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HERITAGE PACIFIC FINANCIAL, LLC d/b/a HERITAGE
FINANCIAL

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CLERK U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
LOS ANGELES

FILED

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

HERITAGE PACIFIC FINANCIAL,
LLC D/B/A HERITAGE PACIFIC
FINANCIAL, a Texas Limited
Liability Company,

Plaintiff,

v.

GREG COLE; RONALD CLACK;
ISSAC MARTINEZ; GERMAN
SAMAYOA; CARLOS TURCIOS;
VARIAN SHELTON; JACINTO
AYALA; MARY JEAN CASTRO;
ESPERANZA DOMINGUEZ; PAUL
BROWN, JR; SHARON BROWN;
KAREN MORALES; AMADO
HERNANDEZ; NICOL MARINA
VILLA; SEAN DOYLE; RICARDO
AGUILAR; HECTOR HERNANDEZ;
JESSICA GONZALEZ; OMAR
PERKINS; ALEJANDRO JIMENEZ;
ENDY ARTEAGA; OSCAR
VILLATORO; PATRICIA
MARTINEZ; NORMA

Case No. **CV10 0394 PSG (JEMx)**

COMPLAINT FOR DAMAGES,
SPECIFIC PERFORMANCE, AND
OTHER EQUITABLE RELIEF

- 1. Breach of Contract
- 2. Intentional Misrepresentation
- 3. Negligent Misrepresentation

1 MALDONADO; MARCELINO
2 MONGE ALAS; CARLOS SANTOS;
3 CHRISTINA KUTZER; FABRICIO
4 ALFARO; ANA AGUILAR; MARIA
5 CHACON; MATTHEW ALFANO;
6 SABINA MENDEZ CHAVARRIA;
7 ROSA BARRIOS; BEATRICE
8 RINCON; ALMA FIGUEROA;
9 FLORIE ANN SANTONIL;
10 GUADLUPLE MORENO;
11 ALUTHNUWARA SUMANATISSA;
12 SALATIEL MONTOYA; DIONISIO
13 VAZQUEZ; JAVIER LOPEZ;
14 GLORIA CAMPA; PRISCILLA
15 FRANCO; JOHN FRANCO; MIGUEL
16 BAIRES; VICKIE DAVIS; ROBERT
17 MARTIN; AMANDA MARTIN;
18 ELCIDA POLANCO; OSCAR
19 RAMIREZ; JENNIFER PARK;
20 KAEKO SAEKI; NOEL ABRAHAM;
21 JENNIFER VALDEZ; JULIO
22 SANCHEZ

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Defendants.

COMES NOW PLAINTIFF, HERITAGE PACIFIC FINANCIAL, LLC
D/B/A HERITAGE PACIFIC FINANCIAL, a Texas Limited Liability Company,
that alleges damages, specific performance, and seeks equitable relief against the
Defendants, and each of them, as follows:

JURISDICTION & VENUE

1 g. DEFENDANT JACINTO AYALA residing within the borders of
2 the United States District Court for the Central District of California.

3 h. DEFENDANT MARY JEAN CASTRO residing at 243 Hoover
4 Street, Apt. 4, Los Angeles, CA 90004.

5 i. DEFENDANT ESPERANZA DOMINGUEZ residing at 2415
6 Etiwanda Avenue, San Bernardino, CA 92410.

7 j. DEFENDANTS PAUL BROWN JR. and SHARON BROWN
8 residing at 1706 West Townsend Street, Rialto, CA 92377.

9 k. DEFENDANT KAREN MORALES residing at 2375 Norht
10 Valencia Avenue, San Bernardino, CA 92404

11 l. DEFENDANTS AMADO HERNANDEZ and NICOL MARINA
12 VILLA residing at , residing at 622 Joyce Drive, Port Hueneme, CA 93041.

13 m. DEFENDANT SEAN DOYLE residing within the borders of the
14 United States District for the Central District of California.

15 n. DEFENDANT RICARDO AGUILAR residing at 962 Bollinger
16 Canyon, Moraga, CA 94556.

17 o. DEFENDANT HECTOR HERNANDEZ who owned real property
18 at 16340 E. Benbow St., Covina, CA 91722.

19 p. DEFENDANT JESSICA GONZALEZ residing at 8215 Buhman
20 Avenue, Pico Rivera, CA 90660.

21 q. DEFENDANT OMAR PERKINS residing at 2035 East Highland
22 Avenue, San Bernardino, CA 92404.

23 r. DEFENDANT ALEJANDRO JIMENEZ residing at 5518 Geer
24 Street, Los Angeles, CA 90016.

25 s. DEFENDANT ENDY ARTEAGA residing at 8156 Gardendale
26 Street, Paramount, CA 90723.

1 t. DEFENDANT OSCAR VILLATORO residing at 7151
2 Lankershim Blvd, North Hollywood, CA 91605.

3 u. DEFENDANT PATRICIA MARTINEZ residing at or near 9891
4 Irvine Center Drive, #200, Irvine, CA 92618.

5 v. DEFENDANT NORMA MALDONADO residing at 1930
6 Dauthy, Riverside, CA 92508.

7 w. DEFENDANT MARCELINO MONGE ALAS residing at 17925
8 Dianthus Avenue, Fontana, CA 92335.

9 x. DEFENDANT CARLOS SANTOS residing at 195 East Olive
10 Street, San Bernardino, CA 92410.

11 y. DEFENDANT CHRISTINA KUTZER residing at 4359 Beulah
12 Drive, La Canada Flintridge, CA 91011.

13 z. DEFENDANT FABRICIO ALFARO residing at 6505 Rosemead
14 Blvd #101, Pico Rivera, CA 90660.

15 aa. DEFENDANT ANA AGUILAR residing at 3038 Pleasant Street,
16 Riverside, CA 92507.

17 bb. DEFENDANT MARIA CHACON residing at 8223 Crafton
18 Avenue, Cudahy, CA 90201.

19 cc. DEFENDANT MATTHEW ALFANO residing at 2506 Savannah
20 Way, Palm Springs, CA 92262.

21 dd. DEFENDANT SABINA MENDEZ CHAVARRIA residing at
22 3622 Griffith Avenue, Los Angeles, CA 90011.

23 ee. DEFENDANT ROSA BARRIOS residing at 600 Imogen Avenue
24 # 102, Los Angeles, CA 90026.

25 ff. DEFENDANT BEATRICE RINCON residing at or near 1727 W.
26 Avenue K, Lancaster, CA 93534.

1 gg. DEFENDANT ALMA FIGUEROA residing at or near 225 North
2 Hill Street, Room 130, Los Angeles, CA 90012.

3 hh. DEFENDANT FLORIE ANN SANTONIL residing at 38 Lakeside,
4 Buena Park, CA 90621

5 ii. DEFENDANT GUADALUPE MORENO residing at 17031
6 California Avenue, Bellflower, CA 90706.

7 jj. DEFENDANT ALUTHNUWARA SUMANATHISSA residing at
8 398 Giano Avenue, La Puente, CA 91744.

9 kk. DEFENDANT SALATIEL MONTOYA residing at or near 18231
10 Irvine Blvd, Ste 100, Tustin, CA 97280.

11 ll. DEFENDANT DIONISIO VAZQUEZ residing at 901 E. 233rd
12 Street, Carson, CA 90745.

13 mm. DEFENDANTS JAVIER LOPEZ and GLORIA CAMPA residing
14 at 9767 Sanford Bridge Road, Downey, CA 90240.

15 nn. DEFENDANTS PRISCILLA FRANCO and JOHN FRANCO
16 residing at or near 19425 B Soledad Canyon Road # 165, Santa Clarita, CA 91351.

17 oo. DEFENDANT MIGUEL BAIRES residing at 2227 S. Marvin
18 Avenue # 4, Los Angeles, CA 90016.

19 pp. DEFENDANT VICKIE DAVIS residing at 3883 W. Century
20 Blvd, Inglewood, CA 90303.

21 qq. DEFENDANTS ROBERT MARTIN and AMANDA MARTIN
22 who reside with the borders of the United States District Court for the Central
23 District of California and where they owned property in such district.

24 rr. DEFENDANT ELCIDA POLANCO residing at 12100 Sheldon
25 Street, Apt. 205, Sun Valley, CA 91352.

26 ss. DEFENDANT OSCAR RAMIREZ residing at 68246 Calle
27 Cerrito, Desert Hot Springs, CA 92240.
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1 tt. DEFENDANT JENNIFER PARK residing in or near Los Angeles,
2 CA within the borders of the United States District Court for the Central District of
3 California.

4 uu. DEFENDANT KAEKO SAEKI residing at 28713 Covecrest
5 Drive, Rancho Palos Verdes, CA 90275.

6 vv. DEFENDANT NOEL ABRAHAM residing at 1970 S. Garth
7 Avenue #14, Los Angeles, CA 90034.

8 ww. DEFENDANT JENNIFER VALDEZ residing at 1545 Date Palm
9 Drive, Palmdale, CA 93551.

10 xx. DEFENDANT JULIO SANCHEZ residing at 12039 Klingerman
11 Street, El Monte, CA 91732.

12 PRELIMINARY ALLEGATIONS

13 4. At all times relevant herein, Plaintiff is the owner of the mortgage
14 notes for the Defendants.

15 5. Plaintiff is informed and believes, and thereon alleges that
16 Defendants are now, and were at all times mentioned in this Complaint, individuals
17 residing in the State of California. At all times relevant to this suit, Defendants
18 owned real property within the State of California and/or reside in California.

19 6. Plaintiff is informed and believes, and thereon alleges, Defendants
20 in each of their loan transactions actively devised and executed a scheme to
21 prepare, submit and close fraudulent interstate real estate financing transactions
22 with financial institutions among the intended victims of their criminal acts in
23 violation of 18 U.S.C. §§ 1343-44.

24 7. Defendants committed the acts, caused or directed others to
25 commit the acts and/or omissions, or instructed, authorized, permitted, encouraged,
26 facilitated, assisted and/or ratified the acts and/or omissions of their agents.
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1 Defendants knew or realized their agents were engaging in or planned to engage in
2 violations of civil and criminal law in this Complaint.

3 STATEMENT OF FACTS

4 8. As detailed below in this Complaint, each Defendant sought to
5 purchase or refinance real property in the State of California or reside in
6 California.

7 9. In an effort to obtain funds to purchase their properties,
8 Defendants applied for and obtained loans and completed, or caused to have
9 completed on their behalf, a Uniform Residential Loan Application, otherwise
10 known as a 1003 Form, which the Defendants executed and signed.

11 10. On each Uniform Residential Loan Application, each Defendant
12 certified the accuracy of the information contained therein and consented to the
13 verification and re-verification of the information contained therein.

14 11. Among the information provided and certified by Defendants in
15 their Uniform Residential Loan Application, the Plaintiffs were required to certify
16 information regarding their current employer, statements of their gross monthly
17 income, and to certify that they intended to use the loan proceeds to purchase real
18 property which Defendants intended to use as their primary residence.

19 12. In furtherance of their effort, because Defendants knew that their
20 then-current income was insufficient to support the approval of the loan and/or in
21 an effort to secure the more favorable primary-residence financing rate, Plaintiff is
22 informed, believes, and thereon alleges that the Defendants:

23 a) Provided, prepared, caused to be prepared, false loan
24 applications, which misstated their employment, income and/or intended use of the
25 property as a primary residence; and
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1 b) Certified false loan applications, which misstated their
2 employment, income and/or intended use of the property as a primary residence;
3 and

4 c) Caused their agents to submit to lenders false loan
5 applications and other loan related documents.

6 13. Plaintiff is informed, believes, and thereon alleges that Defendants
7 directed, instructed, and cause to have transmitted their false loan application and
8 supporting documentation to lenders even though Defendants knew the
9 information in the loan application and supporting documentation were false in
10 material respects.

11 14. Lenders did not know, and had no reason to know, that the
12 information and documentation provided by Defendants in and in conjunction with
13 their loan applications was false, and in reliance on the information and
14 documentation provided by Defendants to lenders therein approved the loan.

15 15. Defendants executed promissory notes in favor of their initial
16 lender, their successors, transferees, and assigns (collectively hereinafter
17 "LENDER").

18 16. The proceeds of the loans, as referenced in the promissory notes,
19 were to be used by Defendants in the purchase or refinance of the properties
20 described therein. In exchange, Defendants agreed and promised to pay Lender
21 according to the mutually agreed upon terms and conditions more particularly
22 described in the promissory notes.

23 17. Lenders fully performed, and Defendants acquired title to the
24 properties.

25 18. The promissory notes were duly assigned by the original lender
26 and/or its assignees to Plaintiffs, who is currently the Holder of the promissory
27 notes.
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1 19. Defendants have defaulted on their obligations to re-verify the
2 information contained in their Uniform Residential Loan Application. Despite
3 Plaintiff's attempts to secure information from Defendants to re-verify the
4 information contained in their loan applications, Defendants have failed and/or
5 refused to comply with Plaintiff's requests.

6 20. On or about December 8, 2006, Defendant GREG COLE obtained
7 financing with Loan Number 0106391279-9501 from Argent Mortgage Company,
8 LLC, totaling a principal balance of \$98,000.00 to purchase real property located at
9 20612 Pam Court, Santa Clarita, CA 91350. Plaintiff is informed, believes, and
10 thereon alleges that Mr. Cole fraudulently misstated his monthly income as
11 \$17,804.22 a month on his Uniform Residential Loan Application and concealed
12 his true income. Plaintiff is the current holder of the mortgage note. After the loan
13 transaction, Mr. Cole defaulted on his payment obligations and his obligation to re-
14 verify the information contained on his Uniform Residential Loan Application.

15 21. On or about September 18, 2006, Defendant RONALD CLACK
16 obtained financing with Loan Number 11662749 from WMC Mortgage
17 Corporation totaling a principal balance of \$129,000.00 to refinance real property
18 located at 31880 Silk Vine Drive, Winchester, CA 92596. Plaintiff is informed,
19 believes, and thereon alleges that Mr. Clack fraudulently misstated his monthly
20 income as \$15,011.00 a month on his Uniform Residential Loan Application and
21 concealed his true income. Plaintiff is the current holder of the mortgage note.
22 After the loan transaction, Mr. Clack defaulted on his payment obligations and his
23 obligation to re-verify the information contained on his Uniform Residential Loan
24 Application.

25 22. On or about January 23, 2007, Defendant ISSAC MARTINEZ
26 obtained financing with Loan Number 11824910 from GE Money Bank, F.S.B.,
27 totaling a principal balance of \$118,000.00 to refinance real property located at 77
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1 Villa Valtelena, Lake Elsinore, CA 92532. Plaintiff is informed, believes, and
2 thereon alleges that Mr. Martinez fraudulently misstated his monthly income as
3 \$11,237.00 a month on his Uniform Residential Loan Application and concealed
4 his true income. Plaintiff is the current holder of the mortgage note. After the loan
5 transaction, Mr. Martinez defaulted on his payment obligations and his obligation
6 to re-verify the information contained on his Uniform Residential Loan
7 Application.

8 23. On or about December 4, 2006, Defendant GERMAN
9 SAMAYOA obtained financing with Loan Number 11766471 from WMC
10 Mortgage Corporation totaling a principal balance of \$61,300.00 to purchase real
11 property located at 82948 Corte Lucia, Indio, CA 92201. Plaintiff is informed,
12 believes, and thereon alleges that Mr. Samayoa fraudulently misstated his monthly
13 income as \$23,000.00 a month on his Uniform Residential Loan Application and
14 concealed his true income. Plaintiff is the current holder of the mortgage note.
15 After the loan transaction, Mr. Samayoa defaulted on his payment obligations and
16 his obligation to re-verify the information contained on his Uniform Residential
17 Loan Application.

18 24. On or about August 29, 2006, Defendant CARLOS TURCIOS
19 obtained financing with Loan Number 11672269 from WMC Mortgage
20 Corporation totaling a principal balance of \$99,000.00 to purchase real property
21 located at 1501 East 59th Street, Long Beach, CA 90805. Plaintiff is informed,
22 believes, and thereon alleges that Mr. Turcios fraudulently misstated his monthly
23 income as \$9200.00 a month on his Uniform Residential Loan Application and
24 concealed his true income. Plaintiff is the current holder of the mortgage note.
25 After the loan transaction, Mr. Turcios defaulted on his payment obligations and
26 his obligation to re-verify the information contained on his Uniform Residential
27 Loan Application.

1 25. On or about January 3, 2007, Defendant VARIAN SHELTON
2 obtained financing with Loan Number 0106924277-9501 from Argent Mortgage
3 Company, LLC, totaling a principal balance of \$89,845.00 to refinance real
4 property located at 18903 Billings Avenue, Carson, CA 90746. Plaintiff is
5 informed, believes, and thereon alleges that Mr. Shelton fraudulently misstated his
6 monthly income as \$13,282.40 a month on his Uniform Residential Loan
7 Application and concealed his true income. Plaintiff is the current holder of the
8 mortgage note. After the loan transaction, Mr. Shelton defaulted on his payment
9 obligations and his obligation to re-verify the information contained on his
10 Uniform Residential Loan Application.

11 26. On or about November 22, 2006, Defendant JACINTO AYALA
12 obtained financing with Loan Number 11742074 from United California Systems
13 International, Inc., totaling a principal balance of \$52,200.00 to purchase real
14 property located at 818 Maryess Drive, San Bernardino, CA 92410. Plaintiff is
15 informed, believes, and thereon alleges that Mr. Ayala fraudulently misstated his
16 monthly income as \$7,329.02 a month on his Uniform Residential Loan
17 Application and concealed his true income. Plaintiff is the current holder of the
18 mortgage note. After the loan transaction, Mr. Ayala defaulted on his payment
19 obligations and his obligation to re-verify the information contained on his
20 Uniform Residential Loan Application.

21 27. On or about December 6, 2006, Defendant MARY JEAN
22 CASTRO obtained financing with Loan Number 0105747034-9502 from Argent
23 Mortgage Company, LLC, totaling a principal balance of \$144,000.00 to refinance
24 real property located at 37655 Botanica Place, Murrieta, CA 92562. Plaintiff is
25 informed, believes, and thereon alleges that Ms. Castro fraudulently misstated her
26 monthly income as \$15,650.00 a month on her Uniform Residential Loan
27 Application and concealed her true income. Plaintiff is the current holder of the
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1 mortgage note. After the loan transaction, Ms. Castro defaulted on her payment
2 obligations and her obligation to re-verify the information contained on her
3 Uniform Residential Loan Application.

4 28. On or about October 9, 2006, Defendant ESPERANZA
5 DOMINGUEZ obtained financing with Loan Number 11703167 from WMC
6 Mortgage Corporation totaling a principal balance of \$65,600.00 to purchase real
7 property located at 418 East Rialto Avenue, Rialto, CA 92376. Plaintiff is
8 informed, believes, and thereon alleges that Ms. Dominguez fraudulently misstated
9 her monthly income as \$5,765.00 a month on her Uniform Residential Loan
10 Application and concealed her true income. Plaintiff is the current holder of the
11 mortgage note. After the loan transaction, Ms. Dominguez defaulted on her
12 payment obligations and her obligation to re-verify the information contained on
13 her Uniform Residential Loan Application.

14 29. On or about December 19, 2006, Defendants PAUL BROWN, JR
15 and SHARON BROWN obtained financing with Loan Number 11798592 from
16 WMC Mortgage Corporation totaling a principal balance of \$43,800.00 to
17 purchase real property located at 1400 West Edgehill Road, Unit 61, San
18 Bernardino, CA 92405. Plaintiff is informed, believes, and thereon alleges that
19 Mr. and Ms. Brown fraudulently misstated their monthly income as \$7,000.00 a
20 month on their Uniform Residential Loan Application and concealed their true
21 income. Plaintiff is the current holder of the mortgage note. After the loan
22 transaction, Mr. and Ms. Brown defaulted on their payment obligations and their
23 obligation to re-verify the information contained on their Uniform Residential
24 Loan Application.

25 30. On or about November 6, 2006, Defendant KAREN MORALES
26 obtained financing from Homecomings Financial, LLC, totaling a principal
27 balance of \$43,000.00 to refinance real property located at 2375 North Valencia
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1 Avenue, San Bernardino, CA 92404. Plaintiff is informed, believes, and thereon
2 alleges that Ms. Morales fraudulently misstated her monthly income as \$14,300.00
3 a month on her Uniform Residential Loan Application and concealed her true
4 income. Plaintiff is the current holder of the mortgage note. After the loan
5 transaction, Ms. Morales defaulted on her payment obligations and her obligation
6 to re-verify the information contained on her Uniform Residential Loan
7 Application.

8 31. On or about February 13, 2007, Defendants AMADO
9 HERNANDEZ and NICOL MARINA VILLA obtained financing with Loan
10 Number 11833485 from GE Money Bank, F.S.B., totaling a principal balance of
11 \$100,000.00 to refinance real property located at 622 East Joyce Drive, Port
12 Hueneme, CA 93041. Plaintiff is informed, believes, and thereon alleges that Mr.
13 Hernandez and Ms. Villa fraudulently misstated their monthly income as
14 \$10,250.00 a month on their Uniform Residential Loan Application and concealed
15 their true income. Plaintiff is the current holder of the mortgage note. After the
16 loan transaction, Mr. Hernandez and Ms. Villa defaulted on their payment
17 obligations and their obligation to re-verify the information contained on their
18 Uniform Residential Loan Application.

19 32. On or about December 19, 2006, Defendant SEAN DOYLE
20 obtained financing with Loan Number 11792124 from WMC Mortgage
21 Corporation totaling a principal balance of \$180,000.00 to purchase real property
22 located at 280 North Quail Lane, Orange, CA 92869. Plaintiff is informed,
23 believes, and thereon alleges that Mr. Doyle fraudulently misstated his monthly
24 income as \$19,500.00 a month on his Uniform Residential Loan Application and
25 concealed his true income. Plaintiff is the current holder of the mortgage note.
26 After the loan transaction, Mr. Doyle defaulted on his payment obligations and his
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1 obligation to re-verify the information contained on his Uniform Residential Loan
2 Application.

3 33. On or about October 30, 2006, Defendant RICARDO AGUILAR
4 obtained financing with Loan Number 11745718 from WMC Mortgage
5 Corporation totaling a principal balance of \$81,467.00 to purchase real property
6 located at 11359 Foxdale Drive, Desert Hot Springs, CA 92240. Plaintiff is
7 informed, believes, and thereon alleges that Mr. Aguilar fraudulently misstated his
8 monthly income as \$20,290.00 a month on his Uniform Residential Loan
9 Application and concealed his true income. Plaintiff is the current holder of the
10 mortgage note. After the loan transaction, Mr. Aguilar defaulted on his payment
11 obligations and his obligation to re-verify the information contained on his
12 Uniform Residential Loan Application.

13 34. On or about September 27, 2006, Defendant HECTOR
14 HERNANDEZ obtained financing with Loan Number 11708204 from WMC
15 Mortgage Corporation totaling a principal balance of \$95,000.00 to purchase real
16 property located at 16340 East Benbow Street, Covina, CA 91722. Plaintiff is
17 informed, believes, and thereon alleges that Mr. Hernandez fraudulently misstated
18 his monthly income as \$12,900.09 a month on his Uniform Residential Loan
19 Application and concealed his true income. Plaintiff is the current holder of the
20 mortgage note. After the loan transaction, Mr. Hernandez defaulted on his
21 payment obligations and his obligation to re-verify the information contained on
22 his Uniform Residential Loan Application.

23 35. On or about November 27, 2006, Defendant JESSICA
24 GONZALEZ obtained financing with Loan Number 0105188874-9509 from
25 Argent Mortgage Company, LLC, totaling a principal balance of \$83,000.00 to
26 refinance real property located at 1947 Carrol Drive, San Jacinto, CA 92583.
27 Plaintiff is informed, believes, and thereon alleges that Ms. Gonzalez fraudulently
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1 misstated her monthly income as \$9,428.21 a month on her Uniform Residential
2 Loan Application and concealed her true income. Plaintiff is the current holder of
3 the mortgage note. After the loan transaction, Ms. Gonzalez defaulted on her
4 payment obligations and her obligation to re-verify the information contained on
5 her Uniform Residential Loan Application.

6 36. On or about May 4, 2007, Defendant OMAR PERKINS obtained
7 financing from Homecomings Financial, LLC, totaling a principal balance of
8 \$31,800.00 to purchase real property located at 1676 West 26th Street, San
9 Bernardino, CA 92407. Plaintiff is informed, believes, and thereon alleges that
10 Mr. Perkins fraudulently misstated his monthly income as \$10,500.00 a month on
11 his Uniform Residential Loan Application and concealed his true income. Plaintiff
12 is the current holder of the mortgage note. After the loan transaction, Mr. Perkins
13 defaulted on his payment obligations and his obligation to re-verify the information
14 contained on his Uniform Residential Loan Application.

15 37. On or about February 5, 2007, Defendant ALEJANDRO
16 JIMENEZ obtained financing with Loan Number 11835634 from GE Money
17 Bank, F.S.B., totaling a principal balance of \$59,998.00 to purchase real property
18 located at 21702 South Hanlon Avenue, Dos Palos, CA 93620. Plaintiff is
19 informed, believes, and thereon alleges that Mr. Jimenez fraudulently misstated his
20 monthly income as \$6,675.00 a month on his Uniform Residential Loan
21 Application and concealed his true income. Plaintiff is the current holder of the
22 mortgage note. After the loan transaction, Mr. Jimenez defaulted on his payment
23 obligations and his obligation to re-verify the information contained on his
24 Uniform Residential Loan Application.

25 38. On or about November 3, 2006, Defendant ENDY ARTEAGA
26 obtained financing with Loan Number 0105054357-9502 from Argent Mortgage
27 Company, LLC, totaling a principal balance of \$121,000.00 to purchase real
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1 property located at 2828 Eckleson Street, Lakewood, CA 90712. Plaintiff is
2 informed, believes, and thereon alleges that Mr. Arteaga fraudulently misstated his
3 monthly income as \$15,930.47 a month on his Uniform Residential Loan
4 Application and concealed his true income. Plaintiff is the current holder of the
5 mortgage note. After the loan transaction, Mr. Arteaga defaulted on his payment
6 obligations and his obligation to re-verify the information contained on his
7 Uniform Residential Loan Application.

8 39. On or about August 1, 2006, Defendant OSCAR VILLATORO
9 obtained financing with Loan Number 95W1013451 from SBMC Mortgage,
10 totaling a principal balance of \$111,000.00 to purchase real property located at
11 7857 Ben Avenue, North Hollywood Area, 91605. Plaintiff is informed, believes,
12 and thereon alleges that Mr. Villatoro fraudulently misstated his monthly income
13 as \$10,500.00 a month on his Uniform Residential Loan Application and concealed
14 his true income. Plaintiff is the current holder of the mortgage note. After the loan
15 transaction, Mr. Villatoro defaulted on his payment obligations and his obligation
16 to re-verify the information contained on his Uniform Residential Loan
17 Application.

18 40. On or about February 7, 2007, Defendant PATRICIA MARTINEZ
19 obtained financing with Loan Number 0108104274 from Argent Mortgage
20 Company, LLC, totaling a principal balance of \$107,000.00 to purchase real
21 property located at 8842 Mesa Oak Drive, Riverside, CA 92508. Plaintiff is
22 informed, believes, and thereon alleges that Ms. Martinez fraudulently misstated
23 her monthly income as \$14,963.47 a month on her Uniform Residential Loan
24 Application and concealed her true income. Plaintiff is the current holder of the
25 mortgage note. After the loan transaction, Ms. Martinez defaulted on her payment
26 obligations and her obligation to re-verify the information contained on her
27 Uniform Residential Loan Application.
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1 41. On or about December 28, 2006, Defendant NORMA
2 MALDONADO obtained financing with Loan Number 0106193592-9504 from
3 Argent Mortgage Company, LLC, totaling a principal balance of \$74,300.00 to
4 purchase real property located at 1001 West Stevens Avenue, Santa Ana, CA
5 92707. Plaintiff is informed, believes, and thereon alleges that Ms. Maldonado
6 fraudulently misstated her monthly income as \$10,892.00 a month on her Uniform
7 Residential Loan Application and concealed her true income. Plaintiff is the
8 current holder of the mortgage note. After the loan transaction, Ms. Maldonado
9 defaulted on her payment obligations and her obligation to re-verify the
10 information contained on her Uniform Residential Loan Application.

11 42. On or about January 22, 2007, Defendant MARCELINO MONGE
12 ALAS obtained financing with Loan Number 11824615 from GE Money Bank,
13 F.S.B., totaling a principal balance of \$76,400.00 to purchase real property located
14 at 8786 Tangelo Avenue, Fontana, CA 92335. Plaintiff is informed, believes, and
15 thereon alleges that Mr. Alas fraudulently misstated his monthly income as
16 \$7,300.00 a month on his Uniform Residential Loan Application and concealed his
17 true income. Plaintiff is the current holder of the mortgage note. After the loan
18 transaction, Mr. Alas defaulted on his payment obligations and his obligation to re-
19 verify the information contained on his Uniform Residential Loan Application.

20 43. On or about March 6, 2006, Defendant CARLOS SANTOS
21 obtained financing with Loan Number 0094492634-9502 from Argent Mortgage
22 Company, LLC, totaling a principal balance of \$58,000.00 to purchase real
23 property located at 256 East B Street, Colton, CA 92324. Plaintiff is informed,
24 believes, and thereon alleges that Mr. Santos fraudulently misstated his monthly
25 income as \$7,500.00 a month on his Uniform Residential Loan Application and
26 concealed his true income. Plaintiff is the current holder of the mortgage note.
27 After the loan transaction, Mr. Santos defaulted on his payment obligations and his
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1 obligation to re-verify the information contained on his Uniform Residential Loan
2 Application.

3 44. On or about January 12, 2007, Defendant CHRISTINA KUTZER
4 obtained financing with Loan Number 11798174 from GE Money Bank, F.S.B.,
5 totaling a principal balance of \$272,000.00 to purchase real property located at 909
6 Oliver Street, South Pasadena, CA 91030. Plaintiff is informed, believes, and
7 thereon alleges that Ms. Kutzer fraudulently misstated her monthly income as
8 \$35,000.00 a month on her Uniform Residential Loan Application and concealed
9 her true income. Plaintiff is the current holder of the mortgage note. After the
10 loan transaction, Ms. Kutzer defaulted on her payment obligations and her
11 obligation to re-verify the information contained on her Uniform Residential Loan
12 Application.

13 45. On or about January 9, 2007, Defendant FABRICIO ALFARO
14 obtained financing with Loan Number 11816750 from GE Money Bank, F.S.B.,
15 totaling a principal balance of \$105,000.00 to purchase real property located at
16 20713 Roseton Avenue, Lakewood, CA 90715. Plaintiff is informed, believes, and
17 thereon alleges that Mr. Alfaro fraudulently misstated his monthly income as
18 \$11,500.00 a month on his Uniform Residential Loan Application and concealed
19 his true income. Plaintiff is the current holder of the mortgage note. After the loan
20 transaction, Mr. Alfaro defaulted on his payment obligations and his obligation to
21 re-verify the information contained on his Uniform Residential Loan Application.

22 46. On or about June 27, 2006, Defendant ANA AGUILAR obtained
23 financing with Loan Number 06062054 from Jayco Capital Group totaling a
24 principal balance of \$84,000.00 to purchase real property located at 4067 Royce
25 Street, Riverside, CA 92503. Plaintiff is informed, believes, and thereon alleges
26 that Ms. Aguilar fraudulently misstated her monthly income as \$10,100.00 a month
27 on her Uniform Residential Loan Application and concealed her true income.
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1 Plaintiff is the current holder of the mortgage note. After the loan transaction, Ms.
2 Aguilar defaulted on her payment obligations and her obligation to re-verify the
3 information contained on her Uniform Residential Loan Application.

4 47. On or about January 12, 2007, Defendant MARIA CHACON
5 obtained financing with Loan Number 11813771 from GE Money Bank, F.S.B.,
6 totaling a principal balance of \$93,000.00 to purchase real property located
7 at 1671 Lambert Avenue, El Monte, CA 91732. Plaintiff is informed, believes,
8 and thereon alleges that Ms. Chacon fraudulently misstated her monthly income as
9 \$7,184.00 a month on her Uniform Residential Loan Application and concealed
10 her true income. Plaintiff is the current holder of the mortgage note. After the
11 loan transaction, Ms. Chacon defaulted on her payment obligations and her
12 obligation to re-verify the information contained on her Uniform Residential Loan
13 Application.

14 48. On or about July 13, 2006, Defendant MATTHEW ALFANO
15 obtained financing with Loan Number 11600710 from WMC Mortgage
16 Corporation totaling a principal balance of \$120,000.00 to purchase real property
17 located at 7337 Ruffner Avenue, Van Nuys, CA 91406. Plaintiff is informed,
18 believes, and thereon alleges that Mr. Alfano fraudulently misstated his monthly
19 income as \$13,000.00 a month on his Uniform Residential Loan Application and
20 concealed his true income. Plaintiff is the current holder of the mortgage note.
21 After the loan transaction, Mr. Alfano defaulted on his payment obligations and his
22 obligation to re-verify the information contained on his Uniform Residential Loan
23 Application.

24 49. On or about February 1, 2007, Defendant SABINA MENDEZ
25 CHAVARRIA obtained financing with Loan Number 11831760 from GE Money
26 Bank, F.S.B., totaling a principal balance of \$71,597.00 to purchase real property
27 located at 271 Shetland Court, San Jacinto, CA 92582. Plaintiff is informed,
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1 believes, and thereon alleges that Ms. Chavarria fraudulently misstated her
2 monthly income as \$7,500.00 a month on her Uniform Residential Loan
3 Application and concealed her true income. Plaintiff is the current holder of the
4 mortgage note. After the loan transaction, Ms. Chavarria defaulted on her payment
5 obligations and her obligation to re-verify the information contained on her
6 Uniform Residential Loan Application.

7 50. On or about March 8, 2006, Defendant ROSA BARRIOS obtained
8 financing with Loan Number 11470847 from WMC Mortgage Corporation totaling
9 a principal balance of \$113,800.00 to purchase real property located at 1205 &
10 1207 East 78th Street, Los Angeles, CA 90001. Plaintiff is informed, believes, and
11 thereon alleges that Ms. Barrios fraudulently misstated her monthly income as at
12 least \$9875.00 a month on her Uniform Residential Loan Application and
13 concealed her true income. Plaintiff is the current holder of the mortgage note.
14 After the loan transaction, Ms. Barrios defaulted on her payment obligations and
15 her obligation to re-verify the information contained on her Uniform Residential
16 Loan Application.

17 51. On or about October 19, 2006, Defendant BEATRICE RINCON
18 obtained financing with Loan Number 21073297 from Metrocities Mortgage, LLC,
19 totaling a principal balance of \$86,400.00 to purchase real property located at
20 43656 Countryside Drive, Lancaster, CA 93536. Plaintiff is informed, believes,
21 and thereon alleges that Ms. Rincon fraudulently misstated her monthly income as
22 \$10,526.00 a month on her Uniform Residential Loan Application and concealed
23 her true income. Plaintiff is the current holder of the mortgage note. After the
24 loan transaction, Ms. Rincon defaulted on her payment obligations and her
25 obligation to re-verify the information contained on her Uniform Residential Loan
26 Application.

1 52. On or about January 4, 2007, Defendant ALMA FIGUEROA
2 obtained financing with Loan Number 11807881 from GE Money Bank, F.S.B.,
3 totaling a principal balance of \$70,000.00 to purchase real property located at 6980
4 Fairfax Drive, San Bernardino, CA 92404. Plaintiff is informed, believes, and
5 thereon alleges that Ms. Figueroa fraudulently misstated her monthly income as
6 \$9,400.00 a month on her Uniform Residential Loan Application and concealed
7 her true income. Plaintiff is the current holder of the mortgage note. After the
8 loan transaction, Ms. Figueroa defaulted on her payment obligations and her
9 obligation to re-verify the information contained on her Uniform Residential Loan
10 Application.

11 53. On or about December 26, 2006, Defendant FLORIE ANN
12 SANTONIL obtained financing with Loan Number 11794128 from WMC
13 Mortgage Corporation totaling a principal balance of \$151,000.00 to purchase real
14 property located at 15157 Riviera Lane, La Miranda, CA 90638. Plaintiff is
15 informed, believes, and thereon alleges that Ms. Santonil fraudulently misstated
16 her monthly income as \$13,800.00 a month on her Uniform Residential Loan
17 Application and concealed her true income. Plaintiff is the current holder of the
18 mortgage note. After the loan transaction, Ms. Santonil defaulted on her payment
19 obligations and her obligation to re-verify the information contained on her
20 Uniform Residential Loan Application.

21 54. On or about February 1, 2006, Defendant GUADALUPE
22 MORENO obtained financing with Loan Number 4777240167 from Quicken
23 Loans totaling a principal balance of \$180,400.00 to secured on real property
24 located at 13144 Carolyn Street, Cerritos, CA 90703. Plaintiff is informed,
25 believes, and thereon alleges that Ms. Moreno fraudulently misstated her monthly
26 income as \$20,000.00 a month on her Uniform Residential Loan Application and
27 concealed her true income. Plaintiff is the current holder of the mortgage note.
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1 After the loan transaction, Ms. Moreno defaulted on her payment obligations and
2 her obligation to re-verify the information contained on her Uniform Residential
3 Loan Application.

4 55. On or about October 30, 2006, Defendant ALUTHNUWARA
5 SUMANATISSA obtained financing with Loan Number 1595573 from R.N.B.
6 Inc. d/b/a Cornerstone Mortgage totaling a principal balance of \$105,000.00 to
7 purchase real property located at 5664 North Rainbow Blvd, Las Vegas, NV
8 89130. Plaintiff is informed, believes, and thereon alleges that this Defendant
9 fraudulently misstated his monthly income as at least \$12,000.00 a month on his
10 Uniform Residential Loan Application and concealed his true income. Plaintiff is
11 the current holder of the mortgage note. After the loan transaction, Mr.
12 Sumanatissa defaulted on his payment obligations and his obligation to re-verify
13 the information contained on his Uniform Residential Loan Application.

14 56. On or about August 24, 2006, Defendant SALATIEL MONTOYA
15 obtained financing with Loan Number 11667991 from WMC Mortgage
16 Corporation totaling a principal balance of \$79,980.00 to purchase real property
17 located at 8965 Alabama Street, Riverside, CA 92503. Plaintiff is informed,
18 believes, and thereon alleges that Mr. Montoya fraudulently misstated his monthly
19 income as \$13,250.00 a month on his Uniform Residential Loan Application and
20 concealed his true income. Plaintiff is the current holder of the mortgage note.
21 After the loan transaction, Mr. Montoya defaulted on his payment obligations and
22 his obligation to re-verify the information contained on his Uniform Residential
23 Loan Application.

24 57. On or about November 10, 2006, Defendant DIONISIO
25 VAZQUEZ obtained financing with Loan Number 11740428 from WMC
26 Mortgage Corporation totaling a principal balance of \$78,800.00 to purchase real
27 property located at 446 West Peach Street, Compton, CA 90222. Plaintiff is
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1 informed, believes, and thereon alleges that Mr. Vazquez fraudulently misstated
2 his monthly income as \$11,450.00 a month on his Uniform Residential Loan
3 Application and concealed his true income. Plaintiff is the current holder of the
4 mortgage note. After the loan transaction, Mr. Vazquez defaulted on his payment
5 obligations and his obligation to re-verify the information contained on his
6 Uniform Residential Loan Application.

7 58. On or about February 9, 2007, Defendants JAVIER LOPEZ and
8 GLORIA CAMPA obtained financing with Loan Number 11842092 from GE
9 Money Bank, F.S.B., totaling a principal balance of \$190,000.00 to refinance real
10 property located at 10002 Pangborn Avenue, Downey, CA 90240. Plaintiff is
11 informed, believes, and thereon alleges that Mr. Lopez and Ms. Campa
12 fraudulently misstated their monthly income as \$17,000.00 a month on their
13 Uniform Residential Loan Application and concealed their true income. Plaintiff
14 is the current holder of the mortgage note. After the loan transaction, Mr. Lopez
15 and Ms. Campa defaulted on their payment obligations and their obligation to re-
16 verify the information contained on their Uniform Residential Loan Application.

17 59. On or about March 9, 2007, Defendants PRISCILLA FRANCO
18 and JOHN FRANCO obtained financing with Loan Number 11846211 from GE
19 Money Bank, F.S.B., totaling a principal balance of \$160,025.00 to purchase real
20 property located at 19713 Mathilde Lane, Saugus Area, CA 91350. Plaintiff is
21 informed, believes, and thereon alleges that Mr. and Ms. Franco fraudulently
22 misstated their monthly income as \$47,914.84 a month on their Uniform
23 Residential Loan Application and concealed their true income. Plaintiff is the
24 current holder of the mortgage note. After the loan transaction, Mr. and Ms.
25 Franco defaulted on their payment obligations and their obligation to re-verify the
26 information contained on their Uniform Residential Loan Application.
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1 60. On or about October 23, 2006, Defendant MIGUEL BAIRES
2 obtained financing with Loan Number 11728554 from WMC Mortgage
3 Corporation totaling a principal balance of \$94,000.00 to purchase real property
4 located at 2505 South Rimpau Blvd., Los Angeles, CA 90016. Plaintiff is
5 informed, believes, and thereon alleges that Mr. Baires fraudulently misstated his
6 monthly income as \$9,850.00 a month on his Uniform Residential Loan
7 Application and concealed his true income. Plaintiff is the current holder of the
8 mortgage note. After the loan transaction, Mr. Baires defaulted on his payment
9 obligations and his obligation to re-verify the information contained on his
10 Uniform Residential Loan Application.

11 61. On or about February 1, 2007, Defendant VICKIE DAVIS
12 obtained financing with Loan Number 11828361 from GE Money Bank, F.S.B.,
13 totaling a principal balance of \$108,800.00 to purchase real property located at
14 3833 West 134th Place, Hawthorne, CA 90250. Plaintiff is informed, believes, and
15 thereon alleges that Ms. Davis fraudulently misstated her monthly income as
16 \$10,450.00 a month on her Uniform Residential Loan Application and concealed
17 her true income. Plaintiff is the current holder of the mortgage note. After the
18 loan transaction, Ms. Davis defaulted on her payment obligations and her
19 obligation to re-verify the information contained on her Uniform Residential Loan
20 Application.

21 62. On or about November 21, 2006, Defendants ROBERT MARTIN
22 and AMANDA MARTIN obtained financing with Loan Number 1600600537 from
23 Golden Empire Mortgage, Inc., totaling a principal balance of \$53,600.00 to
24 purchase real property located at 6965 Bangor Avenue, Highland, CA 92436.
25 Plaintiff is informed, believes, and thereon alleges that Mr. and Ms. Martin
26 fraudulently misstated their monthly income as \$13,512.00 a month on their
27 Uniform Residential Loan Application and concealed their true income. Plaintiff
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1 is the current holder of the mortgage note. After the loan transaction, Mr. and Ms.
2 Martin defaulted on their payment obligations and their obligation to re-verify the
3 information contained on their Uniform Residential Loan Application.

4 63. On or about December 20, 2006, Defendant ELCIDA POLANCO
5 obtained financing with Loan Number 11782183 from WMC Mortgage
6 Corporation totaling a principal balance of \$116,000.00 to purchase real property
7 located at 11221 Lull Street, Sun Valley, CA 91352. Plaintiff is informed,
8 believes, and thereon alleges that Ms. Polanco fraudulently misstated her monthly
9 income as \$12,500.00 a month on her Uniform Residential Loan Application and
10 concealed her true income. Plaintiff is the current holder of the mortgage note.
11 After the loan transaction, Ms. Polanco defaulted on her payment obligations and
12 her obligation to re-verify the information contained on her Uniform Residential
13 Loan Application.

14 64. On or about February 16, 2007, Defendant OSCAR RAMIREZ
15 obtained financing with Loan Number 11814665 from GE Money Bank, F.S.B.,
16 totaling a principal balance of \$42,400.00 to purchase real property located at
17 13175 Little Morongo Road, Desert Hot Springs, CA 92440. Plaintiff is informed,
18 believes, and thereon alleges that Mr. Ramirez fraudulently misstated his monthly
19 income as \$3,748.00 a month on his Uniform Residential Loan Application and
20 concealed his true income. Plaintiff is the current holder of the mortgage note.
21 After the loan transaction, Mr. Ramirez defaulted on his payment obligations and
22 his obligation to re-verify the information contained on his Uniform Residential
23 Loan Application.

24 65. On or about December 19, 2006, Defendant JENNIFER PARK
25 obtained financing with Loan Number 11787396 from WMC Mortgage
26 Corporation totaling a principal balance of \$63,400.00 to purchase real property
27 located at 13601 Brynwood Road, Victorville, CA 92392. Plaintiff is informed,
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1 believes, and thereon alleges that Ms. Park fraudulently misstated her monthly
2 income as \$9,500.00 a month on her Uniform Residential Loan Application and
3 concealed her true income. Plaintiff is the current holder of the mortgage note.
4 After the loan transaction, Ms. Park defaulted on her payment obligations and her
5 obligation to re-verify the information contained on her Uniform Residential Loan
6 Application.

7 66. On or about August 1, 2006, Defendant KAEKO SAEKI obtained
8 financing with Loan Number 3000983919 from Aegis Wholesale Corporation
9 totaling a principal balance of \$103,750.00 to purchase real property located at 556
10 St. Claude Place, Jacksonville, FL 32259. Plaintiff is informed, believes, and
11 thereon alleges that Ms. Saeki fraudulently misstated her monthly income as
12 \$35,322.25 a month on her Uniform Residential Loan Application and concealed
13 her true income. Plaintiff is the current holder of the mortgage note. After the
14 loan transaction, Ms. Saeki defaulted on her payment obligations and her
15 obligation to re-verify the information contained on her Uniform Residential Loan
16 Application.

17 67. On or about May 18, 2006, Defendant NOEL ABRAHAM
18 obtained financing with Loan Number 11550148 from WMC Mortgage
19 Corporation totaling a principal balance of \$150,000.00 to purchase real property
20 located at 1595 Jose Avenue, Camarillo, CA 93010. Plaintiff is informed,
21 believes, and thereon alleges that Mr. Abraham fraudulently misstated his monthly
22 income as \$16,000.00 a month on his Uniform Residential Loan Application and
23 concealed his true income. Plaintiff is the current holder of the mortgage note.
24 After the loan transaction, Mr. Abraham defaulted on his payment obligations and
25 his obligation to re-verify the information contained on his Uniform Residential
26 Loan Application.

1 71. As described hereinabove in Paragraphs 20-66, each Defendant
2 entered into loan agreements and executed promissory notes for the purchase or
3 refinance of real property.

4 72. As described hereinabove, each Defendant defaulted on their
5 payments and materially breached their agreements to pay back the funds
6 borrowed.

7 73. Defendants further materially breached their agreements by
8 refusing to re-verify the information provided on the Uniform Residential Loan
9 Application.

10 74. These were material breaches that have caused harm to Plaintiff
11 and Plaintiff's injuries were natural, probable, and foreseeable consequences of
12 Defendants' breaches of contract.

13 75. As to each and every Defendant, Plaintiff, as successor in interest
14 of each Lender, seeks specific performance as to the following:

- 15 a) Requiring each Defendant to sign a 4506-T Form for release of
16 tax returns by the IRS for the tax year immediately preceding
17 the loan transaction for Defendant, the tax year of the loan
18 transaction for each Defendant, and the tax year immediately
19 after the loan transaction for each Defendant as Defendants
20 agreed to provide pursuant to their Uniform Residential Loan
21 Application.
- 22 b) Proof of Primary Residency of the Real Property purchased in
23 each loan transaction by each Defendant, which includes, but
24 not limited to, a cable bill from the time the Defendant
25 allegedly lived in the house as a primary residence.
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27 **ALL FOR WHICH PLAINTIFF SEEKS SPECIFIC PERFORMANCE**
28 **AND OTHER RELIEF AS PRAYED.**

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SECOND CLAIM FOR RELIEF
(Intentional Misrepresentation/Fraud)

COMES NOW PLAINTIFF and for a separate and distinct CLAIM FOR RELIEF for Intentional Misrepresentation against Defendants, alleges as follows:

76. Plaintiff repeats and repleads paragraphs 1 through 75 and incorporates the allegations by reference as though fully set-forth herein.

77. Each Defendant prepared and submitted a loan application to Lender to secure a loan for the purchase of their real properties.

78. As alleged in Paragraphs 20-69, Plaintiff is informed, believes, and thereon alleges that Defendants intentionally misstated their employment information, their income, and/or intended use of the real property to be purchased on their loan applications to their Lender, for the purpose of inducing the Lender to provide the loans for the purchase or refinance of each Defendant's real property.

79. Plaintiff is informed, believes, and thereon alleges that the loans given to Defendants were based on the fraud in the loan application and the promissory notes executed by the Defendants.

80. At the time of the execution of the loan, each Defendant failed to disclose to Lender that they did not and would not have been able to earn the amount of income as represented on the loan applications. Thus, the Defendants in each of their loan transactions concealed their true income and ability to pay.

81. Plaintiff is informed, believes, and thereon alleges that when the each Defendant's loan was approved, the original lender had no reason to know of

1 the true facts that each Defendant's income was substantially less than the amount
2 falsely stated on their loan application. In addition, when Lender entered into the
3 loan transaction, Defendants made affirmative written representations in the Deed
4 of Trusts that:

5 "Borrower shall be in default if, during the Loan Application process,
6 Borrower or any persons or entities acting at the direction of Borrower or
7 with Borrower's knowledge or consent gave materially false, misleading, or
8 inaccurate information or statements to Lender (or failed to provide Lender
9 with material information) in connection with the Loan. Material
10 representations include, but are not limited to, representations concerning the
11 Borrower's occupancy of the Property as Borrower's principal residence."

12 82. As described above, Plaintiff is informed, believes, and thereon
13 alleges that these representations, warranties, and covenants were false.
14 Defendants knew that Lender relied on their false representations, warranties, and
15 covenants in executing the loan. On information and belief, Defendants knew that
16 Lender would not have made the loan without such representations, warranties, and
17 covenants.

18 83. In reasonable reliance upon the false statements of material fact,
19 each Lender entered into an loan agreement with Defendants and made the loan to
20 and/or for the benefit of Defendants. The loan would not have been approved nor
21 paid had the Lender known the true facts. Had Defendants made all of proper
22 disclosures called for in the loan application to Lender, including the true amount
23 of income, Lenders would not have entered into the loan, nor would it have
24 advanced any funds to Defendants.

25 84. Lender's reliance on statements, concealment, and non-disclosures
26 made by Defendants were reasonable and justified because, among other things, on
27 information and believe, Defendants certified the truth of the statements in the loan
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1 application submitted, and Defendants further agreed that “the Lender....may
2 continuously rely on the information contained in the application....”

3 85. Lender reasonably and detrimentally relied upon the false
4 statements, concealments, and non-disclosures of material fact caused by the
5 Defendants’ wrongful conduct. Plaintiff, as successor in interest to Lender, has
6 suffered damages to the recently discovered fraud. Plaintiff seeks damages to
7 each Defendant as per Paragraph 93.

8 ALL FOR WHICH PLAINTIFF SEEKS DAMAGES AND OTHER
9 RELIEF AS PRAYED.

10 THIRD CLAIM FOR RELIEF

11 (Negligent Misrepresentation)

12 COMES NOW PLAINTIFF, and for a separate and distinct CLAIM FOR
13 RELIEF for Negligent Misrepresentation against Defendants, alleges as follows:

14 86. Plaintiff repeats and repleads paragraphs 1 through 85 and
15 incorporates the allegations by reference therein as though set forth below.

16 87. As alleged above, Plaintiff is informed, believes, and thereon
17 alleges that Defendants misstated their income on their Uniform Residential Loan
18 Applications about the material facts relating to their true income, their
19 employment, and/or whether the real property would be used as a primary
20 residence.

21 88. Defendants had no reasonable ground to believe the amount of
22 income, employment information, and the intended purpose of the real property to
23 be purchased, would be true.

24 89. The false statements made by Defendants were made with the
25 intent to induce the Lender to act on reliance of their representations.
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1 f. DEFENDANT VARIAN SHELTON for \$89,845.00 in general
2 damages, and \$179,690.00 in punitive damages, for a total damages amount of
3 \$269,535.00.

4 g. DEFENDANT JACINTO AYALA for \$52,200.00 in general
5 damages, and \$104,400.00 in punitive damages, for a total damages amount of
6 \$156,600.00.

7 h. DEFENDANT MARY JEAN CASTRO for \$144,000.00 in
8 general damages, and \$288,000.00 in punitive damages, for a total damages
9 amount of \$432,000.00.

10 i. DEFENDANT ESPERANZA DOMINGUEZ for \$65,600.00 in
11 general damages, and \$131,200.00 in punitive damages, for a total damages
12 amount of \$196,800.00.

13 j. DEFENDANTS PAUL BROWN JR. and SHARON BROWN,
14 jointly and separately, for \$43,800.00 in general damages, and \$87,600.00 in
15 punitive damages, for a total damages amount of \$131,400.00.

16 k. DEFENDANT KAREN MORALES for \$43,000.00 in general
17 damages, and \$86,000.00 in punitive damages, for a total damages amount of
18 \$129,000.00.

19 l. DEFENDANTS AMADO HERNANDEZ and NICOL MARINA
20 VILLA, jointly and separately, for \$100,000.00 in general damages, and
21 \$200,000.00 in punitive damages, for a total damages amount of \$300,000.00.

22 m. DEFENDANT SEAN DOYLE for \$180,000.00 in general
23 damages, and \$360,000.00 in punitive damages, for a total damages amount of
24 \$540,000.00.

25 n. DEFENDANT RICARDO AGUILAR for \$81,467.00 in general
26 damages, and \$162,934.00 in punitive damages, for a total damages amount of
27 \$244,401.00.
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1 o. DEFENDANT HECTOR HERNANDEZ for \$95,000.00 in
2 general damages, and \$190,000.00 in punitive damages, for a total damages
3 amount of \$285,000.00.

4 p. DEFENDANT JESSICA GONZALEZ for \$83,000.00 in general
5 damages, and \$166,000.00 in punitive damages, for a total damages amount of
6 \$249,000.00.

7 q. DEFENDANT OMAR PERKINS for \$31,800.00 in general
8 damages, and \$63,600.00 in punitive damages, for a total damages amount of
9 \$95,400.00.

10 r. DEFENDANT ALEJANDRO JIMENEZ for \$59,998.00 in
11 general damages, and \$119,996.00 in punitive damages, for a total damages
12 amount of \$179,994.00.

13 s. DEFENDANT ENDY ARTEAGA for \$121,000.00 in general
14 damages, and \$242,000.00 in punitive damages, for a total damages amount of
15 \$363,000.00.

16 t. DEFENDANT OSCAR VILLATORO for \$111,000.00 in general
17 damages, and \$222,000.00 in punitive damages, for a total damages amount of
18 \$333,000.00.

19 u. DEFENDANT PATRICIA MARTINEZ for \$107,000.00 in
20 general damages, and \$214,000.00 in punitive damages, for a total damages
21 amount of \$321,000.00.

22 v. DEFENDANT NORMA MALDONADO for \$74,300.00 in
23 general damages, and \$148,600.00 in punitive damages, for a total damages
24 amount of \$222,900.00.

25 w. DEFENDANT MARCELINO MONGE ALAS for \$76,400.00 in
26 general damages, and \$152,800.00 in punitive damages, for a total damages
27 amount of \$229,200.00.
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1 x. DEFENDANT CARLOS SANTOS for \$58,000.00 in general
2 damages, and \$116,000.00 in punitive damages, for a total damages amount of
3 \$174,000.00.

4 y. DEFENDANT CHRISTINA KUTZER for \$272,000.00 in general
5 damages, and \$544,000.00 in punitive damages, for a total damages award of
6 \$816,000.00.

7 z. DEFENDANT FABRICIO ALFARO for \$105,000.00 in general
8 damages, and \$210,000.00 in punitive damages, for a total damages award of
9 \$315,000.00.

10 aa. DEFENDANT ANA AGUILAR for \$84,000.00 in general
11 damages, and \$168,000.00 in punitive damages, for a total damages award of
12 \$252,000.00.

13 bb. DEFENDANT MARIA CHACON for \$93,000.00 in general
14 damages, and \$186,000.00 in punitive damages, for a total damages amount of
15 \$279,000.00.

16 cc. DEFENDANT MATTHEW ALFANO for \$120,000.00 in general
17 damages, and \$240,000.00 in punitive damages, for a total damages amount of
18 \$360,000.00.

19 dd. DEFENDANT SABINA MENDEZ CHAVARRIA for \$71,597.00
20 in general damages, and \$143,194.00 in punitive damages, for a total damages
21 award of \$214,791.00.

22 ee. DEFENDANT ROSA BARRIOS for \$113,800.00 in general
23 damages, and \$227,600.00 in punitive damages, for a total damages amount of
24 \$341,400.00.

25 ff. DEFENDANT BEATRICE RINCON for \$86,400.00 in general
26 damages, and \$172,800.00 in punitive damages, for a total damages amount of
27 \$259,200.00.
28

1 gg. DEFENDANT ALMA FIGUEROA for \$70,000.00 in general
2 damages, and \$140,000.00 in punitive damages, for a total damages amount of
3 \$210,000.00.

4 hh. DEFEDANT FLORIE ANN SANTONIL for \$151,000.00 in
5 general damages, and \$302,000.00 in punitive damages, for a total damages
6 amount of \$453,000.00.

7 ii. DEFENDANT GUADALUPE MORENO for \$180,400.00 in
8 general damages, and \$360,800.00 in punitive damages, for a total damages award
9 of \$541,200.00.

10 jj. DEFENDANT ALUTHNUWARA SUMANATHISSA for
11 \$105,000.00 in general damages, and \$210,000.00 in punitive damages, for a total
12 damages award of \$315,000.00.

13 kk. DEFENDANT SALATIEL MONTOYA for \$79,980.00 in general
14 damages, and \$159,960.00 in punitive damages, for a total damages amount of
15 \$239,940.00.

16 ll. DEFENDANT DIONISIO VAZQUEZ for \$78,800.00 in general
17 damages, and \$157,600.00 in punitive damages, for a total damages amount of
18 \$236,400.00.

19 mm. DEFENDANTS JAVIER LOPEZ and GLORIA CAMPA, jointly
20 and separately, for \$190,000.00 in general damages, and \$380,000.00 in punitive
21 damages, for a total damages award of \$570,000.00.

22 nn. DEFENDANTS PRISCILLA FRANCO and JOHN FRANCO,
23 jointly and separately, for \$160,025.00 in general damages, and \$320,050.00 in
24 punitive damages, for a total damages amount of \$480,075.00.

25 oo. DEFENDANT MIGUEL BAIRES for \$94,000.00 in general
26 damages, and \$188,000.00 in punitive damages, for a total damages amount of
27 \$282,000.00.
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1 pp. DEFENDANT VICKIE DAVIS for \$108,800 in general damages,
2 and \$217,600.00 in punitive damages, for a total damages amount of \$326,400.00.

3 qq. DEFENDANTS ROBERT MARTIN and AMANDA MARTIN
4 for \$53,600.00 in general damages, and \$107,200.00 in punitive damages, for a
5 total damages amount of \$160,800.00.

6 rr. DEFENDANT ELCIDA POLANCO for \$116,000.00 in general
7 damages, and \$232,000.00 in punitive damages, for a total damages amount of
8 \$348,000.00.

9 ss. DEFENDANT OSCAR RAMIREZ for \$42,400.00 in general
10 damages, and \$84,800.00 in punitive damages, for a total damages amount of
11 \$127,200.00.

12 tt. DEFENDANT JENNIFER PARK for \$63,400.00 in general
13 damages, and \$126,800.00 in punitive damages, for a total damages amount of
14 \$190,200.00

15 uu. DEFENDANT KAEKO SAEKI for \$103,750.00 in general
16 damages, and \$207,500.00 in punitive damages, for a total damages amount of
17 \$311,250.00.

18 vv. DEFENDANT NOEL ABRAHAM for \$150,000.00 in general
19 damages, and \$300,000.00 in punitive damages, for a total damages amount of
20 \$450,000.00.

21 ww. DEFENDANT JENNIFER VALDEZ for \$78,150.00 in general
22 damages, and \$156,300.00 in punitive damages, for a total damages award of
23 \$234,450.00.

24 xx. DEFENDANT JULIO SANCHEZ for \$84,000.00 in general
25 damages, and \$168,000.00 in punitive damages, for a total damages amount of
26 \$252,000.00.

27 PRAYER FOR RELIEF

1 94. WHEREFORE, Plaintiff asks that the Defendants be cited to
2 appear and answer and that the Plaintiff be awarded damages, attorney's fees if
3 applicable, and any and all other relief.
4

5
6 DATED: January 20, 2010

JUSTIN RYAN

7
8 By: */s/ Justin Ryan*
9 Justin Ryan
10 The Law Office of Justin T. Ryan
11 Attorney for Plaintiff
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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

NOTICE OF ASSIGNMENT TO UNITED STATES MAGISTRATE JUDGE FOR DISCOVERY

This case has been assigned to District Judge Philip S. Gutierrez and the assigned discovery Magistrate Judge is John E. McDermott.

The case number on all documents filed with the Court should read as follows:

CV10- 394 PSG (JEMx)

Pursuant to General Order 05-07 of the United States District Court for the Central District of California, the Magistrate Judge has been designated to hear discovery related motions.

All discovery related motions should be noticed on the calendar of the Magistrate Judge

=====

NOTICE TO COUNSEL

A copy of this notice must be served with the summons and complaint on all defendants (if a removal action is filed, a copy of this notice must be served on all plaintiffs).

Subsequent documents must be filed at the following location:

Western Division
312 N. Spring St., Rm. G-8
Los Angeles, CA 90012

Southern Division
411 West Fourth St., Rm. 1-053
Santa Ana, CA 92701-4516

Eastern Division
3470 Twelfth St., Rm. 134
Riverside, CA 92501

Failure to file at the proper location will result in your documents being returned to you.

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

HERITAGE PACIFIC FINANCIAL, LLC D/B/A
HERITAGE PACIFIC FINANCIAL, a Texas Limited
Liability Company,

PLAINTIFF(S)

v.

GREG COLE; RONALD CLACK; ISSAC
MARTINEZ; GERMAN SAMAYOA; CARLOS
TURCIOS; VARIAN SHELTON; JACINTO AYALA;
MARY JEAN CASTRO; (see attached)

DEFENDANT(S).

CASE NUMBER

CV10 0394 PSG (JEMx)

SUMMONS

TO: DEFENDANT(S): _____

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached complaint _____ amended complaint counterclaim cross-claim or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff's attorney, Justin T. Ryan, whose address is 2534 State Street, Suite 404, San Diego, CA 92101. If you fail to do so, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Clerk, U.S. District Court

CHRISTOPHER POWERS

By: _____

Deputy **SEAL**

(Seal of the Court)

Dated: 01/20/2010

[Use 60 days if the defendant is the United States or a United States agency, or is an officer or employee of the United States. Allowed 60 days by Rule 12(a)(3)].

ESPERANZA DOMINGUEZ; PAUL BROWN, JR; SHARON BROWN;
KAREN MORALES; AMADO HERNANDEZ; NICOL MARINA VILLA;
SEAN DOYLE; RICARDO AGUILAR; HECTOR HERNANDEZ;
JESSICA GONZALEZ; OMAR PERKINS; ALEJANDRO JIMENEZ;
ENDY ARTEAGA; OSCAR VILLATORO; PATRICIA MARTINEZ;
NORMA MALDONADO; MARCELINO MONGE ALAS; CARLOS
SANTOS; CHRISTINA KUTZER; FABRICIO ALFARO; ANA
AGUILAR; MARIA CHACON; MATTHEW ALFANO; SABINA
MENDEZ CHAVARRIA; ROSA BARRIOS; BEATRICE RINCON;
ALMA FIGUEROA; FLORIE ANN SANTONIL; GUADLUPLE
MORENO; ALUTHNUWARA SUMANATISSA; SALATIEL
MONTROYA; DIONISIO VAZQUEZ; JAVIER LOPEZ; GLORIA CAMPA;
PRISCILLA FRANCO; JOHN FRANCO; MIGUEL BAIREZ; VICKIE
DAVIS; ROBERT MARTIN; AMANDA MARTIN; ELCIDA POLANCO;
OSCAR RAMIREZ; JENNIFER PARK; KAEKO SAEKI; NOEL
ABRAHAM; JENNIFER VALDEZ; JULIO SANCHEZ

I (a) PLAINTIFFS (Check box if you are representing yourself <input type="checkbox"/>) HERITAGE PACIFIC FINANCIAL, LLC D/B/A HERITAGE PACIFIC FINANCIAL, a Texas Limited Liability Company,	DEFENDANTS GREG COLE, et. al.
(b) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.) Law Office of Justin T. Ryan 2534 State Street, Suite 404 San Diego, CA 92101 (619) 822-2533	Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an X in one box only.) <input type="checkbox"/> 1 U.S. Government Plaintiff <input type="checkbox"/> 3 Federal Question (U.S. Government Not a Party) <input type="checkbox"/> 2 U.S. Government Defendant <input checked="" type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)	III. CITIZENSHIP OF PRINCIPAL PARTIES - For Diversity Cases Only (Place an X in one box for plaintiff and one for defendant.) <table style="width:100%; border-collapse: collapse;"> <tr> <td style="width:30%;"></td> <td style="width:10%; text-align: center;">PTF</td> <td style="width:10%; text-align: center;">DEF</td> <td style="width:40%;"></td> <td style="width:10%; text-align: center;">PTF</td> <td style="width:10%; text-align: center;">DEF</td> </tr> <tr> <td>Citizen of This State</td> <td style="text-align: center;"><input type="checkbox"/> 1</td> <td style="text-align: center;"><input checked="" type="checkbox"/> 1</td> <td>Incorporated or Principal Place of Business in this State</td> <td style="text-align: center;"><input type="checkbox"/> 4</td> <td style="text-align: center;"><input type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td style="text-align: center;"><input checked="" type="checkbox"/> 2</td> <td style="text-align: center;"><input type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business in Another State</td> <td style="text-align: center;"><input checked="" type="checkbox"/> 5</td> <td style="text-align: center;"><input type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td style="text-align: center;"><input type="checkbox"/> 3</td> <td style="text-align: center;"><input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td style="text-align: center;"><input type="checkbox"/> 6</td> <td style="text-align: center;"><input type="checkbox"/> 6</td> </tr> </table>		PTF	DEF		PTF	DEF	Citizen of This State	<input type="checkbox"/> 1	<input checked="" type="checkbox"/> 1	Incorporated or Principal Place of Business in this State	<input type="checkbox"/> 4	<input type="checkbox"/> 4	Citizen of Another State	<input checked="" type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input checked="" type="checkbox"/> 5	<input type="checkbox"/> 5	Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6
	PTF	DEF		PTF	DEF																				
Citizen of This State	<input type="checkbox"/> 1	<input checked="" type="checkbox"/> 1	Incorporated or Principal Place of Business in this State	<input type="checkbox"/> 4	<input type="checkbox"/> 4																				
Citizen of Another State	<input checked="" type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input checked="" type="checkbox"/> 5	<input type="checkbox"/> 5																				
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6																				

IV. ORIGIN (Place an X in one box only.)

1 Original Proceeding
 2 Removed from State Court
 3 Remanded from Appellate Court
 4 Reinstated or Reopened
 5 Transferred from another district (specify):
 6 Multi-District Litigation
 7 Appeal to District Judge from Magistrate Judge

V. REQUESTED IN COMPLAINT: JURY DEMAND: Yes No (Check 'Yes' only if demanded in complaint.)

CLASS ACTION under F.R.C.P. 23: Yes No MONEY DEMANDED IN COMPLAINT: \$ _____

VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.)

28 U.S.C. § 1332

VII. NATURE OF SUIT (Place an X in one box only.)

OTHER STATUTES <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Act <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Info. Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes	CONTRACT <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input checked="" type="checkbox"/> 290 All Other Real Property	TORTS PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Fed. Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury-Med Malpractice <input type="checkbox"/> 365 Personal Injury-Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus-Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	TORTS PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability BANKRUPTCY <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 American with Disabilities - Employment <input type="checkbox"/> 446 American with Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 Habeas Corpus General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus/Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition FORFEITURE / PENALTY <input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety /Health <input type="checkbox"/> 690 Other	LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS-Third Party 26 USC 7609
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CV10 0394

FOR OFFICE USE ONLY: Case Number: _____

AFTER COMPLETING THE FRONT SIDE OF FORM CV-71, COMPLETE THE INFORMATION REQUESTED BELOW.

VIII(a). IDENTICAL CASES: Has this action been previously filed in this court and dismissed, remanded or closed? No Yes
 If yes, list case number(s): _____

VIII(b). RELATED CASES: Have any cases been previously filed in this court that are related to the present case? No Yes
 If yes, list case number(s): _____

Civil cases are deemed related if a previously filed case and the present case:

- (Check all boxes that apply) A. Arise from the same or closely related transactions, happenings, or events; or
 B. Call for determination of the same or substantially related or similar questions of law and fact; or
 C. For other reasons would entail substantial duplication of labor if heard by different judges; or
 D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

IX. VENUE: (When completing the following information, use an additional sheet if necessary.)

(a) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named plaintiff resides.
 Check here if the government, its agencies or employees is a named plaintiff. If this box is checked, go to item (b).

County in this District:*	California County outside of this District; State, if other than California, or Foreign Country
	Texas

(b) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named defendant resides.
 Check here if the government, its agencies or employees is a named defendant. If this box is checked, go to item (c).

County in this District:*	California County outside of this District; State, if other than California, or Foreign Country
Orange, Ventura, Los Angeles, Riverside, San Bernardino	

(c) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** claim arose.
Note: In land condemnation cases, use the location of the tract of land involved.

County in this District:*	California County outside of this District; State, if other than California, or Foreign Country
Orange, Ventura, Los Angeles, Riverside, San Bernardino	Florida, Nevada

* Los Angeles, Orange, San Bernardino, Riverside, Ventura, Santa Barbara, or San Luis Obispo Counties
Note: In land condemnation cases, use the location of the tract of land involved

X. SIGNATURE OF ATTORNEY (OR PRO PER): *Just Ryan* Date 1/20/2010

Notice to Counsel/Parties: The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet.)

Key to Statistical codes relating to Social Security Cases:

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405(g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405(g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. (g))