

Clerk stamps date here when form is filed.

ELECTRONICALLY

FILED

Superior Court of California
County of Sacramento
Small Claims Division

File By: Tapia-E

On: 09/21/2007 08:51:33 AM

Notice to the person being sued:

- You are the Defendant if your name is listed in **(2)** on page 2 of this form. The person suing you is the Plaintiff, listed in **(1)** on page 2.
- You and the Plaintiff must go to court on the trial date listed below. If you do not go to court, you may lose the case.
- If you lose, the court can order that your wages, money, or property be taken to pay this claim.
- Bring witnesses, receipts, and any evidence you need to prove your case.
- Read this form and all pages attached to understand the claim against you and to protect your rights.

Fill in court name and street address:

**Superior Court of California
County of Sacramento
Small Claims Division
301 Bicentennial Circle
Sacramento, CA 95826-2701
(916) 875-7514**

Aviso al Demandado:

- Usted es el Demandado si su nombre figura en **(2)** de la página 2 de este formulario. La persona que lo demanda es el Demandante, la que figura en **(1)** de la página 2.
- Usted y el Demandante tienen que presentarse en la corte en la fecha del juicio indicada a continuación. Si no se presenta, puede perder el caso.
- Si pierde el caso la corte podría ordenar que le quiten de su sueldo, dinero u otros bienes para pagar este reclamo.
- Lleve testigos, recibos y cualquier otra prueba que necesite para probar su caso.
- Lea este formulario y todas las páginas adjuntas para entender la demanda en su contra y para proteger sus derechos.

Clerk fills in case number and case name:

Case Number:

07SC06604

Case Name:

**LARRY O. CROTHER, INC. vs.
MJB/BIXBY CONSTRUCTION,
INC.**

— COURT COPY —

Order to Go to Court

The people in **(1) and **(2)** must go to court:** *(Clerk fills out section below.)*

Trial Date	Date	Time	Department	Name and address of court if different from above
	11/06/2007	8:30 A.M.	86	301 Bicentennial Circle, Sacramento, CA 95826-2701
Date: September 21, 2007 Dennis B. Jones, Clerk, by A. Southworth, Deputy				

Instructions for the person suing:

- You are the Plaintiff. The person you are suing is the Defendant.
- *Before* you fill out this form, read Form SC-150, *Information for the Plaintiff (Small Claims)*, to know your rights. Get SC-150 at any courthouse or county law library, or go to: www.courtinfo.ca.gov/forms
- Fill out pages 2 and 3 of this form. Then make copies of **all** pages of this form. (Make 1 copy for each party named in this case and an extra copy for yourself.) Take or mail the original and these copies to the court clerk's office and pay the filing fee. The clerk will write the date of your trial in the box above.
- You must have someone at least 18—not you or anyone else listed in this case—give each Defendant a court-stamped copy of all 5 pages of this form and any pages this form tells you to attach. There are special rules for “serving,” or delivering, this form to public entities, associations, and some businesses. See Forms SC-104, SC-104B and SC-104C.
- **Go to court on your trial date listed above.** Bring witnesses, receipts, and any evidence you need to prove your case.

4 You must ask the Defendant (in person, in writing, or by phone) to pay you before you sue. Have you done this? Yes No

If no, explain why not:

5 Why are you filing your claim at this courthouse?

This courthouse covers the area (check all that applies):

- a. (1) Where the Defendant lives or does business. (2) Where the Plaintiff's property was damaged. (3) Where the Plaintiff was injured. (4) Where a contract (written or spoken) was made, signed, performed, or broken by the Defendant or where the Defendant lived or did business when the Defendant made the contract. b. Where the buyer or lessee signed the contract, lives now, or lived when the contract was made, if this claim is about an offer or contract for personal, family, or household goods, services, or loans. (Code Civ. Proc., § 395(b).) c. Where the buyer signed the contract, lives now, or lived when the contract was made, if this claim is about a retail installment contract (like a credit card). (Civil Code, § 1812.10.) d. Where the buyer signed the contract, lives now, or lived when the contract was made, or where the vehicle is permanently garaged, if this claim is about a vehicle finance sale. (Civil Code, § 2984.4.) e. Other (specify):

6 List the zip code of the place checked in 5 above (if you know): 95834

7 Is your claim about an attorney-client fee dispute? Yes No

If yes, and if you have had arbitration, fill out Form SC-101, attach it to this form and check here:

8 Are you suing a public entity? Yes No

If yes, you must file a written claim with the entity first. A claim was filed on (date): If the public entity denies your claim or does not answer within the time allowed by law, you can file this form.

9 Have you filed more than 12 other small claims within the last 12 months in California?

Yes No If yes, the filing fee for this case will be higher.

10 I understand that by filing a claim in small claims court, I have no right to appeal this claim.

11 I have not filed, and understand that I cannot file, more than two small claims cases for more than \$2,500 in California during this calendar year.

I declare, under penalty of perjury under California State law, that the information above and on any attachments to this form is true and correct.

Date: September 21, 2007 LARRY O. CROTHER, INC. (Filed Electronically /s/) Plaintiff types or prints name here Plaintiff signs here

Date: Second Plaintiff types or prints name here Second Plaintiff signs here



Requests for Accommodations

Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least 5 days before the trial. Contact the clerk's office for Form MC-410, Request for Accommodations by Persons with Disabilities and Response. (Civil Code, § 54.8.)

This form is attached to: Form SC-100 OR Form SC-120

- ① **If you want to file a small claim and you are doing business under a fictitious name (“doing business as,” or “dba”) give the following information.** (*Nonprofits and exempt real estate investment trusts do not have to file this form.*)

Business name of the person suing: _____

Business address (not a U.S. Postal Service P.O. Box): _____

Mailing address (if different): _____

- ② **The business listed in ① does business as** (*check ONLY one*):

- an individual a corporation
 an association a limited liability company
 a partnership other (*specify*): _____

You must follow the laws for fictitious business names. If you have not followed these laws, including filing a fictitious business name statement in your county and publishing this information in a local newspaper, the court can dismiss your case.

- ③ **Name of county where you filed your Fictitious Business Name Statement (dba):**

- ④ **Your Fictitious Business Name Statement number:** 0700281

- ⑤ **Date your Fictitious Business Name Statement expires:** January 08, 2012

- ⑥ **I declare, under penalty of perjury under California State law, that the information above is true and correct. Only the owner, president, chief executive officer (CEO), or other qualified officer can sign this form.**

Date: September 21, 2007

LARRY O. CROTHER, INC.

Type or print your name and title



(Filed Electronically /s/)

Sign your name



Need help?

Your county’s Small Claims Advisor can help for free.

Small Claims Advisory Clinic

301 Bicentennial Circle, Room 330

Sacramento, CA 95826

Phone: (916) 875-7846 Hours: 8:00 a.m. to 4:30 p.m.

Or go to “County-Specific Court Information” at:
www.courtinfo.ca.gov/selfhelp/smallclaims

PARTY (Name and address): MJB/Bixby Construction, Inc. TELEPHONE NO. (Optional): 916-386-4017 E-MAIL ADDRESS (Optional): bixbyconstruction@yahoo.com FAX NO. (Optional): 916-387-8140	FOR COURT USE ONLY <div style="border: 2px solid black; padding: 10px; width: fit-content; margin: auto;"> FILED / ENDORSED OCT 18 2007 <i>K. Gonsalves, Deputy</i> </div>
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Sacramento STREET ADDRESS: 301 Bicentennial Circle MAILING ADDRESS: CITY AND ZIP CODE: Sacramento CA 95826-2701 BRANCH NAME: Small Claims Division	
PLAINTIFF: Larry O. Crother, Inc. DEFENDANT: MJB/Bixby Construction, Inc.	
REQUEST TO POSTPONE SMALL CLAIMS HEARING	CASE NUMBER: 07SC06604

IMPORTANT NOTICES

A copy of this request must be mailed or personally delivered to each of the other parties in this case. File the original request with the court and keep a copy. (Code Civ. Proc., § 116.570(a)(3).)

If the request is not filed with the court at least 10 days before the hearing, the requesting party must give the court a good reason why the request is being filed later. (Explain under item 2b below.) The court will decide whether good cause was shown. (Code Civ. Proc., § 116.570(a)(2).) If the court denies your request to postpone, your case will remain set on the original date.

If the plaintiff's claim was timely served on the defendant, there is a non-refundable \$10 fee for filing a request to postpone the hearing. (Code Civ. Proc., § 116.570(d).) Submit the fee with this request.

REQUEST

1. I am the plaintiff defendant in this case.
2. a. I request that my small claims hearing (date): 11/06/07 @ 8:30 a.m. be postponed for the following reason (be specific):
 Prior obligations on that date; also out of town between 11/7 thru 11/24. Also need time to contact witnesses (one out of state, due to missionary service) with pertinent information, and to subpoena all original documents by plaintiff for complaints to Contractors Board (twice), and all other agencies whom plaintiff has pursued. Also asking for all email addresses and correspondence pertaining to defendant.
- b. This request is being made less than 10 days before hearing for the following reason (be specific):
3. a. A copy of this request was mailed personally delivered to each of the other parties in this case on (date): 10-17-07 at the following address as required by Code of Civil Procedure section 116.570(a)(3) (specify name and address):
 Larry O. Crother, Inc. dba ABC Insulation & Supply Co,
 11386 Amalgam Way, Rancho Cordova CA 95670
- b. (Optional) In addition to the requirement above, each of the other parties was also notified of this request by telephone e-mail fax on (date): 10-18-07

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

Date: Susan Cowley, office mgr
for Mark J. Bixby
(TYPE OR PRINT NAME)

Susan Cowley
(SIGNATURE)



MJB/Bixby Construction, Inc.
5852 88th Street, Suite 800
Sacramento, CA 95828

OCT 18 2007

Superior Court - Sacramento
Small Claims Division
301 Bicentennial Cir.
Sacramento, CA 95826-2701

PARTY (Name and address): MJB/Bixby Construction, Inc. 5852 88th St., Ste. 800, Sacramento, CA 95852 TELEPHONE NO. (Optional): 916-386-4017 E-MAIL ADDRESS (Optional): FAX NO. (Optional): 916-387-8410	FOR COURT USE ONLY <div style="border: 2px solid black; padding: 5px; text-align: center;"> FILED/ENDORSED NOV 28 2007 BY L. POLIMENI, DEPUTY CLERK </div>
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: 301 Bicentennial Circle MAILING ADDRESS: CITY AND ZIP CODE: Sacramento, CA 95826-2701 BRANCH NAME: Small Claims Division	
PLAINTIFF: Larry O. Crother, Inc. DEFENDANT: MJB/Bixby Construction, Inc.	
REQUEST TO POSTPONE SMALL CLAIMS HEARING	CASE NUMBER: 07SC06604

IMPORTANT NOTICES

A copy of this request must be mailed or personally delivered to each of the other parties in this case. File the original request with the court and keep a copy. (Code Civ. Proc., § 116.570(a)(3).)

If the request is not filed with the court at least 10 days before the hearing, the requesting party must give the court a good reason why the request is being filed later. (Explain under Item 2b below.) The court will decide whether good cause was shown. (Code Civ. Proc., § 116.570(a)(2).) If the court denies your request to postpone, your case will remain set on the original date.

If the plaintiff's claim was timely served on the defendant, there is a non-refundable \$10 fee for filing a request to postpone the hearing. (Code Civ. Proc., § 116.570(d).) Submit the fee with this request.

REQUEST

1. I am the plaintiff defendant in this case.
2. a. I request that my small claims hearing (date): **December 12, 2007** be postponed for the following reason (be specific):
Mark Bixby of MJB/Bixby Construction, Inc, defendant, was out of town between 11/7 and 11/24 (see attached note), and was not available to complete subpoena forms and perform service before the deadline of 11/22 (Thanksgiving Day).
- b. This request is being made less than 10 days before hearing for the following reason (be specific):

3. a. A copy of this request was mailed personally delivered to each of the other parties in this case on (date): **11-26-07** at the following address as required by Code of Civil Procedure section 116.570(a)(3)
 (specify name and address):
Larry O. Crother, Inc., dba ABC Insulation & Supply Co.
11386 Amalgam Way, Rancho Cordova CA 95670

- b. (Optional) In addition to the requirement above, each of the other parties was also notified of this request by telephone e-mail fax on (date):

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

Date:
Susan Cowley, Off Mgr for Mark Bixby
(TYPE OR PRINT NAME)

Susan Cowley
(SIGNATURE)

PARTY (Name and address):
 Larry O. Crother, Inc. dba ABC Insulation & Supply Co.
 11386 Amalgam Way, Rancho Cordova, CA 95670

TELEPHONE NO. (Optional): (916) 635-7171
 E-MAIL ADDRESS (Optional):
 FAX NO. (Optional): (916) 635-7717

SUPERIOR COURT OF CALIFORNIA, COUNTY OF Sacramento
 STREET ADDRESS: 301 Bicentennial Circle
 MAILING ADDRESS:
 CITY AND ZIP CODE: Sacramento, CA 95826-2701
 BRANCH NAME: Small Claims Division

FOR COURT USE ONLY

FILED/ENDORSED

2008

BY D. TURNER DEPUTY CLERK

PLAINTIFF: Larry O. Crother, Inc.
 DEFENDANT: MJB/Bixby Construction, Inc.

REQUEST TO POSTPONE SMALL CLAIMS HEARING

CASE NUMBER: 07SC06604

IMPORTANT NOTICES

A copy of this request must be mailed or personally delivered to each of the other parties in this case. File the original request with the court and keep a copy. (Code Civ. Proc., § 116.570(a)(3).)

If the request is not filed with the court at least 10 days before the hearing, the requesting party must give the court a good reason why the request is being filed later. (Explain under item 2b below.) The court will decide whether good cause was shown. (Code Civ. Proc., § 116.570(a)(2).) If the court denies your request to postpone, your case will remain set on the original date.

If the plaintiff's claim was timely served on the defendant, there is a non-refundable \$10 fee for filing a request to postpone the hearing. (Code Civ. Proc., § 116.570(d).) Submit the fee with this request.

REQUEST

1. I am the plaintiff defendant in this case.
2. a. I request that my small claims hearing (date): January 24, 2008 be postponed for the following reason (be specific):
 Mr. & Mrs. Crother, owners, will be out of town the last few weeks of January, 2008, and possibly the first week of February, 2008 on family business. Mr. & Mrs. Crother have already revised their schedules twice to accommodate Mr. Bixby's requests for postponement.
- b. This request is being made less than 10 days before hearing for the following reason (be specific):
3. a. A copy of this request was mailed personally delivered to each of the other parties in this case on (date): December 20, 2007 at the following address as required by Code of Civil Procedure section 116.570(a)(3) (specify name and address):
MJB/Bixby Construction, Inc.
5852 - 88th Street
Sacramento, CA 95852
- b. (Optional) In addition to the requirement above, each of the other parties was also notified of this request by telephone e-mail fax on (date):

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

Date:
Melody Powers, Off Man. for Plaintiff
 (TYPE OR PRINT NAME)

Melody Powers
 (SIGNATURE)

Superior Court of California, County of Sacramento

Small Claims Division

301 Bicentennial Circle
Sacramento, CA 95826-2701

(916) 875-7514

Case No.: 07SC06604

NOTICE TO ALL PLAINTIFFS AND DEFENDANTS

Your small claims case has been decided. If you lost the case, and the court ordered you to pay money, your wages, money, and property may be taken without further warning from the court. Read the back of this sheet for important information about your rights.

AVISO A TODOS LOS DEMANDANTES Y DEMANDADOS

Su caso ha sido resuelto por la corte para reclamos judiciales menores. Si la corte ha decidido en su contra y ha ordenado que usted pague dinero, le pueden quitar su salario, su dinero, y otras cosas de su propiedad, sin aviso adicional por parte de esta corte. Lea el reverso de este formulario para obtener información de importancia acerca de sus derechos.

NOTICE OF ENTRY OF JUDGMENT

COURT COPY

This matter came on regularly for hearing on February 19, 2008, at 8:15 AM, in Department 87 with COMMISSIONER CHRISTOPHER LONGAKER presiding.

Judgment was entered on February 19, 2008, as follows:

The Defendant MJB/BIXBY CONSTRUCTION, INC. shall pay the Plaintiff LARRY O. CROTHER, INC., DBA - ABC INSULATION & SUPPLY CO. principal in the amount of \$4,689.00, plus costs in the amount of \$155.00, totaling \$4,844.00 on Plaintiff's claim.

Enforcement of the judgment is automatically postponed for 30 days from the date of mailing of this notice or, if an appeal is filed, until the appeal is decided.

CLERK'S CERTIFICATE OF MAILING - I, the Clerk of this court, certify I am not a party to this action, and on the date shown below, served the foregoing notice by depositing true copies, enclosed in separate sealed envelopes to Plaintiff LARRY O. CROTHER, INC., DBA - ABC INSULATION & SUPPLY CO., at 11386 AMALGAM WAY, RANCHO CORDOVA, CA 95670 and Defendant MJB/BIXBY CONSTRUCTION, INC., at 5852 - 88TH STREET, SACRAMENTO, CA 95828. The mailing and this certification occurred at Sacramento, California, on the date shown below.

Place of Mailing: Sacramento, California

Date of Mailing: 02/20/2008

Dennis B. Jones, Clerk, by _____, Deputy
M. Galoosis

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