

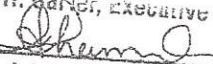
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8 Attorneys for Defendant
9 UNITED VALET PARKING, INC.
And KENNY SABET

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ORIGINAL FILED
Superior Court of California
County of Los Angeles

AUG 03 2016

Sherri H. Kanger, Executive Office/Clerk
By:  Deputy
Ishayia Chambers

10 SUPERIOR COURT OF THE STATE OF CALIFORNIA
11 FOR THE COUNTY OF LOS ANGELES

12 KENNY SABET, an individual,
13
14 Plaintiff,

15 vs.

16 GEORGE A. SHOHET; GEORGE A.
17 SHOHET, A PROFESSIONAL CORP.,
18 SASSAN J. MASSERAT; SASSAN J.
MASSERAT, dba MASSERAT LAW;
19 JOAQUIN HERNANDEZ; LAZARO
HERNANDEZ, RENE RODRIGUEZ;
20 ALFREDO VICTORIA; JOSE VILLALTA;
and DOES 1-10, inclusive,
21 Defendants.

CASE NO. BC 6 2 9 3 4 5

- COMPLAINT FOR DAMAGES**
1. Malicious Prosecution
 2. Abuse of Process
 3. Civil Conspiracy

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23
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25 **FIRST CAUSE OF ACTION**
26 **FOR MALICIOUS PROSECUTION**

27 Plaintiff alleges:
28

1 1. Plaintiff KENNY SABET (“Sabet”) is an individual and a shareholder and
2 President of United Valet Parking, Inc., a valet parking company, located in Culver City,
3 California.

4 2. Defendant GEOGE A. SHOHET (“Shohet”) is an attorney practicing in Venice,
5 California. He does business under the name of GEORGE A. SHOHET, A PROFESSIONAL
6 CORP. and was co-counsel with Sassan J. Masserat.

7 3. Defendant SASSAN J. MASSERAT, dba MASSERAT LAW (“Masserat”) is an
8 attorney practicing law in Beverly Hills, California and was co-counsel with George A. Shohet.

9 4. Defendant JOAQUIN HERNANDEZ is a former employee of MARIANO
10 PANTOJA (“Mariano”) who operated the valet service locations as licensee/lessee, for United
11 Valet Parking, Inc., the licensor/lessor of the property.

12 5. Defendant LAZARO HERNANDEZ is a former employee of MARIANO
13 PANTOJA (“Mariano”) who operated the valet service locations as licensee/lessee, for United
14 Valet Parking, Inc., the licensor/lessor of the property.

15 6. Defendant RENE RODRIGUEZ is a former employee of MARIANO PANTOJA
16 (“Mariano”) who operated the valet service locations as licensee/lessee, for United Valet
17 Parking, Inc., the licensor/lessor of the property.

18 7. Defendant ALFREDO VICTORIA is a former employee of MARIANO
19 PANTOJA (“Mariano”) who operated the valet service locations as licensee/lessee, for United
20 Valet Parking, Inc., the licensor/lessor of the property.

21 8. Defendant JOSE VILLALTA is a former employee of MARIANO PANTOJA
22 (“Mariano”) who operated the valet service locations as licensee/lessee, for United Valet
23 Parking, Inc., the licensor/lessor of the property.

24 9. Defendant Joaquin Hernandez, Lazaro Hernandez, Rene Rodriguez, Alfredo
25 Victoria and Jose Villalta shall be collective referred to as “Plaintiffs in the prior Complaints.”

26 10. Plaintiff is ignorant of the true names and capacities of Defendants sued herein as
27 DOES 1-10, inclusive, and therefore sues these Defendants by such fictitious names. Plaintiff
28 will amend this Complaint to allege their true names and capacities when ascertained.

1 11. At all times mentioned herein, each of the Defendants, named and unnamed
2 (collectively “Defendants” and/or “Plaintiffs in the prior Complaints”) were the agent, employee,
3 client, or attorney of each of the Defendants and was doing things herein complained of, acting
4 within the scope of this agency and/or employment, and the attorney-client relationship.
5 Moreover, each of the Defendants was acting with the knowledge, consent and permission of
6 each of the other Defendants.

7 12. On December 10, 2013, Defendants Messrs. Joaquin Hernandez, Lazaro
8 Hernandez, Rene Rodriguez, Alfredo Victoria and Jose Villalta filed a Complaint against Sabet
9 prepared by Defendants Shohet and Masserat, and served it with a Summons upon Plaintiff
10 Sabet. Defendants did so even though they had no reason to believe that Sabet personally did
11 anything wrongful. At the time Plaintiffs filed their Complaint, they did not even know Sabet –
12 they had never met him, had no interaction with him in their employment, and had no reason to
13 believe he personally stole tip money, but nonetheless they accused him of doing so in order to
14 extort monies from him or let him fear and face public ridicule.

15 13. The Complaint referred to Sabet as the founder and “majority” shareholder of
16 United Valet Parking, Inc. that serves as its President. In addition to the more outrageous
17 allegation that Sabet personally stole valet tips, the Complaint also falsely stated that, “During
18 the Class Period, Sabet had authority to hire or discharge Class members, M. Leon, A. Leon, and
19 Pantoja, and direct or control their acts. The Complaint egregiously stated, “Sabet kept a portion
20 of the gratuities stolen from Class members,” and alleged unfounded and false causes of action
21 against Plaintiff for Breach of Contract, Money Had and Received, Conversion, Meal and Break
22 Violations, Failure to Pay for Uniforms, and Unfair Competition.

23 14. Defendants (“Plaintiffs in the prior Complaints”) also alleged, in the original
24 Complaint, that Sabet’s conduct was unlawful and plead “Agency Allegations, Common Course
25 of Conduct, Conspiracy, and Alter Ego” allegations each attributable to Sabet personally.

26 15. Defendants (“Plaintiffs in the prior Complaints”) also included the following
27 unfounded and false allegations against Sabet in the Complaint:

- 28 • Sabet kept a portion of gratuities stolen from Class members;

- 1 • Sabet was the agent...partner, manager, joint venturer, officer, director,
2 controlling shareholder,...with some or all of the other defendants in a joint
3 enterprise for profit, and bore such other relationships to some or all of the other
4 defendants so as to be liable for the conduct of them. Each defendant (including
5 Sabet) acted pursuant to and within the scope of the relationships alleged above
6 and knew or should have known about, authorized, ratified, adopted, approved,
7 controlled, and/or controlled, and/or aided and abetted the conduct of all other
8 defendants.
- 9 • That Sabet was part of a plan that created a “Payroll Report” and “Gratuity
10 Report” to create a false appearance that Class members were actually receiving
11 tips and thereby conceal defendants’ (which includes Sabet) wrongdoing.
- 12 • Sabet had the authority to hire or discharge Class members M. Leon, A. Leon and
13 Pantoja, and direct and control their acts.
- 14 • That defendants (including Sabet). . . engaged in a common course of conduct to
15 conceal and misrepresent material facts, aid and abet each other and conspire to
16 defraud and harm plaintiffs. Each of the defendants (including Sabet) agreed and
17 knowingly and willfully conspired to commit the statutory and other violations of
18 law. . . .

19 16. The Complaint provided no support or explanation for any of these allegations
20 and Defendants had no known basis on which to believe the allegations were true.

21 17. Evidently aware there was no known basis for the alter ego allegations alleged in
22 the Complaint by Defendants, Defendants filed a First Amended Complaint on or about October
23 8, 2014 and simply removed the “alter ego” portion of the original Complaint. Instead of
24 alleging that Sabet stole gratuities, the language stated that, “Among other wrongdoing, Sabet
25 shared in the gratuities taken from Class members.”

26 18. Further, in the Second Cause of Action for Money Had and Received, Defendants
27 allege that Sabet became indebted to Class member Defendants except Shohet and Masserat, “in
28 an amount to be proven at trial for tip money wrongfully taken from them.”

1 19. In the Third Cause of Action for Conversion, the First Amended Complaint states
2 defendant Sabet, “wrongfully exercised dominion over the gratuities intended for and given
3 solely to Class members by patrons and guests.” The Fourth Cause of Action states, “Sabet
4 refused to provide Class members with meal and rest breaks or the additional compensation for
5 the missed breaks. . .” The Sixth Cause of Action seeks a “request for an order requiring
6 defendants to disgorge and restore to Class members all additional compensation owing to them
7 under the California Labor Code. . . .”

8 20. Plaintiff is informed and believes that in or about May of 2014, Defendants
9 Shohet and Masserat placed an advertisement in several Spanish language newspapers, soliciting
10 clients by publishing Shohet’s Retainer Agreement which included the name of “United Valet
11 Parking, Inc.” (“United”) as a potential defendant, a company that was well known in the
12 Hispanic community. On information and belief it was also publically known that Sabet was a
13 shareholder of United and President of United.

14 21. Plaintiff received numerous inquiries and negative comments from people who
15 believed that the allegations were meritorious and attributable to Sabet personally. Sabet spent
16 an enormous amount of time answering inquiries and attempting to prevent further damage to his
17 reputation caused by these false allegations.

18 22. As stated, on or about October 8, 2014, Defendants (Plaintiffs in the prior
19 Complaints) filed a First Amended Complaint also prepared by Defendants Shohet and Masserat
20 that left intact some of the above-cited causes of action and allegations against Plaintiff.

21 23. Defendants and their attorneys Defendants Shohet and Masserat had no probable
22 cause to file the Complaint or the First Amended Complaint directed against Kenny Sabet
23 personally, or to make the allegations alleged against him in that they did not possess facts upon
24 which to honestly, reasonably and in good faith believe the allegations to be true.

25 24. Defendants and their attorneys Defendants Shohet and Masserat acted with malice
26 in that they brought the action with the improper motive of extorting monies from Sabet by
27 causing fear that they were publicizing the asserted false allegations and that Sabet would lose
28 him good name and reputation unless he acceded to their demands for monies.

1 25. Defendants acted with actual malice in that they knew that Sabet's good name and
2 reputation would be damaged irreparably by allegations that he personally stole tips and
3 conspired to steal tips from valets. Defendants had the motive and intent to extort monies from
4 Sabet and/or to subject him to public ridicule and emotional distress and maliciously publicized
5 the false allegations knowing the allegations were of such a serious nature that they would
6 inevitably damage Sabet's business reputation and image. Defendants acted solely for this
7 improper purpose with conscious disregard for the rights of Plaintiff. Defendants' intent was to
8 make Plaintiff an object of ridicule and hatred, to portray him as unethical and criminal, to bring
9 him public and personal humiliation, to inflict financial damage to him, and to damage his
10 reputation by ascribing conduct and character that would adversely reflect on his image in the
11 industry as a reputable and honest man.

12 26. Because the allegations were false and without a tenable legal basis, Sabet filed a
13 Motion for Summary Judgment which, for good cause, was granted by the Court on August 4,
14 2015. Defendants were found to have no facts to support that Sabet was involved in stealing or
15 receiving stolen tip monies nor did he personally do any of the wrongful acts alleged in the
16 action.

17 27. As a proximate result of the actions of Defendants, and each of them, Sabet
18 sustained severe emotional distress manifesting in both psychological and physical injuries, was
19 forced to seek medical treatment and counseling, all in an amount subject to proof at trial, but
20 believed to be within the jurisdiction of this Court. Plaintiff further sustained unnecessary legal
21 fees and costs, loss of business opportunities and loss of business in amounts exceeding several
22 hundred thousand dollars, all of which is subject to proof at trial, but which is believed to be
23 within the jurisdiction of this Court.

24 28. The actions of Defendants, and each of them, were malicious, and performed in
25 conscious and reckless disregard of the rights of Plaintiff. Thus, in addition to compensatory
26 damages, Plaintiff is entitled to an award of punitive and/or exemplary damages in an amount to
27 be determined at time of trial but which is in a sufficient amount to deter future acts of like
28 conduct.

1 SECOND CAUSE OF ACTION

2 FOR ABUSE OF PROCESS

3 (Against All Defendants)

4 29. Plaintiff hereby incorporates by reference each of the allegations set forth in
5 Paragraph 1 through 28 of the Complaint as though fully set forth at length hereat.

6 30. As further evidence of their motive and abuse of the legal process it is relevant
7 that Defendants grossly violated limitations the Court put on discovery to protect the parties.
8 Indeed, the scope of discovery was limited by the Court to the relationship of the valets working
9 for Defendants Mariano Pantoja, Martha Leon and Alfonso Leon, and Kenny Sabet, and to
10 tracing the tips to see who received them. Yet, Defendants ignored the Court's orders,
11 instructions and directions, and propounded discovery beyond these subject matters designed to
12 run up legal fees and cause undue burden and distress to Sabet.

13 31. Likewise, the deposition of Sabet which consumed the better part of one full day,
14 in many instances went beyond the scope of discovery expressly limited by the Court. It
15 included, but was not limited to, such mundane questions such as Sabet's activities thirty years
16 ago, and Defendants' counsel posed numerous questions designed to obtain Sabet's trade secrets,
17 who he developed business relationships with, how he came up with the name of his businesses,
18 how long he was married, the real estate he owned, what his financial interests were in various
19 businesses, among other expanded inquiries. Defendant Shoheit repeatedly ignored Court
20 instructions and dictates, and used the deposition process for his own malicious purposes of
21 extorting money from, defaming and causing emotional distress to Sabet.

22 32. Similar abuses occurred with the number and substance of the document
23 demands, in which hundreds of pages of documents were provided to Defendants by Sabet and
24 United.

25 33. As a proximate result of the actions of Defendants, and each of them, Sabet
26 sustained severe emotional distress manifesting in both psychological and physical injuries, was
27 forced to seek medical treatment and counseling, all in an amount subject to proof at trial, but
28 believed to be within the jurisdiction of this Court. Plaintiff further sustained unnecessary legal

1 fees and costs, loss of business opportunities and loss of business in amounts exceeding several
2 hundred thousand dollars, all of which is subject to proof at trial, but which is believed to be
3 within the jurisdiction of this Court.

4 34. The actions of Defendants, and each of them, were malicious, and performed in
5 conscious and reckless disregard of the rights of Plaintiff. Thus, in addition to compensatory
6 damages, Plaintiff is entitled to an award of punitive and/or exemplary damages in an amount to
7 be determined at time of trial, but which is in a sufficient amount to deter future acts of like
8 conduct.

9 **THIRD CAUSE OF ACTION**
10 **FOR CIVIL CONSPIRACY**

11 35. Plaintiff realleges and incorporates by reference, as if verbatim, each and every
12 paragraph preceding as though set forth in full herein.

13 36. The Defendants agreed amongst themselves and their attorneys Defendants
14 Shohet and Masserat, implicitly or explicitly, to commit the acts herein alleged.

15 37. The individual Defendants and their attorneys Defendants Shohet and Masserat
16 operated to perpetrate the wrongful acts complained of herein.

17 38. The Defendants and their attorneys Defendants Shohet and Masserat equally
18 attempted to profit from the wrongful acts complained of herein.

19 39. The Defendants and their attorneys Defendants Shohet and Masserat are jointly
20 and severally liable for each of the wrongs.

21 WHEREFORE, Plaintiff Kenny Sabet demands judgment against Defendants "Plaintiffs
22 in the prior Complaints" jointly and severally as follows:

23 1. For general damages in an amount to be determined and believed to be within the
24 jurisdiction of this Court;

25 2. For reimbursement of legal fees and costs expended by Sabet in defense of the
26 causes of action contained in the First Amended Complaint in an amount to be determined and
27 believed to be within the jurisdiction of this Court;

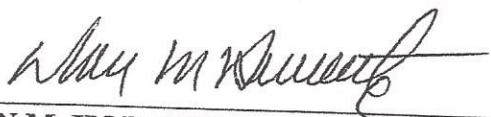
28 3. For punitive damages in an amount to be determined;

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- 4. For costs of suit herein incurred;
- 5. For such other and further relief as the Court may deem just and proper.


Dated: August 2, 2016

LAW OFFICES OF ALAN M. HORWITZ

By: 
ALAN M. HORWITZ
Attorneys for Plaintiff Kenny Sabet

Dated: August 2, 2016

LAW OFFICES OF LIN MEYER, INC.

By: 
LIN M. MEYER
Attorneys for Plaintiff Kenny Sabet