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Counsel for Defendants

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF ORANGE

SARA KHALIL FARSAKH, an
individual; SOONDUS AHMED, an
individual; RAWAN HAMDAN, an
individual; SARA C., an individual;
YUMNA H., an individual; SAFA R., an
individual; MARWA R., an individual,

Plaintiffs,

vs.

URTH CAFFE CORPORATION; URTH
CAFFE LAGUNA BEACH
DEVELOPMENT, LLC; URTH
PAYROLL SERVICES, INC.; AND
URTH CAFFE ASSOCIATES VI, LLC,

Defendants.

Case No.: 30-2016-00849787-CU-CR-CJC

Hon. John C. Gastelum
Dept. C-13

DEFENDANTS' GENERAL DENIAL
ANSWER TO PLAINTIFFS' UNVERIFIED
COMPLAINT

Department: C-13, Central Justice Center

Discovery Cut-Off: N/A
Motion Cut-Off: N/A
Trial Date: N/A

Action Filed: May 2, 2016

21 Defendants Urth Caffe Corporation, Urth Caffe Laguna Beach Development, LLC, Urth
22 Payroll Services, Inc., and Urth Caffe Associates VI, LLC, do individually and collectively
23 answer Plaintiffs' unverified complaint as follows: Pursuant to the California Code of Civil
24 Procedure § 431.30(d), Defendants deny generally and specifically each and every allegation
25 contained within the unverified complaint in this action.

1 **FIRST AFFIRMATIVE DEFENSE**

2 **(Failure to State a Cause of Action)**

3 As a separate and distinct affirmative defense to Plaintiffs’ first and only cause of action,
4 and while denying each and every allegation therein, Defendants assert that the cause of action
5 fails to state a claim.

6 **SECOND AFFIRMATIVE DEFENSE**

7 **(Defendants Have Not Violated the Unruh Civil Rights Act)**

8 As a separate and distinct affirmative defense to Plaintiffs’ first and only cause of action,
9 and while denying each and every allegation therein, Defendants assert without reservation or
10 qualification that neither they nor their employees and/or agents violated the Unruh Civil Rights
11 Act insofar as Plaintiffs were never subject to religious or other unlawful discrimination at any
12 business establishment owned or operated by Defendants or by any business establishment
13 related, associated, or affiliated with Defendants.

14 **THIRD AFFIRMATIVE DEFENSE**

15 **(Unclean Hands)**

16 As a separate and distinct affirmative defense to Plaintiffs’ first and only cause of action,
17 and while denying each and every allegation therein, Defendants assert that Plaintiffs’ claims are
18 barred based upon the equitable doctrine of unclean hands. Specifically, Plaintiffs conspired with
19 one another and/or aided and abetted one another in bringing what they know is a fraudulent and
20 meritless lawsuit for the purpose, *inter alia*, of conducting a defamatory social media and public
21 relations campaign against Defendants, together with Plaintiffs’ attorneys, to cripple Defendants’
22 respective businesses and to further a political agenda that Defendants in particular, and
23 Americans in general, are bigots and engage in a “cleansing” of all things Muslim.

1 **SEVENTH AFFIRMATIVE DEFENSE**

2 **(Consent)**

3 As a separate and distinct affirmative defense to Plaintiffs' first and only cause of action,
4 and while denying each and every allegation therein, Defendants assert that Plaintiffs' claims are
5 barred because Plaintiffs were fully aware of the 45-minute policy and expressly and/or impliedly
6 consented to its lawful enforcement.

7 **EIGHTH AFFIRMATIVE DEFENSE**

8 **(Waiver)**

9 As a separate and distinct affirmative defense to Plaintiffs' first and only cause of action,
10 and while denying each and every allegation therein, Defendants assert that Plaintiffs' claims are
11 barred because Plaintiffs were fully aware of the 45-minute policy and expressly and/or impliedly
12 waived any claims arising from its lawful enforcement.

13 **NINTH AFFIRMATIVE DEFENSE**

14 **(Justification)**

15 As a separate and distinct affirmative defense to Plaintiffs' first and only cause of action,
16 and while denying each and every allegation therein, Defendants assert that Plaintiffs' claims are
17 without merit because the management and personnel at the Urth Caffè at Laguna Beach were
18 fully justified in lawfully enforcing the 45-minute policy.

19 **TENTH AFFIRMATIVE DEFENSE**

20 **(Privilege)**

21 As a separate and distinct affirmative defense to Plaintiffs' first and only cause of action,
22 and while denying each and every allegation therein, Defendants assert that Plaintiffs' claims are
23 without merit because the management and personnel at the Urth Caffè at Laguna Beach acted
24 with legal justification and pursuant to California law in enforcing the 45-minute policy.
25

1 **ELEVENTH AFFIRMATIVE DEFENSE**

2 **(Estoppel)**

3 As a separate and distinct affirmative defense to Plaintiffs' first and only cause of action,
4 and while denying each and every allegation therein, Defendants assert that Plaintiffs' claims are
5 estopped because Plaintiffs' conduct in setting up this lawsuit were fraudulent.

6 **TWELFTH AFFIRMATIVE DEFENSE**

7 **(No Injury)**

8 As a separate and distinct affirmative defense to Plaintiffs' first and only cause of action,
9 and while denying each and every allegation therein, Defendants assert that Plaintiffs' claims
10 should be dismissed because Plaintiffs have suffered no actual injury.

11 **THIRTEENTH AFFIRMATIVE DEFENSE**

12 **(Punitive Damages Not Available)**

13 As a separate and distinct affirmative defense to Plaintiffs' first and only cause of action,
14 and while denying each and every allegation therein, Defendants assert that Plaintiffs' claims for
15 punitive damages should be denied insofar as there is no factual basis for such an award.

16 **THIRTEENTH AFFIRMATIVE DEFENSE**

17 **(Attorney's Fees Not Available)**

18 As a separate and distinct affirmative defense to Plaintiffs' first and only cause of action,
19 and while denying each and every allegation therein, Defendants assert that Plaintiffs' claims for
20 attorney's fees should be denied insofar as there is no factual basis for such an award.

21 **FOURTEENTH AFFIRMATIVE DEFENSE**

22 **(Real Party-in-Interest)**

23 As a separate and distinct affirmative defense to Plaintiffs' first and only cause of action,
24 and while denying each and every allegation therein, Defendants assert that Plaintiffs' Sara C.,
25

1 Yumna H., Safa R., and Marwa R. are fictitious names and as such their respective claims should
2 be dismissed pursuant to California Code of Civil Procedure § 367.

3 **FIFTEENTH AFFIRMATIVE DEFENSE**

4 **(Failure to Join Necessary Party)**

5 As a separate and distinct affirmative defense to Plaintiffs' first and only cause of action,
6 and while denying each and every allegation therein, Defendants assert that Plaintiffs' claims
7 should be dismissed insofar as the complaint does not name the owner/operator of the Urth Caffè
8 at Laguna Beach.

9 Defendants reserve the right to add additional affirmative defenses as the facts are
10 developed through discovery.

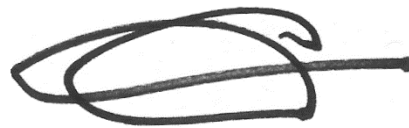
11 WHEREFORE, Defendants pray for the following relief:

- 12 1. That Plaintiffs' complaint be dismissed and that the prayer for relief be denied in full;
- 13 2. That Plaintiffs be granted no relief whatsoever in this matter;
- 14 3. For Defendants' reasonable attorney's fees;
- 15 4. For Defendants' costs of suit incurred herein;
- 16 5. For such other and further relief as the Court deems just and proper.

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18 Dated: 6/22/2016

Respectfully Submitted,

19 AMERICAN FREEDOM LAW CENTER

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