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SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF LOS ANGELES

CLAUDIO PALMIERI aka ETHAN KATH, an individual, and CRYSTAL CASTLES, an Ontario General Partnership,

Plaintiffs,

vs.

MARGARET OSBORN aka ALICE GLASS, an individual, JUPITER KEYES, an individual, and DOES 1 through 50, inclusive,

Defendants.

CASE NO. BC681889
[Hon. Samantha P. Jessner, Dept. 31]

PLAINTIFFS' REPLY IN FURTHER SUPPORT OF MOTION FOR MANDATORY RELIEF FROM ORDER GRANTING DEFENDANT'S SPECIAL MOTION TO STRIKE PLAINTIFFS' COMPLAINT PURSUANT TO C.C.P. § 425.16 AND ORDER OF DISMISSAL OF ENTIRE ACTION

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Dept.: 31

Complaint Filed: November 3, 2017
Trial Date: None Set

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MEMORANDUM OF POINTS AND AUTHORITIES

I. INTRODUCTION

Plaintiffs Claudio Palmieri (a/k/a Ethan Kath) and Crystal Castles brought this action for defamation and related claims based on false and damaging statements about Palmieri that defendant Margaret Osborn (a/k/a Alice Glass) posted on her website. In response to the Complaint—*before anything else had happened in the case*—Osborn filed a Special Motion to Strike Pursuant to C.C.P. § 425.16 (the "Motion to Strike"). Plaintiffs' former counsel, Shane Bernard, missed the deadline to oppose the Motion to Strike. Then, when the Court granted additional time to file an opposition, he missed the deadline again. Eventually Mr. Bernard filed an untimely opposition that was not supported by any admissible evidence. As a result of Mr. Bernard's many failures, the Court granted the Motion to Strike with prejudice.

Section 473(b) is a remedial statute that must be "applied liberally." *Elston v. City of Turlock*, 38 Cal. 3d 227 (1985). The California Supreme Court has explained the purpose of the statute's mandatory provision as "to alleviate the hardship on parties who *lose their day in court* due solely to an inexcusable failure to act on the part of their attorneys." *Zamora v. Clayborn Contracting Grp., Inc.*, 28 Cal. 4th 249, 257 (2002) (emphasis in original) (internal quotations omitted). Even when the mandatory provision is inapplicable, courts have broad discretion to grant relief under the discretionary provision of § 473(b), which may offer relief from *any* "judgment, dismissal, order, or other proceeding." *Id.* at 255-56 (quoting C.C.P. § 473(b)). "[B]ecause the law strongly favors trial and disposition on the merits, any doubts in applying section 473 *must* be resolved in favor of the party seeking relief from default." *Minick v. City of Petaluma*, 3 Cal. App. 5th 15, 24 (2016) (emphasis added).

The circumstances here are precisely the type in which § 473(b) is meant to relieve innocent clients of the burden of their former attorney's fault. The very first challenge to the Complaint, before any discovery had occurred, resulted in the complete dismissal of all claims with prejudice. Mr. Bernard's conduct was not the result of some legal strategy that did not work out; as the record shows, he repeatedly failed to act on his clients' behalf until their case was dismissed. Worse yet, Mr. Bernard left Plaintiffs completely in the dark as to what was

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happening, depriving them of an opportunity to seek new counsel before it was too late. In fact, Plaintiffs learned their case had been dismissed not from Mr. Bernard, but from Osborn's Twitter feed. As soon as Plaintiffs heard about the Order of Dismissal of Entire Action (the "Order of Dismissal") they retained new counsel, who immediately sought relief through this Motion.

Accordingly, Plaintiffs respectfully request that the Court grant them relief from the Order of Dismissal—under either the mandatory or discretionary provision of § 473(b)—and allow this case to proceed. Plaintiffs have done nothing wrong. Granting them relief would not prejudice Osborn and would promote the State's strong policy of resolving disputes on the merits.

II. ARGUMENT

A. Plaintiffs Have Satisfied the Requirements for Mandatory Relief

Plaintiffs have satisfied the requirements for mandatory relief under § 473(b). (Mot. at 8:8-9:7.) Osborn does not dispute that Plaintiffs' Motion is timely, supported by their former counsel's declaration of fault, and accompanied by the proposed filing (an Opposition to the Motion to Strike). *See* C.C.P. § 473(b); *Lorenz v. Comm. Acceptance Ins. Co.*, 40 Cal. App. 4th 981, 989 (1995) (relief is mandatory when these requirements are met). Instead, she argues that the mandatory provision of § 473(b) does not apply here because "an order pursuant to CCP § 425.16 is not a dismissal as defined by § 473(b)." (Opp. at 1:17-19.) But Osborn's argument ignores the California Supreme Court's directive to interpret the mandatory provision broadly and relies on inapposite case law.

It is undisputed that § 473(b) applies not only to defaults, but also to dismissals that are "the procedural equivalents of defaults." *Bernasconi Comm. Real Estate v. St. Joseph's Reg'l Healthcare Sys.*, 57 Cal. App. 4th 1078, 1082 (1997) (§ 473(b) applies where "plaintiff's attorney has failed to oppose a dismissal motion"). In *Zamora*, 28 Cal. 4th at 257, the California Supreme Court described the Legislature's intent in adding the mandatory provision to § 473(b) as to relieve the burden on innocent clients who have lost their day in court because of their lawyers' conduct, *even if inexcusable*. The Court then directed that "the provisions of section 473 of the Code of Civil Procedure are to be liberally construed" to promote the "determination of actions on

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their merits." *Id.* at 256 (citation omitted).[1] The Court recently confirmed this broad interpretation of the statute's purpose. *See Even Zohar Const. & Remodeling, Inc. v. Bellaire Townhouses, LLC*, 61 Cal. 4th 830, 839 (2015) ("The general underlying purpose of section 473(b) is to promote the determination of actions on their merits.").

Numerous lower courts have followed the California Supreme Court's directive in *Zamora* and applied the mandatory provision of § 473(b) broadly. In *Younessi v. Woolf*, 244 Cal. App. 4th 1137, 1141 (2016), for example, the court granted relief under the statute's mandatory provision after counsel "fail[ed] to oppose . . . demurrers and timely file an amended complaint." Not only did plaintiffs' former counsel fail to oppose the demurrers and motions to strike, but then their new counsel failed to oppose an *ex parte* application to dismiss the action based on failure to timely file an amended complaint. *Id.* at 1141-42. In requesting relief under the mandatory provision of § 473(b), plaintiffs' new counsel admitted in a sworn declaration that he was at fault for the dismissal because he "just assumed," incorrectly, that plaintiffs had 30 days to file the amended complaint. *Id.* at 1142. The court ordered plaintiffs' new counsel to pay defendants' legal fees and costs, but granted the innocent clients relief from the dismissal. *Id.* at 1148-49. *See also Rodriguez v. Brill*, 234 Cal. App. 4th 715, 725 (2015) (granting relief under mandatory provision from dismissal of action based on motion to strike complaint for failure to respond to discovery, explaining that phrase "any . . . dismissal" within the meaning of the statute includes "a judgment of dismissal that states the case is dismissed with prejudice").

Similarly, in *SJP Limited Partnership v. City of Los Angeles*, 136 Cal. App. 4th 511, 514, 520 (2006), the court granted relief under the mandatory provision of § 473(b) where the plaintiff failed to oppose a motion for judgment on the pleadings based on incorrect legal advice from its prior counsel regarding the applicability of an automatic stay. Based on the lawyer's misinterpretation of the Bankruptcy Code, admitted in a sworn declaration, he failed to appear at a hearing because he did not believe the court could dismiss the action while his client was in bankruptcy. *Id.* at 515. The court found no evidence of "intentional misconduct" by the client; the

[1] Osborn briefly discusses *Zamora* in her Opposition, but she does not address the Court's directive to interpret the mandatory provision broadly. (Opp. at 4:15-23.)

dismissal was due to the lawyer's mistake, so mandatory relief was appropriate. *Id.* at 520.

Osborn argues against applying the mandatory provision based exclusively on cases involving summary judgment, not anti-SLAPP motions. (Opp. at 1:25-4:10.) Although similarities exist between an anti-SLAPP motion and a summary judgment motion, there are significant differences—differences which Osborn ignores.[2] An anti-SLAPP motion may be brought at the outset of a case, immediately after the complaint has been filed (as occurred here). A summary judgment motion, by contrast, often comes shortly before trial, or at least after all sides have had ample opportunity to gather evidence and develop their arguments. Thus, the procedural posture of a case involving an anti-SLAPP motion is more similar to that of a case involving a demurrer or motion for judgment on the pleadings.

Moreover, when opposing an anti-SLAPP motion, the non-movant has had little or no opportunity to take discovery. Accordingly, the non-movant must support its claims only with "some proof." *College Hosp., Inc. v. Super. Ct.*, 8 Cal. 4th 704, 719 (1994). An anti-SLAPP motion, unlike a summary judgment motion, is *not* intended to resolve the dispute on the merits. *See Lam v. Ngo*, 91 Cal. App. 4th 832, 851 (2001) ("An anti-SLAPP suit motion is not a substitute for a . . . summary judgment motion.").

This Court should follow the California Supreme Court's directive to apply the mandatory provision of § 473(b) broadly and the decisions granting relief from dismissal motions brought at the outset of a case. But even if the Court were to disagree, the cases that Osborn relies on are factually distinguishable from this case. *See In re Marriage of Hock & Gordon-Hock*, 80 Cal. App. 4th 1438, 1445 (2000) (cases are not dispositive where they are distinguishable on the facts). In *Urban Wildlands Group Inc. v. City of Los Angeles*, 10 Cal. App. 5th 993 (2017), the parties fully briefed the merits of the dispute on a full factual record. *Id.* at 995. Plaintiff stipulated that it would prepare and lodge the administrative record, but failed to do so. *Id.* The court, relying on

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[2] Osborn notes in passing that the "test applied to a SLAPP motion is similar to that of a motion for summary judgment, nonsuit or directed verdict." (Opp. at 3:7-10 (quoting *Kyle v. Carmon*, 71 Cal. App. 4th 901 (1999)).) She makes no effort to explain why dismissal based on an anti-SLAPP motion should be treated like summary judgment for purposes of applying the mandatory provision of § 473(b).

English v. IKON Business Solutions, Inc., 94 Cal. App. 4th 130 (2001), reversed the trial court's granting of relief under the mandatory provision because "[s]ummary judgments are neither defaults, nor default judgments, nor dismissals"; thus, mandatory relief was not available under the statute. 10 Cal. App. 5th at 998-1000.[3] Similarly, in *English*, 94 Cal. App. 4th at 133-34, the court declined to grant relief where an attorney made a strategic decision to request additional time for discovery rather than "to file a substantive opposition to the summary judgment motion."

Unlike *English*, where the lawyer made a *strategic decision* that did not work out for her client, here, it is clear that strategy was not guiding Mr. Bernard's conduct. There is no strategy in repeatedly failing to meet deadlines and submitting wholly inadequate evidence. Moreover, unlike *Urban Wildlands*, where the parties had the opportunity to (and did) fully brief the merits of the dispute, here, Plaintiffs were deprived of that opportunity because of Mr. Bernard's repeated failures at the outset of this case. Plaintiffs never truly had their day in court. *See Zamora*, 28 Cal. 4th at 257.

For all of these reasons, this Court should apply the mandatory provision of § 473(b) broadly and grant Plaintiffs relief from the Order of Dismissal. Again, if there is any doubt about whether to apply the mandatory provision in these circumstances, such doubt *must* be resolved in favor of granting the requested relief. *Minick*, 3 Cal. App. 5th at 24.

B. <u>The Court Has Broad Discretion to Grant Relief Under Section 473(b)</u>

If the Court were to conclude that the mandatory provision of § 473(b) does not apply here, the Court should grant relief from the Order of Dismissal under the even broader discretionary provision of § 473(b). Where an attorney's conduct in representing his clients was so extremely negligent that it rose to the level of "positive misconduct," a court may grant relief under the

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[3] The *Urban Wildlands* court "disapproved" of an earlier decision in *Avila v. Chua*, 57 Cal. App. 4th 860 (1997), a case in which mandatory relief was granted where a lawyer failed to timely file a response to summary judgment motions. As Justice Baker noted in his concurrence, to the extent that *Avila* was wrongly decided, the California Supreme Court should decide whether to "disapprove" it, not a different panel of the same court. *Urban Wildlands*, 10 Cal. App. 5th at 1003 (Baker, J., concurring). The California Supreme Court has *not* addressed the question of whether mandatory relief under § 473(b) is ever available following an entry of summary judgment. It is not the case that *Urban Wildlands* "has eliminated the ambiguity of the statute's application" in the summary judgment context, as Osborn contends. (Opp. at 2:1-3.)

statute's discretionary provision.[4] *Daley v. Cnty. of Butte*, 227 Cal. App. 2d 380, 391 (1964) (granting relief under § 473(b) where plaintiff's former counsel's neglect in failing to oppose a motion to dismiss for lack of prosecution "was inexcusable and extreme, amounting to positive misconduct," and representation was provided "only in a nominal and technical sense"). In *Buckert v. Briggs*, 15 Cal. App. 3d 296, 299 (1971), a trial took place and evidence was submitted in support of a cross-complaint against plaintiffs. Plaintiffs' counsel failed to show up. *Id.* Plaintiffs, upon learning of what had happened (and not having been informed by their former counsel), "solicited the services of another attorney" and, with the assistance of new counsel, obtained relief under § 473(b). The Court of Appeal, affirming the trial court's order, explained that "where the attorney's neglect is of that extreme degree amounting to positive misconduct, and the person seeking relief is relatively free from negligence," relief may be granted under the discretionary provision of section 473(b) even if the attorney's negligence was inexcusable. *Id.* at 301. The former lawyer's "failure to advise plaintiffs of the date of trial constituted positive misconduct" such that relief was appropriate. *Id.* at 301-302.

Here, like in *Daley* and *Buckert*, Mr. Bernard kept his clients completely in the dark as to the disastrous occurrences—caused solely by him—in the litigation. Mr. Bernard repeatedly acted, and failed to act, with extreme negligence. Without limitation, Mr. Bernard:

- failed to file an opposition to the Motion to Strike by the initial deadline;
- failed to file an opposition by the extended deadline;
- failed to properly authenticate emails and other evidence to support the opposition;
- failed to have Palmieri sign a declaration under penalty of perjury; and
- failed to notify his clients of any of this.

(Bernard Decl. ¶ 3; Palmieri Decl. ¶¶ 2-3). It is difficult to imagine a situation involving more negligence by an attorney. Although Mr. Bernard appeared in person at a few hearings, he essentially abandoned his clients while his law firm was in a state of chaos. (*See* Bernard Decl.

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[4] This rule is "premised upon the concept the attorney's conduct, in effect, obliterates the existence of the attorney-client relationship and for this reason his negligence should not be imputed to the client." *Buckert*, 15 Cal. App. 3d at 301.

¶ 3(a) (explaining that his office was in the midst of restructuring, a partner was preparing for retirement, and another partner was on maternity leave).) Indeed, the record reveals that Plaintiffs were effectively unrepresented at a "critical juncture in the litigation." *See Minick*, 3 Cal. App. 5th at 28 n.4. Under such circumstances, the Court has broad discretion to grant Plaintiffs relief from the Order of Dismissal that resulted from Mr. Bernard's extremely negligent conduct. As the court explained in *Orange Empire National Bank v. Kirk*, 259 Cal. App. 2d 347, 353 (1968), "[a]n attorney's authority to bind his client does not permit him to impair or destroy the client's cause of action or defense." Osborn does not address this argument, focusing instead on whether Mr. Bernard's mistakes were "excusable." (Opp. at 4:11-7:16.)

Finally, Osborn's Opposition fails to demonstrate any prejudice precluding relief under § 473(b). The only *possible* prejudice to Osborn is a slight delay in the action and legal fees that she incurred related to the Order of Dismissal. Neither form of prejudice should preclude relief, especially because Mr. Bernard will be ordered to pay Osborn's legal fees (in an amount to be determined) if relief is granted under § 473(b). *Shapiro v. Clark*, 164 Cal. App. 4th 1128, 1149 (2008); *Daley*, 227 Cal. App. 2d at 396 (finding that "only tangible prejudice . . . could have been eliminated as a condition of granting relief"). Osborn does not (and cannot) contend otherwise.

C. The Court Could Also Exercise Its Equitable Power to Grant Relief

The Court also has inherent equitable power to grant any relief that it deems appropriate. (Mot. at 10 n.1.) Osborn does not address this point. Thus, there are numerous grounds on which the Court could base its decision to grant the requested relief: the mandatory or discretionary provisions of § 473(b), or the Court's inherent equitable power.

D. The Amended Opposition to Defendant's Motion to Strike Defeats the Motion as a Matter of Law

"Reasonable probability" of success on the merits for purposes of defeating an anti-SLAPP motion requires only a minimum level of legal sufficiency and triability. "Only a cause of action that lacks 'even minimal merit' constitutes a SLAPP." *Overstock.com, Inc. v. Gradient Analytics, Inc.*, 151 Cal. App. 4th 688, 700 (2007). "A plaintiff is not required 'to *prove* the specified claim to the trial court.'" *Mann v. Quality Old Time Serv., Inc.*, 120 Cal. App. 4th 90, 105 (2004)

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(emphasis in original) (citations omitted). "[T]he plaintiff need only have 'stated and substantiated a legally sufficient claim.'" *Navellier v. Sletten*, 29 Cal. 4th 82, 88 (2002) (citations omitted).

"Precisely because the statute (1) permits early intervention in lawsuits alleging unmeritorious causes of action that implicate free speech concerns, and (2) limits opportunity to conduct discovery, the plaintiff's burden of establishing a probability of prevailing is not high: We do not weigh credibility, nor do we evaluate the weight of the evidence. Instead, ***we accept as true all evidence favorable to the plaintiff*** and assess the defendant's evidence only to determine if it defeats the plaintiff's submission as a matter of law. *Overstock.com*, 151 Cal. App. 4th at 699-700 (emphasis added); *accord Taus v. Loftus,* 40 Cal. 4th 683, 714 (2007).

Accepting as true all evidence favorable to Plaintiffs, the evidence presented in Plaintiffs' Amended Opposition to the Motion to Strike requires that it be denied as a matter of law. In this case, the decision is binary. There are no witnesses to the alleged sexual assault and abuse; nor has Osborn presented any corroboration of her allegations of abuse. Either Palmieri is telling the truth, or Osborn is telling the truth. For purposes of ruling on the Motion to Strike, the Court must accept as true all evidence favorable to Plaintiffs.

Palmieri has declared that the "allegations about me in the Statement are entirely false [and] I never sexually assaulted, drugged, or physically or emotionally abused [defendant] in any way." (Palmieri Decl. ¶12). Since the court must accept these facts as true, Plaintiffs have "substantiated a legally sufficient claim" that Osborn's Statement is false and defamatory.[5] Palmieri's declaration that he never sexually assaulted, drugged or abused Osborn is alone sufficient to defeat the Motion to Strike as a matter of law. But Plaintiffs also have presented admissible written admissions by Osborn corroborating Palmieri's declaration that their relationship was fully consensual.

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[5] *Cf. Comstock v. Aber*, 212 Cal. App. 4th 931, 948-950 (anti-SLAPP motion granted where plaintiff did *not* deny allegations of sexual assault: "Comstock does not specifically deny their truth, and certainly does not deny that he sexually assaulted Aber. Such a denial—which would have been easy to make under penalty of perjury, if true—cannot be reasonably inferred from Comstock's vague statement.")

Osborn argues that the proffered emails are inadmissible because Plaintiff "cannot authenticate emails allegedly written and sent by anyone other than himself." (Opp. at 8:5-6.) She is incorrect. An "author's testimony is not required to authenticate a document." *People v. Valdez*, 201 Cal. App. 4th 1429, 1435 (2011) (citing Cal. Evid. Code § 1411). Nor is there any restriction on "the means by which a writing may be authenticated." Cal. Evid. Code § 1414. A "writing may be authenticated by evidence that the writing was received in response to a communication sent to the person who is claimed by the proponent of the evidence to be the author of the writing." *Id.* § 1420. And it "may be authenticated by evidence that the writing refers to or states matters that are unlikely to be known to anyone other than the person who is claimed by the proponent of the evidence to be the author of the writing." *Id.* § 1421.

Palmieri was the recipient of personal email exchanges with Osborn. As he declared:

> Attached hereto as **Exhibit C** are true and correct copies of emails that Margaret and I exchanged between 2008 and 2012. During our relationship, I would regularly correspond with Margaret via email. I have had an email address with Gmail since February 2008. Margaret has had a few email addresses, with Gmail and Hotmail, since I have known her. I kept all of these emails with Margaret in my Gmail account, which is where I retrieved the attached copies from.

(Palmieri Decl. ¶ 18.) The email addresses, time stamps and other indicia of authenticity, together with Palmieri's sworn testimony, further establish that the emails are genuine and admissible at this stage of the proceedings. *See generally Andreas Carlsson Prods., AB v. Barnes*, No. CV 10-8396 CAS (CWx), 2012 WL 2366391 (C.D. Cal. 2012) (describing means by which email evidence may be authenticated, including self-authentication). Nothing more is required. Notably, defendant does not deny that she wrote these emails.[6]

Osborn further argues that even if the emails are admissible, they are not probative because they do not address "the 2002 incident" when Palmieri allegedly "took advantage of her when she was not in a condition to give her consent (not to mention she was underage)," and do not negate

[6] *Continental Baking Co. v. Katz*, 68 Cal. 2d 512, 526 (1968), relied on by Osborn, is off point. There, the trial court "simply took counsel's word for it that he could have a witness lay the necessary foundation and that he, the attorney, had obtained the documents from the general counsel of Continental so that they were 'business records under the liberal interpretation.'" No such second-hand hearsay authentication is relied on by Palmieri, who is the direct recipient of Osborn's emails.

the abusive nature of their relationship. (Opp. at 9.)[7] However, the emails, diary and other documentary evidence proffered by Palmieri are indeed probative because they reflect consensual sex, love and affection, and, as such, tend to contradict Osborn's claims.

Finally, Osborn argues that the emails and other documentary evidence reflecting her relationship with Palmieri and her state of mind, do not establish that Osborn knew that her "statement was false when she published it." (Opp. at 8:5-6.) This argument misses the point that the evidence of her admissions corroborates Palmieri's testimony, but it is Palmieri's testimony as so corroborated that proves the falsity of Osborn's Statement and that she knew it was false. "Where, as here, the plaintiff is a limited public figure, he or she must prove by clear and convincing evidence that the allegedly defamatory statements were made with knowledge of their falsity or with reckless disregard of their truth or falsity." *Overstock,* 151 Cal. App. 4th at 700. Since the court must accept as true that Palmieri did not sexually assault, drug or physically or emotionally abuse Osborn at any time, that proof is absolute at this juncture. This is not a case where the alleged defamer has relied on third-party information she suspects may be false. Osborn was there. If these events did not occur, she knows they did not occur and she is lying.

III. CONCLUSION

Plaintiffs respectfully request that the Court set aside the Order of Dismissal, consider Plaintiffs' Amended Opposition to the Motion to Strike, and rule on the merits of that motion.

DATED: May 9, 2018

KING, HOLMES, PATERNO & SORIANO, LLP

By: Henry D. Gradstein /m.c.

HENRY D. GRADSTEIN
MATTHEW J. CAVE
Attorneys for Plaintiffs CLAUDIO PALMIERI aka ETHAN KATH and CRYSTAL CASTLES

[7] Counsel takes undue liberty with the facts in stating that Osborn was underage and implying statutory rape. Palmieri did not meet Osborn until late 2003 and he did not sexually assault or drug her then, or ever. (Palmieri Decl. ¶ 18). Defendant was 16, not 15, in 2003. Either way, the age of consent in Canada, where they both lived at the time, was 14 until it was raised to 16 in 2008. (*See* https://en.wikipedia.org/wiki/Age_of_consent_reform_in_Canada).

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

At the time of service, I was over 18 years of age and **not a party to this action**. I am employed in the County of Los Angeles, State of California. My business address is 1900 Avenue of the Stars, Twenty-Fifth Floor, Los Angeles, CA 90067-4506.

On May 9, 2018, I served true copies of the following document(s) described as

PLAINTIFFS' REPLY IN FURTHER SUPPORT OF MOTION FOR MANDATORY RELIEF FROM ORDER GRANTING DEFENDANT'S SPECIAL MOTION TO STRIKE PLAINTIFFS' COMPLAINT PURSUANT TO C.C.P. § 425.16 AND ORDER OF DISMISSAL OF ENTIRE ACTION

on the interested parties in this action as follows:

Vicki Greco, Esq.
COLLINSON LAW, APC
21515 Hawthorne Blvd., Suite 800
Torrance, CA 90503

BY FEDEX: I enclosed said document(s) in an envelope or package provided by FedEx and addressed to the persons at the addresses listed in the Service List. I placed the envelope or package for collection and overnight delivery at an office or a regularly utilized drop box of FedEx or delivered such document(s) to a courier or driver authorized by FedEx to receive documents.

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

Executed on May 9, 2018, at Los Angeles, California.

AARON ROSENBERG

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