

<p>ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Jimmie Davis Parker, Esq. (SBN 252023) Law Office of Jimmie Davis Parker, APC 4241 Arden Way San Diego, California 92103 TELEPHONE NO.: 619.887.3300 FAX NO. (Optional): E-MAIL ADDRESS (Optional): JDParker@gmail.com ATTORNEY FOR (Name): 3 Brothers Taco Shop, Inc; Paris Kargar; Zhala Tawfiq</p>	<p style="text-align: center;"><i>FOR COURT USE ONLY</i></p> <p style="text-align: center;">ELECTRONICALLY FILED Superior Court of California, County of San Diego 07/05/2018 at 12:24:00 PM Clerk of the Superior Court By E- Filing, Deputy Clerk</p>
<p>SUPERIOR COURT OF CALIFORNIA, COUNTY OF San Diego STREET ADDRESS: 330 West Broadway MAILING ADDRESS: 330 West Broadway CITY AND ZIP CODE: San Diego 92101 BRANCH NAME: Hall of Justice - Central</p>	
<p>PLAINTIFF/PETITIONER: Zhala Tawfiq, et al. DEFENDANT/RESPONDENT: Miss Middle East Beauty Pageant USA, Inc., et al.</p>	
<p style="text-align: center;">NOTICE OF ENTRY OF JUDGMENT OR ORDER</p> <p>(Check one): <input checked="" type="checkbox"/> UNLIMITED CASE (Amount demanded exceeded \$25,000) <input type="checkbox"/> LIMITED CASE (Amount demanded was \$25,000 or less)</p>	<p>CASE NUMBER: 37-2017-00019692</p>

TO ALL PARTIES :

1. A judgment, decree, or order was entered in this action on (date): June 29, 2018
2. A copy of the judgment, decree, or order is attached to this notice.

Date: July 5, 2018

Jimmie Davis Parker

(TYPE OR PRINT NAME OF ATTORNEY PARTY WITHOUT ATTORNEY)



(SIGNATURE)

PLAINTIFF/PETITIONER: Zhala Tawfiq, et al.	CASE NUMBER: 37-2017-00019692
DEFENDANT/RESPONDENT:	

**PROOF OF SERVICE BY FIRST-CLASS MAIL AND ELECTRONIC MAIL
NOTICE OF ENTRY OF JUDGMENT OR ORDER**

(NOTE: You cannot serve the Notice of Entry of Judgment or Order if you are a party in the action. The person who served the notice must complete this proof of service.)

1. I am at least 18 years old and **not a party to this action**. I am a resident of or employed in the county where the mailing took place, and my residence or business address is (*specify*): 4241 Arden Way San Diego, California 92103 (JDParker@gmail.com)

2. I served a copy of the *Notice of Entry of Judgment or Order* by enclosing it in a sealed envelope with postage fully prepaid and (*check one*):

- a. deposited the sealed envelope with the ~~United States Postal Service~~ ^{Via Electronic Mail per Stipulation} ~~Electronic Mail~~ ^{United States Postal Service AND/OR Electronic Mail}
- b. placed the sealed envelope for collection and processing for mailing, following this business's usual practices, with which I am readily familiar. On the same day correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service.

3. The *Notice of Entry of Judgment or Order* was Emailed:

- a. on (*date*): July 5, 2018
- b. from (*city and state*): San Diego, California (JDParker@gmail.com)

4. The envelope was addressed and mailed as follows:

- | | |
|---|---|
| <p>a. Name of person served:
Steve Liosi, Esq. Counsel for Defendants
Street address: attroneyliosi@gmail.com
City:
State and zip code:</p> | <p>c. Name of person served:
Jennifer Hasso, Esq. (Counsel for Ms. Charry)
Street address: JHasso@gmail.com
City:
State and zip code:</p> |
| <p>b. Name of person served:
Street address:
City:
State and zip code:</p> | <p>d. Name of person served:
Steven Cooper, Esq. (Counsel for Maloufs)
Street address: sco2059339@aol.com
City:
State and zip code:</p> |

Names and addresses of additional persons served are attached. (*You may use form POS-030(P).*)

5. Number of pages attached 5.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Date: July 5, 2018

Jimmie Davis Parker, Esq.

(TYPE OR PRINT NAME OF DECLARANT)



(SIGNATURE OF DECLARANT)

FILED
Clerk of the Superior Court

JUN 29 2018

By: K. BRECKENRIDGE

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**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SAN DIEGO**

ZHALA TAWFIQ, et al.

Plaintiffs,

v.

MISS MIDDLE EAST BEAUTY PAGEANT
USA, INC., et al.,

Defendants.

ELIE MALOUF, et al.

Cross-complainants,

v.

RAMI ATTALLAH

Defendant.

Case No.: 37-2017-00019692-CU-FR-CTL

[IMAGED FILE]

[Assigned to Hon. Timothy Taylor for all purposes]

~~[PROPOSED]~~ ORDER GRANTING
PLAINTIFFS' MOTION TO DEEM FACTS
ADMITTED, GENUINENESS OF
DOCUMENTS AND AWARD OF
SANCTIONS

Complaint Filed: May 31, 2017

Trial Date: August 10, 2018

Date: June 29, 2018

Time: 1:30 PM

Location: C-72

[PROPOSED] ORDER GRANTING PLAINTIFFS' MOTION TO DEEM FACTS ADMITTED, GENUINENESS OF
DOCUMENTS AND AWARD OF SANCTIONS

1 On June 29, 2018 at 1:30 PM, Plaintiffs ZHALA TAWFIQ, PARIS KARGAR and THREE
2 BROTHERS TACO SHOP, LLC's Motion to Deem Facts Admitted and Genuineness of
3 Documents came before the Court.

4 After considering the papers filed and argument presented, the Court rules as follows:
5 Plaintiffs' Motion is **GRANTED in its entirety**.

6 The Facts and Genuineness of Documents Encompassed by Plaintiffs' Requests for
7 Admission Set Two to the Kalasho Defendants are hereby deemed Admitted as True and Genuine.

8 Plaintiffs' are entitled to recover reasonable fees and costs pursuant to Section 2033.280 of
9 the Code of Civil Procedure. Plaintiffs' reasonable fees and costs are awarded in the amount of
10 \$2,035

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IT IS SO ORDERED.

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Date 6/29/18

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HON. TIMOTHY TAYLOR
JUDGE OF THE SUPERIOR COURT

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SUPERIOR COURT OF CALIFORNIA,

COUNTY OF SAN DIEGO

HALL OF JUSTICE

TENTATIVE RULINGS - June 26, 2018

EVENT DATE: 06/29/2018

EVENT TIME: 01:30:00 PM

DEPT.: C-72

JUDICIAL OFFICER: Timothy Taylor

CASE NO.: 37-2017-00019692-CU-FR-CTL

CASE TITLE: ZHALA TAWFIQ VS MISS MIDDLE EAST BEAUTY PAGEANT USA INC [IMAGED]

CASE CATEGORY: Civil - Unlimited

CASE TYPE: Fraud

EVENT TYPE: Discovery Hearing

CAUSAL DOCUMENT/DATE FILED: Motion - Other, 05/22/2018

Tentative Ruling on Motion for Deemed Admissions

Tawfiq v. Miss Middle East Beauty Pageant, Case No. 2017-19692

June 29, 2018, 1:30 p.m., Dept. 72

1. Overview and Procedural Posture.

This is a dispute over what happened (and didn't happen) after plaintiff Zhala Tawfiq was "crowned ... 'Miss Middle East USA 2016,' [and] provided ... with a crown, sash, trophy and oversized check for \$2,000." ROA 1, paragraph 13. Plaintiff alleges the proprietor of the pageant, Mr. Kalasho, essentially pulled a "bait and switch" as to the promised prize money, and then, when she complained, posted nude pictures purporting to be her and awarded the crown to someone else. *Id.*, paragraphs 14-17. The complaint for fraud, IIED and defamation was filed May 31, 2017. The case was assigned to Judge Trapp, but plaintiff challenged her whereupon the case was reassigned to Dept. 72. ROA 9, 11.

The first amended complaint (FAC) (which added new plaintiffs Three Brothers Taco Shop, Paris Kargar, and Lina Charry, several counts, and several new defendants) was filed July 24, 2017. ROA 16. Defendants answered and cross-complained on August 14, 2017. ROA 20-22. The cross-complaint was later amended (ROA 31). The first amended cross-complaint (FACC) alleges claims for breach of contract, breach of the implied covenant, IIED, "cyber-harassment," defamation, and two species of the interference tort.

At a CMC in late September, 2017, the court set the case for trial in August of 2018. ROA 44-48.

The parties appeared on the *ex parte* calendar in early October, 2017 regarding a third party subpoena. ROA 33, 38, 49.

In November of 2017, the original plaintiff and the new plaintiffs filed the second amended complaint (SAC) by stipulation. ROA 56-58. The SAC advances claims for unfair competition, fraud, NIED, IIED, and defamation.

The following motions were set for December 22, 2017:

A. Plaintiffs/cross-defendants' special motion to strike the FACC (ROA 60-61);

B. Plaintiffs/cross-defendants' demurrer to the FACC (ROA 62-63);

C. Plaintiffs/cross-defendants' motion to compel responses to form interrogatories and production demands (ROA 68, 70);

D. Plaintiffs/cross-defendants' motion to compel third party Matrix Video to produce videos (ROA 69, 70).

All four motions were unopposed. Plaintiffs/cross-defendants filed a notice of non-opposition. ROA 77-78. The court published a detailed tentative ruling (ROA 82-86); despite filing no opposition, counsel for defendants/cross-complainants appeared at the hearing and offered argument. The court confirmed the tentative ruling which, among other things, granted the special motion to strike the cross-complaint. ROA 94. A judgment of dismissal was thereafter entered on the cross-complaint with respect to the moving cross-defendants. ROA 88.

On February 2, 2018, the court denied the pro forma motion under Code of Civil Procedure section 473(b) by the cross-complainant. ROA 110.

Subsequently before the court was another special motion to strike the FACC and demurrer to the FACC, this time by plaintiff Lina Charry. ROA 105-106. Defendants again filed no opposition. ROA 122. Also calendared for the same day was a motion by the original plaintiffs for attorneys' fees under Code of Civil Procedure section 425.16 for having prevailed on the SLAPP motion last December 22, 2017. ROA 96-98. Again, no opposition was filed. ROA 123.

The court, on February 16, 2018, granted the second special motion to strike, found the demurrer moot, and granted the motion for attorneys' fees. ROA 119-121, 128, 130. A judgment of dismissal was thereafter entered on the cross-complaint with respect to the second set of moving cross-defendants. ROA 137.

Kalasho thereafter filed an untimely 170.6 challenge. ROA 129.

Cross-defendant Charry, who prevailed on the second special motion to strike, sought an award of attorneys' fees. ROA 151. There was no opposition. ROA 158. The court published a tentative ruling on April 19, 2018, heard argument from the moving party on April 20, 2018, and took the motion under submission. The court thereafter decided the motion. ROA 180.

Another discovery motion was decided by the court on May 4, 2018. ROA 184. Soon thereafter, plaintiffs sought a trial continuance (ROA 187), and the court granted very reluctantly vacated the trial and set a CMC for July 6. ROA 197-98.

Presently before the court is plaintiffs' motion for deemed admissions. ROA 202-205. They also seek the imposition of monetary sanctions in the amount of \$2,035.00. The motion provides May 22, 2018 service by US Mail and Electronic Mail on counsel for defendants in accordance with Code of Civil Procedure section 1005(b). ROA 205. No opposition was filed.

2. Applicable Standards.

The court incorporates parts 2B, 2D, 2E and 2F of the minutes for May 4, 2018 (ROA 184).

Pursuant to Code of Civil Procedure section 2033 *et seq.*, and in particular section 2033.280, a party upon whom requests for admissions have been served has 30 days in which to respond to same. Failure to timely do so may result in a motion to deem such admissions admitted as well as a mandatory monetary sanction pursuant to Code of Civil Procedure section 2033.280.

3. Discussion and Ruling.

The motion is granted. The requests for admissions served on defendants, i.e., Bessmon Kalasho, Jessica Kalasho, Miss Middle East Beauty Pageant, and Middle Eastern Chamber of Commerce, on April 4, 2018 are deemed admitted. Defendants failed to respond to the requests for admissions, and the time to respond has expired. See ROA 203, Parker declaration, paragraph 3. Sanctions are granted against defendants in the requested sum of \$2035.00, payable within 30 days of this ruling. The court will sign plaintiffs' proposed order (ROA 204).

Because defendants failed to file any opposition to the motion, the court is entitled to consider that lack of opposition to be an admission the motion is meritorious. See *Sexton v. Superior Court* (1997) 58 Cal.App.4th 1403, 1410. Further, by failing to oppose the motion, defendants have failed to preserve for appeal a challenge to the granting of the motion. *In re Carrie W.* (2003) 110 Cal.App.4th 746, 755; *Broden v. Marin Humane Society* (1999) 70 Cal.App.4th 1212, 1226-1227, fn. 13; see also *Duarte v. Chino Comm. Hospital* (1999) 72 Cal.App.4th 849, 856; *Badie v. Bank of America* (1998) 67 Cal.App.4th 779, 784-85.