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KEVIN D. RISING (SBN 211663)
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Facsimile: 310.284.3894

2014 JAN 31 AM 11:41
CLERK U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
LOS ANGELES

BY _____

Attorneys for Defendants
AVID DATING LIFE INC. and
AVID LIFE MEDIA INC.

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

MARK LEWIS, Individually and On
Behalf of All Others Similarly
Situated,

Plaintiffs,

v.

AVID DATING LIFE INC.,
AVID
LIFE MEDIA INC., and DOES 1-10

Defendants.

Case No. **CV 14 - 00763-DMG**
(mew)

NOTICE OF REMOVAL OF
ACTION TO FEDERAL COURT

[Diversity Jurisdiction, 28 U.S.C. §§
1332(d)(2), 1441, 1446 and 1453]

[Declaration of Razwan Jiwan Filed
Concurrently Herewith]

1 TO THE HONORABLE COURT, ALL PARTIES, AND THEIR ATTORNEYS
2 OF RECORD:

3 PLEASE TAKE NOTICE THAT defendants Avid Dating Life Inc. and Avid Life
4 Media Inc. (together, "Avid") hereby remove this action from the Superior Court of the
5 State of California, County of Los Angeles, to the United States District Court for the
6 Central District of California, and in support thereof, states as follows:

7
8 **STATEMENT OF THE CASE**

9 1. Plaintiff Mark Lewis allegedly was a member of a dating website operated
10 by Avid. (Complaint, ¶ 9.) Plaintiff alleges that the website does not allow men to
11 communicate with women through the website unless they purchase credits, but allows
12 women to communicate with men through the website without payment. (Complaint, ¶¶
13 7-8.) Based on these allegations, Plaintiff brings four claims against Avid for: (1)
14 violation of the Unrue Civil Rights Act, Cal. Civ. Code § 51; (2) violation of the Gender
15 Tax Repeal Act of 1995, Cal. Civ. Code § 51.6; (3) violation of Cal. Civ. Code § 51.5;
16 and (4) violation of the Unfair Competition Law, Cal. Bus. & Prof. Code § 17200, et
17 seq.

18 2. Plaintiff seeks to certify a class on the first three causes of action of "all
19 male California residents who have paid to communicate with women on the [Avid
20 operated] Website at any time since two years prior to this action's filing." (Complaint,
21 ¶ 13.) Plaintiff seeks to certify a class on the fourth cause of action of "all male
22 California residents who have paid to communicate with women on the [Avid operated]
23 Website at any time since four years prior to this action's filing." (Complaint, ¶ 13.)

24 3. On the first through third causes of action, Plaintiff seeks statutory
25 damages of \$4,000 for each violation of the applicable statute. (Complaint, Prayer.) On
26 the fourth cause of action, Plaintiff seeks "restitution of all sums paid by male California
27 residents to communicate with women on the [Avid operated] Website." (Complaint,
28 Prayer.)

1 4. The Complaint was filed on November 4, 2013, received by Avid on
2 January 2, 2014, and is removable under the Class Action Fairness Act of 2005
3 (“CAFA”), 28 U.S.C. §§ 1332(d)(2) and 1453(b). Avid has satisfied all procedural
4 requirements of 28 U.S.C. § 1446 and thereby removes this action to the United States
5 District Court for the Central District of California pursuant to 28 U.S.C. §§ 1332, 1441,
6 1446, and 1453.

7
8 **THE REQUIREMENTS FOR REMOVAL HAVE BEEN SATISFIED**

9 5. CAFA fundamentally changed the legal standards governing removal
10 jurisdiction. Believing that state courts were not adequately protecting defendants
11 against class action abuses, Congress explicitly stated that CAFA’s “provisions should
12 be read broadly, with a strong preference that interstate actions should be heard in
13 federal court.” S. Rep. No. 109-14, at 43 (2005). Congress instructs district courts to
14 “err in favor of exercising jurisdiction.” *Id.* at 42. As shown below, the requirements
15 for diversity jurisdiction under CAFA, 28 U.S.C. § 1332(d)(2), are satisfied.

16 6. ***Class Action.*** This lawsuit is a class action as defined by 28 U.S.C.
17 1332(d)(1)(B). CAFA defines a “class action” as “any civil action filed under Rule 23
18 of the Federal Rules of Civil Procedure or similar state statute or rule of judicial
19 procedure authorizing an action to be brought by 1 or more representative persons as a
20 class action.” *Id.* Plaintiff styles his complaint as a “class action,” and alleges that he
21 brings it “on behalf of all others similarly situated.” (Complaint, p.1.) Plaintiff further
22 alleges that he “brings this class action against Defendants pursuant to Code of Civil
23 Procedure section 382 on behalf of all similarly situated individuals.” (Complaint, ¶
24 13.)

25 7. ***Diversity of Citizenship.*** At the time the lawsuit was filed, and as of the
26 date of this notice, defendants Avid are both Canadian corporations with their principal
27 places of business in Toronto, Ontario, Canada. (Complaint, ¶ 2; Declaration of Rizwan
28 Jiwan, ¶ 2.) At the time of the filing of this action, and as of the date of this notice,

1 Plaintiff was and is a resident (and on information and belief a citizen) of the State of
2 California, in the County of Los Angeles. (Complaint, ¶ 1.) Plaintiff seeks certification
3 of a class of persons residing in the State of California. (Complaint, ¶ 13.). Because at
4 least one member of the purported class, including Plaintiff, is from California, and the
5 Avid defendants are citizens of Canada, the diversity requirement of 28 U.S.C. §
6 1332(d)(2) is satisfied.

7 8. ***Amount in Controversy.*** Avid denies that Plaintiff or the putative class are
8 entitled to damages in this lawsuit. Avid further reserves its right to contest any method
9 by which Plaintiff intends to calculate damages. However, the matter alleged to be in
10 controversy exceeds the sum or value of \$5,000,000, exclusive of interest and costs,
11 satisfying the amount in controversy requirement of 28 U.S.C. § 1332(d)(2). The
12 Complaint seeks relief that includes:

- 13 (1) \$4,000 for each violation of the Unrue Civil Rights Act;
- 14 (2) \$4,000 for each violation of the Gender Tax Repeal Act;
- 15 (3) \$4,000 for each violation of Cal. Civ. Code § 51.5;
- 16 (4) Restitution of all sums paid by California males over the past four years;
- 17 (5) a permanent injunction; and
- 18 (6) attorneys' fees and litigation costs.

19 (Complaint, Prayer.) Aggregation of these potential damages and expenses brings this
20 matter within the purview of CAFA.

21 Under CAFA, the amount in controversy is determined by aggregating the claims
22 of all individual class members. 28 U.S.C. § 1332(d)(6). A court must “assume that the
23 allegations in the complaint are true and assume that the jury will return a verdict for the
24 plaintiff on all claims made in the complaint.” *Kenneth Rothschild Trust v. Morgan*
25 *Stanley Dean Witter*, 199 F. Supp. 2d 993, 1001 (C.D. Cal. 2002); *see also Theis*
26 *Research, Inc. v. Brown & Bain*, 400 F.3d 659, 664 (9th Cir. 2005) (“The question in
27 whether the amount of damages [the plaintiff] claimed in its complaint was asserted in
28 good faith; if so, that amount controls for purposes of diversity jurisdiction.”). Thus, it

1 is irrelevant to assessing the amount in controversy that Avid denies liability and denies
2 that Plaintiff, or any putative class members, are entitled to the type and amount of relief
3 requested.

4 On the face of Plaintiff's Complaint, it is apparent that Plaintiff seeks well in
5 excess of \$5,000,000 on behalf of himself and the purported class. Indeed, Plaintiff
6 alleges that there are in excess of 500 class members (Complaint, ¶ 14), and that each
7 class member is entitled to recover at least \$12,000 (\$4,000 on each of Plaintiff's First
8 through Third causes of action). This alone amounts to \$6,000,000, without factoring in
9 Plaintiff's request for restitution and attorneys' fees. In fact, the putative class, as
10 defined by Plaintiff, would include in excess of 2,000 members. (Jiwan Decl., ¶ 3.)
11 This would result in \$8,000,000 of alleged damages on each of Plaintiff's first through
12 third causes of action. Moreover, even exclusive of the statutory damages, the
13 restitutionary damages alone that Plaintiff seeks on his fourth cause of action would also
14 exceed \$5,000,000. (Jiwan Decl., ¶ 3.)

15 Thus, the amount in controversy requirement is easily satisfied, as Plaintiff seeks
16 well in excess of \$5,000,000 on behalf of himself and the putative class.

17 9. ***Number of Proposed Class Members.*** Although Avid denies any liability
18 and denies that Plaintiff has properly defined or can certify a class, Plaintiff seeks
19 certification of a class of "all male California residents who have paid to communicate
20 with women on the [Avid operated] Website at any time since two [or four] years prior
21 to this action's filing." (Complaint, ¶ 13.) Plaintiff alleges that the number of class
22 members exceeds 500. (Complaint, ¶ 14.) In fact, Plaintiff's class, as defined, would
23 include over 2,000 members. (Jiwan Decl., ¶ 3.) Thus, the action satisfies the
24 requirement of 28 U.S.C. § 1332(d)(5)(B) that the proposed class include at least 100
25 persons.

26 10. ***Timeliness.*** The removal notice is filed as required by 28 U.S.C. §
27 1446(b). Avid received a copy of the Complaint on January 2, 2014, and files this
28 notice within thirty days after receipt of the Complaint.

1 11. *Exceptions Do Not Apply.* The exceptions to removal under 28 U.S.C. §§
2 1332(d) and 1453 do not apply.

3 **THE PROCEDURAL REQUIREMENTS FOR REMOVAL ARE SATISFIED**

4 12. The Superior Court of the State of California, County of Los Angeles, is
5 located in the Central District of California. 28 U.S.C. § 84(c). This Notice of Removal
6 is therefore properly filed in this Court pursuant to 28 U.S.C. § 1441(a).

7 13. Avid has complied with 28 U.S.C. §§ 1446(a) and (d). Under 28 U.S.C. §
8 1446(a), a true and correct copy of all the process, pleadings, or orders on file in the
9 state court or served on Avid in the state court are attached as Exhibit A. Counsel for
10 Avid certifies that it will file a copy of this Notice of Removal with the Clerk of the
11 Superior Court of the State of California, County of Los Angeles, and has served notice
12 of same to counsel for Plaintiff in accordance with 28 U.S.C. § 1446(d). A copy of the
13 Notice to Superior Court and Adverse Party of Removal of Civil Action to Federal
14 Court, with proof of service on Plaintiff's counsel, is attached as Exhibit B.

15
16 **WHEREFORE**, for the reasons stated herein, Avid prays that this action be
17 removed to this Court; that all further proceedings in the state court be stayed; and that
18 Avid obtain all additional relief to which it is entitled.

19
20 Dated: January 31, 2014

BARNES & THORNBURG LLP

21
22 By _____



Kevin D. Rising
Attorneys for Defendants
AVID DATING LIFE INC. and
AVID LIFE MEDIA INC

Exhibit A

Exhibit A

**SUMMONS
(CITACION JUDICIAL)**

CONFIRMED COPY
ORIGINAL FILED DE LA CORTE
Superior Court of California
County of Los Angeles
NOV 04 2013
John A. Clarke, Executive Officer/Clerk
By LA TRESE JOHNSON, Deputy

**NOTICE TO DEFENDANT:
(AVISO AL DEMANDADO):**

**AVID DATING LIFE INC., AVID LIFE MEDIA INC., AND DOES
1-10**

**YOU ARE BEING SUED BY PLAINTIFF:
(LO ESTÁ DEMANDANDO EL DEMANDANTE):**

**MARK LEWIS, Individually and On Behalf of All Others Similarly
Situated**

NOTICE! You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association. **NOTE:** The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case. **AVISO!** Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.sucorte.ca.gov), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de extensión de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.sucorte.ca.gov) o poniéndose en contacto con la corte o el colegio de abogados locales. **AVISO:** Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 ó más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.

The name and address of the court is:
(El nombre y dirección de la corte es): Superior Court of California for the
County of Los Angeles
111 N Hill St, Los Angeles, CA 90012

CASE NUMBER:
(Número del caso) **BC 526665**

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:
(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):
Morse Mehrban; 15233 Ventura Blvd., Suite 1000, Sherman Oaks, CA 91403; 424-274-1237

DATE: (Fecha) **NOV 04 2013** John A. Clarke Clerk, by (Secretario) **LA TRESE JOHNSON** Deputy (Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)
(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).

(SEAL)
NOV 04 2013

NOTICE TO THE PERSON SERVED: You are served

- 1. as an individual defendant.
- 2. as the person sued under the fictitious name of (specify):
- 3. on behalf of (specify):
 - under: CCP 416.10 (corporation) CCP 416.60 (minor)
 - CCP 416.20 (defunct corporation) CCP 416.70 (conservatee)
 - CCP 416.40 (association or partnership) CCP 416.90 (authorized person)
 - other (specify):
- 4. by personal delivery on (date):

1 Morse Mehrban (State Bar No. 169082)
2 LAW OFFICES OF MORSE MEHRBAN, A.P.C.
3 15233 Ventura Boulevard, Suite 1000
4 Sherman Oaks, California 91403-2251
5 Telephone: 424-274-1237
6 Facsimile: 206-202-3834
7 Email: Morse@Mehrban.com

8 Julie Mehrban (State Bar No. 271290)
9 MEHRBAN LAW CORPORATION, A.P.C.
10 15233 Ventura Boulevard, Suite 1000
11 Sherman Oaks, California 91403-2251
12 Telephone: 424-777-3319
13 Facsimile: 206-337-9532
14 Email: Julie@MehrbanLaw.com

15 Attorneys for Plaintiff,
16 Mark Lewis

CONFORMED COPY

ORIGINAL FILED
Superior Court of California
County of Los Angeles

NOV 04 2013

John A. Clarke, Executive Officer/Clerk

By LATRESE JOHNSON, Deputy

10 SUPERIOR COURT OF CALIFORNIA

11 COUNTY OF LOS ANGELES, CENTRAL DISTRICT, UNLIMITED JURISDICTION

12 MARK LEWIS, Individually and On Behalf of
13 All Others Similarly Situated,

14 Plaintiff,

15 v.

16 AVID DATING LIFE INC., AVID LIFE MEDIA
17 INC., AND DOES 1-10,

18 Defendants.

Case No.

BC 526665

[CLASS ACTION]

COMPLAINT FOR INJUNCTION AND
DAMAGES FOR VIOLATION OF THE UNRUH
CIVIL RIGHTS ACT, THE GENDER TAX
REPEAL ACT OF 1995, CIVIL CODE SECTION
51.5, AND THE UNFAIR COMPETITION LAW

19 MARK LEWIS (hereinafter, "Plaintiff"), individually, on behalf of all others similarly situated,
20 makes the following allegations and claims against AVID DATING LIFE INC., AVID LIFE MEDIA
21 INC., AND DOES 1-10 (hereinafter, "Defendants"), upon personal knowledge, investigation of counsel,
22 and information and belief:

23 PARTIES

- 24 1. Plaintiff is a resident of the state of California and county of Los Angeles.
25 2. AVID DATING LIFE INC. and AVID LIFE MEDIA INC. are Canadian corporations with their
principal places of business and corporate headquarters in Canada.
3. Does 1-10 are sued pursuant to Code of Civil Procedure section 474.

1 4. At all times mentioned herein, Defendants have been offering dating services on their website,
2 ashleymadison.com (hereinafter, the "Website").

3 5. The Website provides a venue for men and women to communicate with one another.

4 FIRST CAUSE OF ACTION AGAINST ALL DEFENDANTS FOR VIOLATION OF
5 THE UNRUH CIVIL RIGHTS ACT, CIVIL CODE SECTION 51

6 6. Each of the foregoing paragraphs is incorporated herein by reference.

7 7. During the preceding four years, the Website has not permitted men to communicate with
8 women unless they purchase credits.

9 8. During the preceding four years, the Website has permitted women to communicate with men for
10 free.

11 9. On or about August 27, 2013, in order to communicate with women on the Website, Plaintiff had
12 to pay Defendants \$49.00 to purchase credits.

13 SECOND CAUSE OF ACTION AGAINST ALL DEFENDANTS FOR VIOLATION OF
14 THE GENDER TAX REPEAL ACT OF 1995, CIVIL CODE SECTION 51.6

15 10. Each of the foregoing paragraphs is incorporated herein by reference.

16 THIRD CAUSE ACTION AGAINST ALL DEFENDANTS FOR VIOLATION OF
17 CIVIL CODE SECTION 51.5

18 11. Each of the foregoing paragraphs is incorporated herein by reference.

19 FOURTH CAUSE OF ACTION AGAINST ALL DEFENDANTS FOR VIOLATION OF
20 THE UNFAIR COMPETITION LAW

21 12. Each of the foregoing paragraphs is incorporated herein by reference.

22 CLASS ACTION ALLEGATIONS

23 13. Plaintiff brings this class action against Defendants pursuant to Code of Civil Procedure section
24 382 on behalf of all similarly-situated individuals. For purposes of the first through third causes
25 of action, the class is defined as all male California residents who have paid to communicate
with women on the Website at any time since two years prior to this action's filing. For purposes
of the fourth cause of action, the class is defined as all male California residents who have paid
to communicate with women on the Website at any time since four years prior to this action's
filing.

- 1 14. The members of the class are so numerous that joinder of all members is impracticable. While
2 the exact number of class members is unknown, such information can be ascertained through
3 discovery into Defendants' records. The number is estimated to exceed 500.
- 4 15. A class action is superior to other available methods for the fair and efficient adjudication of this
5 controversy because joinder of all members is impracticable, the likelihood of individual class
6 members prosecuting separate claims is remote and individual class members do not have a
7 significant interest in individually controlling the prosecution of separate actions. Relief
8 concerning Plaintiff's rights and with respect to the class as a whole would be appropriate.
9 Plaintiff knows of no difficulty to be encountered in the management of this action that would
10 preclude its maintenance as a class action.
- 11 16. There is a well-defined community of interest among the members of the class because common
12 questions of law and fact predominate. Common questions of law and fact exist as to all
13 members of the class and predominate over any questions affecting solely individual members of
14 the class. These common questions include, but are not limited to, whether Defendants charged
15 men to communicate with women on the Website while not charging women to communicate
16 with men on the Website, whether Defendants' conduct violates the aforementioned laws,
17 whether class members are entitled to injunctive relief pursuant to Civil Code section 52,
18 subdivision (c) and Business and Professions Code section 17203, whether class members are
19 entitled to statutory damages pursuant to Civil Code section 52, subdivision (a), and whether
20 class members are entitled to restitution pursuant to Business and Professions Code section
21 17203.
- 22 17. Plaintiff's claims are typical of those of other class members because Plaintiff, like every other
23 class member, was exposed to virtually identical conduct and is entitled to the same remedies
24 pursuant to the same laws.
- 25 18. Plaintiff can fairly and adequately represent the interests of the class. Plaintiff has no conflicts of
interest with other class members. Plaintiff has retained competent counsel experienced in civil
litigation and class actions.

21 III
22 III
23 III
24 III

1 PRAYER

2 Wherefore, Plaintiff prays for judgment against Defendants as follows:

3 On the First Causes of Action

- 4 A. For four thousand dollars (\$4,000) for each violation of the Unruh Civil Rights Act, Civil Code
5 section 51.
6 B. For a permanent injunction.

7 On the Second Cause of Action

- 8 A. For four thousand dollars (\$4,000) for each violation of the Gender Tax Repeal Act of 1995,
9 Civil Code section 51.6.
10 B. For a permanent injunction.

11 On the Third Cause of Action

- 12 A. For four thousand dollars (\$4,000) for each violation of Civil Code section 51.5.
13 B. For a permanent injunction.

14 On the Fourth Cause of Action

- 15 A. For restitution of all sums paid by male California residents to communicate with women on the
16 Website.
17 B. For a permanent injunction.

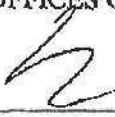
18 On All Causes of Action

19 For an order certifying this case as a class action, reasonable attorney's fees, prejudgment
20 interest, costs, and such relief as the Court may deem just and proper.

21 Dated: 10/30/2013

LAW OFFICES OF MORSE MEHRBAN, A.P.C.

22 By:

23 
24 _____
25 Morse Mehrban
Attorney for Plaintiff,
Mark Lewis

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES
NOTICE OF CASE ASSIGNMENT - CLASS ACTION CASES
Case Number BC 526665

THIS FORM IS TO BE SERVED WITH THE SUMMONS AND COMPLAINT
Your case is assigned for all purposes to the judicial officer indicated below (Local Rule 3.3(c)).

ASSIGNED JUDGE	DEPT	ROOM
Judge Elihu M. Berle	323	1707
Judge Lee Smalley Edmon	322	1702
Judge John Shepard Wiley, Jr.	311	1408
Judge Kenneth Freeman	310	1412
Judge Jane Johnson	308	1415
Judge William F. Highberger	307	1402
OTHER		

Instructions for handling Class Action Civil Cases

The following critical provisions of the Chapter Three Rules, as applicable in the Central District, are summarized for your assistance.

APPLICATION

The Chapter Three Rules were effective January 1, 1994. They apply to all general civil cases.

PRIORITY OVER OTHER RULES

The Chapter Three Rules shall have priority over all other Local Rules to the extent the others are inconsistent.

CHALLENGE TO ASSIGNED JUDGE

A challenge under Code of Civil Procedure section 170.6 must be made within 15 days after notice of assignment for all purposes to a judge, or if a party has not yet appeared, within 15 days of the first appearance.

TIME STANDARDS

Cases assigned to the Individual Calendaring Court will be subject to processing under the following time standards:

COMPLAINTS: All complaints shall be served within 60 days of filing and proof of service shall be filed within 90 days of filing.

CROSS-COMPLAINTS: Without leave of court first being obtained, no cross-complaint may be filed by any party after their answer is filed. Cross-complaints shall be served within 30 days of the filing date and a proof of service filed within 60 days of the filing date.

A Status Conference will be scheduled by the assigned Independent Calendar Judge no later than 270 days after the filing of the complaint. Counsel must be fully prepared to discuss the following issues: alternative dispute resolution, bifurcation, settlement, trial date, and expert witnesses.

FINAL STATUS CONFERENCE

The Court will require the parties at a status conference not more than 10 days before the trial to have timely filed and served all motions in limine, bifurcation motions, statements of major evidentiary issues, dispositive motions, requested jury instructions, and special jury instructions and special jury verdicts. These matters may be heard and resolved at this conference. At least 5 days before this conference, counsel must also have exchanged lists of exhibits and witnesses and have submitted to the court a brief statement of the case to be read to the jury panel as required by Chapter Eight of the Los Angeles Superior Court Rules.

SANCTIONS

The court will impose appropriate sanctions for the failure or refusal to comply with Chapter Three Rules, orders made by the Court, and time standards or deadlines established by the Court or by the Chapter Three Rules. Such sanctions may be on a party or if appropriate on counsel for the party.

This is not a complete delineation of the Chapter Three Rules, and adherence only to the above provisions is therefore not a guarantee against the imposition of sanctions under Trial Court Delay Reduction. Careful reading and compliance with the actual Chapter Rules is absolutely imperative.

Given to the Plaintiff/Cross-Complainant/Attorney of Record on NOV 04 2013 Sherri R. Carter, Executive Officer/Clerk

By L. Johnson, Deputy Clerk

ORIGINAL FILED

NOV 20 2013
LOS ANGELES
SUPERIOR COURT

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SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES
CENTRAL DISTRICT

MARK LEWIS, et al.

Plaintiff,

vs.

AVID DATING LIFE, INC., AVID LIFE
MEDIA, INC., et al.

Defendants.

Case No. BC526665

INITIAL STATUS CONFERENCE ORDER
(COMPLEX LITIGATION PROGRAM)

Case Assigned for All Purposes to
Judge Kenneth R. Freeman

Department: 310
Date: March 21, 2014
Time: 9:00 a.m.

This case has been assigned for all purposes to Judge Kenneth R. Freeman in the Complex Litigation Program. An Initial Status Conference is set for March 21, 2014 at 9:00 a.m. in Department 310 located in the Central Civil West Courthouse at 600 South Commonwealth Avenue, Los Angeles, California 90005. Counsel for all parties are ordered to attend.

The Court orders counsel to prepare for the Initial Status Conference by identifying and discussing the central legal and factual issues in the case. Counsel for plaintiff is ordered to initiate contact with counsel for defense to begin this process. Counsel then must negotiate and agree, as possible, on a case management plan. To this end, counsel must file a Joint Initial Status Conference Class Action Response Statement five court days before the Initial Status Conference.

1 The Joint Response Statement must be filed on line-numbered pleading paper and must
2 specifically answer each of the below-numbered questions. Do not the use the Judicial Council
3 Form CM-110 (Case Management Statement) for this purpose.

4 **1. PARTIES AND COUNSEL:** Please list all presently-named class representatives and
5 presently-named defendants, together with all counsel of record, including counsel's contact and
6 email information.

7 **2. POTENTIAL ADDITIONAL PARTIES:** Does any plaintiff presently intend to add
8 more class representatives? If so, and if known, by what date and by what name? Does any
9 plaintiff presently intend to name more defendants? If so, and if known, by what date and by what
10 name? Does any appearing defendant presently intend to file a cross-complaint? If so, who will
11 be named.

12 **3. IMPROPERLY NAMED DEFENDANT(S):** If the complaint names the wrong
13 person or entity, please explain.

14 **4. ADEQUACY OF PROPOSED CLASS REPRESENTATIVE(S):** If any party
15 believes one or more named plaintiffs might not be an adequate class representative, please
16 explain. No prejudice will attach to these responses.

17 **5. ESTIMATED CLASS SIZE:** Please discuss and indicate the estimated class size.

18 **6. OTHER ACTIONS WITH OVERLAPPING CLASS DEFINITIONS:** Please list
19 other cases with overlapping class definitions. Please identify the court, the short caption title, the
20 docket number, and the case status.

21 **7. POTENTIALLY RELEVANT ARBITRATION AND/OR CLASS ACTION**
22 **WAIVER CLAUSES:** Please include a sample of any clause of this sort. Opposing parties must
23 summarize their views on this issue.

24 **8. POTENTIAL EARLY CRUCIAL MOTIONS:** Opposing counsel are to identify and
25

1 describe the significant core issues in the case. Counsel then are to identify efficient ways to
2 resolve those issues. The vehicles include:

- 3 ■ Early motions in limine,
- 4 ■ Early motions about particular jury instructions,
- 5 ■ Demurrers,
- 6 ■ Motions to strike,
- 7 ■ Motions for judgment on the pleadings, and
- 8 ■ Motions for summary judgment and summary adjudication.

9
10 **NOTE: Effective 2012, by stipulation a party may move for summary adjudication of**
11 **a legal issue or a claim for damages that does not completely dispose of a cause of action, an**
12 **affirmative defense, or an issue of duty¹. Counsel are to analyze, discuss, and report on the**
13 **relevance of this powerful new procedure.**

14 **9. CLASS CONTACT INFORMATION:** Does plaintiff need class contact information
15 from the defendant's records? If so, do the parties consent to an "opt-out" notice process (as
16 approved in *Belair-West Landscape, Inc. v. Superior Court* (2007) 149 Cal.App.4th 554, 561) to
17 precede defense delivery of this information to plaintiff's counsel? If the parties agree on the
18 notice process, who should pay for it? Should there be a third-party administrator?

19
20 **10. PROTECTIVE ORDERS:** Parties considering an order to protect confidential
21 information from general disclosure should begin with the model protective orders found on the
22 Los Angeles Superior Court Website under "Civil Tools for Litigators."

23
24 **11. DISCOVERY:** Please discuss discovery. Do the parties agree on a plan? If not, can
25 the parties negotiate a compromise? At minimum, please summarize each side's views on

26
27 ¹See Code Civ. Proc. § 437c, subd.(s)
28

1 discovery. The Court generally allows discovery on matters relevant to class certification, which
2 (depending on circumstances) may include factual issues also touching the merits. The Court
3 generally does not permit extensive or expensive discovery relevant only to the merits (for
4 example, detailed damages discovery) unless a persuasive showing establishes early need. If any
5 party seeks discovery from absent class members, please estimate how many, and also state the
6 kind of discovery you propose².

7
8 **12. INSURANCE COVERAGE:** Please state if there is insurance for indemnity or
9 reimbursement.

10 **13. ALTERNATIVE DISPUTE RESOLUTION:** Please discuss ADR and state each
11 party's position about it. If pertinent, how can the Court help identify the correct neutral and
12 prepare the case for a successful settlement negotiation?

13 **14. TIMELINE FOR CASE MANAGEMENT:** Please recommend dates and times for
14 the following:

- 15 ■ The next status conference,
- 16 ■ A schedule for alternative dispute resolution, if it is relevant,
- 17 ■ A filing deadline for the motion for class certification, and
- 18 ■ Filing deadlines and descriptions for other anticipated non-discovery motions.

19
20 **15. ELECTRONIC SERVICE OF PAPERS:** For efficiency the complex program
21 requires the parties in every new case to use a third-party cloud service. While the parties are free
22 to choose one of the services shown below, this Court (Department 310) prefers that the parties
23 select:

- 24 ■ Case Anywhere (<http://www.caseanywhere.com>):

25
26
27 ² See California Rule of Court, Rule 3.768.

1 The parties are not required to select Case Anywhere, but may chose instead either

2 ■ File & Serve Xpress (<https://secure.fileandservexpress.com>) or

3 ■ CaseHomePage (<http://www.casehomepage.com>).

4 Please agree on one and submit the parties' choice when filing the Joint Initial Status
5 Conference Class Action Response Statement. If there is agreement, please identify the vendor. If
6 parties cannot agree, the Court will select the vendor at the Initial Status Conference. Electronic
7 service is not the same as electronic filing. Only traditional methods of filing by physical delivery
8 of original papers or by fax filing are presently acceptable.
9

10 **Reminder When Seeking To Dismiss Or To Obtain Settlement Approval:**

11 "A dismissal of an entire class action, or of any party or cause of action in a class action,
12 requires Court approval . . . Requests for dismissal must be accompanied by a declaration setting
13 forth the facts on which the party relies. The declaration must clearly state whether consideration,
14 direct or indirect, is being given for the dismissal and must describe the consideration in detail."³
15 If the parties have settled the class action, that too will require judicial approval based on a noticed
16 motion (although it may be possible to shorten time by consent for good cause shown).
17

18 Pending further order of this Court, and except as otherwise provided in this Initial Status
19 Conference Order, these proceedings are stayed in their entirety. This stay shall preclude the
20 filing of any answer, demurrer, motion to strike, or motions challenging the jurisdiction of the
21 Court. However, any defendant may file a Notice of Appearance for purposes of identification of
22 counsel and preparation of a service list. The filing of such a Notice of Appearance shall be
23 without prejudice to any challenge to the jurisdiction of the Court, substantive or procedural
24 challenges to the Complaint, without prejudice to any affirmative defense, and without prejudice
25

26
27 ³ California Rule of Court, Rule 3.770(a)
28

1 to the filing of any cross-complaint in this action. This stay is issued to assist the Court and the
2 parties in managing this "complex" case through the development of an orderly schedule for
3 briefing and hearings on procedural and substantive challenges to the complaint and other issues
4 that may assist in the orderly management of these cases. This stay shall not preclude the parties
5 from informally exchanging documents that may assist in their initial evaluation of the issues
6 presented in this case, however shall stay all outstanding discovery requests.

7
8 Plaintiff's counsel is directed to serve a copy of this Initial Status Conference Order on
9 counsel for all parties, or if counsel has not been identified, on all parties, within five (5) days of
10 service of this order. If any defendant has not been served in this action, service is to be completed
11 within twenty (20) days of the date of this order.

12 Dated: November 20, 2013

13
14 **KENNETH R. FREEMAN**

15 _____
16 Judge Kenneth R. Freeman
17
18
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26
27
28

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

DATE: 11/20/13

DEPT. 310

HONORABLE KENNETH R. FREEMAN

JUDGE R. ARRAIGA

DEPUTY CLERK

HONORABLE #6

JUDGE PRO TEM

ELECTRONIC RECORDING MONITOR

C. JONES, C.A.

Deputy Sheriff

NONE

Reporter

BC526665

Plaintiff
Counsel

MARK LEWIS

NO APPEARANCES

VS

Defendant

AVID DATING LIFE INC ET AL

Counsel

NATURE OF PROCEEDINGS:

COURT ORDER REGARDING NEWLY FILED CLASS ACTION

By this order, the Court determines this case to be Complex according to Rule 3.400 of the California Rules of Court. The Clerk's Office has randomly assigned this case to this department for all purposes.

By this order, the Court stays the case, except for service of the Summons and Complaint. The stay continues at least until the Initial Status Conference. Initial Status Conference is set for March 21, 2014, at 9:00 a.m., in this department. At least 10 days prior to the Initial Status Conference, counsel for all parties must discuss the issues set forth in the Initial Status Conference Order issued this date. The Initial Status Conference Order is to help the Court and the parties manage this complex case by developing an orderly schedule for briefing, discovery, and court hearings. The parties are informally encouraged to exchange documents and information as may be useful for case evaluation.

Responsive pleadings shall not be filed until further Order of the Court. Parties must file a Notice of Appearance in lieu of an Answer or other responsive pleading. The filing of a Notice of Appearance shall not constitute a waiver of any substantive or procedural challenge to the Complaint. Nothing in this order stays the time for filing an Affidavit of

MINUTES ENTERED 11/20/13 COUNTY CLERK

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

DATE: 11/20/13

DEPT. 310

HONORABLE KENNETH R. FREEMAN

JUDGE

R. ARRAIGA

DEPUTY CLERK

HONORABLE
#6

JUDGE PRO TEM

ELECTRONIC RECORDING MONITOR

C. JONES, C.A.

Deputy Sheriff

NONE

Reporter

BC526665

Plaintiff

MARK LEWIS

Counsel

NO APPEARANCES

VS

Defendant

AVID DATING LIFE INC ET AL

Counsel

NATURE OF PROCEEDINGS:

Prejudice pursuant to Code of Civil Procedure Section 170.6.

According to Government Code Section 70616 subdivisions (a) and (b), each party shall pay a fee of \$1,000.00 to the Los Angeles Superior Court within 10 calendar days from this date.

The plaintiff must serve a copy of this minute order on all parties forthwith and file a Proof of Service in this department within seven days of service.

Counsel are directed to access the following link for information on procedures in the Complex Litigation Program courtrooms:

<http://courtnet/internet/civil/UI/ToolsForLitigators2.aspx>

CLERK'S CERTIFICATE OF MAILING

I, the below-named Executive Officer/Clerk of the above-entitled court, do hereby certify that I am not a party to the cause herein, and that on this date I served the Minute Order and the Initial Status Conference Order upon each party or counsel named below by placing the document for collection and mailing so as to cause it to be deposited in the United States mail

<p align="center">MINUTES ENTERED 11/20/13 COUNTY CLERK</p>

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

DATE: 11/20/13

DEPT. 310

HONORABLE KENNETH R. FREEMAN

JUDGE

R. ARRAIGA

DEPUTY CLERK

HONORABLE
#6

JUDGE PRO TEM

ELECTRONIC RECORDING MONITOR

C. JONES, C.A.

Deputy Sheriff

NONE

Reporter

BC526665

Plaintiff

MARK LEWIS

Counsel

NO APPEARANCES

VS

Defendant

AVID DATING LIFE INC ET AL

Counsel

NATURE OF PROCEEDINGS:

at the courthouse in Los Angeles, California, one copy of the original filed/entered herein in a separate sealed envelope to each address as shown below with the postage thereon fully prepaid, in accordance with standard court practices.

Dated: November 20, 2013

Sherri R. Carter, Executive Officer/Clerk

R. ARRAIGA, Deputy Clerk

Morse Mehrban
LAW OFFICES OF MORSE MEHRBAN, A.P.C
15233 Ventura Boulevard, Suite 1000
Sherman Oaks, CA 91403

1 PROOF OF SERVICE

2 STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

3 I am employed in the County of Los Angeles, State of California. I am over the
4 age of 18 and not a party to the within action; my business address is: 2029 Century
5 Park East, Suite 300, Los Angeles, CA 90067. On January 31, 2014, I served the
6 foregoing document(s) described as: **NOTICE OF REMOVAL OF ACTION TO
FEDERAL COURT** on the interested party(ies) below, using the following means:


7 Morse Mehrban
8 Julie Mehrban
9 Law Offices of Morse Mehrban, A.P.C.
10 15233 Ventura Boulevard, Suite 1000
11 Sherman Oaks, California 91403

12 BY UNITED STATES MAIL. I enclosed the documents in a sealed envelope or
13 package addressed to the respective address(es) of the party(ies) stated above and placed
14 the envelope(s) for collection and mailing, following our ordinary business practices. I
15 am readily familiar with the firm's practice of collection and processing correspondence
16 for mailing. On the same day that correspondence is placed for collection and mailing,
17 it is deposited in the ordinary course of business with the United States Postal Service,
18 in a sealed envelope with postage fully prepaid at Los Angeles, California.

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

21 Executed on January 31, 2014 at Los Angeles, California.

22 Laurie Rossi
23 [Print Name]

24 
25 [Signature]

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

NOTICE OF ASSIGNMENT TO UNITED STATES JUDGES

This case has been assigned to District Judge Dolly M. Gee and the assigned Magistrate Judge is Michael R. Wilner.

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

2:14-CV-00763-DMG (MRWx)

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.

Clerk, U. S. District Court

January 31, 2014

Date

By MDAVIS

Deputy Clerk

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:

- | | | |
|--|--|---|
| <input checked="" type="checkbox"/> Western Division
312 N. Spring Street, G-8
Los Angeles, CA 90012 | <input type="checkbox"/> Southern Division
411 West Fourth St., Ste 1053
Santa Ana, CA 92701 | <input type="checkbox"/> Eastern Division
3470 Twelfth Street, Room 134
Riverside, CA 92501 |
|--|--|---|

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

Copy

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

I. (a) PLAINTIFFS (Check box if you are representing yourself):
Wald Levin, individually and On Behalf of All Others Similarly Situated

DEFENDANTS (Check box if you are representing yourself):
Avid Dating Life Inc, a Canadian corporation; and Avid Life Media Inc, a Canadian corporation.

(b) County of Residence of First Listed Plaintiff
(EXCEPT IN U.S. PLAINTIFF CASES)

County of Residence of First Listed Defendant: Canada
(IN U.S. PLAINTIFF CASES ONLY)

(c) Attorneys (Firm Name, Address and Telephone Number) if you are representing yourself, provide the same information.

Morse Mehrban, Julia Mehrban, Law Offices of Morse Mehrban, A.P.C., 15233 Venture Blvd., Suite 1000, Sherman Oaks, California 91403; 424-274-7237

Kevin D. Hising, David W. Nelson, Barnes & Thornburg LLP, 2029 Century Park East, Suite 300, Los Angeles, California 90067; 310-284-3880

II. BASIS OF JURISDICTION (Place an X in one box only)

1. U.S. Government Plaintiff

2. U.S. Government Defendant

3. Federal Question (U.S. Government Not a Party)

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)

Citizen of this State	PTF <input checked="" type="checkbox"/> 1	DEF <input type="checkbox"/> 1	Incorporated by Principal Place of Business in this State	PTF <input type="checkbox"/> 4	DEF <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 of Subject of a Foreign Country	<input type="checkbox"/> 3	<input checked="" 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, Circuit

6. Multi-District Litigation

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: \$ over \$5,000,000

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.)

Removal under Class Action Fairness Act of 2005; 28 U.S.C. sec. 1332(d)(2) and 1453(a).

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

<input type="checkbox"/> 300 False Claims Act	<input type="checkbox"/> 110 Insurance	<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 602 Naturalization Application	<input type="checkbox"/> Habeas Corpus:	<input type="checkbox"/> 820 Copyrights
<input type="checkbox"/> 400 State Reapportionment	<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 665 Other Immigration Actions	<input type="checkbox"/> 460 Alien Detainee	<input type="checkbox"/> 830 Patent
<input type="checkbox"/> 410 Antitrust	<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 670 Other	<input type="checkbox"/> 510 Motions to Vacate Sentence	<input type="checkbox"/> 840 Trademark
<input type="checkbox"/> 430 Banks and Banking	<input type="checkbox"/> 140 Negotiable Instrument	Transportation	<input type="checkbox"/> 680 Other	<input type="checkbox"/> 530 General	<input type="checkbox"/> 850 Death Penalty
<input type="checkbox"/> 450 Commerce/ICC Rates/Etc	<input type="checkbox"/> 150 Recovery of Overpayment or Enforcement of Judgment	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 690 Other	<input type="checkbox"/> 550 Death Penalty	<input type="checkbox"/> 860 Habeas Corpus
<input type="checkbox"/> 460 Deception	<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 700 Other	<input type="checkbox"/> 560 Mandamus/Other	<input type="checkbox"/> 870 Black Lung (923)
<input type="checkbox"/> 470 Backscatter Imv. Priced & Comput. Org.	<input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Vch)	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 710 Other	<input type="checkbox"/> 570 Civil Rights	<input type="checkbox"/> 880 DMV/DMVW (405.10)
<input type="checkbox"/> 480 Consumer Goods	<input type="checkbox"/> 153 Recovery of Overpayment of Vet. Benefits	<input type="checkbox"/> 330 Fed. Employers' Liability	<input type="checkbox"/> 720 Other	<input type="checkbox"/> 585 Prison Condition	<input type="checkbox"/> 890 SSID/THRE (XVI)
<input type="checkbox"/> 490 Cable/Sat. TV	<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 340 Marine	<input type="checkbox"/> 730 Other	<input type="checkbox"/> 590 Civil Detainee Conditions of Confinement	<input type="checkbox"/> 900 AS4403 (01)
<input type="checkbox"/> 500 Securities/Commodities/Exchange	<input type="checkbox"/> 165 Other Contract	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 740 Other	<input type="checkbox"/> 600 Civil Detainee Conditions of Confinement	FEDERAL QUESTIONS
<input checked="" type="checkbox"/> 510 Other Securities Actions	<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 750 Other	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)
<input type="checkbox"/> 520 Agricultural Acts	<input type="checkbox"/> 195 Contract Product Liability	<input type="checkbox"/> 355 Motor Vehicle Product Liability	<input type="checkbox"/> 760 Other	<input type="checkbox"/> 630 Other	<input type="checkbox"/> 871 IRS-Third Party 24 USC 7609
<input type="checkbox"/> 530 Environmental Matters	<input type="checkbox"/> 196 Franchise	<input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 770 Other	<input type="checkbox"/> 640 Other	<input type="checkbox"/> 872 Fair Labor Standards Act
<input type="checkbox"/> 540 Freedom of Info. Act	<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 365 Personal Injury -Wed Malpractice	<input type="checkbox"/> 780 Other	<input type="checkbox"/> 650 Other	<input type="checkbox"/> 720 Labor/Mgmt. Relations
<input type="checkbox"/> 545 Arbitration	<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability	<input type="checkbox"/> 790 Other	<input type="checkbox"/> 660 Other	<input type="checkbox"/> 740 Railway Labor Act
<input type="checkbox"/> 550 Within Procedures Act/Review of Appeal of Agency Decision	<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 368 Personal Injury -Product Liability	<input type="checkbox"/> 800 Other	<input type="checkbox"/> 670 Other	<input type="checkbox"/> 751 Family and Medical Leave Act
<input type="checkbox"/> 550 Constitutional of State Statutes		<input type="checkbox"/> 369 Personal Injury -Product Liability	<input type="checkbox"/> 810 Other	<input type="checkbox"/> 680 Other	<input type="checkbox"/> 790 Other Labor Litigation
		<input type="checkbox"/> 370 Health Care/Pharmaceutical Personal Injury Product Liability	<input type="checkbox"/> 820 Other	<input type="checkbox"/> 690 Other	<input type="checkbox"/> 791 Employee Ret. Inc. Security Act

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

I. (a) PLAINTIFFS (Check box if you are representing yourself)

Mark Lewis, Individually and On Behalf of All Others Similarly Situated

DEFENDANTS (Check box if you are representing yourself)

Avid Dating Life Inc., a Canadian corporation; and Avid Life Media Inc., a Canadian corporation

(b) County of Residence of First Listed Plaintiff _____

(EXCEPT IN U.S. PLAINTIFF CASES)

County of Residence of First Listed Defendant Canada

(IN U.S. PLAINTIFF CASES ONLY)

(c) Attorneys (Firm Name, Address and Telephone Number) If you are representing yourself, provide the same information.

Morse Mehrban; Julie Mehrban; Law Offices of Morse Mehrban, A.P.C.; 15233 Ventura Blvd., Suite 1000; Sherman Oaks, California 91403; 424-274-1237

Attorneys (Firm Name, Address and Telephone Number) If you are representing yourself, provide the same information.

Kevin D. Rising; David W. Nelson; Barnes & Thornburg LLP; 2029 Century Park East, Suite 300; Los Angeles, California 90067; 310-284-3880

II. BASIS OF JURISDICTION (Place an X in one box only.)

1. U.S. Government Plaintiff
2. U.S. Government Defendant
3. Federal Question (U.S. Government Not a Party)
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)

- | | | | | | |
|---|---|---|---|--------------------------------|--------------------------------|
| Citizen of This State | <input checked="" type="checkbox"/> PTF 1 | <input type="checkbox"/> DEF 1 | Incorporated or Principal Place of Business in this State | <input type="checkbox"/> PTF 4 | <input type="checkbox"/> DEF 4 |
| Citizen of Another State | <input type="checkbox"/> PTF 2 | <input type="checkbox"/> DEF 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> PTF 5 | <input type="checkbox"/> DEF 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> PTF 3 | <input checked="" type="checkbox"/> DEF 3 | Foreign Nation | <input type="checkbox"/> PTF 6 | <input type="checkbox"/> DEF 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

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

CLASS ACTION under F.R.Cv.P. 23: Yes No **MONEY DEMANDED IN COMPLAINT:** \$ over \$5,000,000

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.)
Removal under Class Action Fairness Act of 2005, 28 U.S.C. sec. 1332(d)(2) and 1453(b).

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

OTHER STATUTES	CONTRACT	REAL PROPERTY CONT.	IMMIGRATION	PRISONER PETITIONS	PROPERTY RIGHTS
<input type="checkbox"/> 375 False Claims Act	<input type="checkbox"/> 110 Insurance	<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 462 Naturalization Application	Habeas Corpus:	<input type="checkbox"/> 820 Copyrights
<input type="checkbox"/> 400 State Reapportionment	<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 463 Alien Detainee	<input type="checkbox"/> 830 Patent
<input type="checkbox"/> 410 Antitrust	<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 290 All Other Real Property	TORTS	<input type="checkbox"/> 510 Motions to Vacate Sentence	<input type="checkbox"/> 840 Trademark
<input type="checkbox"/> 430 Banks and Banking	<input type="checkbox"/> 140 Negotiable Instrument	TORTS	PERSONAL PROPERTY	<input type="checkbox"/> 530 General	SOCIAL SECURITY
<input type="checkbox"/> 450 Commerce/ICC Rates/Etc.	<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	PERSONAL INJURY	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 535 Death Penalty	<input type="checkbox"/> 861 HIA (1395ff)
<input type="checkbox"/> 460 Deportation	<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 371 Truth in Lending	Other:	<input type="checkbox"/> 862 Black Lung (923)
<input type="checkbox"/> 470 Racketeer Influenced & Corrupt Org.	<input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Vet.)	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 380 Other Personal Property Damage	<input type="checkbox"/> 540 Mandamus/Other	<input type="checkbox"/> 863 DIWC/DIWW (405 (g))
<input type="checkbox"/> 480 Consumer Credit	<input type="checkbox"/> 153 Recovery of Overpayment of Vet. Benefits	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 550 Civil Rights	<input type="checkbox"/> 864 SSID Title XVI
<input type="checkbox"/> 490 Cable/Sat TV	<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 330 Fed. Employers' Liability	BANKRUPTCY	<input type="checkbox"/> 555 Prison Condition	<input type="checkbox"/> 865 RSI (405 (g))
<input type="checkbox"/> 850 Securities/Commodities/Exchange	<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 340 Marine	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 560 Civil Detainee Conditions of Confinement	FEDERAL TAX SUITS
<input checked="" type="checkbox"/> 890 Other Statutory Actions	<input type="checkbox"/> 195 Contract Product Liability	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 423 Withdrawal 28 USC 157	FORFEITURE/PENALTY	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)
<input type="checkbox"/> 891 Agricultural Acts	<input type="checkbox"/> 196 Franchise	<input type="checkbox"/> 350 Motor Vehicle Product Liability	CIVIL RIGHTS	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881	<input type="checkbox"/> 871 IRS-Third Party 26 USC 7609
<input type="checkbox"/> 893 Environmental Matters	REAL PROPERTY	<input type="checkbox"/> 355 Motor Vehicle Product Liability	<input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 690 Other	
<input type="checkbox"/> 895 Freedom of Info. Act	<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 441 Voting	LABOR	
<input type="checkbox"/> 896 Arbitration	<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 362 Personal Injury-Med Malpractice	<input type="checkbox"/> 442 Employment	<input type="checkbox"/> 710 Fair Labor Standards Act	
<input type="checkbox"/> 899 Admin. Procedures Act/Review of Appeal of Agency Decision	<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 365 Personal Injury-Product Liability	<input type="checkbox"/> 443 Housing/Accommodations	<input type="checkbox"/> 720 Labor/Mgmt. Relations	
<input type="checkbox"/> 950 Constitutionality of State Statutes		<input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability	<input type="checkbox"/> 445 American with Disabilities-Employment	<input type="checkbox"/> 740 Railway Labor Act	
		<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 446 American with Disabilities-Other	<input type="checkbox"/> 751 Family and Medical Leave Act	
		<input type="checkbox"/> 369 Personal Injury Product Liability	<input type="checkbox"/> 448 Education	<input type="checkbox"/> 790 Other Labor Litigation	
				<input type="checkbox"/> 791 Employee Ret. Inc. Security Act	

FOR OFFICE USE ONLY:

Case Number: _____

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

VIII. VENUE: Your answers to the questions below will determine the division of the Court to which this case will most likely be initially assigned. This initial assignment is subject to change, in accordance with the Court's General Orders, upon review by the Court of your Complaint or Notice of Removal.

Question A: Was this case removed from state court? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If "no," go to Question B. If "yes," check the box to the right that applies, enter the corresponding division in response to Question D, below, and skip to Section IX.	STATE CASE WAS PENDING IN THE COUNTY OF:		INITIAL DIVISION IN CACD IS:
	<input checked="" type="checkbox"/> Los Angeles		Western
	<input type="checkbox"/> Ventura, Santa Barbara, or San Luis Obispo		Western
	<input type="checkbox"/> Orange		Southern
	<input type="checkbox"/> Riverside or San Bernardino		Eastern

Question B: Is the United States, or one of its agencies or employees, a party to this action? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If "no," go to Question C. If "yes," check the box to the right that applies, enter the corresponding division in response to Question D, below, and skip to Section IX.	If the United States, or one of its agencies or employees, is a party, is it:		INITIAL DIVISION IN CACD IS:	
	A PLAINTIFF?	A DEFENDANT?		
	Then check the box below for the county in which the majority of DEFENDANTS reside.	Then check the box below for the county in which the majority of PLAINTIFFS reside.		
	<input type="checkbox"/> Los Angeles	<input type="checkbox"/> Los Angeles		Western
	<input type="checkbox"/> Ventura, Santa Barbara, or San Luis Obispo	<input type="checkbox"/> Ventura, Santa Barbara, or San Luis Obispo		Western
	<input type="checkbox"/> Orange	<input type="checkbox"/> Orange		Southern
<input type="checkbox"/> Riverside or San Bernardino	<input type="checkbox"/> Riverside or San Bernardino	Eastern		
<input type="checkbox"/> Other	<input type="checkbox"/> Other	Western		

Question C: Location of plaintiffs, defendants, and claims? (Make only one selection per row)	A. Los Angeles County	B. Ventura, Santa Barbara, or San Luis Obispo Counties	C. Orange County	D. Riverside or San Bernardino Counties	E. Outside the Central District of California	F. Other
Indicate the location in which a majority of plaintiffs reside:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Indicate the location in which a majority of defendants reside:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Indicate the location in which a majority of claims arose:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

C.1. Is either of the following true? If so, check the one that applies: <input type="checkbox"/> 2 or more answers in Column C <input type="checkbox"/> only 1 answer in Column C and no answers in Column D Your case will initially be assigned to the SOUTHERN DIVISION. Enter "Southern" in response to Question D, below. If none applies, answer question C2 to the right. →	C.2. Is either of the following true? If so, check the one that applies: <input type="checkbox"/> 2 or more answers in Column D <input type="checkbox"/> only 1 answer in Column D and no answers in Column C Your case will initially be assigned to the EASTERN DIVISION. Enter "Eastern" in response to Question D, below. If none applies, go to the box below. ↓
Your case will initially be assigned to the WESTERN DIVISION. Enter "Western" in response to Question D below.	

Question D: Initial Division?	INITIAL DIVISION IN CACD
Enter the initial division determined by Question A, B, or C above: →	Western

**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
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IX(a). IDENTICAL CASES: Has this action been previously filed in **this court** and dismissed, remanded or closed? NO YES

If yes, list case number(s): _____

IX(b). RELATED CASES: Have any cases been previously filed in **this court** 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.

X. SIGNATURE OF ATTORNEY

(OR SELF-REPRESENTED LITIGANT):  DATE: January 31, 2014

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. 405 (g))

1 PROOF OF SERVICE

2 STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

3 I am employed in the County of Los Angeles, State of California. I am over the
4 age of 18 and not a party to the within action; my business address is: 2029 Century
5 Park East, Suite 300, Los Angeles, CA 90067. On January 31, 2014, I served the
6 foregoing document(s) described as: **CIVIL COVER SHEET** the interested party(ies)
below, using the following means:

7 Morse Mehrban
8 Julie Mehrban
9 Law Offices of Morse Mehrban, A.P.C.
10 15233 Ventura Boulevard, Suite 1000
11 Sherman Oaks, California 91403

12 BY UNITED STATES MAIL. I enclosed the documents in a sealed envelope or
13 package addressed to the respective address(es) of the party(ies) stated above and placed
14 the envelope(s) for collection and mailing, following our ordinary business practices. I
am readily familiar with the firm's practice of collection and processing correspondence
for mailing. On the same day that correspondence is placed for collection and mailing,
it is deposited in the ordinary course of business with the United States Postal Service,
in a sealed envelope with postage fully prepaid at Los Angeles, California.

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

17 Executed on January 31, 2014 at Los Angeles, California.

18
19 Laurie Rossi
20 *[Print Name]*

Laurie Rossi
[Signature]