

**IN THE SUPREME COURT OF THE STATE OF
CALIFORNIA**

Case No. S262699

BONNIE DUCKSWORTH and PAMELA POLLOCK

Plaintiffs and Appellants,

-vs-

**MICHAEL KELSO; SCOTT'S LABOR LEASING, INC.;
PACIFIC LEASING, INC.**

Defendants and Respondents.

After a Final Opinion of the Court of Appeal of the State of
California, Second Appellate District, Division 8, Case No.
B294872, Affirming Final Judgments on Orders Granting
Summary Judgments

The Superior Court of Los Angeles County, Case No. BC676917
The Honorable Lia Martin, Presiding

**SCOTT'S LABOR LEASING COMPANY, INC. AND
PACIFIC LEASING, INC.'S ANSWER TO PAMELA
POLLOCK'S SUPREME COURT PETITION**

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Defendants / Respondents SCOTTS LABOR LEASING COMPANY, INC. and PACIFIC LEASING, INC. hereby responds to PAMELA POLLOCK's ("Petitioner" or "Appellant") California Supreme Court Petition dated June 9 2020, as follows:

I. INTRODUCTION

The Superior Court entered judgment in favor of Respondents (1) KELSO on November 20, 2018, and (2) SCOTT'S and PACIFIC on December 6, 2018, after having granted their motions for summary judgment. The Court of Appeal, Second Appellate District, Division 8, affirmed in a published Opinion filed on April 7, 2020. On April 10, 2020, Petitioner filed a petition for rehearing in the Court of Appeal, addressing the award of costs. The Court of Appeal denied the petition for rehearing by written order filed on April 22, 2020. (Copies of the petition for rehearing and the order denying said petition are attached TO Appellant's Petition for Review as Exhibits B and C, respectively.) The Opinion of the Court of Appeals became final on May 21, 2020. Plaintiff's Petition for Review is untimely and should be denied outright.

II. ARGUMENT

California Rule of Court 8.264(b) provides as follows:

(b) Finality of decision

(1) Except as otherwise provided in this rule, a Court of Appeal decision is a civil appeal, including an order dismissing an appeal

involuntarily, is final in that court 30 days after filing. CRC 8.264(b)

In this matter, the Court of Appeals filed its order denying Appellant's Petition for Rehearing on April 22, 2020. Pursuant to California Rule of Court 8.264(b), the Court of Appeals order became final thirty days after on May 21, 2020.

California Rule of Court 8.500(e) dictates that "a petition for review must be served and filed within 10 days after the Court of Appeals decision is final in that court." Accordingly, any Petition for review had to be filed by or before June 1, 2020. CRC 8.500(e). Appellant did not file the instant Petition until June 9, 2020. The Petition for Rehearing is untimely.

III. CONCLUSION

For the reasons set forth above, Appellant's Petition for Review is untimely and should be denied outright.

Dated: June 15, 2020

LARSON & GASTON, LLP

By: *Gloria G. Medel, Esq.*

Daniel K. Gaston, SBN 113437

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Attorneys for Defendants/Respondents

SCOTTS LABOR LEASING

COMPANY, INC. and PACIFIC

LEASING, INC.

CERTIFICATE OF COMPLIANCE

Pursuant to Rule 8.504(d) of the California Rules of Court, I hereby certify that this brief contains 6,623 words, including footnotes. In making this certification, I have relied on the word count of the Microsoft Word computer program used to prepare the brief.

Dated: June 15, 2020

LARSON & GASTON, LLP

By: *Gloria G. Medel, Esq.*

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SCOTTS LABOR LEASING

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LEASING, INC.

PROOF OF SERVICE

I 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 200 S. Los Robles Avenue, Suite 530, Pasadena, CA 91101

On June 15, 2020, I served the foregoing document described as: **SCOTTS LABOR LEASING COMPANY, INC. AND PACIFIC LEASING, INC.'S ANSWER TO PAMELA POLLOCK'S SUPREME COURT PETITION**, on the interested parties in this action by electronic transmission via TrueFiling whose e-filing system will automatically electronically serve following the parties and attorneys of record:

<p>Kevin Andrew Lipeles Julian Bellenghi Lipeles Law Group 880 Apollo Street, #336 El Segundo, CA 90245 kevin@kallaw.com Julian@kallaw.com Attorneys for Plaintiffs and Appellants, Bonnie Ducksworth and Pamela Pollock (Via TrueFiling)</p>	<p>Maital Savin Karimah Lamar Littler Mendelson, P.C. 2050 Main Street, Suite 900 Irvine, CA 92614 MSavin@littler.com KLamar@littler.com Attorneys for Defendants and Respondents, Tri -Modal Distribution Services, Ability Tri-Modal Transportation Services, Inc., and Decoy Freight Systems (Via TrueFiling)</p>
<p>Jack E. Jimenez LEWIS BRISBOIS BISGAARD & SMITHLLP 633 West 5th Street, Suite 4000 Los Angeles, California 90071 jack.jimenez@lewisbrisbois.com Attorneys for Defendant and Respondent MICHAEL KELSO (Via TrueFiling)</p>	<p>Lann G. McIntyre LEWIS BRISBOIS BISGAARD & SMITHLLP 701 B Street, Suite 1900 San Diego, CA 9210 Lann.mcintyre@lewisbrisbois.com Attorneys for Defendant and Respondent MICHAEL KELSO (Via TrueFiling)</p>

On June 15, 2020, I also served the foregoing document described as: **SCOTTS LABOR LEASING COMPANY, INC. AND PACIFIC LEASING, INC.'S ANSWER TO PAMELA POLLOCK'S SUPREME COURT PETITION**, via mail on the persons listed below by placing a true copy thereof, enclosed in a sealed envelope following the ordinary business practice of LARSON & GASTON, LLP. I am personally and readily familiar with the business practice of LARSON & GASTON, LLP for collection and processing of documents for mailing with the U.S. Postal Service, pursuant to which mail placed for collection at designated stations in the ordinary course of business is deposited the same day, proper postage prepaid, with the U.S. Postal Service.

Honorable Lia Martin
Los Angeles Superior Courthouse
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Los Angeles, CA 90012

California Court of Appeal, Second
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I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration was executed on June 15, 2020, at Pasadena, California.



Nicole Padget

STATE OF CALIFORNIA
Supreme Court of California

PROOF OF SERVICE

STATE OF CALIFORNIA
Supreme Court of California

Case Name: **DUCKSWORTH v. TRI-MODAL DISTRIBUTION SERVICES**

Case Number: **S262699**

Lower Court Case Number: **B294872**

1. At the time of service I was at least 18 years of age and not a party to this legal action.
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I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

6/15/2020

Date

/s/Gloria Medel

Signature

Medel, Gloria (199462)

Last Name, First Name (PNum)

Larson & Gaston LLP

Law Firm