

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

SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES

ERIC B. JONES,
Cross-Complainant,
vs.

GARY W. KEARNEY (SBN 71443),
Cross-Defendant.

Case No.: BCXXXXXXX

VERIFIED CROSS-COMPLAINT FOR
DAMAGES: (1) FRAUDULENT INDUCEMENT;
(2) VIOLATION OF CIVIL CODE §
789.3; (3) UNFAIR BUSINESS
PRACTICES. DEMAND: \$192,200.00

Cross-Complainant ERIC B. JONES alleges as follows:

NATURE OF ACTION

1. This is a cross-complaint for damages arising from a fraudulent lease agreement and intentional disruption of utility services.

PARTIES

2. Cross-Complainant ERIC B. JONES ('Cross-Complainant') is an individual residing in the County of Los Angeles, State of California.

3. Cross-Defendant GARY W. KEARNEY (SBN 71443) ('Cross-Defendant') is an attorney, and upon information and belief, a Judge Pro Tem for the Superior Court of California, County of Los Angeles. Cross-Defendant is the landlord for the premises located at 5634 Noel Drive, Temple City, CA 91780 ('Subject Premises').

FIRST CAUSE OF ACTION: FRAUDULENT INDUCEMENT (VOID LEASE)

4. The lease agreement for the Subject Premises, entered into between Cross-Complainant and Cross-Defendant, is void ab initio pursuant to Espinoza v. Calva (2008) 169 Cal.App.4th 913. The Subject Premises violate illegal density and zoning ordinances, specifically by providing parking that is less than 8 feet in width, in violation of Temple City Municipal Code 9-1E-2.

5. Cross-Defendant knew or should have known of these violations at the time the lease was executed and fraudulently induced Cross-Complainant into a void agreement.

SECOND CAUSE OF ACTION: VIOLATION OF CIVIL CODE § 789.3 (UTILITY

PENALTIES)

6. Cross-Defendant knowingly and intentionally refused to allow Cross-Complainant to 'Transfer of Service' for utilities (gas and electric) for a period of 912 days, from approximately [Start Date] to [End Date]. This conduct constitutes a 'constructive interruption' of utility services under Kinney v. Vaccari (1980) 27 Cal.3d 344 and a willful termination or interruption of utility services with intent to terminate tenancy, in violation of Civil Code § 789.3.

7. Pursuant to Civil Code § 789.3, Cross-Defendant is liable for actual damages and a statutory penalty of \$100.00 for each day, totaling \$91,200.00.

THIRD CAUSE OF ACTION: UNFAIR BUSINESS PRACTICES (ETHICS VIOLATION)

8. On or about January 9, 2026, Cross-Defendant, acting in his capacity as a landlord and a Judge Pro Tem, fabricated evidence of a 'busy signal' to avoid communication with Cross-Complainant, thereby obstructing resolution of the utility issue. This conduct violates Rule 3.3 of the California Rules of Professional Conduct (Candor Toward the Tribunal) and constitutes an unfair business practice under Business and Professions Code § 17200.

PRAYER FOR RELIEF

1 WHEREFORE, Cross-Complainant prays for judgment against Cross-Defendant
2 as follows:

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4 1. For immediate disgorgement of all rent paid for the Subject Premises,
5 estimated at \$75,000.00 due to the void nature of the lease.

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7 2. For statutory penalties pursuant to Civil Code § 789.3, totaling
8 \$91,200.00.

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10 3. For relocation fees and associated costs incurred by Cross-
11 Complainant due to the uninhabitable conditions and illegal lease,
12 estimated at \$15,000.00.

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14 4. For costs of suit incurred herein.

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16 5. For such other and further relief as the Court deems just and proper.

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19 DATED: [Date of Filing]

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24 ERIC B. JONES, Cross-Complainant In Pro Per
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