

Brent H. Blakely (SBN 157292)
bblakely@blakelylawgroup.com
Cindy Chan (SBN 247495)
cchan@blakelylawgroup.com
BLAKELY LAW GROUP
1334 Parkview Avenue, Suite 280
Manhattan Beach, California 90266
Telephone: (310) 546-7400
Facsimile: (310) 546-7401

*Attorneys for Plaintiff
Deckers Outdoor Corporation*

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

FILED
13 OCT 23 PM 3:00
CLERK U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
LOS ANGELES

DECKERS OUTDOOR CORPORATION,
a Delaware Corporation,

Plaintiff,

v.

WELLNESS FOOTWEAR GROUP, INC.,
a California Corporation dba
CALIFORNIA FOOTWEAR CO.;
DAVID BERGUM, an individual; and
DOES 1-10, inclusive,

Defendants.

CV 13-7837 RYK/MPWx)

COMPLAINT FOR DAMAGES:

- 1. PATENT INFRINGEMENT;**
- 2. COMMON LAW UNFAIR COMPETITION**

JURY TRIAL DEMANDED

Plaintiff Deckers Outdoor Corporation for its claims against **Defendants Wellness Footwear Group, Inc. dba California Footwear Co. and David Bergum** (collectively "Defendants") respectfully alleges as follows:

JURISDICTION AND VENUE

- Plaintiff files this action against Defendants for patent infringement arising under the patent laws of the United States. This Court has subject matter jurisdiction over the claims alleged in this action pursuant to 28 U.S.C. §§ 1331, 1338.
- This Court has personal jurisdiction over Defendants because Defendants are incorporated, are domiciled, and/or do business within this judicial district.

1 3. This action arises out of wrongful acts by Defendants within this judicial
2 district and Plaintiff is located and has been injured in this judicial district by
3 Defendants' alleged wrongful acts. Venue is proper in this district pursuant to 28
4 U.S.C. § 1391 because the claims asserted arise in this district.

5 **THE PARTIES**

6 4. Plaintiff Deckers Outdoor Corporation ("Deckers") is a corporation
7 organized and existing under the laws of the state of Delaware with an office and
8 principal place of business in Goleta, California. Deckers designs and markets
9 footwear identified by its famous UGG® trademark and other famous trademarks.

10 5. Upon information and belief, Defendant Wellness Footwear Group, Inc.
11 dba California Footwear Co. is a corporation duly organized and existing under the
12 laws of the state of California with an office and principal place of business at 4427
13 Bennett View Drive, Santa Rosa, California 95404.

14 6. Upon information and belief, Defendant David Bergum is an individual
15 domiciled and/or doing business in Santa Rosa, California.

16 7. Plaintiff is unaware of the names and true capacities of Defendants,
17 whether individual, corporate and/or partnership entities named herein as DOES 1
18 through 10, inclusive, and therefore sues them by their fictitious names. Plaintiff will
19 seek leave to amend this complaint when their true names and capacities are
20 ascertained. Plaintiff is informed and believes and based thereon alleges that said
21 Defendants and DOES 1 through 10, inclusive, are in some manner responsible for the
22 wrongs alleged herein, and that at all times referenced each was the agent and servant
23 of the other Defendants and was acting within the course and scope of said agency and
24 employment.

25 8. Plaintiff is informed and believes, and based thereon alleges, that at all
26 relevant times herein, Defendants and DOES 1 through 10, inclusive, knew or
27 reasonably should have known of the acts and behavior alleged herein and the damages
28 caused thereby, and by their inaction ratified and encouraged such acts and behavior.

1 Plaintiff further alleges that Defendants and DOES 1 through 10, inclusive, have a
2 non-delegable duty to prevent or not further such acts and the behavior described
3 herein, which duty Defendants and DOES 1 though 10, inclusive, failed and/or refused
4 to perform.

5 **ALLEGATIONS COMMON TO ALL CAUSES OF ACTION**

6 **A. Deckers' UGG® Brand**

7 9. Deckers has become well known throughout the United States and
8 elsewhere as a source of high quality footwear products identified at least by its
9 UGG® brand of premium footwear.

10 10. Deckers' UGG® products are distributed and sold to consumers through
11 retailers throughout the United States at point of sale and on the Internet, including
12 through its website www.uggaustralia.com.

13 11. Deckers has spent substantial time, effort, and money in designing,
14 developing, advertising, promoting, and marketing its famous UGG® Australia line of
15 footwear. Deckers' efforts have been successful and Deckers has sold a substantial
16 amount of UGG® Australia footwear.

17 12. Many of Deckers' UGG® footwear designs are protected by design
18 patents issued by the United States Patent and Trademark Office. Design Patents for
19 UGG® footwear include, but are not limited to, U.S. Patent Nos. D599,999 for the
20 "Single Bailey Button Boot" (registered on September 15, 2009), and D616,189 for the
21 "Triple Bailey Button Boot" (registered on May 25, 2010) (hereinafter, collectively,
22 "UGG Boot Designs"). Attached hereto and incorporated herein as Exhibit 1 are true
23 and correct copies of the registered design patents for the UGG Boot Designs.

24 13. Deckers is the lawful assignee of all right, title, and interest in and to the
25 UGG Boot Designs.

26 **B. Defendants' Infringement of the UGG Boot Designs**

27 14. Upon information and belief, Plaintiff hereon avers that Defendant
28 Wellness Footwear Group, Inc. is in the business of designing, manufacturing,

1 producing, promoting, marketing, advertising, offering for sale, and/or selling footwear
2 under the name "California Footwear Co."

3 15. Plaintiff has recently discovered that footwear bearing designs that
4 infringe upon one or more of Plaintiff's UGG Boot Designs ("Infringing Products")
5 have been advertised, offered for sale, and/or sold by Defendant via its website -
6 www.californiafootwearco.com.

7 16. Upon information and belief, Defendant David Bergum is an officer,
8 member, director, and/or managing agent of Defendant Wellness Footwear Group,
9 Inc., and is the active, moving, conscious force behind the alleged infringing activities.

10 17. Deckers has not granted a license or any other form of permission to
11 Defendants with respect to the UGG Boot Designs.

12 18. All of Deckers' UGG footwear products, including products embodying
13 the design patents referenced above, bear a label on the product itself that gives notice
14 to the public of its patent registration.

15 19. Given the widespread popularity and recognition of Deckers' UGG Boot
16 Designs and the patent notice provided on the products themselves, Plaintiff avers and
17 hereon alleges that Defendants had knowledge of Deckers' rights to the UGG Boot
18 Designs and has intentionally copied said designs on its own brand of products in an
19 effort to pass them off as if they originated, are associated with, are affiliated with, are
20 sponsored by, are authorized by, and/or are approved by Deckers.

21 20. Deckers is informed and believes and hereon alleges that Defendants are
22 competitors and have copied Deckers' UGG Boot Designs in an effort to exploit
23 Deckers' reputation in the market.

24 21. Deckers is informed and believes and hereon alleges that Defendants have
25 acted in bad faith and that Defendants' deceptive acts have misled and confused and
26 were intended to cause confusion, or to cause mistake, or to deceive as to the
27 affiliation, connection, or association of Defendants' Infringing Products with Deckers,
28

1 or as to the origin, sponsorship, or approval of Defendants' Infringing Products by
2 Deckers.

3 **FIRST CLAIM FOR RELIEF**

4 **(Patent Infringement – 35 U.S.C. § 271)**

5 22. Plaintiff incorporates herein by reference the averments of the preceding
6 paragraphs as though fully set forth herein.

7 23. Plaintiff Deckers Outdoor Corporation is the owner by assignment of all
8 right, title and interest in and to the design patents for the UGG Boot Designs.

9 24. Defendants have knowingly and intentionally manufactured, caused to be
10 produced, distributed, advertised, marketed, offered for sale, and/or sold footwear that
11 is nearly identical to the UGG Boot Designs in direct violation of 35 U.S.C. § 271.

12 25. Defendants' use of the UGG Boot Designs is without Plaintiff's
13 permission or authority and is in total disregard of Plaintiff's right to control its
14 intellectual property.

15 26. As a direct and proximate result of Defendants' infringing conduct,
16 Plaintiff has been injured and will continue to suffer injury to its business and
17 reputation unless Defendants are restrained by this Court from infringing Plaintiff's
18 design patents.

19 27. Defendants' acts have damaged and will continue to damage Plaintiff, and
20 Plaintiff has no adequate remedy at law.

21 28. On information and belief, Defendants' acts herein complained of
22 constitute willful acts and intentional infringement of the UGG Boot Designs.

23 29. In light of the foregoing, Plaintiff is entitled to injunctive relief
24 prohibiting Defendants from using the UGG Boot Designs and to recover from
25 Defendants all damages, including attorneys' fees, that Plaintiff has sustained and will
26 sustain as a result of such infringing acts, and all gains, profits and advantages
27 obtained by Defendants as a result thereof, in an amount to be determined, which
28 amount can be trebled under 35 U.S.C. § 284.

1
2
3
4
5
6
7
8
9
0
1
2
3
4
5
6
7
8
9
0
1
2
3
4
5
6
7
8

2

3
4

5
6

7
8
9

10
11
12
13
14

15
16
17
18
19

20

21
2223
24

25
26
27

1 (a) manufacturing, importing, advertising, marketing, promoting,
2 supplying, distributing, offering for sale, or selling any products that infringe upon the
3 UGG Boot Designs, including the Infringing Products;

4 (b) engaging in any other activity constituting unfair competition with
5 Plaintiff, or acts and practices that deceive consumers, the public, and/or trade,
6 including without limitation, the use of designations and design elements used or
7 owned by or associated with Plaintiff; and

8 (c) committing any other act which falsely represents or which has the
9 effect of falsely representing that the goods and services of Defendants are licensed by,
10 authorized by, offered by, produced by, sponsored by, or in any other way associated
11 with Plaintiff;

12 3. Ordering Defendants to recall from any distributors and retailers and to
13 deliver to Plaintiff for destruction or other disposition all remaining inventory of all
14 Infringing Products and related items, including all advertisements, promotional and
15 marketing materials therefore, as well as means of making same;

16 4. Ordering Defendants to file with this Court and serve on Plaintiff within
17 thirty (30) days after entry of the injunction a report in writing, under oath setting forth
18 in detail the manner and form in which Defendants have complied with the injunction;

19 5. Ordering an accounting by Defendants of all gains, profits and advantages
20 derived from their wrongful acts;

21 6. Awarding Plaintiff all of Defendants' profits and all damages sustained by
22 Plaintiff as a result of Defendants' wrongful acts, and such other compensatory
23 damages as the Court determines to be fair and appropriate;

24 7. Increasing the damages up to three times the amount found or assessed
25 under 35 U.S.C. § 284;

26 8. Awarding applicable interest, costs, disbursements and attorneys' fees;

27 9. Finding that this is an exceptional case under 35 U.S.C. § 285 and
28 awarding attorneys' fees there under;

1 10. Awarding Plaintiff's punitive damages in connection with its claims under
2 California law; and

3 11. Such other relief as may be just and proper.
4

5 Dated: October 22, 2013

BLAKELY LAW GROUP

6
7 By:



Brent H. Blakely

Cindy Chan

Attorneys for Plaintiff

Deckers Outdoor Corporation

10
11 **DEMAND FOR JURY TRIAL**

12 Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, Plaintiff hereby
13 demands a trial by jury as to all claims in this litigation.
14

15 Dated: October 22, 2013

BLAKELY LAW GROUP

16
17 By:



Brent H. Blakely

Cindy Chan

Attorneys for Plaintiff

Deckers Outdoor Corporation



US00D599999S

(12) **United States Design Patent**
MacIntyre

(10) **Patent No.:** **US D599,999 S**
(45) **Date of Patent:** **** Sep. 15, 2009**

(54) **PORTION OF A FOOTWEAR UPPER**

EP 00718002-0006 4/2007

(75) Inventor: **Jennifer MacIntyre**, Santa Barbara, CA (US)

OTHER PUBLICATIONS

UGG Australia, Bipster model, p. 1, Oct. 3, 2008.
UGG Australia, Henry model, p. 1, Oct. 3, 2008.
UGG Australia, Erin model, p. 1, Oct. 3, 2008.
UGG Australia, Cove model, p. 1, Oct. 27, 2008.
UGG Australia, Kona model, p. 1, Oct. 27, 2008.
Catalogue Moscow Shoes, summer 2006, p. 2 top center.
Steve Madden MISSYY Brown Suede boot, www.jildorshoes.com, Dec. 9, 2008.

* cited by examiner

(**) Term: **14 Years**

(21) Appl. No.: **29/326,868**

(22) Filed: **Oct. 27, 2008**

Primary Examiner—Stella M Reid

Assistant Examiner—Rashida C McCoy

(74) *Attorney, Agent, or Firm*—Greer, Burns & Crain, Ltd.

(51) **LOC (9) Cl.** **02-99**

(52) **U.S. Cl.** **D2/970; D2/911; D2/946**

(58) **Field of Classification Search** D2/896,
D2/909-915, 946, 970, 973, 974; 36/45,
36/50.1, 83, 3 A, 7.1 R, 113

See application file for complete search history.

(57) **CLAIM**

The ornamental design for a portion of a footwear upper, as shown and described.

(56) **References Cited**

U.S. PATENT DOCUMENTS

D125,568 S *	3/1941	Hard	.....	D2/911
D155,573 S *	10/1949	Bingham	.....	D2/910
D159,577 S *	8/1950	Stromberg	.....	D2/900
D159,761 S *	8/1950	Barron	.....	D2/910
D227,197 S *	6/1973	Fukuoka	.....	D2/910
D319,332 S *	8/1991	Itzkowitz	.....	D2/910
D481,863 S *	11/2003	Belley et al.	.....	D2/970
D529,269 S *	10/2006	Belley et al.	.....	D2/970
D539,024 S	3/2007	Belley et al.		
D581,140 S	11/2008	Earle		

FOREIGN PATENT DOCUMENTS

DE 40702148 8/2007

DESCRIPTION

FIG. 1 is a perspective view of a portion of a footwear upper showing my new design;

FIG. 2 is a side elevational view thereof;

FIG. 3 is an opposite side elevational view thereof;

FIG. 4 is a front elevational view thereof;

FIG. 5 is a rear elevational view thereof;

FIG. 6 is a top plan view thereof; and,

FIG. 7 is a bottom plan view thereof.

The broken lines in FIGS. 1-7 represent portions of the footwear that form no part of the claimed design. The broken line which defines the bounds of the claimed design forms no part thereof.

1 Claim, 6 Drawing Sheets



EXHIBIT 1

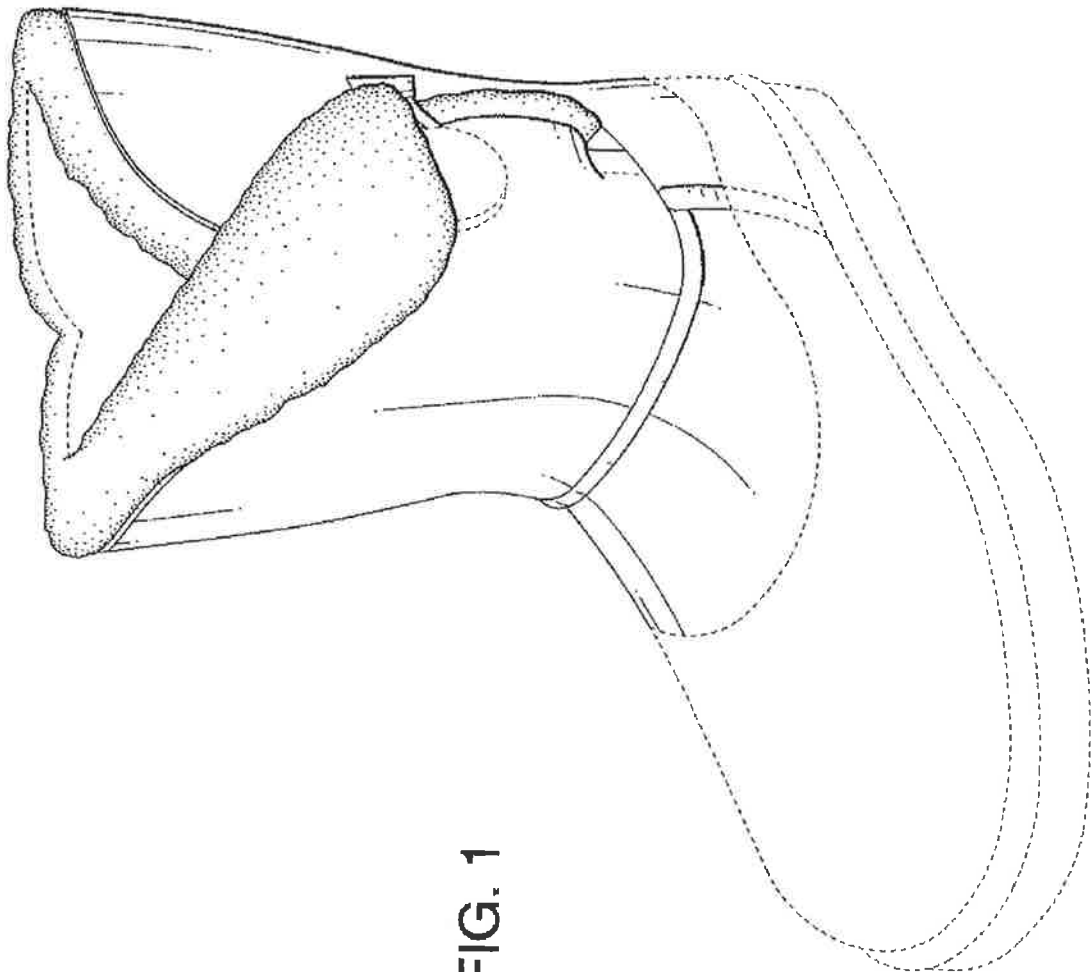


FIG. 1

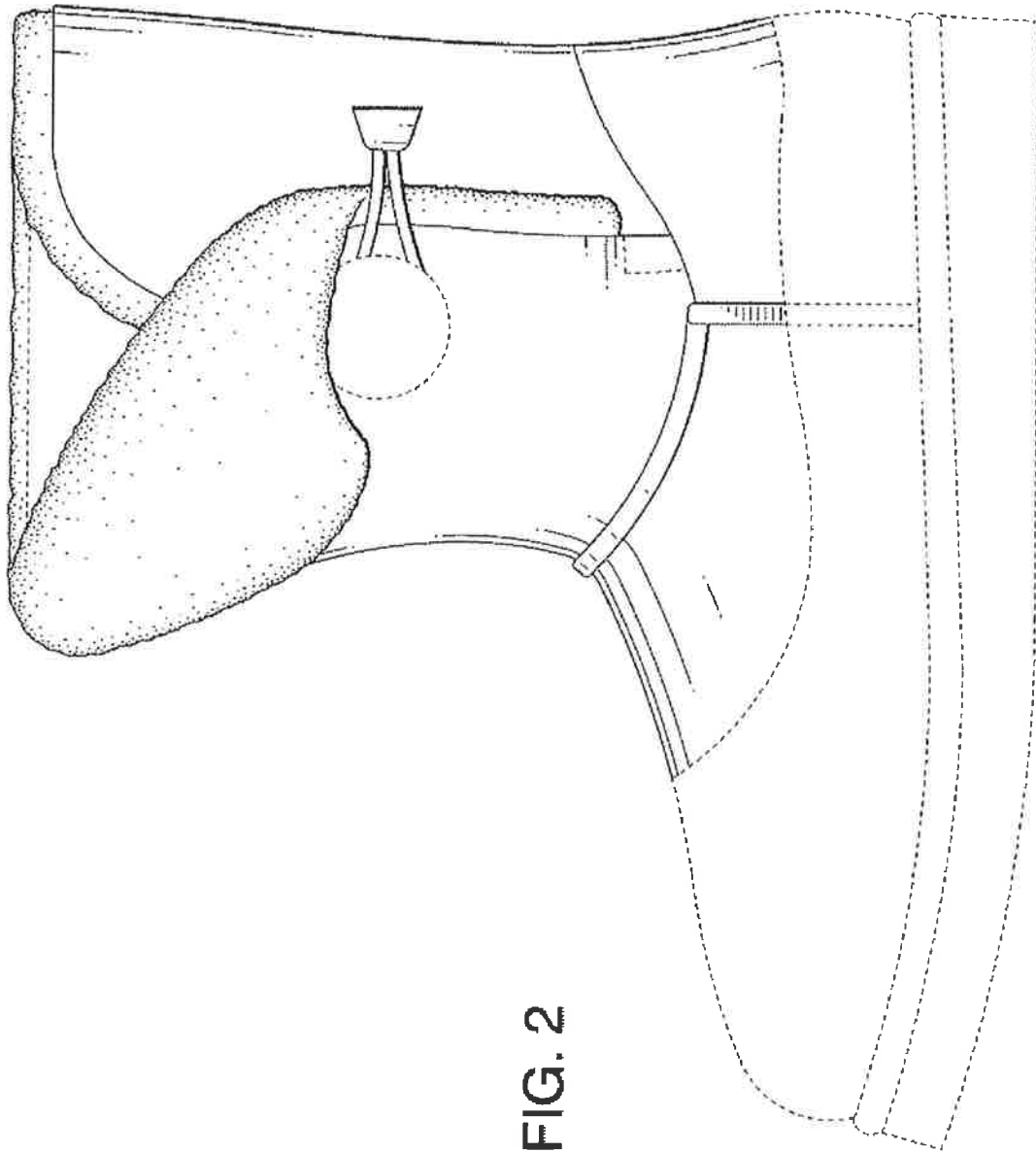


FIG. 2

FIG. 3

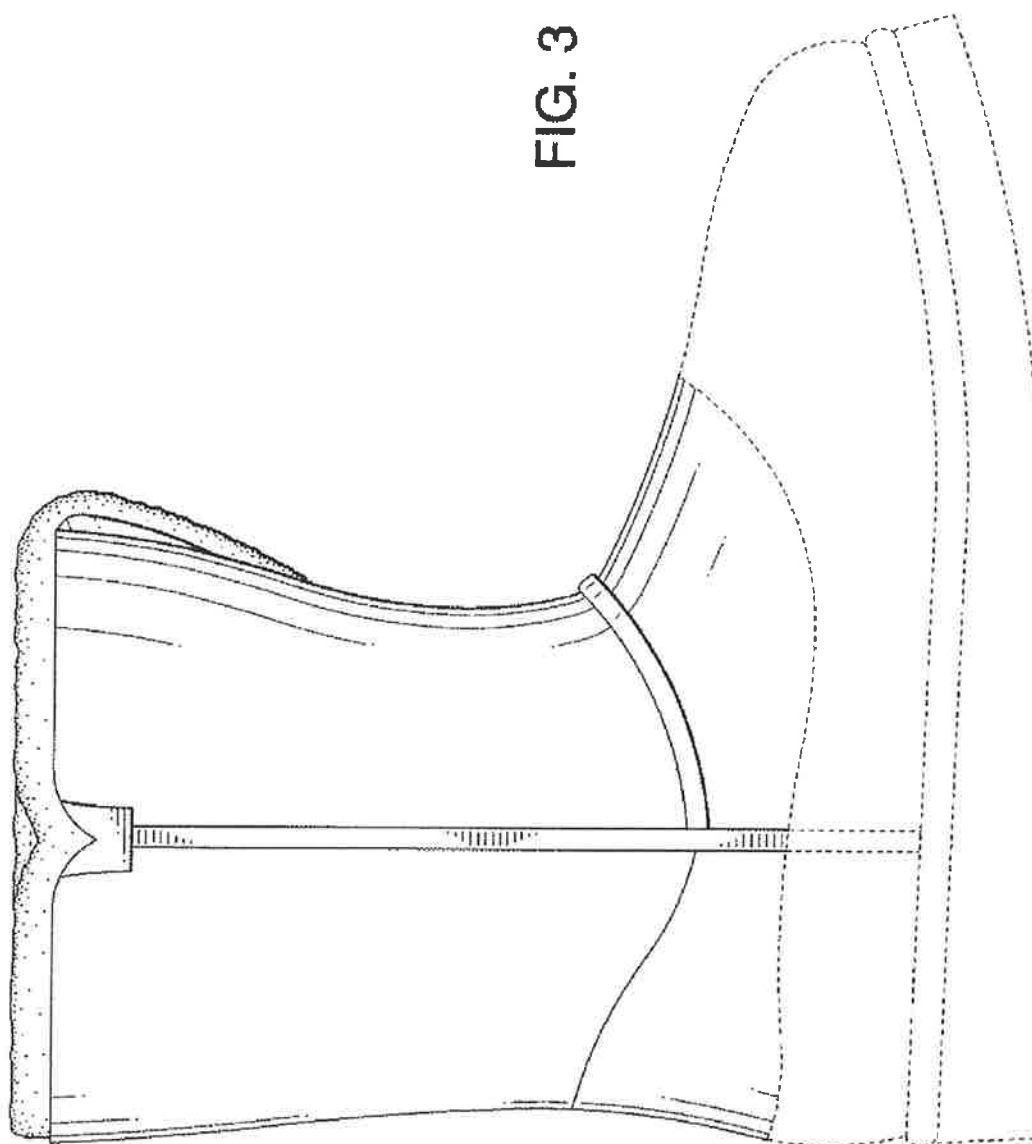


FIG. 5

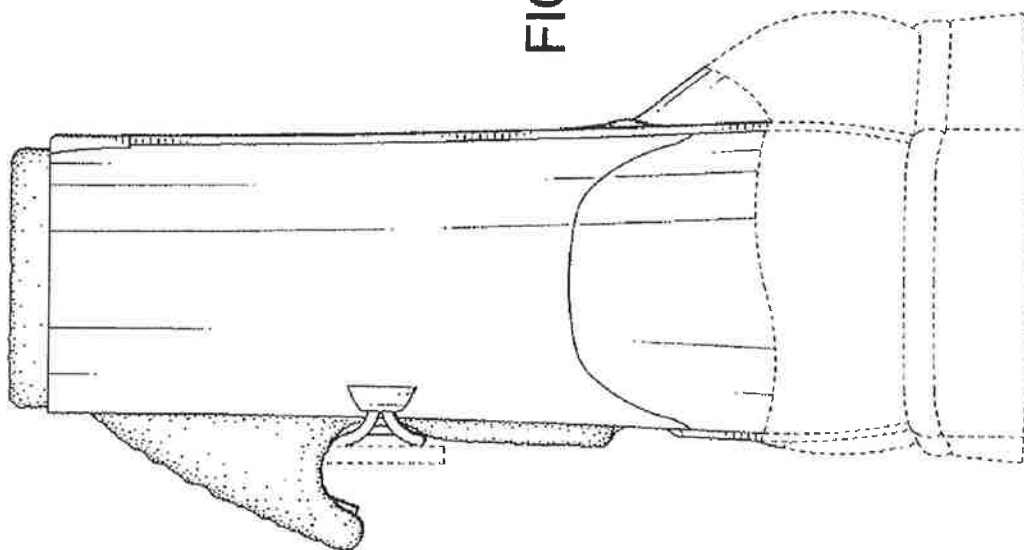
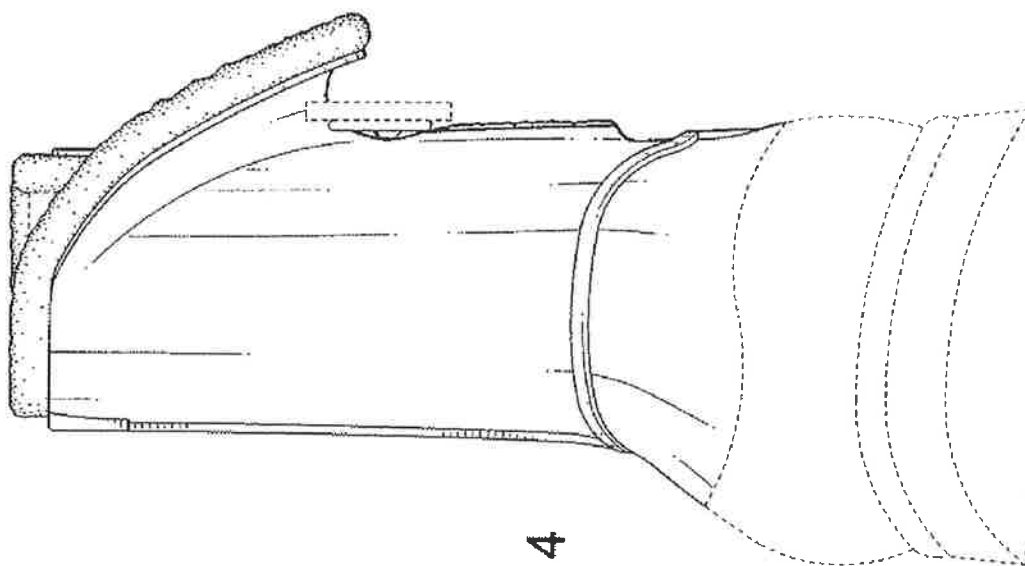


FIG. 4



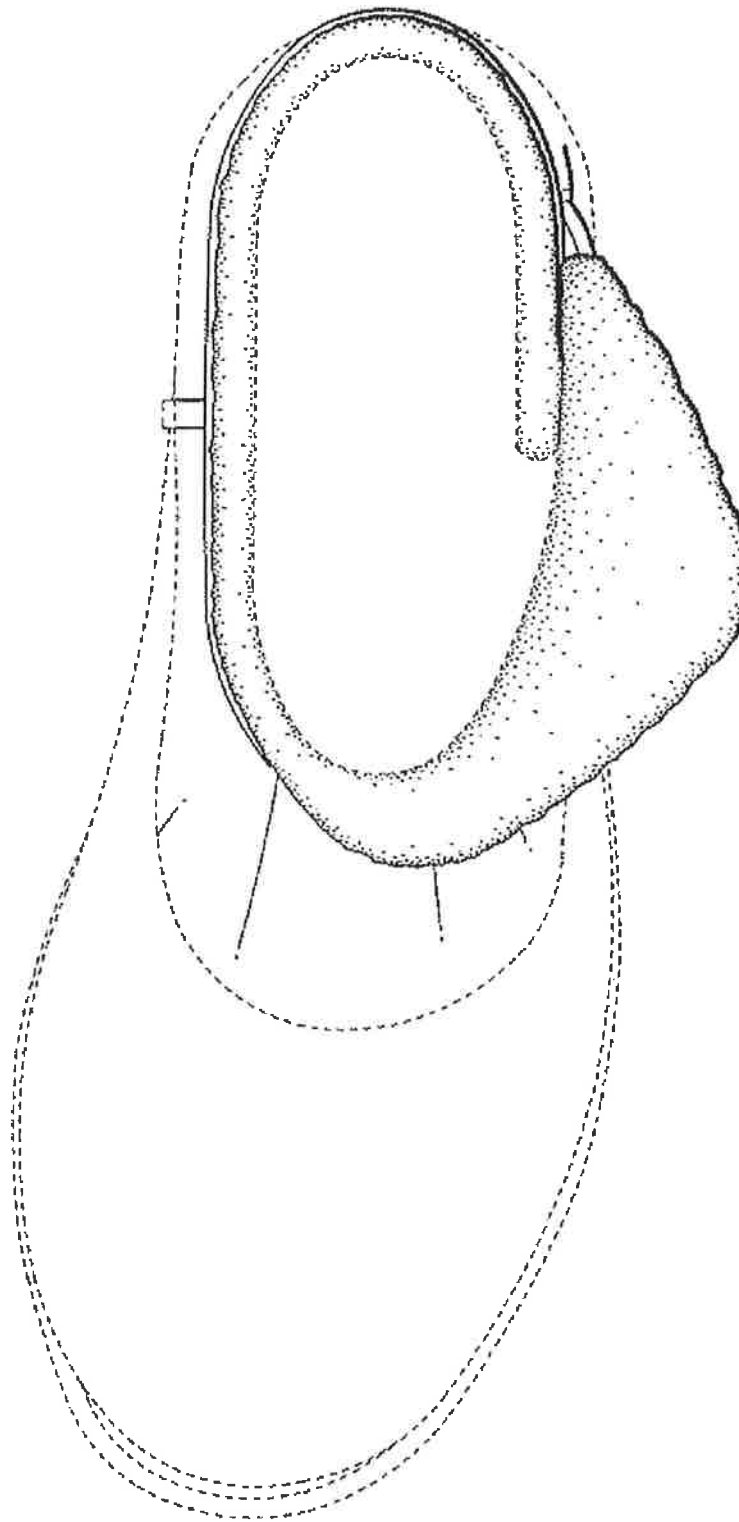


FIG. 6

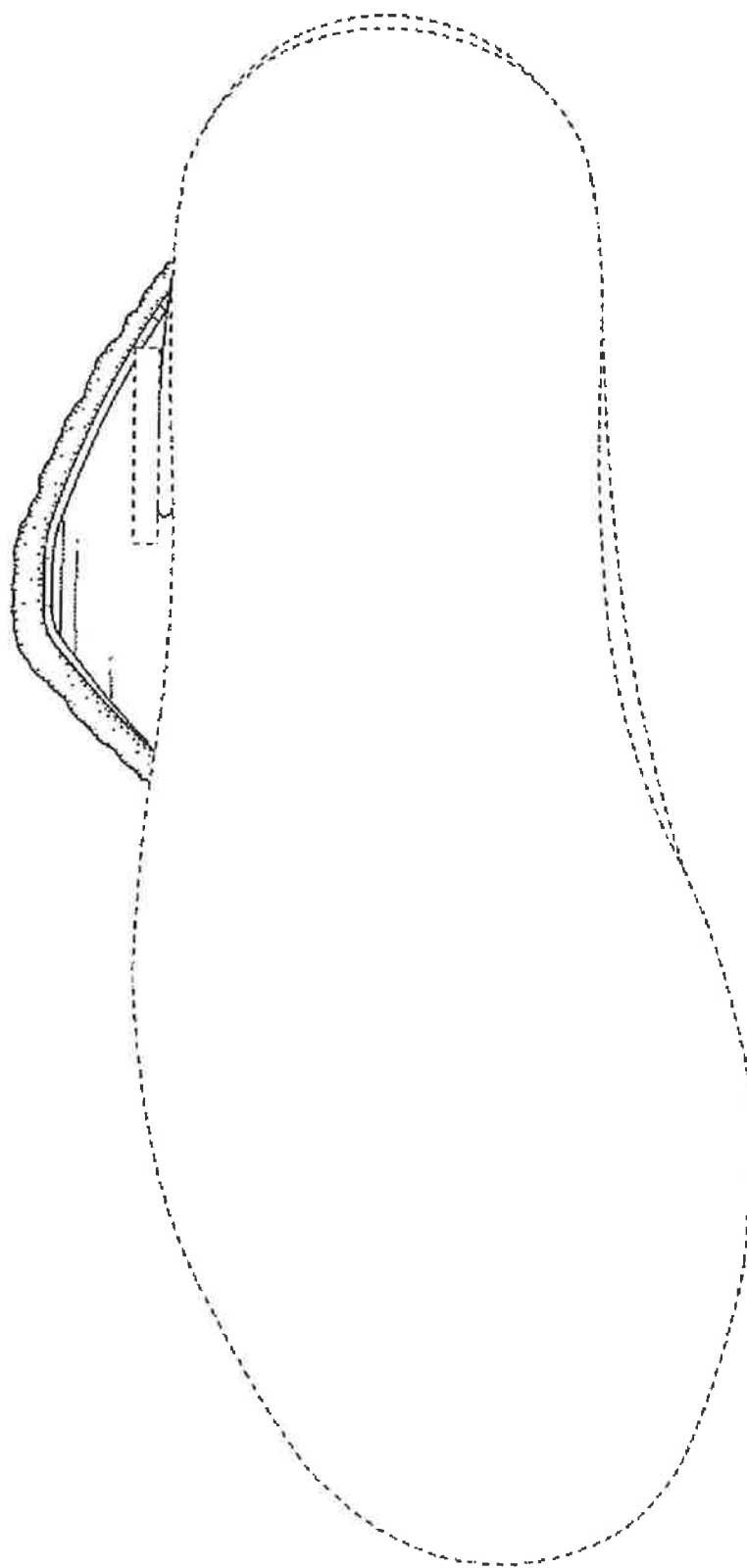


FIG. 7



US00D616189S

(12) United States Design Patent
MacIntyre**(10) Patent No.: US D616,189 S****(45) Date of Patent: ** *May 25, 2010****(54) PORTION OF A FOOTWEAR UPPER**

D554,341 S * 11/2007 Belley et al. D2/970

D575,495 S 8/2008 Le

D580,158 S 11/2008 Belley et al.

(75) Inventor: Jennifer MacIntyre, Santa Barbara, CA (US)**(73) Assignee: Deckers Outdoor Corporation, Goleta, CA (US)**

(Continued)

FOREIGN PATENT DOCUMENTS**(**) Term: 14 Years**

DE 40702148 8/2007

(21) Appl. No.: 29/343,479**(22) Filed: Sep. 14, 2009**

(Continued)

OTHER PUBLICATIONS**Related U.S. Application Data**

UGG Australia, Bipster model, p. 1, Oct. 3, 2008.

(63) Continuation-in-part of application No. 29/326,868, filed on Oct. 27, 2008, now Pat. No. Des. 599,999.

(Continued)

(51) LOC (9) CL. 02-99*Primary Examiner*—Robert M Spear**(52) U.S. CL. D2/970***Assistant Examiner*—Rashida C McCoy**(58) Field of Classification Search D2/896,**
D2/902, 903, 905–915, 946, 970, 972, 974,
D2/976; 36/45, 50.1, 83, 3 A. 7.1 R, 113,
36/101, 112, 114, 116, 126–130, 48**(74) Attorney, Agent, or Firm**—Greer, Burns & Craiu, Ltd.

See application file for complete search history.

(57)**CLAIM**

The ornamental design for a portion of a footwear upper, as shown and described.

(56) References Cited**U.S. PATENT DOCUMENTS**D21,954 S * 11/1892 Richardson D2/910
D125,568 S 3/1941 Hard
D155,573 S 10/1949 Bingham, Jr.
D159,577 S * 8/1950 Stromberg D2/900
D159,761 S * 8/1950 Barron D2/910
D227,197 S 6/1973 Fukuoka
D284,805 S * 7/1986 Smith D2/900
D319,332 S 8/1991 Itzkowitz
D357,572 S * 4/1995 Seiler et al. D2/910
D386,292 S * 11/1997 Brooks et al. D2/970
D386,294 S * 11/1997 Brooks et al. D2/970
D400,342 S * 11/1998 Davidowitz et al. D2/909
D481,863 S 11/2003 Belley et al.
D497,476 S * 10/2004 Huard et al. D2/970
D521,228 S * 5/2006 Kelsey D2/976
D529,269 S 10/2006 Belley et al.
D539,024 S * 3/2007 Belley et al. D2/970**DESCRIPTION**

FIG. 1 is a perspective view of a portion of a footwear upper showing my new design;

FIG. 2 is a side elevational view thereof;

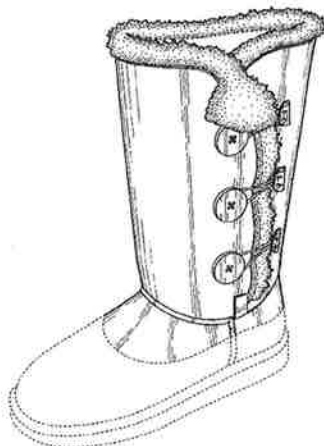
FIG. 3 is an opposite side elevational view thereof;

FIG. 4 is a front elevational view thereof;

FIG. 5 is a rear elevational view thereof; and,

FIG. 6 is a top plan view thereof.

The broken lines in FIGS. 1–6 represent portions of the footwear that form no part of the claimed design. The broken line which defines the bounds of the claimed design forms no part thereof.

1 Claim, 6 Drawing Sheets

US D616,189 S

Page 2

U.S. PATENT DOCUMENTS

D581,140 S 11/2008 Earle
D585,636 S 2/2009 Earle
D591,496 S 5/2009 Earle

FOREIGN PATENT DOCUMENTS

EP 00718002-0006 4/2007
EP 001159008-0005 8/2009

OTHER PUBLICATIONS

UGG Australia, Henry model, p. 1, Oct. 3, 2008.
UGG Australia, Erin model, p. 1, Oct. 3, 2008.

UGG Australia, Cove model, p. 1, Oct. 27, 2008.

UGG Australia, Kona model, p. 1, Oct. 27, 2008.

Steve Madden MISSYY Brown Suede boot, www.jildorshoes.com, Dec. 9, 2008.

Catalogue Moscow Shoes, summer 2006, p. 2 top center.

UGG Australia 1990 Catalog, Classic Tall model, 1990.

UGG Australia Fall/Winter 2004 Catalog, Larkspur model, 2004.

Sportsmaster, Russian Federation, Autumn/Winter 2008-2009.

* cited by examiner

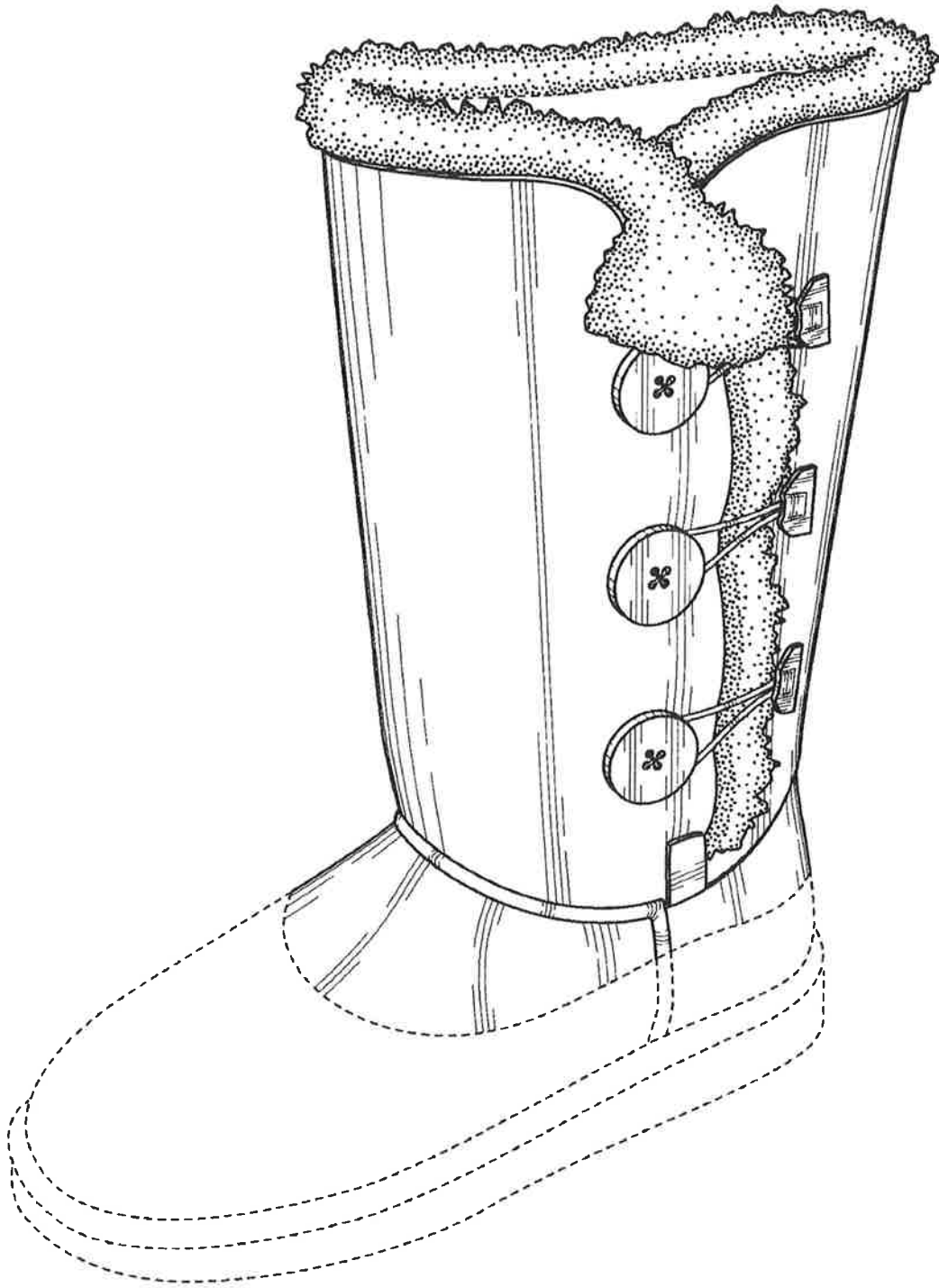


FIG. 1

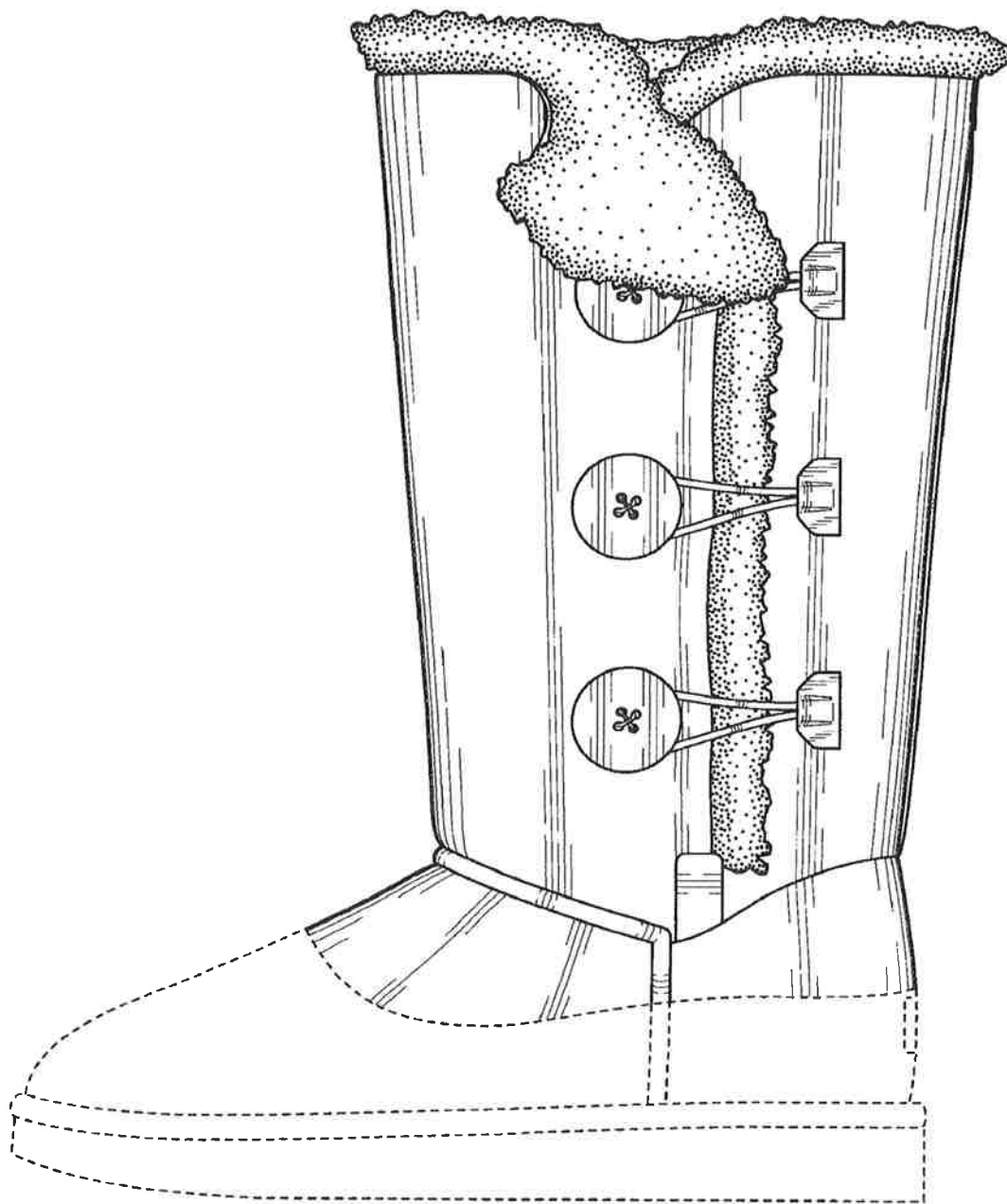


FIG. 2

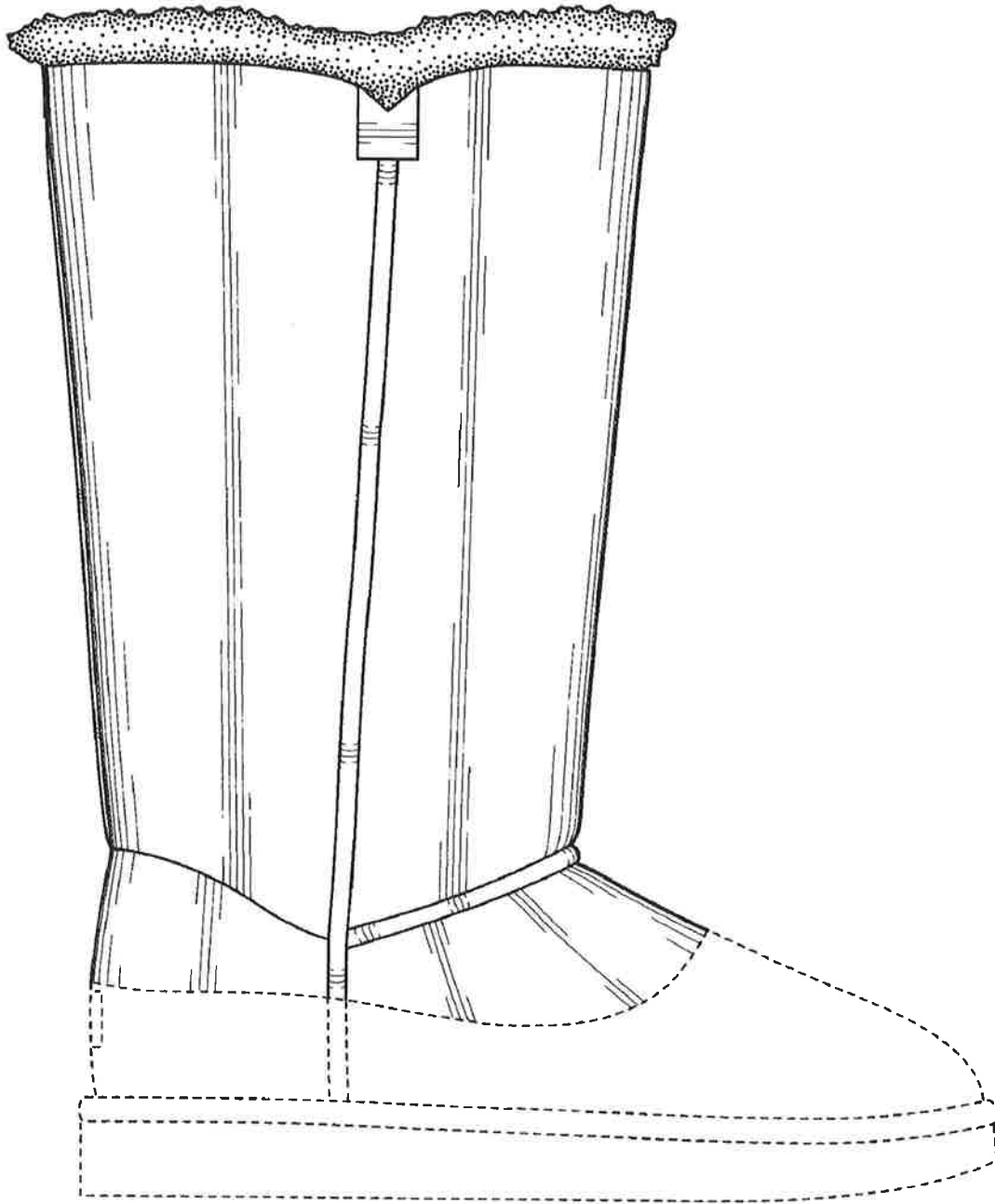


FIG. 3

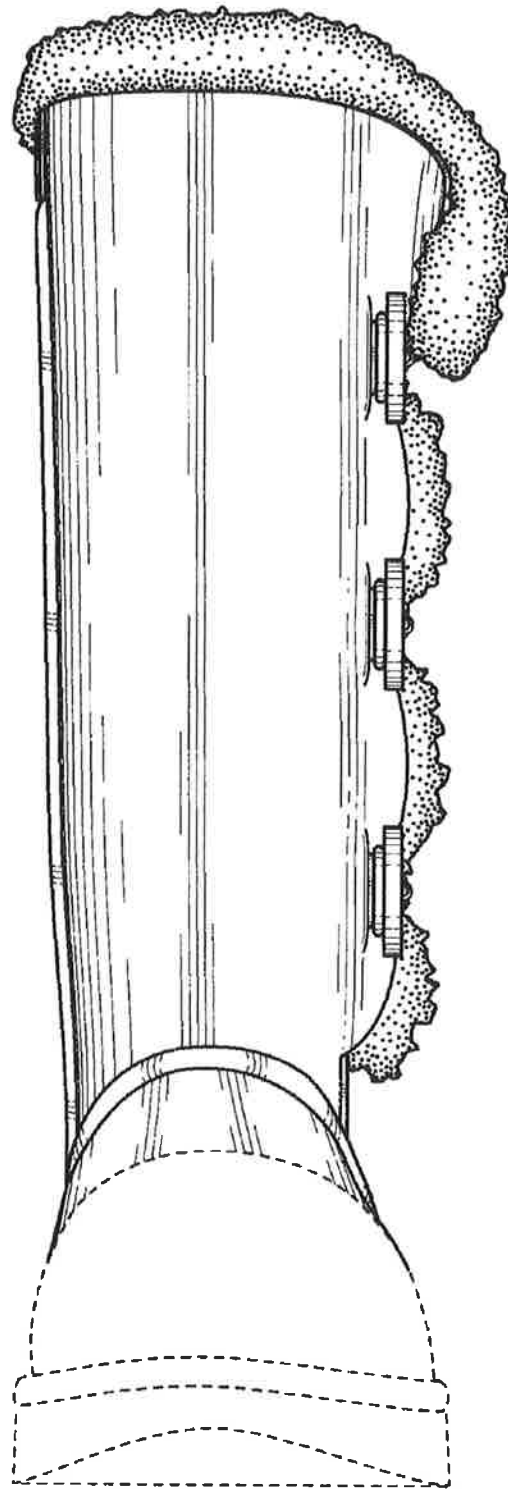


FIG. 4

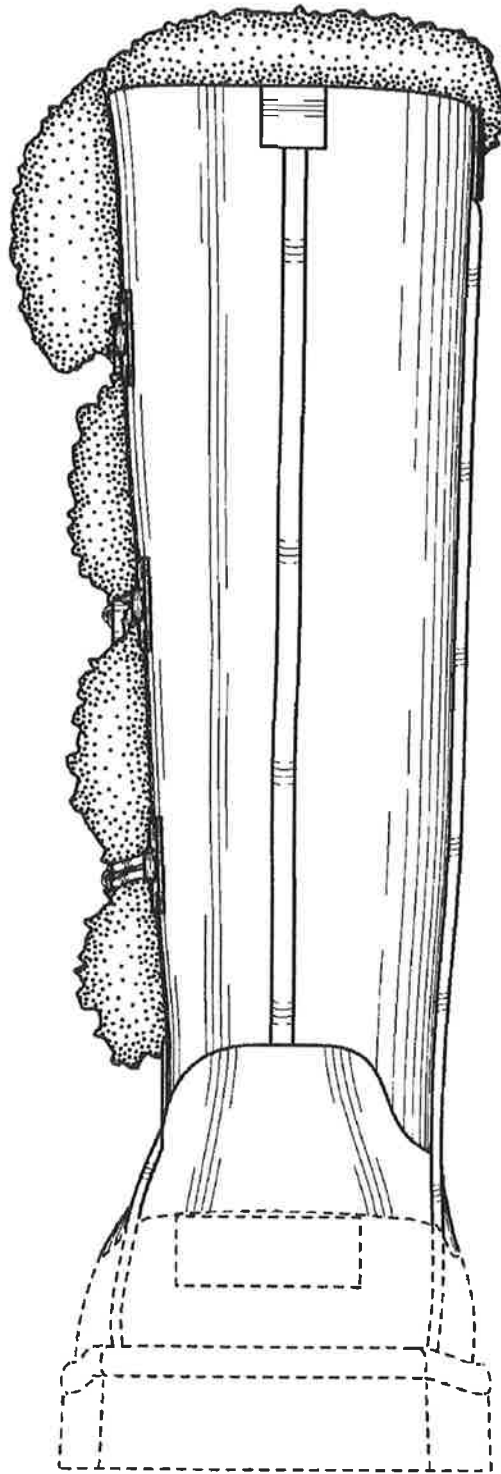


FIG. 5

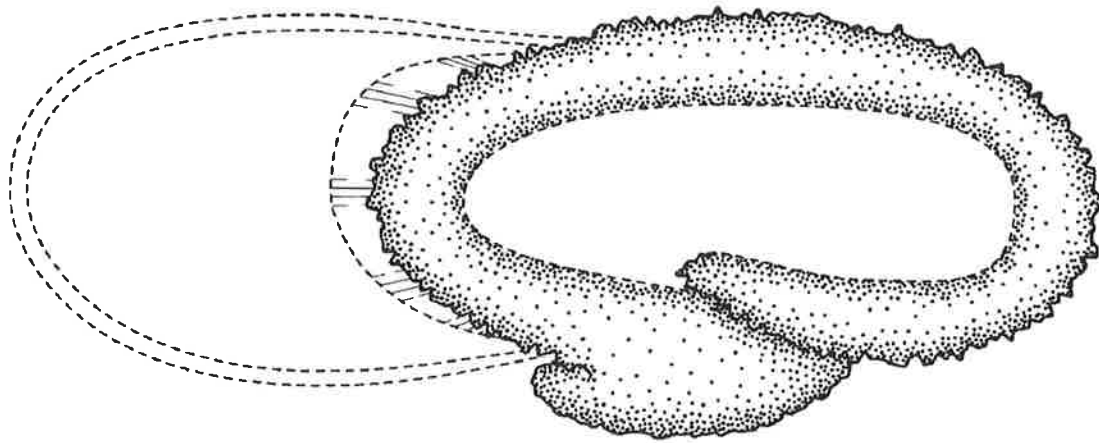


FIG. 6

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

I. (a) PLAINTIFFS (Check box if you are representing yourself ☐)

DECKERS OUTDOOR CORPORATION

DEFENDANTS (Check box if you are representing yourself ☐)

WELLNESS FOOTWEAR GROUP, INC., dba CALIFORNIA FOOTWEAR CO.;
DAVID BERGUM

(b) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same information.)

BLAKELY LAW GROUP
1334 Parkview Avenue, Suite 280, Manhattan Beach, CA 90266
Telephone: (310) 546-7400

(b) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same information.)

II. BASIS OF JURISDICTION (Place an X in one box only.)

- ☐ 1. U.S. Government Plaintiff ☒ 3. Federal Question (U.S. Government Not a Party)
- ☐ 2. U.S. Government Defendant ☐ 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)

- | | | | | | |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| | 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 |

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

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:** \$ 100,000+

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.)

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	Habeas Corpus:	<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"/> 463 Alien Detainee	<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"/> 510 Motions to Vacate Sentence	<input type="checkbox"/> 840 Trademark
<input type="checkbox"/> 430 Banks and Banking	<input type="checkbox"/> 140 Negotiable Instrument	PERSONAL PROPERTY	PERSONAL PROPERTY	<input type="checkbox"/> 530 General	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	<input type="checkbox"/> 535 Death Penalty	<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	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"/> 540 Mandamus/Other	<input type="checkbox"/> 863 DIWC/DIWW (405 (g))
<input type="checkbox"/> 480 Consumer Credit	<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 330 Fed. Employers' Liability	<input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 550 Civil Rights	<input type="checkbox"/> 864 SSID Title XVI
<input type="checkbox"/> 490 Cable/Sat TV	<input type="checkbox"/> 162 Recovery of Overpayment of Vet. Benefits	<input type="checkbox"/> 340 Marine	BANKRUPTCY	<input type="checkbox"/> 555 Prison Condition	<input type="checkbox"/> 865 RSI (405 (g))
<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	<input type="checkbox"/> 560 Civil Detainee Conditions of Confinement	FEDERAL TAX SUITS
<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	FORFEITURE/PENALTY	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)
<input type="checkbox"/> 891 Agricultural Acts	<input type="checkbox"/> 196 Franchise	<input type="checkbox"/> 355 Motor Vehicle Product Liability	CIVIL RIGHTS	<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"/> 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"/> 369 Personal Injury Product Liability	<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:

CV 13-7837

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

VIII. VENUE: Your answers to the questions below will determine the division of the Court to which this case will most likely be initially assigned. This initial assignment is subject to change, in accordance with the Court's General Orders, upon review by the Court of your Complaint or Notice of Removal.

Question A: Was this case removed from state court?	STATE CASE WAS PENDING IN THE COUNTY OF:	INITIAL DIVISION IN CACD IS:
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If "no," go to Question B. If "yes," check the box to the right that applies, enter the corresponding division in response to Question D, below, and skip to Section IX.	<input type="checkbox"/> Los Angeles	Western
	<input type="checkbox"/> Ventura, Santa Barbara, or San Luis Obispo	Western
	<input type="checkbox"/> Orange	Southern
	<input type="checkbox"/> Riverside or San Bernardino	Eastern

Question B: Is the United States, or one of its agencies or employees, a party to this action?	If the United States, or one of its agencies or employees, is a party, is it:		INITIAL DIVISION IN CACD IS:
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If "no," go to Question C. If "yes," check the box to the right that applies, enter the corresponding division in response to Question D, below, and skip to Section IX.	A PLAINTIFF?	A DEFENDANT?	
	Then check the box below for the county in which the majority of DEFENDANTS reside.	Then check the box below for the county in which the majority of PLAINTIFFS reside.	
	<input type="checkbox"/> Los Angeles	<input type="checkbox"/> Los Angeles	Western
	<input type="checkbox"/> Ventura, Santa Barbara, or San Luis Obispo	<input type="checkbox"/> Ventura, Santa Barbara, or San Luis Obispo	Western
	<input type="checkbox"/> Orange	<input type="checkbox"/> Orange	Southern
	<input type="checkbox"/> Riverside or San Bernardino	<input type="checkbox"/> Riverside or San Bernardino	Eastern
	<input type="checkbox"/> Other	<input type="checkbox"/> Other	Western

Question C: Location of plaintiffs, defendants, and claims?	A. Los Angeles County	B. Ventura, Santa Barbara, or San Luis Obispo Counties	C. Orange County	D. Riverside or San Bernardino Counties	E. Outside the Central District of California	F. Other
Indicate the location in which a majority of plaintiffs reside:	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Indicate the location in which a majority of defendants reside:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Indicate the location in which a majority of claims arose:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

C.1. Is either of the following true? If so, check the one that applies:

- ☐ 2 or more answers in Column C
☐ only 1 answer in Column C and no answers in Column D

Your case will initially be assigned to the
SOUTHERN DIVISION.
Enter "Southern" in response to Question D, below.

If none applies, answer question C2 to the right. →

C.2. Is either of the following true? If so, check the one that applies:

- ☐ 2 or more answers in Column D
☐ only 1 answer in Column D and no answers in Column C

Your case will initially be assigned to the
EASTERN DIVISION.
Enter "Eastern" in response to Question D, below.

If none applies, go to the box below. ↓

Your case will initially be assigned to the
WESTERN DIVISION.
Enter "Western" in response to Question D below.

Question D: Initial Division?	INITIAL DIVISION IN CACD
Enter the initial division determined by Question A, B, or C above: →	Western Division

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

IX(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): _____

IX(b). RELATED CASES: Have any cases been previously filed in this court that are related to the present case? ☒ NO ☐ YES

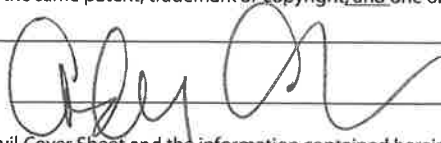
If yes, list case number(s): _____

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.

X. SIGNATURE OF ATTORNEY

(OR SELF-REPRESENTED LITIGANT):



DATE: 10/22/2013

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))