

COPY

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8
9

10 UNITED STATES DISTRICT COURT
11 CENTRAL DISTRICT OF CALIFORNIA

CV08-8300AHM (AGRx)

13 UNIVERSAL CITY STUDIOS
PRODUCTIONS LLLP, a Delaware
14 limited liability limited partnership;
UNIVERSAL CITY STUDIOS LLLP, a
15 Delaware limited liability limited
partnership; DISNEY ENTERPRISES,
16 INC., a Delaware corporation,

17 Plaintiffs,

18 v.

19 SSWAREZ.COM, a business entity of
unknown form; VERONICA MOUNIE,
20 an individual, d/b/a SSWAREZ.COM;
and DOES 1 through 5, inclusive,
21

22 Defendants.
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CASE NO.

COMPLAINT FOR COPYRIGHT
INFRINGEMENT (17 U.S.C. §§ 101,
ET SEQ.)

FILED
2008 DEC 17 AM 11:16
CLERK U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
LOS ANGELES

1 Plaintiffs Universal City Studios Productions LLLP, Universal City Studios
2 LLLP, and Disney Enterprises, Inc. (collectively, "Plaintiffs") for their Complaint
3 against defendants sswarez.com, Veronica Mounie, and Does 1 through 5
4 (collectively, "Defendants") allege as follows:

5
6 **NATURE OF THE ACTION**

7 1. This is a civil action for damages and for injunctive and related relief
8 against Defendants for violations of the United States Copyright Act of 1976, 17
9 U.S.C. §§ 101, *et seq.* This action arises out of Defendants' infringement of
10 copyrights in numerous motion pictures and other audiovisual works to which
11 Plaintiffs own or control copyright and/or exclusive distribution rights ("Plaintiffs'
12 copyrighted works").

13 2. Defendants own and operate the website www.sswarez.com.com
14 ("sswarez" or the "Website"), whose purpose is to promote, facilitate, and profit
15 from the infringement of Plaintiffs' copyrighted works. The Website is a for-profit
16 "one-stop-shop" to allow members of the public to easily locate and download
17 infringing copies of Plaintiffs' copyrighted works. Specifically, by creating
18 organizing, maintaining, and indexing various "forums" and "bulletin boards,"
19 Defendants enable users to upload and download infringing materials that are
20 available on third-party websites (including, for example, the third party website
21 Rapidshare.com). Plaintiffs are informed and believe, and based thereon allege,
22 that Defendants profit from their misconduct by collecting "donations" from users
23 and displaying advertisements adjacent to the infringing content (including
24 Plaintiff's copyrighted works) that is available *via* their Website. Defendants'
25 conduct constitutes copyright infringement.

26 3. As alleged in detail below, by virtue of their conduct, Defendants
27 violate the Copyright Act of 1976, 17 U.S.C. §§ 101, *et seq.*
28

THE PARTIES

4. Plaintiff Universal City Studios Productions LLLP ("UCSP") is a limited liability limited partnership duly organized under the laws of the State of Delaware with its principal place of business located in Universal City, California.

5. Plaintiff Universal City Studios LLLP ("UCS") is a limited liability limited partnership duly organized under the laws of the State of Delaware with its principal place of business located in Universal City, California.

6. Plaintiff Disney Enterprises, Inc. ("Disney") is a corporation duly incorporated under the laws of the State of Delaware with its principal place of business located in Burbank, California.

7. Defendants own and/or operate a website, www.sswarez.com, at the Internet Protocol address 209.44.118.120. On information and belief, Defendants engage in and profit from infringing activity in this judicial district.

8. Defendant sswarez.com is a business entity of unknown form.

9. On information and belief, Defendant Veronica Mounie owns and/or operates sswarez.com. On information and belief, Mounie is an individual residing in the State of Virginia.

10. Plaintiffs are unaware of the true names or capacities of the defendants sued herein under the fictitious names DOES 1 through 5, inclusive. Plaintiffs are informed and believe, and based thereon allege, that DOES 1 through 5, and each of them, either directly performed the acts alleged herein or were acting as the agent, principal, alter ego, employee, representative, or otherwise participated in the acts alleged herein with Defendants. Accordingly, defendants DOES 1 through 5 are each liable for all of the acts alleged herein because they were the cause in fact and proximate cause of all injuries suffered by Plaintiffs as alleged herein. Plaintiffs will amend the Complaint to state the true names of defendants DOES 1 through 5 when their identity is discovered.

1 high definition discs, by selling them directly or indirectly to the home viewing
2 market or licensing them to others to do so. Plaintiffs also distribute their
3 copyrighted works, among other ways, through Internet-based streaming and
4 download services and other media or license others to do so. Plaintiffs also offer
5 streaming video clips of many of their popular television shows and other
6 copyrighted works through their own websites (such as disney.go.com) or through
7 licensees.

8 16. Each Plaintiff or its predecessor-in-interest is the owner or exclusive
9 licensee of United States copyrights in a substantial number of motion pictures
10 and/or television programs. Attached hereto as Exhibit A and incorporated herein
11 by reference is an illustrative schedule of some of the motion pictures in which
12 Plaintiffs own the copyright or exclusive distribution and public performance and
13 display right.

14 17. By way of illustration, Plaintiffs are the owners of United States
15 copyrights or the exclusive distribution and public performance rights in the
16 following motion pictures: Plaintiff UCSP (*Definitely, Maybe*), Plaintiff UCS
17 (*Hellboy II: The Golden Army*), and Plaintiff Disney (*Enchanted*).

18 18. Plaintiffs have registered with the United States Copyright Office
19 their copyrights in the works identified in Paragraph 17 above and in Exhibit A.

20 19. Plaintiffs and certain of their affiliates have invested (and continue to
21 invest) substantial sums of money and effort each year to develop, produce, and
22 distribute motion pictures and/or television programs protected under copyright
23 and other laws. Defendants' actions, as described below, infringe Plaintiffs'
24 exclusive rights under the Copyright Act and other laws and diminish the
25 economic value of such rights.
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Defendants' Unlawful Activities

20. As alleged hereinabove, Defendants operate a website called sswarez, located at www.sswarez.com. The primary purpose of sswarez is to disseminate to its users content that has been unlawfully reproduced, distributed, publicly performed, and/or publicly displayed that is available on third-party Internet websites. The Website facilitates the ability of its users to have access, on demand, to copyrighted movies and other audiovisual works that have been unlawfully reproduced, distributed, publicly performed, and/or publicly displayed in violation of Plaintiffs' copyrights.

21. Defendants' Website is a one-stop shop for infringing material. Specifically, Defendants' sswarez Website provides easy and immediate access to infringing content that has been uploaded and stored on third party websites. Defendants make such infringing content easily accessible to users by creating, organizing, and maintaining a variety of online "forums" or "bulletin boards." Defendants encourage their users to exploit these forums to post links to infringing content that they have made available for download. Defendants then index and categorize the links to infringing content posted on those forums. Most, if not all, of the content indexed on and available via sswarez's Website is infringing, unauthorized copyrighted content, including Plaintiffs' copyrighted works.

22. The "Movies" section of sswarez, located at <http://www.sswarez.com/forumdisplay.php?f=12>, features an index of forums and topics. Defendants encourage users to use these forums and topics (among other things) to post links to infringing content available for download. Indeed, Defendants specifically invite users to "share the latest screeners and DVDrips with us." Defendants then organize the infringing content made available *via* these forums into categories (or subcategories) such as "2008 Moviez" and "HD Moviez." Under each of these categories, sswarez lists the titles of the particular infringing copyrighted works available through its website. Among these titles are

1 works that are currently being exhibited in movie theaters (*e.g.*, *Bolt* and *Burn*
2 *After Reading*).

3 23. To download permanently and watch an infringing copy of a
4 copyrighted work using Defendants' sswarez Website, the user clicks on the title of
5 a particular infringing work (*e.g.*, the motion picture *The Incredible Hulk*) from
6 sswarez's index. A webpage then appears on the sswarez site describing the work
7 being offered for download and providing a list of links to pages within a third
8 party Internet website where files containing the work are hosted. A user then
9 simply (1) "copies" the link to the third party Internet website, (2) "pastes" the link
10 into a window, and (3) hits "Enter" or "Go." The user then is immediately directed
11 to webpages where computer files containing the copyrighted work are located,
12 and is then able to download quickly a permanent copy of the infringing work onto
13 the user's computer. The sswarez Website requires users to view a full-page
14 advertisement before being permitted to access the infringing links.

15 24. In furtherance of creating, maintaining, and organizing the index of
16 links to infringing content, which sswarez makes available to its users *via* a single
17 click of the mouse, the sswarez Website also contains forums that allow users to
18 suggest new links to infringing copyrighted works, request new infringing content,
19 and provide feedback to the operators of the Website or to those users who have
20 posted links to infringing content. In addition, sswarez provides extensive
21 instruction to users on how to download and upload infringing content.

22 25. Most, if not all, of the content made available by sswarez is infringing
23 copyrighted video content, including Plaintiffs' copyrighted works. Furthermore,
24 Defendants know and intend that the links on their sswarez website consist of links
25 to unauthorized infringing copies of copyrighted works, including Plaintiffs'
26 copyrighted works. The fundamental purpose of sswarez is to further the illegal
27 dissemination and to contribute to the illegal dissemination of infringing works.
28

1 26. By virtue of the conduct alleged hereinabove, Defendants knowingly
2 promote, participate in, facilitate, assist, enable, materially contribute to,
3 encourage, and induce copyright infringement, thereby secondarily infringing the
4 copyrights in Plaintiffs' copyrighted works, including but not limited to those
5 listed in Exhibit A attached to this Complaint.

6 27. On November 21, 2008 and December 10, 2008, Plaintiffs gave notice
7 to Defendants that the Website infringes Plaintiffs' copyrights, specifically
8 identifying numerous examples of copyrighted works on sswarez that are owned or
9 controlled by Plaintiffs and that are being infringed by the Website. Plaintiffs
10 demanded that Defendants immediately cease the infringement and take steps to
11 ensure that the website does not infringe upon the copyrights of Plaintiffs'
12 copyrighted works in the future. Defendants, however, ignored Plaintiffs' notices,
13 failing either to remove the links to Plaintiffs' copyrighted works from the sswarez
14 Website or to take steps to ensure that the Website does not infringe upon the
15 copyrights of Plaintiffs' copyrighted works in the future.

16 28. Plaintiffs are informed and believe, and based thereon allege that
17 Defendant Mounie is the owner and operator of sswarez and the person primarily
18 responsible for sswarez's infringing activities.

19 29. No Plaintiff has granted any license, permission, authorization, or
20 consent to Defendants to use or exploit any of Plaintiffs' copyrighted works.
21 Instead, in violation of Plaintiffs' rights under copyright law, Defendants have
22 willfully, intentionally, and knowingly facilitated, enabled, induced, and materially
23 contributed to infringing uses thereof.

24 30. Defendants' conduct causes substantial harm to Plaintiffs and to their
25 intellectual property. Among other things, Defendants' conduct interferes with the
26 continued growth and development of numerous emerging legitimate services
27 offering consumers a means to obtain and view copies of audiovisual works on the
28 Internet and through other channels of distribution.

FIRST CLAIM FOR RELIEF

(Contributory Copyright Infringement)

17 U.S.C. §§ 101, *et seq.*

31. Plaintiffs incorporate by reference each and every allegation set forth in Paragraphs 1 through 30, inclusive, as though fully set forth herein.

32. Plaintiffs own the United States copyrights or the pertinent exclusive rights, including without limitation the reproduction, distribution, public performance, and public display rights, in and to the copyrighted works listed in Paragraph 17 and in Exhibit A, as well as many other motion pictures and other audiovisual works.

33. Plaintiffs (or their predecessors) have obtained copyright registration and/or preregistration certificates for each work listed in Exhibit A. In doing so, Plaintiffs have complied in all respects with 17 U.S.C. §§ 101, *et seq.*, the statutory deposit and registration requirements thereof, and all other laws governing federal copyrights.

34. By virtue of the availability of infringing copies of Plaintiffs' copyrighted works on third-party websites, Plaintiffs' exclusive rights of reproduction, distribution, and public display have been infringed in violation of the Copyright Act, 17 U.S.C. §§ 106 and 501.

35. Plaintiffs are informed and believe, and based thereon allege, that Defendants know or have reason to know of the aforesaid infringement of Plaintiffs' copyrighted works, and Defendants materially contribute to and further such infringement. The infringement of Plaintiffs' copyrighted works on sswarez is open and notorious. Furthermore, the purpose and function of sswarez is the illegal dissemination of Plaintiffs' copyrighted works. Plaintiffs' copyrighted works are well-known and recognizable, and even a cursory review of the sswarez website reveals that it provides access to numerous infringing copies of Plaintiffs' copyrighted motions pictures.

1 36. Moreover, while unnecessary to establish Defendants' knowledge of
2 the blatant and extensive infringement promoted by the Website, Plaintiffs
3 provided Defendants with written notice of the infringement of Plaintiffs'
4 copyrighted works occurring *via* the Website. Defendants failed to halt their
5 infringing activities.

6 37. By enabling, causing, facilitating, materially contributing to, and
7 encouraging the unauthorized reproduction, distribution, public performance, and
8 public display, of unauthorized copying of Plaintiffs' copyrighted works (including
9 the works listed in Exhibit A) in the manner described above, with full knowledge
10 of the illegality of such conduct, Defendants contribute to and induce a vast
11 number of copyright infringements, including infringements of Plaintiffs'
12 copyrighted works, in violation of the Copyright Act, 17 U.S.C. §§ 106 and 501.

13 38. The unauthorized reproduction, distribution, public performance, and
14 public display of Plaintiffs' copyrighted works that Defendants enable, cause,
15 materially contribute to, and encourage through the acts described above are
16 without Plaintiffs' consent and are not otherwise permissible under the Copyright
17 Act.

18 39. Plaintiffs are informed and believe, and based thereon allege, that the
19 foregoing acts of infringement by Defendants have been willful, intentional, and
20 purposeful, in disregard of and indifference to Plaintiffs' copyrights and exclusive
21 rights under copyright.

22 40. As a direct and proximate result of Defendants' infringement of
23 Plaintiffs' copyrights and exclusive rights under copyright, Plaintiffs have
24 sustained and will continue to sustain actual damage. Plaintiffs are entitled to their
25 actual damages plus Defendants' profits from infringement of Plaintiffs'
26 copyrighted works, as will be proven at trial. Alternatively, at Plaintiffs' election,
27 Plaintiffs are entitled to the maximum statutory damages as permitted by federal
28 copyright law.

1 41. Defendants' acts have caused and continue to cause substantial
2 irreparable harm to Plaintiffs. Unless Defendants are enjoined from engaging in
3 their wrongful conduct, Plaintiffs will suffer further irreparable injury and harm,
4 for which they have no adequate remedy at law.

5 42. Plaintiffs are entitled to their attorneys' fees and full costs pursuant to
6 17 U.S.C. § 505.

7
8 **SECOND CLAIM FOR RELIEF**

9 **(Inducement of Copyright Infringement)**

10 **17 U.S.C. §§ 101, *et seq.***

11 43. Plaintiffs incorporate by reference each and every allegation set forth
12 in Paragraphs 1 through 30 and 32 through 35, inclusive, as though fully set forth
13 herein.

14 44. Defendants are liable under the Copyright Act for inducing and
15 encouraging the acts of direct copyright infringement hereinabove alleged.
16 Defendants operate the swarez website with the object of promoting the use of the
17 website to infringe Plaintiffs' copyrights, evidenced by Defendants' clear
18 expression and/or other affirmative steps taken to foster infringement.

19 45. Defendants' unlawful objective to promote infringement is
20 demonstrated by numerous indicia including, without limitation, their operation of
21 a website that is almost exclusively devoted to the infringement of copyrighted
22 works and that takes affirmative steps to build a vast virtual library of links to such
23 infringing works, by satisfying a source of demand for copyright infringement, by
24 failing to develop or employ any tools or other mechanisms to diminish
25 infringement on Defendants' site, and by incorporating a business model which
26 uses infringing content to attract a high volume of visitors to the site for the
27 purpose of selling advertising.
28

1 46. Defendants' acts constitute inducement of copyright infringement in
2 violation of the Copyright Act, 17 U.S.C. §§ 106 and 501.

3 47. Plaintiffs are informed and believe, and based thereon allege, that the
4 foregoing acts of infringement by Defendants have been willful, intentional, and
5 purposeful, in disregard of and indifference to Plaintiffs' copyrights and exclusive
6 rights under copyright.

7 48. As a direct and proximate result of Defendants' infringement of
8 Plaintiffs' copyrights and exclusive rights under copyright, Plaintiffs have
9 sustained and will continue to sustain actual damage. Plaintiffs are entitled to their
10 actual damages plus Defendants' profits from infringement of Plaintiffs'
11 copyrighted works, as will be proven at trial. Alternatively, at Plaintiffs' election,
12 Plaintiffs are entitled to the maximum statutory damages as permitted by federal
13 copyright law.

14 49. Defendants' acts have caused and continue to cause substantial
15 irreparable harm to Plaintiffs. Unless Defendants are enjoined from engaging in
16 their wrongful conduct, Plaintiffs will suffer further irreparable injury and harm,
17 for which they have no adequate remedy at law.

18 50. Plaintiffs are entitled to their attorneys' fees and full costs pursuant to
19 17 U.S.C. § 505.

20
21 **PRAYER FOR RELIEF**

22 **WHEREFORE**, Plaintiffs pray that this Court enter judgment in their favor
23 and against Defendants, as follows:

24 (a) adjudge and declare that Defendants' activities constitute contributory
25 copyright infringement and inducement of copyright infringement, respectively;

26 (b) preliminary and permanently enjoin, pursuant to 17 U.S.C. § 502,
27 Defendants and their officers, agents, servants, employees, attorneys, successors,
28 licensees, partners, and assigns, and all those acting directly or indirectly in concert

1 or participation with any of them, from contributorily infringing by any means
2 and/or inducing copyright infringement by any means of the exclusive rights of
3 Plaintiffs and their affiliates under the Copyright Act, including, but not limited to,
4 any of Plaintiffs' and Plaintiffs' affiliates' rights in any of the copyrighted works
5 listed in Exhibit A;

6 (c) award damages that Plaintiffs have sustained or will sustain by reason
7 of Defendants' copyright infringement and all profits derived by Defendants from
8 such conduct, or in lieu thereof, should Plaintiffs so elect, such statutory damages
9 as the Court shall deem proper as provided in 17 U.S.C. § 504(c), including
10 damages for willful infringement for each act of copyright infringement;

11 (d) award Plaintiffs' costs and reasonable attorneys' fees in accordance
12 with 17 U.S.C. § 505;

13 (e) award Plaintiffs pre-judgment and post-judgment interest according to
14 law; and

15 (f) award Plaintiffs such further and additional relief as the Court may
16 deem just and proper.

17 DATED: December 17, 2008

18 ROBERT H. ROTSTEIN
19 WADE B. GENTZ
20 ERIC S. BOORSTIN
21 MITCHELL SILBERBERG & KNUPP LLP

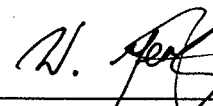
22 By: 
23 Wade B. Gentz
24 Attorneys for Plaintiffs
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EXHIBIT A

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Exhibit A

Title	Owner	Reg. No.
<i>Aladdin</i>	The Walt Disney Company	PA 583-905
<i>Beauty and the Beast</i>	The Walt Disney Company	PA 542-647
<i>College Road Trip</i>	Disney Enterprises, Inc.	PA1-597-791
<i>Desperate Housewives - Season 1, Episodes 1-3</i>	Touchstone Television a.a.d.o. Disney Enterprises, Inc.	PA1-218-630
<i>Enchanted</i>	Disney Enterprises, Inc.	PA1-595-126
<i>Lilo & Stitch</i>	Disney Enterprises, Inc.	PA1-082-244
<i>Lost - Season 1, Episodes 1-3</i>	Touchstone Television a.a.d.o. Disney Enterprises, Inc.	PA1-246-176
<i>Definitely, Maybe</i>	Universal City Studios Productions LLLP	PA1-594-772
<i>Hellboy II: The Golden Army</i>	Universal City Studios Productions LLLP; Internationale Filmproduktion	PA1-608-473
<i>Incredible Hulk, The</i>	MVL Film Finance LLC	PA1-598-628
<i>Leatherheads</i>	Universal City Studios Productions LLLP; Int'l Scarena Filmpr	PA1-595-326

Title	Owner	Reg. No.
<i>Welcome Home Roscoe Jenkins</i>	Universal City Studios Productions LLP	PA1-593-188

**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 A. Howard Matz and the assigned discovery Magistrate Judge is Alicia G. Rosenberg.

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

2:CV08- 8300 AHM (AGR~~x~~)

All discovery related motions should be noticed on the calendar of the Magistrate Judge

=====

NOTICE TO COUNSEL

A copy of this notice must be served with the summons and complaint on all defendants (if a removal action is filed, a copy of this notice must be served on all plaintiffs).

Subsequent documents must be filed at the following location:

☒ **Western Division**
312 N. Spring St., Rm. G-8
Los Angeles, CA 90012

☐ **Southern Division**
411 West Fourth St., Rm. 1-053
Santa Ana, CA 92701-4516

☐ **Eastern Division**
3470 Twelfth St., Rm. 134
Riverside, CA 92501

Failure to file at the proper location will result in your documents being returned to you.

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rxr@msk.com
WADE B. GENTZ (SBN 249793),
wbg@msk.com
ERIC S. BOORSTIN (SBN 253724),
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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

UNIVERSAL CITY STUDIOS PRODUCTIONS
LLLP, a Delaware limited liability limited partnership;
UNIVERSAL CITY STUDIOS LLLP, a Delaware
limited liability limited partnership; DISNEY
ENTERPRISES, INC., a Delaware corporation,
PLAINTIFF(S)

v.

SSWAREZ.COM, a business entity of unknown form;
VERONICA MOUNIE, an individual, d/b/a
SSWAREZ.COM; and DOES 1 through 5, inclusive,
DEFENDANT(S).

CASE NUMBER

CV08-8300 AHM (AGR)

SUMMONS

TO:DEFENDANT(S): THE ABOVE NAMED DEFENDANTS

A lawsuit has been filed against you.

Within 20 days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached ☒ complaint ☐ _____ amended complaint ☐ counterclaim ☐ cross-claim or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff's attorney, Wade B. Gentz, Mitchell Silberberg & Knupp LLP, whose address is 11377 West Olympic Boulevard Los Angeles, California 90064. If you fail to do so, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Clerk, U.S. District Court

LA'REE HORN

Dated: DEC 17 2008

By: _____

Deputy Clerk



[Use 60 days if the defendant is the United States or a United States agency, or is an officer or employee of the United States. Allowed 60 days by Rule 12(a)(3)].

1192

I (a) PLAINTIFFS (Check box if you are representing yourself <input type="checkbox"/>) UNIVERSAL CITY STUDIOS PRODUCTIONS LLLP, a Delaware limited liability limited partnership; UNIVERSAL CITY STUDIOS LLLP, a Delaware limited liability limited partnership; DISNEY ENTERPRISES, INC., a Delaware corporation	DEFENDANTS SSWAREZ.COM, a business entity of unknown form; VERONICA MOUNIE, an individual, d/b/a SSWAREZ.COM; and DOES 1 through 5, inclusive
(b) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.) ROBERT H. ROTSTEIN (SBN 72452) WADE B. GENTZ (SBN 249793) MITCHELL SILBERBERG & KNUPP LLP 11377 West Olympic Boulevard Los Angeles, California 90064-1683	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%;"> <tr> <th></th> <th>PTF</th> <th>DEF</th> <th></th> <th>PTF</th> <th>DEF</th> </tr> <tr> <td>Citizen of This State</td> <td><input type="checkbox"/> 1</td> <td><input type="checkbox"/> 1</td> <td>Incorporated or Principal Place of Business in this State</td> <td><input type="checkbox"/> 4</td> <td><input type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td><input type="checkbox"/> 2</td> <td><input type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business in Another State</td> <td><input type="checkbox"/> 5</td> <td><input type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td><input type="checkbox"/> 3</td> <td><input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td><input type="checkbox"/> 6</td> <td><input type="checkbox"/> 6</td> </tr> </table>		PTF	DEF		PTF	DEF	Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business in this State	<input type="checkbox"/> 4	<input type="checkbox"/> 4	Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5	Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6
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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:** \$ 0.00

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.)
 COPYRIGHT INFRINGEMENT (17 U.S.C. SECTIONS 101, ET SEQ.)

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 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"/> 22 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"/> 61 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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FOR OFFICE USE ONLY: Case Number: _____

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

III(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):

III(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): CV 07-4185; CV 07-6258; CV 07-7837; CV 08-4931; and CV 08-4930

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.

X. 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
Unknown	Virginia

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

K. SIGNATURE OF ATTORNEY (OR PRO PER):

W. Acely

Date December 17, 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))