

**ORIGINAL
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LOS ANGELES SUPERIOR COURT

DEC 03 2004

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BY ELIZABETH TORRES DEPUTY

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7 COMPANY

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 FOR THE COUNTY OF LOS ANGELES

11 VANCE DOHRMANN, RICHARD PAYNE,
12 on behalf of themselves and as private
13 attorneys general and for all others similarly
14 situated.

14 Plaintiffs,

15 v.

16 TOSCO REFINERY COMPANY, INC.,
17 PHILLIPS PETROLEUM COMPANY,
18 UNION OIL COMPANY OF
CALIFORNIA, CONOCO PHILLIPS,
GARY FREIBURGER and DOES 1 through
100, inclusive,

19 Defendants.

Case No. BC 275234

0.14

[Assigned To The Honorable Alan Buckner
For All Purposes]

**NOTICE OF RULING ON DEFENDANT
CONOCOPHILLIPS' MOTION TO
STRIKE PORTIONS OF PLAINTIFFS'
THIRD AMENDED COMPLAINT
REGARDING REPRESENTATIVE
UNFAIR COMPETITION CLAIMS OR,
IN THE ALTERNATIVE, MOTION FOR
JUDGMENT ON THE PLEADINGS**

Date Action Filed: June 6, 2002

Motion Cut-Off: November 19, 2004

Discovery Cut-Off: November 5, 2004

Trial Date: TBD

1 **TO ALL PARTIES AND TO THEIR ATTORNEYS OF RECORD:**


2 On December 1, 2004, Defendant ConocoPhillips' Motion to Strike Portions of Plaintiffs' Third
3 Amended Complaint Regarding Representative Unfair Competition Claims or, in the Alternative,
4 Motion for Judgment on the Pleadings came on for hearing before this Court. The Court ruled as
5 follows:

- 6 1. The Motion to Strike is denied as untimely.
- 7 2. The non-statutory Motion for Judgment on the Pleadings is granted. Proposition 64,
8 which was enacted by voters on November 2, 2004 and amends California's Unfair Competition Law
9 ("UCL"), Cal. Bus. & Prof. Code, §§ 17200, et seq., applies to this case. The Court has previously
10 declined to certify a class of groups of employees known as "supervisors" and "specialists," so
11 plaintiffs cannot maintain representative claims on behalf of other supervisors and specialists in the
12 Third and Fourth Causes of Action. Plaintiffs have not sought to pursue a class action on behalf of a
13 group of employees known as "planners," so they cannot pursue representative claims on behalf of
14 planners in the Fifth Cause of Action. However, the two named plaintiffs may still pursue their
15 individual claims under the UCL.
- 16 3. The trial date of December 6, 2004 is vacated.
- 17 4. A status conference is set for January 10, 2004 at 9:30 a.m.
- 18 5. ConocoPhillips' Ex Parte Application for a Protective Order is taken off-calendar and
19 shall be rescheduled, if necessary, at a later date.

20 Dated: December 3, 2004

AKIN GUMP STRAUSS HAUER & FELD LLP

21 By

22 
23 Jessica M. Weisel
24 Attorneys for Defendant CONOCOPHILLIPS
25 COMPANY
26
27
28

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action; my business address is: 2029 Century Park East, Suite 2400, Los Angeles, California 90067. On December 3, 2004, I served the foregoing document(s) described as: **NOTICE OF RULONG ON DEFENDANT CONOCOPHILLIPS' MOTION TO STRIKE PORTIONS OF PLAINTIFFS' THIRD AMENDED COMPLAINT REGARDING REPRESENTATIVE UNFAIR COMPETITION CLAIMS OR, IN THE ALTERNATIVE, MOTION FOR JUDGMENT ON THE PLEADINGS** on interested parties in this action by placing the original true copy(ies) thereof enclosed in sealed envelopes* as follows: (*Name and address of the person served as shown on the envelope.)

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BY MAIL (C.C.P. § 1013, 1013a) I am readily familiar with the firm's practice of collection and processing correspondence for mailing with the U.S. postal service. Under that practice it would be deposited with U.S. postal service on that same day with postage thereon fully prepaid at Los Angeles, California in the ordinary course of business. The envelope was sealed and placed for collection and mailing on that date following ordinary business practices. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or posted meter date is more than one day after date of deposit for mailing in affidavit.

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

Executed on December 3, 2004 at Los Angeles, California.

Yvonne Shawver

[Print Name Of Person Executing Proof]

[Signature]

