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9 CELESTIAL, INC.

BY: _____
CLERK U.S. DISTRICT COURT
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10 **UNITED STATES DISTRICT COURT**
11 **CENTRAL DISTRICT OF CALIFORNIA**

12 CELESTIAL, INC.,

13 Plaintiff,

14 vs.

15 SWARM SHARING HASH
16 8AB508AB0F9EF8B4CDB14C6248
17 F3C96C65BEB882 ON
18 **DECEMBER 13, 2011** and DOES 1
19 through 3,

20 Defendants.

) **CASE NO.:** **CV 12-00136 RSK (A/RX)**
)

) **COMPLAINT:**

) **(1) COPYRIGHT**
) **INFRINGEMENT;**

) **(2) CONTRIBUTORY COPYRIGHT**
) **INFRINGEMENT; and**

) **(3) NEGLIGENCE**

) **JURY TRIAL DEMANDED**
)

21 **JURISDICTION**

22
23
24
25
26 1. This Court has subject matter jurisdiction over Plaintiff's claims for
27 copyright infringement pursuant to 17 U.S.C. §§ 101, *et. seq.*, and 28 U.S.C. §§
28 1331 and 1338(a).

1 2. Plaintiff is informed and believes and based thereon alleges that
2 Defendants reside in, solicit, transact, or are doing business within the jurisdiction;
3 they have committed unlawful and intentional tortuous acts both within and outside
4 the jurisdiction with the full knowledge that their acts would cause injury in this
5 jurisdiction. As such, Defendants have sufficient contacts with this judicial district
6 to permit the Court's exercise of personal jurisdiction over each.
7
8

9
10 3. Geo locating tools have placed within the State of California the IP
11 addresses from which each Defendant accessed the Internet to engage in the
12 infringing actions alleged herein.¹
13

14 4. The audiovisual file that each of the Defendants reproduced and
15 distributed clearly indicates displays the title of the work, the name of the producer,
16 and the Woodland Hills, California address of the producer. As the Defendants
17 engaged in an intentional tort (copyright infringement) against a California
18 company, and the infringed material clearly identified the name and California
19 address of Plaintiff identifying it as the producer of the movie, the Defendants knew
20 or should have known that infringement upon the copyright would cause harm and
21 damage to Plaintiff in California.
22
23
24

25
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27
28 ¹ Plaintiff does not make any representations as to the reliability or level of accuracy
of IP address geo-location tools.

1 5. Plaintiff's claims arise out of the Defendants' conduct that gives rise to
2 personal jurisdiction over Defendants. By taking the affirmative act of both
3 downloading and uploading an audiovisual file of Plaintiff's movie, Defendants
4 engaged in intentional acts. As the file contained Plaintiff's business address in this
5 jurisdiction, Defendants knew or should have known (and only could not have
6 known through willful blindness) that the copyright they infringed upon belonged to
7 a resident of this jurisdiction and thus Defendants expressly aimed their tortious acts
8 against a company in this jurisdiction.
9
10
11

12 6. The Plaintiff is well-known as being a California company and the
13 entertainment industry is commonly known to be centered in this jurisdiction. There
14 was clearly foreseeable harm in this jurisdiction, and the Defendants' conduct
15 caused harm that they knew or should have known was likely to be suffered in this
16 forum.
17
18
19

20 **VENUE**

21 7. Venue is proper in this Court pursuant to 28 U.S.C. §§ and 1400(a). As
22 this is a copyright infringement action, venue is allowed in any judicial district in
23 which a Defendant resides or may be found. Defendants reside in this District or are
24 subject to personal jurisdiction in this District for the reasons set forth above and
25 thus may be found in this District.
26
27
28

1 **INTRODUCTION**

2 8. This is an action by CELESTIAL, INC., a California corporation, to
3 recover damages arising from infringement of a CELESTIAL, INC. owned motion
4 picture by Defendants and to enjoin Defendants from future infringement.
5

6
7 9. Defendants without authorization reproduced and distributed
8 CELESTIAL, Inc.'s motion picture. CELESTIAL has registered the copyright for
9 the motion picture with the United States Copyright Office. The U.S. Copyright
10 Office assigned the work the registration number PA 1-760-855.
11

12 10. On August 29, 2011, Celestial, Inc. released and published the movie at
13 issue in this action.
14

15 11. Using BitTorrent technology, Defendants acted in a collective and
16 interdependent manner in the unlawful reproduction and distribution of Plaintiff's
17 motion picture by exchanging pieces of the exact same file of the motion picture
18 (bits) between themselves and other bit torrent users on the same day.
19
20

21 12. Each time an individual, such as the Defendants in this matter,
22 unlawfully distributes a copy of Plaintiff's copyrighted Motion Picture to others
23 over the Internet, each recipient can then further distribute that unlawful copy to
24 others without degradation in sound or picture quality. Thus, a Defendant's
25 distribution of even a single unlawful copy of the Motion Picture can result in the
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27
28

1 nearly instantaneous worldwide distribution of that copy to a limitless number of
2 people.
3

4 13. By engaging in such illegal distribution of its works, especially within a
5 short time of the release of the work, the Defendants deprive Plaintiff of its
6 exclusive right and ability to sell the work in the market place at its true market
7 value.
8

9 14. Plaintiff seeks redress for the Defendants' infringement of its exclusive
10 rights in its work and for injunctive relief to stop Defendants from continuing to
11 infringe upon Plaintiff's copyrighted work.
12
13

14 **THE PARTIES**

15 **THE PLAINTIFF**

16 15. CELESTIAL, Inc. is a California corporation with its principal place
17 of business located at 23248 Canzonet Street Woodland Hills CA 91367.
18 CELESTIAL, Inc. produces, markets, and distributes adult entertainment products,
19 including Internet website content, videos, DVDs, photographs, etc.
20
21

22 **THE DEFENDANTS**

23 16. The true names and capacities, whether individual, corporate, associate
24 or otherwise, of Defendants are unknown to Plaintiff, who therefore sues said
25 Defendants by fictitious names. Each Defendant is known to Plaintiff only by the
26 Internet Protocol ("IP") address an Internet service provider assigned to the account
27
28

1 the Defendant used to access the Internet for the purposes of engaging in the
2 described infringing activity. The IP address of the account each Defendant used to
3 access the Internet, together with the date and time at which his or her infringing
4 activity was observed is listed herein.
5

6
7 17. All of the Defendants republished and duplicated the Plaintiff's motion
8 picture. However, they did not only replicate the exact same motion picture, but all
9 of the Defendants republished, duplicated, and replicated the precise same copy and
10 same hash version (8AB508AB0F9EF8B4CDB14C6248F3C96C65BEB882).
11 Thus, all Defendants replicated and shared with one another the same precise file
12 and portions thereof in a completely interconnected and concerted effort to deprive
13 Plaintiff of its exclusive rights under the Copyright Act.
14
15

16
17 18. Plaintiff is informed and believes and based thereon alleges that each of
18 the Defendants, was and is the agent of the other Defendants, acting within the
19 purpose and scope of said agency. Plaintiff is further informed and believes and
20 based thereon alleges that each of the Defendants, authorized and ratified the
21 conduct herein alleged of each of the other Defendants.
22

23
24 19. Plaintiff believes that information obtained in discovery will lead to the
25 identification of each Defendants' true name and permit Plaintiff to amend this
26 Complaint to state the same. Plaintiff will amend this Complaint to include their
27 proper names and capacities when Plaintiff has determined those names.
28

1 20. Plaintiff is informed and believes, and based thereon alleges, that each
2 of the fictitiously named Defendants performed, participated in, abetted in some
3 manner, and are responsible for, the acts described in this Complaint and
4 proximately caused the damages resulting there from.
5

6
7 21. Each of the fictitiously named Defendants engaged in their copyright
8 infringement scheme together. They all used the same torrent-sharing website to
9 coordinate their copyright theft; they were members of the same swarm on the same
10 date; they all used the same tracker file; they all shared and republished the same
11 motion picture; and they all shared the precise hash file of the film with each other
12 and other individuals.
13

14
15 22. On December 13, 2011, each Defendant accessed the Internet for the
16 purpose of reproducing and distributing with the remaining defendants and other
17 peers pieces of Plaintiff's motion picture as reproduced in the file identified by the
18 hash ID 8AB508AB0F9EF8B4CDB14C6248F3C96C65BEB882.
19

20
21 23. On December 13, 2011, starting at least as early as 1:59 am GMT
22 Defendant 1, without authorization, reproduced and distributed Plaintiff's registered
23 motion picture by downloading bits of the digital file identified as Hash
24 8AB508AB0F9EF8B4CDB14C6248F3C96C65BEB882 from various bit torrent
25 peers. As Defendant 1 downloaded the pieces of the file from bit torrent peers, he
26 made those pieces available for immediate, as well as, future downloading by other
27
28

1 bit torrent peers including the other Defendant(s). On December 13, 2011, at 1:59
2 am GMT, Plaintiff's investigators documented that Defendant 1, as a bit torrent
3 peer, offered Hash 8AB508AB0F9EF8B4CDB14C6248F3C96C65BEB882 for
4 other bit torrent peers to download and that he or she was connected to the Internet
5 using the ip address 107.3.152.203 at that time. Plaintiff is informed and believes
6 and based thereon alleges that Defendant continued to make pieces of the file
7 available to other bit torrent peers for *at least* the remainder of the day, thereby
8 making the motion picture or pieces thereof available for Doe Numbers 2 and 3 and
9 other swarm members to download and further distribute.
10
11
12
13

14 24. During the day of December 13, 2011, at least as early as 3:19 am
15 GMT, Defendant DOE 2, without authorization, reproduced and distributed
16 Plaintiff's registered Motion Picture by downloading bits of the digital file identified
17 as Hash 8AB508AB0F9EF8B4CDB14C6248F3C96C65BEB882 from various bit
18 torrent peers including from Doe 1. As DOE 2 downloaded the pieces of the file
19 from bit torrent peers including DOE 1, he or she made those pieces available for
20 immediate, as well as, future downloading by other bit torrent peers. On December
21 13, 2011, at 3:19 am GMT, Plaintiff's investigators documented that DOE 2, as a
22 bit torrent peer, offered Hash
23 8AB508AB0F9EF8B4CDB14C6248F3C96C65BEB882 for other bit torrent peers
24 to download and that he or she connected to the Internet using the ip address
25
26
27
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1 75.83.80.61 at that time. Plaintiff is informed and believes and based thereon
2 alleges that DOE 2 continued to make pieces of the file available to other bit torrent
3 peers for *at least* the remainder of the day thereby making it available for swarm
4 members including any other defendants in this action, to download and further
5 distribute.
6
7

8 25. During the day of December 13, 2011, at least as early as 3:42 am
9 GMT, Defendant DOE 3, without authorization, reproduced and distributed
10 Plaintiff's registered Motion Picture by downloading bits of the digital file identified
11 as Hash 8AB508AB0F9EF8B4CDB14C6248F3C96C65BEB882 from various bit
12 torrent peers including from DOES 1 and 2. As DOE 3 downloaded the pieces of
13 the file from bit torrent peers including DOES 1 and 2, he or she made those pieces
14 available for immediate, as well as, future downloading by other bit torrent peers.
15 On December 13, 2011, at 3:42 am GMT, Plaintiff's investigators documented that
16 DOE 2, as a bit torrent peer, offered Hash
17 8AB508AB0F9EF8B4CDB14C6248F3C96C65BEB882 for other bit torrent peers
18 to download and that he or she connected to the Internet using the ip address
19 68.6.179.14 at that time. Plaintiff is informed and believes and based thereon
20 alleges that DOE 3 continued to make pieces of the file available to other bit torrent
21 peers for *at least* the remainder of the day thereby making it available for swarm
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1 members including any other defendants in this action, to download and further
2 distribute.
3

4 26. Other swarm participants acted in an identical fashion, first accessing
5 the Internet to download pieces of file hash
6 8AB508AB0F9EF8B4CDB14C6248F3C96C65BEB882 from members of the same
7 swarm, including previously described Defendants, and then further distributing
8 those pieces to other members of the swarm both within and outside of this
9 jurisdiction. Plaintiff's investigators documented those swarm members accessing
10 the Internet. Only upon the taking of discovery, can Plaintiff's investigators
11 determine how long each Defendant participated in the swarm prior to and
12 subsequent to the precise time they recorded.
13

14 27. Plaintiff intends to subpoena Internet service providers in order to learn
15 the identity of the account holder's for the accounts used by Defendants to access
16 the Internet and engage in the described infringing activity. From there, Plaintiff
17 will further investigate to discover who actually used the subscriber's Internet
18 connection to engage in the infringing activity and for how much time they
19 participated in the swarm.
20
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25 **FACTS COMMON TO ALL CLAIMS**

26 28. Technological advances have made it increasingly possible to transfer
27 large amounts of data, including digital video files, by and through the Internet. As
28

1 Congress and the courts clarify the law and close legal loopholes in order to hold
2 infringers liable for their actions, would-be infringers develop new and often
3 increasingly complex means of engaging in piracy. Defendants' infringement
4 represents one of these manifestations of on-line digital piracy.
5

6
7 29. BitTorrent is a peer-to-peer file sharing protocol used for distributing
8 and sharing data on the Internet, including motion pictures. Rather than
9 downloading a file from a single source, the BitTorrent protocol allows users to join
10 a group of hosts (or "swarm") to download and upload from each other
11 simultaneously.
12

13
14 30. First, a user goes to a BitTorrent tracking website. The user cannot
15 download the file from this website, rather the user downloads a pointer file that will
16 keep track of all the other peers that are seeding pieces of the file.
17

18 31. The downloaded file contains a unique hash code known as the SHA-1
19 hash – a unique identifier generated by a mathematical algorithm developed by the
20 National Security Agency. This hash serves as a roadmap to a BitTorrent program
21 to download all the pieces of a file such as a motion picture or music file.
22

23
24 32. It is helpful to think of the process of transferring files using BitTorrent
25 technology in the context of a constructed puzzle. In furtherance of sharing this
26 puzzle, it is deconstructed into tiny pieces. These pieces are then uploaded and
27 distributed among one or more peers. Once a peer identifies a file he wants to
28

1 download, the Network locates all the peers currently on line and offering for
2 distribution the identical file (cut in the same pieces) as identified by the unique
3
4 HASH ID. The technology, in conjunction with software residing on tracking
5 servers, is capable of locating all the unique corresponding pieces that make up the
6
7 original file. The software then downloads pieces of the file from various peers,
8 always seeking the pieces that will download the fastest. Once all the pieces are
9
10 located and downloaded, the software places the pieces into the original order
11 thereby reconstructing the entire original copyrighted file.

12
13 33. When users possess the same infringing file as identified by the unique
14 hash value (as in this case), it is because each infringer possesses an exact digital
15 copy containing the exact pieces unique to that file. Returning to the puzzle
16 analogy, other puzzles may be created out of the same motion picture, but those
17 pieces will not fit together with the pieces from another puzzle, even if made from
18 the same motion picture. Only pieces from the puzzle identified by the unique hash
19
20 i.d. will fit together. Thus, the BitTorrent users rely on other users that are working
21
22 with the same version of the puzzle at the same time.

23
24 34. In this matter each of the Defendants downloaded, uploaded, and
25 distributed the precise same HASH file
26 8AB508AB0F9EF8B4CDB14C6248F3C96C65BEB882 on the same day.
27
28

1 35. The user places the torrent file into a BitTorrent program on their
2 computer, also known as a BitTorrent “client” application. This program connects
3 uploaders (seeders) of the file (i.e. those that are distributing the content) with
4 downloaders of the file (i.e. those who are copying the content). During this
5 process, the torrent tracker directs the BitTorrent user’s computer to other users who
6 have an exact copy of the file, and then facilitates the download process from those
7 users.
8
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11 36. Files obtained by this method are downloaded in hundreds of individual
12 pieces (bits). In turn, each downloaded piece is immediately available for
13 distribution to other users seeking the same file. The effect of this technology
14 makes every downloader also an uploader of the content. This means that every
15 user who has a copy of the infringing material on a torrent network must necessarily
16 also be a source for others to download that material.
17
18

19 37. The total number of users participating in a swarm at a given time
20 increases the overall speed and efficiency at which all the other swarm members can
21 download the entire file. Thus, each user relies on the other swarm members for not
22 only specific bits and pieces of the audiovisual file he exchanges to or from specific
23 users, but also he relies on *all* the other swarm members to increase the speed at
24 which he is able to download the file.
25
26
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1 38. The motion picture at issue in this action is easily discernable as a
2 professional work. It contains opening and closing credits and Plaintiff's copyright
3 notice.
4

5 39. As set forth specifically in the "Parties" section above, Plaintiff has
6 recorded each Defendant herein reproducing and distributing the motion picture by
7 and through the Internet using BitTorrent technology.
8

9
10 **FIRST CLAIM**

11 **COPYRIGHT INFRINGEMENT – 17 U.S.C. §501**

12 **Plaintiff Owns a Federally Registered Copyright of the Infringed Movie**

13 40. Plaintiff repeats and incorporates by this reference the allegations set
14 forth in all previous paragraphs.
15

16 41. At all times relevant hereto, Plaintiff has been the producer and owner
17 of the audiovisual work *Moms Pimp Their Daughters Number 3*, which Defendants
18 reproduced and distributed by and through the Internet using BitTorrent technology.
19

20 42. Plaintiff holds a copyright registration certificate from the United States
21 Copyright Office for the motion picture. The registration certificate number is PA
22 1-760-855.
23

24 **Defendants Willfully Infringed Plaintiff's Registered Copyrights**

25 43. Plaintiff is informed and believes and based thereon alleges that
26 Defendants without authorization, reproduced and distributed Plaintiff's copyright
27 registered motion picture by and through the Internet using BitTorrent technology.
28

1 44. Defendants knew or should have known that they were not authorized
2 to reproduce or distribute Plaintiff's motion picture.
3

4 **SECOND CLAIM**
5 **CONTRIBUTORY COPYRIGHT INFRINGEMENT**

6 45. Plaintiff repeats and incorporates by this reference the allegations set
7 forth in all previous paragraphs.
8

9 46. Each Defendant has directly engaged in the unauthorized reproduction
10 and distribution of Plaintiff's copyright registered work as set forth above.
11

12 47. Each Defendant materially contributed to the direct infringement of the
13 subsequently named Doe Defendants by providing pieces of Plaintiff's copyright
14 registered work to those Doe Defendants directly and/or by allowing those Doe
15 Defendants to download the infringing copies from other peers more quickly and
16 more efficiently by adding to the overall efficiency of the swarm on the date in
17 question.
18
19

20 48. Defendants knew they were infringing Plaintiff's copyright and knew
21 the other swarm participates, including the other Doe Defendants, also were
22 infringing Plaintiff's work.
23

24 49. Each of the peers who illegally downloaded the movie derived portions
25 of their illegal replication of the file from multiple peers including the other
26 Defendants. At the same time, each Defendant offered pieces of the file to help
27
28

1 other peers, including the remaining Defendants, replicate and compile new copies
2 of the file.
3

4 50. Each Defendant assisted other members of the swarm, by either
5 exchanging pieces with that user directly or by providing an alternative source for
6 peers thereby making the swarm work more efficiently and increasing the speed in
7 which each other Defendant was able to download the entire audiovisual file.
8

9 51. The Defendants were conscious of their own infringement and of the
10 fact that multiple other persons derivatively downloaded from them the file
11 containing Plaintiff's Motion Picture.
12

13 52. The infringement by other BitTorrent users could not have occurred but
14 for the Defendants' participation and the participation of others. As such, the
15 Defendants' participation in the infringing activities of others is substantial.
16
17

18 53. Each Defendant is contributory liable for the infringing acts of the other
19 Defendants.
20

21 54. Each Defendant is jointly and severally liable for the harm Plaintiff
22 suffered as a result of the Defendants contribution in the infringement of its
23 copyright registered work including the continuing nearly limitless distribution of
24 the file across the Internet.
25
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THIRD CLAIM
NEGLIGENCE

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3
4 55. Plaintiff repeats and incorporates by this reference the allegations set
5 forth in previous paragraphs.

6
7 56. Defendants accessed or controlled access to the Internet connection
8 used in performing the unauthorized copying and sharing of Plaintiff's Motion
9 Picture as described above.

10
11 57. Plaintiff alternatively alleges that Defendants failed to adequately
12 secure their Internet access, whether accessible only through their computer when
13 physically connected to the Internet, or accessible to many computers by use of a
14 router, and failed to prevent its unlawful use for the purposes alleged herein.

15
16 58. Reasonable Internet users take steps to secure their Internet access
17 accounts to prevent the use of such accounts for nefarious and illegal purposes. As
18 such, Defendants' failure to secure their Internet access accounts, and thereby
19 prevent such illegal uses thereof, constitutes a breach of the ordinary care that
20 reasonable persons exercise in using an Internet access account. In fact, most
21 Internet service providers, including those who provided service for Defendants,
22 generally require in their Terms of Service or Terms of Use that subscribers secure
23 wireless routers with a password.
24
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1 59. Upon information and belief, Plaintiff alleges that Defendants' failure
2 to secure their Internet access allowed for the copying and sharing of Plaintiff's
3 Motion Picture on Defendants' respective Internet connections, and interfering with
4 Plaintiff's exclusive rights in the copyrighted work.

5
6
7 60. By virtue of this unsecured access, Defendants negligently allowed the
8 use of their Internet access accounts to perform the above-described copying and
9 sharing of Plaintiff's copyrighted Motion Picture.

10
11 61. Had Defendants taken reasonable care in securing access to their
12 Internet connections, such infringements as those described above would not have
13 occurred by the use of their Internet access accounts.

14
15 62. Defendants' negligent actions allowed others to unlawfully copy and
16 share Plaintiff's copyrighted Motion Picture, proximately causing financial harm to
17 Plaintiff and unlawfully interfering with Plaintiff's exclusive rights in the motion
18 picture.

19
20
21 **JURY DEMAND**

22 63. Pursuant to Rule 38 of the Federal Rules of Civil Procedure, Plaintiff
23 demands a trial by jury of all issues properly triable by a jury in this action.

24
25 **PRAYER**

26 WHEREFORE, Plaintiff CELESTIAL, Inc. respectfully requests judgment as
27 follows:
28

1 (1) That the Court enter a judgment against all Defendants that they have:
2 a) willfully infringed Plaintiff's rights in federally registered copyrights under 17
3 U.S.C. § 501; and b) otherwise injured the business reputation and business of
4 Plaintiff by all Defendants' acts and conduct set forth in this Complaint.
5

6
7 (2) That the Court issue injunctive relief against all Defendants, and that all
8 Defendants, their agents, representatives, servants, employees, attorneys, successors
9 and assigns, and all others in active concert or participation with them, be enjoined
10 and restrained from copying, posting or making any other infringing use or
11 infringing distribution of audiovisual works, photographs or other materials owned
12 by or registered to Plaintiff;
13

14
15 (3) That the Court enter an order of impoundment pursuant to 17 U.S.C. §§
16 503 and 509(a) impounding all infringing copies of Plaintiff's audiovisual works,
17 photographs or other materials, which are in Defendants' possession or under their
18 control;
19

20
21 (4) That the Court order all Defendants to pay Plaintiff's general, special,
22 actual and statutory damages as follows: Plaintiff's damages and Defendants' profits
23 pursuant to 17 U.S.C. § 504(b), or in the alternative, enhanced statutory damages in
24 the amount of one hundred fifty thousand dollars (\$150,000.00) per infringed work,
25 pursuant to 17 U.S.C. § 504(c)(2), for Defendants' willful infringement of Plaintiff's
26 copyrights;
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(5) That the Court order all Defendants to pay Plaintiff both the costs of this action and the reasonable attorney's fees incurred by it in prosecuting this action pursuant to 17 U.S.C. § 504; and

(6) That the Court grant to Plaintiff such other and additional relief as is just and proper.

Dated:

12/29/2011

Respectfully submitted,



D. GILL SPERLEIN
THE LAW OFFICE OF D. GILL SPERLEIN
Attorney for Plaintiff, CELESTIAL, Inc.

**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 R. Gary Klausner and the assigned discovery Magistrate Judge is Alicia G. Rosenberg.

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

CV12- 136 RGK (AGR~~x~~)

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.

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

<p>I (a) PLAINTIFFS (Check box if you are representing yourself <input type="checkbox"/>) CELESTIAL, Inc.</p>	<p>DEFENDANTS SWARM SHARING HASH 8AB508AB0F9EF8B4CDB14C6248F3C96C65BEB882 ON DECEMBER 13, 2011 and DOES 1 through 3,</p>
<p>(b) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.)</p> <p>D. Gill Sperlein (SBN 172887) gill@sperleinlaw.com The Law Office of D. Gill Sperlein ph. 415-404-6615 345 Grove Street, San Francisco, CA 94102 fx. 415-404-6616</p>	<p>Attorneys (If Known) unknown</p> <div style="font-size: 48px; text-align: center; font-weight: bold; margin-top: 20px;">COPY</div>

<p>II. BASIS OF JURISDICTION (Place an X in one box only.)</p> <p><input type="checkbox"/> 1 U.S. Government Plaintiff <input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)</p> <p><input type="checkbox"/> 2 U.S. Government Defendant <input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)</p>	<p>III. CITIZENSHIP OF PRINCIPAL PARTIES - For Diversity Cases Only (Place an X in one box for plaintiff and one for defendant.)</p> <table style="width:100%; border-collapse: collapse;"> <tr> <td style="width:30%;"></td> <td style="width:10%; text-align: center;">PTF</td> <td style="width:10%; text-align: center;">DEF</td> <td style="width:40%;"></td> <td style="width:10%; text-align: center;">PTF</td> <td style="width:10%; text-align: center;">DEF</td> </tr> <tr> <td>Citizen of This State</td> <td style="text-align: center;"><input type="checkbox"/> 1</td> <td style="text-align: center;"><input type="checkbox"/> 1</td> <td>Incorporated or Principal Place of Business in this State</td> <td style="text-align: center;"><input type="checkbox"/> 4</td> <td style="text-align: center;"><input type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td style="text-align: center;"><input type="checkbox"/> 2</td> <td style="text-align: center;"><input type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business in Another State</td> <td style="text-align: center;"><input type="checkbox"/> 5</td> <td style="text-align: center;"><input type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td style="text-align: center;"><input type="checkbox"/> 3</td> <td style="text-align: center;"><input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td style="text-align: center;"><input type="checkbox"/> 6</td> <td style="text-align: center;"><input type="checkbox"/> 6</td> </tr> </table>		PTF	DEF		PTF	DEF	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
	PTF	DEF		PTF	DEF																				
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																				

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: \$ 150,000.00**

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.)
Copyright Infringement 17 USC sec 101 et seq.

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

OTHER STATUTES	CONTRACT	TORTS PERSONAL INJURY	TORTS PERSONAL PROPERTY	PRISONER BETHMOANS	LABOR
<input type="checkbox"/> 400 State Reapportionment	<input type="checkbox"/> 110 Insurance	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 510 Motions to Vacate Sentence	<input type="checkbox"/> 710 Fair Labor Standards Act
<input type="checkbox"/> 410 Antitrust	<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 371 Truth in Lending	<input type="checkbox"/> 530 General Habeas Corpus	<input type="checkbox"/> 720 Labor/Mgmt. Relations
<input type="checkbox"/> 430 Banks and Banking	<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 380 Other Personal Property Damage	<input type="checkbox"/> 535 Death Penalty	<input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act
<input type="checkbox"/> 450 Commerce/ICC Rates/etc.	<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 330 Fed. Employers' Liability	<input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 540 Mandamus/Other	<input type="checkbox"/> 740 Railway Labor Act
<input type="checkbox"/> 460 Deportation	<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 340 Marine	BANKRUPTCY	<input type="checkbox"/> 550 Civil Rights	<input type="checkbox"/> 790 Other Labor Litigation
<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations	<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 555 Prison Condition	<input type="checkbox"/> 791 Empl. Ret. Inc. Security Act
<input type="checkbox"/> 480 Consumer Credit	<input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Veterans)	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 423 Withdrawal 28 USC 157	FORFEITURE/PENALTY	PROPERTY RIGHTS
<input type="checkbox"/> 490 Cable/Sat TV	<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 355 Motor Vehicle Product Liability	CIVIL RIGHTS	<input type="checkbox"/> 610 Agriculture	<input checked="" type="checkbox"/> 820 Copyrights
<input type="checkbox"/> 810 Selective Service	<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 620 Other Food & Drug	<input type="checkbox"/> 830 Patent
<input type="checkbox"/> 850 Securities/Commodities/Exchange	<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 362 Personal Injury-Med Malpractice	<input type="checkbox"/> 442 Employment	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881	<input type="checkbox"/> 840 Trademark
<input type="checkbox"/> 875 Customer Challenge 12 USC 3410	<input type="checkbox"/> 195 Contract Product Liability	<input type="checkbox"/> 365 Personal Injury-Product Liability	<input type="checkbox"/> 443 Housing/Accommodations	<input type="checkbox"/> 630 Liquor Laws	SOCIAL SECURITY
<input type="checkbox"/> 890 Other Statutory Actions	<input type="checkbox"/> 196 Franchise	<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 444 Welfare	<input type="checkbox"/> 640 R.R. & Truck	<input type="checkbox"/> 861 HIA (1395ff)
<input type="checkbox"/> 891 Agricultural Act	REAL PROPERTY	IMMIGRATION	<input type="checkbox"/> 445 American with Disabilities - Employment	<input type="checkbox"/> 650 Airline Regs	<input type="checkbox"/> 862 Black Lung (923)
<input type="checkbox"/> 892 Economic Stabilization Act	<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 462 Naturalization Application	<input type="checkbox"/> 446 American with Disabilities - Other	<input type="checkbox"/> 660 Occupational Safety/Health	<input type="checkbox"/> 863 DIWC/DIWW (405(g))
<input type="checkbox"/> 893 Environmental Matters	<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 463 Habeas Corpus-Alien Detainee	<input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 690 Other	<input type="checkbox"/> 864 SSID Title XVI
<input type="checkbox"/> 894 Energy Allocation Act	<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 465 Other Immigration Actions			<input type="checkbox"/> 865 RSI (405(g))
<input type="checkbox"/> 895 Freedom of Info. Act	<input type="checkbox"/> 240 Torts to Land				FEDERAL TAX SUITS
<input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice	<input type="checkbox"/> 245 Tort Product Liability				<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)
<input type="checkbox"/> 950 Constitutionality of State Statutes	<input type="checkbox"/> 290 All Other Real Property				<input type="checkbox"/> 871 IRS-Third Party 26 USC 7609

CV12-00136

FOR OFFICE USE ONLY: Case Number: _____
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): Not Yet Assigned - See Attachment A for Case Names. 12CV00126 DDP(SG)

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 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
Los Angeles County or unknown	

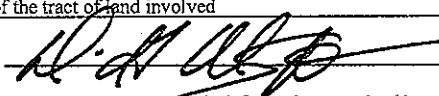
(c) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which EACH claim arose.
 Note: In land condemnation cases, use the location of the tract of land involved.

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

 Date 12/29/11

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))

List of Related Cases by Case Name

Celestial, Inc. v. SWARM SHARING HASH
8AB508AB0F9EF8B4CDB14C6248F3C96C65BEB882 ON OCTOBER 27, 2011 and DOES 1 and 2.

Celestial, Inc. v. SWARM SHARING HASH
8AB508AB0F9EF8B4CDB14C6248F3C96C65BEB882 ON OCTOBER 28, 2011 and DOES 1 and 2.

Celestial, Inc. v. SWARM SHARING HASH
8AB508AB0F9EF8B4CDB14C6248F3C96C65BEB882 ON NOVEMBER 13, 2011 and DOES 1 and 2.

Celestial, Inc. v. SWARM SHARING HASH
8AB508AB0F9EF8B4CDB14C6248F3C96C65BEB882 ON NOVEMBER 14, 2011 and DOES 1 and 2.

Celestial, Inc. v. SWARM SHARING HASH
8AB508AB0F9EF8B4CDB14C6248F3C96C65BEB882 ON NOVEMBER 23, 2011 and DOES 1 through 3.

Celestial, Inc. v. SWARM SHARING HASH
8AB508AB0F9EF8B4CDB14C6248F3C96C65BEB882 ON NOVEMBER 25, 2011 and DOES 1 and 2.

Celestial, Inc. v. SWARM SHARING HASH
8AB508AB0F9EF8B4CDB14C6248F3C96C65BEB882 ON NOVEMBER 28, 2011 and DOES 1 and 2.

Celestial, Inc. v. SWARM SHARING HASH
8AB508AB0F9EF8B4CDB14C6248F3C96C65BEB882 ON DECEMBER 3, 2011 and DOES 1 and 2.

Celestial, Inc. v. SWARM SHARING HASH
8AB508AB0F9EF8B4CDB14C6248F3C96C65BEB882 ON DECEMBER 4, 2011 and DOES 1 and 2.

Celestial, Inc. v. SWARM SHARING HASH
8AB508AB0F9EF8B4CDB14C6248F3C96C65BEB882 ON DECEMBER 5, 2011 and DOES 1 through 3.

Celestial, Inc. v. SWARM SHARING HASH
8AB508AB0F9EF8B4CDB14C6248F3C96C65BEB882 ON DECEMBER 6, 2011 and DOES 1 and 2.

Celestial, Inc. v. SWARM SHARING HASH
8AB508AB0F9EF8B4CDB14C6248F3C96C65BEB882 ON DECEMBER 7, 2011 and DOES 1 and 2.

Celestial, Inc. v. SWARM SHARING HASH

8AB508AB0F9EF8B4CDB14C6248F3C96C65BEB882 ON DECEMBER 8, 2011 and DOES 1 through 4.

Celestial, Inc. v. SWARM SHARING HASH

8AB508AB0F9EF8B4CDB14C6248F3C96C65BEB882 ON DECEMBER 13, 2011 and DOES 1 through 3.

Celestial, Inc. v. SWARM SHARING HASH

8AB508AB0F9EF8B4CDB14C6248F3C96C65BEB882 ON DECEMBER 15, 2011 and DOES 1 and 2.