

FILED

LAW OFFICE OF HOOTAN TROY FARAHMAND

HOOTAN TROY FARAHMAND (SBN: 230345) 2008 FEB 15 AM 11:20

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

Attorneys for Plaintiff
STAR FABRICS, INC.

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

STAR FABRICS, INC., a California
corporation,

Plaintiff,

vs.

UNO CLOTHING, INC., a
California corporation; US
TEXTILE PRINTING, INC., a
California corporation; ROSS
STORES, INC., a California
corporation; and DOES 1-100,
inclusive,

Defendants.

CV08-01058 GW (JWJx)
COMPLAINT FOR:

PLAINTIFF'S COMPLAINT FOR:

1. COPYRIGHT INFRINGEMENT
2. VICARIOUS AND/OR
CONTRIBUTORY COPYRIGHT
INFRINGEMENT

[DEMAND FOR JURY TRIAL]

COMES NOW Plaintiff Star Fabric Inc. (hereinafter "Plaintiff" or "Star Fabric"), by and through its undersigned attorneys, hereby prays to this honorable Court for relief and remedy based on the following:

INTRODUCTION

Plaintiff is a Los Angeles-based company engaged in the apparel industry as a textile converter of imported and domestic fabrications. As part of its business practices, Plaintiff creates, or purchases the exclusive rights, to two-dimensional

1 works of art and files and receives copyright registrations for these works. Plaintiff
2 has these designs imprinted on fabric and makes exclusive sale of this fabric to its
3 customers. No other party is authorized to make sales of product bearing Plaintiff's
4 Proprietary designs without express permission from Plaintiff. This action is
5 brought to recover damages for direct, vicarious and contributory copyright
6 infringement, arising out of the misappropriation of Plaintiff's exclusive designs by
7 the Defendants, and each of them.

8 JURISDICTION AND VENUE

9 1. This action arises under the *Copyright* Act of 1976, Title 17 U.S.C. §
10 101 *et seq.*

11 2. This Court has federal question jurisdiction under 28 U.S.C. § §
12 1331("federal question jurisdiction") 1338 (a)&(b) ("patent, copyright, trademark
13 and unfair competition jurisdiction") in that this action arises under the laws of the
14 United States and, more specifically, Acts of Congress relating to patents,
15 copyrights, trademarks, and unfair competition.

16 3. Defendants are subject to the personal jurisdiction of the Court
17 because they reside, have agents, do or transact business in, or are otherwise found
18 and have purposefully availed themselves of the privilege of doing business in,
19 California and this District.

20 4. Venue in this judicial district is proper under 28 U.S.C. § 1391 and §
21 1400(a) in that this is the judicial district in which a substantial part of the acts and
22 omissions giving rise to the claims occurred.

23 PARTIES

24 5. Star Fabrics, Inc. ("Plaintiff") is a corporation organized and existing
25 under the laws of the State of California with its principle place of business located
26 at 1440 East Walnut, Los Angeles, California 90011. Plaintiff is an owner,
27 designer, producer and distributor of fabrics and fabric patterns that it offers for sale
28 and sells to the consuming public.

1 6. Plaintiff is informed and believes and thereon alleges that Defendant
2 UNO CLOTHING, INC. (hereinafter "UNO") is a corporation organized and
3 existing under the law of the state of California with its principle place of business
4 at 2000 E. 11th Street, Los Angeles, California 90001 and doing business in and
5 with the state of California. Plaintiff is informed and believes and on that basis
6 alleges that defendant UNO manufactures, advertises, distributes, offers for sale
7 and/or sells wearing apparel to the general public through retail stores throughout
8 the United States.

9 7. Plaintiff is informed and believes and thereon alleges that Defendant
10 US TEXTILE PRINTING, INC.. (hereinafter "US TEXTILE") is a corporation
11 organized and existing under the law of the state of California with its principle
12 place of business at 1819 South Soto Street, Los Angeles, California, 90023 and
13 doing business in and with the state of California. Plaintiff is informed and believes
14 and on that basis alleges that defendant US TEXTILE manufactures, advertises,
15 distributes, offers for sale and/or sells wearing apparel to the general public through
16 retail stores throughout the United States.

17 8. Plaintiff is informed and believes and thereon alleges that Defendant
18 ROSS STORES, INC. (hereinafter "ROSS") is a corporation organized and existing
19 under the law of the state of California with its principle place of business at 4440
20 Rosewood Drive, Building 4, Pleasanton, California, 94588 and doing business in
21 and with the state of California. Plaintiff is informed and believes and on that basis
22 alleges that defendant ROSS manufactures, advertises, distributes, offers for sale
23 and/or sells wearing apparel to the general public through retail stores throughout
24 the United States.

25 9. Plaintiff is informed and believes and thereon alleges that some of
26 Defendants DOES 1 through 50, inclusive, are manufactures and/or vendors of
27 garments to Defendant, which DOE Defendants have manufactured and/or supplied
28 and are manufacturing and/or supplying garments comprised of fabric printed with

1 Plaintiff's copyrighted design(s) (as hereinafter defined) without Plaintiff's
2 knowledge or consent or have contributed to said infringement. The true names,
3 whether corporate, individual or otherwise of Defendants DOES 1 through 50,
4 inclusive, are presently unknown to Plaintiff, which therefore sues said Defendants
5 by such fictitious names and will seek leave to amend this complaint to show their
6 true names and capacities when same have been ascertained.

7 10. Defendants DOES 60 through 100, inclusive, are other parties not yet
8 identified who have infringed Plaintiff's copyrights, have contributed to the
9 infringement of Plaintiff's copyrights, or have engaged in one or more of the
10 wrongful practices alleged herein. The true names, whether corporate, individual or
11 otherwise, of Defendants 60 through 100, inclusive, are presently unknown to
12 Plaintiff, which therefore sues said Defendants by such fictitious names and will
13 seek leave to amend this complaint to show their true names and capacities when
14 same have been ascertained.

15 CLAIMS RELATED TO SUBJECT DESIGN

16 11. Prior to the conduct complained of herein, in or about April 2006,
17 Plaintiff acquired unlimited and sole ownership of a design composed, and owned
18 in exclusivity, which Plaintiff was assigned rights to for consideration, and through
19 its designers and its staff transferred to fabric. ("Subject Design"). Plaintiff
20 allocated the Subject Design the identification code "59205" and registered it. The
21 United States Copyright Office granted Copyright Registration No. VA 1-418-127
22 (See Exhibit "A" attached hereto and incorporated herein by reference) to the
23 collection including the Subject Design on May 15, 2007.

24 12. Plaintiff formatted the Subject Design for use on textiles, sampled the
25 Subject Design under the name "#59205" and negotiated sales of fabric bearing the
26 Subject Design.

27 ///

28 ///

1 13. Plaintiff is informed and believes and thereon alleges that, without
2 Plaintiff's authorization, Defendants, and each of them, purchased, sold,
3 manufactured, caused to be manufactured, imported and/or distributed fabric and/or
4 garments comprised of fabric featuring a design which is identical, or substantially
5 similar to, the Subject Design. (hereinafter "Infringing Garments") **See Exhibit**
6 **"B" attached hereto and incorporated herein by reference).**

7 14. At various retail stores owned and controlled by Defendants, and each
8 of them, Plaintiff's investigation discovered that garments comprised of fabric
9 bearing the Subject Design or a pattern substantially and/or strikingly similar to
10 Plaintiff's Subject Design were being offered for sale, which garments were
11 manufactured and/or imported under the direction of the Defendants, and each of
12 them. Plaintiff is informed and believes that thereon alleges that one or more of the
13 named Defendants owns and/or otherwise controls these labels and also
14 manufactures garments under those labels.

15 15. Plaintiff issued letters demanding Defendants cease and desist in their
16 respective infringement of Plaintiff's intellectual property rights. Despite these
17 demands, Plaintiff is informed and believes and thereon alleges that Defendants
18 continued to sell Infringing Garments and product in violation of Plaintiff's rights
19 as the copyright proprietor and owner of the Subject Design.

20 16. Plaintiff has further demanded a full accounting of the fabrics and
21 apparel incorporating or consisting of the Infringing Garments that has been
22 manufactured, distributed, offered for sale, bought and/or sold by some or all of the
23 named defendants, and each of them. Plaintiff has further demanded from these
24 defendants an accounting of the revenues and profits derived from the distribution
25 and sale of the fabrics and apparel incorporating or consisting of the Infringing
26 Garments.

27 ///

28 ///

1 17. Plaintiff through its council sent a demand to Cease and Desist letter
2 dated November 5, 2007 to Defendant - UNO. Demand was made that UNO Cease
3 and Desist from all advertising, promotion, offering for sale and shipment of said
4 infringing garments with the Subject Design and recall all merchandise from all
5 parties to which it has been delivered and to confirm in writing within 5 days from
6 the receipt of the letter. UNO did not respond and continued to sell the infringing
7 garments with Plaintiff's Subject Design with knowledge that the defendants'
8 conduct constitutes copyright infringement to the public.

9 18. Plaintiff through its council sent a demand to Cease and Desist letter
10 dated November 4, 2007 to Defendant - US TEXTILE. Demand was made that US
11 TEXTILE Cease and Desist from all advertising, promotion, offering for sale and
12 shipment of said infringing garments with the Subject Design and recall all
13 merchandise from all parties to which it has been delivered and to confirm in
14 writing within 5 days from the receipt of the letter. US TEXTILE did not respond
15 and continued to sell the infringing garments with Plaintiff's Subject Design with
16 knowledge that the defendants' conduct constitutes copyright infringement to the
17 public.

18 19. Plaintiff through its council sent a demand to Cease and Desist letter
19 dated October 24, 2007 to Defendant - ROSS. Demand was made that ROSS Cease
20 and Desist from all advertising, promotion, offering for sale and shipment of said
21 infringing garments with the Subject Design and recall all merchandise from all
22 parties to which it has been delivered and to confirm in writing within ten days
23 from the receipt of the letter. Retailer did not respond and continued to sell the
24 infringing garments with Plaintiff's Subject Design with knowledge that the
25 defendants' conduct constitutes copyright infringement to the public.

26 ///

27 ///

28 ///

FIRST CLAIM FOR RELIEF

(For Copyright Infringement – Against All Defendants, and Each)

20. Plaintiff repeats, re-alleges and incorporates herein by reference as though fully set forth the allegations contained in Paragraph 1 through 19, inclusive, of this Complaint.

21. The Subject Design is an original work of authorship and constitutes copyrightable subject matter under the laws of the United States. The Subject Design has been printed on paper, exists in digital medium in a number of locations, and has been applied to numerous articles of clothing and related items manufactured and sold in the United States and abroad by Plaintiff.

22. At all times since the creation of the Subject Design, Plaintiff has complied with all aspects of the Copyright Acts of 1909 and 1976 and all other laws governing copyright, and secured the exclusive rights and privileges in and to the Subject Design. Plaintiff has at all times been the sole proprietor of all rights, title, and interest in and to the copyright in the Subject Design, and received from the Register of Copyrights a Certificate of Registration. Attached hereto as **Exhibit "A"** is a true and correct copy of said registration.

23. Subsequent to Plaintiff's publication of the Subject Design, and on information and belief, with full knowledge of the rights of Plaintiff therein, Defendants infringed said copyright by copying said graphic and placing such image on Infringing Garments, and by selling such Infringing Garments in California, elsewhere in the United States, and abroad.

24. All of Defendants' acts were performed without the permission, license or consent of Plaintiff.

25. Defendants' conduct constitutes infringement of Plaintiff's rights in Plaintiff's Subject Design in violation of 17 U.S.C. §101 et seq.

26. Defendants' conduct has caused and continues to cause great and irreparable injury, loss and damage to Plaintiff and its ownership rights in

1 Plaintiff's Pattern, and, unless such acts are enjoined, they will continue to cause
2 such injury. Plaintiff has no adequate remedy at law.

3 27. Plaintiff is entitled to an injunction restraining defendants, their
4 officers, directors, agents, employees, representatives and all persons acting in
5 concert with them from engaging in further such acts of copyright infringement.

6 28. Due to Defendants' acts of infringement, Plaintiff has suffered
7 substantial damages to its business in an amount to be established at trial.

8 29. Due to Defendants' acts of infringement, Plaintiff has suffered general
9 and special damages in an amount to be established at trial.

10 30. Due to Defendants' acts of copyright infringement as alleged herein,
11 Defendants, and each of them, have obtained direct and indirect profits they would
12 not otherwise have realized but for their infringement of the Subject Design. As
13 such, Plaintiff is entitled to disgorgement of Defendant's profits directly and
14 indirectly attributable to defendant's infringement of the Subject Design in amounts
15 which are not yet ascertainable but which are estimated to be not less than the
16 jurisdictional minimum of this court.

17 31. Plaintiff is informed and believes and thereon alleges that Defendants,
18 and each of them, have continued to import, manufacture, cause to be manufactured
19 and/or sell Infringing Garments after Plaintiff demanded that they cease and desist
20 from engaging in same. Therefore, Defendants' acts of copyright infringement as
21 alleged above were, and continue to be, willful, intentional and malicious with
22 reckless disregard of the copyright holders rights, subjecting Defendants, and each
23 of them, to liability for statutory damages under Section 50(c)(2) of the Copyright
24 Act in the sum of up to one hundred fifty thousand dollars (\$150,000) per
25 infringement. Further, Defendants', and each of their, willful and intentional
26 misappropriation and/or infringement of Plaintiff's copyrighted Subject Design
27 renders Defendants, and each of them, liable for statutory damages as described
28

1 herein. Within the time permitted by law, Plaintiff will make its election between
2 actual damages and statutory damages.

3 **SECOND CLAIM FOR RELIEF**

4 (For Vicarious and/or Contributory Copyright Infringement – Against All
5 Defendants)

6 32. Plaintiff repeats, re-alleges and incorporates herein by reference as
7 though fully set forth the allegations contained in Paragraph 1 through 31,
8 inclusive, of this Complaint.

9 33. Plaintiff is informed and believes and thereon alleges that Defendants,
10 and each of them, knowingly induced, participated in, aided and abetted in and
11 resultantly profited from the illegal reproduction, importation, purchase,
12 distribution and/or sales of product featuring the Subject Design as alleged
13 hereinabove.

14 34. Plaintiff is informed and believes and thereon alleges that Defendants,
15 and each of them, are vicariously liable for the infringement alleged herein because
16 they had the right and ability to supervise the infringing conduct and because they
17 had a direct financial interest in the infringing conduct.

18 35. Defendants' conduct has caused and continues to cause great and
19 irreparable injury, loss and damage to Plaintiff and its ownership rights in
20 Plaintiff's Pattern, and, unless such acts are enjoined, they will continue to cause
21 such injury. Plaintiff has no adequate remedy at law.

22 36. Plaintiff is entitled to an injunction restraining defendants, their
23 officers, directors, agents, employees, representatives and all persons acting in
24 concert with them from engaging in further such acts of copyright infringement.

25 37. By reason of the Defendants', and each of their acts of contributory
26 and/or vicarious infringement as alleged above, Plaintiff has suffered and will
27 continue to suffer substantial damages to its business in amounts which are not yet
28 ascertainable but which are estimated to be not less than the jurisdictional minimum

1 of this court, as well as additional general and special damages in an amount to be
2 established at trial.

3 38. Due to Defendants' acts of contributory and/or vicarious copyright
4 infringement as alleged herein, Defendants, and each of them, have obtained direct
5 and indirect profits they would not otherwise have realized but for their
6 infringement of the Subject Design. As such, Plaintiff is entitled to disgorgement of
7 Defendants' profits directly indirectly attributable to Defendants' infringement of
8 the Subject Design, in an amount to be established at trial.

9 39. Plaintiff is informed and believes and thereon alleges that Defendants,
10 and each of them, have continued to manufacture and/or sell Infringing Garments
11 after Plaintiff demanded that they cease and desist from engaging in the same.
12 Therefore, Defendants' acts of copyright infringement as alleged above were, and
13 continue to be, willful, intentional and malicious with reckless disregard of the
14 copyright holders rights, subjecting Defendants, and each of them, to liability
15 therefore, including statutory damages under Section 504(c)(2) of the Copyright
16 Act in the sum of one hundred fifty thousand dollars (\$150,000) per infringement.
17 Further Defendants' and each of their, willful and intentional misappropriation
18 and/or infringement of Plaintiff's copyrighted Subject Design renders Defendant,
19 and each of them, liable for statutory damages as described herein. Within the time
20 permitted by law, Plaintiff will make is election between actual damages and
21 statutory damages.

22 **PRAYER FOR RELIEF**

23 Wherefore, Plaintiff prays for judgment as follows:

24 **Against All Defendants**

25 1. **With Respect to Each Claim for Relief**

26 a. That Defendants, their agents and servants to be enjoined from
27 infringing Plaintiff's copyright in any manner;
28

1 b. That Plaintiff be awarded all profits of Defendants plus all losses of
2 Plaintiff, the exact sum to be proven at the time of trial, or, if elected before final
3 judgment, statutory damages as available under the Copyright Act, 17 U.S.C. §
4 101 et seq.;

5 c. The plaintiff be awarded its attorneys' fees as available under the
6 Copyright Act, U.S.C. § 101 et seq.;

7 d. The defendant, and each of them, account to Plaintiff for their profits
8 and any damages sustained by Plaintiff arising from the foregoing acts of
9 infringement;

10 e. That Plaintiff be awarded pre-judgment interest as allowed by law;

11 f. That Plaintiff be awarded its attorneys' fees and the costs of this
12 action;

13 g. That Plaintiff be awarded such further legal and equitable relief as the
14 Court deems proper.

15 DATED: February 12, 2008

LAW OFFICES OF
HOOTAN TROY FARAHMAND

18 By: 

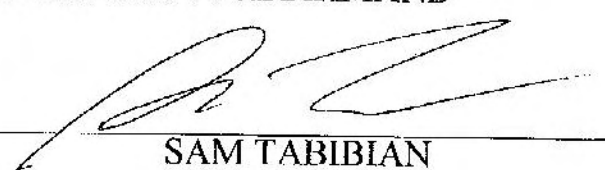
19 SAM TABIBIAN
20 Attorneys for Plaintiff
21 STAR FABRICS, INC.

DEMAND FOR JURY TRIAL

Plaintiff hereby demands a trial by jury in this action pursuant to F.R.C.P. 8 and the Seventh Amendment of the Constitution.

DATED: February 12, 2008

LAW OFFICES OF
HOOTAN TROY FARAHMAND

By: 

SAM TABIBIAN
Attorneys for Plaintiff
STAR FABRICS, INC.

EXHIBIT “A”

Certificate of Registration



This Certificate issued under the seal of the Copyright Office in accordance with title 17, United States Code, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

Margbeth Peters

Register of Copyrights, United States of America

Form VA
For a Work of the Visual Arts

VA 1-418-127



EFFECTIVE DATE OF REGISTRATION

5 15 07
Month Day Year

DO NOT WRITE ABOVE THIS LINE. IF YOU NEED MORE SPACE, USE A SEPARATE CONTINUATION SHEET.

1

1. Title of This Work

NATURE OF THIS WORK See instructions

APROS "small houses in pink"

Designed Textile Network

Previous or Alternative Titles

Publication as a Contribution If this work was published as a contribution to a periodical, serial, or collection, give information about the collective work in which the contribution appeared. Title of Collective Work

If published in a periodical or serial give: Volume

Number

Issue Date

On Page

2

2. Name of Author

DATES OF BIRTH AND DEATH

Year Born Year Died

a nancy parker

Was this contribution to the work a "work made for hire"?

☒ Yes

☐ No

Author's Nationality or Domicile

Name of Country

OR Citizen of

Domiciled in

London

Was This Author's Contribution to the Work

Anonymous?

☐ Yes

☐ No

Pseudonymous?

☐ Yes

☐ No

If the answer to either of these questions is "Yes," see detailed instructions.

Nature of Authorship Check appropriate boxes. See instructions

☐ 3-Dimensional sculpture

☐ Map

☐ Technical drawing

☒ 2-Dimensional artwork

☐ Photograph

☐ Text

☐ Reproduction of work of art

☐ Jewelry design

☐ Architectural work

Name of Author

Dates of Birth and Death

Year Born

Year Died

Was this contribution to the work a "work made for hire"?

☐ Yes

☐ No

Author's Nationality or Domicile

Name of Country

OR Citizen of

Domiciled in

Was This Author's Contribution to the Work

Anonymous?

☐ Yes

☐ No

Pseudonymous?

☐ Yes

☐ No

If the answer to either of these questions is "Yes," see detailed instructions.

Nature of Authorship Check appropriate box(es). See instructions

☐ 3-Dimensional sculpture

☐ Map

☐ Technical drawing

☐ 2-Dimensional artwork

☐ Photograph

☐ Text

☐ Reproduction of work of art

☐ Jewelry design

☐ Architectural work

3

Year in Which Creation of This Work Was Completed

a 1994

This information must be given in all cases.

Date and Nation of First Publication of This Particular Work

Complete this information ONLY if this work has been published.

Month

Day

Year

24

2000

Nation

4

COPYRIGHT CLAIMANT(S) Name and address must be given even if the claimant is the same as the author given in space 2.

*Stella Properties Inc.
1450 Wilshire Street
Los Angeles, CA 90017*

Transfer If the claimant(s) named here in space 4 is (are) different from the author(s) named in space 2, give a brief statement of how the claimant(s) obtained ownership of the copyright.

Assignment

RECEIVED

RECEIVED

RECEIVED

TWO DEPOSITS RECEIVED

FUNDS RECEIVED

MORE ON BACK

Complete all applicable spaces (numbers 4-6) on the reverse side of this page. See detailed instructions. Mark the last of the 4.

DO NOT WRITE HERE

Page 1 of 2

EXAMINED BY <u>AMH</u>	FORM VA
CHECKED BY <u>AMH</u>	
☐ CORRESPONDENCE	FOR COPYRIGHT OFFICE USE ONLY
☐ Yes	

DO NOT WRITE ABOVE THIS LINE. IF YOU NEED MORE SPACE, USE A SEPARATE CONTINUATION SHEET.

PREVIOUS REGISTRATION Has registration for this work, or for an earlier version of this work, already been made in the Copyright Office?

☐ Yes ☐ No If your answer is "Yes," why is another registration being sought? (Check appropriate box.) ☐ Va. ☐ This is the first published edition of a work previously registered to unpublished form.b. ☐ This is the first application submitted by this author as copyright claimant.c. ☐ This is a changed version of the work, as shown by space 6 on this application.If your answer is "Yes," give Previous Registration Number ☐ VYear of Registration ☐ V

DERIVATIVE WORK OR COMPILATION Complete both space 6a and 6b for a derivative work; complete only 6b for a compilation.

a. Preexisting Material Identify any preexisting work or works that this work is based on or incorporates. ☐ Vb. Material Added to This Work Give a brief, general statement of the material that has been added to this work and in which copyright is claimed. ☐ V

DEPOSIT ACCOUNT If the registration fee is to be charged to a Deposit Account established in the Copyright Office, give name and number of Account.

Name ☐ VAccount Number ☐ VCORRESPONDENCE Give name and address to which correspondence about this application should be sent. Name/Address/Apt./City/State/Zip ☐ V

ELIAS HARRON
1440 WILMONT STREET
LOS ANGELES, CA 90011

Area code and daytime telephone number

213, 648-2871

Fax number

213, 648-2874

Email studio@starpfabrics.com

CERTIFICATION I, the undersigned, hereby certify that I am the

check only one ☐ V☐ author☐ other copyright claimant☐ owner of exclusive rights☒ authorized agent of

STAR FABRICS, Inc.

Name of author or other copyright claimant, or owner of exclusive rights(s) ☐ V

of the work identified in this application and that the statements made by me in this application are correct to the best of my knowledge.

Typed or printed name and date ☐ V If this application gives a date of publication in space 3, do not sign and submit it before that date.

ELIAS HARRON

Date

5/7/08

Handwritten signature (X) ☐ V

X

Certificate will be mailed in window envelope to this address:

Name ☐ VNumber/Street/Apt. ☐ VCity/State/ZIP ☐ V

STAR FABRICS, Inc.

1440 WILMONT STREET

LOS ANGELES, CA 90011

FOR USE:

• Complete all required sections

• Sign your application in space 8

• Pay the fee in space 9

• Attach the material

1. Application form

2. Nonreturnable fee (see fee to check or library order payable to Register of Copyrights)

3. Deposit material

Library of Congress

Copyright Office

101 Independence Avenue SE

Washington, DC 20540-4001

*17 USC §304(a): Any person who knowingly makes a false representation of a material fact in the application for copyright registration provided for by section 408, or in any written statement filed in connection with the application, shall be fined not more than \$2,000.

Form VA Rev. 02/2008 Print 02/2008-02/2008 Printed on recycled paper

U.S. Government Printing Office: 2024-230-000/01, 10

EXHIBIT “B”



LAW OFFICE OF HOOTAN TROY FARAHMAND
 HOOTAN TROY FARAHMAND (SBN: 230345)
 SAM TABIBIAN (SBN: 231422)
 1057 Harvard Street
 Santa Monica, CA 90403
 Telephone: (310) 560-0606

UNITED STATES DISTRICT COURT
 CENTRAL DISTRICT OF CALIFORNIA

STAR FABRICS, INC., a California corporation,

PLAINTIFF(S)

v.

UNO CLOTHING, INC., a California corporation;
 US TEXTILE PRINTING, INC., a California
 corporation; ROSS STORES, INC., a California
 corporation; and DOES 1-100, inclusive.

DEFENDANT(S).

CASE NUMBER

CV08-01058GW (JWJx)

SUMMONS

TO: THE ABOVE-NAMED DEFENDANT(S):

YOU ARE HEREBY SUMMONED and required to file with this court and serve upon plaintiff's attorney
HOOTAN TROY FARAHMAND, whose address is:

1057 Harvard Street
 Santa Monica, CA 90403

an answer to the ☒ complaint ☐ _____ amended complaint ☐ counterclaim ☐ cross-claim
 which is herewith served upon you within 20 days after service of this Summons upon you, exclusive
 of the day of service. If you fail to do so, judgement by default will be taken against you for the relief
 demanded in the complaint.

Clerk, U.S. District Court

Dated: FEB 15 2008

By: H. Hernandez

Deputy Clerk

(Seal of the Court)



1198

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

NOTICE OF ASSIGNMENT TO UNITED STATES MAGISTRATE JUDGE FOR DISCOVERY

This case has been assigned to District Judge George H. Wu and the assigned discovery Magistrate Judge is Jeffrey W. Johnson.

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

CV08- 1058 GW (JWJx)

Pursuant to General Order 05-07 of the United States District Court for the Central District of California, the Magistrate Judge has been designated to hear discovery related motions.

All discovery related motions should be noticed on the calendar of the Magistrate Judge

=====

NOTICE TO COUNSEL

A copy of this notice must be served with the summons and complaint on all defendants (if a removal action is filed, a copy of this notice must be served on all plaintiffs).

Subsequent documents must be filed at the following location:

☒ **Western Division**
312 N. Spring St., Rm. G-8
Los Angeles, CA 90012

☐ **Southern Division**
411 West Fourth St., Rm. 1-053
Santa Ana, CA 92701-4516

☐ **Eastern Division**
3470 Twelfth St., Rm. 134
Riverside, CA 92501

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

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

I (a) PLAINTIFFS (Check box if you are representing yourself ☐) STAR FABRICS, INC., a California corporation		DEFENDANTS UNO CLOTHING, INC., a California corporation; US TEXTILE PRINTING, INC., a California corporation; ROSS STORES, INC., a California corporation; and DOES 1-100, inclusive.	
(b) County of Residence of First Listed Plaintiff (Except in U.S. Plaintiff Cases): LOS ANGELES		County of Residence of First Listed Defendant (In U.S. Plaintiff Cases Only): LOS ANGELES	
(c) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.) LAW OFFICE OF HOOTAN TROY FARAHMAND SAM TABIBIAN (SBN: 231422) 1057 Harvard Street Santa Monica, CA 90403 Telephone: (310) 560-0606		Attorneys (If Known)	

II. BASIS OF JURISDICTION (Place an X in one box only.) ☐ 1 U.S. Government Plaintiff ☒ 3 Federal Question (U.S. Government Not a Party) ☐ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)	III. CITIZENSHIP OF PRINCIPAL PARTIES - For Diversity Cases Only (Place an X in one box for plaintiff and one for defendant.) <table style="width:100%; border: none;"> <tr> <td style="width:33%; border: none;">Citizen of This State</td> <td style="width:10%; border: none; text-align: center;">PTF</td> <td style="width:10%; border: none; text-align: center;">DEF</td> <td style="width:33%; border: none;">Incorporated or Principal Place of Business in this State</td> <td style="width:10%; border: none; text-align: center;">PTF</td> <td style="width:10%; border: none; text-align: center;">DEF</td> </tr> <tr> <td style="border: none;">☐ 1</td> <td style="border: none; text-align: center;">☐ 1</td> <td style="border: none; text-align: center;">☐ 1</td> <td style="border: none;">☐ 4</td> <td style="border: none; text-align: center;">☐ 4</td> <td style="border: none; text-align: center;">☐ 4</td> </tr> <tr> <td style="border: none;">Citizen of Another State</td> <td style="border: none; text-align: center;">☐ 2</td> <td style="border: none; text-align: center;">☐ 2</td> <td style="border: none;">Incorporated and Principal Place of Business in Another State</td> <td style="border: none; text-align: center;">☐ 5</td> <td style="border: none; text-align: center;">☐ 5</td> </tr> <tr> <td style="border: none;">☐ 2</td> <td style="border: none; text-align: center;">☐ 2</td> <td style="border: none; text-align: center;">☐ 2</td> <td style="border: none;">☐ 5</td> <td style="border: none; text-align: center;">☐ 5</td> <td style="border: none; text-align: center;">☐ 5</td> </tr> <tr> <td style="border: none;">Citizen or Subject of a Foreign Country</td> <td style="border: none; text-align: center;">☐ 3</td> <td style="border: none; text-align: center;">☐ 3</td> <td style="border: none;">Foreign Nation</td> <td style="border: none; text-align: center;">☐ 6</td> <td style="border: none; text-align: center;">☐ 6</td> </tr> <tr> <td style="border: none;">☐ 3</td> <td style="border: none; text-align: center;">☐ 3</td> <td style="border: none; text-align: center;">☐ 3</td> <td style="border: none;">☐ 6</td> <td style="border: none; text-align: center;">☐ 6</td> <td style="border: none; text-align: center;">☐ 6</td> </tr> </table>	Citizen of This State	PTF	DEF	Incorporated or Principal Place of Business in this State	PTF	DEF	☐ 1	☐ 1	☐ 1	☐ 4	☐ 4	☐ 4	Citizen of Another State	☐ 2	☐ 2	Incorporated and Principal Place of Business in Another State	☐ 5	☐ 5	☐ 2	☐ 2	☐ 2	☐ 5	☐ 5	☐ 5	Citizen or Subject of a Foreign Country	☐ 3	☐ 3	Foreign Nation	☐ 6	☐ 6	☐ 3	☐ 3	☐ 3	☐ 6	☐ 6	☐ 6
Citizen of This State	PTF	DEF	Incorporated or Principal Place of Business in this State	PTF	DEF																																
☐ 1	☐ 1	☐ 1	☐ 4	☐ 4	☐ 4																																
Citizen of Another State	☐ 2	☐ 2	Incorporated and Principal Place of Business in Another State	☐ 5	☐ 5																																
☐ 2	☐ 2	☐ 2	☐ 5	☐ 5	☐ 5																																
Citizen or Subject of a Foreign Country	☐ 3	☐ 3	Foreign Nation	☐ 6	☐ 6																																
☐ 3	☐ 3	☐ 3	☐ 6	☐ 6	☐ 6																																

IV. ORIGIN (Place an X in one box only.) ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify): ☐ 6 Multi-District Litigation ☐ 7 Appeal to District Judge from Magistrate Judge
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V. REQUESTED IN COMPLAINT: JURY DEMAND: ☒ Yes ☐ No (Check 'Yes' only if demanded in complaint.)
CLASS ACTION under F.R.C.P. 23: ☐ Yes ☒ No MONEY DEMANDED IN COMPLAINT: \$

VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.) Copyright Infringement under 17 U.S.C. §101 et seq.. Defendants infringed on Plaintiff's copyrighted design by manufacturing garments with Plaintiff's design, without Plaintiff's permission, in direct violation of copyright laws.					
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VII. NATURE OF SUIT (Place an X in one box only.)					
OTHER STATUTES ☐ 400 State Reapportionment ☐ 410 Antitrust ☐ 430 Banks and Banking ☐ 450 Commerce/KC Rates/etc. ☐ 460 Deportation ☐ 470 Racketeer Influenced and Corrupt Organizations ☐ 480 Consumer Credit ☐ 490 Cable/Sat TV ☐ 810 Selective Service ☐ 850 Securities/Commodities /Exchange ☐ 875 Customer Challenge 12 USC 3410 ☐ 890 Other Statutory Actions ☐ 891 Agricultural Act ☐ 892 Economic Stabilization Act ☐ 893 Environmental Matters ☐ 894 Energy Allocation Act ☐ 895 Freedom of Info. Act ☐ 900 Appeal of Fee Determination Under Equal Access to Justice ☐ 950 Constitutionality of State Statutes	CONTRACT ☐ 110 Insurance ☐ 120 Marine ☐ 130 Miller Act ☐ 140 Negotiable Instrument ☐ 150 Recovery of Overpayment & Enforcement of Judgment ☐ 151 Medicare Act ☐ 152 Recovery of Defaulted Student Loan (Excl. Veterans) ☐ 153 Recovery of Overpayment of Veteran's Benefits ☐ 160 Stockholders' Suits ☐ 190 Other Contract ☐ 195 Contract Product Liability ☐ 196 Franchise REAL PROPERTY ☐ 210 Land Condemnation ☐ 220 Foreclosure ☐ 230 Rent Lease & Ejectment ☐ 240 Torts to Land ☐ 245 Tort Product Liability ☐ 290 All Other Real Property	TORTS PERSONAL INJURY ☐ 310 Airplane ☐ 315 Airplane Product Liability ☐ 320 Assault, Libel & Slander ☐ 330 Fed. Employers' Liability ☐ 340 Marine ☐ 345 Marine Product Liability ☐ 350 Motor Vehicle ☐ 355 Motor Vehicle Product Liability ☐ 360 Other Personal Injury ☐ 362 Personal Injury-Med Malpractice ☐ 365 Personal Injury-Product Liability ☐ 368 Asbestos Personal Injury Product Liability	TORTS PERSONAL PROPERTY ☐ 370 Other Fraud ☐ 371 Truth in Lending ☐ 380 Other Personal Property Damage ☐ 385 Property Damage Product Liability BANKRUPTCY ☐ 422 Appeal 28 USC 158 ☐ 423 Withdrawal 28 USC 157 CIVIL RIGHTS ☐ 441 Voting ☐ 442 Employment ☐ 443 Housing/Accommodations ☐ 444 Welfare ☐ 445 American with Disabilities - Employment ☐ 446 American with Disabilities - Other ☐ 440 Other Civil Rights	PRISONER PETITIONS ☐ 510 Motions to Vacate Sentence Habeas Corpus ☐ 530 General ☐ 535 Death Penalty ☐ 540 Mandamus/Other ☐ 550 Civil Rights ☐ 555 Prison Condition FORFEITURE / PENALTY ☐ 610 Agriculture ☐ 620 Other Food & Drug ☐ 625 Drug Related Seizure of Property 21 USC 881 ☐ 630 Liquor Laws ☐ 640 R.R. & Truck ☐ 650 Airline Regs ☐ 660 Occupational Safety /Health ☐ 690 Other	LABOR ☐ 710 Fair Labor Standards Act ☐ 720 Labor/Mgmt. Relations ☐ 730 Labor/Mgmt. Reporting & Disclosure Act ☐ 740 Railway Labor Act ☐ 790 Other Labor Litigation ☐ 791 Empl. Ret. Inc. Security Act PROPERTY RIGHTS ☒ 820 Copyrights ☐ 830 Patent ☐ 840 Trademark SOCIAL SECURITY ☐ 861 HIA (1395ff) ☐ 862 Black Lung (923) ☐ 863 DIWC/DIWW (405(g)) ☐ 864 SSID Title XVI ☐ 865 RSI (405(g)) FEDERAL TAX SUITS ☐ 870 Taxes (U.S. Plaintiff or Defendant) ☐ 871 IRS-Third Party 26 USC 7609

VIII(a). IDENTICAL CASES: Has this action been previously filed and dismissed, remanded or closed? ☒ No ☐ Yes If yes, list case number(s):

FOR OFFICE USE ONLY: Case Number: <u>CV08-01058</u>
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**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET**

AFTER COMPLETING THE FRONT SIDE OF FORM CV-71, COMPLETE THE INFORMATION REQUESTED BELOW.

VIII(b). RELATED CASES: Have any cases been previously filed that are related to the present case? ☒ No ☐ Yes

If yes, list case number(s): _____

Civil cases are deemed related if a previously filed case and the present case:

- (Check all boxes that apply) ☐ A. Arise from the same or closely related transactions, happenings, or events; or
☐ B. Call for determination of the same or substantially related or similar questions of law and fact; or
☐ C. For other reasons would entail substantial duplication of labor if heard by different judges; or
☐ D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

IX. VENUE: List the California County, or State if other than California, in which **EACH** named plaintiff resides (Use an additional sheet if necessary)

☐ Check here if the U.S. government, its agencies or employees is a named plaintiff.

Plaintiff STAR FABRICS, INC.'s principle place of business is located in the County of Los Angeles in the State of California.

List the California County, or State if other than California, in which **EACH** named defendant resides. (Use an additional sheet if necessary).

☐ Check here if the U.S. government, its agencies or employees is a named defendant.

Plaintiff is informed and believes that Defendants UNO CLOTHING, INC.'s and US TEXTILE PRINTING, INC.'s principle places of business are both located in the County of Los Angeles in the State of California.

List the California County, or State if other than California, in which **EACH** claim arose. (Use an additional sheet if necessary)

Note: In land condemnation cases, use the location of the tract of land involved.

Plaintiff is informed and believes that all claims arose in the County of Los Angeles in the State of California.

X. SIGNATURE OF ATTORNEY (OR PRO PER): _____

Date February 12, 2008

Notice to Counsel/Parties: The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet.)

Key to Statistical codes relating to Social Security Cases:

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405(g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405(g))
864	SSHD	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. (g))