

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

**GABA LAW**

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Attorney for Plaintiff BENCHMARK INSURANCE COMPANY  
[58137]

**SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF LOS ANGELES  
LIMITED CIVIL JURISDICTION**

BENCHMARK INSURANCE COMPANY,	)	Case No.: <u>22CHLC05268</u>
Plaintiff,	)	<b>COMPLAINT FOR FAILURE TO PAY</b>
vs.	)	<b>INSURANCE PREMIUMS</b>
DRILLHEAD DRILLING & SHORING	)	<b>DEMAND: \$5,000.00</b>
INC., A CORPORATION; DOES 1-100,	)	<b>LIMITED CIVIL CASE</b>
inclusive,	)	
Defendant	)	

Plaintiff BENCHMARK INSURANCE COMPANY (Plaintiff) alleges the following causes of action against DRILLHEAD DRILLING & SHORING INC., A CORPORATION; and DOES 1-100, inclusive (the Defendant), as follows:

1. Plaintiff is, and at all times relevant was, a corporation, organized and existing under and by virtue of the laws of the state of its incorporation.
2. Plaintiff alleges on information and belief that the Defendants, or some of them, maintain a principal place of business within the above-referenced County and Judicial District.

1           3.       The true names and capacities, whether individual, corporate, associate,  
2 or otherwise, of Defendants Does 1-100, inclusive, are unknown to Plaintiff, who  
3 therefore sues said Defendants by such fictitious names. Plaintiff alleges on information  
4 and belief that each of the Defendant designated herein as a fictitiously named  
5 defendant is, in some manner, responsible for the events and happenings referred to,  
6 either contractually or tortiously, and/or that such fictitiously named Defendant claim  
7 some right, title or interest to the property described herein below and/or that such  
8 fictitiously named Defendant are liable in some manner for the obligation described  
9 herein below. When Plaintiff ascertains the true names and capacities of Does 1-100,  
10 Plaintiff will amend this complaint accordingly.

11           4.       Plaintiff alleges on information and belief that at all times herein  
12 mentioned, all Defendants named herein each acted in concert and conspired with or  
13 aided and abetted each other to do the acts complained of in this complaint, and that  
14 each defendant acted as an agent for the other at all times.

15           5.       Plaintiff alleges on information and belief that the obligation sued upon is  
16 not subject to the provisions of Civil Code §2984.4 or Civil Code §1812.10.

17           6.       Within the last four years, Defendants, and each of them, applied for a  
18 insurance policy from the Plaintiff.

19           7.       Subsequently, Plaintiff did in fact issue said policy to the Defendants, and  
20 each of them.

21           8.       On or about May 11, 2021, Defendants became indebted to Plaintiff in the  
22 sum of \$5,000.00 for unpaid premiums under the policy. A true and correct copy of the  
23 Invoice is attached hereto as Exhibit 1.

24           9.       Although demand therefore has been made, no part of \$5,000.00 has  
25 been paid, and said balance, together with interest thereon at the maximum statutory  
26 rate of 10.00% per annum, from May 11, 2021, is now due, owing and unpaid.  
27  
28

1 WHEREFORE, Plaintiff prays for judgment in its favor and against Defendants,  
2 and each of them, and Does 1-100, as follows:

- 3 10. For damages in the principal sum of \$5,000.00;  
4 11. For interest thereon at the rate of 10.00% per annum, from May 11,  
5 2021;  
6 12. For costs of suit incurred herein;  
7 13. For such other and further relief as this court may deem just and proper.

8  
9 Dated: March 8, 2022

GABA LAW

10  
11 By: 

12 Rodolfo Gaba, Jr.  
13 Attorneys for Plaintiff BENCHMARK  
14 INSURANCE COMPANY  
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EXHIBIT "1"



1 829 668

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1500 West El Camino Avenue  
Suite 13-834  
Sacramento, CA 95833  
Tel 805-688-4995  
Fax 805-688-2668  
Cal. License #0B86598

## **AUDIT ASSESSMENT INVOICE**

**Insured:** Drillhead Drilling & Shoring Inc  
**Policy #** BIC5020740  
**Policy Period:** 01/22/2020 to 11/09/2020  
**Reason:** Failure to Comply with Audit Requirements

**Total Amount Due by May 11, 2021:** \$5,000.00

For Questions: contact Jessica Pastor at (916) 603-2195

# BENCHMARK INSURANCE COMPANY

2900 SW Wanamaker Dr., #204  
Topeka, Kansas 66614

## DECLARATIONS

This Declaration Page is issued in conjunction with and forms a part of Policy Number: BIC5020740  
Renewal of Number: New Business

*cust acct # CIL4*

Item 1. Named Insured: Drillhead Drilling & Shoring Inc  
Address: 14540 Blythe St Apt 216  
Panorama City, CA 91402

*Debtor*

Item 2. Policy Period: 01/22/2020 to 01/22/2021  
(12:01 a.m. unless otherwise specified)

*✓ A7L2 ✓*

Item 3. Description of Insurance afforded hereunder: COMMERCIAL GENERAL LIABILITY

*A7L5*

Item 4. Limits of Insurance: Coverage is provided only if a limit is shown below:

Each Occurrence Limit	\$ 1,000,000
Damage to Premises Rented to You Limit	\$ 50,000
Medical Expense Limit	\$ 5,000
Personal & Advertising Injury Limit	\$ 1,000,000
General Aggregate Limit	\$ 2,000,000
Products-Completed Operations Aggregate Limit	\$ 2,000,000

Item 5. Deductible: \$ 2500.00 ☒ Per Claim ☐ Per Occurrence/Offense  
☐ Aggregate

Item 6. The Named Insured is: ☐ Individual ☒ Corporation ☐ Partnership  
☐ Joint Venture ☐ Other ☐ Limited Liability Company

Item 7. Premium: The premium stated herein is the minimum premium for the policy period. Any adjustment upon audit will be upward only. There will be no premium refund of the minimum premium upon audit, even if gross receipts are less than shown herein.

☒ Annual ☒ Term \$ 12,318.00 MINIMUM & DEPOSIT  
☒ Adjustable at a Rate of: \$ 34.481 PER \$1,000 OF GROSS RECEIPTS  
Estimated Gross Receipts: \$ 350,000.00

Item 8. Endorsements and forms attached to this Policy:  
See Schedule of Forms

*Martin A. Ericson*

COMPANY

*[Signature]*

COUNTERSIGNATURE OF AUTHORIZED REPRESENTATIVE



April 21, 2021

Katherine Sanchez  
Drillhead Drilling & Shoring Inc  
14540 Blythe St Apt 216  
Panorama City, CA 91402

Re: Policy: BIC5020740 - General Liability  
Balance Due: \$5,000

Dear Katherine Sanchez

We have attempted on several occasions to obtain information from you that would allow us to calculate the final audit premium due on the above referenced insurance policy.

As you have not responded to our requests for your final audit information, we have exercised our right per the terms of your insurance policy to assess an additional charge equal to the greater of \$5,000 for each named insured or 25% of the original minimum and deposit premium for your policy. The amount now due is \$5,000.

Note that per the terms of your policy, interest at the rate of 10% per annum will begin to accrue 30 days after the date of this notice on all unpaid amounts. Further, the assessment of this additional charge will not preclude or restrict our ability to exercise of any other right to seek information from you or to collect additional sums later determined to be owed per the terms of the policy.

Please remit the amount of \$5,000 within 20 days of the date of this letter. If you have any questions, please contact our office at the number listed below.

Sincerely,

Westcap Insurance Services, LLC