or indirectly, hire, provide information to others who may want to hire, solicit, or encourage to leave, any employee, consultant, client, agent, independent contractor, or contractor of ReadyLink" for three years after termination of Cotton's employment. Cotton also agreed not to "accept employment with any Client or Client Facility to which (s)he may have worked with or for, or have been assigned while an employee of ReadyLink without the prior written approval of ReadyLink" for three years after termination of Cotton's employment.

1013 In January 2001, Cotton became a ReadyLink nurse recruiting agent. Cotton signed an agent agreement and

11 Similar Issues

Parker v. Schlumberger Tech. Corp.
475 S.W.3d 914 (Tex. App. 2015) Cited 5 times

As the APA further required, Myers also executed a "Retention Bonus Contract." Like the ICN agreements, the Retention Bonus Contract contained terms prohibiting Myers from disclosing confidential information. It also prohibited Myers from competing with Production Wireline during his employment and for a period of one year afterward; he would not "solicit, contact [sic] or accept work, which is the same or substantially similar to work and/or services performed by [Myers] for [Production Wireline], from clients of [Production Wireline] with whom [Myers] had business dealings during [his] employment with [Production Wireline]." It further stated that he would not "provide services (including consulting services)" to such clients during that period, nor could he "solicit, recruit, encourage, hire or assist any other person or entity

The "similar issues" function is a useful way to find multiple cases on the same topic for inclusion in a string citation. It is also a quick way to see how a legal issue has been addressed by multiple cases and courts.

Summaries written by judges

Casetext collects summaries of a case written by judges in other cases and displays them in the "Summaries Written by Judges" window below the case name. Each summary contains a hyperlink to the case that provided the summary.

As shown in the example below, *Harris v. City of Santa Monica* was summarized in *Brewer v. Leprino Foods Co.*, No. 19-16007 (9th Cir. Aug. 11, 2020) for the following proposition: the "Fair Employment and Housing Act 'does not purport to outlaw discriminatory thoughts, beliefs, or stray remarks that are unconnected to employment decisionmaking.'"

Harris v. City of Santa Monica

Supreme Court of California Feb 7, 2013 Full title

56 Cal.4th 203 (Cal. 2013) [Copy Citation](#)

56 Cal.4th 203 • 152 Cal. Rptr. 3d 392 • 294 P.3d 49

Cases citing this document

- [Alamo v. Practice Management Information Corp.](#)
We initially affirmed the judgment, and PMIC filed a petition for review with the Supreme Court. After...
- [Davis v. Farmers Ins. Exch.](#)
Appellant asserted a common law claim for wrongful termination in violation of public policy; he did not...

Summaries written by judges

- Holding Fair Employment and Housing Act "does not purport to outlaw discriminatory thoughts, beliefs, or stray remarks that are unconnected to employment decisionmaking."
Summary of this case from [Brewer v. Leprino Foods Co.](#)
- Holding that FEHA is not violated by discriminatory thoughts, beliefs, or stray remarks that are unconnected to...

[25 Summaries](#) ▾

Analyses written by attorneys

- [California Employment Law Notes - May 2016](#)
...Harris v. City of Santa Monica, 56 Cal. 4th 203 (2013) does not require an alleged victim of disability...
- [Year-End Round-Up of Employment Cases Pending Before the Cal Supremes](#)
...Harris v. City of Santa Monica(2013) 56

[46 Analyses](#) >

Summaries written by judges

- Holding Fair Employment and Housing Act "does not purport to outlaw discriminatory thoughts, beliefs, or stray remarks that are unconnected to employment decisionmaking."
Summary of this case from [Brewer v. Leprino Foods Co.](#)

Attorney Analyses

Under the "Attorney Analyses" tab of a case page, you can find news articles written by attorneys, law firms, and judges about a case. Analyses are a great way to understand how a case has been applied and characterized by the courts, judges, and practicing attorneys.

Harris v. City of Santa Monica

⚠ Caution

Supreme Court of California Feb 7, 2013 Full title

56 Cal.4th 203 (Cal. 2013) [Copy Citation](#)

56 Cal.4th 203 • 152 Cal. Rptr. 3d 392 • 294 P.3d 49

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- [Alamo v. Practice Management Information Corp.](#)
We initially affirmed the judgment, and PMIC filed a petition for review with the Supreme Court. After...
- [Davis v. Farmers Ins. Exch.](#)
Appellant asserted a common law claim for wrongful termination in violation of public policy; he did not...

[321 Citing cases >](#)

Summaries written by judges

- Holding Fair Employment and Housing Act "does not purport to outlaw discriminatory thoughts, beliefs, or stray remarks that are unconnected to employment decisionmaking."
Summary of this case from [Brewer v. Leprino Foods Co.](#)
- Holding that FEHA us not violated by discriminatory thoughts, beliefs, or stray remarks that are unconnected to

[25 Summaries >](#)

Analyses written by attorneys

- [California Employment Law Notes - May 2016](#)
...Harris v. City of Santa Monica, 56 Cal. 4th 203 (2013) does not require an alleged victim of disability...
- [Year-End Round-Up of Employment Cases Pending Before the Cal Supremes](#)
...Harris v. City of Santa Monica(2013) 56

[46 Analyses >](#)

You can access analyses regarding a case by clicking on the “Attorney Analyses” tab, which will take you to a separate window where you can view and search through different analyses of your case.

Back to Results < >

Harris v. City of Santa Monica 56 Cal.4th 203 (Cal. 2013) [Copy Cite](#)

Read
Attorney Analyses 46
Citing Briefs 14
Citing Cases 321

Filter and narrow

Any time

Between:

-

🔍

46 Analyses of this case by attorneys Sort by Depth of Treatment ▾

California Employment Law Notes - May 2016
Proskauer Rose LLP Anthony Oncidi May 11, 2016

...The trial court granted the employer's motion for summary judgment, but the Court of Appeal (over a strong dissent) reversed, holding that FEHA creates a duty on the part of the employer "to provide reasonable accommodations to an applicant or employee who is associated with a disabled person," not just to applicants and employees who themselves are disabled (citing Cal. Gov't Code § 12926(o) ("physical disability" includes a perception that a person is associated with a person who has, or is perceived to have, a disability)). See alsoWallace v. County of Stanislaus, 245 Cal. App. 4th 109 (2016) ([Harris v. City of Santa Monica, 56 Cal. 4th 203 \(2013\)](#) does not require an alleged victim of disability discrimination to prove "animus or ill will," only that discriminatory intent was a substantial motivating factor/reason for the employer's actions).Employees Are Entitled To Suitable Seating If The Tasks Being Performed Reasonably Permit SeatingKilby v. CVS Pharmacy, Inc., 63 Cal. 4th 1 (2016) In this opinion, the California Supreme Court answered three questions posed to it by the United States Court of Appeals for the Ninth Circuit involving suitable seating requirements under California

Citing Briefs

Casetext offers hundreds of thousands of briefs publicly filed in federal district courts (from all federal jurisdictions), as well as appellate court briefs filed in California and New York. You can access briefs citing the case you are reading by clicking on the “Citing Briefs” tab, which will take you to a separate window where you can view and search through different briefs citing your case.

“employment discrimination” /p pregnan!

Calif

Harris v. City of Santa Monica 56 Cal.4th 203 (Cal. 2013) [Copy Cite](#)

[Read](#) [Attorney Analyses 46](#) [Citing Briefs 14](#) [Citing Cases 321](#)

Harris v. City of Santa Monica

 Caution ▾

Supreme Court of California Feb 7, 2013 Full title

56 Cal.4th 203 (Cal. 2013) [Copy Citation](#)

56 Cal.4th 203 • 152 Cal. Rptr. 3d 392 • 294 P.3d 49

The screenshot shows the Casetext interface for the case **Harris v. City of Santa Monica**, 56 Cal.4th 203 (Cal. 2013). The search bar at the top contains the query "employment discrimination" /p pregnant. The interface includes a navigation bar with tabs: Read, Attorney Analyses (46), Citing Briefs (14), and Citing Cases (321). The "Citing Briefs" tab is selected.

On the left, the "Filter and narrow" section includes a search bar, a filter for "California - Supreme Court" (7 results), and a date range filter set to "Any time".

The main content area displays "14 Citing briefs". The first result is **Carolyn Medina v. Southern California Permanente Medical Group et al**, with a "NOTICE OF MOTION AND MOTION for Summary Judgment as to First Amended Complaint Docket 13" filed May 30, 2017. The text of the brief states: "...While Plaintiff alleges certain ageist remarks by Sack (i.e., that Sack asked her whether she was retirement age and whether she was ready for retirement), she fails to connect those remarks in any manner to her termination. See [Harris v. City of Santa Monica](#), 56 Cal. 4th 203, 231 (2013).¹⁸ Here, Sack was not involved in the investigation that led to Plaintiff's termination, and there is no evidence that Sack's alleged discriminatory animus had any causal connection to Plaintiff's termination. Plaintiff has, at most, pled the existence of "discrimination in the air" in the form of "stray comments" by a supervisor.¹⁹ As Plaintiff has failed to plead any connection between the alleged discriminatory animus on the part of Sack and Plaintiff's discharge, her claim further fails as a matter of law...."

Citing Cases

Casetext lists all the cases that have cited the case you are reading in the "citing cases" tab. That tab is found just below the case title. You can also access the "citing cases" from the window that appears again below the case name, as indicated in the image below:

Harris v. City of Santa Monica 56 Cal.4th 203 (Cal. 2013) [Copy Cite](#)

[Read](#) [Attorney Analyses 46](#) [Citing Briefs 14](#) [Citing Cases 321](#)

Harris v. City of Santa Monica

[Caution](#)

Supreme Court of California Feb 7, 2013 Full title

56 Cal.4th 203 (Cal. 2013) [Copy Citation](#)

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Appellant asserted a common law claim for wrongful termination in violation of public policy; he did not...

[321 Citing cases >](#)

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- Holding Fair Employment and Housing Act "does not purport to outlaw discriminatory thoughts, beliefs, or stray remarks that are unconnected to employment decisionmaking."
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- Holding that FEHA us not violated by discriminatory thoughts, beliefs, or stray remarks that are unconnected to

[25 Summaries >](#)

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- [Year-End Round-Up of Employment Cases Pending Before the Cal Supremes](#)
...Harris v. City of Santa Monica(2013) 56

[46 Analyses >](#)

When you click on the "citing cases" tab, you'll be taken to a page that lists all the cases that cite to the case you were just reading. On that page, you can filter the citing cases by jurisdiction, motion type, cause of action, party types, and date. You can also search through the citing cases for specific words or phrases by typing those search terms in the "search within" bar.

[Back to Results](#) < >

Harris v. City of Santa Monica56 Cal.4th 203 (Cal. 2013)Copy Cite

ReadAttorney Analyses 46Citing Briefs 14Citing Cases 321

Filter and narrow

Q

X

X

Hide unpublished cases

☒All State216

☒All Federal104

Select Courts

Motion type

☐Motion for summary judgment191

☐Motion to dismiss81

☐Motion to compel discovery1

321 Citing cases

Sort by Depth of Treatment

Alamo v. Practice Management Information Corp.

219 Cal.App.4th 466 (Cal. Ct. App. 2013)Cited 68 times4 Legal Analyses

Labor & Employ. - Termination

Con. Law - Discrim. - Other

5 more...

Holding that "the trial court prejudicially erred in instructing the jury with the former versions of CACI Nos. 2430, 2500, 2505, and 2507 because the proper standard of causation in a FEHA discrimination or retaliation claim is not 'a motivating reason,' as used in the [former] CACI instructions, but rather 'a substantial motivating' reason, as set forth in Harris."

We initially affirmed the judgment, and PMIC filed a petition for review with the Supreme Court. After granting the petition for review and deciding a related issue in [Harris v. City of Santa Monica \(2013\) 56 Cal.4th 203, 152 Cal.Rptr.3d 392, 294 P.3d 49](#) (Harris), the Supreme Court directed this court to vacate our decision and to reconsider the cause in light of its decision in Harris. In accordance with Harris, we now hold that the trial court prejudicially erred in instructing the jury with the former versions of CACI Nos. 2430, 2500, 2505, and 2507

Filter and narrow

Q

X

X

Hide unpublished cases

☒All State216

☒All Federal104

Select Courts

Motion type

☐Motion for summary judgment191

☐Motion to dismiss81

☐Motion to compel discovery1

Cause of action

☐Labor & Employ. - Termination159

☐Con. Law - Discrim. - Disabilities143

☐Labor & Employ. - Other126

☐Labor & Employ. - Federal and State125

☐Tort - Other90

More causes of action

Party type

☐Retail17

☐Transportation15

☐Government13

☐Hospitals and Healthcare11

☐General Medical and Surgical Hospitals8

More party types

Any time

Between:

Year

-

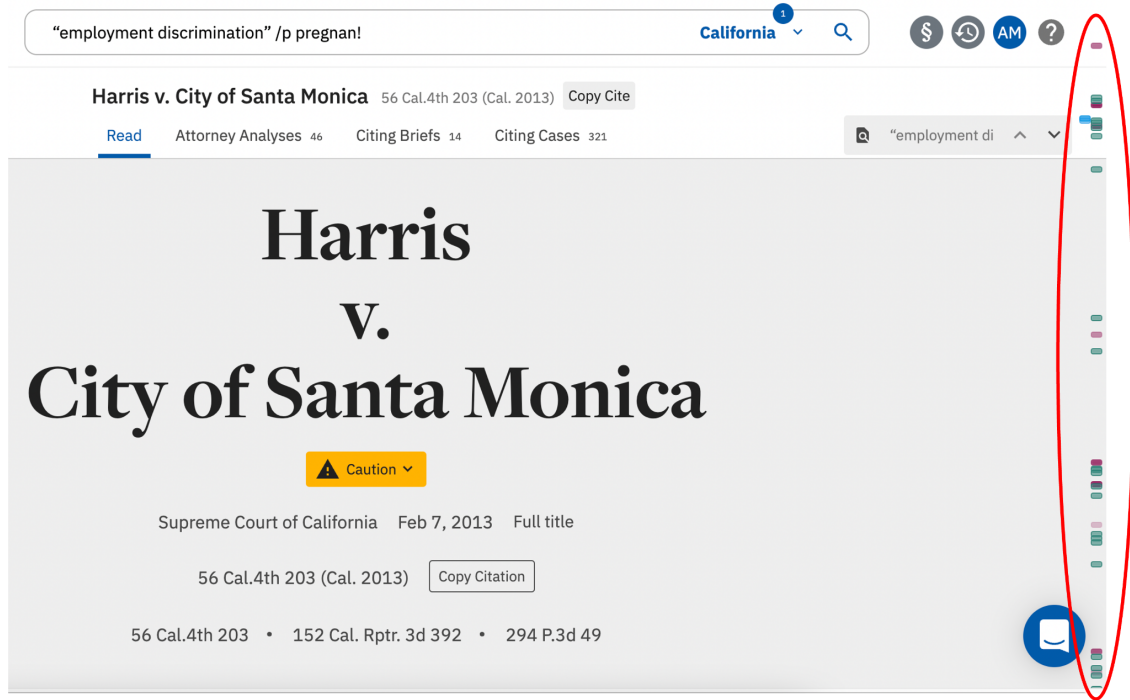
Year

29

Heatmap

The heatmap is a color-coded representation of heavily-cited portions of an opinion. If you click on a colored bubble from the right side of a case, you will be taken to the highlighted portion of the opinion corresponding to that bubble. Each colored bubble represents one of the following:

- **Green:** Clicking on a green bubble takes you to corresponding green highlighted text, which is used to identify a "key passage." A key passage indicates a portion of an opinion that has been cited by multiple cases. If you click on the green highlighted text, this will open a separate window, showing a list of the cases that cited this particular portion of the case that you are reading. You can scroll down to the bottom of that window to filter the cases that cite to that specific key passage.
- **Pink:** Clicking on a pink bubble takes you to corresponding pink highlighted text, which is used to identify language that has been emphasized by other cases (i.e., when a court in another case quotes specific language using italics or the phrase "emphasis added"). If you click on the pink highlighted text, this will open a separate window, showing a list of the cases that have emphasized the language from this particular portion of the case that you are reading. You can scroll down to the bottom of that window to filter the cases that have emphasized this language from the opinion.
- **Purple:** The most cited pages of the opinion are represented by the purple bubbles in the Heatmap. When you place your mouse over a purple bubble, a text box will appear, letting you know that specific page in the case has been cited more than 50 times. If you click the bubble, you are taken to that page in the case.
- **Blue:** this bubble shows you where your search term appears in a case. (Blue will only appear if you are searching for specific words in a case).

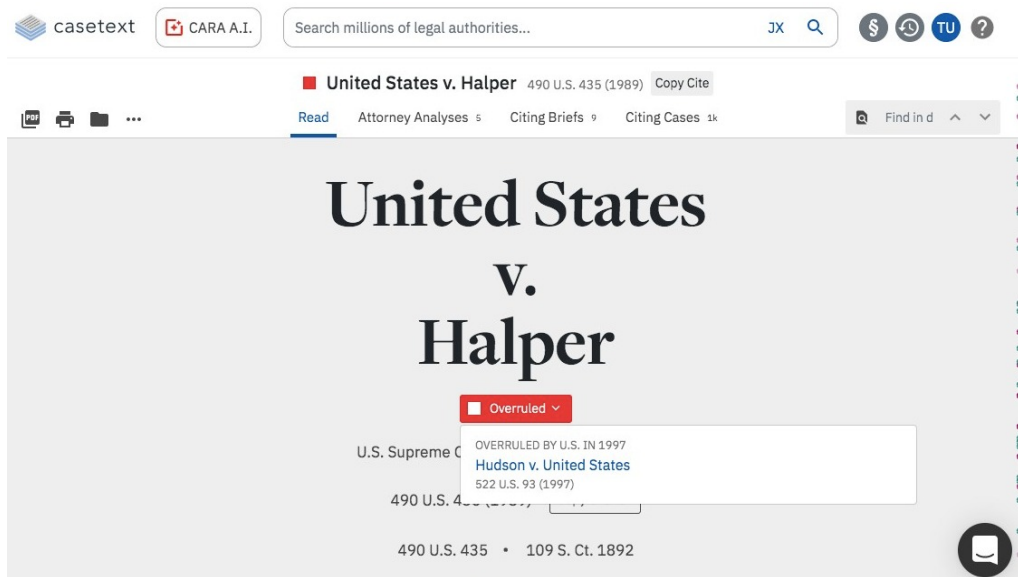


SmartCite Citator

Casetext's citator is called "SmartCite." SmartCite uses a series of flags to alert you to how your case has been treated on appeal and how it has been cited by other cases.

Red flags: A red flag indicates a case that is no longer good law because it has been reversed, overruled, vacated, withdrawn or superseded in whole or in part. When you see a red flag, you can click on that flag to see how your case has been negatively treated on appeal.

As shown in the example below, *United States v. Halper*, 490 U.S. 435 (1989) is no longer good law because the red flag indicates that it was overruled by *Hudson v. United States*, 522 U.S. 93 (1997):



Orange flags: An orange flag is used to identify a case that relies on an earlier case that was overruled or reversed *after* the date of your case. A case with an orange flag has not been overruled, but because it relies heavily on bad law, there is a high risk that this case may be overruled in the future. An example of a case with an orange flag is provided below. To see why your case has an orange flag, click on the flag, and you'll see the link to the overruled case cited by your case:



Yellow flags: A yellow flag indicates that a case has been distinguished by other cases or has been cited by other cases with a contrary citation signal (*But see*, *but cf.*, *contra*). By clicking on the yellow flag, you can see a list of cases that have cited the case that you are reading as a contrary authority:

Terry v. Ohio

392 U.S. 1 (1968)

Copy Cite

Read

Attorney Analyses 64

Citing Briefs 93

Citing Cases 32k

Terry

v.

Ohio

Warning

U.S. J

CITED IN CONTRADICTION BY:

Bryson v. Commonwealth

175 S.E.2d 248 (Va. 1970)

392 U.S.

CITED IN CONTRADICTION BY:

Pendergrast v. United States

416 F.2d 776 (D.C. Cir. 1969)

392 U.S.

CITED IN CONTRADICTION BY:

United States v. Montez-Hernandez

291 F. Supp. 712 (E.D. Cal. 1968)

Green flags: A green flag indicates that a case was affirmed by an appellate court. When you see a green flag, you can click on it to get a link to the case that affirmed your case on appeal.

As shown in the example below, *Axis, S.p.A. v. Micafil, Inc.*, 681 F. Supp. 1271 (N.D. Ohio 1987) received a green flag because it was affirmed on appeal by the Sixth Circuit:



If a case does not have any flags, is that case good law?

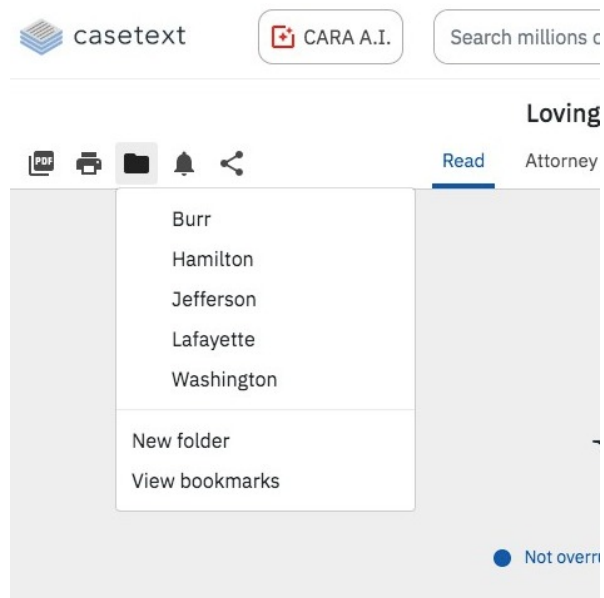
In general, the absence of any flags means that the case was checked by SmartCite and no negative or positive appellate history was found. That case is still considered to be good law, even though there is no record of the case being expressly affirmed on appeal. However, SmartCite does not cover opinions from administrative courts, such as the Board of Immigration Appeals. Cases that are not covered by SmartCite contain text below the title stating, "This case is not covered by Casetext's citator." If a case says that it is not covered by Casetext's SmartCite citator, you should not interpret the absence of red or orange flags to mean that the case is good law.

Tools for Customizing Your Research

Casetext offers a variety of features that enable you to customize your research and easily track cases and other issues that are important to you and your clients. These tools include bookmarks, alerts, our "copy with cite" tool, and our highlighting and notation tools.

Bookmarks

If you have found a case you would like to save for later, you can bookmark it. To bookmark a case, click on the folder icon in the upper left corner of the case page. That will cause a drop-down menu to appear.

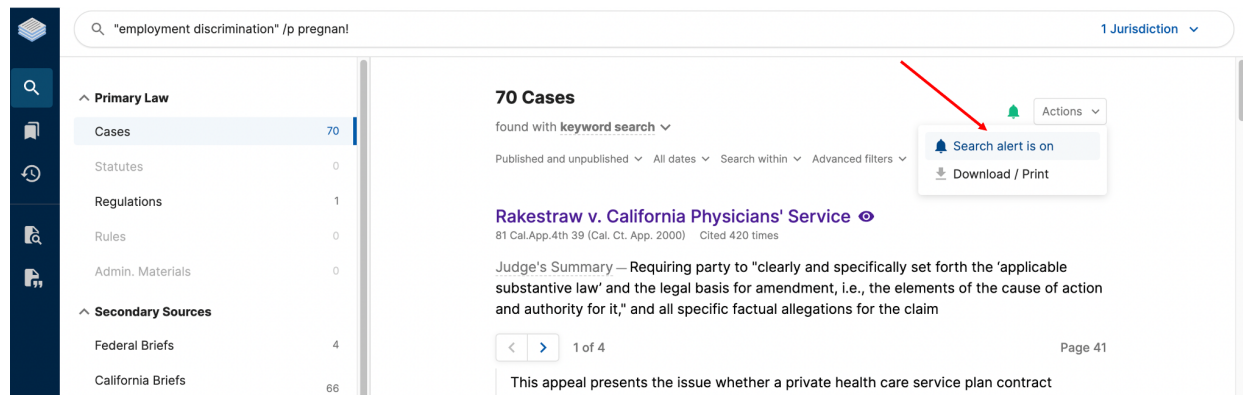
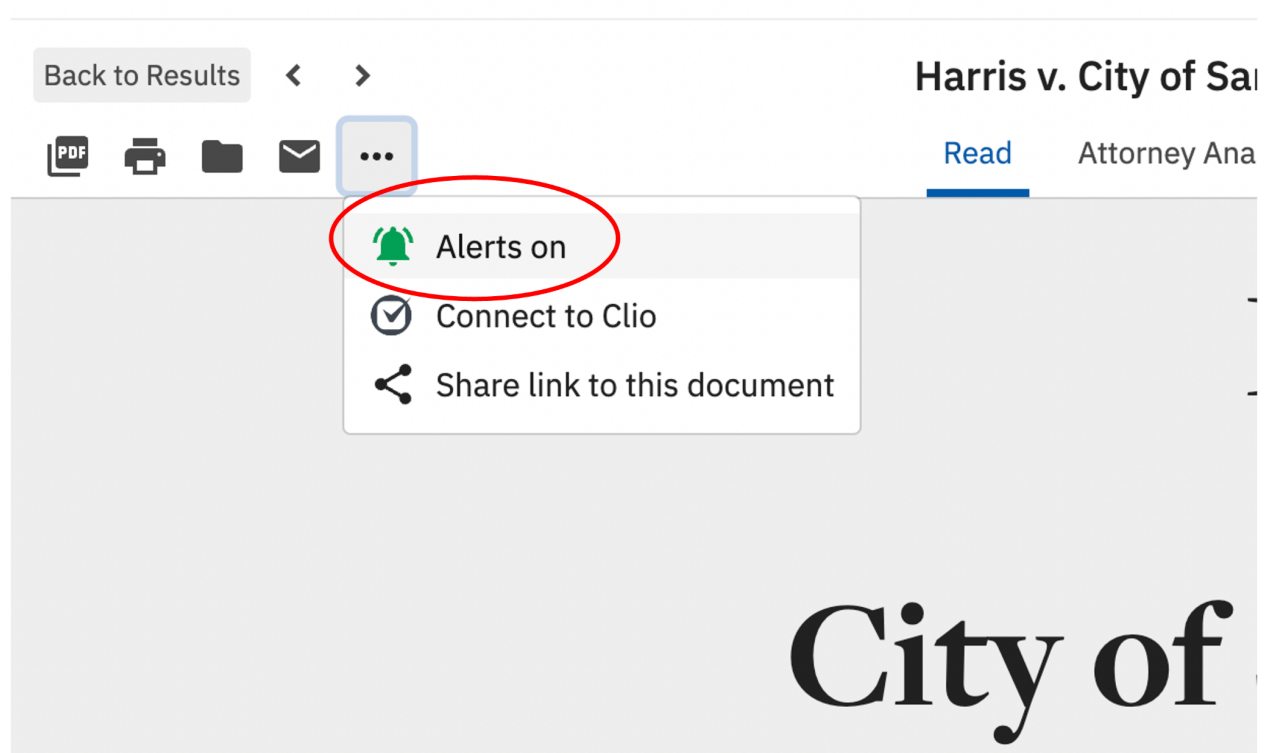


You can either create a new folder or add the case to an already saved folder. Once a folder has been selected, the folder icon will turn green to indicate the case has been bookmarked.

Alerts

Casetext allows you to set up alerts on cases, codified laws, and searches that you would like to track so that you can immediately get notifications when there is any change in the law that impacts your research.

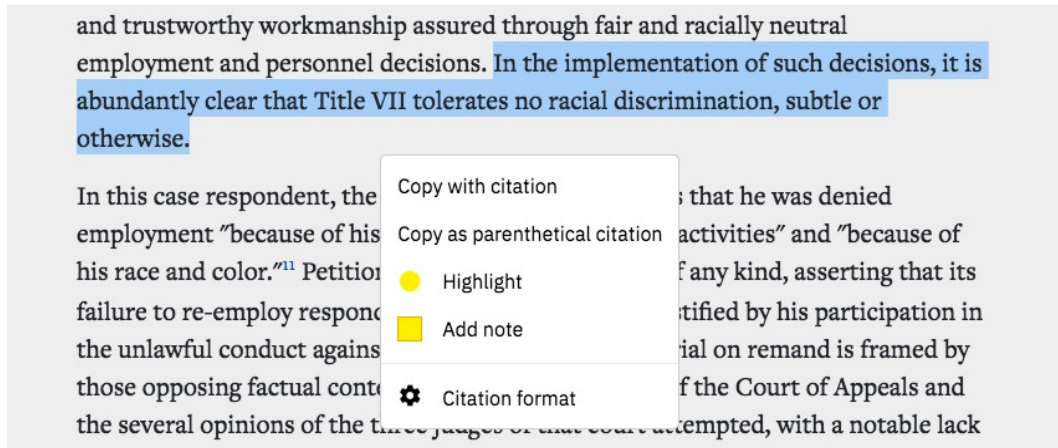
Case alerts allow you to receive an email when a subsequent case, brief, or attorney analysis cites the case you are reading. Click the bell icon to activate an alert for the case you are reading. Once clicked, the bell icon will become green to signify that the case is now activated for alerts. You can end alerts for a case or statute by deselecting the alert icon, returning it to its gray, inactive state.



Copy with Cite

Casetext's copy with cite feature allows you to easily save a quote, complete with the citation and the pin cite, from a case.

To use this feature, use your cursor to highlight the passage you wish to copy. Doing that will cause a menu of options to appear. Then, select the copy with citation option you want. You can either choose to copy the citation or copy as a parenthetical citation.



Selecting either "copy with citation" or "copy as parenthetical citation" will copy the text of the opinion and citation to your computer's clipboard. You can then paste that text and citation into your document.

The "copy with citation" option appears as:

"In the implementation of such decisions, it is abundantly clear that Title VII tolerates no racial discrimination, subtle or otherwise." *McDonnell Douglas Corp. v. Green*, 411 U.S. 792, 801 (1973)

The "copy as parenthetical citation" option appears as:

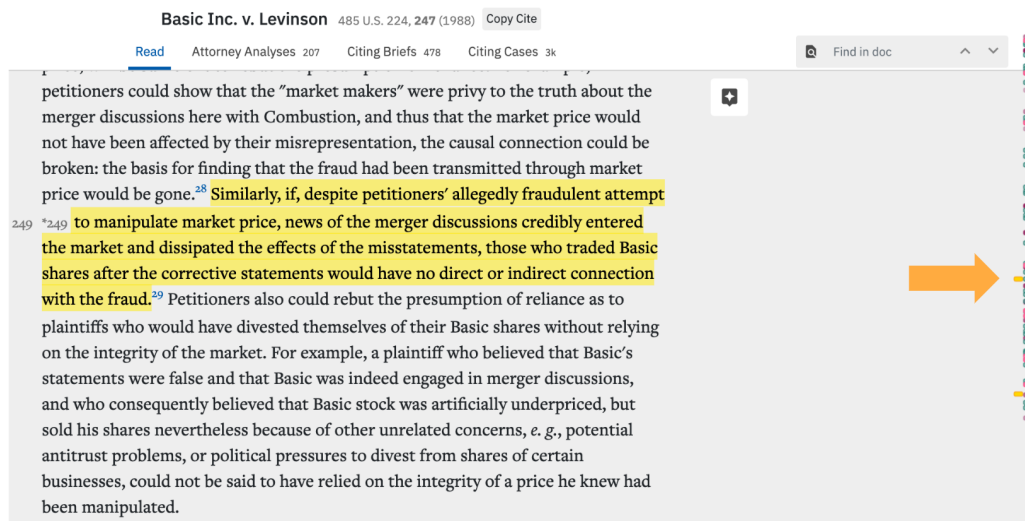
***McDonnell Douglas Corp. v. Green*, 411 U.S. 792, 801 (1973) ("In the implementation of such decisions, it is abundantly clear that Title VII tolerates no racial discrimination, subtle or otherwise.")**

The default citation format is the Bluebook format, but you can switch to the California style of citation. To switch citation formats, click on the "Citation format" option that appears at the bottom of the menu that appears when you highlight text in an opinion.

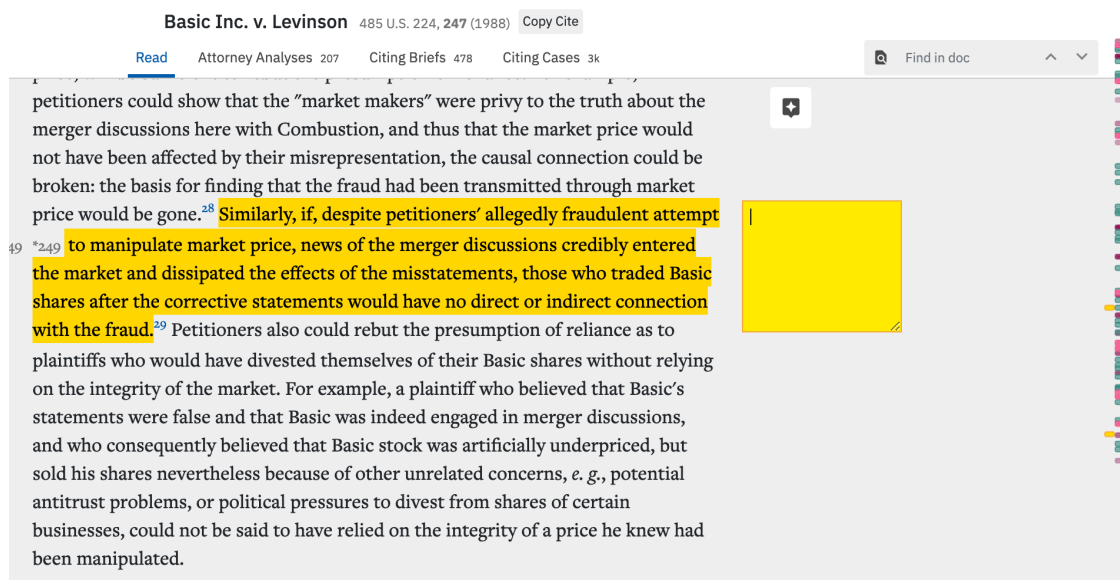
Highlighting and Notes

If there is text within a case that you want to reference later, you can use the highlight feature. To use this feature, highlight the text on the page that you wish to save and a menu will appear. Select Highlight from the menu and the text will turn yellow.

Your highlighted text will also be noted in that case's "heatmap" so you can easily locate and jump to it later on.



To add a note to the text you've highlighted, click anywhere within the yellow highlighted text and select "Add Note" from the menu. A box will appear to the right of the text. When you are done writing your note, click out of the box, and the box will shrink and your note will automatically save.



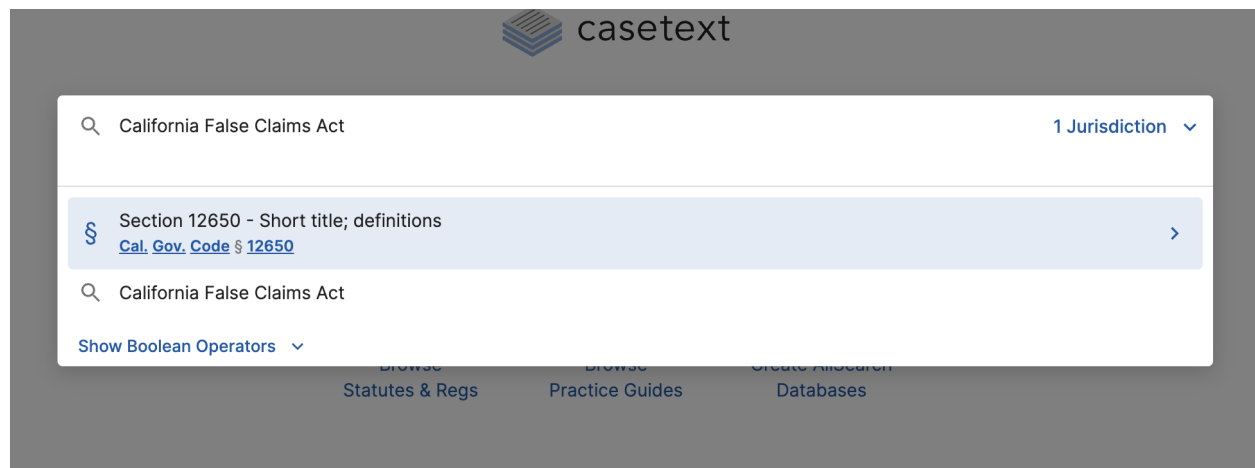
CHAPTER 3: SEARCHING AUTHORITIES OTHER THAN CASES

Statutes, Regulations, and Rules

Casetext offers federal statutes, regulations, and rules, as well as statutes, regulations, and rules from all 50 states, the District of Columbia, and Puerto Rico.

You can search for statutes, regulations, and rules in five different ways: (1) by pulling up the codified law by citation, (2) by running a keyword search, (3) by running a Parallel Search, (4) by browsing Casetext's database of statutes, regulations, and rules, or (5) by conducting a CARA A.I. search.

Finding codified law by citation or name: If you know the name or citation of a specific statute, regulation or rule that you want to look up, you can enter that into the keyword search bar to access that statute directly. Click on the suggested statute in the drop-down suggestion menu:



By entering keyword search terms: You can also use keyword search to find statutes, regulations, or rules. After entering your keyword and running your search, select "Statutes" from the result types on the left side of the screen. You can also select "Regulations" or "Rules."

Q "mass layoff" /p notice 1 Jurisdiction

Primary Law

- Cases 4
- Statutes 4**
- Regulations 1
- Rules 0
- Admin. Materials 0

Secondary Sources

- Federal Briefs 0
- California Briefs 12
 - By Gavelytics
- Practice Guides 0
 - By James Publishing
- Legal Analyses 533

Specialized Databases

- Black Letter Law 0

4 Statutes

found with keyword search

Published and unpublished All dates Search within Relevance

Section 1401 - Notice of mass layoff, relocation or termination

Cal. Lab. Code § 1401 Cited 15 times 4 Legal Analyses

Judge's Summary – Requiring employers to give written notice to affected employees 60 days prior to "mass layoff, relocation, or termination"

...(a) An employer may not order a mass layoff, relocation, or termination at a covered establishment unless, 60 days before the order takes effect, the employer gives written notice of the order to the...

... each city and county government within which the termination, relocation, or mass layoff occurs. (b) An employer required to give notice of any mass layoff, relocation, or termination under this chapter...

... (a), an employer is not required to provide notice if a mass layoff, relocation, or termination is necessitated by a physical calamity or act of war. Ca. Lab. Code § 1401 Added by Stats 2002 ch 780 (AB...

Section 1402.5 - When notice not required

By running a Parallel Search: You can also use Parallel Search to find statutes, regulations, or rules. Type in a full sentence describing your issue on the Casetext homepage. Then, select "Statutes," "Regulations" or "Rules" from the left side of the screen.

Q It is unlawful for an employer to pay employees \$10 per hour. 1 Jurisdik

Primary Law

- Cases
- Statutes**
- Regulations
- Rules
- Admin. Materials

Secondary Sources

- Federal Briefs
- California Briefs
 - By Gavelytics
- Practice Guides
 - By James Publishing

My Databases

- Create a new database

23 Statutes

recommended by Parallel Search

Published and unpublished All dates Search within Relevance

Section 1197 - Minimum wage paid to employees

Cal. Lab. Code § 1197

...The minimum wage for employees fixed by the commission or by any applicable state or local law, is the minimum wage to be paid to employees, and the payment of a lower wage than the minimum so fixed is unlawful...

Section 221 - Collection of paid wages

Cal. Lab. Code § 221

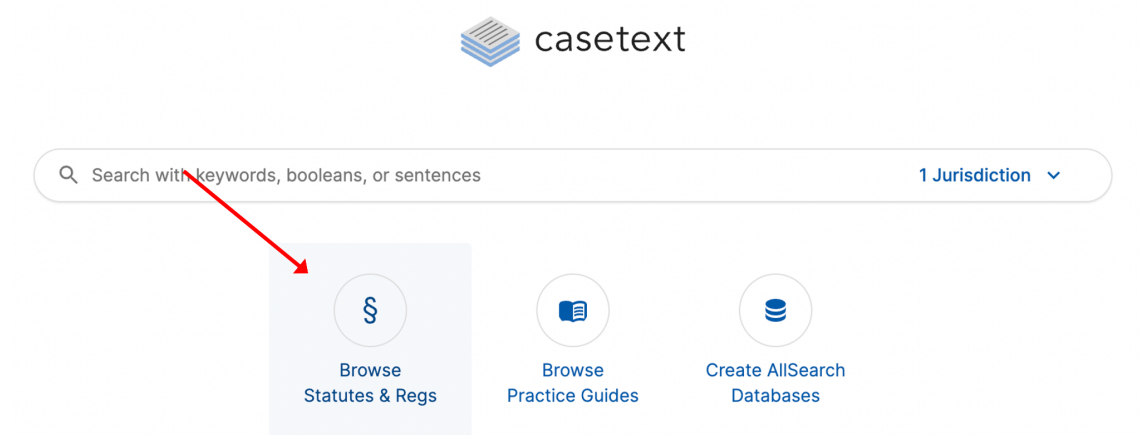
...It shall be unlawful for any employer to collect or receive from an employee any part of wages theretofore paid by said employer to said employee....

Section 204.11 - Payment of commission wages to licensees under Barbering and Cosmetology Act

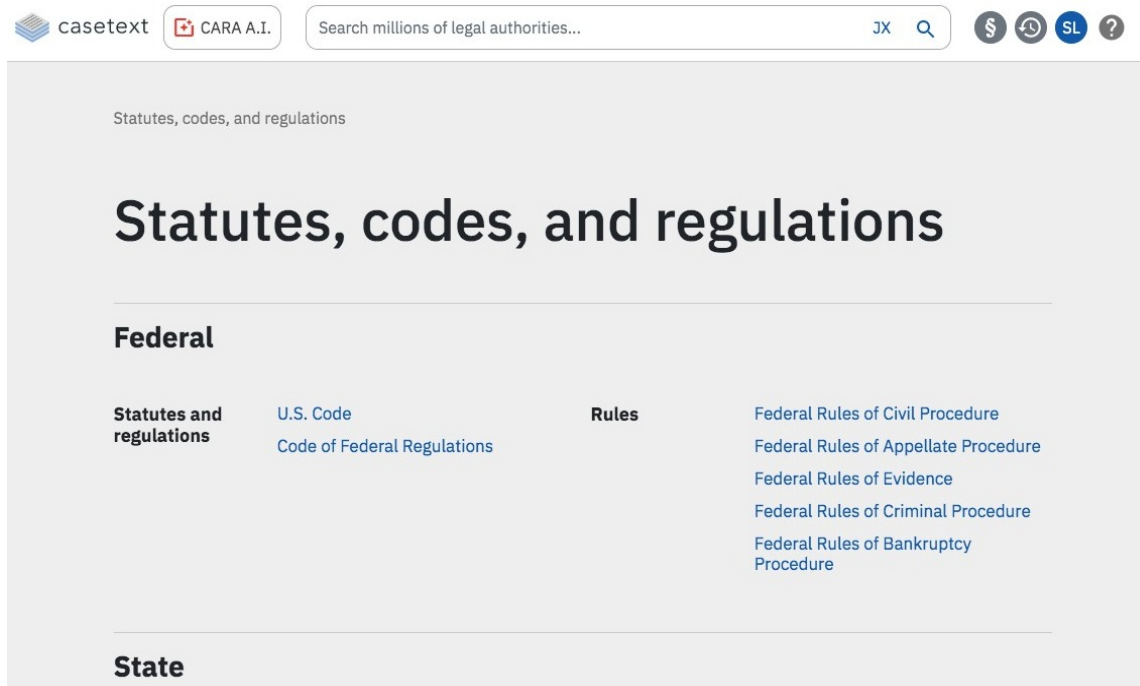
Cal. Lab. Code § 204.11

...For any employee who is licensed pursuant to the Barbering and Cosmetology Act

By using the “browse” function: You can also browse Casetext’s database of statutes, codes and regulations by clicking on the “browse” icon.



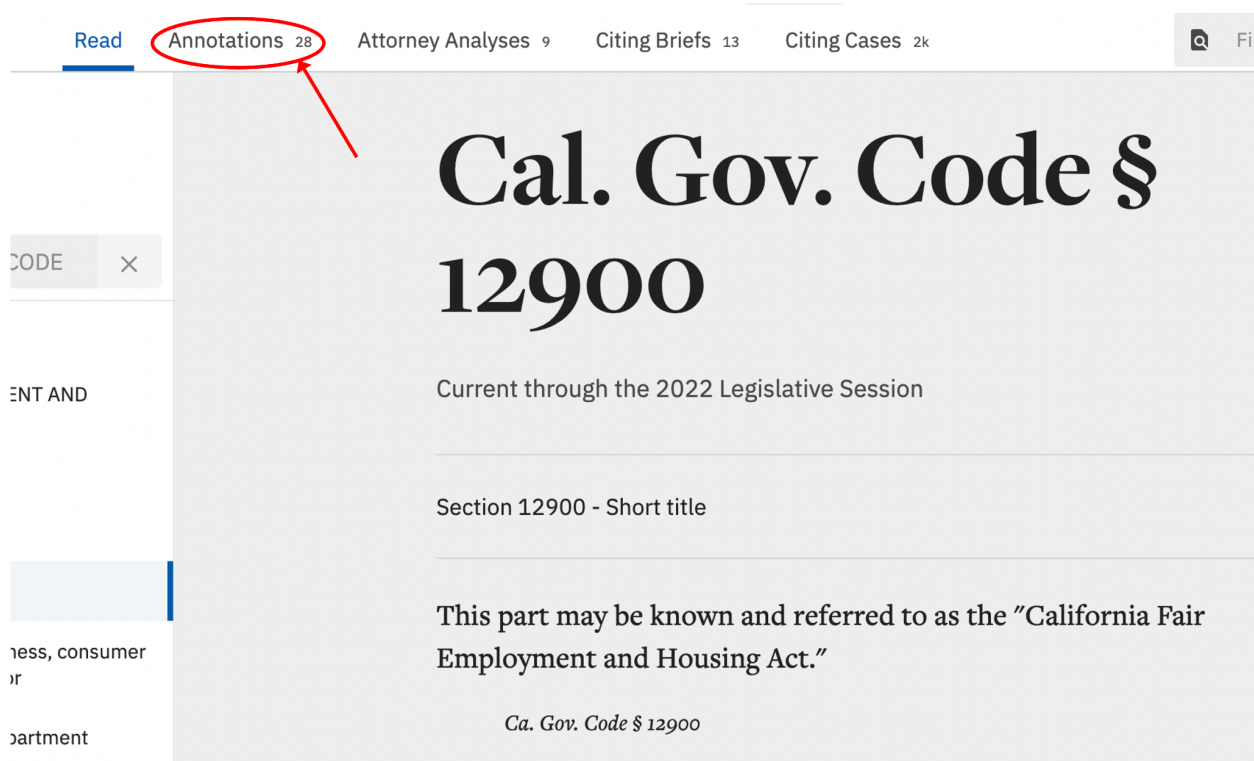
This will take you to our codified law library, where you can browse statutes, codes and regulations by clicking on the hyperlink to the state or federal code that you would like to browse:



Codified Law Annotations

Casetext offers annotations for federal and state statutes, regulations, and rules to help you understand how these authorities have been interpreted and applied by the courts.

To access annotations, go to the page for the statute, regulation, or rule that you are researching and click on the tab that says "Annotations." This tab is found in the menu bar that appears at the top of your screen, right beneath the statute's citation.



After you click on the "Annotations" tab, you will see two panels: "Key Referencing Passages" and "Cases applying this statute."

Key Referencing Passages are heavily-quoted case passages that discuss your statute. If you enter terms into the search bar on the left side, the list of key referencing passages will be limited to those passages containing your search terms. For example, you can search through the annotations to Cal. Gov. Code § 12900 to find annotations that mention arbitration:

Cal. Gov. Code § 12900 Section 12900 - Short title Copy Cite

Read Annotations 28 Attorney Analyses 9 Citing Briefs 13 Citing Cases 2k

Narrow

Q arbitratt X

1 Key referencing passage

Frequently cited passages referencing this section

In this case, we consider a number of issues related to the validity of a mandatory employment arbitration agreement, i.e., an agreement by an employee to **arbitrate** wrongful termination or employment discrimination claims rather than filing suit in court, which an employer imposes on a prospective or current employee as a condition of employment. The employees in this case claim that employees may not be compelled to **arbitrate** antidiscrimination claims brought under the California Fair Employment and Housing Act (FEHA) (Gov. Code, § 12900 et seq.) We conclude that such claims are in fact arbitrable if the **arbitration** permits an employee to vindicate his or her statutory rights. As explained, in order for such vindication to occur, the **arbitration** must meet certain minimum requirements, including neutrality of the **arbitrator**, the provision of adequate discovery, a written decision that will permit a limited form of judicial review, and limitations on the costs of **arbitration**.

[Armendariz v. Foundation Health Psychcare Services, Inc.](#)

4 Cases applying this statute

Summaries of how cases have applied this statute

[Boghos v. Certain Underwriters at Lloyd's of London](#) 36 Cal.4th 495 (Cal. 2005) (In Boghos, supra, 36 Cal.4th at pages 506-507, the Supreme Court explained that Armendariz applies to unwaivable claims that arise under the FEHA or are tied to a fundamental public policy: "In Armendariz,... we set out the conditions under which an employer can lawfully require its employees to **arbitrate** claims arising under the California Fair Employment and Housing Act (Gov. Code, § 12900 et seq.)")

[Torrez v. Consolidated Freightways Corp.](#) 58 Cal.App.4th 1247 (Cal. Ct. App. 1997) (In Torrez v. Consolidated Freightways Corp. (1997) 58 Cal.App.4th 1247, the Court of Appeal affirmed an order denying a motion to compel **arbitration** of a discrimination claim under the provisions of a collective bargaining agreement, finding the rule declared in Alexander applied to statutory claims under the California Fair Employment and Housing Act (Gov. Code, § 12900 et seq.; FEHA).)

To read a case containing a key passage, click on the case name (which appears in blue, hyperlinked). You will be taken to that case and specifically, to the portion of the case discussing the statute.

Cases Applying the Statute are cases that have analyzed whether your statute applies to, or should be enforced under, a particular set of facts. Please note that the number of cases *applying* a statute will be smaller than the number of cases that merely cite to a statute. The list of "cases applying the statute" reflects a subset of cases that have analyzed your statute in depth. Next to each case name, you will see a summary describing how the case has applied the statute. These summaries are pulled from judicial opinions.

Cal. Gov. Code § 12900 Section 12900 - Short title Copy Cite

Read Annotations 28 Attorney Analyses 9 Citing Briefs 13 Citing Cases 2k

Narrow

Q Search annotations... X

2 Key referencing passages

Frequently cited passages referencing this section

In this case, we consider a number of issues related to the validity of a mandatory employment arbitration agreement, i.e., an agreement by an employee to arbitrate wrongful termination or employment discrimination claims rather than filing suit in court, which an employer imposes on a prospective or current employee as a condition of employment. The employees in this case claim that employees may not be compelled to arbitrate antidiscrimination claims brought under the California Fair Employment and Housing Act (FEHA) (Gov. Code, § 12900 et seq.) We conclude that such claims are in fact arbitrable if the arbitration permits an employee to vindicate his or her statutory rights. As explained, in order for such vindication to occur, the arbitration must meet certain minimum requirements, including neutrality of the arbitrator, the provision of adequate discovery, a written decision that will permit a limited form of judicial review, and limitations on the costs of arbitration.

[Armendariz v. Foundation Health Psychcare Services, Inc.](#)

26 Cases applying this statute 1-10 < >

Summaries of how cases have applied this statute

[Smith v. Fair Employment and Housing Com'n](#) 12 Cal.4th 1143 (Cal. 1996) (In Smith v. Fair Employment Housing Comm'n, 12 Cal. 4th 1143 (1996), the California Supreme Court held that the Fair Employment and Housing Act, Cal. Gov't Code § 12900, et seq., protects unmarried cohabitants from housing discrimination.)

[Jones v. Dept. of Corr](#) 152 Cal.App.4th 1367 (Cal. Ct. App. 2007) (In Jones, the plaintiff sued for gender discrimination, race discrimination, sexual harassment, and unlawful retaliation under the Fair Employment and Housing Act (FEHA, Gov. Code § 12900 et seq.).)

[Brown v. Superior Court](#) 37 Cal.3d 477 (Cal. 1984) (In Brown, employees of a highway construction project in Alameda County brought an action for emotional distress, wrongful discharge and racial discrimination in violation of the California Fair Employment and Housing Act (FEHA) (Gov. Code, § 12900 et seq.).)

Briefs

The “Federal briefs” database contains briefs that were publicly filed in federal district court, from any federal district in the country. To access federal briefs containing your search terms, click on the “Federal Briefs” link on the left side of the search results screen.

We also offer briefs, motions, and pleadings filed in California superior court through a partnership with Gavelytics. To access briefs, motions, and pleadings filed in any California county or superior court, click on the “California Briefs by Gavelytics” link on the left side of the search results screen:

The screenshot shows a legal research platform interface. On the left is a dark sidebar with navigation icons and a list of legal sources. The main area displays search results for the query "mass layoff" /p notice. The results are categorized under "12 California Briefs" found with keyword search. A red circle highlights the "California Briefs By Gavelytics" link in the sidebar, with a red arrow pointing to it. The main content area shows a snippet from a case titled "Yessenia Lucero vs. Carl'S Jr. Restaurants, LLC", which discusses the Worker Adjustment & Retraining Notification Act (Cal. Labor Code §1400, et seq.) and its application to a mass layoff.

Category	Count
Primary Law	
Cases	4
Statutes	4
Regulations	1
Rules	0
Admin. Materials	0
Secondary Sources	
Federal Briefs	0
California Briefs By Gavelytics	12
Practice Guides By James Publishing	0
Legal Analyses	533
Specialized Databases	
Black Letter Law	0

Practice Guides and Forms

Casetext offers access to 90 different practice guides and forms from James Publishing. Since 1981, James Publishing has provided practical law books that are loaded with time-saving motions and pleadings, client letters, and step-by-step procedural checklists, pattern arguments, model questions, pitfalls to avoid, and practice tips.

A partial list of the James Publishing practice guides and forms, aimed at employers litigators and attorneys who practice in California state and federal courts, is provided below:

- Guerrilla Discovery
- Deposition Checklists & Strategies
- Is it Admissible?
- Trial Objections
- Pattern Voir Dire Questions
- Discovery & Settlement
- Model Interrogatories
- Qualifying & Attacking Expert Witnesses
- Trial Evidence Foundations
- Building Trial Notebooks
- Deposition Objections
- Trial Preparation Tools
- Effective Voir Dire
- Pattern Cross Examinations
- Proven Jury Arguments & Evidence
- Discovery Collection
- Age Discrimination Litigation
- Federal Employment Jury Instructions
- Litigating Employment Discrimination Cases

A complete list of the practice guides available through Casetext is in our Help Center. See "Does Casetext offer practice guides or forms?" *available at:* <https://help.casetext.com/en/articles/6246062-does-casetext-offer-practice-guides-or-forms>.

Holdings

Casetext's "Holdings" database is a searchable database of judicial summaries, allowing you view case holdings and statements about cases written by judges in published opinions. This is a great place to begin your research, especially if you are researching an unfamiliar area of law and want to get a sense as to how courts have approached your issue.

This database can be accessed from a keyword or CARA A.I. search, via the menu on the left side of the search results screen.

When you search within the holdings database, you will see:

- Text from a later opinion summarizing a case. The text of the holding will match your keyword search.
- A link to the case being summarized

The screenshot shows the Casetext interface with a search for "fair employment and housing act". On the left sidebar, the "Holdings" database is selected and circled in red, with a red arrow pointing to it. The main content area displays "66 Holdings" found with keyword search. It lists three cases with their holdings:

- Holman v. Altana Pharma Us, Inc.**
186 Cal.App.4th 262 (Cal. Ct. App. 2010)
Contemplating "scaling" down expert fee awards in Fair Employment and Housing Act cases
- Miller v. Department of Corrections**
36 Cal.4th 446 (Cal. 2005)
Relying on EEOC policy guidance in addressing claim of discrimination under the California Fair Employment and Housing Act
- Colarossi v. Coty US Inc.**
97 Cal.App.4th 1142 (Cal. Ct. App. 2002)
Applying a substantially identical test to retaliation claims under California's Fair Employment and Housing Act (FEHA)

Black Letter Law

This database is a collection of judicial articulations of “black letter” legal principles. You can use this section to find succinct statements of well-established or well-settled legal issues. You can access Black Letter Law via the menu from the left side of your results screen.

The content displayed will:

- Contain passages that start with It is well established.... ; It is well settled... ; It is axiomatic...; etc.
- Contain the term(s) you searched for
- Link to the case that is the source of the quote

Analyses

The Analyses database is a collection of substantive analysis and commentary from practicing attorneys. There are two ways to access analyses:

- Through a search - which will take you to analyses that pertain to your search terms
- On a case page - where you will find analyses that cite to the case you are viewing

To access analyses from your search results: Click on the “Analyses” link on the left side of the search results screen:

Q "mass layoff" /p notice 1 Jurisdiction

Primary Law

- Cases 4
- Statutes 4
- Regulations 1
- Rules 0
- Admin. Materials 0

Secondary Sources

- Federal Briefs 0
- California Briefs 12
- Practice Guides 0

Legal Analyses 533

Specialized Databases

- Black Letter Law 0
- Hotlines 0

533 Legal Analyses

found with keyword search

Published and unpublished All dates Search within Relevance

Pandemic Furloughs in Place? Time to Assess Your Warn Obligations

Faegre Drinker Biddle & Reath LLP Daniel Prokott June 3, 2020

... Maine Department of Labor issued no coronavirus-specific guidance with regard to advance notice requirements for mass layoffs. It would be prudent for employers to provide notice as soon as it becomes probable that the coronavirus pandemic will necessitate a mass layoff. New Hampshire WARN Act The New Hampshire mini-WARN Act applies to employers with 75 or more employees. Plant closings causing 50 or...

Federal Court Sheds Light on “Unforeseeable Business Circumstances” Exception to WARN Act Notice Requirements

Saul Ewing Arnstein & Lehr LLP Michael Cianfichi January 14, 2021

... days’ notice before a mass layoff because of COVID-19. When the COVID-19 pandemic arrived in March 2020, many companies were forced to lay off significant numbers of employees, sometimes without notice due to dire and uncertain financial circumstances. These mass layoffs triggered potential obligations under a seldomly-litigated federal law, the WARN Act. The WARN Act generally requires large...

Administrative materials

Casetext offers decisions from the following federal agencies and tribunals:

- Board of Immigration Appeals (BIA)
- Equal Employment Opportunity Commission (EEOC)
- The National Labor Relations Board (NLRB) *[published and unpublished board decisions, ALJ decisions]*
- Patent Trial and Appeal Board (PTAB)
- Trademark Trial and Appeal Board (TTAB)
- U.S. Tax Court

When you run a search, you can access administrative content via the menu on the left side of the screen:

CHAPTER 4: USE A.I. TO DRAFT YOUR BRIEF

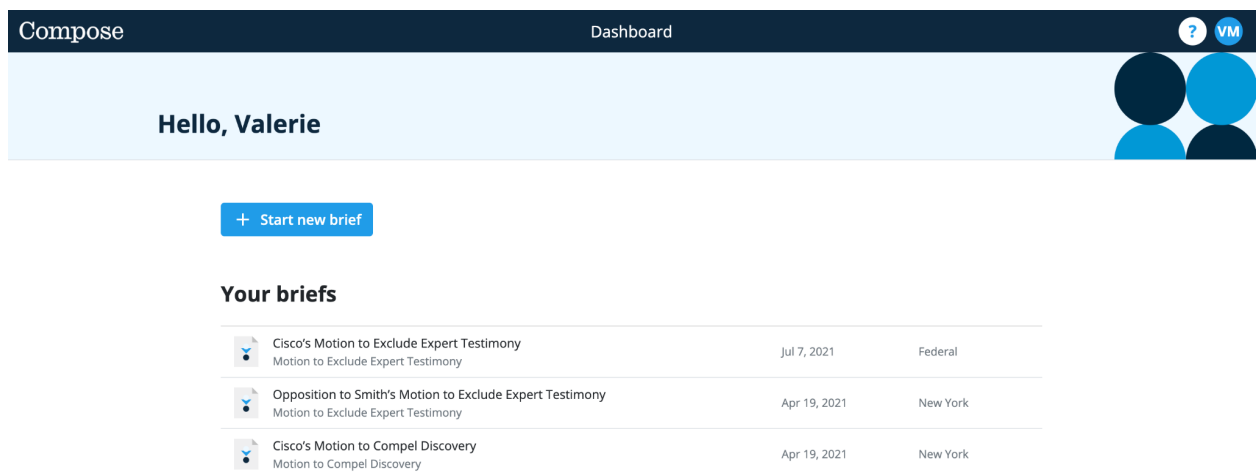
Our Compose brief automation software is designed to eliminate much of the typical work required to draft a brief in support of, or in opposition to, a motion. Each brief automation in Compose includes an expansive list of arguments and legal standards with supporting authorities, tailored to your jurisdiction and position.

Step-by-Step Guide for Drafting Your Brief in Compose

You can draft a brief in support of or in opposition to a motion in just a few simple steps using Compose.

Step 1: Start a new brief: When you log into Compose, you will be taken to your Dashboard. The Dashboard shows you all the motions that you have previously started or drafted in Compose under “Your briefs.” All motions that you start in Compose are automatically saved and listed by date, from the most recent to oldest. Click on any of the briefs listed under “Your briefs” to access a brief that you have previously worked on.

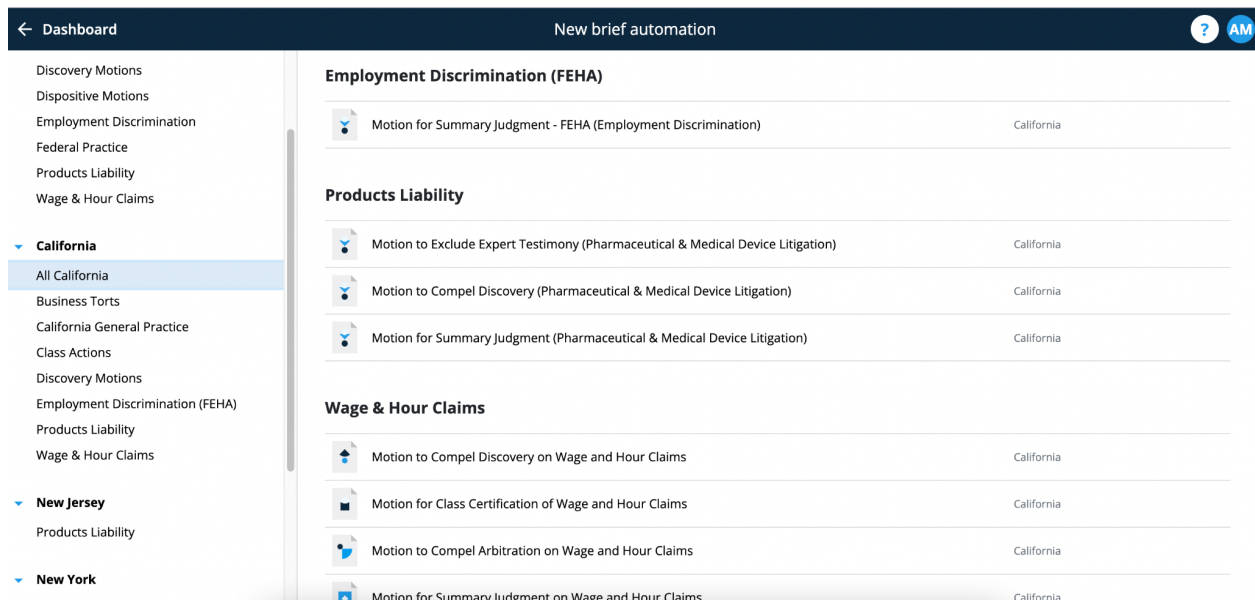
To start a new brief, click on the blue “+Start new brief” button that appears at the top of the Dashboard page:



 Cisco's Motion to Exclude Expert Testimony Motion to Exclude Expert Testimony	Jul 7, 2021	Federal
 Opposition to Smith's Motion to Exclude Expert Testimony Motion to Exclude Expert Testimony	Apr 19, 2021	New York
 Cisco's Motion to Compel Discovery Motion to Compel Discovery	Apr 19, 2021	New York

Step 2: Choose the applicable motion from our library of motion templates.

Clicking on the blue “+Start new brief” button will take you to the brief automation library, where you can select a new type of brief to work on. Compose’s brief templates are organized by jurisdiction, type of motion, and practice area:



Step 3: Choose your position.

Indicate whether you are the movant (the party making the motion) or the nonmovant (the party opposing the motion).

Which party do you represent?

I represent the **movant** (I want the motion to be granted)

I represent the **nonmovant** (I oppose the motion)

For California brief templates, you do not need to specify your court. For federal brief templates, you will also be asked to indicate the district court where your case is

proceeding. Select your district court by clicking on the downward arrow next to the appropriate Circuit:

Which court will this motion be filed in?

Select a court... ▾

1st Circuit ▾

2nd Circuit ▾

3rd Circuit ▾

4th Circuit ▾

5th Circuit ▾

6th Circuit ▾

7th Circuit ▾

8th Circuit ▾

9th Circuit ▾

10th Circuit ▾

11th Circuit ▾

DC Circuit ▾

Step 4: Name the parties.

State the name of the party you represent as well as the opposing party. Use short names for each party. E.g. use *Cisco*, not *Cisco Systems*. These short names will be used to generate the title of this brief. When you are done entering the party names, click the blue "Finish Setup" button to move to the next step.

Party names

 Use short names for each party. E.g. use *Cisco*, not *Cisco Systems*. These short names will be used to generate the title of this brief.

Short name of the party you represent

E.g. Cisco

Short name of the opposing party

E.g. Dr. Smith

Finish Setup

Step 5: Choose your arguments.

You will now be presented with a list of arguments. If you chose "movant," you will see the arguments that you may make in support of your motion. If you chose "nonmovant," you will see the arguments that you may make in opposition to opposing counsel's motion.

You can browse the full list of arguments by scrolling down the page, or you can type keywords into the search bar to search for a particular argument:

Arguments

Motion for Summary Judgment - FEHA
(Employment Discrimination) ▼

🔍 Search arguments

- ▼ Summary Judgment and Summary Adjudication Standards
 - Summary Judgment
 - Summary Adjudication
 - Statements of Undisputed Material Facts
- ▼ Procedural Issues
 - Administrative Remedies
 - Statute of Limitations
- ▼ Employment Relationship
 - ▼ Employers Covered by FEHA
 - Covered Employers
 - Joint Employers
 - Religious Entities

The list of arguments provides topic sentences for different arguments to make in support of your motion. The middle panel displays the full sentence in support of each argument under the heading "Argument statement." Click the "Add" button to add that argument to your motion:

Compose + New motion

Arguments

Parallel Search

AM

?

Individual

- Requirements for a "Qualified Individual"
 - Plaintiff Must Be Qualified for the Job
 - Ability to Perform the Job's Essential Functions
 - What Job Functions Are Essential
 - Effectiveness of Reasonable Accommodations
 - Adverse Presumption for Certain Firefighter and Law Enforcement Applicants
- Reasonable Accommodations Requirement
 - General Principles** ✓
 - Whether Reasonable Accommodations Were Offered
 - Types of Reasonable Accommodations
 - Modification of Existing Facilities
 - Providing Paid or Unpaid Leave of Absences
 - Reassignment to Another Position
 - Allowing an Assistive Animal in the Workplace

Favors movant

Argument statement

Company Satisfied Its Obligations Under FEHA

Company's efforts to provide reasonable accommodations for Smith's disability satisfied its obligations under FEHA. The cause of action has no merit because the evidence shows that Company offered every reasonable accommodation of which it was aware and could provide without creating an undue hardship.

✓ Add

Supporting legal standards

An employer or other covered entity has a duty to offer reasonable accommodations both to individuals who are actually disabled and to individuals whom the employer regards as disabled.

SUPPORT WITH BINDING AUTHORITY

Company's Motion for Summary Judgment - FEHA (Employer)

Company Satisfied Its Obligations Under FEHA

Company's efforts to provide reasonable accommodations for Smith's disability satisfied its obligations under FEHA. The cause of action has no merit because the evidence shows that Company offered every reasonable accommodation of which it was aware and could provide without creating an undue hardship.

← → B I S U ¶ ☰ ☷ Download

Step 6: Choose your standards to support your arguments.

After you add an argument in Step 4, you can choose the legal standards that support your argument. These standards appear in the middle panel under the heading, "Supporting legal standards":

Individual

- Requirements for a "Qualified Individual"
 - Plaintiff Must Be Qualified for the Job
 - Ability to Perform the Job's Essential Functions
 - What Job Functions Are Essential
 - Effectiveness of Reasonable Accommodations
 - Adverse Presumption for Certain Firefighter and Law Enforcement Applicants
- Reasonable Accommodations Requirement
 - General Principles** ✓
 - Whether Reasonable Accommodations Were Offered
 - Types of Reasonable Accommodations
 - Modification of Existing Facilities
 - Providing Paid or Unpaid Leave of Absences
 - Reassignment to Another Position
 - Allowing an Assistive Animal in the Workplace

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✓ Add

Supporting legal standards

An employer or other covered entity has a duty to offer reasonable accommodations both to individuals who are actually disabled and to individuals whom the employer regards as disabled.

SUPPORT WITH BINDING AUTHORITY

☒ *Gelfo v. Lockheed Martin Corp.* (2006) 140 Cal.App.4th 34, 38

Add

Company's Motion for Summary Judgment - FEHA (Employer)

Company Satisfied Its Obligations Under FEHA

Company's efforts to provide reasonable accommodations for Smith's disability satisfied its obligations under FEHA. The cause of action has no merit because the evidence shows that Company offered every reasonable accommodation of which it was aware and could provide without creating an undue hardship.

← → B I S U ¶ ☰ ☷ Download

Cases, statutes, and any other authorities are cited under each standard. To add a standard to your brief, click "Add." To include the cited authorities with the standard in your brief, make sure the checkbox next to each authority is selected:

The screenshot displays a legal brief template interface. On the left, a sidebar titled "SUPPORT WITH BINDING AUTHORITY" contains two citation entries. The first entry is "Cal. Code Regs. tit. 2 § 11068(g)" with a checked checkbox and an "Add" button. The second entry is "Jensen v. Wells Fargo Bank (2000) 85 Cal.App.4th 245, 262-63" with a checked checkbox and an "Add" button. A red circle highlights the text of the second citation: "To obtain summary judgment on a claim of failure to accommodate, an employer must establish that: (1) reasonable accommodation was offered and refused; or (2) there was no vacant position within the employer's organization for which the disabled employee was qualified and which the disabled employee was capable of performing with or without accommodation; or (3) the employer did everything in its power to find a reasonable accommodation, but the interactive process broke down because the employee failed to engage in discussions in good faith." A red arrow points from this text to the main text area on the right. The main text area is titled "Company's Motion for Summary Judgment - FEHA (Employer)" and contains a section header "Company Satisfied Its Obligations Under FEHA". The text in this section reads: "Company's efforts to provide reasonable accommodations for Smith's disability satisfied its obligations under FEHA. The cause of action has no merit because the evidence shows that Company offered every reasonable accommodation of which it was aware and could provide without creating an undue hardship. To obtain summary judgment on a claim of failure to accommodate, an employer must establish that: (1) reasonable accommodation was offered and refused; or (2) there was no vacant position within the employer's organization for which the disabled employee was qualified and which the disabled employee was capable of performing with or without accommodation; or (3) the employer did everything in its power to find a reasonable accommodation, but the interactive process broke down because the employee failed to engage in discussions in good faith. *Jensen v. Wells Fargo Bank* (2000) 85 Cal.App.4th 245, 262-63." At the bottom of the main text area is a toolbar with icons for undo, redo, bold, italic, strikethrough, underline, compose, and download.

SUPPORT WITH BINDING AUTHORITY

☒ Cal. Code Regs. tit. 2 § 11068(g)

Add

To obtain summary judgment on a claim of failure to accommodate, an employer must establish that: (1) reasonable accommodation was offered and refused; or (2) there was no vacant position within the employer's organization for which the disabled employee was qualified and which the disabled employee was capable of performing with or without accommodation; or (3) the employer did everything in its power to find a reasonable accommodation, but the interactive process broke down because the employee failed to engage in discussions in good faith.

SUPPORT WITH BINDING AUTHORITY

☒ Jensen v. Wells Fargo Bank (2000) 85 Cal.App.4th 245, 262-63

Add

Company's Motion for Summary Judgment - FEHA (Employer)

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Company's efforts to provide reasonable accommodations for Smith's disability satisfied its obligations under FEHA. The cause of action has no merit because the evidence shows that Company offered every reasonable accommodation of which it was aware and could provide without creating an undue hardship. To obtain summary judgment on a claim of failure to accommodate, an employer must establish that: (1) reasonable accommodation was offered and refused; or (2) there was no vacant position within the employer's organization for which the disabled employee was qualified and which the disabled employee was capable of performing with or without accommodation; or (3) the employer did everything in its power to find a reasonable accommodation, but the interactive process broke down because the employee failed to engage in discussions in good faith. *Jensen v. Wells Fargo Bank* (2000) 85 Cal.App.4th 245, 262-63.

Undo Redo Bold Italic Strikethrough Underline Compose Download

Step 7: Edit the text of your brief as you would like.

You can edit the text of your brief just like a Word document. Use your cursor to select the text that you would like to change and then apply your desired formatting options. The formatting options appear in the menu at the bottom of the brief template, as shown below:

A reasonable accommodation is a modification or other adjustment to the work environment that enables the employee to conduct their essential job functions.



1	This is the "redo" function. Select this option if you want to redo an edit that you just made.
2	This is the "undo" function. Select this option if you want to undo an edit that you just made.
3	Select this option to make your text appear in bold font.
4	Select this option to make your text appear in <i>italicized</i> font.
5	Select this option to make your text appear in "strikethrough" font, as shown here: example
6	Select this option to make your text appear in <u>underlined</u> font.
7	Select this option to make your text appear in a block quote.
8	Select this option if you want to decrease your indent level so that your text appears farther to the left of the page.
9	Select this option if you want to increase your indent level so that your text appears farther to the right of the page.
10	Select this option to download your brief as a Word document.

Step 8: Find cases to support specific points in your brief.

To find cases to support a sentence in your brief, use your cursor to select the sentence that you want to use as your search query. A magnifying glass icon will appear:



A reasonable accommodation is a modification or other adjustment to the work environment that enables the employee to conduct their essential job functions.

Clicking on the magnifying glass will take you to the Parallel Search engine, which will display cases and legal standards that support your sentence.

For each case in your Parallel Search results, the sentence that is most relevant to your search query is highlighted for you in yellow. If you would like to add the case to your brief, click "add case citation." Doing so will add the case to your brief, with the relevant sentence included as a parenthetical citation:

Parallel Search

CASE

Wills v. Superior Court
195 Cal.App.4th 143 (Cal. Ct. App. 2011)
Plaintiff Linda Wills appeals from the judgment entered after the trial court granted a summary judgment motion by defendant Superior Court of the State of California, County of Orange.
[Show more outcomes](#) ▼
...Wills asserts she requested an accommodation for her disability simply by asking to return to work. **A reasonable accommodation is defined as "a modification or adjustment to the workplace that enables the employee to perform the essential functions of the job."** (*Scotch*, supra, 173 Cal.App.4th at p. 1010.) Wills's request did not constitute an accommodation. "Reasonable accommodation" does not include excusing a failure to control a controllable disability or giving...

✓ [Add case citation](#)

CASE

Lui v. City and County of San Francisco

Company's Motion for Summary Judgment - FEHA (Employer

Company Satisfied Its Obligations Under FEHA

Company's efforts to provide reasonable accommodations for Smith's disability satisfied its obligations under FEHA. The cause of action has no merit because the evidence shows that Company offered every reasonable accommodation of which it was aware and could provide without creating an undue hardship. To obtain summary judgment on a claim of failure to accommodate, an employer must establish that: (1) reasonable accommodation was offered and refused; or (2) there was no vacant position within the employer's organization for which the disabled employee was qualified and which the disabled employee was capable of performing with or without accommodation; or (3) the employer did everything in its power to find a reasonable accommodation, but the interactive process broke down because the employee failed to engage in discussions in good faith. *Jensen v. Wells Fargo Bank* (2000) 85 Cal.App.4th 245, 262-63.

A reasonable accommodation is a modification or other adjustment to the work environment that enables the employee to conduct their essential job functions. *Wills v. Superior Court*, 195 Cal.App.4th 143, 166 (Cal. Ct. App. 2011) ("A reasonable accommodation is defined as "a modification or adjustment to the workplace that enables the employee to perform the essential functions of the job.")

↩ ↪ B I S U ¶ ☰ ☲ ☱ Download

Sample Motion to Compel Discovery Template for a California Wage-and-Hour Case

The following motion template was generated using Compose and reflects arguments and standards that can be used in a motion to compel discovery in California state court. This particular motion was drafted from the perspective of a plaintiff employee, seeking discovery from the defendant employer, in a case brought under the Private Attorneys General Act (PAGA) that alleges that the defendant violated the Labor Code by misclassifying plaintiff and others as exempt employees. The plaintiff is seeking the production of documents and electronically stored information (ESI), as well as sanctions for the defendant's failure to respond in good faith to document requests.

Per the template provided below, Compose provides the argument statement, legal standards, and supporting legal authorities. Attorneys can then customize and expand any argument by including factual details and other analysis specific to their case.

Plaintiff's Motion to Compel Discovery Should Be Granted

Plaintiff's motion to compel discovery should be granted because the information sought is relevant to disputed issues in this case and is not protected by any privilege. It is therefore subject to discovery and must be produced.

Any party may obtain discovery regarding any matter that is not privileged and that it is relevant to the subject matter involved in the pending action, or to the determination of a motion made in that action. Cal. Civ. Proc. Code § 2017.010; *James 3 Corp. v. Truck Ins. Exchange* (2001) 91 Cal.App.4th 1093, 1111 (affirming trial court's denial of motion for a continuance that plaintiffs sought to compel nonparties' compliance with subpoenas where the discovery sought was not relevant).

The Information Sought by Plaintiff Is Relevant

The information that Plaintiff seeks is relevant because it will help Plaintiff evaluate key issues in this case, prepare for trial, and work towards a potential settlement.

Information that may assist a party in evaluating the case, preparing for trial, or working on settlement is considered relevant. *Moore v. Mercer* (2016) 4 Cal.App.5th 424, 447.

For discovery purposes, the “subject matter” of a case is broader than the issues framed by the pleadings and includes potential issues that may arise in a case as well as information that will aid in a party’s preparation for trial. *Pac. Tel. & Tel. Co. v. Superior Court* (1970) 2 Cal.3d 161, 172-73. Relevance should be construed liberally, and doubts should generally be resolved in favor of permitting discovery. *Williams v. Superior Court of L.A. Cnty.* (2017) 3 Cal.5th 531, 542; *Pac. Tel. & Tel. Co. v. Superior Court* (1970) 2 Cal.3d 161, 173.

Moreover, admissibility is not the test for determining whether information is discoverable. It is sufficient if the information sought might reasonably lead to other, admissible evidence. Cal. Civ. Proc. Code § 2017.010; *Davies v. Superior Court* (1984) 36 Cal.3d 291, 306.

Plaintiff’s Discovery Is Relevant to Establishing Defendant’s Violations of the Labor Code

The discovery that Plaintiff seeks is relevant to Plaintiff’s claims under the Labor Code and is needed to evaluate the extent of Defendant’s Labor Code violations. Contact information of fellow employees is generally considered relevant in cases alleging violations of the Labor Code because other employees may be percipient witnesses to the violations. *Williams v. Superior Court of L.A. Cnty.* (2017) 3 Cal.5th 531, 547-48. Courts have recognized that records showing the hours that employees worked and the compensation they received are relevant to claims alleging that the defendant failed to pay employees in accordance with the Labor Code. *Olivo v. Fresh Harvest Inc.* (S.D. Cal., Nov. 2, 2018, Case No.: 17-CV-2153-L-WVG) [pp. 2-3]; *Soto v. Castlerock Farming & Transp., Inc.* (E.D. Cal. 2012) 282 F.R.D. 492, 502.

Plaintiff’s Discovery Requests on the PAGA Representative Claims Are Proper

Plaintiff’s requests are within the proper scope of discovery for a PAGA representative action. A plaintiff does not need to demonstrate a companywide policy or the existence of any other issue showing a “commonality of interest” in order to obtain discovery in a PAGA representative action. *Williams v. Superior Court of L.A. Cnty.* (2017) 3 Cal.5th 531, 559.

Further, a plaintiff does not need to demonstrate that he was subject to Labor Code violations in order to obtain discovery regarding other allegedly “aggrieved” employees who may be subject to the representative action. *Williams v. Superior Court of L.A. Cnty.* (2017) 3 Cal.5th 531, 546 (holding that a plaintiff does not need to submit

proof supporting his PAGA claims before being allowed statewide discovery of other allegedly "aggrieved" employees).

Plaintiff Is Entitled to an Order Compelling Further Responses to the Inspection Demands

Defendant's responses to Plaintiff's inspection demands are incomplete. Plaintiff is entitled to an order compelling Defendant to correct these deficiencies by providing further responses to Plaintiff's inspection demands.

Under California law, the propounding party may move for an order compelling further responses to an inspection demand if he or she deems that: (1) the responding party's statement of compliance is incomplete, (2) the responding party's claimed inability to comply with the demand is inadequate, incomplete, or evasive, or (3) an objection in the response is without merit or too general. Cal. Civ. Proc. Code § 2031.310(a). In addition, any documents or category of documents produced in response to a demand for inspection, copying, testing, or sampling must be identified with the specific request number to which the documents respond. Cal. Code Civ. Proc. § 2031.280(a). If an objection to an inspection demand is without merit or too general, the propounding party may move for an order compelling a further response. Cal. Civ. Proc. Code § 2031.310.

Good Cause Exists for the Production of Defendant's Electronically Stored Information

As the objecting party, Defendant has the burden of demonstrating that the electronically stored information sought by Plaintiff is not reasonably accessible. Defendant has not satisfied this burden, as Defendant has not shown that producing this information would be unduly burdensome or expensive.

A party may object that the electronically stored information sought by an inspection demand is from a source that is not reasonably accessible because of undue burden or expense. The objecting party bears the burden of demonstrating that the information is from a source that is not reasonably accessible because of undue burden or expense. Cal. Civ. Proc. Code § 2031.210(d); Cal. Civ. Proc. Code § 2025.450(c).

If the responding party objects to the discovery of electronically stored information on the grounds that it is from a source that is not reasonably accessible because of undue burden or expense, the responding party must identify in its response the types or categories of sources of electronically stored information that it asserts are not reasonably accessible. Cal. Civ. Proc. Code § 2031.210(d).

Even if the responding party establishes that the requested electronically stored information is from a source that is not reasonably accessible because of undue burden or expense, the court may nonetheless order discovery of this information if the demanding party establishes good cause. Cal. Civ. Proc. Code § 2031.310(e).

Defendant Should Be Compelled to Produce Electronically Stored Information in a Reasonably Usable Form

Defendant refuses to produce the electronically stored information sought by Plaintiff's inspection demands in a reasonably usable format. The court should order Defendant to produce this information in a format that can be inspected and used by Plaintiff.

If the party responding to a demand for the production of electronically stored information objects to the form of information specified in the demand, or if the demand does not specify a form, the responding party must specify the form in which it will produce the information. Cal. Civ. Proc. Code § 2031.280(c); Cal. Civ. Proc. Code § 2031.280(d)(1). If the form specified by the responding party for producing the electronically stored information will not be usable by the propounding party, that party may seek a court order requiring the responding party to produce the information in a reasonably usable form. Cal. Civ. Proc. Code § 2031.280(d).

Monetary Sanctions Are Warranted Under Code Civ. Proc. § 2023.050

Sanctions are warranted under Code Civ. Proc. § 2023.050 because Defendant did not respond in good faith to Plaintiff's document requests and failed to confer with Plaintiff in a reasonable and good faith attempt to resolve this discovery dispute.

Under the Code of Civil Procedure, a court must impose a monetary sanction of \$250, payable to the requesting party, upon a party, person, or attorney, if the court finds any of the following: (1) the party, person, or attorney did not respond in good faith to a request for the production of documents, (2) the party, person, or attorney produced requested documents within seven days before the court was scheduled to hear a motion to compel production of the records that was filed by the requesting party as a result of the other party, person, or attorney's failure to respond in good faith, or (3) the party, person, or attorney failed to confer with the party or attorney requesting the documents in a reasonable and good faith attempt to resolve informally any dispute concerning the request. Cal. Civ. Proc. Code § 2023.050(a).

Sanctions Are Warranted for Defendant's Failure to Obey Court Orders

Monetary sanctions should be imposed because Defendant did not act with substantial justification in opposing the motion to compel further responses, and no other circumstances exist to prevent the imposition of monetary sanctions. In addition, non-monetary sanctions are also justified, given Defendant's previous failure to comply with discovery orders and history of obstructing Plaintiff's efforts to obtain discovery.

If a party fails to obey an order compelling a response or a further response to a demand for inspection, the court may make "orders that are just," including the imposition of issue sanctions, evidence sanctions or terminating sanctions. Monetary sanctions may be imposed in lieu of or in addition to any other sanctions. Cal. Civ. Proc. Code § 2031.300(c); Cal. Civ. Proc. Code § 2031.310(i); Cal. Civ. Proc. Code § 2031.320; *City & County of San Francisco v. Ballard* (2006) 136 Cal.App.4th 381, 386-87 (affirming trial court's award of sanctions against litigant who failed to produce and disclose the existence of documents).

If a party repeatedly fails to respond to discovery despite court orders and sanctions, the trial court may properly impose terminating sanctions. A formal order compelling responses is not required for the imposition of terminating sanctions if there are other orders or stipulations requiring discovery responses. *Van Sickle v. Gilbert* (2011) 196 Cal.App.4th 1495, 1516.

CHAPTER 5: ALLSEARCH CUSTOM DATABASES

What is AllSearch? AllSearch allows you to create your own search engine. It leverages breakthroughs in transformer-based neural nets, a form of A.I., to match your queries by concept instead by keyword.

- Traditional search technology limits your results to only those records that contain the words that you used in your query.
- AllSearch understands synonyms and relationships between words and concepts, allowing you to find records on your topic, even if those records do not contain the words you used in your query. *This technology allows you to find records and files that traditional search technology would miss.*

What can AllSearch do? You can use AllSearch any time you want to quickly search through a large volume of documents. Some suggested use cases are listed below:

- Expedite e-discovery: Sift through documents faster with concept-based searches
- Efficiently search transcripts: Find the testimony you need, without having to remember and search the exact words used by the witness
- Quickly locate litigation records: Pinpoint the information or documents you need in a pending litigation
- Fast-track contract review: Input a contract term and instantly pull up the same term in other contracts, even if phrased differently
- Accelerate prior art searches: Upload patents and articles and quickly find specific language to help invalidate a patent-in-suit
- Knowledge management: Search for concepts in your firm's brief bank or other internal document management system

How do you use AllSearch? Creating an AllSearch engine is as simple as drag-and-dropping your documents into the platform; the system does the rest. AllSearch is compatible with PDF, Word, and text files. Your files do not need to

be text-searchable; our system will process your files so that they can be searched. After you upload your files, you can customize your database and indicate who from your firm has access to the files.

Detailed instructions for creating your AllSearch database are provided in the following article in our Help Center, "How do I use AllSearch?" *available at:* <https://help.casetext.com/en/articles/6255920-how-do-i-use-allsearch>