

FILED

2013 FEB -1 AM 10: 27

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

1 ERIC H. HOLDER, JR., Attorney General  
 2 THOMAS E. PEREZ, Assistant Attorney General  
 3 STEVEN H. ROSENBAUM, Chief  
 4 R. TAMAR HAGLER, Deputy Chief  
 5 California Bar No. 189441  
 6 ERIC W. TREENE, Special Counsel  
 7 COLLEEN M. MELODY, Attorney  
 8 E-mail: Colleen.Melody@usdoj.gov  
 9 Housing and Civil Enforcement Section  
 Civil Rights Division  
 U.S. Department of Justice  
 950 Pennsylvania Avenue NW – G Street  
 Washington, DC 20530

BY \_\_\_\_\_

10 Tel: (202) 305-0616  
 11 Fax: (202) 514-1116

12 ANDRÉ BIROTTE, JR., United States Attorney  
 13 LEON W. WEIDMAN, Chief, Civil Division  
 14 DAVID E. PINCHAS, Assistant United States Attorney  
 15 California Bar No. 130751  
 16 E-mail: David.Pinchas@usdoj.gov  
 17 Federal Building, Suite 7516  
 18 300 North Los Angeles Street  
 Los Angeles, CA 90012  
 Tel: (213) 984-2920  
 Fax: (213) 894-7327

19 Attorneys for Plaintiff United States of America

20 UNITED STATES DISTRICT COURT  
 21 CENTRAL DISTRICT OF CALIFORNIA  
 22 WESTERN DIVISION

23 UNITED STATES OF AMERICA, )  
 24 Plaintiff, )  
 25 v. )  
 26 CITY OF LOMITA, CALIFORNIA, )  
 27 Defendant. )  
 28 )

CV 13 - 00707 - mmm  
 (CWx)  
 COMPLAINT

1 Plaintiff, the United States of America, files this Complaint and alleges:

2  
3 1. This action is brought by the United States to enforce the Religious Land  
4 Use and Institutionalized Persons Act of 2000 (“RLUIPA”), 42 U.S.C. §§ 2000cc-  
5 2000cc-5. This Court has jurisdiction over this action under 42 U.S.C. § 2000cc-2(f)  
6 and 28 U.S.C. §§ 1331 and 1345.  
7

8 2. Venue is proper under 28 U.S.C. § 1391(b) because the claims alleged  
9 herein arose in the Central District of California.  
10

11 3. The City of Lomita (“the City”) is a political subdivision of the State of  
12 California. Under California law, as a general law city the City has the capacity to sue  
13 and be sued. Cal. Gov. Code § 34501.  
14

15 4. For purposes of RLUIPA, the City constitutes a “government.” 42 U.S.C.  
16 § 2000cc-5(4)(A)(i), (ii).  
17

18 5. The City has the authority to regulate and restrict the use of land and  
19 structures within its borders. See Lomita, Cal., Code §§ 11-1.12.01, 11-1.70.01, 11-  
20 1.72.01, 11-1.75.05.  
21

22 6. The City is governed by five City Council members, one of whom also  
23 serves as the Mayor. The City Council has the authority to grant legislative  
24 amendments to the Lomita Zoning Ordinance, including but not limited to changes to  
25 zone text amendments, amendments to the City’s Zoning Map, and amendments to the  
26 City’s General Plan Use Map.  
27  
28

1           7.     The Lomita Planning Commission is composed of seven members. The  
2 Planning Commission has the authority to grant conditional use permits, variances, and  
3 site plan reviews.

4  
5           8.     The Islamic Center of South Bay (“Islamic Center”) is a Muslim religious  
6 organization that has a mosque in the City with a membership of approximately 150 to  
7 200 members. Since 1985, the Islamic Center has operated its prayer hall on its current  
8 site. At all times relevant to this Complaint, the Islamic Center operated its religious  
9 activities at four contiguous properties located at 25816 Walnut Street, 25829 ¼ Appian  
10 Way, 25833 Appian Way, and 25833 ½ Appian Way in Lomita, California.

11  
12           9.     Consistent with Islamic practice, the Islamic Center holds prayer services  
13 five times per day. The Islamic Center also hosts fellowship activities, educational  
14 programs, and other activities that are part of the Islamic faith.

15  
16           10.    The Islamic Center’s use of its property constitutes “religious exercise”  
17 under RLUIPA. 42 U.S.C. §§ 2000cc-5(7)(A)–(B).

18  
19           11.    For purposes of RLUIPA, the Islamic Center is a “religious assembly or  
20 institution.” 42 U.S.C. § 2000cc(a)(1).

21  
22           12.    Members of the Islamic Center are limited in their ability to exercise their  
23 religion in a number of ways by their current site, including, but not limited to, the  
24 following:

- 25  
26           a.     As a tenet of their religion, the Islamic Center members believe they should  
27 pray as a community. Because the current facility lacks sufficient space,  
28

1 members often have to pray outside or in the small outbuildings located across  
2 the property;

3 b. The Islamic Center's current mosque has insufficient facilities for members to  
4 perform "wudu," ritual washing, before prayer; they are too small to  
5 accommodate the congregation and are located some distance from the prayer  
6 hall;  
7

8 c. Features of the Islamic Center's current mosque, including the design of the  
9 buildings and exposure to the elements for members who must pray outdoors,  
10 prevent proper concentration during prayer;  
11

12 d. The Islamic Center's space and design constraints prevent members from  
13 being able to host weddings, educational programs, and other fellowship  
14 activities that are important to the members' exercise of their faith;  
15

16 e. The Islamic Center does not have a nursery or an area for mothers to nurse  
17 babies during services, which prevents some parents from being able to attend  
18 prayers; and  
19

20 f. The Islamic Center members believe that the current mosque does not  
21 accurately reflect their respect for God. The members believe that it is  
22 important to build and maintain a mosque that reflects God's beauty and  
23 honors God.  
24

25  
26 13. To remedy these deficiencies, in September 2008 the Islamic Center  
27 submitted an application to demolish the existing structures on its four lots and build a  
28

1 new center. The new building would be two-story, and include a prayer hall, wudu  
2 facilities, a library, classrooms, a kitchen, a multi-purpose room, an office, nursery  
3 space, and apartments for the imam and the caretaker.

4  
5 14. Prior to 1989, the property where the prayer hall is located was zoned R-1  
6 Single-Family Residential. Religious facilities are conditionally-permitted uses in the  
7 R-1 zone.

8  
9 15. In 1989, the property where the prayer hall is located was rezoned C-R  
10 Commercial Retail. Under the City's Zoning Ordinance, a religious facility is not a  
11 permitted use in the C-R zone. The Islamic Center has operated as a lawful non-  
12 conforming use since its property was rezoned in 1989.

13  
14 16. Three of the properties comprising the Islamic Center are now located in  
15 the C-R zone. One of the properties remains zoned R-1.

16  
17 17. Prior to submitting the application, representatives of the Islamic Center  
18 had four meetings with members of the City's Community Development Department  
19 who advised the Islamic Center about what sort of land-use entitlements would be  
20 necessary for the proposed project. The Islamic Center submitted an application in line  
21 with the recommendations of the Community Development Department on September  
22 12, 2008.

23  
24  
25 18. The Islamic Center requested that two of its lots be zoned back to R-1 and  
26 that Lomita's General Plan Land Use Map and Zoning Map be amended to reflect the  
27 change. The Islamic Center also requested a conditional use permit to allow it to  
28

1 operate a religious facility on the site, a site plan review to permit less-than-required  
2 setbacks, and a request for a variance to permit the minaret to be higher than the  
3 maximum height in the R-1 zone.  
4

5 19. The Community Development Department directed the Islamic Center to  
6 commission a traffic study to determine the potential traffic impact from the proposed  
7 facility. The traffic study concluded that the proposed project would have no additional  
8 impact on traffic.  
9

10 20. The City's Public Safety Traffic Commission reviewed the Islamic  
11 Center's proposed project and determined that the new design would improve the  
12 existing traffic flow and parking conditions.  
13

14 21. The Community Development Department reviewed the Islamic Center's  
15 application and issued a report that recommended that the Planning Commission  
16 recommend that the City Council approve the project.  
17

18 22. The Planning Commission heard the matter on June 8, 2009. There was  
19 testimony both for and against the project. At the end of the meeting, the Planning  
20 Commission voted to continue the matter and directed the Islamic Center and the  
21 Community Development Department staff to work with the neighbors in an effort to  
22 address concerns about the potential impacts of the project.  
23  
24

25 23. Following the Planning Commission meeting, the Islamic Center held two  
26 community meetings at City Hall to work with the neighbors. Following these  
27 meetings, the Islamic Center modified its design by reducing the size of the building,  
28

1 adding additional landscaping to the sides of the property bordering the residential  
2 neighborhood, raising the height of the windows and frosting the glass on the second  
3 story so that no one could look out the window into yards of the neighboring properties,  
4 reducing the height of the minaret, adding a gate to eliminate access to the property  
5 from one of the side streets, relocating the imam and caretaker apartments to a single-  
6 story home on the street frontage to preserve the craftsman-style "look" of the  
7 neighborhood, negotiating a renewable lease of the nearby Methodist church's parking  
8 lot to provide additional off-street parking, agreeing to an occupancy cap of 210  
9 persons, and agreeing to a condition requiring that all organized events be conducted  
10 indoors.

14 24. The Community Development Department reviewed the Islamic Center's  
15 revised application and issued a second report recommending that the Planning  
16 Commission recommend that the City Council approve the project.

18 25. The Planning Commission reheard the application on September 9, 2009.  
19 During the public hearing, 41 people spoke in favor of the project and 15 spoke against.  
20 At the close of the public hearing, the Planning Commission voted 4-3 to recommend  
21 that the City Council approve the project.

23 26. The Islamic Center continued to schedule community meetings at its  
24 facility and at City Hall in an effort to work with the neighbors and obtain feedback on  
25 the project. Several of the neighbors who opposed the project expressed their intention  
26  
27  
28

1 to oppose the project regardless of any additional changes the Islamic Center made to  
2 the design.

3         27. The Methodist church received complaints from neighbors about having  
4 allowed the Islamic Center to lease its parking lot. As a result of these complaints, the  
5 Methodist church revoked the parking lease that had been providing the Islamic Center  
6 with additional off-street parking for Friday afternoon prayers.  
7

8  
9         28. The City Council held a public hearing on the Islamic Center's application  
10 on March 1, 2010. Four members of the City Council were eligible to hear the  
11 application; the fifth member was recused because he had previously voted against the  
12 project while a member of the Planning Commission.  
13

14         29. During the public hearing before the City Council, approximately 56  
15 people spoke in favor of the project and 27 spoke against it. At the close of the hearing,  
16 the City Council voted 4-0 to deny the Islamic Center's application in its entirety.  
17

18         30. For purposes of RLUIPA, the City Council's denial of the Islamic Center's  
19 application constitutes the "application" of a "land use regulation" that "limits or  
20 restricts a claimant's use or development of land (including a structure affixed to land)."  
21 42 U.S.C. § 2000cc-5(5).  
22

23         31. The City's treatment and denial of the Islamic Center's application  
24 constitutes the imposition or implementation of a land use regulation that imposes a  
25 substantial burden on the religious exercise of the Islamic Center and its members,  
26 which burden is not in furtherance of a compelling governmental interest and/or is not  
27  
28

1 the least restrictive means of furthering such interest, in violation of RLUIPA. 42  
2 U.S.C. § 2000cc(a).

3 WHEREFORE, the United States prays that this Court enter an order that:

4  
5 1. Declares that the City's policies and practices, as alleged herein, violate  
6 RLUIPA;

7  
8 2. Enjoins the City, its officers, employees, agents, successors and all  
9 other persons in concert or participation with it, from imposing a

10 substantial burden on the religious exercise of the Islamic Center and its  
11 members that is not narrowly tailored to a compelling governmental  
12 interest;

13  
14 3. Requires the City, its officers, employees, agents, successors, and all other  
15 persons in concert or participation with it, to:

16  
17 a. Take such actions as may be necessary to restore, as nearly as  
18 practicable, the Islamic Center and its members to the position they  
19 would have been in but for the City's unlawful conduct; and

20  
21 b. Take such actions as may be necessary to prevent the recurrence of  
22 such unlawful conduct in the future, including but not limited to,  
23 providing RLUIPA training to City personnel, establishing  
24 procedures to address complaints of RLUIPA violations, and  
25 maintaining records and submitting reports relating to RLUIPA  
26 compliance; and  
27  
28

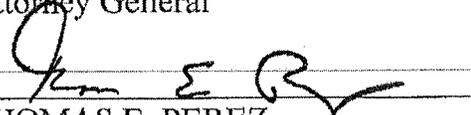
1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

4. Orders any additional relief as the interests of justice may require.

Dated February 1, 2013.

Respectfully submitted,

ERIC H. HOLDER, JR.  
Attorney General



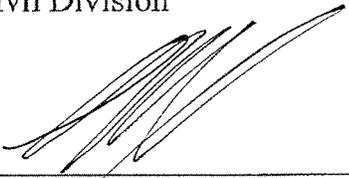
THOMAS E. PEREZ  
Assistant Attorney General  
Civil Rights Division

ANDRÉ BIROTTE, JR.  
United States Attorney  
Central District of California

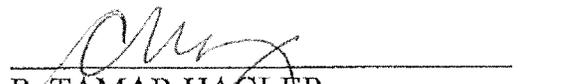


STEVEN H. ROSENBAUM  
Chief, Housing and Civil  
Enforcement Section  
Civil Rights Division

LEON W. WEIDMAN  
Chief, Civil Division



DAVID E. PINCHAS  
Assistant United States Attorney  
California Bar No. 130751  
Federal Building, Suite 7516  
300 North Los Angeles Street  
Los Angeles, CA 90012  
Tel: (213) 984-2920  
Fax: (213) 894-7327  
E-mail: David.Pinchas@usdoj.gov



R. TAMAR HAGLER  
California Bar No. 189441  
Deputy Chief  
ERIC W. TREENE  
Special Counsel  
COLLEEN M. MELODY  
Attorney  
United States Department of Justice  
Housing and Civil Enforcement Section  
Civil Rights Division  
950 Pennsylvania Ave. NW – G St.  
Washington, DC 20530  
Tel: (202) 305-0616  
Fax: (202) 514-1116  
E-mail: Colleen.Melody@usdoj.gov

**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 Margaret M. Morrow and the assigned discovery Magistrate Judge is Carla Woehrle.

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

**CV13- 707 MMM (CWx)**

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.

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

**COPY**

<b>I (a) PLAINTIFFS</b> (Check box if you are representing yourself <input type="checkbox"/> ) United States of America	<b>DEFENDANTS</b> City of Lomita, California
--	---

<b>(b) Attorneys</b> (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.)  Colleen Melody (202) 305-0616 US Department of Justice, Civil Rights Division, Housing & Civil Enforcement 950 Pennsylvania Avenue NW, Washington, DC 20530	<b>Attorneys (If Known)</b>  Christi Hogin (310) 643-8448 Jenkins & Hogin, LLP 1230 Rosencrans Avenue, Suite 110 Manhattan Beach, CA 90266
--	---

<b>II. BASIS OF JURISDICTION</b> (Place an X in one box only.)  <input checked="" type="checkbox"/> 1 U.S. Government Plaintiff <input 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)	<b>III. CITIZENSHIP OF PRINCIPAL PARTIES - For Diversity Cases Only</b> (Place an X in one box for plaintiff and one for defendant.) <table style="width:100%; border: none;"> <tr> <td style="width:30%;"></td> <td style="width:10%; text-align: center;"><b>PTF</b></td> <td style="width:10%; text-align: center;"><b>DEF</b></td> <td style="width:30%;"></td> <td style="width:10%; text-align: center;"><b>PTF</b></td> <td style="width:10%; text-align: center;"><b>DEF</b></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>		<b>PTF</b>	<b>DEF</b>		<b>PTF</b>	<b>DEF</b>	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
	<b>PTF</b>	<b>DEF</b>		<b>PTF</b>	<b>DEF</b>																				
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.)

This action is brought to enforce the Religious Land Use and Institutionalized Persons Act of 2000, 42 U.S.C. sections 2000cc-2000cc-5.

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

<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	<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 <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	<b>PERSONAL INJURY</b> <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 <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus-Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	<b>PERSONAL PROPERTY</b> <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 <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <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 checked="" type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus/Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <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	<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 <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS-Third Party 26 USC 7609
--	---	--	--	--	---

**FOR OFFICE USE ONLY:** Case Number: **CV 13 - 00707**

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): CV12-2418 JAX (FMOx)

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

(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

(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 County	

\* Los Angeles, Orange, San Bernardino, Riverside, Ventura, Santa Barbara, or San Luis Obispo Counties

**Note: In land condemnation cases, use the location of the tract of land involved**

X. SIGNATURE OF ATTORNEY (OR PRO PER): *Cheng* Date JAN 31, 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. (g))