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7 Attorneys for Defendant,  
8 DAVID MAGALLANES dba JCS RENOVATION & CONSTRUCTION  
9 (erroneously sued herein as David Magallanes dba  
10 JCS Construction)

11 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

12 **COUNTY OF LOS ANGELES**

13 CITY OF MONTEBELLO,

14 Plaintiff,

15 Ex rel.

16 SPERTUS, LANDES & UMHOFER, LLP

17 Relator,

18 vs.

19 DAVID MAGALLANES, et al.,

20 Defendant.

21 DAVID MAGALLANES dba JCS  
22 RENOVATION & CONSTRUCTION,

23 Cross-Complainant,

24 vs.

25 FRANCESCA TUCKER-SCHUYLER, an  
26 individual; DANILO BATSON, an  
27 individual; DAVID TSUEN, an  
28 individual; and ROES 1 - 20,  
inclusive

Cross-Defendants.

**Case No. BC 651874**

**CROSS-COMPLAINT FOR:**

1. **EQUITABLE INDEMNITY**
2. **DECLARATORY RELIEF**

1 COMES NOW, Cross-Complainant David Magallanes dba JCS  
2 Renovation & Construction and alleges as follows:

3 **GENERAL ALLEGATIONS**

4 1. Cross-Complainant David Magallanes is an individual  
5 residing in the County of Los Angeles, State of California, doing  
6 business as JCS Renovation & Construction.

7 2. Cross-Complainant is informed and believes and thereupon  
8 alleges that Cross-Defendant Francesca Tucker-Schuyler is an  
9 individual, residing in the County of Los Angeles, State of  
10 California.

11 3. Cross-Complainant is informed and believes and thereupon  
12 alleges that Cross-Defendant Danilo Batson is an individual,  
13 residing in the County of Los Angeles, State of California.

14 4. Cross-Complainant is informed and believes and thereupon  
15 alleges that Cross-Defendant David Tsuen is an individual,  
16 residing in the County of Los Angeles, State of California.

17 5. Cross-Complainant is a Defendant in an action brought in  
18 the Superior Court of the State of California for the County of  
19 Los Angeles entitled City of Montebello, ex. Rel. Spertus, Landes  
20 & Umhoger, LLP v. David Magallanes, Case No. BC651874  
21 (hereinafter "Complaint").

22 6. The true names and capacities, whether individual,  
23 corporate, associate or otherwise of Cross-Defendants ROES 1 to  
24 20 are unknown to Cross-Complainant, who therefore sues such  
25 Cross-Defendants by such fictitious names. Cross-Complainant is  
26 informed and believes and on that basis alleges that each of the  
27 Cross-Defendants named herein as ROE is legally responsible in  
28 some manner for the events and happenings referred to and

1 proximately caused damages as alleged. Cross-Complainant will  
2 seek leave of Court to identify the true names and capacities of  
3 Cross-Defendants when they have been ascertained.

4 **FIRST CAUSE OF ACTION**

5 **(Equitable Indemnity Against All Cross-Defendants)**

6 7. Cross-Complainant realleges and incorporates by  
7 reference paragraphs 1 through 6 as though fully contained  
8 herein.

9 8. In the event Cross-Complainant is found liable to  
10 Plaintiff for damages in any amount whatsoever under the  
11 Complaint, then Cross-Complainant is entitled to indemnity from  
12 Cross-Defendants, and each of them, to the extent that the  
13 wrongful acts, omissions, and negligence for other responsibility  
14 of Cross-Defendants contributed to or caused Plaintiffs' damages.  
15 Cross-Complainant alleges that Cross-Defendants, and each of  
16 them, are obligated to indemnify and hold harmless Cross-  
17 Complainant from any claims of Plaintiff to satisfy and discharge  
18 any judgment taken against Cross-Complainant or settlement  
19 effected by Cross-Complainant, including costs, expenses, and  
20 attorney's fees incurred by Cross-Complainant pursuant to the  
21 "Tort of Another" doctrine in the defense of the Complaint and in  
22 prosecution of the Cross-Complaint, all of which has been made  
23 necessary by the action of Cross-Defendants.

24 **SECOND CAUSE OF ACTION**

25 **(Declaratory Relief Against All Cross-Defendants)**

26 9. Cross-Complainant realleges and incorporates by  
27 reference paragraphs 1 through 11 as though fully set forth  
28 herein.



1           5. For such other and further relief as this Court may deem  
2 just and proper.

3  
4 DATE: August 25, 2017

RYU WEIMORTZ MURPHY, LLP

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6 By: \_\_\_\_\_

7           Thomas J. Ryu, Esq.  
8 Attorneys for Defendant,  
9 DAVID MAGALLANES dba JCS  
10 RENOVATION & CONSTRUCTION  
11 (erroneously sued herein as  
12 David Magallanes dba  
13 JCS Construction)

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