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1 LAW OFFICES OF DAVID W. AFFELD, A.P.C.
David W. Affeld, Esq. SBN 123922

2 [Redacted]
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8 Attorneys for Plaintiff
9 Michael Davis Sapir

FILED
LOS ANGELES SUPERIOR COURT

DEC 18 2009

JOHN A. CLARKE, CLERK
BY DANIELA SMITH, DEPUTY

BC 428383

Dept 55
Mackelinn H. Mackelinn

10 SUPERIOR COURT OF THE STATE OF CALIFORNIA
11 FOR THE COUNTY OF LOS ANGELES

13 MICHAEL DAVIS SAPIR, an individual,
14 Plaintiff,

15 v.

16 TOM CRUISE, BERTRAM FIELDS,
17 GREENBERG GLUSKER CLAMAN FIELDS
18 & MACHTINGER LLP, a California limited
19 liability partnership, ANTHONY PELLICANO,
20 and Does 1 through 50,

21 Defendants.

CASE NO.

COMPLAINT FOR:

- 1. INVASION OF PRIVACY;
- 2. INTERCEPTION, DISCLOSURE AND/OR USE OF COMMUNICATIONS IN VIOLATION OF 18 U.S.C. §2511;
- 3. VIOLATIONS OF CALIFORNIA PENAL CODE §§ 632 & 637.2;
- 4. DISCLOSURE OF CONFIDENTIAL INFORMATION (Cal. Civ. Code § 1798.53);
- 5. INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS
- 6. INJUNCTIVE RELIEF

24 DEMAND FOR TRIAL BY JURY
[C.C.P § 592]

25 RECEIVED:
26 CHECK: 355.00
27 CASH:
28 CHANGE:
CARRY:

CIT/CASE: R0428383 LEA/NETI:
RECEIPT #: CCH090862002
DATE PAID: 12/21/09 08:51:44 AM
PAYMENT: \$355.00

1 Plaintiff MICHAEL DAVIS SAPIR, an individual, complains of Defendants, and alleges as
2 follows:

3 PARTIES

4 1. Plaintiff MICHAEL DAVIS SAPIR (aka Michael Davis) ("Davis" or "Plaintiff") is an
5 individual who, at all relevant times, has resided in the State of California, County of Los Angeles.

6 2. Plaintiff is informed and believes, and on that basis alleges, that Defendant TOM
7 CRUISE ("Cruise") is an individual who, at all relevant times, has resided in the State of California,
8 County of Los Angeles.

9 3. Plaintiff is informed and believes, and on that basis alleges, Defendant BERTRAM
10 FIELDS ("Fields") is an individual who, at all relevant times, has resided in the State of California,
11 County of Los Angeles.

12 4. Plaintiff is informed and believes, and on that basis alleges, that Defendant
13 GREENBERG GLUSKER CLAMAN FIELDS & MACHTINGER, LLP ("Greenberg") is a
14 California limited liability partnership with its principal place of business in the County of Los
15 Angeles.

16 5. Plaintiff is informed and believes, and on that basis alleges, that Defendant
17 ANTHONY PELLICANO ("Pellicano") is an individual who, at all relevant times, resided in the
18 State of California, County of Los Angeles, and is currently a resident of a federal correctional
19 institution in Arizona.

20 6. Plaintiff is ignorant of the true names and capacities of defendants sued herein as Does
21 1 to 50, inclusive, and therefore sues these defendants under these fictitious names. Plaintiff will
22 seek leave to amend this Complaint when it learns the names and capacities of these defendants.

23 7. Plaintiff is informed and believes and thereon alleges that at all times mentioned
24 herein, the defendants, and each of them, were authorized and empowered by the other defendants,
25 and each of them, to act, and they did so act, as the agent, principal, partner, joint venturer, employee,
26 co-conspirator and/or aider and abetter of the other defendants, and each of them, and all of the things
27 alleged to have been done by them, and each of them, were done in the capacity of and as agents,
28 principals, partners, joint venturers, employees, co-conspirators and/or aiders and abettors of such

1 other defendants.

2 **GENERAL FACTUAL ALLEGATIONS**

3 8. This case arises from the surreptitious and illegal wiretapping of Plaintiff's telephone
4 calls by the notorious private investigator, Anthony Pellicano ("Pellicano") for the benefit of
5 Defendants Cruise and Fields. Plaintiff's claims against Defendants arise from Defendants'
6 intentional and malicious scheme and course of conduct of intimidation, harassment, and invasion of
7 privacy, and/or their conspiracy to commit, or aiding and abetting, such illegal activities.

8 9. Plaintiff was the founder, owner and publisher of Bold Magazine, a Beverly Hills,
9 California advertising-based publication which was similar to LA Weekly.

10 10. Pellicano was a private investigator who was found guilty on May 15, 2008 by a
11 federal jury of 76 of 77 counts, including racketeering, wiretapping (9 counts), conspiracy to wiretap,
12 manufacture and possession of a wiretapping device, wire fraud (19 counts), unauthorized access of
13 national law enforcement database (18 counts), identity theft (13 counts), and computer fraud (13
14 counts). On December 15, 2008, Pellicano was sentenced to 15 years in prison and ordered, along
15 with his codefendants, to pay fines totaling \$2,000,000.

16 11. Fields is a prominent entertainment lawyer with the Greenberg firm. Plaintiff is
17 informed and believes, and on that basis alleges, that Fields has been Cruise's lawyer since at least
18 the late 1990's. Pellicano regularly worked on matters for the clients of Fields and Greenberg and
19 was paid substantial sums of money in connection therewith. Plaintiff is informed and believes, and
20 on that basis alleges, that Fields and Greenberg were fully aware at all relevant times that Pellicano
21 provided wire-tapping services to obtain information from their adversaries and litigation opponents,
22 and hired him for that express purpose with full knowledge of Pellicano's illegal methods. Indeed,
23 Fields was quoted as saying that Pellicano used "unorthodox methods."

24 12. Cruise is a movie star with a long-standing business relationship with Fields,
25 Greenberg and Pellicano. Plaintiff is informed and believes, and on that basis alleges, that Cruise has
26 a pattern and practice of hiring Pellicano, either directly or indirectly, for the express purpose of
27 conducting wiretaps. Plaintiff is informed and believes, and on that basis alleges, that in or about the
28 mid 1990's, Cruise visited Pellicano's office for the purpose of listening to wiretaps. Plaintiff is

1 informed and believes, and on that basis alleges, that in or about 2001, during the time Cruise was
2 about to divorce Nicole Kidman, Pellicano recorded conversations of Kidman and Cruise. Pellicano
3 discussed with at least one of his employees the substance of those recorded conversations.

4 13. In or about early 2001, Bold Magazine published a \$500,000 reward offer for
5 videotape evidence that Cruise was gay. Shortly after the publication of the reward offer, Bold
6 Magazine received an email with a video attachment in response to its reward offer. In or about
7 March 2001, upon receipt of the email response, Plaintiff issued a press release indicating that Bold
8 Magazine had received a response to its reward offer.

9 14. Sometime prior to June 4, 2001, Cruise retained Fields and Greenberg to prepare a
10 defamation lawsuit against Plaintiff.

11 15. On June 4, 2001, Cruise filed a lawsuit against Plaintiff for defamation, captioned *Tom*
12 *Cruise v. Michael Davis*, and bearing Case No. BC 251644 (the "Lawsuit"). The Lawsuit sought
13 \$100,000,000 in damages from Plaintiff.

14 16. The Lawsuit settled in early November 2001. Pursuant to the settlement, Plaintiff was
15 required to enter into a Stipulated Judgment wherein he stipulated at Paragraph 1. b. that "Plaintiff,
16 Tom Cruise, does not appear on the videotape to which said defendant referred to in his statements
17 alleged in the Complaint. Plaintiff is not, and has never been, homosexual and has never had a
18 homosexual affair." A true and correct copy of the Stipulated Judgment is attached hereto as Exhibit
19 "A."

20 17. Plaintiff is informed and believes, and on that basis alleges, that Pellicano wiretapped
21 Plaintiff in connection with, and during the course of, the Lawsuit, as evidenced by, among other
22 things:

23 (1) Pellicano's standard business practice was to wiretap the target of an
24 investigation. Plaintiff was the target of a Pellicano investigation. The FBI found a file entitled
25 "Michael Davis Matter" in Pellicano's office.

26 (2) Pellicano's standard business practice was to assign a password ending with
27 the word "omerta" to access (illegally recorded) conversations that had been encrypted and stored on
28 iMac computers in his office. The FBI found a computer file entitled "Bold" with a password "Bold"

1 cocksucker omerta" in Pellicano's office. That file was a reference to Plaintiff's publication Bold.

2 (3) Pellicano stated to a witness, in furtherance of the conspiracy, words to the
3 effect that "If you had to listen to him [Plaintiff] as much as I have you'll realize he's an asshole."

4 18. Plaintiff is informed and believes, and on that basis alleges, that DOES 1 through 10,
5 were law enforcement employees who conspired with or aided and abetted Pellicano in procuring
6 information on Plaintiff.

7 19. Plaintiff is informed and believes, and on that basis alleges, that DOES 11 through 20,
8 were telephone company employees who conspired with or aided and abetted Pellicano in installing
9 the wiretaps targeting Plaintiff.

10 20. Plaintiff is informed and believes, and on that basis alleges, that Pellicano wiretapped
11 conversations between Plaintiff and the lawyer representing Plaintiff in the Lawsuit, and thereby
12 obtained Plaintiff's confidential strategy and concerns in connection with the Lawsuit, including his
13 fear that Cruise had vastly greater resources with which to pursue the matter, and that despite the
14 strength of Plaintiff's case, the risk of financial ruination was too great. Defendants thus illegally
15 conspired to obtain this confidential information illegally in order to extort terms of settlement
16 amounting to capitulation by Plaintiff.

17 21. Plaintiff first suspected that he was a wiretapping victim within the last year when an
18 FBI agent advised him to hire a lawyer.

19 **FIRST CAUSE OF ACTION**

20 (For Invasion of Privacy (Intrusion) (Cal. Const. Art. I § 1)

21 **Against all Defendants)**

22 22. Plaintiff realleges and incorporates each and every allegation of paragraphs 1-21
23 above as though fully set forth herein.

24 23. As a result of the conduct of Defendants, Plaintiff's privacy rights guaranteed by
25 common law and the California constitution were intruded upon and violated when Defendants
26 intentionally directed the illegal and unauthorized wiretapping of Plaintiff's telephone lines.

27 24. Alternatively, Defendants' conduct aided and abetted Pellicano's intrusion of
28 plaintiff's constitutional right to privacy. Plaintiff is informed and believes, and on that basis

1 alleges, that Defendants knew of Pellicano's wiretapping, gave substantial assistance or
2 encouragement to Pellicano, and their conduct was a substantial factor in causing harm to Plaintiff.

3 25. Alternatively, Defendants are responsible for the acts of Pellicano under the doctrine
4 of Respondeat Superior.

5 26. The Defendants engaged in a conspiracy to wiretap Plaintiff with knowledge that their
6 conduct was illegal and violated Plaintiff's rights.

7 27. Plaintiff did not consent to such wiretapping or the invasion of his privacy.

8 28. As a direct and proximate result of Defendants' acts alleged above, Plaintiff suffered
9 damages, including emotional distress damages, in an amount to be proved at trial, but in excess of
10 Five Million Dollars.

11 29. Defendants' intrusion was highly offensive to a reasonable person because, among
12 other things, the intrusion resulted in the revelation of confidential and private communications,
13 including without limitation, attorney-client communications and other private conversations.

14 30. In addition, Defendants' conduct as described herein was done with a conscious
15 disregard of Plaintiff's rights, and was done with the intent to vex, annoy, and harass him.
16 Defendants' actions in conscious disregard for Plaintiff's well being constitute malice, oppression,
17 and/or fraud, pursuant to California Civil Code Section 3294. Plaintiff is therefore entitled to
18 punitive damages in an amount sufficient to punish or set an example of Defendants.

19 **SECOND CAUSE OF ACTION**

20 **(For Interception, Disclosure and/or Use of Communications**
21 **in Violation of 18 U.S.C. § 2511 Against All Defendants)**

22 31. Plaintiff realleges and incorporates each and every allegation of paragraphs 1-21 and
23 23-30 above as though fully set forth herein.

24 32. By the acts alleged herein, Defendants intentionally caused to be intercepted,
25 endeavored to cause to be intercepted, or procured another person to intercept or endeavor to
26 intercept Plaintiff's wire or electronic communications in violation of 18 U.S.C. § 2511(1)(a); and/or

27 33. Defendants intentionally used, endeavored to use, or procured another person to use or
28 endeavor to use an electronic, mechanical, or other device to intercept an oral communication when

1 (1) such device was affixed to, or otherwise transmitted a signal through, a wire, cable, or other like
2 connection used in wire communications; or (2) such use or endeavor to use (a) took place on the
3 premises of a business or commercial establishment the operations of which affect interstate or
4 foreign commerce; or (b) obtained or was for the purpose of obtaining information relating to the
5 operations of a business or other commercial establishment the operations of which affect interstate
6 or foreign commerce in violation of 18 U.S.C. § 2511(1)(b), 2511(1)(b)(i), and 2511(1)(b)(iv); and/or

7 34. Plaintiff is informed and believes, and on that basis alleges, that Defendants
8 intentionally disclosed, or endeavored to disclose, to another person the contents of Plaintiff's wire or
9 electronic communications, knowing or having reason to know that the information was obtained
10 through the interception of wire or electronic communications in violation of 18 U.S.C. § 2511(1)(c);
11 and/or

12 35. Plaintiff is informed and believes, and on that basis alleges, that Defendants
13 intentionally used, or endeavored to use, the contents of Plaintiff's wire or electronic
14 communications, while knowing or having reason to know that the information was obtained through
15 the interception of wire or electronic communications in violation of 18 U.S.C. § 2511(1)(d); and/or

16 36. Defendants did not notify Plaintiff of the above-described intentional pursuit,
17 interception, divulgence and/or use of his wire or electronic communications, nor did Plaintiff
18 consent to such.

19 37. Alternatively, Defendants' conduct aided and abetted Pellicano's violation of 18
20 U.S.C. § 2511. Defendants knew of Pellicano's wiretapping, gave substantial assistance or
21 encouragement to Pellicano, and was a substantial factor in causing harm to Plaintiff.

22 38. Alternatively, Defendants are responsible for the acts of Pellicano under the doctrine
23 of Respondeat Superior.

24 39. The Defendants engaged in a conspiracy to wiretap Plaintiff with knowledge that their
25 conduct was illegal and violated Plaintiff's rights.

26 40. Plaintiff has been and is aggrieved by the aforesaid pursuit, interception, divulgence
27 and/or use of his wire or electronic communications.

28 41. Pursuant to 18 U.S.C. § 2520, which provides a civil action for any person whose wire

1 or electronic communications have been intentionally pursued, intercepted, divulged and/or used in
2 violation of 18 U.S.C. § 2511, Plaintiff seeks equitable and declaratory relief; statutory damages of
3 whichever is the greater of \$100 per day for each day of violation or \$10,000; and reasonable
4 attorneys' fees and other litigation costs reasonably incurred.

5 42. Defendants acted wantonly, recklessly and/or maliciously. Pursuant to 18 U.S.C. §
6 2520, Plaintiff is therefore entitled to punitive damages in an amount sufficient to punish or set an
7 example of the Defendants.

8 THIRD CAUSE OF ACTION

9 (For Violations of California Penal Code Sections 632 & 637.2

10 (Eavesdropping) Against all Defendants)

11 43. Plaintiff realleges and incorporates each and every allegation of paragraphs 1-21, 23-
12 30, and 32-42 above as though fully set forth herein.

13 44. Plaintiff is informed and believes, and on that basis alleges, that Defendants
14 intentionally wiretapped or caused to have wiretapped and made or caused to have made an
15 unauthorized and connection with Plaintiff's telephone lines, wire, cable and thereby listened,
16 recorded, eavesdropped and intruded without consent on Plaintiff's private internal telephone
17 conversations, including without limitation, attorney-client communications and other private
18 conversations, in violation of California Penal Code Sections 632 and 637.2.

19 45. Alternatively, Defendants' conduct aided and abetted Pellicano's violations of Penal
20 Code §632 and 637.2. Defendants knew of Pellicano's illegal wiretapping, gave substantial
21 assistance or encouragement to Pellicano, and was a substantial factor in causing harm to Plaintiff.

22 46. Alternatively, Defendants are responsible for the acts of Pellicano under the doctrine
23 of Respondeat Superior.

24 47. The Defendants engaged in a conspiracy to wiretap Plaintiff with knowledge that their
25 conduct was illegal and violated Plaintiff's rights.

26 48. As a direct result of Defendants' conduct, Plaintiff has sustained and will continue to
27 sustain general and special damages in an amount to be proved at trial, but not less than Five Million
28 Dollars.

1 49. Pursuant to California Penal Code Section 637.2, Plaintiff is entitled to damages in the
2 amount of \$5,000 or three times the amount of actual damages to be proved at trial, whichever is
3 greater, for each instance when his conversations were eavesdropped upon, recorded, or published.
4 Plaintiff is informed and believes, and on that basis alleges, that the Defendants intercepted and
5 illegally wiretapped at least 1,000 conversations.

6 **FOURTH CAUSE OF ACTION**

7 **(For Disclosure of Confidential Information (Cal. Civ. Code § 1798.53)**

8 **Against all Defendants)**

9 50. Plaintiff realleges and incorporates each and every allegation of paragraphs 1-21, 23
10 30, 32-42, and 44-49 above as though fully set forth herein.

11 51. In intentionally causing the disclosure of Plaintiff's confidential information,
12 Defendants caused disclosure of information that was not otherwise public. In intentionally receiving
13 Plaintiff's confidential information, Defendants received information that was not otherwise public.

14 52. Defendants knew or should have reasonably known that Plaintiff's confidential
15 information, including LAPD computer database and files, was personal information maintained by a
16 state agency or from "records" within a "system of records" (as these terms are defined in the Federal
17 Privacy Act of 1974 (P.L. 93-579; 5 U.S.C. § 552a)) maintained by a federal government agency.

18 53. Alternatively, Defendants' conduct aided and abetted Pellicano's violation of
19 California Civil Code §1798.53. Defendants knew of Pellicano's wrongful conduct, gave substantial
20 assistance or encouragement to Pellicano, and was a substantial factor in causing harm to Plaintiff.

21 54. Alternatively, Defendants are responsible for the acts of Pellicano under the doctrine
22 of Respondeat Superior.

23 55. The Defendants engaged in a conspiracy to wiretap Plaintiff with knowledge that their
24 conduct was illegal and violated Plaintiff's rights.

25 56. As a result of the disclosure and receipt of confidential information, Plaintiff was
26 damaged in amount to be proven at trial, but not less than Five Million Dollars.

27 57. Defendants acted in conscious disregard of the rights of Plaintiff. Defendants were
28 aware of the probable dangerous consequences of his conduct toward Plaintiff and willfully and

1 deliberately failed to avoid those consequences. Defendants' conduct toward Plaintiff was intended
2 to cause injury to Plaintiff and subjected Plaintiff to unjust hardship. Defendants' conduct was
3 carried out with a willful and conscious disregard of the rights of others. As a result, punitive
4 damages should be assessed against Defendants.

5 58. Pursuant to California Civil Code Section 1798.53, in addition to special and general
6 damages, Plaintiff shall be awarded a minimum of \$2,500 in exemplary (punitive) damages as well as
7 attorneys' fees and other litigation costs reasonably incurred in this suit.

8 FIFTH CAUSE OF ACTION

9 (For Intentional Infliction of Emotional Distress Against all Defendants)

10 59. Plaintiff realleges and incorporates each and every allegation of paragraphs 1-21, 23-
11 30, 32-42, 44-49, and 51-58 above as though fully set forth herein.

12 60. The course of conduct engaged in by Defendants, including the direct intimidation and
13 harassment and purposeful invasion of privacy and illegal wiretapping, constitutes extreme and
14 outrageous conduct and is unacceptable in a decent and law-abiding society.

15 61. The conduct of Defendants was intentionally designed to cause immediate harm and
16 injury to Plaintiff and instill fear and apprehension in Plaintiff.

17 62. Defendants knew or should have known that the conduct alleged herein would result
18 in Plaintiff's severe emotional distress, and said conduct was perpetrated by Defendants with the
19 intent to inflict, or with the reckless disregard for the probability of inflicting mental anguish and
20 severe emotional distress on Plaintiff.

21 63. Alternatively, Defendants' conduct aided and abetted Pellicano's intentional infliction
22 of emotional distress. Defendants knew of Pellicano's wrongful conduct, gave substantial assistance
23 or encouragement to Pellicano, and was a substantial factor in causing harm to Plaintiff.

24 64. Alternatively, Defendants are responsible for the acts of Pellicano under the doctrine
25 of Respondeat Superior.

26 65. The Defendants engaged in a conspiracy to wiretap Plaintiff with knowledge that their
27 conduct was illegal and violated Plaintiff's rights.

28 66. As a direct result of Defendants' conduct, Plaintiff became seriously emotionally

1 traumatized, anxious, mentally anguished, and suffered severe emotional distress, in an amount to be
2 proved at trial, but not less than Five Million Dollars.

3 67. Defendants' actions in conscious disregard for Plaintiff's well-being constitute malice,
4 oppression, and/or fraud, pursuant to California Civil Code Section 3294. Plaintiff is therefore
5 entitled to punitive damages in an amount sufficient to punish or set an example of Defendants.

6 **SIXTH CAUSE OF ACTION**

7 **(For Injunctive Relief Against all Defendants)**

8 68. Plaintiff realleges and incorporates each and every allegation of paragraphs 1-21, 23-
9 30, 32-42, 44-49, 51-58, and 60-67 above as though fully set forth herein.

10 69. The Stipulated Judgment in the Lawsuit provides at Paragraph 2. a. "That defendant,
11 Michael Davis, and his agents, employees and representatives, including but not limited to, Bold
12 Magazine, are permanently enjoined from issuing, or authorizing the issuance of, any statement
13 contrary to any of the foregoing findings."

14 70. Plaintiff is informed and believes, and on that basis alleges, that the Stipulated
15 Judgment in the Lawsuit was unlawfully procured through the use of illegal wiretapping.

16 71. Furthermore, Paragraph 2. a. of the Stipulated Judgment constitutes an unlawful prior
17 restraint.

18 72. Plaintiff seeks injunctive relief in the form of an order modifying the Stipulated
19 Judgment.

20 **PRAYER**

21 Wherefore, Plaintiff prays for an order or judgment against Defendants as follows:

22 1. On the First and Third through Fifth Causes of Action, general and special damages
23 according to proof, but not less than Five Million Dollars;

24 2. On the Second Cause of Action, the greater of \$100 per day for each day of violation
25 or \$10,000, according to proof;

26 3. Treble damages, according to applicable statutes;

27 4. Punitive damages as to the First, Second, Fourth, and Fifth Causes of Action;

28 5. Statutory damages, according to applicable statutes;

- 1 6. Equitable and declaratory relief as to the Second Cause of Action;
- 2 7. Injunctive relief as the Sixth Cause of Action;
- 3 8. Award of Plaintiff's attorneys' fees and other costs of suit to the extent permitted by
- 4 law, including without limitation pursuant to 18 U.S.C. § 2520(b)(3), 18 U.S.C. § 2707(b)(3), Cal.
- 5 Civil Code Section 1798.53, and Cal. Code Civ. Proc. § 1021.5; and
- 6 9. As to all causes of action, such other and further relief as the Court may deem just and
- 7 proper.

8
9 DATED: December 18, 2009

LAW OFFICES OF DAVID W. AFFELD, A.P.C.
And IVES, KIRWAN & DIBBLE, A.P.C.

10
11
12 By:

David W. Affeld

DAVID W. AFFELD
Attorneys for Plaintiff

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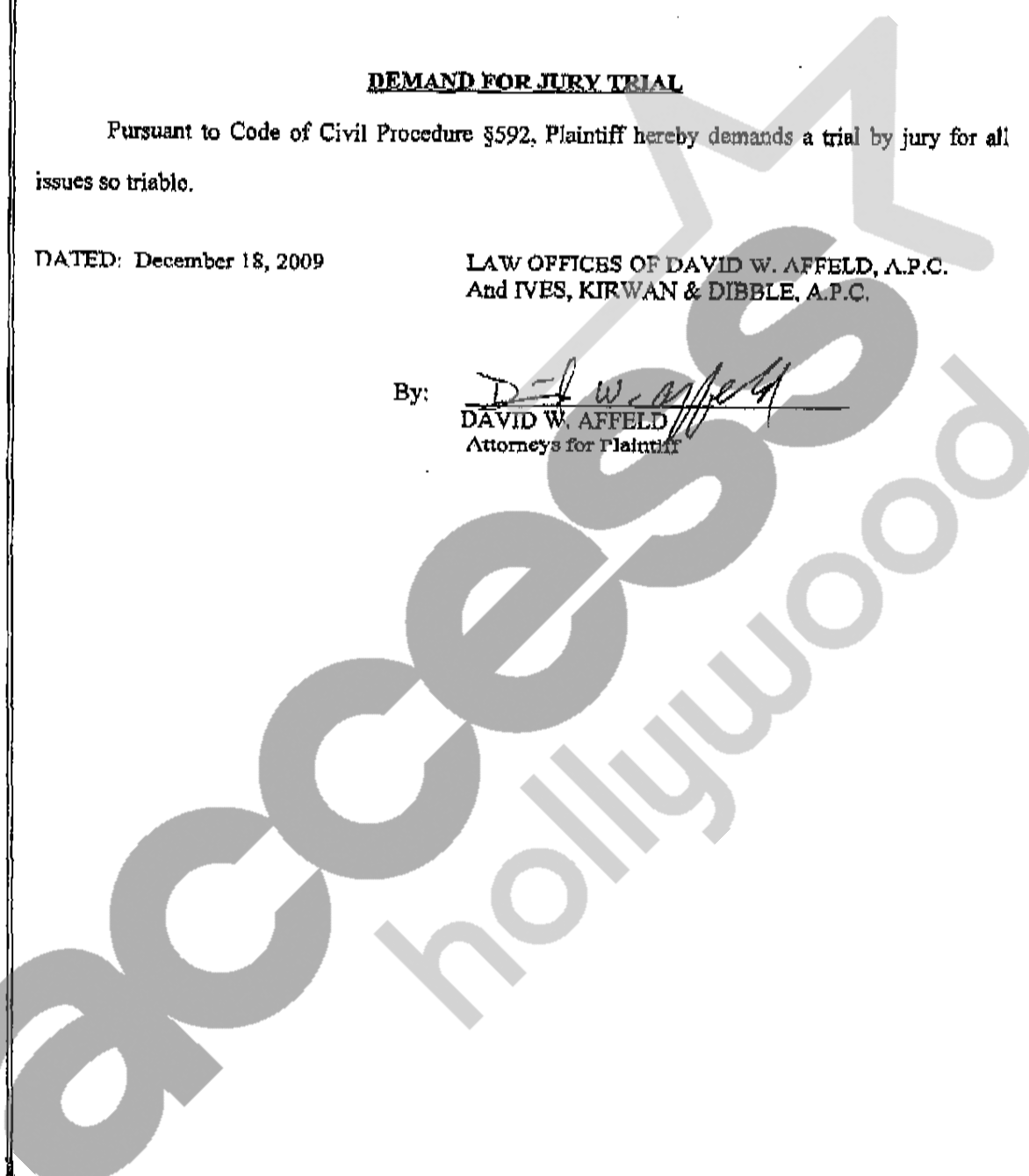
DEMAND FOR JURY TRIAL

Pursuant to Code of Civil Procedure §592, Plaintiff hereby demands a trial by jury for all issues so triable.

DATED: December 18, 2009

LAW OFFICES OF DAVID W. AFFELD, A.P.C.
And IVES, KIRWAN & DIBBLE, A.P.C.

By: *David W. Affeld*
DAVID W. AFFELD
Attorneys for Plaintiff



ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): David W. Affeld, Esq., SBN 123922 LAW OFFICES OF DAVID A. AFFELD A.P.C. [Redacted]		FOR COURT USE ONLY FILED LOS ANGELES SUPERIOR COURT DEC 18 2009 JOHN A. CLARKE, CLERK BY BARBARA SMITH, DEPUTY BC 428383
ATTORNEY FOR (Name): Michael David Sapir SUPERIOR COURT OF CALIFORNIA, COUNTY OF Los Angeles STREET ADDRESS: 111 N. Hill Street MAILING ADDRESS: 111 N. Hill Street CITY AND ZIP CODE: Los Angeles, CA 90012 BRANCH NAME: Stanley Mosk Courthouse		
CASE NAME: SAPIR v. CRUISE		
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 1811)
		CASE NUMBER: BC 428383 JUDGE: _____ DEPT: _____

Items 1-5 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 PUPD/WD (Personal Injury/Property Damage/Wrongful Death) Tort <input type="checkbox"/> Asbestos (04) <input type="checkbox"/> Product liability (24) <input type="checkbox"/> Medical malpractice (46) <input type="checkbox"/> Other PUPD/WD (23) Non-PUPD/WD (Other) Tort <input type="checkbox"/> Business tort/unfair business practice (07) <input type="checkbox"/> Civil rights (08) <input type="checkbox"/> Defamation (13) <input type="checkbox"/> Fraud (10) <input type="checkbox"/> Intellectual property (19) <input type="checkbox"/> Professional negligence (26) <input checked="" type="checkbox"/> Other non-PUPD/WD tort (35) Employment <input type="checkbox"/> Wrongful termination (36) <input type="checkbox"/> Other employment (15)	Contract <input type="checkbox"/> Breach of contract/warranty (06) <input type="checkbox"/> 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 (28) 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 1800-1812) <input type="checkbox"/> Antitrust/Trade regulation (03) <input type="checkbox"/> Construction defect (10) <input type="checkbox"/> Mass tort (40) <input type="checkbox"/> Securities litigation (26) <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 (31) <input type="checkbox"/> Other petition (not specified above) (43)
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2. This case is is not complex under rule 1800 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 checked="" 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. Type of 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: 12/18/09

David W. Affeld
 (TYPE OR PRINT NAME)

[Signature]
 (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 201.6.) 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 1800 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 complex case, this cover sheet will be used for statistical purposes only.

Page 1 of 2

SHORT TITLE: SAPIR v. CRUISE	CASE NUMBER BC428383
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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 LASC 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 1.0 HOURS DAYS.

Item II. Select 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 Los Angeles Superior Court Local Rule 2.0.

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

- | | |
|---|--|
| 1. Class Actions must be filed in the County Courthouse, Central District. | 8. Location of property or permanently garaged vehicle. |
| 2. May be filed in Central (Other county, or no Bodily Injury/Property Damage). | 7. Location where plaintiff resides. |
| 3. Location where cause of action arose. | 6. Location where defendant/respondent functions wholly. |
| 4. Location where bodily injury, death or damage occurred. | 5. 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	3. 2.
	Product Liability (24)	<input type="checkbox"/> A7260 Product Liability (not asbestos or toxic/environmental)	1., 2., 3., 4., 8.
	Medical Malpractice (40)	<input type="checkbox"/> A7210 Medical Malpractice - Physicians & Surgeons <input type="checkbox"/> A7240 Other Professional Health Care Malpractice	1., 2., 4. 1., 2., 4.
	Other Personal Injury Property Damage Wrongful Death (23)	<input type="checkbox"/> A7260 Premises Liability (e.g., slip and fall) <input type="checkbox"/> A7230 Intentional Bodily Injury/Property Damage/Wrongful Death (e.g., assault, vandalism, etc.) <input checked="" type="checkbox"/> A7270 Intentional Infliction of Emotional Distress <input type="checkbox"/> A7220 Other Personal Injury/Property Damage/Wrongful Death	1., 2., 4. 1., 2., 4. 1., 2., 3. 1., 2., 4.
	Business Tort (07)	<input type="checkbox"/> A6020 Other Commercial/Business Tort (not fraud/breach of contract)	1., 2., 3.
Non-Personal Injury/Property Damage/Wrongful Death Tort	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 (10)	<input type="checkbox"/> A6013 Fraud (no contract)	1., 2., 3.
	Intellectual Property (10)	<input type="checkbox"/> A6016 Intellectual Property	2., 3.