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I hereby certify that this correspondence is being deposited with the
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service under 37 CFR 1.10 on the date indicated above and is addressed to:
Commissioner for Trademarks, 2900 Crystal Drive, Arlington, VA 22202-3514
on 7-1-04 Joe J. Alfaro Jr.
(date of signature) (Signature)
Joe J. Alfaro, Jr., Opposer
(typed name of person signing certificate)

TTAB

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the matter of trademark application Serial No. 78110344
Filed on: February 22, 2002
For the mark "Superfreaks Funky Disco Revue"
Published in the Official Gazette on December 17, 2002

Joe J. Alfaro, Jr.
v.
Guy A. Hoffmann

Opposition No. 91155188

AMENDED
NOTICE OF OPPOSITION

Joe J. Alfaro, Jr., Owner of the band "The Superfreaks"
481 W. Blaine Street, Riverside, CA 92507

The above-identified Opposer believes that he will be damaged by registration of the mark shown in the above-identified application, and hereby opposes the same.

On January 15, 2003, Joe J. Alfaro, Jr. filed a notice of opposition against application Serial No. 78110344. The following is an amended pleading as requested by the Board on order dated May 28, 2004.

Grounds for opposition to registration are as follows:

1. Opposer, has used his mark *THE SUPERFREAKS* in Interstate Commerce since at least as early as 1999 and continues to use the mark in connection with "entertainment services in the nature of live disco music from the '70s and '80s as performed by live musicians," long prior to any date on which Applicant can rely upon. This service is marketed and sold through various channels including mass post office mailings, newspaper and radio ads, flyers, t-shirts, business



cards, and on the world wide web. As such, Opposer sells and promotes its services to the general public. Opposer has expended substantial resources including time, effort, and capital to promote Opposer's services under its mark *THE SUPERFREAKS* resulting in distinctiveness, popularity, and strong goodwill. By reason of Opposer's extensive promotions and use, as well as its services, Opposer's mark has come to be well recognized as signifying and identifying Opposer's services. Opposer's band *THE SUPERFREAKS* continues to enjoy a very successful career providing entertainment services for many prestigious venues and events.

2. Opposer owns a Certificate of Registration from the State of California (#056707) Int'l Class 041, for its mark *THE SUPERFREAKS*. Copy of registration is attached hereto as Exhibit A. Opposer's registration is valid, subsisting, and in full force.

3. Opposer is the owner of the mark *THE SUPERFREAKS* for the services of musical performances. Several specimens: contract, postcard, business card, flyer, newspaper ad, demonstrating how the mark is used in commerce are attached as Exhibits B, C, D, E, and F. (Also, please see sworn/notarized affidavits from each band member regarding ownership of the mark attached as Exhibits G, H, I, and J).

4. On February 22, 2002, after being dismissed from *THE SUPERFREAKS* band by Opposer, Applicant filed the intent-to-use application at issue to register the mark *SUPERFREAKS FUNKY DISCO REVUE* for entertainment services in International Class 041.

5. Applicant's proposed mark *SUPERFREAKS FUNKY DISCO REVUE* is identical (except for the disclaimed words "funky disco revue") in every way to the Opposer's previously used service mark *THE SUPERFREAKS* for "entertainment services in the nature of live disco music from the '70s and '80s as performed by live musicians," as to be likely to cause confusion, under Section 2(d) of the Trademark Act of 1946, 15 U.S.C. s 1052. (please see business card

and flyer marked as Exhibits D & E, examples of how Opposer uses same descriptive words *FUNKY DISCO REVUE* to describe its own services). Everything about Applicant's mark is identical: same classification - Int'l 041, same geographic area (both parties are based in Riverside County), both would perform Disco, Funk, and '80s hits wearing costumes from the Disco era and both would appeal to the same class of consumers; casinos, nightclubs, private events, birthday parties, etc. Given all of these facts, it is inevitable that Applicant's use and registration of the SUPERFREAKS service mark in connection with musical performances is likely to cause confusion or mistake, and deception among reasonable consumers or potential consumers of Opposer's services. Upon encountering Applicant's services offered under the proposed *SUPERFREAKS FUNKY DISCO REVUE* mark, consumers will believe that the services offered by Applicant are in fact those of which Opposer has been offering since 1999.

6. Applicant's registration of the *SUPERFREAKS* mark will interfere with Opposer's rights in Opposer's mark and will seriously damage Opposer, its business and its goodwill.

7. Applicant filed a false oath in its "intent-to-use" application submitted to the USPTO and knowingly made willful, false, material misrepresentations of fact in his application by filing an application to register a mark which it knew infringed on the superior rights of the Opposer. Applicant had an obligation to disclose the existence of the Opposer's band and rights in the mark. Specifically, paragraph of the declaration expressly states as follows:

he/she believes the applicant to be entitled to use such mark in commerce; to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use the mark in commerce, . . . (see application serial #78110344 dated 2/22/02).

Applicant's knowledge of Opposer's existence can be proven by the small claims court documents that Applicant filed **only four days after** submitting its unauthorized "intent-to-use" application. Applicant filed a small claims suit against Opposer for an alleged breach of contract

concerning his participation in the Opposer's band *THE SUPERFREAKS* - the very mark at issue in this opposition. On April 10, 2002, Applicant lost this small claims case against Opposer. (please see copies of Applicant's official court documents including Applicant's subpoena seeking records, and judge's verdict).

Wherefore, Opposer believes that it will be damaged by registration of Applicant's mark and prays that this opposition be sustained pursuant to Section 2(d), of the Lanham Act, 15 U.S.C. ss and that registration of Application Serial No. 78110344 be denied. Opposer requests that it be allowed to amend its pleadings if necessary. A complete copy of this paper along with all accompanying exhibits has been mailed to Applicant (please see attached certificate of service).

Respectfully submitted,

Dated: 7-1-04

by: Joe J. Alvaro Jr.
Joe J. Alvaro, Jr., Opposer
481 W. Blaine Street
Riverside, CA 92507

"Express Mail" mailing label no. ER 973441887 US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

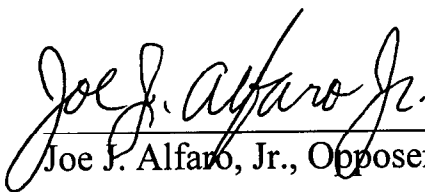
In the matter of trademark application **Serial No. 78110344**
For the mark "**Superfreaks Funky Disco Revue**"
Published in the Official Gazette on **December 17, 2002**
Application filing date: **February 22, 2002**
Applicant: **Guy A. Hoffmann**

Opposition No. **91155188**

Certificate of Service

I hereby certify that a true and complete copy of the foregoing Amended Opposition and supporting exhibits has been served on Guy A. Hoffmann by mailing said copy on July 1, 2004, via "Express Mail Post Office to Addressee" to:

Guy A. Hoffmann
25563 Pelion Road
Menifee, CA 92584



Joe J. Alfaro, Jr., Opposer

7-1-04
Date

481 W. Blaine Street
Riverside, CA 92507

State of California

SECRETARY OF STATE

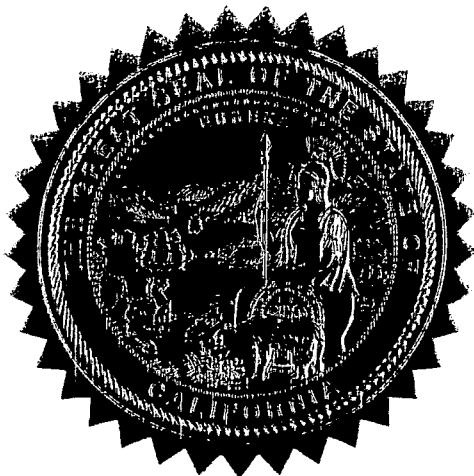
Service Mark Reg. No. 056707 Class No. Int. 41
CERTIFICATE OF REGISTRATION OF SERVICE MARK

I, **BILL JONES**, Secretary of State of the State of California, hereby certify:

That in accordance with the application filed in this office the **SERVICE MARK** described below has been duly registered in this office on behalf of:

Name of Applicant: Joe J. Alfaro, JR.
Business Address: 481 W. Blaine Street, Riverside, CA 92507
Date First Used in California: October 15, 1999
Date First Used Anywhere: October 15, 1999
Description of Service Mark: The Superfreaks
Description of Services with Which the Service Mark is Used: Entertainment services in the nature of live disco music from th '70s and '80s as performed by live musicians.
A copy, specimen, facsimile, counterpart or a reproduction of the mark is attached
Date of Registration: September 18, 2002
Term of Registration Extends to and Includes: September 18, 2012

IN WITNESS WHEREOF, I execute
 this certificate and affix the Great
 Seal of the State of California this
 2nd day of October 2002



Bill Jones
 BILL JONES
 Secretary of State



Office of Student Affairs

Performance Agreement For Pasadena City College

This is an agreement for performance services to be performed by The Superfreaks (hereafter referred to as "ACT") at Pasadena City College. The location agreed upon is Quad

Both parties agree to the following terms and conditions:

Performance by "ACT" on the date(s) of May 10, 2001 will begin at 12:00 and terminate at 1:00 P.

Pasadena City College and "ACT" have agreed upon the amount of \$ [REDACTED] to be paid in full to "ACT" by Pasadena City College in payment for performance(s) given. Payment will be made to "ACT" no later than ten (10) business days, (unless "ACT" is formally notified in writing) following conclusion of the performance(s).

In case of illness and/or any other unforeseen difficulties, "ACT" must inform Pasadena City College of cancellation no less than 24 hours in advance of performance(s). Upon cancellation by either Pasadena City College or "ACT" the above stated amount will be forfeited. A Release Form From Claims must be signed by the "ACT" to make this agreement valid.

Signatures affixed to this agreement constitute full compliance:

Joe Alfaro
"ACT" Representative
4/5/01

[Signature] as agent
Representative for Pasadena City College
5-8-01

Date

Date

Below, please list the name(s) and Social Security Number(s) of all members of "ACT"

1. [REDACTED]
2. _____
3. _____
4. _____
5. _____
6. _____

Mailing Address of "ACT" (IF CHECK NEEDS TO BE MAILED) *

Name: JOE ALFARO
Street Address: 481 W. BLAINE ST.
City, State, Zip: RIVERSIDE, CA. 92507
Contact Phone: (909) 782-8335

(PLEASE MAKE CHECK PAYABLE TO JOE ALFARO)

Original: Originator Green: Performer "Act" Yellow: OSA Pink: Student Bank



Entertainment for people who like to have fun.

EXCITING ENTERTAINMENT!

There's nothing more fun and exciting than our live entertainment! Whether it's the funky 70's Disco beat of **THE SUPERFREAKSSM** or the hip 80's New Wave & Pop dance hits of **80 SENSESM**, we've got two great bands that'll add excitement to any event!

They arrive dressed in flashy costumes ready to turn-up the energy as they thrill the audience with a mix of personality, choreography, and some of the best dance music from the '70s and '80s.

With years of experience entertaining audiences of all ages at some of the best events and venues in Southern California and beyond, these bands have the talent it takes to help make your event a success!

RESERVE NOW FOR ALL UPCOMING HOLIDAY EVENTS.
CALL NOW TO RESERVE YOUR DATE!

(909) 316-0713

THE SUPERFREAKS/80 Sense
481 W. Blaine Street
Riverside, CA 92507

Video & Sample CD available upon request.

POSTCARD DESIGN: Alfaro Web Design & Graphics

Exhibit D



ADD EXCITEMENT TO YOUR NEXT EVENT!

THE SUPERFREAKS will keep you groovin' to the funky-disco beat with their exciting mix of personality, choreography, and the best dance music from the '70s & '80s!

FOR MORE INFORMATION CALL:

**Artist Management
(909) 316-0713**



Riverside County presents the
20th Anniversary of the
**TEMECULA VALLEY
BALLOON & WINE
FESTIVAL**



Premier Sponsor



June 6, 7 and 8

Lake Skinner east of Temecula

MAIN STAGE IN CONCERT

presented by
California's Best
RESORT & CASINO
PECHANGA



SATURDAY, JUNE 7

**David Clayton-Thomas &
Blood, Sweat and Tears
The Gin Blossoms,
Starship**
featuring **Mickey Thomas**

SUNDAY, June 8

The Edgar Winter Group,
with special guests
Escape: Tribute to Journey & Pretzel Logic
A Steely Dan Revue

FRIDAY, JUNE 6

Community Night & Balloon Glow
sponsored by **Timmy d Productions**
with
Aunt Kizzy z Boyz and The SuperFreaks
gates open at 5 p.m.

**Friday and Saturday Night
Balloon Glow & Laser Light Show**

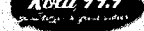
Plus Early Morning Mass Balloon Ascensions* Tethered Balloon Rides*

Wine Tasting** from 21 Premium Wineries,
Arts & Crafts & Kids Faire

visit www.tvbwf.com or call (909) **676-6713**

*weather permitting ** wine tasting additional

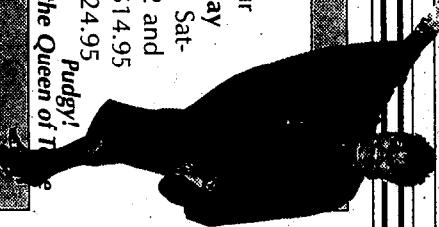
tickets available on line, & participating Vons & Longs Stores



SHOWTIME

For more on what's
up for New Year's
Eve, see
casino articles with
in this issue

NOTE: The performers, times and ticket prices listed on these pages and throughout this publication are subject to change. The Laughlin entertainer regrets any inconvenience due to an incorrect listing.



Pudgy!
the Queen of Tease

"Dancin' to the Hitz," a Nannette Barbera musical revue featuring hit songs of the past four decades, stars **Pudgy!** the Queen of Tease and Jay Joseph; regular performances 7:30 & 9:30 p.m., Sat-Thurs, \$12.95 VIP, \$9.95 reg; \$4.95 children 12 and under; **Special New Year's Eve shows:** 8 p.m. (\$14.95 reg, \$19.95 VIP) and 10:30 p.m. (\$19.95 reg, \$24.95 VIP, late show includes split of champagne)

Center Stage Experience

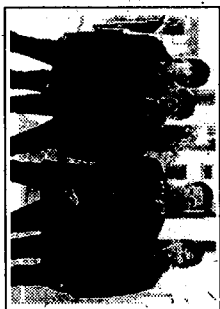
Launi Kristopher plays variety, Dec 30 (9 p.m.-2 a.m.), Dec 31 (9 p.m.-3 a.m.), Jan 1 (9 p.m.-2 a.m.), no charge

Hotel Lobby

LuAnn Leas-Kruz plays piano, Dec 30-31 (noon-3 p.m.), free

Boiler Room

Catch-22 plays variety for New Year's Eve Party, Dec 31, Friday (9 p.m.-2:40 a.m.), \$35 admission; Sat, Jan 1 (9 p.m.-1:40 a.m.), no charge
Karaoke with Rockin' Jimmy D, Thurs (8 p.m.-midnight); no cover or drink min



Catch-22

Main Casino Floor

Rockin' Jimmy D plays variety, Dec 31 (9 p.m.-12:15 a.m.), free

Barzan's Nightclub

The Superfreaks combine comedy/music, Thurs, Dec 30 (9 p.m.-1 a.m.; no charge), New Year's Eve Party-Fri, Dec 31 (music 9 p.m.-2 a.m.; \$50 admission to the party, doors open 6 p.m.); Sat, Jan 1 (9 p.m.-2 a.m., no charge), Sun, Jan 2 (9 p.m.-1 a.m., no charge)

PIONEER HOTEL and GAMBLING HALL

Winter Wonderland, holiday light display throughout the grounds of the resort, nightly through Dec. 31; no charge
Staged Old West gunfights by the Oatman Chostriders, Fri & Sat (6 p.m.), no charge

THE AREA

LAUGHLIN

REGENCY CASINO in the Royal Lounge Bar: Gino and Melody play variety, Fri and Sat (beginning at 7 p.m.), no charge

BURNING CITY

BROKEN BIT RESTAURANT (1884 Highway 95), live music with various solo and duo acts, Thursday, Friday and Saturday (8:30 p.m.-midnight; MST); no cover or drink minimum

COLORADO BELLE

HOTEL CASINO
1-877 460-0777

GOLDEN NUGGET

HOTEL CASINO
1-800 237-1739

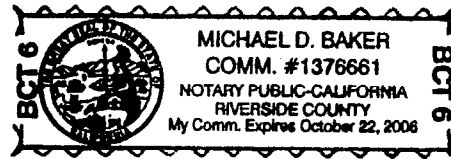


The Superfreaks

State of California
 }
 County of Riverside

Subscribed and sworn before me on
 this 10th day of November, 2003

by name of signer Joe J. Alfaro Jr.
Michael D. Baker
 Signature of Notary



AFFIDAVIT

I, Joe J. Alfaro, Jr., am over the age of 18 years and have personal knowledge of the facts contained in this declaration. Being duly sworn according to law, upon my oath, state the following:

1. In August of 1999 I founded and named my musical group "The Superfreaks". After approximately 2 months of rehearsing the band performed at it's first paid gig on October 15, 1999 for an event held at the Olympic Club in San Francisco, CA.
2. I have never called my band by any other name than "The Superfreaks". My band has performed continously and consistently as The Superfreaks from August of 1999 to present.
3. I have always been in control of both the nature and quality of the performances of my band "The Superfreaks" and am also in complete control of the service mark "The Superfreaks" and all records pertaining to my band.

I do solemnly swear and certify that the foregoing statements are true to the best of my knowledge and belief. I am aware that willful false statements can subject me to punishment under the law.

Joe J. Alfaro Jr. 11-10-03
 Signature Date

State of California

} SS.

County of Riverside

Subscribed and sworn to (or affirmed) before me this

9th day of January 2003 by Keith Kessinger
Name of Signer



Cindy Yeakel
Signature of Notary Public

A F F I D A V I T

My name is Keith Kessinger. I am over the age of 18 years and have personal knowledge of the facts contained in this declaration. Being duly sworn according to law, upon my oath, I state the following:

1. I am a member of the band "The Superfreaks" and have always understood that Joe Alfaro is the owner of the band and that Joe Alfaro owns and controls the name "The Superfreaks".
2. As a member of "The Superfreaks", I have performed at all types of private events, casinos, and nightclubs throughout California consistently and continuously from 2000 until present.
3. Joe Alfaro has always been the person who coordinates the performances of "The Superfreaks" and has kept me informed of all the details related to the performances from the beginning until present.

I do solemnly swear and certify that the foregoing statements are true to the best of my knowledge and belief. I am aware that willful false statements can subject me to punishment under the law.

Keith Kessinger
Keith Kessinger

1-9-03
Date

State of California

SS.

County of Riverside

Subscribed and sworn to (or affirmed) before me this

12th day of January 2003 by Monica M. Holmes
Name of Signer

Monica M. Holmes
Signature of Notary Public

AFFIDAVIT

My name is Danny Arroyo. I am over the age of 18 years and have personal knowledge of the facts contained in this declaration. Being duly sworn according to law, upon my oath, I state the following:

1. I am a member of the band "The Superfreaks" and have always understood that Joe Alfaro is the owner of the band and that Joe Alfaro owns and controls the name "The Superfreaks".
2. As a member of "The Superfreaks", I have performed at all types of private events, casinos, and nightclubs, throughout California consistently and continuously since 1999 until present.
3. Joe Alfaro has always been the person who coordinates the performances of "The Superfreaks" and has kept me informed of all the details related to the performances from the beginning until present.

I do solemnly swear and certify that the foregoing statements are true to the best of my knowledge and belief. I am aware that willful false statements can subject me to punishment under the law.

Danny Arroyo
Date 1-12-03



State of: California
County of: Riverside
Subscribed and sworn (or affirmed) to before
me this 12th day of January, 2003
Monica M. Holmes

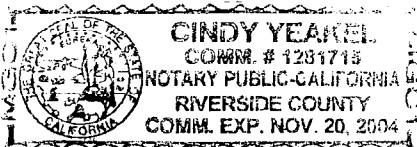
State of California

} SS.

County of Riverside

Subscribed and sworn to (or affirmed) before me this

9th day of January 2003 by Daniel Alfaro
Name of Signer



Cindy Yeakel
Signature of Notary Public

A F F I D A V I T

My name is Daniel Alfaro. I am over the age of 18 years and have personal knowledge of the facts contained in this declaration. Being duly sworn according to law, upon my oath, I state the following:

1. I am a member of the band "The Superfreaks" and have always understood that Joe Alfaro is the owner of the band and that as owner he owns and controls the name "The Superfreaks".
2. As a member of "The Superfreaks", I have performed at all types of private events, casinos, and nightclubs throughout California consistently and continuously since 1999 until present.
3. Joe Alfaro has always been the person who coordinates the performances of "The Superfreaks" and has kept me informed of all the details related to the performances from the beginning until present.

I do solemnly swear and certify that the foregoing statements are true to the best of my knowledge and belief. I am aware that willful false statements can subject me to punishment under the law.

Daniel Alfaro 1/9/03
Daniel Alfaro Date

Wed. April 4th & 11th

SUPER FREAKS



THE WORLD FAMOUS FONKY DISCO REVIEW

\$2.00 cover - w/dvr

Club Seattle

3952 Victoria Ave

Eastman, Everett

(909) 773-0611 www.clubseattle.com



ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state bar number, and address): GUY A. HOFFMANN, PLAINTIFF 25563 Pelion Rd. MENIFEE, CA. 92584 TELEPHONE NO. (909) 679-5855 FAX NO.: ATTORNEY FOR (Name):	FOR COURT USE ONLY CASE NUMBER: MBS-155026
NAME OF COURT: Superior Court of California STREET ADDRESS: 41002 County Center Drive, #100 MAILING ADDRESS: 41002 County Center Drive, #100 CITY AND ZIP CODE: Temecula, CA 92591 Moreno Valley BRANCH NAME: Temecula 13800 HEACOCK #D201	
PLAINTIFF/PETITIONER: GUY A. HOFFMANN DEFENDANT/RESPONDENT: JOE ALFARO, JR.	
CIVIL SUBPOENA (DUCES TECUM) for Personal Appearance and Production of Documents and Things at Trial or Hearing AND DECLARATION	

THE PEOPLE OF THE STATE OF CALIFORNIA, TO (name, address, and telephone number of witness, if known):

JOE ALFARO, JR.
481 BLAINE AVE. - RIVERSIDE, CA. 92507 (909) 276-1019

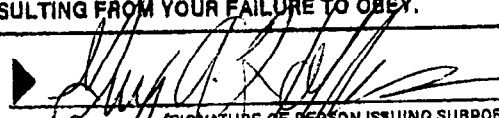
1. YOU ARE ORDERED TO APPEAR AS A WITNESS in this action at the date, time, and place shown in the box below UNLESS your appearance is excused as indicated in box 3b below or you make an agreement with the person named in item 4 below.

a. Date: WED. APRIL 10 02 Time: 1:00 PM <input checked="" type="checkbox"/> Dept. MV02 <input type="checkbox"/> Div.: <input type="checkbox"/> Room:
b. Address: 13800 HEACOCK #D20 MORENO VALLEY, CA.

2. IF YOU HAVE BEEN SERVED WITH THIS SUBPOENA AS A CUSTODIAN OF CONSUMER OR EMPLOYEE RECORDS UNDER CODE OF CIVIL PROCEDURE SECTION 1985.3 OR 1985.6 AND A MOTION TO QUASH OR AN OBJECTION HAS BEEN SERVED ON YOU, A COURT ORDER OR AGREEMENT OF THE PARTIES, WITNESSES, AND CONSUMER OR EMPLOYEE AFFECTED MUST BE OBTAINED BEFORE YOU ARE REQUIRED TO PRODUCE CONSUMER OR EMPLOYEE RECORDS.
3. YOU ARE (item a or b must be checked):
 - a. Ordered to appear in person and to produce the records described in the declaration on page two or the attached declaration or affidavit. The personal attendance of the custodian or other qualified witness and the production of the original records are required by this subpoena. The procedure authorized by Evidence Code sections 1560(b), 1561, and 1562 will not be deemed sufficient compliance with this subpoena.
 - b. Not required to appear in person if you produce (i) the records described in the declaration on page two or the attached declaration or affidavit and (ii) a completed declaration of custodian of records in compliance with Evidence Code sections 1560, 1561, 1562, and 1271. (1) Place a copy of the records in an envelope (or other wrapper). Enclose the original declaration of the custodian with the records. Seal the envelope. (2) Attach a copy of this subpoena to the envelope or write on the envelope the case name and number; your name; and the date, time, and place from item 1 in the box above. (3) Place this first envelope in an outer envelope, seal it, and mail it to the clerk of the court at the address in item 1. (4) Mail a copy of your declaration to the attorney or party listed at the top of this form.
4. IF YOU HAVE ANY QUESTIONS ABOUT THE TIME OR DATE YOU ARE TO APPEAR, OR IF YOU WANT TO BE CERTAIN THAT YOUR PRESENCE IS REQUIRED, CONTACT THE FOLLOWING PERSON BEFORE THE DATE ON WHICH YOU ARE TO APPEAR:
 - a. Name of subpoenaing party or attorney:
GUY A. HOFFMANN
 - b. Telephone number:
(909) 276-1019
5. Witness Fees: You are entitled to witness fees and mileage actually traveled both ways, as provided by law, if you request them at the time of service. You may request them before your scheduled appearance from the person named in item 4.

DISOBEDIENCE OF THIS SUBPOENA MAY BE PUNISHED AS CONTEMPT BY THIS COURT. YOU WILL ALSO BE LIABLE FOR THE SUM OF FIVE HUNDRED DOLLARS AND ALL DAMAGES RESULTING FROM YOUR FAILURE TO OBEY.

Date issued: **2-25-02**
GUY A. HOFFMANN
 (TYPE OR PRINT NAME)


 (SIGNATURE OF PERSON ISSUING SUBPOENA)
PLAINTIFF
 (TITLE)



PLAINTIFF/PETITIONER: <u>GUY A. HOFFMANN</u>	CASE NUMBER:
DEFENDANT/RESPONDENT: <u>JOE ALFARO, JR.</u>	

The production of the documents or the other things sought by the subpoena on page one is supported by (check one):
 the attached affidavit or declaration the following declaration:

DECLARATION IN SUPPORT OF CIVIL SUBPOENA (DUCES TECUM) FOR PERSONAL APPEARANCE AND PRODUCTION OF DOCUMENTS AND THINGS AT TRIAL OR HEARING

(Code Civ. Proc., §§ 1985, 1987.5)

1. I, the undersigned, declare I am the plaintiff defendant petitioner respondent
 attorney for (specify): other (specify):

In the above-entitled action.

2. The witness has possession or control of the following documents or other things and shall produce them at the time and place specified in the Civil Subpoena for Personal Appearance and Production of Documents and Things at Trial or Hearing on page one of this form (specify the exact documents or other things to be produced):

- a) ALL BOOKS, RECORDS, CANCELLED CHECKS/PAYMENTS TO ALL "SUPERFREAKS" (MEMBERS) FROM NOVEMBER 2000 THROUGH FEBRUARY 2002
- b) ALL 1099 FORMS FOR 2001 (ALL SUPERFREAK MEMBERS)

Continued on Attachment 2.

3. Good cause exists for the production of the documents or other things described in paragraph 2 for the following reasons:

JOE ALFARO HAS POSSESSION OF THE ABOVE ITEMS...

Continued on Attachment 3.

4. These documents or other things described in paragraph 2 are material to the issues involved in this case for the following reasons:

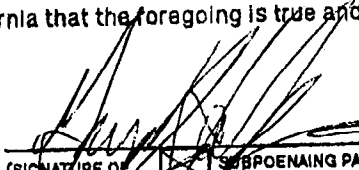
THEY CAN PROVE THE EXTENT OF DAMAGES IN THIS CASE....

Continued on Attachment 4.

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

Date: 2-25-02

Guy A. Hoffmann
 (TYPE OR PRINT NAME)


 (SIGNATURE OF SUBPOENAING PARTY ATTORNEY FOR SUBPOENAING PARTY)

(Proof of service on page three)

Name and Address of Court:

13800 Heacock, Ste. D201
Moreno Valley, CA 92553

MVS155026

SMALL CLAIMS CASE NO.:

— NOTICE TO DEFENDANT —
YOU ARE BEING SUED BY PLAINTIFF

To protect your rights, you must appear in this court on the trial date shown in the table below. You may lose the case if you do not appear. The court may award the plaintiff the amount of the claim and the costs. Your wages, money, and property may be taken without further warning from the court.

— AVISO AL DEMANDADO —
A USTED LO ESTAN DEMANDANDO

Para proteger sus derechos, usted debe presentarse ante esta corte en la fecha del juicio indicada en el cuadro que aparece a continuación. Si no se presenta, puede perder el caso. La corte puede decidir en favor del demandante por la cantidad del reclamo y los costos. A usted le pueden quitar su salario, su dinero, y otras cosas de su propiedad, sin aviso adicional por parte de esta corte.

PLAINTIFF/DEMANDANTE (Name, street address, and telephone number of each):

DEFENDANT/DEMANDADO (Name, street address, and telephone number of each):

BUY A HOFFMANN
23563 PELION ROAD
MENIFEE CA 92584

JOE ALFARO JR
481 BLAINE AVE
RIVERSIDE CA 92507

Telephone No.:

Telephone No.:

Telephone No.:

Telephone No.:

Fict. Bus. Name Stmt. No. Expires: 00/00/00

See attached sheet for additional plaintiffs and defendants.

PLAINTIFF'S CLAIM

- a. Defendant owes me the sum of \$4,900.00 not including court costs, because (describe claim and date):
BREACH OF CONTRACT FROM 11/9/01 TO 2/23/02 INVOLVING NO MUSICAL PERFORMANCES
- b. I have had an arbitration of an attorney-client fee dispute. (Attach Attorney-Client Fee Dispute form (see form SC-101).)
- This claim is against a government agency, and I filed a claim with the agency. My claim was denied by the agency, or the agency did not act on my claim before the legal deadline. (See form SC-150.)
- a. I have asked defendant to pay this money, but it has not been paid.
- b. I have NOT asked defendant to pay this money because (explain):
- This court is the proper court for the trial because (In the box at the left, insert one of the letters from the list called "Venue Table" on the back of this sheet. If you select D, E, or F, specify additional facts in this space):
- I have have not filed more than one other small claims action anywhere in California during this calendar year in which the amount demanded is more than \$2,500.
- I have have not filed more than 12 small claims, including this claim, during the previous 12 months.
- I understand that:
 - I may talk to an attorney about this claim, but I cannot be represented by an attorney at the trial in the small claims court.
 - I must appear at the time and place of trial and bring all witnesses, books, receipts, and other papers or things to prove my case.
 - I have no right of appeal on my claim, but I may appeal a claim filed by the defendant in this case.
 - If I cannot afford to pay the fees for filing or service by a sheriff, marshal, or constable, I may ask that the fees be waived.
- I have received and read the information sheet explaining some important rights of plaintiffs in the small claims court.
- No defendant is in the military service except (name):

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

Date: 02/26/02

(TYPE OR PRINT NAME)

ORDER TO DEFENDANT

You must appear in this court on the trial date and at the time LAST SHOWN IN THE BOX BELOW if you do not agree with the plaintiff's claim. Bring all witnesses, books, receipts, and other papers or things with you to support your case.

TRIAL DATE / FECHA DEL JUICIO	DATE	DAY	TIME	PLACE	COURT USE
1.	04/10/02		1:00	DEPT. MV02	
2.					
3.					

Filed on (date): 02/26/02 Clerk, by Deputy

Plaintiff provides small claims advisor services free of charge. Read the information on the reverse.

DEFENDANT COPY

JUDGEMENT

SUPERIOR COURT OF CALIFORNIA
COUNTY OF RIVERSIDE
13800 Heacock, Ste. D201
Moreno Valley, Ca 92553 MVS155026

NOTICE TO ALL PLAINTIFFS AND DEFENDANTS: Your Small Claims case has been decided. If you lost the case, and the Court ordered you to pay money, your wages and property may be taken without further warning from the Court. Read the attached for information about your rights. **AVISO A TODOS LOS DEMANDANTES Y DEMANDADOS:** Su caso ha sido resuelto por la corte para reclamos judiciales menores. Si la corte ha decidido en su contra y ha ordenado que usted pague dinero, le pueden quitar su salario, su dinero, y otras cosas de su propiedad, sin aviso adicional por parte de esta corte. Lea la siguiente pagina para obtener informacion de importancia acerca de sus derechos.

GUY A HOFFMANN
25563 PELION ROAD
MENIFEE CA 92584

JOE ALFARO JR
481 BLAINE AVE
RIVERSIDE CA 92507

THE CAUSE WAS CALLED: 04/10/02 JUDGMENT ENTERED: 04/10/02
PRESIDING: PRO TEM DAVID GREGORY
Clerk: A CIASULLO

Judgment for Defendant JOE ALFARO JR and against Plaintiff GUY A HOFFMANN
JUDGMENT ON DEFENDANT'S CLAIM FOR: GUY A HOFFMANN and against JOE ALFARO JR .

[] This judgment resulted from a motor vehicle accident on a California highway and was caused by the judgment debtor's operation of a motor vehicle. If the judgment is not paid, the judgment creditor may apply to have the judgment debtor's driver's license suspended. Enforcement of the judgment is automatically postponed for 30 days or, if an appeal is filed, until the appeal is decided. The County provides small claims advisor services free of charge.
READ THE INFORMATION SHEET ON REVERSE SIDE.
Judicial Council form SC-130 as adopted by local court.

CLERK'S CERTIFICATE OF MAILING

I certify that I am not a party to this action. This Notice of Entry of Judgment was mailed first class, postage prepaid, in a sealed envelope to the parties at the address shown above. The mailing and this certification occurred at the place and on the date shown below.

Place of Mailing:
Date of Mailing:

Moreno Valley, Ca 92553
04/10/02

AUDREY CIASULLO
Deputy

by

INFORMATION AFTER JUDGMENT

INFORMACION DESPUES DEL FALLO DE LA CORTE

Your small claims case has been decided. The **judgment** or decision of the court appears on the front of this sheet. The court may have ordered one party to pay money to the other party. The person (or business) who won the case and who can collect the money is called the **judgment creditor**. The person (or business) who lost the case and who owes the money is called the **judgment debtor**.

Enforcement of the judgment is **postponed** until the time for appeal ends or until the appeal is decided. This means that the judgment creditor cannot collect any money or take any action until this period is over. Generally, both parties may be represented by lawyers after judgment.

IF YOU LOST THE CASE . . .

1. If you lost the case on your own claim and the court did not award you any money, the court's decision on your claim is **FINAL**. You may not appeal your own claim.
2. If you lost the case and the court ordered you to pay money, your money and property may be taken to pay the claim unless you do one of the following things:
 - a. **PAY THE JUDGMENT**
The law requires you to pay the amount of the judgment. You may pay the judgment creditor directly, or pay the judgment to the court for an additional fee. You may also ask the court to order monthly payments you can afford. Ask the clerk for information about these procedures.
 - b. **APPEAL**
If you disagree with the court's decision, you may appeal the decision *on the other party's claim*. You may not appeal the decision on your own claim. However, if any party appeals, there will be a new trial on *all* the claims. If you appeared at the trial, you *must* begin your appeal by filing a form called a *Notice of Appeal* (form SC-140) and pay the required fees within **30 days** after the date this *Notice of Entry of Judgment* was mailed or handed to you. Your appeal will be in the superior court. You will have a **new trial** and you must present your evidence again. You may be represented by a lawyer.
 - c. **VACATE OR CANCEL THE JUDGMENT**
If you did not go to the trial, you may ask the court to vacate or cancel the judgment. To make this request, you must file a *Motion to Vacate the Judgment* (form SC-135) and pay the required fee *within 30 days* after the date this *Notice of Entry of Judgment* was mailed. If your request is denied, you then have **10 days** from the date the notice of denial was mailed to file an appeal. The period to file the *Motion to Vacate the Judgment* is **180 days** if you were *not properly served* with the claim. The 180-day period begins on the date you found out or should have found out about the judgment against you.

IF YOU WON THE CASE . . .

1. If you were sued by the other party and you won the case, then the other party may not appeal the court's decision.
2. If you won the case and the court awarded you money, here are some steps you may take to collect your money or get possession of your property:
 - a. **COLLECTING FEES AND INTEREST**
Sometimes fees are charged for filing court papers or for serving the judgment debtor. These extra costs and after-judgment interest can become part of your original judgment. To claim these fees and interest, ask the clerk for a *Memorandum of Costs*.

b. VOLUNTARY PAYMENT

Ask the judgment debtor to pay the money. If your claim was for possession of property, ask the judgment debtor to return the property to you. **THE COURT WILL NOT COLLECT THE MONEY OR ENFORCE THE JUDGMENT FOR YOU.**

c. STATEMENT OF ASSETS

If the judgment debtor does not pay the money, the law requires the debtor to fill out a form called the *Judgment Debtor's Statement of Assets* (form SC-133). This form will tell you what property the judgment debtor has that may be available to pay your claim. If the judgment debtor willfully fails to send you the completed form, you may file an *Application and Order to Produce Statement of Assets and to Appear for Examination* (form SC-134) and ask the court to give you your attorney's fees and expenses and other appropriate relief, after proper notice, under Code of Civil Procedure section 708.170.

d. ORDER OF EXAMINATION

You may also make the debtor come to court to answer questions about income and property. To do this, ask the clerk for an *Application and Order for Appearance and Examination (Enforcement of Judgment)* (form EJ-125) and pay the required fee. There is a fee if a law officer serves the order on the judgment debtor. You may also obtain the judgment debtor's financial records. Ask the clerk for the *Small Claims Subpoena and Declaration* (form SC-107) or *Civil Subpoena Duces Tecum* (form 982(a)(15.1)).

e. WRIT OF EXECUTION

After you find out about the judgment debtor's property, you may ask the court for a *Writ of Execution* (form EJ-130) and pay the required fee. A writ of execution is a court paper that tells a law officer to take property of the judgment debtor to pay your claim. Here are some examples of the kinds of property the officer may be able to take: **wages, bank account, automobile, business property, or rental income**. For some kinds of property, you may need to file other forms. See the law officer for information.

f. ABSTRACT OF JUDGMENT

The judgment debtor may own land or a house or other buildings. You may want to put a lien on the property so that you will be paid if the property is sold. You can get a lien by filing an *Abstract of Judgment* (form 982(a)(1)) with the county recorder in the county where the property is located. The recorder will charge a fee for the *Abstract of Judgment*.

NOTICE TO THE PARTY WHO WON: As soon as you have been paid in full, you *must* fill out the form below and mail it to the court *immediately* or you may be fined. If an *Abstract of Judgment* has been recorded, you must use another form; see the clerk for the proper form.

SMALL CLAIMS CASE NO.:

ACKNOWLEDGMENT OF SATISFACTION OF JUDGMENT
(Do not use this form if an Abstract of Judgment has been recorded.)

To the Clerk of the Court:

I am the judgment creditor assignee of record.

I agree that the judgment in this action has been paid in full or otherwise satisfied.

Date:

.....
(TYPE OR PRINT NAME)

.....
(SIGNATURE)