

ORIGINAL

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CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

BY:

POU

DEPUTY

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11 CHANEL, INC., a New York Corporation

12 UNITED STATES DISTRICT COURT
13 SOUTHERN DISTRICT OF CALIFORNIA

14 CHANEL, INC., a New York corporation,

15 Plaintiff,

16 v.

17 TING XU a/k/a ROBERT XU d/b/a
18 REDTAGPARTY.COM d/b/a
19 SURISBOUTIQUE.COM d/b/a
20 WALLETFASHION.COM d/b/a
21 SURIBOUTIQUE d/b/a TX02006 d/b/a
22 YBAGS.COM, WEIXING LI d/b/a
23 REDTAGPARTY.COM d/b/a
24 SURISBOUTIQUE.COM d/b/a
25 WALLETFASHION.COM d/b/a
26 SURIBOUTIQUE d/b/a TX02006 d/b/a
27 YBAGS.COM, and DOES 1-10,

28 Defendants.

Case No.

'07 CV 1783

JAH AJB

COMPLAINT FOR DAMAGES AND
INJUNCTIVE RELIEF

29 Plaintiff, CHANEL, INC., a New York corporation ("Chanel") hereby sues Defendant TING
30 XU a/k/a ROBERT XU d/b/a RedTagParty.Com d/b/a SurisBoutique.Com d/b/a WalletFashion.Com
31 d/b/a SurisBoutique d/b/a TX02006 d/b/a YBags.Com ("Xu"), and Defendant WEIXING LI d/b/a
32 RedTagParty.Com d/b/a SurisBoutique.Com d/b/a WalletFashion.Com d/b/a SurisBoutique d/b/a
33 TX02006 d/b/a YBags.Com ("Li"), and DOES 1-10 (collectively "Defendants") and alleges as
34 follows:

CR

1 **JURISDICTION AND VENUE**

2 1. This is an action brought pursuant to 15 U.S.C. §§ 1114, 1116, 1121, and 1125.
3 Furthermore, this is an action where diversity of citizenship exists and the amount in dispute exceeds
4 \$75,000.00. Accordingly, this Court has jurisdiction under 28 U.S.C. §§ 1331, 1332, and 1338.
5 Venue is proper in this Court pursuant 28 U.S.C. § 1391 since Defendants' principal place of doing
6 business is within this District and Defendants conduct substantial business activities within this
7 District. Furthermore, Defendants are subject to personal jurisdiction in this District since
8 Defendants are conducting business within this District through various fully interactive Internet
9 websites, including, but not limited to, "RedTagParty.com," "SurisBoutique.com,"
10 "WalletFashion.com," and "YBags.com."

11 **THE PARTIES**

12 2. Plaintiff Chanel, Inc. (hereafter "Chanel") is a corporation duly organized under the
13 laws of the State of New York with its principal place of business in the United States located at
14 Nine West 57th Street, New York, New York 10019. Chanel is, in part, engaged in the business of
15 manufacturing and distributing throughout the world, including within this District, high quality
16 handbags, wallets, and watches under the federally registered trademarks CHANEL and CC
17 MONOGRAM (collectively the "Chanel Marks").

18 3. Defendant Ting Xu a/k/a Robert Xu (hereafter "Xu") is an individual, who upon
19 information and belief, resides and conducts business within this District at 5757 Lake Murray Blvd.
20 #98, La Mesa, San Diego County, California 91942, and who, upon information and belief, also
21 conducts business at 945 Desmet Dr., San Jose, California 95125, and within this District at 9037
22 Campina Dr. #C, La Mesa, California 91942, and 1642 Drexel Drive, Lemon Grove, California
23 91945 in San Diego County, California. Xu does business as and/or uses as aliases the names
24 "RedTagParty.com," "SurisBoutique.com," "WalletFashion.com," "Suriboutique," "TX02006," and
25 "YBags.com" to operate his business.

26 4. Upon information and belief, Xu is directly and personally engaging in the sale of
27 counterfeit and infringing products within this District as alleged herein.
28

1	CHANEL	1,347,677	July 9, 1985
2	CHANEL	1,571,787	December 19, 1989
3	CHANEL	1,733,051	November 17, 1992
4	CC MONOGRAM	1,734,822	November 24, 1992
5	J12	2,559,772	April 9, 2002
6	CC MONOGRAM	3,022,708	December 6, 2005
7	CC MONOGRAM	3,025,934	December 13, 2005
8	CHANEL	1,133,139	August 22, 2006

10 The Chanel Marks are registered in International Classes 14 and 18 and are used in connection with
 11 the manufacture and distribution of, among other things, handbags, wallets, and watches. The
 12 Chanel Marks have been used in interstate commerce to identify and distinguish Chanel's high
 13 quality handbags, wallets, watches and other products for an extended period of time.

14 10. The Chanel Marks have never been assigned or licensed to any of the Defendants in
 15 this matter.

16 11. The Chanel Marks are symbols of Chanel's quality, reputation, and goodwill and have
 17 never been abandoned.

18 12. Further, Chanel has expended substantial time, money, and other resources
 19 developing, advertising and otherwise promoting the Chanel Marks. The Chanel Marks qualify as
 20 "famous marks" as that term is used in 15 U.S.C. § 1125(c)(1).

21 13. Chanel has extensively used, advertised, and promoted the Chanel Marks in the
 22 United States in association with the sale of high quality handbags, wallets, watches, and other goods
 23 and has carefully monitored and policed the use of the Chanel Marks.

24 14. As a result of Chanel's efforts, members of the consuming public readily identify
 25 merchandise bearing the Chanel Marks as being high quality merchandise sponsored and approved
 26 by Chanel.

27 15. Accordingly, the Chanel Marks have achieved secondary meaning as identifiers of
 28 high quality handbags, wallets, watches and other goods.

1 16. Upon information and belief, at all times relevant hereto, the Defendants in this action
2 had full knowledge of Chanel's ownership of the Chanel Marks, including Chanel's exclusive right
3 to use and license the Chanel Marks and the goodwill associated therewith.

4 17. Chanel has discovered the Defendants are promoting and otherwise advertising,
5 distributing, selling and/or offering for sale counterfeit products, including but not limited to, high
6 quality handbags, wallets, and watches bearing trademarks which are exact copies of the Chanel
7 Marks (hereafter the "Counterfeit Goods"). Specifically, upon information and belief, Defendants
8 are using the Chanel Marks in the same stylized fashion for different and inferior quality goods.

9 18. Upon information and belief, Defendants' Counterfeit Goods are of a quality
10 substantially different than that of Chanel's genuine goods. Despite the nature of their Counterfeit
11 Goods and the knowledge that they are without authority to do so, Defendants, upon information and
12 belief, are actively importing and/or manufacturing, using, promoting and otherwise advertising,
13 distributing, selling and/or offering for sale substantial quantities of Counterfeit Goods with the
14 knowledge that such goods will be mistaken for the genuine high quality products offered for sale by
15 Chanel. The net effect of the Defendants' actions has and/or will result in confusion to consumers
16 who do and/or will believe Defendants' Counterfeit Goods are genuine goods originating from and
17 approved by Chanel.

18 19. Upon information and belief, Defendants import and/or manufacture their Counterfeit
19 Goods and advertise those goods for sale to the consuming public. In so advertising these products,
20 Defendants use the Chanel Marks. Defendants herein, upon information and belief, misappropriated
21 Chanel's advertising ideas and style of doing business with regard to the advertisement and sale of
22 Chanel's genuine products. Upon information and belief, the misappropriation of Chanel's
23 advertising ideas in the form of the Chanel Marks has occurred, in part, in the course of Defendants'
24 advertising activities and has been a proximate cause of damage to Chanel.

25 20. Upon information and belief, Defendants are conducting their counterfeiting and
26 infringing activities within this Judicial District and elsewhere throughout the United States.
27 Defendants' infringement and disparagement of Chanel's trademark rights does not simply amount
28 to a wrong description of Defendants' goods or the failure of the goods to conform to the advertised

1 quality or performance. As a result, Defendants are defrauding Chanel and the consuming public for
2 Defendants' own benefit.

3 21. Defendants' use of the Chanel Marks, including the manufacture, importation,
4 promotion, advertisement, distribution, sale and/or offering for sale of their Counterfeit Goods, is
5 without Chanel's consent or authorization.

6 22. Further, Defendants, upon information and belief, are engaging in the above-
7 described illegal counterfeiting and infringing activities knowingly or with reckless disregard or
8 willful blindness to Chanel's rights, for the purpose of trading on the goodwill and reputation of
9 Chanel. If Defendants' counterfeiting and infringing activities are not preliminarily and permanently
10 enjoined by this Court, Chanel and the consuming public will continue to be damaged.

11 23. Defendants' above identified infringing activities does and are likely to cause
12 confusion, deception and mistake in the minds of consumers, the public, and the trade. Moreover,
13 Defendants' wrongful conduct does and is likely to create a false impression and deceive customers,
14 the public, and the trade into believing there is a connection or association between Chanel's genuine
15 goods and Defendants' Counterfeit Goods.

16 24. Chanel has no adequate remedy at law.

17 25. Chanel is suffering irreparable injury and has suffered substantial damages as a result
18 of Defendants' counterfeiting and infringing activities.

19 26. The injuries and damages sustained by Plaintiff are directly and proximately caused
20 by Defendants' wrongful acts of importation and/or manufacture, advertisement, promotion,
21 distribution, sale and/or offering for sale of their Counterfeit Goods.

22 27. Chanel has retained the undersigned counsel to represent it in this matter and is
23 obligated to pay said counsel a reasonable fee for such representation.

24 **COUNT I - TRADEMARK COUNTERFEITING AND INFRINGEMENT**

25 28. Plaintiff hereby readopts and re-alleges the allegations set forth in Paragraphs 1
26 through 27 above.

27
28

1 29. This is an action for trademark counterfeiting and infringement against Defendants
2 based upon their importation and/or manufacture, promotion, advertisement, distribution, sale and/or
3 offering for sale of the Counterfeit Goods bearing the Chanel Marks.

4 30. Specifically, Defendants, upon information and belief, are importing and/or
5 manufacturing, promoting and otherwise advertising, selling, offering for sale and distributing
6 counterfeit and infringing handbags, wallets, and/or watches bearing the Chanel Marks. Defendants
7 are continuously infringing and inducing others to infringe the Chanel Marks by using them to
8 advertise, promote, and/or sell counterfeit handbags, wallets, watches, and other goods.

9 31. Defendants' counterfeiting and infringing activities have and are likely to cause
10 confusion, mistake, and deception among members of the trade and the general consuming public as
11 to the origin and quality of Defendants' Counterfeit Goods bearing the Chanel Marks.

12 32. Defendants' unlawful actions have caused and are continuing to cause damages to
13 Chanel.

14 33. Defendants' above-described illegal actions constitute counterfeiting and
15 infringement of the Chanel Marks in violation of Chanel's rights under § 32 of the Lanham Act, 15
16 U.S.C. § 1114.

17 34. Chanel has suffered and will continue to suffer irreparable injury due to the above
18 described activities of Defendants if Defendants are not preliminarily and permanently enjoined.

19 **COUNT II - FALSE DESIGNATION OF ORIGIN**

20 **PURSUANT TO § 43(a) OF THE LANHAM ACT**

21 35. Plaintiff hereby readopts and re-alleges the allegations set forth in Paragraphs 1
22 through 27 above.

23 36. Defendants' Counterfeit Goods bearing the Chanel Marks have been widely
24 advertised and distributed throughout the United States.

25 37. Defendants' Counterfeit Goods bearing the Chanel Marks are virtually identical in
26 appearance to each of Chanel's respective genuine goods. However, the Counterfeit Goods are
27 different and, likely inferior, in quality. Accordingly, Defendants' activities are causing and/or are
28

1 likely to cause confusion in the trade and among the general public as to the origin and/or
2 sponsorship of the Counterfeit Goods.

3 38. Defendants, upon information and belief, have used in connection with their sale of
4 Counterfeit Goods, false designations of origin and false descriptions and representations, including
5 words and/or other symbols which tend to falsely describe and/or represent such goods and have
6 caused such goods to enter into commerce with knowledge of the falsity of such designations of
7 origin and such descriptions and representations, all to the detriment of Plaintiff.

8 39. Specifically, Defendants, upon information and belief, have authorized an infringing
9 use of the Chanel Marks, in Defendants' advertisement and promotion of their counterfeit and
10 infringing handbags, wallets, watches, and other goods. Defendants, upon information and belief,
11 have misrepresented to members of the consuming public that the Counterfeit Goods being
12 advertised and sold by them are genuine, non-infringing products.

13 40. Defendants' above-described actions are in violation of Section 43(a) of the Lanham
14 Act, 15 U.S.C. § 1125(a).

15 41. Chanel has sustained injury and damage caused by Defendants' conduct, and absent
16 an entry of an injunction by this Court, Plaintiff will continue to suffer irreparable injury to its
17 goodwill and business reputation as well as monetary damages.

18 **COUNT III - TRADEMARK DILUTION**

19 42. Plaintiff readopts and re-alleges the allegations set forth in Paragraphs 1 through 27
20 above.

21 43. The Chanel Marks are "famous marks" within the meaning of 15 U.S.C. §1125(c).
22 The Chanel Marks are advertised and used extensively throughout the United States and the
23 remainder of the world and are highly recognizable by the trade and the consuming public. Further,
24 Plaintiff actively polices the use of the Chanel Marks by third parties.

25 44. Defendants are engaged in a commercial use of the Chanel Marks in commerce.

26 45. Defendants' above-described counterfeiting activities are disparaging, damaging, and
27 lessening the distinctiveness of the Chanel Marks through, among other things, blurring and
28 tarnishment of said Marks. Indeed, Defendants are publishing materials in their advertising which

1 disparage Chanel's products by, but not limited to, creating an unfair comparison between Chanel's
2 genuine goods and Defendants' Counterfeit Goods.

3 46. Upon information and belief, Defendants' actions described herein have been engaged
4 in intentionally or with a reckless disregard for or willful blindness to Chanel's rights for the purpose
5 of trading on Chanel's reputation and diluting the Chanel Marks.

6 47. As a result of the above-described diluting and disparaging activities of Defendants,
7 Plaintiff has suffered, and will continue to suffer, irreparable injury and substantial damages, and
8 Defendants have been wrongfully and unjustly enriched.

9 **PRAYER FOR RELIEF**

10 **WHEREFORE**, Plaintiff demands relief and judgment jointly and severally against
11 Defendants as follows:

12 a. The Court enter a preliminary and permanent injunction enjoining Defendants,
13 their agents, representatives, servants, employees, and all those acting in concert or participation
14 therewith, from manufacturing and/or causing to be manufactured, importing or manufacturing,
15 advertising or promoting, distributing, selling or offering to sell their Counterfeit Goods; from
16 infringing, counterfeiting, or diluting the Chanel Marks; from using the Chanel Marks, or any mark
17 similar thereto, in connection with the sale of any unauthorized goods; from using any logo, trade
18 name, or trademark which may be calculated to falsely advertise the services or products of
19 Defendants as being sponsored by, authorized by, endorsed by, or in any way associated with
20 Plaintiff; from falsely representing themselves as being connected with Plaintiff, through
21 sponsorship or association, or engaging in any act which is likely to falsely cause members of the
22 trade and/or of the purchasing public to believe any goods or services of the Defendants are in any
23 way endorsed by, approved by, and/or associated with Plaintiff; from using any reproduction,
24 counterfeit, copy, or colorable imitation of the Chanel Marks in connection with the publicity,
25 promotion, sale, or advertising of any goods sold by Defendants, including, without limitation,
26 handbags, wallets, watches, and/or any other goods; from affixing, applying, annexing or using in
27 connection with the sale of any goods, a false description or representation, including words or other
28 symbols tending to falsely describe or represent Defendants' goods as being those of Plaintiff, or in

1 any way endorsed by Plaintiff and from offering such goods in commerce; and from otherwise
2 unfairly competing with Plaintiff.

3 b. Defendants be required to account to and pay Plaintiff for all profits and
4 damages resulting from Defendants' infringing and counterfeiting activities and that the award to
5 Plaintiff be trebled, as provided for under 15 U.S.C. § 1117, or, at Plaintiff's election with respect to
6 Count I, that Plaintiff be awarded statutory damages from each Defendant in the amount of one
7 million (\$1,000,000.00) dollars per each counterfeit Chanel Mark used and product sold, as provided
8 by 15 U.S.C. § 1117(c)(2) of the Lanham Act.

9 c. That Plaintiff be awarded punitive damages.

10 d. That Plaintiff be awarded pre-judgment interest on its judgment.

11 e. That Plaintiff be awarded at least treble damages as well as its costs and
12 reasonable attorneys' fees and investigators' fees associated with bringing this action.


13 f. That Plaintiff be awarded such other and further relief as the Court may deem
14 just and proper.

15

16 Dated: September 6, 2007

WILSON PETTY KOSMO & TURNER LLP

17

18 By: 
19 **FREDERICK W. KOSMO, JR.**
20 **THERESA OSTERMAN STEVENSON**
21 **Attorneys for Plaintiff**
22 **CHANEL, INC.**

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JS 44
(Rev. 07/88)

CIVIL COVER SHEET

The 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, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet: (SEE INSTRUCTIONS ON THE SECOND PAGE OF THIS FORM.)

ORIGINAL

FILED
07 SEP 11 PM 1:10
CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

(a) **PLAINTIFFS**
Panel, Inc.

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF
(EXCEPT IN U.S. PLAINTIFF CASES)
NEW YORK CITY, NEW YORK

DEFENDANTS Ting Xu aka Robert Xu dba
REDTAGPARTY.com dba SURISBOUTIQUE.com dba
WALLETFASHION.com dba SURIBOUTIQUE.com dba TX02006.com
dba YBAGS.com; Weixing Li dba REDTAGPARTY.com dba
SURISBOUTIQUE.com dba WALLETFASHION.com dba
SURIBOUTIQUE.com dba TX02006.com dba YBAGS.com
COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT San Diego DEPUTY
(IN U.S. PLAINTIFF CASES ONLY)
NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

(c) **ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)**
Wilson Petty Kosmo & Turner LLP
Theresa Osterman Stevenson (129272)
550 West C Street, Suite 1050
San Diego, CA 92101
619.236.9600

ATTORNEYS (IF KNOWN)
'07 CV 1783 JAH AJB

II. BASIS OF JURISDICTION (PLACE AN 'X' IN ONE BOX ONLY)

1 U.S. Government Plaintiff
 2 U.S. Government Defendant
 3 Federal Question (U.S. Government Not a Party)
 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (PLACE AN 'X' IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)

	PT	DEF		PT	DEF
Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business in This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

IV. 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.)
Lanham Act, 15 U.S.C. § 1125(a) Trademark infringement; section 43(c) of the

V. NATURE OF SUIT (PLACE AN 'X' IN ONE BOX ONLY)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Medical Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input checked="" type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (13958) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS - Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reappointment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 460 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 860 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 990 Constitutionality of State Statutes <input type="checkbox"/> 890 Other Statutory Actions
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motion to Vacate Sentence HABEAS CORPUS: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Conditions		

VI. ORIGIN (PLACE AN 'X' IN ONE BOX ONLY)

1 Original Proceeding
 2 Removal from State Court
 3 Remanded from Appellate Court
 4 Reinstated or Reopened
 5 Transferred from another district (specify)
 6 Multidistrict Litigation
 7 Appeal to District Judge from Magistrate Judgment

VII. REQUESTED IN COMPLAINT: CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 DEMAND \$ excess \$1 million CHECK YES only if demanded in complaint: JURY DEMAND: YES NO

VIII. RELATED CASE(S) IF ANY (See instructions): JUDGE _____ Docket Number _____

DATE 9-6-07 SIGNATURE OF ATTORNEY OF RECORD Theresa Osterman Stevenson

9/11/07
142385 B350
DMAPCDOCSWORDPERFECT22816\1 January 24, 2000 (3:10pm)

**UNITED STATES
DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
SAN DIEGO DIVISION**

**# 142385 - SR
* * C O P Y * *
September 11, 2007
13:11:32**

Civ Fil Non-Pris

USAO #: 07CV1783 CIV. FIL.
Judge.: JOHN A HOUSTON
Amount.: \$350.00 CK
Check#: BC#8405

Total-> \$350.00

**FROM: CHANEL V. XU ET AL
CIVIL FILING**