

1 Victor Viramontes (SBN 214158)  
2 Martha L. Gómez (SBN 274024)  
3 MEXICAN AMERICAN LEGAL DEFENSE  
4 AND EDUCATIONAL FUND  
5 634 S. Spring Street, 11<sup>th</sup> Floor  
6 Los Angeles, CA 90014  
7 Telephone: (213) 629-2512  
8 Facsimile: (213) 629-0266  
9 Email: vviramontes@maldef.org  
10 mgomez@maldef.org

11 *Attorneys for Plaintiffs*

CONFORMED COPY  
ORIGINAL FILED  
Superior Court of California  
County of Los Angeles

NOV 05 2015

Sherri R. Carter, Executive Officer/Clerk  
By Cristina Grijalva, Deputy

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA

9 FOR THE COUNTY OF LOS ANGELES

10 IRMA ESPINOZA, an individual; JOSE  
11 AGUILAR, an individual; ROBERTO CASTRO,  
12 an individual; MARIA DUARTE, an individual;  
13 ERIKA GALLO, an individual; ANA GOMEZ, an  
14 individual; JUAN HERRERA, an individual;  
15 ROSA MACIAS, an individual; MARIA  
16 MARTINEZ, an individual; ROBERTO  
17 MAYORGA, an individual; OLGA MENDOZA, an  
18 individual person; EZEQUIEL MUNIZ, an  
19 individual; JORGE PEREZ, an individual; CESAR  
20 PICHARDO, an individual; ELVIRA SANCHEZ,  
21 an individual;

22 Plaintiffs,

23 vs.

24 GATE GOURMET, INC., and DOES 1 to 10,  
25 inclusive,

26 Defendants.

Case No. BC581121

**SECOND AMENDED COMPLAINT**

- (1) Unlawful Workplace Language Policy [Cal. Gov. Code § 12951]
- (2) National Origin Discrimination [Cal. Gov. Code §§ 12900 *et seq.*]
- (3) Harassment [Cal. Gov. Code § 12940(j)]
- (4) Failure to Prevent Discrimination and Harassment [Cal. Gov. Code § 12940(k)]
- (5) Unfair and Unlawful Business Practices [Cal. Bus. & Prof. Code §§ 17200 *et seq.*]

**DEMAND FOR JURY TRIAL**

Judge: Hon. Robert L. Hess

Dept: 24

1  
2 Plaintiffs Irma Espinoza, Jose Aguilar, Roberto Castro, Maria Duarte, Erika Gallo, Ana Gomez,  
3 Juan Herrera, Rosa Macias, Maria Martinez, Roberto Mayorga, Olga Mendoza, Ezequiel Muniz, Jorge  
4 Perez, Cesar Pichardo, and Elvira Sanchez (“Plaintiffs”) complain and allege as follows:

5 **INTRODUCTION**

6 1. This action is brought to remedy the unlawful discrimination that Plaintiffs experienced  
7 as employees of Gate Gourmet, Inc. (“Gate Gourmet”).

8 2. Plaintiffs seek damages from Gate Gourmet for its violations under the Fair  
9 Employment and Housing Act (“FEHA”), including (1) an unlawful workplace language policy, (2)  
10 national origin discrimination, (3) harassment, (4) failure to prevent discrimination and harassment;  
11 and for (5) unfair and unlawful business practices in violation of the California Business and  
12 Professions Code §§ 17200 *et seq.*

13 **JURISDICTION AND VENUE**

14 3. Jurisdiction and venue are proper in this Court because all of the claims alleged here  
15 arose in Los Angeles County, and Gate Gourmet, a corporation, does substantial business in California  
16 and has a place of business in Los Angeles, California, in this District.

17 4. The amount in controversy is within the jurisdiction of this Court.

18 **PARTIES**

19 5. Plaintiff Jose Aguilar, a resident of Los Angeles County, is Latino and speaks Spanish  
20 as his primary language. Gate Gourmet employed him in May 2014, and he is currently employed by  
21 Gate Gourmet.

22 6. Plaintiff Roberto Castro, a resident of Los Angeles County, is Latino and speaks  
23 Spanish as his primary language. Gate Gourmet employed him in May 2014, and he is currently  
24 employed by Gate Gourmet.

25 7. Plaintiff Maria Duarte, a resident of Los Angeles County, is Latina and speaks Spanish  
26 as her primary language. Gate Gourmet employed her in May 2014, and she is currently employed by  
27 Gate Gourmet.

1           8.       Plaintiff Irma Espinoza, a resident of Los Angeles County, is Latina and speaks Spanish  
2 as her primary language. Gate Gourmet employed her in May 2014, and she is currently employed by  
3 Gate Gourmet.

4           9.       Plaintiff Erika Gallo, a resident of Los Angeles County, is Latina and speaks Spanish as  
5 her primary language. Gate Gourmet employed her in May 2014, and she is currently employed by  
6 Gate Gourmet.

7           10.      Plaintiff Ana Gomez, a resident of Los Angeles County, is Latina and speaks Spanish as  
8 her primary language. Gate Gourmet employed her in May 2014, and she is currently employed by  
9 Gate Gourmet.

10          11.      Plaintiff Juan Herrera, a resident of Los Angeles County, is Latino and speaks Spanish  
11 as his primary language. Gate Gourmet employed him in May 2014, and he is currently employed by  
12 Gate Gourmet.

13          12.      Plaintiff Rosa Macias, a resident of Los Angeles County, is Latina and speaks Spanish  
14 as her primary language. Gate Gourmet employed her in May 2014, and she is currently employed by  
15 Gate Gourmet.

16          13.      Plaintiff Maria Martinez, a resident of Los Angeles County, is Latina and speaks  
17 Spanish as her primary language. Gate Gourmet employed her in May 2014, and she is currently  
18 employed by Gate Gourmet.

19          14.      Plaintiff Roberto Mayorga, a resident of Los Angeles County, is Latino and speaks  
20 Spanish as his primary language. Gate Gourmet employed him in May 2014, and he is currently  
21 employed by Gate Gourmet.

22          15.      Plaintiff Olga Mendoza, a resident of Los Angeles County, is Latina and speaks Spanish  
23 as her primary language. Gate Gourmet employed her in May 2014, and she is currently employed by  
24 Gate Gourmet.

25          16.      Plaintiff Ezequiel Muniz, a resident of Los Angeles County, is Latino. Gate Gourmet  
26 employed him in May 2014, and he is currently employed by Gate Gourmet.

1           17.     Plaintiff Jorge Perez, a resident of Los Angeles County, is Latino and speaks Spanish as  
2 his primary language. Gate Gourmet employed him in May 2014, and he is currently employed by  
3 Gate Gourmet.

4           18.     Plaintiff Cesar Pichardo, a resident of Los Angeles County, is Latino and speaks  
5 Spanish as his primary language. Gate Gourmet employed him in May 2014, and he is currently  
6 employed by Gate Gourmet.

7           19.     Plaintiff Elvira Sanchez, a resident of Los Angeles County, is Latina and speaks  
8 Spanish as her primary language. Gate Gourmet employed her in May 2014, and she is currently  
9 employed by Gate Gourmet.

10          20.     Gate Gourmet, upon information and belief, is a corporation existing and operating in  
11 the State of California, County of Los Angeles.

12          21.     The true names and capacities, whether individual, corporate, associate, and the true  
13 involvement of Defendants sued here as Does 1 thorough 10, inclusive, are unknown to Plaintiffs who  
14 therefore sue these Defendants by fictitious names and will amend this Complaint to show the true  
15 names, capacities, and involvement when ascertained. Plaintiffs are informed and believe and allege  
16 that each of the Defendants designated as a Doe is responsible in some manner for the events and  
17 happenings referred to here, and that Plaintiffs’ injuries and damages were in part caused by these  
18 Defendants.

19                           **EXHAUSTION OF ADMINISTRATIVE REMEDIES**

20          22.     On April 9, 2015, Plaintiffs Jose Aguilar, Roberto Castro, Irma Espinoza, Ana Gomez,  
21 Rosa Macias, Maria Martinez, Roberto Mayorga, and Elvira Sanchez filed a charge against Defendant  
22 with the California Department of Fair Employment and Housing (“DFEH”) and on the same day  
23 received a right to sue. On April 10, 2015, Plaintiffs Maria Duarte, Erika Gallo, Juan Herrera, and  
24 Cesar Pichardo filed a charge against Defendant with the DFEH and on the same day received a right  
25 to sue. On April 13, 2015, Plaintiff Ezequiel Muniz filed a charge against Defendant with the DFEH  
26 and on the same day received a right to sue. On April 14, 2015, Plaintiff Olga Mendoza filed a charge  
27 against Defendant with the DFEH and on the same day received a right to sue. On May 18, 2015,  
28

1 Plaintiff Jorge Perez filed a charge against Defendant with the DFEH and on the same day received a  
2 right to sue.

3 23. In the DFEH charge, each Plaintiff alleges that since May 15, 2014 to the present, Gate  
4 Gourmet prohibited him/her from speaking Spanish while in the workplace, subjected him/her to  
5 disparate treatment and harassment because of his/her Latino national origin and race, and failed to  
6 prevent the discrimination and harassment that they subjected him/her to. All Plaintiffs further alleged  
7 that each of them was aware of a class of similarly situated Latino employees who are being subjected  
8 to the same treatment.

9 24. Plaintiffs exhausted the administrative remedies available to them before filing this suit.

### 10 **FACTUAL ALLEGATIONS**

11 25. At all times relevant to this action, Gate Gourmet has operated a business located in Los  
12 Angeles, California, that provides janitorial services to Delta Airlines at Los Angeles International  
13 Airport (LAX), including cleaning airplane cabins, restocking airplane cabins with supplies, and  
14 servicing airplane laboratories, among others.

15 26. At all times relevant to this action, Plaintiffs were employed for Gate Gourmet at LAX.  
16 Plaintiffs have different positions, ranging from cabin cleaners, laboratory (“lab”) drivers, leads, and  
17 dispatch operators, among others. Collectively, Plaintiffs and other employees ensure that airplanes  
18 are properly cleaned and restocked between flights. In order to complete their responsibilities  
19 promptly and successfully, Plaintiffs and other employees communicate with each other throughout the  
20 day, either in person or via radio. Plaintiffs’ duties are routine and repetitive in nature.

21 27. Plaintiffs are all of Latino national origin.

22 28. All Plaintiffs speak Spanish as their native language.

23 29. Most Plaintiffs do not speak English and/or have limited proficiency in English. The  
24 few Plaintiffs that are English proficient must speak Spanish to communicate with employees who  
25 have limited English proficiency.

26 30. Prior to May 15, 2014, Plaintiffs worked for various contractors, including G2 Secure  
27 Staff Services (“G2 Services”) and World Service West (“World Services”), doing the same duties that  
28

1 they now perform for Gate Gourmet. Under these previous employers, Plaintiffs successfully  
2 completed the same job duties in Spanish, some for up to 10 years.

3 31. On information and belief, on May 15, 2014, Gate Gourmet became the new third party  
4 contractor for Delta Airlines. At that point, Plaintiffs became new employees of Gate Gourmet, but in  
5 practice their jobs remained the same.

6 32. Since about May 15, 2014, Gate Gourmet's swing shift<sup>1</sup> manager, Silvana Jahshan,  
7 instituted an "English only" and "No Spanish" policy, prohibiting employees from speaking Spanish  
8 and requiring employees to speak English during the swing shift. Gate Gourmet's policy prohibits  
9 employees from speaking Spanish at all times. Gate Gourmet's language policy requires Plaintiffs and  
10 employees who do not speak English to go without speaking during a workday. Gate Gourmet's  
11 policy prohibits bilingual employees from speaking in Spanish to employees who only speak Spanish.

12 33. Gate Gourmet did not notify its employees of the consequence for violating the  
13 language restriction.

14 34. In briefings, Ms. Jahshan cautioned all Plaintiffs to not speak Spanish and to only speak  
15 English. Via the radio, Ms. Jahshan cautioned all Plaintiffs not to speak Spanish and to only speak  
16 English.

17 35. Ms. Jahshan intimidated, harassed, and threatened Plaintiffs for speaking Spanish. Ms.  
18 Jahshan monitored and scrutinized the work of Plaintiffs because of their Spanish language usage and  
19 Latino national origin. Ms. Jahshan unfairly scrutinized and subjected Plaintiffs to unfair terms and  
20 conditions because of their Latino national origin.

21 36. Plaintiffs who only speak Spanish are too afraid to speak whatsoever due to fear of  
22 discrimination, harassment, humiliation, and discipline. Bilingual employees are afraid to  
23 communicate with their colleagues who only speak Spanish due to fear of discrimination, harassment,  
24 humiliation, and discipline.

25  
26  
27 <sup>1</sup> The swing shift, also referred to as the evening shift, is approximately from 2 p.m. to 11 p.m. Some  
28 morning and night shift employees, including but not limited to those who work overtime, overlap  
with the swing shift.

1 37. Gate Gourmet does not have a legitimate business necessity for instituting an English  
2 only policy during the swing shift.

3 38. Gate Gourmet did not impose any language restrictions on its morning or night shift  
4 employees. Monolingual and bilingual Spanish speaking employees in the morning and night shift  
5 successfully perform the same job duties as Plaintiffs in the swing shift while speaking Spanish. The  
6 morning and night shift crews have the same duties as the Plaintiffs in the swing shift.

7 39. Even if Gate Gourmet could establish a legitimate business necessity for instituting an  
8 English only policy, less discriminatory alternatives exist. The morning and night shift have a  
9 bilingual dispatch that communicates to employees in English or Spanish, depending on that  
10 employee's language ability. The swing shift could do the same, particularly as the dispatch workers  
11 are already bilingual. Even if the dispatch workers were not bilingual, Gate Gourmet could easily hire  
12 a bilingual dispatch worker.

13 40. Plaintiffs complained to Gate Gourmet's human resources and higher management  
14 about Ms. Jahshan's discrimination, harassment, and the unlawful treatment that Plaintiffs suffered, but  
15 they did not take any action whatsoever to correct the discrimination, harassment, and unlawful  
16 treatment.

17 41. Gate Gourmet continues to strictly enforce the English only policy and continues to  
18 discriminate against the Plaintiffs on the basis of their Latino national origin.

19 42. As a result of Gate Gourmet's unlawful conduct, Plaintiffs have suffered damages,  
20 including economic losses and emotional distress, in an amount to be determined at trial.

21 **FIRST CAUSE OF ACTION**  
22 **Unlawful Workplace Language Policy**  
23 **in Violation of Cal. Gov. Code § 12951**

24 43. Plaintiffs reallege and incorporate by reference all previous allegations.

25 44. Plaintiffs are and were, at all material times, of Latino national origin and therefore  
26 protected under the Fair Employment and Housing Act ("FEHA").

27 45. Gate Gourmet, at all material times, is and was an employer subject to the FEHA  
28 requirements.

1           46.     Gate Gourmet implemented and enforced a workplace language policy that prohibits  
2 Plaintiffs and other Latino employees from speaking Spanish at the workplace, and that requires them  
3 to speak only English at the workplace.

4           47.     Gate Gourmet's workplace language restriction is not justified by any business  
5 necessity and there are alternative practices to the language restriction that would accomplish any  
6 asserted business necessity equally well and with a lesser discriminatory impact.

7           48.     Gate Gourmet failed to notify all of its employees of the circumstances and the time  
8 when the language restriction was required to be observed and of the consequences for violating the  
9 language restriction. Gate Gourmet provided Plaintiffs with defective notice about the circumstances  
10 and the time when the language restriction applied and the consequences for violating the restriction.

11          49.     As a result of Gate Gourmet's workplace language policy, Plaintiffs have suffered  
12 damages, including economic losses and emotional distress, in an amount to be determined at trial.

13          50.     Gate Gourmet's actions were willful, malicious, fraudulent, and oppressive, and were  
14 committed with the wrongful intent to injure the Plaintiffs and in conscious disregard of Plaintiffs'  
15 rights.

16   **SECOND CAUSE OF ACTION**  
17   **National Origin Discrimination in**  
18   **Violation of Cal. Gov. Code § 12900 *et seq.***

19          51.     Plaintiffs reallege and incorporate by reference all previous allegations.

20          52.     Plaintiffs are and were, at all material times, of Latino/Hispanic origin and therefore  
21 protected under FEHA.

22          53.     Gate Gourmet, at all material times, is and was an employer subject to FEHA  
23 requirements and had a duty under FEHA to not discriminate against Plaintiffs based on their national  
24 origin.

25          54.     In violation of their duty, Gate Gourmet intentionally discriminated against Plaintiffs  
26 because of their Latino national origin and treated Plaintiffs less favorably than similarly situated non-  
27 Latino employees. Gate Gourmet's unlawful employment practices also had a disparate impact on  
28 Plaintiffs.



1           55.    As a result of Gate Gourmet's discrimination, Plaintiffs have suffered damages,  
2 including economic losses and emotional distress, in an amount to be determined at trial.

3           56.    Gate Gourmet's actions were willful, malicious, fraudulent, and oppressive, and were  
4 committed with the wrongful intent to injure the Plaintiffs and in conscious disregard of Plaintiffs'  
5 rights.

6                                   **THIRD CAUSE OF ACTION**  
7                                   **Harassment in Violation of Cal. Gov. Code § 12940(j)**

8           57.    Plaintiffs reallege and incorporate by reference all previous allegations.

9           58.    Gate Gourmet routinely subjected Plaintiffs to a pattern of abusive conduct because of  
10 their Latino national origin. Gate Gourmet engaged in the heightened scrutiny and threats described in  
11 preceding paragraphs with the intent of harassing Plaintiffs on account of their Latino national origin.  
12 Gate Gourmet's harassment of Plaintiffs was sufficiently pervasive and severe to alter the conditions of  
13 their employment.

14           59.    As a result of Gate Gourmet's harassment, Plaintiffs have suffered damages, including  
15 economic losses and emotional distress, in an amount to be determined at trial.

16           60.    Gate Gourmet's actions were willful, malicious, fraudulent, and oppressive, and were  
17 committed with the wrongful intent to injure the Plaintiffs and in conscious disregard of Plaintiffs'  
18 rights.

19                                   **FOURTH CAUSE OF ACTION**  
20                                   **Failure to Prevent Discrimination and Harassment**  
21                                   **in Violation of Cal. Gov. Code § 12940(k)**

22           61.    Plaintiffs reallege and incorporate by reference all previous allegations.

23           62.    Under FEHA, Government Code § 12940(k), Gate Gourmet owed Plaintiffs the legal  
24 duty to take all reasonable actions necessary to prevent and stop unlawful discrimination and  
25 harassment.

26           63.    Gate Gourmet breached its legal duty to Plaintiffs to take all reasonable action  
27 necessary to prevent and stop the discrimination and harassment described in preceding paragraphs.  
28 Gate Gourmet and their agents, servants and/or employees, knew or should have known of these  
harassing actions because Gate Gourmet participated in creating and maintaining a workplace with

1 pervasive harassment and Plaintiffs complained to Gate Gourmet about its discrimination and  
2 harassment.

3 64. Gate Gourmet failed to investigate, correct and/or prevent the incidents of  
4 discrimination and harassment based on Plaintiffs' Latino national origin.

5 65. As a result of Gate Gourmet's conduct, Plaintiffs have suffered damages, including  
6 economic losses and emotional distress, in an amount to be determined at trial.

7 66. Gate Gourmet's actions were willful, malicious, fraudulent, and oppressive, and were  
8 committed with the wrongful intent to injure the Plaintiffs and in conscious disregard of Plaintiffs'  
9 rights.

10 **FIFTH CAUSE OF ACTION**  
11 **Unlawful and Unfair Business Practices in**  
12 **Violation of Cal. Bus. & Prof. Code §§ 17200 *et seq.***

13 67. Plaintiffs reallege and incorporate by reference all previous allegations.

14 68. California Business and Professions Code § 17200 *et seq.* prohibits unfair competition  
15 in the form of any unlawful, unfair, deceptive, or fraudulent business practices.

16 69. Gate Gourmet's conduct as alleged here has been and continues to be deleterious to  
17 Plaintiffs and to the general public.

18 70. Plaintiffs are "person[s]" within the meaning of Business and Professions Code §17201,  
19 and therefore have standing to bring this suit for injunctive relief.

20 71. Beginning on or about May 15, 2014, Gate Gourmet committed unlawful acts as  
21 defined by California Business and Professions Code §§17200 *et seq.* Gate Gourmet's unlawful and  
22 unfair business practices include, but are not necessarily limited to, FEHA violations.

23 72. The victims of Gate Gourmet's unfair and/or unlawful business practices, include, but  
24 are not limited to Plaintiffs, other employees, competing businesses in the State of California, and the  
25 general public. By means of its unfair and unlawful practices, Gate Gourmet has gained an unfair  
26 competitive advantage over other employers that act in compliance with FEHA.

27 73. Under Business and Professions Code § 17203, injunctive relief is necessary to prevent  
28 Gate Gourmet from continuing to engage in unfair and unlawful business practices as alleged here.  
Gate Gourmet has done, is doing, and will continue the above-described illegal and unfair acts unless

1 restrained or enjoined by this Court. Unless the relief prayed for below is granted, a multiplicity of  
2 actions will result. Plaintiffs have no plain, speedy, or adequate remedy at law, in that pecuniary  
3 compensation alone would not afford adequate and complete relief. The above-described acts will  
4 continue to cause great and irreparable damage to Plaintiffs and the general public unless Defendants  
5 are restrained from committing further illegal acts.

6 74. Monetary damages alone will not compel Gate Gourmet to cease from engaging in the  
7 unfair and unlawful business practices described in this action. The benefit to the public good, as well  
8 as to Plaintiffs, far outweighs any inconvenience to Gate Gourmet of ceasing to engage in these unfair  
9 and unlawful business practices.

10 75. Business and Professions Code § 17203 also provides that the Court may restore to an  
11 aggrieved party any money or property acquired by means of unlawful or unfair business practices.  
12 Therefore, Plaintiffs request attorney's fees and costs pursuant to Code of Civil Procedure § 1021.5  
13 upon proof that Plaintiffs seek to enforce important rights affecting the public interest. All remedies  
14 are cumulative under Business and Professions Code § 17205.

15 **JURY DEMAND**

16 76. Plaintiffs demand a trial by jury.

17 **PRAYER FOR RELIEF**

18 WHEREFORE, Plaintiffs prays for relief as follows:

19 77. For general damages, according to proof on each cause of action for which such  
20 damages are available;

21 78. For restitution, according to proof on each cause of action for which such damages are  
22 available;

23 79. For special damages, according to proof on each cause of action for which such  
24 damages are available;

25 80. For compensatory damages, according to proof on each cause of action for which such  
26 damages are available;

27 81. For punitive damages, according to proof on each cause of action for which such  
28 damages are available;

1           82.    For injunctive relief as necessary to:

- 2                   (a)    Enjoin Gate Gourmet from engaging in discrimination against Plaintiffs and  
3                                similarly situated employees, including harassment based on national origin, and  
4                                unlawful language restriction against Plaintiffs;
- 5                   (b)    Order Gate Gourmet to institute and carry out policies, practices and programs  
6                                which provide equal employment opportunities for Plaintiffs which eradicate the  
7                                effects of its past and present unlawful employment practices;
- 8                   (c)    Create an effective process for the investigation and resolution of harassment  
9                                and discrimination complaints;
- 10                  (d)    Create a monitoring and reporting system to ensure that injunctive relief is fully  
11                                implemented;

12           83.    A declaratory judgment that the practices complained of in this complaint are unlawful  
13 and violate FEHA;

14           84.    For prejudgment and post-judgment interest according to law;

15           85.    For reasonable attorneys' fees incurred in this action on those causes of action for which  
16 such fees are recoverable under the law;

17           86.    For costs of suit incurred in this action; and

18           87.    For such other and further relief as the Court deems proper and just.

19  
20 Dated: November 5, 2015

MEXICAN AMERICAN LEGAL DEFENSE AND  
EDUCATION FUND, INC.



Martha L. Gómez

Attorney for Plaintiffs

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  
4 and not a party to the within action. My business address is 634 South Spring Street, 11th Floor,  
5 Los Angeles, CA 90014.

6 On November 5, 2015, I served:

7 **SECOND AMENDED COMPLAINT**

8  
9 on the parties identified below by placing a true and correct copy thereof enclosed in a sealed  
10 envelope(s) for collection at my place of business, following ordinary business practices  
11 addressed as follows:

12 **MARK D. KEMPLE**  
13 **GREENBERG TRAURIG**  
14 1840 Century Park East  
15 Suite 1900  
16 Los Angeles, CA. 90067  
17 Tel: (310) 586-7700  
18 Fax: (310) 586-7800

19 *Attorneys for Defendant, Gate Gourmet, Inc.*

20 **[X] BY MAIL** - I deposited such envelope in the mail at Los Angeles, California, with first  
21 class postage thereon fully prepaid. I am readily familiar with the business practice for  
22 collection and processing of correspondence for mailing. Under that practice, it is  
23 deposited with the United States Postal Service on that same day, at Los Angeles,  
24 California, in the ordinary course of business. I am aware that on motion of the party  
25 served, service is presumed invalid if postage cancellation date or postage meter date is  
26 more than one (1) day after the date of deposit for mailing in affidavit.

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

29 November 5, 2015  
30 Dated

  
MARCO A. GOMEZ