

**IN THE CIRCUIT COURT OF THE
11th JUDICIAL CIRCUIT IN AND FOR
MIAMI-DADE COUNTY, FLORIDA**

NICHOLAS PHIPPS WHITE

CASE NO.: 2021-013813-CA-01

Plaintiff,

vs.

1. NEGLIGENCE

BANK OF AMERICA, N.A. AND MERRILL
LYNCH, PIERCE, FENNER AND SMITH
INCORPORATED,

Defendants.

THIRD AMENDED COMPLAINT

COME NOW PLAINTIFF NICHOLAS PHIPPS WHITE, and for his Amended Complaint, allege as follows:

THE PARTIES

1. The Plaintiff, Nicholas Phipps White, as an individual and the true party of interest, is collectively referred to herein as ("Plaintiff") Plaintiff, Nicholas Phipps White, is and at all times relevant to this action and has been a resident of the State of California since 2017. The Plaintiff is 53-year old Mr. Nicholas Phipps White, husband of 52-year old Mirga Phipps White MBA, married on July 21, 2010 and the Plaintiff's Attorney-in-fact and Executor and sole heir. Plaintiff and wife have no children, is a U.S. citizen and a resident of California since 2017 and the Chairman and CEO of The Hollywood Land Development Company LLC with his principal place of business in the County of Los Angeles. The company is non-partisan and is incorporated in the State of California. The Plaintiff is the 100% percent owner of The Hollywood Land Development Company, LLC and the 100% owner of the California based "Sovereign Towers" project. Sovereign Tower I was to feature an 800-room Marriott dual-branded Ritz-Carlton/St Regis luxury hotel. The settlement funds were contracted issued to the Plaintiff via a U.S. government Treasury check, however where issued in the amount of \$27,429,774,612 and deposited at Bank of America/Merrill Lynch, an actress and

disgraced reality performer, Erika Girardi, wife of Tom Girardi, who is a disbarred lawyer as well. Mr. Girardi was posing as Nicholas Phipps White's father, and the Defendants were aware of the massive fraud of both Tom and Erika Girardi, who was posing as the wife, widow and Administrator of Mr. Nicholas Phipps White. Their account consisted of forged and fraudulent court documents that were accepted by FDIC-institution Bank of America/Merrill Lynch. They had an obligation to "KYC" know your customer and had deep knowledge of the massive premeditated fraud scheme. Defendants knowingly accepted fraudulent, illegitimate, and unrecorded Letters of Administration (Probate) from the Superior Court of the County of Los Angeles for a manufactured "Erika White". The Defendants know her as an actress and disgraced reality performer by the name of Erika Girardi. In addition, the Defendants were aware that the Plaintiff is Pro Se and had never retained an attorney. Tom Girardi was designated as his attorney-in-fact and Bank of America/Merrill Lynch is not indemnified from damages because all the documents from "Erika White" or a "Tom Girardi" are knowingly fraudulent, both bad actors. The Defendants had a grave duty to care to their customer and the Plaintiff in alerting him about an "Erika White" fraudulently posing as his Administrator. The Defendants had actual knowledge of the fraud and chose to remain silent because of a financial gain.

2. The Plaintiff is the customer and owner of the Bank of America Merrill Lynch global account 649-13284, which was intentionally mis-titled by the Defendants as *Palm Beach County Sheriff's Office for the Benefit of Nicholas Phipps White*. These are to include any related accounts of Nicholas Phipps White that have his signature and had been confirmed by multiple Bank of America/Merrill Lynch personnel that the Defendants had allowed fraudulent letters of administration of probate and death certificate be put on by Pasadena, CA residents, 50-year old disgraced, actress Erika Girardi, wife of disbarred attorney 82-year old Tom Girardi. Bank of America watched the crime take place with these two bad actors and allowed Tom Girardi to pose as Nicholas Phipps White's father, by accepting a fraudulent passport from the Italian Consulate in San Francisco that was used to open this Merrill Lynch tax-free global account. Bank of America/Merrill Lynch allowed 82-year old Tom Girardi's social security number of 548-40-5134 be falsely used to substitute for 53-year old Nicholas Phipps White's social security number. The Defendants have acted

negligently and aided and abetted the massive fraud scheme, which has prevented the Plaintiff, their customer, from accessing his settlement consisting of the \$27,429,774,612 Treasury check. The money has also illicitly been converted to Bank of America stock and more than 25 unauthorized debit cards are currently in use on the Plaintiff's consumer account. The account serves as a "death benefits" account from a Berkshire Hathaway Life Insurance Company of Nebraska, whereby an actress and disgraced reality performer, Erika Girardi, posing as "Erika White" serves as the Administrator of Probate of the "Estate of Nicholas White". The Defendants, despite the Plaintiff's proof of life and his reporting the massive fraud scheme to Bank of America/Merrill Lynch refuse to close in order for the Plaintiff to bank elsewhere even after more than 104 requests to CEO Brian Moynihan and others from the Plaintiff.

3. Bank of America N.A. and Merrill Lynch, Pierce, Fenner and Smith Incorporated (together, "Bank of America") are, and at all times relevant to this action was, its principal place of business in the County of Miami-Dade. (Defendants Bank of America and Merrill Lynch, Pierce, Fenner and Smith Incorporated are collectively referred to as the "Defendants").

JURISDICTION AND VENUE

4. This Court has personal jurisdiction over the Bank of America Defendants because they maintain offices and/or regularly conduct business in the State of Florida, and/or reside in the State of Florida. In fact, the Merrill Lynch Wealth Advisor, Gerardo Moya who was involved was with his office is located at 355 Alhambra Circle, 16th floor, Coral Gables, FL 33134 in Miami Dade County. The Defendants entered into the relationships with the Plaintiff. Furthermore, the Defendants entered into the contracts that are the subject of this action, engaged in negligent acts in the State of Florida, and/or conspired with other defendants in the State of Florida, and the contractual duties and obligations under the contracts were to be performed in the State of Florida, including in Miami-Dade County.

5. The Venue is proper in this judicial district pursuant to Florida Code of Civil Procedure because the Defendants contracted to perform obligations in this district, the contracts were also entered into in this district.

The Defendants committed negligence, aided and abetted massive fraud, scheme, and unconscionable tortious acts in this district by not only falsely declaring Nicholas Phipps White as deceased, but also shamelessly recognizing an actress and disgraced reality tv performer as his fictitious wife by the name of "Erika White" as the Administrator and her husband disbarred attorney, Tom Girardi as the Plaintiff's attorney-in-fact. The Defendant's had the intention to deceive and defraud Nicholas Phipps White in order to get capital gains off his settlement and to share the wealth between the different parties. It is also fair to note that Nicholas Phipps White is the great grandson of U.S. Senator Lawrence C. Phipps.

GENERAL ALLEGATIONS

6. On or about June 7, 2019, the Defendants allowed two family members of disbarred and disgraced former attorney Tom Girardi, Erika Girardi, and her son Tommy Zizzo, to impersonate California residents Chairman and CEO Mr. Nicholas Phipps White and his spouse Mrs. Mirga Phipps White. Earlier on May 5, 2019, at approximately 4:31 p.m. Nicholas Phipps White's California driver license had in fact been reported to the Defendants as stolen at the Starbucks in Beverly Hills, CA and still remains unrecovered. The Defendants failed to capture the serious and grave identity theft that occurred on this day and furthermore failed to notify their long-standing customer, Mr. Nicholas Phipps White living in Beverly Hills, California that such an account was opened. The account was opened with International Merrill Advisor Gerardo Moya and his team member and Merrill Lynch Advisor Beau Breckenridge with global consumer account titled *Palm Beach County Sheriff's Office for the Benefit of Nicholas Phipps White*. The Defendants were aware that a global account has the incentive to not be taxed upon because this is "whereby the IRS has no jurisdiction." The Defendants allowed the subjects to commit identity theft and to forge the Plaintiff's signature on various bank documents in order to deposit Nicholas Phipps White's Treasury check from Sovereign Towers settlement, which consisted of U.S. currency and U.S. Gold Bullion into the account. In fact, the only two legitimate accounts that were personally opened by the Chairman and CEO Mr. Nicholas Phipps White in California was later suddenly closed in an effort to limit the Plaintiff's access to any further accounts or for him to discover the fraudulent letters of administration and the death certificate that was accepted by the

Defendants on the account in Florida. Till this day, Nicholas White has not seen one dollar of his settlement. The Defendants conspired with the fraudulent Administrator Erika Girardi, who is falsely posing as “Erika White, the alleged wife and widow of Nicholas White”. This scheme has all been an attempt to keep the Plaintiff’s funds of \$27,429,774,612 at their own financial institution because it makes them wealthier as a company and they have been able to use, loan, and convert the profits however they see fit acting above the law and if caught, the U.S. government could provide a possible “bail out” on the matter.

7. The Plaintiff working and residing in Beverly Hills, California the day of, was all a while unaware of the opened account in Coral Gables, Florida on or about June 7, 2019. In fact, the Plaintiff participated in a conference call on August 6, 2019 with the Defendants Bank of America’s Vice-President Angela Yasharel, who is located at 2049 Century Park East, Los Angeles, CA. Ms. Yasharel was briefed on the pickup of the Sovereign Towers settlement and confirmed on Tuesday, August 20, 2019 by phone that Bank of America’s senior management would be taking care of the transfer of the Sovereign Towers settlement to Mr. Nicholas Phipps account that was opened in Beverly Hills. However, on the morning of August 22, 2019, Ms. Yasherel’s Bank of America’s offices said she “missed” the flight to Palm Beach, Florida and she failed to let Mr. Nicholas Phipps White know that a Merrill Lynch global account titled *Palm Beach County Sheriff’s Office for the benefit of Nicholas Phipps White* containing his personal Treasury check existed.

8. On or about on November 12, 2019, Mr. Nicholas Phipps White and his wife Mirga, traveled from California and met with Merrill Lynch/Bank of America Private Trust advisor, Beau Breckenridge at the Bank of America Private Trust offices in Florida. Mr. Nicholas Phipps White presented his U.S. passport as proof of ID and requested to close any and all accounts that included his Treasury check, he had been informed by Bank of America/Merrill Lynch that a global consumer account had been set up without his permission titled *Palm Beach County Sheriff’s Office for the benefit of Nicholas Phipps White* containing his Treasury check for the Sovereign Towers settlement. Mr. Breckenridge let him know that the Plaintiff would need to serve a demand letter to Bank of America’s/Merrill Lynch’s Registered Agent, CT Corporation/Wolters Kluwer in Plantation, Florida. Subsequently, Mr. Nicholas Phipps White served more than three demand letters to the Defendants’ to

close out his accounts. Mr. Nicholas Phipps White demanded that Bank of America wire the funds into an authentic account of his own. Bank of America Chairman and CEO Brian T. Moynihan and the Merrill Lynch Global Advisor, Mr. Gerardo Moya refused to close the account and provide Mr. Nicholas Phipps White a check or a wire transfer to another Bank of America account as is customary when closing a Merrill Lynch account.

9. On December 6, 2019, the Defendants, despite knowing that Nicholas Phipps White still was in Florida conducting due diligence and had not returned yet to California, allowed a fraudulent Power-of Attorney, Tom Girardi to order \$370 million from the account. This is according to Merrill Lynch's Kylie Dewitt, who promised no loss would occur for the Plaintiff and that she said would notify higher management such as Brian T. Moynihan and Gerardo Moya to make sure that the funds would not be moved or lost.

10. On December 9, 2019, the Defendants' Bank of America's Chairman and CEO Brian T. Moynihan and Merrill Lynch Global Advisor Gerardo Moya were copied on an email from the Plaintiff Nicholas Phipps White, who reported to Attorney General Barr that the \$370 million was stolen and wired out from the Plaintiff's account.

11. On December 25, 2019 the Plaintiff Nicholas Phipps White attempted to follow-up again with Bank of America's Brian Moynihan and Merrill Lynch's Gerardo Moya. Nicholas Phipps White wrote and delivered his own demand letter to Bank of America to Wolters Kluwer's Steve Issacson. Although, the Defendants still negligently gave Nicholas Phipps White's settlement to disgraced Tom Girardi, a disbarred attorney falsifying that he is the Plaintiffs attorney-in-fact, and father of Nicholas White. Furthermore, The Defendants' proceeded to wire the funds to a partner at Bank of America's Banco Santander, which is located at 1401 Brickell Avenue, Miami, FL 33131. This was soon recalled at the request of the Plaintiff.

12. On January 2, 2020, the Defendants continued to ignore the Plaintiff's demands to return his currency and U.S. gold bullion. Ultimately, this led to Bank of America/Merrill Lynch to negligently move Mr. Nicholas Phipps White's gold bullion to the home of a high-level government politician associate of Tom Girardi's with

the help of Bank of America's employees at the time. On November 3, 2020, The Defendants allowed the embezzled Nicholas Phipps White's property to be transported to the Bank of America employee's wife's facility. It was later moved to another location as shown in a Bill of Lading from Wiley Sanders Trucking in Alachua County, Florida.

13. However, on January 20, 2020, despite Nicholas Phipps White being the 100 percent owner and signer on the account, he the customer, and his wife, Mirga Phipps White, were repeatedly harassed, threatened with arrest, and lied to by The Defendants Counsel, Liebler, Gonzalez & Portuondo. Rather than resolve the issue with the Plaintiff they claimed "if you do enter or remain on Bank property, you may be arrested, detained, prosecuted and fined or imprisoned." Bank of America/Merrill Lynch instructed their counsel to act negligently as well rather than simply closing the account. The Plaintiff was repeatedly lied to with fraudulent statements such "as you know, Bank of America does not currently conduct any business with you or the Hollywood Land Development Company", which was not true. In addition, Tom Girardi, who has recently been disbarred, posed as Nicholas Phipps White's power of attorney. Tom Girardi was also never born in Denver, Colorado, as he has lied about on several occasions. Tom Girardi instead was born in Italy and immigrated to the United States in 1957, with now expired immigration papers. Furthermore, Erika Girardi, who posed as an "Erika White", was also never legitimate, yet Bank of America and Merrill Lynch allowed them to operate and in fact, aided and abetted their fraud scheme on the Plaintiff which resulted in damages of \$27,429,774,612.

14. On February 3, 2020, the Defendants' were provided with Nicholas Phipps White's press release reminding Brian T. Moynihan and Katy Knox "to continue to safeguard the Plaintiff's currency and U.S. Gold Bullion from Sovereign Tower I and II settlement.

15. On February 24, 2020, the Defendants' were notified that the U.S. Gold Bullion was being investigated in California by the U.S. Attorney's Office of the Central District of California and by law enforcement as well. The Department of Justice was investigating Tom Girardi and his associates' involvement in the matter.

Bank of America and Merrill Lynch were also under investigation because of their negligence and this was reported to the DOJ by the Plaintiff on December 9, 2019.

16. On May 27, 2020, Bank of America's CEO was notified that the Sovereign Towers settlement was reached in the amount of \$27,829,774,612 and provided a copy of the Stipulation for Compromise Settlement and Release Agreement with Tom Girardi serving as the U.S. government's representative. Also copied was attorney Christopher Kamon, who is Girardi Keese's Chief Financial Officer and Attorney General William Barr. The agreement stipulated that a Treasury check to Nicholas Phipps White with his social security number in the amount of \$27,829,774,612 (settling all three outstanding Tort Claims) would be drafted and sent to the US Attorney's Office Central District of California for Nicholas Phipps White to pick up. Soon after on May 28, 2020, Bank of America was provided the General Power of Attorney and Last Will and Testament for Nicholas Phipps White, clearly designating his wife Mirga Phipps White as Attorney in Fact and Executor. During this time, the Defendants were provided notice that the U.S. Gold Bullion is expected to be returned from the home of Tom Girardi's politician friend. Bank of America ignored all communications and allowed the Sovereign Towers gold to remain. Bank of America was aware that the full amount was to be picked up by Nicholas Phipps White in June 2020 at the U.S. Attorney's Office of the Central District of California, but they continued to ignore the matter. Instead, the check was redrafted and redeposited back to Bank of America on February 26, 2021 without Nicholas Phipps White's knowledge or notification to him as the customer.

17. On June 8, 2020, the Defendants' Bank of America/Merrill Lynch, despite being alerted about the massive fraud on the Plaintiff's account, allowed a politician friend of the Bank of America/Merrill Lynch approved fraudulent power-of-attorney, Tom Girardi and Girardi's wife posing as an "Erika White" to deposit Mr. Nicholas Phipps White's Treasury check as his Administrator. The Defendants banking records show that Nicholas Phipps White's Sovereign Towers settlement originally settled for \$27,829,774,612 was cut as Treasury check in the amount of \$27,429,774,612 on or about February 26, 2021 to be picked up by Nicholas Phipps White. Bank of America had a duty to transport the U.S. Gold Bullion back as well from its misplaced location as reported to the DOJ.

18. Bank of America/Merrill Lynch was aware of massive fraudulent transactions, to include the wire from the Plaintiff's Merrill Lynch account #649-13284 of \$119,775,000 million dollar purchase by a "Nicholas and Erika White" on or about July 2, 2019 of the more than 55,000 square foot "Spelling Manor" located at 594 South Mapleton Drive, Los Angeles, CA 90003 (Parcel ID: 4359013032). Now deceased, Jeff Hyland of Hilton and Hyland of Beverly Hills, co-founded by Rick Hilton, grandson of hotelier Conrad Hilton, was the agent of record that served as the buyer's agent for a false Nicholas Phipps White disguised as an "anonymous Saudi buyer" of the Spelling Manor.

19. Bank of America/Merrill Lynch had knowledge of the fraud that the "Spelling Manor" property was to be illicitly purchased with \$119,750,000 cash, originally purchased with the Plaintiff's funds wired from their Merrill Lynch account number 649-13284, recorded on July 2, 2019, in the cash amount of \$119,750.000 for 594 South Mapleton Drive, Los Angeles, CA 90024 (APN: 4359-013-032) Rick Hilton of Hilton and Hyland of 257 North Canon Drive, Beverly Hills, CA 90210. In fact, both the Fidelity National Title of 555 Flower Street, Los Angeles, CA 90071, for which Justin Scott served as the Title Officer for Order No. 995-300-31008-JS3 and West Coast Escrow of 222 North Canon Drive, Beverly Hills, CA 90210, for which Minny Ng served as the Escrow Officer for Order No. 4510219-01826MN, the 594 Mapleton LLC agent, attorney Dennis Alan Roach and Platinum Financial Management, and others have been notified that the Deed will need to be properly immediately retitled to the sole owner, "Nicholas Phipps White" and be available for pick-up to close the matter.

20. On April 5, 2022 the Plaintiff informed Platinum Financial Services that the Plaintiff was motioning for a default judgment of \$27,429,774,612 from the Defendants and requested that the recorded deed for (Parcel ID: 4359013032) be properly retitled from 594 Mapleton Drive LLC, to Nicholas Phipps White and that the agent of record Los Angeles attorney, Dennis Roach, located at 9200 Sunset Boulevard, Suite 525, Los Angeles, CA 90222 will need to have the newly titled deed and keys to the home bought with funds of the Plaintiff from Bank of America/Merrill Lynch. In addition to 594 Mapleton Drive LLC, Dennis Roach also serves as the agent of record for Clinton Development Inc. company at the 9200 Sunset Boulevard, Suite 525,

Los Angeles, CA 90222 and the Holmby Hills Management Inc. who assisted by Susan Kennedy of Holthouse, Carlin, Van Trigt (HCVT) of Los Angeles founded by attorney Philip Holthouse, who took massive payments for the management of the home from Nicholas Phipps White's account at Bank of America/Merrill Lynch.

21. Defendants were aware that from Plaintiff's Merrill Lynch account since 2019, his funds have been illicitly used to pay for this property. As reported by Los Angeles Department of Power and Water, the bill has been as high as \$29,932.70 for electricity that was paid on September 3, 2021 and more recently a bill for \$18,803.59 for electricity paid on January 4, 2022 for a property that he has never had knowledge of or access to. Meanwhile, some of the unauthorized Merrill Lynch VISA debit card holders continue to use the Plaintiff's home until approximately his proof of life with Bank of America on October 20, 2021, whereby days before the Los Angeles accountant, 39-year old mother of one, Heidi Planck from Camden Capital, went missing near Hope and Flower Street, Los Angeles, California.

22. In December 2020, the Defendants' Bank of America/Merrill Lynch failed to explain in their annual report that the approximate \$27,400,000,000 billion-dollar loss was the transfer that occurred for the Plaintiff Mr. Nicholas Phipps White's Treasury check made out to him for the Sovereign Towers settlement with the U.S. government executed by both parties on May 27, 2020.

23. On February 26, 2021, the Defendants Bank of America/Merrill Lynch continued their negligent behavior by breaching their duty to the Plaintiff by allowing a high-level government official friend of the Bank of America/Merrill Lynch approved fraudulent Administrator, an actress and disgraced reality performer Erika Girardi falsely posing as "Erika White" to incorrectly deposit the settlement check back into the Merrill Lynch Global Account once again without the Plaintiffs knowledge. The Defendants are aware that in July 2021, DOJ confirmed that they were aware of the immediate obligation of \$27,829,774,612 to Nicholas Phipps White. The Defendants were aware of the settlement which noted in the Plaintiffs press release on the June 3, 2020 and August 9, 2021 which stated the funds distributed by Nicholas Phipps White include \$2,782,977,461 Girardi Bankruptcy Victims, \$2,782,977,461 King and Spalding law firm of Washington, DC and \$370 million to law enforcement in Florida, respectively. The press release from June 7, 2020 and clearly indicated to the

Defendants' that Nicholas Phipps White's wife is Mirga Phipps White in addition to repeatedly providing the Defendants the Plaintiff's authentic power-of-attorney designating his wife Mirga Phipps White and his Last Will and Testament, designating his wife Mirga Phipps White, as his sole heir and Executor under the laws of California.

24. On June 7, 2021, the Plaintiff filed the negligence civil complaint and on July 2, 2021, the Defendants were finally served with a Negligence Business Tort Claim in Miami-Dade County for damages in the amount of \$27,829,774,612. This was for the misplaced and lost Sovereign Towers settlement Treasury check that was made out to the Plaintiff Nicholas Phipps White. On June 7, 2021, the Plaintiff Nicholas Phipps White emailed the Defendants' Brian Moynihan and Merrill Lynch Advisor Gerardo Moya the official papers that Tom Girardi was deemed incompetent by the Probate Court of the County of Los Angeles. However, the Defendants did nothing to respond to the Plaintiffs Mr. Nicholas White email and continue to prohibit him to have control of his Merrill Lynch consumer account despite there being no legitimate Letters of Administration (Probate) issued to a fraudulent Erika White or valid death certificate on file with the California Department of Health Vital records or other Federal agencies. The Defendants have taken it a step further by ignoring and refusing to remove such documents from the account whatsoever. Again, the Plaintiff had repeatedly provided his Last Will and Testament as early as May 2020, months before fraudulent Letters of Administration were accepted by the Defendants of an "Erika White" being designated by the Court. Whereby the Defendants were aware that Letters of Administration only apply if one is deceased without a will, clearly demonstrating that the Defendants had direct, in-depth knowledge of the fraud and aided and abetted Erika Girardi, an actress and disgraced reality performer, posing as the wife of Mr. Nicholas Phipps White, Chairman and CEO.

25. On August 24, 2021, Bank of America's Counsel, who did not attend the Motion Calendar Hearing or any hearing to date regarding her client's case, sent The Honorable Judge Blumstein a cover letter. The cover letter contained Nicholas Phipps White's eight-digit Merrill Lynch account number of 649-13284, which was placed as the law firm's file number. All Merrill Lynch account numbers contain eight digits with a dash after the third digit which was later confirmed to be the correct number and account of Nicholas Phipps White.

26. On August 27, 2021, at approximately 11:49 AM PT, Bank of America Financial Center Operations Manager in Los Angeles, CA confirmed that the Merrill Lynch account number 649-13284 titled as *Palm Beach County Sheriff's Office* for the Benefit of Nicholas Phipps White contains more than 25 debit cards. Bank of America confirmed that the address of record for the global business account 649-13284 is a P.O. Box in West Palm Beach, Florida. However, this is not the correct address for the Plaintiff.

27. On September 8, 2021, Bank of America Chairman and CEO Brian T. Moynihan and Chairman and CEO Berkshire Hathaway (majority owner of Bank of America) Warren Buffett, were copied on the letter that Mr. Nicholas Phipps White sent out to the Honorable Attorney General Merrick Garland and his Chief of Staff Mr. Matthew Klapper. The U.S. Attorneys of Delaware, Chicago, California, Pennsylvania, Florida, and the 22-member bi-partisan panel of the U.S Senate Judiciary Committee (at the request of Senator Feinstein) were copied. Mr. Nicholas Phipps White reported to law-enforcement the Merrill Lynch account number of 649-13284 and that there's more than 25 fraudulent debit card holders committing fraud on the account. One of the card users allowed by the Defendants includes Tom Girardi's family member, who can be seen using Mr. Nicholas Phipps White's debit cards on September 1, 2021 provided to AG Garland. Soon after receiving Mr. Nicholas Phipps White's letter to AG Garland, on September 10, 2021, Brian Moynihan announced sweeping changes with the retirement/reassignment of key officers involved in the Sovereign Towers settlement at Bank of America.

28. On September 8, 2021, the meeting minutes were sent via email to Merrill Lynch Advisor Gerardo Moya and Bank of America's Chairman and CEO Brian T. Moynihan. The meeting minutes only take a total of 4 to 5 business days to approve, yet Bank of America still has failed to approve to date. On August 27, 2021, Bank of America personnel recommended that the Plaintiff Nicholas Phipps White call a Meeting to discharge the Funds Administrator and change the address to 324 South Beverly Drive, Suite 489, Beverly Hills, CA 90212.

29. On September 8, 2021, the Merrill Lynch advisor at the Los Angeles, CA branch confirmed an inquiry into Merrill Lynch's commercial insurance at Berkshire Hathaway with an email with a Claim ID Number of CID2021381849 on September 8, 2021 for the \$27,829,774,612, claim against the Defendants.

30. On September 17, 2021, it was further confirmed by Bank of America that the debit cards negligently remain open and the account is still not protected or frozen until a settlement is reached by Bank of America. The Plaintiff was informed that the senior management at Bank of America are currently deciding on what to do after seeing the picture of Erika Girardi, obviously posing as an "Erika White", using the Merrill Lynch card. This is all after a large release, reassignment and retirement of executives involved in the fraud against Plaintiff Nicholas Phipps White. The money that is owed to Nicholas Phipps White was and is still planned to help benefit the Victims of the Girardi Bankruptcy that totals in excess of \$500 million with over 500 victims.

31. On October 8, 2021, Mr. Nicholas Phipps White provided Attorney General Merrick Garland evidence of a picture of Erika Girardi posing as a 35-year old "Erika White" and fabricated wife and fraudulent Administrator of the Estate of Nicholas White, after which led to one of the largest financial management shakeups announced by Bank of America CEO Brian Moynihan on October 10, 2021.

32. On October 20, 2021, it was confirmed that Bank of America's Estate Services had Mr. Nicholas Phipps White's profile as still alive. Mr. Nicholas Phipps White and his accountant also took the first available appointment with the Operations Manager at the Los Angeles Branch of Merrill Lynch on October 20, 2021. He met Merrill Lynch's proof of life requirements by properly resending the required two forms of ID in order to clear any doubt that he is deceased as falsely claimed by the Defendants and their convoluted web of lies.

33. On October 21, 2021 the day after Nicholas Phipps White successfully completed his proof of life with the Defendants, they announced that their \$25 billion stock buyback program that they initiated in April 2021 with the alleged cash on hand is actually part of the Nicholas Phipps White's Treasury check in the amount of \$27,429,774,612 deposited with the Defendants on or about February 26, 2021 by an fraudulent, fictitious, manufactured with intent to deceive "Erika White" an actress Erika Girardi and disgraced wife of disbarred

attorney, Tom Girardi. Bank of America reported that \$14 billion of the alleged \$25 billion was already utilized for buy back of stock with \$11 billion remaining. Thereafter on November 1, 2021 Bank of America immediately announced that they would be applying for a brokerage license in China in early January 2022. The concern that any remaining funds of Nicholas Phipps White's being moved as part of an alleged Bank of America stock-buy was conveyed by him to AG Garland's offices and the Senate Judiciary Members as a grave risk of the total amount of his Treasury check being lost. However, on March 2022, the Plaintiff requested that AG Garland flag the U.S. Treasury check for fraud and follow process and have the Treasury Bureau of Fiscal Services, reprint the lost, stolen and misdirected check that the fraudulent Administrator, "Erika White" signed on behalf of the estate of Nicholas White and provided court documents of an "Erika White" and a picture her using one of the more than 25 plus unauthorized Merrill Lynch VISA debit cards, *see Exhibit "A"*.

34. On November 15, 2021 Berkshire Hathaway provided Bank of America's/Merrill Lynch insurance broker R. Damien Brew, who is the Managing Director at Marsh GLT Specialty saying he could provide the insurance information on Bank of America's Officers and Directors. Additionally, he confirmed that the Defendants are in default and had received the claim for \$27,829,774,612. Bank of America/Merrill Lynch upper management have refused to allow him to release the policy number for Lloyds of London U.S. which insures their debit cards up to \$1 billion per account. Mr. Brew confirmed he was checking with the Defendants if the suggested Judgment splitting liability of \$25 billion to Bank of and \$2,829,774,612 to Merrill Lynch was amenable.

35. On November 18, 2021, Merrill Lynch confirmed to Mr. Nicholas Phipps White that his consumer Merrill Lynch global account number opened in global Merrill Lynch Coral Gables, Florida offices by Merrill Lynch international financial advisor Gerardo E. Moya, had been moved to Merrill Lynch Auburn Hills (Detroit area) of Michigan. Now the Merrill Lynch financial advisors include Chris J. Liparoto and Willie McReynolds. Both Gerardo Moya and Chris Liparoto are both shamelessly recognized by Bank of America as "Best in State" in terms of revenue with Nicholas Phipps White's funds. Also, Nicholas Phipps White have

ever been to Detroit or have family or business ties there. Additionally, Mr. Nicholas Phipps White hasn't been able to access one dollar of his Sovereign Towers settlement to this day due to the Defendants refusing to remove the false probate papers of an actress and disgraced wife of Tom Girardi, Erika Girardi, aiding and abetting the fraud. Mr. Nicholas Phipps White promptly reported the matter to the Attorney General Merrick Garland on November 10, 2021 and the U.S. Attorney of the Eastern District of Michigan. Bank of America/Merrill Lynch still failed to return the \$27,429,774,612 to the owner of the consumer account Nicholas Phipps White who serves as the signor on the global consumer account.

36. On February 24, 2022 at 9:30 AM ET, Nicholas Phipps White and his wife participated for more than 30 minutes, in a Hearing with the Honorable Judge Mark Blumstein Miami-Dade County, FL Judge, Bank of America's Florida Counsel Shannon Dobel and the Plaintiff's court reporter were present. The Defendants Counsel refused to explain the Letters of Administration (Probate) with death certificate on Nicholas White's account. The Defendants refused to explain why despite Nicholas Phipps White having former Ambassador and former Virginia Governor James S. Gilmore who had worked for Nicholas Phipps White since 2015, was available to assist in the review of settlement documents with Bank of America. The Defendants continued to promote a false fraudulent narrative and disinformation that the Plaintiff is not their customer despite him being present, thus falsely promoting a fraudulent theory that a manufactured "Erika White", the Administrator, is an actual customer of Bank of America/Merrill Lynch and dismissing any knowledge of the fraud and the existence of more than 500 Victims of the Girardi's, many of whom consist of widows and orphans.

FIRST CAUSE OF ACTION – NEGLIGENCE AGAINST DEFENDANTS

37. Plaintiff realleges and incorporates herein by this reference each and every allegation set forth in paragraphs 1 through 36 of this Third Amended complaint as though set forth fully herein.

Defendants had a Duty to Care

38. The Defendants are liable for negligence and “aiding and abetting fraud” in Florida according to *JSI Chang v. J.P. Morgan Chase*, 11th Circuit, Case No. 15-13636. The court held that “because banks do have a duty to safeguard trust funds deposited with them when confronted with a clear evidence that those funds are being mishandled, a bank’s inaction – that is, its failure to stop the theft of such trust funds – can constitute substantial assistance,” which can give rise to a claim for “aiding and abetting fraud.” The Plaintiff and the Defendants had a fiduciary relationship the Bank of America and Merrill Lynch. The Defendants actually knew or should have known they were transferring funds fraudulently that belonged to the Plaintiff who was alive and an active client. The Defendants have a duty as one of the largest and oldest U.S. Financial Institutions to conform to a certain standard of conduct and care to their client, but instead acted recklessly, which caused the Plaintiff to continue to be a Victim of fraud with Bank of America’s permission. The Plaintiff and the Defendants had a fiduciary relationship that was established when the Plaintiff originally opened his own account on January 4, 2019 in the State of California and no personal or business operations in the State of Florida that would have Mr. Nicholas Phipps White, a U.S. citizen open a global consumer account with Merrill Lynch in Coral Gables, Florida and deposit his personal settlement funds that consisted of a Treasury check made out to Nicholas Phipps White from the settlement with the U.S. government and Bank of America knowingly allowing the deposit to go through by Administrator by a fictitious “Erika White” a disgraced, reality tv performer and wife of disbarred attorney Tom Girardi, neither ever a retained attorney, nor an attorney-in-fact, nor father of the Plaintiff.

Breach of Duty by Defendants

39. The Defendants massively breached that duty with Mr. Phipps White because as a result of this fiduciary relationship, the Defendants had a duty to act with the utmost good faith for the benefit of the Plaintiff with respect to those matters connected to the fiduciary relationship. The Defendants' duty of good faith and duty to disclose material facts required Bank of America to close the Plaintiff's account when he originally requested it. The Defendants further had a fiduciary duty not to misstate the true reason why Mr. Nicholas Phipps White account could not be closed because of fraudulent letters of administration (probate)

and death certificate. The Defendants also had a fiduciary duty to not misappropriate Mr. Nicholas Phipps White's settlement funds. The Defendants further breached their fiduciary duty and acted negligently by allowing Mr. Nicolas Phipps White account to remain open while fraud was continuously taking place and not report this matter to their internal fraud department as requested by Mr. Nicholas Phipps White to stop the damages. In Florida's *Lerner v. Fleet Bank, N.A.*, 459 F.3d 273, 295 (2nd Circuit 2006) the court explained that "Substantial assistance occurs when a defendant affirmatively assists, helps conceal, or fails to act when required to do so, thereby enabling the breach to occur."

Defendants Breach of Duty Caused Injury to Plaintiff with led to Damages to Plaintiff

40. The Plaintiff was harmed by the fraudulent massive transfers in the amounts stated and the Defendant's conduct was a substantial factor in causing the Plaintiff's damages of \$27,459,774,612. The Defendants failed to check that the documents were forged and fraudulent, and the Defendant's conduct was a substantial factor in causing the Plaintiff's harm after more than 104 times contacting Brian T. Moynihan to close the Merrill Lynch global consumer account #649-13284. This is standard bank practice when a consumer reports fraud to the bank which Bank of America chooses to ignore time after time. Bank of America Defendants took, hid, misappropriated, obtained, and or retained Plaintiff Nicholas Phipps White property with intent to defraud the Plaintiff of the entire Sovereign Towers settlement of \$27,459,774,612. In doing these acts, the Defendants acted with recklessness, negligence, fraud and malice.

Additionally, the Defendants aided and abetted Fraud for there was an Existence of Underlying Fraud and the Defendants had knowledge of the fraud and provided substantial assistance to advance the fraud

41. The Defendants had control of the Merrill Lynch account and that normal prudence could for see, anticipate fraud on the account, to include forged letters of administration and death certificate, but did nothing to stop it. The Defendants failed to exercise reasonable or prudent care that another financial institution would make such as checking the authenticity of letters of administration of a deceased person with the Los Angeles County Clerk of the Court in the Probate Division and checking the death certificate with the State of

California Department of Health and Vital Records. Any other FDIC financial institution would check such documents rather than let it slip through the cracks and let their own customer the Plaintiff be defrauded of a manufactured "Erika White" posing as the wife of the Plaintiff and Tom Girardi's social security number being used as Nicholas Phipps White's.

42. The Defendants, knew that Mr. Nicholas Phipps was alive and in fact was a client of theirs since January 2019, instead they knowingly conspired by approving Letters of Administration/Probate, which named an actress, Erika Girardi as Mr. Nicholas Phipps White's executor of his estate. This also included a fraudulent death certificate for Nicholas Phipps White. The ultimate plan was to steal the funds and for Bank of America officers and employees to self-enrich themselves. The bank accounts and the U.S. Gold Bullion solely belongs to Nicholas Phipps White, who is a victim of Bank of America/Merrill Lynch premediated negligence schemes. Bank of America assisted Tom Girardi and Erika White with concealing the Plaintiff's funds not only once, but twice. The Defendants' accepted forged forms that left all of the approximate Sovereign Towers settlement to foundations of friends of Tom Girardi. Bank of America allowed the Plaintiffs Sovereign Tower funds and U.S. Gold Bullion to be embezzled. The stolen funds were redirected to family members, friends, partners, and politicians. The embezzled money was subsequently used to fund outrageously lavish lifestyles for family, friends and politicians of Erika Girardi. This in return resulted in more than 25 debit cards being used from the proceeds of a death benefit issued to an "Erika White" by Berkshire Hathaway Life Insurance Company of Nebraska, and Bank of America's majority holder, Berkshire Hathaway. On March 22, 2022, the U.S. Attorney General of the United States and Berkshire Hathaway's Chairman Warren Buffett and Berkshire Hathaway Vice-Chairman, Pasadena, California resident, attorney Charlie Munger, founder Munger, Tolles & Olson LLP Los Angeles, was properly notified of the fraud on Nicholas Phipps White by actress, Erika Girardi, posing as "Erika White", the alleged widow and wife of the Plaintiff. However, neither Tom Girardi nor Erika White have ever come forward to intervene in any cases relating to Nicholas Phipps White, yet the Defendants have safeguarded the records by trying to put a Protective Order on them to prevent the Plaintiff from seeing

his own records and transactions of more than 35 unauthorized debit card holders all of which should have been flagged as fraud the Defendants.

43. As a direct and proximate result of the Defendants' negligence and lack of duty by the Defendants to conform to a certain standard of conduct that resulted in injury and loss to the Plaintiff. The Plaintiff has been damaged in the amended amount of \$27,429,774,612.

PRAYER FOR RELIEF

Wherefore, the Plaintiff Nicholas Phipps White, as an individual, being the real party of interest, prays for judgment against Defendants Bank of America and Merrill Lynch, as follows:

FIRST CAUSE OF ACTION – NEGLIGENCE

For compensatory damages and other special, general and consequential damages in the amount of \$27,429,774,612 for the Plaintiff.

WHEREFORE, Plaintiff respectfully request this Court to enter a judgment in damages in the amount of \$16,429,774,612 USD against Bank of America and \$11,000,000,000 USD against Merrill Lynch, such other and further relief deemed necessary and just under the circumstances.

DEMAND FOR JURY TRIAL

Respectfully submitted,



NICHOLAS PHIPPS WHITE
324 South Beverly Drive, Suite 489
Beverly Hills, CA 90212 (415) 539-6760
ceo@thehollywoodlanddevelopmentcompany.com

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 15th day of April 2022, I electronically filed the foregoing with the Clerk of the Courts by using the Florida Courts E-filing Portal which will sent a notice of electronic filing to the following Sahily Serradet Esq., Liebler, Gonzalez & Portuondo, Attorneys for Defendants, Courthouse Tower – 25th Floor, 44 West Flagler Street, Miami, FL 33130, service@lgplaw.com.

By: /s/ Nicholas Phipps White

NICHOLAS PHIPPS WHITE
324 South Beverly Drive, Suite 489
Beverly Hills, CA 90212
(415) 539-6760
ceo@thehollywoodlanddevelopmentcompany.com

EXHIBIT A



Out and about: Erika Jayne looked downcast while heading to the gym in an all-black ensemble in Los Angeles on Wednesday afternoon

The Pretty Mess author tied up her platinum blonde hair into a bun and wore a pair of oversized shades while carrying a bright yellow wallet.

Learning: She paid for a parking meter with a credit card after admitting on a that she 'only learned how to go to the bank in March'

EXHIBIT A: UNAUTHORIZED USE BANK OF AMERICA MERRILL LYNCH *FOR THE BENEFIT OF NICHOLAS PHIPPS WHITE* VISA DEFERRED BUSINESS DEBIT CARD, SEPTEMBER 1, 2021, NEAR 1020 N PALM AVE, LOS ANGELES, CA

FL-100

PARTY (WITHOUT ATTORNEY OR ATTORNEY) NAME: Erika White FIRM NAME: STREET ADDRESS: 3389 Bennett Dr. CITY: Los Angeles TELEPHONE NO.: (619) 358-0496 E-MAIL ADDRESS: white.erikanichole@gmail.com ATTORNEY FOR (name): STATE BAR NUMBER:		FOR COURT USE ONLY FILED Superior Court of California County of Los Angeles AUG 21 2018 Sherri R. Carter, Executive Officer/Clerk of Court By: <u>[Signature]</u> Deputy Christopher Herrera
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Los Angeles STREET ADDRESS: 111 N. Hill Street MAILING ADDRESS: CITY AND ZIP CODE: Los Angeles 90012 BRANCH NAME: Stanley Mosk		CASE NUMBER: 18STFL10165
PETITIONER: Erika White RESPONDENT: Nicholas White		
PETITION FOR <input type="checkbox"/> AMENDED <input checked="" type="checkbox"/> Dissolution (Divorce) of: <input checked="" type="checkbox"/> Marriage <input type="checkbox"/> Domestic Partnership <input type="checkbox"/> Legal Separation of: <input type="checkbox"/> Marriage <input type="checkbox"/> Domestic Partnership <input type="checkbox"/> Nullity of: <input type="checkbox"/> Marriage <input type="checkbox"/> Domestic Partnership		

1. LEGAL RELATIONSHIP (check all that apply):

- a. ☒ We are married.
- b. ☐ We are domestic partners and our domestic partnership was established in California.
- c. ☐ We are domestic partners and our domestic partnership was NOT established in California.

 Case is assigned to Judge 59
 Department 59

2. RESIDENCE REQUIREMENTS (check all that apply):

- a. ☒ Petitioner ☒ Respondent has been a resident of this state for at least six months and of this county for at least three months immediately preceding the filing of this Petition. (For a divorce, at least one person in the legal relationship described in items 1a and 1c must comply with this requirement.)
- b. ☐ Our domestic partnership was established in California. Neither of us has to be a resident or have a domicile in California to dissolve our partnership here.
- c. ☐ We are the same sex, were married in California, but currently live in a jurisdiction that does not recognize, and will not dissolve, our marriage. This Petition is filed in the county where we married.

Petitioner lives in (specify):

Respondent lives in (specify):

3. STATISTICAL FACTS

- a. ☒ (1) Date of marriage (specify): 12/30/2013 (2) Date of separation (specify): 1/15/2018
 (3) Time from date of marriage to date of separation (specify): 4 Years 1 Months
- b. ☐ (1) Registration date of domestic partnership with the California Secretary of State or other state equivalent (specify below):
 (2) Date of separation (specify):
 (3) Time from date of registration of domestic partnership to date of separation (specify): Years Months

4. MINOR CHILDREN

- a. ☒ There are no minor children.
- b. ☐ The minor children are:

Child's name

Birthdate

Age

Sex

(1) ☐ continued on Attachment 4b.(2) ☐ a child who is not yet born.

- c. If any children listed above were born before the marriage or domestic partnership, the court has the authority to determine those children to be children of the marriage or domestic partnership.
- d. If there are minor children of Petitioner and Respondent, a completed Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA) (form FL-105) must be attached.
- e. ☐ Petitioner and Respondent signed a voluntary declaration of paternity. A copy ☐ is ☐ is not attached.

Page 1 of 3

BY FAX

08/24/2018

FL-100

PETITIONER: Erika White
 RESPONDENT: Nicholas White

CASE NUMBER:

Petitioner requests that the court make the following orders:

5. LEGAL GROUNDS (Family Code sections 2200-2210, 2310-2312)

- a. ☒ Divorce or ☐ Legal separation of the marriage or domestic partnership based on (check one):
 (1) ☒ irreconcilable differences. (2) ☐ permanent legal incapacity to make decisions.
- b. ☐ Nullity of void marriage or domestic partnership based on
 (1) ☐ Incest. (2) ☐ bigamy.
- c. ☐ Nullity of voidable marriage or domestic partnership based on
 (1) ☐ petitioner's age at time of registration of domestic partnership or marriage. (4) ☐ fraud.
 (2) ☐ prior existing marriage or domestic partnership. (5) ☐ force.
 (3) ☐ unsound mind. (6) ☐ physical incapacity.

6. CHILD CUSTODY AND VISITATION (PARENTING TIME)

Petitioner Respondent Joint Other

- a. Legal custody of children to ☐ ☐ ☐ ☐
- b. Physical custody of children to ☐ ☐ ☐ ☐
- c. Child visitation (parenting time) be granted to ☐ ☐ ☐ ☐
- As requested in ☐ form FL-311 ☐ form FL-312 ☐ form FL-341(C)
☐ form FL-341(D) ☐ form FL-341(E) ☐ Attachment 6c(1)

7. CHILD SUPPORT

- a. If there are minor children born to or adopted by Petitioner and Respondent before or during this marriage or domestic partnership, the court will make orders for the support of the children upon request and submission of financial forms by the requesting party.
- b. An earnings assignment may be issued without further notice.
- c. Any party required to pay support must pay interest on overdue amounts at the "legal" rate, which is currently 10 percent.
- d. ☐ Other (specify):

8. SPOUSAL OR DOMESTIC PARTNER SUPPORT

- a. ☒ Spousal or domestic partner support payable to ☒ Petitioner ☐ Respondent
- b. ☐ Terminate (and) the court's ability to award support to ☐ Petitioner ☐ Respondent
- c. ☐ Reserve for future determination the issue of support payable to ☐ Petitioner ☐ Respondent
- d. ☐ Other (specify):

9. SEPARATE PROPERTY

- a. ☒ There are no such assets or debts that I know of to be confirmed by the court.
- b. ☐ Confirm as separate property the assets and debts in ☐ Property Declaration (form FL-160). ☐ Attachment 9b.
☐ the following list. Item Confirm to

FL-100

PETITIONER: Erika White
 RESPONDENT: Nicholas White

CASE NUMBER:

10. COMMUNITY AND QUASI-COMMUNITY PROPERTY

- a. ☒ There are no such assets or debts that I know of to be divided by the court.
- b. ☐ Determine rights to community and quasi-community assets and debts. All such assets and debts are listed
☐ in *Property Declaration* (form FL-160) ☐ in Attachment 10b.
☐ as follows (*specify*):

11. OTHER REQUESTS

- a. ☐ Attorney's fees and costs payable by ☐ Petitioner ☐ Respondent
- b. ☐ Petitioner's former name be restored to (*specify*):
- c. ☐ Other (*specify*):

☐ Continued on Attachment 11c.

12. I HAVE READ THE RESTRAINING ORDERS ON THE BACK OF THE SUMMONS, AND I UNDERSTAND THAT THEY APPLY TO ME WHEN THIS PETITION IS FILED.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: 3/9/2018

Erika White

(TYPE OR PRINT NAME)


 (SIGNATURE OF PETITIONER)

Date:

(TYPE OR PRINT NAME)


 (SIGNATURE OF ATTORNEY FOR PETITIONER)

FOR MORE INFORMATION: Read *Legal Steps for a Divorce or Legal Separation* (form FL-107-INFO) and visit "Families Change" at www.familieschange.ca.gov — an online guide for parents and children going through divorce or separation.

NOTICE: You may redact (black out) social security numbers from any written material filed with the court in this case other than a form used to collect child, spousal or partner support.

NOTICE—CANCELLATION OF RIGHTS: Dissolution or legal separation may automatically cancel the rights of a domestic partner or spouse under the other domestic partner's or spouse's will, trust, retirement plan, power of attorney, pay-on-death bank account, survivorship rights to any property owned in joint tenancy, and any other similar thing. It does not automatically cancel the right of a domestic partner or spouse as beneficiary of the other partner's or spouse's life insurance policy. You should review these matters, as well as any credit cards, other credit accounts, insurance policies, retirement plans, and credit reports, to determine whether they should be changed or whether you should take any other actions. Some changes may require the agreement of your partner or spouse or a court order.

08/24/2018

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Erika White 3389 Bennett Drive Los Angeles CA 90068 TELEPHONE NO.: 619 358 0496 FAX NO. (Optional): 213 289 1697 E-MAIL ADDRESS (Optional): bejisima@gmail.com ATTORNEY FOR (Name):	FOR COURT USE ONLY <div style="text-align: center;"> FILED Superior Court of California County of Los Angeles MAY 09 2019 Sherri R. Carter, Executive Officer/Clerk By <u>Samantha J. Steinel</u>, Deputy Samantha J. Steinel </div>
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Los Angeles STREET ADDRESS: 111 N. Hill Street MAILING ADDRESS: CITY AND ZIP CODE: Los Angeles 90012 BRANCH NAME: Stanley Mosk	CASE NUMBER: 18STFL10165
PETITIONER: Erika White RESPONDENT: Nicholas White	
REQUEST TO ENTER DEFAULT	

1. To the clerk: Please enter the default of the respondent who has failed to respond to the petition.
2. A completed *Income and Expense Declaration* (form FL-150) or *Financial Statement (Simplified)* (form FL-155)
☐ is attached ☒ is not attached.
 A completed *Property Declaration* (form FL-160) ☐ is attached ☒ is not attached
 because (check at least one of the following):
- (a) ☒ there have been no changes since the previous filing.
 - (b) ☐ the issues subject to disposition by the court in this proceeding are the subject of a written agreement.
 - (c) ☒ there are no issues of child, spousal, or partner support or attorney fees and costs subject to determination by the court.
 - (d) ☒ the petition does not request money, property, costs, or attorney fees. (Fam. Code, § 2330.5.)
 - (e) ☒ there are no issues of division of community property.
 - (f) ☐ this is an action to establish parental relationship.

Date: **5/7/19****Erika White**

(TYPE OR PRINT NAME)



(SIGNATURE OF [ATTORNEY FOR] PETITIONER)

3. Declaration

- a. ☐ No mailing is required because service was by publication or posting and the address of the respondent remains unknown.
- b. ☒ A copy of this *Request to Enter Default*, including any attachments and an envelope with sufficient postage, was provided to the court clerk, with the envelope addressed as follows (address of the respondent's attorney or, if none, the respondent's last known address):

Nicholas White
1200 S. Grand Ave #550
Los Angeles CA 90015


I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: **5/7/19****Erika White**

(TYPE OR PRINT NAME)



(SIGNATURE OF DECLARANT)

FOR COURT USE ONLY	
<input checked="" type="checkbox"/> Request to Enter Default mailed to the respondent or the respondent's attorney on (date):	MAY 09 2019
<input checked="" type="checkbox"/> Default entered as requested on (date):	MAY 09 2019
<input type="checkbox"/> Default not entered. Reason:	
SHERRI R. CARTER	Clerk, by Samantha Steinel , Deputy