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Attorneys for Defendant

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES**

MARTHA YAMASAKI, individually, and on
behalf of other aggrieved employees pursuant
to the California Private Attorneys General
Act;

Plaintiff,

vs.

EVERBOWL, LLC, a Delaware limited
liability company; and DOES 1 through 100,
inclusive,

Defendants.

Case No.: 21STCV33554

Honorable Cherol J. Nellon
Department 14

**DEFENDANT EVERBOWL LLC'S
DECLARATION IN SUPPORT OF
PLAINTIFF'S MOTION FOR
APPROVAL OF PRIVATE ATTORNEYS
GENERAL ACT (CAL. LABOR CODE §
2698, ET SEQ.) SETTLEMENT
AGREEMENT AND AWARD OF
ATTORNEYS' FEES AND COSTS,
GENERAL RELEASE FEE, AND
SETTLEMENT ADMINISTRATION
COSTS;**

[Motion for Approval of Private Attorneys
General Act (Cal. Labor Code § 2698, Et
Seq.) Settlement Agreement and Award of
Attorneys' Fees and Costs, General Release
Fee, and Settlement Administration Costs;
Declaration of Plaintiff's Counsel (Edwin
Aiwazian); Declaration of Plaintiff (Martha
Yamasaki); and [Proposed] Order and
Judgment filed concurrently herewith]

Reservation ID: 446895738511
Date: October 3, 2024
Time: 8:30 a.m.
Department: 14

Complaint Filed: September 10, 2021
Trial Date: None Set

P:01738980.5:86B03.015

**DEFENDANT EVERBOWL LLC'S DECLARATION IN SUPPORT OF PLAINTIFF'S MOTION FOR APPROVAL
OF PRIVATE ATTORNEYS GENERAL ACT (CAL. LABOR CODE § 2698, ET SEQ.) SETTLEMENT AGREEMENT
AND AWARD OF ATTORNEYS' FEES AND COSTS, GENERAL RELEASE FEE, AND SETTLEMENT
ADMINISTRATION COSTS;**

I , Erik Hansen, declare as follows:

1. I am the COO of Everbowl, LLC (“Everbowl”), a party in the above-entitled action. I have personal knowledge of the facts set forth herein, except as to those stated on information and belief and, as to those, I am informed and believe them to be true. If called as a witness, I could and would competently testify to the matters stated herein. I make this declaration in support of Plaintiff’s Motion for Approval of Private Attorneys General Act (Cal. Labor Code § 2698, *et seq.*) Settlement Agreement and Award of Attorneys’ Fees and Costs, General Release Fee, and Settlement Administration Costs.

2. In November 2022, the Parties executed a long-form settlement agreement, which provided for terms of a Private Attorneys General Act (“PAGA”) settlement. That settlement agreement was subsequently not approved by the Court. As such, the Parties attended a second mediation in September 2023, which resulted in a new settlement agreement executed in December.

3. Prior to the commencement of this action Everbowl was in a state of financial hardship stemming from the COVID pandemic. For COVID-related reasons, Everbowl ceased all operations at all locations on March 15, 2020; then slowly began reopening stores in a substantially reduced operating model pursuant to government restrictions starting in May of 2020. As a result of the pandemic and the minimal operations, Everbowl operated at a loss of more than \$128,000. In January 2021, Everbowl was forced to convert its operations to a franchise model by liquidating the locations and selling them at a loss to individual franchisees. At this point all locations became independently owned and operated by franchisees – meaning Everbowl no longer employed the individuals working at locations throughout California, and no longer operated any locations. Since January 2021, Everbowl (1) has operated no locations, (2) has employed no individuals, (3) has generated no revenue, and (4) has maintained no assets (including any cash on hand). But for this ongoing litigation, Everbowl would have been dissolved in its entirety.

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P:01738980.5:86B03.015

DEFENDANT EVERBOWL LLC’S DECLARATION IN SUPPORT OF PLAINTIFF’S MOTION FOR APPROVAL OF PRIVATE ATTORNEYS GENERAL ACT (CAL. LABOR CODE § 2698, *ET SEQ.*) SETTLEMENT AGREEMENT AND AWARD OF ATTORNEYS’ FEES AND COSTS, GENERAL RELEASE FEE, AND SETTLEMENT ADMINISTRATION COSTS;

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

Erik Hansen

EXHIBIT A

ATTORNEY OR PARTY WITHOUT ATTORNEY: STATE BAR NO: 182235 NAME: Jill Raffee FIRM NAME: Raffee Law Group STREET ADDRESS: 11622 El Camino Real, Suite 100 CITY: San Diego STATE: CA ZIP CODE: 92130 TELEPHONE NO.: 619.840.2160 FAX NO.: E-MAIL ADDRESS: jraffee@raffeelaw.com ATTORNEY FOR (name): Plaintiff	FOR COURT USE ONLY ELECTRONICALLY FILED Superior Court of California, County of San Diego 04/02/2024 at 12:01:00 AM Clerk of the Superior Court By Carolina Miranda, Deputy Clerk
SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO STREET ADDRESS: 330 West Broadway MAILING ADDRESS: CITY AND ZIP CODE: San Diego, CA 92101 BRANCH NAME: Central Branch	
Plaintiff/Petitioner: Tierrasanta Town Center, LLC Defendant/Respondent: Everbowl, LLC	
REQUEST FOR (Application) ☐ Entry of Default ☐ Clerk's Judgment ☒ Court Judgment	CASE NUMBER: 37-2022-00021911-CU-BC-CTL
Not for use in actions under the Fair Debt Buying Practices Act (Civ. Code, § 1788.50 et seq.); (see form CIV-105)	

1. TO THE CLERK: On the complaint or cross-complaint filed
- on (date): December 9, 2022
 - by (name): Tierrasanta Town Center, LLC, a Delaware Limited Liability Company
 - ☐ Enter default of defendant (names):
 - ☒ I request a court judgment under Code of Civil Procedure sections 585(b), 585(c), 989, etc., against defendant (names):
 Everbowl, LLC, a Delaware Limited Liability Company and doing business as Everbowl
 (Testimony required. Apply to the clerk for a hearing date, unless the court will enter a judgment on an affidavit under Code Civ. Proc., § 585(d).)
 - ☐ Enter clerk's judgment
 - ☐ for restitution of the premises only and issue a writ of execution on the judgment. Code of Civil Procedure section 1174(c) does not apply. (Code Civ. Proc., § 1169.)
☐ Include in the judgment all tenants, subtenants, named claimants, and other occupants of the premises. The Prejudgment Claim of Right to Possession was served in compliance with Code of Civil Procedure section 415.46.
 - ☐ under Code of Civil Procedure section 585(a). (Complete the declaration under Code Civ. Proc., § 585.5 on the reverse (item 5).)
 - ☒ for default previously entered on (date): May 26, 2023
2. **Judgment to be entered.**
- | | Amount | Credits acknowledged | Balance |
|------------------------------|---------------|----------------------|---------------|
| a. Demand of complaint | \$ 229,086.00 | \$ | \$ 229,086.00 |
| b. Statement of damages* | | | |
| (1) Special | \$ | \$ | \$ |
| (2) General | \$ | \$ | \$ |
| c. Interest | \$ | \$ | \$ |
| d. Costs (see reverse) | \$ 495.00 | \$ | \$ 495.00 |
| e. Attorney fees | \$ 3,545.43 | \$ | \$ 3,545.43 |
| f. TOTALS | \$ 233,126.43 | \$ | \$ 233,126.43 |
- g. **Daily damages** were demanded in complaint at the rate of: \$ _____ per day beginning (date): _____
 (* Personal injury or wrongful death actions; Code Civ. Proc., § 425.11.)
3. ☒ (Check if filed in an unlawful detainer case.) **Legal document assistant or unlawful detainer assistant** information is on the reverse (complete item 4).
- Date: March 31, 2024

Jill Raffee

(TYPE OR PRINT NAME)



(SIGNATURE OF PLAINTIFF OR ATTORNEY FOR PLAINTIFF)

**FOR COURT
USE ONLY**

- (1) ☐ Default entered as requested on (date):
- (2) ☐ Default NOT entered as requested (state reason):

FILED

Clerk, by _____



C. Miranda

, Deputy

Page 1 of 3

Plaintiff/Petitioner: Tierrasanta Town Center, LLC
 Defendant/Respondent: Everbowl, LLC

CASE NUMBER:
 37-2022-00021911-CU-BC-CTL

4. **Legal document assistant or unlawful detainer assistant (Bus. & Prof. Code, § 6400 et seq.).** A legal document assistant or unlawful detainer assistant ☐ did ☒ did **not** for compensation give advice or assistance with this form. If declarant has received **any** help or advice for pay from a legal document assistant or unlawful detainer assistant, state:

- a. Assistant's name: c. Telephone no.:
 b. Street address, city, and zip code: d. County of registration:
 e. Registration no.:
 f. Expires on (date):

5. ☒ **Declaration under Code Civ. Proc., § 585.5** (for entry of default under Code Civ. Proc., § 585(a)). This action

- a. ☐ is ☒ is not on a contract or installment sale for goods or services subject to Civ. Code, § 1801 et seq. (Unruh Act).
 b. ☐ is ☒ is not on a conditional sales contract subject to Civ. Code, § 2981 et seq. (Rees-Levering Motor Vehicle Sales and Finance Act).
 c. ☐ is ☒ is not on an obligation for goods, services, loans, or extensions of credit subject to Code Civ. Proc., § 395(b).

6. **Declaration of mailing (Code Civ. Proc., § 587).** A copy of this *Request for Entry of Default* was

- a. ☐ **not mailed** to the following defendants, whose addresses are unknown to plaintiff or plaintiff's attorney (*names*):
 b. ☒ **mailed** first-class, postage prepaid, in a sealed envelope addressed to each defendant's attorney of record or, if none, to each defendant's last known address as follows:
 (1) Mailed on (date): March 31, 2024
 (2) To (specify names and addresses shown on the envelopes):
 Everbowl, LLC, a Delaware Limited Liability Company and doing business as Everbowl, c/o Jeff Fenster and Erik Hansen, 1300 Specialty Dr, #100, Vista, CA 92081

I declare under penalty of perjury under the laws of the State of California that the foregoing items 4, 5, and 6 are true and correct.

Date: March 31, 2024

Jill Raffee

(TYPE OR PRINT NAME)



(SIGNATURE OF DECLARANT)

7. **Memorandum of costs** (required if money judgment requested). Costs and disbursements are as follows (Code Civ. Proc., § 1033.5):

- a. Clerk's filing fees \$ 435.00
 b. Process server's fees \$ 0.00
 c. Other (specify): motion for default \$ 60.00
 d. \$
 e. **TOTAL** \$ 495.00

f. ☐ Costs and disbursements are waived.

g. I am the attorney, agent, or party who claims these costs. To the best of my knowledge and belief this memorandum of costs is correct and these costs were necessarily incurred in this case.

I declare under penalty of perjury under the laws of the State of California that the foregoing item 7 is true and correct.

Date: March 31, 2024

Jill Raffee

(TYPE OR PRINT NAME)



(SIGNATURE OF DECLARANT)

Plaintiff/Petitioner: Tierrasanta Town Center, LLC Defendant/Respondent: Everbowl, LLC	CASE NUMBER: 37-2022-00021911-CU-BC-CTL
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8. **Declaration of nonmilitary status** (required for a judgment).

No defendant/respondent named in item 1c is in the military service of the United States as defined by either the Servicemembers Civil Relief Act (see 50 U.S.C. § 3911(2)) or California Military and Veterans Code sections 400 and 402(f).

I know that no defendant/respondent named in item 1c is in the U.S. military service because (check all that apply):

- a. ☐ the search results that I received from <https://scra.dmdc.osd.mil/> say the defendant/respondent is not in the U.S. military service.
- b. ☐ I am in regular communication with the defendant/respondent and know that they are not in the U.S. military service.
- c. ☐ I recently contacted the defendant/respondent, and they told me that they are not in the U.S. military service.
- d. ☐ I know that the defendant/respondent was discharged from U.S. military service on or about (date):
- e. ☒ the defendant/respondent is not eligible to serve in the U.S. military because they are:
☐ incarcerated ☒ a business entity
- f. ☐ other (specify):

Note

- U.S. military status can be checked online at <https://scra.dmdc.osd.mil/>.
- If the defendant/respondent is in the military service, or their military status is unknown, the defendant/respondent is entitled to certain rights and protections under federal and state law before a default judgment can be entered.
- For more information, see <https://selfhelp.courts.ca.gov/military-defaults>.

I declare under penalty of perjury under the laws of the State of California that the foregoing item 8 is true and correct.

Date: March 31, 2024

Jill Raffee

(TYPE OR PRINT NAME)



(SIGNATURE OF DECLARANT)