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9 Our File No.: 171151

FILED
SAN MATEO COUNTY

APR 11 2017

~~Clerk of the Superior Court~~

10 SUPERIOR COURT OF THE STATE OF CALIFORNIA
11 COUNTY OF SAN MATEO
12 UNLIMITED CIVIL JURISDICTION

13 PLATINUM COMPONENTS LTD., a limited)	Case No.:
14 company,)	17CIV01571
15)	COMPLAINT FOR MONEY DUE
16 Plaintiff,)	FOR GOODS SOLD AND
17 vs.)	DELIVERED AND/OR SERVICES
18)	RENDERED
19 OPTIMUS VENTURES LLC, a limited)	
20 liability company; and DOES 1 through)	(\$129,939.00)
21 50, inclusive,)	
22)	
23 Defendants.)	
24)	

25 **FIRST CAUSE OF ACTION**
26 **(Money due against all defendants)**

27 Plaintiff complains of Defendants, and each of them, and for a First Cause
28 of Action, alleges as follows:

1. That Defendants, DOE 1 through DOE 50, inclusive, are unknown to Plaintiff, who therefore sues said Defendants by such fictitious names, and Plaintiff will amend this Complaint to show their true names and capacities when the same have been ascertained.

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17 - CIV - 01571
CMP
Complaint
454064



1 2. The obligation sued upon herein was incurred within the jurisdiction
2 of the above-entitled Court.

3 3. Plaintiff is a limited company transacting business in interstate and/or
4 international commerce.

5 4. The claim of indebtedness sued upon herein is not subject to the
6 provisions of Section 1812.10 and Section 2984.4 of the Civil Code for the
7 reason that said indebtedness did not arise from a retail installment contract
8 or under a contract pertaining to the purchase and/or financing of a motor
9 vehicle.

10 5. Within two (2) years last past, and prior to the commencement of this
11 action, Defendants, and each of them, became indebted to Plaintiff in the sum
12 of \$129,939.00 for goods sold and delivered and/or services rendered to
13 Defendants, and each of them, by Plaintiff at the request of Defendants, and
14 each of them.

15 6. On or about March 11, 2016, demand was made upon Defendants, and
16 each of them, for the sum due, but Defendants, and each of them, have not
17 paid said sum, or any part thereof, and there is now due, owing and unpaid
18 from Defendants, and each of them, said sum, together with interest thereon
19 at the rate of ten percent (10%) per annum from and after said date.

20 7. At all times mentioned herein, Defendants, OPTIMUS VENTURES LLC,
21 and DOE 1 were limited liability companies organized and doing business
22 under the laws of the State of California or were doing business in the State of
23 California.

24 8. Plaintiff is informed and believes and on that basis alleges that there
25 exists, and at all times herein mentioned there existed, a unity of interest
26 between and among the defendants such that any individuality and
27 separateness between them has ceased, that each of said defendants is the
28

1 alter ego of the other defendants in that each defendant corporation was
2 undercapitalized and was completely controlled, dominated and managed by
3 the other defendants for their own convenience and benefit, and that
4 adherence to the fiction of the separate existence of each defendant would
5 sanction fraud and promote injustice.

6 **SECOND CAUSE OF ACTION**
7 **(Book Account)**

8 9. Plaintiff herein incorporates by reference each and every allegation
9 contained in Paragraphs 1, 2, 3, 4, 5, 6, 7 and 8 of the First Cause of Action as
10 though fully set forth and pleaded herein.

11 10. Within four (4) years last past, Defendants, and each of them, became
12 indebted to Plaintiff in the sum of \$129,939.00 as and for a balance due on an
13 open book account for goods sold and delivered and/or services rendered to
14 Defendants, and each of them, by Plaintiff at the request of Defendants, and
15 each of them.

16 11. The said goods and/or services were sold and delivered on an open
17 book account and were not primarily for personal, family or household
18 purposes. Pursuant to the provisions of Section 1717.5 of the Civil Code,
19 Plaintiff is entitled to reasonable attorney's fees of \$1,000.00.

20 WHEREFORE, Plaintiff prays for judgment against Defendants, and each of
21 them, as follows:

- 22 1. For damages in the amount of \$129,939.00;
 - 23 2. For interest on said amount at the rate of ten percent (10%) per
24 annum from March 11, 2016;
 - 25 3. For attorney's fees in the sum of \$1,000.00 pursuant to the provisions
26 of Section 1717.5 of the Civil Code;
 - 27 4. For costs of suit incurred herein; and
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5. For such other and further relief as this Court may deem just and proper.

Dated: April 7, 2017

GLASSBERG, POLLAK & ASSOCIATES

By: *Robert Pollak*
ROBERT L. POLLAK
Attorneys for Plaintiff