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CLERK U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
LOS ANGELES

BY _____

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8 Attorneys for Plaintiff Malibu Media, LLC

9 UNITED STATES DISTRICT COURT
10 CENTRAL DISTRICT OF CALIFORNIA

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MALIBU MEDIA, LLC, a California
limited liability company,

Plaintiff,

v.

SYLVESTER CREADO, an individual,

Defendant.

Case No.

CV 12-7759 - RGK
(R2x)

COMPLAINT

1 Plaintiff Malibu Media, LLC, sues Defendant Sylvester Creado
2 (“Defendant”), and alleges as follows:

3 **Introduction**

4 1. This matter arises under the United States Copyright Act of 1976, as
5 amended, 17 U.S.C. §§ 101 et seq. (the “Copyright Act”).

6 2. Defendant is a persistent online infringer of Plaintiff’s copyrights.
7 Indeed, Defendant’s Internet service was used to illegally distribute each of the
8 copyrighted movies set forth on Exhibit “A.”

9 3. Plaintiff is the registered owner of the copyrights set forth on Exhibit
10 “A” (the “Copyrights-in-Suit”).

11 **Jurisdiction And Venue**

12 4. This Court has subject matter jurisdiction over this action pursuant to
13 28 U.S.C. § 1331 (federal question); and 28 U.S.C. § 1338 (patents, copyrights,
14 trademarks and unfair competition).

15 5. Defendant’s acts of copyright infringement occurred using an Internet
16 Protocol address (“IP address”) traced to a physical address located within this
17 District, and therefore this Court has personal jurisdiction over the Defendant
18 because (a) Defendant committed the tortious conduct alleged in this Complaint in
19 this State, and (i) Defendant resides in this State and/or (ii) Defendant has engaged
20 in substantial and not isolated business activity in this State.

21 6. Venue is proper in this District pursuant to 28 U.S.C. § 1391(b) and (c),
22 because: (i) a substantial part of the events or omissions giving rise to the claims
23 occurred in this District; and, (ii) the Defendant resides (and therefore can be found)
24 in this District and resides in this State; additionally, venue is proper in this District
25 pursuant 28 U.S.C. § 1400(a) (venue for copyright cases) because Defendant or
26 Defendant’s agent resides or may be found in this District.

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Parties

7. Plaintiff Malibu Media, LLC is a limited liability company organized and existing under the laws of the State of California and has its principal place of business located at 31356 Broad Beach Road, Malibu, CA 90265.

8. Defendant Sylvester Creado is an individual who is a resident of the state of California. As set forth on Exhibit A, Defendant's IP address is 72.87.255.178.

9. Defendant's Internet Service Provider, Verizon Internet Services, can correlate the Defendant's IP address to the Defendant's true identity.

Factual Background

10. BitTorrent is one of the most common peer-to-peer file sharing protocols used for distributing large amounts of data.

11. The BitTorrent protocol's popularity stems from its ability to distribute a large file without creating a heavy load on the source computer and network. In short, to reduce the load on the source computer, rather than downloading a file from a single source computer (one computer directly connected to another), the BitTorrent protocol allows users to join a "swarm" of host computers to download and upload from each other simultaneously (one computer connected to numerous computers).

12. Each of the peers in a BitTorrent swarm distributes pieces of the file to each other.

13. After a peer receives all of the pieces of a file, the peer's BitTorrent software program reassembles the pieces so that the file may be opened and used or played.

14. Each piece of BitTorrent file is assigned a unique cryptographic hash value.

15. The cryptographic hash value acts as a unique digital fingerprint to

1 ensure a piece of the data belongs in a particular BitTorrent file.

2 16. Plaintiff’s investigator, IPP Limited, established a direct TCP/IP
3 connection with the IP address set forth on Exhibit A on each of the hit dates set
4 forth on Exhibits A and B.

5 17. Each of the pieces of data received by IPP Limited, as set forth on
6 Exhibit A, contains a unique cryptographic hash value.

7 18. Cryptographic hash values act as digital fingerprints to ensure that data
8 belongs to a particular BitTorrent file.

9 19. Each of the cryptographic hash values set forth on a row of Exhibit A
10 correlates to that certain copyrighted movie owned by Plaintiff identified on that
11 row of Exhibit A, and the Copyright Registration Number on that row.

12 20. Each of the pieces of data distributed by Defendant to IPP Limited as
13 set forth on Exhibit A is part of a computer file containing a copy of a movie
14 covered by a Copyright-In-Suit which is identical (or alternatively, strikingly similar
15 or substantially similar) to the movie covered by the Copyright-In-Suit. Indeed, the
16 infringement was verified by viewing the copy of the movie contained in the
17 computer file associated with the cryptographic hash value to the movie that was
18 registered.

19 21. For each Copyright-in-Suit, the most recent date and time (the “hit
20 date”), (in undersigned’s possession when this Complaint was drafted), on which
21 IPP recorded Defendant’s IP Address being used to distribute to IPP Limited a piece
22 of a computer file containing the infringing movie is set forth on Exhibit A.

23 22. A chart correlating hit dates to titles and registration numbers is set
24 forth on Exhibit B. As recorded by IPP Limited, Exhibit B sets forth the hit dates
25 (in undersigned’s possession when this Complaint was drafted) associated with all
26 of Defendant’s infringing distributions of pieces of computer files containing copies
27 of the movies covered by the Copyrights-In-Suit.

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1 23. As the subscriber of the Internet service being used to distribute
2 Plaintiff's copyrighted movies, Defendant is the most likely infringer.
3 Consequently, Plaintiff hereby alleges Defendant is the infringer.

4 24. Defendant is the only person who can be identified as the infringer at
5 this time.

6 **Miscellaneous**

7 25. All conditions precedent to bringing this action have occurred or have
8 been waived.

9 26. Plaintiff retained counsel to represent it in this matter and is obligated
10 to pay said counsel a reasonable fee for their services.

11 **COUNT I**

12 **Direct Infringement Against Defendant**

13 27. The allegations contained in paragraphs 1-26 are hereby re-alleged as if
14 fully set forth herein.

15 28. Plaintiff is the owner of the Copyrights-in-Suit, each of which covers
16 an original work of authorship.

17 29. By using the BitTorrent protocol, Defendant copied and distributed the
18 constituent elements of each of the original works covered by the Copyrights-in-
19 Suit.

20 30. Plaintiff did not authorize, permit or consent to Defendant's copying of
21 its works.

22 31. As a result of the foregoing, each Defendant violated Plaintiff's
23 exclusive right to:

24 (A) Reproduce the Works in copies, in violation of 17 U.S.C. §§ 106(1) and
25 501;

26 (B) Redistribute copies of the Works to the public by sale or other transfer
27 of ownership, or by rental, lease or lending, in violation of 17 U.S.C. §§ 106(3) and
28

1 501;

2 (C) Perform the copyrighted Works, in violation of 17 U.S.C. §§ 106(4)
3 and 501, by showing the Works' images in any sequence and/or by making the
4 sounds accompanying the Works audible and transmitting said performance of the
5 Works, by means of a device or process, to members of the public capable of
6 receiving the display (as set forth in 17 U.S.C. § 101's definitions of "perform" and
7 "publically" perform); and

8 (D) Display the copyrighted Works, in violation of 17 U.S.C. §§ 106(5)
9 and 501, by showing individual images of the Works nonsequentially and
10 transmitting said display of the Works by means of a device or process to members
11 of the public capable of receiving the display (as set forth in 17 U.S.C. § 101's
12 definition of "publically" display).

13 32. Defendant's infringements were committed "willfully" within the
14 meaning of 17 U.S.C. § 504(c)(2).

15 33. Plaintiff has suffered actual damages that were proximately caused by
16 Defendant including lost sales, price erosion and a diminution of the value of its
17 copyright.

18 **PRAYER FOR RELIEF**

19 WHEREFORE, Plaintiff respectfully requests that the Court:

20 (A) Permanently enjoin Defendant and all other persons who are in active
21 concert or participation with Defendant from continuing to infringe Plaintiff's
22 copyrighted works;

23 (B) Order that each Defendant delete and permanently remove the torrent
24 files relating to Plaintiff's copyrighted works from each of the computers under
25 Defendant's possession, custody or control;

26 (C) Order that Defendant delete and permanently remove the infringing
27 copies of the works that Defendant has on computers under Defendant's possession,

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1 custody or control;

2 (D) Award Plaintiff the greater of: (i) statutory damages in the amount of
3 \$150,000 per infringed work infringed, pursuant to 17 U.S.C. § 504 (a) and (c), or
4 (ii) Plaintiff’s actual damages and any additional profits of the Defendant pursuant
5 to 17 U.S.C. § 504 (a)-(b);

6 (E) Award Plaintiff its reasonable attorneys’ fees and costs pursuant to 17
7 U.S.C. § 505; and

8 (F) Grant Plaintiff any other and further relief this Court deems just and
9 proper.

10 **DEMAND FOR A JURY TRIAL**

11 Plaintiff hereby demands a trial by jury on all triable issues.

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13 DATED: September 10, 2012

KUSHNER LAW GROUP

14
15 By: Leemore L. Kushner
16 Leemore L. Kushner
17 Attorneys for Plaintiff Malibu Media, LLC
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EXHIBIT A

Defendant: David Hicks**IP:** 75.140.12.133**ISP:** Charter Communications**Location:** Rancho Cucamonga, CA

| Title | Hash | Date First Pub | Regis Date | Hit Date |
|-----------------------|--|-----------------------|-------------------|------------------------|
| The Rich Girl Part #2 | AF4FEA9577B0B1C6C617B7CD3C048BB0283C2448 | 11/16/2011 | 11/30/2011 | 12/19/2011 20:58:40 |
| Lunchtime Fantasy | DC01C9734D05EC1F58F0F17E72AB2F363F0017A4 | 03/19/2012 | 03/19/2012 | 03/19/2012 15:06:31 |
| Wild at Heart | F9DB03E42C4E0F0EA70315B19E9BD5A816F70E09 | 04/08/2012 | 04/09/2012 | 04/10/2012 14:27:26 |

Total Statutory Copyright Infringements for Defendant David Hicks: 3

EXHIBIT B

Defendant: David Hicks

IP: 75.140.12.133

ISP: Charter Communications

Location: Rancho Cucamonga, CA

| IP | Hash | Title | Hit Date UTC |
|---------------|--|-----------------------|------------------------|
| 75.140.12.133 | AF4FEA9577B0B1C6C617B7CD3C048BB0283C2448 | The Rich Girl Part #2 | 12/19/2011 07:54:40 |
| 75.140.12.133 | AF4FEA9577B0B1C6C617B7CD3C048BB0283C2448 | The Rich Girl Part #2 | 12/19/2011 07:54:51 |
| 75.140.12.133 | AF4FEA9577B0B1C6C617B7CD3C048BB0283C2448 | The Rich Girl Part #2 | 12/19/2011 07:54:54 |
| 75.140.12.133 | AF4FEA9577B0B1C6C617B7CD3C048BB0283C2448 | The Rich Girl Part #2 | 12/19/2011 08:01:36 |
| 75.140.12.133 | AF4FEA9577B0B1C6C617B7CD3C048BB0283C2448 | The Rich Girl Part #2 | 12/19/2011 08:02:06 |
| 75.140.12.133 | AF4FEA9577B0B1C6C617B7CD3C048BB0283C2448 | The Rich Girl Part #2 | 12/19/2011 16:36:21 |
| 75.140.12.133 | AF4FEA9577B0B1C6C617B7CD3C048BB0283C2448 | The Rich Girl Part #2 | 12/19/2011 16:37:16 |
| 75.140.12.133 | AF4FEA9577B0B1C6C617B7CD3C048BB0283C2448 | The Rich Girl Part #2 | 12/19/2011 16:58:42 |
| 75.140.12.133 | AF4FEA9577B0B1C6C617B7CD3C048BB0283C2448 | The Rich Girl Part #2 | 12/19/2011 16:59:56 |
| 75.140.12.133 | AF4FEA9577B0B1C6C617B7CD3C048BB0283C2448 | The Rich Girl Part #2 | 12/19/2011 17:01:58 |
| 75.140.12.133 | AF4FEA9577B0B1C6C617B7CD3C048BB0283C2448 | The Rich Girl Part #2 | 12/19/2011 17:02:52 |
| 75.140.12.133 | AF4FEA9577B0B1C6C617B7CD3C048BB0283C2448 | The Rich Girl Part #2 | 12/19/2011 17:03:35 |
| 75.140.12.133 | AF4FEA9577B0B1C6C617B7CD3C048BB0283C2448 | The Rich Girl Part #2 | 12/19/2011 17:48:08 |
| 75.140.12.133 | AF4FEA9577B0B1C6C617B7CD3C048BB0283C2448 | The Rich Girl Part #2 | 12/19/2011 18:23:25 |

| IP | Hash | Title | Hit Date UTC |
|---------------|--|-----------------------|------------------------|
| 75.140.12.133 | AF4FEA9577B0B1C6C617B7CD3C048BB0283C2448 | The Rich Girl Part #2 | 12/19/2011 18:24:08 |
| 75.140.12.133 | AF4FEA9577B0B1C6C617B7CD3C048BB0283C2448 | The Rich Girl Part #2 | 12/19/2011 18:28:30 |
| 75.140.12.133 | AF4FEA9577B0B1C6C617B7CD3C048BB0283C2448 | The Rich Girl Part #2 | 12/19/2011 18:35:13 |
| 75.140.12.133 | AF4FEA9577B0B1C6C617B7CD3C048BB0283C2448 | The Rich Girl Part #2 | 12/19/2011 18:35:49 |
| 75.140.12.133 | AF4FEA9577B0B1C6C617B7CD3C048BB0283C2448 | The Rich Girl Part #2 | 12/19/2011 20:53:34 |
| 75.140.12.133 | AF4FEA9577B0B1C6C617B7CD3C048BB0283C2448 | The Rich Girl Part #2 | 12/19/2011 20:56:14 |
| 75.140.12.133 | AF4FEA9577B0B1C6C617B7CD3C048BB0283C2448 | The Rich Girl Part #2 | 12/19/2011 20:56:19 |
| 75.140.12.133 | AF4FEA9577B0B1C6C617B7CD3C048BB0283C2448 | The Rich Girl Part #2 | 12/19/2011 20:56:38 |
| 75.140.12.133 | AF4FEA9577B0B1C6C617B7CD3C048BB0283C2448 | The Rich Girl Part #2 | 12/19/2011 20:56:44 |
| 75.140.12.133 | AF4FEA9577B0B1C6C617B7CD3C048BB0283C2448 | The Rich Girl Part #2 | 12/19/2011 20:57:20 |
| 75.140.12.133 | AF4FEA9577B0B1C6C617B7CD3C048BB0283C2448 | The Rich Girl Part #2 | 12/19/2011 20:58:16 |
| 75.140.12.133 | AF4FEA9577B0B1C6C617B7CD3C048BB0283C2448 | The Rich Girl Part #2 | 12/19/2011 20:58:40 |
| 75.140.12.133 | DC01C9734D05EC1F58F0F17E72AB2F363F0017A4 | Lunchtime Fantasy | 03/19/2012 14:56:21 |
| 75.140.12.133 | DC01C9734D05EC1F58F0F17E72AB2F363F0017A4 | Lunchtime Fantasy | 03/19/2012 15:06:31 |
| 75.140.12.133 | F9DB03E42C4E0F0EA70315B19E9BD5A816F70E09 | Wild at Heart | 04/10/2012 14:21:45 |
| 75.140.12.133 | F9DB03E42C4E0F0EA70315B19E9BD5A816F70E09 | Wild at Heart | 04/10/2012 14:24:35 |
| 75.140.12.133 | F9DB03E42C4E0F0EA70315B19E9BD5A816F70E09 | Wild at Heart | 04/10/2012 14:27:26 |

| IP | Hash | Title | Hit Date UTC |
|---------------|--|--------------|------------------------|
| 75.140.12.133 | 8347F054CEFAF38A95435CA9C94F2B1DDD2D27AF | Slow Motion | 04/26/2012 19:11:04 |
| 75.140.12.133 | 8347F054CEFAF38A95435CA9C94F2B1DDD2D27AF | Slow Motion | 04/26/2012 19:13:35 |
| 75.140.12.133 | 8347F054CEFAF38A95435CA9C94F2B1DDD2D27AF | Slow Motion | 04/26/2012 19:13:45 |
| 75.140.12.133 | 8347F054CEFAF38A95435CA9C94F2B1DDD2D27AF | Slow Motion | 04/26/2012 19:14:50 |
| 75.140.12.133 | 8347F054CEFAF38A95435CA9C94F2B1DDD2D27AF | Slow Motion | 04/26/2012 19:15:15 |

**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 Ralph Zarefsky.

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

CV12- 7759 RGK (RZx)

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.

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Central District of California

MALIBU MEDIA, LLC, a California limited liability company,

Plaintiff(s)

v.

SYLVESTER CREADO, an individual,

Defendant(s)

Civil Action No.

CV12-7759-RBK (RZA)

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) Sylvester Creado, 20440 Anza Avenue, Torrance, CA 91503

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:

Leemore Kushner
Kushner Law Group
801 N. Citrus Avenue
Los Angeles, CA 90038
Tel: (323) 515-7894

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.

CLERK OF COURT

MARILYN DAVIS

Signature of Clerk or Deputy



Date: SEP 11 2012

AO 440 (Rev. 06/12) Summons in a Civil Action (Page 2)

Civil Action No. _____

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* _____
was received by me on *(date)* _____.

I personally served the summons on the individual at *(place)* _____
_____ on *(date)* _____ ; or

I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____, and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* _____, who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____ ; or

I returned the summons unexecuted because _____ ; or

Other *(specify)*: _____

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0.00 .

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

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

| | |
|--|---------------------------------------|
| I (a) PLAINTIFFS (Check box if you are representing yourself <input type="checkbox"/>) Malibu Media, LLC | DEFENDANTS Sylvester Creado |
| (b) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.) Leemore Kushner (SBN 221969), Kushner Law Group 801 N. Citrus Avenue, Los Angeles, CA 90038 Tel: (323) 515-7894 | Attorneys (If Known) |

| | | | | | | | | | | | | | | | | | | | | | | | | | |
|--|---|----------------------------|---|----------------------------|----------------------------|------------|------------|-----------------------|----------------------------|----------------------------|---|----------------------------|----------------------------|--------------------------|----------------------------|----------------------------|---|----------------------------|----------------------------|---|----------------------------|----------------------------|----------------|----------------------------|----------------------------|
| II. BASIS OF JURISDICTION (Place an X in one box only.) <input type="checkbox"/> 1 U.S. Government Plaintiff <input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party) <input type="checkbox"/> 2 U.S. Government Defendant <input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III) | III. CITIZENSHIP OF PRINCIPAL PARTIES - For Diversity Cases Only (Place an X in one box for plaintiff and one for defendant.) <table style="width:100%; border-collapse: collapse;"> <tr> <td style="width:30%;"></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 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> | | 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: \$** 150000

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.)

17 USC 501 - Copyright infringement

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

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

CV12-7759

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): Case No. CV12-1642 RGK (SSx)

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

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

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

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

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

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

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

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

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

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

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

X. SIGNATURE OF ATTORNEY (OR PRO PER): *William Kuhn* Date September 10, 2012

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)) |