

Request

This form is used to ask the court to make an order before or after the trial in a small claims case. The court will notify all plaintiffs and defendants in this case about its decision by mail, at the trial, or at a hearing (depending on when the request is filed).

If you are the person asking the court to make an order, ask the Small Claims Advisor if this is the right form for the kind of order you want. If so, follow these steps:

- Fill out page 1 of this form and file it at the clerk's office.
- If you are making this request *before* your trial, you must mail (or deliver in person) a copy of this form to all other plaintiffs and defendants in your case. *Exception:* If the plaintiff's claim has not been served, you do not have to serve this request on the other plaintiffs and defendants in your case.
- If you are making this request *after* the judge has decided your case, the clerk will mail a copy of this form to all other plaintiffs and defendants in your case. The court will give the other plaintiffs and defendants at least 10 days to answer this Request.

If you receive this form, read below, then fill out ⑦–⑩ on page 2.

Clerk stamps date here when form is filed.

Fill in court name and street address:

Superior Court of California, County of
Los Angeles
Pasadena Court House
300 East Walnut Street
Pasadena, Ca. 91101

Fill in your case number and case name below:

Case Number:

18PDSC02885

Case Name:

vs Roger
Degregori

① The person asking the court to make an order is:

Name: Roger Degregori & Acrylic & Glass Exhibits Inc.

Address: 2909 Fountain View Dr, Houston, Tx 77057

Check one: ☒ A defendant in this case ☐ A plaintiff in this case
☐ Other (explain):

② Notice to: (List names and addresses of all other defendants and plaintiffs in your case.)

Name Address

a. [Redacted]

b. [Redacted]

c. [Redacted]

☐ Check here if you need more space. Use Form MC-031 or a plain sheet of paper. Write "SC-105, Item 2" on top.

If your request is made before the trial and after the claim was served, fill out below:

I ☒ mailed ☐ delivered in person a copy of this form to everyone listed in ② on (date): 10/08/2018

③ I ask the court to make the following order (specify):

Request case Dismissal. Case Service is defective. Correct Defendant is a corporation located out of state. Defendant (either Roger Degregori or Acrylic & Glass Exhibits, Inc) have no business, location, property, operations based in Ca. - nothing, in the State of California. See attached docs please.

☒ Check here if you need more space. Use Form MC-031 or a plain sheet of paper. Write "SC-105, Item 3" on top.

④ I ask for this order because (explain and give facts of your case here):

Our understanding (from speaking with Small Claims Advisor at 213-974-9759) is that when defendant is located out of state and case does not involve either a car accident or rental property that Small Claims Court is not the correct venue in State of California.

☐ Check here if you need more space. Use Form MC-031 or a plain sheet of paper. Write "SC-105, Item 4" on top.

⑤ In making its order, I ask the court to consider the information on this form, any records on file, and, if the court holds a hearing, the evidence presented at that hearing.

⑥ I declare under penalty of perjury under California state law that the information above and on all attachments is true and correct.

Date: 10/08/2018

Roger Degregori, President

Type or print your name

Sign your name

Answer

The person listed in ① on page 1 of this form has asked the court to make an order in your small claims case.

Follow these steps to tell the court what you want to do about this request:

- Read page 1 to see what the person in ① is asking for.
- Fill out ⑦–⑩ below.
- Mail your completed form to the court right away.
- Mail a copy of this form to each plaintiff and defendant listed in ① and ② on page 1 of this form.

The court will mail its decision to all plaintiffs and defendants in this case or will make a decision at a court hearing or trial.

If you do nothing, the court may make the order without hearing from you.

⑦ The person filing this answer is:

Name: Roger Degregori, President

Address: 2909 Fountain View Dr, Houston, Tx 77057

Check one: ☒ A defendant in this case ☐ A plaintiff in this case

⑧ Tell the court what you want to do about this request.

(Check all that apply):

- a. ☒ I agree to the order requested in ③.
b. ☐ I do not agree to the order requested in ③. (Explain below:)

☐ Check here if you need more space. Use Form MC-031 or a plain sheet of paper. Write "SC-105, Item 8" on top.

c. ☐ I ask the court to have a hearing to decide this matter.

⑨ I mailed a copy of this form to everyone listed in ① and ② of this form on (date): 10/08/2018

⑩ I declare under penalty of perjury under California state law that the information above and on all attachments is true and correct.

Date: 10/08/2018

Roger Degregori

Type or print your name

? Need help?

For free help, contact your county's Small Claims Advisor:

Or, go to "County-Specific Court Information" at www.courtinfo.ca.gov/selfhelp/smallclaims

Fill in court name and street address:

Superior Court of California, County of
Los Angeles
Pasadena Court House
300 East Walnut Street
Pasadena, Ca. 91101

Fill in your case number and case name below.

Case Number:

18PDSC02885

Case Name:

[REDACTED] vs Roger
Degregori

► [Signature]
Sign your name

If the request on page 1 was made after the hearing,
the clerk fills out below.

— Clerk's Certificate of Mailing —

I certify that I am not involved in this case and (check one):

- ☐ A Certificate of Mailing is attached.
☐ The Request for Court Order and Answer was mailed first class, postage paid, to all parties at the addresses listed in ②.

On (date): _____

From (city): _____, California

Clerk, by _____, Deputy

SC-105, Item 3
Case # 18PDSC02885

████████████████████ vs Roger Degregori

Plaintiff ██████ purchased the Aquarium and stand from Acrylic & Glass Exhibit, Inc. A Texas Corporation. Please see the attached invoice and check. Roger Degregori, who plaintiff ██████ sued, did not sell the aquarium and stand to plaintiff ██████. Neither Roger Degregori, nor Acrylic & Glass Exhibit, Inc. are located in Ca. – both are located in Texas.

We have also attached the California Code CCP 116.340 and highlighted what we believe is the correct California State statute that states that an out of state party can only be sued in Ca. Small Claims Court for two reasons: 1) An Automobile accident in California or 2) case involving Real Property. This case does not involve either of these items.

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Code of Civil Procedure - CCP (<https://codes.findlaw.com/ca/code-of-civil-procedure/>) § 116.340

California Code, Code of Civil Procedure - CCP § 116.340

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(<https://codes.findlaw.com/ca/code-of-civil-procedure/ccp-116.340.html>)

(3) Service of the claim and order on the defendant may be made by any one of the following methods:

(a) The clerk may cause a copy of the claim and order to be mailed to the defendant by any form of mail providing for a return receipt.

(2) The plaintiff may cause a copy of the claim and order to be delivered to the defendant in person.

(3) The plaintiff may cause service of a copy of the claim and order to be made by substituted service as provided in subdivision (a) (<https://1.next.westlaw.com/Link/Document/FullText?findType=L&originatingContext=document&transitionType=DocumentItem&pubNum=10062014&refType=procedure/ccp-116.340.html>)

or (b) of Section 415.20 (<https://1.next.westlaw.com/Link/Document/FullText?findType=L&originatingContext=document&transitionType=DocumentItem&pubNum=10062014&refType=procedure/ccp-116.340.html>)

without the need to attempt personal service on the defendant. For these purposes, substituted service as provided in subdivision (b) of Section 415.20 (<https://1.next.westlaw.com/Link/Document/FullText?findType=L&originatingContext=document&transitionType=DocumentItem&pubNum=10062014&refType=procedure/ccp-116.340.html>) may be made at the office of the sheriff or marshal who shall deliver a copy of the claim and order to any person authorized by the defendant to receive service, as provided in Section 415.50 (<https://1.next.westlaw.com/Link/Document/FullText?findType=L&originatingContext=document&transitionType=DocumentItem&pubNum=10062014&refType=procedure/ccp-116.340.html>)

who is at least 18 years of age, and thereafter mailing a copy of the claim and order to the defendant's usual mailing address.

(4) The clerk may cause a copy of the claim to be mailed, the order to be issued, and a copy of the order to be mailed as provided in subdivision (b) of Section 116.330 (<https://1.next.westlaw.com/Link/Document/FullText?findType=L&originatingContext=document&transitionType=DocumentItem&pubNum=10062014&refType=procedure/ccp-116.340.html>)

(b) Service of the claim and order on the defendant shall be completed at least 15 days before the hearing date if the defendant resides within the county in which the action is filed, or at least 20 days before the hearing date if the defendant resides outside the county in which the action is filed.

(c) Proof of service of the claim and order shall be filed with the small claims court at least five days before the hearing.

(d) Service by the methods described in subdivision (a) shall be deemed complete on the date that the defendant signs the mail return receipt, on the date of the personal service, as provided in Section 415.20 (<https://1.next.westlaw.com/Link/Document/FullText?findType=L&originatingContext=document&transitionType=DocumentItem&pubNum=10062014&refType=procedure/ccp-116.340.html>)

or as established by other competent evidence, whichever applies to the method of service used.

(e) Service shall be made within this state, except as provided in subdivisions (f) and (g).

(f) The owner of record of real property in California who resides in another state and who has no lawfully designated agent in California for service of process may be served by any of the methods described in this section if the claim relates to that property.

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- (g) A nonresident owner or operator of a motor vehicle involved in an accident within this state may be served pursuant to the provisions on constructive service in Sections 17450 to 17454, inclusive, of the Vehicle Code (<https://1.next.westlaw.com/Link/Document/FullText?findType=1&originatingContext=document&transitionType=DocumentItem&pubNum=10000225&refType=11>) to 17454, inclusive, of the Vehicle Code (<https://1.next.westlaw.com/Link/Document/FullText?findType=1&originatingContext=document&transitionType=DocumentItem&pubNum=10000225&refType=11>) without regard to whether the defendant was a nonresident at the time of the accident or when the claim was filed. Service shall be made by serving both the Director of the California Department of Motor Vehicles and the defendant, and may be made by any of the methods authorized by this chapter or by registered mail as authorized by Section 17454 (<https://1.next.westlaw.com/Link/Document/FullText?findType=1&originatingContext=document&transitionType=DocumentItem&pubNum=10000225&refType=11>) or 17455 of the Vehicle Code (<https://1.next.westlaw.com/Link/Document/FullText?findType=1&originatingContext=document&transitionType=DocumentItem&pubNum=10000225&refType=11>).
- (h) If an action is filed against a principal and his or her guaranty or surety pursuant to a guaranty or suretyship agreement, a reasonable attempt shall be made to complete service on the principal. If service is not completed on the principal, the action shall be transferred to the court of appropriate jurisdiction.

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