

FILED

1 KAUFMAN DOLOWICH & VOLUCK LLP  
2 DEAN B. HERMAN (SBN 76752)  
3 HEE YOUNG LEE (SBN 207295)  
4 BRENT A. KRAMER (SBN 256243)  
5 11755 Wilshire Boulevard, Suite 2400  
6 Los Angeles, CA 90025  
7 Telephone: 310-775-6511  
8 Facsimile: 310-575-9720

13 OCT 23 PM 4:03  
CLERK U.S. DISTRICT COURT  
CENTRAL DIST. OF CALIF.  
LOS ANGELES

BY: \_\_\_\_\_

6 Attorneys for Plaintiff  
MARYLAND CASUALTY COMPANY

8 UNITED STATES DISTRICT COURT

9 CENTRAL DISTRICT OF CALIFORNIA – WESTERN DIVISION

10 MARYLAND CASUALTY COMPANY,  
11 a corporation,

Case No.

12 Plaintiff,

CV 13-7847 RSWL (SSx)

13 vs.

14 REESE WITHERSPOON, an individual;  
15 MARKETING ADVANTAGES  
16 INTERNATIONAL, INC. d/b/a  
17 Emitations.com, and DOES 1-10  
18 inclusive,

COMPLAINT FOR DECLARATORY  
RELIEF

17 Defendants.

19 Plaintiff MARYLAND CASUALTY COMPANY (“MARYLAND”) alleges as follows.

20 I. JURISDICTION AND VENUE

21 1. Jurisdiction of this action is founded upon 28 U.S.C. § 1332, as the parties are  
22 citizens of different states, and the amount in controversy exceeds the sum of \$75,000.00,  
23 exclusive of interest and costs.

24 2. Venue is proper in the Central District of California pursuant to 28 U.S.C. §  
25 1391(b)(1) because Reese Witherspoon (“Ms. Witherspoon”) resides in the Central District of  
26 California, and all defendants are residents of the State of California. Alternatively, venue is  
27 proper in the Central District of California pursuant to 28 U.S.C. § 1391(b)(2), in that alleged  
28

1 liability and injuries that give rise to this declaratory relief coverage action took place in the State  
2 of California, County of Los Angeles. Ms. Witherspoon filed a lawsuit in the State of California,  
3 County of Los Angeles, styled as *Witherspoon v. Marketing Advantages International, Inc., et*  
4 *al.*, Los Angeles County Superior Court, Case No. SC 120883 (the "*Witherspoon Action*").

5  
6 II. PARTIES

7 3. MARYLAND is a Maryland corporation, with its principal place of business in  
8 Illinois. MARYLAND is an admitted property-casualty insurer under the laws of the State of  
9 California and transacts business in, among other California counties, Los Angeles County.

10 4. MARYLAND is informed and believes, and on that basis alleges, that defendant  
11 REESE WITHERSPOON is an individual, who resides in the State of California, and owns a  
12 residence in and does business in the State of California, County of Los Angeles.

13 5. MARYLAND is informed and believes, and on that basis alleges, that defendant  
14 MARKETING ADVANTAGES INTERNATIONAL, INC. d/b/a Emitations.com is, and at all  
15 times relevant hereto was, a California Corporation, doing business in the State of California,  
16 County of Los Angeles.

17 6. MARYLAND is informed and believes, and on that basis alleges, that the  
18 fictitiously-named Defendants sued herein as Does 1 through 100, and each of them, are parties  
19 who are or may be interested in the relief sought by MARYLAND, but whose true identity and  
20 capacity are presently unknown to MARYLAND, and MARYLAND will seek leave of Court to  
21 amend this Complaint to assert true names and capacities of such fictitiously-named Defendants  
22 when the same have been ascertained. For convenience, each reference to a named Defendant  
23 herein shall also refer to Does 1 through 100. All defendants, including both the named  
24 defendants and those referred to as Does 1 through 100, are sometimes collectively referred to  
25 herein as "Defendants."

26 III. PRELIMINARY ALLEGATIONS

27 7. MARYLAND issued Policy No. PAS 42871047 to MARKETING  
28 ADVANTAGES INTERNATIONAL, INC. d/b/a Emitations.com ("Marketing Advantages") as  
the named insured, for the period December 22, 2011, to December 22, 2012 (the "policy" or

1 "policies").

2 8. The MARYLAND policy issued to Marketing Advantages has an insuring  
3 agreement, in Coverage B.1. Personal and Advertising Injury liability coverage part, Form No.  
4 9S2001 Ed. 4-99, page 6 of 17, which provides, in part:

5 1. **Insuring Agreement**

6 a. We will pay those sums that the insured becomes legally  
7 obligated to pay as damages because of "personal and  
8 advertising injury" to which this insurance applies. We  
9 will have the right and duty to defend the insured against  
10 any "suit" seeking those damages. However, we will have  
11 no duty to defend the insured against any "suit" seeking  
12 damages for "personal and advertising injury" to which this  
13 insurance does not apply.

14 The Electronic Data Liability Amendment Endorsement adds the following exclusion:

15 2. **Exclusions**

16 This insurance does not apply to

17 a. "Personal and advertising injury"

18 \*\*\*  
19 (12) Arising out of the infringement of copyright, patent,  
20 trademark, trade secret or other intellectual property  
21 rights;

22 However, this exclusion does not apply to  
23 infringement, in your "advertisement", of copyright,  
24 trade dress or slogan; or

25 (13) Arising out of the unauthorized use of another's  
26 name or product in your e-mail address, domain  
27 name, or metatag, or any other similar tactics to  
28 mislead another's potential customers.

29 The Coverage B. Personal and Advertising Injury Liability contains the following  
30 additional exclusions:

31 2. **Exclusions**

32 This insurance does not apply to

1 a. "Personal and advertising injury"  
\*\*\*

2 (3) Arising out of oral or written publication of material  
3 whose first publication took place before the beginning  
4 of the policy period.

5 9. On or about June 20, 2013, Marketing Advantages was named as a defendant in  
6 the *Witherspoon* Action. The current operative complaint in the *Witherspoon* Action is the first  
7 amended complaint filed on or about July 15, 2013. The *Witherspoon* Action alleges claims for  
8 violation of common law right of publicity against all the defendants she named.

9 **FIRST CLAIM FOR RELIEF**  
10 **(Declaratory Relief Re: Duty to Indemnify)**  
11 **(Against All Defendants)**

12 10. MARYLAND realleges and incorporates by reference the allegations of  
13 paragraphs 1 through 9, above, into its First Claim for Relief as though fully set forth at length.

14 11. MARYLAND is informed and believes, and on that basis alleges, that the  
15 disputes in the *Witherspoon* Action involve questions of whether Ms. Witherspoon is entitled to  
16 common law publicity protection related to the use of her name, photograph, image, identity and  
17 persona, and if so, what if any remedies Ms. Witherspoon may have against Defendants on  
18 account of sales of products using Ms. Witherspoon's publicity status.

19 12. MARYLAND is informed and believes, and on that basis alleges, that the  
20 disputes in the *Witherspoon* Action involve questions of whether Ms. Witherspoon is entitled to  
21 common law privacy protection related to the use of her image, identity and persona, and if so,  
22 what if any remedies Ms. Witherspoon may have against Defendants on account of sales of  
23 products purportedly violating Ms. Witherspoon's privacy.

24 13. MARYLAND is informed and believes, and on that basis alleges, that the  
25 disputes in the *Witherspoon* Action involve questions of whether Ms. Witherspoon is entitled to  
26 common law trademark/trade name protection over her name and image, and if so, what if any  
27 remedies Ms. Witherspoon may have against Defendants on account of sales of products  
28 purportedly violating Ms. Witherspoon's trademark/trade name.

14. MARYLAND is informed and believes, and on that basis alleges, that the  
disputes in the *Witherspoon* Action involve questions of whether Ms. Witherspoon is entitled to

1 common law trade dress protection over her name, image, and identity, and if so, what if any  
2 remedies Ms. Witherspoon may have against Defendants on account of sales of products  
3 purportedly violating Ms. Witherspoon's trade dress.

4 15. MARYLAND is informed and believes, and on that basis alleges, that the  
5 disputes in the *Witherspoon* Action involve questions of whether Ms. Witherspoon is entitled to  
6 common law trade slogan protection over the name "Reese Witherspoon", and if so, what if any  
7 remedies Ms. Witherspoon may have against Defendants on account of sales of products  
8 purportedly violating Ms. Witherspoon's common law slogan.

9 16. Any alleged commercial misappropriation by Defendants of Ms. Witherspoon  
10 related to Defendants' products, regardless of the specific claim label, or legal theory upon which  
11 relief may be awarded, is barred by the Intellectual Property Exclusion in the policies  
12 MARYLAND issued to Marketing Advantages.

13 17. MARYLAND is informed and believes that Defendants dispute MARYLAND's  
14 contentions as respects the applicability of the Intellectual Property Exclusion to bar coverage.  
15 A real, existing and justiciable controversy exists among the parties with respect thereto. This  
16 Court's judicial declaration is necessary so that the parties may ascertain their rights.

17 **SECOND CLAIM FOR RELIEF**  
18 **(Declaratory Relief re Duty to Defend)**  
19 **(Against Defendant Marketing Advantages, Does 1 through 100)**

20 18. MARYLAND realleges and incorporates by reference the allegations of  
21 paragraphs 1 through 17, above, into its Second Claim for Relief as though fully set forth at  
22 length.

23 19. There presently exists a controversy within the meaning of Code of Civil  
24 Procedure section 1060 between MARYLAND on the one hand, and defendants Marketing  
25 Advantages and Does 1 through 100 on the other hand.

26 20. MARYLAND is informed and believes, and based thereon alleges, that Marketing  
27 Advantages and Does 1 through 100 contend that MARYLAND has a duty to defend them in the  
28 *Witherspoon* Action under the Policy.

1 21. MARYLAND desires a judicial determination of its rights and duties, and in  
2 particular a declaration that MARYLAND did not and does not have a duty to defend Marketing  
3 Advantages in the Underlying Action under the Policy.

4 22. A judicial declaration is necessary and appropriate at this time so that Marketing  
5 Advantages may ascertain its rights and duties.

6  
7 WHEREFORE, MARYLAND prays as follows:

8 1. On the First Claim for Relief, for a declaration that MARYLAND has no duty to  
9 indemnify Defendants against any liability that may be imposed against them in the *Witherspoon*  
10 Action, regardless of the claim label, or legal theory asserted, on account of the Intellectual  
11 Property Exclusion in the MARYLAND policies issued to Marketing Advantages.

12 2. On the Second Claim for Relief,

13 a. For a declaration that MARYLAND has no duty to defend the  
14 *Witherspoon* Action, and is or was entitled to withdraw from the defense, no later than as of the  
15 date of such declaration, if not sooner; and

16 b. For a declaration that MARYLAND is entitled to reimbursement of all  
17 attorneys' fees and costs incurred to defend the *Witherspoon* Action that was not even potentially  
18 covered, from the date as of which such claim is declared to have been not even potentially  
19 covered.

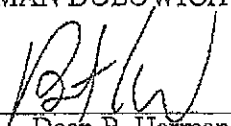
20 3. For its costs of suit herein; and

21 4. For such other and further relief as may be just and proper.

22  
23 DATED: October 22, 2013

KAUFMAN DOLOWICH & VOLUCK, LLP

24  
25 By

  
\_\_\_\_\_  
Dean B. Herman  
Hee Young Lee  
Brent A. Kramer

26  
27 Attorneys for Plaintiff MARYLAND CASUALTY  
28 COMPANY

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

**I. (a) PLAINTIFFS** ( Check box if you are representing yourself  )  
Maryland Casualty Company, a corporation

**DEFENDANTS** ( Check box if you are representing yourself  )  
Reese Witherspoon, an Individual; Marketing Advantages International, Inc. d/b/a Emissions.com, and DOES 1-10<sup>r</sup> Inclusive

**(b) Attorneys** (Firm Name, Address and Telephone Number. If you are representing yourself, provide same information.)  
Dean B. Herman (76752) Hee Young Lee (207295) Brent A. Kramer (256243)  
Kaufman Dolowich & Voluck LLP  
11755 Wilshire Blvd., Suite 2400  
Los Angeles, CA 90025

**(b) Attorneys** (Firm Name, Address and Telephone Number. If you are representing yourself, provide same information.)  
Currently Unknown

**II. BASIS OF JURISDICTION** (Place an X in one box only.)

- 1. U.S. Government Plaintiff
- 2. U.S. Government Defendant
- 3. Federal Question (U.S. Government Not a Party)
- 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)

- |                                         |                                |                                           |                                                               |                                       |                                |
|-----------------------------------------|--------------------------------|-------------------------------------------|---------------------------------------------------------------|---------------------------------------|--------------------------------|
| Citizen of This State                   | PTF <input type="checkbox"/> 1 | DEF <input checked="" type="checkbox"/> 1 | Incorporated or Principal Place of Business in this State     | PTF <input type="checkbox"/> 4        | DEF <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 checked="" 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

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

**CLASS ACTION under F.R.Cv.P. 23:**  Yes  No

**MONEY DEMANDED IN COMPLAINT:** \$ \_\_\_\_\_

**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.)

28 U.S.C. § 1332

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

OTHER STATUTES	CONTRACT	REAL PROPERTY CONT.	IMMIGRATION	PRISONER PETITIONS	PROPERTY RIGHTS
<input type="checkbox"/> 375 False Claims Act	<input checked="" type="checkbox"/> 110 Insurance	<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 462 Naturalization Application	<b>Habeas Corpus:</b>	<input type="checkbox"/> 820 Copyrights
<input type="checkbox"/> 400 State Reapportionment	<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 463 Alien Detainee	<input type="checkbox"/> 830 Patent
<input type="checkbox"/> 410 Antitrust	<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 290 All Other Real Property	<b>TORTS - PERSONAL PROPERTY</b>	<input type="checkbox"/> 510 Motions to Vacate Sentence	<input type="checkbox"/> 840 Trademark
<input type="checkbox"/> 430 Banks and Banking	<input type="checkbox"/> 140 Negotiable Instrument	<b>TORTS - REAL PROPERTY</b>	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 530 General	<b>SOCIAL SECURITY</b>
<input type="checkbox"/> 450 Commerce/ICC Rates/Etc.	<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 371 Truth in Lending	<input type="checkbox"/> 535 Death Penalty	<input type="checkbox"/> 861 HIA (1395ff)
<input type="checkbox"/> 460 Deportation	<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 380 Other Personal Property Damage	<b>Other:</b>	<input type="checkbox"/> 862 Black Lung (923)
<input type="checkbox"/> 470 Racketeer Influenced & Corrupt Org.	<input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Vet.)	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 540 Mandamus/Other	<input type="checkbox"/> 863 DIWC/DIWW (405 (g))
<input type="checkbox"/> 480 Consumer Credit	<input type="checkbox"/> 153 Recovery of Overpayment of Vet. Benefits	<input type="checkbox"/> 330 Fed. Employers' Liability	<b>BANKRUPTCY</b>	<input type="checkbox"/> 550 Civil Rights	<input type="checkbox"/> 864 SSID Title XVI
<input type="checkbox"/> 490 Cable/Sat TV	<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 340 Marine	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 555 Prison Condition	<input type="checkbox"/> 865 RSI (405 (g))
<input type="checkbox"/> 850 Securities/Commodities/Exchange	<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 423 Wlthdrawal 28 USC 157	<b>FORFEITURE/PENALTY</b>	<b>FEDERAL TAX SUITS</b>
<input type="checkbox"/> 890 Other Statutory Actions	<input type="checkbox"/> 195 Contract Product Liability	<input type="checkbox"/> 350 Motor Vehicle	<b>CIVIL RIGHTS</b>	<input type="checkbox"/> 560 Civil Detainee Conditions of Confinement	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)
<input type="checkbox"/> 891 Agricultural Acts	<input type="checkbox"/> 196 Franchise	<input type="checkbox"/> 355 Motor Vehicle Product Liability	<input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881	<input type="checkbox"/> 871 IRS-Third Party 26 USC 7609
<input type="checkbox"/> 893 Environmental Matters	<b>REAL PROPERTY</b>	<input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 690 Other	<b>LABOR</b>
<input type="checkbox"/> 895 Freedom of Info. Act	<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 362 Personal Injury-Med Malpractice	<input type="checkbox"/> 442 Employment	<input type="checkbox"/> 710 Fair Labor Standards Act	<input type="checkbox"/> 720 Labor/Mgmt. Relations
<input type="checkbox"/> 896 Arbitration	<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 365 Personal Injury-Product Liability	<input type="checkbox"/> 443 Housing/Accommodations	<input type="checkbox"/> 740 Railway Labor Act	<input type="checkbox"/> 751 Family and Medical Leave Act
<input type="checkbox"/> 899 Admin. Procedures Act/Review of Appeal of Agency Decision	<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability	<input type="checkbox"/> 445 American with Disabilities-Employment	<input type="checkbox"/> 790 Other Labor Litigation	<input type="checkbox"/> 791 Employee Ret. Inc. Security Act
<input type="checkbox"/> 950 Constitutionality of State Statutes		<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 446 American with Disabilities-Other		
		<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 448 Education		

FOR OFFICE USE ONLY:

Case Number:

CV13-7847

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

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

<b>Question A: Was this case removed from state court?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No  If "no," go to Question B. If "yes," check the box to the right that applies, enter the corresponding division in response to Question D, below, and skip to Section IX.	STATE CASE WAS PENDING IN THE COUNTY OF:		INITIAL DIVISION IN CACD/S:
	<input type="checkbox"/> Los Angeles		Western
	<input type="checkbox"/> Ventura, Santa Barbara, or San Luis Obispo		Western
	<input type="checkbox"/> Orange		Southern
	<input type="checkbox"/> Riverside or San Bernardino		Eastern

<b>Question B: Is the United States, or one of its agencies or employees, a party to this action?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No  If "no," go to Question C. If "yes," check the box to the right that applies, enter the corresponding division in response to Question D, below, and skip to Section IX.	If the United States, or one of its agencies or employees, is a party, is it:			INITIAL DIVISION IN CACD/S:	
	A PLAINTIFF?		A DEFENDANT?		
	Then check the box below for the county in which the majority of DEFENDANTS reside.		Then check the box below for the county in which the majority of PLAINTIFFS reside.		
	<input type="checkbox"/> Los Angeles	<input type="checkbox"/> Los Angeles	<input type="checkbox"/> Los Angeles	<input type="checkbox"/> Los Angeles	Western
	<input type="checkbox"/> Ventura, Santa Barbara, or San Luis Obispo	<input type="checkbox"/> Ventura, Santa Barbara, or San Luis Obispo	<input type="checkbox"/> Ventura, Santa Barbara, or San Luis Obispo	<input type="checkbox"/> Ventura, Santa Barbara, or San Luis Obispo	Western
	<input type="checkbox"/> Orange	<input type="checkbox"/> Orange	<input type="checkbox"/> Orange	<input type="checkbox"/> Orange	Southern
<input type="checkbox"/> Riverside or San Bernardino	<input type="checkbox"/> Riverside or San Bernardino	<input type="checkbox"/> Riverside or San Bernardino	<input type="checkbox"/> Riverside or San Bernardino	Eastern	
<input type="checkbox"/> Other	<input type="checkbox"/> Other	<input type="checkbox"/> Other	<input type="checkbox"/> Other	Western	

Question C: Location of plaintiffs, defendants, and claims?	A Los Angeles County	B Ventura, Santa Barbara, or San Luis Obispo Counties	C Orange County	D Riverside or San Bernardino Counties	E Outside the Central District of California	F Other
Indicate the location in which a majority of plaintiffs reside:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Indicate the location in which a majority of defendants reside:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Indicate the location in which a majority of claims arose:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

<b>C.1. Is either of the following true? If so, check the one that applies:</b> <input type="checkbox"/> 2 or more answers in Column C <input type="checkbox"/> only 1 answer in Column C and no answers in Column D  Your case will initially be assigned to the SOUTHERN DIVISION. Enter "Southern" in response to Question D, below.  If none applies, answer question C.2. to the right. →	<b>C.2. Is either of the following true? If so, check the one that applies:</b> <input type="checkbox"/> 2 or more answers in Column D <input type="checkbox"/> only 1 answer in Column D and no answers in Column C  Your case will initially be assigned to the EASTERN DIVISION. Enter "Eastern" in response to Question D, below.  If none applies, go to the box below. ↓
Your case will initially be assigned to the WESTERN DIVISION. Enter "Western" in response to Question D below.	

<b>Question D: Initial Division?</b> Enter the initial division determined by Question A, B, or C above: →	INITIAL DIVISION IN CACD/S:  Western
---------------------------------------------------------------------------------------------------------------	--------------------------------------------



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

**IX(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): \_\_\_\_\_

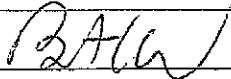
**IX(b). RELATED CASES:** Have any cases been previously filed in this court that are related to the present case?  NO  YES

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.

**X. SIGNATURE OF ATTORNEY**

**(OR SELF-REPRESENTED LITIGANT):** Brent A. Kramer  DATE: October 22, 2013

**Notice to Counsel/Parties:** The CV-71 (J5-44) 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. 405 (g))

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

NOTICE OF ASSIGNMENT TO UNITED STATES JUDGES

This case has been assigned to District Judge Ronald S.W. Lew and the assigned Magistrate Judge is Suzanne H. Segal.

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

2:13CV7847 RSWL SSx

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.

Clerk, U. S. District Court

October 23, 2013  
Date

By J.Prado  
Deputy Clerk

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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 Street, G-8  
Los Angeles, CA 90012

Southern Division  
411 West Fourth St., Ste 1053  
Santa Ana, CA 92701

Eastern Division  
3470 Twelfth Street, Room 134  
Riverside, CA 92501

**Failure to file at the proper location will result in your documents being returned to you.**

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT  
for the  
Central District of California

Maryland Casualty Company, a corporation

\_\_\_\_\_  
*Plaintiff(s)*

v.

Reese Witherspoon, an individual; Marketing  
Advantages International, Inc. d/b/a Emitations.com,  
and DOES 1-10 inclusive

\_\_\_\_\_  
*Defendant(s)*

CV13-7847, RSWL (SS, r)

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)*

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are: Dean B. Herman (76752) Hee Young Lee (207295) Brent A. Kramer (256243) Kaufman Dolowich & Voluck LLP 11755 Wilshire Blvd., Suite 2400 Los Angeles, CA 90025

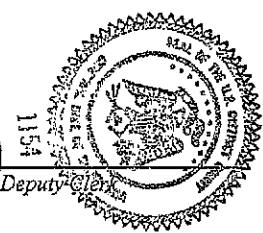
If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

OCT 23 2013

Date: \_\_\_\_\_

CLERK OF COURT

\_\_\_\_\_  
*Signature of Clerk or Deputy Clerk*



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