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10 UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

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12 **CV 13-00954** b7E (ADW x)
Case No.:

13 RICHARD PITKIN and JOHANNA
FONTENOT, on behalf of themselves
and all others similarly situated,

14 Plaintiffs,

15 v.

16 FORD MOTOR COMPANY, and DOES
17 1 through 10, inclusive,

18 Defendants.

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20 **CLASS ACTION COMPLAINT**

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1. VIOLATION OF UNFAIR BUSINESS PRACTICES ACT [CALIFORNIA BUSINESS & PROFESSIONS CODE § 17200, *ET SEQ.*]
 2. VIOLATION OF FALSE ADVERTISING LAWS [CALIFORNIA BUSINESS & PROFESSIONS CODE § 17500, *ET SEQ.*]
 3. VIOLATION OF CALIFORNIA'S CONSUMER LEGAL REMEDIES ACT [CALIFORNIA CIVIL CODE § 1750, *ET SEQ.*]
 4. FRAUD
 5. NEGLIGENT MISREPRESENTATION
 6. DECEIT [CALIFORNIA CIVIL CODE § 1710]

DEMAND FOR JURY TRIAL

1 **INTRODUCTION**

2 This consumer fraud class action is based on Defendant Ford Motor Company’s
3 false and misleading marketing campaign for its 2013 model year C-MAX Hybrid and
4 Fusion Hybrid (“Subject Vehicles”). Ford launched the C-MAX Hybrid in October,
5 2012, touting the vehicle as “America’s most fuel efficient and affordable hybrid utility
6 vehicle.” In its advertising and marketing campaign for the vehicles, Ford claimed that
7 the C-MAX Hybrid and Fusion Hybrid achieved a class leading 47 Miles Per Gallon
8 (MPG). These materials helped FORD achieve record sales for the first two months of C-
9 MAX Hybrid sales, outselling its rival, hybrid sales leader Toyota, but there was a
10 problem. These ads were false. In reality, the C-MAX Hybrid and Fusion Hybrid
11 actually achieved far fewer MPG: Plaintiff Richard Pitkin purchased a 2013 C-MAX
12 Hybrid (“C-MAX Plaintiff”), and Plaintiff Johanna Fontenot purchased a 2013 Ford
13 Fusion Hybrid (“Fusion Plaintiff”) (C-Max Plaintiff and Fusion Plaintiff, altogether
14 referred to as “Plaintiffs”), have not achieved 47 MPG. Instead, Plaintiffs have
15 experienced fuel economy approximately 10 MPG worse than the advertized figure.
16 Plaintiffs’ poor fuel economy results are not the exception but rather the rule. Consumer
17 Reports recently tested the C-MAX Hybrid and Fusion Hybrid and determined that the
18 vehicle achieved 37 and 39 combined MPG, respectively, and those results were
19 confirmed by a reporter at the L.A. Times who found the C-MAX Hybrid got 37.5
20 combined MPG. Accordingly, though successfully marketed as class leading 47 mpg
21 vehicles, buyers of the 2013 C-MAX Hybrid and the 2013 Fusion Hybrid have not
22 achieved anything like the advertised fuel efficiency.

23 Plaintiffs, individually, on behalf of themselves and on behalf of all others
24 similarly situated (*i.e.*, the members of the Plaintiff Class described and defined within
25 this Complaint), herein alleges as follows:

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I

JURISDICTION AND VENUE

1. This Court has personal jurisdiction over the Defendant because Defendant has conducted and continues to conduct business in the State of California, and because Defendant has committed the acts and omissions complained of herein in the State of California.

2. Venue as to Defendant is proper in this judicial district. Defendant Ford Motor Company sells a substantial amount of automobiles in this district, has dealerships in this district, and many of Defendant's acts complained of herein occurred in this district.

II

GENERAL ALLEGATIONS

3. This civil action is based on Ford Motor Company's campaign to boost sales of its vehicles by portraying its cars as having class leading gas mileage. During the class period, Ford Motor Company (hereinafter "Defendant" or "FORD") accomplished this goal by misrepresenting the miles per gallon of its vehicles in filings with the EPA, and through the launch of an extensive marketing campaign which touted the supposed class leading gas mileage of the company's C-Max and Fusion Hybrid models. The marketing campaign claimed that the vehicles achieved 47 MPG in highway, city and combined driving. However, in actuality, the vehicles achieved significantly worse gas mileage. Plaintiffs, for themselves and all others similarly situated, bring this action for damages, rescission and reimbursement of the purchase price of the vehicles as well as an order enjoining FORD from engaging in further deceptive advertisements, pursuant to the Unfair Advertising, California Business and Professional Code §17200, *et seq.*; False Advertising California Business & Professional Code § 17500, *et seq.*; Consumer Legal Remedies Act, California Civil Code §1750, *et seq.* statutory deceit California Civil Code §1710 ; and common law fraud and negligent misrepresentation.

1 **A. C-MAX PLAINTIFF**

2 **Plaintiff Richard Pitkin**

3 4. Plaintiff RICHARD PITKIN is a resident and citizen of the city of Roseville,
4 California. He purchased a 2013 Ford C-MAX Hybrid on or about October 30, 2012 at
5 Folsom Lake Ford in Folsom, California. He made his decision to purchase a Ford C-
6 MAX Hybrid after researching, viewing, and relying on television, print and online
7 FORD advertisements and marketing materials that stated the C-MAX Hybrid achieved
8 47 miles per gallon highway, city and combined. Based on information and belief, those
9 same televisions, print and online advertisements were disseminated by FORD
10 throughout California and the United States regarding the expected gas mileage of the
11 FORD C-MAX Hybrid. Fuel efficiency was the primary basis for Mr. Pitkin's decision
12 to purchase a C-MAX Hybrid.

13 5. Specifically, among others, Mr. Pitkin reviewed the C-MAX Hybrid
14 brochure, the second page of which contained a photo of the vehicle with a graphic "47
15 MPG City & HWY." He also saw commercials in which the narration said the new C-
16 MAX Hybrid "beats Prius v with better MPG", and which said, "Say hi to the all new 47
17 Combined MPG C-MAX Hybrid." Based on information and belief, these Internet, TV,
18 print and online advertisements were disseminated by FORD throughout California and
19 the United States regarding the expected gas mileage of the 2013 FORD C-MAX and
20 Fusion Hybrids.

21 6. The advertised representations of the 47 mpg fuel efficiency rating were the
22 primary reason that Mr. Pitkin chose to purchase the 2013 C-MAX Hybrid. The
23 representation that the C-MAX Hybrid would achieve 47 MPG whether driven on the
24 highway, in the city or in some combination of the two presented the mileage figure as
25 the actual, expected fuel efficiency of the vehicle.

26 7. Based on these representations which informed that the C-MAX Hybrid
27 would achieve 47 MPG in all types of driving, Plaintiff reasonably believed that the C-
28 MAX Hybrid would actually achieve 47 mpg when driven in the real world. Plaintiff

1 heavily relied on these representations when he decided to buy the 2013 C-MAX Hybrid.
2 However, after purchasing the vehicle, Plaintiff discovered that it consistently achieved
3 gas mileage far below the advertised mileage under normal, real-world use, both on the
4 highway and in the city.

5 8. Plaintiff did not know when he purchased the vehicle that the 47 MPG EPA
6 estimated mileage for the C-MAX Hybrid overstated the vehicle's estimated fuel
7 efficiency and that the advertised mpg was inaccurate as he reasonably expected that
8 FORD would not falsely advertise MPG. Plaintiff has been damaged from FORD's
9 false, misleading, and inadequate representations of the C-MAX's fuel efficiency. .

10 **B. FUSION PLAINTIFF**

11 **Plaintiff Johanna Fontenot**

12 9. Plaintiff JOHANNA FONTENOT is a resident and citizen of the city of
13 Duarte, California. She purchased a 2013 Ford Fusion Hybrid on or about November 11,
14 2012 at Advantage Ford in Duarte, California. She made her decision to purchase a Ford
15 Fusion Hybrid after researching, viewing, and relying on FORD online, television ,
16 magazine advertisements and marketing materials, including brochures that stated the
17 Fusion Hybrid achieved 47 miles per gallon highway, city and combined. Fuel efficiency
18 was the primary basis for her decision to purchase a Fusion Hybrid.

19 10. Based on these representations which informed that the Fusion Hybrid
20 would achieve 47 MPG in all types of driving, Plaintiff reasonably believed that the
21 Fusion Hybrid would actually achieve 47 mpg when driven in the real world. Plaintiff
22 heavily relied on these representations when she decided to buy the 2013 Fusion Hybrid.
23 However, after purchasing the vehicle, Plaintiff discovered that it consistently achieved
24 gas mileage far below the advertised mileage under normal, real-world use, both on the
25 highway and in the city, even though she drove according to the instructions in a video
26 provided by Ford explaining how to achieve the most fuel efficiency.

27 11. Plaintiff did not know when she purchased the vehicle that the 47 MPG EPA
28 estimated mileage for the Fusion Hybrid overstated the vehicle's estimated fuel

1 efficiency and that the advertised mpg was inaccurate as she reasonably expected that
2 FORD would not falsely advertise MPG. Plaintiff has been damaged from FORD's
3 false, misleading, and inadequate representations of the Ford Fusion Hybrid's fuel
4 efficiency.

5 12. Plaintiffs Pitkin and Fontenot would not have purchased the C-MAX Hybrid
6 or the Fusion Hybrid respectively or been willing to pay the purchase price they paid for
7 their vehicles if they had known that the MPG rates advertised were substantially
8 inflated.

9 **C. DEFENDANT FORD MOTOR COMPANY**

10 13. Defendant FORD MOTOR COMPANY is a global automotive industry
11 leader based in Dearborn, Michigan that manufactures automobiles across six continents.
12 Through dealerships, FORD causes its vehicles to be sold in California. FORD's C-
13 MAX Hybrid is produced at FORD's Wayne, Michigan Assembly plant. The FORD
14 Fusion Hybrid is produced at FORD's Flat Rock Michigan assembly plant. In an attempt
15 to capitalize on strong consumer preference for better fuel economy, FORD launched a
16 "power of choice" strategy to deliver leading fuel economy across its lineup. However,
17 in the process of promoting sales, FORD engaged in a widespread misleading and
18 deceptive advertising campaign throughout California and the United States, which
19 grossly overstated the estimated MPG of the C-MAX and Fusion Hybrids when the
20 vehicles, in fact, fall substantially short of attaining such fuel efficiency in real-world,
21 normal use.

22 14. The true names and capacities of Defendants sued herein as DOES 1 through
23 10, inclusive, are currently unknown to Plaintiffs, who therefore sue such Defendants by
24 such fictitious names. Each of the Defendants designated herein as a DOE is legally
25 responsible in some manner for the unlawful acts referred to herein. Plaintiffs will seek
26 leave of Court to amend this Complaint to reflect the true names and capacities of the
27 Defendants designated herein as DOES when such identities become known.
28

1 20. FORD's advertising for the C-MAX Hybrid focused on the purported class
2 leading fuel economy of the vehicle. In one ad, the Company compared the C-MAX to
3 the Prius v., asking which hybrid has better MPG? The ad then showed in a cartoon
4 graphic that the Prius v got 44 MPG while C-MAX achieved 47 MPG, showing that the
5 C-MAX had class leading fuel economy, and better MPG than the Prius.

6 21. In another ad entitled "Say Wheeee", FORD stated that the C-MAX hybrid
7 "bests" the Toyota Prius v in MPG, concluding the commercial with the statement, "Say
8 Hi to the all new 47 combined mpg C-MAX Hybrid." The video component of the ad
9 showed an image of the vehicle with an accompanying "47 mpg" graphic.

10 22. Another ad, entitled "Be Great" contained the narration, "Meet the five
11 passenger Ford C-MAX Hybrid... [that] beats Prius v with better MPG... Say hi to the all
12 new 47 combined mpg C-MAX Hybrid." The video of the ad showed a large 47 MPG
13 displayed above an image of the vehicle.

14 23. The ads touting that the vehicle achieved 47 MPG were the centerpiece of
15 the 2013 C-MAX and Fusion Hybrid ad campaign. In each, the narrator simply refers to
16 the 2013 C-MAX Hybrid as the Forty Seven combined mile per gallon C-MAX Hybrid.
17 According to Federal Trade Commission regulations, for TV, if the estimated MPG
18 appears in the video, the disclosure must appear in the video; if the estimated MPG is
19 audio, the disclosure must be audio. 16 C.F.R. 259(2)(a). However, the audio on each of
20 the C-MAX ads contained the tagline, "the Forty Seven combined Mile Per Gallon C-
21 MAX" but had no audio disclosure that this was an estimate of any kind. In addition,
22 federal regulations require that if a general mileage claim is made without reference to
23 highway or city mileage, the EPA city mileage must be disclosed.
24 16C.F.R.259(2)(a)(1)(iii). FORD's ads all failed to meet this standard.

25 24. The ads hammering home the 47 MPG message had their desired effect.
26 The October 2012 launch of the C-MAX was a success. FORD sold 3,182 C-MAX
27 Hybrids in October, outselling its primary competitor the Toyota Prius v, which sold
28 2,769 vehicles in the same period.

1 25. In November, the strong positive trend continued, with recorded sales of
2 4,848 C-MAX Hybrid vehicles, representing a 52% increase over October sales figures.
3 The success of the C-MAX Hybrid helped drive Ford's small car sales to a 12 year high.

4 26. The C-MAX's and Fusion's success was based on purported class leading
5 fuel economy as buyers seeking fuel economy chose the vehicle. Sixty-five percent of C-
6 MAX Hybrid buyers were new to FORD and the Toyota Prius was the No.1 competitive
7 trade-in model for the vehicle. According to FORD, more than 97 percent of new car
8 shoppers considered fuel economy to be a priority.

9 27. The purpose of the EPA gas mileage estimate is to provide a consistent way
10 for consumers to be able to compare the fuel efficiency of different vehicles under
11 identical test conditions. However, the EPA estimates are not designed to determine, nor
12 are they accurate predictors of, the actual expected mileage for a vehicle under normal,
13 real life driving conditions. The reason is that the test conditions are such as to maximize
14 fuel mileage far beyond what a normal customer would experience. First, the EPA
15 mileage tests are not conducted on roads, but rather are conducted in laboratories on
16 machines known as dynamometers that do not provide the normal challenges to fuel
17 mileage as would be experienced under real world driving conditions. Further, the
18 highway portion of the test averages only 48.3 mph and tops out at 60 mph. Obviously,
19 an average highway speed of 48.3 mph is not reflective of normal highway speeds and
20 will result in inflated MPG versus normal highway driving conditions. In addition, the
21 fuel used for these tests is a special fuel that is more efficient than fuel used by
22 consumers in normal driving conditions. Also, the test lasts about 95 minutes with the
23 car's air conditioning on for just 10 minutes of that time. Finally, the test is performed
24 with only the driver, who is a professional driver whose job is to maximize the results of
25 the test. Each of these issues results in a test MPG figure that is inflated over what can be
26 expected in real world driving conditions and, as such, is improper to use for purposes of
27 representing to customers what they can expect from the vehicle in real life driving
28 conditions.

1 28. Additionally, the EPA relies on automakers to conduct their own tests, and
2 self-report the results. The agency physically tests and audits only about 15% of the
3 models on the market.

4 29. As a result of the tremendous difference in driving conditions between the
5 EPA testing and normal, real-world driving, the EPA mileage estimates can be
6 substantially better than the mileage attained by the same models driven in the real world.

7 30. On its website, the EPA acknowledges this discrepancy by stating the rating
8 “may not accurately predict the average MPG you will get.” In fact, the EPA, which
9 requires that auto manufacturers place window stickers(called Monroney Stickers) on all
10 new models with the EPA city and highway estimates printed on them, also requires on
11 the sticker as a significant, material disclosure the words, “[a]ctual mileage *will vary*,”
12 pursuant to 40 C.F.R. § 600.307-86(a)(ii)(A). (Emphasis added).

13 31. In the case of FORD’s 2013 C-MAX and Fusion Hybrid vehicles, because
14 the vehicle purportedly got 47 MPG no matter whether driving was highway or city, any
15 discrepancy between real world driving and EPA estimates should have been less than in
16 vehicles where there was a significant variation between city and highway numbers.

17 32. Instead, however, the discrepancy between the EPA estimate MPG ratings
18 and actual fuel economy achieved by Plaintiff Pitkin, Consumer Reports and an L.A.
19 Times reporter--of approximately 10 MPG-- is far greater than has been reported with
20 other vehicles.

21 33. Specifically, as disclosed on December 6, 2012, Consumer Reports
22 magazine reported that it had tested the C-MAX Hybrid and found that the C-MAX
23 Hybrid actually achieved a combined 37 MPG based on a 35 city MPG and 38 highway
24 MPG, and the Fusion Hybrid a combined 39 MPG. This ten mile per gallon discrepancy
25 was, according to Consumer Reports, the largest discrepancy between overall MPG
26 results and the estimates published by the EPA that the magazine had found among
27 current models. The Consumer Report reiterated these MPG results in its March, 2013
28 issue, which contains reviews of the 2013 C-MAX Hybrid and Fusion Hybrid.

1 34. Consumer Reports' results were not an aberration. A L.A. Times reporter
2 also tested the vehicle and found that combined fuel economy to be 37.5 MPG, consistent
3 with Consumer Reports and Plaintiffs' real world experience.

4 35. According to Consumer Reports, more than 80 percent of vehicles it tests for
5 gas mileage are within 2 MPG of the EPA-Estimated numbers supplied by
6 manufacturers.

7 36. Plaintiffs and the members of the class believed FORD's advertising and
8 purchased their vehicles. However, they then discovered that their new cars did not get
9 the gas mileage advertised and set forth in the EPA estimated values for city and highway
10 driving. Purchasers of the C-MAX and Fusion Hybrid were dissatisfied with the fuel
11 economy of the vehicles and felt misled by FORD's ads.

12 37. Plaintiffs further challenge FORD's systematic advertising scheme that
13 misleadingly and unfairly uses the existing EPA mileage numbers to represent and imply
14 that the miles-per-gallon EPA estimate reflects actual, expected mileage under normal,
15 real-world driving conditions. FORD accomplishes this scheme in several ways. First, it
16 advertises the MPG ratings that are inaccurate for what customers will experience in
17 normal real-world use. Second, in so far as it purports to be advertising the EPA MPG
18 estimates, it does so while failing to disclose that the ratings are in fact based on testing
19 performed under the EPA standard and that they are estimates. Third, it provides
20 additional affirmative misrepresentations that indicate that consumers should expect the
21 vehicles to achieve the advertised MPG ratings in normal, real-world use.

22 38. Plaintiffs and the putative class reasonably relied on FORD's material false
23 representations overstating the estimated fuel efficiency of its vehicles to the EPA which
24 were printed on the Monroney window sticker on every vehicle sold or leased during the
25 class period. A reasonable consumer would expect and rely on FORD's representations
26 that the vehicles would achieve 47 MPG. Furthermore, a reasonable consumer in today's
27 market attaches material importance to advertisements of high gas mileage, as fuel
28

1 efficiency is one of the most, if not *the* most, important considerations in making
2 purchasing decisions for most consumers.

3 **IV**

4 **CLASS ACTION ALLEGATIONS**

5 39. Plaintiffs initially propose a Nationwide class – the “Class” – in litigating
6 this case, as defined as follows:

7 All purchasers or lessees of Model Year 2013 FORD C-MAX or Model
8 Year 2013 Ford Fusion Hybrid vehicles who purchased or leased their
9 vehicles in the United States.

10 Excluded from the above class is any entity in which Defendant has a controlling interest,
11 and officers or directors of Defendant.

12 40. Alternatively, Plaintiffs propose a California class, as defined as follows:

13 All purchasers or lessees of Model Year 2013 FORD C-MAX or Model
14 Year 2013 Ford Fusion Hybrid vehicles who purchased or leased their
15 vehicles in California.

16 Excluded from the above class is any entity in which Defendant has a controlling interest,
17 and officers or directors of Defendant.

18 41. This action is brought as a class action and may properly be so maintained
19 pursuant to the provisions of California Code of Civil Procedure section 382 and
20 California Civil Code section 1781. Plaintiffs reserve the right under Rule 1855(b),
21 California Rules of Court, to amend or modify the Class description with greater
22 specificity or further division into subclasses or limitation to particular issues, based on
23 the results of discovery.

24 42. **Numerosity of the Class** – The members of the Class are so numerous that
25 their individual joinder is impracticable. There were approximately nine thousand C-
26 MAX vehicles sold in the first two months after its introduction. Plaintiffs are informed
27 and believe that there are thousands of members in the class. Inasmuch as the class
28 members may be identified through business records regularly maintained by Defendant

1 and its employees and agents, and through the media, the number and identities of class
2 members can be ascertained. Members of the Class can be notified of the pending action
3 by e-mail, mail, and supplemented by published notice, if necessary;

4 43. **Existence and Predominance of Common Question of Fact and Law** –

5 There are questions of law and fact common to the Class. These questions predominate
6 over any questions affecting only individual class members. These common legal and
7 factual issues include, but are not limited to:

- 8 a. Whether the subject vehicles achieve gas mileage materially lower than
9 the advertised expected mileage;
- 10 b. Whether the subject vehicles achieve mileage range on a single tank of
11 gas materially less than the advertised expected range.
- 12 c. Whether FORD's overstatement of its vehicle's fuel economy was
13 materially misleading,
- 14 d. Whether FORD's advertisements were false and deceptive in advertising
15 the expected mileage of the subject vehicles in normal, real-world
16 highway usage;
- 17 e. Whether FORD's advertisements failed to provide material disclosures
18 that the expected gas mileage cannot be achieved in normal, real-world
19 highway usage;
- 20 f. Whether FORD's conduct violates the laws as set forth in the causes of
21 action.

22 44. **Typicality** – The claims of the representative Plaintiffs are typical of the
23 claims of each member of the Class. Plaintiffs, like all other members of the Class, have
24 sustained damages arising from Defendant's violations of the laws, as alleged herein.
25 The representative Plaintiffs and the members of the Class were and are similarly or
26 identically harmed by the same unlawful, deceptive, unfair, systematic, and pervasive
27 pattern of misconduct engaged in by Defendant.
28

1 45. **Adequacy** – The representative Plaintiffs will fairly and adequately
2 represent and protect the interests of the Class members and have retained counsel who
3 are experienced and competent trial lawyers in complex litigation and class action
4 litigation. There are no material conflicts between the claims of the representative
5 Plaintiffs and the members of the Class that would make class certification inappropriate.
6 Counsel for the Class will vigorously assert the claims of all Class members.

7 46. **Predominance and Superiority** – This suit may be maintained as a class
8 action under California Code of Civil Procedure Section 382, California Civil Code
9 Section 1781 and Federal Rule of Civil Procedure 23(b)(3), because questions of law and
10 fact common to the Class predominate over the questions affecting only individual
11 members of the Class and a class action is superior to other available means for the fair
12 and efficient adjudication of this dispute. The damages suffered by individual class
13 members are small compared to the burden and expense of individual prosecution of the
14 complex and extensive litigation needed to address Defendant’s conduct. Further, it
15 would be virtually impossible for the members of the Class to individually redress
16 effectively the wrongs done to them. Even if Class members themselves could afford
17 such individual litigation, the court system could not. In addition, individualized
18 litigation increases the delay and expense to all parties and to the court system resulting
19 from complex legal and factual issues of the case. Individualized litigation also presents
20 a potential for inconsistent or contradictory judgments. By contrast, the class action
21 device presents far fewer management difficulties; allows the hearing of claims which
22 might otherwise go unaddressed because of the relative expense of bringing individual
23 lawsuits; and provides the benefits of single adjudication, economies of scale, and
24 comprehensive supervision by a single court.

25 47. The Class Plaintiffs contemplate the eventual issuance of notice to the
26 proposed Class members setting forth the subject and nature of the instant action. Upon
27 information and belief, Defendant’s own business records and electronic media can be
28 utilized for the contemplated notices. To the extent that any further notices may be

1 required, the Class Plaintiffs would contemplate the use of additional media and/or
2 mailings.

3 48. In addition to meeting the California statutory prerequisites of a Class
4 Action, this action is properly maintained as a Class Action pursuant to Rule 23(b) of the
5 Federal Rules of Civil Procedure, in that:

6 a. Without class certification and determination of declaratory, injunctive,
7 statutory and other legal questions within the class format, prosecution of separate actions
8 by individual members of the Class will create the risk of:

9 i. Inconsistent or varying adjudications with respect to individual
10 members of the Class which would establish incompatible standards of conduct for the
11 parties opposing the Class; or

12 ii. Adjudication with respect to individual members of the Class
13 which would as a practical matter be dispositive of the interests of the other members not
14 parties to the adjudication or substantially impair or impede their ability to protect their
15 interests;

16 b. The parties opposing the Class have acted or refused to act on grounds
17 generally applicable to each member of the Class, thereby making appropriate final
18 injunctive or corresponding declaratory relief with respect to the Class as a whole; or

19 c. Common questions of law and fact exist as to the members of the Class
20 and predominate over any questions affecting only individual members, and a Class
21 Action is superior to other available methods of the fair and efficient adjudication of the
22 controversy, including consideration of:

23 i. The interests of the members of the Class in individually
24 controlling the prosecution or defense of separate actions;

25 ii. The extent and nature of any litigation concerning controversy
26 already commenced by or against members of the Class;

27 iii. The desirability or undesirability of concentrating the litigation
28 of the claims in the particular forum;

1 53. Furthermore, Defendant’s practices violate the declared legislative policies
2 as set forth by the Federal government in 40 C.F.R. § 600.307(a)(ii)(A); 40 C.F.R. §
3 600.302-08(b)(4) and 16 C.F.R. § 259.2(a).

4 54. Plaintiffs and the Class members, and each of them, have been damaged by
5 said practices. Pursuant to California Business and Professions Code §§ 17200 and
6 17203, Plaintiffs, on behalf of themselves and all others similarly situated, seek relief as
7 prayed for below.

8 **SECOND CAUSE OF ACTION**
9 **(Violation of California Business & Professions Code Sections 17500, *et seq.* –**
10 **False Advertising Laws)**

11 55. Plaintiffs incorporate by reference and re-allege all paragraphs previously
12 alleged herein.

13 56. Defendant disseminated advertisements in print, online, and television
14 formats materially misleading and deceptive information and omitted material
15 information, as discussed throughout the Complaint, for purposes of inducing customers
16 to purchase the subject vehicles, in violation of California Business and Professions Code
17 § 17500, *et seq.*

18 57. Plaintiffs and the Class, and each of them, have been damaged by said
19 practice and seeks relief as prayed below.

20 **THIRD CAUSE OF ACTION**
21 **(Violation of California Civil Code Section 1750 *et seq.* –**
22 **Consumer Legal Remedies Act)**

23 58. Plaintiffs incorporate by reference and re-allege all paragraphs previously
24 alleged herein.

25 59. The following definitions come within the meaning of the Consumer Legal
26 Remedies Act (Cal. Civ. Code § 1750, *et seq.*):

- 27 a. The members of the Class, all of whom purchased or leased the subject
28 vehicles manufactured and sold by FORD are “consumers” (Cal. Civ.
Code § 1761(d));
- b. Defendant FORD is a “person” (Cal. Civ. Code § 1761(c));

- 1 c. Plaintiffs' and each and every Class members' purchase or lease of the
2 subject vehicle constitute a "transaction" (Cal. Civ. Code § 1761(e)); and
3 d. The subject vehicles are "goods" (Cal. Civ. Code § 1761 (a)).

4 60. The acts and practices of Defendant as discussed throughout the Complaint,
5 constitute "unfair or deceptive acts or practices" by Defendant, that are unlawful, as
6 enumerated in section 1770(a) of the California Civil Code.

7 61. Such misconduct materially affected the purchasing decisions of Plaintiffs
8 and the members of the Classes.

9 62. Plaintiffs seek restitution and injunctive relief pursuant to California Civil
10 Code § 1780.

11 63. Plaintiffs seek restitution and injunctive relief pursuant to California Civil
12 Code section 1780.

13 64. On or about December 11, 2012, Plaintiff Pitkin notified Defendant of the
14 unlawful acts and practices described above by written notice which contained a demand
15 that Defendant pay damages in the amount of the reimbursement cost for Plaintiff and all
16 other purchasers of the purchase price of the subject vehicles. A copy of Plaintiff's
17 "Notice of Intent to Bring an Action for Damages Under the Consumer Legal Remedies
18 Act" is attached as Exhibit 1 and is incorporated by reference.

19 65. Pursuant to California Civil Code section 1782(b), Defendant was required
20 to respond to Plaintiff's notice and demand letter within 30 days of its receipt by either
21 correcting, repairing, replacing, or rectifying the violation set forth in the notice and
22 demand or by agreeing to correct, repair, replace, or rectify the violation within a
23 reasonable time. Defendant failed to respond to Plaintiff's notice and demand.

24 66. As a result of the California Civil Code section 1770 violations described
25 above, Plaintiffs and each and every member of the Class have suffered actual damages.

26 67. Plaintiffs seek actual damages and restitution pursuant to California Civil
27 Code section 1780. Furthermore, Defendant acted with oppression, fraud, and/or malice
28 in engaging in the California Civil Code section 1770 violations described above. As a

1 result, Plaintiffs are entitled to punitive damages, pursuant to California Civil Code
2 section 1780.

3 **FOURTH CAUSE OF ACTION**
4 **(Fraud)**

5 68. Plaintiffs incorporate by reference and re-allege all paragraphs previously
6 alleged herein.

7 69. The misrepresentations, nondisclosure, and/or concealment of material facts
8 made by Defendant to Plaintiffs and the members of the Class, as set forth above, were
9 known, or through reasonable care should have been known, by Defendant to be false and
10 material and were intended by Defendant to mislead Plaintiffs and the members of the
11 Class.

12 70. Plaintiffs and the Class were actually misled and deceived and were induced
13 by Defendant to purchase the subject vehicles which they would not otherwise have
14 purchased.

15 71. As a result of the conduct of Defendant, Plaintiffs and the Class members
16 have been damaged. In addition to such damages, Plaintiffs seek punitive or exemplary
17 damages pursuant to California Civil Code § 3294 in that Defendant engaged in “an
18 intentional misrepresentation, deceit, or concealment of a material fact known to the
19 defendant with the intention on the part of the defendant of thereby depriving a person of
20 property or legal rights or otherwise causing injury.”

21 **FIFTH CAUSE OF ACTION**
22 **(Negligent Misrepresentation)**

23 72. Plaintiffs incorporate by reference and re-allege all paragraphs previously
24 alleged herein.

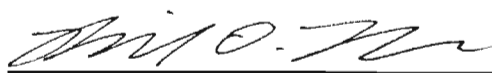
25 73. Defendant had a duty to provide honest and accurate information to its
26 customers so that customers could make informed decisions on the substantial purchase
27 of automobiles.
28

- 1 violation of laws, statutes, or regulations, or constituting unfair
- 2 competition;
- 3 b. To disgorge all profits and compensation improperly obtained by
- 4 Defendant as a result of such acts and practices declared by this Court to
- 5 be an unlawful, fraudulent, or unfair business act or practice, a violation
- 6 of laws, statutes, or regulations, or constituting unfair competition; and
- 7 c. To cease engaging in false advertising and to disseminate an informational
- 8 campaign to correct its misrepresentations and material omissions.
- 9 3. For damages under the causes of action for fraud, negligent
- 10 misrepresentation and statutory Deceit, and for violation of the Consumer Legal
- 11 Remedies Act;
- 12 4. For punitive damages, pursuant to California Civil Code § 3294 and
- 13 1780(a)(4);
- 14 5. For reasonable attorney's fees and costs, pursuant to California Code of
- 15 Civil Procedure § 1021.5, California Civil Code § 1780(d), and other statutes as may be
- 16 applicable;
- 17 6. For prejudgment interest to the extent allowed by law;
- 18 7. For costs of suit incurred herein;
- 19 8. For such other and further relief as the Court deems appropriate.

21 DATED: February 8, 2013.

MCCUNEWRIGHT, LLP

22

23 BY: 

24 Richard D. McCune

25 Attorney for Plaintiffs

26 //

27 //

28 //

DEMAND FOR JURY TRIAL

Plaintiffs, and all others similarly situated, hereby demand a trial by jury herein.

DATED: February 8, 2013.

MCCUNEWRIGHT, LLP

BY: 

Richard D. McCune
Attorney for Plaintiffs

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EXHIBIT “1”

1 in normal, real-world conditions. Had he had known that the C-Max Hybrid in fact
2 achieves a substantially and materially lower gas mileage figure, he would have seriously
3 considered purchasing another vehicle or would not have been willing to pay the amount
4 of the purchase price, as fuel economy was his primary consideration in buying a car.
5 Therefore, he has been damaged.

6 Accordingly, Ford's unfair and deceptive practices are in violation of Civil Code
7 § 1770(a)(5), (7) and (9).

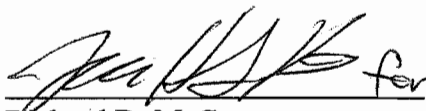
8 6. DEMAND

9 Claimant, on behalf of the proposed class, demands that Ford Motor America pay
10 damages in the amount of the reimbursement cost for Claimant and all other purchasers
11 of the purchase price for the subject vehicles.

12
13 DATED: December 10, 2012.

MCCUNEWRIGHT, LLP

14
15 BY:


Richard D. McCune
Attorney for Plaintiff

PROOF OF SERVICE

STATE OF CALIFORNIA
COUNTY OF SAN BERNARDINO


I am employed in the County of San Bernardino, State of California. I am over the age of 18 years and not a party to the within action; my business address is 2068 Orange Tree Lane, Suite 216, Redlands, California, 92374.

On December 10, 2012, I served the foregoing document described as NOTICE OF INTENT TO BRING AN ACTION FOR DAMAGES UNDER THE CONSUMER LEGAL REMEDIES ACT (Civil Code Sections 1750-1784) on the interested parties through their respective attorneys of record in this action, by placing a true copy or original thereof enclosed in sealed envelopes addressed as follows:

(BY OVERNIGHT DELIVERY) I caused such document to be delivered by overnight delivery to the offices of the following addressee(s).

**Ford Motor Company
Attention: Legal Department
1 American Road
Dearborn, MI 48126**

I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed on the above-referenced date at Redlands, California.



E. CAROL ESPINOSA

Ann Smith

From: trackingupdates@fedex.com
Sent: Tuesday, December 11, 2012 5:55 AM
To: Ann Smith
Subject: FedEx Shipment 794266178572 Delivered

This tracking update has been requested by:

Company Name: McCune & Wright, LLP
Name: Richard D. McCune, Esquire
E-mail: ams@mccunewright.com

Our records indicate that the following shipment has been delivered:

Reference: Pitkin v. Ford
Ship (P/U) date: Dec 10, 2012
Delivery date: Dec 11, 2012 8:45 AM
Sign for by: .KEHTON
Delivery location: DEARBORN, MI
Delivered to: Shipping/Receiving
Service type: FedEx Standard Overnight
Packaging type: FedEx Envelope
Number of pieces: 1
Weight: 0.50 lb.
Special handling/Services: Deliver Weekday
Tracking number: [794266178572](https://www.fedex.com/track/794266178572)

Shipper Information	Recipient Information
Richard D. McCune, Esquire	Attn: Legal Department
McCune & Wright, LLP	Ford Motor Company
2068 Orange Tree Lane, Ste. 216	1 American Road
Redlands	DEARBORN
CA	MI
US	US
92374	48126

Please do not respond to this message. This email was sent from an unattended mailbox. This report was generated at approximately 7:54 AM CST on 12/11/2012.

To learn more about FedEx Express, please visit our website at fedex.com.

All weights are estimated.

To track the latest status of your shipment, click on the tracking number above, or visit us at fedex.com.

This tracking update has been sent to you by FedEx on the behalf of the Requestor noted above. FedEx does not validate the authenticity of the requestor and does not validate, guarantee or warrant the authenticity of the request, the requestor's message, or the accuracy of this tracking update. For tracking results and fedex.com's terms of use, go to fedex.com.

Thank you for your business.

McCUNEWRIGHT, LLP
2068 Orange Tree Lane, Suite 216,
Redlands California 92374

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

RICHARD PITKIN and JOHANNA FONTENOT, on
behalf of themselves and all others similarly situated,

PLAINTIFF(S)

v.

FORD MOTOR COMPANY, and DOES 1 through 10,
inclusive

DEFENDANT(S).

CASE NUMBER

CV13-00954 BAF(AJWx)

SUMMONS

TO: DEFENDANT(S):

A lawsuit has been filed against you.


Within 21 days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached complaint amended complaint counterclaim cross-claim or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff's attorney, Richard D. McCune, whose address is 2068 Orange Tree Lane, Suite 216, Redlands California 92374. If you fail to do so, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

FEB - 8 2013

Clerk, U.S. District Court

Dated: _____

By: _____


Deputy Clerk
(Sec of the Court)

[Use 60 days if the defendant is the United States or a United States agency, or is an officer or employee of the United States. Allowed 60 days by Rule 12(a)(3)].

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

I (a) PLAINTIFFS (Check box if you are representing yourself <input type="checkbox"/> RICHARD PITKIN and JOHANNA FONTENOT, on behalf of themselves and all others similarly situated,	DEFENDANTS FORD MOTOR COMPANY, and DOES 1 through 10, inclusive
(b) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.) RICHARD D. McCUNE, ESQ. / McCUNEWRIGHT, LLP 2068 Orange Tree Lane, Suite 216, Redlands California 92374 Telephone: (909) 557-1250 / Facsimile: (909) 557-1275	Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an X in one box only.) <input type="checkbox"/> 1 U.S. Government Plaintiff <input type="checkbox"/> 3 Federal Question (U.S. Government Not a Party) <input type="checkbox"/> 2 U.S. Government Defendant <input checked="" type="checkbox"/> 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;"> <table style="font-size: small;"> <tr><td style="padding: 0 5px;">PTF</td><td style="padding: 0 5px;">DEF</td></tr> <tr><td style="text-align: center;"><input checked="" type="checkbox"/> 1</td><td style="text-align: center;"><input type="checkbox"/> 1</td></tr> </table> </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;"> <table style="font-size: small;"> <tr><td style="padding: 0 5px;">PTF</td><td style="padding: 0 5px;">DEF</td></tr> <tr><td style="text-align: center;"><input type="checkbox"/> 4</td><td style="text-align: center;"><input type="checkbox"/> 4</td></tr> </table> </td> </tr> <tr> <td style="border: none;">Citizen of Another State</td> <td style="border: none; text-align: center;"> <table style="font-size: small;"> <tr><td style="padding: 0 5px;">PTF</td><td style="padding: 0 5px;">DEF</td></tr> <tr><td style="text-align: center;"><input type="checkbox"/> 2</td><td style="text-align: center;"><input type="checkbox"/> 2</td></tr> </table> </td> <td style="border: none;">Incorporated and Principal Place of Business in Another State</td> <td style="border: none; text-align: center;"> <table style="font-size: small;"> <tr><td style="padding: 0 5px;">PTF</td><td style="padding: 0 5px;">DEF</td></tr> <tr><td style="text-align: center;"><input type="checkbox"/> 5</td><td style="text-align: center;"><input checked="" type="checkbox"/> 5</td></tr> </table> </td> </tr> <tr> <td style="border: none;">Citizen or Subject of a Foreign Country</td> <td style="border: none; text-align: center;"> <table style="font-size: small;"> <tr><td style="padding: 0 5px;">PTF</td><td style="padding: 0 5px;">DEF</td></tr> <tr><td style="text-align: center;"><input type="checkbox"/> 3</td><td style="text-align: center;"><input type="checkbox"/> 3</td></tr> </table> </td> <td style="border: none;">Foreign Nation</td> <td style="border: none; text-align: center;"> <table style="font-size: small;"> <tr><td style="padding: 0 5px;">PTF</td><td style="padding: 0 5px;">DEF</td></tr> <tr><td style="text-align: center;"><input type="checkbox"/> 6</td><td style="text-align: center;"><input type="checkbox"/> 6</td></tr> </table> </td> </tr> </table>	Citizen of This State	<table style="font-size: small;"> <tr><td style="padding: 0 5px;">PTF</td><td style="padding: 0 5px;">DEF</td></tr> <tr><td style="text-align: center;"><input checked="" type="checkbox"/> 1</td><td style="text-align: center;"><input type="checkbox"/> 1</td></tr> </table>	PTF	DEF	<input checked="" type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business in this State	<table style="font-size: small;"> <tr><td style="padding: 0 5px;">PTF</td><td style="padding: 0 5px;">DEF</td></tr> <tr><td style="text-align: center;"><input type="checkbox"/> 4</td><td style="text-align: center;"><input type="checkbox"/> 4</td></tr> </table>	PTF	DEF	<input type="checkbox"/> 4	<input type="checkbox"/> 4	Citizen of Another State	<table style="font-size: small;"> <tr><td style="padding: 0 5px;">PTF</td><td style="padding: 0 5px;">DEF</td></tr> <tr><td style="text-align: center;"><input type="checkbox"/> 2</td><td style="text-align: center;"><input type="checkbox"/> 2</td></tr> </table>	PTF	DEF	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<table style="font-size: small;"> <tr><td style="padding: 0 5px;">PTF</td><td style="padding: 0 5px;">DEF</td></tr> <tr><td style="text-align: center;"><input type="checkbox"/> 5</td><td style="text-align: center;"><input checked="" type="checkbox"/> 5</td></tr> </table>	PTF	DEF	<input type="checkbox"/> 5	<input checked="" type="checkbox"/> 5	Citizen or Subject of a Foreign Country	<table style="font-size: small;"> <tr><td style="padding: 0 5px;">PTF</td><td style="padding: 0 5px;">DEF</td></tr> <tr><td style="text-align: center;"><input type="checkbox"/> 3</td><td style="text-align: center;"><input type="checkbox"/> 3</td></tr> </table>	PTF	DEF	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<table style="font-size: small;"> <tr><td style="padding: 0 5px;">PTF</td><td style="padding: 0 5px;">DEF</td></tr> <tr><td style="text-align: center;"><input type="checkbox"/> 6</td><td style="text-align: center;"><input type="checkbox"/> 6</td></tr> </table>	PTF	DEF	<input type="checkbox"/> 6	<input type="checkbox"/> 6
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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

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.)

28 U.S.C. section 1332

VII. NATURE OF SUIT (Place an X in one box only.)

OTHER STATUTES <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input checked="" type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Act <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 Info. Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes	CONTRACT <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 Loan (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 <input type="checkbox"/> 196 Franchise 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	TORTS 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 Fed. 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 <input type="checkbox"/> 362 Personal Injury-Med Malpractice <input type="checkbox"/> 365 Personal Injury-Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus-Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	TORTS 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 BANKRUPTCY <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 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"/> 445 American with Disabilities - Employment <input type="checkbox"/> 446 American with Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General Habeas Corpus <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus/Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition FORFEITURE/PENALTY <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 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <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
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CV13-00954

FOR OFFICE USE ONLY: Case Number: _____

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

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

VIII(a). **IDENTICAL CASES:** Has this action been previously filed in this court and dismissed, remanded or closed? No Yes

If yes, list case number(s): _____

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

If yes, list case number(s): STRAND, STEVEN D., et al. v. FORD MOTOR COMPANY, Case No. SACV 12-02232 DOC (JPRx)

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: (When completing the following information, use an additional sheet if necessary.)

- (a) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named plaintiff resides.
 Check here if the government, its agencies or employees is a named plaintiff. If this box is checked, go to item (b).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Los Angeles	Placer

- (b) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named defendant resides.
 Check here if the government, its agencies or employees is a named defendant. If this box is checked, go to item (c).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
	Michigan

- (c) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** claim arose.
Note: In land condemnation cases, use the location of the tract of land involved.

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Los Angeles	Placer

* Los Angeles, Orange, San Bernardino, Riverside, Ventura, Santa Barbara, or San Luis Obispo Counties

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

X. SIGNATURE OF ATTORNEY (OR PRO PER):  Date February 8, 2013

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	SSID	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))