

FILED

CLERK OF SUPERIOR COURT

08 MAR 11 AM 9:09

CLERK-SUPERIOR COURT
SAN DIEGO COUNTY, CA

1 **DAVID E. ALLEN, JR., ESQ.** State Bar No. 73848
2 Attorney at Law
3 19200 Von Karman, Suite 600
4 Irvine, California 92612
5 Telephone: (949) 622-5551
6 Facsimile: (949) 622-5573

7 Attorney for Plaintiffs

8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
9 **COUNTY OF SAN DIEGO - NORTH JUSTICE CENTER**

10 Danielle Grijalva, an Individual, and CSFES, a
11 California Corporation,

Case No. **37-2008-00052285-CU-DF-NC**
(Limited Jurisdiction – \$25,000)

12 Plaintiffs,

13 **COMPLAINT FOR DAMAGES**
14 **FOR**

15 vs.

- 1. Defamation
- 2. Unfair Business Practices

16 Helga Brandt, an individual; Josef Motycka, an
17 individual; ASSE INTERNATIONAL, INC., a
18 California corporation; and Does 1 through 1000,
19 inclusive,

20 Defendants

21 COMES NOW Plaintiff and alleges against the defendants:

22 **PRELIMINARY ALLEGATIONS**

- 23 1. Plaintiff Danielle Grijalva founded CSFES, a website and a non profit agency
24 that advocates for the safety and welfare of foreign exchange students. Plaintiff
25 resides and her business is based in Oceanside, California.
- 26 2. Defendant ASSE, Inc., is a student exchange agency located in Laguna Beach,
27 California. Helga Brandt is an agent or employee of defendant ASSE, Inc.
28 Josef Motycka is an agent or employee of defendant ASSE, Inc.

- 1 3. Doe Defendants 1 through Doe 1000, inclusive, are sued herein under fictitious
2 names. Their true names and capacities are unknown to plaintiff. When their
3 true names and capacities are ascertained, plaintiff will amend this complaint by
4 inserting the true names herein. Plaintiff is informed and believes and thereon
5 alleges that each of the fictitiously named defendants is responsible in some
6 manner for the occurrences herein alleged, and that plaintiff's damages as herein
7 alleged were proximately caused by those defendants. Each reference in this
8 complaint to "defendant," "defendants," or a specifically named defendant
9 refers also to all defendants sued under fictitious names.
- 10 4. Plaintiff is informed and believes and thereon alleges that at all times herein
11 mentioned each of the defendants, including all defendants sued under fictitious
12 names, in addition to direct liability for acts and omissions, were in a
13 relationship giving rise to vicarious liability and in doing the things alleged,
14 defendants were acting within the course and scope of this agency and
15 employment to be established by the evidence to be discovered.
- 16 5. Defendant ASSE, Inc. has brought students to the United States without having
17 secured proper placements for homes and schools for the students. As a result
18 problems have emerged and individuals have utilized the CSFES website in an
19 effort to address the problems encountered by students experiencing extended
20 stays in what were supposed to be temporary homes, problems with enrollment,
21 problems resulting from improper hasty placements and problems from with
22 improper placement homes.
- 23 6. CSFES, Inc. provides links to the State Department and the Federal Regulations
24 that govern student exchange programs that are certified by the State
25 Department. CSFES and Danielle Grijalva seek to empower students, parents ,
26 and workers who are concerned about the students welfare and who share the
27 goal of having the agencies live up to their responsibilities regarding the safety
28 and welfare of the students.

- 1 7. Defendant ASSE in response to the attention generated on the problems it
- 2 created, set out to malign CSFES and Danielle Grijalva with an intentional and
- 3 false campaign directed to the parents of the students and to citizens with
- 4 concerns regarding the problems caused by the ASSE's misconduct.
- 5 8. Defendants falsely accused plaintiff of the following:
- 6 a. conducting her website and agency with a "commercial purpose"
- 7 b. "manipulating facts"
- 8 c. "not portraying a clear picture"
- 9 d. "isn't interested in the welfare of the students"
- 10 e. "threatening" to send information on exchange agencies but "if got a
- 11 contribution doesn't send anything"
- 12 f. "represents herself as a federal agent"
- 13 g. "performs background checks"
- 14 h. Being a "liar"
- 15 i. Making "false statements"

16 FIRST CAUSE OF ACTION
17 (Defamation)

- 18 9. Plaintiffs realleges and incorporates herein by this reference, as though set forth
- 19 in full, the allegations in paragraphs 1 through 7, inclusive
- 20 10. Defendants made the foregoing statements with the intent to convey false and
- 21 defamatory meanings of and concerning Danielle Grijalva and CSFES.
- 22 Defendants intended to convey and did convey that Danielle Grijalva and
- 23 CSFES were corrupt, dishonest, and committing illegal acts.
- 24 11. The statements were libelous per se.
- 25 12. The defendants knew the statements were false or acted with reckless disregard
- 26 as to their truth or falsity.
- 27 13. The statements were made with the intention of injuring plaintiffs and plaintiffs'
- 28 reputation.

1 14. As a result Defendant's false and defamatory campaign, plaintiffs suffered
2 actual and consequential damages, including but not limited to damages to
3 reputation. The amount of such damages is currently unknown but is alleged to
4 be within the unlimited jurisdiction of the court and is in an amount to be shown
5 at trial.

6 15. The acts and conduct of the defendants, and each of them, were and are
7 malicious, fraudulent, oppressive, despicable, and in conscious disregard of the
8 rights of plaintiffs herein, and plaintiff demands punitive and exemplary
9 damages for the sake of punishing the defendants and to deter others from
10 engaging in such wrongful conduct in the future. The amount of these damages
11 is alleged to be within the unlimited jurisdiction of the court and in a sum
12 according to proof.

13 SECOND CAUSE OF ACTION
14 (Unfair Business Practices)
15

16 16. Plaintiffs realleges and incorporates herein by this reference, as though set forth
17 in full, the allegations in paragraphs 1 through 15, inclusive

18 17. The conduct of defendants and each of them involve practices that were
19 dishonest, deceptive, in disregard of the rights of the students and in disregard of
20 the agency's obligations under the contract by which the students and their
21 families entered the program.

22 18. By conducting business in this way, defendants obtained money without
23 providing services in conformity with the contract.

24 19. The conduct of defendants takes an unfair advantage over competitors who deal
25 with customers honestly and take remedial steps where appropriate to meet the
26 obligations to the customers.

27 20. The conduct of defendants was recurrent and a pattern of conduct and practice
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

existed such that the defendants and each of them either knew or should have known the conduct was occurring.

21. In addition to the compensatory damages, Defendants should be subjected to forfeiture and relief, including disgorgement of profits, as is allowed by law with the money to be paid into court and distributed to the aggrieved students and their natural and hoist families.

22. The acts and conduct of the defendants, and each of them, were and are malicious, fraudulent, oppressive, despicable, and in conscious disregard of the rights of plaintiffs herein, and plaintiffs demand punitive and exemplary damages for the sake of punishing the defendants and by way of example in a sum according to proof.

WHEREFORE, plaintiff prays for judgment against the defendants, and each of them, and in favor of plaintiff within the jurisdictional limit of the court as follows:

A. For general damages on all causes of action above alleged in a sum according to proof, together with interest thereon at the legal rate.

B. For special damages in a sum according to proof, together with interest.

C. For punitive and exemplary damages according to proof.

D. For costs of suit incurred herein including attorney's fees.

E. For an order of rescission of the contract.

F. For an order directing an accounting and disgorgement of profit attributable to the money collected from students brought to this country without proper placements.

G. For such other and further relief as this Court deems just and proper.

Dated: February 21, 2008



DAVID E. ALLEN, JR.
Attorney for Plaintiff

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO	
STREET ADDRESS:	325 S. Melrose
MAILING ADDRESS:	325 S. Melrose
CITY AND ZIP CODE:	Vista, CA 92081
BRANCH NAME:	North County
TELEPHONE NUMBER:	(760) 806-6346
PLAINTIFF(S) / PETITIONER(S):	Danielle Grijalva et.al.
DEFENDANT(S) / RESPONDENT(S):	Helga Brandt et.al.
GRIJALVA VS. BRANDT	
NOTICE OF CASE ASSIGNMENT	CASE NUMBER: 37-2008-00052285-CU-DF-NC

Judge: Jacqueline M. Stern

Department: N-27

COMPLAINT/PETITION FILED: 03/11/2008

CASES ASSIGNED TO THE PROBATE DIVISION ARE NOT REQUIRED TO COMPLY WITH THE CIVIL REQUIREMENTS LISTED BELOW

IT IS THE DUTY OF EACH PLAINTIFF (AND CROSS-COMPLAINANT) TO SERVE A COPY OF THIS NOTICE WITH THE COMPLAINT (AND CROSS-COMPLAINT).

ALL COUNSEL WILL BE EXPECTED TO BE FAMILIAR WITH SUPERIOR COURT RULES WHICH HAVE BEEN PUBLISHED AS DIVISION II, AND WILL BE STRICTLY ENFORCED.

TIME STANDARDS: The following timeframes apply to general civil cases and must be adhered to unless you have requested and been granted an extension of time. General civil consists of all cases except: Small claims appeals, petitions, and unlawful detainers.

COMPLAINTS: Complaints must be served on all named defendants, and a CERTIFICATE OF SERVICE (SDSC CIV-345) filed within 60 days of filing. This is a mandatory document and may not be substituted by the filing of any other document.

DEFENDANT'S APPEARANCE: Defendant must generally appear within 30 days of service of the complaint. (Plaintiff may stipulate to no more than a 15 day extension which must be in writing and filed with the Court.)

DEFAULT: If the defendant has not generally appeared and no extension has been granted, the plaintiff must request default within 45 days of the filing of the Certificate of Service.

THE COURT ENCOURAGES YOU TO CONSIDER UTILIZING VARIOUS ALTERNATIVES TO LITIGATION, INCLUDING MEDIATION AND ARBITRATION, PRIOR TO THE CASE MANAGEMENT CONFERENCE. MEDIATION SERVICES ARE AVAILABLE UNDER THE DISPUTE RESOLUTION PROGRAMS ACT AND OTHER PROVIDERS. SEE ADR INFORMATION PACKET AND STIPULATION.

YOU MAY ALSO BE ORDERED TO PARTICIPATE IN ARBITRATION PURSUANT TO CCP 1141.10 AT THE CASE MANAGEMENT CONFERENCE. THE FEE FOR THESE SERVICES WILL BE PAID BY THE COURT IF ALL PARTIES HAVE APPEARED IN THE CASE AND THE COURT ORDERS THE CASE TO ARBITRATION PURSUANT TO CCP 1141.10. THE CASE MANAGEMENT CONFERENCE WILL BE CANCELLED IF YOU FILE FORM SDSC CIV-359 PRIOR TO THAT HEARING

FILED

COUNTY DIVISION

SUM-100

SUMMONS (CITACION JUDICIAL)

**NOTICE TO DEFENDANT:
(AVISO AL DEMANDADO):**

Helga Brandt, an individual; Josef Motycka, an individual; ASSE INTERNATIONAL, INC., a California corporation; and Does 1 through 1000, inclusive,

**YOU ARE BEING SUED BY PLAINTIFF:
(LO ESTÁ DEMANDANDO EL DEMANDANTE):**

Danielle Grijalva, an Individual, and CSFES, a California Corporation

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)
08 MAR 11 AM 9:09
CLERK-SUPERIOR COURT
SAN DIEGO COUNTY, CA

You have 30 CALENDAR DAYS 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. 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.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. 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.

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 Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. 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.courtinfo.ca.gov/selfhelp/espanol/), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

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.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.courtinfo.ca.gov/selfhelp/espanol/) o poniéndose en contacto con la corte o el colegio de abogados locales.

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

San Diego Superior Court, North County Branch
325 South Melrose
Vista, California 92081

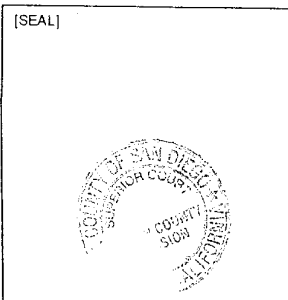
CASE NUMBER:
(Número del Caso)
37-2008-00052285-CU-DF-NC

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):
David E. Allen Jr., Esq. (state bar no: 73848)
19200 Von Karman Avenue, Suite 600, Irvine, CA 92612 Telephone: 949 622-5551

DATE: MAR 11 2008
(Fecha)

Clerk, by _____, Deputy
(Secretario) C. TERRIQUEZ (Adjunto)

(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, (POS-010)).



NOTICE TO THE PERSON SERVED: You are served

- 1. as an individual defendant.
- 2. as the person sued under the fictitious name of (specify).

3. 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)
- other (specify):

4. by personal delivery on (date):

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State, Bar number, and address):
 David E. Allen Jr., Esq. SBN 73848
 19200 Von Karman, Suite 600
 Irvine, CA 92612

TELEPHONE NO: 949 622-5551 FAX NO: 949 622-5573

FOR COURT USE ONLY
 CLERK-SUPERIOR COURT
 SAN DIEGO COUNTY, CA
 00 MAR 11 AM 9:09

ATTORNEY FOR (Name):
 SUPERIOR COURT OF CALIFORNIA, COUNTY OF San Diego
 STREET ADDRESS: 325 South Melrose
 MAILING ADDRESS:
 CITY AND ZIP CODE: Vista California 92081
 BRANCH NAME: North County Branch

CASE NAME: *Danielle Grijalva et al v. Helga Brandt et al*

CIVIL CASE COVER SHEET

Unlimited (Amount demanded exceeds \$25,000) **Limited** (Amount demanded is \$25,000 or less)

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

CASE NUMBER: **37-2008-00052285-CU-DF-NC**
 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:
- | | | |
|--|---|--|
| <p>Auto Tort</p> <p><input type="checkbox"/> Auto (22)</p> <p><input type="checkbox"/> Uninsured motorist (46)</p> <p>Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort</p> <p><input type="checkbox"/> Asbestos (04)</p> <p><input type="checkbox"/> Product liability (24)</p> <p><input type="checkbox"/> Medical malpractice (45)</p> <p><input type="checkbox"/> Other PI/PD/WD (23)</p> <p>Non-PI/PD/WD (Other) Tort</p> <p><input type="checkbox"/> Business tort/unfair business practice (07)</p> <p><input type="checkbox"/> Civil rights (08)</p> <p><input checked="" type="checkbox"/> Defamation (13)</p> <p><input type="checkbox"/> Fraud (16)</p> <p><input type="checkbox"/> Intellectual property (19)</p> <p><input type="checkbox"/> Professional negligence (25)</p> <p><input type="checkbox"/> Other non-PI/PD/WD tort (35)</p> <p>Employment</p> <p><input type="checkbox"/> Wrongful termination (36)</p> <p><input type="checkbox"/> Other employment (15)</p> | <p>Contract</p> <p><input type="checkbox"/> Breach of contract/warranty (06)</p> <p><input type="checkbox"/> Rule 3.740 collections (09)</p> <p><input type="checkbox"/> Other collections (09)</p> <p><input type="checkbox"/> Insurance coverage (18)</p> <p><input type="checkbox"/> Other contract (37)</p> <p>Real Property</p> <p><input type="checkbox"/> Eminent domain/Inverse condemnation (14)</p> <p><input type="checkbox"/> Wrongful eviction (33)</p> <p><input type="checkbox"/> Other real property (26)</p> <p>Unlawful Detainer</p> <p><input type="checkbox"/> Commercial (31)</p> <p><input type="checkbox"/> Residential (32)</p> <p><input type="checkbox"/> Drugs (38)</p> <p>Judicial Review</p> <p><input type="checkbox"/> Asset forfeiture (05)</p> <p><input type="checkbox"/> Petition re: arbitration award (11)</p> <p><input type="checkbox"/> Writ of mandate (02)</p> <p><input type="checkbox"/> Other judicial review (39)</p> | <p>Provisionally Complex Civil Litigation
 (Cal. Rules of Court, rules 3.400-3.403)</p> <p><input type="checkbox"/> Antitrust/Trade regulation (03)</p> <p><input type="checkbox"/> Construction defect (10)</p> <p><input type="checkbox"/> Mass tort (40)</p> <p><input type="checkbox"/> Securities litigation (28)</p> <p><input type="checkbox"/> Environmental/Toxic tort (30)</p> <p><input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41)</p> <p>Enforcement of Judgment</p> <p><input type="checkbox"/> Enforcement of judgment (20)</p> <p>Miscellaneous Civil Complaint</p> <p><input type="checkbox"/> RICO (27)</p> <p><input type="checkbox"/> Other complaint (not specified above) (42)</p> <p>Miscellaneous Civil Petition</p> <p><input type="checkbox"/> Partnership and corporate governance (21)</p> <p><input type="checkbox"/> Other petition (not specified above) (43)</p> |
|--|---|--|

2. This case is 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. <input type="checkbox"/> Large number of separately represented parties | d. <input type="checkbox"/> Large number of witnesses |
| b. <input type="checkbox"/> Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve | e. <input type="checkbox"/> Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court |
| c. <input type="checkbox"/> Substantial amount of documentary evidence | f. <input type="checkbox"/> Substantial postjudgment judicial supervision |
3. Remedies sought (check all that apply): a. monetary b. nonmonetary; declaratory or injunctive relief c. punitive
4. Number of causes of action (specify):
5. This case is 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: *March 10, 2008*
 David E. Allen Jr., Esq.

(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.