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Attorneys for Plaintiff
MICHAEL ANTHONY MOORE

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA - WESTERN DIVISION**

CV 12-6811 - R
Case No.

COMPLAINT FOR DECLARATORY RELIEF

DEMAND FOR JURY TRIAL

V.

ROBERT KIRKMAN, an individual;
and ROBERT KIRKMAN, LLC, a
Kentucky limited liability company,

Defendants.

EARLY SULLIVAN WRIGHT GIZER & MCRAE LLP
6420 WILSHIRE BOULEVARD, 17TH FLOOR
LOS ANGELES, CALIFORNIA 90048
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FORUM

1 Plaintiff Michael Anthony Moore ("Moore" or "Plaintiff") brings this action
2 against Defendants Robert Kirkman ("Kirkman") and Robert Kirkman, LLC
3 ("Kirkman LLC"), as follows:

4 **NATURE OF THIS ACTION**

5 1. Moore is an artist who co-created the following works with comic book
6 writer Kirkman: the comic book series entitled *The Walking Dead*; the comic book
7 series entitled *Brit*; the comic book series entitled *Battle Pope*; a potential comic book
8 series entitled *Dead Planet*; and a potential comic book series entitled *My Name is*
9 *Abraham* (collectively, the "Works"). Each of these Works was prepared by Moore
10 and Kirkman with the intention that their contributions be merged into inseparable or
11 interdependent parts of a unitary whole. As such, Moore and Kirkman were thus joint
12 authors and co-owners of the copyrights in these Works under the Federal Copyright
13 Act.

14 2. Kirkman is a proud liar and fraudster who freely admits that he has no
15 qualm about misrepresenting material facts in order to consummate business
16 transactions, and it is precisely that illicit conduct which led to the present lawsuit
17 (and to Kirkman's business "success" generally). In 2005, Kirkman and his agents
18 devised a scheme to fraudulently induce Moore to assign his copyright interests in the
19 Works to Kirkman's alter-ego limited liability company, Kirkman LLC. Based on a
20 series of false promises, false representations and material omissions, Kirkman and
21 his agents convinced Moore to enter into a written "Assignment and Release
22 Agreement" dated September 29, 2005 (the "Assignment") with Kirkman and
23 Kirkman LLC, under which Moore assigned his copyrights in the Works to Kirkman
24 LLC.

25 3. Further, even if the Assignment was valid (it is not), Kirkman and
26 Kirkman LLC have also materially failed to perform their payment, reporting and
27 accounting obligations thereunder. Moore's fraudulent inducement, breach of
28 contract and other related claims are the subject of a pending California state court

1 action in Los Angeles Superior Court, styled *Moore v. Kirkman, et al.*, Case No.
2 BC478730 (the "State Court Action").

3 4. Through the State Court Action, Moore seeks, among other things,
4 rescission of the Assignment and the return of his co-author copyright interests in the
5 Works. However, possibly because of the animosity engendered by the filing of the
6 State Court Action, Kirkman now baselessly denies that Moore jointly authored the
7 Works with him. Moore's status as a joint author and co-owner of the Works will
8 impact the damages analysis in the State Court Action. Accordingly, Moore seeks a
9 declaratory judgment by way of this action that he is a joint author of *The Walking*
10 *Dead*, *Battle Pope*, *Brit*, *Dead Planet*, and *My Name is Abraham* and holds an
11 undivided ownership interest in the entire work for each respective title, including all
12 contributions contained therein.

13 PARTIES

14 5. Moore is an individual residing in the State of Indiana, County of
15 Dearborn.

16 6. Kirkman is an individual who, on information and belief, resides in the
17 State of California, County of Los Angeles.

18 7. Kirkman LLC is a Kentucky limited liability company with its principal
19 place of business located in the State of California, County of Los Angeles. Kirkman
20 is Kirkman LLC's sole member and manager.

21 8. On information and belief, Defendants are, and at all times mentioned
22 herein, were, the agents, servants and/or employees of each of the other Defendants,
23 and each of them was acting within the scope of its, his or her authority as the agent,
24 servant and/or employee of each other. On information and belief, Defendants
25 performed the acts and conduct herein alleged directly, aided and abetted the
26 performance thereof or knowingly acquiesced in, ratified and accepted the benefits of
27 such acts and conduct, and therefore each of the Defendants is liable to the extent of
28 the liability of Defendants as alleged herein; consequently, all Defendants are jointly

1 and severally liable to Moore for the damages sustained as a proximate result of their
2 conduct.

3 9. On information and belief, at all times herein material, each Defendant
4 was completely dominated and controlled by its co-Defendants and each was the alter
5 ego of the other. Whenever and wherever reference is made in this Complaint to any
6 conduct by Defendant or Defendants, such allegations and references shall also be
7 deemed to mean the conduct of each of Defendants, acting individually, jointly and
8 severally. Whenever and wherever reference is made to individuals who are not
9 named as Defendants in this Complaint, but were employees and/or agents of
10 Defendants, such individuals at all relevant times acted on behalf of Defendants
11 named in this Complaint within the scope of their respective employment.

12 JURISDICTION AND VENUE

13 10. This action arises under the copyright laws of the United States, 17
14 U.S.C. §§ 101, et seq., and the Declaratory Judgment Act, 28 U.S.C. §§ 2201, et seq.
15 This Court has jurisdiction under 28 U.S.C. §§ 1331, 1338, 2201 and 2202.

16 11. Venue lies in this District under 28 U.S.C. §§ 1391(b) and (c).
17 Defendant Kirkman is a resident of this District. Defendant Kirkman LLC is deemed
18 a resident of this District as it maintains its principal place of business in Los Angeles
19 County, State of California, and thus is subject to personal jurisdiction in this District.
20 Further, as explained in further detail below, a substantial part of the events giving
21 rise to this action occurred in this District and a substantial part of the property that is
22 the subject of this action is situated in this District.

23 GENERAL ALLEGATIONS

24 The Joint Authorship Of The Works

25 12. The Works in this action consist of several comic book/graphic novel
26 series entitled, respectively, *The Walking Dead*, *Brit*, *Battle Pope*, and the potential
27 comic book series entitled *Dead Planet* and *My Name is Abraham* (collectively, the
28 "Works").

1 13. The general concept for the Works was conceived in or around the early
2 2000's.

3 14. At the outset, the preconcerted common design was for Moore and
4 Kirkman to collaborate to turn these general concepts into finished comic books,
5 expressing the general ideas through the collaborative combination of artwork and
6 accompanying text.

7 15. Moore and Kirkman eventually jointly authored the Works, with Moore
8 creating the artwork and Kirkman providing the accompanying text.

9 16. Moore and Kirkman intended that their respective contributions be
10 merged into inseparable and/or interdependent parts of a unitary whole.

11 17. The co-creation process of the Works was a collaborative, "give-and-
12 take" effort by both Moore and Kirkman – with the two co-creators bouncing ideas
13 back and forth.

14 18. Each party contributed intellectual modification to the Works and neither
15 party worked exclusively at the other's direction or on a "work-for-hire" basis.

16 19. Moore created the artwork for the first six issues of *The Walking Dead*,¹
17 all of the issues of *Brit* and all of the issues of *Battle Pope*.

18 20. Aside from jointly masterminding with Kirkman the foundational
19 elements of the series, Moore's original artwork provided, among other things, the
20 "look" and "feel" of the Works – a critically important element in intensely visual
21 works such as comic books.

22 21. In particular, in the case of *The Walking Dead*, Moore's vision has been
23 utilized and drawn upon extensively in subsequent comic issues and in subsequent
24 motion picture adaptations of the comic book series.

25 **Kirkman Repudiates Moore's Copyright Interests In *The Walking Dead***

26 22. Despite Moore and Kirkman's co-authorship, Kirkman subsequently
27 repudiated Moore's copyright ownership of the Works, in particular as to *The*

28 ¹ Moore also created the cover artwork for several subsequent issues of *The Walking Dead*.

1 *Walking Dead*.

2 23. The original proofs of the first several issues of *The Walking Dead* listed
3 Moore and Kirkman as co-copyright owners of the comic. However, when the comic
4 subsequently was printed, it was revealed that Kirkman had surreptitiously removed
5 Moore's name as a copyright owner, so that the final print issues of *The Walking*
6 *Dead* listed Kirkman as the sole owner.

7 24. Because Moore's name had been listed as a co-owner in the proofs of the
8 work sent to the publisher, Moore had no reason to confirm or double-check that his
9 name was also listed in the printed issues of the works.

10 25. It was not until at least August 2005 that Moore was made aware that his
11 name had been removed as a copyright owner of *The Walking Dead*.

12 **Kirkman Fraudulently Induces Moore To Assign His Copyright Interests In The**
13 **Works**

14 26. In September of 2005, approximately a month after the repudiation of
15 Moore's co-authorship status, Kirkman was attempting to license television and
16 theatrical rights to *The Walking Dead*. Kirkman and Kirman LLC, directly and
17 through their agents and representatives, told Moore (directly and through his
18 representative) that there was a "pending," "serious," "attractive," "promising" "deal
19 with a television network" for *The Walking Dead*; that the deal was time sensitive and
20 in danger of being lost if not concluded quickly; and that Kirkman would not be able
21 to complete that deal unless Moore immediately assigned all of his interest in *The*
22 *Walking Dead* and the other Works to Kirkman.

23 27. Kirkman, Kirkman LLC and their agents prepared the Assignment and
24 told Moore that if he did not immediately sign it, the aforementioned television deal
25 would "go away." Kirkman promised Moore that he would receive more money by
26 entering into the Assignment because Kirkman would be able to sell the television
27 and theatrical rights to the Works.

28

1 28. Initially, Moore was reluctant to enter into the Assignment. Moore had
2 put a great deal of effort and consideration into bringing the characters in the Works
3 to life, and creating the artwork that would serve as the Works' visual worlds.

4 29. Kirkman, through his agents and representatives, told Moore that not
5 entering into the Assignment would cause the deal to "go away" and that no one
6 would receive money from television rights if Moore did not immediately assign
7 away his copyright ownership in the Works. Kirkman promised to pay Moore
8 royalties and provide accurate and regular accountings.

9 30. Not wanting to be responsible for "killing the TV deal," Moore signed
10 the Assignment, agreeing to transfer his copyright interests in the Works in exchange
11 for an income stream of diminished royalties.

12 31. On information and belief, Kirkman never intended to pay Moore the
13 proper royalties and never intended to provide accurate accountings. Moreover,
14 Moore has since learned through discovery in the State Court Action that, in reality,
15 there was no television deal on the table that was in any way dependent upon Moore
16 relinquishing his copyright interests in *The Walking Dead*.

17 32. On information and belief, Defendants misrepresented this fact to Moore
18 for the purpose of swindling Moore's copyrights as a co-creator of *The Walking Dead*
19 and inducing him to enter into the Assignment.

20 **The State Court Action**

21 33. After numerous breaches of the Assignment by Kirkman, including
22 failure to properly pay Moore his royalties and to provide the required accountings,
23 Moore filed the State Court Action on February 9, 2012. In the State Court Action,
24 Moore alleged various causes action against Kirkman and Kirkman LLC, both for the
25 various breaches of the Assignment and also for fraudulent inducement as to entering
26 into the Assignment in the first place. Accordingly, for the breach of contract claims,
27 Moore seeks appropriate damages and for the fraudulent inducement claims, Moore
28 seeks, among other things, rescission of the Assignment and a return of his copyright

1 interests in the Works.

2 34. If Moore obtains rescission of the Assignment in the State Court Action,
3 the respective copyright interests of both Moore and Kirkman will be returned to their
4 existing state prior to execution of the Assignment (i.e., Moore and Kirkman as co-
5 authors of the Works). Moore will then pursue his rights as a co-owner to proceeds
6 generated from the Works. Because Kirkman and Kirkman LLC assert that Moore is
7 not a co-author of the Works, there exists an actual controversy between Moore and
8 Defendants. Accordingly, in order for the State Court to properly award the correct
9 amount of money due and owing to Moore resulting from Moore's returned copyright
10 interests, and because Defendants now dispute Moore's co-authorship status, Moore
11 requires a judicial determination that he is a co-author of the Works.

12 **FIRST CLAIM FOR RELIEF**

13 **(Declaratory Relief – 28 U.S.C. §§ 2201, *et seq.*; 17 U.S.C. §§ 101, 201(a))**

14 35. Moore incorporates herein by reference each and every allegation
15 contained in paragraphs 1 through 34, as though set forth in full.

16 36. An actual controversy exists between Moore, on the one hand, and
17 Defendants Kirkman and Kirkman LLC, on the other hand, regarding Moore's co-
18 authorship copyright interests in the Works. Moore and Kirkman jointly created the
19 Works with the preconcerted common design to render the Works into finished comic
20 books, expressing Kirkman's general concepts through both the comic artwork,
21 contributed by Moore, and the accompanying text, contributed by Kirkman. Moore
22 and Kirkman intended that their respective contributions be merged into inseparable
23 and/or interdependent parts of a unitary whole. Moore and Kirkman each contributed
24 intellectual modification to the Works and neither party worked exclusively at the
25 other's direction or on a "work-for-hire" basis. Moore contends that he is a co-author
26 of the Works. Kirkman disputes that Moore is a co-author of the Works.

27 37. Accordingly, Moore is entitled to a declaratory judgment that he is a
28 joint author under 17 U.S.C. §§ 101 and 201(a), entitled to all rights and benefits of

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1 the attendant, undivided copyright interests, of the following works:

- 2 a. *The Walking Dead*;
- 3 b. *Battle Pope*;
- 4 c. *Brit*;
- 5 d. *Dead Planet*; and
- 6 e. *My Name is Abraham*

7 **PRAYER FOR RELIEF**

8 Wherefore, Moore hereby requests that this Court:

9 1. Enter an order pursuant to 28 U.S.C. § 2201, *et seq.*, and other applicable
10 law, declaring that Moore is a joint author of *The Walking Dead*, *Battle Pope*, *Brit*,
11 *Dead Planet*, and *My Name is Abraham* and holds an undivided ownership interest in
12 the entire work for each respective title, including all contributions contained therein.

13 2. Award such other and further relief as this Court deems just and proper.

14
15 Dated: August 7, 2012

EARLY SULLIVAN WRIGHT
GIZER & McRAE LLP

16
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18 By: 

DEVIN A. McRAE
Attorneys for Plaintiff
MICHAEL ANTHONY MOORE

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DEVIN A. MCRAE

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

I (a) PLAINTIFFS (Check box if you are representing yourself <input type="checkbox"/> MICHAEL ANTHONY MOORE, an individual	DEFENDANTS ROBERT KIRKMAN, an individual; ROBERT KIRKMAN, LLC, a Kentucky limited liability company
(b) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.) Devin A. McRae, EARLY SULLIVAN GIZER WRIGHT & McRAE LLP, 6420 Wilshire Blvd., 17th Floor, Los Angeles, CA 90048 Tel: (323) 301-4660	Attorneys (If Known) Allen B. Grodsky, GRODSKY & OLECKI LLP, 2001 Wilshire Blvd., Suite 210, Santa Monica, CA 90403 Tel: (310) 315-3009

II. BASIS OF JURISDICTION (Place an X in one box only.) <input type="checkbox"/> 1 U.S. Government Plaintiff <input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party) <input type="checkbox"/> 2 U.S. Government Defendant <input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)	III. CITIZENSHIP OF PRINCIPAL PARTIES - For Diversity Cases Only (Place an X in one box for plaintiff and one for defendant.) <table style="width:100%; border: none;"> <tr> <td style="width:33%; border: none;">Citizen of This State</td> <td style="width:33%; border: none;"> <table style="width:100%; border: none;"> <tr> <td style="text-align: center;">PTF</td> <td style="text-align: center;">DEF</td> <td style="border: none;"></td> <td style="text-align: center;">PTF</td> <td style="text-align: center;">DEF</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/> 1</td> <td style="text-align: center;"><input type="checkbox"/> 1</td> <td style="border: none;">Incorporated or Principal Place of Business in this State</td> <td style="text-align: center;"><input type="checkbox"/> 4</td> <td style="text-align: center;"><input type="checkbox"/> 4</td> </tr> </table> </td> <td style="width:33%; border: none;">Citizen of Another State</td> <td style="border: none;"> <table style="width:100%; border: none;"> <tr> <td style="text-align: center;"><input type="checkbox"/> 2</td> <td style="text-align: center;"><input type="checkbox"/> 2</td> <td style="border: none;">Incorporated and Principal Place of Business in Another State</td> <td style="text-align: center;"><input type="checkbox"/> 5</td> <td style="text-align: center;"><input type="checkbox"/> 5</td> </tr> </table> </td> </tr> <tr> <td style="border: none;">Citizen or Subject of a Foreign Country</td> <td style="border: none;"> <table style="width:100%; border: none;"> <tr> <td style="text-align: center;"><input type="checkbox"/> 3</td> <td style="text-align: center;"><input type="checkbox"/> 3</td> <td style="border: none;">Foreign Nation</td> <td style="text-align: center;"><input type="checkbox"/> 6</td> <td style="text-align: center;"><input type="checkbox"/> 6</td> </tr> </table> </td> </tr> </table>	Citizen of This State	<table style="width:100%; border: none;"> <tr> <td style="text-align: center;">PTF</td> <td style="text-align: center;">DEF</td> <td style="border: none;"></td> <td style="text-align: center;">PTF</td> <td style="text-align: center;">DEF</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/> 1</td> <td style="text-align: center;"><input type="checkbox"/> 1</td> <td style="border: none;">Incorporated or Principal Place of Business in this State</td> <td style="text-align: center;"><input type="checkbox"/> 4</td> <td style="text-align: center;"><input type="checkbox"/> 4</td> </tr> </table>	PTF	DEF		PTF	DEF	<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	<table style="width:100%; border: none;"> <tr> <td style="text-align: center;"><input type="checkbox"/> 2</td> <td style="text-align: center;"><input type="checkbox"/> 2</td> <td style="border: none;">Incorporated and Principal Place of Business in Another State</td> <td style="text-align: center;"><input type="checkbox"/> 5</td> <td style="text-align: center;"><input type="checkbox"/> 5</td> </tr> </table>	<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	<table style="width:100%; border: none;"> <tr> <td style="text-align: center;"><input type="checkbox"/> 3</td> <td style="text-align: center;"><input type="checkbox"/> 3</td> <td style="border: none;">Foreign Nation</td> <td style="text-align: center;"><input type="checkbox"/> 6</td> <td style="text-align: center;"><input type="checkbox"/> 6</td> </tr> </table>	<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.)

<input checked="" type="checkbox"/> 1 Original Proceeding	<input type="checkbox"/> 2 Removed from State Court	<input type="checkbox"/> 3 Remanded from Appellate Court	<input type="checkbox"/> 4 Reinstated or Reopened	<input type="checkbox"/> 5 Transferred from another district (specify):	<input type="checkbox"/> 6 Multi-District Litigation	<input type="checkbox"/> 7 Appeal to District Judge from Magistrate Judge
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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: \$**

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.)

28 U.S.C. §§ 2201, et seq.; 17 U.S.C. §§ 101, 201(a) - Declaratory Relief regarding Copyright Ownership

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"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 American with Disabilities - Employment <input type="checkbox"/> 446 American with Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 Habeas Corpus General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus/Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition FORFEITURE / PENALTY <input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety /Health <input type="checkbox"/> 690 Other	LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act PROPERTY RIGHTS <input checked="" type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS-Third Party 26 USC 7609
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FOR OFFICE USE ONLY: Case Number: CV12-6811

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
	Indiana

- (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 County	

- (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	Indiana, Kentucky

* 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): 

Notice to Counsel/Parties: The CV-71 (JS-44) Civil Cover Sheet and the information contained, or other papers as required by law. This form, approved by the Judicial Conference of the United States, but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet.

CONFIRM

If pleadings
are 3-1 is not filed
see 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 42 U.S.C. 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))