

EXHIBIT 84

TopDevz Amended Demand for Arbitration and Kirk Notice of Dismissal

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**AMERICAN ARBITRATION ASSOCIATION
SAN DIEGO, CALIFORNIA**

ASHKAN RAJAEI, an Individual; and
TOPDEVZ, LLC, a California Limited Liability
Company,

Claimants,

v.

TYLER B. DAVIS, an Individual,
Respondent.

AAA CASE NO.: 01-21-0001-9983

**AMENDED DEMAND FOR
ARBITRATION FOR:**

- (1) Defamation Per Se**
- (2) Civil Extortion**
- (3) Intentional Infliction of Emotional
Distress**
- (4) Intentional Interference with Contract**
- (5) Intentional Interference with
Prospective Economic Advantage**
- (6) Negligent Interference with Prospective
Economic Advantage**
- (7) Breach of Fiduciary Duty of Care**
- (8) Breach of Fiduciary Duty of Care**

Pursuant to the provisions of the Operating Agreement entered into on or around **May 9, 2017**,
between Claimant ASHKAN RAJAEI, Claimant TOPDEVZ and Respondent TYLER B. DAVIS
regarding the company TopDevz, LLC, a California limited liability company ("TopDevz") (the

1 “Operating Agreement” a true and correct copy of which is attached hereto as “Exhibit A”),
2 Claimants¹ hereby allege this Amended Demand for Arbitration against Respondent as follows:

3 **THE PARTIES**

4 1. Claimant Ashkan Rajae (“Claimant,” or “Rajae”) is, and at all times relevant hereto
5 has been, an individual and adult of legal age residing in the County of San Diego, State of California.
6 Rajae is a citizen of Canada, who currently possesses a L-1A Visa. A current mailing address for
7 Rajae is 1020 Genter Street, Unit 102, La Jolla, California 92037.

8 2. Claimant TopDevz is, and at all times relevant hereto has been, a closely held
9 California limited liability company with a current address of 7460 Girard Avenue, Suite 7, La Jolla,
10 California 92037. Claimant Rajae is a Member of TopDevz, who currently retains a fifty-one
11 percent (51%) ownership/membership interest in the company. Rajae is the Manager of TopDevz.
12 Respondent Tyler Davis is a Member of TopDevz, who currently retains a forty-nine percent (49%)
13 ownership/membership interest in the company. At all relevant times hereto, Tyler Davis was the
14 Chief Operating Officer (“COO”) of TopDevz, who owed fiduciary duties to Rajae and TopDevz.

15 3. Claimant is informed and believes and based thereon alleges that Respondent Tyler B.
16 Davis (“Respondent,” or “Davis”) is, and at all times relevant hereto has been, an individual and adult
17 of legal age currently residing in the County of Sacramento, State of California. A current mailing
18 address for Davis is 1400 S. Street, Sacramento, California 95811.

19
20 **THE ARBITRATION AGREEMENT**

21 4. Section 11.2 of the Operating Agreement addresses the issue of arbitration and
22 explicitly provides, “[a]ny action to enforce or interpret this Agreement, or to resolve disputes with
23 respect to this Agreement **between the Company and a Member, or between or among the**
24 **Members**, will be settled by arbitration in accordance with the rules of the American Arbitration
25 Association.” Section 11.2 further provides, “[t]he prevailing party will be entitled to reimbursement
26 of attorney fees, costs, and expenses incurred in connection with the arbitration.”

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¹ The Claimants are Ashkan Rajae, and TopDevz, LLC a California limited liability company.

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CERTIFICATE OF SERVICE

I hereby certify that I am an attorney with Weinberg Gonser, LLP and that on this 4th day of August 2021, I caused to be sent via electronic mail, a true and correct copy of the above and foregoing **AMENDED DEMAND FOR ARBITRATION** to the following:

Rebecca Callahan, Esq.
Callahan Dispute Resolution
5120 Campus Drive
Newport Beach, CA 92660

Arbitrator

Scott R. Carpenter, Esq.
Cummins & White, LLP
2424 S.E. Bristol Street, Suite 300
Newport Beach, CA 92660

Steven Block, Esq.
Gold River Office Center
11341 Gold Express Drive, Suite 110
Gold River, CA 95670

Joseph W. Scalia, Esq.
Law Offices of Joseph W. Scalia, APC
3017 Douglas Blvd., Suite 300, PMB 30095
Roseville, California 95661

Attorneys for Respondent Tyler B. Davis

/s/ Jordan Matthews
An Attorney with Weinberg Gonser, LLP

J. Douglas Kirk, SBN 125808
KIRK & TOBERTY
Attorneys at Law
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Attorney for Claimant
TopDevz, LLC

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SAN DIEGO, CALIFORNIA

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**CLAIMANT TOPDEVZ, LLC'S NOTICE
OF DISMISSAL OF THE EIGHTH
CAUSE OF ACTION AGAINST TYLER B.
DAVIS**

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1 **TO THE ARBITRATOR, ALL PARTIES AND THEIR ATTORNEYS OF**
2 **RECORD:**

3 **PLEASE TAKE NOTICE** that Claimant TopDevz, LLC hereby dismisses, with
4 prejudice, the Eighth Cause of Action for Breach of Fiduciary Duty of Care against Tyler B. Davis
5 of the Amended Demand for Arbitration.

6 DATED: December 15, 2022

KIRK & TOBERTY

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8 

9 By: _____

J. Douglas Kirk, Esq.
Attorney for Claimant
TopDevz, LLC