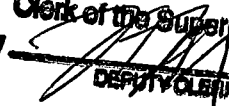


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8 Attorneys for Plaintiff  
9 Our File No.: 171152

**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 DATEC NORTH AMERICA, INC., a  
14 corporation,

15 Plaintiff,

16 vs.

17 OPTIMUS VENTURES LLC, a limited  
18 liability company; and DOES 1 through  
19 50, inclusive,

20 Defendants.

Case No: **17 CIV 01780**

COMPLAINT FOR MONEY DUE  
FOR GOODS SOLD AND  
DELIVERED AND/OR SERVICES  
RENDERED

(\$236,740.00)

21 **FIRST CAUSE OF ACTION**  
22 **(Money due against all defendants)**

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

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

17 - CIV - 01780  
CMP  
Complaint  
470528





IN RE: [Illegible]

[Illegible text]

[Illegible text]

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SAN MATEO COUNTY  
APR 21 2017  
By \_\_\_\_\_  
Clerk of the Superior Court  
DEPUTY CLERK

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 LLC,  
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 \$236,740.00 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 September 6, 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 \$236,740.00 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 \$236,740.00;
- 22 2. For interest on said amount at the rate of ten percent (10%) per  
23 annum from September 6, 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