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FILED
12 MAY -4 PM 2:10
CLERK OF DISTRICT COURT
CENTRAL DISTRICT OF CALIF.
LOS ANGELES
BY: _____

8 UNITED STATES DISTRICT COURT
9 CENTRAL DISTRICT OF CALIFORNIA,

10
11 JOHN DOE, an individual,

12 Plaintiff,

13
14 v.

15 JOHN TRAVOLTA, an individual,

16 Defendant.
17

Case No. **CV12-03918** STJ(PJW X)

1. ASSAULT

2. SEXUAL BATTERY

3. INTENTIONAL INFLICTION
OF EMOTIONAL DISTRESS

DEMAND FOR JURY TRIAL

18
19
20 1. Comes Plaintiff "John Doe" ¹("Plaintiff"), who files this civil complaint for
21 assault and sexual battery against John Travolta ("Defendant").

22 I.

23 JURISDICTION AND VENUE

24 2. The Plaintiff has domicile in the State of Texas. The Defendant has domicile
25 in this Central District, and the events giving rise to this complaint to place in
26 Beverly Hills, California in this Central District. Thus, this court has diversity

27 ¹ Plaintiff files this complaint anonymously pursuant to *Does I-XXIII v. Advanced*
28 *Textile Corp.*, 214 F.3d 1058, 1068, 1072-1073 (9th Cir. 2000).

1 jurisdiction pursuant to Title 28 U.S.C. § 1332. This court has proper venue
2 pursuant to Title 28 U.S.C. § 1391. Plaintiff invokes the substantive law of
3 California, while maintaining the procedural law of this federal court.
4

5 II.

6 GENERAL ALLEGATIONS

7 3. Plaintiff is informed and believes, and upon such information and belief
8 states that on January 16, 2012, he was working in Beverly Hills, California Area
9 as a personal massage therapist with a portable table, and the standard items that
10 would normally be used for a professional massage.

11 4. Plaintiff worked through a series of professionally themed ads in locally
12 accessed websites, and had received numerous clients for many years without any
13 serious incident or problem.

14 5. Plaintiff is informed and believes, and upon such information and belief
15 states that an unidentified male called Plaintiff's cell phone from a block number
16 claiming to represent a celebrity client who demanded full confidentiality, and
17 would not allow autographs, photographs or any video. He did not mention that
18 he was representing Defendant, or perhaps Defendant himself. Plaintiff had only
19 discussed that the price would be \$200.00 per hour. The unidentified male told
20 Plaintiff to go to a specific street, and that a private car would pick Plaintiff up.

21 6. Plaintiff is informed and believes, and upon such information and belief
22 states that to his amazement, Defendant himself had picked Plaintiff up in a black
23 Lexus SUV. Defendant was wearing dark glasses, jeans with a very loose fitting
24 athletic shirt and a chronograph silver watch. There were Trojan condoms in the
25 console of the vehicle, and there also appeared to be 2 or 3 wrappers from
26 chocolate cake packages on the floor of the SUV.

27 7. Plaintiff is informed and believes, and upon such information and belief
28 states that Defendant parked the Lexus on a side street of the Beverly Hills Hotel

1 and we went to one of the Bungalows on the right hand side if you are facing the
2 front of the hotel. The door was unlocked, and there was an overweight black man
3 preparing hamburgers, who meekly said 'hey' Plaintiff and Defendant, and no
4 formal introductions were made. This black man was actually preparing
5 hamburgers, from watching his skill and dexterity in food preparation, it seemed
6 that he was some sort of professional chef.

7 8. Plaintiff is informed and believes, and upon such information and belief
8 states that Defendant shamelessly stripped naked in front of Plaintiff, and the
9 'chef' and was gazing at Plaintiff as he appeared to be semi-erect. Plaintiff asked
10 Defendant to lie face down and to drape himself with a towel. Defendant started
11 muttering to himself something along the lines of 'he wants me to get on the table',
12 'can you believe that? He wants me to get on the table'.

13 9. Plaintiff is informed and believes, and upon such information and belief
14 states that Defendant had his watch on during the massage. For the first hour the
15 massage was without incident, other than he kept purposely sliding the towel down
16 that covered his buttocks to reveal about half of gluteus area. Plaintiff kept sliding
17 the towel back up, and reminding Defendant that state law required that a massage
18 client be fully draped during the massage. This back and forth activity of
19 Defendant sliding it down, and then Plaintiff would slide it back up occurred over
20 ten times in the first hour.

21 10. Plaintiff is informed and believes, and upon such information and belief
22 states that right before the hour ended, Defendant's chronograph watch started to
23 chime, and the black chef covered the burgers, and other things he was preparing
24 with plates. The black chef then left the room with a stack of papers, and what
25 appears to be some sort of notebook. No words were exchanged.

26 11. Plaintiff is informed and believes, and upon such information and belief
27 states that Defendant started to rub Plaintiff's leg, and Plaintiff thought it was
28 accidental. Plaintiff moved away and Defendant stopped trying to touch Plaintiff

1 for a few minutes. Plaintiff assumed that it was in fact accidental. Then Defendant
2 touched Plaintiff's scrotum, and this time Plaintiff told Defendant to please not
3 touch him again.

4 12. Defendant apologized, but then snickered to himself like a mischievous
5 child. Defendant then touched the shaft of Plaintiff's penis, and seized on to it.
6 Defendant quickly tried to rub the head of Plaintiff's penis as he tried to pull away.

7 13. This was painful and uncomfortable. Defendant started to apologize for his
8 behavior; and tried to imply that they "must have gotten our signals crossed", and
9 that he thought that Plaintiff "wanted the same thing he did." Plaintiff explained
10 that he did not have sex with his clients, and that expecting sexual situations when
11 people are providing paid services was essentially prostitution. Defendant then
12 tried to act like it was a simple misunderstanding.

13 14. Plaintiff is informed and believes, and upon such information and belief
14 states that Defendant then sat up on the table and asked Plaintiff to switch places,
15 and do a reverse massage. Plaintiff told Defendant that a masseuse lying on the
16 table was unlawful and inappropriate. Then Defendant said, "Come on dude, I'll
17 jerk you off!!!".

18 15. At this point, Plaintiff was done. Plaintiff told Defendant he just wanted to
19 leave, that this situation was too strange, and that he actually felt very afraid for his
20 safety. Defendant then laid down on the table, and said, 'OK, I'll behave myself'.

21 Defendant neatly placed the towel in an appropriate manner in his lap and gave
22 Plaintiff confidence that his predatory behavior was finally under control.

23 16. Plaintiff is informed and believes, and upon such information and belief
24 states that Defendant asked Plaintiff to work on his shoulders, and Plaintiff
25 followed his request with a professional did deep tissue massage on his shoulders.
26 Defendant then said, "Say something nice to me." Plaintiff tried to ignore what
27 Defendant said, and was hoping to conclude this session. Plaintiff looked at
28 Defendant, who had removed his draping and was masturbating. Defendant's penis

1 was fully erect, and was roughly 8 inches in length; and his pubic hair was wirey
2 and unkempt. Sweat was pouring down Defendant's neck, and he asked Plaintiff
3 again to say something nice to him.

4 17. Plaintiff is informed and believes, and upon such information and belief
5 states that he refused. Plaintiff moved away from Defendant, who then lumbered to
6 his feet and began to move towards Plaintiff with erect penis bouncing around with
7 is stride.

8 18. Defendant began screaming at Plaintiff, telling Plaintiff how selfish he was;
9 that Defendant got where he is now due to sexual favors he had performed when he
10 was in his "Welcome Back Kotter" days; and that Hollywood is controlled by
11 homosexual Jewish men who expect favors in return for sexual activity. Defendant
12 then went on to say how he had done things in his past that would make most
13 people throw up.

14 19. Defendant explained when he started that he wasn't even gay and that the
15 taste of 'cum' would make him gag. Defendant also said that he was smart enough
16 to learn to enjoy it, and when he began to make millions of dollars, that it all
17 became well worth it.

18 20. Defendant further explained that the high-class in this world always favor
19 same sex relationships; that sex with beautiful, fit men is actually more intense;
20 and if Plaintiff would just be open minded enough to let it happen, he would
21 experience the best fucking of his life.

22 21. Plaintiff is informed and believes, and upon such information and belief
23 states that he told Defendant to get dressed and to either drive Plaintiff back, or
24 Plaintiff was going to call the police.

25 22. Strangely, Defendant's penis was still semi-erect, and he had to struggle to
26 get it back into his underwear and jeans since he pulled his underwear and pants up
27 at the same time. Defendant then said, 'no problem', 'I will find new friends'.
28 Defendant then continued to say that Hollywood is all about giving and getting,

1 and then he told Plaintiff that he can show me an 'Instant Example'. Defendant
2 told Plaintiff he knew a Hollywood starlet in the building that wanted three-way
3 sex and to be "double-penetrated".

4 23. Defendant said they could have that later, but first they needed to have sex
5 together first before calling her, so this way they would be in-sync with each other
6 sexually. Defendant told Plaintiff that he had Hollywood looks, but just needed to
7 lose some weight and learn to lick some 'ass', and then Plaintiff would be ready to
8 make millions and be famous.

9 24. Plaintiff is informed and believes, and upon such information and belief
10 states that he reiterated his threat to call the police, and Defendant took Plaintiff
11 back to where he was picked up. During this ride, Defendant repeatedly called
12 Plaintiff "selfish" and a "loser", and gave Plaintiff double what he was owed. This
13 was \$800.00 instead of the \$400.00 that Defendant was supposed to pay Plaintiff
14 for the two hours of massage time spent.

15 III.

16 CAUSES OF ACTION

17 1.

18 ASSAULT

19 25. The Plaintiff realleges and incorporates all facts and allegations expressed in
20 paragraphs no. 1-15, inclusive, as if alleged and incorporated herein.

21 26. The Defendant acted, intending to cause harmful contact on the Plaintiff;

22 27. The Plaintiff reasonably was touched and assaulted in a harmful manner;

23 28. The Plaintiff did not consent to the Defendants' assaultive conduct;

24 29. The Plaintiffs were harmed by the Defendants' assault on Plaintiff.

25 30. The Defendants' assaultive conduct was a substantial factor in causing the
26 Plaintiff's harm.

27 //

28 //

2.

SEXUAL BATTERY

31. The Plaintiff realleges and incorporates all facts and allegations expressed in paragraphs no. 1-21, inclusive, as if alleged and incorporated herein.

32. The Defendant intended to cause harmful and sexually offensive contact directly with the Plaintiff's penis and testicles, contact that offends a reasonable sense of personal dignity.

33. The Defendant intended to cause a harmful and offensive contact with Plaintiff by use of Defendant's hand's contact directly with Plaintiff's penis and testicles

34. The Plaintiff did not consent to the touching; and that Plaintiff was harmed by Defendant's conduct.

3.

INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

35. The Plaintiff realleges and incorporates all facts and allegations expressed in paragraphs no. 1-25, inclusive, as if alleged and incorporated herein.

36. The conduct of the Defendants in assault and battery by a peace officer was outrageous in that it exceeded all possible bounds of decency, and that which a reasonable person would regard as intolerable in a civilized community.

37. The conduct of the Defendants in assault and sexual battery that gave Defendant them real or apparent power to affect the Plaintiff's interests, and they knew that the Plaintiff was particularly vulnerable to emotional distress and that their conduct would likely result in harm due to mental distress;

38. The Defendants intended to cause the Plaintiff emotional distress;

39. The Defendants acted with reckless disregard of the probability that the Plaintiff would suffer emotional distress, knowing that the Plaintiff was present when the conduct occurred.

1 40. The Plaintiff suffered severe emotional distress that was substantial, and that no
2 reasonable person in a civilized society should be expected to bear, including but not
3 limited to suffering, anguish, fright, horror, nervousness, grief, anxiety, worry, shock,
4 humiliation, and shame;

5 41. The conduct of the Defendants was a substantial factor in causing the Plaintiff's
6 severe emotional distress.

7 IV.

8 CAUSE FOR PUNITIVE DAMAGES

9 42. Because the Defendant's conduct was malicious and oppressive, the Plaintiff
10 is entitled to be awarded punitive damages to punish the Defendant for his
11 wrongful conduct.

12 V.

13 PRAYER FOR RELIEF

14 43. WHEREFORE, Plaintiffs pray for the following relief:

- 15 a) For \$2,000,000 in general damages in an amount according to proof;
16 b) For non-economic damages for emotional distress;
17 c) For punitive damages pursuant to Civ.Code § 3294;
18 d) For any other such relief as the court deems proper.
19

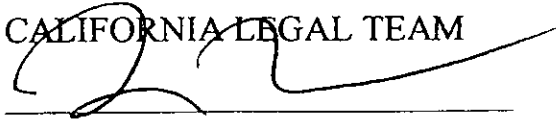
20 VI.

21 DEMAND FOR JURY TRIAL

22 44. Plaintiff hereby demands that all causes of action be tried before a jury.
23

24 Dated this 3rd day of May, 2012

25 CALIFORNIA LEGAL TEAM

26 
27 Okorie Okorochoa, Esq.
28 Attorney for Plaintiff John Doe

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5 Phone: (626) 792 1301
6 Okorie@gmail.com
7 Attorney For Plaintiff John Doe
8

9 UNITED STATES DISTRICT COURT
10 CENTRAL DISTRICT OF CALIFORNIA

11 JOHN DOE,

12 Plaintiff,

13 v.

14 JOHN TRAVOLTA.

15 Defendant.
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) Case No.

)
) PLAINTIFF'S APPLICATION
) FOR LEAVE OF COURT TO
) PROCEED AS A FICTITIOUS
) PLAINTIFF PUSUANT TO *United*
) *States v. Doe*, 655 F.2d 920, 922 n. 1
) (9th Cir. 1981), AND *Doe's I-XXIII v.*
) *Advanced Textile Corp.*, 214 F.3d 1058,
) 1068, 1072-1073 (9th Cir. 2000)

FILED UNDER SEAL

1 Comes plaintiff John Doe ("DOE"), who files a common law
2 application for leave of court to proceed as a fictitious plaintiff due to the
3 extremely prejudicial privacy implications that have previously and will
4 continue to harm him in his employment. DOE files this petition pursuant to
5 *United States v. Doe*, 655 F.2d 920, 922 n. 1 (9th Cir. 1981) and *Does I-XXIII v.*
6 *Advanced Textile Corp.*, 214 F.3d 1058, 1068, 1072-1073 (9th Cir. 2000)

7
8 I.

9 PREFATORY FACTS

10 DOE had an encounter for masseuse services with the Defendant at a
11 high profile hotel which ended with a sexual proposition, an assault and
12 sexual battery. This defendant is a celebrity who is famous and powerful. The
13 Plaintiff runs his own masseuse business of personal ads, and his business
14 and employment opportunities would likely be adversely effected by his
15 name being disclosed in this litigation.

16 Based upon the following and this application, DOE seeks to proceed
17 anonymously to protect his identity from being disclosed and harm coming to
18 his employment and his profession.

19
20 II.

21 ARGUMENT

22 I.

23 DOE SHOULD BE PERMITTED LEAVE TO FILE UNDER A FICTITIOUS
24 NAME TO PREVENT DISCLOSURE OF HIS ENCOUNTER WITH A
25 PUBLIC FIGURE WHO IS A POWERFUL AND FAMOUS CELEBRITY.

26 DOE petitions this court for leave to proceed under a fictitious name
27 as DOE pursuant to *United States v. Doe*, 655 F.2d 920, 922 n. 1 (9th Cir. 1981)
28 and *Does I-XXIII v. Advanced Textile Corp.*, 214 F.3d 1058, 1068, 1072-1073 (9th

1 Cir. 2000), to prevent ridicule or personal embarrassment that disclosure of
2 his encounter with the Defendant, a famous and powerful celebrity. The
3 allegations also could form the basis of ruining the Plaintiff's career, and he
4 has stated that the Defendant had stated he could do that when the Plaintiff
5 rebuffed his sexual advances.

6 DOE bases his request to proceed anonymously on the following
7 basis.

8 a. DOE's Need For Anonymity to the Public Outweighs Prejudice to the
9 Opposing Party and the Public's Interest in Knowing His Identity.

10 The Defendant is a public figure who is known worldwide. He does not have
11 any need to prevent the disclosure of his name and identity. A public figure has no
12 need for protection of their identity because it is well known throughout the world,
13 and would be a public figure who is not a public official. *Curtis Publ'g Co. v.*
14 *Butts*, 388 U.S. 130, 155 (1967).

15 DOE is a private masseuse who is self-employed in a profession that is
16 inherently discreet and private. There is no public interest in having DOE's true
17 identity revealed other than prurient interests. The disclosure of DOE's name
18 would be a public disclosure of a private fact. See *Shulman v. Group W*
19 *Productions, Inc.*, 18 Cal.4th 200, 214 (1998)

20
21 b. DOE Fears of Further Prejudice to His Employment Prospects as a
22 Masseuse if His Identity is Revealed.

23 The actual prejudice already suffered by DOE makes the threat of future
24 harm both severe and realistically prospective. "A severe harm falls somewhere
25 between social stigma and the combination of job loss, deportation, and reprisals
26 against family members." *Advanced Textile*, 214 F.3d at 1071 Post-hoc remedies
27 would be futile. *Id.*

28 //

1 c. The Defendant Will Suffer No Prejudice By DOE's Anonymity
2 Because They Not Be Limited In Their Discovery Rights.
3

4 The Defendant will not suffer any prejudice by DOE being able to
5 proceed as a fictitious plaintiff. They will not be precluded from conducting
6 any discovery in this matter from him, nor would it prevent the public from
7 knowing of the general proceedings in this case. See *Doe v. Rostker*, 89
8 F.R.D. 158, 160 (D.C.Cal. 1981), "Rule 10(a) of the Federal Rules of Civil
9 Procedure requires that a complaint name all of the parties. The reason for the
10 rule is to apprise the parties of their opponents, and to protect "the public's
11 legitimate interest in knowing all the facts and events surrounding court
12 proceedings."

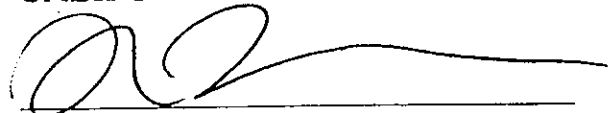
13 Thus, there is no real prejudice that the Defendants will suffer due to DOE's
14 anonymity in this case.

15 II.
16 CONCLUSION

17 This court must grant DOE's request to proceed in this case as a
18 fictitiously named plaintiff, to prevent the further prejudice to his ability to
19 maintain employment as a private masseuse.
20

21 Dated this 2 day of May , 2012
22

23 CALIFORNIA LEGAL TEAM

24 
25

26 Okorie Okorocho, Esq,
27 Attorney for plaintiff John Doe
28

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

I (a) PLAINTIFFS (Check box if you are representing yourself <input type="checkbox"/>) JOHN DOE	DEFENDANTS JOHN TRAVOLTA
(b) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.) Okorie Okorocha, Esq., SBN 226658 California Legal Team 117 E. Colorado Blvd., Suite 465	Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an X in one box only.) <input type="checkbox"/> 1 U.S. Government Plaintiff <input type="checkbox"/> 3 Federal Question (U.S. Government Not a Party) <input type="checkbox"/> 2 U.S. Government Defendant <input checked="" type="checkbox"/> 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.) <table style="width:100%; border: none;"> <tr> <td style="width:33%; vertical-align: top;"> Citizen of This State Citizen of Another State Citizen or Subject of a Foreign Country </td> <td style="width:33%; vertical-align: top;"> <table border="0"> <tr> <td style="text-align: center;">PTF DEF</td> <td style="text-align: center;"><input type="checkbox"/> 1 <input checked="" type="checkbox"/> 1</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/> 2 <input type="checkbox"/> 2</td> <td style="text-align: center;"><input type="checkbox"/> 3 <input type="checkbox"/> 3</td> </tr> </table> </td> <td style="width:33%; vertical-align: top;"> Incorporated or Principal Place of Business in this State Incorporated and Principal Place of Business in Another State Foreign Nation </td> </tr> </table>	Citizen of This State Citizen of Another State Citizen or Subject of a Foreign Country	<table border="0"> <tr> <td style="text-align: center;">PTF DEF</td> <td style="text-align: center;"><input type="checkbox"/> 1 <input checked="" type="checkbox"/> 1</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/> 2 <input type="checkbox"/> 2</td> <td style="text-align: center;"><input type="checkbox"/> 3 <input type="checkbox"/> 3</td> </tr> </table>	PTF DEF	<input type="checkbox"/> 1 <input checked="" type="checkbox"/> 1	<input type="checkbox"/> 2 <input type="checkbox"/> 2	<input type="checkbox"/> 3 <input type="checkbox"/> 3	Incorporated or Principal Place of Business in this State Incorporated and Principal Place of Business in Another State Foreign Nation
Citizen of This State Citizen of Another State Citizen or Subject of a Foreign Country	<table border="0"> <tr> <td style="text-align: center;">PTF DEF</td> <td style="text-align: center;"><input type="checkbox"/> 1 <input checked="" type="checkbox"/> 1</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/> 2 <input type="checkbox"/> 2</td> <td style="text-align: center;"><input type="checkbox"/> 3 <input type="checkbox"/> 3</td> </tr> </table>	PTF DEF	<input type="checkbox"/> 1 <input checked="" type="checkbox"/> 1	<input type="checkbox"/> 2 <input type="checkbox"/> 2	<input type="checkbox"/> 3 <input type="checkbox"/> 3	Incorporated or Principal Place of Business in this State Incorporated and Principal Place of Business in Another State Foreign Nation		
PTF DEF	<input type="checkbox"/> 1 <input checked="" type="checkbox"/> 1							
<input type="checkbox"/> 2 <input type="checkbox"/> 2	<input type="checkbox"/> 3 <input type="checkbox"/> 3							

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

<input checked="" type="checkbox"/> 1 Original Proceeding	<input type="checkbox"/> 2 Removed from State Court	<input type="checkbox"/> 3 Remanded from Appellate Court	<input type="checkbox"/> 4 Reinstated or Reopened	<input type="checkbox"/> 5 Transferred from another district (specify):	<input type="checkbox"/> 6 Multi-District Litigation	<input type="checkbox"/> 7 Appeal to District Judge from Magistrate Judge
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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:** \$ 2,000,000

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.)

ASSAULT AND BATTERY UNDER THE LAWS OF THE STATE OF CALIFORNIA

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

OTHER STATUTES <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Act <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Info. Act <input type="checkbox"/> 900 Appeal of Fed Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes	CONTRACT <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	TORTS PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Fed. Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input checked="" type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury-Med Malpractice <input type="checkbox"/> 365 Personal Injury-Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus-Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	TORTS PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability BANKRUPTCY <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 American with Disabilities - Employment <input type="checkbox"/> 446 American with Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 Habeas Corpus <input type="checkbox"/> 535 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus/Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition FORFEITURE / PENALTY <input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety /Health <input type="checkbox"/> 690 Other	LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS-Third Party 26 USC 7609
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CV12-03918

FOR OFFICE USE ONLY: Case Number: _____

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

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

VIII(a). IDENTICAL CASES: Has this action been previously filed in this court and dismissed, remanded or closed? ☒ No ☐ Yes
If yes, list case number(s): _____

VIII(b). RELATED CASES: Have any cases been previously filed in this court that are related to the present case? ☒ No ☐ Yes
If yes, list case number(s): _____

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

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

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

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

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Plaintiff John Doe = State of Texas	

- (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
Defendant John Travolta = Los Angeles County	

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

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

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

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

X. SIGNATURE OF ATTORNEY (OR PRO PER): _____ **Date** May 3, 2012

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))

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

NOTICE OF ASSIGNMENT TO UNITED STATES MAGISTRATE JUDGE FOR DISCOVERY

This case has been assigned to District Judge S. James Otero and the assigned discovery Magistrate Judge is Patrick J. Walsh.

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

CV12- 3918 SJO (PJWx)

Pursuant to General Order 05-07 of the United States District Court for the Central District of California, the Magistrate Judge has been designated to hear discovery related motions.

All discovery related motions should be noticed on the calendar of the Magistrate Judge

NOTICE TO COUNSEL

A copy of this notice must be served with the summons and complaint on all defendants (if a removal action is filed, a copy of this notice must be served on all plaintiffs).

Subsequent documents must be filed at the following location:

☒ **Western Division**
312 N. Spring St., Rm. G-8
Los Angeles, CA 90012

☐ **Southern Division**
411 West Fourth St., Rm. 1-053
Santa Ana, CA 92701-4516

☐ **Eastern Division**
3470 Twelfth St., Rm. 134
Riverside, CA 92501

Failure to file at the proper location will result in your documents being returned to you.

FILED

12 MAY -4 PM 2:12

CLERK OF DISTRICT COURT
CENTRAL DISTRICT OF CALIF.
LOS ANGELES

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

JOHN DOE, AN INDIVIDUAL

PLAINTIFF(S)

V.

JOHN TRAVOLTA, AN INDIVIDUAL,

DEFENDANT(S)

CASE NUMBER

CV12- 3918 SJO (PJWx)

**NOTICE TO PARTIES OF
COURT-DIRECTED ADR PROGRAM**

NOTICE TO PARTIES:

It is the policy of this Court to encourage settlement of civil litigation when such is in the best interest of the parties. The Court favors any reasonable means, including alternative dispute resolution (ADR), to accomplish this goal. See Civil L.R. 16-15. Unless exempted by the trial judge, parties in all civil cases must participate in an ADR process before trial. See Civil L.R. 16-15.1.

The district judge to whom the above-referenced case has been assigned is participating in an ADR Program that presumptively directs this case to either the Court Mediation Panel or to private mediation. See General Order No. 11-10, §5. A settlement conference with a Magistrate Judge is generally not available to the parties. For more information about the Mediation Panel, visit the Court website, www.cacd.uscourts.gov, under "ADR."

Pursuant to Civil L.R. 26-1(c), counsel are directed to furnish and discuss with their clients the attached ADR Notice To Parties before the conference of the parties mandated by Fed.R.Civ.P. 26(f). Based upon the consultation with their clients and discussion with opposing counsel, counsel must indicate the following in their Joint 26(f) Report: 1) whether the case is best suited for mediation with a neutral from the Court Mediation Panel or private mediation; and 2) when the mediation should occur. See Civil L.R. 26-1(c).

At the initial scheduling conference, counsel should be fully prepared to discuss their preference for referral to the Court Mediation Panel or to private mediation and when the mediation should occur. The Court will enter an Order/Referral to ADR at or around the time of the scheduling conference.

Clerk, U.S. District Court

Dated: Friday, May 4, 2012

By: JPRADO

Deputy Clerk

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

**NOTICE TO PARTIES: COURT POLICY ON SETTLEMENT
AND USE OF ALTERNATIVE DISPUTE RESOLUTION (ADR)**
Counsel are required to furnish and discuss this Notice with their clients.

Despite the efforts of the courts to achieve a fair, timely and just outcome in all cases, litigation has become an often lengthy and expensive process. For this reason, it is this Court's policy to encourage parties to attempt to settle their disputes, whenever possible, through alternative dispute resolution (ADR).

ADR can reduce both the time it takes to resolve a case and the costs of litigation, which can be substantial. ADR options include mediation, arbitration (binding or non-binding), neutral evaluation (NE), conciliation, mini-trial and fact-finding. ADR can be either Court-directed or privately conducted.

The Court's ADR Program offers mediation through a panel of qualified and impartial attorneys who will encourage the fair, speedy and economic resolution of civil actions. Panel Mediators each have at least ten years legal experience and are appointed by the Court. They volunteer their preparation time and the first three hours of a mediation session. This is a cost-effective way for parties to explore potential avenues of resolution.

This Court requires that counsel discuss with their clients the ADR options available and instructs them to come prepared to discuss the parties' choice of ADR option (settlement conference before a magistrate judge; Court Mediation Panel; private mediation) at the initial scheduling conference. Counsel are also required to indicate the client's choice of ADR option in advance of that conference. See Civil L.R. 26-1(c) and Fed.R.Civ.P. 26(f).

Clients and their counsel should carefully consider the anticipated expense of litigation, the uncertainties as to outcome, the time it will take to get to trial, the time an appeal will take if a decision is appealed, the burdens on a client's time, and the costs and expenses of litigation in relation to the amounts or stakes involved.

Of the more than 9,000 civil cases filed in the District annually, less than 2 percent actually go to trial. The remaining cases are, for the most part: settled between the parties; voluntarily dismissed; resolved through Court-directed or other forms of ADR; or dismissed by the Court as lacking in merit or for other reasons provided by law.

For more information about the Court's ADR Program, the Mediation Panel, and the profiles of mediators, visit the Court website, www.cacd.uscourts.gov, under "ADR."

HOW PACER WORKS

PACER offers convenient electronic access to:

- Case file documents and opinions
- Listings of all case parties
- Reports of case-related information
- Chronologies of events entered in the case record
- Claims registries
- Listings of new bankruptcy cases
- Judgments or case status
- PACER Case Locator
- Audio files of hearings



PUBLIC ACCESS TO COURT
ELECTRONIC RECORDS

PACER SERVICE CENTER

P.O. Box 780549

San Antonio, TX 78278-0549

Phone: (800) 676-6856

Email: pacer@psc.uscourts.gov



PACER

PUBLIC ACCESS TO COURT ELECTRONIC RECORDS



PACER

Public Access to Court Electronic Records

(PACER) is an electronic public access service that allows users to obtain case information from federal courts. PACER is a service of the United States Judiciary, provided by the Administrative Office of the United States Courts.

PACER offers an inexpensive, easy-to-use alternative for obtaining case information from the Judiciary's Case Management and Electronic Case Files system (CM/ECF), without having to visit the courthouse. PACER allows an Internet user to request information about a particular case or party. The data is immediately available for printing or downloading.

CM/ECF

CM/ECF is the federal courts' system used to manage cases and to allow attorneys to file case documents over the Internet.

Identifying requirements for the next generation of CM/ECF is in process. Refer to the "What's New with PACER" section of the PACER website, for information and updates to PACER and CM/ECF.

REGISTRATION

To register for access, visit the PACER Service Center website at www.pacer.gov.

Click on the Registration tab and select the account type. Then fill out an online form and provide a valid email address.

- Provide credit card information to establish an account and receive same-day access.
- Choose to register without credit card information, and you will receive account login information by U.S. mail, usually within one week.

There is no cost for registration.

FEES and BILLING

Congress has authorized the Judiciary to charge fees to fund the costs of PACER and CM/ECF.

The Judicial Conference of the United States has set fees and conditions for services as follows:

- Ten cents per page for access via the Internet, with a total charge of any document, docket sheet, or case-specific report not to exceed \$3.00, the fee for 30 pages.
- Transcripts of federal court proceedings are not subject to the 30-page fee limit.
- Digital Audio files are available for \$2.40 per file, for courts that provide the service.
- Fees are waived for users who incur less than \$15 of use in a quarterly billing cycle.
- Parties entitled to documents as part of a legal process receive one free electronic copy.
- Parties will be charged for replacement copies, whether in paper or electronic form.
- Users are billed quarterly and are allowed to enter a client code of their own choosing to facilitate costs tracking.

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

**Attention: New
Civil Actions**

Pursuant to the General Order 10-07, Authorizing Electronic Filing, you are required to e-mail a “Filed” stamped copy of your entire initial filing in PDF format within 24 hours as follows:

- Complaint/Removal, Notice of Assignment to Magistrate Judge for Discovery (CV-18), Summons (CV-01A) and 2 or more pages of the Civil Cover Sheet (CV-71) as one PDF attachment.
- Certification and Notice of Interested Parties (CV-30) as a separate PDF attachment.
- AO-120 or AO-121 (for Patent, Trademark, Copyright cases only) as a separate PDF attachment.
- Any other “Filed” documents that accompany the Complaint/Removal as separate PDF attachments.

☒ **CivilIntakeCourtDocs-LA@cacd.uscourts.gov**
(for case numbers CV ##-####)

☐ **CivilIntakeCourtDocs-RS@cacd.uscourts.gov**
(for case numbers EDCV ##-####)

☐ **CivilIntakeCourtDocs-SA@cacd.uscourts.gov**
(for case numbers SACV ##-####)

SUBJECT LINE OF E-MAIL TO READ: Document type (complaint, removal, etc.) and case number. Sample: Complaint CV08-01234-ABC(SHx)

The ECF Helpdesk can be reached at 213-894-0242 during business hours; Monday through Friday, 8:00 a.m. to 5:00 p.m. (PST). E-mail questions to:
ecf-helpdesk@cacd.uscourts.gov

Subsequent documents e-mailed to above address will not be accepted. Please check General Order 10-07 for instructions on how to e-file documents.

Court Reporters Office

Ordering Transcripts

District court civil and criminal transcripts may be ordered by making financial arrangements with the individual court reporters. To identify which reporter to contact for a specific in-court matter before April 2002, please refer to the appropriate docket entry on the civil or criminal docket sheet which is now electronically available on PACER. For specific in-court matters after April 2002, the court reporter assignment schedule is on the website. Go to Court Reporter Schedule, then view all and select the date you need to check. Transcript orders from magistrate judge courts should be placed with the Court Recording Section of the Records Department. Please refer to the website for the necessary telephone numbers, applicable fees, and identification of court reporter assignments. For more information, you can call the court reporter scheduler's office at 213-894-0658.

Ordering Realtime Connection

Realtime reporting connection should be requested in advance of the trial. Please contact the court reporter scheduler's office to request the realtime connection. There is a separate charge for the realtime connection. Please refer to the transcript rates to determine the cost. The only court reporters who may connect to realtime and charge for it are federally certified realtime court reporters. Many reporters will provide the realtime connection if a daily transcript is being ordered. The attorney must bring his or her own laptop computer.

Ordering Dailies

A request for a daily transcript should be made as soon as possible before the trial begins. Please notify the court reporter scheduler's office at least a week in advance of the trial start date in order to request a daily. The daily will not commence until financial arrangements have been made. Please do not walk into court on the first day of trial and request a daily transcript as reporters need time to prepare.

Touch Screens

A touch screen is available in the lobby of each division. This device provides court addresses, hours, telephone numbers, a daily master calendar, and the weekly Report Indictment Arrangement calendar.

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

WESTERN DIVISION

U.S. Courthouse
Clerk's Office, Room G-8
312 North Spring Street
Los Angeles, California 90012
213-894-1565

SOUTHERN DIVISION

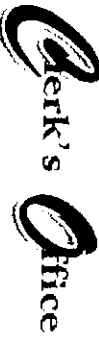
Ronald Reagan Federal Building and
Courthouse
Clerk's Office, Room 1-053
411 West 4th Street
Santa Ana, California 92701-4516
714-338-4750

EASTERN DIVISION

U.S. Courthouse
Clerk's Office, Room 1-34
947 N. Van Ness Street
Riverdale, California 92510

UNITED STATES DISTRICT COURT CENTRAL DISTRICT OF CALIFORNIA




Services for Attorneys
and the
General Public

October 2010

The United States District Court, Central District of California is one of the largest federal courts in the nation. The clerk's office has put this brochure together to provide a quick reference for attorneys and the general public regarding the services that are currently available. Feedback and suggestions as to how we might improve our service are always appreciated.

Website

Information about the district court may be obtained online. Users can gather information about attorney admissions and filing procedures; review master and daily calendars; requirements for court appearances, Local Rules, General Orders, and recently issued and published opinions; obtain extensive attorney assistance information and available court services; download court forms; and keep apprised of recent innovations in the clerk's office. Visit the court's website at www.cacd.uscourts.gov.

Office Hours

The clerk's office hours are 10:00 a.m. - 4:00 p.m., Monday - Friday, excluding court observed holidays. The drop-off box service has been discontinued. For emergency filings between 4:00 p.m. - 5:00 p.m., call Western Division: 213-894-2127; Southern Division: 714-338-4764/4760; Eastern Division: 951-328-4470. After 5:00 p.m., call 213-894-2485.

WebPACER

The "Public Access to Court Electronic Records" (PACER) is a browser based electronic retrieval system that provides criminal and civil summaries and docket information using a computer terminal. PACER also provides access to images of electronically filed court documents. The PACER service is available 24 hours a day, including weekends. To establish a PACER account, contact the PACER Service Center: 800-676-6856.

Records

All pending criminal, civil, magistrate, and multi-district litigation (MDL) cases may be reviewed, at no charge, at the clerk's office. Case files and dockets may be viewed on the same day as requested unless the requested material is unavailable. Certain closed cases are located at the court's storage facility and may be ordered, viewed and copies obtained directly from National Archives and Records Administration (NARA) at 951-956-2000. You will need to provide the accession, location and box numbers to NARA for file retrieval. This information may be obtained from the court's website at www.cacd.uscourts.gov/nara. If there are no search results, call Western Division: 213-894-3863, email

to records.cacd@acd.uscourts.gov. Southern Division: 714-338-4785; Eastern Division: 951-328-4450. To identify which clerk's office maintains the case file you wish to view, please refer to the prefix of the case number (two digits after the letters represent the filing year; for example, 09 is year 2009) as follows:

Western Division (Los Angeles)

CV 09-0000 - civil CR 09-0000 - criminal

Southern Division (Santa Ana)

SACV 09-0000 - civil SACR 09-0000 - criminal

Eastern Division (Riverside)

EDCV 09-0000 - civil EDCR 09-0000 - criminal

There is a charge for copies, certifications, and exemplifications. For more information on closed or archived court records, visit the court's website at www.cacd.uscourts.gov/records.

Photocopy Service

Photocopy services are available from outside copy services. Please note that exemplifications and certifications must still be obtained from the clerk's office. For payment options, contact the appropriate vendors: Western Division: 213-253-9413, Southern Division: 714-543-8123; Eastern Division: 951-328-4470.

Interpreter Services

The interpreter services section of the clerk's office provides interpreters for all court proceedings instituted by the United States that require the use of a language other than English. The section also makes interpreter referrals in response to inquiries from law firms and the general public in cases where court-appointed interpreters are not indicated. For further information, please call 213-894-4370 or visit the court's website at www.cacd.uscourts.gov/interpreters.

Jury Section

The court's website offers valuable information to prospective jurors. You may see responses to frequently asked questions, read the General Order 07-10 regarding the selection of Grand and Petit jurors; download the jury handbook; review jury information for all three divisions; and verify your status/instructions utilizing the Automated Juror Information System (AJIS). Submit questions or comments to the jury section at jury@acd.uscourts.gov. Wired and wireless Internet access is available in jury assembly rooms.

Attorney Work Room

For attorneys, a work room is located on the second floor of the Spring Street Courthouse, on the first floor of the

Royal Federal Building, on the tenth floor of the Ronald Reagan Federal Building and U.S. Courthouse, and on the third floor of the Riverside Courthouse. The workrooms have Pentium personal computers with access to Westlaw, WordPerfect, and PACER; laser printers; wired and wireless Internet access; storage lockers; copy machines; and individual conference rooms.

Evidence Presenters

The clerk's office has evidence presenters available for attorneys to use in court proceedings. This technology connects an overhead projector to monitors which display pictures for the judge, attorneys and the jury. There is no charge for using the equipment; however, due to the high demand for its use, the equipment is reserved on a first-come, first-served basis. For more information or to reserve the equipment, visit the court's website or contact the appropriate divisions: Western Division at 213-894-3061; Southern Division at 714-338-4785; and Eastern Division at 951-328-4450 or 951-328-4451.

Videoconferencing

Videoconferencing allows parties at off-site locations to appear at court hearings by way of two-way audio and visual monitors. The appropriate courtroom deputy clerk should be contacted as to whether use of this equipment in the courtroom is permitted for the specific hearing or trial. There are minimal telephone charges but no equipment charges for use of the unit. For more information or to reserve the equipment, visit the court's website or contact the court's Space and Facilities Help Desk at 213-894-3061.

E-Filing

With limited exceptions, all cases are subject to e-filing as governed by General Order 08-02, as amended by General Order 08-11. Please visit the CM/ECF web page at www.cacd.uscourts.gov/cmecf or call the CM/ECF Help Desk at 213-894-0242.

Pro Se

The Federal Pro Se (Self-Represented Litigant) Clinic is located on the fifth floor, Room 525 in the Federal Courthouse at 312 North Spring Street, Los Angeles, California. The Pro Se Clinic, which is staffed by a lawyer, offers on-site information and guidance to individuals who are representing themselves (without an attorney) in civil actions in the United States District Court. For more information, call 213-385-2977, Ext 270 or visit the court's website at www.cacd.uscourts.gov/prose.

**UNITED STATE DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

NOTICE TO COUNSEL

The court has directed that the following rules be specifically called to your attention:

- I. Continuing Obligation to Report Related Cases (Local Rule 83-1.3.3)
- II. Service of Papers and Process (Local Rule 4)

I. CONTINUING OBLIGATION TO REPORT RELATED CASES

Parties are under the continuing obligation to promptly advise the Court whenever one or more civil actions or proceedings previously commenced and one or more currently filed appear to be related.

Local Rule 83-1.3.3 states: "It shall be the continuing duty of the attorney in any case promptly to bring to the attention of the Court, by the filing of a Notice of Related Case(s) pursuant to Local Rule 83-1.3, all facts which in the opinion of the attorney or party appear relevant to a determination whether such action and one or more pending actions should, under the criteria and procedures set forth in Local Rule 83-1.3, be heard by the same judge."

Local Rule 83-1.2.1. states: "It is not permissible to dismiss and thereafter refile an action for the purpose of obtaining a different judge."

Local Rule 83-1.2.2 provides: Whenever an action is dismissed by a party or by the Court before judgment and thereafter the same or essentially the same claims, involving the same or essentially the same parties, are alleged in another action, the later-filed action shall be assigned to the judge to whom the first-filed action was assigned. It shall be the duty of every attorney in any such later-filed action to bring those facts to the attention of the Court in the Civil Cover Sheet and by the filing of a Notice of Related Case(s) pursuant to L.R. 83-1.3.

II. SERVICE OF PAPERS AND PROCESS

Local Rule 4-2 states: "Except as otherwise provided by order of Court, or when required by the treaties or statutes of the United States, process shall not be presented to a United States Marshal for Service." Service of process must be accomplished in accordance with Rule 4 of the Federal Rules of Civil Procedure or in any manner provided by State Law, when applicable. Service upon the United States, an officer or agency thereof, shall be served pursuant to the provisions of FRCP 4 (i). Service should be promptly made; unreasonable delay may result in dismissal of the action under Local Rule 41 and Rule 4(m) of the Federal Rules of Civil Procedure. Proof of service or a waiver of service of summons and complaint must be filed with the court.

This notice shall be given by the Clerk to the plaintiff at the time an action is filed (or to the defendant at the time a notice of removal is filed), and by the plaintiff to other parties as attachments to copies of the complaint and summonses, or by the defendant to other parties as attachments to copies of the notice to plaintiffs of removal to federal court, when served.

UNITED STATES DISTRICT COURT CENTRAL DISTRICT OF CALIFORNIA CIVILITY AND PROFESSIONALISM GUIDELINES

Preamble

In its purest form, law is simply a societal mechanism for achieving justice. As officers of the court, judges and lawyers have a duty to use the law for this purpose, for the good of the people. Even though "justice" is a lofty goal, one which is not always reached, when an individual becomes a member of the legal profession, he or she is bound to strive towards this end.

...there is a growing sense that lawyers regard their livelihood as a business, rather than a profession.

Unfortunately, many do not perceive that achieving justice is the function of law in society today. Among members of the public and lawyers themselves, there is a growing sense that lawyers regard their livelihood as a business, rather than a profession. Viewed in this manner, the lawyer may define his or her ultimate goal as "winning" any given case, by whatever means possible, at any cost, with little sense of whether justice is being served. This attitude manifests itself in an array of obstinate discovery tactics, refusals to accommodate the reasonable requests of opposing counsel re: dates, times, and places; and other needless, time-consuming conflicts between and among adversaries. This type of behavior tends to increase costs of litigation and often leads to the denial of justice.

The Central District recognizes that, while the majority of lawyers do not behave in the above-described manner, in recent years there has been a discernible erosion of civility and professionalism in our courts. This disturbing trend may have severe consequences if we do not act to reverse its course. Incivil behavior does not constitute effective advocacy; rather, it serves to increase liti-

gation costs and fails to advance the client's lawful interests. Perhaps just as importantly, this type of behavior causes the public to lose faith in the legal profession and its ability to benefit society. For these reasons, we find that civility and professionalism among advocates, between lawyer and client, and between bench and bar are essential to the administration of justice.

The following guidelines are de-

signed to encourage us, the members of the bench and bar, to act towards each other, our clients, and the public with the dignity and civility that our profession demands. In formulating these guidelines, we have borrowed heavily from the efforts of others who have written similar codes for this same purpose. *The Los Angeles County Bar Association Litigation Guidelines*, guidelines issued by other county bar associations within the Central District, the *Standards for Professional Conduct within the Seventh Federal Judicial Circuit*, and the *Texas Lawyer's Creed* all provide excellent models for professional behavior in the law.

We expect that judges and lawyers will voluntarily adhere to these standards as part of a mutual commitment to the elevation of the level of practice in our courts. These guidelines shall not be used as a basis for litigation or for sanctions or penalties.

Nothing in these guidelines supersedes or modifies the existing Local Rules of the Central District, nor do they alter existing standards of conduct wherein lawyer negligence may be determined and/or examined.

I. Guidelines

A. Lawyers' Duties to Their Clients

1. We will practice our profession with a continuing awareness that our role is to advance the legitimate interests of our clients. We will endeavor to achieve our clients' lawful objectives in legal transactions and in litigation as quickly and economically as possible.
2. We will be loyal and committed to our clients' lawful objectives, but we will not permit that loyalty and commitment to interfere with our duty to provide objective and independent advice.
3. We will advise our clients that civility and courtesy are expected and are not a sign of weakness.
4. We will treat adverse parties and witnesses with fairness and due consideration. A client has no right to demand that we act in an abusive manner or indulge in any offensive conduct.
5. We will advise our clients that we will not pursue conduct that is intended primarily to harass or drain the financial resources of the opposing party.
6. We will advise our clients that we reserve the right to determine whether to grant accommodations to opposing counsel in all matters that do not adversely affect our clients' lawful objectives. Clients have no right to instruct us to refuse reasonable requests made by other counsel.
7. We will advise our clients regarding availability of mediation, arbitration, and other alternative meth-

ods of resolving and settling disputes.

- 8 We will advise our clients of the contents of this creed when undertaking representation.

B. Lawyers' Duties to Other Counsel

1. Communications with Adversaries

- a. We will adhere to all express promises and to agreements with other counsel, whether oral or in writing, and will adhere in good faith to all agreements implied by the circumstances or local customs.
- b. When we reach an oral understanding on a proposed agreement or a stipulation and decide to commit it to writing, the drafter will endeavor in good faith to state the oral understanding accurately and completely. The drafter will provide the other counsel with the opportunity to review the writing. As drafts are exchanged between or among counsel, changes from prior drafts will be identified in the draft or otherwise explicitly brought to the attention of other counsel. We will not include in a draft matters to which there has been no agreement without explicitly advising other counsel in writing of the addition.
- c. We will not write letters for the purpose of ascribing to opposing counsel a position he or she has not taken, or to create "a record" of events that have not occurred. Letters intended only to make a record should be used sparingly and only when thought to be necessary under all of the circumstances. Unless specifically permitted or invited by the court, letters between counsel should not be sent to judges.

2. Scheduling Issues

- a. We will not use any form of discovery or discovery scheduling as a means of harassment.
- b. We will consult other counsel regarding scheduling matters in a good faith effort to avoid scheduling conflicts.
- c. We will endeavor to accommodate previously scheduled dates for hearings, depositions, meetings, conferences, vacations, seminars, or other functions that produce good faith calendar conflicts on the part of other counsel, where it is possible to do so without prejudicing the client's rights. If we have been given an accommodation because of a calendar conflict, we will notify those who have accommodated us as soon as the conflict has been removed.
- d. We will notify other counsel and, if appropriate, the court or other persons, at the earliest possible time when hearings, depositions, meetings, or conferences are to be canceled or postponed. Early notice avoids unnecessary travel and expense of counsel and may enable the court to use the previously reserved time for other matters.
- e. Unless time is of the essence, as a matter of courtesy we will grant first requests for reasonable extensions of time to respond to litigation deadlines. After a first extension, any additional requests for time will be considered by balancing the need for expedition against the deference one should ordinarily give to an opponent's schedule of personal and professional engagements, the reasonableness of the length of extension requested, the opponent's willingness to grant reciprocal extensions, the time actually needed for the task, and whether it is likely a court would grant the extension if asked to do so.

- f. We will not request an extension of time solely for the purpose of unjustified delay or to obtain a tactical advantage.
- g. We will not attach to extensions unfair and extraneous conditions. We may impose conditions for the purpose of preserving rights that an extension might jeopardize, or for seeking reciprocal scheduling concessions. We will not, by granting extensions, seek to preclude an opponent's substantive rights, such as his or her right to move against a complaint.

3. Service of Papers

- a. We will not time the filing or service of motions or pleadings in any way that unfairly limits another party's opportunity to respond.
- b. We will not serve papers sufficiently close to a court appearance so as to inhibit the ability of opposing counsel to prepare for that appearance or, where permitted by law, to respond to the papers.
- c. We will not serve papers in order to take advantage of an opponent's known absence from the office or at a time or in a manner designed to inconvenience an adversary, such as late on a Friday afternoon or the day preceding a secular or religious holiday.
- d. When it is likely that service by mail, even when allowed, will prejudice the opposing party, we will effect service personally or by facsimile transmission.

4. Depositions

- a. We will take depositions only when actually needed to ascertain facts or information or to perpetuate testimony. We will not take depositions

for the purpose of harassment or to increase litigation expense.

- b. We will not engage in any conduct during a deposition that would be inappropriate in the presence of a judge.
- c. During depositions we will ask only those questions we reasonably believe are necessary for the prosecution or defense of an action. We will not inquire into a deponent's personal affairs or question a deponent's integrity where such inquiry is irrelevant to the subject matter of the deposition. We will refrain from repetitive or argumentative questions or those asked solely for purposes of harassment.
- d. When defending a deposition, we will limit objections to those that are well founded and necessary to protect our client's interests. We recognize that most objections are preserved and need be interposed only when the form of a question is defective or privileged information is sought.
- e. When a question is pending, we will not, through objections or otherwise, coach the deponent or suggest answers.
- f. We will not direct a deponent to refuse to answer questions unless they seek privileged information or are manifestly irrelevant or calculated to harass.
- g. When we obtain documents pursuant to a deposition subpoena, we will make copies of the documents available to opposing counsel at his or her expense, even if the deposition is canceled or adjourned.

5. Document Demands

- a. We will carefully craft document production requests so they are limited to those documents we reason-

ably believe are necessary for the prosecution or defense of an action. We will not design production requests to harass or embarrass a party or witness or to impose an undue burden or expense in responding.

- b. We will respond to document requests in a timely and reasonable manner and not strain to interpret the request in an artificially restrictive manner to avoid disclosure of relevant and non-privileged documents.
- c. We will withhold documents on the grounds of privilege only where it is appropriate to do so.
- d. We will not produce documents in a disorganized or unintelligible manner, or in a way designed to hide or obscure the existence of particular documents.
- e. We will not delay document production to prevent opposing counsel from inspecting documents prior to scheduled depositions or for any other tactical reason.

6. Interrogatories

- a. We will carefully craft interrogatories so that they are limited to those matters we reasonably believe are necessary for the prosecution or defense of an action, and we will not design them to harass or place an undue burden or expense on a party.
- b. We will respond to interrogatories in a timely and reasonable manner and will not strain to interpret them in an artificially restrictive manner to avoid disclosure of relevant and non-privileged information.
- c. We will base our interrogatory objections on a good faith belief in their merit and not for the purpose of withholding or delaying the disclosure of relevant information. If

an interrogatory is objectionable in part, we will answer the unobjectionable part.

7. Settlement and Alternative Dispute Resolution

- a. Except where there are strong and overriding issues of principle, we will raise and explore the issue of settlement in every case as soon as enough is known about the case to make settlement discussion meaningful.
- b. We will not falsely hold out the possibility of settlement as a means for adjourning discovery or delaying trial.
- c. In every case, we will consider whether the client's interest could be adequately served and the controversy more expeditiously and economically disposed of by arbitration, mediation, or other forms of alternative dispute resolution.

8. Written Submissions to a Court, Including Briefs, Memoranda, Affidavits, Declarations, and Proposed Orders.

- a. Before filing a motion with the court, we will engage in more than a mere *pro forma* discussion of its purpose in an effort to resolve the issue with opposing counsel.
- b. We will not force our adversary to make a motion and then not oppose it.
- c. In submitting briefs or memoranda of points and authorities to the court, we will not rely on facts that are not properly part of the record. We may present historical, economic, or sociological data, if such data appears in or is derived from generally available sources.

- d. In civil actions, we will stipulate to relevant matters if they are undisputed and if no good faith advocacy basis exists for not stipulating.
- e. Unless directly and necessarily in issue, we will not disparage the intelligence, morals, integrity, or personal behavior of our adversaries before the court, either in written submissions or oral presentations.
- f. We will not, absent good cause, attribute bad motives or improper conduct to other counsel or bring the profession into disrepute by unfounded accusations of impropriety.
- g. We will not move for court sanctions against opposing counsel without first conducting a reasonable investigation and unless fully justified by the circumstances and necessary to protect our client's lawful interests.
- h. We will not cause any default or dismissal to be entered without first notifying opposing counsel, when we know his or her identity.
- i. When a draft order is to be prepared by counsel to reflect a court ruling, we will draft an order that accurately and completely reflects the court's ruling. We will promptly prepare and submit a proposed order to other counsel and attempt to reconcile any differences before the draft order is presented to the court.

9. Ex Parte Communications With the Court

- a. We will avoid *ex parte* communication on the substance of a pending case with a judge (or his or her law clerk) before whom such case is pending.
- b. Even where applicable laws or rules permit an *ex parte* application or communication to the court, before making such an application or com-

munication we will make diligent efforts to notify the opposing party or his or her attorney. We will make reasonable efforts to accommodate the schedule of such attorney, so that the opposing party may be represented on the application.

- c. Where the rules permit an *ex parte* application or communication to the court in an emergency situation, we will make such an application or communication only where there is a *bona fide* emergency such that the lawyer's client will be seriously prejudiced by a failure to make the application or communication on regular notice.

C. Lawyers' Duties to the Court

- 1. We will speak and write civilly and respectfully in all communications with the court.
- 2. We will be punctual and prepared for all court appearances so that all hearings, conferences, and trials may commence on time; if delayed, we will notify the court and counsel, if possible.
- 3. We will be considerate of the time constraints and pressures on the court and court staff inherent in their efforts to administer justice.
- 4. We will not engage in any conduct that brings disorder or disruption to the courtroom. We will advise our clients and witnesses appearing in court of the proper conduct expected and required there and, to the best of our ability, prevent our clients and witnesses from creating disorder or disruption.
- 5. We will not write letters to the court in connection with a pending action, unless invited or permitted by the court.

- 6. Before dates for hearing or trials are set, or if that is not feasible, immediately after such date has been set, we will attempt to verify the availability of necessary participants and witnesses so we can promptly notify the court of any likely problems.
- 7. We will act and speak civilly to court marshals, court clerks, court reporters, secretaries, and law clerks with an awareness that they, too, are an integral part of the judicial system.

D. Judges' Duties to Others

- 1. We will be courteous, respectful, and civil to the attorneys, parties, and witnesses who appear before us. Furthermore, we will use our authority to ensure that all of the attorneys, parties, and witnesses appearing in our courtrooms conduct themselves in a civil manner.
- 2. We will do our best to ensure that court personnel act civilly toward attorneys, parties and witnesses.
- 3. We will not employ abusive, demeaning, or humiliating language in opinions or in written or oral communications with attorneys, parties, or witnesses.
- 4. We will be punctual in convening all hearings, meetings, and conferences.
- 5. We will make reasonable efforts to decide promptly all matters presented to us for decision.
- 6. While endeavoring to resolve disputes efficiently, we will be aware of the time constraints and pressures imposed on attorneys by the exigencies of litigation practice.
- 7. Above all, we will remember that the court is the servant of the people, and we will approach our duties in this fashion.