# No. S259216

(2nd Civil No. B280550)
(Los Angeles Superior Court No. BC599321)

## In The
# Supreme Court
## State of California

---

YAZMIN BROWN, et al.

*Petitioners,*

*versus*

USA TAEKWONDO, et al.,

*Respondents.*

---

# UNITED STATES OLYMPIC COMMITTEE'S ANSWER TO PETITION FOR REVIEW

---

*After Decision by the Court of Appeal*
*Second Appellate District, Division 7*

Douglas J. Collodel (Bar No. 112797)
douglas.collodel@clydeco.us
**CLYDE & CO US LLP**
355 S. Grand Avenue, Suite 1400
Los Angeles, CA 90017
Telephone: 213.358.7600
Facsimile: 213.358.7650

Margaret M. Holm (SB# 71252)
margaret.holm@clydeco.us
**CLYDE & CO US LLP**
2020 Main Street, Suite 1100
Irvine, CA 92614
Telephone: 949.852.8200
Facsimile: 877 546 3920

Attorneys for Respondent,
United States Olympic Committee

# TABLE OF CONTENTS

Page(s)

## TABLE OF AUTHORITIES

Page(s)

### Cases

**Statutes**



**Other Authorities**

*To the Honorable Tani Cantil-Sakauye, Chief Justice of California, and the Honorable Associate Justices of the Supreme Court of California*:

Respondent United States Olympic Committee requests that this Court deny the petition for review filed by appellants Yazmin Brown, Kendra Gatt and Brianna Bordon. Plaintiffs' petition fails to meet the criteria for review established by California Rules of Court, Rule 8.500(b).

## Preliminary Statement

This case presents nothing more than the application of settled law. Plaintiffs argue that Defendant United States Olympic Committee (the "USOC") owed them a duty of care to protect or warn them of the conduct of third parties. Now, Plaintiffs seek review based on their mistaken belief that lower courts are not following this Court's standards for determining whether a duty of care is owed to protect someone from the acts of third parties. This Court has not wavered from the duty analysis it has espoused and applied, most recently in *Regents of*

*University of California v. Superior Court* (2018) 4 Cal.5th 607, 618-619.

The general rule is that "there is no duty to act to protect others from the conduct of third parties." (*Delgado v. Trax Bar & Grill* (2005) 36 Cal.4th 224, 235.) The general rule "derives from the common law's distinction between misfeasance and nonfeasance, and its reluctance to impose liability for the latter." (*Id.* at 235, fn. 12.) There are some exceptions to this general rule, one of which Plaintiffs raise in their petition, the "special relationship" doctrine. (*Id.* ["A defendant may owe an affirmative duty to protect another from the conduct of third parties if he or she has a 'special relationship' with the other person."]; and see Petition at 11.)

In short, the duty analysis derives from the type of claim a plaintiff makes. If based on a defendant's misfeasance, the existence of a duty is evaluated under the factors set forth in *Rowland v. Christian* (1968) 69 Cal.2d 108, 113. If based on a defendant's nonfeasance, the existence of a duty first requires the assessment whether a "special relationship" exists and, if so, only then do the *Rowland* factors come into consideration. (See e.g., *Garcia v. Superior Court* (1990) 50 Cal.3d 728, 734 ["A special

relationship is a prerequisite for liability based on a defendant's failure to act."].) Absent a special relationship, the general no-duty-to-protect rule forecloses liability and there is no need to assess the *Rowland* factors.

For an exception under the special-relationship doctrine to be recognized, a two-step analysis must be satisfied. First, there must be a "special relationship" giving rise to a duty of care. If there is none, that is the end of the analysis, and no duty may be recognized. If there is a special relationship, such that a duty might exist, a court then applies the "*Rowland* factors" to determine whether public policy reasons militate against imposing, or limiting the scope of, the duty. This Court confirmed the operation of this two-step framework less than two years ago in *Regents of University of California v. Superior Court* (2018) 4 Cal.5th 607. In no uncertain terms, it explained that the *Rowland* factors "justify excusing or limiting a defendant's duty of care," once such a duty has "arise[n] from the special relationship." (*Id.* at 628.)

This is precisely the approach taken by the Court of Appeal in the instant action, twice. First, it found Plaintiffs alleged facts showing the National Governing Body (USA Taekwondo) had a

special relationship with the miscreant and, after assessing the *Rowland* factors, concluded that USAT had a duty to protect Plaintiffs from abuse [Opinion at 20-33]. Next, it determined the USOC did not have a special relationship with either Plaintiffs or the wrongdoer thereby precluding any duty being imposed on the USOC [Opinion at 33-36]. The Court of Appeal's correct approach to the duty analysis is not novel or mistaken, as the applicable law is well established. As such, the decision below does not offer any valid ground for this Court to grant review.

## Statement of the Case

The USOC is a federally chartered organization. (36 U.S.C. §220502.) It "serve[s] as the coordinating body for amateur athletic activity in the United States directly related to international amateur athletic competition." (36 U.S.C. §220505(c)(1).) In addition, federal law [specifically, the Ted Stevens Amateur Sports Act (36 U.S.C. §220501, et seq.)] permits the USOC to recognize national governing bodies [NGBs] for: "any sport which is included on the program of the Olympic Games, the Paralympic Games, or the Pan-American Games, the

corporation is authorized to recognize as a national governing body . . . an amateur sports organization which files an application and is eligible for such recognition in accordance with the provisions of subsection (a) or (b) of section 220522. The corporation may recognize only one national governing body for each sport for which an application is made and approved . . . ." (36 U.S.C. §220521(a).) The USOC may discipline or replace NGBs. (36 U.S.C. §§220527, 220528; see also 36 U.S.C. §220523(b).)

USA Taekwondo, as the National Governing Body for the sport of taekwondo in the United States, has certain responsibilities, including the establishment of policies for the sport as well as sponsoring and sanctioning amateur athletic competitions, both nationally and internationally. (36 U.S.C. §220523(a).) USAT also is responsible for formulating rules and implementing policies and procedures for local taekwondo studios in the United States. (Appellants' Appendix at 41.) As part of its responsibilities, USAT enacted a Code of Ethics that, among other items, prohibited the sexual harassment and physical abuse of minor athletes. (AA at 42.)

Mark Gitelman was a taekwondo coach who trained or supervised Plaintiffs. (AA at 48, 49, 51, 52.) Plaintiffs generally allege that Gitelman sexually abused and molested them, starting in 2007 until he was arrested in August 2014. (1 AA 44.) A jury convicted Gitelman on two Penal Code violations, which arose out of his molestation of two of the Plaintiffs, and his conviction was affirmed on appeal. (*People v. Gitelman* (2017) 2nd Civil No. B267825 [2017 WL 2628433].) Plaintiffs did not allege the USOC actually knew Gitelman was molesting Plaintiffs before that abuse ended. (See AA at 43.)

Plaintiffs sued both USAT and the USOC, among others, alleging claims that were rooted in Gitelman's sexual abuse and molestation of each Plaintiff. (AA at 12-16, 38-59.) They asserted various causes of action, including a negligence claim. (*Id.*) The USOC successfully demurred, twice. (AA at 32-34, 239-240.) The trial court entered judgment dismissing the USOC from the action, and Plaintiffs timely appealed. (AA at 254-255, 275-276.)

The Court of Appeal affirmed the judgment in favor of the USOC. (Opinion at 45.) In pertinent part here, the Court of Appeal found the USOC did not have a special relationship with Plaintiffs and, accordingly, did not owe them a duty to protect

them from Gitelman's criminal acts. (Opinion at 33-36.) The instant petition followed.

## Legal Discussion

### I. Review is Unnecessary Because the Standards for Establishing a Duty are Well-Settled and the Court of Appeal's Opinion Does Nothing More Than Apply the Settled Law

Plaintiffs contend there is potential confusion regarding the proper test for establishing a duty in a sexual abuse matter involving minors. (Petition at 7-10.) In reality, none exists. Over the past half-century, this Court has rendered decisions that uniformly articulate the standards for (1) negligence claims arising from a defendant's own acts or omissions (misfeasance) and (2) negligence claims arising from a defendant's alleged obligation to protect a plaintiff from harm caused by others (nonfeasance).

With regard to the first category addressing duty in the context of misfeasance, this Court has clearly articulated, and uniformly applied, the analytical standard in, for example: *Parsons v. Crown Disposal Co.* (1997) 15 Cal.4th 456; *Randi W. v. Muroc Joint Unified School Dist.* (1997) 14 Cal.4th 1066; *Cabral v. Ralphs Grocery Co.* (2011) 51 Cal.4th 764; *Kesner v. Superior*

*Court* (2016) 1 Cal.5th 1132; *Vasilenko v. Grace Family Church* (2017) 3 Cal.5th 1077; *T.H. v. Novartis Pharmaceuticals Corp.* (2017) 4 Cal.5th 145; see also, *Southern California Gas Leak Cases* (2019) 7 Cal.5th 391 [noting the general rule governing harm to others and circumstances under which the *Rowland* factors may warrant a departure from that rule]. In each of these decisions, this Court evaluated the *Rowland* factors to determine whether a defendant's own acts or omissions gave rise to negligence for which a plaintiff could obtain damages.

In like manner, this Court has clearly articulated, and uniformly applied, the analytical standard for the second category of claims, which arise from a defendant's nonfeasance. This Court has rendered an unaltered and lengthy manifestation of a single approach for ascertaining whether a defendant owes a plaintiff a duty of care for failing to control or warn of the conduct of a third party. (*Tarasoff v. Regents of University of California* (1976) 17 Cal.3d 425, 435 ["Although under the common law, as a general rule, one person owed no duty to control the conduct of another [citations], nor to warn those endangered by such conduct [citations], the courts have carved out an exception to this rule in cases in which the defendant stands in some special

relationship to either the person whose conduct needs to be controlled or in a relationship to the foreseeable victim of that conduct."].) When a special relationship capable of giving rise to such a duty does exist, but the defendant nonetheless asks the court to make an exception and not recognize a duty of care, courts have likewise for decades considered the *Rowland* factors. (E.g., *Davidson v. City of Westminster* (1982) 32 Cal.3d 197; *Isaacs v. Huntington Memorial Hospital* (1985) 38 Cal.3d 112; *Morris v. De La Torre* (2005) 36 Cal.4th 260 [confirming restaurant owner's special relationship with an invitee before considering the legal duty question under the *Rowland* factors]; *Casteneda v. Olsher* (2007) 41 Cal.4th 1205; *C.A. v. William S. Hart Union High School Dist.* (2012) 53 Cal.4th 861; *Verdugo v. Target Corp.* (2014) 59 Cal.4th 312; *Regents of University of California v. Superior Court*, *supra*, 4 Cal.5th 607.) By its plain terms, however, *Rowland* is not a test for creating a duty, but one for identifying an exception to a duty that would otherwise exist. (*Rowland v. Christian*, *supra*, 69 Cal.2d at 112-113.)

This Court's 2018 decision in *Regents* is the latest rendition of the unchanging standard for finding a negligence duty. In that case, this Court found a university had a special relationship

with its students. (*Regents of University of California v. Superior Court*, *supra*, 4 Cal.5th at 619-28 ["colleges generally owe a duty to use reasonable care to protect their students from foreseeable acts of violence in the classroom or during curricular activities."].) This duty arises "as a consequence of the special relationship." (*Id.* at 627.) After finding such a duty, however, this Court identified "several factors that may, on balance, justify *excusing or limiting* a defendant's duty of care." (*Id.* at 628; emphasis added.) Thus, it balanced the *Rowland* factors to assess whether it "should depart from the general rule of duty." (*Id.* at 628-634.) Ultimately, *Regents* held that "an examination of the *Rowland* factors does not persuade us *to depart from our decision to recognize a tort duty arising from the special relationship between colleges and their enrolled students*." (*Id.* at 624; emphasis added.)

In so doing, this Court made clear that the duty of care arises because of a special relationship, and the *Rowland* factors can only be used to justify an exception from such a duty. The *Rowland* factors cannot, as Plaintiffs argue, be an independent source of duty and resurrect potential tort liability when a special relationship does not exist. (See Petition at 11, 26.) This Court's

unbroken line of authority, including *Regents*, plainly refutes Plaintiffs' contention.

Further, Courts of Appeal understand that the "existence of a special relationship, however, is only the beginning of the analysis." (*J.L. v. Children's Institute, Inc.* (2009) 177 Cal.App.4th 388, 396, quoting *Margaret W. v. Kelley R.* (2006) 139 Cal.App.4th 141, 152; *Doe v. United States Youth Soccer Assn., Inc.* (2017) 8 Cal.App.5th 1118, 1131 [finding a special relationship before considering the *Rowland* factors]; *Eric J. v. Betty M.* (1999) 76 Cal.App.4th 715, 729-730 ["Helen invites us to consider the duty question here under the traditional seven factors used by the courts. [Citation.] That weighing process, however, has already been done by courts over the centuries in formulating the 'no duty to aid' rule."].) And Courts of Appeal recognize that the absence of a special relationship should end the duty discussion. (*Barenborg v. Sigma Alpha Epsilon Fraternity* (2019) 33 Cal.App.5th 70, 77; see also, *University of Southern California v. Superior Court* (2018) 30 Cal.App.5th 429, 451.) Indeed, that is what the Court of Appeal did here. In assessing Plaintiffs' claims against the USOC, the Court of Appeal followed this Court's methodology.

Below, the Court of Appeal properly applied *Regents* to find the USOC did not owe Plaintiffs a duty of care "[b]ecause USOC does not have a special relationship with Gitelman or plaintiffs." (Opinion at 36.) Then, it properly concluded that it need "not consider the *Rowland* factors as to USOC." (*Id.*) By contrast, when the Court of Appeal determined that there *was* a duty of care because of the special relationship between USAT and Gitelman [Opinion at 15-22], it proceeded to consider the *Rowland* factors to determine if there should nonetheless be an exception to that duty [*id.* at 22-33].

This Court has generated a long history of decisions that consistently apply the test for evaluating duty in negligence cases – including less than two years ago in *Regents*. In the instant action, the Court of Appeal, like innumerable courts before it, followed this Court's well-established guideposts. Accordingly, this Court should deny Plaintiffs' petition for review.

## II. Plaintiffs' Professed Ambiguity in the Duty Analysis is Illusory

Notwithstanding the lengthy historical application of the rules governing evaluation of negligence claims for both misfeasance and nonfeasance, Plaintiffs endeavor to create a conflict based on their dubbed "special relationship test" as an "independent, alternative" basis to establish duty. (Petition at 7-8.) They present three cases, none of which support Plaintiffs' flawed premise. (Petition at 8.)

First, Plaintiffs cite *Nally v. Grace Community Church* (1988) 47 Cal.3d 278, as ostensible support for the proposition that some courts view their self-nominated "special relationship test" and the *Rowland* factors as "*independent, alternative bases*" on which a duty can be established. (Petition at 7-8; original emphasis.) Their reference is misplaced. In *Nally*, this Court addressed whether a church and pastoral counselors had a duty to prevent a suicide. Initially, the *Nally* court stated the "traditional tort law principles" that "one is ordinarily not liable for the actions of another and is under no duty to protect another from harm, in the absence of a special relationship of custody or control." (47 Cal.3d at 293.) The Court then discussed and

distinguished two cases in which it found a duty to prevent a foreseeable suicide when a special relationship existed. (*Id.* at 293-296.) It rejected the Court of Appeal's decision to "extend the previously carefully limited precedent." (*Id.* at 293.) Ultimately, this Court disagreed with the plaintiffs and Court of Appeal, and held there was no special relationship nor was there a duty to refer a suicidal person to a professional therapist. (*Id.* at 294, 296.) At that point, this Court turned to the issue whether the defendants owed the suicidal individual a duty to prevent his suicide and the standard *Rowland* analysis for what amounted, essentially, to a professional malpractice claim. (*Id.* at 295-296.)

Notably, this Court in *Nally* did not validate any independent or alternative basis for finding a duty. Rather, it rebuffed the Court of Appeal's finding of a special relationship – as well as the dissent's similar conclusion [see *id.* at 310-311] – and corrected that court's misreading of earlier precedent. Then, this Court did what courts normally do when evaluating a defendant's alleged misfeasance – it assessed the *Rowland* factors. (*Id.* at 296-300.)

Next, Plaintiffs' mistakenly suggest *Juarez v. Boy Scouts of America, Inc.* (2000) 81 Cal.App.4th 377, allows for a finding of

duty based on alternate tests. While *Juarez* may have employed an untraditional approach, it also required the finding of a special relationship and a balance favoring a duty based on the *Rowland* factors before it held the Boy Scouts owed a duty of care to protect the plaintiff from harm caused by the criminal conduct of a third party; in other words, the Court of Appeal found that a duty existed because there was both a special relationship and duty under the *Rowland* analysis. (81 Cal.App.4th at 410 ) Notably, the *Juarez* court would not find a duty based only on the special relationship doctrine that another state employed. (*Id.* [citing an Ohio decision as an example of an alternative theory, but stating, "we are reluctant to rely on the special relationship doctrine per se as the analytical underpinning for our conclusion that a duty of care was owed by the Scouts to Juarez."].)[1]

Similarly, Plaintiffs' third case, *Doe 1 v. City of Murrieta* (2002) 102 Cal.App.4th 899, does not assist them. As in *Juarez* (which *Doe 1* followed), the Court of Appeal addressed the duty

---

[1] Although the Courts of Appeal in *Conti v. Watchtower Bible & Tract Society of New York* (2015) 235 Cal.App.4th 1214, and *University of Southern California v. Superior Court, supra*, 30 Cal.App.5th 429, undertook an additional (and unnecessary) *Rowland* analysis to support their conclusions that no duty existed, neither held (or even proposed) that there were two alternative tests that could give rise to a legal duty of care. (235 Cal.App.4th at 1228; 30 Cal.App.5th at 451-452.)

issue by turning to the *Rowland* factors before turning to the defendants' argument that they did not owe a duty to protect the plaintiffs because there was no special relationship. (*Id.* at 913-917.) In the end, the *Doe 1* court concluded, "Defendants thus owed plaintiffs a duty of care to protect them from foreseeable harm based on the special relationship doctrine, *as well as* under the *Rowland* analysis." (*Id.* at 918; emphasis added.)

Not only are Plaintiffs' 20-30 year-old cases in conformance with the well-established duty principles, more recent authority confirms the absence of any doctrinal conflict. Indeed, these Court of Appeal decisions show judicial prudence. Like the Court of Appeal in the instant action [Opinion at 36], appellate courts first consider whether a special relationship exists and, if none does, forego the *Rowland* analysis. (E.g., *Barenborg v. Sigma Alpha Epsilon Fraternity*, *supra*, 33 Cal.App.5th at 77.)

In sum, Plaintiffs' professed need for this Court to rearticulate the standard governing duty based on misfeasance versus nonfeasance is hyperbole. There was no meaningful confusion on this point before *Regents*, and none after. This Court should turn its attention to matters, which truly require this Court's time and attention.

## Conclusion

The basis for the Court of Appeal's opinion is sound. It is consistent with established California law and, in fact, enhances it. Plaintiffs' dissatisfaction with the law is no reason for review to be granted. For these reasons, the USOC respectfully requests that Plaintiffs' petition for review be denied.

DATED: December 9, 2019 Respectfully submitted,

CLYDE & CO US LLP

By: _____

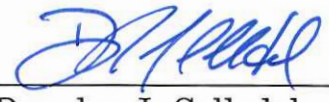
Douglas J. Collodel
Margaret M. Holm
Attorneys for Respondent,
United States Olympic
Committee

## Certificate of Compliance

Counsel of Record hereby certifies that pursuant to Rule 8.504(d) of the California Rules of Court, this Answer to the Petition for Review was produced on a computer, using the word processing program Word 2010, and the Font is 13 point Times New Roman.

According to the word count feature of the program, this document contains 3,217 words, including footnotes, but not including the table of contents, table of authorities, and this certification.

DATED: December 9, 2019



Douglas J. Collodel

## Proof of Service

At the time of service, I was over 18 years of age and not a party to this action. I am employed in the County of Los Angeles, State of California. My business address is 355 S. Grand Avenue, Suite 1400, Los Angeles, CA 90071.

On December 9, 2019, I served true copies of the following document(s) described as

**UNITED STATES OLYMPIC COMMITTEE'S ANSWER TO PETITION FOR REVIEW**

on the interested parties in this action as follows:

**SEE ATTACHED SERVICE LIST**

**BY E-MAIL OR ELECTRONIC TRANSMISSION:** I caused a copy of the document(s) to be sent from e-mail address angelo.mccabe@clydeco.us to the persons at the e-mail addresses listed in the Service List via TrueFiling. The document(s) were transmitted at or before 5:00 p.m. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on December 9, 2019, at Los Angeles, California.

Angelo McCabe

## Service List

| | |
|---|---|
| ESTEY & BOMBERGER, LLP<br>Stephen J. Estey, Esq.<br>2869 India Street<br>San Diego, CA 92103<br>(619) 295-0035<br>steve@estey-bomberger.com | Attorneys for Appellants YAZMIN BROWN<br><br>VIA TRUEFILING |
| CORSIGLIA MCMAHON & ALLARD, LLP<br>B. Robert Allard, Esq.<br>96 N. 3rd Street, Suite 620<br>San Jose, CA 95112<br>(408) 289-1417<br>rallard@cmalaw.net | |
| WILLIAMS IAGMIN LLP<br>Jon R. Williams, Esq.<br>666 State Street<br>San Diego, CA 92101<br>(619) 238-0370<br>williams@williamsiagmin.com | |
| REBACK, MCANDREWS, KJAR, WARFORD & STOCKALPER, LLP<br>Evan Naoyoshi Okamura<br>1230 Rosecrans Avenue, Suite 450<br>Manhattan Beach, CA 90266<br>eokamura@rmblawyer.com | Attorneys for Defendant and Respondent USA TAEKWONDO<br><br>VIA TRUEFILING |
| Patrick E. Stockalper<br>Matthew Aaron Schiller<br>KJAR, MCKENNA. STOCKALPER<br>840 Apollo Street, Suite 100<br>Los Angeles, CA 90071-3226<br>PStockalper@kmslegal.com | |
| Hon. Michael P. Vicencia<br>Los Angeles Superior Court<br>111 N. Hill Street<br>Los Angeles, CA 90012 | VIA U.S. MAIL |
| Court of Appeal<br>Second Appellate District, Division 7<br>Ronald Reagan State Building<br>300 S. Spring Street, 2nd Floor, North Tower<br>Los Angeles, CA 90013 | VIA U.S. MAIL |

**STATE OF CALIFORNIA**
Supreme Court of California

# *PROOF OF SERVICE*

**STATE OF CALIFORNIA**
Supreme Court of California

Case Name: **BROWN v. USA TAEKWONDO**
Case Number: **S259216**
Lower Court Case Number: **B280550**

1. At the time of service I was at least 18 years of age and not a party to this legal action.

2. My email address used to e-serve: **douglas.collodel@clydeco.us**

3. I served by email a copy of the following document(s) indicated below:

Title(s) of papers e-served:

| Filing Type | Document Title |
|---|---|
| ANSWER TO PETITION FOR REVIEW (WITH ONE TIME RESPONSIVE FILING FEE) | USOC's Answer to Petition for Review - 2019-12-09 |

Service Recipients:

| Person Served | Email Address | Type | Date / Time |
|---|---|---|---|
| Douglas Collodel<br>Clyde & Co US LLP<br>112797 | douglas.collodel@clydeco.us | e-Serve | 12/9/2019 4:59:27 PM |
| Margaret Holm<br>Clyde & Co US LLPP<br>071252 | margaret.holm@clydeco.us | e-Serve | 12/9/2019 4:59:27 PM |
| B. Allard<br>Corsiglia McMahon & Allard, LLP<br>175592 | rallard@cmalaw.net | e-Serve | 12/9/2019 4:59:27 PM |
| M. Hall<br>Clyde & Co US LLP | christopher.hall@clydeco.us | e-Serve | 12/9/2019 4:59:27 PM |
| Jon Williams<br>Williams Iagmin LLP<br>162818 | williams@williamsiagmin.com | e-Serve | 12/9/2019 4:59:27 PM |
| Evan Okamura<br>Reback, McAndrews, Kjar, Warford & Stockalper, LLP | eokamura@rmkws.com | e-Serve | 12/9/2019 4:59:27 PM |
| Kenneth Turek<br>Turek Law P.C. | ken@kenturek.com | e-Serve | 12/9/2019 4:59:27 PM |
| Stephen Estey<br>Estey & Bomberger LLP<br>163093 | steve@estey-bomberger.com | e-Serve | 12/9/2019 4:59:27 PM |
| Patrick Stockalper<br>Kjar, McKenna & Stockalper, LLP<br>156954 | pstockalper@kmslegal.com | e-Serve | 12/9/2019 4:59:27 PM |
| Matthew Schiller<br>Kjar, McKenna & Stockalper LLP<br>306662 | mschiller@kmslegal.com | e-Serve | 12/9/2019 4:59:27 PM |
| Chenin Andreoli | andreoli@williamsiagmin.com | e- | 12/9/2019 |

| Williams Iagmin LLP | | Serve | 4:59:27 PM |
|---|---|---|---|

This proof of service was automatically created, submitted and signed on my behalf through my agreements with TrueFiling and its contents are true to the best of my information, knowledge, and belief.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

12/9/2019

Date

/s/Douglas Collodel

Signature

Collodel, Douglas (112797)

Last Name, First Name (PNum)

Clyde & Co US LLP

Law Firm