

ORIGINAL

JS 41 (Rev. 12/97) (CAND Rev. 1/03)

CIVIL COVER SHEET

The JS 41 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON PAGE TWO OF THE FORM.)

**I. (a) PLAINTIFFS**  
 PETER COMSTOCK, individually and on behalf of all others similarly situated

**DEFENDANTS**  
 NETFLIX, INC., a Delaware corporation

**(b) County of Residence of First Listed Plaintiff State of Virginia (EXCEPT IN U.S. PLAINTIFF CASES);**  
 County of Residence of First Listed Defendant (IN U.S. PLAINTIFF CASES ONLY)  
 NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

**(c) Attorney's (Firm Name, Address, and Telephone Number)**  
 David C. Parisi  
 Parisi & Havens LLP  
 15233 Valleyheart Drive, Sherman Oaks, California 91403  
 Telephone: (818) 998-1299

**Attorney (If Known)**

**E-Filing**

**CV 11-1218 HRL**

**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 (Place an "X" in One Box for Plaintiff and One Box for Defendant)**

**Plaintiff**  
 Citizen of This State  1  
 Citizen of Another State  2  
 Citizen or Subject of a Foreign Country  3

**Defendant**  
 Incorporated or Principal Place of Business in This State  4  
 Incorporated and Principal Place of Business in Another State  5  
 Foreign Nation  6

**IV. NATURE OF SUIT (Place an "X" in One Box Only)**

| CONTRACT  | TORTS   | FORFEITURE/PENALTY   | BANKRUPTCY  | OTHER STATUTES  |
|---|---|--|---|---|
| <input type="checkbox"/> 110 Insurance  | <input type="checkbox"/> 310 Airplane                           | <input type="checkbox"/> 610 Appraisals                                  | <input type="checkbox"/> 422 Appeal 28 USC 158                                      | <input type="checkbox"/> 400 State Reapportionment                                  |
| <input type="checkbox"/> 120 Marine   | <input type="checkbox"/> 315 Airplane Product Liability         | <input type="checkbox"/> 620 Other Food & Drug                           | <input type="checkbox"/> 423 Withdrawal 28 USC 157                                  | <input type="checkbox"/> 410 Arbitration  |
| <input type="checkbox"/> 130 Miller Act   | <input type="checkbox"/> 320 Assault, Libel & Slander           | <input type="checkbox"/> 625 Drug Related Seizure of Property 28 USC 881 | <input type="checkbox"/> 450 Commerce   | <input type="checkbox"/> 420 Banks and Banking                                      |
| <input type="checkbox"/> 140 Negotiable Instrument                                | <input type="checkbox"/> 330 Federal Employers' Liability       | <input type="checkbox"/> 630 Liquor Laws                                 | <input type="checkbox"/> 450 Commerce   | <input type="checkbox"/> 450 Commerce   |
| <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment    | <input type="checkbox"/> 340 Marine                             | <input type="checkbox"/> 640 R.R. & Truck                                | <input type="checkbox"/> 460 Deportation  | <input type="checkbox"/> 460 Deportation  |
| <input type="checkbox"/> 151 Medicare Act   | <input type="checkbox"/> 345 Marine Product Liability           | <input type="checkbox"/> 650 Airline Regs.                               | <input type="checkbox"/> 470 Antidirector Jurisdictions and Corporate Organizations | <input type="checkbox"/> 470 Antidirector Jurisdictions and Corporate Organizations |
| <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) | <input type="checkbox"/> 350 Motor Vehicle Product Liability    | <input type="checkbox"/> 660 Occupational Safety/Health                  | <input type="checkbox"/> 480 Consumer Credit  | <input type="checkbox"/> 480 Consumer Credit  |
| <input type="checkbox"/> 153 Recovery of Overpayment of Veterans' Benefits        | <input type="checkbox"/> 360 Other Personal Injury              | <input type="checkbox"/> 670 Other                                       | <input type="checkbox"/> 490 Cable-Sat TV   | <input type="checkbox"/> 490 Cable-Sat TV   |
| <input type="checkbox"/> 160 Stockholders' Suits                                  | <input type="checkbox"/> 370 Other Feeds                        | <input type="checkbox"/> 680 Labor                                       | <input type="checkbox"/> 500 Securities/Commodities Exchange                        | <input type="checkbox"/> 500 Securities/Commodities Exchange                        |
| <input type="checkbox"/> 190 Other Contract                                       | <input type="checkbox"/> 371 Truth in Lending                   | <input type="checkbox"/> 710 Fair Labor Standards Act                    | <input type="checkbox"/> 510 Social Security  | <input type="checkbox"/> 510 Social Security  |
| <input type="checkbox"/> 191 Contract Product Liability                           | <input type="checkbox"/> 380 Other Personal Property Damage     | <input type="checkbox"/> 720 Labor/Align. Relations                      | <input type="checkbox"/> 520 Black Lung (923)                                       | <input type="checkbox"/> 520 Black Lung (923)                                       |
| <input type="checkbox"/> 196 Franchise  | <input type="checkbox"/> 385 Property Damage Product Liability  | <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act      | <input type="checkbox"/> 530 Black Lung (925)                                       | <input type="checkbox"/> 530 Black Lung (925)                                       |
| <b>REAL PROPERTY</b>  | <b>CIVIL RIGHTS</b>   | <b>PRISONER PETITIONS</b>  | <input type="checkbox"/> 540 Social Security (405(g))                               | <input type="checkbox"/> 540 Social Security (405(g))                               |
| <input type="checkbox"/> 210 Land Condemnation                                    | <input type="checkbox"/> 441 Voting                             | <input type="checkbox"/> 510 Motion or Vacate Sentence                   | <input type="checkbox"/> 550 Social Security (405(g))                               | <input type="checkbox"/> 550 Social Security (405(g))                               |
| <input type="checkbox"/> 220 Foreclosure  | <input type="checkbox"/> 442 Employment                         | <b>Habeas Corpus:</b>  | <input type="checkbox"/> 560 Social Security (405(g))                               | <input type="checkbox"/> 560 Social Security (405(g))                               |
| <input type="checkbox"/> 230 Rent Lease & Ejectment                               | <input type="checkbox"/> 443 Housing                            | <input type="checkbox"/> 530 General                                     | <input type="checkbox"/> 570 Social Security (405(g))                               | <input type="checkbox"/> 570 Social Security (405(g))                               |
| <input type="checkbox"/> 240 Torts to Land  | <input type="checkbox"/> 444 Accommodations                     | <input type="checkbox"/> 535 Death Penalty                               | <input type="checkbox"/> 580 Social Security (405(g))                               | <input type="checkbox"/> 580 Social Security (405(g))                               |
| <input type="checkbox"/> 245 Tort Product Liability                               | <input type="checkbox"/> 445 Armer. w/Disabilities - Employment | <input type="checkbox"/> 540 Misdemeanors & Other                        | <input type="checkbox"/> 590 Social Security (405(g))                               | <input type="checkbox"/> 590 Social Security (405(g))                               |
| <input type="checkbox"/> 290 AR Other Real Property                               | <input type="checkbox"/> 446 Armer. w/Disabilities - Other      | <input type="checkbox"/> 550 Civil Rights                                | <input type="checkbox"/> 600 Social Security (405(g))                               | <input type="checkbox"/> 600 Social Security (405(g))                               |
|   | <input type="checkbox"/> 440 Other Civil Rights                 | <input type="checkbox"/> 555 Prison Condition                            | <input type="checkbox"/> 610 Social Security (405(g))                               | <input type="checkbox"/> 610 Social Security (405(g))                               |
|   |   |  | <input type="checkbox"/> 620 Social Security (405(g))                               | <input type="checkbox"/> 620 Social Security (405(g))                               |
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|   |   |  | <input type="checkbox"/> 990 Social Security (405(g))                               | <input type="checkbox"/> 990 Social Security (405(g))                               |

**V. ORIGIN (Place an "X" in One Box Only)**

1 Original Proceeding  
 2 Removed from State Court  
 3 Remanded from Appellate Court  
 4 Reinstated or Recaptured  
 5 Transferred from another district (specify)  
 6 Multidistrict Litigation  
 7 Appeal to District Judge from Magistrate Judgment

**VI. CAUSE OF ACTION**  
 Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):  
 18 U.S.C. § 2710

**VII. REQUESTED IN COMPLAINT:**  
 Brief description of cause:  
 Violations of the Video Privacy Protection Act

CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 DEMAND \$ 3000 per violation and injunctive relief CHECK YES only if demanded in complaint. JURY DEMAND  Yes  No

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

**IX. DIVISIONAL ASSIGNMENT (CIVIL L.R. 3-2) (PLACE AN "X" IN ONE BOX ONLY)**  
 SAN FRANCISCO/OAKLAND  SAN JOSE  EUREKA

DATE: March 11, 2011  
 SIGNATURE OF ATTORNEY OR RECORD

BY FAX

## INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

### Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

**I. (a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.

(b) County of Residence. For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)

(c) Attorneys. Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".

**II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.C.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.

United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.

United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.

Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.

Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; federal question actions take precedence over diversity cases.)

**III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.

**IV. Nature of Suit.** Place an "X" in the appropriate box. If the nature of suit cannot be determined, be sure the cause of action, in Section VI below, is sufficient to enable the deputy clerk or the statistical clerks in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.

**V. Origin.** Place an "X" in one of the seven boxes.

Original Proceedings. (1) Cases which originate in the United States district courts.

Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.

Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.

Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.

Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.

Multidistrict Litigation. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407. When this box is checked, do not check (5) above.

Appeal to District Judge from Magistrate Judgment. (7) Check this box for an appeal from a magistrate judge's decision.

**VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. Do not cite jurisdictional statutes unless diversity. Example: U.S. Civil Statute: 47 USC 553  
Brief Description: Unauthorized reception of cable service

**VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.

Demand. In this space enter the dollar amount (in thousands of dollars) being demanded or indicate other demand such as a preliminary injunction.

Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.

**VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.