

1 ANDREW R. HUNTER (Bar No. 125191)
 2 EVAN PITCHFORD (Bar No. 256536)
 3 LAPIDUS & LAPIDUS
 4 A PROFESSIONAL LAW CORPORATION
 5 177 SOUTH BEVERLY DRIVE
 6 BEVERLY HILLS, CALIFORNIA 90212
 7 TEL: 310-550-8700
 8 FAX: 310-943-2471

9 Attorneys for Defendant
 10 Landry's, Inc.

FILED
 11 NOV -7 PM 1:37
 CLERK U.S. DISTRICT COURT
 CENTRAL DIST. OF CALIF.
 LOS ANGELES
 BY: _____

11 UNITED STATES DISTRICT COURT
 12 CENTRAL DISTRICT OF CALIFORNIA - SOUTHERN DIVISION

13 ANGELS BASEBALL LP, a California
 14 Limited Partnership,

15 Plaintiff,

16 v.

17 LANDRY'S RESTAURANTS, INC., a
 18 corporation, and DOES 1
 19 Through 100, inclusive,
 20 Defendant.

21 CASE NO. **9:ACV11-1702** (PNBx)

22 NOTICE OF REMOVAL OF ACTION
 23 UNDER 28 U.S.C. § 1441(b)
 24 (DIVERSITY);

25 DEMAND FOR JURY TRIAL

26 NOTICE OF REMOVAL OF ACTION UNDER 28 U.S.C.
 27 § 1441(b) (DIVERSITY); DEMAND FOR JURY TRIAL
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TO THE CLERK OF THE ABOVE-ENTITLED COURT:

PLEASE TAKE NOTICE THAT defendant Landry's, Inc. f/k/a Landry's Restaurants, Inc. ("Landry's") hereby removes to this Court the state court action described below.

1. On October 5, 2011, an action was commenced in the Superior Court of the State of California in the County of Orange, entitled *Angels Baseball LP v. Landry's Restaurants, Inc.*, Case No. 30-2011-00512940. A true and correct copy of the Complaint is attached hereto as Exhibit A.

2. Landry's was served by certified mail with a copy of the above-described Complaint and a Summons from the state court on October 13, 2011, which was the first date Landry's received a copy of the Complaint. A true and correct copy of the Summons served on Landry's is attached hereto as Exhibit B.

3. A copy of Landry's Answer, which was filed in the above-referenced Superior Court on November 4, 2011, is attached hereto as Exhibit C.

4. No other pleadings, process, or orders have been served on Landry's to date.
///
///
///

1 5. This action is a civil action over which this Court has original jurisdiction
2 under 28 U.S.C. § 1332, and is one that may be removed to this Court by Landry's
3 pursuant to the complete-diversity provisions of 28 U.S.C. § 1441(b). Specifically,
4 Landry's is and at all times relevant to this action was a Delaware corporation with its
5 principal place of business in Houston, Texas, while plaintiff Angels Baseball, LP is and
6 at all times relevant to this action was a California limited partnership with its principal
7 place of business in Anaheim, California. Further, the matter in controversy exceeds,
8 exclusive of interest and costs, the sum of \$75,000 as required by 28 U.S.C. § 1332. See
9 Exhibit A at ¶¶ 12, 15.

10
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12 DATED: November 7, 2011

LAPIDUS & LAPIDUS
A PROFESSIONAL LAW CORPORATION



EVAN PITCHFORD
Attorneys for Defendant
Landry's, Inc.


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DEMAND FOR TRIAL BY JURY

Landry's hereby demands a trial by jury of all issues which may properly be tried
to a jury.

DATED: November 7, 2011

LAPIDUS & LAPIDUS
A PROFESSIONAL LAW CORPORATION



EVAN PITCHFORD
Attorneys for Defendant
Landry's, Inc.

Exhibit A

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF ORANGE
CENTRAL JUSTICE CENTER

OCT 05 2011

ALAN CARLSON, Clerk of the Court

N. Dorfman
BY N DORFMAN

1. JEROME M. JACKSON, ESQ. (SBN 64238)
2. 880 Apollo Street, Suite 238
3. El Segundo, California 90245
4. Phone: (310) 726-4199
5. Facsimile: (310) 414-0486

6. Attorney for Defendant
7. ANGELS BASEBALL LP

8. SUPERIOR COURT OF THE STATE OF CALIFORNIA
9. COUNTY OF ORANGE, CENTRAL JUSTICE CENTER

30-2011

10. ANGELS BASEBALL LP, a
11. California Limited Partnership,

CASE NO. 00512940
[Unlimited Jurisdiction]

12. Plaintiff,

COMPLAINT FOR DAMAGES
(Promissory Estoppel; Common Counts)

13. vs.

14. LANDRY'S RESTAURANTS, INC., a
15. Corporation; and DOES 1 through 100,
16. inclusive,

JUDGE SHEILA FELL
DEPT. C22

17. Defendants.

18. Plaintiff ANGELS BASEBALL LP ("ABLP") alleges as follows:

19. 1. Plaintiff ABLP is a limited partnership organized and existing under and by
20. virtue of the laws of the State of California, having its principal place of business within the City
21. of Anaheim, County of Orange, State of California.

22. 2. Plaintiff ABLP is informed and believes, and therefore alleges, that at all times
23. mentioned herein, Defendant LANDRY'S RESTAURANTS, INC. ("LRI") was a corporation
24. organized and existing under the laws of a State which is presently unknown to Plaintiff ABLP.
25. Plaintiff ABLP will seek leave of court to amend its complaint by inserting the true name of said
26. state when the same has been discovered.
27.
28.

1 confirmed that it had accepted the sponsorship agreement. Defendant LRI assured Plaintiff
2 ABLP that Defendant would "sign and send back" the written confirmation of the sponsorship
3 agreement.

4 9. Plaintiff ABLP justifiably relied upon Defendant LRI's clear and unambiguous
5 promises that: (a) it had approved the design of the promotional items involved in the
6 sponsorship agreement; (b) it had accepted the sponsorship agreement; and (c) it would "sign and
7 send back" the written confirmation of the sponsorship agreement.

8 10. In reliance upon Defendant LRI's clear and unambiguous promises, Plaintiff
9 ABLP made arrangements for the production of the promotional items called for by the
10 promotional agreement. Plaintiff ABLP became financially obligated for the cost incurred in the
11 production of these promotional items.

12 11. Despite its clear and unambiguous promises to the contrary, Defendant LRI
13 later repudiated the sponsorship agreement, and refused to perform any of the obligations which
14 it had under that agreement.

15 12. As a result of its justifiable reliance upon the clear and unambiguous
16 promises of Defendant LRI, Plaintiff ABLP sustained injury and financial damage, in the sum of
17 \$130,158.

18 SECOND CAUSE OF ACTION

19 (Common Count for Work, Labor, Services and Materials vs. All Defendants)

20 13. Plaintiff repeats and realleges the allegations previously set forth in
21 Paragraphs 1 through 4, inclusive, and incorporates the same herein by this reference thereto, as
22 though fully hereinafter set forth at length.

23 14. Within the last two years, Defendant LRI became indebted to Plaintiff ABLP
24 for work, labor, services and materials rendered at the special instance and request of Defendant,
25 and for which Defendant LRI promised to pay plaintiff the sum of \$130,158.

26 15. The sum of \$130,158 is due and unpaid, despite Plaintiff ABLP's demand,
27 plus prejudgment interest according to proof at the rate of 10% *per annum*, from January 7,
28 2011.

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WHEREFORE, Plaintiff prays for judgment as follows:

1. For monetary damages in the principal sum of \$130,158.00, together with interest thereon at the rate of 10% *per annum*, from January 7, 2011;
2. For costs of suit incurred herein; and
3. For such other and further relief as the Court may deem just and proper.

DATED: October 4, 2011

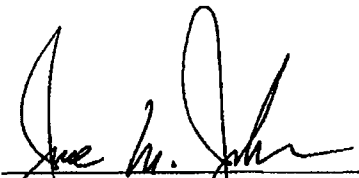
By 
Jerome M. Jackson
Attorney for Defendant
ANGELS BASEBALL LP

Exhibit B

**SUMMONS
(CITACION JUDICIAL)**

SUM-100

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

LANDRY'S RESTAURANTS, INC., a Corporation;
and DOES 1 through 100, inclusive,

**YOU ARE BEING SUED BY PLAINTIFF:
(LO ESTÁ DEMANDANDO EL DEMANDANTE):**
ANGELS BASEBALL LP, a
California Limited Partnership

FOR COURT USE ONLY
FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF ORANGE
CENTRAL JUSTICE CENTER

OCT 05 2011

ALAN CARLSON, Clerk of the Court

BY: N. DORFMAN, DEPUTY

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 exención 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, COUNTY OF ORANGE
700 Civic Center Drive West
P.O. Box 1994
Santa Ana, CA 92702-1994

CASE NUMBER:
(Número del Caso): **30-2011**
00512940

JUDGE SHEILA FELL
DEPT. C22

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney is:

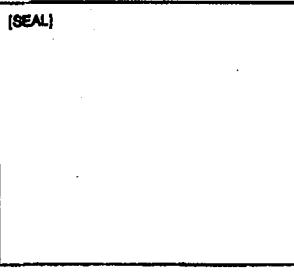
(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):
JEROME M. JACKSON, ESQ. (SBN 64238)
880 Apollo Street, #238
El Segundo, CA 90245

(310) 726-4199

DATE: **OCT 05 2011** **ALAN CARLSON** Clerk, by **N. DORFMAN** Deputy
(Fecha) (Secretario) (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)).

NOTICE TO THE PERSON SERVED: You are served



- as an individual defendant.
- as the person sued under the fictitious name of (specify): **LANDRY'S RESTAURANTS, INC.**
- 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):
- by personal delivery on (date):

Exhibit C

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LAPIDUS & LAPIDUS
A PROFESSIONAL LAW CORPORATION
ANDREW R. HUNTER (Bar No. 125191)
EVAN PITCHFORD (Bar No. 256536)
177 S. Beverly Drive
Beverly Hills, California 90212
Telephone: (310) 550-8700
Facsimile: (310) 943-2471

Attorneys for Defendant
Landry's, Inc.

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF ORANGE
CENTRAL JUSTICE CENTER

NOV 04 2011

WAY CARLSON, Clerk of the Court

BY E. IBARRA DEPUTY

SUPERIOR COURT FOR THE STATE OF CALIFORNIA
COUNTY OF ORANGE

ANGELS BASEBALL, L.P., a California
limited partnership,

Plaintiff,

v.

LANDRY'S RESTAURANTS, INC., a
corporation; and DOES 1 through 100,
inclusive,

Defendants.

CASE NO. 30-2011-00512940

[Assigned to Hon. Sheila Fell, Dept. C22]

ANSWER TO COMPLAINT

COPY

Defendant Landry's, Inc., f/k/a/ Landry's Restaurants, Inc. ("Defendant"), for itself
and itself alone, answers the Complaint for Damages filed herein on October 5, 2011 ("Complaint")
by Plaintiff as follows:

1. Pursuant to California Code of Civil Procedure Section 431.30(d), Defendant
denies both generally and specifically each and every allegation contained in the Complaint and the
whole thereof, and further denies that Plaintiff was damaged in the sum or sums alleged, or to be
alleged, or any other sum or amount whatsoever.

2. Defendant further denies that Plaintiff has sustained any injury, damage or
loss, if any, by reason of any act, omission or error on the part of Defendant or any agent, servant or
employee of Defendant.

PRINTED ON
RECYCLED PAPER

Answer to Complaint

By Electronic Transmission

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AFFIRMATIVE DEFENSES

FIRST AFFIRMATIVE DEFENSE

(Failure to State Causes of Action)

1. Plaintiff's Complaint, and each alleged cause of action therein, fails to state facts sufficient to constitute causes of action against Defendant.

SECOND AFFIRMATIVE DEFENSE

(Assumption of Risk)

2. Plaintiff's Complaint, and each alleged cause of action therein, is barred because Plaintiff assumed the risk of any alleged damage or loss.

THIRD AFFIRMATIVE DEFENSE

(Superseding Acts)

3. Plaintiff's Complaint, and each cause of action therein, is barred because no alleged act or omission of Defendant was a substantial factor in causing any alleged injury, damage or loss sustained by Plaintiff, nor was any alleged act or omission of Defendant a contributing cause thereof, and any alleged act or omission of Defendant was superseded by the acts or omissions of others, including Plaintiff, which were the independent, intervening and proximate cause of any such injury, damage or loss.

FOURTH AFFIRMATIVE DEFENSE

(Unjust Enrichment)

4. Plaintiff's Complaint, and each alleged cause of action therein, is barred because any recovery by Plaintiff would unjustly enrich Plaintiff.

FIFTH AFFIRMATIVE DEFENSE

(Failure of Consideration)

5. Plaintiff's Complaint, and each alleged cause of action therein, is barred because of a failure of consideration with respect to any alleged agreement.

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SIXTH AFFIRMATIVE DEFENSE

(Estoppel)

6. Plaintiff's Complaint, and each alleged cause of action therein, is barred by the equitable doctrine of estoppel. Among other things, Plaintiff's own actions and agreements and the prejudice caused thereby estop and bar Plaintiff from recovering anything against Defendant.

SEVENTH AFFIRMATIVE DEFENSE

(Waiver)

7. Plaintiff's Complaint, and each alleged cause of action therein, is barred by Plaintiff's own acts, errors and omissions, which have waived its rights, if any, to recover anything against Defendant.

EIGHTH AFFIRMATIVE DEFENSE

(No Agreement)

8. Plaintiff's Complaint, and each alleged cause of action therein, is barred by reason of Plaintiff's failure to execute and/or consummate any agreement with Defendant and/or by reason of Defendant's alleged agent lacked any authority or capacity to bind Defendant to any agreement.

NINTH AFFIRMATIVE DEFENSE

(Performance Excused)

9. Plaintiff's Complaint, and each alleged cause of action therein, is barred in that Defendant's performance under any alleged agreement was excused or prevented by Plaintiff.

TENTH AFFIRMATIVE DEFENSE

(Failure to Satisfy Condition Precedent and/or Subsequent)

10. Plaintiff's Complaint, and each alleged cause of action therein, is barred because conditions precedent and/or subsequent to Defendant's alleged contractual obligations have not been satisfied.

ELEVENTH AFFIRMATIVE DEFENSE

(Unclean Hands)

11. Plaintiff's Complaint, and each purported cause of action therein, is barred

1 pursuant to the doctrine of unclean hands.

2 TWELFTH AFFIRMATIVE DEFENSE

3 (Failure to Mitigate Damages)

4 12. Plaintiff's Complaint, and each purported cause of action therein, is barred
5 because Plaintiff had a duty to exercise reasonable efforts to mitigate its alleged damages, if any,
6 and the alleged loss suffered by it, if any, was the result of its own failure and refusal to do so.

7 THIRTEENTH AFFIRMATIVE DEFENSE

8 (Damages Caused by Plaintiff)

9 13. Plaintiff's Complaint, and each purported cause of action therein, is barred
10 because the alleged damages to Plaintiff, if any, were directly caused in whole or in part by
11 Plaintiff's own conduct for which Defendant bears no responsibility.

12 FOURTEENTH AFFIRMATIVE DEFENSE

13 (Laches)

14 14. Plaintiff's Complaint, and each purported cause of action therein, is barred
15 pursuant to the doctrine of laches.

16
17 WHEREFORE, Defendant prays for judgment as follows:

- 18 1. That Plaintiff takes nothing by its Complaint;
19 2. That judgment be entered in favor of Defendant in all other respects
20 3. That Defendant recovers its costs of suit;
21 4. For such other and further relief as the court may deem just and proper.

22 DATED: November 4, 2011

LAPIDUS & LAPIDUS
A PROFESSIONAL LAW CORPORATION

23
24
25 By: Andrew R. Hunter
26 ANDREW R. HUNTER
27 Attorneys for Defendant Landry's Inc.
28

**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 Andrew Guilford and the assigned discovery Magistrate Judge is Robert N. Block.

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

SACV11- 1702 AG (RNBx)

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**

COPY

I (a) PLAINTIFFS (Check box if you are representing yourself <input type="checkbox"/>) ANGELS BASEBALL LP, a California limited partnership	DEFENDANTS LANDRY'S, INC., a Delaware corporation
(b) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.) Jerome M. Jackson, Esq. 880 Apollo St., Suite 238 El Segundo, CA 90245	Attorneys (If Known) Andrew R. Hunter Lapidus & Lapidus, A Professional Law Corporation 177 S. Beverly Drive Beverly Hills, CA 90212

II. BASIS OF JURISDICTION (Place an X in one box only.) <input type="checkbox"/> 1 U.S. Government Plaintiff <input type="checkbox"/> 3 Federal Question (U.S. Government Not a Party) <input type="checkbox"/> 2 U.S. Government Defendant <input checked="" 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;"> <thead> <tr> <th></th> <th>PTF</th> <th>DEF</th> <th></th> <th>PTF</th> <th>DEF</th> </tr> </thead> <tbody> <tr> <td>Citizen of This State</td> <td><input type="checkbox"/> 1</td> <td><input type="checkbox"/> 1</td> <td>Incorporated or Principal Place of Business in this State</td> <td><input checked="" type="checkbox"/> 4</td> <td><input type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td><input type="checkbox"/> 2</td> <td><input type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business in Another State</td> <td><input type="checkbox"/> 5</td> <td><input checked="" type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td><input type="checkbox"/> 3</td> <td><input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td><input type="checkbox"/> 6</td> <td><input type="checkbox"/> 6</td> </tr> </tbody> </table>		PTF	DEF		PTF	DEF	Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business in this State	<input checked="" 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 checked="" 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
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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: \$ 130,158.00**

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.)
 Promissory Estoppel; Common Count (Goods and Services Rendered)

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

<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	<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 checked="" type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise <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	<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 <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus-Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	<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 <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <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 type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 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 <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	<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 <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS-Third Party 26 USC 7609
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SACV11-1702

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

VIII(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): _____

VIII(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.

IX. VENUE: (When completing the following information, use an additional sheet if necessary.)

(a) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named plaintiff resides.
 Check here if the government, its agencies or employees is a named plaintiff. If this box is checked, go to item (b).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Orange	

(b) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named defendant resides.
 Check here if the government, its agencies or employees is a named defendant. If this box is checked, go to item (c).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
	Harris County, Texas

(c) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** claim arose.
Note: In land condemnation cases, use the location of the tract of land involved.

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Orange	

* Los Angeles, Orange, San Bernardino, Riverside, Ventura, Santa Barbara, or San Luis Obispo Counties

Note: In land condemnation cases, use the location of the tract of land involved.

X. SIGNATURE OF ATTORNEY (OR PRO PER):  Date November 7, 2011

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))