

FILED
LOS ANGELES SUPERIOR COURT

MAY 08 2012 ✓

JOHN A. CLARKE, CLERK
A. Barton
BY A. BARTON, DEPUTY

Received
APR 27 2012
Fax Filing

Received
MAY 01 2012
Department 48

1 Niloo Savis, Esq. (SBN 186809)
SAVIS LAW
2 1901 Avenue of the Stars, Suite 200
Los Angeles, CA 90067
3 Tel: (310) 461-1560
Fax: (310) 734-1525
4
5 Attorneys for Defendant Susan Walker

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 FOR THE COUNTY OF LOS ANGELES, CENTRAL DISTRICT

10 AARON FILLER, M.D., PHD, an individual;
11 AARON FILLER, M.D., PHD, APC, a
California Professional Corporation; IMAGE-
12 BASED SURGICENTER CORPORATION, a
California Corporation; and NEUROGRAHY
13 INSTITUTE MEDICAL ASSOCIATES, a
California Corporation;
14
15 Plaintiffs,
16
17 v.
18 SUSAN WALKER, an individual; and DOES
1 to 25, inclusive.
19
20 Defendants.

CASE NO. BC 462605

**ORDER GRANTING DEFENDANT'S
MOTION TO STRIKE COMPLAINT
PURSUANT TO CALIFORNIA CODE
OF CIVIL PROCEDURE §425.16**

Date: April 19, 2012
Time: 8:30 a.m.
Dept: 48

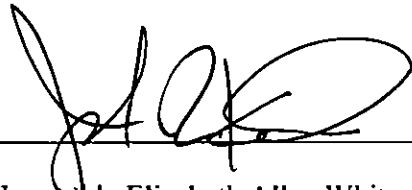
21 The Motion of Defendant SUSAN WALKER for an Order Striking Plaintiff's Complaint
22 Pursuant to California Code of Civil Procedure Section 425.16 came on for hearing on April 19,
23 2012 in Department 48 of the above-captioned Court. Niloo Savis, Esq., counsel of SAVIS LAW
24 appeared for Defendant SUSAN WALKER. Aaron P. Morris, Esq. of Morris & Stone appeared
25 on behalf of Plaintiffs AARON FILLER, M.D., PHD; AARON FILLER, M.D., PHD, APC;
26 IMAGE-BASED SURGICENTER CORPORATION, and NEUROGRAHY INSTITUTE
27 MEDICAL ASSOCIATES.
28

1 Having read the moving and opposing pleadings filed by the parties and having heard
 2 argument of counsel, the Court finds that Plaintiff's causes of action for defamation and
 3 interference with prospective economic advantage arise out of Defendant's "act in furtherance of a
 4 person's right of petition or free speech under the United States or California Constitution in
 5 connection with a public issue," pursuant to California Code of Civil Procedure Section 425.16,
 6 and Plaintiffs did not establish a probably of prevailing on either the defamation or the
 7 interference with prospective economic advantage causes of action in the Complaint.
 8

9 **THEREFORE, IT IS ORDERED THAT:**

- 10 1. Defendant Susan Walker's Motion to Strike Portions of Plaintiffs' Complaint
 11 Pursuant to California Code of Civil Procedure Section 425.16 is granted.
 12 2. Thereby, Defendant Susan Walker's Demurrer to and Motion to Strike portions of
 13 Complaint are thereby moot.
 14 3. Plaintiff's entire Complaint, including both causes of action for defamation and
 15 interference with prospective economic advantage, are hereby stricken.
 16 4. Defendant is entitled to file a Motion for Attorneys' Fees and Costs pursuant to
 17 California Code of Civil Procedure Section 425.16(c).
 18

19
 20
 21 Date: 5/8 2012

22 
 23 _____
 24 The Honorable Elizabeth Allen White

PROOF OF SERVICE

STATE OF CALIFORNIA
COUNTY OF LOS ANGELES

I am employed in the County of Los Angeles, State of California; I am over the age of 18 and not a party to the within action; my business address is 1901 Avenue of the Stars, Suite 200, Los Angeles, California 90067.

On April 27, 2012, I served the foregoing document(s) described as:

DEFENDANT SUSAN WALKER'S REPLY TO PLAINTIFFS' OPPOSITION TO NOTICE OF MOTION TO STRIKE COMPLAINT PURSUANT TO C.C.P. §425.16

on the interested parties in this action:

by placing the original a true copy thereof enclosed in sealed envelopes addressed as follows:

SEE ATTACHED LIST

(BY MAIL) I am readily familiar with the business practice for collection and processing of correspondence for mailing with the United States Postal Service. This correspondence shall be deposited with the United States Postal Service, postage pre-paid, this same day in the ordinary course of business at our office's address in Los Angeles, California. Service made pursuant to this paragraph, upon motion of a party served, shall be presumed invalid if the postal cancellation date of postage meter date on the envelope is more than one day after the date of deposit for mailing contained in this affidavit.


(BY OVERNIGHT DELIVERY SERVICE) I served the foregoing document by Federal Express, an express service carrier which provides overnight delivery. I placed true copies of the foregoing document in a sealed envelope or package designated by the express service carrier, addressed to each interested party as set forth above, with fees for overnight delivery paid or provided.

(BY PERSONAL SERVICE) I caused such envelope to be delivered by hand to the offices of the above named addressee(s).

(BY FACSIMILE) I caused such documents to be delivered via facsimile to the offices of the addressee(s) at the following facsimile number:

Executed on April 27, 2012, at Los Angeles, California.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.



Niloo Savis

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

SERVICE LIST

<p>Aaron P. Morris, Esq. Deanna Stone Killeen, Esq. MORRIS & STONE, LLP 17852 E. 17th St, Suite 201 Tustin, CA 92780 Tel: (714) 954-0700</p>	<p>Attorneys for Plaintiffs AARON FILLER. M.D., NEUROGRAHY INSTITUTE MEDICAL ASSOCIATES, INC.; IMAGE- BASED SURGICENTER CORPORATION; INSTITUTE FOR NERVE MEDICINE MEDICAL GROUP, INC.</p>
--	---