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FILED
Los Angeles Superior Court

MAR 01 2013

John A. Clarke, Executive Officer/Clerk
By SHAUNNA WESLEY, Deputy

Attorney for Plaintiff
GITA HALL MAY

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES**

GITA HALL MAY, an individual,

Case No.

BC502104

Plaintiff,

**COMPLAINT FOR DAMAGES
AND OTHER RELIEF**

v.

LIONS GATE ENTERTAINMENT
CORP., a corporation, and DOES 1-200,
inclusive,

Defendants.

DEADLINE.COM

CIT/CASE: BC502104
LEA/DEF#:

RECEIPT #: CCH465980032
DATE PAID: 03/01/13 11:24 AM
PAYMENT: \$435.00 \$10
RECEIVED:

CHECK: \$435.00
CASH: \$0.00
CHANGE: \$0.00
CARD: \$0.00

03/01/2013

COMPLAINT

1 Plaintiff GITA HALL MAY files this Complaint against defendant LIONS GATE
2 ENTERTAINMENT CORP. and DOES 1 through 200, inclusive (hereinafter, collectively,
3 "Defendants"), and each of them, and alleges, on personal knowledge as to herself and on
4 information and belief as to all others, as follows:

5 **NATURE OF THE ACTION**

6 1. The shadow of a businessman falls through the canyons of Madison Avenue,
7 starkly outlined against a backdrop of office buildings, martinis, stockings and period
8 advertisements from the late 1950's and early 1960's. By design, these ads depict iconic
9 female beauty of the age, images that instantly evoke recollections of this now-distant time,
10 intriguing the viewer – and suddenly there is the face of a ravishing red-haired beauty, her eyes
11 piercing the screen, her look that perfectly personifies the period.



27 2. The woman in this picture is Plaintiff GITA HALL MAY, arguably *the* top model
28 of her era. The picture was taken by Richard Avedon, arguably *the* top fashion photographer

1 of all time, for use in a hairspray ad for Revlon, arguably *the* top mass-market beauty company
2 of the era. Given her stature, Plaintiff consented to the use of her likeness, and the Avedon
3 photo embodying it, *only* for the then-current run of the Revlon campaign. At no time did she
4 agree to allow, forty years later, her image to be cropped from the photo, in secret, and inserted
5 as a key element in the title sequence of a cable television series, without her consent and for
6 commercial purposes.

7 3. Speaking of commercial purposes, the creators of this title sequence (this being
8 Hollywood) fully hoped that they would sell the pilot, sell the series, and make millions. As it
9 turned out, it made them *billions*, and (this being Hollywood) Defendants have since made
10 every effort to not only exploit the program and pocket the proceeds, but to assert in every
11 possible way the purported supremacy of their purported intellectual property rights.

12 4. When it comes to the rights of Plaintiff, however, Defendants insist they have the
13 right to profit from the wrongful use of Plaintiff's likeness, without compensating her for the
14 value that her image contributed to their property or the revenues that her image contributed to
15 their profit.

16 5. This action is brought to obtain redress for the unauthorized use of Plaintiff's
17 image. Equitable and monetary relief are sought, and the jurisdiction of this Honorable Court
18 is respectfully invoked to obtain justice for Plaintiff for the wrongs herein alleged.

19 PARTIES

20 6. Plaintiff GITA HALL MAY ("Plaintiff") is, and at all times mentioned herein was,
21 an individual residing in the City of Los Angeles, County of Los Angeles, State of California.

22 7. Defendant LIONS GATE ENTERTAINMENT CORP. ("Lionsgate"), is and was at
23 all times relevant a corporation organized under the laws of British Columbia, Canada with
24 headquarters in the City of Santa Monica, County of Los Angeles, State of California.

25 8. The true names and capacities, whether individuals, corporate, associate or
26 otherwise of defendants herein designated as DOES 1-200 are unknown to Plaintiff at this
27 time, who therefore sues said defendants by such fictitious names pursuant to California Code
28 of Civil Procedure § 474. Specifically, Plaintiff alleges that DOE defendants are responsible

1 for the wrongful acts complained of and described more fully herein, in that each of the
2 Defendants sued herein as a DOE committed the same acts as the other Defendants, and/or is
3 legally responsible in some manner for one or more of the acts, omissions, breaches,
4 occurrences, losses, and damages herein complained of, and/or further, that each DOE is, and
5 at all times material hereto was, acting as an agent, servant, employee, representative,
6 managing agent, partner, principal alter ego, affiliate, or co-conspirator of one or more of the
7 other Defendants, with the knowledge, consent, and/or ratification of such other Defendants in
8 causing or permitting the acts, omissions, breaches, occurrences, losses, and damages alleged
9 herein.. Any mention of or reference to any named defendant, and any allegation or cause of
10 action stated in this complaint against any named defendant, is intended to include and apply to
11 DOE defendants. Plaintiff will seek leave to amend this complaint to allege the true names and
12 capacities of DOE defendants as they become known.

13 JURISDICTION AND VENUE

14 9. This Court has Jurisdiction over this action pursuant to California Code of Civil
15 Procedure § 410.10. Venue is proper pursuant to California Code of Civil Procedure §§ 395
16 and 395.5 because Defendant resides in the County of Los Angeles and because Plaintiff
17 resides in the County of Los Angeles, and hence the liability of Defendant arose in the County
18 of Los Angeles.

19 BACKGROUND

20 10. Plaintiff, formerly named Gita Hall, is a well-known model and actress who,
21 commencing in the 1950's, and continuing through the 1960's gained public recognition and a
22 valuable reputation for her unique and striking beauty. Plaintiff was a top model, sought after
23 by top photographers and brands, and her image was iconic of the era. Her likeness and image
24 was utilized in advertisements for top products, and Plaintiff enjoyed commercial success by
25 reason thereof.

26 11. Defendants produce, sell, distribute, broadcast and exhibit an audiovisual series,
27 comprised of numerous individual episodes, entitled Mad Men ("Mad Men").

28 12. Defendants created an opening main title sequence (the "Main Titles") for Mad

1 Men, which was included in the pilot episode of Mad Men and in each episode of Mad Men
2 that has been produced, broadcast or sold to date.

3 13. The Main Titles were integral to the success of Mad Men, and the episodes of Mad
4 Men, and Mad Men as a series, have derived economic and commercial value from the Main
5 Titles, from which Defendants have derived profit and monetary gain, both directly from the
6 exploitation thereof, and indirectly from the enhancement to Defendants' other business
7 endeavors by reason of the prestige and acclaim accorded them by reason of the success
8 thereof. Defendants have also benefited from the Main Titles in that the value of their
9 trademarks, and other measures of business goodwill, has increased, and in that Defendants
10 have exploited such trademarks, including the Mad Men trademark, by licensing and
11 otherwise, resulting in additional revenues and profits derived in part from the Main Titles.

12 14. The Main Titles have achieved critical acclaim independent of the series and its
13 episodes, including winning awards and other industry recognition. Indeed, the Main Titles
14 were even the subject of their own Emmy award, winning over all others for "Outstanding
15 Main Title Design."

16 15. The Main Titles, by reason of the foregoing, inter alia, were and are integral to the
17 success of Mad Men and are responsible in significant part for the value, success, goodwill,
18 profits, and reputation of Defendants.

19 16. Although each episode of Mad Men includes a unique variation of the Main Titles
20 that changes from episode to episode (as to individual credits for writers and directors, for
21 example) and from season to season (as to individual credits for principal cast, for example),
22 there is an element that remains a constant throughout: the iconic portrait of Plaintiff GITA
23 MAY HALL.

24 17. Specifically, the Credits prominently feature a photographic likeness of Plaintiff
25 (hereinafter, the "Photograph" – depicted in Paragraph 1 hereof). Plaintiff is readily
26 identifiable in the Photograph. The Photograph was taken by legendary photographer Richard
27 Avedon for a 1950's advertisement for Revlon's "Satin-Set" hairspray.

28 18. The Photograph was deliberately and intentionally selected by Defendants because

1 of the unique and iconic likeness of Plaintiff, and Defendants sought to include the likeness of
2 a famous celebrity from the 1950s in the credits in order to promote and burnish the image of
3 the show in the eyes of the public and to create the “feel” of the program that was critical to its
4 commercial success. Defendants put exhaustive efforts into the selection of “just right” images
5 for use in the Main Titles, in order to enhance the chance of the success of the Mad Men pilot
6 and the economic value of the series, its episodes, and ancillary exploitations.

7 19. Defendants sought Plaintiff’s image because she was among the top models of her
8 day, and her likeness – used repeatedly in glamorous advertisements of the era – was perfectly
9 associated with the late 1950’s/early 1960’s advertising look that Defendants sought for their
10 program. The Photograph is prominently featured in the Main Titles, and is a part of the
11 central “falling man” sequence – indeed, Plaintiff’s likeness appears more prominently and
12 directly than any other image in that sequence, and in the Pilot directly opposite the credit for
13 the program’s Producer.

14 20. Defendants have and continue to publish, sell and exploit for commercial gain by
15 various means, including inter alia as described above, the Photograph and Plaintiff’s likeness
16 and image.

17 21. Defendants have generated income in excess of \$1 billion through exploitation of
18 the series and its episodes, each of which includes Plaintiff’s likeness without her consent, and
19 each of which has been the subject of numerous individual broadcasts.

20 22. Plaintiff first discovered the Defendants’ use of the Photograph in May of 2012.
21 Plaintiff could not have discovered Defendants’ uses prior thereto, inasmuch as the Mad Men
22 program was not broadcast on public airways, and was only available to members of the public
23 for a fee.

24 23. Plaintiff never gave her consent, and was never compensated, for Defendants’ use
25 of the Photograph, or Defendants’ use of Plaintiff’s likeness or image.

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28

1 **FIRST CAUSE OF ACTION**

2 **Misappropriation of Right of Publicity for Commercial Purposes-Against All Defendants**

3 24. Plaintiff re-alleges and incorporates by reference all of the allegations set out in
4 Paragraphs 1 through 23 of this Complaint as if set forth fully herein.

5 25. Defendants knowingly used the Photograph and Plaintiff's likeness on products,
6 merchandise or goods, and for the purpose of advertising or selling goods or services, or
7 soliciting purchases of products, merchandise, goods, or services.

8 26. Plaintiff did not consent to Defendants' use of the Photograph or her likeness for
9 any purpose.

10 27. Plaintiff is readily identifiable in the photograph as defined in California Civil Code
11 § 3344(b).

12 28. As a direct and proximate result of Defendants' unauthorized use of the
13 Photograph and Plaintiff's likeness, Defendants received revenues, realized profits and
14 received other economic gain.

15 29. As a direct and proximate result of Defendants' conduct, Plaintiff suffered
16 damages, including but not limited to, the loss of revenues which Plaintiff would have
17 otherwise generated through the exploitation of the Photograph and Plaintiff's likeness and
18 image, impairment of Plaintiff's reputation, physical harm, mental anguish, and diminution in
19 the value of Plaintiff's image. These damages exceed the minimum jurisdiction of this Court
20 and will be proved at the time of trial.

21 30. Plaintiff is entitled to actual damages suffered as a result of the unauthorized use of
22 the Photograph and Plaintiff's likeness pursuant to California Civil Code § 3344(a).

23 31. Plaintiff is entitled to any profits realized by Defendants derived from the use of the
24 Photograph and Plaintiff's likeness pursuant to California Civil Code § 3344(a).

25 32. Plaintiff is entitled an award of attorney's fees and costs incurred in connection
26 with this action pursuant to California Civil Code § 3344(a).

27 33. Plaintiff suffered additional special and general damages which exceed the
28 minimum jurisdiction of this court and will be proved at the time of trial.

03/01/2013

1 34. Plaintiff is entitled to prejudgment interest according to law.

2 35. Because Defendants exploited the Photograph and Plaintiff's likeness and image
3 while knowing that Defendants had no right to do so, and knowing that such conduct was a
4 violation of Plaintiff's legal rights and the law, Defendants have acted with fraud, malice and
5 oppression. As such, Plaintiff is entitled to an award of punitive damages against Defendants.

6 **SECOND CAUSE OF ACTION**

7 **Invasion of Common Law Right of Privacy-Against All Defendants**

8 36. Plaintiff re-alleges and incorporates by reference all of the allegations set out in
9 Paragraphs 1 through 23 of this Complaint as if set forth fully herein.

10 37. In committing the acts alleged above, Defendants appropriated and used Plaintiff's
11 likeness, identity and personality to Defendants' advantage, both commercially and otherwise.

12 38. Plaintiff did not consent to Defendants' use of the Photograph, her likeness,
13 identity or personality for any purpose.

14 39. Defendants' conduct constituted an invasion of Plaintiff's right of privacy and
15 publicity in that it deprived Plaintiff of the ability to control the contexts in which her name
16 and likeness can be used.

17 40. As a direct and proximate result of Defendants' conduct, Plaintiff suffered
18 damages, including but not limited to, the loss of revenues which Plaintiff would have
19 otherwise generated through the exploitation of the Photograph and Plaintiff's likeness,
20 identity and personality, impairment of Plaintiff's reputation, mental anguish, and diminution
21 in the value of Plaintiff's image. These damages exceed the minimum jurisdiction of this court
22 and will be proved at the time of trial.

23 41. Plaintiff is entitled to any restitution in the form of any profits realized by
24 Defendants from the use of the Photograph and Plaintiff's likeness, identity or personality.

25 42. Plaintiff suffered additional special and general damages which exceed the
26 minimum jurisdiction of this court and will be proved at the time of trial.

27 43. Plaintiff is entitled to prejudgment interest according to law.

28 44. Because Defendants exploited the Photograph and Plaintiff's likeness and image

03/01/2013

1 while knowing that Defendants had no right to do so, and knowing that such conduct was a
2 violation of Plaintiff's legal rights and the law, Defendants have acted with fraud, malice and
3 oppression. As such, Plaintiff is entitled to an award of punitive damages against Defendants.

4 **THIRD CAUSE OF ACTION**

5 **Violation of the Unfair Competition Law-Against All Defendants**

6 45. Plaintiff re-alleges and incorporates by reference all of the allegations set out in
7 Paragraphs 1 through 23, 25 through 35, and 37 through 44 of this Complaint as if set forth
8 fully herein.

9 46. In committing the acts alleged above, Defendants violated California Business &
10 Professions Code Section 17200 et. seq. ("UCL"), which prohibits any "unlawful, unfair or
11 fraudulent business act or practice and unfair, deceptive, untrue or misleading advertising."

12 47. The acts and practices of Defendants were and are unlawful in that they violated
13 California Civil Code § 3344.

14 48. The acts and practices of Defendants were and are unfair in that the inclusion of the
15 Photograph or likeness violates established public policy and has unjustifiably placed the
16 motives of Defendant above the harm suffered by Plaintiff.

17 49. The acts and practices of Defendants were and are fraudulent in that they are likely
18 to mislead the general public and therefore constitute unfair, fraudulent, and misleading acts
19 within the meaning of the meaning of the UCL.

20 50. Plaintiff alleges that unless enjoined by this court, Defendants will continue to
21 engage in the unfair business practices alleged above.

22 51. As a direct and proximate result of Defendants' conduct, Plaintiff did not receive
23 the benefits and money obtained by Defendants and to which Plaintiff is entitled, requiring an
24 injunction of Defendants' present and future unfair business practices and an award of
25 restitution.

26 52. Plaintiff is entitled to prejudgment interest according to law.

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FOURTH CAUSE OF ACTION

Violation of the False Advertising Law-Against All Defendants

53. Plaintiff re-alleges and incorporates by reference all of the allegations set out in Paragraphs 1 through 23, 25 through 35, 37 through 44, and 46 through 52 of this Complaint as if set forth fully herein.

54. In committing the acts alleged above, and in advertising their products by use of Plaintiff's image and likeness, Defendants have intentionally misled the public into believing that Plaintiff endorses Defendants and their products.

55. Defendants' conduct constitutes a violation of California Business & Professions Code Section 17500.

56. Plaintiff alleges that unless enjoined by this court, Defendants will continue to engage in the untrue and misleading advertising alleged above.

57. As a direct and proximate result of Defendants' conduct, Plaintiff did not receive the benefits and money obtained by Defendants and to which Plaintiff is entitled, requiring an injunction of Defendants' present and future unfair business practices and an award of restitution.

58. Plaintiff is entitled to prejudgment interest according to law.

59. Because Defendants exploited the Photograph and Plaintiff's likeness and image while knowing that Defendants had no right to do so, and knowing that such conduct was a violation of Plaintiff's legal rights and the law, Defendants have acted with fraud, malice and oppression. As such, Plaintiff is entitled to an award of punitive damages against Defendants.

FIFTH CAUSE OF ACTION

Quasi Contract and Unjust Enrichment

60. Plaintiff re-alleges and incorporates by reference all of the allegations set out in Paragraphs 1 through 23, 25 through 35, 37 through 44, 46 through 52, and 54 through 59 of this Complaint as if set forth fully herein.

61. Defendants intentionally, unjustly and without authorization appropriated and used the Photograph and Plaintiff's likeness and image for the purpose of selling and promoting

1 their products and brands.

2 62. Plaintiff had an expectation that she would be compensated for any use of any
3 photographs of Plaintiff promoting Revlon hairspray or the use of Plaintiff's likeness or image.

4 63. Through their unauthorized use of the Photograph and Plaintiff's likeness and
5 image, Defendants have been unjustly enriched in that they have unjustly obtained and retained
6 profits and monetary benefits that should rightfully have been received by Plaintiff.

7 64. Based upon the wrongful conduct of Defendants, the unjust enrichment of
8 Defendants, and the reasonable expectation and rights of Plaintiff with respect to any use of the
9 Photograph and Plaintiff's likeness and image, Defendants are liable to Plaintiff under the
10 principles of quasi contract, unjust enrichment, money had and received by Defendants and
11 services and items of value provided by Plaintiff to the benefit of Defendants.

12 65. Plaintiff is entitled to restitution of the value of the benefits derived by Defendants
13 from the unauthorized use they made of the Photograph and Plaintiff's likeness and image and
14 to an injunction preventing Defendants from any further exploitation of the Photograph or
15 Plaintiff's likeness or image. The value of said benefits exceeds the minimum jurisdiction of
16 this court and will be proved at the time of trial.

17 66. Plaintiff is entitled to prejudgment interest according to law.

18 67. Because Defendants exploited the Photograph and Plaintiff's likeness and image
19 while knowing that Defendants had no right to do so, and knowing that such conduct was a
20 violation of Plaintiff's legal rights and the law, Defendants have acted with fraud, malice and
21 oppression. As such, Plaintiff is entitled to an award of punitive damages against Defendants.

22 **SIXTH CAUSE OF ACTION**

23 **An Accounting-Against All Defendants**

24 68. Plaintiff re-alleges and incorporates by reference all of the allegations set out in
25 Paragraphs 1 through 23, 25 through 35, 37 through 44, 46 through 52, 54 through 59, and 61
26 through 67 of this Complaint as if set forth fully herein.

27 69. The amount of money due to Plaintiff from Defendants is unknown to Plaintiff and
28 cannot be ascertained without an accounting of the revenue, receipts, and profits relating to the

1 Defendants' use of the Photograph and Plaintiff's likeness and image.

2 70. Plaintiff alleges that the accounts are so complicated that an ordinary legal action
3 demanding a fixed sum is impracticable.

4 71. Based upon the foregoing, Plaintiff is entitled to an accounting of the revenue,
5 receipts, and profits relating to the Defendants' use of the Photograph and Plaintiff's likeness
6 and image.

7 SEVENTH CAUSE OF ACTION

8 Imposition of Constructive Trust-Against All Defendants

9 72. Plaintiff re-alleges and incorporates by reference all of the allegations set out in
10 Paragraphs 1 through 23, 25 through 35, 37 through 44, 46 through 52, 54 through 59, 61
11 through 67, and 69 through 71 of this Complaint as if set forth fully herein.

12 73. By virtue of their improper and unauthorized use of the Photograph and Plaintiff's
13 likeness and image, Defendants hold all money, goods and property received by Defendants as
14 a result of said use as a constructive trustee for Plaintiff's benefit.

15 74. Plaintiff is therefore entitled to an order directing that Defendants hold all such
16 money, goods and property received by Defendants in trust for the benefit of Plaintiff.

17 EIGHTH CAUSE OF ACTION

18 Injunctive Relief-Against All Defendants

19 75. Plaintiff re-alleges and incorporates by reference all of the allegations set out in
20 Paragraphs 1 through 23, 25 through 35, 37 through 44, 46 through 52, 54 through 59, 61
21 through 67, 69 through 71, and 73 through 74 of this Complaint as if set forth fully herein.

22 76. In doing the acts described herein, Defendants have irreparably harmed Plaintiff by
23 publishing, selling and profiting from the use of the Photograph and Plaintiff's likeness,
24 thereby preventing Plaintiff from obtaining the true value of the use of the Photograph and
25 Plaintiff's likeness and image.

26 77. Defendants continue improperly exploit the Photograph, Plaintiff's likeness and
27 image and to profit from same.

28 78. Plaintiff has no adequate remedy at law for the injuries caused by Defendants'

1 continued exploitation of the Photograph and Plaintiff's likeness and image as her reputation,
2 image, likeness and ability to exploit same continue to be further devalued.

3 79. Plaintiff is entitled to an injunction preventing Defendants from any further
4 exploitation of the Photograph or Plaintiff's likeness or image.

5
6 WHEREFORE, Plaintiff prays for judgment against Defendants, and against each of them as
7 follows:

- 8 1. For general, special, and consequential damages;
- 9 2. For statutory damages;
- 10 3. For punitive damages;
- 11 4. For disgorgement;
- 12 5. For restitution;
- 13 6. For injunctive relief;
- 14 7. For an accounting;
- 15 8. For a constructive trust;
- 16 9. For attorney's fees and costs;
- 17 10. For interest as allowed by law;
- 18 11. For costs of suit;
- 19 12. For such other and further equitable and legal relief as the Court deems just and
20 proper.

21 Dated: March 1, 2013

22 THE LAW HUT, A Professional Corporation
23 Kevin J. Leichter, Esq.
24 R. Delano Williams, Jr., Esq.

25
26 By: 
27 Kevin J. Leichter
28 Attorneys for Plaintiff GITA H. MAY

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):
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 ATTORNEY FOR (Name): Plaintiff Gita Hall May

FOR COURT USE ONLY
FILED
 Los Angeles Superior Court
 MAR 01 2013
 John A. Clarke, Executive Officer/Clerk
 By SHAUNYA WESLEY Deputy

SUPERIOR COURT OF CALIFORNIA, COUNTY OF Los Angeles
 STREET ADDRESS: 111 N. Hill St
 MAILING ADDRESS: 111 N. Hill St
 CITY AND ZIP CODE: Los Angeles, CA 90012
 BRANCH NAME: Central

CASE NAME:
 Gita Hall May v. Lions Gate Entertainment Corp.

CIVIL CASE COVER SHEET
 Unlimited (Amount demanded exceeds \$25,000) **Limited** (Amount demanded is \$25,000 or less)
Complex Case Designation
 Counter **Joinder**
 Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)

CASE NUMBER:
BC502104
 JUDGE:
 DEPT:

Items 1-6 below must be completed (see instructions on page 2).

1. Check one box below for the case type that best describes this case:
- | | | |
|---|---|---|
| <p>Auto Tort</p> <input type="checkbox"/> Auto (22) <input type="checkbox"/> Uninsured motorist (46) <p>Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort</p> <input type="checkbox"/> Asbestos (04) <input type="checkbox"/> Product liability (24) <input type="checkbox"/> Medical malpractice (45) <input type="checkbox"/> Other PIPD/WD (23) <p>Non-PI/PD/WD (Other) Tort</p> <input type="checkbox"/> Business tort/unfair business practice (07) <input type="checkbox"/> Civil rights (08) <input type="checkbox"/> Defamation (13) <input type="checkbox"/> Fraud (16) <input type="checkbox"/> Intellectual property (19) <input type="checkbox"/> Professional negligence (25) <input checked="" type="checkbox"/> Other non-PI/PD/WD tort (35) <p>Employment</p> <input type="checkbox"/> Wrongful termination (36) <input type="checkbox"/> Other employment (15) | <p>Contract</p> <input type="checkbox"/> Breach of contract/warranty (06) <input type="checkbox"/> Rule 3.740 collections (09) <input type="checkbox"/> Other collections (09) <input type="checkbox"/> Insurance coverage (18) <input type="checkbox"/> Other contract (37) <p>Real Property</p> <input type="checkbox"/> Eminent domain/Inverse condemnation (14) <input type="checkbox"/> Wrongful eviction (33) <input type="checkbox"/> Other real property (26) <p>Unlawful Detainer</p> <input type="checkbox"/> Commercial (31) <input type="checkbox"/> Residential (32) <input type="checkbox"/> Drugs (38) <p>Judicial Review</p> <input type="checkbox"/> Asset forfeiture (05) <input type="checkbox"/> Petition re: arbitration award (11) <input type="checkbox"/> Writ of mandate (02) <input type="checkbox"/> Other judicial review (39) | <p>Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400-3.403)</p> <input type="checkbox"/> Antitrust/Trade regulation (03) <input type="checkbox"/> Construction defect (10) <input type="checkbox"/> Mass tort (40) <input type="checkbox"/> Securities litigation (28) <input type="checkbox"/> Environmental/Toxic tort (30) <input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41) <p>Enforcement of Judgment</p> <input type="checkbox"/> Enforcement of judgment (20) <p>Miscellaneous Civil Complaint</p> <input type="checkbox"/> RICO (27) <input type="checkbox"/> Other complaint (not specified above) (42) <p>Miscellaneous Civil Petition</p> <input type="checkbox"/> Partnership and corporate governance (21) <input type="checkbox"/> Other petition (not specified above) (43) |
|---|---|---|

2. This case is is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:
- | | |
|--|--|
| a. <input type="checkbox"/> Large number of separately represented parties | d. <input type="checkbox"/> Large number of witnesses |
| b. <input type="checkbox"/> Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve | e. <input type="checkbox"/> Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court |
| c. <input type="checkbox"/> Substantial amount of documentary evidence | f. <input type="checkbox"/> Substantial postjudgment judicial supervision |
3. Remedies sought (check all that apply): a. monetary b. nonmonetary; declaratory or injunctive relief c. punitive
4. Number of causes of action (specify):
5. This case is is not a class action suit.
6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: February 27, 2013
 Kevin J. Leichter
 (TYPE OR PRINT NAME) (SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

INSTRUCTIONS ON HOW TO COMPLETE THE COVER SHEET

To Plaintiffs and Others Filing First Papers. If you are filing a first paper (for example, a complaint) in a civil case, you must complete and file, along with your first paper, the *Civil Case Cover Sheet* contained on page 1. This information will be used to compile statistics about the types and numbers of cases filed. You must complete items 1 through 6 on the sheet. In item 1, you must check one box for the case type that best describes the case. If the case fits both a general and a more specific type of case listed in item 1, check the more specific one. If the case has multiple causes of action, check the box that best indicates the primary cause of action. To assist you in completing the sheet, examples of the cases that belong under each case type in item 1 are provided below. A cover sheet must be filed only with your initial paper. Failure to file a cover sheet with the first paper filed in a civil case may subject a party, its counsel, or both to sanctions under rules 2.30 and 3.220 of the California Rules of Court.

To Parties in Rule 3.740 Collections Cases. A "collections case" under rule 3.740 is defined as an action for recovery of money owed in a sum stated to be certain that is not more than \$25,000, exclusive of interest and attorney's fees, arising from a transaction in which property, services, or money was acquired on credit. A collections case does not include an action seeking the following: (1) tort damages, (2) punitive damages, (3) recovery of real property, (4) recovery of personal property, or (5) a prejudgment writ of attachment. The identification of a case as a rule 3.740 collections case on this form means that it will be exempt from the general time-for-service requirements and case management rules, unless a defendant files a responsive pleading. A rule 3.740 collections case will be subject to the requirements for service and obtaining a judgment in rule 3.740.

To Parties in Complex Cases. In complex cases only, parties must also use the *Civil Case Cover Sheet* to designate whether the case is complex. If a plaintiff believes the case is complex under rule 3.400 of the California Rules of Court, this must be indicated by completing the appropriate boxes in items 1 and 2. If a plaintiff designates a case as complex, the cover sheet must be served with the complaint on all parties to the action. A defendant may file and serve no later than the time of its first appearance a joinder in the plaintiff's designation, a counter-designation that the case is not complex, or, if the plaintiff has made no designation, a designation that the case is complex.

CASE TYPES AND EXAMPLES

Auto Tort

- Auto (22)—Personal Injury/Property Damage/Wrongful Death
- Uninsured Motorist (46) (if the case involves an uninsured motorist claim subject to arbitration, check this item instead of Auto)

Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort

- Asbestos (04)
 - Asbestos Property Damage
 - Asbestos Personal Injury/Wrongful Death
- Product Liability (not asbestos or toxic/environmental) (24)
- Medical Malpractice (45)
 - Medical Malpractice—Physicians & Surgeons
 - Other Professional Health Care Malpractice
- Other PI/PD/WD (23)
 - Premises Liability (e.g., slip and fall)
 - Intentional Bodily Injury/PD/WD (e.g., assault, vandalism)
 - Intentional infliction of Emotional Distress
 - Negligent infliction of Emotional Distress
 - Other PI/PD/WD

Non-PI/PD/WD (Other) Tort

- Business Tort/Unfair Business Practice (07)
- Civil Rights (e.g., discrimination, false arrest) (not civil harassment) (08)
- Defamation (e.g., slander, libel) (13)
- Fraud (16)
- Intellectual Property (19)
- Professional Negligence (25)
 - Legal Malpractice
 - Other Professional Malpractice (not medical or legal)
- Other Non-PI/PD/WD Tort (35)

Employment

- Wrongful Termination (36)
- Other Employment (15)

Contract

- Breach of Contract/Warranty (06)
 - Breach of Rental/Lease Contract (not unlawful detainer or wrongful eviction)
 - Contract/Warranty Breach—Seller Plaintiff (not fraud or negligence)
 - Negligent Breach of Contract/Warranty
 - Other Breach of Contract/Warranty
- Collections (e.g., money owed, open book accounts) (09)
 - Collection Case—Seller Plaintiff
 - Other Promissory Note/Collections Case
- Insurance Coverage (not provisionally complex) (18)
 - Auto Subrogation
 - Other Coverage
- Other Contract (37)
 - Contractual Fraud
 - Other Contract Dispute

Real Property

- Eminent Domain/Inverse Condemnation (14)
- Wrongful Eviction (33)
- Other Real Property (e.g., quiet title) (26)
 - Writ of Possession of Real Property
 - Mortgage Foreclosure
 - Quiet Title
 - Other Real Property (not eminent domain, landlord/tenant, or foreclosure)

Unlawful Detainer

- Commercial (31)
- Residential (32)
- Drugs (38) (if the case involves illegal drugs, check this item; otherwise, report as Commercial or Residential)

Judicial Review

- Asset Forfeiture (05)
- Petition Re: Arbitration Award (11)
- Writ of Mandate (02)
 - Writ—Administrative Mandamus
 - Writ—Mandamus on Limited Court Case Matter
 - Writ—Other Limited Court Case Review
- Other Judicial Review (39)
 - Review of Health Officer Order
 - Notice of Appeal—Labor Commissioner Appeals

Provisionally Complex Civil Litigation (Cal. Rules of Court Rules 3.400–3.403)

- Antitrust/Trade Regulation (03)
- Construction Defect (10)
- Claims Involving Mass Tort (40)
- Securities Litigation (28)
- Environmental/Toxic Tort (30)
- Insurance Coverage Claims (arising from provisionally complex case type listed above) (41)

Enforcement of Judgment

- Enforcement of Judgment (20)
 - Abstract of Judgment (Out of County)
 - Confession of Judgment (non-domestic relations)
 - Sister State Judgment
 - Administrative Agency Award (not unpaid taxes)
 - Petition/Certification of Entry of Judgment on Unpaid Taxes
 - Other Enforcement of Judgment Case

Miscellaneous Civil Complaint

- RICO (27)
- Other Complaint (not specified above) (42)
 - Declaratory Relief Only
 - Injunctive Relief Only (non-harassment)
 - Mechanics Lien
 - Other Commercial Complaint Case (non-tort/non-complex)
 - Other Civil Complaint (non-tort/non-complex)

Miscellaneous Civil Petition

- Partnership and Corporate Governance (21)
- Other Petition (not specified above) (43)
 - Civil Harassment
 - Workplace Violence
 - Elder/Dependent Adult Abuse
 - Election Contest
 - Petition for Name Change
 - Petition for Relief From Late Claim
 - Other Civil Petition

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**CIVIL CASE COVER SHEET ADDENDUM AND
STATEMENT OF LOCATION
(CERTIFICATE OF GROUNDS FOR ASSIGNMENT TO COURTHOUSE LOCATION)**

This form is required pursuant to Local Rule 2.0 in all new civil case filings in the Los Angeles Superior Court.

Item I. Check the types of hearing and fill in the estimated length of hearing expected for this case:

JURY TRIAL? YES CLASS ACTION? YES LIMITED CASE? YES TIME ESTIMATED FOR TRIAL ³ HOURS/ DAYS

Item II. Indicate the correct district and courthouse location (4 steps – If you checked "Limited Case", skip to Item III, Pg. 4):

Step 1: After first completing the Civil Case Cover Sheet form, find the main Civil Case Cover Sheet heading for your case in the left margin below, and, to the right in Column **A**, the Civil Case Cover Sheet case type you selected.

Step 2: Check one Superior Court type of action in Column **B** below which best describes the nature of this case.

Step 3: In Column **C**, circle the reason for the court location choice that applies to the type of action you have checked. For any exception to the court location, see Local Rule 2.0.

Applicable Reasons for Choosing Courthouse Location (see Column C below)

1. Class actions must be filed in the Stanley Mosk Courthouse, central district.
2. May be filed in central (other county, or no bodily injury/property damage).
3. Location where cause of action arose.
4. Location where bodily injury, death or damage occurred.
5. Location where performance required or defendant resides.
6. Location of property or permanently garaged vehicle.
7. Location where petitioner resides.
8. Location wherein defendant/respondent functions wholly.
9. Location where one or more of the parties reside.
10. Location of Labor Commissioner Office.

Step 4: Fill in the information requested on page 4 in Item III; complete Item IV. Sign the declaration.

| | A Civil Case Cover Sheet Category No. | B Type of Action (Check only one) | C Applicable Reasons - See Step 3 Above |
|--|---|---|--|
| Auto Tort | Auto (22) | <input type="checkbox"/> A7100 Motor Vehicle - Personal Injury/Property Damage/Wrongful Death | 1., 2., 4. |
| | Uninsured Motorist (46) | <input type="checkbox"/> A7110 Personal Injury/Property Damage/Wrongful Death – Uninsured Motorist | 1., 2., 4. |
| Other Personal Injury/Property Damage/Wrongful Death Tort | Asbestos (04) | <input type="checkbox"/> A6070 Asbestos Property Damage <input type="checkbox"/> A7221 Asbestos - Personal Injury/Wrongful Death | 2. 2. |
| | Product Liability (24) | <input type="checkbox"/> A7260 Product Liability (not asbestos or toxic/environmental) | 1., 2., 3., 4., 8. |
| | Medical Malpractice (45) | <input type="checkbox"/> A7210 Medical Malpractice - Physicians & Surgeons <input type="checkbox"/> A7240 Other Professional Health Care Malpractice | 1., 4. 1., 4. |
| | Other Personal Injury Property Damage Wrongful Death (23) | <input type="checkbox"/> A7250 Premises Liability (e.g., slip and fall) <input type="checkbox"/> A7230 Intentional Bodily Injury/Property Damage/Wrongful Death (e.g., assault, vandalism, etc.) <input type="checkbox"/> A7270 Intentional Infliction of Emotional Distress <input type="checkbox"/> A7220 Other Personal Injury/Property Damage/Wrongful Death | 1., 4. 1., 4. 1., 3. 1., 4. |

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| | A Civil Case Cover Sheet Category No. | B Type of Action (Check only one) | C Applicable Reasons - See Step 3 Above |
|--|---|---|--|
| Non-Personal Injury/ Property Damage/ Wrongful Death Tort | Business Tort (07) | <input type="checkbox"/> A6029 Other Commercial/Business Tort (not fraud/breach of contract) | 1., 3. |
| | Civil Rights (08) | <input type="checkbox"/> A6005 Civil Rights/Discrimination | 1., 2., 3. |
| | Defamation (13) | <input type="checkbox"/> A6010 Defamation (slander/libel) | 1., 2., 3. |
| | Fraud (16) | <input type="checkbox"/> A6013 Fraud (no contract) | 1., 2., 3. |
| | Professional Negligence (25) | <input type="checkbox"/> A6017 Legal Malpractice <input type="checkbox"/> A6050 Other Professional Malpractice (not medical or legal) | 1., 2., 3. 1., 2., 3. |
| | Other (35) | <input checked="" type="checkbox"/> A6025 Other Non-Personal Injury/Property Damage tort | 3. |
| Employment | Wrongful Termination (36) | <input type="checkbox"/> A6037 Wrongful Termination | 1., 2., 3. |
| | Other Employment (15) | <input type="checkbox"/> A6024 Other Employment Complaint Case <input type="checkbox"/> A6109 Labor Commissioner Appeals | 1., 2., 3. 10. |
| Contract | Breach of Contract/ Warranty (06) (not insurance) | <input type="checkbox"/> A6004 Breach of Rental/Lease Contract (not unlawful detainer or wrongful eviction) <input type="checkbox"/> A6008 Contract/Warranty Breach -Seller Plaintiff (no fraud/negligence) <input type="checkbox"/> A6019 Negligent Breach of Contract/Warranty (no fraud) <input type="checkbox"/> A6028 Other Breach of Contract/Warranty (not fraud or negligence) | 2., 5. 2., 5. 1., 2., 5. 1., 2., 5. |
| | Collections (09) | <input type="checkbox"/> A6002 Collections Case-Seller Plaintiff <input type="checkbox"/> A6012 Other Promissory Note/Collections Case | 2., 5., 6. 2., 5. |
| | Insurance Coverage (18) | <input type="checkbox"/> A6015 Insurance Coverage (not complex) | 1., 2., 5., 8. |
| | Other Contract (37) | <input type="checkbox"/> A6009 Contractual Fraud <input type="checkbox"/> A6031 Tortious Interference <input type="checkbox"/> A6027 Other Contract Dispute(not breach/insurance/fraud/negligence) | 1., 2., 3., 5. 1., 2., 3., 5. 1., 2., 3., 8. |
| | Eminent Domain/Inverse Condemnation (14) | <input type="checkbox"/> A7300 Eminent Domain/Condemnation Number of parcels _____ | 2. |
| | Wrongful Eviction (33) | <input type="checkbox"/> A6023 Wrongful Eviction Case | 2., 6. |
| Real Property | Other Real Property (26) | <input type="checkbox"/> A6018 Mortgage Foreclosure <input type="checkbox"/> A6032 Quiet Title <input type="checkbox"/> A6060 Other Real Property (not eminent domain, landlord/tenant, foreclosure) | 2., 6. 2., 6. 2., 6. |
| | Unlawful Detainer-Commercial (31) | <input type="checkbox"/> A6021 Unlawful Detainer-Commercial (not drugs or wrongful eviction) | 2., 6. |
| | Unlawful Detainer-Residential (32) | <input type="checkbox"/> A6020 Unlawful Detainer-Residential (not drugs or wrongful eviction) | 2., 6. |
| Unlawful Detainer | Unlawful Detainer- Post-Foreclosure (34) | <input type="checkbox"/> A6020F Unlawful Detainer-Post-Foreclosure | 2., 6. |
| | Unlawful Detainer-Drugs (38) | <input type="checkbox"/> A6022 Unlawful Detainer-Drugs | 2., 6. |

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| A Civil Case Cover Sheet Category No. | B Type of Action (Check only one) | C Applicable Reasons - See Step 3 Above |
|---|--|--|
| Asset Forfeiture (05) | <input type="checkbox"/> A6108 Asset Forfeiture Case | 2., 6. |
| Petition re Arbitration (11) | <input type="checkbox"/> A6115 Petition to Compel/Confirm/Vacate Arbitration | 2., 5. |
| Writ of Mandate (02) | <input type="checkbox"/> A6151 Writ - Administrative Mandamus <input type="checkbox"/> A6152 Writ - Mandamus on Limited Court Case Matter <input type="checkbox"/> A6153 Writ - Other Limited Court Case Review | 2., 8. 2. 2. |
| Other Judicial Review (39) | <input type="checkbox"/> A6150 Other Writ /Judicial Review | 2., 8. |
| Antitrust/Trade Regulation (03) | <input type="checkbox"/> A6003 Antitrust/Trade Regulation | 1., 2., 8. |
| Construction Defect (10) | <input type="checkbox"/> A6007 Construction Defect | 1., 2., 3. |
| Claims Involving Mass Tort (40) | <input type="checkbox"/> A6006 Claims Involving Mass Tort | 1., 2., 8. |
| Securities Litigation (28) | <input type="checkbox"/> A6035 Securities Litigation Case | 1., 2., 8. |
| Toxic Tort Environmental (30) | <input type="checkbox"/> A6036 Toxic Tort/Environmental | 1., 2., 3., 8. |
| Insurance Coverage Claims from Complex Case (41) | <input type="checkbox"/> A6014 Insurance Coverage/Subrogation (complex case only) | 1., 2., 5., 8. |
| Enforcement of Judgment (20) | <input type="checkbox"/> A6141 Sister State Judgment <input type="checkbox"/> A6160 Abstract of Judgment <input type="checkbox"/> A6107 Confession of Judgment (non-domestic relations) <input type="checkbox"/> A6140 Administrative Agency Award (not unpaid taxes) <input type="checkbox"/> A6114 Petition/Certificate for Entry of Judgment on Unpaid Tax <input type="checkbox"/> A6112 Other Enforcement of Judgment Case | 2., 9. 2., 6. 2., 9. 2., 8. 2., 8. 2., 8., 9. |
| RICO (27) | <input type="checkbox"/> A6033 Racketeering (RICO) Case | 1., 2., 8. |
| Other Complaints (Not Specified Above) (42) | <input type="checkbox"/> A6030 Declaratory Relief Only <input type="checkbox"/> A6040 Injunctive Relief Only (not domestic/harassment) <input type="checkbox"/> A6011 Other Commercial Complaint Case (non-tort/non-complex) <input type="checkbox"/> A6000 Other Civil Complaint (non-tort/non-complex) | 1., 2., 8. 2., 8. 1., 2., 8. 1., 2., 8. |
| Partnership Corporation Governance (21) | <input type="checkbox"/> A6113 Partnership and Corporate Governance Case | 2., 8. |
| Other Petitions (Not Specified Above) (43) | <input type="checkbox"/> A6121 Civil Harassment <input type="checkbox"/> A6123 Workplace Harassment <input type="checkbox"/> A6124 Elder/Dependent Adult Abuse Case <input type="checkbox"/> A6190 Election Contest <input type="checkbox"/> A6110 Petition for Change of Name <input type="checkbox"/> A6170 Petition for Relief from Late Claim Law <input type="checkbox"/> A6100 Other Civil Petition | 2., 3., 9. 2., 3., 9. 2., 3., 9. 2. 2., 7. 2., 3., 4., 8. 2., 9. |

Judicial Review

Provisionally Complex Litigation

Enforcement
of JudgmentMiscellaneous
Civil ComplaintsMiscellaneous
Civil Petitions

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Item III. Statement of Location: Enter the address of the accident, party's residence or place of business, performance, or other circumstance indicated in Item II., Step 3 on Page 1, as the proper reason for filing in the court location you selected.

| | | | |
|---|---------------------|---------------------------|---|
| REASON: Check the appropriate boxes for the numbers shown under Column C for the type of action that you have selected for this case. <input type="checkbox"/> 1. <input checked="" type="checkbox"/> 2. <input type="checkbox"/> 3. <input type="checkbox"/> 4. <input type="checkbox"/> 5. <input type="checkbox"/> 6. <input type="checkbox"/> 7. <input type="checkbox"/> 8. <input type="checkbox"/> 9. <input type="checkbox"/> 10. | | | ADDRESS: Other Tort may be filed in Central District. 111 N. Hill Street |
| CITY: Los Angeles | STATE: CA | ZIP CODE: 90012 | |

Item IV. Declaration of Assignment: I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that the above-entitled matter is properly filed for assignment to the Stanley Mosk courthouse in the Central District of the Superior Court of California, County of Los Angeles [Code Civ. Proc., § 292 et seq., and Local Rule 2.0, subds. (b), (c) and (d)].

Dated: February 27, 2013


(SIGNATURE OF ATTORNEY FILING PARTY)

PLEASE HAVE THE FOLLOWING ITEMS COMPLETED AND READY TO BE FILED IN ORDER TO PROPERLY COMMENCE YOUR NEW COURT CASE:

1. Original Complaint or Petition.
2. If filing a Complaint, a completed Summons form for issuance by the Clerk.
3. Civil Case Cover Sheet, Judicial Council form CM-010.
4. Civil Case Cover Sheet Addendum and Statement of Location form, LACIV 109, LASC Approved 03-04 (Rev. 03/11).
5. Payment in full of the filing fee, unless fees have been waived.
6. A signed order appointing the Guardian ad Litem, Judicial Council form CIV-010, if the plaintiff or petitioner is a minor under 18 years of age will be required by Court in order to issue a summons.
7. Additional copies of documents to be conformed by the Clerk. Copies of the cover sheet and this addendum must be served along with the summons and complaint, or other initiating pleading in the case.

03/11/13 10:01 AM