


1 **SAMPSON & ASSOCIATES**
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8 Attorneys for Plaintiff/Judgment Creditor
9 LEONARD B. SIMON

FILED

2010 SEP -7 PM 2:24

CLERK US DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

BY  DEPUTY

10 **UNITED STATES DISTRICT COURT**
11 **SOUTHERN DISTRICT OF CALIFORNIA**

12 LEONARD B. SIMON,
13
14 Plaintiff,
15
16 v.
17 CHRISTIAN D. LAETTNER; BRIAN K.
18 DAVIS; GRIZZLIES ACQUISITION
19 HOLDINGS, LLC, and BALL STREET
20 VENTURES, LLC,
21
22 Defendants.

Case No. **10 CV 1854 H RBB**
COMPLAINT: ACTION ON JUDGMENT

23 Plaintiff LEONARD B. SIMON complains and alleges as follows:

24 **GENERAL ALLEGATIONS**

- 25 1. Plaintiff LEONARD B. SIMON is, and at all relevant times herein was, a competent
26 adult residing in the County of San Diego, State of California;
- 27 2. Plaintiff is informed and believes and thereon alleges Defendant CHRISTIAN D.
28 LAETTNER is, and at all relevant times was, a resident of St. Johns County in the State of Florida.
- 29 3. Plaintiff is informed and believes and thereon alleges Defendant BRIAN DAVIS is, and
30 at all relevant times was, a resident of Washington D.C.
- 31 4. Plaintiff is informed and believes and thereon alleges Defendant GRIZZLIES
32 ACQUISITION HOLDINGS, LLC is, and at all relevant times was, a Delaware limited liability
33 company.

34 ///

SAMPSON & ASSOCIATES
ATTORNEYS AT LAW
2139 FIRST AVENUE
SAN DIEGO, CALIFORNIA 92101
TELEPHONE (619) 557-9420 - FACSIMILE (619) 557-9425



1 5. Plaintiff is informed and believes and thereon alleges Defendant GRIZZLIES BALL
2 STREET VENTURES, LLC is, and at all relevant times was, a Delaware limited liability company.

3 **JURISDICTION**

4 6. This Court has proper jurisdiction and venue over this matter pursuant to 28 U.S.C.
5 section 1332.

6 7. Plaintiff Simon is a resident of California. All of the Defendants reside in separate
7 jurisdictions outside of the State of California, i.e. Florida, Washington, D.C. and Delaware. The
8 amount in controversy exceeds \$75,000.00. Further, the Defendants have stipulated to jurisdiction in
9 San Diego. As a result, this Court has proper jurisdiction and venue over the Parties and the subject
10 dispute. 28 U.S.C. §1332.

11 **FACTUAL ALLEGATIONS**

12 8. On October 13, 2009, the parties stipulated to, and a California state court entered,
13 judgment in favor of Plaintiff Simon and against Defendants Christian D. Laettner, Brian K. Davis,
14 Grizzlies Acquisition Holdings, LLC and Ball Street Ventures, LLC in the principal sum of
15 \$1,006,187.21 plus prejudgment interest in the amount of \$18,493.20 for a total judgment of
16 \$1,024,680.41. See Exhibit "1." The judgment is final, conclusive and non-appealable.

17 9. Despite agreeing to a payment plan and promising payment from various sources,
18 Defendants have failed and/or refused to pay any monies whatsoever toward this debt regardless of
19 Plaintiff Simon's reasonable ongoing attempts to amicably resolve this matter.

20 10. The judgment, as of the date of this complaint, exceeds \$1,115,917.66:

21	10-13-09	Principal on Judgment	\$ 1,006,187.21
22	10-13-09	Pre-Judgment Interest	\$ 18,493.20
23	10-13-09	Total Judgment Award	\$ 1,024,680.41
24	09-03-10	10% Interest	\$ 91,237.25
25		[$\$280.73/\text{day} \times 325 \text{ days}$]	
26	09-03-10	Post-Judgment Costs	\$ T.B.D.
27	<hr/>		
28	03-03-10	Total Judgment Due	\$ 1,115,917.66+

1 11. In aid of execution of the state court judgment, the state court issued an assignment order
2 against Defendants. See Exhibit "2." However, as of the date of this complaint, Defendants have not
3 paid any monies toward the Assignment Order.

4 12. In the process of trying to enforce the California state court judgment, Plaintiff Simon
5 has independently learned that Defendants hold assets and/or financial information in various
6 jurisdictions across the United States, including but not limited to Florida, Maryland, North Carolina
7 and Washington, D.C.

8 13. Defendants have successfully avoided California state court remedies to enforce
9 Defendants' compliance with the California state court judgment, and subsequent state court orders,
10 by avoiding personally entering the State of California during Plaintiff Simon's post-judgment
11 enforcement time period.

12 14. Defendants have further failed and/or refused to respond to Plaintiff Simon's post-
13 judgment written discovery requests in California and North Carolina. Plaintiff propounded written
14 discovery to Defendants which includes document demands and interrogatories directed at identifying
15 and locating Defendants' assets and liabilities. No responses have been forthcoming.

16 15. Plaintiff Simon is further informed and believes and thereon alleges that Defendants are
17 currently involved in multi-district financial transactions and document retention which cannot be cost
18 effectively reached through normal state court procedures and which further require a court with
19 national jurisdiction over the Defendants and their business operations.

20 16. Plaintiff Simon has further attempted to pursue Defendants' various assets and business
21 transactions in multiple jurisdictions. Plaintiff Simon's attempts have included filing and serving sister-
22 state judgment actions in Florida, North Carolina, Maryland and Washington, D.C. Given the national
23 and the multi-district issues, Defendants have continued to successfully avoid paying Plaintiff Simon's
24 judgment.

25 17. Based upon the foregoing, Plaintiff Simon timely requests this Court's assistance in
26 confirming the state court judgment, issuing a federal court judgment and compelling Defendants
27 Christian D. Laettner, Brian K. Davis, Grizzlies Acquisition Holdings, LLC and Ball Street Ventures,
28 LLC to provide financial information and to comply with the judgment.

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FIRST CAUSE OF ACTION

(Action on a State Court Judgment)

[C.C.P. §337.5(3) and §683.050]

18. Plaintiff realleges and incorporates herein paragraphs 1 through 17 of this Complaint as though fully set forth herein.

19. On October 13, 2009, Plaintiff Simon obtained entry of a California state court judgment against Defendants Christian D. Laettner, Brian K. Davis, Grizzlies Acquisition Holdings, LLC and Ball Street Ventures, LLC in the principal sum of \$1,006,187.21 plus prejudgment interest in the amount of \$18,493.20 for a total judgment of \$1,024,680.41. See Exhibit "1."

20. The judgment is final, conclusive and non-appealable. This action is timely filed with in the 10 year statute of limitations to enforce the judgment.

21. As of today, no monies have been applied to the judgment.

22. The amount due under the judgment, as of the date of this complaint, exceeds \$1,115,917.66, plus ongoing daily interest of \$280.73, costs and attorney's fees according to proof.

WHEREFORE, Plaintiff Simon prays judgment against Defendants as follows:


FOR THE FIRST CAUSE OF ACTION:

1. For judgment of \$1,115,917.66, plus ongoing daily interest of \$280.73;
2. For 10% interest at the rate of \$280.73/day from September 3, 2010;
3. For reasonable costs of suit incurred herein;
4. For reasonable attorneys fees incurred herein;
5. For appointment of a national receiver to marshal assets; and
6. For such other and further relief as the Court may deem just and proper.

Respectfully submitted,

SAMPSON & ASSOCIATES

By:


Bryan D. Sampson, Esq.
Attorneys for Plaintiff/Judgment Creditor
LEONARD B. SIMON

DATED: September 3, 2010

1 Lynne R. Lasry, Bar No. 092008
2 **SANDLER, LASRY, LAUBE, BYER & VALDEZ LLP**
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4 San Diego, CA 92101-3542
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8 Shaun P. Martin, Bar No. 158480
9 **UNIVERSITY OF SAN DIEGO**
10 **SCHOOL OF LAW**
11 5998 Alcalá Park
12 Warren Hall
13 San Diego, CA 92110
14 Telephone: (619) 260-2347
15 Fax: (619) 260-7933

16 Attorneys for Plaintiff
17 Leonard B. Simon

18 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
19 **FOR THE COUNTY OF SAN DIEGO**
20 **CENTRAL DIVISION**

21 LEONARD B. SIMON,
22 Plaintiff,
23 v.

24 CHRISTIAN D. LAETTNER; BRIAN K. DAVIS;
25 GRIZZLIES ACQUISITION HOLDINGS, LLC, a
26 Delaware limited liability company; BALL
27 STREET VENTURES, LLC, a Delaware limited
28 liability company, and DOES 1-10, inclusive,
29 Defendants.

Case No. 37-2009-00100044-CU-BC-CTL
STIPULATED JUDGMENT AND
JUDGMENT

It is hereby stipulated by and between Plaintiff Leonard B. Simon ("Simon") and Defendants Christian D. Laettner, Brian K. Davis, Grizzlies Acquisition Holdings, LLC and Ball Street Ventures, LLC ("Defendants") that Judgment on the claims in the Complaint in favor of Simon and against the Defendants, jointly and severally, shall be entered by this Court as follows:

- 1) Principal amount of \$1,006,187.21;
- 2) Prejudgment interest in the amount of 10% per annum, from July 16, 2009 to the date this Judgment is entered, in the amount of \$205.48 per day.

FILED
Clerk of the Superior Court

OCT 13 2009

By: C. NEPOMUCENO, Deputy

OCT 3 2009 PM 1:25

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3) Post-Judgment interest at the legal rate.

4) All attorney's fees and costs incurred by Simon should Simon be required to take action to enforce and/or to collect this Stipulated Judgment.

So Stipulated.

Dated: 7/23/09



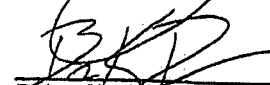
Leonard B. Simon

Dated: 7/22/09



Christian D. Laetner


Dated: 7/22/09



Brian K. Davis

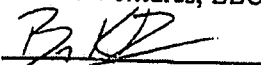
Dated: 7/22/09

Grizzlies Acquisition Holdings, LLC

By: 
Its: managing member

Dated: 7/22/09

Ball Street Ventures, LLC

By: 
Its: managing member

JUDGMENT

Good Cause Appearing,

It is so ordered that the Stipulated Judgment on the claims in the Complaint in favor of Leonard B. Simon and against Christian D. Laetner, Brian K. Davis, Grizzlies Acquisition Holdings, LLC and Ball Street Ventures, LLC be entered in the principal amount of \$1,006,187.21; prejudgment interest in the amount of \$205.48 per day from July 16, 2009 to the date Judgment is entered; ^{in the amount of \$18,493.20} post-judgment interest at the legal rate; and any fees and costs incurred by Mr. Simon to collect and/or enforce this Stipulated Judgment.

IT IS SO ORDERED, ADJUDGED AND DECREED.

Dated: OCT 13 2009

WILLIAM R. NEVITT, JR.
Judge of the San Diego Superior Court



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F I L E D

Clark of the Superior Court

JUN 03 2010

By: C. NEPOMUCENO, Deputy

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN DIEGO, CENTRAL DIVISION**

LEONARD B. SIMON,

Plaintiff,

v.

CHRISTIAN D. LAETTNER, et al.

Defendants

Case No. 37-2009-00100044-CU-BC-CTL

ASSIGNMENT ORDER

Judgment Entered: October 13, 2009

Date: May 21, 2010
Time: 1:30 p.m.
Dept.: C-64
Judge: Hon. William R. Nevitt, Jr.

The Motion of Judgment Creditor LEONARD B. SIMON ("Simon") for an order assigning to Judgment Creditor any monies now due, or to become due in the future, to Defendants/Judgment Debtors CHRISTIAN D. LAETTNER and BRIAN K. DAVIS until the judgment is paid in full, came before this Court on the above date and time, the Honorable William R. Nevitt, Jr., presiding. Judgment Creditor Simon appeared through his attorney, Bryan D. Sampson. Judgment Debtor Laettner appeared by his attorney, Terry M. Gibbs. Upon reviewing the pleadings filed by the parties, hearing and considering oral argument, reviewing the pleadings on file, hearing oral argument and finding good cause appearing therefor:

IT IS HEREBY ORDERED that:

Plaintiff/Judgment Creditor's motion for an assignment order is granted in part and denied in part.

California Code of Civil Procedure §708.510, cited by movant, does not contemplate an

1 assignment order as broad as that proposed by movant, directed to unidentified third party obligors
2 or payors. However, Plaintiff/Judgment Creditor has established he is entitled to a more limited
3 assignment order, limited to the Internal Revenue Service and United States Treasury.

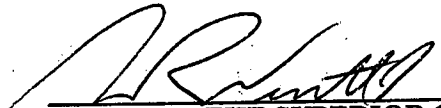
4 **IT IS HEREBY FURTHER ORDERED** that the following rights, title and interests in any
5 monies now due, or to become due in the future, from the Federal Internal Revenue Service and/or
6 the United States Treasury to Judgment Debtors be, and hereby are, assigned to Judgment Creditor
7 Simon, in care of "Sampson & Associates, Client Trust Account," Attention Bryan D. Sampson,
8 2139 First Avenue, San Diego, California 92101, until such time as the judgment herein is fully
9 satisfied or this order is amended.

10 **IT IS HEREBY FURTHER ORDERED** that Judgment Debtors CHRISTIAN D.
11 LAETTNER and BRIAN K. DAVIS, and their principals, agents, spouses, employees, attorneys and
12 representatives shall pay any and all such monies due and owing to: "Sampson & Associates, Client
13 Trust Account" at 2139 First Avenue, San Diego, California 92101 to be applied to the judgment
14 herein until such judgment is fully satisfied or this order is amended.

15 **NOTICE IS HEREBY GIVEN THAT FAILURE BY JUDGMENT DEBTORS**
16 **CHRISTIAN D. LAETTNER AND BRIAN K. DAVIS TO COMPLY WITH THIS ORDER**
17 **MAY SUBJECT THE JUDGMENT DEBTOR TO BEING SANCTIONED AND/OR HELD**
18 **IN CONTEMPT OF COURT.**

19 **IT IS SO ORDERED.**

20
21 Dated: 6/3/10



JUDGE OF THE SUPERIOR COURT
WILLIAM R. NEVITT, JR.

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CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON PAGE TWO OF THE FORM.)

I. (a) PLAINTIFFS

LEONARD B. SIMON

DEFENDANTS

CHRISTIAN D. LAETTNER,
BRIAN K. DAVIS; GRIZZLIES ACQUISITION HOLDINGS, LLC,
and BALL STREET VENTURES, LLC SEP - 7 PM 2:24

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

County of Residence of First Listed Defendant **St. Johns, Florida**
(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)
BRYAN D. SAMPSON, ESQ.
SAMPSON & ASSOCIATES Phone: 619-557-9420
2139 FIRST AVENUE, SAN DIEGO, CA 92101

Attorneys (If Known)
N/A

BY 

'10 CV 1854 H RBB

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)

- | | | | | | |
|---|---------------------------------------|---------------------------------------|---|----------------------------|----------------------------|
| | PTF | DEF | | PTF | DEF |
| Citizen of This State | <input checked="" 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 checked="" 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 |

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

CONTRACT	TORTS		FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance	PERSONAL INJURY	PERSONAL INJURY	<input type="checkbox"/> 610 Agriculture	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 400 State Reapportionment
<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 362 Personal Injury — Med. Malpractice	<input type="checkbox"/> 620 Other Food & Drug	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 410 Antitrust
<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 365 Personal Injury — Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881		<input type="checkbox"/> 430 Banks and Banking
<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 630 Liquor Laws	PROPERTY RIGHTS	<input type="checkbox"/> 450 Commerce
<input checked="" type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 330 Federal Employers' Liability	PERSONAL PROPERTY	<input type="checkbox"/> 640 R.R. & Truck	<input type="checkbox"/> 820 Copyrights	<input type="checkbox"/> 460 Deportation
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 340 Marine	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 650 Airline Regs.	<input type="checkbox"/> 830 Patent	<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans)	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 371 Truth in Lending	<input type="checkbox"/> 660 Occupational Safety/Health	<input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 480 Consumer Credit
<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 380 Other Personal Property Damage	<input type="checkbox"/> 690 Other	LABOR	<input type="checkbox"/> 490 Cable/Sat TV
<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 355 Motor Vehicle Product Liability	<input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 710 Fair Labor Standards Act	<input type="checkbox"/> 720 Labor/Mgmt. Relations & Disclosure Act	<input type="checkbox"/> 810 Selective Service
<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 360 Other Personal Injury	PRISONER PETITIONS	<input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act	<input type="checkbox"/> 740 Railway Labor Act	<input type="checkbox"/> 850 Securities/Commodities/Exchange
<input type="checkbox"/> 195 Contract Product Liability	CIVIL RIGHTS	<input type="checkbox"/> 510 Motions to Vacate Sentence	<input type="checkbox"/> 790 Other Labor Litigation	<input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="checkbox"/> 875 Customer Challenge 12 USC 3410
<input type="checkbox"/> 196 Franchise	<input type="checkbox"/> 441 Voting	Habeas Corpus:	IMMIGRATION	<input type="checkbox"/> 861 HIA (1395ff)	<input type="checkbox"/> 890 Other Statutory Actions
REAL PROPERTY	<input type="checkbox"/> 442 Employment	<input type="checkbox"/> 530 General	<input type="checkbox"/> 462 Naturalization Application	<input type="checkbox"/> 862 Black Lung (923)	<input type="checkbox"/> 891 Agricultural Acts
<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 443 Housing/Accommodations	<input type="checkbox"/> 535 Death Penalty	<input type="checkbox"/> 463 Habeas Corpus — Alien Detainee	<input type="checkbox"/> 863 DIWC/DIWW (405(g))	<input type="checkbox"/> 892 Economic Stabilization Act
<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 444 Welfare	<input type="checkbox"/> 540 Mandamus & Other	<input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 864 SSID Title XVI	<input type="checkbox"/> 893 Environmental Matters
<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 445 Amer. w/Disabilities - Employment	<input type="checkbox"/> 550 Civil Rights		<input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 894 Energy Allocation Act
<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 446 Amer. w/Disabilities - Other	<input type="checkbox"/> 555 Prison Condition			<input type="checkbox"/> 895 Freedom of Information Act
<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 440 Other Civil Rights			FEDERAL TAX SUITS	<input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice
<input type="checkbox"/> 290 All Other Real Property				<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)	<input type="checkbox"/> 950 Constitutionality of State Statutes
				<input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	

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 Reopened
- 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):

Diversity under 28 U.S.C. § 1332

Brief description of cause:

Complaint to enforce judgment

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 DEMAND \$ 1,115,917.66

CHECK YES only if demanded in complaint:
JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY

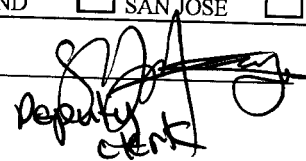
PLEASE REFER TO CIVIL L.R. 3-12 CONCERNING REQUIREMENT TO FILE "NOTICE OF RELATED CASE". N/A

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

- SAN FRANCISCO/OAKLAND
- SAN JOSE
- EUREKA

DATE
September 3, 2010

SIGNATURE OF ATTORNEY OF RECORD
/s/ BRYAN D. SAMPSON, ESQ.


Deputy Clerk

PL# 17720 PD 4350 9/1/10 BM

CR

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.

Court Name: USDC California Southern
Division: 3
Receipt Number: CAS017720
Cashier ID: bhartman
Transaction Date: 09/07/2010
Payer Name: SAMPSON AND ASSOC

CIVIL FILING FEE

For: SIMON V LAETTNER ET AL
Case/Party: D-CAS-3-10-CV-001854-001
Amount: \$350.00

CHECK

Check/Money Order Num: 22258
Amt Tendered: \$350.00

Total Due: \$350.00
Total Tendered: \$350.00
Change Amt: \$0.00

There will be a fee of \$45.00
charged for any returned check.