

1 John R. Carrigan, Jr. SBN 217534
jcarrigan@cozen.com
2 COZEN O'CONNOR
401 Wilshire Boulevard, Suite 850
3 Santa Monica, CA 90401
Telephone: 310.393.4000
4 Facsimile: 310.394.4700

5 Attorney for Defendants
UBATUBA ACAI, LLC; UBATUBA ACAI
6 BEVERLY GROVE, LLC; UBATUBA ACAI
BURBANK, LLC; UBATUBA ACAI
7 CAMARILLO, LLC; UBATUBA ACAI
EXPANSION LLC; UBATUBA ACAI
8 KOREATOWN, LLC; UBATUBA ACAI
MELROSE, LLC; UBATUBA ACAI MOORPARK,
9 LLC; UBATUBA ACAI NORTH, LLC;
UBATUBA ACAI PASADENA, LLC; UBATUBA
10 ACAI SANTA MONICA, LLC; UBATUBA ACAI
SHERMAN OAKS, LLC; UBATUBA ACAI
11 STUDIO CITY, LLC; UBATUBA ACAI
THOUSAND OAKS, LLC; UBATUBA ACAI
12 VALENCIA, LLC; UBATUBA ACAI VENTURA,
LLC, and UBATUBA ACAI WOODLAND HILLS,
13 LLC

14
15 SUPERIOR COURT OF THE STATE OF CALIFORNIA
16 IN AND FOR THE COUNTY OF LOS ANGELES

17 KYND DANIEL, on behalf of herself and all
18 others similarly situated,

19 Plaintiff,

20 vs.

21 UBATUBA ACAI, LLC, a California limited
liability company; UBATUBA ACAI BEVERLY
22 GROVE, LLC, a California limited liability
company; UBATUBA ACAI BURBANK, LLC,
23 a California limited liability company;
UBATUBA ACAI CAMARILLO, LLC, a
24 California limited liability company; UBATUBA
ACAI EXPANSION LLC, a California limited
25 liability company; UBATUBA ACAI
KOREATOWN, LLC, a California limited
26 liability company; UBATUBA ACAI
MELROSE, LLC, a California limited liability
27 company; UBATUBA ACAI MOORPARK,
LLC, a California limited liability company;

Case No.: 23STCV29619

*Assigned for all purposes to Hon. Timothy P.
Dillon, Dept. 15*

**DECLARATION OF JOHN R.
CARRIGAN, JR. IN SUPPORT OF
PRELIMINARY APPROVAL OF CLASS
ACTION AND PAGA ACTION
SETTLEMENT**

Action Filed: December 4, 2023
Trial Date: None Set

1 UBATUBA ACAI NORTH, LLC, a California
2 limited liability company; UBATUBA ACAI
3 PASADENA, LLC, a California limited liability
4 company; UBATUBA ACAI SANTA MONICA,
5 LLC, a California limited liability company;
6 UBATUBA ACAI SHERMAN OAKS, LLC, a
7 California limited liability company; UBATUBA
8 ACAI SLO, LLC, a California limited liability
9 company; UBATUBA ACAI STUDIO CITY,
10 LLC, a California limited liability company;
11 UBATUBA ACAI THOUSAND OAKS, LLC, a
12 California limited liability company; UBATUBA
13 ACAI VALENCIA, LLC, a California limited
14 liability company; UBATUBA ACAI
15 VENTURA, LLC, a California limited liability
16 company; UBATUBA ACAI WOODLAND
17 HILLS, LLC, a California limited liability
18 company; and DOES 1 through 100, inclusive,

19
20
21
22
23
24
25
26
27
28
Defendants.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

2

3
4
5
6
7
8
9
10
11
12
13
14

15
16

17

18

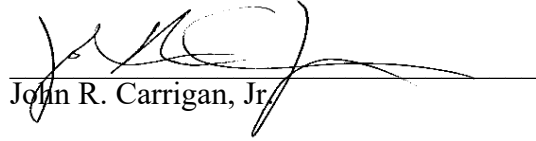
19
20
21
22
23
24

25

26

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

3 Executed this 24th day of April, 2026, at Santa Monica, California.

4
5 
6 John R. Carrigan, Jr.
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28