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8 *others similarly situated*

9
10 **UNITED STATES DISTRICT COURT**
11 **DISTRICT OF SOUTHERN CALIFORNIA**

12 KALEB PATTERSON, on behalf of
himself and all others similarly situated,

13 Plaintiffs,

14 v.

15 INTERNATIONAL UNION OF POLICE
ASSOCIATIONS, AFL-CIO, a Florida
16 trade union; and DOES 1-10, inclusive,

17 Defendants.

Case No. '13CV2698 JAH JMA

CLASS ACTION COMPLAINT FOR:

1. VIOLATION OF CALIFORNIA'S FALSE ADVERTISING LAWS ("FAL"); Bus. & Prof. Code §17500 et seq.; and
2. VIOLATION OF CALIFORNIA'S UNFAIR COMPETITION LAWS ("UCL"); Bus. & Prof. Code §17200 et seq.

DEMAND FOR JURY TRIAL

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19 Plaintiff Kaleb Patterson on behalf of himself and all others similarly situated,
20 alleges the following upon information and belief based upon investigation of counsel,
21 except as to his own acts, which he alleges upon personal knowledge:

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PARTIES

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2 1. Plaintiff Kaleb Patterson is a resident of California who donated money to
3 Defendant International Union of Police Association, AFL-CIO. (“Defendant IUPA”) in
4 2013. Plaintiff donated to Defendant IUPA after reviewing Defendant IUPA’s website,
5 <http://iupa.org/>, and relying on the representations contained therein.

6 2. Plaintiff is informed and believes, and thereon alleges, that Defendant
7 IUPA is an IRS tax-exempt Florida trade union and member of the AFL-CIO.
8 Defendant IUPA’s mission statement is as follows: “The International Union of Police
9 Associations is the only AFL-CIO union chartered exclusively for law enforcement and
10 law enforcement support personnel. The AFL-CIO affiliation places I.U.P.A. in a
11 position of strength within the labor movement. While I.U.P.A.’s officers, active and
12 retired law enforcement officers, fight to improve the lives of their brothers and sisters
13 in law enforcement, I.U.P.A. works to improve legislation that protects and affects
14 public safety officers, as well as representing the needs of law enforcement officers and
15 support personnel, whether that be for better equipment, more staff or a fair wage.”¹

16 3. The true names and capacities of the Defendants sued herein as DOES 1
17 through 10, inclusive, are currently unknown to Plaintiff, who therefore sues such
18 Defendants by fictitious names. Each of the Defendants designated herein as a DOE is
19 legally responsible for the unlawful acts alleged herein. Plaintiff will seek leave of
20 Court to amend this Complaint to reflect the true names and capacities of the DOE
21 Defendants when such identities become known.

22 4. At all relevant times, each and every Defendant was acting as an agent
23 and/or employee of each of the other Defendants and was acting within the course
24 and/or scope of said agency and/or employment with the full knowledge and consent of
25 each of the Defendants. Each of the acts and/or omissions complained of herein were
26 alleged and made known to, and ratified by, each of the other Defendants (Defendant
27 IUPA and DOE Defendants will hereafter collectively be referred to as “Defendant”).

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¹ See <http://iupa.org/our-mission/> (last visited November 8, 2013).

1 **JURISDICTION AND VENUE**

2 5. A Court has diversity jurisdiction over this class action pursuant to 28
3 U.S.C. § 1332 as amended by the Class Action Fairness Act of 2005 because the
4 amount in controversy exceeds \$5,000,000.00, exclusive of interest and costs, and is a
5 class action in which some members of the class are citizens of different states than the
6 Defendant. *See* 28 U.S.C. §1332(d)(2)(A).

7 6. This Court also has personal jurisdiction over Defendant because
8 Defendant currently does business in this state.

9 7. Venue is proper in this jurisdiction pursuant to 28 U.S.C. § 1391 because
10 Defendant is subject to personal jurisdiction in this District and a substantial portion of
11 the conduct complained of herein occurred in this District.

12 **FACTUAL ALLEGATIONS**

13 8. Defendant IUPA, dubbed America’s seventh worst charity by the Tampa
14 Bay Times, the Center for Investigative Reporting, and Cable News Network (*i.e.*,
15 CNN), is a trade union that claims to “works to improve legislation that protects and
16 affects public safety officers, as well as representing the needs of law enforcement
17 officers and support personnel, whether that be for better equipment, more staff or a fair
18 wage.”² Ultimately, Defendant IUPA claims to “improve the lives of public safety
19 officers.”³ Defendant IUPA further claims to be “the only AFL-CIO union chartered
20 exclusively for law enforcement and law enforcement support personnel.”⁴

21 9. According to the Colorado secretary of state, Defendant IUPA claims its
22 charity is aimed toward: “Strength through united action, guided by intelligence, is the
23 hallmark of trade union organizations. Believing such unity essential for the mutual
24 protection and advancement of the interests and general welfare of all law enforcement
25 officers, we have formed the International Union of Police Officers: > to organize all
26 law enforcement officers; > to secure just compensation for their services and equitable

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² *Id.*
28 ³ *See* <http://iupa.org/our-history/> (last visited November 8, 2013).
⁴ *See* <http://iupa.org/> (last visited November 8, 2013).

1 settlement of their grievances; > to promote the establishment of just and reasonable
2 working conditions; > to increase the members' skill and efficiency; > to promote
3 harmony between its members and their employers; > to encourage the formation of
4 local unions, regional or state councils and provincial and foreign affiliations; > to
5 foster improved health, retirement and death benefit programs; > to encourage
6 improved methods of law enforcement, labor relations and labor/management
7 cooperation, and; > to cultivate friendship and fellowship among its members.”⁵

8 10. Defendant IUPA claims to use the charitable donations collected from the
9 public, which are not tax deductible, to protect the interests of public safety officers
10 through a variety of means including legislation reform aimed at protecting our law
11 enforcement teams, support, equipment, and direct relief; however, *a mere fraction* of
12 the donations received from concerned donors all over the country actually reaches the
13 people for which Defendant IUPA supposedly operates.

14 11. Indeed, it has been recently reported that an average of **only .5% of the**
15 **approximately \$57 million** raised by Defendant IUPA over the last decade actually
16 made it to people in need in direct cash aid.⁶

17 12. Instead of the millions of dollars raised in the name of protecting our law
18 enforcements' interests, the vast majority of the millions raised goes to Defendant
19 IUPA's operators and the for-profit companies Defendant IUPA hires to solicit
20 donations, *i.e.*, corporate fundraisers. This means that **a mere fraction from every**
21 **dollar raised actually goes to people in need.**⁷ Defendant fails to disclose this fact to
22 its donors. Indeed, “of the \$57 million in donations given by the public over the past
23 decade, more than 72 cents of every dollar was spent paying professional solicitors.

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⁵ See <http://www.sos.state.co.us/biz/BusinessEntityCriteriaExt.do?resetTransTyp=Y> (last visited September 3, 2013).

27 ⁶ “America’s Worst Charities” is a report created by the collaboration of the Tampa Bay Times, the California-based
Center for Investigative Reporting, and CNN. Available at www.tampabay.com/americas-worst-charities (last updated
28 September 3, 2013).

⁷ *Id.*

1 Less than half of one percent — about \$28,000 a year — was spent on survivor
2 benefits.”⁸

3 13. Perhaps even more egregious, as reported by the Tampa Bay Times, the
4 Center for Investigative Reporting, and CNN, “Recent campaigns have been even
5 worse. In 2011, professional fundraisers kept about 92 percent of the \$8.1 million
6 raised. IUPA netted about \$650,000. The group spent \$25,000 on its cause that year,
7 giving \$15,000 in scholarships, \$5,000 in death benefits and \$5,000 to a handicapped
8 children's foundation outside Sarasota.”⁹ In that same year, when Defendant spent only
9 \$25,000 on its own cause, Defendant IUPA’s president, Samuel Cabral took home a
10 \$171,184 salary.¹⁰

11 14. Plaintiff reasonably relied on Defendant IUPA’s rhetoric about donors’
12 charitable gifts going to assist our security officer forces and their interests. After
13 reviewing Defendant IUPA’s website, Plaintiff made a donation, expecting that his
14 contribution would directly aid security officers’ interests through proactive legislation
15 and direct aid.

16 15. Defendant fraudulently induces consumers and donors in making sizable
17 charitable donations amounting to millions of dollars a year by misleading donors into
18 believing that their donations, or *at least a majority thereof*, are directly aiding
19 populations in need. In reality, Defendant uses the majority of donations to pay for-
20 profit companies hired by Defendant to solicit *more* donations, *i.e.*, corporate
21 fundraisers.

22 **CLASS DEFINITIONS AND CLASS ALLEGATIONS**

23 16. Plaintiff brings this action on behalf of himself and on behalf of all others
24 similarly situated as members of the class (referred to hereafter as the “Class”) defined
25 as follows:

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⁸ *Id.*

28 ⁹ *Id.*

¹⁰ *Id.*

1 *“All persons who are citizens or residents of California who donated money to*
2 *Defendant International Union of Police Associations within the four years prior*
3 *to the filing of the initial complaint in this action through the date of trial in this*
4 *action.”*

5 17. This action is brought and may be properly maintained as a class action
6 pursuant to the provisions of Federal Rule of Civil Procedure 23(a)(1)-(4) and 23(b)(1)-
7 (3). This action satisfies the numerosity, typicality, adequacy, predominance and
8 superiority requirements of those provisions.

9 18. The Class is so numerous that the individual joinder of all of its members
10 is impractical. *See* Fed. R. Civ. P. 23(a)(1). While the exact number and identities of
11 Class members are unknown to Plaintiff at this time and can only be ascertained
12 through appropriate discovery, Plaintiff is informed and believes the Class includes tens
13 of thousands of members. Plaintiff alleges that the Class may be ascertained by the
14 records maintained by Defendant.

15 19. Common questions of fact and law exist as to all members of the Class
16 which predominate over any questions affecting only individual members of the Class.
17 *See* Fed. R. Civ. P. 23(a)(2). These common legal and factual questions, which do not
18 vary from class member to class member, and which may be determined without
19 reference to the individual circumstances of any class member, include, but are not
20 limited to, the following:

21 (a) Whether Defendant’s advertising, marketing and solicitation is false or
22 misleading;

23 (b) Whether Defendant has misled donors to profit therefrom;

24 (c) Whether Defendant’s conduct is “unlawful” under Bus. & Prof. Code
25 Section 17200;

26 (d) Whether Defendant’s conduct is “unfair” under Bus. & Prof. Code
27 Section 17200;

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1 (e) Whether Defendant’s conduct is “fraudulent” under Bus. & Prof. Code
2 Section 17200;

3 (f) Whether, as a result of Defendant’s misconduct, Plaintiff and the Class
4 are entitled to damages, restitution, equitable relief and other relief, and the
5 amount and nature of such relief.

6 20. Plaintiff’s claims are typical of the claims of the members of the Class.
7 *See* Fed. R. Civ. P. 23(a)(3). Plaintiff and all members of the Class have sustained
8 injury and are facing irreparable harm arising out of Defendant’s common course of
9 conduct as complained of herein. The losses of each member of the Class were caused
10 directly by Defendant’s wrongful conduct as alleged herein.

11 21. Plaintiff will fairly and adequately protect the interests of the members of
12 the Class. *See* Fed. R. Civ. P. 23(a)(4). Plaintiff has retained attorneys experienced in
13 the prosecution of class actions, including complex consumer and mass tort litigation.

14 22. A class action is superior to other available methods of fair and efficient
15 adjudication of this controversy, since individual litigation of the claims of all Class
16 members is impracticable. *See* Fed. R. Civ. P. 23(b)(3). Even if every Class member
17 could afford individual litigation, the court system could not. It would be unduly
18 burdensome to the courts in which individual litigation of numerous issues would
19 proceed. Individualized litigation would also present the potential for varying,
20 inconsistent, or contradictory judgments, and would magnify the delay and expense to
21 all parties and to the court system resulting from multiple trials of the same complex
22 factual issues. By contrast, the conduct of this action as a class action, with respect to
23 some or all of the issues presented herein, presents fewer management difficulties,
24 conserves the resources of the parties and of the court system, and protects the rights of
25 each Class member.

26 23. The prosecution of separate actions by thousands of individual Class
27 members would create the risk of inconsistent or varying adjudications with respect to,
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1 among other things, the need for and the nature of proper notice, which Defendant must
2 provide to all Class members. *See* Fed. R. Civ. P. 23(b)(1)(A).

3 24. The prosecution of separate actions by individual class members would
4 create a risk of adjudications with respect to them that would, as a practical matter, be
5 dispositive of the interests of the other Class members not parties to such adjudications
6 or that would substantially impair or impede the ability of such non-party Class
7 members to protect their interests. *See* Fed. R. Civ. P. 23(b)(1)(B).

8 25. Defendant has acted or refused to act in respects generally applicable to the
9 Class, thereby making appropriate final injunctive relief with regard to the members of
10 the Class as a whole. *See* Fed. R. Civ. P. 23(b)(2).

11 **FIRST CAUSE OF ACTION**

12 **Business & Professions Code § 17500**

13 **(Violation of the False Advertising Law)**

14 **(By Plaintiff and the Class Against All Defendants)**

15 26. Plaintiff hereby incorporates the preceding paragraphs above as if fully set
16 forth herein.

17 27. California Business and Professions Code (the “Code”) § 17500 provides
18 that “[i]t is unlawful for any . . . corporation . . . with intent directly or indirectly to
19 dispose of . . . personal property or to perform services, professional or otherwise, or
20 anything of any nature whatsoever or to induce the public to enter into any obligation
21 relating thereto, to make or disseminate or cause to be made or disseminated before the
22 public in this state, or to make or disseminate or cause to be made or disseminated from
23 this state before the public in any state, in any newspaper or other publication, or any
24 advertising device, or by public outcry or proclamation, or in any other manner or
25 means whatever, including over the Internet, any statement . . . which is untrue or
26 misleading, and which is known, or which by the exercise of reasonable care should be
27 known, to be untrue or misleading”

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1 28. Defendant intended to dispose of property, perform services, or induce the
2 public to enter into an obligation relating thereto, and misled consumers by making
3 untrue or misleading statements and failing to disclose what is required as stated in the
4 Code, as alleged above, with knowledge that the statements made were untrue or
5 misleading or which, by the exercise of reasonable care, should be known to be untrue
6 or misleading.

7 29. As a direct and proximate result of Defendant's misleading and false
8 advertising, marketing, and solicitation, Plaintiff and the members of the Class have
9 each suffered an injury in fact and have lost money or property.

10 30. The misleading and false advertising, marketing, and solicitation described
11 herein presents a continuing threat to Plaintiff and the Class in that Defendant persists
12 and continues to engage in these practices, and will not cease doing so unless and until
13 forced to do so by this Court. Defendant's conduct will continue to cause irreparable
14 injury to consumers unless enjoined or restrained.

15 **SECOND CAUSE OF ACTION**

16 **Business & Professions Code § 17200, et seq.**

17 **(Violation of the Unfair Competition Law)**

18 **(By Plaintiff and the Class Against All Defendants)**

19 31. Plaintiff hereby incorporates the preceding paragraphs above as if fully set
20 forth herein.

21 32. California Business and Professions Code § 17200, *et seq.*, (the "Unfair
22 Competition Law" or "UCL") authorizes private lawsuits to enjoin acts of "unfair
23 competition" which includes any unlawful, unfair, or fraudulent business practice.

24 33. Government Code § 12599.6 deems it unlawful to "misrepresent the
25 purpose of the charitable organization or the nature or purpose or beneficiary of a
26 solicitation." Cal. Gov't Code § 12599.6(a). Further, "A misrepresentation may be
27 accomplished by words or conduct or failure to disclose a material fact." *Id.*
28 **"Regardless of injury**, the following acts and practices are prohibited in the planning,

1 conduct, or execution of any solicitation or charitable sales promotion:

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3 “(1) Operating in violation of, or failing to comply with, any of the
requirements of this act...

4 (2) Using any unfair or deceptive acts or practices or engaging in any
5 fraudulent conduct that **creates a likelihood of confusion or**
6 **misunderstanding.**

7 (3) Using any name, symbol, emblem, statement, or other material **stating,**
8 **suggesting, or implying to a reasonable person that the contribution is**
9 **to or for the benefit of a particular charitable organization when that**
is not the fact.

10 (4) Misrepresenting or misleading anyone in any manner to believe that the
11 person on whose behalf a solicitation or charitable sales promotion is being
12 conducted is a charitable organization or **that the proceeds of the**
13 **solicitation or charitable sales promotion will be used for charitable**
14 **purposes when that is not the fact.**

15 ...

16 (8) Representing directly or by implication that a charitable organization
will receive an amount greater than the actual net proceeds reasonably
17 estimated to be retained by the charity for its use.”

18 Cal. Gov’t Code § 12599.6(f)(1)-(4), (8) (emphasis added).

19 34. The UCL imposes strict liability. Plaintiff need not prove that Defendant
20 intentionally or negligently engaged in unlawful, unfair or fraudulent business
21 practices—but only that such practices occurred.

22 35. The material misrepresentations, concealment, and non-disclosures by
23 Defendant as part of its marketing, solicitation and advertising for its charitable
24 practices constitutes unlawful, unfair, and fraudulent business practices prohibited by
25 the UCL. Indeed, Defendant’s conduct violates Government Code § 12599.6 as
26 detailed above as Defendant: (1) misrepresented the purpose of the International Union
27 of Police Associations as well as the nature, purpose, and beneficiary of their
28 solicitation; (2) created an extreme likelihood of, and did cause, confusion amongst

1 Plaintiff and the Class about the nature, purpose, and beneficiaries of the International
2 Union of Police Associations; (3) made material statements suggesting and implying to
3 reasonable persons, *i.e.*, Plaintiff and the Class, that their contributions were for the
4 benefit of a particular charitable organization when that is not the fact; (4) made
5 material misrepresentations that the proceeds of the solicitations would be used for
6 charitable purposes when that was not the fact; and (5) represented directly or by
7 implication that the International Union of Police Associations will receive an amount
8 greater than the actual net proceeds reasonably estimated to be retained by the charity
9 for its use.

10 36. In carrying out such marketing, advertising, and solicitation, Defendant has
11 additionally violated the False Advertising Law, and/or common law duties, which
12 necessarily violates the UCL. Defendant's business practices alleged herein, therefore,
13 are unlawful within the meaning of the UCL.

14 37. The harm to Plaintiff and members of the public, the Class, outweighs the
15 utility of Defendant's practices and, consequently, Defendant's practices, as set forth
16 fully above, constitute an unfair business act or practice within the meaning of the UCL.

17 38. Defendant's practices are additionally unfair because they have caused
18 Plaintiff and the Class substantial injury, which is not outweighed by any countervailing
19 limited benefits to consumers, and is not an injury the consumers themselves could have
20 reasonably avoided.

21 39. Defendant's practices, as set forth above, have misled the general public in
22 the past and will mislead the general public in the future. Consequently, Defendant's
23 practices constitute an unlawful, unfair, or fraudulent business practice within the
24 meaning of the UCL.

25 40. Pursuant to California Business and Professions Code § 17204, an action
26 for unfair competition may be brought by any "person . . . who has suffered injury in
27 fact and has lost money or property as a result of such unfair competition."
28 Defendant's wrongful misrepresentations and omissions have directly and seriously

1 injured Plaintiff and the Class by causing them to pay to Defendant IUPA what they
2 thought were charitable contributions because they relied on the false and misleading
3 marketing, solicitation and advertising statements of Defendant IUPA.

4 41. The unlawful, unfair, and fraudulent business practices of Defendant are
5 ongoing and present a continuing threat to members of the public because they will
6 continue to be misled by Defendant's false and misleading marketing, advertising, and
7 solicitation statements.

8 42. Pursuant to the UCL, Plaintiff is entitled to preliminary and permanent
9 injunctive relief ordering Defendant to cease this unfair competition, as well as
10 disgorgement and restitution to Plaintiff and the Class of all of Defendant's revenues
11 associated with Defendant's unfair competition, or such portion of those revenues as the
12 Court may find equitable.

13 **PRAYER FOR RELIEF**

14 WHEREFORE, Plaintiff, individually and on behalf of the Class, prays for relief
15 and judgment as follows:

16 1. For preliminary and permanent injunctive relief enjoining Defendant, its
17 agents, servants and employees, and all persons acting in concert with them, from
18 engaging in, and continuing to engage in, the unfair, unlawful and/or fraudulent
19 business practices alleged above and that may yet be discovered in the prosecution of
20 this action;

21 2. For certification of the putative class;

22 3. For restitution and disgorgement of all money or property wrongfully
23 obtained by Defendant by means of their herein-alleged unlawful, unfair, and fraudulent
24 business practices;

25 4. For an accounting by Defendant for any and all profits derived by
26 Defendant from its herein-alleged unlawful, unfair, and/or fraudulent conduct and/or
27 business practices;

28 5. An award of statutory damages according to proof;

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6. An award of general damages according to proof;

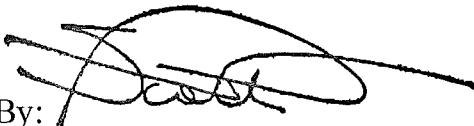
7. For attorneys' fees and expenses pursuant to all applicable laws including, without limitation, Code of Civil Procedure §1021.5 and the common law private attorney general doctrine;

9. For costs of suit; and

10. For such other and further relief as the Court deems just and proper.

Dated: November 8, 2013

NEWPORT TRIAL GROUP

By: 

SCOTT J. FERRELL
RICHARD H. HIKIDA
VICTORIA C. KNOWLES
Counsel for Plaintiff and all others similarly situated

JS 44 (Rev. 12/12)

CIVIL COVER SHEET

The 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, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

<p>I. (a) PLAINTIFFS Kaleb Patterson</p> <p>(b) County of Residence of First Listed Plaintiff <u>Los Angeles, CA</u> <i>(EXCEPT IN U.S. PLAINTIFF CASES)</i></p> <p>(c) Attorneys (Firm Name, Address, and Telephone Number) NEWPORT TRIAL GROUP 4100 Newport Place Drive, Suite 800 Newport Beach, CA 92660 (949) 706-6464</p>	<p>DEFENDANTS International Union of Police Association</p> <p>County of Residence of First Listed Defendant <u>Florida</u> <i>(IN U.S. PLAINTIFF CASES ONLY)</i></p> <p>NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.</p> <p>Attorneys (If Known) '13CV2698 JAH JMA</p>
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<p>II. BASIS OF JURISDICTION (Place an "X" in One Box Only)</p> <p><input type="checkbox"/> 1 U.S. Government Plaintiff</p> <p><input type="checkbox"/> 2 U.S. Government Defendant</p> <p><input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)</p> <p><input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)</p>	<p>III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 30%;"></td> <td style="width: 10%; text-align: center;">PTF</td> <td style="width: 10%; text-align: center;">DEF</td> <td style="width: 40%;"></td> <td style="width: 10%; text-align: center;">PTF</td> <td style="width: 10%; text-align: center;">DEF</td> </tr> <tr> <td>Citizen of This State</td> <td style="text-align: center;"><input type="checkbox"/> 1</td> <td style="text-align: center;"><input type="checkbox"/> 1</td> <td>Incorporated or Principal Place of Business In This State</td> <td style="text-align: center;"><input type="checkbox"/> 4</td> <td style="text-align: center;"><input type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td style="text-align: center;"><input type="checkbox"/> 2</td> <td style="text-align: center;"><input type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business In Another State</td> <td style="text-align: center;"><input type="checkbox"/> 5</td> <td style="text-align: center;"><input type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td style="text-align: center;"><input type="checkbox"/> 3</td> <td style="text-align: center;"><input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td style="text-align: center;"><input type="checkbox"/> 6</td> <td style="text-align: center;"><input type="checkbox"/> 6</td> </tr> </table>		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
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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. NATURE OF SUIT (Place an "X" in One Box Only)

<p>CONTRACT</p> <p><input type="checkbox"/> 110 Insurance</p> <p><input type="checkbox"/> 120 Marine</p> <p><input type="checkbox"/> 130 Miller Act</p> <p><input type="checkbox"/> 140 Negotiable Instrument</p> <p><input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment</p> <p><input type="checkbox"/> 151 Medicare Act</p> <p><input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans)</p> <p><input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits</p> <p><input type="checkbox"/> 160 Stockholders' Suits</p> <p><input type="checkbox"/> 190 Other Contract</p> <p><input type="checkbox"/> 195 Contract Product Liability</p> <p><input type="checkbox"/> 196 Franchise</p>	<p>TORTS</p> <p>PERSONAL INJURY</p> <p><input type="checkbox"/> 310 Airplane</p> <p><input type="checkbox"/> 315 Airplane Product Liability</p> <p><input type="checkbox"/> 320 Assault, Libel & Slander</p> <p><input type="checkbox"/> 330 Federal Employers' Liability</p> <p><input type="checkbox"/> 340 Marine</p> <p><input type="checkbox"/> 345 Marine Product Liability</p> <p><input type="checkbox"/> 350 Motor Vehicle</p> <p><input type="checkbox"/> 355 Motor Vehicle Product Liability</p> <p><input type="checkbox"/> 360 Other Personal Injury</p> <p><input type="checkbox"/> 362 Personal Injury - Medical Malpractice</p>	<p>PERSONAL INJURY</p> <p><input type="checkbox"/> 365 Personal Injury - Product Liability</p> <p><input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability</p> <p><input type="checkbox"/> 368 Asbestos Personal Injury Product Liability</p> <p>PERSONAL PROPERTY</p> <p><input type="checkbox"/> 370 Other Fraud</p> <p><input type="checkbox"/> 371 Truth in Lending</p> <p><input type="checkbox"/> 380 Other Personal Property Damage</p> <p><input type="checkbox"/> 385 Property Damage Product Liability</p>	<p>FORFEITURE/PENALTY</p> <p><input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881</p> <p><input type="checkbox"/> 690 Other</p> <p>LABOR</p> <p><input type="checkbox"/> 710 Fair Labor Standards Act</p> <p><input type="checkbox"/> 720 Labor/Management Relations</p> <p><input type="checkbox"/> 740 Railway Labor Act</p> <p><input type="checkbox"/> 751 Family and Medical Leave Act</p> <p><input type="checkbox"/> 790 Other Labor Litigation</p> <p><input type="checkbox"/> 791 Employee Retirement Income Security Act</p> <p>IMMIGRATION</p> <p><input type="checkbox"/> 462 Naturalization Application</p> <p><input type="checkbox"/> 465 Other Immigration Actions</p>	<p>BANKRUPTCY</p> <p><input type="checkbox"/> 422 Appeal 28 USC 158</p> <p><input type="checkbox"/> 423 Withdrawal 28 USC 157</p> <p>PROPERTY RIGHTS</p> <p><input type="checkbox"/> 820 Copyrights</p> <p><input type="checkbox"/> 830 Patent</p> <p><input type="checkbox"/> 840 Trademark</p> <p>SOCIAL SECURITY</p> <p><input type="checkbox"/> 861 HIA (1395ff)</p> <p><input type="checkbox"/> 862 Black Lung (923)</p> <p><input type="checkbox"/> 863 DIWC/DIWW (405(g))</p> <p><input type="checkbox"/> 864 SSID Title XVI</p> <p><input type="checkbox"/> 865 RSI (405(g))</p> <p>FEDERAL TAX SUITS</p> <p><input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)</p> <p><input type="checkbox"/> 871 IRS—Third Party 26 USC 7609</p>	<p>OTHER STATUTES</p> <p><input type="checkbox"/> 375 False Claims Act</p> <p><input type="checkbox"/> 400 State Reapportionment</p> <p><input type="checkbox"/> 410 Antitrust</p> <p><input type="checkbox"/> 430 Banks and Banking</p> <p><input type="checkbox"/> 450 Commerce</p> <p><input type="checkbox"/> 460 Deportation</p> <p><input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations</p> <p><input type="checkbox"/> 480 Consumer Credit</p> <p><input type="checkbox"/> 490 Cable/Sat TV</p> <p><input type="checkbox"/> 850 Securities/Commodities/Exchange</p> <p><input checked="" type="checkbox"/> 890 Other Statutory Actions</p> <p><input type="checkbox"/> 891 Agricultural Acts</p> <p><input type="checkbox"/> 893 Environmental Matters</p> <p><input type="checkbox"/> 895 Freedom of Information Act</p> <p><input type="checkbox"/> 896 Arbitration</p> <p><input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision</p> <p><input type="checkbox"/> 950 Constitutionality of State Statutes</p>
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V. 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 Multidistrict Litigation

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
28 U.S.C. § 1332; 28 U.S.C. § 1331- Federal Question

Brief description of cause:
Class action for claims under California Consumer Remedies Act and for Unfair Business Practices

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$ _____ CHECK YES only if demanded in complaint: JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY (See instructions):

JUDGE _____ DOCKET NUMBER _____

DATE: 11/08/2013 SIGNATURE OF ATTORNEY OF RECORD: Scott J. Ferrell, Esq.

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____