

No. S232322

SEP 20 11

IN THE

Mark A. Winkler Clerk

SUPREME COURT OF CALIFORNIA

SAMUEL HECKART,

Plaintiff and Appellant,

v.

A-1 SELF STORAGE, INC.,

Defendants and Respondents.

On Petition for Review from a Decision of the Court of Appeal,  
Fourth Appellate District, Division One, No. D066831;  
Superior Court, County of San Diego, 37-2013-00042315-CU-BT-CTL  
Hon. John Meyer, Judge

**APPLICATION FOR LEAVE TO FILE BRIEF AS AMICUS  
CURIAE AND BRIEF OF THE CALIFORNIA SELF  
STORAGE ASSOCIATION AS AMICUS CURIAE IN  
SUPPORT OF DEFENDANTS**

\*Charles A. Bird (SBN 056566)  
charles.bird@dentons.com  
DENTONS US LLP  
4655 Executive Drive, Suite 700  
San Diego, California 92121  
619.236.1414

Attorneys for the California Self Storage Association

No. S232322

IN THE  
SUPREME COURT OF CALIFORNIA

SAMUEL HECKART,

Plaintiff and Appellant,

v.

A-1 SELF STORAGE, INC.,

Defendants and Respondents.

On Petition for Review from a Decision of the Court of Appeal,  
Fourth Appellate District, Division One, No. D066831;  
Superior Court, County of San Diego, 37-2013-00042315-CU-BT-CTL  
Hon. John Meyer, Judge

---

**APPLICATION FOR LEAVE TO FILE BRIEF AS AMICUS  
CURIAE AND BRIEF OF THE CALIFORNIA SELF  
STORAGE ASSOCIATION AS AMICUS CURIAE IN  
SUPPORT OF DEFENDANTS**

---

\*Charles A. Bird (SBN 056566)  
charles.bird@dentons.com  
DENTONS US LLP  
4655 Executive Drive, Suite 700  
San Diego, California 92121  
619.236.1414

Attorneys for the California Self Storage Association

## TABLE OF CONTENTS

	<b>Page</b>
APPLICATION TO FILE BRIEF AS AMICUS CURIAE.....	1
PROPOSED AMICUS CURIAE BRIEF .....	3
1. Introduction.....	3
2. Discussion.....	3
2.1. Overview of self storage.....	3
2.2. Regulation of self storage.....	5
2.3. Tenant protection plans.....	7
2.4. Policy position: plaintiff's position would undesirably limit consumer choice and influence market consolidation. ....	10
3. Conclusion .....	14
CERTIFICATE OF COMPLIANCE .....	15

## TABLE OF AUTHORITIES

	Page
<b>CASES</b>	
<i>Automotive Funding Group, Inc. v. Garamendi</i> (2003) 114 Cal.App.4th 846 .....	9
<i>Chevron U.S.A., Inc. v. Bragg Crane &amp; Rigging Co.</i> (1986) 180 Cal.App.3d 639 .....	8
<i>City of Santa Barbara v. Superior Court</i> (2007) 41 Cal.4th 747 .....	8
<i>Cregg v. Ministor Ventures</i> (1983) 148 Cal.App.3d 1107 .....	8
<i>Gonzalez v. Personal Storage, Inc.</i> (1997) 56 Cal.App.4th 464, 471 .....	8
<i>H.S. Perlin Co. v. Morse Signal Devices</i> (1989) 209 Cal.App.3d 1289 .....	8
<i>Liberty Mut. Fire Ins. Co. v. Auto Spring Supply</i> (1976) 59 Cal.App.3d 860 .....	8
<i>Pelletier v. Alameda Yacht Harbor</i> (1986) 188 Cal.App.3d 1551 .....	8
<b>STATUTES</b>	
Business and Professions Code section 21701 .....	3
Business and Professions Code section 21701.1 .....	6
Business and Professions Code sections 21702–21711 .....	6
Business and Professions Code section 21712 .....	6
Business and Professions Code section 21713 .....	6, 7
Business and Professions Code section 21713.5 .....	6
California Self-Service Storage Facility Act, Business and Professions Code section 21700 et seq. ....	6, 7
Civil Code section 1668 .....	8
Civil Code section 1950.5 .....	12

Insurance Code section 717 .....	11
Insurance Code section 739 et seq. ....	12
Insurance Code section 790 et seq. ....	12
Insurance Code section 900 et seq. ....	12
Insurance Code section 980 et seq. ....	12
Insurance Code section 1100 et seq. ....	12
Insurance Code section 1170 et seq. ....	12
Insurance Code section 1185 et seq. ....	12
Insurance Code section 1215 et seq. ....	12
Insurance Code section 1240 et seq. ....	12
Insurance Code section 1758.7 .....	7, 13
Insurance Code section 1758.75 .....	7, 13
Insurance Code section 1758.76 .....	7
Insurance Code section 1861.02 et seq. ....	12
Insurance Code, part 2, chapter 5, article 16.3 .....	7

**RULES**

California Rules of Court, rule 8.520 .....	1
---	---

**OTHER AUTHORITIES**

Harris, U.S. self-storage industry statistics (2016) < <a href="https://www.sparefoot.com/self-storage/news/1432-self-storage-industry-statistics">https://www.sparefoot.com/self-storage/news/1432-self-storage-industry-statistics</a> > [as of Sept. 12, 2016] .....	3, 4, 5
U.S. Census Bureau, 2012 Economic Census of the United States (2016) All sectors: Geographic Area Series: Economy-Wide Key Statistics: 2012, 2012 NAICS code 531130, Lessors of miniwarehouses and self storage units [as of Aug. 28, 2016].....	4

U.S. Census Bureau, 2012 Economic Census of the United States (2016) Real Estate Rental and Leasing: Subject Series – Estab & Firm Size: Summary Statistics for Single Unit and Multiunit Firms for the U.S.: 2012, 2012 NAICS code 531130, Lessors of miniwarehouses and self storage units [as of Aug. 28, 2016].....	4
U.S. Census Bureau, 2012 Economic Census of the United States (2016) Real Estate Rental and Leasing: Subject Series – Estab & Firm Size: Summary Statistics by Concentration of Large Firms for the U.S.: 2012, 2012 NAICS code 531130, Lessors of miniwarehouses and self storage units [as of Aug. 28, 2016] .....	5
www.ezstorit.com. ....	5
www.selfstoragefinders.com. ....	5
www.sparefoot.com .....	5
www.storage.com.....	5

## **APPLICATION TO FILE BRIEF AS AMICUS CURIAE**

The California Self Storage Association (CSSA) applies for leave to file a brief as amicus curiae in support of A-1 Self Storage Inc. (A-1). (Cal. Rules of Court, rule 8.520(f).)

Founded in 2002, CSSA is the only state not-for-profit trade organization dedicated to serving the California self storage industry, including owner-operators, facility managers, and vendors to the industry. CSSA represents some 550 direct member companies that own and operate over 1,800 facilities in California. CSSA direct members range from individual facility owner-operators, through multiple-facility operations, to the industry's largest publicly traded real estate investment trusts (REITs). CSSA's purposes include (i) educating its members in successful management and operation of facilities, (ii) informing the public about the self storage industry, (iii) advocacy on behalf of the industry, and (iv) facilitating industry philanthropy. CSSA has never filed a brief as amicus curiae before. Fortunately, the industry is not a frequent subject of litigation.

CSSA applies to file a brief as amicus curiae because it believes it can assist the court in understanding the self storage industry. While the industry is well known to consumers at a practical level, it is rarely written about in business journals or the business sections of news publications. CSSA also advocates a position in its proposed brief: tenant protection plans like the one offered by A-1 Self-Storage, Inc. are one of only a few ways that the consumer and the industry together can address the risks of loss or damage to stored goods and liability. Consumers and self

storage businesses should have the option to elect such plans, which are now offered by hundreds of self storages facilities in California. If facility-based protection plans were treated as insurance, the inherent burdens of regulation by the Insurance Commissioner would make it financially infeasible for self storage firms to offer them.

Undersigned counsel for CSSA has reviewed the briefing in the Court of Appeal, the decision of the Court of Appeal, the papers filed in connection with the petition for review, and the briefing in the California Supreme Court. Counsel believes that CSSA can provide an important pragmatic perspective on this case. No party has funded the proposed brief, nor has any party drafted any part. It is solely the work of counsel representing CSSA.

Respectfully submitted,



DENTONS US LLP  
By Charles A. Bird  
Attorneys for the California Self Storage  
Association



## PROPOSED AMICUS CURIAE BRIEF

### 1. Introduction.

After providing background information about the self storage industry, CSSA shows that classifying tenant protection plans as insurance would eliminate them. One cannot say the result would impair the revenue or profitability of the industry, but it would reduce consumer choice both directly and indirectly—indirectly because the remaining conditions would influence consolidation by financially favoring large self storage firms over small firms.

### 2. Discussion.

#### 2.1. Overview of self storage.

Financially, the self storage industry is a form of real estate rental.<sup>1</sup> As of 2014, the United States had as much as 2.63 billion square feet of rentable self storage space.<sup>2</sup> There were more than 54,000 self storage facilities in the United States, and 9.5 percent of households rented a self storage unit.<sup>3</sup> Nationally in 2012, 15,081 of those self storage facilities generated \$7.8 billion

---

<sup>1</sup> See Bus. & Prof. Code, § 21701.

<sup>2</sup> Harris, U.S. self-storage industry statistics (2016) <<https://www.sparefoot.com/self-storage/news/1432-self-storage-industry-statistics> [as of Sept. 12, 2016] (Harris).

<sup>3</sup> *Ibid.*

revenue.<sup>4</sup> In California, 2,204 self storage facilities generated \$1.5 billion revenue.<sup>5</sup>

The industry is decentralized. In the 2012 Economic Census of the United States, the 15,081 self storage facilities were owned by 9,384 firms.<sup>6</sup> Of those firms, 9,019 owned a single facility.<sup>7</sup> The largest four firms earned 33 percent of the market revenue, but the largest eight firms raised that number only to

---

<sup>4</sup> U.S. Census Bureau, 2012 Economic Census of the United States (2016) All sectors: Geographic Area Series: Economy-Wide Key Statistics: 2012, 2012 NAICS code 531130, Lessors of miniwarehouses and self storage units [as of Aug. 28, 2016]. Harris, *supra*, covers three times the number of establishments surveyed by the Census Bureau. Census Bureau statistics are accessed through the website <http://factfinder.census.gov>. Inputting the url of a particular download generates a prompt to start from the home page. Therefore CSSA provides copies of these authorities rather than urls. The original urls are on the copies.

<sup>5</sup> *Ibid.*

<sup>6</sup> U.S. Census Bureau, 2012 Economic Census of the United States (2016) Real Estate Rental and Leasing: Subject Series – Estab & Firm Size: Summary Statistics for Single Unit and Multiunit Firms for the U.S.: 2012, 2012 NAICS code 531130, Lessors of miniwarehouses and self storage units [as of Aug. 28, 2016].

<sup>7</sup> *Ibid.*

40 percent.<sup>8</sup> This reflects that five REITs and U-Haul are large industry constituents.<sup>9</sup> Measuring by number of properties reveals that the industry is more decentralized; the Harris study showed that 6,072 facilities out of 54,009—just over 11 percent—are owned by the five largest operators.<sup>10</sup>

The consumer marketplace is characterized by easy access to comparative data on price, location, and quality, and a high degree of consumer mobility.<sup>11</sup>

## **2.2. Regulation of self storage.**

The Legislature chose to regulate some aspects of the self storage business through the California Self-Service Storage

---

<sup>8</sup> U.S. Census Bureau, 2012 Economic Census of the United States (2016) Real Estate Rental and Leasing: Subject Series – Estab & Firm Size: Summary Statistics by Concentration of Large Firms for the U.S.: 2012, 2012 NAICS code 531130, Lessors of miniwarehouses and self storage units [as of Aug. 28, 2016]. CSSA’s experience is that the California market is much less concentrated than the Census Bureau statistics suggest. The statistics reported in Harris, *supra*, suggest that the Census Bureau missed many facilities and the ones it missed were small. Unpublished programs at national industry meetings take that position and indicate much lower concentration than what one would infer from the Census Bureau numbers.

<sup>9</sup> See Harris, *supra*. The REITs’ activities can be verified by following CubeSmart (NYSE: CUBE), Extra Space Storage (NYSE: EXR), National Storage Affiliates Trust (NYSE: NSA), Public Storage (NYSE: PSA), and Sovran Self Storage (NYSE: SSS).

<sup>10</sup> See Harris, *supra*.

<sup>11</sup> See, e.g., [www.ezstorit.com](http://www.ezstorit.com); [www.sparefoot.com](http://www.sparefoot.com); [www.storage.com](http://www.storage.com); [www.selfstoragefinders.com](http://www.selfstoragefinders.com).

Facility Act, Business and Professions Code section 21700 et seq. (Self Storage Act).

Storage space rental agreements must be in writing.<sup>12</sup> Contracts must give renters notice of the lien that lessors have on stored goods and of the right to sell the goods to satisfy unpaid rent.<sup>13</sup> Contracts also must allow the renter to designate a person in addition to the renter to receive lien and sale notices.<sup>14</sup> The lessor's right to charge a reasonable late payment fee is affirmed but regulated.<sup>15</sup> Otherwise, the Self Storage Act does not regulate the terms of leasing. To the contrary: "This chapter shall not be construed to impair or affect the right of the parties to create additional rights, duties, and obligations in and by virtue of the rental agreement, including, but not limited to, the right to limit the value of the property the occupant may store in the storage space."<sup>16</sup>

Most of the Self Storage Act covers the owner's lien on stored goods and how the lien is enforced.<sup>17</sup> One long section regulates transportation of storage containers by the owner or operator of a facility.<sup>18</sup>

---

<sup>12</sup> Bus. & Prof. Code, § 21712, subd. (a).

<sup>13</sup> *Ibid.*

<sup>14</sup> Bus. & Prof. Code, § 21712, subd. (b).

<sup>15</sup> Bus. & Prof. Code, § 21713.5.

<sup>16</sup> Bus. & Prof. Code, § 21713.

<sup>17</sup> Bus. & Prof. Code, §§ 21702–21711.

<sup>18</sup> Bus. & Prof. Code, §§ 21701.1.

The Legislature has chosen not to regulate tenant protection plans and not to require self storage facilities to have licenses to offer them to tenants.<sup>19</sup>

### **2.3. Tenant protection plans.**

A-1's lease exculpated A-1 from liability for the tenant's stored property and required the tenant to insure stored property against loss.<sup>20</sup> Together with a \$5,000 limit on the value of stored goods, these terms are typical of self storage leases. Both value limits and insurance requirements are expressly authorized by statute.<sup>21</sup>

As the parties' briefs explain, some tenants' homeowners insurance covers stored goods, and tenants can buy insurance from commercial insurers. Some self storage firms facilitate buying insurance by becoming licensed to sell insurance for loss or damage to tangible property in storage or in transit during self storage rental.<sup>22</sup> Article 16.3 of chapter 5 of part 2 of the Insurance Code, commencing with section 1758.7, provides for this strictly limited licensing. CSSA agrees with the analysis at pages 38 through 41 of A-1's opening brief that the Legislature's limited and regulated authorization to sell insurance issued by insurance companies does not make a tenant protection plan insurance or prohibit such plans.

---

<sup>19</sup> Self Storage Act; Ins. Code, pt. 2, ch. 5, art. 16.3.

<sup>20</sup> CT 259 ¶¶ 11–12.

<sup>21</sup> Bus. & Prof. Code, § 21713; Ins. Code, § 1758.76, subd. (b)(1).

<sup>22</sup> Ins. Code, §§ 1758.7, subd. (b), 1758.75.

The A-1 lease gave the tenant the option to buy A-1's tenant protection plan for \$10 additional rent per month as an alternative way to satisfy the insurance requirement.<sup>23</sup> This is typical for tenant protection plans, although prices vary.

Insurance compelled in lessor-lessee relationships "constitute[s] the protection of all parties to the lease documents against . . . loss to the extent of the policy limits."<sup>24</sup> Self storage lessors bear an undeniable risk of loss if they are found at fault for damage to or theft of a tenant's property.<sup>25</sup> Focusing on lessor liability alone, exculpatory clauses standing alone are not a reliable solution;<sup>26</sup> requiring tenant insurance may be important to enforcing the exculpatory clause.<sup>27</sup> And lessors do *not* focus on

---

<sup>23</sup> CT 229–230.

<sup>24</sup> *Liberty Mut. Fire Ins. Co. v. Auto Spring Supply* (1976) 59 Cal.App.3d 860, 865.

<sup>25</sup><sup>25</sup> A-1's opening brief at page 12 accurately cites cases imposing such liability on self storage and similar lessors: *Gonzalez v. Personal Storage, Inc.* (1997) 56 Cal.App.4th 464, 471 [theft; self storage landlord allowed access to unauthorized party]; *Pelletier v. Alameda Yacht Harbor* (1986) 188 Cal.App.3d 1551, 1553–1554 [vandalism; marina landlord failed to provide adequate security]; *Cregg v. Ministor Ventures* (1983) 148 Cal.App.3d 1107, 1110 [theft; self storage landlord failed to provide adequate security after representing that premises were secure].

<sup>26</sup> See *City of Santa Barbara v. Superior Court* (2007) 41 Cal.4th 747, 754–760, 779–780; Civ. Code § 1668.

<sup>27</sup> See *Chevron U.S.A., Inc. v. Bragg Crane & Rigging Co.* (1986) 180 Cal.App.3d 639, 647, fn. 10 [Civ. Code § 1668 analysis]; *H.S. Perlin Co. v. Morse Signal Devices* (1989) 209 Cal.App.3d 1289, 1297 [unconscionability analysis].

their liability alone. Exculpation without reasonable alternatives presents an ugly picture to the customer.

Tenant protection plans offer facilities' customers a reasonable alternative to insurance. "Offering an alternative to insurance does not mean that the alternative is insurance." (*Automotive Funding Group, Inc. v. Garamendi* (2003) 114 Cal.App.4th 846, 854.) As plaintiff's own filings demonstrate, tenant protection plans tend to be comparable in cost and to lack the deductible that is typical of insurance.<sup>28</sup> Protection plans terminate automatically with the tenancy, and the renter typically can opt out upon proof of having insurance. While insurance requires a formal claims process when a loss occurs, tenant protection plans usually resolve claims directly between lessor and lessee. Of course, some tenants may find cheaper insurance or may prefer the formalities that run in exchange for having coverage from an insurance company that files financial information with the state, subjects its rates to regulation, and obtains a license to sell insurance. Consumers gain market power and profit in individual transactions from price and benefits competition between non-insurance plans and insurance.

A lessor can buy insurance coverage for its own casualty losses and for liability to tenants for damages. But any payment under such policies to compensate a tenant's loss usually would depend on the lessor's legal liability for that loss.

---

<sup>28</sup> CT 210.

Deans & Homer sells landlords a product covering facilities that offer tenant protection programs.<sup>29</sup> It reimburses a landlord when its annual payout under a tenant protection plan exceeds \$250,000.<sup>30</sup> This both protects the lessor from catastrophic loss and backs up the lessor's contractual obligation to its customer. The Deans & Homer product makes tenant protection plans more financially feasible, especially for small facilities.

**2.4. Policy position: plaintiff's position would undesirably limit consumer choice and influence market consolidation.**

Plaintiff claims that the court would damage insurance law if it applied traditional concepts of the definition of insurance to hold tenant protection are not insurance. CSSA has described the unique characteristics of the self storage market. In contrast, plaintiff offers dissimilar transactions, e.g., sales of houses and household pets, to attempt to illustrate a risk of creating bad law.<sup>31</sup> CSSA respectfully suggests the Supreme Court can craft an opinion that applies to tenant protection plans in context of the shared risks of self storage leasing without implication for sales of goods and real estate.

According to plaintiff, "evils" result from A-1's tenant protection plan.<sup>32</sup> But all those supposed evils boil down to the risk that a self storage facility may not be financially responsible.

---

<sup>29</sup> CT 208 ¶ 28.

<sup>30</sup> *Ibid.*

<sup>31</sup> Aplt. Opening Brief on the Merits, pp. 26–27.

<sup>32</sup> Aplt. Opening Brief on the Merits, pp. 23–36.



The amount of the lessor's obligation—no more than \$2,500—makes default unlikely except upon a catastrophic loss to a facility. When a catastrophic loss occurs, the risk can be mitigated by insurance like that offered to the lessor by Deans & Homer. Plaintiff has neither alleged a lessor's default in his own case nor cited a record of any occurrence that has damaged any consumer.

Plaintiff alleges that A-1 does not disclose to renters that they need not opt for the tenant protection plan if they have applicable insurance and that A-1 employees coax renters to opt for the plan when they have insurance that would comply with the lease.<sup>33</sup> If this is so, it is unethical and it exposes the employer to liability. There is no reason to believe an explicit regulation would better curb such behavior than do California's general consumer protection laws.

Plaintiff's position has one easily knowable consequence. Tenant protection plans would cease to exist if they are subjected to regulation as insurance. To offer such plans as insurance, self storage lessors would have to go through the process of gathering and submitting information sufficient to qualify for a certificate of authority under Insurance Code section 717.<sup>34</sup> That is not all. A lessor attempting to act as an insurer would need to: file annual risk-based capital reports, quarterly financial statements,

---

<sup>33</sup> See Aplt. Opening Brief on the Merits, pp. 25–26.

<sup>34</sup> See Appellant's Opening Brief on the Merits, page 24, describing the requirements as if they would benefit self storage renters.

and annual financial statements;<sup>35</sup> subject itself to takeover by the Insurance Commissioner;<sup>36</sup> establish claims handling procedures that comply with insurance regulations;<sup>37</sup> subject itself to regulation of investments, acquisition of assets, disposition of assets, mergers, and acquisitions;<sup>38</sup> and subject itself to rate regulation.<sup>39</sup> No self storage landlord has ever done this, and the notion is unrealistic.

If public policy calls for regulating tenant protection plans—and CSSA believes plaintiff has made no case for that—any regulation should be carefully tailored to preserve consumers’ option to elect the plans over commercial insurance while addressing whatever genuine consumer protection issue calls for regulation. For example, if plaintiff reasonably fears default by owners, the Legislature could require owners to maintain capital accounts<sup>40</sup> or buy coverage like that developed by Deans & Homer. If tenant protection plans need regulation, they need nuanced regulation, not the overbearing effects of treating them as insurance.

---

<sup>35</sup> Ins. Code, §§ 739 et seq., 900 et seq.

<sup>36</sup> Ins. Code, §§ 739 et seq., 980 et seq.

<sup>37</sup> Ins. Code, § 790 et seq.

<sup>38</sup> Ins. Code, §§ 1100 et seq., 1170 et seq., 1185 et seq., 1215 et seq., 1240 et seq.

<sup>39</sup> Ins. Code, § 1861.02 et seq.

<sup>40</sup> See Civ. Code, § 1950.5, subd. (d) [in residential leasing, any security deposit “shall be held by the landlord for the tenant who is party to the lease or agreement”].

The self storage industry would survive ruination of tenant protection plans. The industry thrived before Deans & Homer made the plans feasible by its insurance product. But there are probable consequences. To obtain a license as a limited sales agent and train employees to sell commercial insurance on-premises costs large self storage firms a lower percentage of their revenue than it costs small self storage firms.<sup>41</sup> The inherent economics would give large firms a competitive advantage in customer service. Plaintiff's proposed definition of insurance therefore could fuel consolidation in the self storage industry, and consolidation limits investment opportunity, entrepreneurship, and consumer choice.

To the extent economics and public policy play any role in the Supreme Court's determination whether tenant protection plans are insurance, those factors point strongly in one direction. Tenant protection plans should not be classified as insurance. Doing so will limit consumer choice and add artificial regulation to the forces that can drive consolidation. Plaintiff made no case that any interest of consumers favors those consequences.

---

<sup>41</sup> See Ins. Code, §§ 1758.7, subd. (b), 1758.75.

### 3. Conclusion

Consumers and lessors have long had three economically feasible ways to deal with issues related to loss of or damage to stored goods: lessors' protection plans, tenant insurance plans, and stored-goods coverage in broader insurance policies like homeowners policies. Consumers and lessors should continue to have the option to elect the plan best suited for them. The Court should hold that self storage facility rental agreements that protect both lessor and lessee from the consequences of loss of or damage to goods are not to be regulated as insurance.

Respectfully submitted

DENTONS US LLP  
By Charles A. Bird  
Attorneys for the California Self Storage  
Association



## CERTIFICATE OF COMPLIANCE

I, Charles A. Bird, appellate counsel to the California Self Storage Association certify that the foregoing brief is prepared in proportionally spaced Century Schoolbook 13 point type and, based on the word count of the word processing system used to prepare the brief, the brief is 2,528 words long.



---

Charles A. Bird

**RULE 8.520(h) ATTACHMENT**

EC1200A1 | All sectors: Geographic Area Series: Economy-Wide Key Statistics: 2012  
2012 Economic Census of the United States

Release Date : 02/09/2016

The data in this file come from separate 2012 Economic Census of the U.S., Economic Census of Island Areas, and Nonemployer Statistics data files released on a flow basis from March 2014 through June 2016. As such, these data are subject to change and will be replaced when updated data are added from more recent data files. See the Table Notes for more information on this and for related additivity and comparability issues. For information on confidentiality protection, sampling error, nonsampling error, and definitions, see Methodology.

For information on economic census geographies, including changes for 2012, see the economic census Help Center.

**Table Name** All sectors: Geographic Area Series: Economy-Wide Key Statistics: 2012

**Release Schedule** The data in this file are scheduled for release starting in March 2014 and ending in June 2016.

**Key Table Information** The data in this file come from separate 2012 Economic Census of the U.S., Economic Census of Island Areas, and Nonemployer Statistics data files released on a flow basis from March 2014 through June 2016. As such, these data are subject to change and will be replaced when updated data are added from more recent data files. Users should be aware that during the release of this consolidated file, data at more detailed NAICS and geographic levels may not add to higher-level totals. However, at the completion of the economic census (once all the component files have been released), the detailed data in this file will add to these totals.

**Universe** The universe of this file is all operating establishments with one or more paid employees (employers) as well as all operating establishments with no paid employees (nonemployers). This universe includes all establishments classified in the North American Industry Classification System (NAICS) Codes 21 through 813990.

**Geographic Coverage** The data are shown for employer establishments at the US, State, Combined Statistical Area, Metropolitan and Micropolitan Statistical Area, Metropolitan Division, Consolidated City, County (and equivalent), and Economic Place (and equivalent; incorporated and unincorporated) levels for the U.S. and the Island Areas. Data for nonemployer establishments are shown for the U.S. for all levels except Economic Places and only for Puerto Rico for the Island Areas.

**Industry Coverage** The data are shown at the 2- through 6-digit NAICS code levels for all economic census sectors and at the 7- and 8-digit NAICS code levels for selected economic census sectors.

This file contains data on:

Number of employer establishments

Sales, receipts, revenue, shipments, or value of business done for employer establishments

Annual payroll of employer establishments

Total employment of employer establishments

**Data Items and Other Identifying Records**

Number of nonemployer establishments

Receipts for nonemployer establishments

Relative standard errors for the first 4 employer data items (Construction industries only)

Data are also published by Type of Operation or Tax Status for selected sectors. For Wholesale Trade, data are published for Total Wholesale Trade and for Merchant Wholesalers. For the Services sectors, data are published for All Establishments, as well as Taxable and Tax Exempt Establishments.

For additional statistics not shown in this file, see the individual data files from the Economic Census of the U.S. Industry, Geographic Area, Subjects, and Summary Series and the Economic Census of Island Areas Geographic Area Series.

**Sort Order**

Data are presented in ascending geography (GEO\_ID) by NAICS code (NAICS2012) by Type of Operation or Tax Status (OPTAX) sequence.

**FTP Download**

Download the entire table at

<http://www2.census.gov/econ2012/EC/sector00/EC1200A1.zip>

U.S. Census Bureau, Economic Management Division

**Contact Information**

Dissemination Branch

Tel: (301)763-9560

[econ.dissmination@census.gov](mailto:econ.dissmination@census.gov)

Versions of this table are available for the following years:  
2012  
2007  
2002

Geographic area name	2012 NAICS code	Meaning of 2012 NAICS code	Meaning of Type of operation or tax status code	Year	Number of establishments	Value of sales, shipments, receipts, revenue, or business done (\$1,000)	Annual payroll (\$1,000)	First-quarter payroll (\$1,000)	Number of employees	Number of nonemployer establishments	Nonemployer value of sales, shipments, receipts, revenue, or business done (\$1,000)
United States	531130	Lessors of miniwarehouses and self-storage units	Total	2012	15,081	7,801,906	876,670	214,913	37,124	N	N
Alabama	531130	Lessors of miniwarehouses and self-storage units	Total	2012	293	105,967	15,122	3,695	664	N	N
Alaska	531130	Lessors of miniwarehouses and self-storage units	Total	2012	37	24,657	3,309	795	120	N	N
Arizona	531130	Lessors of miniwarehouses and self-storage units	Total	2012	415	187,836	20,537	5,092	1,026	N	N
Arkansas	531130	Lessors of miniwarehouses and self-storage units	Total	2012	166	43,449	5,876	1,389	322	N	N
California	531130	Lessors of miniwarehouses and self-storage units	Total	2012	2,204	1,525,935	151,631	37,278	6,301	N	N
Colorado	531130	Lessors of miniwarehouses and self-storage units	Total	2012	374	201,552	22,122	5,374	923	N	N
Connecticut	531130	Lessors of miniwarehouses and self-storage units	Total	2012	140	89,147	10,122	2,597	363	N	N
Delaware	531130	Lessors of miniwarehouses and self-storage units	Total	2012	42	28,220	3,447	874	136	N	N
District of Columbia	531130	Lessors of miniwarehouses and self-storage units	Total	2012	5	D	D	D	a	N	N
Florida	531130	Lessors of miniwarehouses and self-storage units	Total	2012	1,143	595,271	68,058	17,385	2,762	N	N
Georgia	531130	Lessors of miniwarehouses	Total	2012	524	208,915	25,316	6,257	1,122	N	N

Geographic area name	2012 NAICS code	Meaning of 2012 NAICS code	Meaning of Type of operation or tax status code	Year	Number of establishments	Value of sales, shipments, receipts, or business done (\$1,000)	Annual payroll (\$1,000)	First-quarter payroll (\$1,000)	Number of employees	Number of nonemployer establishments	Nonemployer value of sales, shipments, receipts, revenue, or business done (\$1,000)
		and self-storage units									
Hawaii	531130	Lessors of miniwarehouses and self-storage units	Total	2012	59	56,366	6,688	1,669	249	N	N
Idaho	531130	Lessors of miniwarehouses and self-storage units	Total	2012	121	40,531	5,438	1,258	316	N	N
Illinois	531130	Lessors of miniwarehouses and self-storage units	Total	2012	454	242,689	23,649	5,878	938	N	N
Indiana	531130	Lessors of miniwarehouses and self-storage units	Total	2012	218	82,282	10,837	2,673	508	N	N
Iowa	531130	Lessors of miniwarehouses and self-storage units	Total	2012	58	22,143	4,215	962	141	N	N
Kansas	531130	Lessors of miniwarehouses and self-storage units	Total	2012	122	65,188	8,121	1,925	293	N	N
Kentucky	531130	Lessors of miniwarehouses and self-storage units	Total	2012	162	57,567	8,573	2,150	383	N	N
Louisiana	531130	Lessors of miniwarehouses and self-storage units	Total	2012	265	121,317	17,266	4,002	772	N	N
Maine	531130	Lessors of miniwarehouses and self-storage units	Total	2012	48	19,074	3,393	807	143	N	N
Maryland	531130	Lessors of miniwarehouses and self-storage units	Total	2012	252	264,722	19,811	4,431	1,010	N	N
Massachusetts	531130	Lessors of miniwarehouses and self-storage units	Total	2012	222	118,584	17,659	4,337	620	N	N
Michigan	531130	Lessors of miniwarehouses and self-storage units	Total	2012	280	D	D	D	1	N	N
Minnesota	531130	Lessors of miniwarehouses and self-storage units	Total	2012	146	70,039	5,337	1,234	239	N	N
Mississippi	531130	Lessors of miniwarehouses and self-storage units	Total	2012	159	52,581	6,780	1,658	336	N	N
Missouri	531130	Lessors of miniwarehouses and self-storage units	Total	2012	245	96,119	10,888	2,614	498	N	N
Montana	531130	Lessors of miniwarehouses and self-storage units	Total	2012	69	17,450	2,658	588	138	N	N
Nebraska	531130	Lessors of miniwarehouses and self-storage units	Total	2012	48	19,132	2,627	619	128	N	N
Nevada	531130	Lessors of miniwarehouses and self-storage units	Total	2012	209	100,709	12,188	2,902	559	N	N
New Hampshire	531130	Lessors of miniwarehouses and self-storage units	Total	2012	68	26,416	3,613	864	156	N	N
New Jersey	531130	Lessors of miniwarehouses and self-storage units	Total	2012	370	253,246	28,146	6,880	1,005	N	N
New Mexico	531130	Lessors of miniwarehouses and self-storage units	Total	2012	192	58,112	7,890	1,905	405	N	N
New York	531130	Lessors of miniwarehouses and self-storage units	Total	2012	555	547,725	60,169	14,884	1,736	N	N
North Carolina	531130		Total	2012	534	205,334	25,161	5,878	1,144	N	N



Geographic area name	2012 NAICS code	Meaning of 2012 NAICS code	Meaning of Type of operation or tax status code	Year	Number of establishments	Value of sales, shipments, receipts, or business done (\$1,000)	Annual payroll (\$1,000)	First-quarter payroll (\$1,000)	Number of employees	Number of nonemployer establishments	Nonemployer value of sales, shipments, receipts, revenue, or business done (\$1,000)
		Lessors of miniwarehouses and self-storage units									
North Dakota	531130	Lessors of miniwarehouses and self-storage units	Total	2012	21	6,323	983	238	43	N	N
Ohio	531130	Lessors of miniwarehouses and self-storage units	Total	2012	390	132,624	18,929	4,759	792	N	N
Oklahoma	531130	Lessors of miniwarehouses and self-storage units	Total	2012	213	59,901	6,830	1,606	361	N	N
Oregon	531130	Lessors of miniwarehouses and self-storage units	Total	2012	293	127,693	12,947	3,096	705	N	N
Pennsylvania	531130	Lessors of miniwarehouses and self-storage units	Total	2012	307	144,029	17,288	4,383	707	N	N
Rhode Island	531130	Lessors of miniwarehouses and self-storage units	Total	2012	38	15,682	2,291	555	94	N	N
South Carolina	531130	Lessors of miniwarehouses and self-storage units	Total	2012	235	72,519	8,946	2,275	441	N	N
South Dakota	531130	Lessors of miniwarehouses and self-storage units	Total	2012	25	32,949	3,549	728	102	N	N
Tennessee	531130	Lessors of miniwarehouses and self-storage units	Total	2012	335	134,454	16,853	4,200	793	N	N
Texas	531130	Lessors of miniwarehouses and self-storage units	Total	2012	1,721	768,168	85,909	21,309	3,806	N	N
Utah	531130	Lessors of miniwarehouses and self-storage units	Total	2012	150	53,900	6,468	1,554	335	N	N
Vermont	531130	Lessors of miniwarehouses and self-storage units	Total	2012	20	14,032	2,438	591	74	N	N
Virginia	531130	Lessors of miniwarehouses and self-storage units	Total	2012	417	239,321	26,602	6,606	1,155	N	N
Washington	531130	Lessors of miniwarehouses and self-storage units	Total	2012	516	265,225	27,825	6,833	1,252	N	N
West Virginia	531130	Lessors of miniwarehouses and self-storage units	Total	2012	35	8,703	1,267	296	75	N	N
Wisconsin	531130	Lessors of miniwarehouses and self-storage units	Total	2012	111	39,183	5,492	1,351	236	N	N
Wyoming	531130	Lessors of miniwarehouses and self-storage units	Total	2012	55	22,008	2,849	682	139	N	N

Source: U.S. Census Bureau, 2012 Economic Census, 2012 Economic Census of Island Areas, and 2012 Nonemployer Statistics.  
 Note: The data in this file are based on the 2012 Economic Census, and the related programs listed above. To maintain confidentiality, the Census Bureau suppresses data to protect the identity of any business or individual. The census results in this file contain sampling and nonsampling error. Data users who create their own estimates using data from this file should cite the Census Bureau as the source of the original data only. For the full technical documentation, see Methodology link in headnote above.

Symbols:  
 D - Withheld to avoid disclosing data for individual companies; data are included in higher level totals  
 N - Not available or not comparable  
 For a complete list of all economic programs symbols, see the Symbols Glossary

Release Date : 02/19/2016

Includes only firms and establishments of firms with payroll. Excludes data for corporate, subsidiary, and regional managing offices and establishments of these firms that are classified in other categories than those specified in this file. See Table Notes for more information. Data based on the 2012 Economic Census. For method of assignment to categories shown and for information on confidentiality protection, sampling error, nonsampling error, and definitions, see [Methodology](#).

For information on economic census geographies, including changes for 2012, see the economic census Help Center.

Table Name Real Estate and Rental and Leasing: Subject Series - Estab & Firm Size: Summary Statistics for Single Unit and Multiunit Firms for the U.S.: 2012

Release Schedule The data in this file are scheduled for release in March 2016.

Key Table EC12535SSZ1, EC12535SSZ2, and EC12535SSZ4 through EC12535SSZ7 present data by employment and revenue size for establishments and firms, concentration by largest firms, and legal form of organization for the United States. See [Methodology](#) for additional information on data limitations.

Universe The universe of this file is all establishments of firms with payroll in business at any time during 2012 and classified in Real Estate and Rental and Leasing (Sector 53).

The data are shown at the United States level only.

The data are shown for 2- through 7-digit 2012 NAICS codes.

This file contains data on:

Firms

Establishments

Revenue

Annual payroll

First-quarter payroll

Paid employees

Each record includes a SUMUFI code which represents either single unit firms or an establishment size category for multiunit firms.

Download the entire table at <http://www2.census.gov/econ/2012/EC/sectors53/EC12535SSZ3 Zip>

U.S. Census Bureau, Economy Wide Statistics Division

Data User Outreach and Education Staff

Washington, DC 20233-6900

Tel: (800) 242-2184

Tel: (301) 763-5154

[ewd.outreach@census.gov](mailto:ewd.outreach@census.gov)

Contact Information

Geographic area name	2012 NAICS code	Meaning of 2012 NAICS code	Meaning of Single unit/multi-unit firm code	Year	Number of firms	Number of establishments	Revenue (\$1,000)	Annual payroll (\$1,000)	First-quarter payroll (\$1,000)	Number of paid employees for pay period including March 12
United States	531130	Lessors of miniwarehouses and self-storage units	All firms	2012	9,384	15,081	7,801,906	876,670	214,913	37,124
United States	531130	Lessors of miniwarehouses and self-storage units	Single unit firms	2012	9,019	9,019	3,539,359	495,488	117,830	23,088
United States	531130	Lessors of miniwarehouses and self-storage units	Multiunit firms	2012	365	6,062	4,262,547	381,182	97,083	14,036
United States	531130	Lessors of miniwarehouses and self-storage units	Firms with 1 establishment	2012	119	119	72,976	11,665	2,896	402
United States	531130	Lessors of miniwarehouses and self-storage units	Firms with 2 establishments	2012	77	154	91,716	16,591	3,896	556
United States	531130	Lessors of miniwarehouses and self-storage units	Firms with 3 or 4 establishments	2012	81	275	162,929	22,268	5,550	865
United States	531130	Lessors of miniwarehouses and self-storage units	Firms with 5 to 9 establishments	2012	42	269	139,666	15,924	3,764	707
United States	531130	Lessors of miniwarehouses and self-storage units	Firms with 10 to 24 establishments	2012	21	307	405,995	30,411	7,464	1,327
United States	531130	Lessors of miniwarehouses and self-storage units	Firms with 25 establishments or more	2012	25	4,938	3,399,265	284,723	73,513	10,179

Source: U.S. Census Bureau, 2012 Economic Census  
 Note: The data in this file are based on the 2012 Economic Census. To maintain confidentiality, the U.S. Census Bureau suppresses data to protect the identity of any business or individual. The census results in this file contain nonsampling error. Data users who create their own estimates using data from this file should cite the U.S. Census Bureau as the source of the original data only. For the full technical documentation, see [Methodology](#) link in above footnote.

Symbols:

D - Withheld to avoid disclosing data for individual companies; data are included in higher level totals

N - Not available or not comparable

For a complete list of all economic programs symbols, see the Symbols Glossary

EC1253SSSZ6 Real Estate and Rental and Leasing: Subject Series - Estab & Firm Size: Summary Statistics by Concentration of Largest Firms for the U.S.: 2012  
2012 Economic Census of the United States

Release Date : 02/19/2016

Includes only firms and establishments of firms with payroll. Excludes data for corporate, subsidiary, and regional managing offices and establishments of these firms that are classified in other categories than those specified in this file. See Table Notes for more information. Data based on the 2012 Economic Census. For method of assignment to categories shown and for information on confidentiality protection, sampling error, non-sampling error, and definitions, see Methodology.

For information on economic census geographies, including changes for 2012, see the economic census Help Center.

Table Name Real Estate and Rental and Leasing: Subject Series - Estab & Firm Size: Summary Statistics by Concentration of Largest Firms for the U.S.: 2012

Release Schedule The data in this file are scheduled for release in March 2016.

Key Table EC1253SSSZ1 through EC1253SSSZ5 and EC1253SSSZ7 present data by employment and revenue size for establishments and firms, single unit and multiunit firms, and legal form of organization for the United States. See Methodology for additional information on data limitations.

Universe The universe of this file is all establishments of firms with payroll in business at any time during 2012 and classified in Real Estate and Rental and Leasing (Sector 53).

Geography The data are shown at the United States level only.

Industry The data are shown for 2- through 7-digit 2012 NAICS codes.

Coverage This file contains data on:

Establishments

Revenue

Revenue of largest firms as a percent of total revenue

Annual payroll

First-quarter payroll

Paid employees

Each record includes a CONCENFI code which represents a specific firm concentration category (including all firms, 4 largest firms, 20 largest firms, and 50 largest firms).

Download the entire table at <http://www2.census.gov/econ/2012/EC/sector/53/EC1253SSSZ6.zip>

U.S. Census Bureau, Economy Wide Statistics Division

Data User Outreach and Education Staff

Washington, DC 20233-4900

Tel: (800) 242-2184

Tel: (301) 763-5154

ewd.outreach@census.gov

Contact Information

Geographic area name	2012 NAICS code	Meaning of 2012 NAICS code	Meaning of Firm concentration code	Year	Number of establishments	Revenue (\$1,000)	Revenue of largest firms as percent of total revenue (%)	Annual payroll (\$1,000)	First-quarter payroll (\$1,000)	Number of paid employees for pay period including March 12
United States	531130	Lessors of miniwarehouses and self-storage units	All firms	2012	15,081	7,801,906	100.0	876,670	214,913	37,124
United States	531130	Lessors of miniwarehouses and self-storage units	4 largest firms	2012	3,593	2,628,879	33.7	206,858	54,592	7,030
United States	531130	Lessors of miniwarehouses and self-storage units	8 largest firms	2012	4,141	3,110,680	39.9	246,374	63,824	8,841
United States	531130	Lessors of miniwarehouses and self-storage units	20 largest firms	2012	4,715	3,549,922	45.5	288,172	73,980	10,331
United States	531130	Lessors of miniwarehouses and self-storage units	50 largest firms	2012	5,087	3,957,940	50.7	334,254	85,416	11,822

Source: U.S. Census Bureau, 2012 Economic Census  
Note: The data in this file are based on the 2012 Economic Census. To maintain confidentiality, the U.S. Census Bureau suppresses data to protect the identity of any business or individual. The census results in this file contain nonsampling error. Data users who create their own estimates using data from this file should cite the U.S. Census Bureau as the source of the original data only. For the full technical documentation, see Methodology link in above headline.

Symbols:

D - Withheld to avoid disclosing data for individual companies; data are included in higher level totals  
N - Not available or not comparable  
For a complete list of all economic programs symbols, see the Symbols Glossary

**PROOF OF SERVICE**

Samuel Heckart v. A-1 Self Storage, Inc., et al.,

Supreme Court Case No. S232322

Court of Appeal, Fourth Appellate District, Division One, Case No. D067383

San Diego Superior Court Case No. 37-2014-00025070-CU-MC-CTL

---

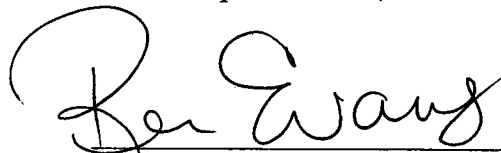
I, Renee Evans, declare as follows: I am employed with the law firm of Dentons US LLP, whose address is 4655 Executive Drive, Suite 700, San Diego, California 92121. I am over the age of eighteen years, and am not a party to this action. On September 21, 2016, I served the foregoing document described as:

**APPLICATION FOR LEAVE TO FILE BRIEF AS AMICUS  
CURIAE AND BRIEF OF THE CALIFORNIA SELF STORAGE  
ASSOCIATION AS AMICUS CURIAE IN SUPPORT OF  
DEFENDANTS**

[X] **U. S. MAIL:** I placed a copy in a separate envelope, with postage fully prepaid, for each addressee named below for collection and mailing on the below indicated day following the ordinary business practices at Dentons US LLP. I certify I am familiar with the ordinary business practices of my place of employment with regard to collection for mailing with the United States Postal Service. 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 or mailing affidavit.

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

Executed at San Diego, California on September 21, 2016.

  
\_\_\_\_\_  
Renee Evans

SERVICE LIST

<p>William Richard Restis David J. Harris Finkelstein and Krinsk LLP 550 West C Street, Suite 1760 San Diego, CA 92101</p>	<p><i>Attorneys for Plaintiff and Appellant Samuel Heckart</i></p>
<p>John Tinley Brooks Sheppard Mullin Richter and Hampton LLP 501 West Broadway, 19th Floor San Diego, CA 92101</p>	<p><i>Attorneys for Defendant and Respondent A-1 Self Storage, Inc., Caster Group, LP, Caster Properties, Inc. and Caster Family Enterprises, Inc.</i></p>
<p>John R. Clifford David Joseph Aveni Wilson Elser Moskowitz Edelman and Dicker LLP 655 West Braodway, Suite 900 San Diego, CA 92101</p>	<p><i>Attorneys for Defendant and Respondent Deans &amp; Homer</i></p>
<p>Brad N. Baker Baker Burton and Lundy PC 515 Pier Avenue Hermosa Beach, CA 90254</p>	<p><i>Amicus curiae: Baker Burton and Lundy PC</i></p>

<p>Raymond Zakari  Zakari Law  301 East Colorado Boulevard, Suite 407  Pasadena, CA 91101</p>	<p><i>Amicus curiae: Zakari Law</i></p>
<p>Dale Washington  Attorney at Law  5942 Edinger Avenue 113/1325  Huntington Beach, CA 92647</p>	<p><i>Amicus curiae: Dale E. Washington, Esq.</i></p>
<p>Court of Appeal  Fourth District, Division 1  750 B Street, Suite 300  San Diego, CA 92101</p>	
<p>Superior Court of the State of California  Honorable Judge John Meyer  330 W. Broadway  San Diego, CA 92101</p>	