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1 **Judy Anne Mikovits**  
2 **140 Acacia Ave. #5**  
3 **Carlsbad, CA 92008**  
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CLERK U.S. DISTRICT COURT  
CENTRAL DIST. OF CALIF.  
LOS ANGELES

BY: AA

6 Attorney for Self: In Pro Per

7 **UNITED STATES DISTRICT COURT**  
8 **CENTRAL DISTRICT OF CALIFORNIA**

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

10 JUDY ANNE MIKOVITS

To be supplied by Clerk of USDC

11 Plaintiff,

12 vs.

**CIVIL RIGHTS COMPLAINT**  
**PURSUANT TO 42 USC Sec 1983**

**JURY TRIAL DEMANDED**

13 ADAM GARCIA, JAMIE MCGUIRE,  
14 RICHARD GAMMICK, GEOFF DEAN,  
15 THREE UNIDENTIFIED VENTURA  
16 COUNTY DEPUTY SHERRIFFS,  
17 F. HARVEY WHITTEMORE, ANNETTE  
18 F. WHITTEMORE, CARLI WEST  
19 KINNE, WHITTEMORE-PETERSON  
20 INSTITUTE, a Nevada corporation,  
21 UNEVX INC., a Nevada corporation,  
22 MICHAEL HILLERBY, KENNETH  
23 HUNTER, GREG PARI and VINCENT  
24 LOMBARDI.

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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.

W/S

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CLERK U.S. DISTRICT COURT  
CENTRAL DIST. OF CALIF.  
LOS ANGELES

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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 States 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

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

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

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

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

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

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

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

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

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

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

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

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

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

25           24. During that period, PLAINTIFF was employed as research director for WPI, and  
26 supervised multiple graduate and post-doctoral students in their related research including  
27 Defendant LOMBARDI. Her supervisor as an employee was MRS. WHITTEMORE.  
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1           25. During that same period, PLAINTIFF held an adjunct faculty appointment in the  
2 Department of Immunology of UNR. Her supervisors as a faculty member were Defendants  
3 HUNTER and PARI.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

COUNT II

22            43. On information and belief, the factual and legal misrepresentations made by the  
23 WHITTEMORE PRINCIPALS, LOMBARDI and HILLERBY with the active collusion of D.A.  
24 GAMMICK, which resulted in the Ventura Superior Court warrant, were self-evidently about  
25 research results: not posing any significant economic damage, and not of a nature requiring  
26 immediate action or cross-border arrests. D. A. GAMMICK conspired with the WHITTEMORE  
27 PRINCIPALS by failing to inquire and failing to exercise good judgment, as a law enforcement  
28



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

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

7 COUNT III

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

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

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

22 COUNT IV

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

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

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

9 COUNT V

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

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

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

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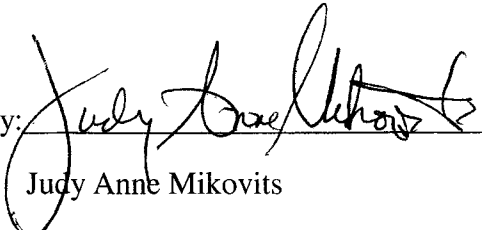
COUNT VI

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**

<b>I. (a) PLAINTIFFS</b> ( Check box if you are representing yourself <input checked="" type="checkbox"/> ) <u>JUDY ANNE MIKOVITS</u>	<b>DEFENDANTS</b> ( Check box if you are representing yourself <input type="checkbox"/> ) <u>GARCIA, MCGUIRE, GAMMICK, DEAN, FHWWHITE AF WHITTEMORE, KINNE, WPI, UFEVK, HILLERBY HUNTER, PARI, LOMBARDI &amp; 3 UNKNOWN</u>
(b) County of Residence of First Listed Plaintiff <u>SAN DIEGO</u> <small>(EXCEPT IN U.S. PLAINTIFF CASES)</small>	County of Residence of First Listed Defendant <u>WASHOE, NV</u> <small>(IN U.S. PLAINTIFF CASES ONLY)</small>
(c) Attorneys (Firm Name, Address and Telephone Number) If you are representing yourself, provide the same information. <u>JUDY ANNE MIKOVITS 140 ACACIA AVE, APTS CARLSBAD CA, 92008 805-779-6617</u>	Attorneys (Firm Name, Address and Telephone Number) If you are representing yourself, provide the same information.

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

<input checked="" type="checkbox"/> 1. Original Proceeding	<input type="checkbox"/> 2. Removed from State Court	<input type="checkbox"/> 3. Remanded from Appellate Court	<input type="checkbox"/> 4. Reinstated or Reopened	<input type="checkbox"/> 5. Transferred from Another District (Specify)	<input type="checkbox"/> 6. Multi-District Litigation
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**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:** \$ 750,000

**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	CONTRACT	REAL PROPERTY CONT.	IMMIGRATION	PRISONER PETITIONS	PROPERTY RIGHTS
<input type="checkbox"/> 375 False Claims Act <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 & Corrupt Org. <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Info. Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Admin. Procedures Act/Review of Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes	<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Vet.) <input type="checkbox"/> 153 Recovery of Overpayment of Vet. 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 <b>REAL PROPERTY</b> <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 <b>TORTS</b> <b>PERSONAL INJURY</b> <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"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions <b>TORTS</b> <b>PERSONAL PROPERTY</b> <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 <b>BANKRUPTCY</b> <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>CIVIL RIGHTS</b> <input checked="" type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 American with Disabilities-Employment <input type="checkbox"/> 446 American with Disabilities-Other <input type="checkbox"/> 448 Education	<b>Habeas Corpus:</b> <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <b>Other:</b> <input type="checkbox"/> 540 Mandamus/Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee Conditions of Confinement <b>FORFEITURE/PENALTY</b> <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other <b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Ret. Inc. Security Act	<input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405 (g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405 (g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS-Third Party 26 USC 7609

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**VIII. 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.

<b>QUESTION A: Was this case removed from state court?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> 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:
	<input type="checkbox"/> Los Angeles, Ventura, Santa Barbara, or San Luis Obispo	Western
	<input type="checkbox"/> Orange	Southern
	<input type="checkbox"/> Riverside or San Bernardino	Eastern

<b>QUESTION B: Is the United States, or one of its agencies or employees, a PLAINTIFF in this action?</b>  <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No  If "no," skip to Question C. If "yes," answer Question B.1, at right.	<b>B.1.</b> Do 50% or more of the defendants who reside in the district reside in Orange Co.?  check one of the boxes to the right → <input checked="" type="checkbox"/>	YES. Your case will initially be assigned to the Southern Division. <input type="checkbox"/> Enter "Southern" in response to Question E, below, and continue from there.  <input type="checkbox"/> NO. Continue to Question B.2.
	<b>B.2.</b> 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 → <input type="checkbox"/>	YES. Your case will initially be assigned to the Eastern Division. <input type="checkbox"/> Enter "Eastern" in response to Question E, below, and continue from there.  NO. Your case will initially be assigned to the Western Division. <input type="checkbox"/> Enter "Western" in response to Question E, below, and continue from there.

<b>QUESTION C: Is the United States, or one of its agencies or employees, a DEFENDANT in this action?</b>  <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No  If "no," skip to Question D. If "yes," answer Question C.1, at right.	<b>C.1.</b> Do 50% or more of the plaintiffs who reside in the district reside in Orange Co.?  check one of the boxes to the right → <input type="checkbox"/>	YES. Your case will initially be assigned to the Southern Division. <input type="checkbox"/> Enter "Southern" in response to Question E, below, and continue from there.  <input type="checkbox"/> NO. Continue to Question C.2.
	<b>C.2.</b> 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 → <input type="checkbox"/>	YES. Your case will initially be assigned to the Eastern Division. <input type="checkbox"/> Enter "Eastern" in response to Question E, below, and continue from there.  NO. Your case will initially be assigned to the Western Division. <input type="checkbox"/> Enter "Western" in response to Question E, below, and continue from there.

<b>QUESTION D: Location of plaintiffs and defendants?</b>	<b>A.</b> Orange County	<b>B.</b> Riverside or San Bernardino County	<b>C.</b> Los Angeles, Ventura, Santa Barbara, or San Luis Obispo County
Indicate the location(s) in which 50% or more of <i>plaintiffs who reside in this district</i> reside. (Check up to two boxes, or leave blank if none of these choices apply.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Indicate the location(s) in which 50% or more of <i>defendants who reside in this district</i> reside. (Check up to two boxes, or leave blank if none of these choices apply.)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

<b>D.1. Is there at least one answer in Column A?</b> <input type="checkbox"/> Yes <input type="checkbox"/> 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. →	<b>D.2. Is there at least one answer in Column B?</b> <input type="checkbox"/> Yes <input type="checkbox"/> 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. ↓
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<b>QUESTION E: Initial Division?</b>	INITIAL DIVISION IN CACD
Enter the initial division determined by Question A, B, C, or D above: →	WESTERN DIVISION

<b>QUESTION F: Northern Counties?</b>	
Do 50% or more of plaintiffs or defendants in this district reside in Ventura, Santa Barbara, or San Luis Obispo counties?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

**IX(a). IDENTICAL CASES:** Has this action been previously filed in this court?  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?  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):** *Jeddy Micoosts* 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))