

FILED
LOS ANGELES SUPERIOR COURT
JAN 10 2007
JOHN A. CLARKE, CLERK
Stephanie Funk
BY STEPHANIE FUNK, DEPUTY

1 Joshua D. Wayser (SBN 152711)
2 Amber Gornly (SBN 245060)
3 LORJ, BISSELL & BROOK LLP
300 South Grand Avenue, Eighth Floor
Los Angeles, CA 90071-3119
Telephone: 213.485.1500
4 Fax: 213.485.1200

5 Attorneys for Plaintiff
6 G & J GROSS, INC. dba MICKEY FINE
PHARMACY, a California Corporation

7
8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 FOR THE COUNTY OF LOS ANGELES - WEST DISTRICT

10 G & J GROSS, INC. dba MICKEY FINE
11 PHARMACY, a California Corporation

CASE NO. **SC092365**

COMPLAINT FOR:

- (1) BREACH OF ORAL CONTRACT; AND
- (2) COMMON COUNT

12 Plaintiff,

13 vs.

14 Michael J. Jackson, an individual,

15 Defendant.

Action Filed: January 9, 2007

INITIAL CASE MANAGEMENT REVIEW
AND CONFERENCE

Judge Joseph S. Biderman

APR 30 2007

Dot C 8:20 AM

16 Plaintiff G & J GROSS, INC. dba MICKEY FINE PHARMACY ("Plaintiff") hereby alleges
17 for its causes of action as follows:

18 **PRELIMINARY ALLEGATIONS**

19 1. Plaintiff G & J GROSS, INC. dba MICKEY FINE PHARMACY is a California
20 corporation with its principle place of business in the City of Beverly Hills and County of Los
21 Angeles. Plaintiff operates a pharmacy located at 433 North Roxbury Drive, Beverly Hills,
22 California 90210.

23 2. Plaintiff is informed and believes, and on that basis alleges, that Defendant Michael J.
24 Jackson is an individual and a California citizen. Plaintiff is further informed and believes, and on
25 that basis alleges, that Defendant is either residing in the County of Santa Barbara, State of
26 California, or outside of the United States, in the Kingdom of Bahrain or the Republic of Ireland.
27
28

COMPLAINT

Lore4, Bissell & Brook LLP
300 South Grand Avenue, Eighth Floor
Los Angeles, CA 90071-3119

1 Michael J. Jackson is referred to herein as "Defendant."

2 3. Plaintiff is ignorant of the true names and capacities of the defendants sued herein as
3 Does 1 through 50, inclusive, and therefore sues these defendants by such fictitious names. Plaintiff
4 is informed and believes, and on that basis, alleges that each of the defendants, including the
5 defendants named as Does herein, are the agents of each other and acted in concert with respect to
6 the conduct described herein.

7 **GENERAL ALLEGATIONS**

8 4. Defendant filled multiple prescriptions for medication with Mickey Fine Pharmacy
9 over the last two years.

10 5. Defendant and Plaintiff orally agreed that Defendant would pay Plaintiff the purchase
11 price of any prescription medications filled by Plaintiff for Defendant.

12 6. As of December 25, 2006, Defendant's payments were in arrears in the amount of
13 \$101,926.66. Defendant made his last payment in mid 2005.

14 7. Plaintiff sent monthly bills to Defendant requesting payment for the amount of money
15 owed for the prescription medications.

16 **FIRST CAUSE OF ACTION**

17 **(Breach of Oral Contract)**

18 8. Plaintiff hereby incorporates the allegations of Paragraphs 1 through 7, as if set forth
19 herein in full.

20 9. Plaintiff has performed all conditions, covenants and promises required by it to be
21 performed in accordance with the terms and conditions of the agreement to provide prescription
22 medications for Defendant as described above.

23 10. Defendant has breached that agreement by failing and refusing to pay Plaintiff the
24 sums due to Plaintiff thereunder, despite Plaintiff's repeated requests for payment.

25 **SECOND CAUSE OF ACTION**

26 **(Common Count)**

27 11. Plaintiff hereby incorporates the allegations of Paragraphs 1 through 7, and 9 through
28 10, inclusive, of this complaint as if set forth herein in full.

1 12. Defendant is indebted to Plaintiff for goods delivered to Defendant by Plaintiff (i.e.
2 the prescription medications) for which Defendant promised to pay the purchase price therefore.

3 **WHEREFORE, Plaintiff G & J GROSS, INC. dba MICKEY FINE PHARMACY**

4 respectfully prays for judgment on all of its causes of action as follows:

- 5 1. For compensatory damages against Defendant in the sum of at least \$101,926.66 or
- 6 more, according to proof, plus pre-judgment interest thereon;
- 7 2. Costs of suit and attorney's fees incurred herein by Plaintiff as allowed by law; and
- 8 3. Such other and further relief as this Court may deem just and proper.

9 Dated: January 9, 2007

10 Respectfully submitted,

11 LORD, BISSELL & BROOK LLP

12 By:

13 *Joshua D. Wayser*
14 Joshua D. Wayser
Amber Gornly

15 Attorneys For Plaintiff
16 G & J GROSS, INC. dba MICKEY FINE
17 PHARMACY, a California Corporation

18 Lord, Bissell & Brook LLP
19 300 South Grand Avenue, Eighth Floor
20 Los Angeles, CA 90071-3119