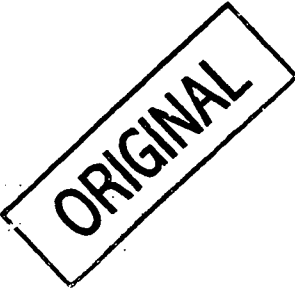


EXHIBIT A

LW @ 11:10 AM on 8/27/2020

Jonathan Frutkin (025993)
Robert N. Mann (015892)
RADIX LAW, PLC
15205 N. Kierland Blvd., Suite 200
Scottsdale, AZ 85254
Jfrutkin@radixlaw.com
mann@radixlaw.com
(602) 606-9300
Attorneys for Plaintiff



MARICOPA COUNTY, ARIZONA
SUPERIOR COURT

CV2020-054885

RADIX LAW, PLC, an Arizona professional limited liability company,

Case No. CV2020-_____

SUMMONS

Plaintiff,

v.

JPMORGAN CHASE BANK, NATIONAL ASSOCIATION, a Delaware corporation,

If you would like legal advice from a lawyer, contact the Lawyer Referral Service at 602-257-4434

or

www.maricopalawyers.org

Sponsored by the

Maricopa County Bar Association

Defendant.

FROM THE STATE OF ARIZONA TO:

JPMORGAN CHASE BANK, NATIONAL ASSOCIATION

c/o CT Corporation System

3800 North Central Avenue, Suite 460

Phoenix, Arizona 85012

YOU ARE HEREBY SUMMONED and required to appear and defend, within the time applicable in this action in this Court. If served within Arizona, you shall appear and defend within **20** days after the Service of the Summons and Complaint upon you, exclusive of the day of service. If served out of the State of Arizona – whether by direct service, by registered or certified mail, or by publication – you shall appear and defend within **30** days after the service of the Summons and Complaint upon you is complete, exclusive of the day of service. Where process is served upon the Arizona Director of Insurance as an insurer’s attorney to receive service of legal process against it in this state, the insurer shall not be required to appear, answer or plead until expiration of **40** days after date of such service upon the Director. Service by registered or certified mail

1 within the State of Arizona is complete 30 days after the date of filing the receipt and
2 affidavit of service with the Court. Service by publication is complete 30 days after the
3 date of first publication. Direct service is complete when made. Service upon the
4 Arizona Motor Vehicle Superintendent is complete 30 days after filing the Affidavit of
5 Compliance and return receipt or Officer's Return. ARCP 4; ARS §§ 20-222, 28-502,
6 28-503.

7 **YOU ARE HEREBY NOTIFIED** that in case of your failure to appear and
8 defend within the time applicable, judgment by default may be rendered against you for
9 the relief demanded in the Complaint.

10 **YOU ARE CAUTIONED** that in order to appear and defend, you must file an
11 Answer or proper response in writing with the Clerk of this Court, accompanied by the
12 necessary filing fee, within the time required, and you are required to serve a copy of any
13 Answer or response upon the Plaintiff's attorney. ARCP 5 and 10(d); ARS §12-311.

14 **ADA Notification**

15 (1) Requests for reasonable accommodation for persons with disabilities must be
16 made to the division assigned to the case by the party needing accommodation or his/her
17 counsel at least three (3) judicial days in advance of a scheduled proceeding.

18 (2) Requests for an interpreter for persons with limited English proficiency must
19 be made to the division assigned to the case by the party needing the interpreter and/or
20 translator or his/her counsel at least ten (10) judicial days in advance of a scheduled court
21 proceeding.

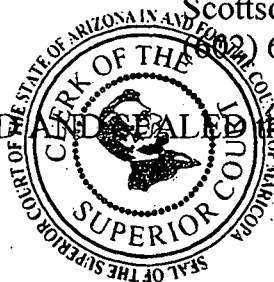
22 The name and address of Plaintiff's attorney is:

23 Robert N. Mann
24 RADIX LAW, PLC
25 15205 N. Kierland Blvd., Suite 200
26 Scottsdale, AZ 85254
27 (602) 606-9300

28 SIGNED AND SEALED this date:

AUG 26 2020

Clerk of the Court



By:

G. Roa
Deputy Clerk

... FINE, CLERK

G. Roa

In the Superior Court of the State of Arizona
In and For the County of Maricopa

Case Number CV2020-054885

CIVIL COVER SHEET- NEW FILING ONLY
(Please Type or Print)

Plaintiff's Attorney Robert N. Mann

Attorney Bar Number 015892

Is Interpreter Needed? Yes

If yes, what language(s): _____

CLERK OF THE SUPERIOR COURT
FILED
E. ROA, DEP
AUG 26 PM 2:27

Plaintiff's Name(s): (List all)	Plaintiff's Address:	Phone #:	Email Address:
Radix Law, PLC	15205 N. Kierland Blvd., Suite 200 Scottsdale, AZ 85254		602-606-9300

(List additional Plaintiffs on page two and/or attach a separate sheet).

Defendant's Name(s): (List All)	
JPMorgan Chase Bank, N.A.	3800 North Central Ave., Suite 450 Phoenix, AZ 85012

(List additional Defendants on page two and/or attach a separate sheet)

RULE 26.2 DISCOVERY TIER OR MONETARY RELIEF CLAIMED:

IMPORTANT: Any case category that has an asterisk (*) MUST have a dollar amount claimed or Tier selected. State the monetary amount in controversy or place an "X" next to the discovery tier to which the pleadings allege the case would belong under Rule 26.2.

Amount Claimed \$ _____ Tier 1 Tier 2 Tier 3

NATURE OF ACTION

Place an "X" next to the one case category that most accurately describes your primary case. Any case category that has an asterisk (*) MUST have a dollar amount claimed or Tier selected as indicated above.

100 TORT MOTOR VEHICLE:

101 Non-Death/Personal Injury* 102 Property Damage*

103 Wrongful Death*

110 TORT NON-MOTOR VEHICLE:

- 111 Negligence*
- 112 Product Liability – Asbestos*
- 112 Product Liability – Tobacco*
- 112 Product Liability – Toxic/Other*
- 113 Intentional Tort*
- 114 Property Damage*
- 115 Legal Malpractice*
- 115 Malpractice – Other professional*
- 117 Premises Liability*
- 118 Slander/Libel/Defamation*
- 116 Other (Specify) _____*

120 MEDICAL MALPRACTICE:

- 121 Physician M.D.* 123 Hospital*
- 122 Physician D.O.* 124 Other*

130 & 197 CONTRACTS:

- 131 Account (Open or Stated)*
- 132 Promissory Note*
- 133 Foreclosure*
- 138 Buyer-Plaintiff*
- 139 Fraud*
- 134 Other Contract (i.e. Breach of Contract)*
- 135 Excess Proceeds-Sale*
- Construction Defects (Residential/Commercial)*
 - 136 Six to Nineteen Structures*
 - 137 Twenty or More Structures*
- 197 Credit Card Debt (Maricopa County Only)*

150-199 OTHER CIVIL CASE TYPES:

- 156 Eminent Domain/Condemnation*
- 151 Eviction Actions (Forcible and Special Detainers)*
- 152 Change of Name
- 153 Transcript of Judgment
- 154 Foreign Judgment

- 158 Quiet Title*
- 160 Forfeiture*
- 175 Election Challenge
- 179 NCC-Employer Sanction Action (A.R.S. §23-212)
- 180 Injunction against Workplace Harassment
- 181 Injunction against Harassment
- 182 Civil Penalty
- 186 Water Rights (Not General Stream Adjudication)*
- 187 Real Property *
- Special Action against Lower Courts
(See Lower Court Appeal cover sheet in Maricopa)
- 194 Immigration Enforcement Challenge
(A.R.S. §§1-501, 1-502, 11-1051)

150-199 UNCLASSIFIED CIVIL:

- Administrative Review
(See Lower Court Appeal cover sheet in Maricopa)
- 150 Tax Appeal
(All other tax matters must be filed in the AZ Tax Court)
- 155 Declaratory Judgment
- 157 Habeas Corpus
- 184 Landlord Tenant Dispute – Other*
- 190 Declaration of Factual Innocence (A.R.S. §12-771)
- 191 Declaration of Factual Improper Party Status
- 193 Vulnerable Adult (A.R.S. §46-451)*
- 165 Tribal Judgment
- 167 Structured Settlement (A.R.S. §12-2901)
- 169 Attorney Conservatorships (State Bar)
- 170 Unauthorized Practice of Law (State Bar)
- 171 Out-of-State Deposition for Foreign Jurisdiction
- 172 Secure Attendance of Prisoner
- 173 Assurance of Discontinuance
- 174 In-State Deposition for Foreign Jurisdiction
- 176 Eminent Domain– Light Rail Only*
- 177 Interpleader– Automobile Only*
- 178 Delayed Birth Certificate (A.R.S. §36-333.03)
- 183 Employment Dispute- Discrimination*

- 185 Employment Dispute-Other*
- 196 Verified Rule 45.2 Petition
- 195(a) Amendment of Marriage License
- 195(b) Amendment of Birth Certificate

163 Other*
Declaratory Judgment
 (Specify)

EMERGENCY ORDER SOUGHT

- Temporary Restraining Order
- Provisional Remedy
- OSC
- Election Challenge
- Employer Sanction
- Other (Specify) _____

COMMERCIAL COURT (Maricopa County Only)

This case is eligible for the Commercial Court under Rule 8.1, and Plaintiff requests assignment of this case to the Commercial Court. More information on the Commercial Court, including the most recent forms, are available on the Court's website at:

<https://www.superiorcourt.maricopa.gov/commercial-court/>.

Additional Plaintiff(s):

Additional Defendant(s):

VENUE AND JURISDICTION

1
2 3. The services provided and the acts and omissions alleged herein occurred
3 in Maricopa County, Arizona, at the offices of Radix Law.

4 4. Radix Law is an Arizona professional limited liability company with its
5 principal place of business in Maricopa County, Arizona, at 15205 N. Kierland Blvd.,
6 Suite 200, Scottsdale, AZ 85254. The amount in controversy exceeds this Court's
7 minimum jurisdictional amount.

8 5. Venue and jurisdiction are proper in Maricopa County, Arizona,
9 Superior Court.

10 **FACTS COMMON TO ALL CLAIMS**

11 6. On March 27, 2020, the Coronavirus Aid, Relief, and Economic Security
12 Act (the "CARES Act") was signed into law. The CARES Act, among other
13 provisions, established the Paycheck Protection Program (the "PPP"). On April 24,
14 2020, additional PPP funding was provided by law on substantially the same terms as
15 the original PPP.

16 7. On March 30, 2020, the U.S. Department of Treasury (the "Treasury")
17 released a fact sheet (the "Fact Sheet") to Defendant and other PPP authorized lenders
18 explaining certain aspects of the PPP.

19 8. The PPP provides the basis for compensation to certain professionals,
20 including law firms, that assist clients with the PPP application.

21 9. In part, the Fact Sheet lists individuals and entities that would be
22 recognized as applicant agents. PPP agents include attorneys.

23 10. The fact sheet also requires lenders who accept and issue PPP loans to
24 compensate PPP agents.

25 11. In part, the Fact Sheet states: "The lender will pay the agent. Agents may
26 not collect any fees from the applicant."

27 12. Moreover, on April 2, 2020, the Treasury released its Interim Final Rule
28 (the "Final Rule"). The Final Rule re-iterates the information provided by the Fact

1 Sheet. "Agent fees will be paid by the lender out of the fees the lender receives from
2 SBA. Agents may not collect fees from the borrower or be paid out of the Program
3 loan proceeds."

4 13. The PPP provides for substantial origination fees to be paid to lenders,
5 making the PPP a significant source of income for those lenders who chose to
6 participate.

7 14. PPP lenders that process PPP loans receive a processing fee equal to a
8 specific percentage of each loan amount.

9 15. To compensate PPP Lenders for their services in assisting Bank
10 Customers, the applicable rules provide that a PPP Lender is entitled to receive
11 origination fees of 5% on loans up to \$350,000; 3% on loans between \$350,000 and \$2
12 million; and 1% on loans between \$2 million and \$10 million.

13 16. That is, a PPP lender could receive up to \$17,500 for processing loans up
14 to \$350,000; up to \$60,000 for processing loans between \$350,000 and \$2 million; and
15 up to \$100,000 for processing loans between \$2 million and \$10 million.

16 17. A PPP Agent's must be paid from these lender origination fees. The total
17 amount that an agent may collect from the lender for assistance in preparing an
18 application for a PPP loan are 1 percent for loans of not more than \$350,000; 0.5
19 percent for loans of more than \$350,000 and less than \$2 million; and 0.25 percent for
20 loans of at least \$2 million.

21 18. Radix Law is the agent and authorized PPP representative for a PPP loan
22 borrower of Defendant. Radix Law made demand for payment as a PPP agent, with
23 Defendant rejecting said demand. In all, Radix Law was the agent for ten Chase clients
24 who obtained PPP loans through Chase totaling more than \$700,000.00.

25 19. Prior to and throughout the PPP's implementation and funding, Radix
26 Law dedicated dozens if not hundreds of hours to preparing for the launch, learning the
27 PPP's terms, organizing client packages, and submitting their applications.

28

1 **FIRST CLAIM FOR RELIEF**

2 **(Declaratory judgment)**

3 20. Radix Law incorporates herein all prior allegations.

4 21. The PPP and implementing rules and regulations require lenders, such as
5 Defendant, to compensate PPP agents, such as Plaintiff.

6 22. The formula to calculate the payment is set forth in the PPP and
7 implementing rules and regulations, as alleged above.

8 23. Upon submitting the PPP application to Defendant, Radix Law advised
9 that it was entitled to payment as an agent of 1% of the loan. Defendant did not at any
10 time during the PPP process object to paying Radix Law this fee. However, after
11 completing the loan process, and despite demand, Defendant has failed and refused to
12 compensate Radix Law as required.

13 24. Radix Law is entitled to a declaration from this Court requiring
14 Defendant to compensate Radix Law according to the schedule set forth above and in
15 the PPP and implementing rules and regulations.

16 **SECOND CLAIM FOR RELIEF**

17 **(Arizona Consumer Fraud Act ARS sec. 44-1522 et seq.)**

18 25. Radix Law incorporates herein all prior allegations.

19 26. Defendant used a material false pretense and/or concealed its intent not
20 to abide by the PPP when seeking PPP loan applications through PPP agents, such as
21 Radix Law. The PPP loans and services offered by Defendant are merchandise under
22 Arizona's consumer fraud statute.

23 27. Through advertising and marketing releases, Defendant targeted Plaintiff
24 and other PPP agents and intended PPP agents, such as Plaintiff, to rely on Defendant
25 complying with the requirement to compensate PPP agents. Defendant did not object
26 to Radix Law's fee during the PPP loan process.

27 28. Radix Law relied on and has been damaged by Defendant.

28

1 29. In addition to damages, Radix Law is entitled to statutory and other
2 damages.

3 **THIRD CLAIM FOR RELIEF**

4 **(Unjust Enrichment)**

5 30. Radix Law incorporates herein all prior allegations.

6 31. Defendant accepted the benefits of the PPP and knew of and was
7 benefitted by Radix Law's work on behalf of Defendant's clients.

8 32. Defendant has been compensated and/or will be compensated under the
9 PPP for securing PPP loans for its customers, including the customer alleged herein
10 who retained Radix Law to submit its PPP application to Defendant.

11 33. PPP agent fees are included in the origination fees paid to Lenders,
12 including Defendant, and are by law and otherwise required to be paid to PPP agents.

13 34. Radix Law to its detriment invested substantial time to learn PPP
14 guidelines, obtain and organize client information, and submit client packages to
15 lenders, including as alleged herein.

16 35. Defendant obtained a benefit as a result of Radix Law's work, to Radix
17 Law's detriment.

18 36. It would be unjust to allow Defendant to benefit from Radix Law's work
19 without compensating Radix Law as required by law and otherwise.

20 37. Defendant has caused Radix Law damages.

21 WHEREFORE, having pled its claims against Defendant, Plaintiff Radix Law
22 requests the following relief:

23 A. That Plaintiff be awarded damages;

24 B. That Plaintiff be awarded interest on all amounts at the highest lawful
25 rate;

26 C. That Plaintiff be awarded all costs and fees as allowed by applicable law;

27 D. That Plaintiff be awarded any statutory damages as allowed by law;

28

1 E. That Plaintiff obtain a judicial declaration confirm the requirements of
2 the PPP as alleged herein, requiring Defendant to pay the PPP agent fees mandated by
3 the PPP; and

4 F. That Plaintiff be awarded such other relief as the Court deems just.

5 Dated this 26th day of August, 2020.

6
7 **RADIX LAW, PLC**

8
9 By: 

10 Jonathan Frutkin (#025993)
11 Robert N. Mann (#015892)
12 15205 N. Kierland Blvd., Suite 200
13 Scottsdale, AZ 85254
14 *Attorneys for Plaintiff*
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