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7 Attorneys for Plaintiff
 8 CONTINENTAL APPLIANCES, INC.

BY _____
 2012 FEB 16 PM 1:56
 CLERK U.S. DISTRICT COURT
 CENTRAL DIST. OF CALIF.
 SANTA ANA

FILED

9
 10 IN THE UNITED STATES DISTRICT COURT
 11 FOR THE CENTRAL DISTRICT OF CALIFORNIA
 12 SOUTHERN DIVISION

SACV12-00260 JVS (RNBx)

14 CONTINENTAL APPLIANCES,
 INC., a California corporation,
 15
 16 Plaintiff,
 17 v.
 18 JOHN DOE, an unknown individual
 or entity,
 19 Defendant.
 20

Civil Action No.
**COMPLAINT FOR PRODUCT
 DISPARAGEMENT, UNFAIR
 COMPETITION, FALSE
 ADVERTISING,
 DEFAMATION/SLANDER PER
 SE, AND TRADE LIBEL;
 DEMAND FOR JURY TRIAL**

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1 Plaintiff Continental Appliances, Inc. (hereinafter "Continental") hereby
2 alleges as follows against Defendant John Doe (hereinafter "Defendant") based
3 upon actual knowledge with respect to Plaintiff and Plaintiff's acts, and upon
4 information and belief as to all other matters.

5 PARTIES

6 1. Plaintiff Continental Appliances, Inc. is a corporation organized
7 and existing under the laws of the State of California and has a principal place
8 of business at 660 West Lambert Road, Brea, California 92821.

9 2. On information and belief, Defendant John Doe is an unnamed
10 person or persons otherwise responsible for the creation and maintenance of the
11 YouTube account with username "lowesprofitsb4safety" and at least one video
12 hosted on YouTube and associated with that account.

13 JURISDICTION AND VENUE

14 1. This action arises under 15 U.S.C. § 1125(a) (Section 43(a) of the
15 Lanham Act) and California state law.

16 2. This Court has federal question jurisdiction over Continental's
17 claim arising under Section 43(a) of the Lanham Act pursuant to 28 U.S.C.
18 §§ 1331 and 1338. This Court also has supplemental jurisdiction over the
19 California statutory and common law claims pursuant to 28 U.S.C. § 1367(a)
20 because the state law claims are so related to the federal claim that they form
21 part of the same case or controversy.

22 3. This Court has personal jurisdiction over Defendant by virtue of its
23 extensive, systematic and continuous contacts with California and further by
24 virtue of its specific contacts with California relating to the acts alleged herein.

25 4. Venue in this judicial district is proper under 28 U.S.C. § 1391(b).

26 CONTINENTAL'S PRODUCTS

27 5. Continental is a manufacturer of heating devices, such as space
28 heaters. Continental is an innovator in the field, having produced high quality

1 heaters and hearth products for over 15 years, and having received at least ten
2 patents on its heating technologies.

3 6. Continental manufactures its own line of heaters, and also provides
4 privately labeled products for OEM customers worldwide.

5 DEFENDANT'S ACTIVITIES

6 7. On February 9, 2012, Defendant created an account on the website
7 YouTube (www.youtube.com), with the username "lowesprofitsb4safety."

8 8. On information and belief, on that same day, Defendant uploaded a
9 video to YouTube (hereinafter "the video"). The video, and the text captions
10 associated with the video, include numerous false and disparaging remarks
11 relating to some of Continental's products (hereinafter "the Continental
12 products").

13 INJURY CAUSED TO CONTINENTAL

14 9. Defendant's false and disparaging video and remarks continue to
15 be made publicly available on YouTube's website.

16 10. Continental has been injured, through at least injury to
17 Continental's reputation, goodwill, and the functioning of its business, and
18 lessening of goodwill associated with its products, as a result of Defendant's
19 false and disparaging statements and representations about the Continental
20 products.

21 11. Continental has been further injured in fact and has lost money as a
22 direct result of Defendant's wrongful activities, at least through having to
23 expend time and money to correct the misrepresentations made by Defendant
24 about the Continental products.

25 12. Continental is informed and believes, and on that basis alleges, that
26 Defendant's false or misleading and disparaging statements and representations
27 about the Continental products have adversely affected market acceptance of the
28 Continental products.

1 13. Continental is informed and believes, and on that basis alleges, that
2 at all times herein mentioned, Defendant knew that its statements and
3 representations were false, misleading, disparaging, and/or defamatory.
4 Nevertheless, Defendant continued to make these statements and representations
5 with the knowledge or intent that such conduct would damage and cause injury
6 to Continental.

7 14. Continental is likely to be injured, through at least each of the
8 injuries described above, as well as likely diversion of sales of the Continental
9 products to competitors, if Defendant does not immediately stop making these
10 false and disparaging statements and representations about the Continental
11 products.

12 **FIRST CAUSE OF ACTION**

13 (False Representations/Product Disparagement, 28 U.S.C. § 1125(a))

14 15. Continental re-alleges and incorporates by reference herein
15 paragraphs 1-14 of the Complaint.

16 16. Defendant has made false and misleading representations of fact in
17 interstate commerce through statements and representations in its YouTube
18 video about the nature, characteristics, and quality of the Continental products.

19 17. Each of these representations constitutes a false, misleading and
20 disparaging representation concerning the Continental products.

21 18. Continental is informed and believes, and on that basis alleges, that
22 Defendant had actual knowledge that its statements and representations were
23 false and misleading. Nevertheless, Defendant continues to make these
24 statements and representations with the intent to deceive consumers, and lure
25 business away from Continental to competitors, with which Defendant is
26 affiliated.

27 19. Continental is informed and believes, and on that basis alleges, that
28 a significant portion of the intended audience has been deceived or is likely to

1 be deceived by Defendant's false and misleading representations.

2 20. Continental is informed and believes, and on that basis alleges, that
3 Defendant's false and misleading representations are material in that they are
4 likely to influence the purchasing decisions of customers.

5 21. As a result of Defendant's false and misleading representations
6 about the Continental products, Defendant has created a likelihood of injury to
7 Continental's business, through at least likely diversion of sales from
8 Continental to Defendant and lessening of goodwill associated with
9 Continental's trademarks and its products sold in connection with these
10 trademarks, and has otherwise competed unfairly with Continental.

11 22. Continental is informed and believes, and on that basis alleges, that
12 Defendant's acts complained of herein have caused damage in an amount to be
13 determined at trial and irreparable injury to Continental. These acts will result
14 in further damage and irreparable injury if Defendant is not restrained by this
15 Court from further violation of Continental's rights, for which Continental has
16 no adequate remedy at law.

17 **SECOND CAUSE OF ACTION**

18 (Unfair Competition, Cal. Bus. & Prof. Code § 17200, *et seq.*)

19 23. Continental re-alleges and incorporates by reference herein
20 paragraphs 1-22 of the Complaint.

21 24. By virtue of the previously described acts, Defendant has
22 intentionally competed unfairly with Continental in violation of California
23 Business and Professions Code § 17200 *et seq.* in that such acts were, and
24 continue to be, unlawful, unfair, and fraudulent.

25 25. By virtue of the previously described acts, Defendant has also
26 intentionally competed unfairly with Continental in violation of California
27 Business and Professions Code § 17200 *et seq.* in that Defendant's false and
28 disparaging statements and representations about the Continental products were,

1 and continue to be, unfair, deceptive, untrue and misleading.

2 26. The acts described herein are unlawful in that they violate Section
3 43(a) of the Lanham Act (28 U.S.C. § 1125(a)), California Business and
4 Professions Code § 17500 *et seq.*, and California common law relating to
5 defamation and slander *per se*.

6 27. The acts described herein are fraudulent in that customers are likely
7 to be deceived or have been deceived as to the nature, characteristics, and
8 quality of the Continental products.

9 28. Continental has been injured, through at least injury to
10 Continental's reputation, goodwill, and the functioning of its business, and
11 lessening of goodwill associated with its trademarks and its products sold in
12 connection with these marks, as a result of Defendant's false and disparaging
13 statements and representations about the Continental products.

14 29. Continental has been further injured in fact and has lost money,
15 through having to expend time and money to correct the misrepresentations
16 made by Defendant about the Continental products.

17 30. By virtue of the previously described acts, Defendant has caused
18 damage and irreparable injury to Continental in an amount to be determined at
19 trial. These acts will result in further damage and irreparable injury if
20 Defendant is not restrained from further violation of Continental's rights, for
21 which Continental has no adequate remedy at law.

22 31. Continental is informed and believes, and on that basis alleges, that
23 at all times herein mentioned, Defendant knew that its statements and
24 representations were false and misleading, disparaging, and defamatory and that
25 Defendant nevertheless continued to make these statements and representations
26 with the knowledge or intent that such conduct would damage and cause injury
27 to Continental.

28 32. Defendant's willful acts in violation of California Business and

1 Professions Code § 17200 *et seq.* constitute fraud, oppression and malice.
2 Accordingly, Continental is entitled to exemplary or punitive damages pursuant
3 to California Civil Code § 3294.

4 **THIRD CAUSE OF ACTION**

5 (False Advertising, Cal. Bus. & Prof. Code § 17500 *et seq.*)

6 33. Continental re-alleges and incorporates by reference herein
7 paragraphs 1-32 of the Complaint.

8 34. By virtue of the previously described acts, Defendant has
9 intentionally disseminated or caused to be disseminated statements and
10 representations concerning the Continental products that were false and
11 misleading, in violation of California Business and Professions Code § 17500 *et*
12 *seq.*

13 35. Continental is informed and believes, and on that basis alleges, that
14 Defendant's previously described false and misleading statements are likely to
15 deceive customers as to the nature, characteristics, and quality of the
16 Continental products.

17 36. Continental has been injured, through at least injury to
18 Continental's reputation, goodwill, and the functioning of its business, and
19 lessening of goodwill associated with its trademarks and its products sold in
20 connection with these marks, as a result of Defendant's false and misleading
21 statements and representations about the Continental products.

22 37. Continental has been further injured in fact and has lost money,
23 through having to expend time and money to correct the misrepresentations
24 made by Defendant about the Continental products.

25 38. By virtue of the previously described acts, Defendant has caused
26 damage and irreparable injury to Continental in an amount to be determined at
27 trial. These acts will result in further damage and irreparable injury if
28 Defendant is not restrained from further violation of Continental's rights, for

1 which Continental has no adequate remedy at law.

2 39. Continental is informed and believes, and on that basis alleges, that
3 Defendant knew or should have known, that its previously described statements
4 and representations were false and misleading, and that Defendant nevertheless
5 continued to make these statements and representations with the intent to
6 deceive consumers, and lure business away from Continental to competitors
7 with which Defendant is affiliated.

8 40. Defendant's willful acts in violation of California Business and
9 Professions Code § 17500 *et seq.* constitute fraud, oppression and malice.
10 Accordingly, Continental is entitled to exemplary or punitive damages pursuant
11 to California Civil Code § 3294.

12 FOURTH CAUSE OF ACTION

13 (Defamation/Slander *Per Se*)

14 41. Continental re-alleges and incorporates by reference herein
15 paragraphs 1-40 of the Complaint.

16 42. Since at least as early as February 9, 2012, Defendant intentionally
17 published or caused to be published to third parties false information regarding
18 Continental and the Continental products.

19 43. This false information constitutes slander *per se* because the false
20 and disparaging statements directly tend to injure Continental with respect to
21 Continental's business and/or have a natural tendency to lessen Continental's
22 profits. Furthermore, this false information defames Continental on its face, that
23 is, without the need for extrinsic evidence to explain the statement's defamatory
24 nature.

25 44. Continental is informed and believes, and on that basis alleges, that
26 Defendant published or caused to be published this false information about
27 Continental with knowledge of its falsity or with a reckless disregard of its truth
28 or falsity.

1 45. Continental is informed and believes, and on that basis alleges, that
2 Defendant published this information with the intent to harm Continental's
3 interests or with knowledge that harm to Continental's interests inevitably
4 would result.

5 46. By virtue of the previously described acts, Defendant has caused
6 damage and irreparable injury to Continental in an amount to be determined at
7 trial.

8 47. Specifically, as a direct and proximate result of Defendant's
9 publication of false and disparaging information about Continental and the
10 Continental products, Continental has suffered loss of reputation, loss of
11 goodwill, and has been hurt in its business, all to its general damage.

12 48. As further direct and proximate result of Defendant's publication of
13 false and disparaging information about Continental and the Continental
14 products, Continental has suffered special damages, at least including having to
15 expend time and money to correct the misrepresentations made by Defendant.

16 49. These acts will result in further damage and irreparable injury if
17 Defendant is not restrained from further violation of Continental's rights, for
18 which Continental has no adequate remedy at law.

19 50. Continental is informed and believes, and on that basis alleges, that
20 Defendant made the above-described publications with malice, oppression, and
21 fraud in that Defendant intended or knew that its conduct would vex, annoy, and
22 injure Continental. Accordingly, Continental is entitled to exemplary or
23 punitive damages pursuant to California Civil Code § 3294.

24 **FIFTH CAUSE OF ACTION**

25 (Trade Libel)

26 51. Continental incorporates by this reference paragraphs 1-50 of the
27 Complaint.

28 52. By virtue of Defendant's false and misleading statements as set

1 forth above, and by directly mentioning the Continental products in its YouTube
2 video, Defendant has engaged in the intentional disparagement of the
3 Continental products.

4 53. As a direct and proximate result of Defendant's false and
5 misleading statements as set forth above and also as a direct and proximate
6 result of Defendant's trade libel and intentional disparagement of the
7 Continental products, Continental has suffered money damages in an amount
8 not presently known, which will be proved at trial.

9 54. Defendant's conduct constitutes an intentional misrepresentation
10 and false, defamatory statements, all with the intention of causing injury to
11 Continental and is oppressive, fraudulent, and malicious conduct as defined in
12 California Civil Code § 3294. Continental should recover, in addition to its
13 actual damages, exemplary and punitive damages according to proof.

14 **PRAYER FOR RELIEF**

15 WHEREFORE, Continental prays for judgment as follows:

16 A. That Defendant's false, misleading, and disparaging statements and
17 representations as to the nature, characteristics and quality of the Continental
18 products constitute product disparagement and unfair competition under 15
19 U.S.C. § 1125(a).

20 B. That Continental's false, misleading, and disparaging statements as
21 to the nature, characteristics and quality of the Continental products constitute
22 unfair competition under California Business and Professions Code § 17200 *et*
23 *seq.*

24 C. That Continental's false, misleading, and disparaging statements as
25 to the nature, characteristics and quality of the Continental products constitute
26 false advertising under California Business and Professions Code § 17500 *et*
27 *seq.*

28 D. That Defendant's false and misleading statements and

1 representations that Continental is knowingly selling a defective and dangerous
2 product constitute defamation and/or slander *per se*.

3 E. That Defendant's false and misleading statements and
4 representations that Continental is knowingly selling a defective and dangerous
5 product constitute trade libel.

6 F. A preliminary and permanent injunction barring Defendant from
7 disseminating in any manner any false or misleading, disparaging, or
8 defamatory statements about Continental and the Continental products, or
9 otherwise competing unfairly with Continental.

10 G. That Defendant be ordered to pay Continental all damages that
11 Continental has sustained as a result of the acts complained of herein, subject to
12 proof at trial, and that Continental be awarded any profits derived by Defendant
13 by reason of these acts, to the extent any such profits exist.

14 H. That Defendant's acts complained of herein be deemed willful and
15 that this case be deemed an exceptional case pursuant to 15 U.S.C. § 1117(a),
16 and further that Continental be entitled to treble damages pursuant to 15 U.S.C.
17 § 1117(a).

18 I. That Continental be awarded exemplary damages from Defendant
19 pursuant to California Civil Code § 3294.

20 J. That Continental be awarded its costs, attorneys' fees and expenses
21 in this suit pursuant to 15 U.S.C. § 1118.

22 K. That Continental be awarded such other and further relief that the
23 Court may deem just and proper.

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Respectfully submitted,
KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: 2/16/12

By: 
Michael K. Friedland
Lauren Keller Katzenellenbogen
Charles Duan

Attorneys for Plaintiff,
CONTINENTAL APPLIANCES, INC.


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DEMAND FOR JURY TRIAL

Plaintiff Continental Appliances, Inc., hereby demands a trial by jury as to all triable issues in this matter.

Respectfully submitted,
KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: 2/16/12

By: 

Michael K. Friedland
Lauren Keller Katzenellenbogen
Charles Duan

Attorneys for Plaintiff,
CONTINENTAL APPLIANCES, INC.

12771283

**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 James V. Selna and the assigned discovery Magistrate Judge is Robert N. Block.

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

SACV12- 260 JVS (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**

I (a) PLAINTIFFS (Check box if you are representing yourself <input type="checkbox"/>) CONTINENTAL APPLIANCES, INC., a California corporation	DEFENDANTS JOHN DOE, an unknown individual or entity
(b) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.) Michael K. Friedland, Lauren Keller Katzenellenbogen KNOBBE, MARTENS, OLSON & BEAR, LLP 2040 Main Street, 14th Floor Irvine, CA 92614 Phone: (949) 760-0404	Attorneys (If Known)

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

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.)

28 U.S.C. § 1125(a) False Representations/Product Disparagement; Unfair Competition, Cal. Bus. & Prof. Code § 17200, et seq.; False Advertising, Cal. Bus. & Prof. Code § 17500 et seq.; Defamation/Slander Per Se; Trade Label

OTHER STATUTES <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Act <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Info. Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes	CONTRACT <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	TORTS PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Fed. Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury-Med Malpractice <input type="checkbox"/> 365 Personal Injury-Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus-Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	TORTS PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability BANKRUPTCY <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 American with Disabilities - Employment <input type="checkbox"/> 446 American with Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus/Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition FORFEITURE / PENALTY <input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety /Health <input type="checkbox"/> 690 Other	LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input checked="" type="checkbox"/> 840 Trademark SOCIAL SECURITY <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)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS-Third Party 26 USC 7609
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SACV12-00260 JVS (RNBx)

FOR OFFICE USE ONLY: Case Number: _____

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

**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 County	

(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
	Unknown

(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 County	

* 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): *Sam J. [Signature]* Date 2/16/12

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))