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9 Attorneys for Plaintiff  
10 DELI DELICIOUS FRANCHISING, INC.

11 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
12 COUNTY OF FRESNO

13 DELI DELICIOUS FRANCHISING, INC.,

14 Plaintiff,

15 v.

16 SAM SIAMAK NAMDARIAN, AKOO, INC.,  
17 and DOES 1 through 50, inclusive,

18 Defendants.

Case No. 20CECG02037

**FILED UNDER SEAL**

**DECLARATION OF NATE GILBERT  
IN SUPPORT OF APPLICATION FOR  
PRELIMINARY INJUNCTION**

Date: October 7, 2020

Time: 3:30 p.m.

Dept.: 501

19 I, Nate Gilbert, declare as follows:

20 1. I am Director of Advertising & Franchise Sales of Deli Delicious Franchising,  
21 Inc., Plaintiff in the above-captioned action and am duly authorized to make this declaration.

22 2. I have personal knowledge of the matters stated hereafter and, if called as a  
23 witness, I could and would testify competently to the same.

24 3. This declaration is made in support of the Application For Preliminary Injunction  
25 filed by Deli Delicious Franchising, Inc. ("Deli Delicious").

26 4. As part of my duties, I oversee the social media content for the official Deli  
27 Delicious social media accounts and have done so since May of 2014.

28 5. Deli Delicious has endeavored, along with its partners, to educate and provide  
guidance and best practices for social media marketing to our franchisees. Our Franchise Support

1 Office, along with its advertising partners, routinely create new content, posted on behalf of our  
2 brand, that can be shared by individual stores on the Facebook pages we create for their store(s).

3 6. Deli Delicious places the utmost importance on the integrity of their marketing  
4 messages as they relate to Facebook and other social media. It is Deli Delicious' intention to post  
5 only messages that describe our food products accurately. As an organization, it is part of our  
6 mission to commit to the delivery of excellence, in service and quality, at our restaurants and that  
7 principle has guided our decisions as they relate to making marketing claims and posting  
8 approved messages.

9 7. Deli Delicious invites franchisees to contact our office if they're interested in  
10 being part of content creation. Deli Delicious has a specific format that is utilized to ensure  
11 accuracy and is always diligent in their efforts to communicate honest and accurate messages.

12 8. In order to maintain Deli Delicious' integrity and brand on social media, Deli  
13 Delicious educates its franchisees about social media through the use of workshops, company  
14 newsletters, and written instructions. This process requires constant attention and oversight and  
15 Deli Delicious relies on our franchisees to instruct their employees in the same manner. We also  
16 engage with reputation management software to make this process more manageable.

17 9. Social media presents a unique challenge in that almost anyone can create a  
18 Facebook page or other social media account and post content. Deli Delicious and its partners  
19 constantly review social media for any message posted by unofficial social media accounts to  
20 ensure accuracy of any messaging relating to Deli Delicious and to protect the Deli Delicious  
21 brand.

22 10. Whenever an inaccurate and unauthorized message posted on social media is  
23 discovered by our office or our partners, we do our best to contact the page owner and have it  
24 removed or corrected.

25 11. I have reviewed the social media screenshots produced in support of defendants'  
26 opposition to the subject motion. The screenshots show social media posts that were not  
27 authorized or approved by Deli Delicious. The subject posts were posted by a franchisee and do  
28 not conform to Deli Delicious' social media requirements. Upon discovery of these posts, Deli

1 Delicious requested that they be removed.

2 I declare under penalty of perjury under the laws of the State of California that the  
3 foregoing is true and correct and that this declaration was executed on July 16, 2020, at Fresno,  
4 California.

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7 Nate Gilbert

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