



SHORT TITLE <u>MJB/BIXBY vs. INTERNATIONAL CITIZENS' ALERT NETWORK</u>	CASE NUMBER
--	-------------

4. (Continued)
- b. The true names of defendants sued as Does are unknown to plaintiff.
- (1)  Doe defendants (specify Doe numbers). 1-5 were the agents or employees of the named defendants and acted within the scope of that agency or employment
- (2)  Doe defendants (specify Doe numbers). 6-10 are persons whose capacities are unknown to plaintiff.
- c.  Information about additional defendants who are not natural persons is contained in Attachment 4c.
- d.  Defendants who are joined under Code of Civil Procedure section 382 are (names):

- 5  Plaintiff is required to comply with a claims statute, and
- a.  has complied with applicable claims statutes, or
- b.  is excused from complying because (specify):

6.  This action is subject to  Civil Code section 1812.10  Civil Code section 2984.4.

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):

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: \$ 12,770.90
- b.  interest on the damages
- (1)  according to proof
- (2)  at the rate of (specify): 10.00 percent per year from (date): March 6, 2008
- c.  attorney's fees
- (1)  of: \$
- (2)  according to proof.
- d.  other (specify):

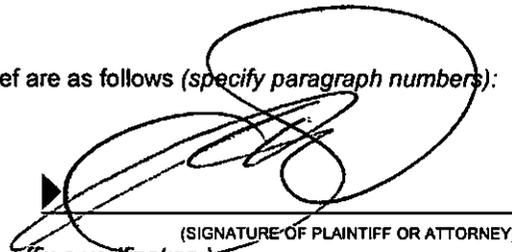
11  The paragraphs of this pleading alleged on information and belief are as follows (specify paragraph numbers):

4

Date December 15, 2008

CHARLES A. TWEEDY, SBN 096234

(TYPE OR PRINT NAME)

  
 (SIGNATURE OF PLAINTIFF OR ATTORNEY)

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

SHORT TITLE MJB/BIXBY vs. INTERNATIONAL CITIZENS' ALERT NETWORK

CASE NUMBER

**CAUSE OF ACTION—Breach of Contract**

FIRST \_\_\_\_\_  
(number)

ATTACHMENT TO  Complaint  Cross - Complaint

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

BC-1. Plaintiff (name): MJB/BIXBY CONSTRUCTION, INC.

alleges that on or about (date): February 7, 2008

a  written  oral  other (specify): Written and Oral Contracts

agreement was made between (name parties to agreement): MJB/BIXBY CONSTRUCTION, INC./ INTERNATIONAL CITIZENS' ALERT NETWORK

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 was to provide construction labor, materials and related services to Defendant for the installation of commercial kiosks and Defendant was to pay Plaintiff for such labor, materials and related services.

BC-2. On or about (dates) March 6, 2008

defendant breached the agreement by  the acts specified in Attachment BC-2  the following acts (specify): Defendant failed to pay Plaintiff as required by the Contracts.

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

BC-4 Plaintiff suffered damages legally (proximately) caused by defendant's breach of the agreement  as stated in Attachment BC-4  as follows (specify): \$12,770.90

BC-5.  Plaintiff is entitled to attorney fees by an agreement or a statute

of \$

according to proof

BC-6.  Other: Interest according to proof and costs of suit.

SHORT TITLE MJB/BIXBY vs. INTERNATIONAL CITIZENS' ALERT NETWORK	CASE NUMBER
---	-------------

SECOND CAUSE OF ACTION—Common Counts

(number)

ATTACHMENT TO  Complaint  Cross - Complaint

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

CC-1. Plaintiff (name): MJB/BIXBY CONSTRUCTION, INC.

alleges that defendant (name): INTERNATIONAL CITIZENS' ALERT NETWORK

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 \$ 12,770.90  
 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
- (5)  for money paid, laid out, and expended to or for defendant at defendant's special instance and request.
- (6)  other (specify):

CC-2. \$ 12,770.90, which is the reasonable value, is due and unpaid despite plaintiff's demand, plus prejudgment interest  according to proof  at the rate of 10.00 percent per year from (date) March 6, 2008

CC-3.  Plaintiff is entitled to attorney fees by an agreement or a statute  
 of \$  
 according to proof.

CC-4.  Other: Cost of Suit

1 Re: *MJB/Bixby Construction, Inc. vs. International Citizens' Alert Network*

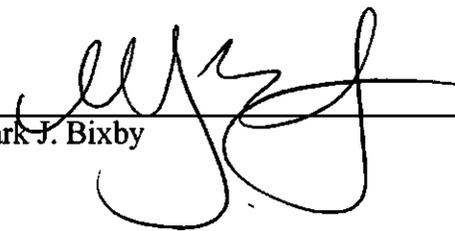
2  
3 **VERIFICATION**

4  
5 I, Mark J. Bixby, declare:

6 I am the President of MJB/Bixby Construction, Inc., the Plaintiff in the above-entitled action.

7 I have read the foregoing Complaint, and know the contents thereof. The matters stated therein  
8 are true and correct of my own knowledge, except as to those matters that are stated on my information  
9 and belief, and as to those matters, I believe it to be true.

10 I declare under penalty of perjury, that the foregoing is true and correct, and that this Verification  
11 was executed on this 15 day of Dec, 2008, at SARASOTA, California.

12  
13  
14   
15 Mark J. Bixby  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28