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LOS ANGELES SUPERIOR COURT
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JOHN A. CLARKE, CLERK
BY T. MENEFFEE, DEPUTY

Attorneys for Plaintiff

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES
LOS ANGELES COUNTY SUPERIOR COURT

10E08301

FLOWERS BY ZOE, INC.

Plaintiffs,

vs.

SMOOCH;
KOURTNEY KARDASHIAN
and DOES 1 through 30, Inclusive

Defendants.

Case No.

COMPLAINT FOR MONEY

[Limited Jurisdiction Case:
Demand less than \$10,000]

AMOUNT OF DEMAND: \$2,331.23

COMES NOW PLAINTIFF, who complains and alleges as follows:

I

FIRST CAUSE OF ACTION FOR OPEN BOOK ACCOUNT
CODE OF CIVIL PROCEDURE SECTION 337a

1. The obligation sued upon herein is payable in the County of LOS ANGELES, State of California, in the above-mentioned judicial district because defendant(s) SMOOCH; KOURTNEY KARDASHIAN resides in the above-listed county and judicial district.

2. The true names and capacities of the Defendants sued herein as DOES 1 THROUGH 30, INCLUSIVE, whether individual, corporate, associates, or otherwise, are unknown to the Plaintiff at the present time, and Plaintiff therefore, sues said Defendants by such fictitious names. Plaintiff will amend this complaint to allege their true names and capacities when the same shall be ascertained.

Rule 3.740 Collections

1 3. At all times mentioned each Defendant herein was the employee, agent and servant of each of
2 the other Defendants and in doing the things herein alleged, was acting within the course and scope
3 of their authority as such and with consent of each other Defendant.

4 4. That within the last four years, on or about March 23, 2010, the Defendants became indebted
5 to the Plaintiff on an open book account for money due as provided in C.C.P. Section 337a, at
6 the special insistence and request of the Defendants, for credit provided for the purchase of goods,
7 wares, merchandise or services rendered.

8 5. That the obligation sued for herein was incurred after January 1, 1987, on an open book
9 account which does not call for attorney fees, thereby entitling plaintiff to reasonable attorney fees
10 pursuant to California Civil Code Section 1717.5.

11 6. That although demand has been made upon the Defendants neither the said sum or any portion
12 thereof, has been paid, and that there is now due, owing and unpaid, despite the Plaintiff's demand,
13 the sum of \$2,331.23, plus pre-judgment interest at the legal or maximum rate allowed by law from
14 March 23, 2010, plus reasonable attorney's fees to be proven.

15 II

16 SECOND CAUSE OF ACTION FOR ACCOUNT STATED

17 7. Plaintiff hereby incorporates each and every allegation as contained in paragraphs 1 through
18 6 of the First Cause of Action as though fully set forth at length.

19 8. That within the last 4 years, an account was stated in writing by and between the Plaintiff and
20 the Defendants wherein it was agreed that the Defendants, and each of them, were indebted to the
21 Plaintiff in the sum of \$2,331.23, plus pre-judgment interest, at the legal or maximum rate allowed
22 by law from March 23, 2010, plus reasonable attorney's fees to be proven. No part of that sum has
23 been paid.

24 III

25 THIRD CAUSE OF ACTION FOR REASONABLE VALUE

26 9. Plaintiff hereby incorporates each and every allegation as contained in paragraphs 1 through
27 8 of the First Cause of Action as though fully set forth at length.


1 10. That within the last 4 years, the Defendants and each of them, became indebted to the
2 Plaintiff in the amount of \$2,331.23, plus pre-judgment interest thereon, at the legal or maximum rate
3 allowed by law from March 23, 2010, representing the reasonable value of credit for the purchase
4 of goods, wares, merchandise or services rendered and provided to the Defendants by the Plaintiff
5 at the Defendant's special insistence and request, plus reasonable attorney's fees, to be proven.

6 WHEREFORE, Plaintiff prays for Judgment against the Defendants and each of them, for each
7 cause of actions, as follows:

- 8 1. For the sum of \$2,331.23;
- 9 2. For pre-judgment interest thereon at the legal or maximum rate allowed by law from March
10 23, 2010;
- 11 3. For costs of suit incurred herein; and
- 12 4. For reasonable attorney's fees to be proven provided by law.
- 13 5. For such other and further relief as the court may deem just and proper.

14 Dated: May 24, 2010

GOLDSMITH & HULL, PC

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16 Eric Mintz
17 Attorney for Plaintiff