

Filed on Demand (with Complaint Under Seal)
2/20/08

2008 Form 114 FRI 20 03
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13 UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF
14 CALIFORNIA—LOS ANGELES DIVISION

15 CONSERVATORSHIP OF BRITNEY) CASE NO. • **CV08-01021**
16 JEAN SPEARS)

17) NOTICE OF REMOVAL OF
18) ACTION UNDER 28 U.S.C. § 1441
19) (b) {Federal Question}
20)
21)
22)
23)
24)
25)
26)

PS
RCX/EG

27 NOTICE OF REMOVAL UNDER 28 U.S.C. § 1441 (B)
28

1 TO THE CLERK OF THE ABOVE ENTITLED COURT:

2 Please take notice that the removing party, Britney J. Spears, hereby removes in
3 its entirety to this court the state court action described above, as the Conservatorship
4 of Britney Jean Spears, with the Los Angeles Superior Court case number BP
5 108870.
6

- 7
- 8 1. On February 1, 2008, an action was commenced in the Superior Court of the
9 state of California in and for the County of Los Angeles, entitled
10 Conservatorship of Britney Jean Spears, with the case number BP 108870. A
11 copy of the docket is attached hereto as Exhibit "A". The documents have
12 been sealed, thus making it inappropriate to divulge the initial
13
 - 14 2. Ms. Spears has not received the benefit of a single hearing before the court;
15 yet she has been stripped of her right to access counsel of her choosing and to
16 meet with her counsel in a private meeting.
17
 - 18 3. Ms. Spears has been denied the right to associate freely with her friends. She
19 has been denied the right to make or receive telephone calls. She has been
20 denied the right to operate a motor vehicle, and must be accompanied by
21 security guards when in public, whether in a motor vehicle or on foot. She has
22 been denied the right to receive and send mail.
23
 - 24 4. Additionally, she has been denied the right to her finances; she is not allowed
25 to access her money or her credit cards.
26
 - 27 5. This action is a civil action of which this court has original jurisdiction

28 NOTICE OF REMOVAL UNDER 28 U.S.C. § 1441 (B)

1 pursuant to the provisions of 28 U.S.C. § 1441 (b) in that it is a civil action
2 that touches upon important issues of federal law, to wit whether an adult child
3 may be subjected by her parents to their complete and total control in that the
4 petitioner and conservator supplements the medications scheduled under the
5 Food, Drug, and Cosmetics Act, 21 U.S.C. § 301 et seq., and prescribed to her
6 by her doctors with a near total deprivation of civil rights.
7

8
9 6. It is the unique interplay between those medications covered by the Food,
10 Drug, and Cosmetics Act, 21 U.S.C. § 301 et seq., and the utterly stifling
11 control imposed upon her by the conservator that puts this case within the
12 narrow ambit of the Supreme Court's recent decision of Grable and Sons
13 Metal Products v. Darue Engineering, 545 U.S. 308 (2005).
14

15 7. Pursuant to Grable, the case that is removed need not support an independent
16 cause of action in federal court. Merely, the case needs only to touch upon a
17 significant area of federal law, while balanced against the Congressional intent
18 to respect the balance of federal and state judicial responsibilities. Thus even
19 though there was no pretense of a federal cause of action, the Court recognized
20 federal question jurisdiction where: (1) the federal question was "important,"
21 (2) it was the "only" seriously contested issue in the case, (3) a federal forum
22 was needed to "vindicate [federal] administrative action," and (4) the likely
23 recurrence of the question was "rare." Grable, 545 U.S. at 315.
24
25
26

27 8. In the instant case, the federal question is important because Ms. Spears'

1 prescribed medications are designed for out-patient use, yet she is being
2 confined by the conservator to the private prison of her own home, with no
3 opportunity to enjoy even a modicum of liberty or privacy whatsoever.
4

5 9. The only seriously contested issue in this case is the interplay between her
6 confinement and the taking of her prescribed medication. It is submitted to
7 this court that the deprivation of her civil liberties by the conservator is so
8 severe as to interfere with the effectiveness of the scheduled medications that
9 are covered by the Food, Drug, and Cosmetics Act, 21 U.S.C. § 301 et seq.
10

11 10. A federal forum is needed to determine the nexus between the medications'
12 disclosures concerning the circumstances of use in an out-patient setting and
13 the suffocating confinement that Ms. Spears endures at the hands of her
14 conservator. Pharmaceutical labeling is inherently circumstantial in nature;
15 for the medication to realize its full effect, the circumstances of her existence
16 must be taken into consideration by the court.
17
18

19 11. In this case, the recurrence of this question would be rare due to Ms. Spears'
20 unenviable status of having virtually no privacy in her life. Numerous
21 scientific studies have shown the direct relationship between the lack of
22 privacy and actual physical illness. Ms. Spears may be the most public person
23 who has ever lived, and it is unlikely that any competent evidence exists as to
24 the severity of physical illness attributable to the magnitude of "publicity"
25 surrounding her nonexistent private life.
26
27

1 12. Irrespective of the present reality of her existence, Ms. Spears is entitled to
2 those rights deriving from the first ten amendments of the United States
3 Constitution and the Fourteenth Amendment. Additionally, due to the nature
4 of the implementation of the conservatorship, Ms. Spears may be entitled to
5 relief pursuant to 42 U.S.C. § 1983, et seq.
6

7
8 13. Ms. Spears is a litigant in the family law division of the Los Angeles Superior
9 Court. The matter has been hotly contested. Currently her children are living
10 with their father as a result of an order of the family law division of the Los
11 Angeles Superior Court. However, the order is not final. It is doubtful that
12 Ms. Spears can receive equal protection and a fair trial or hearing in the
13 custody proceedings because of the intense media scrutiny of what would
14 normally be private aspects of a person's life.
15

16
17 14. The United States District Court, unlike the Los Angeles Superior Court, has
18 the capacity to issue a nation wide injunction to protect her civil liberties and
19 provide a measure of relief in the ensuing litigation involving the custody
20 matter. Nowhere in the Constitution is it written that an individual can be
21 denied his or her civil liberties because of a lack of privacy. There in fact
22 exists a penumbra of rights deriving from the first ten amendments of the
23 Constitution that palpably recognizes a right to privacy. Under the current
24 circumstances, the conservator is denying Ms. Spears not only her liberty, but
25
26
27

1 the ability to participate effectively in the ongoing custody litigation in the Los
2 Angeles Superior Court.

3
4 15. While normally in a removal action the District Court must take the plaintiff's
5 pleadings as it finds them, a different approach is utilized when a colorable
6 claim of manipulation of pleadings is raised. While issues of liability may not
7 ordinarily be determined on a motion to remand, it is well settled that upon
8 allegations of such artful pleading designed to prevent removal, federal courts
9 may look beyond the pleadings to determine the true intent of the parties.
10 Although fair on its face, the pleading may be a sham or fraudulent device to
11 prevent removal. The court may pierce the pleadings and consider the entire
12 record to determine the basis of the case by any means available. See Lewis v.
13 Time, Inc., 83 F.R.D. 455, 460 (E.D.Cal.1979).
14
15
16

17
18 Date: February 14, 2008

19 By: 

20 Jon Eardley, Esq.

EXHIBIT A

Case Summary

Case Number: BP108870
SPEARS, BRITNEY JEAN - CONSERVATORSHIP

Filing Date: 02/01/2008

Case Type: Conservatorship-Pers & Estate (General Jurisdiction)

Status: Pending

Future Hearings

02/14/2008 at 01:30 pm in department 9 at 111 North Hill Street, Los Angeles, CA 90012
APPT. TEMP CONSERVATOR OF PERSON

02/14/2008 at 01:30 pm in department 9 at 111 North Hill Street, Los Angeles, CA 90012
APPT. TEMP CONSERVATOR OF ESTATE

02/22/2008 at 01:30 pm in department 9 at 111 North Hill Street, Los Angeles, CA 90012
MOTION/APPL-TEMP RESTRAINING ORDER (PERSON RESTRAINED-OSAMA LUFTI)

03/10/2008 at 10:30 am in department 9 at 111 North Hill Street, Los Angeles, CA 90012
APPT. CONSERVATOR OF PERSON

[Documents Filed](#) | [Proceeding Information](#)

Parties

COHEN JERYLL S. ESQ. - Attorney for Petitioner

SPEARS BRITNEY JEAN - Subject Person

SPEARS JAMES P. - Petitioner

THOREEN VIVIAN LEE ESQ. - Attorney for Petitioner

WALLET ANDREW M. - Real Party in Interest

WYLE GERALDINE A. ESQ. - Attorney for Petitioner

[Case Information](#) | [Party Information](#) | [Proceeding Information](#)

Documents Filed (Filing dates listed in descending order)

02/06/2008 Order-Extending Temporary Letters
Filed by Attorney for Petitioner

02/06/2008 Ltr-Temp Conservator of Person
Filed by Attorney for Petitioner

02/06/2008 Ltr-Temp Conservator of Estate

Filed by Attorney for Petitioner

02/04/2008 Request (MEDIA REQUEST TO PHOTOGRAPH, RECORD, OR BROADCAST)

Filed by Real Party in Interest

02/04/2008 Order - Other (ON MEDIA REQUEST TO PERMIT COVRGE)

Filed by Real Party in Interest

02/04/2008 Declaration - Probate (OF VIVIAN LEE THOREEN)

Filed by Attorney for Petitioner

02/04/2008 Declaration - Probate (OF JAMES P. SPEARS)

Filed by Attorney for Petitioner

02/04/2008 Declaration - Probate (OF GERALDINE A. WYLE)

Filed by Attorney for Petitioner

02/04/2008 Notice - Probate (OF PARTIAL W/DRAWAL OF APPL. TO SEAL RECORDS)

Filed by Attorney for Petitioner

02/04/2008 Supplemental Declaration

Filed by Attorney for Petitioner

02/04/2008 Declaration - Probate (OF JERYLL S. COHEN)

Filed by Attorney for Petitioner

02/01/2008 Conservatorship of Person

Filed by Petitioner

02/01/2008 Authority - ExParte Application

Filed by Petitioner

02/01/2008 Appt. Temp Conservator of Person

Filed by Petitioner

02/01/2008 Appt. Temp Conservator of Estate

Filed by Petitioner

02/01/2008 Consent To Act

Filed by Attorney for Petitioner

02/01/2008 Ord-Appointing Counsel

Filed by Attorney for Petitioner

02/01/2008 Declaration - Probate (OF LYNNE SPEARS)

Filed by Attorney for Petitioner

02/01/2008 Petition for Appointment (OF TEMP. CONSERVATOR)

Filed by Attorney for Petitioner

02/01/2008 Declaration - Probate (OF JAMES P. SPEARS)

Filed by Attorney for Petitioner

02/01/2008 MOTION/APPL-TEMP RESTAINING ORDER

02/01/2008 Declaration - Probate (OF GERALDINE A. WYLE)
Filed by Attorney for Petitioner

02/01/2008 Notice of Lodging
Filed by Attorney for Petitioner

02/01/2008 Application - misc (TO SEAL RECORD)
Filed by Attorney for Petitioner

02/01/2008 Memorandum - Other
Filed by Attorney for Petitioner

02/01/2008 Petition for Appointment (OF TEMP. CONSERVATOR - ESTATE)
Filed by Attorney for Petitioner

02/01/2008 Application - misc (TO SEAL RECORD - ESTATE)
Filed by Attorney for Petitioner

02/01/2008 Declaration - Probate (OF LYNNE SPEARS - EX PARTE)
Filed by Attorney for Petitioner

02/01/2008 Ord-Appt Court Investigator
Filed by Attorney for Petitioner

02/01/2008 Order - Other (DISPENSING WITH NOTICE)
Filed by Attorney for Petitioner

02/01/2008 Declaration - Probate (OF GERALDIN A. WYLE - EX PARTE)
Filed by Attorney for Petitioner

02/01/2008 Declaration - Probate (OF JAMES P. SPEARS - EX PARTE)
Filed by Attorney for Petitioner

02/01/2008 Declaration - Probate (OF LYNNE SPEARS - ES PARTE)
Filed by Attorney for Petitioner

02/01/2008 Application - misc (TO SEAL RECORD - PERSON)
Filed by Attorney for Petitioner

02/01/2008 Ord-Appt Temp Consor of Person (NO BOND)
Filed by Attorney for Petitioner

02/01/2008 Ltr-Conservator of Person (NO BOND)
Filed by Attorney for Petitioner

02/01/2008 Ord-Appt Temp Consor of Estate (BONND IS FIXED AT \$100,000.00)
Filed by Attorney for Petitioner

02/01/2008 QBond-AMER. CONTRACTORS INDEMNITY (\$50,000.00 - QUALIFYING BOND)
Filed by Attorney for Conservator

02/01/2008 QBond-AMER. CONTRACTORS INDEMNITY (\$50,000.00 - QUALIFYING BOND)

Filed by Attorney for Petitioner

02/01/2008 Ltr-Temp Conservator of Estate

Filed by Attorney for Petitioner

02/01/2008 Notice-Hearing (Probate) (AND TRO)

Filed by Attorney for Petitioner

02/01/2008 Request (FOR ORDER TO STOP HARASSMENT)

Filed by Attorney for Petitioner

[Case Information](#) | [Party Information](#) | [Documents Filed](#)

Proceedings Held (Proceeding dates listed in descending order)

None

[Case Information](#) | [Party Information](#) | [Documents Filed](#) | [Proceeding Information](#)

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

NOTICE OF ASSIGNMENT TO UNITED STATES MAGISTRATE JUDGE FOR DISCOVERY

This case has been assigned to District Judge Philip S. Gutierrez and the assigned discovery Magistrate Judge is Rosalyn M. Chapman.

The case number on all documents filed with the Court should read as follows:

CV08- 1021 PSG (RCx)

Pursuant to General Order 05-07 of the United States District Court for the Central District of California, the Magistrate Judge has been designated to hear discovery related motions.

All discovery related motions should be noticed on the calendar of the Magistrate Judge

=====

NOTICE TO COUNSEL

A copy of this notice must be served with the summons and complaint on all defendants (if a removal action is filed, a copy of this notice must be served on all plaintiffs).

Subsequent documents must be filed at the following location:

Western Division
312 N. Spring St., Rm. G-8
Los Angeles, CA 90012

Southern Division
411 West Fourth St., Rm. 1-053
Santa Ana, CA 92701-4516

Eastern Division
3470 Twelfth St., Rm. 134
Riverside, CA 92501

Failure to file at the proper location will result in your documents being returned to you.

**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET**

I (a) PLAINTIFFS (Check box if you are representing yourself <input type="checkbox"/>) Conservatorship of Britney Spears	DEFENDANTS Britney J. Spears
(b) County of Residence of First Listed Plaintiff (Except in U.S. Plaintiff Cases): Los Angeles	County of Residence of First Listed Defendant (In U.S. Plaintiff Cases Only): Los Angeles
(c) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.) Unknown	Attorneys (If Known) Jon Eardley, SB#132577, 50 Jericho Turnpike, Suite 201, Jericho, New York 11753

II. BASIS OF JURISDICTION (Place an X in one box only.) <input type="checkbox"/> 1 U.S. Government Plaintiff <input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party) <input type="checkbox"/> 2 U.S. Government Defendant <input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)	III. CITIZENSHIP OF PRINCIPAL PARTIES - For Diversity Cases Only (Place an X in one box for plaintiff and one for defendant.) <table style="width:100%; border-collapse: collapse;"> <tr> <td style="width:30%;"></td> <td style="width:10%; text-align: center;">PTF</td> <td style="width:10%; text-align: center;">DEF</td> <td style="width:40%;"></td> <td style="width:10%; text-align: center;">PTF</td> <td style="width:10%; text-align: center;">DEF</td> </tr> <tr> <td>Citizen of This State</td> <td align="center"><input checked="" type="checkbox"/> 1</td> <td align="center"><input checked="" type="checkbox"/> 1</td> <td>Incorporated or Principal Place of Business in this State</td> <td align="center"><input type="checkbox"/> 4</td> <td align="center"><input type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td align="center"><input type="checkbox"/> 2</td> <td align="center"><input type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business in Another State</td> <td align="center"><input type="checkbox"/> 5</td> <td align="center"><input type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td align="center"><input type="checkbox"/> 3</td> <td align="center"><input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td align="center"><input type="checkbox"/> 6</td> <td align="center"><input type="checkbox"/> 6</td> </tr> </table>		PTF	DEF		PTF	DEF	Citizen of This State	<input checked="" type="checkbox"/> 1	<input checked="" type="checkbox"/> 1	Incorporated or Principal Place of Business in this State	<input type="checkbox"/> 4	<input type="checkbox"/> 4	Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5	Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6
	PTF	DEF		PTF	DEF																				
Citizen of This State	<input checked="" type="checkbox"/> 1	<input checked="" type="checkbox"/> 1	Incorporated or Principal Place of Business in this State	<input type="checkbox"/> 4	<input type="checkbox"/> 4																				
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5																				
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6																				

IV. ORIGIN (Place an X in one box only.)

1 Original Proceeding
 2 Removed from State Court
 3 Remanded from Appellate Court
 4 Reinstated or Reopened
 5 Transferred from another district (specify): _____
 6 Multi-District Litigation
 7 Appeal to District Judge from Magistrate Judge

V. REQUESTED IN COMPLAINT: JURY DEMAND: Yes No (Check 'Yes' only if demanded in complaint.)

CLASS ACTION under F.R.C.P. 23: Yes No **MONEY DEMANDED IN COMPLAINT:** \$ _____

VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.)
 Violation of Food, Drug, and Cosmetic Act; underlying federal question.

VII. NATURE OF SUIT (Place an X in one box only.)

OTHER STATUTES <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities-Commodities Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Act <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Info. Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes	CONTRACT <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	TORTS PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Fed. Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury-Med Malpractice <input type="checkbox"/> 365 Personal Injury-Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	TORTS PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability BANKRUPTCY <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 American with Disabilities - Employment <input type="checkbox"/> 446 American with Disabilities - Other <input checked="" type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition FORFEITURE / PENALTY <input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety Health <input type="checkbox"/> 690 Other	LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 BIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS-Third Party 26 USC 7609
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VIII(a). IDENTICAL CASES: Has this action been previously filed and dismissed, remanded or closed? No Yes
 If yes, list case number(s): _____

FOR OFFICE USE ONLY: Case Number: _____

CV08-01021

**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET**

AFTER COMPLETING THE FRONT SIDE OF FORM CV-71, COMPLETE THE INFORMATION REQUESTED BELOW.

VIII(b). **RELATED CASES:** Have any cases been previously filed that are related to the present case? No Yes

If Yes, list case number(s): _____

Civil cases are deemed related if a previously filed case and the present case:

- (Check all boxes that apply) A. Arise from the same or closely related transactions, happenings, or events; or
 B. Call for determination of the same or substantially related or similar questions of law and fact; or
 C. For other reasons would entail substantial duplication of labor if heard by different judges; or
 D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

IX. VENUE: List the California County, or State if other than California, in which **EACH** named plaintiff resides (Use an additional sheet if necessary)
 Check here if the U.S. government, its agencies or employees is a named plaintiff.
 Los Angeles

List the California County, or State if other than California, in which **EACH** named defendant resides. (Use an additional sheet if necessary).
 Check here if the U.S. government, its agencies or employees is a named defendant.
 Los Angeles

List the California County, or State if other than California, in which **EACH** claim arose. (Use an additional sheet if necessary)
Note: In land condemnation cases, use the location of the tract of land involved.
 Los Angeles

X. SIGNATURE OF ATTORNEY (OR PRO PER): _____

Date

Feb 19, 2008

Notice to Counsel/Parties: The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet.)

Key to Statistical codes relating to Social Security Cases:

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935ff(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405(g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405(g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. (g))