

# **EXHIBIT 1**

# **EXHIBIT 1**

**SC-100**

**Plaintiff's Claim and ORDER to Go to Small Claims Court**

*Clerk stamps date here when form is filed.*

**F I L E D**

**JUN 28 2012**

CLERK, SUPERIOR COURT  
SAN DIEGO COUNTY, CA

**Notice to the person being sued:**

- You are the Defendant if your name is listed in ② on page 2 of this form. The person suing you is the Plaintiff, listed in ① on page 2.
- You and the Plaintiff must go to court on the trial date listed below. If you do not go to court, you may lose the case.
- If you lose, the court can order that your wages, money, or property be taken to pay this claim.
- Bring witnesses, receipts, and any evidence you need to prove your case.
- Read this form and all pages attached to understand the claim against you and to protect your rights.

*Fill in court name and street address:*

Superior Court of California, County of  
San Diego  
325 S. Melrose  
Vista, CA 92081

**Aviso al Demandado:**

- Usted es el Demandado si su nombre figura en ② de la página 2 de este formulario. La persona que lo demanda es el Demandante, la que figura en ① de la página 2.
- Usted y el Demandante tienen que presentarse en la corte en la fecha del juicio indicada a continuación. Si no se presenta, puede perder el caso.
- Si pierde el caso la corte podría ordenar que le quiten de su sueldo, dinero u otros bienes para pagar este reclamo.
- Lleve testigos, recibos y cualquier otra prueba que necesite para probar su caso.
- Lea este formulario y todas las páginas adjuntas para entender la demanda en su contra y para proteger sus derechos.

*Clerk fills in case number and case name:*

Case Number:  
37-2012-00012808-SC-SC-NC  
Case Name:  
Buller vs. Fortunes Asian Cuisine Inc

**Order to Go to Court**

The people in ① and ② must go to court: *(Clerk fills out section below.)*

Trial Date	Date	Time	Department	Name and address of court if different from above
1.	10/29/2012	01:45:00 PM	N-11	
2.				
3.				

Date: 08/31/2012 Clerk, by R. Bennett, Deputy

**Instructions for the person suing:**

- You are the Plaintiff. The person you are suing is the Defendant.
- Before you fill out this form, read Form SC-100-INFO, *Information for the Plaintiff*, to know your rights. Get SC-100-INFO at any courthouse or county law library, or go to: [www.courts.ca.gov/smallclaims/forms](http://www.courts.ca.gov/smallclaims/forms).
- Fill out pages 2 and 3 of this form. Then make copies of all pages of this form. (Make 1 copy for each party named in this case and an extra copy for yourself.) Take or mail the original and these copies to the court clerk's office and pay the filing fee. The clerk will write the date of your trial in the box above.
- You must have someone at least 18—not you or anyone else listed in this case—give each Defendant a court-stamped copy of all 5 pages of this form and any pages this form tells you to attach. There are special rules for "serving," or delivering, this form to public entities, associations, and some businesses. See Forms SC-104, SC-104B, and SC-104C.
- Go to court on your trial date listed above. Bring witnesses, receipts, and any evidence you need to prove your case.

Plaintiff (list names): Loma Butler

Case Number:  
37-2012-00012808-SC-SC-NC

① The Plaintiff (the person, business, or public entity that is suing) is:  
Name: Loma Butler Phone: 818-219-9278

Street address: 4717 Van Nuys Blvd # 103, Sherman Oaks, CA 91403  
Street City State Zip

Mailing address (if different): \_\_\_\_\_  
Street City State Zip

If more than one Plaintiff, list next Plaintiff here:  
Name: \_\_\_\_\_ Phone: \_\_\_\_\_

Street address: \_\_\_\_\_  
Street City State Zip

Mailing address (if different): \_\_\_\_\_  
Street City State Zip

- Check here if more than 2 Plaintiffs and attach Form SC-100A.
- Check here if either Plaintiff listed above is doing business under a fictitious name. If so, attach Form SC-103.

② The Defendant (the person, business, or public entity being sued) is:  
Name: Fortunes Asian Cuisine DBA Fortunes A Noodle Bar Phone: 760-751-3100

Street address: 777 Harrah's Rincon Way, Valley Center, CA 92082  
Street City State Zip

Mailing address (if different): CSC. Agent  
2710 Gateway Oaks Dr # 150, Sacramento, CA 95833  
Street City State Zip

If more than one Defendant, list next Defendant here:  
Name: Caesars Entertainment Operating Company Inc DBA Harrah's Rincon Phone: 760-751-3100  
Casino and Resort

Street address: 777 Harrah's Rincon Way, Valley Center, CA 92082  
Street City State Zip

Mailing address (if different): Serve Agent: (CSC) Corporation Service Company  
2710 Gateway Oaks Drive # Suite 150N, Sacramento, CA 95833  
Street City State Zip

- Check here if more than 2 Defendants and attach Form SC-100A.
- Check here if any Defendant is on active military duty, and write his or her name here: \_\_\_\_\_

③ The Plaintiff claims the Defendant owes \$ 7,500.00 . (Explain below):

a. Why does the Defendant owe the Plaintiff money? Defendants negligently, recklessly, willfully and wantonly misrepresented the food contents of a meal served to plaintiff after plaintiff specified her allergies to mushrooms which caused plaintiff to become seriously ill.

b. When did this happen? (Date): 07/02/2010  
If no specific date, give the time period: Date started: \_\_\_\_\_ Through: \_\_\_\_\_

c. How did you calculate the money owed to you? (Do not include court costs or fees for service.)  
Medical bills are over \$3000.00 plus pain & suffering

Check here if you need more space. Attach one sheet of paper or Form MC-031 and write "SC-100, Item 3" at the top.

Case Number:  
37-2012-00012808-SC-SC-NC

Plaintiff (list names): Lorna Butler

4 You must ask the Defendant (in person, in writing, or by phone) to pay you before you sue.

Have you done this?  Yes  No

If no, explain why not: \_\_\_\_\_

5 Why are you filing your claim at this courthouse?

This courthouse covers the area (check the one that applies):

- a.  (1) Where the Defendant lives or does business. (2) Where the Plaintiff's property was damaged. (3) Where the Plaintiff was injured.
- (4) Where a contract (written or spoken) was made, signed, performed, or broken by the Defendant or where the Defendant lived or did business when the Defendant made the contract.
- b.  Where the buyer or lessee signed the contract, lives now, or lived when the contract was made, if this claim is about an offer or contract for personal, family, or household goods, services, or loans. (Code Civ. Proc., § 395(b).)
- c.  Where the buyer signed the contract, lives now, or lived when the contract was made, if this claim is about a retail installment contract (like a credit card). (Civil Code, § 1812.10.)
- d.  Where the buyer signed the contract, lives now, or lived when the contract was made, or where the vehicle is permanently garaged, if this claim is about a vehicle finance sale. (Civil Code, § 2984.4.)
- e.  Other (specify): \_\_\_\_\_

6 List the zip code of the place checked in 5 above (if you know): 92082

7 Is your claim about an attorney-client fee dispute?  Yes  No

If yes, and if you have had arbitration, fill out Form SC-101, attach it to this form, and check here:

8 Are you suing a public entity?  Yes  No

If yes, you must file a written claim with the entity first.  A claim was filed on (date): \_\_\_\_\_  
If the public entity denies your claim or does not answer within the time allowed by law, you can file this form.

9 Have you filed more than 12 other small claims within the last 12 months in California?

Yes  No If yes, the filing fee for this case will be higher.

10 I understand that by filing a claim in small claims court, I have no right to appeal this claim.

11 I have not filed, and understand that I cannot file, more than two small claims cases for more than \$2,500 in California during this calendar year.

I declare, under penalty of perjury under California State law, that the information above and on any attachments to this form is true and correct.

Date: 06/28/2012 Lorna Butler  
Plaintiff types or prints name here

**ORIGINAL SIGNATURE ON FILE**

Plaintiff signs here

Date: \_\_\_\_\_  
Second Plaintiff types or prints name here

Second Plaintiff signs here

**Requests for Accommodations**

Assistive listening systems, computer-assisted, real-time captioning, or sign language interpreter services are available if you ask at least 5 days before the trial. Contact the clerk's office for Form MC-410, Request for Accommodations by Persons With Disabilities and Response. (Civil Code, §54.8.)

**SC-100****Information for the Defendant (the person being sued)**

**"Small claims court"** is a special court where claims for \$5,000 or less are decided. A "natural person" (not a business or public entity) may claim up to \$10,000, including a sole proprietor. ("See below for exceptions.") The process is quick and cheap. The rules are simple and informal. You are the Defendant – the person being sued. The person who is suing you is the Plaintiff.

**Do I need a lawyer?**

You may talk to a lawyer before or after the case. But you *may not* have a lawyer represent you in court (unless this is an appeal from a small claims case).

**How do I get ready for court?**

You don't have to file any papers before your trial, unless you think this is the wrong court for your case. But bring to your trial any witnesses, receipts, and evidence that supports your case. And read "Be Prepared for Your Trial" at: [www.courts.ca.gov/smallclaims/prepare](http://www.courts.ca.gov/smallclaims/prepare)

**What if I need an accommodation?**

If you have a disability or are hearing impaired, fill out Form MC-410, *Request for Accommodations*. Give the form to your court clerk or the ADA/Access Coordinator.

**What if I don't speak English well?**

Bring an adult who is not a witness to interpret for you, or ask the court clerk for an interpreter at least five days before your court date. A court-provided interpreter may not be available or there may be a fee for using a court interpreter unless you qualify for a fee waiver. You may ask the court for a list of interpreters and also the *Application for Waiver of Court Fees and Costs* (form FW-001).

**Where can I get the court forms I need?**

Go to any courthouse or your county law library, or print forms at: [www.courts.ca.gov/smallclaims/forms](http://www.courts.ca.gov/smallclaims/forms).

**What happens at the trial?**

The judge will listen to both sides. The judge may make a decision at your trial or mail the decision to you later.

**What if I lose the case?**

If you lose, you can appeal. You'll have to pay a fee. (Plaintiffs cannot appeal their own claims.)

- If you were at the trial, file Form SC-140, *Notice of Appeal*. You must file within 30 days after the judge's decision.
- If you were *not* at the trial, fill out and file Form SC-135, *Notice of Motion to Vacate Judgment and Declaration*, to ask the judge to cancel the judgment (decision). If the judge does not give you a new trial, you have 10 days to appeal the decision. File Form SC-140.

For more information on appeals, see: [www.courts.ca.gov/smallclaims/appeal](http://www.courts.ca.gov/smallclaims/appeal).

**Do I have options?**

Yes. If you are being sued, you can:

- **Settle your case before the trial.** If you and the Plaintiff agree on how to settle the case, both of you must notify the court. Ask the Small Claims Advisor for help.
- **Prove this is the wrong court.** Send a letter to the court *before* your trial, explaining why you think this is the wrong court. Ask the court to dismiss the claim. You must serve (give) a copy of your letter (by mail or in person) to all parties. (Your letter to the court must say you have done this.)
- **Go to the trial and try to win your case.** Bring witnesses, receipts, and any evidence you need to prove your case. To make sure the witnesses go to the trial, fill out Form SC-107, and the clerk will subpoena (order) them to go.
- **Sue the person who is suing you.** File Form SC-120, *Defendant's Claim*. There are strict filing deadlines you must follow.
- **Agree with the Plaintiff's claim and pay the money.** Or, if you can't pay the money now, go to your trial and say you want to make payments.
- **Let the case "default."** If you don't settle and do not go to the trial (default), the judge may give the Plaintiff what he or she is asking for plus court costs. If this happens, the Plaintiff can legally take your money, wages, and property to pay the judgment.

**What if I need more time?**

You can change the trial date if:

- You cannot go to court on the scheduled date (you will have to pay a fee to postpone the trial) or
- You did not get served (receive this order to go to court) at least 15 days before the trial (or 20 days if you live outside the county) or
- You need more time to get an interpreter. One postponement is allowed, and you will not have to pay a fee to delay the trial.

Ask the Small Claims Clerk about the rules and fees for postponing a trial. Or fill out Form SC-150 (or write a letter) and mail it to the court *and* to all other people listed on your court papers before the deadline. Enclose a check for your court fees, unless a fee waiver was granted.

**Need help?**

Your county's Small Claims Advisor can help for free.

Hotline: (858) 634-1777  
 East Division: 250 East Main Street, El Cajon, CA 92020  
 Central Division: 8950 Clairemont Mesa Blvd, San Diego, CA 92123  
 North Division: 325 S. Melrose Drive, Vista, CA 92081  
 South Division: 500 3rd Ave, Chula Vista, CA 91910

Or go to [www.courts.ca.gov/smallclaims/advisor](http://www.courts.ca.gov/smallclaims/advisor).

\*Exceptions: Different limits apply in an action against a defendant who is a guarantor. (See Code Civ. Proc. §116.220(c).) In an action brought by a natural person for damages for bodily injuries resulting from an automobile accident, a \$7,500 limit applies if a defendant is covered by an automobile insurance policy that includes a duty to defend. (See Code Civ. Proc. §116.221)

**SC-100****Información para el demandado (la persona demandada)**

La "Corte de reclamos menores" es una corte especial donde se deciden casos por \$5,000 o menos. Una "persona natural" (que no sea un negocio ni una entidad pública) puede reclamar hasta \$10,000. Una "persona natural" (que no sea un negocio ni una entidad pública), que incluye un dueño generalmente puede reclamar hasta \$10,000. (\* Vea abajo para las excepciones.) El proceso es rápido y barato. Las reglas son sencillas e informales.

Usted es el Demandado — la persona que se está demandando. La persona que lo está demandando es el Demandante.

**¿Necesito un abogado?**

Puede hablar con un abogado antes o después del caso.

Pero no *puede* tener a un abogado que lo represente ante la corte (a menos que se trate de una apelación de un caso de reclamos menores).

**¿Cómo me preparo para ir a la corte?**

No tiene que presentar ningunos papeles antes del juicio, a menos que piense que ésta es la corte equivocada para su caso. Pero lleve al juicio cualquier testigos, recibos, y cualquier pruebas que apoyan su caso. Y Lea "Prepárese para la corte" en:

[www.courts.ca.gov/reclamosmenores/prepararse](http://www.courts.ca.gov/reclamosmenores/prepararse).

**¿Qué hago si necesito una adaptación?**

Si tiene una discapacidad o tiene impedimentos de audición, llene el formulario MC-410, *Request for Accommodations*. Entregue el formulario al secretario de la corte o al Coordinador de Acceso/ADA de su corte.

**¿Qué pasa si no hablo bien inglés?**

Traiga a un adulto que no sea testigo para que le sirva de intérprete. O pida al secretario de la corte que le asigne uno. Si quiere que la corte le asigne un intérprete, lo tiene que pedir como mínimo menos cinco días antes de la fecha en que tenga que ir a la corte. Es posible que no haya disponible un intérprete proporcionado por la corte o que tenga que pagar una cuota por emplear un intérprete de la corte, a menos que tenga una exención de cuotas. Puede pedir a la corte una lista de intérpretes y la Solocitude de exención de cuotas y costos de la corte (formulario FW-001).

**¿Dónde puedo obtener los formularios de la corte que necesito?**

Vaya a cualquier edificio de la corte, la biblioteca legal de su condado o imprima los formularios en:

[www.courts.ca.gov/smallclaims/forms](http://www.courts.ca.gov/smallclaims/forms)

**¿Qué pasa en el juicio?**

El juez escuchará a ambas partes. El juez puede tomar su decisión durante la audiencia o enviársela por correo después.

**¿Qué pasa si pierdo el caso?**

Si pierde, puede apelar. Tendrá que pagar una cuota. (El Demandante no puede apelar su propio reclamo.)

- Si estuvo presente en el juicio, llene el formulario SC-140, *Aviso de apelación*. Tiene que presentarlo dentro de 30 días después de la decisión del juez.
- Si no estuvo en el juicio, llene y presente el formulario SC-135, *Aviso de petición para anular el fallo y Declaración para pedirle al juez que anule el fallo (decisión)*. Si la corte no le otorga un nuevo juicio, tiene 10 días para apelar la decisión. Presente el formulario SC-140.

Para obtener más información sobre las apelaciones, vea: [www.courts.ca.gov/reclamosmenores/apelaciones](http://www.courts.ca.gov/reclamosmenores/apelaciones).

**¿Tengo otras opciones?**

Si. Si lo están demandando, puede:

- **Resolver su caso antes del juicio.** Si usted y el Demandante se ponen de acuerdo en resolver el caso, ambos tienen que notificar a la corte. Pídale al Asesor de Reclamos Menores que lo ayude.
- **Probar que es la corte equivocada.** Envíe una carta a la corte antes del juicio explicando por qué cree que es la corte equivocada. Pídale a la corte que despida el reclamo. Tiene que entregar (dar) una copia de su carta (por correo o en persona) a todas las partes. (Su carta a la corte tiene que decir que hizo la entrega.)
- **Ir al juicio y tratar de ganar el caso.** Lleve testigos, recibos y cualquier prueba que necesite para probar su caso. Para asegurarse que los testigos vayan al juicio, llene el formulario SC-107 y el secretario emitirá una orden de comparecencia ordenándoles que se presenten.
- **Demandar a la persona que lo demandó.** Presente el formulario SC-120, Reclamo del demandado. Hay fechas límite estrictas que debe seguir.
- **Aceptar el reclamo del Demandante y pagar el dinero.** O, si no puede pagar en ese momento, vaya al juicio y diga que quiere hacer los pagos.
- **No ir al juicio y aceptar el fallo por falta de comparecencia.** Si no llega a un acuerdo con el Demandante y no va al juicio (fallo por falta de comparecencia), el juez le puede otorgar al Demandante lo que está reclamando más los costos de la corte. En ese caso, el Demandante legalmente puede tomar su dinero, su sueldo o sus bienes para cobrar el fallo.

**¿Qué hago si necesito más tiempo?**

Puede cambiar la fecha del juicio si:

- No puede ir a la corte en la fecha programada (Tendrá que pagar una cuota para aplazar el juicio), o
- No le entregaron los documentos legalmente (no recibió la orden para ir a la corte) por lo menos 15 días antes del juicio (ó 20 días si vive fuera del condado), o
- Necesita más tiempo para conseguir intérprete. (Se permite un solo aplazamiento sin tener que pagar cuota para aplazar el juicio).

Pregúntele al secretario de reclamos menores sobre las reglas y las cuotas para aplazar un juicio. O llene el formulario SC-150 (o escriba una carta) y envíelo antes del plazo a la corte y a todas las otras personas que figuran en sus papeles de la corte. Adjunte un cheque para pagar los costos de la corte, a menos que le hayan dado una exención.



**¿Necesita ayuda?** El Asesor de Reclamos Menores de su condado le puede ayudar sin cargo.

Hotline: (858) 634-1777  
 East Division: 250 East Main Street, El Cajon, CA 92020  
 Central Division: 8950 Clairemont Mesa Blvd, San Diego, CA 92123  
 North Division: 325 S. Melrose Drive, Vista, CA 92081  
 South Division: 500 3rd Ave, Chula Vista, CA 91910

O vea "Información por condado" en: [www.courts.ca.gov/reclamosmenores/asesores](http://www.courts.ca.gov/reclamosmenores/asesores).

\*Excepciones: Existen diferentes límites en un reclamo contra un garante. (Vea el Código de Procedimiento Civil, sección 116.220 (c).) En un caso presentado por una persona natural por daños debido a lesiones físicas en un accidente automovilístico, existe un límite de \$7,500 si el demandado tiene cobertura bajo una póliza de seguro de vehículo que incluye la obligación de defender. (Vea el Código de Procedimiento Civil, sección 116.221.)

Loma Butler  
4747 Van Nuys Blvd #103  
Sherman Oaks, CA 91403

**If undeliverable**

**RETURN IN 5 DAYS - CERTIFIED**

CERTIFIED MAIL NO.

2012-12808

Deliver to Addressee Only

Return Receipt Requested

Postmaster: Please  
Do Not Forward  
Outside California

**CERTIFIED MAIL**



FIRST CLASS



Hasler

7011 0470 0002 9999 3885

**RESTRICTED DELIVERY**

016H26510377

\$ 10.39

09/04/2012

Mailed From 92101  
US POSTAGE

Caesars Entertainment Operating Company, Inc.  
dba Harrah's Rincon Casino and Resort  
Serve Agent: (CSC) Corporation Service Company  
2710 Gateway Oaks Dr. #150N  
Sacramento, CA 95833

**Deliver To  
Addressee Only**

95833+3502



**SC-100** Plaintiff's Claim and ORDER to Go to Small Claims Court

**Notice to the person being sued:**

- You are the Defendant if your name is listed in ② on page 2 of this form. The person suing you is the Plaintiff, listed in ① on page 2.
- You and the Plaintiff must go to court on the trial date listed below. If you do not go to court, you may lose the case.
- If you lose, the court can order that your wages, money, or property be taken to pay this claim.
- Bring witnesses, receipts, and any evidence you need to prove your case.
- Read this form and all pages attached to understand the claim against you and to protect your rights.

**Aviso al Demandado:**

- Usted es el Demandado si su nombre figura en ② de la página 2 de este formulario. La persona que lo demanda es el Demandante, la que figura en ① de la página 2.
- Usted y el Demandante tienen que presentarse en la corte en la fecha de juicio indicada a continuación. Si no se presenta, puede perder el caso.
- Si pierde el caso la corte podría ordenar que le quiten de su sueldo, dinero u otros bienes para pagar este reclamo.
- Lleve testigos, recibos y cualquier otra prueba que necesite para probar su caso.
- Lea este formulario y todas las páginas adjuntas para entender la demanda en su contra y para proteger sus derechos.

Clerk stamps date here when form is filed.  
 2012 AUG 28 PM 2:06  
 CLERK - SUPERIOR COURT  
 SAN DIEGO COUNTY CA

Fill in court name and street address:  
 Superior Court of California, County of San Diego  
 325 South Melrose  
 Vista, 92081  
 North County Regional Center

Butler vs Fortune Asian Cuisine  
 Case Number:  
 37-2012-00012808-SC-SC-NC  
 FORTUNES ASIAN CUISINE

**Order to Go to Court**

Amended 8/28/12

The people in ① and ② must go to court: (Clerk fills out section below.)

Trial Date	Date	Time	Department	Name and address of court if different from above
	1. 7/24/12	1:45 PM	17-11	
Reset	8/28/12			
	3. 10/29/12	1:45	17-11	

Date: AUG 23 2012 Clerk, by KEL BATES, Deputy

**Instructions for the person suing:**

- You are the Plaintiff. The person you are suing is the Defendant.
- Before you fill out this form, read Form SC-100-INFO, Information for the Plaintiff, to know your rights. Get SC-100-INFO at any courthouse or county law library, or go to: [www.courts.ca.gov/smallclaims/forms](http://www.courts.ca.gov/smallclaims/forms).
- Fill out pages 2 and 3 of this form. Then make copies of all pages of this form. (Make 1 copy for each party named in this case and an extra copy for yourself.) Take or mail the original and these copies to the court clerk's office and pay the filing fee. The clerk will write the date of your trial in the box above.
- You must have someone at least 18—not you or anyone else listed in this case—give each Defendant a court-stamped copy of all 5 pages of this form and any pages this form tells you to attach. There are special rules for "serving," or delivering, this form to public entities, associations, and some businesses. See Forms SC-104, SC-104B, and SC-104C.
- Go to court on your trial date listed above. Bring witnesses, receipts, and any evidence you need to prove your case.



Case Number:  
37-2012-00012808-SC-SC-NC

Plaintiff (list names): LORNA BUTLER

1 The Plaintiff (the person, business, or public entity that is suing) is:

Name: LORNA BUTLER Phone: (818) 219-9278

Street address: 4717 VAN NUYS BLVD #103 Sherman Oaks CA 91403  
Street City State Zip

Mailing address (if different): \_\_\_\_\_  
Street City State Zip

If more than one Plaintiff, list next Plaintiff here:

Name: \_\_\_\_\_ Phone: ( )

Street address: \_\_\_\_\_  
Street City State Zip

Mailing address (if different): \_\_\_\_\_  
Street City State Zip

Check here if more than 2 Plaintiffs and attach Form SC-100A.

Check here if either Plaintiff listed above is doing business under a fictitious name. If so, attach Form SC-103.

2 The Defendant (the person, business, or public entity being sued) is:

Name: Fortunes Asian Cuisine, ~~INC~~ dba Fortunes A Noodle Bar Phone: (760) 751-3100

Street address: 777 Harrah's Rincon Way Valley Center CA 92082  
Street City State Zip

Mailing address (if different): 2710 GATEWAY OAKS DR #150 SACRAMENTO, CA 95833  
Street City State Zip

If more than one Defendant, list next Defendant here:

Name: Caesars Entertainment Operating Company, Inc. dba Phone: (760) 751-3100

Street address: Harrah's Rincon Casino and Resort  
Street City State Zip

Mailing address (if different): 777 Harrah's Rincon Way Valley Center CA 92082  
Street City State Zip

Check here if more than 2 Defendants and attach Form SC-100A. serve agent (SC) Corporation Service Company 2710 Gateway Oaks Drive Suite 1501 Sacramento, CA 95833

Check here if any Defendant is on active military duty, and write his or her name here: \_\_\_\_\_

3 The Plaintiff claims the Defendant owes \$ 7,500.00. (Explain below):

a. Why does the Defendant owe the Plaintiff money? Defendants negligently, recklessly, willfully and wantonly misrepresented the food contents of a meal served to plaintiff after plaintiff specified her allergies to mushrooms which caused plaintiff to become seriously ill.

b. When did this happen? (Date): 07/02/2010  
If no specific date, give the time period: Date started: \_\_\_\_\_ Through: \_\_\_\_\_

c. How did you calculate the money owed to you? (Do not include court costs or fees for service.)  
Medical Bills are over \$3000.00, plus pain & suffering

Check here if you need more space. Attach one sheet of paper or Form MC-031 and write "SC-100, Item 3" at the top.

Amended  
per TT's  
declaration  
8/28/12

intended  
per TT's  
declaration  
8/28/12

at  
Drive  
Suite  
1501

Case Number: \_\_\_\_\_

Plaintiff (list names): LORNA BUTLER

4 You must ask the Defendant (in person, in writing, or by phone) to pay you before you sue. Have you done this?  Yes  No  
If no, explain why not: \_\_\_\_\_

5 Why are you filing your claim at this courthouse?

This courthouse covers the area (check the one that applies):

- a.  (1) Where the Defendant lives or does business. (2) Where the Plaintiff's property was damaged. (3) Where the Plaintiff was injured. (4) Where a contract (written or spoken) was made, signed, performed, or broken by the Defendant or where the Defendant lived or did business when the Defendant made the contract.
- b.  Where the buyer or lessee signed the contract, lives now, or lived when the contract was made, if this claim is about an offer or contract for personal, family, or household goods, services, or loans. (Code Civ. Proc., § 395(b).)
- c.  Where the buyer signed the contract, lives now, or lived when the contract was made, if this claim is about a retail installment contract (like a credit card). (Civil Code, § 1812.10.)
- d.  Where the buyer signed the contract, lives now, or lived when the contract was made, or where the vehicle is permanently garaged, if this claim is about a vehicle finance sale. (Civil Code, § 2984.4.)
- e.  Other (specify): \_\_\_\_\_

6 List the zip code of the place checked in 5 above (if you know): 92082

7 Is your claim about an attorney-client fee dispute?  Yes  No  
If yes, and if you have had arbitration, fill out Form SC-101, attach it to this form, and check here:

8 Are you suing a public entity?  Yes  No  
If yes, you must file a written claim with the entity first.  A claim was filed on (date): \_\_\_\_\_  
If the public entity denies your claim or does not answer within the time allowed by law, you can file this form.

9 Have you filed more than 12 other small claims within the last 12 months in California?  
 Yes  No If yes, the filing fee for this case will be higher.

10 I understand that by filing a claim in small claims court, I have no right to appeal this claim.

11 I have not filed, and understand that I cannot file, more than two small claims cases for more than \$2,500 in California during this calendar year.

I declare, under penalty of perjury under California State law, that the information above and on any attachments to this form is true and correct.

Date: 6/25/2012 LORNA BUTLER  
Plaintiff types or prints name here

Lorna Butler  
Plaintiff signs here

Date: \_\_\_\_\_  
Second Plaintiff types or prints name here

\_\_\_\_\_  
Second Plaintiff signs here



**Requests for Accommodations**

Assistive listening systems, computer-assisted, real-time captioning, or sign language interpreter services are available if you ask at least 5 days before the trial. Contact the clerk's office for Form MC-410, Request for Accommodations by Persons With Disabilities and Response. (Civil Code, § 54.8.)

**SC-100****Information for the Defendant (the person being sued)**

"Small claims court" is a special court where claims for \$5,000 or less are decided. A "natural person" (not a business or public entity) may generally claim up to \$10,000, including a sole proprietor. (\*See below for exceptions.) The process is quick and cheap. The rules are simple and informal.

You are the Defendant—the person being sued. The person who is suing you is the Plaintiff.

**Do I need a lawyer?**

You may talk to a lawyer before or after the case. But you *may not* have a lawyer represent you in court (unless this is an appeal from a small claims case).

**How do I get ready for court?**

You don't have to file any papers before your trial, unless you think this is the wrong court for your case. But bring to your trial any witnesses, receipts, and evidence that supports your case. And read "Be Prepared for Your Trial" at [www.courts.ca.gov/smallclaims/prepare](http://www.courts.ca.gov/smallclaims/prepare).

**What if I need an accommodation?**

If you have a disability or are hearing impaired, fill out Form MC-410, *Request for Accommodations*. Give the form to your court clerk or the ADA/Access Coordinator.

**What if I don't speak English well?**

Bring an adult who is not a witness to interpret for you, or ask the court clerk for an interpreter at least five days before your court date. A court-provided interpreter may not be available or there may be a fee for using a court interpreter unless you qualify for a fee waiver. You may ask the court for a list of interpreters and also the *Application for Waiver of Court Fees and Costs* (form FW-001).

**Where can I get the court forms I need?**

Go to any courthouse or your county law library, or print forms at: [www.courts.ca.gov/smallclaims/forms](http://www.courts.ca.gov/smallclaims/forms).

**What happens at the trial?**

The judge will listen to both sides. The judge may make a decision at your trial or mail the decision to you later.

**What if I lose the case?**

If you lose, you can appeal. You'll have to pay a fee. (Plaintiffs cannot appeal their own claims.)

- If you were at the trial, file Form SC-140, *Notice of Appeal*. You must file within 30 days after the judge's decision.
- If you were *not* at the trial, fill out and file Form SC-135, *Notice of Motion to Vacate Judgment and Declaration*, to ask the judge to cancel the judgment (decision). If the judge does not give you a new trial, you have 10 days to appeal the decision. File Form SC-140.

For more information on appeals, see: [www.courts.ca.gov/smallclaims/appeals](http://www.courts.ca.gov/smallclaims/appeals).

\*Exceptions: Different limits apply in an action against a defendant who is a guarantor. (See Code Civ. Proc. § 116.220(c).) In an action brought by a natural person for damages for bodily injuries resulting from an action against a defendant who is a guarantor, a \$7,500 limit applies if a defendant is covered by an automobile insurance policy that includes a duty to defend. (See Code Civ. Proc. § 116.221.)

**Do I have options?**

Yes. If you are being sued, you can:

- **Settle your case before the trial.** If you and the Plaintiff agree on how to settle the case, both of you must notify the court. Ask the Small Claims Advisor for help.
- **Prove this is the wrong court.** Send a letter to the court *before* your trial, explaining why you think this is the wrong court. Ask the court to dismiss the claim. You must serve (give) a copy of your letter (by mail or in person) to all parties. (Your letter to the court must say you have done this.)
- **Go to the trial and try to win your case.** Bring witnesses, receipts, and any evidence you need to prove your case. To make sure the witnesses go to the trial, fill out Form SC-107, and the clerk will subpoena (order) them to go.
- **Sue the person who is suing you.** File Form SC-120, *Defendant's Claim*. There are strict filing deadlines you must follow.
- **Agree with the Plaintiff's claim and pay the money.** Or, if you can't pay the money now, go to your trial and say you want to make payments.
- **Let the case "default."** If you don't settle and do not go to the trial (default), the judge may give the Plaintiff what he or she is asking for plus court costs. If this happens, the Plaintiff can legally take your money, wages, and property to pay the judgment.

**What if I need more time?**

You can change the trial date if:

- You cannot go to court on the scheduled date (you will have to pay a fee to postpone the trial) *or*
- You did not get served (receive this order to go to court) at least 15 days before the trial (or 20 days if you live outside the county) *or*
- You need more time to get an interpreter. One postponement is allowed, and you will not have to pay a fee to delay the trial.

Ask the Small Claims Clerk about the rules and fees for postponing a trial. Or fill out Form SC-150 (or write a letter) and mail it to the court *and* to all other people listed on your court papers before the deadline. Enclose a check for your court fees, unless a fee waiver was granted.

**Need help?**

Your county's Small Claims Advisor can help for free.

Or go to [www.courts.ca.gov/smallclaims/advisor](http://www.courts.ca.gov/smallclaims/advisor).

**SC-100****Información para el demandado (la persona demandada)**

La "Corte de reclamos menores" es una corte especial donde se deciden casos por \$5,000 ó menos. Una "persona natural" (que no sea un negocio ni una entidad pública) puede reclamar hasta \$10,000. Una "persona natural" (que no sea un negocio ni una entidad pública), que incluye un dueño único, generalmente puede reclamar hasta \$10,000. (\* Vea abajo para las excepciones.) El proceso es rápido y barato. Las reglas son sencillas e informales. Usted es el Demandado — la persona que se está demandando. La persona que lo está demandando es el Demandante.

**¿Necesito un abogado?**

Puede hablar con un abogado antes o después del caso. Pero *no puede tener* a un abogado que lo represente ante la corte (a menos que se trate de una apelación de un caso de reclamos menores).

**¿Cómo me preparo para ir a la corte?**

No tiene que presentar ningunos papeles antes del juicio, a menos que piense que ésta es la corte equivocada para su caso. Pero lleve al juicio cualquier testigos, recibos, y cualquier pruebas que apoyan su caso. Y lea "Esté preparado para su juicio" en:

[www.courts.ca.gov/reclamosmenores/preparesse](http://www.courts.ca.gov/reclamosmenores/preparesse).

**¿Qué hago si necesito una adaptación?**

Si tiene una discapacidad o tiene impedimentos de audición, llene el formulario MC-410, *Request for Accommodations*. Entregue el formulario al secretario de la corte o al Coordinador de Acceso/ADA de su corte.

**¿Qué pasa si no hablo inglés bien?**

Traiga a un adulto que no sea testigo para que le sirva de intérprete. O pida al secretario de la corte que le asigne uno. Si quiere que la corte le asigne un intérprete, lo tiene que pedir como mínimo menos cinco días antes de la fecha en que tenga que ir a la corte. Es posible que no haya disponible un intérprete proporcionado por la corte o que tenga que pagar una cuota por emplear un intérprete de la corte, a menos que tenga una exención de cuotas. Puede pedir a la corte una lista de intérpretes y la Solicitud de exención de cuotas y costos de la corte (formulario FW-001).

**¿Dónde puedo obtener los formularios de la corte que necesito?**

Vaya a cualquier edificio de la corte, la biblioteca legal de su condado, o imprima los formularios en: [www.courts.ca.gov/smallclaims/forms](http://www.courts.ca.gov/smallclaims/forms) (página está en inglés).

**¿Qué pasa en el juicio?**

El juez escuchará a ambas partes. El juez puede tomar su decisión durante la audiencia o enviársela por correo después.

**¿Qué pasa si pierdo el caso?**

Si pierde, puede apelar. Tendrá que pagar una cuota. (El Demandante no puede apelar su propio reclamo.)

- Si estuvo presente en el juicio, llene el formulario SC-140, *Aviso de apelación*. Tiene que presentarlo dentro de 30 días después de la decisión del juez.
- Si *no* estuvo en el juicio, llene y presente el formulario SC-135, *Aviso de petición para anular el fallo y Declaración* para pedirle al juez que anule el fallo (decisión). Si la corte no le otorga un nuevo juicio, tiene 10 días para apelar la decisión. Presente el formulario SC-140.

Para obtener más información sobre las apelaciones, vea: [www.courts.ca.gov/reclamosmenores/apelaciones](http://www.courts.ca.gov/reclamosmenores/apelaciones).

**¿Tengo otras opciones?**

Sí. Si lo están demandando, puede:

- **Resolver su caso antes del juicio.** Si usted y el Demandante se ponen de acuerdo en resolver el caso, ambos tienen que notificar a la corte. Pídale al Asesor de Reclamos Menores que lo ayude.
- **Probar que es la corte equivocada.** Envíe una carta a la corte *antes* del juicio explicando por qué cree que es la corte equivocada. Pídale a la corte que despida el reclamo. Tiene que entregar (dar) una copia de su carta (por correo o en persona) a todas las partes. (Su carta a la corte tiene que decir que hizo la entrega.)
- **Ir al juicio y tratar de ganar el caso.** Lleve testigos, recibos y cualquier prueba que necesite para probar su caso. Para asegurarse que los testigos vayan al juicio, llene el formulario SC-107, y el secretario emitirá una orden de comparecencia ordenándoles que se presenten.
- **Demandar a la persona que lo demandó.** Presente el formulario SC-120, *Reclamo del demandado*. Hay fechas límite estrictas que debe seguir.
- **Aceptar el reclamo del Demandante y pagar el dinero.** O, si no puede pagar en ese momento, vaya al juicio y diga que quiere hacer los pagos.
- **No ir al juicio y aceptar el fallo por falta de comparecencia.** Si no llega a un acuerdo con el Demandante y no va al juicio (fallo por falta de comparecencia), el juez le puede otorgar al Demandante lo que está reclamando más los costos de la corte. En ese caso, el Demandante legalmente puede tomar su dinero, su sueldo o sus bienes para cobrar el fallo.

**¿Qué hago si necesito más tiempo?**

Puede cambiar la fecha del juicio si:

- No puede ir a la corte en la fecha programada (tendrá que pagar una cuota para aplazar el juicio) o
- No le entregaron los documentos legalmente (no recibió la orden para ir a la corte) por lo menos 15 días antes del juicio (ó 20 días si vive fuera del condado) o
- Necesita más tiempo para conseguir intérprete. (Se permite un solo aplazamiento sin tener que pagar cuota para aplazar el juicio).

Pregúntele al secretario de reclamos menores sobre las reglas y las cuotas para aplazar un juicio. O llene el formulario SC-150 (o escriba una carta) y envíelo antes del plazo a la corte y a todas las otras personas que figuran en sus papeles de la corte. Adjunte un cheque para pagar los costos de la corte, a menos que le hayan dado una exención.



**¿Necesita ayuda?** El Asesor de Reclamos Menores de su condado le puede ayudar sin cargo.

O vea "Información por condado" en:

[www.courts.ca.gov/reclamosmenores/asesores](http://www.courts.ca.gov/reclamosmenores/asesores).

\*Excepciones: Existen diferentes límites en un reclamo contra un garante. (Vea el Código de Procedimiento Civil, sección 116.220 (e).) En un caso presentado por una persona natural por daños debidos a lesiones físicas en un accidente automovilístico, existe un límite de \$7,500 si el demandado tiene cobertura bajo una póliza de seguro de vehículo que incluye la obligación de defender. (Vea el Código de Procedimiento Civil, sección 116.221.)

Buller vs. Portman Asset Corp  
MS-NC  
37-2012-00012008-SC-SC-NC

**PLAINTIFF'S PRE-JUDGMENT COSTS**

Filing Fee \$ 7.00  Fees Waived: Due to Court  Frequent Filer (\$100 paid)

Service Fee Δ #1 \$             Good POS  Del POS  Unserved  Due to Court  Due to Sheriff

Service Fee Δ #2 \$             Good POS  Del POS  Unserved  Due to Court  Due to Sheriff

Service Fee Δ #3 \$             Good POS  Del POS  Unserved  Due to Court  Due to Sheriff

Service Fee Δ #4 \$             Good POS  Del POS  Unserved  Due to Court  Due to Sheriff

Service Fee Δ #5 \$             Good POS  Del POS  Unserved  Due to Court  Due to Sheriff

**Total Costs** \$ 15.00

**DEFENDANT'S PRE-JUDGMENT COSTS**

Filing Fee \$             Fees Waived: Due to Court  Frequent Filer (\$100 paid)

Service Fee #1 \$             Good POS  Del POS  Unserved  Due to Court  Due to Sheriff

Service Fee #2 \$             Good POS  Del POS  Unserved  Due to Court  Due to Sheriff

Service Fee #3 \$             Good POS  Del POS  Unserved  Due to Court  Due to Sheriff

Service Fee #4 \$             Good POS  Del POS  Unserved  Due to Court  Due to Sheriff

Service Fee #5 \$             Good POS  Del POS  Unserved  Due to Court  Due to Sheriff

**Total Costs** \$           

*If no going to have served by private search*

**SUPERIOR COURT OF CALIFORNIA,  
COUNTY OF SAN DIEGO  
NORTH COUNTY**

**MINUTE ORDER**

DATE: 08/28/2012

TIME: 01:45:00 PM

DEPT: N-11

COMMISSIONER: Donald Armento  
CLERK: Sherry Rose  
REPORTER/ERM: Not Recorded  
BAILIFF/COURT ATTENDANT: Pat Peterson

CASE NO: 37-2012-00012808-SC-SC-NC CASE INIT.DATE: 06/28/2012

CASE TITLE: **Butler vs. Fortunes Asian Cuisine Inc**

CASE CATEGORY: Small Claims CASE TYPE: Small Claims

**EVENT TYPE:** Small Claims Court Trial

**MOVING PARTY:** Lorna Butler

**CAUSAL DOCUMENT/DATE FILED:** Plaintiff's Claim and Order to go to Small Claims Court, 06/28/2012

**APPEARANCES**

Lorna Butler, self represented Plaintiff, present.

Caesars Entertainment Operating Company Inc, Defendant, not present.

Fortunes Asian Cuisine Inc, Defendant, not present.

The Court finds the defendant has not been properly served and resets the case.

Small Claims Court Trial is reset to 10/29/2012 at 01:45PM in N-11.

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): - LORNA BUTLER 4717 VAN NUYS Blvd #103 Sherman Oaks, CA 91403 TELEPHONE NO.: (818) 986-9994 FAX NO. (Optional): (818) 986-9499 E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name):		MC-030 FOR COURT USE ONLY FILED NORTH COUNTY DIVISION 2012 AUG 28 PM 3:47 DEPT. OF SUPERIOR COURT SAN DIEGO COUNTY, CA
SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO STREET ADDRESS: 325 South Melrose MAILING ADDRESS: 325 South Melrose CITY AND ZIP CODE: VISTA, CA 92081 BRANCH NAME: NORTH COUNTY Regional Center		
PLAINTIFF/PETITIONER: LORNA BUTLER DEFENDANT/RESPONDENT: FORTUNES ASIAN CUISINE, INC. ET AL		
DECLARATION		CASE NUMBER: 37-2012-00012808-SC SC MC

The correct service address and Agent for service of Caesars Entertainment operating company, Inc. dba Harrah's Rincon Casino and Resort, (CSC) Corporation service company (agent) is actually "2710 Craterway Oaks Drive, Suite 150N, Sacramento, CA 95833."

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.  
 Date: 8-28-12

LORNA BUTLER  
 (TYPE OR PRINT NAME)

Lorna Butler  
 (SIGNATURE OF DECLARANT)

- Attorney for
- Plaintiff
- Petitioner
- Defendant
- Respondent
- Other (Specify):

11/7

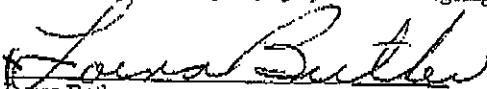
ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): <b>FRANK H. CANTER, ESQ.</b> SBN: 105352 <b>LAW OFFICES OF FRANK H. CANTER</b> 4717 Van Nuys Blvd., Suite 103 Sherman Oaks, Ca 91403 TELEPHONE NO.: (818) 986-9994 FAX NO. (Optional): (818) 986-9499 E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name): <b>LORNA BUTLER</b>		FOR COURT USE ONLY <b>FILED</b> NORTH COUNTY DIVISION <b>2012 AUG 28 PM 12:56</b> CLERK-SUPERIOR COURT SAN DIEGO COUNTY, CA
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO</b> STREET ADDRESS: 325 South Melrose MAILING ADDRESS: 325 South Melrose CITY AND ZIP CODE: Vista, 92081 BRANCH NAME: North County Regional Center		
PLAINTIFF/PETITIONER: <b>LORNA BUTLER</b> DEFENDANT/RESPONDENT: <b>FORTUNES ASIAN CUISINE, INC., ET AL.</b>		CASE NUMBER: <b>37-2012-00012808-SC-SC-NC</b>
<b>DECLARATION</b>		

- I, Lorna Butler hereby declare that:
1. I have filed an action in the above-referenced court.
  2. I am the plaintiff in the above-referenced action.
  3. I named the defendant incorrectly on the Plaintiff's Claim and Order to Go to Small Claims Court form.
  4. The correct name and addresses are as follows:

The correct name of Fortunes Asian Cuisine, Inc. is actually "Fortunes Asian Cuisine dba Fortunes A Noodle Bar." Their address is 777 Harrah's Rincon Way, Valley Center, CA 92082, (760) 751-3100 x 3330.

The correct service address of Caesars Entertainment Operating Company, Inc. dba Harrah's Rincon Casino and Resort is actually "2710 Gateway Oaks Drive, Suite 150N, Sacramento, CA 95833."


I declare under penalty of perjury that the foregoing is true and correct this 23rd day of August 2012 in Sherman Oaks, California.

  
 Lorna Butler

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

Date: August 21, 2012

LORNA BUTLER  
 (TYPE OR PRINT NAME)

  
 (SIGNATURE OF DECLARANT)

- Attorney for  Plaintiff  Petitioner  Defendant  
 Respondent  Other (Specify):



**SC-150** Request to Postpone Trial

See instructions on other side.

① My name is: LORNA BUTLER  
Mailing address: 4717 VAN NUYS BOULEVARD, SUITE 103, SHERMAN  
OAKS, CALIFORNIA 91403  
Phone: (818) 986-9994

I am a (check one):  plaintiff  defendant in this case.

② My trial is now scheduled for (date): JULY 26, 2012

③ I ask the court to postpone my trial until (approximate date):  
SEPTEMBER 26, 2012 *approved by phone JC*

④ I am asking for this postponement because (explain):  
 If your answer will not fit in the space below, check this box and attach your answer on a separate sheet of paper. Write "SC-150, Item 4" at the top.  
I NEED TIME TO FIND OUT THE PROPER NAME OF DEFENDANTS SO I CAN SERVE THE SMALL CLAIMS LAWSUIT. ALSO I ALREADY HAVE A SMALL CLAIMS TRIAL SCHEDULED ON THE ABOVE DATE.

⑤ If your trial is scheduled within the next 10 days, explain why you did not ask for a postponement sooner.  
 If your answer will not fit in the space below, check this box and attach your answer on a separate sheet of paper. Write "SC-150, Item 5" at the top.

⑥ Has your claim been served by a method allowed by law? (See form SC-104B, What Is "Proof of Service"?, for information about how the claim can be served. Check and complete all that apply):

If your answer will not fit in the space below, check this box and attach your answer on a separate sheet of paper. Write "SC-150, Item 6" at the top.

a.  No. I am a defendant and have not filed a claim in this case.

b.  Yes. The parties listed below have been served:

(1) \_\_\_\_\_, who lives in: \_\_\_\_\_, was served on: \_\_\_\_\_  
name county date  
(2) \_\_\_\_\_, who lives in: \_\_\_\_\_, was served on: \_\_\_\_\_  
name county date

c.  No. The parties listed below have not been served (list names):  
(1) HARRAH'S RINCON CASINO AND RESORT (2) FORTUNES ASIAN CUISINE, INC.

d.  I do not know. The court clerk mailed my claim, and I do not know if the court received the signed receipt for these parties (list names):  
(1) \_\_\_\_\_ (2) \_\_\_\_\_

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

Date: July 10, 2012

LORNA BUTLER  
Type or print your name

*Lorna Butler*  
Sign here

Clerk stamps here when form is filed.  
FILED  
NORTH COUNTY DIVISION  
2012 JUL 16 AM 8:34  
(1)  
CLERK-SUPERIOR COURT  
SAN DIEGO COUNTY, CA

Fill in the court name and street address:  
Superior Court of California, County of San Diego  
325 South Melrose  
Vista, 92081  
North County Regional Center

Fill in your case number and case name:  
Case Number:  
37-2012-00012808-SC-SC-NC  
Case Name: LORNA BUTLER vs. HARRAH'S RINCON