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CLERK U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
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7 Attorneys for Plaintiffs,
8 HARRIS REMODELING CO., LLC
9 And BARRY MARDER

10 UNITED STATES DISTRICT COURT
11 CENTRAL DISTRICT OF CALIFORNIA

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15 HARRIS REMODELING CO., LLC,
16 a California limited liability company,
17 and BARRY MARDER, an individual,

18 Plaintiffs,

19 vs.

20 JEFF CRUPPER, an individual,)
21 CAFEPRESS.COM, INC., a Delaware)
22 corporation; ZAZZLE INC., a California)
23 corporation; URBAN DICTIONARY,)
24 LLC, a California limited liability)
25 company; and JOHN DOES 1-10,

26 Defendants.
27
28

Case No.

CV11-02646

Am (RZx)

COMPLAINT FOR:

1. TRADEMARK INFRINGEMENT
(15 U.S.C. § 1114);

2. FALSE OR MISLEADING
DESCRIPTIONS AND
REPRESENTATIONS AND
DILUTION (15 U.S.C. § 1125);

3. INFRINGEMENT OF
CALIFORNIA AND COMMON
LAW TRADEMARK (Cal. Bus. &
Prof. Code §§ 14245 et seq.);

4. UNFAIR COMPETITION AND
BUSINESS PRACTICES (Cal. Bus.
& Prof. Code § 17200);

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**5. COPYRIGHT INFRINGEMENT
(17 U.S.C. § 504)**

;
**6. COMMON LAW UNFAIR
COMPETITION**

AND DEMAND FOR JURY TRIAL

1 **COMPLAINT FOR DAMAGES**
2 **AND DEMAND FOR JURY TRIAL**

3 Plaintiff, HARRIS REMODELING CO., LLC, a California limited
4 liability company, with its principal place of business in this District, (hereinafter
5 referred to as “Harris”), and Plaintiff BARRY MARDER, and individual residing in
6 Burbank, California (hereinafter referred to as “Marder”) (collectively “Plaintiffs”),
7 by and through their undersigned counsel, hereby sues Defendants, JOHN DOES 1-
8 10, individuals of unknown residence (hereinafter referred to as “Defendants” or
9 “Defendant Does”), and states:

10 **PARTIES**

11 1. Plaintiff Harris is a California limited liability company with its
12 principal place of business in Glendale, California.

13 2. Plaintiff Barry Marder is an individual residing in Burbank, California.

14 3. On information and belief, Defendant Jeff Crupper is an individual
15 residing in Clearwater, Florida.

16 4. On information and belief, Defendant CaféPress.com, Inc. is a
17 Delaware corporation with its principal place of business at 1850 Gateway Drive,
18 Suite 300, San Mateo, California 94404.

19 5. On information and belief, Defendant Zazzle Inc. is a California
20 corporation with its principal place of business at 1900 Seaport Boulevard, 4th
21 Floor, Redwood City, California 94063.

22 6. On information and belief, Defendant Urban Dictionary is a California
23 Limited Liability Corporation having a principal place of business in San
24 Francisco, California.

25 7. Defendant Does are unknown individuals who, on information and
26 belief, reside in the United States.

27 **JURISDICTION AND VENUE**

28 8. This action arises under the Trademark Act of 1946, 15 U.S.C. §§

1 1051, et seq., including more particularly 15 U.S.C. §§ 1114(1), 1125(a), and
2 1125(c), as well as the statutory and common law of the State of California. This
3 Court has jurisdiction over the subject matter of this action pursuant to 28 U.S.C.
4 §§ 1331, and 1338(a) and (b), and supplemental jurisdiction under 28 U.S.C. §
5 1367(a).

6 9. Venue is proper in this Court pursuant to 28 U.S.C. §§ 1391(b)-(c).
7 On information and belief, the infringing marks that are the subject of this
8 litigation were displayed in the Central District of California; all of the items for
9 sale displaying the infringing items were offered for sale in the this District; the
10 claims alleged in this action arose in the Central District of California; and the
11 Defendants are corporations, individuals or unknown business entities based in the
12 Central District of California or doing business here by making actionable
13 misrepresentations and shipping, selling or offering goods or services under the
14 infringing mark in the Central District of California.

15 **COMMON ALLEGATIONS**

16 10. Plaintiffs are in the business of writing, selling and licensing humor
17 books and items or rights related to those books. Marder is the individual primarily
18 responsible for creating the works in which Plaintiffs deal.

19 11. Marder has been a standup comic and humor writer for over 30 years.
20 He is closely associated with Jerry Seinfeld. He was a writer on the *Seinfeld*
21 television show. He was a credited writer on the full feature animated film *Bee*
22 *Movie*. He has written for David Letterman, Jay Leno, Bill Maher and wrote with
23 George Carlin. He has written and produced television pilots for ABC, Fox, FX,
24 Sony, and Lionsgate.

25 12. In 1994, Marder invented a character named “Ted L. Nancy.”
26 Beginning in early 1995, Marder began to write books under the pseudonym Ted
27 L. Nancy. The books were part of a series entitled Letters from a Nut (“Letters”).
28 The books all portrayed a common scenario: Ted L. Nancy would send humorous

1 and sometimes absurd letters to companies and celebrities. If the companies wrote
2 return letters, the series of letters would be considered for the book. For instance,
3 in one letter, Nancy wrote to the Disneyland Hotel requesting to check in to the
4 hotel with his own ice machine. This created an exchange of humorous missives.

5 13. The idea for the Letters books originated with Marder. Marder also
6 created the character of Ted L. Nancy. To obtain publication, he procured the
7 involvement of top literary agent Dan Strone, formerly of The William Morris
8 Agency and now of Trident Media Group. Seinfeld brought Marder to Strone, who
9 was also Seinfeld's literary agent and a well known literary agent for top
10 comedians.

11 14. In June, 1997, the first Letters book was released. Prior to its release,
12 Marder secured the endorsement of Seinfeld. Seinfeld agreed to write an
13 Introduction to the book. Because Seinfeld lends his name or endorsement to very
14 few projects, speculation soon arose that Ted L. Nancy was in fact a pseudonym
15 for Seinfeld.

16 15. The first Letters book was and remains a success. It sold over
17 450,000 copies and remains in hardcover after 14 years. It has sold hundreds of
18 thousands more in a Scholastic version aimed exclusively at school children.
19 Marder, as Ted L. Nancy, receives constant fan mail from children. Foreign sales
20 have been strong. All of these versions featured Seinfeld's name. Seinfeld
21 procured further exposure for the book, which he promoted the book on *Larry*
22 *King Live* and *The Tonight Show with Jay Leno*, exposing the book to millions of
23 viewers.

24 16. In April, 1998, Bantam books published More Letters From a Nut.
25 Seinfeld again wrote a "More Introduction" section. It sold over 100,000 copies in
26 domestic hardcover and has been released in foreign markets.

1 17. In 2000, the third Letters book, Extra Nutty! Even More Letters From
2 A Nut was published by St. Martin's, with a "Backword" by Seinfeld. It has also
3 been published by Scholastic Books. None of the Letters books has gone into a
4 mass market paperback release.

5 18. In 2008, Marder wrote and had published another TED L. NANCY
6 book (Hello Junk Mail!) with The National Lampoon.

7 19. In 2010, Random House published All New Letters From A Nut, with
8 Marder again writing as Ted L. Nancy. In September, 2010, Seinfeld revealed
9 Marder on *Larry King Live* and *The Today Show* (hosted by Matt Lauer) as the
10 author of the Letters series. There have been many people claiming to be Ted L.
11 Nancy, with some even offering products for sale. The *Larry King Live* and *Today*
12 *Show* segments in 2010 were intended partially to stop illegitimate use of the TED
13 L. NANCY trademark.

14 20. Marder has filed for a trademark registration on TED L. NANCY.
15 The registration was granted and bears registration number 3,540,770.
16 Specifically, the registration is for TED L. NANCY in connection with "books in
17 the field of humorous exchanges of letters; humor books; book covers." The
18 trademark registration is owned by Harris. Marder is also the sole owner of the
19 copyrights in all Letters and TED L. NANCY books.

20 21. The association with Seinfeld and the mystery behind the identity of
21 Ted L. Nancy are features of the goodwill associated with the Letters books and
22 TED L. NANCY mark and name. The public has come to associate genuine,
23 authorized TED L. NANCY products and services with attributes similar to those
24 of Seinfeld, to wit: the high quality observational comedy that is appropriate for
25 many audiences, with no derogatory or exploitative sexual content.

26 22. In addition, the TED L. NANCY mark continues to accumulate
27 common law trademark rights.

28 23. Substantial amounts of capital have been invested by Plaintiff to

1 accomplish its business ends and to promote the TED L. NANCY mark. Plaintiff
2 or its agents have drafted numerous cease and desist letters to those who
3 improperly use the TED L. NANCY mark. Plaintiff maintains an official Ted L.
4 Nancy website with authorized book excerpts and new writings. Marder receives
5 fan mail daily from readers of all ages.

6 24. In February, 2011, Plaintiff became aware that certain items were
7 being offered for sale on the websites operated by Defendants Zazzle and Café
8 Press.

9 25. These items used characters, gags, quotes or puns from the Letters
10 series. Some of these contained word-for-word copying from the Letters books.
11 Some of them showed a bogus TED L. NANCY signature. Some of the items
12 contained explicit sexual material. All of them were overpriced. Marder and
13 Seinfeld have intentionally avoided crass exploitation of the TED L. NANCY
14 mark.

15 26. On information and belief, the Zazzle items were linked via a template
16 to defendant Urban Dictionary. On information and belief, Zazzle and Urban
17 Dictionary have both profited from the sale of TED L. NANCY items.

18 27. On information and belief, the Café Press items were designed and
19 originated from Defendant Crupper. Crupper also sold one or more of these items
20 on his personal web page and stated or implied that he was the creator of some of
21 the items or humor behind the items. On information and belief, both Crupper and
22 Café Press have profited from the sale of TED L. NANCY items.

23 28. Plaintiff's attorneys contacted all four defendants. Café Press
24 removed the infringing items but refused to disclose sales. Café Press also
25 identified Crupper as the source of the infringing items.

26 22. Crupper admitted to creating the infringing items but refused to
27 disclose sales or authorized Café Press to disclose sales.

28 23. On information and belief, Crupper also used a TED L. NANCY

1 Facebook page to sell illegitimate TED L. NANCY items by creating the illusion
2 that he was associated with the TED L. NANCY mark.

3 24. Zazzle has not taken down the infringing items. They are still for
4 sale. Urban Dictionary did not respond to any communications.

5 25. Attached hereto as Exhibit A is a webpage printout of
6 <http://www.cafepress.com> showing various products for sale in connection with the
7 TED L. NANCY mark.

8 26. Attached hereto as Exhibit B is a webpage printout of
9 <http://ww.urbandictionary.com> showing various products for sale in connection
10 with the TED L. NANCY mark.

11 27. Attached hereto as Exhibit C is a webpage printout of
12 <http://www.zazzle.com> showing various products for sale in connection with the
13 TED L. NANCY mark.

14 28. Attached hereto as Exhibit D is a webpage printout of
15 <http://www.facebook.com> from a user identified as Ted L. Nancy. On information
16 and belief the webpage of Exhibit D was created and controlled by Jeff Crupper.
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19 **DEFENDANTS' UNAUTHORIZED ACTS**

20 **FIRST CAUSE OF ACTION**

21 **(Trademark Infringement -15 U.S.C. § 1114(1) By Harris Against All**
22 **Defendants)**

23 29. Plaintiff Harris repeats and realleges the allegations of paragraphs 1 –
24 28, above.

25 30. Defendants are selling, distributing, and/or offering for sale products
26 or services covered by Plaintiff Harris's registered mark. Plaintiff Harris has not
27 authorized, or consented to, Defendants' use of the TED L. NANCY mark or any
28 content from the Letters books.

1 31. Defendants' conduct constitutes trademark infringement under 15
2 U.S.C. § 1114(1). Moreover, Defendants' conduct is likely to cause confusion,
3 deception and mistake among the consuming public in that members of the public
4 who view or purchase Defendants' goods or services used with Plaintiff's
5 registered marks are likely to believe that there is an association between the
6 Defendants and/or the Defendants' products and services, on one hand, and
7 Plaintiff's products and services on the other.

8 32. Defendants' trademark infringement without the authority of Plaintiff
9 will cause injury to Plaintiff and its marks, goodwill and reputation, for which
10 Plaintiff has no adequate remedy at law. Unless Defendants are restrained by this
11 Court from continuing their trademark infringement, these injuries will continue to
12 occur.
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14 **SECOND CAUSE OF ACTION**

15 **(False or Misleading Descriptions and Representations and Dilution -- 15**
16 **U.S.C. § 1125(a) By Harris Against All Defendants)**

17 33. Plaintiff Harris repeats and realleges each and every allegation of
18 paragraphs 1 through 32, above, as though fully set forth at length.

19 34. Plaintiff Harris or its predecessors have used the TED L. NANCY
20 mark in interstate commerce since at least as early as 1997, long before any use by
21 Defendants. Plaintiff has extensively advertised, promoted, and sold products and
22 services throughout the United States under the TED L. NANCY marks. The
23 public has come to identify Plaintiff as the exclusive source of goods and services
24 bearing the TED L. NANCY mark. The TED L. NANCY mark has become
25 famous, has acquired secondary meaning, and has come to represent a valuable
26 business asset belonging exclusively to Plaintiff or its predecessors.

27 35. Defendants have used words, terms, symbols or devices or
28 combinations thereof that have, on information and belief, resulted in false

1 designations of origin, false and misleading representations and descriptions of fact
2 that have:

3 a. caused or are likely to cause confusion, mistake and deception
4 as to the affiliation, connection and association of Defendants with the TED L.
5 NANCY mark and line of goods, and as to the origin, sponsorship and approval of
6 Defendants' goods and services; and

7 b. misrepresented, in commercial dealings, the nature,
8 characteristics, qualities and origin of Defendants' goods and services.

9 36. Defendants have made and will continue to make false representations
10 regarding Defendants' goods and services, the alleged affiliation between
11 Defendants and Harris, Marder and/or the TED L. NANCY line of goods and
12 services, and such other misrepresentations as averred herein.

13 37. Defendants' activities as averred herein have constituted a use in
14 commerce of the TED L. NANCY mark, which use began after the TED L.
15 NANCY mark became distinctive and famous.

16 38. Defendants' activities as averred herein have caused and will continue
17 to cause actual dilution of the TED L. NANCY mark if not enjoined.

18 39. Defendants' activities as averred herein have caused and will continue
19 to cause, unless restrained, great public harm to Plaintiff through (a) a likelihood of
20 confusion, mistake and deception among the purchasing public as to Defendants'
21 infringing web activities; (b) the loss of valuable goodwill and business reputation
22 symbolized by the TED L. NANCY mark; and (c) actual dilution of the famous
23 TED L. NANCY mark via association with scandalous matter. All of this activity
24 has been in violation of section 43(a) of the Lanham Act.

25 40. Defendants' use of the TED L. NANCY mark has been willful and
26 malicious and without the consent, permission, or authorization of Plaintiff Harris.

27 41. Plaintiff has suffered and will continue to suffer loss of profits and
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1 other damage, and Defendants have earned illegal profits, in an amount to be
2 proven at trial, as the result of Defendants' aforesaid acts. Such damages and
3 profits should be trebled in accordance with 15 U.S.C. § 1117.

4 42. Plaintiff has no adequate remedy at law.

5 **THIRD CAUSE OF ACTION**

6 **(Infringement of California and Common Law Trademarks – Cal. Bus. &
7 Prof. Code § 14245 et seq. By Harris Against All Defendants)**

8 43. Plaintiff Harris repeats and realleges each and every allegation of
9 paragraphs 1 through 42, above, as though fully set forth at length.

10 44. Defendants' use of the TED L. NANCY mark in connection is likely
11 to cause confusion, mistake, deception and uncertainty in the mind of the public in
12 violation of California trademark law, including Cal. Bus. & Prof. Code § 142450
13 et seq.

14 45. Defendants' conduct as described herein has been without Plaintiff's
15 permission, consent or authorization.

16 46. Defendants' conduct evidences fraud, oppression and malice in that
17 Defendants' conduct was intended to cause injury to the Plaintiff Harris is
18 despicable and was carried out with willful and conscious disregard of the rights of
19 Plaintiff Harris and the public. By reason of the foregoing, Plaintiff is entitled to
20 exemplary and punitive damages.

21 **FOURTH CAUSE OF ACTION**

22 **(Statutory Unfair Competition By Harris Against All Defendants -- Cal. Bus.
23 & Prof. Code § 17200)**

24 47. Harris repeats and realleges the allegations contained in paragraphs 1
25 through 46 above.

26 48. Defendants' actions as described herein constitute unlawful, unfair or
27 fraudulent business practices as those terms are defined in Cal. Bus. & Prof. Code §
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1 17200.

2 49. Harris is entitled to restitution or disgorgement of all profits gained by
3 Defendants as a result of their unfair competition. Harris is further entitled to an
4 injunction against further unfair business practices, including but not limited to
5 enjoining Defendants from posting any content on the Internet or creating false
6 associations between Ted L. Nancy and anyone except Seinfeld, Harris or Marder.

7 **FIFTH CAUSE OF ACTION**

8 **(Copyright Infringement by Marder Against Cafépress.com and Crupper – 17**
9 **U.S.C. § 501)**

10 50. Harris and Marder repeat and realleges the allegations contained in
11 paragraphs 1 through 49 above.

12 51. Marder is an author and the sole owner of the copyrights in the
13 Letters books. Extra Nutty: Even More Letters From A Nut is registered as
14 TX0005237535; More Letters From A Nut is registered as TX0004791140; Letters
15 From A Nut is registered as TX0004610825. Marder is also the beneficiary of an
16 assignment in all rights to the Letters books under U.S. Copyright Office document
17 number V3549 D760 P1.

18 52. The items for sale by Defendant Crupper, which, on information and
19 belief, are offered for sale and manufactured by Defendant Cafépress.com, include
20 items using the following copyrighted materials of Marder: “The Bib Barn”; “Soup
21 and Sleep”; “Captain Reedys Cushion Crunch: We Make More When More Falls
22 In”; “G’Morms”; and “G’Morning G’Norms” (the “Subject Works”).

23 53. Each of the Subject Works is copied verbatim from Marder’s Letters
24 books, and their selection and arrangement in connection with other phrases and
25 products directly copies from Marder’s Letters books.

26 54. Plaintiff Marder is informed and believes, and based thereon alleges,
27 Defendants Crupper and Cafépress.com, and each of them, wrongfully created
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1 copies of the copyrighted Subject Works without Plaintiff's consent and engaged
2 in acts of affirmative and widespread self-promotion of the copies directed to the
3 public at large by distributing said copies with a false and misleading designation
4 of creation, ownership and origin, and falsely representing that the Subject Works
5 were their own.

6 55. Plaintiff Marder is informed and believes and based thereon alleges
7 that Defendants Crupper and Cafepress.com, and each of them, further infringed
8 Plaintiff's copyright by making derivative works from Plaintiff's copyrighted
9 Subject Works, and/or by producing and distributing written materials
10 incorporating those derivative works without Plaintiff's permission. Defendants
11 then engaged in acts of affirmative and widespread self-promotion of the copies
12 directed to the public at large by publicly claiming ownership rights in and to the
13 derivative works based on the Subject Works that belong solely to Plaintiff.

14 56. Plaintiff Marder is informed and believes and based thereon alleges
15 that Defendants Crupper and Cafepress.com, and each of them, if not directly
16 liable for infringement of Plaintiff's copyright, are also liable for contributory
17 copyright infringement because each Defendant knew or should have known of the
18 direct infringement, had the right and ability to supervise the infringing conduct,
19 and had an obvious and direct financial interest in the infringing conduct.

20 57. Plaintiff Marder is informed and believes and based thereon alleges
21 that Defendants Crupper and Cafepress.com, and each of them, if not directly
22 liable for infringement of Plaintiff's copyright, are also vicariously liable for the
23 subject infringements because each Defendant enjoys a direct financial benefit
24 from another's infringing activity and has the right and ability to supervise the
25 infringing activity.

26 58. Plaintiff Marder is informed and believes and based thereon alleges
27 that Defendants Crupper and Cafepress.com, and each of them, knew of Plaintiff's
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1 works, and, notwithstanding Plaintiff's demands that these Defendants cease and
2 desist from their infringement, Defendants have willfully, intentionally and
3 maliciously, and in conscious disregard for Plaintiff's rights, and only in
4 furtherance of those Defendants' sole pecuniary interests, continued to
5 manufacture and/or sell printed materials infringing on Plaintiffs' copyrights in the
6 Subject Works.

7 59. The acts of copyright infringement by Defendants Crupper and
8 Cafepress.com, and the acts of affirmative and widespread self-promotion of the
9 copies directed to the public at large, as alleged above, have caused Plaintiff
10 Marder to suffer, and to continue to suffer, substantial damage to his business in
11 the form of diversion of trade, loss of income and profits, and a dilution of the
12 value of his rights.

13 60. Further, as a direct result of the acts of copyright infringement and
14 acts of affirmative and widespread self-promotion of the copies directed to the
15 public at large alleged above, Defendants Crupper and Cafepress.com, and each of
16 them, have obtained direct and indirect profits they would not otherwise have
17 realized but for their infringement of Plaintiff's copyrighted Subject Works.
18 Plaintiff is entitled to disgorgement of each Defendant's profits directly and
19 indirectly attributable to said Defendant's infringement of the Subject Works.
20

21 **SIXTH CLAIM FOR RELIEF**

22 **(By Both Plaintiffs Against All Defendants for Common Law Unfair**
23 **Competition)**

24 61. Plaintiffs Marder and Harris repeat, reallege and incorporate by
25 reference in this paragraph the allegations contained in paragraphs 1 to 60 of this
26 Complaint as if fully set forth herein.

27 62. The above-described acts of Defendants constitute common law unfair
28 competition in that Defendants are passing off their goods as those of the Plaintiffs.

1 Such acts have caused and will continue to cause irreparable and immediate injury
2 to Plaintiff for which Plaintiff has no adequate remedy at law. Unless Defendants
3 are restrained by this Court from continuing the acts alleged herein, these injuries
4 will continue to occur.

5 63. On information and belief, the foregoing acts of the Defendants are
6 willful and malicious in that they have been undertaken with a conscious disregard
7 of the Plaintiffs' rights and with a desire to injure the Plaintiffs' business and to
8 improve their own, such that punitive or exemplary damages should be awarded
9 against Defendants.

10 **WHEREFORE,** Harris and Marder pray for relief as follows:

11 1. Preliminarily and permanently enjoining and restraining Defendants,
12 their officers, directors, principals, agents, servants, employees, customers,
13 successors and assigns, and all those in active concert or participation with them,
14 from:
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- 16 a. Counterfeiting, imitating, copying, or making unauthorized use of the
17 TED L. NANCY mark;
- 18 b. Manufacturing, producing, printing, distributing, importing, trafficking
19 in, selling, offering for sale, possessing, advertising, promoting,
20 importing, or displaying any products or services bearing or associated
21 with any simulation, reproduction, counterfeit, copy or colorable
22 imitation of the TED L. NANCY mark;
- 23 c. Using any false designation of origin or false description or
24 misrepresentation, or performing any act, which is likely to cause
25 confusion, deception, mistake to the public or trade, as to the affiliation,
26 origin or association of Defendants' products or services with Plaintiff;
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- 1 d. Diluting or infringing the rights of Plaintiff's rights in the TED L.
2 NANCY mark, or otherwise damaging Plaintiff's goodwill or business
3 reputation;
4 e. Otherwise competing unfairly with Plaintiff in any way; and
5 f. Directly or indirectly manufacturing, producing, printing, distributing,
6 importing, trafficking in, selling, offering for sale, possessing,
7 advertising, promoting or displaying any products, including books,
8 bearing any simulation, reproduction, copy or colorable imitation of
9 Plaintiff's copyrighted works.

10 2. Directing such other relief as the court may deem appropriate to prevent
11 the trade and public from deriving any erroneous impression that any product or
12 service sold, distributed or otherwise circulated or promoted by Defendants, which
13 did not originate with Plaintiffs, is authorized by Plaintiffs or related in any way to
14 Plaintiffs' products and services, such relief to include corrective advertising by
15 Defendants or payment by Defendants to Plaintiffs sufficient to enable Plaintiffs to
16 conduct corrective advertising, and such relief to further include notice of the
17 injunction and court order to each of Plaintiffs' and Defendants' customers.

18 3. Awarding damages to Plaintiffs and an accounting of the profits of
19 Defendants arising from Defendants' infringement, false designation of origin, and
20 unfair competition, such damages to be trebled in view of the willfulness of
21 Defendants' acts.

22 4. Awarding damages arising from Defendants' unfair competition and
23 false representations, including Plaintiffs' loss of sales and restitution for the unjust
24 enrichment which Defendants have enjoyed.

25 5. Awarding statutory damages under the Lanham Act.
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1 6. Imposing a constructive trust requiring Defendants to account for and
2 pay over to Plaintiffs all profits realized by them from their infringement and injury
3 to the value of the TED L. NANCY mark and their unfair competition with Plaintiffs.

4 7. Awarding exemplary or punitive damages against Defendants.

5 8. Awarding costs and reasonable attorneys' fees and expenses incurred by
6 Plaintiffs in connection with this action.

7 9. For an order directing the Defendants to deliver for destruction printed
8 material in their possession, or under their control, having any portion therein of
9 Plaintiff's copyrighted works;

10 10. For an award of pre-judgment interest and post-judgment interest in the
11 maximum amount permitted by law;

12 11. For a finding that the Defendants' acts were undertaken, intentionally,
13 maliciously and/or with a reckless and wanton disregard of the plaintiffs' common
14 law trademark rights and for an award of exemplary damages pursuant to California
15 Civil Code section 3295 in an amount sufficient to punish, deter, and make an
16 example of defendants for the acts complained of herein;

17 12. For an award of costs;

18 13. That Plaintiffs be awarded all profits of Defendants, and each of them,
19 plus all losses of Plaintiffs, the exact sum to be proven at the time of trial, or, if
20 elected before final judgment, statutory damages, as available under the Copyright
21 Act, 17 U.S.C. § 101 et seq.;

22 14. That Plaintiffs be awarded attorneys' fees as available under the
23 Copyright Act, 17 U.S.C. § 101 et seq.;

24 15. That Defendants, and each of them, account to Plaintiffs for their profits
25 and any damages sustained by Plaintiffs arising from the foregoing acts of
26 infringement;
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1 16. Imposing a mandatory injunction requiring Defendants to issue
2 appropriate press releases, disclaimers and Internet posts to remedy any confusion;

3 17. Awarding pre-judgment interest and post-judgment interest as
4 permissible; and

5 18. Awarding such other relief as the Court deems proper under the
6 circumstances.

7
8 Dated: March 29, 2011

KARISH & BJORGUM, PC

9
10 /s/ A.Eric Bjorgum

11
12 A. Eric Bjorgum
13 Attorneys for Plaintiffs
14 HARRIS REMODELING CO., LLC and
15 BARRY MARDER
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1 **DEMAND FOR JURY TRIAL**

2 Pursuant to Rule 38 of the Federal Rules of Civil Procedure, PlaintiffS Harris
3 Remodeling Co., LLC and Barry Marder hereby demand a trial by jury of all issues.
4

5 DATED March 29, 2011

KARISH & BJORGUM, PC

6
7 /s/ A. Eric Bjorgum
8 A. Eric Bjorgum
9 Attorneys for Plaintiff
10 Harris Remodeling Co., LLC and
11 Barry Marder
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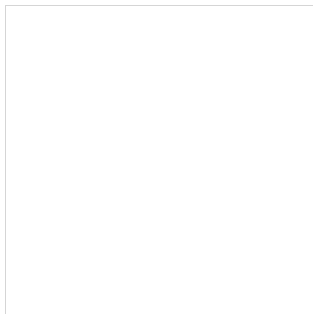
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T-Shirts & Clothing



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[Free Cowboy Hats Hooded
Sweatshirt](#)
\$38.00



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[Ted L. Nancy Tee](#)
\$22.00



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[Capt. Reedy's CUSHION
CRUNCH Baseball Jersey](#)
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T](#)
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[Ted L. Nancy Classic Thong](#)
\$12.00



[Ted L. Nancy Shirt](#)
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Cooking with Ted L. Nancy Shirt
\$29.00



MORE COLORS AVAILABLE
Ted L. Nancy Shirt
\$26.00



Ted L. Nancy Boxer Shorts
\$16.00



MORE COLORS AVAILABLE
the BIB BARN Shirt
\$28.00



Capt. Reedys CUSHION
CRUNCH T
\$25.00



MORE COLORS AVAILABLE
European Postcard T-Shirt
\$28.00



MORE COLORS AVAILABLE
Ted L. Nancy Jr. Spaghetti Tank
\$22.00



Ted L. Nancy Jr. Hoodie
\$30.00



MORE COLORS AVAILABLE
Ted L. Nancy Tee
\$23.00



Ted's Signature Trucker Hat
\$12.00



Ted L. Nancy Messenger Bag
\$25.00



MORE COLORS AVAILABLE
Free Cowboy Hats Organic
Cotton Tee
\$29.00



Save the Snails! T-Shirt
\$31.00

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Drinkware



Ted L. Nancy Mug
\$18.00



Ted L. Nancy Travel Mug
\$22.00

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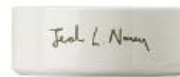
Home Decor



Ted L. Nancy Journal
\$11.00



Ted L. Nancy Golf Bag Tag
\$12.00



Ted L. Nancy Small Pet Bowl
\$20.00

[Back To Top](#)

Stickers & Flair



Ted L. Nancy Mini Button
\$3.00



Ted L. Nancy Signature Magnet
\$4.00



Ted L. Nancy Flip MinoHD
\$200.00

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Home & Gifts



Ted L. Nancy Mini Button
\$3.00



Ted L. Nancy Journal
\$11.00



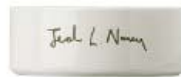
Ted L. Nancy Signature Magnet
\$4.00



Ted L. Nancy Golf Bag Tag
\$12.00



Ted L. Nancy Messenger Bag
\$25.00



Ted L. Nancy Small Pet Bowl
\$20.00

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Drinkware



Ted L. Nancy Mug
\$18.00



Ted L. Nancy Travel Mug
\$22.00

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T-shirts & Clothing



MORE COLORS AVAILABLE
Ted L. Nancy T-Shirt



MORE COLORS AVAILABLE
"Nuts" T-Shirt



MORE COLORS AVAILABLE
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T
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Sweatshirt
\$38.00



Ted L. Nancy Shirt
\$24.00

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Capt. Reedy's CUSHION
CRUNCH T
\$25.00



MORE COLORS AVAILABLE
European Postcard T-Shirt
\$28.00



MORE COLORS AVAILABLE
Ted L. Nancy Jr. Spaghetti Tank
\$22.00



Ted L. Nancy Jr. Hoodie
\$30.00



MORE COLORS AVAILABLE
Ted L. Nancy Tee
\$23.00



Ted's Signature Trucker Hat
\$12.00



MORE COLORS AVAILABLE
Free Cowboy Hats Organic
Cotton Tee
\$29.00



Save the Snails! T-Shirt
\$31.00

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EXHIBIT B



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Print this definition...

Ted L. Nancy

A person who writes odd letters to various companies, celebrities, and others, and publishes the letters along with their responses, in a book. Rumored to actually be comedian Jerry Seinfeld using a pseudonym after writer Hunter S. Thompson sent an infuriating response to one of Nancy's letters, making the allegation.

Ted L. Nancy wrote to Coca-Cola regarding the use of his soda's name, Kiet Doke.

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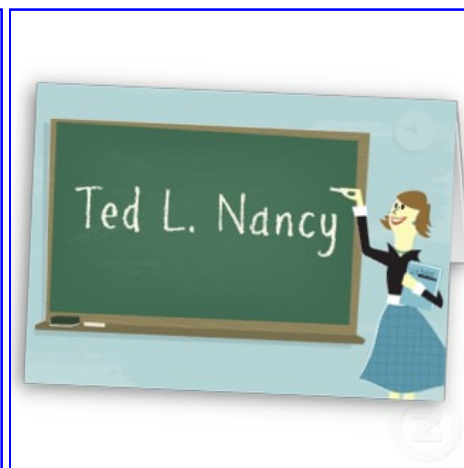
... on mugs, magnets, mousepads, tshirts and more!



[mugs \\$21.95](#)



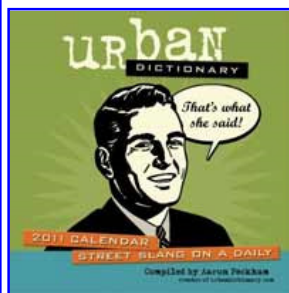
[two tone mugs \\$25.10](#)



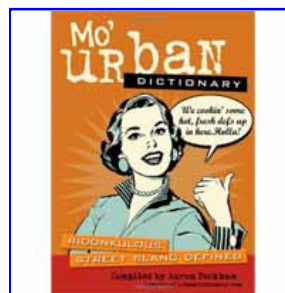
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tshirts \$25.05



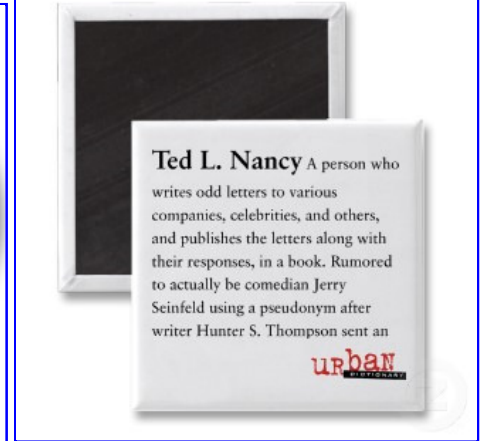
basic tshirts \$33.95



front tshirts \$24.95

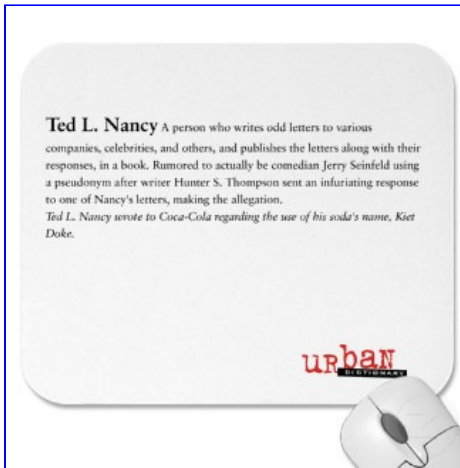


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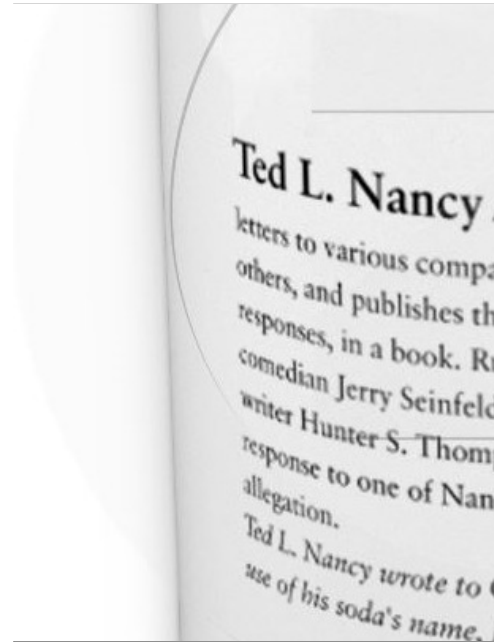
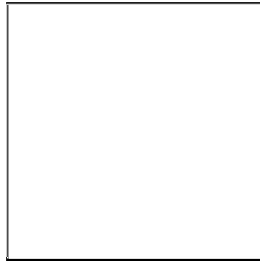
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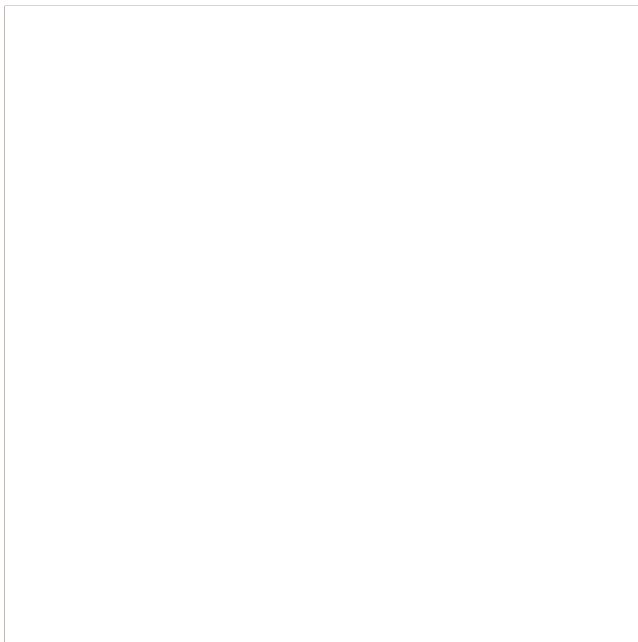
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EXHIBIT C

UrbanDictionary > New Products



Product | Design



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mug. Only \$17.95 in bulk!

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11 oz

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EXHIBIT D

10

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Ted L. Nancy Photos

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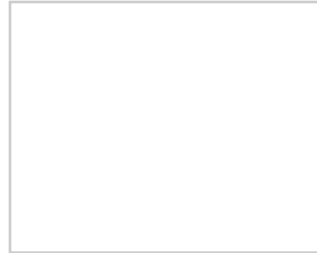
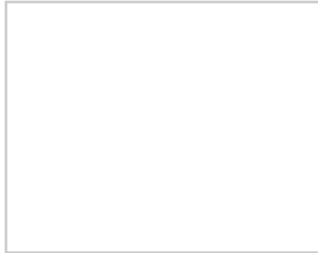
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Photos and Videos of Ted

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Chat (1)

**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 A. Howard Matz and the assigned discovery Magistrate Judge is Ralph Zarefsky.

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

CV11- 2646 AHM (RZx)

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.

Name & Address:
A. Eric Bjorgum (SBN 198392)
KARISH & BJORGUM, PC
510 W. 6th St., Suite 308
Los Angeles, CA 90014

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

HARRIS REMODELING CO., LLC,

See Attached

PLAINTIFF(S)

v.

JEFF CRUPPER; *an individual*

See Attached

DEFENDANT(S).

CASE NUMBER

CV11-02646 *Attm (R2x)*

SUMMONS

TO: DEFENDANT(S): JEFF CRUPPER; CAFEPRESS.COM, INC.; ZAZZLE INC.,
URBAN DICTIONARY, LLC; JOHN DOES 1-10

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached complaint amended complaint counterclaim cross-claim or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff's attorney, A. Eric Bjorgum, Karish & Bjorgum,, whose address is 510 W. 6th St., Suite 308, Los Angeles, CA 90014 213.785.8070. If you fail to do so, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Dated: _____

29 MAR 2011

Clerk, U.S. District Court

By: _____

SEAL
Deputy Clerk

(Seal of the Court)

[Use 60 days if the defendant is the United States or a United States agency, or is an officer or employee of the United States. Allowed 60 days by Rule 12(a)(3)].

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

I (a) PLAINTIFFS (Check box if you are representing yourself <input type="checkbox"/> HARRIS REMODELING CO., LLC, a California limited liability company, and BARRY MARDER, an individual	DEFENDANTS JEFF CRUPPER, an individual; CAFEPRESS.COM, INC., a Delaware corporation; ZAZZLE INC., a California corporation; URBAN DICTIONARY, LLC, a California limited liability company; and JOHN DOES 1-10
(b) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.) A. Eric Bjorgum KARISH & BJORGUM, PC, 510 W. 6th St., Suite 308, Los Angeles, CA 90014 USA (213) 785-8070	Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an X in one box only.) <input type="checkbox"/> 1 U.S. Government Plaintiff <input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party) <input type="checkbox"/> 2 U.S. Government Defendant <input 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="border: none;">Citizen of This State</td> <td style="border: none; text-align: center;">PTF DEF</td> <td style="border: none;"></td> <td style="border: none; text-align: center;">PTF DEF</td> </tr> <tr> <td style="border: none;"></td> <td style="border: none; text-align: center;"><input type="checkbox"/> 1 <input type="checkbox"/> 1</td> <td style="border: none;">Incorporated or Principal Place of Business in this State</td> <td style="border: none; text-align: center;"><input type="checkbox"/> 4 <input type="checkbox"/> 4</td> </tr> <tr> <td style="border: none;">Citizen of Another State</td> <td style="border: none; text-align: center;"><input type="checkbox"/> 2 <input type="checkbox"/> 2</td> <td style="border: none;">Incorporated and Principal Place of Business in Another State</td> <td style="border: none; text-align: center;"><input type="checkbox"/> 5 <input type="checkbox"/> 5</td> </tr> <tr> <td style="border: none;">Citizen or Subject of a Foreign Country</td> <td style="border: none; text-align: center;"><input type="checkbox"/> 3 <input type="checkbox"/> 3</td> <td style="border: none;">Foreign Nation</td> <td style="border: none; text-align: center;"><input type="checkbox"/> 6 <input type="checkbox"/> 6</td> </tr> </table>	Citizen of This State	PTF DEF		PTF DEF		<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
Citizen of This State	PTF DEF		PTF DEF														
	<input type="checkbox"/> 1 <input type="checkbox"/> 1	Incorporated or Principal Place of Business in this State	<input type="checkbox"/> 4 <input type="checkbox"/> 4														
Citizen of Another State	<input type="checkbox"/> 2 <input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5 <input type="checkbox"/> 5														
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3 <input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6 <input type="checkbox"/> 6														

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

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

V. REQUESTED IN COMPLAINT: JURY DEMAND: Yes No (Check 'Yes' only if demanded in complaint.)

CLASS ACTION under F.R.C.P. 23: Yes No
 MONEY DEMANDED IN COMPLAINT: \$ According to proof

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.)

Trademark Act of 1946, 15 U.S.C. §§ 1051, et seq., infringement and dilution of TED L. NANCY mark.

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 Fee 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 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"/> 540 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 checked="" 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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CV11-02646

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
HARRIS REMODELING CO., LLC, - Los Angeles County BARRY MARDER - Los Angeles County	

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

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
	Crupper - Florida; Urban Dictionary - San Francisco; Zazzle - San Mateo; Cafe Press - San Mateo

(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): Eric Bjorgum Digitally signed by Eric Bjorgum
DN: cn=Eric Bjorgum, o=Eric Bjorgum
Date: 2011.03.29 15:03:27 -0700 Date 3/29/2011

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. 1935PP(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))