

ESTTA Tracking number: **ESTTA1109079**

Filing date: **01/20/2021**

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

Proceeding	91252969
Party	Defendant Johnny K. Wang
Correspondence Address	JOHNNY K WANG 2790 19TH AVE , #13 SAN FRANCISCO, CA 94132 UNITED STATES Primary Email: johnny@darkgrey.com No phone number provided.
Submission	Testimony For Defendant
Filer's Name	Johnny Wang
Filer's email	johnny@darkgrey.com
Signature	/Johnny Wang/
Date	01/20/2021
Attachments	Lofton Declaration.pdf(251191 bytes)

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

In the Matter of Application Serial No. 88/533,955
For the Mark “PATXI’S” in International Class 043
Published in the Official Gazette on November 19, 2019

PATXI’S LIMITED,

Opposer,

v.

JOHNNY K. WANG,

Applicant.

TESTIMONIAL DECLARATION OF JOHN A. LOFTON

I, JOHN A. LOFTON, pursuant to 28 U.S.C. §1746, declare:

1. I am the attorney representing Charles North and Alina Gontsarova in their lawsuit against Opposer Patxi’s Limited and others in San Francisco Superior Court (Charles North, et al. v. Layers, LLC, et al., Case No. CGC-19-577983 (the “North Case”). The facts stated herein are true of my own personal knowledge. I submit this declaration as trial testimony in the above-referenced matter on behalf of Applicant Johnny K. Wang.

2. On November 21, 2020, Michael Nakhleh submitted a declaration in this matter stating that Patxi’s Limited has a successful franchise business with over 20 franchises sold in twelve months. Contrary to that representation, in the North Case, Mr. Nakhleh executed a verification on November 17, 2020 – just four days prior – for discovery responses that expressly state that Patxi’s Limited has no franchise operations, and in fact, Patxi’s Limited sold Patxi’s restaurants outright in 2019 and 2020. A true and correct copy of Patxi’s Limited’s Second

Supplemental Responses to Special Interrogatories, Set One, is attached hereto as Exhibit A. I refer the Board to Patxi's Limited's responses to Special Interrogatories Nos. 6 and 7.

3. Mr. Nakhleh's November 21, 2020 declaration includes as exhibits a Yelp review for the Patxi's location at 441 Emerson Street in Palo Alto, CA and a menu for the Patxi's location at 1011 S. Figueroa Street in Los Angeles, CA. However, according to Mr. Nakhleh's November 17, 2020 verification in support of the interrogatory responses, those locations were sold and are not Patxi's Limited franchises and are not owned or operated by Patxi's Limited.

4. I am not aware of any licensing agreement between Patxi's Limited and the Patxi's restaurants it sold to third parties governing the use of the mark "PATXI'S".

5. The California Department of Corporations maintains a database of all franchise operations in California, and requires all such franchise operations to register with the Department. The database is available to the public at <https://docqnet.dfpi.ca.gov/search/>. On January 19, 2021, I searched that database for any franchises associated with Patxi's Limited. The search returned no results. A true and correct copy of those search results is attached hereto as Exhibit B.

I hereby declare that the foregoing is true and correct under the penalty of perjury.

Dated: January 20, 2021

By: 

John A. Lofton

Exhibit A

1 Dennis D. Strazulo, Esq. SBN 124695
dstrazulo@ohaganmeyer.com
2 Samantha L. Squillante, Esq., SBN318582
sbarron@ohaganmeyer.com
3 O'HAGAN MEYER LLP
221 Caledonia Street
4 Sausalito, CA 94965
Telephone: (415) 578-6900
5 Facsimile: (415) 578-6910

6 Attorney for Defendant,
PATXI'S LIMITED
7

8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
9 **FOR THE COUNTY OF SAN FRANCISCO**

10 CHARLES NORTH, an individual; and ALINA
11 GONTSAROVA, an individual;

12 Plaintiffs,

13 v.

14
15 LAYERS, LLC, a California limited liability
company; KARPREILLY, LLC, a Delaware
16 limited liability company; PATXI'S OPCO, LLC,
a California limited liability company;
17 SHIFTPIXY, INC. a Wyoming corporation;
ELITE RESTAURANT GROUP, INC., a
18 California corporation; PATXI'S PIZZA SD,
LTD., a Wyoming corporation; PATXIS PR,
19 INC., a California corporation; MICHAEL
NAKHLEH, an individual; PATXI'S LIMITED, a
20 Wyoming corporation; PATXI'S FRANCHISE,
CORP., a Wyoming corporation; and DOES 1-50,
21 inclusive;

22
23 Defendants.

CASE NO. CGC-19-577983

**DEFENDANT PATXI'S LIMITED'S
SECOND SUPPLEMENTAL
RESPONSES TO SPECIAL
INTERROGATORIES, SET ONE**

Complaint Filed: July 29, 2019
Trial Date: None Set

24 **PROPOUNDING PARTY:** Plaintiffs CHARLES NORTH and ALINA GONTSAROVA

25 **RESPONDING PARTY:** Defendant PATXI'S LIMITED

26 **SET NO.:** ONE (1)

27 Defendant, PATXI'S LIMITED ("Defendant") hereby supplements their response to the
28

1 First Set of Special Interrogatories propounded by Plaintiffs CHARLES NORTH and ALINA
2 GONTSAROVA ("Plaintiff"), as follows:

3
4 **PRELIMINARY STATEMENT**

5 Defendant has not yet completed its investigation of the facts or law relating to this case, has
6 not yet completed its own discovery in this action, and has not begun its preparations for trial. The
7 following responses are given without prejudice to Defendant's right to produce at the time of trial
8 or beforehand, subsequently discovered evidence or evidence relating to proof of facts later
9 discovered to be material.

10 **GENERAL OBJECTIONS**

11 Each and every interrogatory request hereto is subject to the objections set forth below,
12 which are incorporated herein by reference. These objections form a part of the response to each
13 and every interrogatory request, and subparts therein, and are set forth here to avoid duplication and
14 repetition by restating them in response to each interrogatory request. These general objections may
15 specifically be interposed for the purpose of clarity in response to any particular request.

16 Defendant objects to each Interrogatory to the extent it is unduly burdensome, oppressive,
17 harassing, and/or seeks information that is neither relevant nor reasonably calculated to lead to the
18 discovery of admissible evidence.

19 Defendant objects to each Interrogatory to the extent it is inconsistent with and/or requires
20 more from Defendant than is required by the California Rules of Civil Procedure and all applicable
21 local rules. To the extent Defendant furnishes responses and/or documents in response to an
22 Interrogatory, it does so subject to and without waiving this objection.

23 Defendant objects to each Interrogatory to the extent it seeks information and/or documents
24 that are privileged under the attorney-client privilege, the work product doctrine, the joint-defense
25 privilege/doctrine or other applicable privileges, or are otherwise protected from disclosure.

26 Defendant objects to each Interrogatory to the extent that it seeks information or documents
27 that are not within Defendant's possession, custody or control and/or is uniquely within the
28

1 knowledge of Plaintiff or third parties.

2 Defendant objects to each Interrogatory to the extent it calls for legal conclusions, and/or to
3 the extent it assumes disputed issues or is phrased in such a way as to be lacking foundation,
4 argumentative, prejudicial or otherwise improper.

5 Defendant objects to each Interrogatory to the extent it seeks information or documents the
6 production of which without appropriate safeguards would violate privacy rights protected by
7 California privacy laws, the privacy laws of any state from which information or documents are
8 sought, the privacy obligations of the Gramm-Leach-Bliley Act or other federal laws,
9 confidentiality agreements, arrangements or understandings between or among Defendant and other
10 persons, the confidentiality of settlement discussions or agreements, court or agency orders, or
11 regulations or procedures restricting or prohibiting the disclosure of particular information or
12 documents.

13 Defendant objects to each Interrogatory to the extent it seeks the disclosure of documents or
14 information that constitute confidential, trade secret, proprietary, financial or otherwise protected
15 business or commercial information.

16 Defendant objects to each Interrogatory on the grounds that it incorporates and relies on
17 prefaces and general instructions prohibited by Code of Civil Procedure § 2030.060(d).

18 Defendant objects to each Interrogatory to the extent it is overbroad and unduly
19 burdensome, unlimited in scope and time, or seeks information beyond a relevant time period.

20 Defendant objects to each Interrogatory to the extent it is vague, ambiguous, and/or contains
21 words or phrases that are confusing or lack sufficient definition to permit response.

22 By responding to any part of the Interrogatory or producing any documents or information
23 in connection with its response, Defendant does not waive and expressly reserves the objections set
24 forth herein and does not concede the relevancy or admissibility of the information or documents in
25 this action. Defendant expressly incorporates the General Objections into its responses to each
26 individual interrogatory.

27 Subject to and without waiving any of the foregoing General Objections, each of which is
28 incorporated by reference into each of the following responses as though set forth in full therein,

1 Defendant responds as follows:

2 **SUPPLEMENTAL RESPONSES TO SPECIAL INTERROGATORIES (SET ONE)**

3 **SPECIAL INTERROGATORY NO. 1:**

4 Identify the employer(s) of Charles North from May 1, 2018 to March 1, 2019.

5 **SECOND SUPPLEMENTAL RESPONSE TO SPECIAL INTERROGATORY NO. 1:**

6 Responding Party objects to this interrogatory on the grounds that it is vague, ambiguous,
7 and overly broad. This interrogatory requires Responding Party to speculate. Responding Party
8 further objects on the grounds that this interrogatory calls for a legal conclusion and/or expert
9 opinion as to who the employer was during the time period. Without waiving the foregoing
10 objections, Responding Party states as follows: Responding Party is informed and believes
11 Responding Party and ShiftPixy were joint employers between September 21, 2018 and March 1,
12 2019, Responding Party is informed and believes Layers, LLC and/or Patxi's OpCo, LLC was
13 Plaintiff North's employer prior to September 21, 2018. Discovery and investigation is continuing
14 and ongoing, and Responding Party reserves the right, but not the obligation, to amend or
15 supplement this response should additional information be discovered.

16 **SPECIAL INTERROGATORY NO. 2:**

17 Identify the employer(s) of Alina Gontsarova from May 1, 2018 to the present.

18 **SECOND SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 2:**

19 Responding Party objects to this interrogatory on the grounds that it is vague, ambiguous,
20 and overly broad. This interrogatory requires Responding Party to speculate. Responding Party
21 further objects on the grounds that this interrogatory calls for a legal conclusion and/or expert
22 opinion as to who the employer was during the time period. This interrogatory seeks information
23 not relevant to the matters set forth in this lawsuit and not likely to lead to the discovery of
24 admissible evidence. Without waiving the foregoing objections, Responding Party states as
25 follows: Responding Party is informed and believes Responding Party and ShiftPixy were joint
26 employers between September 21, 2018 and December 31, 2019. Responding Party is informed
27 and believes Layers, LLC and/or Patxi's OpCo, LLC was Plaintiff North's employer prior to
28 September 21, 2018. Discovery and investigation is continuing and ongoing, and Responding Party

1 reserves the right, but not the obligation, to amend or supplement this response should additional
2 information be discovered.

3 **SPECIAL INTERROGATORY NO. 6:**

4 Identify (by location and franchisee name) every franchised California location of the Patxi's
5 Pizza restaurant chain from May 1, 2018 to the present.

6 **SECOND SUPPLEMENTAL RESPONSE TO SPECIAL INTERROGATORY NO. 6:**

7 Responding Party objects to this interrogatory on the grounds that it is vague, ambiguous,
8 and overly broad. Responding Party further objects to the extent that the term "Patxi's Pizza
9 restaurant chain" is overly broad and not sufficiently defined requiring Responding Party to
10 speculate as to which entity propounding party is referring to. Responding Party further objects to
11 the term "Patxi's Pizza restaurant chain" to the extent it suggests the locations of the various
12 "Patxi's Pizza" restaurants are related or under common ownership and/or control. This
13 interrogatory requires Responding Party to speculate. Responding Party further objects to the
14 interrogatory as it seeks information that is not relevant to this PAGA action and is not likely to lead
15 to the discovery of any admissible evidence. Responding Party also objects to this interrogatory to
16 the extent that it seeks the discovery of any information protected by the attorney-client privilege,
17 the work product doctrine, the protections afforded trade secrets, and any and all other privacy or
18 confidentiality protections recognized by federal, state, or local laws, ordinances, statutes or
19 common laws. Without waiving the foregoing objections, Responding Party states as follows:

20 Responding Party is informed and believes the following locations were sold, rather than
21 legally franchised, and thereby, there are no Patxi's Franchises:

- 22 - 2260 Otay Lakes Road, Chula Vista, CA 91915
- 23 - 3888 4th Avenue, San Diego, CA 92103
- 24 - 555 Broadway, Ste 140, Chula Vista, CA 91910
- 25 - 822 Irving Street, San Francisco, CA 94122
- 26 - 3318 Fillmore Street, San Francisco, CA 94123
- 27 - 4042 24th Street, San Francisco, CA 94114
- 28 - 1875 S. Bascom Avenue, Campbell, CA 95008
- 1011 S. Figueroa Street, B115, Los Angeles, CA 90015
- 340 Bon Air Center, Greenbrae, CA 94904
- 677 Laurel Street, Suite B, San Carlos, CA 94070

- 1 - 5130 Dublin Blvd., Dublin, CA 94568
- 2 - 3577 Mt. Diablo Blvd., Lafayette, CA 94549
- 3 - 3350 Zanker Road, San Jose, CA 95134
- 4 - 2470 1st Street, Livermore, CA 94550
- 5 - 441 Emerson Street, Palo Alto, CA 94301

6 Discovery and investigation is continuing and ongoing, and Responding Party reserves the
7 right, but not the obligation, to amend or supplement this response should additional information be
8 discovered.

9 **SPECIAL INTERROGATORY NO. 7:**

10 For every franchised location of the Patxi's Pizza restaurant chain from May 1, 2018 to the
11 present, identify the date the franchise was created.

12 **SECOND SUPPLEMENTAL RESPONSE TO SPECIAL INTERROGAORY NO. 7:**

13 Responding Party objects to this interrogatory on the grounds that it is vague, ambiguous,
14 and overly broad. Responding Party further objects to the extent that the term "Patxi's Pizza
15 restaurant chain" is overly broad and not sufficiently defined requiring Responding Party to
16 speculate as to which entity propounding party is referring to. Responding Party further objects to
17 the term "Patxi's Pizza restaurant chain" to the extent it suggests the locations of the various
18 "Patxi's Pizza" restaurants are related or under common ownership and/or control. This
19 interrogatory requires Responding Party to speculate. Responding Party further objects to the
20 interrogatory as it seeks information that is not relevant to this PAGA action and is not likely to lead
21 to the discovery of any admissible evidence. Responding Party also objects to this interrogatory to
22 the extent that it seeks the discovery of any information protected by the attorney-client privilege,
23 the work product doctrine, the protections afforded trade secrets, and any and all other privacy or
24 confidentiality protections recognized by federal, state, or local laws, ordinances, statutes or
25 common laws. Without waiving the foregoing objections, Responding Party states as follows:

26 Responding Party is informed and believes the following locations were sold, rather than
27 legally franchised, and thereby, there are no Paxti's Franchises. The dates the restaurants became
28 no longer owned or operated by Responding Party are as follows:

- 29 - 2260 Otay Lakes Road, Chula Vista, CA 91915: approximately August 2019

- 1 - 3888 4th Avenue, San Diego, CA 92103: approximately August 2019
- 2 - 555 Broadway, Ste 140, Chula Vista, CA 91910: approximately August 2019
- 3 - 1011 S. Figueroa Street, B115, Los Angeles, CA 90015: approximately November
- 4 2019
- 5 - 822 Irving Street, San Francisco, CA 94122: February 11, 2020
- 6 - 3318 Fillmore Street, San Francisco, CA 94123: February 11, 2020
- 7 - 4042 24th Street, San Francisco, CA 94114: February 11, 2020
- 8 - 1875 S. Bascom Avenue, Campbell, CA 95008: February 11, 2020
- 9 - 340 Bon Air Center, Greenbrae, CA 94904: May 6, 2020
- 10 - 677 Laurel Street, Suite B, San Carlos, CA 94070: May 6, 2020
- 11 - 5130 Dublin Blvd., Dublin, CA 94568: May 6, 2020
- 12 - 3577 Mt. Diablo Blvd., Lafayette, CA 94549: May 6, 2020

13 Discovery and investigation are continuing and ongoing, and Responding Party reserves the
14 right, but not the obligation, to amend or supplement this response should additional information be
15 discovered.

16 **SPECIAL INTERROGATORY NO. 9:**

17 Provide contact information (name, address, phone number, and email address) for all
18 employees of California locations of the Patxi's Pizza restaurant chain from May 1, 2018 to the
19 present.

20 **SECOND SUPPLEMENTAL RESPONSE TO SPECIAL INTERROGATORY NO. 9:**

21 Responding Party objects to this interrogatory as it is overbroad and unduly burdensome.
22 Responding Party further objects to the extent that the term "Patxi's Pizza restaurant chain" is
23 overly broad and not sufficiently defined requiring Responding Party to speculate as to which entity
24 propounding party is referring to. Responding Party objects to the extent that this interrogatory
25 seeks information pertaining to persons who were not employed by Responding Party. Responding
26 Party further objects to the interrogatory as it seeks information that is not relevant to this PAGA
27 action and is not likely to lead to the discovery of any admissible evidence. Responding Party also
28 objects to the extent it would violate third parties' statutory, constitutional and judicial guarantees of

1 privacy as set forth, among other places, in California Constitution, Article I, Section 1. Subject to
2 and without waiving the foregoing and/or General Objections, assuming this request does not seek
3 privileged information, Responding Party responds as follows: Responding Party, by and through
4 third-party administrator Atticus Administration, LLC, has provided the contact information for all
5 non-exempt employees of California locations of the Patxi's Pizza restaurant chain from May 1,
6 2018 to the present who did not opt-out of the disclosure. Additionally, Responding Party is
7 provided a second Bell Aire Notice with exempt restaurant employees, and will supplement its
8 document production upon completion of disclosure notice. Discovery and investigation is
9 continuing and ongoing, and Responding Party reserves the right, but not the obligation, to amend
10 or supplement this response should additional information be discovered.

11 **SPECIAL INTERROGATORY NO. 10:**

12 Provide all contact information (name, address, phone number, and email address) for all
13 employees of Patxi's Limited who worked at California locations of the Patxi's Pizza restaurant
14 chain from May 1, 2018 to the present.

15 **SECOND SUPPLEMENTAL RESPONSE TO SPECIAL INTERROGATORY NO. 10:**

16 Responding Party objects to this interrogatory as it is overbroad and unduly burdensome.
17 Responding Party further objects to the extent that the term "Patxi's Pizza restaurant chain" is
18 overly broad and not sufficiently defined requiring Responding Party to speculate as to which entity
19 propounding party is referring to. Responding Party objects to the extent that this interrogatory
20 seeks information pertaining to persons who were not employed by Responding Party. Responding
21 Party further objects to the interrogatory as it seeks information that is not relevant to this PAGA
22 action and is not likely to lead to the discovery of any admissible evidence. Responding Party also
23 objects to the extent it would violate third parties' statutory, constitutional and judicial guarantees of
24 privacy as set forth, among other places, in California Constitution, Article I, Section 1. Subject to
25 and without waiving the foregoing and/or General Objections, assuming this request does not seek
26 privileged information, Responding Party responds as follows: Responding Party, by and through
27 third-party administrator Atticus Administration, LLC, has provided the contact information for all
28 non-exempt employees of California locations of the Patxi's Pizza restaurant chain from May 1,

1 2018 to the present who did not opt-out of the disclosure. Additionally, Responding Party is
2 provided a second Bell Aire Notice with exempt restaurant employees, and will supplement its
3 document production upon completion of disclosure notice. Discovery and investigation are
4 continuing and ongoing, and Responding Party reserves the right, but not the obligation, to amend
5 or supplement this response should additional information be discovered.

6 **SPECIAL INTERROGATORY NO. 15:**

7 Identify every instance in which the time recorded for an employee's meal period was
8 altered for any employee of a California location of the Patxi's Pizza restaurant chain from May 1,
9 2018 to the present.

10 **SUPPLEMENTAL RESPONSE TO SPECIAL INTERROGATORY NO. 15:**

11 Responding Party objects to this interrogatory as it is overbroad and unduly burdensome as
12 it requires an individualized review of each employee's time records and file. Responding Party
13 further objects to the extent that the term "Patxi's Pizza restaurant chain" is overly broad and not
14 sufficiently defined requiring Responding Party to speculate as to which entity propounding party is
15 referring to. Responding Party further objects to the extent this interrogatory calls for speculation.
16 This interrogatory is vague and ambiguous as to the term "altered" requiring Responding Party to
17 speculate. This interrogatory assumes facts and lacks foundation. Responding Party also objects to
18 this interrogatory to the extent that it seeks the discovery of any information protected by the
19 attorney-client privilege, the work product doctrine, the protections afforded trade secrets, and any
20 and all other privacy or confidentiality protections recognized by federal, state, or local laws,
21 ordinances, statutes or common laws. Subject to the foregoing objections, without waiver of the
22 same, Responding Party would state: Responding Party did not alter its employees' meal period
23 time recorded. Pursuant to California Code of Civil Procedure § 2030.230, Responding Party refers
24 Propounding Party to Document Production Bates Nos. PLTMD000197 through PLTMD003238
25 Discovery and investigation are continuing and ongoing, and Responding Party reserves the right,
26 but not the obligation, to amend or supplement this response should additional information be
27 discovered.

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1 **SPECIAL INTERROGATORY NO. 16:**

2 Identify (by name, address, phone number, and email address) all persons with knowledge
3 of instances in which the time recorded for an employee's meal period was altered for any employee
4 of a California location of the Patxi's Pizza restaurant chain from May 1, 2018 to the present.

5 **SUPPLEMENTAL RESPONSE TO SPECIAL INTERROGATORY NO. 16:**

6 Responding Party objects to this interrogatory as it is overbroad and unduly burdensome as
7 it requires an individualized review of each employee's time records and file. Responding Party
8 further objects to the extent that the term "Patxi's Pizza restaurant chain" is overly broad and not
9 sufficiently defined requiring Responding Party to speculate as to which entity propounding party is
10 referring to. Responding Party further objects to the extent this interrogatory calls for speculation.
11 This interrogatory is vague and ambiguous as to the term "altered" requiring Responding Party to
12 speculate. This interrogatory assumes facts and lacks foundation. Responding Party also objects to
13 this interrogatory to the extent that it seeks the discovery of any information protected by the
14 attorney-client privilege, the work product doctrine, the protections afforded trade secrets, and any
15 and all other privacy or confidentiality protections recognized by federal, state, or local laws,
16 ordinances, statutes or common laws. Subject to the foregoing objections, without waiver of the
17 same, Responding Party would state: Responding Party did not alter its employees' meal period
18 time recorded. Pursuant to California Code of Civil Procedure § 2030.230, Responding Party refers
19 Propounding Party to Document Production Bates Nos. PLTMD000197 through PLTMD003238.
20 Discovery and investigation are continuing and ongoing, and Responding Party reserves the right,
21 but not the obligation, to amend or supplement this response should additional information be
22 discovered.

23 **SPECIAL INTERROGATORY NO. 17:**

24 Identify every individual at the Patxi's Pizza restaurant chain who was responsible for
25 altering the time recorded for an employee's meal period for any employee of a California location
26 of the Patxi's Pizza restaurant chain from May 1, 2018 to the present.

27 **SUPPLEMENTAL RESPONSE TO SPECIAL INTERROGATORY NO. 17:**

28 Responding Party objects to this interrogatory as it is overbroad and unduly burdensome as

1 it requires an individualized review of each employee's time records and file. Responding Party
2 further objects to the extent that the term "Patxi's Pizza restaurant chain" is overly broad and not
3 sufficiently defined requiring Responding Party to speculate as to which entity propounding party is
4 referring to. Responding Party further objects to the extent this interrogatory calls for speculation.
5 This interrogatory is vague and ambiguous as to the term "altered" requiring Responding Party to
6 speculate. This interrogatory assumes facts and lacks foundation. Responding Party also objects to
7 this interrogatory to the extent that it seeks the discovery of any information protected by the
8 attorney-client privilege, the work product doctrine, the protections afforded trade secrets, and any
9 and all other privacy or confidentiality protections recognized by federal, state, or local laws,
10 ordinances, statutes or common laws. Subject to the foregoing objections, without waiver of the
11 same, Responding Party would state: Responding Party did not alter its employees' meal period
12 time recorded. Pursuant to California Code of Civil Procedure § 2030.230, Responding Party refers
13 Propounding Party to Document Production Bates Nos. PLTMD000197 through PLTMD003238.
14 Discovery and investigation are continuing and ongoing, and Responding Party reserves the right,
15 but not the obligation, to amend or supplement this response should additional information be
16 discovered.

17 DATED: November 17, 2020

O'HAGAN MEYER

18
19 By: Dennis D Strazulo
20 Dennis D. Strazulo, Esq.
21 Elizabeth I. Stewart, Esq.
22 Attorneys for Defendant, PAXTI'S LIMITED
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VERIFICATION

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1. I, Michael Nakhleh, President of Patxi's Limited, am authorized to make this Verification on behalf of Paxti's Limited.

2. I have read the foregoing DEFENDANT PAXTI'S LIMITED'S SECOND SUPPLEMENTAL RESPONSES TO SPECIAL INTERROGATORIES, SET ONE.

3. The matters stated in the foregoing document are true of my own knowledge except as to those matters which are stated on information and belief, and as to those matters, I believe them to be true.

4. I reserve the right to change or supplement DEFENDANT PAXTI'S LIMITED'S Responses and Objections, or to apply for relief to permit insertion of additional or omitted information if any information has unintentionally been omitted or proves erroneous or if additional information is discovered or becomes known.

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

Executed on 11/17/2020, at Cheyenne, Wyoming.

Michael Nakhleh

Michael Nakhleh, President of Patxi's Limited

PROOF OF SERVICE
NORTH, et al. v. LAYERS, LLC, et al.
San Francisco County Superior Court Case No.: CGC-19-577983
O'Hagan Meyer File No.: 1525-12779

I am over the age of eighteen years and not a party to the within action. I am employed by O'HAGAN MEYER, whose business address is 221 Caledonia Street, Sausalito, CA 94965.

On **November 17, 2020**, I served the within document(s) described as: **DEFENDANT PATXI'S LIMITED'S SECOND SUPPLEMENTAL RESPONSES TO SPECIAL INTERROGATORIES, SET ONE** on the parties in said action as follows:


SERVICE LIST

John A. Lofton, Esq. Aiman-Smith & Marcy, P.C. 7677 Oakport Street, Suite 1150 Oakland, CA 94621 Telephone: 510-817-2711 Facsimile: 510-562-6830 Email: jal@asmlawyers.com <i>Attorneys for Plaintiffs</i>	Robert K. Lu, Esq. Reid & Wise 633 W 5th St, Fl 26 Los Angeles, CA 90071-2053 Phone Number: (619) 300-1849 Fax Number: (619) 300-1849 Email: rlu@reidwise.com <i>Attorneys for Defendants, ELITE RESTAURANT GROUP, INC. and PATXI'S FRANCHISE CORP.</i>
Boris Sorsher, Esq. Rebecca King, Esq. Fisher & Phillips LLP 2050 Main Street, Suite 1000 Irvine, CA 92614 rking@fisherphillips.com bsorsher@fisherphillips.com <i>Attorneys for Defendant, Shiftypixy, Inc.</i>	John A. Schaffer, Esq. Fermin H. Llaguno, Esq. Littler Mendelson, PC 2050 Main Street, Suite 900 Irvine, CA 92614 fllaguno@littler.com DSchaffer@littler.com <i>Attorneys for Defendant, Layers, LLC, Karpreilly, LLC & Patxi's OPCO, LLC</i>

BY ELECTRONIC SERVICE Based on a court order (*Emergency Rule 12 of Appendix I, Emergency Rules Related to COVID-19*) to accept service by electronic transmission, I caused the documents to be sent to the persons at the electronic notification addresses listed above on this date, by emailing a copy.

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

Executed on **November 17, 2020**, at Sausalito, California.



Virginia Tomlinson

Exhibit B



[Home \(/\)](#)

Search

Questions about accessibility may be sent to Webmaster@dfpi.ca.gov (<mailto:Webmaster@dfpi.ca.gov>).

Please search the list below for the public action.

Legal Name:

Application Type:

Notice Type:

Filing Received From: To:

No Search results found for the selected criteria

[View our Privacy Policy \(http://www.dfpi.ca.gov/privacy.asp\)](http://www.dfpi.ca.gov/privacy.asp)

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing Testimonial Declaration of John A. Lofton and supporting Exhibits A & B will be sent to the Opposer's counsel, Edmund J. Ferdinand, by email on January 20, 2021 per agreement of the parties.

EDMUND J FERDINAND III
FERRDINAND IP LLC
1221 POST ROAD EAST, SUITE 302
WESTPORT, CT 06880
UNITED STATES
Primary Email: jferdinand@24iplg.com
Secondary Email(s): lauras@24iplg.com
203-557-4224

/s/ Johnny K. Wang
Johnny K. Wang