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

<p>Spielman Plaintiff/Petitioner(s)</p> <p style="text-align: center;">VS.</p> <p>Ex'Pression Center for New Media Defendant/Respondent(s) (Abbreviated Title)</p>	<p>No. <u>RG04174927</u></p> <p>Order</p> <p>Demurrer to Complaint Sustained</p>
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The Demurrer to Complaint was set for hearing on 01/24/2005 at 09:00 AM in Department 31 before the Honorable James A. Richman. The Tentative Ruling was published and has not been contested.

IT IS HEREBY ORDERED THAT:

The tentative ruling is affirmed as follows: Demurrer of Defendants Ex'Pression Center for New Media, Peter Laanan, and Gary Platt to Plaintiffs' Complaint is ruled upon as follows:

1. Demurrer to the Third Cause of Action for Violation of Business and Professions Code section 17200 et seq. is **SUSTAINED WITH LEAVE TO AMEND** to allege, if possible, the requisite elements of a 17200 claim, including compliance with Code of Civil Procedure section 382.
2. Demurrer to the Fifth Cause of Action for Fraud and Sixth Cause of Action for Negligent Misrepresentation is **OVERRULED**.
3. Demurrer to the Seventh Cause of Action for Breach of Oral Contract is **OVERRULED**. The Court notes that Defendants first raised the statute of limitations argument in their reply brief and, accordingly, the Court has not considered this issue.
4. Ten days leave to amend. Ten days thereafter to respond. Time to amend runs from service of Notice of Entry of this Order on Plaintiffs, which Defendants shall serve within ten days of service of the Court's Order.

Dated: 01/24/2005

 facsimile

Judge James A. Richman