

CASE NUMBER: 21CV379616

Guangjie He vs David Lawver et al

Docket prepared for:

FILING LOCATION

Santa Clara

LAST REFRESHED

Dec. 10th, 2021

CATEGORY

Breach of Contract/Warranty Unlimited(06)

FILING DATE

March 8th, 2021

PRACTICE AREA

Commercial

MATTER TYPE

Breach of Contract

Guangjie He vs David Lawver et al

This Case Was Updated 11 Months Ago

On March 08, 2021 a breach of contract/warranty unlimited(06) case was filed by [Guangjie He](#), represented by [Woody Wu](#), against [David Lawver](#), [Evans 18, Llc](#), [Joel Calvillo](#), and [Palladium Development, Llc](#), represented by [Robert Geoffrey Mack](#), in the jurisdiction of Santa Clara County.

Case Details

CASE NUMBER

21CV379616

FILING DATE

March 08, 2021

LAST REFRESHED

August 30, 2023

FILING LOCATION

Santa Clara County, CA

FILING COURT HOUSE

Santa Clara

CATEGORY

Breach of Contract/Warranty Unlimited(06)

PRACTICE AREA

Commercial

MATTER TYPE

Breach of Contract

CASE LAST UPDATE

11 Months Ago

Overview

This case arises from the Defendants' fraudulent activity/misrepresentation in certain real estate investment schemes with Plaintiff Guangjie He (hereinafter ("He" or "Plaintiff").

PARTIES

Plaintiff He is, and at all times herein mentioned was, an individual, residing in San Jose, California.

Defendant Evans 18, LLC (hereinafter "Evans 18") is a Nevada limited liability company that registered to do business in California as a foreign limited liability company, Plaintiff is informed and believes, and thereon allege, Evans 18" principal place of doing business is located in Campbell, Santa Clara County, California.

Defendant Palladium Development, LLC (hereinafter "Palladium Development") is a Delaware limited liability company that registered to do business in California as a foreign limited liability company, Plaintiff is informed and believes, and thereon allege, Palladium Development's principal place of doing business is located in Campbell, Santa Clara County, California. Plaintiff is informed and believes, and thereon alleges Palladium Development is the manager and entity that controls Evans 18.

Defendant David Lawver (hereinafter "Lawver"), is an individual that believed to

work and reside in Santa Clara County, California. Plaintiff is informed and believes, and thereon alleges Lawver is the person who controls Evans 18. Plaintiff is also informed and believes, and thereon alleges Lawver is the manager and person who controls Palladium Development.

Defendant Joel Calvillo (hereinafter "Calvillo"), is an individual that believed to work and reside in Santa Clara County, California. Plaintiff is informed and believes, and thereon alleges Calvillo is the person who controls Evans 18. Plaintiff is also informed and believes, and thereon alleges Calvillo is the person who controls Palladium Development.

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a Plaintiff is informed and believes, and thereon allege, that, at all times relevant hereto, Defendants, and each of them, were agents, servants, joint venturers, partners, employees and/or co-conspirators of the other Defendants named herein and that, at all times relevant hereto, each of the Defendants was acting within the course and scope of said relationship with said Defendants.

Plaintiff is ignorant of the true names and capacities of Defendants sued herein as

Does 1 through 20, inclusive, and therefore sue these Defendants by their fictitious names.

Plaintiff is informed and believes, and thereon alleges, that each of the fictitious named Defendants, Does | through 20, is responsible for the acts and omissions alleged herein, and/or otherwise liable to Plaintiff for payment of damages as alleged in this Statement. Plaintiff will amend this Statement to allege their true names and capacities when ascertained.

Jurisdiction

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aintiff incorporates the allegations of Paragraphs 1 through 8, infra, into this Paragraph as if fully set forth herein.

This Court has jurisdiction over corporate Defendants because they were registered to do business in California and their principal places of doing business in this State.

Specifically, Defendants have purposefully availed themselves of the marketplace in California by entering into business agreements governing activities in this State in Santa Clara County.

This Court has jurisdiction over individual Defendants Lawver and Calvillo

because they are residents living or they have engaged business giving rise to this Complaint in Santa Clara County, California.

VENUE

Plaintiff incorporates the allegations of Paragraphs | through 11, infra, into this Paragraph as if fully set forth herein.

Venue is proper because the contracts giving rise to the Complaint was entered into in this county, and the Defendants' residence or principal places of doing business are in this county.

Alter Ego

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Plaintiff incorporates the allegations of Paragraphs 1 through 13, infra, into this Paragraph as if fully set forth herein.

Plaintiff is informed and believes and thereon alleges that at all relevant times,

Defendants Lawver, Calvillo and Does 1 through 20 were and are officers, directors, managers and/or shareholders of Defendants Evans 18 and Palladium Development.

Plaintiff is informed, believes, and thereon alleges that Lawver and Calvillo

dominated and controlled Evans 18 and Palladium Development including but not limited to the following:

a) commingled funds and other assets of Evans 18 and Palladium Development with

the funds and other assets of themselves for their own convenience by placing Evans 18 and

Palladium Development's assets in their names and/or the names of other parties in order to evade payments of their obligations owed to Plaintiff and to assist in evading payment of said obligations;

b) diverted funds and other assets of Evans 18 and Palladium Development to other than corporate uses;

c) concealed and misrepresented the identity of the responsible ownership, management and financial interest of Evans 18 and Palladium Development;

d) treated the assets of Evans 18 and Palladium Development as their own;

e) diverted assets from Evans 18 and Palladium Development to themselves, to the detriment of creditors;

f) caused Evans 18 and Palladium Development not to have sufficient corporate assets;

g) under-capitalized Evans 18 and Palladium Development;

h) used Evans 18 and Palladium Development as a mere shell, instrumentality, or He v. Lawver, et al.

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conduit for their fraudulent activities;

i) conceived, intended and used Evans 18 and Palladium Development as a device to avoid personal liability and for the purpose of substituting a financially insolvent entity in place of themselves, jointly and separately;

j) used the corporate identity of Evans 18 and Palladium Development as concealment or misrepresentation of personal business activities; and

k) disregarded the legal formalities of Evans 18 and Palladium Development.

Plaintiff is informed, believes, and thereon alleges that Lawver and Calvillo are the alter ego for Evans 18 and Palladium Development.

Plaintiff is informed, believes, and thereon alleges that Lawver and Calvillo are

liable for the acts of Evans 18 and Palladium Development as alleged in this Complaint as their alter ego, and that recognition of the privilege of separate corporate existence would promote injustice.

Parties

Plaintiffs

[Guangjie He](#)

Attorneys For Plaintiffs

[Woody Wu](#)

Defendants

[David Lawver](#)

[Evans 18, Llc](#)

[Joel Calvillo](#)

[Palladium Development, Llc](#)

[Robert Geoffrey Mack](#)**Case Documents****Case Events**

June 17, 2021	Docket Event	Answer (Unlimited) (Fee Applies) to Complaint : Atty Mack	View Document
June 14, 2021	Docket Event	Clerk Rejection Letter env #6481495- answer- \$435 filing fee is required for each defendant. Please state the name of the document on the caption page.	
May 19, 2021	Docket Event	Proof of Service: Summons DLR (Civil) Proof of Service of Summons/Complaint	
March 08, 2021	Docket Event	Complaint (Unlimited) (Fee Applies)	View Document
March 08, 2021	Docket Event	Summons: Issued/Filed	
March 08, 2021	Docket Event	Civil Case Cover Sheet	
March 08, 2021	Docket Event	New Filed Case	