

COMPLAINT—Contract

4. (Continued)
- b. The true names and capacities of defendants sued as Does are unknown to plaintiff.
- c. Information about additional defendants who are not natural persons is contained in Complaint—Attachment Aa.
- d. Defendants who are joined pursuant to Code of Civil Procedure section 382 are (names):
5. Plaintiff is required to comply with a claims statute, and
- a. plaintiff has complied with applicable claims statutes, or
- b. plaintiff is excused from complying because (specify):
6. a. is is not on a contract or installment sale for goods or services subject to Civ. Codes, § 1801 et seq. (Unruh Act).
- b. is is not on a conditional sales contract subject to Civ. Code, § 2981 et seq. (Reos-Levong Motor Vehicle Sales and Finance Act).
- c. is is not on an obligation for goods, services, loans or extensions of credit subject to Code Civ. Proc., § 395(b).
7. This court is the proper court because
- a. a defendant entered into the contract here.
- b. a defendant lived here when the contract was entered into.
- c. a defendant lives here now.
- d. the contract was to be performed here.
- e. a defendant 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): CCP 305 (B)
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:
10. **PLAINTIFF PRAYS** for judgment for costs of suit; for such relief as is fair, just and equitable; and for
- a. damages of \$3,075.76
- b. interest on the damages
- (1) according to proof
- (2) at the rate of _____ percent per year from (date):
- c. attorney's fees
- (1) of: \$
- (2) according to proof.
- d. other (specify): Such other relief as the court deems proper
11. The following paragraphs of this pleading are alleged on information and belief (specify paragraph numbers): 1, 4, 7

Date: 2008

Eric L. Brachteld, Esq.

(TYPE OR PRINT NAME)

†

(SIGNATURE OF PLAINTIFF OR ATTORNEY)

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

FIRST

(number)

CAUSE OF ACTION—Common Counts

Page THREE

ATTACHMENT TO Complaint Cross-Complaint

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

CC-1. Plaintiff (name): Palisades Collection LLC

alleges that defendant (name),

became indebted to plaintiff other (name):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.(7) for money paid, laid out, and expended to or for defendant at defendant's special instance and request.(8) other (specify):

By the terms of the said agreement(s), Plaintiff or Plaintiff's assignor, provided defendant(s), and each of them, with services rendered and/or goods, wares, and merchandise and/or extension of credit at defendant's special instance and request and in consideration thereof defendant(s) promised to provide payment in the sum of \$3,075.76 and interest thereon which defendant(s) and each of them failed to provide.

CC-2. \$ _____, 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: \$3,075.76 which is fixed and agreed amount, is due and unpaid despite plaintiff's demand, plus prejudgment interest according to proof.

SECOND

(number)

CAUSE OF ACTION—Breach of Contract

Page FOUR

ATTACHMENT TO Complaint Cross-Complaint

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

BC-1. Plaintiff (name) Palisades Collection LLC

alleges that on or about (date): Within the last four years

a written oral other (specify):
agreement was made between (name parties to agreement):Palisades Collection LLC
AND A copy of the agreement is attached as Exhibit A, or The essential terms of the agreement are stated in Attachment BC-1 are as follows (specify):

Plaintiff, or Plaintiff's assignor, and defendants, and each of them, entered into a written agreement. By the terms of the said agreement(s), plaintiff provided defendants, and each of them, with [services rendered] and/or [goods, wares, and merchandise] and/or [extension of credit] and/or [monies paid laid out or expended] at defendant(s) request.

BC-2. On or about (date): April 11, 2004 defendant breached the agreement by
 the acts specified in Attachment BC-2 the following acts (specify):

By the terms of the said agreement(s), Plaintiff, or Plaintiff's assignor, provided defendants, and each of them, with [services rendered] and/or [goods, wares, and merchandise] and/or [extension of credit] and/or [monies paid laid out or expended] and in consideration thereof defendants promised to provide payment in the sum of \$3,075.76 and interest thereon which defendants and each of them failed to provide.

BC-3. Plaintiff has performed all obligations to defendant except those obligations plaintiff was prevented or excused from performing.

BC-4. Plaintiff suffered damages (only if proximately) caused by defendant's breach of the agreement

as stated in Attachment BC-4 as follows (specify):

Defendants, and each of them, caused damages by failing to provide payment due in the sum of \$3,075.76 pursuant to the terms of said agreement(s). There is now due, owing and unpaid by reason thereof the principal sum of \$3,075.76 plus interest according to proof.

BC-5. Plaintiff is entitled to attorney fees by an agreement or a statute
 of \$
 according to proof.

BC-6. Other: