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7 Crocs, Inc.

ELECTRONICALLY FILED
Superior Court of California,
County of Orange

08/07/2014 at 11:42:00 AM

Clerk of the Superior Court
By e Clerk, Deputy Clerk

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 COUNTY OF ORANGE, CENTRAL DISTRICT

10
11 MARKET BROADCAST, LLC, and
GEORGE SHARP,

12 Plaintiffs,

13 v.

14 CROCS INC., BIOSTEM U.S.
15 CORPORATION, DWIGHT
BRUNOEHLER, JOHN SATINO, SCOTT
16 CRUTCHFIELD, LONDON FINANCE
GROUP, LTD., SHERMAN MAZUR,
17 ELCO SECURITIES, LTD., FOX
COMMUNICATIONS GROUP, STEVE
18 BECK and DOES 1 through 50, inclusive,

19 Defendants.

No. 30-2013-00669008-CU-CO-CJC

NOTICE OF RULING ON CROCS, INC'S
DEMURRER TO PLAINTIFFS MARKET
BROADCAST, LLC AND GEORGE
SHARP'S SECOND AMENDED
COMPLAINT

Date: August 6, 2014
Time: 10:00 a.m.
Dept: C22
Judge: Judge Sheila Fell
Action Filed: August 14, 2013

1 **TO ALL PARTIES HEREIN AND THEIR RESPECTIVE ATTORNEYS OF**
2 **RECORD:**

3 **PLEASE TAKE NOTICE** that on August 6, 2014, at 10:00 a.m. in Department C22 of
4 the above-referenced court, the Court adopted its tentative ruling sustaining defendant Crocs,
5 Inc.'s ("**Crocs**") Demurrer to plaintiffs Market Broadcast, LLC and George Sharp's second, third
6 and fourth causes of action alleged against Crocs in its Second Amended Complaint. The Court
7 sustained Crocs' demurrer with ten (10) days leave to amend.

8 On the second cause of action, the Court held that plaintiffs failed to plead facts to support
9 formation and operation of the conspiracy as to Crocs, and that plaintiffs failed to plead that the
10 conduct of Crutchfield or Beck was part of an outgrowth of their employment with Crocs, or in
11 any way foreseeable from the employee's duties.

12 On the third cause of action, the Court held that plaintiffs failed to plead facts to support
13 formation and operation of the conspiracy as to Crocs, especially because parties cannot conspire
14 to commit a negligent act, and that plaintiffs failed to plead that the conduct of Crutchfield or
15 Beck was part of an outgrowth of their employment with Crocs, or in any way foreseeable from
16 the employee's duties.

17 On the fourth cause of action, the Court held that plaintiffs failed to properly allege claims
18 for fraud and negligent misrepresentation or other misconduct that could constitute a Business &
19 Professions Code section 17200 violation.

20
21 DATED: August 7, 2014

PERKINS COIE LLP

22
23 By: 

Amir Gamliel

24 Attorneys for Defendant
25 Crocs, Inc.

1 **PROOF OF SERVICE**

2 I, Caroline Mallahi, declare:

3 I am a citizen of the United States and employed in Los Angeles County, California. I am over
4 the age of eighteen years and not a party to the within-entitled action. My business address is
5 1888 Century Park East, Suite 1700, Los Angeles, CA 90067-1721.

6 On August 6, 2014, I served a copy of the within document(s):

7 **NOTICE OF RULING ON CROCS INC.'S DEMURRER TO PLAINTIFFS MARKET
8 BROADCAST, LLC AND GEORGE SHARP'S SECOND AMENDED COMPLAINT**

9 ___ by transmitting via FACSIMILE the document(s) listed above to the fax number set forth
10 below on this date before 5:00 p.m.

11 **XXX** by placing the document(s) listed above in a sealed envelope with postage thereon fully
12 prepaid, in the United States mail at Los Angeles, California addressed as set forth below.

13 ___ by placing the document(s) listed above in a sealed envelope and affixing a pre-
14 paid air bill, and causing the envelope to be delivered to a agent for delivery.

15 ___ By Federal Express, I caused said documents to be delivered for overnight/next business to
16 the office(s) at the address(es) set forth below.

17 **Attorneys for Plaintiffs Market Broadcast, LLC and George Sharp:**

18 David J. Harter
19 Law Offices of David J. Harter
20 13681 Newport Avenue, Suite 8-608
21 Tustin, CA 92780

22 **Attorneys for Defendant Dwight Brunoehler:**

23 John B. Wallace, Esq.
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(Courtesy Copy)

1 **Attorneys for Defendant Scott Crutchfield and Special & Limited Appearance Only for**
2 **Steve Beck:**

3 Eugene Illovsky
4 Morrison Foerster
5 755 Page Mill Road
6 Palo Alto, CA 94303-1018
7 (Courtesy Copy)

8 I am readily familiar with the firm's practice of collection and processing correspondence for
9 mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day
10 with postage thereon fully prepaid in the ordinary course of business. I am aware that on motion
11 of the party served, service is presumed invalid if postal cancellation date or postage meter date is
12 more than one day after date of deposit for mailing in affidavit.

13 I declare that I am employed in the office of a member of the bar of this court at whose direction
14 the service was made.

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

17 Executed on August 6, 2014 at Los Angeles, California.

18 
19 Caroline Mallahi