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10 Attorneys for Plaintiffs,  
11 **MACCRAIG WARREN and MILES WARREN**

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

FILED  
2013 APR 10 PM 3:48  
CLERK U.S. DISTRICT COURT  
CENTRAL DISTRICT OF CALIF.  
LOS ANGELES  
BY MMW

14 MACCRAIG WARREN, an  
15 individual African-American male,  
16 MILES WARREN, an individual  
17 African-American male,  
18 Plaintiffs,  
19 vs.  
20 US AIRWAYS, INC., a Delaware  
21 Corporation; and DOES 1 through 10,  
22 Defendants.

CASE NO. **CV 13-02549** JEM

**COMPLAINT FOR DAMAGES:**

1. **RACE DISCRIMINATION IN VIOLATION OF 42 U.S.C. § 2000a, et seq.**
2. **TITLE VI OF THE CIVIL RIGHTS ACTS OF 1964 (42 U.S.C. § 2000d) DISCRIMINATION BY RECIPIENT OF FEDERAL FUNDING**
3. **VIOLATION OF 42 U.S.C. § 1981 - DISCRIMINATION IN THE MAKING AND ENFORCEMENT OF CONTRACTS**
4. **RACE DISCRIMINATION IN VIOLATION OF CALIFORNIA CIVIL CODE § 51**
5. **INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**
6. **NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS**

**DEMAND FOR JURY TRIAL**

1 Plaintiffs MacCraig Warren and Miles Warren (collectively Plaintiffs), by and  
2 through their attorneys, Ivie, McNeill & Wyatt, files this Complaint against Defendant US  
3 Airways, Inc. and states as follows:  
4

### 5 **VENUE AND JURISDICTION**

6 This Court has jurisdiction over this action pursuant to 28 U.S.C. §§ 1331, 1343 and  
7 1367. This court also has diversity jurisdiction pursuant to 28 U.S.C. § 1332 because  
8 diversity is complete between Plaintiffs and Defendant. The Court also has jurisdiction  
9 because Plaintiffs have brought claims under federal statutes and Title VI of the Civil Rights  
10 Act of 1964.

11 Venue is proper because the Plaintiffs purchased the tickets (which is a contract) in  
12 California. Venue is also proper because the Plaintiffs reside in California and Plaintiffs  
13 were on their way back to California when the acts described herein occurred.  
14

### 15 **PARTIES**

- 16 1. Mack Warren (hereinafter referred to as “Mac”), is a citizen of the United States.  
17 Mack is by race and appearance an African-American male. Mack is an adult person  
18 and a resident of Compton, County of Los Angeles, State of California.
- 19 2. Miles Warren (hereinafter referred to as “Miles”), is a citizen of the United States.  
20 Miles is by race and appearance an African-American male. Miles is an adult person  
21 and a resident of Long Beach, County of Los Angeles, State of California.
- 22 3. At all times mentioned herein, Defendant US Airways, Inc. (hereinafter referred to  
23 as “US Airways”), was and now is a corporation duly organized and existing under  
24 and by virtue of the laws of the State of Delaware.
- 25 4. Defendant US Airways and its subsidiary US Airways Group have received millions  
26 of dollars in federal financial assistance pursuant to the Air Transportation Safety and  
27 System Stabilization Act. US Airways is therefore required to abide by the terms of  
28

1 Title VI of the Civil Rights Act of 1964, 42 U.S.C. section 2000d, and its  
2 implementing regulation.

3 5. At all times mentioned herein, Defendants Does 1 through 10 were and now are duly  
4 appointed officers and employees of US Airways.

5 6. Defendant is an entity subject to suit under the laws of the United States and  
6 California in that it is a business establishment that denied equal and full-  
7 accommodation to Plaintiffs on the basis of their race.

8 7. In doing the acts and in failing and omitting to act as hereafter described, Defendants  
9 Does 1-10 were acting in their capacities as employees of Defendant US Airways and  
10 within the course and scope of such employment.

11 8. In doing the acts and in failing and omitting to act as hereafter described, Defendants,  
12 and each of them were acting with the implied and actual permission and consent of  
13 US Airways.

14 9. The true names and capacities of Defendants Does 1 through 10, inclusive, are  
15 unknown to Plaintiffs at this time, and Plaintiff therefore sues Defendants under  
16 fictitious names. Plaintiff is informed and believes, and on that basis alleges, that  
17 each Defendant designated as a Doe is highly responsible in some manner for the  
18 events and happenings referred to herein, and legally caused the injuries and damages  
19 alleged in this Complaint. Plaintiffs will seek leave of the Court to amend this  
20 Complaint to allege their true names and capacities when ascertained.

21 10. Plaintiffs are informed and believes and thereon alleges that at all times herein  
22 mentioned each of the Defendants was the agent and employees of the remaining  
23 Defendants and, in doing the things hereinafter alleged, was acting within the course  
24 and scope of such agency and employment.

25 ///

26 ///

27 ///

28 ///

## STATEMENT OF FACTS

11. Plaintiffs are by race and physical appearance, African-American males.
12. On August 19, 2012, Plaintiffs were leaving Denver, Colorado to head to their final destination, Los Angeles, California with a layover in Phoenix, Arizona.
13. Plaintiffs both had first class tickets on the flight to Phoenix, Arizona from Denver, Colorado, US Flight 602.
14. Prior to boarding, Doe employee at the ticket counter informed Plaintiffs that if they wanted to sit in first class, they had to change their clothes.
15. Doe employee informed Plaintiffs that it was US Airways policy that everyone in first class is required to wear slacks, button up shirts and no baseball caps. Doe employee demanded Plaintiffs to change from jeans into slacks, a button up short and told Plaintiffs to remove their baseball caps.
16. Mac changed his outfit near the ticket counter.
17. Miles went to the restroom to change his clothes so that he could board the plane. While in the bathroom, a passenger on the same flight, Michael Heffernan (hereinafter "Heffernan") informed Miles that he was worried that he would not be able to catch the flight because he was in first class as well and had on jeans and a hooded sweatshirt.
18. Heffernan is a Caucasian adult male.
19. After Miles changed clothes, Miles approached the ticket counter again and Doe employee demanded that Miles change clothes, again, if he wanted sit in first class.
20. Plaintiffs and Heffernan had the same ticket for first class for US Flight 602.
21. After Plaintiffs boarded US Flight 602, Miles saw Heffernan. Miles informed his brother Mac was he just spoke with Heffernan in the bathroom when he was changing clothes. Much to Plaintiffs' amazement, Heffernan was sitting in first class wearing jeans and a hooded sweatshirt, not the "required" slacks and button up shirt.
22. Heffernan was traveling with his friend Edward DeLeon, (hereinafter "DeLeon").

- 1 23. DeLeon was also in first class with the same ticket as Plaintiffs. DeLeon was wearing  
2 rolled up jeans, no socks, and a hooded sweatshirt.
- 3 24. DeLeon is a Filipino adult male.
- 4 25. Heffernan and DeLeon were not instructed to change their clothes prior to boarding,  
5 not at any time during the flight.
- 6 26. As a result of witnessing Heffernan and DeLeon in casual clothes while Plaintiffs  
7 were required to change into formal clothes, they became humiliated and felt  
8 discriminated against by the events that just happened.
- 9 27. After Plaintiffs, Heffernan and DeLeon exited the plane, Plaintiffs informed  
10 Heffernan and DeLeon of the events that transpired prior to them boarding the plane.  
11 Heffernan and DeLeon told Plaintiffs that what US Airways did was racist and  
12 discriminatory. Heffernan and DeLeon told Plaintiffs that they were never told that  
13 it was “policy” or that they were “required” to change clothes prior to boarding the  
14 plane.
- 15 28. As a direct and proximate result of the above described unlawful and malicious acts  
16 of US Airways, Plaintiffs have suffered emotional and mental anguish, all of which  
17 are in violation of Plaintiffs’ civil rights under the Constitution of the United States  
18 and State laws. Plaintiffs have suffered and will continue to suffer great emotional  
19 and mental anguish. Plaintiffs have been humiliated and embarrassed as a result of  
20 the foregoing acts of US Airways.
- 21 29. The above recited actions of US Airways was done in reckless disregard of Plaintiffs’  
22 rights under State and Federal laws.

23  
24 **FIRST CAUSE OF ACTION**

25 **RACE DISCRIMINATION IN VIOLATION OF 42 U.S.C. § 2000a, et seq.**

- 26 30. Plaintiffs repeat and reallege paragraphs 1-28, as if set forth fully herein.
- 27 31. On August 19, 2012, because of their race, Plaintiffs were denied access into first  
28 class on US Flight 602 unless they changed clothes. Plaintiffs had on jeans, tee shirts

1 and a baseball cap. However, Plaintiffs were informed that if they did not change into  
2 slacks, a button up shirt and remove their baseball cap, they would not be permitted  
3 on the flight, pursuant to US Airways "policy."

4 32. Heffernan, a Caucasian adult male and DeLeon, a Filipino adult male both had on  
5 hooded sweatshirts and jeans. They were not instructed nor required to change  
6 clothes prior to boarding first class.

7 33. Heffernan and DeLeon were not denied entrance on the plane if they did not change  
8 clothes.

9 34. The above described acts or omissions of US Airways constitute violations of 42  
10 U.S.C. § 2000a, et seq. which prohibits public accommodations engaged in interstate  
11 commerce from discriminating against individuals based on race.

12 35. By reason of US Airways' unlawful acts, practices, and omissions, Plaintiffs have  
13 suffered humiliation, mental anguish, and physical and emotional distress.

14 36. The unlawful acts and practices of US Airways alleged herein were reckless and  
15 willful, and caused great injury to Plaintiffs.

16  
17 **SECOND CAUSE OF ACTION**

18 **TITLE VI OF THE CIVIL RIGHTS ACTS OF 1964 (42 U.S.C. § 2000d)**

19 **DISCRIMINATION BY RECIPIENT OF FEDERAL FUNDING**

20 37. Plaintiffs repeat and reallege paragraphs 1-35, as if set forth fully herein.

21 38. US Airways is the recipient of federal financial assistance, and is thus covered by  
22 Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d). Title VI and its  
23 implementing regulations prohibit recipients of federal monies from discriminating  
24 on the basis of, *inter alia*, race, color, or national origin.

25 39. US Airways' failure to permit Plaintiffs to fly on the airplane unless they changed  
26 their clothes because of their race, color, and/or national origin constituted  
27 discrimination against Plaintiffs in violation of Title VI and its implementing  
28 regulations.

1 40. By reason of US Airways' unlawful acts, practices, and omissions, Plaintiffs have  
2 suffered humiliation, mental anguish, and physical and emotional distress.

3 41. The unlawful acts and practices of US Airways alleged herein were reckless and  
4 willful, and caused great injury to Plaintiffs.

5  
6 **THIRD CAUSE OF ACTION**

7 **VIOLATION OF 42 U.S.C. § 1981 - DISCRIMINATION IN THE MAKING AND**  
8 **ENFORCEMENT OF CONTRACTS**

9 42. Plaintiffs repeat and reallege paragraphs 1-38 as if set forth fully herein.

10 43. The Doe employee described above for US Flight 602, was at all relevant times the  
11 agents and/or employee of US Airways.

12 44. US Airways is liable for the unlawful acts of its agents and employees directly and/or  
13 under the doctrine of *respondeat superior*.

14 45. US Airways engaged in intentional discrimination based on Plaintiffs' perceived race,  
15 color, ethnicity, and/or alienage in refusing to board them on US Flight 602 on  
16 August 19, 2012, unless they changed their clothes. In doing so, US Airways  
17 discriminated against Plaintiffs in the making and enforcement of their contracts with  
18 US Airways, namely the ticket they purchased to travel on US Flight 602 on August  
19 19, 2012. Consequently, US Airways has caused Plaintiffs to suffer deprivation of  
20 their right to make and enforce contracts as enjoyed by Caucasian and Filipino  
21 citizens under 42 U.S.C. § 1981.

22 46. US Airways' actions were intentional and done in violation of Plaintiffs' civil rights  
23 and have directly and proximately caused them humiliation, mental pain and  
24 suffering.

25 47. By reason of US Airways' unlawful acts, practices, and omissions, Plaintiffs have  
26 suffered humiliation, mental anguish, and physical and emotional distress.

27 48. The unlawful acts and practices of US Airways alleged herein were reckless and  
28 willful, and caused great injury to Plaintiffs.

1 **FOURTH CAUSE OF ACTION**  
2 **RACE DISCRIMINATION IN VIOLATION OF CALIFORNIA**  
3 **CIVIL CODE § 51**

4 49. Plaintiffs repeat and reallege paragraphs 1-43 as if set forth fully herein.

5 50. US Airways engaged in intentional discrimination based on Plaintiffs' perceived race,  
6 color, ethnicity, and/or alienage in refusing to board them on US Flight 602 on  
7 August 19, 2012, unless they changed their clothes. In doing so, US Airways  
8 discriminated against Plaintiffs in the making and enforcement of their contracts with  
9 US Airways, namely the ticket they purchased to travel on US Flight 602 on August  
10 19, 2012. Consequently, US Airways has caused Plaintiffs to suffer deprivation of  
11 their right to make and enforce contracts as enjoyed by Caucasian and Filipino  
12 citizens under 42 U.S.C. § 1981.

13 51. The above described acts or omissions of US Airways constitute violations of  
14 California Civil Code § 51 which prohibits the denial of full and equal  
15 accommodations by any business based on an individual's race.

16 52. By reason of US Airways' unlawful acts, practices, and omissions, Plaintiffs have  
17 suffered humiliation, mental anguish, and physical and emotional distress.

18 53. The unlawful acts and practices of US Airways alleged herein were reckless and  
19 willful and done in violation of Plaintiffs' civil rights and have directly and  
20 proximately caused them humiliation, mental pain and suffering.

21  
22 **FIFTH CAUSE OF ACTION**  
23 **INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**

24 54. Plaintiffs repeat and reallege paragraphs 1-49 as if set forth fully herein.

25 55. US Airways' actions described above was extreme and outrageous. US Airways'  
26 conduct was done intentionally and with disregard for Plaintiffs' rights. US Airways  
27 knew or should have known that their conduct would result in Plaintiffs' severe  
28 emotional distress and US Airways' acts and omissions were perpetrated with the



1 intent to inflict and/or with reckless disregard for the probability of inflicting  
2 humiliation, mental anguish and severe emotional distress on Plaintiffs.

3 56. As a direct and proximate cause of US Airways' conduct, Plaintiffs have suffered and  
4 will continue to suffer humiliation, mental anguish, severe emotional distress and  
5 other special and general damages according to proof.

6 57. At all times relevant to the events described above, the doe employee at the ticket  
7 counter for US Flight 602 was an employee and/or agent of US Airways. The  
8 discriminatory practices above were carried out:

9 (A) At the direction of and with the consent, encouragement, knowledge, and  
10 ratification of US Airways;

11 (B) Under US Airways' authority, control and supervision; and/or

12 (C) within the scope of the employee's employment

13 58. US Airways is liable for the actions of its agents and employees directly and under  
14 the doctrine of *respondeat superior*.

15 59. Through the actions described above of its employees, agents and/or representatives,  
16 US Airways acted intentionally, maliciously, and with willful, callous, wanton, and  
17 reckless disregard for Plaintiffs' statutorily protected rights and for the deleterious  
18 consequences and cruel and unjust hardship resulting to Plaintiffs from the conduct  
19 of US Airways. Consequently, in the alternative, Plaintiffs are entitled to exemplary  
20 and punitive damages in an amount to be proven at trial.

## 21 22 **SIXTH CAUSE OF ACTION**

### 23 **NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS**

24 60. Plaintiffs repeat and reallege paragraphs 1-51 as if set forth fully herein.

25 61. US Airways' conduct described above constitute a breach of US Airways' duty as a  
26 common carrier and US Airways' duty of care to Plaintiffs to ensure that US Airways  
27 did not cause unnecessary or unjustified harm to Plaintiffs. It was reasonably  
28

1 foreseeable that a breach of that duty by US Airways would cause emotional distress  
2 to Plaintiffs.

3 62. At all times relevant to the events described above, the doe employee at the counter  
4 for US Flight 602 was an employee and/or agent of US Airways. The discriminatory  
5 practices described above were carried out:

6 (A) at the direction and with the consent, encouragement, knowledge, and  
7 ratification of US Airways;

8 (B) under US Airways' authority, control and supervision; and/or

9 (C) within the scope of the employee's employment.

10 63. US Airways is liable for the actions of its agents and employees directly and under  
11 the doctrine of *respondeat superior*.

12 64. Through the actions described above of its employees, agents and/or representatives,  
13 US Airways acted intentionally, maliciously, and with willful, callous, wanton, and  
14 reckless disregard for Plaintiffs' statutorily protected rights and for the deleterious  
15 consequences and cruel and unjust hardship resulting to Plaintiffs from the conduct  
16 of US Airways. Consequently, in the alternative, Plaintiffs are entitled to exemplary  
17 and punitive damages in an amount to be proven at trial.

18  
19 **PRAYER FOR RELIEF**

20 **WHEREFORE**, Plaintiffs request that this Court:

21 1. Permanently enjoin Defendants and their agents, employees and successors, and all  
22 persons in active conduct or participation with Defendants, from engaging in  
23 discriminatory treatment of Defendants' customers;

24 2. Enter a declaratory judgment declaring that the acts and practices of Defendants and  
25 their agents and employees set forth above violate the foregoing provisions of law;

26 3. For general damages on the deprivation of civil rights, humiliation, mental anguish,  
27 pain and suffering and emotional damages, according to proof at trial;

28

- 1 4. For punitive damages in an amount to be determined at trial that would punish  
2 Defendants for its intentional, malicious, willful, callous, wanton, and reckless  
3 disregard for Plaintiffs' rights that would effectively deter Defendant from engaging  
4 in similar conduct in the future;
- 5 5. For reasonable attorneys' fees and costs incurred in this action pursuant to 42 U.S.C.  
6 § 1988, & Civ. Code § 52.1(h); and
- 7 6. For such other and further relief as the Court may deem proper.

8  
9 Dated: April 9, 2013

**IVIE, McNEILL & WYATT**

10  
11 By: 

Robert H. McNeill, Jr., Esq.  
Rodney S. Diggs, Esq.  
Attorneys Plaintiffs

12  
13 **MACCRAIG WARREN AND**  
14 **MILES WARREN**

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

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

MACCRAIG WARREN, an individual African-American male, MILES WARREN, an individual African-American male

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

US AIRWAYS, INC., a Delaware Corporation; and DOES 1 through 10

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

Robert H. McNeill, Jr. (#86411) / Rodney S. Diggs (#274459)  
Ivie, McNeill & Wyatt  
444 S. Flower Street, Suite 1800  
Los Angeles, CA 90071; (213) 489-0028 / (213) 489-0552 fax

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

**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 checked="" type="checkbox"/> PTF 1 | <input type="checkbox"/> DEF 1 | Incorporated or Principal Place of Business in this State     | <input type="checkbox"/> PTF 4 | <input type="checkbox"/> DEF 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 checked="" 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:** \$ \_\_\_\_\_

**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.)

1. RACE DISCRIMINATION IN VIOLATION OF 42 U.S.C. § 2000a, et seq.; 2. TITLE VI OF THE CIVIL RIGHTS ACTS OF 1964 (42 U.S.C. § 2000d) DISCRIMINATION BY RECIPIENT OF FEDERAL FUNDING; 3. VIOLATION OF 42 U.S.C. § 1981 - DISCRIMINATION IN THE MAKING AND ENFORCEMENT OF CONTRACTS

**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	<input type="checkbox"/> <b>Habeas Corpus:</b> 463 Alien Detainee	<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"/> 510 Motions to Vacate Sentence	<input 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"/> 530 General	<input type="checkbox"/> 840 Trademark
<input type="checkbox"/> 430 Banks and Banking	<input type="checkbox"/> 140 Negotiable Instrument	<b>TORTS</b>	<b>PERSONAL PROPERTY</b>	<input type="checkbox"/> 535 Death Penalty	<b>SOCIAL SECURITY</b>
<input type="checkbox"/> 450 Commerce/ICC Rates/Etc.	<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<b>PERSONAL INJURY</b>	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> <b>Other:</b> 540 Mandamus/Other	<input type="checkbox"/> 861 HIA (1395ff)
<input type="checkbox"/> 460 Deportation	<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 371 Truth in Lending	<input type="checkbox"/> 550 Civil Rights	<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"/> 315 Airplane Product Liability	<input type="checkbox"/> 380 Other Personal Property Damage	<input type="checkbox"/> 555 Prison Condition	<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"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 560 Civil Detainee Conditions of Confinement	<input type="checkbox"/> 864 SSID Title XVI
<input type="checkbox"/> 490 Cable/Sat TV	<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 330 Fed. Employers' Liability	<b>BANKRUPTCY</b>	<input type="checkbox"/> <b>FORFEITURE/PENALTY</b> 625 Drug Related Seizure of Property 21 USC 881	<input type="checkbox"/> 865 RSI (405 (g))
<input type="checkbox"/> 850 Securities/Commodities/Exchange	<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 340 Marine	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 690 Other	<b>FEDERAL TAX SUITS</b>
<input type="checkbox"/> 890 Other Statutory Actions	<input type="checkbox"/> 195 Contract Product Liability	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<b>LABOR</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"/> 350 Motor Vehicle	<b>CIVIL RIGHTS</b>	<input type="checkbox"/> 710 Fair Labor Standards Act	<input type="checkbox"/> 871 IRS-Third Party 26 USC 7609
<input type="checkbox"/> 893 Environmental Matters	<input type="checkbox"/> 210 Land	<input type="checkbox"/> 355 Motor Vehicle Product Liability	<input checked="" type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 720 Labor/Mgmt. Relations	
<input type="checkbox"/> 895 Freedom of Info. Act	<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 740 Railway Labor Act	
<input type="checkbox"/> 896 Arbitration	<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 362 Personal Injury-Med Malpractice	<input type="checkbox"/> 442 Employment	<input type="checkbox"/> 751 Family and Medical Leave Act	
<input type="checkbox"/> 899 Admin. Procedures Act/Review of Appeal of Agency Decision		<input type="checkbox"/> 365 Personal Injury-Product Liability	<input type="checkbox"/> 443 Housing/Accommodations	<input type="checkbox"/> 790 Other Labor Litigation	
<input type="checkbox"/> 950 Constitutionality of State Statutes		<input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability	<input type="checkbox"/> 445 American with Disabilities-Employment	<input type="checkbox"/> 791 Employee Ret. Inc. Security Act	
		<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 446 American with Disabilities-Other		
		<input type="checkbox"/> 369 Personal Injury Product Liability	<input type="checkbox"/> 448 Education		

FOR OFFICE USE ONLY: Case Number: \_\_\_\_\_

**CV 13-02549**

AFTER COMPLETING PAGE 1 OF FORM CV-71, COMPLETE THE INFORMATION REQUESTED ON PAGE 2.

**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).

<b>County in this District:*</b>	California County outside of this District; State, if other than California; or Foreign Country
Los Angeles	

(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).

<b>County in this District:*</b>	California County outside of this District; State, if other than California; or Foreign Country
	Delaware

(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.**

<b>County in this District:*</b>	California County outside of this District; State, if other than California; or Foreign Country
	Arizona

\*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 SELF-REPRESENTED LITIGANT):** *Raley* DATE: 4/9/13

**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. 405 (g))