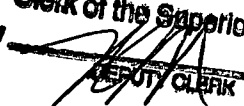


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FILED
SAN MATEO COUNTY

APR 21 2017

Clerk of the Superior Court
By  DEPUTY CLERK

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

13 MICROLAND ELECTRONICS CORP., a) Case No.: **17CIV01779**
14 corporation,)
15 Plaintiff,) COMPLAINT FOR MONEY DUE
16 vs.) FOR GOODS SOLD AND
17) DELIVERED AND/OR SERVICES
18) RENDERED
19 OPTIMUS VENTURES LLC, a limited)
20 liability company; and DOES 1 through) (\$93,500.00)
21 50, inclusive,)
22 Defendants.)

17 - CIV - 01779
CMP
Complaint
470123


23 **FIRST CAUSE OF ACTION**
24 **(Money due against all defendants)**

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

27 1. That Defendants, DOE 1 through DOE 50, inclusive, are unknown to
28 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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DEPUTY CLERK
Clerk of the Superior Court

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

3 3. Plaintiff is a corporation transacting business in interstate commerce
4 and/or is authorized to transact business within the State of California.

5 4. At all times mentioned herein, Defendant, OPTIMUS VENTURES LCC,
6 was and is a limited liability company transacting business within the
7 jurisdiction of the above-entitled court.

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

13 6. Within two (2) years last past, and prior to the commencement of this
14 action, Defendants, and each of them, became indebted to Plaintiff in the sum
15 of \$93,500.00 for goods sold and delivered and/or services rendered to
16 Defendants, and each of them, by Plaintiff at the request of Defendants, and
17 each of them.

18 7. On or about October 25, 2016, demand was made upon Defendants,
19 and each of them, for the sum due, but Defendants, and each of them, have
20 not paid said sum, or any part thereof, and there is now due, owing and
21 unpaid from Defendants, and each of them, said sum, together with interest
22 thereon at the rate of ten percent (10%) per annum from and after said date.

23 8. Plaintiff is informed and believes and on that basis alleges that there
24 exists, and at all times herein mentioned there existed, a unity of interest
25 between and among the defendants such that any individuality and
26 separateness between them has ceased, that each of said defendants is the
27 alter ego of the other defendants in that each defendant corporation was
28 undercapitalized and was completely controlled, dominated and managed by

1 the other defendants for their own convenience and benefit, and that
2 adherence to the fiction of the separate existence of each defendant would
3 sanction fraud and promote injustice.

4
5 **SECOND CAUSE OF ACTION**
6 **(Book Account)**

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

10 10. Within four (4) years last past, Defendants, and each of them, became
11 indebted to Plaintiff in the sum of \$93,500.00 as and for a balance due on an
12 open book account 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 11. The said goods and/or services were sold and delivered on an open
16 book account and were not primarily for personal, family or household
17 purposes. Pursuant to the provisions of Section 1717.5 of the Civil Code,
18 Plaintiff is entitled to reasonable attorney's fees of \$1,000.00.

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

- 21 1. For damages in the amount of \$93,500.00;
- 22 2. For interest on said amount at the rate of ten percent (10%) per
23 annum from October 25, 2016;
- 24 3. For attorney's fees in the sum of \$1,000.00 pursuant to the provisions
25 of Section 1717.5 of the Civil Code;
- 26 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 19, 2017

GLASSBERG, POLLAK & ASSOCIATES

By: 

ROBERT L. POLLAK
Attorneys for Plaintiff