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4 Steuart Tower, Suite 1300  
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5 San Francisco, CA 94105  
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6 Facsimile: 415.442.4870

7 Attorneys for Defendants  
PHILIP ACHILLES aka PHILIP ACHILLEOS,  
8 PHILIP ACHILLES aka PHILIP ACHILLEOS,  
in his capacity as trustee of the ACHILLES  
9 REVOCABLE TRUST DATED MAY 27, 2003;  
THEOS FEDRO HOLDING, LLC and  
10 AMERICAN AIRPORTER SHUTTLE, INC.

ELECTRONICALLY  
**FILED**  
*Superior Court of California,  
County of San Francisco*  
**02/13/2019**  
Clerk of the Court  
BY: VANESSA WU  
Deputy Clerk

11 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
12 **FOR THE COUNTY OF SAN FRANCISCO**

14 LABOR COMMISSIONER OF THE STATE  
OF CALIFORNIA, DIVISION OF LABOR  
15 STANDARDS AND ENFORCEMENT

16 Plaintiff,

17 v.

18 PHILIP ACHILLES aka PHILIP ACHILLEOS,  
an individual; PHILIP ACHILLES aka PHILIP  
19 ACHILLEOS, in his capacity as trustee of the  
ACHILLES REVOCABLE TRUST DATED  
20 MAY 27, 2003; THEOS FEDRO HOLDING,  
LLC, a California limited liability company;  
21 AMERICAN AIRPORTER SHUTTLE, INC., a  
California Corporation; and DOES 1 through 50,  
22 inclusive,

23 Defendants.

Case No. CGC-18-571050

**DECLARATION OF SHANNON R.  
CLAWSON IN SUPPORT OF  
DEFENDANTS' EX PARTE  
APPLICATION FOR AN ORDER  
EXTENDING TIME TO RESPOND TO  
PLAINTIFF'S FIRST AMENDED  
COMPLAINT**

[Ex Parte Application, Memorandum of Points  
and Authorities, [Proposed] Order filed  
concurrently herewith]

Action Filed: November 8, 2018  
Trial Date: Not Set

24  
25 I, Shannon Clawson, declare as follows:

26 1. I am an attorney at law, duly licensed to practice before all courts of the State of  
27 California. I am an associate with the law firm of Ogletree, Deakins, Nash, Smoak & Stewart, P.C.  
28 (“Ogletree”) attorneys of record herein for Defendants Philip Achilles, as an individual and in his

Case No. CGC-18-571050

1 capacity as trustee of the Achilles Revocable Trust Dated May 27, 2003, Theos Fedro Holding,  
2 LLC and American Airporter Shuttle, Inc. (“Defendants”). I make this declaration in support of  
3 Defendants’ *Ex Parte* Application for an Order Extending Time for Defendants to Respond to the  
4 First Amended Complaint. I have personal knowledge of all of the facts set forth below, and if  
5 called upon to testify to same, I could and would do so competently and truthfully under oath.

6 2. This declaration is submitted pursuant to California Rules of Court 3.1201,  
7 3.1202(c) and 3.1204(b).

8 3. On November 8, 2018, Plaintiff initiated this lawsuit against defendants Philip  
9 Achilles, as an individual and in his capacity as trustee of the Achilles Revocable Trust Dated May  
10 27, 2003, and Theos Fedro Holding, LLC alleging three causes of action for: (1) constructive  
11 fraudulent transfer-insolvency; (2) constructive fraudulent transfer – failure to pay; and (3)  
12 intentional fraudulent transfer. On December 5, 2018, Plaintiff filed a First Amended Complaint  
13 adding American Airporter Shuttle, Inc. as a defendant and alleging several additional causes of  
14 action.

15 4. In January 2019, the Parties reached agreement that their time, effort and resources  
16 would be better spent on seeking an informal resolution rather than in litigation. The Parties  
17 thereafter reserved the first available mediation date with their mediator of choice. The mediation  
18 is scheduled to take place on February 25, 2019.

19 5. On January 24, 2019, I emailed Plaintiff’s counsel Matthew Sirrolly to request an  
20 extension of Defendants’ February 1, 2019 deadline to respond to the First Amended Complaint. I  
21 requested that the deadline be extended to two weeks after the mediation date, which would make  
22 Defendants’ response due on March 11, 2019. Plaintiff’s counsel stated that the rules of court  
23 required Defendants to seek leave of court to extend the deadline to that date, but that the Labor  
24 Commissioner would not oppose an application to extend time if Defendants were to file one. In  
25 the meantime, Plaintiff’s counsel agreed to provide a 15-day extension for Defendants to respond  
26 to the First Amended Complaint. A true and correct copy of the January 24, 2019 email exchange  
27 between me and Plaintiff’s counsel is attached hereto as **Exhibit A**. Subject to this Stipulation,  
28 Defendants’ deadline to respond to the FAC is currently February 19, 2019.



# **Exhibit A**

## Nicolini, Lorri

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**From:** Sirolly, Matthew@DIR <MSirolly@dir.ca.gov>  
**Sent:** Friday, January 25, 2019 1:48 PM  
**To:** Clawson, Shannon R.  
**Cc:** Reese, Kevin D.  
**Subject:** Re: Labor Commissioner/American Airporter - Request for Extension

Yes. A 15 day extension is fine.

Matthew Sirolly || Staff Attorney  
State of California  
Labor Commissioner's Office  
320 W. 4th Street, Suite 600  
Los Angeles, CA 90013  
Tel: (213) 576-7717  
Fax: (213) 897-2877

This email was sent from a mobile device. Please excuse any typos.

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**From:** Clawson, Shannon R. <shannon.clawson@ogletree.com>  
**Sent:** Friday, January 25, 2019 10:52 AM  
**To:** Sirolly, Matthew@DIR  
**Cc:** Reese, Kevin D.  
**Subject:** RE: Labor Commissioner/American Airporter - Request for Extension

Thanks, Matt. We will go ahead and prepare an application for next week. On the off chance that the court denies our application, would you agree to stipulate to the 15-day extension?

**Shannon R. Clawson | Ogletree, Deakins, Nash, Smoak & Stewart, P.C.**  
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[shannon.clawson@ogletree.com](mailto:shannon.clawson@ogletree.com) | [www.ogletree.com](http://www.ogletree.com) | [Bio](#)

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**From:** Sirolly, Matthew@DIR <MSirolly@dir.ca.gov>  
**Sent:** Thursday, January 24, 2019 7:17 PM  
**To:** Clawson, Shannon R. <shannon.clawson@ogletreedeakins.com>  
**Cc:** Reese, Kevin D. <Kevin.Reese@ogletreedeakins.com>  
**Subject:** Re: Labor Commissioner/American Airporter - Request for Extension

I'm okay with it, but the rules of court (CRC 3.110) only allow us to stipulate to a 15-day extension to respond to a complaint. So you would have to seek leave of the court to extend the deadline past mid-February. The Labor Commissioner would not oppose an application to extend time, if you wish to file one.

Matthew Sirolly || Staff Attorney  
State of California  
Labor Commissioner's Office  
320 W. 4th Street, Suite 600  
Los Angeles, CA 90013  
Tel: (213) 576-7717

Fax: (213) 897-2877

This email was sent from a mobile device. Please excuse any typos.

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**From:** Clawson, Shannon R. <[shannon.clawson@ogletree.com](mailto:shannon.clawson@ogletree.com)>  
**Sent:** Thursday, January 24, 2019 4:51 PM  
**To:** Sirolly, Matthew@DIR  
**Cc:** Reese, Kevin D.  
**Subject:** Labor Commissioner/American Airporter - Request for Extension

Good evening, Matt:

Given that the parties have confirmed mediation with Alan Berkowitz on February 25, 2019, Defendants request an extension of their current February 1 deadline to respond to the Labor Commissioner's first amended complaint. We request that the deadline be extended to two weeks after the mediation date, which falls on March 11, 2019.

Please let us know if the Labor Commissioner will stipulate to the requested extension.

Thank you,

**Shannon R. Clawson | Ogletree, Deakins, Nash, Smoak & Stewart, P.C.**  
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# **Exhibit B**

## Nicolini, Lorri

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**From:** Sirolly, Matthew@DIR <MSirolly@dir.ca.gov>  
**Sent:** Monday, February 11, 2019 8:07 PM  
**To:** Clawson, Shannon R.  
**Cc:** Reese, Kevin D.  
**Subject:** RE: Labor Commissioner/American Airporter - Notice of Ex Parte Application for Order Extending Time for Defendants to Respond to FAC

Hi Shannon,

The Labor Commissioner does not oppose the application to extend Defendants' time to respond to the complaint.

Matt

---

**From:** Clawson, Shannon R. <shannon.clawson@ogletree.com>  
**Sent:** Monday, February 11, 2019 6:15 PM  
**To:** Sirolly, Matthew@DIR <MSirolly@dir.ca.gov>  
**Cc:** Reese, Kevin D. <Kevin.Reese@ogletreedekins.com>  
**Subject:** Labor Commissioner/American Airporter - Notice of Ex Parte Application for Order Extending Time for Defendants to Respond to FAC

Good evening, Matthew:

As discussed previously, Defendants intend to apply for an extension of their deadline to respond to the first amended complaint. Pursuant to CRC 3.1204, please take notice that I will appear *ex parte* this Wednesday, February 13, 2019 at 11:00 a.m. in Department 610 of the San Francisco County Superior Court, located at 400 McAllister Street, San Francisco, CA 94102.

In the *ex parte* application, Defendants will seek an order extending the time for Defendants to respond to the first amended complaint to March 11, 2019 (14 days after the February 25, 2019 mediation date). You stated previously that the Labor Commissioner would not oppose Defendants making this application; however, if this has changed, please let us know.

Thank you,

**Shannon R. Clawson | Ogletree, Deakins, Nash, Smoak & Stewart, P.C.**  
Steuart Tower, One Market Plaza, Suite 1300 | San Francisco, CA 94105 | Telephone: 415-536-3456 | Fax: 415-442-4870  
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