

1 William A. Wright SBN 75236
2 Law Offices of William A. Wright
2200 Douglas Blvd., Suite 100B
3 Roseville, CA 95661
Telephone: (916) 783-2946
4 Facsimile: (916) 783-3005

5 Attorney for: Jose Garcia and Maria Garcia

FILED/ENDORSED
SEP 10 2007
CIVIL DIVISION
D115 - 000218875 SERK

09/10/2007 10:13:20 AM
07AS04123 - Fee PAID: \$320.00
\$320.00 - Civil New Filing -
Superior Court

8 **SUPERIOR COURT OF CALIFORNIA**
9 **COUNTY OF SACRAMENTO**

12 **JOSE GARCIA and MARIA GARCIA,**

13 **Plaintiffs,**

14 **vs.**

15 **SRI FOOD SERVICE EQUIPMENT and**
16 **DESIGN, an Unincorporated Entity, and**
17 **SCOTT REED, an Individual DBA SRI**
18 **FOOD SERVICE EQUIPMENT and**
19 **DESIGN, and DOES 1 through 20, inclusive,**

Case No. **07AS04123**

COMPLAINT FOR MONEY
(Common Count)

[Amount Demanded Exceeds \$25,000.00
UNLIMITED CIVIL CASE]

20 **PLAINTIFFS ALLEGE AS FOLLOWS:**

- 21
- 22 1. Defendant, SRI FOOD SERVICE EQUIPMENT and DESIGN, is, and at all times
- 23 mentioned herein was, an unincorporated business entity organized and existing
- 24 under the laws of the State of California with its principal place of business in
- 25 Sacramento, Sacramento County, California.
- 26 2. Defendant, SCOTT REED, is, and at all times mentioned herein was, an individual
- 27 doing business under the fictitious name of SRI FOOD SERVICE EQUIPMENT
- 28

SUMMONS ISSUED \$320.00

1 and DESIGN, with his principal place of business in Sacramento, Sacramento
2 County, California.

3 3. Plaintiffs are ignorant of the true names and capacities of defendants sued herein as
4 DOES 1-20, inclusive, and therefore sues these defendants by such fictitious names.
5 Plaintiffs will amend this complaint to allege their true names and capacities when
6 ascertained. Plaintiffs are informed and believe and thereon allege that each of the
7 fictitiously named defendants is indebted to plaintiffs as hereinafter alleged, and that
8 plaintiffs' rights against such fictitiously named defendants arise from such
9 indebtedness.

10 4. Within the last two years, or on or about September 11, 2006, at Sacramento,
11 California, defendants, and each of them, became indebted to plaintiffs in the sum of
12 \$24,000.00, for money had and received by defendants, and each of them, for the use
13 and benefit of plaintiffs.

14 5. Neither the whole nor part of this sum has been paid, although demand has been
15 made, and there is now due, owing, and unpaid the sum of \$24,000.00, with interest
16 thereon at the legal rate, from September 11, 2006.

17 6. Within the last two years or on or about September 11, 2006, defendant became
18 indebted to plaintiff in the sum of \$24,000.00 for money paid to defendant for the
19 purchase of certain restaurant equipment which has never been delivered, nor has
20 the whole, nor any part of the above sum been returned, although payment has been
21 demanded, leaving a balance due, owing, and unpaid to plaintiffs in the sum of
22 \$24,000.00, together with interest thereon at the legal rate from September 11, 2006.

23 ///

24 ///

25 ///

26 ///

27 ///

28 ///

1 WHEREFORE, plaintiffs pray judgment against defendants, and each of them as follows:

- 2 1. For the sum of \$24,000.00;
- 3 2. For interest at the rate of 10 percent per annum from September 11, 2006.
- 4 3. For costs of suit herein; and
- 5 4. For such other and further relief as the court may deem proper.
- 6
- 7

8 DATED: September 5, 2007

9 William A. Wright
10 William A. Wright
11 Attorney for Plaintiffs

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

VERIFICATION

I, Jose Garcia, am one of the plaintiffs in the above-entitled action. I have read the foregoing complaint and know the contents thereof. The same is true of my own knowledge, except as to those matters that are therein alleged on information and belief, and as to those matters, I believe it to be true.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration was executed on 9-5-07, at ROSEVILLE, California.



Jose Garcia