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FILED
11 MAY 13 PM 2:14
CLERK U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
LOS ANGELES

Attorneys for Plaintiff JONATHAN SULTAN

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

JONATHAN SULTAN, an individual, on
behalf of himself and all others similarly
situated,

Plaintiff

vs.

MEDTRONIC, INC., A MINNESOTA
CORPORATION,

Defendant

CV11 04132 JHN

PLA_x

CLASS ACTION COMPLAINT FOR
UNPAID OVERTIME UNDER
CALIFORNIA LABOR CODE,
MEAL BREAKS, OVERTIME
UNDER THE FLSA, AND UNFAIR
BUSINESS PRACTICES

DEMAND FOR JURY TRIAL

Plaintiff, JONATHAN SULTAN, alleges:

JURISDICTION

1. This Court has jurisdiction over this matter because this complaint alleges a federal question in that violations of 29 U.S.C. § 201 *et seq.* are alleged.

2. This court has supplemental jurisdiction of all the State law claims under 28 U.S.C. § 1367(a). The State law claims are all related to the same facts – namely whether Plaintiff performed work and was not paid overtime wages and whether that failure to pay was willful. As such, all the claims make up the same

1 case or controversy under Article III of the United States Constitution.

2 3. This Court has jurisdiction over this case under the Class Action
3 Fairness Act of 2005. As alleged below, SULTAN is a citizen of California and
4 Defendant is not a citizen of California. There are more than 100 class members, and
5 the amount in controversy is in excess of \$5,000,000.

6
7 **GENERAL ALLEGATIONS**

8 4. This Court is the proper court and this action is properly filed in the
9 County of Los Angeles and in this judicial district because Defendants do business in
10 the County of Los Angeles, and because Defendants' obligations and liabilities arise
11 therein, and because the work that was performed by Plaintiff in the County of Los
12 Angeles is the subject of this action.

13 5. Plaintiff is informed and believes that Defendants, each and all of them,
14 at all times material hereto, were the joint employers, parent companies, successor
15 companies, predecessors in interest, affiliates, agents, employees, servants, joint
16 venturers, directors, fiduciaries, representatives, and/or coconspirators of each of the
17 remaining Defendants. The Defendants, unless otherwise alleged, at all times
18 material hereto, performed all acts and omissions alleged herein within the course
19 and scope of said relationship, and are a proximate cause of Plaintiff's damages as
20 herein alleged.

21 **PARTIES**

22 6. Plaintiff JONATHAN SULTAN ("SULTAN") was jointly employed by
23 Defendants from December 22, 2008 through the present. SULTAN is a citizen of
24 California.

25 7. Defendant MEDTRONIC INC. ("MEDTRONIC") is a Minnesota
26 Corporation doing business in the County of Los Angeles, State of California.
27 MEDTRONIC is not a citizen of California.

28 **CLASS ACTION ALLEGATIONS**

1 8. Plaintiff brings this action on behalf of himself and all others similarly
2 situated as a Class Action pursuant to Rules 23(a), (b)(1), (b)(2) and (b)(3). Plaintiff
3 seeks to represent a class of all Sales Associates who are currently employed or have
4 been employed by defendants within the State of California who: (1) at any time four
5 (4) years prior to the filing of this lawsuit did not have their overtime regular rate of
6 pay calculated to include all remuneration, and (2) at any time three (3) years prior to
7 the filing of this lawsuit were not given the premium wages mandated for missing
8 meal breaks.

9 9. Until April of 2011 MEDTRONIC maintained a company-wide policy
10 of not paying employees for missed breaks.

11 10. Plaintiff and class members routinely worked in excess of five hours per
12 day and were not provided meal breaks by the company.

13 11. Plaintiff and class members desired their full thirty-minute meal breaks
14 and were denied the ability to take them by the company.

15 12. Plaintiff and class members had never been paid premium wages for
16 missed meal breaks during employment until April 2011.

17 13. Plaintiff and class members were not paid their overtime compensation
18 in accordance with their regular rate of pay.

19 14. Company did not include all proper remuneration when calculating
20 employee's regular rate of pay.

21 15. Specifically Company did not include missed meal break premiums
22 when calculating an employee's regular rate of pay. That is, any premium payments
23 made for missed meals must be included as compensation is calculating the regular
24 rate of pay on which overtime is paid.

25 16. MEDTRONICS keeps time and payroll records which show when
26 employees missed their meal breaks. MEDTRONICS also keeps payroll records that
27 show when premium wages were paid for missed meals.

28 17. The Class Members of the following classes can be easily be determined

1 by looking at existing MEDTRONICS time and payroll records.

2 18. Plaintiff proposes the following Class which will be referred to as the
3 "Missed Breaks Class:"

4 All Sales Associates employed by MEDTRONICS within
5 California at any time between four years from the commencement
6 of this action up until the time that MEDTRONICS started paying
7 employees premium wages for missed breaks (approximately April
8 2011).

9 19. Plaintiff proposes the following Class which will be referred to as the
10 "Regular Rate of Pay Class:"

11 All Sales Associates employed by MEDTRONICS within
12 California who received premium payments for missed meals and
13 who worked some overtime during the same week for which the
14 premium payment was received.

15 20. This action has been brought and may properly be maintained as a class
16 action under Rule 23 because there is a well-defined community of interest in the
17 litigation and the proposed class is easily ascertainable.

18 21. A Class Action is a superior method for bringing this action in that there
19 is a well defined community of interest in the questions of law and fact. Questions of
20 law and fact common to the class action include, but are not limited to:

- 21 a. Whether EMPLOYER failed to pay proper premium wages for
- 22 EMPLOYEES missed meal breaks.
- 23 b. Whether the premium payment for missed breaks needs to be
- 24 included in the regular rate of pay under California law.
- 25 c. Whether the premium payment for missed breaks needs to be
- 26 included in the regular rate of pay under the FLSA.

27 22. Plaintiff and the Class Action Plaintiffs are similarly situated, have
28 substantially similar job duties, have substantially similar pay provisions, and are all

1 subject to Defendants' illegal labor violations.

2 23. The claims of the Plaintiff are typical of those of the class, and Plaintiff
3 will fairly and adequately represent the interests of the class.

4 24. The persons of this class are so numerous that the joinder of all such
5 persons is impracticable and that disposition of their claims in a class action rather
6 than in individual actions will benefit the parties and the Court. While the precise
7 number of proposed class members has not yet been determined, Plaintiff is informed
8 and believes that Defendants currently employ, and during the relevant time periods
9 employed, over 300 putative class members.

10 25. The prosecution of separate actions by individual members of the Class
11 would create the risk of inconsistent and varying adjudications, establishing
12 incompatible standards of conduct for Defendants.

13 26. The questions of law and fact common to the members of the Class
14 predominate over any questions affecting only individual member, including legal
15 and factual issues relating to liability and damages.

16 27. Class action treatment will allow those similarly situated person to
17 litigate their claims in the manner that is most efficient and economical for the
18 parties and the judicial system. Plaintiff is unaware of any difficulties that are likely
19 to be encountered in the management of this action that would preclude its
20 maintenance as a class action.

21 28. In the event that the Court determines at the notice stage or anytime
22 thereafter that all plaintiffs and members of the class action, are not "similarly
23 situated," the definition may be modified or narrowed, and/or appropriate subclasses
24 may be established based on business unit or otherwise.

25 **COLLECTIVE ACTION ALLEGATIONS**

26 29. Plaintiffs bring the Third Cause of Action for violation of the Fair Labor
27 Standards Act (hereinafter "FLSA") as a collective action pursuant to Section 16(b)
28 of the FLSA, 29 U.S.C. § 216(b), on behalf of all persons who are potential members

1 of the Regular Rate of Pay Class ("Collective Action Plaintiffs").

2 30. The Third Cause of Action for violations of the FLSA is being brought
3 and maintained as an "opt-in" collective action pursuant to 29 U.S.C. § 216(b) for all
4 violations of the FLSA.

5 31. A Collective Action is a superior method for bringing this action in that
6 there is a well defined community of interest in the questions of law and fact.
7 Questions of law and fact common to the collective action include, but are not
8 limited to:

9 a. Whether MEDTRONIC failed and continues to fail to pay overtime
10 compensation at EMPLOYEES proper regular rate of pay in
11 violation of the FLSA, 29 U.S.C. § 201, *et seq.*

12 32. Plaintiff and the Collective Action Plaintiffs are similarly situated, have
13 substantially similar job duties, have substantially similar pay provisions, and are all
14 subject to Defendants' refusal to pay proper overtime in violation of the FLSA. The
15 claims of the Plaintiff are typical of those of the class and plaintiff will fairly and
16 adequately represent the interests of the class.

17 33. The persons of this class are so numerous that the joinder of all such
18 persons is impracticable and that disposition of their claims in a class action rather
19 than in individual actions will benefit the parties and the court. In addition, each
20 class member must give his or her permission to be represented in this action under
21 the "opt-in" provisions of 29 U.S.C. § 216(b).

22 34. In the event that the Court determines at the notice stage or anytime
23 thereafter that all Plaintiffs and members of the collective action, as defined above,
24 are not "similarly situated," the definition may be modified or narrowed, and/or
25 appropriate subclasses may be established based on business unit or otherwise.

26
27
28

FIRST CAUSE OF ACTION

**FAILURE TO PAY OVERTIME COMPENSATION UNDER CALIFORNIA
INDUSTRIAL WELFARE COMMISSION ORDERS AND CALIFORNIA
LABOR CODE**

(AGAINST MEDTRONIC)

35. Plaintiff refers to and incorporates by reference Paragraphs 1 through 34.

36. This cause of action is brought against MEDTRONIC.

37. This cause if brought on behalf of the Regular Rate of Pay Class.

38. Pursuant to Industrial Welfare Commission Order No. 4-2001, California Code of Regulations, Title 8, § 11040, for the period of Plaintiff's employment, Defendants were required to compensate Plaintiff for all overtime, which is calculated at one and one-half (1 ½) times the regular rate of pay for hours worked in excess of eight (8) in a day or forty (40) hours in a week, and two (2) times the regular rate of pay for hours worked in excess of twelve (12) hours in a day of hours worked in excess of eight (8) hours on the seventh consecutive work day in a week.

39. Plaintiff SULTAN worked more than eight (8) hours in a single workday or forty (40) hours in a single workweek on numerous occasions.

40. Plaintiff SULTAN was entitled to the above overtime premiums.

41. Defendants did not pay Plaintiff premium wages of at least one and one-half times Plaintiff's regular rate of pay for hours worked past eight (8) in a day.

42. Defendants did not pay Plaintiff premium wages of at least one and one-half times Plaintiff's regular rate of pay for hours worked past forty (40) in a week.

43. Defendants did not pay Plaintiff premium wages of at least two times Plaintiff's regular rate of pay for hours worked past twelve (12) in a day.

44. Plaintiff SULTAN worked at least one pay period in which he was not properly paid overtime within the three (3) years prior to the initiation of this lawsuit.

45. Defendants know or should know the actual dates of overtime worked, the amount of overtime worked, and the amount of unpaid overtime due.

46. As a proximate result of Defendants' violations, Plaintiff SULTAN has been damaged in an amount in excess of \$1,000 and subject to proof at time of trial.

47. A typical employee might work 60 hours a week and miss breaks on five different days. MEDTRONICS would pay this employee (assuming \$17/hr) \$680 in regular time wages (\$17/hr x 40 hours) , \$510 in overtime wages (\$17/hr x 1.5 x 20 hours) and \$85 in meal break premiums (5 x \$17). However, the proper regular rate of pay would be \$18.42/hr. This requires that overtime be paid at \$27.63 per hour rather than \$25.50. As such, this hypothetical employee would be due an additional \$42.50 for this hypothetical week.

48. Pursuant to Labor Code §§ 218.6, 510, 1194 and California Code of Regulations, Title 8, § 11040, Plaintiff SULTAN is entitled to recover damages for the nonpayment of overtime premiums for all overtime hours worked, penalties, interest, plus reasonable attorney's fees and costs of suit.

SECOND CAUSE OF ACTION

FAILURE TO PROVIDE ADEQUATE MEAL PERIODS UNDER CALIFORNIA INDUSTRIAL WELFARE COMMISSION ORDERS AND CALIFORNIA LABOR CODE SECTION 512 (AGAINST MEDTRONIC)

49. Plaintiff refers to and incorporates by reference Paragraphs 1 through 48.

50. This cause of action is brought against MEDTRONIC.

51. This cause of action is brought on behalf of the Missed Breaks Class.

52. Pursuant to Industrial Welfare Commission Order No. 4-2001, California Code of Regulations, Title 8, § 11040, for the period of Plaintiff's employment, Defendants were required to provide a thirty (30) minute meal period for any person working more than five (5) hours in a day.

1 53. Defendants failed to provide Plaintiff a meal period for numerous days
2 worked.

3 54. Defendants know or should know the dates for each missed meal period
4 as well as the damages due.

5 55. Defendants failed to provide Plaintiff at least one meal period within the
6 three (3) years prior to filing this lawsuit.

7 56. There are at least 300 employees working at any one time that did not
8 receive their proper premium pay. A typical employee makes \$17/hr. Missing five
9 (5) meal breaks a week would amount to \$5,508,000 in total damages.

10 57. Pursuant to Labor Code § 512 and California Code of Regulations, Title
11 8, § 11040, Plaintiff SULTAN is entitled to recover one (1) hour of pay at the regular
12 rate of compensation for each workday that the meal period was not provided.

13 58. Plaintiff SULTAN prays for damages for missed meals in excess of
14 \$17,680, and subject to proof at time of trial.

15 **THIRD CAUSE OF ACTION**

16 **OVERTIME PAY AND LIQUIDATED DAMAGES UNDER 29 U.S.C. § 207**
17 **and § 216 (AGAINST ALL DEFENDANTS)**

18 59. Plaintiff refers to and incorporates by reference Paragraphs 1 through
19 58.

20 60. This cause of action is against all Defendants, jointly and individually.

21 61. This cause of action is brought on behalf of the Collective Action
22 Plaintiffs.

23 62. Plaintiff is informed and believes and hereon alleges that Defendants are
24 subject to the provisions of the Fair Labor Standards Act. Under 29 U.S.C. § 207(a)
25 and § 216(b), Plaintiff is entitled to overtime pay at a rate of one and one-half (1 ½)
26 times the regular rate of pay for hours worked in excess of forty (40) hours in a
27 week and an equal additional amount as liquidated damages, as well as costs and
28 attorney's fees.

63. Plaintiff worked numerous weeks in excess of forty (40) hours.

64. Plaintiff was entitled to the above overtime premiums.

65. Defendants failed to compensate Plaintiff for any overtime premiums.

66. This court has jurisdiction over this cause of action because the federal statute specifically grants the employee the right to bring the action in "any Federal or State court of competent jurisdiction." 29 U.S.C. § 216(b).

67. Plaintiff worked at least one week in which overtime premiums were not paid by Defendants under the Fair Labor Standards Act within the two (2) years prior to initiating this lawsuit.

68. Plaintiff's individual employment is covered by the terms of the Fair Labor Standards Act.

69. Plaintiff used equipment on the job that had previously been transported in interstate commerce.

70. Defendant MEDTRONIC was the employer of Plaintiff, as the term "employer" is defined in the Fair Labor Standards Act.

71. Defendant MEDTRONIC was an enterprise covered by the provisions of the Fair Labor Standards Act for the entire time of Plaintiff's employment.

72. Defendant MEDTRONIC conducted business with a total gross sales volume in excess of \$500,000 for each and every twelve (12) month period in which Plaintiff was employed.

73. Defendant MEDTRONIC employed at least two (2) employees during each and every 12 month period in which Plaintiff was employed. These employees were engaged in commerce and regularly used equipment that had been transported in interstate commerce.

74. Defendant MEDTRONIC was the employer of Plaintiff, as the term "employer" is defined in the Fair Labor Standards Act.

75. Defendants' violations of 29 U.S.C. § 207 were willful and intentional.

76. Plaintiff prays for judgment for overtime pay of \$1,000. This amount is

1 subsumed by the overtime pay claimed in the First Cause of Action.

2 77. Plaintiff prays for judgment for liquidated damages in the amount of
3 \$1,000. This amount is supplemental to the relief requested in all other causes of
4 action.

5 78. Plaintiff prays for costs and attorney's fees.

6 **FOURTH CAUSE OF ACTION**

7 **VIOLATIONS OF CALIFORNIA BUSINESS AND PROFESSIONS**

8 **CODE SECTION 17200**

9 **(AGAINST MEDTRONIC)**

10 79. Plaintiff refers to and incorporates by reference Paragraphs 1 through
11 78.

12 80. This cause of action is brought against MEDTRONIC.

13 81. This cause if brought on behalf of the Missed Break Class and the
14 Regular Rate of Pay Class.

15 82. By failing to pay overtime premiums under California and/or the FLSA,
16 Defendants' acts constitute unfair and unlawful business practices under Business
17 and Professions Code § 17200, *et seq.*

18 83. By failing to provide adequate meal and rest breaks, Defendants' acts
19 constitute unfair and unlawful business practices under Business and Professions
20 Code § 17200, *et seq.*

21 84. Plaintiff SULTAN prays for restitution under this Cause of Action in an
22 amount subject to proof at time of trial.

23 **WHEREFORE**, Plaintiff prays for the following relief:
24

25 1. Damages for overtime not paid to Plaintiff SULTAN in an amount in
26 excess of \$1,000 and subject to proof at trial.

27 2. For liquidated damages in the amount in excess of \$1,000 and subject to
28 proof at trial.

3. For restitution to Class Members in an amount in excess of \$5,508,000.

4. Damages for meal premiums not paid to Plaintiff SULTAN in excess of \$17,680, and subject to proof at trial.

5. For restitution and disgorgement for all unfair business practices against Plaintiff SULTAN in an amount subject to proof at trial.

6. For prejudgment and post judgment interest.

7. Cost of suit.

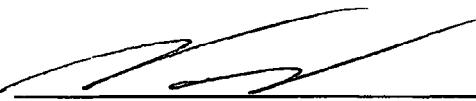
8. Attorneys' fees.

9. For such other and further relief as the court may deem proper.

DATED: May 11, 2011

LAW OFFICES OF MICHAEL TRACY

By:



MICHAEL TRACY, Attorney for Plaintiff
JONATHAN SULTAN

DEMAND FOR JURY TRIAL

Plaintiff demands a jury trial.

DATED: May 11, 2011

LAW OFFICES OF MICHAEL TRACY

By:



MICHAEL TRACY, Attorney for Plaintiff
JONATHAN SULTAN

**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 Jacqueline Nguyen and the assigned discovery Magistrate Judge is Paul Abrams.

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

CV11- 4132 JHN (PLA~~x~~)

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

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

COPY

Michael L. Tracy, Esq. SBN237779
 LAW OFFICES OF MICHAEL TRACY
 2030 Main Street, Suite 1300
 Irvine, CA 92614
 949-260-9171
 mtracy@michaeltracylaw.com

UNITED STATES DISTRICT COURT
 CENTRAL DISTRICT OF CALIFORNIA

JONATHAN SULTAN, an individual, on behalf of
 himself and all others similarly situated,
 PLAINTIFF(S)

MEDTRONIC, INC., A MINNESOTA
 CORPORATION,
 DEFENDANT(S).

CASE NUMBER

CV11 04132

JHN PLA_x

SUMMONS

TO: DEFENDANT(S): _____

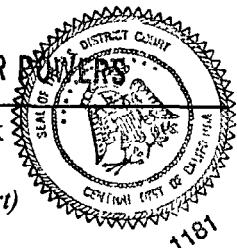
A lawsuit has been filed against you.

Within 21 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, Michael Tracy, whose address is 2030 Main Street, Suite 1300, Irvine, CA 92614. 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

Dated: MAY 13 2011By: CHRISTOPHER POWERS
Deputy Clerk

(Seal of the Court)



[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)]

UNITED STATES DISTRICT COURT CENTRAL DISTRICT OF CALIFORNIA

CIVIL COVER SHEET

I (a) PLAINTIFFS (Check box if you are representing yourself ☐)
 JONATHAN SULTAN, an individual, on behalf of himself and all others
 similarly situated

DEFENDANTS
 MEDTRONIC, INC., A MINNESOTA CORPORATION

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

Michael Tracy SBN 237779
 Law Office of Michael Tracy
 2030 Main Street, Ste 1300, Irvine, CA 92614

(949)260-9171

Attorneys (If Known)

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)

- | | | | |
|---|---|---|---|
| Citizen of This State | PTF <input type="checkbox"/> 1 DEF <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in this State | PTF <input type="checkbox"/> 4 DEF <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 <input type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 <input type="checkbox"/> 6 |

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

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

V. REQUESTED IN COMPLAINT JURY DEMAND: ☒ Yes ☐ No (Check 'Yes' only if demanded in complaint)CLASS ACTION under F.R.C.P. 23: ☒ Yes ☐ No

MONEY DEMANDED IN COMPLAINT: \$ 5,527,680 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)

29 U S C section 201 et seq Failure to Pay Overtime

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

OTHER STATUTES	CONTRACT	TORTS	TORTS	PRISONER	LABOR
<input type="checkbox"/> 400 State Reapportionment	<input type="checkbox"/> 110 Insurance	PERSONAL INJURY	PERSONAL PROPERTY	PETITIONS	<input checked="" 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"/> 510 Motions to Vacate Sentence	<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"/> 530 General	<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"/> 535 Death Penalty	<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"/> 540 Mandamus/Other	<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"/> 550 Civil Rights	<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 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)
<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"/> 863 DIWC/DIWW (405(g))
<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"/> 864 SSID Title XVI
<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		<input type="checkbox"/> 865 RSI (405(g))
<input type="checkbox"/> 895 Freedom of Info Act	<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 465 Other Immigration Actions			FEDERAL TAX SUITS
<input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice	<input type="checkbox"/> 245 Tort Product Liability				<input type="checkbox"/> 870 Taxes (U S Plaintiff or Defendant)
<input type="checkbox"/> 950 Constitutionality of State Statutes	<input type="checkbox"/> 290 All Other Real Property				<input type="checkbox"/> 871 IRS-Third Party 26 USC 7609

FOR OFFICE USE ONLY: Case Number

CV11 04132

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

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

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

If yes, list case number(s) _____

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

If yes, list case number(s) _____

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

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

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

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

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

- (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)  **Date** 5/12/2011

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))