

1 Marc J. Randazza, Esq. SBN 269535
Randazza Legal Group
2 3969 Fourth Avenue, Suite 204
San Diego, CA 92103
3 888-667-1113
305-437-7662 fax
4 mjr@randazza.com

5 Attorney for PLAINTIFFS

6
7
8 **SUPERIOR COURT OF CALIFORNIA**
9 **COUNTY OF SAN DIEGO**

10 MARC RANDAZZA, an individual; JENNIFER)
11 RANDAZZA, an individual;)

12 Plaintiffs,)

13 vs.)

14 JONAS WILLIAMS, an individual; A-1)
15 PROSERV, LLC, a California LLC; PROVEST,)
LLC, a Delaware LLC; and DOES 1-10;)

16 Defendants.)

Case No.

COMPLAINT

- 1) ABUSE OF PROCESS**
2) CIVIL CONSPIRACY
3) VICARIOUS LIABILITY

17
18 Plaintiff hereby files this Complaint for Abuse of Process against Defendants and would
19 show the Court as follows:

20
21 **INTRODUCTION**

22 1. This case involves a California process server who lied about effecting service on
23 two California residents.

24 2. As the California Court of Appeals stated in *Kappel v. Bartlett*,

25 Chaos would result if the legal community could not depend on the truthfulness of
26 declarations of service of process. Public policy requires that it be regarded as
27 serious, with consequences sufficiently adverse to act as deterrence...Service of
28 process is the means by which a court having jurisdiction over the subject matter
asserts its jurisdiction over the party and brings home to him reasonable notice of

1 the action. It is an indispensable element of due process of law. *Kappel v.*
2 *Bartlett*, 200 Cal. App. 3d 1457, 1464, 246 Cal. Rptr. 815 (1988).

3 3. The Plaintiffs, Marc Randazza and Jennifer Randazza (hereinafter "Plaintiffs"), were
4 named in a Florida civil action in Seminole County, Florida titled *BAC Home Loans Servicing LP*
5 *FKA Countrywide Home Loans Servicing LP v. Jennifer Brochey, et al.*, case No 59-2009-CA-
6 010794 (hereinafter "the Florida Action").

7 4. Defendant Jonas Williams (hereinafter "Williams" or "Defendant") filed Affidavits of
8 Service in the Florida Action in which he falsely and perjurally claimed to have served the
9 Plaintiffs.

10 5. Williams, the owner of Defendant A-1 Proserv, LLC, filed an Affidavit of Service stating
11 that he personally served Marc J. Randazza on June 14, 2010 at the address of 7830 Via Capri,
12 CA 92037 with an Amended Complaint and Summons. See Exhibit A.

13 6. No such documents were ever personally served on Mr. Randazza, via individual service,
14 substitute service, or other form of delivery, nor were any such documents left at this address.

15 7. Williams has filed an additional Affidavit of Service stating that personally served
16 Jennifer Brochey (Plaintiff Jennifer Randazza) on January 18, 2010 at 7:00 a.m. at the address of
17 at the address of 7830 Via Capri, CA 92037 with a Summons and Complaint. See Exhibit B.

18 8. No such documents were ever personally served on Mrs. Randazza, via individual
19 service, substitute service, or other form of delivery, nor were any such documents left at this
20 address.

21 9. Defendant Williams' actions constitute the crime of perjury. However, as there is no
22 civil action for perjury, the Plaintiffs hereby bring this action for Abuse of Process in order to
23 compensate them for the damage caused by Williams' criminal and unethical actions, and to
24 further the cause of justice by putting an end to Williams' criminal activity.

25 JURISDICTION AND VENUE

26 10. The Defendants are residents of San Diego County, regularly do business in San Diego
27 County, and committed the acts complained of in San Diego County. Accordingly, jurisdiction
28 and venue are proper in San Diego County.

1 11. Defendant A-1 Proserv, LLC is a business located within San Diego. Exhibit C.

2 12. Defendant Provest, LLC is a Delaware business with offices located in San Diego, and
3 thus purposefully availed itself of the privilege of doing business in this jurisdiction and venue.
4 Exhibit D.

5 13. Defendants have engaged in ongoing business activities in and directed to this district,
6 and have committed tortious acts within this district; this Court has personal jurisdiction over the
7 Defendants.

8
9 **THE PARTIES**

10 14. Plaintiff Jennifer Randazza (formerly known as Jennifer Brochey) is named as a
11 defendant in the Florida Action. She is currently a resident of San Diego County.

12 15. Plaintiff Marc Randazza is an individual residing in San Diego County.

13 16. Defendant Jonas Williams is, on information and belief, a resident of San Diego County.

14 17. Defendant A-1 Proserv, LLC is the employer of Jonas Williams. It is an LLC whose
15 primary place of business is located in San Diego.

16 18. Provest, LLC employed or contracted with Williams and/or A-1 Proserv for the service of
17 process upon the Plaintiffs.

18
19 **FIRST CAUSE OF ACTION:**
20 **CLAIM FOR ABUSE OF PROCESS**
21 **(2 Counts)**

22 19. Plaintiff re-alleges and incorporates by reference, as if verbatim, each and every
23 paragraph preceding as though set forth in full herein.

24 20. Each of the subject Affidavits of Service swore that Williams had personally served the
25 Plaintiffs with process in the Florida Action.

26 21. Both of these Affidavits of Service were false.

27 22. Williams never served process upon either Plaintiff at any time.

28 23. Williams' Affidavits of Service were false, fraudulent, and perjurious.

- 1 24. A false, fraudulent, and/or perjurious declaration of service of process, such as that
2 signed and submitted by Defendant Williams, misuses the power of the court; it is an act done in
3 the name of the court and under its authority for the purpose of perpetrating an injustice.
- 4 25. The Defendants, acting with the imprimatur of the court, committed an intolerable act –
5 Defendant Williams lied in his sworn statements that he personally served Mr. Randazza and
6 Mrs. Randazza.
- 7 26. Defendants misused the legal process by making a sworn, perjurious statement before a
8 California notary.
- 9 27. The Defendants further misused the legal process by filing a perjurious document with
10 the Court—the specific perjury being a willfully false statement that Defendant Williams had
11 personally served each of the plaintiffs with process in a Florida action, when he had served
12 neither of them.
- 13 28. The requisite element of malice or ulterior motive should be inferred from the
14 Defendants' willful abuse of the process.
- 15 29. If such inference fails, malice specifically exists in that Defendants acted with malice
16 and conscious disregard for the rights of Plaintiffs in that their ulterior purpose in misusing the
17 legal process was to earn process server fees and notarization fees while not executing their
18 lawful duties to actually serve process upon the Plaintiffs.
- 19 30. Furthermore, this action was taken either with the conscious intent of causing the
20 Plaintiffs to default in the Florida Action or with reckless disregard as to the Plaintiffs' rights to
21 be informed of the action against them.
- 22 31. As a proximate result of Defendants' misuse of the legal process, Plaintiffs suffered
23 damages generally.
- 24 32. The depravity of the Defendants' misconduct fulfills all the requirements for the award of
25 exemplary damages.
- 26 33. On information and belief, the Defendants have engaged in a pattern and practice of
27 falsifying service of process documents and thus should be punished severely in order to deter
28 such conduct in the future.

SECOND CAUSE OF ACTION
CIVIL CONSPIRACY

34. Plaintiff re-alleges and incorporates by reference, as if verbatim, each and every paragraph preceding as though set forth in full herein.

35. The Defendants agreed, implicitly or explicitly, to commit the acts herein alleged.

36. The Defendants jointly operated to perpetrate the wrongful acts complained of herein.

37. The Defendants equally profited from the wrongful acts complained of herein.

38. The Defendants are jointly and severally liable for each of the wrongs.

THIRD CAUSE OF ACTION
VICARIOUS LIABILITY

39. Plaintiff re-alleges and incorporates by reference, as if verbatim, each and every paragraph preceding as though set forth in full herein.

40. Provest, LLC is vicariously liable for Defendant Williams' misdeeds as provided for under Cal Bus. & Prof. Code §22356.

WHEREFORE, Plaintiffs demand judgment against Defendants jointly and severally as follows:

1. For general damages in the amount of \$50,000.

2. For punitive damages, as authorized by Cal. Civ. Code. §§ 3294 and 1427-28 in the amount of \$250,000.

3. For a declaration from this Court that Williams' authorization to serve process in this State should be revoked immediately, that A-1 Proserv, LLC, should be similarly barred from the process server profession in this state, and that the Defendants be enjoined from further engagement in the process server profession.

4. For the costs of suit herein incurred.

///

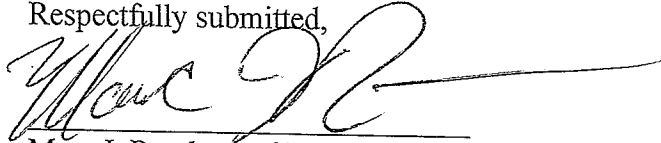
///

///

1 5. For such other and further relief as the Court may deem proper.
2

3 Dated: February 15, 2011

4 Respectfully submitted,

5 

6 Marc J. Randazza, SBN 269535

7 Randazza Legal Group

8 3969 Fourth Avenue, Suite 204

9 San Diego, CA 92103

10 619-866-5975

11 619-866-5976 (fax)

12 mjr@randazza.com

13 Attorney for Plaintiffs
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Exhibit A

PROVEST, LLC
4520 SEEDLING CIRCLE
TAMPA, FL 33614-2400

0913679

AFFIDAVIT OF SERVICE

IN THE CIRCUIT COURT OF SEMINOLE COUNTY, FLORIDA
PLAINTIFF BAC HOME LOANS SERVICING, LP FKA COUNTRYWIDE HOME LOANS SERVICING LP
vs.
DEFENDANT JENNIFER RANDAZZA A/K/A JENNIFER BROCHEY, ET AL
DEFENDANT TO BE SERVED: MARC JOHN RANDAZZA

CASE NO 59-2009-CA-010794 TYPE OF PROCESS (x) SUMMONS & COMPLAINT () LIS PENDENS
DIVISION _____ (x) OTHER AMENDED COMPLAINT

Received this process on the 06-10-2010 at 10:00AM
 served not served the within named defendant.

DATE/TIME: 06-14-2010 / 2:00D ADDRESS WHERE SERVED (OR ATTEMPTED) 7830 VIA CAPRI
LA JOLLA, CA 92037 4040

- INDIVIDUAL SERVICE: By delivering to the within named defendant a true copy of this process with the date and hour of service endorsed by me, and, at the same time I delivered to the within named defendant a copy of the complaint.
- SUBSTITUTE SERVICE: By leaving a true copy of this process with the date and hour of service endorsed by me and a copy of the complaint by leaving the copies at (his/her) usual place of abode, with some person residing therein who is fifteen years of age or older to wit: (Name) _____ (Relationship) _____, and informing such person of their contents, pursuant to F.S. 48.031.
- CORPORATE, PARTNERSHIP, ASSOCIATION OR GOVERNMENT SERVICE: By delivering a true copy of the process with the date and hour of service endorsed by me and a copy of the complaint to: _____ as (title) _____ of said entity.
- In absence of the president, vice-president, other head of the corporation, cashier, treasurer, secretary, general manager, director, officer or business agent residing in the state as defined by F.S. 48.081.
- For failure of the Registered Agent to be his/her designated place for service pursuant to 48.091 and by serving the above named person as employee of said corporation at the corporation's place of business.
- POSTED: Pursuant to F.S.48.183(1).
- NON-SERVICE: By return the same on _____ for the reason that after due and diligent search through the following methods the within named could not be located: (immediate neighbors, telephone book and information operator, U.S. Postal search, local credit bureaus, Drivers License and Department of Motor Vehicles.

Military Status: () Refused (x) No () Yes Branch: _____
 Marital Status: () Refused (x) Not married () Married () Married, but separated
 Mobile Home () Yes/VIN Not Visible (x) No () Yes Vin: _____

COMMENTS:

I hereby certify that I am not a party to the above action or suit and I am over the age of 18 years and the above affidavit is true and correct.
"Under penalties of perjury, I declare that I have read the foregoing document and that the facts stated in it are true." F.S. 92.025

[Signature]
Certified Process Server # 1518 JONAS WILLIAMS
County SAN DIEGO
 SERVER PERSONALLY KNOWN TO ME
 SERVER PRODUCED _____ AS id

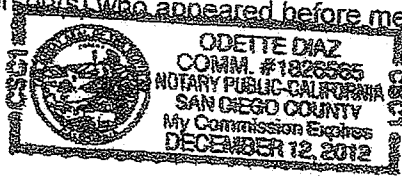
Sworn to and Subscribed before me this _____ day of _____, _____
NOTARY PUBLIC _____

SEE ATTACHED

State of California
County of San Diego

Subscribed and sworn to (or affirmed) before me on this 22nd
day of June, 2010, by Jonas Williams

proved to me on the basis of satisfactory evidence to be the
person(s) who appeared before me.



(Seal)

Signature

A handwritten signature in black ink, appearing to be 'Jonas Williams', written over a horizontal line.

Exhibit B

PROVEST, LLC
4520 SEEDLING CIRCLE
TAMPA, FL 33614-2400

0913679

AFFIDAVIT OF SERVICE

IN THE CIRCUIT COURT OF SEMINOLE COUNTY, FLORIDA
 PLAINTIFF BAC HOME LOANS SERVICING, LP FKA COUNTRYWIDE HOME LOANS SERVICING LP
 VS
 DEFENDANT JENNIFER BROCHEY, ET AL
 DEFENDANT TO BE SERVED: JENNIFER BROCHEY

CASE NO 59-2009-CA-910794 TYPE OF PROCESS (x) SUMMONS & COMPLAINT (z) LIS PENDENS
 DIVISION 14-K () OTHER _____

Received this process on the 01-15-2010 at 10:00 AM
 I (x) served () not served the within named defendant.

DATE/TIME: 01-18-10 / 7:00 AM ADDRESS WHERE SERVED (OR ATTEMPTED) 7830 VIA CAPRI
LA JOLLA, CA 92037 4040

- (x) INDIVIDUAL SERVICE: By delivering to the within named defendant a true copy of this process with the date and hour of service endorsed by me, and, at the same time I delivered to the within named defendant a copy of the complaint.
- () SUBSTITUTE SERVICE: By leaving a true copy of this process with the date and hour of service endorsed by me and a copy of the complaint by leaving the copies at (his/her) usual place of abode, with some person residing therein who is fifteen years of age or older to wit: (Name) _____ (Relationship) _____, and informing such person of their contents, pursuant to F.S. 48.031.
- () CORPORATE, PARTNERSHIP, ASSOCIATION OR GOVERNMENT SERVICE: By delivering a true copy of the process with the date and hour of service endorsed by me and a copy of the complaint to: _____ as (title) _____ of said entity.
- () In absence of the president, vice-president, other head of the corporation, cashier, treasurer, secretary, general manager, director, officer or business agent residing in the state as defined by F.S. 48.081.
- () For failure of the Registered Agent to be his/her designated place for service pursuant to 48.091 and by serving the above named person as employee of said corporation at the corporation's place of business.
- () POSTED: Pursuant to F.S. 48.183(1).
- () NON-SERVICE: By return the same on _____ for the reason that after due and diligent search through the following methods the within named could not be located: Immediate neighbors, telephone book and information operator, U.S. Postal search, local credit bureaus, Drivers License and Department of Motor Vehicles.

(x) Military Status: () Refused (x) No () Yes Branch _____
 (x) Marital Status: () Refused (x) Not married () Married () Married, but separated
 (x) Mobile Home () Yes/VIN Not Visible (x) No () Yes Vin: _____

COMMENTS:

I hereby certify that I am not a party to the above action or suit and I am over the age of 18 years and the above affidavit is true and correct.
 Under penalties of perjury, I declare that I have read the foregoing document and that the facts stated in it are true." F.S. 22.525

[Signature]
 Certified Process Server # 1518 JONAS WILKINS
 County San Diego
 () SERVER PERSONALLY KNOWN TO ME
 () SERVER PRODUCED DRIVERS LICENSE AS ID

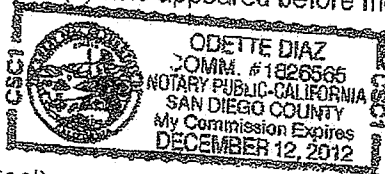
State of California
 County of _____
 Subscribed and sworn to before me on this _____ day of _____ by _____ proved to me on the basis of satisfactory evidence to be the person who appeared before me.
 (seal) _____
 Signature

See ATTACHED

State of California
County of San Diego

Subscribed and sworn to (or affirmed) before me on this 26th
day of JANUARY, 20 10, by JONAS WILLIAMS

proved to me on the basis of satisfactory evidence to be the
person(s) who appeared before me.

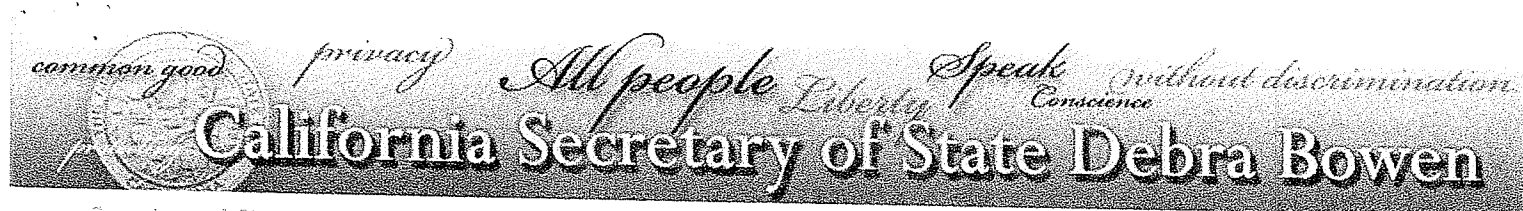


(Seal)

Signature

A handwritten signature in black ink, appearing to be "ODETTE DIAZ", written over a horizontal line.

Exhibit C



Secretary of State Administration Elections **Business Programs** Political Reform

Business Entities (BE)

Online Services

- **Business Search**
- **Disclosure Search**
- **E-File Statements**
- **Processing Times**

Main Page

Service Options

Name Availability

Forms, Samples & Fees

Annual/Biennial Statements

Filing Tips

Information Requests

(certificates, copies & status reports)

Service of Process

FAQs

Contact Information

Resources

- **Business Resources**
- **Tax Information**
- **Starting A Business**
- **International Business Relations Program**

Customer Alert

(misleading business solicitations)

Business Entity Detail

Data is updated weekly and is current as of Friday, November 05, 2010. It is not a complete or certified record of the entity.

Entity Name:	A-1 PROSERV, LLC
Entity Number:	200509810237
Date Filed:	02/22/2005
Status:	ACTIVE
Jurisdiction:	CALIFORNIA
Entity Address:	2333 FIRST AVE STE 201
Entity City, State, Zip:	SAN DIEGO CA 92101
Agent for Service of Process:	TAMARA WILLIAMS
Agent Address:	3399 RUFFIN RD STE S-1
Agent City, State, Zip:	SAN DIEGO CA 92123

* Indicates the information is not contained in the California Secretary of State's database.

* **Note:** If the agent for service of process is a corporation, the address of the agent may be requested by ordering a status report.

- For information on checking or reserving a name, refer to **Name Availability**.
- For information on ordering certificates, copies of documents and/or status reports or to request a more extensive search, refer to **Information Requests**.
- For help with searching an entity name, refer to **Search Tips**.
- For descriptions of the various fields and status types, refer to **Field Descriptions and Status Definitions**.

[Modify Search](#) [New Search](#) [Printer Friendly](#) [Back to Search Results](#)

[Privacy Statement](#) | [Free Document Readers](#)

Copyright © 2010 California Secretary of State