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8 Attorney for Plaintiffs Crossley

9 SUPERIOR COURT OF THE STATE OF CALIFORNIA
10 COUNTY OF SAN FRANCISCO

11 Tom Crossley and Esma Crossley,

12 Plaintiffs,

13 vs.

14 James Walker, Senior Care Advocates, Inc.,
15 and Does 1 through 20,

16 Defendants.

Case No. CGC-07-469017

COMPLAINT FOR:

1. Elder Financial Abuse (W & I § 15610.30)
2. Fraud
3. Negligent Misrepresentation
4. Violation of Consumers' Legal Remedies Act (CC § 1750)
5. Violation of Unfair Competition Law (B & P § 17200)

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18 **PRELIMINARY ALLEGATIONS**

19 1. At all times mentioned, Plaintiffs were natural persons over the age of 18 years.

20 2. Defendants James Walker (Walker) is a natural person. Defendant Senior Care
21 Advocates, Inc. ("SCA") is business entity of unknown form.

22 3. The true names and capacities of Defendants sued as Does are unknown, and
23 Plaintiffs will amend this complaint to show their true names and capacities when this information
24 is ascertained. Each Doe defendant is in some manner responsible for the damages alleged pursuant
25 to each cause of action asserted, either through its own conduct, or vicariously through the conduct
26 of others. All further references in this complaint to any of the named defendants, or to Defendants
27 generally, shall include such fictitiously named defendants.
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1 Cal benefits. Roy instructed plaintiffs to deliver to him a check, made payable to SCA, in the
2 amount \$20,775 for such services.

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4 **FIRST CAUSE OF ACTION AGAINST ALL DEFENDANTS**
(Elder Financial Abuse)

5 10. Paragraphs 1 through 9 are incorporated by reference.

6 11. Defendants made various representations to plaintiffs that by purchasing the services
7 of defendants, plaintiffs' assets could be restructured such that plaintiffs would become eligible for
8 Medi-Cal benefits. As a direct result of these representations, plaintiffs paid Defendants \$20,775.
9 The services offered by defendants to plaintiffs, if any, were of no value to plaintiffs, or if of any
10 value, were of a value far less than the amount paid. In addition, these services were incorrect,
11 improper, ineffective, and illegal. In engaging in such conduct, defendants took, secreted,
12 appropriated, and retained the property of plaintiffs, elders, to a wrongful use within the meaning of
13 Welfare & Institutions Code § 15610.30. Defendants engaged in such conduct either directly, or
14 assisted others in such conduct.

15 12. In engaging in such conduct, defendants intended to defraud plaintiffs within the
16 meaning of Welfare & Institutions Code § 15610.30.

17 13. As a direct and proximate cause of defendants' wrongful conduct, plaintiffs have
18 been deprived of their property, namely their money, have sustained related damages of loss of
19 income on that money, and have incurred attorney's fees and costs.

20 14. In addition to all other remedies provided by law, plaintiffs are entitled to recover
21 reasonable attorney's fees and costs for financial abuse pursuant to Welfare & Institutions Code §
22 15657.5.

23 15. Defendants' conduct constituted oppression, fraud, and malice in the commission of
24 the financial abuse, and plaintiffs are entitled to recover damages for the sake of example and by
25 way of punishing defendants for financial abuse pursuant to Civil Code § 3294.

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**SECOND CAUSE OF ACTION AGAINST ALL DEFENDANTS
(Fraud)**

16. Paragraphs 1 through 15 are incorporated by reference.

17. The representations which defendants made to plaintiffs regarding the ability of defendants to restructure plaintiffs' assets so as to qualify plaintiffs for Medi-Cal benefits were false, misleading, and misrepresented both the law and defendants' intent.

18. The false and misleading statements of defendants were material to plaintiffs' decision to pay defendants, and plaintiffs relied to their detriment on them by paying defendants \$20,775.

19. Defendants knew that these statements were false and misleading and that plaintiffs would rely upon them to their detriment, and defendants thereby intended to defraud plaintiffs.

20. As a direct and proximate result of defendants' wrongful conduct, plaintiffs suffered damages as alleged herein.

21. Defendants' conduct constituted oppression, fraud, and malice, and plaintiffs are entitled to recover damages for the sake of example and by way of punishing defendants pursuant to Civil Code § 3294.

**THIRD CAUSE OF ACTION AGAINST ALL DEFENDANTS
(Negligent Misrepresentation)**

22. Paragraphs 1 through 21 are incorporated by reference.

23. In providing plaintiffs with advice, defendants owed plaintiffs a duty to provide them with accurate advice which was in plaintiffs' best interests. Defendants acted negligently and unreasonably and breached this duty by advising plaintiffs to purchase defendants' services to restructure plaintiffs' assets so as to become eligible for Medi-Cal benefits.

24. As a direct and proximate result of defendants' wrongful conduct, plaintiffs suffered damages of not less than \$20,775.

**FOURTH CAUSE OF ACTION AGAINST ALL DEFENDANTS
(Violation of Consumers' Legal Remedies Act (CC § 1750))**

25. Paragraphs 1 through 24 are incorporated by reference.

1 constituting unfair competition in violation of Business & Professions Code § 17200. The legal
2 remedy of damages is inadequate because recovering damages will not prevent the ongoing harm
3 caused by defendants' continued unfair business practices.

4 WHEREFORE, plaintiffs pray for judgment against defendants as follows:

5 1. Elder Financial Abuse (W & I Code § 15610.30):

- 6 a. Compensatory damages according to proof;
- 7 b. Reasonable attorney's fees and costs according to proof;
- 8 c. Punitive damages according to proof;
- 9 d. Treble damages pursuant to CC § 3345;

10 2. Fraud:

- 11 a. Compensatory damages according to proof;
- 12 b. Punitive damages according to proof;
- 13 c. Treble damages pursuant to CC § 3345;

14 3. Negligent misrepresentation:

- 15 a. Compensatory damages according to proof;

16 4. Violation of the Consumers' Legal Remedies Act (CC § 1750):

- 17 a. Compensatory damages according to proof;
- 18 b. Punitive damages according to proof;
- 19 c. Treble damages pursuant to CC § 3345;

20 5. Violation of Unlawful Competition Law (B & P § 17200):

- 21 a. Compensatory damages according to proof;
- 22 b. Punitive damages according to proof;
- 23 c. Treble damages pursuant to CC § 3345;

24 d. For preliminary and permanent injunctive relief prohibiting defendants from
25 engaging in further acts of unfair competition;

- 26 e. Reasonable attorney's fees and costs according to proof;

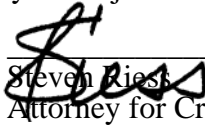
27 6. Interest pursuant to CC §§ 3287 and 3288;

28 7. Costs pursuant to CCP § 1032; and

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8. For such further relief as the court may deem just.

Dated: November 8, 2007



Steven Riess
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