

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
26
27
28

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

TIMOTHY DeMARTINI, et al.,
Plaintiffs,
v.
MICHAEL DeMARTINI, et al.,
Defendants.

No. 2:14-cv-2722 JAM CKD PS

ORDER

PlaintiffS filed the above-entitled action. The matter was referred to a United States Magistrate Judge pursuant to Local Rule 302(c).

On April 14, 2016, as amended on April 29, 2016, the magistrate judge filed findings and recommendations herein which were served on the parties and which contained notice to the parties that any objections to the findings and recommendations were to be filed within fourteen days. No objections have been filed.¹

The court has reviewed the file and finds the findings and recommendations to be supported by the record and by the magistrate judge’s analysis. Accordingly, IT IS HEREBY ORDERED that:

¹ Objections were filed by plaintiffs to the original findings and recommendations, pointing out some clerical errors. The findings and recommendations were accordingly amended on April 29, 2016.

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
26
27
28

1. The findings and recommendations filed April 14, 2016, as amended on April 29, 2016, are adopted in full;
2. Plaintiffs/counterdefendants’ special motion to strike under California Code of Civil Procedure § 425.16 (ECF No. 86) is granted as to the claims for breach of contract, wrongful ouster, and intentional interference with contractual relations alleged in the first amended answer and counterclaim;
3. Plaintiffs/counterdefendants are awarded attorneys’ fees and costs pursuant to California Code of Civil Procedure § 425.16 (c) in the amount of \$4,600;
4. Plaintiffs/counterdefendants’ motion to dismiss defendants/counterclaimants’ claims for defamation and defamation per se is denied;
5. Plaintiffs/counterdefendants’ motion to dismiss defendants/counterclaimants’ claim for malicious and oppressive conduct is granted without prejudice to its renewal as an allegation in support of punitive damages; and
6. Defendants/counterclaimants’ claims for attorneys’ fees is stricken.

DATED: June 17, 2016

/s/ John A. Mendez
UNITED STATES DISTRICT COURT JUDGE