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Torrance, California 90503-6531

4 (310) 540-2000

5 Attorneys for Defendants Pinscreen, Inc.  
6 and Dr. Hao Li

7  
8 SUPERIOR COURT OF CALIFORNIA  
9 COUNTY OF LOS ANGELES

10  
11 DR. IMAN SADEGHI, an individual,

12 Plaintiff,

13 v.

14 PINSCREEN, INC., a Delaware Corporation;  
15 DR. HAO LI, an individual; and DOES 1 through  
100,

16 Defendants.

) Case No. BC709376

) Assigned for all purposes to  
) Hon. Lia Martin, Dept. 16

) **DECLARATION OF JOEL L. BENAVIDES**  
) **IN SUPPORT OF AUTOMATIC**  
) **EXTENSION OF TIME TO FILE**  
) **DEFENDANTS' DEMURRER AND MOTION**  
) **TO STRIKE PLAINTIFF'S VERIFIED**  
) **COMPLAINT**

17 **[FAX FILED]**

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19 Complaint filed: June 11, 2018

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**DECLARATION OF JOEL L. BENAVIDES**

I, JOEL L. BENAVIDES, declare as follows:

1. I am an attorney licensed to practice before all Courts of the State of California and a partner of Greenberg, Whitcombe, Takeuchi, Gibson & Grayver, LLP, counsel of record for the Defendants in this action.

2. Plaintiff's Complaint in this action was filed on June 11, 2018 (the "Complaint"). Complaint alleges seventeen (17) separate causes of action against the Defendants; the Complaint is 172 pages long.

3. After a review of the Complaint, I have determined there are several bases to demurrrer to various causes of action alleged therein, and several valid bases to move to strike irrelevant, false, and/or improper matters asserted in the Complaint.

4. As a result, I intend to file a demurrer and motion to strike in this action as against the Complaint. Before I can do so, I must meet and confer with Plaintiff's counsel, in person or by telephone, to identify all of the specific causes of action that I believe to be subject to demurrer and/or a motion to strike and to identify with legal support the basis of those alleged deficiencies. See, *California Code of Civil Procedure* ("CCP") §§ 430.41 and 435.5.

5. Plaintiff's counsel and Defendants' counsel spoke, briefly, regarding the legal basis for Defendants' contemplated demurrer and motion to strike during a telephonic conference held on August 1, 2018.

6. During that call, counsel for the parties could not reach an agreement to resolve the issues to be raised in Defendants' contemplated demurrer and motion to strike. Rather, counsel for the parties agreed that both sides have made a good faith attempt to meet and confer and that, given the length, complexity, and number of claims asserted in the Complaint, both sides require additional time to meaningfully engage in and complete the meet and confer process.

7. Plaintiff's counsel and Defendants' counsel have agreed to complete the meet and confer process, as to these issues, within the next 21 days.

8. I have not previously requested an automatic extension of time to file a demurrer and/or motion to strike in this action.

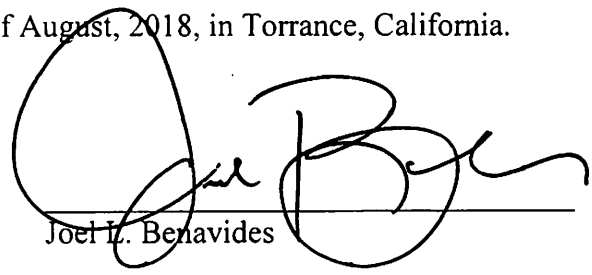
1           9.       Therefore, upon timely filing and service of this declaration, Defendants are entitled to  
2 an automatic 30-day extension of time to file a demurrer and/or motion to strike the Complaint. See,  
3 CCP §§ 430.41(a)(2) and 435.5(a)(2).

4           10.       Therefore, upon timely filing and service of this declaration, Defendants' new deadline  
5 to file a demurrer and/or motion to strike the Complaint shall be **September 4, 2018**.

6

7           I declare under penalty of perjury under the laws of the State of California that the foregoing is  
8 true and correct. Executed this 2nd day of August, 2018, in Torrance, California.

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A handwritten signature in black ink, which appears to read "Joel L. Benavides", is written over a horizontal line. The signature is highly stylized and somewhat cursive.

Joel L. Benavides

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1 **PROOF OF SERVICE**

2 STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

3 I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party  
4 to the within action; my business address is 21515 Hawthorne Boulevard, Suite 450, Torrance, California 90503-  
6531. My electronic mailing address is dpatterson@gwtllp.com

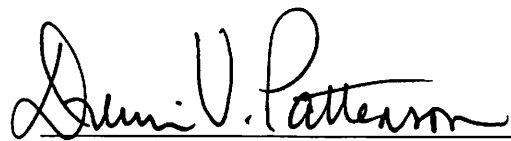
5 On August 2, 2018, I served the foregoing document(s) described as DECLARATION OF JOEL L.  
6 BENAVIDES IN SUPPORT OF AUTOMATIC EXTENSION OF TIME TO FILE DEFENDANTS'  
7 DEMURRER AND MOTION TO STRIKE the interested parties in this action by placing a true copy thereof  
enclosed in a sealed envelope addressed as follows:

8 **Attorneys for Plaintiff**

9 Brandon C. Fernald  
Adam P. Zaffos  
10 Fernald Law Group APC  
510 W. 6<sup>th</sup> Street, Suite 700  
11 Los Angeles, CA 90014  
Fax: 323-410-0330  
12 E-mail: [brandon@fernaldlawgroup.com](mailto:brandon@fernaldlawgroup.com)  
[adam@fernaldlawgroup.com](mailto:adam@fernaldlawgroup.com)

- 13  **BY MAIL:** I am "readily familiar" with the firm's practice of collection and processing correspondence  
14 for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with  
15 postage thereon fully prepaid at Torrance, California, in the ordinary course of business. I am aware that  
16 on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date  
is more than one day after the date of deposit for mailing in affidavit. *CCP §1013(a); Fed. Rule Civ.  
Proc. 5(b).*
- 17  **BY PERSONAL SERVICE:** I delivered such envelope by hand to the offices of the addressee. *CCP*  
*§1011; Fed. Rule Civ. Proc. 5(b).*
- 18  **BY PERSONAL SERVICE BY MESSENGER:** I caused such envelope to be given to an employee of  
19 \_\_\_\_\_ with instructions to hand deliver such envelope to the above-referenced law offices  
on \_\_\_\_\_. *CCP §1011(a); Fed. Rule Civ. Proc. 5(b).*
- 20  **BY EXPRESS MAIL/FedEx/GSO:** I am "readily familiar" with the firm's practice of collection and  
21 processing correspondence for express mail/FedEx/GSO. Under that practice it would be deposited with  
the U.S. Postal Service/FedEx/GSO on that same day with postage thereon fully prepaid at Torrance,  
California, in the ordinary course of business. *CCP §1013(c).*
- 22  **BY FACSIMILE:** In addition to the above service by mail, hand delivery or express mail/FedEx/GSO, I  
23 caused said document(s) to be transmitted by facsimile transmission on that same day at approximately  
\_\_\_\_\_ a.m./p.m. *CCP §1013(e).*
- 24  **BY E-MAIL:** In addition to the above service by mail, hand delivery or express mail/FedEx/GSO, I  
caused said document(s) to be transmitted by electronic transmission on that same day at approximately  
\_\_\_\_\_ a.m./p.m. *CCP §1010.6.*
- 25  **STATE** I declare under penalty of perjury under the laws of the State of California that the above  
26 is true and correct. *CCP §2015.5.*

27 Executed on August 2, 2018, at Torrance, California.

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Duvi V. Patterson