

FILED

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2012 SEP 11 AM 11:40

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

BY \_\_\_\_\_

5 Attorneys for Plaintiff Malibu Media, LLC

8 UNITED STATES DISTRICT COURT  
9 CENTRAL DISTRICT OF CALIFORNIA

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11 MALIBU MEDIA, LLC, a California  
12 limited liability company,

Case No. *EO 12-1550-VAP*  
*(SP)*  
COMPLAINT

13 Plaintiff,

14 v.

15 DAVID HICKS, an individual,

16 Defendant.

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1 Plaintiff Malibu Media, LLC, sues Defendant David Hicks (“Defendant”),  
2 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 David Hicks is an individual who is a resident of the state of California. As set forth on Exhibit A, Defendant’s IP address is 75.140.12.133.

9. Defendant’s Internet Service Provider, Charter Communications, 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 ensure a piece of the data belongs in a particular BitTorrent file.

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

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

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

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

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

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

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

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

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

5 **Miscellaneous**

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

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

10 **COUNT I**

11 **Direct Infringement Against Defendant**

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

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

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

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

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

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

25 (B) Redistribute copies of the Works to the public by sale or other transfer  
26 of ownership, or by rental, lease or lending, in violation of 17 U.S.C. §§ 106(3) and  
27 501;

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

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

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

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

17 **PRAYER FOR RELIEF**

18 WHEREFORE, Plaintiff respectfully requests that the Court:

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

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

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

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

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


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

9 **DEMAND FOR A JURY TRIAL**

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

11  
12 DATED: September 10, 2012

KUSHNER LAW GROUP

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15 By:   
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

<b>Title</b>	<b>Hash</b>	<b>Date First Pub</b>	<b>Regis Date</b>	<b>Hit Date</b>
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

<b>IP</b>	<b>Hash</b>	<b>Title</b>	<b>Hit Date UTC</b>
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 Virginia A. Phillips and the assigned discovery Magistrate Judge is Sheri Pym.

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

**EDCV12- 1550 VAP (SPx)**

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

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**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.

DAVID HICKS, an individual,

Defendant(s)

Civil Action No.

EO CV 12-1550-VAP
(SP)

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) David Hicks, 6196 Kirkwood Avenue, Rancho Cucamonga, CA 91701

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



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**

<b>I (a) PLAINTIFFS</b> (Check box if you are representing yourself <input type="checkbox"/> ) Malibu Media, LLC	<b>DEFENDANTS</b> David Hicks
<b>(b) Attorneys</b> (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 Tel: (323) 515-7894	Attorneys (If Known)

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

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

1 Original Proceeding    
  2 Removed from State Court    
  3 Remanded from Appellate Court    
  4 Reinstated or Reopened    
  5 Transferred from another district (specify):    
  6 Multi-District Litigation    
  7 Appeal to District Judge from Magistrate Judge

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

**CLASS ACTION under F.R.C.P. 23:**  Yes      No     **MONEY DEMANDED IN COMPLAINT:** \$ 150,000

**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.)

17 USC 501 - Copyright Infringement

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

<b>OTHER STATUTES</b> <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Act <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Info. Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes	<b>CONTRACT</b> <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise <b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>TORTS</b> <b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Fed. Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury-Med Malpractice <input type="checkbox"/> 365 Personal Injury-Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus-Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	<b>TORTS</b> <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability <b>BANKRUPTCY</b> <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>CIVIL RIGHTS</b> <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 American with Disabilities - Employment <input type="checkbox"/> 446 American with Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	<b>PRISONER PETITIONS</b> <input type="checkbox"/> 510 Motions to Vacate Sentence 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 <b>FORFEITURE / PENALTY</b> <input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety /Health <input type="checkbox"/> 690 Other	<b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act <b>PROPERTY RIGHTS</b> <input checked="" type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS-Third Party 26 USC 7609
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**FOR OFFICE USE ONLY:** Case Number:                     E DCV 12-1550                    

**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): 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
Riverside	

- (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): *Tejma Kushna* 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))