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1 David Boros SBN 96313
2 5405 Alton Parkway, Suite 5A-222
3 Irvine, CA 92604
4 Tel: 949.690.7447
5 Fax: 949.651.6331
6 Email: dboros97@gmail.com

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

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9 Attorneys for Plaintiff:
10 MICHAEL TRUNZO

BY _____

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UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA - WESTERN DIVISION

12 MICHAEL TRUNZO,
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14 Plaintiff,

15 v.

16 HOWARD B. GROBSTEIN, Chapter 11
17 Trustee for the bankruptcy estate of Debtor
18 INTERNATIONAL ENVIRONMENTAL
19 SOLUTIONS CORPORATION;
20 APS IP HOLDING, LLC; WAYNE
21 HERLING; SUSTAINABLE EQUITIES
22 LIMITED, a registered New Zealand limited
23 company,

24 Defendants.

COMPLAINT
SACV 13-964-JST (mew)

- 1. Patent infringement
- 2. Interference with contract

Jury Trial Demanded

Plaintiff Michael Trunzo alleges as follows:

Jurisdiction and Venue

1. This court has subject matter jurisdiction pursuant to 28 U.S.C. 1331 (federal question) and 1338(a) (patent); and Title 35 of the *United States Code*

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(patents).

2. Venue is proper pursuant to 28 U.S.C. § 1391(b)(2) in that a substantial part of the events or omissions giving rise to the claim occurred; and 28 U.S.C. § 1400, in that Defendants reside in this District, or Defendants have committed acts of infringement and have a regular and established place of business.

3. This Court has personal jurisdiction over Defendants because Defendants maintain business offices in this District, offer for sale their products in this District, have transacted business in this District, have committed acts of infringement in this District, and/or have placed their products in the stream of commerce with the expectation that customers will purchase the infringing products in this District.

Parties

4. Eastern Shore IP Holdings, LLC, is a Delaware limited liability company and is the owner of all right, title and interest in Patent No. 5,868,085 (“the Patent”). Plaintiff Michael Trunzo is the sole member of said LLC and is the assignee of said LLC's claims against Defendants.

5. Defendant Howard Grobstein (“Grobstein”) is the Chapter 11 Trustee appointed to administer the estate property of International Environmental Solutions Corporation (“IES”) in the matter *In re International Environmental Solutions* Cen.Dist. Bankruptcy Case No. 6:12-bk-16268 (“the Bankruptcy case”). Grobstein maintains business offices in the County of Los Angeles, California. IES now maintains its business office as the office of defendant Grobstein.

6. Defendant APS IP Holding, LLC (“APS”) was formed with approval of the Bankruptcy Court to market, sell and license Debtor's intellectual property and technology. IES holds a 49% interest in APS. Defendant Grobstein is the manager of both IES and APS. APS maintains business offices in the County of Los Angeles, State of California.

1 7. Defendant Wayne Herling (“Herling”) is an individual residing in San
2 Diego County, California. Herling was a primary investor in IES and one of its
3 corporate directors. As one of the principal owners, he was responsible for
4 negotiating contracts and in charge of in daily business operations.

5 8. Defendant Sustainable Equities Limited ("SEL") is a registered New
6 Zealand limited company.

7
8 Procedural History

9 9. On March 13, 2012, the Bankruptcy case, an involuntary petition was
10 filed against IES under Chapter 11 of title 11 of the *United States Code*.

11 10. On April 16, 2015, IES consented to entry of the order for relief, the
12 order was granted and entered May 10, 2012.

13 11. On May 30, 2012, an order was entered granting a creditor motion to
14 appoint a trustee. On June 8, 2012, the Bankruptcy Court appointed Howard B.
15 Grobstein as Chapter 11 Trustee for Debtor IES.

16
17 **FIRST CLAIM FOR PATENT INFRINGEMENT**
18 **Against All Defendants**

19 12. The Patent was duly issued by the United States Patent Office to
20 Balboa Pacific Corporation on February 9, 1999. The Patent is for a waste
21 treatment system whereby the waste is treated using pyrolytic processes.
22 Pyrolysis is an effective process for reducing the organic components of a
23 variety of compositions of waste material, such as conventional industrial and
24 municipal waste, to products which present no harm to the atmosphere and
25 which can be used in whole or in part to provide a useful source of energy or a
26 material that can be recycled into a product having commercial value. The
27 pyrolytic process employs high temperature in an atmosphere substantially free
28 of oxygen to convert the solid organic components of waste to other states of
matter, into a liquid or vapor phase. The solid residue remaining after pyrolysis

1 commonly is referred to as char, but this material may contain some inorganic
2 components, such as metals, as well as carbon components, depending on the
3 nature of the starting waste. The vaporized product of pyrolysis further can be
4 treated by a process promoting oxidation, which "cleans" the vapors to eliminate
5 oils and other particulate matter therefrom, allowing the resultant gases then to
6 be safely released to the atmosphere. The Patent describes a waste treatment
7 system having features that in combination result in an apparatus and method for
8 waste treatment characterized by enhanced maintainability and optimal
9 efficiency, with the additional attribute that many of the products of the
10 treatment process can be used beneficial either while treatment is on-going, e.g.,
11 to generate energy, or following processing, e.g., to incorporate the residue of
12 waste or portions thereof into building materials or other products having
13 commercial or environmental value.

14 13. Pursuant to a collateral sale, the Patent was assigned to the George A.
15 & Mary B. Walker Family Trust on November 11, 2003 and recorded on
16 December 8, 2004. Plaintiff's assignor, Eastern Shore IP, LLC, purchased all
17 right, title and interest in the Patent on or about January 3, 2013 and duly
18 registered the transfer on or about February 8, 2013. A copy of the Patent is
19 attached hereto as Exhibit "A" and incorporated herein by reference.

20 14. Defendants have infringed on the Patent by reverse engineering a 40
21 ton per day waste to energy Unit pursuant to a manufacturing license issued to
22 Enerfab Inc for the purpose of manufacturing and selling said Unit both in the
23 United States and abroad. Defendants have issued a world-wide exclusive
24 distributorship/developer's license to defendant Wayne Herling for the purpose
25 of marketing, sales and distribution of said Unit both in the United States and
26 abroad.

26 15. Plaintiff has given Defendants written notice of the infringement.

27 16. Defendants have profited from the infringement of the Patent. As a
28 result of said unlawful infringement, Plaintiff has and will continue to suffer

1 damages. Plaintiff entitled to an accounting for damages.

2 17. Defendants' infringement was willful and deliberate, entitling Plaintiff
3 to enhanced damages, including reasonable attorney's fees and costs.

4 18. Defendants intend to continue to infringe, resulting in continuing
5 damages to Plaintiff for which there is no adequate remedy at law unless
6 Defendants' unlawful infringing activities are preliminarily and finally enjoined
7 by this Court.

8
9 **SECOND CLAIM FOR INTERFERENCE WITH CONTRACT**

10 **Against All Defendants**

11 19. Plaintiff re-alleges the facts stated in paragraphs 1 through 18 herein
12 above as though fully set forth.

13 20. Wind Energy Equity NZ Limited ("Wind Energy") was formed as a
14 New Zealand limited company in or about 2008. At the time the entity was
15 formed, the shareholders, including Allen Merrie and Plaintiff, executed a
16 Shareholders' Agreement. The Shareholders' Agreement contained the following
17 noncompetition clause:

18 "11.1 Each of the Parties agree[s] that during the term
19 of this Agreement and *for a period of 2 years* after
20 ceasing to be a shareholder or Director in the
21 Company, they will not . . . either directly or indirectly
22 carry on, engage in or be concerned with a business
23 which is in direct or substantial competition with the
24 specific business of the Company . . . , whether on their
25 own account or as a consultant or other contractor to
26 or a partner, agent, employee, shareholder or director
27 of, or equity participant with, any other person, nor
28 provide financial or other assistance, to any person
carrying on, engaged in or concerned with such a
business." (emphasis added)

21. Wind Energy changed its name to the Ultimate Energy Group
("UEG") on or about January 23, 2009 and thereafter this Defendant was in the
business of marketing "waste to energy" technology throughout the world.

1 22. Alan Merrie, one of the shareholders of UEG, and unbeknownst to
2 the other shareholders, organized Sustainable Energy, Ltd. ("SEL") to compete
3 with UEG. Merrie used the names of both UEG and SEL interchangeably in his
4 business dealings with third parties.

5 23. In or about early 2011, Merrie represented to Plaintiff that he had
6 contacted a "third-party" entity, SEL that had both financing and projects ready
7 to start. Merrie further suggested that UEG use IES' technology for the SEL
8 projects. Accordingly, UEG authorized Merrie to contact IES with the prospects
9 of forming a business relationship between UEG, SEL and IES.

10 24. During those discussions with IES principals, Merrie stated that he
11 was acting as a representative of both UEG and SEL. However, Merrie never
12 informed Plaintiff or the other principals at UEG that he was engaging in self-
13 dealing, as he controlled and owned or indirectly owned SEL. Herling was
14 aware of, but concealed Merrie's true involvement in SEL.

15 25. In May, 2011, prior to the signing of the contract for the use of IES'
16 technology (the "Heads of Agreement"), Plaintiff attended the IES board of
17 directors meeting that approved the Heads of Agreement. SEL was represented
18 by a Rob Adamson who stated that Merrie was "part of the team". IES
19 apparently understood by this that Merrie was a shareholder in UEG, however,
20 Plaintiff provided the IES Board with a complete copy of the above-referenced
21 Shareholders' Agreement including the covenant not to compete. Adamson, the
22 SEL representative at the Board meeting, falsely stated that there was neither
23 conflict of interest nor violation of any duty.

24 26. Thereafter, despite knowing of the covenant not to compete, IES
25 entered into the Heads of Agreement with SEL. This action interfered with the
26 non-competition clause in the Shareholder's Agreement and was done with the
27 intention of disrupting the contract.

28 27. After IES consented to Chapter 11 bankruptcy protection, IES and
Grobstein obtained from the Bankruptcy Court an order transferring IES's assets

1 to a new entity, defendant APS. Over Plaintiff's objections, as part of the
2 transaction, SEL was to be granted a marketing license based its representations
3 of "projects in the pipeline" worth more than \$10,000,000 royalties.

4 28. In January 2013, at a face to face meeting, Plaintiff provided
5 defendant Grobstein a copy of the Shareholders' Agreement and explained that
6 the IES board of directors had been on actual notice of the interference since
7 May 2011.

8 29. When Merrie's fraudulent conduct was revealed, he was removed
9 from the UEG Board of Directors in or about May 19, 2012.

10 30. Defendants' interference with the non-competition contract was the
11 substantial factor in causing Plaintiff harm.

12 31. Defendants' interference with the non-competition contract damaged
13 Plaintiff is in an amount presently unknown but which can be made certain by an
14 inspection of Defendants' books.

15 32. The actions of Defendants were (1) fraudulent, meaning an
16 intentional misrepresentation, deceit, or concealment of a material fact known to
17 Defendants with the intention on the part of Defendants of thereby depriving
18 Plaintiff of property or legal rights or otherwise causing injury; (2) malicious,
19 meaning conduct which is intended by Defendants to cause injury to Plaintiff or
20 despicable conduct which is carried on by Defendants with a willful and
21 conscious disregard of the rights or safety of others; (3) and/or oppressive,
22 meaning despicable conduct that subjected Plaintiff to cruel and unjust hardship
23 in conscious disregard of that person's rights; and done with the intention of
24 depriving Plaintiff of substantial rights. The actions of IES and SEL were by and
25 through the individual Merrie and Grobstein with the knowledge, approval or
26 ratification of said entity Defendants. Plaintiff is therefore entitled to punitive
27 damages in a sufficient amount to make an example of, punish Defendants and
28 deter future fraudulent, oppressive and malicious misconduct in the amount
according to proof at trial.

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Demand for Jury Trial

33. Pursuant to Rule 38(b) of the *Federal Rules of Civil Procedure*, Plaintiff respectfully requests a trial by jury of all issues properly triable by jury.

WHEREFORE, Plaintiff prays for relief as follows:

1. On the First Claim for Patent Infringement:

- (a) For a declaration that Defendants have infringed on Patent No. 5,868,085.
- (b) For compensatory damages and in no event less than a reasonable royalty.
- (c) For a declaration that Defendants' infringement was willful and deliberate.
- (d) For treble damages pursuant to 35 U.S.C. § 284.
- (e) For reasonable attorney's fees and costs pursuant to 35 U.S.C. §284 and §285.
- (f) For a preliminary and permanent injunction restraining Defendants' from further acts of infringement.

2. On the Second Claim for Contract Interference:

- (a) For compensatory damages
- (b) For exemplary and punitive damages
- (c) For an order requiring defendants, and each of them, to show cause, if any they have, why they should not be enjoined during the pendency of this action from maintaining a business relationship or engaging in business transactions that violate Plaintiff's noncompetition agreement with Allen Merrie concerning the marketing and sale of waste to energy technology
- (d) For a temporary restraining order, a preliminary injunction and a permanent injunction, all enjoining defendants from maintaining a business relationship or engaging in business transactions that violate Plaintiff's

1 noncompetition agreement with Allen Merrie concerning the marketing and sale
2 of waste to energy technology

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3. On both Claims:

- (a) For costs of suit incurred herein
- (b) For such other and further relief as the court deems proper

Dated: June 25, 2013



David Boros

Attorney for Plaintiff:
Michael Trunzo

**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 Josephine Tucker and the assigned discovery Magistrate Judge is Michael Wilner.

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

SACV13- 964 JST (MRWx)

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)

MICHAEL TRUNZO

DEFENDANTS (Check box if you are representing yourself)

HOWARD B. GROBSTEIN , Chapter 11 Trustee for the bankruptcy estate of Debtor INTERNATIONAL ENVIRONMENTAL SOLUTIONS CORPORATION; APS IP HOLDING, LLC; WAYNE HERLING; SUSTAINABLE EQUITIES LIMITED

(b) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.)

David Boros SBN 96313
5405 Alton Parkway, Suite 5A-222
Irvine, CA 92604
Tel: 949.690.7447

(b) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.)
unknown at present

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-For Diversity Cases Only (Place an X in one box for plaintiff and one for defendant)

	PTF	DEF		PTF	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. 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

V. REQUESTED IN COMPLAINT: JURY DEMAND: Yes No (Check "Yes" only if demanded in complaint.)

CLASS ACTION under F.R.Cv.P. 23: Yes No MONEY DEMANDED IN COMPLAINT: \$ subject to accounting

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.)
This is an action for patent infringement, 285 USC Sec. 1335 and Title 35, USC.

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

OTHER STATUTES	CONTRACT	REAL PROPERTY CONT.	IMMIGRATION	PRISONER PETITIONS	PROPERTY RIGHTS
<input type="checkbox"/> 375 False Claims Act	<input type="checkbox"/> 110 Insurance	<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 462 Naturalization Application	Habeas Corpus:	<input type="checkbox"/> 820 Copyrights
<input type="checkbox"/> 400 State Reapportionment	<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 463 Allen Detainee	<input checked="" type="checkbox"/> 830 Patent
<input type="checkbox"/> 410 Antitrust	<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 290 All Other Real Property		<input type="checkbox"/> 510 Motions to Vacate Sentence	<input type="checkbox"/> 840 Trademark
<input type="checkbox"/> 430 Banks and Banking	<input type="checkbox"/> 140 Negotiable Instrument	TORTS	TORTS	<input type="checkbox"/> 530 General	SOCIAL SECURITY
<input type="checkbox"/> 450 Commerce/ICC Rates/Etc.	<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	PERSONAL INJURY	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 535 Death Penalty	<input type="checkbox"/> 861 HIA (1395ff)
<input type="checkbox"/> 460 Deportation	<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 371 Truth in Lending	Other:	<input type="checkbox"/> 862 Black Lung (923)
<input type="checkbox"/> 470 Racketeer Influenced & Corrupt Org.	<input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Vet.)	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 380 Other Personal Property Damage	<input type="checkbox"/> 540 Mandamus/Other	<input type="checkbox"/> 863 DIWC/DIWW (405 (g))
<input type="checkbox"/> 480 Consumer Credit	<input type="checkbox"/> 153 Recovery of Overpayment of Vet. Benefits	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 550 Civil Rights	<input type="checkbox"/> 864 SSID Title XVI
<input type="checkbox"/> 490 Cable/Sat TV	<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 330 Fed. Employers' Liability	BANKRUPTCY	<input type="checkbox"/> 555 Prison Condition	<input type="checkbox"/> 865 RSI (405 (g))
<input type="checkbox"/> 850 Securities/Commodities/Exchange	<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 340 Marine	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 560 Civil Detainee Conditions of Confinement	FEDERAL TAX SUITS
<input type="checkbox"/> 890 Other Statutory Actions	<input type="checkbox"/> 195 Contract Product Liability	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 423 Withdrawal 28 USC 157	FORFEITURE/PENALTY	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)
<input type="checkbox"/> 891 Agricultural Acts	<input type="checkbox"/> 196 Franchise	<input type="checkbox"/> 350 Motor Vehicle	CIVIL RIGHTS	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881	<input type="checkbox"/> 871 IRS-Third Party 26 USC 7609
<input type="checkbox"/> 893 Environmental Matters	<input type="checkbox"/> 210 Land	<input type="checkbox"/> 355 Motor Vehicle Product Liability	<input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 690 Other	
<input type="checkbox"/> 895 Freedom of Info. Act	<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 441 Voting	LABOR	
<input type="checkbox"/> 896 Arbitration	<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 362 Personal Injury-Med Malpractice	<input type="checkbox"/> 442 Employment	<input type="checkbox"/> 710 Fair Labor Standards Act	
<input type="checkbox"/> 899 Admin. Procedures Act/Review of Appeal of Agency Decision		<input type="checkbox"/> 365 Personal Injury-Product Liability	<input type="checkbox"/> 443 Housing/Accommodations	<input type="checkbox"/> 720 Labor/Mgmt. Relations	
<input type="checkbox"/> 950 Constitutionality of State Statutes		<input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability	<input type="checkbox"/> 445 American with Disabilities-Employment	<input type="checkbox"/> 740 Railway Labor Act	
		<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 446 American with Disabilities-Other	<input type="checkbox"/> 751 Family and Medical Leave Act	
			<input type="checkbox"/> 448 Education	<input type="checkbox"/> 790 Other Labor Litigation	
				<input type="checkbox"/> 791 Employee Ret. Inc. Security Act	

FOR OFFICE USE ONLY: Case Number: SACV13-964

AFTER COMPLETING PAGE 1 OF FORM CV-71, COMPLETE THE INFORMATION REQUESTED ON PAGE 2.

**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): _____

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
Plaintiff Michael Trunzo Orange County	

(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
HOWARD B. GROBSTEIN , Chapter 11 Trustee for the bankruptcy estate of Debtor INTERNATIONAL ENVIRONMENTAL SOLUTIONS CORPORATION – Los Angeles County	

(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 County	

*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 SELF-REPRESENTED LITIGANT): _____ DATE: June 25, 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. 405 (g))

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ATTACHMENT TO CIVIL CASE COVER SHEET – IX VENUE (b)

APS IP HOLDING, LLC, Los Angeles County

WAYNE HERLING, San Diego County

SUSTAINABLE EQUITIES LIMITED, a registered New Zealand limited company,