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By Adriana Ive Anzalone, Deputy Clerk

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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 NICOLE TURNWALD
IN SUPPORT OF DEFENDANTS'
OPPOSITION TO MOTION TO INTERVENE**

Assigned to: Hon. Timothy Taylor

Complaint Filed: July 6, 2018

I, Nicole Turnwald, declare:

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

2. I am and have been for 8 years, employed as a tax accountant by Modern Bookkeeping, Inc. I am trained, experienced, knowledgeable and have access to records concerning income information and forms 1099 issued to entertainers who have performed at any of Modern's client nightclubs.

3. Modern's client nightclubs include all the Déjà vu Affiliated Nightclubs named as Defendants in this action with the exception of those situated in San Francisco.

4. Modern receives income reports from its client nightclubs, which information is entered into its computer system for the ultimate issuances of Forms 1099; Modern maintains those income

1 and at year end, files Forms 1099 for every entertainer who earned more than \$600 for every tax year.

2 5. Part of my job includes issuing the Forms 1099 to the IRS based on the entertainer
3 income reports, and maintaining the data base. As such, I am capable of searching those Form 1099
4 records by entertainer name, and if there is no Form 1099 in the data base, I can then search by
5 entertainer name in the entertainer income reports, which would show every entertainer who earned
6 income during that year, whether or not it she earned the threshold (\$600) for a Form 1099.

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

9 Nicole Hughes Elana Pera Gypsey Vidal
10 Penny Nunez Sara Murphy
11 Angelynn Hermes Poohrawn Mehraban


12 7. I was requested, by counsel for Déjà vu Services, Inc. (Tammara Bokmuller), to conduct
13 a diligent, thorough and conclusive search of the income and form 1099 data bases for each of those
14 non-San Francisco Déjà vu Affiliated entities to determine if any of the 7 Intervening Entertainers
15 performed at any of those clubs.

16 8. On November 4, 2018, I conducted a diligent, thorough and conclusive search of both
17 data bases for each of the Intervening Entertainers, by first searching the Form 1099 files, and thereafter
18 searching the entertainer income reports for each of these non-San Francisco Déjà vu Affiliated entities.

19 9. From my search of these two sources, I determined that none of Intervening Entertainers
20 were issued a Form 1099 for the tax year 2017, and none of these Intervening Entertainers appeared on
21 any of the entertainer income reports from any of those nightclubs for 2017.

22 10. Based on my knowledge, experience and diligent search, I can say with certainty that
23 none of the 7 Intervenor Entertainers performed or earned income during 2017 at ANY of the Déjà vu
24 affiliated nightclubs for whom I maintain a data base.

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

27 Executed on November 12, 2018 at _____
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Nicole Turnwald, Declarant

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