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6 Attorneys for Plaintiff
SERGIO BOSTICK

2009 FEB 27 PM 1:37
CLERK OF DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

FILED

7 UNITED STATES DISTRICT COURT
8 CENTRAL DISTRICT OF CALIFORNIA
9

10 SERGIO BOSTICK,
11 Plaintiff,

12 v.

13 CITY OF MONROVIA, a municipality;
14 ROGER JOHNSON, Individually and
as Chief of Police; JIM HUNT,
15 Individually and as Captain; MICHAEL
LEE, Individually and as Lieutenant;
16 and DOES 1 THROUGH 10
INCLUSIVE;

17 Defendants.

Case No:

CV09-01410

COMPLAINT FOR DAMAGES
AND INJUNCTIVE RELIEF FOR
VIOLATION OF THE FLSA AND
INDIVIDUAL CIVIL RIGHTS AND
LIBERTIES AND
SUPPLEMENTAL STATE LAW
CLAIMS

DEMAND FOR JURY TRIAL

18 I.

19 **PREFATORY STATEMENT**

20 1. Due to the egregious and unlawful retaliatory acts undertaken by
21 Defendants, Plaintiff Sergio Bostick is bringing forth this claim seeking damages
22 for injuries he has suffered. Defendants have retaliated against Plaintiff in
23 contravention of his First Amendment Rights secured by the United States
24 Constitution and the Fair Labor Standards Act. Plaintiff is a good cop who simply
25 sought vindication of his rights and voiced concerns about the City of Monrovia
26 Police Department. Unfortunately these actions were met with an acidic response
27 and attempts to stifle Plaintiff's speech.
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II.

JURISDICTION AND VENUE

2. Plaintiff's action is authorized by the Fair Labor Standard Act of 1938, 29 U.S.C. §§ 201 et seq. ("FLSA") and 42 U.S.C. §1983, which provides for redress for the deprivation under color of state law of rights secured by the Constitution and the laws of the United States. Jurisdiction is conferred on this Court by 28 U.S.C. §§ 1331 and 1343(3), providing for jurisdiction in this Court of suits authorized by 42 U.S.C. §1983 to redress the deprivation under color of state law of any right, privilege, or immunity secured by the Constitution of the United States, and by 28 U.S.C. §1343(4), providing for the protection of civil rights. This Court has authority to provide declaratory and injunctive relief in this case pursuant to 28 U.S.C. §§2201 and 2202. Venue is proper in the Central District of California in that the wrongs alleged herein occurred within the County of Los Angeles, within the Central District.

III.

PARTIES

3. Plaintiff SERGIO BOSTICK ("BOSTICK") is and was at all times relevant herein an employee of the City of Monrovia, employed as a police officer within the City of Monrovia Police Department. Plaintiff is a peace officer within the meaning of Penal Code §830.1 and as such is entitled to the protections of the Peace Safety Officers Procedural Bill of Rights Act ("POBRA" or the "Act") at Government Code §§ 3300 et seq. Plaintiff began his employment with the City of Monrovia in 2000. Plaintiff has a vested property right to continued employment and cannot be deprived of said right without due process of law.

4. Defendant CITY OF MONROVIA ("City") is a public entity organized and existing under the laws of the State of California and wholly located within the County of Los Angeles, California. All individuals whose actions are in contravention of Federal and California State Law are direct employees of

1 Defendant. The MONROVIA POLICE DEPARTMENT ("MPD") is wholly a
2 department and/or agency of the City of Monrovia.

3 5. Defendant ROGER JOHNSON ("JOHNSON") is the Chief of Police
4 for the Monrovia Police Department. As a Department Head and City's top cop,
5 JOHNSON is charged with policy making authority for all matters alleged herein,
6 except when he has delegated such authority to others. In doing the things alleged
7 to have been done, JOHNSON acted in his capacity as Chief of Police for the City
8 of Monrovia and individually. Defendant JIM HUNT ("HUNT") is a Captain for
9 the Monrovia Police Department. As a high-ranking supervisor, HUNT possesses
10 policy-making authority for matters within the Department. In doing the things
11 alleged to have been done, HUNT acted not only in his capacity as an employee
12 for the City of Monrovia, but individually as well. Defendant MICHAEL LEE
13 ("LEE") is a Lieutenant for the Monrovia Police Department. As a high-ranking
14 supervisor, LEE possesses policy-making authority for matters within the
15 Department. In doing the things alleged to have been done, LEE acted not only in
16 his capacity as an employee for the City of Monrovia, but individually as well.

17 6. Defendant DOES 1 through 10 are unknown at this time, but are
18 employees of Defendant. When the true names and capacities of said persons
19 become known to Plaintiff, Plaintiff will seek leave to amend this claim to show
20 the true identities of each said DOE in place of their fictitious names as DOES 1
21 through 10.

22 IV.

23 FACTS

24 7. In or about January 2006, Bostick gave testimony in a deposition for
25 Officer Michael Solarez. Officer Solarez was suing the City of Monrovia under a
26 discrimination claim.

27 8. Immediately thereafter, Bostick was no longer invited to participate in
28 Explorer Post events or travel to Arizona or Mammoth.

1 9. In or about January 2006, Bostick filed a harassment complaint with
2 the City against another officer.

3 10. Prior to Bostick's current Agent position with the City of Monrovia,
4 he was classified as a canine handler with the City.

5 11. In or about March 2008, Bostick sued the City of Monrovia for FLSA
6 violations. The violations stem from uncompensated time that Bostick spent
7 caring for his canine pursuant to his job duties.

8 12. On or about March 20, 2008, and immediately after filing the lawsuit,
9 Bostick received a call from Lt. Lee regarding the lawsuit.

10 13. During this conversation, Lt. Lee informed Bostick that Chief Johnson
11 is "hot" about the lawsuit. He went on to inform Bostick that filing this lawsuit is a
12 mistake, indicating that Bostick's actions place Bostick in a point of no return
13 position, and there will be repercussions for Bostick's actions.

14 14. On or about March 21, 2008, Lt. Lee called Bostick yet again and
15 informed him that the lawsuit made the front page of the paper and is going to go
16 over very badly, by filing this lawsuit Bostick has jeopardized the entire canine
17 program, and that Bostick made a "monumentally stupid decision." Lt. Lee went
18 on to say that there will be unspecified severe repercussions due to Bostick filing
19 the lawsuit.

20 15. In or about March 24, 2008, Bostick began to notice that he was
21 receiving the "cold-shoulder" from Defendants.

22 16. In or about April 2008, Captain Hunt called Bostick into his office
23 and began to interrogate Bostick about the lawsuit.

24 17. In or about April 2008, Bostick applied for the Sergeants opening with
25 the MPD.

26 18. On or about May 6, 2008 Bostick spoke to Chief Johnson. Johnson
27 expressed anger towards Bostick regarding the FLSA lawsuit and for Bostick
28 filling the harassment complaint in 2006. Johnson was upset that Bostick filed the

1 complaint through the appropriate procedures as opposed to simply handling it
2 himself, in addition Johnson felt ill will against Bostick because Johnson was
3 forced to attend training classes he believed he did not need. Further, Johnson
4 expressed anger toward Bostick for having made the harassment complaint
5 because it gave Solarez "fire power" with Solarez's lawsuit against the City.
6 Bostick was traumatized by the conversation and feared for his job.

7 19. In or about July 2008 Bostick spoke to Chief Johnson. Johnson told
8 Bostick the Sergeants position is placed on hold till things "normalize" in the
9 MPD. Yet again, Johnson brought up his displeasure due to Bostick's FLSA
10 lawsuit.

11 20. During this conversation, Johnson brought up Bostick speaking about
12 an incident involving inappropriate behavior between a purported young male
13 gang-member and a male MPD officer occurring in the hills of Fish Canyon. An
14 officer from another agency had detained the two after finding them in Fish
15 Canyon. Bostick had recently brought up the incident with other supervisors,
16 asking for an investigation to take place involving this incident, however the MPD
17 appeared to stonewall these attempts. Bostick was ordered by Defendants not to
18 discuss the incident. Johnson expressed anger towards Bostick because he could
19 not "let go" of the incident involving the MPD officer and alleged gang-member at
20 Fish Canyon. Johnson told Bostick not discuss the Fish Canyon incident with
21 anyone anymore and to "let it go."

22 21. In or about August 2008, the parties settled the FLSA lawsuit outside
23 of Court.

24 22. In or about August 2008, Bostick's canine, Thor, was retired.

25 23. Unlike past practice, the City did not provide any type of ceremony
26 honoring Bostick's and Thor's service to the City. Also, unlike other officers,
27 Bostick was denied the use of a City vehicle for work purposes.
28

1 24. In or about September 2008, Bostick received an Agent position,
2 however unlike in the past, the position was turned into a temporary position as
3 opposed to a permanent position. Bostick was selected for the position because he
4 was the only person qualified and eligible for the opening. Chief Johnson called
5 Bostick into his office to inform him of his selection. Johnson made demeaning
6 remarks towards Bostick, and condescendingly told Bostick that he was supposed
7 to tell him what an amazing officer he was. Johnson instead spoke about the FLSA
8 lawsuit. Johnson asked Bostick several times if he knew that he had sued him
9 when he filed the FSLA lawsuit. Johnson told Bostick he wanted to make sure
10 Bostick was aware of it. Johnson went on to say that he had changed the Agent
11 position to a 3-year assignment and if knowing that Bostick still wanted the job.

12 25. In or about September 2008, Bostick's personal vehicle was broken
13 into at his residence. MPD officers were ordered to stand down. This is against
14 common practice, that being the MPD would send out officers to check on the
15 welfare of an officer in Bostick's position.

16 26. In or about October 2008, Bostick spoke to Chief Johnson. Johnson
17 made demeaning remarks and expressed anger towards Bostick for having spoken
18 to the MPD Police Officers' Association, Officer Harvey and Officer Thompson
19 about the MPD officer and alleged-gang member incident at Fish Canyon.
20 Johnson told Bostick that Officer Thompson brought it up in a deposition. Johnson
21 interrogated Bostick about his conversation with Thompson. Johnson told Bostick
22 that Thompson as well as other personnel within the "organization" are trying to
23 "cause him grief." Johnson asked Bostick numerous times if he could trust him or
24 not. Johnson told Bostick not to speak about their meetings to anyone and to "do
25 what he had to do". Bostick was traumatized by the conversation and feared for
26 his job.

27 27. In or about October 2008, (1-2 weeks before the Sergeants position
28 oral boards), Captain Hunt called Bostick into his office. Captain Hunt began to

1 describe how upset the Defendants and City Council are about the lawsuit.
2 Captain Hunt told Bostick that he “poured salt over their wounds.” He also
3 ordered Bostick to not speak to the press about Thor's retirement. He informed
4 Bostick that the Defendants took the lawsuit very personally. Captain Hunt
5 expressed anger towards Bostick and began to yell at Bostick and continued to
6 interrogate him about the lawsuit and make demeaning remarks. Captain Hunt told
7 Bostick that there are repercussions for going along with the FLSA lawsuit.
8 Captain Hunt told Bostick to not speak to anybody about their conversation.
9 Bostick was traumatized by the conversation and feared for his job.

10 28. In or about October 2008, Captain Hunt ordered Bostick to deliver
11 medals and certificates of commendation to a team of LA County Sheriff deputies.
12 Bostick worked with the deputies on matters for which the commendations were
13 given. One LA County Sheriff detective asked Bostick if he would be getting a
14 commendation also. Bostick replied that he most likely would not. The deputy
15 was incredulous and could not understand why Bostick would not be receiving a
16 commendation from his own department especially in light of the fact that Bostick
17 worked just as hard with these deputies.

18 29. In or about October 2008, (immediately after Bostick took his
19 Sergeant's Oral Interview) Lt. Lee walked to the Sergeant's office and saw Bostick
20 speaking to another MPD officer. Lt. Lee turned around and did not walk into the
21 office. The MPD officer tells Bostick that Lt. Lee, once he turned the corner,
22 pointed towards Bostick's direction and made a contorted “face of disgust.”

23 30. Bostick was not chosen for the Sergeant position.
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V.

FIRST CAUSE OF ACTION

FLSA 29 U.S.C.A. §215(a)(3)

Against All Defendants

31. Plaintiff incorporates each and every proceeding paragraph as though set forth fully herein.

32. Plaintiff has a rights secured under the FLSA to be free from retaliation in any manner from all persons due to Plaintiff's filing of any complaint under the FLSA.

33. In improperly retaliating against Plaintiff by denying him promotional opportunities and creating a hostile work environment, Defendants have violated the FLSA. Plaintiff has suffered damages in an amount to be proven at trial as a result of these actions by Defendants.

SECOND CAUSE OF ACTION

42 U.S.C. §1983

Against All Defendants

34. Plaintiff hereby incorporates each and every preceding paragraph as though set forth in full here.

35. As a direct result of the Plaintiff exercising his constitutional right to free speech, the Defendants took the aforementioned adverse actions against him. Absent said protected speech, Defendants would not have taken said actions. At all times mentioned herein, Plaintiff's speech activities were not made pursuant to his official job responsibilities.

36. The various acts of intimidation, reprisal, retaliation, suppression and/or restraint exercised by Defendants against Plaintiff have created a chilling effect on his legitimate political, social and organizational speech by creating fear, hesitation, hostility and other destructive responses.

1 37. In doing the things alleged herein, Defendants, and each of them,
2 violated the rights of Plaintiff under the First and Fourteenth Amendments to the
3 United States Constitution to free expression. Specifically, Defendants have taken
4 adverse action against Plaintiff in direct retaliation for, and in response to the
5 various protected activities of Plaintiffs. The acts and omissions of Defendants,
6 and each of them, were done by Defendants under color of state law in their
7 capacity as a municipality chartered under state law, and as policy making
8 authorities to which Defendant City of Monrovia delegated its governing powers in
9 the subject matter areas in which these policies were promulgated or decisions
10 taken or customs and practices followed. The acts and omissions described above
11 were taken by the City's official policy makers as members charged with such
12 responsibility. It was or should have been plainly obvious to any reasonable policy
13 making official of the City that the acts and omissions of Defendants as alleged
14 herein, taking singly or in conjunction, directly violated and continued to violate
15 Plaintiff's clearly established constitutional and statutory rights. In doing the
16 things alleged herein, Defendants acted with malicious intent to violate Plaintiffs'
17 rights, or at least in conscious, reckless, and callous disregard of Plaintiff's rights
18 and to the injurious consequences likely to result from a violation of said rights.
19 As the policy makers possessing purview over the relevant specific conduct of the
20 City, the individuals authorized, ratified and engaged in the alleged constitutional
21 violations. The individual Defendants knew or should have known they were
22 engaged in constitutional violations. General and special damages are sought
23 according to proof. Punitive damages are sought against the individual defendants,
24 according to proof.

1 **THIRD CAUSE OF ACTION**

2 **Cal. Government Code § 12940(h)**

3 **Against All City of Monrovia and Roger Johnson**

4 38. Plaintiff hereby incorporates each and every preceding paragraph as
5 though set forth in full here.

6 39. Due to Plaintiff filing the harassment complaint against a fellow
7 Monrovia Police Department officer, Defendants retaliated against Plaintiff.

8 40. Said retaliation is in explicit contravention of California Government
9 Code § 12940(h).

10 41. Plaintiff is entitled to attorney's fees pursuant to California Code of
11 Civil Procedure § 1021.5 due to the significant benefit the public receives via
12 Plaintiff's enforcement of rights securing of persons constitutional, and in the
13 interest of justice.

14
15 **WHEREFORE**, Plaintiff prays for the following:

- 16 1. Loss of earnings and back pay including any increasing tax liability thereon;
17 2. Loss of future earnings, promotions, opportunities to promote and related
18 employment benefits;
19 3. General damages;
20 4. Special damages;
21 5. Punitive and exemplary damages against Individuals only;
22 6. Litigation costs;
23 7. Attorney fees;
24 8. Interest;
25 9. For any other relief or damages allowed by law, or statutes not set out above
26 and such further relief as the Court deems just and proper.
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1 Dated: 2/26/09

Respectfully submitted,

LACKIE DAMMEIER & MCGILL APC

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6 Sanjay Bansal
7 Michael A. McGill
8 Attorneys for Plaintiff,
9 SERGIO BOSTICK

10 **DEMAND FOR JURY**

11 Plaintiff hereby demands a jury trial under F.R. Civ. P., Rule 38 and C.D.
12 Cal. Rule 3.4.10.1.

13 Dated: 2/26/09

Respectfully submitted,

LACKIE DAMMEIER & MCGILL APC

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16 Sanjay Bansal
17 Michael A. McGill
18 Attorneys for Plaintiff,
19 SERGIO BOSTICK
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**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 George King and the assigned discovery Magistrate Judge is Fernando M. Olguin.

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

CV09- 1410 GHK (FMOx)

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.

UNITED STATES DISTRICT COURT

Central District of California

SERGIO BOSTICK,

v.

SUMMONS IN A CIVIL CASE

CITY OF MONROVIA, A Municipality; ROGER JOHNSON, Individually and as Chief of Police; JIM HUNT, Individually and as Captain; MICHAEL LEE, Individually and as Lieutenant and DOES 1 through 10, Inclusive

CASE NUMBER:

CV09-01410 GJK FJAK

TO: (Name and address of Defendant)

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

Sanjay Bansal, SBN 251563
Lackie Dammeier & McGill, APC
367 North Second Avenue
Upland, CA 91786

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.

[Handwritten signature of Jerry Stajic]
CLERK
(By) DEPUTY CLERK

FEB 27 2009

DATE

RETURN OF SERVICE

Service of the Summons and complaint was made by me ⁽¹⁾	DATE
--	------

NAME OF SERVER (<i>PRINT</i>)	TITLE
---------------------------------	-------

Check one box below to indicate appropriate method of service

- Served personally upon the defendant. Place where served: _____

- Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.
Name of person with whom the summons and complaint were left: _____

- Returned unexecuted: _____

- Other (specify): _____

STATEMENT OF SERVICE FEES

TRAVEL	SERVICES	TOTAL

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.

Executed on _____
Date
Signature of Server

Address of Server

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.

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

I (a) PLAINTIFFS (Check box if you are representing yourself <input type="checkbox"/> Sergio Bostick	DEFENDANTS City of Monrovia, A Municipality; Roger Johnson, Individually and as the Chief of Police; Jim Hunt, Individually and as Captain; Michael Lee, Individually and as Lieutenant and Does 1 through 10 Inclusive
(b) County of Residence of First Listed Plaintiff (Except in U.S. Plaintiff Cases): Los Angeles	County of Residence of First Listed Defendant (In U.S. Plaintiff Cases Only): Los Angeles
(c) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.) Sanjay Bansal, c/o LACKIE DAMMEIER & MCGILL, APC 367 N. Second Avenue Upland, CA 91786 (909) 985-4003	Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an X in one box only.) <input type="checkbox"/> 1 U.S. Government Plaintiff <input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party) <input type="checkbox"/> 2 U.S. Government Defendant <input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)	III. CITIZENSHIP OF PRINCIPAL PARTIES - For Diversity Cases Only (Place an X in one box for plaintiff and one for defendant.) <table style="width:100%; border: none;"> <tr> <td style="width:33%;">Citizen of This State</td> <td style="width:10%; text-align: center;">PTF</td> <td style="width:10%; text-align: center;">DEF</td> <td style="width:33%;"></td> <td style="width:10%; text-align: center;">PTF</td> <td style="width:10%; text-align: center;">DEF</td> </tr> <tr> <td></td> <td style="text-align: center;"><input type="checkbox"/> 1</td> <td style="text-align: center;"><input type="checkbox"/> 1</td> <td>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> <tr> <td>Citizen of Another State</td> <td style="text-align: center;"><input type="checkbox"/> 2</td> <td style="text-align: center;"><input type="checkbox"/> 2</td> <td>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> <tr> <td>Citizen or Subject of a Foreign Country</td> <td style="text-align: center;"><input type="checkbox"/> 3</td> <td style="text-align: center;"><input type="checkbox"/> 3</td> <td>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>	Citizen of This State	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	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5	Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6
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IV. ORIGIN (Place an X in one box only.)

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

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

CLASS ACTION under F.R.C.P. 23: Yes No **MONEY DEMANDED IN COMPLAINT:** \$ _____

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. and 42 U.S.C. Section 1983 et seq. Violation of individual and civil rights and liberties

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"/> 500 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	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 Habeas Corpus <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus/Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition FORFEITURE / PENALTY <input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety /Health <input type="checkbox"/> 690 Other	LABOR <input checked="" 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 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 RS1 (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS-Third Party 26 USC 7659
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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: _____

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.
Los Angeles

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.
Los Angeles

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.
Los Angeles

X. SIGNATURE OF ATTORNEY (OR PRO PER): _____ Date February 26, 2009

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))