

ESTTA Tracking number: **ESTTA587319**

Filing date: **02/13/2014**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

| | |
|------------------------|---|
| Proceeding | 92058459 |
| Party | Defendant Mass Appeal Media, Inc. |
| Correspondence Address | MICHAEL P MARTIN FISCHBACH PERLSTEIN LIEBERMAN & ALMOND 1925 CENTURY PARK EAST , SUITE 2050 LOS ANGELES, CA 90067 UNITED STATES mmartin@fpllaw.com |
| Submission | Motion to Suspend for Civil Action |
| Filer's Name | Michael P. Martin |
| Filer's e-mail | mmartin@fpllaw.com |
| Signature | /Michael P. Martin/ |
| Date | 02/13/2014 |
| Attachments | Notice_Submission_Motion To Suspend.pdf(101117 bytes) Complaint.Summons.pdf(974957 bytes) |

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of Trademark Application

Registrant: Mass Appeal Media, Inc.
Reg. No.: 2925206
Mark: MASS APPEAL
Registration Date: January 15, 2004
International Class: 16

DAVINA DOUTHARD, INC., a California
Corporation,

Petitioner,

v.

MASS APPEAL MEDIA, INC., a Delaware
Corporation,

Registrant.

Opposition No.: 92058459

**NOTICE OF SUBMISSION OF COPY OF COMPLAINT IN SUPPORT OF MOTION
TO STAY PROCEEDINGS BASED UPON PENDING LITIGATION PROCEEDINGS
BETWEEN THE PARTIES IN UNITED STATES DISTRICT COURT**

Submitted herewith is a copy of the Complaint in which the Parties to this Proceeding are also parties to a case before the United States District Court, Central District of California entitled *Mass Appeal Media, Inc. v. Davina Douthard, Inc.*, Case No. CV 13-03258 DDP.

Respectfully submitted,

FISCHBACH PERLSTEIN LIEBERMAN & ALMOND

Dated: February 13, 2014

By: /Michael P. Martin/
Michael P. Martin
1925 Century Park East, Suite 2050
Los Angeles, California 90067
Telephone: (310) 556-1956
Facsimile: (310) 556-4619
Attorneys for Petitioner Strange Music, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on the 13th day of February, 2014, I served a true and correct copy of the above and foregoing NOTICE OF SUBMISSION OF COPY OF COMPLAINT IN SUPPORT OF MOTION TO STAY PROCEEDINGS BASED UPON PENDING LITIGATION PROCEEDINGS BETWEEN THE PARTIES IN UNITED STATES DISTRICT COURT on:

LaShawn Thomas, Esq.
Miami Entertainment Law Group
16430 NW 59th Avenue, Suite 201
Miami, FL 33014

Attorneys for Registrant, by depositing a copy thereof in the United States Mail, first class, postage prepaid.

/Michael P. Martin/
Michael P. Martin

FISCHBACH PERLSTEIN LIEBERMAN & ALMOND, LLP
1925 Century Park East, Suite 2050
Los Angeles, CA 90067

FILED

MICHAEL P. MARTIN [SBN 190213]
FISCHBACH, PERLSTEIN, LIEBERMAN &
ALMOND, LLP
1925Century Park East, Suite 2050
Los Angeles, California 90067-2746
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Facsimile: (310) 556-4617
Email: mmartin@fpllaw.com

2013 MAY -7 PM 2:33

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

BY _____

Attorneys for Plaintiff

IN THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA

Case No. **CV 13-03258** -DDP
COMPLAINT FOR TRADEMARK
INFRINGEMENT; FEDERAL UNFAIR
COMPETITION; STATE UNFAIR
COMPETITION
CAGP

MASS APPEAL MEDIA, INC., a Delaware
corporation,

Plaintiff,

v.

DAVINA DOUTHARD, INC., a California
Corporation, and DOES 1-10.

Defendants.

Plaintiff MASS APPEAL MEDIA, INC. (hereinafter referred to as
"Plaintiff") complains and alleges as follows:

JURISDICTION AND VENUE

1. This action arises under the Lanham Act, as amended (15 U.S.C. §§
1114, 1116, 1117, 1125(a), and 1125(c)); California Business & Professions Code

1 §§ 14320, 14330, 17200, *et seq.*, and 17500; and California common law.

2 Jurisdiction is proper under 15 U.S.C. § 1121 and 28 U.S.C. §§ 1331, 1338(a) and
3 1338(b). Jurisdiction is also proper pursuant to this Court's supplemental
4 jurisdiction as provided in 28 U.S.C. § 1367 in that the state law claims alleged
5 herein are so related to the federal claims that they form part of the same case or
6 controversy under Article III of the United States Constitution.
7
8

9 2. Venue is proper in this Judicial District under 28 U.S.C. §§ 1391(b)
10 and 1391(c) in that Defendants transact business in this Judicial District and a
11 substantial part of the events or omissions giving rise to the claims herein occurred
12 within this Judicial District.
13

14 THE PARTIES

15
16 3. Plaintiff MASS APPEAL MEDIA, INC. ("Plaintiff") is a Delaware
17 corporation, having its principal place of business located at 84 Wooster Street,
18 #504, New York, NY 10012. Plaintiff is the exclusive owner of the trademarks
19 which form the basis of this action.
20

21 4. a. Plaintiff is informed and believes, and on such basis alleges, that
22 Defendant DAVINA DOUTHARD, INC. (hereinafter individually "Defendant") is
23 a California Corporation, having a principal place of business at 1601 North
24 Sepulveda #527 Manhattan Beach California 90266, and is conducting business in
25 California, including this Judicial District and is likewise conducting specific
26 business complained of in this complaint in California, in this Judicial District.
27
28

1 7. By virtue of its efforts, and the expenditures of considerable sums for
2 promotional activities as well as the excellence of the quality of its products and
3 services, Plaintiff has gained a valuable reputation through its above-identified
4 MASS APPEAL marks.
5

6 8. In addition to the longstanding use and goodwill mentioned above,
7 Plaintiff, through its predecessor in interest, registered its MASS APPEAL mark at
8 the United States Federal level, resulting in Registration No. 2925206. Adrian
9 Moeller assigned all title, rights, interest and goodwill associated therewith in the
10 MASS APPEAL trademark that he began use in 1996, over to Plaintiff. Plaintiff
11 has also filed several United States Trademark Applications for MASS APPEAL.
12 Presently, Plaintiff is the owner of the following U.S. trademark applications,
13 among others: No. 85674621 for the mark MASS APPEAL; and No. 85743827 for
14 the mark MASS APPEAL.
15
16
17

18 9. Plaintiff's above referenced trademarks are hereinafter collectively
19 referred to as "the MASS APPEAL Marks."
20

21 10. Plaintiff has been using said marks since at least August, 1996 and has
22 been using said marks in interstate commerce since at least August, 1996.
23

24 11. In addition, as a result of Plaintiff's efforts through advertising,
25 promotions, sales, and customer service, as well as favorable recommendations by
26 Plaintiff's customers, Plaintiff's MASS APPEAL products and services have
27 achieved enormous popularity among the public. As a result of these efforts and
28

1 Plaintiff's continuous use of the MASS APPEAL Marks, the MASS APPEAL
2 Marks have acquired substantial goodwill and secondary meaning for a long period
3 of time, serving as an indicator of Plaintiff as the source of origin of its products
4 and services.
5

6 12. By virtue of the MASS APPEAL Marks' inherent distinctiveness and
7 acquired secondary meaning; the long duration and usage by Plaintiff of the MASS
8 APPEAL Marks; Plaintiff's extensive advertising and publicity of the MASS
9 APPEAL Marks; and the extremely high degree of recognition of the mark in the
10 trading areas and channels of trade used by Plaintiff; the MASS APPEAL Marks,
11 and each of them, are famous under 15 U.S.C. § 1125(c)(1) of the Federal
12 Trademark Dilution Act of 1995.
13
14

15
16 **Defendants' Unlawful Conduct: Trademark Infringement,**

17 **Unfair Competition and Trademark Dilution**

18 13. Plaintiff is informed and believes, and on such basis alleges, that
19 Defendant has marketed and sold online publications and sent out emails using the
20 name "MASS APPEAL" and unlawfully and fraudulently obtained its own U.S.
21 Trademark Registration for MASS APPEAL in its own name.
22
23

24 14. Plaintiff is informed and believes, and on such basis alleges, that
25 Defendant has advertised its services using the MASS APPEAL mark on the
26 Internet, where consumers confuse its services with Plaintiff's services sold right
27 alongside one another and in search results.
28

1 21. Plaintiff realleges the allegations in paragraphs 1 through 19 of this
2 Complaint as though fully set forth herein.

3
4 22. As alleged previously, Plaintiff is the owner of the MASS APPEAL
5 Marks, which trademarks have acquired substantial goodwill and secondary
6 meaning.

7
8 23. As also alleged above, Defendants have used marks confusingly
9 similar to the MASS APPEAL Marks in connection with an online website and
10 email blasts, without permission or authority from Plaintiff.

11
12 24. Defendants have not obtained from Plaintiff any license or other
13 permission to use any of the MASS APPEAL Marks or marks confusingly similar
14 thereto for any purpose whatsoever.

15
16 25. Defendants' unauthorized use and registration of marks confusingly
17 similar to the MASS APPEAL Marks, constitutes a false designation of origin and
18 false or misleading representation of fact, which is likely to cause confusion,
19 mistake, or to deceive customers and potential customers as to the source, origin,
20 sponsorship and affiliation of the services offered by Defendants.

21
22 26. Defendants' above-mentioned use and registration of the MASS
23 APPEAL Marks, and marks confusingly similar thereto constitute violations of
24 Section 43(a) of the Lanham Act (15 U.S.C. § 1125(a)).

25
26 27. Defendants have unlawfully and wrongfully derived, and will continue
27 to unlawfully and wrongfully derive, income and profits from these acts of false
28

1 designation of origin and false representation, and Plaintiff has sustained, and will
2 continue to sustain, substantial injury, loss and damage in an amount to be proven
3 at trial.
4

5 28. Defendants' activities have caused Plaintiff irreparable injury and
6 unless Defendants' acts are immediately and permanently enjoined, Plaintiff will
7 continue to suffer irreparable harm and injury.
8

9 29. Plaintiff has no adequate remedy at law.

10 SECOND CLAIM FOR RELIEF

11 (California Trademark Infringement)
12

13 30. This claim for relief arises under California Business & Professions
14 Code § 14320 and California common law and is alleged against all Defendants.
15

16 31. Plaintiff realleges the allegations in paragraphs 21 through 29 of this
17 Complaint as though fully set forth herein.

18 32. Plaintiff is the owner of common law trademarks, including the MASS
19 APPEAL Marks set forth above. These trademarks are inherently distinctive and
20 have, in addition, acquired substantial goodwill and secondary meaning.
21

22 33. Defendants' unauthorized use of marks confusingly similar to the
23 MASS APPEAL Marks is likely to confuse the public as to the source, origin,
24 sponsorship and affiliation of the goods sold by Defendants.
25

26 34. Defendants have infringed upon Plaintiff's rights by using and
27 registering marks confusingly similar to the MASS APPEAL Marks in connection
28

1 with their services well after Plaintiff had used the MASS APPEAL Marks.

2 35. By reason of this unauthorized use of marks confusingly similar to the
3 Plaintiff's Marks, Defendants have unlawfully and wrongfully derived, and will
4 continue to unlawfully and wrongfully derive, income and profits from these
5 infringing acts, and Plaintiff has sustained, and will continue to sustain, substantial
6 injury, loss and damage in an amount according to proof.
7

8
9 36. Plaintiff is informed and believes, and on such basis alleges, unless
10 restrained and enjoined by this Court, Defendants will continue to infringe
11 Plaintiff's trademark rights and cause confusion, deception and mistake among the
12 trade and the consuming public as to the source of the goods sold by Defendants.
13

14 37. Defendants' activities have caused Plaintiff irreparable injury and
15 unless Defendants' acts are immediately and permanently enjoined, Plaintiff will
16 continue to suffer irreparable harm and injury.
17

18 38. Plaintiff has no adequate remedy at law.
19

20 THIRD CLAIM FOR RELIEF

21 (California Unfair Competition)

22 39. This claim for relief arises under the California Business &
23 Professions Code §§17200, *et seq.* and 17500 and is alleged against all Defendants.
24

25 40. Plaintiff realleges the allegations in paragraphs 31 through 38 of this
26 Complaint as though fully set forth herein.
27

28 41. Defendants' conduct is unfair and deceptive behavior pursued in the

1 course of their businesses in that their actions were likely to deceive present and
2 potential customers of Defendants and of Plaintiff.

3
4 42. Defendants have willfully decided to unfairly compete with Plaintiff
5 by misappropriating Plaintiff's proprietary Marks by unlawfully using marks
6 confusingly similar to Plaintiff's proprietary marks in an attempt to trade on
7 Plaintiff's goodwill and confuse consumers as to the source, origin, sponsorship
8 and affiliation of the goods sold by Defendants.

9
10 43. Defendants have unlawfully derived income and profits from their
11 activities and will continue to so derive income and profits from their acts of unfair
12 competition, and Plaintiff has sustained, and will continue to sustain, substantial
13 injury, loss and damage in an amount according to proof.

14
15 44. Defendants' activities have caused Plaintiff irreparable injury and
16 unless Defendants' acts are immediately and permanently enjoined, Plaintiff will
17 continue to suffer irreparable harm and injury.

18
19 45. Plaintiff has no adequate remedy at law.

20
21 WHEREFORE, Plaintiff prays for judgment against Defendants as follows:

22
23 1. That the Court issue a preliminary injunction restraining, enjoining and
24 prohibiting Defendants, and their officers, agents, employees and attorneys, and any
25 person in active concert or participation with them or who are acting under their
26 direction, and each of them, from the following:

27
28 (a) infringing the MASS APPEAL Marks and damaging Plaintiff's

1 goodwill, reputation and business related thereto,

2 (b) using the MASS APPEAL Marks in any manner, and from causing,
3 contributing to or participating in, the unauthorized display and/or distribution of
4 the MASS APPEAL Marks to the public in connection with any service or product,

5 (c) engaging in conduct which tends falsely to represent or is likely to
6 confuse, mislead or deceive members of the public,
7

8 (d) Otherwise unfairly competing with Plaintiff in any manner, and

9 (e) Continuing to perform in any manner whatsoever any of the other acts
10 complained of in this Complaint;
11

12 2. That this Court issue a permanent injunction, prohibiting Defendants
13 from directly or indirectly diluting or infringing the MASS APPEAL Marks, and in
14 any manner unfairly competing with Plaintiff; and from inducing, or contributing to
15 or participating in any such acts referred to in paragraph 1 of this prayer;
16

17 3. That the Court award Plaintiff its damages from Defendants including
18 recovery of any compensatory damages sustained by Plaintiff as a result of
19 Defendants' diluting, infringing and/or tortuous activities described herein;
20

21 4. That the Court order Defendants to account for all gains, profits and
22 advances derived by Defendants from the acts complained of, together with
23 appropriate interest thereon;
24

25 5. That the Court further award Plaintiff an increase in damages in an
26 amount found or assessed as a result of willful acts of trademark dilution, trademark
27
28

1 infringement, and unfair competition under 15 U.S.C. § 1117;

2 6. That Defendants pay Plaintiff's costs and disbursements in this action,
3
4 together with reasonable attorneys' fees;

5 7. That Plaintiff be awarded punitive damages; and

6 8. That Plaintiff have such other and further relief as the Court may deem
7
8 just and proper.

9 DATED: May 6, 2012

**FISCHBACH, PERLSTEIN,
LIEBERMAN & ALMOND, LLP**

11
12
13 By: 

14 **Michael P. Martin**
15 Attorneys for Plaintiff, Amcor
16 Industries, Inc.
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**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 Dean D. Pregerson and the assigned discovery Magistrate Judge is Alicia G. Rosenberg.

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

CV13- 3258 DDP (AGR~~x~~)

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.

Name & Address:
Michael P. Martin
Law Offices of Michael P. Martin
1925 Century Park East, Suite 2050
Los Angeles CA 90067
310 556-1956 / mmartin@fppllaw.com

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

MASS APPEAL MEDIA, INC., a Delaware
corporation

PLAINTIFF(S)

v.

DAVINA DOUTHARD, INC., a California
Corporation and DOES 1-10,

DEFENDANT(S).

CASE NUMBER

CV13-03258 - DDP (AGRx)

SUMMONS

TO: DEFENDANT(S): DAVINA DOUTHARD, INC.

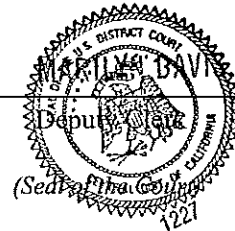
A lawsuit has been filed against you.

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, Michael P. Martin, whose address is 1925 Century Park East, Suite 2050, Los Angeles, CA 90067. 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

Dated: MAY - 7 2013

By: _____



[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"/> MASS APPEAL MEDIA, INC., a Delaware corporation | DEFENDANTS DAVINA DOUTHARD, INC., a California Corporation and DOES 1-10 |
| (b) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.) Law Offices of Michael P. Martin 1925 Century Park East, Suite 2050 Los Angeles CA 90067 (Tel: 310 556-1956) | 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%;"></td> <td style="width:10%; text-align: center;">PTF</td> <td style="width:10%; text-align: center;">DEF</td> <td style="width:40%;"></td> <td style="width:10%; text-align: center;">PTF</td> <td style="width:10%; text-align: center;">DEF</td> </tr> <tr> <td>Citizen of This State</td> <td align="center"><input type="checkbox"/> 1</td> <td align="center"><input type="checkbox"/> 1</td> <td>Incorporated or Principal Place of Business in this State</td> <td align="center"><input type="checkbox"/> 4</td> <td align="center"><input type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td align="center"><input type="checkbox"/> 2</td> <td align="center"><input type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business in Another State</td> <td align="center"><input type="checkbox"/> 5</td> <td align="center"><input type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td align="center"><input type="checkbox"/> 3</td> <td align="center"><input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td align="center"><input type="checkbox"/> 6</td> <td align="center"><input type="checkbox"/> 6</td> </tr> </table> | | PTF | DEF | | PTF | DEF | 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 |
| | PTF | DEF | | PTF | DEF | | | | | | | | | | | | | | | | | | | | |
| 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
 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.)

Federal Trademark Infringement (15 U.S.C. S 1114); Federal Unfair Competition (15 U.S.C. S 1125(a)); Federal Trademark Dilution (15 U.S.C. S1125(c))

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 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 General Habeas Corpus <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 checked="" type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) (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 |
|---|--|--|---|--|--|

CV 13-03258

FOR OFFICE USE ONLY: Case Number: _____

AFTER COMPLETING THE FRONT SIDE OF FORM CV-71, COMPLETE THE INFORMATION REQUESTED BELOW.

**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 |
| Mass Appeal Media, Inc., NEW YORK | New York |

(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 |
| Davina Douthard, Inc. | Los Angeles |

(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 |
| Los Angeles, California | |

* 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): _____ Date 5-6-13

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)) |