

1 **JUDGMENT OF DISMISSAL OF CASE**

2 Plaintiffs filed the initial Complaint in this matter on September 30, 2014.
3 The initial Complaint alleged causes of action for breach of contract, unjust
4 enrichment, defamation and violation of California Business and Professions Code
5 Section 16600 and 17200. All causes of action were alleged against defendant First
6 Financial Security, Inc. (“FFS”), and the defamation cause of action was alleged
7 against defendants FFS, Phillip Gerlicher and Laura Manzer.

8 Defendants filed a motion to dismiss and motion to stay pending arbitration
9 (Dkt Nos. 14, 15, 11/14/14.) The grounds raised in the motion to dismiss were lack
10 of subject matter jurisdiction and failure to state a claim upon which relief can be
11 granted. The Court granted the motion to dismiss, with leave to amend, on the
12 grounds that the Court lacked subject matter jurisdiction, and denied the motion for
13 arbitration as moot. (Dkt. No. 24, 12/15/14.)

14 On January 20, 2015, Plaintiffs filed a First Amended Complaint. (Dkt. No.
15 26.) The First Amended Complaint contained three causes of action: breach of
16 contract, violation of California Business and Professions Code §§ 16600 and
17 17200, and “tortious interference with prospective business advantage.” FFS was
18 named in all three causes of action. The tortious interference claim was alleged
19 only as to Gerlicher and Manzer. The First Amended Complaint omitted the unjust
20 enrichment claim and the defamation claim against FFS, Gerlicher and Manzer.

21 On February 5, 2015, Defendants once again moved to (1) dismiss for lack of
22 subject matter jurisdiction and failure to state a claim, and (2) compel arbitration
23 and stay. (Dkt. Nos. 31, 32.) The Court once again dismissed for lack of subject-
24 matter jurisdiction with leave to amend, and denied the motion to compel
25 arbitration as moot. (Dkt. No. 39, 03/19/15.)

26 On April 8, 2015, Plaintiffs filed a Second Amended Complaint. (Dkt. No.
27 40.) The Second Amended Complaint named only FFS and not Gerlicher or
28 Manzer. The Second Amended Complaint contained claims for breach of contract

1 and violation of California Business and Professions Code §§ 16600 and 17200.
2 The “tortious interference” claim was omitted from the Second Amended
3 Complaint.

4 On April 22, 2015, FFS moved to dismiss the Second Amended Complaint
5 on the grounds that the Court lacks subject-matter jurisdiction, and move to compel
6 arbitration and stay the action. (Dkt. Nos 43, 44.)

7 On July 1, 2015, the Court issued an Order dismissing the Second Amended
8 Complaint with prejudice. (Dkt. No. 58.)

9 Accordingly, JUDGMENT is hereby entered against Plaintiffs and in favor
10 of defendant First Financial Security, Inc., defendant Phillip Gerlicher and
11 defendant Laura Manzer.

12 Defendants, or any of them, may apply for costs or fees if appropriate,
13 pursuant to the procedures of Federal Rule of Civil Procedure 54 and Local Rule
14 54.

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16 Dated: July 9, 2015

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Hon. Stephen V. Wilson
Judge, U.S. District Court