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MUNCHKIN, INC.
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Telephone: (818) 893-5000
Fax: (818) 893-6343

Attorneys for Plaintiff
MUNCHKIN, INC.

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

MUNCHKIN, INC., a Delaware
corporation,

Plaintiff,

v.

VENITA TUBBS, an individual; and
DOES 1 through 10, inclusive.

Defendant.

FILED
2010 JUN - 1 AM 11:55
CLERK U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
LOS ANGELES

CV 10 4074 RSWL (MANx)
Case No.

COMPLAINT FOR:

**(1) DECLARATORY JUDGMENT
FOR PATENT NON-
INFRINGEMENT**

**(2) DECLARATORY JUDGMENT
FOR PATENT INVALIDITY**

DEMAND FOR JURY TRIAL

1 Plaintiff Munchkin, Inc. (“Plaintiff” or “Munchkin”) hereby alleges against
2 defendant Venita Tubbs and Does 1-10 (collectively, the “Tubbs” or “Defendant”)
3 as follows:

4 **INTRODUCTION**

5 1. This lawsuit arises out of threats by Venita Tubbs to unlawfully
6 utilize United States Patent No. 6,656,514 (the “’514 patent”) to force Munchkin
7 out of the marketplace by filing a baseless patent infringement lawsuit against
8 Munchkin. Specifically, Tubbs claims, in bad faith and with knowledge that her
9 patent is unenforceable and invalid, that Munchkin should be forced to enter into a
10 license agreement with her. This Court should not countenance Tubbs’ abusive
11 and extortionist tactics. Accordingly, Munchkin seeks declaratory judgment of
12 patent non-infringement and patent invalidity.

13 **SUBJECT MATTER JURISDICTION**

14 2. Jurisdiction is proper in this court because this litigation arises under
15 federal law, namely 17 U.S.C. § 1051 et seq. (Lanham Act). The Court has
16 subject matter jurisdiction over this action under 28 U.S.C. § 1331 (federal
17 question), 1338 (patents), and 28 U.S.C. § 2201 and 2202 (Declaratory Judgment
18 Act). Alternatively, jurisdiction of this Court is predicated upon 28 U.S.C. §
19 1332(a)(1) on the basis of diversity of citizenship. Plaintiff is a citizen of
20 California. As detailed below, Plaintiff is informed and believes, and on that
21 basis alleges, that Defendant is a citizen of Alabama. The amount in controversy
22 exceeds \$75,000, exclusive of interest and costs.

23 3. Venue is proper in this District pursuant to 28 U.S.C. § 1391,
24 because a substantial part of the events or omissions giving rise to the claim
25 occurred in this judicial district where Munchkin is based.

26 4. An actual case or controversy has arisen between the parties. Tubbs
27 has threatened litigation against Munchkin, and has asserted that Munchkin’s
28 sales of its Snack Catcher® infringes the ‘514 patent.

PARTIES

1
2 5. Plaintiff Munchkin is a Delaware corporation with its principal place
3 of business in Los Angeles, California, which is within the Central District of
4 California. Munchkin is, and was at all times herein mentioned, qualified to do
5 business in California.

6 6. Plaintiff is informed and believes, and on that basis alleges, that
7 defendant Tubbs is an individual residing in the State of Alabama.

8 7. The true names and capacities, whether individual, corporate,
9 associate or otherwise, of the defendants sued herein under Federal Rule of Civil
10 Procedure 19 and Central District Local Rule 19-1, as Does 1 through 10,
11 inclusive are unknown to Plaintiff, who therefore sue said defendants by such
12 fictitious names. Plaintiff will amend this complaint to insert the true names and
13 capacities of said defendants when the same have been ascertained. Each of the
14 defendants designated herein as a "Doe" is legally responsible in some manner for
15 the wrongdoing alleged herein.

16 8. Plaintiff is informed and believes, and on that basis alleges, except as
17 otherwise indicated, all defendants, including the fictitious Doe defendants, were
18 at all times acting as agents, servants, conspirators, ostensible agents, employees,
19 hirelings, partners, alter ego, joint venturers, and/or co-venturers of each other
20 defendant and that at all relevant times, each was acting for a common purpose or
21 benefit, so that each defendant is responsible for the events described herein and is
22 therefore jointly and severally liable for the resulting damages.

23 9. Plaintiff is informed and believes, and on that basis alleges, that
24 each defendant conspired with one or more of the other defendants to achieve the
25 wrongful and unlawful results alleged herein, so that each defendant should be
26 held jointly and severally liable for all damages resulting from the conspiracy.

27 **BACKGROUND**

28 10. Munchkin, Inc. was founded in 1991, and is a market-leading

1 designer, developer, manufacturer and distributor of baby care products.

2 Munchkin's success is attributable to the company's keen ability to transform
3 ordinary products into extraordinary ones using a unique combination of design,
4 innovation, and concern for safety.

5 11. Munchkin's critical success has led to its position as a leading
6 company in the baby care products industry. Munchkin has won over 30 industry
7 awards, including the coveted Target® Corporation Partner Award of Excellence,
8 and has been granted over 100 United States Patents.

9 12. Munchkin believes that its brand image is very important, because
10 consumers want a single trustworthy source for all of their baby care needs. As a
11 result, Munchkin has reinvigorated the category with improvements like a 2-in-1
12 design on bottle brushes, as well as pioneered numerous breakthroughs like the
13 ARM & HAMMER™ Diaper Pail, by Munchkin, which neutralizes odors in the
14 nursery through a patented odor control system and White Hot Technology® that
15 lets moms know if the bath water or the car is too hot.

16 13. As a leader in many of the baby care categories, including the feeding
17 category, Munchkin has a broad range of feeding items including cups, bowls,
18 spoons, and snack cups. As with Munchkin's other products, its feeding lines can
19 be found at more than 25,000 retail outlets internationally, including Wal-Mart,
20 Kmart, Target, and Toys "R" Us/Babies "R" Us.

21 **DEFENDANT'S THREATS**

22 14. Venita Tubbs, the alleged inventor of the '514 patent, has threatened
23 and continues to threaten Munchkin, that she will file suit against Munchkin for
24 patent infringement. Specifically, on April 29, 2010, Munchkin received a letter
25 from Defendant's counsel identifying Munchkin's Snack Catcher® as an "accused
26 product" that infringes on one or more claims of the '514 patent. Attached hereto
27 as Exhibit A is a true and correct copy of a letter from Tubbs' counsel threatening
28 patent infringement.

1 15. Munchkin maintains that its sale of the Snack Catcher® does not
2 infringe on the '514 patent and that further, the '514 is invalid as a matter of law.

3 16. Unless and until issues of non-infringement, validity and
4 enforceability have been decided, Munchkin will continue to face threats of
5 baseless, extremely expensive, and long drawn-out litigation by Defendant.

6 **FIRST CLAIM FOR RELIEF**

7 **(Declaratory Judgment for Patent Non-Infringement)**

8 17. Plaintiff re-alleges and incorporates herein by reference all preceding
9 paragraphs as though fully set forth herein.

10 18. This is a claim for a declaratory judgment that the '514 patent is not
11 infringed by Munchkin, either directly or as an inducing or contributory infringer.

12 19. Munchkin promotes, markets, offers for sale, and sells a snack cup
13 known as the "Munchkin Snack Catcher®" (hereinafter the "Snack Catcher").

14 20. Tubbs has sent a cease and desist letter to Munchkin claiming that the
15 Snack Catcher "infringes one or more claims of the ['514] patent." (See Exhibit
16 A).

17 21. The Snack Catcher does not infringe on any valid or enforceable
18 claim of the '514 patent.

19 22. Munchkin has not directly infringed, induced the infringement of, nor
20 has it been a contributory infringer of, any of the claims of the '514 patent.

21 23. There is an actual, present and justiciable controversy between the
22 parties regarding the non-infringement of the '514 patent by Munchkin, and
23 Munchkin is entitled to a declaratory judgment that will finally resolve this issue.

24 **SECOND CLAIM FOR RELIEF**

25 **(Declaratory Judgment for Patent Invalidity)**

26 24. Plaintiff re-alleges and incorporates herein by reference all preceding
27 paragraphs as though fully set forth herein.

28 25. More than one year prior to the filing of the application that resulted

1 in the '514 patent, there appeared in prior art, patents, publications, and products,
2 descriptions and apparatuses for anti-spill food containers including resilient lids,
3 as well as closures for bottles, jars, or other containers including a flange or
4 convex flaps with a frustoconical geometry.

5 26. Sometime after the patenting, sale, or public use of the prior art
6 described above, Tubbs, the named inventor of the '514 patent, attempted to
7 patent an anti-spill food container.

8 27. Each of the claims of the '514 patent are invalid because they would
9 have been obvious to one of ordinary skill in the art in light of the pertinent prior
10 art at the time of the claimed invention under 35 U.S.C. § 103, and for improper
11 inventorship under 35 U.S.C. § 116.

12 28. There is an actual, present and justiciable controversy between the
13 parties regarding the invalidity of the '514 patent, and Munchkin is entitled to a
14 declaratory judgment that will finally resolve this issue.

15 **PRAYER FOR RELIEF**

16 Wherefore Plaintiffs pray for judgment as follows:

17 a. For a judicial determination and declaration that Munchkin has not
18 infringed, contributed to the infringement of, or induced the infringement of any
19 valid, enforceable claim of United States Patent No. 6,656,514;

20 b. For a declaration that United States Patent No. 6,656,514 is invalid
21 and/or unenforceable, in whole or in part;

22 c. For a preliminary and permanent injunction enjoining and restraining
23 Defendant and all of its agents, employees, representatives, and counsel, and all
24 persons in active concert or participation with any of them, directly or indirectly,
25 from charging infringement or instituting any action for infringement of United
26 States Patent No. 6,656,514 against Munchkin;

27 d. For costs of suit and reasonable attorneys' fees pursuant to the
28 "exceptional case" provision of 35 U.S.C § 285 and other applicable law, because

1 Defendant has accused Munchkin of patent infringement despite knowing that
2 United States Patent No. 6,656,514 is invalid and/or unenforceable and/or not
3 infringed by Munchkin; and

4 e. For such other further relief to which Munchkin may be entitled as a
5 matter of law or equity, or which the Court deems just and proper.

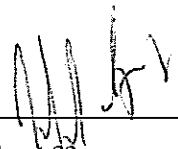
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7 DATED: June 1, 2010

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By: _____



10

John Shaeffer

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Jeffrey Grant

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Petty Tsay Rader

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Attorneys for Plaintiff

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MUNCHKIN, INC.

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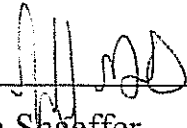
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DEMAND FOR JURY TRIAL

Plaintiff hereby demands jury trial of all issues that may be tried to a jury.

DATED: June 1, 2010

By: _____



John Shaeffer
Jeffrey Grant
Petty Tsay Rader
Attorneys for Plaintiff
MUNCHKIN, INC.

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JAMES D. BENAK
ATTORNEY LLC
1033 W. VAN BUREN STREET
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CHICAGO, IL 60607

jbenak@jamesdbenaklaw.com

tel: (312) 243-4351
fax: (312) 243-4097

April 29, 2010

Via Federal Express

Munchkin, Inc.
16689 Schoenborn Street
North Hills, CA 91343

Re: Infringement of US Patent No. US 6,656,514, B1

Gentlemen:

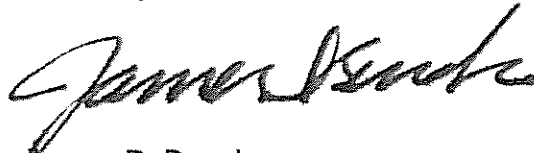
This firm represents Ms. Venita Tubbs, inventor of the above referenced patent. It has come to our attention that your company manufactures a product which infringes one or more claims of the patent. Photographs of the accused product are attached.

We hereby demand that, absent entry into a valid license agreement with Ms. Tubbs, you cease and desist the manufacture or sale of the accused product. Furthermore, we demand an accounting of past sales and the payment of a reasonable royalty based upon the gross sales of the accused product or any similar product which infringes the patent.

Finally, it is apparent to us that your attempt to design around the patent, while unsuccessful, has diminished the functionality of the accused product. Ms. Tubbs would entertain a license agreement which provides for her assistance in designing and manufacturing the product to improve its functionality, in addition to a reasonable royalty.

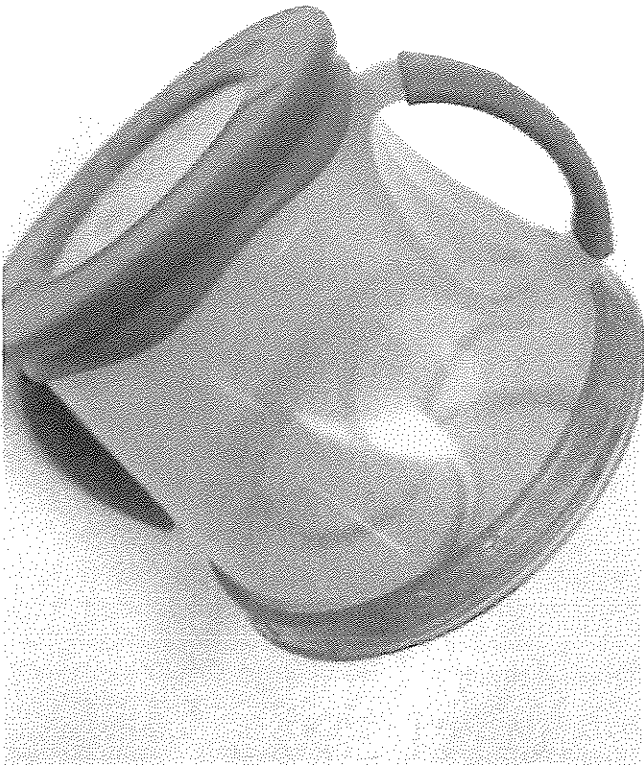
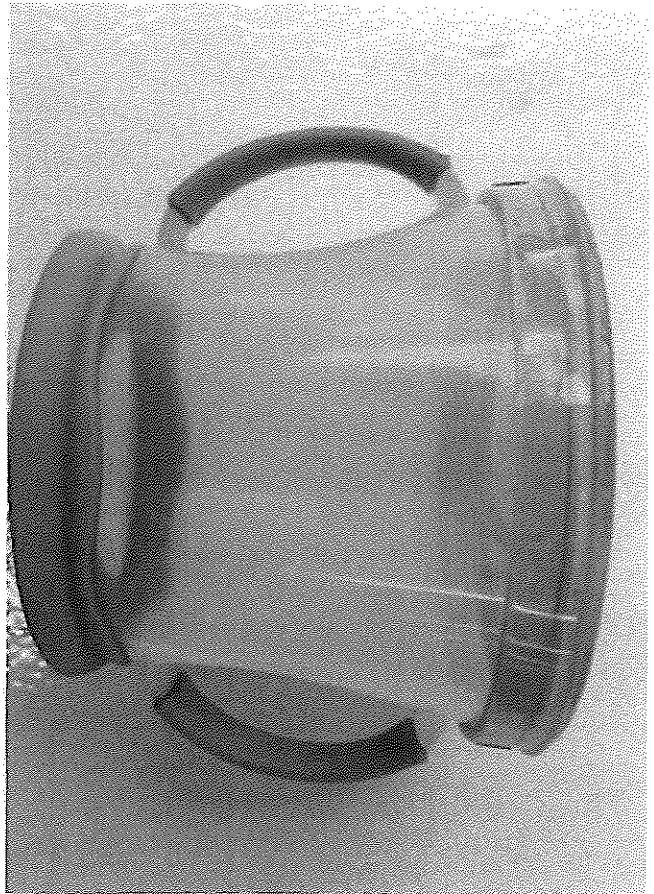
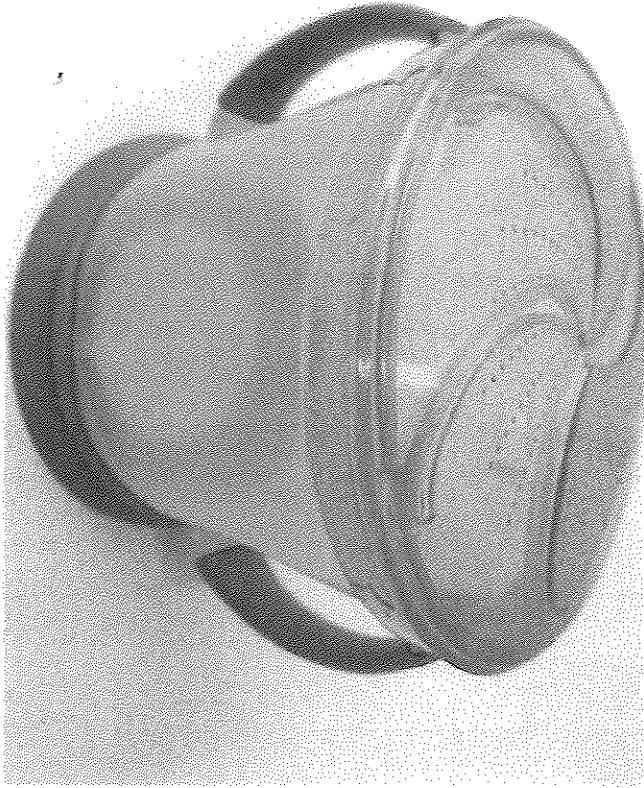
Please let us have your response within ten days.

Sincerely,



James D. Benak

Attachment



**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 Ronald S. W. Lew and the assigned discovery Magistrate Judge is Margaret A. Nagle.

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

CV10 - 4074 RSWL (MANx)

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.

John Shaeffer (State Bar No. 138331)
Jeff Grant (State Bar No. 218974)
LATHROP & GAGE LLP
1888 Century Park East, Suite 1000
Los Angeles, CA 90067
Telephone: (310) 789-4600 Fax: (310) 789-4601

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

MUNCHKIN, INC., a Delaware Corporation

PLAINTIFF(S)

v.

VENITA TUBBS, an individual; and DOES 1 through
10, inclusive.

DEFENDANT(S).

CASE NUMBER

CV10 4074 RSWL (MANx)

SUMMONS

TO: DEFENDANT(S): VENITA TUBBS

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, John Shaeffer, Lathrop & Gage LLP, whose address is 1888 Century Park East, Suite 1000, Los Angeles, California 90067. 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

CHRISTOPHER POWERS

Dated: JUN - 1 2010

By: _____

Deputy Clerk

(Seal of the Court)

[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)].

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

I (a) PLAINTIFFS (Check box if you are representing yourself <input type="checkbox"/> MUNCHKIN, INC., a Delaware corporation	DEFENDANTS VENITA TUBBS, an individual; and DOES 1 through 10, inclusive
(b) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.) LATHROP & GAGE LLP, 1888 Century Park East, Suite 1000, Los Angeles, CA 90067 Telephone: (310) 789-4600	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-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:30%;">Incorporated or Principal Place of Business in this State</td> <td style="width:10%;">PTF <input checked="" 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 checked="" 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 checked="" type="checkbox"/> 4	DEF <input type="checkbox"/> 4	Citizen of Another State	PTF <input type="checkbox"/> 2	DEF <input checked="" 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 checked="" type="checkbox"/> 4	DEF <input type="checkbox"/> 4														
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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
 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: \$ More than \$75,000

VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.)
 Declaratory Judgment of Non-Infringement and Invalidity (28 U.S.C. § 2201 and 2202)

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 <input type="checkbox"/> 465 Other Immigration Actions	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 General <input type="checkbox"/> 530 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) (405(g)) <input type="checkbox"/> 863 DIWC/DIWW <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
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FOR OFFICE USE ONLY: Case Number: CV10 4074

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

CONFORMED COPY

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

VIII(a). IDENTICAL CASES: Has this action been previously filed in this court and dismissed, remanded or closed? No Yes
If yes, list case number(s): _____

VIII(b). RELATED CASES: Have any cases been previously filed in this court that are related to the present case? No Yes
If yes, list case number(s): _____

Civil cases are deemed related if a previously filed case and the present case:

- (Check all boxes that apply) A. Arise from the same or closely related transactions, happenings, or events; or
 B. Call for determination of the same or substantially related or similar questions of law and fact; or
 C. For other reasons would entail substantial duplication of labor if heard by different judges; or
 D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

IX. VENUE: (When completing the following information, use an additional sheet if necessary.)

(a) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which EACH named plaintiff resides.
 Check here if the government, its agencies or employees is a named plaintiff. If this box is checked, go to item (b).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Los Angeles	

(b) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which EACH named defendant resides.
 Check here if the government, its agencies or employees is a named defendant. If this box is checked, go to item (c).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Alabama	

(c) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which EACH claim arose.
 Note: In land condemnation cases, use the location of the tract of land involved.

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Los Angeles	

* Los Angeles, Orange, San Bernardino, Riverside, Ventura, Santa Barbara, or San Luis Obispo Counties

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

X. SIGNATURE OF ATTORNEY (OR PRO PER):  Date June 1, 2010

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))