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8 Ethan Klein and Hila Klein

9
10 **UNITED STATES DISTRICT COURT**
11 **CENTRAL DISTRICT OF CALIFORNIA**

12
13 TRILLER FIGHT CLUB II LLC, a
14 Delaware limited liability company,

15 Plaintiff,

16 v.

17 TED ENTERTAINMENT, INC., a
18 California corporation; TEDDY
19 FRESH, INC., a California
20 corporation; ETHAN KLEIN, an
individual; HILA KLEIN, an
individual; and DOES 1-10

21 Defendants.

Case No.: 2:21-cv-03942-JAK-KS

**DECLARATION OF LINCOLN D.
BANDLOW IN SUPPORT OF
DEFENDANTS' MOTION TO
DISMISS PLAINTIFF'S SECOND
AMENDED COMPLAINT
PURSUANT TO F.R.C.P. 12(b)(6)**

[Notice of Motion and Motion;
Declaration of Ethan Klein; Compendium
of Exhibits; Notice of Lodging and
Request for Judicial Notice filed
concurrently herewith]

Assigned to: Hon. John A. Kronstadt

Date: November 22, 2021

Time: 8:30 a.m.

Place: Courtroom 10B

1 Show Cause Dated April 28, 2021 that was filed in the Filmdaily Action is
2 attached to Defendants' Compendium of Exhibits and incorporated herein as
3 **Exhibit L**.

4 7. On June 29, 2021, I sent a meet and confer letter to Triller's Counsel,
5 Farhad Novian, Esq., Michael O'Brien, Esq. and Alexander Gura, Esq.
6 (collectively, "Triller's Counsel"), setting forth: (1) how each claim set forth in
7 Triller's First Amended Complaint ("FAC") was fatally defective as a matter of
8 law; (2) how the FAC would be subject to dismissal under Federal Rule of Civil
9 Procedure ("F.R.C.P.") Rule 12(b)(6); (3) how the FAC was a Strategic Lawsuit
10 Against Public Participation and the Conversion Claim of the FAC would be
11 dismissed pursuant to California Code of Civil Procedure Section 425.16; (4) that
12 Triller was in violation of F.R.C.P. Rule 11(b) because the FAC contained
13 materially false allegations of fact and law; and (5) Triller's prior correspondence
14 contained materially false statements of fact and law. A true and correct copy of
15 my June 29, 2021 meet and confer letter is attached to Defendants' Compendium
16 of Exhibits as **Exhibit M** and is incorporated herein.

17 8. On July 12, 2021, Triller's Counsel submitted a Proposed Second
18 Amended Complaint for review. A true and correct copy of Triller's Proposed
19 Second Amended Complaint for the present action is attached to Defendants'
20 Compendium of Exhibits as **Exhibit N** and is incorporated herein. Counsel for the
21 parties agreed to meet and confer telephonically about the FAC and the Proposed
22 Second Amended Complaint on July 14, 2021.

23 9. On July 14, 2021, in a telephonic conference, my associate, Rom Bar-
24 Nissim, and I explained to Triller's Counsel how the Proposed Second Amended
25 Complaint failed to address the defects present in the FAC. To avoid burdening
26 this Court with an Anti-SLAPP motion and addressing three claims that Triller
27 effectively conceded lacked merit, Defendants stipulated to the filing of the SAC.
28 *See* Dkt. No. 22. As memorialized in the stipulation, the parties have already met

1 and conferred telephonically about the grounds for this Motion.

2 10. On July 19, 2021, Triller’s parent company, Triller, LLC, filed a
3 complaint in Los Angeles Superior Court against Defendants that alleged various
4 tortious interference claims in an action entitled *Triller, LLC v. Ted Entertainment,*
5 *Inc. et al.* (Case No. 21SMCV01225) (the “Tortious Interference Complaint”).
6 The Tortious Interference Complaint targeted statements made in various podcasts
7 produced by TEI that commented upon and critiqued Triller, Triller’s parent
8 company, its majority owner, Ryan Kavanaugh, and the social media app called
9 “Triller.” A true and correct copy of the Tortious Interference Complaint Triller,
10 LLC filed in the Los Angeles Superior Court is attached to Defendants’
11 Compendium of Exhibits and incorporated herein as **Exhibit O**. Defendants shall
12 respond to this complaint by filing a special motion to strike the complaint
13 pursuant to California Code of Civil Procedure Section 425.16 (a/k/a Anti-SLAPP
14 motion) on September 8, 2021.

15 I declare under penalty of perjury that the contents of this declaration are
16 true and correct. Executed this 6th day of September, 2021 in Encino, California.

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19 Lincoln D. Bandlow