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13 JENNIFER NOWICKI CLARK

14 UNITED STATES DISTRICT COURT
15 CENTRAL DISTRICT OF CALIFORNIA
16 WESTERN DIVISION

17 JENNIFER NOWICKI CLARK, on
18 behalf of herself and all others similarly
situated,

19 Plaintiff,

20 v.

21 HERBALIFE INTERNATIONAL,
22 INC., HERBALIFE INTERNATIONAL
OF AMERICA, INC., and HERBALIFE
23 LTD.,

24 Defendants.

Case No. CV-

**CLASS ACTION COMPLAINT
FOR DAMAGES AND
INJUNCTIVE RELIEF FOR
VIOLATIONS OF: 1) 47 U.S.C. §
227 (TELEPHONE CONSUMER
PROTECTION ACT); AND 2)
SECTIONS 17200 ET. SEQ.
CALIFORNIA BUSINESS AND
PROFESSIONS CODE (UNFAIR
COMPETITION LAW)**

(JURY TRIAL DEMANDED)

FILED
12 OCT 18 PM 12:45
CLERK U.S. DISTRICT COURT
LOS ANGELES
BY: *JP*

11/21

1 Plaintiff Jennifer Nowicki Clark (hereinafter referred to as "Plaintiff"),
2 individually and on behalf of all others similarly situated, on personal knowledge,
3 investigation of counsel, and on information and belief and demanding trial by
4 jury, complains and alleges as follows:

5 **I.**

6 **NATURE OF ACTION**

7 1. Plaintiff brings this action for damages, and other legal and equitable
8 remedies, resulting from the illegal actions of Herbalife International, Inc.,
9 Herbalife International of America, Inc., and Herbalife Ltd. (collectively,
10 "Herbalife," the "Company," or "Defendants") in negligently, knowingly, and/or
11 willfully contacting Plaintiff on her cellular telephone without her prior express
12 consent within the meaning of the Telephone Consumer Protection Act, 47 U.S.C.
13 § 227 ("TCPA"). Plaintiff seeks statutory damages for the TCPA violations
14 committed by Herbalife. Plaintiff also alleges that Herbalife's conduct violates the
15 "unlawful" prong of Section 17200 *et seq.* of the California Business &
16 Professions Code ("UCL") and seeks injunctive relief to restrain and preclude
17 continuing and future violations.

18 2. Herbalife is a business that maintains its headquarters at 800 West
19 Olympic Boulevard, Suite 406, Los Angeles, CA 90015. Herbalife is a global
20 nutrition, weight management, and skin care company. Herbalife Ltd.'s common
21 stock is traded on the New York Stock Exchange under the symbol "HLF."

22 **II.**

23 **JURISDICTION AND VENUE**

24 3. The matter in controversy exceeds \$5,000,000, as each member of the
25 proposed Class of tens of thousands is entitled to up to \$1,500.00 in statutory
26 damages for each call that was made in violation of the TCPA. Accordingly, this
27 Court has jurisdiction pursuant to 28 U.S.C. § 1332(d)(2). Further, because
28 Plaintiff resides in the State of Georgia and each of the Defendants are located in

1 the State of California, at least one Class member belongs to a state different from
2 the Defendants. Therefore, both elements of diversity jurisdiction under the Class
3 Action Fairness Act (“CAFA”) are present, and this Court has jurisdiction over the
4 claims asserted.

5 4. Venue is proper in the United States District Court for the Central
6 District of California pursuant to 28 U.S.C. §§ 1391(b)-(c) and 1441(a) because
7 Herbalife is a corporation that is deemed to reside in any judicial district in which
8 it is subject to personal jurisdiction at the time the action is commenced.
9 Herbalife’s contacts with this District are sufficient to subject it to personal
10 jurisdiction in this District. Venue is also proper in this District because Herbalife
11 had, and continues to have, its principal place of business in this District at all
12 times relevant to these claims such that a substantial part of the events giving rise
13 to the claims asserted herein occurred in this District.

14 III.

15 PARTIES

16 5. Plaintiff Jennifer Nowicki Clark is an individual and was at all times
17 mentioned herein a citizen and resident of Cumming, Georgia. Plaintiff is, and at
18 all times mentioned herein was, a “person” as defined by 47 U.S.C. § 153(10).

19 6. Defendant Herbalife International, Inc. is, and at all times mentioned
20 herein was, a corporation incorporated under the laws of the State of Nevada and
21 whose primary corporate headquarters are in Los Angeles, CA. Defendant
22 Herbalife International, Inc. is responsible for the Company’s global operations,
23 including manufacturing, marketing, and distribution, and does business
24 throughout the United States, including in this District.

25 7. Defendant Herbalife International of America, Inc. is, and at all times
26 mentioned herein was, a corporation incorporated under the laws of the State of
27 Nevada and whose primary corporate headquarters are in Los Angeles, CA.
28 Defendant Herbalife International of America, Inc. is a holding company

1 responsible for managing the Company's U.S.-based assets, and does business
2 throughout the United States, including in this District.

3 8. Defendant Herbalife Ltd. is, and at all times mentioned herein was, a
4 corporation incorporated under the laws of the Cayman Islands and whose primary
5 corporate headquarters are in Los Angeles, CA. Defendant Herbalife Ltd. is the
6 corporate parent of Defendants Herbalife International, Inc. and Herbalife
7 International of America, Inc. and does business throughout the United States,
8 including in this District.

9 9. Defendants Herbalife International, Inc., Herbalife International of
10 America, Inc., and Herbalife Ltd. are, and at all times mentioned herein were,
11 corporations and "persons" as defined by 47 U.S.C. § 153(10).

12 10. At all relevant times, Defendants Herbalife International, Inc.,
13 Herbalife International of America, Inc., and Herbalife Ltd. acted as agents for one
14 another in marketing the Company's products and services, including with respect
15 to direct marketing through telephone calls and SMS messages distributed to
16 Plaintiff and the Class.

17 IV.

18 THE TELEPHONE CONSUMER PROTECTION ACT OF 1991

19 ((TCPA), 47 U.S.C. § 227)

20 11. To address consumer complaints regarding certain telemarketing
21 practices, Congress enacted the TCPA, 47 U.S.C. § 227, in 1991. The TCPA
22 regulates, inter alia, the use of automated telephone equipment or "autodialers."
23 Specifically, the TCPA prohibits the use of autodialers to make any call, including
24 text messages or SMS messages, to a wireless number in the absence of an
25 emergency or the prior express consent of the party called. 47 U.S.C. §
26 227(b)(1)(A)(iii).

27 12. According to findings by the Federal Communication Commission
28 ("FCC"), which is vested with authority to issue regulations implementing the

1 TCPA, such autodialed calls are prohibited because automated or prerecorded
2 telephone calls are a greater nuisance and invasion of privacy than live solicitation
3 calls, and such calls can be costly and inconvenient. The FCC also recognized that
4 wireless customers are charged for such incoming calls whether they pay in
5 advance or after the minutes are used.

6 V.

7 **FACTUAL ALLEGATIONS COMMON TO ALL CLAIMS**

8 13. Defendant Herbalife is a multi-level marketing business. Herbalife's
9 business model utilizes independent contractors and other affiliates to sell
10 Herbalife's products directly to consumers. As explained on the Herbalife website
11 (<http://company.herbalife.com/faq/company>): "Independent distributors purchase
12 products from the company to sell to their own customers. In multi-level
13 marketing, earnings are derived from an individual's retail sales and, after they
14 have reached the level of supervisor, from the sales of distributors they may have
15 recruited."

16 14. On or about September 29, 2012, Herbalife, by itself or through an
17 intermediary, caused to be transmitted the following text message to Plaintiff
18 Clark's cellular phone:

19 FRM:yuri

20 SUBJ:Ennifer

21 MSG:People in your area are earning 65hr from home at
22 www.leakdisclosure.com

23 15. The source of the above SMS message was identified as "1 (410)000-
24 004."

25 16. Plaintiff dialed "1 (410)000-004" after receiving the message to
26 request cessation of calls and SMS messages emanating from that source, but
27 Plaintiff's telephone service could not complete the call because the number was
28 not linked to an actual telephone line.

1 17. The hyperlink in the SMS message led Plaintiff Clark to
2 www.leakdisclosure.com.

3 18. The website at www.leakdisclosure.com has no content and
4 automatically redirected Plaintiff Clark to a website owned and operated by
5 Defendant Herbalife, advertising sales positions for Herbalife and marketing
6 Herbalife “at home sales kits.”

7 19. The above SMS message therefore solicited Plaintiff to purchase
8 goods from Herbalife.

9 20. Plaintiff did not provide her cellular phone number to Herbalife.

10 21. Plaintiff has never provided Herbalife with consent to contact her via
11 her cellular phone number.

12 22. Plaintiff has never conducted business with or otherwise formed a
13 business relationship with Herbalife.

14 23. Plaintiff had no ability to request that the SMS calls end or to voice
15 her complaints to a real person because the messages contained no method of
16 opting-out of such messages.

17 24. All telephone contact by Herbalife and/or other affiliates or
18 subsidiaries of Herbalife to Plaintiff occurred via an “automated telephone dialing
19 system” as defined by 47 U.S.C. § 227(b)(1)(A).

20 25. The telephone number that Herbalife and/or affiliates or subsidiaries
21 of Herbalife used to contact Plaintiff was assigned to a cellular telephone service as
22 specified in 47 U.S.C. § 227(b)(1)(A)(iii).

23 26. The complained of SMS message constituted a call not made for
24 emergency purposes as defined by 47 U.S.C. § 227(b)(1)(A)(i).

25 27. The complained of SMS message constituted a telephone solicitation
26 as defined by 47 U.S.C. § 227(a)(4).

27 28. The complained of SMS message constituted an unsolicited
28 advertisement as defined by 47 U.S.C. § 227(a)(5).

1 ascertainability, numerosity, typicality, adequacy, commonality, predominance and
2 superiority requirements.

3 37. Upon application by Plaintiff's counsel for certification of the
4 Plaintiff Class, the Court may also be requested to utilize and certify subclasses in
5 the interests of ascertainability, manageability, justice and/or judicial economy.

6 38. Ascertainability. This action may be properly brought and maintained
7 as a class action because there is a well-defined community of interest in the
8 litigation and the members of the proposed Class are clearly and easily
9 ascertainable and identifiable. The members of the Class can be readily
10 ascertained from Herbalife's call records, database files and/or business records
11 maintained by Herbalife and/or its agents, affiliates, and subsidiaries. The Class
12 members can be readily located and notified of this class action.

13 39. Numerosity. The number of persons within the Plaintiff Class is
14 substantial, believed to amount to tens of thousands of persons dispersed
15 throughout the United States. It is, therefore, impractical to join each member of
16 the Class as a named Plaintiff. Further, the size and relatively modest value of the
17 claims of the individual members of the Class renders joinder impractical.
18 Accordingly, utilization of the class action mechanism is the most economically
19 feasible means of determining and adjudicating the merits of this litigation.

20 40. Typicality. Plaintiff received at least one call using an automatic
21 telephone dialing system or an artificial or prerecorded voice, without her prior
22 express consent or a prior established business relationship with any Defendant
23 within the meaning of the TCPA. Consequently, the claim of Plaintiff is typical of
24 the claims of the members of the Class, and Plaintiff's interests are consistent with
25 and not antagonistic to those of the other Class members she seeks to represent.
26 Plaintiff and all members of the Class have been impacted by, and face continuing
27 harm arising out of, Defendant Herbalife's violations and/or misconduct as alleged
28 herein.

1 41. Adequacy. The Plaintiff Class representative has no interests that are
2 adverse to, or which conflict with, the interests of the absent members of the Class
3 and is able to fairly and adequately represent and protect the interests of such a
4 Class. Plaintiff has raised viable statutory claims of the type reasonably expected
5 to be raised by members of the Class, and will vigorously pursue those claims. If
6 necessary, Plaintiff may seek leave of this Court to amend this Complaint to
7 include additional Class representatives to represent the Class or additional claims
8 as may be appropriate.

9 42. Competency of Class Counsel. Plaintiff has retained and is
10 represented by experienced, qualified and competent counsel committed to
11 prosecuting this class action. These counsel are experienced in handling complex
12 class action claims involving violations of federal and state consumer protection
13 statutes, including the TCPA and UCL.

14 43. Commonality and Predominance. There are well defined common
15 questions of fact and law that exist as to all members of the Class and that
16 predominate over any questions affecting only individual members of the Class.
17 These common legal and factual questions, which do not vary from Class member
18 to Class member, and which may be determined without reference to the individual
19 circumstances of any class member include, but are not limited to, the following:

20 a) Whether Herbalife and/or other affiliates or subsidiaries of
21 Herbalife made non-emergency calls to Plaintiff and Class members' cellular
22 telephones using an automatic telephone dialing system or an artificial or
23 prerecorded voice;

24 b) Whether Herbalife and/or other affiliates or subsidiaries of
25 Herbalife can meet its burden to show it obtained prior express consent (i.e.,
26 consent that is clearly and unmistakably stated) to place the calls complained of;

1 c) Whether Herbalife and/or other affiliates or subsidiaries of
2 Herbalife can meet its burden to show it had a prior established business
3 relationship with recipients of the calls complained of;

4 d) Whether the complained of conduct was knowing and/or
5 willful;

6 e) Whether Herbalife is liable for damages, and the amount of
7 such damages;

8 f) Whether Herbalife and/or other affiliates or subsidiaries of
9 Herbalife should be enjoined from engaging in such conduct in the future.

10 44. Superiority. A class action is superior to other available methods for
11 the fair and efficient adjudication of this controversy, since individual litigation of
12 the claims of all Class members is impracticable. Even if every member of the
13 Class could afford to pursue individual litigation, the Court system could not. It
14 would be unduly burdensome to the courts in which individual litigation of
15 numerous cases would proceed. Individualized litigation would also present the
16 potential for varying, inconsistent or contradictory judgments, and would magnify
17 the delay and expense to all parties and to the court system resulting from multiple
18 trials of the same factual issues. By contrast, the maintenance of this action as a
19 class action, with respect to some or all of the issues presented herein, presents few
20 management difficulties, conserves the resources of the parties and of the court
21 system and protects the rights of each member of the Class. Plaintiff anticipates no
22 difficulty in the management of this action as a class action. Class wide relief is
23 essential to compel compliance with the TCPA. The interest of Class members in
24 individually controlling the prosecution of separate claims is small because the
25 statutory damages in an individual action for violation of the TCPA are small.
26 Management of these claims is likely to present significantly fewer difficulties than
27 are presented in many class claims because the calls at issue are all automated and
28

1 the Class members, by definition, did not provide the prior express consent
2 required under the statute to authorize calls to their cellular telephones.

3 45. Additionally, the prosecution of separate actions by individual Class
4 members may create a risk of multiple adjudications with respect to them that
5 would, as a practical matter, be dispositive of the interests of the other members of
6 the Class not parties to such adjudications or that would substantially impair or
7 impede the ability of such nonparty Class members to protect their interests. The
8 prosecution of individual actions by Class members could establish inconsistent
9 results and result in establishing incompatible standards of conduct for Defendant
10 Herbalife.

11 46. Herbalife and/or other affiliates or subsidiaries of Herbalife have
12 acted on grounds generally applicable to the Class, thereby making final injunctive
13 relief and corresponding declaratory relief with respect to the Class as a whole
14 appropriate. Moreover, on information and belief, Plaintiff alleges that the TCPA
15 violations complained of herein are substantially likely to continue in the future if
16 an injunction is not entered.

17 **VII.**

18 **CLAIMS FOR RELIEF**

19 **FIRST CLAIM FOR RELIEF**

20 **NEGLIGENT VIOLATIONS OF THE TELEPHONE**

21 **CONSUMER PROTECTION ACT**

22 **(47 U.S.C. § 227)**

23 47. Plaintiff incorporates by reference the foregoing paragraphs of this
24 Complaint as if fully stated herein.

25 48. The foregoing acts and omissions constitute negligent violations of
26 the TCPA, including but not limited to each of the above cited provisions of 47
27 U.S.C. § 227.
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6. That the Court award, pursuant to Cal. Civ. Proc. Code § 1021.5 and/or Federal Rule of Civil Procedure 23(h), reasonable attorneys' fees to Plaintiff;

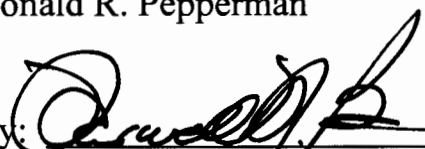
7. An Order certifying this action to be a proper class action pursuant to Federal Rule of Civil Procedure 23, establishing an appropriate Class and any Subclasses the Court deems appropriate, finding that Plaintiff is a proper representative of the Class, and appointing the law firms representing Plaintiff as counsel for the Class; and

8. Such other relief as the Court deems just and proper.

Dated: October 18, 2012

GRANT & EISENHOFER P.A.
Jay W. Eisenhofer
Robert G. Eisler
John C. Kairis
Kyle J. McGee

BLECHER & COLLINS, P.C.
Maxwell M. Blecher
Donald R. Pepperman

By: 
MAXWELL M. BLECHER
Attorneys for Plaintiff

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DEMAND FOR JURY TRIAL

Plaintiff, on behalf of herself and the Class, hereby demands a trial by jury pursuant to Fed. R. Civ. P. 38(b) and Local Rule 38-1 on all claims so triable.

Dated: October 18, 2012

GRANT & EISENHOFER P.A.
Jay W. Eisenhofer
Robert G. Eisler
John C. Kairis
Kyle J. McGee

BLECHER & COLLINS, P.C.
Maxwell M. Blecher
Donald R. Pepperman

By: 
MAXWELL M. BLECHER
Attorneys for Plaintiff

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

I (a) PLAINTIFFS (Check box if you are representing yourself)

JENNIFER NOWICKI CLARK, on behalf of herself and all others similarly situated

DEFENDANTS

HERBALIFE INTERNATIONAL, INC., HERBALIFE INTERNATIONAL OF AMERICA, INC., and HERBALIFE LTD.

(b) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.)

MAXWELL M. BLECHER (SBN 26202)
BLECHER & COLLINS, P.C.
515 S. Figueroa St., Suite 1750
Los Angeles, CA 90071

Attorneys (If Known)

Tel: (213) 622-4222

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

- 1 U.S. Government Plaintiff 3 Federal Question (U.S. Government Not a Party)
- 2 U.S. Government Defendant 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.)

- | | | | | | |
|---|---------------------------------------|----------------------------|---|----------------------------|---------------------------------------|
| | 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 checked="" type="checkbox"/> 4 |
| Citizen of Another State | <input checked="" type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

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

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

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

CLASS ACTION under F.R.C.P. 23: Yes No

MONEY DEMANDED IN COMPLAINT: \$ at least \$5 million

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.)

Class action arising under CAFA (28 U.S.C. § 1332(d)(2)(A)) for violations of: 1) Telephone Consumer Protection Act (47 U.S.C. § 227); and 2) Section 17200 *et seq.* California Business & Professions Code.

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

OTHER STATUTES	CONTRACT	TORTS	TORTS	PRISONER PETITIONS	LABOR
<input type="checkbox"/> 400 State Reapportionment	<input type="checkbox"/> 110 Insurance	PERSONAL INJURY	PERSONAL PROPERTY	<input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus	<input type="checkbox"/> 710 Fair Labor Standards Act
<input type="checkbox"/> 410 Antitrust	<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 530 General	<input type="checkbox"/> 720 Labor/Mgmt. Relations
<input type="checkbox"/> 430 Banks and Banking	<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 371 Truth in Lending	<input type="checkbox"/> 535 Death Penalty	<input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act
<input type="checkbox"/> 450 Commerce/ICC Rates/etc.	<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 380 Other Personal Property Damage	<input type="checkbox"/> 540 Mandamus/Other	<input type="checkbox"/> 740 Railway Labor Act
<input type="checkbox"/> 460 Deportation	<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 330 Fed. Employers' Liability	<input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 550 Civil Rights	<input type="checkbox"/> 790 Other Labor Litigation
<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations	<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 340 Marine	BANKRUPTCY	<input type="checkbox"/> 555 Prison Condition	<input type="checkbox"/> 791 Empl. Ret. Inc. Security Act
<input type="checkbox"/> 480 Consumer Credit	<input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Veterans)	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 422 Appeal 28 USC 158	FORFEITURE/PENALTY	PROPERTY RIGHTS
<input type="checkbox"/> 490 Cable/Sat TV	<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 610 Agriculture	<input type="checkbox"/> 820 Copyrights
<input type="checkbox"/> 810 Selective Service	<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 355 Motor Vehicle Product Liability	CIVIL RIGHTS	<input type="checkbox"/> 620 Other Food & Drug	<input type="checkbox"/> 830 Patent
<input type="checkbox"/> 850 Securities/Commodities/Exchange	<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881	<input type="checkbox"/> 840 Trademark
<input type="checkbox"/> 875 Customer Challenge 12 USC 3410	<input type="checkbox"/> 195 Contract Product Liability	<input type="checkbox"/> 362 Personal Injury-Med Malpractice	<input type="checkbox"/> 442 Employment	<input type="checkbox"/> 630 Liquor Laws	SOCIAL SECURITY
<input checked="" type="checkbox"/> 890 Other Statutory Actions	<input type="checkbox"/> 196 Franchise	<input type="checkbox"/> 365 Personal Injury-Product Liability	<input type="checkbox"/> 443 Housing/Accommodations	<input type="checkbox"/> 640 R.R. & Truck	<input type="checkbox"/> 861 HIA (1395ff)
<input type="checkbox"/> 891 Agricultural Act	REAL PROPERTY	<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 444 Welfare	<input type="checkbox"/> 650 Airline Regs	<input type="checkbox"/> 862 Black Lung (923) (405(g))
<input type="checkbox"/> 892 Economic Stabilization Act	<input type="checkbox"/> 210 Land Condemnation	IMMIGRATION	<input type="checkbox"/> 445 American with Disabilities - Employment	<input type="checkbox"/> 660 Occupational Safety/Health	<input type="checkbox"/> 864 SSID Title XVI
<input type="checkbox"/> 893 Environmental Matters	<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 462 Naturalization Application	<input type="checkbox"/> 446 American with Disabilities - Other	<input type="checkbox"/> 690 Other	<input type="checkbox"/> 865 RSI (405(g))
<input type="checkbox"/> 894 Energy Allocation Act	<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 463 Habeas Corpus-Alien Detainee	<input type="checkbox"/> 440 Other Civil Rights	FEDERAL TAX SUITS	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)
<input type="checkbox"/> 895 Freedom of Info. Act	<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 465 Other Immigration Actions		<input type="checkbox"/> 871 IRS - Third Party 26 USC 7609	
<input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice	<input type="checkbox"/> 245 Tort Product Liability				
<input type="checkbox"/> 950 Constitutionality of State Statutes	<input type="checkbox"/> 290 All Other Real Property				

FOR OFFICE USE ONLY: Case Number: CV 17-08982

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

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

VIII(a). IDENTICAL CASES: Has this action been previously filed in this court and dismissed, remanded or closed? No Yes

If yes, list case number(s): _____

VIII(b). RELATED CASES: Have any cases been previously filed in this court that are related to the present case? No Yes

If yes, list case number(s): _____

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

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

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

(a) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named plaintiff resides.

Check here if the government, its agencies or employees is a named plaintiff. If this box is checked, go to item (b).

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

(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
Los Angeles	

(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.

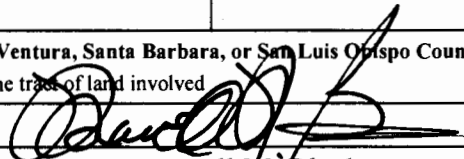
Note: In land condemnation cases, use the location of the tract of land involved.

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

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

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

X. SIGNATURE OF ATTORNEY (OR PRO PER):


Maxwell M. Blecher

Date October 18, 2012

Notice to Counsel/Parties: The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet.)

Key to Statistical codes relating to Social Security Cases:

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405(g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405(g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. (g))