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CLERK U.S. DISTRICT COURT  
CENTRAL DIST. OF CALIF.  
SANTA ANA

BY \_\_\_\_\_

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9 Near Infrared Imaging, Inc., and The Research  
10 Foundation of the City University of New York

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

13 NEAR INFRARED IMAGING, INC., a  
14 Delaware corporation; and THE  
RESEARCH FOUNDATION OF THE  
15 CITY UNIVERSITY OF NEW YORK, a  
New York not-for-profit educational  
16 corporation,

17 Plaintiffs,

18 v.

19 CHRISTIE MEDICAL HOLDINGS, INC.,  
20 a California corporation; and CHRISTIE  
DIGITAL SYSTEMS USA, INC., a  
21 California corporation,

22 Defendants.

Case No. **SACV13-01744 DOC (RNBx)**

**COMPLAINT FOR PATENT  
INFRINGEMENT  
PERMANENT INJUNCTION AND  
DAMAGES**

**DEMAND FOR JURY TRIAL**

24 Plaintiffs Near Infrared Imaging, Inc. ("NII") and The Research Foundation of The  
25 City University of New York ("RF-CUNY") hereby complain and allege against  
26 Defendants Christie Medical Holdings, Inc. ("Christie Medical") and Christie Digital  
27 Systems USA, Inc. ("Christie Digital") (collectively, "Defendants") as follows:  
28

1 **PARTIES**

2 1. Plaintiff NII is a Delaware corporation having its principal office located at  
3 Wrentham, Massachusetts 02093.

4 2. Plaintiff RF-CUNY is a New York not-for-profit educational corporation  
5 having its principal office located at 230 West 41st St., 7th Floor, New York, New York  
6 10036.

7 3. On information and belief, Defendant Christie Medical is a California  
8 corporation with a principal place of business at 10550 Camden Drive, Cypress, CA 90630.

9 4. On information and belief, Defendant Christie Digital is a California  
10 corporation with a principal place of business at 10550 Camden Drive, Cypress, CA 90630.

11 **NATURE OF THE ACTION**

12 5. This is an action for patent infringement arising under the Patent Laws of the  
13 United States 35 U.S.C. §§ 1 *et seq.*, including 35 U.S.C. § 271.

14 6. On information and belief, Defendants have infringed and continue to infringe,  
15 contribute to the infringement of, and/or actively induce others to infringe Plaintiffs' U.S.  
16 Patent No. 5,929,443 ("the '443 patent").

17 **JURISDICTION AND VENUE**

18 7. This Court has subject matter jurisdiction over this action pursuant to 28  
19 U.S.C. §§ 1331 and 1338.

20 8. This Court has personal jurisdiction over Defendants because, on information  
21 and belief, Defendants do and have done substantial business in this judicial District,  
22 including: (i) committing acts of patent infringement and/or contributing to or inducing acts  
23 of patent infringement by others in this judicial District and elsewhere in this State; (ii)  
24 regularly conducting business in this State and judicial District; (iii) directing advertising to  
25 or soliciting business from persons residing in this State and judicial District through at  
26 least in-person sales efforts; and (iv) engaging in other persistent courses of conduct, and/or  
27 deriving substantial revenue from products and/or services provided to persons in this  
28 District and State.

1 9. Venue is proper in this Court pursuant to 28 U.S.C. §§ 1391 and 1400(b).

2 **FACTUAL BACKGROUND**

3 10. Among other things, Plaintiff NII is a manufacturer of medical imaging  
4 technology products, such as the AVV-1 illumination device. The technology underlying  
5 the AVV-1 illumination device was invented at CUNY and assigned to Plaintiff RF-  
6 CUNY.

7 11. Plaintiffs have sought protection for their technological innovations, which has  
8 resulted in several issued patents, including the asserted '443 patent.

9 12. The '443 Patent issued on July 27, 1999, and is titled "Imaging of Objects  
10 Based Upon the Polarization or Depolarization of Light." RF-CUNY is the owner by  
11 assignment of the '443 Patent, and NII the exclusive licensee.

12 13. On information and belief, Defendants develop, market, and/or manufacture  
13 products for the medical industry, including the VeinViewer Vision, the VeinViewer  
14 Vision(XTND), and the VeinViewer Flex, all of which are devices to assist health care  
15 providers with obtaining peripheral vascular access.

16 14. On information and belief, Defendant Christie Medical operates and maintains  
17 a website at [www.christiedigital.com/en-us/medical/](http://www.christiedigital.com/en-us/medical/), where Christie's products are  
18 marketed to consumers worldwide, and where Christie specifically instructs those  
19 customers on how to use those products.

20 15. One of Defendants' products is described and marketed as VeinViewer  
21 Vision. The VeinViewer Vision is an exemplary product that infringes the '443 Patent and  
22 is referred to hereafter as the "VVV." On information and belief, the VeinViewer Vision  
23 (XTND) and the VeinViewer Flex likewise infringe the '443 Patent.

24 **COUNT ONE**

25 **(Infringement of the '443 Patent against All Defendants – 35 U.S.C. §§ 271 *et seq.*)**

26 16. Plaintiff realleges and incorporates by reference the foregoing paragraphs, as  
27 though fully set forth herein.

1           17. On information and belief, Defendants have had actual knowledge of the ‘443  
2 Patent. Defendants acquired the rights to the infringing VeinViewer technology through  
3 their purchase of Luminetx, Inc. Luminetx was a company founded by Herbert D. Zeman, a  
4 developer of the original VeinViewer, and a named inventor on patents describing  
5 technology closely related to the technology that is described and claimed in the asserted  
6 ‘443 patent.

7           18. At least Dr. Zeman is aware, or should have been aware, of the ‘443 Patent  
8 and the intellectual property rights reflected therein. One reason for this is that Dr. Zeman  
9 worked and lectured in a relatively small scientific community together with the inventors  
10 of the ‘443 Patent. Researchers in these areas were generally aware of one another’s work,  
11 and – on information and belief – Dr. Zeman was well aware of the work of the inventors  
12 of the ‘443 patent, including being well aware of the ‘443 patent itself. For similar reasons,  
13 Defendants are likewise well aware of the work of the inventors of the ‘443 patent,  
14 including being well aware of the ‘443 patent itself.

15           19. Further confirming Christie’s awareness of the ‘443 patent is that NII emailed  
16 Defendants in January 2013 to explicitly inform them of their infringement. Defendants  
17 have thus had actual knowledge and/or constructive notice of the ‘443 patent since at least  
18 January, 2013 and – on information and belief – well prior to this date.

19           20. Despite having full knowledge of the ‘443 patent, Defendants have directly  
20 infringed and continue to directly infringe one or more claims of the ‘443 Patent by  
21 developing, making, using, offering to sell, selling and/or importing, in this District,  
22 elsewhere in the United States, and internationally, at least the VVV and other similar  
23 products that infringe the ‘443 patent. On information and belief, these other similar  
24 infringing products include the VeinViewer Vision (XTND) and the VeinViewer Flex.

25           21. In particular, Defendants have directly infringed the ‘443 patent by using the  
26 VVV to perform the following steps: (a) illuminating with light either the surface of a  
27 turbid medium (such as human tissue) or an object (such as a blood vessel) within or  
28 behind the turbid medium, whereby light is backscattered from the illuminated surface or

1 object; (b) detecting and separating with the VVV a pair of complementary polarization  
2 image components of the backscattered light; and (c) forming an image of the illuminated  
3 surface or object using the separated complementary polarization image components.

4 22. Defendants have contributed to the infringement of and continue to  
5 contributorily infringe one or more claims of the '443 Patent by developing, making, using,  
6 offering to sell, selling and/or importing, in this District, elsewhere in the United States,  
7 and internationally the VVV. In particular, Defendants developed, made, used, offered to  
8 sell, sold and/or imported, the VVV with full knowledge of the '443 patent and its  
9 applicability to the VVV.

10 23. In addition, the VVV is not a staple article of commerce and has no substantial  
11 non-infringing use. In particular, on information and belief, Defendants' customers use the  
12 VVV solely in a manner that infringes the '443 patent, which includes the steps of using the  
13 VVV to (a) illuminate with light either the surface of a turbid medium (such as human  
14 tissue) or an object (such as a blood vessel) within or behind the turbid medium, whereby  
15 light is backscattered from the illuminated surface or object; (b) detecting and separating  
16 with the VVV a pair of complementary polarization image components of the backscattered  
17 light; and (c) forming an image of the illuminated surface or object using the separated  
18 complementary polarization image components. Using the VVV in this infringing manner  
19 is the only substantial use for the VVV.

20 24. Defendants have induced infringement of and continue to induce infringement  
21 of one or more claims of the '443 Patent by developing, making, using, offering to sell,  
22 selling and/or importing, in this District and elsewhere in the United States, the VVV.  
23 Among other things, Defendants have – with full knowledge of the '443 patent and its  
24 applicability to the VVV – specifically designed the AAPS to be used in a manner that  
25 infringes the '443 patent and has specifically instructed their customers to use the VVV in  
26 this manner. In particular, Defendants have specifically instructed its customers to use the  
27 VVV to perform the following steps: (a) illuminating with light either the surface of a  
28 turbid medium (such as human tissue) or an object (such as a blood vessel) within or

1 behind the turbid medium, whereby light is backscattered from the illuminated surface or  
2 object; (b) detecting and separating with the VVV a pair of complementary polarization  
3 image components of the backscattered light; and (c) forming an image of the illuminated  
4 surface or object using the separated complementary polarization image components. Such  
5 use directly infringes one or more claims of the '443 patent.

6 25. One example of Defendants instructing their customers to use the VVV in a  
7 manner that infringes the '443 patent can be found at: [http://www.christiedigital.com/en-](http://www.christiedigital.com/en-us/medical/education/product-videos/Pages/VeinViewer-Vision.aspx)  
8 [us/medical/education/product-videos/Pages/VeinViewer-Vision.aspx](http://www.christiedigital.com/en-us/medical/education/product-videos/Pages/VeinViewer-Vision.aspx).

9 26. Defendants' actions constitute direct infringement, contributory infringement,  
10 and/or active inducement of infringement of one or more claims of the '443 Patent in  
11 violation of 35 U.S.C. § 271.

12 27. NII and RF-CUNY have sustained damages and will continue to sustain  
13 damages as a result of Defendants' aforesaid acts of infringement.

14 28. NII and RF-CUNY are entitled to recover damages sustained as a result of  
15 Defendants' wrongful acts in an amount to be proven at trial.

16 29. Defendants' infringement of NII's rights under the '443 Patent will continue  
17 to damage NII and RF-CUNY's business, causing irreparable harm, for which there is no  
18 adequate remedy at law, unless it is enjoined by this Court.

19 30. In addition, Defendants have infringed the '443 patent – directly,  
20 contributorily, and by inducement – with full knowledge of the '443 patent and despite  
21 being notified that their actions constituted infringement of that patent. For at least this  
22 reason, Defendants have willfully infringed the '443 Patent, entitling NII and RF-CUNY to  
23 increased damages under 35 U.S.C. § 284 and to attorney fees and costs incurred in  
24 prosecuting this action under 35 U.S.C. § 285.

25 **PRAYER FOR RELIEF**

26 WHEREFORE, Plaintiffs NII and RF-CUNY ask this Court to enter judgment in  
27 their favor and against Defendants Christie Medical Holdings, Inc. and Christie Digital  
28 Systems USA, Inc. and grant the following relief:

1 A. An adjudication that Defendants Christie Medical Holdings, Inc. and Christie  
2 Digital Systems USA, Inc. have willfully infringed and continue to infringe the '443 patent.

3 B. Orders of this Court temporarily, preliminarily, and permanently enjoining  
4 Defendants Christie Medical Holdings, Inc. and Christie Digital Systems USA, Inc., their  
5 agents, servants, and any and all parties acting in concert with any of them, from directly or  
6 indirectly infringing in any manner any of the claims of the '443 patent pursuant to at least  
7 35 U.S.C. § 283;

8 C. An award of damages adequate to compensate NII and RF-CUNY for  
9 Defendants Christie Medical Holdings, Inc.'s and Christie Digital Systems USA, Inc.'s  
10 infringement of the '443 patent in an amount to be proven at trial;

11 D. A finding that this is an exceptional case and an award of Plaintiffs' costs and  
12 attorney fees;

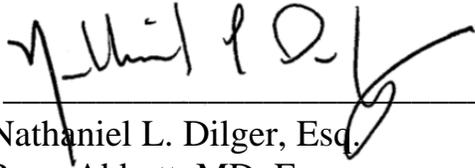
13 E. A trebling of the damage award to Plaintiffs;

14 F. An assessment and award of pre- and post-judgment interest on all damages  
15 awarded; and

16 I. Any further relief that this Court deems just and proper.  
17

18 Dated: November 5, 2013

**ONE LLP**

19  
20 By: 

Nathaniel L. Dilger, Esq.

Ryan Abbott, MD, Esq.

Joseph K. Liu

21  
22 Attorneys for Plaintiffs, Near Infrared Imaging,  
23 Inc., and The Research Foundation of the City  
24 College of New York  
25  
26  
27  
28

1 **DEMAND FOR JURY TRIAL**

2 Plaintiff hereby demands a trial by jury as to all claims and all issues properly triable  
3 thereby.

4  
5 Dated: November 5, 2013

**ONE LLP**

6  
7 By: \_\_\_\_\_

Nathaniel L. Dilger, Esq.

Ryan Abbott, MD, Esq.

Joseph K. Liu

8  
9  
10 Attorneys for Plaintiffs, Near Infrared Imaging,  
11 Inc., and The Research Foundation of the City  
12 College of New York  
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UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

NOTICE OF ASSIGNMENT TO UNITED STATES JUDGES

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

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

SACV13-01744 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.

Clerk, U. S. District Court

November 5, 2013

Date

By Maria Barr  
Deputy Clerk

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NOTICE TO COUNSEL

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

**Subsequent documents must be filed at the following location:**

Western Division  
312 N. Spring Street, G-8  
Los Angeles, CA 90012

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

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

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

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

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

**DEFENDANTS** ( Check box if you are representing yourself  )

NEAR INFRARED IMAGING, INC., a Delaware corporation; and THE RESEARCH FOUNDATION OF THE CITY UNIVERSITY OF NEW YORK, a New York not-for-profit educational corporation

CHRISTIE MEDICAL HOLDINGS, INC., a California corporation; and CHRISTIE DIGITAL SYSTEMS USA, INC., a California corporation

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

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

ONE LLP  
4000 MacArthur Blvd., West Tower, Ste. 1100  
Newport Beach, CA 92660  
(949) 502-2870

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

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

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

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

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

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

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

**CLASS ACTION** under F.R.Cv.P. 23:  Yes  No **MONEY DEMANDED IN COMPLAINT:** \$ To be determined

**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.)  
Patent Infringement under the Patent Laws of the United States, 35 U.S.C. §§ 1, et seq.

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

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

**FOR OFFICE USE ONLY:**

Case Number:

**SACV13-01744 DOC (RNBx)**

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

**VIII. VENUE:** Your answers to the questions below will determine the division of the Court to which this case will most likely 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," go to Question B. If "yes," check the box to the right that applies, enter the corresponding division in response to Question D, below, and skip to Section IX.	STATE CASE WAS PENDING IN THE COUNTY OF:		INITIAL DIVISION IN CACD IS:
	<input type="checkbox"/> Los Angeles		Western
	<input type="checkbox"/> 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 party to this action?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No  If "no," go to Question C. If "yes," check the box to the right that applies, enter the corresponding division in response to Question D, below, and skip to Section IX.	If the United States, or one of its agencies or employees, is a party, is it:		INITIAL DIVISION IN CACD IS:
	A PLAINTIFF?	A DEFENDANT?	
	Then check the box below for the county in which the majority of DEFENDANTS reside.	Then check the box below for the county in which the majority of PLAINTIFFS reside.	
	<input type="checkbox"/> Los Angeles	<input type="checkbox"/> Los Angeles	Western
	<input type="checkbox"/> Ventura, Santa Barbara, or San Luis Obispo	<input type="checkbox"/> Ventura, Santa Barbara, or San Luis Obispo	Western
	<input type="checkbox"/> Orange	<input type="checkbox"/> Orange	Southern
	<input type="checkbox"/> Riverside or San Bernardino	<input type="checkbox"/> Riverside or San Bernardino	Eastern
<input type="checkbox"/> Other	<input type="checkbox"/> Other	Western	

Question C: Location of plaintiffs, defendants, and claims?	A. Los Angeles County	B. Ventura, Santa Barbara, or San Luis Obispo Counties	C. Orange County	D. Riverside or San Bernardino Counties	E. Outside the Central District of California	F. Other
Indicate the location in which a majority of plaintiffs reside:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Indicate the location in which a majority of defendants reside:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Indicate the location in which a majority of claims arose:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

<b>C.1. Is either of the following true? If so, check the one that applies:</b> <input checked="" type="checkbox"/> 2 or more answers in Column C <input type="checkbox"/> only 1 answer in Column C and no answers in Column D  Your case will initially be assigned to the SOUTHERN DIVISION. Enter "Southern" in response to Question D, below.  If none applies, answer question C2 to the right. →	<b>C.2. Is either of the following true? If so, check the one that applies:</b> <input type="checkbox"/> 2 or more answers in Column D <input type="checkbox"/> only 1 answer in Column D and no answers in Column C  Your case will initially be assigned to the EASTERN DIVISION. Enter "Eastern" in response to Question D, below.  If none applies, go to the box below. ↓
Your case will initially be assigned to the WESTERN DIVISION. Enter "Western" in response to Question D below.	

<b>Question D: Initial Division?</b>	INITIAL DIVISION IN CACD
Enter the initial division determined by Question A, B, or C above: →	SOUTHERN DIVISION

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

**CIVIL COVER SHEET**

**IX(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): \_\_\_\_\_

**IX(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.

**X. SIGNATURE OF ATTORNEY  
(OR SELF-REPRESENTED LITIGANT):**

  
Nathaniel L. Dilger

DATE: November 5, 2013

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

Key to Statistical codes relating to Social Security Cases:

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