1 2 3 4 5	THOMAS J. RYU, ESQ. [SB# 155749] RYU WEIMORTZ MURPHY, LLP 3435 WILSHIRE BOULEVARD, SUITE 2 LOS ANGELES, CALIFORNIA 90010 TEL: (213) 385-9400 FAX: (213) 380-9302 Attorneys for Defendant, DAVID MAGALLANES dba JCS RENOVAT	2050 TION & CONSTRUCTION
7	(erroneously sued herein as David Magallanes dba JCS Construction)	
8	SUPERIOR COURT OF THE STATE OF CALIFORNIA	
9	COUNTY OF LOS ANGELES	
10	CITY OF MONTEBELLO,	Case No. BC 651874
11	Plaintiff,	CROSS-COMPLAINT FOR:
12 13	Ex rel.	1. EQUITABLE INDEMNITY
14	SPERTUS, LANDES & UMHOFER, LLP	2. DECLARATORY RELIEF
15	Relator,	
16	vs.	
17	DAVID MAGALLANES, et al.,	
18	Defendant.	
19		
20	DAVID MAGALLANES dba JCS RENOVATION & CONSTRUCTION,	
21 22	Cross-Complainant,	
23	vs.	
24	FRANCESCA TUCKER-SCHUYLER, an	
25	individual; DANILO BATSON, an individual; DAVID TSUEN, an	
26	individual; and ROES 1 - 20, inclusive	
27	Cross-Defendants.	
28		

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

GENERAL ALLEGATIONS

- 1. Cross-Complainant David Magallanes is an individual residing in the County of Los Angeles, State of California, doing business as JCS Renovation & Construction.
- 2. Cross-Complainant is informed and believes and thereupon alleges that Cross-Defendant Francesca Tucker-Schuyler is an individual, residing in the County of Los Angeles, State of California.
- 3. Cross-Complainant is informed and believes and thereupon alleges that Cross-Defendant Danilo Batson is an individual, residing in the County of Los Angeles, State of California.
- 4. Cross-Complainant is informed and believes and thereupon alleges that Cross-Defendant David Tsuen is an individual, residing in the County of Los Angeles, State of California.
- 5. Cross-Complainant is a Defendant in an action brought in the Superior Court of the State of California for the County of Los Angeles entitled <u>City of Montebello</u>, ex. Rel. Spertus, <u>Landes & Umhoger</u>, <u>LLP v. David Magallanes</u>, Case No. BC651874 (hereinafter "Complaint").
- 6. The true names and capacities, whether individual, corporate, associate or otherwise of Cross-Defendants ROES 1 to 20 are unknown to Cross-Complainant, who therefore sues such Cross-Defendants by such fictitious names. Cross-Complainant is informed and believes and on that basis alleges that each of the Cross-Defendants named herein as ROE is legally responsible in some manner for the events and happenings referred to and

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

FIRST CAUSE OF ACTION

(Equitable Indemnity Against All Cross-Defendants)

- 7. Cross-Complainant realleges and incorporates by reference paragraphs 1 through 6 as though fully contained herein.
- 8. In the event Cross-Complainant is found liable to Plaintiff for damages in any amount whatsoever under the Complaint, then Cross-Complainant is entitled to indemnity from Cross-Defendants, and each of them, to the extent that the wrongful acts, omissions, and negligence for other responsibility of Cross-Defendants contributed to or caused Plaintiffs' damages. Cross-Complainant alleges that Cross-Defendants, and each of them, are obligated to indemnify and hold harmless Cross-Complainant from any claims of Plaintiff to satisfy and discharge any judgment taken against Cross-Complainant or settlement effected by Cross-Complainant, including costs, expenses, and attorney's fees incurred by Cross-Complainant pursuant to the "Tort of Another" doctrine in the defense of the Complaint and in prosecution of the Cross-Complaint, all of which has been made necessary by the action of Cross-Defendants.

SECOND CAUSE OF ACTION

(Declaratory Relief Against All Cross-Defendants)

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

10. If it is determined that Cross-Complainant is liable for any loss, damage, or injury alleged in Plaintiff s Complaint and/or the Cross-Complaint of any party, Cross-Complainant seeks a declaration with respect to the relative proportion of fault, and/or other liability of Cross-Defendants and, each of them, which proximately caused and/or contributed to Plaintiff s alleged loss, damage or injury.

PRAYER

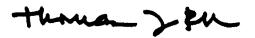
WHEREFORE, Cross-Complainant prays for judgment against Cross-Defendants, and each of them, as follows:

- 1. If any sums are found due to Plaintiff or to any other party in this lawsuit by reason of the matters alleged in the pleadings, this Court should find, declare and determine that the liability for such sums is solely and exclusively that of Cross-Defendants, and each of them;
- 2. If any sums are found due from Cross-Complainant to Plaintiffs or any other party to this litigation, this Court should find, declare and determine that Cross-Complainant has a judgment for such sums against Cross-Defendants, and each of them;
- 3. That Cross-Complainant be compensated for all damages, liabilities and losses sustained by reason of any alleged negligent act, omission, fault or responsibility of Cross-Defendants, and each of them;
- 4. That Cross-Complainant be compensated for attorney fees, investigation costs, court costs, and any other costs incurred in this action; and

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

DATE: August 25, 2017

RYU WEIMORTZ MURPHY, LLP



Thomas J. Ryu, Esq.
Attorneys for Defendant,
DAVID MAGALLANES dba JCS
RENOVATION & CONSTRUCTION
(erroneously sued herein as
David Magallanes dba

JCS Construction)

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action. My business address is 3435 Wilshire Boulevard, Suite 2050, Los Angeles, California 90010.

On August 25, 2017, I served the foregoing document described as CROSS-COMPLAINT FOR 1. EQUITABLE INDEMNITY; 2. DECLARATORY RELIEF on interested parties as follows:

SEE ATTACHED SERVICE LIST

- X (BY MAIL) I caused each such envelope, with postage thereon fully prepaid, to be placed in the United States mail at Los Angeles, California. I am readily familiar with the firm=s practice for collection and processing of correspondence for mailing, said practice being that in the ordinary course of business, mail is deposited in the United States Postal Service the same day as it is placed for collection. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.
- (BY PERSONAL SERVICE) I delivered the above-mentioned document to the offices of the addressee on the same date.
- (BY FACSIMILE) The above-referenced document was transmitted by facsimile transmission to the party described above; the transmission was reported as completed and without error.
 - _ (BY FEDERAL EXPRESS) I am readily familiar with the firm=s practice for collection and processing of correspondence for overnight delivery and know that the document(s) described herein will be deposited in a box or other facility regularly maintained by Federal Express for overnight delivery.
- X STATE I declare under penalty of perjury under the laws of the State of California that the above is true and correct.
 - Executed on August 25, 2017, at Los Angeles, California.
 - I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Amy Yun

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