

Small Claims Division

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

Phone: (916) 875-7514

Case No.: 04SC08927

**— 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):

GLOVER, DONALD F
Individually and Doing Business As
ACOUSTICAL ENGINEERS OF CA
11300 SANDERS DR. #12
RANCHO CORDOVA, CA 95742
Phone: (916) 635-1415

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

MJB/BIXBY CONSTRUCTION, INC.
5852 88TH STREET #800
SACRAMENTO, CA 95828
Phone: (916) 386-4017

AMERICAN CONTRACTORS INDEMNITY COMPANY
13403 NORTHWEST FREEWAY
HOUSTON, TX 77040

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 \$3,907.00, not including court costs, because: Defendant verbally contracted for acoustical ceiling work, work was completed, defendant has not paid.
b. I have had an **arbitration of an attorney-client fee dispute**. (Attach Attorney-Client Fee Dispute Form (see form SC-101).)
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. (See form SC-150.)
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] (In the box at the left, insert one of the letters from the list called "Venue Table" on page 2. If you select D, E, F, specify additional facts in this space):
If known, please give the zip code for the location of the letter you put in the box:
5. I have 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 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: 12/02/2004

(TYPE OR PRINT NAME)

(Filed Electronically)

(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.

TRIAL DATE	FECHA DEL JUICIO	DAY	DATE	TIME	DEPT.	PLACE
		Wednesday	01/19/2005	8:30 A.M.	86	301 Bicentennial Circle, Sacramento, CA 95826

Filed on: 12/02/2004

Jody Patel, Clerk, by

L. Williams

, Deputy.

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

Small Claims Division

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

Phone: (916) 875-7514

Case No.: 04SC08927

PLAINTIFFS/DEMANDANTE (Name, street address, and telephone number of each)

1- GLOVER, DONALD F
Individually and Doing Business As
ACOUSTICAL ENGINEERS OF CA
11300 SANDERS DR. #12
RANCHO CORDOVA, CA 95742
Phone: (916) 635-1415

6- WATSON, FRANKLIN T - Attorney for Plaintiff
1000 G STREET, SECOND FLOOR
SACRAMENTO, CA 95814
Phone: (916) 498-6240

DEFENDANTS/DEMANDADO (Name, street address, and telephone number of each):

2- MJB/BIXBY CONSTRUCTION, INC.
5852 88TH STREET #800
SACRAMENTO, CA 95828
Phone: (916) 386-4017

7- TWEEDY, CHARLES A - Attorney for Defendant
11341 GOLD EXPRESS DRIVE SUITE 110
GOLD RIVER, CA 95670

Fic. Bus. Name Stmt. No.:

Expires:

See attached sheet for additional plaintiffs and defendants.

TRIAL DE NOVO MINUTE ORDER

APPEAL DATE	HEARING DATE	HEARING TIME	DEPARTMENT	DATE FILED
01/31/2005	05/13/2005	9:00 A.M.	88	12/02/2004

PRESIDING JUDGE	CLERK	BAILIFF
WILLIAM M. GALLAGHER	A. SOUTHWORTH	

APPEALING PARTY	COUNSEL FOR PLAINTIFF	COUNSEL FOR DEFENDANT	PARTIES PRESENT
MJB/BIXBY CONSTRUCTION, INC.	FRANKLIN T WATSON	CHARLES A TWEEDY	IP 6P 2P 7P

INITIAL COMPLAINT:

Defendant owes Plaintiff the sum of \$3,907.00, not including court costs. Reason: Defendant verbally contracted for acoustical ceiling work, work was completed, defendant has not paid.

LATEST JUDGMENT:

It is hereby stipulated by the Plaintiff DONALD F GLOVER, DBA - ACOUSTICAL ENGINEERS OF CA, Defendants MJB/BIXBY CONSTRUCTION, INC. and AMERICAN CONTRACTORS INDEMNITY COMPANY to have CHERYL MCNULTY presiding as temporary judge pursuant to California Rules of Court, Rule 1727.

Judgment was entered on January 19, 2005, as follows:

The Defendant AMERICAN CONTRACTORS INDEMNITY COMPANY was dismissed with prejudice.

The Defendant MJB/BIXBY CONSTRUCTION, INC. shall pay the Plaintiff DONALD F GLOVER, DBA - ACOUSTICAL ENGINEERS OF CA principal in the amount of \$2,907.00, plus costs in the amount of \$38.00, totaling \$2,945.00 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 DONALD F GLOVER, DBA - ACOUSTICAL ENGINEERS OF CA, at 11300 SANDERS DR. #12, RANCHO CORDOVA, CA 95742, Defendants MJB/BIXBY CONSTRUCTION, INC., at 5852 88TH STREET #800, SACRAMENTO, CA 95828 and AMERICAN CONTRACTORS INDEMNITY COMPANY, at 13403 NORTHWEST FREEWAY, HOUSTON, TX 77040. The mailing and this certification occurred at Sacramento, California, on the date shown below.

- Court trial conducted
- Case dismissed
- Matter dropped from calendar
- Case continued to: Date: ___/___/___ Time: _____ Department: _____

Reason: _____

- Case dismissed as appeal filed untimely

CLAIM OF PLAINTIFF

DENIED

GRANTED; Principal \$ 3907.⁰⁰
 Attorney fees _____
 Court Costs 38.⁰⁰
 Interest _____
 Total \$ 3945.⁰⁰

CLAIM OF DEFENDANT

DENIED

GRANTED; Principal \$ _____
 Attorney fees _____
 Court Costs _____
 Interest _____
 Total \$ _____

- PLAINTIFF failed to appear—small claim is dismissed
- DEFENDANT failed to appear—Appeal is dismissed
- APPEAL FROM MOTION TO VACATE JUDGMENT IS DENIED
- APPEAL FROM MOTION TO VACATE JUDGMENT IS GRANTED

Case heard on its merits and a small claims judgment was rendered as follows:

CLAIM OF PLAINTIFF

Principal \$ _____
 Costs _____
 Interest _____
 Total \$ _____

CLAIM OF DEFENDANT

Principal \$ _____
 Costs _____
 Interest _____
 Total \$ _____

Case set for hearing on its merits on: Date: ___/___/___ Time: _____ Department: _____

Notice waived by respective parties

Court to give notice

Date: MAY 16 2005


 Judge of the Superior Court

COURT:

Superior Court of California, County of Sacramento
Small Claims Division
301 Bicentennial Circle, Room 300
Sacramento, CA 95826-2701 - Phone: (916) 875-7514

FOR COURT USE ONLY
FILED/ENDORSED

MAY 16 2005

BY: , DEPUTY CLERK

CASE TITLE:

DONALD F GLOVER vs. MJB/BIXBY CONSTRUCTION, INC.

TRIAL DE NOVO - NOTICE OF ENTRY OF JUDGMENT

CASE NUMBER:

04SC08927

COURT COPY

The above entitled matter came before the court on May 13, 2005, at 9:00 AM, in Department 88, with JUDGE WILLIAM GALLAGHER, presiding and Court Clerk A. SOUTHWORTH, for hearing on the appeal of Defendant MJB/BIXBY CONSTRUCTION, INC., herein from a judgment of the Small Claims Court of the Superior Court of California, County of Sacramento.

The Plaintiff DONALD F GLOVER, DBA - ACOUSTICAL ENGINEERS OF CA was present with Counsel FRANKLIN T. WATSON. The Defendant MJB/BIXBY CONSTRUCTION, INC. was present with Counsel CHARLES A. TWEEDY.

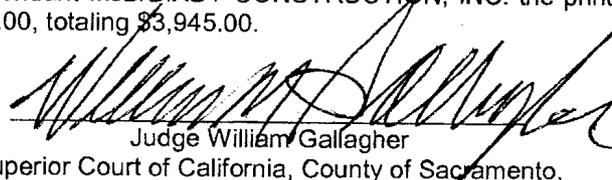
The matter was heard and the Court takes it under submission.

On May 16, 2005, the Court hereby rules as follows:

Evidence having been presented and the cause argued for decision:

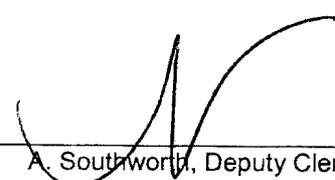
IT IS ORDERED, ADJUDGED AND DECREED, that the Plaintiff DONALD F GLOVER, DBA - ACOUSTICAL ENGINEERS OF CA have and recover from the Defendant MJB/BIXBY CONSTRUCTION, INC. the principal in the amount of \$3,907.00, plus costs in the amount of \$38.00, totaling \$3,945.00.

Date: May 16, 2005


Judge William Gallagher
Superior Court of California, County of Sacramento,
Small Claims Division

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 DONALD F GLOVER, DBA - ACOUSTICAL ENGINEERS OF CA, at 11300 SANDERS DR. #12, RANCHO CORDOVA, CA 95742 and Defendant MJB/BIXBY CONSTRUCTION, INC., at 5852 88TH STREET #800, SACRAMENTO, CA 95828, Attorney for Plaintiff FRANKLIN T WATSON, at 1000 G STREET, SECOND FLOOR, SACRAMENTO, CA 95814, Attorney for Defendant CHARLES A TWEEDY, at 11341 GOLD EXPRESS DRIVE SUITE 110, GOLD RIVER, CA 95670. The mailing and this certification occurred at Sacramento, California, on the date shown below.

Date: May 17, 2005


A. Southworth, Deputy Clerk

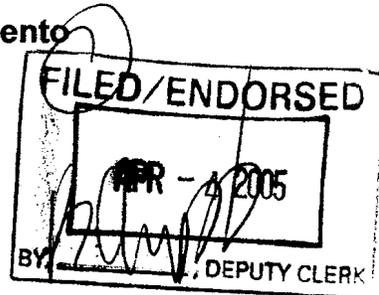
Superior Court of California, County of Sacramento

Small Claims Division

301 Bicentennial Circle, Room 300

Sacramento CA 95826

(916) 875-7514



PLAINTIFF(S)

DON GLOVER, dba ACOUSTICAL

ENGINEERS OF CALIFORNIA

VS. DEFENDANT(S)

MJB/BIXBY CONSTRUCTION, INC.

CASE NUMBER: 04SC08927

REQUEST FOR CONTINUANCE (CCP § 116.570)

IMPORTANT NOTICE

- 1. The requesting party must mail or personally deliver a copy of this request to each of the parties (CCP § 116.570(a)(2)).
2. There is a \$10.00 fee for filing this request (CCP 116.570(d)). Submit the fee with this request.
3. This request must be filed with the court at least seven (7) calendar days before the hearing date.
4. Continuances will be granted only for good cause. Applicant should attach any relevant documents to the request.
5. I am the [] plaintiff [X] defendant in this case. This is my [X] first request, [] second request, [] third request.
6. I request that my small claims hearing date of 4/18/2005 at 9:00 a.m. be continued for the following reason: Mark Bixby is scheduled for emergency surgery tomorrow (4/5/05) and will be unavailable for two weeks.
7. I am available on the following dates: 5/13/2005, 5/20/2005, 6/13/2005.
8. I have [] mailed [X] personally delivered a copy of this request to each of the other parties in this case.

Dated: April 4, 2005

By: Charles A. Tweedy

PRINT NAME

Handwritten signature of Charles A. Tweedy

SIGNATURE OF DECLARANT

ORDER

[X] Request for continuance is granted. Hearing date of 4-18-05 is vacated and case is continued to: 05/13/05 at 9:00 a.m. in Department 08 at 301 Bicentennial Circle, Sacramento, California.

[] Request for continuance is denied.

[] Request not accompanied by \$10.00 filing fee.

[] Request filed late. Court policy requires that request must be filed with the court at least seven (7) calendar days before the hearing.

[] No good cause shown.

[] Other:

Dated: 4.4.05



[] JUDGE [X] COMMISSIONER [] DEPUTY CLERK

1 **PROOF OF SERVICE**

2 **RE: Don Glover, dba Acoustical Engineers of California v. Bixby Construction, et al.,**
3 **CASE NO.: 04SC08927**
4 **COURT: Sacramento County Small Claims Court**

5 I am a citizen of the United States, and employed in the County of Sacramento. I am over the age
6 of eighteen (18) years and not a party to the with in above-entitled action. My business address is 11341
7 Gold Express Drive, Suite 110, Gold River, California 95670. I am familiar with the business practices of
8 the Law Office of Moyer, Parshall & Tweedy, LLF for collecting and processing mail and know that the mail
9 in said office is collected and processed so that this piece of mail, if served by mail, was deposited with the
10 United States Postal Services on the same date as indicated below. I served the following document(s):

11 **REQUEST FOR CONTINUANCE (CCP SECTION 116.570)**

12 _____ by placing the document(s) listed above in a sealed envelope with postage prepaid, by
13 depositing for collection and mailing in accordance with the firm's ordinary practices, addressed
14 as set forth below.

15 _____ by placing a true copy thereof in a sealed Federal Express Courier-Pak Overnight Envelope and
16 depositing it in a Fed Ex box addressed as set forth below.

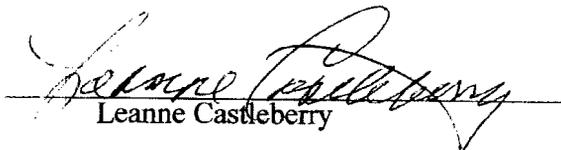
17 _____ by sending a true copy thereof by fac simile to the person(s) at the address(es) and fax number(s)
18 set forth below.

19 X _____ by having Jason Bluemel of JB Couriers personally serve a true copy thereof on the person(s)
20 named below at the following address:

21 **ATTORNEY FOR DONALD F. GLOVER, dba**
22 **ACOUSTICAL ENGINEERS**

23 Franklin T. Watson, Esq.
24 Watson, Khachadourian & Iams, LLP
25 1000 G Street, Second Floor
26 Sacramento, CA 95814
27 Telephone: (916) 498-6240
28 Facsimile: (916) 498-6245

I declare under penalty of perjury that the foregoing is true and correct. Executed on
April 4, 2005 at Gold River, California.


Leanne Castleberry