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5 Attorney for Plaintiff

CONFIRMED COPY  
OF ORIGINAL FILED  
Los Angeles Superior Court

.008

John A. Clarke, Executive Officer/Clerk

By \_\_\_\_\_

6 SUPERIOR COURT DISTRICT, LIMITED JURISDICTION  
7  
8 COUNTY OF LOS ANGELES, STATE OF CALIFORNIA  
9

10  
11 ATLANTIC CREDIT & FINANCE INC )

CASE NO. 08C

12 Plaintiff,

COMPLAINT ON  
COMMON COUNTS

13 vs.

14  
15 DOES 1 TO 10,

Principal due:  
\$2,644.28

16 Defendants.  
17

18 UNLESS YOU, WITHIN THIRTY (30) DAYS AFTER RECEIPT OF THIS NOTICE, DISPUTE  
19 THE VALIDITY OF THE DEBT, OR ANY PORTION THEREOF, THE DEBT WILL BE  
20 ASSUMED TO BE VALID. IF YOU NOTIFY THIS OFFICE IN WRITING WITHIN SAID  
21 THIRTY (30) DAY PERIOD THAT THE DEBT, OR ANY PORTION THEREOF, IS DISPUTED,  
22 WE WILL OBTAIN VERIFICATION OF THE DEBT OR A COPY OF A JUDGMENT AGAINST  
23 YOU AND A COPY OF SUCH VERIFICATION OR JUDGMENT WILL BE MAILED TO YOU  
24 BY THIS OFFICE. UPON REQUEST, WE WILL PROVIDE YOU WITH THE NAME AND  
25 ADDRESS OF THE ORIGINAL CREDITOR IF DIFFERENT FROM THE CURRENT  
26 CREDITOR. WE ARE ACTING AS A "DEBT COLLECTOR" AND ARE ATTEMPTING TO  
27 COLLECT A DEBT. ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE.  
28 The state Rosenthal Fair Debt Collection Practices Act and the federal Fair Debt Collection Practices Act  
require that, except under unusual circumstances, collectors may not contact you before 8 a.m. or after 9 p.m.  
They may not harass you by using threats of violence or arrest or by using obscene language. Collectors may  
not use false or misleading statements or call you at work if they know or have reason to know that you may  
not receive personal calls at work. For the most part, collectors may not tell another person, other than your  
attorney or spouse, about your debt. Collectors may contact another person to confirm your location or enforce  
a judgment. For more information about debt collection activities, you may contact the Federal Trade  
Commission at 1-877-FTC-HELP or www.ftc.gov.

COMPLAINT

1                    PLAINTIFF COMPLAINS AND ALLEGES AS A FIRST CAUSE OF ACTION  
2                    AGAINST ALL DEFENDANTS FOR MONEY LENT

3            1.     The true names and capacities, whether individual, corporate, associate, partnership, or  
4 otherwise of Defendants DOES 1 to 10, inclusive, are unknown to Plaintiff who hereby sues said Defendants  
5 by such fictitious names. Plaintiff believes that each of the Defendants designated herein as a fictitiously named  
6 Defendant is, in some manner responsible, either contractually or tortiously, and caused the damage to the  
7 Plaintiff as alleged herein. Plaintiff will seek leave of the Court to allege the true names and capacities when  
8 the same have been ascertained.

9            2.     At all times mentioned herein, Plaintiff was and is a corporation.

10          3.     Defendants are individuals who currently reside within the jurisdictional boundaries of the  
11 above-entitled Court. Therefore, this Court is the proper Court for the trial of this action.

12          4.     Plaintiff believes that at all times mentioned herein, each of the defendants was, and is, the  
13 agent, servant and employee of each of the other Defendants, and also acted in the capacity of and as agent  
14 of the other Defendants; Plaintiff also believes that the individual Defendants, and each of them, are jointly  
15 and severally liable that the actions described herein were taken as actions for the benefit of the Defendants'  
16 separate and/or community property.

17          5.     Plaintiff believes that each defendant is the alter ego of each of the other defendants to such  
18 an extent that to maintain the fiction of the separation of identity and capacity of defendants would sanction  
19 a fraud upon creditors.

20          6.     Within four years last past, Defendants, and each of them, became indebted in the sum of  
21 \$2,644.28 for money lent to Defendants at their special instance and request. Although demand has been  
22 made upon Defendants, no part of said sum has been paid, and it is now due, owing and unpaid from  
23 Defendants to Plaintiff with interest thereon from and after 12/31/07 at 10% per year.

24                    PLAINTIFF COMPLAINS AND ALLEGES AS A SECOND CAUSE OF ACTION  
25                    AGAINST ALL DEFENDANTS FOR MONEY HAD AND RECEIVED

26          7.     Plaintiff incorporates Paragraphs 1 through 5 herein.  
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1           8.     Within four years last past, Defendants, and each of them, became indebted in the sum of  
2     \$2,644.28 for money had and received by Defendants. Although demand has been made upon Defendants,  
3     no part of said sum has been paid, and it is now due, owing and unpaid from Defendants to Plaintiff with  
4     interest thereon from and after 12/31/07 at 10% per year.

5                     PLAINTIFF COMPLAINS AND ALLEGES AS A THIRD CAUSE OF ACTION  
6                     AGAINST ALL DEFENDANTS FOR BREACH OF CONTRACT

7           9.     Plaintiff incorporates Paragraphs 1 through 5 herein.

8           10.    For value received, Defendants, and each of them, executed and delivered a written credit  
9     application to Plaintiff's assignor. Pursuant to the terms of the application and the written terms and conditions  
10    sent along with the credit card(s), Plaintiff's assignor provided Defendants with credit card(s), and granted  
11    charge privileges on the credit card account ("account"), and Defendants agreed to pay any balance due  
12    pursuant to said terms on the account.

13          11.    Within the last four years, Defendants failed to make payments as agreed on the account.  
14    Defendants have failed, refused and neglected to pay amounts due per the terms of the account, and owe the  
15    sum of \$2,644.28 with interest thereon from and after 12/31/07 at 10% per year.

16          12.    Plaintiff's assignor was, and is, duly authorized to do business in the State of California. Prior  
17    to the commencement of this action, the within claim was assigned for value by Plaintiff's assignor to the  
18    Plaintiff, Plaintiff is its current holder.

19          13.    Plaintiff and its assignor have duly performed all promises, conditions, and agreements on  
20    their part to be performed.

21          14.    Although demand has been made upon Defendants to pay said sum, no part has been paid,  
22    and it is now due, owing, and unpaid together with interest thereon from and after 12/31/07 at 10% per year.

23                     PLAINTIFF COMPLAINS AND ALLEGES AS A FOURTH CAUSE OF ACTION  
24                     AGAINST ALL DEFENDANTS FOR ACCOUNT STATED

25          15.    Plaintiff incorporates Paragraphs 1 through 5 herein.

26          16.    Within four years last past, an account was stated in which it was agreed that Defendants were  
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1 indebted in the sum of \$2,644.28.

2 17. Although demand has been made upon Defendants, no part of said sum has been paid and  
3 it is now due, owing and unpaid from Defendants to Plaintiff with interest thereon from and after 12/31/07  
4 at 10% per year.

5 PLAINIFF COMPLAINS AND ALLEGES AS A FIFTH CAUSE OF ACTION  
6 AGAINST ALL DEFENDANTS FOR OPEN BOOK ACCOUNT

7 18. Plaintiff incorporates Paragraphs 1 through 5 herein.

8 19. Within four years last past, Defendants became indebted to on an open book account in the  
9 sum of \$2,644.28. Although demand has been made upon Defendants, no part of said sum has been paid  
10 and it is now due, owing and unpaid from Defendants to Plaintiff with interest thereon from and after  
11 at 10% per year.

12 WHEREFORE, Plaintiff prays for judgment against Defendants, and each of them, as follows:

- 13 1. For the sum of \$2,644.28;
- 14 2. For interest on the sum of \$2,644.28 from and after 12/31/07 at 10% per year;
- 15 3. For costs of suit incurred; and
- 16 4. For such other and further relief as the Court deems just and proper.

17 Plaintiff remits all sums in excess of the jurisdiction of this Court.

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19 GEORGE L. COHN  
20 Attorney for Plaintiff  
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I, GEORGE L. COHN, declare:

1. I am the attorney of record for plaintiff and am a member of the California bar. If called as a witness, I would and could testify to all of the facts set forth herein.

2. This action is being commenced in the proper venue in accordance with Code of Civil Procedure §395.

I declare under penalty of perjury that the foregoing is true and correct and executed on 1, 2008 under the laws of the State of California.

GEORGE L. COHN