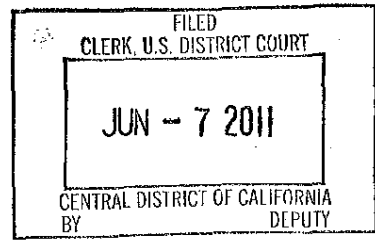


CONFORM COPY

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Daniel M. Cislo, Esq., CA Bar No. 125,378
dan@cislo.com
Mark D. Nielsen Esq., CA Bar No. 210,023
mnielsen@cislo.com
Sean D. O'Brien, Esq., No. 238,418
sobrien@cislo.com
CISLO & THOMAS LLP
1333 2nd Street, Suite 500
Santa Monica, California 90401
Telephone: (310) 451-0647
Telefax: (310) 394-4477



Attorneys for Plaintiff,
JEFFREY CAMPBELL, LLC

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

JEFFREY CAMPBELL, LLC, a
California limited liability company,

Plaintiff,

vs.

STEVE MADDEN, LTD., a Delaware
corporation, and DOES 1-9, inclusive,

Defendants.

CV11 04836 AHM (JCx)
CASE NO.

COMPLAINT FOR:

- (1) Design Patent Infringement**
- (2) Trade Dress Infringement**
- (3) Federal Unfair Competition**
- (4) State Unfair Competition**

[DEMAND FOR JURY TRIAL]

For its Complaint, Plaintiff Jeffrey Campbell, LLC alleges as follows:

PARTIES

1
2
3 1. Plaintiff Jeffrey Campbell LLC (“Jeffrey Campbell”) is a California
4 limited liability company having its principal place of business at 10338 Northvale
5 Road, Los Angeles, California 90064. Jeffrey Campbell designs, markets, and sells
6 unique, innovative fashion-forward shoe designs for women in the United States
7 and throughout the world.

8 2. Defendant Steve Madden Ltd. (“Steve Madden”) is a Delaware
9 corporation having its principal place of business at 52-16 Barnett Avenue, Long
10 Island City, New York 11104. Steven Madden designs, markets, and sells footwear
11 for women, men and children. Steve Madden distributes products through its own
12 retail stores, on its website on the Internet (from which shoes, including the accused
13 product herein, can be purchased), and in department and specialty stores
14 throughout the United States and elsewhere.

15 3. The true names and capacities, whether individual, corporate or
16 otherwise, of Defendants Does 1-9 inclusive, are unknown to Jeffrey Campbell,
17 who therefore sues them by such fictitious names. Jeffrey Campbell will seek leave
18 to amend this complaint to allege their true names and capacities when they have
19 been ascertained. Jeffrey Campbell is informed and believes and thereon alleges
20 that each of the fictitiously named Defendants is responsible in some manner for the
21 occurrences herein alleged and that Jeffrey Campbell’s damages as herein alleged
22 were proximately caused by those Defendants. At all times herein mentioned,
23 Defendants Does 1-9 inclusive were the parents, subsidiaries, affiliates, agents,
24 servants, employees, or attorneys of their co-defendants, and in doing the things
25 hereinafter alleged were acting within the course and scope of their authority as
26 those parents, subsidiaries, affiliates, agents, servants, employees, or attorneys, and
27 with the permission and consent of their co-defendants.
28

CISLO & THOMAS LLP
Attorneys at Law
1333 2ND STREET
SUITE 500
SANTA MONICA, CALIFORNIA 90401-4110
TELEPHONE: (310) 451-0647 FACSIMILE: (310) 394-4477

JURISDICTION AND VENUE

1
2
3 4. This Court has subject matter jurisdiction over this action pursuant to
4 28 U.S.C. §§ 1331 and 1338(a), as it arises under Acts of Congress related to
5 patents and trademarks. Additionally, the Court has subject matter jurisdiction
6 over the federal trade dress and unfair competition claims pursuant to 15 U.S.C. §
7 1121. The Court has subject matter jurisdiction over Jeffrey Campbell’s state law
8 unfair competition claim pursuant to 28 U.S.C. § 1367, as the facts giving rise to
9 the state law claims arise from the common nucleus of operative facts that give
10 rise to the federal law claims.

11 5. This Court has personal jurisdiction over Steve Madden as Steve
12 Madden has regular and established places of business in this judicial district,
13 including its own Steve Madden Retail Stores located at at least the following
14 locations: (1) 1171 Glendale Galleria , Glendale, CA 91210; (2) South Coast Place
15 Mall #22, 3333 Bristol St., Costa Mesa, CA 92626; (3) Beverly Center #28, 8500
16 Beverly Blvd., Los Angeles, CA 90048; (4) 3rd Street Promenade #48, 1344 3rd St.
17 Promenade, Santa Monica, CA 90401; (5) Topanga Plaza #78, 6600 Topanga
18 Canyon Blvd. Space 98, Canoga Park, CA 91303; (6) The Shops @ Mission Viejo
19 #102, 588 The Shops @Mission Viejo Level 2, Mission Viejo, CA 92691; (7)
20 Pasadena #116, 106 West Colorado Blvd., Pasadena, CA 91103; and, (8) Valencia
21 #119, 24201 West Valencia Blvd Suite 3506, Valencia, CA 91355. In addition,
22 Steve Madden offers for sale its products, including the accused product herein, for
23 sale on its website – www.stevemadden.com. The accused product is offered for
24 sale and available for purchase at the following URL:
25 <http://www.stevemadden.com/Item.aspx?id=57652&np=DirectSearch&sp=CARN>
26 BY-L. Thus, Steve Madden has availed itself of the benefits and protections of the
27 State of California and this judicial district by operating brick-and-mortar stores in
28

CISLO & THOMAS LLP
Attorneys at Law
1333 2ND STREET
SUITE 500
SANTA MONICA, CALIFORNIA 90401-4110
TELEPHONE: (310) 451-0647 FACSIMILE: (310) 394-4477

1 this judicial district, and by offering its products for sale in this judicial district via
2 the Internet.

3 6. Because Steve Madden is subject to personal jurisdiction in this
4 judicial district, venue is also proper in this judicial district based on 28 U.S.C. §§
5 1391(b), 1391(c) and § 1400(b) as Steve Madden has regular and established places
6 of business in this judicial district and is alleged herein to have offered the accused
7 product for sale and committed acts of infringement and unfair competition within
8 this judicial district.

9
10 **FACTUAL ALLEGATIONS**

11
12 7. Jeffrey Campbell is a California limited liability company located in
13 Los Angeles County, California that designs, markets, and sells women’s shoes.

14 8. Jeffrey Campbell’s extremely popular “Lita” shoe contains design
15 elements that are protected by a United States design patent, as well as by
16 common law trade dress. These design elements were chosen, selected, and
17 designed by, and are owned by, Jeffrey Campbell.

18 9. Jeffrey Campbell was awarded U.S. Design Patent No. D634,532
19 (“532 Patent”) for its Lita Shoe design, which issued on March 22, 2011. Said
20 patent is attached hereto as Exhibit 1. The patent was duly and legally issued and
21 assigned to Jeffrey Campbell LLC.

22 10. Jeffrey Campbell owns as trade dress the product design of its Lita
23 shoe (the “Lita Shoe trade dress”). The Lita Shoe trade dress is a high-heeled
24 ankle boot with a platform sole. The heel is broad, and it is flat on the side facing
25 the arch and slightly rounded on the remaining sides. The heel tapers down from
26 the upper such that the lower heel portion is about 2/3 the size of the heel portion
27 attached to the upper. The toe portion of the upper is enclosed and extends nearly
28

CISLO & THOMAS LLP
Attorneys at Law
1333 2ND STREET
SUITE 500
SANTA MONICA, CALIFORNIA 90401-4110
TELEPHONE: (310) 451-0647 FACSIMILE: (310) 394-4477

CISLO & THOMAS LLP
Attorneys at Law
1333 2ND STREET
SUITE 500
SANTA MONICA, CALIFORNIA 90401-4110
TELEPHONE: (310) 451-0647 FACSIMILE: (310) 394-4477

1 vertically to the base of the platform sole, and provides an exaggeratedly tall toe
2 portion. The fabric of the upper nearly covers the sole, except for the bottom of
3 the sole, such that the platform portion is covered by fabric. The upper is smooth
4 and close-fitting to the wearer's foot. Laces extend along the top of the upper
5 from the base of the wearer's toes to the ankle. The laces tie together the left and
6 right sides of the upper, and the lace holes are surrounded by metallic rivets. The
7 arch portion of the sole includes two separate curves. The curve nearer the heel
8 has its center on the bottom side of the shoe. The curve nearer the toe has its
9 center on the top side of the shoe. The two curved portions blend underneath the
10 wearer's arch. Depictions of the Lita Shoe are shown in Exhibit 2 to this
11 complaint.

12 11. The Lita Shoe trade dress is valid, it is protectable, and it became
13 distinctive through the development of secondary meaning. As a result, a
14 significant number of the relevant consumers associate the Lita Shoe trade dress
15 with a single source.

16 12. Consumers who purchase Jeffrey Campbell products having the Lita
17 Shoe trade dress associate the Lita Shoe trade dress with Jeffrey Campbell.

18 13. Significant publicity and promotion of Jeffrey Campbell's products
19 having the Lita Shoe trade dress has taken place, leading to a significant sales
20 volume of those products, acclaim of the products, and widespread public
21 recognition of the Lita Shoe trade dress.

22 14. Since the release of the Lita Shoe by Jeffrey Campbell in or about the
23 summer of 2010, the internet has been ablaze with, and blogs have raved about,
24 Jeffrey Campbell's Lita Shoe. See, Exhibits 3-17, attached hereto. A sampling
25 of internet and blog comments includes:

26 a. "The prefect [sic] combination of boot, heel, and laces? Jeffrey
27 Campbell's 'Lita' boot which happens to be selling out
28

CISLO & THOMAS LLP
Attorneys at Law
SUITE 500
1333 2ND STREET
SANTA MONICA, CALIFORNIA 90401-4110
TELEPHONE: (310) 451-0647 FACSIMILE: (310) 394-4477

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

everywhere! You can be a proud owner of the most anticipated must-have shoes from Jeffrey Campbell’s Fall 2010 collection ...” (see, Exhibit 5, attached hereto);

b. “One of this season’s most coveted pair of shoes is the Lita boot by Jeffrey Campbell.” (see, Exhibit 8, attached hereto);

c. [referring to the Jeffrey Campbell Lita shoe] “Arguably 2011’s ‘it’ shoe ...” (see, Exhibit 9, attached hereto);

d. “If there is one shoe that’s taking streetwear style by storm this winter it would have to be the ‘lita’. A Jeffrey Campbell original This boot is at the height of its popularity ...” (see, Exhibit 10, attached hereto);

e. On March 22, 2011, a fashion blog on www.glamour.com stated: “And what about the Jeffrey Campbell Litas? If I had to say which shoes were the most worn by bloggers in the last few months, I’d definitely say these are the ones!” (see, Exhibit 13, attached hereto);

f. “I haven’t been going insane over the Lita boot like everyone else.” (see, Exhibit 14, attached hereto);

g. “Meet the hottest, best-selling shoes for fall 2010 so far – the Jeffrey Campbell Lita Boots It’s like, what all the popular fashion bloggers are wearing right now.” (see, Exhibit 15, attached hereto);

h. “The one shoe that has been seen on most elite fashion blog sites, hands down is Jeffrey Campbell’s Lita shoe.” (see, Exhibit 17, attached hereto).

15. The Lita Shoe trade dress is well known throughout the United States, and Jeffrey Campbell has developed substantial goodwill and recognition

1 among its customers and the public at large in its Lita Shoe trade dress.

2 16. Except for unauthorized use and intentional copying of the Lita Shoe
3 trade dress by Steve Madden, use of the Lita Shoe trade dress is exclusive to
4 Jeffrey Campbell.

5 17. The Lita Shoe trade dress is nonfunctional since it makes no
6 contribution to the product's function or operation as footwear. The Lita Shoe
7 trade dress provides no utilitarian advantage to the footwear; rather, it is strictly
8 ornamental.

9 18. In or about May of 2011, Jeffrey Campbell learned that Steve
10 Madden was selling a shoe that is substantially similar in appearance to Jeffrey
11 Campbell's Lita Shoe design. Steve Madden's shoe model is named "Carnby-L,"
12 and it is believed to be a copy or knockoff of Jeffrey Campbell's Lita Shoe
13 design. Steve Madden's Carnby-L shoe is sold for \$169.95 on
14 www.stevemadden.com. The retail price in stores is not known at this time
15 inasmuch as the Carnby-L shoe is expected to arriving in local stores later in June
16 of 2011.

17 19. Steve Madden has thus used in commerce trade dress substantially
18 similar to the Lita Shoe trade dress, which Steve Madden calls the Carnby-L.
19 The Carnby-L design is a high-heeled ankle boot with a platform sole. The heel
20 is broad, and it is flat on the side facing the arch and slightly rounded on the
21 remaining sides. The heel tapers down from the upper such that the lower heel
22 portion is about 2/3 the size of the heel portion attached to the upper. Above the
23 heel is a zipper on the back of the boot, as well as a heel stitch. The toe portion
24 of the upper is enclosed and extends nearly vertically to the base of the platform
25 sole, and provides an exaggeratedly tall toe portion. The fabric of the upper
26 nearly covers the sole, except for the bottom of the sole, such that the platform
27 portion is covered by fabric. The upper is smooth and close-fitting to the
28

CISLO & THOMAS LLP
Attorneys at Law
1333 2ND STREET
SUITE 500
SANTA MONICA, CALIFORNIA 90401-4110
TELEPHONE: (310) 451-0647 FACSIMILE: (310) 394-4477

1 wearer's foot. Laces extend along the top of the upper from the base of the
2 wearer's toes to the ankle, and a strap and buckle appear toward the bottom of the
3 lace section. The strap has the identical fabric pattern as the remainder of the
4 shoe, which serves to camouflage the strap. The laces tie together the left and
5 right sides of the upper, and the lace holes are surrounded by metallic rivets. The
6 arch portion of the sole includes two separate curves. The curve nearer the heel
7 has its center on the bottom side of the shoe. The curve nearer the toe has its
8 center on the top side of the shoe. The two curved portions blend underneath the
9 wearer's arch. Depictions of the Carnby-L infringing design are shown in Exhibit
10 18 to this complaint.

11 20. Steve Madden's use of the Carnby-L design, in relation to Jeffrey
12 Campbell's use of its Lita Shoe trade dress, will likely cause confusion or
13 mistake, or will likely deceive ordinary consumers and the public as to Steve
14 Madden's Carnby-L product being associated or identified with, or being the
15 same as, those of Jeffrey Campbell, particularly the Lita Shoe.

16 21. The similarity between the Carnby-L design and the Lita Shoe trade
17 dress has been noted by bloggers – for example:



CISLO & THOMAS LLP
Attorneys at Law
1333 2ND STREET
SUITE 500
SANTA MONICA, CALIFORNIA 90401-4110
TELEPHONE: (310) 451-0647 FACSIMILE: (310) 394-4477

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

<http://venussuperstar.onsugar.com/few-new-leopard-shoes-from-Steve-Madden-16740453> (posted May 20, 2011) by Venussuperstar (see, Exhibit 11, attached hereto).

22. Another blogger (In Their Closet) noted on May 19, 2011 that Steve Madden’s Carnby-L shoe “strongly remind[s] me of Jeffrey Campbell’s ‘Lita’... .” See, Exhibit 12, attached hereto.

23. Jeffrey Campbell did not consent to or authorize Steve Madden’s adoption or commercial use of the Carnby-L shoe design, the Lita Shoe trade dress, or any trade dress similar to the Lita Shoe trade dress.

24. Sales by Steve Madden of the accused product are believed to be occurring in this judicial district. Steve Madden’s sales of the accused product in this judicial district and elsewhere are injuring Jeffrey Campbell by diverting sales.

COUNT I - DESIGN PATENT INFRINGEMENT

(35 U.S.C § 101, et seq.)

25. Jeffrey Campbell hereby repeats and incorporates herein the allegations set forth in paragraphs 1 through 24 above.

26. Jeffrey Campbell’s ‘532 Patent (see Exhibit 1, attached hereto) has at all relevant times subsequent to its issue date been fully enforceable and is now fully enforceable.

27. Subsequent to the issuance of the ‘532 Patent, Steve Madden has infringed the patent by making, using, importing, offering to sell, and/or selling,

CISLO & THOMAS LLP
Attorneys at Law
1333 2ND STREET
SUITE 500
SANTA MONICA, CALIFORNIA 90401-4110
TELEPHONE: (310) 451-0647 FACSIMILE: (310) 394-4477

1 and continuing to make, use, import, offer to sell and/or sell products that come
2 within the scope of the claim in the aforementioned patent, and that come within a
3 range of equivalents of the claim in the aforementioned patent, and/or contributing
4 to, or inducing, the infringing activities of others.

5 28. The making, using, importing, offering to sell, and/or selling of
6 infringing products by Steve Madden, inducing the infringement of others, and/or
7 contributing to the infringing activities of others, has been without authority or
8 license from Jeffrey Campbell and in violation of Jeffrey Campbell's rights, thereby
9 infringing the '532 Patent.

10 29. Steve Madden's infringement of Jeffrey Campbell's '532 Patent has
11 been willful, knowing, and/or in intentional and/or reckless disregard for the
12 exclusive rights of Jeffrey Campbell set forth in its patent.

13 30. The amount of money damages which Jeffrey Campbell has suffered
14 due to Steve Madden's acts of patent infringement cannot be determined without an
15 accounting, and it is thus subject to proof at trial.

16 31. Jeffrey Campbell is entitled to a complete accounting of all revenue
17 derived by Steve Madden from the unlawful patent infringement alleged herein.
18 Jeffrey Campbell seeks recovery of damages pursuant to 35 U.S.C. § 289, or a
19 reasonable royalty pursuant to 35 U.S.C. § 284.

20 32. The harm to Jeffrey Campbell arising from Steve Madden's acts of
21 infringement of Jeffrey Campbell's '532 Patent is not fully compensable by money
22 damages. Rather, Jeffrey Campbell has suffered and continues to suffer irreparable
23 harm which has no adequate remedy at law and which will continue unless Steve
24 Madden's conduct is enjoined.

25 33. Jeffrey Campbell is therefore also entitled to a preliminary injunction,
26 to be made permanent on entry of the judgment, preventing Steve Madden from
27 further infringement.

28

CISLO & THOMAS LLP
Attorneys at Law
1333 2ND STREET
SUITE 500
SANTA MONICA, CALIFORNIA 90401-4110
TELEPHONE: (310) 451-0647 FACSIMILE: (310) 394-4477

COUNT II – INFRINGEMENT OF UNREGISTERED TRADE DRESS
UNDER FEDERAL LAW
(15 U.S.C. § 1125(a))

34. Jeffrey Campbell hereby repeats and incorporates herein the allegations set forth in paragraphs 1 through 33 above.

35. Jeffrey Campbell owns as trade dress the Lita Shoe trade dress, which is valid and protectable. The Jeffrey Campbell Lita Shoe trade dress is distinctive since it has acquired secondary meaning in the minds of the relevant consumers, who associate the Lita Shoe trade dress with a single source – Jeffrey Campbell.

36. Steve Madden’s use of its Carnby-L shoe design in relation to Jeffrey Campbell’s use of its Lita Shoe trade dress, will likely cause confusion or mistake, or will likely deceive ordinary consumers and the public into believing that Steve Madden’s Carnby-L shoe design is associated with, identified with, affiliated with, or the same as Jeffrey Campbell’s Lita Shoe trade dress.

37. Steve Madden therefore has infringed the Lita Shoe trade dress in violation of Jeffrey Campbell’s federal trademark rights, particularly 15 U.S.C. § 1125(a).

38. The Lita Shoe trade dress is strong in light of the significant marketing and promotion of products having the Lita Shoe design and trade dress, the significant sales volume of this product, the acclaim of this product, the copying of this product by others, and the widespread public recognition of this product.

39. At all times relevant to this action, including before and when Steve Madden first adopted the Carnby-L shoe design, Steve Madden knew of Jeffrey Campbell’s prior adoption and widespread commercial use of the Lita Shoe trade dress in connection with Jeffrey Campbell’s footwear product. Steve Madden’s infringement of the Lita Shoe trade dress was therefore willful, knowing, and

CISLO & THOMAS LLP
Attorneys at Law
1333 2ND STREET
SUITE 500
SANTA MONICA, CALIFORNIA 90401-4110
TELEPHONE: (310) 451-0647 FACSIMILE: (310) 394-4477

1 deliberate, and was undertaken as a means of capitalizing on the commercial
2 success and goodwill enjoyed by Jeffrey Campbell in connection with its Lita Shoe
3 design and trade dress.

4 40. Jeffrey Campbell has no control over the composition or quality of the
5 confusingly similar Carnby-L shoe design. As a result, to the extent Steve
6 Madden's products are inferior to Jeffrey Campbell's products, Jeffrey Campbell's
7 valuable goodwill, developed at great expense and effort by Jeffrey Campbell, is
8 being harmed by Steve Madden's unauthorized use of the confusingly similar
9 Carnby-L shoe design, and Jeffrey Campbell's goodwill is at risk of further
10 damage.

11 41. The goodwill of Jeffrey Campbell's business under the Lita Shoe trade
12 dress is of enormous value, and Jeffrey Campbell will suffer irreparable harm if
13 Steve Madden's infringement is allowed to continue to the detriment of Jeffrey
14 Campbell's reputation and goodwill.

15 42. As a direct and proximate result of the infringement, Steve Madden
16 has wrongfully taken Jeffrey Campbell's profits and the benefit of its creativity and
17 investment of time, energy, and money in its footwear designs. Accordingly, Steve
18 Madden should disgorge all its profits from the sale of the accused product, and
19 Steve Madden should be ordered to perform full restitution to Jeffrey Campbell as a
20 consequence of Steve Madden's infringement.

21 43. By reason of Steve Madden's infringement, Jeffrey Campbell has
22 suffered and will continue to suffer irreparable injury unless and until this Court
23 enters an order enjoining Steve Madden from any further infringement. Steve
24 Madden's continuing infringement, unless enjoined, will cause irreparable damage
25 to Jeffrey Campbell in that it will have no adequate remedy at law to compel Steve
26 Madden to cease such acts. Jeffrey Campbell will be compelled to prosecute a
27 multiplicity of actions, one action each time Steve Madden commits such acts, and
28

1 in each such action it will be extremely difficult to ascertain the amount of
2 compensation which will afford Jeffrey Campbell adequate relief. Jeffrey
3 Campbell is therefore entitled to an injunction against further infringement by Steve
4 Madden.

5
6 **COUNT III – UNFAIR COMPETITION UNDER FEDERAL LAW**

7 **(15 U.S.C. § 1125(a))**

8
9 44. Jeffrey Campbell hereby repeats and incorporates herein the
10 allegations set forth in paragraphs 1 through 43 above.

11 45. Jeffrey Campbell uses its Lita Shoe design and trade dress throughout
12 the United States and the world in connection with its footwear products, including
13 shoes and boots for women.

14 46. The Lita Shoe design and trade dress is distinctive, is associated with
15 Jeffrey Campbell, and distinguishes Jeffrey Campbell's product from those of its
16 competitors.

17 47. The Lita Shoe design and trade dress is strong in light of the
18 significant marketing and promotion of products having the Lita Shoe design and
19 trade dress, the significant sales volume of this product, the acclaim of this product,
20 the copying of this product by others, and the widespread public recognition of this
21 product.

22 48. Steve Madden's use of the confusingly similar Carnby-L shoe design
23 in connection with Steve Madden's footwear creates a likelihood of confusion with
24 Jeffrey Campbell's use of its Lita Shoe design and trade dress for its footwear.

25 49. Jeffrey Campbell has no control over the composition or quality of the
26 confusingly similar Carnby-L shoe design. As a result, to the extent Steve
27 Madden's products are inferior to Jeffrey Campbell's products, Jeffrey Campbell's
28

CISLO & THOMAS LLP
Attorneys at Law
1333 2ND STREET
SUITE 500
SANTA MONICA, CALIFORNIA 90401-4110
TELEPHONE: (310) 451-0647 FACSIMILE: (310) 394-4477

1 valuable goodwill, developed at great expense and effort by Jeffrey Campbell, is
2 being harmed by Steve Madden’s unauthorized use of the confusingly similar
3 Carnby-L shoe design, and Jeffrey Campbell’s goodwill is at risk of further
4 damage.

5 50. The goodwill of Jeffrey Campbell’s business under the Lita Shoe
6 design and trade dress is of enormous value, and Jeffrey Campbell will suffer
7 irreparable harm if Steve Madden’s infringement and unfairly competitive activities
8 is allowed to continue to the detriment of Jeffrey Campbell’s reputation and
9 goodwill.

10 51. At all times relevant to this action, including before and when Steve
11 Madden first adopted the Carnby-L shoe design, Steve Madden knew of Jeffrey
12 Campbell’s prior adoption and widespread commercial use of the Lita Shoe design
13 and trade dress in connection with Jeffrey Campbell’s footwear product. Steve
14 Madden’s infringement of the Lita Shoe design and trade dress and unfairly
15 competitive activities are therefore willful, knowing, and deliberate, and were
16 undertaken as a means of capitalizing on the commercial success and goodwill
17 enjoyed by Jeffrey Campbell in connection with its Lita Shoe design and trade
18 dress.

19 52. As a direct and proximate result of the aforesaid acts of unfair
20 competition, Steve Madden has wrongfully taken Jeffrey Campbell’s profits and the
21 benefit of its creativity and investment of time, energy, and money in its Lita Shoe
22 design. Accordingly, Steve Madden should disgorge all its profits from the sale of
23 the accused product, and Steve Madden should be ordered to perform full
24 restitution to Jeffrey Campbell as a consequence of Steve Madden’s acts of unfair
25 competition.

26 53. By reason of Steve Madden’s acts of unfair competition, Jeffrey
27 Campbell has suffered and will continue to suffer irreparable injury unless and until
28

CISLO & THOMAS LLP
Attorneys at Law
1333 2ND STREET
SUITE 500
SANTA MONICA, CALIFORNIA 90401-4110
TELEPHONE: (310) 451-0647 FACSIMILE: (310) 394-4477

1 this Court enters an order enjoining Steve Madden from any further acts of unfair
2 competition. Steve Madden’s continuing acts of unfair competition, unless
3 enjoined, will cause irreparable damage to Jeffrey Campbell in that it will have no
4 adequate remedy at law to compel Steve Madden to cease such acts. Jeffrey
5 Campbell will be compelled to prosecute a multiplicity of actions, one action each
6 time Steve Madden commits such acts, and in each such action it will be extremely
7 difficult to ascertain the amount of compensation which will afford Jeffrey
8 Campbell adequate relief. Jeffrey Campbell is therefore entitled to an injunction
9 against further acts of unfair competition by Steve Madden.

10
11 **COUNT IV – UNFAIR COMPETITION UNDER STATE LAW**
12 **(California Business & Professions Code §§ 17200, 17203)**

13
14 54. Jeffrey Campbell hereby repeats and incorporates herein the
15 allegations set forth in paragraphs 1 through 53 above.

16 55. The design and trade dress of the Lita Shoe are wholly associated with
17 Jeffrey Campbell due to its extensive use of the Lita Shoe design and trade dress
18 and its acquired secondary meaning. As such, Jeffrey Campbell deserves to have
19 its design and trade dress adequately protected with respect to the conduct of its
20 business.

21 56. Steve Madden’s use of a shoe design and trade dress that is
22 substantially similar to, and confusingly similar, to the Lita Shoe design and trade
23 dress constitutes unfair competition in that customers and would-be customers are
24 likely to be confused concerning the origin of products using the similar design and
25 trade dress in the marketplace.

26 57. Steve Madden’s acts constitute unfair competition in violation of the
27 California Business and Professions Code §§ 17200 and 17203.

28

CISLO & THOMAS LLP
Attorneys at Law
1333 2ND STREET
SUITE 500
SANTA MONICA, CALIFORNIA 90401-4110
TELEPHONE: (310) 451-0647 FACSIMILE: (310) 394-4477

1 58. The acts of unfair competition were intentionally and knowingly
2 undertaken by Steve Madden due to its awareness of the success and notoriety of
3 the Lita Shoe design and trade dress, and were directed toward perpetuating a
4 business competing unfairly with Jeffrey Campbell and were done with a willful
5 disregard for the rights of Jeffrey Campbell.

6 59. By reason of Steve Madden's acts of unfair competition, Jeffrey
7 Campbell has suffered and will continue to suffer irreparable injury unless and until
8 this Court enters an order enjoining Steve Madden from any further acts of unfair
9 competition. Steve Madden's continuing acts of unfair competition, unless
10 enjoined, will cause irreparable damage to Jeffrey Campbell in that it will have no
11 adequate remedy at law to compel Steve Madden to cease such acts. Jeffrey
12 Campbell will be compelled to prosecute a multiplicity of actions, one action each
13 time Steve Madden commits such acts, and in each such action it will be extremely
14 difficult to ascertain the amount of compensation which will afford Jeffrey
15 Campbell adequate relief. Jeffrey Campbell is therefore entitled to an injunction
16 against further acts of unfair competition by Steve Madden.

17 60. As a direct and proximate result of the unfair competition, Steve
18 Madden has wrongfully taken Jeffrey Campbell's profits and the benefit of its
19 creativity and investment of time, energy, and money in its footwear designs.
20 Accordingly, Steve Madden should disgorge all its profits from the sale of the
21 accused products, and Steve Madden should be ordered to perform full restitution to
22 Jeffrey Campbell as a consequence of Steve Madden's acts of unfair competition.

23 61. In doing the acts alleged, Steve Madden acted fraudulently,
24 oppressively, and maliciously. Thus, Jeffrey Campbell is entitled to exemplary and
25 punitive damages.

26
27
28

CISLO & THOMAS LLP
Attorneys at Law
1333 2ND STREET
SUITE 500
SANTA MONICA, CALIFORNIA 90401-4110
TELEPHONE: (310) 451-0647 FACSIMILE: (310) 394-4477

PRAYER FOR RELIEF

WHEREFORE, Jeffrey Campbell, LLC demands judgment against Defendant Steve Madden, Ltd., as follows:

A. For an order preliminarily and permanently enjoining Steve Madden, and its officers, directors, agents, servants, attorneys, and employees and all other persons acting in concert with them, from committing any further acts of design patent infringement, including but not limited to, manufacturing, using, importing, offering to sell, and/or selling and the accused product, or aiding or abetting or assisting others in such infringing activities;

B. For an order permanently enjoining Steve Madden, and its officers, directors, agents, servants, attorneys, and employees and all other persons acting in concert with them, from: (1) committing any further acts of trade dress infringement, including using the Lita Shoe trade dress in connection with any footwear product; (2) using any product design that is likely to be confused with the Lita Shoe trade dress; (3) representing directly or indirectly that any product it offers for sale is associated with, affiliated with, or approved by Jeffrey Campbell when it is not; and/or, (4) passing off or inducing or enabling others to sell or pass off any non-Jeffrey Campbell product as an Jeffrey Campbell product or as a product endorsed or approved by Jeffrey Campbell;

C. For an order directing Steve Madden to file with this Court and to serve on the Plaintiff within thirty (30) days after service on Steve Madden of the injunction granted herein, or such extended period as the Court may direct, a report in writing, under oath, setting forth in detail the manner and form in which Defendants have complied with the injunction and order of the Court;

D. For an order seizing and impounding all inventory of the accused product;

CISLO & THOMAS LLP
Attorneys at Law
1333 2ND STREET
SUITE 500
SANTA MONICA, CALIFORNIA 90401-4110
TELEPHONE: (310) 451-0647 FACSIMILE: (310) 394-4477

1 E. For a judgment to be entered for Jeffrey Campbell against Steve
2 Madden in an amount equal to the profits Steve Madden made in connection with
3 its sales of products that infringe the '532 Patent pursuant to 35 U.S.C. § 289 to be
4 proven at trial, or in the alternative, a reasonable royalty;

5 F. For an order requiring Steve Madden to account to Jeffrey Campbell
6 for all profits derived by Steve Madden from the importation and/or sale of the
7 Carnby-L shoe;

8 G. For monetary damages Jeffrey Campbell incurred as a result of Steve
9 Madden's unfair competition, including an accounting and disgorgement of Steve
10 Madden's profits from its unfairly competitive activity, in an amount to be proven
11 at trial;

12 H. For a judgment that Defendants have willfully and deliberately
13 infringed Plaintiff's design patent and trade dress rights, and that this is an
14 exceptional case entitling Jeffrey Campbell to enhanced damages under the Patent
15 Laws of the United States and under the Lanham Act;

16 I. For exemplary and punitive damages;

17 J. For a judgment awarding to Jeffrey Campbell prejudgment and
18 postjudgment interest until the award is fully paid;

19 K. For an award of costs, including attorneys' fees, incurred in bringing
20 this action;

21 ///

22 ///

23 ///

24

25

26

27

28

CISLO & THOMAS LLP
Attorneys at Law
1333 2ND STREET
SUITE 500
SANTA MONICA, CALIFORNIA 90401-4110
TELEPHONE: (310) 451-0647 FACSIMILE: (310) 394-4477

1 L. For such other and further relief as this Court may deem just and
2 equitable under the circumstances.

3
4 Respectfully submitted,
5 CISLO & THOMAS LLP

6
7 Dated: June 6, 2011



8 Daniel M. Cislo, Esq.
9 Mark D. Nielsen, Esq.
10 Sean D. O'Brien, Esq.

11 Attorneys for Plaintiff,
12 JEFFREY CAMPBELL, LLC

13 TA11-25097\Complaint.DOC

CISLO & THOMAS LLP

Attorneys at Law

SUITE 500

1333 2nd STREET

SANTA MONICA, CALIFORNIA 90401-4110

TELEPHONE: (310) 451-0647 FACSIMILE: (310) 394-4477

19
20
21
22
23
24
25
26
27
28


1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

DEMAND FOR JURY TRIAL

Plaintiff hereby demands a trial by jury on all issues raised by the Complaint that are so triable.

Respectfully submitted,
CISLO & THOMAS LLP

Dated: June 6, 2011



Daniel M. Cislo, Esq.
Mark D. Nielsen, Esq.
Sean D. O'Brien, Esq.

Attorneys for Plaintiff,
JEFFREY CAMPBELL, LLC

CISLO & THOMAS LLP
Attorneys at Law
SUITE 500
1333 2nd STREET
SANTA MONICA, CALIFORNIA 90401-4110
TELEPHONE: (310) 451-0647 FACSIMILE: (310) 394-4477

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

NOTICE OF ASSIGNMENT TO UNITED STATES MAGISTRATE JUDGE FOR DISCOVERY

This case has been assigned to District Judge A. Howard Matz and the assigned discovery Magistrate Judge is Jacqueline Chooljian.

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

CV11- 4836 AHM (JCx)

Pursuant to General Order 05-07 of the United States District Court for the Central District of California, the Magistrate Judge has been designated to hear discovery related motions.

All discovery related motions should be noticed on the calendar of the Magistrate Judge

NOTICE TO COUNSEL

A copy of this notice must be served with the summons and complaint on all defendants (if a removal action is filed, a copy of this notice must be served on all plaintiffs).

Subsequent documents must be filed at the following location:

Western Division
312 N. Spring St., Rm. G-8
Los Angeles, CA 90012

Southern Division
411 West Fourth St., Rm. 1-053
Santa Ana, CA 92701-4516

Eastern Division
3470 Twelfth St., Rm. 134
Riverside, CA 92501

Failure to file at the proper location will result in your documents being returned to you.

Name & Address:

Mark D. Nielsen, Esq. (SBN 210,023)
CISLO & THOMAS LLP
1333 2nd St., Suite 500
Santa Monica, CA 90401
Tel: (310) 451-0647; Fax: (310) 394-4477

COPY

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

JEFFREY CAMPBELL LLC,
a California limited liability company,

PLAINTIFF(S)

v.

STEVE MADDEN, LTD.,
a Delaware corporation, *And Does 1-9,
Inclusive*

DEFENDANT(S).

CASE NUMBER

CV11 04836AHM (JC)

SUMMONS

TO: DEFENDANT(S): Steve Madden, Ltd.

A lawsuit has been filed against you.

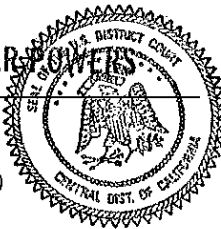
Within 21 days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached complaint amended complaint counterclaim cross-claim or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff's attorney, Mark D. Nielsen, whose address is Cislo & Thomas LLP, 1333 2nd St., Suite 500, Santa Monica, CA 90401. If you fail to do so, 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.

Clerk, U.S. District Court

Dated: JUN - 7 2011

By: CHRISTOPHER POWERS
Deputy Clerk

(Seal of the Court)



1181

[Use 60 days if the defendant is the United States or a United States agency, or is an officer or employee of the United States. Allowed 60 days by Rule 12(a)(3)].

CONFORM COPY

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

I (a) PLAINTIFFS (Check box if you are representing yourself <input type="checkbox"/> JEFFREY CAMPBELL LLC, a California limited liability company	DEFENDANTS STEVE MADDEN, LTD., a Delaware corporation, and DOES 1-9, inclusive
(b) County of Residence of First Listed Plaintiff (Except in U.S. Plaintiff Cases): Los Angeles	County of Residence of First Listed Defendant (In U.S. Plaintiff Cases Only): Queens, New York
(c) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.) Daniel M. Cislo, Esq., No.125,378; Mark D. Nielsen, Esq., No. 210,023; Sean D. O'Brien, Esq., No. 238,418 Cislo & Thomas LLP 1333 2nd Street, Suite 500 Santa Monica, California 90401 Tel.: (310) 451-0647	Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an X in one box only.) <input type="checkbox"/> 1 U.S. Government Plaintiff <input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party) <input type="checkbox"/> 2 U.S. Government Defendant <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: none;"> <tr> <td style="width:33%;">Citizen of This State</td> <td style="width:10%; text-align: center;">PTF</td> <td style="width:10%; text-align: center;">DEF</td> <td style="width:33%;">Incorporated or Principal Place of Business in this State</td> <td style="width:10%; text-align: center;">PTF</td> <td style="width:10%; text-align: center;">DEF</td> </tr> <tr> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td>Citizen of Another State</td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td>Incorporated and Principal Place of Business in Another State</td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td>Foreign Nation</td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> </table>	Citizen of This State	PTF	DEF	Incorporated or Principal Place of Business in this State	PTF	DEF	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Citizen of Another State	<input type="checkbox"/>	<input type="checkbox"/>	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Citizen or Subject of a Foreign Country	<input type="checkbox"/>	<input type="checkbox"/>	Foreign Nation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Citizen of This State	PTF	DEF	Incorporated or Principal Place of Business in this State	PTF	DEF																																
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>																																
Citizen of Another State	<input type="checkbox"/>	<input type="checkbox"/>	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/>	<input type="checkbox"/>																																
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>																																
Citizen or Subject of a Foreign Country	<input type="checkbox"/>	<input type="checkbox"/>	Foreign Nation	<input type="checkbox"/>	<input type="checkbox"/>																																
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>																																

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
 7 Appeal to District Judge from Magistrate Judge

V. REQUESTED IN COMPLAINT: JURY DEMAND: Yes No (Check 'Yes' only if demanded in complaint.)

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

VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.)

35 U.S.C. § 101, 15 U.S.C. § 1125(a),

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

OTHER STATUTES <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 and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities /Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Act <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Info. Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes	CONTRACT <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. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's 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 REAL PROPERTY <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	TORTS PERSONAL INJURY <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"/> 368 Asbestos Personal Injury Product Liability	TORTS PERSONAL PROPERTY <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 BANKRUPTCY <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 American with Disabilities - Employment <input type="checkbox"/> 446 American with Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus/Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition FORFEITURE / PENALTY <input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety /Health <input type="checkbox"/> 690 Other	LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input checked="" type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <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)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS-Third Party 26 USC 7609
--	--	--	---	--	--

VIII(a). IDENTICAL CASES: Has this action been previously filed and dismissed, remanded or closed? No Yes

If yes, list case number(s):

FOR OFFICE USE ONLY: Case Number: CV11 04836

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

AFTER COMPLETING THE FRONT SIDE OF FORM CV-71, COMPLETE THE INFORMATION REQUESTED BELOW.

VIII(b). RELATED CASES: Have any cases been previously filed 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.

IX. VENUE: List the California County, or State if other than California, in which **EACH** named plaintiff resides (Use an additional sheet if necessary)

Check here if the U.S. government, its agencies or employees is a named plaintiff.

Los Angeles

List the California County, or State if other than California, in which **EACH** named defendant resides. (Use an additional sheet if necessary).

Check here if the U.S. government, its agencies or employees is a named defendant.

New York

List the California County, or State if other than California, in which **EACH** claim arose. (Use an additional sheet if necessary)

Note: In land condemnation cases, use the location of the tract of land involved.

Los Angeles

X. SIGNATURE OF ATTORNEY (OR PRO PER): _____



Date June 6, 2011

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. (g))