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17 Facsimile: (619) 564-6665

18 *Attorneys for Plaintiffs and the Proposed Class*

19 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
20 **FOR THE COUNTY OF ALAMEDA**

21 FINN WALSH, JACK RONAN, KATHERINE
22 WALSH, and TIMOTHY WALSH, on behalf of
23 themselves and all others similarly situated,

24 Plaintiffs,

25 v.

26 PREMIUM PROPERTY MANAGEMENT, INC.
27 DBA PREMIUM PROPERTIES, a California
28 Corporation; and DOES 1-10,

Defendant.

LAW OFFICES OF JAMES M. V. FITZPATRICK
JAMES M. V. FITZPATRICK (SBN 125313)
jim@jmvf.com
501 West Broadway, Suite 800
San Diego, CA 92101
Telephone: (619) 234-3422
Facsimile: (619) 234-3163

**ENDORSED
FILED
ALAMEDA COUNTY**

AUG 26 2020

CLERK OF THE SUPERIOR COURT
By AMRIT KHAN
Deputy

Case No.:

R
RG 20072409

CLASS ACTION COMPLAINT FOR:

- 1) Breach of Contract
- 2) Bad Faith Retention of Security Deposit
- 3) Conversion of Plaintiffs' Property
- 4) Breach of the Implied Warranty of Good Faith and Fair Dealing.
- 5) Violations of the Unfair Competition Law, Unlawful Prong, Cal. Bus. & Prof. Code §§ 17200 *et seq.*
- 6) Violation of the Unfair Competition Law, Unfair Prong, Cal. Bus. & Prof. Code §§ 17200 *et seq.*
- 7) Violation of the Unfair Competition Law, Fraudulent Prong, Cal. Bus. & Prof. Code §§ 17200 *et seq.*

DEMAND FOR JURY TRIAL

SUMMONS (CITACION JUDICIAL)

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)

NOTICE TO DEFENDANT:
(AVISO AL DEMANDADO):
PREMIUM PROPERTIES, INC.

ENDORSED
FILED
ALAMEDA COUNTY

AUG 26 2020

YOU ARE BEING SUED BY PLAINTIFF:
(LO ESTÁ DEMANDANDO EL DEMANDANTE):

FINN WALSH, JACK RONAN, KATHERINE WALSH, AND TIMOTHY WALSH

CLERK OF THE SUPERIOR COURT
By AMRIT KHAN

NOTICE! You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association. NOTE: The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case. ¡AVISO! Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.sucorte.ca.gov), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.sucorte.ca.gov) o poniéndose en contacto con la corte o el colegio de abogados locales. AVISO: Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 ó más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.

The name and address of the court is:
(El nombre y dirección de la corte es):
Superior Court of California, County of Alameda
1225 Fallon Street, Oakland, California 94612

CASE NUMBER: (Número del Caso):

R AG 20072409

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is: (El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):

Ronald A. Marron; 651 Arroyo Drive, San Diego, California 92103; 619-696-9006

Chad Fink

AMRIT KHAN

DATE: (Fecha) **AUG 26 2020** Clerk, by (Secretario) _____, Deputy (Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)
(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010).)

[SEAL]

NOTICE TO THE PERSON SERVED: You are served

- as an individual defendant.
- as the person sued under the fictitious name of (specify):
- on behalf of (specify):
under: CCP 416.10 (corporation) CCP 416.60 (minor)
 CCP 416.20 (defunct corporation) CCP 416.70 (conservatee)
 CCP 416.40 (association or partnership) CCP 416.90 (authorized person)
 other (specify):
- by personal delivery on (date)

Ronald A. Marron (SBN: 175650)

651 Arroyo Drive
San Diego, CA 92103

TELEPHONE NO.: 619-696-9006

FAX NO. (Optional): 619-564-6665

ATTORNEY FOR (Name): Plaintiffs Finn Walsh, Jack Ronan, Katherine Walsh, Tim Walsh

FOR COURT USE ONLY

ENDORSED
FILED
ALAMEDA COUNTY

AUG 26 2020

CLERK OF THE SUPERIOR COURT

By AMBIT KHAN
Deputy

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ALAMEDA

STREET ADDRESS: 1225 Fallon Street

MAILING ADDRESS:

CITY AND ZIP CODE: Oakland, California 94612

BRANCH NAME: Rene C. Davidson Courthouse

CASE NAME:

CIVIL CASE COVER SHEET

Unlimited (Amount demanded exceeds \$25,000)
 Limited (Amount demanded is \$25,000)

Complex Case Designation

Counter Joinder
Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)

CASE NUMBER

AG 20072409

JUDGE:

DEPT.:

Items 1-6 below must be completed (see instructions on page 2).

1. Check one box below for the case type that best describes this case:

Auto Tort

Auto (22)
 Uninsured motorist (46)

Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort

Asbestos (04)
 Product liability (24)
 Medical malpractice (45)
 Other PI/PD/WD (23)

Non-PI/PD/WD (Other) Tort

Business tort/unfair business practice (07)
 Civil rights (08)
 Defamation (13)
 Fraud (16)
 Intellectual property (19)
 Professional negligence (25)
 Other non-PI/PD/WD tort (35)

Employment

Wrongful termination (36)
 Other employment (15)

Contract

Breach of contract/warranty (06)
 Rule 3.740 collections (09)
 Other collections (09)
 Insurance coverage (18)
 Other contract (37)

Real Property

Eminent domain/Inverse condemnation (14)
 Wrongful eviction (33)
 Other real property (26)

Unlawful Detainer

Commercial (31)
 Residential (32)
 Drugs (38)

Judicial Review

Asset forfeiture (05)
 Petition re: arbitration award (11)
 Writ of mandate (02)
 Other judicial review (39)

Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400-3.403)

Antitrust/Trade regulation (03)
 Construction defect (10)
 Mass tort (40)
 Securities litigation (28)
 Environmental/Toxic tort (30)
 Insurance coverage claims arising from the above listed provisionally complex case types (41)

Enforcement of Judgment

Enforcement of judgment (20)

Miscellaneous Civil Complaint

RICO (27)
 Other complaint (not specified above) (42)

Miscellaneous Civil Petition

Partnership and corporate governance (21)
 Other petition (not specified above) (43)

2. This case is is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:

- a. Large number of separately represented parties
- b. Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve
- c. Substantial amount of documentary evidence
- d. Large number of witnesses
- e. Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court
- f. Substantial postjudgment judicial supervision

3. Remedies sought (check all that apply): a. monetary b. nonmonetary; declaratory or injunctive relief c. punitive

4. Number of causes of action (specify): Seven (7)

5. This case is is not a class action suit.

6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: 8/25/2020

Ronald A. Marron

(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

Filed by Fax



Superior Court of California
County of Alameda

Superior Court of California, County of Alameda
Hayward Hall of Justice
24405 Amador Street
Hayward, CA 94544

Receipt Nbr: 770509
Clerk: akhan
Date: 09/03/2020

| Type | Case Number | Description | Amount |
|--------|-------------|-------------------------------------|-----------|
| Filing | RG20072409 | Complaint Breach of Contract/Warran | \$435.00 |
| Filing | RG20072409 | Complex Designation Requested | \$1000.00 |

Total Amount Due: \$1,435.00
Prior Payment:
Current Payment: \$1,435.00
Balance Due: \$.00
Overage:
Excess Fee:
Change:

Payment Method:
Cash:
Check: \$1,435.00

ONE LEGAL

800-938-8815
1400 North McDowell Blvd • Suite 300
Petaluma, CA 94954

96-505/1232

D 3757406

DATE

8 26 2020

PAY
TO THE
ORDER OF

CLERK OF THE COURT

1435 00

ONE THOUSAND FOUR HUNDRED AND THIRTY FIVE DOLLARS



UMPQUA BANK
225 W. SANTA CLARA STREET, SUITE 150
SAN JOSE, CA 95113

NOT NEGOTIABLE

15099269

for 7 [Signature]