



August 15, 2016

The Honorable Chief Justice Tani Cantil-Sakauye
And Associate Justices
California Supreme Court
350 McAllister Street, Fourth Floor
San Francisco, CA 94102

Amicus letter of ACLU of Northern California, Electronic Frontier Foundation, and Public Participation Project supporting request for review in *Hassell v. Bird*, No. S235968 (San Francisco Sup. Ct. No. CGC-13-530525; Court of Appeal No. A143233)

Constitutional protections for due process and freedom of expression prohibit a court from issuing an injunction that restricts a non-party's speech, even when that non-party has a close relationship with the defendant and where the injunction only prohibits actions that have been found to be illegal. *Zenith Radio Corp. v. Hazeltine Research, Inc.*, 395 U.S. 100, 109-12 (1969); *Carroll v. President & Comm'rs of Princess Anne*, 393 U.S. 175, 181 (1968). But the Court of Appeal here upheld an injunction that does just that: it requires Yelp to remove speech from its website without giving it any opportunity to argue that the speech in question is constitutionally protected.

Because the Court of Appeal's opinion is inconsistent with *Zenith Radio* and *Carroll* and will allow litigants to suppress protected speech, this Court should grant review. *See* Rule of Court 8.500(b)(1).

1. Interests of amici

Proposed Amicus American Civil Liberties Union of Northern California (ACLU-NC) is a nonprofit, nonpartisan civil liberties organization dedicated to the principles of liberty and equality embodied in both the United States and California

constitutions. For more than 75 years, the ACLU-NC has worked to protect the free-speech and due-process rights of Californians through litigation and other advocacy.

Proposed Amicus the Electronic Frontier Foundation (EFF) is a non-profit, member-supported civil liberties organization based in San Francisco working to protect consumer interests, innovation, and free expression in the digital world. EFF is particularly interested in the First Amendment rights of Internet users and views the protections provided by the First Amendment as vital to the promotion of a robust, democratic society.

Proposed Amicus Public Participation Project was founded in 2008 for the purpose of educating the public about SLAPPs, or Strategic Lawsuits Against Public Participation, and the consequences of these types of destructive lawsuits on free-speech rights. Its mission is to obtain passage of federal Anti-SLAPP legislation in Congress and to assist individuals and organizations working to pass state Anti-SLAPP laws.

2. The Court of Appeal's holding threatens free speech.

Although this case primarily raises a due-process claim, it implicates the constitutional protections for free speech because the superior court's order directs Yelp to remove potentially protected speech from its website. The First Amendment protects not only authors and speakers but also those who publish or distribute their words. *Bigelow v. Virginia*, 421 U.S. 809, 818 (1975); *New York Times Co. v. Sullivan*, 376 U.S. 254, 265-67 (1964). These distributors sometimes have rights that the original source of the information does not have. For example, a person who intercepts a telephone conversation or leaks confidential documents may be subject to civil and criminal penalties. *See Bartnicki v. Vopper*, 532 U.S. 514, 523 (2001). But a newspaper that receives that information has a First Amendment right to publish it. *Id.*; *see New York Times Co. v. United States*, 403 U.S. 713, 714 (1971) (per curiam).

The Court of Appeal's decision denies Yelp the opportunity to defend its own First Amendment rights. This is particularly problematic because a distributor like Yelp may often value the speech more than the original speaker, or at least be in a better position to defend it. For example, when a political operative inadvertently reveals too much about her candidate, she may be happy to see her ill-considered words suppressed; but the reporter who heard the remarks – and his newspaper – may value it immensely and be willing to fight to publish it as part of a story on the candidate. The newspaper's right to include that quote in a story cannot be made to

depend on the outcome of a lawsuit in which no party shares the paper's interests or protects its rights. Here too, Yelp must have a right to argue that the speech on its website is protected by the First Amendment before a court can order it to remove it.

Moreover, regulation of speech requires "especially sensitive procedures." *Kash Enterprises, Inc. v. City of Los Angeles*, 19 Cal. 3d 294, 309-10 (1977) (citation omitted); see *Carroll*, 393 U.S. at 183-84. As a result, appellate courts have "an obligation to make an independent examination of the whole record in order to make sure that the judgment does not constitute a forbidden intrusion on the field of free expression." *Bose Corp. v. Consumers Union of U.S., Inc.*, 466 U.S. 485, 499 (1984) (quotations and citations omitted); *In re George T.*, 33 Cal. 4th 620, 633 (2004). Any "constitutionally relevant facts" must be reviewed de novo. *Evans v. Evans*, 162 Cal. App. 4th 1157, 1166 (2008).

Here, the Court of Appeal interpreted Code of Civil Procedure § 663 to completely preclude Yelp's challenge to the factual determinations that led the trial court to rule that the posts in question were defamatory. Far from making an independent examination of the record, the appellate court refused to examine it at all. This violates the First Amendment. *George T.*, 33 Cal. 4th at 621; *Bose*, 466 U.S. at 499 (state court rules cannot preclude appellate "independent examination of the record" in First Amendment cases).

3. The Court of Appeal's opinion violates *Zenith Radio's* holding that an injunction cannot name non-parties.

As an initial matter, the Court of Appeal's holding that the order requiring Yelp to remove the comments from its website is not an injunction is wrong as a matter of statutory and constitutional law. As both the Fourth and Third Districts have held, California law defines an injunction "as a writ or order commanding a person either to perform or to refrain from performing a particular act." *People v. Brewer*, 235 Cal. App. 4th 122, 135 (2015) (quoting *McDowell v. Watson*, 59 Cal. App. 4th 1155 (1997)); see C.C.P. § 525. And labels do not matter for the constitutional analysis; any order prohibiting speech is analyzed the same way, no matter what it is called. See *Alexander v. United States*, 509 U.S. 544, 550 (1993); *Dailey v. Superior Court of City & Cty. of San Francisco*, 112 Cal. 94, 98-100 (1896) (order issued in criminal case); *Hurvitz v. Hoefflin*, 84 Cal. App. 4th 1232, 1241 (2000) (gag order in civil case).

The judgment in this case states that “Plaintiffs’ Request for Injunctive Relief is Granted.” It then states that “Yelp.com is ordered to remove all reviews” listed in the attachment to it. This is a prototypical injunction.¹

The U.S. Supreme Court has squarely held that due process prohibits a court from issuing an injunction against a non-party. *Zenith Radio Corp. v. [HRI]*, 395 U.S. 100, 109-12 (1969). That case involved a patent dispute in which Zenith sought an injunction and damages against HRI, which was a “wholly owned subsidiary” of Hazeltine. *Id.* at 104. Although Hazeltine was not a party, it had full knowledge of the litigation, its in-house lawyers participated in the trial, and the parties stipulated that Hazeltine and HRI would be “considered to be one and the same company.” *Id.* at 108-09, 111 n.5.

After Zenith prevailed at trial, it proposed that the court issue an injunction prohibiting both HRI and Hazeltine from continuing to misuse the patents at issue. *Id.* at 105. Hazeltine then formally appeared in the case and argued that it could not be bound by the injunction because it was not a party. *Id.* The district court nevertheless entered the injunction against it. *Id.*

The Supreme Court held that this was wrong because due process prohibits a court from entering an injunctive order against a non-party. *Id.* at 110. The Court recognized the longstanding rule that injunctions “bind not only the parties defendant in a suit, but also those persons in active concert or participation with them who receive actual notice”; but it held that this principle does not allow a court to issue an injunction against a non-party that did not participate in the lawsuit and was neither found to be an agent of either party nor given an opportunity to contest such a finding. *See id.* at 112. (“It was error to enter the injunction against Hazeltine, without having made [the determination that Hazeltine was in concert or participation with HRI] in a proceeding to which Hazeltine was a party.”); *see Lake Shore Asset Mgmt. Ltd. v. Commodity Futures Trading Comm’n.*, 511 F.3d 762, 767 (7th Cir. 2007) (applying same rule and holding that injunction must be amended to delete non-party); *see also Alemite Mfg. Corp. v. Staff*, 42 F.2d 832, 832-33 (2d Cir. 1930) (L. Hand, J.) (same rule under common law). Absent these procedural protections, the non-party cannot be bound by the judgment in any way. *Zenith Radio*, 395 U.S. at 110; *see Richards v. Jefferson Cty., Ala.*, 517 U.S. 793, 801 (1996).

¹ A copy of the judgment is attached to this letter. The quoted language appears on page 1 line 27 and page 2 line 7.

The present case presents a clearer due-process violation than did *Zenith Radio*. Yelp does not control defendant Bird and did not participate in any way in the trial. In fact, there was no trial on the merits because the original speaker failed to defend the statements attributed to her, for reasons unknown (perhaps she has no money for an attorney or misunderstands the law of defamation; perhaps she simply doesn't care enough about having her comments remain on Yelp; perhaps she didn't even write some of them). The trial court therefore heard from only one side before issuing the injunction. And, as noted above, cases involving free-speech rights require especially sensitive procedures. As the Supreme Court warned when it held that the First Amendment prohibits *ex parte* orders limiting speech unless "it is impossible to serve or to notify the opposing parties and to give them an opportunity to participate," "the failure to invite participation of the party seeking to exercise First Amendment rights reduces the possibility of a narrowly drawn order." *Carroll*, 393 U.S. at 180, 184. This makes it much more likely that the court will issue an unconstitutional order. *See id.* at 183 ("An order issued in the area of First Amendment rights must be couched in the narrowest of terms that will accomplish the pin-pointed objective permitted by constitutional mandate and the essential needs of the public order.").

The one-sided prove-up hearing in this case resulted in the type of overbroad order that the *Carroll* Court feared. As the Court of Appeal recognized, the original order violated the First Amendment because it ordered Yelp to remove future, unspecified comments. Slip Op. at 25. But even as narrowed by the appellate court, the order still requires Yelp to remove speech that, looking only at the order itself, appears to be fully protected by the First Amendment. For example, the first updated review attached to the court's removal order states that "dawn hassell has filed a lawsuit against me over this review I posted on yelp," that Yelp is "defending my right to post a review," and that the Better Business Bureau is a "good resource."² The existence of the case at bar shows that the first statement is true; the second and third cannot defame plaintiff Hassell, regardless of whether they are true, because they don't even refer to her. All three are therefore protected speech.

² The superior court's judgment specifically requires "Yelp.com ... to remove all reviews posted by AVA BIRD under user names "Birdzeye B." and "J.D." attached [to the judgment] as Exhibit A." The Court of Appeal left this part of the judgement intact, specifically noting that it required Yelp to remove "the three specific statements" listed in the attachment. Slip Op. at 25. There are three such statements only if the update – with its clearly protected statements quoted above – is included. A copy of the judgment is attached to this letter.

See Blatty v. New York Times Co., 42 Cal. 3d 1033, 1042 (1986) (First Amendment requires defamation plaintiff to prove that statements are false and refer to her). Nevertheless, under the Court of Appeal's decision, Yelp must remove this material from its website, with no opportunity to argue that these statements – or others listed in the order – are true or otherwise protected by the Constitution.

That the speech in question may have originated with defendant Bird does not ameliorate this constitutional violation: just as Hazeltine could not be ordered to stop misusing specific patents based on a judgment against its subsidiary regarding those same patents, Yelp cannot be ordered to remove speech from its website based on a judgment against the supposed original author. Indeed, because Yelp has an independent First Amendment right to present those words on its website, due process demands that it have at least as much process as a company in a patent dispute. *See Carroll*, 393 U.S. at 183-84.

4. Section 230 of the Communications Decency Act³ does not change this constitutional rule.

Section 230 may make it difficult or impossible for plaintiffs in some cases to proceed directly against a website that publishes speech. *See* Pet. for Rev. at 29-33. But even if the effect of this statute could justify dispensing with the requirements of due process and the First Amendment (it cannot), the Court of Appeal's rule will apply in circumstances that do not implicate § 230. For example, if a newspaper decided to use a quote in a story, that decision likely would not be covered by § 230, even as to the newspaper's online edition, because the decision to publish the quote as part of a story or editorial would be the paper's, not the original speaker's. *See Fair Hous. Council of San Fernando Valley v. Roommates.Com, LLC*, 521 F.3d 1157, 1170-71 (9th Cir. 2008) (en banc). However, under the Court of Appeal's rule, the newspaper could nevertheless be ordered to remove the quote from its story based on a suit filed against the speaker to which the newspaper was not a party, without affording the newspaper any notice or opportunity to argue that the statements are accurate or otherwise constitutionally protected. This is anathema both to free speech and to due process.

5. Conclusion

"The loss of First Amendment freedoms, for even minimal periods of time, unquestionably constitutes irreparable injury." *Elrod v. Burns*, 427 U.S. 347, 373

³ 47 U.S.C. § 230.

(1976) (citing *New York Times*, 403 U.S. 713) (plurality opn.). If the Court of Appeal's opinion stands, it will lead to similar injunctions that infringe on publishers' free-speech rights without giving them any notice or opportunity to be heard. This Court should grant review to prevent this result.

Sincerely,



Michael T. Risher
Senior Staff Attorney
Cal. Bar. #191627

Attorney for Amici

THE HASSELL LAW GROUP
A Professional Corporation
4079 19th Avenue
San Francisco, CA 94132

1 DAWN L. HASSELL (SBN 200080)
2 THE HASSELL LAW GROUP
3 A Professional Corporation
4 4079 19th Avenue
5 San Francisco, CA 94132
6 Telephone: (415) 334-4111
7 Fax: (415) 469-9885

8 Attorneys for Plaintiffs
9 DAWN L. HASSELL and HASSELL LAW GROUP, P.C.

10 SUPERIOR COURT OF THE STATE OF CALIFORNIA
11 FOR THE COUNTY OF SAN FRANCISCO- UNLIMITED JURISDICTION

12 DAWN HASSELL and HASSELL LAW
13 GROUP, a P.C.

14 Plaintiffs,
15 vs.

16 AVA BIRD, and DOES 1 TO 50, inclusive,
17 Defendants.

Case No. CGC-13-530525

**[PROPOSED] DEFAULT JUDGMENT IN
FAVOR OF PLAINTIFFS**

Date: 01/14/14
Dept.: 514
Time: 9:00 a.m.

18 Plaintiff s' Request for Default Judgment before this Court in Department 514 on January
19 14, 2014 at 9:00 a.m. Counsel Dawn L. Hassell and Andrew Haling appeared on behalf of
20 Plaintiffs. After reviewing the Case Summary, Declarations, Exhibits, all supporting documents
21 and hearing live testimony from Plaintiff DAWN HASSELL, IT IS HEREBY ORDERED that:

22 Plaintiffs requested Default Judgment is Granted against Defendant AVA BIRD. Judgment
23 in favor of Plaintiffs is entered in the total amount of \$ 557,918.85. This amount includes
24 judgment in the amount of \$ 54,000.00 for past special damages, \$ 3,918.85 for past case costs, \$ 500,000.00
25 for general damages, \$ for punitive damages, and \$ for interest on the award.

26 IT IS FURTHER ORDERED that:

27 Plaintiffs' Request for Injunctive Relief is Granted. Defendant AVA BIRD is ordered to
28 remove each and every defamatory review published or caused to be published by her about

1
[Proposed] Judgment

FILED
San Francisco County Superior Court

JAN 14 2014

CLERK OF THE COURT
BY: J. Mayaniga Deputy Clerk

THE HASSELL LAW GROUP
A Professional Corporation
4079 19th Avenue
San Francisco, CA 94132

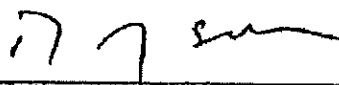
1 plaintiffs HASSELL LAW GROUP and DAWN HASSELL from Yelp.com and from anywhere
2 else they appear on the internet within 5 business days of the date of the court's order.

3 Defendant AVA BIRD, her agents, officers, employees or representatives, or anyone acting
4 on her behalf, are further enjoined from publishing or causing to be published any written reviews,
5 commentary, or descriptions of DAWN HASSELL or the HASSELL LAW GROUP on Yelp.com
6 or any other internet location or website.

7 Yelp.com is ordered to remove all reviews posted by AVA BIRD under user names
8 "Birdzeye B." and "J.D." attached hereto as Exhibit A and any subsequent comments of these
9 reviewers within 7 business days of the date of the court's order.

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Dated: 14 JAN 14


Hon. Donald J. Sullivan
Presiding Judge

Case no. CSC-13-530525

Hassell

vs.

Bird.

EXHIBIT A



The Hassell Law Group

★★★★★ 12 reviews

Categories: Personal Injury Law, Employment Law

4079 18th Ave
(between Chester Ave & Randolph St)
San Francisco, CA 94132
Neighborhood: Ingleside Heights

(415) 334-4111
hasselllawgroup.com

Hours:
Mon-Fri 9 am - 6:30 pm

Recommended Reviews for The Hassell Law Group

Birdzeye B.'s Review



Birdzeye B.
Los Angeles, CA

★★★★★ Updated - 4/29/2013

here is an update on this review:

down hassell has filed a lawsuit against me over this review I posted on yelp! she has tried to threaten, bully, intimidate, harass me into removing the review! she actually hired another bad attorney to fight this. jolt! well, looks like my original review has turned out to be truer than overt! avoid this business like the plague folks! and the staff at YELP has stepped up and is defending my right to post a review. once again, thanks YELP! and I have reported her actions to the Better Business Bureau as well, so they have a record of how she handles business. another good resource is the BBB, by the way.

1 Previous Review Hide »

1/28/2013

well, here is another business that doesn't even deserve one star. basically, down hassell made a bad situation much worse for me. she told me she could help with my personal injury case from falling through a floor, then reneged on the case because her mom had a broken leg, or something like that, and that the insurance company was too much for her to handle. and all of this after I met with her office (not her personally, she was nowhere to be found) signed paperwork to 'hire' them and gained confidence in her office (due mostly to yelp reviews) so, in all fairness, I have to share my experience so others can be forewarned. she will probably not do anything for you, except make your situation worse. in fact, after signing all the paperwork with her office, like a broken record, they repeated 'DO NOT TALK TO THE INSURANCE COMPANY' over and over and over, and over and over. so I honored that and did not speak to them, but the hassell law group didn't ever speak with the insurance company either, neglecting their said responsibilities and not living up to their own legal contract. nor did they bother to communicate with me, the client or the insurance company AT ALL. then, she dropped the case because of her mother and seeming lack of work ethic. (a good attorney would do this, in fact, they aren't supposed to) to save your case, STEER CLEAR OF THIS LAW FIRM and research around to find a law firm with a proven track record of success, a good work ethic, competence and long term client satisfaction. there are many in the bay area and with some diligent smart interviewing, you can find a competent attorney, but this won't be one of them.

Comment from Dawn H. of The Hassell Law Group 4/28/2013

■ The statements in this review are simply not TRUE. My law... More »

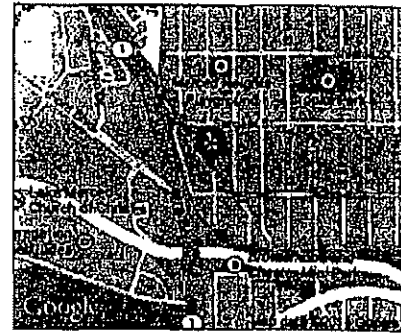
12 reviews in English



Art B.
San Francisco, CA

★★★★★ 4/20/2013

There are some things in life you don't really learn about until they happen to you. Getting injured due to someone else's negligence, making it necessary for you to deal with insurance companies, claims, liability etc. is one of those things. It happened to me on a fall I took on some bad sidewalk. What I know now is this: when something like this happens pause before you make your first call; don't call your mom, don't call your significant other, don't even call the ambulance call an attorney. And my suggestion is that the Hassell Law Group should be that call. Heck if this ever happens to me again I'm calling her before I even get off the ground. Really. The thing you come to understand is that very small things, some of which make perfect common sense, can come back to bite you in the ass. Insurance companies might seem like they are pleasant and your friend, but in the end their only goal is to



People Who Viewed This Also Viewed...



Law Offices of Tanya Gormen
★★★★★ 48 reviews
Neighborhood: Civic Center



Law Office of Arkady Iltin
★★★★★ 19 reviews
Neighborhood: Financial District



Fusion Law Group
★★★★★ 12 reviews
Neighborhood: Financial District

People Viewed This After Searching For...

Personal Injury Law San Francisco

Labor Attorney San Francisco

Workers Compensation Lawyer San Francisco



Back to The Hassell Law Group

What Are Recommended Reviews?

We get millions of reviews from our users, so we use automated software to recommend the ones that are most helpful for the Yelp community. The software looks at dozens of different signals, including various measures of quality, reliability, and activity on Yelp. The process has nothing to do with whether a business advertises on Yelp or not. The reviews that currently don't make the cut are listed below and are not factored into this business's overall star rating. [Learn more here.](#)

10 reviews for The Hassell Law Group that are not currently recommended

Note: The reviews below are not factored into the business's overall star rating.



J.D.
Alameda, CA
0 friends
1 review

★★★★★ 2/6/2013

Did not like the fact that they charged me their client to make COPIES, send out FAXES, POSTAGE, AND FOR MAKING PHONE CALLS about my case!!! Isn't that your job. That's just ridiculous!!! They Deducted all those expenses out of my settlement.



K.S.
San Mateo, CA
0 friends
2 reviews

★★★★★ 4/9/2013

I had a very positive experience with the Hassell Law Group. I found them via these Yelp reviews, and interviewed a number of other lawyers before engaging with them. For our first meeting, Dawn Hassell met me at a coffee shop near my home. Unlike some other lawyers that I spoke to, she did not sugar coat the process ahead. It was important that my lawyer provide me with realistic expectations, and an understanding of each step. In these regards Dawn and her team came through very well. There were some unexpected setbacks during the case, which were handled with diligence and strategic thinking. They engaged me at each step, explained our options, and followed my instructions (even when we differed on the path to take). An advantage of working with this team is that IT IS A TEAM. I worked with at least 4-separate attorneys at the firm, each responsible for making sure the different portions of the case moved forward as needed. I had 3-attorneys from the firm present at my settlement conference, to make my case and provide input on all available options. The case resolved positively before trial, and I have personally recommended the Hassell Law Group to two other people involved in personal injury matters.



Nicole M.
Daly City, CA
0 friends
2 reviews

★★★★★ 2/20/2013

for the past 10 years the Hassell Law Group has handled several claims for me, and to start with I am a paraplegic (wheelchair bound) person, I have had a few attorneys in the past and none of them can compare to the Hassell law firm. the office is wheelchair accessible, and i was treated with great respect the office also have a accessible restroom and kitchen area, and the coffee is good first class all the way. Ms. Hassell got me a great settlement on all my claims, everytime I called the office they answered the telephone and that is an issue with most attorneys but with ms Hassell office you can always reach them and they take out the time to answer any questions about your claim that you have and believe me I worried them alot and they were always patient with me, words just cannot express how great this law firm is I would say the Hassell Law firm is in the top 5 in sanfrancisco and I mean at the top. If you really need someone to take care of you and really care about getting you the best help with your claim it is this law firm, i see you have read a couple of bad reviews, dont believe them hire the Hassell Law Group and all of your prayers will be answered. and I just want to say thank you to all the Hassell Law Attorneys for all of your help you are the best.



Rose H.
San Francisco, CA
0 friends
31 reviews

★★★★★ 2/13/2013

Dawn Hassell and the Hassell Law Group are amazing. They took my case and handled it professionally and efficiently. For me it was less about the money and more about the principle. I have referred the Hassell group to several people and always with amazing results. They care and it shows.
RH

PROOF OF SERVICE

I, Veronica Ramirez, declare under penalty of perjury under the laws of the State of California that the following is true and correct:

I am employed in the City of San Francisco, County of San Francisco, California, in the office of a member of the bar of this court, at whose direction the service was made. I am over the age of eighteen (18) years, and not a party to or interested in this action. I am an employee of the American Civil Liberties Union Foundation of Northern California, and my business address is 39 Drumm Street, San Francisco California 94111.

On August 15, 2016, I served the following document(s):

Amicus letter supporting request for review in *Hassell v. Bird*, No. No. S235968

In the Following Case:
Dawn Hassell, et al v. Bird

on the parties stated below by the following means of service:

Monique Olivier
Duckworth, Peters, Lebowitz, Olivier LLP
100 Bush Street, Suite 1800
San Francisco, CA 94104

Nitok Sing, Esq.
Harmeet Kaur Dhillon
Dhillon Law Group, Inc.
177 Post Street, Suite 700
San Francisco, CA

Aaron Samuel Schur
Yelp, Inc.
140 New Montgomery Street, 9th Floor
San Francisco, CA 94105

Thomas Rohlfs Burke
Rochelle Lyn Wilcox
Davis, Wright, Tremaine LLP
505 Montgomery Street, Suite 800
San Francisco, CA 94111

Clerk of the Court
San Francisco Superior Court
400 McAllister Street
San Francisco, CA 94102

Clerk of the Court
First Appellate District Court, Div. Four
350 McAllister Street
San Francisco, CA 94102

 X By U.S. Mail enclosing a true copy in a sealed envelope in a designated area for outgoing mail, addressed with the aforementioned addressees. I am readily familiar with the business practices of the ACLU Foundation of Northern California for collection and processing of correspondence for mailing with the United States Postal Service and correspondence so collected and processed is deposited with the United States Postal Service on the same date in the ordinary course of business.

I declare under penalty of perjury that the foregoing is true and correct. Executed on August 15, 2016 at San Francisco, California.

Veronica Ramirez, Declarant