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shavens@parisihavens.com

11 Attorneys for Plaintiff Marko Djoric

12 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

13 **COUNTY OF LOS ANGELES**

14 MARKO DJORIC, an individual, on  
15 behalf of himself and all others similarly  
16 situated,

16 Plaintiff,

17 v.

18 JUSTIN BRANDS, INC.; and DOES 1  
19 through 10, inclusive.

20 Defendants.

Case No. BC574927

**DECLARATION OF SUZANNE  
HAVENS BECKMAN IN SUPPORT  
OF MOTION FOR FINAL APPROVAL  
OF CLASS ACTION SETTLEMENT  
AND MOTION FOR AN AWARD OF  
ATTORNEYS' FEES AND AN  
INCENTIVE AWARD FOR MARKO  
DJORIC**

Date: July 31, 2018

Time: 9:00 a.m.

Dept.: SSC, Dept. 17

Assigned to: Hon. Maren Nelson

1 I, Suzanne Havens Beckman, declare:

2 1. I am a partner in the law firm of Parisi & Havens LLP and, with my  
3 partner David C. Parisi, am responsible for the handling of this litigation at my firm.  
4 Along with my co-counsel Carpenter Law, I am counsel of record for Plaintiff Marko  
5 Djoric ("Mr. Djoric" or "plaintiff"). I am a member of the Bar of the State of California  
6 and licensed to practice before this Court. I make this declaration based upon my own  
7 personal knowledge. If called to testify, I could and would testify to the facts contained  
8 herein.

9 **Parisi & Havens LLP's Hourly Rates**

10 2. The principals of Parisi & Havens LLP are David C. Parisi and myself.  
11 Mr. Parisi graduated with a law degree from Boston University and has been practicing  
12 law since passing the California State bar in 1992. I obtained my law degree from the  
13 University of Southern California and was admitted to the California State Bar in 1997.  
14 Together, we have successfully litigated numerous complex class actions and insurance  
15 coverage cases on behalf of plaintiffs. We have been lead counsel for plaintiffs in  
16 lawsuits which, combined, have settled for in excess of \$200,000,000.00 payments to  
17 our clients. Over the past fifteen or more years of practice, well over ninety percent of  
18 my firm's work has been devoted to representing consumers in class actions. Clients  
19 generally find our firm through other attorneys who know our reputation of obtaining  
20 good results for our clients in often complex consumer class actions and having a large  
21 breadth of knowledge when it comes to the procedural intricacies of class actions. As  
22 our firm resume indicates, a copy of which is attached as Exhibit 1, my firm has litigated  
23 numerous complex class actions in both trial court as well as appellate courts. We are  
24 called upon regularly to speak concerning class action issues and procedures and are  
25 well-regarded in our field.

26 3. My billing rate is \$525.00 per hour and my law partner, David C. Parisi's  
27 billing rate is \$550.00 per hour. My firm's billing rates have been affirmed by  
28 numerous courts, as recently as *Meyer v. PYOD LLC*, San Diego Superior Court, Case  
No. 37-2014-00008110-CU-BT-NC, on September 7, 2017. These rates are well within

1 the range of reasonable billing rates for counsel within the Court's local community. Our  
2 co-counsel, Gretchen Carpenter, has submitted evidence with her declaration which  
3 identifies authority demonstrating that my firm's billing rate for myself and my law  
4 partner are consistent with the billing rate for attorneys in the Court's local community.

5 **Summary of Parisi & Havens LLP's Time in This Case**

6 4. My firm's practice is to keep contemporaneous records for each  
7 timekeeper and to regularly record time records in the normal course of business; and we  
8 kept time records in this case consistent with that practice. Moreover, our firm's practice  
9 is to bill in 6-minute (tenth-of-an-hour) increments.

10 5. Throughout my involvement in this case, I did my part to ensure that the  
11 tasks necessary to prosecute this case were appropriately allocated among the attorneys  
12 in my firm as well as my co-counsel and conducted efficiently, without undue  
13 duplication of effort, and at minimal expense. We took on this matter on a contingency  
14 basis, meaning that without a successful result, we would not be paid. Given the  
15 contingency nature of the case, it was imperative that my firm litigate this matter  
16 effectively but in a time and cost-effective manner.

17 6. My co-counsel, Gretchen Carpenter, has summarized in detail the work  
18 that was performed in this action. Below I have summarized the work performed in this  
19 action by my firm.

20 7. In mid-2015, my firm was contacted by Ms. Carpenter, a colleague with  
21 whom we had worked before, concerning Mr. Djoric's claims. Ms. Carpenter relayed  
22 the facts of the case and inquired as to whether my firm was interested in co-counseling  
23 the matter with her new law firm. Ms. Carpenter provided my firm with a copy of the  
24 complaint, and other relevant information. Additionally, my firm performed its own due  
25 diligence with respect to the case by researching the facts and underlying legal theories  
26 and parties involved. On June 30, 2015, Plaintiff filed a Notice of Association  
27 confirming my firm's role in the litigation.

28 8. During this initial stage of my firm's involvement in the litigation until  
September 30, 2015, we conducted research on similar cases and new legislation relating

1 to the claims, worked with co-counsel to draft and serve discovery (including requests  
2 for admission, form interrogatories, special interrogatories, and document demands), and  
3 participated in discussions with Defendant's counsel about potential mediation. The  
4 total time spent on these matters during this time period (billed in 6-minute increments)  
5 was 2.4 hours of attorney time (Suzanne Havens Beckman) at \$525.00 per hour and 9.4  
6 hours of attorney time for my partner (David C. Parisi) at \$550.00 per hour for total time  
7 of 11.8 hours and a total lodestar of \$6,430.00.

8 9. From October 1, 2015 to January 31, 2016, my firm reviewed Defendant's  
9 answer to the complaint, negotiated a stipulated protective order, reviewed Defendant's  
10 discovery responses and further discovery responses, prepared for and met and conferred  
11 with Defendant regarding its discovery responses and further responses, reviewed  
12 similar cases, reviewed and considered Defendant's 998 offer to compromise, conducted  
13 research concerning 998 offers and parameters in the class action context, and continued  
14 discussions with Defendant's counsel about potential mediation. The total time spent on  
15 these matters during this time period (billed in 6-minute increments) was 8.4 hours of  
16 attorney time (Suzanne Havens Beckman) at \$525.00 per hour and 7.8 hours of attorney  
17 time for my partner (David C. Parisi) at \$550.00 per hour for total time of 16.2 hours  
18 and a total lodestar of \$8,700.50.

19 10. From February 1, 2016 to March 31, 2016, counsel communicated with  
20 Mr. Djoric about the case; researched and responded to Defendant's 998 offer to  
21 compromise; reviewed press and court documents regarding similar claims; continued to  
22 meet and confer regarding Defendant's discovery responses; researched, briefed,  
23 prepared for, and participated in an informal discovery conference with Judge Jones;  
24 reviewed Defendant's responses to additional discovery and met and conferred about  
25 those responses; conducted factual research regarding Plaintiff's claims and legal  
26 research regarding class issues; continued discussions with Defendant's counsel about  
27 mediation; researched appropriate mediators; and scheduled mediation. The total time  
28 spent on these matters during this time period (billed in 6-minute increments) was 20  
hours of attorney time (Suzanne Havens Beckman) at \$525.00 per hour and 4.10 hours

1 of attorney time for my partner (David C. Parisi) at \$550.00 per hour for total time of  
2 24.1 hours and a total lodestar of \$12,755.00.

3 11. From April 1, 2016 to June 30, 2016, Plaintiff's counsel communicated  
4 with Mr. Djoric about the case, met and conferred regarding Defendant's response to  
5 discovery and initiated an Informal Discovery Conference with the court, prepared a  
6 Person Most Knowledgeable deposition notice, prepared multiple sets of additional  
7 written discovery, reviewed and analyzed amended discovery responses and Defendant's  
8 document productions, prepared for and took Defendant's deposition, continued  
9 discussions with Defendant's counsel regarding mediation, reviewed press and court  
10 documents regarding similar claims, conducted factual and legal research regarding  
11 claims, reviewed and began preparing responses to Defendant's discovery requests, and  
12 prepared a joint status conference statement. The total time spent on these matters  
13 during this time period (billed in 6 minute increments) was 62.7 hours of attorney time  
14 (Suzanne Havens Beckman) at \$525.00 per hour and 21.80 hours of attorney time for  
15 my partner (David C. Parisi) at \$550.00 per hour for total time of 84.5 hours and a total  
16 lodestar of \$44,907.50.

17 12. From July 1, 2016 to September 30, 2016, Plaintiff's counsel reviewed  
18 Defendant's discovery responses and document production, communicated with Mr.  
19 Djoric and prepared Plaintiff's responses to Defendant's discovery, prepared Plaintiff's  
20 documents for production, prepared for and attended a status conference, initiated an  
21 IDC with the Court, conducted legal and factual research and prepared and filed a  
22 motion for class certification and accompanying declarations, conducted research  
23 regarding similar claims and settlements in similar cases, and continued discussions with  
24 Defendant's counsel about mediation and scheduled mediation. The total time spent on  
25 these matters during this time period (billed in 6 minute increments) was 56.2 hours of  
26 attorney time (Suzanne Havens Beckman) at \$525.00 per hour and 14.30 hours of  
27 attorney time for my partner (David C. Parisi) at \$550.00 per hour for total time of 70.4  
28 hours and a total lodestar of \$37,370.00.

13. From October 1, 2016 to December 31, 2016, Plaintiff's counsel

1 communicated with Mr. Djoric regarding mediation and deposition preparation,  
2 reviewed settlement documents in similar cases, conducted legal research and drafted a  
3 mediation brief, reviewed and analyzed Defendant's mediation brief, prepared for and  
4 attended two mediation sessions, followed up multiple times with the mediator and  
5 Defendant's counsel regarding settlement and follow-up information, reviewed and  
6 analyzed information exchanged in connection with and subsequent to mediation  
7 sessions, negotiated some aspects of settlement, and began working on settlement  
8 documents. The total time spent on these matters during this time period (billed in 6  
9 minute increments) was 87.10 hours of attorney time (Suzanne Havens Beckman) at  
10 \$525.00 per hour and 5.3 hours of attorney time for my partner (David C. Parisi) at  
11 \$550.00 per hour for total time of 92.4 hours and a total lodestar of \$48,642.50.

12 14. From January 1, 2017 to July 31, 2017, Plaintiff's counsel followed up  
13 extensively with the mediator and Defendant's counsel regarding the settlement,  
14 continued to work on the settlement terms and draft the settlement documents,  
15 conducted legal research re settlement issues, communicated with and met with Mr.  
16 Djoric regarding the status of the settlement and case, finalized the settlement  
17 documents, and researched, prepared and filed a motion for preliminary approval of  
18 settlement and accompanying declarations. The total time spent on these matters during  
19 this time period (billed in 6 minute increments) was 128.70 hours of attorney time  
20 (Suzanne Havens Beckman) at \$525.00 per hour and 26.70 hours of attorney time for  
21 my partner (David C. Parisi) at \$550.00 per hour for total time of 155.40 hours and a  
total lodestar of \$82,252.50.

22 15. From August 1, 2017 to January 31, 2018, Plaintiff's counsel followed up  
23 extensively with Defendant's counsel regarding modifications to the settlement  
24 documents based on the Court's request for supplemental briefing, negotiated  
25 modifications to the settlement documents, prepared modified settlement documents,  
26 communicated with Mr. Djoric regarding the modified settlement documents, prepared  
27 and filed supplemental briefing in support of preliminary approval, and appeared for a  
28 preliminary approval hearing. The total time spent on these matters during this time

1 period (billed in 6 minute increments) was 33.90 hours of attorney time (Suzanne  
2 Havens Beckman) at \$525.00 per hour and 3.60 hours of attorney time for my partner  
3 (David C. Parisi) at \$550.00 per hour for total time of 37.50 hours and a total lodestar of  
4 \$19,777.50.

5 16. From February 1, 2018 to June 27, 2018, Plaintiff's counsel followed up  
6 extensively with Defendant's counsel and the claims administrator regarding  
7 modifications to the settlement and notice plan, negotiated modifications to the  
8 settlement and notice plan, prepared modified settlement documents, prepared and filed  
9 supplemental preliminary approval papers with the Court, prepared for and attended a  
10 second preliminary approval hearing, communicated with Mr. Djoric regarding  
11 modifications to the settlement documents and notice plan, communicated with  
12 Defendant's counsel and the claims administrator to implement class notice, and  
13 communicated with the claims administrator about the status of notice and submission of  
14 claims. The total time spent on these matters during this time period (billed in 6 minute  
15 increments) was 72.20 hours of attorney time (Suzanne Havens Beckman) at \$525.00  
16 per hour and 1.40 hours of attorney time for my partner (David C. Parisi) at \$550.00 per  
17 hour for total time of 73.60 hours and a total lodestar of \$38,675.00.

18 17. Between the beginning of my firm's involvement in this action in June  
19 2015 through June 27, 2018, I billed a total of 471.6 hours in this action at a billing rate  
20 of \$525.00. My law partner, David C. Parisi, billed at total of 94.4 hours at a billing rate  
21 of \$550.00 per hour. Together, our firm's lodestar for work on this matter totals  
22 \$299,510.00. We expect to spend an additional 25 hours to litigate this case through  
23 completion.

### 23 **Parisi & Havens LLP's Costs**

24 18. As of July 6, 2018, my office has incurred a total of \$13,269.06 in  
25 unreimbursed actual third-party expenses in connection with the prosecution of this case.  
26 The actual expenses incurred in the prosecution of this case are reflected on the  
27 computerized accounting records of my firm. Those accounting records are prepared  
28 based on receipts and check records and accurately reflect all actual expenses incurred.

1 These expenses are broken down as follows:  
2

3 <b>Category</b>	<b>Amount</b>
4 Postage and Delivery	\$6.65
5 Messenger and Filing Fees	\$1,497.25
6 Legal Research	\$20.60
7 Phone Services	\$16.04
8 Court Call Fees	\$202.00
9 Mediation	\$7,195.00
10 Travel	\$4,331.52
11 <b>Total</b>	<b>\$13,269.06</b>

12 Executed this 9<sup>th</sup> day of July 2018, at Orinda, California. I declare under penalty  
13 of perjury under the laws of the State of California that the foregoing is true and correct.  
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Suzanne Havens Beckman



# **Exhibit 1**

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(June 2017)

## The Law Firm

**Parisi & Havens LLP** prides itself in meeting the varying needs of our clients. Our firm is committed to providing each of our clients with the highest quality legal representation and achieving the most successful resolution of their cases possible. We primarily represent individuals and businesses in class actions as well as complex insurance coverage disputes. The firm counts as its clients several banks, a Fortune 500 Company and numerous consumers. In each area in which we practice, the firm and its partners have built a reputation in the community for representing clients with strength and integrity.

The attorneys at Parisi & Havens have served in leadership roles or were co-lead counsel in the following complex lawsuits and class actions:

*In re Farmers Northridge Earthquake Commercial Litigation and In re Farmers Northridge Earthquake Commercial Litigation No. II*, two groups of consolidated and related complex lawsuits. The firm's clients' had over 169 claims in this litigation and resolved their disputes for in excess of \$191 million.

*Wang v. Asset Acceptance LLC and Trans Union LLC*, a class action which resulted in a settlement valued at in excess of \$11 million on behalf of consumers whose credit reports failed to report disputed debt.

*Wang v. Bank of America*, a class action which resulted in 12,225 persons throughout California receiving compensation as a result of a dispute over the proper interpretation of a bank deposit agreement.

*Meyer v. Portfolio Recovery Associates, LLC*, 707 F.3d 1036 (2012), which resulted in the issuance of a preliminary injunction and provisional class certification against a debt collector with respect to alleged efforts to collect debts in violation of the Telephone Consumer Protection Act, 47 U.S.C. s. 227.

*Mendel v. Sirius Satellite Radio, Inc., et al.*, a consumer class action valued at just over \$1 million in which every consumer was awarded 100 percent reimbursement.

*August v. Sony Pictures Home Entertainment, Inc., et al.*, a consumer action which resulted in both Sony Pictures and Netflix, Inc. changing their practices with respect to all consumers nationwide.

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(June 2017)

*Eren v. Topa Insurance Company, Inc., et al.*, an insurance action which resulted in Topa changing its practices with respect to denying particular types of insurance claims and reimbursing affected insureds in State of California.

*Simonian v. Farmers Group, Inc., et al.*, an insurance class action which resolved with insureds receiving 100 percent reimbursement of approximately \$9 million withheld by the insurer, and which resulted in a change in the claims practice of the insurer.

*McGuire v. Farmers Group, Inc., et al.*, an insurance class action which challenged Farmers' practice of overinsuring property, thereby artificially inflating policy limits and artificially inflating policy premiums. The case was settled with Farmers agreeing to change its practices.

*In re ATI HDCP Litigation*, a consumer class action which sought compensation for persons who purchased video graphics cards which were advertised as being able to process video pursuant to the HDCP protocol. The case settled with a value of \$11.5 million and all persons who made claims were given the opportunity to receive a new, more functional, graphics cards.

*In re Portfolio Recovery Associates, LLC Telephone Consumer Protection Act Litigation*, a consumer class action which sought compensation for consumers called in violation of the TCPA and which resulted in an \$18 million settlement.

*Williams, et al. v. Motricity, Inc. et al*, Case No. 09 CH 19089 (Cook County, Illinois), a class action alleging the imposition of unauthorized mobile content charges which settled for \$9 million.

*Valdez-Marquez, et al. v. Netflix, Inc.*, Case No. 5:09-cv-05903 (N.D. Calif.), a class action involving the privacy consequences of the release of allegedly anonymized records from a customer database which resolved with changes in defendant's practices.

*Walker, et al. v. Openmarket, Inc., et al.*, Case No. 08 CH 40592 (Cook County, Illinois), a class action alleging the wrongful imposition of unauthorized mobile content charges.

*Slater v. Tagged, Inc.*, Case No. 3:09-cv-3697 (N.D. Cal.), a data privacy class action involving a social network's website and the acquisition of consumer's

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(June 2017)

email address books.

*Holmes v. NCO, Inc.*, Case No. 3:10-cv-2543 (S.D. Cal.), a Fair Debt Collection Practices Act class action which resulted in over 1,000 persons whose credit reports were impacted to receive nearly the entire amount of possible damages recoverable, even after trial.

*DuFour v. Be, LLC, et al.*, Case No. 3:09-cv-3770-CRB (N.D. Cal.), a class action against a talent agency and its finance company which resulted in a \$1.25 million settlement fund and \$700,000 in debt relief to families based in part on allegations that defendants violated the Advance Fee Talent Services Act and related California law.

*Marootian v. New York Life Ins. Co., et al.*, a class action which involved claims stemming from the Armenian Genocide of 1915 which involved complex issues of International Jurisdiction.

## The Attorneys

### David C. Parisi

Mr. Parisi represents consumers in class action lawsuits. He also represents consumers and businesses in conflicts with their insurance carriers. His consumer class actions range from lawsuits against companies which fail to honor rebates to insurance and privacy class actions. Most of his consumer class action lawsuits arise from companies which are untruthful in their advertising. In his career, Mr. Parisi has also addressed and resolved numerous insurance issues for businesses and homeowners, such as the application of complex exclusions in directors and officers liability insurance policies, the scope of business liability insurance policies, the degree to which insurance carriers may dictate the defense strategy of their insureds, whether insurance carriers can force insureds to participate in a costly appraisal process, as well as various automobile and homeowners policy interpretation issues.

Mr. Parisi's published appellate opinions, where he represented the insured or amici, include *Fireman's Fund Ins. Companies v. Younesi* (1996) 48 Cal.App.4th 451; *Doheny West Homeowners' Ass'n v. American Guarantee & Liability Ins. Co.* (1997) 60 Cal.App.4th 400; *Truck Insurance Exchange v. Superior Court* (1998) 67 Cal.App.4th 142; *Basich v. Allstate Ins. Co.* (2001) 87 Cal.App.4th 1112; *Kids' Universe v. In2Labs* (2002) 95 Cal.App.4th 870; *21<sup>st</sup> Century Ins. Co. v. Superior Court (Schwartz)* (2005)

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(June 2017)

127 Cal.App.4th 1351; *Doheny Park Terrace Homeowners Ass'n, Inc. v. Truck Ins. Exchange* (2005) 132 Cal.App.4th 1076; *Meyer v. Portfolio Recovery Associates, LLC* (2012) 707 F.3d 1036; and *Holmes v. NCO Financial Services, Inc.* (2013) 538 Fed. Appx. 765.

Mr. Parisi has taught attorneys about consumer class actions and insurance bad faith and is often called upon by insurance professionals for advice on complex insurance coverage issues. Mr. Parisi is admitted to the State Bar of California as well as the U.S. District Court for the Northern, Southern, Eastern and Central Districts of California.

As a consumer advocate, Mr. Parisi gives a great deal of his time to assist various consumer-related insurance organizations. Mr. Parisi is a 1992 graduate of the Boston University School of Law.

### **Suzanne Havens Beckman**

Ms. Havens Beckman's practice is primarily focused on insurance bad faith litigation on behalf of California policyholders as well as class action litigation on behalf of consumers. Ms. Havens Beckman has represented insureds and resolved hundreds of lawsuits dealing with a wide variety of complex insurance bad faith issues: from director and officer liability disputes; to duty to defend liability; to the more typical homeowners insurance issues, including the water loss exclusion, the code upgrade exclusion, coverage for damage caused by mold, and the appraisal clause. Ms. Havens Beckman's clients range from individuals to small businesses and large corporations. Ms. Havens Beckman also has significant experience in general civil litigation.

In addition to her litigation and claims analysis experience, Ms. Havens Beckman has been successful at the appellate level. In recognition of her efforts to confirm the constitutionality of Code of Civil Procedure section 340.9, Ms. Havens Beckman received the Consumer Attorneys of California 2001 Presidential Award of Merit. Ms. Havens Beckman's published opinions include *Basich v. Allstate Ins. Co.* (2001) 87 Cal.App.4th 1112; *20<sup>th</sup> Century Ins. Co. v. Superior Court (Ahles)* (2001) 90 Cal.App.4th 1237; *Bialo v. Western Mutual Insurance Company* (2002) 95 Cal.App.4th 68; *Migliore v. Mid-Century Insurance Company* (2002) 97 Cal.App.4th 592; *E.M.M.I. Inc. v. Zurich American Insurance Company* (2004) 32 Cal.4th 465; *21<sup>st</sup> Century Ins. Co. v. Superior Court (Schwartz)* (2005) 127 Cal.App.4th 1351; and *Doheny Park Terrace Homeowners Ass'n, Inc. v. Truck Ins. Exchange* (2005) 132 Cal.App.4th 1076.

Ms. Havens Beckman is often called upon by other attorneys and insurance professionals

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(June 2017)

for her advice in responding to insurance company denials of claims and has lectured on various insurance litigation topics.

Ms. Havens Beckman received her J.D. from the University of Southern California Law School in 1996. Ms. Havens Beckman is admitted to the State Bar of California as well as the U.S. District Court for the Northern, Southern, Eastern and Central Districts of California.

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**PROOF OF SERVICE**

**STATE OF CALIFORNIA, COUNTY OF LOS ANGELES**

I am employed in the county of Los Angeles, State of California. I am over the age of 18 and not a party to the within action; my business address is:

CARPENTER LAW  
1230 Rosecrans Ave., Suite 300  
Manhattan Beach, CA 90266

On July 9, 2018, I served the foregoing documents, described:

**DECLARATION OF SUZANNE HAVENS BECKMAN IN SUPPORT OF  
MOTION FOR FINAL APPROVAL OF CLASS ACTION SETTLEMENT  
AND MOTION FOR AN AWARD OF ATTORNEYS' FEES AND  
AN INCENTIVE AWARD FOR MARKO DJORIC**

via electronic transmission addressed as follows:

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*Counsel for Defendant*

*Co-Counsel for Plaintiff*

**VIA ELECTRONIC TRANSMISSION TO CASE ANYWHERE AT  
WWW.CASEANYWHERE.COM**

VIA ELECTRONIC MAIL

Executed on July 9, 2018, at Anaheim, California.

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



\_\_\_\_\_  
Carlo Aguilar