

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

DATE: 07/20/09

DEPT. 38

HONORABLE MAUREEN DUFFY-LEWIS

JUDGE R. ALVA

DEPUTY CLERK

HONORABLE
013.

JUDGE PRO TEM

ELECTRONIC RECORDING MONITOR

R. LOMELI, C.A.

Deputy Sheriff

LAUREN ENGEL #8470

Reporter

9:30 am

BC410599

Plaintiff J SPILLANE

Counsel

KEVIN CAMMARATA

JP JASSY

M MAYER

Defendant

G BOSTWICK

J MOONEY

VS

Counsel

J CHADWICK

BRIGHT IMPERIAL LIMITED ET AL

V ALTER

I ROTHKEN

Court Call

NATURE OF PROCEEDINGS:

SPECIAL MOTION OF DEFENDANTS, GENERATION FINANCIAL, LTD., BANGBROS.COM, INC., FLING.COM, LLC; UTHERVERSE, INC. MANSEF PRODUCTIONS, INC., BRAZZERS TECHNOLOGY, INC., AND LALIB LIMITADA TO STRIKE COMPLAINT PURSUANT TO CODE OF CIVIL PROCEDURE 425.16;

JOINDER OF DEFENDANTS FRIENDFINDER CALIFORNIA, INC., VARIOUS, INC. AND FRIENDFINDER NETWORKS, INC. TO SPECIAL MOTION LISTED ABOVE

DEFENDANT BRIGHT IMPERIAL LIMITED'S JOINDER

JOINDER IN SPECIAL MOTION TO STRIKE

Matter is called for hearing.

Motion is argued.

Matter is taken under submission.

LATER:

The court announces its ruling as follows:

Plaintiff alleges that he is the owner of a typical subscription internet site. Since the advent of "tube" sites, he has lost business. Defendant "Bright Imperial Limited" is a Hong Kong corporation that either owns or operates "redtube." All the other named defendants are alleged to be "aiders and

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

DATE: 07/20/09

DEPT. 38

HONORABLE MAUREEN DUFFY-LEWIS

JUDGE

R. ALVA

DEPUTY CLERK

HONORABLE 013.

JUDGE PRO TEM

ELECTRONIC RECORDING MONITOR

R. LOMELI, C.A.

Deputy Sheriff

LAUREN ENGEL #8470

Reporter

9:30 am

BC410599

Plaintiff J SPILLANE

Counsel

KEVIN CAMMARATA

JP JASSY M MAYER

Defendant

G BOSTWICK J MOONEY

VS

Counsel

J CHADWICK

BRIGHT IMPERIAL LIMITED ET AL

V ALTER

I ROTHKEN

Court Call

NATURE OF PROCEEDINGS:

abettors" to "redtude" in that they provide advertising on that site.

As to defendant/moving party's burden, the initial burden is to show that the action is subject to anti-SLAPP as defined in California Code of Civil Procedure section 425.16 and Equilon Enterprises, LLC v. Consumer Cause, Inc. (2002) 29 Cal. 4th 53, 61. This action regards the furtherance of the constitutional right of freedom of speech (California Code of Civil Procedure section 425.16(a)) and is an issue of public concern California Code of Civil Procedure section 425.16(e).

Plaintiff has the burden to present admissible evidence of a prima facie case such that there is a probability of prevailing in the merits. Mann v. Quality Old Time Services, Inc. (2004) Cal. App. 4th 90, 03. "Aiding and abetting" requires the commission of an intentional tort where the "aiding and abetting" party knows that the primary tortfeasor's conduct constitutes a breach of duty and gives substantial assistance to the primary tortfeasor in accomplishing the tortious result and acts in a way that, separately considered, constitutes a breach of duty. Saunders v. Superior Court (1994) 27 Cal. App. 4th 832, 845-6. Schulz v. Neovi Data Corp (2007) 152 Cal. App. 4th 86, 97.

Motions to strike are all GRANTED.

"Joinder" of Bright Imperial is DENIED. Bright

MINUTES ENTERED 07/20/09 COUNTY CLERK

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

DATE: 07/20/09

DEPT. 38

HONORABLE MAUREEN DUFFY-LEWIS

JUDGE

R. ALVA

DEPUTY CLERK

HONORABLE
013.

JUDGE PRO TEM

ELECTRONIC RECORDING MONITOR

R. LOMELI, C.A.

Deputy Sheriff

LAUREN ENGEL #8470

Reporter

9:30 am

BC410599

Plaintiff

J SPILLANE

Counsel

KEVIN CAMMARATA

JP JASSY

M MAYER

Defendant

G BOSTWICK

J MOONEY

VS

Counsel

J CHADWICK

BRIGHT IMPERIAL LIMITED ET AL

V ALTER

I ROTHKEN

Court Call

NATURE OF PROCEEDINGS:

Imperial is not a defenant to the 5th cause of action. "Aiding and abetting" defendants are not named to the other four.

Evidentiary objection numbers 1, 2, 3, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 23, 24, 26, 27, 28, 30, 31, 32, 33, 34, 35, 37, and 38 are SUSTAINED. OVERRULED as to numbers 4, 22, 25, 29 and 36.

Moving party to give notice.

CLERK'S CERTIFICATE OF MAILING/
NOTICE OF ENTRY OF ORDER

I, the below named Executive Officer/Clerk of the above-entitled court, do hereby certify that I am not a party to the cause herein, and that this date I served Notice of Entry of the above minute order of 07/20/09 upon each party or counsel named below by depositing in the United States mail at the courthouse in Los Angeles, California, one copy of the original entered herein in a separate sealed envelope for each, addressed as shown below with the postage thereon fully prepaid.

Date: 07/20/09

John A. Clarke, Executive Officer/Clerk

MINUTES ENTERED
07/20/09
COUNTY CLERK

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

DATE: 07/20/09

DEPT. 38

HONORABLE MAUREEN DUFFY-LEWIS

JUDGE R. ALVA

DEPUTY CLERK

HONORABLE
013.

JUDGE PRO TEM

ELECTRONIC RECORDING MONITOR

R. LOMELI, C.A.

Deputy Sheriff

LAUREN ENGEL #8470

Reporter

9:30 am BC410599

Plaintiff J SPILLANE
Counsel

KEVIN CAMMARATA

JP JASSY M MAYER
G BOSTWICK J MOONEY

VS

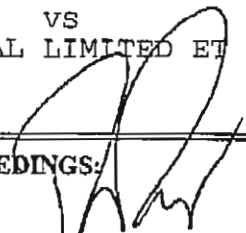
Defendant
Counsel J CHADWICK

BRIGHT IMPERIAL LIMITED ET AL

V ALTER
I ROTHKEN
Court Call

NATURE OF PROCEEDINGS:

By:


ROBERT R. ALVA

Jean-Paul Jassy
BOSTWICK JASSY
12400 Wilshire Boulevard
Suite 400
Los Angeles, CA 90025
FAX (310) 314-8401

MINUTES ENTERED
07/20/09
COUNTY CLERK