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(Plaintiff Pro Se)

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
COUNTY OF LOS ANGELES  
LIMITED CIVIL CASE – SPRING STREET COURTHOUSE

DOUGLAS KRUSCHEN, an individual,

*Plaintiff,*

v.

ANNANDALE TOWNHOUSE  
ASSOCIATION, INC., a California nonprofit  
mutual benefit corporation; FRANK DANIEL  
GREICO, an individual; JAMES  
GROSSMAN, an individual; VICTOR RENE  
MARTINEZ, an individual; SCOTT PERL,  
an individual; ANTHONY JOHN WAGNER,  
an individual; and DOES 1 through 10,  
inclusive,

*Defendants.*

Case No.: 25STLC01381

VERIFIED FIRST AMENDED  
COMPLAINT FOR:

- (1) DECLARATORY RELIEF  
(Corporations Code § 7616);
- (2) DECLARATORY RELIEF (Civil  
Code § 5145);
- (3) RESTITUTION AND OTHER  
EQUITABLE RELIEF (Civil Code §  
5145)

[Assigned for All Purposes to Hon.  
Karine Mkrtchyan, Department 25]

*AMOUNT DEMANDED EXCEEDS  
\$10,000.*

**INTRODUCTION**

1. Plaintiff DOUGLAS KRUSCHEN (“Plaintiff”) brings this verified action to challenge the results of the 2024 director election conducted by Defendant ANNANDALE TOWNHOUSE ASSOCIATION, INC. (“Association”) due to material violations of governing laws and the Association’s governing documents that rendered the election invalid and unlawful.

1 2. Plaintiff seeks judicial declarations and equitable relief including:

- 2 • A determination that the 2024 election of corporate directors is invalid and
- 3 void;
- 4 • An order compelling the Association to conduct a new, lawfully administered
- 5 election consistent with the Davis-Stirling Act (“DSA”), the Corporations
- 6 Code, and the Association’s governing documents;
- 7 • Statutory penalties for multiple violations of Civil Code § 5145; and
- 8 • Additional equitable relief necessary to enforce Plaintiff’s membership rights.

8 **PARTIES AND VENUE**

- 9 3. Plaintiff is, at all relevant times, the record owner of a separate interest within the
- 10 Association and a member in good standing entitled to full participation in
- 11 Association elections and governance.
- 12 4. Defendant ANNANDALE TOWNHOUSE ASSOCIATION, INC. is a California
- 13 nonprofit mutual benefit corporation incorporated in 1973, with its principal place of
- 14 business in Los Angeles County. The Association operates a common interest
- 15 development subject to the DSA (Civ. Code § 4000 et seq.) and the Nonprofit Mutual
- 16 Benefit Corporation Law (Corp. Code § 7110 et seq.).
- 17 5. Defendants FRANK DANIEL GREICO, JAMES GROSSMAN, VICTOR RENE
- 18 MARTINEZ, SCOTT PERL, and ANTHONY JOHN WAGNER (collectively,
- 19 “Individual Defendants”) are nominally named members of the Association whose
- 20 election or appointment is contested and who are required to be joined as
- 21 indispensable parties pursuant to Corporations Code § 7616.
- 22 6. Venue is proper in this Court pursuant to Code of Civil Procedure §§ 395 and 395.5
- 23 because the Association’s principal office and the subject matter of the dispute are
- 24 located in this judicial district.

23 **PLAINTIFF’S RELEVANT OTHER LITIGATION INVOLVING THE**

24 **ASSOCIATION**

- 25 7. Plaintiff has been previously involved in litigation involving the Association
- 26 regarding its governance and election-related disputes. These legal actions include,
- 27 but are not limited to:
- 28

- *Los Angeles Superior Court Case No. 19VECP00459* (2019): Plaintiff sought permanent reductions to the election quorum percentages in the Association’s Bylaws pursuant to Corporations Code § 7515.
  - *Los Angeles Superior Court Case No. 20STLC07815* (2020): Plaintiff sought relief for defamation.
  - *Los Angeles Superior Court Case No. 23VECP00088* (2023): Plaintiff sought the removal of a Director “due to fraudulent or dishonest acts or gross abuse of authority or discretion with reference to the corporation and bar [them] from reelection and appointment.”
  - *Los Angeles Superior Court Case No. 23VECV05191* (2023): Plaintiff sought relief against the Association for similar election violations and failures in its fiscal year 2023 election pursuant to Corporations Code § 7616 and Civil Code § 5145.
8. In prior litigation (19VECP00459), the Court ordered the Bylaws (**Exhibit A**) amended to reflect reduced election quorum percentages, thereby facilitating fairer election procedures for all Association members.
9. In prior litigation (20STLC07815), the Court entered judgment in Plaintiff’s favor awarding damages.
10. In prior litigation (23VECP00088), the matter was “resolved to the satisfaction of all parties.”
11. In prior litigation (23VECV05191), the Court entered judgment (**Exhibit B**) in Plaintiff’s favor, invalidating the fiscal year 2023 election due to violations and failures.
12. Despite repeated judicial interventions, the Association has persistently disregarded its legal obligations, continuing to violate election procedures and governing laws.

#### **GENERAL ALLEGATIONS**

13. The alleged 2024 election was conducted in material violation of the DSA, the Corporations Code, the Association’s Bylaws, and the Association’s Election and Voting Rules (**Exhibit C**), including but not limited to:
- a. Failure to provide timely and proper delivery of candidate nomination forms to all eligible members including Plaintiff (Civ. Code § 5105);

- 1           b. Omission or improper distribution of election materials and ballots (Civ. Code  
2           § 5115);
- 3           i. Plaintiff nor his attorney-in-fact were provided any materials.
- 4           ii. The Association also intentionally omitted any return address on its  
5           election mailings, effectively disguising them in a manner likely to  
6           cause confusion or dismissal by recipients. This tactic hindered voter  
7           participation by reducing the likelihood that members would recognize  
8           or open time-sensitive election materials. As a direct result of this  
9           concealment, voter turnout in the 2024 election was markedly low,  
10          further compromising the legitimacy of the election and  
11          disenfranchising the membership.
- 12          iii. This conduct demonstrates the Association's ongoing efforts to  
13          suppress engagement and manipulate electoral outcomes in violation  
14          of the DSA and the Association's own Election Rules.
- 15        c. Failure to disclose or provide access to the Association's current Election  
16        Rules (Civ. Code § 5105(g));
- 17           i. The Association misrepresented the availability of its Election and  
18           Voting Rules by directing members to a website—  
19           www.annandaletownhomes.com—for access. **(Exhibit D)**. This  
20           website is not owned, operated, maintained, or controlled by the  
21           Association and, in fact, does not contain the Association's Election  
22           Rules or any relevant governing materials. Instead, it links to a  
23           commercial website promoting the sale of townhomes located in  
24           Annandale, Virginia, and bears no connection to the Association's  
25           development in Los Angeles County.
- 26           ii. This false reference frustrated members' statutory right under Civil  
27           Code § 5105(g) to access current Election and Voting Rules and  
28           constitutes a willful act of misdirection that further undermined the  
          fairness and transparency of the 2024 election process.
- d. Lack of impartiality and transparency in the actions of the Inspector(s) of  
          Election (Civ. Code § 5110);

- 1 e. Refusal to permit Plaintiff and others to nominate for office in violation of  
2 rights protected under the governing documents and statutory law.
- 3 f. Plaintiff submitted a written request for inspection and copy (**Exhibit E**) of  
4 2024 election-related materials pursuant to Civil Code § 5200. The  
5 Association ignored this request, continuing its pattern of obstructing member  
6 rights and transparency.
- 7 g. The Association issued a notice and agenda (**Exhibit F**) for a board meeting  
8 concerning the election that was materially deficient in that it failed to  
9 disclose the physical location or address where the meeting would occur. This  
10 omission violates Civil Code § 4920(c), which requires that the notice of a  
11 board meeting specify the time, date, and location. The failure to provide this  
12 basic information obstructed member attendance and participation, further  
13 eroding the integrity of the election process and the Association's governance  
14 practices.
- 15 h. The Association failed to notify members that one of the disclosed director  
16 nominees had passed away prior to ballot distribution. Although the nominee  
17 was publicly disclosed to the membership as a candidate, the Association did  
18 not update or inform the membership of the nominee's death, nor did it make  
19 a good faith effort to replace or otherwise account for the vacancy on the  
20 ballot. This omission rendered the pre-ballot disclosure materially misleading  
21 and contributed to confusion during the voting process. The Association's  
22 silence on this development frustrated members' ability to cast informed votes  
23 and undermined the transparency and fairness required by Civil Code §§ 5105  
24 and 5115. The failure to update or clarify nominee eligibility prior to issuing  
25 ballots constitutes an additional procedural violation under the Davis-Stirling  
26 Act and further impairs the integrity of the 2024 election.

24 14. These violations are consistent with similar prior misconduct by the Association, as  
25 alleged in Plaintiff's previous successful litigation (see Paragraphs 7-11).

26 15. As a direct result of the Association's actions, Plaintiff was:

- 27 • Denied the opportunity to run for the board;
- 28 • Excluded from full participation in the nomination and voting process;

- Prevented from inspecting relevant election records and procedures; and
- Deprived of the opportunity to ensure a fair election process as a member in good standing.

16. On January 16, 2025, Plaintiff issued written notice to the Association (**Exhibit G**), through its designated Inspector of Election, offering the opportunity to self-correct by invalidating the election voluntarily. The Association declined to act, necessitating this litigation.

17. True and correct copies of relevant documents, redacted as necessary, supporting Plaintiff's claims, including the prior judgment, pre-litigation notice, and post-election inspection and copy request, are attached hereto as Exhibits A through E and incorporated by reference.

18. At all times, Plaintiff's objective has been to vindicate the statutory and procedural rights of all members by enforcing lawful and fair electoral procedures and ensuring compliance with governing laws applicable to HOA governance. Plaintiff's litigation history reflects a principled and consistent effort to secure compliance—not a personal grievance over electoral outcomes. Plaintiff holds a community association manager license in the State of Florida, a jurisdiction which requires mandatory pre-licensure education, examination, and continuing education for licensure. Plaintiff's professional background informs his understanding of lawful governance and further underscores the seriousness of the Association's deviations.

19. If their past conduct is any guide, Defendants will predictably argue that their violations are *de minimis* and portray Plaintiff's insistence on lawful process as petty or nitpicky. This tactic is neither novel nor persuasive. Under Civil Code § 5145(a), once a member establishes that a violation of the DSA has occurred, the burden shifts to the association—not the member—to prove that the violation did not affect the outcome of the election. No showing of actual prejudice is required; statutory noncompliance itself triggers judicial scrutiny. Characterizing these violations as technical or immaterial disregards the purpose of the DSA: to ensure open, transparent, and equitable governance. Courts have repeatedly affirmed that procedural requirements under the Act are not mere formalities but critical safeguards to protect member rights and electoral legitimacy. (See, e.g., *Wittenberg v. Beachwalk*

1 *Homeowners Assn.* (2013) 219 Cal.App.4th 867, 881 [discussing the statutory  
2 framework governing HOA elections and the requirement that HOA election rules  
3 comply with the Davis-Stirling Act]; *Cabrini Villas Homeowners Assn. v. Zuniga*  
4 (1995) 33 Cal.App.4th 1072, 1079 [procedural noncompliance by an HOA may  
5 render its actions legally invalid].) Here, the violations at issue are not isolated or  
6 harmless—they include the exclusion of members from nomination, defective ballot  
7 procedures, and refusal to disclose election records, all of which directly impair core  
8 participation rights. Defendants may also attempt to discredit Plaintiff by portraying  
9 him as overzealous. But that narrative collapses under the record. In each of  
10 Plaintiff's prior legal actions referenced, Plaintiff has prevailed—including orders to  
11 amend bylaws, a judgment for defamation, the invalidation of a prior election, and a  
12 substantial award of attorney's fees and costs. This is not a history of meritless  
13 litigation—it is a documented pattern of judicially validated statutory enforcement.  
14 Attempts to recast lawful advocacy as personal grievance should be recognized for  
15 what they are: attempts to deflect from wrongdoing by attacking the messenger rather  
16 than addressing the message.

17 20. Here, Defendants' conduct escalates beyond mere procedural neglect. Defendant  
18 Victor Martinez, under penalty of perjury, submitted a declaration (**Exhibit H**) in  
19 appellate Case No. B337889, purporting to describe the 2024 election process while  
20 defending the procedural legitimacy of the Association's actions. The declaration,  
21 signed on April 4, 2024, falsely attests to material events, including the status and  
22 qualifications of the election inspector, that were allegedly to occur in September  
23 2024, rendering the timeline facially impossible. Among other misstatements,  
24 Martinez falsely claimed that the inspector of elections, James Lingl, was an attorney.  
25 In truth, Mr. Lingl has been inactive with the California State Bar since December 31,  
26 2021, and was not licensed to practice law at the time of the declaration.

#### 27 **FIRST CAUSE OF ACTION**

##### 28 **(Declaratory Relief - Corporations Code § 7616)**

21. Plaintiff realleges all prior paragraphs as though fully set forth herein.

1 22. Corp. Code § 7616 provides that “[u]pon the filing of an action therefor by any  
2 director or member, the superior court of the proper county shall determine the  
3 validity of any election or appointment of any director.”

4 23. The 2024 election of directors is invalid due to pervasive and material procedural  
5 defects that rendered the process unfair and legally noncompliant, including but not  
6 limited to:

- 7 • Failure to distribute candidate nomination materials and ballots to all eligible  
8 members as required by Civil Code §§ 5105 and 5115;
- 9 • Denial of Plaintiff’s and other members’ rights to nominate and be nominated,  
10 in violation of Civil Code § 5105(a)(3) and the Association’s Election and  
11 Voting Rules;
- 12 • Conduct of the election by individuals lacking impartiality or independence,  
13 contrary to Civil Code § 5110(b); and
- 14 • The Association’s failure to follow its own Election and Voting Rules and  
15 Bylaws, resulting in an election process fundamentally at odds with the  
16 Association’s governing documents and applicable law.

17 24. These material deviations are not mere technical defects but go to the heart of the  
18 integrity of the election process. Under Corporations Code § 7616, the Court has a  
19 mandatory duty to assess whether such procedural violations undermined the validity  
20 of the election. The record establishes that they did.

21 25. California courts have recognized that even procedural noncompliance in HOA  
22 elections may render results invalid where the process materially violates applicable  
23 law. (*Wittenberg v. Beachwalk Homeowners Assn.* (2013) 219 Cal.App.4th 867, 881  
24 [invalidating election for failure to comply with election rule requirements]; *Cabrini*  
25 *Villas Homeowners Assn. v. Zuniga* (1995) 33 Cal.App.4th 1072, 1079 [procedural  
26 irregularities can vitiate corporate acts when they impair member rights or violate the  
27 law]). These authorities underscore that the defects in the 2024 election are not mere  
28 formalities but strike at the procedural integrity required under Corporations Code §  
7616.



1 26. The procedural defects include exclusion from candidacy, denial of voting materials,  
2 and failure to follow election disclosure rules—each of which individually and  
3 collectively impugn the validity of the director selection process under § 7616.

4 27. Pursuant to Corporations Code § 7616(b), the Court may issue orders necessary to  
5 protect the interests of members or the Association. Plaintiff seeks such equitable  
6 relief to prevent the continued usurpation of authority by improperly elected directors.

7 28. Plaintiff seeks a declaration that the 2024 election of directors was invalid and an  
8 order compelling a new election in compliance with applicable law.

### 9 **SECOND CAUSE OF ACTION**

#### 10 **(Declaratory Relief - Civil Code § 5145)**

11 29. Plaintiff realleges all prior paragraphs as though fully set forth herein.

12 30. Civil Code § 5145(a) authorizes any member of an association to bring a civil action  
13 for declaratory or equitable relief to enforce the rights set forth in Article 4 of the  
14 DSA, including election procedures.

15 31. Civil Code § 5145(a) mandates that a court shall void an election result unless the  
16 association proves that the outcome was unaffected by its noncompliance. Plaintiff  
17 has established multiple violations of the Association's Election and Voting Rules,  
18 Bylaws, and the DSA. The burden now shifts to Defendants, and courts have clarified  
19 that no showing of prejudice is necessary to obtain judicial relief.

20 32. As explained in *Wittenberg*, HOA members are entitled to judicial relief where  
21 statutory election safeguards under the DSA are disregarded. (*Wittenberg*, supra, 219  
22 Cal.App.4th at p. 881.) In *Zuniga*, the Court held that failure to follow internal  
23 governance procedures and statutory mandates can render board action—including  
24 elections—legally void. (*Zuniga*, supra, 33 Cal.App.4th at p. 1079.) These cases make  
25 clear that the violations here warrant nullification of the 2024 election.

26 33. Plaintiff seeks an order declaring the 2024 election void and directing future  
27 compliance with the DSA, including Civ. Code §§ 5100–5130.

### 28 **THIRD CAUSE OF ACTION**

#### **(Restitution and Civil Penalties - Civil Code § 5145)**

34. Plaintiff realleges all prior paragraphs as though fully set forth herein.

1 35. Under Civil Code § 5145(b), any member who prevails in an action to enforce  
2 election rights is entitled to civil penalties of up to \$500 per violation.

3 36. The Association committed multiple discrete violations of election law and  
4 procedure, including:

- 5 • Improper nomination procedures;
- 6 • Improper ballot distribution;
- 7 • Refusal to provide required access to records and election documentation;
- 8 • Negligent failure to notify members of their election rights as required by law;
- 9 • Failure to respond to Plaintiff's written request to inspect election records, in  
10 violation of Civil Code § 5125;
- 11 • Deliberate misdirection of members to an unrelated third-party website  
12 (www.annandalestownhomes.com) that did not contain the Association's  
13 Election Rules, in violation of Civil Code § 5105(g);
- 14 • Omission of a return address on election mailings, impeding voter recognition  
15 and suppressing turnout, in violation of Civil Code § 5115 and the  
16 Association's Election and Voting Rules.
- 17 • Issuance of an election board meeting notice and agenda omitting the meeting  
18 location, in violation of Civil Code § 4920(c), thereby impeding member  
19 participation in governance.

20 37. Plaintiff seeks civil penalties subject to proof and capped by the \$35,000  
21 jurisdictional limit of the Court.

### 22 **PRAYER FOR RELIEF**

23 WHEREFORE, Plaintiff respectfully requests Court issue the following relief:

#### 24 **On the First Cause of Action:**

- 25 1. Judgment in favor of Plaintiff and against Defendants, and each of them;
- 26 2. A declaration and order, pursuant to Corporations Code § 7616, that the Association's  
27 2024 election of corporate directors is invalid;
- 28 3. A declaration and order, pursuant to Corporations Code § 7616, that the results of the  
Association's 2024 election of corporate directors are invalid;
4. A declaration and order, pursuant to Corporations Code § 7616, that the results of the  
Association's 2024 election of corporate directors are void;

5. A declaration and order, pursuant to Corporations Code § 7616, that a new election shall be held in compliance with the relevant laws of the State of California and the Association's CC&Rs, Bylaws, and Election and Voting Rules; and
6. A restraining order, preliminary injunction, and permanent injunction prohibiting Individual Defendants from holding themselves out as representatives of, and acting on behalf of, the Association and conducting business on behalf of the Association, pursuant to Corporations Code § 7616.

**On the Second Cause of Action:**

1. Judgment in favor of Plaintiff and against Defendants, and each of them;
2. A declaration and order, pursuant to Civil Code § 5145(a), that noncompliance by the Association, including its agents, affected the results of the 2024 election of corporate directors;
3. A declaration and order, pursuant to Civil Code § 5145(a), that the results of the Association's 2024 election of corporate directors are void;
4. A declaration and order, pursuant to Civil Code § 5145(a), that the results of the Association's 2024 election of corporate directors are invalid; and
5. A declaration and order that, pursuant to Civil Code § 5145(a), the Association has not met its burden to demonstrate that its statutory and procedural violations did not affect the outcome of the 2024 election.

**On the Third Cause of Action:**

1. Judgment in favor of Plaintiff and against Defendants, and each of them; and
2. An award of civil penalties of five hundred dollars (\$500) for each violation but in no event greater than the \$35,000 jurisdictional limit of the Court.

**On All Causes of Action:**

1. Attorney's fees and costs pursuant to Civil Code § 5145(b) (if applicable);
2. Prejudgment interest as permitted by law; and
3. Any other relief deemed just and proper by the Court.

1 DATED: April 20, 2025

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5 DOUGLAS KRUSCHEN  
6 *(Plaintiff Pro Se)*  
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**Index of Exhibits**

<b>Exhibit</b>	<b>Title</b>	<b>Description</b>	<b>Referenced In</b>
<b>A</b>	Association Bylaws (as Amended)	Current controlling Bylaws establishing election procedures and director terms. Amended pursuant to judgment in Case No. 19VECP00459.	¶8, ¶17, ¶21
<b>B</b>	Judgment – LASC Case No. 23VECV05191	Final judgment invalidating the Association’s 2023 election due to violations. Supports a pattern of repeated noncompliance.	¶11, ¶17
<b>C</b>	2024 Election and Voting Rules	Governing rules allegedly violated in the 2024 election.	¶13, ¶17, ¶21
<b>D</b>	False Website Reference	Direction to www.annandalestownhomes.com which is unrelated to the Association. Supports the claim under Civ. Code § 5105(g).	¶13(c)(ii), ¶17
<b>E</b>	Record Inspection Request	Plaintiff’s written request under Civil Code § 5200 to inspect 2024 election-related materials, ignored by the Association.	¶13(f), ¶17
<b>F</b>	Deficient Board Meeting Notice & Agenda	Board meeting notice lacking the required physical location in violation of Civil Code § 4920(c), obstructing member attendance.	¶13(g)
<b>G</b>	January 16, 2025 Pre-Litigation Notice	Plaintiff’s written notice to the Inspector of Election offering a good faith chance to self-correct and void the 2024 election before filing this action.	¶16, ¶17
<b>H</b>	Declaration of Victor Martinez (April 2024) – Appellate Case No. B337889	Sworn declaration containing false statements regarding the 2024 election timeline and the inspector’s qualifications.	¶20