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United States District Court
For the Northern District of California

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

GLOBAL INDUSTRIES, INC.,
Plaintiff,
v.
ERGO CONTRACT FURNITURE, et al.,
Defendants.

No. C-15-3666 MMC

ORDER GRANTING IN PART AND DENYING IN PART DEFENDANTS' MOTION TO DISMISS; AFFORDING PLAINTIFF LEAVE TO AMEND; VACATING HEARING

Before the Court is the "Motion to Dismiss of Defendants Ergo Contract Furniture, Euro Space, Inc., John Eric Yocius, Darren Pitts and Paul Randy Moseley," filed October 9, 2015, by which defendants seek dismissal of the First, Second, Fourth and Fifth Causes of Action in plaintiff Global Industries, Inc.'s ("Global") complaint. Global has filed opposition, to which defendants have replied. Having read and considered the papers filed in support of and in opposition to the motion, the Court deems the matter suitable for decision on the parties' respective written submissions, VACATES the hearing scheduled for December 4, 2015, and rules as follows:

1. Contrary to defendants' argument, the First, Second, and Fifth Causes of Action are not subject to dismissal. As defendants note, said causes of action are predicated on contractual provisions prohibiting the individual defendants from soliciting Global's employees. (See Compl. ¶¶ 16, 22, 25, 33, 53, 59, 75-76; see also Compl. at 12:15-18.)


1 motion is hereby GRANTED, and the Fourth Cause of Action is hereby DISMISSED, with
2 leave to amend no later than December 18, 2015.

3 2. In all other respects, the motion is hereby DENIED.

4 **IT IS SO ORDERED.**

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6 Dated: December 1, 2015


MAXINE M. CHESNEY
United States District Judge

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