

DECLARATION OF JAMES A. WESTBROOK

I, James A. Westbrook, declare as follows:

1. I am over the age of eighteen and I am a party in the above-entitled action. I have personal knowledge of the facts set forth herein. If called as a witness, I could and would competently testify to the matters stated herein. I make this declaration in support of Defendant James A. Westbrook's Notice of Motion and Motion to Set Aside Default and Default Judgment.

2. In or about July 2019, I learned for the first time of the existence of this case, *William Hawkes v. James A. Westbrook*, Case Number BC610791, and that a Default Judgment had been entered against me on April 19, 2018.

3. At no time prior to my discovery of the Request for Entry of Default against me, was I personally served with a Summons, Complaint, or Statement of Damages in this matter, and therefore lacked proper notice of the Plaintiff's claim against me.

4. The service of the Summons and Complaint allegedly took place on October 6, 2016 at 6543 Franklin Avenue, Los Angeles, California, 90028. The Proof of Service of Summons and Complaint state that I was allegedly served personally. A true and correct copy of said Proof of Service is attached hereto as **Exhibit "1"**.

5. The Proof of Service of Summons identifies the server as a private individual named Behrouz Sarbaziha, who works in Plaintiff's Counsel's office. Behrouz Sarbaziha is not a registered process server.

6. Although the Proof of Service of Summons claims that I was personally served, I was not served with the Summons and Complaint in this matter for the reasons described herein.

7. The service of the Statement of Damages allegedly took place on April 4, 2017 at 6543 Franklin Avenue, Los Angeles, California, 90028. The Proof of Service of Statement of Damages claims that I was served personally. A true and correct copy of said proof of service is attached hereto as **Exhibit "2"**.

8. The Proof of Service of the Statement of Damages identifies the server as a private individual named Behrouz Sarbaziha from Plaintiff's Counsel's office.

1 9. Although the Proof of Service of Statement of Damages claims that I was personally served, I
2 was not served with the Statement of Damages in this matter for the reasons described herein.

3 10. I first learned I had been sued by Plaintiff in June 2019 when I read about it in an online blog.

4 11. I was not evading service in this case, so my lack of actual notice of this case is not the result
5 of evasion of service. I simply had no connection to the 6543 Franklin Avenue, Los Angeles,
6 California, 90028 address in 2016. Rather, I had lived at 6543 Franklin Avenue, Los Angeles,
7 California 90068 from June 2001 to September 2014, at which time I moved to 4440 Vantage Avenue,
8 Studio City, California 91604, where I lived until February 2016. In October 2016, I was living in
9 Sherman Oaks, where I currently still reside. At no time has anyone tried to serve me any papers
10 regarding this lawsuit at my Sherman Oaks address or my place of business, which is otherwise
11 publicly known.

12 12. At all relevant times, Plaintiff possessed my email address and telephone number. However,
13 at no time in 2016, or thereafter, has Plaintiff made any attempt to contact me to obtain an address at
14 which I could be served or to otherwise inform me of the existence of this case.

15 13. Due to the lack of notice, I was unaware of the need to secure legal counsel in order to represent
16 my interests in defense of the Complaint brought by Plaintiff. Now that I know about this case, I wish
17 to defend this matter on the merits.

18 14. As soon as I learned of the existence of this case, I immediately hired an attorney to look into
19 this matter. My attorney then ordered a copy of the entire court file and went over it with me. We
20 discovered that every document Plaintiff claims to have served was allegedly sent to the 6543 Franklin
21 Avenue, Los Angeles CA 90068, an address I have had no connection with since 2014.

22 15. My personal interests have been adversely affected as a result of not being afforded the
23 opportunity to respond and defend myself against Plaintiff's Complaint in a timely manner.

24 16. But for the above facts, I would have filed an Answer and defended against this case.

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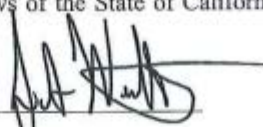
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I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Dated: August 22, 2019



James Westbrook