

DAVID G. DUCKWORTH, ESQ.
 CALIFORNIA BAR NO. 170022
DDUCKWORTH@RUSSOANDDUCKWORTH.COM
 J. SCOTT RUSSO, ESQ.
 CALIFORNIA BAR NO. 155631
JSRUSSO@RUSSOANDDUCKWORTH.COM
 RUSSO & DUCKWORTH, LLP
 9090 Irvine Center Drive, 2nd Floor
 Irvine, California 92618
 Telephone No. (949) 752-7106
 Facsimile No. (949) 752-0629

Attorneys for Plaintiff,
 Coldwell Banker Residential Brokerage Company.

2013 JUL 15 PM 2:06
 CLERK U.S. DISTRICT COURT
 CENTRAL DISTRICT OF CALIF.
 SANTA ANA

FILED

UNITED STATES DISTRICT COURT
 FOR THE CENTRAL DISTRICT OF CALIFORNIA

COLDWELL BANKER RESIDENTIAL
 BROKERAGE COMPANY, a California
 corporation.

Plaintiff,

vs.

WINDERMERE SERVICES
 SOUTHERN CALIFORNIA, INC., a
 California corporation.

Defendant.

CASE NO. **EDCV13 - 01242 JGB (OPx)**

COMPLAINT FOR:

**(I) TRADE DRESS INFRINGEMENT
 UNDER §43(a) OF THE LANHAM
 ACT 15 U.S.C. § 1125(a);**

**(II) COMMON LAW TRADE DRESS
 INFRINGEMENT; and**

**(II) COMMON LAW UNFAIR
 COMPETITION**

**DEMAND FOR JURY TRIAL
 (Rule 38(b) F.R.Civ.P)**

Plaintiff Coldwell Banker Residential Brokerage Company ("Coldwell Banker")
 alleges as follows:

1. This action arises from Windermere Services Southern California, Inc.'s
 ("Windermere") recent publication of its *WINDERMERE@HOME* magazine that is
 likely to deceive consumers and dilute the quality of Coldwell Banker's well known and
 distinctive *VIEW* magazine. By copying the *VIEW*'s trade dress distinctive style, flip

1 book formatting and blue color scheme, Windermere is infringing Coldwell Banker's
2 Federal trade dress rights and is violating California laws relating to trade dress
3 infringement and unfair competition.

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5 JURISDICTION AND VENUE

6 2. This Court has original subject matter jurisdiction over the Federal law
7 claim under the trademark laws of the United States, 15 U.S.C. §§1 *et seq* including
8 under § 39 of the Federal Trademark Act, 15 U.S.C. § 1051 and 1121. This Court has
9 subject matter jurisdiction of Claim 1 pursuant to 28 U.S.C. §1331 and 1338(a).

10 3. The Court has supplemental jurisdiction over the state law Claims 2 and 3
11 pursuant to 28 U.S.C. § 1367(a) because the state law claims are so related to the Federal
12 claims that they form part of the same controversy and derive from a common nucleus of
13 operative facts.

14 4. Plaintiff Coldwell Banker Residential Brokerage Company is a California
15 corporation doing business throughout California and in this District.

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17 5. Windermere Services Southern California, Inc.'s ("Windermere") is a
18 California corporation having its principal place of business in Rancho Mirage,
19 California.

20 6. Windermere has significant contacts with the State of California and this
21 District and its activities within the State of California and this District and the effects of
22 its activities with the State of California and this District are such that this Court may
23 exercise personal jurisdiction over Windermere consistently with the Constitution of the
24 State of California and the Constitution of the United States.

25 7. A substantial part of the events giving rise to the claims which are the
26 subject matter of this action occurred in this District. Further, Windermere is a
27 corporation subject to personal jurisdiction in this District. The venue of this action is
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1 properly laid in this District pursuant to Title 28 United States Code Section 1391(b) and
2 (c).

3 GENERAL ALLEGATIONS

4 COLDWELL BANKER'S *VIEW* TRADE DRESS

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6 8. Through its predecessors, Coldwell Banker was founded in 1906 to provide
7 real estate brokerage services. Today, Coldwell Banker is one of the largest real estate
8 brokerage companies in the world. Presently, Coldwell Banker has locations in all fifty
9 states, and international expansion has resulted in offices on six (6) continents and in
10 forty-six (46) countries. With its related companies Coldwell Banker Commercial,
11 Century 21, ERA, Sothebys International Realty, and Better Homes and Gardens Real
12 Estate, it is estimated that Coldwell Banker combines to participate in one of every four
13 residential real estate transactions in the United States.

14 9. In 2005, Coldwell Banker became the first full-service national real estate
15 brand to launch a stand-alone website for upscale properties with
16 www.coldwellbankerpreviews.com. In 2007, Coldwell Banker launched its *VIEW*
17 magazine which is focused on advertising upscale properties for sale.

18
19 10. The *VIEW* magazine was designed to include unique and stylish features
20 including: 1) a flip-book construction wherein the pages of the back half of the book are
21 flipped vertically to provide a magazine with two front covers; 2) the flip book
22 construction providing a first half of the magazine dedicated to advertising residences
23 from a first location (such as coastal real estate) and the flipped second half of the
24 magazine dedicated to advertising residences from a second location (such as desert
25 region real estate); 3) employing a consistent but different color scheme for each of the
26 two respective covers (including blue for coastal real estate and mustard yellow for desert
27 real estate); 4) employing a predominantly blue color scheme throughout the interior of
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1 the magazine to incorporate the blue hue commonly used by Coldwell Banker on its other
2 advertising; 5) consistently employing blue highlights at the top and bottom of the
3 magazine pages including blue horizontal bands at the bottom of the pages; and 6)
4 unusual dimensions of approximately 10 ½ inches by 11 3/8 inches. A copy of a recent
5 *VIEW* magazine is attached as Exhibit 1.

6 11. The overall design and appearance of the *VIEW* magazine is inherently
7 distinctive and non-functional and serves as an indicator of origin for Coldwell Banker
8 (“*VIEW* Trade Dress”).

9 12. The *VIEW* magazine is distributed throughout Southern California, Arizona
10 and in the cities of Beijing, China and Shanghai China through local newspapers
11 including *Los Angeles Times*, *The Orange County Register*, *The Desert Sun*, and *The*
12 *Wall Street Journal*. Almost 16 million copies of the *VIEW* magazine were distributed in
13 2012. Coldwell Banker has spent more than \$4,000,000.00 distributing the *VIEW*
14 magazine.

15 13. As a result of Coldwell Banker’s wide-spread distribution of its *VIEW*
16 magazine, the *VIEW* Trade Dress is well recognized by consumers, and has acquired
17 secondary meaning as an indicator of origin for Coldwell Banker. The *VIEW* magazine
18 has come to proclaim, represent and symbolize the outstanding quality of Coldwell
19 Banker’s services and enjoys substantial goodwill among consumers.

20 14. Coldwell Banker has diligently enforced its *VIEW* Trade Dress against
21 competitors who attempt to use confusingly similar designs and formatting for a real
22 estate magazine. Coldwell Banker’s policing efforts are necessary to ensure that its
23 *VIEW* Trade Dress remains unique and highly distinctive and not copied and diluted by
24 competitors.

25 WINDERMERE’S COPY
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1 15. In approximately the end of 2012 or the beginning of 2013, Windermere
2 launched its *WINDERMERE@HOME* magazine.

3 16. The *WINDERMERE@HOME* magazine includes each of the unique and
4 stylish features of the *VIEW* magazine including: 1) a flip-book construction wherein the
5 pages of the back half of the book are flipped vertically to provide a magazine with two
6 front covers; 2) the flip book construction providing a first half of the magazine dedicated
7 to advertising residences from a first location (such as coastal real estate) and the flipped
8 second half of the magazine dedicated to advertising residences from a second location
9 (such as desert region real estate); 3) employing a consistent but different color scheme
10 for each of the two respective covers; 4) employing a predominantly blue color scheme
11 throughout the interior of the magazine; 5) consistently employing blue highlights at the
12 top and bottom of the magazine pages including blue horizontal bands at the bottom of
13 the pages; and 6) unusual dimensions of approximately 10 ½ inches by 11 3/8 inches. A
14 copy of a recent *WINDERMERE@HOME* magazine is attached as Exhibit 2.

15 17. The *WINDERMERE@HOME* magazine, to the ordinary observer, looks
16 like, and is likely to be mistaken for, the *VIEW* magazine.

17 18. Windermere distributes its *WINDERMERE@HOME* magazine in the same
18 marketing channels, namely the same Southern California newspapers, as Coldwell
19 Banker distributes its *VIEW* magazine.
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21 19. Coldwell Banker is informed and believes that Windermere designed its
22 *WINDERMERE@HOME* magazine with knowledge of the *VIEW* Trade Dress and with
23 intent to copy such *VIEW* Trade Dress and obtain consumer recognition and interest
24 based upon the success and reputation of Coldwell Banker.

25 20. Windermere's distribution of its *WINDERMERE@HOME* magazine
26 incorporating the *VIEW* Trade Dress is likely to cause initial interest confusion, mistake
27 and/or deception to customers and potential customers of Coldwell Banker that the
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1 *WINDERMERE@HOME* magazine originates from the maker of the *VIEW* magazine, or
2 that the maker of the *WINDERMERE@HOME* magazine is affiliated with the permission
3 of, or approved, sponsored, or licensed by the maker of the *VIEW* magazine.

4 21. Windermere's distribution of its *WINDERMERE@HOME* magazine trades
5 on the goodwill Coldwell Banker has established in the *VIEW* Trade Dress, and places
6 the valuable reputation of Coldwell Banker in the hands of a third party over whom
7 Coldwell Banker has no control.

8 22. On or about February 2013, Coldwell Banker's counsel notified
9 Windermere that its use of the *VIEW* trade dress, in the same industry, in the same
10 advertising channels, distributed to the same consumers was likely to cause customer
11 confusion, and thus trade dress infringement, false representation and dilution under the
12 Federal Lanham Act, Title 15 U.S.C. §§1125 et seq, as well as injuries to business
13 reputation and unfair competition under various California state and business professional
14 codes.

15 23. On or about March 2013, Windermere's counsel indicated that Windermere
16 would take immediate steps to change the formatting of its *WINDERMERE@HOME*
17 magazine to alleviate Coldwell Banker's concerns of trade dress infringement.

18 24. As of the filing of this Complaint, Windermere has not taken any steps to
19 change the formatting of its *WINDERMERE@HOME* magazine and continues to
20 incorporate the *VIEW* Trade Dress in the *WINDERMERE@HOME* magazine

21 FIRST CAUSE OF ACTION

22 TRADE DRESS INFRINGEMENT UNDER THE LANHAM ACT

23 (15 U.S.C. §§1125 et seq)

24 25. Coldwell Banker realleges paragraphs 1 through 24, inclusive, and
25 incorporates them by reference as though specifically referred to herein.
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1 26. Windermere's conduct described above constitutes trade dress infringement
2 of the *VIEW* Trade Dress and unfair competition in violation of § 43(a) of the Federal
3 Trademark Act, 15 U.S.C. § 1125.

4 27. Coldwell Banker is informed and believes that Windermere's infringement
5 of the *VIEW* Trade Dress has been willful.

6 28. Coldwell Banker has been and will continue to be irreparably harmed and
7 damaged by Windermere's conduct, and Coldwell Banker lacks an adequate remedy at
8 law to compensate for this harm and damage.

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10 SECOND CAUSE OF ACTION

11 COMMON LAW TRADE DRESS INFRINGEMENT

12 (Under the Lanham Act § 43(a), 15 U.S.C. §1125(a))

13 29. Coldwell Banker realleges paragraphs 1 through 28, inclusive, and
14 incorporates them by reference as though specifically referred to herein.

15 30. Windermere's conduct and acts described above trades upon goodwill
16 established by Coldwell Banker in the *VIEW* Trade Dress and constitutes trade dress in
17 violation of the common law of the State of California.

18 31. Coldwell Banker is informed and believes that Windermere's infringement
19 of the *VIEW* Trade Dress has been willful.

20 32. Windermere's aforesaid trade dress infringement will continue until
21 enjoined by this Court.

22 33. Windermere has greatly profited from their aforesaid trade dress
23 infringement in the State of California, in this District, and elsewhere and has been
24 unjustly enriched.
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1 34. Coldwell Banker has been and will continue to be irreparably harmed and
2 damaged by Windermere's conduct, and Coldwell Banker lacks an adequate remedy at
3 law to compensate for this harm and damage.

4 THIRD CAUSE OF ACTION

5 COMMON LAW UNFAIR COMPETITION

6 35. Coldwell Banker realleges paragraphs 1 through 34, inclusive, and
7 incorporates them by reference as though specifically referred to herein.

8 36. Windermere's conduct and acts described above trades upon goodwill
9 established by Coldwell Banker in the *VIEW* Trade Dress and constitutes unfair
10 competition in violation of the common law of the State of California.

11 37. Coldwell Banker is informed and believes that Windermere's acts of unfair
12 competition has been willful.

13 38. Windermere's aforesaid unfair competition will continue until enjoined by
14 this Court.

15 39. Windermere has greatly profited from their aforesaid unfair competition in
16 the State of California, in this District, and elsewhere and has been unjustly enriched.

17 40. Coldwell Banker has been and will continue to be irreparably harmed and
18 damaged by Windermere's conduct, and Coldwell Banker lacks an adequate remedy at
19 law to compensate for this harm and damage.

20 PRAYER FOR RELIEF

21 WHEREFORE, Coldwell Banker respectfully prays that:

22 (1) For a temporary restraining order and a preliminary and permanent
23 injunction, restraining Windermere, their agents, servants, employees and attorneys and
24 those persons in active concert or participation with it from further acts of trade dress
25 infringement, false designation of origin and unfair competition;
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1 (2) For judgment against Windermere in the amount of Coldwell Banker's
2 damages to the extent such damages can be ascertained;

3 (3) For punitive damages in a sum to be fixed by the Court, in consequence of
4 Windermere's willful trade dress infringement, false designation of origin, and unfair
5 competition, as aforesaid;

6 (4) For interest on all damages due hereunder at the legal rate from the time
7 first allowed by law;

8 (5) For restitution of such profit and compensation derived by Windermere as a
9 result of its unlawful, unfair and fraudulent practices;


10 (6) For its reasonable costs and attorney's fees herein incurred pursuant to 15
11 U.S.C. § 1117;

12 (7) For increased damages, costs, expert witness costs, and attorneys' fees to
13 the extent permitted by law; and

14 (8) For such other and further relief as the Court shall deem just and proper in
15 the premises.

16
17 Date: July 15, 2013

Respectfully submitted,



18 David G. Duckworth
19 RUSSO & DUCKWORTH, LLP
20 Attorneys for Defendant
21 Coldwell Banker Residential Brokerage
22 Company
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Plaintiff Coldwell Banker demands a jury trial in accordance with Local Rule 38-

Respectfully submitted,

David G. Duckworth

RUSSO & DUCKWORTH, LLP

Attorneys for Defendant

Coldwell Banker Residential Brokerage
Company.

**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 Jesus Bernal and the assigned discovery Magistrate Judge is Oswald Parada.

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

EDCV13- 1242 JGB (OPx)

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.

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET**I. (a) PLAINTIFFS** (Check box if you are representing yourself ☐)

COLDWELL BANKER RESIDENTIAL BROKERAGE COMPANY, a California corporation.

DEFENDANTS (Check box if you are representing yourself ☐)

WINDERMERE SERVICES SOUTHERN CALIFORNIA, INC., a California corporation.

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

DAVID G. DUCKWORTH, SBN# 170022
RUSSO & DUCKWORTH, LLP
9090 IRVINE CENTER DRIVE, SECOND FLOOR, IRVINE, CA
TEL: (949) 724-1255

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

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

- ☐ 1. U.S. Government Plaintiff
- ☒ 3. Federal Question (U.S. Government Not a Party)
- ☐ 2. U.S. Government Defendant
- ☐ 4. Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES-For Diversity Cases Only
(Place an X in one box for plaintiff and one for defendant)

- | | 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

V. REQUESTED IN COMPLAINT: JURY DEMAND: ☒ Yes ☐ No (Check "Yes" only if demanded in complaint.)**CLASS ACTION** under F.R.Cv.P. 23: ☐ Yes ☒ No☒ **MONEY DEMANDED IN COMPLAINT:** \$ TBD AT TRIAL**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.)
TRADE DRESS INFRINGEMENT UNDER 43(a) OF THE LANHAM ACT 15 U.S.C. 1125(a); COMMON LAW TRADE DRESS INFRINGEMENT; and COMMON LAW UNFAIR COMPETITION.**VII. NATURE OF SUIT** (Place an X in one box only.)

OTHER STATUTES	CONTRACT	REAL PROPERTY CONT.	IMMIGRATION	PRISONER PETITIONS	PROPERTY RIGHTS
<input type="checkbox"/> 375 False Claims Act	<input type="checkbox"/> 110 Insurance	<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 462 Naturalization Application	<input type="checkbox"/> Habeas Corpus: 463 Alien Detainee	<input type="checkbox"/> 820 Copyrights
<input type="checkbox"/> 400 State Reapportionment	<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 510 Motions to Vacate Sentence	<input type="checkbox"/> 830 Patent
<input type="checkbox"/> 410 Antitrust	<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 290 All Other Real Property		<input type="checkbox"/> 530 General	<input checked="" type="checkbox"/> 840 Trademark
<input type="checkbox"/> 430 Banks and Banking	<input type="checkbox"/> 140 Negotiable Instrument		TORTS	<input type="checkbox"/> 535 Death Penalty	SOCIAL SECURITY
<input type="checkbox"/> 450 Commerce/ICC Rates/Etc.	<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	PERSONAL INJURY	PERSONAL PROPERTY	<input type="checkbox"/> Other: 540 Mandamus/Other	<input type="checkbox"/> 861 HIA (1395ff)
<input type="checkbox"/> 460 Deportation	<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 550 Civil Rights	<input type="checkbox"/> 862 Black Lung (923)
<input type="checkbox"/> 470 Racketeer Influenced & Corrupt Org.	<input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Vet.)	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 371 Truth in Lending	<input type="checkbox"/> 555 Prison Condition	<input type="checkbox"/> 863 DIWC/DIWW (405 (g))
<input type="checkbox"/> 480 Consumer Credit	<input type="checkbox"/> 153 Recovery of Overpayment of Vet. Benefits	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 380 Other Personal Property Damage	<input type="checkbox"/> 560 Civil Detainee Conditions of Confinement	<input type="checkbox"/> 864 SSID Title XVI
<input type="checkbox"/> 490 Cable/Sat TV	<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 330 Fed. Employers' Liability	<input type="checkbox"/> 385 Property Damage Product Liability	FORFEITURE/PENALTY	<input type="checkbox"/> 865 RSI (405 (g))
<input type="checkbox"/> 850 Securities/Commodities/Exchange	<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 340 Marine	BANKRUPTCY	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881	FEDERAL TAX SUITS
<input type="checkbox"/> 890 Other Statutory Actions	<input type="checkbox"/> 195 Contract Product Liability	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 690 Other	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)
<input type="checkbox"/> 891 Agricultural Acts	<input type="checkbox"/> 196 Franchise	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 423 Withdrawal 28 USC 157		<input type="checkbox"/> 871 IRS-Third Party 26 USC 7609
<input type="checkbox"/> 893 Environmental Matters	REAL PROPERTY	<input type="checkbox"/> 355 Motor Vehicle Product Liability	CIVIL RIGHTS	LABOR	
<input type="checkbox"/> 895 Freedom of Info. Act	<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 710 Fair Labor Standards Act	
<input type="checkbox"/> 896 Arbitration	<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 362 Personal Injury-Med Malpractice	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 720 Labor/Mgmt. Relations	
<input type="checkbox"/> 899 Admin. Procedures Act/Review of Appeal of Agency Decision	<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 365 Personal Injury-Product Liability	<input type="checkbox"/> 442 Employment	<input type="checkbox"/> 740 Railway Labor Act	
<input type="checkbox"/> 950 Constitutionality of State Statutes		<input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability	<input type="checkbox"/> 443 Housing/Accommodations	<input type="checkbox"/> 751 Family and Medical Leave Act	
		<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 444 American with Disabilities-Employment	<input type="checkbox"/> 790 Other Labor Litigation	
			<input type="checkbox"/> 446 American with Disabilities-Other	<input type="checkbox"/> 791 Employee Ret. Inc. Security Act	
			<input type="checkbox"/> 448 Education		

FOR OFFICE USE ONLY: Case Number: **EDCV13 - 01242 JGB (OPx)**

AFTER COMPLETING PAGE 1 OF FORM CV-71, COMPLETE THE INFORMATION REQUESTED ON PAGE 2.

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA

CIVIL COVER SHEET

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

If yes, list case number(s): _____

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

If yes, list case number(s): _____

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

(Check all boxes that apply)

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

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

(a) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named plaintiff resides.

☐ Check here if the government, its agencies or employees is a named plaintiff. If this box is checked, go to item (b).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
	SONOMA COUNTY, CALIFORNIA

(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 COUNTY	

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

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
RIVERSIDE COUNTY	

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

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

X. SIGNATURE OF ATTORNEY (OR SELF-REPRESENTED LITIGANT): Edward M. Puchner DATE: JULY 15, 2013

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

Key to Statistical codes relating to Social Security Cases:

Nature of Suit Code Abbreviation

Substantive Statement of Cause of Action

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