

1 ERIC B. JONES  
2 5634 Noel Drive  
3 Temple City, CA 91780  
4 (626) 348-3019  
5 Cross-Complainant In Pro Per

6

7 **SUPERIOR COURT OF CALIFORNIA**

8 **COUNTY OF LOS ANGELES**

9

10 ERIC B. JONES, Cross-Complainant, Case No.: BCXXXXXXX

11

12 vs. **VERIFIED CROSS-COMPLAINT FOR**

13 **DAMAGES: (1) FRAUDULENT**

14 **INDUCEMENT; (2) VIOLATION OF**

15 GARY W. KEARNEY (SBN 71443), Cross-~~COMPLAINT FOR~~ **CONTRACTOR'S CODE § 789.3; (3) UNFAIR**

16 **BUSINESS PRACTICES. DEMAND:**

17 **\$192,200.00**

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19 Cross-Complainant ERIC B. JONES alleges as follows:

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21 NATURE OF ACTION

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24 1. This is a cross-complaint for damages arising from a fraudulent lease

25 agreement and intentional disruption of utility services.

1 PARTIES

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

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

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12  
13 FIRST CAUSE OF ACTION: FRAUDULENT INDUCEMENT (VOID LEASE)  
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15 4. The lease agreement for the Subject Premises, entered into between  
16 Cross-Complainant and Cross-Defendant, is void ab initio pursuant to  
17 Espinoza v. Calva (2008) 169 Cal.App.4th 913. The Subject Premises  
18 violate illegal density and zoning ordinances, specifically by providing  
19 parking that is less than 8 feet in width, in violation of Temple City  
20 Municipal Code 9-1E-2.

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

1           SECOND CAUSE OF ACTION: VIOLATION OF CIVIL CODE § 789.3 (UTILITY  
2           PENALTIES)

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

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12         7. Pursuant to Civil Code § 789.3, Cross-Defendant is liable for actual  
13          damages and a statutory penalty of \$100.00 for each day, totaling  
14          \$91,200.00.

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

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19         8. On or about January 9, 2026, Cross-Defendant, acting in his capacity  
20          as a landlord and a Judge Pro Tem, fabricated evidence of a 'busy  
21          signal' to avoid communication with Cross-Complainant, thereby  
22          obstructing resolution of the utility issue. This conduct violates Rule  
23          3.3 of the California Rules of Professional Conduct (Candor Toward the  
24          Tribunal) and constitutes an unfair business practice under Business and  
25          Professions Code § 17200.

1 PRAYER FOR RELIEF

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3 WHEREFORE, Cross-Complainant prays for judgment against Cross-Defendant  
4 as follows:

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

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9 2. For statutory penalties pursuant to Civil Code § 789.3, totaling  
10 \$91,200.00.

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

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16 4. For costs of suit incurred herein.

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

19  
20 DATED: [Date of Filing]

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