

ORIGINAL

**FILED**  
LOS ANGELES SUPERIOR COURT

AUG 15 2008

JOHN A. CLARKE, CLERK

BY SHAUNYA WESLEY, DEPUTY

1 MANATT, PHELPS & PHILLIPS, LLP  
2 GERALD A. MARGOLIS (Bar No. CA 059010)  
3 BARRY E. MALLEN (Bar No. CA 120005)  
4 RAAQIM KNIGHT (Bar No. CA 217630)  
5 11355 West Olympic Boulevard  
6 Los Angeles, CA 90064-1614  
7 Telephone: (310) 312-4000  
8 Facsimile: (310) 312-4224

Attorneys for Plaintiff  
ROBERT KELLY

Dept 24  
Robert L Henz

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF LOS ANGELES

CC396442

11 ROBERT S. KELLY, an individual,

12 Plaintiff,

13 vs.

14 SUGAR, a California limited liability  
15 company, TOI CRAWFORD, an  
16 individual, SHANE MOONEY, an  
17 individual, and DOES 1 THROUGH 20,

18 Defendant.

Case No.

**COMPLAINT FOR:**

- 19 (1) VIOLATION OF STATUTORY RIGHT OF PUBLICITY (CIVIL CODE § 3344);
- 20 (2) VIOLATION OF THE COMMON LAW RIGHT OF PUBLICITY;
- 21 (3) FALSE ENDORSEMENT UNDER THE LANHAM ACT (15 U.S.C. § 1125(A));
- 22 (4) VIOLATION OF THE UNFAIR COMPETITION LAW (BUS. & PROF. CODE § 17200)

23 Plaintiff Robert S. Kelly ("Kelly") hereby alleges as follows:

SUMMARY OF ACTION

24 I. Plaintiff Robert S. Kelly is currently one of the nation's best known  
25 singers, songwriters, musical producers, and live musical performers. Defendants  
26 intentionally infringed Kelly's right of publicity and have violated the Lanham Act by  
27 misappropriating Kelly's name and likeness in connection with their promotion of a Hollywood  
28 nightclub. Kelly seeks injunctive relief to stop Defendants' infringing conduct, disgorgement of  
Defendants' ill-gotten gains, and compensatory and punitive damages to compensate Kelly and

OFFICER: 8092442 TENDR #:  
RECEIPT #: COMASS09007  
DATE PAID: 08/18/08 08:45 AM  
PAYMENT: \$320.00  
RECEIVED:  
CHECK: 308.00  
CASH:  
CHARGE:  
CASH:

1 punish Defendants for the harm they have done.

2 PARTIES

3 2. Plaintiff Kelly ("Kelly") is an individual who resides in the State of  
4 Illinois.

5 3. Kelly is informed and believes and on that basis alleges that Defendant  
6 Sugar is a limited liability company organized under the laws of the State of California with its  
7 principal place of business in the County of Los Angeles, California, and that it owns, controls,  
8 and/or operates the certain nightclub currently referred to as Sugar, located at 1716 N Cahuenga  
9 Blvd., in Hollywood, California.

10 4. Kelly is informed and believes and on that basis alleges that Defendant Toi  
11 Crawford ("Crawford") is an individual currently residing in the County of Los Angeles,  
12 California.

13 5. Kelly is informed and believes and on that basis alleges that Defendant  
14 Shane Mooney ("Mooney") is an individual currently residing in the County of Los Angeles,  
15 California.

16 6. Kelly is informed and believes and on that basis alleges that defendants  
17 Crawford and Mooney were responsible for and/or participated in the promotion of an event or  
18 events at Sugar nightclub, which utilized Kelly's name and likeness without authorization.

19 7. Defendants Sugar, Crawford and Mooney (collectively, "Defendants"), and  
20 each of them, are individuals and business entities, who, upon information and belief, are acting  
21 in concert in active participation with each other in committing the wrongful acts alleged herein.

22 VENUE

23 8. Venue is proper in the County of Los Angeles because each of the  
24 Defendants reside in the County of Los Angeles and a substantial portion of the events described  
25 in this complaint took place in the County of Los Angeles.

26 GENERAL BACKGROUND

27 9. Kelly is an internationally famous public figure and celebrity and is one of  
28 the world's leading singers, songwriters, musical producers, and live musical performers. His

1 name and likeness are uniquely identifiable throughout the United States and the world.

2 10. Kelly has spent significant time, money and energy to promote his name  
3 and likeness.

4 11. Kelly is actively engaged in licensing his name and likeness for  
5 commercial exploitation. Kelly's exclusive property rights in the use of his name and likeness are  
6 extremely valuable and have been carefully managed by Kelly in a manner designed to promote  
7 the long-term commercial viability of Kelly's name and likeness.

8 12. Kelly has managed his name and likeness in a manner designed to nurture  
9 and exploit its long-term potential. In that regard, Kelly has consciously limited the number of  
10 individual and businesses to whom he licenses the use of his name and likeness to ensure that the  
11 use of his name and likeness is consistent with his long-term goals.

12 13. In addition, due to his fame, Kelly has been deluged with offers for the use  
13 of his name and likeness in connection with the promotion of nightclubs and similar nighttime  
14 social events, and has been highly selective as to the nightclubs and promoters with which his  
15 name and/or likeness will be associated.

16 14. In or about late-July to early-August 2008, Defendants misappropriated  
17 Kelly's name and likeness by including Kelly's name and likeness, without his authorization, in  
18 marketing and promotional materials for Sugar nightclub, distributed to the public, and by falsely  
19 advertising that Kelly was promoting and/or would be appearing at an event at Sugar nightclub.  
20 A true and correct copy of an electronic flyer promoting Sugar nightclub, which prominently  
21 features Kelly's name and likeness and was distributed throughout the United States, is attached  
22 hereto as Exhibit "A."

23 15. Defendants' use of Kelly's name and likeness as described above is  
24 completely unauthorized.

25 16. Defendants' wrongful conduct as described above caused Kelly to suffer  
26 irreparable injuries, including infringement of his rights of publicity and the dilution of the  
27 distinctive quality of his publicity rights, for which he has no adequate remedy at law.  
28

1 FIRST CLAIM FOR RELIEF

2 (Infringement of Statutory Right of Publicity Against All Defendants)

3 17. Kelly realleges and incorporates herein by reference paragraphs 1  
4 through 16 of this Complaint as if fully set forth herein.

5 18. Defendants have misappropriated Kelly's rights in his name and likeness as  
6 provided under Civil Code section 3344.

7 19. In exploiting Kelly's exclusive publicity rights as described above,  
8 Defendants have damaged and are continuing to damage Kelly's publicity rights by, among other  
9 things, permitting them to be distorted and trivialized, thus diminishing their value for future  
10 licensing. Further, Defendants have injured and continue to injure Kelly by purporting to  
11 exercise Kelly's publicity rights without Kelly retaining control thereof or receiving income  
12 properly owing to him as the sole owner of his right to publicity.

13 20. Defendants' wrongful actions as described above are causing Kelly  
14 irreparable harm, and have damaged and continue to damage Kelly in an amount yet to be  
15 determined.

16 21. Defendants did not engage in the above-described wrongful actions out of  
17 any sincere or proper motive, but did so knowingly, willfully and oppressively, intending to  
18 appropriate to themselves without compensation what they knew to be Kelly's valuable rights.  
19 Said misconduct was also fraudulent, in that the public was led to believe false that Kelly  
20 consented to such commercial use of Kelly's name and likeness, and was associated with and  
21 approved of Sugar nightclub.

22 SECOND CLAIM FOR RELIEF

23 (Common Law Right of Publicity Against All Defendants)

24 22. Kelly realleges and incorporates herein by reference paragraphs 1  
25 through 21 of this Complaint as if fully set forth herein.

26 23. Defendants have misappropriates Kelly's rights in his name and likeness as  
27 provided under common law right of publicity.

28 24. In exploiting Kelly's exclusive publicity rights as described above,

1 Defendants have damaged and are continuing to damage Kelly's publicity rights by, among other  
2 things, permitting them to be distorted and trivialized, thus diminishing their value for future  
3 licensing. Further, Defendants have injured and continue to injure Kelly by purporting to  
4 exercise Kelly's publicity rights without Kelly retaining control thereof or receiving income  
5 properly owing to him as the sole owner of his right to publicity.

6 25. Defendants did not engage in the above-described wrongful actions out of  
7 any sincere or proper motive, but did so knowingly, willfully and oppressively, intending to  
8 appropriate to themselves without compensation what they knew to be Kelly's valuable rights.  
9 Said misconduct was also fraudulent, in that the public was led to believe false that Kelly  
10 consented to such commercial use of Kelly's name and likeness, and was associated with and  
11 approved of Sugar nightclub.

12 THIRD CLAIM FOR RELIEF

13 (False Endorsement Under the Lanham Act § 43(a) Against All Defendants)

14 26. Kelly realleges and incorporates herein by reference paragraphs 1  
15 through 25 of this Complaint as if fully set forth herein.

16 27. By reason of the foregoing, Kelly asserts a claim against Defendants for  
17 injunctive and monetary relief, treble damages, costs and attorney's fees pursuant to 15 U.S.C. §  
18 1125, 1116 and 1117.

19 FOURTH CLAIM FOR RELIEF

20 (Violation of Business & Professions Code § 17200 *et seq.* Against All Defendants)

21 28. Kelly realleges and incorporates herein by reference paragraphs 1  
22 through 27 of this Complaint as if fully set forth herein.

23 29. Defendants' conduct, as described above, is an unlawful, unfair and  
24 deceptive business practice within the meaning of California Business and Professions Code  
25 section 17200, *et seq.*

26 30. Defendants' conduct is unlawful because their actions violate the common  
27 and statutory law, including but not limited to Civil Code section 3344.

28 31. Defendants' unauthorized use of Kelly's name and likeness is deceptive



1 express written permission, including but not limited to their use of Kelly's name and likeness to  
2 promote nightclubs or other nighttime social events;

3 2. That Defendants be made to account to Kelly for all proceeds collected  
4 during nights or events for which Defendants and/or each individual defendant used Kelly's name  
5 and likeness in promotional materials related thereto;

6 3. That Defendants be made to make restitution of all sums obtained in excess  
7 of the amounts they would have obtained without their false endorsement and unauthorized use of  
8 Kelly's name and likeness, together with interest on the liquidated sum owing;

9 4. That Kelly be awarded treble damages under the Lanham Act § 43(a);

10 5. That Kelly has and recover a money judgment reflecting his compensatory  
11 and general damages at trial;

12 6. For punitive damages against Defendants for their oppressive, fraudulent,  
13 and malicious conduct;

14 7. That Kelly be ordered his costs, including reasonable attorney's fees; and

15 8. That Kelly receives such other and further relief as the Court deems just  
16 and proper.

17  
18 Dated: August 15, 2008

MANATT, PHELPS & PHILLIPS, LLP

19  
20  
21 By: \_\_\_\_\_

Barry E. Mallen  
Attorneys for Plaintiff  
ROBERT S. KELLY

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00118 / 0010

SUNDAY AUGUST 3RD 2008

R. KELLY

*Hosts*



SUNDAY'S SWEETEST

ESCAPE

@



1716 N. CAHUENGA BLVD., HOLLYWOOD, CA 90028  
(NEAR CORNER OF HOLLYWOOD BLVD.)

EXA

ORIGINAL

FOR COURT USE ONLY

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State, Number, and address)  
 Raqim A. S. Knight (SBN 217830)  
 Manatt, Phelps & Phillips, LLP  
 11355 W. Olympic Blvd.  
 Los Angeles, CA 90064  
 TELEPHONE NO.: (310) 312-4323 FAX NO.: (310) 312-4224  
 ATTORNEY FOR (Name): Robert S. Kelly

**FILED**  
LOS ANGELES SUPERIOR COURT

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES  
 STREET ADDRESS: 111 N. Hill St.  
 MAILING ADDRESS: 111 N. Hill St.  
 CITY AND ZIP CODE: Los Angeles, CA 90012  
 BRANCH NAME: Central

AUG 15 2008  
 JOHN A. CLARKE, CLERK  
 BY SHAUNYA WESLEY, DEPUTY

CASE NAME: Robert S. Kelly v. Sugar, et al.

**CIVIL CASE COVER SHEET**  
 **Unlimited** (Amount demanded exceeds \$25,000)     **Limited** (Amount demanded is \$25,000 or less)  
**Complex Case Designation**  
 **Counter**     **Joinder**  
 Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)

CASE NUMBER:  
 EC396442  
 JUDGE:  
 DEPT:

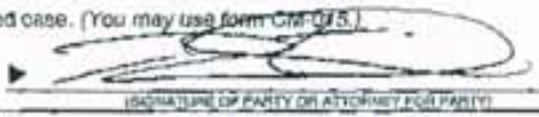
Items 1-6 below must be completed (see instructions on page 2).

1. Check one box below for the case type that best describes this case:
- |  |  |  |
|--|--|--|
| <p><b>Auto Tort</b></p> <input type="checkbox"/> Auto (22)<br><input type="checkbox"/> Uninsured motorist (46)<br><p><b>Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort</b></p> <input type="checkbox"/> Asbestos (04)<br><input type="checkbox"/> Product liability (24)<br><input type="checkbox"/> Medical malpractice (45)<br><input type="checkbox"/> Other PI/PD/WD (23)<br><p><b>Non-PI/PD/WD (Other) Tort</b></p> <input checked="" type="checkbox"/> Business tort/unfair business practice (07)<br><input type="checkbox"/> Civil rights (06)<br><input type="checkbox"/> Detention (13)<br><input type="checkbox"/> Fraud (16)<br><input type="checkbox"/> Intellectual property (19)<br><input type="checkbox"/> Professional negligence (25)<br><input type="checkbox"/> Other non-PI/PD/WD tort (35)<br><p><b>Employment</b></p> <input type="checkbox"/> Wrongful termination (36)<br><input type="checkbox"/> Other employment (15) | <p><b>Contract</b></p> <input type="checkbox"/> Breach of contract/warranty (05)<br><input type="checkbox"/> Rule 3.740 collections (09)<br><input type="checkbox"/> Other collections (06)<br><input type="checkbox"/> Insurance coverage (18)<br><input type="checkbox"/> Other contract (37)<br><p><b>Real Property</b></p> <input type="checkbox"/> Eminent domain/inverse condemnation (14)<br><input type="checkbox"/> Wrongful eviction (30)<br><input type="checkbox"/> Other real property (26)<br><p><b>Unlawful Detainer</b></p> <input type="checkbox"/> Commercial (31)<br><input type="checkbox"/> Residential (32)<br><input type="checkbox"/> Drugs (38)<br><p><b>Judicial Review</b></p> <input type="checkbox"/> Asset forfeiture (05)<br><input type="checkbox"/> Petition re: arbitration award (11)<br><input type="checkbox"/> Writ of mandate (02)<br><input type="checkbox"/> Other judicial review (39) | <p><b>Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400-3.403)</b></p> <input type="checkbox"/> Annuity/Trade regulation (03)<br><input type="checkbox"/> Construction defect (10)<br><input type="checkbox"/> Mass tort (40)<br><input type="checkbox"/> Securities litigation (28)<br><input type="checkbox"/> Environmental/Toxic tort (30)<br><input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41)<br><p><b>Enforcement of Judgment</b></p> <input type="checkbox"/> Enforcement of judgment (20)<br><p><b>Miscellaneous Civil Complaint</b></p> <input type="checkbox"/> RICO (27)<br><input type="checkbox"/> Other complaint (not specified above) (42)<br><p><b>Miscellaneous Civil Petition</b></p> <input type="checkbox"/> Partnership and corporate governance (21)<br><input type="checkbox"/> Other petition (not specified above) (43) |
|--|--|--|

2. This case  is  is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:
- |  |  |
|--|--|
| a. <input type="checkbox"/> Large number of separately represented parties   | d. <input type="checkbox"/> Large number of witnesses  |
| b. <input type="checkbox"/> Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve | e. <input type="checkbox"/> Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court |
| c. <input type="checkbox"/> Substantial amount of documentary evidence   | f. <input type="checkbox"/> Substantial postjudgment judicial supervision  |
3. Remedies sought (check all that apply): a.  monetary b.  nonmonetary, declaratory or injunctive relief c.  punitive
4. Number of causes of action (specify): 4
5. This case  is  is not a class action suit.
6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-075.)

Date: August 15, 2008  
 Raqim A. S. Knight

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)



**NOTICE**

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

Page 1 of 3

**INSTRUCTIONS ON HOW TO COMPLETE THE COVER SHEET**

**To Plaintiffs and Others Filing First Papers.** If you are filing a first paper (for example, a complaint) in a civil case, you must complete and file, along with your first paper, the *Civil Case Cover Sheet* contained on page 1. This information will be used to compile statistics about the types and numbers of cases filed. You must complete items 1 through 6 on the sheet. In item 1, you must check one box for the case type that best describes the case. If the case fits both a general and a more specific type of case listed in item 1, check the more specific one. If the case has multiple causes of action, check the box that best indicates the primary cause of action. To assist you in completing the sheet, examples of the cases that belong under each case type in item 1 are provided below. A cover sheet must be filed only with your initial paper. Failure to file a cover sheet with the first paper filed in a civil case may subject a party, its counsel, or both to sanctions under rules 2.30 and 3.220 of the California Rules of Court.

**To Parties in Rule 3.740 Collections Cases.** A "collections case" under rule 3.740 is defined as an action for recovery of money owed in a sum stated to be certain that is not more than \$25,000, exclusive of interest and attorney's fees, arising from a transaction in which property, services, or money was acquired on credit. A collections case does not include an action seeking the following: (1) tort damages, (2) punitive damages, (3) recovery of real property, (4) recovery of personal property, or (5) a prejudgment writ of attachment. The identification of a case as a rule 3.740 collections case on this form means that it will be exempt from the general time-for-service requirements and case management rules, unless a defendant files a responsive pleading. A rule 3.740 collections case will be subject to the requirements for service and obtaining a judgment in rule 3.740.

**To Parties in Complex Cases.** In complex cases only, parties must also use the *Civil Case Cover Sheet* to designate whether the case is complex. If a plaintiff believes the case is complex under rule 3.400 of the California Rules of Court, this must be indicated by completing the appropriate boxes in items 1 and 2. If a plaintiff designates a case as complex, the cover sheet must be served with the complaint on all parties to the action. A defendant may file and serve no later than the time of its first appearance a joinder in the plaintiff's designation, a counter-designation that the case is not complex, or, if the plaintiff has made no designation, a designation that the case is complex.

**CASE TYPES AND EXAMPLES**

**Auto Tort**

- Auto (22)—Personal Injury/Property Damage/Wrongful Death
- Uninsured Motorist (46) (if the case involves an uninsured motorist claim subject to arbitration, check this item instead of Auto)

**Other PVPD/WD (Personal Injury/Property Damage/Wrongful Death) Tort**

- Asbestos (04)
  - Asbestos Property Damage
  - Asbestos Personal Injury/Wrongful Death
- Product Liability (not asbestos or toxic/environmental) (24)
- Medical Malpractice (45)
  - Medical Malpractice—Physicians & Surgeons
  - Other Professional Health Care Malpractice
- Other PVPD/WD (23)
  - Premises Liability (e.g., slip and fall)
  - Intentional Bodily Injury/PD/WD (e.g., assault, vandalism)
  - Intentional Infliction of Emotional Distress
  - Negligent Infliction of Emotional Distress
  - Other PVPD/WD

**Non-PVPD/WD (Other) Tort**

- Business Tort/Unfair Business Practice (07)
- Civil Rights (e.g., discrimination, false arrest) (not civil harassment) (08)
- Defamation (e.g., slander, libel) (13)
- Fraud (16)
- Intellectual Property (19)
- Professional Negligence (25)
  - Legal Malpractice
  - Other Professional Malpractice (not medical or legal)
  - Other Non-PVPD/WD Tort (35)

**Employment**

- Wrongful Termination (36) Other Employment (15)

**Contract**

- Breach of Contract/Warranty (06)
- Breach of Rental/Lease Contract (not unlawful detainer or wrongful eviction)
- Contract/Warranty Breach—Seller Plaintiff (not fraud or negligence)
- Negligent Breach of Contract/Warranty
- Other Breach of Contract/Warranty
- Collections (e.g., money owed, open book accounts) (09)
- Collection Case—Seller Plaintiff
- Other Promissory Note/Collections Case
- Insurance Coverage (not provisionally complex) (18)
  - Auto Subrogation
  - Other Coverage
- Other Contract (37)
  - Contractual Fraud
  - Other Contract Dispute

**Real Property**

- Eminent Domain/Inverse Condemnation (14)
- Wrongful Eviction (33)
- Other Real Property (e.g., quiet title) (26)
  - Writ of Possession of Real Property
  - Mortgage Foreclosure
  - Quiet Title
  - Other Real Property (not eminent domain, landlord/tenant, or foreclosure)

**Unlawful Detainer**

- Commercial (31)
- Residential (32)
- Drugs (38) (if the case involves illegal drugs, check this item; otherwise, report as Commercial or Residential)

**Judicial Review**

- Asset Forfeiture (05)
- Position Rec: Arbitration Award (11)
- Writ of Mandate (02)
  - Writ—Administrative Mandamus
  - Writ—Mandamus on Limited Court Case Matter
  - Writ—Other Limited Court Case Review
- Other Judicial Review (39)
- Review of Health Officer Order
- Notice of Appeal—Labor Commissioner Appeals

**Provisionally Complex Civil Litigation (Cal. Rules of Court Rules 3.400–3.403)**

- Antitrust/Trade Regulation (03)
- Construction Defect (10)
- Claims Involving Mass Tort (40)
- Securities Litigation (28)
- Environmental/Toxic Tort (30)
- Insurance Coverage Claims (arising from provisionally complex case type listed above) (41)

**Enforcement of Judgment**

- Enforcement of Judgment (20)
- Abstract of Judgment (Out of County)
- Confession of Judgment (non-domestic relations)
- Sister State Judgment
- Administrative Agency Award (not unpaid taxes)
- Petition/Certification of Entry of Judgment on Unpaid Taxes
- Other Enforcement of Judgment Case

**Miscellaneous Civil Complaint**

- RICO (27)
- Other Complaint (not specified above) (42)
  - Declaratory Relief Only
  - Injunctive Relief Only (non-harassment)
  - Mechanics Lien
  - Other Commercial Complaint Case (non-tort/non-complex)
  - Other Civil Complaint (non-tort/non-complex)

**Miscellaneous Civil Petition**

- Partnership and Corporate Governance (21)
- Other Petition (not specified above) (43)
  - Civil Harassment
  - Workplace Violence
  - Elder/Dependent Adult Abuse
  - Election Contest
  - Petition for Name Change
  - Petition for Relief From Late Claim
  - Other Civil Petition

# ORIGINAL

SHORT TITLE Kelly v. Sugar, et al.	CASE NUMBER CC396442
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## CIVIL CASE COVER SHEET ADDENDUM AND STATEMENT OF LOCATION (CERTIFICATE OF GROUNDS FOR ASSIGNMENT TO COURTHOUSE LOCATION)

This form is required pursuant to LASC Local Rule 2.0 in all new civil case filings in the Los Angeles Superior Court.

Item I. Check the types of hearing and fill in the estimated length of hearing expected for this case:

JURY TRIAL?  YES CLASS ACTION?  YES LIMITED CASE?  YES TIME ESTIMATED FOR TRIAL \_\_\_\_\_  HOURS /  DAYS

Item II. Select the correct district and courthouse location (4 steps – If you checked "Limited Case", skip to Item III, Pg. 4):

**Step 1:** After first completing the Civil Case Cover Sheet Form, find the main civil case cover sheet heading for your case in the left margin below, and, to the right in Column A, the Civil Case Cover Sheet case type you selected.

**Step 2:** Check one Superior Court type of action in Column B below which best describes the nature of this case.

**Step 3:** In Column C, circle the reason for the court location choice that applies to the type of action you have checked. For any exception to the court location, see Los Angeles Superior Court Local Rule 2.0.

### Applicable Reasons for Choosing Courthouse Location (see Column C below)

- |   |  |
|---|--|
| <ol style="list-style-type: none"> <li>1. Class Actions must be filed in the County Courthouse, Central District.</li> <li>2. May be filed in Central (Other county, or no Bodily Injury/Property Damage).</li> <li>3. Location where cause of action arose.</li> <li>4. Location where bodily injury, death or damage occurred.</li> <li>5. Location where performance required or defendant resides.</li> </ol> | <ol style="list-style-type: none"> <li>6. Location of property or permanently garaged vehicle.</li> <li>7. Location where petitioner resides.</li> <li>8. Location wherein defendant/respondent functions wholly.</li> <li>9. Location where one or more of the parties reside.</li> <li>10. Location of Labor Commissioner Office.</li> </ol> |
|---|--|

**Step 4:** Fill in the information requested on page 4 in Item III, complete Item IV. Sign the declaration.

	A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Auto Tort	Auto (22)	<input type="checkbox"/> A7100 Motor Vehicle - Personal Injury/Property Damage/Wrongful Death	1, 2, 4.
	Uninsured Motorist (46)	<input type="checkbox"/> A7110 Personal Injury/Property Damage/Wrongful Death - Uninsured Motorist	1, 2, 4.
Other Personal Injury/Property Damage/Wrongful Death Tort	Asbestos (04)	<input type="checkbox"/> A6070 Asbestos Property Damage <input type="checkbox"/> A7221 Asbestos - Personal Injury/Wrongful Death	2. 2.
	Product Liability (24)	<input type="checkbox"/> A7200 Product Liability (not asbestos or toxic/environmental)	1, 2, 3, 4, 8.
	Medical Malpractice (43)	<input type="checkbox"/> A7210 Medical Malpractice - Physicians & Surgeons <input type="checkbox"/> A7240 Other Professional Health Care Malpractice	1, 2, 4. 1, 2, 4.
	Other Personal Injury Property Damage Wrongful Death (23)	<input type="checkbox"/> A7250 Premises Liability (e.g., slip and fall) <input type="checkbox"/> A7230 Intentional Bodily Injury/Property Damage/Wrongful Death (e.g., assault, vandalism, etc.) <input type="checkbox"/> A7270 Intentional Infliction of Emotional Distress <input type="checkbox"/> A7220 Other Personal Injury/Property Damage/Wrongful Death	1, 2, 4. 1, 2, 4. 1, 2, 3. 1, 2, 4.
Non-Personal Injury/Property Damage/Wrongful Death Tort	Business Tort (07)	<input checked="" type="checkbox"/> A6029 Other Commercial/Business Tort (not fraud/breach of contract)	1, 2, 3.
	Civil Rights (09)	<input type="checkbox"/> A6005 Civil Rights/Discrimination	1, 2, 3.
	Defamation (13)	<input type="checkbox"/> A6010 Defamation (slander/libel)	1, 2, 3.
	Fraud (16)	<input type="checkbox"/> A6013 Fraud (no contract)	1, 2, 3.

Non-Personal Injury/Property Damage/  
Wrongful Death Tort (Cont'd.)

Employment

Contract

Real Property

Judicial Review: Unlawful Detainer

SHORT TITLE Kelly v. Sugar, et al.	CASE NUMBER EC396442
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A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons -See Step 3 Above
Professional Negligence (26)	<input type="checkbox"/> A6017 Legal Malpractice <input type="checkbox"/> A6050 Other Professional Malpractice (not medical or legal)	1, 2, 3 1, 2, 3
Other (35)	<input type="checkbox"/> A6025 Other Non-Personal Injury/Property Damage tort	2, 3
Wrongful Termination (30)	<input type="checkbox"/> A6037 Wrongful Termination	1, 2, 3
Other Employment (15)	<input type="checkbox"/> A6034 Other Employment Complaint Case <input type="checkbox"/> A6108 Labor Commissioner Appeals	1, 2, 3 10
Breach of Contract/ Warranty (08) (not insurance)	<input type="checkbox"/> A8004 Breach of Rental/Lease Contract (not Unlawful Detainer or wrongful eviction) <input type="checkbox"/> A6005 Contract/Warranty Breach -Seller Plaintiff (no fraud/negligence) <input type="checkbox"/> A6019 Negligent Breach of Contract/Warranty (no fraud) <input type="checkbox"/> A6026 Other Breach of Contract/Warranty (not fraud or negligence)	2, 5 2, 5 1, 2, 5 1, 2, 5
Collections (09)	<input type="checkbox"/> A6002 Collections Case-Seller Plaintiff <input type="checkbox"/> A6012 Other Promissory Note/Collections Case	2, 5, 6 2, 5
Insurance Coverage (18)	<input type="checkbox"/> A6015 Insurance Coverage (not complex)	1, 2, 5, 8
Other Contract (37)	<input type="checkbox"/> A6009 Contractual Fraud <input type="checkbox"/> A6031 Tortious Interference <input type="checkbox"/> A6027 Other Contract Dispute(not breach/insurance/fraud/negligence)	1, 2, 3, 5 1, 2, 3, 5 1, 2, 3, 8
Eminent Domain/Inverse Condemnation (14)	<input type="checkbox"/> A7300 Eminent Domain/Condemnation      Number of parcels _____	2
Wrongful Eviction (33)	<input type="checkbox"/> A6023 Wrongful Eviction Case	2, 6
Other Real Property (26)	<input type="checkbox"/> A6018 Mortgage Foreclosure <input type="checkbox"/> A6032 Quiet Title <input type="checkbox"/> A6060 Other Real Property (not eminent domain, landlord/tenant, foreclosure)	2, 6 2, 6 2, 6
Unlawful Detainer- Commercial (31)	<input type="checkbox"/> A6021 Unlawful Detainer-Commercial (not drugs or wrongful eviction)	2, 6
Unlawful Detainer- Residential (32)	<input type="checkbox"/> A6020 Unlawful Detainer-Residential (not drugs or wrongful eviction)	2, 6
<input type="checkbox"/> Unlawful Detainer- Drugs (38)	<input type="checkbox"/> A6022 Unlawful Detainer-Drugs	2, 6
<input type="checkbox"/> Asset Forfeiture (05)	<input type="checkbox"/> A6108 Asset Forfeiture Case	2, 6
<input type="checkbox"/> Petition re Arbitration (11)	<input type="checkbox"/> A6115 Petition to Compel/Confirm/Vacate Arbitration	2, 5

SHORT TITLE Kelly v. Sugar, et al.	CASE NUMBER EC396442
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Judicial Review (Cont'd.)

Provisionally Complex Litigation

Enforcement of Judgment

Miscellaneous Civil Complaints

Miscellaneous Civil Petitions

A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Writ of Mandate (02)	<input type="checkbox"/> A6151 Writ - Administrative Mandamus	2, 8.
	<input type="checkbox"/> A6152 Writ - Mandamus on Limited Court Case Matter	2.
	<input type="checkbox"/> A6153 Writ - Other Limited Court Case Review	2.
Other Judicial Review (39)	<input type="checkbox"/> A6160 Other Writ/Judicial Review	2, 8.
Antitrust/Trade Regulation (03)	<input type="checkbox"/> A6003 Antitrust/Trade Regulation	1, 2, 8.
Construction Defect (10)	<input type="checkbox"/> A6007 Construction defect	1, 2, 3.
Claims Involving Mass Tort (40)	<input type="checkbox"/> A6006 Claims Involving Mass Tort	1, 2, 8.
Securities Litigation (26)	<input type="checkbox"/> A6035 Securities Litigation Case	1, 2, 8.
Toxic Tort Environmental (30)	<input type="checkbox"/> A6036 Toxic Tort/Environmental	1, 2, 3, 8.
Insurance Coverage Claims from Complex Case (41)	<input type="checkbox"/> A6014 Insurance Coverage/Subrogation (complex case only)	1, 2, 5, 8.
Enforcement of Judgment (20)	<input type="checkbox"/> A6141 Sister State Judgment	2, 9.
	<input type="checkbox"/> A6160 Abstract of Judgment	2, 6.
	<input type="checkbox"/> A6107 Confession of Judgment (non-domestic relations)	2, 9.
	<input type="checkbox"/> A6140 Administrative Agency Award (not unpaid taxes)	2, 8.
	<input type="checkbox"/> A6114 Petition/Certificate for Entry of Judgment on Unpaid Tax	2, 8.
	<input type="checkbox"/> A6112 Other Enforcement of Judgment Case	2, 8, 9.
RICO (27)	<input type="checkbox"/> A6033 Racketeering (RICO) Case	1, 2, 8.
Other Complaints (Not Specified Above) (42)	<input type="checkbox"/> A6030 Declaratory Relief Only	1, 2, 8.
	<input type="checkbox"/> A6040 Injunctive Relief Only (not domestic/harassment)	2, 8.
	<input type="checkbox"/> A6011 Other Commercial Complaint Case (non-tort/non-complex)	1, 2, 8.
	<input type="checkbox"/> A6000 Other Civil Complaint (non-tort/non-complex)	1, 2, 8.
Partnership/Corporation Governance(21)	<input type="checkbox"/> A6113 Partnership and Corporate Governance Case	2, 8.
Other Petitions (Not Specified Above) (43)	<input type="checkbox"/> A6121 Civil Harassment	2, 3, 9.
	<input type="checkbox"/> A6123 Workplace Harassment	2, 3, 9.
	<input type="checkbox"/> A6124 Elder/Dependent Adult Abuse Case	2, 3, 9.
	<input type="checkbox"/> A6190 Election Contest	2.
	<input type="checkbox"/> A6110 Petition for Change of Name	2, 7.
	<input type="checkbox"/> A6170 Petition for Relief from Late Claim Law	2, 3, 4, 8.
	<input type="checkbox"/> A6160 Other Civil Petition	2, 9.

SHORT TITLE: Kelly v. Sugar, et al.	CASE NUMBER EC396442
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Item III. Statement of Location: Enter the address of the accident, party's residence or place of business, performance, or other circumstance indicated in Item II., Step 3 on Page 1, as the proper reason for filing in the court location you selected.

REASON: CHECK THE NUMBER UNDER COLUMN C WHICH APPLIES IN THIS CASE <input type="checkbox"/> 1. <input type="checkbox"/> 2. <input checked="" type="checkbox"/> 3. <input type="checkbox"/> 4. <input type="checkbox"/> 5. <input type="checkbox"/> 6. <input type="checkbox"/> 7. <input type="checkbox"/> 8. <input type="checkbox"/> 9. <input type="checkbox"/> 10.		ADDRESS: 1716 N. Cahuepaga Blvd.
CITY: Los Angeles	STATE: CA	ZIP CODE: 90028

Item IV. Declaration of Assignment: I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that the above-entitled matter is properly filed for assignment to the Stanley Mosk courthouse in the Central District of the Los Angeles Superior Court (Code Civ. Proc., § 392 et seq., and LASC Local Rule 2.0, subds. (b), (c) and (d)).

Dated: 8/15/08

  
(SIGNATURE OF ATTORNEY/PLAINTIFF)

**PLEASE HAVE THE FOLLOWING ITEMS COMPLETED AND READY TO BE FILED IN ORDER TO PROPERLY COMMENCE YOUR NEW COURT CASE:**

1. Original Complaint or Petition.
2. If filing a Complaint, a completed Summons form for issuance by the Clerk.
3. Civil Case Cover Sheet form CM-010.
4. Complete Addendum to Civil Case Cover Sheet form LACIV 109 (Rev. 01/07), LASC Approved 03-04.
5. Payment in full of the filing fee, unless fees have been waived.
6. Signed order appointing the Guardian ad Litem, JC form FL-935, if the plaintiff or petitioner is a minor under 18 years of age, or if required by Court.
7. Additional copies of documents to be conformed by the Clerk. Copies of the cover sheet and this addendum must be served along with the summons and complaint, or other initiating pleading in the case.

CIVIL CASE COVER SHEET ADDENDUM