

ORIGINAL

FILED
Superior Court of California
County of Los Angeles

JUL 16 2021

Sherri R. Carter, Executive Officer/Clerk of Court
By Josefina Trejo, Deputy

SPECTOR LAW, APLC
1901 Avenue of the Stars, Suite 1020
Los Angeles, CA 90067
Tel: (424) 313-7500
Fax: (424) 3137505

Samantha F. Spector, Esq., State Bar No. 204482

MEYER, OLSON, LOWY & MEYERS, LLP
10100 Santa Monica Boulevard, Suite 1425
Los Angeles, California 90067
Tel: (310) 277-9747
Fax: (310) 277-4847

Lisa Helfend Meyer, Esq., State Bar No. 106105
Philip J. Monahan, Esq., State Bar No. 243789
Amy S. Kapner, Esq., State Bar No. 285382

FREEDMAN + TAITELMAN, LLP
1801 Century Park West, 5th Floor
Los Angeles, CA 90067
Telephone: (310) 201-0005
Facsimile: (310) 201-0045

Bryan J. Freedman, Esq., State Bar No. 151990
David M. Marmorstein, Esq. State Bar No. 192993
Steven B.F. Stiglitz, Esq. State Bar No. 222667

Attorneys for Plaintiff,
NICOLE YOUNG

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES

NICOLE YOUNG, an individual;

Plaintiff,

vs.

ANDRE ROMELL YOUNG, an individual;
ARY TRADEMARKS LLC, a California
limited liability company; NKSFB, LLC, a
Delaware limited liability company; and DOES
1 through 20, inclusive;

Defendants.

) Case No.: 20STCV35750

) Lead Case No.: 20STFL05624

) [Assigned to Hon. Michael R. Powell; Dept. 22]

) **PLAINTIFF NICOLE YOUNG'S**
) **OPPOSITION TO MOTION TO STAY;**
) **DECLARATION OF STEVEN STIGLITZ**
) **IN SUPPORT**

) Hearing Date: July 15, 2021

) Hearing Time: 8:30 a.m.

) Action Filed: September 20, 2020

) Trial Date: None Set

1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **I. INTRODUCTION**

3 In light of Department 1's April 19, 2021 order granting Plaintiff/Petitioner Nicole Young's
4 ("Nicole") Notice of Related Case, this Family Law Court now is presiding over two related cases: (1)
5 the marital dissolution proceeding between Petitioner Nicole Young's ("Nicole") and Respondent Andre
6 Young ("Andre"); and (2) Nicole's civil claims against Andre, Andre's wholly owned entity, ARY
7 Trademarks, LLC, and Andre and Nicole's joint business management firm, NKSFB, LLC ("NKSFB")
8 arising from a years-long conspiracy to hide community property assets and information from Nicole.¹

9 Before the Court now is NKSFB's Motion to Stay only the portion of Nicole's civil claims that
10 apply to NKSFB, which is a relic of the procedural posture prior to Department 1's Order. In particular,
11 NKSFB's Motion to Stay relies on inapposite facts and legal authority both of which assume that two
12 separate courts are presiding over the marital dissolution action and the civil action. NKSFB barely
13 even changed the text of the Motion to Stay that it had filed prior to the Order relating the marital
14 dissolution action and the civil action, nor did NKSFB indicate that it meet and conferred with Nicole
15 again in light of the changed circumstances arising from the Order deeming the marital dissolution
16 action and the civil action to be related cases. In light of NKSFB's inapposite position in the Motion to
17 Stay, the Court should deny the Motion to Stay in its entirety.

18 **II. STATEMENT OF MATERIAL FACTS**

19 **A. Nicole's Operative Pleadings**

20 On June 29, 2020, Nicole filed a marital dissolution proceeding against Andre, which has been
21 designated LASC Case No. 20STFL05624 (the "Family Action").

22 On September 18, 2020, Nicole filed a civil action against Andre, which has been designated
23 LASC Case No. 20STCV35750 (the "Civil Action").

24 On December 3, 2020, Nicole filed her First Amended Complaint ("FAC") in the Civil Action
25 which named NKSFB, LLC as an additional defendant.

26 The FAC includes the following obligations:
27

28 ¹ This brief refers to Andre Young and Nicole Young by their first names to distinguish them, not as a
sign of disrespect.

- 1 • “NKSFB never disclosed to Nicole that, in the course of representing Andre in his
2 various side business matters, NKSFB had an inherent conflict of interest and that
3 NKSFB was engaging in activity that benefited Andre to Nicole’s detriment.” (FAC ¶ 2.)
- 4 • “NKSFB knew of, and was involved in, the transfer of the trademarks [relating to
5 Andre’s stage name and popular album], yet NKSFB did not even alert Nicole that Andre
6 was transferring these valuable assets into his wholly-owned entity.” (FAC ¶ 2.)
- 7 • “Once Nicole became aware of Andre’s surreptitious transfer of the trademarks, she
8 realized for the first time that NKSFB had been hiding a conflict of interest, which had
9 caused NKSFB to engage in numerous breaches of fiduciary duty that thereby have
10 caused Nicole to suffer damages that she believes to be in the millions of dollars. Nicole
11 is only now learning of the extent of the damage NKSFB caused because the routine
12 practice of NKSFB’s professionals was to present Nicole with just the signature page of
13 important documents, without even explaining their purpose or effect.” (FAC ¶ 3.)
- 14 • “For example, NKSFB routinely presented Nicole with just the signature page of LLC
15 operating agreements and did not explain the substance of the documents that were being
16 withheld, thereby concealing from Nicole the extent of any interest she held in the LLC,
17 as well as any rights and obligations she might have had vis a vis the LLC.” (FAC ¶ 3.)
- 18 • Nicole did not even realize that her personal gift tax exemption was being used by Andre
19 to make millions of dollars in gifts to various people, including a \$50,000 gift to Richard
20 Feldstein (a member of NKSFB) and two gifts of \$10,000 each to another NKSFB
21 representative. (FAC ¶ 3.)

22 **B. Additional Procedural History**

23 On or about December 29, 2020, Andre filed his Demurrer to the First Amended Complaint in
24 the Civil Action, which was set for hearing on January 28, 2021, but which has twice been continued so
25 that the hearing now is scheduled to take place on July 22, 2021.

26 On February 18, 2021, Petitioner filed a Notice of Related Case, and asked the Court to
27 determine whether the Civil Action and the Family Action are related.

28 On February 19, 2021, Petitioner filed a Motion to Consolidate as to the Family Action and the

1 Civil Action, which the Clerk of the Court set for hearing on May 14, 2021.

2 On April 19, 2021, Department 1 of this Court issued an order deeming the Family Action and
3 the Civil Action related.

4 On May 5, 2021, this Court re-set the pending Motion to Stay for hearing on July 15, 2021.

5 On May 7, 2021, the parties stipulated to have this Court concurrently hear several motions
6 relating to the scope and management of the two pending cases on July 22, 2021. The stipulation
7 applied to: (1) Andre and ARY Trademark, LLC's demurrer to the civil causes of action against them
8 based largely on the moot argument that the civil court lacked jurisdiction; (2) Nicole's Motion to
9 Consolidate the marital dissolution action and the civil action; and (3) NKSFB's Motion to Stay.

10 On May 13, 2021, the Court granted that stipulation, though the Order did not explicitly state
11 that it was scheduling all motions for the requested July 22, 2021 hearing date. Further, the Court
12 appears to have kept the July 15, 2021 hearing date for NKSFB's Motion to Stay, which will be a week
13 in advance of the hearing on the other pending motions. As such, at the time the Court considers this
14 Motion to Stay, all of Nicole's claims against Andre and ARY Trademarks, LLC will remain intact and
15 the Court will have the promise of solving NKSFB's efficiency concerns with an order consolidating the
16 two related actions.

17 **III. THE COURT SHOULD DENY NKSFB'S MOTION TO STAY**

18 **A. NKSFB's Legal Authority Applies Only When Actions Are Pending in Two Separate**
19 **Courts**

20 NKSFB's Motion to Stay's argument section begins with the now-totally-irrelevant proposition
21 that "where two (or more) courts possess concurrent subject matter jurisdiction over a cause, the court
22 that first asserts jurisdiction assumes it to the exclusion of all others, thus rendering 'concurrent'
23 jurisdiction 'exclusive' with the first court." (Motion at 6:17-20.) Moreover, NKSFB's entire argument
24 and each of the cases that NKSFB cites is based on the premise that Nicole's Civil Action is pending in
25 a different court from the Family Law Action, which has not been the case since Department 1 granted
26 the Notice of Related Case on April 19, 2021. This Court now has jurisdiction to hear both matters.

27 Moreover, NKSFB's practical reasons that the Court should exercise its discretion to grant the
28 Motion to Stay do not hold water.

1 First, this Court has inherent authority to manage the proceedings in a manner geared to avoid
2 inconsistent rulings. Nicole's Motion to Consolidate, which she filed before NKSFB filed the pending
3 motion, comes for hearing on July 22, 2021 and provides the Court with an opportunity to do just that.
4 At that time, or upon a further motion practice, the Court will have discretion to set an appropriate
5 format for trial.

6 Second, NKSFB's argument that a stay is necessary to ensure that discovery proceeds efficiently
7 ignores that Nicole would be entitled to discovery regarding the conspiracy alleged in her civil
8 complaint regardless of whether or not the Court grants the pending Motion to Stay. That is so because
9 the pending Motion to Stay seeks to stay only the civil claims against NKSFB. Thus, regardless of the
10 outcome of this Motion to Stay, Nicole still will have pending claims against Andre arising from the
11 exact same conspiracy she has alleged against NKSFB. Further, in pursuing her claims against Andre
12 (whether the Court permits her to do so in the Civil Action pending before it or forces Nicole to pursue
13 the claims in the Family Action), Nicole will be entitled to demand documents and deposition testimony
14 from NKSFB.

15 Third, the Court has no practical way to segregate discovery regarding the scope of community
16 property from discovery regarding the conspiracy to hide community property. Andre and NKSFB's
17 deceptive conduct in arranging for Nicole to receive only the signature page of key documents she was
18 asked to sign is relevant to the division of property, not just to whether Andre should be sanctioned for
19 hiding that property. For example, Nicole alleges in the FAC that Andre and NKSFB tricked her into
20 signing gift tax returns that included millions of dollars in gifts to people she would not have approved.
21 The Court cannot reasonably defer that issue until after the Family Law Action ends because, if the fact-
22 finder were to decide that claim in Nicole's favor, that decision could change the division of property.

23 Instead of granting NKSFB's motion to stay just a portion of the claims in the Civil Action, the
24 Court should grant Nicole's Motion to Consolidate, allowing for overlapping discovery in the two cases,
25 rather than redundant discovery on issues that are essential to both actions.

26 /

27 /

28 /

1 **IV. CONCLUSION**

2 For the foregoing reasons, Petitioner respectfully requests that the Court deny NKSFB's Motion
3 to Stay in its entirety.

4
5 Dated: July 1, 2021

FREEDMAN + TAITELMAN, LLP

6
7 By: 

8 Bryan J. Freedman
9 David M. Marmorstein
10 Steven Stiglitz
11 Attorneys for Petitioner Nicole Young
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 0
- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 0
- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8

2

3
4
5
6
7
8
9
0
1
2

3
4
5

6
7

8
9

20

21
22

23

Exhibit 1

Bryan J. Freedman, Esq. (SBN 151990)
 David M. Marmorstein (SBN 192993)
 FREEDMAN + TAITELMAN, LLP
 1901 Avenue of the Stars, Suite 500
 Los Angeles, CA 90067
 Telephone: (310) 201-0005
 Facsimile: (310) 201-0045
 E-mail: bfreedman@ftllp.com
 dmarmorstein@ftllp.com

Attorneys for Plaintiff Nicole Young

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES

20STCV35750

NICOLE YOUNG, an individual;

Plaintiff,

vs.

ANDRE ROMELL YOUNG, an individual;
 ARY TRADEMARKS LLC, a California
 limited liability company; and DOES 1 through
 20, inclusive.

Defendants.

Case No.:

COMPLAINT FOR:

- (1) QUASI CONTRACT/RESTITUTION**
- (2) RECOVERY OF FRAUDULENT TRANSFERS**
- (3) CONSTRUCTIVE TRUST**
- (4) AIDING AND ABETTING FRAUDULENT TRANSFER**
- (5) CONVERSION**

DEMAND FOR JURY TRIAL

Plaintiff NICOLE YOUNG ("Nicole" or "Plaintiff") alleges causes of action against defendants ANDRE ROMELL YOUNG ("Andre"); ARY TRADEMARKS LLC ("ARY TRADEMARKS LLC"); and DOES 1 through 20 (hereinafter, collectively "Defendants") as follows:

INTRODUCTION

1. This is a sad and sordid tale, where famous music mogul Andre “Dr. Dre” Young was caught secretly transferring valuable trademarks he owned with his wife Nicole Young, to a newly created asset holding company that he created and controlled after he expelled his wife from their home, and before he threatened to file divorce. Two days after the threat, Nicole had no choice and initiated divorce proceedings. Andre’s transparent and reprehensible scheme to transfer these assets away, without Nicole’s knowledge or consent, so he could retain more for himself in a divorce from his wife of 24 years, and the mother of his three children, is an epic failure and reveals the true nature of his character, or lack thereof.

2. It is said that “greed, in the end, fails even the greedy” and that “money does not change people, it unmasks them.” Andre’s true persona was unmasked prior, and after years of marriage, to Nicole. After years of domination, control, abuse and mistreatment, when Andre finally decided to discard Nicole from his life, he plotted to transfer her property, without her knowledge, just before they headed toward a divorce. Andre’s plan all along was to deny Nicole’s ownership rights, and treat her with contempt and control indicative of his treatment of women over the years, so that this action is not altogether surprising.

3. Andre’s history with women provides context for the blatant disregard he had for the legal rights of Nicole, his wife and mother of their three children. Andre’s documented past is riddled with tales of dominating and physically abusing women, which he was forced to admit when a movie of his life was being released. Andre’s admitted ugly history with women offers critical insight into the actions which are alleged herein. It offers a startling true picture of Andre, his motives, and the context for his illegal transfer of the trademarks, that are the subject of this lawsuit. How could someone treat his partner and spouse of 24 years, who helped transform him into a legitimate and respected business person as well as the devoted and hardworking mother of his three children, with such indifference and misogyny, in disregard of her legal rights? Unfortunately, Andre’s history explains how that can happen fairly easily. What cannot be explained is how someone with Andre’s reputation, contacts and wealth cannot use those resources to change the past and stop the financial, verbal, emotional and physical mistreatment.

4. This is a classic example of greed and deceit, where Andre unsuccessfully tried to divert assets just before ending his marriage, to expand his already lavish riches, estimated to be close to a billion dollars. He was intent to treat Nicole with a complete lack of respect, disdain and disregard for her rights, and without concern for her ownership rights in the trademarks. This court must now rectify this wrong, and make sure Andre is not allowed to further abuse Nicole's legal and proprietary rights. This action is brought to seek redress for this gross misconduct.

THE PARTIES

5. Plaintiff is, and was at all material times, an individual residing in Los Angeles County, in the State of California.

6. Plaintiff alleges on information and belief, that Andre Romell Young, is, and was at all material times, an individual residing in Los Angeles County, in the State of California.

7. Plaintiff alleges on information and belief, that ARY TRADEMARKS LLC, is, and was at all material times, a limited liability company organized and existing under the laws of the State of California, with its principal place of business in the County of Los Angeles, in the State of California.

8. Does 1 through 10 are unknown to Plaintiff, who therefore utilizes such fictitious designations and will seek leave of the Court to insert the true names and capacities of these defendants when ascertained by Plaintiff. Plaintiff alleges on information and belief that Does 1 through 10 are the members/managers of ARY TRADEMARKS LLC, and who approved the illegal transfer of trademarks detailed below (the “Member/Manager Defendants”).

9. Defendants sued herein as Does 11 through 20, inclusive, are unknown to Plaintiff, who therefore utilizes such fictitious designations and will seek leave of the Court to insert the true names and capacities of these defendants when ascertained by Plaintiff. Plaintiff alleges on information and belief that each of the fictitiously designated defendants are responsible for the causes of action set forth below in the same fashion as the identified defendants.

10. At all times material herein, each defendant was the agent, servant, joint venturer, and/or employee of each and every remaining defendant, and the acts of such defendants were within the course and scope of said agency, joint venture and/or employment.

11. Plaintiff alleges on information and belief that ARY TRADEMARKS LLC is, and at all

1 times herein mentioned was, a mere shell, instrumentally, and conduit through which Andre carried on
2 his business, exercising complete control and dominance of such business to such an extent that any
3 individuality or separateness of ARY TRADEMARKS LLC and Andre does not, and at all times herein
4 mentioned did not, exist.

5 12. Plaintiff alleges on information and belief that adherence to the fiction of the separate
6 existence of ARY TRADEMARKS LLC as a distinct entity would permit an abuse of the corporate
7 privilege, would sanction fraud and promote injustice as alleged herein.

8 13. This Court has jurisdiction over all causes of action asserted herein because all causes of
9 action asserted herein arise out of conduct undertaken by defendants in Los Angeles County, State of
10 California. Each defendant has sufficient minimum contacts with the State of California and has
11 otherwise intentionally availed himself/itself of the State of California so as to render the exercise of
12 jurisdiction over him/it by the State of California court consistent with traditional notions of fair play
13 and substantial justice.

14 14. Venue is proper in this Court under Code of Civil Procedure § 395 because the
15 defendants reside, and the injury to Plaintiff occurred, and is occurring, in Los Angeles County, State of
16 California, and the liabilities to which defendants are subject arise in Los Angeles County, State of
17 California.

18 **FACTUAL BACKGROUND**

19 15. On May 25, 1996, Andre and Nicole were married. They remained married for the past
20 24 years, raising three children, until on or about April 2, 2020, when Nicole was forced to leave their
21 family home after a night of Andre's alcohol induced, brutal rage which included, but was not limited to,
22 his screaming at her to "get the fuck out". For years, Nicole thought, and was led to believe, the family
23 home was owned by a trust in which she and Andre were both beneficiaries. Andre's hostile act
24 precipitated the end of Nicole's long and difficult marriage to Andre, earmarked by all types of abuse
25 inflicted upon, and endured by, Nicole, when Nicole finally had enough.

26 16. After Andre forced Nicole out of their family home on or about April 2, 2020, he quickly
27 plotted to secretly transfer their assets, to deny Nicole her equal share. On April 15, 2020, Andre filed
28 registration of a new entity, ARY TRADEMARKS LLC, with the California Secretary of State, with

1 him as the sole manager and member. Attached hereto as Exhibit "1" is a true and correct copy of the
2 Articles of Organization for ARY TRADEMARKS LLC, which are incorporated herein. Then, on April
3 27, 2020, Andre transferred highly valuable trademarks, which were filed during the years he was
4 married to Nicole (as described below), to the newly created ARY TRADEMARKS LLC. Attached
5 hereto as Exhibit as Exhibit "2" is a true and correct copy of the Assignment of Trademarks, which are
6 incorporated herein. In the Assignment, Andre misrepresents himself alone as the owner of the
7 trademarks, disregarding Nicole's equal ownership.

8 17. After forcing Nicole out of their home, and completing his scheme to transfer their assets
9 into the newly created company, Andre threatened divorce on June 27, 2020. Nicole then responded by
10 commencing divorce proceedings on June 29, 2020, which is pending in a separate court.

11 18. Beginning on September 3, 1997, again on June 3, 2008, and again on October 28, 2013,
12 Andre filed for the following various trademarks in connection with his industry performer name, "Dr.
13 Dre" and the name from one of his most successful albums, "The Chronic" (hereinafter, the
14 "Trademarks").

Trademark	Filing Date	Registration Date	Registration No.	Applicant/Registrant
The Chronic	10/28/13	6/17/14	4551219	Andre Young a/k/a Dr. Dre
Dr. Dre	6/3/08	10/9/12	4222112	Andre Young a/k/a Dr. Dre
Dr. Dre	9/3/97	8/24/99	2271450	Andre Young a/k/a Dr. Dre
Dr. Dre	9/3/97	8/24/99	2271448	Andre Young a/k/a Dr. Dre
Dr. Dre	9/3/97	9/7/99	2275314	Andre Young a/k/a Dr. Dre
Dr. Dre	6/3/08	12/14/10	3891470	Andre Young a/k/a Dr. Dre

15
16
17
18
19
20
21 19. A true and correct copy of the Trademarks are attached hereto as Exhibit "3" and
22 incorporated herein.

23 20. These valuable Trademarks were filed during Andre's years married to Nicole, which
24 coincided with Andre's years of rising success in the music industry. The Trademarks are presumed to
25 be community property pursuant to California Family Code Section 760.

26 21. Because they were married, Nicole and Andre owned the Trademarks jointly, from the
27 date of their first filing in 1997, and through 2013, by virtue of being community property owners.
28

22. Andre and ARY TRADEMARKS LLC are refusing to return equal ownership of the Trademarks back to Nicole, a maneuver which was designed to enrich Andre and ARY TRADEMARKS LLC, at the expense of Nicole. Additionally, the transfer of the Trademarks from Andre to his entity, ARY TRADEMARKS LLC, was an interested transaction in that Andre previously owned half of the Trademarks. Andre now purports to own the Trademarks in full, as a result of the self-dealing creation of ARY TRADEMARKS LLC and transfer of the Trademarks to the entity, for his/its economic benefit, and in disregard of Nicole's lawful rights to the Trademarks.

FIRST CAUSE OF ACTION

(By Plaintiff for Quasi Contract/Restitution against Defendants, and Does 11 through 20)

23. Plaintiff re-alleges and incorporates herein by this reference each and every allegation set forth in Paragraphs 1 through 22, inclusive, with the same force and effect as though fully set forth herein.

24. As alleged herein, Andre intentionally and fraudulently transferred the Trademarks Nicole and he owned together, by virtue of their long-standing marriage and the registration of the Trademarks during their marriage, to ARY TRADEMARKS LLC, an entity he controls.

25. Property acquired during a marriage by either spouse is presumed to be owned by each spouse equally. The respective interests of each spouse in community property during continuance of the marriage relation are present, existing, and equal interests. Cal. Fam. Code §§ 751, 760.

26. The Trademarks were owned at all times by Nicole and Andre equally, by virtue of their community property rights.

27. On or about April 15, 2020, Andre intentionally and secretly created ARY TRADEMARKS LLC and on April 27, 2020, he transferred the Trademarks to it, to keep Nicole from her legal and equal ownership over the Trademarks.

28. Andre and ARY TRADEMARKS LLC, through an implied legal obligation imposed by equity on them, are required to provide restitution to Nicole to return her portion of equal ownership of the Trademarks, and remedy the unjust enrichment caused by the improper transfer.

29. Therefore, it is inequitable and unjust for Andre and/or ARY TRADEMARKS LLC to retain ownership of the Trademarks, and the value they hold, without paying Nicole or allowing her to

maintain her equal ownership.

30. As a direct and proximate result of Andre and ARY TRADEMARKS LLC's unjust enrichment, Plaintiff is entitled to restitution, disgorgement, and/or the imposition of a constructive trust upon all profits, benefits, proceeds, and other compensation obtained by Andre and ARY TRADEMARKS LLC.

SECOND CAUSE OF ACTION

(By Plaintiff to Recover Fraudulent Transfers against Andre, ARY TRADEMARKS LLC and Does 11 through 20)

31. Plaintiff re-alleges and incorporates herein by this reference each and every allegation set forth in Paragraphs 1 through 30, inclusive, with the same force and effect as though fully set forth herein.

32. The California Uniform Fraudulent Transfer Act ("CUFTA"), is codified in California Civil Code § 3439 et seq.

33. Plaintiff alleges on information and belief that Andre, ARY TRADEMARKS LLC and Does 11 through 20 caused Andre to transfer, and ARY TRADEMARKS LLC to accept transfer of, the Trademarks. The purpose of these transfers was to attempt to move assets owned equally by Nicole and Andre, just prior to the effectuation of divorce proceedings, and for Andre and ARY TRADEMARKS LLC to intentionally hinder, delay and defraud Nicole from having her equal access to the Trademarks.

34. This illegal transfer of the Trademarks constituted a transfer of an interest in the property of Nicole.

35. On information and belief, this illegal transfer of the Trademarks was made for less than fair consideration and less than reasonably equivalent value. On information and belief, this illegal transfer of the Trademarks was made for no consideration.

36. By virtue of the foregoing, this illegal transfer of the Trademarks constituted a fraudulent transfer.

37. Plaintiff will suffer substantial harm and injury in the event that the fraudulent conveyance described herein is not set aside.

1 **THIRD CAUSE OF ACTION**

2 **(By Plaintiff for Constructive Trust against ARY TRADEMARKS LLC and Does 1 through 10)**

3 38. Plaintiff re-alleges and incorporates herein by this reference each and every allegation set
4 forth in Paragraphs 1 through 37, inclusive, with the same force and effect as though fully set forth
5 herein.

6 39. As set forth above, the Trademarks transferred from Andre to ARY TRADEMARKS
7 LLC have been wrongfully diverted as a result of fraudulent transfers, conversions, and other
8 wrongdoing of Defendants, for Andre and ARY TRADEMARKS LLC's individual interests and
9 enrichment.

10 40. Plaintiff has no adequate remedy at law.

11 41. Because of the unjust enrichment of Andre and ARY TRADEMARKS LLC, Plaintiff is
12 entitled to the imposition of a constructive trust with respect to any transfer of funds, assets, or property
13 from or related to the Trademarks, including the Trademarks themselves, as well as to any profits
14 received by Andre and/or ARY TRADEMARKS LLC in the past or on a going forward basis in
15 connection with the Trademarks.

16 **FOURTH CAUSE OF ACTION**

17 **(By Plaintiff for Aiding and Abetting Fraudulent Transfer against Does 1 through 10)**

18 42. Plaintiff re-alleges and incorporates herein by this reference each and every allegation set
19 forth in Paragraphs 1 through 41, inclusive, with the same force and effect as though fully set forth
20 herein.

21 43. As alleged above, Andre, ARY TRADEMARKS LLC and Does 11 through 20 engaged
22 in the illegal transfer of the Trademarks, which constitutes fraudulent transfers for which they have
23 liability.

24 44. Does 1 through 10 are defined hereinabove as Member/Manager Defendants of ARY
25 TRADEMARKS LLC. On information and belief, the Member/Manager Defendants approved the
26 illegal transfer of the Trademarks. The Member/Manager Defendants aided and abetted the fraudulent
27 transfers described above by accepting the transfer and holding the Trademarks with knowledge, or
28 reasonable belief, that Nicole shared equal ownership of the Trademarks, and the transfer was meant to

1 hinder, delay or defraud Nicole from having her equal access to the Trademarks. The Member/Manager
2 Defendants knew the foregoing as a result of their own independent knowledge, and/or the fact that they
3 were directed and advised by Andre who was aware of Nicole's equal ownership.

4 45. As a direct and proximate result of the foregoing breaches by the Member/Manager
5 Defendants, Plaintiff has suffered damages in an amount subject to proof at trial.

6 46. The Member/Manager Defendants' conduct, as alleged above, was willful, malicious and
7 intentional and done for the purpose of depriving Plaintiff of property or legal rights or otherwise
8 causing injury, and, therefore, was despicable conduct that subjected Plaintiff to a cruel and unjust
9 hardship in conscious disregard of Plaintiff's rights, so as to justify an award of exemplary and punitive
10 damages in an amount to be established at trial.

11 **FIFTH CAUSE OF ACTION**

12 **(By Plaintiff for Conversion against Andre, ARY TRADEMARKS LLC and Does 1 through 20)**

13 47. Plaintiff re-alleges and incorporates herein by this reference each and every allegation set
14 forth in Paragraphs 1 through 46, inclusive, with the same force and effect as though fully set forth
15 herein.

16 48. As set forth above, Andre and ARY TRADEMARKS LLC illegally transferred the
17 Trademarks, property owned by Nicole, by secretly creating ARY TRADEMARKS LLC as an asset
18 holding company, and by transferring the Trademarks just before Andre and Nicole's divorce
19 proceedings were initiated.

20 49. Plaintiff never knew of, or consented to, the transfer of the Trademarks.

21 50. Plaintiff has demanded return of the Trademarks, so she can realize her equal
22 ownership therein, but Andre and ARY TRADEMARKS LLC have failed and refused to do so.

23 51. As a proximate result of Andre and ARY TRADEMARKS LLC's conduct alleged above,
24 Plaintiff has sustained and will sustain monetary damages in excess of the minimum jurisdiction of this
25 Court, in an amount to be proven at trial, which Plaintiff seeks to recover.

26 52. Plaintiff is informed and believes, and thereon allege, that, in performing the actions
27 described above, Andre and ARY TRADEMARKS LLC acted with malice, oppression, and fraud as
28 those terms are defined by California Civil Code Section 3294, and Andre and ARY TRADEMARKS

1 LLC carried out those actions with the intent to deprive Plaintiff of her property interests. Plaintiff
2 therefore seeks punitive damages in a sufficient amount to make an example of, and punish Andre and
3 ARY TRADEMARKS LLC, and deter future fraudulent, oppressive and malicious misconduct.

4 **PRAYER FOR RELIEF**

5 Wherefore, Plaintiff prays for judgment against Defendants, and each of them, as follows:

- 6 1. On the First and Fifth causes of action herein, for compensatory, restitution and
7 consequential damages in an amount according to proof;
- 8 2. On the Second and Fourth causes of action, for an order (a) declaring that the fraudulent
9 transfers be set aside and (b) recovery of the transfers, or the value thereof, from
10 Defendants;
- 11 3. On the Third cause of action, for an order imposing a constructive trust with respect to (a)
12 the Trademarks, (b) any funds, assets, or property transferred to/from Andre Young and
13 ARY TRADEMARKS LLC and (c) any profits received by Defendants in the past or on a
14 going forward basis in connection with the Trademarks;
- 15 4. On the First cause of action, for an award of restitution in an amount to be determined at
16 trial;
- 17 5. For punitive and exemplary damages;
- 18 6. For recovery of attorney's fees as provided by law, contract or statute;
- 19 7. For pre-judgment interest at the maximum rate permitted by law;
- 20 8. For costs incurred; and
- 21 9. For any other and further relief as the court may deem proper.

22 Dated: September 17, 2020

FREEDMAN + TAITELMAN, LLP

24 By: 

25 Bryan J. Freedman
26 David M. Marmorstein
27 Attorneys for Plaintiff Nicole Young
28

Exhibit 2

MAY 12 2021

Sherri R. Carter, Executive Officer/Clerk of Court
By: Joselina Trejo, Deputy

SPECTOR LAW, APLC
1901 Avenue of the Stars, Suite 1020
Los Angeles, CA 90067
Tel: (424) 313-7500
Fax: (424) 3137505

Samantha F. Spector, Esq., State Bar No. 204482

MEYER, OLSON, LOWY & MEYERS, LLP
10100 Santa Monica Boulevard, Suite 1425
Los Angeles, California 90067
Tel: (310) 277-9747
Fax: (310) 277-4847

Lisa Helfend Meyer, Esq., State Bar No. 106105
Philip J. Monahan, Esq., State Bar No. 243789
Amy S. Kapner, Esq., State Bar No. 285382

FREEDMAN + TAITELMAN, LLP
1801 Century Park West, 5th Floor
Los Angeles, CA 90067
Telephone: (310) 201-0005
Facsimile: (310) 201-0045

Bryan J. Freedman, Esq., State Bar No. 151990

Attorneys for Plaintiff,
NICOLE YOUNG

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES**

NICOLE YOUNG, an individual;

Plaintiff,

vs.

ANDRE ROMELL YOUNG, an individual;
ARY TRADEMARKS LLC, a California
limited liability company; NKSFB, LLC, a
Delaware limited liability company; and DOES
1 through 20, inclusive;

Defendants.

AND RELATED ACTION

Case No.: 20STCV35750

Related (Lead) Case No.: 20STFL05624

[Assigned to Hon. Michael R. Powell; Dept. 22]

**STIPULATION AND [PROPOSED] ORDER
TO CONTINUE DATE FOR HEARING ON
PLAINTIFF NICOLE YOUNG'S MOTION
TO CONSOLIDATE AND SET HEARING
DATE ON DEFENDANT NKSFB'S
MOTION TO STAY**

Action Filed: June 29, 2020

Trial Date: None Set

1
2
3
4
5
6
7
8
9
0
1
2
3
4
5
6
7
8
9
0
1
2
3
4
5
6
7
8

2
3
4

5
6

7
8

901

2
3

4
5

6
7

8
9
0

1
2

3
4
5
6

7
8[illegible]

1 sustain the Demurrer.

2 WHEREAS, based on the foregoing, Respondent has proposed that the parties stipulate to
3 continue the scheduled hearing on Petitioner's Motion to Consolidate in return for agreement by
4 Respondent to waive any objection pursuant to Local Rule 3.3(g) regarding the timing of the filing of
5 the Motion to Consolidate. Specifically, Respondent proposed that the hearing be continued from May
6 14, 2021 to July 22, 2021, which is the date of the hearing on Respondent's Demurrer to the First
7 Amended Complaint in the Civil Action, or, if the Court is not available on that date, the first available
8 date thereafter.

9 WHEREAS, Petitioner disputes Respondent's legal contentions, but has agreed to the terms of
10 Respondent's proposal to continue the hearing on the Motion to Consolidate in return for a waiver of the
11 argument pursuant to Local Rule 3.3(g) that the Motion to Consolidate was filed prematurely.

12 WHEREAS, ARY Trademarks, LLC and NKSFB, the other defendants in the Civil Action also
13 have agreed to the proposed stipulation.

14 WHEREAS, Counsel for Respondent in the Civil Action is not making an appearance in the
15 Family Action by executing this stipulation on behalf of Respondent, and all parties reserve their rights
16 on that issue, but Counsel for Respondent in the Civil Action does intend to bind Respondent to the
17 terms of this stipulation for all purposes.

18 THEREFORE, in light of the foregoing agreement, the parties to the Civil Action, by and
19 through their respective counsel of record, hereby stipulate to continue the hearing on Petitioner's
20 Motion to Consolidate from May 14, 2021 until July 22, 2021, or the first date thereafter that the Court
21 is available to conduct the hearing.

22 /

23 /

24 /

25 /

26 /


27 /

28 /

1 The Parties further request that the hearing on NKSFB's motion to stay also be set for July 22,
2 2021 if there is sufficient availability on the Court's calendar.

3 Dated: May 7, 2021

FREEDMAN + TAITELMAN, LLP

4
5 By: 

6 Bryan J. Freedman
7 David M. Marmorstein
8 Steven Stiglitz
9 Attorneys for Plaintiff Nicole Young

10 Dated: May 7, 2021

MCPHERSON, LLP

11 By: /s/ Edwin F. McPherson

12 Edwin F. McPherson
13 Pierre B. Pine
14 Attorneys for Defendants
15 Andre Young ARY Trademarks, LLC

16 Dated: May 7, 2021

KINSELLA WEITZMAN ISER KUMP LLP

17 By: /s/ Patricia A. Millet

18 Dale F. Kinsella
19 Patricia A. Millet
20 Kristen F. Spanier
21 Attorneys for Defendant NKSFB, LLC

22 **Filing counsel hereby certifies that all counsel above authorized filing counsel to affix their
23 electronic signatures to this stipulation.

24 **[PROPOSED] ORDER**

25 Having considered the stipulation of the parties, and finding GOOD CAUSE therefor, the Court
26 hereby GRANTS the stipulation, and issues the following order:

27 The hearing on Plaintiff Nicole Young's Motion to Consolidate is hereby continued from May
28 14, 2021 to _____, 2021.

The hearing on Defendant NKSFB's motion to stay is hereby set on _____, 2021.

29 DATED: 
30 MAY 12 2021
31 _____, 2021

32 Michael R. Powell
33 Judge of the Los Angeles Superior Court

SPECTOR LAW, APLC
1901 Avenue of the Stars, Suite 1020
Los Angeles, CA 90067
Tel: (424) 313-7500
Fax: (424) 3137505

**CONFORMED COPY
ORIGINAL FILED**
Superior Court of California
County of Los Angeles

MAY 12 2021

Samantha F. Spector, Esq., State Bar No. 204482

Sherri R. Carter, Executive Officer/Clerk of Court
By: Josefina Trejo, Deputy

MEYER, OLSON, LOWY & MEYERS, LLP
10100 Santa Monica Boulevard, Suite 1425
Los Angeles, California 90067
Tel: (310) 277-9747
Fax: (310) 277-4847

Lisa Helfend Meyer, Esq., State Bar No. 106105
Philip J. Monahan, Esq., State Bar No. 243789
Amy S. Kapner, Esq., State Bar No. 285382

FREEDMAN + TAITELMAN, LLP
1801 Century Park West, 5th Floor
Los Angeles, CA 90067
Telephone: (310) 201-0005
Facsimile: (310) 201-0045

Bryan J. Freedman, Esq., State Bar No. 151990

Attorneys for Plaintiff,
NICOLE YOUNG

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES**

NICOLE YOUNG, an individual;

Plaintiff,

vs.

ANDRE ROMELL YOUNG, an individual;
ARY TRADEMARKS LLC, a California
limited liability company; NKSFB, LLC, a
Delaware limited liability company; and DOES
1 through 20, inclusive;

Defendants.

Case No.: 20STCV35750

Related (Lead) Case No.: 20STCV05624

[Assigned to Hon. Michael R. Powell; Dept. 22]

**STIPULATION AND [PROPOSED] ORDER
TO CONTINUE DATE FOR HEARING ON
PLAINTIFF NICOLE YOUNG'S MOTION
TO CONSOLIDATE AND SET HEARING
DATE ON DEFENDANT NKSFB'S
MOTION TO STAY**

Action Filed: June 29, 2020

Trial Date: None Set

AND RELATED ACTION

STIPULATION

WHEREAS, on June 29, 2020, Petitioner Nicole Young's ("Petitioner") filed a marital dissolution proceeding against Respondent Andre Young ("Respondent"), which has been designated LASC Case No. 20STFL05624 (the "Family Action").

WHEREAS, on September 18, 2020, Petitioner filed a civil action against Respondent, which has been designated LASC Case No. 20STCV35750 (the "Civil Action").

WHEREAS, on or about December 3, 2020, Petitioner filed her First Amended Complaint in the Civil Action which named NKSFB, LLC ("NKSFB") as an additional defendant.

WHEREAS, on or about December 29, 2020, Respondent filed his Demurrer to the First Amended Complaint in the Civil Action, which was set for hearing on January 28, 2021, but which has twice been continued so that the hearing now is scheduled to take place on July 22, 2021.

WHEREAS, on February 18, 2021, Petitioner filed a Notice of Related Case, and asked the Court to determine whether the Civil Action and the Family Action are related.

WHEREAS, on February 19, 2021, Petitioner filed a Motion to Consolidate as to the Family Action and the Civil Action, which the Clerk of the Court set for hearing on May 14, 2021.

WHEREAS, on April 19, 2021, Department 1 of this Court issued an order deeming the Family Action and the Civil Action related.

WHEREAS NKSFB filed a motion to stay the Civil Action pending the outcome of the Family Action, which motion was set to be heard on April 30, 2021, but was taken off calendar when the cases were deemed related.

WHEREAS NKSFB re-filed its motion to stay, but has not yet been notified by the Court of the assigned hearing date.

WHEREAS, Respondent contends that Petitioner prematurely filed the Motion to Consolidate in that LASC Local Rule 3.3 states that, "A motion to consolidate two or more cases may be noticed and heard after the cases, initially filed in different departments, have been related into a single department, or if the cases were already assigned to that department."

WHEREAS, Respondent also contends that the Court need not consider the Motion to Consolidate until it considers Respondent's Demurrer to the First Amended Complaint in the Civil Action because Respondent contends that the Motion to Consolidate would be moot if the Court were to

1 sustain the Demurrer.

2 WHEREAS, based on the foregoing, Respondent has proposed that the parties stipulate to
3 continue the scheduled hearing on Petitioner's Motion to Consolidate in return for agreement by
4 Respondent to waive any objection pursuant to Local Rule 3.3(g) regarding the timing of the filing of
5 the Motion to Consolidate. Specifically, Respondent proposed that the hearing be continued from May
6 14, 2021 to July 22, 2021, which is the date of the hearing on Respondent's Demurrer to the First
7 Amended Complaint in the Civil Action, or, if the Court is not available on that date, the first available
8 date thereafter.

9 WHEREAS, Petitioner disputes Respondent's legal contentions, but has agreed to the terms of
10 Respondent's proposal to continue the hearing on the Motion to Consolidate in return for a waiver of the
11 argument pursuant to Local Rule 3.3(g) that the Motion to Consolidate was filed prematurely.

12 WHEREAS, ARY Trademarks, LLC and NKSFB, the other defendants in the Civil Action also
13 have agreed to the proposed stipulation.

14 WHEREAS, Counsel for Respondent in the Civil Action is not making an appearance in the
15 Family Action by executing this stipulation on behalf of Respondent, and all parties reserve their rights
16 on that issue, but Counsel for Respondent in the Civil Action does intend to bind Respondent to the
17 terms of this stipulation for all purposes.

18 THEREFORE, in light of the foregoing agreement, the parties to the Civil Action, by and
19 through their respective counsel of record, hereby stipulate to continue the hearing on Petitioner's
20 Motion to Consolidate from May 14, 2021 until July 22, 2021, or the first date thereafter that the Court
21 is available to conduct the hearing.

22 /

23 /

24 /

25 /

26 /


27 /

28 /

1 The Parties further request that the hearing on NKSFB's motion to stay also be set for July 22,
2 2021 if there is sufficient availability on the Court's calendar.

3 Dated: May 7, 2021

FREEDMAN + TAITELMAN, LLP

4
5 By: 
6 Bryan J. Freedman
7 David M. Marmorstein
8 Steven Stiglitz
9 Attorneys for Plaintiff Nicole Young

10 Dated: May 7, 2021

MCPHERSON, LLP

11 By: /s/ Edwin F. McPherson
12 Edwin F. McPherson
13 Pierre B. Pine
14 Attorneys for Defendants
15 Andre Young ARY Trademarks, LLC

16 Dated: May 7, 2021

KINSELLA WEITZMAN ISER KUMP LLP

17 By: /s/ Patricia A. Millet
18 Dale F. Kinsella
19 Patricia A. Millet
20 Kristen F. Spanier
21 Attorneys for Defendant NKSFB, LLC

22 **Filing counsel hereby certifies that all counsel above authorized filing counsel to affix their
23 electronic signatures to this stipulation.

24 **[PROPOSED] ORDER**

25 Having considered the stipulation of the parties, and finding GOOD CAUSE therefor, the Court
26 hereby GRANTS the stipulation, and issues the following order:

27 The hearing on Plaintiff Nicole Young's Motion to Consolidate is hereby continued from May
28 14, 2021 to _____, 2021.

The hearing on Defendant NKSFB's motion to stay is hereby set on _____, 2021.

DATED: MAY 12 2021, 2021


Michael R. Powell
Judge of the Los Angeles Superior Court

1 **PROOF OF SERVICE**

2 **STATE OF CALIFORNIA**]
3] ss.
4 **COUNTY OF LOS ANGELES**]

5 I am employed in the County of Los Angeles, State of California. I am over the age of 18
6 and not a party to the within action; my business address is 1801 Century Park West, 5th Floor, Los Angeles, California 90067.

7 On **July 1, 2021**, I served the foregoing document(s) described as **PLAINTIFF NICOLE**
8 **YOUNG'S OPPOSITION TO MOTION TO STAY; DECLARATION OF STEVEN**
9 **STIGLITZ IN SUPPORT** on the interested parties in this action as follows:

10 **See attached Service List**

11 ☒ **By E-Mail Or E-Service:** (Code Civ. Proc. § 1010.6, Cal. Rules of Court, rule 2.251) by
12 transmitting via electronic mail the document(s) listed above to the addresses set forth above on
13 this date from **dpirian@ftllp.com**.

14 ☒ **State.** I declare under penalty of perjury under the laws of the State of California that the above
15 is true and correct.

16 Executed on **July 1, 2021**, at Los Angeles, California.

17
18 /s/Diane Pirian
19 Diane Pirian
20
21
22
23
24
25
26
27
28

SERVICE LIST

Samantha F. Spector, Esq
Spector Law, APLC
1901 Avenue of the Stars, Suite 1020
Los Angeles, CA 90067
Tel: (424) 313-7500
Fax: (424) 313-7505
ss@spectorlawfirm.com
Attorneys for Plaintiff Nicole Young

Lisa Helfend Meyer, Esq.
Philip J. Monahan, Esq.
Amy S. Kapner, Esq.
Meyer, Olson, Lowy & Meyers, LLP
10100 Santa Monica Boulevard, Suite 1425
Los Angeles, California 90067
Tel: (310) 277-9747
Fax: (310) 277-4847
lhmf@molfamlaw.com
pjm@molfamlaw.com
akapner@molfamlaw.com
Attorneys for Plaintiff Nicole Young

Patricia Millett, Esq.
Kinsella Weitzman Iser Kump & Aldisert LLP
808 Wilshire Blvd., Third Floor
Santa Monica, CA 90401-1894
Tel: (310) 566-9821
Fax: (310) 566-9870
PMillett@kwikalaw.com
Attorneys for NKSFB, LLC

Joseph Mannis, Esq.
Hersh Mannis LLP
9150 Wilshire Blvd, Ste 209
Beverly Hills, California 90212
Tel: (310) 786-1910
Fax: (310) 786-1917
jmannis@hershmannis.com
Attorneys for Defendant Andre Young

Laura A. Wasser Esq.
Amy Rice, Esq.
Wasser, Cooperman & Mandles
2049 Century Park East, Suite 800
Los Angeles, CA 90067-2957
Tel: (310) 277-7117
Fax: (310) 553-1793
laura.wasser@wcmfamilylaw.com
amy.rice@wcmfamilylaw.com
Attorneys for Defendant Andre Young