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2013 JUL 19 AM 8:55
 CLERK U.S. DISTRICT COURT
 CENTRAL DISTRICT OF CALIF.

FILED

7 **MASCHOFF BRENNAN**

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12 Attorneys for Plaintiff Sundesa, LLC

BY FAX

13 UNITED STATES DISTRICT COURT
 14 CENTRAL DISTRICT OF CALIFORNIA
 15 SACV13 - 01083 JVS (ANx)

16 Sundesa, LLC, a Utah Limited Liability
 17 Company,

Civil Action No. _____

18 Plaintiff,

19 **COMPLAINT FOR PATENT**
 20 **INFRINGEMENT**

21 v.

22 Supplementwarehouse.com Inc., a
 23 Wisconsin Corporation,

[Demand For Jury Trial]

24 Defendant.

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2013 JUL 18 PM 11:02
 CLERK U.S. DISTRICT COURT
 CENTRAL DISTRICT OF CALIF.

1 Plaintiff Sundesa, LLC (“Sundesa”) complains against defendant
2 Supplementwarehouse.com Inc. (“Supplement Warehouse”) for the causes of action
3 alleged as follows:

4 **THE PARTIES**

5 1. Sundesa is a limited liability company duly organized and existing under the
6 laws of the State of Utah, with its principal place of business located at 284 South 700
7 West, Pleasant Grove, Utah 84062.

8 2. Sundesa alleges Supplement Warehouse is a Corporation organized and
9 existing under the laws of the State of Wisconsin with its principal place of business
10 located at 2440 Corporate Preserve Drive, Suite 1, Oak Creek, Wisconsin 53154.

11 **JURISDICTION AND VENUE**

12 3. This is a civil action for patent infringement arising under the patent laws of
13 the United States 35 U.S.C. § 1 *et seq.*, including 35 U.S.C. § 271.

14 4. This Court has original jurisdiction over the subject matter of this action
15 under at least 28 U.S.C. §§ 1331 and 1338(a).

16 5. This Court has personal jurisdiction over Supplement Warehouse because
17 Supplement Warehouse has purposely availed itself of the privileges and benefits of the
18 laws of the State of California and has committed acts of patent infringement within this
19 judicial District.

20 6. Supplemental Warehouse does, and has done, substantial business in this
21 judicial District, including: (i) committing acts of patent infringement in this judicial
22 District and elsewhere in California; (ii) regularly doing business or soliciting business by
23 virtue of Supplemental Warehouse’s nationwide, interactive and commercial website
24 which directs Supplemental Warehouse’s services and products to California residents;
25 and (iii) engaging in other persistent courses of conduct, and/or deriving substantial
26 revenue from products and/or services provided to persons in this District and State.

27 7. This Court’s exercise of personal jurisdiction over Supplement Warehouse is
28 consistent with the Constitutions of the United States and the State of California.

1 8. Venue is proper in this judicial district under at least 28 U.S.C. §§ 1391 and
2 1400.

3 **FACTUAL BACKGROUND**

4 9. Sundesa's technological innovations are protected by, *inter alia*, a portfolio
5 of utility and design patents, including United States Utility Patent No. 6,379,032 (the
6 "'032 Patent") and United States Design Patent No. D510,235 (the "'235 Design Patent")
7 (collectively the "Asserted Patents").

8 10. Sundesa is an exclusive licensee of the Asserted Patents and has been
9 granted all rights thereunder, including the right and standing to enforce the Asserted
10 Patents.

11 11. Supplement Warehouse is in the business of selling nutritional supplements
12 and accessories. In particular, Supplement Warehouse provides, *inter alia*, Supplement
13 Essentials Protein Whisk Balls, Inner Armour Shaker Cups, VPX Shaker Cups, and
14 Supplement Warehouse shaker bottles that allow users to perform the methods claimed in
15 the '032 Patent (the "Accused Products").

16 12. By selling the Accused Products Supplement Warehouse encourages and
17 instructs users on how to perform the methods claimed in the '032 Patent.

18 13. Supplement Warehouse manufactures, sells, offers for sale, and imports,
19 *inter alia*, the Accused Products.

20 14. Supplement Warehouse markets, describes, and instructs its customers to use
21 the Accused Products to mix ingredients in such a way as to perform the claimed methods
22 of the '032 Patent.

23 15. On July 18, 2013, Sundesa's attorneys sent Supplement Warehouse a letter
24 informing Supplement Warehouse of its infringement of the Asserted Patents.

25 16. Supplement Warehouse has had knowledge of the Asserted Patents since at
26 least about July 18, 2013.

27 17. Since learning of the Asserted Patents, Supplement Warehouse has continued
28 to infringe the Asserted Patents.

1 18. Use of any of the Supplement Warehouse's Accused Products infringes the
2 '032 Patent.

3 19. The design of the Accused Products are substantially the same as the design
4 that is the subject matter of the '235 Design Patent.

5 20. Furthermore, the design of the Accused Products is so similar to the design
6 that is the subject matter of the '235 Design Patent that customers are likely to be
7 deceived and persuaded to buy the Accused Products thinking they are actually buying
8 products protected by the '235 Design Patent.

9 **FIRST CLAIM FOR RELIEF**

10 **(Infringement of the '032 Patent)**

11 21. By this reference Sundesa realleges and incorporates the foregoing
12 paragraphs as though fully set forth herein.

13 22. Supplement Warehouse has directly infringed, and continues to directly
14 infringe, the '032 Patent under 35 U.S.C. § 271(a) by making, using, selling, offering for
15 sale, and importing within the United States the Accused Products, which infringe the
16 '032 patent.

17 23. Since at least about July 18, 2013, Supplement Warehouse has had, and
18 continues to have, the specific intent to induce its customers or users of its products to
19 infringe the '032 Patent.

20 24. For example, Supplement Warehouse instructs its customers, or users of the
21 Accused Products, to use them to mix ingredients according to the claimed methods of
22 the '032 Patent.

23 25. Additionally, the Supplement Essentials Protein Whisk Ball advertisement
24 reads, "Mixes Protein & Powders Easily In Your Shaker Cup!"

25 26. Supplement Warehouse's customers or users of the Accused Products do, in
26 fact, infringe the '032 Patent.

27 27. The Accused Products are especially made to be used, and are in fact used,
28 by customers, or users, of the Accused Products, in a way that infringes the '032 Patent.

1 28. Supplement Warehouse has indirectly infringed and continues to indirectly
2 infringe the Asserted Patents under 35 U.S.C. §§ 271(b) and (c) by actively inducing
3 infringement of, or contributorily infringing the '032 Patent.

4 29. Despite its knowledge of the '032 Patent, Supplement Warehouse has
5 continued to infringe and induce others to infringe the '032 Patent.

6 30. The conduct of Supplement Warehouse as set forth hereinabove gives rise to
7 a cause of action for infringement of the '032 Patent, pursuant to at least 35 U.S.C.
8 §§ 271 and 281.

9 31. Supplement Warehouse has manufactured, used, sold, imported, and offered
10 for sale Accused Products despite an objectively high likelihood that its actions constitute
11 infringement of the '032 Patent.

12 32. Supplement Warehouse's acts of infringement have caused damage to
13 Sundesa, and Sundesa is entitled to recover the damages sustained as a result of
14 Supplement Warehouse's wrongful acts in an amount subject to proof at trial.

15 33. Supplement Warehouse's infringement of Sundesa's rights under the '032
16 Patent will continue to damage Sundesa's business causing irreparable harm for which
17 there is no adequate remedy at law, unless it is enjoined by this Court.

18 34. By reason of the foregoing, Sundesa is entitled to monetary relief against
19 Supplement Warehouse, pursuant to 35 U.S.C. §§ 283–85, as more fully set forth herein
20 below.

21 **SECOND CLAIM FOR RELIEF**
22 **(Infringement of the '235 Design Patent)**

23 35. By this reference Sundesa realleges and incorporates the foregoing
24 paragraphs as though fully set forth herein.

25 36. Supplement Warehouse has infringed, and continues to infringe the '235
26 Design Patent by making, using, offering to sell, selling, and importing, in this District,
27 and elsewhere in the United States, the Accused Product, the design of which is
28 substantially the same as the ornamental design of the '235 Design Patent.

1 37. Supplement Warehouse's actions constitute infringement of the '235 Design
2 Patent in violation of 35 U.S.C. § 271.

3 38. Sundesa has sustained damages and will continue to sustain damages as a
4 result of Supplement Warehouse's aforementioned acts of infringement.

5 39. Sundesa is entitled to recover damages sustained as a result of Supplement
6 Warehouse's wrongful acts in an amount to be proven at trial.

7 40. Supplement Warehouse's infringement of Sundesa's rights under the '235
8 Design Patent will continue to damage Sundesa's business, causing irreparable harm, for
9 which there is no adequate remedy at law, unless Supplement Warehouse is enjoined by
10 this Court.

11 41. Supplement Warehouse's blatant copying of Sundesa's intellectual property
12 makes this an exceptional case, entitling Sundesa to attorneys' fees and costs incurred in
13 prosecuting this action under 35 U.S.C. §§ 284-85.

14 42. Alternatively, Sundesa is entitled to recover Supplement Warehouse's total
15 profits from its sale of the Accused Product under 35 U.S.C. § 289.

16 **PRAYER FOR RELIEF**

17 Sundesa prays for judgment as follows:

18 A. A judgment finding Supplement Warehouse liable for infringement of one or
19 more of the claims of the '032 Patent;

20 B. A judgment finding Supplement Warehouse liable for infringement of the
21 claims of the '235 Design Patent;

22 C. Orders of this Court temporarily, preliminarily, and permanently enjoining
23 Supplement Warehouse, its agents, servants, and any and all parties acting in concert with
24 any of them, from directly, or indirectly, infringing in any manner any of the claims of
25 the '032 Patent and '235 Design Patent, pursuant to at least 35 U.S.C. § 283;

26 D. An award of damages adequate to compensate Sundesa for Supplement
27 Warehouse's infringement of the '032 Patent, in an amount to be proven at trial;

28

1 E. An award of damages adequate to compensate Sundesa for Supplement
2 Warehouse's infringement of the '235 Design Patent, in an amount to be proven at trial,
3 or in the alternative, an award of Supplement Warehouse's total profits under 35 U.S.C. §
4 289;

5 F. A declaration that this is an exceptional case and that Sundesa be awarded its
6 attorney fees and expenses, pursuant to at least 35 U.S.C. § 285;

7 G. An award of Sundesa's costs in bringing this action, pursuant to all
8 applicable state statutory and common law, including at least 35 U.S.C. § 284;

9 H. An award of Sundesa's attorney fees, pursuant to all applicable state
10 statutory and common law;

11 I. Prejudgment interest, pursuant to at least 35 U.S.C. § 284;

12 J. Post-judgment interest, pursuant to at least 28 U.S.C. § 1961(a); and


13 K. For such other and further relief as the Court deems just and equitable.

14 **DEMAND FOR JURY TRIAL**

15 Sundesa demands trial by jury on all claims and issues so triable.

16 DATED: July 18, 2013

Larry R. Laycock
David R. Wright
Tyson K. Hottinger
Adam B. Beckstrom
MASCHOFF BRENNAN

17
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20 By: 
21 Tyson K. Hottinger
22 Attorneys for Plaintiff
23 SUNDESA, LLC
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**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 Arthur Nakazato.

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

SACV13- 1083 JVS (ANx)

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.

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Central District of California

Sundesha, LLC, a Utah Limited Liability Company,

Plaintiff(s)

v.

Supplementwarehouse.com Inc., a Wisconsin Corporation

Defendant(s)

SACV13 - 01083 JVS (ANx) Civil Action No.

BY FAX

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address)

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Tyson K. Hottinger
Larry R. Laycock
David R. Wright
Maschoff Brennan
20 Pacifica, Suite 1130, Irvine, CA 92618
(949) 202-1900

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Date: JUL 19 2013

CLERK OF COURT

Signature of Clerk or Deputy

DOJIE LAGMAN

Signature of Clerk or Deputy



AO 440 (Rev. 06/12) Summons in a Civil Action (Page 2)

Civil Action No. _____

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* _____
was received by me on *(date)* _____.

I personally served the summons on the individual at *(place)* _____
_____ on *(date)* _____; or

I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____, and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* _____, who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____; or

I returned the summons unexecuted because _____; or

Other *(specify)*: _____

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0.00.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

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

I. (a) PLAINTIFFS (Check box if you are representing yourself <input type="checkbox"/>) Sundesa, LLC, a Utah Limited Liability Company	DEFENDANTS (Check box if you are representing yourself <input type="checkbox"/>) Supplementwarehouse.com Inc., a Wisconsin Corporation
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(b) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.) Maschoff Brennan 201 South Main Street, Suite 600 & 20 Pacifica, Suite 1130 Salt Lake City, UT 8111 Irvine, CA 92618 (435) 252-1360 (949) 202-1900	(b) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.) <div align="right" style="font-size: 1.2em; font-weight: bold;">BY FAX</div>
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II. BASIS OF JURISDICTION (Place an X in one box only.) <input type="checkbox"/> 1. U.S. Government Plaintiff <input type="checkbox"/> 2. U.S. Government Defendant <input checked="" type="checkbox"/> 3. Federal Question (U.S. Government Not a Party) <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 border="1" style="width:100%; border-collapse: collapse; font-size: 0.8em;"> <tr> <td></td> <td align="center">PTF</td> <td align="center">DEF</td> <td></td> <td align="center">PTF</td> <td 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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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																				

IV. ORIGIN (Place an X in one box only.)

<input checked="" type="checkbox"/> 1. Original Proceeding	<input type="checkbox"/> 2. Removed from State Court	<input type="checkbox"/> 3. Remanded from Appellate Court	<input type="checkbox"/> 4. Reinstated or Reopened	<input type="checkbox"/> 5. Transferred from Another District (Specify)	<input type="checkbox"/> 6. Multi-District Litigation
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V. REQUESTED IN COMPLAINT: JURY DEMAND: Yes No (Check "Yes" only if demanded in complaint.)

CLASS ACTION under F.R.Cv.P. 23: Yes No **MONEY DEMANDED IN COMPLAINT:** \$ Subject to proof at trial

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.)
 35 U.S.C. Section 271 & 35 U.S.C. Section 284; Patent infringement

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

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

FOR OFFICE USE ONLY: Case Number: **SACV13 - 01083 JVS (ANx)**

AFTER COMPLETING PAGE 1 OF FORM CV-71, COMPLETE THE INFORMATION REQUESTED ON PAGE 2.

**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): Cases have not been assigned case numbers. A separate Notice of Related Cases will be filed once cases are assigned.

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

(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

(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 SELF-REPRESENTED LITIGANT): *Tycon Halton* DATE: 7/18/13

Notice to Counsel/Parties: The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet).

Key to Statistical codes relating to Social Security Cases:

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405 (g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405 (g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405 (g))