

Assigned for all purposes to: Chatsworth Courthouse, Judicial Officer: Karen Moskowitz

PLD-C-001

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Hunt & Henriques, LLP Debt collection license application pending. Donald Sherrill #266038 Kevin Brendon Buiza #318691 7017 Realm Drive San José CA 95119 TELEPHONE NO: (800) 680-2426 FAX NO. (Optional): (408) 362-2299 E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name): Plaintiff		FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES STREET ADDRESS: 9425 Penfield Avenue MAILING ADDRESS: CITY AND ZIP CODE: Chatsworth CA 91311-6516 BRANCH NAME: North Valley District		
PLAINTIFF: Capital One Bank (USA), N.A. DEFENDANT: DIANE E BOWEN <input type="checkbox"/> DOES 1 TO _____		
<input checked="" type="checkbox"/> COMPLAINT <input type="checkbox"/> CONTRACT <input type="checkbox"/> AMENDED COMPLAINT (Number): <input type="checkbox"/> CROSS-COMPLAINT <input type="checkbox"/> AMENDED CROSS-COMPLAINT (Number):		
Jurisdiction (check all that apply): <input checked="" type="checkbox"/> ACTION IS A LIMITED CIVIL CASE \$3,586.82 Amount demanded <input checked="" type="checkbox"/> does not exceed \$10,000 <input type="checkbox"/> exceeds \$10,000, but does not exceed \$25,000 <input type="checkbox"/> ACTION IS AN UNLIMITED CIVIL CASE (exceeds \$25,000) <input type="checkbox"/> ACTION IS RECLASSIFIED by this amended complaint or cross-complaint <input type="checkbox"/> from limited to unlimited <input type="checkbox"/> from unlimited to limited		CASE NUMBER:

1. Plaintiff* (name or names): Capital One Bank (USA), N.A.

alleges causes of action against defendant* (name or names): DIANE E BOWEN

2. This pleading, including attachments and exhibits, consists of the following number of pages: 4

3. a. Each plaintiff named above is a competent adult

☒ except plaintiff (name): Capital One Bank (USA), N.A.

(1) ☐ a corporation qualified to do business in California

(2) ☐ an unincorporated entity (describe):

(3) ☒ other (specify): A National Banking Association organized and existing under and by virtue of the laws of the United States of America

b. ☐ Plaintiff (name):

a. ☐ has complied with the fictitious business name laws and is doing business under the fictitious name of (specify):

b. ☐ has complied with all licensing requirements as a licensed (specify):

c. ☐ Information about additional plaintiffs who are not competent adults is shown in Attachment 3c.

4. a. Each defendant named above is a natural person

☐ except defendant (name):

(1) ☐ a business organization, form unknown

(2) ☐ a corporation

(3) ☐ an unincorporated entity (describe):

(4) ☐ a public entity (describe):

(5) ☐ other (specify):

except defendant (name):

(1) ☐ a business organization, form unknown

(2) ☐ a corporation

(3) ☐ an unincorporated entity (describe):

(4) ☐ a public entity (describe):

(5) ☐ other (specify):

*If this form is used as a cross-complaint, plaintiff means cross-complainant and defendant means cross-defendant.

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SHORT TITLE: Capital One Bank (USA), N.A. v. DIANE E BOWEN

CASE NUMBER:

4. (Continued)

b. The true names of defendants sued as Does are unknown to plaintiff.

(1) ☐ Doe defendants (specify Doe numbers): _____ were the agents or employees of the named defendants and acted within the scope of that agency or employment.(2) ☐ Doe defendants (specify Doe numbers): _____ are persons whose capacities are unknown to plaintiff.c. ☐ Information about additional defendants who are natural persons is contained in Attachment 4c.d. ☐ Defendants who are joined under Code of Civil Procedure section 382 are (names):5. ☐ Plaintiff is required to comply with a claims statute, anda. ☐ has complied with applicable claims statutes, orb. ☐ is excused from complying because (specify):6. ☐ This action is subject to ☐ Civil Code section 1812.10 ☐ Civil Code section 2984.4.

7. This court is the proper court because

a. ☐ a defendant entered into the contract here.b. ☐ a defendant lived here when the contract was entered into.c. ☒ a defendant lives here now.d. ☐ the contract was to be performed here.e. ☐ a defendant is a corporation or unincorporated association and its principal place of business is here.f. ☐ real property that is the subject of this action is located here.g. ☐ other (specify):

8. The following causes of action are attached and the statements above apply to each (each complaint must have one or more causes of action attached):

☐ Breach of Contract☒ Common Counts☐ Other (specify):9. ☐ Other allegations:

10. Plaintiff prays for judgment for costs of suit; for such relief as is fair, just, and equitable; and for

a. ☒ damages of: \$3,586.82b. ☒ interest on the damages(1) ☐ according to the proof(2) ☒ at the rate of (specify): 0.0000 percent per year from (date): April 28, 2021c. ☐ attorney's fees(1) ☐ of: \$(2) ☐ according to proof.d. ☐ other (specify):11. ☒ The paragraphs of this pleading alleged on information and belief are as follows (specify paragraph numbers):

CC-1.a.(1), CC-1.a.(2), CC-1.b.(4), CC-1.b.(5)

Date: February 14, 2022

Kevin Brendon Buiza #318691

(TYPE OR PRINT NAME)

(SIGNATURE OF PLAINTIFF OR ATTORNEY)

(If you wish to verify this pleading, affix a verification.)

SHORT TITLE: Capital One Bank (USA), N.A. v. DIANE E BOWEN

CASE NUMBER:

FIRST

(number)

CAUSE OF ACTION—Common CountsATTACHMENT TO ☒ Complaint ☐ Cross - Complaint

(Use a separate cause of action form for each cause of action.)

CC-1. Plaintiff (name): Capital One Bank (USA), N.A.

alleges that defendant (name): DIANE E BOWEN

became indebted to ☒ plaintiff ☐ other (name):a. ☒ within the last four years(1) ☒ on an open book account for money due.(2) ☒ because an account was stated in writing by and between plaintiff and defendant in which it was agreed that defendant was indebted to plaintiff.b. ☒ within the last ☐ two years ☒ four years(1) ☐ for money had and received by defendant for the use and benefit of plaintiff.(2) ☐ for work, labor, services and materials rendered at the special instance and request of defendant and for which defendant promised to pay plaintiff.☐ the sum of \$☐ the reasonable value.(3) ☐ for goods, wares, and merchandise sold and delivered to defendant and for which defendant promised to pay plaintiff☐ the sum of \$☐ the reasonable value.(4) ☒ for money lent by plaintiff to defendant at defendant's request(5) ☒ for money paid, laid out, and expended to or for defendant at defendant's special instance and request.(6) ☐ other (specify):

CC-2. \$3,586.82, which is the reasonable value, is due and unpaid despite plaintiff's demand,

plus prejudgment interest ☐ according to proof ☒ at the rate of 0.0000 percent per year

from (date): April 28, 2021

CC-3. ☐ Plaintiff is entitled to attorney fees by an agreement or a statute☐ of \$☐ according to proof.CC-4. ☐ Other:

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES
CHATSWORTH JUDICIAL DISTRICT

STATEMENT OF LOCATION/VENUE

CASE NAME: Capital One Bank (USA), N.A. v. DIANE E BOWEN,
CASE NUMBER:

Please check ONE of the following statements to indicate the basis for your filing of the complaint in this Judicial District and fill in the address.

- _____ 1. Cause of Action arose in this Judicial District.
The address of the cause of action is:
- | | | |
|--------|------|----------|
| Street | City | Zip Code |
|--------|------|----------|
- _____ 2. Property located in this judicial district. The address of this property is:
- | | | |
|--------|------|----------|
| Street | City | Zip Code |
|--------|------|----------|
- _____ 3. Tort occurred in this judicial district. The address of the tort is:
- | | | |
|--|------|----------|
| Street (if known)
(or nearest major intersection) | City | Zip Code |
|--|------|----------|
- _____ 4. Contract entered into or to be performed in this judicial district. The address where contract entered into or to be performed is:
- | | | |
|-------------------|------|----------|
| Street (if known) | City | Zip Code |
|-------------------|------|----------|
- X 5. Defendant resides in this judicial district. The address of the defendant is:
1699 MORTON AVE , LOS ANGELES CA 90026-2611
- | | | |
|--------|------|----------|
| Street | City | Zip Code |
|--------|------|----------|

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

DATED: February 14, 2022



Signature of Plaintiff's Attorney
Hunt & Henriques, LLP