FILED

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Attorney for Self: In Pro Per

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CLERK U.S. DISTRICT COURT
CENTRAL DIST. OF CAL'F.
LOS ANGELES
BY:

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

JUDY ANNE MIKOVITS

Plaintiff,

vs.

ADAM GARCIA, JAMIE MCGUIRE, RICHARD GAMMICK, GEOFF DEAN, THREE UNIDENTIFIED VENTURA COUNTY DEPUTY SHERRIFFS, F. HARVEY WHITTEMORE, ANNETTE F. WHITTEMORE, CARLI WEST KINNE, WHITTEMORE-PETERSON INSTITUTE, a Nevada corporation, UNEVX INC., a Nevada corporation, MICHAEL HILLERBY, KENNETH HUNTER, GREG PARI and VINCENT LOMBARDI.

Case No. CV 14-08909-SVW (PLA)

To be supplied by Clerk of USDC

CIVIL RIGHTS COMPLAINT PURSUANT TO 42 USC Sec 1983

JURY TRIAL DEMANDED

Judy Anne Mikovits ("Plaintiff"), who presently resides in Carlsbad, California, representing herself pro se, and complaining against the Defendants Adam Garcia, Jamie McGuire, Richard Gammick, Geoff Dean, three unidentified Ventura County Deputy Sherriffs, F. Harvey Whittemore, Annette F. Whittemore, Whittemore-Peterson Institute, a Nevada corporation, UNEVX Inc., a Nevada corporation, Carli West Kinne, Michael Hillerby, Kenneth Hunter, Greg Pari and Vincent Lombardi, alleges as follows.

JURISDICTION AND VENUE

1. This action is brought pursuant to 42 USC Sec. 1983, and jurisdiction of this Court is invoked under 28 USC Secs. 1331 and 1343. Plaintiff further invokes the pendant jurisdiction of this Court to hear and decide claims arising under state law.

2. The amount in controversy exceeds $50,000, exclusive of interest and costs.

3. Venue is placed in this district because it is where the events complained of occurred.

4. Plaintiff demands a jury trial for all claims for which a jury trial is allowed.

PARTIES

5. Plaintiff Judy Mikovits, Ph.D. ("MIKOVITS" or "PLAINTIFF") was at all times material herein a citizen of the United Stated and a resident of Oxnard, California.

6. Defendant Adam Garcia ("CHIEF GARCIA") was at all times material herein a duly appointed and acting officer and Chief of Police of the Police Services Department of the University of Nevada at Reno ("UNR").

7. Defendant Jaime McGuire ("DETECTIVE McGUIRE") was at all times herein a duly appointed and acting officer and Detective of the Police Services Department of UNR.

8. Defendant Richard Gammick ("D.A. GAMMICK") was at all times material herein the District Attorney of Washoe County, Nevada, in which UNR is located.

9. Defendant Geoff Dean ("SHERIFF DEAN") was at all times material herein the Sheriff of Ventura County, California.

10. The unidentified 3 Ventura County Deputy Sheriffs ("VENTURA DEPUTIES") were at all times material herein, duly appointed and acting as deputies of the Sheriff's Department of Ventura County, California.

11. Defendant F. Harvey Whittemore ("MR. WHITTEMORE") was at all times material herein the President of the UNR Foundation, a controlling equity owner of Defendant UNEVX (see below), a registered lobbyist and attorney admitted to practice in the State of Nevada, and the spouse of Defendant MRS. WHITTEMORE. MR. WHITTEMORE, widely described during that period as the most powerful lobbyist in Nevada, after the events related in

this Complaint, was subsequently convicted, and presently resides at the federal correctional institution at Lompoc, California.

12. Defendant Annette F. Whittemore ("MRS. WHITTEMORE") was at all times material herein the President of Defendant WPI (see below) and, together with her husband MR. WHITTEMORE. a controlling equity owner of UNEVX.

13. Defendant Carli West KINNE ("KINNE") was at all times material herein a Vice President of WP Biotechnologies, Inc., Legal Counsel for Defendant WPI, a registered attorney admitted to practice in the State of Nevada, and MRS. WHITTEMORE'S niece. MR. WHITTEMORE, MRS. WHITTEMORE and KINNE are sometimes referred to here as the "WHITTEMORE PRINCIPALS."

14. Defendant UNEVX Inc., a Nevada corporation, formerly known as VIPdx Inc. ("UNEVX"), was at all times material herein a for-profit enterprise associated with the WHITTEMORE PRINCIPALS.

15. Defendant The Whittemore-Peterson Institute, a Nevada corporation ("WPI"), at all times material herein was housed at, shared employees with, and subject to an Affiliation Agreement with, UNR.

16. Defendant Kenneth Hunter, Sc.D. ("HUNTER") was at all times material herein is a Professor of Immunology at UNR School of Medicine, and was the Chairman of the Scientific Advisory Board of WPI.

17. Defendant Greg Pari, Ph.D. ("PARI") was at all times material herein is a Professor of Immunology at UNR, Chairman of that Department, and a member of the Scientific Advisory Board of WPI.

18. Vincent Lombardi, Ph.D. ("LOMBARDI") was at all times material herein an employee of WPI and Director of Operations for UNEVX.

19. Michael Hillerby ("HILLERBY") was at all times material herein an independent contractor engaged by WPI, and a former corporate officer of WPI.

20. At all times relevant to the allegations of this Complaint, and in all of their actions alleged herein, (a) Defendants CHIEF GARCIA, DETECTIVE McGUIRE, SHERIFF DEAN and the three VENTURA DEPUTIES were acting under color of law and pursuant to their respective authority as police officers and directly responsible supervisors in their respective police departments; (b) Defendant "D.A. GAMMICK" was acting under color of law and pursuant to his authority as District Attorney of Washoe County, Nevada; and (c) Defendants MR. WHITTEMORE, MRS. WHITTEMORE, KINNE, UNEVX, WPI, HUNTER, PARI, LOMBARDI and HILLERBY were acting in active conspiracy with Defendants CHIEF GARCIA, DETECTIVE McGUIRE and D.A. GAMMICK to cause the false imprisonment and other illegal actions claimed herein.

21. PLAINTIFF sues each and all Defendants in both their individual and official capacities.

22. The core of this Complaint is violation of PLAINTIFF'S federal Constitutional rights under color of law by virtue of false imprisonment, deliberate prevention of due process and defamation, all based on facially-meritless criminal and civil charges and a facially-defective alleged warrant, which were fabricated to detain, defame and thwart PLAINTIFF as a whistleblower, in a substantial case of Federal research grant fraud.

23. PLAINTIFF, a research scientist with a 25+ year professional career in immunology and virology, was from November, 2007 until September, 2011 the Principal Investigator (party primarily responsible to the federal grant agency) for an R-01 Grant from the US National Institutes of Health, entitled "Pathophysiology of ME/CFS," which had a five-year duration ending September, 2013 (the "NIH Grant"). The NIH Grant generally was directed towards detection and explanation of a series of possible virus phenomena related to Chronic Fatigue Syndrome ("CFS"), on which PLAINTIFF had published extensively in medical journals.

24. During that period, PLAINTIFF was employed as research director for WPI, and supervised multiple graduate and post-doctoral students in their related research including Defendant LOMBARDI. Her supervisor as an employee was MRS. WHITTEMORE.

25. During that same period, PLAINTIFF held an adjunct faculty appointment in the Department of Immunology of UNR. Her supervisors as a faculty member were Defendants HUNTER and PARI.

26. During June of 2011, PLAINTIFF determined that research conducted under her direction at WPI, pursuant to the NIH Grant, indicated that a promising specific test procedure developed by that lab, for possible detection of a hypothesized CFS retrovirus, had been compromised, because the relevant cell samples were contaminated, and so the procedure and conclusions were not scientifically reliable. This same conclusion was verified by other independent immunologists consulting on the NIH Grant (but not affiliated with UNR).

27. Defendant LOMBARDI, a 2007 Ph.D. graduate, was responsible for the procedures leading to the contamination. LOMBARDI's employment was supported part-time by the NIH Grant, and part-time by UNEVX, a private company set up at the direction and under the control of the WHITTEMORE PRINCIPALS, to exploit that research and create a commercial diagnostic test for profit. PLAINTIFF's investigation of the contamination primarily consisted of review of employee work journals created under the NIH Grant ("NIH Grant Journals"), and confidential patient data records indicating which cell samples related to which diagnoses ("NIH Grant Personal Health Data").

28. In conducting that review, during July, 2011, she discovered that LOMBARDI had put substantially all his time into UNEVX, and none into the NIH Grant project; and further that he was using materials, data and text results that were paid for by the NIH Grant, instead for the UNEVX for-profit project, against the terms of the NIH Grant and its funding and privacy regulations for which she was principally responsible.

29. In August, 2011, PLAINTIFF submitted an independent study, showing that the contaminated WPI study was in error, which article was accepted for publication in the September 22, 2011 issue of *Science*, a major trade journal in medical research. That article had the practical effect of invalidating the commercial diagnostic test that UNEVX and LOMBARDI had recently begun to market. On or about September 2, 2011, PLAINTIFF informed the WHITTEMORE PRINCIPALS that she was terminating LOMBARDI from the NIH Grant staff,

as he had been drawing approximately 50% pay from the NIH Grant for about 2 years, but the NIH Grant Journals demonstrated that he had performed substantially no work for it, and instead placed all of his effort into the WHITTEMORE PRINCIPALS' commercial project UNEVX (known at the time as VIPdx).

30. On or about September 29, 2011, MRS. WHITTEMORE informed PLAINTIFF that she was terminated, immediately locked the laboratory complex so that PLAINTIFF could not retrieve any possessions or materials, and announced that all WPI employees were directed to stay away from the facility for a week. On information and belief, MRS. WHITTEMORE actively consulted with the other WHITTEMORE PRINCIPALS and defendants HUNTER, PARI, LOMBARDI and HILLERBY in the firing and abrupt closure. PLAINTIFF returned home to California.

31. On November 18, 2011, DETECTIVE McGUIRE appeared at Plaintiff's residence, misidentified herself as a patient of PLAINTIFF, speaking through the front door, with her supervisor CHIEF GARCIA and three unidentified VENTURA DEPUTIES concealed, and then when PLAINTIFF indicated that she did not recognize her, forced entry into PLAINTIFF's front door, and handcuffed her, arrested her and detained her. DETECTIVE McGUIRE and the one female VENTURA DEPUTIES immediately took PLAINTIFF to the sheriff's station at Ventura County Courthouse.

32. CHIEF GARCIA and the two remaining male VENTURA DEPUTIES remained to search PLAINTIFF'S residence, harassed PLAINTIFF's 73-year old spouse, and confiscated various personal and professional items including computers and written records.

33. PLAINTIFF asked the VENTURA DEPUTIES for a warrant, at her residence at the time of arrest, and was shown an otherwise-blank yellow piece of paper, with her name and residential address, and a rubber stamp judge's approval imprint from the Ventura Superior Court, listing no cause, listing no search scope or items sought, and indicating no arrest authority.

COUNT I

34. On information and belief, the defective alleged warrant was obtained and issued based on misrepresentations made by the WHITTEMORE PRINCIPALS, LOMBARDI and HILLERBY and the active collusion of D.A. GAMMICK in conspiracy with MR. WHITTEMORE. As observed later in her eventual bail hearing, and by the dismissal of the criminal allegations, there never was any colorable flight risk, and there never were any colorable criminal charges warranting arrest.

35. Defendants WHITTEMORE PRINCIPALS, WPI, LOMBARDI and HILLERBY committed fraud by claiming that PLAINTIFF had removed copies of certain NIH Grant Journals and NIH Grant Personal Health Data from the WPI lab (the "Key Materials"), without a basis for that claim. On information and belief, they knew that no such materials could have been removed by PLAINTIFF.

36. On information and belief, Defendants LOMBARDI, HILLERBY and UNEVX deliberately despoiled evidence of the location of the Key Materials while all regular employees of WPI were locked out of the facility.

37. Defendants WHITTEMORE PRINCIPALS also created fraudulent contracts, with a forged signature allegedly from PLAINTIFF, to use as evidence that the WPI Key Materials were subject to some proprietary confidentiality interests.

38. These misrepresentations were made in order to detain PLAINTIFF in a Ventura County jail, on false criminal charges and fraudulent assertions of flight risk, during the period of time when she otherwise would have acted to defend herself in Nevada, in a just-filed Nevada State Court action by WPI relating to the Key Materials, set for hearing on November 22, 2011, the fifth day of her incarceration. No information about the cause or intent of her detention was provided to Plaintiff at the time of her arrest.

39. Shortly after PLAINTIFF's arrest, MR. WHITTEMORE contacted Plaintiff's husband, David Nolde, and informed him that he was seeking the WPI Key Materials, and that Plaintiff might be released before Thanksgiving (November 24th) if they were found. This was the first indication offered to PLAINTIFF regarding the motive for the arrest.

40. Defendants the WHITTEMORE PRINCIPALS and WPI sought and received a temporary injunction from Judge Brent Adams in the Nevada State Court Action against PLAINTIFF, while she was detained in California unable to defend her interest, barring her from any access to the Key Materials. That injunction was made permanent by Judge Adams shortly thereafter (the "Adams Injunction"). Although the Nevada State Court Action never proceeded to trial or hearing, as WPI did not further pursue it -- and Judge Adams recused himself once his relationship with MR. WHITTEMORE was called to his attention --- that permanent Adams Injunction stands today, serving the Defendant's interests, and continues to bar PLAINTIFF from being allowed to access or use that essential evidence -- thereby withholding information that has no continuing commercial value, but thereby denying her due process.

41. The Key Materials that were the focus of the WPI Nevada State Court Action, and the putative object of the house search that followed false arrest of PLAINTIFF, were essential evidence of (a) the finding that the test methods that UNEVX wished to privatize were invalid; (b) LOMBARDI's contamination of key cell sample materials, (c) LOMBARDI's misuse of Grant funds at the WHITTEMORE PRINCIPALS' explicit direction; and (d) PLAINTIFF's conclusions regarding the contamination.

42. Due to the self-evident absence of any basis justifying their extraordinary enforcement actions, the Defendants WHITTEMORE PRINCIPALS, LOMBARDI, HILLERBY, WPI, UNEVX and D.A. GAMMICK committed false imprisonment and wrongful denial of due process against PLAINTIFF, with resulting personal injury, loss of career economic value, and grave defamation.

COUNT II

43. On information and belief, the factual and legal misrepresentations made by the WHITTEMORE PRINCIPALS, LOMBARDI and HILLERBY with the active collusion of D.A. GAMMICK, which resulted in the Ventura Superior Court warrant, were self-evidently about research results: not posing any significant economic damage, and not of a nature requiring immediate action or cross-border arrests. D. A. GAMMICK conspired with the WHITTEMORE PRINCIPALS by failing to inquire and failing to exercise good judgment, as a law enforcement

official, regarding the basis for the extraordinary enforcement actions sought, for purposes of retaliation rather than justice; or he willfully disregarded it on the basis of his relationship with MR. WHITTEMORE.

44. Defendant D.A. GAMMICK committed wrongful denial of due process against PLAINTIFF, and actively cooperated in misuse of legal process against PLAINTIFF, with resulting personal injury, loss of career economic value, and grave defamation.

COUNT III

45. On information and belief, the factual and legal misrepresentations made by the WHITTEMORE PRINCIPALS, LOMBARDI and HILLERBY with the active collusion of D.A. GAMMICK relied on fraudulent forged documentation, which was facially apparent from a cursory examination of the document. D. A. GAMMICK conspired with the WHITTEMORE PRINCIPALS, LOMBADRI and HILLEBY by failing to inquire or exercise good judgment, as a law enforcement official, regarding the evidence of any colorable claim.

46. This same forged evidence was put into evidence again in 2013 -- in PLAINTIFF's later Chapter 7 federal bankruptcy proceeding, which PLAINTIFF initiated on advice of counsel after having been rendered unable to pursue a career by Defendants' actions described herein -- in a proof of claim submitted for WPI by Defendant KINNE under penalty of perjury. That proof of claim reasserted the forged contract, which had been given credibility by the original conspiracy.

47. The Defendants WHITTEMORE PRINCIPALS, WPI, LOMBARDI, HILLERBY and D.A. GAMMICK conspired to defraud PLAINTIFF, with resulting personal injury, loss of career economic value, and grave defamation.

COUNT IV

48. The defective alleged warrant created in Ventura State Court, on which the foregoing arrest was made, contained no indicia of cause, scope or harm; it was fatally vague and invalid. It could not properly be used as a basis for immediate arrest and indefinite detention. On information and belief, it was issued on the basis of knowledgably fraudulent statements directly made to the Ventura Superior Court by CHIEF GARCIA and DETECTIVE McGUIRE, employed as police officers by UNR, in service of the WHITTEMORE PRINCIPALS'

commercial interests. CHIEF GARCIA and DETECTIVE McGUIRE conspired with the WHITTEMORE PRINCIPALS by failing to inquire or exercise good judgment, as law enforcement officials, regarding any colorable evidence justifying extraordinary and immediate cross-border arrest sought without a colorable criminal charge; or they willfully disregarded that or knowledgably lied, on the basis of MR. WHITTEMORE's relationship with UNR.

49. Defendants CHIEF GARCIA and DETECTIVE McGUIRE committed false imprisonment and wrongful denial of due process against PLAINTIFF, with resulting personal injury, loss of career economic value, and grave defamation.

COUNT V

50. The defective alleged warrant created in Ventura State Court, on which the foregoing arrest was made, contained no indicia of cause, scope or harm; it was fatally vague and invalid. It could not properly be used as a basis for immediate arrest and indefinite detention. This would be apparent on its face to any arresting officer asked to honor or support an arrest or a search from another jurisdiction.

51. SHERIFF DEAN and the three unidentified VENTURA DEPUTIES under his direct supervision were in a position to independently assess the circumstances and gravity of the UNR Police Department's request for evidence justifying extraordinary and immediate cross-border arrest without a colorable criminal charge. They were in a position to review the alleged warrant as well. They failed to inquire or exercise good judgment, as law enforcement officials, regarding any colorable basis for the extraordinary actions sought by CHIEF GARCIA and DETECTIVE McGUIRE; or they willfully disregarded that lack of basis.

52. Defendants SHERIFF DEAN and the three VENTURA DEPUTIES committed false imprisonment and wrongful denial of due process against PLAINTIFF, with resulting personal injury, loss of career economic value, and grave defamation.

COUNT VI

53. PLAINTIFF was released from detention in Ventura County late on November 22nd, hours after the conclusion of the Nevada State Court Action hearing in Reno. Defendant CHIEF GARCIA, acting in conspiracy with the WHITTEMORE PRINCIPALS, demanded immediately upon PLAINTIFF's release, via her new attorney, that she travel to Reno to appear in the Nevada State Court Action, under threat of re-arrest. During that proceeding in Nevada State Court, Defendants escorted PLAINTIFF to a located where members of the news media were stationed and, at the request of the press, required PLAINTIFF to submit to mugshot photographs later used in scientific trade journals and local press.

54. Defendants CHIEF GARCIA, acting in conspiracy with the WHITTEMORE PRINCIPALS, committed false imprisonment and wrongful defamation against PLAINTIFF, with resulting loss of career economic value, and grave injury to her reputation.

WHEREFORE, Plaintiff demands judgment from the Defendants, and each of them, in both their individual and official capacities, and seeks (a) compensatory and punitive damages; (b) injunctive or mandamus relief to void the Adams Injunction so as to permit her to defend and vindicate herself, and as evidence of certain claims made herein; (c) attorney's fees, costs and interests and (d) such other relief as Plaintiff may be entitled.

Dated: November 17, 2014

By: _____
Judy Anne Mikovits

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

I. (a) PLAINTIFFS (Check box if you are representing yourself ☒)

JUDY ANNE MIKOVITS

DEFENDANTS (Check box if you are representing yourself ☐)

GARCIA, MCGUIRE, GAMMICK, DEAN, FH WHITTE AF WHITTEMORE, KINNE, WPI, LAFEVR, HILLERBY HUNTER, PARI, LOMBARDI & 3 UNKNOWN

(b) County of Residence of First Listed Plaintiff SAN DIEGO
(EXCEPT IN U.S. PLAINTIFF CASES)

County of Residence of First Listed Defendant WASHOE, NV
(IN U.S. PLAINTIFF CASES ONLY)

(c) Attorneys *(Firm Name, Address and Telephone Number)* If you are representing yourself, provide the same information.

JUDY ANNE MIKOVITS
1140 ACACIA AVE, APT 5
CARLSBAD CA, 92008 805-799-6617

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

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

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

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

	PTF	DEF		PTF	DEF
Citizen of This State	☒ 1	☐ 1	Incorporated or Principal Place of Business in this State	☐ 4	☐ 4
Citizen of Another State	☐ 2	☒ 2	Incorporated and Principal Place of Business in Another State	☐ 5	☐ 5
Citizen or Subject of a Foreign Country	☐ 3	☐ 3	Foreign Nation	☐ 6	☐ 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:** $ $50,000

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.)

42 U.S.C. 1983

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

OTHER STATUTES
- ☐ 375 False Claims Act
- ☐ 400 State Reapportionment
- ☐ 410 Antitrust
- ☐ 430 Banks and Banking
- ☐ 450 Commerce/ICC Rates/Etc.
- ☐ 460 Deportation
- ☐ 470 Racketeer Influenced & Corrupt Org.
- ☐ 480 Consumer Credit
- ☐ 490 Cable/Sat TV
- ☐ 850 Securities/Commodities/Exchange
- ☐ 890 Other Statutory Actions
- ☐ 891 Agricultural Acts
- ☐ 893 Environmental Matters
- ☐ 895 Freedom of Info. Act
- ☐ 896 Arbitration
- ☐ 899 Admin. Procedures Act/Review of Appeal of Agency Decision
- ☐ 950 Constitutionality of State Statutes

CONTRACT
- ☐ 110 Insurance
- ☐ 120 Marine
- ☐ 130 Miller Act
- ☐ 140 Negotiable Instrument
- ☐ 150 Recovery of Overpayment & Enforcement of Judgment
- ☐ 151 Medicare Act
- ☐ 152 Recovery of Defaulted Student Loan (Excl. Vet.)
- ☐ 153 Recovery of Overpayment of Vet. Benefits
- ☐ 160 Stockholders' Suits
- ☐ 190 Other Contract
- ☐ 195 Contract Product Liability
- ☐ 196 Franchise

REAL PROPERTY
- ☐ 210 Land Condemnation
- ☐ 220 Foreclosure
- ☐ 230 Rent Lease & Ejectment

REAL PROPERTY CONT.
- ☐ 240 Torts to Land
- ☐ 245 Tort Product Liability
- ☐ 290 All Other Real Property

TORTS PERSONAL INJURY
- ☐ 310 Airplane
- ☐ 315 Airplane Product Liability
- ☐ 320 Assault, Libel & Slander
- ☐ 330 Fed. Employers' Liability
- ☐ 340 Marine
- ☐ 345 Marine Product Liability
- ☐ 350 Motor Vehicle
- ☐ 355 Motor Vehicle Product Liability
- ☐ 360 Other Personal Injury
- ☐ 362 Personal Injury-Med Malpratice
- ☐ 365 Personal Injury-Product Liability
- ☐ 367 Health Care/ Pharmaceutical Personal Injury Product Liability
- ☐ 368 Asbestos Personal Injury Product Liability

IMMIGRATION
- ☐ 462 Naturalization Application
- ☐ 465 Other Immigration Actions

TORTS PERSONAL PROPERTY
- ☐ 370 Other Fraud
- ☐ 371 Truth in Lending
- ☐ 380 Other Personal Property Damage
- ☐ 385 Property Damage Product Liability

BANKRUPTCY
- ☐ 422 Appeal 28 USC 158
- ☐ 423 Withdrawal 28 USC 157

CIVIL RIGHTS
- ☒ 440 Other Civil Rights
- ☐ 441 Voting
- ☐ 442 Employment
- ☐ 443 Housing/ Accommodations
- ☐ 445 American with Disabilities-Employment
- ☐ 446 American with Disabilities-Other
- ☐ 448 Education

PRISONER PETITIONS

Habeas Corpus:
- ☐ 463 Alien Detainee
- ☐ 510 Motions to Vacate Sentence
- ☐ 530 General
- ☐ 535 Death Penalty

Other:
- ☐ 540 Mandamus/Other
- ☐ 550 Civil Rights
- ☐ 555 Prison Condition
- ☐ 560 Civil Detainee Conditions of Confinement

FORFEITURE/PENALTY
- ☐ 625 Drug Related Seizure of Property 21 USC 881
- ☐ 690 Other

LABOR
- ☐ 710 Fair Labor Standards Act
- ☐ 720 Labor/Mgmt. Relations
- ☐ 740 Railway Labor Act
- ☐ 751 Family and Medical Leave Act
- ☐ 790 Other Labor Litigation
- ☐ 791 Employee Ret. Inc. Security Act

PROPERTY RIGHTS
- ☐ 820 Copyrights
- ☐ 830 Patent
- ☐ 840 Trademark

SOCIAL SECURITY
- ☐ 861 HIA (1395ff)
- ☐ 862 Black Lung (923)
- ☐ 863 DIWC/DIWW (405 (g))
- ☐ 864 SSID Title XVI
- ☐ 865 RSI (405 (g))

FEDERAL TAX SUITS
- ☐ 870 Taxes (U.S. Plaintiff or Defendant)
- ☐ 871 IRS-Third Party 26 USC 7609

FOR OFFICE USE ONLY: Case Number: CV14-08909

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

VIII. VENUE: Your answers to the questions below will determine the division of the Court to which this case will be initially assigned. This initial assignment is subject to change, in accordance with the Court's General Orders, upon review by the Court of your Complaint or Notice of Removal.

QUESTION A: Was this case removed from state court? ☐ Yes ☒ No If "no, " skip to Question B. If "yes," check the box to the right that applies, enter the corresponding division in response to Question E, below, and continue from there.	STATE CASE WAS PENDING IN THE COUNTY OF:	INITIAL DIVISION IN CACD IS:
	☐ Los Angeles, Ventura, Santa Barbara, or San Luis Obispo	Western
	☐ Orange	Southern
	☐ Riverside or San Bernardino	Eastern

QUESTION B: Is the United States, or one of its agencies or employees, a PLAINTIFF in this action? ☐ Yes ☒ No If "no, " skip to Question C. If "yes," answer Question B.1, at right.	**B.1.** Do 50% or more of the defendants who reside in the district reside in Orange Co.? *check one of the boxes to the right* →	☐ YES. Your case will initially be assigned to the Southern Division. Enter "Southern" in response to Question E, below, and continue from there. ☐ NO. Continue to Question B.2.
	B.2. Do 50% or more of the defendants who reside in the district reside in Riverside and/or San Bernardino Counties? (Consider the two counties together.) *check one of the boxes to the right* →	☐ YES. Your case will initially be assigned to the Eastern Division. Enter "Eastern" in response to Question E, below, and continue from there. ☐ NO. Your case will initially be assigned to the Western Division. Enter "Western" in response to Question E, below, and continue from there.

QUESTION C: Is the United States, or one of its agencies or employees, a DEFENDANT in this action? ☐ Yes ☒ No If "no, " skip to Question D. If "yes," answer Question C.1, at right.	**C.1.** Do 50% or more of the plaintiffs who reside in the district reside in Orange Co.? *check one of the boxes to the right* →	☐ YES. Your case will initially be assigned to the Southern Division. Enter "Southern" in response to Question E, below, and continue from there. ☐ NO. Continue to Question C.2.
	C.2. Do 50% or more of the plaintiffs who reside in the district reside in Riverside and/or San Bernardino Counties? (Consider the two counties together.) *check one of the boxes to the right* →	☐ YES. Your case will initially be assigned to the Eastern Division. Enter "Eastern" in response to Question E, below, and continue from there. ☐ NO. Your case will initially be assigned to the Western Division. Enter "Western" in response to Question E, below, and continue from there.

QUESTION D: Location of plaintiffs and defendants?	**A.** Orange County	**B.** Riverside or San Bernardino County	**C.** Los Angeles, Ventura, Santa Barbara, or San Luis Obispo County
Indicate the location(s) in which 50% or more of *plaintiffs who reside in this district* reside. (Check up to two boxes, or leave blank if none of these choices apply.)	☐	☐	☐
Indicate the location(s) in which 50% or more of *defendants who reside in this district* reside. (Check up to two boxes, or leave blank if none of these choices apply.)	☐	☐	☒

D.1. Is there at least one answer in Column A? ☐ Yes ☐ No If "yes," your case will initially be assigned to the SOUTHERN DIVISION. Enter "Southern" in response to Question E, below, and continue from there. If "no," go to question D2 to the right. →	**D.2. Is there at least one answer in Column B?** ☐ Yes ☐ No If "yes," your case will initially be assigned to the EASTERN DIVISION. Enter "Eastern" in response to Question E, below. If "no," your case will be assigned to the WESTERN DIVISION. Enter "Western" in response to Question E, below. ↓

QUESTION E: Initial Division?	INITIAL DIVISION IN CACD
Enter the initial division determined by Question A, B, C, or D above: →	WESTERN DIVISION

QUESTION F: Northern Counties?

Do 50% or more of plaintiffs or defendants in this district reside in Ventura, Santa Barbara, or San Luis Obispo counties? ☒ Yes ☐ No

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA

CIVIL COVER SHEET

IX(a). IDENTICAL CASES: Has this action been previously filed **in this court**? [X] NO [ ] YES

If yes, list case number(s): ______

IX(b). RELATED CASES: Is this case related (as defined below) to any civil or criminal case(s) previously filed **in this court**? [X] NO [ ] YES

If yes, list case number(s): ______

Civil cases are related when they (check all that apply):

- [ ] A. Arise from the same or a closely related transaction, happening, or event;
- [ ] 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.

Note: That cases may involve the same patent, trademark, or copyright is not, in itself, sufficient to deem cases related.

A civil forfeiture case and a criminal case are related when they (check all that apply):

- [ ] A. Arise from the same or a closely related transaction, happening, or event;
- [ ] B. Call for determination of the same or substantially related or similar questions of law and fact; or
- [ ] C. Involve one or more defendants from the criminal case in common and would entail substantial duplication of labor if heard by different judges.

X. SIGNATURE OF ATTORNEY (OR SELF-REPRESENTED LITIGANT): X [signature] DATE: 11/17/2014

Notice to Counsel/Parties: The submission of this Civil Cover Sheet is required by Local Rule 3-1. This Form CV-71 and the information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. For more detailed instructions, see separate instruction sheet (CV-071A).

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))