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FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF RIVERSIDE

DEC 18 2006

V/S
DEC 18 2006
R



6 Attorneys for Plaintiff Pacific Wealth Management, LLC

7
8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 FOR THE COUNTY OF RIVERSIDE
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11 PACIFIC WEALTH MANAGEMENT, LLC, a)
California Limited Liability Company,)
12 Plaintiff,)
13 v.)
14 PACIFIC WEALTH MANAGEMENT LLC, a)
purported business entity of unknown origin and)
15 type; Maurice McLeod, an Individual; and)
16 DOES 1 through 1000, inclusive,)
17 Defendant.)
18)
19)

CASE NO. **RICH62505**
**COMPLAINT FOR DAMAGES AND
INJUNCTIVE RELIEF FOR TRADEMARK
INFRINGEMENT AND UNFAIR
BUSINESS PRACTICES**
[CA BUS. AND PROF. CODE §§ 14200 et.
seq. & 17200 et. seq.]

20 Plaintiff Pacific Wealth Management, LLC ("PLAINTIFF") hereby alleges as follows:

21 **GENERAL ALLEGATIONS**

22 1. PLAINTIFF is, and at all times herein mentioned was, a limited liability company
23 duly organized and existing under the laws of the State of California. PLAINTIFF was duly formed
24 as a California limited liability company in May, 2000 and has been doing business under the name
25 "PACIFIC WEALTH MANAGEMENT LLC" since that time. PLAINTIFF is a company that
26 provides financial planning, investment and consulting services to numerous individuals and entities
27 throughout the United States and abroad. PLAINTIFF's principal place of business is located in the
28 County of San Diego, California.

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3880 LEMON STREET, FIFTH FLOOR
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1 2. PLAINTIFF is informed and believes and thereon alleges that defendant Maurice
2 McLeod ("MCLEOD") is an individual residing in the County of Riverside, State of California.

3 3. PLAINTIFF is informed and believes and thereon alleges that, MCLEOD is the
4 principal or one of the principals of a purported business entity called, "PACIFIC WEALTH
5 MANAGEMENT, LLC," which is an entity wholly separate and distinct from PLAINTIFF. The
6 defendant entity bearing the same name as PLAINTIFF has no relationship whatsoever with
7 PLAINTIFF and is based in the City of Murrieta, County of Riverside, California.

8 4. The defendant designated as "PACIFIC WEALTH MANAGEMENT LLC" is a
9 purported business entity of unknown type. Despite the use of the name "PACIFIC WEALTH
10 MANAGEMENT LLC" by defendant MCLEOD, the only limited liability company duly formed in
11 the State of California with that name is Plaintiff. PLAINTIFF is further informed and believes and
12 thereon alleges that, beginning in the calendar year 2006 and continuing to the present, MCLEOD
13 began using the name "PACIFIC WEALTH MANAGEMENT LLC" for the purpose of unfairly
14 competing with PLAINTIFF and deceiving the public into thinking his entity was a legitimate
15 financial planning firm and/or was a branch office of PLAINTIFF.

16 5. Defendants DOES 1 through 1000, inclusive, are sued herein under fictitious names.
17 Their true names and capacities are unknown to PLAINTIFF. When their true names and capacities
18 are ascertained, PLAINTIFF will amend this Complaint by inserting their true names and capacities
19 herein. PLAINTIFF is informed and believes and thereon alleges that each of the fictitiously
20 named Defendants are responsible in some manner for the occurrences herein alleged, and that
21 PLAINTIFF damages as herein alleged were proximately caused by such Defendants.

22 6. PLAINTIFF is informed and believes, and thereon alleges, that at all times herein
23 mentioned, each of the Defendants, including said Doe Defendants, were the agents and/or
24 employees of each of the remaining Defendants and committed the conduct herein alleged within
25 the course and scope of said agency and/or employment.

26 ///

27 ///

28 ///

FIRST CAUSE OF ACTION

FOR TRADEMARK INFRINGEMENT [CA BUS AND PROF CODE §§ 14200, ET SEQ]

(Against all Defendants)

7. PLAINTIFF refers to and incorporates in full herein by this reference, paragraphs 1 through 6 of the General Allegations, inclusive, as if set forth in full.

8. Beginning in or about May, 2000, PLAINTIFF began use of the trade name, "PACIFIC WEALTH MANAGEMENT LLC" in business and commerce. PLAINTIFF's use of that trade name has continued to the present and PLAINTIFF has generated a substantial amount of goodwill through the use of that name.

9. PLAINTIFF is informed and believes and thereon alleges that, starting in or about 2006 and continuing to the present, Defendant MCLEOD and the defendants DOES 1 through 1000 have been using the trade name, "PACIFIC WEALTH MANAGEMENT LLC" in furtherance of its business of their efforts unfairly compete with PLAINTIFF.

10. Beginning on or about November 27, 2006, PLAINTIFF began receiving telephone inquiries from certain individuals, who claimed to have entered into a business relationship with PLAINTIFF through its Murrieta office. PLAINTIFF has no office and Murrieta, California and began an investigation of the situation. During the course of this investigation, PLAINTIFF discovered that an entity called, "PACIFIC WEALTH MANAGEMENT LLC" was being operated by defendant MCLEOD out of a Murrieta, California address, located at 26555 Mahonia Way, Murrieta, California 92620.

11. On or about December 1 2006, the defendant, designated as "PACIFIC WEALTH MANAGEMENT LLC" was personally served with a cease and desist letter, commanding it as its principals to immediately cease using the name "PACIFIC WEALTH MANAGEMENT" in business.

12. PLAINTIFF is informed and believes and thereon alleges that, at all times relevant herein, Defendants had notice of PLAINTIFF's trade name prior to engaging in their efforts to unfairly compete with PLAINTIFF.

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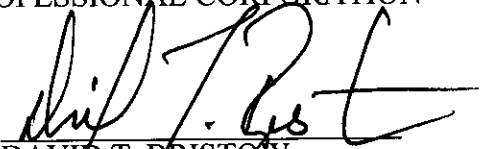
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- 4. For costs of suit;
- 5. For reasonable attorneys' fees, if recoverable; and
- 6. For such other relief as the Court deems just and proper.

DATED: December 18, 2006

REID & HELLYER
A PROFESSIONAL CORPORATION

By: 
DAVID T. BRISTOW
DANIEL E. KATZ
Attorneys for Plaintiff Pacific Wealth
Management, LLC

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ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):
David T. Bristow (SBN 166566)
Reid & Hellyer, APC
3880 Lemon Street, 5th Floor
Post Office Box 1300
Riverside, CA 92502-1300
TELEPHONE NO.: (951) 682-1771 FAX NO.: (951) 686-2415
ATTORNEY FOR (Name): Plaintiff

FOR COURT USE ONLY

SUPERIOR COURT OF CALIFORNIA, COUNTY OF RIVERSIDE
STREET ADDRESS: 4050 Main St.
MAILING ADDRESS: P. O. Box 431
CITY AND ZIP CODE: Riverside, CA 92502
BRANCH NAME:

CASE NAME: Pacific Wealth Management v. Pacific Wealth Management

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 1811)

CASE NUMBER: **RIC462505**
JUDGE:
DEPT:

Items 1-5 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> <input type="checkbox"/> Auto (22)
<input type="checkbox"/> Uninsured motorist (46)
<p>Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort</p> <input type="checkbox"/> Asbestos (04)
<input type="checkbox"/> Product liability (24)
<input type="checkbox"/> Medical malpractice (45)
<input type="checkbox"/> Other PI/PD/WD (23)
<p>Non-PI/PD/WD (Other) Tort</p> <input type="checkbox"/> Business tort/unfair business practice (07)
<input type="checkbox"/> Civil rights (08)
<input type="checkbox"/> Defamation (13)
<input type="checkbox"/> Fraud (16)
<input type="checkbox"/> Intellectual property (19)
<input type="checkbox"/> Professional negligence (25)
<input type="checkbox"/> Other non-PI/PD/WD tort (35)
<p>Employment</p> <input type="checkbox"/> Wrongful termination (36)
<input type="checkbox"/> Other employment (15) | <p>Contract</p> <input type="checkbox"/> Breach of contract/warranty (06)
<input type="checkbox"/> Collections (09)
<input type="checkbox"/> Insurance coverage (18)
<input type="checkbox"/> Other contract (37)
<p>Real Property</p> <input type="checkbox"/> Eminent domain/Inverse condemnation (14)
<input type="checkbox"/> Wrongful eviction (33)
<input type="checkbox"/> Other real property (26)
<p>Unlawful Detainer</p> <input type="checkbox"/> Commercial (31)
<input type="checkbox"/> Residential (32)
<input type="checkbox"/> Drugs (38)
<p>Judicial Review</p> <input type="checkbox"/> Asset forfeiture (05)
<input type="checkbox"/> Petition re: arbitration award (11)
<input type="checkbox"/> Writ of mandate (02)
<input type="checkbox"/> Other judicial review (39) | <p>Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 1800-1812)</p> <input type="checkbox"/> Antitrust/Trade regulation (03)
<input type="checkbox"/> Construction defect (10)
<input type="checkbox"/> Mass tort (40)
<input type="checkbox"/> Securities litigation (28)
<input type="checkbox"/> Environmental/Toxic tort (30)
<input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41)
<p>Enforcement of Judgment</p> <input type="checkbox"/> Enforcement of judgment (20)
<p>Miscellaneous Civil Complaint</p> <input type="checkbox"/> RICO (27)
<input checked="" type="checkbox"/> Other complaint (not specified above) (42)
<p>Miscellaneous Civil Petition</p> <input type="checkbox"/> Partnership and corporate governance (21)
<input type="checkbox"/> Other petition (not specified above) (43) |
|--|--|---|

2. This case is is not complex under rule 1800 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. Type of remedies sought (check all that apply):
a. monetary b. nonmonetary; declaratory or injunctive relief c. punitive

4. Number of causes of action (specify): TWO (2)

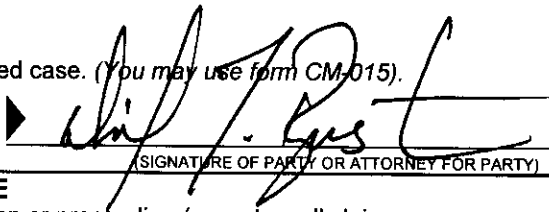
5. This case is is not a class action suit.

6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015).

Date: December 18, 2006

David T. Bristow (SBN 166566)

(TYPE OR PRINT NAME)



(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 201.8.) 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 1800 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 complex case, this cover sheet will be used for statistical purposes only.

SUPERIOR COURT OF CALIFORNIA
COUNTY OF RIVERSIDE
4050 Main Street
Riverside, CA 92501

NOTICE OF TRIAL DEPARTMENT ASSIGNMENT AND CASE MANAGEMENT CONFERENCE

PACIFIC WEALTH MANAGEMENT VS PACIFIC WEALTH MANA
CASE NO. RIC462505

The above entitled case is ASSIGNED to the HONORABLE
JUDGE DALLAS SCOTT HOLMES in Department 02 for ALL PURPOSES.

The Case Management Conference described in Rules of Court 212 is
scheduled for 09/06/07 at 8:30 am/pm in Department 02.

The plaintiff/cross-complainant shall serve a copy of the Notice of
Trial Department Assignment and Case Management Conference on all
defendants/cross-defendants named or added to the complaint and file
proof of service thereof.

Any challenge pursuant to Section 170.6 of the Civil Code of Procedure
shall be made within twenty (20) days (15 days pursuant to 68616(I) GC
plus 5 days pursuant to 1013(a) CCP) from the date of this notice of
assignment, or if the party has not yet appeared, then within fifteen
(15) days after the party's first appearance.

If this case has been assigned to a Judge Pro Tempore, whose
appointment as Commissioner is in accordance with Article Six, Section
Twenty-two of the Constitution of this State and who has been
appointed as a Temporary Judge pursuant to an order of the Court
under the authority of Article Six, Section Twenty-one of the
Constitution and Section 259 of the Civil Code of Procedure; within
ten (10) days of the date of this notice, the parties MUST file a
Notice of Non-Stipulation if they do not stipulate to the hearing of
pre-trial, trial and all subsequent post-trial law and motion matters
before the Commissioner.

Failure to file such notice within (10) days shall be deemed
acceptance of the assignment.

DATE OF NOTICE: 12/18/06

CLERK'S CERTIFICATE

I, Clerk of the above entitled Court, do hereby certify that on this
date, I provided the plaintiff(s) or plaintiffs' attorney of record
with a copy of the foregoing NOTICE.

CLERK OF THE COURT

Date: 12/18/06

by:


NATALIE TAVAGLIONE