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5 Attorneys for Defendant
 6 Southern California Darts Association, Inc.

7
 8 UNITED STATES OF DISTRICT COURT
 9 FOR THE CENTRAL DISTRICT OF CALIFORNIA WESTERN DIVISION

11 SOUTHERN CALIFORNIA DARTS
 12 ASSOCIATION,

13 Plaintiff,

14 vs.

16 SOUTHERN CALIFORNIA DARTS
 17 ASSOCIATION, INC., et al.

18 Defendants.

CASE NO: 2:12-CV-01899 RGK
 [Assigned to the Honorable Judge R.
 Gary Klausner in Department 850]

**DECLARATION OF DINO M.
 ZAFINA IN SUPPORT OF
 DEFENDANT SOUTHERN
 CALIFORNIA DARTS
 ASSOCIATION, INC.'S MOTION TO
 DISMISS PLAINTIFF'S COMPLAINT
 PURSUANT TO F.R.C.P. RULE
 12(b)(6) AND MOTION TO STRIKE
 PURSUANT TO CAL. CODE CIV.
 PRO § 425.16**

DATE: May 7, 2012
 TIME: 9:00 A.M.
 DEPT: 850

COMPLAINT FILED: 03/06/12

DECLARATION OF DINO M. ZAFFINA

I, Dino M. Zaffina, hereby declare as follows:

1. I am the President and CEO of Defendant Southern California Darts Association, Inc. (“Corporation”). I am completely familiar with the facts, pleadings, and records in this action, and if called upon to testify, I could and would competently do so.

2. Shortly after I authorized the filing of the verified complaint in the State action (LASC Case No. EC056642) on September 26, 2011, all of Plaintiff’s eight alleged host pubs (i.e., business establishments) settled with Corporation, along with thirteen other individual defendants. [See Zaffina Decl. in support of Opp. to Prelim. Inj. ¶ 18 - attached Exhibit 3 – a true and correct copy of the original Verified Complaint for Damages (14 pp) incorporated by reference as though fully set forth herein.]

3. In or about September 2011, I ordered and received a Certificate of Status dated September 13, 2011, from the State of California, Secretary of State (“SOS”) confirming that Plaintiff was in fact a **defunct Corporation** whose powers, rights, and privileges were **suspended** by the California Franchise Tax Board on March 1, 1977, pursuant to the *California Revenue and Taxation Code* [See attached Exhibit 1 – a true and correct copy of the SOS, Certificate of Status dated September 13, 2011 incorporated by reference as though fully set forth herein.]

4. I incorporated Corporation on January 3, 2011. [See attached Exhibit 2 – a true and correct copy of the SOS Business Entity Search incorporated by reference as though fully set forth herein.] Had Plaintiff revived the suspended corporation, I, as incorporator, would not have been able to file the articles of incorporation for Southern California Darts Association, Inc.

5. I presented Plaintiff with mountains of evidence establishing their lack of corporate status as set forth in Corporation’s verified complaint [See Zaffina Decl. in

1 support of Opp. to Prelim. Inj. ¶ 6]; Plaintiff continued to assert that they were an
2 unincorporated association under the same name [See Complaint ¶ 10] until they
3 changed their name to “**Los Angeles Darts Association.**” [See Zaffina Decl. in support
4 of Opp. to Prelim. Inj. Exh. 7 – a true and correct copy of the Los Angeles Registrar-
5 Recorder/County Clerk’s office (“RRCC”) Fictitious Business Name Search
6 incorporated by reference as though fully set forth herein.]

7 6. After Corporation became a legal business entity, I authorized the creation
8 of three marks that represent Corporation. [See Zaffina Decl. in support of Opp. to
9 Prelim. Inj. Exh. 11 incorporated by reference as though fully set forth herein.] Two of
10 the marks are unique and the copyrighted concepts of Corporation. The third is a
11 “*generic*” dartboard which is a true image of a product that Corporation intends on
12 selling. Moreover, the dartboard mark is not at all similar to Plaintiff’s childlike sketch
13 of a dartboard, and thus, there could be no likelihood of confusion. [See Prelm. Inj. ¶
14 12].

15 7. After noticing Plaintiff’s webpage advertising a new name, I regularly
16 conducted a RRCC fictitious business name search and on October 26, 2011, I
17 discovered that Plaintiff filed and obtained a fictitious business name statement in Los
18 Angeles County (Doc. No. 2011122766) [See ¶ 5 above].

19 8. Since the RRCC fictitious business name search website only retains
20 information for five years, I requested a thorough search by the RRCC for the period of
21 January 1, 1992 through March 31, 2011 (the period of retained dead files). The RRCC
22 provided Corporation with a search result that indicated “*No record was found of the*
23 *requested document for Southern California Darts Association.* [See attached Exhibit
24 3 – a true and correct copy of a certified copy of the RRCC notice dated March 21,
25 2012 incorporated by reference as though fully set forth herein.]

26 9. On October 26, 2011, William F. Lynch, a member of Plaintiff filed a
27 Cross-Complaint. I authorized an anti-SLAPP motion to be filed on November 22,
28

1 2011. Corporation's motion was officially dismissed on January 9, 2012. [See Zaffina
2 Decl. in support of Opp. to Prelim. Inj. Exh. 3 incorporated by reference as though fully
3 set forth herein.]

4 10. On November 7, 2011, L. David Irete filed and served upon Corporation a
5 verified answer claiming he "*lacks sufficient information or belief to answer*" any of
6 Corporation's seventy-three (73) averments. [See Zaffina Decl. in support of Opp. to
7 Prelim. Inj. Exh. 6 incorporated by reference as though fully set forth herein.]

8 11. Corporation also filed proper documents with many other government
9 agencies: (a) *Internal Revenue Service*; (b) *Los Angeles RRCC*; (c) *California Board of*
10 *Equalization*; (d) *State of Franchise Tax Board*; and (e) *City of Los Angeles Office of*
11 *Finance*.

12 12. I hereby incorporate by reference, as though fully set forth herein, all the
13 statements made, and Exhibits attached, in my Declaration in Support of Defendant,
14 Southern California Darts Association, Inc. Memorandum of Points and Authorities in
15 Opposition to Plaintiff's Request for a Preliminary Injunction previously filed on March
16 26, 2012.

17
18 I declare under penalty of perjury under the laws of the United States of America
19 and the State of California that the foregoing is true and correct.

20
21 Executed this 4th day of April, 2012 at Glendale, California.

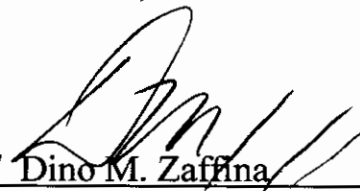
22
23
24 By:  _____
25 Dino M. Zaffina
26 Defendant, Pro Se
27
28

EXHIBIT 1

**State of California
Secretary of State**

CERTIFICATE OF STATUS

ENTITY NAME:

SOUTHERN CALIFORNIA DARTS ASSOCIATION, INC.

FILE NUMBER: C0516738
FORMATION DATE: 10/19/1966
TYPE: DOMESTIC NONPROFIT CORPORATION
JURISDICTION: CALIFORNIA
STATUS: SUSPENDED

I, DEBRA BOWEN, Secretary of State of the State of California, hereby certify:

The records of this office indicate the California Franchise Tax Board suspended the entity's powers, rights and privileges on March 01, 1977, pursuant to the provisions of the California Revenue and Taxation Code, and the entity's powers, rights and privileges remain suspended.



IN WITNESS WHEREOF, I execute this certificate and affix the Great Seal of the State of California this day of September 13, 2011.

Debra Bowen

DEBRA BOWEN
Secretary of State

EXHIBIT 2

Business Entity Detail

Data is updated weekly and is current as of Friday, March 23, 2012. It is not a complete or certified record of the entity.

Entity Name:	SOUTHERN CALIFORNIA DARTS ASSOCIATION, INC.
Entity Number:	C3346472
Date Filed:	01/03/2011
Status:	ACTIVE
Jurisdiction:	CALIFORNIA
Entity Address:	3455 OCEAN VIEW BOULEVARD, SUITE 100
Entity City, State, Zip:	GLENDALE CA 91208
Agent for Service of Process:	DINO M. ZAFFINA
Agent Address:	3455 OCEAN VIEW BOULEVARD, SUITE 100
Agent City, State, Zip:	GLENDALE CA 91208

* Indicates the information is not contained in the California Secretary of State's database.

- If the status of the corporation is "Surrender," the agent for service of process is automatically revoked. Please refer to California Corporations Code [section 2114](#) for information relating to service upon corporations that have surrendered.
- For information on checking or reserving a name, refer to [Name Availability](#).
- For information on ordering certificates, copies of documents and/or status reports or to request a more extensive search, refer to [Information Requests](#).
- For help with searching an entity name, refer to [Search Tips](#).
- For descriptions of the various fields and status types, refer to [Field Descriptions and Status Definitions](#).

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EXHIBIT 3



COUNTY OF LOS ANGELES
REGISTRAR-RECORDER/COUNTY CLERK
Real Estate Records Section, P.O. Box 1130, Norwalk, CA 90651-1130 - www.lavote.net

DEAN C. LOGAN
Registrar-Recorder/County Clerk

SOUTHERN CALIFORNIA DARTS ASSOC INC
5942 EDINGER AVE, SUITE 232
HUNTINGTON BEACH, CA 92649

DATE: 3/21/2012
Re: your letter of: 3/21/2012
RETURN CK#
\$
Search Fee Retained \$20.00

This is in response to your letter, identified above, requesting information on a _____
FICTITIOUS NAME STATEMENT

The name Index has been searched from 1/1/1992
through documents recorded as of 3/31/2011

No record was found of the requested document for SOUTHERN CALIFORNIA DARTS ASSOCIATION

Pursuant to California law the amount shown above has been retained as a fee for conducting the record search.

At the time of recording, the corresponding document number is stamped on the face of the check presented or the recording fee. If you find such a number on your cancelled check, it would facilitate locating the document.

If you do not have a document number and want to continue searching for information, you may wish to contact a local title company for assistance. A listing of the companies that can provide this service is attached for your convenience.

Please contact the Recorder's Office at (562) 462-2133 if you have any further questions regarding this matter.



Very truly yours,

Dean C. Logan
Registrar-Recorder/County Clerk

By 
Ellis Taylor

Deputy, Real Estate Records Section