

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN FRANCISCO**

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Jan-02-2015 3:51 pm

Case Number: CGC-15-543478

Filing Date: Jan-02-2015 3:49

Filed by: MARYANN E. MORAN

Juke Box: 001 Image: 04741611

COMPLAINT

BANK OF AMERICA, N.A. VS. CLIFFORD H PORTER ET AL

001C04741611

Instructions:

Please place this sheet on top of the document to be scanned.

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):

MATTHEW J. KUMAR, ESQ. SBN: 283521
 Law Office of Rory W. Clark, A Professional Law Corporation
 30699 Russell Ranch Rd Ste 215
 Westlake Village CA 91362-7315

TELEPHONE NO.: 888/700-4774

FAX NO.: 775/243-0916

ATTORNEY FOR (Name): PLAINTIFF, BANK OF AMERICA, N.A.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN FRANCISCO

STREET ADDRESS: 400 McAllister St. Room 103
 MAILING ADDRESS: 400 McAllister St. Room 103
 CITY AND ZIP CODE: San Francisco, CA. 94102
 BRANCH NAME: SAN FRANCISCO

CASE NAME: BANK OF AMERICA, N.A.

vs.

CLIFFORD H PORTER, et al.

FOR COURT USE ONLY

FILED

Superior Court of California
County of San Francisco

JAN 02 2015

CLERK OF THE COURT
Superior Court of California, County of San Francisco

BY: M.A. MORAN

DEPUTY CLERK

CIVIL CASE COVER SHEET

[] Unlimited [X] Limited
 (Amount (Amount
 demanded demanded is
 exceeds \$25,000) \$25,000 or less)

Complex Case Designation

[] Counter [] Joinder
 Filed with first appearance by defendant
 (Cal. Rules of Court, rule 3.402)

CASE NUMBER:

CGC-15-543478

JUDGE:

DEPT:

Items 1-6 below must be completed (see instructions on page 2).

1. Check one box below for the case type that best describes this case:

Auto Tort

[] Auto (22)
 [] Uninsured motorist (46)

Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort

[] Asbestos (04)
 [] Product liability (24)
 [] Medical malpractice (45)
 [] Other PI/PD/WD (23)

Non-PI/PD/WD (Other) Tort

[] Business tort/unfair business practice (07)
 [] Civil rights (08)
 [] Defamation (13)
 [] Fraud (16)
 [] Intellectual property (19)
 [] Professional negligence (25)
 [] Other non-PI/PD/WD tort (35)

Employment

[] Wrongful termination (36)
 [] Other employment (15)

Contract

[] Breach of contract/warranty (06)
 [X] Rule 3.740 collections (09)
 [] Other collections (09)
 [] Insurance coverage (18)
 [] Other contract (37)

Real Property

[] Eminent domain/Inverse condemnation (14)
 [] Wrongful eviction (33)
 [] Other real property (26)

Unlawful Detainer

[] Commercial (31)
 [] Residential (32)
 [] Drugs (38)

Judicial Review

[] Asset forfeiture (05)
 [] Petition re: arbitration award (11)
 [] Writ of mandate (02)
 [] Other judicial review (39)

Provisionally Complex Civil Litigation
(Cal. Rules of Court, rules 3.400-3.403)

[] Antitrust/Trade regulation (03)
 [] Construction defect (10)
 [] Mass tort (40)
 [] Securities litigation (28)
 [] Environmental/Toxic tort (30)
 [] Insurance coverage claims arising from the above listed provisionally complex case types (41)

Enforcement of Judgment

[] Enforcement of judgment (20)

Miscellaneous Civil Complaint

[] RICO (27)
 [] Other complaint (not specified above) (42)

Miscellaneous Civil Petition

[] Partnership and corporate governance (21)
 [] Other petition (not specified above) (43)

2. This case [] is [X] is not complex under rule 3.400 of the California Rules of Court. If case is complex, mark the factors requiring exceptional judicial management:

- a. [] Large number of separately represented parties d. [] Large number of witnesses
 b. [] Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve e. [] Coordination with related actions pending in one or more courts in other counties, states or countries, or in a federal court
 c. [] Substantial amount of documentary evidence f. [] Substantial postjudgment judicial supervision

3. Remedies sought (check all that apply): a. [X] monetary b. [] nonmonetary; declaratory or injunctive relief c. [] punitive

4. Number of causes of action (specify): One (1)

5. This case [] is [X] is not a class action suit.

6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: December 22, 2014

MATTHEW J. KUMAR

(TYPE OR PRINT NAME)



(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet shall be used for statistical purposes only.

Page 1 of 2

SUMMONS
(CITACION JUDICIAL)

SUM-100
B1400678

NOTICE TO DEFENDANT:
(AVISO AL DEMANDADO)

CLIFFORD H PORTER
and DOES I through X, inclusive.

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)

YOU ARE BEING SUED BY PLAINTIFF:
(LO ESTÁ DEMANDANDO EL DEMANDANTE)

BANK OF AMERICA, N.A.

NOTICE! You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons is served on you to file a typewritten response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local or county bar association. NOTE: The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000.00 or more in a civil case. The court's lien must be paid before the court will dismiss the case.

[Aviso! Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.]

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las cortes de California (www.courtinfo.ca.gov/selfhelp/espanol/), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario dé la corte que le de un formulario de exención de pago de cuotas.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión de abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos sin fines de lucro en el sitio web de California Legal Services (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.courtinfo.ca.gov/selfhelp/espanol/) o poniéndose en contacto con la corte o el colegio de abogados locales. AVISO: Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000.00 ó mas de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la pueda desechar el caso.

The name and address of the court is:

(El nombre y dirección de la corte es):

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SAN FRANCISCO-SAN FRANCISCO
"LIMITED CIVIL"

400 McAllister St. Room 103
San Francisco, CA. 94102

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:

(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):

MATTHEW J. KUMAR, ESQ. SBN: 283521

Law Office of Rory W. Clark,

888/700-4774

A PROFESSIONAL LAW CORPORATION

30699 Russell Ranch Rd Ste 215

Westlake Village CA 91362-7315

DATE:

(Fecha)

JAN 02 2015

CLERK OF THE COURT

Clerk, by
(Secretario)

Deputy
(Adjunto)

M.A. MORAN

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)
(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).

[SEAL]

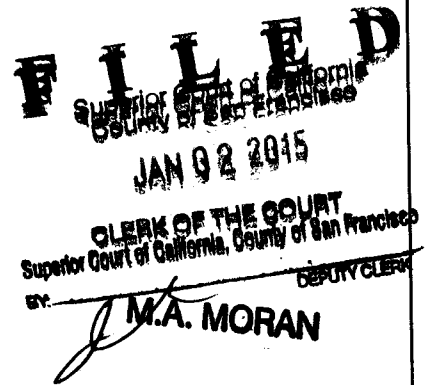


NOTICE TO THE PERSON SERVED: You are served

1. ☐ as an individual defendant.
2. ☐ as the person sued under the fictitious name of (specify):
3. ☐ on behalf of (specify):
under: ☐ CCP 416.10 (corporation) ☐ CCP 416.60 (minor)
☐ CCP 416.20 (defunct corporation) ☐ CCP 416.70 (conservatee)
☐ CCP 416.40 (association or partnership) ☐ CCP 416.90 (individual)
other: (specify)
4. ☐ by personal delivery on (date):

MATTHEW J. KUMAR, ESQ. SBN: 283521
LAW OFFICE OF RORY W. CLARK
A PROFESSIONAL LAW CORPORATION
30699 RUSSELL RANCH RD, SUITE 215
WESTLAKE VILLAGE, CA 91362
Ph. (888) 700-4774 Fax. (775) 243-0916

Attorney for Plaintiff, BANK OF AMERICA, N.A.
Internal File: B1400678



SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SAN FRANCISCO, SAN FRANCISCO – LIMITED CIVIL

CGC - 15 - 543478

BANK OF AMERICA, N.A.

Plaintiff,

vs.

CLIFFORD H PORTER ;
and DOES I thru X, inclusive;

Defendants.

Case No.

COMPLAINT FOR MONEY: BREACH
OF CONTRACT, OPEN BOOK
ACCOUNT, ACCOUNT STATED;
DECLARATION OF NON-MILITARY
STATUS; DECLARATION OF VENUE.

Demand amount: \$10,210.61

PURSUANT TO 15 U.S.C. §1692g AND CALIFORNIA CIVIL CODE §1788.17,
UNLESS YOU, WITHIN THIRTY DAYS AFTER RECEIPT OF NOTICE,
DISPUTE THE VALIDITY OF THE DEBT, OR ANY PORTION THEREOF,
THE DEBT WILL BE ASSUMED TO BE VALID BY THIS DEBT
COLLECTOR. IF YOU NOTIFY THIS DEBT COLLECTOR IN WRITING,
WITHIN THE THIRTY DAY PERIOD THAT THE DEBT OR ANY
PORTION THEREOF IS DISPUTED, THIS DEBT COLLECTOR WILL
OBTAIN VERIFICATION OF THE DEBT OR A COPY OF A JUDGMENT
AGAINST YOU AND A COPY OF SUCH VERIFICATION OR JUDGMENT
WILL BE MAILED TO YOU BY THIS DEBT COLLECTOR. UPON YOUR
WRITTEN REQUEST WITHIN THE THIRTY DAY PERIOD, THIS DEBT
COLLECTOR WILL PROVIDE YOU WITH THE NAME AND ADDRESS
OF THE ORIGINAL CREDITOR, IF DIFFERENT FROM THE CURRENT
CREDITOR.

THIS COMMUNICATION IS FROM A DEBT COLLECTOR AND IS AN
ATTEMPT TO COLLECT A DEBT. ANY INFORMATION OBTAINED
MAY BE USED FOR THAT PURPOSE.

1 THE STATE ROSENTHAL FAIR DEBT COLLECTION PRACTICES ACT
2 AND THE FEDERAL FAIR DEBT COLLECTION PRACTICES ACT
3 REQUIRE THAT, EXCEPT UNDER UNUSUAL CIRCUMSTANCES,
4 COLLECTORS MAY NOT CONTACT YOU BEFORE 8 A.M. OR AFTER 9
5 P.M. THEY MAY NOT HARASS YOU BY USING THREATS OF VIOLENCE
6 OR ARREST OR BY USING OBSCENE LANGUAGE. COLLECTORS MAY
7 NOT USE FALSE OR MISLEADING STATEMENTS OR CALL YOU AT
8 WORK IF THEY KNOW OR HAVE REASON TO KNOW THAT YOU MAY
NOT RECEIVE PERSONAL CALLS AT WORK. FOR THE MOST PART,
COLLECTORS MAY NOT TELL ANOTHER PERSON, OTHER THAN
YOUR ATTORNEY OR SPOUSE, ABOUT YOUR DEBT. COLLECTORS
MAY CONTACT ANOTHER PERSON TO CONFIRM YOUR LOCATION
OR ENFORCE A JUDGMENT. FOR MORE INFORMATION ABOUT DEBT
COLLECTION ACTIVITIES, YOU MAY CONTACT THE FEDERAL
TRADE COMMISSION AT 1-877-FTC-HELP OR WWW.FTC.GOV.

9 Plaintiff, BANK OF AMERICA, N.A. ("Plaintiff" or "BANA") alleges against Defendants,
10 CLIFFORD H PORTER and DOES I thru X, inclusive, ("Defendant") as follows:

11 1. That Plaintiff BANA is a national banking association chartered under and by virtue
12 of the laws of the United States of America and the State of North Carolina. Plaintiff is a wholly-
13 owned subsidiary of Bank of America Corporation ("BAC") and as of October 2014, is the
14 successor-in-interest to FIA Card Services, N.A. ("FIA"), which was established in June 2006 upon
15 the merger of BAC and MBNA Corporation ("MBNA"). FIA was the successor-in-interest to Bank
16 of America, N.A. (USA) and MBNA America Bank, N.A. All BAC, MBNA, FIA, and BANA credit
17 accounts are now issued and serviced by Plaintiff. At all times relevant herein, Plaintiff and its
18 predecessors-in-interest are or were associations authorized to do and engaged in doing business in
19 the State of California.

20 2. That Defendant is a natural person currently residing in the State of California, for
21 whom Plaintiff or its predecessor-in-interest issued and serviced a credit account in the manner set
22 forth in the written terms and conditions ("Agreement") agreed upon by the parties thereto.

23 3. That the true names and capacities, whether individual, corporate, associate, or
24 otherwise, of Defendants designated hereto as DOES 1 through 10, inclusive, and each of them, are
25 unknown to Plaintiff, who therefore sues said defendants by such fictitious names. Plaintiff is
26 informed and believes, and thereon alleges, that each Defendant sued herein as a DOE is in some
27 way legally responsible for the acts alleged herein. Plaintiff will amend this Complaint to set forth
28 their true names and capacities when the same have been ascertained.

1 4. That the within action is not on a contract for installment payments for goods and
2 services subject to the provisions of Civil Code Section 1801, et seq., (Unruh Act) nor is it on a
3 conditional sales contract subject to Civil Code Section 12981, et seq. (Rees-Levering Act) of the
4 Civil Code of the State of California.

5 5. That the within action is subject to the provisions Code of Civil Procedure Section
6 395(b). Plaintiff alleges that the best address for Defendant in the Plaintiff's records is within the
7 above-referenced judicial district and, based upon that information and its belief, Plaintiff alleges
8 that the Defendant currently resides in the above-referenced judicial district.

9 FIRST CAUSE OF ACTION - BREACH OF CONTRACT
10 (As to all defendants)

11 6. Plaintiff incorporates herein by reference all of the allegations contained in paragraphs
12 1 through 5, inclusive, as though stated in full.

13 7. That on or about March 4, 2008, Defendant applied for and requested a credit account
14 from Plaintiff or Plaintiff's predecessor-in-interest. In reliance upon the information provided by the
15 Defendant, Plaintiff or Plaintiff's predecessor-in-interest approved the Defendant's application,
16 issued credit to Defendant, and provided to Defendant a method for accessing such credit, together
17 with an Agreement governing the use of the credit account. Said account was previously known as
18 account number XXXXXXXXXXXXX4492 and is currently assigned account number
19 XXXXXXXXXXXXX4878 (hereinafter referred to as the "ACCOUNT").

20 8. That among the several terms and conditions of the Agreement were that: (a)
21 Defendant agreed to repay all transactions, interest charges, and fees assessed on the ACCOUNT,
22 pursuant to the terms of the Agreement; (b) Defendant agreed to the interest rates as detailed in the
23 Agreement, including all amendments thereto; (c) if Defendant failed to make the total minimum
24 monthly payments when due, that Plaintiff reserved the right to require immediate payment of the
25 entire outstanding balance on the ACCOUNT; and (d) if Plaintiff chose to exercise its rights as
26 previously stated, it would also have the right to collect any and all fees and costs associated with
27 the collection of the ACCOUNT, including, but not limited to, its court costs.
28

1 business as conducted by Plaintiff and its predecessor-in-interest, as applicable. These records are
2 kept in a reasonably permanent form and manner in Plaintiff's computer system.

3 16. That as of its final entry on September 29, 2012, said open book account provided
4 that Defendant was indebted to Plaintiff in the sum of \$16,128.61. Although demand for said sum
5 has been made, Defendant has failed, refused, or neglected to pay said sum in its entirety.
6 Payments/credits in the amount of \$5,918.00 have since been applied to the ACCOUNT, and there
7 is now due, owing and unpaid to Plaintiff the sum of \$10,210.61.

8
9 THIRD CAUSE OF ACTION - ACCOUNT STATED
(As to all defendants)

10 17. Plaintiff hereby incorporates by reference each and every allegation as contained in
11 paragraphs 1 through 5 as though stated in full.

12 18. That Defendant used the credit ACCOUNT issued and serviced by Plaintiff (including
13 its predecessors-in-interest, if applicable) for the purchase of goods or services, balance transfers
14 and/or the advance of funds, creating a creditor-debtor relationship between Plaintiff and Defendant.
15 On or about September 13, 2012, an account was stated in writing by and between Plaintiff and
16 Defendant, at which time it was found to be due from Defendant to Plaintiff the sum of \$16,128.61
17 on the ACCOUNT. Defendant was offered a reasonable time to object to the account as stated. As
18 of now, there exist no unresolved billing disputes on the ACCOUNT, thereby causing Defendant to
19 have consented to the account as stated, and impliedly agreed to pay it.

20 19. That although demand has been made, Defendant has failed, refused, or neglected
21 to pay said sum in its entirety. Payments and/or credits in the amount of \$5,918.00 have since been
22 applied to the ACCOUNT, and there is now due, owing and unpaid to Plaintiff the sum of
23 \$10,210.61.

24 //

25 //

26 //

27 //

28 //


1 **WHEREFORE**, Plaintiff prays for judgment against Defendant, and each of them, on each and
2 every count and cause of action as follows:

3 **AS TO ALL CAUSES OF ACTION:**

- 4 1. For the sum of \$10,210.61;
5 2. For costs of suit incurred herein; and
6 3. For such other and further relief as the Court deems just and proper.

7
8 Dated: DEC 22 2014

9 LAW OFFICE OF RORY W. CLARK,
10 A PROFESSIONAL LAW CORPORATION

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12 MATTHEW J. KUMAR
13 Attorney for Plaintiff
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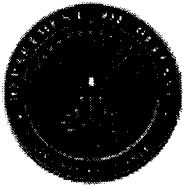
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1. I am an attorney licensed to practice law in the State of California and am a member of the LAW OFFICE OF RORY W. CLARK, A Professional Law Corporation, counsel of record for Plaintiff in this action.

3. Based on the preceding search results, I am informed and believe, and on that basis allege, that the named defendant herein is not a servicemember entitled to the protections of the Servicemembers' Civil Relief Act (50 U.S.C. Appx. §§501, *et seq.*).

Executed on DEC 22 2014, at Westlake Village, California.

MATTHEW J. KUMAR
Attorney for Plaintiff

**Status Report
Pursuant to Servicemembers Civil Relief Act**Last Name: PORTERFirst Name: CLIFFORD

Middle Name:

Active Duty Status As Of: Dec-19-2014

On Active Duty On Active Duty Status Date			
Active Duty Start Date	Active Duty End Date	Status	Service Component
NA	NA	No	NA
This response reflects the individuals' active duty status based on the Active Duty Status Date			

Left Active Duty Within 367 Days of Active Duty Status Date			
Active Duty Start Date	Active Duty End Date	Status	Service Component
NA	NA	No	NA
This response reflects where the individual left active duty status within 367 days preceding the Active Duty Status Date			

The Member or His/Her Unit Was Notified of a Future Call-Up to Active Duty on Active Duty Status Date			
Order Notification Start Date	Order Notification End Date	Status	Service Component
NA	NA	No	NA
This response reflects whether the individual or his/her unit has received early notification to report for active duty			

Upon searching the data banks of the Department of Defense Manpower Data Center, based on the information that you provided, the above is the status of the individual on the active duty status date as to all branches of the Uniformed Services (Army, Navy, Marine Corps, Air Force, NOAA, Public Health, and Coast Guard). This status includes information on a Servicemember or his/her unit receiving notification of future orders to report for Active Duty.

Mary M. Snavelly-Dixon, Director
Department of Defense - Manpower Data Center
4800 Mark Center Drive, Suite 04E25
Arlington, VA 22350

EXHIBIT A

The Defense Manpower Data Center (DMDC) is an organization of the Department of Defense (DoD) that maintains the Defense Enrollment and Eligibility Reporting System (DEERS) database which is the official source of data on eligibility for military medical care and other eligibility systems.

The DoD strongly supports the enforcement of the Servicemembers Civil Relief Act (50 USC App. § 501 et seq, as amended) (SCRA) (formerly known as the Soldiers' and Sailors' Civil Relief Act of 1940). DMDC has issued hundreds of thousands of "does not possess any information indicating that the individual is currently on active duty" responses, and has experienced only a small error rate. In the event the individual referenced above, or any family member, friend, or representative asserts in any manner that the individual was on active duty for the active duty status date, or is otherwise entitled to the protections of the SCRA, you are strongly encouraged to obtain further verification of the person's status by contacting that person's Service via the "defenseink.mil" URL: <http://www.defenselink.mil/faq/pis/PC09SLDR.html>. If you have evidence the person was on active duty for the active duty status date and you fail to obtain this additional Service verification, punitive provisions of the SCRA may be invoked against you. See 50 USC App. § 521(c).

This response reflects the following information: (1) The individual's Active Duty status on the Active Duty Status Date (2) Whether the individual left Active Duty status within 367 days preceding the Active Duty Status Date (3) Whether the individual or his/her unit received early notification to report for active duty on the Active Duty Status Date.

More information on "Active Duty Status"

Active duty status as reported in this certificate is defined in accordance with 10 USC § 101(d) (1). Prior to 2010 only some of the active duty periods less than 30 consecutive days in length were available. In the case of a member of the National Guard, this includes service under a call to active service authorized by the President or the Secretary of Defense under 32 USC § 502(f) for purposes of responding to a national emergency declared by the President and supported by Federal funds. All Active Guard Reserve (AGR) members must be assigned against an authorized mobilization position in the unit they support. This includes Navy Training and Administration of the Reserves (TARs), Marine Corps Active Reserve (ARs) and Coast Guard Reserve Program Administrator (RPAs). Active Duty status also applies to a Uniformed Service member who is an active duty commissioned officer of the U.S. Public Health Service or the National Oceanic and Atmospheric Administration (NOAA Commissioned Corps).

Coverage Under the SCRA is Broader in Some Cases

Coverage under the SCRA is broader in some cases and includes some categories of persons on active duty for purposes of the SCRA who would not be reported as on Active Duty under this certificate. SCRA protections are for Title 10 and Title 14 active duty records for all the Uniformed Services periods. Title 32 periods of Active Duty are not covered by SCRA, as defined in accordance with 10 USC § 101(d)(1).

Many times orders are amended to extend the period of active duty, which would extend SCRA protections. Persons seeking to rely on this website certification should check to make sure the orders on which SCRA protections are based have not been amended to extend the inclusive dates of service. Furthermore, some protections of the SCRA may extend to persons who have received orders to report for active duty or to be inducted, but who have not actually begun active duty or actually reported for induction. The Last Date on Active Duty entry is important because a number of protections of the SCRA extend beyond the last dates of active duty.

Those who could rely on this certificate are urged to seek qualified legal counsel to ensure that all rights guaranteed to Service members under the SCRA are protected.

WARNING: This certificate was provided based on a last name, SSN/date of birth, and active duty status date provided by the requester. Providing erroneous information will cause an erroneous certificate to be provided.

Certificate ID: X1Q9ODC1T1D8Y00

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1. I am the attorney for Plaintiff in this action.
2. The above-entitled action is subject to the provisions of Code of Civil Procedure Section 395(b).
3. Upon information and belief, venue for this action is proper in the above-entitled Court because at the commencement of this action, one or more of the named Defendants resided in this Judicial District.
4. If called as a witness, I would competently so testify.

Executed on DEC 22 2014, at Westlake Village, California.


MATTHEW J. KUMAR
Attorney for Plaintiff