

4. (Continued)

- b. The true names of defendant(s) sued as Does are unknown to plaintiff.
- (1) Doe defendant(s) (specify Doe numbers): _____ were the agents or employees of the named defendant(s) and acted within the scope of that agency or employment.
- (2) Doe defendant(s) (specify Doe numbers): _____ are persons whose capacities are unknown to plaintiff.
- c. Information about additional defendants who are not natural persons is contained in Attachment 4c.
- d. Defendant(s) who are joined under Code of Civil Procedure section 382 are (names): _____

5. Plaintiff is required to comply with a claim's statute, and

- a. has complied with applicable claims statutes, or
- b. is excused from complying because (specify): _____

6. This action is subject to Civil Code section 1812.13 Civil Code section 2984.4.

7. This court is the proper court because

- a. a defendant(s) entered into the contract here.
- b. a defendant(s) lived here when the contract was entered into.
- c. a defendant(s) lives here now.
- d. the contract was to be performed here.
- e. a defendant(s) is a corporation or unincorporated association and its principal place of business is here.
- f. real property that is the subject of this action is located here.
- g. other (specify): _____

8. The following causes of action are attached and the statements above apply to each (each complaint must have one or more causes of action attached):

- Breach of Contract
- Common Counts
- Other (specify): _____

9. Other allegations: Before commencement of this action, in those cases where recovery of costs is dependent on such notices, Plaintiff informed the defendant(s) in writing it intended to file this action and that this action could result in a judgment against defendant(s) that would include cost costs and necessary disbursements allowed by CCP Section 1033(b)(2).

10. Plaintiff prays for judgment; for costs of suit; for such relief as is fair, just, and equitable; and for

- a. damages of: \$1,841.34
- b. interest on the damages
- (1) according to proof
- (2) at the rate of (specify): _____ percent per year from (date): _____
- c. attorney's fees
- (1) of:
- (2) according to proof.
- d. other (specify): FOR SUCH OTHER RELIEF AS THE COURT DEEMS JUST AND FAIR

11. The paragraphs of this pleading alleged on information and belief are as follows (specify paragraph numbers): _____

Date 08

ESQ
 (TYPE OR PRINT NAME)

(SIGNATURE OF PLAINTIFF OR ATTORNEY)

(If you wish to verify this pleading, affix a verification.)

8 of

BRIEF TITLE:

MIDLAND CREDIT MANAGEMENT, LLC vs.

CASE NUMBER:

01

FIRST _____
(number)

CAUSE OF ACTION—Common Counts

Page 3

ATTACHMENT TO Complaint Cross-Complaint

(Use a separate cause of action form for each cause of action.)

CC-1. Plaintiff (name): MIDLAND CREDIT MANAGEMENT, LLC

against Defendant(s) (name): _____,

became indebted to plaintiff other (name): Plaintiff's Assignor, CITIBANK (SOUTH DAKOTA) N.A.,

a. within the last four years

- (1) on an open book account for money due.
- (2) because an account was stated in writing by and between plaintiff and defendant in which it was agreed that defendant was indebted to plaintiff.

b. within the last two years four years

- (1) for money had and received by defendant for the use and benefit of plaintiff.
- (2) for work, labor, services and materials rendered at the special instance and request of defendant and for which defendant promised to pay plaintiff.
 - the sum of \$ _____
 - the reasonable value.
- (3) for goods, wares, and merchandise sold and delivered to defendant and for which defendant promised to pay plaintiff.
 - the sum of \$ _____
 - the reasonable value.
- (4) for money lent by plaintiff to defendant at defendant's request.
- (5) for money paid, paid out, and expended to or for defendant at defendant's special instance and request.
- (6) other (specify): THIS CAUSE OF ACTION IS BASED UPON ACCOUNT NUMBER 5424180608647573 FOR THE SUM BY WHICH DEFENDANT HAS BEEN UNJUSTLY ENRICHED BY VIRTUE OF DEFENDANT RECEIVING MONETARY OR OTHER BENEFIT, BY DEFENDANT KNOWINGLY REQUESTING THE FUNDS AT ISSUE AND/OR ACCEPTING THE BENEFITS BESTOWED. IT IS INEQUITABLE FOR DEFENDANT TO RETAIN SAID BENEFITS WITHOUT REPAYING PLAINTIFF THE VALUE THEREOF.

CC-2. \$1,941.34, which is the reasonable value, is due and unpaid despite plaintiff's demand, plus prejudgment interest according to proof at the rate of _____ percent per year from (date): _____

CC-3. Plaintiff is entitled to attorney fees by an agreement or a statute of \$ _____ according to proof.

CC-4. Other: FOR SUCH OTHER AND FURTHER RELIEF AS THE COURT DEEMS JUST AND FAIR.