

**SUPERIOR COURT OF CALIFORNIA,
COUNTY OF SAN DIEGO
CENTRAL**

MINUTE ORDER

DATE: 01/08/2016

TIME: 01:30:00 PM

DEPT: C-72

JUDICIAL OFFICER PRESIDING: Timothy Taylor

CLERK: Carolina Nepomuceno

REPORTER/ERM: Not Reported

BAILIFF/COURT ATTENDANT: Deputy M. Tingley

CASE NO: **37-2015-00008210-CU-NP-CTL** CASE INIT.DATE: 03/11/2015

CASE TITLE: **SHARP vs STOCKTIPS.COM [IMAGED]**

CASE CATEGORY: Civil - Unlimited CASE TYPE: Non-PI/PD/WD tort - Other

EVENT TYPE: Discovery Hearing

APPEARANCES

There are no appearances by any party.

The Court confirms the tentative ruling as follows:

Ruling on Discovery Motion:

1. Overview and Procedural Posture.

Plaintiff is no stranger in Dept. 72:

Sharp v. Cuba Beverage Company, Case No. 2011-090093

Sharp v. IDO, Case No. 2012-10157

Sharp v. Xumanii, Case No. 2013-00048310

In the present case, as before, Sharp sues defendants for violations of the California Restrictions on Unsolicited Commercial E-mail Advertisers law (Cal. Bus. & Prof. Code 17529.5). Plaintiff alleges that all defendants participated in a scheme to disseminate spam emails containing false and misleading information to encourage plaintiff and other members of the public to purchase publicly traded penny stock of the defendants. According to the complaint, plaintiff has become well-known as a crusader against this sort of thing. Instead of just deleting the emails and/or placing the senders in his spam filter, Sharp filed this lawsuit in which he alleges that the defendants engaged in fraudulent and deceptive actions by initiating the sending of numerous unlawful spam e-mails on behalf of themselves and other defendants between late 2013 and March of 2015. ROA 1. Plaintiff seeks statutory damages of

\$210,000.00.

The case has been a little slow to gain traction. See ROA 28, 39. It is now set for a continued CMC in 3 weeks.

Plaintiff scheduled and then rescheduled a motion to compel. ROA 40-42.

2. Ruling.

Off calendar. No moving papers were filed. Plaintiff is ordered to show cause why he should not be sanctioned up to \$1500.00 for disobeying Local Rule 2.1.20. The OSC is set pursuant to CCP section 177.5, and is scheduled for January 29, 2016 at 9:15 a.m., the same hour as the CMC.

IT IS SO ORDERED.



Judge Timothy Taylor