

COURTESY COPY

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SOFF-CUT GROUP OF COMPANIES, NORTH AMERICA

FILED  
2009 SEP 17 AM 11:22  
CLERK U.S. DISTRICT COURT  
CENTRAL DIST. OF CALIF.  
LOS ANGELES

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9  
10 IN THE UNITED STATES DISTRICT COURT  
11 FOR THE CENTRAL DISTRICT OF CALIFORNIA  
12 WESTERN DIVISION

13 **CV 09-06767 PA AJWx**

14 SOFF-CUT INTERNATIONAL,  
INC., a Delaware corporation,

15 Plaintiff,

16 v.

17 DIAMOND PRODUCTS LIMITED,  
18 an Ohio corporation,

19 Defendant.  
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Civil Action No.

**COMPLAINT FOR PATENT  
INFRINGEMENT**

**DEMAND FOR JURY TRIAL**

1 Plaintiff Soff-Cut International, Inc., for its Complaint against Defendant  
2 Diamond Products Limited, hereby alleges as follows:

3 **PARTIES**

4 1. Plaintiff Soff-Cut International, Inc. ("Soff-Cut") is a Delaware  
5 corporation having its principal place of business at 1112 Olympic Dr., Corona,  
6 CA 92881.

7 2. Soff-Cut is informed and believes, and thereon alleges, that  
8 Defendant Diamond Products Limited ("Diamond Products") is an Ohio limited  
9 liability company having a principal place of business at 333 Prospect Street,  
10 Elyria, Ohio 44035.

11 **JURISDICTION AND VENUE**

12 3. The claims below arise under the Patent Laws of the United States,  
13 35 U.S.C. § 100, *et seq.* based on an actual controversy between Soff-Cut and  
14 Diamond Products.

15 4. This Court has subject matter jurisdiction under at least 28 U.S.C.  
16 §§ 1331 and 1338(a).

17 5. Diamond Products is subject to personal jurisdiction in this Court  
18 as evidenced by, *inter alia*, its systematic and continuous contacts in this  
19 judicial district.

20 6. Venue is proper in this judicial district pursuant to 28 U.S.C. §  
21 1391(b) and (c) and § 1400(b).

22 **FIRST CLAIM FOR RELIEF**

23 **(Infringement of U.S. Patent No. 5,570,677)**

24 7. Soff-Cut realleges and incorporates by reference the allegations set  
25 forth in Paragraphs 1-6.

26 8. On November 5, 1996, U.S. Patent No. 5,570,677 ("the '677  
27 patent"), entitled "Method and Apparatus for Cutting Wet Concrete," was duly  
28 and legally issued by the United States Patent and Trademark Office. Soff-Cut

1 is the owner by assignment of the '677 patent, and thus Soff-Cut has the right to  
2 enforce and to recover damages for infringement of that patent.

3 9. Soff-Cut is informed and believes, and thereon alleges, that  
4 Diamond Products, through its agents, employees, and servants, has infringed  
5 the '677 patent by manufacturing, using, offering for sale, selling, and/or  
6 importing products, including, but not limited to, Diamond Products' Early  
7 Entry Saw (Model No. CC150-EE) and diamond blades and skid plates, which  
8 are covered by one or more claims of the '677 patent.

9 10. Soff-Cut is informed and believes, and thereon alleges, that  
10 Diamond Products has directly infringed the '677 patent, and has induced and/or  
11 contributed to the infringement of the '677 patent by third parties.

12 11. Diamond Products has no license to practice the inventions claimed  
13 in the '677 patent, and its infringing activities have been performed and are  
14 being performed without Soff-Cut's consent or authorization.

15 12. As a direct and proximate result of Diamond Products'  
16 infringement, Soff-Cut has suffered damages that cannot yet be quantified, but  
17 which Soff-Cut will prove at trial.

18 13. Due to Diamond Products' infringement of the '677 patent, Soff-  
19 Cut has suffered irreparable injury. Unless Diamond Products is enjoined by  
20 this Court, Diamond Products will continue to infringe the '677 patent in  
21 violation of Soff-Cut's rights, causing Soff-Cut irreparable injury for which it  
22 has no adequate remedy at law.

23 14. Soff-Cut is informed and believes, and thereon alleges, that  
24 Diamond Products' infringement has been and is willful and intentional,  
25 Diamond Products having actual and/or constructive knowledge of the '677  
26 patent and Soff-Cut's rights therein. This is an exceptional case within the  
27 meaning of 35 U.S.C. § 285.

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**SECOND CLAIM FOR RELIEF**

**(Infringement of U.S. Patent No. 5,575,271)**

15. Soff-Cut realleges and incorporates by reference the allegations set forth in Paragraphs 1-14.

16. On November 19, 1996, U.S. Patent No. 5,575,271 ("the '271 patent"), entitled "Apparatus For Cutting Wet Concrete," was duly and legally issued by the United States Patent and Trademark Office. Soff-Cut is the owner by assignment of the '271 patent, and thus Soff-Cut has the right to enforce and to recover damages for infringement of that patent.

17. Soff-Cut is informed and believes, and thereon alleges, that Diamond Products, through its agents, employees, and servants, has infringed the '271 patent by manufacturing, using, offering for sale, selling, and/or importing products, including, but not limited to, Diamond Products' Early Entry Saw (Model No. CC150-EE) and diamond blades and skid plates, which are covered by one or more claims of the '271 patent.

18. Soff-Cut is informed and believes, and thereon alleges, that Diamond Products has directly infringed the '271 patent.

19. Diamond Products has no license to practice the inventions claimed in the '271 patent, and its infringing activities have been performed and are being performed without Soff-Cut's consent or authorization.

20. As a direct and proximate result of Diamond Products' infringement, Soff-Cut has suffered damages that cannot yet be quantified, but which Soff-Cut will prove at trial.

21. Due to Diamond Products' infringement of the '271 patent, Soff-Cut has suffered irreparable injury. Unless Diamond Products is enjoined by this Court, Diamond Products will continue to infringe the '271 patent in violation of Soff-Cut's rights, causing Soff-Cut irreparable injury for which it has no adequate remedy at law.

1           22. Soff-Cut is informed and believes, and thereon alleges, that  
2 Diamond Products' infringement has been and is willful and intentional,  
3 Diamond Products having actual and/or constructive knowledge of the '271  
4 patent and Soff-Cut's rights therein. This is an exceptional case within the  
5 meaning of 35 U.S.C. § 285.

6                                   **THIRD CLAIM FOR RELIEF**

7                                   **(Infringement of U.S. Patent No. 5,579,753)**

8           23. Soff-Cut realleges and incorporates by reference the allegations set  
9 forth in Paragraphs 1-22.

10          24. On December 3, 1996, U.S. Patent No. 5,579,753 ("the '753  
11 patent"), entitled "Method for Cutting Wet Concrete," was duly and legally  
12 issued by the United States Patent and Trademark Office. Soff-Cut is the owner  
13 by assignment of the '753 patent, and thus Soff-Cut has the right to enforce and  
14 to recover damages for infringement of that patent.

15          25. Soff-Cut is informed and believes, and thereon alleges, that  
16 Diamond Products, through its agents, employees, and servants, has induced  
17 and/or contributed to the infringement of the '753 patent by third parties by  
18 manufacturing, using, offering for sale, selling, and/or importing products,  
19 including, but not limited to, Diamond Products' Early Entry Saw (Model No.  
20 CC150-EE) and diamond blades and skid plates.

21          26. Diamond Products has no license to practice the inventions claimed  
22 in the '753 patent, and its infringing activities have been performed and are  
23 being performed without Soff-Cut's consent or authorization.

24          27. As a direct and proximate result of Diamond Products'  
25 infringement, Soff-Cut has suffered damages that cannot yet be quantified, but  
26 which Soff-Cut will prove at trial.

27          28. Due to Diamond Products' infringement of the '753 patent, Soff-  
28 Cut has suffered irreparable injury. Unless Diamond Products is enjoined by

1 this Court, Diamond Products will continue to infringe the '753 patent in  
2 violation of Soff-Cut's rights, causing Soff-Cut irreparable injury for which it  
3 has no adequate remedy at law.

4 29. Soff-Cut is informed and believes, and thereon alleges, that  
5 Diamond Products' infringement has been and is willful and intentional,  
6 Diamond Products having actual and/or constructive knowledge of the '753  
7 patent and Soff-Cut's rights therein. This is an exceptional case within the  
8 meaning of 35 U.S.C. § 285.

9 **FOURTH CLAIM FOR RELIEF**

10 **(Infringement of U.S. Patent No. 5,582,899)**

11 30. Soff-Cut realleges and incorporates by reference the allegations set  
12 forth in Paragraphs 1-29.

13 31. On December 10, 1996, U.S. Patent No. 5,582,899 ("the '899  
14 patent"), entitled "Concrete Surface with Early Cut Grooves," was duly and  
15 legally issued by the United States Patent and Trademark Office. Soff-Cut is  
16 the owner by assignment of the '899 patent, and thus Soff-Cut has the right to  
17 enforce and to recover damages for infringement of that patent.

18 32. Soff-Cut is informed and believes, and thereon alleges, that  
19 Diamond Products, through its agents, employees, and servants, has induced  
20 and/or contributed to the infringement of the '899 patent by third parties by  
21 manufacturing, using, offering for sale, selling, and/or importing products,  
22 including, but not limited to, Diamond Products' Early Entry Saw (Model No.  
23 CC150-EE) and diamond blades and skid plates.

24 33. Diamond Products has no license to practice the inventions claimed  
25 in the '899 patent, and its infringing activities have been performed and are  
26 being performed without Soff-Cut's consent or authorization.

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1 F. An injunction barring Diamond Products, as well as its officers,  
2 agents, servants, employees, and attorneys, and those persons in active concert  
3 or participation with them who receive actual notice of the order, from  
4 infringing the '271 patent in violation of 35 U.S.C. § 271;

5 G. An injunction barring Diamond Products, as well as its officers,  
6 agents, servants, employees, and attorneys, and those persons in active concert  
7 or participation with them who receive actual notice of the order, from  
8 infringing the '753 patent in violation of 35 U.S.C. § 271;

9 H. An injunction barring Diamond Products, as well as its officers,  
10 agents, servants, employees, and attorneys, and those persons in active concert  
11 or participation with them who receive actual notice of the order, from  
12 infringing the '899 patent in violation of 35 U.S.C. § 271;

13 I. Damages adequate to compensate Soff-Cut for Diamond Products'  
14 infringement of the '677, '271, '753 and/or '899 patents in violation of 35  
15 U.S.C. § 271;

16 J. An Order adjudging this an exceptional case;

17 K. An Order trebling damages and/or for exemplary damages because  
18 of Diamond Products' intentional and willful conduct;

19 L. An award of pre-judgment and post-judgment interest and costs of  
20 this action against Diamond Products;

21 M. An award to Soff-Cut of its attorneys' fees incurred in connection  
22 with this action; and

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1 N. Such other and further relief as the Court may deem just and  
2 proper.

3  
4 Respectfully submitted,

5 KNOBBE, MARTENS, OLSON & BEAR, LLP

6  
7 Dated: 09/17/09

8 By:

Karen Vogel Weil  
Karen Vogel Weil  
Yanna S. Bouris

9 Attorneys for Plaintiff,  
10 SOFF-CUT INTERNATIONAL, INC.  
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**DEMAND FOR JURY TRIAL**

Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, Plaintiff Soff-Cut International, Inc., hereby demands a trial by jury on all issues so triable.

Respectfully submitted,  
KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: 09/17/09

By: Karen Vogel Well

Karen Vogel Well  
Yanna S. Bouris

Attorneys for Plaintiff,  
SOFF-CUT INTERNATIONAL, INC.

7633606  
081209

**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 Percy Anderson and the assigned discovery Magistrate Judge is Andrew J. Wistrich.

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

**CV09- 6767 PA (AJWx)**

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.

Karen Vogel Weil (SBN 145,066)  
karen.weil@kmob.com  
KNOBBE, MARTENS, OLSON & BEAR, LLP  
1901 Avenue of the Stars, Suite 1500  
Los Angeles, CA 90067

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

SOFF-CUT INTERNATIONAL, INC., a Delaware  
corporation,

PLAINTIFF(S)

v.

DIAMOND PRODUCTS LIMITED, an Ohio  
corporation,

DEFENDANT(S).

CASE NUMBER

CV09-06767

PA AJWx

SUMMONS

TO: DEFENDANT(S): DIAMOND PRODUCTS LIMITED

A lawsuit has been filed against you.

Within 20 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, Karen Vogel Weil, whose address is 1901 Avenue of the Stars, Suite 1500 Los Angeles, CA 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.

Dated: SEP 17 2009

Clerk, U.S. District Court

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**

<b>I (a) PLAINTIFFS</b> (Check box if you are representing yourself <input type="checkbox"/> SOFF-CUT INTERNATIONAL, INC., a Delaware corporation	<b>DEFENDANTS</b> DIAMOND PRODUCTS LIMITED, an Ohio corporation
<b>(b) Attorneys</b> (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.)  Karen Vogel Weil karen.weil@kmob.com (310) 551-3450 Knobbe Martens Olson & Bear LLP 1901 Avenue of the Stars, Suite 1500 Los Angeles, CA 90034	Attorneys (If Known)

<b>II. BASIS OF JURISDICTION</b> (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)	<b>III. CITIZENSHIP OF PRINCIPAL PARTIES - For Diversity Cases Only</b> (Place an X in one box for plaintiff and one for defendant.) <table style="width:100%; border: none;"> <tr> <td style="width:35%;"></td> <td style="width:10%; text-align: center;"><b>PTF</b></td> <td style="width:10%; text-align: center;"><b>DEF</b></td> <td style="width:45%;"></td> <td style="width:10%; text-align: center;"><b>PTF</b></td> <td style="width:10%; text-align: center;"><b>DEF</b></td> </tr> <tr> <td>Citizen of This State</td> <td align="center"><input type="checkbox"/> 1</td> <td align="center"><input type="checkbox"/> 1</td> <td>Incorporated or Principal Place of Business in this State</td> <td align="center"><input type="checkbox"/> 4</td> <td align="center"><input type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td align="center"><input type="checkbox"/> 2</td> <td align="center"><input type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business in Another State</td> <td align="center"><input type="checkbox"/> 5</td> <td align="center"><input type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td align="center"><input type="checkbox"/> 3</td> <td align="center"><input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td align="center"><input type="checkbox"/> 6</td> <td align="center"><input type="checkbox"/> 6</td> </tr> </table>		<b>PTF</b>	<b>DEF</b>		<b>PTF</b>	<b>DEF</b>	Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business in this State	<input type="checkbox"/> 4	<input type="checkbox"/> 4	Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5	Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6
	<b>PTF</b>	<b>DEF</b>		<b>PTF</b>	<b>DEF</b>																				
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Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6																				

**IV. ORIGIN** (Place an X in one box only.)

☒ 1 Original Proceeding    
 ☐ 2 Removed from State Court    
 ☐ 3 Remanded from Appellate Court    
 ☐ 4 Reinstated or Reopened    
 ☐ 5 Transferred from another district (specify):    
 ☐ 6 Multi-District Litigation    
 ☐ 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: \$** \_\_\_\_\_

**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. § 100, et seq.

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

<b>OTHER STATUTES</b> <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	<b>CONTRACT</b> <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 <b>REAL PROPERTY</b> <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	<b>TORTS</b> <b>PERSONAL INJURY</b> <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 <b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus-Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	<b>TORTS</b> <b>PERSONAL PROPERTY</b> <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 <b>BANKRUPTCY</b> <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>CIVIL RIGHTS</b> <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	<b>PRISONER PETITIONS</b> <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 Habeas Corpus 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 <b>FORFEITURE / PENALTY</b> <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	<b>LABOR</b> <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 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input checked="" type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <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)) <b>FEDERAL TAX SUITS</b> <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: \_\_\_\_\_

CV09-06767

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

**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
RIVERSIDE COUNTY	

- (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
	OHIO

- (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
RIVERSIDE COUNTY	

\* 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):** Karen Vogelle

Date 09/17/09

**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))