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2008 JAN 29 PM 7:06

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

BY: _____

5 Attorney for Plaintiff, UNICOLORS, INC.
6

7 UNITED STATES DISTRICT COURT
8 CENTRAL DISTRICT OF CALIFORNIA
9 (WESTERN DIVISION-LOS ANGELES)

10 UNICOLORS, INC., a California	)	CASE NO.:
11 corporation,	)	CV08-0589 PA SH
	)	COMPLAINT FOR
12 Plaintiff,	)	INFRINGEMENT OF
	)	COPYRIGHT, FOR
13 vs.	)	DAMAGES AND FOR
	)	INJUNCTIVE RELIEF and
14 RUE21, INC., a Pennsylvania	)	(2) CONTRIBUTORY
15 corporation; and DOES 1 through	)	COPYRIGHT
25, inclusive,	)	INFRINGEMENT
)	
16 Defendants.	)	DEMAND FOR JURY TRIAL
)	

17
18 Plaintiff, UNICOLORS, INC., a California corporation,
19 for its complaint against all Defendants named herein,
20 alleges as follows:

21 THE PARTIES

22 1. Plaintiff, UNICOLORS, INC., (hereafter
23 "UNICOLORS") was, and now is, a corporation duly organized
24 and existing under the laws of the State of California,
25 with its principal place of business located at Los
26 Angeles, California.

27 2. On information and belief, UNICOLORS alleges that
28

1 Defendant, RUE21, INC., (hereafter "RUE21") was, and now
2 is, a corporation duly organized and existing under the
3 laws of the State of Pennsylvania, with its principal place
4 of business located at Warrendale, Pennsylvania, and was at
5 all times herein licensed to do business in the State of
6 California.

7 JURISDICTION AND VENUE

8 3. This action arises under the Act of October 19,
9 1976, Title I Section 101, 90 Stat. 2541; 17 U.S.C. Section
10 501; and this Court has jurisdiction under the Act of June
11 25, 1948, c. 646, 62 Stat. 931; 28 U.S.C. Section 1338, as
12 hereinafter more fully appears.

13 4. This action arises under the Copyright Laws of
14 the United States, 17 U.S.C. 101, et seq. and,
15 particularly, under 17 U.S.C. 106, 501, and to redress the
16 infringements of copyrights. This Court has jurisdiction
17 over the subject matter of this claim pursuant to 28 U.S.C.
18 1331.

19 5. Venue properly lies in this Judicial District
20 pursuant to 28 U.S.C. Section 1400(-) and 28 U.S.C. Section
21 1391(b). Process properly issues from this Court pursuant
22 to Rule 4 of the Federal Rules of Civil Procedure.

23 6. Prior to December 1, 2006, UNICOLORS who then was
24 and ever since has been a citizen of the United States,
25 created and designed original works of art reproduced in
26 printed fabric designs, one of which is the subject of this
27 Action, designated by UNICOLORS by its design number
28

1 610285, (hereafter "the Design", or "Design").

2 7. The Design is wholly original with UNICOLORS and
3 is capable of being copyrighted subject matter under the
4 laws of the United States.

5 8. Between December 1, 2006 and the present date,
6 ~~UNICOLORS complied in all respects with the Act of October~~
7 19, 1976, Title I Section 101, 90 Stat. 2541; 17 U.S.C.
8 Section 401-412 and all other laws governing copyright and
9 secured the exclusive rights and privileges in and to the
10 copyright of the Design.

11 9. The work of art comprising the Design was and is
12 wholly original and is copyrightable subject matter under
13 the laws of the United States. UNICOLORS has validly
14 secured statutory copyright in the Design under the laws of
15 the United States.

16 10. UNICOLORS has duly complied in all respects with
17 the provisions of the Copyright Law of the United States,
18 and has secured the exclusive rights and privileges in and
19 to the Design, and UNICOLORS thereupon duly requested and
20 received from the Register of Copyrights, Certificate of
21 Registration Number VA 1-389-320. (A true and correct copy
22 of the Copyright Registration for the Design is attached
23 hereto as Exhibit "1", and is incorporated herein by this
24 reference.)

25 11. All copies of the Design have been published by
26 only UNICOLORS, and all copies have been printed,
27 reproduced, and published in strict conformity with the

1 provisions of the Copyright Law of the United States.

2 12. At all relevant times since creation of the
3 Design, UNICOLORS has been, and is now, the sole proprietor
4 of all right, title, and interest in the copyright and the
5 right to exploit the copyright of the exclusive Design.

6 13. Pursuant to UNICOLORS' sole and exclusive right
7 in the Design, UNICOLORS commenced to print and convert
8 fabric goods into printed textiles for use in the
9 manufacture of apparel and other purposes bearing imprints
10 of said copyrighted Design and UNICOLORS has sold such
11 materials and textiles bearing the Design.

12 14. RUE21, and DOES 1 through 3, upon information and
13 belief, is retail distributor of apparel, and has sold in
14 the United States and within this judicial district,
15 apparel which infringes UNICOLORS' copyright in the Design
16 as set forth hereinafter.

17 15. DOES 4 through 10, and each of them, upon
18 information and belief, is a manufacturer of, among other
19 things, apparel, and has manufactured and sold in the
20 United States and within this district apparel which
21 infringes UNICOLORS' copyright in the Design as set forth
22 hereinafter.

23 16. RUE21, and DOES 1 through 10, and their agents
24 and employees, upon information and belief, transact
25 business within this district, derive substantial revenue
26 from intrastate and interstate commerce and have committed
27 tortious acts, including copyright infringement, within

28

1 this district and also without this district having
2 injurious consequences within this district, and all
3 Defendants are otherwise within the jurisdiction of this
4 Court.

5 17. Upon information and belief, at some time
6 presently unknown, after UNICOLORS first published its
7 copyrighted design, Defendants, and each of them, willfully
8 infringed UNICOLORS' copyright in the Design by causing
9 infringing and unauthorized copies of the Design to be
10 manufactured, offering for sale, and sold, without
11 UNICOLORS' consent, apparel made with textiles imprinted
12 with works of art which were copied from UNICOLORS'
13 copyrighted Design.

14 18. Defendants' infringing design was clearly copied
15 from UNICOLORS' Design, and said copying was done without
16 UNICOLORS' authorization or consent.

17 19. The layout, colors, details, pattern repeats and
18 all other design elements of Defendants' infringing
19 textiles and garments made therefrom are all virtually the
20 same as the Design, and infringes UNICOLORS' copyrighted
21 Design.

22 20. UNICOLORS has no adequate remedy at law to
23 prevent further violation of the aforesaid copyright laws,
24 and therefore seeks relief as hereinafter requested.

25 21. UNICOLORS has also sustained and seeks damages,
26 including, but not limited to, reasonable attorney's fees
27 and costs of litigation, against Defendants according to
28

1 proof as hereinafter requested.

2 22. Defendants, in committing the wrongful acts
3 alleged herein, are guilty of fraud, oppression, or malice,
4 entitling Plaintiff to exemplary and punitive damages in an
5 amount appropriate to punish Defendants and make an example
6 of them to the community. Plaintiff, therefore prays that
7 punitive damages be awarded against Defendants, and each of
8 them, according to proof at time of trial.

9
10 SECOND CAUSE OF ACTION

11 (CONTRIBUTORY COPYRIGHT INFRINGEMENT)

12 (AS AGAINST ALL DEFENDANTS)

13 23. Plaintiff realleges and incorporates by reference
14 each and every allegation of Paragraphs 1 through 22 as
15 though fully set forth herein.

16 24. Before or after the date of filing for
17 registration of the subject copyright, and continuing to
18 date, RUE21 and DOES 1 through 10 have contributorily
19 infringed UNICOLORS' Copyrighted Design by inducing,
20 causing or materially contributing to the infringing
21 conduct of a direct infringer.

22 25. On information and belief, said conduct by
23 Defendants was and is willfully done with knowledge of
24 UNICOLORS' Copyrighted Design, and/or was and is
25 negligently done.

26 26. UNICOLORS has no adequate remedy at law to
27 prevent further violation of the aforesaid copyright laws,
28

1 and therefore seeks relief as hereinafter requested.

2 27. UNICOLORS has also sustained and seeks damages,
3 including, but not limited to, statutory damages, and/or
4 actual damages, profits derived by the infringers from
5 their infringements of the Copyrighted Design, reasonable
6 attorney's fees and costs of litigation, against Defendants
7 according to proof as hereinafter requested.

8 28. Defendants, in committing the wrongful acts
9 alleged herein, are guilty of fraud, oppression, or malice,
10 entitling Plaintiff to exemplary and punitive damages in an
11 amount appropriate to punish Defendants and make an example
12 of them to the community. Plaintiff, therefore prays that
13 punitive damages be awarded against Defendants, and each of
14 them, according to proof at time of trial.

15 WHEREFORE, UNICOLORS demands judgment against
16 Defendants, and each of them, as follows:

17 a. That Defendants, and each of them, their
18 officers, agents, servants, employees, attorneys and all
19 parties in active concert or participation with them be
20 enjoined from infringing UNICOLORS' copyrighted Design,
21 including, but not limited to, manufacturing, vending,
22 printing, distributing, selling, displaying, promoting, or
23 advertising fabric or garments or other products
24 incorporating a design copied from the copyrighted Design
25 or by causing and/or participating in manufacturing,
26 printing, vending, distributing, offering for sale,
27 selling, displaying, promoting, or advertising by others

28

1 pursuant to 17 U.S.C. Section 502.

2 b. That Defendants, and each of them, be enjoined to
3 deliver up for destruction, all infringing copies of
4 UNICOLORS' copyrighted Design in their possession or under
5 their control, whether in the form of fabric or apparel or
6 other products incorporating the infringing Design, to
7 withdraw all advertising or promotional materials,
8 including, but not limited to catalogs, bearing a copy of
9 such copyrighted Design, and print rollers, screens,
10 matrices, and the like utilized in the manufacture of
11 infringing textiles pursuant to 17 U.S.C. Section 503.

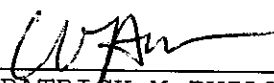
12 c. That Defendants, and each of them, be required to
13 pay UNICOLORS all damages UNICOLORS has sustained as a
14 consequence of their infringement of UNICOLORS' copyrighted
15 Design, including, but not limited to, statutory damages
16 under the Copyright Act, and that Defendants be required to
17 account to UNICOLORS for all gains, profits, and advantages
18 derived by them from their infringement of the Design,
19 including profits on all sales of fabrics, apparel, and
20 other goods embodying any elements of UNICOLORS'
21 copyrighted Design pursuant to 17 U.S.C. Section 504.

22 d. That Defendants, and each of them, be required to
23 pay to UNICOLORS their reasonable attorney's fees and costs
24 of suit of this action pursuant to 17 U.S.C. Section 505.

25 e. That Defendants, and each of them, be required to
26 pay to UNICOLORS exemplary and punitive damages in an
27 amount appropriate to punish Defendants and make an example
28

1 of them to the community, according to proof at time of
2 trial.

3
4 DATED: January 17, 2008

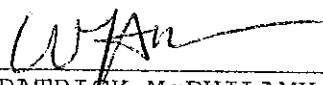


W. PATRICK McPHILAMY, III
Attorney for Plaintiff
UNICOLORS, INC.

6
7 DEMAND FOR JURY TRIAL

8 Plaintiff, UNICOLORS, INC. hereby demands a trial by
9 jury on all issues triable by a jury in this matter.

10
11 DATED: January 17, 2008



W. PATRICK McPHILAMY, III
Attorney for Plaintiff
UNICOLORS, INC.

Certificate of Registration



This Certificate issued under the seal of the Copyright Office in accordance with title 17, United States Code, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

Marybeth Peters

Register of Copyrights, United States of America

FORM VA
For a Work of the Visual Arts
UNITED STATES COPYRIGHT OFFICE

VA 1-389-320



EFFECTIVE DATE OF REGISTRATION

Month 12 Day 01 Year 06

DO NOT WRITE ABOVE THIS LINE. IF YOU NEED MORE SPACE, USE A SEPARATE CONTINUATION SHEET.

TITLE OF THIS WORK U2R(60240), 61049, 610225, 610275, 610249, 610252, 610267, 610269, 610271, 610272, 610275, 610291, 610293, 610295, 610299, 610292, 610315, 610317, 610264, 610227, 610412, 610415, 610415, 610417, 610619, 611021, 611027, 611029, 611029, 61095, 611039, 611041, 61043, 611044, 61047, 611049, 611054, 611055, 611056, 611059, 611059, 611061, 611062, 611065 NATURE OF THIS WORK See instructions

PREVIOUS OR ALTERNATIVE TITLES ▼

Publication as a Contribution If this work was published as a contribution to a periodical, serial, or collection, give information about the collective work in which the contribution appeared. Title of Collective Work ▼

If published in a periodical or serial give: Volume ▼ Number ▼ Issue Date ▼ On Pages ▼

NAME OF AUTHOR ▼

UNICOLORS STUDIO

DATES OF BIRTH AND DEATH
Year Born ▼ Year Died ▼

Was this contribution to the work a "work made for hire"?
 Yes
 No

Author's Nationality or Domicile
Name of Country
OR { Citizen of UNITED STATES
Domiciled in U.S.A.

Was This Author's Contribution to the Work
Anonymous? Yes No
Pseudonymous? Yes No
If the answer to either of these questions is "Yes," see detailed instructions.

NATURE OF AUTHORSHIP (Check appropriate box(es). See instructions)

- 1-Dimensional artwork
- 2-Dimensional artwork
- 3-Dimensional sculpture
- Reproduction of work of art
- Map
- Photograph
- Jewelry design
- Technical drawing
- Text
- Architectural work

NAME OF AUTHOR ▼

DATES OF BIRTH AND DEATH
Year Born ▼ Year Died ▼

Was this contribution to the work a "work made for hire"?
 Yes
 No

Author's Nationality or Domicile
Name of Country
OR { Citizen of ▼
Domiciled in ▼

Was This Author's Contribution to the Work
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- 1-Dimensional sculpture
- 2-Dimensional artwork
- Reproduction of work of art
- Map
- Photograph
- Jewelry design
- Technical drawing
- Text
- Architectural work

Year in Which Creation of This Work Was Completed 2006

This information must be given in all cases.

Date and Nation of First Publication of This Particular Work

Complete this information ONLY if this work has been published.

Month 11 Day 22 Year 2006 Nation USA

COPYRIGHT CLAIMANT(S) Name and address must be given even if the claimant is the same as the author given in space 2. ▼

UNICOLORS, INC.
3251 E. 26th Street, Vernon CA 90023
Tel. (323) 307-9878 Fax (323) 307-9874

Transfer If the claimant(s) named here in space 4 is (are) different from the author(s) named in space 2, give a brief statement of how the claimant(s) obtained ownership of the copyright. ▼

APPLICATION RECEIVED
12/01/06
ONE DEPOSIT RECEIVED
12/01/06
TWO DEPOSITS RECEIVED
FUNDS RECEIVED

DO NOT WRITE HERE OFFICE USE ONLY

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

I (a) PLAINTIFFS (Check box if you are representing yourself <input type="checkbox"/>) UNICOLORS, INC., a California corporation	DEFENDANTS RUE 21, INC., a Pennsylvania corporation
(b) County of Residence of First Listed Plaintiff (Except in U.S. Plaintiff Cases): Los Angeles, California	County of Residence of First Listed Defendant (In U.S. Plaintiff Cases Only): Pennsylvania
(c) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.) W. Patrick McPhilamy, III, APC 225 S. Lake Ave., Suite 300 Pasadena, CA 91101 (626) 432-5490	Attorneys (If Known)

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-collapse: collapse;"> <tr> <td style="width:30%;"></td> <td style="width:10%; text-align: center;">PTF</td> <td style="width:10%; text-align: center;">DEF</td> <td style="width:40%;"></td> <td style="width:10%; text-align: center;">PTF</td> <td style="width:10%; text-align: center;">DEF</td> </tr> <tr> <td>Citizen of This State</td> <td style="text-align: center;"><input checked="" type="checkbox"/> 1</td> <td style="text-align: center;"><input type="checkbox"/> 1</td> <td>Incorporated or Principal Place of Business in 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>Citizen of Another State</td> <td style="text-align: center;"><input type="checkbox"/> 2</td> <td style="text-align: center;"><input checked="" type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business in 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>Citizen or Subject of a Foreign Country</td> <td style="text-align: center;"><input type="checkbox"/> 3</td> <td style="text-align: center;"><input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td style="text-align: center;"><input type="checkbox"/> 6</td> <td style="text-align: center;"><input type="checkbox"/> 6</td> </tr> </table>		PTF	DEF		PTF	DEF	Citizen of This State	<input checked="" 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 checked="" type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5	Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6
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Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6																				

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

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

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

CLASS ACTION under F.R.C.P. 23: Yes No MONEY DEMANDED IN COMPLAINT: \$ 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.)

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 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	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 checked="" 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) <input type="checkbox"/> 863 DIWC/DIWW (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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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: _____

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.
 Unicolors, Inc. Los Angeles County

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.
 RUE21, Inc., a Pennsylvania corporation

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 County

X. SIGNATURE OF ATTORNEY (OR PRO PER):  Date January 18, 2008

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))

**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 Percy Anderson and the assigned discovery Magistrate Judge is Stephen J. Hillman.

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

CV08- 589 PA (SHx)

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

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