

Four Districts Almanac

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Along with a big group of fellow students, I watched the Watergate hearings on a black and white television in the lower commons, which was the recreation room below the cafeteria at Reed, normally devoted to poker, pin ball and pool.

We were addicted by the legal drama, the questioning, the testimony, and the twists and turns the hearings took from day to day.

There were no leaks, no press releases ahead of time. The revelation of the taping system in the oval office came out in the course of a testimony, during the questioning of Nixon aide Alexander Butterfield.

The details of it are so seared into my mind that I remember the chair handing off the questioning of Butterfield to the staff lawyer who discovered the existence of the tapes.

Equally as clear in my memory was the precise, detailed memory and testimony of Nixon's White House Counsel John Dean who had been fired by Nixon, and who described the cover-up as a "cancer on the presidency."

Come around to last week's televised testimony by Jim Comey before the Senate Intelligence Committee. The folks here at work wondered why I wasn't watching the hearing live.

It forced me to consider what, other than my then lack of jadedness, made the Watergate hearings so compelling and the current spectacle so washed out by comparison.

Partly it is because the major revelations in the current investigations have been coming out through leaks and press releases, rather than through the hearings. And it is because the lines of questioning during the hearings themselves seem predictable, with the majority members largely attempting to downplay or undermine any testimony damaging to the President.

But it also has a lot to do, I realized, with the fact that a central character is missing.

At the heart of the Watergate hearings was its master of ceremonies, Sen. Sam Ervin, with a strong North Carolina accent and a folksiness that veiled the deep intelligence of a master of the language and a surefooted, probing interrogator.

He described himself as an "old country lawyer." And all the abilities he acquired in that role were operating at full capacity during Watergate.

He ran the hearings with diplomacy, full control,

even as the unpredictable unfurled, and all with remarkable endurance.

There is no such figure in the current hearings.

While the stage of Watergate supported a great number of colorful characters, like a sprawling historical play, there was a second figure who stood out: the ranking minority member of the investigating committee, Howard Baker.

The first Republican ever to be elected to the Senate from Tennessee – something that boggles the mind a little, to think of those red states as once deep blue – Baker was a moderate Republican in the Senate who held stature and authority and worked well with, and had great respect from, his Democratic colleagues.

Baker, also trained as a lawyer, was just as interested as the majority chairman in getting to the bottom of the Watergate scandal.

There is no such figure in these hearings.

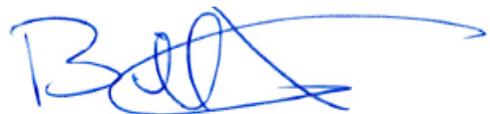
Certainly not Committee Chair Sen. Richard Burr, who spent the night after the Comey hearing on TV explaining why the president's expression of "hope" that Comey that he would sink the Russia investigation was really just that, a hope, the kind that springs eternal.

Despite the contrast in stature between the political giants of old and the dwarfish lot today, the relative positions of the underlying events are reversed.

The ham-handed burglary of a political opponent's office is somewhere far down the political Richter scale from a broad and systematic attempt to interfere in an American presidential election by our nation's powerful and longstanding geopolitical foe.

The muddle of the investigation means that those emerging as leaders and men of principal are not politicians but members of the intelligence services. Like former NSA boss James Clapper, looking every bit the spy chief, who said, "You compare the two, Watergate pales really compared to what we are confronting now."

He added that the assault on our nation is two-pronged, coming from without and from within. The threat from within, he said, is from the oval office. Kind of like a cancer.



Obiter Dictum: Milt Policzer

Sometimes lawyers are hilarious. Some of them mean to be. Others don't. And sometimes I don't know whether they realize what they're saying.

I immediately thought all of the above (because I'm a fast thinker) last week after looking at the announcement of the upcoming wiener dog race at Santa Anita racetrack.

To enter your animal in the race, you have to sign a waiver. I assume someone at the racetrack or in the wiener dog racing hierarchy hired a lawyer to draft this waiver.

It contains a paragraph in capital letters that begins with this phrase:

"I AM AWARE THAT DACHSHUND

RACING IS A POTENTIALLY HAZARDOUS ACTIVITY..."

What!?!?

It is?

Are we perhaps blissfully unaware of the disgusting contents of our wieners?

You can see the problem here: No one is aware that dachshund racing is a potentially hazardous activity. To participate in this event, you have to make a false statement.

Tell the truth and you're out.

Obviously, this makes the waivers invalid – they're based on a lie. The track can't protect itself with an assumption of risk defense

Continued on back page

FIDUCIARY DUTY

Class Goes Ahead on Post's Sugary Cereal

Krommenhock v. Post 3:16 cv 4958 WHO

Consumers can continue with most of their putative class action claims accusing Post Foods of misleading the public into believing that their cereals are healthy when they actually contain high added sugar content.

The consumers challenge labeling claims made on 44 different Post cereal products that Post markets under its four main cereal lines: Post Selects, Post Honey Bunches of Oats Cereals, Post Shredded Wheat, and Single-Variety Post Cereals.

They claim that the products' labels contain health and wellness claim that are false and misleading due to the cereals' high added sugar content. Post's labels allegedly violate various California consumer protection statutes by suggesting that the cereals are healthy even though high amounts of added sugar can cause adverse health conditions.

Judge William Orrick in the Northern District finds that most of the claims are not preempted by federal law.

"Plaintiffs' FAC challenges numerous la-

beling statements that either expressly or impliedly suggest that Post cereals are healthy, contending that these statements are deceptive and misleading in light of the products' high added sugar content.

"Post asserts that all of the claims are preempted in light of the FDA's recent rulemaking setting a recommended level of added sugar consumption at 10 percent of calories and imposing requirements for disclosure of added sugars in the Nutrient Fact Panel effective in 2018. The analysis of whether preemption bars plaintiffs' claims 'turns on whether the challenged statements are authorized by the FDA's regulations or other pronouncements of similar legal effect.'

"Post's argument hinges in large part on the plaintiffs' reliance on the American Heart Association's Scientific Statement that added sugars should be limited to 5 percent of the DRV [Daily Recommended Value]. Post notes that the FDA specifically considered and rejected setting the recommended DRV at 5 percent in light of the scientific evidence before the FDA, and instead settled on the recommended 10 percent of calories 'considering cur-

rent consumption of added sugars in the United States.’

“That plaintiffs rely in part (and not exclusively) on the AHA 5 percent recommendation to provide a plausible scientific basis for their allegations that consuming excess amounts of added sugars creates significant health risks does not mean those claims are preempted because the FDA chose not to set its DRV at 5 percent considering consumption patterns and based on the scientific evidence before it.

“Plaintiffs’ claims, when properly construed, are not that the cereal manufacturers should be required to list any particular facts about sugar in either the Nutrition Facts Panel or on the other parts of the labels, but that the use of various identified health and wellness claims misleadingly convey to consumers that the products are healthy, when they are not given the high levels of added sugar.

“There is no evidence that the FDA in its final rule set out to proscribe or prohibit statements regarding health or wellness in connection with an analysis of added sugars. Nor is there evidence that the FDA concluded that consumption of added sugar in the amounts in the challenged products was healthy.

“Instead, the evidence is that the FDA adopted the 10 percent added-sugar DRV to be used in the FDA mandated Nutrition Facts Panel based on the evidence before it and as ‘realistic’ based on current consumption pattern.

“Plaintiffs’ claims that defendant’s use of health and wellness claims on its labels make those labels false and misleading because consumption of levels of added sugar in defendant’s products is unhealthy are not preempted claims.”

Post also challenges the consumers’ claim that Post had a “duty to warn” consumers about the dangers of consuming excess amounts of added sugar like those in its cereals.

“Post points out that the FDA in its rulemaking proceedings rejected calls to revise its proposed rule to mandate specific suggested warning labels regarding added sugars because the specific proposed ‘statements are not consistent with our review of the evidence . . . , and we do not require warning labels or disclaimers for other nutrients on the label. Furthermore, some added sugars can be included as part of a healthy dietary pattern.’

“The FDA’s failure to ‘revise its rule’ to adopt

the label warnings suggested by a few commentators, however, does not mean that a ‘failure to warn’ type of claim is expressly preempted, absent evidence that consideration of this type of affirmative warning was the focus of the FDA’s rulemaking.

“It appears the FDA’s focus was updating the Nutrition Facts Panel to disclose added sugars and include a DRV. Moreover, plaintiffs clarify in their opposition that they ‘do not allege Post was obligated to warn merely because its cereals have excessive sugar levels, but because Post affirmatively misrepresented that the cereals are healthy through labeling statements outside the Nutrition Facts Panel.’

“As above, this type of consumer protection claim is not expressly preempted based on the record before me regarding the FDA’s rulemaking.”

The court also rejects Post’s challenge to the consumers’ ability to state claims under the three protection statutes at issue, the False Advertising Law, Consumer Legal Remedies Act, and Unfair Competition Law.

Post argues “that some of plaintiffs’ studies and the FDA’s new rule support Post, because those studies recognize that many features of Post’s cereal – whole grains, added vitamins – provide significant nutritional benefits and even added sugar ‘can be’ part of ‘healthful dietary patterns.’”

However, the court finds that “this is not the appropriate time to weigh the competing harms and benefits from Post’s products or address whether Post knows (as alleged by plaintiffs) that its products are typically overconsumed. It is sufficient that plaintiffs have a plausible scientific basis for their consumer protection claims.

“Finally, defendants argue that because the risks from overconsuming sugar are widely known, Post cannot plausibly have misled consumers. But Post posits the wrong disclosure; the crux of plaintiffs’ claims is that Post’s use of prominent marketing terms expressly or implicitly advertising the products as healthy were misleading because the amount of sugar in the product made those claims false.”

Post’s motion to dismiss is denied as to the consumers’ FAL, CLRA and UCL claim based on fraudulent or misleading health and wellness claims. However, the consumers must amend their warranty and injunctive relief claims.

Plaintiff is represented by Jack Fitzgerald; defendant by Angel Garganta with Venable.

CLASS ACTIONS

Animators Win \$168M for Wage Collusion

*Robert Nitsch, et al. v. Dreamworks Animation
SKG Inc. 14cv4062 LHK*

Animators for Dreamworks, Blue Sky, Sony, Pixar, Disney and Lucasfilm will receive \$168 million to settle claims that the big movie studios conspired to suppress their wages.

In 2014, senior character effects artist Robert Nitsch sued the studios, claiming they colluded to fix wages and restrict career opportunities for artists by agreeing not to cold call each others' employees, to notify each other when making an offer to an employee, and not to offer higher pay if the current employer made a counteroffer.

Judge Lucy Koh in the Northern District granted final approval to the settlement agreement, under which 10,000 current and former animation workers will receive recovery.

"Overall, the court finds the settlement agreements are fair, adequate, and reasonable in light of the relevant factors. The first factor, the strength of the plaintiffs' case, supports final approval. As this court has previously held, legal uncertainty favors approval of a settlement.

"The second factor, the risks, expense, complexity, and likely duration of further litigation, also supports final approval. Plaintiffs and the settling defendants entered into the settlements before the parties filed motions for summary judgment. At the time of the settlements, the outcome of the motions for summary judgment was unknown. If the case had proceeded to trial, the issues would have been complex and significant. Through the settlements, the parties reduced the scope of the ongoing litigation and lessened the expense and burden of summary judgment and trial.

"The third factor, the extent of discovery completed and the stage of the proceedings, supports final approval. In litigating this action, plaintiffs have relied on much of the discovery taken in the related case of *In re High-Tech*.

"Between the discovery completed in *High-Tech* and the discovery taken in the instant case, at

the time of settlement the record was substantially developed and both sides had a clear view of the risks of continuing litigation.

"Plaintiffs also litigated two motions to dismiss, a motion to compel arbitration and stay proceedings, and a motion for class certification. The discovery process at the time of the settlements was thorough.

"The fourth factor, the experience and views of counsel, also supports final approval. Both plaintiffs and the settling defendants are represented by competent, experienced, and sophisticated counsel, all of whom favor settlement.

"The fifth factor, the presence of a governmental participant, is irrelevant because there is no governmental participant in this action.

"The sixth factor, the reaction of the class members to the proposed settlements, strongly supports final approval. Out of more than 10,000 class members, only five class members have opted out of the settlements, two class members have objected to the settlements, and two non-class members have

The plan of allocation is fair, reasonable, and adequate. It will provide each class member with a fractional share based upon each class members' total compensation received during the conspiracy period. In addition, there will be no reversion of funds back to DreamWorks or the Disney defendants

objected

"Five of the six factors that the Ninth Circuit has outlined favor final approval in this case, and the sixth factor is irrelevant. Therefore, the court finds the settlement agreements are fair, adequate, and reasonable in light of these factors.

"The court further finds that the settlement agreements are in the best interests of the Settlement Class, and that notice thereof comports in all

respects with the Federal Rules of Civil Procedure and due process.

“The court further finds that the settlement agreements are the result of arm’s-length negotiations between experienced counsel representing the interests of the class and the defendants. Accordingly, the settlements embodied in the settlement agreements are hereby approved in all respects and shall be consummated in accordance with their terms and provisions.

“The plan of allocation is fair, reasonable, and adequate. It will provide each class member with a fractional share based upon each class members’ total compensation received during the conspiracy period. In addition, there will be no reversion of funds back to DreamWorks or the Disney defendants.

“Upon the Effective Date, and subject to the provisions of Section X of this Final Judgment, the plaintiffs’ and the class’s claims in the SAC [Second Amended Complaint] are dismissed as against

DreamWorks or the Disney defendants with prejudice, with each side to bear its own costs and attorneys’ fees except as provided by the settlements and this court’s orders.

“Class members who did not file with the court valid and timely requests for exclusion from the settlement agreements are barred from further prosecution of the released claims, and the released parties are released and forever discharged from liability for the released claims.

“This court finds, pursuant to Federal Rules of Civil Procedure 54(a) and (b), that this final judgment should be entered and that there is no just reason for delay in the entry of this final judgment. Accordingly, the clerk is hereby directed to enter judgment immediately pursuant to Federal Rules of Civil Procedure 54.”

Plaintiff is represented by Daniel Small, Cohen Milstein. Defendant is represented by Cody Harris, Kecker and Van Nest.



CIVIL RIGHTS

NAACP Can Proceed Over Vigil Bust-Up

San Diego Branch of National Association for the Advancement of Colored People, et al. v. County of San Diego, et al. 16cv2575 JLS(BGS)

A group of protesters in El Cajon, California, can move forward with parts of their civil rights action against law enforcement for breaking up their peaceful vigil.

On October 1, 2016, four days after police shot and killed an unarmed black man named Alfred Olango, community members gathered to hold a candlelight vigil at the parking lot of Los Panchos restaurant where Olango was shot. Sheriff's deputies showed up and dispersed the crowd, arresting those who would not leave and tearing down signs. Another vigil was held on October 16, where police again declared that attendees were trespassing.

The NAACP, eleven adults and three children sued the City of El Cajon, The County of San Diego and its police chief, seeking a temporary restraining order to block police from arresting community members and prohibiting gatherings at the site. Judge Janis Sammartino in the Southern District denied the order. The defendants then moved to dismiss the underlying civil rights lawsuit. Sammartino grants and denies the motion in part.

"Defendants argue that the NAACP is not a proper party to the action because it fails to allege any direct harm and does not meet the requirements to have 'associational' standing. Plaintiff counters that the NAACP 'is bringing its claim both with respect to its own free speech rights as an organization, as well as that of its members[,] and argues that '[t]he organization has repeatedly been unable to hold assemblies at the vigil site due to defendants' position that they can bar all expressive activity on the property.'

"However, the NAACP's alleged inability to hold assemblies appears nowhere in the complaint, and thus the NAACP has not adequately alleged direct injury. Accordingly, the only question is whether the NAACP meets the requirements for associational standing. The court finds that it does not. Given the foregoing, the court dismisses the NAACP from

this action.

"In the present case, plaintiffs' first two declaratory relief requests are not viable; the police have already taken the relevant actions, and plaintiffs frame their requests as declarations that these past actions were unlawful. And even if the actions were, it would have little bearing on any future protests, which would each have to be evaluated anew for legal compliance at the time of the protest.

"The crux of plaintiffs' third request for declaratory relief is that plaintiffs have a right to engage in expressive activity at the location of Mr. Olango's death because the location is a public forum under California law.

"But the California Supreme Court recently held that 'to be a public forum under our state Constitution's liberty-of-speech provision, an area within a shopping center must be designed and furnished in a way that induces shoppers to congregate for purposes of entertainment, relaxation, or conversation, and not merely to walk to or from a parking area, or to walk from one store to another, or to view a store's merchandise and advertising displays.' *Ralphs Grocery Co. v. United Food & Commercial Workers Union Local 8*, 290 P.3d 1116, 1121 (Cal. 2012).

"Given the foregoing, the court grants defendants' motions to dismiss plaintiffs' first cause of action.

"In the present case, plaintiffs do not dispute that the vigil location is a private shopping center. Indeed, the location appears to be a block-long strip mall with centralized parking for several stores and restaurants. Plaintiffs do not enjoy absolute First Amendment rights in such a location.

"However, the complaint contains a pleading distinction between the October 1 and October 15-16 incidents. Specifically, plaintiffs allege that '[o]n Saturday, October 1, 2016, community members held a vigil on private land with permission of Los Panchos. Given the foregoing, the court dismisses all of plaintiffs' First Amendment claims except for those regarding the October 1, 2016 vigil.

"Defendants argue that *Heck v. Humphrey*, 512 U.S. 477, 487 (1994), and its progeny require either

BRIEFS

dismissal of certain claims or entry of a stay because plaintiffs are necessarily ‘challenging the legitimacy of the charges against them in their state criminal actions but have not alleged those state criminal cases have concluded.’

“However, Heck held only that “when a state prisoner seeks damages in a § 1983 suit, the district court must consider whether a judgment in favor of the plaintiff would necessarily imply the invalidity of his conviction or sentence; if it would, the complaint must be dismissed unless the plaintiff can demonstrate that the conviction or sentence has already been invalidated.”

“Given the foregoing, the court cannot at this time say that Heck and its progeny warrant dismissal of these claims or a stay of this action.

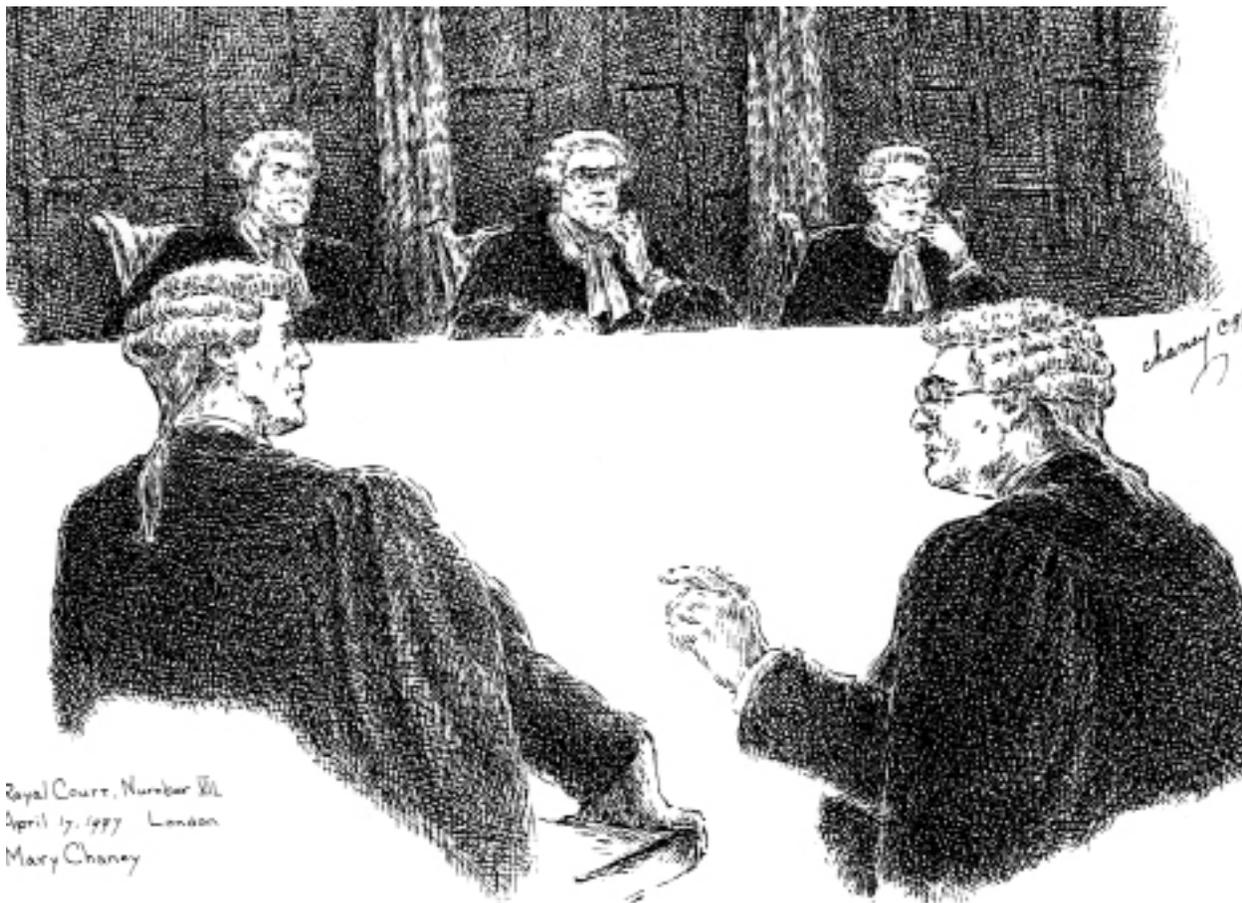
“Defendants devote a paragraph to argument regarding why the relevant officers had probable cause to arrest the relevant plaintiffs for visiting the vigil site after October 16. This lone paragraph in turn contains only one citation to legal author-

ity—the California jury instruction for ‘Trespass: Unlawfully Occupying Property.’ In the present case, there are no allegations that the plaintiffs who were arrested for trespassing intended to remain at the vigil site permanently. Accordingly, and in the absence of contrary authority, defendants’ argument here fails.

“Given the foregoing, the court grants in part defendants’ motions to dismiss and dismisses: (1) Sheriff Gore and the County of San Diego from this action; (2) Plaintiff NAAACP from this action; (3) Plaintiffs’ First Cause of Action; (4) Plaintiffs’

second cause of action except for those claims relating to the October 1, 2016 vigil; (5) Plaintiffs’ fourth cause of action regarding the three children; and (6) Plaintiffs’ sixth cause of action. Defendants’ motions to dismiss are otherwise denied. Plaintiffs are granted leave to amend their complaint.”

Plaintiff is represented by Todd Cardiff. Defendant is represented by Carrie Mitchell, McDougal Love.



SANCTIONS

Supposed Prince Song Author Bounced

Rodney Herachio Dixon v. NPG Music Publishing LLC, et al. 5:17cv363 ODW (DTB)

A man who says he wrote all of the late musician Prince's songs in exchange for a billion dollars from Prince has no proof to support his copyright claim.

Rodney Herachio Dixon says he granted Prince a license to the works, which include songs on the Purple Rain, Around the World in Day, Sign O' The Times, and Emancipation albums, to Prince in 1982 in exchange for a million dollars. He then extended it for nine years in exchange for one billion dollars payable in 1994. Dixon claims that in 1995, he extended that license for the remainder of Prince's life, receiving one dollar as consideration from Prince's lawyer Jerry Edelstein. The license terminated when Prince died on April 21, 2016.

On April 4, 2014, Prince transferred the publishing rights to 965 of his songs to NPG Publishing, a company he managed. Dixon claims NPG has been copying and selling the songs without his permission, and has filed a number of lawsuits to recover his billion dollars, the first being in 1994, then later in 2016 in Prince's home state of Minnesota. The Minnesota court found Dixon failed to show that he ever had a licensing agreement with Prince.

Dixon filed the present action on February 24, 2017 for copyright infringement and breach of contract, and defendants moved to dismiss.

Judge Otis Wright in the Central District dismissed the action, and granted defendants' motion to declare Dixon a vexatious litigant.

"In an attempt to establish the requisite registration, plaintiff has attached several documents from the United States Copyright Office to his complaint. One of these documents is a registration for 'Rameses XII; Merc [S]upertext; a handy manual for the serious student of spirituality' by Rameses America Mercury.

"However, this registration does not reference any of the works at issue in this action. The other Copyright Office documents plaintiff has attached to the complaint relate to the February 4, 2016 recodation of an April 4, 2014 transfer of rights for

the relevant works from Prince to NPG Publishing. Plaintiff alleges that this recodation somehow caused all 965 of the transferred works to become 'part of [the] Merc Supertext' referenced in the previous paragraph.

"Outside of these documents and related allegations, the complaint does not otherwise allege any registration of the works at issue in this action—let alone any of the specifics of their registration. Therefore, the court finds that plaintiff has not met the registration prerequisite for filing an infringement claim and grants defendants' motion to dismiss as to plaintiff's first cause of action. As there is no indication that plaintiff can remedy this deficiency, the dismissal is without leave to amend.

"Defendants argue that plaintiff's breach of contract claim and intentional inference with contract claims are precluded by the doctrine of res judicata based on the Minnesota court's August 29, 2016 decision.

"Plaintiff's sole argument in opposition is that the Minnesota court considered only the 1982 li-

For instance, one of plaintiff's declarations indicates that he is 'Pharaoh of the World,' includes lengthy biblical pursuing a parallel petition to 'change his name from Rameses America Mercury to Love.' another of his declarations from the 1994 action, plaintiff refers to himself as a 'son of God' and quotes biblical passages without any mention whatsoever of facts pertinent to the case.

censing agreement, which was not supported by adequate consideration and not the 1995 agreement, which was supported by adequate consideration in rendering its decision. Plaintiff misreads the Minnesota court's decision.

"Rather than viewing each successive licensing agreement as separate, the Minnesota court appears to have analyzed the successive agreements together

as part of a larger agreement that was ‘consummated’ in 1995.

“The court also notes that the portion of [plaintiff’s] argument relating to consideration is misleading. Plaintiff’s Minnesota petition does not appear to have contained the allegation about receiving consideration from Jerry Edelstein that the

present pleadings now contain. Therefore, the Minnesota court was correct in stating that the agreement or agreements (depending on how one views them) were not supported by adequate consideration.

“Finding that the four elements of res judicata are met for the reasons described by defendants, and finding plaintiff’s argument unavailing, the court holds that plaintiff’s breach of contract claim is barred by the doctrine of res judicata.

“A court may consider the content of a party’s submissions in making a vexatious litigant determination. As defendants point out, plaintiff’s submissions have at times left behind reality in addition to sound legal theory.

“For instance, one of plaintiff’s declarations indicates that he is ‘Pharaoh of the World,’ includes lengthy biblical pursuing a parallel petition to

‘change his name from Rameses America Mercury to Love.’ another of his declarations from the 1994 action, plaintiff refers to himself as a ‘son of God’ and quotes biblical passages without any mention whatsoever of facts pertinent to the case.

“After reviewing plaintiff’s submissions, the court finds much of their content irrelevant, if not deeply troubling. The content of plaintiff’s submissions weighs in favor of deeming plaintiff a vexatious litigant.

“After reviewing the papers submitted in support of this motion and all relevant evidence, the court finds that there is an extensive record on which to base a vexatious litigant finding. The court also finds that the bizarre statements made by

plaintiff and the repetitive quality of the successive actions provide a strong substantive foundation for such a finding.

“In light of the foregoing, the court grants defendants’ motion to dismiss without leave to amend and grants defendants’ motion to deem plaintiff a vexatious litigant.”

Plaintiff is pro se. Defendant is represented by Oscar Ramallo, Anold & Porter.



RULE & JUDGMENT

Written Decisions Shaping Practice in The Four Districts



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RULE AND JUDGMENT

ATTORNEY FEES

NEI Contracting and Engineering Inc. v. Hanson Aggregates Inc. 3:12cv1685

Bashant in the Southern District denies NEI Contracting's motion for attorney fees in a class action regarding a concrete company's practice of recording phone calls without consent.

NEI brought its claim under California Penal Code section 632.7, which prohibits the recording of cell phone calls without consent, and sought injunctive relief enjoining Hanson's alleged violation. Hanson changed the admonition that customers hear when calling its dispatch lines to one that informs customers that their calls "may be monitored or recorded for quality assurance." NEI proceeded to trial on its individual claim and request for injunctive relief against Hanson, and lost.

Although NEI Contracting achieved partial success in seeking to change Hanson's conduct, and customers are now notified that their calls may be recorded, NEI does not meet its burden of demonstrating that the requirements under California's Private Attorney General Statute and the catalyst theory are satisfied for purposes of attorney fees.

Plaintiff is represented by Douglas Campion. Defendant is represented by Fred Puglisi at Sheppard Mullin in Los Angeles.

ATTORNEY FEES

Amusement Art LLC v. Life Is Beautiful LLC 2:14cv08290

Pregerson in the Central District grants defendant Life Is Beautiful's motion for attorney fees and non-taxable costs in the amount \$922,309 after it prevailed in an intellectual property dispute.

The parties' dispute arose around a splashed paint heart design for which plaintiff asserted rights based on a copyright in 2009. Plaintiff claimed that defendant, which hosts an annual art and music event in Las Vegas, violated his copyright and trademark rights in the design.

The court finds that plaintiff is liable for fraudulent conduct in this case. The trademark infringement claims were initially based on eight fraudulently obtained registrations. Plaintiff staged photographs and submitted false declarations about using the mark in commerce on goods, but later admitted that the goods were never sold. Furthermore, the splashed heart design trademark claim were exceptionally weak.

Plaintiff is represented by Beau Boudreaux at Eisner Jaffe. Defendants are represented by John Michael Gildersleeve at Munger Tolles and Olson.

BANKRUPTCY

Theodosios Roussos; Dr. George Singer, MD; Thalia Singer; Harris Roussos; Theodosia Roussos v. Howard Ehrenberg 2:17cv00552

Walter in the Central District affirms the bankruptcy court's order regarding separate Chapter 11 petitions filed by two brothers, Theodosios and Howard Rouso.

The 1994 bankruptcy cases of the Roussos brothers were reopened when a creditor discovered that the brothers had committed a fraud on the Bankruptcy Court in 1994. The settlement agreement provided that the two fraudulently sold apartment buildings would be returned to the Roussos brothers' bankruptcy estates.

One of the brothers, Theodosios Roussos, was ordered to surrender and deliver three units he was illegally occupying in one of the apartment buildings to be sold. The bankruptcy court had jurisdiction to compel turnover of the units and did not err in finding the appellants had no valid interest in the units.

Appellants are represented by Jonathan Shenson at Shenson Law Group. Appellee is represented by Daniel Lev at Sulmeyer Kupetz.

RULE AND JUDGMENT

CIVIL RIGHTS

Oscar Luna; Alicia Puentes; Dorothy Velasquez; Gary Rodriguez v. County of Kern; Kern County Board of Supervisors; Mick Gleason; Zack Scrivner; Mike Maggard; David Couch; Leticia Perez, in their official capacities as members of the Kern County Board of Supervisors; John Nilon, in his official capacity as Kern County Administrative Officer; Mary B. Bedard, in her official capacity as Kern County Registrar of Voters 1:16cv568 DAD

Drozdz in the Eastern District finds that disgruntled voters have not done enough to prove that a redistricting plan in Kern County discriminates against Latinos, so the case will proceed to trial.

Plaintiffs claim that Latino voters are able to elect only one of five board members even though just over 51 percent of the county's population is Latino. Plaintiffs submitted an example redistricting map to back up their claim that the creation of a second Latino majority district is not only possible, but feasible.

Though plaintiffs have shown that Latino voters would enjoy a numerical majority in the theoretical new district, they have not shown that the communities in that district are cohesive enough to be considered a single community of interest, the judge finds. Plaintiffs have not met their burden to satisfy the conditions necessary to support their claims.

Plaintiffs are represented by Denise Hulett from the Mexican American Legal Defense and Educational Fund in San Francisco.

CIVIL RIGHTS

Jane Doe v. Los Angeles Unified School District; Paul Revere Middle School and Magnet Center; Steven Carnine; Thomas Iannucci; Christopher Perdigao; Michelle King 2:16cv00305

Snyder in the Central District grants in part and denies in part defendants' motion in limine in a civil rights case in which an African American middle school student alleges that she was the victim of a racist teacher.

Plaintiff Jane Doe alleges that her teacher used the "n-word," singled her out as an example when discussing Abraham Lincoln and African Americans, and that he discussed stereotypes that "African Americans students are poor and don't perform well." Doe says that she was threatened by fellow students and not protected by school staff after she filed a complaint in state court.

Evidence relating to six prior incidents of the teacher's alleged misconduct will be excluded. The student will not be allowed to offer testimony of student-on-student harassment targeting other students unless she can show that defendants were aware of it. The student will be permitted to offer evidence that students "saw school officials do nothing to stop" the protests.

Plaintiff is represented by Jonathan Nielsen at Nielsen Peterson and Nielsen in Oxnard. Defendants are represented by Clifton Albright at Albright Yee and Schmit.

CLASS ACTION

Joann Martinelli, individually and on behalf of all others similarly situated v. Johnson & Johnson; McNeil Nutritionals LLC 2:15cv1733 MCE

England in the Eastern District finds that plaintiffs are not entitled to nationwide certification of their class action accusing defendants of mislabeling their Benecol Regular and Light Spreads as having "no trans fatty acids."

There are material differences between California law and the laws of the other states governing plaintiffs' claim for warranty, negligent misrepresentation, consumer protection and fraud. The other states have an interest in applying their own law to conduct within their borders. California's interests are weak in

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comparison.

Because the nationwide class claims require application of the laws of all 50 states, the predominance requirement for certification cannot be met. However, this ruling does not affect plaintiffs' California subclass.

Plaintiff is represented by Annick Marie Persinger at Bursor and Fisher in Walnut Creek. Defendants are represented by Amanda Villalobos at Tucker Ellis in Los Angeles.

CLASS ACTION

Homesite Insurance Company of the Midwest; American Strategic Insurance Corporation; Meridian Security Insurance Company; Milbank Insurance Company v. Gree USA Inc.; Gree Electric Appliances, Inc. of Zhuhai; Hong Kong Gree Electric Appliance Sales 2:16cv06769

Wright in the Central District denies an appliance company's motion to dismiss a class action regarding the insurance companies' allegations that defective humidifiers caused house fires throughout the United States.

When an insurer subrogates the rights of the insured, it steps into the shoes of the insured and can thus seek damages and relief beyond simply the amount the insurer paid out.

Defendant Gree sold at least 421,000 dehumidifiers to defendant MJC in California so that MJC could distribute them to other US retailers, and Gree conducted other business sufficiently tied to California such that California's Unfair Competition Law and Consumers Legal Remedies Act are available as causes of action. Furthermore, the insurance companies allege that the entire network of the dehumidifier sales and decision making in the U.S. was based in California, which Gree fails to address in their motion.

Plaintiffs are represented by Nathan Dooley at Cozen O'Connor. Defendants are represented by Aji Abiedu at Hinshaw and Culbertson.

CLASS ACTION

Johnson v. Hartford Insurance Casualty Company 3:15cv4138

Orrick in the Northern District certifies a class action accusing Hartford Insurance of underpaying insureds' claims by purposefully miscalculating actual cost value (ACV) pay-outs.

There are common questions for the class, which accuses Hartford of depreciating structural loss to insureds' buildings, without regard to repairs and replacements of components. The injury suffered is determined by Hartford's alleged failure to calculate the lead plaintiff's actual cost value claim.

The primary common question is whether Hartford unlawfully depreciates certain building components when making actual cost value payments for partial losses. Additionally, there are material facts in dispute over the answers to those questions.

Plaintiff is represented by Michael John von Loewenfeldt at Kerr and Wagstaffe in San Francisco.

CLASS ACTION

John M. Flynn v. Sientra Inc. 2:15cv07548

Otero in the Central District grants final approval to a class action settlement for Sientra stock holders and grants attorney fees of \$2.7 million.

The class is defined as all persons who purchased Sientra common stock traceable to Sientra's secondary offering in September 2015 and all persons who purchased Sientra common stock during the period of May 14, 2015 through Oct. 28, 2015. The class accused Sientra of making misstatements or omissions on

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its registration statements.

The case settled after mediation and an extensive investigation. The settlement set forth in the stipulation is fair, reasonable, and adequate. The formula for the calculation of claims provides a fair and reasonable basis upon which to allocate the proceeds.

Plaintiff is represented by Alexander Hood at Pomerantz LLP out of New York. Defendants are represented by Koji Fukumura at Cooley LLP out of San Diego.

CLASS ACTION SETTLEMENT

Gillian Brown, on behalf of herself and all others similarly situated v. 22nd District Agricultural Association; Does 3:15cv2578 DHB

Bartick in the Southern District approves a settlement that will end class action claims accusing defendant of printing receipts containing the expiration dates of visitors' credit cards during the 2015 San Diego County Fair.

Under the settlement agreement, each admission entrance fee for the 2017 San Diego County Fair – subject to a \$750,000 total reduction cap – will be reduced by 50 cents from the then-current fair market value of such admission prices as determined by a neutral expert or as otherwise agreed upon by the parties.

Defendant will also pay \$175,000 to go toward attorney fees, an incentive award for the named plaintiff, and a settlement administrator.

Plaintiff is represented by Alex Katofsky at Gaines and Gaines in Calabasas. Defendant is represented by Craig Mariam at Gordon and Rees.

CONSUMER LAW

Melanie Kelley v. WWF Operating Company 1:17cv117 LJO

O'Neill in the Eastern District stays a class action alleging that the packaging for defendant's Silk Almondmilk beverages contains false and deceptive information.

Plaintiff says that defendant's packaging and television commercials for the beverages led her to believe that they were nutritionally superior to dairy milk when, in fact, they are inferior. She says she would not have purchased any Silk Almondmilk beverages or would have paid less for them had she known the truth.

O'Neill finds that plaintiff's claims fall within the Food and Drug Administration's primary jurisdiction. Plaintiff's position – that defendant's product is mislabeled in that it should be labeled as an "imitation" – is an issue of first impression. That issue fits squarely within the FDA's authority. Therefore, the doctrine of primary jurisdiction applies and the case is stayed while it is being referred to the FDA.

Plaintiff is represented by Bevin Elaine Allen Pike at Capstone Law in Los Angeles. Defendant is represented by Angela Agrusa at Liner LLP in Los Angeles.

CONTRACT

Sarah Magier; Atzimba Reyes v. Trader Joes 2:16cv01371

Wright in the Central District grants Trader Joes' motion to dismiss consumers' allegations that its tuna cans were underfilled.

Consumers commissioned testing with the U.S. National Oceanic and Atmospheric Administration and determined that several varieties of Trader Joes' tuna fell 9.9 to 24.8 percent below the minimum standard of fill for pressed cake tuna. However, Trader Joes argues that the drained and net weights on its tuna

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can labels were accurate.

The theory underlying the consumers' state-law claims depends entirely on an FDA regulation: they state that they would not have purchased Trader Joes' tuna if they had known the cans' fill did not comply with FDA standards. Plaintiffs cannot file suit as private litigants to enforce the Federal Food, Drug, and Cosmetic Act's provisions.

Plaintiffs are represented by Charles Spagnola at Sullivan Krieger et al. Defendant is represented by Christopher Dalton at Buchanan Ingersoll and Rooney out of Newark, New Jersey.

DISCOVERY

Ondra Mbazomo, on behalf of herself and all others similarly situated v. ETourandTravel Inc. 2:16cv2229 SB

Bastian in the Eastern District orders defendant to produce certain documents in this case in which plaintiff alleges that defendant illegally called her using an autodialer in violation of the Telephone Consumer Protection Act.

Defendant must produce its call logs and dial lists identifying the names and telephone numbers of all call recipients during the class period. Such lists are relevant to the commonality prong of the class certification inquiry and plaintiff's need for them outweighs the privacy concerns put forth by defendant. However, plaintiff is prohibited from contacting any person appearing on the call logs until a class becomes certified.

Defendant must also produce documents concerning "do-not-call requests," identifying the names and phone numbers of anyone who requested that defendant stop making automated calls to them. Although producing an estimated three million numbers may be burdensome, the ability to produce the information in csv data files renders the request a proportional one.

Plaintiff is represented by Joel Dashiell Smith at Bursor and Fisher in Walnut Creek. Defendant is represented by Megan Oliver Thompson at Hanson Bridgett in San Francisco.

EMPLOYMENT

Christian Head, MD v. David Shulkin, MD in his official capacity as Secretary of the Department of Veterans Affairs 2:14cv01563

Wilson in the Central District finds in favor of defendant Dr. Shulkin regarding plaintiff Dr. Head's allegations of race discrimination, retaliation, and hostile work environment.

Head failed to exhaust administrative remedies with respect to his racial discrimination claim and with respect to his hostile work environment claim to the extent that it is based on race.

Head asserts that he initiated contact with an EEOC counselor. However, the EEOC investigator's questions focused solely on retaliation and Head did not respond to any of these questions by asserting that the employer's complained-of action was taken because of his race or allege any facts related to his race.

Plaintiff is represented by Bradley Mancuso at Bohm Law Group in Sacramento. Defendants are represented by Chung Hae Han from US Attorney's Office.

EMPLOYMENT

Parker v. Comcast 3:15cv5673

Henderson in the Northern District dismisses a sales employee's action accusing Comcast of firing her based on her disabilities of anxiety and substance abuse issues.

The sales employee failed to show that Comcast knew of her disabilities before deciding to end her

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employment. Comcast fired the employee based on multiple unexplained absences and a failure to maintain her work schedule over a long period.

At most, Comcast knew the employee was stressed for personal reasons and took medical leave. This does not amount to being on notice that the employee had a disability.

Plaintiff is represented by Maureen Elizabeth McFadden out of Oakland. Defendant is represented by Marianne Koepf at Carothers DiSante and Freudenberg in San Francisco.

EMPLOYMENT

Anthony Guytan v. Swift Transportation Co of Arizona LLC 5:17cv00626

Phillips in the Central District denies the employee's motion to remand his complaint alleging lost wages.

The employee alleges that he was earning an average of \$1,011 per week at the time his employment ended. His complaint, which was filed in February 2017, does not state the date of his termination.

This court typically sets trial for at least one year after the filing of the complaint. Thus, even assuming that the employee was terminated only days before he filed his complaint, he could recover more than \$50,000 in damages related to lost wages. The amount in controversy exceeds \$75,000 based on lost wages and attorney fees alone.

Plaintiff is represented by Nancy Abrolat at Abrolat Law. Defendants are represented by Frances Mary Kelly Hernandez at Sheppard Mullin.

EMPLOYMENT

Freeman Expositions v. Global Experience Specialists 8:17cv00364

Carney in the Central District grants plaintiff Freeman Expositions' motion for partial summary judgment and denies defendant Global Experience Specialists' motion to dismiss regarding enforcement of a non-compete clause.

Freeman Expositions is a "provider of integrated services for experiential marketing, specializing in event marketing and management," while GES "is a third party marketing company that provides technology, strategy, and logistics for exhibitions, exhibits, and events." Freeman seeks declaratory relief on the validity of a non-compete clause against a former GES employee who was subsequently employed by Freeman.

California law applies to this case despite the presence of the choice of law provision specifying Nevada law in the non-compete agreement. California's domestic interest is materially greater than Nevada's interest in reaching outside of Nevada and imposing its interests on California commerce and California employment. GES's non-compete agreement is invalid and unenforceable in California.

Plaintiff is represented by Daniel Gene Valles at Baker and McKenzie in San Francisco. Defendant is represented by Ron Brand at Brand Law Firm.

EMPLOYMENT

Ryan Lewis v. Travertine Inc.; Christine Lambert 2:17cv16

Snyder in the Central District grants defendant Travertine's motion to dismiss the employee's allegations of wrongful termination and unpaid wages complaint for lack of jurisdiction.

Plaintiff lives in Arizona but flew back and forth between Arizona and Travertine's office in California, from which he sold elevator cab interiors. Plaintiff says he was denied a day off to accompany his wife to a medical imaging appointment and possible subsequent biopsy, but did so anyway and was later fired.

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Plaintiff claims that he is still owed a week's worth of pay, at least two weeks of vacation pay, and at least \$7,000 in commissions.

"A handful of phone calls to California, only one of which was by (defendant) Lambert, do not support a finding of general jurisdiction in California," says Snyder. The parties agree that, at all relevant times, plaintiff resided outside of California. The parties also agree that plaintiff was in Arizona when he was fired. There is no basis for subjecting defendants to specific jurisdiction in California.

Plaintiff is represented by James Bohm at Bohm Wildish. Defendants are represented by Brian James Mills at Snell and Wilmer.

EMPLOYMENT/STANDING

Kime v. Adventist Health Care Clearlake Hospital 4:16cv4502

Rogers in the Northern District dismisses claims by an emergency room doctor who says that he suffered emotional distress as a result of sub-standard conditions at the hospital, and that he was suspended for complaining about those conditions.

The ER doctor does not have standing to sue for a private right of action under provisions of the Emergency Medical Treatment and Active Labor Act that only apply to individual patients who are personally harmed by a violation of the Act.

Additionally, the conditions of which the ER doctor complained -- that the hospital failed to timely screen and stabilize patients, or provide a higher level of care for certain patients -- cannot be reasonably construed as a violation of the Act. While these conditions could potentially lead to EMTALA violations, the Act's whistleblower provision only protects those who report "an existing EMTALA violation, not an impending one."

Plaintiff is represented by Stephen David Schear at Carter and Schear in Oakland. Defendants are represented by Barry Scott Landsberg at Manatt Phelps and Phillips in Los Angeles.

FIDUCIARY DUTY

Federal Deposit Insurance Corporation as Receiver for Butte Community Bank v. Robert Ching, et al. 2:13cv1710 KJM

Mueller in the Eastern District finds that two damage awards by a jury were duplicative in a case where defendants were found guilty of negligence and breach of fiduciary duty in connection with an \$8.8 million dividend they caused Butte Community Bank to issue.

The jury awarded the FDIC \$2.64 million in damages for defendants' conduct giving rise to the negligence claim and \$880,000 in damages for defendants' conduct giving rise to the breach of duty of care claim. Mueller finds that the two claims relate to the same event -- defendants' conduct that caused the authorization of the dividend. Therefore, the FDIC cannot recover more than once for this single injury under California law.

Because the jury was instructed to award "total damages" without regard to accumulation, the court finds that the aggregation of the two damages award would result in duplication. The baseline award in this case is \$2.64 million.

Plaintiff is represented by Anthony Burt at Schiff Hardin out of Chicago. Defendants are represented by Kevin Douglas Hughes at the Foundation Law Group in Los Angeles.

FRAUD

DaVinci Aircraft v. United States of America; Michael Christmas, Rodney Lewis 2:16cv05864

Snyder in the Central District grants the government's motion to dismiss a fraud claim alleging that the government took possession of 10 JASSM antennas.

Ten JASSM antennas were originally manufactured by Ball Aerospace, and subsequently offered for sale to the public by Lockheed Martin. Plaintiff DaVinci Aircraft purchased the antennas from BPB Surplus. DaVinci was attempting to sell the antennas when the government seized them.

The government has offered evidence that at least part of the JASSM antennas is classified at the "secret and secret/special access required" level. The antennas were not seized solely for the purpose of forfeiture, but were seized because they contained classified information posing a danger to national defense. Also, plaintiff's opposition was untimely and the court does not have jurisdiction over the United States for the claim of fraud.

Plaintiff is represented by David Michael Baum at David Baum LC. Defendants are represented by AUSA David Pinchas.

INSURANCE

American States Insurance Company v. Insurance Company of the State of Pennsylvania 2:12cv1489 MCE

England in the Eastern District finds that the plaintiff insurance company is not entitled to summary judgment against defendant insurance company on its claim for equitable contribution for defending Sierra Pacific Industries in various lawsuits arising from the "Moonlight Fire" in Plumas County.

Sierra hired Howell's Forest Harvesting to perform certain operations on Plumas County land. Howell obtained insurance from plaintiff with a \$1 million coverage limit. Sierra was included as an additional insured. Sierra, meanwhile, had its own commercial insurance policy through defendant.

The court finds that a policy limits approach is not the most equitable way here to apportion defense costs between the two insurance companies. "This is particularly true since the primary coverage provided by the [defendant's] policy – for Sierra's independent liability for causing the Moonlight Fire as opposed to any vicarious liability it bore for Howell's negligence in doing so – likely represented a smaller subset than of Sierra's overall liability exposure," the judge says.

Employing relative fault in determining equitable contribution is also not appropriate since the Moonlight Fire cases ultimately settled and there was never any determination as to whether the liability landed on Sierra or Howell. The case will go to trial unless the parties can provide another recognized equitable apportionment method that should be applied.

Plaintiff is represented by Frank Falzetta at Sheppard Mullin in Los Angeles. Defendants are represented by Eric Christopher Strain at Nixon Peabody in New York.

INSURANCE

John Cordell Young Jr. v. Progressive Casualty Insurance Company 1:16cv1198 DWM

Molloy in the Eastern District finds in favor of defendant Progressive Insurance on plaintiff's claim that his coverage request for the theft of his motor home was improperly denied.

The undisputed facts show that plaintiff knowingly made a false statement about the location of his son's phone at the time of the alleged theft. The phone in question made a call utilizing the cell tower nearest the canal where the motor home was found, whereas plaintiff had stated that the phone had been left in a customer's truck.

The fact that the son was in the vicinity of the sunken motor home at the time of its theft is directly

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relevant to establishing whether the motor home had actually been stolen or if it had been intentionally sunk by its owner. It was reasonable for defendant to deny coverage based on the evidence.

Plaintiff is represented by Stephen Vincent Imburg at Imburg Law Firm in Modesto. Defendant is represented by Randolph Hicks at Coddington Hicks and Danforth in Redwood City.

INSURANCE

Film Allman LLC v. New York Marine and General Insurance Company Inc. 2:14cv07069

Wright in the Central District grants defendant insurance company's motion for summary judgment regarding liability for a train accident on a film set that took the life of camera operator Sarah Jones and injured several other people.

Defendant New York Marine already paid \$5 million toward a settlement for the Sarah Jones action, exhausting the commercial general liability and umbrella policies. Defendant advised plaintiff Film Allman that its duty to defend in connection with the train accident had ended, leaving Film Allman to shoulder the cost of defending the remaining actions without insurance.

While Film Allman would have liked for defendant to extend coverage beyond what Film Allman actually paid for rather than use up the policy limits with one case, there is no support for this. Defendant was not obligated to continue defending Film Allman as its coverage had expired with the settlement of the Jones action.

Plaintiff is represented by Audrey Jing Faber at Kelly Drye and Warren. Defendant is represented by Leon Joel Gladstone at Gladstone Weisberg.

JURISDICTION

Independent Sports & Entertainment LLC v. Daniel Fegan 2:17cv02397

Birotte in the Central District grants the sports management company's motion to remand its case accusing an NBA agent of breaching a non-compete agreement.

Independent Sports & Entertainment alleges that Daniel Fegan violated the asset purchase agreement by, among other things, running a side business in violation of the non-competition clause.

The nature of ISE's claim is breach of contract, and the contract Fegan allegedly breached is the asset purchase agreement, not the collective bargaining agreement. Resolving this dispute will not influence the law under which the collective bargaining agreements are negotiated and enforced, so there is no reason to interject federal law as the decisional law. Therefore, ISE's claim is not preempted by the Labor Management Relations Act.

Plaintiff is represented by James Fogelman at Gibson Dunn and Crutcher. Defendant is represented by Alan Kossoff at Kinsella Weitzman.

JURISDICTION

Luis Agredano v. Southwest Water Company; Suburban Water Systems 2:17cv02627

Otero in the Central District grants the employee's motion to remand a class action alleging that the water company failed to pay overtime or provide rest breaks to employees.

The putative class, which plaintiff believes to consist of "hundreds of individuals," is defined to include all current and former non-exempt employees who work or have worked in California, in any of defendants' construction departments, and worked as utility workers, maintenance technicians, field workers or similar job titles at any time from and after January 25, 2013.

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Southwest Water Company has failed to demonstrate by a preponderance of the evidence that the amount in controversy exceeds \$5 million, and have, in fact, demonstrated that Agredano has placed \$3.2 million in controversy. Therefore, the threshold for federal jurisdiction has not been met and the case is sent back to state court.

Plaintiff is represented by Graham Hollis at Graham Hollis APC in San Diego. Defendants are represented by Eugene Ryu at Littler Mendelson.

JURISDICTION

In Re: Pfizer 2:14cv01800

Carney in the Central District grants plaintiffs' motion to remand their complaint alleging that using the drug Lipitor caused women to suffer from Type II diabetes.

This proceeding involves more than 100 cases that were previously filed in California state court by thousands of women all making the same allegations. The cases were removed to federal court based on "mass action" jurisdiction pursuant to the Class Action Fairness Act and then consolidated under a master case number for administrative purposes.

Although many plaintiffs have proposed a joint trial, less than 100 have proposed that their cases be tried jointly, so the court does not have jurisdiction under Class Action Fairness Act's mass action provision and all Lipitor cases presently before this court must be remanded to state court.

Plaintiffs are represented by Bill Robins at Robins Cloud. Defendants are represented by Alex Edwin Spjute at Hughes Hubbard and Reed.

PATENT

Flowrider Surf; Surf Waves LTD v. Pacific Surf Designs Inc. 3:15cv01879

Benitez in the Southern District grants Pacific Surf Designs motion to dismiss a patent infringement suit brought by Flowrider Surf and Surf Waves

Chain of title passed from inventor Thomas Lochtefeld to Light Wave, then to Surf Park before passing from Surf Park to FlowRider. On Feb. 1, 2016, FlowRider and Whitewater West "amalgamated as one company" under Canadian law in the name of Whitewater West Industries. By operation of Canadian law, on the date of the amalgamation, all of FlowRider's assets became the property of Whitewater West. Therefore, FlowRider's remaining ownership interest to the '589 patent under its license with Surf Park, including the irrevocable option to purchase title, transferred to Whitewater West.

FlowRider was never the proper plaintiff. Rather, Whitewater West held all substantial rights in the patent at the time this lawsuit was filed. Plaintiffs bear the burden of establishing standing to sue. They have not met that burden.

Plaintiffs are represented by Amit Manu Mahtani at Greenberg Traurig in New York. Defendant is represented by Anup Shah at Troutman Sanders out of Charlotte, North Carolina.

PRODUCT LIABILITY

Ruben B. Merancio; Lupe Merancio v. Smith & Nephew Inc.; Does 1:15cv807 DAD

Drozd in the Eastern District finds in favor of the medical supply company on the patient's claim that he was injured by a defective artificial knee manufactured by the company.

Manufacturers are immune from design defect strict liability claims when an implantable medical device is only available through a physician by prescription and is not sold directly to consumers. It is undis-

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puted that the device at issue in this case is available only by prescription and is sold only to physicians, who then install the device in patients such as plaintiff. Therefore, the design defect claim is barred.

The patient's negligence claim cannot proceed because he has not provided any admissible evidence establishing the existence of a genuine dispute of material fact that a manufacturing defect was present in the artificial knee used during his surgery.

Plaintiffs are represented by Edward Baxter Chatoian out of Fresno. Defendant is represented by John Shaw at Shaw Koepke and Satter out of Torrance.

SANCTIONS

Flowrider Surf Ltd., et al. v. Pacific Surf Design Inc. 3:15cv1879 BEN

Major in the Southern District orders defendant to pay plaintiffs \$16,000 in sanctions for its unnecessary motion to compel in this intellectual property case.

Defendant's motion to compel discovery was untimely and sought irrelevant, duplicative and confidential documents that were not proportional to the needs of the case. Defendant's motion was not substantially justified.

Although plaintiff seeks \$32,000 in fees and costs related to the motion, the court finds that \$16,000 is more appropriate based on lowered hourly rates. A review of recent case law concerning reasonable fee awards in similar cases in this district reveals that the hourly rates charged by plaintiffs' attorneys and paralegal are too high.

Plaintiffs are represented by Amit Manu Mahtani at Greenberg Traurig in New York. Defendant is represented by Anup Shah at Troutman Sanders out of Charlotte, North Carolina.

SECURITIES

Matthias Mueller v. San Diego Entertainment Partners LLC; Dave Dean; Does 3:16cv2997 GPC

Curiel in the Southern District dismisses plaintiff's securities fraud complaint accusing defendants of making false promises as to the timing of the renovation and opening of a nightclub in San Diego.

Plaintiff says that he invested in Avalon San Diego based on defendants' representations that they would immediately start constructing, renovating and remodeling the venue for the nightclub and that the nightclub would open its doors to the public within a few months. Defendants also allegedly falsely stated that the project would be sufficiently funded to move forward.

Plaintiff says that more than a year and half has passed and defendants have not taken any steps toward opening the venue. He says that defendants have not returned his money. The court finds that plaintiff has not sufficiently pleaded scienter. Conclusory statements that defendants "acted knowingly" do not constitute particular facts to support defendants' state of mind for purposes of a securities fraud claim.

Plaintiff is represented by Matthew Faust at Sharif Faust Lawyers. Defendants are represented by Christie Lee Gaumer in Studio City.

TRIBAL LAW

Cindy Alegre, et al. v. United States of America; Department of Interior; Bureau of Indian Affairs; Ryan Zinke, Secretary of the Department of the Interior; Michael Black, Acting Assistant Secretary of the Department of Interior – Indian Affairs; Weldon Loudermilk, Director Bureau of Indian Affairs; Amy Dutschke, Pacific Regional Director, Department of Interior – Indian Affairs; Javin Moore, Superintendent of the Department of Interior Indian Affairs, Southern California Agency; Does 3:17cv938 AJB

Battaglia in the Southern District grants plaintiffs a temporary restraining order enjoining the government from taking any action to affirm any proposed changes to the San Pasqual Band's Constitution or enrollment criteria.

Plaintiffs filed this suit seeking declaratory relief that their ancestors are full-blood San Pasqual Indians that all plaintiffs have no less than one-eighth San Pasqual blood, thereby satisfying the Band's enrollment criteria.

If defendants take action to affirm certain proposed changes to the Band's Constitution and enrollment criteria, the Band will be removed, which will leave plaintiffs with no recourse should they be improperly enrolled from or improperly blocked from enrolling in the Band. The court finds that this is sufficient to establish a likelihood of irreparable harm.

Plaintiffs are represented by Alexandra Riona McIntosh. Defendants are represented by George Vincent Manahan from the US Attorney's Office.



New Civil Complaints

May 29 - June 9, 2017

The following are summaries of new civil complaints in the Central District, including case number. The attorneys listed first are those that filed the paper bringing the matter into federal court, either a plaintiff filing a complaint or a defendant removing a matter from state court in which case the plaintiff lawyer is also named. Law firms are located in Los Angeles unless otherwise noted. The summaries review allegations only and should not be taken as fact.



Alecia J. Ballin, an individual, and on behalf of others similarly situated v. Russ Bassett Corp.; Insperty PEO Services LP; Does 5/26/2017 2:17 cv 3981 (Los Angeles)

Employment class action. Failure to provide meal and rest periods, failure to pay minimum and overtime wages.

Matthew John Matern Matern Law Group P

Federico M. Martinez v. Greg E. Kesler; Colorado Centrifugal Inc. 5/26/2017 2:17 cv 3955 (Los Angeles)

Stockholders suits. On 4/1/2017, defendants, acting in concert and in violation of their fiduciary duty to Colorado Centrifugal and its minority shareholders, transferred and sold company assets and goodwill to unknown third parties. Defendants fraudulently appropriated the proceeds from the sell for their own gain and profit.

Robin Perry Robin Perry Law Offices

Gloria Lares v. King's Auto Wrecking Inc. 5/26/2017 2:17 cv 3951 (Los Angeles)

Clean Water Act. Citizen suit brought to address violations of the CWA by defendant arising out of operations at Kings Auto's facility in Rancho Cucamonga.

Evan Jason Smith Brodsky and Smith LLC

IV Solutions Inc. v. United Healthcare Services Inc., a Minnesota corp.; Does 5/26/2017 2:17 cv 3974 (Los Angeles)

Fraud. Breach of contract, quantum meruit. Defendant defrauded plaintiff and breached contracts that it was obligated to honor because defendant needed plaintiff's services but did not want to pay the rates.

Andrew Prout Theodora Oringher PC

NEW COMPLAINTS

<p>Alecia J. Ballin, an individual, and on behalf of others similarly situated v. Russ Bassett Corp.; Insuperity PEO Services LP; Does 5/26/2017 2:17 cv 3981 (Los Angeles)</p>	<p>Employment class action. Failure to provide meal and rest periods, failure to pay minimum and overtime wages.</p>	<p>Matthew John Matern Matern Law Group P</p>
<p>Federico M. Martinez v. Greg E. Kesler; Colorado Centrifugal Inc. 5/26/2017 2:17 cv 3955 (Los Angeles)</p>	<p>Stockholders suits. On 4/1/2017, defendants, acting in concert and in violation of their fiduciary duty to Colorado Centrifugal and its minority shareholders, transferred and sold company assets and goodwill to unknown third parties. Defendants fraudulently appropriated the proceeds from the sell for their own gain and profit.</p>	<p>Robin Perry Robin Perry Law Offices</p>
<p>Gloria Lares v. King's Auto Wrecking Inc. 5/26/2017 2:17 cv 3951 (Los Angeles)</p>	<p>Clean Water Act. Citizen suit brought to address violations of the CWA by defendant arising out of operations at Kings Auto's facility in Rancho Cucamonga.</p>	<p>Evan Jason Smith Brodsky and Smith LLC</p>
<p>IV Solutions Inc. v. United Healthcare Services Inc., a Minnesota corp.; Does 5/26/2017 2:17 cv 3974 (Los Angeles)</p>	<p>Fraud. Breach of contract, quantum meruit. Defendant defrauded plaintiff and breached contracts that it was obligated to honor because defendant needed plaintiff's services but did not want to pay the rates.</p>	<p>Andrew Prout Theodora Oringher PC</p>
<p>Andrew Paul Leonard v. Lipoadvisor.com; Does 5/26/2017 2:17 cv 3962 (Los Angeles)</p>	<p>Copyright. Infringement of plaintiff's image entitled Scanning electron Microscopy of Human Bone Marrow Stem Cells 1.</p>	<p>Stephen Doniger Doniger Burroughs</p>
<p>Andrew Paul Leonard v. Princeton Nutrients LLC; Does 5/26/2017 2:17 cv 3963 (Los Angeles)</p>	<p>Copyright. Infringement of plaintiff's image entitled Scanning electron Microscopy of Human Bone Marrow Stem Cells 1.</p>	<p>Stephen Doniger Doniger Burroughs</p>
<p>Andrew Paul Leonard v. Roth Rothenberg; Does 5/26/2017 2:17 cv 3965 (Los Angeles)</p>	<p>Copyright. Infringement of plaintiff's image entitled Scanning electron Microscopy of Human Bone Marrow Stem Cells 1.</p>	<p>Stephen Doniger Doniger Burroughs</p>
<p>Textured Coatings of America Inc. v. Southern California Construction Consultants; Does 5/26/2017 2:17 cv 3954 (Los Angeles)</p>	<p>Trademark. Infringement of the TexCote trademarks. Defendant continues to advertise the TexCote trademarks even though agreements have been terminated.</p>	<p>Lisa Reichenthal Burns and Schaldenbrand</p>
<p>The Grantsmanship Center Inc., a Delaware corp. v. Grant Writing USA Inc., a Nevada corp.; Does 5/26/2017 2:17 cv 3980 (Los Angeles)</p>	<p>Copyright. Infringement of plaintiff's text entitled Program Planning & Proposal Writing.</p>	<p>Stephen Doniger Doniger Burroughs</p>
<p>City National Bank v. Dominic Ianno; David W. Tice; Does 5/26/2017 2:17 cv 3983 (Los Angeles)</p>	<p>Contract. Defendants have failed to pay back the amount of \$800,000 plus applicable interest and late charges.</p>	<p>Noel Scott Cohen Polsinelli LLP</p>

NEW COMPLAINTS

<p>Nehemiah Kong v. Zohrab S. Daghlian, in individual and representative capacity as trustee of the Zohrab Trust dated 2/4/2005; Nevert S. Daghlian, in individual and representative capacity as trustee of the Zohrab Trust dated 2/4/2005; Pacvine Inc; Does 6/6/2017 2:17 cv 4191 (Los Angeles)</p>	<p>Americans With Disabilities Act.</p>	<p>Russell Handy Center For Disability Access- San Diego</p>
<p>Victorino Castillo v. Rilley Gas & Food Inc., dba Arco AM/PM; Does 6/5/2017 2:17 cv 4187 Gee (Los Angeles)</p>	<p>Americans With Disabilities Act.</p>	<p>Sung Kim Advanced Disability Advocates</p>
<p>Juan Briseno v. Vrito Harvy, dba El Pavo Bakeries; Does 6/6/2017 2:17 cv 4209 (Los Angeles)</p>	<p>Americans With Disabilities Act.</p>	<p>Roland Au So Cal Equal Access Group</p>
<p>Fidel Rodriguez v. La Primavera; Edgar Mariscal; Dennis Dean Lim Trust DD; Lim Revocable Trust 6/6/2017 8:17 cv 964 Staton (Santa Ana)</p>	<p>ADA. Defendants' premises is not handicap accessible.</p>	<p>Douglas Borthwick</p>
<p>Robert Sanchez v. California Auto Care; Miguel & Urbano Inc.; Andrade Urbano 6/6/2017 8:17 cv 963 Guilford (Santa Ana)</p>	<p>ADA. Defendants' premises is not handicap accessible.</p>	<p>Douglas Borthwick</p>
<p>Andrew Paul Leonard v. Lipoadvisor.com; Does 5/26/2017 2:17 cv 3962 (Los Angeles)</p>	<p>Copyright. Infringement of plaintiff's image entitled Scanning electron Microscopy of Human Bone Marrow Stem Cells 1.</p>	<p>Stephen Doniger Doniger Burroughs</p>
<p>Andrew Paul Leonard v. Princeton Nutrients LLC; Does 5/26/2017 2:17 cv 3963 (Los Angeles)</p>	<p>Copyright. Infringement of plaintiff's image entitled Scanning electron Microscopy of Human Bone Marrow Stem Cells 1.</p>	<p>Stephen Doniger Doniger Burroughs</p>
<p>Andrew Paul Leonard v. Roth Rothenberg; Does 5/26/2017 2:17 cv 3965 (Los Angeles)</p>	<p>Copyright. Infringement of plaintiff's image entitled Scanning electron Microscopy of Human Bone Marrow Stem Cells 1.</p>	<p>Stephen Doniger Doniger Burroughs</p>

NEW COMPLAINTS

Textured Coatings of America Inc. v. Southern California Construction Consultants; Does 5/26/2017 2:17 cv 3954 (Los Angeles)	Trademark. Infringement of the TexCote trademarks. Defendant continues to advertise the TexCote trademarks even though agreements have been terminated.	Lisa Reichenthal Burns and Schaldenbrand
The Grantsmanship Center Inc., a Delaware corp. v. Grant Writing USA Inc., a Nevada corp.; Does 5/26/2017 2:17 cv 3980 (Los Angeles)	Copyright. Infringement of plaintiff's text entitled Program Planning & Proposal Writing.	Stephen Doniger Doniger Burroughs
City National Bank v. Dominic Ianno; David W. Tice; Does 5/26/2017 2:17 cv 3983 (Los Angeles)	Contract. Defendants have failed to pay back the amount of \$800,000 plus applicable interest and late charges.	Noel Scott Cohen Polsinelli LLP
R. Alexander Acosta, US Secretary of Labor v. Authentic Brothers Towing Inc.; Francisco Vasquez; Judith Vasquez 5/26/2017 8:17 cv 922 (Santa Ana)	Employment. Violations of the Fair Labor Standards Act.	Charles C. Song US Department of Labor
MFactor Inc. Profit Sharing Plan; Ming Tai v. Mel Kimman; Does 5/26/2017 2:17 cv 3969 Wu (Los Angeles)	ERISA. Violation of tax qualification requirement.	Steven Haney Haney and Young
Karen Towles v. Sisters of Charity of Leavenworth Health System Inc.; Benefit Administration Committee 5/26/2017 2:17 cv 3952 (Los Angeles)	ERISA. Breach of fiduciary duty.	Geoffrey White Geoffrey White Law Offices- Orinda
Board of Directors of the Motion Picture Industry Pension Plan, Board of Directors of the Motion Picture Industry Individual Account Plan; Board of Directors of the Motion Picture Industry Health Plan v. Rosen Hill LLC, dba Costume Co-Op 5/26/2017 2:17 cv 3956 (Los Angeles)	ERISA. Breach of contract.	Armine Alajajian Wohlner Kaplon Cutler Halford & Rosenfeld
Jose H. Solano v. Wal-Mart Stores Inc.; Retirement Plans Committee For The Walmart 401(K) Plan; James I. Cash Jr.; C. Douglas Mcmillon; Gregory B. Penner; S. Robson Walton; Sally Welborn; Russell Investments Management Company 5/26/2017 2:17 cv 3976 (Los Angeles)	E.R.I.S.A. Employee benefits.	Kolin Tang Shepherd Finkelman Miller & Shah
Atef Bandary v. Delta Air Lines, Inc. 5/26/2017 5:17 cv 1065 (Riverside)	Airplane. Personal injuries on board.	Kimberly Barone Baden Motley Rice LLC- Mount Pleasant, SC

NEW COMPLAINTS

<p>Krista L. Freitag, Court Appointed Permanent Receiver for Pension Funding LLC, Pension Income LLC and Their Subsidiaries, Affiliates and Successors in Interest v. Paul L. Pfeifer 5/25/2017 8:17 cv 911 Carney (Santa Ana)</p>	<p>Contract, common count. Defendant's failure and refusal to perform its obligations under the contract has directly damaged Pension Income through the loss of payments totaling at least \$123,090 under the Agreement.</p>	<p>Melissa Kathryn Bell Allen Matkins Leck Gamble Mallory & Natsis-San Diego</p>
<p>Heather Grant v. MAS Financial Services Inc. 5/22/2017 8:17 cv 886 Guilford (Santa Ana)</p>	<p>Violations of the Telephone Consumer Protection Act.</p>	<p>Trinette Gragirena Kent Kent Law Offices</p>
<p>Alfonso Garcia v. BeELSM LLC; Bel-Air Swap-Meet Inc.; Does 5/26/2017 5:17 cv 1058 Gutierrez (Riverside)</p>	<p>Americans With Disabilities Act.</p>	<p>Dennis Jay Price II Center For Disability Access- San Diego</p>
<p>Misael Romero v. Jennifer A. Bolger; Bolger Bros. Auto Repair; Timothy M. Bolger; Does 5/26/2017 5:17 cv 1060 Kronstadt (Riverside)</p>	<p>Americans With Disabilities Act.</p>	<p>Ross Cornell Law Offices of Ross Cornell</p>
<p>Megg Rose Davis v. Riverside Healthcare System LP, dba Riverside Community Hospital; HCA Healthcare 5/26/2017 5:17 cv 1062 (Riverside)</p>	<p>Americans With Disabilities Act.</p>	<p>Philip Marcel Black Eisenberg and Baum LLP</p>
<p>Jose Estrada v. San Antonio Winery Inc.; Does 5/26/2017 2:17 cv 3948 Lew (Los Angeles)</p>	<p>Americans With Disabilities Act.</p>	<p>Dennis Jay Price II Center For Disability Access- San Diego</p>
<p>Rafael Arroyo Jr. v. Bharpur Singh Dhanoa; Gagandeep Kaur Dhanoa; Deep KB Enterprise Inc.; Does 5/26/2017 2:17 cv 3949 Wright (Los Angeles)</p>	<p>Americans With Disabilities Act.</p>	<p>Russell Handy Center For Disability Access- San Diego</p>
<p>Nehemiah Kong v. LVC Investment Group LLC; Does 5/26/2017 2:17 cv 3950 Klausner (Los Angeles)</p>	<p>Americans With Disabilities Act.</p>	<p>Russell Handy Center For Disability Access- San Diego</p>
<p>Cindy Sue Downing v. Pacific Gas and Electric Company; Does 5/25/2017 5:17 cv 1047 Snyder (Riverside)</p>	<p>Civil rights.</p>	<p>pro se</p>

NEW COMPLAINTS

<p>Diem T. Nguyen v. Kaiser Foundation Health Plan Inc.; Kaiser Foundation Hospitals; The Permanente Medical Group Inc.; Southern California Permanente Medical Group; Northern California Permanente Medical Group; Kelly Philipson; Johanna Marie Dubyak; Ann Williams; Mohammad Aslam; Loreta Castulo; Thibert Kimberly Lyn; Robin Kilgore; Diann Chang; Yvonne Barczak; County Of Orange; Orange County Social Services Agency; Martin Garcia; Loretta Gonzalez; Maureen Naganuma; Huong Le-Transque; Theodore Phan; Michael F. Ryan; Tammy Beckner-Pavone; Mark A. Boyce; Mark Lottman; Irma Salazar-Allen; Carrie Murphy; Mahonri Sapiga; Huntington Beach City School District; Joseph R. Perry Elementary School; Renee Polk Johnson; Janette Lyn Dunn; Lauren Randall; Theodore R. Greenzang; Hong Nguyen; Does 5/24/2017 8:17 cv 905 Gutierrez (Santa Ana)</p>	<p>Civil rights.</p>	<p>pro se</p>
<p>Trina R. Patterson v. Select Portfolio Servicing Inc.; Quality Loan Service Corporation; Does 5/25/2017 5:17 cv 1049 Gutierrez (Riverside)</p>	<p>Consumer credit. Fair Debt Collection Act.</p>	<p>pro se</p>
<p>Chuanjie Yang; Ollie Lan, individually and all othse similarly situated v. Market America Inc., a North Carolina corp.; Market America Worldwide Inc., a North Carolina corp.; James Howard Ridinger; Loren Ridinger; Marc Ashley; Does 5/30/2017 2:17 cv 4012 (Los Angeles)</p>	<p>RICO class action. MarketAmerica touts that by following a “two-year blueprint,” any person can formulate, grow, and shape his or her growth for financial success. The only way to fail is to quit. Meanwhile, MarketAmerica and its confederate conspirators now assert a business valuation of \$7.3 billion that they have made off the backs of millions of people in their pyramid. MarketAmerica targets Chinese-American immigrants who do not have regularly available legal channels to vindicate their legal rights. Plaintiffs did not make money as promised.</p>	<p>Blake Lindemann Lindemann Law Firm</p>
<p>Michael Spielman; Loretta Spielman v. Paul H. Gesswein Co. Inc. 5/30/2017 2:17 cv 4006 (Los Angeles)</p>	<p>Contract. Mr. Spielman is dying from a terminal cancer caused by defendant. Plaintiffs brought an action for personal injuries against defendant in Los Angeles Superior Court. Gesswein induced plaintiffs to release all personal injury claims, loss of consortium claims, and all wrongful death and survival claims in exchange for a monetary sum. Defendant still has not paid the sum owed.</p>	<p>Paul R Kiesel Kiesel Law Llp</p>
<p>Raul Torres v. Target Corporation, a Minnesota corp.; Target Brands Inc., a Minnesota corp.; Does 5/30/2017 2:17 cv 4007 (Los Angeles)</p>	<p>Copyright. Plaintiff is a renowned artist, producing works under the pseudonym Hektad. His work titled Love Is Power is being used on apparel sold at Target.</p>	<p>Ryan Patterson Erikson Law Group</p>

NEW COMPLAINTS

<p>Vitaliy Sasin, individually and on behalf of all others similarly situated v. Enterprise Financial Group Inc., dba EFG Companies Inc., a Texas corp.; Royal Administration Services Inc., a Florida corp.; Barantas Incorporated, dba Omega Auto Care, a Missouri corp.; EGS Administration, LLC, dba Omega Auto Care, a Missouri corp.; Assurant Inc, a Delaware corp.; Does 5/30/2017 2:17 cv 4022 (Los Angeles)</p>	<p>Class action for violations of the Telephone Consumer Protection Act.</p>	<p>Niv Vladimir Davidovich Davidovich Kaufman Legal Group</p>
<p>R. Alexander Acosta, US Secretary of Labor v. Authentic Brothers Towing Inc.; Francisco Vasquez; Judith Vasquez 5/26/2017 8:17 cv 922 Staton (Santa Ana)</p>	<p>Employment. Violations of the Fair Labor Standards Act.</p>	<p>Charles C. Song US Department of Labor</p>
<p>Dongguan Fumeikang Electrical Technology Co. Ltd., a Chinese company v. Iso Beauty, Inc. 5/30/2017 2:17 cv 4002 (Los Angeles)</p>	<p>Contract, accounts stated, open book account. Defendant has failed to pay \$1,979,589 for beauty products received.</p>	<p>Angela Hebbard Duane Morris LLPO</p>
<p>Color Image Apparel Inc. v. Anual Jackson; FitGirls_Inspire 5/30/2017 2:17 cv 4005 (Los Angeles)</p>	<p>Patent, copyright. Action for patent infringement, trade dress infringement and unfair competition based on defendants' unauthorized copying of plaintiff's distinctive garment designs.</p>	<p>Michael Adams Rutan and Tucker</p>
<p>George Stephans v. Princes Cruise Lines Ltd.; Swasthi Singh MD 5/30/2017 2:17 cv 3992 (Los Angeles)</p>	<p>Personal injuries. Plaintiff fell over ropes and stanchions in his path.</p>	<p>Christopher Windsor Goodroe The Law Offices of CW Goodroe</p>
<p>Stacy Griffin v. Unum Life Insurance Company of America 5/30/2017 2:17 cv 3999 Phillips (Los Angeles)</p>	<p>ERISA. Enforcement and clarification of rights.</p>	<p>Glenn Kantor Kantor and Kantor</p>
<p>Elaine Moreno v. Check 'N Go of California, Inc. 5/30/2017 2:17 cv 4015 (Los Angeles)</p>	<p>Consumer credit. Telephone Consumer Protection Act.</p>	<p>Stuart Price Price Law Group</p>
<p>Oscar Guerrero v. CMRE Financial Services Inc. 5/30/2017 2:17 cv 3993 (Los Angeles)</p>	<p>Consumer credit. Fair Debt Collection Practices Act.</p>	<p>Matthew Rosenthal Westgate Law</p>
<p>Patricia Filardi v. Citibank NA; Wea Palm Desert LLC, a Delaware LLC; Does 5/30/2017 5:17 cv 1070 Gutierrez (Riverside)</p>	<p>Americans With Disabilities Act. Defendants' curb ramp has a slope that exceeds 8.3%.</p>	<p>Joseph Richard Manning Jr. Manning Law APC</p>

NEW COMPLAINTS

<p>Angel Fernandez v. Polly's Pies Inc., dba Polly's Pies #27; Does 5/30/2017 2:17 cv 3998 O'Connell (Los Angeles)</p>	<p>Americans With Disabilities Act. Failure to remove barriers.</p>	<p>Sung Kim Advanced Disability Advocates</p>
<p>Nehemiah Kong v. Canaan Properties LLC; Does 5/30/2017 2:17 cv 3987 Wright (Los Angeles)</p>	<p>Americans With Disabilities Act.</p>	<p>Dennis Jay Price II Center For Disability Access- San Diego</p>
<p>Jerome Leftow, individually and as the representative of the Estate of Sarah Leftow v. Princess Cruise Line Ltd. 5/30/2017 2:17 cv 4031 (Los Angeles)</p>	<p>Maritime, wrongful death. Decedent, who suffered from Lupus, fell in her cabin and was transported to the ship's medical center for evaluation. Plaintiffs were ordered to be evacuated to a small hospital in Cherbourg, France. Plaintiffs pleaded to remain on board or to be flown to the US. Dr. Jen Kruger refused, claiming she had diagnosed decedent with an infectious disease. Doctors at the French hospital were rude and failed to properly treat decedent. On 6/3/2016, plaintiff was advised by the medical evacuation provider that they were going to arrange a private air ambulance to transport decedent to the US, but it was too late by then. Decedent passed away that evening.</p>	<p>Aksana Coone Law Offices of Aksana Coone</p>
<p>Michael Anthony Randazzo v. American University of the Caribbean Inc., a Florida corp. 5/31/2017 5:17 cv 1079 Anderson (Riverside)</p>	<p>Fraud. Defendant advertised its contractual relations with United States medical facilities as "affiliations" with "hospitals" which falsely represents its clinical education program as equivalent to US medical schools when its students' clinical experience is markedly inferior.</p>	<p>Andrew Twietmeyer Law Offices of Andrew Twietmeyer</p>
<p>George Torres; Roberta Torres v. Harold Igdaloff; Estate of Evelyn Igdaloff, deceased; Igdaloff 1993 Family Trust, by and through its Trustee, Harold Igdaloff; Union Pacific Railroad Company, a Delaware corp.; Herman Rosen; Carole Rosen; Specialty Carburetor Corporation; Production Clutch Exchange; EFI Global, Incorporated, a Delaware corp.; Does 5/31/2017 2:17 cv 4059 (Los Angeles)</p>	<p>Environmental matters. The area of contamination for which the Torres seek relief includes three adjacent and contiguous parcels of property, comprising two addresses at 410 East 32nd Street and 317 East 33rd Street, Los Angeles, and areas to which the contamination has migrated outside their boundaries. The site has been impacted by the presence of tetrachloroethylene and other solid and hazardous wastes.</p>	<p>Bret Stone Paladin Law Group</p>
<p>Robert A. King v. Princess Cruise Lines Ltd., dba Princess Cruises; Does 5/31/2017 2:17 cv 4066 (Los Angeles)</p>	<p>Personal injuries. The bathroom door slammed shut on plaintiff's left thumb, causing him permanent injuries.</p>	<p>William Banning Banning LLP</p>

NEW COMPLAINTS

<p>State National Insurance Companies Inc., a Texas corp., administered by Contractor Managing General Insurance Agency Inc. v. Consolidated Group Inc., dba Consolidated Construction Group; Steven Trifon; Raquel Trifon; Does 5/31/2017 2:17 cv 4067 (Los Angeles)</p>	<p>Contract, statutory reimbursement. State National has incurred damages in the amount of at least \$93,780, all of which defendants are obligated to pay under the terms of the indemnity agreement.</p>	<p>Teresa Polk Salamirad Morrow Timpane & Dunn</p>
<p>Bravado International Group Merchandising Services Inc.; Zion Rootswear LLC v. MLTD Inc.; Odd Sox LLC; Ahmad Akar; Ravenlite LLC; Ruslan Karablin; Lawrence Ksido; Black Market USA; Long Tran; Money Matters NYC Inc.; Edward Grayver; Fourth DTSA; Chris Ngo; Third Estate LLC; Matthew Fields 5/31/2017 2:17 cv 4058 (Los Angeles)</p>	<p>Trademark. Defendants are distributing and selling unauthorized shirts and other items embodying the names, trademarks and likenesses of musical performers.</p>	<p>Kenneth A Feinswog Kenneth A Feinswog Law Offices</p>
<p>Prolacta Bioscience, Inc., a Delaware corp. v. Ni-Q LLC, an Oregon LLC; Does 5/31/2017 2:17 cv 4071 (Los Angeles)</p>	<p>Patent. Infringement of patent no. 8,628,921 entitled Methods for Testing Milk.</p>	<p>Jaye Heybl Koppel Patrick Heybl and Philpott</p>
<p>Paul M. Minardi v. Sonni N. Longson; Sandra K. Heisterkamp; Abbey Hye; Taryn Hye; Emma Hye 5/31/2017 2:17 cv 4064 (Los Angeles)</p>	<p>ERISA. Interpleader.</p>	<p>Charles Dyke Nixon Peabody LLP</p>
<p>Brandie Spacone v. Metropolitan Life Insurance Company; Colgate-Palmolive Company Long Term Disability Plan 5/31/2017 5:17 cv 1082 (Riverside)</p>	<p>ERISA. Employee benefits.</p>	<p>Andrew Michael Kantor Kantor and Kantor</p>
<p>Kelly McCall v. Northstar Location Services LLC 5/31/2017 8:17 cv 930 Staton (Santa Ana)</p>	<p>Consumer credit. Unlawful debt collection.</p>	<p>Trinette Gragirena Kent Kent Law Offices- Phoenix</p>
<p>Nickolas Norman v. Citibank NA 5/31/2017 2:17 cv 4065 (Los Angeles)</p>	<p>Violations of the Telephone Consumer Protection Act.</p>	<p>Matthew Rosenthal Westgate Law</p>
<p>United African-Asian Abilitites Club; 011 UAAAC Member v. 1990 Latham Apartments LLC; Apartment Management Consultants LLC; Does 5/31/2017 2:17 cv 4036 Anderson (Los Angeles)</p>	<p>Fair Housing Act. Discriminatory practices.</p>	<p>David Wakefield Law Office of David Wakefield- San Diego</p>

NEW COMPLAINTS

<p>United African-Asian Abilitites Club; 011 UAAAC Member v. Jacqueline Trees, Trustee, Jacqueline Trees Living Trust; Does 5/31/2017 2:17 cv 4037 Wright (Los Angeles)</p>	<p>Fair Housing Act. Discriminatory practices.</p>	<p>David Wakefield Law Office of David Wakefield- San Diego</p>
<p>United African-Asian Abilitites Club; 011 UAAAC Member v. Beta LP; Does 5/31/2017 2:17 cv 4038 Wu (Los Angeles)</p>	<p>Fair Housing Act. Discriminatory practices.</p>	<p>David Wakefield Law Office of David Wakefield- San Diego</p>
<p>United African-Asian Abilitites Club; 011 UAAAC Member v. Weiss Investment Properties LP; Does 5/31/2017 2:17 cv 4039 Gee (Los Angeles)</p>	<p>Fair Housing Act. Discriminatory practices.</p>	<p>David Wakefield Law Office of David Wakefield- San Diego</p>
<p>United African-Asian Abilitites Club; 011 UAAAC Member v. Property Reserve, Inc.; Does 5/31/2017 2:17 cv 4040 Olguin (Los Angeles)</p>	<p>Fair Housing Act. Discriminatory practices.</p>	<p>David Wakefield Law Office of David Wakefield- San Diego</p>
<p>Rafael Arroyo Jr. v. Kostas D. Vovos; Joanna Vovos; Dimitra Vovos; Tams 21 Rosewood Inc.; Does 5/31/2017 2:17 cv 4032 (Los Angeles)</p>	<p>Americans With Disabilities Act. No compliant van-accessible handicap spaces available.</p>	<p>Russell Handy Center For Disability Access- San Diego</p>
<p>Nehemiah Kong v. SG Gateway Center II LLC, a Delaware LLC; Does 5/31/2017 2:17 cv 4033 (Los Angeles)</p>	<p>Americans With Disabilities Act. Parking lots are not van accessible.</p>	<p>Russell Handy Center For Disability Access- San Diego</p>
<p>Chris Langer v. Yobana Chavez; Does 5/31/2017 2:17 cv 4034 (Los Angeles)</p>	<p>Americans With Disabilities Act. Parking lot did not have accessible parking.</p>	<p>Russell Handy Center For Disability Access- San Diego</p>
<p>Jose Estrada v. Ron's Mini Mart Inc.; Does 5/31/2017 2:17 cv 4035 Walter (Los Angeles)</p>	<p>Americans With Disabilities Act. The gas station has a policy of placing condiments in an area not accessible to wheelchair users.</p>	<p>Russell Handy Center For Disability Access- San Diego</p>
<p>DK Shower Pans v. Specialized Liners Inc., dba West Coast Hot Mop; Does 5/31/2017 8:17 cv 931 (Santa Ana)</p>	<p>Trademark. Defendant is using the DK Shower Pans' tradename and servicemark in advertisements placed on Google using Google Adwords.</p>	<p>Monika Sullivan Callahan Thompson Sherman and Caudill</p>
<p>Suzanne Napier v. Rite Aid Headquarters Inc., a Delaware corp., dba Rite Aide Pharmacy # 5745; Christos K. Bakalos; Vasiliki C. Bakalos, individually and as Trustees of The Bakalos Family Trust; Does 5/31/2017 8:17 cv 933 (Santa Ana)</p>	<p>Americans With Disabilities Act. Defendants fail to provide ADA-compliant parking spaces.</p>	<p>Joseph Richard Manning Jr. Manning Law Apc</p>

NEW COMPLAINTS

Elizabeth LaBau v. Television Food Network GP, a New York general partnership; Does 6/1/2017 2:17 cv 4077 (Los Angeles)

Copyright. Plaintiff is an entrepreneur who has used experience and creativity developed over years of working as a pastry chef to develop her own brand, website, and social media presence using the name SugarHero. Plaintiff published a video entitled Snow Globes Cupcake Video. About three weeks after her video was posted, defendant published a video illustrating the preparation of snow globe cupcakes. Defendant's video copied numerous elements of plaintiff's work.

William Dalebout
Bowen Law Offices
of William Bowen

Cheryl Jackson, individually and on behalf of all others similarly situated v. Telebrands Corp.; Moulton Logistics Management 6/1/2017 2:17 cv 4107 (Los Angeles)

Class action for violations of the Florida Deceptive and Unfair Trade Practices Act, breach of express warranty. Defendants' television and internet advertisements tout Grassology as a "breakthrough" and premium alternative to traditional grass seed. Grassology's seeds are "Guaranteed to Grow" and result in grass with roots that grow up to four times deeper than traditional grass, but grow slower and therefore require much less mowing and watering, and do not require fertilizing or weeding. Contrary to defendants' representations, however, Grassology does not work as advertised. Grassology is little more than unspecified, low quality varieties of various grasses unsuited for many climates and terrains.

David Wright
McCune Wright
Arevalo

Robert "Butch" Vallee v. Terry Ciotka; Pangea Fossils, Ltd, an Alberta Canada corp. 6/1/2017 8:17 cv 943 (Santa Ana)

Contract. Defendant agreed to sell to plaintiff 220 Tyrannosaurus Rex dinosaur bones discovered by a rancher in Montana, however, plaintiff later learned there were only 108 T-Rex bones which could result in the difference of millions of dollars in value. Plaintiff has demanded a return of his deposit, which defendant has refused.

Randy Vogel

Michael Tellas; Daniel Tapia, individually and on behalf of all others similarly situated v. International Aluminum Corporation; International Window Corporation 6/1/2017 8:17 cv 936 (Santa Ana)

Employment class action. Defendants fail to pay overtime, issue inaccurate wage statements and fail to provide breaks,

Gregory E. Mauro
James Hawkins
APLC

Center For Community Action and Environmental Justice v. Friends of Riverside Airport LLC 6/1/2017 5:17 cv 1091 (Riverside)

Federal Water Pollution Control Act. Defendant is causing toxic polychlorinated biphenyls to contaminate storm water discharge.

Douglas Chermak
Lozeau Drury

Santiago Diaz v. City of Los Angeles; Does 5/31/2017 2:17 cv 4075 Walsh (Los Angeles)

Civil rights. As plaintiff walked to his doctor's appointment, two officers stopped him and asked why he was walking on the street (city was cleaning the sidewalks). Plaintiff explained and then was asked all his information and to put his hands behind his back. When he asked why, he was pushed to the ground and tazed.

Peter Laurence Carr
IV Sias Carr LLP

NEW COMPLAINTS

<p>Sheri Graves, as Executor on Behalf of the Estate of Shaylene Graves v. California Department of Corrections and Rehabilitation, dba California Institution for Women; Kimberly Hughes; Does 5/31/2017 5:17 cv 1086 Bernal (Riverside)</p>	<p>Civil rights. Defendants failed to provide a safe prison environment by denying decedent’s request to be moved to another cell because her cellmate was threatening to kill her. She was placed in lockdown with her cellmate and was killed.</p>	<p>Donald Williams Jr. Bohn Law Group</p>
<p>Nicholas Johnson v. The City of Los Angeles; Does 6/1/2017 2:17 cv 4104 (Los Angeles)</p>	<p>Civil rights. In June of 2016, plaintiff was exercising during the morning hours. He was approached by two officers, who asked him a couple of questions, which he answered. Plaintiff was never told he was detained so he continued to walk. A block and a half later, plaintiff is told to stop. His hands are placed behind his back and he feels a heavy and solid object pressed against his back. He hears one officer say “take him down” and his feet are swept out from under him. He lands on the ground headfirst.</p>	<p>Christian Pereira Pereira Law</p>
<p>Michael Spielman; Loretta Spielman v. Grobet File Co. of America LLC 6/1/2017 2:17 cv 4078 (Los Angeles)</p>	<p>Contract. Mr. Spielman is terminally ill. His fatal disease was caused by defendant. Plaintiffs brought a personal injury action against defendant in Los Angeles Superior Court. A settlement agreement was reached. Funds were due no later than May 12, 2017. Despite repeated requests, defendant has refused to make full payment.</p>	<p>Paul Kiesel Kiesel Law LLP</p>
<p>Linda Chase v. Princess Cruise Lines Ltd. 6/1/2017 2:17 cv 4097 (Los Angeles)</p>	<p>Personal injuries. Plaintiff tripped and fell over a metal object.</p>	<p>Miriam Lebental Law Office of Miriam Lebental</p>
<p>Delia Cano Diaz; Judy Sanhueza; Maritza Diaz v. American General Life Insurance Company 6/1/2017 2:17 cv 4095 (Los Angeles)</p>	<p>Insurance. Bad faith failure to approve and pay plaintiffs the death benefits due under the policy.</p>	<p>Robert McKennon McKennon Law Group PC</p>
<p>Olidae Dominguez v. Anthem Blue Cross Life and Health Insurance Company 6/1/2017 5:17 cv 1087 (Riverside)</p>	<p>ERISA. Employee benefits.</p>	<p>Alan Kassin Kantor and Kantor</p>
<p>Nasrin Hamadani v. Life Insurance Company of North America 6/1/2017 8:17 cv 935 (Santa Ana)</p>	<p>E.R.I.S.A.- employee benefits. Claim for long term disability benefits.</p>	<p>Jeffrey Metzger</p>
<p>Quinn Bass v. City of San Bernardino Municipal Water Department; Ricardo Gonzalez; Simplicio Gonzalez; Rosa Gonzalez 5/31/2017 5:17 cv 1080 Selna (Riverside)</p>	<p>Civil rights.</p>	<p>pro se</p>

NEW COMPLAINTS

<p>Abigail Diaz v. Del Taco LLC, dba Del Taco #152; Does 6/1/2017 8:17 cv 942 (Santa Ana)</p>	<p>Americans With Disabilities Act. Defendant failed to provide ADA-compliant parking spaces.</p>	<p>Roland Au So Cal Equal Access Group</p>
<p>Willie H. House; Lorilee L. House v. Eileen Eglad; Michelle Scray Brown; Jennifer Villa; Jessica Dagnan; Mirna Day; Brady Lock; The San Bernardino County Probation Department; The San Bernardino County Sheriff Department; Law Firm Representing S.B. County Private Citizens, Agencies, Public Entities and Civilians; Does 5/31/2017 5:17 cv 1085 Fischer (Riverside)</p>	<p>Americans With Disabilities Act.</p>	<p>pro se</p>
<p>Errol Joseph Scorza IV v. State of California, dba Stacy Gravely 5/31/2017 2:17 cv 4044 Anderson (Los Angeles)</p>	<p>Fraud.</p>	<p>pro se</p>
<p>Srunya Werajitteevin Ponvanit v. Superior Court of the State of California for the County of Los Angeles, Pomona Courthouse South; Fremont General Credit Corp., aka Fremont Reorganizing Corp., fka Fremont Investment and Loan; HSBC Bank USA NA, as trustee for the holders of the Ellington Loan Acquisition trust 2007-2 Mortgage Pass-Through Certificates, Series 2007-2; Trustee Kevin C. Brazile; Trustee Eric G. Fernandez; Trustee Michael D. Zeff; Nationstar Mortgage LLC; Does 5/31/2017 2:17 cv 4054 Snyder (Los Angeles)</p>	<p>Real property. Foreclosure.</p>	<p>pro se</p>
<p>Jessica Anvar; Eric Stotz, individually and on behalf of all others similarly situated v. MS International Inc. 6/2/2017 2:17 cv 4147 (Los Angeles)</p>	<p>Class action for violations of the False Advertising Act. Defendant advertised their porcelain slabs and countertops as being rated for outdoor use. Within a few weeks the products began to crack and get destroyed. However, plaintiffs used the exact products inside the home and did not have the same issues.</p>	<p>Todd Friedman Law Offices of Todd Friedman</p>
<p>Christopher Lee, individually and on behalf of all others similarly situated v. World Tech Toys Inc. 6/2/2017 8:17 cv 955 (Santa Ana)</p>	<p>False advertising class action. Defendant's warranty policy stated it would replace merchandise within the first six months of ownership regardless of the reason. However, when plaintiff attempted a replacement when the leg broke on the Elite Mini Orion HD Camera Drone he purchased, defendant refused to honor the warranty by claiming it was invalid because he did not purchase the item from QVC.</p>	<p>Todd Friedman</p>

NEW COMPLAINTS

<p>Volume Distributors Inc. v. Victoria Khodadad; FBA International Pty Ltd., an Australia corp.; Does 6/2/2017 2:17 cv 4138 Walsh (Los Angeles)</p>	<p>Trade secrets. In April of 2017, defendant Khodadad left Volume to join FBA, a competitor. Soon after, defendants began using plaintiff's trade secrets to undercut it and poach business.</p>	<p>Nathan Meyer Russ August and Kabat</p>
<p>Prepaid Telconnect Inc., dba Talk N Win, a Florida corp., dba Talk N. Win, a Florida corp. v. County of Riverside; Michael Hestrin; Heather Kurcher 6/2/2017 5:17 cv 1095 Bernal (Riverside)</p>	<p>Civil rights. Defendants wrongfully conducted a search of plaintiff's business and seized its property, causing it to close.</p>	<p>Francisco Cabada Cabada & Hameed LLP</p>
<p>Sylvia Godfrey v. Toyota Motor North America Inc.; Toyota Motor Engineering & Manufacturing North America Inc.; Toyota Motor Sales, U.S.A Inc.; Toyota Motor Corporation; Does 6/2/2017 2:17 cv 4130 (Los Angeles)</p>	<p>Product liability, design defect. Sudden unintended acceleration resulting in personal injuries.</p>	<p>Brooks Cutter Cutter Law PC-Sacramento</p>
<p>Twelve Sixty LLC; Robert J. Marderosian; Aron M. Marderosian v. Maui and Sons Inc.; Does 6/2/2017 2:17 cv 4120 Wilner (Los Angeles)</p>	<p>Copyright. Infringement of plaintiffs' musical work entitled The Road to Sunday.</p>	<p>Michael Marderosian Marderosian and Cohen- Fresno</p>
<p>Xing Li v. Princess Cruises; Does 6/2/2017 2:17 cv 4135 (Los Angeles)</p>	<p>Maritime, personal injuries. Plaintiff sustained serious and permanent personal injuries, including a fracture to his left tibia and fibula, due to a fall on a stairway.</p>	<p>Lia Marks Law Offices of Lyle Clavin Jr. & Associates- San Francisco</p>
<p>Phillips Graduate University v. Inspiras Management Services LLC, a Delaware LLC 6/2/2017 2:17 cv 4144 (Los Angeles)</p>	<p>Trademark. Action arises from defendant's attempt to claim ownership over plaintiff's trademarks. Plaintiff has used its (unregistered) marks "Phillips Graduate Institute" and "Phillips Graduate University" to identify its educational institution throughout the world. Plaintiff files this lawsuit to seek redress for the harm defendant has inflicted and to prevent further harm.</p>	<p>Melvin Avanzado The Avanzado Law Firm</p>
<p>Sound View Innovations LLC v. Hulu LLC 6/2/2017 2:17 cv 4146 (Los Angeles)</p>	<p>Patent. Infringement of patents no. 5,806,062, no. 6,125,371, no. 6,502,133, no. 6,708,213, no. 6,757,796, and no. 9,462,074.</p>	<p>Benjamin Wang Russ August and Kabat</p>
<p>Cassell Creations LLC, dba Fine Arts Sculpture Center Inc.; Oleg Kedria; Zhanna Kedria; Mikhael Kedria v. United States Citizenship and Immigration Services; Kathy A. Baran 6/2/2017 2:17 cv 4145 (Los Angeles)</p>	<p>Administrative Procedure Act. Action seeking review of the conclusory and unsubstantiated decision denying plaintiff individuals' applications to extend their non-immigrant O-1 and O-3 status on the grounds that they failed to provide sufficient evidence that their failure to file a timely extension of their status was due to circumstances beyond their control.</p>	<p>Michael Piston Tansnational Legal Service PC</p>

NEW COMPLAINTS

<p>Preferred Contractors Insurance Company Risk Retention Group LLC v. Pia Altavilla; Chris Warner; Ari Horn Construction Inc. 6/2/2017 2:17 cv 4128 (Los Angeles)</p>	<p>Insurance. Declaratory relief in regards to an underlying judgment.</p>	<p>Christian William Schmitthenner Lincoln Gustafson & Cercos</p>
<p>Dr. Thomas Griffin v. The Prudential Insurance Company of America 6/2/2017 2:17 cv 4150 (Los Angeles)</p>	<p>ERISA. Employee benefits.</p>	<p>Russell Petti Law Offices of Russell Petti</p>
<p>David Rogoff v. Life Insurance Company of North America 6/2/2017 5:17 cv 1099 (Riverside)</p>	<p>ERISA.</p>	<p>Phillip Bather DarrasLaw</p>
<p>Libby Pour; Joseph Izhakpor v. Ocwen Mortgage Servicing Inc.; Ocwen Loan Servicing LLC 6/2/2017 2:17 cv 4141 (Los Angeles)</p>	<p>Violations of the Telephone Consumer Protection Act.</p>	<p>Joshua Swigart Hyde and Swigart- San Diego</p>
<p>April E. Diggs v. Ocwen Loan Servicing LLC; U.S. Bank NA, as Trustee for Greenpoint Mortgage Funding Trust Mortgage Pass-Through Certificates, Series 2006-AR5; Barrett Daffin Frappier Trader and Weiss LLP; Does 6/1/2017 5:17 cv 1089 Bernal (Riverside)</p>	<p>Consumer credit. Fair Debt Collection Act.</p>	<p>pro se</p>
<p>Steven Johnson v. Wells Fargo Bank National Association; Collection at Law Inc.; Does 6/1/2017 2:17 cv 4109 Walter (Los Angeles)</p>	<p>Consumer credit. Violations of the Fair Debt Collection Practices Act. On 6/2015, defendants initiated a lawsuit against plaintiff in an effort to collect on an alleged debt. On 9/2016, defendants filed a proof of service stating that they served plaintiff's former spouse instead of serving plaintiff personally.</p>	<p>Todd Friedman Law Offices of Todd Friedman PC</p>
<p>United African-Asian Abilitites Club; 011 UAAAC Member v. Weiss Investment Properties LP; Does 6/2/2017 2:17 cv 4112 (Los Angeles)</p>	<p>Fair Housing Act. Discriminatory practices</p>	<p>David Wakefield Law Office of David Wakefield- San Diego</p>
<p>United African-Asian Abilitites Club; 011 UAAAC Member v. Leland Way LLC; Does 6/2/2017 2:17 cv 4113</p>	<p>Fair Housing Act. Discriminatory practices.</p>	<p>David Wakefield Law Office of David Wakefield</p>
<p>Eleanor Burke v. W & J Higgins Investments LLC, dba Sizzler Restaurant; Northwest Dealerco Holdings LLC, a Delaware LLC; Does 6/2/2017 2:17 cv 4136 (Los Angeles)</p>	<p>Americans With Disabilities Act.</p>	<p>Joseph Richard Manning Jr. Manning Law APC</p>

NEW COMPLAINTS

Paula A .Thomas v. Thomas Wylde LLC; David Schnider; Jene Park; John Hanna; Stephen Choi; Eniluz Gonzalez; Doub Lee; Roger Kuo; Hillshore Investments S.A., a corporation in Panama; Does 6/5/2017 2:17 cv 4158 Kronstadt (Los Angeles)

Trademark, copyright, RICO. Case arises out of an international “criminal enterprise” and conspiracy by defendants. The scheme was to destroy the business known as Paula Dorothy Thomas Wylde LLC and to steal plaintiff’s coveted designs and brand name in violation of copyright and trademarks laws. Plaintiff is a breast cancer survivor and was often sick or under treatment when defendants committed their frauds.

Dimitrios Peter Biller LDT Consulting

Kangaroo Manufacturing Inc., a Florida corp. v. Bigmouth LLC, aka Bigmouth Inc., a Connecticut LLC; Does 6/5/2017 2:17 cv 4165 (Los Angeles)

Copyright non-infringement. Defendant sent notices to Amazon and eBay stating that plaintiff’s pool floats infringed defendant’s pool flats, which is false.

Mitchell Fucey Masserman and Ducey LLP

Orange County Coastkeeper v. City of San Juan Capistrano; Blenheim Facility Management, a Delaware LLC 6/2/2017 8:17 cv 956 Staton (Santa Ana)

Clean Water Act. Defendants operate the Rancho Mission Viejo Riding Park at San Juan Capistrano and the adjacent “Arizona Crossing” that runs through San Juan Creek. Defendants have allowed discharge of horse manure and other sediment into San Juan Creek. Defendants also conducted heavy industrial repairs to the Arizona Crossing and the Creek’s banks without federal or state required permits in an area designated as open space and preserved by a conservation easement.

Jennifer Faye Novak

Denise Stulich Costarelli; Lorenzo Costarelli, as next friends of their minor child V.C. v. Westside Union School District (WUSD); Jennifer Schmid; Rodney Lotts; Jennifer Slater-Sanchez; Regina L. Rossall; Marguerite Johnson 6/5/2017 2:17 cv 4188 (Los Angeles)

Civil rights. V.C. suffered inappropriate and hostile treatment because of her ethnicity and Italian birth by students at Hillview Middle School and by several members of the faculty.

Eliot F Krieger Sullivan Krieger Truong Spagnola & Kalusner

William J. Hoffman, Court-appointed permanent receiver for Nationwide Automated Systems Inc., Oasis Studio Rentals LLC, Oasis Studio Rentals #2 LLC and Oasis Studio Rentals #3 LLC and their subsidiaries and affiliates v. Sean Sullivan; Sean F. Sullivan; Devin Sullivan; Meghan Boustany; Molly Robotti; Kelly Brianna & Aidan Corp., a Connecticut corp. 6/5/2017 2:17 cv 4183 (Los Angeles)

Fraudulent transfer. The Receiver seeks to recover transfers of funds out of the Receivership Entities to defendants that constitute “actually fraudulent” and “constructively fraudulent” voidable transfers under California’s Uniform Voidable Transactions Act.

Tim Hsu Allen Matkins et al

NEW COMPLAINTS

<p>OmniArch Capital Corporation; OmniArch Management Corporation; OmniArch Fixed Income Limited Partnership; OmniArch Fixed Income G.P. Ltd. v. Twelve Nine LLC; Alliance Portfolio, Private Equity Finance Inc.; George Wong, Trustee of the George Wong and the Holly Wu Family Trust Dated 1/17/2013; Holly Wu, Trustee of the George Wong and the Holly Wu Family Trust, Dated 1/17/2013; Ray Gokaldas MD, a Professional Corp. Profit Sharing Plan 6/5/2017 2:17 cv 4155 Wilson (Los Angeles)</p>	<p>Fraud. Avoidance and recovery of fraudulent transfers.</p>	<p>Kathy Bazoian Phelps Diamond McCarthy LLP</p>
<p>Joyce Ulrich v. Howmedica Osteonics Corp.; Stryker Orthopaedics, a New Jersey Corporation; Stryker Corporation, a Michigan corp.; Does 6/5/2017 2:17 cv 4175 (Los Angeles)</p>	<p>Product liability. Action for damages suffered by plaintiff as a direct and proximate result of defendants' wrongful conduct in connection with developing, assembling, manufacturing, and selling the Accolade TMZF Hip Stem and the LFIT Anatomic V4 Femoral Head.</p>	<p>Kristy Arevalo McCune Wright Arevalo</p>
<p>John Doe v. City of Compton; Does 6/5/2017 2:17 cv 4172 (Los Angeles)</p>	<p>Civil rights. Action challenges the entirety of Chapter 7-25 of the Compton Municipal Code that constitute residency restrictions for registered sex offenders, such as plaintiff.</p>	<p>Janice Bellucci Janice Bellucci Law Offices- Sacramento</p>
<p>Paramount Restyling Automotive Inc.; Warner Science Applications v. Galaxy Moto Inc.; Gc Innovation; Razer Auto Inc.; Garry Ching; Jessica Ching; Linda Chiu; Jennifer Chi; Samuel Chi; Does 6/5/2017 5:17 cv 1102 (Riverside)</p>	<p>Copyright. Defendants' listings for their vehicle accessories on Amazon and eBay use plaintiff's copyrighted photos that are digitally edited in an effort to hide the infringement.</p>	<p>Joseph Andras Myers Andras LLP</p>
<p>Andy Thanh v. Oanh Tran; YouTube LLC; Does 6/2/2017 8:17 cv 953 Selna (Santa Ana)</p>	<p>Copyright. Plaintiff's copyrighted work was uploaded to YouTube by defendant Tran without plaintiff's consent.</p>	<p>pro se</p>
<p>Trustees of The Operating Engineers Pension Trust; Trustees of The Operating Engineers Health and Welfare Fund; Trustees of The Operating Engineers Vacation- Holiday Savings Trust; Trustees of The Operating Engineers Training Trust v. Wilmar Inspections Co. 6/5/2017 8:17 cv 958 (Santa Ana)</p>	<p>E.R.I.S.A. Defendant failed to submit monthly reports and pay fringe benefit contributions to the trusts based on work performed during the months of July 2016 through the present, and owes at least \$40,317.14.</p>	<p>Matthew Bechtel Laquer Urban Clifford</p>
<p>Norma Binkley v. Anthem Life Insurance Company; Reachlocal Inc. Welfare Plan 6/5/2017 2:17 cv 4178 (Los Angeles)</p>	<p>ERISA. Employee benefits.</p>	<p>Corinne Chandler Kantor and Kantor</p>

NEW COMPLAINTS

<p>Karla Hernandez; Sherlyn Hernandez v. United States of America 6/4/2017 2:17 cv 4152 (Los Angeles)</p>	<p>Personal injuries. Collision.</p>	<p>Gennady Lebedev Lebedev Michael and Helmi</p>
<p>United African-Asian Abilitites Club; 011 UAAAC Member v. Patricia P. Chadwell, Trustee, Chadwell Family Trust; Carol P. Kean, Trustee; Carol P. Kean, Trust; Does 6/5/2017 2:17 cv 4154 Marshall (Los Angeles)</p>	<p>Fair Housing Act. Discriminatory practices.</p>	<p>David Wakefield Law Office of David Wakefield- San Diego</p>
<p>United African-Asian Abilitites Club; 011 UAAAC Member v. Poinsettia Properties LLC 6/5/2017 2:17 cv 4170 (Los Angeles)</p>	<p>Fair Housing Act. Discriminatory practices.</p>	<p>David Wakefield Law Office of David Wakefield- San Diego</p>
<p>Alfred Bernard v. Kariya BBQ Inc., dba Kariya Shabu and BBQ; Does 6/5/2017 2:17 cv 4163 Walsh (Los Angeles)</p>	<p>Americans With Disabilities Act.</p>	<p>Sung Kim Advanced Disability Advocates</p>
<p>Nehemiah Kong v. Hendricks Villa Inc.; Garfield Beach CVS, LLC; Does 6/5/2017 2:17 cv 4153 Walsh (Los Angeles)</p>	<p>Americans With Disabilities Act.</p>	<p>Dennis Jay Price II Center For Disability Access- San Diego</p>
<p>Charles Davis v. Southwest Credit Systems LP 6/6/2017 5:17 cv 1114 (Riverside)</p>	<p>Consumer credit. Unfair debt collection.</p>	<p>Wayne Sinnett Sinnett Law APC- San Diego</p>
<p>United African-Asian Abilitites Club; 011 UAAAC Member v. West Knoll Apartments LLC; Does 6/5/2017 2:17 cv 4190 Wu (Los Angeles)</p>	<p>Fair Housing Act. Discriminatory practices.</p>	<p>David Wakefield Law Office of David Wakefield- San Diego</p>
<p>Baan Rao Thai Restaurant; Somporn Phomson v. John F. Kelly; James McCament; Kathy A. Baran 6/6/2017 2:17 cv 4206 Klausner (Los Angeles)</p>	<p>Administrative Procedure Act.</p>	<p>Scott Pollock Scott Pollock & Associates PC- Chicago</p>
<p>Gilbert McCory v. Corona-Norco Unified School District; Does 6/6/2017 5:17 cv 1104 Walter (Riverside)</p>	<p>Americans With Disabilities Act. Defendant's premises is not handicap accessible.</p>	<p>Russell Handy Center For Disability Access- San Diego</p>

NEW COMPLAINTS

<p>Craig Ross; Natalie Operstein v. P. Timothy White; Edmund G. Brown Jr.; Gavin Newsom; Anthony Rendon; Tom Torlakson; Lou Monville; Rebecca D. Eisen; Framroze Virjee; Steve Relyea; Silas Abrego; Jane W. Carney; Adam Day; Douglas Faigin; Debra S. Farar; Jean P. Firstenberg; Lillian Kimbell; Thelma Melendez De Santa Ana; Hugo N. Morales; John Nilon; J. Lawrence Norton; Lateefah Simon; Steven Stepanek; Peter J. Taylor; Lupe C. Garcia; Mildred Garcia; Jose Luis Cruz; Angela Della Volpe; Lori Gentles; John Beisner; James Busalacchi; Barry Pasternack; Philip Lee; Monique Shay; Kim Norman; Sheryl Fontaine; Robert Koch; Emily Bonney; Lana Dalley; Stephen Mexal; Franz Mueller; Patricia Schneider-Zioga; Kristi Kanel; Ofir Turel; Jacqueline Frost; Jill Rosenbaum; Juan Carlos Gallego; Shahin Ghazanshahi; John Koegel; Michael Loverude; Judy King; Does 6/2/2017 2:17 cv 4149 Otero (Los Angeles)</p>	<p>Employment discrimination.</p>	<p>pro se</p>
<p>Patrick Ochion Jewell, aka Ochion Jewell v. Music Lifeboat; Pasadena Arts Council; Brandon Bernstein; Terry Carter; Scott Loring 6/5/2017 2:17 cv 4168 Fischer (Los Angeles)</p>	<p>Transferred in from New York Eastern, 1:16-cv-01587. Copyright infringement.</p>	<p>p: James Tyminski Jr Fitzpatrick Cella Harper and Scinto- New York d: Brandon Hugh Stroy Maynard Cooper and Gale- San Francisco</p>
<p>Hector Bermudez v. City of Torrance; Mark Matsuda; Does 6/6/2017 2:17 cv 4193 Fischer (Los Angeles)</p>	<p>Civil rights. After plaintiff, a lieutenant with the Torrance Police Department, exercised his rights to report what he believed to be unlawful conduct, defendant Matsuda retaliated against him by denying him the promotion to captain.</p>	<p>Bijan Darvish Law Office of Bijan Darvish</p>
<p>Alfredo Santibanez v. City of Los Angeles; David Bunch; Does 6/5/2017 2:17 cv 4189 Wright (Los Angeles)</p>	<p>Civil rights, excessive force. Plaintiff was shot at from behind as he ran away from defendant officers. The officers had jumped out of an unmarked vehicle and had never announced themselves.</p>	<p>Jamon Hicks Douglas Hicks Law APC</p>
<p>Emmy Song, as an individual and on behalf of all others similarly situated v. THC - Orange County Inc. 6/6/2017 8:17 cv 965 (Santa Ana)</p>	<p>Employment class action. Defendant did not pay minimum and overtime wages and did not provide accurate itemized wage statements.</p>	<p>Edward Choi</p>

NEW COMPLAINTS

<p>Jarel Brown, on behalf of himself and others similarly situated v. Saks & Company LLC, a Delaware LLC; Does 6/6/2017 2:17 cv 4210 (Los Angeles)</p>	<p>Employment class action. Failure to pay overtime, failure to provide rest breaks.</p>	<p>Craig Ackermann Ackermann and Tilajef PC</p>
<p>Joyce Ulrich v. Howmedica Osteonics Corp.; Stryker Orthopaedics, a New Jersey corp.; Stryker Corporation, a Michigan corp.; Does 6/5/2017 5:17 cv 1107 Wright (Riverside)</p>	<p>Product liability. Defendants' Accolade TMZF Hip Stem and LFIT Anatominc V40 Femoral Head devices that plaintiff had surgically implanted, were defective causing permanent injuries and the need for corrective surgery.</p>	<p>Tuan Nguyen McCune Wright Arevalo</p>
<p>Adam Tamburelli v. Massage Envy Franchising LLC; Massage Envy Spa Marina Del Rey; Does 6/6/2017 2:17 cv 4208 (Los Angeles)</p>	<p>Electronic Funds Transfer Act. Defendants debited plaintiff's bank account on a recurring basis without obtaining a written authorization signed or similarly authenticated for preauthorized electronic fund transfers.</p>	<p>Todd Friedman Law Offices of Todd Friedman PC</p>
<p>Targus Group International Inc. v. Timbuk2 Designs Inc. 6/6/2017 8:17 cv 972 (Santa Ana)</p>	<p>Patent. Defendant's laptop cases infringe on plaintiff's patent.</p>	<p>Nathaniel Dilger One LLP</p>
<p>Castel S.A., a Luxembourg corp. v. Aurora Imaging Technology Inc., a Delaware corp.; Does 6/6/2017 2:17 cv 4198 Gee (Los Angeles)</p>	<p>Contract, account stated. Defendants have not paid the loan.</p>	<p>Lisa Parrish Valla and Associates Inc.- San Francisco</p>
<p>Isolation Network Inc., dba INgrooves v. Westchester Surplus Lines Insurance Company, a Georgia corp.; Does 6/6/2017 2:17 cv 4205 Walter (Los Angeles)</p>	<p>Insurance. Breach of covenant of good faith and fair dealing.</p>	<p>Susan Page White Manatt Phelps & Phillips</p>
<p>Construction Laborers Trust Funds for Southern California Administrative Co., Delaware LLC v. American Environmental Corporation, aka and also dba American Environmental Corp. and AEC 6/6/2017 2:17 cv 4196 Olguin (Los Angeles)</p>	<p>ERISA. Monetary damages due to employee benefit plans pursuant to collective bargaining and plan trust agreements.</p>	<p>Peter Hutchinson Reich Adell and Cvitan</p>
<p>Kenneth W. Merced v. Ad Astra Recovery Services Inc.; Trans Union LLC, dba Transunion 6/6/2017 5:17 cv 1116 (Riverside)</p>	<p>Fair Credit Reporting Act. Defendants are reporting a false debt on plaintiff's credit report.</p>	<p>Farmon Rahimi</p>
<p>Randall Fried v. National Credit Adjusters LLC 6/6/2017 2:17 cv 4200 Olguin (Los Angeles)</p>	<p>Consumer credit. Fair Debt Collection Act violations.</p>	<p>Michael Agruss Agruss Law Firm LLC- Chicago</p>

either because, well, what risk?

At least I thought this was obvious. Maybe I was missing something?

I decided to do some research (i.e. plug a few phrases into a search engine).

I tried “hazardous dachshund races.” I got links to the waiver. Apparently, it’s used for these dangerous events all around the country. The closest I came to peril in the first two pages of results was a site with the headline: “Dachshund Eating Grass in the Morning.”

I tried “dachshund race injuries.” Not much there either. Dachshunds are prone to back injuries – but they’re prone to them at any given moment. Spines aren’t supposed to be shaped that way. I have a beagle that can attest to this.

Not a hint of a human injury anywhere. On result page two, however, there was a link to a book called “The Girl with the Dachshund Tattoo.” It seems to be about dachshund back injuries.

I decided to be more direct and typed in “humans injured at dachshund races.” The second entry was “RIDICULOUSLY Fast Dachshund Totally Smokes His Human in a Race.”

I was hoping this meant the dog barbecued some guy, but it turned out he just ran faster than the human.

There was also an entry referring to human injuries in the 2010 Iditarod. I checked – there were no dachshunds pulling sleds. Not a single dachshund leapt out from behind a snowbank to attack a racer.

So it’s clear that a competent attorney should rewrite this race waiver. I suggest: “I AM AWARE THAT DACHSHUND RACING IS A SILLY ACTIVITY...”

Disappointment. I’m always getting intriguing subject lines in my mass of daily emails

and I’m almost always disappointed.

There was this one last week: “I’ve seen what investing in women does.”

Imagine my disappointment when it turned out to be from a women’s empowerment group, when it could have been a lesson learned from New York congressmen and Alabama governors.

A new national holiday. Think back to last Tuesday (April 11, 2017). Did you notice anything unusual about that day? Was it a strangely nice day?

No, I didn’t notice it either, but we should have. Last Tuesday was International Be Kind To Lawyers Day. All you lawyers out there should have been getting cards or bouquets or romantic dinners.

This seems to be a brand new holiday. It seems to have been invented by some guy with a website who somehow got the U. S. Census Bureau to put out a press release announcing the holiday.

Apparently, this is what the Census Bureau does in years when it’s not counting. I’ve always wondered about that.

As for the holiday, you can read about it at Bekindtolawyers.com. Please go there and read about it. It’s fascinating.

For one thing, you can learn that the holiday is “the brainchild of non-lawyer Steve Hughes.” There’s a picture of him on the “Our Story” page in an I (heart) Lawyers T-shirt.

He says that “Lawyers are just as good as bubble wrap and ice cream.”

There are also celebration ideas on the “How To Participate” page.

My favorites: “Salute the flag as you walk or drive by your local courthouse.”

“Do some simple repairs around the house with a gavel instead of your trusty hammer.”

Next April 11 I’m going to be prepared.