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Coldwell Banker Residential Brokerage Company.

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CLERK U.S. DISTRICT COURT  
CENTRAL DIST. OF CALIF.  
SANTA ANA, CALIF.

8 UNITED STATES DISTRICT COURT  
9 FOR THE CENTRAL DISTRICT OF CALIFORNIA

10  
11 COLDWELL BANKER RESIDENTIAL  
12 BROKERAGE COMPANY, a California  
13 corporation.

14 Plaintiff,

15 vs.

16  
17 WINDERMERE SERVICES  
18 SOUTHERN CALIFORNIA, INC., a  
19 California corporation.

20 Defendant.  
21

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)

22 Plaintiff Coldwell Banker Residential Brokerage Company (“Coldwell Banker”)  
23 alleges as follows:

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

4 JURISDICTION AND VENUE

5  
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.

16  
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

5  
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](http://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

26 WINDERMERE’S COPY  
27  
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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.  
20

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  
22 FIRST CAUSE OF ACTION

23 TRADE DRESS INFRINGEMENT UNDER THE LANHAM ACT

24 (15 U.S.C. §§1125 et seq)

25 25. Coldwell Banker realleges paragraphs 1 through 24, inclusive, and  
26 incorporates them by reference as though specifically referred to herein.  
27  
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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;

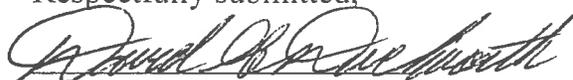
12 (7) For increased damages, costs, expert witness costs, and attorneys' fees to  
13 the extent permitted by law; and

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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DEMAND FOR JURY TRIAL

Plaintiff Coldwell Banker demands a jury trial in accordance with Local Rule 38-

1.

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

===== :  
**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

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

1. U.S. Government Plaintiff  
 2. U.S. Government Defendant

3. Federal Question (U.S. Government Not a Party)  
 4. Diversity (Indicate Citizenship of Parties in Item III)

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

Citizen of This State	<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	<b>Habeas Corpus:</b> <input type="checkbox"/> 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	<b>TORTS</b>	<input type="checkbox"/> 530 General	<input checked="" type="checkbox"/> 840 Trademark
<input type="checkbox"/> 430 Banks and Banking	<input type="checkbox"/> 140 Negotiable Instrument	<b>TORTS</b>	<b>PERSONAL PROPERTY</b>	<input type="checkbox"/> 535 Death Penalty	<b>SOCIAL SECURITY</b>
<input type="checkbox"/> 450 Commerce/ICC Rates/Etc.	<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<b>PERSONAL INJURY</b>	<input type="checkbox"/> 370 Other Fraud	<b>Other:</b> <input type="checkbox"/> 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"/> 371 Truth in Lending	<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"/> 380 Other Personal Property Damage	<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"/> 385 Property Damage Product Liability	<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"/> 155 Recovery of Overpayment of Suits	<input type="checkbox"/> 330 Fed. Employers' Liability	<b>BANKRUPTCY</b>	<b>FORFEITURE/PENALTY</b>	<input type="checkbox"/> 865 RSI (405 (g))
<input type="checkbox"/> 850 Securities/Commodities/Exchange	<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 340 Marine	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881	<b>FEDERAL TAX SUITS</b>
<input type="checkbox"/> 890 Other Statutory Actions	<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 690 Other	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)
<input type="checkbox"/> 891 Agricultural Acts	<input type="checkbox"/> 195 Contract Product Liability	<input type="checkbox"/> 350 Motor Vehicle	<b>CIVIL RIGHTS</b>	<b>LABOR</b>	<input type="checkbox"/> 871 IRS-Third Party 26 USC 7609
<input type="checkbox"/> 893 Environmental Matters	<input type="checkbox"/> 196 Franchise	<input type="checkbox"/> 355 Motor Vehicle Product Liability	<input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 710 Fair Labor Standards Act	
<input type="checkbox"/> 895 Freedom of Info. Act	<b>REAL PROPERTY</b>	<input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 720 Labor/Mgmt. Relations	
<input type="checkbox"/> 896 Arbitration	<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 362 Other Personal Injury-Med Malpractice	<input type="checkbox"/> 442 Employment	<input type="checkbox"/> 740 Railway Labor Act	
<input type="checkbox"/> 899 Admin. Procedures Act/Review of Appeal of Agency Decision	<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 365 Personal Injury-Product Liability	<input type="checkbox"/> 443 Housing/Accommodations	<input type="checkbox"/> 751 Family and Medical Leave Act	
<input type="checkbox"/> 950 Constitutionality of State Statutes	<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability	<input type="checkbox"/> 445 American with Disabilities-Employment	<input type="checkbox"/> 790 Other Labor Litigation	
		<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 446 American with Disabilities-Other	<input type="checkbox"/> 791 Employee Ret. Inc. Security Act	
		<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<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).

<b>County in this District:*</b>	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).

<b>County in this District:*</b>	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.**

<b>County in this District:*</b>	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): *David W. 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))