

Superior Court of California, County of Sacramento

COURT COPY

Small Claims Division

301 Bicentennial Circle, Room 300
Sacramento, CA 95826-2701

Phone: (916) 875-7514

Case No.: 04SC09518

NOTICE TO DEFENDANT
YOU ARE BEING SUED BY PLAINTIFF

To protect your rights, you must appear in this court on the trial date shown in the table below. You may lose the case if you do not appear. The court may award the plaintiff the amount of the claim and the costs. Your wages, money, and property may be taken without further warning from the court.

AVISO AL DEMANDADO
A USTED LO ESTAN DEMANDANDO

Para proteger sus derechos, usted debe presentarse ante esta corte en la fecha del juicio indicada en el cuadro que aparece a continuación. Si no se presenta, puede perder el caso. La corte puede decidir en favor del demandante por la cantidad del reclamo y los costos. A usted le pueden quitar su salario, su dinero, y otras cosas de su propiedad, sin aviso adicional por parte de esta corte.

PLAINTIFF/DEMANDANTE (Name, street address, mailing address, and phone number):

AHERN RENTALS INC
C/O - PORTER & CABLE LLP
7801 FOLSOM BOULEVARD SUITE 350
SACRAMENTO, CA 95826
Phone: (916) 381-7868

DEFENDANT/DEMANDADO (Name, street address, mailing address, and phone number):

BIXBY, MARK J
Individually and Doing Business As
MJB/BIXBY CONSTRUCTION
5852 88TH STREET #800
SACRAMENTO, CA 95828
Phone: (916) 386-4017

Fic. Bus. Name Stmt. No.:

Expires:

See attached sheet for additional plaintiffs and defendants.

PLAINTIFF'S CLAIM

- 1. a. Defendant owes me the sum of \$4,144.54, not including court costs, because: Plaintiff and Defendant entered into a written contract in Sacramento for rental equipment. Defendant breached the contract by failing to pay for the invoices.
b. I have had an arbitration of an attorney-client fee dispute.
2. This claim is against a government agency, and I filed a claim with the agency. My claim was denied by the agency, or the agency did not act on my claim before the legal deadline.
3. I have asked defendant to pay this money, but it has not been paid.
4. This court is the proper court for the trial because [A]
5. I have not filed more than one other small claims action anywhere in California during this calendar year in which the amount demanded is more than \$2,500.00.
6. I have not filed more than 12 small claims, including this claim, during the previous 12 months.
7. I understand that
a. I may talk to an attorney about this claim, but I cannot be represented by an attorney at the trial in the small claims court.
b. I must appear at the time and place of trial and bring all witnesses, books, receipts, and other papers or things to prove my case.
c. I have no right of appeal on my claim, but I may appeal a claim filed by the defendant in this case.
d. If I cannot afford to pay the fees for filing or service by a sheriff or marshal I may ask that the fees be waived.
8. I have received and read the information sheet (form SC-150) explaining some important rights of plaintiffs in the small claims court.
9. No defendant is in the military service.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: 12/30/2004

ORIGINAL SIGNATURE ON FILE

(TYPE OR PRINT NAME)

(SIGNATURE OF PLAINTIFF)

ORDER TO DEFENDANT

You must appear in this court on the trial date and at the time SHOWN IN THE BOX BELOW if you do not agree with the plaintiff's claim. Bring all witnesses, books, receipts, and other papers or things with you to support your case.

Table with columns: TRIAL DATE, FECHA DEL JUICIO, DAY, DATE, TIME, DEPT., PLACE. Row 1: Wednesday, 02/09/2005, 8:30 A.M., 86, 301 Bicentennial Circle, Sacramento, CA 95826

Filed on: 12/20/2004

Jody Patel, Clerk, by

L. Williams

, Deputy.

The county provides small claims advisor services free of charge. Read the information on the reverse.

PLAINTIFF'S CLAIM AND ORDER TO DEFENDANT

(Small Claims)