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8 Attorneys for Plaintiff
9 GUCCI AMERICA, INC.,
10 a New York corporation

2007 DEC -4 PM 3:54
U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
LOS ANGELES

FILED

11 THE UNITED STATES DISTRICT COURT
12 FOR THE CENTRAL DISTRICT OF CALIFORNIA

13 GUCCI AMERICA, INC., a New
14 York corporation,

15 Plaintiff,

16 v.

17 JESSICA GUERRERO and
18 MARTA CAROLINA MACHON,
19 individually and jointly, d/b/a
20 KASHCART.COM d/b/a
21 MISS J 2886@GMAIL.COM d/b/a
22 JCSUNGLASSES d/b/a
23 JGSHOE.COM d/b/a
24 PUPPYPAW2886 d/b/a
25 ACCESORIESWORLD.COM and
26 DOES 1-10,

27 Defendants.

CV07-07898 GAF FMOx
Case No.

COMPLAINT FOR DAMAGES
AND INJUNCTIVE RELIEF

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1 Plaintiff, GUCCI AMERICA, INC., a New York corporation ("Gucci")
2 hereby sues Defendants, JESSICA GUERRERO ("Guerrero") and MARTA
3 CAROLINA MACHON ("Machon"), individually and jointly, d/b/a
4 KASHCART.COM d/b/a MISS_J_2886@GMAIL.COM d/b/a JCSUNGLASSES
5 d/b/a JGSHOE.COM d/b/a PUPPYPAW2886 d/b/a ACCESORIESWORLD.COM
6 and DOES 1-10 (collectively "Defendants") and alleges as follows:

7 **JURISDICTION AND VENUE**

8 1. This action seeks to enforce 15 U.S.C. §§ 1114, 1116, 1121, and
9 1125(a). Furthermore, this action is one in which diversity of citizenship exists and
10 the amount in dispute exceeds \$75,000.00. Accordingly, this Court has jurisdiction
11 under 28 U.S.C. §§ 1331, 1332, and 1338. Venue is proper in this Court under 28
12 U.S.C. § 1391 since Defendants' principal place of business is within this District,
13 and Defendants conduct business activities within this District. Furthermore, venue
14 is appropriate since a substantial portion of the acts giving rise to this case occurred
15 within this District.

16 **THE PARTIES**

17 2. Gucci is a corporation duly organized under the laws of the State of
18 New York with its principal place of business in the United States located at 685
19 Fifth Avenue, New York, New York 10022. Gucci is, in part, engaged in the
20 business of manufacturing and distributing throughout the world, including within
21 this Judicial District, high quality handbags, wallets, sunglasses, and other goods
22 under the Federally registered trademarks NON-INTERLOCKING GG
23 MONOGRAM, GUCCI, FACING GG MONOGRAM, REPEATING GG
24 DESIGN, and INTERLOCKING GG MONOGRAM (collectively the "Gucci
25 Marks").

26 3. Guerrero is an individual, who, upon information and belief, conducts
27 business within this Judicial District through the aliases "Kashcart.com,"
28 "Miss_J_2886@gmail.com," "JCSunglasses," "JGShoe.com," "Puppypaw2886,"

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1 and "Accesoriesworld.com." Upon information and belief, Guerrero resides and
2 conducts business at 200 S. Occidental Boulevard, #201, Los Angeles, California
3 90057 and also conducts business at 3640 Virginia Road, Los Angeles, California
4 90016.

5 4. Upon information and belief, Guerrero is directly and personally
6 engaging in the sale of counterfeit and infringing products within this District as
7 alleged herein.

8 5. Machon is an individual, who, upon information and belief, conducts
9 business within this Judicial District through the aliases "Kashcart.com,"
10 "Miss_J_2886@gmail.com," "JCSunglasses," "JGShoe.com," "Puppypaw2886,"
11 and "Accesoriesworld.com." Upon information and belief, Machon resides and
12 conducts business at 3640 Virginia Road, Los Angeles, California 90016 and also
13 conducts business at 200 S. Occidental Boulevard, #201, Los Angeles, California
14 90057.

15 6. Upon information and belief, Machon is directly and personally
16 engaging in the sale of counterfeit and infringing products within this District as
17 alleged herein.

18 7. Defendants Does 1-5 are, upon information and belief, individuals who
19 reside and/or conduct substantial business within this Judicial District. Further,
20 Does 1-5 are directly and personally contributing, inducing and engaging in the sale
21 of counterfeit products as alleged herein as partners or suppliers to the named
22 Defendants. Plaintiff is presently unaware of the true names of Does 1-5. Plaintiff
23 will amend this Complaint upon discovery of the identities of such fictitious
24 Defendants.

25 8. Defendants Does 6-10 are business entities which, upon information
26 and belief, reside and/or conduct business within this Judicial District. Moreover,
27 Does 6-10 are, upon information and belief, directly engaging in the sale of
28 counterfeit products as alleged herein as partners or suppliers to the named

1 Defendants. Plaintiff is presently unaware of the true names of Does 6-10.
 2 Plaintiff will amend this Complaint upon discovery of the identities of such
 3 fictitious Defendants.

4 **COMMON FACTUAL ALLEGATIONS**

5 9. Gucci is the owner of the following trademarks which are protected by
 6 the following United States Federal Trademark Registrations:

7 <u>Mark</u>	<u>Reg. No.</u>	<u>Reg. Date</u>
8 INTERLOCKING GG MONOGRAM	3,072,549	March 28, 2006
9 NON-INTERLOCKING GG MONOGRAM	1,107,311	November 28, 1978
10 GUCCI	0,876,292	September 9, 1969
11 FACING GG MONOGRAM	3,039,631	January 10, 2006
12 REPEATING GG DESIGN	1,216,708	November 16, 1982

13 which are registered in International Classes 9 and 18 and are used in connection
 14 with manufacture and distribution of, among other things, high quality handbags,
 15 wallets, and sunglasses.

16 10. The Gucci Marks have been used in interstate commerce to identify
 17 and distinguish Gucci's high quality handbags, wallets, sunglasses, and other goods
 18 for an extended period of time.

19 11. The Gucci Marks have never been assigned or licensed to any of the
 20 Defendants in this matter.

21 12. The Gucci Marks are symbols of Gucci's quality, reputation, and
 22 goodwill and have never been abandoned.

23 13. Further, Gucci has expended substantial time, money and other
 24 resources developing, advertising and otherwise promoting the Gucci Marks. The
 25 Gucci Marks qualify as famous marks as that term is used in 15 U.S.C. §1125(c)(1).
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1 14. Gucci has extensively used, advertised and promoted the Gucci Marks
2 in the United States in association with the sale of high quality handbags, wallets,
3 sunglasses, and other goods and has carefully monitored and policed the use of the
4 Gucci Marks.

5 15. As a result of Gucci's efforts, members of the consuming public
6 readily identify merchandise bearing the Gucci Marks, as being high quality
7 merchandise sponsored and approved by Gucci.

8 16. Accordingly, the Gucci Marks have achieved secondary meaning as
9 identifiers of handbags, wallets, sunglasses, and other goods.

10 17. Upon information and belief, at all times relevant hereto, the
11 Defendants in this action had full knowledge of Gucci's ownership of the Gucci
12 Marks, including their exclusive right to use and license such intellectual property
13 and the goodwill associated therewith.

14 18. Gucci has discovered Defendants are promoting and otherwise
15 advertising, distributing, selling and/or offering for sale counterfeit products,
16 including at least high quality handbags, wallets, sunglasses, and other goods
17 bearing trademarks which are exact copies of the Gucci Marks (the "Counterfeit
18 Goods.") Specifically, upon information and belief, Defendants are using the Gucci
19 Marks in the same stylized fashion, for different and inferior quality goods.

20 19. Upon information and belief, Defendants' Counterfeit Goods are of a
21 quality substantially different to that of Gucci's genuine goods. Despite the nature
22 of their Counterfeit Goods and the knowledge they are without authority to do so,
23 Defendants, upon information and belief, are actively using, promoting and
24 otherwise advertising, distributing, selling and/or offering for sale substantial
25 quantities of their Counterfeit Goods with the knowledge that such goods will be
26 mistaken for the genuine high quality products offered for sale by Gucci. The net
27 effect of Defendants' actions will be to result in the confusion of consumers who
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1 will believe Defendants' Counterfeit Goods are genuine goods originating from and
2 approved by Gucci.

3 20. Upon information and belief, Defendants purchase their Counterfeit
4 Goods and advertise those goods for sale to the consuming public. In so
5 advertising these products, Defendants use the Gucci Marks. Indeed, Defendants
6 herein, upon information and belief, misappropriated Gucci's advertising ideas and
7 entire style of doing business with regard to the advertisement and sale of Gucci's
8 genuine products. Upon information and belief, the misappropriation of Gucci's
9 advertising ideas in the form of the Gucci Marks has occurred, in part, in the course
10 of Defendants' advertising activities and has been the proximate cause of damage to
11 Gucci.

12 21. Upon information and belief, Defendants are conducting their
13 counterfeiting and infringing activities at least within this Judicial District and
14 elsewhere throughout the United States. As a result, Defendants are defrauding
15 Gucci and the consuming public for Defendants' own benefit. Defendants'
16 infringement and disparagement of Gucci does not simply amount to the wrong
17 description of their goods or the failure of the goods to conform to the advertised
18 quality or performance.

19 22. Defendants' use of the Gucci Marks, including the promotion and
20 advertising, reproduction, distribution, sale, and offering for sale of their
21 Counterfeit Goods, is without Plaintiff's consent or authorization.

22 23. Further, Defendants may be, upon information and belief, engaging in
23 the above-described illegal counterfeiting and infringing activities knowingly and
24 intentionally or with reckless disregard or willful blindness to Gucci's rights for the
25 purpose of trading on the goodwill and reputation of Gucci. If Defendants'
26 intentional counterfeiting and infringing activities are not preliminarily and
27 permanently enjoined by this Court, Plaintiff and the consuming public will
28 continue to be damaged.

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1 24. Defendants' above identified infringing activities are likely to cause
2 confusion, deception and mistake in the minds of consumers, the public and the
3 trade. Moreover, Defendants' wrongful conduct is likely to create a false
4 impression and deceive customers, the public and the trade into believing there is a
5 connection or association between Gucci's genuine goods and Defendants'
6 Counterfeit Goods.

7 25. Plaintiff has no adequate remedy at law.

8 26. Plaintiff is suffering irreparable injury and has suffered substantial
9 damages as a result of Defendants' counterfeiting and infringing activities.

10 27. The injuries and damages sustained by Plaintiff have been directly and
11 proximately caused by Defendants' wrongful reproduction, use, advertisement,
12 promotion, offering to sell, and sale of their Counterfeit Goods.

13 28. Plaintiff has retained the undersigned counsel to represent it in this
14 matter and is obligated to pay said counsel a reasonable fee for such representation.

15 **COUNT I**

16 **TRADEMARK COUNTERFEITING AND INFRINGEMENT**

17 **(Against All Defendants)**

18 29. Plaintiff hereby readopts and realleges the allegations set forth in
19 Paragraphs 1 through 28 above.

20 30. This is an action for trademark counterfeiting and infringement against
21 Defendants based on their promotion, advertisement, distribution, sale, and/or
22 offering for sale of the Counterfeit Goods bearing the Gucci Marks.

23 31. Specifically, Defendants, upon information and belief, are promoting
24 and otherwise advertising, selling, offering for sale and distributing counterfeit and
25 infringing handbags, wallets, sunglasses, and other goods bearing the Gucci Marks.
26 Defendants are continuously infringing and inducing others to infringe the Gucci
27 Marks by using them to advertise, promote and sell counterfeit handbags, wallets,
28 sunglasses, and other goods.

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1 32. Defendants' counterfeiting and infringing activities are likely to cause
2 and actually are causing confusion, mistake and deception among members of the
3 trade and the general consuming public as to the origin and quality of Defendants'
4 Counterfeit Goods bearing the Gucci Marks.

5 33. Defendants' unlawful actions have caused and are continuing to cause
6 unquantifiable damages to Gucci.

7 34. Defendants' above-described illegal actions constitute counterfeiting
8 and infringement of the Gucci Marks in violation of Gucci's rights under § 32 of the
9 Lanham Act, 15 U.S.C. § 1114.

10 35. Plaintiff has suffered and will continue to suffer irreparable injury due
11 to the above described activities of Defendants if Defendants are not preliminarily
12 and permanently enjoined.

13 **COUNT II**
14 **FALSE DESIGNATION OF ORIGIN**
15 **PURSUANT TO § 43(a) OF THE LANHAM ACT**
16 **(Against All Defendants)**

17 36. Plaintiff hereby readopts and realleges the allegations set forth in
18 Paragraphs 1 through 28 above.

19 37. Defendants' Counterfeit Goods bearing the Gucci Marks have been
20 widely advertised and distributed throughout the United States.

21 38. Defendants' Counterfeit Goods bearing the Gucci Marks are virtually
22 identical in appearance to each of Gucci's respective genuine goods. However, the
23 Counterfeit Goods are different and likely inferior in quality. Accordingly,
24 Defendants' activities are likely to cause confusion in the trade and among the
25 general public as to at least the origin or sponsorship of the Counterfeit Goods.

26 39. Defendants, upon information and belief, have used in connection with
27 their sale of Counterfeit Goods, false designations of origins and false descriptions
28 and representations, including words or other symbols which tend to falsely

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1 describe or represent such goods and have caused such goods to enter into
2 commerce with possible knowledge of the falsity of such designations of origin and
3 such descriptions and representations, all to the detriment of Plaintiff.

4 40. Specifically, Defendants, upon information and belief, have authorized
5 an infringing use of the Gucci Marks, in Defendants' advertisement and promotion
6 of their counterfeit and infringing handbags, wallets, sunglasses, and other goods.
7 Defendants, upon information and belief, have misrepresented to members of the
8 consuming public that the Counterfeit Goods being advertised and sold by them are
9 genuine, non-infringing products.

10 41. Defendants' above-described actions are in violation of Section 43(a)
11 of the Lanham Act, 15 U.S.C. §1125(a).

12 42. Plaintiff has sustained injury and damage caused by Defendants'
13 conduct, and absent an entry of an injunction by this Court, Plaintiff will continue
14 to suffer irreparable injury to its goodwill and business reputation as well as
15 monetary damages.

16 **PRAYER FOR RELIEF**

17 43. WHEREFORE, Gucci's demand judgment jointly and severally
18 against Defendants as follows:

19 a. The Court enter a preliminary and permanent injunction
20 enjoining Defendants, their agents, representatives, servants, employees, and all
21 those acting in concert or participation therewith, from manufacturing or causing to
22 be manufactured, importing, advertising or promoting, distributing, selling or
23 offering to sell their Counterfeit Goods; from infringing, counterfeiting, or diluting
24 the Gucci Marks; from using the Gucci Marks, or any mark or trade dress similar
25 thereto, in connection with the sale of any unauthorized goods; from using any
26 logo, trade name, trademark, or trade dress which may be calculated to falsely
27 advertise the services or products of Defendants as being sponsored by, authorized
28 by, endorsed by, or in any way associated with Plaintiff; from falsely representing

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1 themselves as being connected with Plaintiff, through sponsorship or association, or
2 engaging in any act which is likely to falsely cause members of the trade and/or of
3 the purchasing public to believe any goods or services of Defendants, or in any way
4 endorsed by, approved by, and/or associated with Plaintiff; from using any
5 reproduction, counterfeit, copy, or colorable imitation of the Gucci Marks in
6 connection with the publicity, promotion, sale, or advertising of any goods sold by
7 Defendants, including, without limitation, handbags, wallets, sunglasses, and other
8 goods; from affixing, applying, annexing or using in connection with the sale of
9 any goods, a false description or representation, including words or other symbols
10 tending to falsely describe or represent Defendants' goods as being those of
11 Plaintiff, or in any way endorsed by Plaintiff and from offering such goods in
12 commerce; and from otherwise unfairly competing with Plaintiff.

13 b. Defendants be required to account to and pay Plaintiff for all
14 profits and damages resulting from Defendants' trademark infringing and
15 counterfeiting activities and that the award to Plaintiff be trebled, as provided for
16 under 15 U.S.C. §1117, or, at Plaintiff's election with respect to Count I, that
17 Plaintiff be awarded statutory damages from each Defendant in the amount of one
18 million (\$1,000,000.00) dollars per each counterfeit Gucci Mark used and product
19 sold, as provided by 15 U.S.C. §1117(c)(2) of the Lanham Act.

20 c. That Plaintiff be awarded punitive damages.

21 d. That Plaintiff be awarded pre-judgment interest on its judgment.

22 e. That Plaintiff be awarded at least treble damages as well as its
23 costs and reasonable attorney fees and investigators fees associated with bringing
24 this action.

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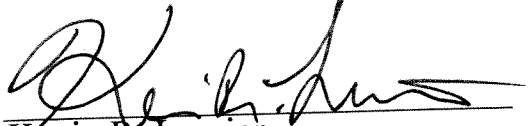
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f. That Plaintiff be awarded such other and further relief as the

Court may deem just and proper.

DATED: December 4, 2007.

BERRY & PERKINS
A Professional Corporation

By 

Kevin R. Lussier
Attorneys for Plaintiff
CHANEL, INC., a New York
Corporation

BERRY & PERKINS
A PROFESSIONAL CORPORATION

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Suite 950
Los Angeles, CA 90067-3134
(310) 557-8989

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

Gucci America, Inc., a
New York corporation

Plaintiff(s)

v.

Jessica Guerrero and Marta Carolina Machon, individually and jointly, dba
Kashcart.com dba Miss_J_2886@gmail.com dba Jcsunglasses dba Jgshoe.com
dba Puppypaw2886 dba Accessoriesworld.com and DOES 1-10

Defendant(s)

CASE NUMBER:

CV- CV07-07898 GAF

FMO

SUMMONS

TO: THE ABOVE-NAMED DEFENDANT(S):

YOU ARE HEREBY SUMMONED and required to file with this court and serve upon plaintiff's attorney
Kevin R. Lussier, whose address is:

Berry & Perkins, a Professional corporation
2049 Century Park East, Suite 950
Los Angeles, California 90067
(310) 557-8989

an answer to the complaint _____ amended complaint counterclaim cross-
claim which is herewith served upon you within 20 days after service of this Summons upon you, exclusive
of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded
in the complaint.

CLERK, U.S. DISTRICT COURT

Date: DEC - 4 2007

By: _____

KENDRA BRADSHAW
SEAL
Deputy Clerk

(Seal of the Court)

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

<p>I (a) PLAINTIFFS (Check box if you are representing yourself <input type="checkbox"/>) GUCCI AMERICA, INC., A New York corporation</p> <p>(b) County of Residence of First Listed Plaintiff (Except in U.S. Plaintiff Cases): New York, New York</p> <p>(c) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.) Kevin R. Lussier [SBN 143821] Berry & Perkins, PC 2049 Century Park East Suite 950 Los Angeles, CA 90067-3134 (310) 557-8989</p>	<p>DEFENDANTS Jessica Guerrero and Marta Carolina Machon, individually and jointly, dba Kashcart.com dba Miss_J_2886@gmail.com dba Jcsunglasses dba Jgshoe.com dba Puppypaw2886 dba Accessoriesworld.com and DOES 1-10 County of Residence of First Listed Defendant (In U.S. Plaintiff Cases Only):</p> <p>Attorneys (If Known)</p>
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<p>II. BASIS OF JURISDICTION (Place an X in one box only.)</p> <p><input type="checkbox"/> 1 U.S. Government Plaintiff <input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)</p> <p><input type="checkbox"/> 2 U.S. Government Defendant <input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)</p>	<p>III. CITIZENSHIP OF PRINCIPAL PARTIES - For Diversity Cases Only (Place an X in one box for plaintiff and one for defendant.)</p> <table style="width:100%;"> <tr> <td style="text-align: center;">PTF</td> <td style="text-align: center;">DEF</td> <td></td> <td style="text-align: center;">PTF</td> <td style="text-align: center;">DEF</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/> 1</td> <td style="text-align: center;"><input type="checkbox"/> 1</td> <td>Citizen of This State</td> <td style="text-align: center;"><input type="checkbox"/> 4</td> <td style="text-align: center;"><input type="checkbox"/> 4</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/> 2</td> <td style="text-align: center;"><input type="checkbox"/> 2</td> <td>Citizen of Another State</td> <td style="text-align: center;"><input type="checkbox"/> 5</td> <td style="text-align: center;"><input type="checkbox"/> 5</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/> 3</td> <td style="text-align: center;"><input type="checkbox"/> 3</td> <td>Citizen or Subject of a Foreign Country</td> <td style="text-align: center;"><input type="checkbox"/> 6</td> <td style="text-align: center;"><input type="checkbox"/> 6</td> </tr> <tr> <td></td> <td></td> <td>Incorporated or Principal Place of Business in this State</td> <td></td> <td></td> </tr> <tr> <td></td> <td></td> <td>Incorporated and Principal Place of Business in Another State</td> <td></td> <td></td> </tr> <tr> <td></td> <td></td> <td>Foreign Nation</td> <td></td> <td></td> </tr> </table>	PTF	DEF		PTF	DEF	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Citizen of This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Citizen of Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Citizen or Subject of a Foreign Country	<input type="checkbox"/> 6	<input type="checkbox"/> 6			Incorporated or Principal Place of Business in this State					Incorporated and Principal Place of Business in Another State					Foreign Nation		
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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:** \$ According to proof

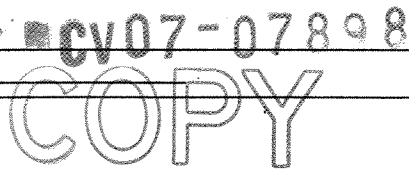
VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.)
 15 USC ss 1114, 1116, 1121 and 1125(a). Defendants have engaged in trademark infringement and unfair competition.

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

<p>OTHER STATUTES</p> <p><input type="checkbox"/> 400 State Reapportionment</p> <p><input type="checkbox"/> 410 Antitrust</p> <p><input type="checkbox"/> 430 Banks and Banking</p> <p><input type="checkbox"/> 450 Commerce/ICC Rates/etc</p> <p><input type="checkbox"/> 460 Deportation</p> <p><input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations</p> <p><input type="checkbox"/> 480 Consumer Credit</p> <p><input type="checkbox"/> 490 Cable/Sat TV</p> <p><input type="checkbox"/> 810 Selective Service</p> <p><input type="checkbox"/> 850 Securities/Commodities/Exchange</p> <p><input type="checkbox"/> 875 Customer Challenge 12 USC 3410</p> <p><input type="checkbox"/> 890 Other Statutory Actions</p> <p><input type="checkbox"/> 891 Agricultural Act</p> <p><input type="checkbox"/> 892 Economic Stabilization Act</p> <p><input type="checkbox"/> 893 Environmental Matters</p> <p><input type="checkbox"/> 894 Energy Allocation Act</p> <p><input type="checkbox"/> 895 Freedom of Info. Act</p> <p><input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice</p> <p><input type="checkbox"/> 950 Constitutionality of State Statutes</p>	<p>CONTRACT</p> <p><input type="checkbox"/> 110 Insurance</p> <p><input type="checkbox"/> 120 Marine</p> <p><input type="checkbox"/> 130 Miller Act</p> <p><input type="checkbox"/> 140 Negotiable Instrument</p> <p><input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment</p> <p><input type="checkbox"/> 151 Medicare Act</p> <p><input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Veterans)</p> <p><input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits</p> <p><input type="checkbox"/> 160 Stockholders' Suits</p> <p><input type="checkbox"/> 190 Other Contract</p> <p><input type="checkbox"/> 195 Contract Product Liability</p> <p><input type="checkbox"/> 196 Franchise</p> <p style="text-align: center;">REAL PROPERTY</p> <p><input type="checkbox"/> 210 Land Condemnation</p> <p><input type="checkbox"/> 220 Foreclosure</p> <p><input type="checkbox"/> 230 Rent Lease & Ejectment</p> <p><input type="checkbox"/> 240 Torts to Land</p> <p><input type="checkbox"/> 245 Tort Product Liability</p> <p><input type="checkbox"/> 290 All Other Real Property</p>	<p>TORTS</p> <p>PERSONAL INJURY</p> <p><input type="checkbox"/> 310 Airplane</p> <p><input type="checkbox"/> 315 Airplane Product Liability</p> <p><input type="checkbox"/> 320 Assault, Libel & Slander</p> <p><input type="checkbox"/> 330 Fed. Employers' Liability</p> <p><input type="checkbox"/> 340 Marine</p> <p><input type="checkbox"/> 345 Marine Product Liability</p> <p><input type="checkbox"/> 350 Motor Vehicle</p> <p><input type="checkbox"/> 355 Motor Vehicle Product Liability</p> <p><input type="checkbox"/> 360 Other Personal Injury</p> <p><input type="checkbox"/> 362 Personal Injury-Med Malpractice</p> <p><input type="checkbox"/> 365 Personal Injury-Product Liability</p> <p><input type="checkbox"/> 368 Asbestos Personal Injury Product Liability</p>	<p>TORTS</p> <p>PERSONAL PROPERTY</p> <p><input type="checkbox"/> 370 Other Fraud</p> <p><input type="checkbox"/> 371 Truth in Lending</p> <p><input type="checkbox"/> 380 Other Personal Property Damage</p> <p><input type="checkbox"/> 385 Property Damage Product Liability</p> <p style="text-align: center;">BANKRUPTCY</p> <p><input type="checkbox"/> 422 Appeal 28 USC 158</p> <p><input type="checkbox"/> 423 Withdrawal 28 USC 157</p> <p style="text-align: center;">CIVIL RIGHTS</p> <p><input type="checkbox"/> 441 Voting</p> <p><input type="checkbox"/> 442 Employment</p> <p><input type="checkbox"/> 443 Housing/Accommodations</p> <p><input type="checkbox"/> 444 Welfare</p> <p><input type="checkbox"/> 445 American with Disabilities - Employment</p> <p><input type="checkbox"/> 446 American with Disabilities - Other</p> <p><input type="checkbox"/> 440 Other Civil Rights</p>	<p>PRISONER PETITIONS</p> <p><input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus</p> <p><input type="checkbox"/> 530 General</p> <p><input type="checkbox"/> 535 Death Penalty</p> <p><input type="checkbox"/> 540 Mandamus/Other</p> <p><input type="checkbox"/> 550 Civil Rights</p> <p><input type="checkbox"/> 555 Prison Condition</p> <p style="text-align: center;">FORFEITURE/PENALTY</p> <p><input type="checkbox"/> 610 Agriculture</p> <p><input type="checkbox"/> 620 Other Food & Drug</p> <p><input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881</p> <p><input type="checkbox"/> 630 Liquor Laws</p> <p><input type="checkbox"/> 640 R.R. & Truck</p> <p><input type="checkbox"/> 650 Airline Regs</p> <p><input type="checkbox"/> 660 Occupational Safety/Health</p> <p><input type="checkbox"/> 690 Other</p>	<p>LABOR</p> <p><input type="checkbox"/> 710 Fair Labor Standards Act</p> <p><input type="checkbox"/> 720 Labor/Mgmt. Relations</p> <p><input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act</p> <p><input type="checkbox"/> 740 Railway Labor Act</p> <p><input type="checkbox"/> 790 Other Labor Litig.</p> <p><input type="checkbox"/> 791 Empl. Ret. Inc. Security Act</p> <p style="text-align: center;">PROPERTY RIGHTS</p> <p><input type="checkbox"/> 820 Copyrights</p> <p><input type="checkbox"/> 830 Patent</p> <p><input checked="" type="checkbox"/> 840 Trademark</p> <p style="text-align: center;">SOCIAL SECURITY</p> <p><input type="checkbox"/> 861 HIA (1395ff)</p> <p><input type="checkbox"/> 862 Black Lung (923)</p> <p><input type="checkbox"/> 863 DIWC/DIWW (405(g))</p> <p><input type="checkbox"/> 864 SSID Title XVI</p> <p><input type="checkbox"/> 865 RSI (405(g))</p> <p style="text-align: center;">FEDERAL TAX SUITS</p> <p><input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)</p> <p><input type="checkbox"/> 871 IRS - Third Party 26 USC 7609</p>
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VIII(a). IDENTICAL CASES: Has this action been previously filed and dismissed, remanded or closed? No Yes
 If yes, list case number(s):

FOR OFFICE USE ONLY: Case Number: _____



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

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

VIII(b). RELATED CASES: Have any cases been previously filed 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: List the California County, or State if other than California, in which EACH named plaintiff resides (Use an additional sheet if necessary)

Check here if the U.S. government, its agencies or employees is a named plaintiff.

NEW YORK

List the California County, or State if other than California, in which EACH named defendant resides. (Use an additional sheet if necessary).

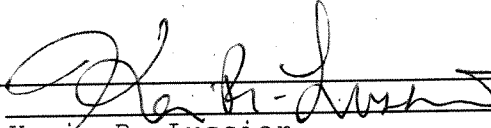
Check here if the U.S. government, its agencies or employees is a named defendant.

LOS ANGELES

List the California County, or State if other than California, in which EACH claim arose. (Use an additional sheet if necessary)

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

LOS ANGELES

X. SIGNATURE OF ATTORNEY (OR PRO PER):  Date 12-4-07
 Kevin R. Lussier

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))