

**SUPERIOR COURT OF CALIFORNIA,
COUNTY OF VENTURA
VENTURA**

MINUTE ORDER

DATE: 09/11/2015

TIME: 08:20:00 AM

DEPT: 43

JUDICIAL OFFICER PRESIDING: Kevin DeNoce

CLERK: Tiffany Froedge

REPORTER/ERM: None

CASE NO: **56-2015-00462910-CU-FR-VTA**

CASE TITLE: **Salient Sec Serv vs Agency Arms LLC**

CASE CATEGORY: Civil - Unlimited CASE TYPE: Fraud

EVENT TYPE: Demurrer (CLM)

MOVING PARTY: Joe Rai, Michael Parks, Catherine Zafra, Agency Arms LLC, PGT Engineering, Randy Niswander

CAUSAL DOCUMENT/DATE FILED: Demurrer to Second Amended complaint, 08/05/2015

EVENT TYPE: Motion To Strike Portions Of Complaint second amended complaint

MOVING PARTY: Joe Rai, Michael Parks, Catherine Zafra, Agency Arms LLC, PGT Engineering, Randy Niswander

CAUSAL DOCUMENT/DATE FILED: Motion to Strike Portions of Second amended complaint, 08/05/2015

APPEARANCES

Jerry Rulsky, counsel, present for Plaintiff(s).

RICHARD W. TENTLER, counsel, present for Defendant(s).

Michael A Morrow, counsel, present for Defendant(s).

At 8:49 a.m., court convenes in this matter with all parties present as previously indicated.

Counsel have received and read the court's written tentative ruling.

All parties submit on the Court's tentative ruling.

The Court finds/orders:

The Court's tentative is adopted as the Court's ruling.

The court's ruling is as follows:

Sustain with leave to amend, last time, insufficient facts as to Causes of actions 1 - Misappropriation of trade secrets, - Br of written contract - Zafra only, 7 - Br of written contract - Rai only: Plaintiff has to

allege that the Ds knew that they were in receipt of trade secret information or confidential information. It does not help for Plaintiff to have a trade secret if no one else knows that P considers it to be such. See Cal Francisco Inv Corp v Vrionis (1971) 14 CA 3d 318, 321-322; CC 3426.1(b). Plaintiff to clean up the names of the Defendants in causes of action 6 and 7 as well.

Overruled as to causes of action 2 - False designation under 15 USC 1125 (a), 9 - Intentional misrepresentation - PGT and Niswander only & 10 - Omission of material fact - PGT and Niswander only. Plaintiff has adequately alleged what its trade secrets were and Ds' misrepresentation of its affiliation with P when selling copies of P's weapons for itself; P has sufficiently alleged what was said to its representative Adrien Chavez and when. PGT is alleged to be Niswander's dba so there is no necessity to allege that Niswander had authority to speak for PGT.

Motion to strike exemplary damages allegations: Denied

Third amended complaint due by 10-2-15.

Parties waive notice.