

CIVIL COVER SHEET

JS 44 (Rev. 12/07) (CAND Rev 1/10)

The 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, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON PAGE TWO OF THE FORM.)

I. (a) PLAINTIFFS: Donovan Lucas, on behalf of himself and others similarly situated. DEFENDANTS: Daiichi Sankyo Company, Inc.; and DOES 1 to 50, inclusive. (b) County of Residence of First Listed Plaintiff: (c) Attorney's: George R. Kingsley/Eric B. Kingsley/Liane L. Katzenstein Kingsley & Kingsley, APC.

II. BASIS OF JURISDICTION: U.S. Government Plaintiff, Federal Question, Diversity. III. CITIZENSHIP OF PRINCIPAL PARTIES: Plaintiff is Citizen of This State, Defendant is Citizen of Another State.

IV. NATURE OF SUIT: CONTRACT (110-196), REAL PROPERTY (210-290), TORTS (310-360, 365-385), PRISONER PETITIONS (510-555), FORFEITURE/PENALTY (610-690), LABOR (710-791), IMMIGRATION (462-465), BANKRUPTCY (422-423), SOCIAL SECURITY (861-865), FEDERAL TAX SUITS (870-871), OTHER STATUTES (400-950).

V. ORIGIN: 2 Removed from State Court, 4 Reinstated or Reopened, 5 another district, 6 Multidistrict Litigation, 7 Judge from Magistrate Judgment.

VI. CAUSE OF ACTION: Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): 28 U.S.C. §§ 1332, 1441, 1446 and 1453. Brief description of cause: Defendant seeks removal under the Class Action Fairness Act of Plaintiff's putative class action brought under California wage and hour law.

VII. REQUESTED IN COMPLAINT: CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23. DEMAND \$ Unspecified. JURY DEMAND: Yes.

VIII. RELATED CASE(S) IF ANY: PLEASE REFER TO CIVIL L.R. 3-12 CONCERNING REQUIREMENT TO FILE "NOTICE OF RELATED CASE".

IX. DIVISIONAL ASSIGNMENT (CIVIL L.R. 3-2) (PLACE AND "X" IN ONE BOX ONLY): SAN FRANCISCO/OAKLAND.

DATE: February 18, 2011. SIGNATURE OF ATTORNEY OF RECORD: [Signature]

1 **PROOF OF SERVICE**

2 Lucas v. Daiichi Sankyo, Inc.  
3 United States District Court, Northern District of California Case No. \_\_\_\_\_

4 I am a resident of the State of California, County of Orange; I am over the age of eighteen  
5 years and not a party to the within action; my business address is 5 Park Plaza, Suite 1750, Irvine,  
6 California 92614.

7 On February 18, 2011, I served on the interested parties in this action the within  
8 document(s) entitled:

9 **CIVIL COVER SHEET**

10 [ ] **BY FAX:** by transmitting via electronic facsimile the document(s) listed above to  
11 the fax number(s) set forth below on this date before 5:00 p.m.; I also caused the  
12 fax machine to print such record(s) of the transmission.

13 [ X ] **BY MAIL:** by placing the document(s) listed above in a sealed envelope with  
14 postage thereon fully prepaid, in the United States mail at Irvine, California  
15 addressed as set forth below. I am readily familiar with the firm's practice of  
16 collection and processing correspondence for mailing. Under that practice it would  
17 be deposited with the U.S. Postal Service on that same day with postage thereon  
18 fully prepaid in the ordinary course of business. I am aware that on motion of the  
19 party served, service is presumed invalid if postal cancellation date or postage  
20 meter date is more than one day after date of deposit for mailing in affidavit.

21 [ ] **BY OVERNIGHT MAIL:** By **FEDERAL EXPRESS**, following ordinary  
22 business practices for collection and processing of correspondence with said  
23 overnight mail service, and said envelope(s) will be deposited with said overnight  
24 mail service on said date in the ordinary course of business.

25 [ ] **BY PERSONAL SERVICE:** I delivered to an authorized courier or driver  
26 authorized by Orange County Corporate Courier, Inc. to receive documents to be  
27 delivered on the same date. A proof of service signed by the authorized courier  
28 will be filed with the court upon request.

[ ] **BY ELECTRONIC SERVICE:** the parties listed below were served  
electronically with the document(s) listed above by e-mailed PDF files on February  
18, 2011. The transmission was reported as complete and without error. My  
electronic notification address is 5 Park Plaza, Suite 1750, Irvine, California  
92614. My e-mail address is [dghani@morganlewis.com](mailto:dghani@morganlewis.com).

[ ] **BY E-FILE:** I caused such documents to be transmitted by e-file with the Clerk of  
the Court by using the CM/ECF system, which will send a notice of electronic  
filing to the following:

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**STATE:** I declare under penalty of perjury, under the laws of the State of California, that the above 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 this service was made.

Executed on February 18, 2011, at Irvine, California.



\_\_\_\_\_  
Diane Ghani