

Gateway Blastering
v. G Companies

SUMMONS ON COMPLAINT
(CITACION JUDICIAL)

SUM-100

NOTICE TO DEFENDANT:

(AVISO AL DEMANDADO):

G COMPANIES CONSTRUCTION, INC., a California corporation; MURRIETA VILLAGE WALK, LP, an entity, form unknown; JAMES CHRIS GIANULIAS, an individual; DAVID D. GIANULIAS, an individual; DAVID LETTERIE MAFFEI, an individual; BANK OF THE WEST, a California corporation; and DOES 1 through 40, Inclusive,

YOU ARE BEING SUED BY PLAINTIFF:

(LO ESTÁ DEMANDANDO EL DEMANDANTE):

GATEWAY PLASTERING, INC., a California corporation,

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

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF RIVERSIDE
FEB 15 2008

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.

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.courtinfo.ca.gov/selfhelp/espanol/), 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.courtinfo.ca.gov/selfhelp/espanol/) o poniéndose en contacto con la corte o el colegio de abogados locales.

The name and address of the court is:

(El nombre y dirección de la corte es):

SUPERIOR COURT OF THE STATE OF CALIFORNIA
4050 MAIN ST.
SAME AS ABOVE
RIVERSIDE, CA 92501
RIVERSIDE MAIN BRANCH

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):

MARC S. HINES (SBN 140065)

(714) 513-1123 (714) 513-1123

KATHERINE S. AGBAYANI (SBN 213812)

HINES SMITH CARDER

3080 BRISTOL ST., SUITE 540, COSTA MESA, CA 92626

DATE:

Clerk, by

Deputy

(Fecha)

(Secretario)

(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)).

NOTICE TO THE PERSON SERVED: You are served

1. ☐ as an individual defendant.
2. ☐ as the person sued under the fictitious name of (specify):

3. ☐ 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):

4. ☐ by personal delivery on (date):

[SEAL]

CM-010

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): MARC S. HINES (SBN 140065) KATHERINE S. AGBAYANI (SBN 213812) HINES SMITH CARDER 3080 BRISTOL STREET, SUITE 540 COSTA MESA, CA 92626 TELEPHONE NO.: (714) 513-1123 FAX NO.: (714) 513-1123 ATTORNEY FOR (Name): GATEWAY PLASTERING, INC.		FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF RIVERSIDE STREET ADDRESS: 4050 MAIN ST. MAILING ADDRESS: SAME AS ABOVE CITY AND ZIP CODE: RIVERSIDE, CA 92501 BRANCH NAME: RIVERSIDE MAIN BRANCH		
CASE NAME: Gateway Plastering, Inc. v. G Companies, et al.		
CIVIL CASE COVER SHEET <input checked="" type="checkbox"/> Unlimited (Amount demanded exceeds \$25,000) <input type="checkbox"/> Limited (Amount demanded is \$25,000 or less)	Complex Case Designation <input type="checkbox"/> Counter <input type="checkbox"/> Joinder Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)	CASE NUMBER: RIC 492912 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 <input type="checkbox"/> Auto (22) <input type="checkbox"/> Uninsured motorist (46) Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort <input type="checkbox"/> Asbestos (04) <input type="checkbox"/> Product liability (24) <input type="checkbox"/> Medical malpractice (45) <input type="checkbox"/> Other PI/PD/WD (23) Non-PI/PD/WD (Other) Tort <input type="checkbox"/> Business tort/unfair business practice (07) <input type="checkbox"/> Civil rights (08) <input type="checkbox"/> Defamation (13) <input type="checkbox"/> Fraud (16) <input type="checkbox"/> Intellectual property (19) <input type="checkbox"/> Professional negligence (25) <input type="checkbox"/> Other non-PI/PD/WD tort (35) Employment <input type="checkbox"/> Wrongful termination (36) <input type="checkbox"/> Other employment (15)	Contract <input checked="" type="checkbox"/> Breach of contract/warranty (06) <input type="checkbox"/> Rule 3.740 collections (09) <input type="checkbox"/> Other collections (09) <input type="checkbox"/> Insurance coverage (18) <input type="checkbox"/> Other contract (37) Real Property <input type="checkbox"/> Eminent domain/inverse condemnation (14) <input type="checkbox"/> Wrongful eviction (33) <input type="checkbox"/> Other real property (26) Unlawful Detainer <input type="checkbox"/> Commercial (31) <input type="checkbox"/> Residential (32) <input type="checkbox"/> Drugs (38) Judicial Review <input type="checkbox"/> Asset forfeiture (05) <input type="checkbox"/> Petition re: arbitration award (11) <input type="checkbox"/> Writ of mandate (02) <input type="checkbox"/> Other judicial review (39)	Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400-3.403) <input type="checkbox"/> Antitrust/Trade regulation (03) <input type="checkbox"/> Construction defect (10) <input type="checkbox"/> Mass tort (40) <input type="checkbox"/> Securities litigation (28) <input type="checkbox"/> Environmental/Toxic tort (30) <input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41) Enforcement of Judgment <input type="checkbox"/> Enforcement of judgment (20) Miscellaneous Civil Complaint <input type="checkbox"/> RICO (27) <input type="checkbox"/> Other complaint (not specified above) (42) Miscellaneous Civil Petition <input type="checkbox"/> Partnership and corporate governance (21) <input type="checkbox"/> Other petition (not specified above) (43)
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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. <input type="checkbox"/> Large number of separately represented parties | d. <input type="checkbox"/> Large number of witnesses |
| b. <input type="checkbox"/> Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve | e. <input type="checkbox"/> Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court |
| c. <input type="checkbox"/> Substantial amount of documentary evidence | f. <input type="checkbox"/> 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): Eight (8).
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: February 14, 2008

KATHERINE S. AGBAYANI (SBN 213812)
(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

SUPERIOR COURT, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA

☐ BANNING 155 E. Hays, Banning, CA 92220
☐ BLYTHE 285 North Broadway, Blythe, CA 92225
☐ HEMET 880 N. State St., Hemet, CA 92343
☐ INDIO 46-200 Oasis St., Indio, CA 92201

☐ MURRIETA 30755-D Auld Road, Murrieta, CA 92563
☒ RIVERSIDE 4050 Main St., Riverside, CA 92501
☐ RIVERSIDE 4175 Main St., Riverside, CA 92501
☐ TEMECULA 41002 County Center Dr., #100, Temecula, CA 92591

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF RIVERSIDE
FEB 15 2008

Name and Address

HINES SMITH CARDER
KATHERINE S. AGBAYANI
3080 BRISTOL ST., SUITE 540
COSTA MESA, CA 92626

Attorney for Plaintiff

or Party without Attorney

GATEWAY PLASTERING, INC.

Plaintiff(s)

vs.

G COMPANIES CONSTRUCTION, INC., ET AL.

Defendant(s)

CASE NO.

RIC

492912

CERTIFICATE OF COUNSEL

The undersigned certifies that this matter should be tried or heard in the
Court for the following reason:

Riverside

- ☐ The action arose in this judicial district.
☒ The action concerns real property located in this
judicial district.
☐ The defendant resides in this judicial district.

Dated: 02/14/2008

Signed by:

ATTORNEY FOR PLAINTIFF(S)
OR PARTY WITHOUT ATTORNEY

303
GATEWAY PLASTERING, INC.
966 N. AMELIA AVE.
SAN DIMAS, CA 91773

Credit Memo 61121

Bill to: G COMPANIES CONSTRUCTION INC PO BOX 2990 NEWPORT BEACH, CA 92658	Job: 600557 MURRIETA 453 VILLAGE WALK MURRIETA, CA
--	--

Invoice #: 61121	Date: 12/27/07	Customer P.O. #:
Payment Terms: NET 45 DAYS		Salesperson:
Customer Code: 193748		

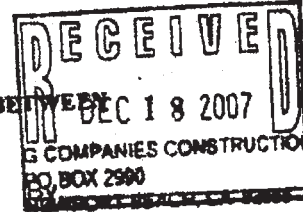
Remarks:

Quantity	Description	U M	Unit Price	Extension
	C/O 11 HACKOUTS BLDG 3&5 B/C			-1,533.00
Subtotal:				-1,533.00
Total:				-1,533.00

600557



STANDARD CHANGE ORDER AGREEMENT BY AND BETWEEN



Subcontractor: GATPLA
GATEWAY PLASTERING
1341 WEST ARROW HIGHWAY
SAN DIMAS, CA 91773

Contractor:

Phone: (714) 603-8987
Fax: (714) 603-9741

Phone: (949) 975-0617
Fax: (949) 975-0625

Project: 453-008-00
MURRIETA 453/VILLAGE WALK
24415 VILLAGE WALK PLACE
MURRIETA, CA 92562

Date: 12/11/07
Contract No.: M453-1022
Change Order No.: 11

All work done shall be in accordance with the referenced plans and specifications, as well as all governmental agencies having jurisdiction.
Percentage of Retainage held on this Change Order Agreement: 10%

Item Number	Description	Cost Code	Amount
1	BACKCHARGE - HACKOUTS AT BUILDINGS 3 & 6	2-06-08311	(\$1,533.00)
	Amount of this Change		(\$1,533.00)
	Original Contract Amount		\$1,780,000.00
	Amount of Previously Approved Change Orders		\$66,486.00
	Revised Contract Amount		\$1,844,985.00

Conditions:

SUBCONTRACTOR TO FURNISH ALL LABOR, MATERIALS AND EQUIPMENT FOR THE FOLLOWING:

- HACK-OUTS AT BUILDINGS 6 AS FOLLOWS PO# 130-M453:
UNIT 307 - 6050 XO "X"
UNIT 208 - 4050 SH "X"
UNIT 214 - 4050 SH "X"
UNIT 101 - 4050 SH "X"
UNIT 116 - 2040 SH "X"
- HACK-OUTS AT BUILDING 3 AS FOLLOWS PO# 130-M453:
UNIT 114 - 4050 SH "X"
UNIT 110 - 4050 SH "X"

REC'D DEC 21 2007

DEC 27 2007

My signature below acknowledges that I have read and understand the details of the specifications as set forth.

SUBCONTRACTOR:
GATEWAY PLASTERING

CONTRACTOR:
G COMPANIES CONSTRUCTION, INC

By:

By:

Title:

Title:

Date: 12-19-07

Date:

INTERNAL APPROVAL

GEN SUPERINTENDENT

LOUIS MARANO

12-12-07

G COMPANIES CONSTRUCTION, INC.

PO BOX 2990
NEWPORT BEACH, CA 92658
Phone: (949) 975-0617
Fax: (949) 975-0625

CONDITIONAL WAIVER AND RELEASE UPON FINAL PAYMENT

(California Civil Code §3262 (d)(3))

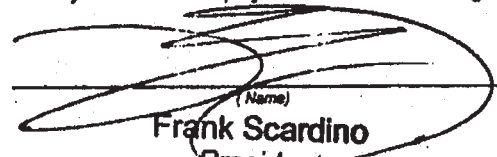
Upon receipt by the undersigned of a check from G COMPANIES CONSTRUCTION, INC.
(Maker of Check)
in the sum of \$ (-1533.00)
(Amount of Check)
payable to GATEWAY PLASTERING INC.
(Payee or Payees of Check)

and when the check has been properly endorsed and has been paid by the bank upon which it is drawn, this document shall become effective to release any mechanic's lien, stop notice, or bond right the undersigned has on the job of MURRIETA VILLAGE WALK L.P. located at 24415 VILLAGE WALK PLACE, MURRIETA, CA 92562
(owner) (Job Description)

This release covers the final payment to the undersigned for all labor, services, equipment or material furnished on the job, except for disputed claims for additional work in the amount of \$ 0

Before any recipient of this document relies on it, the party should verify evidence of payment to the undersigned.

Dated: 12/27/07

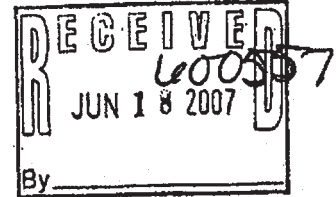

(Name)
Frank Scardino
President

**** ALL LABOR USED ON THE ABOVE REFERENCED PROJECT HAS BEEN PAID THROUGH COMPANY PAYROLL.**

NOTE: CIVIL CODE SECTION 3262 (d)(3) PROVIDES: Where claimant is required to execute a waiver and release in exchange for, or in order to induce the payment of, a final payment and the claimant is not, in fact, paid in exchange for the waiver and release or a single payee check or joint payee check is given in exchange for the waiver and release, the waiver and release shall follow substantially the form set forth above.

USE REVERSE SIDE AS RELEASE FOR INDIVIDUALS PERFORMING LABOR FOR WAGES
(for a unconditional waiver and release upon progress payment use Wolcotts Form 32624 or 32624D)

[illegible]



STANDARD CHANGE ORDER AGREEMENT BY AND BETWEEN

Subcontractor: GATPLA
GATEWAY PLASTERING
1341 WEST ARROW HIGHWAY
SAN DIMAS, CA 91773

Contractor: G COMPANIES CONSTRUCTION, INC.
PO BOX 2890
NEWPORT BEACH, CA 92658

Phone: (714) 693-8597
Fax: (714) 693-9741

Phone: (949) 975-0617
Fax: (949) 975-0625

Project: 453-000-00
MURRIETA 453/VILLAGE WALK
24415 VILLAGE WALK PLACE
MURRIETA, CA 92562

Date: 03/23/07
Contract No.: M453-1022
Change Order No.: 01

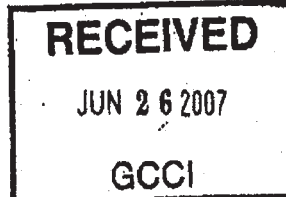
All work done shall be in accordance with the referenced plans and specifications, as well as all governmental agencies having jurisdiction.
Percentage of Retainage held on this Change Order Agreement: 10%

Item Number	Description	Cost Code	Amount
1	LATH/PLASTER	2-07-09200	\$74,080.00
Amount of this Change:			\$74,080.00
Original Contract Amount:			\$1,780,000.00
Amount of Previously Approved Change Orders:			\$0.00
Revised Contract Amount:			\$1,854,080.00

Conditions:

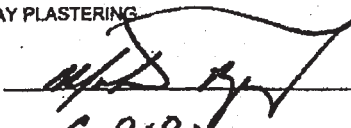
SUBCONTRACTOR TO FURNISH ALL LABOR, MATERIALS AND EQUIPMENT FOR THE FOLLOWING:
- PATCH AROUND WINDOWS INSTALLED BY MAGNA
- INSTALL TRIM

REC'D JUN 25 2007




My signature below acknowledges that I have read and understand the details of the specifications as set forth.

SUBCONTRACTOR:
GATEWAY PLASTERING

By: 
Title: C.O.I.O.
Date: 6-18-07

CONTRACTOR:
G COMPANIES CONSTRUCTION, INC.

By: 
Title: VP
Date: 6/28/07



STANDARD CHANGE ORDER AGREEMENT BY AND BETWEEN

Subcontractor: GATPLA
GATEWAY PLASTERING
1341 WEST ARROW HIGHWAY
SAN DIMAS, CA 91773

Contractor: G COMPANIES CONSTRUCTION, INC.
PO BOX 2990
NEWPORT BEACH, CA 92858

Phone: (714) 693-8597
Fax: (714) 693-9741

Phone: (949) 975-0817
Fax: (949) 975-0625

Project: 453-000-00
MURRIETA 453/VILLAGE WALK
24415 VILLAGE WALK PLACE
MURRIETA, CA 92562

Date: 05/25/07
Contract No.: M453-1022
Change Order No.: 02

All work done shall be in accordance with the referenced plans and specifications, as well as all governmental agencies having jurisdiction.
Percentage of Retainage held on this Change Order Agreement: 10%

Item Number	Description	Cost Code	Amount
1	BACKCHARGE FOR BROKEN WINDOWS	2-08-08311	(\$472.00)

Amount of this Change: (\$472.00)

Original Contract Amount: \$1,780,000.00

Amount of Previously Approved Change Orders: \$74,080.00

Revised Contract Amount: \$1,853,608.00

Conditions:

SUBCONTRACTOR TO FURNISH ALL LABOR, MATERIALS AND EQUIPMENT FOR THE FOLLOWING:

- REPLACE BROKEN WINDOWS - BUILDING 1 AND REC BUILDING

RECEIVED

JUN 26 2007

GCCI

My signature below acknowledges that I have read and understand the details of the specifications as set forth.

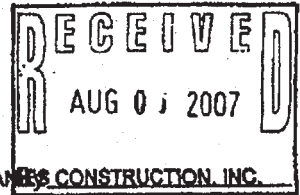
SUBCONTRACTOR:
GATEWAY PLASTERING

CONTRACTOR:
G COMPANIES CONSTRUCTION, INC.

By: [Signature]
Title: C.O.O.
Date: 6-18-07

By: [Signature]
Title: VP
Date: 6/28/07

600557



STANDARD CHANGE ORDER AGREEMENT BY AND BETWEEN

Subcontractor: GATPLA
GATEWAY PLASTERING
1341 WEST ARROW HIGHWAY
SAN DIMAS, CA 91773

Contractor: G COMPANIES CONSTRUCTION, INC.
PO BOX 2990
NEWPORT BEACH, CA 92658

Phone: (714) 693-8597
Fax: (714) 693-9741

Phone: (949) 975-0817
Fax: (949) 975-0625

Project: 453-000-00
MURRIETA 453/VILLAGE WALK
24415 VILLAGE WALK PLACE
MURRIETA, CA 92562

Date: 07/25/07
Contract No.: M453-1022
Change Order No.: 04

All work done shall be in accordance with the referenced plans and specifications, as well as all governmental agencies having jurisdiction.
Percentage of Retainage held on this Change Order Agreement: 10%

Item Number	Description	Cost Code	Amount
1	BUILDING 6 UNIT 318 4050X0 "O" BROKEN	2-06-08311	(\$210.00)

Amount of this Change: (\$210.00)

Original Contract Amount: \$1,780,000.00

Amount of Previously Approved Change Orders: \$49,138.00

Revised Contract Amount: \$1,828,928.00

Conditions:

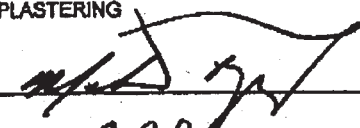
SUBCONTRACTOR TO FURNISH ALL LABOR, MATERIALS AND EQUIPMENT FOR THE FOLLOWING:

- BACKCHARGE - BUILDING 6 UNIT 318 - 4050 X 0 "O" BROKEN

My signature below acknowledges that I have read and understand the details of the specifications as set forth.

SUBCONTRACTOR:
GATEWAY PLASTERING

CONTRACTOR:
G COMPANIES CONSTRUCTION, INC.

By: 
Title: C.O.O.
Date: 8-14-07


By: _____
Title: Vice President, Construction
Date: _____

07/22/2007 22:05

95165 32

VILLAGE WALK 41

PAGE 01/02

 G COMPANIES CONSTRUCTION, INC. PO BOX 2990 NEWPORT BEACH, CA 92658 (949) 975-0617 FAX (949) 975-0625		CO# 4
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PURCHASE ORDER REQUEST FORM

(4)

PROJECT: 453 PO ISSUED TO: MAGUA
REQUESTED BY: Stew CONTACT NAME: Felicia
DATE REQUESTED: 7-23-07 CONTACT PHONE: 951-849-5959

DESCRIPTION: Hack cut
(PLEASE BE DETAILED)

PO AMOUNT: 210.00
(NOT TO EXCEED)
BACK-CHARGES: SUBCONTRACTOR Gateway AMOUNT (210.00) Backcharge
CO
2-06-08311

[Signature] APPROVED _____ DENIED _____
(FOR OFFICE USE ONLY)

GERALD ROCHE, DIRECTOR OF CONSTRUCTION _____ DATE _____

PO NUMBER: 046-M453

ACCOUNTING	
COST CODE	AMOUNT
_____	_____
_____	_____
_____	_____

07/22/2007 22:05 95169.32

VILLAGE WALK 45

PAGE 02/02

JUL-18-07 01:28PM FROM-

951 849 5500

T-050 P.001/001 F-217



TRANSMITTAL COVER SHEET

DATE: 7/18/2007

COMPANY: G COMPANIES (VILLAGE WALK)

ATTENTION: STEVE

FAX#: 696-4632 PHONE#: 949-355-8665

FROM: Felicia Wagh

OUR FAX # (951) 849-5500

OUR PHONE # (951) 849-5959x141

RE: BLDG. 6 UNIT 318 - 4050 XO "O" BROKEN \$210.00

PLEASE SEND PO FOR THE ABOVE BROKEN WINDOW

THANK YOU

FELICIA

INCLUDING COVER, NUMBER OF PAGES SENT: _____

ACKNOWLEDGE RECEIPT OF FAX: ☒ YES ☐ NO