

JAN 11 2012

John A. Clarke, Executive Officer/Clerk
BY Shaunya Wesley, Deputy

7220
9/16/04

D48 Elizabeth A. White

1 Angelo Bertolotti
2 11271 Ventura Blvd.,
3 Suite 733
4 Studio City, CA 91604
5 Tel: (310) 494-0107

**SUPERIOR COURT OF CALIFORNIA
LOS ANGELES COUNTY**

BC 476868

9 Angelo Bertolotti,

CASE NO.

11 Plaintiff

**COMPLAINT FOR RELEASE OF
SPECIMENS OF BRITTANY ANNE
MURPHY-MONJACK TO
PLAINTIFF FOR INDEPENDENT
TESTING**

12 vs.

13 Los Angeles Coroner's Office,
14 Los Angeles Police Department,

15 Defendant

INTRODUCTION

19 Plaintiff Angelo Bertolotti is the natural father of deceased Brittany Anne
20 Murphy-Monjack, who expired under suspicious circumstances at the age of 32
21 years old on December 20, 2009. (See attached Exhibit '1' – Death Certificate of
22 the decedent Brittany Anne Murphy-Monjack). Since the time of death of the
23 Plaintiff's daughter, Brittany Anne Murphy-Monjack, Plaintiff exhausted all
24 extrajudicial means of ensuring that his daughter's death is finally and fully
25 investigated. In spite of his efforts, to date there has been no investigation, none
26 the potential witnesses and/or persons of interest have been questioned and only
27 very basic autopsy procedures/toxicology testing has been performed.

CIT/CASE: BC476868 LEA/DEF#: 0063
RECEIPT #: CCH4450063
DATE PAID: 01/11/12 12:39 PM
PAYMENT: \$395.00
RECEIVED: 0310

01/11/12
09:11:12

STATEMENT OF FACT

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Plaintiff took numerous meetings with Chief Coroner Ed Winter of the Los Angeles Coroner's Office and Detective Brandstetter with the Los Angeles Police Department involved in the handling of the investigation into the circumstances of the death of Plaintiff's daughter.

Plaintiff discussed the findings in the Autopsy Report, which attributed his daughter's death to Community-Acquired Pneumonia and Iron Deficiency Anemia. Plaintiff repeatedly voiced his concerns about these findings being incorrect, since the testing/toxicology was incomplete and the death of Brittany Anne Murphy-Monjack was never properly investigated.

Officials heading the case from the Los Angeles Coroner's Office and the Los Angeles Police Department admitted that **decedent's hair was never tested**. Both agencies admitted that toxicology tests were not performed on the hair of Brittany Anne Murphy-Monjack, but refused to ever test her hair and other specimens for any poisons, toxins or heavy metals, as Plaintiff repeatedly requested.

The Los Angeles Coroner's Office and Los Angeles Police Department intended to destroy decedent's specimens, including but not limited to her hair, even though they were not fully and appropriately tested. Plaintiff made a payment and officially secured the preservation of his daughter's specimens for 5 years.

Due to the lack of investigative efforts by the Los Angeles Police Department (LAPD) and the failure to conduct toxicology tests on the specimens of the decedent Brittany Anne Murphy-Monjack by the Los Angeles County Coroner's Office and the LAPD, Plaintiff is informed and on the basis of that information believes that his daughter's death was incorrectly determined to have been allegedly caused by pneumonia and anemia.

1 Medical precedents exist where the death caused by arsenic poisoning was
2 erroneously misdiagnosed as a death from natural causes – namely, pneumonia and
3 anemia (See Exhibit ‘2’ – *Medical Case Reports – “Chronic Arsenic Poisoning*
4 *Masquerading as Pernicious Anemia”*,

5 Exhibit ‘3’ – *Medical Case Reports – “Death from Arsenic Poisoning*
6 *Incorrectly Ruled to have been caused by Pneumonia”*).

7 Officials heading the case from the Los Angeles Coroner’s Office and the Los
8 Angeles Police Department have failed to conduct toxicology tests on the hair of
9 Brittany Anne Murphy-Monjack and refused to ever test her hair and other
10 specimens for any poisons, toxins or heavy metals, as Plaintiff repeatedly requested.

11 Therefore, the only remaining venue that would allow decedent’s father to
12 determine a true cause of his daughter’s death requires a court order for release of
13 specimens of Brittany Anne Murphy-Monjack to the independent laboratory of
14 Plaintiff’s choosing to conduct any and all remaining toxicology and/or any other
15 outstanding tests.

16 CONCLUSION

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18 Plaintiff therefore prays for this court to issue a court order, ordering
19 immediate release of the specimens of Brittany Anne Murphy-Monjack (including
20 but not limited to the following specimens collected by the Supervising Criminalist
21 II D. Anderson and LAPD Detective Berndt at the Forensic Science Center (FSC)
22 on December 21, 2009 which commenced at 0847 hours and concluded at 0935
23 hours on December 21, 2009:

- 24 ● Hair kit
- 25 ○ Head hair
- 26 ○ Bindle of decedent’s natural hair
- 27 ○ Bindle of hair from a weave/extension

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- Facial hair
- Arm hair
- Hair kit (toxicology)
- Pubic hair kit (toxicology)

Plaintiff requests the release of all specimens of Brittany Anne Murphy-Monjack, in possession of the Los Angeles Coroner's Office and the Los Angeles Police Department) to the independent laboratory of Plaintiff's choosing, in order for Plaintiff to secure independent testing/examination of his daughter's specimens, including any and all remaining toxicology and/or any other outstanding tests.

Plaintiff respectfully submits that this court has jurisdiction over this matter, no party would be prejudiced through the release of his daughter's specimens (especially in light of the fact that they were scheduled to be destroyed) and the independent testing would allow Plaintiff to finally determine the true cause of his daughter's death. Plaintiff therefore respectfully prays that this court enter a court order granting Plaintiff's requests.

Dated: January 11, 2012

Respectfully submitted,

By:



Angelo Bertolotti
Plaintiff in Pro Per

08/14/12

DECLARATION OF ANGELO BERTOLOTTI

ANGELO BERTOLOTTI declares:

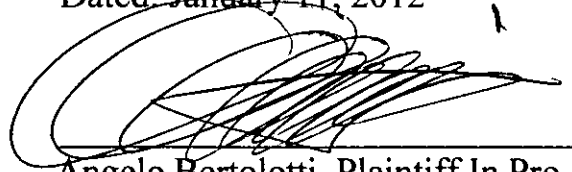
1. I am the natural father of deceased Brittany Anne Murphy-Monjack, who expired under suspicious circumstances at the age of 32 years old on December 20, 2009.
2. Since the time of death of my daughter, Brittany Anne Murphy-Monjack, I have exhausted all extrajudicial means of ensuring that my daughter's death is finally and fully investigated.
3. In spite of my efforts, to date there has been no investigation, none of the potential witnesses and/or persons of interest have been questioned and only very basic autopsy procedures/toxicology testing has been performed.
4. I took numerous meetings with Chief Coroner Ed Winter of the Los Angeles Coroner's Office and Detectives with the Los Angeles Police Department involved in the handling of the investigation into the circumstances of my daughter's untimely death.
5. During these discussions, I voiced my concerns about questionable validity of the findings contained in the Autopsy Report, which attributed my daughter's death to Community-Acquired Pneumonia and Iron Defficiency Anemia.
6. I repeatedly voiced my concerns about these findings being incorrect, since the testing/toxicology was incomplete and the death of my daughter, Brittany Anne Murphy-Monjack was never properly investigated.
7. Officials heading the case from the Los Angeles Coroner's Office and the Los Angeles Police Department admitted to me that **decedent's hair was never tested.**

- 1 8. Both agencies admitted that toxicology tests were not performed on the
- 2 hair of Brittany Anne Murphy-Monjack, but refused to ever test her hair
- 3 and other specimens for any poisons, toxins or heavy metals, in spite of
- 4 my repeated requests.
- 5 9. The Los Angeles Coroner's Office and Los Angeles Police Department
- 6 intended to destroy decedent's specimens, including but not limited to her
- 7 hair, even though they were not fully and appropriately tested.
- 8 10. I made a payment and officially secured the preservation of my daughter's
- 9 specimens for 5 years.
- 10 11. Due to the lack of investigative efforts by the Los Angeles Police
- 11 Department (LAPD) and the failure to conduct toxicology tests on the
- 12 specimens of the decedent Brittany Anne Murphy-Monjack by the Los
- 13 Angeles County Coroner's Office and the LAPD, I am informed and on
- 14 the basis of that information believe that my daughter's death was
- 15 incorrectly determined to have been allegedly caused by pneumonia and
- 16 anemia.
- 17 12. The only remaining venue that would allow me to determine a true cause
- 18 of my daughter's death is to obtain a court order for release of specimens
- 19 of Brittany Anne Murphy-Monjack to the independent laboratory of my
- 20 choosing to conduct any and all remaining toxicology and/or any other
- 21 outstanding tests. I hereby pray that the Court grant me such a court order.

22 I declare under penalty of perjury under the laws of the United States of America
23 that the foregoing is true and correct.

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Dated: January 11, 2012



Respectfully submitted,

Angelo Bertolotti, Plaintiff In Pro Per

EXHIBITS

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Exhibit '1' – Death Certificate of the decedent Brittany Anne Murphy-Monjack

Exhibit '2' – *Medical Case Reports – “Chronic Arsenic Poisoning Masquerading as Pernicious Anemia”*

Exhibit '3' – *Medical Case Reports – “Death from Arsenic Poisoning Incorrectly Ruled to have been caused by Pneumonia”*).

2025/01/10

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PROOF OF SERVICE

STATE OF CALIFORNIA
COUNTY OF LOS ANGELES

I, Lon Sunders am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action; my business address is 10733 Jeremy Court, California City, CA 93505. On January 11, 2012, I served the foregoing documents described as: COMPLAINT and DECLARATION OF ANGELO BERTOLOTTI upon all interested parties as follows:

Detective Brandstetter
Los Angeles Police Department
Hollywood Area
Hollywood Detective Division
1358 N. Wilcox Avenue
Los Angeles, CA 90028

Ed Winter
Los Angeles County Department of Coroner
1104 N. Mission Road
Los Angeles, CA 90033

BY MAIL: As follows: I am "*readily familiar*" with the practice of collecting and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on the same day with postage thereon fully pre-paid at Los Angeles, California, in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

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

Executed on January 11, 2012 at Los Angeles, California.

Lon Sunders



0000000000

Exhibit "1"

**CONFIDENTIAL
CONTENT
ENCLOSED**

**PLEASE REFER
TO ORIGINAL
DOCUMENT**

841143

Exhibit "2"

sponse to administration of edrophonium chloride (Tensilon).^{2,3} others⁴ have reported a positive response. This patient's abscess was incised and drained and a specimen of abscess cultured, but because there was a response to edrophonium chloride (Tensilon), radical debridement was delayed several days. Subsequent serum toxin studies were only strongly suggestive, but not diagnostic, of type A botulism, because detection of toxin in serum is most likely when studies are done closer to the onset of clinical symptoms.³ In this particular patient the delay in diagnosis caused delay in obtaining serum for toxin studies. Subsequent mouse inoculation showed sublethal but clinically consistent illness in mice unprotected by monovalent type A anti-toxin.

Disease entities of low incidence are not often considered in the early stages of a clinical syndrome. When clinical features of botulism are present in the absence of an implicated food product, clinicians should not be lured away from the diagnosis of wound botulism when a positive edrophonium chloride test (Tensilon) might suggest otherwise.

REFERENCES

1. Hall IC: The occurrence of *Bacillus botulinus*, Types A and B, in accidental wounds. *J Bacteriol* 1945; 50:213-217
2. Cherington M, Ginsburg S: Wound botulism. *Arch Surg* 1975 Apr; 110:436-438
3. Merson MH, Dowell VR Jr: Epidemiologic, clinical and laboratory aspects of wound botulism. *N Engl J Med* 1973 Nov 8; 289:1005-1010
4. Wound botulism associated with parenteral cocaine abuse—New York City. *Morbidity Mortality Weekly Rep* 1982; 31:87-88

Chronic Arsenic Poisoning Masquerading as Pernicious Anemia

PETER M. SELZER, MD, PhD
MARILYN A. ANCEL, MD
San Jose, California

ARSENIC POISONING is a malady of protean manifestations that can affect the neurologic, hematologic, dermatologic and gastrointestinal systems.¹⁻³ A patient's presentation may be confusing, but the correct diagnosis, if considered, can be suggested by a simple, rapid, inexpensive and noninvasive screening procedure.

Report of a Case

A 64-year-old Hispanic man was admitted to another hospital because of two weeks of worsening mid and left upper quadrant abdominal discomfort. He had a history of mild adult-onset diabetes mellitus, but otherwise had no significant illnesses and was taking no medicines. He said he did not use alcohol excessively.

Refer to: Selzer PM, Ancel MA: Chronic arsenic poisoning masquerading as pernicious anemia. *West J Med* 1983 Aug; 139:219-220.

From the Department of Medicine, Santa Clara Valley Medical Center, San Jose, California. Dr Selzer is now at the Division of Diagnostic Radiology, Department of Radiology, Stanford University Medical Center, Stanford, California.

Submitted, revised, January 17, 1983.

Reprint requests to Peter M. Selzer, MD, Division of Diagnostic Radiology, Stanford University Medical Center, Stanford, CA 94305.

Physical examination on admission showed no abnormalities.

Laboratory studies disclosed the following values: hematocrit, 29%; mean corpuscular volume, 91 cu μ m, and leukocyte count, 1,900 per μ l, with 48% neutrophils, 2% band cells and 43% lymphocytes (the rest of differential and platelet count not provided). A bone marrow aspirate and biopsy specimen showed megaloblastic changes, pronounced erythroid hyperplasia and a full range of myeloid maturation. These findings were interpreted as consistent with folate deficiency, and a regimen of low-dose folic acid replacement was begun pending blood levels and further evaluation.

No response was generated by the therapy. After several days in hospital, the patient began to have paresthesias in his hands and feet and difficulty walking. Neurologic examination at that time showed a profound loss of vibratory sense and proprioception in all four extremities and near-absent deep tendon reflexes. Although the folic acid and vitamin B₁₂ concentrations in the patient's serum were in the low-normal range and no macrocytosis was noted on the peripheral blood smear, it was felt by the staff, in consultation with the hematology department, that this picture was most typical of pernicious anemia. A lumbar puncture showed no abnormalities except for mildly increased cerebrospinal fluid protein content. The first part of a Schilling test was done, which showed a decreased excretion of 2.6%. This result was interpreted as confirming the presence of pernicious anemia. Vitamin B₁₂ was administered every other day, 1,000 grams intramuscularly, with five doses given before discharge. Because of the patient's continuing vague abdominal symptoms, other diagnostic procedures were done during his 16-day hospital stay—abdominal ultrasound, intravenous pyelogram, liver-spleen scan and barium enema. The only abnormal findings were decreased gastric motility and mild splenomegaly.

Upon discharge, the patient's anemia and neutropenia had substantially decreased, but his neurologic state was essentially unchanged. The discharge diagnosis was "probably pernicious anemia with severe neurologic manifestations."

One week after discharge, the patient presented to this hospital because of persistent abdominal pain and continued neurologic deterioration. He was unable to walk and barely able to stand. He also had near anesthesia in his hands, increasing muscular weakness and an inability to concentrate at times. On physical examination a hyperpigmented band was seen on his trunk and he had hyperkeratotic palms with several small, hyperpigmented macules on the digits. His fingernails appeared normal. There was a considerable loss of vibratory, proprioceptive, light touch and pinprick sensation distal to the elbows and knees, with a milder deficit extending to the trunk. His hand grip and wrist extension were significantly diminished in strength on both sides and he was barely able to lift his legs when

supine. His stance was unsteady and he was unable to walk unaided. Deep tendon reflexes of the lower extremities were absent and those of the upper extremities were diminished.

A complete blood count showed a hematocrit of 33%, hemoglobin of 11.2 grams per dl and a leukocyte count of 4,900 per μl with 68% neutrophils, 4% band cells, 19% lymphocytes, 5% monocytes and 4% eosinophils. Platelet estimate was normal. Aliquots of urine were sent for heavy metal and porphyrin screens. The next day the test was reported as positive for heavy metals and suggestive of arsenic. A 24-hour urine specimen had an arsenic concentration of 0.55 grams per ml (normal $<0.02 \mu\text{g}$ per ml, according to the Hine Laboratories, San Francisco). Lead and mercury concentrations were normal. For diagnostic confirmation, a large lock of scalp hair was shaved and sent for analysis in five sections. The most proximal section contained $45 \mu\text{g}$ per gram of arsenic (normal <0.3 to $0.5 \mu\text{g}$ per gram) and the distal sections were all within normal limits. These data suggested that the poisoning had occurred within four to five weeks, which is the average amount of time for 1 cm of hair growth, assuming a typical average daily growth of 0.35 mm.⁴

Both the peripheral blood smear and the bone marrow biopsy specimen from the other hospital were reviewed by our pathologists, who felt that all of the changes seen, including basophilic stippling on the peripheral smear and megaloblastoid forms, karyorrhexis and binucleated erythrocyte precursors in the marrow, were entirely consistent with the hematologic effects of arsenic.

Within six days of admission, the patient had been started on chelation therapy. He received 200 mg of dimercaprol intramuscularly every four hours for two days and was then changed to D-penicillamine, 250 mg given by mouth every eight hours. The urine was monitored for arsenic, which rapidly cleared within five days.

Although the patient felt better during his hospital course, there was little objective evidence of improvement. Electromyographic studies obtained several days after admission showed a polyneuropathy, with denervation limited primarily to the distal leg muscles. He received physical therapy in addition to medical treatment and was discharged to a nursing home for extended care. The source of the arsenic poisoning was not determined. Neither the home nor workplace showed any obvious environmental source, and the patient said he had not been exposed to pesticides or herbicides, contaminated seafoods, copper-smelting operations or wood preservatives. He took no home remedies or tonics and drank no illegal whiskey ("moonshine"). Attempted homicide was suspected but not proved.

Six months after discharge, the patient showed considerable improvement. He regained his ability to walk, but only with a wide-based gait. He still exhibited bilateral weakness of wrist and hip flexion and of foot

dorsiflexion. Diminished sensation, particularly in the hands, persisted.

Discussion

Because of the multisystem involvement of chronic arsenic poisoning, the differential diagnosis is large and includes vitamin B₁₂ deficiency, acute febrile polyneuritis (Guillain-Barré syndrome), Addison's disease, porphyria and poisoning from other heavy metals, particularly thallium.^{1,2} The appearance of the peripheral blood smear in arsenic poisoning differs in several important ways from that in vitamin B₁₂ or folic acid deficiency. In vitamin B₁₂ deficiency, the erythrocytes are primarily normocytic and normochromic, and basophilic stippling is common; hypersegmented neutrophils are absent or rare, and relative eosinophilia may be seen. The bone marrow in arsenic poisoning may show occasional megaloblastoid forms but more typically is characterized by karyorrhexis and binucleated erythrocyte precursors.² All of these hematologic abnormalities except eosinophilia were present in our patient.

The neuropathy of subacute combined degeneration of the spinal cord that results from vitamin B₁₂ deficiency may closely mimic that of chronic arsenic poisoning—that is, general weakness, glove-and-stocking paresthesias, loss of vibratory and position senses, unsteady gait and diminished deep tendon reflexes (initially).⁵ A lack of parallelism between the hematologic and neurologic manifestations may arise from this vitamin deficiency. In our patient, however, the normal serum concentration of vitamin B₁₂ and the normal mean corpuscular volume in the presence of profound hematologic and neurologic abnormalities could have suggested the correct diagnosis.

Summary

Except for the absence of white transverse bands on the fingernails (Mees' lines), this patient presented the classic signs of chronic arsenical poisoning—gastrointestinal complaints followed by profound peripheral neuropathy and concomitant hematologic and dermatologic changes. Because early, aggressive treatment with chelating agents may alleviate the effects of this toxin, a prompt diagnosis might substantially affect a patient's short and long-term prognosis.^{3,6} This case shows the value of screening for heavy metals in evaluating gastrointestinal symptoms that are accompanied by pancytopenia or neurologic abnormalities.

REFERENCES

1. Thienes CH, Haley JJ: Clinical Toxicology, 5th Ed. Philadelphia, Lea & Febiger, 1972, pp 171-212
2. Kyle FA, Pease GL: Hematologic aspects of arsenic intoxication. *N Engl J Med* 1963; 273:18-23
3. Heyman A, Pfeiffer JB Jr, Willet RW, et al: Peripheral neuropathy caused by arsenical intoxication: A study of 41 cases with observations on effects of BAL (2,3-dimercaptopropanol). *N Engl J Med* 1956; 254:401-409
4. Ackerman AB: Structure and function of the skin, *In* Moschella SL, Pillsbury DM, Hurley HJ (Eds): Dermatology. Philadelphia, WB Saunders, 1975, pp 36-46
5. Adams RD, Victor M: Principles of Neurology, 2nd Ed. New York, McGraw-Hill, 1981, pp 717-719
6. Garb LG, Hine CH: Arsenical neuropathy: Residual effects following acute industrial exposure. *JOM* 1977 Aug; 19:567-568

21/1/78

Exhibit "3"

Arsenical poisoning complicated with an attack of pneumonia.—Here, again, we meet with a difficulty in forming an opinion, from the fact that suspected poisoning by arsenic may be overshadowed by symptoms of a disease, which deceived the medical attendant to such an extent that he certified that the cause of death was from a natural disease, pneumonia, notwithstanding the fact that, upon the evidence submitted at the trial, he was obliged to admit that he had been mistaken, and that, in his opinion, she had probably been the victim of poisoning by arsenic.

Preservation of the vomitus on clothing and bedclothes.—We have particularly mentioned that it is of great importance (see *ante*, § 10) to preserve all articles upon which any vomitus or other organic matters may be deposited, and which may contain particles of poisonous substance, and which are to be submitted to the chemical expert. In this case, as appeared later during the trial, a great opportunity was lost; some of the witnesses in this case testified that the victim vomited on to her clothing, and on the bedclothes, and also on the carpet. None of these articles were preserved, probably because the medical attendant had no suspicion of an attempt to poison his patient. In this connection, it would be well if all medical men who are called to

FILED

SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES

JAN 11 2012


ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):

ANGELO BERTOLOTI
11271 VENTURA BLVD., STE 733
STUDIO CITY, CA. 91604
TELEPHONE NO. 310 494 0107 FAX NO.

ATTORNEY FOR (Name):

PRO SE

John A. Clarke, Executive Officer/Clerk

BY  Deputy
Shaunya Wesley

SUPERIOR COURT OF CALIFORNIA, COUNTY OF

STREET ADDRESS: 111 N. HILL ST.

MAILING ADDRESS

CITY AND ZIP CODE: Los Angeles, CA.

BRANCH NAME:

CASE NAME:

ANGELO BERTOLOTI v. Los Angeles County Probate

CASE NUMBER:

BC 476868

CIVIL CASE COVER SHEET

Complex Case Designation

Unlimited (Amount demanded exceeds \$25,000) Limited (Amount demanded is \$25,000 or less)

Counter Joinder

Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)

JUDGE:

DEPT:

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

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

Auto Tort

Auto (22) Uninsured motorist (46)

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

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

Non-PI/PD/WD (Other) Tort

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

Employment

Wrongful termination (36) Other employment (15)

Contract

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

Real Property

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

Unlawful Detainer

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

Judicial Review

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

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

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

Enforcement of Judgment

Enforcement of judgment (20)

Miscellaneous Civil Complaint

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

Miscellaneous Civil Petition

Partnership and corporate governance (21) Other petition (not specified above) (43)

2. This case is is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:

- a. Large number of separately represented parties d. Large number of witnesses
- b. Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve e. Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court
- c. Substantial amount of documentary evidence f. Substantial postjudgment judicial supervision

3. Remedies sought (check all that apply): a. monetary b. nonmonetary; declaratory or injunctive relief c. punitive

4. Number of causes of action (specify):

5. This case: is is not a class action suit.

6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: 1-11-12

ANGELO BERTOLOTI

(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE

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

2011/10/19 10:10:10

INSTRUCTIONS ON HOW TO COMPLETE THE COVER SHEET

To Plaintiffs and Others Filing First Papers. If you are filing a first paper (for example, a complaint) in a civil case, you must complete and file, along with your first paper, the *Civil Case Cover Sheet* contained on page 1. This information will be used to compile statistics about the types and numbers of cases filed. You must complete items 1 through 6 on the sheet. In item 1, you must check one box for the case type that best describes the case. If the case fits both a general and a more specific type of case listed in item 1, check the more specific one. If the case has multiple causes of action, check the box that best indicates the **primary** cause of action. To assist you in completing the sheet, examples of the cases that belong under each case type in item 1 are provided below. A cover sheet must be filed only with your initial paper. Failure to file a cover sheet with the first paper filed in a civil case may subject a party, its counsel, or both to sanctions under rules 2.30 and 3.220 of the California Rules of Court.

To Parties in Rule 3.740 Collections Cases. A "collections case" under rule 3.740 is defined as an action for recovery of money owed in a sum stated to be certain that is not more than \$25,000, exclusive of interest and attorney's fees, arising from a transaction in which property, services, or money was acquired on credit. A collections case does not include an action seeking the following: (1) tort damages, (2) punitive damages, (3) recovery of real property, (4) recovery of personal property, or (5) a prejudgment writ of attachment. The identification of a case as a rule 3.740 collections case on this form means that it will be exempt from the general time-for-service requirements and case management rules, unless a defendant files a responsive pleading. A rule 3.740 collections case will be subject to the requirements for service and obtaining a judgment in rule 3.740.

To Parties in Complex Cases. In complex cases only, parties must also use the *Civil Case Cover Sheet* to designate whether the case is complex. If a plaintiff believes the case is complex under rule 3.400 of the California Rules of Court, this must be indicated by completing the appropriate boxes in items 1 and 2. If a plaintiff designates a case as complex, the cover sheet must be served with the complaint on all parties to the action. A defendant may file and serve no later than the time of its first appearance a joinder in the plaintiff's designation, a counter-designation that the case is not complex, or, if the plaintiff has made no designation, a designation that the case is complex.

CASE TYPES AND EXAMPLES

Auto Tort (22)—Personal Injury/Property Damage/Wrongful Death Uninsured Motorist (45) (if the case involves an uninsured motorist claim subject to arbitration, check this item instead of Auto) Other PIP/DWD (Personal Injury/Property Damage/Wrongful Death) Asbestos (04) Asbestos Property Damage Asbestos Personal Injury/ Wrongful Death Product Liability (not asbestos or toxic/environmental) (24) Medical Malpractice (45) Physicians & Surgeons Other Professional Health Care Malpractice Other PIP/DWD (23) Premises Liability (e.g., slip and fall) Intentional Bodily Injury/PI/DWD (e.g., assault, vandalism) Intentional Infliction of Emotional Distress Negligent Infliction of Emotional Distress Other PIP/DWD Non-PIP/DWD (Other) Tort Business Tort/Unfair Business Practice (07) Civil Rights (e.g., discrimination, false arrest) (not civil harassment) (08) Defamation (e.g., slander, libel) (13) Fraud (16) Intellectual Property (19) Professional Negligence (25) Legal Malpractice Other Professional Malpractice (not medical or legal) Other Non-PIP/DWD Tort (35) Wrongful Termination (36) Other Employment (15)	Breach of Contract/Warranty (06) Breach of Rental/Lease Contract (not unlawful detainer or wrongful eviction) Contract/Warranty Breach—Seller Plaintiff (not fraud or negligence) Negligent Breach of Contract Warranty Other Breach of Contract/Warranty Collections (e.g., money owed, open book accounts) (09) Collection Case—Seller Plaintiff Other Promissory Note/Collections Case Insurance Coverage (not provisionally complex) (18) Auto Subrogation Other Coverage Other Contract (37) Contractual Fraud Other Contract Dispute Real Property Eminent Domain/Inverse Condemnation (14) Wrongful Eviction (33) Other Real Property (e.g., quiet title) (26) Writ of Possession of Real Property Mortgage Foreclosure Quiet Title Other Real Property (not eminent domain, landlord/tenant, or foreclosure) Unlawful Detainer Commercial (31) Residential (32) Drugs (38) (if the case involves illegal drugs, check this item; otherwise, report as Commercial or Residential) Judicial Review Asset Forfeiture (05) Petition Re: Arbitration Award (11) Writ of Mandate (02) Writ—Administrative Mandamus Writ—Mandamus on Limited Court Case Matter Writ—Other Limited Court Case Review Other Judicial Review (39) Notice of Appeal—Labor Commissioner Appeals	Rules of Court Rules 3.400–3.403 Antitrust/Trade Regulation (03) Construction Defect (10) Claims Involving Mass Tort (40) Securities Litigation (28) Environmental/Toxic Tort (30) Insurance Coverage Claims (arising from provisionally complex case type listed above) (41) Enforcement of Judgment Enforcement of Judgment (20) Abstract of Judgment (Out of County) Confession of Judgment (non-domestic relations) Sister State Judgment Administrative Agency Award (not unpaid taxes) Petition/Certification of Entry of Judgment on Unpaid Taxes Other Enforcement of Judgment Case Miscellaneous Civil Complaint RICO (27) Other Complaint (not specified above) (42) Declaratory Relief Only (non-injunctive Relief Only (non-harassment) Other Commercial Complaint Mechanics Lien Case (non-tort/non-complex) Other Civil Complaint Miscellaneous Civil PIP/DWD (non-tort/non-complex) Partnership and Corporate Governance (21) Other PIP/DWD (not specified above) (43) Civil Harassment Elder/Dependent Adult Workplace Violence Abuse Election Contest Petition for Name Change Petition for Relief From Late Claim Other Civil PIP/DWD
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SHORT TITLE: BRITTANY MURPHY - COMPLAINT FOR RELEASE OF SPECIMENS	CASE NUMBER
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**CIVIL CASE COVER SHEET ADDENDUM AND
STATEMENT OF LOCATION
(CERTIFICATE OF GROUNDS FOR ASSIGNMENT TO COURTHOUSE LOCATION)**

This form is required pursuant to Local Rule 2.0 in all new civil case filings in the Los Angeles Superior Court.

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

JURY TRIAL? YES CLASS ACTION? YES LIMITED CASE? YES TIME ESTIMATED FOR TRIAL _____ HOURS/ DAYS

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

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

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

Step 3: In Column **C**, circle the reason for the court location choice that applies to the type of action you have checked. For any exception to the court location, see Local Rule 2.0.

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

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

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

	A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Auto Tort	Auto (22)	<input type="checkbox"/> A7100 Motor Vehicle - Personal Injury/Property Damage/Wrongful Death	1., 2., 4.
	Uninsured Motorist (46)	<input type="checkbox"/> A7110 Personal Injury/Property Damage/Wrongful Death – Uninsured Motorist	1., 2., 4.
Other Personal Injury/ Property Damage/ Wrongful Death Tort	Asbestos (04)	<input type="checkbox"/> A6070 Asbestos Property Damage	2.
		<input type="checkbox"/> A7221 Asbestos - Personal Injury/Wrongful Death	2.
	Product Liability (24)	<input type="checkbox"/> A7260 Product Liability (not asbestos or toxic/environmental)	1., 2., 3., 4., 8.
	Medical Malpractice (45)	<input type="checkbox"/> A7210 Medical Malpractice - Physicians & Surgeons	1., 4.
		<input type="checkbox"/> A7240 Other Professional Health Care Malpractice	1., 4.
Other Personal Injury Property Damage Wrongful Death (23)	<input type="checkbox"/> A7250 Premises Liability (e.g., slip and fall)	1., 4.	
	<input type="checkbox"/> A7230 Intentional Bodily Injury/Property Damage/Wrongful Death (e.g., assault, vandalism, etc.)	1., 4.	
	<input type="checkbox"/> A7270 Intentional Infliction of Emotional Distress	1., 3.	
	<input checked="" type="checkbox"/> A7220 Other Personal Injury/Property Damage/Wrongful Death	1., 4.	

SHORT TITLE:

*BRITNEY MURPHY
COMPLAINT OF RELEASE OF SPECIMENS*

CASE NUMBER

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

Unlawful Detainer

Real Property

Contract

Employment

Non-Personal Injury/Property Damage/Wrongful Death Tort

**CIVIL CASE COVER SHEET ADDENDUM
AND STATEMENT OF LOCATION**

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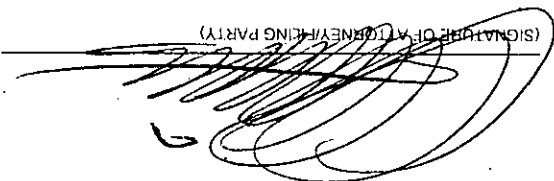
	A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Judicial Review	Asset Forfeiture (05)	<input type="checkbox"/> A6108 Asset Forfeiture Case	2., 6.
	Petition re Arbitration (11)	<input type="checkbox"/> A6115 Petition to Compel/Confirm/Vacate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

**CIVIL CASE COVER SHEET ADDENDUM
AND STATEMENT OF LOCATION**

1. Original Complaint or Petition.
2. If filing a Complaint, a completed Summons form for issuance by the Clerk.
3. Civil Case Cover Sheet, Judicial Council form CM-010.
4. Civil Case Cover Sheet Addendum and Statement of Location form, LACIV 109, LASC Approved 03-04 (Rev. 03/11).
5. Payment in full of the filing fee, unless fees have been waived.
6. A signed order appointing the Guardian ad Litem, Judicial Council form CIV-010, if the plaintiff or petitioner is a minor under 18 years of age will be required by Court in order to issue a summons.
7. Additional copies of documents to be conformed by the Clerk. Copies of the cover sheet and this addendum must be served along with the summons and complaint, or other initiating pleading in the case.

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

Dated: 1.11.12


(SIGNATURE OF ATTORNEY/FILING PARTY)

Rule 2.0, subs. (b), (c) and (d)).
District of the Superior Court of California, County of Los Angeles [Code Civ. Proc., § 392 et seq., and Local and correct and that the above-entitled matter is properly filed for assignment to the _____ courthouse in the _____
Item IV. Declaration of Assignment: I declare under penalty of perjury under the laws of the State of California that the foregoing is true

CITY:		STATE:		ZIP CODE:	
REASON: Check the appropriate boxes for the numbers shown under Column C for the type of action that you have selected for this case. <input type="checkbox"/> 1. <input type="checkbox"/> 2. <input type="checkbox"/> 3. <input type="checkbox"/> 4. <input type="checkbox"/> 5. <input type="checkbox"/> 6. <input type="checkbox"/> 7. <input type="checkbox"/> 8. <input type="checkbox"/> 9. <input type="checkbox"/> 10.		ADDRESS: Angelo Bertolini 11271 Ventura Blvd. Ste. 733 Studio City, CA 91604			

Item III. Statement of Location: Enter the address of the accident, party's residence or place of business, performance, or other circumstance indicated in Item II, Step 3 on Page 1, as the proper reason for filing in the court location you selected.

SHORT TITLE: <u>BRITANNY MURPHY</u>	CASE NUMBER
<u>COMPLAINT OR RETURN OF SPECIMENS</u>	