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and the Class

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

**SIDNEY GREENBAUM,
INDIVIDUALLY AND OTHERS
SIMILARLY SITUATED**

PLAINTIFFS,

V.

**KC JEWELRY, INC., ROUBEN
YOUSIAN, RAMIN YOSIAN,
MODERN JEWELRY, INC., DOES
1-50, AND ROES 1-500**

VERIFIED CLASS ACTION COMPLAINT

1. Violation of California Unfair Competition Laws (Cal. Bus. & Prof. Code § 17200) – Unfair Prong
2. Violation of California Unfair Competition Laws (Cal. Bus. & Prof. Code § 17200) – Fraudulent Prong
3. Violation of California Unfair Competition Laws (Cal. Bus. & Prof. Code § 17200) – Unlawful Prong
4. Violation of California False Advertising Law (Cal. Bus. & Prof. Code § 17500)
5. Violation of the California Consumer Legal Remedies Act (Cal. Civ. Code § 1750)
6. Common Law Fraud
7. Negligent Misrepresentation
8. Unjust Enrichment
9. Breach of Express Warranty

JURY TRIAL DEMANDED

PLAINTIFF AND MEMBERS OF THE CLASS, BY WAY OF THIS COMPLAINT, STATES AS FOLLOWS:

1. This is a class action against KC Jewelry (“KC”) and others for overstating diamond weights on jewelry manufactured by KC and sold stores such as Defendant Modern Jewelry. During the class period, KC systematically inflated the total weights of small uncertificated diamonds knowing that the average consumer would have no way to know that the weights were inflated.
2. KC’s products are sold in many stores, including Defendants Modern Jewelry, Inc. and Roes 1-500.
3. According to the Federal Trade Commission, diamond weights are to be accurate to the last decimal place:

16 C.F.R. §23.17 Misrepresentation of weight and “total weight.”

- a. It is unfair or deceptive to misrepresent the weight of a diamond.
- b. It is unfair or deceptive to use the word “point” or any abbreviation in any representation, advertising, marking, or labeling to describe the weight of a diamond, unless the weight is also stated as decimal parts of a carat (e.g., 25 points or .25 carat).

NOTE 1 TO PARAGRAPH (b): A carat is a standard unit of weight for a diamond and is equivalent to 200 milligrams ($\frac{1}{5}$ gram). A point is one one-hundredth ($\frac{1}{100}$) of a carat.

- c. If diamond weight is stated as decimal parts of a carat (e.g., .47 carat), the stated figure should be accurate to the last decimal place. If diamond weight is stated to only one decimal place (e.g., .5 carat), the stated figure should be accurate to the second decimal place (e.g., “.5 carat” could represent a diamond weight between .495-.504).
- d. If diamond weight is stated as fractional parts of a carat, a conspicuous disclosure of the fact that the diamond weight is not exact should be made in close proximity to the fractional representation and a disclosure of a reasonable range of weight for each fraction (or the weight tolerance being used) should also be made.

NOTE TO PARAGRAPH (d): When fractional representations of diamond weight are made, as described in paragraph d of this section, in catalogs or other printed materials, the disclosure of the fact that the actual diamond weight is within a specified range should be made conspicuously on every page where a fractional representation is made. Such disclosure may refer to a chart or other detailed explanation of the actual ranges used. For example, “Diamond weights are not exact; see chart on p.X for ranges.”

4. KC’s products vary by far more than that allowed under 16 C.F.R. §23.17.
5. KC’s products are sold throughout the United States both inside California and outside California.

PARTIES

6. Plaintiff Sidney Greenbaum is an adult who is a citizen and resident of San Diego County, California, who in reliance on Defendants' false and deceptive labeling purchased a KC ring from Defendant Modern Jewelry for \$4,410. based in part on the representation that the ring contained 4.25 carats of diamonds, on February 29, 2016.
7. Defendant KC Jewelry, Inc. ("KC") is a domestic California corporation with principal place of business located at 550 S. Hill St., Los Angeles, California 90013. KC may be served through its agents Rouben Youssian at 502 N. Maple Drive, Beverly Hills, CA 90210 and Ramin Yosian at 600 N Linden Dr., Beverly Hills, CA 90210.
8. Defendant Rouben Youssian ("Youssian") is a citizen and resident of Los Angeles County, California. Youssian is the owner and/or principle of KC and directs the operation. Youssian can be served at 502 N. Maple Drive, Beverly Hills, CA 90210.
9. Defendant Ramin Yosian ("Yosian") is a citizen and resident of Los Angeles County, California. Youssian is the owner and/or principle of KC and directs the operation. Youssian can be served at 600 N Linden Dr., Beverly Hills, CA 90210.
10. Defendant Modern Jewelry and Watches Inc. ("Modern Jewelry") is a domestic California corporation with principal place of business located at 640 S. Hill St., Suite A25, Los Angeles, California 90014. Modern Jewelry does business as Modern Jewelry and may be served through its agent Iman Saghezi at 4872 Lindley Ave., Encino, CA 91316.
11. The true names and capacities of Defendants DOES 1 through 50, inclusive, whether individual, corporate, associate or otherwise, are unknown to Plaintiffs, who therefore sues said Defendants by such fictitious names. Plaintiffs will amend their Complaint to allege said Doe Defendants' true names and capacities when the same have been ascertained. Plaintiffs are informed and believe, and based upon such information and belief alleges that each defendant designated herein is responsible

1 in some actionable manner for the occurrences and injuries alleged herein.

2 12. The true names and capacities of Defendants ROES 1 through 500, inclusive, whether individual,
3 corporate, associate or otherwise, are unknown to Plaintiffs, who therefore sues said Defendants by
4 such fictitious names. The ROE defendants are various stores selling KC Jewelry. Plaintiffs will
5 amend their Complaint to allege said Doe Defendants' true names and capacities when the same have
6 been ascertained. Plaintiffs are informed and believe, and based upon such information and belief
7 alleges that each defendant designated herein is responsible in some actionable manner for the
8 occurrences and injuries alleged herein. Modern Jewelry together with the ROE Defendants will be
9 identified through this complaint as the "Store Defendants".

10 13. At all times herein mentioned, KC, Youssian, and Yosian, and each of them, were an owner, a co-
11 owner, an agent, representative, partner, and/or alter ego of each other, or otherwise acting on behalf
12 of each and every remaining defendant, and in doing the things hereinafter alleged, were acting
13 within the course and scope of their authorities as an owner, a co-owner, an agent, representative ,
14 partner, and or alter ego of its co-Defendants, with the full knowledge, permission and consent of
15 each and every remaining co-Defendant, each co- defendant having ratified the acts of the other co-
16 Defendants.

17 14. Plaintiffs allege that there exists, and at all times herein mentioned existed, a unity of interest
18 between KC, Youssian, and Yosian exists such that any individuality and separateness between the
19 KC, Youssian, and Yosian has ceased and that KC, Youssian, and Yosian is an alter ego of the others
20 as follows:

- 21 a. At all times herein mentioned, Youssian and Yosian was and is in active and direct
participation in KC as an officer and director and in doing the things hereinafter alleged,
was acting within the course and scope of their authorities as an agent, representative,
partner, and or alter ego of its KC, with the full knowledge, permission and consent of

1 each and every remaining co-Defendant, each co- defendant having ratified the acts of
2 the other co- Defendants.

3 b. Plaintiffs allege that Youssian and Yosian were at all times herein mentioned, controlled
4 and governed KC.

5 c. Plaintiffs alleges that KC is, and at all times herein mentioned was, a mere shell and
6 sham. Said Corporate Defendant KC. was conceived, intended, and used by Youssian
7 and Yosian as a device to avoid individual liability.

8 d. Plaintiffs allege that Corporate Defendant KC is, and at all times herein mentioned was,
9 so inadequately capitalized that, compared with the business to be done by Corporation
10 Defendant KC and the risks of loss attendant thereto, its capitalization was illusory or
11 trifling.

12 e. Plaintiffs allege that Corporate Defendant KC is, and at all times mentioned herein was,
13 a mere shell, instrumentality and conduit through which Youssian and Yosian carried its
14 business in the name of KC exactly as they conducted it previous to incorporation
15 exercising complete control and dominance of such business to such an extent that any
16 individuality or separateness of KC, Youssian, and Yosian does not now, and at any time
17 herein mentioned did not, exist.

18 f. Plaintiffs allege that KC is, and at all times herein mentioned was, controlled, dominated,
19 and operated by Youssian and Yosian as their individual business and alter ego.

20 g. Plaintiffs allege that adherence to the fiction of separate existence of KC as an entity
21 distinct from Youssian and Yosian would permit abuse of the corporate privilege and
produce an inequitable result, thereby unfairly and deceptively conducting business.

1 15. Because of the acts, and omissions complained of hereinabove, KC and Youssian are jointly and
2 severally liable, for all relief sought herein by Plaintiff.

3 16. KC, Youssian, Yosian, and the Store Defendants conspired together to engage in the conduct
4 complained of. Each Defendant knew of the tortious conduct and ratified the conduct through their
5 individual actions.

6 17. The exact role of each Defendant as pertains to the instant case is known only to the Defendants.

7 18. When in this Complaint reference is made to any act of Defendants, such shall be deemed to mean
8 that officers, directors, agents, employees, or representatives of the Defendant named in this lawsuit
9 committed or authorized such acts, or failed and omitted to adequately supervise or properly control
10 or direct their employees while engaged in the management, direction, operation or control of the
11 affairs of the Defendant and did so while acting within the scope of their employment.

12 19. Because each Store Defendant conspired with KC, Youssian, and Yosian, each located in California,
13 to engage in the conduct herein complained of, each Store Defendant is subject to the jurisdiction of
14 California Courts. Furthermore, because each Store Defendant conspired with KC, Youssian, and
15 Yosian to engage in the herein complained of conduct, each Store Defendant is subject to liability
16 under California statutes including, but not limited to CA Business & Professions Code §17200 and
17 §17500 and CA Civil Code §1770.

18 **VENUE AND JURISDICTION**

19 20. Venue is proper because Defendants KC, Youssian, Yosian, and Modern Jewelry are residents of
20 Los Angeles County and the subject jewelry was purchased in Los Angeles County. Los Angeles
21 County is in the geographic purview of the United States District Court for the Central District of
California.

21 21. The U.S. District Court has original jurisdiction of this matter under 28 U.S.C. §1332(d)(2) because
(a) the amount in controversy exceeds \$5,000,000 and (b) the proposed class members, as defined

below, are citizens of all states, including states other than California. As such, at least one member of the class is a citizen of a state different than the identified Defendants.

FACTUAL ALLEGATIONS RELATED TO ALL COUNTS

22. On February 29, 2016, Plaintiff purchase a ring manufactured by Defendant KC Jewelry from Modern Jewelry. Below is a picture of the ring along with the applicable tags.



23. The ring was represented to contain 4.25 carats of diamonds.

24. Plaintiff had the ring disassembled to measure the total weight of the diamonds. Once the ring was disassembled in this way, the only value for the resultant is as scrap.

25. Upon testing, Plaintiff found that the weight of the diamonds was 3.87 carats. This is a discrepancy of 0.38 carats. According to the 16 C.F.R. §23.17, the allowable range of weights based upon the label was 4.245 to 4.255 carats. The actual difference was far greater.

1 26. There is no indication on the label that the carat weight was approximated.

2 27. Defendants intentionally overstated the weight of the diamonds.

3 28. All defendants including KC, Youssian, Yosian, and Modern Jewelry, and the other Store
4 Defendants acted together and with full knowledge in representing that the diamond weights were
5 overstated.

6 29. All defendants knew that Plaintiff and other members of the class would rely upon the weights
7 indicated on the product label.

8 30. All defendants knew that Plaintiff and other members of the class would have no reasonable way to
9 detect that the diamond weights were overstated. Doing so, as here, required disassembly of the
10 item rendering the item no longer jewelry.

11 31. All defendants knew that Plaintiffs would be relying upon the product label and intended that
12 Plaintiffs would rely upon the product label.

13 **CLASS ALLEGATIONS**

14 32. Plaintiffs bring this action on their own behalf and on behalf of a proposed Class of all other
15 persons similarly situated. The Class Plaintiffs seek to represent is defined as:

16 a. All persons who, in the United States after September 1 2012 (the "Class Period"),
17 purchased from Defendants: (1) one or more pieces of jewelry where the weight of
18 diamonds indicated on the product label exceeded the actual weight of the diamonds
19 in the jewelry by more than 1/100 of a carat (1 point, 2mg).

20 33. Excluded from the Class are Defendants, as well as its officers, employees, agents, board
21 members and legal counsel, and any judge who presides over this action (or spouse or family
member of presiding judge), as well as all past and present employees, officers and directors of
Defendants.

1 34. Plaintiffs reserve the right to expand, limit, modify, or amend this class definition, including the
2 addition of one or more subclasses, in connection with Plaintiffs' motion for class certification, or at
3 any other time, based upon, *inter alia*, changing circumstances and/or new facts obtained during
4 discovery.

5 35. *Numerosity*: The Class is composed of thousands of individuals, whose joinder in this action would
6 be impracticable. The disposition of their claims through this class action will benefit all Class
7 Members, the parties, and the courts.

8 36. *Existence and Predominance of Common Questions of Fact and Law*: There is a well-defined
9 community of interest in questions of law and fact affecting the Class. These questions of law
10 and fact predominate over individual questions affecting individual Class Members, including,
11 but not limited to, the following:

- 12 a. Whether, during the Class Period, Defendants overstated the weight of diamonds in
13 jewelry sold and/or manufactured by Defendants by more than 1/100 of a carat (1
14 point, 2mg);
- 15 b. Whether Defendants use of false and deceptive product labeling constituted false
16 advertising under California law;
- 17 c. Whether Defendants engaged in unfair, unlawful and/or fraudulent business
18 practices under California law;
- 19 d. Whether Defendants misrepresented and/or failed to disclose material facts about
20 its product pricing and discounts;
- 21 e. Whether Defendants has made false and misleading statements of fact concerning
the quality and nature of the jewelry manufactured and/ or sold by Defendants;
- f. Whether Defendants' conduct, as alleged herein was intentional and knowing;

- g. Whether Class Members have been harmed by Defendants' conduct alleged herein;
- h. Whether Class Members are entitled to damages and/or restitution; and, if so, what is the amount of revenues and/or profits Defendants received and/or was lost by Class Members as a result of the conduct alleged herein;
- i. Whether Defendants were unjustly enriched by their deceptive practices;
- j. Whether Defendants expressly warranted the weight of diamonds in the product labels;
- k. Whether Defendants is likely to continue to use false, misleading or illegal product labeling such that an injunction is necessary; and
- l. Whether Plaintiffs and Class Members are entitled to an award of reasonable attorney's fees, pre-judgment interest and costs of suit.

37. *Typicality*: Plaintiff's claims are typical of, and are not antagonistic to, the claims of all Class Members. Plaintiff and the Class Plaintiffs have all been deceived (or were likely to be deceived) by Defendants overstating of the diamond weight in the jewelry manufactured and/or sold by Defendants.

38. *Adequacy*: Plaintiff is an adequate representative of the Class because Plaintiff is a member of the Class and Plaintiff's interests do not conflict with the interests of the Class Members Plaintiff seeks to represent. Plaintiff will fairly and adequately represent and protect the interests of the Class because Plaintiff is not antagonistic to the Class. Plaintiff has retained counsel who is competent and experienced in the prosecution of consumer fraud and class action litigation.

39. *Superiority*: A class action is superior to other available means for the fair and efficient adjudication of Plaintiff's and Class Members' claims. Because of the relatively modest size of individual Class Members' claims, few, if any, Class Members could afford to seek legal redress

of the wrongs complained of herein on an individual basis. Absent class action, Class Members and the general public would not likely recover, or would not likely have the chance to recover, damages or restitution, and Defendants will be permitted to retain the proceeds of its misdeeds.

40. All Class Members, including Plaintiff, were exposed to one or more of Defendants' misrepresentations or omissions of material fact including Defendants' claims that the weight of diamonds indicated on the jewelry product label was higher than the actual weight. Due to the scope and extent of Defendants' consistent false advertising scheme, disseminated in a massive, years-long campaign to consumers via the Internet, radio, TV and print media, it can reasonably be inferred that such misrepresentations or omissions of material fact were uniformly made to all Class Members. In addition, it can be reasonably presumed that all Class Members, including Plaintiff, affirmatively acted in response to the representations contained in Defendants' product labeling when purchasing jewelry from Defendants.

41. Plaintiff is informed and believes that Defendants keep extensive computerized records of its customers through, *inter alia*, customer loyalty programs, co-branded credit cards and general marketing programs. Defendants have one or more databases through which a significant majority of Class Members may be identified and ascertained, and it maintains contact information, including email and home mailing addresses, through which notice of this action could be disseminated in accordance with due process requirements.

FIRST CAUSE OF ACTION

(Violation of the "Unfair" Prong of the UCL, California Business & Professions Code §17200, *et seq.*)

42. Plaintiff re-alleges by reference as if fully set forth herein, all of the above paragraphs.

43. The UCL defines unfair business competition to include any "unlawful, unfair or fraudulent" act or practice, as well as any "unfair, deceptive, untrue or misleading" advertising. Cal. Bus. & Prof. Code

1 § 17200. A business act or practice is "unfair" under the UCL if the reasons, justifications, and
2 motives of the alleged wrongdoer are outweighed by the gravity of the harm to the alleged victims.

3 44. Defendants have violated the "unfair" prong of the UCL by overstating the carat weight of the
4 diamonds in jewelry manufactured and sold by Defendants.

5 45. These acts and practices were unfair because they caused Plaintiff, other members of the Class, and
6 were likely to cause consumers, to falsely believe that the weight of the diamonds in jewelry
7 manufactured and sold by Defendants was greater than actual. As a result, purchasers, including
8 Plaintiff and other members of the Class, reasonably perceived that they were buying products which
9 contained more diamond weight than actual. Thus, Plaintiff and other members of the Class paid
10 more for Defendants jewelry than they would have otherwise had the true weight been identified.
11 Furthermore, Plaintiff and other members of the Class were more likely to purchase a KC product
12 from a Store Defendant perceiving that such purchases were bargains as compared to other jewelry
13 stores. This perception has induced reasonable purchasers, including Plaintiff and other members
14 of the Class, to buy such products, which they otherwise would not have purchased.

15 46. The gravity of the harm to members of the Class resulting from these unfair acts and practices
16 outweighed any conceivable reasons, justifications, and/or motives of Defendants for engaging in
17 such deceptive acts and practices. By committing the acts and practices alleged above, Defendants
18 engaged in unfair business practices within the meaning of California Business & Professions Code
19 §§ 17200, *et seq.*

20 47. Through its unfair acts and practices, Defendants have improperly obtained money from Plaintiff
21 and members of the Class. As such, Plaintiff requests that this Court cause Defendants to restore this
money to Plaintiff and all Class Members, and to enjoin Defendants from continuing to violate the
UCL as discussed herein and/or from violating the UCL in the future. Otherwise, Plaintiffs, the

1 Class, and members of the general public may be irreparably harmed and/or denied an effective and
2 complete remedy if such an order is not granted.

3 **SECOND CAUSE OF ACTION**

4 **(Violation of the "Fraudulent" Prong of the UCL, California Business & Professions Code**
5 **§17200, *et seq.*)**

6 48. Plaintiff re-alleges by reference as if fully set forth herein, all of the above paragraphs.

7 49. The UCL defines unfair business competition to include any "unlawful, unfair or fraudulent" act or
8 practice, as well as any "unfair, deceptive, untrue or misleading" advertising. Cal. Bus. & Prof. Code
9 § 17200.

10 50. A business act or practice is "fraudulent" under the UCL if it is likely to deceive members of the
11 consuming public.

12 51. Defendants labelling and selling of jewelry overstating the weight of diamonds was "fraudulent"
13 within the meaning of the UCL because they deceived Plaintiff and other members of the Class, and
14 were likely to deceive members of the Class, into believing that jewelry manufactured and sold by
15 Defendants were of greater value than if the true diamond weight had been disclosed. Plaintiff and
16 other members of the Class were also likely to be deceived that jewelry manufactured and sold by
17 Defendants was a better value than that offered by other manufacturers and retailers. As a result,
18 purchasers, including Plaintiff, reasonably perceived that they were receiving products which
19 regularly sold in the retail marketplace at substantially higher prices (and were, therefore, worth
20 more) than what they paid. This perception induced reasonable purchasers, including Plaintiff, to
21 buy KC's products from the Store Defendants, which they otherwise would not have purchased.

52. Defendants' acts and practices as described herein have deceived Plaintiff and other members of the
Class and were highly likely to deceive members of the consuming public. Specifically, in deciding

1 to purchase consumer goods from Defendants, Plaintiffs relied upon Defendants misleading and
 2 deceptive representations regarding the weight of diamonds in Defendants' jewelry. Each of these
 3 factors played a substantial role in Plaintiff's decision to purchase those products, and Plaintiff
 4 would not have purchased those items in the absence of Defendants' misrepresentations.
 5 Accordingly, Plaintiff and other members of the Class have suffered monetary loss as a direct result
 6 of Defendants' practices described above.

7 53. As a result of the conduct described above, Defendants have been unjustly enriched at the expense
 8 of Plaintiff and members of the Class. Specifically, Defendants have been unjustly enriched by
 9 obtaining revenues and profits that it would not otherwise have obtained absent its false, misleading
 10 and deceptive conduct.

11 54. Through its unfair acts and practices, Defendants have improperly obtained money from Plaintiff
 12 and the Class. As such, Plaintiff requests that this Court cause Defendants to restore this money to
 13 Plaintiff and all Class Members, and to enjoin Defendants from continuing to violate the UCL as
 14 discussed herein and/or from violating the UCL in the future. Otherwise, Plaintiff, the Class, and
 15 members of the general public may be irreparably harmed and/or denied an effective and complete
 16 remedy if such an order is not granted.

17 **THIRD CAUSE OF ACTION**
 18 **(Violation of the "Unlawful" Prong of the UCL, California Business & Professions Code §**
 19 **17200, *et seq.*)**

20 55. Plaintiffs re-allege by reference as if fully set forth herein, all of the above paragraphs.

21 56. The UCL defines unfair business competition to include any "unlawful, unfair or fraudulent" act or
 practice, as well as any "unfair, deceptive, untrue or misleading" advertising. Cal. Bus. & Prof. Code
 § 17200.

57. A business act or practice is "unlawful" under the UCL if it violates any other law or regulation.

1 58. The FTCA prohibits "unfair or deceptive acts or practices in or affecting commerce" (15 U.S.C. §
2 45(a)(1)). The FTC has established guidelines that describe the accuracy with which diamond
3 weights must be stated under 16 C.F.R. §23.17. At no time was any indication made on the product
4 label that diamond weights were approximate.

5 59. Misstating the weight of the diamonds is unfair and deceptive.

6 60. By overstating the weight of the diamonds on KC's jewelry, KC violated the FTCA.

7 61. Each Store Defendant knew or should have known that KC was overstating the weight of diamonds
8 in KC's jewelry. By selling KC's jewelry to consumers knowing that the weights were overstated,
9 the Store Defendants approved of and adopted KC's untrue and misleading statements. Thus, each
10 Store Defendant acted in concert with KC and all Defendants acted to violate the FTCA, Cal. Bus.
& Prof. Code §17200 and §17500, and California Civil Code §1770.

11 62. California Business & Professions Code§ 17500 prohibits a business from misrepresenting the
12 weight of goods.

13 63. California Civil Code §1770, subsection (a)(5) prohibits a business from representing that goods
14 have quantities that they do not have. Representing that jewelry has a total carat weight greater than
actually present violates subsection a(5).

15 64. Defendants' misrepresentation of diamond weights violated and continues to violate the FTCA, 15
16 U.S.C. § 45(a)(1), and 15 U.S.C. § 52(a), as well as 16 C.F.R. §23.17. It also violated and continues
17 to violate Cal. Bus. & Prof. Code§ 17501, and Cal. Civ. Code§ 1770 (a)(5) by representing on
18 product labels that the quantity of the good contained is greater than actual.

19 65. As a result of the conduct described above, Defendants have been unjustly enriched at the expense
20 of Plaintiff and members of the Class. Specifically, Defendants have been unjustly enriched by
21

obtaining revenues and profits that it would not otherwise have obtained absent its false, misleading and deceptive conduct.

66. Through its unfair acts and practices, Defendants have improperly obtained money from Plaintiff and the Class. As such, Plaintiff requests that this Court cause Defendants to restore this money to Plaintiffs and all Class Members, and to enjoin Defendants from continuing to violate the UCL, and/or from violating the UCL in the future. Otherwise, Plaintiffs, the Class, and members of the general public may be irreparably harmed and/or denied an effective and complete remedy if such an order is not granted.

FOURTH CAUSE OF ACTION

(Violation of the California False Advertising Law, California Business & Professions Code Sections 17500, *et seq.*)

67. Plaintiffs re-allege by reference as if fully set forth herein, all of the above paragraphs.

68. The California False Advertising Law, California Business & Professions Code §17500, *et seq.*, prohibits unfair, deceptive, untrue, or misleading advertising, including, but not limited to, false statements as quality or quantity. In relevant part, §17500 states:

It is unlawful for any person, firm, corporation or association, or any employee thereof with intent directly or indirectly to dispose of real or personal ... to make or disseminate or cause to be made or disseminated before the public in this state, or to make or disseminate or cause to be made or disseminated from this state before the public in any state ... or in any other manner or means whatever ... any statement, concerning that real or personal property ... which is untrue or misleading, and which is known, or which by the exercise of reasonable care should be known, to be untrue or misleading[.]

69. Defendants' practice of overstating the weight of diamonds on labels attached to specific pieces of jewelry was a statement which was both untrue and misleading. Defendants were either fully aware

1 or would have been aware through the exercise of reasonable care the untrue and misleading
2 statement concerning the weight of diamonds on the label for a specific piece of jewelry.

3 70. Defendant KC disseminated these untrue and misleading statements from California.

4 71. Each Store Defendant conducted business within the state of California by purchasing goods from
5 KC.

6 72. Each Store Defendant, with full knowledge of the untrue and misleading nature of the weights on
7 the labels, sold these items to unwitting consumers.

8 73. Each Store Defendant, including Defendant Modern Jewelry, acted in concert with KC to
9 disseminate untrue and misleading information to consumers

10 74. Through its unfair acts and practices, Defendants have improperly obtained money from Plaintiff
11 and the Class. As such, Plaintiff requests that this Court cause Defendants to restore this money to
12 Plaintiff and all Class Members, and to enjoin Defendants from continuing to violate the UCL, and/or
13 from violating the UCL in the future. Otherwise, Plaintiff, the Class and, members of the general
14 public may be irreparably harmed and/or denied an effective and complete remedy if such an order
15 is not granted.

16 **FIFTH CAUSE OF ACTION**

17 **(Violation of the Consumer Legal Remedies Act, California Civil Code § 1750, *et seq.*, Injunctive
18 Relief)**

19 75. Plaintiff re-alleges by reference as if fully set forth herein, all of the above paragraphs.

20 76. This cause of action is brought pursuant to the CLRA.

21 77. Plaintiff and each member of the proposed Class are "consumers" within the meaning of California
Civil Code§ 1761(d).

1 78. Defendants' sale of consumer goods to Plaintiffs and members of the Class were "transactions"
2 within the meaning of California Civil Code § 1761(e). The products purchased by Plaintiff and
3 members of the proposed Class are "goods" within the meaning of California Civil Code § 1761(a).

4 79. As described herein, Defendants violated the CLRA by falsely representing the quantity of diamonds
5 contained within the jewelry by stating that the item contained more diamonds than actual.
6 Defendants inflated the purported weight of diamonds in violation of Cal. Civ. Code § 1770(a)(5).

7 80. Plaintiff and other members of the Class relied upon Defendants' false representations in deciding
8 to purchase the jewelry from Defendants. Plaintiff would not have purchased such items at the price
9 paid absent Defendants' unlawful conduct. As a result of these acts and practices, Plaintiff and other
10 members of the Class have suffered damage in that Plaintiff and other members of the Class have
11 spent money with Defendants that Plaintiff and other members of the Class would not have otherwise
12 spent absent Defendants' unlawful and misleading acts and practices.

13 81. Pursuant to §1782(a) of the CLRA, on April 22, 2016, Plaintiffs' counsel, on behalf of Plaintiffs,
14 served Defendant KC by United States certified mail, return receipt requested, with notice of KC's
15 particular violations of the CLRA and requested that Defendant identify victims, notify victims and
16 remedy its illegal conduct within 30 days. Defendant KC did not rectify nor agree to remedy the
17 conduct complained of within 30 days of receipt of the complaint. As a result, Plaintiff and members
18 of the Class are entitled to actual damages, restitution and punitive damages. Furthermore, Plaintiff
19 and other members of the Class are entitled to recover attorneys' fees, costs, expenses, and
20 disbursements pursuant to California Civil Code sections 1780 and 1781.

21 82. Pursuant to §1782(a) of the CLRA, on August 9, 2016, Plaintiffs' counsel, on behalf of Plaintiffs,
served Defendant Modern Jewelry by United States certified mail, return receipt requested, with
notice of Modern Jewelry's particular violations of the CLRA and requested that Defendant identify

1 victims, notify victims and remedy its illegal conduct within 30 days. Less than 30 days after
2 Defendant Modern Jewelry received the letter, Defendant Modern Jewelry did assert that it would
3 remedy the complained of conduct, but provided no details. Thus, it was not clear that Defendant
4 Modern Jewelry's remedies were adequate or appropriate. As a result, Plaintiff and members of the
5 Class are entitled to actual damages, restitution and punitive damages. Furthermore, Plaintiff and
6 other members of the Class are entitled to recover attorneys' fees, costs, expenses, and disbursements
7 pursuant to California Civil Code sections 1780 and 1781.

8 **SIXTH CAUSE OF ACTION**
9 **FRAUD**

10 83. Plaintiff incorporates by reference all allegations of the preceding paragraphs as though fully set
11 forth herein.

12 84. Defendants acted together and individually in systematically misrepresenting the weights of
13 diamonds contained within KC's jewelry and sold by the Store Defendants. Each Defendant acted
14 with full knowledge that the weights of diamonds contained in KC's products was overstated. By
15 so acting, each Defendant approved of and adopted the misrepresentations in the weights of KC's
16 products.

17 85. The weight of the diamonds in KC's products is a material fact that would be reasonably relied upon
18 by all purchasers of KC's products.

19 86. The misrepresentations, nondisclosure, and/or concealment of material facts made by Defendants to
20 Plaintiff and the members of the Class, as set forth above, were known, or through reasonable care
21 should have been known, by Defendants to be false and material and were intended to mislead
Plaintiffs and the members of the Class.

1 87. Plaintiff and the Class were actually misled and deceived and were induced by Defendant to purchase
2 Defendant KC's products from the Store Defendants which they would not otherwise have
3 purchased, or would have paid substantially less for.

4 88. As a result of the conduct of Defendants, Plaintiffs and the Class members have been damaged in an
5 amount to be determined at trial.

6 **SEVENTH CAUSE OF ACTION**
NEGLIGENT MISREPRESENTATION

7 89. Plaintiff incorporates by reference all allegations of the preceding paragraphs as though fully set
8 forth herein.

9 90. Defendants had a duty to provide honest and accurate information to its customers so that customers
10 could make informed decisions on the substantial purchase of a jewelry.

11 91. Defendants specifically and expressly misrepresented material facts to Plaintiff and Class members,
12 as discussed above. Each Defendants was aware that the weights of diamonds stated in labels of KC'
13 products was systematically overstated.

14 92. Defendants knew, or in the exercise of reasonable diligence, should have known, that the ordinary
15 and reasonable consumer would be misled by Defendants misleading and deceptive representations.

16 93. Each Defendant was aware that the weights stated on KC's product's labels was not accurate.

17 94. Plaintiff and the Class members justifiably relied on Defendant's misrepresentations and have been
18 damaged thereby in an amount to be determined at trial.

19 **EIGHTH CAUSE OF ACTION**
UNJUST ENRICHMENT

20 95. Plaintiff incorporates by reference all allegations of the preceding paragraphs as though fully set
21 forth herein.

1 96. Plaintiff and members of the Class conferred a benefit on Defendants by purchasing Defendant KC's
2 products from the Store Defendants.

3 97. Defendants had knowledge that this benefit was conferred upon it.

4 98. Because of its wrongful acts and omissions, Defendants charged a higher price for KC's products
5 than KC's products true value and Defendants obtained money which rightfully belongs to Plaintiff
6 and the members of the Class.

7 99. Defendants have been unjustly enriched at the expense of Plaintiff and the Class and its retention of
8 this benefit under the circumstances would be inequitable.

9 100. Plaintiff seeks an order requiring Defendant to make restitution to them and the other members
10 of the Class.

11 **NINTH CAUSE OF ACTION**
12 **BREACH OF EXPRESS WARRANTY**

13 101. Plaintiff incorporates by reference all allegations of the preceding paragraphs as though fully set
14 forth herein.

15 102. At all relevant times, Defendants expressly warranted that KC's products contained diamonds of
16 weights as indicated on the product label.

17 103. Defendants acted together and individually in systematically misrepresenting the weights of
18 diamonds contained within KC's jewelry and sold by the Store Defendants. Each Defendant acted
19 with full knowledge that the weights of diamonds contained in KC's products was overstated. By
20 so acting, each Defendant approved of and adopted the misrepresentations in the weights of KC's
21 products.

104. Defendants knew and expected or should have known and expect, and intended Plaintiff and
member of the Class to rely on their warranties

1 105. The representations contained or constituted affirmations of fact or promises made by
2 Defendants Plaintiff and members of the Class which related to the goods and became part of the
3 basis of the bargain creating an express warranty that the goods shall conform to the affirmations of
4 fact or promises.

5 106. In purchasing KC's products, Plaintiff and members of the Class reasonably relied on the skill,
6 judgment, representations, and foregoing express warranties of Defendants.

7 107. These warranties and representations were false in that KC's products did not contain the weight
8 of diamonds indicated on the label.

9 108. Because KC's products did not conform to Defendants' express representation, Defendants
10 breached the warranties.

11 109. As a foreseeable, direct, and proximate result of the breach of express warranties by Defendants,
12 Plaintiff and other members of the Class suffered injuries and damages as alleged herein.

13 **JURY TRIAL REQUESTED**

14 Plaintiff requests a jury trial on all issues so triable

15 **PRAYER FOR RELIEF**

16 WHEREFORE, Plaintiff, individually and on behalf of the other members of the proposed Class,
17 request that this Court award relief as follows:

18 A. An order certifying that this action may be maintained as a class action, that Plaintiff be
19 appointed as Class Representative and Plaintiff's counsel be appointed Class Counsel;

20 B. Pursuant to Plaintiff's causes of action, a judgment awarding Plaintiff and all members
21 of the Class restitution and/or other equitable relief, including, but not limited to,
restitutionary disgorgement of all profits and unjust enrichment that Defendants obtained

1 from Plaintiffs and the Class as a result of its unlawful, unfair and fraudulent business
2 practices described herein;

3 C. An order enjoining Defendants from continuing to violate the UCL, CLRA, and CFAL,
4 as described herein, and/or an order enjoining Defendant from violating the UCL, CLRA,
5 and CFAL.

6 D. A judgment awarding Plaintiff and other members of the Class their costs of suit;
7 including reasonable attorney's fees pursuant to Code of Civil Procedure § 1021.5 and as
8 otherwise permitted by statute; and pre and post-judgment interest; and

9 E. Such other and further relief as the Court deems appropriate.

10 Date: September 13, 2016

Respectfully Submitted,

The Law Office of Keith Altman

11 By: /s/ Keith L. Altman
12 Keith L. Altman, SBN 257309
13 32250 Calle Avella
14 Temecula, CA 92592
15 516-456-5885
16 kaltman@lawampmmt.com

Attorneys for Plaintiffs and the Class

VERIFICATION

I, the undersigned, certify and declare that I have read the foregoing complaint, and know its contents.

I am the attorney for Plaintiffs to this action. Such parties are absent from the county where I have my office and is unable to verify the document described above. For that reason, I am making this verification for and on behalf of the Plaintiffs. I am informed and believe on that ground allege the matters stated in said document are true.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on September 13, 2016, at Southfield, MI.

Respectfully Submitted,

The Law Office of Keith Altman

By: /s/ Keith L. Altman
Keith L. Altman, SBN 257309
32250 Calle Avella
Temecula, CA 92592
516-456-5885
kaltman@lawampmmt.com

Attorneys for Plaintiffs and the Class

I. (a) PLAINTIFFS (Check box if you are representing yourself ☐)

SIDNEY GREENBAUM, individually and others similarly situated

DEFENDANTS (Check box if you are representing yourself ☐)

KC JEWELRY, INC., ROUBEN YOUSSEAN, RAMIN YOSIAN, MODERN JEWELRY, INC., DOES 1-50 and ROES 1-500

(b) County of Residence of First Listed Plaintiff SAN DIEGO

(EXCEPT IN U.S. PLAINTIFF CASES)

County of Residence of First Listed Defendant LOS ANGELES

(IN U.S. PLAINTIFF CASES ONLY)

(c) Attorneys (Firm Name, Address and Telephone Number) If you are representing yourself, provide the same information.

THE LAW OFFICE OF KEITH ALTMAN
32250 CALLE AVELLA
TEMECULA, CA 92592KEITH L. ALTMAN (SBN 257309)
(516) 456-5885

Attorneys (Firm Name, Address and Telephone Number) If you are representing yourself, provide the same information.

II. BASIS OF JURISDICTION (Place an X in one box only.)☐ 1. U.S. Government Plaintiff☒ 3. Federal Question (U.S. Government Not a Party)☐ 2. U.S. Government Defendant☐ 4. Diversity (Indicate Citizenship of Parties in Item III)**III. CITIZENSHIP OF PRINCIPAL PARTIES**—For Diversity Cases Only
(Place an X in one box for plaintiff and one for defendant)

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

IV. ORIGIN (Place an X in one box only.)☒ 1. Original Proceeding ☐ 2. Removed from State Court ☐ 3. Remanded from Appellate Court ☐ 4. Reinstated or Reopened ☐ 5. Transferred from Another District (Specify) ☐ 6. Multidistrict Litigation - Transfer ☐ 8. Multidistrict Litigation - Direct File**V. REQUESTED IN COMPLAINT: JURY DEMAND:** ☒ Yes ☐ No (Check "Yes" only if demanded in complaint.)**CLASS ACTION under F.R.Cv.P. 23:** ☒ Yes ☐ No☒ **MONEY DEMANDED IN COMPLAINT:** \$ > 5,000,000.00**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.)

Violation of 16 C.F.R. 23.17, Consumer Fraud, Unfair Business Practices, Unjust Enrichment, Negligent Misrepresentation, Breach of Express Warranty.

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

OTHER STATUTES	CONTRACT	REAL PROPERTY CONT.	IMMIGRATION	PRISONER PETITIONS	PROPERTY RIGHTS
<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <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 & Corrupt Org. <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Info. Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Admin. Procedures Act/Review of Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes	<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. Vet.) <input type="checkbox"/> 153 Recovery of Overpayment of Vet. 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 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"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions TORTS PERSONAL PROPERTY <input checked="" 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"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 American with Disabilities-Employment <input type="checkbox"/> 446 American with Disabilities-Other <input type="checkbox"/> 448 Education	Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus/Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee Conditions of Confinement FORFEITURE/PENALTY <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Ret. Inc. Security Act	<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

FOR OFFICE USE ONLY:

Case Number:

CV-71 (07/16)

CIVIL COVER SHEET

Page 1 of 3

VIII. VENUE: Your answers to the questions below will determine the division of the Court to which this case will be initially assigned. This initial assignment is subject to change, in accordance with the Court's General Orders, upon review by the Court of your Complaint or Notice of Removal.

QUESTION A: Was this case removed from state court? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If "no," skip to Question B. If "yes," check the box to the right that applies, enter the corresponding division in response to Question E, below, and continue from there.	STATE CASE WAS PENDING IN THE COUNTY OF: <input type="checkbox"/> Los Angeles, Ventura, Santa Barbara, or San Luis Obispo <input type="checkbox"/> Orange <input type="checkbox"/> Riverside or San Bernardino	INITIAL DIVISION IN CACD IS: Western Southern Eastern	
QUESTION B: Is the United States, or one of its agencies or employees, a PLAINTIFF in this action? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If "no," skip to Question C. If "yes," answer Question B.1, at right.	B.1. Do 50% or more of the defendants who reside in the district reside in Orange Co? <i>check one of the boxes to the right</i> → B.2. Do 50% or more of the defendants who reside in the district reside in Riverside and/or San Bernardino Counties? (Consider the two counties together.) <i>check one of the boxes to the right</i> →	YES. Your case will initially be assigned to the Southern Division. <input type="checkbox"/> Enter "Southern" in response to Question E, below, and continue from there. <input type="checkbox"/> NO. Continue to Question B.2. YES. Your case will initially be assigned to the Eastern Division. <input type="checkbox"/> Enter "Eastern" in response to Question E, below, and continue from there. <input type="checkbox"/> NO. Your case will initially be assigned to the Western Division. <input type="checkbox"/> Enter "Western" in response to Question E, below, and continue from there.	
QUESTION C: Is the United States, or one of its agencies or employees, a DEFENDANT in this action? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If "no," skip to Question D. If "yes," answer Question C.1, at right.	C.1. Do 50% or more of the plaintiffs who reside in the district reside in Orange Co? <i>check one of the boxes to the right</i> → C.2. Do 50% or more of the plaintiffs who reside in the district reside in Riverside and/or San Bernardino Counties? (Consider the two counties together.) <i>check one of the boxes to the right</i> →	YES. Your case will initially be assigned to the Southern Division. <input type="checkbox"/> Enter "Southern" in response to Question E, below, and continue from there. <input type="checkbox"/> NO. Continue to Question C.2. YES. Your case will initially be assigned to the Eastern Division. <input type="checkbox"/> Enter "Eastern" in response to Question E, below, and continue from there. <input type="checkbox"/> NO. Your case will initially be assigned to the Western Division. <input type="checkbox"/> Enter "Western" in response to Question E, below, and continue from there.	
QUESTION D: Location of plaintiffs and defendants? Indicate the location(s) in which 50% or more of <i>plaintiffs who reside in this district</i> reside. (Check up to two boxes, or leave blank if none of these choices apply.) Indicate the location(s) in which 50% or more of <i>defendants who reside in this district</i> reside. (Check up to two boxes, or leave blank if none of these choices apply.)	A. Orange County <input type="checkbox"/> <input type="checkbox"/>	B. Riverside or San Bernardino County <input type="checkbox"/> <input type="checkbox"/>	C. Los Angeles, Ventura, Santa Barbara, or San Luis Obispo County <input type="checkbox"/> <input checked="" type="checkbox"/>
D.1. Is there at least one answer in Column A? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If "yes," your case will initially be assigned to the SOUTHERN DIVISION. Enter "Southern" in response to Question E, below, and continue from there. If "no," go to question D2 to the right. →	D.2. Is there at least one answer in Column B? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If "yes," your case will initially be assigned to the EASTERN DIVISION. Enter "Eastern" in response to Question E, below. If "no," your case will be assigned to the WESTERN DIVISION. Enter "Western" in response to Question E, below. ↓		
QUESTION E: Initial Division? Enter the initial division determined by Question A, B, C, or D above: →	INITIAL DIVISION IN CACD Western Division <input type="button" value="v"/>		
QUESTION F: Northern Counties? Do 50% or more of plaintiffs or defendants in this district reside in Ventura, Santa Barbara, or San Luis Obispo counties? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			

IX(a). IDENTICAL CASES: Has this action been previously filed in this court?

☒ NO ☐ YES

If yes, list case number(s): _____

IX(b). RELATED CASES: Is this case related (as defined below) to any civil or criminal case(s) previously filed in this court?

☒ NO ☐ YES

If yes, list case number(s): _____

Civil cases are related when they (check all that apply):

- ☐ A. Arise from the same or a closely related transaction, happening, or event;
- ☐ 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.

Note: That cases may involve the same patent, trademark, or copyright is not, in itself, sufficient to deem cases related.

A civil forfeiture case and a criminal case are related when they (check all that apply):

- ☐ A. Arise from the same or a closely related transaction, happening, or event;
- ☐ B. Call for determination of the same or substantially related or similar questions of law and fact; or
- ☐ C. Involve one or more defendants from the criminal case in common and would entail substantial duplication of labor if heard by different judges.

X. SIGNATURE OF ATTORNEY

(OR SELF-REPRESENTED LITIGANT): _____

DATE: 09/13/2016

Notice to Counsel/Parties: The submission of this Civil Cover Sheet is required by Local Rule 3-1. This Form CV-71 and the information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. For more detailed instructions, see separate instruction sheet (CV-071A).

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. 405 (g))