

EXHIBIT A

90035
A0029

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FLO & EDDIE, INC.

FILED
Los Angeles Superior Court

AUG 01 2013

John A. Clarke, Executive Officer/Clerk
By Kathy Morales, Deputy
KATHY MORALES

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES, CENTRAL DISTRICT**

FLO & EDDIE, INC., a California
corporation, individually and on behalf of all
others similarly situated,

Plaintiff,

v.

SIRIUS XM RADIO, INC., a Delaware
corporation; and DOES 1 through 100,

Defendants.

Case No. **BC517082**

CLASS ACTION

COMPLAINT FOR:

1. MISAPPROPRIATION
[Cal Civ. Code § 980(a)(2) and Common Law];
2. UNFAIR COMPETITION
[Cal Bus. & Prof. Code § 17200 and Common Law]; AND
3. CONVERSION

DEMAND FOR JURY TRIAL

CIT/CASE: BC517032
LER/DEF#:

RECEIPT #: CCH448295078
DATE PAID: 08/01/13 03:44 PM
PAYMENT: \$435.00 310

CHECK: \$435.00
CASH: \$0.00
CHANGE: \$0.00
CARD: \$0.00

CIT/CASE: BC517032
LER/DEF#:

RECEIPT #: CCH448295081
DATE PAID: 08/01/13 03:47 PM
PAYMENT: \$1,000.00 310

CHECK: \$1,000.00
CASH: \$0.00
CHANGE: \$0.00
CARD: \$0.00

CLASS ACTION COMPLAINT

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D-311

Judge John Sheppard Wiley Jr

1 Plaintiff FLO & EDDIE, INC. ("Plaintiff" or "Flo & Eddie") files this class action
 2 Complaint on behalf of itself and on behalf of all other similarly situated owners of sound
 3 recordings of musical performances that initially were "fixed" (i.e., recorded) prior to February 15,
 4 1972 (the "Pre-1972 Recordings") against Defendants SIRIUS XM RADIO, INC. ("Defendant" or
 5 "SiriusXM") and DOES 1-100, and alleges as follows:

6 NATURE OF THE ACTION

7 1. California Civil Code Section 980 (a)(2) provides that "[t]he author of an original
 8 work of authorship consisting of a sound recording initially fixed prior to February 15, 1972, has
 9 an exclusive ownership therein until February 15, 2047, as against all persons except one who
 10 independently makes or duplicates another sound recording that does not directly or indirectly
 11 recapture the actual sounds fixed in such prior sound recording, but consists entirely of an
 12 independent fixation of other sounds, even though such sounds imitate or simulate the sounds
 13 contained in the prior sound recording." The unauthorized duplication and exploitation of Pre-
 14 1972 Recordings in California constitutes misappropriation, unfair competition and conversion.

15 2. The principals of Flo & Eddie, Mark Volman and Howard Kaylan, have been
 16 performing together as The Turtles since 1965 and have recorded numerous iconic hits including
 17 "Happy Together," "It Ain't Me Babe," "She'd Rather Be With Me," "You Baby," "She's My
 18 Girl," "Elenore," and many others. Since approximately 1971, Flo & Eddie has owned the entire
 19 catalog of 100 original master recordings by The Turtles, all of which were recorded prior to
 20 February 15, 1972. Notwithstanding the absence of any license or authorization from Plaintiff,
 21 The Turtles recordings can be heard every hour of every day by subscribers in California to the
 22 satellite and Internet services owned by Defendant known as "Sirius Satellite Radio," "XM
 23 Satellite Radio" and "SiriusXM Satellite Radio" (individually and collectively, the "Service").
 24 Plaintiff Flo & Eddie brings this class action on its own behalf and on behalf of all other similarly
 25 situated owners of Pre-1972 Recordings (the "Class" or "Class Members") to put an end to
 26 SiriusXM's wholesale misappropriation of their Pre-1972 Recordings and to obtain damages,
 27 including punitive damages.

28 3. The Service is a highly profitable business which engages in the large-scale

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1 distribution and public performance of sound recordings to over 24 million subscribers. The
2 Service is distributed in California to its subscribers through (a) satellite digital transmission
3 directly to subscribers via digital radios manufactured or licensed by SiriusXM; (b) satellite digital
4 transmission to subscribers of other services, such as DIRECTV Satellite Television Service and
5 Dish Network Satellite Television Service via digital set top boxes manufactured or licensed by
6 DIRECTV or Dish; and (c) the Internet, by way of (i) digital media streaming devices, such as
7 Roku, digital radios and home audio systems, such as Sonos; (ii) its website at
8 www.SiriusXM.com; or (iii) computer, smart phone and other mobile applications for various
9 operating systems, including Apple iOS, Android, Windows, Blackberry and HP webOS. In
10 furtherance of the Service, SiriusXM, without any license or authority, has copied Plaintiff's and
11 each Class Members' Pre-1972 Recordings onto the Service's central server(s) and makes such
12 copies available to its subscribers in California. SiriusXM publicly performs these recordings in
13 California via streaming audio transmission through the Service for a fee as part of a subscription
14 plan that currently includes up to 72 different music channels. As part of the Service, many
15 subscribers in California are also able to: (A) download the stream of a selected channel on the
16 Service, allowing later or multiple listenings of the sound recordings previously streamed during
17 the selected time period; (B) download particular sound recordings, allowing later or multiple
18 listenings of such sound recordings; (C) download particular programs incorporating sound
19 recordings as part of the Service's "On Demand" feature, allowing later or multiple listenings of
20 such sound recordings; and (D) allow subscribers to pause, rewind and replay sound recordings
21 using the Service's "Replay" feature.

22 4. Simply stated, SiriusXM has disregarded the Plaintiff's and other Class Members'
23 "exclusive ownership" of their Pre-1972 Recordings in California, impaired their ability to sell,
24 lawfully exploit, or otherwise control their Pre-1972 Recordings as permitted under California law
25 and misappropriated same for its own financial gain. SiriusXM's conduct is causing, and will
26 continue to cause, enormous and irreparable harm to Plaintiff and the other Class Members unless
27 compensatory and punitive damages are awarded against SiriusXM and it is enjoined and
28 restrained from engaging in further misappropriation of the Pre-1972 Recordings.

THE PARTIES, JURISDICTION AND VENUE

5. Plaintiff Flo & Eddie is a corporation duly organized and existing under the laws of California, with its principal place of business in Los Angeles, California. Plaintiff is engaged in the business of distributing, selling, and/or licensing the reproduction, distribution, sale, and performance of its Pre-1972 Recordings in phonorecords, in audiovisual works, and for streaming (*i.e.*, performing) and downloading over the Internet. Plaintiff invests substantial money, time, effort, and creative talent in creating, advertising, promoting, selling, and licensing its unique and valuable sound recordings.

6. Plaintiff possesses exclusive ownership rights in The Turtles Pre-1972 Recordings, the titles of which are specified on the schedule attached hereto as Exhibit A and incorporated herein by reference ("Plaintiff's Recordings"). The United States Congress expressly has recognized that the states provide exclusive protection through various state law doctrines to recordings "fixed" before February 15, 1972, and that the federal Copyright Act does not "annul[] or limit[] those rights until February 15, 2067." 17 U.S.C. § 301(c). Accordingly, as quoted above, California Civil Code § 980(a)(2) protects the exclusive ownership of Plaintiff and the other Class Members to their Pre-1972 Recordings in California.

7. Upon information and belief, Defendant SiriusXM is a corporation duly organized and existing under the laws of Delaware, with its principal place of business in New York, New York, with offices throughout California, including, without limitation, in Glendale, California and Long Beach, California. The Court has personal jurisdiction over Defendant in that Defendant has multiple offices in Los Angeles County, Defendant is engaged in tortious conduct in California, and Defendant's conduct causes injury to Plaintiff and the other Class Members in California. Venue of this action is proper in Los Angeles County in that Defendant maintains offices in Los Angeles County.

8. The true names and capacities, whether individual, corporate, associate or otherwise, of defendants named herein as Does 1 through 100, inclusive, are unknown to Plaintiff who therefore sues said defendants by such fictitious names (the "Doe Defendants"). Plaintiff will amend this Complaint to allege their true names and capacities when such have been ascertained.

1 Upon information and belief, each of the Doe Defendants herein is responsible in some manner for
 2 the occurrences herein alleged, and Plaintiff's injuries and those of the other Class Members as
 3 herein alleged were proximately caused by such defendants' acts or omissions. (All of the
 4 Defendants, including the Doe Defendants, collectively are referred to as "Defendants").

5 CLASS ACTION ALLEGATIONS

6 9. Plaintiff brings this action as a class action pursuant to Section 382 of the California
 7 Code of Civil Procedure on behalf of itself and the other Class Members defined as the owners of
 8 Pre-1972 Recordings reproduced, performed, distributed or otherwise exploited by Defendants in
 9 California without a license or authorization to do so during the period from August 1, 2009 to the
 10 present. Plaintiff reserves the right to modify this definition of the Class after further discovery;
 11 the Court may also be requested to utilize and certify subclasses in the interests of ascertainability,
 12 manageability, justice and/or judicial economy.

13 10. This action may be properly brought and maintained as a class action because there
 14 is a well-defined community of interest in the litigation and the Class Members are readily
 15 ascertainable from Defendant SiriusXM's database files and records. Plaintiff is informed and
 16 believes, and on that basis alleges, that Defendants have engaged Rovi Corporation to supply the
 17 metadata, including the metadata relating to Pre-1972 Recordings unlawfully streamed to
 18 subscribers in California, and that such metadata contains the name and location of the owners
 19 thereof. The Class members are further ascertainable through methods typical of class action
 20 practice and procedure.

21 11. Plaintiff is informed and believes, and alleges thereon, that the Pre-1972 Recordings
 22 misappropriated in California by Defendants number in the millions and are owned by many
 23 thousands of Class Members. It is therefore impractical to join all of the Class Members as named
 24 Plaintiffs. Further, the claims of the Class Members may range from smaller sums to larger sums.
 25 Accordingly, using the class action mechanism is the most economically feasible means of
 26 determining and adjudicating the merits of this litigation.

27 12. The claims of Plaintiff are typical of the claims of the Class Members, and Plaintiff's
 28 interests are consistent with and not antagonistic to those of the other Class Members it seeks to

1 represent. Plaintiff and the other Class Members have all been subject to misappropriation of their
 2 Pre-1972 Recordings in California, have sustained actual pecuniary loss and face irreparable harm
 3 from Defendants' continued misappropriation of their Pre-1972 Recordings.

4 13. Plaintiff has no interests that are adverse to, or which conflict with, the interests of
 5 the other Class Members and is ready and able to fairly and adequately represent and protect the
 6 interests of the other Class Members. Plaintiff believes strongly in the protection of artists' rights
 7 in connection with their creative work. Plaintiff has raised viable claims for misappropriation,
 8 unfair competition and conversion of the type well established in California and reasonably
 9 expected to be raised by Class Members. Plaintiff will diligently pursue those claims. If
 10 necessary, Plaintiff may seek leave of the Court to amend this Complaint to include additional
 11 class representatives to represent the Class or additional claims as may be appropriate. Plaintiff is
 12 represented by experienced, qualified and competent counsel who are committed to prosecuting
 13 this action.

14 14. Common questions of fact and law exist as to all Class Members that plainly
 15 predominate over any questions affecting only individual Class Members. These common legal
 16 and factual questions, which do not vary from Class Member to Class member, and which may be
 17 determined without reference to the individual circumstances of any Class Member include,
 18 without limitation, the following:

19 (A) Whether Defendant SiriusXM reproduced, performed, distributed or
 20 otherwise exploited Pre-1972 Recordings in the California;

21 (B) Whether Defendant SiriusXM's reproduction, performance, distribution or
 22 other exploitation of Pre-1972 Recordings in California constitutes misappropriation under
 23 California Civil Code Section 980(a)(2);

24 (C) Whether Defendant SiriusXM's reproduction, performance, distribution or
 25 other exploitation of Pre-1972 Recordings in the California constitutes unlawful or unfair
 26 business acts or practices in violation of California Business & Professions Code Section
 27 17200;

28 (D) Whether Defendant SiriusXM's reproduction, performance, distribution or

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1 other exploitation of Pre-1972 Recordings in California constitutes conversion under
2 California common law;

3 (E) The basis on which restitution and/or damages to all injured members of the
4 Class can be computed;

5 (F) Whether Defendant SiriusXM's violation of California Civil Code Section
6 980(a)(2) entitles the Class Members to recover punitive damages;

7 (G) Whether Defendant SiriusXM's violation of California Civil Code Section
8 980(a)(2) is continuing, thereby entitling Class Members to injunctive or other equitable
9 relief;

10 (H) Whether Defendant SiriusXM's violation of California Business &
11 Professions Code § 17200 entitles the Class Members to recover punitive damages;

12 (I) Whether Defendant SiriusXM's violation of California Business & Professions
13 Code § 17200 is continuing, thereby entitling Class Members to injunctive or other relief;

14 (J) Whether Defendant SiriusXM's violation of California's common law of
15 conversion entitles Class Members to recover punitive damages; and

16 (K) Whether Defendant SiriusXM's violation of California's common law of
17 conversion is continuing, thereby entitling Class Members to injunctive or other relief.

18 15. A class action is superior to all other available methods for the fair and efficient
19 adjudication of this controversy, since individual litigation of the claims of all Class Members is
20 highly impractical. Even if every Class Member could afford to pursue individual litigation, the
21 Court system could not. It would be unduly burdensome to the courts in which individual
22 litigation of numerous cases would proceed. Individualized litigation would also present the
23 potential for varying, inconsistent or contradictory judgments and would magnify the delay and
24 expense to all parties and to the court system resulting from multiple trials of the same factual
25 issues. By contrast, maintenance of this action as a class action, with respect to some or all of the
26 issues presented herein, presents few management difficulties, conserves the resources of the
27 parties and of the court system, and protects the rights of each Class Member. Plaintiff anticipates
28 no difficulty in the management of this action as a class action.

16. Additionally, the prosecution of separate actions by individual Class Members may create a risk of adjudications with respect to them that would, as a practical matter, be dispositive of the interests of the other Class Members not parties to such adjudications or that would substantially impair or impede the ability of such nonparty Class Members to protect their interests. The prosecution of individual actions by Class Members could establish inconsistent results and incompatible standards of conduct for Defendant SiriusXM.

17. Defendants have engaged in misappropriation, unfair competition and conversion which has affected all of the Class Members such that final and injunctive relief on behalf of the Class as a whole is efficient and appropriate.

FIRST CAUSE OF ACTION

(For Violation of California Civil Code § 980(a)(2) and Common Law Misappropriation)

18. Plaintiff hereby incorporates the allegations set forth in paragraphs 1 through 17, above, as though set forth in full herein.

19. Plaintiff and the other Class Members have exclusive ownership of their Pre-1972 Recordings in California pursuant to California Civil Code § 980(a)(2) quoted above and under California common law. By their conduct alleged above, Defendants have violated Plaintiff's and each Class Members' right to exclusive ownership of their Pre-1972 Recordings. The Plaintiff and Class Members have invested substantial time and money in the development of their Pre-1972 Recordings.

20. The Defendants have misappropriated the Pre-1972 Recordings at little or no cost and without license or authority. They have copied the Pre-1972 Recordings owned by Plaintiff and the other Class Members and publicly perform these recordings in California for their subscribers as set forth in paragraph 3, above. Defendants have disregarded the Plaintiff's and other Class Members' "exclusive ownership" of their Pre-1972 Recordings, impaired their ability to sell, lawfully exploit, or otherwise control their Pre-1972 Recordings and misappropriated these Pre-1972 Recordings for their own financial gain.

21. As a direct and proximate consequence of Defendants' misappropriation of the Pre-1972 Recordings owned by Plaintiff and the Class Members in violation of Civil Code § 980(a)(2)

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1 as alleged above, Plaintiff and the Class Members have been damaged in an amount that is not as
 2 yet fully ascertained but which Plaintiff is informed and believes, and alleges thereon, exceeds
 3 \$100,000,000, according to proof.

4 22. Plaintiff is informed and believes, and alleges thereon, that in engaging in the
 5 conduct described above, the Defendants acted with oppression, fraud and/or malice. The conduct
 6 of the Defendants has been despicable and undertaken in conscious disregard of the Plaintiff's and
 7 each Class Member's rights. Accordingly, Plaintiff and the Class members are entitled to an
 8 award of punitive damages against Defendants in an amount sufficient to punish and make an
 9 example of them according to proof.

10 23. Defendants' conduct is causing, and unless enjoined and restrained by this Court,
 11 will continue to cause, Plaintiff and each Class Member great and irreparable injury that cannot
 12 fully be compensated or measured in money. Plaintiff and the other Class Members are entitled to
 13 temporary, preliminary and permanent injunctions, prohibiting further violation of Plaintiff's and
 14 Class Members' exclusive ownership of their Pre-1972 Recordings in California.

15 SECOND CAUSE OF ACTION

16 (For Statutory and Common Law Unfair Competition)

17 24. Plaintiff hereby incorporates the allegations set forth in paragraphs 1 through 23,
 18 above, as though set forth herein.

19 25. The acts and conduct of Defendants alleged above constitute an appropriation and
 20 invasion of the property rights of Plaintiff and each Class Member to their Pre-1972 Recordings in
 21 California, and constitute unfair competition under California Business & Professions Code §
 22 17200 and common law. Defendants have engaged in unfair competitive business practices
 23 forbidden by law.

24 26. As a direct and proximate result of Defendants' conduct, Plaintiff and the Class
 25 Members are entitled to recover all proceeds and other compensation received or to be received by
 26 Defendants from their misappropriation of the Pre-1972 Recordings. Plaintiff and the members of
 27 the Class have been damaged, and Defendants have been unjustly enriched, in an amount that is
 28 not as yet fully ascertained but which Plaintiff is informed and believes, and alleges thereon,

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1 exceeds \$100,000,000, according to proof at trial. Such damages and/or restitution and
 2 disgorgement should include a declaration by this Court that Defendants are constructive trustees
 3 for the benefit of Plaintiff and the other Class Members, and an order that Defendants convey to
 4 Plaintiff and Class Members the gross receipts received or to be received that are attributable to
 5 Defendants misappropriation of the Pre-1972 Recordings.

6 27. Plaintiff is informed and believes, and alleges thereon, that in engaging in the
 7 conduct as described above, the Defendants acted with oppression, fraud and/or malice. The
 8 conduct of the Defendants has been despicable and undertaken in conscious disregard of
 9 Plaintiff's rights. Accordingly, Plaintiff and the Class Members are entitled to an award of
 10 punitive damages against Defendants, and each of them, in an amount sufficient to punish and
 11 make an example of them according to proof at trial.

12 28. Defendants' conduct is causing, and unless enjoined and restrained by this Court,
 13 will continue to cause, Plaintiff and the Class Members great and irreparable injury that cannot
 14 fully be compensated or measured in money. Plaintiff and the other Class Members are entitled to
 15 temporary, preliminary and permanent injunctions, prohibiting further violation of Plaintiff's and
 16 the other Class Members right to exclusive ownership of their Pre-1972 Recordings and further
 17 acts of unfair competition pursuant to California Business & Professions Code § 17203.

18 THIRD CAUSE OF ACTION

19 (For Conversion)

20 29. Plaintiff hereby incorporates the allegations set forth in paragraphs 1 through 28,
 21 above, as though set forth in full herein.

22 30. Plaintiff and each Class Member are, and at relevant times were, the exclusive
 23 owner of all right, title and interest in and to their Pre-1972 Recordings and possession thereof in
 24 California.

25 31. By their acts and conduct alleged above, Defendants have converted Plaintiff's and
 26 the Class Members' property rights in their Pre-1972 Recordings for Defendants' own use and
 27 wrongful disposition for financial gain.

28 32. As a direct and proximate result of Defendants' conversion, Plaintiff and the

1 members of the Class have been damaged, and Defendants have been unjustly enriched, in an
 2 amount that is not as yet fully ascertained but which Plaintiff is informed and believes, and alleges
 3 thereon, exceeds \$100,000,000 according to proof at trial. Defendants are constructive trustees for
 4 the benefit of Plaintiff and Class Members, and the Court should order Defendants to convey to
 5 Plaintiff and the Class Members the gross receipts received or to be received from Defendants
 6 misappropriation of the Pre-1972 Recordings.

7 33. Plaintiff is informed and believes, and based thereon alleges, that in engaging in the
 8 conduct as described above, the Defendants acted with oppression, fraud and/or malice. The
 9 conduct of the Defendants has been despicable and undertaken in conscious disregard of
 10 Plaintiff's rights. Accordingly, Plaintiff and each member of the Class is entitled to an award of
 11 punitive damages against defendants, and each of them, in an amount sufficient to punish and
 12 make an example of them according to proof at trial.

13 34. Defendants' conduct is causing, and unless enjoined and restrained by this Court will
 14 continue to cause, Plaintiff and the Class Members great and irreparable injury that cannot fully be
 15 compensated or measured in money. Plaintiff and each Class Member are entitled to temporary,
 16 preliminary and permanent injunctions prohibiting further acts of conversion of their Pre-1972
 17 Recordings.

18 PRAYER FOR RELIEF

19 WHEREFORE, Plaintiff, on behalf of itself and the other Class Members, prays for
 20 Judgment against Defendants, and each of them, as follows:

21 Regarding the Class Action:

- 22 1. That this is a proper class action maintainable pursuant to the applicable provisions of the
- 23 California Code of Civil Procedure; and
- 24 2. That the named Plaintiff is appropriate to be appointed representative of the respective
- 25 Class.

26 On The First Cause of Action For Misappropriation against all Defendants:

- 27 1. For compensatory damages in excess of \$100,000,000 according to proof at trial;
- 28 2. Punitive and exemplary damages according to proof trial; and

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3. A temporary, preliminary, and permanent injunction enjoining and restraining Defendants, and their respective agents, servants, directors, officers, principals, employees, representatives, subsidiaries and affiliated companies, successors, assigns, and those acting in concert with them or at their direction, from directly or indirectly misappropriating in any manner the Pre-1972 Recordings in California, including without limitation by directly or indirectly copying, reproducing, downloading, distributing, communicating to the public, uploading, linking to, transmitting, publicly performing, or otherwise exploiting in any manner any of the Pre-1972 Recordings.

On The Second Cause of Action For Unfair Competition against all Defendants:

1. For compensatory damages in excess of \$ 100,000,000 according to proof at trial;
2. Punitive and exemplary damages according to proof at trial;
3. Imposition of a constructive trust;
4. Restitution of Defendants' unlawful proceeds, including Defendants' gross profits; and
5. A temporary, preliminary, and permanent injunction enjoining and restraining Defendants, and their respective agents, servants, directors, officers, principals, employees, representatives, subsidiaries and affiliated companies, successors, assigns, and those acting in concert with them or at their direction, from directly or indirectly misappropriating in any manner the Pre-1972 Recordings, including without limitation by directly or indirectly copying, reproducing, downloading, distributing, communicating to the public, uploading, linking to, transmitting, publicly performing, or otherwise exploiting in any manner any of the Pre-1972 Recordings.

On The Third Cause of Action For Conversion against all Defendants:

1. For compensatory damages in excess of \$100,000,000 according to proof at trial;
2. Punitive and exemplary damages according to proof at trial;
3. Imposition of a constructive trust;
4. Restitution of Defendants' unlawful proceeds, including Defendants' gross profits; and
5. A temporary, preliminary, and permanent injunction enjoining and restraining Defendants, and their respective agents, servants, directors, officers, principals, employees,

1 representatives, subsidiaries and affiliated companies, successors, assigns, and those acting
2 in concert with them or at their direction, from directly or indirectly infringing in any
3 manner any right in any and all of the Pre-1972 Recordings, including without limitation
4 by directly or indirectly copying, reproducing, downloading, distributing, communicating
5 to the public, uploading, linking to, transmitting, publicly performing, or otherwise
6 exploiting in any manner any of the Pre-1972 Recordings.

7 **On All Causes of Action:**

- 8 1. For reasonable attorneys' fees and costs as permitted by law;
9 2. For prejudgement interest at the legal rate; and
10 3. For such other and further relief as the Court deems just and proper.

11 DATED: July 31, 2013

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EX-100-111111

DEMAND FOR JURY TRIAL

Plaintiff, individually and on behalf of the Class Members, demands a trial by jury of the causes of action alleged in this Complaint.

DATED: July 31, 2013

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- | | | | |
|------|------------------------------|-------|----------------------------|
| (1) | All My Problems | (56) | Love In The City |
| (2) | Almost There | (57) | Love Minus Zero |
| (3) | Bachelor Mother | (58) | Makin' My Mind Up |
| (4) | Ball Bearing, Pall Bearing | (59) | Me About You |
| | World | (60) | Oh, Daddy |
| (5) | Battle Of The Bands | (61) | On A Summer's Day |
| (6) | Buzz Saw | (62) | Person Without A Care |
| (7) | Can I Go On | (63) | Rugs Of Woods & Flowers |
| (8) | Can't I Get To Know You | (64) | Say Girl |
| | Better | (65) | Scottish Song |
| (9) | Can't You Hear The Cows | (66) | She Always Leaves Me |
| (10) | Cat In The Window | | Laughing |
| (11) | Chicken Little Was Right | (67) | She Cried Wrong From |
| (12) | Chief Kamanawalea | | The Start |
| (13) | Christmas Is My Time Of Year | (68) | She'd Rather Be With Me |
| (14) | Come Back | (69) | She'll Come Back |
| (15) | Come Over | (70) | She's My Girl |
| (16) | Dance This Dance With Me | (71) | So Goes Love |
| (17) | Down In Suburbia | (72) | So You Want To Be A |
| (18) | Earth Anthem | | Woman |
| (19) | Elenore | (73) | Somewhere Friday Night |
| (20) | Eve Of Destruction | (74) | Song For You |
| (21) | Flyin' High | (75) | Sound Asleep |
| (22) | Foggy Water | (76) | Strangers Are Our Brothers |
| (23) | Food | (77) | Strangers Are Our Friends |
| (24) | Gas Money | (78) | Story Of Rock & Roll |
| (25) | Get Away | (79) | Surfer Dan |
| (26) | Give Love A Trial | (80) | Teardrops |
| (27) | Glitter and Gold | (81) | Think I'll Run Away |
| (28) | Good Bye Surprise | (82) | There You Sit Lonely |
| (29) | The Grim Reaper of Love | (83) | Tie Me Down |
| (30) | Guide For A Married Man | (84) | Too Much Heartsick Feelin' |
| (31) | Happy Together | (85) | Too Young To Be One |
| (32) | Hot Little Hands | (86) | Turn Between Temptations |
| (33) | House Of Pain | (87) | Umbassa And The Dragon |
| (34) | House On The Hill | (88) | Walk In The Sun |
| (35) | How You Loved Me | (89) | Walkin' Song |
| (36) | I Can't Stop | (90) | War Of Germany |
| (37) | I Got Out Of Breath | (91) | We Ain't Gonna Party |
| (38) | I Know That You'll Be There | | No More |
| (39) | I Need Someone | (92) | We Both Were Young |
| (40) | If Only I Had The Time | (93) | We'll Meet Again |
| (41) | I'm The Man | (94) | Who Would Ever Think |
| (42) | Is It Any Wonder | | That I Would Marry |
| (43) | It Ain't Me Babe | | Margaret |
| (44) | It Was A Very Good Year | (95) | Wrong From The Start |
| (45) | John & Julie | (96) | You Baby |
| (46) | Just A Room | (97) | You Don't Have To Walk |
| (47) | Lady-O | | In The Rain |
| (48) | Last Laugh | (98) | You Know What I Mean |
| (49) | Last Thing I Remember | (99) | You Showed Me |
| (50) | Let Me Be | (100) | Your Mom Said You |
| (51) | Let The Cold Winds Blow | | Cried |
| (52) | Let's Pask & Beat It | | |
| (53) | Like A Rolling Stone | | |
| (54) | Like It Or Not | | |
| (55) | Like The Seasons | | |

SCHEDULE A

EX. A

CM-010

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, Street number, and address): GRADSTEIN & MARZANO, P.C. Henry Gradstein (SBN 89747) Maryann R. Marzano (SBN 96867); Robert E. Allen (SBN 166589) 6310 San Vicente Boulevard, Suite 510 Los Angeles, California 90048 TELEPHONE NO.: (323) 776-3100 FAX NO.: ATTORNEY FOR (Name): Plaintiff FLO & EDDIE, INC. SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES STREET ADDRESS: 111 North Hill Street MAILING ADDRESS: CITY AND ZIP CODE: Los Angeles, 90012 BRANCH NAME: Stanley Mosk Courthouse CASE NAME: FLO & EDDIE, INC. v. SIRIUS XM RADIO, INC. et al.	FOR COURT USE ONLY FILED Los Angeles Superior Court AUG 01 2013 John A. Clarke, Executive Officer/Clerk By <u>Kathy Morales</u> , Deputy KATHY MORALES
CIVIL CASE COVER SHEET <input checked="" type="checkbox"/> Unlimited (Amount demanded exceeds \$25,000) <input type="checkbox"/> Limited (Amount demanded is \$25,000 or less) Complex Case Designation <input type="checkbox"/> Counter <input type="checkbox"/> Joinder Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)	CASE NUMBER: JUDGE: BC517032 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:

- | | | |
|---|--|---|
| Auto Tort
<input type="checkbox"/> Auto (22)
<input type="checkbox"/> Uninsured motorist (46)
Other PI/PDWD (Personal Injury/Property Damage/Wrongful Death) Tort
<input type="checkbox"/> Asbestos (04)
<input type="checkbox"/> Product liability (24)
<input type="checkbox"/> Medical malpractice (45)
<input type="checkbox"/> Other PI/PDWD (23)
Non-PI/PDWD (Other) Tort
<input checked="" type="checkbox"/> Business tort/unfair business practice (07)
<input type="checkbox"/> Civil rights (08)
<input type="checkbox"/> Defamation (13)
<input type="checkbox"/> Fraud (18)
<input type="checkbox"/> Intellectual property (19)
<input type="checkbox"/> Professional negligence (25)
<input type="checkbox"/> Other non-PI/PDWD tort (35)
Employment
<input type="checkbox"/> Wrongful termination (38)
<input type="checkbox"/> Other employment (15) | Contract
<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)
Real Property
<input type="checkbox"/> Eminent domain/inverse condemnation (14)
<input type="checkbox"/> Wrongful eviction (33)
<input type="checkbox"/> Other real property (26)
Unlawful Detainer
<input type="checkbox"/> Commercial (31)
<input type="checkbox"/> Residential (32)
<input type="checkbox"/> Drugs (38)
Judicial Review
<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) | Provisionally Complex Civil Litigation
(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)
Enforcement of Judgment
<input type="checkbox"/> Enforcement of judgment (20)
Miscellaneous Civil Complaint
<input type="checkbox"/> RICO (27)
<input type="checkbox"/> Other complaint (not specified above) (42)
Miscellaneous Civil Petition
<input type="checkbox"/> Partnership and corporate governance (21)
<input type="checkbox"/> Other petition (not specified above) (43) |
|---|--|---|

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 checked="" type="checkbox"/> Large number of separately represented parties
b. <input checked="" type="checkbox"/> Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve
c. <input checked="" type="checkbox"/> Substantial amount of documentary evidence | d. <input checked="" type="checkbox"/> Large number of witnesses
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
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):

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: August 1, 2013

MARYANN R. MARZANO

(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.

Page 1 of 2

CM-010

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

Auto Tort

Auto (22)—Personal Injury/Property Damage/Wrongful Death
Uninsured Motorist (46) *(if the case involves an uninsured motorist claim subject to arbitration, check this item instead of Auto)*

Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort

Asbestos (04)
Asbestos Property Damage
Asbestos Personal Injury/Wrongful Death
Product Liability (not asbestos or toxic/environmental) (24)
Medical Malpractice (45)
Medical Malpractice—Physicians & Surgeons
Other Professional Health Care Malpractice
Other PI/PD/WD (23)
Premises Liability (e.g., slip and fall)
Intentional Bodily Injury/PD/WD (e.g., assault, vandalism)
Intentional Infliction of Emotional Distress
Negligent Infliction of Emotional Distress
Other PI/PD/WD

Non-PI/PD/WD (Other) Tort

Business Tort/Unfair Business Practice (07)
Civil Rights (e.g., discrimination, false arrest) (not civil harassment) (08)
Defamation (e.g., slander, libel) (13)
Fraud (16)
Intellectual Property (19)
Professional Negligence (25)
Legal Malpractice
Other Professional Malpractice (not medical or legal)
Other Non-PI/PD/WD Tort (35)

Employment

Wrongful Termination (36) Other Employment (15)

Contract

Breach of Contract/Warranty (06)
Breach of Rental/Lease
Contract (not unlawful detainer or wrongful eviction)
Contract/Warranty Breach—Seller Plaintiff (not fraud or negligence)
Negligent Breach of Contract/Warranty
Other Breach of Contract/Warranty
Collections (e.g., money owed, open book accounts) (09)
Collection Case—Seller Plaintiff
Other Promissory Note/Collections Case
Insurance Coverage (not provisionally complex) (18)
Auto Subrogation
Other Coverage
Other Contract (37)
Contractual Fraud
Other Contract Dispute

Real Property

Eminent Domain/Inverse Condemnation (14)
Wrongful Eviction (33)
Other Real Property (e.g., quiet title) (26)
Writ of Possession of Real Property
Mortgage Foreclosure
Quiet Title
Other Real Property (not eminent domain, landlord/tenant, or foreclosure)

Unlawful Detainer

Commercial (31)
Residential (32)
Drugs (38) *(if the case involves illegal drugs, check this item; otherwise, report as Commercial or Residential)*

Judicial Review

Asset Forfeiture (05)
Petition Re: Arbitration Award (11)
Writ of Mandate (02)
Writ—Administrative Mandamus
Writ—Mandamus on Limited Court Case Matter
Writ—Other Limited Court Case Review
Other Judicial Review (39)
Review of Health Officer Order
Notice of Appeal—Labor Commissioner Appeals

Provisionally Complex Civil Litigation (Cal. Rules of Court Rules 3.400–3.403)

Antitrust/Trade Regulation (03)
Construction Defect (10)
Claims Involving Mass Tort (40)
Securities Litigation (28)
Environmental/Toxic Tort (30)
Insurance Coverage Claims (arising from provisionally complex case type listed above) (41)

Enforcement of Judgment

Enforcement of Judgment (20)
Abstract of Judgment (Out of County)
Confession of Judgment (non-domestic relations)
Sister State Judgment
Administrative Agency Award (not unpaid taxes)
Petition/Certification of Entry of Judgment on Unpaid Taxes
Other Enforcement of Judgment Case

Miscellaneous Civil Complaint

RICO (27)
Other Complaint (not specified above) (42)
Declaratory Relief Only
Injunctive Relief Only (non-harassment)
Mechanics Lien
Other Commercial Complaint Case (non-tort/non-complex)
Other Civil Complaint (non-tort/non-complex)

Miscellaneous Civil Petition

Partnership and Corporate Governance (21)
Other Petition (not specified above) (43)
Civil Harassment
Workplace Violence
Elder/Dependent Adult Abuse
Election Contest
Petition for Name Change
Petition for Relief From Late Claim
Other Civil Petition

SHORT TITLE:
FLO & EDDIE, INC. v. SIRIUS XM RADIO, INC., et al.

CASE NUMBER

BC517092

**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 15 ☐ 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.

	A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Auto Tort	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.
Other Personal Injury/Property Damage/Wrongful Death Tort	Asbestos (04)	<input type="checkbox"/> A6070 Asbestos Property Damage <input type="checkbox"/> A7221 Asbestos - Personal Injury/Wrongful Death	2. 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 <input type="checkbox"/> A7240 Other Professional Health Care Malpractice	1., 4. 1., 4.
	Other Personal Injury Property Damage Wrongful Death (23)	<input type="checkbox"/> A7250 Premises Liability (e.g., slip and fall) <input type="checkbox"/> A7230 Intentional Bodily Injury/Property Damage/Wrongful Death (e.g., assault, vandalism, etc.) <input type="checkbox"/> A7270 Intentional Infliction of Emotional Distress <input type="checkbox"/> A7220 Other Personal Injury/Property Damage/Wrongful Death	1., 4. 1., 4. 1., 3. 1., 4.

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CASE NUMBER

Non-Personal Injury/Property
Damage/ Wrongful Death Tort

Employment

Contract

Real Property

Unlawful Detainer

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 checked="" 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 type="checkbox"/> A6013 Fraud (no contract)	1., 2., 3.
Professional Negligence (25)	<input type="checkbox"/> A6017 Legal Malpractice <input type="checkbox"/> A6050 Other Professional Malpractice (not medical or legal)	1., 2., 3. 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 <input type="checkbox"/> A6109 Labor Commissioner Appeals	1., 2., 3. 10.
Breach of Contract/Warranty (06) (not insurance)	<input type="checkbox"/> A6004 Breach of Rental/Lease Contract (not unlawful detainer or wrongful eviction) <input type="checkbox"/> A6008 Contract/Warranty Breach -Seller Plaintiff (no fraud/negligence) <input type="checkbox"/> A6019 Negligent Breach of Contract/Warranty (no fraud) <input type="checkbox"/> A6028 Other Breach of Contract/Warranty (not fraud or negligence)	2., 5. 2., 5. 1., 2., 5. 1., 2., 5.
Collections (09)	<input type="checkbox"/> A6002 Collections Case-Seller Plaintiff <input type="checkbox"/> A6012 Other Promissory Note/Collections Case	2., 5., 6. 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 <input type="checkbox"/> A6031 Tortious Interference <input type="checkbox"/> A6027 Other Contract Dispute(not breach/insurance/fraud/negligence)	1., 2., 3., 5. 1., 2., 3., 5. 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 <input type="checkbox"/> A6032 Quiet Title <input type="checkbox"/> A6060 Other Real Property (not eminent domain, landlord/tenant, foreclosure)	2., 6. 2., 6. 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.



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	A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C 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., 6.
	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 <input type="checkbox"/> A6160 Abstract of Judgment <input type="checkbox"/> A6107 Confession of Judgment (non-domestic relations) <input type="checkbox"/> A6140 Administrative Agency Award (not unpaid taxes) <input type="checkbox"/> A6114 Petition/Certificate for Entry of Judgment on Unpaid Tax <input type="checkbox"/> A6112 Other Enforcement of Judgment Case	2., 9. 2., 6. 2., 9. 2., 8. 2., 8. 2., 8., 9.
	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 <input type="checkbox"/> A6040 Injunctive Relief Only (not domestic/harassment) <input type="checkbox"/> A6011 Other Commercial Complaint Case (non-tort/non-complex) <input type="checkbox"/> A6000 Other Civil Complaint (non-tort/non-complex)	1., 2., 8. 2., 8. 1., 2., 8. 1., 2., 8.
	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 <input type="checkbox"/> A6123 Workplace Harassment <input type="checkbox"/> A6124 Elder/Dependent Adult Abuse Case <input type="checkbox"/> A6190 Election Contest <input type="checkbox"/> A6110 Petition for Change of Name <input type="checkbox"/> A6170 Petition for Relief from Late Claim Law <input type="checkbox"/> A6100 Other Civil Petition	2., 3., 9. 2., 3., 9. 2., 3., 9. 2. 2., 7. 2., 3., 4., 8. 2., 9.



SHORT TITLE: FLO & EDDIE, INC. v. SIRIUS XM RADIO, INC., et al.	CASE NUMBER
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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.

REASON: Check the appropriate boxes for the numbers shown under Column C for the type of action that you have selected for this case. <input checked="" type="checkbox"/> 1. <input type="checkbox"/> 2. <input 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: Flo & Eddie, Inc. 1180 South Beverly Drive Suite 510	
CITY: Los Angeles	STATE: CA	ZIP CODE: 90035

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, subds. (b), (c) and (d)].

Dated: August 1, 2013


 (SIGNATURE OF ATTORNEY/FILING PARTY)
 MARYANN R. MARZANO

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.