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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.

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

**DECLARATION OF DAVID
YERUSHALMI IN SUPPORT OF CROSS
COMPLAINANTS' MOTION FOR LEAVE
TO FILE FIRST AMENDED VERIFIED
CROSS-COMPLAINT**

DATE: October 31, 2017
TIME: 2 p.m.
DEPT.: C13

Complaint Filed: May 2, 2016
Discovery Cut-Off: By Code
Motion Cut-Off: By Code
Trial: March 5, 2018

1 I, David Yerushalmi, based upon my personal knowledge and upon information and
2 belief where specifically noted, declare as follows:

3 1. I am an attorney licensed and authorized to practice before all of the courts in the
4 States of California, New York, and Arizona and in Washington, D.C. I have been retained to
5 represent all of the named Defendants and Cross-Complainants in the above-captioned matter.

6 2. On May 3, 2016, Plaintiffs and their counsel held a press conference announcing
7 with great fanfare this litigation alleging that the Urth Caffe at Laguna Beach specifically targeted
8 Plaintiffs and forced them to leave the restaurant because they looked like Muslims (presumably
9 because they wore a kind of head covering worn by some Muslim women called a *hijab*). The
10 local media picked up on the story, and in less than 12 hours social media sites were repeating the
11 false claims set out in the Complaint and thus branding a well-known and well-respected business
12 establishment, which was co-founded and is co-managed by a Muslim women, as bigoted and
13 hostile to Muslims, notwithstanding the business's reliance on its large Muslim clientele.

14 3. The Complaint provides the full names of only three of the seven Plaintiffs; the
15 remaining four Plaintiffs are identified only by their first names and the first letter of their last
16 names.

17 4. On the morning of May 2, 2016, the day Plaintiffs filed the Complaint in this
18 matter, two of the named Plaintiffs, Sara Farsakh and Soondus Ahmed, and three of the
19 "anonymous" Plaintiffs, Yumna Hameed, Safa Rawag, and Marwa Rawag appeared at a very
20 public press conference announcing with great fanfare the filing of the lawsuit and the guilt of
21 Urth Caffe and its management as anti-Muslim bigots. Each of these five Plaintiffs, including
22 three of the "anonymous" Plaintiffs actually posed for media pictures following the press
23 conference. CBS NEWS, "Women accuse café of kicking them out for being Muslim," May 4,
24 2016, [http://www.cbsnews.com/news/california-muslim-women-sue-laguna-beach-cafe-](http://www.cbsnews.com/news/california-muslim-women-sue-laguna-beach-cafe-discrimination-police/)
25 [discrimination-police/](http://www.cbsnews.com/news/california-muslim-women-sue-laguna-beach-cafe-discrimination-police/) [last visited Aug. 10, 2017]).

1 5. Specifically, the CBS story linked above included a posed picture, which included
2 five of the seven Plaintiffs, including three of the “anonymous” Plaintiffs.

3 **Women accuse cafe of** 4 **kicking them out for being** 5 **Muslim**



16 Sara Farsakh, second from left, and her friends, who are suing a Southern California cafe for discrimination, are
17 seen before making a statement to reporters May 3, 2016. / CBS LOS ANGELES

18 6. The mainstream media reported the public statements of Plaintiffs and their
19 counsel running the story under big headlines over several important media outlets. (*See, e.g.*,
20 LOS ANGELES TIMES, “Seven Muslim women sue Urth Caffè for discrimination after they were
21 ordered to leave,” [http://www.latimes.com/local/orangecounty/la-me-0504-hijab-20160504-](http://www.latimes.com/local/orangecounty/la-me-0504-hijab-20160504-story.html)
22 [story.html](http://www.latimes.com/local/orangecounty/la-me-0504-hijab-20160504-story.html) [last visited Aug. 11, 2017]; HUFFINGTON POST, “Women claim they were kicked out
23 of a café for being Muslim,” April 26, 2016, <https://tinyurl.com/yc66dg4m> [last visited Sept. 9,
24 2017]).

25 7. While the fourth of the three “anonymous” Plaintiffs, Sara Soumaya Chamma,
did not attend the press conference and have her picture taken by the media, she felt perfectly

1 comfortable announcing to the world on her Facebook page that she was one of the Muslim
2 women mistreated at Urth Caffé. These comments by Plaintiff “Sara C.” were further broadcast
3 to the world via the Huffington Post, one of the most trafficked websites in the world:

4 Sara Soumaya Chamma, who was with Farsakh on Saturday evening,
5 offered her own review of the establishment Sunday on Facebook.

6 “Beautiful location, mediocre boba, all served with a heaping dose of racism
7 and sexism,” she wrote.

8 “All in all the mint coffee was good but not worth the humiliation and
9 embarrassment dished out upon its arrival,” Chamma added.

10 “Save yourself a decent amount of cash and dine elsewhere.”

11 HUFFINGTON POST, “Women claim they were kicked out of a café for being Muslim,” April 26,
12 2016, <https://tinyurl.com/yc66dg4m> [last visited Sept. 9, 2017]).

13 8. Defendants served identical Form Interrogatories (General) and Requests for
14 Production of Documents on each Plaintiff on July 11, 2017. General Form Interrogatory 2.1
15 sought the full names of all Plaintiffs and any names used in the past. For each of the four
16 anonymous Plaintiffs, Plaintiffs’ responses provided only the first name and first letter of the last
17 name as it appeared in the caption of the Complaint. After several meet-and-confer telephone
18 conferences and email exchanges, the anonymous Plaintiffs continue to refuse to provide their
19 full names.

20 9. A true and correct copy of documents produced by Plaintiffs evidencing the use
21 of social media (i) to vilify and threaten Defendants with loss of business, (ii) to encourage others
22 never to eat at Urth Caffé, and (iii) to ask others to post negative comments on popular websites
23 such as Yelp are attached hereto as Exhibits 1-3.

24 10. Defendants and their employees have been the subject of direct criminal threats,
25 which necessitated the filing of a criminal report by Urth Caffé management with the FBI and
local police and employing armed security to escort employees to their automobiles at night. One
very targeted threat against the Urth Caffé employee publicly identified by Plaintiffs’ social media

smear campaign, Antinio (a/k/a Tino) Jiminez, was made by several telephone calls and by one Urth Caffè Facebook posting as follows:



See a true and correct copy of this threatening Facebook posting and the Urth Caffè email correspondence with law enforcement attached hereto as Exhibit 4.

11. On August 11, 2017, the parties jointly briefed and filed an *ex parte* application in which Plaintiffs sought an order permitting the four anonymous Plaintiffs to continue litigating anonymously and, further, to withhold providing their full names to Urth Caffè even under seal pursuant to the stipulated protective order entered into earlier in this matter. In the *ex parte* application, for their part, Urth Caffè sought an order requiring Plaintiffs to provide their full names for the record. On August 16, 2017, the Court denied the *ex parte* application and informed the parties that they may move by motion for the requested relief without prejudice. During the depositions of Sara Farsakh, Sara C., and Yumna H., respectively on August 22, 25, and 28, each of the Plaintiff-deponents refused to provide the full names of the anonymous Plaintiffs upon instruction from their counsel.

12. Plaintiffs have filed no motion seeking a protective order or any other order relating to their claim for anonymity.


13. Based upon information obtained during the three depositions set forth above and upon a deeper search of public records, Urth Caffè determined what it believes to be the full legal names of the four anonymous Plaintiffs/Cross-Defendants.

14. The parties have met and conferred extensively on the issue of anonymity and have jointly briefed an *ex parte* application on the matter. Plaintiffs/Cross-Defendants have refused to provide the full names of the anonymous Plaintiffs and have indicated that they oppose any effort to have their names set out in the public record of this litigation.

15. Cross-Complainants' proposed First Amended Verified Cross-Complaint is attached hereto as Exhibit 5 (in a "clean" format).

16. Cross-Complainants' proposed First Amended Verified Cross-Complaint is attached hereto as Exhibit 6 (in a "redlined" format identifying all additions to the original Verified Cross-Complaint with underscoring and deletions via strikethrough font).

Executed this 6th day of September 2017 in Los Angeles, California.



David Yerushalmi

EXHIBIT 1



Soondus

2 7 0



9 days ago

Horrible location. Tino, the area supervisor is extremely rude and patronizing. We were enjoying the dessert and coffee we ordered after our dinner. He came over to our table and said he will give us 10 maybe 15 min to leave because it's a busy time and we have already been there for over 45min. He pointed out Urth's policy around busy times. When we read the policy, it clearly states that if there are tables and chairs available then we can stay as long as we want. There was no line and many empty tables and chairs. We tried to inform him to reread the policy, but he ignored us and called the cops to escort us out.

If you want to be patronized, embarrassed and kicked out, then go to this location. Otherwise avoid at all costs.



Useful 35



Funny 5



Cool 4

Edit Review

Update Review



Nearby



Search



Activity



More



Say

3 3 3



9 days ago

If I can give this place no stars I would! Never in my life have I seen such hate toward a group of people as I have from a staff member here at this location.

What was supposed to be a girls night out turned into a complete and utter disappointment. Tino, the area supervisor kicked us out of the restaurant because we were supposedly there too long (since when is 1hrs too long for dinner, coffee and dessert??). Mind you we were a group of 7!!! Not only were there multiple tables and chairs empty, there was no line!! He didn't stop there...he called the cops to "escort" us out. Thankfully the police were friendly enough!!! #urth7





Yumna

0 2 0



9 days ago

Worst experience. Was enjoying a lovely night out with friends when a rude employee by the name "Tino" approaches our table and rudely yells at a group of 7 girls telling us we need to leave in 10 mins. We just ordered dessert and did not get to enjoy our dessert. He continued to yell at us n harass us. Saying that we needed to get up because there was a line. (There was no line and was about 8 tables open). DO NOT COME TO THIS LOCATION. VERY RUDE.



Useful 2



Funny 1



Cool 1



Compliment

< Swipe to browse more >



Nearby



Search



Activity



More

Tips

Urth Caffé

View Business



Marwa

8d ago

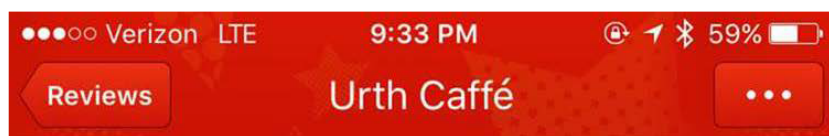
Very racist rude and disgusting management
never coming here again!

Edit



Urth Caffé





Soos

0 36 1



8 days ago

If there was a way to not give a star I wouldn't, but I guess one can count for the urth salad. I'll have to start making my own version.

Here's why: I am completely appalled by the racist and Islamophobic treatment some friends and I were subjected to by staff at Urth Caffé in Laguna Beach last night. What began as a night out with some friends ended as a painful and embarrassing reminder of what it is like to be visibly Muslim--even in liberal California. By visibly Muslim, I mean women who wear the hijab, or headscarf.

We arrived at Urth Caffé and placed our order at about 7:15 pm. We found some empty seats and waited for dinner to be served. About 20 or 30 minutes later our food arrived. After dinner some of us decided to order dessert and coffee. They got up to place their orders and then waited for their food to arrive. Similar to everyone else at the cafe, we were just talking and having a good time catching up with each other.

At about 8:00 pm, an employee, Tino, came to our table and told us that we needed to leave the restaurant within the next ten minutes. Tino explained that they were anticipating a busy evening and



Twitter posts from Marwa Rawag:



our table was the only



Mawa @MawaMe1

4/23/16

@MawaMe1 asked to leave we hadn't even been there for an hour why? B/c we were hijabis if I was a blonde white chick I'd prob still be there



Mawa

@MawaMe1

@MawaMe1 even the cops were weirded out they were extremely nice but by law if a restaurant wants you out you gotta leave

4/23/16, 12:43 AM



VIEW TWEET ACTIVITY

2 LIKES

Reply to Mawa



Home



Notifications



Moments



Messages



Me

●●●●○ AT&T

9:15 PM

6%



Tweet



In reply to Mawa



Mawa

@MawaMe1

@MawaMe1 asked to leave we hadn't even been there for an hour why? B/c we were hijabis if I was a blonde white chick I'd prob still be there

4/23/16, 12:42 AM



VIEW TWEET ACTIVITY

1 RETWEET 2 LIKES



Mawa @MawaMe1

4/23/16



@MawaMe1 even the cops were weirded out they were extremely nice but by law if a restaurant wants you out you gotta leave

Reply to Mawa



Home



Notifications



Moments



Messages



Me

●●●●○ AT&T

9:15 PM

6%



Tweet



Mawa

@MawaMe1

Today we were escorted by cops out of Urth cafe b/c we stayed longer than 45 minutes people were there for hours but our table was the only

4/23/16, 12:39 AM



VIEW TWEET ACTIVITY

2 LIKES



Mawa @MawaMe1

4/23/16

@MawaMe1 asked to leave we hadn't even been there for an hour why? B/c we were hijabis if I was a blonde white chick I'd prob still be there



Reply to Mawa



Home



Notifications



Moments



Messages



Me

Sent from a virtual device

EXHIBIT 2

< Chats (1)



اکسفورد مانشن

Amal, Asma, Erum, Farah, Jasmine, M...



Nobody ever go to urth cafe,
especially the one in Laguna

9:08 PM ✓

Rookie

That's extreme hahaha
At least give us a reason

9:09 PM

They totally discriminated against
me and a group of hijabis and
another group of Persian women

9:09 PM ✓

Rookie

Really? You should write a review

9:10 PM

Omg they called the police for us to
leave

9:11 PM ✓

Rookie

Omg shut the hell up

9:11 PM

Wallah

9:11 PM ✓

I'm fuming

9:12 PM ✓

The police agreed it was stupid

9:12 PM ✓

Everyone was checked



< Chats (1)



اکسفورد مانشن

Amal, Asma, Erum, Farah, Jasmine, M...



They have a policy that you need to leave your table after sitting for 45 mins if they're aren't any empty tables for new customers

9:14 PM ✓

There were so many open tables throughout the restaurant and the supervisor came and told us we have ten minutes to leave, even though we just ordered coffee and desserts after dinner. We barely just got the coffees and he threatened if we don't leave they'll call the cops

9:15 PM ✓

For the Persian ladies he gave them 2 mins and they were so upset.

9:16 PM ✓

These white girls sitting near us told us, they've been sitting there long before us and they didn't tell them anything

9:16 PM ✓

Rookie

That's crazy stupid

9:17 PM

He was extremely rude and very
waiter said we don't ever actually



< Chats (1)

اکسفورد مانشن
Amal, Asma, Erum, Farah, Jasmine, M...



7:24 AM

Yasmin

Lolol

7:59 AM



8:05 AM ✓

Shima

Lool

8:55 AM

Jasmine

Thanks Marwa!

9:25 AM

Nobody ever go to urth cafe,
especially the one in Laguna

9:08 PM ✓

Rookie

That's extreme hahaha
At least give us a reason

9:09 PM

They totally discriminated against
me and a group of hijabis and
another group of Persian women

9:09 PM ✓

Rookie

Really? You should write a review

9:10 PM





< Messages

Group MMS

Details

To: Luby , Hend, Soundus, Safa & 5 more...

Safa

5 minutes away

6:42 PM

Sara

I'm here how many are we?

6:46 PM

Safa

Total 7 so far

6:49 PM

Friday 8:09 PM

Ok ladies. Where are you going to be in about 30-45 mins?

8:09 PM

Safa

At Urth

8:09 PM

Laguna beach

8:12 PM

Soundus

We might be leaving

8:24 PM

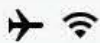
Stupid urth. Don't come back to this location

8:24 PM



Text Message

Send



12:50 AM

23%

< Chats (1)



اكسفورد مانشن

Amal, Asma, Erum, Farah, Jasmine, Ma...



Sat, Apr 23

Nobody ever go to urth cafe,
especially the one in Laguna

6:08 AM ✓

Rookie

That's extreme hahaha
At least give us a reason

6:09 AM

They totally discriminated against
me and a group of hijabis and
another group of Persian women

6:09 AM ✓

Rookie

Really? You should write a review

6:10 AM

Omg they called the police for us to
leave

6:11 AM ✓

Rookie

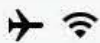
Omg shut the hell up

6:11 AM

Wallah

6:12 AM ✓





12:51 AM

23%

< Chats (1)



اكسفورد مانشن

Amal, Asma, Erum, Farah, Jasmine, Ma...



Omg they called the police for us to leave

6:11 AM ✓

Rookie

Omg shut the hell up

6:11 AM

Wallah

6:12 AM ✓

I'm fuming

6:12 AM ✓

The police agreed it was stupid

6:12 AM ✓

Everyone was shocked

6:12 AM ✓

Rookie

What was their reasoning

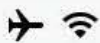
6:12 AM

They have a policy that you need to leave your table after sitting for 45 mins if they're aren't any empty tables for new customers

6:14 AM ✓

There were so many open table throughout the restaurant and the supervisor came and told us we





12:51 AM

23%

Chats (1)



اكسفورد مانشن

Amal, Asma, Erum, Farah, Jasmine, Ma...



There were so many open tables throughout the restaurant and the supervisor came and told us we have ten minutes to leave, even though we just ordered coffee and desserts after dinner. We barely just got the coffees and he threatened if we don't leave they'll call the cops

6:15 AM ✓

For the Persian ladies he gave them 2 mins and they were so upset.

6:16 AM ✓

These white girls sitting near us told us, they've been sitting there long before us and they didn't tell them anything

6:16 AM ✓

Rookie

That's crazy stupid

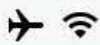
6:17 AM

He was extremely rude and very waiter said we don't ever actually apply the policy

6:17 AM

**Rookie**

P 0386



12:51 AM

23%

< Chats (1)



اکسفورد مانشن

Amal, Asma, Erum, Farah, Jasmine, Ma...



He was extremely rude and very
waiter said we don't ever actually
apply the policy

6:17 AM ✓

Rookie

But that's also nice of those girls to
say that to you and not just sit there

6:17 AM

Yea they left disgusted by the staff

6:17 AM ✓

I'm so pissed

6:17 AM ✓

We literally were probably there just
past 45 mins

6:18 AM ✓

And it was a third empty

6:18 AM ✓

Rookie

I would totally write a raging review

6:18 AM

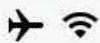
Oh we are

6:26 AM ✓

The old Persian ladies we so up

6:27 AM





12:51 AM

23%

< Chats (1)



اکسفورد مانشن

Amal, Asma, Erum, Farah, Jasmine, Ma...



I would totally write a raging review

6:18 AM

Oh we are

6:26 AM ✓

The old Persian ladies we so upset

6:27 AM ✓

It honestly was just such a horrible experience. Totally ruined the night

6:28 AM ✓

Rhonda

Email corporate, store manager, and each of you should right a Yelp review. Each girl.

6:29 AM

I'm so sorry that happened Sara.

6:29 AM

Shima

That's so annoying

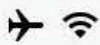
6:42 AM

I'm surprised that would happen there considering 95% of their customers are middle eastern id be so pissed can't believe they called the cops

6:43 AM



P 0388



12:51 AM

23%

< Chats (1)



اكسفورد مانشن

Amal, Asma, Erum, Farah, Jasmine, Ma...



I'm surprised that would happen there considering 95% of their customers are middle eastern id be so pissed can't believe they called the cops

6:43 AM

They were straight up discriminating.

7:45 AM ✓

Shima

So sad

7:51 AM

Wallah it's so sad

7:51 AM

We have our receipt times and video of how many empty tables there were. We were barely sitting past 45 mins.

8:20 AM ✓

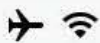
It was embarrassing. Even the cops agreed and security for urth cafe didn't understand why the guys was making us an issue

8:20 AM ✓

Yasmin

Was this management? Ugh I'm so





12:51 AM

23%

< Chats (1)



اكسفورد مانشن

Amal, Asma, Erum, Farah, Jasmine, Ma...



agreed and security for urth cafe
didn't understand why the guys
was making us an issue

8:20 AM ✓

Yasmin

Was this management? Ugh I'm so
so sorry that happened sara.
Please report it to not only urth
cafe management and write a
review on yelp for that location like
Rhonda said but also report it to
cair la. That's so awful. I can't
believe they'd do that. I've been to
every urth cafe in LA and never had
that experience even though it was
packed and we definitely stayed for
more than 45 mins.

3:50 PM

It was a supervisor who claimed he
was general manager for the night
even though other staff said he
wasn't 🙄 it was in Laguna. The
security guard said he's never had
to apply this policy and agreed he
didn't understand why it was be
applied to us at a time when ma
tables were available.

4:20 PM ✓



P 0390

EXHIBIT 3

Email or Phone

[Sign Up](#)**Sara Farsakh**added [a photo and 2 videos](#) — with Sara Soumaya Chamma and [3 others](#) at [Urth Caffé Laguna Beach](#).

April 23 at 9:53pm · Laguna Beach, CA ·

I am completely appalled by the racist and Islamophobic treatment some friends and I were subjected to by staff at Urth Caffé in Laguna Beach last night. What began as a night out with some friends ended as a painful and embarrassing reminder of what it is like to be visibly Muslim—even in liberal California. By visibly Muslim, I mean women who wear the hijab, or headscarf.

We arrived at Urth Caffé and placed our order at about 7:15 pm. We found some empty seats and waited for dinner to be served. About 20 or 30 minutes later our food arrived. After dinner some of us decided to order dessert and coffee. They got up to place their orders and then waited for their food to arrive. Similar to everyone else at the cafe, we were just talking and having a good time catching up with each other.

At about 8:00 pm, an employee, Tino, came to our table and told us that we needed to leave the restaurant within the next ten minutes. Tino explained that they were anticipating a busy evening and needed to clear tables and that per their policy anyone that had been there for over 45 minutes was required to share or give up their table to other customers.

At that time at least a third of the seats in the cafe were vacant. The line to place an order was short. I've been to Urth Caffé before at much busier times and have stayed well over 45 minutes without ever being told to leave.

We told Tino that our orders had just arrived and that we couldn't reasonably finish and leave within 10 minutes. He said it didn't matter and we had to leave.

We asked Tino if he had asked any other parties to hurry up and leave. He replied that he was instructing anyone that had been there for over 45 minutes. The party on the table next to us (a group of white women) overheard our conversation and were shocked. They told us they had been sitting far longer than we had but had never been told to prepare to leave.

The policy the employee was referring to was printed and placed on a placard on each table (see the picture below). It reads:

"During our busy rush times, if you have already been at a table for 45 minutes or longer, please share or give your table to someone who is waiting. If tables are available, you are certainly welcome to enjoy Urth for as long as you desire."

We pointed out to Tino that according to the policy, so long as there are

[Eng](#)
[Frar](#)
[Deu](#)[Priva](#)
[Ad C](#)
[Face](#)

tables available we could remain for as long as we wished. We also pointed out that, just within our vicinity there were a number of empty tables (see the video below).

Tino simply ignored our responses and again insisted we had 10 minutes to leave or he would call the police to escort us out. We tried talking to multiple staff members to understand why we were being asked to leave and how it was in compliance with the policies stated on the tables. None of the staff could give us a clear answer, nor did they themselves seem to understand why we had been asked to leave.

I asked a different staff member for copies of our receipts and for the owner's contact information. She replied saying that the owner was aware of the situation. I asked her if the owner was aware that some of us had just ordered moments before and barely received our order when we were told to leave, and that there were many tables throughout the restaurant completely empty. And when I asked why we were told to leave when we weren't breaking any policy, she simply said we can ask anyone to leave, and if you don't want to come back that's completely fine.

A security guard approached us and said he just had to follow what management told him to do. He also added that he had never been asked to enforce this policy when tables were available and understood why we found it to be absurd. At all times, the staff was rude, disrespectful and demeaning towards us.

Within moments the police were called. We explained to them what had happened and that we had done nothing wrong. They agreed that according to the policy stated on the table we weren't breaking any policy but simply said that the restaurant, rightly or wrongly, had a right to refuse service to anyone.

I truly believe that because I was sitting with visibly Muslim women, we were singled out when we were asked to leave. I can't even begin to express the feelings of embarrassment and humiliation as police officers were called to escort out a group of Muslim women from a restaurant. Shame on you Urth Caffé for your disgusting and racist treatment of paying customers.





105 Likes 78 Comments 2.4K Shares

Bushra Bangee, Sonia Farsakh, Oe Mar and 102 others like this.

2,497 shares



Abir Itani We were planning to go there today



Expected
Should be on news

· April 23 at 10:10pm · Edited



Safa Rawag [Urth Caffe Laguna Beach](#)

· April 23 at 10:11pm



Muna Ali Amo [Hussam Ayloush](#) needs to hear about this...

· 1 · April 23 at 10:21pm



Muna Ali Good for you for sharing this Sara



· 4 · April 23 at 10:22pm



Hussam Ayloush Please contact CAIR-LA civil rights department at 714-776-1177

[Maureen](#)

· 8 · Yesterday at 1:56am · Edited



Sara Farsakh Will do

· 1 · April 23 at 11:36pm



Maureen Sharma Dadabhoy Sara, I'll be in the office Monday morning.

· Yesterday at 9:48am



Lina Kurdi IM APPALLED

· 2 · April 23 at 10:39pm



Alma Aguirre-Khela Wow! How dare they!! This makes me so sad Sara!

· 1 · April 23 at 10:43pm



Annan Aboul-Nasr Shame on Urth Caffe Laguna Beach!

· 2 · April 23 at 10:43pm



Sara Aloteibi [Urth Caffe Laguna Beach](#) shame on you...never dining there again

· 2 · April 23 at 10:53pm



Aliya Hussaini Yousufi blatant discriminatory behavior! I'm so sorry this happened to you but you do have rights and should speak to CAIR as Hussam has urged yout o

· 3 · April 23 at 10:57pm



Heba Salem Shame on them. Such behavior is disgusting! I will never go there

· 1 · April 23 at 11:00pm



Humera Moulvi [Ayesha Moulvi](#)

· April 23 at 11:10pm



Aliya Hussaini [Yousufi](#) Also, good job documenting

· 3 · April 23 at 11:10pm



Nancy Ruiz I'm incredibly sorry that Islamophobia exists still. I know it's still a touchy subject but out of a places I don't know why it would have happened there. . Don't worry about urth cafe. It's overrated and overpriced. Definitely write a Yelp review about the place. Make your voice heard especially with discrimination.

I've got your back Sara. No one deserves to be treated like a second class citizen

· 2 · April 23 at 11:16pm · Edited



Sara Farsakh Thank you [Nancy Ruiz](#)

· April 23 at 11:36pm



Rania Altinawi Looks like someone will be getting a very very terrible review on Yelp! Shame on you [Urth Caffe Laguna Beach](#) for displaying such behavior! Completely appalled! You will NEVER have my business! Spreading the word and sharing!

· 3 · April 23 at 11:26pm · Edited



Anwar Milbes So disappointed in by the management at Urth Cafe. I'm disgusted and appalled

· 1 · April 23 at 11:18pm



Anwar Milbes Make sure to always write a yelp review

· 1 · April 23 at 11:24pm



Sumer Sharif I'm so sorry you were subjected to such hated and racism. That makes me so angry.. Especially since you ladies are the sweetest people ever!!! Thanks for documenting, I'll definitely share this if you don't mind!

· 3 · April 23 at 11:27pm



Hanadi Alomari

حسبي الله ونعم الوكيل وانشالله بتتسکر القهوه قريبا يا رب لانه واحد ما بخاف ربنا

· 1 · April 23 at 11:27pm



Rania Altinawi Yelp review up! Tifee on them!! I'm so sorry you had to endure that!!

· 2 · April 23 at 11:30pm



Aiyah Sairafe I just left them a bad review honestly they are overrated anyway but this is unacceptable

· Yesterday at 12:13am · Edited



Rania Altinawi [Aiyah Sairafe](#) 🙏 🙏 🙏 🙏 🙏 fight! Lol

· Yesterday at 12:13am



Sarah Abdin My sister and I went a couple of weeks ago and were treated terribly as well, I'm not at all surprised. Disappointing

· 2 · April 23 at 11:34pm



Rania Altinawi So disgusting! Leave a bad Yelp review

· April 23 at 11:36pm



Sarah Abdin I told myself I would and I forgot

· 1 · April 23 at 11:39pm

[View more replies](#)



Hala Tomhe Alsadek Shame on them! I'm so sorry you had to go through such a horrible experience! Make sure to write a review on Yelp. The public needs to know how bad they treated you. Stay strong my Muslim sisters!

· 1 · April 23 at 11:37pm



Safa Rawag [Sara Soumaya Chamma](#)

· April 23 at 11:51pm



Suzanne Farsakh This is very upsetting to say the least!

· 1 · April 23 at 11:56pm



Aiyah Sairafe I am so upset this happened to you guys la Tawla walla quwats illa billah

· 1 · April 23 at 11:57pm



Ayah Bitar Ya Allah! So sorry you guys were put through this! I mean how that messed up your night Allah la yewafe2en! Its obvious this is racism ! Dude we should go egg them! Lol

· 1 · Yesterday at 12:09am



Lynette Gonzalez Wow how horrible! No one deserves that! Sharing

· 1 · Yesterday at 12:14am



Narmeen Mshaiel Wtf!!!! Omg I'm so sorry you guys had to experience that!!! Dude some ppl are sorry excuses for human beings I swear.

· 1 · Yesterday at 1:19am



Judy Abramson I am so sorry you had to go through this. Completely and utterly unacceptable!

· 1 · Yesterday at 3:20am



Noor Alashqar Wow I'm so appalled and I'm so sorry you had to go through that.

· 1 · Yesterday at 4:06am



Ferdaus Serhal Outrageous!

· 1 · Yesterday at 4:43am



Rima Kharuf [Ruba Kharuf](#) [Lut Fi](#)

· 1 · Yesterday at 5:02am



Amira Yousef A couple of months ago, a friend and I received horrible service there while we observed the table next to us receiving wonderful service. We were two Muslim females and our neighboring table was a Caucasian family. After that treatment, we have never returned to the Laguna location. I have a feeling that the same staff members are responsible. Shame on Urth Laguna.

· 4 · Yesterday at 5:12am



Soondus Ahmed So upsetting Amira, please write a Yelp review about your experience there

· 1 · Yesterday at 10:11am



Amira Yousef Yup! We posted a Yelp review on the day it happened. It's really important not to remain silent when this sort of thing happens.

· Yesterday at 10:35am



Anna Torres Outrageous! I've been there before and definitely will not be going again.

· 1 · Yesterday at 5:27am



Anita Bond Another restaurant to boycott

· 1 · Yesterday at 6:20am



Sonya Badr That's ridiculous!!! So very obvious it was racism.

· 1 · Yesterday at 6:46am



Yasmin Nouh [Christopher Mathias Rowaida Abdelaziz](#)

· 2 · Yesterday at 7:01am



Narjes Misherghi Wow- I'm really sorry you had to go through that. Shame on Urth cafe and I also will not be giving them my business.

· 1 · Yesterday at 7:03am



Brooks Fußelman That's fucking bull crap. And yet, they'll still prlly try to tout themselves as being 'worldly,' or whatever that has come to mean these days...

· 2 · Yesterday at 8:01am



Sara Soumaya Chamma They kept telling us that we were in "their house" and that they can refuse service to anyone they want in their house

· Yesterday at 8:24am



Kouther Bader

· 1 · Yesterday at 8:37am



Sharaf Mowjood [Christopher Mathias](#), [Rowaida Abdelaziz](#), [Yasmin Nouh](#)

· 1 · Yesterday at 8:43am



Yasmin Nouh already tagged them [Sharaf](#) lol

· Yesterday at 9:52am



Kouther Bader

· 2 · Yesterday at 8:46am



Noor Kurdi [Holly Dages](#)

· 1 · Yesterday at 8:57am



Steffanie Kristine Richmond That's horrible Sarah, I'm so sorry that happened to you guys. It's awful.

· 1 · Yesterday at 8:58am



Samar Aziz This is a shame and I will never go there and again. I am forwarding this message on.

· 1 · Yesterday at 9:00am



Ghada Aly A large percentage of their customers are Muslim whether visible or not- stupid move Tino! You just alienated a large percentage of your customer base! I hope the owners stands against this outright discrimination and make things right!

· 6 · Yesterday at 9:23am



Tameem Hamoui I see some people already writing negative Yelp reviews which is one of the best things you can do in this situation.

· 1 · Yesterday at 9:41am



Tameem Hamoui Also their fb business page as well

· 1 · Yesterday at 9:46am



Noran Saedi This is horrible, I can't believe they think this will go unnoticed. Please share this with all the news channels too.

· 3 · Yesterday at 9:48am



Raihan Dakhil "The entire United States is covered by the Federal Civil Rights Act of 1964, which prohibits discrimination by privately owned places of public accommodation on the basis of race, color, religion or national origin. Places of "public accommodation" include hotels, restaurants, theaters, banks, health clubs and stores."

· 5 · Yesterday at 9:51am



Tameem Hamoui Yeah but they will deny they were kicking them out because of hijab.

· Yesterday at 9:54am



Raihan Dakhil They'll for sure deny, but the number of empty tables should be enough to prove that they weren't breaking the policy that this Tino guy says he's kicking them out for.

· Yesterday at 10:00am

[View more replies](#)



Sarah Al-Habib I looked up their website, it talks about great customer service and if you don't like it, they will gladly replace it. Definitely get in contact with the owners and bring this to their attention. There are other reviews which show that someone had a food allergy and was discriminated against. 🙄

· 1 · Yesterday at 9:55am



Shirihan Farsakh That's ridiculous [Sara](#) :/Sorry you and your friends had to experience it. Very upsetting [Urth Caffe Laguna Beach](#)

· 1 · Yesterday at 10:31am



Yamina Hamadi Outrageous! Will never set foot in Urth Caffe ever again .

· 2 · Yesterday at 10:49am



Andrea Castaneda That was so wrong! Never going to this place!

· 1 · Yesterday at 10:49am



Mona Jabara Disgusting!!! This should be on the news!!

· 2 · Yesterday at 12:44pm



Foua Vang Omg! How disgusting! I will never support them again. Sorry that you guys had to go through this.

· 1 · Yesterday at 1:52pm



Tar Shaberson Contact the local news! Very terrible and disturbing that this could happen

· 2 · Yesterday at 2:01pm



WR Weiss I'll definitely never go again. Will recommend all I know to avoid

-  this establishment.
· 1 · 23 hrs
-  **Raidiant Nur** Wow...this is shocking. I too am sorry for this embarassment u and your party experienced. Urth deserves to be boycotted for this kind of treatment.
· 2 · 23 hrs
-  **Faisal Abbas** holy crap 1000+ shares. this thing is getting traction. way to go
· 2 · 23 hrs
-  **WR Weiss** [#urthcafe](#) [#worstcafe](#)
· 2 · 23 hrs
-  **Bayan Abbasi** Left a bad review for them online!!
· 1 · 21 hrs
-  **Timmy 李國森 Li** I left a bad review on Yelp. Urth Cafe has always sucked in my book. Every time I make a visit a location, service worsens each time. But this just crossed the line. Can't believe they had the audacity and stupidity to act upon their emotions. I'm just glad this incident was well documented and Tino has no chance of running away from this.

Please make a post on Reddit. It will spread like wildfire there.
· 2 · 19 hrs
-  **Sara Farsakh** You're so right
· 16 hrs
-  **Omar Sobhy** Guess they didn't realize they did this to A-Listers of the Muslim SoCal community. Urth sucks.
· 3 · 19 hrs
-  **Samera Sood** ADC, CAIR....
· 1 · 17 hrs
-  **Alan A. Abdo** Sorry you ladies went through this. Inshallah their business goes down. I just looked at their Yelp page and Mashallah our community is letting them have it. So funny to see and read all the bad reviews. I love how I read them and it turns out from som... [See More](#)
· 3 · 17 hrs
-  **Sumer Taha** So sorry you and your friends had to experience that
· 2 · 16 hrs
-  **Deeba You Deen** Wow. I pray for their ignorance. Sad.
· 8 hrs
-  **Noor Halim Abdelmuti** Horrible! Sorry you had to go through that Sara!
· 6 hrs
-  **Anushe Faraaz Malik** [Alina Ashraff](#) [Alyzeh Ashraff](#)
· 6 hrs
-  **Yasmin Elhady Nassiry** This happened to me in California as well. Props to you Sara for outing them. It's never ok to be treated this way. Vile.
· 6 hrs
-  **Maryam Amir** That's terrible! You all reacted so well! It's so hard to keep a level head in situations like this but you not only did so, you also documented! Props!
· 3 · 6 hrs
- 



Leena Barakat horrible. just wrote them a few bad reviews.. i hope this spreads widely.

· 6 hrs



Huong Tong Khawja I'm so sorry you and your friends had to go through that . Makes me sick to my stomach!

· 2 hrs



Anwar Milbes [Sara Farsakh](#) did you hear from [Urth Caffe Laguna Beach](#)

· 2 hrs



Jesikah Michel I'm so sorry this happened to you girls. What a shame, people can be so ignorant. Love you!

· 1 hr



Urth Caffe Laguna Beach Dear Sara Farsakh,

First and foremost, thank you for stopping by our Laguna Beach location. Your time and business is much appreciate. Our mission is to provide the highest quality of food , great customer service, and wonderful customer experience. We have read and seen the videos that have posted and we do apologize to you and your friends for the unfortunate incident. Internally, we are vigorously investigating the situation to retrieve all facts and will get to the bottom of this. Urth Caffe has hired and trained thousands of employees of different races, religions, age, and gender. We do not believe our trained employees would act in such a way. Nonetheless, we would welcome you and your friends back at any establishment at any time.

· 52 mins · Edited



Leena Barakat This a horribly crafted PR response from an outdated textbook. You're going to have to do better than that if you want to change the growing sentiments against you guys at this location. What happened was completely unacceptable.

· 35 mins



Yasmin Nouh [Megan Robertson](#)

· 9 mins

EXHIBIT 4

Bruno Manetta

From: Urth Laguna Beach
Sent: Sunday, July 17, 2016 11:14 PM
To: Bruno Manetta
Subject: Demand For Production

13/14

From: Torres, Joe PD [mailto:jtorres@lagunabeachcity.net]
Sent: Thursday, May 05, 2016 6:38 PM
To: Joe Dalu <jdalu@pgiexecutives.com>
Cc: Urth Laguna Beach <urthlb@urthcaffe.com>; Calvert, Jeffrey PD <jcalvert@lagunabeachcity.net>; Shallom Berkman <sberkman@urthcaffe.com>; Lenyi, Darin PD <dlenyi@lagunabeachcity.net>
Subject: RE: Phone call Threat- Armed security update- Urth Cafe

Mr. Dalu,

Thank you for reaching out to the Laguna Beach Police Department. I left you a voice message. When you have a moment please call Lt. Jeff Calvert and brief him on the security officers you will have working at Urth Café. Lt. Calvert will brief our teams on the information you provide.

Thank you,



Lieutenant Joe Torres | Field Services Shift Commander
505 Forest Avenue, Laguna Beach, CA 92651 | T: 949-497-0330 | F: 949-497-0772
jtorres@lagunabeachcity.net

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From: Joe Dalu [mailto:jdalu@pgiexecutives.com]
Sent: Thursday, May 05, 2016 4:44 PM
To: Shallom Berkman <sberkman@urthcaffe.com>; Lenyi, Darin PD <dlenyi@lagunabeachcity.net>
Cc: Torres, Joe PD <jtorres@lagunabeachcity.net>; Urth Laguna Beach <urthlb@urthcaffe.com>
Subject: Re: Phone call Threat- Armed security update- Urth Cafe

Hi Lt.,

We will be establishing security services based on the ongoing workplace violence investigation, and recent events that brought concern to Mr. Berkman and the staff at Urth Caffe. We would like to briefly introduce ourselves, particularly my staff that will be providing services at the caffe until further notice. When would be a good time to connect? I can be reached by my cell at (310) 994-3396.

I look forward to hearing from you soon.

Sincere Regards,

On Thu, May 5, 2016 at 4:15 PM, Shallom Berkman <sberkman@urthcaffe.com> wrote:

Dear Lieutenant Torres,

We have retained PQI Executive Security who will provide security from tonight in Laguna! I want to introduce you to Mr. Joe Dalu. He will be coming down tonight to meet our store managers Octavio and Pauline and also meet with Laguna PD to introduce the security force and build a relationship of communication with you. He will contact you shortly...

All my best

Shallom

From: Torres, Joe PD [mailto:jtorres@lagunabeachcity.net]
Sent: Thursday, May 5, 2016 12:50 PM
To: Shallom Berkman <sberkman@urthcaffe.com>
Subject: Phone call Threat- Armed security update- Urth Cafe

Shallom,

Thank you for the response. Yes I will have our team provide escorts for your employees for the next couple of nights until your obtain the armed security staff. Once you have the security staff confirmed, please let me know so I can make our officers aware. We would like to know what their uniforms are going to look like as well as their vehicles if they are going to drive security vehicles in town.

Thank you,



Lieutenant Joe Torres | Field Services Shift Commander

505 Forest Avenue, Laguna Beach, CA 92651 | T: [949-497-0330](tel:949-497-0330) | F: [949-497-0772](tel:949-497-0772)

jtorres@lagunabeachcity.net

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From: Shallom Berkman [<mailto:sberkman@urthcaffe.com>]
Sent: Thursday, May 05, 2016 11:07 AM
To: Torres, Joe PD <jtorres@lagunabeachcity.net>
Subject: RE: Phone call Threat

Dear Lieutenant,

Thank you for your quick response and for the escorts last night. I reached out to the security firm that employees only off duty armed police officers. They will be meeting us at the site this afternoon to give us a proposal. I do not believe we will be able to retain them this evening – but for sure by Friday night they will be in place. We will have them every night until we feel a level of safety has returned. Perhaps could help us with escorts one more time tonight? This is very much appreciated. Please thank everyone at Laguna PD on behalf of me and my staff.

Warm regards,

Shallom

From: Torres, Joe PD [<mailto:jtorres@lagunabeachcity.net>]
Sent: Thursday, May 5, 2016 10:19 AM
To: Shallom Berkman <sberkman@urthcaffe.com>
Subject: RE: Phone call Threat

Shallom,

Thank you for reaching out to me regarding this incident. I received a call at home last night after it was reported and spoke with Sgt. White. I confirmed this morning that the incident was documented by one of the officers. The report number is 16-01717.

I followed up this morning with our threat assessment officer and provided him with a copy of the report. He will forward the report accordingly. In an effort to make your employees more comfortable, I asked Sgt. White to offer to escort your employees to their vehicles last night. When do you anticipate having the armed security on site? And will the security be escorting employees to their vehicles when the restaurant closes?

As we discussed previously, I would recommend your employees not to wear clothing to and from the restaurant that identifies them as employees. Please let me know if there is anything else I can help with.

Sincerely,



Lieutenant Joe Torres | Field Services Shift Commander

505 Forest Avenue, Laguna Beach, CA 92651 | T: [949-497-0330](tel:949-497-0330) | F: [949-497-0772](tel:949-497-0772)

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From: Shallom Berkman [<mailto:sberkman@urthcaffe.com>]
Sent: Wednesday, May 04, 2016 9:59 PM
To: Torres, Joe PD <jtortes@lagunabeachcity.net>; White, Rebecca PD <RWhite@lagunabeachcity.net>; dyerushalmi@americanfreedomlawcenter.org; 'Robert Muise AFLC' <rmuise@americanfreedomlawcenter.org>
Subject: FW: Phone call Threat

Dear Lieutenant Torres,

I hope you and the fine team at Laguna Beach PD are doing well. I am contacting you directly because we received a phone threat today that is scaring our staff more than any of the earlier threats. Please read below.

I have reached out to a security service that employs off duty armed police officers and will try to get them onsite tomorrow and every night. Please also inform our local officers about this new threat. Also, I am aware that the FBI met with your department to discuss this situation. Could you please inform the FBI agents about this latest threat? I want to keep my team safe at all costs.

Thank you again for your excellent service and cooperation. I am very proud of the incredible and professional service we have been receiving from Laguna Beach PD. I have also copied my law team Mr. David Yerushalmi and Mr. Robert Muise as introduction to Laguna PD. Let's please keep in touch.

All my best,

Shallom

From: Urth Laguna Beach [<mailto:urthlb@urthcaffe.com>]
Sent: Wednesday, May 4, 2016 8:37 PM
To: Jilla Berkman <jilla@urthcaffe.com>; Octavio Jimenez <octavio@urthcaffe.com>; Shallom Berkman <sberkman@urthcaffe.com>
Subject: Fwd: Phone call Threat

Hello,

After receiving the email below, I went ahead and called the store. Amanda explained to me what happened and I went ahead and called Laguna PD to inform them. Laguna PD is on their way to investigate the situation further.

The person on the phone they said that they will be in Thursday or Tuesday night (the day was unclear over the phone) around closing and that the manager should watch their back. This was after Amanda had informed them that the owners are not usually at the store that late.

This is the first phone call we have received that implied physical harm to any staff member.

We have informed all staff members to leave the store in groups tonight, and not to walk to their cars alone. I will let you know what Laguna PD says.

Thank You,

Pauline

Begin forwarded message:

From: "Urth Laguna Beach" <urthlb@urthcaffe.com>
Date: May 4, 2016 at 7:53:33 PM PDT
To: Octavio Jimenez <octavio@urthcaffe.com>, "Urth Laguna Beach" <urthlb@urthcaffe.com>
Cc: "paulinemerz@yahoo.com" <paulinemerz@yahoo.com>
Subject: Phone call Threat

Hello Octavio,

I am writing you to inform you that we received 2 phone threats. One stating they were going to boycott the restaurant next Tuesday and physically harm the manager on duty. I had Jasmine and Amanda write down statements of what each caller said specifically.

Sincerely,

Norma

Urth Caffè

Laguna Beach



Ph: [\(949\) 376-8888](tel:9493768888)

308 N. Coast Hwy.

Laguna Beach, CA

--

Joseph Dalu | Premier Group International | CEO
PI 22656 . PPO 14429



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& Security Corporation**

“Protecting *YOUR* World”

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Bruno Manetta

From: Urth Laguna Beach
Sent: Thursday, May 05, 2016 12:13 PM
To: Tino Jimenez
Subject: Fwd: Phone call Threat

Begin forwarded message:

From: Octavio Jimenez <octavio@urthcaffe.com>
Date: May 4, 2016 at 10:20:34 PM PDT
To: Shallom Berkman <sberkman@urthcaffe.com>, "Urth Laguna Beach" <urthlb@urthcaffe.com>, Jilla Berkman <jilla@urthcaffe.com>
Subject: RE: Phone call Threat

Thank you Shallom,

I will be working only nights for the rest of the weekend in Laguna.

Octavio

----- Original message -----

From: Shallom Berkman <sberkman@urthcaffe.com>
Date: 5/4/16 10:04 PM (GMT-08:00)
To: Urth Laguna Beach <urthlb@urthcaffe.com>, Jilla Berkman <jilla@urthcaffe.com>, Octavio Jimenez <octavio@urthcaffe.com>
Cc: dyerushalmi@americanfreedomlawcenter.org, 'Robert Muiase AFLC' <rmuiase@americanfreedomlawcenter.org>
Subject: RE: Phone call Threat

Dear Pauline,

We are working to get off duty armed police officers as security guards every night of the week – I will push to get them in place tomorrow. We will make sure that you and the team are safe. The Police has been notified and asked to alert the FBI and we will try to broadcast this so that people think twice about making threats. We appreciate your strength and leadership.

All my best,
Shallom

From: Urth Laguna Beach [<mailto:urthlb@urthcaffe.com>]
Sent: Wednesday, May 4, 2016 8:37 PM
To: Jilla Berkman <jilla@urthcaffe.com>; Octavio Jimenez <octavio@urthcaffe.com>; Shallom Berkman <sberkman@urthcaffe.com>
Subject: Fwd: Phone call Threat

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Thank You,
Pauline

Begin forwarded message:

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To: Octavio Jimenez <octavio@urthcaffe.com>, "Urth Laguna Beach" <urthlb@urthcaffe.com>
Cc: "paulinemerz@yahoo.com" <paulinemerz@yahoo.com>
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Sincerely,
Norma

Urth Caffè
Laguna Beach



Ph: (949) 376-8888
308 N. Coast Hwy.
Laguna Beach, CA

Atty-Client Communication re Transmittal

-----Original Message-----

From: Shallom Berkman [mailto:sberkman@urthcaffe.com]
Sent: Tuesday, April 26, 2016 11:28 AM
To: 'leklayman@gmail.com' <leklayman@gmail.com>
Subject: FW: Urth Caffe Threat

-----Original Message-----

From: Shallom Berkman [mailto:sberkman@urthcaffe.com]
Sent: Tuesday, April 26, 2016 9:35 AM
To: '31201@lapd.lacity.org' <31201@lapd.lacity.org>
Subject: Urth Caffe Threat

Dear Officer White,

Thank you for your response. I will give you a call first thing tomorrow. We received this threat (see attached) and now are concerned for our safety. Could you help us report this to the FBI?

Most Sincerely,
Shallom

Dear Office Whitman,

I am attaching a threat that was posted on Facebook - he states we are going to suffer consequences.... It is concerning us for the safety of our staff, family and business. Could you please let us know if this should be reported to the FBI as well? Thank you for your time.

Sincerely,
Shallom Berkman

PS - Here is correspondence with Laguna PD before we received the posted threat...

> On Apr 24, 2016, at 3:19 PM, Shallom Berkman <sberkman@urthcaffe.com> wrote:

>

> Dear Lieutenant Torres,

>

> I hope all is well for you and our friends at Laguna Beach PD. I have

> a worrisome problem to report. Last night we had a group of ladies

> that were not following our policies and being very disrespectful to

> our store managers Tino and Pauline. We asked them to leave the

> premises and they refused. We called the police and some officers came

> and asked them to leave. They refused, but eventually left.

>

> Today, these ladies and their friends are spreading hateful,

> slanderous lies about Urth Caffe and our manager Tino. They are

> accusing us of being racist and discriminating against Muslims. This

> is completely slanderous, false and untrue.

>

> We are very concerned because there are literally hundreds of angry

> comments on the internet and we are getting phone calls at the Urth

> Laguna Branch. A local reporter also called asking what is going on.

>

> We are concerned for the safety of our managers - in particularly Tino

> because of a lot of internet anger and slander against him

> individually. We are not sure how to handle this situation. I am sorry

> to bother you about this - but we are extremely concerned.

>

> Thank you in advance.

>

> Sincerely,

> Shallom

>

> -----Original Message-----

> From: Torres, Joe PD [mailto:jtorres@lagunabeachcity.net]

> Sent: Monday, March 28, 2016 12:34 PM

> To: Shallom Berkman <sberkman@urthcaffe.com>

> Cc: McGill, Dave PD <dmcgill@lagunabeachcity.net>; White, Rebecca PD

> <RWhite@lagunabeachcity.net>

> Subject: Urth Cafe Employee Vehicle Vandalism

>

> Shallom,

>

> I am sorry to hear this is occurring. Please have each of the

> employees with damage to their vehicles come to the police department

> and complete a police report. If that is not convenient, we can send

> an officer to Urth Café to take a report. They can call the

> non-emergency number to have an officer go to Urth Café.

>

> I will have either Sgt. Dave McGill or Sgt. Beckie White meet with

> Eric this week to discuss these events and to make some

> recommendations for your employees so this does not occur again. In

> the meant time, please encourage the employees to park in well lighted

> areas and also suggest that they park on different streets each day.

> Hopefully their cars won't be as noticeable if they are parking at

> different locations. You might also want to suggest that when they

> come to work, not to dress in clothing that affiliates them with Urth
> Café. If the person doing this is targeting your employees, it is better
if they are not recognizable by work clothing.
>
> We will continue to work with you Shallom, to resolve these issues as
> well as others. Thank you for reaching out to me.
>
> Joe
>
> Lieutenant Joe Torres | Field Services Shift Commander
> 505 Forest Avenue, Laguna Beach, CA 92651 | T: 949-497-0330 | F:
> 949-497-0772 jtorres@lagunabeachcity.net
>
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is strictly prohibited.
>
>
> -----Original Message-----
> From: Shallom Berkman [mailto:sberkman@urthcaffe.com]
> Sent: Monday, March 28, 2016 9:23 AM
> To: Torres, Joe PD <jtorres@lagunabeachcity.net>
> Subject: FW: Employee Vehicle Vandalism
>
> Dear Lieutenant Torres,
>
> I got this email from Erick Massmann - our Laguna store manager. We
> are very concerned about the reoccurrence of the same incident of
> staff finding nails in there tire. Should we file a police report?
> Thank you for your time and advice.
>
> Most Sincerely,
> Shallom
>
> -----Original Message-----
> From: Erick Massmann [mailto:erick@urthcaffe.com] ?
> Sent: Sunday, March 27, 2016 5:13 PM
> To: Jilla Berkman <jilla@urthcaffe.com>; Shallom Berkman
> <sberkman@urthcaffe.com>; Jacqueline Vasquez
> <jacqueline@urthcaffe.com>
> Cc: Octavio Jimenez <octavio@urthcaffe.com>; Johnny Jimenez
> <johnny@urthcaffe.com>
> Subject: Employee Vehicle Vandalism
>
> Good Evening,
>
> Last month we had 5 employees plus Pauline come to us saying they had

- > nails in their tire. They felt it may have been the neighbors
- > intentionally putting them there because they did not like the fact
- > that we were parking on the street. 2 weeks ago I was on the freeway
- > with my wife in her car. I drive her car to work because it costs less
- > to fill her gas tank which I do every 3 days. The rear driver side
- > tire popped. Upon inspection of the tire the next day we found this:
- >
- >



Arafa Abdulwahab reviewed Urth Caffe - Laguna Beach — 1★

18 hrs · 🌐

Unless "tino" and the owner of this establishment apologize on a press conference about the racial act against the Muslim women, we will make sure you will suffer the consequences! The clock is ticking!



Like



Comment



Share



Hajar Jaidi

Bruno Manetta

From: Urth Laguna Beach
Sent: Sunday, July 17, 2016 11:14 PM
To: Bruno Manetta
Subject: Demand For Production

13/14

From: Torres, Joe PD [mailto:jtorres@lagunabeachcity.net]
Sent: Thursday, May 05, 2016 6:38 PM
To: Joe Dalu <jdalu@pgiexecutives.com>
Cc: Urth Laguna Beach <urthlb@urthcaffe.com>; Calvert, Jeffrey PD <jcalvert@lagunabeachcity.net>; Shallom Berkman <sberkman@urthcaffe.com>; Lenyi, Darin PD <dlenyi@lagunabeachcity.net>
Subject: RE: Phone call Threat- Armed security update- Urth Cafe

Mr. Dalu,

Thank you for reaching out to the Laguna Beach Police Department. I left you a voice message. When you have a moment please call Lt. Jeff Calvert and brief him on the security officers you will have working at Urth Café. Lt. Calvert will brief our teams on the information you provide.

Thank you,



Lieutenant Joe Torres | Field Services Shift Commander
505 Forest Avenue, Laguna Beach, CA 92651 | T: 949-497-0330 | F: 949-497-0772
jtorres@lagunabeachcity.net

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From: Joe Dalu [mailto:jdalu@pgiexecutives.com]
Sent: Thursday, May 05, 2016 4:44 PM
To: Shallom Berkman <sberkman@urthcaffe.com>; Lenyi, Darin PD <dlenyi@lagunabeachcity.net>
Cc: Torres, Joe PD <jtorres@lagunabeachcity.net>; Urth Laguna Beach <urthlb@urthcaffe.com>
Subject: Re: Phone call Threat- Armed security update- Urth Cafe

Hi Lt.,

We will be establishing security services based on the ongoing workplace violence investigation, and recent events that brought concern to Mr. Berkman and the staff at Urth Caffe. We would like to briefly introduce ourselves, particularly my staff that will be providing services at the caffe until further notice. When would be a good time to connect? I can be reached by my cell at (310) 994-3396.

I look forward to hearing from you soon.

Sincere Regards,

On Thu, May 5, 2016 at 4:15 PM, Shallom Berkman <sberkman@urthcaffe.com> wrote:

Dear Lieutenant Torres,

We have retained PQI Executive Security who will provide security from tonight in Laguna! I want to introduce you to Mr. Joe Dalu. He will be coming down tonight to meet our store managers Octavio and Pauline and also meet with Laguna PD to introduce the security force and build a relationship of communication with you. He will contact you shortly...

All my best

Shallom

From: Torres, Joe PD [mailto:jtorres@lagunabeachcity.net]
Sent: Thursday, May 5, 2016 12:50 PM
To: Shallom Berkman <sberkman@urthcaffe.com>
Subject: Phone call Threat- Armed security update- Urth Cafe

Shallom,

Thank you for the response. Yes I will have our team provide escorts for your employees for the next couple of nights until your obtain the armed security staff. Once you have the security staff confirmed, please let me know so I can make our officers aware. We would like to know what their uniforms are going to look like as well as their vehicles if they are going to drive security vehicles in town.

Thank you,



Lieutenant Joe Torres | Field Services Shift Commander

505 Forest Avenue, Laguna Beach, CA 92651 | T: [949-497-0330](tel:949-497-0330) | F: [949-497-0772](tel:949-497-0772)

jtorres@lagunabeachcity.net

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From: Shallom Berkman [<mailto:sberkman@urthcaffe.com>]
Sent: Thursday, May 05, 2016 11:07 AM
To: Torres, Joe PD <jtorres@lagunabeachcity.net>
Subject: RE: Phone call Threat

Dear Lieutenant,

Thank you for your quick response and for the escorts last night. I reached out to the security firm that employees only off duty armed police officers. They will be meeting us at the site this afternoon to give us a proposal. I do not believe we will be able to retain them this evening – but for sure by Friday night they will be in place. We will have them every night until we feel a level of safety has returned. Perhaps could help us with escorts one more time tonight? This is very much appreciated. Please thank everyone at Laguna PD on behalf of me and my staff.

Warm regards,

Shallom

From: Torres, Joe PD [<mailto:jtorres@lagunabeachcity.net>]
Sent: Thursday, May 5, 2016 10:19 AM
To: Shallom Berkman <sberkman@urthcaffe.com>
Subject: RE: Phone call Threat

Shallom,

Thank you for reaching out to me regarding this incident. I received a call at home last night after it was reported and spoke with Sgt. White. I confirmed this morning that the incident was documented by one of the officers. The report number is 16-01717.

I followed up this morning with our threat assessment officer and provided him with a copy of the report. He will forward the report accordingly. In an effort to make your employees more comfortable, I asked Sgt. White to offer to escort your employees to their vehicles last night. When do you anticipate having the armed security on site? And will the security be escorting employees to their vehicles when the restaurant closes?

As we discussed previously, I would recommend your employees not to wear clothing to and from the restaurant that identifies them as employees. Please let me know if there is anything else I can help with.

Sincerely,



Lieutenant Joe Torres | Field Services Shift Commander

505 Forest Avenue, Laguna Beach, CA 92651 | T: [949-497-0330](tel:949-497-0330) | F: [949-497-0772](tel:949-497-0772)

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From: Shallom Berkman [<mailto:sberkman@urthcaffe.com>]
Sent: Wednesday, May 04, 2016 9:59 PM
To: Torres, Joe PD <jtortes@lagunabeachcity.net>; White, Rebecca PD <RWhite@lagunabeachcity.net>; dyerushalmi@americanfreedomlawcenter.org; 'Robert Muise AFLC' <rmuise@americanfreedomlawcenter.org>
Subject: FW: Phone call Threat

Dear Lieutenant Torres,

I hope you and the fine team at Laguna Beach PD are doing well. I am contacting you directly because we received a phone threat today that is scaring our staff more than any of the earlier threats. Please read below.

I have reached out to a security service that employs off duty armed police officers and will try to get them onsite tomorrow and every night. Please also inform our local officers about this new threat. Also, I am aware that the FBI met with your department to discuss this situation. Could you please inform the FBI agents about this latest threat? I want to keep my team safe at all costs.

Thank you again for your excellent service and cooperation. I am very proud of the incredible and professional service we have been receiving from Laguna Beach PD. I have also copied my law team Mr. David Yerushalmi and Mr. Robert Muise as introduction to Laguna PD. Let's please keep in touch.

All my best,

Shallom

From: Urth Laguna Beach [<mailto:urthlb@urthcaffe.com>]
Sent: Wednesday, May 4, 2016 8:37 PM
To: Jilla Berkman <jilla@urthcaffe.com>; Octavio Jimenez <octavio@urthcaffe.com>; Shallom Berkman <sberkman@urthcaffe.com>
Subject: Fwd: Phone call Threat

Hello,

After receiving the email below, I went ahead and called the store. Amanda explained to me what happened and I went ahead and called Laguna PD to inform them. Laguna PD is on their way to investigate the situation further.

The person on the phone they said that they will be in Thursday or Tuesday night (the day was unclear over the phone) around closing and that the manager should watch their back. This was after Amanda had informed them that the owners are not usually at the store that late.

This is the first phone call we have received that implied physical harm to any staff member.

We have informed all staff members to leave the store in groups tonight, and not to walk to their cars alone. I will let you know what Laguna PD says.

Thank You,

Pauline

Begin forwarded message:

From: "Urth Laguna Beach" <urthlb@urthcaffe.com>
Date: May 4, 2016 at 7:53:33 PM PDT
To: Octavio Jimenez <octavio@urthcaffe.com>, "Urth Laguna Beach" <urthlb@urthcaffe.com>
Cc: "paulinemerz@yahoo.com" <paulinemerz@yahoo.com>
Subject: Phone call Threat

Hello Octavio,

I am writing you to inform you that we received 2 phone threats. One stating they were going to boycott the restaurant next Tuesday and physically harm the manager on duty. I had Jasmine and Amanda write down statements of what each caller said specifically.

Sincerely,

Norma

Urth Caffè

Laguna Beach



Ph: [\(949\) 376-8888](tel:9493768888)

308 N. Coast Hwy.

Laguna Beach, CA

--

Joseph Dalu | Premier Group International | CEO
PI 22656 . PPO 14429



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EXHIBIT 5

David Yerushalmi, Esq. (Cal. St. Bar No. 132011)

AMERICAN FREEDOM LAW CENTER

123 West Chandler Heights Road, No. 11277

Chandler, Arizona 85248-11277

Tel: (646) 262-0500; Fax: (801) 760-3901

dyerushalmi@americanfreedomlawcenter.org

Counsel for Defendants/Cross-Complainants

**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. a/k/a SARA
SOUMAYA CHAMMA, an individual;
YUMNA H. a/k/a YUMNA H. HAMEED,
an individual; SAFA R. a/k/a SAFA
RAWAG, an individual; MARWA R. a/k/a
MARWA RAWAG, an individual,
Cross-Defendants.

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

Hon. John C. Gastelum
Dept. C-13

**CROSS-COMPLAINANTS' FIRST
AMENDED VERIFIED CROSS-COMPLAINT**

Department: C-13, Central Justice Center

Discovery Cut-Off: Statutory
Motion Cut-Off: Statutory
Trial Date: March 5, 2018

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. a/k/a Sara Soumaya Chamma, Yumna H.
4 a/k/a Yumna H. Hameed, Safa R. a/k/a Safa Rawag, and Marwa R. a/k/a Marwa Rawag, allege
5 as follows:

6 **GENERAL BACKGROUND ALLEGATIONS**

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

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

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

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

19 5. Friday nights are the busiest of all times for the Café. This is because the Café's
20 clientele are typically young Muslims, many from the Middle East, who enjoy the ambience of
21 the Café, especially the front patio area along Pacific Coast Highway. While there is seating
22 indoors and on the patio wrapping around the side of the Café, the young clientele will typically
23 congregate on the front patio, and long lines form for those who wish to wait for a table in this
24 specific area of the Café. Many of this young clientele are also what the Cross-Defendants term
25 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, a Café manager went to the table
5 in a final attempt to explain the Policy to the Cross-Defendants and to request that they abide by
6 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.

18. Almost immediately, Cross-Defendant Farsakh posted what can only be described as a rant on her Facebook page claiming discrimination. She also posted misleading videos claiming that the empty tables inside the Café and on the side patios demonstrated that the Policy was being enforced because Cross-Defendants were Muslim women and not because the tables were in demand.

19. Cross-Defendants had been informed by Café personnel and thus knew, or should have known, that the Policy was mostly applied to deal with the demand of the patio tables in front of the Café and that at the time they were asked to share their table or move to another empty table inside or off to the side a line was forming to gain access to the front patio tables.

20. Cross-Defendants were also aware, or should have been aware, that there were other women at the Café on the night of the incident wearing a *hijab* who had waited in line in clear view of the passing public to gain access to one of the in-demand tables and, that once seated, enjoyed one of the front patio tables while abiding by the Policy without incident. Indeed, young Muslims had publicly congregated at the Café as good and loyal clientele before Cross-Defendants manufactured their claim of discrimination (when absolutely none existed) and have done so regularly since, especially on Friday and Saturday nights.

PARTIES

21. At all times relevant to this litigation, Cross-Complainant Urth Laguna Beach Development, LLC, a California limited liability company, has owned the property at 308 Pacific Coast Highway, Laguna Beach, California (“Premises”), on which the Café operates.

22. At all times relevant to this litigation, Cross-Complainant Urth Caffè' Associates VII, LLC, a California limited liability company, has owned and operated the Café and occupies the Premises upon which the Café operates as a lessee of Cross-Complainant Urth Laguna Beach Development, LLC.

1 23. Upon information and belief, Cross-Defendant Sara Khalil Farsakh is a 30-year-
2 old Muslim woman (birthdate: 04/08/1987), who resides on West Rincon Street in Corona,
3 California.

4 24. Upon information and belief, Cross-Defendant Soondus Ahmed is a 30-year old
5 Muslim woman (birthdate: 07/06/1987), who resides on Agave in Lake Forest, California.

6 25. Upon information and belief, Cross-Defendant Sara C. a/k/a Sara Soumaya
7 Chamma is a 25-year-old Muslim woman (birthdate: 10/11/91), who resides on Allicante Aisle
8 in Irvine, California.

9 26. Upon information and belief, Cross-Defendant Yumna H. a/k/a Yumna H.
10 Hameed is a 26-year-old Muslim woman (birthdate: 02/01/1991), who resides on Paseo Palmar
11 in San Juan Capistrano, California.

12 27. Upon information and belief, Cross-Defendant Safa R. a/k/a Safa Rawag is a 28-
13 year-old Muslim woman (birthdate: 12/25/1988), who resides on Tenaka Place, in Sunnyvale,
14 California.

15 28. Upon information and belief, Cross-Defendant Marwa R. a/k/a Marwa Rawag is
16 a 27-year-old Muslim woman (birthdate: 02/04/1990), who resides in Orange County, California,
17 and is the sister of Cross-Defendant Safa Rawag.

18 29. Upon information and belief, Cross-Defendant Rawan Hamdan is a 28-year-old
19 Muslim woman (birthdate: 07/31/1988), who resides in the country of Jordan. Upon information
20 and belief, Cross-Defendant Rawan Hamdan is an American citizen born in California who was
21 visiting and present in Orange County during the times relevant to this litigation.

22 **JURISDICTION AND VENUE**

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

1 clientele but were not available to those waiting for a table on the front patio. Upon information
2 and belief, given the limited time during the Friday night business hours to seat all of the clientele
3 who wished to sit at a table on the front patio, and given the demand on the night of April 22,
4 2016, the trespass directly and proximately caused the Café to lose business.

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

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

11 43. Cross-Defendants' fraudulent social media and mainstream media campaign to
12 retell the trespass as an unlawful act of discrimination by the Café exacerbated the harm and
13 distress caused by the initial trespass. For example, individuals who had never visited the Café
14 made defamatory remarks about the Café on various social media sites, and the Café received
15 several threatening telephone and other messages, some of which included physical threats
16 against the Café management personnel. Upon information and belief, it was the intent, purpose,
17 and expected outcome of this fraudulent media campaign to cause such harm to Cross-
18 Complainants.

19 44. As a direct and proximate result of Cross-Defendants' trespass, Cross-
20 Complainants suffered actual harm. Cross-Defendants' trespass was a substantial factor causing
21 Cross-Complainants' harm.

22 45. The conduct of Cross-Defendants as described herein was malicious, fraudulent,
23 and oppressive and/or done with the knowledge that they were acting in violation of Cross-
24 Complainants' possessory interest in the Premises, and/or with a willful and conscious disregard
25

for Cross-Complainants' rights and for the deleterious consequences of their actions.
Consequently, Cross-Complainants are entitled to punitive damages

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

DEMAND FOR JURY TRIAL

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

PRAYER FOR RELIEF

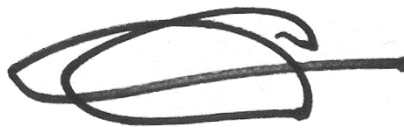
WHEREFORE, Cross-Complainants pray for the following relief:

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

Dated: 9/06/2017

Respectfully Submitted,

AMERICAN FREEDOM LAW CENTER



David Yerushalmi, Esq.
123 West Chandler Heights Road, No. 11277
Chandler, Arizona 85248-11277

Counsel for Defendants

VERIFICATION

I, Shallom Berkman, declare as follows:

1. I am the president of Urth Caffè Corporation.

2. The Urth Caffè Corporation is the managing member of Cross-Complainants Urth Laguna Beach Development, LLC, and Urth Caffè' 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 6th day of September 2017.



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

EXHIBIT 6

David Yerushalmi, Esq. (Cal. St. Bar No. 132011)

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Counsel for Defendants/Cross-Complainants

**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. a/k/a SARA
SOUMAYA CHAMMA, an individual;
YUMNA H. a/k/a YUMNA H. HAMEED,
an individual; SAFA R. a/k/a SAFA
RAWAG, an individual; MARWA R. a/k/a
MARWA RAWAG, an individual,
Cross-Defendants.

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

Hon. John C. Gastelum
Dept. C-13

**CROSS-COMPLAINANTS' FIRST
AMENDED VERIFIED CROSS-COMPLAINT**

Department: C-13, Central Justice Center

Discovery Cut-Off: Statutory
Motion Cut-Off: Statutory
Trial Date: March 5, 2018

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., a/k/a Sara Soumaya Chamma, Yumna H.,
4 a/k/a Yumna H. Hameed, Safa R., a/k/a Safa Rawag, and Marwa R., a/k/a Marwa Rawag, allege
5 as follows:

6 **GENERAL BACKGROUND ALLEGATIONS**

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

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

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

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

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

18. Almost immediately, Cross-Defendant Farsakh posted what can only be described as a rant on her Facebook page claiming discrimination. She also posted misleading videos claiming that the empty tables inside the Café and on the side patios demonstrated that the Policy was being enforced because Cross-Defendants were Muslim women and not because the tables were in demand.

19. Cross-Defendants had been informed by Café personnel and thus knew, or should have known, that the Policy was mostly applied to deal with the demand of the patio tables in front of the Café and that at the time they were asked to share their table or move to another empty table inside or off to the side a line was forming to gain access to the front patio tables.

20. Cross-Defendants were also aware, or should have been aware, that there were other women at the Café on the night of the incident wearing a *hijab* who had waited in line in clear view of the passing public to gain access to one of the in-demand tables and, that once seated, enjoyed one of the front patio tables while abiding by the Policy without incident. Indeed, young Muslims had publicly congregated at the Café as good and loyal clientele before Cross-Defendants manufactured their claim of discrimination (when absolutely none existed) and have done so regularly since, especially on Friday and Saturday nights.

PARTIES

21. At all times relevant to this litigation, Cross-Complainant Urth Laguna Beach Development, LLC, a California limited liability company, has owned the property at 308 Pacific Coast Highway, Laguna Beach, California (“Premises”), on which the Café operates.

22. At all times relevant to this litigation, Cross-Complainant Urth Caffè' Associates VII, LLC, a California limited liability company, has owned and operated the Café and occupies the Premises upon which the Café operates as a lessee of Cross-Complainant Urth Laguna Beach Development, LLC.

1 23. Upon information and belief, Cross-Defendant Sara Khalil Farsakh is a 2930-year-
2 old Muslim woman (birthdate: 04/08/1987), who resides on West Rincon Street in ~~Orange~~
3 ~~County~~Corona, California.

4 24. Upon information and belief, Cross-Defendant Soondus Ahmed is a 30-year old
5 Muslim woman ~~in her late 20s~~(birthdate: 07/06/1987), who resides on Agave in ~~Orange~~
6 ~~County~~Lake Forest, California.

7 25. Upon information and belief, Cross-Defendant Sara C. a/k/a Sara Soumaya
8 Chamma is a 2425-year-old Muslim woman (birthdate: 10/11/91), who resides on Allicante Aisle
9 in ~~Orange County~~Irvine, California. ~~Upon information and belief, Sara C. is not the full legal~~
10 ~~name of this Cross-Defendant, but is used herein because this is the fictitious name used in the~~
11 ~~complaint filed by Cross-Defendants in this matter. Cross-Complainants shall seek leave of the~~
12 ~~Court to amend the Cross-Complaint with Cross-Defendant Sara C.'s full legal name following~~
13 ~~initial discovery.~~

14 26. Upon information and belief, Cross-Defendant Yumna H. a/k/a Yumna H.
15 Hameed is a 2526-year-old Muslim woman (birthdate: 02/01/1991), who resides ~~in Orange~~
16 ~~County~~on Paseo Palmar in San Juan Capistrano, California. ~~Upon information and belief, Yumna~~
17 ~~H. is not the full legal name of this Cross-Defendant, but is used herein because this is the fictitious~~
18 ~~name used in the complaint filed by Cross-Defendants in this matter. Cross-Complainants shall~~
19 ~~seek leave of the Court to amend the Cross-Complaint with Cross-Defendant Yumna H.'s full~~
20 ~~legal name following initial discovery.~~

21 27. Upon information and belief, Cross-Defendant Safa R. a/k/a Safa Rawag is a
22 2728-year-old Muslim woman (birthdate: 12/25/1988), who resides ~~in Orange County~~on Tenaka
23 Place, in Sunnyvale, California. ~~Upon information and belief, Safa R. is not the full legal name~~
24 ~~of this Cross-Defendant, but is used herein because this is the fictitious name used in the complaint~~
25 ~~filed by Cross-Defendants in this matter. Cross-Complainants shall seek leave of the Court to~~

~~amend the Cross Complaint with Cross-Defendant Safa R.'s full legal name following initial discovery.~~

28. Upon information and belief, Cross-Defendant Marwa R. a/k/a Marwa Rawag is a ~~26~~27-year-old Muslim woman (birthdate: 02/04/1990), who resides in Orange County, California. ~~Upon information, and belief, Mawra R. is not the full legal namesister of this Cross-Defendant, but is used herein because this is the fictitious name used in the complaint filed by Cross-Defendants in this matter. Cross-Complainants shall seek leave of the Court to amend the Cross Complaint with Cross-Defendant Marwa R.'s full legal name following initial discovery.~~ Safa Rawag.

29. Upon information and belief, Cross-Defendant Rawan Hamdan is a ~~27~~28-year-old Muslim woman (birthdate: 07/31/1988), who resides in the country of Jordan. Upon information and belief, Cross-Defendant Rawan Hamdan is an American citizen born in California who was visiting and present in Orange County during the times relevant to this litigation.

JURISDICTION AND VENUE

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

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

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

FIRST CAUSE OF ACTION

(Trespass)

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

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

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

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

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

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

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

16 40. Prior to the arrival of the police and Cross-Defendants' eventual departure from
17 the Premises, Cross-Defendants occupied three tables, which could have been used by other Café
18 clientele but were not available to those waiting for a table on the front patio. Upon information
19 and belief, given the limited time during the Friday night business hours to seat all of the clientele
20 who wished to sit at a table on the front patio, and given the demand on the night of April 22,
21 2016, the trespass directly and proximately caused the Café to lose business.

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

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

4 43. Cross-Defendants' fraudulent social media and mainstream media campaign to
5 retell the trespass as an unlawful act of discrimination by the Café exacerbated the harm and
6 distress caused by the initial trespass. For example, individuals who had never visited the Café
7 made defamatory remarks about the Café on various social media sites, and the Café received
8 several threatening telephone and other messages, some of which included physical threats
9 against the Café management personnel. Upon information and belief, it was the intent, purpose,
10 and expected outcome of this fraudulent media campaign to cause such harm to Cross-
11 Complainants.

12 44. As a direct and proximate result of Cross-Defendants' trespass, Cross-
13 Complainants suffered actual harm. Cross-Defendants' trespass was a substantial factor causing
14 Cross-Complainants' harm.

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

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

1 **DEMAND FOR JURY TRIAL**

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

3 #

4 #

5 #

6 #

7 #

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9 **PRAYER FOR RELIEF**

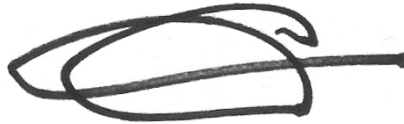
10 WHEREFORE, Cross-Complainants pray for the following relief:

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

16 Dated: 6/22/20169/06/2017

Respectfully Submitted,

17 AMERICAN FREEDOM LAW CENTER

18 

19 _____
20 David Yerushalmi, Esq.
21 123 West Chandler Heights Road, No. 11277
22 Chandler, Arizona 85248-11277

23 *Counsel for Defendants*
24
25

VERIFICATION

I, Shallom Berkman, declare as follows:

1. I am the president of Urth Caffè Corporation.

2. The Urth Caffè Corporation is the managing member of Cross-Complainants Urth Laguna Beach Development, LLC, and Urth Caffè' 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~~^{6th} day of ~~June 2016~~^{September 2017}.



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