

EXHIBIT
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\$435⁰⁰

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF SAN JOAQUIN

UNLIMITED

AVITEK RECRUIT, INC.

STK-CV-UOC-2021-302

Plaintiff,

COMPLAINT FOR MONEY

v.

GUNTERT & ZIMMERMAN, CONST.
DIV. INC., A CALIFORNIA
CORPORATION; DOES 1-10,

Demand: \$87,476.33

Defendants.

Plaintiff alleges as follows:

FIRST CAUSE OF ACTION

1. Plaintiff is informed and believes and under information and belief states that the first named corporate defendant is a corporation with its principal place of business within the county and judicial district, if any, in which this matter is brought.

COMPLAINT FOR MONEY - COMMON COUNTS

FILE BY FAX

GOMACO EXHIBIT 1207

GOMACO v. G&Z

IPR2024-00835

1 2. The true names and capacities, whether corporate,
2 associate, individual or otherwise, of defendants DOES 1-10
3 inclusive, are unknown to plaintiff who therefore sues said
4 defendants by such fictitious names and plaintiff will ask leave
5 to amend this Complaint to set forth their true names and
6 capacities when the same are ascertained.

7
8 3. Plaintiff is informed and believes, and on such
9 information and belief, alleges that at all times herein
10 mentioned, each of the defendants was acting as the agent and/or
11 servant of each of the other defendants and all actions alleged
12 herein were within the course and scope of the defendant's
13 agency and/or employment.

14 4. This cause of action is not subject to the provisions
15 of Sections 1812.10 or 2984.4 of the Civil Code of the State of
16 California.

17 5. Within the last four years defendants, and each of
18 them, became indebted to plaintiff in the agreed sum of
19 \$87,476.33 for goods and/or services rendered to defendants, and
20 defendants then and there agreed to pay said amount to
21 plaintiff.
22

23 6. No part of said sum has been paid, although demand
24 therefor has been made, and there is now due, owing and unpaid
25 the sum of \$87,476.33 together with interest thereon at the rate
26 of 10% per annum from March 31, 2019.

27 SECOND CAUSE OF ACTION

28 COMPLAINT FOR MONEY - COMMON COUNTS

1 7. Plaintiff realleges and incorporates herein by
2 reference each and every allegation contained in Paragraphs 1,
3 2,, 3, 4, 5, and 6 of the First Cause of Action.

4 8. Within the last four years defendants, and each of
5 them, became indebted to plaintiff on a book account for a
6 balance due in the amount of \$87,476.33.

7 THIRD CAUSE OF ACTION

8 9. Plaintiff realleges and incorporates herein by
9 reference each and every allegation contained in Paragraphs 1,
10 2, 3, 4, 5, and 6 of the First Cause of Action.

11 10. Within the last four years there was a written account
12 stated by and between plaintiff and defendants, and each of
13 them, whereby it was agreed that defendants were indebted to
14 plaintiff in the sum of \$87,476.33.

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20 WHEREFORE, plaintiff prays judgment against defendants, and
21 each of them, as follows:

22 1. For damages in the sum of \$87,476.33;

23 2. For interest in the sum of 10 percent per annum from
24 and after March 31, 2019;

25 3. For costs of suit herein incurred as provided by
26 C.C.P. Sec. 1033.5 including a reasonable attorney fee
27

28 COMPLAINT FOR MONEY - COMMON COUNTS

1 to be determined by the court authorized by C.C.
2 1717.5, if applicable;

3 4. For other and further relief as the Court may deem
4 proper.

5 DATED: January 13, 2021

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8 STEVEN A. BOOSKA
9 Attorney for Plaintiff
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COMPLAINT FOR MONEY - COMMON COUNTS