

DISTRICT COURT FOR THE 2nd
JUDICIAL DISTRICT
DENVER COUNTY, STATE OF
COLORADO

Court Address: Denver City & County
Building
1437 Bannock Street,
Room 256
Denver, Colorado 80202

Telephone Number: (720) 865-8301

Plaintiff: **A JUST CAUSE, A NON-
PROFIT ORGANIZATION**

v.

Defendant: **DARLENE M. MARTINEZ**

Cornell Johnson, Atty. Reg. No.: 34449
The Law Office of Cornell Johnson, P.C.
1800 Glenarm Place, Suite 950
Denver, Colorado 80202
Attorneys for Plaintiff

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Σ Court Use OnlyΣ

Case Number:

Division

COMPLAINT

COMES NOW Plaintiff A Just Cause, by and through its undersigned counsel, The Law Office of Cornell Johnson, P.C., and as its Complaint against Defendant Darlene M. Martinez, states and alleges as follows:

GENERAL ALLEGATIONS

1. Plaintiff, A Just Cause is a 501(c)(3) non-profit organization doing business in the State of Colorado, business address at 3578-E Hartsel Drive, #362, Colorado Springs, Colorado 80920.
2. Upon information and belief, at all times relevant to this action, Defendant Darlene M. Martinez, was a resident of Denver, Colorado.
3. The tort, which is the basis of this action, occurred in Denver County. Therefore, pursuant to C.R.C.P. 98, venue is proper in the District Court of Denver County.

FACTUAL ALLEGATIONS

4. Plaintiff incorporates the allegations contained in Paragraphs 1 through 3 of this Complaint as if set forth *verbatim*.
5. On or about September 10, 2011, Defendant Darlene M. Martinez, a stenographer, was privately retained by Plaintiff A Just Cause to provide stenography services for the entire trial proceedings in *United States v. Banks, et al.*, case number 09CR266
6. The trial in *United States v. Banks, et al.*, began on or about September 26, 2011.

7. A verdict in *United States v. Banks, et al.*, was rendered on or about October 20, 2011.

8. On October 11, 2011, a bench conference was held in *United States v. Banks, et al.*

9. Defendant Darlene M. Martinez was present and reporting the bench conference, during which Judge Arguello compelled one of the defendants to testify.

10. On October 27, 2011, Regenia Thurman, a Director on the Board of A Just Cause, personally tendered a cashier's check for \$9,450.00 to Defendant Darlene M. Martinez for a transcript of the entire trial proceedings in *United States v. Banks, et al.*, case number 09CR266, which included, but was not limited to, all bench conferences.

11. Defendant Darlene M. Martinez has failed to produce a transcript of the entire trial in *United States v. Banks, et al.*, case number 09CR266.

FIRST CLAIM FOR RELIEF
BREACH OF CONTRACT

12. Plaintiff incorporates the allegations contained in Paragraphs 1 through 11 of this Complaint as if set forth *verbatim*.

13. On or about September 10, 2011, Defendant Darlene M. Martinez entered into a contract with Plaintiff A Just Cause to provide stenography services for the entire trial proceedings in *United States v. Banks, et al.*, case number 09CR266.

14. Defendant Darlene M. Martinez failed to provide a transcript of the trial proceeding in *United States v. Banks, et al.*, case number 09CR266.

15. By failing to provide a complete transcript of the trial proceedings in *United States v. Banks, et al.*, case number 09CR266, Defendant Darlene M. Martinez breached the contract with Plaintiff A Just Cause.

16. Plaintiff A Just Cause substantially complied with its part of the contract.

WHEREFORE, Plaintiff prays for judgment against Defendant in an amount to be determined at trial, pre- and post-judgment interest, costs and expert witness fees, and for such other and further relief as the Court may deem proper.

Respectfully submitted this 30th day of July 2011.

The Law Office of Cornell Johnson, P.C.

s/ Cornell Johnson
Attorneys for Plaintiff A Just Cause

Plaintiff's address:

3578-E Hartsel Drive, #362
Colorado Springs, Colorado 80920