

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state bar number, and address):
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 TELEPHONE NO: FAX NO. (OPTIONAL):
 E-MAIL ADDRESS (Optional):
 ATTORNEY FOR (Name): **PLAINTIFF**

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES
 STREET ADDRESS:
 MAILING ADDRESS:
 CITY AND ZIP CODE: **Santa Monica, CA 90401**
 BRANCH NAME: **SANTA MONICA JUDICIAL DISTRICT**

PLAINTIFF: **CITIBANK (SOUTH DAKOTA) N.A.**
 DEFENDANT: **ED MCMAHON**
 DOES 1 TO 5

CONTRACT
 COMPLAINT AMENDED COMPLAINT (Number):
 CROSS-COMPLAINT AMENDED CROSS-COMPLAINT (Number):

Jurisdiction (check all that apply):
 ACTION IS A LIMITED CIVIL CASE Amount demanded [] 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

FOR COURT USE ONLY

FILED
 LOS ANGELES SUPERIOR COURT

JUN 09 2008
 JOHN A. CLARKE, CLERK
 BY: *[Signature]* DENHAM, DEPUTY

INITIAL CASE MANAGEMENT REVIEW AND CONFERENCE
SEP 29 2008

830 am
 Dept. F

CASE NUMBER:
SC098553
John H. Reid

1. PLAINTIFF* (names): CITIBANK (SOUTH DAKOTA) N.A.

alleges causes of action against DEFENDANT* (names):

ED MCMAHON

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): CITIBANK (SOUTH DAKOTA) N.A.

a corporation qualified to do business in California

an unincorporated entity (describe):

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):

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

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

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

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

except defendant (name):

a business organization, form unknown

a corporation

an unincorporated entity (describe):

a public entity (describe):

other (specify):

except defendant (name):

a business organization, form unknown

a corporation

an unincorporated entity (describe):

a public entity (describe):

other (specify):

90210
 A012
 3700

CIT/CASE: SC098553 LEA/BEH:
 RECEIPT #: SNE00649053
 DATE PAID: 06/09/08 05:51:40
 PAYMENT: 0320.00
 RECEIVED:
 CHECK # 320.00
 BANK: CHASE
 PAGE: 1
 Code of Civ. Proc. 426.12

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

PLD-C-001

SHORT TITLE: CITIBANK (SOUTH DAKOTA) N.A. V. ED MCMAHON	CASE NUMBER:
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4. (Continued)

b. The true names and capacities 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): 1 to 5 are persons whose capacities are unknown to plaintiff.

c. Information about additional defendants who are not natural persons is contained in Complaint - Attachment 4c.

d. Defendants who are joined pursuant to Code of Civil Procedure section 382 are (names):

5. Plaintiff is required to comply with a claims statute, and

a. plaintiff has complied with applicable claims statutes, or

b. 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):

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:

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

a. damages of \$ 179,687.08

b. interest on the damages

(1) according to proof

(2) at the rate of _____ percent per year from (date):

c. attorney fees

(1) of \$ _____

(2) according to proof.

d. other (specify):

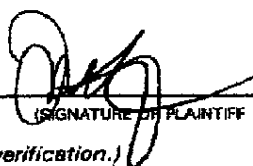
11. The following paragraphs of this pleading are alleged on information and belief (specify paragraph numbers):

Date: **MAY 29 2008**

MICHAEL S. HUNT #99804 OR

JANALIE HENRIQUES #111589

(TYPE OR PRINT NAME)



(SIGNATURE OF PLAINTIFF OR ATTORNEY)

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

SHORT TITLE: CITIBANK (SOUTH DAKOTA) N.A. v. ED MCMAHON	CASE NUMBER:
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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):
 CITIBANK (SOUTH DAKOTA) N.A.
 alleges that defendant (name):
 ED MCMAHON
 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. for work, labor,
 - (2) 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): UNJUST ENRICHMENT

CC-2. \$ 179,687.08, 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:

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES
SANTA MONICA JUDICIAL DISTRICT

STATEMENT OF LOCATION/VENUE

CASE NAME: CITIBANK (SOUTH DAKOTA) N.A.

V. ED MCMAHON

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.
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

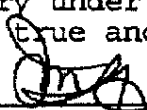
XXX 5. Defendant resides in this judicial district. The address of the defendant is:

Beverly Hills, CA 90210

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: May 29, 2008


Signature of Plaintiff's Attorney
HUNT & HENRIQUES