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Superior Court of California, County of Alameda
Rene C. Davidson Alameda County Courthouse

Berg <p style="text-align: center;">Plaintiff/Petitioner(s)</p> <p style="text-align: center;">VS.</p> <hr/> <p>Alipato Project <p style="text-align: center;">Defendant/Respondent(s) (Abbreviated Title)</p></p>	No. <u>RG17849540</u> Order Motion to Strike Complaint
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The Motion to Strike Complaint was set for hearing on 06/29/2017 at 02:30 PM in Department 19 before the Honorable Julia Spain. The Tentative Ruling was published and has not been contested.

IT IS HEREBY ORDERED THAT:

The tentative ruling is affirmed as follows: Defendants Eric Maier, Louis Schoch, and Maier Schoch LLP (collectively "Maier Schoch") move to strike as a SLAPP Plaintiff Clyde Berg (Clyde)'s malicious prosecution action against them based on their role in prosecuting a civil action against Berg in which his ex-wife, Ellena Bondesson Berg (Ellena), asserted causes of action for domestic violence, battery and sexual battery, false imprisonment, and intentional infliction of emotional distress (the Underlying Action) on which a jury returned a verdict in Clyde's favor (while also finding in his favor on his cross-claim against Ellena for malicious prosecution of a prior criminal complaint against him based on some of the same allegations), but only after the trial judge had denied Clyde's motion for a directed verdict. The motion is GRANTED because it is undisputed that this malicious prosecution action arises from Maier Schoch's protected speech or petitioning conduct, which satisfies the first requirement of the anti-SLAPP statute and compels Plaintiff to submit admissible evidence substantiating a prima facie case and showing a chance of success on the merits, and because the "interim adverse judgment" rule (IAJ Rule) prevents Clyde from making that showing given that, under the IAJ rule, the denial of Clyde's motion for a directed verdict in the underlying action precludes him as a matter of law from proving an element of his cause of action for malicious prosecution, namely, that Maier Schoch objectively lacked probable cause for prosecuting Ellena's civil action. (See generally Hart v. Darwish (June 1, 2017) ___ Cal.App.5th ___, 2017 WL 2375503, at *1, *4-5 [summarizing interim adverse judgment rule as delineated in Wilson v. Parker, Covert & Chidester (2002) 28 Cal.4th 811 and other precedents, and holding that rule applies to trial court's denial of motion for judgment in bench trial under Code Civ. Proc., § 631.8].) Clyde has not submitted admissible evidence to demonstrate a chance of prevailing on his argument that Maier Schoch's representation of Ellena comes within the fraud exception to the IAJ rule.

FRAMEWORK: THE IAJ RULE

Earlier this month, the Court of Appeal published an opinion summarizing the IAJ rule and holding as a matter of first impression that it applies to a trial court's denial, in the underlying action at issue in a later malicious-prosecution action, of a motion for judgment in a bench trial (Code Civ. Proc., § 631.8). (Hart v. Darwish (June 1, 2017) ___ Cal.App.5th ___, 2017 WL 2375503, at *1):

"Where a plaintiff brings a lawsuit against a defendant, and the trial court denies a motion by the defendant for summary judgment or for nonsuit made after the plaintiff's case-in-chief, or the trier of

fact returns a verdict for the plaintiff, that ruling or verdict-if decided on the merits and not procured by fraud-establishes as a matter of law that the plaintiff had probable cause to bring its lawsuit and precludes a subsequent claim against the plaintiff for maliciously prosecuting that lawsuit, even if the trier of fact later rules for the defendant or the verdict is later overturned. (*Wilson v. Parker, Covert & Chidester* (2002) 28 Cal.4th 811, 823-824.) Does this rule apply-and is a subsequent malicious prosecution claim barred-when the trial court in the prior lawsuit denied the defendant's motion for judgment under Code of Civil Procedure section 631.81 but went on to rule in the defendant's favor? We conclude that it does."

The Hart Court set forth the parameters of the IAJ rule more thoroughly, at the start of its analysis, as follows:

"In assessing whether a prior lawsuit was legally tenable, even when it was ultimately terminated in favor of the person who is later suing for malicious prosecution, courts have looked to what happened in the proceeding prior to its termination. Courts have developed a rule deeming certain events in the earlier proceeding to be indicators that the prior lawsuit was legally tenable.

"Among these events are (1) a ruling denying the prior defendant's summary judgment motion (*Wilson*, supra, 28 Cal.4th at p. 824, [other citations]); (2) a ruling denying the prior defendant's motion for nonsuit, if based on an evaluation of the evidence ([*ibid.*]; other citations); and (3) the prior plaintiff's 'victory at trial,' even if it is overturned in postverdict motions or on appeal ([Citations]). Because judges and juries are presumed to perform their official duties ([citations]), these events constitute proof that the prior lawsuit was not 'totally and completely without merit' because, respectively, a trier of fact found the complaint's allegations to be true by a preponderance of the evidence, a judge found there to be 'triable issue[s] ... [of] material fact' for a jury to resolve, or a judge found there to be 'evidence of sufficient substantiality to support a verdict' in the plaintiff's favor.)

"This proof is conclusive as long as the prior verdict or ruling was 'on the merits' (rather than on 'procedural or technical grounds') and was not induced 'by the knowing use of false and perjured testimony.' (*Wilson*, supra, 28 Cal.4th at p. 824; *Plumley v. Mockett* (2008) 164 Cal.App.4th 1031, 1052-53 (*Plumley*)).) Because application of this rule gives near-conclusive effect to a verdict or ruling in the prior plaintiff's favor before the prior lawsuit ultimately terminated in the prior defendant's favor, it is often referred to as the 'interim adverse judgment' rule. ([Citation].)

(Hart, supra, at *4-5.)

Clyde does not seriously dispute that the IAJ rule will apply here to bar his malicious prosecution action on the merits unless he can prove that this case comes within the "knowing use of false and perjured testimony" exception ("fraud exception") to the rule, or within an asserted additional exception to the rule based on the analysis in *Slaney v. Ranger Insurance Co.* (2004) 115 Cal.App.4th 306 (*Slaney*). Ultimately, the applicability of the fraud exception, and the existence and applicability of a second exception based on *Slaney*, are the real disputed issues on this motion.

BACKGROUND

The relevant procedural facts are undisputed, so the court recites them summarily.

Ellena claimed among other things that Clyde imprisoned her and sexually assaulted and battered her in a September 2012 incident in which she made a 911 call that led to his arrest and the District Attorney's prosecution of criminal charges against Clyde in Santa Clara County Superior Court (the Criminal Action). Ellena also filed a civil action in that court (i.e., the Underlying Action).

A Judge dismissed the Criminal Action at a preliminary hearing, after finding Ellena's testimony "unworthy of belief." Ellena nonetheless continued prosecuting the Underlying Action, which was based at least in part on the same allegations as the Criminal Action. Maier Schoch joined the attorneys representing Ellena in the Underlying Action shortly before trial.

In that trial, the judge denied Clyde's motion for directed verdict on the merits, ruling that "definitely both sides presented evidence to support their claims, and ... [i]t's a credibility contest ... [but] I do think ... [that] both sides put in evidence that could be found to sustain their causes of action, so I'm going to deny the request to give a directed verdict." (Schoch Decl., ex. B.)

(Maier Schoch secondarily bases its invocation of the IAJ rule on the trial court's earlier denial, in the Underlying Action, of a motion to sanction Ellena under Code of Civil Procedure Section 128.7 for

refusing to withdraw her complaint after Clyde's acquittal (and a later finding of his factual innocence). The court need not resolve the parties' dispute over whether the denial of a Section 128.7 motion triggers the IAJ rule, however, for the denial of Clyde's motion for a directed verdict clearly does so.)

(Clyde, meanwhile, bases his opposition to the anti-SLAPP motion in large part on the fact that, in the criminal action triggered by Ellena's claims, the court eventually granted his petition for a finding of factual innocence under Penal Code section 851.8. He repeatedly emphasizes that the trial judge in the Underlying Action had excluded evidence of that finding and not considered it when denying his directed-verdict motion, suggesting that this court should reach a different result. But he never grapples with the reason that the judge in the underlying action declined to consider the factual-innocence finding—namely, that Section 851.8(i) provides that "[a]ny finding that an arrestee is factually innocent pursuant to subdivision (a), (b), (c), (d), or (e) shall not be admissible as evidence in any action." This action obviously comes within the phrase "any action" just as the Underlying Action did, and Clyde must rely on admissible evidence to defeat the anti-SLAPP motion, so the factual-innocence finding is irrelevant.)

ANALYSIS

The court notes preliminarily that discussion of the elements of a malicious-prosecution cause of action, and of malicious prosecution precedents, can be cumbersome given that, in every such case, the central party was a defendant (or cross-defendant) in an underlying action but was then the plaintiff in the subsequent action for malicious prosecution. The court will refer generically to the party occupying that role—i.e., in this case, Clyde—as the malicious prosecution plaintiff or MPP.

Maier Schoch's motion establishes that the IAJ rule plainly applies to bar Clyde's malicious prosecution action unless he can bring his action within an exception to that rule. As the Hart Court reiterated earlier this month, the fact that the trial court denied the malicious prosecution plaintiff's MSJ or nonsuit motion in the underlying action usually triggers the IAJ rule, and prevents the MPP from proving a lack of probable cause for the prior action, in an automatic, "near-conclusive" way: "Courts have developed a rule deeming certain events in the earlier proceeding [such as denial of an MSJ or nonsuit motion] to be indicators that the prior lawsuit was legally tenable. ... [¶] This proof is conclusive as long as the prior verdict or ruling was 'on the merits' (rather than on 'procedural or technical grounds') and was not induced 'by the knowing use of false and perjured testimony.'" (Hart, supra, 2017 WL 2375503 at *4-5, citing Wilson, supra, 28 Cal.4th at p. 824; Plumley, supra, 164 Cal.App.4th at pp. 1052-53.)

The only potentially applicable exception is for a motion for summary judgment or similar motion defeated in the Underlying Action "by the knowing use of false and perjured testimony." (Hart, supra, at *5)

In invoking the fraud exception to the IAJ rule, Clyde relies primarily on *Slaney v. Ranger Insurance Co.* (2004) 115 Cal.App.4th 306, which he cites for the propositions that an order denying a defense motion for summary judgment in an underlying action does not trigger the IAJ rule and bar a malicious prosecution action if the denial resulted from perjured testimony or the ultimate judgment in the underlying action holds that no reasonable person would have believed that there were grounds to prosecute the cause of action. (Opp. at pp. 11-12.)

Slaney, however, is distinguishable. Insofar as Clyde relies on the perjured-testimony exception to the IAJ Rule, *Slaney* merely refers to the existence of that exception without applying it, and thus does not support a conclusion that the exception could apply on the facts of this case.

In *Slaney*, Ranger Insurance Company denied a claim for damage to its insureds' personal property (an airplane), alleging that the insureds had conspired with *Slaney* to present an inflated claim as to the cost to repair the airplane, so as to induce Ranger to treat the plane as a total loss. (*Slaney*, supra, 115 Cal.App.4th at p. 310.) The insureds sued Ranger for bad faith denial of the claim, and Ranger filed a cross-claim—the ultimate subject of the later malicious-prosecution action—against the insureds and *Slaney* alleging a cause of action for fraud on which both were assertedly liable on a conspiracy theory. (*Id.* at pp. 310-311.)

The trial court initially denied a motion for summary judgment by *Slaney* on the cause of action for fraud/conspiracy, finding a triable factual dispute as to whether *Slaney* and the insureds conspired to inflate the estimated repair cost. (*Id.* at p. 311.) But the court later granted a renewed MSJ by *Slaney*, relying on new evidence developed through later discovery that conclusively established that Ranger had

not in fact relied on Slaney's estimate of the cost to repair the plane, thus precluding its cross-claim against Slaney for fraud (on grounds of lack of reliance). (Id. at p. 313.)

The insureds' bad faith cause of action against Ranger in the Underlying Action went to trial, and a jury found Ranger guilty of bad-faith denial of the insureds' claim and of malice in the denial. (Id. at p. 313.) The judgment stated that the trial court had dismissed Ranger's cross-claim for fraud "as being without any substantive basis in law and/or fact." (Ibid.)

Slaney then sued Ranger and its counsel (Wasserman) for malicious prosecution of the cross-claim for fraud/conspiracy, and Wasserman filed an anti-SLAPP motion in which Ranger joined that invoked the IAJ rule-i.e., argued that the trial court's denial of Slaney's initial MSJ on the cross-claim for fraud prevented Slaney from showing that there had been no probable cause for the cross-claim. (Id. at p. 315.) Ranger's counsel, Wasserman, based the anti-SLAPP motion entirely on the denial of Slaney's initial MSJ as assertedly establishing probable cause. (Id. at p. 319.)

The Court of Appeal acknowledged the general rule that "[b]ecause denial of summary judgment is a sound indicator of probable cause, it is sensible to accept it as establishing probable cause defeating a later malicious prosecution suit" (id. at p. 319) and then noted that Slaney tried to avoid that rule in two ways. The first was to invoke the fraud exception. As to that, the Court of Appeal stated: "First, [Slaney] argues that denial of his first [MSJ] resulted from perjured testimony filed in opposition to the motion. We have no doubt this would be a valid rejoinder to appellants' argument. The problem is that when we trace [Slaney]'s citation to the record to prove the perjury, it takes us to argument ... not to evidence." (Ibid.) Slaney thus reinforces the existence of a fraud/perjury exception to the IAJ rule, but sheds no light on when and how that exception applies, since the party opposing the anti-SLAPP motion identified no evidence of fraud or perjury.

But the Court of Appeal accepted Slaney's argument that the IAJ rule should not apply to bar his malicious-prosecution action because of a combination of factors, namely, that the court in the underlying action later granted Slaney's renewed MSJ on the fraud cross-claim after more discovery, and that the judgment stated that the trial court had dismissed Ranger's cross-claim "as being without any substantive basis in law and/or fact." (Ibid.) The Court concluded that those aspects of the underlying judgment were enough to establish a lack of probable cause for Ranger's cross-claim despite the denial of Slaney's initial MSJ.

The Slaney Court further relied on the jury's ultimate finding of malice by Ranger to conclude that the judgment in the underlying action also supported the malice element of Slaney's malicious prosecution action:

"Here, the judgment in the underlying action states that the fourth cause of action was 'without any substantive basis in law and/or fact.' This finding is not substantially different from that in *Mattel* [which held that an award of sanctions against counsel in the underlying action for having filed the case 'without factual foundation' supported a finding of lack of probable cause]. Given the further finding of malice, and the award of punitive damages by the jury, it is reasonable to infer that the jury concluded Ranger's theory of conspiracy to defraud between Slaney and the Roberts was itself fraudulent and prosecuted in bad faith. This, along with the ultimate grant of summary judgment in favor of respondent is sufficient to offset the first denial of the motion for summary judgment and support inferences of lack of probable cause and malice." (Slaney, *supra*, at p. 321.)

Here, Clyde relies on Slaney's statement that the judgment in the underlying action was relevant to argue that, in this case, the jury's verdict in the Underlying Action-finding in his favor on Ellena's causes of action and on his cross-claim against her for malicious prosecution of the criminal case-supports a finding of lack of probable cause against the moving parties here, namely, Ellena's counsel.

The court notes initially that this aspect of Slaney's holding-i.e., looking beyond the underlying trial court's denial of an MPP's motion for summary judgment or nonsuit to hold that the MPP can nonetheless rely on the ultimate resolution of the underlying action to prove a lack of probable cause--appears to be an outlier that cannot be reconciled with most statements of the IAJ rule, and with the objective nature of the probable cause inquiry. The correctness of Slaney's analysis is currently under review by the California Supreme Court. In *Parrish v. Latham & Watkins* (2015) 189 Cal.Rptr.3d 388, rev. granted, a Court of Appeal expressly rejected the part of Slaney's analysis on which Clyde relies as inconsistent with the description of the scope and purposes of the IAJ rule in *Wilson v. Parker, Covert*

& Chidester (2002) 28 Cal.4th 811. The California Supreme Court then granted review in Parrish, presumably to resolve the conflict. Accordingly, while Parrish is no longer citeable authority, given the grant of review, this court concludes that it should interpret Slaney narrowly.

From that perspective, the part of Slaney on which Clyde relies is distinguishable. To support the probable cause element of the malicious prosecution action, despite the initial denial of Slaney's MSJ in the underlying action, the Slaney Court relied on the fact that the trial court in the underlying action ultimately granted summary judgment for Slaney and that it then stated in the underlying judgment that Ranger's cause of action against Slaney had been brought "without any substantive basis in law and/or fact." (Slaney, supra, 115 Cal.App.4th at p. 321.) While the Slaney Court also discussed the jury's finding of malice by the defendant in the malicious prosecution action, it did so to establish that the MPP, Slaney, had made a prima facie showing that he could prevail on the malice element of his malicious prosecution cause of action.

Here, no development in the underlying action against Clyde refutes or negates the underlying trial court's ruling, in denying Clyde's directed verdict motion, that "both sides put in evidence that could be found to sustain their causes of action." (Schoch Decl., ex. B.) That ruling establishes that probable cause existed, objectively, for the causes of action, and that their success depended on whether a jury believed Ellena or Clyde. The fact that the jury ultimately disbelieved Ellena and disbelieved her so thoroughly that it found for Clyde on his malicious prosecution cross-claim regarding the criminal action does not change the fact that the trial court found the evidence presented to be objectively sufficient to support a cause of action if believed by the trier of fact. The underlying trial court did not later issue a different ruling granting a directed verdict or nonsuit motion by Clyde, or otherwise holding that Ellena had in fact failed, as a matter of law, to submit evidence that could be found to sustain her causes of action, in a way parallel to that in which the underlying trial court in Slaney had later granted a subsequent MSJ by the MPP and ultimately held in the underlying judgment that the relevant cause of action had been "without any substantive basis in law and/or fact."

Clyde argues that the underlying jury's verdict on his malicious prosecution cross-claim shows that it disbelieved Ellena, and found her testimony false and/or perjured. But the fraud exception to the IAJ Rule requires proof that the malicious prosecution defendant prevailed on an MSJ or similar motion in the underlying action "by the KNOWING use of false and perjured testimony." (Hart, supra, 2017 WL 2375503 at *4-5, emphasis added, citing Wilson, supra, 28 Cal.4th at p. 824; Plumley, supra, 164 Cal.App.4th at pp. 1052-53.)

In Plumley, supra, the Court of Appeal traced the origins of the fraud exception to the IAJ Rule—which it described as "an exception where the underlying victory was obtained by fraud or perjury"—to a century-old decision: "Our Supreme Court has explained: '[I]f a man has procured an unjust judgment by the knowing use of false and perjured testimony, he has perpetrated a great private wrong against his adversary.... So we find it laid down that the general rule now is, "that if the declaration or complaint shows a conviction of the plaintiff, yet if it be averred that the conviction was procured by fraud, perjury or subornation of perjury, or other unfair conduct on the part of the defendant, the presumption of probable cause is effectually rebutted." [Citations.]' " (Id. at p. 1052, quoting Carpenter v. Sibley (1908) 153 Cal. 215, 218.) The Plumley Court further noted that, "Although the fraud exception to the [IAJ] rule has been a feature of California law for more than a century [citing Carpenter, supra], few courts have had occasion to apply it." (Id. at p. 1053.) (Ultimately, the Plumley Court resolved the case before it by adopting from other jurisdictions a rule not applicable here, namely, that "once allegations of fraud or perjury have been rejected by a trier of fact [in the underlying action], they cannot be resurrected in a subsequent malicious prosecution action to avoid the [IAJ] rule." (Id. at p. 1054.))

As the Supreme Court noted in Wilson, supra, 28 Cal.4th at p. 817, the tort of malicious prosecution "is disfavored both because of its 'potential to impose an undue "chilling effect" on the ordinary citizen's willingness to report criminal conduct or to bring a civil dispute to court' and because, as a means of deterring excessive and frivolous lawsuits, it has the disadvantage of constituting a new round of litigation itself," and it is preferable to adopt "measures facilitating the speedy resolution of the initial lawsuit and authorizing the imposition of sanctions for frivolous or delaying conduct within that first action itself." (Ibid., quoting Sheldon Appel Co. v. Albert & Oliker (1989) 47 Cal.3d 863, 874.) That policy favors a broad construction of the IAJ Rule, which limits the tort of malicious prosecution, and thus a narrow construction of exceptions to that Rule, such as the fraud exception.

Accordingly—in what may be a matter of first impression, given the infrequent actual application of the

fraud exception to the IAJ rule--this court concludes that, because the fraud exception is triggered by a "knowing use of false and perjured testimony" to defeat an MSJ or a motion for nonsuit or directed verdict in the underlying action, a malicious prosecution plaintiff cannot substantiate a prima facie claim against the attorneys who represented the plaintiff in the underlying action (such as Maier Schoch), and thus cannot survive an anti-SLAPP motion by such attorneys, unless the MPP offers admissible evidence that the attorneys defeated the MPP's motion for summary judgment or directed verdict in the underlying action by relying on testimony that the attorneys actually knew to be false or perjured. (Obviously a different rule may well apply to malicious prosecution actions against the underlying plaintiffs themselves, since the underlying plaintiffs would of course have actually known that their testimony was false or perjurious. In this action, however, Clyde has not named Ellena as a defendant.)

Put simply, attorneys should not be subject to malicious prosecution liability for presenting a client's case to a jury if the client's testimony, if believed, would support the elements of a cause of action, unless the attorney knows or believes that testimony to be false or perjured.

In this case, Clyde has offered many forms of evidence that he contends support a finding that Ellena's testimony was perjured, and thus could support a finding that a reasonable attorney representing her should have so recognized, but he has offered no evidence suggesting that Maier Schoch actually knew or believed that Ellena's testimony was perjured. The court therefore concludes that Clyde has not shown a possibility of prevailing on his malicious prosecution action because his claim is barred by the IAJ Rule, and he has not made a prima facie showing that his claim comes within the fraud exception to that rule, which applies when the malicious-prosecution defendant procured the denial of an MSJ or similar motion in the underlying action "by the KNOWING use of false and perjured testimony." (Hart, supra, 2017 WL 2375503 at *4-5, emphasis added.)

The court will prepare the order. By the earlier of 5 days after the date on the Clerk's certificate of mailing or 10 days after the date the order is entered, Maier Schoch shall serve and file a Notice of Entry of Order.

Dated: 06/29/2017

 facsimile

Judge Julia Spain

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Rene C. Davidson Alameda County Courthouse

Berg <p style="text-align: right;">Plaintiff/Petitioner(s)</p> VS. Alipato Project <p style="text-align: right;">Defendant/Respondent(s) (Abbreviated Title)</p>	No. <u>RG17849540</u> Order Motion to Strike Complaint Granted
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The Motion to Strike Complaint was set for hearing on 07/20/2017 at 02:30 PM in Department 19 before the Honorable Julia Spain. The Tentative Ruling was published and has not been contested.

IT IS HEREBY ORDERED THAT:

The tentative ruling is affirmed as follows:

PRELIMINARY NOTICES

This tentative ruling will automatically become the court's final order on July 20 unless, by no later than 4:00 P.M. on July 19, a party to the action notifies BOTH

- 1) the court by calling (510) 267-6935 or by emailing Dept.19@alameda.courts.ca.gov) AND
 - 2) all opposing counsel or unrepresented parties (by telephone or in person)
- that the party intends to appear to contest this tentative ruling.

When a party notifies the court that the party is contesting a tentative ruling, the party must identify the specific holding(s) within the ruling they wish to contest.

The court does not provide court reporters for hearings in civil departments. A party who wants a record of the proceedings must engage a private court reporter. (Local Rule 3.95.)

Department 19 does not permit parties to appear telephonically for law-and-motion hearings unless counsel's office (or the home or workplace from which a self-represented party must travel to the hearing) is more than 100 miles from the 1221 Oak Street, Oakland Courthouse.

For the same reasons set forth in this court's June 29 order granting Defendants Eric Maier, Louis Shoch, and Maier Shoch LLP's anti-SLAPP motion to strike Plaintiff's complaint for malicious prosecution, the court grants the parallel anti-SLAPP motion, based on the same facts and procedural aspects of the underlying action, brought by Defendants Tia Katrina Taruc Canlas and the Alipato Project, who were co-counsel with the Maier Shoch Defendants in prosecuting the underlying action. Plaintiff's opposition to the motion, although filed after this court's order granting the Maier Schoch Defendant's parallel motion, does not identify any reason the court should rule differently on the Canlas/Alipato motion.

Because this motion strikes Plaintiff's cause of action as to the only remaining Defendants, the entire complaint must be, and hereby is, **DISMISSED**.

The court will prepare the order. By the earlier of 5 days after the date on the Clerk's certificate of mailing or 10 days after the date the order is entered, the Canlas/Alipato Defendants shall serve and file a Notice of Entry of Order.

Dated: 07/20/2017

A handwritten signature in cursive script, appearing to read "Julia Spain", with the word "facsimile" written in small letters to the right of the signature.

Judge Julia Spain