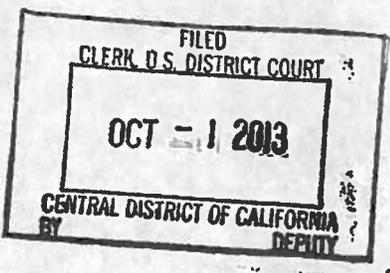


1 JANET M. HEROLD, Regional Solicitor
 2 DANIELLE L. JABERG, Counsel for ERISA
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 4 California State Bar No. 215626
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 5 United States Department of Labor
 6 90 7th Street, Suite 3-700
 7 San Francisco, California 94103
 8 Telephone: (415) 625-7747
 9 Facsimile: (415) 625-7772



10 Attorneys for THOMAS E. PEREZ, Secretary of Labor,
 11 United States Department of Labor

12 UNITED STATES DISTRICT COURT FOR THE
 13
 14 CENTRAL DISTRICT OF CALIFORNIA - LOS ANGELES DIVISION

15 THOMAS E. PEREZ, Secretary of)
 16 Labor, United States Department of)
 Labor,)
 17)
 18 Plaintiff,)
 19)
 20 vs.)
 21)
 22 WELDING UNLIMITED, INC., a)
 corporation; DAVID R. SHIELDS, an)
 23 individual; WELDING UNLIMITED,)
 24 INC. 401(K) Profit Sharing Plan, an)
 employee pension benefit plan,)
 25)
 26 Defendant.)

Case No. **CV 13-07261-GW**
 (JC)
COMPLAINT FOR VIOLATIONS OF ERISA

27 Plaintiff Thomas E. Perez, Secretary of Labor, United States Department of
 28 Labor (the "Secretary"), alleges:

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JURISDICTION

1. This action arises under Title I of the Employee Retirement Income Security Act of 1974 ("ERISA"), as amended, 29 U.S.C. §§ 1001-1191c, and is brought by the Secretary under ERISA §§ 502(a)(2) and (5), 29 U.S.C. §§ 1132(a)(2) and (5), to enjoin acts and practices which violate the provisions of Title I of ERISA, to obtain appropriate equitable relief for breaches of fiduciary duty under ERISA § 409, 29 U.S.C. § 1109, and to obtain such further equitable relief as may be appropriate to redress and to enforce the provisions of Title I of ERISA.

2. This court has jurisdiction over this action pursuant to ERISA § 502(e)(1), 29 U.S.C. § 1132(e)(1).

3. Venue of this action lies in the Central District of California, pursuant to ERISA § 502(e)(2), 29 U.S.C. § 1132(e)(2), because the Welding Unlimited, Inc. 401(k) Profit Sharing Plan (the "Plan") that Defendant Welding Unlimited, Inc. ("Welding") established was administered in Los Angeles County, California, within this district.

DEFENDANTS AND FIDUCIARIES

4. The Plan is, and was at all relevant times to this Complaint, an employee benefit plan within the meaning of ERISA § 3(3), 29 U.S.C. § 1002(3). Accordingly, the Plan is subject to the provisions of Title I of the Act, pursuant to ERISA § 4(a), 29 U.S.C. § 1003(a). The Plan was established and maintained by an employer engaged in commerce or in industries or activities affecting commerce and is subject to Title I of ERISA pursuant to ERISA §§ 4(a)(1) and 401, 29 U.S.C. §§ 1003(a)(1) and 1101(a). During all times relevant to this Complaint, the Plan has been administered in Los Angeles County, California.

1 5. At all times relevant to this Complaint, Defendant Welding was and is the
2 sponsor and Plan Administrator of the Plan, a fiduciary of this Plan within the meaning
3 of ERISA § 3(21)(A)(i) and (iii), 29 U.S.C. § 1002(21)(A)(i) and (iii), and a party in
4 interest to this Plan within the meaning of ERISA § 3(14)(A) and (C), 29 U.S.C. §
5 1002(14)(A) and (C).

6 6. At all times relevant to this Complaint, Defendant David Shields: (1) was
7 an Officer and majority owner of Welding; (2) was and is a named Trustee of the Plan;
8 (3) exercised discretionary control and authority over the management and disposition
9 of assets of the Plan; (4) was and is a fiduciary of the Plan, as that term is defined in
10 ERISA § 3(21), 29 U.S.C. § 1002(21); and (5) was and is a party in interest to the Plan,
11 as that term is defined in ERISA § 3(14)(A), (E) and (H), 29 U.S.C. § 1002(14)(A), (E)
12 and (H).

13 7. The Plan is named as a Defendant herein pursuant to Rule 19(a) of the
14 Federal Rules of Civil Procedure, solely to assure that complete relief can be granted.
15

16 **ALLEGATIONS: VIOLATIONS OF ERISA**
17

18 8. Paragraphs 1 through 7 above are realleged and incorporated herein by
19 reference.

20 9. The Plan was established effective January 1, 2007 by Defendant Welding.

21 10. The governing Plan documents for the Plan identify Defendant Welding as
22 the Plan Administrator.

23 11. The governing Plan documents for the Plan identify Defendant David
24 Shields as the Trustee of the Plan.

25 12. At all times relevant to this Complaint,, Defendant David Shields signed
26 governing Plan documents for the Plan.
27
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1 13. At all times relevant to this Complaint,, Defendants David Shields and
2 Welding exercised pervasive control over the administration of the Plan.

3 14. From January 1, 2008, through and including December 31, 2008,
4 Defendants David Shields and Welding failed to remit \$38,940.76 in employee
5 contributions withheld from employee paychecks to the Plan.

6 15. Instead of remitting this \$38,940.76 in employee contributions to the Plan,
7 this money remained in Defendant Welding's bank account and was used by Defendants
8 David Shields and Welding to pay the financial obligations of Defendant Welding.

9 16. As of the date of this Complaint, Defendants David Shields and Welding
10 have not remitted the aforementioned \$38,940.76 in employee contributions to the Plan
11 or any lost-opportunity costs suffered as a direct result of the failure to remit same.¹

12 17. By the conduct described in paragraphs 8-16 above, Defendants David
13 Shields and Welding:

14 a. caused the assets of the Plan to inure to the benefit of an employer, in
15 violation of ERISA § 403(c)(1), 29 U.S.C. § 1103(c)(1);

16 b. failed to discharge their fiduciary duties with respect to the Plan
17 solely in the interest of the participants and beneficiaries and for the exclusive purpose
18 of providing benefits to participants and beneficiaries and defraying reasonable expenses
19 of administering the Plan, in violation of ERISA § 404(a)(1)(A), 29 U.S.C. §
20 1104(a)(1)(A);

21 c. failed to discharge their fiduciary duties with respect to the Plan with
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25 ¹ The Plan suffered \$2,726.22 in lost-opportunity costs calculated from the date that the employee
26 elective deferral contributions were due to the date that Defendant David Shields filed for bankruptcy
27 protection on August 18, 2010. The Plan also suffered an additional \$3,176.14 in lost-opportunity costs
28 calculated from the date the Bankruptcy Court ordered the \$38,940.76 debt to be Plan to be non-
dischargeable (April 15, 2011) to September 30, 2013. The Plan will continue to accrue lost-
opportunity costs until such time as all Plan losses, to include the lost-opportunity costs, are fully
restored.

1 the care, skill, prudence, and diligence under the circumstances then prevailing that a
2 prudent person acting in a like capacity and familiar with such matters would use in the
3 conduct of an enterprise of a like character and with like aims, in violation of ERISA §
4 404(a)(1)(B), 29 U.S.C. § 1104(a)(1)(B);

5 d. caused the Plan to engage in transactions which they
6 knew or should have known constituted the lending of money or other extensions of
7 credit between the Plan, and parties in interest to the Plan in violation of ERISA §
8 406(a)(1)(B), 29 U.S.C. § 1106(a)(1)(B);

9 e. caused the Plan to engage in transactions which they knew or should
10 have known constituted a transfer to, or use by, or for the benefit of, parties in interest,
11 of assets of the Plan in violation of ERISA § 406(a)(1)(D), 29 U.S.C. § 1106(a)(1)(D);

12 f. dealt with assets of the Plan in their own interest or for their own
13 account, in violation of ERISA § 406(b)(1), 29 U.S.C. § 1106(b)(1);

14 g. in their individual or other capacity, acted in a transaction involving
15 the Plan on behalf of a party (or represented a party) whose interests were adverse to the
16 interests of the Plan or the interests of the Plan's participants or beneficiaries, in
17 violation of ERISA § 406(b)(2),
18 29 U.S.C. § 1106(b)(2); and

19 h. participated knowingly in the breaches of fiduciary duty of other
20 fiduciaries and/or had knowledge of such breaches by a co-fiduciary and failed to take
21 reasonable efforts to remedy such breaches, in violation of ERISA § 405(a), 29 U.S.C. §
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1 1105(a).

2 18. By the conduct described in paragraphs 8-16 above, Defendant Welding
3 failed to act in accordance with the documents and instruments governing the Plan
4 which required it pay employee elective deferral contributions to the trustee, in violation
5 of ERISA § 404(a)(1)(D), 29 U.S.C. § 1104(a)(1)(D);
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7

8 19. Defendant Welding is liable as a co-fiduciary pursuant to ERISA § 405(a),
9 29 U.S.C. § 1105(a), for the violations alleged in Paragraphs 6 through 17 above because
10 (i) Welding knowingly participated in, or knowingly undertook to conceal, acts or
11 omissions, of Defendant David Shields; (ii) Welding enabled Defendant David Shields
12 to commit such breaches by its failure to comply with § 404(a)(1)(A), (B) and (D), 11
13 U.S.C. § 1104(a)(1)(A) and (D), in the administration of its specific responsibilities
14 which gave rise to its status as a fiduciary; and (iii) Welding had knowledge of
15 Defendant David Shield's fiduciary breaches and failed to make reasonable efforts under
16 the circumstances to remedy such breaches.
17

18 20. Defendant David Shields is liable as a co-fiduciary pursuant to ERISA §
19 405(a), 29 U.S.C. § 1105(a), for the violations alleged in Paragraphs 6 through 18 above
20 because (i) he knowingly participated in, or knowingly undertook to conceal, acts or
21 omissions, of Defendant Welding; (ii) he enabled Defendant Welding to commit such
22 breaches by his failure to comply with § 404(a)(1)(A), (B) and (D), 11 U.S.C. §
23 1104(a)(1)(A) and (D), in the administration of his specific responsibilities which gave
24 rise to his status as a fiduciary; and (iii) he had knowledge of Defendant Welding's
25 fiduciary breaches and failed to make reasonable efforts under the circumstances to
26 remedy such breaches.

27 21. As a direct and proximate result of the breaches of fiduciary duties
28 committed by Defendant David Shields, and Defendant Welding, as described in

1 Paragraphs 6-20 above, the Plan has suffered losses, including lost-opportunity income
2 which continues to accrue, for which Defendants David Shields and Welding are jointly
3 and severally liable pursuant to ERISA § 409, 29 U.S.C. § 1109.
4

5 **PRAYER FOR RELIEF**

6 WHEREFORE, the Secretary prays for judgment:

7 A. Ordering Defendants David Shields and Welding to restore to the Plan any
8 losses, including lost-opportunity costs, resulting from fiduciary breaches committed by
9 them or for which they are jointly and severally liable;
10

11 B. Ordering Defendants David Shields and Welding to correct the prohibited
12 transactions in which they engaged or which they caused the Plan to engage;

13 C. Permanently enjoining Defendants David Shields and Welding from
14 violating the provisions of Title I of ERISA;

15 D. Permanently enjoining Defendant David Shields from serving as a fiduciary
16 of, or service provider, to any ERISA-covered employee benefit plan and removing him
17 from any positions he now holds as a fiduciary of the Plan;

18 E. Removing Defendant Welding as the Plan Administrator of the Plan and
19 from any position it now holds as a fiduciary of the Plan.

20 F. Appointing an independent fiduciary to distribute the Plan's assets to the
21 participants and beneficiaries, terminate the Plan, and conclude any Plan-related matters
22 connected with the proper termination of the Plan;

23 G. Requiring Defendants David Shields and Welding to be jointly and
24 severally liable for paying all costs associated with the appointment and retention of the
25 independent fiduciary;

26 H. Requiring Defendants David Shields and Welding to cooperate with the
27 independent fiduciary;
28

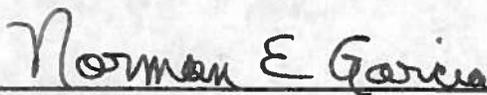
- 1 I. Awarding the Secretary the costs of this action; and
2 J. Ordering such further relief as is appropriate and just.
3

4 DATED: September 25, 2013
5

6 Respectfully Submitted,
7 M. PATRICIA SMITH
8 Solicitor of Labor

9 JANET M. HEROLD
10 Regional Solicitor

11 DANIELLE L. JABERG
12 Counsel for ERISA

13 
14 NORMAN E. GARCIA
15 Senior Trial Attorney
16

17 Attorneys for Plaintiff
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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

NOTICE OF ASSIGNMENT TO UNITED STATES JUDGES

This case has been assigned to District Judge George H. Wu and the assigned Magistrate Judge is Jacqueline Chooljian.

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

2:13-CV-7261-GW (JCX)

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.

Clerk, U. S. District Court

October 1, 2013

Date

By MDAVIS

Deputy Clerk

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 Street, G-8
Los Angeles, CA 90012



Southern Division
411 West Fourth St., Ste 1053
Santa Ana, CA 92701



Eastern Division
3470 Twelfth Street, Room 134
Riverside, CA 92501

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

Name & Address:
Norman E. Garcia, Senior Trial Attorney
United States Department of Labor
Office of the Solicitor
90 Seventh Street, Suite 3-700
San Francisco, California 94103

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

THOMAS E. PEREZ, Secretary of Labor, UNITED STATES DEPARTMENT OF LABOR

CASE NUMBER

PLAINTIFF(S)

CV 13-07261-GW/JCA

v.

WELDING UNLIMITED, INC., a corporation;
DAVID R. SHIELDS, an individual; WELDING UNLIMITED, INC. 401(K) PROFIT SHARING PLAN, an employee pension benefit Plan

DEFENDANT(S).

SUMMONS

We

TO: DEFENDANT(S):

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached complaint amended complaint counterclaim cross-claim or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff's attorney, Norman E. Garcia, whose address is U.S. Dept. of Labor, Ofc. of the Solicitor, 90 7th St., Ste 3-700; San Francisco, CA 94103. If you fail to do so, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Clerk, U.S. District Court

Dated: OCT - 1 2013

By: MARILYN DAVIS
Deputy Clerk



(Seal of the Court)

[Use 60 days if the defendant is the United States or a United States agency, or is an officer or employee of the United States. Allowed 60 days by Rule 12(a)(3)].

Name & Address:

Norman E. Garcia, Senior Trial Attorney
United States Department of Labor
Office of the Solicitor
90 Seventh Street, Suite 3-700
San Francisco, California 94103

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

THOMAS E. PEREZ, Secretary of Labor, UNITED STATES DEPARTMENT OF LABOR

CASE NUMBER

PLAINTIFF(S)

CV 13-07261-GW (JG)

v.

WELDING UNLIMITED, INC., a corporation;
DAVID R. SHIELDS, an individual; WELDING UNLIMITED, INC. 401(K) PROFIT SHARING PLAN, an employee pension benefit Plan

SUMMONS

DEFENDANT(S).

We

TO: DEFENDANT(S):

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached complaint amended complaint counterclaim cross-claim or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff's attorney, Norman E. Garcia, whose address is U.S. Dept. of Labor, Ofc. of the Solicitor, 90 7th St., Ste 3-700; San Francisco, CA 94103. If you fail to do so, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Clerk, U.S. District Court

Dated: OCT - 1 2013

By: Mandy Dawn
Deputy Clerk



(Seal of the Court)

[Use 60 days if the defendant is the United States or a United States agency, or is an officer or employee of the United States. Allowed 60 days by Rule 12(a)(3)].

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

(a) PLAINTIFFS (Check box if you are representing yourself)
THOMAS E. PEREZ, Secretary of Labor, UNITED STATES DEPARTMENT OF LABOR

DEFENDANTS (Check box if you are representing yourself)
WELDING UNLIMITED, INC., a corporation; DAVID R. SHIELDS, an individual; WELDING UNLIMITED, INC. 401(K) Profit Sharing Plan, an employee pension benefit plan

(b) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.)
Norman E. Garcia
U.S. Department of Labor, Office of the Solicitor
90 Seventh Street, Suite 3-700
San Francisco, CA 94103 (415) 625-7747

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

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

1. U.S. Government Plaintiff
 2. U.S. Government Defendant
 3. Federal Question (U.S. Government Not a Party)
 4. Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES-For Diversity Cases Only (Place an X in one box for plaintiff and one for defendant)

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

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

1. Original Proceeding
 2. Removed from State Court
 3. Remanded from Appellate Court
 4. Reinstated or Reopened
 5. Transferred from Another District (Specify)
 6. Multi-District Litigation

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

CLASS ACTION under F.R.Cv.P. 23: Yes No **MONEY DEMANDED IN COMPLAINT:** \$ 48,843.12

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. §51001-1191c. Breach of fiduciary duties under ERISA.

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

| OTHER STATUTES | CONTRACT | REAL PROPERTY CONT. | IMMIGRATION | PRISONER PETITIONS | PROPERTY RIGHTS |
|--|--|---|--|--|--|
| <input type="checkbox"/> 375 False Claims Act | <input type="checkbox"/> 110 Insurance | <input type="checkbox"/> 240 Torts to Land | <input type="checkbox"/> 462 Naturalization Application | <input type="checkbox"/> Habeas Corpus: 463 Alien Detainee | <input type="checkbox"/> 820 Copyrights |
| <input type="checkbox"/> 400 State Reapportionment | <input type="checkbox"/> 120 Marine | <input type="checkbox"/> 245 Tort Product Liability | <input type="checkbox"/> 465 Other Immigration Actions | <input type="checkbox"/> 510 Motions to Vacate Sentence | <input type="checkbox"/> 830 Patent |
| <input type="checkbox"/> 410 Antitrust | <input type="checkbox"/> 130 Miller Act | <input type="checkbox"/> 290 All Other Real Property | TORTS | <input type="checkbox"/> 530 General | <input type="checkbox"/> 840 Trademark |
| <input type="checkbox"/> 430 Banks and Banking | <input type="checkbox"/> 140 Negotiable Instrument | TORTS | PERSONAL PROPERTY | <input type="checkbox"/> 535 Death Penalty | SOCIAL SECURITY |
| <input type="checkbox"/> 450 Commerce/ICC Rates/Etc. | <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment | PERSONAL INJURY | <input type="checkbox"/> 370 Other Fraud | <input type="checkbox"/> Other: 540 Mandamus/Other | <input type="checkbox"/> 861 HIA (1395ff) |
| <input type="checkbox"/> 460 Deportation | <input type="checkbox"/> 151 Medicare Act | <input type="checkbox"/> 310 Airplane | <input type="checkbox"/> 371 Truth in Lending | <input type="checkbox"/> 550 Civil Rights | <input type="checkbox"/> 862 Black Lung (923) |
| <input type="checkbox"/> 470 Racketeer Influenced & Corrupt Org. | <input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Vet.) | <input type="checkbox"/> 315 Airplane Product Liability | <input type="checkbox"/> 380 Other Personal Property Damage | <input type="checkbox"/> 555 Prison Condition | <input type="checkbox"/> 863 DIWC/DIWW (405 (g)) |
| <input type="checkbox"/> 480 Consumer Credit | <input type="checkbox"/> 153 Recovery of Overpayment of Vet. Benefits | <input type="checkbox"/> 320 Assault, Libel & Slander | <input type="checkbox"/> 385 Property Damage Product Liability | <input type="checkbox"/> 560 Civil Detainee Conditions of Confinement | <input type="checkbox"/> 864 SSID Title XVI |
| <input type="checkbox"/> 490 Cable/Sat TV | <input type="checkbox"/> 160 Stockholders' Suits | <input type="checkbox"/> 330 Fed. Employers' Liability | BANKRUPTCY | <input type="checkbox"/> FORFEITURE/PENALTY 625 Drug Related Seizure of Property 21 USC 881 | <input type="checkbox"/> 865 RSI (405 (g)) |
| <input type="checkbox"/> 850 Securities/Commodities/Exchange | <input type="checkbox"/> 190 Other Contract | <input type="checkbox"/> 340 Marine | <input type="checkbox"/> 422 Appeal 28 USC 158 | <input type="checkbox"/> 690 Other | FEDERAL TAX SUITS |
| <input type="checkbox"/> 890 Other Statutory Actions | <input type="checkbox"/> 195 Contract Product Liability | <input type="checkbox"/> 345 Marine Product Liability | <input type="checkbox"/> 423 Withdrawal 28 USC 157 | LABOR | <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) |
| <input type="checkbox"/> 891 Agricultural Acts | <input type="checkbox"/> 196 Franchise | <input type="checkbox"/> 350 Motor Vehicle | CIVIL RIGHTS | <input type="checkbox"/> 710 Fair Labor Standards Act | <input type="checkbox"/> 871 IRS-Third Party 26 USC 7609 |
| <input type="checkbox"/> 893 Environmental Matters | <input type="checkbox"/> REAL PROPERTY | <input type="checkbox"/> 355 Motor Vehicle Product Liability | <input type="checkbox"/> 440 Other Civil Rights | <input type="checkbox"/> 720 Labor/Mgmt. Relations | |
| <input type="checkbox"/> 895 Freedom of Info. Act | <input type="checkbox"/> 210 Land | <input type="checkbox"/> 360 Other Personal Injury | <input type="checkbox"/> 441 Voting | <input type="checkbox"/> 740 Railway Labor Act | |
| <input type="checkbox"/> 896 Arbitration | <input type="checkbox"/> 220 Foreclosure | <input type="checkbox"/> 362 Personal Injury-Med Malpractice | <input type="checkbox"/> 442 Employment | <input type="checkbox"/> 751 Family and Medical Leave Act | |
| <input type="checkbox"/> 899 Admin. Procedures Act/Review of Appeal of Agency Decision | <input type="checkbox"/> 230 Rent Lease & Ejectment | <input type="checkbox"/> 365 Personal Injury-Product Liability | <input type="checkbox"/> 443 Housing/Accommodations | <input type="checkbox"/> 790 Other Labor Litigation | |
| <input type="checkbox"/> 950 Constitutionality of State Statutes | | <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability | <input type="checkbox"/> 445 American with Disabilities-Employment | <input type="checkbox"/> 791 Employee Ret. Inc. Security Act | |
| | | <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability | <input type="checkbox"/> 446 American with Disabilities-Other | | |
| | | <input type="checkbox"/> 448 Education | <input type="checkbox"/> 448 Education | | |

FOR OFFICE USE ONLY: Case Number: **CV 13-07261**

AFTER COMPLETING PAGE 1 OF FORM CV-71, COMPLETE THE INFORMATION REQUESTED ON PAGE 2.

**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 |
| | |

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

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

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

(c) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which EACH claim arose.
NOTE: In land condemnation cases, use the location of the tract of land involved.

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

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

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

X. SIGNATURE OF ATTORNEY (OR SELF-REPRESENTED LITIGANT): Y. Thomas E. George DATE: 9/25/2013

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. 405 (g)) |