

22CHLC05215

Assigned for all purposes to: Chatsworth Courthouse, Judicial Officer: Bernie LaForteza

PLD-C-001

<p>ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):  <b>Hunt &amp; Henriques, LLP</b> Debt collection license application pending.  <b>Donald Sherrill #266038     Keri L. Salet #318913</b>  <b>7017 Realm Drive</b>  <b>San José CA 95119</b></p> <p>TELEPHONE NO: (800) 680-2426 FAX NO. (Optional): (408) 362-2299</p> <p>E-MAIL ADDRESS (Optional):</p> <p>ATTORNEY FOR (Name): Plaintiff</p>	<p><b>FOR COURT USE ONLY</b></p>
<p><b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES</b></p> <p>STREET ADDRESS: 9425 Penfield Avenue</p> <p>MAILING ADDRESS:</p> <p>CITY AND ZIP CODE: Chatsworth CA 91311-6516</p> <p>BRANCH NAME: North Valley District</p>	
<p>PLAINTIFF: Capital One Bank (USA), N.A.</p> <p>DEFENDANT: MADELINE DRAKE</p> <p><input type="checkbox"/> DOES 1 TO _____</p>	
<p style="text-align: center;"><b>CONTRACT</b></p> <p><input checked="" type="checkbox"/> <b>COMPLAINT</b>      <input type="checkbox"/> <b>AMENDED COMPLAINT (Number):</b></p> <p><input type="checkbox"/> <b>CROSS-COMPLAINT</b>      <input type="checkbox"/> <b>AMENDED CROSS-COMPLAINT (Number):</b></p>	
<p><b>Jurisdiction (check all that apply):</b></p> <p><input checked="" type="checkbox"/> <b>ACTION IS A LIMITED CIVIL CASE</b>      \$8,999.17</p> <p style="margin-left: 20px;">Amount demanded <input checked="" type="checkbox"/> <b>does not exceed \$10,000</b></p> <p style="margin-left: 20px;"><input type="checkbox"/> <b>exceeds \$10,000, but does not exceed \$25,000</b></p> <p><input type="checkbox"/> <b>ACTION IS AN UNLIMITED CIVIL CASE (exceeds \$25,000)</b></p> <p><input type="checkbox"/> <b>ACTION IS RECLASSIFIED by this amended complaint or cross-complaint</b></p> <p style="margin-left: 20px;"><input type="checkbox"/> <b>from limited to unlimited</b></p> <p style="margin-left: 20px;"><input type="checkbox"/> <b>from unlimited to limited</b></p>	<p>CASE NUMBER:</p> <p style="font-size: 1.2em; font-weight: bold;">22CHLC05215</p>

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

alleges causes of action against **defendant\*** (name or names): MADELINE DRAKE

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.

Page 1 of 2



SHORT TITLE: Capital One Bank (USA), N.A. v. MADELINE DRAKE

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, **and**a. ☐ 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 fora. ☒ damages of: \$8,999.17b. ☒ interest on the damages(1) ☐ according to the proof(2) ☒ at the rate of (*specify*): 0.0000 percent per year from (*date*): October 6, 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 17, 2022

Keri L. Salet #318913

(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. MADELINE DRAKE

CASE NUMBER:

FIRST

(number)

**CAUSE OF ACTION—Common Counts**ATTACHMENT 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): MADELINE DRAKE

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. \$8,999.17, 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): October 6, 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. MADELINE DRAKE,  
**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)                      City                      Zip Code  
(or nearest major intersection)

- \_\_\_\_\_ 4. Contract entered into or to be performed in this  
judicial district. The address where contract  
entered into or to be performed is:

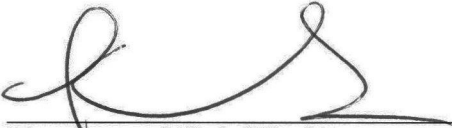
\_\_\_\_\_  
Street (if known)                      City                      Zip Code

- X   5. Defendant resides in this judicial district. The address of the defendant is:  
1201 S ORLANDO AVE , LOS ANGELES CA 90035-2513

\_\_\_\_\_  
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 17, 2022

  
\_\_\_\_\_  
Signature of Plaintiff's Attorney  
Hunt & Henriques, LLP