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CLERK OF DISTRICT COURT
CENTRAL DISTRICT OF CALIF.
LOS ANGELES

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IB
21

Attorneys for Plaintiff AARON SPERSKE

11 UNITED STATES DISTRICT COURT
12 CENTRAL DISTRICT OF CALIFORNIA

13
14
15 AARON SPERSKE, an individual,

16 Plaintiff,

17
18 v.

19 ARIEL ROSENBERG a/k/a ARIEL
20 PINK, an individual; KWANG NAM
21 KOH p/k/a TIM KOH, an individual;
22 KENNETH JOHN GILMORE, an
23 individual; and ARIEL PINK'S
24 HAUNTED GRAFFITI, a
25 partnership,

26 Defendants.

Case No.: **CV12-07034** DM/JCK

COMPLAINT FOR:

- (a) DECLARATORY RELIEF AND AN ACCOUNTING UNDER THE COPYRIGHT ACT;
- (b) DECLARATORY RELIEF UNDER THE CALIFORNIA UNIFORM PARTNERSHIP ACT;
- (c) AN ACCOUNTING OF PARTNERSHIP ASSETS AND PROCEEDS; AND
- (d) BREACH OF FIDUCIARY DUTY

JURY TRIAL DEMANDED

1 Plaintiff AARON SPERSKE alleges:

2
3 I

4 **JURISDICTION**

5 1. This court has jurisdiction over the subject matter of this action
6 pursuant to 28 U.S.C. § 1338(a) and 28 U.S.C. § 2201-2202, in that this
7 action arises under the Copyright Act of 1976, as amended, 17 U.S.C.
8 § 101 *et seq.* With regard to any claim stated below which is not brought
9 under the Copyright Act, the court has jurisdiction over such other claim
10 under the doctrine of supplemental jurisdiction, pursuant to 28 U.S.C.
11 § 1367.
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14

15 II

16 **PARTIES**

17
18 2. Plaintiff AARON SPERSKE ("Sperske") is an individual residing
19 in the County of Los Angeles, State of California.

20
21 3. Defendant ARIEL ROSENBERG a/k/a ARIEL PINK
22 ("Rosenberg") is an individual residing in the County of Los Angeles, State
23 of California.

24
25 4. Defendant KWANG NAM KOH a/k/a TIM KOH ("Koh") is an
26 individual residing in the County of Los Angeles, State of California.
27
28

1 5. Defendant KENNETH JOHN GILMORE ("Gilmore") is an
2 individual residing in the County of Los Angeles, State of California.

3
4 6. Defendant ARIEL PINK'S HAUNTED GRAFFITI ("APHG") is a
5 partnership organized under the laws of the State of California, with its
6 principal place of business in Los Angeles, in the County of Los Angeles,
7 State of California.
8

9
10 **III**

11 **VENUE**

12 7. Venue is proper in this district pursuant to 28 U.S.C. § 1400(a),
13 in that all of defendants or their agents reside or may be found in this
14 district.
15

16 8. Venue is also proper in this district pursuant to 28 U.S.C.
17 § 1391(b) in that either a substantial part of the events or omissions giving
18 rise to the claim occurred, or that at least one defendant resides in this
19 district, if there is no district in which the action may otherwise be brought.
20
21

22 **IV**

23 **GENERAL ALLEGATIONS**

24
25 9. In or about 2008, Rosenberg, plaintiff, Koh, Gilmore, and an
26 individual named Cole M. Greif-Neill ("Greiff-Neill") formed a musical group
27 and entered into an oral partnership agreement under California law, for the
28

1 purpose of carrying on the business of musical performing and recording
2 group. Both the band and the partnership were named "Ariel Pink's
3 Haunted Graffiti." The partnership's principal place of business is in Los
4 Angeles County, California. The partnership has conducted the
5
6 aforementioned business from that time, as described more fully below.
7

8 10. From the formation of the partnership, until about May 15,
9 2012, plaintiff performed his role in the partnership diligently and
10 competently. All through that time period, Rosenberg, plaintiff, Koh, and
11 Gilmore, and Greif-Neill, shared equally in the profits and expenses of the
12 partnership, in all matters, including proceeds from live performances and
13 royalties from the sale of phonorecords. Grief-Neill voluntarily left the
14 partnership in 2010, leaving the four remaining members to carry on the
15 partnership.
16
17
18

19 11. In late 2009, APHG entered into a recording agreement with
20 4AD Records ("4AD"), a highly-respected British company, and on June 8,
21 2010, the group's first album, *Before Today*, was released to considerable
22 critical acclaim, and had substantial worldwide sales.
23
24

25 12. Pursuant to the agreement with 4AD, APHG recorded a second
26 album, called *Mature Themes* (the "Second Album"), in late 2011 and early
27 2012. The Second Album contains the recorded performances of plaintiff,
28

1 Rosenberg, Koh, and Gilmore, as well as twelve original musical
2 compositions jointly composed by plaintiff, Rosenberg, Koh, and
3
4 Gilmore. The Second Album will be released worldwide on August 21,
5
6 2012.

7 13. On or about May 15, 2012, Rosenberg, Koh, and Gilmore
8 attempted to expel plaintiff from the partnership, in violation of the oral
9
10 partnership agreement. At no time, moreover, did plaintiff give the other
11
12 members of APHG notice of his express will to withdraw from the
13
14 partnership, nor did any other event specified in California Corporations
15
16 Code § 16601 occur that would disassociate plaintiff from the partnership.

17 14. Since the attempt to expel plaintiff, Rosenberg, Koh, and
18
19 Gilmore have continued to use the partnership name and assets to perform
20
21 live shows, collect income, make arrangements for a major national tour
22
23 beginning in September 2012, and have refused to provide any information
24
25 to plaintiff regarding those activities and revenues.

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V

**FIRST CLAIM FOR DECLARATORY
RELIEF AND AN ACCOUNTING
UNDER THE COPYRIGHT ACT**

(Against Rosenberg, Koh, and Gilmore)

1 15. Plaintiff realleges paragraphs 1 through 14, inclusive, as if fully
2 set forth.

3
4 16. Plaintiff, Rosenberg, Koh, and Gilmore co-wrote all twelve of
5 the musical works on the Second Album, as joint works. The works are
6 entitled: (1) "Kinski Assassin"; (2) "Is This the Best Spot?"; (3) "Mature
7 Themes"; (4) "Only In My Dreams"; (5) "Driftwood"; (6) "Early Birds of
8 Babylon"; (7) "Schnitzel Boogie"; (8) "Symphony of the Nymph"; (9) "Pink
9 Slime"; (10) "Farewell American Primitive"; (11) "Live It Up"; and (12)
10 "Nostradamus & Me." All of these works are a joint work, pursuant to
11 17 U.S.C. § 101, and plaintiff is a co-owner of that joint work, pursuant to
12 17 U.S.C. § 201(a), with plaintiff, Rosenberg, Koh, and Gilmore each
13 owning an undivided twenty-five percent (25%) interest in and to the
14 copyright of each of the twelve Compositions.
15
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19 17. Plaintiff has never assigned or transferred to any person any of
20 his ownership interest in and to any of the Compositions. Therefore,
21 pursuant to the Copyright Act, plaintiff is the co-owner of the copyright in
22 and to the Compositions as a consequence of his joint authorship. In the
23 alternative, plaintiff is the co-owner of the copyright in and to the
24 Compositions by operation of law, in that each such copyright is a
25 partnership asset.
26
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1 18. There exists a real controversy between plaintiff and
2 Rosenberg, Koh, and Gilmore as to the true ownership of the
3
4 Compositions, and this controversy is dependent on an interpretation of
5 § 201(a) of the Copyright Act of 1976, and the decisional law interpreting
6
7 that statute.

8 19. By this action, plaintiff prays that he be adjudicated a co-author
9
10 and co-owner an undivided twenty-five percent (25%) interest in and to the
11
12 copyright in each of the twelve Compositions. In addition, to the extent that
13
14 Rosenberg, Koh, or Gilmore have received any proceeds or revenues from
15
16 the Compositions up to this time, or during the pendency of this action,
17
18 plaintiff seeks and accounting of said proceeds or revenues in the event
19
20 that any of said defendants have received any of plaintiff's 25% share of
21
22 each of the Compositions.

19 VI

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21 **SECOND CLAIM FOR DECLARATORY**
22 **RELIEF UNDER THE CALIFORNIA**
23 **REVISED UNIFORM PARTNERSHIP ACT**

24 (Against All Defendants)

25 20. Plaintiff realleges paragraphs 1 through 14, inclusive, as if fully
26
27 set forth.
28

1 21. Pursuant to California Corporations Code ("CCC") § 16101 (the
2 "California Uniform Partnership Act of 1994"), the business arrangement
3 and agreement of plaintiff, Rosenberg, Koh, and Gilmore constitutes a
4 partnership, which is APHG. While the partnership did not have a definite
5 term, the partners agreed that APHG would remain in existence at least as
6 long as the recording agreement with 4AD continued.
7

8
9 22. Plaintiff has performed all conditions, covenants, and promises
10 required to be performed by him in accordance with the partnership
11 agreement.
12

13 23. Plaintiff, at this time, remains a partner of APHG, because there
14 has been no event that would cause plaintiff's dissociation from APHG,
15 under CCC § 16601 of the California Corporations Code, and, specifically,
16 the attempted expulsion of plaintiff was not pursuant to the partnership
17 agreement, under CCC § 16601(3).
18

19
20 24. Furthermore, there has been no event under CCC § 16801 that
21 would cause the partnership to be dissolved or wound up.
22

23 25. Therefore, plaintiff seeks a judicial declaration that he remains
24 a partner in APHG, and is entitled to share in the profits of the partnership,
25 including, but not limited to all profits from the assets of the partnership that
26 have been created so far, namely, the right to receive royalties from the
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1 First Album and the Second Album, revenues from live performances and
2 touring, including all profits from the date of the attempted expulsion to the
3 present, and from all such activities going forward, including his share of
4 revenues from the live performances of the musical group. A declaratory
5 judgment from this court is necessary, because plaintiff maintains that he is
6 a full partner in APHG, while defendants have taken the position that
7 plaintiff is not a partner and not entitled to any such profits or proceeds.
8
9

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11 **VII**

12 **THIRD CLAIM FOR RELIEF**
13 **FOR AN ACCOUNTING OF PARTNERSHIP**
14 **ASSETS AND PROCEEDS**

15 (Against All Defendants)

16 26. Plaintiff realleges paragraphs 1 through 14, and 21 through 25,
17 inclusive, as if fully set forth.

18 27. Defendants are in the possession of the partnership books,
19 assets, and accounts. The amount of partnership assets and liabilities is
20 unknown to plaintiff and cannot be ascertained without an accounting of
21 profits and losses that have occurred during operation of the partnership
22 business, going back to 2009, and to the present.
23
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25 28. On June 6, 2012, plaintiff demanded access to the books and
26 records of APHG, pursuant to CCC § 16403(c), regarding "records of
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1 touring income and expenses, merchandise sales, artists' royalties,
2 SoundExchange revenue, and the like," but defendants failed and refused
3
4 to do so.

5 29. The amount of money due from defendants to plaintiff is
6
7 unknown to plaintiff and cannot be ascertained without an accounting of the
8 receipts and disbursements of the aforementioned operations, including the
9 record royalties from 4AD, touring revenue and expenses, merchandise
10 income, and any and all other sources of income.
11

12 VIII

13 14 **FOURTH CLAIM FOR RELIEF** 15 **FOR BREACH OF FIDUCIARY DUTY**

16 (Against Rosenberg, Koh, and Gilmore)

17 30. Plaintiff realleges paragraphs 1 through 14, and 21 through 25,
18 inclusive, inclusive as if fully set forth.
19

20 31. At all relevant times mentioned herein, plaintiff trusted
21 Rosenberg, Koh, and Gilmore with all partnership business and affairs, and
22 plaintiff worked diligently to make the musical group a success. Through
23 several years of hard work, travel, rehearsals, live shows, recording, press
24 activities, and the like, the music group rose from relative obscurity at the
25 time that plaintiff joined the group, to international prominence. On account
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1 of this rise to international prominence, as well as critical acclaim, APHG is
2 now able to play for large audiences and appear at international music
3 festivals, commanding tens of thousands of dollars in fees for some
4 venues.
5

6 32. Despite plaintiff's hard work and diligence, however,
7 Rosenberg, Koh, and Gilmore acted willfully and capriciously to attempt to
8 exclude plaintiff from APHG, in May 2012. In doing the acts alleged,
9 defendants breached their fiduciary duties to plaintiff.
10

11 33. Despite plaintiff's demand, defendants have yet to account fully
12 to plaintiff and to pay plaintiff all sums due him, in flagrant disregard of
13 plaintiff's rights. Defendants are in possession of money and property
14 belonging to plaintiff, and will very shortly come into possession of more
15 money that is due to plaintiff. Plaintiff seeks the imposition of a
16 constructive trust on all such monies, including, but not limited to, artists'
17 royalties paid by 4AD, money from live performances, and music publishing
18 monies.
19

20 34. As a direct and proximate result of the willful malicious acts of
21 defendants, plaintiff has or will suffer damages, in an amount presently
22 unknown to plaintiff.
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1 35. In addition, in doing the acts herein, defendants Rosenberg,
2 Koh, and Gilmore acted with oppression and malice. For those reasons,
3
4 plaintiff is entitled to an award of exemplary and punitive damages against
5 Rosenberg, Koh, and Gilmore, in an amount to be proven at trial, but in no
6 event less than one million dollars (\$1,000,000).
7

8
9 WHEREFORE, plaintiff prays for judgment as follows:
10

11 1. On the First Claim for relief, for a judicial declaration that
12 plaintiff is the co-author and owner of an undivided twenty-five percent
13 (25%) interest in and to the copyright of each of the twelve Compositions,
14 to wit: (1) "Kinski Assassin"; (2) "Is This the Best Spot?"; (3) "Mature
15 Themes"; (4) "Only In My Dreams"; (5) "Driftwood"; (6) "Early Birds of
16 Babylon"; (7) "Schnitzel Boogie"; (8) "Symphony of the Nymph"; (9) "Pink
17 Slime"; (10) "Farewell American Primitive"; (11) "Live It Up"; and (12)
18 "Nostradamus & Me."
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20

21
22 2. On the Second Claim for relief, for judicial declaration of
23 plaintiffs' partnership rights and assets under the California Uniform
24 Partnership Act of 1994;
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1 3. On the Third Claim for relief, for an accounting of all partnership
2 assets and for payment of all monies due to plaintiff as a result of that
3 accounting;
4

5 4. On the Fourth Claim for relief for breach of fiduciary duty, for
6 damages according to proof, and for an award of exemplary and punitive
7 damages in the amount of not less than one million dollars (\$1,000,000);
8

9 5. For costs of suit incurred;
10

11 6. For an award of attorneys' fees as part of the costs, pursuant to
12 17 U.S.C. § 505; and
13

14 7. For such other and further relief as the court should deem just
15 and proper.
16

17
18 Dated: August 15, 2012

By: 

BRIDGET B. HIRSCH

DEMAND FOR JURY TRIAL

Pursuant to Rule 38 of the Federal Rules of Civil Procedure, plaintiff
hereby demands a jury trial.

Dated: August 15, 2012

By: 
BRIDGET B. HIRSCH

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

I (a) PLAINTIFFS (Check box if you are representing yourself <input type="checkbox"/>) AARON SPERSKE	DEFENDANTS ARIEL ROSENBERG a/k/a ARIEL PINK; KWANG NAM KOH p/k/a TIM KOH; KENNETH JOHN GILMORE; and ARIEL PINK'S HAUNTED GRAFFITI,
(b) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.) Bridget B. Hirsch, SBN 257015 7435 N. Figueroa St., No. 412422 Los Angeles, CA 90041 (323) 387-3413	Attorneys (If Known) Evan S. Cohen, SBN 119601 1180 South Beverly Dr. Ste. 510 Los Angeles, CA 90035-1157 (310) 556-9800

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: none;"> <tr> <td style="border: none;">Citizen of This State</td> <td style="border: none; text-align: center;">PTF DEF <input type="checkbox"/> 1 <input type="checkbox"/> 1</td> <td style="border: none;">Incorporated or Principal Place of Business in this State</td> <td style="border: none; text-align: center;">PTF DEF <input type="checkbox"/> 4 <input type="checkbox"/> 4</td> </tr> <tr> <td style="border: none;">Citizen of Another State</td> <td style="border: none; text-align: center;"><input type="checkbox"/> 2 <input type="checkbox"/> 2</td> <td style="border: none;">Incorporated and Principal Place of Business in Another State</td> <td style="border: none; text-align: center;"><input type="checkbox"/> 5 <input type="checkbox"/> 5</td> </tr> <tr> <td style="border: none;">Citizen or Subject of a Foreign Country</td> <td style="border: none; text-align: center;"><input type="checkbox"/> 3 <input type="checkbox"/> 3</td> <td style="border: none;">Foreign Nation</td> <td style="border: none; text-align: center;"><input type="checkbox"/> 6 <input type="checkbox"/> 6</td> </tr> </table>	Citizen of This State	PTF DEF <input type="checkbox"/> 1 <input type="checkbox"/> 1	Incorporated or Principal Place of Business in this State	PTF DEF <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
Citizen of This State	PTF DEF <input type="checkbox"/> 1 <input type="checkbox"/> 1	Incorporated or Principal Place of Business in this State	PTF DEF <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:** § tbd & at least \$1 million punitive

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 U.S.C. § 101 & 17 U.S.C. § 201(a) - declaratory relief and an accounting

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 checked="" 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 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) (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
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CV12-07034

FOR OFFICE USE ONLY: Case Number: _____

AFTER COMPLETING THE FRONT SIDE OF FORM CV-71, COMPLETE THE INFORMATION REQUESTED BELOW.

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

VIII(a). IDENTICAL CASES: Has this action been previously filed in this court and dismissed, remanded or closed? No Yes
If yes, list case number(s): _____

VIII(b). RELATED CASES: Have any cases been previously filed in this court that are related to the present case? No Yes
If yes, list case number(s): _____

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

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

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

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

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

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

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
All individual defendants reside, and the partnership is located in, Los Angeles 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
Los Angeles County	

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

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

X. SIGNATURE OF ATTORNEY (OR PRO PER):  Date August 15, 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))