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CENTRAL DISTRICT OF CALIF.
BY: [Signature]

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18 ESTHER LEONG, individually and
19 on behalf of all others similarly situated

20 **UNITED STATES DISTRICT COURT**
21 **CENTRAL DISTRICT OF CALIFORNIA**

22 **CV 09-04484 FSG VDK**

23 ESTHER LEONG, individually and
24 on behalf of all others similarly
25 situated,
26 Plaintiff,

27 Case No.
28 **CLASS ACTION COMPLAINT**
[JURY TRIAL DEMANDED]

29 v.
30 **SQUARE ENIX OF AMERICA**
31 **HOLDINGS, INC.,** a Delaware
32 corporation; **SQUARE ENIX, INC.,** a
33 Washington corporation, DOES 1-10
34 Defendants.

1/5
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1 Plaintiff, ESTHER LEONG, individually, and on behalf of all others
2 similarly situated, by and through undersigned counsel, files this class action
3 lawsuit against Defendants, SQUARE ENIX OF AMERICA HOLDINGS, INC.,
4 and SQUARE ENIX, INC. (collectively "Square Enix" or "Defendants"). Plaintiff
5 alleges as follow upon personal knowledge as to her actions and upon information
6 and belief as to all other facts alleged in the Complaint:

7 **PRELIMINARY STATEMENT**

8 1. This is a class action brought by Plaintiff on behalf of a Class of
9 persons who purchased Defendants' online games during the period of June 1, 2005
10 through present ("Class Period").

11 2. This case narrowly focuses on Defendants' deceptive advertising,
12 unfair practices, and fraudulent concealment to conceal certain critical information
13 about their online games. The deceptive advertising, unfair and undisclosed
14 business practices, and concealment concern, *among others*:

- 15 i. Licensing of the online game software disguised as a sale;
16 ii. Monthly fees ("fees") to play the online games;
17 iii. Penalties for late payment of the fees;
18 iv. Interest charges for late payment of the fees;
19 v. Charges while the online game account is suspended;
20 vi. Termination of the right to use the online game for late payment
21 of the fees;
22 vii. User restrictions and conditions related to the online games;
23 viii. Termination of game data for late payment of the fees.

24 3. Based on Defendants' false and deceptive advertising, Plaintiff asserts
25 claims against Defendants under the Unfair Competition Law ("UCL"), Cal. Bus. &
26 Prof. Code § 17200, et seq., False Advertising Law ("FAL"), Bus. & Prof. Code §
27 17500, et seq., the Consumer Legal Remedies Act ("CLRA"), Cal. Civil Code §
28

1 1750 et seq., and for common law Unjust Enrichment.

2 **PARTIES**

3 4. Plaintiff, Esther Leong, is presently, and at all times material hereto
4 was a resident of San Francisco, California.

5 5. On information and belief, SQUARE ENIX OF AMERICA
6 HOLDINGS, INC. is a Delaware corporation with its principal place of business in
7 the City of El Segundo, County of Los Angeles, and State of California. On
8 information and belief, SQUARE ENIX OF AMERICA HOLDINGS was
9 established in 2006 as a US-based holding company to control management and
10 operations of the company's subsidiaries in North America. On information and
11 belief, SQUARE ENIX, INC. is a Washington corporation with its principal place
12 of business in the City of El Segundo, County of Los Angeles, and State of
13 California. Collectively, SQUARE ENIX OF AMERICA HOLDINGS, INC., and
14 SQUARE ENIX, INC. have developed and sold, and continue to sell the online
15 games, and own and operate the online system through which the online games are
16 played.

17 **JURISDICTION AND VENUE**

18 6. This Court has subject matter jurisdiction pursuant to the Class Action
19 Fairness Act of 2005, 28 U.S.C. §§ 1332(a) and 1332(d), because the amount in
20 controversy exceeds \$5 million exclusive of interest and costs, and certain members
21 of the putative Class are citizens of states other than Defendants' state of
22 citizenship. This Court has supplemental jurisdiction pursuant to 28 U.S.C. §
23 1367(a).

24 7. The subject lawsuit is governed by California law, without reference to
25 its rules regarding conflicts of law pursuant to a written agreement.

26 8. This Court has personal jurisdiction over all Class members regardless
27 of their place of residence pursuant to a written consent by each of the Class
28

1 members which states that they “hereby irrevocably submits and consent to the sole
2 and exclusive jurisdiction of the courts of the State of California and of the United
3 States of America located in the count of Los Angeles.”

4 9. Venue is proper in this Court because Defendants reside in this
5 District, and a substantial part of the events alleged in this Complaint giving rise to
6 Plaintiff’s claims, including the dissemination of the false and misleading
7 advertising alleged herein, occurred in and were directed from this District.

8 FACTS

9 10. The games at issue are a series of online games developed and
10 published by Square Enix.

11 11. Defendants engaged in various levels of deceptive advertising, unfair
12 business practices, and fraudulent concealment with respect to the online games at
13 the point of purchase. The deceptive advertising, unfair and undisclosed business
14 practices, and concealment concern, *among others*:

- 15 i. Licensing of the online games software disguised as a sale;
- 16 ii. Monthly fees (“fees”) to play the online games;
- 17 iii. Penalties for late payment of the fees;
- 18 iv. Interest charges for late payment of the fees;
- 19 v. Charges while the online game account is suspended;
- 20 vi. Termination of the right to use the online games for late
21 payment of the fees;
- 22 vii. User restrictions and conditions related to the online games;
- 23 viii. Termination of game data for late payment of the fees.

24 CLASS ACTION ALLEGATIONS

25 12. Plaintiff brings this action as a class action pursuant to Federal Rule of
26 Civil Procedure 23 on behalf of herself and the following Class:

27 All persons who purchased or played the online games four
28 years prior to the filing of this lawsuit to the present. Expressly

1 excluded from the Class are Defendants and their subsidiaries,
2 affiliates, officers, directors, and employees.

3 13. Certification of the Class is appropriate pursuant to Fed. R. Civ. Proc.
4 23(a). The potential number of Class members as defined is so numerous that
5 joinder of all members would be unfeasible and impractical. The disposition of their
6 claims through this class action will benefit both the parties and this Court. The
7 number of Class Members is unknown to at this time, however, it is estimated that
8 the Class will number greater than 100,000. The identity of such membership can
9 readily be ascertained from Defendants' online game database.

10 14. Plaintiff alleges that two methods of notice to the proposed class will
11 be contemplated for purposes of this litigation: (1) A notice can be made available
12 for viewing online at the website where the online games are played; or (2) A
13 notice can be delivered via direct email to Class Members' email addresses
14 obtained from Defendants' online game database.

- 15 15. There are common questions of law and fact, among others, including:
- 16 a) Whether Defendants engaged in materially deceptive, untrue or
17 misleading advertising in the sale and offer to sell the online games;
 - 18 b) Whether Defendants concealed or omitted to state material facts
19 to the Class in their advertising, marketing, and sale of the online
20 games;
 - 21 c) Whether Defendants knew, or by the exercise of reasonable care
22 should have known, that the aforementioned concealment and
23 omission had the capacity or tendency to confuse and mislead;
 - 24 d) Whether Defendants intentionally concealed or omitted to state
25 material facts to the Class regarding the nature of the transaction
26 that resulted in the sale of the online games;
 - 27 e) Whether Defendants represented that the sale of the online
28 games confers or involves rights, remedies, or obligations which it

1 does not have or involve;

- 2 f) Whether, by the misconduct as set forth in this Complaint,
3 Defendants engaged in unfair and unlawful business practice with
4 respect to the advertising, marketing, and sale of the online games
5 in violation of California Business & Professions Code §§ 17200, et
6 seq.;
- 7 g) Whether, by the misconduct as set forth in this Complaint,
8 Defendants engaged in unfair, deceptive, untrue or misleading
9 advertising in violation of California Business & Professions Code
10 §§ 17500, *et seq.*;
- 11 h) Whether, by the misconduct as set forth in this Complaint,
12 Defendants engaged in unfair methods of competition and unfair or
13 deceptive acts or practices intended to result in the sale of goods to
14 consumers in violation of California Civil Code § 1750;
- 15 i) Whether, as a result of Defendants' misconduct as alleged in this
16 Complaint, Plaintiff and the Class are entitled to damages,
17 restitution, equitable relief, and other relief, and the amount and
18 nature of such relief;
- 19 j) Whether Defendants have acted on grounds generally applicable
20 to the Class, making injunctive relief appropriate;
- 21 k) Whether a Class can be certified pursuant to Fed. R. Civ. Proc.
22 23(b)(3); and
- 23 l) Whether alternatively, a Class can be certified pursuant to Fed.
24 R. Civ. Proc. 23(b)(2).

25 16. Plaintiff's claims are typical of the claims of the Class, because
26 Plaintiff and all members of the Class were injured economically by the same
27 wrongful practices and conduct of Defendants as described in this Complaint.
28

1 Plaintiff's claims arise from the same practices and conduct that gave rise to the
2 claims of the Class members, and are based on the same legal theories. The only
3 difference between Plaintiff and the individual members of the Class could be the
4 amount of damages sustained, which is an amount that can be readily determined,
5 and does not bar or in any way impair class certification.

6 17. Plaintiff will fairly and adequately represent the interests of the
7 members of the Class. Plaintiff's interests are the same as, and not in conflict with,
8 the other members of the Class. Plaintiff's counsel is experienced in class action
9 and complex litigation.

10 18. Questions of law or fact common to the members of the Class
11 predominate and a class action is superior to individual cases for the fair and
12 efficient adjudication of the issues presented in this lawsuit, because individual
13 litigation of the claims of all members of the Class is economically unfeasible and
14 procedurally impracticable. The individual damages incurred by each Class member
15 resulting from Defendants' conduct are too small to warrant the expense of
16 individual suits. The likelihood of individual members of the Class prosecuting
17 separate claims is remote, and even if every Class member could afford individual
18 litigation, the court system would be unduly burdened by individual litigation of
19 such cases. Individual suits would also present the potential for inconsistent or
20 contradictory judgments and rulings, and would underscore the delay and expense
21 to all parties and to the court system resulting from multiple trials of the same
22 factual issues. Plaintiff knows of no difficulty to be encountered in the
23 management of this action that would preclude its maintenance as a class action and
24 certification of the Class under Rule 23(b)(3) is proper.

25 19. Relief concerning Plaintiff's rights under the laws herein alleged and
26 with respect to the Class would be proper. Defendants have acted or refused to act
27 on grounds generally applicable to the Class, thereby making appropriate final
28

1 injunctive relief or corresponding declaratory relief with regard to members of each
2 Class as a whole and certification of the Class under Rule 23(b)(2) is proper.

3 **COUNT I**

4 **For Violation of the Unfair Competition Law, Bus. & Prof. Code § 17200**

5 20. Plaintiff repeats and realleges the allegations set forth above as if fully
6 contained herein.

7 21. Defendants have engaged in unfair, unlawful, and fraudulent business
8 practices as described in this Complaint, including, but not limited to, disseminating
9 or causing to be disseminated from the State of California, unfair, deceptive, untrue
10 or misleading advertising as set forth in this Complaint.

11 22. By engaging in the above-described unfair and undisclosed business
12 practices, Defendants committed one or more acts of unfair competition within the
13 meaning of Unfair Competition Law, Cal. Bus. & Prof. Code § 17200, et seq.

14 23. Defendants' acts and practices have deceived and are likely to continue
15 to deceive members of the Class and impact the public interest. The material false
16 advertising, undisclosed business practices, and concealment described in this
17 Complaint are substantial and were directed to all members of the Class with the
18 purpose and intent of inducing members of the Class to purchase and play the
19 online game.

20 24. Plaintiff and all members of the Class have suffered and continue to
21 suffer injury as a direct result of Defendants' unfair and undisclosed business
22 practices towards consumers.

23 25. Plaintiff, on behalf of herself and on behalf of the Class, seeks an order
24 of this Court against Defendants awarding restitution, disgorgement, injunctive
25 relief and all other relief allowed under § 17200, et seq. plus interest, attorney's fees
26 and costs pursuant to, inter alia, Cal. Code of Civ. Proc. § 1021.5.

27 //

COUNT II

For Violation of False Advertising Law, Bus. & Prof. Code § 17500 et seq.

26. Plaintiff repeats and realleges the allegations set forth above as if fully contained herein.

27. Defendants are disseminating advertising from California throughout the United States and beyond. Defendants disseminated or caused to be disseminated the materially untrue and misleading advertising, knowingly engaged in undisclosed business practices, and/or knowingly omitted or concealed the material information from advertising described in this Complaint with the intent to directly or indirectly induce Plaintiff and other members of the Class to purchase and play the online games.

28. The advertising in question concealed or omitted information as set forth the above.

29. When Defendants disseminated the advertising described herein, they concealed or omitted to certain critical information about the online games and their business practices with respect to the online games in violation of the Fair Advertising Law, Cal. Bus. & Prof. Code § 17500, et seq.

30. Plaintiff, on behalf of herself and on behalf of the Class, seeks restitution, disgorgement, injunctive relief, and all other relief allowable under § 17500, et seq.

COUNT III

For Unjust Enrichment Against Defendants Based on Violations Alleged in Counts I and II

31. Plaintiff repeats and realleges the allegations set forth above as if fully contained herein.

32. As a direct and proximate result of the misconduct and unfair and

1 undisclosed business practices set forth above, Defendants have been unjustly
2 enriched.

3 33. Through false advertising, unfair and undisclosed business practices,
4 and fraudulent concealment in connection with the advertising, marketing,
5 promotion and sale of the online games, Defendants reaped benefits which resulted
6 in their wrongful receipt of revenues. Accordingly, Defendants will be unjustly
7 enriched unless ordered to disgorge those revenues for the benefit of Plaintiff and
8 the Class.

9 **PRAYER FOR RELIEF**

10 1. That this matter be certified as a class action with the Class defined as
11 set forth above under Fed. R. Civ. P. 23(b)(3), or in the alternative, Fed. R. Civ. P.
12 23(b)(2), and that the Plaintiff be appointed Class Representative, and her attorneys
13 be appointed as Class Counsel.

14 2. That the Court enter an order requiring Defendants to immediately
15 cease the wrongful conduct as set forth above; enjoining Defendants from
16 continuing to falsely advertise or conceal material information about the online
17 games; enjoining Defendants from engaging in the unfair and undisclosed business
18 practices; and ordering Defendants to engage in a corrective notice campaign;

19 3. That judgment be entered against Defendants in an amount
20 underdetermined for unjust enrichment, including disgorgement of profits received
21 by Defendants as a result of said purchases, appropriate equitable relief, attorney's
22 fees and costs of suit;

23 4. That judgment be entered against Defendants for damages, statutory
24 damages, punitive damages, costs of suit, attorney's fees and injunction; and

25 5. For prejudgment and post-judgment interest;

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27 //

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6. For such other relief as the Court deem just and proper.

Dated: June 18, 2009

MAKAREM & ASSOCIATES, APC

By: _____

Ronald W. Makarem, Esq.
Marni B. Folinsky, Esq.

MICHAEL H. KIM, P.C.

By: _____

Michael H. Kim, Esq.

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

I (a) PLAINTIFFS (Check box if you are representing yourself)
ESTHER LEONG, individually and on behalf of all others similarly situated
DEFENDANTS
SQUARE ENIX OF AMERICA HOLDINGS, INC., a Delaware corporation;
SQUARE ENIX, INC., a Washington corporation, DOES 1-10

(b) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.)
MAKAREM & ASSOCIATES, APLC, 11601 Wilshire Blvd., Ste. 2440, Los Angeles, CA 90025, (310) 312-0299; MICHAEL H. KIM, P.C., 3699 Wilshire Blvd., Ste 860, Los Angeles, CA 90010, (213) 639-2900
Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an X in one box only.)
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 PTF DEF
[] 1 U.S. Government Plaintiff [] 3 Federal Question (U.S. Government Not a Party)
[] 2 U.S. Government Defendant [X] 4 Diversity (Indicate Citizenship of Parties in Item III)

IV. ORIGIN (Place an X in one box only.)
[X] 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: [X] Yes [] No (Check 'Yes' only if demanded in complaint.)
CLASS ACTION under F.R.C.P. 23: [X] Yes [] No
MONEY DEMANDED IN COMPLAINT: \$ excess \$5 million

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.)
Class Action Fairness Act of 2005, 28 U.S.C. §§ 1332(a) and 1332(d), 28 U.S.C. § 1367(a) -- violation of unfair competition & false advertising laws

VII. NATURE OF SUIT (Place an X in one box only.)
OTHER STATUTES: [] 400 State Reapportionment [] 410 Antitrust [] 430 Banks and Banking [] 450 Commerce/ICC Rates/etc. [] 460 Deportation [] 470 Racketeer Influenced and Corrupt Organizations [] 480 Consumer Credit [] 490 Cable/Sat TV [] 810 Selective Service [] 850 Securities/Commodities/Exchange [] 875 Customer Challenge 12 USC 3410 [X] 890 Other Statutory Actions [] 891 Agricultural Act [] 892 Economic Stabilization Act [] 893 Environmental Matters [] 894 Energy Allocation Act [] 895 Freedom of Info. Act [] 900 Appeal of Fee Determination Under Equal Access to Justice [] 950 Constitutionality of State Statutes
CONTRACT: [] 110 Insurance [] 120 Marine [] 130 Miller Act [] 140 Negotiable Instrument [] 150 Recovery of Overpayment & Enforcement of Judgment [] 151 Medicare Act [] 152 Recovery of Defaulted Student Loan (Excl. Veterans) [] 153 Recovery of Overpayment of Veteran's Benefits [] 160 Stockholders' Suits [] 190 Other Contract [] 195 Contract Product Liability [] 196 Franchise
REAL PROPERTY: [] 210 Land Condemnation [] 220 Foreclosure [] 230 Rent Lease & Ejectment [] 240 Torts to Land [] 245 Tort Product Liability [] 290 All Other Real Property
TORTS:
PERSONAL INJURY: [] 310 Airplane [] 315 Airplane Product Liability [] 320 Assault, Libel & Slander [] 330 Fed. Employers' Liability [] 340 Marine [] 345 Marine Product Liability [] 350 Motor Vehicle [] 355 Motor Vehicle Product Liability [] 360 Other Personal Injury [] 362 Personal Injury-Med Malpractice [] 365 Personal Injury-Product Liability [] 368 Asbestos Personal Injury Product Liability
IMMIGRATION: [] 462 Naturalization Application [] 463 Habeas Corpus-Alien Detainee [] 465 Other Immigration Actions
TORTS:
PERSONAL PROPERTY: [] 370 Other Fraud [] 371 Truth in Lending [] 380 Other Personal Property Damage [] 385 Property Damage Product Liability
BANKRUPTCY: [] 422 Appeal 28 USC 158 [] 423 Withdrawal 28 USC 157
CIVIL RIGHTS: [] 441 Voting [] 442 Employment [] 443 Housing/Accommodations [] 444 Welfare [] 445 American with Disabilities - Employment [] 446 American with Disabilities - Other [] 440 Other Civil Rights
PRISONER PETITIONS: [] 510 Motions to Vacate Sentence [] 530 Habeas Corpus General [] 535 Death Penalty [] 540 Mandamus/Other [] 550 Civil Rights [] 555 Prison Condition
FORFEITURE / PENALTY: [] 610 Agriculture [] 620 Other Food & Drug [] 625 Drug Related Seizure of Property 21 USC 881 [] 630 Liquor Laws [] 640 R.R. & Truck [] 650 Airline Regs [] 660 Occupational Safety /Health [] 690 Other
LABOR: [] 710 Fair Labor Standards Act [] 720 Labor/Mgmt. Relations [] 730 Labor/Mgmt. Reporting & Disclosure Act [] 740 Railway Labor Act [] 790 Other Labor Litigation [] 791 Empl. Ret. Inc. Security Act
PROPERTY RIGHTS: [] 820 Copyrights [] 830 Patent [] 840 Trademark
SOCIAL SECURITY: [] 861 HIA (1395ff) [] 862 Black Lung (923) (405(g)) [] 863 DIWC/DIWW [] 864 SSID Title XVI [] 865 RSI (405(g))
FEDERAL TAX SUITS: [] 870 Taxes (U.S. Plaintiff or Defendant) [] 871 IRS-Third Party 26 USC 7609

FOR OFFICE USE ONLY: Case Number: CV09-04484
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
	San Francisco County

(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
The principal place of business for SQUARE ENIX OF AMERICA HOLDINGS, INC. and SQUARE ENIX, INC is within Los Angeles County	

(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): _____

Date

6/18/09

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))