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VENTURA SUPERIOR COURT

OCT 13 2020

1 Erin E. Patterson, SBN 262285
2 Jason W. Tang, SBN 314337
3 Bora Song, SBN 329308
4 Patrick J. Layman, SBN 59643
5 Thomas J. Sebourn, SBN 279272
6 Nicholas J. Babilis, SBN 291676
7 Carina M. Jordan, SBN 302099
8
9 SUTTELL & HAMMER, A.P.C.
10 P.O. Box C-90006
11 Bellevue, WA 98009
12 Tel: (425) 455-8220/(888) 788-8355
13 Facsimile: (425) 453-3239
14 california@suttelllaw.com

BY FAX

Attorneys for Plaintiff
s/h 739069.001

SUPERIOR COURT OF CALIFORNIA, FOR THE COUNTY OF VENTURA
VENTURA HALL OF JUSTICE
UNLIMITED CIVIL JURISDICTION

CITIBANK N.A.

Plaintiff,

NO.

vs.

COMPLAINT FOR DAMAGES

Rodrigo L Abello

Common Counts: Book Account, Account Stated

Defendant.

PRA YER AMOUNT: \$32061.32

PLAINTIFF ALLEGES CAUSES OF ACTION AS FOLLOWS:

GENERAL ALLEGATIONS

1. Plaintiff is a FDIC insured bank qualified to do business in the State of California.
2. Defendant is a natural person.
3. Defendant currently resides in this judicial district, therefore, jurisdiction and venue are proper in this court.
4. The claims sued upon herein were made and entered into. The claims sued upon herein are due and payable in this judicial district and/or county, and are not subject to the

1 provisions of Sections 1812.10 and 2984.4 of the California Civil Code, Section 395(b) of the
2 California Code of Civil Procedure.

3 5. That at all times material, Defendant has been the obligor of a certain credit card
4 account bearing number XXXXXXXXXXXXX6073, and that Defendant agreed by the use of
5 said credit card: (1) to assume responsibility for all credit extended on the basis of said
6 accounts; (2) to pay monthly upon the unpaid account balance, including any and all service
7 charges; and (3) upon default in payment, that all obligations shall become immediately due
8 and payable; and Defendant has defaulted on said agreement.
9

10 6. By the use of said credit account, Defendant has become indebted on said
11 account in the amount of \$32061.32, which is due and unpaid despite Plaintiff's demand.

12 **CAUSES OF ACTION - COMMON COUNTS**

13 7. Plaintiff realleges and incorporates herein the allegations set forth above.

14 **FIRST CAUSE OF ACTION: OPEN BOOK ACCOUNT**

15 8. Defendant became indebted to Plaintiff within the last four (4) years on an open
16 book account for money due.
17

18 9. Plaintiff kept an account of the debts and credits involved in the transactions.

19 10. Defendant owes Plaintiff the sum total of \$32061.32, plus any applicable costs,
20 for a balance due on a book account for money paid, lines of credit extended, and/ or funds
21 expended by or for Defendant.
22

23 **SECOND CAUSE OF ACTION: ACCOUNT STATED**

24 11. Defendant became indebted to Plaintiff within the last four (4) years on an
25 account stated.
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27 12. Defendant, by words or conduct, agreed that the amount stated in the account
28 was the correct amount owed to Plaintiff and promised to pay the stated amount.

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13. To date, Defendant has not paid any or all of the amount owed under this account.

14. Defendant owes Plaintiff the sum total of \$32061.32, plus any and all applicable costs, for a balance due on an account stated for money paid, lines of credit extended, and/or funds expended by or for Defendant.

PRAYER FOR RELIEF:

Plaintiff prays for judgment against Defendant as follows:

- A. For damages in the amount of \$32061.32, less any payments made;
- B. For costs of suit incurred herein; and
- C. For any further sum which may be proven at time of trial, and if allowed by law or contract, or any other relief as the court deems just and equitable.

Dated September 15, 2020

Respectfully Submitted,

SUTTELL & HAMMER, A.P.C.

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Attorneys at Law
s/h 739069.001