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Attorney for Defendant
OCM Mortgage Corporation

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SANTA CLARA**

Mark Klein

Plaintiff,

vs.

OCM Mortgage Corporation

Defendant.

Case No:204SC001606
Assigned to Court Room:14
Hon. Judge Kleinberg

NOTICE OF MOTION AND MOTION TO
TRANSFER SMALL CLAIMS ACTION TO
SUPERIOR COURT; MEMORANDUM OF
POINTS AND AUTHORITIES AND
SUPPORTING DECLARATION OF
SUNIL A. BRAHMBHATT, ESQ.

DATE: February 23, 2005
TIME: 9:00a.m.
COURTROOM: 14

COMES NOW, Defendant OCM, Inc., a California Corporation and request that the instant
Small Claims matter be transferred to the Superior Court of California for the County of Orange
action, as follows;

///

///

Notice of Motion and Motion to
Transfer Small Claims Action

1 **NOTICE IS HEREBY GIVEN** that, on February 23, 2005 at 9:00a.m in Courtroom 14 of
 2 the above-entitled court located at, 191 N. First Street, San Jose, CA 95113, Defendant OCM
 3 Mortgage Corporation will request the court for an Order to transfer the instant Small Claims matter
 4 to Orange County Superior Court Case No: 05CL00301; OCM, Inc., v. Mark Klein.

5 This motion is being made pursuant to Code of Civil Procedure§ 116.390 and based on this
 6 Notice of Motion, Memorandum of Points and Authorities; Declaration of Sunil A. Brahmhatt, Esq.,
 7 filed and served herewith, on the records on file herein, and such evidence as may be presented at the
 8 hearing of the motion.

9 Dated: January 18, 2005

LAW OFFICE OF
 SUNIL A. BRAHMBHATT
 A Professional Law Corporation



Sunil A. Brahmhatt, Esq.
 Attorney for Defendant OCM, Inc., a
 California Corporation

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Notice of Motion and Motion to
 Transfer Small Claims Action

III

CONCLUSION

Based on the foregoing, transfer of this small claims matter is appropriate.

Dated: January 18, 2005

LAW OFFICE OF
SUNIL A. BRAHMBHATT
A Professional Law Corporation



Sunil A. Brahmhatt, Esq.
Attorney for Defendant OCM, Inc., a
California Corporation

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DECLARATION OF SUNIL A. BRAHMBHATT, ESQ.

I, Sunil A. Brahmhbhatt, Esq., declare as follows;

1. I am a duly licensed attorney licensed to practice before all the courts within the State of California and have personal knowledge of the facts set forth hereinbelow in this declaration and can competently testify thereto, if required to do so.
2. I am the attorney of record for OCM, Inc., in the action filed in Orange County Superior Court Case No: 05CL00301 against Mark Klein.
3. Attached as Exhibit "A" hereto is a true and correct copy of the action filed in Orange County Superior Court by OCM against Mark Klein.
4. The Orange County Action arises from and relates to the same claim being asserted by Mark Klein in this instant small claims case. OCM's claims against Mark Klein is greater than \$5,000 and less than \$10,000.00.

I declare under Penalty of Perjury under the Laws of the State of California that the foregoing is true and correct.

Dated: January 18, 2005



Sunil A. Brahmhbhatt, Esq.
Declarant.

04-402 ca/appl to transfer case