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LOS ANGELES SUPERIOR COURT

OCT 14 2008

SUPERIOR COURT  
WEST DISTRICT  
SANTA MONICA

OCT 14 2008

1 Law Offices of Randall Billington  
17100 Gillette Ave., Suite 137  
2 Irvine, CA 92614  
Tel.: 949-885-8874; 714-832-8500  
3 Fax: 951-346-5588

4 Randall Billington, CSB # 169883  
5 Attorney for Plaintiffs

JOHN A. CLARK  
BY VENESSA GILLES, DEPUTY

INITIAL CASE MANAGEMENT REVIEW  
AND CONFERENCE

FEB 02 2009

6  
7 Norman P. Tarle DEPT. B  
8 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
9 COUNTY OF LOS ANGELES  
10

8:30 am

11 RONNIE BLAKE, JAKON SUTTER and  
12 DANTE NIGRO,

13 Plaintiffs,

14 v.

15 LINDSAY LOHAN, and

16 DOES 1-100,

17 Defendants.

Case No. SC100173

COMPLAINT

- 1. Negligence
- 2. Assault
- 3. Battery
- 4. False imprisonment
- 5. Intentional infliction of emotional distress
- 6. Conversion
- 7. Trespass to chattel
- 8. Slander

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322

18 JURISDICTIONAL FACTS

19 1. In this Complaint, Plaintiffs' claims against each Defendant for recovery of  
20 monetary damages exceeds \$25,000.00.

21 2. One or more of Defendant Lindsay Lohan's wrongful acts underlying this  
22 complaint occurred in the County of Los Angeles, California.

23 GENERAL ALLEGATIONS

24 3. Plaintiffs do not know the true names and capacities of Defendants Doe 1 through  
25 100, sued here under fictitious names. Unless otherwise specifically noted under a cause of  
26 action, each reference in this Complaint to a specifically named Defendant refers also to all  
27 Defendants sued under fictitious names.  
28

1 4. At all times relevant to this Complaint, each Defendant was the agent of the others,  
2 and each act alleged to have been committed by any one of them was committed on behalf of  
3 every other Defendant in the scope of such agency. Each act of each Defendant as alleged herein  
4 was ratified and approved by the other Defendants.

5 5. During the evening of July 23, 2007, Defendant Lindsay Lohan was present at a party in  
6 Malibu, California. Plaintiffs Ronnie Blake, Jakon Sutter and Dante Nigro also came to the party in  
7 Dante's vehicle, a 2004 Denali, driven by Dante's friend Dan. Ronnie and Jakon were not permitted to  
8 come inside, and they remained outside sitting in Dante's vehicle. Dante and Dan went inside.

9 6. At the party, Lohan consumed alcoholic beverages and become intoxicated.

10 7. After a time, Dante and Dan left the party, exited the premises, and went out to the SUV,  
11 preparing to leave.

12 8. In preparation to depart, Dante seated himself in the front passenger's seat of the SUV, and  
13 Dan seated himself in the driver's seat. Ronnie and Jakon were still seated in the rear, where they had  
14 been waiting. About this same time, Taryn, who was Dan's girlfriend and also Lohan's assistant, exited  
15 the party and headed towards her car, which was parked nearby.

16 9. Lohan followed Taryn out of the house, speaking angrily at Taryn. Dan felt protective of  
17 Taryn, and as Taryn went to her car, Dan got out of Dante's SUV and walked over towards Taryn and her  
18 car.

19 10. As Taryn got into her car, Lohan saw that Taryn was leaving, and Lohan acted impulsively  
20 and aggressively to follow her. Before Dan could return to Dante's SUV, Lohan jumped into the open  
21 driver's seat and started the vehicle with the intent of chasing Taryn.

22 11. It was obvious to Dante, Ronnie and Jakon that Lohan was highly intoxicated, as well as  
23 angry and aggressive, and that if she drove it would be very dangerous for herself, for them and for others  
24 who she might injure. Each of them felt surprise, shock, fear and panic at Lohan's surprising and sudden  
25 act of taking Dante's vehicle to begin to chase after Taryn.

26 12. As it became clear what Lohan intended, the startled and fearful passengers cried out for  
27 Lohan to stop.

28 //

1 13 Dante, Ronnie and Jakon each had special reasons to be highly sensitized to the dangers of  
2 drunk driving and auto accidents. They all had recent knowledge of acquaintances who had died in  
3 alcohol related driving accidents. Dante and Ronnie had been in car accidents as passengers and were  
4 afraid of what would happen with Lohan driving while she was angry, aggressive, and under the  
5 influence. Dante himself had successfully completed a three month remedial program for persons  
6 charged with driving under the influence of alcohol which gave him special insight into such dangers.

7 14. In the face of the danger of injury or death by remaining in the vehicle with Lohan driving,  
8 Ronnie acted impulsively to escape the dangerous situation by exiting the vehicle with his mobile phone.  
9 As he did so, Lohan accelerated and ran the SUV over Ronnie's foot, causing extreme pain and physical  
10 injury.

11 15. Instead of stopping, Lohan began to accelerate the SUV.

12 16. Before Lohan gained too much speed, Dante attempted to stop her from driving his vehicle  
13 by reaching over to grab the steering wheel from the passenger's seat. Lohan responded with hostile  
14 wrath, telling Dante not to touch her and threatening to sue him if he did. She also continued to  
15 accelerate the vehicle at the same time. Dante was startled and intimidated by Lohan's raging anger, and  
16 fearful that a further effort to wrest control of the steering wheel from her would cause a greater risk of a  
17 crash and injury.

18 17. With Dante and Jakon trapped as passengers in the SUV without any opportunity to exit,  
19 Lohan drove down Pacific Coast Highway at high speeds exceeding the speed limit in pursuit of Taryn's  
20 car. Dante and Jakon continued to implore Lohan to slow down, stating specifically that she was  
21 endangering all of their lives and that they could be killed. Lohan refused to slow or stop, but instead  
22 responded with abusive cursing and vulgar language, including a statement that she did not care about the  
23 risk of death. During the ride she threatened that she knew people who could mess up their lives if they  
24 told anyone about this. She also stated that because she was a celebrity she could do whatever she wants.

25 18. Lohan continued her reckless and life-endangering drive down Pacific Coast Highway,  
26 driving in a manner that placed herself, her passengers, and others on the roadway in the frightening  
27 position of being killed, or severely injured or maimed in a collision.

28 //

1 19. Lohan lost contact with Taryn's vehicle, and then sought to locate Taryn by driving to  
2 Taryn's mother's home on surface streets in Santa Monica. Lohan drove at speeds over 60 miles per  
3 hour, and sped through intersections controlled by red lights and stop signs without slowing down.  
4 Lohan was driving in a manner where a collision with another vehicle would have had catastrophically  
5 injurious or fatal effects for the passengers in the SUV she was driving, or for persons in another vehicle  
6 on the road, with the prospect of death or being maimed or severely injured.

7 20. At several points during Lohan's driving, she came very close to colliding with other  
8 vehicles.

9 21. As Lohan pulled up to Taryn's home, another vehicle also pulled up driven by Taryn's  
10 mother. Dante exited the SUV to see if Taryn was there, hoping that Lohan would be appeased and  
11 surrender his vehicle, but the other vehicle then sped away. At this moment, Dante thought that while his  
12 SUV was momentarily stopped, he might be able to disable it before Lohan took off again. With that  
13 goal, Dante re-entered the front passenger seat and tried to force the transmission into "Park." But as he  
14 attempted to do so, Lohan accelerated, and he was again trapped as a passenger in the vehicle. Jakon was  
15 terrified and disoriented by what had taken place, and did not expect Lohan to resume driving once she  
16 pulled up in front of Taryn's house. For these reasons, he did not immediately get out of the SUV.

17 22. As Lohan resumed her chase, she again sped through controlled intersections without  
18 stopping, while Dante and Jakon again pleaded with her to slow down.

19 23. Lohan refused to slow or stop.

20 24. Dante observed that the vehicle driven by Taryn's mother was traveling on a route that led  
21 to the Santa Monica Police station. Dante told this to Lohan in one more desperate effort to persuade  
22 Lohan to stop driving recklessly. Lohan responded that she did not care if she ended up at the Police  
23 Department.

24 25. Lohan did in fact arrive at the Santa Monica Police station and got out of the SUV. While  
25 speaking to police, Lohan said something to the effect that she was not driving the SUV, and that  
26 "the black guy" (Jakon) was driving. The police questioned Jakon and Dante, administered field sobriety  
27 tests to Lohan, and arrested her.

28 //

1 26. Lohan's reckless and life-endangering driving escapade lasted for an extended period of  
2 time. During her drive, Dante and Jakon were bounced violently up and down inside the SUV, and jerked  
3 from side to side. In order to avoid even more violent, jarring, jostling, and whipping body  
4 movement, and for balance against the extreme physical forces generated by the high speeds, Dante  
5 tightly gripped the safety grip bar on the interior of the vehicle above the passenger door, and  
6 Jakon grasped the seat in front of him to brace himself, and also grasped the safety grip bar.

7 27. During Lohan's unsafe and reckless driving escapade in the SUV, the passengers knew  
8 that Lohan's driving placed them, Lohan herself, and other drivers on the road in danger of great bodily  
9 injury or death. Each of them feared for his life and safety, and for the life and safety of Lohan, the other  
10 passengers and other drivers. Each of them rightly recognized the very real possibility that as a result of  
11 Lohan's reckless and unsafe driving, this could be the last few minutes of their lives, and that at any  
12 moment they could be victims in a high-speed auto crash causing them to be maimed, mutilated, burned,  
13 or killed.

14 28. Lohan had just turned 21 years old less than a 90 days before the episode of life-  
15 threatening drunk driving in which she endangered Ronnie, Jakon, Dante, and other individuals on the  
16 streets of Santa Monica and the Pacific Coast Highway.

17 29. Lohan's arrest for drunk driving while endangering Ronnie, Jakon, Dante, and other  
18 individuals on the streets of Santa Monica and the Pacific Coast Highway was her second arrest for drunk  
19 driving within a period of less than 90 days. At the time of that second arrest, Lohan was also found to be  
20 in possession of cocaine.

21 30. In criminal proceedings against Lohan, she did not deny that, at the time she endangered  
22 the lives of Ronnie, Jakon, Dante, and other individuals, and put them and others at risk of serious injury  
23 or death, she was driving while drunk, and that this was the second time she had done so in a period of  
24 less than 90 days.

25 31. Lohan was convicted of the crime of driving while she was under the influence of alcohol  
26 and reckless driving or other drugs on the occasion when she endangered the lives of Ronnie, Jakon,  
27 Dante, and other individuals, and put them and others at risk of serious injury or death.

28 \ \

1 32 As a consequence for Lohan's conduct as alleged herein that endangered lives and put  
2 individuals at risk of serious injury or death, and for her prior arrest for drunk driving in that time period,  
3 Lohan received a minimal criminal sentence after which she served less than two hours in jail.

4 33. Many members of the public do not fully understand the extent to which driving or other  
5 conduct under the influence of alcohol or illegal drugs endangers millions of people on the streets and  
6 highways of the United States. According to National Highway Safety Administration Statistics reported  
7 by MADD (Mothers Against Drunk Driving) someone is killed by a drunk driver in the United States on  
8 average every 30 minutes. In 2001, more than half a million people were injured in crashes where police  
9 reported that alcohol was present - an average of one person injured almost every minute. In 2006, an  
10 estimated 17,602 people died in alcohol-related traffic crashes. These deaths constitute over 40 percent  
11 of total traffic fatalities.

12 34. The risk and dangers from driving under the influence of alcohol or other illegal drugs is  
13 especially severe in cases where teenagers or young adults are driving. According to National Highway  
14 Safety Administration Statistics reported by MADD (Mothers Against Drunk Driving), motor vehicle  
15 crashes are the leading cause of death for people from 21 to 34 years old. For 2006, traffic crashes were  
16 the number one killer of teenagers 15-20 years old, and 31% of teen traffic deaths were alcohol related.  
17 Young drivers are twice as likely as other drivers to be involved in fatal crashes, and in a comparison of  
18 drunk drivers in different age groups, drivers aged 21 to 24 had the highest percentage of fatal crashes.  
19 Among 15-20 year-old drivers who were killed in motor vehicle crashes, 25 percent had an illegal blood  
20 alcohol level. Studies reported by MADD show that 33 percent of all traffic deaths for young people  
21 aged 15-20 were from alcohol-related crashes in 2005. Studies by the Department of Health and Human  
22 Services reported by MADD show that 21 percent of young people aged 16 to 20 reported driving under  
23 the influence of either alcohol or illicit drugs in 2002 and 2003.

24 35. The consequence of criminal arrest and conviction for individual drunk driving offenders  
25 is insufficient to adequately deter drunk driving, especially among young drivers. According studies  
26 reported by MADD (Mothers Against Drunk Driving), only one arrest is made for every 88 episodes of  
27 driving while over the legal blood alcohol limit in the United States. Of approximately 4.2 million people  
28 //

1 aged 16-20 who admit driving under the influence of alcohol or illicit drugs in one recent year, only about  
2 four percent indicate that they had been arrested and booked for driving under the influence.

3 36. The danger of alcohol abuse by teenagers and young adults is a major societal problem that  
4 extends beyond drunk driving. According to studies reported by the American Academy of Pediatrics,  
5 and cited by MADD (Mothers Against Drunk Driving), teenagers are not well informed about the effects  
6 of alcohol. Other research cited by MADD shows that 31 percent of 15 to 16 year-olds report drinking  
7 alcohol in the last 12 months, but only 31 percent of their parents believed their children had drunk  
8 alcohol during that period. An early age of drinking onset is associated with alcohol related violence both  
9 as a teenager and in later life. High school students who use alcohol or other substances are five times  
10 more likely to drop out of school or to believe that earning good grades is not important. Those who have  
11 their first drink prior to age 19 are significantly more likely to be involved in driving after drinking, and  
12 to believe they can consume more drinks and still drive safely and legally.

13 37. Drunk driving presents an enormous cost to the public. According to National Highway  
14 Safety Administration Statistics for 2000 reported by MADD (Mothers Against Drunk Driving), alcohol-  
15 related crashes alone cost the public an estimated \$114.3 billion, and people other than the drinking driver  
16 paid \$71.6 billion (63 percent) of that cost. This figure grows much higher when the cost to the public for  
17 law enforcement and court administration expenses are included for incidents of drunk driving that did  
18 not result in a crash. The average alcohol-related fatality in the United States costs \$3.5 million, and the  
19 estimated cost per injured survivor is \$99,000.

20 38. Because of the significant danger that drunk driving and other behavior under the  
21 influence of alcohol or other illegal substances presents to young persons and to the general public, and  
22 because of the enormous economic cost of such conduct to the public, and because of the need for greater  
23 public awareness especially among young people of the consequences of such conduct, it is necessary for  
24 dangerous incidents of driving or other harmful conduct under the influence of alcohol or other illegal  
25 substances to be publicized and punished, not only for the effect on the individual perpetrating such  
26 conduct, but also so as to deter such conduct by setting an example that will be noticed and recognized by  
27 the public, and especially by young people.

28 //

FIRST CAUSE OF ACTION

(Negligence; by all Plaintiffs against all Defendants)

39. Paragraphs 1 through 38 are incorporated here.

40. Defendants had a duty to exercise reasonable care in driving the SUV so as not to place passengers in the vehicle in danger of harm.

41. Defendants operated the SUV in a manner that breached the duty of care.

42. Defendants operated the SUV in a manner that violated laws intended to protect passengers such as Dante, Ronnie and Jakon from the kind of harm Defendant caused.

43. Defendants performed the wrongful acts or omissions as alleged under this cause of action willfully, with conscious disregard for the risk of causing grave bodily injury, death or severe emotional distress to Plaintiffs, or as acts of oppression, or with malice and intent to engage in acts causing such harm.

44. Defendants' wrongful acts or omissions described under this cause of action were a substantial factor and legal cause of Plaintiffs' fear, anxiety, stress, anger, physical discomfort, inconvenience, emotional distress, loss of enjoyment of life, and expense of remedial care.

SECOND CAUSE OF ACTION

(Assault; by all Plaintiffs against all Defendants)

45. Paragraphs 1 through 38, 43 and 44 are incorporated here.

45. Defendants' wrongful acts or omissions as alleged under this cause action caused Dante, Ronnie and Jakon to suffer apprehension or fear of harmful, injurious or offensive physical contact.

THIRD CAUSE OF ACTION

(Battery; by all Plaintiffs against all Defendants)

47. Paragraphs 1 through 38, 43 and 44 are incorporated here.

48. Defendants' wrongful acts or omissions as alleged under this cause action caused Dante, Ronnie and Jakon to suffer harmful, injurious or offensive physical contact.

//

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EIGHTH CAUSE OF ACTION

(Slander; by Jakon Sutter against all Defendants)

58 Paragraphs 1 through 38, and 44 are incorporated here.

59 Defendants' operation of the SUV involved commission of crimes.

60 Lohan's statement to the police that "the black guy" in the SUV with her was the one who had been driving the SUV was, on its face, an accusation that Jakon had committed crimes that Lohan herself had actually committed.

61. Defendants performed the wrongful acts or omissions as alleged under this cause of action wilfully, with conscious disregard for the risk of causing injury to Plaintiff, or as acts of oppression, or with malice and intent to engage in acts causing such harm.

PRAYER

WHEREFORE, under each cause of action under which each PLAINTIFF is named as bringing the cause of action, each PLAINTIFF requests judgment against Defendants, as follows:

For the following relief, subject to proof in amounts the Court may find proper, collectively exceeding \$25,000.00:

- (1) General damages;
- (2) Special damages;
- (3) All legally permitted interest on the relief claimed;
- (4) Punitive and exemplary damages;
- (5) Costs of suit;
- (6) Attorney fees as permitted by law;
- (7) Such other relief as the Court deems proper.

LAW OFFICES OF RANDALI BILLINGTON

Date: October 10, 2008

Randall Billington, attorney for Plaintiffs

EIGHTH CAUSE OF ACTION

(Slander; by Jakon Sutter against all Defendants)

58. Paragraphs 1 through 38, and 44 are incorporated here.

59. Defendants' operation of the SUV involved commission of crimes.

60. Lohan's statement to the police that "the black guy" in the SUV with her was the one who had been driving the SUV was, on its face, an accusation that Jakon had committed crimes that Lohan herself had actually committed.

61. Defendants performed the wrongful acts or omissions as alleged under this cause of action wilfully, with conscious disregard for the risk of causing injury to Plaintiff, or as acts of oppression, or with malice and intent to engage in acts causing such harm.

PRAYER

WHEREFORE, under each cause of action under which each PLAINTIFF is named as bringing the cause of action, each PLAINTIFF requests judgment against Defendants, as follows:

For the following relief, subject to proof in amounts the Court may find proper, collectively exceeding \$25,000.00:

- (1) General damages;
- (2) Special damages;
- (3) All legally permitted interest on the relief claimed;
- (4) Punitive and exemplary damages;
- (5) Costs of suit;
- (6) Attorney fees as permitted by law;
- (7) Such other relief as the Court deems proper.

~~LAW OFFICES OF RANDALL BILLINGTON~~

~~Randall Billington, attorney for Plaintiffs~~

Date: October 10, 2008

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CSB # 16988

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):  
Randall Billington  
Law Offices of Randall Billington  
17100 Gillette Ave., Suite 137  
Irvine, CA 92614  
TELEPHONE NO.: (951) 544-6560  
FAX NO. (Optional): (951) 345-5588  
E-MAIL ADDRESS (Optional): randalbillington@yahoo.com

ATTORNEY FOR (Name):  
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Los Angeles  
STREET ADDRESS: 1725 Main Street  
MAILING ADDRESS:  
CITY AND ZIP CODE: Santa Monica, CA 90401  
BRANCH NAME: West

CASE NUMBER: SC100173  
JUDICIAL OFFICER: Norman P. Tarle  
DEPT.: B

PLAINTIFF/PETITIONER: Ronnie Blake, Jakon Sutter, Dante Nigro  
DEFENDANT/RESPONDENT: Lindsay Lohan

NOTICE OF RELATED CASE

Identify, in chronological order according to date of filing, all cases related to the case referenced above.

1. a. Title: Rice v. Lohan
  - b. Case number: SC 094 931
  - c. Court:  same as above  
 other state or federal court (name and address):
  - d. Department: WEJ
  - e. Case type:  limited civil  unlimited civil  probate  family law  other (specify):
  - f. Filing date: August 14, 2007
  - g. Has this case been designated or determined as "complex?"  Yes  No
  - h. Relationship of this case to the case referenced above (check all that apply):  
 Involves the same parties and is based on the same or similar claims.  
 arises from the same or substantially identical transactions, incidents, or events requiring the determination of the same or substantially identical questions of law or fact.  
 involves claims against, title to, possession of, or damages to the same property.  
 is likely for other reasons to require substantial duplication of judicial resources if heard by different judges.  
 Additional explanation is attached in attachment 1h
  - i. Status of case:  
 pending  
 dismissed  with  without prejudice  
 disposed of by judgment
2. a. Title:
  - b. Case number:
  - c. Court:  same as above  
 other state or federal court (name and address):
  - d. Department:

NOTICE OF RELATED CASE

Form Approved for Optional Use  
Judicial Council of California  
CM-015 (Rev. July 1, 2007)



Blake, Ronnie, et al.

PLAINTIFF/PETITIONER: Ronnie Blake, Jason Sutter, Dante Nigro	CASE NUMBER:
DEFENDANT/RESPONDENT: Lindsay Lohan	

2. (continued)
- e. Case type:  limited civil  unlimited civil  probate  family law  other (specify):
- f. Filing date:
- g. Has this case been designated or determined as "complex?"  Yes  No
- h. Relationship of this case to the case referenced above (check all that apply):
- involves the same parties and is based on the same or similar claims.
  - arises from the same or substantially identical transactions, incidents, or events requiring the determination of the same or substantially identical questions of law or fact.
  - involves claims against, title to, possession of, or damages to the same property.
  - is likely for other reasons to require substantial duplication of judicial resources if heard by different judges.
  - Additional explanation is attached in attachment 2h
- i. Status of case:
- pending
  - dismissed  with  without prejudice
  - disposed of by judgment

3. a. Title:
- b. Case number:
- c. Court:  same as above  other state or federal court (name and address):
- d. Department
- e. Case type:  limited civil  unlimited civil  probate  family law  other (specify):
- f. Filing date:
- g. Has this case been designated or determined as "complex?"  Yes  No
- h. Relationship of this case to the case referenced above (check all that apply):
- involves the same parties and is based on the same or similar claims.
  - arises from the same or substantially identical transactions, incidents, or events requiring the determination of the same or substantially identical questions of law or fact.
  - involves claims against, title to, possession of, or damages to the same property.
  - is likely for other reasons to require substantial duplication of judicial resources if heard by different judges.
  - Additional explanation is attached in attachment 3h
- i. Status of case:
- pending
  - dismissed  with  without prejudice
  - disposed of by judgment

4.  Additional related cases are described in Attachment 4. Number of pages attached: \_\_\_\_\_

Date: October 10, 2008

Randall Billington (TYPE OR PRINT NAME OF PARTY OR ATTORNEY)

  
 (SIGNATURE OF PARTY OR ATTORNEY)

NOTICE OF RELATED CASE

Blake, Ronnie, et al.



PLAINTIFF/PETITIONER: Ronnie Blake, Jason Sutter, Dante Nigro	CASE NUMBER:
DEFENDANT/RESPONDENT: Lindsay Lohan	

**PROOF OF SERVICE BY FIRST-CLASS MAIL  
NOTICE OF RELATED CASE**

*(NOTE: You cannot serve the Notice of Related Case if you are a party in the action. The person who served the notice must complete this proof of service. The notice must be served on all known parties in each related action or proceeding.)*

1. I am at least 18 years old and not a party to this action. I am a resident of or employed in the county where the mailing took place, and my residence or business address is (specify):  
Randall Billington, 17100 Gillette Ave. # 137, Irvine, CA 92614

2. I served a copy of the Notice of Related Case by enclosing it in a sealed envelope with first-class postage fully prepaid and (check one):

- a.  deposited the sealed envelope with the United States Postal Service.
- b.  placed the sealed envelope for collection and processing for mailing, following this business's usual practices, with which I am readily familiar. On the same day correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service.

3. The Notice of Related Case was mailed:

- a. on (date): October 10, 2008
- b. from (city and state): Irvine, CA

4. The envelope was addressed and mailed as follows:

a. Name of person served:  
Edwin McPherson, Esq.

Street address: 1801 Century Park East, 24th floor

City: Los Angeles

State and zip code: CA 90067

c. Name of person served:  
Paul Hoffman, Esq.

Street address: 723 Ocean Front Walk

City: Venice

State and zip code: CA 90291

b. Name of person served:

Street address:

City:

State and zip code:

d. Name of person served:

Street address:

City:

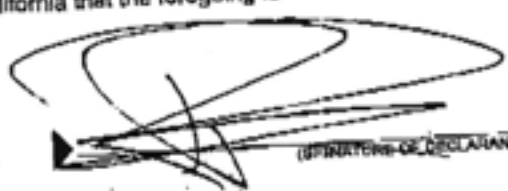
State and zip code:

Names and addresses of additional persons served are attached. (You may use form POS-030(P).)

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: October 10, 2008

Randall Billington (TYPE OR PRINT NAME OF DECLARANT)



(SIGNATURE OF DECLARANT)

**NOTICE OF RELATED CASE**

Blake, Ronnie, et al.