

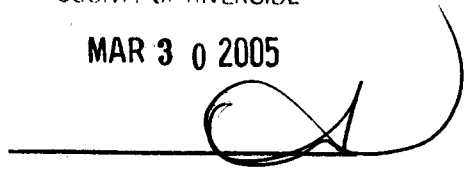
MAR 30 2005

1 GERALD L. WOLFE (SBN 180599)
KIERA B. DURGAN (SBN 191859)
2 LAW IN PROGRESS, PC
6-A LIBERTY, SUITE 220
3 ALISO VIEJO, CALIFORNIA 92656
TELEPHONE: (949)268-3180
4 FACSIMILE: (949)268-3181

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF RIVERSIDE

MAR 30 2005

5 Attorneys for Plaintiffs
STONEWOOD CONSULTING, INC., HENDRIX
6 MONTECASTRO and HELEN MONTECASTRO



7
8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 FOR THE COUNTY OF RIVERSIDE - ~~TEMECULA~~ BRANCH

RIC

CASE NO.: 42 92 79

11 STONEWOOD CONSULTING, INC.;)
HENDRIX MONTECASTRO and HELEN)
12 MONTECASTRO,)
13 Plaintiffs,)
14 vs.)
15 LINDA OPINA; RICK OPINA; ALICE)
16 DELA PENA; OSCAR DELA PENA; and)
DOES 1 through 100, inclusive,)
17 Defendants.)
18)
19)
20)

) COMPLAINT FOR:
) 1) SLANDER PER SE
) 2) INJUNCTIVE RELIEF

21 COMES NOW plaintiffs STONEWOOD CONSULTING, INC., HENDRIX
22 MONTECASTRO and HELEN MONTECASTRO and hereby complain and allege
23 as follows:

24 1. Plaintiff STONEWOOD CONSULTING, INC. (hereinafter
25 "STONEWOOD") is, and at all relevant times herein was, a
26 California corporation with its principal place of business in
27 the County of Riverside in the State of California.

1 2. Plaintiff HENDRIX MONTECASTRO is, and at all relevant times
2 herein was, a resident of the County of Riverside in the State
3 of California.

4 3. Plaintiff HELEN MONTECASTRO is, and at all relevant times
5 herein was, a resident of the County of Riverside in the State
6 of California.

7 4. Defendant LINDA OPINA (hereinafter "LINDA") is, and at all
8 relevant times herein was, a resident of the County of Riverside
9 in the State of California.

10 5. Defendant RICK OPINA (hereinafter "RICK") is, and at all
11 relevant times herein was, a resident of the County of Riverside
12 in the State of California.

13 6. Defendant ALICE DELA PENA (hereinafter "ALICE") is, and at
14 all relevant times herein was, a resident of the state of Texas.

15 7. Defendant OSCAR DELA PENA (hereinafter "OSCAR") is, and at
16 all relevant times herein was, a resident of the state of Texas.

17 8. Plaintiffs do not know the names of Defendants DOES 1
18 through 100, inclusive, and therefore sues said Defendants by
19 such fictitious names. The names, capacities and relationships
20 of DOES 1 through 100, will be alleged by amendment to this
21 Complaint when they are known. Plaintiffs are informed and
22 believe, and thereon allege, that each of said Defendants is,
23 and was, in some manner legally responsible for the events
24 alleged in this Complaint and for Plaintiffs' damages.

25 9. Plaintiffs are informed and believe, and thereon allege,
26 that at all times mentioned herein, Defendants, and each of them
27 have formed business structures to divert business opportunities
28 to the detriment of Plaintiffs.

1 10. Plaintiffs are informed and believe, and thereon allege,
2 that at all times mentioned herein, Defendants, and each of
3 them, were the agents, partners and/or employees of their co-
4 Defendants, and in doing the things alleged herein, were acting
5 in the course and scope of said partnership/agency/employment.

6 11. Plaintiffs are informed and believe, and thereon allege,
7 that each Defendant was the alter ego of its co-Defendants.

8 12. Plaintiffs are informed and believe, and thereon allege,
9 that each Defendant was operating under a fictitious business
10 name of one or more of its co-Defendants.

11
12 **GENERAL ALLEGATIONS**

13 13. STONEWOOD is a mortgage and real estate consulting company.
14 It has a wide range of employees, affiliates, and consultants
15 that feed business to STONEWOOD, two of which are plaintiffs
16 HENDRIX MONTECASTRO and HELEN MONTECASTRO (hereinafter the
17 MONTECASTROS).

18 14. Over the last several months, Defendants, and each of them,
19 have been accusing STONEWOOD, its affiliates, consultants and
20 employees, including but not limited to the MONTECASTROS, of
21 being liars, untrustworthy, thieves, crooks, and the like to
22 former, current, and potential clients of STONEWOOD.

23 15. Defendants, and each of them, have been stating to
24 STONEWOOD'S current clients, that these clients are victims of
25 the MONTECASTROS and that STONEWOOD and the MONTECASTROS are
26 "scamming you."

27 16. A Notice to Cease and Desist was delivered to Defendants
28 and each of them demanding they each cease and desist from

1 disparaging STONEWOOD and the MONTECASTROS and providing written
2 assurances they will stop disparaging STONEWOOD and the
3 MONTECASTROS.

4 17. To date, none of the Defendants have complied with the
5 Notice to Cease and Desist.

6 **FIRST CAUSE OF ACTION**

7 **SLANDER PER SE**

8 **(AS AGAINST ALL DEFENDANTS)**

9 18. Plaintiffs incorporate by reference all prior paragraphs of
10 this Complaint and makes the same as part of this cause of
11 action as though fully set forth at length.

12 19. From late 2004 through the present, Defendants and each of
13 them are defaming STONEWOOD and the MONTECASTROS, calling
14 STONEWOOD, its affiliates, consultants and employees,
15 specifically the MONTECASTROS, liars, untrustworthy, thieves,
16 crooks, and the like to former, current, and potential clients
17 of STONEWOOD and the MONTECASTROS.

18 20. These statements are false.

19 21. As a proximate result of the slanderous statement by
20 Defendants and each of them, STONEWOOD and the MONTECASTROS have
21 sustained general damages.

22
23 **SECOND CAUSE OF ACTION**

24 **INJUNCTIVE RELIEF**

25 **(AS AGAINST ALL DEFENDANTS)**

26 22. Plaintiffs incorporate by reference all prior paragraphs of
27 this Complaint and makes the same as part of this cause of
28 action as though fully set forth at length.

1 23. As alleged above, Defendants have effectively stated their
2 intention to continue disparaging STONEWOOD and the
3 MONTECASTROS, its affiliates, employees and consultants.

4 24. Defendants have not complied with the Notice to Cease and
5 Desist.

6 25. Monetary damages alone cannot adequately remedy the harm
7 STONEWOOD and the MONTECASTROS will suffer if the Defendants are
8 not enjoined from disseminating disparaging remarks regarding
9 STONEWOOD and the MONTECASTROS.

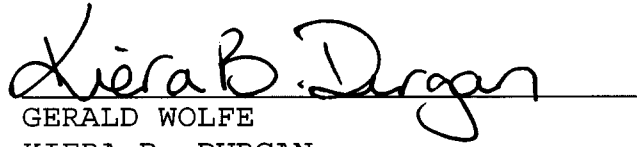
10 26. By reason of the foregoing, STONEWOOD and the MONTECASTROS
11 are entitled to a preliminary and permanent decree enjoining,
12 restraining, and prohibiting the Defendants, and all those
13 acting in concert with them from (1) disparaging or otherwise
14 impugning STONEWOOD and the MONTECASTOS.

15
16 WHEREFORE, Plaintiffs pray for judgment against all Defendants
17 as follows:

- 18 1. For a preliminary and permanent injunction enjoining,
19 restraining and prohibiting Defendants and all those
20 acting in concert with them from engaging in the acts
21 alleged or in engaging in any activity that would harm or
22 detriment Plaintiffs' interests;
- 23 2. For general damages, in an amount to be proven at trial;
- 24 3. For exemplary damages, in an amount to be proven at
25 trial;
- 26 4. For special damages, in an amount to be proven at trial;
- 27 5. For attorneys fees and costs of suit;
- 28 6. For such further relief as the court deems proper.

1 DATE: March 28, 2005

LAW IN PROGRESS

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4 GERALD WOLFE
5 KIERA B. DURGAN
6 Attorneys for Plaintiffs
7 STONEWOOD CONSULTING, INC.,
8 HENDRIX MONTECASTRO and HELEN
9 MONTECASTRO
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ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state bar number, and address): Gerald L. Wolfe (SBN 180599) LAW IN PROGRESS 6-A Liberty, Suite 220, Aliso Viejo, California 92656 TELEPHONE NO.: (949) 268-3180 FAX NO.: (949) 268-3181 ATTORNEY FOR (Name): STONEWOOD CONSULTING, INC., et al.		FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF RIVERSIDE STREET ADDRESS: 41002 County Center Drive, Suite 100 MAILING ADDRESS: CITY AND ZIP CODE: Temecula, CA 92591 BRANCH NAME: Temecula Branch		Superior Court of California County of Riverside 4050 Main St., (P. O. Box 431) Riverside, CA 92502-0431
CASE NAME: STONEWOOD CONSULTING, INC., et al. v. OPINA, et al.		
CIVIL CASE COVER SHEET <input checked="" type="checkbox"/> Unlimited (Amount demanded exceeds \$25,000)	<input type="checkbox"/> Limited (Amount demanded is \$25,000 or less)	Complex Case Designation <input type="checkbox"/> Counter <input type="checkbox"/> Joinder Filed with first appearance by defendant (Cal. Rules of Court, rule 1811)
		CASE NUMBER: <div style="font-size: 24pt; font-weight: bold; text-align: center;">42 92 79</div>
		JUDGE: DEPT.:

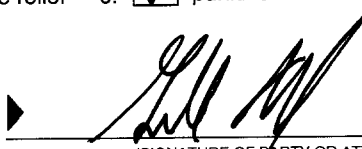
All five (5) items below must be completed (see instructions on page 2).

1. Check one box below for the case type that best describes this case:

Auto Tort <input type="checkbox"/> Auto (22) <input type="checkbox"/> Uninsured motorist (46) Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort <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) Non-PI/PD/WD (Other) Tort <input type="checkbox"/> Business tort/unfair business practice (07) <input type="checkbox"/> Civil rights (08) <input checked="" 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) Employment <input type="checkbox"/> Wrongful termination (36) <input type="checkbox"/> Other employment (15)	Contract <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) Real Property <input type="checkbox"/> Eminent domain/Inverse condemnation (14) <input type="checkbox"/> Wrongful eviction (33) <input type="checkbox"/> Other real property (26) Unlawful Detainer <input type="checkbox"/> Commercial (31) <input type="checkbox"/> Residential (32) <input type="checkbox"/> Drugs (38) Judicial Review <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)	Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 1800-1812) <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) Enforcement of Judgment <input type="checkbox"/> Enforcement of judgment (20) Miscellaneous Civil Complaint <input type="checkbox"/> RICO (27) <input type="checkbox"/> Other complaint (not specified above) (42) Miscellaneous Civil Petition <input type="checkbox"/> Partnership and corporate governance (21) <input type="checkbox"/> Other petition (not specified above) (43)
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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 post-judgment 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.
- Date: March 28, 2005

Gerald L. Wolfe
 (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, Family, 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.

Page 1 of 2

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

NOTICE OF TRIAL DEPARTMENT ASSIGNMENT AND CASE MANAGEMENT CONFERENCE

STONEWOOD VS OPINA

CASE NO. RIC429279

The above entitled case is ASSIGNED to the HONORABLE
JUDGE ROGER A LUEBS in Department 06 for ALL PURPOSES.

The Case Management Conference described in Rules of Court 212 is
scheduled for 11/30/05 at 8:30 am/pm in Department 06.

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: 04/25/05

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.

Date: 04/25/05

CLERK OF THE COURT
by: 
STACI L. HOLDER