

United States District Court
Northern District of California

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

PEPPER, N.A.,
Plaintiff,
v.
EXPANDI, INC., et al.,
Defendants.

Case No.15-cv-04066-NC

**ORDER FOR ADDITIONAL
BRIEFING RE: UNFAIR BUSINESS
PRACTICES CLAIM**

Pepper’s complaint states a claim under the California Unfair Business Practices Act, which prohibits the use of any “unlawful, unfair, or fraudulent business act or practice.” Cal. Bus. & Prof. Code § 17200. In its motion for summary judgment and proposed jury instructions, Pepper lists a number of statutes or theories of defendants’ unlawful, unfair, or fraudulent business acts. At summary judgment, the Court did not address those theories, finding that Pepper’s claim under § 17200 could continue, as attached to the other claims in the case. Dkt. No. 55.

Defendants object to most of the jury instructions, stating that Pepper did not disclose these theories in its complaint. Dkt. No. 77. The Court agrees with defendants that Pepper’s complaint states a theory of liability under § 17200 limited to the other claims in the case.

Thus, the Court orders Pepper to state with particularity its theories of liability under the California Unfair Business Practices Act, and also state when and how Pepper

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disclosed each theory to defendants. Pepper must submit the additional briefing by Friday, May 13 at 4:00 p.m.

IT IS SO ORDERED.

Dated: May 12, 2016



NATHANAEL M. COUSINS
United States Magistrate Judge