

**EXHIBIT
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1 **ROBERT L. POLLAK, State Bar Number 083950**
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9 **Attorneys for Plaintiff**
10 **Our File No.: 2023665**

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County of San Joaquin
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Case Management Conference
2024-08-02 8:30AM in 11B

11 **SUPERIOR COURT, STATE OF CALIFORNIA**
12 **COUNTY OF SAN JOAQUIN**
13 **UNLIMITED CIVIL JURISDICTION**

14 BNSF LOGISTICS, LLC, a limited	)	CASE NO.: STK-CV-UOC-2024-0001402
15 liability company,	)	
16 Plaintiff,	)	
17 vs.	)	COMPLAINT FOR MONEY DUE FOR
18 GUNTERT & ZIMMERMAN CONST.	)	GOODS SOLD AND DELIVERED
19 DIV., INC., a corporation;	)	AND/OR SERVICES RENDERED
20 and DOES 1 through 50, inclusive,	)	
21 Defendants,	)	
22	)	

23 **Plaintiff complains of Defendants, and each of them, and for a First**
24 **Cause of Action, alleges as follows:**

25 **1. That Defendants, DOE 1 through DOE 50, inclusive, are unknown**
26 **to Plaintiff, who therefore sues said Defendants by such fictitious names, and**
27 **Plaintiff will amend this Complaint to show their true names and capacities**
28 **when the same have been ascertained.**

2. The obligation sued upon herein was incurred within the
jurisdiction of the above-entitled Court.

COMPLAINT FOR MONEY DUE - 1

GOMACO EXHIBIT 1206
GOMACO v. G&Z
IPR2024-00835

1 3. Plaintiff is a limited liability company transacting business in
2 interstate commerce and/or is authorized to transact business within the State
3 of California.

4 4. At all times mentioned herein, Defendants, GUNTERT &
5 ZIMMERMAN CONST. DIV., INC., and DOE 1 were corporations organized and
6 doing business under the laws of the State of California.

7 5. The claim of indebtedness sued upon herein is not subject to the
8 provisions of Section 1812.10 and Section 2984.4 of the Civil Code for the
9 reason that said indebtedness did not arise from a retail installment contract
10 or under a contract pertaining to the purchase and/or financing of a motor
11 vehicle.

12 6. Within four (4) years last past, and prior to the commencement
13 of this action, Defendants, and each of them, became indebted to Plaintiff in
14 the sum of \$43,435.00 for goods sold and delivered and/or services rendered
15 to Defendants, and each of them, by Plaintiff at the request of Defendants, and
16 each of them.

17 7. On or about June 18, 2021, demand was made upon Defendants,
18 and each of them, for the sum due, but Defendants, and each of them, have
19 not paid said sum, or any part thereof, and there is now due, owing and
20 unpaid from Defendants, and each of them, said sum, together with interest
21 thereon at the rate of ten percent (10%) per annum from and after said date.

22 8. Plaintiff is informed and believes and on that basis alleges that
23 there exists, and at all times herein mentioned there existed, a unity of
24 interest between and among the defendants such that any individuality and
25 separateness between them has ceased, that each of said defendants is the
26 alter ego of the other defendants in that each defendant corporation was
27 undercapitalized and was completely controlled, dominated and managed by
28 the other defendants for their own convenience and benefit, and that

1 adherence to the fiction of the separate existence of each defendant would
2 sanction fraud and promote injustice.

3 9. The said goods and/or services were sold and delivered on an
4 open book account and were not primarily for personal, family or household
5 purposes. Pursuant to the provisions of Section 1717.5 of the Civil Code,
6 Plaintiff is entitled to reasonable attorney's fees of \$1,200.00.

7 WHEREFORE, Plaintiff prays for judgment against Defendants, and each
8 of them, as follows:

- 9 1. For damages in the amount of \$43,435.00;
10 2. For interest on said amount at the rate of ten percent (10%) per
11 annum from June 18, 2021;
12 3. For attorney's fees in the sum of \$1,200.00;
13 4. For costs of suit incurred herein; and
14 5. For such other and further relief as this Court may deem just and
15 proper.

16
17 Dated: February 5, 2024

GLASSBERG, POLLAK & ASSOCIATES

18
19
20 Bv:



21 ROBERT L. POLLAK
22 Attorneys For Plaintiff
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