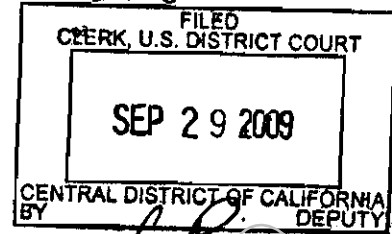


ORIGINAL

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11 John McClain, Special Administrators of the Estate of  
12 Michael J. Jackson; Triumph International, Inc.

13 UNITED STATES DISTRICT COURT  
14 CENTRAL DISTRICT OF CALIFORNIA  
15 WESTERN DIVISION

16 CASE NO. **CV 09-07084 MMM PLA<sub>x</sub>**

17 COMPLAINT FOR:

18 JOHN G. BRANCA, Special  
19 Administrator of the Estate of Michael  
20 J. Jackson; JOHN MCCLAIN, Special  
21 Administrator of the Estate of Michael  
22 J. Jackson; TRIUMPH  
23 INTERNATIONAL, INC., a California  
24 corporation,

25 Plaintiffs,

26 vs.

27 HEAL THE WORLD FOUNDATION,  
28 a California corporation; UNITED  
FLEET, a California corporation; and  
DOES 1-10, inclusive,

Defendants.

- (1) TRADEMARK INFRINGEMENT UNDER 15 U.S.C. § 1114(1);
- (2) UNFAIR COMPETITION AND FALSE DESIGNATION OF ORIGIN, 15 U.S.C. § 1125(a);
- (3) TRADEMARK INFRINGEMENT AND UNFAIR COMPETITION UNDER CALIFORNIA COMMON LAW;
- (4) VIOLATION OF THE RIGHT OF PUBLICITY, CAL. CIV. CODE § 3344.1;
- (5) CANCELLATION OF REGISTERED TRADEMARKS (HEAL THE WORLD, HEAL THE WORLD FOUNDATION, HTWF);
- (6) CANCELLATION OF REGISTERED TRADEMARKS (MJ); AND
- (7) VIOLATIONS OF THE ANTI-CYBERSQUATTING CONSUMER PROTECTION ACT, 15 U.S.C. § 1125(d)

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1 For their COMPLAINT herein, Plaintiffs allege:

2 **JURISDICTION AND VENUE**

3 1. This is an action for trademark infringement, unfair competition and false  
4 designation of origin arising under the Trademark Act of 1946, 15 U.S.C. §§ 1051, *et*  
5 *seq.*, (the “Lanham Act”); for violations of the Anticybersquatting Consumer Protection  
6 Act, 15 U.S.C. § 1125(d) (“ACPA”); and for trademark infringement, unfair  
7 competition, and violation of the right of publicity under the laws of the State of  
8 California.

9 2. This Court has original jurisdiction over this action pursuant to 28 U.S.C.  
10 §§ 1331 and 1338; 15 U.S.C. § 1114; 15 U.S.C. § 1125(a) and (d); and 15 U.S.C. §§  
11 1116 and 1121. This Court has jurisdiction, pursuant to the principles of supplemental  
12 jurisdiction and 28 U.S.C. § 1367, over Plaintiffs’ claims for trademark infringement,  
13 unfair competition, and violation of the right of publicity under the laws of the State of  
14 California.

15 3. This Court has personal jurisdiction over Defendants in that they do  
16 business and/or reside in the State of California.

17 4. Venue is proper in this District pursuant to 28 U.S.C. §§ 1391 and 1400(a)  
18 in that the Defendants are entities subject to personal jurisdiction in this judicial district.

19 **THE PARTIES**

20 5. Plaintiffs John G. Branca and John McClain are the duly appointed Special  
21 Co-Administrators of the Estate of Michael J. Jackson (“Estate”), now deceased. The  
22 Special Administrators of the Estate are authorized, pursuant to the Letters of Special  
23 Administration issued by the Los Angeles County Superior Court, LASC Case No.  
24 BP117321, to “register and take actions with respect to statutory rights of publicity.” A  
25 true and correct copy of the Letters of Special Administration and the Order of Probate  
26 are attached hereto and incorporated herein as Exhibit A. The Estate has also owned  
27 Michael Jackson’s Right of Publicity since July 15, 2009, and has properly registered its  
28 ownership with the California Secretary of State. A true and correct copy of a letter

1 from the California Secretary of State is attached hereto and incorporated herein as  
2 Exhibit B.

3 6. Plaintiff, Triumph International, Inc. ("Triumph") is a corporation,  
4 organized and existing under the laws of the State of California and this judicial district,  
5 having addresses and/or conducting and transacting business at the address 1801  
6 Century Park West, Los Angeles, California 90067. Triumph was wholly owned by  
7 Mr. Jackson and is now wholly owned by the Estate. Mr. Branca is the President and  
8 CEO and Mr. McClain is the Secretary and CFO. The sole directors of Triumph are  
9 Mr. Branca and Mr. McClain.

10 7. Upon information and belief, Defendant Heal the World Foundation  
11 ("HTWF") is a corporation, organized and existing under the laws of the State of  
12 California and this judicial district, having addresses and/or conducting and transacting  
13 business at the addresses 41605 Goodrich St., Indio, California 92203 and 44489 Town  
14 Center Way, Suite 542, Palm Desert, California 92260. HTWF was formed on March  
15 13, 2008. A true and correct copy of the Articles of Incorporation for HTWF is  
16 attached hereto and incorporated herein as Exhibit C. A true and correct copy of the  
17 Restated Articles of Incorporation of HTWF is attached hereto and incorporated herein  
18 as Exhibit D.

19 8. Upon information and belief, Melissa Johnson is president of HTWF; Mel  
20 Wilson is vice president of HTWF; and Sandhya Deepak is vice president of HTWF.

21 9. Upon information and belief, Defendant United Fleet ("United Fleet") is a  
22 corporation, organized and existing under the laws of the State of California and this  
23 judicial district, having an address and/or conducting and transacting business at the  
24 address 41605 Goodrich St., Indio, California 92203. United Fleet was formed on June  
25 25, 2008. A true and correct copy of the Articles of Incorporation for United Fleet is  
26 attached hereto and incorporated herein as Exhibit E.

27 10. Melissa Johnson, president of HTWF, is HTWF's registered agent for  
28 service of process.

1 11. Melissa Johnson is also United Fleet's registered agent for service of  
2 process.

3 12. The true names and capacities, whether individual, corporate, associate, or  
4 otherwise, of defendants sued herein as Does 1 through 10, are unknown to Plaintiffs,  
5 which sues said defendants by such fictitious names (the "Doe Defendants"). If  
6 necessary, Plaintiffs will seek leave of Court to amend this complaint to state their true  
7 names and capacities when the same have been ascertained. Plaintiffs are informed and  
8 believe and on that basis aver that the Doe Defendants are liable to Plaintiffs as a result  
9 of their participation in all or some of the acts hereinafter set forth. The parties  
10 identified in paragraphs 7, 9 and 12 are hereinafter collectively referred to as  
11 "Defendants."

12 13. Upon information and belief, each Defendant is, and at all times mentioned  
13 herein was, an agent, employee, principal and/or co-venturer of the other Defendants  
14 herein; that each Defendant acted within the course and scope and authority of said  
15 relationships; and that as a result, Defendants are jointly and severally liable for the acts  
16 alleged herein.

17 **MICHAEL JACKSON AND HIS HEAL THE WORLD FOUNDATION**

18 14. Michael Jackson was one of the most commercially successful entertainers  
19 of all time prior to his untimely death on June 25, 2009. After making his debut as a  
20 member of The Jackson 5, he embarked on a highly successful solo career that  
21 continued for over three and a half decades. His 1982 album "Thriller" remains the  
22 best-selling album of all time, and his subsequent albums have similarly been  
23 successful.

24 15. As a result of his talent and remarkable success, Mr. Jackson came to be  
25 known as the "King of Pop." Mr. Jackson acquired this nickname when actress and  
26 friend Elizabeth Taylor presented Mr. Jackson with an "Artist of the Decade" award at  
27 the 1989 Soul Train Awards, proclaiming him "the true king of pop, rock and soul".  
28 Since that time, major media outlets and Mr. Jackson himself have marketed

1 Mr. Jackson as the “King of Pop.” In 2008, in celebration of Mr. Jackson’s 50<sup>th</sup>  
2 birthday, a compilation album, entitled “King of Pop” was released. Currently the  
3 album has reached the top ten in the majority of countries in which it was released.

4 16. In addition to his success as a musician and performer, Mr. Jackson was  
5 also a notable philanthropist and humanitarian who donated and raised million of  
6 dollars through the support of dozens of charities and his own Heal the World  
7 Foundation (“Jackson’s Foundation”).

8 17. Mr. Jackson founded the Heal the World Foundation in 1992, naming it  
9 after his hit song, “Heal the World,” which he both wrote and composed. The song  
10 reached #2 in the UK Singles Chart in December 1992, and reached #27 on the  
11 Billboard Hot 100. In a 2001 Internet chat with fans, Jackson said “Heal the World” is  
12 the song he is most proud to have created. The song was so identified with Mr. Jackson  
13 that it was performed as the closing to Mr. Jackson’s memorial service at the Staples  
14 Center in Los Angeles on July 7, 2009. An ensemble of performers, including members  
15 of Mr. Jackson’s family, paid tribute to Mr. Jackson by singing this song. Mr.  
16 Jackson’s memorial service was viewed live by millions around the world, and millions  
17 more have since watched the memorial service, including the performance of “Heal the  
18 World.”

19 18. The purpose of Jackson’s Foundation was to provide medicine to children  
20 and fight world hunger, homelessness, child exploitation and abuse.

21 19. Mr. Jackson raised millions of dollars for his Heal the World Foundation  
22 by aggressively publicizing the Jackson’s Foundation and its goals. For example, all  
23 profits from “The Dangerous World Tour,” during which Mr. Jackson performed  
24 concerts for millions of people around the world, were donated to Jackson’s  
25 Foundation.

26 20. Mr. Jackson also performed his song “Heal the World” during the halftime  
27 show at the Super Bowl XXVII, one of the most viewed events on television.

28 Mr. Jackson donated his entire fee to his charity, with the NFL also donating \$100,000

1 and a 30-second advertisement requesting contributions. Jackson's Foundation also  
2 raised money so that children may visit Mr. Jackson's Neverland Ranch, which Mr.  
3 Jackson owned from 1988 through 2005. Other efforts by Mr. Jackson to raise  
4 awareness and funds for Jackson's Foundation are numerous and well-publicized.

5 21. While Jackson's Foundation is no longer active, as a result of its  
6 worldwide success in raising awareness and money for children's causes, "Heal the  
7 World" is a phrase that continues to invoke Mr. Jackson, Mr. Jackson's Heal the World  
8 charity, song, and commitment to improving the lives of children around the world.

9 **MICHAEL JACKSON'S TRADEMARK**  
10 **REGISTRATIONS AND APPLICATIONS**

11 22. Jackson's Foundation, a non-profit corporation, registered the word mark  
12 HEAL THE WORLD, and its associated design, a child's hands holding a globe with a  
13 band-aid on it (the "Logo"), on October 25, 1994 and September 19, 1995, U.S.  
14 Trademark Registration Nos. 1,860,559 and 1,920,720, respectively. In addition, the  
15 typed drawing HEAL THE WORLD, was registered on February 8, 1994, U.S.  
16 Trademark Registration No. 1,820,329. True and correct copies of the U.S. Patent and  
17 Trademark Office Certificate of Registration Nos. 1,860,559, 1,920,720 and 1,820,329  
18 are attached hereto and incorporated herein as Exhibit F. Despite the fact that these  
19 trademark registrations were cancelled in 2001 and 2002, as a result of the success of  
20 the "Heal the World" song, and the extent to which the works of Jackson's Foundation  
21 were well-known and publicized throughout the world, HEAL THE WORLD and its  
22 Logo, continue to be connected to Mr. Jackson.

23 23. Plaintiff Triumph is the owner of the registered mark MICHAEL  
24 JACKSON, U.S. Trademark Registration No. 1,908,209, registered on August 1, 1995.  
25 A true and correct copy of the U.S. Patent and Trademark Office Certificate is attached  
26 hereto and incorporated herein as Exhibit G. In addition, Triumph is the owner of U.S.  
27 Trademark Application Serial Nos. 77,806,358; 77,806,355; 77,806,351; and  
28 77,806,349 for the standard character mark MICHAEL JACKSON. True and correct



1 copies of the foregoing applications are attached hereto and incorporated herein as  
2 Exhibit H. Triumph is also the owner of U.S. Trademark Application Serial Nos.  
3 77,806,397; 77,806,395; 77,806,393; and 77,806,392, for word mark MICHAEL  
4 JACKSON, plus a design (a signature). True and correct copies of the foregoing  
5 applications are attached hereto and incorporated herein as Exhibit I.

6 24. Plaintiff Triumph is also the owner of U.S. Trademark Application Serial  
7 Nos. 77,806,377; 77,806,362; 77,806,361 and 77,806,360 for the standard character  
8 mark KING OF POP, a name commonly connected with Mr. Jackson. True and correct  
9 copies of the foregoing applications are attached hereto and incorporated herein as  
10 Exhibit J.

11 25. Triumph is further the owner of U.S. Trademark Application Serial Nos.  
12 77,811,345; 77,811,342; 77,811,340; and 77,811,338 for the standard character mark  
13 NEVERLAND VALLEY RANCH, in reference to Mr. Jackson's former home. True  
14 and correct copies of the foregoing applications are attached hereto and incorporated  
15 herein as Exhibit K.

16 26. Triumph is also the owner of U.S. Trademark Application Serial Nos.  
17 77,811,337; 77,811,334; 77,811,329; and 77,811,328 for the standard character mark  
18 NEVERLAND RANCH. True and correct copies of the foregoing applications are  
19 attached hereto and incorporated herein as Exhibit L.

20 27. Plaintiff Triumph is also the owner of U.S. Trademark Application Serial  
21 Nos. 77,480,301 and 77,480,413 for the mark THRILLER 25 THE WORLD'S  
22 BIGGEST SELLING ALBUM OF ALL TIME, plus a design. True and correct copies  
23 of the foregoing applications are attached hereto and incorporated herein as Exhibit M.

24 28. Finally, Triumph is the owner of U.S. Trademark Application Serial Nos.  
25 77,806,913; 77,806,908; 77,806,905; and 77,806,901 for the standard character mark  
26 MJ, Mr. Jackson's initials. True and correct copies of the foregoing applications are  
27 attached hereto and incorporated herein as Exhibit N.





1 applied for without Plaintiffs' or Mr. Jackson's consent. A chart summarizing these  
2 trademarks is attached hereto and incorporated herein as Exhibit P.

3 34. Defendant HTWF has registered the following trademarks referencing  
4 Mr. Jackson's charity's name, Heal the World Foundation:

- 5 • U.S. Trademark Registration No. 3,511,658, registered on  
6 October 7, 2008 for the standard character mark HEAL THE  
7 WORLD FOUNDATION;
- 8 • U.S. Trademark Registration No. 3,515,854, registered on  
9 October 14, 2008 for the standard character mark HEAL THE  
10 WORLD FOUNDATION;
- 11 • U.S. Trademark Registration No. 3,564,618, registered on  
12 January 20, 2009 for the standard character mark HEAL THE  
13 WORLD;
- 14 • U.S. Trademark Registration No. 3,508,540, registered on  
15 September 20, 2008 for the standard character mark HEAL THE  
16 WORLD; and
- 17 • U.S. Trademark Registration No. 3,508,542, registered on  
18 September 30, 2008 for the standard character mark HTWF. True  
19 and correct copies of the U.S. Patent and Trademark Office  
20 Certificate of Registrations for the foregoing registrations are  
21 attached hereto and incorporated herein as Exhibit Q.

22 35. Defendant HTWF has also filed the following applications with the U.S.  
23 Patent and Trademark Office, also using the name of Mr. Jackson's charity:

- 24 • U.S. Trademark Application Serial No. 77,784,571, filed on July  
25 20, 2009 for the word mark HEAL THE WORLD, plus a design, a  
26 child's hands holding a globe;
- 27 • U.S. Trademark Application Serial No. 77,503,630, filed on June  
28 19, 2008 for the standard character mark HEAL THE WORLD;

- 1 • U.S. Trademark Application Serial No. 77,643,005, filed on  
2 January 4, 2009, for the standard character mark HEAL THE  
3 WORLD;
- 4 • U.S. Trademark Application Serial No. 77,410,532, filed on March  
5 1, 2008, for the standard character mark HEAL THE WORLD;
- 6 • U.S. Trademark Application Serial No. 77,503,630, filed on June  
7 19, 2008 for the standard character mark HEAL THE WORLD;
- 8 • U.S. Trademark Application Serial No. 77,657,994, filed on  
9 January 28, 2009, for the standard character mark HEAL THE  
10 WORLD; and
- 11 • U.S. Trademark Application Serial No. 77,786,633, filed on July  
12 22, 2009, for the word mark MICHAEL JACKSON'S HEAL THE  
13 WORLD FOUNDATION, plus a design, a child's hands holding a  
14 globe with a band-aid on it--the exact same design associated with  
15 Mr. Jackson's Foundation. True and correct copies of the  
16 application records from the United States Patent and Trademark  
17 Office website for the foregoing applications are attached hereto  
18 and incorporated herein as Exhibit R.

19 36. Defendant HTWF further registered the standard character mark MJ,  
20 Mr. Jackson's initials, with the U.S. Patent and Trademark Office, U.S. Trademark  
21 Registration No. 3,567,671 on January 27, 2009. A true and correct copy of U.S.  
22 Trademark Registration No. 3,567,671 is attached hereto and incorporated herein as  
23 Exhibit S.

24 37. Defendant HTWF also filed numerous trademark applications for marks  
25 that uniquely and unmistakably point to Mr. Jackson and his persona. Most of these  
26 were filed immediately following Mr. Jackson's death in the hopes of exploiting the  
27 deceased artist's name and life and suggesting a connection with Mr. Jackson. The  
28 following applications refer or relate to Mr. Jackson:

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- U.S. Trademark Application Serial No. 77,800,279, filed on August 8, 2009 for the standard character mark MAKE THAT CHANGE, a phrase connected to Mr. Jackson and his hit song “Man in the Mirror”;
- U.S. Trademark Application Serial No. 77,789,656, filed on July 25, 2009 for the standard character mark MAKE THAT CHANGE;
- U.S. Trademark Application Serial No. 77,805,384, filed on August 14, 2009 for the standard character mark KING OF POP;
- U.S. Trademark Application Serial No. 77,800,273, filed on August 8, 2009 for the standard character mark GONE TOO SOON;
- U.S. Trademark Application Serial No. 77,795,154, filed on August 3, 2009 for the standard character mark THRILLER;
- U.S. Trademark Application Serial No. 77,800,275, filed on August 8, 2009 for the standard character mark THRILLER;
- U.S. Trademark Application Serial No. 77,795,094, filed on August 2, 2009 for the standard character mark NEVERLAND;
- U.S. Trademark Application Serial No. 77,773,906, filed on July 2, 2009 for the standard character mark MICHAEL;
- U.S. Trademark Application Serial No. 77,781,986 filed on July 15, 2009 for the standard character mark MICHAEL;
- U.S. Trademark Application Serial No. 77,784,293, filed on July 18, 2009 for the standard character mark MICHAEL;
- U.S. Trademark Application Serial No. 77,800,167, filed on August 7, 2009 for the standard character mark MICHAEL;
- U.S. Trademark Application Serial No. 77,800,165, filed on August 7, 2009 for the standard character mark MICHAEL;

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- U.S. Trademark Application Serial No. 77,515,451, filed on July 7, 2008 for the standard character mark MJ;
- U.S. Trademark Application Serial No. 77,779,048, filed on July 11, 2009 for the standard character mark MJ;
- U.S. Trademark Application Serial No. 77,778,977, filed on July 11, 2009 for the standard character mark MJ;
- U.S. Trademark Application Serial No. 77,800,152, filed on August 7, 2009 for the standard character mark MJ;
- U.S. Trademark Application Serial No. 77,800,141, filed on August 7, 2009 for the standard character mark MJ;
- U.S. Trademark Application Serial No. 77,773,957, filed on July 2, 2009 for the standard character mark MICHAEL JACKSON;
- U.S. Trademark Application Serial No. 77,774,275, filed on July 3, 2009 for the standard character mark MICHAEL JACKSON;
- U.S. Trademark Application Serial No. 77,774,279, filed on July 4, 2009 for the standard character mark MICHAEL JACKSON;
- U.S. Trademark Application Serial No. 77,775,180, filed on July 6, 2009 for the standard character mark MICHAEL JACKSON;
- U.S. Trademark Application Serial No. 77,775,174, filed on July 6, 2009 for the standard character mark MICHAEL JACKSON;
- U.S. Trademark Application Serial No. 77,774,291, filed on July 4, 2009 for the standard character mark MICHAEL JACKSON;
- U.S. Trademark Application Serial No. 77,784,350, filed on July 19, 2009 for the standard character mark MICHAEL JACKSON;
- U.S. Trademark Application Serial No. 77,789,658, filed on July 25, 2009 for the standard character mark MICHAEL JACKSON;

- 1           • U.S. Trademark Application Serial No. 77,794,935, filed on  
2           August 1, 2009 for the standard character mark MICHAEL  
3           JACKSON; and
- 4           • U.S. Trademark Application Serial No. 77,800,408, filed on  
5           August 9, 2009 for the standard character mark MICHAEL  
6           JACKSON. True and correct copies of the application records  
7           from the United States Patent and Trademark Office website for  
8           the foregoing applications are attached hereto and incorporated  
9           herein as Exhibit T.

10           38. All of the registered and applied-for marks identified in paragraphs 34  
11 through 37 are collectively referred to herein as the “Infringing Trademarks.”

12           39. Despite being placed on notice that their conduct was infringing Plaintiffs’  
13 rights, Defendant HTWF continued to unlawfully use and apply to register the  
14 Infringing Trademarks.

15           40. In addition, Defendant HTWF has registered several domain names  
16 connected to Mr. Jackson and/or Jackson’s Foundation. These websites are:  
17 <healtheworld.us>, <healtheworldfoundation.net>, <mjaid.com>, and  
18 <mjquotes.com>. Defendant’s use of the trademarks HEAL THE WORLD, HEAL  
19 THE WORLD FOUNDATION, MICHAEL JACKSON, and MJ can be seen on  
20 Defendant’s <healtheworld.us>, <healtheworldfoundation.net>, <mjaid.com>, and  
21 <mjquotes.com> websites. True and correct copies of screenshots from Defendant’s  
22 websites showing the use of the MJJ Trademarks are attached hereto and incorporated  
23 herein as Exhibit U.

24           41. Defendants sell merchandise bearing many of the Infringing Trademarks,  
25 including HEAL THE WORLD, MJ, MICHAEL JACKSON, MAKE THAT  
26 CHANGE, MICHAEL, and the Logo. True and correct copies of screenshots from  
27 Defendants’ websites showing the use of these Infringing Trademarks on merchandise  
28 are attached hereto and incorporated herein as Exhibit V.

1           42. Defendants' acts of infringement and unfair competition have been  
2 committed with the intent to cause confusion, mistake, and to deceive. The intent to  
3 deceive is obvious from the marks Defendants have chosen to register/apply for, but  
4 becomes truly egregious when taken together with statements made by representatives  
5 of Defendants. For example, two days after Mr. Jackson's death, Melissa Johnson,  
6 president of HTWF and registered agent for both Defendants, posted a message on the  
7 internet where she claims that she has "been helping to develop the initiatives of  
8 HTWF and doing its work since 1993." She also writes:

9           It is unclear if the Jackson Family will want to continue his charity work and his  
10 humanitarian legacy and in what manner. The staff at HTWF only ask that the  
11 public be patient with us and allow the family time to grieve as we wait for the  
12 direction they would have us go....we must all be respectful and wait for the  
13 family to come up for air, before and IF we can move forward on Mr. Jackson's  
14 behalf.

14           43. Of course, Ms. Johnson has no more of a relationship with the "Jackson  
15 Family" than Defendant HTWF has with Mr. Jackson. A true and correct copy of Ms.  
16 Johnson's internet posting is attached hereto and incorporated herein as Exhibit W.

17           44. Unfortunately, Defendants have succeeded in their efforts to confuse and  
18 deceive. For example, when one of the largest toy manufacturers wished to obtain a  
19 license to produce and distribute toys bearing Mr. Jackson's trademarks, signature,  
20 image and likeness, this toy manufacturer approached Defendant, HTWF, rather than  
21 Plaintiffs, as a result of Defendant's registration, application and use of the Infringing  
22 Trademarks.

23           45. Most unfortunate of all, however, is the extent to which consumers and  
24 the public at large, including fans of Mr. Jackson, have been confused by the existence  
25 of Defendant's HTWF and the other Infringing Trademarks. There have been lengthy  
26 discussions on internet forums regarding the legitimacy of Defendant HTWF and  
27 whether it is related to Mr. Jackson and Jackson's Foundation. Some of the postings  
28 confirm that many donated money to Defendant's HTWF, believing it to be



1 Mr. Jackson's charity. A true and correct copy of a selection of internet postings  
2 evidencing actual confusion is attached hereto and incorporated herein as Exhibit X.  
3 Plainly, it is Defendants' intent to solicit and collect money from the public who, as a  
4 result of Defendants' misleading conduct, erroneously believe that they are making  
5 charitable donations to a charity sponsored by Mr. Jackson.

6 **COUNT ONE**

7 **INFRINGEMENT OF REGISTERED TRADEMARK UNDER**

8 **15 U.S.C. § 1114(1)**

9 **(Plaintiff Triumph against Defendant United Fleet)**

10 46. Plaintiffs repeat and reallege the allegations of paragraphs 1 through 45 of  
11 this Complaint as if fully set forth herein.

12 47. Defendant United Fleet is infringing Triumph's federally-registered  
13 MICHAEL JACKSON mark by selling MICHAEL JACKSON-branded merchandise  
14 in interstate commerce as shown in Exhibit Y.

15 48. United Fleet's unauthorized use of the MICHAEL JACKSON mark in  
16 interstate commerce constitutes a willful and knowing attempt to trade on the goodwill  
17 that Triumph owns and has developed in the MICHAEL JACKSON mark, and has  
18 diminished the value of Triumph's MICHAEL JACKSON mark, all to the damage of  
19 Plaintiffs.

20 49. United Fleet's unauthorized use of the MICHAEL JACKSON mark in  
21 interstate commerce is likely to cause confusion, or to cause mistake, or to deceive the  
22 purchasing public and others, leading them to mistakenly believe that Defendant is  
23 affiliated with, related to, sponsored by, or connected with Plaintiffs, in violation of 15  
24 U.S.C. § 1114(1), a result fully intended by Defendant.

25 50. Defendant United Fleet has caused, and, unless restrained and enjoined by  
26 this Court, will continue to cause irreparable harm, damage, and injury to Plaintiffs.

27 51. Plaintiffs have no adequate remedy at law.  
28

**COUNT TWO**

**UNFAIR COMPETITION AND FALSE DESIGNATION OF ORIGIN**

**(Plaintiff Triumph against Defendants HTWF and United Fleet)**

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4 52. Plaintiffs repeat and reallege the allegations of paragraphs 1 through 51 of  
5 this Complaint as if fully set forth herein.

6 53. Defendant HTWF purports to be a charity serving the same purposes as  
7 Jackson’s Foundation, and, as such, Defendant’s use of the name “Heal the World  
8 Foundation” is likely to cause confusion to the general purchasing public.

9 54. United Fleet also uses the phrase “Heal the World” in order to sell its  
10 unauthorized products.

11 55. By misappropriating and using the MJJ Trademarks, Defendants HTWF  
12 and United Fleet misrepresent and falsely describe to the general public the origin and  
13 source of their merchandise and services and create a likelihood of confusion as to both  
14 the source of the goods and sponsorship of their organization.

15 56. Defendants’ unlawful, unauthorized and unlicensed use of the MJJ  
16 Trademarks creates express and implied misrepresentations that their Heal the World  
17 Foundation and associated merchandise was created, authorized or approved by  
18 Plaintiffs, all to Defendants’ profit and Plaintiffs’ great damage and injury. For  
19 example, as a result of Defendants’ deception, the public has been confused and  
20 harmed by making donations to Defendant’s HTWF, believing it to be Jackson’s  
21 Foundation.

22 57. Defendants’ aforesaid acts are in violation of Section 43(a) of the Lanham  
23 Act, 15 U.S.C. § 1125(a), in that Defendants’ use of MJJ Trademarks, in connection  
24 with its goods and services in interstate commerce constitutes a false designation of  
25 origin and unfair competition.

26 58. Plaintiffs are without an adequate remedy at law and if the Defendants’  
27 activities are not enjoined, Plaintiffs will continue to suffer irreparable harm and injury  
28 to their goodwill and reputation.

**COUNT THREE**

**TRADEMARK INFRINGEMENT AND UNFAIR COMPETITION UNDER CALIFORNIA COMMON LAW**

**(Plaintiff Triumph against all Defendants)**

59. Plaintiffs repeat and reallege the allegations of paragraphs 1 through 58 of this Complaint as if fully set forth herein.

60. Defendants are using in interstate commerce some or all of the Infringing Trademarks.

61. Plaintiffs have acquired common-law rights in the HEAL THE WORLD mark through their use of the mark for nearly a decade, from approximately 1992 through 2002, in connection with charitable fundraising. The HEAL THE WORLD mark has a secondary meaning in the charitable community and is connected to Plaintiffs. Defendants' subsequent use of the mark HEAL THE WORLD and confusingly-similar derivatives such as HEAL THE WORLD FOUNDATION and HTWF are likely to cause confusion, deception, and mistake among the consuming public as to the source of and authorization for the products and/or services sold by Defendants in violation of the common law of the State of California.

62. Plaintiffs have acquired common-law rights in the design of a child's hands holding a globe with a band-aid on it (the "Logo") through their use of the mark in connection with charitable fundraising. The Logo has a secondary meaning in the charitable community and is connected to Plaintiffs. Defendants' subsequent use of the Logo is likely to cause confusion, deception, and mistake among the consuming public as to the source of and authorization for the products and/or services sold by Defendants in violation of the common law of the State of California.

63. Plaintiffs have acquired common-law rights in the MICHAEL JACKSON mark through their use of the mark in interstate commerce in connection with sound recordings, entertainment services, and other merchandise. Defendants' subsequent use of the mark MICHAEL JACKSON, and confusingly-similar derivatives such as

1 MJ and MICHAEL, are likely to cause confusion, deception, and mistake among the  
2 consuming public as to the source of and authorization for the products and/or services  
3 sold by Defendants in violation of the common law of the State of California.

4 64. Defendants' acts as alleged herein were committed with the intent to  
5 deceive the public into believing that Defendant Heal the World Foundation and the  
6 products it and Defendant United Fleet sell using the Infringing Trademarks are made  
7 by, approved by, sponsored by or affiliated with Mr. Jackson and/or Triumph.  
8 Defendants' acts were committed with the intent to pass off and palm off Defendants'  
9 goods and services as those of Plaintiffs, and with the intent to deceive and defraud the  
10 public.

11 65. Plaintiffs have built up valuable goodwill in the MJJ Trademarks.

12 66. With full knowledge of the fame of the MJJ Trademarks, Defendants have  
13 traded, and continue to trade, on the goodwill associated with the MJJ Trademarks, and  
14 mislead the public into assuming a connection between Defendants (and the  
15 unauthorized products bearing the MJJ Trademarks) and Plaintiffs and Jackson's  
16 Foundation.

17 67. Defendants' acts of trademark infringement cause confusion and, mislead  
18 and deceive the public as to the source of Defendants' merchandise and services,  
19 permit Defendants to pass off their products as relating to Plaintiffs and falsely suggest  
20 a connection between the Defendants and Plaintiffs and, unless restrained by this  
21 Court, will continue to do so, in violation of the common law of the State of California,  
22 and to the detriment of Plaintiffs and the unjust enrichment of Defendants.

23 68. Defendants' unauthorized use of any of the Infringing Trademarks  
24 constitutes unfair competition and passing off under the common law of the State of  
25 California.

26 69. Plaintiffs are without an adequate remedy at law and if Defendants'  
27 activities are not enjoined, Plaintiffs will continue to suffer irreparable harm and injury  
28 to their goodwill and reputation.

**COUNT FOUR**

**VIOLATION OF THE STATUTORY AND  
COMMON LAW RIGHT OF PUBLICITY**

**(Plaintiff Estate against all Defendants)**

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5 70. Plaintiffs repeat and re-allege the allegations of paragraphs 1 through 69  
6 of this Complaint as if fully set forth herein.

7 71. By registering and applying to register the Infringing Marks, using the  
8 Infringing Marks, selling and offering to sell merchandise which includes the  
9 Infringing Marks, and by using the name and image of Mr. Jackson knowingly and  
10 without the Estate's prior consent, Defendants violated the Estate's worldwide  
11 exclusive rights to Mr. Jackson's name and likeness in violation of California Civil  
12 Code § 3344.1 and the California common law.

13 72. Defendants' misappropriation of the Estate's rights was for the  
14 commercial purpose of raising money through their Heal the World Foundation and by  
15 selling merchandise using Mr. Jackson's name, after unlawfully fabricating a  
16 relationship between Mr. Jackson and their organization.

17 73. As a proximate result of the above-described misappropriation of the  
18 Estate's exclusive rights, Defendants have deprived the Estate of the revenue it  
19 otherwise would have received from the use of Mr. Jackson's name and image.

20 74. The above-mentioned acts were done in an intentional, willful, malicious,  
21 and oppressive manner in conscious disregard of the Estate's rights.

22 75. Defendants continue to, and unless restrained, will continue to, use  
23 Mr. Jackson's name and image. Damages cannot provide full or adequate relief  
24 because they cannot completely compensate for the injury to the Estate and Jackson's  
25 Foundation's reputation and goodwill.

26 76. The Estate is therefore entitled to preliminary and permanent injunctive  
27 relief enjoining Defendants from further exploitation of Mr. Jackson's name and  
28 image.

1 77. Pursuant to California Civil Code Section 3344.1(a), the Estate is also  
2 entitled to its attorneys' fees and costs.

3 **COUNT FIVE**

4 **CANCELLATION OF REGISTERED TRADEMARKS BASED ON FALSE**  
5 **SUGGESTION OF A CONNECTION**

6 **(HEAL THE WORLD, HEAL THE WORLD FOUNDATION, HTWF)**

7 **(Plaintiff Triumph against Defendant HTWF)**

8 78. Plaintiffs repeat and reallege the allegations of paragraphs 1 through 77 of  
9 this Complaint as if fully set forth herein.

10 79. Plaintiffs are likely to be damaged by the continued registration of  
11 Defendant HTWF's U.S. Trademark Registration Nos. 3,511,658, 3,515,854,  
12 3,564,618, 3,508,540, and 3,508,542 in that beginning in 1992, HEAL THE WORLD,  
13 HEAL THE WORLD FOUNDATION, and HTWF have been associated with Mr.  
14 Jackson's charity organization, Heal the World Foundation, which he promoted and  
15 raised money for throughout the world.

16 80. Plaintiffs are likely to be damaged by continued registration of these  
17 marks in that the prima facie evidentiary effect of such registrations tends to impair  
18 Plaintiffs' right to use these terms.

19 81. Section 2(a) of the Lanham Act, 15 U.S.C. § 1052(a), prohibits  
20 registration on the Principal Register of a mark that disparages or falsely suggests a  
21 connection with persons, living or dead, institutions, beliefs, or national symbols, or  
22 which bring them into contempt or disrepute.

23 82. The marks HEAL THE WORLD, HEAL THE WORLD FOUNDATION,  
24 and HTWF falsely suggest a connection with Plaintiffs and have the potential to  
25 disparage, bring into contempt or disrepute, the Plaintiffs.

26 83. The marks HEAL THE WORLD, HEAL THE WORLD FOUNDATION,  
27 and HTWF would be recognized as identifying or falsely suggesting a connection with  
28 Plaintiffs in that they point uniquely and unmistakably to Plaintiffs.



1 84. Defendant intentionally selected the marks HEAL THE WORLD, HEAL  
2 THE WORLD FOUNDATION, and HTWF to falsely suggest a connection to  
3 Plaintiffs.

4 85. Plaintiffs are not connected with Defendant or Defendant's goods or  
5 services provided under the marks HEAL THE WORLD, HEAL THE WORLD  
6 FOUNDATION, and HTWF.

7 86. Plaintiffs have not consented to registration of the marks HEAL THE  
8 WORLD, HEAL THE WORLD FOUNDATION, and HTWF.

9 87. The fame and reputation of Plaintiffs is such that, when the marks HEAL  
10 THE WORLD, HEAL THE WORLD FOUNDATION, and HTWF are used to identify  
11 Defendant's goods or services, a connection with Plaintiffs would be presumed.

12 88. Plaintiffs are without an adequate remedy at law and if the Defendant's  
13 trademark registrations are not cancelled, Plaintiffs will continue to suffer irreparable  
14 harm and injury to their goodwill and reputation.

15 89. Plaintiffs request that this Court exercise its power under 15 U.S.C. §  
16 1119 to order the Commissioner of Patents and Trademarks to cancel the registration  
17 of Defendant's U.S. Trademark Registration Nos. 3,511,658, 3,515,854, 3,564,618,  
18 3,508,540, and 3,508,542.

19 **COUNT SIX**

20 **CANCELLATION OF REGISTERED TRADEMARKS (MJ) BASED ON**

21 **FALSE SUGGESTION OF A CONNECTION**

22 **(Plaintiff Triumph against Defendant HTWF)**

23 90. Plaintiffs repeat and reallege the allegations of paragraphs 1 through 89 of  
24 this Complaint as if fully set forth herein.

25 91. Plaintiffs are likely to be damaged by the continued registration of  
26 Defendant's U.S. Trademark Registration No. 3,567,671 in that the initials "MJ" are  
27 commonly used to refer to Mr. Jackson.

28

1           92. Plaintiffs are likely to be damaged by continued registration of this mark  
2 in that the prima facie evidentiary effect of such registration tends to impair Plaintiffs'  
3 right to use this term.

4           93. Section 2(a) of the Lanham Act, 15 U.S.C. § 1052(a), prohibits  
5 registration on the Principal Register of a mark that disparages or falsely suggests a  
6 connection with persons, living or dead, institutions, beliefs, or national symbols, or  
7 which bring them into contempt or disrepute.

8           94. The mark MJ falsely suggests a connection with Plaintiffs and has the  
9 potential to disparage, bring into contempt or disrepute, the Plaintiffs.

10          95. The mark MJ would be recognized as identifying or falsely suggesting a  
11 connection with Plaintiffs in that it points uniquely and unmistakably to Plaintiffs.

12          96. Defendant HTWF intentionally selected the mark MJ to falsely suggest a  
13 connection to Plaintiffs.

14          97. Plaintiffs are not connected with Defendant or Defendant's goods or  
15 services provided under the mark MJ.

16          98. Plaintiffs have not consented to registration of the mark MJ.

17          99. The fame and reputation of Plaintiffs is such that, when the mark MJ is  
18 used to identify Defendant's goods or services, a connection with Plaintiffs would be  
19 presumed.

20          100. Plaintiffs are without an adequate remedy at law and if the Defendant's  
21 trademark registration is not cancelled, Plaintiffs will continue to suffer irreparable  
22 harm and injury to their goodwill and reputation.

23          101. Plaintiffs request that this Court exercise its power under 15 U.S.C. §  
24 1119 to order the Commissioner of Patents and Trademarks to cancel the registration  
25 of Defendant's U.S. Trademark Registration No. 3,567,671.

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**COUNT SEVEN**

**VIOLATIONS OF THE ANTI-CYBERSQUATTING**

**CONSUMER PROTECTION ACT**

**(Plaintiff Triumph against Defendant HTWF)**

102. Plaintiffs repeat and reallege the allegations of paragraphs 1 through 101 of this Complaint as if fully set forth herein.

103. Defendant HTWF’s registration of, use of, and trafficking in the domain names <healtheworld.us>, <healtheworldfoundation.net>, <mjaid.com>, and <mjquotes.com> which are nearly identical, confusingly similar to, and/or incorporate the MJJ Trademarks are likely to cause confusion, mistake or deception as to the source, origin, association or sponsorship of Defendant’s goods and services in violation of Section 43(d) of the Lanham Act, 15 U.S.C. § 1125(d), also known as the Anticybersquatting Consumer Protection Act (the “ACPA”).

104. Defendant HTWF has demonstrated a bad faith intent to profit from the use of the MJJ Trademarks, and upon information and belief, has in fact profited from use of Plaintiffs’ trademarks.

105. As a result of the foregoing, Plaintiffs have suffered and will continue to suffer irreparable harm for which there is no adequate remedy at law.

106. Pursuant to 15 U.S.C. § 1125(d)(1)(C), the Court should order forfeiture, cancellation or transfer of the <healtheworld.us>, <healtheworldfoundation.net>, <mjaid.com>, and <mjquotes.com> domain names.

WHEREFORE, Plaintiffs demand judgment:

1. That Defendants, their officers, agents, servants, employees, attorneys, confederates, and all persons acting for, with, by, through or under them be preliminarily enjoined and restrained, at first during the pendency of this action and, thereafter, permanently enjoined and restrained:

1 (a) from using in any manner the MJJ Trademarks, alone or in  
2 combination with any word or words which so resemble the MJJ Trademarks as to be  
3 likely to cause confusion, deception, or mistake on or in connection with the  
4 advertising, offering for sale, or sale of any product not authorized by Plaintiffs and  
5 using the MJJ Trademarks;

6 (b) from passing off, inducing, or enabling others to sell or pass off any  
7 product as a product sponsored by or affiliated with Plaintiffs by using the MJJ  
8 Trademarks;

9 (c) from committing any acts calculated to cause purchasers to believe  
10 that Defendants' products are those sold under the control and supervision of Plaintiffs,  
11 or sponsored, approved by, or connected with Plaintiffs;

12 (d) from otherwise competing unfairly by using the MJJ Trademarks in  
13 any manner; and

14 (e) from shipping, delivering, distributing, returning or otherwise  
15 disposing of, in any manner, products or inventory bearing the MJJ Trademarks;  
16

17 (f) from using Mr. Jackson's name, image or likenesses without  
18 express written authorization from Plaintiffs in any manner, or on products,  
19 merchandise, or goods; and

20 (g) from using and trafficking in the domain names <healtheworld.us>,  
21 <healtheworldfoundation.net>, <mjaid.com >, and <mjquotes.com>.  
22

23 2. That Defendants be required upon service of this Complaint to  
24 immediately deliver up to Plaintiffs any and all products, guarantees, circulars, price  
25 lists, labels, signs, prints, packages, wrappers, pouches, receptacles, advertising matter,  
26 promotional, and other materials in the possession of Defendants or under their control  
27 bearing the MJJ Trademarks, or each of them, alone or in combination with any other  
28

1 words, or used in connection with the advertising, offering for sale or sale of products  
2 not authorized by Plaintiffs.

3 3. That Defendants be required upon service of this Complaint to  
4 immediately supply Plaintiffs with a complete list of entities from whom they  
5 purchased and to whom they distributed and/or sold products falsely bearing the MJJ  
6 Trademarks.

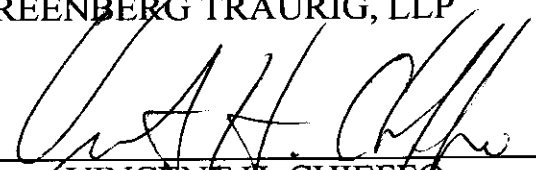
7 4. That Defendants be required upon service of this Complaint to  
8 immediately deliver up for destruction their entire inventory of said products bearing  
9 any of the MJJ Trademarks.

10 5. That Defendants, within thirty (30) days after service of judgment with  
11 notice of entry thereof upon it, be required to file with the Court and serve upon  
12 Plaintiffs a written report under oath setting forth in detail the manner in which  
13 Defendants have complied with the preceding paragraphs.

14 6. That Plaintiffs be awarded reasonable attorneys fees and have such other  
15 and further relief as the Court may deem equitable including, but not limited to, any  
16 relief set forth under Sections 34-39 of the 1946 Trademark Act and/or California Civil  
17 Code Section 3344.1(a).

18 Dated: September 29, 2009

GREENBERG TRAURIG, LLP

19  
20  
21 By:   
VINCENT H. CHIEFFO

22 Attorneys for Plaintiffs John G. Branca and John  
23 McClain, Special Administrators of the Estate of  
24 Michael J. Jackson; Triumph International, Inc.

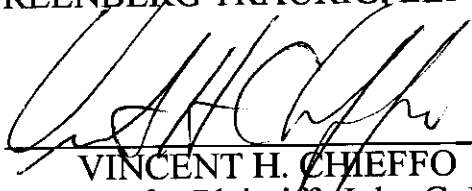
**DEMAND FOR JURY TRIAL**

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Pursuant to Federal Rule 38(b), Plaintiffs hereby demand a jury trial on all issues so triable that are raised by this Complaint.

Dated: September 29, 2009

GREENBERG TRAURIG, LLP

By: 

VINCENT H. CHIEFFO

Attorneys for Plaintiffs John G. Branca and John McClain, Special Administrators of the Estate of Michael J. Jackson; Triumph International, Inc.



**I (a) PLAINTIFFS** (Check box if you are representing yourself )  
 JOHN G. BRANCA, Special Administrator of the Estate of Michael J. Jackson; JOHN MCCLAIN, Special Administrator of the Estate of Michael J. Jackson; TRIUMPH INTERNATIONAL, INC., a California corporation

**DEFENDANTS**  
 HEAL THE WORLD FOUNDATION, a California corporation; UNITED FLEET, a California corporation; and DOES 1-10, inclusive

**(b) Attorneys** (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.)  
 GREENBERG TRAURIG, LLP  
 VINCENT H. CHIEFFO (SBN 49069) ChieffoV@gtlaw.com  
 NINA D. BOYAJIAN (SBN 246415) BoyajianN@gtlaw.com  
 2450 Colorado Avenue, Suite 400E  
 Santa Monica, CA 90404-5524  
 Tel: 310-586-7700; Fax: 310-586-7800

Attorneys (If Known)

**II. BASIS OF JURISDICTION** (Place an X in one box only.)

1 U.S. Government Plaintiff  3 Federal Question (U.S. Government Not a Party)

2 U.S. Government Defendant  4 Diversity (Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES - For Diversity Cases Only** (Place an X in one box for plaintiff and one for defendant.)

	PTF	DEF		PTF	DEF
Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business in this State	<input type="checkbox"/> 4	<input type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

**IV. ORIGIN** (Place an X in one box only.)

1 Original Proceeding  2 Removed from State Court  3 Remanded from Appellate Court  4 Reinstated or Reopened  5 Transferred from another district (specify):  6 Multi-District Litigation  7 Appeal to District Judge from Magistrate Judge

**V. REQUESTED IN COMPLAINT: JURY DEMAND:**  Yes  No (Check 'Yes' only if demanded in complaint.)  
**CLASS ACTION under F.R.C.P. 23:**  Yes  No **MONEY DEMANDED IN COMPLAINT: \$** \_\_\_\_\_

**VI. CAUSE OF ACTION** (Cite the U. S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.)  
 15 U.S.C. §§ 1114 and 1125

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

OTHER STATUTES	CONTRACT	TORTS PERSONAL INJURY	TORTS PERSONAL PROPERTY	PRISONER PETITIONS	LABOR
<input type="checkbox"/> 400 State Reapportionment	<input type="checkbox"/> 110 Insurance	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus	<input type="checkbox"/> 710 Fair Labor Standards Act
<input type="checkbox"/> 410 Antitrust	<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 371 Truth in Lending	<input type="checkbox"/> 530 General	<input type="checkbox"/> 720 Labor/Mgmt. Relations
<input type="checkbox"/> 430 Banks and Banking	<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 380 Other Personal Property Damage	<input type="checkbox"/> 535 Death Penalty	<input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act
<input type="checkbox"/> 450 Commerce/ICC Rates/etc.	<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 330 Fed. Employers' Liability	<input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 540 Mandamus/Other	<input type="checkbox"/> 740 Railway Labor Act
<input type="checkbox"/> 460 Deportation	<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 340 Marine	<b>BANKRUPTCY</b>	<input type="checkbox"/> 550 Civil Rights	<input type="checkbox"/> 790 Other Labor Litigation
<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations	<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 22 Appeal 28 USC 158	<input type="checkbox"/> 555 Prison Condition	<input type="checkbox"/> 791 Empl. Ret. Inc. Security Act
<input type="checkbox"/> 480 Consumer Credit	<input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Veterans)	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<b>FORFEITURE / PENALTY</b>	<b>PROPERTY RIGHTS</b>
<input type="checkbox"/> 490 Cable/Sat TV	<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 355 Motor Vehicle Product Liability	<b>CIVIL RIGHTS</b>	<input type="checkbox"/> 610 Agriculture	<input type="checkbox"/> 820 Copyrights
<input type="checkbox"/> 810 Selective Service	<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 620 Other Food & Drug	<input type="checkbox"/> 830 Patent
<input type="checkbox"/> 850 Securities/Commodities/Exchange	<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 362 Personal Injury-Med Malpractice	<input type="checkbox"/> 442 Employment	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881	<input checked="" type="checkbox"/> 840 Trademark
<input type="checkbox"/> 875 Customer Challenge 12 USC 3410	<input type="checkbox"/> 195 Contract Product Liability	<input type="checkbox"/> 365 Personal Injury-Product Liability	<input type="checkbox"/> 443 Housing/Accommodations	<input type="checkbox"/> 630 Liquor Laws	<b>SOCIAL SECURITY</b>
<input type="checkbox"/> 890 Other Statutory Actions	<input type="checkbox"/> 196 Franchise	<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 444 Welfare	<input type="checkbox"/> 640 R.R. & Truck	<input type="checkbox"/> 61 HIA (1395ff)
<input type="checkbox"/> 891 Agricultural Act	<b>REAL PROPERTY</b>	<b>IMMIGRATION</b>	<input type="checkbox"/> 445 American with Disabilities - Employment	<input type="checkbox"/> 650 Airline Regs	<input type="checkbox"/> 862 Black Lung (923)
<input type="checkbox"/> 892 Economic Stabilization Act	<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 462 Naturalization Application	<input type="checkbox"/> 446 American with Disabilities - Other	<input type="checkbox"/> 660 Occupational Safety/Health	<input type="checkbox"/> 863 DIWC/DIWW 405(g)
<input type="checkbox"/> 893 Environmental Matters	<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 463 Habeas Corpus-Alien Detainee	<input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 690 Other	<input type="checkbox"/> 864 SSID Title XVI
<input type="checkbox"/> 894 Energy Allocation Act	<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 465 Other Immigration Actions			<input type="checkbox"/> 865 RSI (405(g))
<input type="checkbox"/> 895 Freedom of Info. Act	<input type="checkbox"/> 240 Torts to Land				<b>FEDERAL TAX SUITS</b>
<input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice	<input type="checkbox"/> 245 Tort Product Liability				<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)
<input type="checkbox"/> 950 Constitutionality of State Statutes	<input type="checkbox"/> 290 All Other Real Property				<input type="checkbox"/> 871 IRS-Third Party 26 USC 7609

**CV09 07084**

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

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

www.courthousenews.com  
**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA**  
**CIVIL COVER SHEET**

**VIII(a). IDENTICAL CASES:** Has this action been previously filed in this court and dismissed, remanded or closed?  No  Yes

If yes, list case number(s): \_\_\_\_\_

**VIII(b). RELATED CASES:** Have any cases been previously filed in this court that are related to the present case?  No  Yes

If yes, list case number(s): \_\_\_\_\_

**Civil cases are deemed related if a previously filed case and the present case:**

- (Check all boxes that apply)  A. Arise from the same or closely related transactions, happenings, or events; or  
 B. Call for determination of the same or substantially related or similar questions of law and fact; or  
 C. For other reasons would entail substantial duplication of labor if heard by different judges; or  
 D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

**IX. VENUE:** (When completing the following information, use an additional sheet if necessary.)

(a) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named plaintiff resides.  
 Check here if the government, its agencies or employees is a named plaintiff. If this box is checked, go to item (b).

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

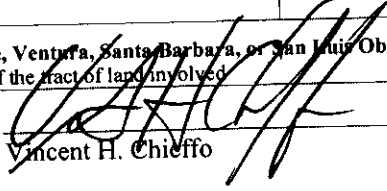
(b) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named defendant resides.  
 Check here if the government, its agencies or employees is a named defendant. If this box is checked, go to item (c).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Riverside County	

(c) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** claim arose.  
**Note: In land condemnation cases, use the location of the tract of land involved.**

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

\* Los Angeles, Orange, San Bernardino, Riverside, Ventura, Santa Barbara, or San Luis Obispo Counties  
**Note: In land condemnation cases, use the location of the tract of land involved.**

X. SIGNATURE OF ATTORNEY (OR PRO PER):  Date September 29, 2009

**Notice to Counsel/Parties:** The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet.)

**Key to Statistical codes relating to Social Security Cases:**

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405(g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405(g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. (g))