

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SAN DIEGO

DEPARTMENT 70 HON. RANDA TRAPP

STORIX, INC., A CALIFORNIA)	
CORPORATION,)	
)	
PLAINTIFF,)	
)	
VS.)	CASE NO.
)	37-2015-
ANTHONY JOHNSON, JANSTOR)	00028262-CU-BT-
TECHNOLOGY, A CALIFORNIA)	CTL
CORPORATION, AND DOES 1-20,)	
)	
DEFENDANTS.)	

REPORTER'S TRANSCRIPT

FRIDAY, AUGUST 26, 2016

APPEARANCES ON NEXT PAGE

LOIS MASON THOMPSON, CSR, RPR, CRR
CSR NO. 3685
lois.mason51@gmail.com
760.855.9689

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

APPEARANCES :

FOR THE PLAINTIFFS STORIX, INC., A CALIFORNIA CORPORATION:

PROCOPIO, CORY, HARGREAVES & SAVITCH, LLP
BY: SEAN M. GAFFNEY
525 B STREET
SUITE 2200
SAN DIEGO, CALIFORNIA 92101
619.238.1900

FOR THE DEFENDANTS ANTHONY JOHNSON, JANSTOR TECHNOLOGY, A CALIFORNIA CORPORATION:

ANTHONY JOHNSON
(IN PROPRIA PERSONA)
716 NORTHEAST 20TH DRIVE
WILTON MANORS, FLORIDA 33305
619.246.6549

1 San Diego, California, Friday, August 26, 2016

2 AM Session

3 ---000---

4 THE COURT: Number 39 on the Court's calendar,
5 Storix v Johnson, Number 39.

6 We have a court reporter on this matter,
7 Your Honor.

8 MR. GAFFNEY: Good morning, Your Honor.
9 Sean Gaffney from Procopio, Cory for the plaintiff and
10 cross-defendant Storix, Incorporated.

11 MR. JOHNSON: Good afternoon, Your Honor.
12 Anthony Johnson, pro se defendant.

13 THE COURT: Thank you.

14 This is a demurrer to the plaintiff's First
15 Amended Complaint and motion to strike portions of the
16 First Amended Complaint.

17 The Court's tentative is to overrule the
18 demurrer and to grant in part/deny in part the motion to
19 strike portions of the Complaint.

20 The plaintiff asked for time.

21 MR. GAFFNEY: Yes, Your Honor. Thank you.

22 First, I would like to note that Mr. Tyrell
23 couldn't be here because he's at a mandatory settlement
24 conference in Orange County. No disrespect is intended
25 by his absence.

1 THE COURT: Okay.

2 MR. GAFFNEY: I just wanted to briefly focus
3 on that portion of the tentative ruling with respect to
4 the motion to strike; specifically, the Court granted
5 the motion with respect to the request for punitive
6 damages and injunctive relief without leave to amend.

7 If I could draw the Court's attention to the
8 allegations in the First Amended Complaint that pertain
9 to the request for injunctive relief, I think that the
10 existing allegations are sufficient to support the
11 request. Specifically, we look at Paragraph 13 which
12 establishes that Mr. Johnson is a member of the board of
13 directors and owes fiduciary obligations of loyalty.

14 At Paragraphs 14 and 15, we discuss his
15 efforts to seek to form a company to compete with
16 Storix.

17 At Paragraph 16 we detail how there's been
18 evidence of Mr. Johnson openly acknowledging that his
19 intent in competing with Storix is to ruin the
20 livelihoods of his former colleagues.

21 And at Paragraphs 17 and 18 -- excuse me.
22 16 has more to do with the formation of Janstor. 17 and
23 18 pertain to Mr. Johnson's campaign of harassment and
24 intimidation with emails to customers and employees.

25 So based on those factual allegations, you

1 look at Paragraph 24 in the first cause of action for
2 breach of fiduciary duty it says unless enjoined, such
3 misconduct and unlawful competition will cause my client
4 irreparable injury which lacks an adequate remedy at
5 law.

6 And I think the case is law pretty that loss
7 of goodwill and this type competition that can drive a
8 company out of business is sufficient for injunctive
9 relief both because it's hard to measure the damages and
10 also the company might not even be around at the end of
11 the day and be left with a hollow judgment.

12 There is a third factor that's not in the
13 pleading that I think could be added if the Court is
14 inclined to grant leave to amend and that is the
15 defendant's likely insolvency as this drags on.

16 So turning to the portion of the tentative
17 ruling that addresses the request for punitive damages,
18 it's kind of similar logic. I think if you look at
19 Paragraph 25, that's the recitation of the elements of
20 Civil Code Section 3294, malice, fraud, and oppression,
21 what we have here is intentional conduct, that there's
22 been open admissions that it's malicious intent, that
23 this is a disloyal director who is trying to take down
24 the company through improper means, including unfair
25 competition, in breach of his fiduciary obligations.

1 And so while I would respectfully submit that
2 the existing allegations are sufficient, just turning to
3 the last aspect of the tentative that I want to discuss,
4 I think that we should be allowed an opportunity to
5 amend, if the Court desires additional information.
6 There's certainly a reasonable probability that we can
7 identify additional details, if the Court desires. And
8 that is my understanding of the standard that governs
9 requests for leave to amend, particularly with respect
10 to this being the first round of the Court actually
11 ruling on the matter. Thank you.

12 THE COURT: Okay.

13 Mr. Johnson.

14 MR. JOHNSON: Thank you, Your Honor.

15 I would accept the tentative ruling as to
16 striking the allegations regarding punitive damages and
17 injunctive relief, but I can address some of these
18 issues that have just been brought up.

19 However, I would like also to address the
20 issue of general allegations and jurisdiction. To do
21 so, I would like to first request judicial notice of the
22 original Complaint, which is ROA Number 1 in this case,
23 not to establish the truth of any allegations, but the
24 date of filing and the allegations that were stated in
25 that Complaint.

1 Secondly, the proof of service of that
2 original Complaint, which is ROA Number 9.

3 And lastly, although I don't think our
4 judicial notice is required, I would want to refer also
5 to the plaintiff's opposition to the motion to strike,
6 which is ROA Number 92.

7 Those -- having taken judicial notice of those
8 which may be used as evidence at hearings, I believe
9 that it undisputably establishes that I was not a
10 resident of California at the time that the original
11 Complaint was filed and certainly not when this Amended
12 Complaint was filed. The original Complaint was filed
13 on August 20th, 2015. And according to the proof of
14 service of the original Complaint, it was served to me
15 at my Florida address. The proof of service of the
16 opposition, which was filed this month, was also served
17 to my Florida address which establishes a continuous
18 residence in Florida.

19 I would like also to -- and that, of course,
20 was regarding the jurisdictional issues. Obviously,
21 filing the Complaint itself was done after I moved to
22 Florida. However, the events that have not already been
23 stricken from the Complaint are only Paragraphs 17 and
24 18 of the Complaint, and both of those events clearly
25 occurred after I moved to Florida. The first of which

1 they specified a date of September or October of 2015,
2 the second of which they specified no dates at all.

3 But clearly because that allegation did not
4 appear on the original Complaint and was added as a new
5 allegation in the Amended Complaint of March of this
6 year, it is reasonable to believe that that event could
7 not have occurred while I was living in California.

8 Those being the only two remaining allegations
9 of the Complaint, I would request on that basis that the
10 Complaint be stricken or demurred as they state no
11 further cause of action.

12 THE COURT: Counsel.

13 MR. GAFFNEY: Thank you, Your Honor.

14 I don't see the jurisdictional issues being
15 raised in the motions that we're here to talk about
16 today, but I would note that --

17 THE COURT: I don't either.

18 MR. GAFFNEY: -- notwithstanding that, an
19 out-of-state defendant can direct conduct towards
20 California, which is what happened here. I don't think
21 the location of Mr. Johnson's residence is dispositive
22 of any issue.

23 MR. JOHNSON: Your Honor, the issue of my
24 living in Florida at the time this Complaint was raised
25 in a demurrer.

1 THE COURT: Well, I don't see it.

2 It was raised outside of the pleadings, and on
3 a demurrer the Court is restricted to the pleadings.

4 MR. JOHNSON: Your Honor, I --

5 THE COURT: Hold on. The argument is over.

6 I'm going to confirm the tentative. The Court
7 is confirming the tentative as the order of the Court.
8 However, leave to amend is granted as to the punitive
9 damages.

10 MR. JOHNSON: Your Honor, I didn't get a
11 chance to address the issues that were just raised at
12 this hearing and the determination to amend this
13 Complaint again.

14 I'm sorry. I need to -- well, first of all,
15 he said that the issues of injunctive relief were raised
16 in Item Numbers 13 through 16. These items have to do
17 with the fact that I ordered a domain name and I formed
18 a company and registered ports, which I doubt if anyone
19 knows what that is. But they have drawn no nexus
20 whatsoever between those acts requiring injunctive
21 relief and any cause of action of harm to the company or
22 even a potential cause of harm. Without that nexus,
23 they can't establish that there was a breach of
24 fiduciary duty.

25 In fact, I would raise the issue also of the

1 fact that in order to have an issue of -- I'm sorry --
2 to raise a cause of action for breach of fiduciary duty
3 in the remaining allegations, which were Paragraphs 17
4 and 18, they would have to establish that I in fact owed
5 the company a fiduciary duty at the time that those
6 events occurred, and they have not established that
7 either. Because in Paragraph 18 -- at Paragraph 18 they
8 established no date on which the event occurred
9 whatsoever. So how would the Court know that I even
10 owed a fiduciary duty to the company.

11 They did establish that I am a current
12 director of the corporation, but this lawsuit has been
13 going on for a year now. And although he says he has
14 reason to believe that they have evidence of leave to
15 amend, they have performed no discovery in an entire
16 year, zero. They have made no attempt whatsoever to
17 find anything.

18 They amended a Complaint with two things that
19 happened after the Complaint was filed, and there are
20 simply two emails. They didn't provide those emails. I
21 attempted to provide those emails to show the
22 contradiction, but they cannot be submitted as evidence
23 in the reply.

24 Giving leave to amend this Complaint which has
25 dragged out endlessly is just insane because there's

1 simply no allegations of misconduct here that have any
2 merit whatsoever. And they can't establish that I lived
3 in California at the time any of this occurred or that I
4 even owed a fiduciary duty during the time all of these
5 events occurred or allegedly occurred.

6 Most importantly, there's just no nexus
7 between the breach of fiduciary duty of the allegations
8 and any actual harm that may have occurred or might
9 incur in the future.

10 And, again, a year of this and there has been
11 no actual statement of any harm whatsoever. And so I
12 would beg the Court to consider striking the additional
13 allegations, which the Court does have jurisdiction to
14 do; I realize they should have, or the discretion to do
15 so, although I understand they might have been raised
16 earlier. But I, more importantly, would ask that
17 the Court please not grant them leave to amend the
18 Complaint because they have already done so. They did
19 so one day before a hearing to relieve my former
20 counsel. Thirdly, putting me in a very difficult
21 position and automatically extending this another five
22 months.

23 Thank you, Your Honor.

24 THE COURT: Well, there was nothing nefarious
25 about that. It's actually encouraged that if

1 the plaintiffs agree that the pleadings are defective or
2 could be better pled, then they of course do that rather
3 than do it at a hearing. That's why they're allowed to
4 do it up until the time of the hearing.

5 MR. JOHNSON: Certainly, Your Honor. But they
6 didn't amend the Complaint with any new allegations that
7 occurred before I moved out of state. They didn't --
8 there simply aren't any new allegations.

9 THE COURT: Do you have anything to add?

10 MR. GAFFNEY: Just very briefly.

11 I think that Mr. Johnson's comment regarding
12 the lack of a date reference in Paragraph 19, I'd be
13 happy to supply that in the context of a new amended
14 complaint, if that's important to the Court.

15 I think we have adequately alleged a chain of
16 events resulting in proximate causation and as a result
17 damages resulting from breach of fiduciary duty.

18 I would respectfully request the Court to
19 reconsider giving me leave to amend to try to clarify
20 and strengthen the request for injunctive relief. That
21 might be our best and most appropriate remedy if, at the
22 end of the day, we're left with the situation with no
23 resources and a hollow judgment plus the difficulty in
24 trying to calculate the damage.

25 As far as the comments regarding a lack of

1 discovery, there's an anti-SLAPP motion pending in this
2 case that has stayed discovery.

3 Back when this was initially filed the focus
4 of the parties was on the infringement action pending in
5 Federal Court, and we're trying to be diligent in
6 prosecuting the separate, but related matters. So
7 that's why -- that's the explanation for the status of
8 discovery in this case. But given the opportunity,
9 Storix would appreciate the chance to provide the
10 additional detail showing why injunctive relief is a
11 vital remedy in this particular case.

12 MR. JOHNSON: Your Honor, the anti-SLAPP
13 motion was filed just two months ago, already ten months
14 into this. And it was filed by the cross-defendants'
15 counsel against the cross-complaint, not against
16 the plaintiff's complaint against me. Nevertheless, it
17 would cause a delay or a stay in discovery in the
18 cross-complaint, but not necessarily this one.
19 Nevertheless, they had ten months to do discovery and
20 they didn't. So, again, there is simply no cause for
21 this.

22 This is not a small matter. This is a
23 seven-person company that has now cost me and my
24 company, my former company, \$3 million. And they want
25 to keep -- they want to keep dragging it out.

1 As they said, they worry about my becoming
2 insolvent. The company is already insolvent. They have
3 been for some time. And they have been funded by their
4 attorneys to keep this up. There's just no point in
5 this. It's not helping anyone. Thank you.

6 THE COURT: I understand your concerns, but
7 they do have a right to prosecute this lawsuit.

8 I'm going to confirm my tentative. And I'm
9 changing it in terms of allowing one, hopefully last,
10 amendment as it relates to punitive damages and
11 injunctive relief.

12 MR. GAFFNEY: Thank you, Your Honor.

13 MR. JOHNSON: Your Honor, I would like to
14 request an as early as possible hearing for that.

15 THE COURT: I will.

16 Can we do it on the 16th, the same time --
17 whose hearing is on the 16th?

18 MR. JOHNSON: That would be the hearing for --
19 I'm sorry, the --

20 MR. GAFFNEY: It's Mr. Johnson's motion for
21 writ of mandate.

22 MR. JOHNSON: Writ of mandate, yes.

23 MR. GAFFNEY: I'm sorry, Your Honor. Were you
24 setting another matter for hearing on September 16th?

25 THE COURT: I was going to set the hearing on

1 the demurrer.

2 MR. GAFFNEY: Okay.

3 THE COURT: I'm just checking to make sure we
4 can do that.

5 MR. JOHNSON: You did say hearing on demurrer.
6 Does that include a hearing on the motion to strike?

7 THE COURT: Yes.

8 MR. JOHNSON: Okay.

9 MR. GAFFNEY: Your Honor, the anti-SLAPP
10 motion is set for hearing on October 28th. Perhaps the
11 solution would be we could file the amended pleading on
12 shortened time and give Mr. Johnson plenty of time to
13 digest and then he could serve a demurrer and motion to
14 strike per code and be heard at the same time as the
15 anti-SLAPP motion.

16 MR. JOHNSON: Your Honor, I have been
17 digesting for long enough. I don't need anymore time.
18 Thank you.

19 THE COURT: How is September 23rd?

20 MR. JOHNSON: Very good, Your Honor.

21 THE COURT: At 11:00 a.m.

22 MR. GAFFNEY: Thank you, Your Honor.

23 May the plaintiff have ten days to serve and
24 file the Amended Complaint?

25 THE COURT: Will that give -- is that within

1 the statutory time frame?

2 MR. GAFFNEY: That might be tight.

3 How about a week? If I get it by next Friday,
4 I think --

5 THE COURT: I think you will be okay by next
6 Friday.

7 MR. GAFFNEY: Thank you, Your Honor.

8 THE COURT: That's right, you have a
9 meet-and-confer requirement.

10 MR. JOHNSON: I would waive that requirement.

11 THE COURT: I don't think that you can.

12 MR. JOHNSON: I would waive the meet and
13 confer. Okay. I believe all of the allegations have
14 been made. They simply said that they had new evidence
15 to produce. Or do they wish to add more allegations
16 even though I'm clearly not in California?

17 MR. GAFFNEY: Your Honor, if I can file by
18 next Friday, I think that would build in enough lead
19 time for the meet-and-confer requirement in time for any
20 further attack on the pleading to be heard by the 28th
21 concurrent with the anti-SLAPP motion.

22 THE COURT: It doesn't work for
23 September 23rd?

24 THE CLERK: No.

25 THE COURT: October 14th.

1 MR. GAFFNEY: Is that at 11:00, Your Honor?

2 THE COURT: Yes.

3 MR. GAFFNEY: Thank you.

4 THE COURT: Do you waive notice of that date?

5 MR. GAFFNEY: Notice is waived.

6 MR. JOHNSON: Yes, Your Honor.

7 THE COURT: Okay. Thank you.

8 MR. GAFFNEY: Thank you, Your Honor.

9 THE COURT: Do you know when you are filing
10 the Amended Complaint?

11 MR. GAFFNEY: I can do it within ten days.

12 THE COURT: Okay. Thank you.

13 MR. GAFFNEY: Thank you.

14

15 (Proceedings adjourned at 12:12 p.m.)

16 ---000---

17

18

19

20

21

22

23

24

25

1 CERTIFICATE

2 State of California)

3 County of San Diego)

4
5 I, Lois Mason Thompson, CSR No. 3685, a pro tem
6 reporter in the Superior Court of the State of
7 California, in and for the County of San Diego, hereby
8 certify that I reported in machine shorthand the
9 proceedings held on August 26, 2016, that my notes were
10 transcribed into typewriting under my direction, that
11 the foregoing transcript, pages 1 through 3 is a full,
12 true, and correct transcript of the said proceedings.

13 Dated at San Diego, California, September 3, 2016
14
15

16 
17 Lois Mason Thompson

18 CSR No. 3685
19

20 Government Code Section 69954(D): Any court,
21 party, or person who has purchased a transcript may,
22 without paying a further fee to the reporter, reproduce
23 a copy or portion thereof as an exhibit pursuant to
24 court order or rule, or for internal use, but shall not
25 otherwise provide or sell a copy or copies to any other
party or person.

0	16, 20, 23-24; 8:8; 10:3; 11:1, 7, 13; 12:6, 8; 16:13, 15	certainly [3] - 6:6; 7:11; 12:5	cross-complaint [2] - 13:15, 18	E
000 [1] - 17:16	alleged [1] - 12:15	chain [1] - 12:15	cross-defendants' [1] - 13:14	early [1] - 14:14
1	allegedly [1] - 11:5	chance [2] - 9:11; 13:9	current [1] - 10:11	either [2] - 8:17; 10:7
1 [1] - 6:22	allowed [2] - 6:4; 12:3	changing [1] - 14:9	D	elements [1] - 5:19
11:00 [2] - 15:21; 17:1	allowing [1] - 14:9	checking [1] - 15:3	damage [1] - 12:24	encouraged [1] - 11:25
12:12 [1] - 17:15	amend [10] - 5:14; 6:5, 9; 9:8, 12; 10:15, 24; 11:17; 12:6, 19	Civil [1] - 5:20	damages [6] - 5:9, 17; 6:16; 9:9; 12:17; 14:10	end [2] - 5:10; 12:22
13 [1] - 9:16	amended [3] - 10:18; 12:13; 15:11	clearly [3] - 7:24; 8:3; 16:16	date [5] - 6:24; 8:1; 10:8; 12:12; 17:4	endlessly [1] - 10:25
14th [1] - 16:25	Amended [4] - 7:11; 8:5; 15:24; 17:10	CLERK [1] - 16:24	dates [1] - 8:2	enjoined [1] - 5:2
16 [1] - 9:16	amendment [1] - 14:10	client [1] - 5:3	days [2] - 15:23; 17:11	entire [1] - 10:15
16th [3] - 14:16, 24	anti [5] - 13:1, 12; 15:9, 15; 16:21	Code [1] - 5:20	defective [1] - 12:1	establish [5] - 6:23; 9:23; 10:4, 11; 11:2
17 [2] - 7:23; 10:3	anti-SLAPP [5] - 13:1, 12; 15:9, 15; 16:21	code [1] - 15:14	defendant [1] - 8:19	established [2] - 10:6, 8
18 [4] - 7:24; 10:4, 7	appear [1] - 8:4	comment [1] - 12:11	defendants' [1] - 5:15	establishes [2] - 7:9, 17
19 [1] - 12:12	appreciate [1] - 13:9	comments [1] - 12:25	defendants' [1] - 13:14	event [2] - 8:6; 10:8
2	appropriate [1] - 12:21	company [1] - 5:8, 10, 24; 9:18, 21; 10:5, 10; 13:23; 14:2	delay [1] - 13:17	events [5] - 7:22, 24; 10:6; 11:5; 12:16
2015 [2] - 7:13; 8:1	argument [1] - 9:5	competition [3] - 5:3, 7, 25	demurred [1] - 8:10	evidence [4] - 7:8; 10:14, 22; 16:14
20th [1] - 7:13	aspect [1] - 6:3	complaint [4] - 12:14; 13:15, 18	demurrer [5] - 8:25; 9:3; 15:1, 5, 13	existing [1] - 6:2
23rd [2] - 15:19; 16:23	attack [1] - 16:20	Complaint [23] - 6:22, 25; 7:2, 11-12, 14, 21, 23-24; 8:4, 9-10, 24; 9:13; 10:18, 24; 11:18; 12:6; 15:24; 17:10	desires [2] - 6:5, 7	explanation [1] - 13:7
24 [1] - 5:1	attempt [1] - 10:16	concerns [1] - 14:6	detail [1] - 13:10	extending [1] - 11:21
25 [1] - 5:19	attempted [1] - 10:21	concurrent [1] - 16:21	details [1] - 6:7	F
28th [2] - 15:10; 16:20	attorneys [1] - 14:4	conduct [2] - 5:21; 8:19	determination [1] - 9:12	fact [4] - 9:17, 25; 10:1, 4
3	August [1] - 7:13	confer [3] - 16:9, 13, 19	difficult [1] - 11:20	factor [1] - 5:12
3 [1] - 13:24	automatically [1] - 11:21	confirm [2] - 9:6; 14:8	difficulty [1] - 12:23	far [1] - 12:25
3294 [1] - 5:20	B	confirming [1] - 9:7	digest [1] - 15:13	Federal [1] - 13:5
9	basis [1] - 8:9	consider [1] - 11:12	digesting [1] - 15:17	fiduciary [9] - 5:2, 25; 9:24; 10:2, 5, 10; 11:4, 7; 12:17
9 [1] - 7:2	becoming [1] - 14:1	context [1] - 12:13	diligent [1] - 13:5	file [3] - 15:11, 24; 16:17
92 [1] - 7:6	beg [1] - 11:12	continuous [1] - 7:17	director [2] - 5:23; 10:12	filed [8] - 7:11, 16; 10:19; 13:3, 13
A	better [1] - 12:2	contradiction [1] - 10:22	discovery [6] - 10:15; 13:1, 8, 17, 19	filing [3] - 6:24; 7:21; 17:9
a.m [1] - 15:21	between [2] - 9:20; 11:7	corporation [1] - 10:12	discretion [1] - 11:14	first [5] - 5:1; 6:10, 21; 7:25; 9:14
accept [1] - 6:15	breach [6] - 5:2, 25; 9:23; 10:2; 11:7; 12:17	cost [1] - 13:23	discuss [1] - 6:3	five [1] - 11:21
according [1] - 7:13	briefly [1] - 12:10	counsel [3] - 8:12; 11:20; 13:15	disloyal [1] - 5:23	Florida [6] - 7:15, 17-18, 22, 25; 8:24
action [5] - 5:1; 8:11; 9:21; 10:2; 13:4	brought [1] - 6:18	course [2] - 7:19; 12:2	dispositive [1] - 8:21	focus [1] - 13:3
acts [1] - 9:20	build [1] - 16:18	Court [14] - 5:13; 6:5, 7, 10; 9:3, 6-7; 10:9; 11:12, 17; 12:14, 18; 13:5	domain [1] - 9:17	formed [1] - 9:17
actual [2] - 11:8, 11	business [1] - 5:8	COURT [25] - 6:12; 8:12, 17; 9:1, 5; 11:24; 12:9; 14:6, 15, 25; 15:3, 7, 19, 21, 25; 16:5, 8, 11, 22, 25; 17:2, 4, 7, 9, 12	done [2] - 7:21; 11:18	former [2] - 11:19; 13:24
add [2] - 12:9; 16:15	C	cross [3] - 13:14, 18	doubt [1] - 9:18	frame [1] - 16:1
added [2] - 5:13; 8:4	calculate [1] - 12:24		down [1] - 5:23	Friday [1] - 5:20
additional [4] - 6:5, 7; 11:12; 13:10	California [5] - 7:10; 8:7, 20; 11:3; 16:16		dragged [1] - 10:25	Fraud [3] - 16:3, 6, 18
address [5] - 6:17, 19; 7:15, 17; 9:11	cannot [1] - 10:22		dragging [1] - 13:25	funded [1] - 14:3
addresses [1] - 5:17	case [5] - 5:6; 6:22; 13:2, 8, 11		drags [1] - 5:15	future [1] - 11:9
adequate [1] - 5:4	causation [1] - 12:16		drawn [1] - 9:19	
adequately [1] - 12:15			drive [1] - 5:7	
adjourned [1] - 17:15			during [1] - 11:4	
admissions [1] - 5:22			duty [8] - 5:2; 9:24; 10:2, 5, 10; 11:4, 7; 12:17	
ago [1] - 13:13				
agree [1] - 12:1				
allegation [2] - 8:3, 5				
allegations [14] - 6:2,				

<p style="text-align: center;">G</p> <p>GAFFNEY [18] - 8:13, 18; 12:10; 14:12, 20, 23; 15:2, 9, 22; 16:2, 7, 17; 17:1, 3, 5, 8, 11, 13</p> <p>general [1] - 6:20</p> <p>given [1] - 13:8</p> <p>goodwill [1] - 5:7</p> <p>governs [1] - 6:8</p> <p>grant [2] - 5:14; 11:17</p> <p>granted [1] - 9:8</p>	<p>intent [1] - 5:22</p> <p>intentional [1] - 5:21</p> <p>irreparable [1] - 5:4</p> <p>issue [5] - 6:20; 8:22; 9:25; 10:1</p> <p>issues [5] - 6:18; 7:20; 8:14; 9:11, 15</p> <p>Item [1] - 9:16</p> <p>items [1] - 9:16</p> <p>itself [1] - 7:21</p>	<p style="text-align: center;">M</p> <p>malice [1] - 5:20</p> <p>malicious [1] - 5:22</p> <p>mandate [2] - 14:21</p> <p>March [1] - 8:5</p> <p>matter [3] - 6:11; 13:22; 14:24</p> <p>matters [1] - 13:6</p> <p>means [1] - 5:24</p> <p>measure [1] - 5:9</p> <p>meet [3] - 16:9, 12, 19</p> <p>meet-and-confer [2] - 16:9, 19</p> <p>merit [1] - 11:2</p> <p>might [5] - 5:10; 11:8, 15; 12:21; 16:2</p> <p>million [1] - 13:24</p> <p>misconduct [2] - 5:3; 11:1</p> <p>month [1] - 7:16</p> <p>months [4] - 11:22; 13:13, 19</p> <p>most [2] - 11:6; 12:21</p> <p>motion [9] - 7:5; 13:1, 13; 14:20; 15:6, 10, 13, 15; 16:21</p> <p>motions [1] - 8:15</p> <p>moved [3] - 7:21, 25; 12:7</p> <p>MR [34] - 6:14; 8:13, 18, 23; 9:4, 10; 12:5, 10; 13:12; 14:12, 18, 20, 22-23; 15:2, 5, 8-9, 16, 20, 22; 16:2, 7, 10, 12, 17; 17:1, 3, 5-6, 8, 11, 13</p>	<p style="text-align: center;">Numbers [1] - 9:16</p> <p style="text-align: center;">O</p> <p>obligations [1] - 5:25</p> <p>obviously [1] - 7:20</p> <p>occurred [9] - 7:25; 8:7; 10:6, 8; 11:3, 5, 8; 12:7</p> <p>October [3] - 8:1; 15:10; 16:25</p> <p>one [3] - 11:19; 13:18; 14:9</p> <p>open [1] - 5:22</p> <p>opportunity [2] - 6:4; 13:8</p> <p>opposition [2] - 7:5, 16</p> <p>oppression [1] - 5:20</p> <p>order [2] - 9:7; 10:1</p> <p>ordered [1] - 9:17</p> <p>original [6] - 6:22; 7:2, 10, 12, 14; 8:4</p> <p>out-of-state [1] - 8:19</p> <p>outside [1] - 9:2</p> <p>owed [3] - 10:4, 10; 11:4</p>	<p>pretty [1] - 5:6</p> <p>probability [1] - 6:6</p> <p>Proceedings [1] - 17:15</p> <p>produce [1] - 16:15</p> <p>proof [3] - 7:1, 13, 15</p> <p>prosecute [1] - 14:7</p> <p>prosecuting [1] - 13:6</p> <p>provide [3] - 10:20; 13:9</p> <p>proximate [1] - 12:16</p> <p>punitive [4] - 5:17; 6:16; 9:8; 14:10</p> <p>putting [1] - 11:20</p>
<p style="text-align: center;">H</p> <p>happy [1] - 12:13</p> <p>hard [1] - 5:9</p> <p>harm [4] - 9:21; 11:8, 11</p> <p>heard [2] - 15:14; 16:20</p> <p>hearing [12] - 9:12; 11:19; 12:3; 14:14, 17-18, 24-25; 15:5, 10</p> <p>hearings [1] - 7:8</p> <p>helping [1] - 14:5</p> <p>Hold [1] - 9:5</p> <p>hollow [2] - 5:11; 12:23</p> <p>Honor [20] - 6:14; 8:13, 23; 9:4, 10; 11:23; 12:5; 13:12; 14:12, 23; 15:9, 16, 20, 22; 16:7, 17; 17:1, 6, 8</p> <p>hopefully [1] - 14:9</p>	<p style="text-align: center;">J</p> <p>Johnson [2] - 6:13; 15:12</p> <p>JOHNSON [16] - 6:14; 8:23; 9:4, 10; 12:5; 13:12; 14:13, 18, 22; 15:5, 8, 16, 20; 16:10, 12; 17:6</p> <p>Johnson's [3] - 8:21; 12:11; 14:20</p> <p>judgment [2] - 5:11; 12:23</p> <p>judicial [3] - 6:21; 7:4, 7</p> <p>jurisdiction [2] - 6:20; 11:13</p> <p>jurisdictional [2] - 7:20; 8:14</p>	<p style="text-align: center;">N</p> <p>name [1] - 9:17</p> <p>necessarily [1] - 13:18</p> <p>need [2] - 9:14; 15:17</p> <p>nefarious [1] - 11:24</p> <p>nevertheless [2] - 13:16, 19</p> <p>new [5] - 8:4; 12:6, 8, 13; 16:14</p> <p>next [3] - 16:3, 5, 18</p> <p>nexus [3] - 9:19, 22; 11:6</p> <p>note [1] - 8:16</p> <p>nothing [1] - 11:24</p> <p>notice [5] - 6:21; 7:4, 7; 17:4</p> <p>notwithstanding [1] - 8:18</p> <p>Number [3] - 6:22; 7:2, 6</p>	<p style="text-align: center;">P</p> <p>p.m [1] - 17:15</p> <p>Paragraph [5] - 5:1, 19; 10:7; 12:12</p> <p>Paragraphs [2] - 7:23; 10:3</p> <p>particular [1] - 13:11</p> <p>particularly [1] - 6:9</p> <p>parties [1] - 13:4</p> <p>pending [2] - 13:1, 4</p> <p>per [1] - 15:14</p> <p>performed [1] - 10:15</p> <p>perhaps [1] - 15:10</p> <p>person [1] - 13:23</p> <p>plaintiff [1] - 15:23</p> <p>plaintiff's [2] - 7:5; 13:16</p> <p>plaintiffs [1] - 12:1</p> <p>pleading [3] - 5:13; 15:11; 16:20</p> <p>pleadings [3] - 9:2; 12:1</p> <p>pled [1] - 12:2</p> <p>plenty [1] - 15:12</p> <p>plus [1] - 12:23</p> <p>point [1] - 14:4</p> <p>portion [1] - 5:16</p> <p>ports [1] - 9:18</p> <p>position [1] - 11:21</p> <p>possible [1] - 14:14</p> <p>potential [1] - 9:22</p>	<p style="text-align: center;">R</p> <p>raise [2] - 9:25; 10:2</p> <p>raised [6] - 8:15, 24; 9:2, 11, 15; 11:15</p> <p>rather [1] - 12:2</p> <p>realize [1] - 11:14</p> <p>reason [1] - 10:14</p> <p>reasonable [2] - 6:6; 8:6</p> <p>recitation [1] - 5:19</p> <p>reconsider [1] - 12:19</p> <p>refer [1] - 7:4</p> <p>reference [1] - 12:12</p> <p>regarding [4] - 6:16; 7:20; 12:11, 25</p> <p>registered [1] - 9:18</p> <p>related [1] - 13:6</p> <p>relates [1] - 14:10</p> <p>relief [7] - 5:9; 6:17; 9:15, 21; 12:20; 13:10; 14:11</p> <p>relieve [1] - 11:19</p> <p>remaining [2] - 8:8; 10:3</p> <p>remedy [3] - 5:4; 12:21; 13:11</p> <p>reply [1] - 10:23</p> <p>request [6] - 5:17; 6:21; 8:9; 12:18, 20; 14:14</p> <p>requests [1] - 6:9</p> <p>required [1] - 7:4</p> <p>requirement [3] - 16:9, 19</p> <p>requiring [1] - 9:20</p> <p>residence [2] - 7:18; 8:21</p> <p>resident [1] - 7:10</p> <p>resources [1] - 12:23</p> <p>respect [1] - 6:9</p> <p>respectfully [2] - 6:1; 12:18</p> <p>restricted [1] - 9:3</p> <p>result [1] - 12:16</p>
<p style="text-align: center;">I</p> <p>identify [1] - 6:7</p> <p>important [1] - 12:14</p> <p>importantly [2] - 11:6, 16</p> <p>improper [1] - 5:24</p> <p>inclined [1] - 5:14</p> <p>include [1] - 15:6</p> <p>including [1] - 5:24</p> <p>incur [1] - 11:9</p> <p>information [1] - 6:5</p> <p>infringement [1] - 13:4</p> <p>injunctive [7] - 5:8; 6:17; 9:15, 20; 12:20; 13:10; 14:11</p> <p>injury [1] - 5:4</p> <p>insane [1] - 10:25</p> <p>insolvency [1] - 5:15</p> <p>insolvent [2] - 14:2</p>	<p style="text-align: center;">K</p> <p>keep [3] - 13:25; 14:4</p> <p>kind [1] - 5:18</p> <p>knows [1] - 9:19</p>			

<p>resulting [2] - 12:16 ROA [3] - 6:22; 7:2, 6 round [1] - 6:10 ruling [3] - 5:17; 6:11, 15</p>	T	Z
S	<p>ten [4] - 13:13, 19; 15:23; 17:11 tentative [6] - 5:16; 6:3, 15; 9:6; 14:8 terms [1] - 14:9 THE [26] - 6:12; 8:12, 17; 9:1, 5; 11:24; 12:9; 14:6, 15, 25; 15:3, 7, 19, 21, 25; 16:5, 8, 11, 22, 24-25; 17:2, 4, 7, 9, 12 third [1] - 5:12 thirdly [1] - 11:20 tight [1] - 16:2 today [1] - 8:16 towards [1] - 8:19 truth [1] - 6:23 try [1] - 12:19 trying [3] - 5:23; 12:24; 13:5 turning [2] - 5:16; 6:2 two [4] - 8:8; 10:18, 20; 13:13 type [1] - 5:7</p>	<p>zero [1] - 10:16</p>
<p>second [1] - 8:2 secondly [1] - 7:1 Section [1] - 5:20 see [2] - 8:14; 9:1 separate [1] - 13:6 September [4] - 8:1; 14:24; 15:19; 16:23 serve [2] - 15:13, 23 served [2] - 7:14, 16 service [3] - 7:1, 14 set [2] - 14:25; 15:10 setting [1] - 14:24 seven [1] - 13:23 seven-person [1] - 13:23 shortened [1] - 15:12 show [1] - 10:21 showing [1] - 13:10 similar [1] - 5:18 simply [5] - 10:20; 11:1; 12:8; 13:20; 16:14 situation [1] - 12:22 SLAPP [5] - 13:1, 12; 15:9, 15; 16:21 small [1] - 13:22 solution [1] - 15:11 sorry [4] - 9:14; 10:1; 14:19, 23 specified [2] - 8:1 standard [1] - 6:8 state [3] - 8:10, 19; 12:7 statement [1] - 11:11 status [1] - 13:7 statutory [1] - 16:1 stay [1] - 13:17 stayed [1] - 13:2 Storix [1] - 13:9 strengthen [1] - 12:20 stricken [2] - 7:23; 8:10 strike [3] - 7:5; 15:6, 14 striking [2] - 6:16; 11:12 submit [1] - 6:1 submitted [1] - 10:22 sufficient [2] - 5:8; 6:2 supply [1] - 12:13</p>	U	
	<p>undisputably [1] - 7:9 unfair [1] - 5:24 unlawful [1] - 5:3 unless [1] - 5:2 up [3] - 6:18; 12:4; 14:4</p>	
	V	
	<p>vital [1] - 13:11</p>	
	W	
	<p>waive [3] - 16:10, 12; 17:4 waived [1] - 17:5 week [1] - 16:3 whatsoever [5] - 9:20; 10:9, 16; 11:2, 11 wish [1] - 16:15 worry [1] - 14:1 writ [2] - 14:21</p>	
	Y	
	<p>year [4] - 8:6; 10:13, 16; 11:10</p>	