SUM-130

SUMMONS—EVICTION
(CITACIÓN JUDICIAL—DESALOJO)
UNLAWFUL DETAINER / FORCIBLE DETAINER / FORCIBLE ENTRY
(RETENCIÓN ILÍCITA DE UN INMUEBLE / RETENCIÓN FORZOSA / ENTRADA FORZOSA)

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

NOTICE TO DEFENDANT:
(AVISO AL DEMANDADO):
TUBA Restaurant, Inc., Does 1 to 10, inclusive

YOU ARE BEING SUED BY PLAINTIFF:
(LO ESTÁ DEMANDANDO EL DEMANDANTE):
The Housing Guild Management Co.

NOTICE! You have been sued. The court may decide against you without your being heard unless you respond within 5 days. You have 5 DAYS, not counting Saturdays and Sundays and other judicial holidays, 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. If this summons was served through the Secretary of State's Safe at Home address confidentiality program, you have 10 days from the date of service, not counting Saturdays and Sundays and other judicial holidays, to respond.	*¡AVISO! Usted ha sido demandado. Si no responde dentro de 5 días, el tribunal puede emitir un fallo en su contra sin una audiencia. Una vez que le entreguen esta citación y papeles legales, solo tiene 5 DÍAS, sin contar sábado y domingo y otros días feriados del tribunal, para presentar una respuesta por escrito en este tribunal y hacer que se entregue una copia al demandante. Si la presente citación le ha sido entregado a través del programa de dirección confidencial del Secretario del Estado Seguro en Casa, tiene 10 días después de la fecha de entrega, sin contar sábado y domingo y otros días feriados del tribunal, para responder.*
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.courts.ca.gov/selfhelp*), your county law library, or the courthouse nearest you. 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.	*Una carta o una llamada telefónica no lo protege. 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.sucorte.ca.gov), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no presenta su respuesta a tiempo, puede perder el caso por falta de comparecencia y se le podrá quitar su sueldo, dinero y bienes sin más advertencia.*
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 website (*www.lawhelpca.org*), the California Courts Online Self-Help Center (www.courts.ca.gov/selfhelp), or by contacting your local court or county bar association.	*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.lawhelpca.org/es), en el Centro de Ayuda de las Cortes de California, (www.sucorte.ca.gov) o poniéndose en contacto con la corte o el colegio de abogados local.*
FEE WAIVER: If you cannot pay the filing fee, ask the clerk for a fee waiver form. NOTE: The court has a statutory lien for waived fees and costs on any settlement or arbitration award of $10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case.	***EXENCIÓN DE CUOTAS:*** *Si no puedse pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas.* ***AVISO:*** *Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos con un gravamen sobre cualquier monto de $10,000 ó más recibido mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desestimar el caso.*

1. The name and address of the court is:
   (El nombre y dirección de la corte es):

   San Francisco County Superior Court
   400 McAllister Street
   San Francisco, CA 94102

CASE NUMBER *(número de caso)*: CUD-24-674900

2. 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):*

   Daniel Bornstein (SBN 169159)
   507 Polk Street, Suite 310
   San Francisco, CA 94102-3396

   Bornstein Law, PC
   (415) 409-7611

Form Adopted for Mandatory Use
Judicial Council of California
SUM-130 [Rev. January 1, 2024]

Code of Civil Procedure, §§ 412.20, 415.45, 1167
www.courts.ca.gov

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Housing Guild Mgmt.

PLAINTIFF (Name): The Housing Guild Management Co.	CASE NUMBER:
DEFENDANT (Name): TUBA Restaurant, Inc.	GUD-24-674900

3. *(Must be answered in all cases)* An **unlawful detainer assistant (Bus. & Prof. Code, §§ 6400-6415)** [x] did **not** [ ] did for compensation give advice or assistance with this form. *(If plaintiff has received **any** help or advice for pay from an unlawful detainer assistant, complete item 4 below.)*

4. **Unlawful detainer assistant** *(complete if plaintiff has received any help or advice for pay from an unlawful detainer assistant):*
   a. Assistant's name:
   b. Telephone no.:
   c. Street address, city, and zip:

   d. County of registration:
   e. Registration no.:
   f. Registration expires on *(date):*

Date: APR 26 2024 (*Fecha*) Clerk, by (*Secretario*) , Deputy (*Adjunto*)

JAMES FORONDA

(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 *(form POS-010).)*

[SEAL]

5. **NOTICE TO THE PERSON SERVED:** You are served
   a. [x] as an individual defendant.
   b. [ ] as the person sued under the fictitious name of *(specify):*
   c. [ ] as an occupant.
   d. [ ] 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).
   [ ] CCP 415.46 (occupant). [ ] other *(specify):*
   e. [ ] by personal delivery on *(date):*

Housing Guild Mgmt.

UD-100

ATTORNEY OR PARTY WITHOUT ATTORNEY	STATE BAR NUMBER:	FOR COURT USE ONLY
NAME: Daniel Bornstein (SBN 169159) FIRM NAME: Bornstein Law, PC STREET ADDRESS: 507 Polk Street, Suite 310 CITY: San Francisco STATE: CA ZIP CODE: 94102-3396 TELEPHONE NO.: (415) 409-7611 FAX NO.: (415) 409-9345 EMAIL ADDRESS: ATTORNEY FOR (name): The Housing Guild Management Co.		FILED Superior Court of California County of San Francisco APR 26 2024 CLERK OF THE COURT BY: Deputy Clerk
SUPERIOR COURT OF CALIFORNIA, COUNTY OF San Francisco STREET ADDRESS: 400 McAllister Street MAILING ADDRESS: 400 McAllister Street CITY AND ZIP CODE: San Francisco, CA 94102 BRANCH NAME: Civic Center Courthouse		
PLAINTIFF: The Housing Guild Management Co. DEFENDANT: TUBA Restaurant, Inc. ☒ DOES 1 TO 10, inclusive		JAMES FORONDA
COMPLAINT—UNLAWFUL DETAINER* ☒ **COMPLAINT** ☐ **AMENDED COMPLAINT (Amendment Number):**		CASE NUMBER: CUD-24-674900

Jurisdiction ***(check all that apply):***

☐ **ACTION IS A LIMITED CIVIL CASE (amount demanded does not exceed $35,000)**

Amount demanded ☐ **does not exceed $10,000**
☐ **exceeds $10,000**

☒ **ACTION IS AN UNLIMITED CIVIL CASE (amount demanded exceeds $35,000)**

☐ **ACTION IS RECLASSIFIED by this amended complaint or cross-complaint** ***(check all that apply):***

☐ **from unlawful detainer to general unlimited civil (possession not in issue).** ☐ **from limited to unlimited.**
☐ **from unlawful detainer to general limited civil (possession not in issue).** ☐ **from unlimited to limited.**

1. *PLAINTIFF (name each):*
   The Housing Guild Management Co.

   alleges causes of action against DEFENDANT (name each):
   TUBA Restaurant, Inc., Does 1 to 10, inclusive

2. a. Plaintiff is (1) ☐ an individual over the age of 18 years. (4) ☐ a partnership.
   (2) ☐ a public agency. (5) ☒ a corporation.
   (3) ☐ other *(specify):*

   b. ☒ Plaintiff has complied with the fictitious business name laws and is doing business under the fictitious name of *(specify):*
   The Housing Guild

3. a. *The venue is the court named above because defendant named above is in possession of the premises located at (street address, apt. no., city, zip code, and county):*
   1007 Guerrero Street
   San Francisco CA 94110
   San Francisco

   b. The premises in 3a are *(check one)*

   (1) ☒ within the city limits of *(name of city):* San Francisco

   (2) ☐ within the unincorporated area of *(name of county):*

   c. The premises in 3a were constructed in *(approximate year):* 1900

4. Plaintiff's interest in the premises is ☐ as owner ☒ other *(specify):* See Attachment A

5. The true names and capacities of defendants sued as Does are unknown to plaintiff.

***NOTE:** Do not use this form for evictions after sale (Code Civ. Proc., § 1161a).

Housing Guild Mgmt.

PLAINTIFF: The Housing Guild Management Co. DEFENDANT: TUBA Restaurant, Inc.	CASE NUMBER:

6. a. On or about *(date):* 11/23/2022
defendant (name each):
TUBA Restaurant, Inc.

(1) agreed to rent the premises as a ☐ month-to-month tenancy ☒ other tenancy *(specify):* five year
(2) agreed to pay rent of $ 9413.36 payable ☒ monthly ☐ other *(specify frequency):*
(3) agreed to pay rent on the ☒ first of the month ☐ other day *(specify):*

b. This ☒ written ☐ oral agreement was made with
(1) ☐ plaintiff. (3) ☒ plaintiff's predecessor in interest.
(2) ☐ plaintiff's agent. (4) ☐ Other *(specify):*

c. ☒ The defendants not named in item 6a are
(1) ☐ subtenants.
(2) ☐ assignees.
(3) ☒ Other *(specify):* unknown

d. ☐ The agreement was later changed as follows *(specify):*

e. ☐ A copy of the written agreement, including any addenda or attachments that form the basis of this complaint, is attached and labeled Exhibit 1. *(Required for residential property, unless item 6f is checked. See Code Civ. Proc., § 1166.)*

f. ☐ *(For residential property)* A copy of the written agreement is **not** attached because *(specify reason):*
(1) ☐ *the written agreement is not in the possession of the landlord or the landlord's employees or agents.*
(2) ☐ *this action is solely for nonpayment of rent (Code Civ. Proc., § 1161(2)).*

7. The tenancy described in 6 *(complete (a) or (b))*

a. ☒ is **not** subject to the Tenant Protection Act of 2019 (Civil Code, § 1946.2). The specific subpart supporting why tenancy is exempt is *(specify):* commercial premises

b. ☐ is subject to the Tenant Protection Act of 2019.

8. *(Complete only if item 7b is checked. Check all applicable boxes.)*

a. ☐ The tenancy was terminated for at-fault just cause (Civil Code, § 1946.2(b)(1)).

b. ☐ The tenancy was terminated for no-fault just cause (Civil Code, § 1946.2(b)(2)) and the plaintiff *(check one)*

(1) ☐ waived the payment of rent for the final month of the tenancy, before the rent came due, under section 1946.2(d)(2), in the amount of $

(2) ☐ provided a direct payment of one month's rent under section 1946.2(d)(3), equaling $ to *(name each defendant and amount given to each)*:

c. ☐ Because defendant failed to vacate, plaintiff is seeking to recover the total amount in 8b as damages in this action.

9. a. ☒ Defendant *(name each):* TUBA Restaurant, Inc.

was served the following notice on the same date and in the same manner:

(1) ☒ 3-day notice to pay rent or quit
(2) ☐ 30-day notice to quit
(3) ☐ 60-day notice to quit
(4) ☐ 3-day notice to quit
(5) ☐ 3-day notice to perform covenants or quit *(not applicable if item 7b checked)*
(6) ☐ 3-day notice to quit under Civil Code, § 1946.2(c) Prior required notice to perform covenants served *(date):*
(7) ☐ Other *(specify):*

PLAINTIFF: The Housing Guild Management Co. DEFENDANT: TUBA Restaurant, Inc.	CASE NUMBER:

9. b. (1) On *(date):* 4/24/2024 the period stated in the notice checked in 9a expired at the end of the day.
   (2) Defendants failed to comply with the requirements of the notice by that date.
   c. All facts stated in the notice are true.
   d. [x] The notice included an election of forfeiture.
   e. [x] A copy of the notice is attached and labeled Exhibit 2. *(Required for residential property. See Code Civ. Proc., § 1166. When Civil Code, § 1946.2(c), applies and two notices are required, provide copies of both.)*
   f. [ ] One or more defendants were served (1) with the prior required notice under Civil Code, § 1946.2(c), (2) with a different notice, (3) on a different date, or (4) in a different manner, as stated in Attachment 10c. *(Check item 10c and attach a statement providing the information required by items 9a–e and 10 for each defendant and notice.)*

10. a. [x] The notice in item 9a was served on the defendant named in item 9a as follows:
   (1) [ ] By personally handing a copy to defendant on *(date):*
   (2) [ ] By leaving a copy with *(name or description):*
   a person of suitable age and discretion, on *(date):* at defendant's
   [ ] residence [ ] business AND mailing a copy to defendant at defendant's place of residence
   on *(date):* because defendant cannot be found at defendant's residence or usual place of business.
   (3) [ ] By posting a copy on the premises on *(date):*
   [ ] AND giving a copy to a person found residing at the premises AND mailing a copy to defendant at the premises
   on *(date):*
   (a) [ ] because defendant's residence and usual place of business cannot be ascertained OR
   (b) [ ] because no person of suitable age or discretion can be found there.
   (4) [ ] *(Not for 3-day notice; see Civil Code, § 1946, before using)* By sending a copy by certified or registered mail addressed to defendant on *(date):*
   (5) [x] *(Not for residential tenancies; see Civil Code, § 1953, before using)* In the manner specified in a written commercial lease between the parties
   b. [ ] *(Name):*
   was served on behalf of all defendants who signed a joint written rental agreement.
   c. [ ] Information about service of notice on the defendants alleged in item 9f is stated in Attachment 10c.
   d. [ ] Proof of service of the notice in item 9a is attached and labeled Exhibit 3.

11. [ ] Plaintiff demands possession from each defendant because of expiration of a fixed-term lease.

12. [x] At the time the 3-day notice to pay rent or quit was served, the amount of **rent due** was $ 41333.64

13. [x] The fair rental value of the premises is $ 313.77 per day.

14. [ ] Defendant's continued possession is malicious, and plaintiff is entitled to statutory damages under Code of Civil Procedure section 1174(b). *(State specific facts supporting a claim up to $600 in Attachment 14.)*

15. [x] A written agreement between the parties provides for attorney fees.

16. [ ] Defendant's tenancy is subject to the local rent control or eviction control ordinance of *(city or county, title of ordinance, and date of passage):*

Plaintiff has met all applicable requirements of the ordinances.

17. [ ] Other allegations are stated in Attachment 17.

18. Plaintiff accepts the jurisdictional limit, if any, of the court.

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Housing Guild Mgmt.

PLAINTIFF: The Housing Guild Management Co. DEFENDANT: TUBA Restaurant, Inc.	CASE NUMBER:

19. **PLAINTIFF REQUESTS**
   a. possession of the premises.
   b. costs incurred in this proceeding:
   c. [x] past-due rent of $ 41333.64
   d. [x] reasonable attorney fees.
   e. [x] forfeiture of the agreement.
   f. [ ] damages in the amount of waived rent or relocation assistance as stated in item 8: $
   g. [x] damages at the rate stated in item 13 from *date:* 5/1/2024 for each day that defendants remain in possession through entry of judgment.
   h. [ ] statutory damages up to $600 for the conduct alleged in item 14.
   i. [x] other *(specify):* Such other and further relief as the court deems just and proper

20. [x] Number of pages attached *(specify):* 3

UNLAWFUL DETAINER ASSISTANT (Bus. & Prof. Code, §§ 6400–6415)

21. [x] *(Complete in all cases.)* An unlawful detainer assistant [x] did **not** [ ] did for compensation give advice or assistance with this form. (*If declarant has received **any** help or advice for pay from an unlawful detainer assistant, complete a–f.)*
   a. Assistant's name:
   b. Street address, city, and zip code:
   c. Telephone no.:
   d. County of registration:
   e. Registration no.:
   f. Expires on *(date):*

Date: 04/25/2024

Daniel Bornstein (SBN 169159) ▶ _____
(TYPE OR PRINT NAME) (SIGNATURE OF PLAINTIFF OR ATTORNEY)

VERIFICATION

(Use a different verification form if the verification is by an attorney or for a corporation or partnership.)

I am the plaintiff in this proceeding and have read this complaint. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

_____ ▶ _____
(TYPE OR PRINT NAME) (SIGNATURE OF PLAINTIFF)

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Housing Guild Mgmt.

SHORT TITLE: The Housing Guild Management Co. v TUBA	CASE NUMBER:

ATTACHMENT *(Number)*: -A-

(This Attachment may be used with any Judicial Council form.)

Plaintiff's interest in the subject premises is as property manager. As property manager plaintiff is the owner's agent for the purpose of suing to retake possession. Plaintiff is responsible for managing the affairs of the building, including leasing and/or renting the subject premises, collecting rent from defendant(s) and/or tenant(s), coordinating maintenance on the property, pursuing and enforcing owner's right to rents and handling all accounting matters for the building and its owner(s). Pursuant to a property management agreement with the owner(s), plaintiff has written authority from the owner(s) to sue and retake possession in plaintiff's own name, bring and maintain this action.

(If the item that this Attachment concerns is made under penalty of perjury, all statements in this Attachment are made under penalty of perjury.)

Form Approved for Optional Use
Judicial Council of California
MC-025 [Rev. July 1, 2009]

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3-DAY NOTICE TO PAY RENT OR QUIT

TO: **TUBA Restaurant, Inc.,** Does 1 to 20, and all other occupant(s) claiming the right to possession of the following premises:

1007 Guerrero Street
City and County of San Francisco, State of California,
including all garage(s), storage and common areas, if any.

PLEASE TAKE NOTICE that the rent is now due and payable on the above-described premises which you currently hold and occupy. There is now due and owing unpaid rent for said premises in the reasonably estimated sum of **$41,333.64**

Rental Period: May 1, 2023 – April 30, 2024 - Reasonably Estimated Rent Due: **$41,333.64**

NOTICE IS HEREBY GIVEN THAT you are hereby required to pay the TOTAL REASONABLY ESTIMATED BALANCE DUE in full within three (3) days or to remove from and deliver up possession of the above-described premises to the landlord's duly authorized agent: DANIEL BORNSTEIN, ESQ., Bornstein Law, PC, 507 Polk Street, Suite 310, San Francisco CA 94102, Phone: (415) 409-7611, who is authorized to receive said TOTAL REASONABLY ESTIMATED BALANCE DUE at said address, Monday through Friday, 9:00 a.m. - 5:00 p.m., excluding state holidays, or if you fail to do either, the undersigned will commence legal proceedings in that you have failed to pay the rent to which the landlord is lawfully entitled pursuant to the rental or lease agreement under which you hold possession of the above-described premises. The undersigned will bring said legal proceedings against you to (1) recover possession of the above-described premises; (2) to declare the forfeiture of the lease or rental agreement under which you occupy the above-described premises; (3) to recover Treble Rents and Damages; (4) to recover rents demanded herein, which rent is due for the periods covered by this notice, and (5) recover damages for each day that you occupy the above-described premises after the periods covered by this notice, together with court costs and attorney's fees, according to the terms of your lease or rental agreement and/or permitted by law.

YOU ARE FURTHER NOTIFIED that "Payment" as required under this notice shall mean Actual Receipt by owner's above-referenced duly authorized agent of the above-specified sum. Payment made in person may be delivered to landlord's duly authorized agent at the above-referenced address on the following days of the week: Monday through Friday between the hours of 9:00 a.m. and 5:00 p.m.

FURTHER NOTICE IS GIVEN that, in the event any partial payments of the rent now due and owing are tendered and accepted by the Landlord, acceptance shall be without a waiver of any of the rights of the Landlord, including the right to recover possession of the premises hereinabove described. This notice supersedes prior notice.

Bornstein Law, PC

The Housing Guild

By:_____
Daniel Bornstein,
Attorney and Duly Authorized Agent for Landlord

VERIFICATION

STATE OF CALIFORNIA, COUNTY OF San Francisco

I have read the foregoing complaint - unlawful detainer

and know its contents.

☐ CHECK APPLICABLE PARAGRAPHS

☐ I am a party to this action. The matters stated in the foregoing document are true of my own knowledge except as to those matters which are stated on information and belief, and as to those matters I believe them to be true.

☒ I am ☐ an Officer ☐ a partner

☒ a agent of The Housing Guild Management Co.,

a party to this action, and am authorized to make this verification for and on its behalf, and I make this verification for that reason.

☐ I am informed and believe and on that ground allege that the matters stated in the foregoing document are true. ☒ The matters stated in the foregoing document are true of my own knowledge except as to those matters which are stated on information and belief, and as to those matters I believe them to be true.

☐ I am one of the attorneys for ,

a party to this action. Such party is absent from the county of aforesaid where such attorneys have their offices, and I make this verification for and on behalf of that party for that reason. I am informed and believe and on that ground allege that the matters stated in the foregoing document are true.

Executed on 04/25/2024, at San Francisco, California.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Josh Vogel

TYPE OR PRINT NAME

SIGNATURE

PROOF OF SERVICE

1013a (3) CCP Revised 2004

STATE OF CALIFORNIA, COUNTY OF

I am employed in the county of , State of California.

I am over the age of 18 and not a party to the within action; my business address is:

On , I served the foregoing document described as

on in this action

☐ by placing the true copies thereof enclosed in sealed envelopes addressed as stated on the attached mailing list:

☐ by placing ☐ the original ☐ a true copy thereof enclosed in sealed envelopes addressed as follows:

☐ BY MAIL

☐ *I deposited such envelope in the mail at , California.

The envelope was mailed with postage thereon fully prepaid.

☐ As follows: I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with U.S. postal service on that same day with postage thereon fully prepaid at California in the ordinary course of business. 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.

Executed on , at , California.

☐ **(BY PERSONAL SERVICE) I delivered such envelope by hand to the offices of the addressee.

Executed on , at , California.

☐ (State) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

☐ (Federal) I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

TYPE OR PRINT NAME

SIGNATURE

*(BY MAIL SIGNATURE MUST BE OF PERSON DEPOSITING ENVELOPE IN MAIL SLOT, BOX, OR BAG)

**(FOR PERSONAL SERVICE SIGNATURE MUST BE THAT OF MESSENGER)

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):
Daniel Bornstein (SBN 169159)
Bornstein Law, PC
507 Polk Street, Suite 310
San Francisco, CA 94102-3396
TELEPHONE NO.: (415) 409-7611 FAX NO.: (415) 409-9345
EMAIL ADDRESS:
ATTORNEY FOR (Name): The Housing Guild Management Co.

FOR COURT USE ONLY

FILED
Superior Court of California
County of San Francisco
APR 26 2024
CLERK OF THE COURT
BY: Deputy Clerk
JAMES FORONDA

SUPERIOR COURT OF CALIFORNIA, COUNTY OF San Francisco
STREET ADDRESS: 400 McAllister Street
MAILING ADDRESS: 400 McAllister Street
CITY AND ZIP CODE: San Francisco, CA 94102
BRANCH NAME: Civic Center Courthouse

CASE NAME: The Housing Guild Management Co. v TUBA

CIVIL CASE COVER SHEET
[x] **Unlimited** (Amount demanded exceeds $35,000)
[ ] **Limited** (Amount demanded is $35,000 or less)

Complex Case Designation
[ ] Counter [ ] Joinder
Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)

CASE NUMBER: CGC-24-674900
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
[ ] Auto (22)
[ ] Uninsured motorist (46)

Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort
[ ] Asbestos (04)
[ ] Product liability (24)
[ ] Medical malpractice (45)
[ ] Other PI/PD/WD (23)

Non-PI/PD/WD (Other) Tort
[ ] Business tort/unfair business practice (07)
[ ] Civil rights (08)
[ ] Defamation (13)
[ ] Fraud (16)
[ ] Intellectual property (19)
[ ] Professional negligence (25)
[ ] Other non-PI/PD/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
[x] 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 [x] 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
   b. [ ] Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve
   c. [ ] Substantial amount of documentary evidence
   d. [ ] Large number of witnesses
   e. [ ] Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court
   f. [ ] Substantial postjudgment judicial supervision
3. Remedies sought *(check all that apply)*: a. [x] monetary b. [x] nonmonetary; declaratory or injunctive relief c. [ ] punitive
4. Number of causes of action *(specify)*: One
5. This case [ ] is [x] 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: 4/25/2024

Daniel Bornstein (SBN 169159) ▶
(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.