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 UNITED STATES OLYMPIC COMMITTEE,  
 7 a federally chartered corporation

FILED  
 2008 MAY -9 PM 3:11  
 CLERK OF DISTRICT COURT  
 CENTRAL DISTRICT OF CALIF.  
 SAN FRANCISCO, CALIF.

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 9 UNITED STATES DISTRICT COURT  
 10 CENTRAL DISTRICT OF CALIFORNIA

11  
 12 UNITED STATES OLYMPIC  
 COMMITTEE, a federally chartered  
 13 corporation,

No. SACV08-00522 AG (ANx)

COMPLAINT FOR VIOLATION OF  
 THE TED STEVENS OLYMPIC AND  
 AMATEUR SPORTS ACT

14 Plaintiff,

15 v.

16 ASICS AMERICA CORPORATION, a  
 California corporation, and DOES 1  
 17 through 10,

18 Defendants.

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 & RABKIN  
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1 Plaintiff United States Olympic Committee (the "USOC"), by and for its  
2 complaint against Defendant ASICS America Corporation, alleges as follows:

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4 **JURISDICTION AND VENUE**

5 1. The USOC files this action against Defendant for violation of the Ted  
6 Stevens Olympic and Amateur Sports Act (the "Olympic and Amateur Sports Act"),  
7 36 U.S.C. §§220501 *et seq.* This Court has jurisdiction over this action pursuant to 28  
8 U.S.C. §1331.

9 2. The USOC is informed and believes that Defendant has its principal place  
10 of business within this judicial district. This action arises out of wrongful acts  
11 committed by Defendant in this judicial district, which subjects Defendant to the  
12 personal jurisdiction of this Court. Venue is proper in this district pursuant to 28  
13 U.S.C. §1391(b).

14  
15 **PARTIES**

16 3. The USOC is a non-profit, federally chartered corporation with its principal  
17 place of business at One Olympic Plaza, Colorado Springs, Colorado 80909-5760.

18 4. The USOC alleges upon information and belief that Defendant is a  
19 California corporation with its principal place of business in Irvine, California.  
20 Defendant is the North American subsidiary of sporting goods manufacturer ASICS  
21 Corporation (Japan). Defendant sells athletic shoes, sports apparel and accessories.  
22 Its shoe line includes footwear for running, racing, track and field, walking, training,  
23 basketball, wrestling and volleyball.

24 5. The true names and capacities of the Defendants named herein as Does 1-  
25 10, inclusive, are unknown to the USOC, who therefore sues said Defendants by such  
26 fictitious names. The USOC will amend this Complaint to allege their true names and  
27 capacities when ascertained. The USOC is informed and believes and thereon alleges  
28 that each of the Defendants is liable to the USOC for the events alleged herein.

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1 **THE USOC AND THE OLYMPIC MARKS**

2 6. Since the first modern Olympic Games in Athens, Greece, in 1896, the  
3 USOC has used certain unique symbols and terminology in connection with the  
4 United States' participation in the Olympic Games. The words and terminology have  
5 included the Five Interlocking Rings (the "OLYMPIC Symbol") and the words  
6 OLYMPIC, OLYMPIAD, CITIUS, ALTIUS, FORTIUS and certain other words  
7 (collectively the "OLYMPIC Marks"). The goodwill associated with these marks  
8 arises from and is due in large part to the USOC's efforts. These marks are valuable  
9 assets, and this value ensures the USOC's long-term ability to fund the U.S. Olympic  
10 Team's participation in the Olympic Games and other activities.

11 7. Pursuant to the Olympic and Amateur Sports Act (and its predecessor  
12 statute, the Amateur Sports Act of 1978, 36 U.S.C. §§371, *et seq.*), the USOC has  
13 been granted, *inter alia*, the exclusive right to use the OLYMPIC Marks in the United  
14 States. Unlike a plaintiff suing under the Lanham Act, the USOC need not  
15 demonstrate that the public is likely to be confused by a particular unauthorized use of  
16 OLYMPIC or any of the other OLYMPIC Marks. In the Olympic and Amateur  
17 Sports Act, Congress authorized the USOC to bring a civil action against any person  
18 who uses any of the OLYMPIC Marks "without the consent of the [USOC] . . . for the  
19 purpose of trade, to induce the sale of any goods or services, or to promote any . . .  
20 athletic performance . . ." 36 U.S.C. §220506(c).

21 8. Since 1950, the USOC has been entrusted under federal law with  
22 responsibility for coordinating and developing amateur athletic activity in the United  
23 States directly related to international amateur athletic competition and has been  
24 granted exclusive jurisdiction over all matters pertaining to participation of the United  
25 States in the Olympic Games. To fulfill these responsibilities, the USOC obtains  
26 most of its funding through sponsorship fees, suppliership agreements and fees  
27 obtained through licensing of media properties and merchandise. For example, Nike,  
28 Inc., a leading designer, marketer and distributor of athletic footwear, apparel and

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1 accessories, is one of the USOC's leading sponsors, devoting substantial resources to  
2 the USOC for the right to use the OLYMPIC Marks and thereby associate itself with  
3 the U.S. Olympic Team and the Olympic Games. In the most recent Olympic  
4 quadrennium, 2005 to 2008, the value of Nike's sponsorship of the USOC and the  
5 U.S. Olympic Team has been over \$20 million.

6 9. The fees that the USOC generates through the licensing of its intellectual  
7 property, including the OLYMPIC Marks, are used to house, feed, train and otherwise  
8 support U.S. Olympic athletes and to finance the United States' participation in the  
9 Olympic Games. For example, during the past four years, these fees were used to  
10 assist the USOC in:

11 (a) hosting approximately 25,000 athletes, coaches, officials and program  
12 staff per year for the National Governing Bodies ("NGBs") for the individual  
13 Olympic sports at its three Olympic training centers (located in Chula Vista,  
14 California, Colorado Springs, Colorado, and Lake Placid, New York) and at its U.S.  
15 Olympic Education Center in Marquette, Michigan;

16 (b) working with local communities and assisting in funding at least  
17 twenty-seven Olympic and Paralympic sports in partnership with NGBs on behalf of  
18 the Community Olympic Development Programs in Atlanta, Minneapolis, San  
19 Antonio, Springfield, Missouri, Flagstaff, Arizona, Lake County, Indiana, and  
20 Moorestown, New Jersey;

21 (c) directing over \$10 million per year in grants to more than one  
22 thousand individual athletes;

23 (d) directing over \$9 million per year to support athletes, coaches and  
24 NGBs in the areas of sports medicine, sports science, coaching, and training;

25 (e) awarding over \$150 million in grants to its member organizations,  
26 including NGBs, for individual Olympic and Paralympic sports;

27 (f) providing millions of dollars in support to U.S. athletes and teams in  
28 national and international competitions including over \$30 million this year to send

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1 the U.S. Olympic and Paralympic teams to Beijing; and

2 (g) funding the USOC's many other statutory functions.

3 10. Unlike almost every other National Olympic Committee around the world,  
4 the USOC does not rely on the government for a substantial portion of its funding.  
5 Therefore, its exclusive rights under the Olympic and Amateur Sports Act to the use  
6 of, *inter alia*, the word OLYMPIC, are critical to the USOC's continued ability to  
7 fulfill its federally chartered mission.

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**DEFENDANT'S REPEATED AND WILLFUL  
VIOLATIONS OF THE OLYMPIC AND AMATEUR  
SPORTS ACT**

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11. In late April 2008, Defendant began to display an advertisement on the home page of its website, [www.asicsamerica.com](http://www.asicsamerica.com), that makes frequent and prominent use of the word OLYMPIC and promotes Defendant's products (the "Website Advertisement"). The Website Advertisement features two photographs of marathon runner Deena Kastor. In large banner text, the Website Advertisement states, "KASTOR HEADS TO THIRD OLYMPICS." Below this text, the advertisement states, "Deena Kastor secured her spot on the US Olympic Team by winning the Women's Marathon Olympic Trials." Below the photographs of Kastor is an advertisement for Defendant's GT-2130 running shoe. Above the photographs is a link labeled "FIND A RETAILER," by which users may locate retailers of Defendant's products. To the left of the photographs are links to Defendant's product lines, by which users may learn about Defendant's products, including suggested retail prices. The Website Advertisement itself contains a link to a statement that promotes, *inter alia*, the fact that Defendant sponsors Kastor, and describes the specific shoes and accessories made by Defendant that Kastor wore during the race. The USOC is informed and believes that Defendant provides paid sponsorship to Kastor in exchange for her endorsing, using and promoting Defendant's products, and that Defendant publishes advertisements about its sponsored athletes, including

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1 Kastor, because of the economic benefits it receives as a result of such advertising. A  
2 true and correct copy of the Website Advertisement is attached hereto as Exhibit A.

3 12. Defendant has neither sought nor received authorization from the USOC to  
4 use the word OLYMPIC in the Website Advertisement, or in any manner whatsoever.  
5 To the contrary, based on Defendant's prior advertising and the USOC's responses  
6 thereto, Defendant is running this advertisement with full knowledge—and  
7 disregard—of the USOC's federally protected rights in the word OLYMPIC.

8 13. After the 2004 Olympic Games in Athens, Defendant ran a full-page  
9 advertisement in the September 3, 2004, edition of USA TODAY that depicted a  
10 stylized ASICS letter "A" draped in a laurel wreath similar to those awarded to the  
11 medal winners in Athens (the "Athens Advertisement"). The Athens Advertisement  
12 read, "YOU WEAR THE MEDALS. WE WEAR THE PRIDE." Pictures of three  
13 Olympic athletes appeared below, with their names, events and medals won noted  
14 next to the photographs. At the bottom, the Athens Advertisement stated,  
15 "Congratulations to all of the Olympic athletes from your friends at ASICS," followed  
16 by Defendant's website address ([www.asicsamerica.com](http://www.asicsamerica.com)). As described above,  
17 Defendant's website contains product advertisements and information about retailers  
18 of Defendant's products. The USOC is informed and believes that, at the time the  
19 Athens Advertisement ran, Defendant provided paid sponsorship to the athletes  
20 pictured in the Athens Advertisement in exchange for their endorsing, using and  
21 promoting Defendant's products, and that Defendant publishes advertisements about  
22 its sponsored athletes, including the athletes pictured in the Athens Advertisement,  
23 because of the economic benefits it receives as a result of such advertising. A true  
24 and correct copy of the Athens Advertisement is attached hereto as Exhibit B.

25 14. After the Athens Advertisement appeared, the USOC objected in writing to  
26 Defendant's unauthorized use of the word OLYMPIC and its attempt to associate  
27 itself with the Olympic Games, but Defendant refused to cease its unauthorized use of  
28 the OLYMPIC Marks.

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1 15. In November 2007, Defendant again published an advertisement in USA  
2 TODAY that made frequent use of the word OLYMPIC. The almost full-page  
3 advertisement (the "Ryan Hall Advertisement") featured a photograph of marathon  
4 runner Ryan Hall and included the text, "Congratulations to Ryan Hall on his record-  
5 breaking win at the US Olympic Marathon Team Trials. Good luck in the 2008  
6 Summer Olympic Games." A large ASICS logo appeared below this text. The  
7 USOC is informed and believes that Defendant provides paid sponsorship to Ryan  
8 Hall in exchange for his endorsing, using and promoting Defendant's products, and  
9 that Defendant publishes advertisements about its sponsored athletes, including Hall,  
10 because of the economic benefits it receives as a result of such advertising. A true  
11 and correct copy of the Ryan Hall Advertisement is attached hereto as Exhibit C.

12 16. After the Ryan Hall Advertisement appeared, the USOC again objected to  
13 Defendant's unauthorized use of the word OLYMPIC and its attempt to associate  
14 itself with the Olympic Games. Once again, Defendant rejected the USOC's demand  
15 that it conform its conduct to the requirements of the Olympic and Amateur Sports  
16 Act.

17  
18 **CLAIM FOR RELIEF**

19 **(Violation Of The Olympic And Amateur Sports Act)**

20 **(36 U.S.C. §220506(c))**

21 17. The allegations of paragraphs 1 through 16 are incorporated herein by  
22 reference.

23 18. Defendant has used the word OLYMPIC in the Website Advertisement, the  
24 Athens Advertisement and the Ryan Hall Advertisement for the purpose of trade, to  
25 induce the sale of Defendant's goods or services, and to promote the athletic  
26 performance of its sponsored athletes.

27 19. The USOC has not consented to Defendant's use of the word OLYMPIC in  
28 this manner.

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1 20. Unless Defendant is enjoined, it will continue to promote the athletes it  
2 sponsors and the sale of its goods and services by unlawfully using the word  
3 OLYMPIC in the United States and in this jurisdiction.

4 21. Defendant's unauthorized use has caused and will continue to cause the  
5 USOC to suffer immediate and irreparable injury, loss and damage because, among  
6 other things, (a) the USOC's exclusive, federally protected rights to use the word  
7 OLYMPIC have been and will continue to be violated, and (b) the USOC's ability to  
8 obtain fees from sponsorships, supplierships and licensing of goods, services and  
9 merchandise will be diminished or undermined by Defendant's unauthorized use of  
10 the word OLYMPIC and its attempt to associate itself in its advertising with the  
11 Olympic Games. Accordingly, the USOC is entitled to preliminary and permanent  
12 injunctive relief barring Defendant from engaging in violations of the Olympic and  
13 Amateur Sports Act.

14 22. Defendant's actions to circumvent the consent requirements of the Olympic  
15 and Amateur Sports Act have been willful.

16 23. This is an "exceptional case" pursuant to 36 U.S.C. §220506(c) and 15  
17 U.S.C. §1117(a) and, as such, the USOC is also entitled to recover its attorneys' fees  
18 from Defendant.

19 WHEREFORE, the USOC prays for relief as follows:

20 1. That Defendant be adjudged to have used the word OLYMPIC for the  
21 purposes of trade without the authorization of the USOC, in violation of federal law;

22 2. That Defendant be adjudged to have used the word OLYMPIC to induce  
23 the sale of goods or services without the authorization of the USOC, in violation of  
24 federal law;

25 3. That Defendant be adjudged to have used the word OLYMPIC to promote  
26 an athletic performance without the authorization of the USOC, in violation of federal  
27 law;

28 4. For an order requiring that Defendant permanently cease use of the Website



1 Advertisement, the Athens Advertisement and the Ryan Hall Advertisement or any  
2 similar or comparable advertisements;

3 5. That Defendant and its parents, affiliates, subsidiaries, officers, directors,  
4 employees, agents, successors and assigns, and all those persons in active concert or  
5 participation with them, be preliminarily and permanently enjoined and restrained  
6 from using any OLYMPIC Mark, including without limitation the word OLYMPIC,  
7 as well as any other trademark, service mark, trade name, designation, symbol,  
8 emblem or insignia of the USOC, or any combination or simulation thereof, for  
9 purpose of trade, to induce the sale of any goods or services, or to promote any  
10 theatrical exhibition, athletic performance, or competition, without the express written  
11 consent of the USOC;

12 6. That Defendant be directed to file with this Court, and to serve upon the  
13 USOC within thirty days after service upon Defendant of this Court's injunction  
14 issued in this action, a written report sworn to and signed under oath setting forth in  
15 detail the manner in which it has complied with such injunction;

16 7. For an award of all profits heretofore realized by Defendant as a result of its  
17 violations of the Olympic and Amateur Sports Act pursuant to 36 U.S.C. §220506 and  
18 15 U.S.C. §1117 and, if the Court finds that that amount is inadequate, for an amount  
19 that the Court determines to be just;

20 8. For an award of the USOC's reasonable attorneys' fees pursuant to 36  
21 U.S.C. §220506 and 15 U.S.C. §1117(b);

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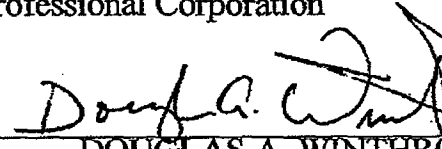
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9. For an award of costs; and

10. For all other relief the Court deems just and proper.

DATED: May 9, 2008.

DOUGLAS A. WINTHROP  
HOWARD RICE NEMEROVSKI CANADY  
FALK & RABKIN  
A Professional Corporation

By:   
DOUGLAS A. WINTHROP

Attorneys for Plaintiff UNITED STATES  
OLYMPIC COMMITTEE, a federally  
chartered corporation

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NEMEROVSKI  
CANADY  
FALK  
& RABKIN  
A Professional Corporation

**EXHIBIT A**

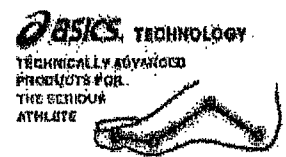


- RUNNING
- WALKING
- COURT/TRAINING
- VOLLEYBALL
- WRESTLING
- TRACK & FIELD
- CHEER
- FIELD SPORTS
- KIDS
- SPORTSTYLE

## KASTOR HEADS TO THIRD OLYMPICS

Deena Kastor secured her spot on the US Olympic Team by winning the Women's Marathon Olympic Trials on Sunday, April 20th in Boston. Kastor took the lead with 5km left and went on to win, crossing the finish line in 2:29.35.

[LEARN MORE](#)



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**Runner's SHOE FIT GUIDE**

[Get some help](#)

### LATEST NEWS

April 29, 2008  
 Lolo Jones Makes A Trip Home Memorable  
 Lolo Jones won her fourth straight 100m Hurdles Drake Relays title on Saturday in meet and



**EXHIBIT B**



**YOU WEAR THE MEDALS. WE WEAR THE PRIDE.**



**Carl Lewis**  
Gold Medal: 100m, 200m



**Efthymios Gekas**  
Bronze Medal: Greco-Roman Wrestling



**Demetrius Carter**  
Bronze Medal: Wrestling

Congratulations to all of the Olympic athletes from your friends at



**EXHIBIT C**





AO 440 (Rev. 8/01) Summons in a Civil Action

**United States District Court**

Central District of California

UNITED STATES OLYMPIC COMMITTEE, a federally chartered corporation,

**SUMMONS IN A CIVIL CASE**

v.

CASE NUMBER: SACV08-00522 AG (ANx)

ASICS AMERICA CORPORATION, a California corporation, and DOES 1 through 10

**TO:** (Name and address of Defendant)

ASICS AMERICA CORPORATION  
Attn: Richard Bourne  
16275 Laguna Canyon Road  
Irvine, CA 92618

**YOU ARE HEREBY SUMMONED** and required to serve on PLAINTIFF'S ATTORNEY (name and address)

Douglas A. Winthrop (No. 183532)  
Howard Rice Nemerovski Canady Falk & Rabkin  
Three Embarcadero Center, 7th Floor  
San Francisco, CA 94111-4024  
Telephone: (415) 434-1600

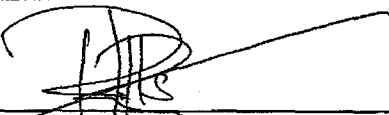
an answer to the complaint which is served on you with this summons, within 20 days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

SHERRI R. CARTER

CLERK

MAY - 9 2008

DATE

  
\_\_\_\_\_  
(By) DEPUTY CLERK

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

<b>I (a) PLAINTIFFS</b> (Check box if you are representing yourself <input type="checkbox"/> ) UNITED STATES OLYMPIC COMMITTEE, a federally chartered corporation,	<b>DEFENDANTS</b> ASICS AMERICA CORP., a California corporation, and DOES 1 through 10.
<b>(b) County of Residence of First Listed Plaintiff</b> (Except in U.S. Plaintiff Cases): El Paso County, Colorado	<b>County of Residence of First Listed Defendant</b> (In U.S. Plaintiff Cases Only): Orange County, California
<b>(c) Attorneys</b> (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.) DOUGLAS A. WINTHROP (No. 183532) HOWARD, RICE, NEMEROVSKI, CANADY, FALK & RABKIN Three Embarcadero Center, 7th Floor San Francisco, California 94111-4024, (415) 434-1600	<b>Attorneys (If Known)</b>

<b>II. BASIS OF JURISDICTION</b> (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)	<b>III. CITIZENSHIP OF PRINCIPAL PARTIES - For Diversity Cases Only</b> (Place an X in one box for plaintiff and one for defendant.) <table style="width:100%; border: none;"> <tr> <td style="border: none;">Citizen of This State</td> <td style="border: none; text-align: center;">PTF DEF</td> <td style="border: none;"> <input type="checkbox"/> 1   <input type="checkbox"/> 1   Incorporated or Principal Place of Business in this State                 </td> <td style="border: none; text-align: center;">PTF DEF</td> <td style="border: none;"> <input type="checkbox"/> 4   <input type="checkbox"/> 4                 </td> </tr> <tr> <td style="border: none;">Citizen of Another State</td> <td style="border: none; text-align: center;"> <input type="checkbox"/> 2   <input type="checkbox"/> 2                 </td> <td style="border: none;">Incorporated and Principal Place of Business in Another State</td> <td style="border: none; text-align: center;"> <input type="checkbox"/> 5   <input type="checkbox"/> 5                 </td> <td style="border: none;"> <input type="checkbox"/> 6   <input type="checkbox"/> 6                 </td> </tr> <tr> <td style="border: none;">Citizen or Subject of a Foreign Country</td> <td style="border: none; text-align: center;"> <input type="checkbox"/> 3   <input type="checkbox"/> 3                 </td> <td style="border: none;">Foreign Nation</td> <td style="border: none; text-align: center;"> <input type="checkbox"/> 6   <input type="checkbox"/> 6                 </td> <td style="border: none;"></td> </tr> </table>	Citizen of This State	PTF DEF	<input type="checkbox"/> 1 <input type="checkbox"/> 1   Incorporated or Principal Place of Business in this State	PTF DEF	<input type="checkbox"/> 4 <input type="checkbox"/> 4	Citizen of Another State	<input type="checkbox"/> 2 <input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5 <input type="checkbox"/> 5	<input type="checkbox"/> 6 <input type="checkbox"/> 6	Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3 <input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6 <input type="checkbox"/> 6	
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**IV. ORIGIN** (Place an X in one box only.)

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

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

**CLASS ACTION** under F.R.C.P. 23:  Yes     No         **MONEY DEMANDED IN COMPLAINT:** \$ injunction, profits, fees and costs

**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.)

36 U.S.C. 220506(c) Unauthorized use of word OLYMPIC for the purpose of trade, to induce the sale of goods or services and to promote athletic performances

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

<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 checked="" 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	<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 <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	<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	<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 <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <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	<input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus/ Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <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	<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 <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <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)) <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS-Third Party 26 USC 7609
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**VIII(a). IDENTICAL CASES:** Has this action been previously filed and dismissed, remanded or closed?  No     Yes

If yes, list case number(s):

**FOR OFFICE USE ONLY:** Case Number: SACV08-00522-AG-(ANx)

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

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

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

If yes, list case number(s): \_\_\_\_\_

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

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

IX. VENUE: List the California County, or State if other than California, in which EACH named plaintiff resides (Use an additional sheet if necessary)

- Check here if the U.S. government, its agencies or employees is a named plaintiff.  
 Colorado

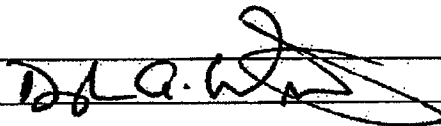
List the California County, or State if other than California, in which EACH named defendant resides. (Use an additional sheet if necessary).

- Check here if the U.S. government, its agencies or employees is a named defendant.  
 Orange County

List the California County, or State if other than California, in which EACH claim arose. (Use an additional sheet if necessary)

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

X. SIGNATURE OF ATTORNEY (OR PRO PER):



Date

5/09/08

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))