SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

DATE: 01/16/14

HONORABLE HUEY P. COTTON

L.A. WILLIAMS

DEPT. NWD

JUDGE

DEPUTY CLERK

HONORABLE

RULING ON SUBMITTED MATTER

NONE

JUDGE PRO TEM

Deputy Sheriff

NONE

ELECTRONIC RECORDING MONITOR

Reporter

8:30 am LC100771

G.WILLIAM HUNTER

VS

DEREK FISHER ET. AL.

(NON COMPLEX 10-17-13)

Plaintiff Counsel

NO APPEARANCES

Defendant Counsel

VOLS 1-7

NATURE OF PROCEEDINGS:

RULING ON SUBMITTED MATTER;

In the matter heretofore taken under submission on 1-15-14, the Court rules as follows:

The Anti-Slapp Motion of Fisher is Granted as to the 5th and 6th Causes of Action.

The ruling is ordered filed and is incorporated herein by reference and attached to this minute order.

The clerk is to give notice.

CLERK'S CERTIFICATE OF MAILING

I, the below-named Executive Officer/Clerk of the above-entitled court, do hereby certify that I am not a party to the cause herein, and that on this date I served the Ruling on Submitted Matter of 1-15-14 and this Minute Order upon each party or counsel named below by placing the document for collection and mailing so as to cause it to be deposited in the United States mail at the courthouse in Van Nuys,

> Page 1 of 3 DEPT. NWD

MINUTES ENTERED 01/16/14 COUNTY CLERK

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

DATE: 01/16/14

HONORABLE HUEY P. COTTON

L.A. WILLIAMS **JUDGE**

DEPT. NWD

DEPUTY CLERK

HONORABLE

RULING ON SUBMITTED MATTER

JUDGE PRO TEM

ELECTRONIC RECORDING MONITOR

NONE

Deputy Sheriff

NONE

Reporter

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Plaintiff Counsel

G.WILLIAM HUNTER

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Defendant Counsel

NATURE OF PROCEEDINGS:

California, one copy of the original filed/entered herein in a separate sealed envelope to each address as shown below with the postage thereon fully prepaid, in accordance with standard court practices.

WILLIAMS

Dated: 1-16-14

Sherri R. Carter

Executive Officer/Clerk

By:

JOSHUA HILL

555 CALIFORNIA STREET SAN FRANCISCO, CA 94104

DAVID L. ANDERSON 555 CALIFORNIA STREET SAN FRANCISCO, CA 94104

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MINUTES ENTERED 01/16/14 COUNTY CLERK

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

DATE: 01/16/14

HONORABLE HUEY P. COTTON

JUDGE L.A. WILLIAMS DEPT. NWD

DEPUTY CLERK

HONORABLE

RULING ON SUBMITTED MATTER

NONE

JUDGE PRO TEM

ELECTRONIC RECORDING MONITOR

Deputy Sheriff

NONE

Plaintiff Counsel Reporter

8:30 am LC100771

G.WILLIAM HUNTER

VS

DEREK FISHER ET. AL.

Defendant Counsel

NO APPEARANCES

(NON COMPLEX 10-17-13)

VOLS 1-7

NATURE OF PROCEEDINGS:

AMANDA V. LOPEZ 555 WEST FIFTH STREET SUITE 4000 LOS ANGELES, CA 90013

ANDREW A. KOSSOF 300 NORTH LA SALLE STREET CHICAGO, IL 60654

JAMES W. QUINN 767 FIFTH AVENUE NEW YORK, NY 10153-0119

JOSEPH C. LIBURT 1000 MARSH ROAD MENLO PARK, CA 94025-1015

LYNNE C. HERMLE 1000 MARSH ROAD MENLO PARK, CA 94025-1015

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MINUTES ENTERED 01/16/14 COUNTY CLERK

HUNTER v. FISHER

SPECIAL MOTIONS TO STRIKE (SLAPP MOTIONS); MOTION FOR LEAVE TO PROPOUND DISCOVERY

Date of Hearing:

January 15, 2014 (Issues submitted.) Trial Date: None

Case No.: LC100771

Department: D

MOTIONS

Wior and Fisher have filed a SLAPP motion aimed at the 5^{th} -9th, 11^{th} and 13^{th} -14th causes of action.

NBPA has filed a SLAPP motion aimed at the 1st through 4th causes of action.

Plaintiff has filed one consolidated opposition to the SLAPP motions.

Plaintiff has also filed a Motion to Allow Plaintiff to Conduct Discovery.

SUPPLEMENTAL RULING: THE ANTI-SLAPP MOTION OF FISHER IS GRANTED AS TO THE 5th AND 6TH CAUSES OF ACTION. THIS RULING SUPPLEMENTS THE COURT'S 1-15-16 RULING ON THIS MATTER.

ALLEGED FACTS

The essential factual allegations are set forth in this court's 1-15-14 ruling on the above referenced motion. That recitation serves as the basis for this supplemental ruling.

Interference Claims

Probability of Success on the Merits of Inducement and Interference Claims

Fisher argues that he cannot be held liable for these claims because he was acting on behalf of a party to the contract. It is true that only a stranger can be liable for interference. Mintz v. Blue Cross of California (2009) 172 Cal. App. 4th 1594, 1603-1604. The court in Woods v. Fox Broadcasting Sub., Inc. (2005) 129 Cal. App. 4th 344, 356 fashioned a narrow exception to the near absolute immunity for agents (and officers) who act on behalf of a party to the contract. That

exception applies to persons holding an equity interest in the contracting company. The court in Mintz cautions against seeking any further expansion of the Woods exception. Therefore, this court's consideration of possible mixed motives of Fisher for any actions taken by him to encourage termination of the Hunter employment contract cannot serve as a basis for limiting the immunity discussed in Mintz. Accordingly, the court also grants the SLAPP motion as to Fisher on the 5th and 6th causes of action.

SO ORDERED.

Clerk to give notice.