

FILED

2007 DEC 17 PM 1:56

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

BY _____

1 CALDWELL LESLIE & PROCTOR, PC
2 CHRISTOPHER G. CALDWELL, SBN 106790
3 caldwell@caldwell-leslie.com
4 LINDA BURROW, SBN 194668
5 burrow@caldwell-leslie.com
6 1000 Wilshire Blvd., Suite 600
7 Los Angeles, California 90017-2463
8 Telephone (213) 629-9040
9 Facsimile (213) 629-9022

10 Attorneys for Defendants SHOWTIME
11 NETWORKS INC.; TWILIGHT TIME FILMS,
12 INC.; AGGRESSIVE MEDIOCRITY, INC.; and
13 TOM KAPINOS

14 UNITED STATES DISTRICT COURT
15 FOR THE CENTRAL DISTRICT OF CALIFORNIA

16 ANTHONY KIEDIS; CHAD SMITH;
17 JOHN FRUSCIANTE; MICHAEL
18 "FLEA" BALZARY, dba RED HOT
19 CHILI PEPPERS,

20 Plaintiffs,

21 v.

22 SHOWTIME NETWORKS INC., a
23 Delaware corporation; TWILIGHT
24 TIME FILMS, INC., a California
25 corporation; AGGRESSIVE
26 MEDIOCRITY, INC., a California
27 corporation, TOM KAPINOS; DOES 1-
28 100,

29 Defendants.

CASE NO.

CV07-08185 DSF (FFM)

NOTICE OF REMOVAL OF
ACTION PURSUANT TO 28 U.S.C.
§ 1441(b)

(FEDERAL QUESTION
JURISDICTION)

TO THE CLERK OF THE ABOVE-ENTITLED COURT:

PLEASE TAKE NOTICE that Defendants SHOWTIME NETWORKS INC.; TWILIGHT TIME FILMS, INC.; AGGRESSIVE MEDIOCRITY, INC., and TOM KAPINOS (collectively "Defendants") hereby remove to this Court the state court action described below.

1. On November 19, 2007, an action was commenced in the Superior Court of the State of California in and for the County of Los Angeles, entitled *Anthony Kiedis, Chad Smith, John Frusciante, Michael "Flea" Balzary, dba Red Hot Chili Peppers, Plaintiffs, v. Showtime Networks Inc., Twilight Time Films, Inc., Aggressive Mediocrity, Inc., Tom Kapinos and Does 1-100, Defendants*, Los Angeles County Superior Court Case Number BC 380894 (the "Complaint"). A true and correct copy of the Complaint is attached hereto as Exhibit "1."

2. The first date upon which any Defendant first received a copy of the Complaint was November 19, 2007, when Defendants Showtime Networks Inc., Twilight Time Films, Inc. and Aggressive Mediocrity, Inc. were served with a copy of the state court complaint and summons. A copy of the summons served on Defendant Showtime Networks Inc. is attached hereto as Exhibit "2."

3. This action is a civil action of which this Court has original jurisdiction under 28 U.S.C. § 1331, and is one which may be removed to this Court by Defendants pursuant to the provisions of 28 U.S.C. § 1441(b) in that it asserts claims under section 43 of the Lanham Act (15 U.S.C. § 1125) and thus arises under federal trademark law. The Court has supplemental jurisdiction over Plaintiffs' state law claims, which are based on the same conduct.

////

////

////

////

CAJ.DWELL
LESLIE &
PROCTOR

1 4. All of the named Defendants in this action join in this Notice of
2 Removal.

3
4 DATED: December 17, 2007

Respectfully submitted,

5 CALDWELL LESLIE & PROCTOR, PC
6 CHRISTOPHER G. CALDWELL
LINDA BURROW

7
8 By 
LINDA BURROW

9 Attorneys for Defendants SHOWTIME
10 NETWORKS INC.; TWILIGHT TIME FILMS,
11 INC.; AGGRESSIVE MEDIOCRITY, INC. and
TOM KAPINOS

12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

1 JUSTIN EHRLICH [Bar #217606]
2 THE LAW OFFICES OF IAN HERZOG
3 A Professional Corporation
4 233 Wilshire Boulevard, Suite 550
5 Santa Monica, California 90401-1210
6 Telephone: (310) 458-6660

7 Attorneys for Plaintiffs
8 ANTHONY KIEDIS; CHAD SMITH;
9 JOHN FRUSCIANTE; MICHAEL "FLEA" BALZARY,
10 dba RED HOT CHILI PEPPERS.

UNRECORDED COPY
OF ORIGINAL FILED
Los Angeles Superior Court

NOV 1 2007
John A. Clarke, Executive Officer/Clerk
By _____, Deputy

11 SUPERIOR COURT OF THE STATE OF CALIFORNIA
12 FOR THE COUNTY OF LOS ANGELES - CENTRAL

BC380894

11 ANTHONY KIEDIS; CHAD SMITH; JOHN)
12 FRUSCIANTE; MICHAEL "FLEA" BALZARY,)
13 dba RED HOT CHILI PEPPERS,)
14 Plaintiffs,)

CASE NO.

COMPLAINT FOR:

14 vs.)
15 SHOWTIME NETWORKS INC., a Delaware)
16 corporation; TWILIGHT TIME FILMS, INC., a)
17 California corporation; AGGRESSIVE)
18 MEDIOCRITY, INC., a California corporation;)
19 TOM KAPINOS; DOES 1-100)
20 Defendants.)

- 1. Unfair Competition (Lanham Act)
- 2. Unfair Competition (Cal. B&P §17200)
- 3. Dilution (Lanham Act)
- 4. Dilution (Cal. B & P § 14330)
- 5. Unjust Enrichment

DEMAND FOR JURY TRIAL

21 PARTIES

- 22 1. Plaintiff Anthony Kiedis is, and at all relevant times herein has been, an
23 individual residing in Los Angeles County, California.
- 24 2. Plaintiff Chad Smith is, and at all relevant times herein has been, an individual
25 residing in Los Angeles County, California.
- 26 3. Plaintiff John Frusciante is, and at all relevant times herein has been, an
27 individual residing in Los Angeles County, California.
- 28 4. Plaintiff Michael "Flea" Balzary is, and at all relevant times herein has been, an

1 individual residing in Los Angeles County, California.

2 5. Plaintiffs are, and at all relevant times herein, have been doing business as the
3 Red Hot Chili Peppers.

4 6. Plaintiffs are informed and believe, and thereon allege, that Defendant Showtime
5 Networks Inc., is and at all relevant times was, a Delaware Corporation and is, and at all
6 relevant times herein has been, a wholly owned subsidiary of C.B.S.

7 7. Plaintiffs are informed and believe, and thereon allege, that Defendant Twilight
8 Time Films, Inc., is and at all relevant times was, a California Corporation.

9 8. Plaintiffs are informed and believe, and thereon allege, that Defendant Aggressive
10 Mediocrity, Inc., is and at all relevant times was, a California Corporation.

11 9. Plaintiffs are informed and believe, and thereon allege, that Defendant Tom
12 Kapinos is, and at all relevant times herein has been, an individual residing in Los Angeles
13 County, California. Plaintiffs are further informed and believe that Defendant Kapinos is the
14 creator, writer, and executive producer of a television show titled "Californication."

15 10. Plaintiffs do not know the true names or capacities, whether individuals,
16 associates, corporate or otherwise, of defendants DOES 1 through 100, inclusive, and therefore,
17 Plaintiffs sue said DOE defendants by such fictitious names and will seek leave of this Court to
18 amend this complaint to show their true names and capacities when the same has been
19 ascertained. Plaintiffs are informed and believe and based thereon allege, that defendants
20 DOES 1 through 100 inclusive, and each of them, were in some way responsible for the wrongs
21 alleged herein.

22 11. Plaintiffs are informed and believe and based thereon allege, that except as
23 otherwise alleged, each defendant, including those referred to herein as DOES 1 through 100,
24 inclusive, is and at all relevant times was, the agent, employee, partner, joint venturer,
25 subsidiary or affiliate of each of the other defendants and, in doing the things alleged herein,
26 was acting within the course and scope of such positions with the permission, knowledge and
27 consent of each of the other defendants.

GENERAL ALLEGATIONS

12. Anthony Kiedis, Chad Smith, John Frusciante, and Michael "Flea" Balzary, dba Red Hot Chili Peppers, are sole authors of the composition titled "Californication" (the "Composition"). Indeed, the Composition is registered with BMI as "Californication."

13. In 1999, the Composition was recorded by The Red Hot Chili Peppers, initially exploited on their album entitled "Californication" (the "Album") and was later released as a single.

14. From 1999 to the present the Composition and Album have enjoyed extraordinary critical and commercial recognition in a variety of media, including but not limited to retail sales, digital downloads, acclaimed music videos, extensive radio play, and garnered a variety of prestigious awards, both nationally and internationally.

15. The Album has sold in excess of 14 million copies, received a Grammy nomination for Best Rock Album of the Year in 1999 and received the Best Album nomination at the 1999 MTV Europe Music Awards. Since then, the Album's popularity and relevance has endured as illustrated by its listing on Rolling Stone's List of the Top 500 Albums of All Time, inclusion on 'The Definitive 200' which represents the 200 most influential and popular albums of all time, as selected by the National Association of Recording Merchandisers and the Rock & Roll Hall of Fame, as well as receipt of the Must-Have Album at the My VH-1 Awards held in 2000, among other awards.¹

¹ The Album's sales figures represent tremendous popularity in the United States and internationally. The Album's certifications throughout the world are as follows: United States (5 times platinum); Australia (8 times platinum); New Zealand (platinum); Japan (double platinum); Hong Kong (Gold); Indonesia (7 times platinum); Korea (Gold); Malaysia (double platinum); Philippines (4 times platinum); Singapore (double platinum); Taiwan (platinum); Thailand (triple platinum); Canada (6 times platinum); Austria (6 times platinum); Czech (five times platinum); Hungary (three times platinum); Poland (seven times platinum); Belgium (two times platinum); Denmark (seven times platinum); Finland (double platinum); Germany (eight times platinum); Holland (three times platinum); Norway (three times platinum); Sweden (six times platinum); Switzerland (four times platinum); Ireland (twelve times platinum); United Kingdom (three times platinum); France (double platinum); Greece (double platinum); Italy (diamond); Portugal (five times platinum); Spain (double platinum); Argentina (three times platinum); Brazil (two times diamond); Chile (four times platinum); Columbia (platinum); Mexico (three times platinum).

5

1 16. Multiple singles off the Album were nominated for Grammy and other industry
2 awards, including the single that captured the 1999 Grammy Award for Best Rock Song. Songs
3 on the Album have been played on domestic radio alone well over one (1) million times.

4 17. The Composition itself was a tremendous commercial and critical success. The
5 Composition has been digitally downloaded (legally) nearly a half million times in the last two
6 (2) years (despite being released in 1999). Further, the Composition has been played on
7 domestic radio alone nearly 200,000 times and was nominated for the 2001 Grammy Award for
8 best performance by a duo or group with vocal.

9 18. In addition, the Composition also received significant publicity, acclaim, and
10 commercial and critical praise as a result of its popular music video. The music video for the
11 Composition has been played on domestic television in excess of 1500 times in the U.S. alone,
12 was voted the 35th Greatest Video of All Time by VH-1, was nominated for four MTV Video
13 Music Awards in 2000 winning for Best Direction and Best Art Direction, was named Best
14 International Video at MuchMusic Video Awards and won Best Modern Rock Clip of the Year
15 at the Billboard Music Awards in 2000, among many other accolades.

16 19. Plaintiffs are informed and believe, and thereon allege, that beginning in late
17 2007, Defendants began, producing, creating, distributing, and airing, a television series also
18 entitled "Californication." (hereinafter "the Show").

19 20. In addition, a recurring character in the Show is named or nicknamed and/or
20 referred to as "Dani California." 'Dani California' is also the name of a character who is the
21 subject of or mentioned in three Red Hot Chili Pepper songs (all critically and commercially
22 very successful), including the Composition. More specifically, 'Dani California' is the title of
23 another multiple Grammy winning hit single by the Red Hot Chili Peppers that was released in
24 February 2006 and reached No.1 on numerous U.S. and International charts.

25 21. Plaintiffs are informed and believe, and thereon allege, that Defendants have
26 made use of the internet, billboards, print media, and television, for purposes of advertising the
27 Show and have done or will do the same with DVD copies of the Show for sale.

28 22. In addition to distribution of DVD versions of the Show, Defendants have

1 distributed and, on information and belief, will continue to distribute music compilation albums
2 consisting only of songs used on the Show. On information and belief, these musical
3 compilation albums recently became available on iTunes bearing the word "Californication" in
4 the title(s).

5 23. The musical compilation albums are available for sale on the popular music retail
6 site, iTunes, as are the Album and the Composition, along with other songs written and
7 performed by the Red Hot Chili Peppers. In fact, when one enters the search term
8 "Californication" in iTunes, the search retrieves both the Album and other songs written and
9 performed by the Red Hot Chili Peppers, but also the compilation albums from the Show and
10 the individual tracks appearing thereon.

11
12 **FIRST CLAIM FOR RELIEF**

13 (Violation of Section 43(a) of the Lanham Act, Against All Defendants)

14 24. Plaintiffs reallege and incorporate by reference Paragraphs 1 through 23 as if
15 fully set forth herein.

16 25. The title of the Composition is inherently distinctive, famous, and has been the
17 subject of the substantial advertising and promotion, has been used and advertised throughout
18 the United States and the world, is widely recognized by consumers and those in the trade, and
19 immediately associated in the mind of the consumer and those in the trade, with Plaintiffs, their
20 Composition, and the Album. The title "Californication" has therefore acquired secondary
21 meaning. The actions and conduct of Defendants, as set forth below, have occurred long after
22 Plaintiffs' title acquired secondary meaning.

23 26. Defendants' actions of creating, marketing, promoting, offering for distribution,
24 and distributing the television series "Californication" constitutes a false designation of origin,
25 and has caused and continues to cause a likelihood of confusion, mistake, and deception as to
26 source, sponsorship, affiliation, and/or connection in the minds of the public.

27 27. The foregoing applies with equal force with regard to the distribution,
28 advertising, and sale of compilations of music from the Show which is also labeled with the title

1 "Californication."

2 28. Defendants' false designation of origin has violated Section 43(a) of the Lanham
3 Act, 15 U.S.C. §1125(a) in that Defendants have used in connection with goods and services a
4 false designation of origin, a false or misleading description which is likely to cause confusion
5 and to cause mistake, and to deceive as to the affiliation, connection, or association of the Show
6 with Plaintiffs and as to the origin, sponsorship, and approval by Plaintiffs of the Show and its
7 related material.

8 29. By reason of the foregoing, Plaintiffs have been injured in an amount not yet
9 fully ascertained, according to proof at trial. In addition, as a result of Defendants' violations
10 of the Lanham Act, Plaintiffs have suffered, and continue to suffer, irreparable harm, and
11 Plaintiffs' have no adequate remedy at law with respect to this injury.

12 30. Plaintiffs are informed and believe, and thereon allege, that Defendants' actions
13 have been fraudulent, knowing, willful, and wanton, entitling Plaintiffs to damages, treble
14 damages, profits, attorney's fees, and the costs of this action.

15
16 **SECOND CLAIM FOR RELIEF**

17 (Claim for Unfair Competition Under Business and Professions
18 Code § 17200, Against All Defendants)

19 31. Plaintiffs reallege and incorporate by reference Paragraphs 1 through 30 as if
20 fully set forth herein.

21 32. The title of the Composition is inherently distinctive, famous, and has been the
22 subject of substantial advertising and promotion, has been used and advertised throughout the
23 United States and the world, is widely recognized by consumers and those in the trade, and
24 immediately associated in the mind of the consumer and those in the trade, with Plaintiffs, their
25 Composition, and the Album. The title "Californication" has therefore acquired secondary
26 meaning. The actions and conduct of Defendants, as set forth below, have occurred long after
27 Plaintiffs' title acquired secondary meaning.

28 33. Defendants' actions of creating, marketing, promoting, offering for distribution,

8

1 and distributing the television series "Californication" constitutes a false designation of origin,
2 and has caused and continues to cause a likelihood of confusion, mistake, and deception as to
3 source, sponsorship, affiliation, and/or connection in the minds of the public.

4 34. The foregoing applies with equal force with regard to the distribution,
5 advertising, and sale of compilations of music from the show which is also labeled with the title
6 "Californication."

7 35. Defendants' false designation of origin has violated Section 43(a) of the Lanham
8 Act, 15 U.S.C. § 1125(a) in that Defendants have used in connection with goods and services a
9 false designation of origin, a false or misleading description which is likely to cause confusion
10 and to cause mistake, and to deceive as to the affiliation, connection, or association of the Show
11 with Plaintiffs and as to the origin, sponsorship, and approval by Plaintiffs of the Show and its
12 related material.

13 36. By reason of the foregoing, Plaintiffs have been injured in an amount not yet
14 fully ascertained, according to proof at trial. In addition, as a result of Defendants' violations
15 of the Lanham Act, Plaintiffs have suffered, and continue to suffer, irreparable harm, and
16 Plaintiffs' have no adequate remedy at law with respect to this injury.

17 37. Plaintiffs are informed and believe, and thereon allege, that Defendants' actions
18 have been fraudulent, knowing, willful, and wanton, entitling Plaintiffs to equitable relief
19 including disgorgement and restitution.

20
21 **THIRD CLAIM FOR RELIEF**

22 (Violation of Section 43(a) of the Lanham Act For
23 Dilution, Against All Defendants)

24 38. Plaintiffs reallege and incorporate by reference Paragraphs 1 through 37 as if
25 fully set forth herein.

26 39. As set forth in Paragraphs 14-18 above, the "Californication" mark is a famous
27 mark and was so prior to Defendants' use thereof.

28 40. Further, Defendants' use of the "Californication" mark dilutes the quality of the

9

1 mark by diminishing the capacity of the mark to identify and distinguish goods, services,
2 sponsorship, and affiliation.

3 41. This is true with equal force as to Defendants' use of the Californication mark in
4 the sale of music from the Show bearing the word "Californication" because said use constitutes
5 use of the identical mark, in the identical media (music), in the identical retail space (including
6 but limited to the iTunes music store.).

7 42. By reason of the foregoing, Plaintiffs have been injured in an amount not yet
8 fully ascertained, according to proof at trial. In addition, as a result of Defendants' violations
9 of the Lanham Act, Plaintiffs have suffered, and continue to suffer, irreparable harm, and
10 Plaintiffs' have no adequate remedy at law with respect to this injury.

11 43. Plaintiffs are informed and believe, and thereon allege, that Defendants' actions
12 have been fraudulent, knowing, willful, and wanton, entitling Plaintiffs to damages, treble
13 damages, profits, attorney's fees, and the costs of this action.

14
15 **FOURTH CLAIM FOR RELIEF**

16 (Violation of Cal. Business And Professions Code §14330

17 For Dilution, Against All Defendants)

18 44. Plaintiffs reallege and incorporate by reference Paragraphs 1 through 43 as if
19 fully set forth herein.

20 45. As set forth in Paragraphs 14-18 above, the "Californication" mark is a famous
21 mark and was so prior to Defendants' use thereof.

22 46. Further, Defendants' use of the "Californication" mark dilutes the quality of the
23 mark by diminishing the capacity of the mark to identify and distinguish goods, services,
24 sponsorship, and affiliation.

25 47. This is true with equal force as to Defendants' use of the Californication mark in
26 the sale of music from the Show bearing the word "Californication" because said use constitutes
27 use of the identical mark, in the identical media (music), in the identical retail space (including
28 but limited to the iTunes music store.).

1 48. By reason of the foregoing, Plaintiffs have been injured in an amount not yet
2 fully ascertained, according to proof at trial. In addition, as a result of Defendants' violations
3 of Business And Professions Code § 14330, Plaintiffs have suffered, and continue to suffer,
4 irreparable harm, and Plaintiffs' have no adequate remedy at law with respect to this injury.

5 49. Plaintiffs are informed and believe, and thereon allege, that Defendants' actions
6 have been fraudulent, knowing, willful, and wanton, entitling Plaintiffs to damages, treble
7 damages, profits, attorney's fees, and the costs of this action.

8
9 **FIFTH CLAIM FOR RELIEF**

10 (Unjust Enrichment, Against All Defendants)

11 50. Plaintiffs reallege and incorporate by reference Paragraphs 1 through 49 as if
12 fully set forth herein.

13 51. As a result of the wrongful acts of Defendants, as set forth above, Defendants
14 have been unjustly enriched and benefitted.

15 52. Defendants, and each of them, have an obligation to pay Plaintiffs the entire
16 amount to which they have been unjustly enriched, and Plaintiffs are entitled to the imposition
17 of a constructive trust, such that Defendants, and each of them, are involuntarily trustees
18 holding all such sums in their possession for Plaintiffs' benefit with a duty to transfer such sums
19 to Plaintiffs forthwith.

20
21 **WHEREFORE, Plaintiffs pray for relief as follows:**

22 1. For a permanent injunction enjoining Defendants, its officers, directors,
23 managing agents, and all those acting at its direction or on its behalf, from using the title
24 "Californication" as the title to its television show (and any music or other memorabilia
25 associated therewith), or any confusingly similar title;

26 2. For actual damages, according to proof, to be trebled;

27 3. For an accounting, restitution, and disgorgement of all profits derived by
28 Defendants;


11

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

- 4. For punitive damages according to proof;
- 5. For attorney's fees and costs of suit incurred herein;
- 6. For such other and further relief as the Court deems just and proper.

DATED: November 19, 2007

THE LAW OFFICES OF IAN HERZOG
A Professional Corporation

BY: 
 JUSTIN EHRlich
 Attorneys for Plaintiffs
 ANTHONY KIEDIS; CHAD SMITH;
 JOHN FRUSCIANTE; MICHAEL "FLEA"
 BALZARY, dba RED HOT CHILI PEPPERS

12

EXHIBIT 2

SUMMONS
(CITACION JUDICIAL)

SUM-100

NOTICE TO DEFENDANT:

(AVISO AL DEMANDADO):

SHOWTIME NETWORKS INC., a Delaware corporation;
TWILIGHT TIME FILMS, INC., a California corporation;
AGGRESSIVE MEDIOCRITY, INC., a California corporation;
TOM KAPINOS; DOES 1-100

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)

CLERK OF COURT
Los Angeles Superior Court

NOV 19 2007

John A. Clarke, Executive Officer/Clerk

By _____ Deputy

YOU ARE BEING SUED BY PLAINTIFF:
(LO ESTÁ DEMANDANDO EL DEMANDANTE):

ANTHONY KIEDIS; CHAD SMITH; JOHN FRUSCIANTE; MICHAEL "FLEA" BALZARY, dba RED HOT CHILI PEPPERS,

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.courtinfo.ca.gov/selfhelp/espanol/), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia. Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.courtinfo.ca.gov/selfhelp/espanol/) o poniéndose en contacto con la corte o el colegio de abogados locales.

The name and address of the court is:

(El nombre y dirección de la corte es):
LOS ANGELES SUPERIOR COURT
111 N. HILL STREET
111 N. HILL STREET
LOS ANGELES, CA 90012
CENTRAL

CASE NUMBER
(Número del Caso) 30380894

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:

(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):
JUSTIN EHRlich, ESQ. (310) 458-6660
THE LAW OFFICES OF IAN HERZOG
233 Wilshire Boulevard, Suite 550
Santa Monica, CA 90401

DATE:

(Fecha)

NOV 19 2007
JOHN A. CLARKE
Clerk, by _____
(Secretario)

RUGENA LOPEZ
Deputy
(Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)
(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).

[SEAL]

NOTICE TO THE PERSON SERVED: You are served

- as an individual defendant.
- as the person sued under the fictitious name of *(specify):*
- on behalf of *(specify):*
under: CCP 416.10 (corporation) CCP 416.60 (minor)
 CCP 416.20 (defunct corporation) CCP 416.70 (conservatee)
 CCP 416.40 (association or partnership) CCP 416.90 (authorized person)
 other *(specify):*
- by personal delivery on *(date):*

13

PROOF OF SERVICE

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

I am employed in the County of Los Angeles, State of California. I am over the age of eighteen and not a party to the within entitled action. My business address is 1055 W. 7th Street, Suite 250, Los Angeles, California 90017.

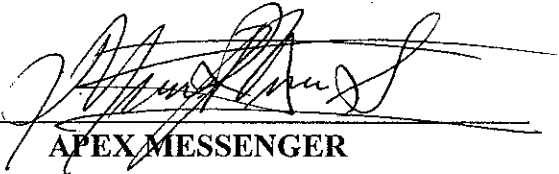
On **December 17, 2007**, I served the within document(s) described below as:

- 1. **NOTICE OF REMOVAL OF ACTION PURSUANT TO 28 U.S.C. § 1441(b);**
- 2. **DEMAND FOR JURY TRIAL;**
- 3. **DEFENDANTS' CERTIFICATE OF INTERESTED PARTIES and**
- 4. **UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA CIVIL COVER SHEET.**

(X) BY HAND (FEDERAL COURT): By placing a true copy thereof in sealed envelopes and causing such envelopes to be hand-delivered to the offices of the parties listed below.

Justin Ehrlich, Esq.
The Law Offices of Ian Herzog
A Professional Corporation
233 Wilshire Blvd., Suite 550
Santa Monica, CA 90401-1210

(X) FEDERAL: I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct of my own personal knowledge, that I am employed in an office of a member of the Bar of this Court at whose direction this service was made, and that I executed this document on **December 17, 2007** at Los Angeles, California.


APEX MESSENGER