

To Michael Johnson

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07/19/2013

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PETER HENRY FONDA

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

15 PETER HENRY FONDA, an individual,
16 Plaintiff,

17 v.

18 DOLCE & GABBANA USA, INC. d/b/a
NEW DOLCE & GABBANA USA, INC., a
19 Delaware corporation; NORDSTROM, INC.,
a Washington corporation; and DOES 1
20 through 50, inclusive,
21 Defendants.

6025

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES

JUL 19 2013

John A. Clark, Executive Officer/Clerk
BY *(Signature)* Deputy
Shaunya Wesley

Case No. **BC515750**
COMPLAINT FOR:

- (1) VIOLATION OF CALIFORNIA CIVIL CODE § 3344 (UNAUTHORIZED USE OF ANOTHER'S NAME, IMAGE AND LIKENESS ON MERCHANDISE AND FOR ADVERTISING); AND
- (2) COMMON LAW MISAPPROPRIATION OF LIKENESS

JURY TRIAL DEMANDED

RECEIPT #: CCH465980227
 DATE PAID: 07/19/13 04:16 PM
 PAYMENT: \$435.00
 RECEIVED: 310

CHECK: \$435.00
 CASH: \$0.00
 CHANGE: \$0.00
 CARD: \$0.00

CIT/NAGE: BC515750
LEADER#: 1

RECEIVED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES

MAR 12 1968

IN RE: [Illegible]
BY: [Illegible]

9787161720
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ATTORNEYS AT LAW

1 Plaintiff Peter Henry Fonda, an individual, complains against Dolce & Gabbana USA,
2 Inc., doing business as New Dolce & Gabbana USA, Inc., a Delaware corporation,
3 Nordstrom, Inc., a Washington corporation, and DOES 1 through 50, inclusive, as follows:

4 PARTIES

5 1. Plaintiff Peter Henry Fonda (“Mr. Fonda” or “Plaintiff”) is, and at all relevant
6 times herein mentioned was, an individual residing in the State of California, County of Los
7 Angeles.

8 2. Plaintiff is informed and believes, and based thereon alleges, that defendant
9 Dolce & Gabbana USA, Inc., doing business as New Dolce & Gabbana USA, Inc. (“D&G”)
10 is, and at all times herein mentioned was, a Delaware corporation with offices at 148
11 Lafayette Street, New York, New York, 10013. Plaintiff is further informed and believes,
12 and based thereon alleges, that at all times herein mentioned, D&G is, and at all times
13 mentioned was, qualified to do business in the State of California and regularly does
14 business in the State of California by knowingly advertising and selling clothing and other
15 merchandise in California, including the t-shirts at issue in this Complaint.

16 3. Plaintiff is informed and believes, and based thereon alleges, that defendant
17 Nordstrom, Inc. (“Nordstrom”) is, and at all times herein mentioned was, a Washington
18 corporation with offices at 1700 Seventh Avenue, Seattle, Washington, 98101. Plaintiff is
19 further informed and believes, and based thereon alleges, that at all times herein mentioned,
20 Nordstrom is, and at all times mentioned was, qualified to do business in the State of
21 California and regularly does business in the State of California by knowingly advertising
22 and selling clothing and other merchandise in California, including the t-shirts at issue in this
23 complaint. (D&G, Nordstrom and the DOE Defendants set forth below, are collectively
24 referred to herein as “Defendants.”)

25 4. Plaintiff is ignorant of the true names and capacities of the Defendants sued
26 herein as DOES 1 through 50, inclusive, and therefore sues these DOE defendants by such
27 fictitious names. Plaintiff will amend this complaint to allege their true names and capacities
28 when ascertained. Plaintiff is informed and believes, and based thereon, that each of the

fictitiously-named DOE Defendants have sold and/or advertised the merchandise and apparel bearing the image and likeness of Plaintiff, for commercial purposes, without the knowledge or consent of Plaintiff and/or is responsible and liable to Plaintiff in some manner for the events, happenings, contentions, and occurrences herein alleged, and that Plaintiff's damages were proximately caused by said Defendants' conduct.

5. Plaintiff is informed and believes, and based thereon alleges, that Defendants ratified and/or authorized the conduct of one another, and/or conspired with each other, in committing the acts and omissions alleged in this complaint.

6. Plaintiff is informed and believes, and based thereon alleges, that at all times relevant to this complaint, each of the Defendants was and is the alter ego, agent, employee, servant, subsidiary, partner, member, associate or representative of each of the remaining Defendants, and in doing or omitting to perform the acts alleged herein, was acting within the course and scope of the agency, employment, service, partnership, membership, association and/or representative relationship and with knowledge and consent of their respective principals, employees, masters, and/or parent entities.

VENUE

7. Pursuant to California Code of Civil Procedure Section 395, *et seq.*, venue is proper in the Superior Court of the State of California in and for the County of Los Angeles because the injury to Plaintiff and the acts of Defendants giving rise to Plaintiff's claims occurred in, and thus liability arose in, the County of Los Angeles, State of California and Defendants regularly conduct business in and derive substantial income within, the County of Los Angeles, State of California.

FACTUAL ALLEGATIONS

8. Plaintiff is the co-star, co-producer and co-writer of the iconic motion picture *Easy Rider*, which movie was produced in 1969 and is still regularly shown on domestic television, foreign television, in film festivals worldwide, retrospective film events and film award programs. *Easy Rider* has enjoyed worldwide acclaim, and Plaintiff's name, image and likeness is recognized worldwide as a result of his role therein.

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1 9. Further, Plaintiff has appeared in over 100 motion pictures during his career,
2 and has received two Oscar nominations and numerous other film awards. Plaintiff, by any
3 definition, is a celebrity whose name, image and likeness are instantly recognizable, all of
4 which are valuable commercial assets.

5 10. Plaintiff is informed and believes, and based thereon alleges, that D&G has
6 knowingly manufactured, distributed and sold, or licensed for sale, at least men's t-shirts
7 that prominently display Plaintiff's image and likeness, as more particularly set forth in
8 Exhibits 1, 2, 3, and 4 (referred to herein as the "T-Shirts").

9 11. Plaintiff is informed and believes, and based thereon alleges, that D&G has
10 knowingly advertised, licensed, manufactured, distributed and sold the T-Shirts and possibly
11 other clothing that uses Plaintiff's image and likeness, as well as Plaintiff's name in
12 commercial advertisements, including but not limited to, advertising on the internet, as more
13 particularly set forth in Exhibits 5, 6, 7, and 8.

14 12. Plaintiff is informed and believes, and based thereon alleges, that Nordstrom
15 has knowingly sold, distributed and/or licensed and advertised the T-Shirts and possibly
16 other clothing that uses Plaintiff's image and likeness, and Plaintiff's name on the internet as
17 more particularly set forth in Exhibit 9, and in other forms of advertising not presently
18 known to Plaintiff.

19 13. Plaintiff is informed and believes, and based thereon alleges, that DOES 1
20 through 50, inclusive have knowingly sold, manufactured, licensed, distributed and/or
21 advertised the T-Shirts and possibly other clothing on the internet and in other media not
22 presently known to Plaintiff, without the knowledge and consent of Plaintiff.

23 14. Plaintiff is informed and believes, and based thereon alleges, that Defendants,
24 and each of them, began manufacturing, licensing, distributing, selling and advertising the T-
25 Shirts by at least 2012, and continue to do so through the date of this Complaint.

26 15. Plaintiff never granted Defendants permission or authorized Defendants to use
27 his name, image or likeness on the T-Shirts, or any other apparel, for any purpose
28 whatsoever, including but not limited to manufacturing, sale, license, distribution or

1 advertising. At no time did Defendants seek permission from Plaintiff to use his name,
2 likeness or image for commercial purposes on the T-Shirts or any other apparel that
3 Defendants intended to or did manufacture, license, sell, distribute or advertise in any known
4 media.

5 16. Plaintiff is instantly and readily identifiable from the images imprinted on the
6 T-Shirts and the advertising for the T-Shirts, some of which is also accompanied by
7 Plaintiff's name.

8 **FIRST CAUSE OF ACTION**

9 (Violation of California Civil Code § 3344 – Use of Another's Name, Image
10 and Likeness on Merchandise and for Advertising)
11 (Against All Defendants)

12 17. Plaintiff incorporates herein by this reference each and every allegation
13 contained in paragraphs 1 through 16 as though fully set forth herein.

14 18. Plaintiff is informed and believes, and based thereon alleges, that Defendants
15 knowingly used Plaintiff's name, image and likeness on the T-Shirts, and other merchandise
16 that they manufactured, licensed, distributed, sold and advertised worldwide, for their
17 commercial benefit, without the knowledge, consent, and permission of Plaintiff.

18 19. Plaintiff is informed and believes, and based thereon alleges, that there is a
19 direct connection between the use of Plaintiff's name, image and likeness and a commercial
20 purpose. Plaintiff's image and likeness on the T-Shirts gave the merchandise in question its
21 identity and uniqueness; and coupled with the use of Plaintiff's name in advertising
22 Defendants' goods and products, it appears that these products were endorsed and approved
23 by Plaintiff.

24 20. Plaintiff is informed and believes, and based thereon alleges, that he has
25 suffered actual damages as a result of the manufacture, sale, license, distribution and
26 advertisement worldwide of merchandise bearing his name, image and likeness without his
27 knowledge, consent or permission. Plaintiff has suffered injuries to his peace, happiness,
28 feelings, goodwill, reputation, image, loss of the fair market value of his services, and
dilution of his current and future publicity value, all in an amount to be proven at trial.

07/19/2013

21. Plaintiff is informed and believes, and based thereon alleges, that Defendants, and each of them, were unjustly enriched through the unauthorized use of Plaintiff's name, image and likeness, which represent valuable commercial assets.

22. Pursuant to California Civil Code section 3344, in addition to the actual damages suffered or statutory damages that Plaintiff is entitled to recover, Plaintiff is further entitled to recover any profits Defendants have realized from the unauthorized use of Plaintiff's name, image and likeness that are attributable to such use, in an amount to be proven at trial.

23. Plaintiff is informed and believes, and based thereon alleges, that Defendants' acts were done intentionally, willfully, maliciously, and with wanton disregard for the rights of Plaintiff. Plaintiff is therefore entitled to an award of punitive damages, pursuant to California Civil Code section 3344, according to proof at the time of trial.

24. Plaintiff has also incurred and will continue to incur substantial costs and attorneys' fees prosecuting this lawsuit to protect his valuable right of publicity, and pursuant to California Civil Code section 3344, as the prevailing party, is entitled to recover the same from Defendants.

SECOND CAUSE OF ACTION
(Common Law Misappropriation of Name, Image and Likeness)
(Against All Defendants)

25. Plaintiff incorporates herein by this reference each and every allegation contained in paragraphs 1 through 16 as though fully set forth herein.

26. Plaintiff is informed and believes, and based thereon alleges, that Defendants used Plaintiff's name, image and likeness on the T-Shirts, and other merchandise that they manufactured, licensed, distributed, sold and advertised worldwide, for their commercial benefit, without the knowledge, consent and permission of Plaintiff.

27. Plaintiff is informed and believes, and based thereon alleges, that there is a direct connection between the use of Plaintiff's name, image and likeness and a commercial purpose. Plaintiff's image and likeness on the T-Shirts gave the merchandise in question its identity and uniqueness; and coupled with the use of Plaintiff's name in advertising

Defendants' goods and products, it appears that these products were endorsed and approved by Plaintiff.

28. Defendants did not obtain, or attempt to obtain, Plaintiff's permission to use his name, likeness or image on the T-Shirts and to advertise their product using Plaintiff's name. Plaintiff never consented to the use of his image or likeness as appropriated by Defendants, and never consented to the use of his name to advertise the Defendants' merchandise, goods and products worldwide.

29. Plaintiff is informed and believes, and based thereon alleges, that he has suffered actual damages as a result of the manufacture, license, distribution, sale and advertisement worldwide of merchandise bearing his name, image and likeness without his knowledge, consent or permission. Plaintiff has suffered injuries to his peace, happiness, feelings, goodwill, reputation, image, loss of the fair market value of his services and dilution of his current and future publicity value, all in an amount to be proven at trial.

30. Plaintiff is informed and believes, and based thereon alleges, that Defendants, and each of them, were unjustly enriched through the unauthorized use of Plaintiff's name, image, and likeness, which represent valuable commercial assets.

31. Plaintiff is informed and believes, and based thereon alleges, that Defendants' acts were done intentionally, willfully, maliciously, and with wanton disregard for the rights of Plaintiff. Plaintiff is therefore entitled to an award of punitive damages, pursuant to California Civil Code section 3294, according to proof at time of trial.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for judgment as follows:

ON THE FIRST CAUSE OF ACTION

1. For judgment in favor of Plaintiff and against Defendants;
2. For an award of compensatory damages in favor of Plaintiff in an amount not less than \$3,000,000 or such other sum or sums to be proven at trial, plus interest thereon at the legal rate;

GERSH | DERBY, LLP
ATTORNEYS AT LAW

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- 3. For the disgorgement of any profits Defendants have realized from the unauthorized use of Plaintiff's photographs and likeness, in an amount to be proven at trial;
- 4. Punitive damages in an amount to be proven at trial;
- 5. For attorneys' fees as allowed by Civil Code section 3344;

ON THE SECOND CAUSE OF ACTION

- 1. For judgment in favor of Plaintiff and against Defendants;
- 2. For an award of compensatory damages in favor of Plaintiff in an amount not less than \$3,000,000 or such other sum or sums to be proven at trial, plus interest thereon at the legal rate;
- 3. Punitive damages in an amount to be proven at trial;

ON ALL CAUSES OF ACTION

- 1. For costs of suit incurred herein; and
- 2. For such other and further relief as the Court deems just and proper.

JURY TRIAL DEMAND

Plaintiff hereby demands a jury trial in this matter.

DATED: July 18, 2013

GERSH | DERBY, LLP
Attorneys at Law

By: 
JEFFREY F. GERSH
PAUL B. DERBY

AND
LAW OFFICE OF MORSE TAYLOR -
MORSE TAYLOR
Attorneys for Plaintiff
PETER HENRY FONDA

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EXHIBIT 1

**EASY
RIDER**



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EXHIBIT 1

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EXHIBIT 2

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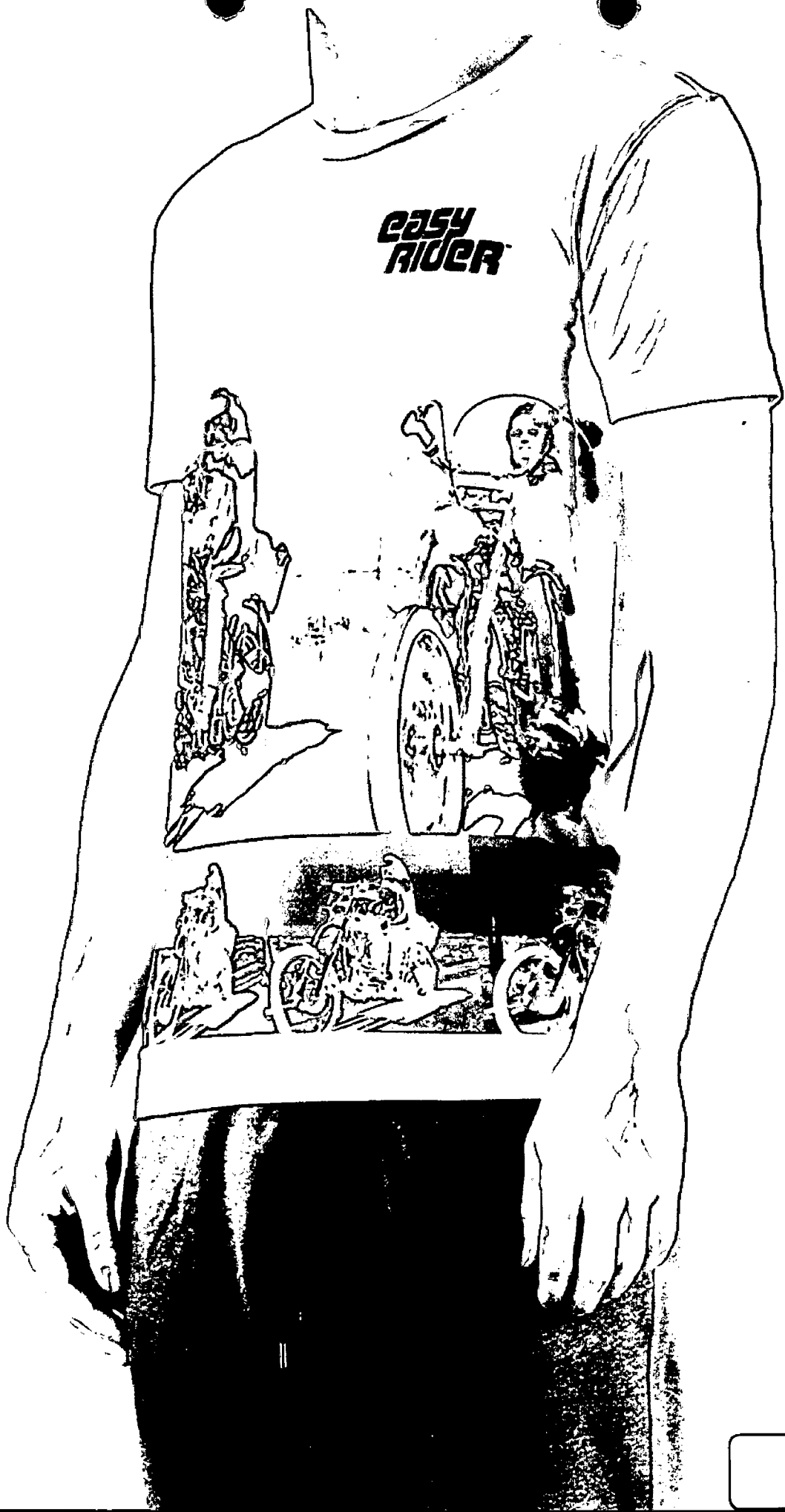


EXHIBIT 2

07/19/2013



97 / 19 / 2013

EXHIBIT 3



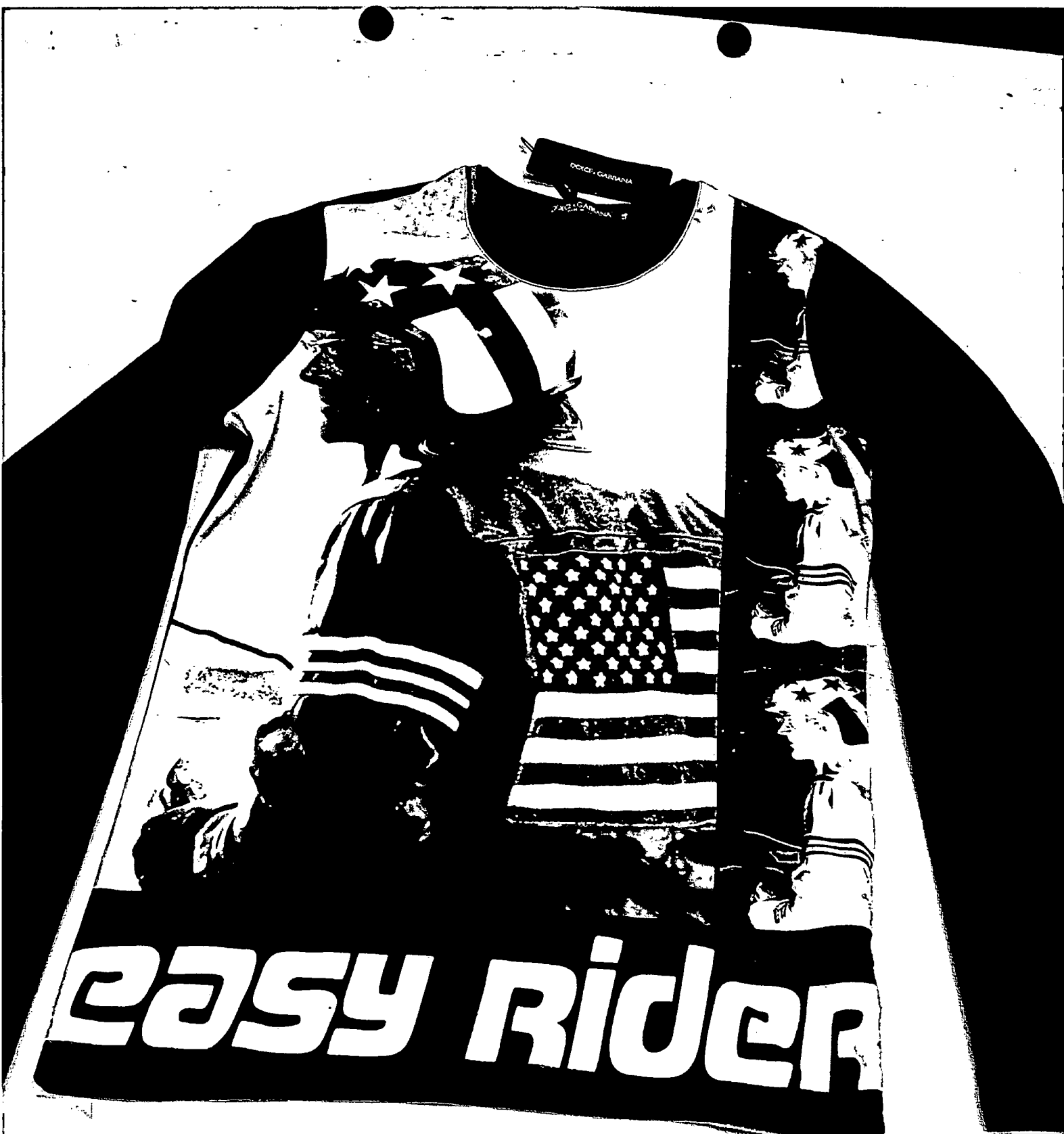
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EXHIBIT 3

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EXHIBIT 5

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EXHIBIT 6

RESULTS FOR

peter fonda

NEW COLLECTIONS / MEN (0)

NEW COLLECTIONS / WOMEN (0)

NEW COLLECTIONS / GIRLS (0)

NEW COLLECTIONS / BOYS (0)

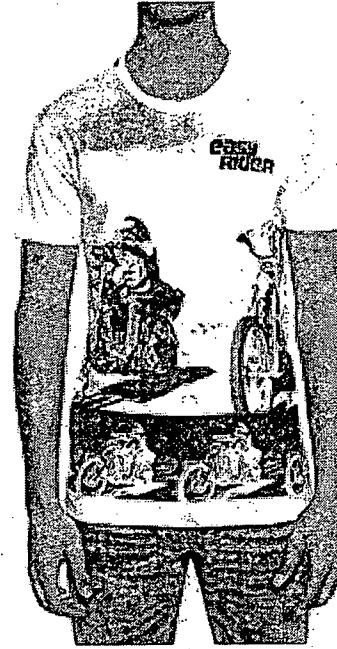
SALE / MEN (2)

SALE / WOMEN (0)



DOLCE & GABBANA
PETER FONDA JERSEY T-SHIRT

\$ 295.00 - 30% = \$ 206.00



DOLCE & GABBANA
PETER FONDA JERSEY T-SHIRT

\$ 295.00 - 30% = \$ 206.00



SIGN UP FOR LUISAVIAROMA'S NEWS

SUBMIT

LUISAVIAROMA

SHOPPING ON LINE 07 / 10 EXTRA 2013

SPRINGS ARE...

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EXHIBIT 7

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EXHIBIT 7

MEN ([HTTP://WWW.FLANNELS.COM/MEN](http://www.flannels.com/men))

WOMEN ([HTTP://WWW.FLANNELS.COM/WOMEN](http://www.flannels.com/women))

SALE ([HTTP://WWW.FLANNELS.COM/PAGES/SALEHOME](http://www.flannels.com/pages/salehome)) DESIGNERS ([HTTP://WWW.FLANNELS.COM/DESIGNERS](http://www.flannels.com/designers)) STYLE NEWS
([HTTP://WWW.FLANNELS.COM/NEWS](http://www.flannels.com/news)) STORE FINDER ([HTTP://WWW.FLANNELS.COM/STORES](http://www.flannels.com/stores)) CLEARANCE
([HTTP://WWW.FLANNELS.COM/PAGES/CLEARANCEHOME](http://www.flannels.com/pages/clearancehome))

You Are Here: Home (<http://www.flannels.com/>) / Men (<http://www.flannels.com/men/>) / Mens Clearance (<http://www.flannels.com/men/mens-clearance/>) / Tops



DOLCE AND GABBANA Easy Rider Fonda Print Tee

£95.00
~~£160.00~~

Colour	White	[v]
Size	50	[v] ⓘ (http://www.flannels.com/P)
Quantity	- 1 +	

[ADD TO BAG](#)

Description	Delivery	Returns
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Cotton [Dolce & Gabbana](http://www.flannels.com/designers/men/dolce-gabbana.aspx) short sleeve t-shirt with round neckline, logo detail and easy rider print on front.

- Short sleeve
- Round neckline
- Logo detail
- Easy rider print
- Italian sizing

Material: 100% Cotton
Care Instructions: Machine washable

Product code: 591104

Tweet 0

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EXHIBIT 7

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EXHIBIT 8

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Home > Search

/search/?q=peter+fonda&x=-1075&y=-95--

Peter Fonda

BRANDS

Dolce & Gabbana

CATEGORIES

T-Shirts

Items per page: 20

2 products match the query | Products per page: 20



DOLCE & GABBANA - PETER FONDA JERSEY T-SHIRT £108.00

DOLCE & GABBANA - PETER FONDA JERSEY T-SHIRT £108.00 NEW

add to wishlist see details/

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add to wishlist see details/

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Dolce&Gabbana

'Easy Rider' Crewneck T-Shirt

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Item #555108

This item is currently unavailable.

Don't see your size? Need help? Connect with a Designer Specialist: [Live Chat](#) or call 1.877.543.7463.

Details & Care

Freewheeling Captain America revs up the front of an ultrasoft and lean T-shirt.

Approx. length from shoulder: 30".

Cotton; machine wash.

Made in Italy.

Men's Designer.

Share: [Facebook](#) [Pinterest](#) [Twitter](#) [Email](#)

[Like](#) Sign Up to see what your friends like.

We've changed the look of this page. Tell us what you think!

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Dolce&Gabbana 'Easy Rider' Crewneck T-Shirt

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[Nordstrom Cares](#)
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
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EXHIBIT 9

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Jeffrey F. Gersh, Esq., SBN 87124 Paul B. Derby, Esq., SBN 211352 GERSH DERBY, LLP Attorneys at Law 15821 Ventura Boulevard, Suite 515 Encino, CA 91436 TELEPHONE NO.: 818.536.5700 FAX NO.: 818.981.4618 ATTORNEY FOR (Name): Peter Henry Fonda	FOR COURT USE ONLY FILED SUPERIOR COURT OF CALIFORNIA COUNTY OF LOS ANGELES JUL 19 2013 John A. Clarke, Executive Officer/Clerk BY  Deputy Shaumya Wesley
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Los Angeles STREET ADDRESS: 111 North Hill Street MAILING ADDRESS: CITY AND ZIP CODE: Los Angeles, CA 90012 BRANCH NAME: Central District	CASE NUMBER: DC515750
CASE NAME: Fonda v. Dolce Gabbana USA, et al	JUDGE: DEPT:
CIVIL CASE COVER SHEET <input checked="" type="checkbox"/> Unlimited (Amount demanded exceeds \$25,000) <input type="checkbox"/> Limited (Amount demanded is \$25,000 or less)	Complex Case Designation <input type="checkbox"/> Counter <input type="checkbox"/> Joinder Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)

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:

Auto Tort <input type="checkbox"/> Auto (22) <input type="checkbox"/> Uninsured motorist (46) Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort <input type="checkbox"/> Asbestos (04) <input type="checkbox"/> Product liability (24) <input type="checkbox"/> Medical malpractice (45) <input type="checkbox"/> Other PI/PD/WD (23) Non-PI/PD/WD (Other) Tort <input type="checkbox"/> Business tort/unfair business practice (07) <input type="checkbox"/> Civil rights (08) <input type="checkbox"/> Defamation (13) <input type="checkbox"/> Fraud (16) <input type="checkbox"/> Intellectual property (19) <input type="checkbox"/> Professional negligence (25) <input checked="" type="checkbox"/> Other non-PI/PD/WD tort (35) Employment <input type="checkbox"/> Wrongful termination (36) <input type="checkbox"/> Other employment (15)	Contract <input type="checkbox"/> Breach of contract/warranty (06) <input type="checkbox"/> Rule 3.740 collections (09) <input type="checkbox"/> Other collections (09) <input type="checkbox"/> Insurance coverage (18) <input type="checkbox"/> Other contract (37) Real Property <input type="checkbox"/> Eminent domain/Inverse condemnation (14) <input type="checkbox"/> Wrongful eviction (33) <input type="checkbox"/> Other real property (26) Unlawful Detainer <input type="checkbox"/> Commercial (31) <input type="checkbox"/> Residential (32) <input type="checkbox"/> Drugs (38) Judicial Review <input type="checkbox"/> Asset forfeiture (05) <input type="checkbox"/> Petition re: arbitration award (11) <input type="checkbox"/> Writ of mandate (02) <input type="checkbox"/> Other judicial review (39)	Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400-3.403) <input type="checkbox"/> Antitrust/Trade regulation (03) <input type="checkbox"/> Construction defect (10) <input type="checkbox"/> Mass tort (40) <input type="checkbox"/> Securities litigation (28) <input type="checkbox"/> Environmental/Toxic tort (30) <input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41) Enforcement of Judgment <input type="checkbox"/> Enforcement of judgment (20) Miscellaneous Civil Complaint <input type="checkbox"/> RICO (27) <input type="checkbox"/> Other complaint (not specified above) (42) Miscellaneous Civil Petition <input type="checkbox"/> Partnership and corporate governance (21) <input type="checkbox"/> Other petition (not specified above) (43)
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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): (2) Violation of Cal.Civ. Code §3344 & Common Law Misappropriation of Likeness

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-015.)

Date: July 19, 2013
 Paul B. Derby, Esq. 
(TYPE OR PRINT NAME) (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 2

GENERAL INVESTIGATIVE
DIVISION OF THE FBI
WASHINGTON, D. C. 20535

ALL INFORMATION CONTAINED
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DATE 11-19-83 BY SP-10
J. J. [unclear]

...

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 PI/PD/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 PI/PD/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 PI/PD/WD

Non-PI/PD/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-PI/PD/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)
Petition Re: 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

**CIVIL CASE COVER SHEET ADDENDUM AND
STATEMENT OF LOCATION
(CERTIFICATE OF GROUNDS FOR ASSIGNMENT TO COURTHOUSE LOCATION)**

This form is required pursuant to 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/ 7 DAYS

Item II. Indicate 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 Local Rule 2.0.

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

- | | |
|--|--|
| 1. Class actions must be filed in the Stanley Mosk Courthouse, central district. | 6. Location of property or permanently garaged vehicle. |
| 2. May be filed in central (other county, or no bodily injury/property damage). | 7. Location where petitioner resides. |
| 3. Location where cause of action arose. | 8. Location wherein defendant/respondent functions wholly. |
| 4. Location where bodily injury, death or damage occurred. | 9. Location where one or more of the parties reside. |
| 5. Location where performance required or defendant resides. | 10. Location of Labor Commissioner Office |

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

Auto Tort

Other Personal Injury/Property Damage/Wrongful Death Tort

A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
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.
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"/> A7260 Product Liability (not asbestos or toxic/environmental)	1., 2., 3., 4., 8.
Medical Malpractice (45)	<input type="checkbox"/> A7210 Medical Malpractice - Physicians & Surgeons <input type="checkbox"/> A7240 Other Professional Health Care Malpractice	1., 4. 1., 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., 4. 1., 4. 1., 3. 1., 4.

Non-Personal Injury/ Property Damage/ Wrongful Death Tort
 Employment
 Contract
 Real Property
 Unlawful Detainer

A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Business Tort (07)	<input type="checkbox"/> A6029 Other Commercial/Business Tort (not fraud/breach of contract)	1., 3.
Civil Rights (08)	<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.
Professional Negligence (25)	<input type="checkbox"/> A6017 Legal Malpractice	1., 2., 3.
	<input type="checkbox"/> A6050 Other Professional Malpractice (not medical or legal)	1., 2., 3.
Other (35)	<input checked="" type="checkbox"/> A6025 Other Non-Personal Injury/Property Damage tort	2., 3.
Wrongful Termination (36)	<input type="checkbox"/> A6037 Wrongful Termination	1., 2., 3.
Other Employment (15)	<input type="checkbox"/> A6024 Other Employment Complaint Case	1., 2., 3.
	<input type="checkbox"/> A6109 Labor Commissioner Appeals	10.
Breach of Contract/ Warranty (06) (not insurance)	<input type="checkbox"/> A6004 Breach of Rental/Lease Contract (not unlawful detainer or wrongful eviction)	2., 5.
	<input type="checkbox"/> A6008 Contract/Warranty Breach -Seller Plaintiff (no fraud/negligence)	2., 5.
	<input type="checkbox"/> A6019 Negligent Breach of Contract/Warranty (no fraud)	1., 2., 5.
	<input type="checkbox"/> A6028 Other Breach of Contract/Warranty (not fraud or negligence)	1., 2., 5.
Collections (09)	<input type="checkbox"/> A6002 Collections Case-Seller Plaintiff	2., 5., 6.
	<input type="checkbox"/> A6012 Other Promissory Note/Collections Case	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	1., 2., 3., 5.
	<input type="checkbox"/> A6031 Tortious Interference	1., 2., 3., 5.
	<input type="checkbox"/> A6027 Other Contract Dispute(not breach/insurance/fraud/negligence)	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	2., 6.
	<input type="checkbox"/> A6032 Quiet Title	2., 6.
	<input type="checkbox"/> A6060 Other Real Property (not eminent domain, landlord/tenant, foreclosure)	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.
Unlawful Detainer-Post-Foreclosure (34)	<input type="checkbox"/> A6020F Unlawful Detainer-Post-Foreclosure	2., 6.
Unlawful Detainer-Drugs (38)	<input type="checkbox"/> A6022 Unlawful Detainer-Drugs	2., 6.

SHORT TITLE: Fonda v. Dolce Gabbana USA, et al

CASE NUMBER

A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Asset Forfeiture (05)	<input type="checkbox"/> A6108 Asset Forfeiture Case	2., 6.
Petition re Arbitration (11)	<input type="checkbox"/> A6115 Petition to Compel/Confirm/Vacate Arbitration	2., 5.
Writ of Mandate (02)	<input type="checkbox"/> A6151 Writ - Administrative Mandamus <input type="checkbox"/> A6152 Writ - Mandamus on Limited Court Case Matter <input type="checkbox"/> A6153 Writ - Other Limited Court Case Review	2., 8. 2. 2.
Other Judicial Review (39)	<input type="checkbox"/> A6150 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 (28)	<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 <input type="checkbox"/> A6160 Abstract of Judgment <input type="checkbox"/> A6107 Confession of Judgment (non-domestic relations) <input type="checkbox"/> A6140 Administrative Agency Award (not unpaid taxes) <input type="checkbox"/> A6114 Petition/Certificate for Entry of Judgment on Unpaid Tax <input type="checkbox"/> A6112 Other Enforcement of Judgment Case	2., 9. 2., 6. 2., 9. 2., 8. 2., 8. 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 <input type="checkbox"/> A6040 Injunctive Relief Only (not domestic/harassment) <input type="checkbox"/> A6011 Other Commercial Complaint Case (non-tort/non-complex) <input type="checkbox"/> A6000 Other Civil Complaint (non-tort/non-complex)	1., 2., 8. 2., 8. 1., 2., 8. 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 <input type="checkbox"/> A6123 Workplace Harassment <input type="checkbox"/> A6124 Elder/Dependent Adult Abuse Case <input type="checkbox"/> A6190 Election Contest <input type="checkbox"/> A6110 Petition for Change of Name <input type="checkbox"/> A6170 Petition for Relief from Late Claim Law <input type="checkbox"/> A6100 Other Civil Petition	2., 3., 9. 2., 3., 9. 2., 3., 9. 2. 2., 7. 2., 3., 4., 8. 2., 9.

Judicial Review

Provisionally Complex Litigation

Enforcement of Judgment

Miscellaneous Civil Complaints


Miscellaneous Civil Petitions

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.

<p>REASON: Check the appropriate boxes for the numbers shown under Column C for the type of action that you have selected for this case.</p> <p><input type="checkbox"/> 1. <input checked="" type="checkbox"/> 2. <input 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.</p>	<p>ADDRESS: Reason #2 permits for filing in Central District, 111 North Hill Street, Los Angeles, CA 90012</p>	
CITY:	STATE:	ZIP CODE:

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 Miosk courthouse in the Central District of the Superior Court of California, County of Los Angeles [Code Civ. Proc., § 392 et seq., and Local Rule 2.0, subds. (b), (c) and (d)].

Dated: July 19, 2013



 (SIGNATURE OF ATTORNEY/FILING PARTY)
 Paul B. Derby, Esq.

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, Judicial Council form CM-010.
4. Civil Case Cover Sheet Addendum and Statement of Location form, LACIV 109, LASC Approved 03-04 (Rev. 03/11).
5. Payment in full of the filing fee, unless fees have been waived.
6. A signed order appointing the Guardian ad Litem, Judicial Council form CIV-010, if the plaintiff or petitioner is a minor under 18 years of age will be required by Court in order to issue a summons.
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.

07/19/13 10:21:20