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10 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
11 **COUNTY OF LOS ANGELES, CENTRAL CIVIL WEST**

12 Antonio Villegas, an individual, on behalf of
13 himself and all others similarly situated

14 Plaintiff,

15 v.

16 ADT Security Services, Inc., a California
17 corporation, IMI Integrity Services, Inc., a
corporation, and DOES 1 through 500, inclusive,

18 Defendants.

CASE NO. BC510665
[Assigned to the Hon. Carolyn Kuhl, Dep't 309]

**FOURTH AMENDED CLASS ACTION
COMPLAINT**

- Violation of California Business and Professions Code § 17200 for unlawful business practices;
- Violation of California Business and Professions Code § 17200 for unfair business practices;
- Violation of California Business and Professions Code § 17200 for fraudulent business practices;
- Violation of Civil Code § 1750 et seq.

21 Complaint Filed May 31, 2013
22 Trial Date: None Set

23 Plaintiffs OSCAR GARDENER and CHRISTINE SMITH (“Plaintiffs”), on behalf of
24 themselves and for all others similarly situated, hereby demand a trial by jury, and alleges as follows:

25 **I. INTRODUCTION**

26 1) This case arises from the sale, installation, and monitoring of alarm systems in the City
27 of Los Angeles without informing customers that the City of Los Angeles requires an Alarm System
28 permit and that there is a fee for obtaining the requisite permit. Even though ADT, LLC d/b/a ADT

1 Security Services, Inc. (“ADT” or “Defendant”) knows that its customers will be in violation of city
2 law without the permits, Defendant failed to inform its customers of the City’s requirement for a
3 permit or that the permit will cost the costumers money in addition to the written contract price.

4 2) Plaintiffs’ experiences are typical of Defendant’s practice. Plaintiff Gardner purchased
5 an alarm system and monitoring services from ADT without knowing of the City of Los Angeles’s
6 Alarm System permit requirement because ADT failed to inform him of the permit requirement.
7 During or around the end of 2012, the Los Angeles Police Department responded to a false alarm
8 generated by his system. The City of Los Angeles notified Plaintiff Gardner of a \$151 penalty for the
9 false alarm and an additional \$100 penalty for having a non-permitted alarm system.

10 3) Plaintiff Smith purchased her alarm system from ADT sometime in late 2012 or early
11 2013. She saw an advertisement on television for ADT and called the number on the screen, after
12 which an ADT salesman came to her home and sold her the system. She was not informed by ADT of
13 the requirement to have an alarm permit and as a result she did not have one. Within approximately a
14 month of having her system installed and operational, she had a false alarm and paid the City of Los
15 Angeles the false alarm penalty and an additional penalty for having a non-permitted alarm system.

16 4) Unless its customers already obtained a valid Alarm System permit issued by the City
17 of Los Angeles Board of Police Commissioners, ADT had (and has) a duty to collect a completed
18 Alarm System permit application and the applicable permit fee from the customer and to file it with the
19 City of Los Angeles Board of Police Commissioners on behalf of its customers before installing,
20 activating, and/or monitoring any alarm system. Defendant ignored its mandate under the law and
21 installed and monitored Plaintiffs’ alarm systems without filing for a permit on their behalf.

22 5) Moreover, in cases such as Plaintiffs’, when the consumers’ local jurisdiction requires a
23 permit for the monitoring of an existing alarm system, California law requires disclosure to the
24 consumers in writing as part of the initial alarm agreement, informing the consumers of the permit
25 fees.

26 6) As a result of Defendant’s failure to inform Plaintiffs of Los Angeles’s Alarm System
27 permit requirement and Defendant’s failure to file for an Alarm System permit on Plaintiffs’ behalf as
28 required by law, Plaintiffs’ alarm systems were illegal. Plaintiffs would never have knowingly

1 purchased illegal alarm systems, and the only reason they did so was because Defendant failed to
2 provide to them the information as required by law, and failed to act as the law required.

3 7) According to the Los Angeles Police Department's webpage at
4 http://www.lapdonline.org/police_commission/content_basic_view/9159, "As recently as 1995, the
5 City recognized the increasing rate of false alarms and its negative affect on City finances and police
6 resources. To address the issue, the City reduced the number of 'free' false alarms, required alarm
7 companies to call their clients before requesting dispatch, and established alarm school to educate
8 owners on false alarm reduction strategies." In 2009, the City enacted an ordinance that "require alarm
9 companies to ensure, prior to installing an alarm system, that a valid permit exists or, if not, to obtain
10 one on the customer's behalf." Los Angeles Municipal Code § 103.206.1. These increased measures
11 were meant to address the fact that:

12 Each year LAPD responds to more than 100,000 privately installed
13 burglar alarm calls, of which 97% are determined to be false alarms.
14 These calls place an additional burden on an understaffed LAPD and on
15 civilian dispatchers at the LAPD Communications Division, where all
16 calls for service are received and dispatched. While the revised two-
alarm dispatch policy has resulted in a 25% decrease in alarm calls
handled by patrol units, these calls continue to comprise more than 10%
of all the calls for police service received by the LAPD.

17 http://www.lapdonline.org/police_commission/content_basic_view/9159.

18 8) Plaintiffs are informed and believe and thereon allege that Los Angeles Municipal Code
19 § 103.206.1 was enacted for the public good and constitutes public policy.

20 **II. PARTIES**

21 9) Plaintiff OSCAR GARDENER is a resident of the County of Los Angeles, the State of
22 California. Plaintiff Gardner rents an apartment within the city of Los Angeles within the San Pedro
23 neighborhood, which is the location of the alarm system that is the subject of this lawsuit.

24 10) Plaintiff CHRISTINE SMITH is a resident of the County of Los Angeles, the State of
25 California. Plaintiff Smith owns a home within the city of Los Angeles, which is the location of the
26 alarm system that is the subject of this lawsuit.

27 11) On information and belief, defendant ADT is a corporation organized and existing
28 under the laws of the State of Delaware, with its principal place of business located at 1501 Yamato

1 Road, Boca Raton, Florida. ADT provides, among other services, security alarm monitoring services
2 in the State of California.

3 12) The true names and capacities of the defendants named herein as DOES 1 through 100,
4 inclusive, whether individual, corporate, associate or otherwise, are unknown to Plaintiffs who
5 therefore sue such defendants by fictitious names. Plaintiffs are informed and believe, and based
6 thereon allege that each of the DOE defendants is responsible for the claims and damages alleged
7 herein and each DOE defendant is jointly and severally liable with all other defendants. Any reference
8 herein to “Defendants” means all DOE defendants, together with the named defendant, ADT.
9 Plaintiffs will amend this Complaint to show such true names and capacities of the DOE defendants
10 when, and if, they have been determined.

11 13) At all times relevant herein, each of the Defendants was the agent, ostensible agent,
12 employee, alter ego, division, affiliate, aider and abetter and/or co-conspirator of each of the remaining
13 Defendants and at all times was acting within the purpose and scope of such relationship(s) and with
14 the knowledge, authorization, permission, consent and/or subsequent ratification and approval of each
15 co-defendant. The Defendants knowingly and willfully conspired and aided and abetted and agreed
16 among themselves to deprive Plaintiffs of their rights and to cause the damages described herein.

17 14) The use of “Defendants” in this Complaint, or the name of any individually named
18 defendant, includes all agents, employees, officers, members, directors, heirs, successors, assigns,
19 principals, trustees, surities, subrogees, representatives and insurers of each Defendant.

20 **III. JURISDICTION**

21 15) Superior Court of the State of California has jurisdiction over this action pursuant to
22 Article VI, section 10 of the California Constitution, because this case is not a cause given by statute to
23 other trial courts.

24 16) This Court has personal jurisdiction over Defendants in this action. At all times
25 relevant herein, the activities of Defendants originated and primarily emanated from the State of
26 California. The locations for the performances of the contracts are within the City of Los Angeles.

27 17) Venue is proper in the Superior Court for the County of Los Angeles, State of
28 California, because Plaintiffs reside in this county and Defendants are currently doing and have done

1 during the relevant time period significant amounts of business in this County. In addition, many of
2 the acts and practices giving rise to Plaintiff's claims occurred in this County.

3 **IV. FACTUAL BACKGROUND**

4 18) The Alarm Company Act, Cal. Bus. & Prof. Code §§ 7590-7599.80, regulates the
5 installation and operation of alarm companies in the State of California. ADT is an "alarm company
6 operator" as defined by the Alarm Company Act. Cal. Bus. & Prof. Code § 7590.2. ("...a person who,
7 for any consideration whatsoever, engages in business or accepts employment to install, maintain,
8 alter, sell on premises, monitor, or service alarm systems..."). Pursuant to the Alarm Company Act,
9 every agreement for monitoring, servicing and installing an alarm system shall be in writing and, if the
10 contract exceeds \$250, then it must contain a "disclosure informing the buyer of any potential permit
11 fees that may be required by local jurisdictions concerning the monitoring of an existing alarm
12 system." Cal. Bus. & Prof. Code § 7599.54(i)(7).

13 19) On or about September 5, 2008, Plaintiff Gardner signed a written customer agreement
14 with ADT for an ADT alarm system (the "Contract") for his residence to be monitored by ADT.
15 Plaintiff paid more than \$600 for his ADT alarm system. Plaintiff Gardner reasonably believed that
16 through the Contract, he was purchasing a legally installed and monitored alarm system. Plaintiff
17 Gardner relied upon the knowledge and expertise of Defendants to provide all pertinent information
18 and to legally install and/or monitor his alarm system.

19 20) In or around late 2012, Plaintiff Smith signed a written customer agreement with ADT
20 (together with Plaintiff Gardner's Contract, the "Contracts") for an ADT alarm system at her residence
21 that exceeded \$250 over the life of the contract. Plaintiff Smith reasonably believed that through her
22 contract she was purchasing a legally installed and monitored alarm system. Plaintiff Smith relied
23 upon the knowledge and expertise of Defendants to provide all pertinent information and to legally
24 install and/or monitor her alarm system.

25 21) On information and belief, ADT had previously reviewed and approved of the content
26 of the form contracts that Plaintiffs Gardner and Smith signed.

27 22) The Contracts failed to disclose to Plaintiffs that the City of Los Angeles has an
28 ordinance requiring all individuals within the city to obtain and pay for a valid Alarm System permit

1 before they install or operate an alarm system. By omitting this requirement, Defendants were selling
2 to Plaintiffs alarm systems that were going to be illegal for Plaintiffs to have installed or monitored.

3 23) The Contracts failed to disclose to Plaintiffs the Alarm System permit requirement and
4 its applicable permit fee mandated by the City of Los Angeles.

5 24) With respect to Plaintiff Smith, ADT had a legal duty to obtain an alarm system permit
6 for her at the time it sold her the alarm system. ADT failed to obtain the alarm system permit on her
7 behalf.

8 25) Any contract provisions that attempt to shift ADT's duties to either disclose permit and
9 permit fee requirements and/or file alarm system permit applications and applicable permit fees with
10 the Board of Police Commissioners are unlawful and unenforceable as they are in violation of Los
11 Angeles Municipal Code section 103.206.1. Moreover, any such contract provisions are
12 unconscionable and should be severed from the contract. Contracts containing such provisions are not
13 only procedurally unconscionable as a form contract of adhesion, but substantively unconscionable
14 because Defendants rely on them as a waiver of their duty under the law, and because they attempt to
15 shift, in an underhanded and uninformative way, Defendants' obligation to inform consumers of permit
16 requirements into a duty for consumers to investigate whether or not permits are required. In fact, any
17 such contract provisions that attempt to exempt Defendants from the responsibility of getting the alarm
18 permit are against public policy embodied in Los Angeles Municipal Code section 103.206.1, which
19 requires "alarm companies to ensure, prior to installing an alarm system, that a valid permit exists or, if
20 not, to obtain one on the customer's behalf." In other words, "a law established for a public reason
21 cannot be contravened by a private agreement." Cal. Civ. Code § 3513. Moreover, "[a]ll contracts
22 which have for their object, directly or indirectly, to exempt anyone from responsibility for his own
23 fraud, or willful injury to the person or property of another, or violation of law, whether willful or
24 negligent, are against the policy of the law." Cal. Civ. Code § 1668.

25 26) ADT never filed an Alarm System permit application and the applicable permit fee on
26 Plaintiffs' behalf. Had Defendants informed Plaintiffs of the Alarm System permit requirement, they
27 would have insisted that Defendants file for one or would have obtained an Alarm System permit on
28 their own behalf. As it was, without knowing that they needed a permit, Plaintiffs paid Defendants to

1 install their non-permitted systems, and paid a monthly service charge for their illegal system, all while
2 Defendants knew they were installing and monitoring an illegal alarm system. Moreover, as a result of
3 Defendants' failure to disclose the Alarm System permit requirement, the permit fee and Defendants'
4 failure to file an Alarm System permit application and the applicable permit fee on Plaintiffs' behalf
5 prior to installing the alarm system, Plaintiffs incurred false alarm penalties in the amount of \$151 and
6 non-permitted Alarm System penalties in the amount of \$100 when his alarm system triggered a false
7 alarm.

8 27) At the time that Plaintiffs purchased their alarm system, Plaintiffs were unaware of the
9 Alarm System permit requirement and the applicable permit fee, because none of the Defendants
10 informed them. Moreover, at the time Plaintiffs purchased the alarm system, they relied on
11 Defendants' assertion of the total price for a legal alarm system. However, because none of the
12 Defendants informed Plaintiffs of the applicable Alarm System permit fee of approximately \$34,
13 Defendants' misrepresented the total cost of a legal alarm system.

14 28) Los Angeles Municipal Code Section 103.206(b) states: "No person shall install,
15 connect, activate, operate, or use an Alarm System without a valid Alarm System permit having been
16 issued for that purpose."

17 29) Further, Los Angeles Municipal Code Section 103.206.1 requires alarm companies to
18 ensure, prior to installing an alarm system, that a valid Alarm System permit exists or, if not, to file an
19 Alarm System permit application and the applicable permit fee with the Board of Police
20 Commissioners on the customer's behalf. Violation of the Los Angeles Municipal Code can result in a
21 misdemeanor conviction punishable by a fine of up to \$1,000, a year in jail, or both.

22 30) After receiving notice from the Los Angeles Police Department Board of Police
23 Commissioners/Alarm Section of the false alarm charge and the non-permitted alarm system penalty,
24 Plaintiff Gardner requested a waiver. On January 7, 2013, the Los Angeles Police Department Board of
25 Police Commissioners/Alarm Section held a hearing and denied Plaintiff's request to waive the false
26 alarm charges and non-permitted Alarm System penalty.

27 31) Plaintiffs paid \$251.00 as a result of their false alarm bills. Had Plaintiffs had a permit,
28 Plaintiffs' fine would have been \$151.00 each, i.e. \$100.00 less than Plaintiffs paid. In addition, if

1 Plaintiffs in fact had permits, they could have attended a free alarm school and had the false alarm bills
2 waived entirely.

3 32) California Business and Professions Code section 7599.54 states, among other things:

4 Every agreement, including, but not limited to, lease agreements,
5 monitoring agreements, and service agreements, including all labor,
6 services, and materials to be provided for the installation of an alarm
7 system, shall be in writing. All amendments subject to the provisions of
8 this section to an initial agreement shall be in writing. Each initial
9 agreement shall contain, but not be limited to, the following:

10 ...

11 (i) In addition to the above, every initial residential sales and lease
12 agreement, the total cost which over the time period fixed by the
13 agreement exceeds two hundred fifty dollars (\$250), including the cost
14 of all labor, service, or material to be provided by the licensee for the
15 installation, shall include, but not be limited to, the following:

16 ...

17 (7) A disclosure informing the buyer of any potential permit fees which
18 may be required by local jurisdictions concerning the monitoring of an
19 existing alarm system.

20 33) Nowhere in Plaintiffs' Contracts is there a disclosure that the City of Los Angeles
21 requires a permit for the operation of an alarm system.

22 34) The cost of a permit in the City of Los Angeles was \$34.

23 35) Nowhere in Plaintiffs' Contracts is there a disclosure that the City of Los Angeles
24 requires a \$34 fee for obtaining an alarm system permit.

25 36) Nowhere in Plaintiffs' Contracts is there a disclosure that Defendants must file an
26 Alarm System permit application and applicable permit fee on behalf of Plaintiffs if they failed to
27 obtain one for themselves.

28 37) Plaintiffs' Contracts, being form contracts drafted by Defendants, should be interpreted
in the light most favorable to Plaintiffs and the Class should there be any doubt as to the meaning of
any of Defendants' preprinted forms.

38) Defendants could have easily met their burden, as does API Security, when it provides a
city-by-city index to its customers listing every city's alarm permit requirement and fee and attached it
to their lengthy contract. But again, Defendants chose to keep their knowledge of permit requirements

1 to themselves. A copy of API's disclosure document is attached hereto as Exhibit 1.

2 **V. CLASS ACTION ALLEGATIONS**

3 39) Plaintiffs reallege and incorporate by reference every allegation set forth above, as
4 though set forth herein in full.

5 40) Plaintiffs bring this action on behalf of themselves and all others similarly situated as a
6 Class Action pursuant to California Code of Civil Procedure section 382. Plaintiffs seek to represent
7 two subclasses composed of and defined as follows:

8 The Class:

9 All consumers located within the City of Los Angeles who had an alarm
10 system installed, operated or monitored by ADT, LLC d/b/a ADT
11 Security Services, either directly or through any of its Authorized
12 Agents, whose initial contract exceeds the sum of \$250 and who were
not informed in writing in that initial contract of the cost of the Alarm
System Permit.

13 The CLRA Sub-Class:

14 All individuals located within the City of Los Angeles who had an alarm
15 system installed, operated or monitored by ADT, LLC d/b/a ADT
16 Security Services, either directly or through any of its Authorized
17 Agents, whose initial contract exceeds the sum of \$250 and who were
18 not informed in writing in that initial contract of the cost of the Alarm
System Permit, for whom neither ADT nor its Authorized Agent
obtained a valid permit on the consumer's behalf prior to installing or
operating an Alarm System and who subsequently received a penalty for
failing to have already obtained a valid Alarm System permit at the time
of a false alarm activation.

19 41) Plaintiffs reserve the right to amend or modify the class description with greater
20 specificity or further division into subclasses or limitation to particular issues.

21 A. NUMEROSITY

22 42) The potential members of the Class as defined are so numerous that joinder of all the
23 members of the Class is impracticable. While the precise number of Class Members has not been
24 determined at this time, Plaintiffs are informed and believe that during the relevant time period, a
25 substantial number of California consumers were affected by the conduct complained of herein.

26 B. COMMONALITY

27 43) There are questions of law and fact common to the Class that predominate over any
28 questions affecting only individual Class Members. These common questions of law and fact include,

1 without limitation:

2 a) Whether Defendants disclosed in writing to consumers potential permit fees as
3 required by California Business & Professions Code section 7599.54;

4 b) Whether Defendants' contracts with consumers were unconscionable;

5 c) Whether Defendants' contract provisions are illegal and contravene public
6 policy;

7 d) Whether Defendants filed Alarm System permit applications and applicable
8 permit fees on behalf of their consumers prior to installing alarms where a valid Alarm System
9 permit had not already been obtained;

10 e) Whether Defendants disclosed the need to obtain an alarm permit and applicable
11 permit fees to the Class Members;

12 f) Whether Defendants violated California Business & Professions Code section
13 17200 et seq.;

14 g) Whether Plaintiffs and the members of the Class are entitled to equitable relief,
15 including restitution, pursuant to California Business & Professions Code section 17200 et seq.;

16 h) Whether Defendants violated California Civil Code section 1750 et seq.;

17 i) Whether Plaintiffs and the members of the Class are entitled to injunctive relief.

18 C. TYPICALITY

19 44) The claims of the named Plaintiffs are typical of the claims of the Class. Plaintiffs and
20 all members of the Class sustained injuries and damages arising out of and caused by Defendants'
21 failure to disclose the need for an alarm system permit, the fees therefor, or to file Alarm System
22 permit applications and applicable permit fees on behalf of Plaintiffs and the Class prior to installing
23 alarms where a valid Alarm System permit had not already been obtained. Plaintiffs are also typical of
24 Class Members who received false alarm bills that imposed increased fines as a direct result of the fact
25 that they Alarm System did not already have a valid Alarm System permit at the time of the false
26 alarm.

27 D. ADEQUACY OF REPRESENTATION

28 45) Plaintiffs will fairly and adequately represent and protect the interests of the members

1 of the Class. Counsel who represents Plaintiffs is competent and experienced in litigating complex
2 cases and class actions.

3 E. SUPERIORITY OF CLASS ACTION

4 46) A class action is superior to other available means for the full and efficient adjudication
5 of this controversy. Individual joinder of all Class Members is not practicable, and questions of law
6 and fact common to the Class predominate over any questions affecting only individual members of
7 the class.

8 47) Class action treatment will allow those similarly situated persons to litigate their claims
9 in the manner that is most efficient and economical for the parties and the judicial system. Plaintiffs
10 are unaware of any difficulties that are likely to be encountered in the management of this action that
11 would preclude its maintenance as a class action.

12 **VI. CAUSES OF ACTION**

13 **FIRST CAUSE OF ACTION**
14 **Violation Of California Business & Professions Code Section 17200 Et Seq.**
15 **For Illegal Business Practices**
16 **(By Plaintiffs and the Class)**

17 48) Plaintiffs reallege and reincorporate herein by this reference all the allegations
18 contained in the paragraphs above, as though set forth in full herein.

19 49) The policy and practice of Defendants, as outlined above, is illegal under California
20 Business & Professions Code section 17200 et seq. in that it violates California Business and
21 Professions Code section 7599.54, which states:

22 Every agreement, including, but not limited to, lease agreements,
23 monitoring agreements, and service agreements, including all labor,
24 services, and materials to be provided for the installation of an alarm
25 system, shall be in writing. All amendments subject to the provisions of
26 this section to an initial agreement shall be in writing. Each initial
27 agreement shall contain, but not be limited to, the following:

28 ...

(i) In addition to the above, every initial residential sales and lease
agreement, the total cost which over the time period fixed by the
agreement exceeds two hundred fifty dollars (\$250), including the cost
of all labor, service, or material to be provided by the licensee for the
installation, shall include, but not be limited to, the following:

...

1 (7) A disclosure informing the buyer of any potential permit fees which
2 may be required by local jurisdictions concerning the monitoring of an
3 existing alarm system.

4 Cal. Bus. & Prof. Code § 7599.54.

5 50) The policy and practice of Defendants, as outlined above, is illegal under California
6 Business & Professions Code section 17200 in that it violates Los Angeles Municipal Code section
7 103.206, which states: “(b) Permit Requirement. No person shall install, connect, activate, operate or
8 use an Alarm System without a valid Alarm System permit having been issued for that purpose.”

9 51) The policy and practice of Defendants, as outlined above, is illegal under California
10 Business & Professions Code section 17200 in that it violates Los Angeles Municipal Code section
11 103.206.1, which states:

12 (1) An Alarm Company Operator shall not install an Alarm System, as
13 defined in Section 103.206, unless either:

14 (A) The Alarm System User or customer has already obtained a valid
15 Alarm System permit issued by the Board of Police Commissioners for
16 the premises, building, or structure at which the Alarm System is to be
17 installed, or;

18 (B) The Alarm Company Operator collects a completed Alarm
19 System permit application and applicable permit fee from the customer
20 and files it on behalf of the customer as required by Sections 103.12 and
21 103.206 before installing the Alarm System.

22 Los Angeles Municipal Code § 103.206.1.

23 52) Defendants have violated California’s Consumer Legal Remedies Act, Cal. Civ. Code §
24 1750 et seq., as more fully set forth below, and incorporated herein as if fully set forth.

25 53) As a result of the violation of the aforementioned laws, Plaintiffs lost money or property
26 and suffered injuries in fact. Defendants received and continue to hold money belonging to Plaintiffs
27 and the Class. Had Plaintiffs been aware of the permit requirement and permit fee or had Defendants
28 filed Alarm System permit applications and applicable fees on Plaintiffs’ behalf, Plaintiffs would have
been able to avoid the false alarm penalties and the non-permitted Alarm System penalty when their
Alarm Systems triggered false alarms.

54) Pursuant to California Business and Professions Code section 17203, Plaintiffs,
individually and on behalf of all members of the class and the general public who are, have been or
may be subjected to the practices of Defendants in violation of section 17200, hereby request

1 injunctive relief prohibiting these practices in the future, and such other orders as may be necessary to
2 restore to any person in interest, any money or property, real or personal, which may have been
3 acquired by Defendants by means of this unlawful business practice, or to disgorge profits Defendants
4 earned thereby.

5 **SECOND CAUSE OF ACTION**

6 **Violation Of California Business & Professions Code Sections 17200 Et Seq.**
7 **For Unfair Business Practices**
8 **(By Plaintiffs and the Class)**

9 55) Plaintiffs reallege and reincorporate herein by this reference all the allegations
10 contained in the paragraphs above, as though set forth in full herein.

11 56) The policy and practice of Defendants of causing consumers to unknowingly purchase
12 illegal alarm systems, illegal alarm system monitoring, and incurring penalties for non-permitted
13 Alarm Systems, as outlined above, is unfair under California Business & Professions Code section
14 17200 in that it:

15 a) Causes substantial consumer injury and is not an injury the consumers
16 themselves could reasonably have avoided, as is evidenced by the California Legislature's
17 mandate that alarm companies inform such consumers about alarm permit requirements and
18 Los Angeles ordinances requiring alarm companies to file for permits when the users
19 themselves have not already done so;

20 b) Offends an established public policy as evidenced by California Business and
21 Professions Code section 7599.54 as well as the City of Los Angeles ordinance requiring alarm
22 companies to obtain permits on behalf of consumers who do not have alarm permits, and is
23 immoral, unethical, oppressive, unscrupulous or substantially injurious to consumers; and

24 c) Violates the public policy that alarm companies disclose to consumers the
25 requirement of obtaining alarm system permits and to file for such permits on consumers'
26 behalves is tethered to California Business and Professions Code section 7599.54 and local
27 ordinances requiring alarm companies to obtain alarm permits if consumers do not already have
28 them.

57) Defendant's conduct is unfair in that their conduct violates the policy behind the law,

1 which is not to generally inform consumers of the potentiality for local permit requirements but to
2 specifically inform consumers of the amount of the charges for those local permit requirements.

3 58) As a result of the aforementioned acts, Plaintiffs have lost money or property and
4 suffered injuries in fact. Defendants received and continue to hold money belonging to Plaintiffs and
5 the Class.

6 59) Pursuant to California Business and Professions Code section 17203, Plaintiffs,
7 individually and on behalf of all members of the class and the general public who are, have been or
8 may be subjected to the practices of Defendants in violation of section 17200, hereby request
9 injunctive relief prohibiting these practices in the future, and such other orders as may be necessary to
10 restore to any person in interest, any money or property, real or personal, which may have been
11 acquired by Defendants by means of this unfair business practice, or to disgorge profits Defendants
12 earned thereby.

13 **THIRD CAUSE OF ACTION**

14 **Violation Of California Business & Professions Code Sections 17200 Et Seq.**
15 **For Fraudulent Business Practices**
(By Plaintiffs and the Class)

16 60) Plaintiffs reallege and reincorporate herein by this reference all the allegations
17 contained in the paragraphs above, as though set forth in full herein.

18 61) Defendants' practice and policy of installing and monitoring alarm systems without
19 informing the users of the requirement for an alarm permit, the alarm permit fee, and without filing for
20 the alarm permit on behalf of the user is likely to deceive the public into believing that the price quoted
21 and collected is the price for a functional, legal alarm system.

22 62) Defendants' practice and policy of quoting a price for alarm installation and monitoring
23 services to customers, while knowing that their service and product are illegal unless the customer pays
24 additional charges and not informing customers of that fact is likely to deceive the public into
25 believing that Defendants have disclosed the true price of their alarm systems.

26 63) Plaintiffs and the class reasonably relied upon those from whom they purchased their
27 alarm system to inform Plaintiffs and the class of any requirements for a functional and legal home
28 alarm system, and such a requirement is imposed on the Defendants by law under California Business

1 and Professions Code section 7955.94 and by local ordinance.

2 64) As a result of Defendants' conduct of installing and monitoring home alarm systems
3 without informing Plaintiffs and the class of the requirement of obtaining a permit or a permit fee, for
4 installing and monitoring the alarm systems without filing for a permit on the users' behalf, and
5 quoting a price that Defendants know is less than the actual cost of a legal Alarm System to the
6 customer, Plaintiffs lost money or property in that they did not receive what they were likely to believe
7 that they were to receive, i.e. a functional, legal alarm system. In fact, in order for Plaintiffs to have
8 such a legal alarm system, Defendants would have had to file an Alarm System permit application and
9 applicable permit fee on behalf of Plaintiffs and the class.

10 65) In addition, had Plaintiffs been aware of the permit requirement and permit fee or had
11 Defendants filed an Alarm System permit application and applicable fee on Plaintiffs' behalf, Plaintiffs
12 would have been able to avoid the false alarm penalties and the non-permitted Alarm System penalties
13 when their Alarm Systems triggered false alarms.

14 66) Pursuant to California Business and Professions Code section 17203, Plaintiffs,
15 individually and on behalf of all members of the class and the general public who are, have been or
16 may be subjected to the practices of Defendants in violation of section 17200, hereby request
17 injunctive relief prohibiting these practices in the future, and such other orders as may be necessary to
18 restore to any person in interest, any money or property, real or personal, which may have been
19 acquired by Defendants by means of this fraudulent business practice, or to disgorge profits
20 Defendants earned thereby.

21 **FOURTH CAUSE OF ACTION**

22 **Violation Of California Civil Code Section 1750 Et Seq.**
23 (By Plaintiffs and the CLRA Sub-Class)

24 67) Plaintiffs reallege and reincorporate herein by this reference all the allegations
25 contained in the paragraphs above, as though set forth in full herein.

26 68) The Consumer Legal Remedies Act, California Civil Code section 1750 et seq. (the
27 "CLRA") specifically provides that "[a]ny waiver by a consumer of the provisions of this title is
28 contrary to public policy and shall be unenforceable and void." Cal. Civ. Code § 1751.

69) Plaintiffs and the subclass are "consumers" as that term is defined in California Civil

1 Code section 1761(d).

2 70) By representing to Plaintiffs and the subclass that Defendants were selling and
3 providing legal alarm installation and monitoring services for Plaintiffs and the subclass, Defendants
4 have uniformly represented that the service that they provide has characteristics and benefits which it
5 does not have, which violates California Civil Code section 1770(a)(5).

6 71) In addition, by representing to Plaintiffs and the sub class that Defendants would sell
7 and provide legal alarm installation and monitoring services, and yet failing to file for the required
8 permits, Defendants uniformly represented that the transactions involved rights and remedies that were
9 prohibited by law, which violates California Civil Code section 1770(a)(14). Plaintiffs had no right to
10 the benefits of the Contracts, and it was prohibited by law for Defendants to provide Plaintiffs any of
11 their promised consideration under the Contracts, which Defendants knew.

12 72) With every provision in the Contracts that attempted to shift Defendants' duties under
13 California law and local ordinances onto the consumers, Defendants also violated California Civil
14 Code section 1770(a)(19) by inserting unconscionable provisions in the Contract.

15 73) Defendants' failure to disclose that there are permit requirements under local law also
16 violated California Civil Code section 1770(a)(19).

17 74) As a result of the unfair and deceptive acts and practices of Defendants hereinabove
18 described, Plaintiffs and the members of the subclasses have been harmed.

19 75) On March 18, 2013, former plaintiff Antonio Villegas, through his counsel, sent a
20 notice and demand letter, on behalf of himself and all other similarly situated, by certified mail, return
21 receipt to ADT pursuant to California Civil Code section 1782. Plaintiff Villegas did not receive a
22 response from ADT.

23 76) As a result of the unfair and deceptive acts and practices of Defendants herein above
24 described, members of the class who are senior citizens or disabled individuals have suffered
25 substantial economic or emotional harm, and are entitled to special statutory damages in accordance
26 with California Civil Code section 1780(b).

27 77) Pursuant to California Civil Code sections 1770 and 1780, Plaintiffs and each member
28 of the class are entitled to recover actual damages against Defendants sustained as a result of

1 Defendants' violations of the CLRA.

2 78) Pursuant to California Civil Code section 1780, Plaintiffs and each member of the class
3 are entitled to recover punitive damages against Defendants because Defendants acted with malice,
4 oppression, or fraud.

5 79) Pursuant to California Civil Code section 1780 and 1781, Plaintiffs and the class hereby
6 request certification of the class, injunctive relief, and attorney's fees, costs and expenses pursuant to
7 California Civil Code section 1780(d) and California Code of Civil Procedure section 1021.5.

8 **VII. PRAYER**

9 1) For damages in a sum in excess of this Court's minimum jurisdictional limit, according
10 to proof;

11 3) For disgorgement of all monies wrongfully obtained;

12 4) For restitution of all monies wrongfully obtained;

13 5) For prejudgment interest according to proof;

14 6) For injunctive relief;

15 7) For costs of suit incurred;

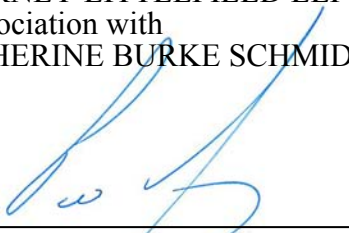
16 8) For punitive damages;

17 9) For attorney's fees; and

18 10) For such other and further relief as this Court deems just and proper.

19 Dated: February 9, 2018

20 KEARNEY LITTLEFIELD LLP
21 in association with
22 CATHERINE BURKE SCHMIDT

23 By: 
24 _____
25 Thomas A. Kearney
26 Prescott W. Littlefield
27 Attorney for Plaintiffs
28 Oscar Gardener and Christine Smith

1 **VIII. DEMAND FOR JURY TRIAL**

2 Plaintiffs hereby demand trial by jury.

3 Dated: February 9, 2018

4 KEARNEY LITTLEFIELD LLP
5 in association with
6 CATHERINE BURKE SCHMIDT

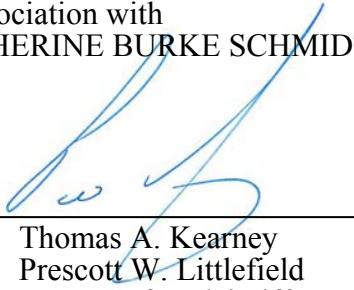
7 By: 
8 Thomas A. Kearney
9 Prescott W. Littlefield
10 Attorney for Plaintiffs
11 Oscar Gardener and Christine Smith

Exhibit 1

ALARM PERMITS FOR 3 SOUTHERN CALIFORNIA COUNTIES

PLEASE READ INFORMATION CAREFULLY SUBMIT ANY COPY OF PERMITS TO AMERICAN PROTECTION INDUSTRIES, INC. FOR OUR RECORDS.

Anaheim:

Alarm permit required, with no cost to applicant. 3 false alarms are allowed and there is a \$50.00 fine from the 4th alarm on. For information call (714) 765-1825.

Arcadia:

No permit is required but an emergency notification card needs to be filed with the Business License Officer in City Hall. 3 false alarms are allowed in any consecutive 365 day period. The 4th and 5th false alarms are fined \$50.00 each, thereafter the false alarm fine is \$100.00. All false alarms which specifically signal a robbery are \$200.

Commencing with the 2nd false alarm. There is also a \$35.00 reinstatement fee due to excessive false alarms.

For information call (626) 574-5430.

Baldwin Park:

No permit required. 3 false alarms are allowed per year thereafter the fine is \$25.00.

For information call (626) 813-5235.

No permit required. 3 false alarms are allowed per year thereafter the fine is \$25.00.

For information call (626) 813-5235.

Beverly Hills:

UPDATED

New Security Alarm Ordinance amends the Beverly Hills Municipal Code effective Friday, February 3, 2006

1) Over the past five years, the cost of responding to false alarm incidents at residential and commercial properties in the City of Beverly Hills has been increasingly greater than annual recovery through security alarm permit fees.

2) To mitigate the issue, staff recommended modifications to the existing security alarm ordinance as follows:

- i) Removes the annual security alarm permit requirement;
- ii) Includes a call verification response (CVR) provision;
- iii) Introduces a flat fee for each false alarm incident after the first each calendar year; and,
- iv) Incorporates an administrative review provision for disputes regarding false alarm charges.

3) The Administrative Service Department will bill for false alarms via the Police Department's records tracking incident activity.

4) On Tues, January 9, 2006, the Beverly Hills City Council also adopted the false alarm flat fee of \$110.00 per false alarm incident after the first one each calendar year that occurs at a residential or commercial property with the City limits. This fee is also effective Friday, February 3, 2006.

OLD

(This information is specifically and exclusively for those residing WITHIN THE CITY LIMITS of Beverly Hills.

If the responding police agency to your premises is not Beverly Hills police then, the following information will not apply to you. **

Permits are required and if there is no permit number on file then the alarm company may be fined. There is a \$72.00 charge for the Permit. 2 false alarms per fiscal year is the limit. The 3rd false alarm fine is \$42.40, the 4th false alarm response is \$73.00 and thereafter the fine is \$109/00.)

For Information and Application call (310) 285 2427.

Burbank :

Permit required. There is a \$25.00 fee which is good from January to December. 2 false alarms per year are allowed and from then on there is \$75.00 false alarm fine. If no permit is on file, after a few false alarm responses the police will no longer respond to the location. For information call (818) 238-3226.

Corona:

Permit is required in the City of Corona with a one-time fee of \$25.00. The first two false alarms are not fined within a calendar year (Jan 1 to Dec31). The 3rd is \$70.00, 4th is \$210.00. Thereafter the fine is \$280.00 AND if the false alarms persist the permit will be revoked. The re-issuance of the permit is \$200.00. For more information call (909) 736-2397.

Costa Mesa:

No permit is needed. 2 false alarms per year are allowed then, the fine is \$130.00 per false alarm. The year is defined by the date of the first false alarm. For information call (714) 754-5255 or 754-5071.

Cypress:

Permit is required, no fee for a Residential system. \$25.00 for a Commercial system with a yearly renewal fee of \$25.00. 4 false alarms are allowed per Calendar year. The 5th false alarm is \$30.00, the 6th is \$50.00, thereafter the fine is \$100.00. If the subscriber does not have a permit on file then the 1st false alarm is \$30.00, 2nd is \$50.00 and thereafter \$100.00. For information call (714) 229-6645.

Culver City:

Permit required, \$28.00 fee. Permit renewal fee is \$20.00. Four false alarms per year are permitted; thereafter the fine is \$46.00. For information call (310) 253-6256.

City of Diamond Bar:

No alarm permit is needed. Two false alarms in a twelve month period are each given

warning letters. Thereafter all false alarms are each fined the amount of \$125.00. For more information call (909) 860-2489

Downey:

Permit is required. Residential fee \$27.50. Non-Residential fee \$37.00. Reinstate suspended residential \$30.00. Reinstate suspended non-residential \$170.00. Reinstate revoked permit \$115.00 + application fee. There are no false alarm fines but, after the 3rd false alarm the permit may be suspended or revoked. For information call (562) 904-7246.

El Monte:

No permit is required and at present no fines are imposed on false alarms. For information call (626) 580-2110.

El Segundo:

Permit is required but there is no fee. 3 false alarms are allowed per fiscal year. Thereafter the false alarm fine is \$100.00. For information call (310) 322-9114 EXT 346.

City of Fontana:

No permit is required but the city does have a form required for emergency contacts. At this time, the city is only billing commercial facilities for false alarm calls. The business is only billed after two false alarm calls in a one month period, and there is a \$35.00 dollar charge for each call to a business after two. For more information call (909) 356-7159

Fremont:

An alarm permit has been required since March 16th, 1998. The fee for a new permit is 40.00 and is valid for two years. The renewal fee is \$20.00 for another two years. Two false alarms are allowed within a 12-month period. The third false alarm is \$60.00. The fourth false alarm is \$120.00. The fifth false alarm is \$300.00. Thereafter the permit may be suspended on the sixth false alarm and a fine of \$120.00 will be imposed. For more information call (510) 790-6755

Fullerton:

Permit required. A Commercial Alarm Permit is \$50.00 and a Residential Permit costs \$25.00. Both have a yearly renewal fee of \$25.00. Delinquent Fee (Renewal - 60 days) is \$40.00. No false alarms allowed if no permit is on file. Senior Citizens (65 and older) no charge. 2 false alarms are allowed per year on both commercial and residential systems. The 3rd,4th and 5th false alarm are \$50.00 each. The 6th through 10th false alarm are \$100.00 each, thereafter the fine is \$200.00. For information call (714) 738-3103.

Garden Grove :

A permit is required. A permit for a commercial alarm system is \$25.00 per calendar year. A

residential alarm permit is \$30.00 and is valid for 3 calendar years. Each false alarm over three during any 12-month period is fined \$25.00. Each false alarm over six during any 12-month period is fined \$100.00. Each deliberate activation of a false alarm indicating armed robbery is fined \$100.00. For information call (714) 741-5875.

Gardena:

Permit is required. The permit fee is \$25.00. 3 false alarms are allowed per year. The 4th and 5th false alarms are \$75.00, the 6th is \$100, the 7th is \$125.00, the 8th is \$150.00, the 9th is \$175 and thereafter all false alarms are \$200.00. For information call (310) 217-9526 Ext. 324.

Glendale :

Permit required. There is a \$48.00 fee. 2 false alarms are allowed per fiscal year (July 1st - June 30th). The 3rd and 4th false alarm are \$50.00 each, from then on the fine is \$100.00. If there is no permit on file then the false alarm is \$75.00 each time. For information call (818) 548-4044.

Hawthorne:

Permit is required. The Residential fee is \$50.00 and the Commercial fee is \$75.00. 2 false alarms are allowed per fiscal year. The 3rd false alarm is fined \$50.00, the 4th is \$100.00 and thereafter the fine is \$250.00. For information call City Hall's Business License Division at (310) 970-7203.

Hermosa Beach:

Permit is required the fee is \$33.00. 3 false alarms are allowed per calendar year. Thereafter the fine is \$100.00. For information call (310) 318-0317.

Huntington Beach :

Permit required, \$30.00 fee. Two false alarms are allowed in a 12-month period. False burglary alarm fines range from \$100.00 to \$500.00. False holdup alarms for a commercial system are \$100.00. For more information call (714) 960-8805

Huntington Park:

Permit is required, \$5.00 fee with an annual renewal fee of \$5.00. 1 false alarm per month is allowed and a \$25.00 fine is imposed on each false alarm for the rest of the month. For information call (213) 584-6232.

Inglewood:

Permit is required, \$50.00 for the initial permit fee and \$15.00 for yearly renewal. Commercial systems are allowed 2 false alarms then the fine may vary from \$50.00 to \$100.00. Residential alarm systems are not fined for false alarms. For information call (310) 412-5500.

Irvine:

Permit required no fee. For more information call (949) 724-7147

False Alarm Number 1--0

False Alarm Number 2--0

False Alarm Number 3--0

False Alarm Number 4--\$100.00 Commercial / \$50.00 Residential

False Alarm Number 5--\$150.00 Commercial / \$75.00 Residential

False Alarm Number 6--\$200.00 Commercial / \$100.00 Residential

False Alarm Number 7--Permit Revoked

False Alarms While Permit Revocation is on Appeal (Each Additional Alarm)--\$300.00
Commercial / \$200.00 Residential

Alarm Activation at Non-Permit Premises (After notification/warning)--\$300.00
Commercial / \$200.00 Residential

Reinstatement of Revoked/Suspended Permit--\$50.00

False Alarm User Awareness Class--\$50.00

Intentional Activation in Non-Hazardous Situation--\$500.00

La Crescenta:

Partially covered by Glendale P.D. The rest of La Crescenta is patrolled by the Sheriff's Department and for that section no permit is required. 3 false alarms per year are allowed. There is a \$50.00 fine thereafter for false alarms. For information call (818) 248-3464 (Sheriff's) or(818) 548-4044 (Glendale P.D.)

Lancaster:

No permit required. 3 false alarms are allowed in a 12 month period. Thereafter the fine\$100.00 each. For information call (805) 948-8466 EXT. 3884.

Long Beach :

Permit required, \$18.00 fee for a 3 year permit for a Residential system. A Commercial system's permit is \$12.00 per year. 2 false alarms within 12 months are allowed. The 3rd false alarm is fined \$50.00, the 4th false alarm is fined \$100.00 , 5th is \$150.00,and \$300.00 thereafter. For information call (562) 570-6799.

Los Angeles:

Permits are required, they are referred to as a "Temporary Permit" and need to be renewed once a year. The fee is \$31.00 and the permit is valid for 1 year. For detailed information and application call (213) 485-2931. With a valid permit number the subscribers allowed 2 false alarms police responses within a year. Afterwards an \$80.00 fine for each excessive alarm. If the subscriber does not have a current permit number, then he/she is allowed one false alarm and from then on it will be an \$80.00 fine. If the alarm is caused by an actual break in or by a confirmed power failure then the subscriber is not charged for police response.

Malibu:

No permit required as of now and currently looking into establishing a city ordinance for fines. For information call 818 878-1808.

Manhattan Beach:

Permit required. \$38.00 for a 2 year Permit, and \$20.00 renewal fee. Two false burglary alarms within a 3 consecutive month period are free. Thereafter within a 2 consecutive month period, the fine is \$150.00. One false robbery alarm is allowed with a 3 consecutive month. Thereafter the false robbery alarm is \$180.00, if within a 3 consecutive month period. For Information call (310) 545-5621 xt. 125.

MenloPark:

No Permit required. All false alarms are \$50.00 each. If the alarm company calls and cancels the call prior to police arrival then, the fee is waived. For more information call (650) 858-3300

Mission Viejo:

Orange County Sheriffs.

No Permit is required. 2 false alarms within a calendar year. The false alarm fine is \$56.00 thereafter. For information call (949) 425-1800.

Monrovia :

No permit is required. 3 false alarms within 12 months are allowed, thereafter each false alarm is fined \$50.00. For information call (626) 256-8082.

Montebello:

Permit is required. The fee is \$54.00 with an annual renewal fee of \$13.00. Reinstatement fee of \$13.00.

Burglary Alarm Activation within 365 day period:

1st and 2nd False Alarm \$ 0.00

3rd False Alarm \$71.00

4th False Alarm \$108.00

5th False Alarm \$142.00

6th False Alarm \$179.00

7th False Alarm-Non-emergency response and possible revocation and \$179.00

Robbery Alarm Activation's within 365 day period:

1st False Alarm \$ 0.00

2nd False Alarm \$71.00

3rd False Alarm \$142.00

4th and Subsequent False Alarms \$213.00

(plus possible revocation)

For more information call (323) 887-1497.

Montrose:

Montrose is patrolled by the L.A. County Sheriffs Crescenta substation and the Glendale Police Department. To determine what jurisdiction a client may fall under either, call Glendale P.D. or La Crescenta Sheriffs. No Permit required for the section of Montrose covered by the Sheriffs, 2 false alarms per year are allowed. For more information in the Glendale P.D. area call (818) 540-4044 or for La Crescenta Sheriff's Substation call (818) 248-3464 EXT. 334.

Note: If your Water & Power is provided by City of Glendale then you are probably covered by Glendale P.D. Otherwise it will be Los Angeles County Sheriffs

Newport Beach :

Permit is required. There is a "telephonic alarm system operated by the Newport Beach Police Department as a service provided to benefit the citizens of Newport Beach. The Police Department is not required to provide this service and citizens have other options to obtain the same service through private business".

Regardless of who is providing the monitoring, a permit is required. The permit is \$50.00. The annual renewal fee for a commercial alarm permit is \$25.00. The tri-annual renewal fee for a residential alarm permit is \$30.00.

The penalties for excessive false alarms are as follows:

\$50.00 for a 3rd Police false alarm.

\$100 for 4th Police false alarm.

\$125 thereafter for Police false alarms.

If the Monitoring is being done by the city then there is an \$18.00 monthly charge billed once a year. For information call (949) 644-3723.

The ordinance also gives a breakdown of false fire alarms:

\$75.00 for a 3rd fire false alarm.

\$150.00 for a 4th fire false alarm.

\$200.00 thereafter on fire false alarms.

Ontario:

Permit is required with a one-time processing fee of \$25.00 for a residential alarm system and \$50.00 for a commercial system. 2 false alarms are allowed from any premises, although there will be a warning letter sent to the alarm system owner for each false

alarm. The 3rd false alarm is fined \$75.00, the 4th by \$100.00. Subsequent false alarms within the 365 day period are \$125.00 each. For information call (909) 930-3353

Orange:

Permit is required. A one time residential fee of \$25.00 and a \$50.00 for anon-residential permit. The first 2 false alarms, within a 365 day period, are issue warning letters. The 3rd false alarm is \$75.00, 4th false alarm is \$100.00 and \$125.00thereafter For information call (714) 744-7325

Palmdale:

Permits technically needed, but may not be enforced. 3 false alarms per year are allowed, from then on each fine is subject to a minimum of \$100.00. For information call (661) 267-4322.

Pasadena:

Permit is required. There is a \$95.00 fee and the permit is valid for 4 years. 3 false alarms per calendar year are allowed then an \$89.00 fine applies. If no permit number is on file then the subscriber is billed for a permit number along with an extra \$61.00 fee for not having a valid permit. For additional details call (626) 744-4166 or 744-4293
Note that the permit fee is prorated a 100% in January and 16.67% in December.

Pomona:

Permit is required and is \$20.00, with a \$10.00 renewal fee. Two false alarms are allowed in any 365 day period.
Third False Alarm is fined \$55.00. Fourth is \$55.00 plus a \$110 penalty. Fifth is \$55.00 plus a \$165.00 penalty. Sixth is \$55.00 plus a \$220.00 penalty. Seventh is \$55.00 plus a \$275.00 penalty and revocation of the alarm permit. For information call (909) 620-3639.

Port Hueneme:

No permit is required nor are there any fines for false alarms. For information call (805) 986-6530

Rancho Cucamonga:

No permit needed in the City of Cucamonga. The first two alarms within the year are not fined. Thereafter the fine is \$25.00 for the 3rd, \$50.00 for 4th, \$75.00 for the 5th and \$100.00 for subsequent false alarms. For more information call (909) 477-2720.

Redondo Beach:

Permit is required, the annual fee is \$20.00.
2 false alarms are allowed from January through December. The third through fifth falsealarm is fined \$50.00. The sixth through eight are \$100.00 and thereafter the fine is\$150.00. If the permit is revoked the there is a \$100.00 reinstatement fee. For information call (310) 318-0612.

Riverside :

Permit is required and fines are imposed. The one-time permit fee is \$25.00. The first 3 false burglary type alarms are not fined. Two false robbery alarms are allowed. Thereafter the fines can range from \$65.00 to \$250.00. For information call (909) 782-5700 or (909) 782-5600.

San Bernardino Police Department:

Permit is required. The Residential fee is \$25.00 and the Commercial fee is \$50.00. 3 false alarms per year are allowed.

The fines for intrusion alarms are as follows:

4th false alarm \$50.00

5th false alarm \$50.00

6th and subsequent false alarms \$100.00

The fines for robbery or panic alarms are as follows:

4th false alarm \$100.00

5th false alarm \$100.00

6th false and subsequent false alarm \$200.00

For citizens with income below \$15,000 for a one-person household and \$20,000 for a two-person household who apply for a residential alarm permit the fee will be \$10.00.

The fines for intrusion alarms are as follows:

4th false alarm \$10.00

5th false alarm \$10.00

6th and subsequent false alarm \$20.00

Robbery or panic alarms that prove to be false are fined as follows:

4th false alarm \$20.00

5th false alarm \$20.00

6th and subsequent false alarm \$40.00

If the permit is revoked then the police department will not respond.

For information call (909) 384-5715.

San Fernando :

Permit required, \$20.00 fee. 3 false residential alarms are allowed then the fine will vary depending on the type of alarm reported by the alarm dispatcher. In general the false burglary alarms are fined \$25.00 and false Panic and Hold Ups are fined \$100.00. For information call (818) 898-1200.

San Gabriel:

Permit is required to be filed but there is no fee involved. The application are filed with the Director of Finance on forms provided by the City. The 1st through the 4th false alarm within the 1st 12 months of installation are free of charge. For the 5th and subsequent false alarms within the 1st 12 months of installation, has a \$75.00 false alarm fine. Thereafter any false alarms in excess of 4 within a 12 month period are each fined \$75.00. For information call City Hall's Department of Finances at (626) 308-2800.

San Jose:

No permit is required. Two false alarms are allowed within a 60-day period.

The third false alarm is \$50.00. The fourth is \$100 and thereafter the fine is \$250.00
For more information call (408) 277-4022

San Marino:

No permit required. 2 false alarms per calendar year. A warning letter is issued on the 2nd false alarm. The 3rd false alarm has a \$25.00 fine, 4th is \$50.00 and \$100.00 thereafter. For information call (626) 300-0706

Santa Ana:

Permit is required. The fee is \$26.00 for a commercial system, Residential systems are exempt from the fee. For new systems there is no charge for the first 3 false alarms during the first 6 months of installation of the new system. Existing systems having more false alarms than allowed, shall be subject to fines of \$85.00 per false burglary alarm activation and \$140.00 per false robbery alarm activation.

Number of False Alarms / Time Period

More than 1 / 30 days

More than 2 / 90 days

More than 3 / 180 days

More than 4 / 365 days

Six penalty assessments within 1 year period, or failure to pay penalty assessments, with written notice shall be subject to discontinuance of police response. For information call (714) 245-8716.

Santa Barbara:

Permit required but no fee. The 1st 3 false alarms are not fined but a warning letter is issued. Thereafter the false alarm fine is \$50.00 within a 365 day period. For information call (805) 897-2498

Santa Monica:

Permits not required. Two false alarms allowed. The third false alarm is \$103.95. Thereafter the false alarm fine is \$135.13. For information call (310) 458-8779.

South Pasadena:

No permit is required. 3 false alarms are allowed in any twelve-month period. The 4th false alarm is \$26.00, 5th is \$80.00, and \$160.00 thereafter. For information call (626) 799-1121.

Simi Valley:

After the 5th false alarm letter of "disconnect" sent to owner \$123 fee charged for each false alarm after being disconnected until problem rectified \$45 "reconnect" fee.
Disconnected a 2nd time within 3 years - automatically charged \$123 fee for each alarm for the entire year

For information call (805) 583-6950. Thousand Oaks:

No permit needed. 2 false alarms per year. The 3rd false alarm is fined \$55.00, 4th is fined \$110.00 and \$150.00 thereafter. For information call (805) 494-8239.

Torrance:

Permit is required and the fee is \$57.00. Applicants 65 years of age or older and physically disabled individuals are exempt from the fee. 3 false burglary alarms are allowed in any 12 month period. No false robbery alarms are allowed. The fine for subsequent false alarms is \$125.00 for Burglary and \$150.00 for Robbery. For information call (310) 618-5624.

Tustin:

Permit is required. A Commercial alarm system permit is \$25.00 (annually). A Residential permit is \$10.00. (one-time fee).
1 false alarm is allowed per month. The fee for each additional false alarm call is \$25.00 per alarm. For information call (714) 573-3303

Upland:

Permit required, \$10.00 Residential and \$25.00 Commercial fee. If no permit there might be a \$25.00 fine. The first 3 false alarms within a 365 day period are free. The 4th false alarm has a fine of \$40.00, the 5th is \$65.00 and thereafter the fine is \$90.00. For information call (909) 946-7624 xt 3206.

Ventura:

Permit is required. The fee is \$14.00. 3 false alarms are allowed during any successive 12 month period as measured from the permit date. The false alarm fine, from then on, is \$50.00. Any senior citizen who is 60 or more years old, shall only be charged a service charge of \$5.00 after the 3rd false alarm. For information call (805) 339-4459

West Covina:

No permit is required. Each alarm system is allowed 3 false alarms in a 365-day period. A service fee of \$50.00 will be assessed for the 4th, through the 6th false alarm. The 7th false alarm is \$75.00 and Police response will automatically be suspended within the same 365 day period. For information call (626) 814-8580.

Whittier :

Permit is required. The one time fee is \$50.00. 3 false alarms per year are allowed. The 4th and 5th false alarms are fined \$75.00 each. The 6th is \$100.00, 7th is \$125.00 ,8th is \$150.00, 9th is \$175.00 and \$200.00 thereafter. The amount of the fine may keep increasing if the false alarms do not stop. For information call (562) 945-8204.

West Hollywood:

Alarm permit required, \$30.00 for a business alarm permit and \$20.00 for residential. First and second false alarms are free. The third and fourth are \$50.00, thereafter the fine is \$75.00. For information call (323) 848-6451.

1 PROOF OF SERVICE
2 *Villegas v. ADT Security Services, Inc. et al.*
3 Case No. BC510665

3 STATE OF CALIFORNIA,)
4 COUNTY OF LOS ANGELES) SS.

5 I am a citizen of the United States, over the age of 18 years, employed in the County of Los
6 Angeles in the office at whose direction such service was made. I am not a party to the within action.
7 My business address is: 3436 N. Verdugo, CA 91208.

8 On February 9, 18, I caused the foregoing document(s) described as **FOURTH AMENDED**
9 **CLASS ACTION COMPLAINT** ("Document(s)") to be served on the interested parties in this case
10 at the office address as last given by such interested parties as stated in the attached Service List.

11 (BY MAIL) I enclosed a copy the Document(s) in a sealed envelope and deposited such
12 envelope with postage thereon fully prepaid in the United States mail at Santa Monica, California.

13 (BY ELECTRONIC SERVICE) By written agreement of the parties and pursuant the Order
14 Authorizing Electronic Service, I electronically served by transmission to CASE ANYWHERE a true
15 and correct copy of Document(s) on counsel of record.

16 (BY PERSONAL SERVICE) I caused such envelope to be delivered by hand.

17 (BY FACSIMILE) I sent the Document(s) by facsimile transmission from sending facsimile
18 number 310-FAX-NUMB at _____ (time) to the facsimile number(s) as stated in the attached
19 Service List. The transmission was reported as complete and without error and a transmission report
20 was properly issued by the sending fax machine. A copy of the transmission report is attached hereto
21 pursuant to California Rules of Court rule 2.306.

22 (BY OVERNIGHT DELIVERY) I enclosed the Document(s) in a sealed envelope and
23 deposited such envelope in a mail chute of the United States Postal Service for receipt of Express
24 Mail with Express Mail postage paid or I enclosed the Document(s) in an envelope designated by an
25 express service carrier with delivery fees paid or provided for and deposited such envelope in a box or
26 other facility regularly maintained by such express service carrier, or delivered to an authorized courier
27 or driver authorized by such express service carrier to receive documents.

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

(Federal) I declare that I am employed in the office of a member of the bar of this court at
whose direction the service was made.

Executed on February 9, 2018, at Glendale, California.



Prescott W. Littlefield

1 SERVICE LIST
2 *Villegas v. ADT Security Services, Inc. et al.*
3 Case No. BC510665

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