

ERIC B. JONES
5634 Noel Drive
Temple City, CA 91780
(626) 348-3019
Plaintiff In Pro Per

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES**

ERIC B. JONES,)	Case No.:
Plaintiff,)	VERIFIED COMPLAINT FOR DAMAGES:
)	(1) FRAUD/DECEIT (CC 1709);
vs.)	(2) UTIL. PENALTIES (CC 789.3);
GARY W. KEARNEY, an individual;)	(3) RELOCATION (H&S 17975);
and DOES 1 through 10, inclusive,)	(4) HABITABILITY (CC 1942.4);
)	(5) IIED; (6) BREACH OF LEASE
Defendants.)	
)	

Plaintiff ERIC B. JONES ("Plaintiff") alleges as follows:

INTRODUCTION & THE VOID LEASE DOCTRINE

1. This action arises from a fraudulent and illegal residential lease scheme orchestrated by Defendant GARY W. KEARNEY ("Kearney"), an attorney and Judge Pro Tem who, despite his legal knowledge, induced Plaintiff into renting an unpermitted "Ghost Unit" at 5634 Noel Drive.

2. Pursuant to *Espinoza v. Calva* (2008) 169 Cal.App.4th 1393, a lease agreement for an illegal unit is void ab initio. The premises at 5634 Noel Drive violate Temple City Municipal Code (TCMC) density and zoning ordinances, specifically TCMC 9-1E-6 regarding mandatory parking dimensions.

3. Kearney falsely represented the unit as legal residential space. In reality, the provided "parking space" measures only 7 feet 10 inches in width, willfully violating the 10-foot minimum required by law. This physical impossibility of compliance renders the lease a legal nullity, entitling Plaintiff to full disgorgement of all rent paid (~\$75,000.00).

PARTIES & JURISDICTION

4. Plaintiff is an individual residing in Los Angeles County. 5. Defendant GARY W. KEARNEY is the landlord and owner of the real property located at 5634 Noel Drive, Temple City, CA 91780 ("Subject Premises").

FIRST CAUSE OF ACTION: UTIL. PENALTIES (Civil Code § 789.3)

6. Between January 20, 2023, and July 20, 2025 (912 days), Defendant Kearney intentionally and willfully refused to execute the "Transfer of Service" (TOS) authorization required for Plaintiff to establish utility accounts in his own name. This constitutes a willful "indirect interruption" of service intended to maintain leverage and harass.

7. Pursuant to Civil Code § 789.3, Defendant is liable for mandatory statutory penalties of \$100.00 per day, totaling \$91,200.00, plus attorney's fees and costs.

SECOND CAUSE OF ACTION: FRAUD AND DECEIT (Civil Code § 1709)

8. On or about January 9, 2026, Defendant Kearney knowingly made a false representation to Plaintiff that he had "attempted to call several times" but received a "busy signal." Carrier logs prove this was a fabrication; zero calls were received.

9. This lie was a core component of a "perjury trap" intended to manufacture a pretext for eviction. Plaintiff relied on the implied legality of Kearney's communications, resulting in severe emotional and financial harm.

1 **THIRD CAUSE OF ACTION: RELOCATION (H&S § 17975)**

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3 10. As the unit is unpermitted and violates zoning safety codes (TCMC
4 9-1E-6), Defendant is strictly liable for mandatory relocation
5 assistance under Health & Safety Code § 17975 in the amount of
6 \$15,000.00.

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8 **PRAYER FOR RELIEF**

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10 1. For immediate disgorgement of all rent paid (\$75,000.00) due to void
11 lease;
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13 2. For statutory penalties under Civil Code § 789.3 (\$91,200.00);
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15 3. For mandatory relocation assistance (\$15,000.00) under H&S § 17975;
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17 4. For general, special, and punitive damages according to proof;
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19 5. For costs of suit and such other relief as the Court deems just.
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21 DATED: January 20, 2026

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25 ERIC B. JONES, Plaintiff In Pro Per
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VERIFICATION

I, ERIC B. JONES, am the Plaintiff in the above-entitled action. I have read the foregoing Complaint and know the contents thereof. The same is true of my own knowledge, except as to those matters which are therein stated on information and belief, and as to those matters, I believe them to be true. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on January 20, 2026, at Temple City, California.

ERIC B. JONES