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8 **UNITED STATES DISTRICT COURT**
 9 **NORTHERN DISTRICT OF CALIFORNIA**
 10 **San Jose Division**

11 -----X

12 JOE HAND PROMOTIONS, INC.,
 13 Plaintiff,

Case No.: CDC-01333-LHK

14 vs.

15 PETE BE, Individually, and as an officer,
 16 director, shareholder, and/or principal of
 17 DA KINE CAFÉ, INC. d/b/a
 18 DA KINE CAFÉ
 19 153 E. Fremont Avenue
 20 Sunnyvale, CA 94087,

**DECLARATION OF DAVID
 J. DAVOLI IN SUPPORT OF
 PLAINTIFF'S APPLICATION
 FOR DEFAULT JUDGMENT**

21 Defendants.

22 -----X

23 To: The Clerk of the above-entitled Court:

24 I, David J. Davoli, declare as follows:

- 25 1. My firm and I are counsel for Joe Hand Promotions, Inc. in the above-entitled action.
- 26 2. The Defendants have not appeared in this action and have not responded to the Complaint served upon them within the time permitted by law.
- 27 3. Defendants are not infants, incompetent persons, or persons in military service or otherwise exempted from default judgment under the Servicemembers Civil Relief Act of 2003.

1 4. On June 11, 2011, a Request for Entry of Default was filed with the Court regarding
2 Defendants Pete Be and Da Kine Cafe, Inc. d/b/a Da Kine Café, the instant Defendants.

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4 5. Default June 17, 2011, Default was entered against Defendants.

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6 6. This action involves a claim for damages by Plaintiff Joe Hand Promotions, Inc., against
7 Defendants Pete Be and Da Kine Cafe, Inc. d/b/a Da Kine Café, for misappropriation of
8 the “UFC 119: Mir v. Cro Cop” Broadcast, including all undercard bouts and the entire
9 television broadcast, scheduled for September 25, 2010, (hereinafter referred to as the
10 “Broadcast”) event in violation of 47 U.S.C. §605, *et seq.*, and 47 U.S.C. §553, *et seq.*
11 Plaintiff further alleges that the Defendant committed the tort of Conversion. Plaintiff
12 seeks relief on its causes of action as set forth below.

13
14 7. Plaintiff respectfully requests judgment in its favor and that damages be awarded to it as
15 follows:

16
17 a. Violation of Title 47 U.S.C. §605 (e)(3)(B)(iii) and (c) (ii) \$110,000.00
18 b. Tort of Conversion \$1,800.00
19 c. Attorneys Fees \$3,962.50
20 d. Costs \$1,038.98
21 **TOTAL** \$116,801.48

22 I declare, under the penalty of perjury of the laws of the State of California and the United States
23 of America that the above is true and correct.

24
25 Dated: August 17, 2011

Respectfully submitted,

/s/ David J. Davoli

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27 _____
28 DAVOLI LAW FIRM
29 David J. Davoli, Esq. (DD-9073)
30 Attorney for the Plaintiff,
31 Joe Hand Promotions, Inc.
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