

1 ISSUE #1: Summary adjudication shall be granted to Plaintiff on the Second Cause of Action
2 for Breach of Written Contract. Defendant, ANDREW GOLD, has breached the written agreement
3 entered into with Plaintiff by failing to make payments due and owing to Plaintiff after Plaintiff
4 performed by lending money to Defendants. Plaintiff is entitled to recovery of ONE HUNDRED
5 TWENTY-EIGHT THOUSAND AND ONE HUNDRED SIXTEEN DOLLARS AND TWENTY-FIVE
6 CENTS (\$128,116.25).

7
8 Moving Party's Undisputed Facts and Opposing Party's Response and
9 Supporting Evidence: Supporting Evidence:

10
11 1. Plaintiff received a Promissory Note
12 in the amount of ONE HUNDRED THIRTY-
13 SIX THOUSAND ONE HUNDRED TEN
14 DOLLARS AND THIRTY-FOUR CENTS
15 (\$136,110.34) from Defendant GBD.
16 Declaration of NILIMA KAPOOR, ¶12;
17 Promissory Note, Exhibit 1.

18
19 2. Defendant, ANDREW GOLD, gave
20 Plaintiff a Continuing Guaranty on the Note
21 wherein ANDREW GOLD promised to pay
22 Plaintiff the principal sum of ONE
23 HUNDRED THIRTY-SIX THOUSAND ONE
24 HUNDRED TEN DOLLARS AND THIRTY-
25 FOUR CENTS (\$136,110.34) plus interest
26 and attorneys fees and all costs and
27 expenses incurred in the enforcement of the
28

1 Guaranty. Declaration of NILIMA KAPOOR,
2 ¶4; Continuing Guaranty of ANDREW
3 GOLD, Exhibit 3.

4
5 3. Defendant, ANDREW GOLD, signed
6 a Forbearance Agreement acknowledging
7 his continuing obligation under his Guaranty
8 and waiving any defenses to his obligation.

9 Declaration of NILIMA KAPOOR, ¶5.
10 Forbearance Agreement, Exhibit 4.

11
12 4. Defendant breached his agreement
13 by failing to make payments to Plaintiff.

14 Declaration of NILIMA KAPOOR, ¶7.

15
16 5. VEDC is entitled to the outstanding
17 principal balance of NINETY-ONE
18 THOUSAND FIVE HUNDRED NINETY-
19 FOUR DOLLARS AND THIRTY-ONE
20 CENTS (\$91,594.31), plus accrued late fees
21 of TEN THOUSAND SIX HUNDRED
22 THIRTY-THREE DOLLARS AND
23 SEVENTY CENTS (\$10,633.70), plus
24 accrued interest of NINETEEN THOUSAND
25 SIX HUNDRED SIXTEEN DOLLARS AND
26 FORTY-FIVE CENTS (\$19,616.45) through
27 February 20, 2010. Declaration of NILIMA
28

1 KAPOOR, ¶7. Payoff Statement, Exhibit 5.

2
3 6. Plaintiff is entitled to attorney's fees of
4 FIVE THOUSAND SEVEN HUNDRED SIX
5 DOLLARS AND EIGHTY-NINE CENTS
6 (\$5,706.89) and costs of FIVE HUNDRED
7 SIXTY-FOUR DOLLARS AND NINETY
8 CENTS (\$564.90). Declaration of NILIMA
9 KAPOOR, ¶8. ANDREW GOLD Guaranty
10 p.7, ¶20.

11
12 7. Plaintiff is entitled to recovery of ONE
13 HUNDRED TWENTY-EIGHT THOUSAND
14 AND ONE HUNDRED SIXTEEN DOLLARS
15 AND TWENTY-FIVE CENTS (\$128,116.25),
16 due to Defendant's failure to repay the loan.
17 Declaration of NILIMA KAPOOR, ¶¶ 7-9;
18 Payoff Statement, Exhibit 5.

19
20
21 DATED: April ____, 2012

22 MORRIS & ASSOCIATES

23
24 By: _____
25 BAYLEIGH J. PETTIGREW
26 Attorney for Plaintiff
27 VALLEY ECONOMIC DEVELOPMENT
28 CENTER, INC.

vedc-gbd.sep.stmt/4/8/2012/jch

1 **PROOF OF SERVICE**

2 STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

3 I am employed in the County of **Los Angeles**, State of California. I am over the
4 age of 18 and not a party to the within action. My business address is **2312 West Victory**
5 **Boulevard, Burbank California 91506-1227.**

6 On April _____, 2012, I served the foregoing document described as **SEPARATE**
7 **STATEMENT OF UNDISPUTED FACTS** on interested parties in this action

8 By placing: the original a true copy thereof
9 enclosed in sealed envelopes addressed as follows:

10 *****SEE ATTACHED SERVICE LIST*****

11 **BY MAIL:** I caused such envelope with postage thereon fully prepaid to be placed in
12 the United States mail at Burbank, California.

13 **BY FAX:** I caused such document to be transmitted by facsimile transmission to
14 _____, facsimile number (____) ____-____, on April _____, 2012. The
15 transmission was reported as complete and without error. A copy of the transmission
16 report is attached hereto. The transmission report was properly issued by the
17 transmitting facsimile machine.

18 **BY PERSONAL SERVICE:** I caused such an envelope to be delivered by hand to the
19 offices of the addressee.

20 Executed on April _____, 2012, at Burbank, California.

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

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

25 JUSTINE C. HASENFRATZ

Signature

1 VALLEY ECONOMIC DEVELOPMENT CENTER, INC. v.
2 GBD GRAPHICS, INC. dba GOLD GRAPHICS MANUFACTURING COMPANY, et al.
3 LASC CASE NO. LC087659
4

5 **SERVICE LIST**
6

7 KENNETH GOLD
8 15016 MOORPARK STREET
9 SHERMAN OAKS, CA 91403

10 ALBERT GOLD
11 18350 HATTERAS STREET, #168
12 TARZANA, CA 91356-1693

13 CAROLYN GOLD
14 18350 HATTERAS STREET, #168
15 TARZANA, CA 91356-1693

16 ANDREW GOLD
17 11586 KLING STREET
18 VALLEY VILLAGE, CA 91602

19 GBD GRAPHICS, INC. dba GOLD GRAPHICS MANUFACTURING COMPANY
20 c/o MITCHELL KAUFMAN – AGENT FOR SERVICE OF PROCESS
21 16633 VENTURA BLVD., SUITE 500
22 ENCINO, CA 91436
23
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27
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