

Dear Friends of Corner Poke....

In June, 2020 (during the Covid-19 pandemic), we received an unsolicited email from Seth Cohen, one of the owners of SWEETFIN, saying the following, "...interested in sub-leasing the Corner Poke space from you in order to create a pick-up and delivery only Sweetfin location. I am confident that this could be a win win for both of us, especially during these challenging times..."

After initially ignoring his email and a 2nd attempt being made by him, we decided to meet with Sweetfin to hear what they were proposing. During this meeting, Mr. Cohen and his business partner, Alan Nathan, reiterated to us their interest in our space.

We told them we had to think about it and discuss it with our business advisors as we had not listed our business for sale, nor had we thought about it.

Here's some background on our business:

We had been open for 2+ years and established a loyal customer base for our poke bowl on the corner of Maple & Riverside.

We invested a significant amount of time and energy in creating our poke concept based on the huge success of our poke bowl in our cafe.

We have 7 years remaining on our pre-negotiated lease, with 2 5-year options.

Once a Covid vaccine was released (which now it is), the office buildings and studios would be back in full swing (back then we thought early 2021. Little did we know it would be summer, 2021 when buildings were going to start really opening back up).

Lastly, we had invested a significant sum of money upgrading the original space from its very dilapidated origins to what you see now. The space has all new electric, all new plumbing, a new 2.5 ton HVAC unit and ducting, all new windows and doors, all new tile, new counters, etc.

Given all of the above and after much thought, we told them we would do it for \$150k.

To our surprise, Sweetfin told us the most they would pay us is \$20,000.

We told them, we would not sell our business for pennies on the dollar. This was not a fire sale.

After we said NO to their low-ball offer, SWEETFIN made the decision to rent the space SURROUNDING our poke business.

**YES, SURROUND OUR BUSINESS!**

If you have not been by to see this, take a look at the photos.

Their space physically surrounds Corner Poke with their SWEETFIN signs to the left of our space, the right of our space and even above our space.



Talk about confusion in the marketplace.

Everyday drivers from Postmates and other 3rd party delivery apps continue coming into our businesses asking to pick up their Sweetfin orders. Much to the unhappiness of our staff who are busy with guests who are dining with us. We even had 1 female ask if she could sit on our patio and eat her Sweetfin because she thought we were connected. And even others sit at our red benches in front of our Red Maple Cafe sign eating their Sweetfin. We eventually stopped logging the number of times all of this would happen. Sweetfin and our landlord, Ratner Riverside Investment LLC, has done nothing to mitigate this confusion.

SWEETFIN HAS ISSUED THE FOLLOWING PUBLIC STATEMENT ON SOCIAL MEDIA, "The building owner misrepresented the situation and now we are stuck in between a dispute between CORNER POKE and building ownership...SWEETFIN believed that CORNER POKE planned to either change their concept or sublease their space to another tenant so that there would be no direct competition with CORNER POKE."

SWEETFIN has further stated..."SWEETFIN and its operators took good faith measures at each step in the process to consider the best interests of each party involved."

Only SWEETFIN can tell you what they mean by "good faith measures at each step."

#### SOME ADDITIONAL FACTS:

On July 7th, we sent an email to one of SWEETFIN'S owners, SETH COHEN, informing him "we cannot agree to the \$20k" (the amount they offered to us). We left the door open to them, saying, "If at some point you can't find anything else in the Toluca Lake area and want to reconsider, let us know."

At no time did SWEETFIN say to us they were considering leasing the space surrounding our existing poke business.

6 days after the email was sent to MR. COHEN, on July 13th we received a phone call from our landlord, RATNER RIVERSIDE INVESTMENT, informing us they were considering renting the adjoining space to "another poke concept."

Which turned out to be SWEETFIN.

We informed our landlord that day if they moved forward with renting the space to a direct competitor, we would do everything in our power to protect our business. We were very clear we adamantly opposed what they were considering.

#### WHAT'S EVEN MORE DISAPPOINTING AND DISTURBING....

Based on communications we received at the very beginning of the Covid pandemic from our landlord, as well as their property management company (run by family members of the landlord) , some of which are detailed below, we believed the landlord was going to work with us to help ensure our success coming out of Covid. That was clearly not their intention, nor was it true when they wrote the emails they sent to us.

In March, 2020, we received an email from our landlord's property management company, RATNER PROPERTY MANAGEMENT, saying, among other things, "During this time of uncertainty, we want you to know that Ratner Property Management is here to work with you...Rest assured that we are here to work together through these difficult times. Our thoughts and prayers go out to you and your families."

Another email came in April, 2020 from Shaya Stauber (formerly Ratner) who is one of the owners of the building saying, among other things, "I know the hard times are not over and we look forward to working together till it is. I hope this (is) over soon and your business can be even better than before."

It appeared to us, our landlord likely had no intention of "working with us" or doing anything that would ensure our "business can be even better than before."

When we asked about any abatement of rent for the 2 months we were closed, we were told no because we were suing them.

We told our landlord's representative, as well as the one of the owners himself, we would do everything in our power to protect our business and the investment we made in their property. An investment that is well into the hundreds of thousands of dollars.

Neither SWEETFIN nor RATNER ever informed us that they had officially entered into a lease for the adjoining space. We discovered they had done so on Aug 4, 2020 when we walked out the back door of our cafe into an easement where we have stored our stuff since the beginning of our lease, to find MR. COHEN of SWEETFIN and another person, who we later learned was the new property manager for the property and an employee of RATNER PROPERTY MANAGEMENT going through our cabinets which contained our possessions. Talk about rude and unprofessional to not contact us and let us know what was going to happen or introduce us to the new property manager, etc. To say the owner and the property management company failed in their ethical and professional manners to handle this matter appropriately is an understatement.

At no time have we or anyone representing us discussed with SWEETFIN or our landlord the idea of us changing our concept or sub-renting our CORNER POKE space to another party.

For SWEETFIN to continue saying this to the public is inappropriate because it is completely FALSE and a LIE.

On Aug 11th, SETH COHEN sent an email to us stating, "Our goal is to be great neighbors and partners to you and we are hopeful that we can help drive increased foot traffic to our side of Riverside which will hopefully also benefit your business."

How SWEETFIN thinks having 2 poke businesses next to each is going to help "drive increased foot traffic" to both businesses is still unclear.

Our independently-owned business does NOT have the equity backing SWEETFIN has

OR the marketing muscle SWEETFIN has (as illustrated by their Postmates partnership with the countless mentions of SWEETFIN across radio and TV),

OR do we have the buying power that SWEETFIN has with the 10+ locations they currently operate throughout Southern California.

When we decided to open our small business in 2017, we never envisioned being in a legal dispute with our landlord or having a larger competitor make an offer to buy us, only to open up in a space surrounding us.

We have always been truthful about this matter and everything stated on these windows is backed up by multiple emails between us, Sweetfin and our landlord.

We hired a lawyer to help us navigate these uncharted waters in August, 2020. Our lawyer sent a letter to our landlord explaining why we believed they had breached our lease and he proposed mediation to them to resolve the dispute. They ignored this letter. We also sent a letter to Sweetfin regarding the same matter. And we received a response back from their attorney in essence saying, they legally entered into the lease agreement with the landlord and if we did anything to disrupt their business, they would sue us.

Several days after our lawyer reached out to Ratner, to which they never responded to it, they sent us a lease violation letter, stating among other things, our poke business was "not open 7 hrs a day as stated in our lease." A lease that was negotiated in 2016 (4 years before Covid arrived in the US and a pandemic was officially confirmed). We are take-out only business that relies on the foot traffic, to which there is not due to the buildings and studios being empty at the time. And pretty much still are.

The landlord's representative sent a follow-up email to us saying, among other things, "the operating covenant was intended to create a specific busy atmosphere at the property, thus benefiting the area and closing the doors and staffing the business from an adjacent establishment (our cafe) is not in the spirit of the lease. Furthermore, it makes the area feel desolate. We need to maintain a certain atmosphere which will help benefit all of the tenants."

They have tried to remove our stuff from the easement located behind our building. An area they had given us permission to be in since we entered our lease in 2016. An area to which representatives of the owners have visited and seen our stuff in on many occasions. But, apparently now that we are in a lease dispute, they claim this permission was never given. They have literally had their employees show up in the early morning hours and remove our stuff. Not once, but twice. They have sent us lease violation letters saying an unworking compressor on the roof of the building is ours and needs to be repaired as that is required in our lease. A compressor that actually belongs to the Sweetfin space, but our landlord's property management team tried to say was ours. They have claimed we have had exposed wires on the roof and we need to remedy this, yet there has been exposed wires over the Sweetfin space for 4+ yrs now that has been documented in photos.

They have even refused to handle a roof water runoff issue from the building they own next door, even though it is a serious hazard for our employees when it rains.

No one ever dreams of starting a business, working 7 days a week to make it a success, only to have a competitor approach and when you don't come to an agreement, they make the conscious decision to open up next door to you. And worse, having a landlord, who gave us permission in April, 2018 to open our poke business, actually thinking renting an adjoining space to a direct competitor is a good and fair thing to do to a tenant who has been renting from them since 2016.

We were encouraged to seek justice by many of you, by our employees, and by our families. In the end, we made the difficult decision to file a lawsuit against our landlord to protect our investment. We did not make this decision easily, as suing anyone is a long process and a costly one. This lawsuit was filed in August, 2020. And as of now, the court hearing isn't scheduled until May, 2022.

This lawsuit weighs on us every day and will continue to do so until this matter is resolved. We suspected our landlord would do everything they could to drag this out as long as they can in order to wear us down and drain our bank account. They have continued to harrasse us. Most recently sending their employees at 5:30 AM to remove informational signs we placed on the windows of the poke business. You can see the photos here of them removing the signs and not cleaning up the mess they left in taking them down. This was done even after our lawyer pointed out the legal ramifications of removing them illegally. Faces have been blurred as they were only employees being told what to do by the employer.





The legal fees continue to build, but we cannot give up. If you want to help, click on the link. Truly, no amount is too small as we anticipate this fight will cost us more than \$25,000. But, we know it will be money well spent because we know, as do most of you, right from wrong.

Our entire Red Maple team wants to thank you for taking the time to read this and your continued support. Please know, all of us will continue to show up every day to provide you with delicious food and excellent service.

We look forward to seeing you soon!

Jim and Brian  
Co-owners of Red Maple Cafe & Corner Poke