

**ORIGINAL**

WEINGARTEN BROWN LLP



06 / 04 / 2014

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 Jennifer Love Hewitt

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
 9 FOR THE COUNTY OF LOS ANGELES - CENTRAL DISTRICT

11 JENNIFER LOVE HEWITT, an individual,  
 12 Plaintiff,  
 13 v.  
 14 THE MARZ GROUP, LLC, a California  
 15 Limited Liability Company, and DOES 1-  
 16 20.  
 17 Defendant.

Case No.: **BC547539**

**COMPLAINT FOR:**

1. VIOLATION OF STATUTORY RIGHT TO PUBLICITY
2. VIOLATION OF COMMON LAW RIGHT TO PUBLICITY

**DEMAND FOR JURY TRIAL**

D-73 Rafael Ongkeko

**FILED**  
 Superior Court Of California  
 County Of Los Angeles

JUN 04 2014

Sherri R. Carter, Executive Officer/Clerk  
 By Kristina Vargas, Deputy  
 Kristina Vargas

AL013  
 90212

CIT/CORSE: BC547539  
 LEA/DEF#:   
 RECEIPT #: CCH517486093  
 DATE PAID: 06/04/14 05:24 PM  
 PAYMENT: \$435.00 310  
 RECEIVED:  
 CHECK: \$435.00  
 CASH: \$0.00  
 CHANGE: \$0.00  
 CARD: \$0.00

1 Plaintiff Jennifer Love Hewitt ("Hewitt") alleges as follows:

2 **NATURE OF THIS ACTION**

3 1. Hewitt is an internationally acclaimed actress, producer, author, television  
4 director and singer-songwriter, who has achieved numerous nominations and awards in  
5 film, television and music. Hewitt became a household name after starring in a lead role  
6 in the 1997 horror film *I Know What You Did Last Summer*, which grossed over \$125  
7 million in box office receipts. She subsequently starred in several motion pictures  
8 achieving similar success, including *Can't Hardly Wait* (1998), *Heartbreakers* (2001)  
9 and *Garfield* (2004). *Garfield* is Hewitt's highest-grossing film to date, securing over  
10 \$200 million in box office receipts.

11 2. In addition to Hewitt's successful film career, she has also starred in several  
12 hit television programs, including Fox's *Party of Five* (1995-1999), CBS's *Ghost*  
13 *Whisperer* (2005-2010), and Lifetime's *The Client List* (2012-2013). Hewitt has also  
14 recorded popular four studio albums and penned the *New York Times* Bestseller, *The Day*  
15 *I Shot Cupid*, in 2010.

16 3. Hewitt has invested substantial time, effort and expense in developing her  
17 public image. Internationally recognized celebrities such as Hewitt derive a substantial  
18 portion of their livelihood from endorsement deals. Accordingly, it is of utmost  
19 importance that Hewitt only promote products that advance her stellar reputation and  
20 credibility in the industry. Endorsement of a scam or otherwise non-effective product  
21 degrades her invaluable "brand" and public image, which causes devastating effects on  
22 her ability to enter into future deals to promote quality, upscale products.

23 4. Defendant holds itself out as a company that manufactures and distributes a  
24 variety of oral vitamin sprays that purportedly serve as, *inter alia*, weight loss  
25 supplements, energy boosters and sleep aids. A large portion of Defendant's marketing  
26 campaign hinges upon the exploitation of Hollywood celebrities. Indeed, an entire  
27 section of Defendant's website is littered with photos of celebrities who were  
28 undoubtedly pushed to hold the product at red carpet events.

1           5.     A chronology of relevant events is provided herein below:

2           A.     In or around March 2014, Hewitt was informed that Defendant was  
3 using her photograph and likeness to endorse its product without her knowledge or  
4 consent. Specifically, Defendant displayed a photo of Hewitt on its website in the  
5 “celebrities” section. Upon learning of this unauthorized use of Hewitt’s photograph and  
6 likeness, Hewitt’s transactional counsel immediately took steps to protect his client’s  
7 rights and public image.

8           B.     On March 17, 2014, Hewitt’s transactional counsel sent a cease and  
9 desist letter to Defendant regarding the unauthorized use of Hewitt’s name and likeness  
10 to promote Defendant’s product.

11           C.     On March 21, 2014, Defendant responded to the letter attempting to  
12 absolve itself from liability and admitting that the activity was a violation of Hewitt’s  
13 rights. Defendant stated: “Please be advised, we manufacture products and sell them to  
14 third parties... *Upon receipt [of your cease and desist letter], we have immediately*  
15 *instructed those parties, in receipt of your letter, to stop using [Hewitt’s] image on all*  
16 *marketing material. They have agreed and will immediately begin taking down all*  
17 *images and cease using any further imagery.”*

18           D.     Despite this explicit representation that Ms. Hewitt’s image would  
19 not be further unlawfully exploited without her permission, on May 7, 2014, Hewitt’s  
20 transactional counsel was forwarded a promotional spam email for Defendant’s products.  
21 The email displayed a prominent, front-and-center photo of Hewitt and included the  
22 caption: “AS SEEN WITH JENNIFER LOVE HEWITT.” On information and belief,  
23 Defendant has disseminated countless other advertisements and promotional materials  
24 exploiting Hewitt’s image and likeness without her knowledge or consent.

25           6.     Enough is enough. This unauthorized spam email exploiting Hewitt’s  
26 image and likeness shows that Defendant clearly has no intention of following through  
27 with its March 21, 2014 representation that it will “stop using [Hewitt’s] image on all  
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1 marketing material.” Accordingly, Hewitt seeks judicial intervention to protect her rights  
2 and to stop the unauthorized use of her photographs and likeness by Defendant.

3 **JURISDICTION AND VENUE**

4 7. Jurisdiction is proper in this Court as the amount in controversy exceeds  
5 \$25,000.00.

6 8. Venue is proper in this Court because the causes of action arose in Los  
7 Angeles County.

8 **THE PARTIES**

9 9. Plaintiff is an individual, who is a resident of the City and County of Los  
10 Angeles, California, in this judicial district.

11 10. Plaintiff is informed and believes, and on that basis alleges, that Defendant  
12 The Marz Group, LLC is a California Limited Liability Company, who is a resident of  
13 the City and County of Los Angeles, California, in this judicial district.

14 11. Plaintiff is ignorant of the true names and capacities of defendants sued  
15 herein as Does 1 through 20, inclusive, and therefore sues these defendants by such  
16 fictitious names. Plaintiff is informed and believes and thereon alleges that said  
17 defendants are responsible in some manner for the damages suffered by plaintiff herein,  
18 and proximately caused said damages.

19 12. At all times herein mentioned, said Doe defendants were the agents,  
20 employees, partners, or representatives of the other defendants, and in doing the things  
21 herein alleged, were acting within the course and scope of said relationship and with the  
22 permission and consent of the other defendants.

23 **GENERAL ALLEGATIONS**

24 13. Hewitt is an internationally acclaimed actress, producer, author, television  
25 director and singer-songwriter, who has achieved numerous nominations and awards in  
26 film, television and music. She is also a bestselling author and highly paid celebrity  
27 spokesperson for products that meet her exacting standards.

28

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08/04/2014 4:10:40

1           14. Defendant holds itself out as a company that manufactures and distributes a  
2 variety of oral vitamin sprays that purportedly serve as, *inter alia*, weight loss  
3 supplements, energy boosters and sleep aids. Presumably because Defendant was having  
4 difficulty peddling these products to consumers in the marketplace, the Defendant's  
5 owners appeared on ABC's *Shark Tank*, an unscripted television program wherein  
6 struggling business owners attempt to convince highly-successful investor hosts to take  
7 an equity stake in their business on national television. After Defendant's owners  
8 introduced the product on the show, one of the investor hosts notably opined: "But you  
9 realize how stupid it all sounds, right? ...It's a scam, I mean, it's a hustle." Another  
10 investor host publicly stated on national television: "I find the whole thing hard to  
11 swallow; I'm out [meaning he refused to invest in Defendant]."

12           15. Unfazed by the negative reviews of the product on national television,  
13 Defendant attempted to gain household recognition by exploiting the fame of Hollywood  
14 celebrities. Indeed, an entire section of Defendant's website is littered with photos of  
15 celebrities who were undoubtedly pushed to hold the product at red carpet events.  
16 Unbeknownst to Hewitt (and of course, without her permission), Hewitt's photo was  
17 included in this section of Defendant's website. Worse, Defendant used certain photos—  
18 including Hewitt's— without permission to create unsolicited spam email peddling its  
19 product to consumers.

20           16. Consumers have undoubtedly relied on Defendant's unauthorized  
21 dissemination of Hewitt's name and likeness to promote its product. For example, an  
22 internet blogger posted a review of the episode of ABC's *Shark Tank* wherein Defendants  
23 appeared on the program. The blogger discusses the investor host's harsh criticism of  
24 Defendant, including his belief that the product is a "scam." However, the blogger then  
25 goes on to note: "Does any of this work? It says on the product's own website that the  
26 statements provided have not been evaluated by the FDA, and that the product is not  
27 meant to treat or cure any disease. (They also have photos of such celebrities as Jennifer  
28

1 Love Hewitt and “Dancing with the Stars” pro Chelsie Hightower with it.)”<sup>1</sup> The  
2 blogger implies that these celebrity “endorsements” add credibility to the effectiveness of  
3 Defendant’s product, despite it being labeled a scam on national television by a highly  
4 successful and well-known investor.

5 17. Hewitt has invested substantial time, effort and expense in developing her  
6 public image. Internationally recognized celebrities such as Hewitt derive a substantial  
7 portion of their livelihood from endorsement deals. Accordingly, it is of utmost  
8 importance that Hewitt only promote products that advance her stellar reputation and  
9 credibility in the industry. Endorsement of a scam or otherwise non-effective product  
10 degrades her invaluable “brand” and public image, which causes devastating effects on  
11 her ability to enter into future deals to promote quality, upscale products.

12 18. In or around March 2014, Hewitt was informed that Defendant was using  
13 her photograph and likeness to endorse its product without her knowledge or consent.  
14 Specifically, Defendant displayed a photo of Hewitt on its website in the “celebrities”  
15 section. Upon learning of this unauthorized use of Hewitt’s photograph and likeness,  
16 Hewitt’s transactional counsel immediately took steps to protect his client’s rights and  
17 public image.

18 19. On March 17, 2014, Hewitt’s transactional counsel sent a cease and desist  
19 letter to Defendant regarding the unauthorized use of Hewitt’s name and likeness to  
20 promote Defendant’s product. On March 21, 2014, Defendant responded to the letter  
21 attempting to absolve itself from liability and admitting that the activity was a violation  
22 of Hewitt’s rights. Defendant stated: “Please be advised, we manufacture products and  
23 sell them to third parties... *Upon receipt [of your cease and desist letter], we have*  
24 *immediately instructed those parties, in receipt of your letter, to stop using [Hewitt’s]*  
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26  
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28 <sup>1</sup> See <http://cartermatt.com/36600/shark-tank-preview-marz-sprays-sets-off-a-fight/>  
(retrieved May 20, 2014 at 5:30 p.m.).

1 *image on all marketing material. They have agreed and will immediately begin taking*  
2 *down all images and cease using any further imagery.”*

3 20. Despite this explicit representation that Ms. Hewitt’s image would not be  
4 further unlawfully exploited without her permission, on May 7, 2014, Hewitt’s  
5 transactional counsel was forwarded a promotional spam email for Defendant’s products.  
6 The email displayed a prominent, front-and-center photo of Hewitt and included the  
7 caption: “AS SEEN WITH JENNIFER LOVE HEWITT.” Attached hereto as Exhibit A  
8 is a true and correct copy of this email advertisement. On information and belief,  
9 Defendant has disseminated countless other advertisements and promotional materials  
10 exploiting Hewitt’s image and likeness without her knowledge or consent.

11 **FIRST CLAIM FOR RELIEF**

12 **VIOLATION OF CAL. CIV. CODE § 3344**

13 21. Hewitt incorporates by reference in this claim for relief the averments of  
14 Paragraphs 1 through 20 above.

15 22. Defendant has knowingly used Hewitt’s name, photograph and likeness for  
16 purposes of advertising its products, without Hewitt’s prior consent.

17 23. As a result of its unlawful use of the name, photograph and likeness of  
18 Hewitt, Defendant is liable for any and all actual damages sustained by Hewitt as a result  
19 thereof, in an amount according to proof at trial.

20 24. As a result of this conduct, Defendant is also liable for any profits from the  
21 unauthorized uses that are attributable to the use and are not taken into account in  
22 computing the actual damages.

23 25. On information and belief, the conduct of Defendant, as alleged herein,  
24 constitutes fraud, malice and oppression. On information and belief, Defendant engaged  
25 in such conduct with the intention of harming Hewitt and in conscious disregard of her  
26 rights, all so as to entitle Hewitt to punitive damages in an amount according to proof at  
27 trial, and as set forth in Civil Code section 3344.

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1 26. Hewitt also seeks attorneys' fees and costs as set forth in Civil Procedure  
2 Code section 3344.

3 **SECOND CLAIM FOR RELIEF**

4 **VIOLATION OF COMMON LAW RIGHT OF PUBLICITY**

5 27. Hewitt incorporates by reference in this claim for relief the averments of  
6 Paragraphs 1 through 26 above.

7 28. Defendant has knowingly used and misappropriated Hewitt's name and  
8 likeness in connection with its product advertisements, without Hewitt's knowledge or  
9 consent.

10 29. Defendant's use and misappropriation of Hewitt's name and likeness  
11 falsely suggests Hewitt's endorsement or sponsorship of Defendant's products, to  
12 Defendant's advantage, both commercial and otherwise.

13 30. Defendant is liable for any and all damages sustained by Hewitt as a result  
14 of its unauthorized use. The amount of Hewitt's damages is currently unknown, but will  
15 be subject to proof at the time of trial.

16 31. The conduct of Defendant also entitles Hewitt to injunctive relief to prevent  
17 any and all future misuse or misappropriation of Hewitt's name and likeness by  
18 Defendant.

19 32. On information and belief, the conduct of Defendant, as alleged herein,  
20 constitutes fraud, malice and oppression. On information and belief, Defendant engaged  
21 in such conduct with the intention of harming Hewitt and in conscious disregard of her  
22 rights, all so as to entitle Hewitt to punitive damages in an amount according to proof at  
23 trial.

24 **PRAAYER FOR RELIEF**

25 WHEREFORE, Hewitt prays for the following relief:

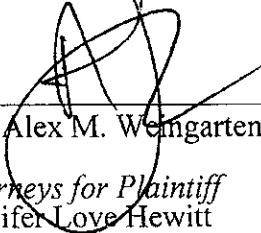
- 26 A. An award of actual damages, in an amount to be proven at time of trial.
- 27 B. Trebling of Hewitt's actual damages.
- 28 C. Judgment for such sum as the Court finds just, according to the



- 1 circumstances of the case.
- 2 D. An award of restitution to Hewitt.
- 3 E. Injunctive relief barring Defendant from continuing the unlawful activity
- 4 alleged herein.
- 5 F. An award of Hewitt's reasonable attorneys' fees and litigation costs.
- 6 G. Such other and further relief as may be warranted by the evidence and
- 7 which this Court may deem just and proper.
- 8

9 Dated: June 4, 2014

WEINGARTEN BROWN LLP  
Alex M. Weingarten  
Leslie A. Eggers

11  
12 By:   
13 Alex M. Weingarten

14 *Attorneys for Plaintiff*  
15 Jennifer Love Hewitt

WEINGARTEN BROWN LLP



06 / 04 / 2014

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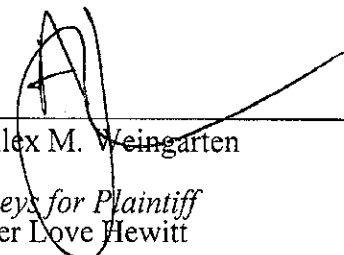
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DEMAND FOR JURY TRIAL

Plaintiff Jennifer Love Hewitt hereby demands a trial by jury.

Dated: June 4, 2014

WEINGARTEN BROWN LLP  
Alex M. Weingarten  
Leslie A. Eggers

By:   
\_\_\_\_\_  
Alex M. Weingarten

*Attorneys for Plaintiff*  
Jennifer Love Hewitt

WEINGARTEN BROWN LLP



06/04/2014

05/04/2014

EXHIBIT A



**From:** As Seen on ABC's Shark Tank <[mail-comsol-la@comsol.com](mailto:mail-comsol-la@comsol.com)>

**Date:** May 7, 2014 at 1:29:18 AM PDT

**To:** [REDACTED]

**Subject:** See What Hollywoods Hottest Celebs Spotted With

New Yacon Extract Spray Featured on Shark Tank



## WATCH THE SHARK TANK VIDEO!

Breakthrough weight loss spray featured on ABC's Shark Tank.  
Watch the video below to see what all the rave is about!



GET YOUR  
YACON BOTTLE

06/04/2014

ORIGINAL

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, Street number, and address):  
 Alex M. Weingarten (SBN 204410) Leslie A. Eggers (SBN 275394)  
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 ATTORNEY FOR (Name): Jennifer Love Hewitt

FOR COURT USE ONLY

**FILED**  
 Superior Court Of California  
 County Of Los Angeles

JUN 04 2014

Sherri R. Carter, Executive Officer/Clerk  
 By Kristina Vargas, Deputy  
 Kristina Vargas

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES  
 STREET ADDRESS: 111 N. Hill Street  
 MAILING ADDRESS: Same  
 CITY AND ZIP CODE: Los Angeles, California 90012  
 BRANCH NAME: Stanley Mosk Courthouse - Central District

CASE NAME: JENNIFER LOVE HEWITT v. THE MARZ GROUP, LLC, et al.

<b>CIVIL CASE COVER SHEET</b>		<b>Complex Case Designation</b>		CASE NUMBER:
<input checked="" type="checkbox"/> Unlimited (Amount demanded exceeds \$25,000)	<input type="checkbox"/> Limited (Amount demanded is \$25,000 or less)	<input type="checkbox"/> Counter	<input type="checkbox"/> Joinder	<b>BC547539</b>
Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)				JUDGE:
				DEPT:

Items 1-6 below must be completed (see instructions on page 2).

1. Check one box below for the case type that best describes this case:

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

a. <input type="checkbox"/> Large number of separately represented parties	d. <input type="checkbox"/> Large number of witnesses
b. <input type="checkbox"/> Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve	e. <input type="checkbox"/> Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court
c. <input type="checkbox"/> Substantial amount of documentary evidence	f. <input type="checkbox"/> Substantial postjudgment judicial supervision

3. Remedies sought (check all that apply): a.  monetary b.  nonmonetary, declaratory or injunctive relief c.  punitive

4. Number of causes of action (specify): 2

5. This case  is  is not a class action suit.

6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: June 4, 2014

Alex M. Weingarten

(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

1944  
Public Health Service  
Department of Health

U.S. DEPARTMENT OF HEALTH

Public Health Service  
Department of Health

1944

## INSTRUCTIONS ON HOW TO COMPLETE THE COVER SHEET

**To Plaintiffs and Others Filing First Papers.** If you are filing a first paper (for example, a complaint) in a civil case, you must complete and file, along with your first paper, the *Civil Case Cover Sheet* contained on page 1. This information will be used to compile statistics about the types and numbers of cases filed. You must complete items 1 through 6 on the sheet. In item 1, you must check one box for the case type that best describes the case. If the case fits both a general and a more specific type of case listed in item 1, check the more specific one. If the case has multiple causes of action, check the box that best indicates the primary cause of action. To assist you in completing the sheet, examples of the cases that belong under each case type in item 1 are provided below. A cover sheet must be filed only with your initial paper. Failure to file a cover sheet with the first paper filed in a civil case may subject a party, its counsel, or both to sanctions under rules 2.30 and 3.220 of the California Rules of Court.

**To Parties in Rule 3.740 Collections Cases.** A "collections case" under rule 3.740 is defined as an action for recovery of money owed in a sum stated to be certain that is not more than \$25,000, exclusive of interest and attorney's fees, arising from a transaction in which property, services, or money was acquired on credit. A collections case does not include an action seeking the following: (1) tort damages, (2) punitive damages, (3) recovery of real property, (4) recovery of personal property, or (5) a prejudgment writ of attachment. The identification of a case as a rule 3.740 collections case on this form means that it will be exempt from the general time-for-service requirements and case management rules, unless a defendant files a responsive pleading. A rule 3.740 collections case will be subject to the requirements for service and obtaining a judgment in rule 3.740.

**To Parties in Complex Cases.** In complex cases only, parties must also use the *Civil Case Cover Sheet* to designate whether the case is complex. If a plaintiff believes the case is complex under rule 3.400 of the California Rules of Court, this must be indicated by completing the appropriate boxes in items 1 and 2. If a plaintiff designates a case as complex, the cover sheet must be served with the complaint on all parties to the action. A defendant may file and serve no later than the time of its first appearance a joinder in the plaintiff's designation, a counter-designation that the case is not complex, or, if the plaintiff has made no designation, a designation that the case is complex.

## CASE TYPES AND EXAMPLES

<p><b>Auto Tort</b></p> <ul style="list-style-type: none"> <li>Auto (22)—Personal Injury/Property Damage/Wrongful Death</li> <li>Uninsured Motorist (46) <i>(if the case involves an uninsured motorist claim subject to arbitration, check this item instead of Auto)</i></li> </ul> <p><b>Other PI/PD/AWD (Personal Injury/Property Damage/Wrongful Death) Tort</b></p> <ul style="list-style-type: none"> <li>Asbestos (04) <ul style="list-style-type: none"> <li>Asbestos Property Damage</li> <li>Asbestos Personal Injury/Wrongful Death</li> </ul> </li> <li>Product Liability <i>(not asbestos or toxic/environmental)</i> (24)</li> <li>Medical Malpractice (45) <ul style="list-style-type: none"> <li>Medical Malpractice—Physicians &amp; Surgeons</li> <li>Other Professional Health Care Malpractice</li> </ul> </li> <li>Other PI/PD/AWD (23) <ul style="list-style-type: none"> <li>Premises Liability (e.g., slip and fall)</li> <li>Intentional Bodily Injury/PD/AWD (e.g., assault, vandalism)</li> <li>Intentional Infliction of Emotional Distress</li> <li>Negligent Infliction of Emotional Distress</li> <li>Other PI/PD/AWD</li> </ul> </li> </ul> <p><b>Non-PI/PD/AWD (Other) Tort</b></p> <ul style="list-style-type: none"> <li>Business Tort/Unfair Business Practice (07)</li> <li>Civil Rights (e.g., discrimination, false arrest) <i>(not civil harassment)</i> (08)</li> <li>Defamation (e.g., slander, libel) (13)</li> <li>Fraud (16)</li> <li>Intellectual Property (19)</li> <li>Professional Negligence (25) <ul style="list-style-type: none"> <li>Legal Malpractice</li> <li>Other Professional Malpractice <i>(not medical or legal)</i></li> </ul> </li> <li>Other Non-PI/PD/AWD Tort (35)</li> </ul> <p><b>Employment</b></p> <ul style="list-style-type: none"> <li>Wrongful Termination (36) Other Employment (15)</li> </ul>	<p><b>Contract</b></p> <ul style="list-style-type: none"> <li>Breach of Contract/Warranty (06) <ul style="list-style-type: none"> <li>Breach of Rental/Lease Contract <i>(not unlawful detainer or wrongful eviction)</i></li> </ul> </li> <li>Contract/Warranty Breach—Seller Plaintiff <i>(not fraud or negligence)</i></li> <li>Negligent Breach of Contract/Warranty</li> <li>Other Breach of Contract/Warranty</li> </ul> <p><b>Collections (e.g., money owed, open book accounts) (09)</b></p> <ul style="list-style-type: none"> <li>Collection Case—Seller Plaintiff</li> <li>Other Promissory Note/Collections Case</li> </ul> <p><b>Insurance Coverage (not provisionally complex) (18)</b></p> <ul style="list-style-type: none"> <li>Auto Subrogation</li> <li>Other Coverage</li> </ul> <p><b>Other Contract (37)</b></p> <ul style="list-style-type: none"> <li>Contractual Fraud</li> <li>Other Contract Dispute</li> </ul> <p><b>Real Property</b></p> <ul style="list-style-type: none"> <li>Eminent Domain/Inverse Condemnation (14)</li> <li>Wrongful Eviction (33)</li> <li>Other Real Property (e.g., quiet title) (26) <ul style="list-style-type: none"> <li>Writ of Possession of Real Property</li> <li>Mortgage Foreclosure</li> <li>Quiet Title</li> <li>Other Real Property <i>(not eminent domain, landlord/tenant, or foreclosure)</i></li> </ul> </li> </ul> <p><b>Unlawful Detainer</b></p> <ul style="list-style-type: none"> <li>Commercial (31)</li> <li>Residential (32)</li> <li>Drugs (38) <i>(if the case involves illegal drugs, check this item; otherwise, report as Commercial or Residential)</i></li> </ul> <p><b>Judicial Review</b></p> <ul style="list-style-type: none"> <li>Asset Forfeiture (05)</li> <li>Petition Re: Arbitration Award (11)</li> <li>Writ of Mandate (02) <ul style="list-style-type: none"> <li>Writ—Administrative Mandamus</li> <li>Writ—Mandamus on Limited Court Case Matter</li> <li>Writ—Other Limited Court Case Review</li> </ul> </li> <li>Other Judicial Review (39) <ul style="list-style-type: none"> <li>Review of Health Officer Order</li> <li>Notice of Appeal—Labor Commissioner Appeals</li> </ul> </li> </ul>	<p><b>Provisionally Complex Civil Litigation (Cal. Rules of Court Rules 3.400–3.403)</b></p> <ul style="list-style-type: none"> <li>Antitrust/Trade Regulation (03)</li> <li>Construction Defect (10)</li> <li>Claims Involving Mass Tort (40)</li> <li>Securities Litigation (28)</li> <li>Environmental/Toxic Tort (30)</li> <li>Insurance Coverage Claims <i>(arising from provisionally complex case type listed above)</i> (41)</li> </ul> <p><b>Enforcement of Judgment</b></p> <ul style="list-style-type: none"> <li>Enforcement of Judgment (20) <ul style="list-style-type: none"> <li>Abstract of Judgment (Out of County)</li> <li>Confession of Judgment <i>(non-domestic relations)</i></li> <li>Sister State Judgment</li> <li>Administrative Agency Award <i>(not unpaid taxes)</i></li> <li>Petition/Certification of Entry of Judgment on Unpaid Taxes</li> <li>Other Enforcement of Judgment Case</li> </ul> </li> </ul> <p><b>Miscellaneous Civil Complaint</b></p> <ul style="list-style-type: none"> <li>RICO (27)</li> <li>Other Complaint <i>(not specified above)</i> (42) <ul style="list-style-type: none"> <li>Declaratory Relief Only</li> <li>Injunctive Relief Only <i>(non-harassment)</i></li> <li>Mechanics Lien</li> <li>Other Commercial Complaint Case <i>(non-tort/non-complex)</i></li> <li>Other Civil Complaint <i>(non-tort/non-complex)</i></li> </ul> </li> </ul> <p><b>Miscellaneous Civil Petition</b></p> <ul style="list-style-type: none"> <li>Partnership and Corporate Governance (21)</li> <li>Other Petition <i>(not specified above)</i> (43) <ul style="list-style-type: none"> <li>Civil Harassment</li> <li>Workplace Violence</li> <li>Elder/Dependent Adult Abuse</li> <li>Election Contest</li> <li>Petition for Name Change</li> <li>Petition for Relief From Late Claim</li> </ul> </li> <li>Other Civil Petition</li> </ul>
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**CIVIL CASE COVER SHEET ADDENDUM AND  
STATEMENT OF LOCATION  
(CERTIFICATE OF GROUNDS FOR ASSIGNMENT TO COURTHOUSE LOCATION)**

This form is required pursuant to Local Rule 2.0 in all new civil case filings in the Los Angeles Superior Court.

**Item I.** Check the types of hearing and fill in the estimated length of hearing expected for this case:

JURY TRIAL?  YES CLASS ACTION?  YES LIMITED CASE?  YES TIME ESTIMATED FOR TRIAL 2-5  HOURS/  DAYS

**Item II.** Indicate the correct district and courthouse location (4 steps – If you checked "Limited Case", skip to Item III, Pg. 4):

**Step 1:** After first completing the Civil Case Cover Sheet form, find the main Civil Case Cover Sheet heading for your case in the left margin below, and, to the right in Column **A**, the Civil Case Cover Sheet case type you selected.

**Step 2:** Check one Superior Court type of action in Column **B** below which best describes the nature of this case.

**Step 3:** In Column **C**, circle the reason for the court location choice that applies to the type of action you have checked. For any exception to the court location, see Local Rule 2.0.

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

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

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

<b>A</b> Civil Case Cover Sheet Category No.	<b>B</b> Type of Action (Check only one)	<b>C</b> Applicable Reasons - See Step 3 Above
Auto (22)	<input type="checkbox"/> A7100 Motor Vehicle - Personal Injury/Property Damage/Wrongful Death	1., 2., 4.
Uninsured Motorist (46)	<input type="checkbox"/> A7110 Personal Injury/Property Damage/Wrongful Death – Uninsured Motorist	1., 2., 4.
Asbestos (04)	<input type="checkbox"/> A6070 Asbestos Property Damage	2.
	<input type="checkbox"/> A7221 Asbestos - Personal Injury/Wrongful Death	2.
Product Liability (24)	<input type="checkbox"/> A7260 Product Liability (not asbestos or toxic/environmental)	1., 2., 3., 4., 8.
Medical Malpractice (45)	<input type="checkbox"/> A7210 Medical Malpractice - Physicians & Surgeons	1., 4.
	<input type="checkbox"/> A7240 Other Professional Health Care Malpractice	1., 4.
Other Personal Injury Property Damage Wrongful Death (23)	<input type="checkbox"/> A7250 Premises Liability (e.g., slip and fall)	1., 4.
	<input type="checkbox"/> A7230 Intentional Bodily Injury/Property Damage/Wrongful Death (e.g., assault, vandalism, etc.)	1., 4.
	<input type="checkbox"/> A7270 Intentional Infliction of Emotional Distress	1., 3.
	<input type="checkbox"/> A7220 Other Personal Injury/Property Damage/Wrongful Death	1., 4.

**ORIGINAL**

Auto  
Tort

Other Personal Injury/Property  
Damage/Wrongful Death Tort

Non-Personal Injury/Property  
 Damage/Wrongful Death Tort

Employment

Contract

Unlawful Detainer / Real Property

A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Business Tort (07)	<input type="checkbox"/> A6029 Other Commercial/Business Tort (not fraud/breach of contract)	1., 3.
Civil Rights (08)	<input type="checkbox"/> A6005 Civil Rights/Discrimination	1., 2., 3.
Defamation (13)	<input type="checkbox"/> A6010 Defamation (slander/libel)	1., 2., 3.
Fraud (16)	<input checked="" type="checkbox"/> A6013 Fraud (no contract)	1., 2., 3.
Professional Negligence (25)	<input type="checkbox"/> A6017 Legal Malpractice	1., 2., 3.
	<input type="checkbox"/> A6050 Other Professional Malpractice (not medical or legal)	1., 2., 3.
Other (35)	<input type="checkbox"/> A6025 Other Non-Personal Injury/Property Damage tort	2., 3.
Wrongful Termination (36)	<input type="checkbox"/> A6037 Wrongful Termination	1., 2., 3.
Other Employment (15)	<input type="checkbox"/> A6024 Other Employment Complaint Case	1., 2., 3.
	<input type="checkbox"/> A6109 Labor Commissioner Appeals	10.
Breach of Contract/ Warranty (06) (not insurance)	<input type="checkbox"/> A6004 Breach of Rental/Lease Contract (not unlawful detainer or wrongful eviction)	2., 5.
	<input type="checkbox"/> A6008 Contract/Warranty Breach -Seller Plaintiff (no fraud/negligence)	2., 5.
	<input type="checkbox"/> A6019 Negligent Breach of Contract/Warranty (no fraud)	1., 2., 5.
	<input type="checkbox"/> A6028 Other Breach of Contract/Warranty (not fraud or negligence)	1., 2., 5.
Collections (09)	<input type="checkbox"/> A6002 Collections Case-Seller Plaintiff	2., 5., 6.
	<input type="checkbox"/> A6012 Other Promissory Note/Collections Case	2., 5.
Insurance Coverage (18)	<input type="checkbox"/> A6015 Insurance Coverage (not complex)	1., 2., 5., 8.
Other Contract (37)	<input type="checkbox"/> A6009 Contractual Fraud	1., 2., 3., 5.
	<input type="checkbox"/> A6031 Tortious Interference	1., 2., 3., 5.
	<input type="checkbox"/> A6027 Other Contract Dispute(not breach/insurance/fraud/negligence)	1., 2., 3., 8.
Eminent Domain/Inverse Condemnation (14)	<input type="checkbox"/> A7300 Eminent Domain/Condemnation      Number of parcels _____	2.
Wrongful Eviction (33)	<input type="checkbox"/> A6023 Wrongful Eviction Case	2., 6.
Other Real Property (26)	<input type="checkbox"/> A6018 Mortgage Foreclosure	2., 6.
	<input type="checkbox"/> A6032 Quiet Title	2., 6.
	<input type="checkbox"/> A6060 Other Real Property (not eminent domain, landlord/tenant, foreclosure)	2., 6.
Unlawful Detainer-Commercial (31)	<input type="checkbox"/> A6021 Unlawful Detainer-Commercial (not drugs or wrongful eviction)	2., 6.
Unlawful Detainer-Residential (32)	<input type="checkbox"/> A6020 Unlawful Detainer-Residential (not drugs or wrongful eviction)	2., 6.
Unlawful Detainer- Post-Foreclosure (34)	<input type="checkbox"/> A6020F Unlawful Detainer-Post-Foreclosure	2., 6.
Unlawful Detainer-Drugs (38)	<input type="checkbox"/> A6022 Unlawful Detainer-Drugs	2., 6.

SHORT TITLE:

JENNIFER LOVE HEWITT v. THE MARZ GROUP, LLC, et al.

CASE NUMBER

	<b>A</b> Civil Case Cover Sheet Category No.	<b>B</b> Type of Action (Check only one)	<b>C</b> Applicable Reasons - See Step 3 Above
Judicial Review	Asset Forfeiture (05)	<input type="checkbox"/> A6108 Asset Forfeiture Case	2., 6.
	Petition re Arbitration (11)	<input type="checkbox"/> A6115 Petition to Compel/Confirm/Vacate Arbitration	2., 5.
	Writ of Mandate (02)	<input type="checkbox"/> A6151 Writ - Administrative Mandamus <input type="checkbox"/> A6152 Writ - Mandamus on Limited Court Case Matter <input type="checkbox"/> A6153 Writ - Other Limited Court Case Review	2., 8. 2. 2.
	Other Judicial Review (39)	<input type="checkbox"/> A6150 Other Writ/Judicial Review	2., 8.
Provisionally Complex Litigation	Antitrust/Trade Regulation (03)	<input type="checkbox"/> A6003 Antitrust/Trade Regulation	1., 2., 8.
	Construction Defect (10)	<input type="checkbox"/> A6007 Construction Defect	1., 2., 3.
	Claims Involving Mass Tort (40)	<input type="checkbox"/> A6006 Claims Involving Mass Tort	1., 2., 8.
	Securities Litigation (28)	<input type="checkbox"/> A6035 Securities Litigation Case	1., 2., 8.
	Toxic Tort Environmental (30)	<input type="checkbox"/> A6036 Toxic Tort/Environmental	1., 2., 3., 8.
	Insurance Coverage Claims from Complex Case (41)	<input type="checkbox"/> A6014 Insurance Coverage/Subrogation (complex case only)	1., 2., 5., 8.
Enforcement of Judgment	Enforcement of Judgment (20)	<input type="checkbox"/> A6141 Sister State Judgment	2., 9.
		<input type="checkbox"/> A6160 Abstract of Judgment	2., 6.
		<input type="checkbox"/> A6107 Confession of Judgment (non-domestic relations)	2., 9.
		<input type="checkbox"/> A6140 Administrative Agency Award (not unpaid taxes)	2., 8.
		<input type="checkbox"/> A6114 Petition/Certificate for Entry of Judgment on Unpaid Tax	2., 8.
<input type="checkbox"/> A6112 Other Enforcement of Judgment Case	2., 8., 9.		
Miscellaneous Civil Complaints	RICO (27)	<input type="checkbox"/> A6033 Racketeering (RICO) Case	1., 2., 8.
	Other Complaints (Not Specified Above) (42)	<input type="checkbox"/> A6030 Declaratory Relief Only	1., 2., 8.
		<input type="checkbox"/> A6040 Injunctive Relief Only (not domestic/harassment)	2., 8.
		<input type="checkbox"/> A6011 Other Commercial Complaint Case (non-tort/non-complex)	1., 2., 8.
<input type="checkbox"/> A6000 Other Civil Complaint (non-tort/non-complex)	1., 2., 8.		
Miscellaneous Civil Petitions	Partnership Corporation Governance (21)	<input type="checkbox"/> A6113 Partnership and Corporate Governance Case	2., 8.
	Other Petitions (Not Specified Above) (43)	<input type="checkbox"/> A6121 Civil Harassment	2., 3., 9.
<input type="checkbox"/> A6123 Workplace Harassment		2., 3., 9.	
<input type="checkbox"/> A6124 Elder/Dependent Adult Abuse Case		2., 3., 9.	
<input type="checkbox"/> A6190 Election Contest		2.	
<input type="checkbox"/> A6110 Petition for Change of Name		2., 7.	
<input type="checkbox"/> A6170 Petition for Relief from Late Claim Law		2., 3., 4., 8.	
<input type="checkbox"/> A6100 Other Civil Petition	2., 9.		



SHORT TITLE:  
JENNIFER LOVE HEWITT v. THE MARZ GROUP, LLC, et al.

CASE NUMBER

**Item III. Statement of Location:** Enter the address of the accident, party's residence or place of business, performance, or other circumstance indicated in Item II., **Step 3** on Page 1, as the proper reason for filing in the court location you selected.

<b>REASON:</b> Check the appropriate boxes for the numbers shown under Column C for the type of action that you have selected for this case.  <input type="checkbox"/> 1. <input type="checkbox"/> 2. <input checked="" type="checkbox"/> 3. <input type="checkbox"/> 4. <input type="checkbox"/> 5. <input type="checkbox"/> 6. <input type="checkbox"/> 7. <input type="checkbox"/> 8. <input type="checkbox"/> 9. <input type="checkbox"/> 10.			ADDRESS: 9701 Wilshire Boulevard
CITY: Beverly Hills	STATE: CA	ZIP CODE: 90212	

**Item IV. Declaration of Assignment:** I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that the above-entitled matter is properly filed for assignment to the Stanley Mosk courthouse in the Central District of the Superior Court of California, County of Los Angeles [Code Civ. Proc., § 392 et seq., and Local Rule 2.0, subs. (b), (c) and (d)].

Dated: June 4, 2014

  
 \_\_\_\_\_  
 (SIGNATURE OF ATTORNEY/FILING PARTY)  
 Alex M. Weingarten

**PLEASE HAVE THE FOLLOWING ITEMS COMPLETED AND READY TO BE FILED IN ORDER TO PROPERLY COMMENCE YOUR NEW COURT CASE:**

1. Original Complaint or Petition.
2. If filing a Complaint, a completed Summons form for issuance by the Clerk.
3. Civil Case Cover Sheet, Judicial Council form CM-010.
4. Civil Case Cover Sheet Addendum and Statement of Location form, LACIV 109, LASC Approved 03-04 (Rev. 03/11).
5. Payment in full of the filing fee, unless fees have been waived.
6. A signed order appointing the Guardian ad Litem, Judicial Council form CIV-010, if the plaintiff or petitioner is a minor under 18 years of age will be required by Court in order to issue a summons.
7. Additional copies of documents to be conformed by the Clerk. Copies of the cover sheet and this addendum must be served along with the summons and complaint, or other initiating pleading in the case.

6/04/2014