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CLERK U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
LOS ANGELES

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10 Attorneys for Plaintiff,
11 JOSEPH R. FRANCIS

12 UNITED STATES DISTRICT COURT

13 CENTRAL DISTRICT OF CALIFORNIA

14 JOSEPH R. FRANCIS, an individual,

15 Plaintiffs,

16 v.

17 WYNN LAS VEGAS, LLC, dba WYNN
18 LAS VEGAS, a Nevada limited liability
19 company, STEPHEN A. WYNN, an
20 individual, BARBARA CONWAY, an
21 individual, and DOES 1 through 10 ,
22 inclusive,

23 Defendants.

CV11-9054 -DSF
CASE NO. (VBKx)

COMPLAINT FOR:

- 1. MALICIOUS PROSECUTION;
- 2. ABUSE OF PROCESS;
- 3. INTENTIONAL MISREPRESENTATION;
- 4. DEFAMATION;
- 5. INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS; AND
- 6. CONSPIRACY

AND DEMAND FOR JURY TRIAL.

24 Plaintiff complains and alleges as follows:

25 **JURISDICITON AND VENUE**

- 26 1. Jurisdiction is proper pursuant to 28 USC § 1332 because there is complete diversity
27 between the parties and the amount in controversy exceeds \$75,000.00.
- 28 2. Venue is proper in the Central District of California pursuant to 28 USC § 1391

I/S
21

1 because a substantial part of the breaches, acts, and omissions alleged in this complaint took
2 place in Los Angeles, California.

3 **THE PARTIES**

4 3. Joseph R. Francis (“PLAINTIFF”) is an individual, and resident of Los Angeles
5 County, California.

6 4. Defendant WYNN LAS VEGAS, LLC, dba WYNN LAS VEGAS (“WYNN LAS
7 VEGAS”) is a limited liability company, incorporated under the laws of the State of
8 Nevada with its principal place of business in the State of Nevada.

9 5. WYNN LAS VEGAS actively advertises to, and contracts with, residents of the
10 State of California, and, therefore, had actual and constructive knowledge that its acts and
11 omissions as alleged in this Complaint would have consequences within the State of
12 California.

13 6. WYNN LAS VEGAS has transacted business in the State of California at all times
14 relevant to this Complaint, and WYNN LAS VEGAS solicited PLAINTIFF’s business
15 while PLAINTIFF was in California.

16 7. Defendant STEPHEN A. WYNN (“WYNN”) is a Nevada resident, and
17 representative and chief executive of WYNN LAS VEGAS.

18 8. At all times relevant to this complaint, WYNN was acting within the scope of his
19 employment and on behalf of, and with the knowledge and authorization of WYNN LAS
20 VEGAS.

21 9. Defendant BARBARA CONWAY (“CONWAY”) is a Nevada resident, and
22 representative of WYNN LAS VEGAS.

23 10. At all times relevant to this complaint, CONWAY was acting within the scope of her
24 employment and on behalf of, and with the knowledge and authorization of WYNN LAS
25 VEGAS.

26 11. PLAINTIFF is ignorant of the true names and capacities of defendants sued herein as
27 DOES 1-100 inclusive, and, therefore, sues these defendants by such fictitious names.
28 PLAINTIFF will amend this complaint to allege their true names and capacities when

1 ascertained. PLAINTIFF is informed and believes and thereon alleges that each of the
2 fictitiously named defendants is responsible in some manner for the occurrences herein
3 alleged.

4 12. PLAINTIFF is informed and believes and thereon alleges that at all times herein
5 mentioned, each of the defendants sued herein as DOES 1-10 , inclusive, was the agent and
6 employee of each of the remaining defendants and was at all times acting within the scope
7 of such agency and employment.

8 **FACTUAL ALLEGATIONS**

9 13. PLAINTIFF gambled at a casino owned and operated by WYNN LAS VEGAS
10 during February 12-18, 2007. On February 16, 2007, WYNN LAS VEGAS obtained
11 PLAINTIFF's signature on a \$2.5 million marker bearing number 70354728. PLAINTIFF
12 also executed a marker bearing number 70356588 to WYNN LAS VEGAS for \$300,000.00
13 on February 18, 2007.

14 14. Prior to making the above-described markers available to PLAINTIFF, WYNN LAS
15 VEGAS required PLAINTIFF to provide information regarding his bank accounts.
16 PLAINTIFF was considered to be a good customer and creditworthy by WYNN LAW
17 VEGAS. PLAINTIFF listed two accounts with WYNN LAS VEGAS: a Morgan Stanley
18 Bank One account valued at several million dollars, and a Wells Fargo account valued at
19 approximately \$700,000.00. Both accounts were open at the time PLAINTIFF took out the
20 \$2.5 million marker, and together contained more than sufficient funds to cover the
21 markers. Even without the Wells Fargo account, the Morgan Stanley Account had more
22 than sufficient funds to honor the marker. The Morgan Stanley account was listed as the
23 primary account from which to draw.

24 15. Shortly after his trip to Las Vegas, on February 24, 2007, PLAINTIFF deposited
25 \$800,000.00 with WYNN LAS VEGAS, and internal WYNN LAS VEGAS records
26 showed the funds being "on deposit," with the \$2.5 million marker and \$300,000.00 marker
27 outstanding.

28 16. Shortly after the February 2007 Las Vegas trip, PLAINTIFF began to experience

1 unrelated legal troubles which resulted in closure of his Wells Fargo Bank account on
2 May 2, 2007 by Wells Fargo Bank, not by PLAINTIFF. WYNN LAS VEGAS became
3 aware of this account closure shortly thereafter. PLAINTIFF was incarcerated **on a tax-**
4 related matter for some time, impairing his ability to settle his accounts with WYNN LAS
5 VEGAS.

6 17. Months passed without the parties being able to settle PLAINTIFF's accounts with
7 WYNN LAS VEGAS. At PLAINTIFF's request, representatives of WYNN LAS VEGAS
8 agreed not to submit the markers for payment during this time.

9 18. Then, on June 18, 2008, approximately sixteen months after PLAINTIFF had
10 originally signed the \$2.5 million marker, WYNN LAS VEGAS dated the marker "June 18,
11 2008" and, with full knowledge that PLAINTIFF's Wells Fargo Bank account had been
12 closed for some time, and that the account originally lacked sufficient funds as per the
13 credit request form filed by PLAINTIFF with WYNN LAS VEGAS, presented the marker
14 to Wells Fargo Bank instead of the Morgan Stanley Bank One account.

15 19. On July 1, 2008, Wells Fargo Bank returned the marker unpaid to WYNN LAS
16 VEGAS, due to the account long having been closed.

17 20. No effort was made to present the marker to PLAINTIFF's Morgan Stanley Bank
18 One account.

19 21. WYNN LAS VEGAS openly admits "that it has the reputation for 'playing
20 hardball,'" and using the Clark County District Attorney's Office to collect debts for it if
21 the player is "not cooperating" after the fact. This fact was established by the sworn
22 testimony of Larry Altschul, a casino host for WYNN LAS VEGAS, before the Clark
23 County, Nevada Grand Jury in PLAINTIFF's criminal case described below.

24 22. On July 17, 2008, consistent with WYNN LAS VEGAS' admitted reputation for
25 "playing hardball," Defendant CONWAY submitted on behalf of WYNN LAS VEGAS a
26 "Bad Check/Marker Complaint Form" to the District Attorney's office for Clark County,
27 Nevada.

28 23. At the very top of the Bad Check/Marker Complaint Form, the following questions

1 were posed:

2 “Does this complaint involve a post-dated check?”

3 “Was partial payment received on this account?”

4 “Does this complaint involve an extension of credit?”

5 The form then states in relation to each of these questions, that:

6 “Any ‘yes’ answer indicates that this matter should be handled through the
7 appropriate civil courts.”

8 24. Defendant CONWAY, knowing the answer to each of the above questions to be
9 “Yes,” checked the “No” box next to each question, so as to employ criminal charges to
10 unfairly collect money WYNN LAS VEGAS was not owed, by using the threat of prison
11 and felony conviction.

12 25. Furthermore, Defendants actively encouraged the Clark County District Attorney’s
13 office to press charges and issue a warrant for PLAINTIFF’s arrest, despite knowledge that
14 their representations were false.

15 26. Criminal proceedings were then initiated against PLAINTIFF, based upon these
16 misrepresentations.

17 27. PLAINTIFF was arrested October 2008, and held until the posting of a bond at
18 substantial cost to PLAINTIFF.

19 28. On February 1, 2011, the Grand Jury for the Eighth Judicial District State of Nevada
20 met and, pursuant to the presentation and instructions of the Clark County District
21 Attorney, charged PLAINTIFF with one count of omnibus theft, and one count of drawing
22 and passing a check without sufficient funds in drawee bank with intent to defraud.

23 29. Due to these false charges initiated by CONWAY and WYNN LAS VEGAS,
24 PLAINTIFF was required to retain criminal defense counsel to protect his freedom and
25 reputation at substantial cost.

26 30. On May 18, 2011, PLAINTIFF filed a pre-trial Writ of *Habeas Corpus* in the Clark
27 County Court seeking to bring the above-described misrepresentations of his accusers to
28 light.

1 31. Upon consideration of the evidence and argument presented by PLAINTIFF, the
2 Court fully exonerated PLAINTIFF and dismissed the criminal case on September 14,
3 2011, finding that, “[t]he State did not present ‘slight’ or ‘marginal’ evidence demonstrating
4 [PLAINTIFF] intended to take the marker out from [WYNN LAS VEGAS] and not repay
5 his debt.”

6 32. Because of DEFENDANTS’ conduct, PLAINTIFF suffered injury, including but not
7 limited to defamation of character, emotional distress and attorney’s fees.

8 **FIRST CAUSE OF ACTION**

9 (Malicious Prosecution Against All Defendants)

10 33. PLAINTIFF incorporates herein by reference all the allegations contained in
11 paragraphs 1 through 32 of this Complaint.

12 34. WYNN LAS VEGAS, WYNN and CONWAY, were active in causing PLAINTIFF
13 to be prosecuted in a criminal proceeding, on or about July 17, 2008, by claiming that
14 PLAINTIFF had taken out a marker with the intent not to pay the same, with full
15 knowledge WYNN LAS VEGAS and/or its employees or agents had misrepresented or
16 omitted critical facts to the Clark County, Nevada District Attorney.

17 35. On September 14, 2011, the criminal proceeding against PLAINTIFF was dismissed.

18 36. WYNN LAS VEGAS, WYNN and CONWAY made the accusations causing the
19 criminal proceeding to be filed against the PLAINTIFF, without reasonable belief in their
20 truth, and in fact with actual knowledge of their falsity.

21 37. WYNN LAS VEGAS and WYNN knew about all of CONWAY’s conduct in
22 relation to the malicious prosecution and expressly ratified such conduct.

23 38. WYNN LAS VEGAS, WYNN and CONWAY made these accusations primarily for
24 a purpose other than bringing PLAINTIFF to justice, specifically for the purpose of
25 wrongfully imprisoning PLAINTIFF, and forcing him to pay a disputed balance by utilizing
26 the threat of prison.

27 39. Because of WYNN LAS VEGAS, WYNN and CONWAY’s malicious prosecution,
28 the State of Nevada filed criminal charges against PLAINTIFF, for which PLAINTIFF was

1 forced to suffer, among other injuries, jail time, emotional distress, a loss of reputation and
2 attorney's fees, thus causing PLAINTIFF damages in an amount according to proof at trial,
3 in excess of the minimum for unlimited jurisdiction of this Court.

4 40. In addition, WYNN LAS VEGAS, WYNN and CONWAY's malicious prosecution
5 of PLAINTIFF was committed with oppressive, fraudulent, or malicious intent, and
6 exhibits a deliberate disregard for PLAINTIFF's well-being and the judicial system as a
7 whole, in that defendants knowingly made false accusations against the PLAINTIFF with
8 the intent of having him wrongfully imprisoned and prosecuted criminally.

9 41. Accordingly, PLAINTIFF is entitled to punitive damages, pursuant to California
10 *Civil Code* section 3294, so as to punish WYNN LAS VEGAS, WYNN and CONWAY and
11 deter them from similar conduct in the future.

12 **SECOND CAUSE OF ACTION**

13 (Abuse Of Process Against All Defendants)

14 42. PLAINTIFF incorporates herein by reference all the allegations contained in
15 paragraphs 1 through 41 of this Complaint.

16 43. WYNN LAS VEGAS, WYNN and CONWAY initiated a criminal procedure, based
17 on fraudulent representations, for drawing and passing a check without sufficient funds in
18 drawee bank with intent to defraud, when CONWAY filed the Bad Check/Marker
19 Complaint Form with the Clark County District Attorney's office.

20 44. WYNN LAS VEGAS and WYNN knew about all of CONWAY's false accusations
21 and expressly ratified such conduct.

22 45. WYNN LAS VEGAS and WYNN, by CONWAY, intentionally initiated this
23 procedure against PLAINTIFF for the purpose of wrongfully imprisoning PLAINTIFF and
24 in so doing purposefully changed internal accounting records to accomplish the same.

25 46. Because of WYNN LAS VEGAS, WYNN and CONWAY's conduct, PLAINTIFF
26 was charged with a crime he did not commit and was wrongfully imprisoned.

27 47. Because of WYNN LAS VEGAS, WYNN and CONWAY's abuse of process, the
28 State of Nevada filed criminal charges against PLAINTIFF, for which PLAINTIFF was

1 forced to suffer, among other injuries, jail time, emotional distress, a loss of reputation and
2 attorney's fees, thus causing PLAINTIFF damages in an amount according to proof at trial,
3 in excess of the minimum for unlimited jurisdiction of this Court.

4 48. In addition, WYNN LAS VEGAS, WYNN and CONWAY's abuse of process was
5 committed with oppressive, fraudulent, or malicious intent, and exhibits a deliberate
6 disregard for PLAINTIFF's well-being and the judicial system as a whole, in that
7 defendants knowingly made false and defamatory statements about the PLAINTIFF with
8 the intent of having him wrongfully imprisoned.

9 49. Accordingly, PLAINTIFF is entitled to punitive damages, pursuant to California
10 *Civil Code* section 3294, so as to punish WYNN LAS VEGAS, WYNN and CONWAY,
11 and deter them from similar conduct in the future.

12 **THIRD CAUSE OF ACTION**

13 (Intentional Misrepresentation Against All Defendants)

14 50. PLAINTIFF incorporates herein by reference all the allegations contained in
15 paragraphs 1 through 49 of this Complaint.

16 51. WYNN LAS VEGAS, WYNN and CONWAY, represented to the District
17 Attorney's Office of Clark County, State of Nevada, as well as to the Grand Jury for the
18 Eighth Judicial District State of Nevada, that PLAINTIFF had written a bad check with the
19 intent to defraud WYNN LAS VEGAS.

20 52. Additionally, WYNN LAS VEGAS, WYNN and CONWAY, or another
21 WYNN LAS VEGAS employee, forged the date of PLAINTIFF's February 16, 2007
22 marker so that it would appear that it was recently issued, and not stale. Internal accounting
23 records were also altered by WYNN LAS VEGAS, WYNN and CONWAY, or another
24 WYNN LAS VEGAS employee, to create the appearance of criminality.

25 53. WYNN LAS VEGAS and WYNN knew about all of CONWAY's conduct in
26 relation to the falsified Bad Check/Marker Complaint Form, changing of internal
27 accounting documents, and forged date on the February 16, 2007 marker, and expressly
28 ratified such conduct.

1 54. WYNN LAS VEGAS, WYNN and CONWAY's representations to the Clark County
2 District Attorney's office and criminal court were false and manufactured in order to cause
3 the arrest and prosecution of PLAINTIFF.

4 55. WYNN LAS VEGAS, WYNN and CONWAY knew, or should have known, that
5 these representations were false because CONWAY, or another employee of WYNN LAS
6 VEGAS forged the date of the February 16, 2007 marker, and further knew the checks were
7 part of an extension of credit and were at least partially repaid.

8 56. WYNN LAS VEGAS, WYNN and CONWAY intended for the criminal court to
9 rely on CONWAY's representations concerning the alleged bad marker in its improper
10 prosecution of PLAINTIFF.

11 57. The Nevada Criminal Court and Clark County District Attorney's Office did in fact
12 rely on WYNN LAS VEGAS, WYNN and CONWAY's representations in charging
13 PLAINTIFF with criminal conduct.

14 58. As a direct and proximate result of WYNN LAS VEGAS, WYNN and CONWAY's
15 intentional misrepresentations, the State of Nevada filed criminal charges against
16 PLAINTIFF, for which PLAINTIFF was forced to suffer, among other injuries, jail time,
17 emotional distress, a loss of reputation and attorney's fees thus causing PLAINTIFF
18 damages in an amount according to proof at trial, in excess of the minimum for unlimited
19 jurisdiction of this Court.

20 59. In addition, WYNN LAS VEGAS, WYNN and CONWAY's conduct in making
21 these false accusations was committed with oppressive, fraudulent, or malicious intent, and
22 exhibits a deliberate disregard for PLAINTIFF's well-being and the judicial system as a
23 whole, in that the defendants knowingly made false accusations against the PLAINTIFF
24 with the intent of having him wrongfully imprisoned.

25 60. Accordingly, PLAINTIFF is entitled to punitive damages, pursuant to California
26 *Civil Code* section 3294, so as to punish WYNN LAS VEGAS, WYNN and CONWAY and
27 deter them from similar conduct in the future.

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1 70. Because of WYNN LAS VEGAS, WYNN and CONWAY's false and defamatory
2 statements, PLAINTIFF's reputation was harmed.

3 71. Furthermore, because of WYNN LAS VEGAS, WYNN and CONWAY's false and
4 defamatory statement, PLAINTIFF was further harmed, in an amount according proof at
5 trial in excess of the minimum for unlimited jurisdiction of this Court, by being forced into
6 jail time, suffering a loss of reputation and attorney's fees.

7 72. In addition, WYNN LAS VEGAS, WYNN and CONWAY's defamatory statements
8 were made with oppressive, fraudulent, or malicious intent, and exhibit a deliberate
9 disregard for PLAINTIFF's well-being and the judicial system as a whole, in that
10 defendants knowingly made these false and defamatory statements about the PLAINTIFF
11 with the intent of having him wrongfully imprisoned.

12 73. Accordingly, PLAINTIFF is entitled to punitive damages, pursuant to California
13 *Civil Code* section 3294, so as to punish WYNN LAS VEGAS, WYNN and CONWAY and
14 deter them from similar conduct in the future.

15 **FIFTH CAUSE OF ACTION**

16 (Intentional Infliction Of Emotional Distress Against All Defendants)

17 74. PLAINTIFF incorporates herein by reference all the allegations contained in
18 paragraphs 1 through 73 of this Complaint.

19 75. WYNN LAS VEGAS, WYNN and CONWAY acted outrageously, and in a manner
20 deemed outrageous by society, by making false accusations to the State of Nevada in the
21 hopes of having PLAINTIFF wrongfully imprisoned.

22 76. WYNN LAS VEGAS and WYNN knew about all of CONWAY's false accusations
23 and expressly ratified such conduct.

24 77. WYNN LAS VEGAS, WYNN and CONWAY made these false accusations with
25 intent, or with reckless disregard to the probability, that improper criminal prosecution of
26 and imprisonment of PLAINTIFF would cause PLAINTIFF severe emotional distress.

27 78. WYNN LAS VEGAS, WYNN and CONWAY's conduct was a substantial factor in
28 causing PLAINTIFF severe emotional distress in the form of severe mental anguish and

1 humiliation.

2 79. Because of WYNN LAS VEGAS, WYNN and CONWAY's conduct intended to
3 cause intentional infliction of emotional distress, the State of Nevada filed criminal charges
4 against PLAINTIFF, for which PLAINTIFF was forced to suffer, among other injuries,
5 undeserved jail time, severe emotional distress related to such imprisonment and attorney's
6 fees, thus causing PLAINTIFF damages in an amount according to proof at trial, in excess
7 of the minimum for unlimited jurisdiction of this Court.

8 80. In addition, WYNN LAS VEGAS, WYNN and CONWAY's conduct in making
9 these false accusations was committed with oppressive, fraudulent, or malicious intent, and
10 exhibits a deliberate disregard for PLAINTIFF's well-being and the judicial system as a
11 whole, in that defendants knowingly made false accusations against the PLAINTIFF with
12 the intent of having him wrongfully imprisoned.

13 81. Accordingly, PLAINTIFF is entitled to punitive damages, pursuant to California
14 *Civil Code* section 3294, so as to punish WYNN LAS VEGAS, WYNN and CONWAY and
15 deter them from similar conduct in the future.

16 **SIXTH CAUSE OF ACTION**

17 (Conspiracy Against All Defendants)

18 82. PLAINTIFF incorporates herein by reference all the allegations contained in
19 paragraphs 1 through 81 of this Complaint.

20 83. All defendants actively participated in the above referenced conduct constituting
21 Malicious Prosecution.

22 84. All defendants actively participated in the above referenced conduct constituting
23 Abuse of Process.

24 85. All defendants actively participated in the above referenced conduct constituting
25 Intentional Misrepresentation.

26 86. All defendants actively participated in the above referenced conduct constituting
27 Defamation.

28 87. All defendants actively participated in the above referenced conduct constituting

1 Intentional Infliction of Emotional Distress.

2 88. All defendants engaged in the above referenced conduct in order to improperly
3 incarcerate PLAINTIFF and cause him severe emotional distress and other harm.

4 89. All defendants agreed to the aforementioned conduct with the intent to cause
5 PLAINTIFF monetary and emotional harm.

6 90. Because of WYNN LAS VEGAS, WYNN and CONWAY's conspiracy, the State of
7 Nevada filed criminal charges against PLAINTIFF, for which PLAINTIFF was forced to
8 suffer, among other injuries, jail time, emotional distress, loss of reputation and attorney's
9 fees thus causing PLAINTIFF damages in an amount according to proof at trial, in excess
10 of the minimum for unlimited jurisdiction of this Court.

11 91. In addition, WYNN LAS VEGAS, WYNN and CONWAY's conspiracy was
12 engaged in with oppressive, fraudulent, or malicious intent, and exhibits a deliberate
13 disregard for PLAINTIFF's well-being and the judicial system as a whole, in that
14 defendants knowingly made false accusations against the PLAINTIFF with the intent of
15 having him wrongfully imprisoned.

16 92. Accordingly, PLAINTIFF is entitled to punitive damages, pursuant to California
17 *Civil Code* section 3294, so as to punish WYNN LAS VEGAS, WYNN and CONWAY and
18 deter them from similar conduct in the future.

19 **PRAYER**

20 WHEREFORE, Plaintiffs pray for judgment against Defendant as follows:

21 A. For general damages;

22 B. For special damages;

23 C. For exemplary and punitive damages appropriate to punish or set an example of
24 defendants;

25 D. For prejudgment interest in an amount to be proved at time of trial;

26 E. For costs of suit incurred herein; and

27 F. For attorneys fees as may be provided by law or contract;

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1 G. For such other and further relief as the court may deem just and proper.

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Respectfully submitted,
THE AFTERGOOD LAW FIRM

DATED: November 1 , 2011

By: 
AARON D. AFTERGOOD,
Attorneys For Plaintiff, JOSEPH R. FRANCIS

DEMAND FOR JURY TRIAL

PLAINTIFF hereby demands a trial by jury.

Respectfully submitted,

DATED: November 1 , 2011

THE AFTERGOOD LAW FIRM

By: _____


AARON D. AFTERGOOD,

Attorneys For Plaintiff, JOSEPH R. FRANCIS

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

I (a) PLAINTIFFS (Check box if you are representing yourself <input type="checkbox"/>) JOSEPH R. FRANCIS, an individual	DEFENDANTS WYNN LAS VEGAS, LLC, dba WYNN LAS VEGAS, a Nevada limited liability company, STEPHEN A. WYNN, an individual, BARBARA CONWAY, an individual, and DOES 1 through 10 , inclusive
(b) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.) Aaron D. Aftergood, Esq, The Aftergood Law Firm 1875 Century Park East, Suite 2230, Los Angeles, CA 90067 Tel: (310) 551-5221	Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an X in one box only.) <input type="checkbox"/> 1 U.S. Government Plaintiff <input type="checkbox"/> 3 Federal Question (U.S. Government Not a Party) <input type="checkbox"/> 2 U.S. Government Defendant <input checked="" type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)	III. CITIZENSHIP OF PRINCIPAL PARTIES - For Diversity Cases Only (Place an X in one box for plaintiff and one for defendant.) <table style="width:100%; border-collapse: collapse;"> <tr> <td style="width:30%;"></td> <td style="width:10%; text-align: center;">PTF</td> <td style="width:10%; text-align: center;">DEF</td> <td style="width:40%;"></td> <td style="width:10%; text-align: center;">PTF</td> <td style="width:10%; text-align: center;">DEF</td> </tr> <tr> <td>Citizen of This State</td> <td align="center"><input checked="" type="checkbox"/> 1</td> <td align="center"><input type="checkbox"/> 1</td> <td>Incorporated or Principal Place of Business in this State</td> <td align="center"><input type="checkbox"/> 4</td> <td align="center"><input type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td align="center"><input type="checkbox"/> 2</td> <td align="center"><input type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business in Another State</td> <td align="center"><input type="checkbox"/> 5</td> <td align="center"><input checked="" type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td align="center"><input type="checkbox"/> 3</td> <td align="center"><input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td align="center"><input type="checkbox"/> 6</td> <td align="center"><input type="checkbox"/> 6</td> </tr> </table>		PTF	DEF		PTF	DEF	Citizen of This State	<input checked="" 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 checked="" type="checkbox"/> 5	Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6
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Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6																				

IV. 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.) In excess of \$75,000 and

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

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.)
 Diversity under 28 USC sec. 1332 and causes of action Malicious Prosecution, Abuse of Process, Fraud, Defamation, Infliction of Emotional Distress, etc.

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 checked="" type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury-Med Malpractice <input type="checkbox"/> 365 Personal Injury-Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus-Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	TORTS PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability BANKRUPTCY <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 American with Disabilities - Employment <input type="checkbox"/> 446 American with Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus/Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition FORFEITURE / PENALTY <input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety /Health <input type="checkbox"/> 690 Other	LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS-Third Party 26 USC 7609
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CV11-9054

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
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
	Nevada

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

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

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

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

X. SIGNATURE OF ATTORNEY (OR PRO PER): _____ Date November 1, 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. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405(g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405(g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. (g))