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County of Orange
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**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.

URTH LAGUNA BEACH DEVELOPMENT, LLC, a California limited liability company; and URTH CAFFE' ASSOCIATES VII, LLC, a California limited liability company,

Cross-Complainants,

vs.

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,

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

Hon. John C. Gastelum
Dept. C-13

DEFENDANTS' VERIFIED CROSS-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

1 Cross-Complainants Urth Laguna Beach Development, LLC, and Urth Caffè' Associates
2 VII, LLC, by their attorneys, for their cross-complaint against Cross-Defendants Sara Khalil
3 Farsakh, Soondus Ahmed, Rawan Hamdan, Sara C., Yumna H., Safa R., and Marwa R., allege
4 as follows:

5 **GENERAL BACKGROUND ALLEGATIONS**

6 1. Cross-Defendants are a group of seven women who self-identify as Muslim, six
7 of whom assert that they wear the head covering some Muslim women wear called a *hijab*.

8 2. Cross-Defendants came to Urth Caffè in Laguna Beach (“Café”) in the early
9 evening hours of Friday, April 22, 2016. They did not all arrive together but came in at different
10 times. They pulled together three tables on the front patio entrance to the Café, the most in-
11 demand of the Café’s seating.

12 3. Urth Caffè locations are popular among Muslims and non-Muslims alike because
13 they offer exclusively organically grown heirloom coffees in a welcoming environment with a
14 diverse clientele at unique locations in Southern California.

15 4. The Café in Laguna Beach is exceptionally popular and successful due in large
16 measure to its young Muslim clientele that enjoy the atmosphere on Friday and Saturday nights
17 on the patio overlooking the Pacific Coast Highway.

18 5. Friday nights are the busiest of all times for the Café. This is because the Café’s
19 clientele are typically young Muslims, many from the Middle East, who enjoy the ambience of
20 the Café, especially the front patio area along Pacific Coast Highway. While there is seating
21 indoors and on the patio wrapping around the side of the Café, the young clientele will typically
22 congregate on the front patio, and long lines form for those who wish to wait for a table in this
23 specific area of the Café. Many of these young clientele are also what the Cross-Defendants term
24 in their complaint “visibly Muslim” women—that is, young women who wear the hijab.

1 6. Anyone who visits or walks by the Café on any given Friday night will soon
2 deduce that the Café is indeed a very popular location for young Muslims, many of whom are
3 speaking in Arabic and otherwise enjoying the wonderful atmosphere of a very popular and
4 successful Café. (Thus, the allegation set forth in Cross-Defendants’ complaint that Cross-
5 Complainants would conspire to attempt to hide its visibly Muslim clients is utterly false—the
6 Café is known for, and is successful precisely because, it has a large and loyal following of young
7 Muslims who enjoy the unique experience available at an Urth Caffé.)

8 7. Because the Café values all of its clientele, during busy times (as determined by
9 its management staff), the Café will apply its 45-minute policy (“Policy”), which limits the time
10 Café clientele may occupy exclusively the in-demand tables. On Friday nights, the Policy applies
11 fairly automatically, even in advance of customers waiting for tables, precisely because of the
12 large crowds that invariably show up Friday nights and because the crowds can appear almost
13 instantaneously.

14 8. A courtesy notice of the Policy is placed on each table and staff is available to
15 answer questions about the Policy’s particulars.

16 9. After Cross-Defendants had been seated at the three tables they had pulled together
17 collectively for more than an hour, a Café manager informed them politely that due to the Policy,
18 in 10 minutes they would have to share their table. The manager explained that they were not
19 being asked to leave, only to share their table or move to one of the other open tables inside or off
20 to the side patio.

21 10. The Cross-Defendants became argumentative and kept insisting that they would
22 not leave the Café, even though they had not been asked to leave the Café. The Cross-Defendants
23 behaved rudely by laughing at the Café manager and acting in a dismissive manner. The manager,
24 as he is trained, left to avoid any further confrontation.

1 11. After the Café manager left the table, the Cross-Defendants began addressing their
2 complaints to nearby tables and attempting to involve other Café clientele, loudly proclaiming
3 that they were being singled-out and announcing that they would not leave.

4 12. After the expiration of the 10-minute warning, another Café manager went to the
5 table in a final attempt to explain the Policy to the Cross-Defendants and to request that they abide
6 by the Policy.

7 13. In response, the Cross-Defendants ratcheted up their public defiance of the Policy
8 proclaiming over and over that they would not leave unless they were forced to leave. In addition,
9 one of the Cross-Defendants demanded the personal contact information for the Café manager
10 who initially had informed the Cross-Defendants of the Policy.

11 14. When the Cross-Defendants continued to act disruptively and publicly refused to
12 abide by the Policy, Café management sent a security guard to inform them the Policy must be
13 enforced and, upon information and belief, the security guard informed the Cross-Defendants that
14 they must leave the Café.

15 15. Cross-Defendants refused to do so and even though they had been asked to leave
16 the Café, they began walking around the Café, interrupting other clientele with their complaints,
17 and disruptively videotaping the Café and its clientele without permission.

18 16. As instructed by the Laguna Beach police department, management did not
19 attempt to force Cross-Defendants to leave the Café, but simply called their police contact and
20 informed the police of the problem.

21 17. While waiting for the police to arrive, Cross-Defendants continued to be loud and
22 abrasive and refused to leave the tables they occupied. Once the police arrived, it took nearly 20
23 minutes for the police to persuade Cross-Defendants to leave, all the while creating a scene at the
24 Café and disturbing the Café's clientele, its ambience, and its business.

25

1 23. Upon information and belief, Cross-Defendant Sara Khalil Farsakh is a 29-year-
2 old Muslim woman who resides in Orange County, California.

3 24. Upon information and belief, Cross-Defendant Soondus Ahmed is a Muslim
4 woman in her late 20s who resides in Orange County, California.

5 25. Upon information and belief, Cross-Defendant Sara C. is a 24-year-old Muslim
6 woman who resides in Orange County, California. Upon information and belief, Sara C. is not
7 the full legal name of this Cross-Defendant, but is used herein because this is the fictitious name
8 used in the complaint filed by Cross-Defendants in this matter. Cross-Complainants shall seek
9 leave of the Court to amend the Cross-Complaint with Cross-Defendant Sara C.'s full legal name
10 following initial discovery.

11 26. Upon information and belief, Cross-Defendant Yumna H. is a 25-year-old Muslim
12 woman who resides in Orange County, California. Upon information and belief, Yumna H. is
13 not the full legal name of this Cross-Defendant, but is used herein because this is the fictitious
14 name used in the complaint filed by Cross-Defendants in this matter. Cross-Complainants shall
15 seek leave of the Court to amend the Cross-Complaint with Cross-Defendant Yumna H.'s full
16 legal name following initial discovery.

17 27. Upon information and belief, Cross-Defendant Safa R. is a 27-year-old Muslim
18 woman who resides in Orange County, California. Upon information and belief, Safa R. is not
19 the full legal name of this Cross-Defendant, but is used herein because this is the fictitious name
20 used in the complaint filed by Cross-Defendants in this matter. Cross-Complainants shall seek
21 leave of the Court to amend the Cross-Complaint with Cross-Defendant Safa R.'s full legal name
22 following initial discovery.

23 28. Upon information and belief, Cross-Defendant Marwa R. is a 26-year-old Muslim
24 woman who resides in Orange County, California. Upon information and belief, Mawra R. is not
25 the full legal name of this Cross-Defendant, but is used herein because this is the fictitious name

1 used in the complaint filed by Cross-Defendants in this matter. Cross-Complainants shall seek
2 leave of the Court to amend the Cross-Complaint with Cross-Defendant Marwa R.'s full legal
3 name following initial discovery.

4 29. Upon information and belief, Cross-Defendant Rawan Hamdan is a 27-year-old
5 Muslim woman who resides in the country of Jordan. Upon information and belief, Cross-
6 Defendant Hamdan is an American citizen born in California who was visiting and present in
7 Orange County during the times relevant to this litigation.

8 **JURISDICTION AND VENUE**

9 30. Jurisdiction is proper in this Court because this Court has plenary jurisdiction over
10 the claims of trespass pursuant to California Code of Civil Procedure § 410.10.

11 31. This Court has personal jurisdiction over the parties insofar as the acts set forth
12 herein occurred in Orange County.

13 32. Venue is proper in this Court pursuant to California Code of Civil Procedure § 392
14 insofar as the Premises are located in Orange County.

15 **FIRST CAUSE OF ACTION**

16 **(Trespass)**

17 33. Cross-Complainants hereby re-allege and incorporate by references all preceding
18 paragraphs as though fully set forth herein.

19 34. Cross-Complainant Urth Laguna Beach Development, LLC, has a possessory
20 interest in the Premises as the owner of the Premises.

21 35. Cross-Complainant Urth Caffè' Associates VII, LLC, has a possessory interest in
22 the Premises as the lessee of the Premises and the owner/operator of the Café.

23 36. Cross-Defendants entered on the Premises as prospective customers of the Café
24 and did so based upon the consent of Cross-Complainants that they would conduct themselves
25 according to the lawful policies of the Café.

1 37. The Policy of the Café is, and was legal at all times relevant to this litigation, and
2 has always been applied and enforced at the Café in a lawful manner.

3 38. Cross-Defendants knew and/or should have known that their refusal to abide by
4 the Policy violated the consent granted to them to remain on the Premises.

5 39. Cross-Defendants knew that the Café's consent to be present on the Premises had
6 been revoked, but refused to vacate the Premises. From the time Cross-Defendants were asked
7 to leave the Café for failing to abide by the Policy until their departure, their presence on the
8 Premises constituted trespass.

9 40. Prior to the arrival of the police and Cross-Defendants' eventual departure from
10 the Premises, Cross-Defendants occupied three tables, which could have been used by other Café
11 clientele but were not available to those waiting for a table on the front patio. Upon information
12 and belief, given the limited time during the Friday night business hours to seat all of the clientele
13 who wished to sit at a table on the front patio, and given the demand on the night of April 22,
14 2016, the trespass directly and proximately caused the Café to lose business.

15 41. During the period of the trespass, Cross-Defendants knowingly and purposefully
16 disturbed the Café's other clientele and harassed Café staff, creating an environment causing harm
17 and distress to the Café clientele and personnel alike.

18 42. During the period of the trespass, Cross-Defendants knowingly and purposefully
19 videotaped on the Premises without permission or lawful authority insofar as their presence on
20 the Premises during the trespass was unlawful.

21 43. Cross-Defendants' fraudulent social media and mainstream media campaign to
22 retell the trespass as an unlawful act of discrimination by the Café exacerbated the harm and
23 distress caused by the initial trespass. For example, individuals who had never visited the Café
24 made defamatory remarks about the Café on various social media sites, and the Café received
25 several threatening telephone and other messages, some of which included physical threats

1 against the Café management personnel. Upon information and belief, it was the intent, purpose,
2 and expected outcome of this fraudulent media campaign to cause such harm to Cross-
3 Complainants.

4 44. As a direct and proximate result of Cross-Defendants’ trespass, Cross-
5 Complainants suffered actual harm. Cross-Defendants’ trespass was a substantial factor causing
6 Cross-Complainants’ harm.

7 45. The conduct of Cross-Defendants as described herein was malicious, fraudulent,
8 and oppressive and/or done with the knowledge that they were acting in violation of Cross-
9 Complainants’ possessory interest in the Premises, and/or with a willful and conscious disregard
10 for Cross-Complainants’ rights and for the deleterious consequences of their actions.
11 Consequently, Cross-Complainants are entitled to punitive damages

12 46. Upon information and believe, at all times relevant to this litigation, each of the
13 Cross-Defendants was the agent or employee of, and/or working in concert with, her co-Cross-
14 Defendants and was acting within the course and scope of such agency, employment, and/or
15 concerted activity. Upon information and belief, Cross-Complainants further allege that, to the
16 extent a certain act and omission were perpetrated by certain of Cross-Defendants, the remaining
17 Cross-Defendant(s) confirmed and ratified such acts and omissions.

18 **DEMAND FOR JURY TRIAL**

19 Cross-Complainants hereby demand a jury trial on all such issues so triable.

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1 **PRAYER FOR RELIEF**

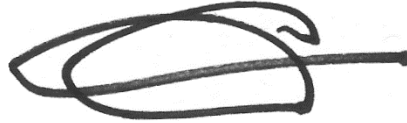
2 WHEREFORE, Cross-Complainants pray for the following relief:

- 3 1. Compensatory damages for the harm caused by Cross-Defendants' trespass;
- 4 2. Nominal damages for trespass;
- 5 3. Punitive damages;
- 6 4. Reasonable attorney's fees and costs as provided by law.
- 7 5. Such other relief as the Court deems just and equitable.

8 Dated: 6/22/2016

Respectfully Submitted,

9 AMERICAN FREEDOM LAW CENTER

10 

11 _____
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Counsel for Defendants

VERIFICATION

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I, Shallom Berkman, declare as follows:

1. I am the president of Urth Caffe Corporation.

2. The Urth Caffe Corporation is the managing member of Cross-Complainants Urth Laguna Beach Development, LLC, and Urth Caffe' Associates VII, LLC.

3. I have read the foregoing verified Cross-Complaint and know the contents thereof.

4. The information is based upon my own personal knowledge and/or has been supplied by my attorneys and/or agents and is therefore provided as required by law.

5. The information contained in the foregoing verified Cross-Complaint is true except as to that information provided to me by my attorneys and/or agents, and, as to that information, I am informed and believe it to be true.

I declare under penalty of perjury that the foregoing is true and that this declaration was executed on the 21st day of June 2016.



Shallom Berkman, President, Urth Caffe Corporation, Manager of Cross-Complainants Urth Laguna Beach Development, LLC, and Urth Caffe' Associates VII, LLC