

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

PLD-C-001

ATTORNEY OR PARTY WITHOUT ATTORNEY (<i>Name, State Bar number, and address</i>): Robert Scott Kennard, SBN 117017 Vanessa Thomas, SBN 323167 NELSON & KENNARD File No. 22-00176-0 5011 Dudley Blvd, Bldg 250, Bay G, McClellan, CA 95652 P.O. Box 13807 Sacramento, CA 95853 TELEPHONE NO: (916) 920-2295 FAX NO. (<i>Optional</i>): E-MAIL ADDRESS (<i>Optional</i>): ATTORNEY FOR (<i>Name</i>): BANK OF AMERICA, N.A.		FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES STREET ADDRESS: 9425 PENFIELD AVE., ROOM 1200 MAILING ADDRESS: CITY AND ZIP CODE: CHATSWORTH, CA 91311 BRANCH NAME: NORTH VALLEY DISTRICT-CHATSWORTH-LIMITED CIVIL CASE		
PLAINTIFF: BANK OF AMERICA, N.A. DEFENDANT: JONATHAN FERMIN CANO, [X] DOES 1 TO <u>10</u>		
CONTRACT [X] COMPLAINT [] AMENDED COMPLAINT (<i>Number</i>): [] CROSS-COMPLAINT [] AMENDED CROSS-COMPLAINT (<i>Number</i>):		
Jurisdiction (check all that apply): [X] ACTION IS A LIMITED CIVIL CASE Amount demanded [X] does not exceed \$10,000 [] exceeds \$10,000 but does not exceed \$25,000 [] ACTION IS AN UNLIMITED CIVIL CASE (exceeds \$25,000) [] ACTION IS RECLASSIFIED by this amended complaint or cross-complaint [] from limited to unlimited [] from unlimited to limited		CASE NUMBER: 22CHLC05189

1. **Plaintiff*** (*name or names*): BANK OF AMERICA, N.A.
alleges causes of action against **defendant*** (*name or names*): JONATHAN FERMIN CANO , , DOES 1 TO 10
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
[X] **except** plaintiff (*name*): BANK OF AMERICA, N.A.
[] a corporation qualified to do business in California
[] an unincorporated entity (*describe*):
[X] other (*specify*): A DULY CHARTERED BANK
- b. [] Plaintiff (*name*):
a. [] has complied with the fictitious business name laws and is doing business under the fictitious name (*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*): [] **except** defendant (*name*):
(1) [] a business organization, form unknown (1) [] a business organization, form unknown
(2) [] a corporation (2) [] a corporation
(3) [] an unincorporated entity (*describe*): (3) [] an unincorporated entity (*describe*):
(4) [] a public entity (*describe*): (4) [] a public entity (*describe*):
(5) [] other (*specify*): (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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4. (Continued)

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

(1) ☒ Doe defendants (specify Doe numbers): 1 - 5 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): 6 - 10 are persons whose capacities are unknown to plaintiff.c. ☐ Information about additional defendants who are not 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. ☐ plaintiff has complied with applicable claims statutes, orb. ☐ plaintiff 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): Plaintiff is informed and believes that the Defendant(s) resided within this jurisdiction and venue at the time of the commencement of the within action or, alternatively, entered into the agreement which is the subject of this action in this jurisdiction and venue.

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: Prior to commencement of this action, the Defendants were informed in writing that if an action were commenced, the Plaintiff may recover its court costs, where allowed by law, in addition to the principal otherwise owed.

Plaintiff alleges that it is qualified to do business in the State of California. Plaintiff's counsel's application for license pursuant to Financial Code Section 100000 et. seq. is pending issuance with the Nationwide Multistate Licensing and Registry and/or the California Department of Financial Protection and Innovation.

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

a. ☒ damages of \$ 3,059.87b. ☐ interest on the damages(1) ☐ according to proof(2) ☐ at the rate of (specify): _____ percent per year from (date):c. ☐ attorney 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):

Date: February 23, 2022

Vanessa Thomas

(TYPE OR PRINT NAME)

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

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FIRST CAUSE OF ACTION–Common Counts

(number)

ATTACHMENT TO ☒ Complaint ☐ Cross-Complaint*(Use a separate cause of action form for each cause of action.)*CC-1. Plaintiff (*name*): BANK OF AMERICA, N.A.alleges that defendant (*name*): JONATHAN FERMIN CANO ;became indebted to ☒ plaintiff ☒ other (*name*): FIA Card Services, N.A. is the predecessor in interest to Bank of America, N.A.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 \$ 3,059.87☐ 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. \$ 3,059.87 which is the reasonable value, is due and unpaid despite plaintiff's demand, plus prejudgment interest ☐ according to proof ☐ at the rate of _____ percent per year from (*date*):CC-3. ☐ Plaintiff is entitled to attorney fees by an agreement or a statute☐ of \$☐ according to proof

CC-4. ☒ Other: This complaint concerns account number ending in XXXXXXXXXXXXX9448. The account was established on 11/18/13. The account charged off on 12/31/20. The last payment received on the account was on 05/16/20. Plaintiff is a wholly owned subsidiary of Bank of America Corporation and the successor-in-interest to FIA Card Services, N.A., formerly known as MBNA America Bank, N.A. FIA Card Services N.A. was merged into and under the charter and title of Plaintiff effective October 1, 2014.

VERIFICATION

I, Vanessa Thomas, declare:

I am an attorney at law duly admitted and licensed to practice before all courts of the State of California and I have my professional office at 5011 Dudley Blvd, Bldg 250, Bay G, McClellan, Sacramento County, California.

I am the attorney of record for Plaintiff in the above entitled matter.

Said Plaintiff is absent from the county in which I have my office and for that reason I am making this verification on their behalf.


I have read the foregoing documents and know the contents thereof.

On information and belief, venue lies properly with this court because Defendant either resides in this judicial district at the time this action is commenced or the contract was entered into by the Defendant in this judicial district.

As to all other matters, I am informed and believe that the matters stated therein are true, and on that ground, I allege that the matters stated therein are true.

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

Executed on February 23, 2022, at McClellan, California.



Vanessa Thomas