

APR 14 2010

JOHN A. CLARKE, CLERK
BY B.M. SWAIN, DEPUTY

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9/302

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8 Mandalay Corp., A Nevada Corporation dba Mandalay Bay Resort and Casino

9 **SUPERIOR COURT FOR THE STATE OF CALIFORNIA**

10 **IN AND FOR THE COUNTY OF LOS ANGELES**

11 **BC435605**

12 Case No.:

13 **MANDALAY CORP., A NEVADA**
14 **CORPORATION DBA MANDALAY BAY**
15 **RESORT AND CASINO**

16 Plaintiff,

17 vs.

18 **DAVID R. BERGSTEIN aka DAVID**
19 **BERGSTEIN aka DAVID SAMSON aka**
20 **DAVID R. SAMSON; SARAH BERGSTEIN;**
21 **and SUSAN H. TREQUB, ESQ., TRUSTEE**
22 **OF THE BERGSTEIN TRUST DATED**
23 **JUNE 12, 2008; and DOES 1-50**

24 Defendants

25 **COMPLAINT TO SET ASIDE**
26 **FRAUDULENT TRANSFER OF**
27 **REAL PROPERTY**
28 **-Constructive Fraud-**

Vertical stamp: to Judge

18 Comes now Plaintiff, MANDALAY CORP., A NEVADA CORPORATION DBA
19 MANDALAY BAY RESORT AND CASINO (Plaintiff and/or MANDALAY), and files this
20 Complaint against the Defendants named above, and alleges:

21 1. Plaintiff, is and at all times herein relevant, a legally recognized entity authorized to
22 do business and doing business in Clark County Nevada and holder of unrestricted gaming licences
23 entitling it to operate a casino and gaming establishment with the State of Nevada.

24 2. Plaintiff is informed and believes and thereon allege that Defendant DAVID
25 BERGSTEIN aka DAVID BERGSTEIN aka DAVID SAMSON aka DAVID R. SAMSON
26 (Defendant and/or BERGSTEIN), is and at all times relevant hereto, an individual residing
27 the State of California, County of Los Angeles.

28 3. Plaintiff is informed and believes and thereon allege that Defendant, SARAH

Vertical stamp: CIT/CASE: BC435605 LEA/DEF#: 1
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1 BERGSTEIN an individual, ("SARAH BERGSTEIN"), is and at all times relevant hereto, an
2 individual residing within the State of California, County of Los Angeles and is the mother of
3 BERGSTEIN.

4 4. Plaintiffs are informed and believe and thereon allege that Defendant, SUSAN H.
5 TREQUB, ESQ., TRUSTEE OF THE BERGSTEIN TRUST DATED JUNE 12, 2008,
6 ("TRUSTEE"), is and at all times relevant hereto, is a trustee of the Bergstein Trust dated June 12,
7 2008 residing within the State of California, County of Los Angeles.

8 5. The true names and capacities of DOES 1 through 50, inclusive, named herein,
9 whether individual, corporate, associate or otherwise, are unknown to Plaintiff at this time, and
10 Plaintiff therefore sue said Defendants by fictitious names. Plaintiffs are informed and believe and
11 thereon allege that the DOE defendants identified herein are California residents or businesses
12 authorized to conduct their affairs within the State of California. Plaintiffs will amend this
13 complaint to show the true names and capacities of these fictitious Defendants when they have been
14 ascertained.

15 6. Plaintiff is informed and believes and thereon allege that each of the Defendants
16 herein were at all time relevant hereto the agents, employees or representatives of the remaining
17 Defendants and were acting at least in part within the course and scope of such relationship.

18 **BACKGROUND**

19 7. On or about January 19 through and including February 6, 2008, Defendant
20 BERGSTEIN received Nine Hundred Fifty Thousand and 00/100 Dollars (\$950,000.00) from
21 MANDALAY in consideration for which BERGSTEIN executed and delivered six (6) negotiable
22 instruments. BERGSTEIN received good and valuable consideration in exchange for said
23 instruments.

24 8. When no payments and/or credits were received from BERGSTEIN on this
25 indebtedness, in due course, MANDALAY completed the instruments and presented them through
26 the normal banking channels for payment on BERGSTEIN's account. However, such instruments
27 were returned to MANDALAY dishonored and unpaid. As a result of credits and/or subsequent
28 payments made by BERGSTEIN totaling \$150,000.00, BERGSTEIN reduced his indebtedness to

1 \$800,000.00. Despite demand for payment being made, BERGSTEIN has continually failed and
2 refused to pay MANDALAY the remaining amount due on the instruments after their dishonor and
3 remains indebted to MANDALAY in the principal amount of Eight Hundred Thousand and 00/100
4 Dollars (\$800,000.00).

5 9. On November 21, 2008, MANDALAY filed a complaint in the District Court Clark
6 County Nevada seeking damages, interest, costs of suit and reasonable attorneys' fees.

7 10. On May 27, 2009 MANDALAY filed a Motion for Summary Judgment seeking
8 Judgment in the principal amount of \$800,000.00 plus pre-judgment interest, reasonable attorneys'
9 and costs.

10 11. On July 8, 2009 MANDALAY and BERGSTEIN entered into a Stipulation for Entry
11 of Judgment.

12 12. On August 10, 2009 the Nevada Court entered Judgment in the amount of
13 \$800,000.00, interest in the amount of \$204,756.16, costs in the amount of \$271.00 and reasonable
14 attorneys' fees in the amount of \$30,000, the total to bear interest at the rate of eighteen percent
15 (18%) from the date of entry until satisfied.

16 13. On October 23, 2009 MANDALAY filed an Application for Entry of Judgment on
17 Sister State Judgment in Los Angeles Superior Court (Case No. BS123428) and an Amended
18 Application for Entry of Judgment on Sister State Judgment on October 29, 2009.

19 14. On November 6, 2009 Superior Court entered Judgment in the sum of \$1,035,027.16,
20 together with interest in the amount of \$36,750.55, filing fees of \$355.00, cost in an unknown sum
21 and interest on said judgment at the rate provided by law.

22 15. Drbac, LLC is a Delaware limited liability company incorporated June 26, 2007.

23 16. BERGSTEIN is the managing director and principal share holder/owner of Drbac,
24 LLC.

25 **FIRST CAUSE OF ACTION**

26 **Constructive Fraud**

27 (To Set Aside Fraudulent Transfers of Real Property)

28 17. Plaintiff realleges paragraphs 1- , inclusive, and incorporates them herein by

1 reference.

2 18. On or about October 2, 2007, BERGSTEIN was the owner and in possession and
3 control of that real property situated in Los Angeles county known as 5353 Round Meadow, Hidden
4 Hills, CA 91302 and more particularly described as follows:

5 Parcel 1: That portion of lots 21 and 46, in the city of Hidden Hills, county of Los
6 Angeles, State of California, as per map recorded in book 72, page(s) 3 to 6 inclusive
7 of Record of surveys, in the office of the county Recorder of said County, described
8 as follows: Beginning at the most Southerly corner of said Lot 46; thence along
9 the Easterly boundary thereof North 13° 13' 18" East 160.00 feet; thence North 76°
10 46' 42" West 380.00 feet; thence South 13° 13' 18" West 50.00 feet; thence South
11 45° 20' 55" East 210.95 feet to a point which is North 76° 46' 42" East 200.00 feet to
12 the of beginning; thence South 76° 46' 42" East 200.00 feet to said point of
13 beginning. Except therefrom one-half of all oil, gas, minerals and other
14 hydrocarbon substances in or under said land, without the right of surface entry for
15 exploration, development or production thereof, as reserved by Earle E. Hurlbutt and
16 Frances C. Hurlbutt, husband and wife, in deed recorded September 1, 1954 in bood
17 45476, page(s) 132, Official Records.

18 Parcel 2: An easement for road and utility purposes to be used in common with others
19 over that certain strip shown as "Round Meadow Road, a private street" on Record of
20 Surveys, in the office of the county recorder of said county, and as shown on
21 L.A.C.A. no. 65 recorded In Book 1, Page(s) 19 Et Seq., of Assessor's of maps, in the
22 office of the County Recorder of said County.

23 Parcel 3: An easement for road and utility purposes to be used in common with others
24 over that strip of land shown as "Long Valley Road, a private street" on Record of
25 Survey filed in book 65, Page(s) 20 of Record of Survey, in the office of the County
26 Recorder of said County.

27 Parcel 4: that portion of Lots 21 and 46 as described in Parcel 1 above described as
28 follows: Beginning at the most Westerly corner of the above described Parcel 1;
thence along the Southwesterly boundary thereof South 45° 20' 55" East 210.95 feet
to an angle point therein thence North 76° 46' 42" West 180.00 feet; thence North
13° 13' 18" East 110.00 feet to the point of beginning.

19. On or about June 18, 2008, (subsequent to his indebtedness to MANDALAY)
defendant BERGSTEIN transferred by grant deed the above described real property to TRUSTEE.
On June 20, 2008 the grant deed was recorded in Los Angeles Official Records Recorder's Office as
number 20081097813 in the Los Angeles County Department of Registrar-Recorder/County Clerk.

20. Plaintiff is further informed and believes and thereon alleges that the transfer was
made with an actual intent to hinder, delay or defraud Plaintiff in the collection of its damages.

21. Further, Plaintiff is informed, and believes, and thereon alleges that at the time
BERGSTEIN made the transfer, he intended in the future to engage in the conduct in breach of the

1 negotiable instruments described above, knowing that he would thereby incur the damages described
2 above and for which he would have rendered himself judgment-proof.

3 22. Defendant BERGSTEIN received no money or other consideration in exchange for
4 the aforementioned transfer. Plaintiff is informed and believes and thereon alleges that at the time of
5 the transfer of the real property defendant BERGSTEIN's interest in the real property was not less
6 than \$5,910,000. Thus, defendant BERGSTEIN did not receive reasonably equivalent value in
7 exchange for his interest in the real property.

8 23. Plaintiff is informed and believes and thereon alleges that TRUSTEE received the
9 above-described real property with knowledge that Defendant BERGSTEIN intended to hinder,
10 delay or defraud the collection of Plaintiff's aforementioned damages, and further breach of the
11 negotiable instruments he had with Plaintiff thereby incurring substantial damages which it would be
12 impossible for defendant BERGSTEIN to pay. TRUSTEE had been previously advised by defendant
13 BERGSTEIN of BERGSTEIN's breach of the negotiable instruments and was familiar with
14 BERGSTEIN's overall debts and assets. Moreover, TRUSTEE was well aware of the fraudulent
15 nature of the transaction, for which it received no money or other consideration.

16 24. Furthermore, On September 13, 2007 BERGSTEIN, through his ownership and
17 control of Drbac, LLC was the owner and in possession and control of that real property situated in
18 Los Angeles county known as 24355 Little Valley Road, Hidden Hills, CA 91302 and more
19 particularly described as follows:

20 Parcel 1: That portion of lots 1 and 2, in County of Los Angeles, State of California,
21 as per map recorded in book 73, page(s) 11 of Record of Survey, in the office of the
22 recorder of said County, described as follows: Beginning at a point in the
23 Northerly boundary of said Lot 2; distant thereon Easterly 200.75 feet from the
24 Northwestern corner of thereof, thence Westerly along the Northerly boundary of
25 said Lots 1 and 2, 220.75 feet; thence parallel with the Easterly boundary of said Lot
26 1, South 10 37' 15" West 166.64 feet to the Northerly line of Little Valley Road, a
27 private road 40.00 feet wide as shown on said map, thence, along a line radial to a
28 curve in said line of Little Valley Road; which is concave Southerly and has a radius
of 140.00 feet, South 60 35' 35" East 20.00 feet to the Southerly boundary of said Lot
1; thence along the Southerly and Southwesterly boundary of said Lots 1 and 2 the
following courses and distances, Easterly along a curve concave Southerly and having
a radius of 120.00 feet, a distance of 106.15 feet to the end thereof and South 45 54'
32" East 60.00 feet, thence North 44 05' 28" East 20.00 feet; thence North 34 05'
28" East 70.00 feet, thence North 8 56' 00" East 191.01 feet to the point of
beginning. Except from the above described parcel 1 an undivided half interest in
and to all oil, gas and other hydrocarbon substances saved and sold from said land, as
reserved by Anthony Nace, et al. in deed recorded March 16, 1950 in book 32579,

1 page(s) 182, Official Records, subject to the provisions therein set forth.

2 Parcel 2: An easement for road purposes over and along Little Valley Road, a private
3 road 40.00 feet wide, as on map of LACA No. 65 recorded in book 1, page(s) 19 to
4 24 of Assessor's maps, and Long Valley Road, a private road 60.00 feet wide as
shown on map filed in book 65, page(s) 20 and 21 of Record of Survey, all in the
office of the recorder of said County.

5 25. On or about September 13, 2007 defendant BERGSTEIN through his ownership and
6 control of Drbac, LLC, had Drbac, LLC acquire, via grant deed, the above described real property
7 (24355 Little Valley Road). On October 31, 2007 the grant deed was recorded in Los Angeles
8 Official Records Recorder's Office as number 20072457613 in the Los Angeles County Department
9 of Registrar-Recorder/County Clerk. On or about May 29, 2009, (subsequent to his indebtedness to
10 MANDALAY) defendant BERGSTEIN through his ownership and control of Drbac, LLC
11 transferred by quitclaim deed the above described real property (24355 Little Valley Road) to
12 SARAH BERGSTEIN, an individual and his mother. On June 26, 2009 the quitclaim deed was
13 recorded in Los Angeles Official Records Recorder's Office as number 20090968503 in the Los
14 Angeles County Department of Registrar-Recorder/County Clerk.

15 26. Plaintiff is further informed and believes and thereon alleges that the transfer was
16 made with an actual intent to hinder, delay or defraud Plaintiff in the collection of its damages.

17 27. Further, Plaintiff is informed, and believes, and thereon alleges that at the time
18 BERGSTEIN made the transfer, he intended in the future to engage in the conduct in breach of the
19 negotiable instruments described above, knowing that he would thereby incur the damages described
20 above and for which he would have rendered himself judgment-proof.

21 28. Drbac, LLC and/or BERGSTEIN received no money or other consideration in
22 exchange for the aforementioned transfer. Plaintiff is informed and believes and thereon alleges that
23 at the time of the transfer of the real property defendant BERGSTEIN's interest in the real property
24 was not less than \$2,195,000. Thus, defendant BERGSTEIN did not receive reasonably equivalent
25 value in exchange for his interest in the real property.

26 29. Plaintiff is informed and believes and thereon alleges that SARAH BERGSTEIN
27 received the above-described real property with knowledge that Defendant BERGSTEIN intended to
28 hinder, delay or defraud the collection of Plaintiff's aforementioned damages, and further breach of

1 the negotiable instruments he had with Plaintiff thereby incurring substantial damages which it
2 would be impossible for defendant BERGSTEIN to pay. SARAH BERGSTEIN had been previously
3 advised by defendant BERGSTEIN of BERGSTEIN's breach of the negotiable instruments and was
4 familiar with BERGSTEIN's overall debts and assets. Moreover, SARAH BERGSTEIN was well
5 aware of the fraudulent nature of the transaction, for which it received no money or other
6 consideration.

7 **WHEREFORE, PLAINTIFF PRAYS FOR THE FOLLOWING:**

8 1. That the transfer of the real property 5353 Round Meadow, Hidden Hills, CA 91302
9 from BERGSTEIN to TRUSTEE be set aside and declared void as to the Plaintiff herein to the
10 extent necessary to satisfy Plaintiff's claim in the sum not less than the Superior Court entered
11 Judgment in the sum of \$1,035,027.16, together with interest in the amount of \$36,750.55, filing fees
12 of \$355.00, cost in an unknown sum and interest on said judgment at the rate provided by law;

13 2. That the transfer of the real property 24355 Little Valley Road, Hidden Hills, CA
14 91302 from BERSTEIN, through his ownership and control of Drbac, LLC to SARAH BERGSTEIN
15 be set aside and declared void as to the Plaintiff herein to the extent necessary to satisfy Plaintiff's
16 claim in the sum not less than the Superior Court entered Judgment in the sum of \$1,035,027.16,
17 together with interest in the amount of \$36,750.55, filing fees of \$355.00, cost in an unknown sum
18 and interest on said judgment at the rate provided by law

19 3. That TRUSTEE and SARAH BERGSTEIN be restrained from disposing of the real
20 properties transferred;

21 4. That a temporary order be granted to Plaintiff enjoining and restraining BERGSTEIN,
22 and his representatives, agents, and attorneys from selling, transferring, conveying, or otherwise
23 disposing of any of the properties transferred;

24 5. That the judgment herein be declared a lien on the properties transferred;

25 6. That an order be made declaring that TRUSTEE and SARAH BERGSTEIN hold all
26 of the real property described above in trust for Plaintiff;

27 7. That TRUSTEE and SARAH BERGSTEIN be required to account to Plaintiff for all
28 profits and proceeds earned from or taken in exchange for the real property described above.

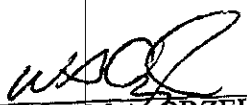
FILED IN CASE NO. 1:11-cv-00000-UNA
U.S. DISTRICT COURT FOR THE DISTRICT OF CALIFORNIA
SAN FRANCISCO, CALIFORNIA

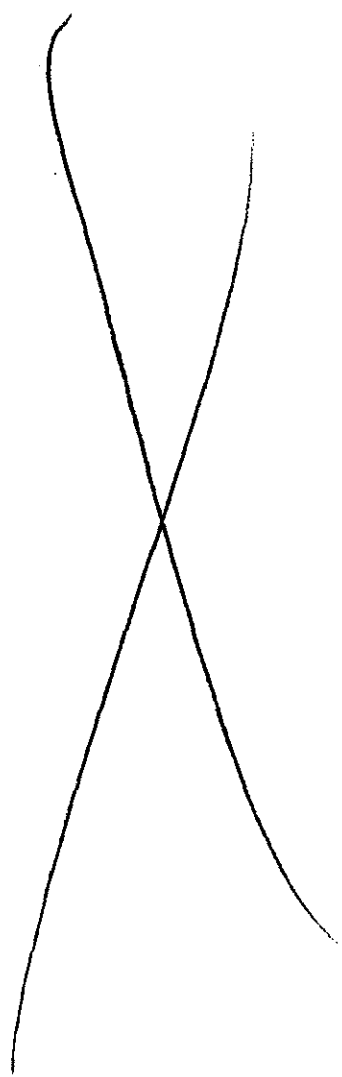
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8. For whatever damages this court finds just and proper.

Dated: 4/8/10

STARK & D'AMBROSIO, LLP

By: 
WILLIAM A. ORZEL,
Attorney for Plaintiff Mandalay Corp.,
A Nevada Corporation dba Mandalay
Bay Resort and Casino



Printed Name: _____
Printed Title: _____
Printed Date: _____

FOR COURT USE ONLY

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):

William A. Orzel (SBN 136906)

Stark & D'Ambrosio, LLP
501 W. Broadway, Ste. 770
San Diego, CA 92101

TELEPHONE NO.: 619.338.9500 FAX NO.: 619.338.9595

ATTORNEY FOR (Name): Mandalay Corp. A Nevada Corporation db

SUPERIOR COURT OF CALIFORNIA, COUNTY OF Los Angeles

STREET ADDRESS: 111 N. Hill Street

MAILING ADDRESS:

CITY AND ZIP CODE: Los Angeles CA 90012

BRANCH NAME: Central

CASE NAME: Mandalay Corp. v. David Bergstein

FILED
LOS ANGELES SUPERIOR COURT

APR 14 2010

JOHN A. CLARKE, CLERK

BY D.M. SWAIN, DEPUTY

CASE NUMBER: DC 435605

JUDGE:

DEPT:

CIVIL CASE COVER SHEET

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

Complex Case Designation

Counter **Joinder**

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

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 P/IPD/WD (Personal Injury/Property Damage/Wrongful Death) Tort

Asbestos (04)
 Product liability (24)
 Medical malpractice (45)
 Other P/IPD/WD (23)

Non-P/IPD/WD (Other) Tort

Business tort/unfair business practice (07)
 Civil rights (08)
 Defamation (13)
 Fraud (16)
 Intellectual property (19)
 Professional negligence (25)
 Other non-P/IPD/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 d. Large number of witnesses
b. Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve e. Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court
c. Substantial amount of documentary evidence 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): Set Aside Fraudulent Transfer of Real Properties
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:

William A. Orzel (SBN 136906)

(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.

Page 1 of 2

**CIVIL CASE COVER SHEET ADDENDUM AND STATEMENT OF LOCATION
(CERTIFICATE OF GROUNDS FOR ASSIGNMENT TO COURTHOUSE LOCATION)**

This form is required pursuant to LASC Local Rule 2.0 in all new civil case filings in the Los Angeles Superior Court.

Item I. Check the types of hearing and fill in the estimated length of hearing expected for this case:
JURY TRIAL? YES CLASS ACTION? YES LIMITED CASE? YES TIME ESTIMATED FOR TRIAL _____ HOURS/ DAYS

Item II. Select the correct district and courthouse location (4 steps – If you checked "Limited Case", skip to Item III, Pg. 4):

- Step 1:** After first completing the Civil Case Cover Sheet Form, find the main civil case cover sheet heading for your case in the left margin below, and, to the right in Column A, the Civil Case Cover Sheet case type you selected.
Step 2: Check one Superior Court type of action in Column B below which best describes the nature of this case.
Step 3: In Column C, circle the reason for the court location choice that applies to the type of action you have checked.
For any exception to the court location, see Los Angeles Superior Court Local Rule 2.0.

Applicable Reasons for Choosing Courthouse Location (see Column C below)

- Class Actions must be filed in the County Courthouse, Central District.
- May be filed in Central (Other county, or no Bodily Injury/Property Damage).
- Location where cause of action arose.
- Location where bodily injury, death or damage occurred.
- Location where performance required or defendant resides.
- Location of property or permanently garaged vehicle.
- Location where petitioner resides.
- Location wherein defendant/respondent functions wholly.
- Location where one or more of the parties reside.
- Location of Labor Commissioner Office.

Step 4: Fill in the information requested on page 4 in Item III; complete Item IV. Sign the declaration.

	A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Auto Tort	Auto (22)	<input type="checkbox"/> A7100 Motor Vehicle - Personal Injury/Property Damage/Wrongful Death	1., 2., 4.
	Uninsured Motorist (46)	<input type="checkbox"/> A7110 Personal Injury/Property Damage/Wrongful Death – Uninsured Motorist	1., 2., 4.
Other Personal Injury/Property Damage/Wrongful Death Tort	Asbestos (04)	<input type="checkbox"/> A6070 Asbestos Property Damage	2.
		<input type="checkbox"/> A7221 Asbestos - Personal Injury/Wrongful Death	2.
	Product Liability (24)	<input type="checkbox"/> A7260 Product Liability (not asbestos or toxic/environmental)	1., 2., 3., 4., 8.
	Medical Malpractice (45)	<input type="checkbox"/> A7210 Medical Malpractice - Physicians & Surgeons	1., 2., 4.
<input type="checkbox"/> A7240 Other Professional Health Care Malpractice		1., 2., 4.	
Non-Personal Injury/Property Damage/Wrongful Death Tort	Other Personal Injury Property Damage Wrongful Death (23)	<input type="checkbox"/> A7250 Premises Liability (e.g., slip and fall)	1., 2., 4.
		<input type="checkbox"/> A7230 Intentional Bodily Injury/Property Damage/Wrongful Death (e.g., assault, vandalism, etc.)	1., 2., 4.
		<input type="checkbox"/> A7270 Intentional Infliction of Emotional Distress	1., 2., 3.
		<input type="checkbox"/> A7220 Other Personal Injury/Property Damage/Wrongful Death	1., 2., 4.
Business Tort (07)	<input type="checkbox"/> A6029 Other Commercial/Business Tort (not fraud/breach of contract)	1., 2., 3.	
Civil Rights (08)	<input type="checkbox"/> A6005 Civil Rights/Discrimination	1., 2., 3.	
Defamation (13)	<input type="checkbox"/> A6010 Defamation (slander/libel)	1., 2., 3.	
Fraud (16)	<input checked="" type="checkbox"/> A6013 Fraud (no contract)	1., 2., 3.	

Non-Personal Injury/Property Damage/
 Wrongful Death Tort (Cont'd.)
 Employment
 Contract
 Real Property
 Unlawful Detainer

SHORT TITLE: Mandaly Corp. v. Bergstein	CASE NUMBER
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A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Professional Negligence (25)	<input type="checkbox"/> A6017 Legal Malpractice	1., 2., 3.
	<input type="checkbox"/> A6050 Other Professional Malpractice (not medical or legal)	1., 2., 3.
	<input type="checkbox"/> A6025 Other Non-Personal Injury/Property Damage tort	2., 3.
Other (35)		
Wrongful Termination (36)	<input type="checkbox"/> A6037 Wrongful Termination	1., 2., 3.
Other Employment (15)	<input type="checkbox"/> A6024 Other Employment Complaint Case	1., 2., 3.
	<input type="checkbox"/> A6109 Labor Commissioner Appeals	10.
Breach of Contract/Warranty (06) (not insurance)	<input type="checkbox"/> A6004 Breach of Rental/Lease Contract (not Unlawful Detainer or wrongful eviction)	2., 5.
	<input type="checkbox"/> A6008 Contract/Warranty Breach - Seller Plaintiff (no fraud/negligence)	2., 5.
	<input type="checkbox"/> A6019 Negligent Breach of Contract/Warranty (no fraud)	1., 2., 5.
	<input type="checkbox"/> A6028 Other Breach of Contract/Warranty (not fraud or negligence)	1., 2., 5.
Collections (09)	<input type="checkbox"/> A6002 Collections Case-Seller Plaintiff	2., 5., 6.
	<input type="checkbox"/> A6012 Other Promissory Note/Collections Case	2., 5.
Insurance Coverage (18)	<input type="checkbox"/> A6015 Insurance Coverage (not complex)	1., 2., 5., 8.
Other Contract (37)	<input type="checkbox"/> A6009 Contractual Fraud	1., 2., 3., 5.
	<input type="checkbox"/> A6031 Tortious Interference	1., 2., 3., 5.
	<input type="checkbox"/> A6027 Other Contract Dispute(not breach/insurance/fraud/negligence)	1., 2., 3., 8.
Eminent Domain/Inverse Condemnation (14)	<input type="checkbox"/> A7300 Eminent Domain/Condemnation Number of parcels _____	2.
Wrongful Eviction (33)	<input type="checkbox"/> A6023 Wrongful Eviction Case	2., 6.
Other Real Property (26)	<input type="checkbox"/> A6018 Mortgage Foreclosure	2., 6.
	<input type="checkbox"/> A6032 Quiet Title	2., 6.
	<input checked="" type="checkbox"/> A6060 Other Real Property (not eminent domain, landlord/tenant, foreclosure)	2., 6.
Unlawful Detainer-Commercial (31)	<input type="checkbox"/> A6021 Unlawful Detainer-Commercial (not drugs or wrongful eviction)	2., 6.
Unlawful Detainer-Residential (32)	<input type="checkbox"/> A6020 Unlawful Detainer-Residential (not drugs or wrongful eviction)	2., 6.
Unlawful Detainer-Drugs (38)	<input type="checkbox"/> A6022 Unlawful Detainer-Drugs	2., 6.
Asset Forfeiture (05)	<input type="checkbox"/> A6108 Asset Forfeiture Case	2., 6.
Petition re Arbitration (11)	<input type="checkbox"/> A6115 Petition to Compel/Confirm/Vacate Arbitration	2., 5.

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Judicial Review (Cont'd.)

Provisionally Complex Litigation

Enforcement of Judgment

Miscellaneous Civil Complaints

Miscellaneous Civil Petitions

A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Writ of Mandate (02)	<input type="checkbox"/> A6151 Writ - Administrative Mandamus <input type="checkbox"/> A6152 Writ - Mandamus on Limited Court Case Matter <input type="checkbox"/> A6153 Writ - Other Limited Court Case Review	2., 8. 2. 2.
Other Judicial Review (39)	<input type="checkbox"/> A6150 Other Writ /Judicial Review	2., 8.
Antitrust/Trade Regulation (03)	<input type="checkbox"/> A6003 Antitrust/Trade Regulation	1., 2., 8.
Construction Defect (10)	<input type="checkbox"/> A6007 Construction defect	1., 2., 3.
Claims Involving Mass Tort (40)	<input type="checkbox"/> A6006 Claims Involving Mass Tort	1., 2., 8.
Securities Litigation (28)	<input type="checkbox"/> A6035 Securities Litigation Case	1., 2., 8.
Toxic Tort Environmental (30)	<input type="checkbox"/> A6036 Toxic Tort/Environmental	1., 2., 3., 8.
Insurance Coverage Claims from Complex Case (41)	<input type="checkbox"/> A6014 Insurance Coverage/Subrogation (complex case only)	1., 2., 5., 8.
Enforcement of Judgment (20)	<input type="checkbox"/> A6141 Sister State Judgment <input type="checkbox"/> A6160 Abstract of Judgment <input type="checkbox"/> A6107 Confession of Judgment (non-domestic relations) <input type="checkbox"/> A6140 Administrative Agency Award (not unpaid taxes) <input type="checkbox"/> A6114 Petition/Certificate for Entry of Judgment on Unpaid Tax <input type="checkbox"/> A6112 Other Enforcement of Judgment Case	2., 9. 2., 6. 2., 9. 2., 8. 2., 8. 2., 8., 9.
RICO (27)	<input type="checkbox"/> A6033 Racketeering (RICO) Case	1., 2., 8.
Other Complaints (Not Specified Above) (42)	<input type="checkbox"/> A6030 Declaratory Relief Only <input type="checkbox"/> A6040 Injunctive Relief Only (not domestic/harassment) <input type="checkbox"/> A6011 Other Commercial Complaint Case (non-tort/non-complex) <input type="checkbox"/> A6000 Other Civil Complaint (non-tort/non-complex)	1., 2., 8. 2., 8. 1., 2., 8. 1., 2., 8.
Partnership Corporation Governance(21)	<input type="checkbox"/> A6113 Partnership and Corporate Governance Case	2., 8.
Other Petitions (Not Specified Above) (43)	<input type="checkbox"/> A6121 Civil Harassment <input type="checkbox"/> A6123 Workplace Harassment <input type="checkbox"/> A6124 Elder/Dependent Adult Abuse Case <input type="checkbox"/> A6190 Election Contest <input type="checkbox"/> A6110 Petition for Change of Name <input type="checkbox"/> A6170 Petition for Relief from Late Claim Law <input type="checkbox"/> A6100 Other Civil Petition	2., 3., 9. 2., 3., 9. 2., 3., 9. 2. 2., 7. 2., 3., 4., 8. 2., 9.


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Item III. Statement of Location: Enter the address of the accident, party's residence or place of business, performance, or other circumstance indicated in Item II., Step 3 on Page 1, as the proper reason for filing in the court location you selected.

REASON: CHECK THE NUMBER UNDER COLUMN C WHICH APPLIES IN THIS CASE <input checked="" type="checkbox"/> 1. <input checked="" type="checkbox"/> 2. <input checked="" type="checkbox"/> 3. <input type="checkbox"/> 4. <input type="checkbox"/> 5. <input checked="" type="checkbox"/> 6. <input type="checkbox"/> 7. <input type="checkbox"/> 8. <input type="checkbox"/> 9. <input type="checkbox"/> 10.		ADDRESS: 5353 Round Meadow Road
CITY: Hidden Hills	STATE: CA	ZIP CODE: 91302

Item IV. Declaration of Assignment: I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that the above-entitled matter is properly filed for assignment to the Stanley Mosk courthouse in the Central District of the Los Angeles Superior Court (Code Civ. Proc., § 392 et seq., and LASC Local Rule 2.0, subds. (b), (c) and (d)).

Dated: 4/8/10


(SIGNATURE OF ATTORNEY/FILING PARTY)

PLEASE HAVE THE FOLLOWING ITEMS COMPLETED AND READY TO BE FILED IN ORDER TO PROPERLY COMMENCE YOUR NEW COURT CASE:

1. Original Complaint or Petition.
2. If filing a Complaint, a completed Summons form for issuance by the Clerk.
3. Civil Case Cover Sheet form CM-010.
4. Complete Addendum to Civil Case Cover Sheet form LACIV 109 (Rev. 01/07), LASC Approved 03-04.
5. Payment in full of the filing fee, unless fees have been waived.
6. Signed order appointing the Guardian ad Litem, JC form FL-935, if the plaintiff or petitioner is a minor under 18 years of age, or if required by Court.
7. Additional copies of documents to be conformed by the Clerk. Copies of the cover sheet and this addendum must be served along with the summons and complaint, or other initiating pleading in the case.

LACIV 109 (Rev. 01/07) LASC Approved 03-04