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2014 APR 30 PM 1:55  
CLERK, U.S. DISTRICT COURT  
CENTRAL DIST. OF CALIF.  
LOS ANGELES

BY \_\_\_\_\_

6 Attorneys for Plaintiff  
7 CROSSFIT, INC.

8  
9 UNITED STATES DISTRICT COURT  
10 CENTRAL DISTRICT OF CALIFORNIA

11 CROSSFIT, INC., a Delaware  
12 corporation,  
13 Plaintiff,  
14 v.  
15 COAST FITNESS LLC, a California  
16 Limited Liability Company, and  
17 DOES 1-10, inclusive,  
18 Defendants.

Case No. **CV 14 - 3332** *MMM R2x*

**COMPLAINT AND DEMAND FOR JURY TRIAL**

FILED BY FAX

18 Plaintiff CrossFit, Inc.® ("CrossFit") for its Complaint against Defendant  
19 Coast Fitness, LLC ("Coast Fitness") respectfully alleges as follows:

20 **DEMAND FOR A JURY TRIAL**

21 Plaintiff hereby requests a trial by jury in this case, pursuant to Rule 38,  
22 Federal Rules of Civil Procedure.

23 **COMPLAINT**

24 1. Plaintiff is, and was at all times mentioned herein, a Delaware  
25 corporation, principally engaged in the business of fitness training and consultancy,  
26 providing fitness, nutrition and sports training to its patrons in this judicial district  
27 and worldwide. CrossFit® is the owner of protectable interests in several registered  
28 United States trademarks and service marks comprised of the term "CrossFit."





1 purposefully directed their wrongful acts to this forum, distributed, advertised  
2 and/or sold services, namely exercise classes, bearing Plaintiff's trademark in this  
3 forum, actively solicited business in this forum, and utilized interactive websites  
4 that permit residents of this forum to purchase training in exercises classes bearing  
5 Plaintiff's' trademark.

6 7. Venue is laid in this judicial district under 28 U.S.C. § 1391 as  
7 Defendants are subject to personal jurisdiction in this judicial district, have done  
8 business in this judicial district, have committed acts of trademark infringement and  
9 unfair competition in this judicial district, and continue to commit such acts in this  
10 judicial district.

11 **CROSSFIT'S INTELLECTUAL PROPERTY RIGHTS**

12 8. Through its design, development, sales, and marketing activities,  
13 CrossFit® has developed a revolutionary fitness training regimen that has become  
14 the principal strength and conditioning program for many police academies and  
15 tactical operations teams, military special operations units, champion martial artists,  
16 and thousands of professional and amateur athletes worldwide. CrossFit licenses  
17 use of its intellectual property, including the "CrossFit" name, to affiliates that have  
18 received particularized training and received a certificate from CrossFit.

19 9. The CrossFit® name is of particular value in the competitive "small-  
20 box" fitness training industry. CrossFit's careful cultivation, maintenance, and  
21 protection of its intellectual property rights have enabled CrossFit to amass  
22 considerable goodwill within its industry, and the CrossFit name is widely  
23 recognized around the world. Consumers readily and singularly associate the  
24 CrossFit name with CrossFit, Inc.'s business and services.

25 10. CrossFit® diligently protects its intellectual property through, *inter*  
26 *alia*, trademark and service mark registration. CrossFit owns several registered  
27 United States trademarks and service marks comprised of the word mark  
28 "CrossFit," including registered U.S. Service Mark Registration No. 3,007,458

1 issued on October 18, 2005, for use in connection with fitness training services.  
2 CrossFit is the owner of the “CrossFit” family of trademarks as registered with the  
3 United States Patent and Trademark Office, Registration Numbers 3,007,458;  
4 3,826,111; 4,049,689, 4053443 and 4,122,681 for use with its many products and  
5 services beginning at least as early as 1985. CrossFit also has many pending  
6 applications for the CrossFit marks, including Serial Numbers 77/719,836;  
7 77/719,838; 77/719,842; 77/719,862; 85/629,318; 85/595640, 85/595,646 and  
8 85/595,737.

9 11. CrossFit® provides a nationally standardized certificate program to  
10 personal trainers who desire to become licensed CrossFit affiliates. Persons who  
11 successfully complete CrossFit’s certificate program and meet other requirements  
12 for affiliation are eligible to enter into annually renewable affiliate license  
13 agreements, which permit limited use of the CrossFit Marks subject to various  
14 conditions. Only persons who have completed CrossFit’s certificate process and  
15 entered into valid affiliate license agreements are permitted to use CrossFit Marks.

16  
17 **DEFENDANTS’ WILLFUL INFRINGEMENT**

18 12. Coast Fitness is a fitness facility located at 5001 West El Segundo  
19 Boulevard, Hawthorne, California 90250, that is using without permission the  
20 CrossFit Marks to offer and promote its services. Coast Fitness is not a licensed  
21 CrossFit affiliate and CrossFit has never authorized Coast Fitness’ use of the  
22 CrossFit Marks. Nonetheless, Coast Fitness offers exercise programs and classes  
23 under the name “CrossFit.” Coast Fitness also has designated a portion of its  
24 facility to a “CrossFit area.”

25 13. Coast Fitness offers its services on the Internet through its website at  
26 <http://www.coast-fitness.com/>. Coast Fitness’ website describes its exercise  
27 programs by using the CrossFit Mark. Specifically, the website advertises a class  
28 titled “Cross-Fit” <http://www.coast-fitness.com/classes/class-description/>.



1 Defendants' website includes this class continuously on their facility's calendar  
2 located at <http://www.coast-fitness.com/wp-content/uploads/2014/04/CF-Group-Exercise-Schedule-4.07.14.pdf>. Additionally, Defendant's advertised description of  
3 the class is language that is taken verbatim from CrossFit Inc.'s website,  
4 [www.crossfit.com](http://www.crossfit.com).

5  
6 14. Coast Fitness uses the CrossFit® Marks to promote its own services on  
7 several pages of Coast Fitness' website including [http://www.coast-](http://www.coast-fitness.com/amenities/club-amenities/)  
8 [fitness.com/amenities/club-amenities/](http://www.coast-fitness.com/amenities/club-amenities/). The CrossFit trademarks are used in a  
9 manner that creates the false impression that CrossFit endorses or otherwise  
10 approves the services Coast Fitness offers and/or that Coast Fitness is affiliated  
11 with CrossFit, Inc., when it does not.

12 15. Coast Fitness' use of the CrossFit Marks creates the false impression  
13 that Coast Fitness is a licensed CrossFit affiliate, creating consumer confusion.

14 16. CrossFit has not authorized or licensed Coast Fitness' use of the  
15 CrossFit Marks. CrossFit does not endorse Coast Fitness' business, or otherwise  
16 approve of Coast Fitness' infringing uses of the CrossFit Marks.

17 17. On information and belief, Coast Fitness uses the CrossFit Marks with  
18 the intent to mislead consumers into believing that Coast Fitness is a licensed  
19 CrossFit affiliate and/or otherwise sponsored or endorsed by CrossFit and with the  
20 intent to profit by trading on CrossFit's goodwill.

21 18. Coast Fitness was and is, at all relevant times, aware of CrossFit's  
22 prior use, ownership, and registration of the CrossFit Marks.

23 19. Coast Fitness' use of the CrossFit Marks reflects a deliberate attempt  
24 by Coast Fitness to make its services appear as if they originate from a licensed  
25 CrossFit affiliate or are otherwise sponsored or endorsed by CrossFit. Coast  
26 Fitness' intent is to give its services an instant credibility that is not otherwise  
27 warranted, and to confuse the unsuspecting consumer.

28

1           20. Coast Fitness' use of the CrossFit Marks is likely to cause confusion or  
2 mistake, or deceive purchasers, potential purchasers, and the relevant consuming  
3 public and trade as to the source or sponsorship or approval of Coast Fitness'  
4 services and/or products, and/or as to its affiliation with CrossFit, and are thereby  
5 causing harm to CrossFit's reputation and goodwill.

6           21. Coast Fitness' use of the CrossFit® trademarks in connection with  
7 Coast Fitness' services and/or goods is likely to cause initial interest confusion or  
8 mistake, or initially deceive purchasers, potential purchasers, and the relevant  
9 consuming public and trade as to the source or sponsorship or approval of Coast  
10 Fitness's services, and/or as to its affiliation with CrossFit, and is thereby causing  
11 harm to CrossFit's reputation and goodwill.

12           22. Coast Fitness' unlawful conduct is causing and will continue to cause  
13 harm to CrossFit. In particular, consumers who view Coast Fitness' website for  
14 their services and/or goods in connection with the CrossFit Marks will believe that  
15 Coast Fitness' services and/or goods are associated with CrossFit and/or CrossFit  
16 Marks. This conduct, if not enjoined, will undermine the goodwill that CrossFit has  
17 spent decades carefully cultivating for its marks.

18           23. In March 2014, CrossFit sent an initial correspondence to Coast  
19 Fitness requesting that it stop its infringing use of the CrossFit Marks. On  
20 March 21, 2014, CrossFit called Coast Fitness and talked to an employee whom  
21 CrossFit was led to believe was a manager at the facility regarding the infringing  
22 use of the CrossFit Marks. The manager stated that he would "look into it," then  
23 promptly hung up the phone. CrossFit never received any returned communication  
24 from Coast Fitness. On March 28, 2014, CrossFit again called Coast Fitness  
25 intending to ask them to remove the infringing use of the CrossFit Marks. A  
26 woman answered the phone. When CrossFit identified its purpose for the phone  
27 call, the woman said "okay," and hung up the phone. On April 4, 2014, CrossFit's  
28 counsel sent another cease and desist letter to Coast Fitness, demanding Coast

1 Fitness cease its infringing use of the CrossFit Marks. Coast Fitness did not  
2 respond to this letter or any other communication. Defendants have deliberately  
3 refused to remove any and all unauthorized use of the CrossFit Marks from the  
4 Coast Fitness website.

5  
6 **FIRST CLAIM**

7 **Trademark Infringement (15 U.S.C. § 1114)**

8 **(Against All Defendants)**

9 24. CrossFit repeats and realleges the allegations set forth above.

10 25. This claim is for trademark infringement under the laws of the United  
11 States, Section 32 of the Lanham Act, 15 U.S.C. § 1114(1)(a).

12 26. Defendants have used, and continue to use, CrossFit's Marks to  
13 advertise and sell Defendants' fitness services in violation of CrossFit's rights in its  
14 registered trademarks and service marks.

15 27. Defendants' use of the CrossFit® trademarks is likely to cause  
16 confusion, mistake, and to deceive consumers.

17 28. Defendants' actions constitute a blatant attempt to confuse the  
18 consuming public and to trade off CrossFit's goodwill.

19 29. Defendants acted knowingly and willfully, with full knowledge of the  
20 likelihood of confusion and with the intent to deceive consumers in order to trade  
21 off the efforts and earned goodwill and reputation of CrossFit.

22 30. By reason of the foregoing acts of trademark infringement, CrossFit  
23 has been injured in an amount not yet ascertained. Further, Defendants have been  
24 unjustly enriched by virtue of their deception of consumers and misappropriation of  
25 CrossFit's goodwill.

26 31. In addition, as a result of Defendants' acts of infringement, CrossFit  
27 suffered and will continue to suffer irreparable harm for which CrossFit has no  
28 adequate remedy at law, including damage to CrossFit's goodwill. Unless this



1 Court enjoins Defendants’ acts of infringement, CrossFit will continue to suffer  
2 irreparable harm.

3 32. Defendants’ actions have been knowing, intentional, wanton, and  
4 willful. The principles of equity warrant an award to CrossFit of treble damages  
5 and profits, attorney’s fees, and the costs of this action pursuant to 15 U.S.C. §  
6 1117.

7  
8 **SECOND CLAIM**

9 **False Designation of Origin (15 U.S.C. § 1125(a))**

10 **(Against All Defendants)**

11 33. CrossFit repeats and realleges the allegations set forth above.

12 34. Defendants’ use of CrossFit® Marks in interstate commerce, without  
13 CrossFit’s consent, is a false designation of origin causing a likelihood of  
14 confusion, mistake, and deception as to source, sponsorship, affiliation, and/or  
15 connection in the minds of the public. Defendants’ conduct has infringed  
16 CrossFit’s trademark rights in violation of Section 43(a) of the Lanham Act, 15  
17 U.S.C. § 1125(a)(1).

18 35. By reason of the foregoing, CrossFit has been injured in an amount not  
19 yet fully determined. Further, Defendants have been unjustly enriched by virtue of  
20 their deception of consumers and misappropriation of CrossFit’s goodwill.

21 36. In addition, as a result of Defendants’ acts of infringement, CrossFit  
22 suffered and will continue to suffer irreparable harm for which CrossFit has no  
23 adequate remedy at law, including damage to CrossFit’s goodwill. Unless this  
24 Court enjoins Defendants’ acts of infringement, CrossFit will continue to suffer  
25 irreparable harm.

26 37. Defendants’ actions have been knowing, intentional, wanton, and  
27 willful. The principles of equity warrant an award to CrossFit of treble damages  
28



1 and profits, attorney's fees, and the costs of this action pursuant to 15 U.S.C. §  
2 1117.

3  
4 **PRAYER FOR RELIEF**

5 WHEREFORE, CrossFit demands judgment as follows:

- 6 a. Judgment in CrossFit's favor on all claims herein;
- 7 b. Preliminary and permanent injunctions preventing Defendants and  
8 those additional parties specified in Federal Rule of Civil Procedure  
9 65(d) from continued infringement of CrossFit's intellectual property  
10 rights, including infringement of CrossFit's registered trademarks and  
11 service marks;
- 12 c. An accounting of profits and damages resulting from Defendants' false  
13 designation of origin and trademark infringement, and trebling of such  
14 damages under the trademark laws because of the knowing,  
15 intentional, willful, and wanton nature of Defendants' conduct;
- 16 d. An award to CrossFit of (a) an amount equal to the actual damages  
17 suffered by CrossFit as a result of the infringement of its proprietary  
18 trade dress, which exceeds \$100,000; (b) an amount equal to the  
19 profits earned by Defendants as a result of their infringement; (c) an  
20 amount equal to three times the monetary award assessed in view of  
21 Defendants' willful and wanton infringement; (d) in the alternative as  
22 may be elected by CrossFit, pursuant to Lanham Act Section 35,  
23 15 U.S.C. § 1117(c), statutory damages for each of Defendants' willful  
24 acts of infringement; (e) pre-judgment interest and post-judgment  
25 interest; (f) an amount equal to CrossFit's reasonable attorney's fees,  
26 as an "exceptional" case under 15 U.S.C. § 1117;
- 27 e. An award of punitive damages for intentional and willful acts;
- 28 f. An award of interest, attorney's fees, and costs; and

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g. Such other and further relief as the Court deems proper.

**DEMAND FOR A JURY TRIAL**

Plaintiff hereby requests a trial by jury in this case, pursuant to Rule 38, Federal Rules of Civil Procedure.

DATED: April 30, 2014

HIGGS FLETCHER & MACK LLP

By: /s/ Christina G. Bobb

PETER S. DOODY, ESQ.

CHRISTINA G. BOBB, ESQ.

Attorneys for Plaintiff

CROSS-FIT, INC.

Email: doody@higgslaw.com

cbobb@higglaw.com



AO 440 (Rev. 12/09) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Central District of California

CROSSFIT, INC., a Delaware corporation,

Plaintiff

v.

COAST FITNESS LLC, a California Limited Liability Company, and DOES 1-10, inclusive,

Defendant

CV14-3332 MMM RZC

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address)

Coast Fitness LLC
5001 West El Segundo Boulevard
Hawthorne, CA 90250

FILED BY FAX

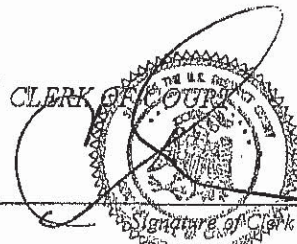
A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Peter S. Doody, Esq. (127653) Telephone: 619.236.1551
Christina G. Bobb, Esq. (259430) Facsimile: 619.696.1410
HIGGS FLETCHER & MACK LLP
401 West A Street, Suite 2600
San Diego, CA 92101

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Date: 4-30-14



1149

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

I. (a) PLAINTIFFS (Check box if you are representing yourself )  
CrossFit, Inc., a Delaware corporation,

DEFENDANTS (Check box if you are representing yourself )  
Coast Fitness LLC, a California Limited Liability Company, and DOES 1-10, inclusive,

(b) County of Residence of First Listed Plaintiff Santa Cruz  
*(EXCEPT IN U.S. PLAINTIFF CASES)*

County of Residence of First Listed Defendant Los Angeles  
*(IN U.S. PLAINTIFF CASES ONLY)*

(c) Attorneys (Firm Name, Address and Telephone Number) If you are representing yourself, provide the same information.  
Peter S. Doody, Esq. / Christina G. Bobb, Esq.  
HIGGS FLETCHER & MACK LLP  
401 West A Street, Suite 2600  
San Diego, CA 92101  
Telephone: 619.238.1551

Attorneys (Firm Name, Address and Telephone Number) If you are representing yourself, provide the same information.

II. BASIS OF JURISDICTION (Place an X in one box only.)

1. U.S. Government Plaintiff  
 3. Federal Question (U.S. Government Not a Party)  
 2. U.S. Government Defendant  
 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)

Citizen of This State	PTF <input type="checkbox"/> 1	DEF <input type="checkbox"/> 1	Incorporated or Principal Place of Business in this State	PTF <input type="checkbox"/> 4	DEF <input type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

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

1. Original Proceeding  
 2. Removed from State Court  
 3. Remanded from Appellate Court  
 4. Reinstated or Reopened  
 5. Transferred from Another District (Specify)  
 6. Multi-District Litigation

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

CLASS ACTION under F.R.Cv.P. 23:  Yes  No  MONEY DEMANDED IN COMPLAINT: \$ excess of \$100,000

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.)  
15 U.S.C. § 1114 - Trademark Infringement, 15 U.S.C. § 1125(a) - False Designation of Origin, 15 U.S.C. § 1117

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

<b>OTHER STATUTES</b>	<b>CONTRACT</b>	<b>REAL PROPERTY</b>	<b>IMMIGRATION</b>	<b>PRISONER PETITIONS</b>	<b>PROPERTY RIGHTS</b>
<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 460 Commerce/ICC Rates/Etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced & Corrupt Org. <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 896 Freedom of Info. Act <input type="checkbox"/> 898 Arbitration  <input type="checkbox"/> 899 Admin. Procedures Act/Review of Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes	<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Vet.) <input type="checkbox"/> 153 Recovery of Overpayment of Vet. Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 180 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 198 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>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"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions  <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"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 American with Disabilities-Employment <input type="checkbox"/> 446 American with Disabilities-Other <input type="checkbox"/> 448 Education	<b>Habeas Corpus:</b> <input type="checkbox"/> 483 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty  <b>Other</b> <input type="checkbox"/> 540 Mandamus/Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee Conditions of Confinement...  <b>FORFEITURE/PENALTIES</b> <input type="checkbox"/> 825 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 880 Other  <b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 781 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Ret. Inc. Security Act	<input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input checked="" 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

FOR OFFICE USE ONLY: Case Number: CV-71 (11/13) CIVIL COVER SHEET

CV14-3332

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

**VIII. VENUE:** Your answers to the questions below will determine the division of the Court to which this case will most likely be initially assigned. This initial assignment is subject to change, in accordance with the Court's General Orders, upon review by the Court of your Complaint or Notice of Removal.

<b>Question A: Was this case removed from state court?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No  If "no," go to Question B. If "yes," check the box to the right that applies, enter the corresponding division in response to Question D, below, and skip to Section IX.	STATE CASE WAS PENDING IN THE COUNTY OF:		INITIAL DIVISION IN CACD IS:
	<input type="checkbox"/> Los Angeles		Western
	<input type="checkbox"/> Ventura, Santa Barbara, or San Luis Obispo		Western
	<input type="checkbox"/> Orange		Southern
	<input type="checkbox"/> Riverside or San Bernardino		Eastern

<b>Question B: Is the United States, or one of its agencies or employees, a party to this action?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No  If "no," go to Question C. If "yes," check the box to the right that applies, enter the corresponding division in response to Question D, below, and skip to Section IX.	If the United States, or one of its agencies or employees, is a party, is it:		INITIAL DIVISION IN CACD IS:
	A PLAINTIFF? <small>Then check the box below for the county in which the majority of DEFENDANTS reside.</small>	A DEFENDANT? <small>Then check the box below for the county in which the majority of PLAINTIFFS reside.</small>	
	<input type="checkbox"/> Los Angeles	<input type="checkbox"/> Los Angeles	Western
	<input type="checkbox"/> Ventura, Santa Barbara, or San Luis Obispo	<input type="checkbox"/> Ventura, Santa Barbara, or San Luis Obispo	Western
	<input type="checkbox"/> Orange	<input type="checkbox"/> Orange	Southern
	<input type="checkbox"/> Riverside or San Bernardino	<input type="checkbox"/> Riverside or San Bernardino	Eastern
<input type="checkbox"/> Other	<input type="checkbox"/> Other	Western	

Question C: Location of plaintiffs, defendants, and claims? (Make only one selection per row)	A. Los Angeles County	B. Ventura, Santa Barbara, or San Luis Obispo Counties	C. Orange County	D. Riverside or San Bernardino Counties	E. Outside the Central District of California	F. Other
Indicate the location in which a majority of plaintiffs reside:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Indicate the location in which a majority of defendants reside:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Indicate the location in which a majority of claims arose:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

<b>C.1. Is either of the following true? If so, check the one that applies:</b> <input type="checkbox"/> 2 or more answers in Column C <input type="checkbox"/> only 1 answer in Column C and no answers in Column D  Your case will initially be assigned to the SOUTHERN DIVISION. Enter "Southern" in response to Question D, below.  If none applies, answer question C2 to the right. →	<b>C.2. Is either of the following true? If so, check the one that applies:</b> <input type="checkbox"/> 2 or more answers in Column D <input type="checkbox"/> only 1 answer in Column D and no answers in Column C  Your case will initially be assigned to the EASTERN DIVISION. Enter "Eastern" in response to Question D, below.  If none applies, go to the box below. ↓
Your case will initially be assigned to the WESTERN DIVISION. Enter "Western" in response to Question D below.	

<b>Question D: Initial Division?</b>	INITIAL DIVISION IN CACD
Enter the initial division determined by Question A, B, or C above: →	WESTERN DIVISION

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

IX(a). IDENTICAL CASES: Has this action been previously filed in this court and dismissed, remanded or closed?  NO  YES

If yes, list case number(s): \_\_\_\_\_

IX(b). RELATED CASES: Have any cases been previously filed in this court that are related to the present case?  NO  YES

If yes, list case number(s): \_\_\_\_\_

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

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

X. SIGNATURE OF ATTORNEY

(OR SELF-REPRESENTED LITIGANT): *Elizabeth Bales* DATE: April 30, 2014

**Notice to Counsel/Parties:** The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet).

Key to Statistical codes relating to Social Security Cases:

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405 (g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405 (g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405 (g))