

FILED

BY: \_\_\_\_\_  
11 FEB 15 PM 4:06  
CLERK U.S. DISTRICT COURT  
CENTRAL DIST. OF CALIF.  
LOS ANGELES

1 Thomas A. Saenz (State Bar No. 159430)  
2 Victor Viramontes (State Bar No. 214158)  
3 MEXICAN AMERICAN LEGAL DEFENSE  
4 AND EDUCATIONAL FUND  
5 634 S. Spring Street, 11<sup>th</sup> Floor  
6 Los Angeles, CA 90014  
7 Telephone: 213.629.2512  
8 Facsimile: 213.629.0266  
9 Email: tsaenz@maldef.org  
10 vviramontes@maldef.org

11 *Attorneys for Plaintiffs*

12 UNITED STATES DISTRICT COURT  
13 CENTRAL DISTRICT OF CALIFORNIA

14 JOSE FLORES, RYAN REYES,  
15 BRIAN PEREZ,

16 Plaintiffs,

17 vs.

18 CITY OF WESTMINSTER,  
19 MITCHELL WALLER, in his  
20 individual capacity, ANDREW HALL,  
21 in his individual capacity, and DOES 1  
22 to 20, inclusive

23 Defendants.

Case No: SACV11-00278 DOC (RNBx)

COMPLAINT FOR NATIONAL  
ORIGIN DISCRIMINATION

Cal. Gov. Code § 12940 et seq.; 42  
U.S.C. § 1981; Equal Protection

DEMAND FOR JURY TRIAL

24 Plaintiffs Jose Flores, Ryan Reyes, and Brian Perez allege as follows:

25 1. This action seeks remedies for unlawful discrimination that Jose Flores,  
26 Ryan Reyes, and Brian Perez (“Plaintiffs”) experienced in their positions as police  
27 officers for the City of Westminster. By denying Plaintiffs special assignments  
28

1 and promotions, the Defendants City of Westminster, Mitchell Waller, and Andrew  
2 Hall discriminated against Plaintiffs on the basis of their Latino national origin and  
3 violated California's Fair Housing and Employment Act, the Equal Protection  
4 Clause of the Fourteenth Amendment, and 42 U.S.C § 1981.

5 2. Venue is proper in this Court because the illegal acts against the Plaintiffs  
6 took place in the Central District of California. Defendant City of Westminster is  
7 also found in this District.

8 3. This Court has jurisdiction over this action under 28 U.S.C. § 1343 and  
9 42 U.S.C. § 1983.

10 4. Plaintiff Jose Flores is an individual of Latino/Hispanic origin. He  
11 resides in the Central District of California. Plaintiff Flores has worked as a police  
12 officer for Defendant City of Westminster since about 2002.

13 5. Plaintiff Ryan Reyes is an individual of Latino/Hispanic origin. He  
14 resides in the Central District of California. Plaintiff Reyes has worked as a police  
15 officer for Defendant City of Westminster since about 1999.

16 6. Plaintiff Brian Perez is an individual of Latino/Hispanic origin. He  
17 resides in the Central District of California. Plaintiff Perez has worked as a police  
18 officer for Defendant City of Westminster since 2003.

19 7. Defendant City of Westminster ("City") is a city in the State of California  
20 and County of Los Angeles. The Westminster Police Department is an agency of  
21 the City of Westminster. The City is Plaintiffs' employer. Decisions to deny  
22 Plaintiffs Special Assignments and promotions were made by the City, the  
23 Westminster Police Department, and/or their agents and employees.

24 8. Defendant Mitchell Waller is currently the Chief of Police for the City.  
25 Decisions to deny Plaintiffs Special Assignments and promotions were made by  
26 Defendant Waller.

1           9. Defendant Andrew Hall is formerly the Chief of Police for the  
2 Westminster Police Department. Decisions to deny Plaintiffs Special Assignments  
3 and promotions were made by Defendant Hall.

4           10. The true names and capacities, whether individual, corporate, associate,  
5 or otherwise, and the true involvement of Defendants sued here as Does 1 through  
6 20, inclusive, are unknown to Plaintiffs who therefore sues these Defendants by  
7 fictitious names and will amend this Complaint to show the true names, capacities  
8 and involvement when ascertained. Plaintiffs are informed and believe and allege  
9 that each of the Defendants designated as a Doe is responsible in some manner for  
10 the events and happenings referred to here, and that Plaintiffs' injuries and  
11 damages were proximately caused by these Defendants.

12           11. On information and belief, Defendant City has engaged in a pattern or  
13 practice of failing to promote Latinos and failing to award Latinos Special  
14 Assignments. Plaintiffs have been injured by the pattern or practice.

15           12. On information and belief, Defendant City engages in a policy or  
16 custom of discriminating against Latino officers with regard to Special  
17 Assignments and promotions. Plaintiffs have been injured by the City's  
18 discriminatory policy or practice.

19           13. Plaintiffs have performed their duties well as police officers. Despite  
20 performing well, Defendants have not awarded Plaintiffs Special Assignments or  
21 promotions.

22           14. On information and belief, Special Assignments include detective  
23 assignments in narcotics, burglary, and gangs. In addition, Special Assignments  
24 include motor assignments, among others. Defendants also award a Special  
25 Assignment for the mall. However, the mall assignment is less prestigious than  
26 other special assignments.

27           15. On information and belief, after police officers receive Special  
28 Assignments, their profile for potential promotions becomes stronger.

1 16. Defendants have denied Plaintiffs Special Assignments and promotions.  
2 Plaintiffs understood that applications for promotion were futile, when Defendants  
3 would deny Plaintiffs Special Assignments.

4 17. Plaintiff Flores has applied for special assignments within the  
5 Westminster Police Department, and Defendants have denied him all special  
6 assignments, except the mall assignment. Defendants denied Plaintiff Flores  
7 Special Assignments even though Plaintiff Flores has received recognition for his  
8 work as a police officer in Westminster including the Mothers Against Drunk  
9 Driving Award and the Centurian Award.

10 18. Since about 2005, Plaintiff Flores has applied for about four detective  
11 positions during his time as a police officer at the City. Plaintiff Flores did not  
12 apply to some Special Assignment positions because he knew it would be futile  
13 because Defendants would deny him the position. Plaintiff Flores did not apply for  
14 promotion because he understood it would be futile.

15 19. Plaintiff Reyes has applied for special assignments within the  
16 Westminster Police Department, and Defendants have denied him all special  
17 assignments, except the mall assignment. Defendants have denied Plaintiff Reyes  
18 Special Assignments even though Plaintiff Reyes has received recognition for his  
19 work as a police officer including the rookie of the year award and multiple medals  
20 of merit.

21 20. Since about 2002, Plaintiff Reyes has applied for more than twenty  
22 Special Assignments during his time as a police officer at the City. Plaintiff Reyes  
23 did not apply to some Special Assignment positions because he knew it would be  
24 futile because Defendants would deny him the position. Plaintiff Reyes did not  
25 apply for promotion because he understood it would be futile.

26 21. Plaintiff Perez has applied for Special Assignments within the  
27 Westminster police department, and Defendants have denied him all Special  
28 Assignments. Plaintiff Perez currently serves as a Major in the United States

1 Marine Corps. He has been promoted multiple times by the Unites States Marines  
2 Corps, but Defendants have not awarded him a single Special Assignment.

3 22. Since about 2005, Plaintiff Perez has applied for about four detective  
4 positions during his time as a police officer at the City. Plaintiff Perez did not  
5 apply to some Special Assignment positions because he knew it would be futile  
6 because Defendants would deny him the position. Plaintiff Perez did not apply for  
7 promotion because he understood it would be futile.

8 23. In or about June 28, 2010, Plaintiff Flores filed a complaint with the  
9 California Department of Fair Employment and Housing ("DFEH"). He received a  
10 right to sue notice from the DFEH.

11 24. In or about January 20, 2010, Plaintiff Reyes filed a complaint with the  
12 California Department of Fair Employment and Housing ("DFEH"). He received a  
13 right to sue notice from the DFEH.

14 25. In or about August 23, 2010, Plaintiff Perez filed a complaint with the  
15 California Department of Fair Employment and Housing ("DFEH"). He received a  
16 right to sue notice from the DFEH.

17  
18 **First Cause of Action**  
19 **Cal. Gov. Code Section 12940 et seq.**  
20 **(against City of Westminster)**

21 26. Plaintiffs reallege paragraphs 1 through 25 of this Complaint.

22 27. The City discriminated against Plaintiffs based on their national origin,  
23 Latino.

24 28. The City denied Plaintiffs Special Assignments and promotions  
25 because of their national origin.

26 29. The City subjected Plaintiffs to differential treatment in the terms and  
27 conditions of their employment because of their national origin.

28 30. Plaintiffs exhausted their administrative remedies.

1 31. As a result of the City's conduct, Plaintiffs have suffered damages  
2 including economic losses and emotional distress, in an amount to be determined at  
3 trial.

4 32. The City's actions were willful, malicious, fraudulent, and oppressive,  
5 and were committed with the wrongful intent to injure Plaintiffs and in conscious  
6 disregard of Plaintiffs' rights.

7  
8 **Second Cause of Action**  
9 **Section 1981**  
10 **(against Defendants Hall and Waller)**

11 33. Plaintiffs reallege paragraphs 1 through 32 of this Complaint.

12 34. Defendants Hall and Waller discriminated against Plaintiffs based on  
13 their national origin by denying Plaintiffs Special Assignments and promotions.

14 35. Defendants Hall and Waller subjected Plaintiffs to differential treatment  
15 in the terms and conditions of their employment because of their national origin.

16 36. As a result of Defendant Hall and Waller's conduct, Plaintiffs have  
17 suffered damages including economic losses and emotional distress, in an amount  
18 to be determined at trial.

19 37. Defendant Hall and Waller's actions were willful, malicious, fraudulent,  
20 oppressive, and made with evil motive and intent or in callous disregard of  
21 Plaintiffs' rights.

22  
23 **Third Cause of Action**  
24 **Section 1981**  
25 **(Against Defendant City of Westminster)**

26 38. Plaintiffs reallege paragraphs 1 through 37 of this Complaint.

27 39. Defendant City discriminated against Plaintiffs by denying them Special  
28 Assignments and promotions based on their national origin.

40. Defendant City subjected Plaintiffs to differential treatment in the terms



1 and conditions of their employment because of their national origin.

2 41. Defendant City discriminated against Plaintiffs due to a policy or  
3 custom.

4 42. As a result of Defendant City's conduct, Plaintiffs have suffered  
5 damages including economic losses and emotional distress, in an amount to be  
6 determined at trial.

7  
8 **Fourth Cause of Action**  
9 **Equal Protection; Section 1983**  
10 **(Defendants Waller and Hall)**

11 43. Plaintiffs reallege paragraphs 1 through 42 of this Complaint.

12 44. Defendants Hall and Waller discriminated against Plaintiffs based on  
13 their national origin by denying Plaintiffs Special Assignments and promotions.

14 45. Defendants Hall and Waller subjected Plaintiffs to differential treatment  
15 in the terms and conditions of their employment because of their national origin.

16 46. As a result of Defendant Hall and Waller's conduct, Plaintiffs have  
17 suffered damages including economic losses and emotional distress, in an amount  
18 to be determined at trial.

19 47. Defendant Hall and Waller's actions were willful, malicious, fraudulent,  
20 oppressive, and made with evil motive and intent or in callous disregard of  
21 Plaintiffs' rights.

22  
23 **Fifth Cause of Action**  
24 **Equal Protection; Section 1983**  
25 **(Against Defendant City of Westminster)**

26 48. Plaintiffs reallege paragraphs 1 through 47 of this Complaint.

27 49. Defendant City discriminated against Plaintiffs by denying them  
28 promotions and Special Assignments based on their national origin.

1 50. Defendant City subjected Plaintiffs to differential treatment in the terms  
2 and conditions of their employment because of their national origin.

3 51. Defendant City discriminated against Plaintiffs as part of a policy or  
4 custom.

5 52. As a result of Defendant City's conduct, Plaintiffs have suffered  
6 damages including economic losses and emotional distress, in an amount to be  
7 determined at trial.

8 **Jury Demand**

9 53. Plaintiffs demand a trial by jury.

10  
11 **Prayer For Relief**

12 54. Because of the actions alleged above, Plaintiffs seek judgment against  
13 Defendants as set forth below:

- 14 a. For general damages including compensatory damages according
- 15 to proof;
- 16 b. An order restoring Plaintiffs to their rightful positions, including
- 17 promotions and Special Assignments;
- 18 c. For punitive damages for causes of action numbered one, two, and
- 19 four in this Complaint;
- 20 d. For the cost of the suit;
- 21 e. For interest at the maximum legal rate on all sums awarded;

22 //  
23 //  
24 //  
25 //  
26 //  
27 //  
28 //



- 1 f. For an award of reasonable attorney fees and expenses of this
- 2 litigation;
- 3 g. For any additional and further relief as the Court deems
- 4 appropriate.

5  
6 Date: February 15, 2011

Respectfully submitted,

7 MEXICAN AMERICAN LEGAL DEFENSE  
8 AND EDUCATIONAL FUND

9  
10 By: 

11 Victor Viramontes  
12 Attorneys for Plaintiffs.

Name & Address: Thomas A. Saenz (SBN 159430)  
Victor Viramontes (SBN 214158)  
Mexican American Legal Defense & Educational  
Fund  
634 S. Spring St., 11th Floor  
Los Angeles, CA 90014

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

Jose Flores, Ryan Reyes, Brian Perez

CASE NUMBER

PLAINTIFF(S)

**SACV11-00278 DOC (RNBx)**

v.

City of Westminster, Mitchell Waller in his individual  
capacity, Andrew Hall in his individual capacity and  
Does 1 to 20, inclusive

**SUMMONS**

DEFENDANT(S).

TO: DEFENDANT(S): City of Westminster; Mitchell Waller in his individual capacity Andrew Hall in his individual capacity

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, Victor Viramontes, whose address is 634 S. Spring Street, 11th Floor, Los Angeles, CA 90014. 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.

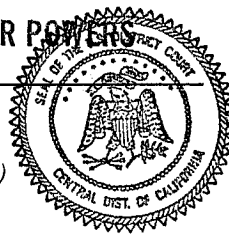
Clerk, U.S. District Court

FEB 15 2011

Dated: \_\_\_\_\_

By: \_\_\_\_\_

**CHRISTOPHER POWERS**  
Deputy Clerk  
(Seal of the Court)



1181

[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

I (a) PLAINTIFFS (Check box if you are representing yourself <input type="checkbox"/> Jose Flores, Ryan Reyes, Brian Perez	DEFENDANTS City of Westminster, Mitchell Waller, in his individual capacity, Andrew Hall in his individual capacity and Does 1 to 20, inclusive
(b) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.)  Thomas A. Saenz and Victor Viramontes, Mexican American Legal Defense and Educational Fund, 634 S. Spring St., 11th Floor, Los Angeles, CA 90014 (213) 629-2512	Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an X in one box only.)  <input type="checkbox"/> 1 U.S. Government Plaintiff <input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)  <input type="checkbox"/> 2 U.S. Government Defendant <input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)	III. CITIZENSHIP OF PRINCIPAL PARTIES - For Diversity Cases Only (Place an X in one box for plaintiff and one for defendant.)  <table style="width:100%; border-collapse: collapse;"> <tr> <td style="width:30%;">Citizen of This State</td> <td style="width:10%; text-align: center;">PTF</td> <td style="width:10%; text-align: center;">DEF</td> <td style="width:40%;">Incorporated or Principal Place of Business in this State</td> <td style="width:10%; text-align: center;">PTF</td> <td style="width:10%; text-align: center;">DEF</td> </tr> <tr> <td></td> <td style="text-align: center;"><input type="checkbox"/> 1</td> <td style="text-align: center;"><input type="checkbox"/> 1</td> <td></td> <td style="text-align: center;"><input type="checkbox"/> 4</td> <td style="text-align: center;"><input type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td></td> <td></td> <td>Incorporated and Principal Place of Business in Another State</td> <td></td> <td></td> </tr> <tr> <td></td> <td style="text-align: center;"><input type="checkbox"/> 2</td> <td style="text-align: center;"><input type="checkbox"/> 2</td> <td></td> <td style="text-align: center;"><input type="checkbox"/> 5</td> <td style="text-align: center;"><input type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td></td> <td></td> <td>Foreign Nation</td> <td></td> <td></td> </tr> <tr> <td></td> <td style="text-align: center;"><input type="checkbox"/> 3</td> <td style="text-align: center;"><input type="checkbox"/> 3</td> <td></td> <td style="text-align: center;"><input type="checkbox"/> 6</td> <td style="text-align: center;"><input type="checkbox"/> 6</td> </tr> </table>	Citizen of This State	PTF	DEF	Incorporated or Principal Place of Business in this State	PTF	DEF		<input type="checkbox"/> 1	<input type="checkbox"/> 1		<input type="checkbox"/> 4	<input type="checkbox"/> 4	Citizen of Another State			Incorporated and Principal Place of Business in Another State				<input type="checkbox"/> 2	<input type="checkbox"/> 2		<input type="checkbox"/> 5	<input type="checkbox"/> 5	Citizen or Subject of a Foreign Country			Foreign Nation				<input type="checkbox"/> 3	<input type="checkbox"/> 3		<input type="checkbox"/> 6	<input type="checkbox"/> 6
Citizen of This State	PTF	DEF	Incorporated or Principal Place of Business in this State	PTF	DEF																																
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Citizen or Subject of a Foreign Country			Foreign Nation																																		
	<input type="checkbox"/> 3	<input type="checkbox"/> 3		<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    
  7 Appeal to District Judge from Magistrate Judge

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

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

VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.)

42 U.S.C., §1981; Equal Protection, FEHA, Discrimination-Promotion Case

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

OTHER STATUTES <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Act <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Info. Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes	CONTRACT <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	TORTS PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Fed. Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury-Med Malpractice <input type="checkbox"/> 365 Personal Injury-Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus-Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	TORTS PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability BANKRUPTCY <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 CIVIL RIGHTS <input checked="" type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 American with Disabilities - Employment <input type="checkbox"/> 446 American with Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 Habeas Corpus <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus/Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition FORFEITURE/PENALTY <input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS-Third Party 26 USC 7609
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SACV11-00278

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
Orange County	

(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
Orange County	

(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
Orange County	

\* 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 PRO PER): *Victor Kurba* Date 2/15/2011

Notice to Counsel/Parties: The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet.)

Key to Statistical codes relating to Social Security Cases:

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405(g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405(g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. (g))

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

**NOTICE OF ASSIGNMENT TO UNITED STATES MAGISTRATE JUDGE FOR DISCOVERY**

This case has been assigned to District Judge David O. Carter and the assigned discovery Magistrate Judge is Robert N. Block.

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

**SACV11- 278 DOC (RNBx)**

Pursuant to General Order 05-07 of the United States District Court for the Central District of California, the Magistrate Judge has been designated to hear discovery related motions.

All discovery related motions should be noticed on the calendar of the Magistrate Judge

=====

**NOTICE TO COUNSEL**

*A copy of this notice must be served with the summons and complaint on all defendants (if a removal action is filed, a copy of this notice must be served on all plaintiffs).*

Subsequent documents must be filed at the following location:

**Western Division**  
312 N. Spring St., Rm. G-8  
Los Angeles, CA 90012

**Southern Division**  
411 West Fourth St., Rm. 1-053  
Santa Ana, CA 92701-4516

**Eastern Division**  
3470 Twelfth St., Rm. 134  
Riverside, CA 92501

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