

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
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES</b> 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: ALAN R CALDWELL  <input type="checkbox"/> DOES 1 TO _____		
<input checked="" type="checkbox"/> <b>COMPLAINT</b> <input type="checkbox"/> <b>CONTRACT AMENDED COMPLAINT (Number):</b> <input type="checkbox"/> <b>CROSS-COMPLAINT</b> <input type="checkbox"/> <b>AMENDED CROSS-COMPLAINT (Number):</b>		
Jurisdiction (check all that apply): <input checked="" type="checkbox"/> <b>ACTION IS A LIMITED CIVIL CASE</b> \$7,019.76 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"/> <b>ACTION IS AN UNLIMITED CIVIL CASE (exceeds \$25,000)</b> <input type="checkbox"/> <b>ACTION IS RECLASSIFIED by this amended complaint or cross-complaint</b> <input type="checkbox"/> from limited to unlimited <input type="checkbox"/> from unlimited to limited		CASE NUMBER: <b>22CHLC05206</b>

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

alleges causes of action against **defendant\*** (name or names): ALAN R CALDWELL

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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## 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: \$7,019.76b. ☒ interest on the damages(1) ☐ according to the proof(2) ☒ at the rate of (specify): 0.0000 percent per year from (date): September 17, 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. ALAN R CALDWELL	CASE NUMBER:
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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): ALAN R CALDWELL

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. \$7,019.76, 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): September 17, 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. ALAN R CALDWELL,  
**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)<br>(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:  
1436 N NIAGARA ST , BURBANK CA 91505-1942
- |        |      |          |
|--------|------|----------|
| 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