

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

**IN THE SUPERIOR COURT FOR THE STATE OF WASHINGTON
IN AND FOR KING COUNTY**

| | | |
|--|---|--------------------------|
| JAYAKRISHNAN K. NAIR, |) | |
| |) | |
| Plaintiff, |) | No. |
| |) | |
| vs. |) | COMPLAINT FOR ACCOUNTING |
| |) | AND FOR DAMAGES |
| |) | |
| MIDAS MULLIGAN, LLC, a Washington |) | |
| Limited Liability Company; M. ALEX TOTH |) | |
| and "JANE DOE" TOTH, husband and wife, and |) | |
| the marital community thereof, |) | |
| |) | |
| Defendants. |) | |
| |) | |
| |) | |

COMES NOW Plaintiff, by and through his attorneys of record, and complains and alleges as follows:

I. PARTIES

1.1 Plaintiff is Jayakishnan Nair, a resident of King County, Washington. He is the owner of real property located in Snoqualmie, King County, Washington, which was the subject of a separate judicial foreclosure action and redemption.

1.2 Defendant Midas Mulligan, LLC ("Midas Mulligan") is a Washington limited liability company that solicits and conducts business within the State of Washington. The principal office of Midas Mulligan is located in King County.

1 **IV. CAUSES OF ACTION**

2 4.1 Plaintiff incorporates by reference the allegations set forth in the preceding
3 paragraphs as if set forth in full herein.

4 **A. FIRST CAUSE OF ACTION: ACCOUNTING**

5
6 4.2 Plaintiff contests the correctness of Midas Mulligan’s redemption statement,
7 and seeks an accounting of the redemption statement, including all rents, profits, and
8 expenses, pursuant to RCW 6.23.090.

9 **B. SECOND CAUSE OF ACTION: DAMAGES**

10 4.3 Plaintiff seeks reimbursement for damages caused by paying an amount to
11 redeem the property in excess of the amount Midas Mulligan was entitled to receive.
12 Plaintiff’s damages, exclusive of costs, do not exceed ten thousand dollars.

13 **V. PRAYER FOR RELIEF**

14 WHEREFORE, Plaintiff, having asserted claims for relief, now prays as follows:

15
16 5.1 For an order directing Defendants to provide a detailed accounting
17 demonstrating the redemption amount to which they claimed entitlement;

18 5.2 For judgment in favor of Plaintiffs in an amount to be proven at trial;

19 5.3 For attorney fees, costs, and prejudgment and post-judgment interest as
20 allowed by statute or equity; and
21

22 5.4 For such further relief as the Court deems just and equitable in the premises.

23 DATED this 7th day of January, 2019.

24 SMITH MCBROOM, PLLC

25 /s/ Matthew J. Smith
26 MATTHEW J. SMITH, WSBA #33309
Attorneys for Plaintiff