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8 Attorneys for Plaintiff Sundesa, LLC

9 UNITED STATES DISTRICT COURT

10 CENTRAL DISTRICT OF CALIFORNIA

11
12 Sundesa, LLC, a Utah Limited Liability
13 Company,

14 Plaintiff,

15 v.

16 Labrada Bodybuilding Nutrition, Inc., a
17 Texas Corporation,

18 Defendant.

Civil Action No. **SACV13-01984 JLS (DFMx)**

**COMPLAINT FOR PATENT
INFRINGEMENT**

[Demand for Jury Trial]

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COMPLAINT FOR PATENT INFRINGEMENT

1 Plaintiff Sundesa, LLC (“Sundesa”) complains against Defendant Labrada
2 Bodybuilding Nutrition, Inc., a Texas Corporation (“Labrada Bodybuilding”) for the
3 causes of action 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 Labrada Bodybuilding is a corporation organized and
9 existing under the laws of the State of Texas with its principal place of business located at
10 333 Northpark Central Dr., Ste. Z, Houston, Texas 77073-6337.

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 Labrada Bodybuilding because
17 Labrada Bodybuilding has purposely availed itself of the privileges and benefits of the
18 laws of the State of California.

19 6. Labrada Bodybuilding does, and has done, substantial business in this
20 judicial District, including: (i) regularly doing business or soliciting business by virtue of
21 Labrada Bodybuilding’s nationwide sales and offers to sell through interactive and
22 commercial website(s) which direct(s) Labrada Bodybuilding’s services and products to
23 California residents; and (ii) engaging in other persistent courses of conduct, and/or
24 deriving substantial revenue from products and/or services provided to persons in this
25 District and State.

26 7. This Court’s exercise of personal jurisdiction over Labrada Bodybuilding is
27 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 has marked all products embodying the claims of the Asserted
9 Patents since introduction to the market.

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

13 12. Labrada Bodybuilding is in the business of selling nutritional supplements
14 and accessories. In particular, Labrada Bodybuilding sells and offers for sale, *inter alia*,
15 Labrada Nutrition Shaker Cups that embody at least claim 15 of the '032 Patent and
16 allow users to perform the methods claimed in at least claim 18 of the '032 Patent (the
17 "Accused Products").

18 13. The Accused Products also embody the claimed design of the '235 Design
19 Patent.

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

23 15. Use of any of Labrada Bodybuilding's Accused Products infringes the '032
24 Patent.

25 16. The Accused Products have no substantial non-infringing uses.

26 17. The design of the Accused Products are substantially the same as the design
27 that is the subject matter of the '235 Design Patent.
28

1 18. Furthermore, the design of the Accused Products is so similar to the design
2 that is the subject matter of the '235 Design Patent that customers are likely to be
3 deceived and persuaded to buy the Accused Products thinking they are actually buying
4 products protected by the '235 Design Patent.

5 19. On information and belief, Labrada Bodybuilding had pre-suit knowledge of
6 the Asserted Patents at least because of Sundesa's marking of its products embodying the
7 claims of the Asserted Patents. Commensurate with this filing, Sundesa mailed Labrada
8 Bodybuilding a courtesy copy of this Complaint and the Asserted Patents. Thus, Labrada
9 Bodybuilding has had knowledge of the Asserted Patents at least since filing of this
10 Complaint.

11 **FIRST CLAIM FOR RELIEF**

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

13 20. By this reference Sundesa realleges and incorporates the foregoing
14 paragraphs as though fully set forth herein.

15 21. Labrada Bodybuilding has directly infringed and continues to directly
16 infringe the '032 Patent under 35 U.S.C. § 271(a) by selling, and offering for sale within
17 the United States the Accused Products, which infringe the '032 patent.

18 22. Labrada Bodybuilding has had, and continues to have, the specific intent to
19 induce its customers or users of its products to infringe the '032 Patent. For example,
20 Labrada Bodybuilding instructs its customers or users of the Accused Products to use
21 them to mix ingredients according to the claimed methods of the '032 Patent.

22 23. Labrada Bodybuilding's customers or users of the Accused Products do, in
23 fact, infringe the '032 Patent.

24 24. Labrada Bodybuilding has known, or should have known, that its customers,
25 or users of its products, infringe the '032 Patent.

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

1 26. Labrada Bodybuilding 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, and contributorily infringing the '032 Patent.

4 27. Despite its knowledge of the '032 Patent, Labrada Bodybuilding has
5 continued to infringe and induce others to infringe the '032 Patent.

6 28. The conduct of Labrada Bodybuilding 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 29. Labrada Bodybuilding has manufactured, used, imported, sold, and offered
10 for sale Accused Products despite an objectively high likelihood that its actions constitute
11 infringement of the '032 Patent.

12 30. Labrada Bodybuilding's manufacture, use, importation, sale, and offer for
13 sale of Accused Products has been both willful and deliberate.

14 31. Labrada Bodybuilding's acts of infringement have caused damage to
15 Sundesa, and Sundesa is entitled to recover the damages sustained as a result of Labrada
16 Bodybuilding's wrongful acts in an amount subject to proof at trial. Labrada
17 Bodybuilding's infringement of Sundesa's rights under the '032 Patent will continue to
18 damage Sundesa's business causing irreparable harm for which there is no adequate
19 remedy at law, unless it is enjoined by this Court.

20 32. By reason of the foregoing, Sundesa is entitled to monetary relief and
21 injunctive relief against Labrada Bodybuilding, pursuant to 35 U.S.C. §§ 283-85, as more
22 fully set forth herein below.

23 **SECOND CLAIM FOR RELIEF**

24 **(Infringement of the '235 Design Patent)**

25 33. By this reference Sundesa realleges and incorporates the foregoing
26 paragraphs as though fully set forth herein.

27 34. Labrada Bodybuilding has infringed, and continues to infringe the '235
28 Design Patent by offering to sell, selling, or importing, in this District, and elsewhere in

1 the United States, the Accused Products, the design of which is substantially the same as
2 the ornamental design of the '235 Design Patent.

3 35. Labrada Bodybuilding's actions constitute infringement of the '235 Design
4 Patent in violation of 35 U.S.C. § 271.

5 36. Sundesa has sustained damages and will continue to sustain damages as a
6 result of Labrada Bodybuilding's aforementioned acts of infringement.

7 37. Sundesa is entitled to recover damages sustained as a result of Labrada
8 Bodybuilding's wrongful acts in an amount to be proven at trial.

9 38. Labrada Bodybuilding's infringement of Sundesa's rights under the '235
10 Design Patent will continue to damage Sundesa's business, causing irreparable harm, for
11 which there is no adequate remedy at law, unless Labrada Bodybuilding is enjoined by
12 this Court.

13 39. Labrada Bodybuilding has willfully infringed the '235 Design Patent,
14 entitling Sundesa to increased damages under 35 U.S.C. § 284 and to attorneys' fees and
15 costs incurred in prosecuting this action under 35 U.S.C. § 285.

16 40. Alternatively, Plaintiff is entitled to recover Labrada Bodybuilding's total
17 profits from its sale of the Accused Products under 35 U.S.C. § 289.

18 **PRAYER FOR RELIEF**

19 Sundesa prays for judgment as follows:

20 A. A judgment finding Labrada Bodybuilding liable for infringement of one or
21 more of the claims of the '032 Patent;

22 B. A judgment finding Labrada Bodybuilding liable for infringement of the
23 claims of the '235 Design Patent;

24 C. Orders of this Court temporarily, preliminarily, and permanently enjoining
25 Labrada Bodybuilding, its agents, servants, and any and all parties acting in concert with
26 any of them, from directly or indirectly infringing in any manner any of the claims of the
27 '032 Patent and '235 Design Patent, pursuant to at least 35 U.S.C. § 283;
28

1 D. An award of damages adequate to compensate Sundesa for Labrada
2 Bodybuilding's infringement of the '032 Patent, in an amount to be proven at trial;

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

7 F. An award of treble Sundesa's damages, pursuant to at least 35 U.S.C. § 284;

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

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

12 I. An award of Sundesa's attorney fees, pursuant to all applicable state
13 statutory and common law.

14 J. Prejudgment interest, pursuant to at least 35 U.S.C. § 284;

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

16 L. For such other and further relief as the Court deems just and equitable.

17 **DEMAND FOR JURY TRIAL**

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

19
20 DATED: December 20, 2013

Larry R. Laycock

Taylor J. Wright

Adam B. Beckstrom

21
22 **MASCHOFF BRENNAN**

23 By: 

24 Taylor J. Wright

25 Attorneys for Plaintiff

26 Sundesa, LLC
27
28

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

NOTICE OF ASSIGNMENT TO UNITED STATES JUDGES

This case has been assigned to District Judge Josephine L. Staton and the assigned
Magistrate Judge is Douglas F. McCormick.

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

SACV13-01984 JLS (DFMx)

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.

Clerk, U. S. District Court

December 20, 2013

Date

By M. Barr
Deputy Clerk

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:

- | | | |
|---|---|---|
| <input type="checkbox"/> Western Division
312 N. Spring Street, G-8
Los Angeles, CA 90012 | <input checked="" type="checkbox"/> Southern Division
411 West Fourth St., Ste 1053
Santa Ana, CA 92701 | <input type="checkbox"/> Eastern Division
3470 Twelfth Street, Room 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.

Labrada Bodybuilding Nutrition, Inc., a Texas
Corporation,

Defendant(s)

Civil Action No.

SACV13-01984 JLS (DFMx)

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:

Taylor J. Wright
Larry R. Laycock
Adam B. Beckstrom
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: **DEC 20 2013**

CLERK OF COURT

MARIA BARR



Signature of Clerk or Deputy Clerk

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"/>) Labrada Bodybuilding Nutrition, Inc., a Texas Corporation	
(b) County of Residence of First Listed Plaintiff <u>Utah County, UT</u> (EXCEPT IN U.S. PLAINTIFF CASES)		County of Residence of First Listed Defendant _____ (IN U.S. PLAINTIFF CASES ONLY)	
(c) Attorneys (Firm Name, Address and Telephone Number) If you are representing yourself, provide the same information. Maschoff Brennan & Maschoff Brennan 201 South Main Street, Suite 600 20 Pacifica, Suite 1130 Salt Lake City, UT 84111 Irvine, CA 92618 (435) 252-1360 (949) 202-1900		Attorneys (Firm Name, Address and Telephone Number) If you are representing yourself, provide the same information.	

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 style="width:100%;"> <tr> <th></th> <th>PTF</th> <th>DEF</th> <th></th> <th>PTF</th> <th>DEF</th> </tr> <tr> <td>Citizen of This State</td> <td><input type="checkbox"/> 1</td> <td><input type="checkbox"/> 1</td> <td>Incorporated or Principal Place of Business in this State</td> <td><input type="checkbox"/> 4</td> <td><input type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td><input type="checkbox"/> 2</td> <td><input type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business in Another State</td> <td><input type="checkbox"/> 5</td> <td><input type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td><input type="checkbox"/> 3</td> <td><input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td><input type="checkbox"/> 6</td> <td><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
	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.) <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

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"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/Etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced & Corrupt Org. <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Info. Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Admin. Procedures Act/Review of Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes	<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Vet.) <input type="checkbox"/> 153 Recovery of Overpayment of Vet. Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property <div style="background-color: #d3d3d3; text-align: center; font-weight: bold;">TORTS</div> <div style="background-color: #d3d3d3; text-align: center; font-weight: bold;">PERSONAL INJURY</div> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Fed. Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury-Med Malpractice <input type="checkbox"/> 365 Personal Injury-Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions <div style="background-color: #d3d3d3; text-align: center; font-weight: bold;">TORTS</div> <div style="background-color: #d3d3d3; text-align: center; font-weight: bold;">PERSONAL PROPERTY</div> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability <div style="background-color: #d3d3d3; text-align: center; font-weight: bold;">BANKRUPTCY</div> <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <div style="background-color: #d3d3d3; text-align: center; font-weight: bold;">CIVIL RIGHTS</div> <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 American with Disabilities-Employment <input type="checkbox"/> 446 American with Disabilities-Other <input type="checkbox"/> 448 Education	<div style="background-color: #d3d3d3; text-align: center; font-weight: bold;">Habeas Corpus:</div> <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <div style="background-color: #d3d3d3; text-align: center; font-weight: bold;">Other:</div> <input type="checkbox"/> 540 Mandamus/Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee Conditions of Confinement <div style="background-color: #d3d3d3; text-align: center; font-weight: bold;">FORFEITURE/PENALTY</div> <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other <div style="background-color: #d3d3d3; text-align: center; font-weight: bold;">LABOR</div> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Ret. Inc. Security Act	<input type="checkbox"/> 820 Copyrights <input checked="" type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <div style="background-color: #d3d3d3; text-align: center; font-weight: bold;">SOCIAL SECURITY</div> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405 (g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405 (g)) <div style="background-color: #d3d3d3; text-align: center; font-weight: bold;">FEDERAL TAX SUITS</div> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS-Third Party 26 USC 7609

FOR OFFICE USE ONLY:

Case Number:

CV-71 (11/13)

CIVIL COVER SHEET

Page 1 of 3

SACV13-01984 JLS (DFMx)

**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? <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.	STATE CASE WAS PENDING IN THE COUNTY OF:		INITIAL DIVISION IN CACD IS:
	<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? <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.	If the United States, or one of its agencies or employees, is a party, is it:		INITIAL DIVISION IN CACD IS:
	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? (Make only one selection per row)	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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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: →	SOUTHERN

**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): 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.

**X. SIGNATURE OF ATTORNEY
(OR SELF-REPRESENTED LITIGANT):**

Tougher Wright

DATE: 12/20/13

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))