

The Voice



Milt Johns Finally Shows Up!

Finally, some six months after the filing of the complaint naming him as one of the defendants, Milt Johns has appeared and has filed a cross-complaint against a number of defendants, including the original plaintiff, Third Mutual. Several members have stated that they do not understand the cross-complaint and have asked about its impact on the lawsuit filed by Third Mutual.

A complaint is a claim for a money judgment or other relief, filed with a court, naming the persons or entities that allegedly have caused damage, loss, or other harm to the persons named therein as plaintiffs. The party against whom the complaint is filed is called the defendant(s). The use of these legal terms helps to clarify the position of each of the parties to the litigation and makes for easier reference to the parties in discussion of the matter.

Milton Johns was named as one of the defendants in the original complaint filed by Third Mutual. PCM, Janet Price, and other unidentified parties were also named defendants. The cross-complaint now filed by Milt Johns is his claim that the defendants named therein are responsible for his dismissal from his former position of general manager and therefore are liable for the damages and losses which he allegedly has suffered.

The original Third Mutual complaint seeks to recover those moneys taken by PCM under its Incentive Plan, allegedly without authorization. Recovery is sought from the defendants named therein. The cross-complaint presents a new and

different claim by charging Third Mutual and all of the new defendants named therein with causing damages and losses to Milt Johns. Thus, there are in effect two different claims being litigated in one lawsuit.

The cross-complaint first identifies the parties to the proceeding and states the basis for the jurisdiction of the Superior Court in Orange County. Commencing with paragraph 15, the cross-complaint sets forth general allegations or statements of alleged facts on which the claim for damages and losses is based. These statements do not require any knowledge of legal terminology to be understood. All allegations necessary to establish a right to relief from the court must be proven by evidence and oral testimony believed by the court or the jury, as the case may be, constitutes evidence.

Any claim presented to the court must be based on a right granted by the Constitution, or by statute, or by legal precedent. Complaints set forth for the court and all parties are the basis upon which the plaintiff relies for support of his claim. There may be more

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Residents Voice

Meetings

Thursday, February 17

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CH #5 6:30 pm

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