

1 Jerger appeared for defendants and moving parties Matthew Katzer and KAMIND Associates,
2 Inc. David M. Zeff appeared for defendant Kevin Russell. Victoria K. Hall appeared for plaintiff
3 Robert Jacobsen. Having reviewed the points and authorities submitted by the parties, and for
4 good cause shown, IT IS ORDERED THAT:

- 5 1. Defendants' motion to dismiss is *granted* in all respects, without leave to amend.
- 6 2. The plaintiff's second sur-reply and opposition memorandum and points and authorities
7 are an unauthorized motion for reconsideration of this Court's order granting defendants'
8 special motions to strike (Cal. Civ. Proc. Code § 425.16) and defendants Matthew Katzer
9 and KAMIND Associates, Inc. shall recover reasonable costs and fees incurred in
10 preparing a reply to the second sur-reply and opposition and shall file a motion for
11 attorney fees pursuant to FRCP 54.

12 Dated: _____

13 _____
14 United States District Court Judge