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SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SAN DIEGO

Jane Roes, et al.,

Plaintiff,

v.

Deja Vu Services, Inc., et al.,

Defendant.

Case No. 37-2018-28044-CU-OE-CTL

**DECLARATION OF GARY MARLIN IN
SUPPORT OF DEFENDANTS' OPPOSITION
TO MOTION TO INTERVENE**

Assigned to: Hon. Timothy Taylor

Complaint Filed: July 6, 2018

I, Gary Marlin, declare:

1. I have personal knowledge of all facts stated herein. If called upon as a witness, I could competently testify to the facts stated herein.

2. From approximately 2004 to 2013, I was the President of SFBSC MANAGEMENT, LLC ("BSC"), a management consulting firm for nightclubs. Since June 2013 I have worked with BSC as a consultant. Since at least 2004, BSC has provided consulting and administrative services to ten San Francisco nightclubs, all of whom are named as Defendants in this action (collectively, "the client nightclubs"), including S.A.W. Entertainment Limited dba Larry Flynt's Hustler Club ("Hustler Club") and dba Condor Gentlemen's Club ("Condor"), and Gold Club – S.F., LLC ("Gold Club"). These services include marketing and advertising, human resources support, payroll coordination, contract review and administration, and oversight of all legal and litigation issues.

1 3. BSC also assists its client nightclubs by collecting and storing its client nightclubs'
2 records, including entertainer contracts ("Performer Contracts"), daily records concerning entertainer
3 performances, performance times, dates, and hours, and entertainers' income/earnings. BSC
4 assembles necessary information for the client nightclubs' tax professionals.

5 4. In the course of my work for BSC relating to its client nightclubs, I became (and I am)
6 generally knowledgeable about the operations, policies, and practices of the client nightclubs and am
7 familiar with the client nightclubs' personnel. I am also familiar with the record-keeping practices of
8 the client nightclubs and I have access to the client nightclubs' records.

9 5. BSC employs, under my supervision, an administrative and IT staff who is trained,
10 experienced, knowledgeable and who performs the record and bookkeeping tasks of collecting and
11 storing client nightclubs' records, Performer Contracts, income records, and entering information into
12 databases information regarding entertainers' performance dates, hours, and earnings.

13 6. As part of my role at BSC, I have access to the client nightclubs' databases and
14 records.

15 7. On November 3, 2018, I was provided the following list of entertainers who were
16 identified as intervenors in this action (hereafter "Intervenor Entertainers"), including:

17 Nichole Hughes

18 Penny Nunez

19 Angelynn Hermes

20 Elana Pera

21 Sarah Murphy

22 Poohrawn Mehraban

23 Gypsy Vidal

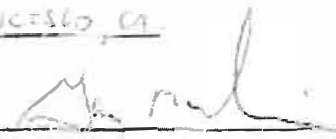
24 8. I was requested, by counsel for Déjà Vu Services, Inc. (Tammara Bokmuller), to
25 conduct a diligent, thorough and conclusive search of the records and databases for each of the client
26 nightclubs to determine if and when any of the Intervenor Entertainers performed, including whether
27 they performed after April 14, 2017.

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11. Based on my knowledge, experience, and the diligent search conducted of BSC's and the client nightclubs records and databases, none of Intervenor Entertainers performed at ANY of the client nightclubs after January 28, 2017.

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

Executed on November 13, 2018 at SAN FRANCISCO, CA



Gary Marlin, Declarant

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