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9 Attorneys for Plaintiff Sundesa, LLC

10 UNITED STATES DISTRICT COURT
 11 CENTRAL DISTRICT OF CALIFORNIA

12 Sundesa, LLC, a Utah Limited Liability
Company,

13 Plaintiff,

14 v.

15 310 Nutrition LLC, a California Limited
16 Liability Company,

17 Defendant.

Civil Action No. **SACV13-01985-JLS (RNBx)**

**COMPLAINT FOR PATENT
INFRINGEMENT**

[Demand for Jury Trial]

FILED
 2013 DEC 20 PM 2:23
 CLERK OF DISTRICT COURT
 CENTRAL DISTRICT OF CALIF.
 SANTA ANA

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1 Plaintiff Sundesa, LLC (“Sundesa”) complains against Defendant 310 Nutrition
2 LLC (“310 Nutrition”) for the causes of action alleged as follows:

3 **THE PARTIES**

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

7 2. Sundesa alleges 310 Nutrition is a limited liability company organized and
8 existing under the laws of the State of California with its principal place of business
9 located at 3208 Walnut Avenue, Manhattan Beach, CA 90266-3550.

10 **JURISDICTION AND VENUE**

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

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

15 5. This Court has personal jurisdiction over 310 Nutrition because 310
16 Nutrition has purposely availed itself of the privileges and benefits of the laws of the
17 State of California.

18 6. 310 Nutrition does, and has done, substantial business in this judicial
19 District, including: (i) committing acts of patent infringement in this judicial District and
20 elsewhere in California; (ii) regularly doing business or soliciting business by virtue of
21 310 Nutrition’s nationwide sales and offers to sell through interactive and commercial
22 website(s) which direct(s) 310 Nutrition’s services and products to California residents;
23 (iii) establishing its headquarters in California; and (iv) engaging in other persistent
24 courses of conduct, and/or deriving substantial revenue from products and/or services
25 provided to persons in this District and State.

26 7. This Court’s exercise of personal jurisdiction over 310 Nutrition is
27 consistent with the Constitutions of the United States and the State of California.
28

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. 310 Nutrition is in the business of selling nutritional supplements and
14 accessories. In particular, 310 Nutrition sells and offers for sale, *inter alia*, 310 Shakers
15 that embody at least claim 15 of the '032 Patent and allow users to perform the methods
16 claimed in at least claim 18 of the '032 Patent (the "Accused Products").

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

19 14. 310 Nutrition markets, describes, encourages, and instructs its customers to
20 use the Accused Products to mix ingredients in such a way as to perform the claimed
21 methods of the '032 Patent.

22 15. Use of any of 310 Nutrition's Accused Products infringes the '032 Patent.

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

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

26 18. Furthermore, the design of the Accused Products is so similar to the design
27 that is the subject matter of the '235 Design Patent that customers are likely to be
28

1 deceived and persuaded to buy the Accused Products thinking they are actually buying
2 products protected by the '235 Design Patent.

3 19. On information and belief, 310 Nutrition had pre-suit knowledge of the
4 Asserted Patents at least because of Sundesa's marking of its products embodying the
5 claims of the Asserted Patents. Commensurate with this filing, Sundesa mailed 310
6 Nutrition a courtesy copy of this Complaint and the Asserted Patents. Thus, 310 Nutrition
7 has had knowledge of the Asserted Patents at least since filing of this Complaint.

8 **FIRST CLAIM FOR RELIEF**

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

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

12 21. 310 Nutrition has directly infringed and continues to directly infringe the
13 '032 Patent under 35 U.S.C. § 271(a) by selling, and offering for sale within the United
14 States the Accused Products, which infringe the '032 patent.

15 22. 310 Nutrition has had, and continues to have, the specific intent to induce its
16 customers or users of its products to infringe the '032 Patent. For example, 310 Nutrition
17 instructs its customers or users of the Accused Products to use them to mix ingredients
18 according to the claimed methods of the '032 Patent.

19 23. 310 Nutrition's customers or users of the Accused Products do, in fact,
20 infringe the '032 Patent.

21 24. 310 Nutrition has known, or should have known, that its customers, or users
22 of its products, infringe the '032 Patent.

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

25 26. 310 Nutrition has indirectly infringed and continues to indirectly infringe the
26 Asserted Patents under 35 U.S.C. §§ 271(b) and (c) by actively inducing infringement of,
27 and contributorily infringing the '032 Patent.

1 27. Despite its knowledge of the '032 Patent, 310 Nutrition has continued to
2 infringe and induce others to infringe the '032 Patent.

3 28. The conduct of 310 Nutrition as set forth hereinabove gives rise to a cause of
4 action for infringement of the '032 Patent, pursuant to at least 35 U.S.C. §§ 271 and 281.

5 29. 310 Nutrition has manufactured, used, imported, sold, and offered for sale
6 Accused Products despite an objectively high likelihood that its actions constitute
7 infringement of the '032 Patent.

8 30. 310 Nutrition's manufacture, use, importation, sale, and offer for sale of
9 Accused Products have been both willful and deliberate.

10 31. 310 Nutrition's acts of infringement have caused damage to Sundesa, and
11 Sundesa is entitled to recover the damages sustained as a result of 310 Nutrition's
12 wrongful acts in an amount subject to proof at trial. 310 Nutrition's infringement of
13 Sundesa's rights under the '032 Patent will continue to damage Sundesa's business
14 causing irreparable harm for which there is no adequate remedy at law, unless it is
15 enjoined by this Court.

16 32. By reason of the foregoing, Sundesa is entitled to monetary relief and
17 injunctive relief against 310 Nutrition, pursuant to 35 U.S.C. §§ 283-85, as more fully set
18 forth herein below.

19 **SECOND CLAIM FOR RELIEF**

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

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

23 34. 310 Nutrition has infringed, and continues to infringe the '235 Design Patent
24 by offering to sell, selling, or importing, in this District, and elsewhere in the United
25 States, the Accused Product, the design of which is substantially the same as the
26 ornamental design of the '235 Design Patent.

27 35. 310 Nutrition's actions constitute infringement of the '235 Design Patent in
28 violation of 35 U.S.C. § 271.

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

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

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

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

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

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

10 **DEMAND FOR JURY TRIAL**

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

12
13 DATED: December 20, 2013

Larry R. Laycock
Taylor J. Wright
Adam B. Beckstrom
15 **MASCHOFF BRENNAN**

16 By: 
17 Taylor J. Wright

18 Attorneys for Plaintiff
19 Sundesa, LLC

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 Robert N. Block.

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

SACV13-01985 JLS (RNBx)

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.

**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"/>) 310 Nutrition, LLC, a California Limited Liability Company
(b) County of Residence of First Listed Plaintiff <u>Utah County, UT</u> <i>(EXCEPT IN U.S. PLAINTIFF CASES)</i>	County of Residence of First Listed Defendant _____ <i>(IN U.S. PLAINTIFF CASES ONLY)</i>
(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%; border-collapse: collapse;"> <tr> <td style="width:30%;">Citizen of This State</td> <td style="width:10%;">PTF <input type="checkbox"/> 1</td> <td style="width:10%;">DEF <input type="checkbox"/> 1</td> <td style="width:40%;">Incorporated or Principal Place of Business in this State</td> <td style="width:10%;">PTF <input type="checkbox"/> 4</td> <td style="width:10%;">DEF <input type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td>PTF <input type="checkbox"/> 2</td> <td>DEF <input type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business in Another State</td> <td>PTF <input type="checkbox"/> 5</td> <td>DEF <input type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td>PTF <input type="checkbox"/> 3</td> <td>DEF <input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td>PTF <input type="checkbox"/> 6</td> <td>DEF <input type="checkbox"/> 6</td> </tr> </table>	Citizen of This State	PTF <input type="checkbox"/> 1	DEF <input type="checkbox"/> 1	Incorporated or Principal Place of Business in this State	PTF <input type="checkbox"/> 4	DEF <input type="checkbox"/> 4	Citizen of Another State	PTF <input type="checkbox"/> 2	DEF <input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	PTF <input type="checkbox"/> 5	DEF <input type="checkbox"/> 5	Citizen or Subject of a Foreign Country	PTF <input type="checkbox"/> 3	DEF <input type="checkbox"/> 3	Foreign Nation	PTF <input type="checkbox"/> 6	DEF <input type="checkbox"/> 6
Citizen of This State	PTF <input type="checkbox"/> 1	DEF <input type="checkbox"/> 1	Incorporated or Principal Place of Business in this State	PTF <input type="checkbox"/> 4	DEF <input type="checkbox"/> 4														
Citizen of Another State	PTF <input type="checkbox"/> 2	DEF <input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	PTF <input type="checkbox"/> 5	DEF <input type="checkbox"/> 5														
Citizen or Subject of a Foreign Country	PTF <input type="checkbox"/> 3	DEF <input type="checkbox"/> 3	Foreign Nation	PTF <input type="checkbox"/> 6	DEF <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:** \$ 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"/> 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 Allen 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	TORTS	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"/> 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"/> 550 Civil Rights	<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"/> 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	<input type="checkbox"/> 690 Other	
<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	LABOR	
<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"/> 710 Fair Labor Standards Act	
<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"/> 720 Labor/Mgmt. Relations	
<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"/> 740 Railway Labor Act	
			<input type="checkbox"/> 446 American with Disabilities-Other	<input type="checkbox"/> 751 Family and Medical Leave Act	
			<input type="checkbox"/> 448 Education	<input type="checkbox"/> 790 Other Labor Litigation	
				<input type="checkbox"/> 791 Employee Ret. Inc. Security Act	

**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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input 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: <input type="checkbox"/> 2 or more answers in Column C <input checked="" type="checkbox"/> 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: <input type="checkbox"/> 2 or more answers in Column D <input type="checkbox"/> 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):**



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))