

9/20/2024 3:09:00 PM

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Clerk of the Superior Court
By J. Siharath ,Deputy Clerk

5 Attorneys for Defendant,
6 STEPHEN LAKE

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8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
9 **COUNTY OF SAN DIEGO – CENTRAL DIVISION**

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11 AMY SHERLOCK, an individual and on
behalf of her minor children, T.S. and S.S.,
12 ANDREW FLORES, an individual;

13 Plaintiffs,

14 vs.

15 GINA M. AUSTIN, an individual; AUSTIN
LEGALGROUP, a professional corporation,
16 LARRY GERACI, an individual, REBECCA
BERRY, an individual; JESSICA
17 MCELFRISH, an individual; SALAM
RAZUKI, an individual; NINUS MALAN, an
18 individual; FINCH, THORTON, AND
BARID, a limited liability partnership;
19 ABHAY SCHWEITZER, an individual and
dba TECHNE; JAMES (AKA JIM)
20 BARTELL, an individual; NATALIE
TRANG-MY NGUYEN, an individual,
21 AARON MAGAGNA, an individual;
BRADFORD HARCOURT, an individual;
22 SHAWN MILLER, an individual; LOGAN
STELLMACHER, an individual;
23 EULENTIAS DUANE ALEXANDER, an
individual; STEPHEN LAKE, an individual,
24 ALLIED SPECTRUM, INC., a California
corporation, PRODIGIOUS COLLECTIVES,
25 LLC, a limited liability company, and DOES 1
through 50, inclusive,

26 Defendants.
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Case No. 37-2021-0050889-CU-AT-CTL

~~[PROPOSED]~~ **FIRST AMENDED
JUDGMENT FOR DISMISSAL AND
AWARD OF COSTS AND SANCTIONS**

Case Filed: December 3, 2021
Judge: Hon. James A. Mangione
Dept.: C-75
Trial Date: None

1 **TO THE COURT, ALL PARTIES AND TO THEIR ATTORNEYS OF RECORD:**

2 PLEASE TAKE NOTICE that on August 19, 2022 at 9:00 a.m., in Department C-75 of the
3 County of San Diego Superior Court, Central Division, located at 330 West Broadway, San Diego,
4 CA 92101, Defendant STEPHEN LAKE (“Defendant” or “LAKE”) brought a Demurrer to Plaintiffs
5 AMY SHERLOCK, an individual and on behalf of her minor children, T.S. and S.S., ANDREW
6 FLORES (collectively “Plaintiffs”) First Cause of Action for Violation of the Cartwright Act,
7 Second Cause of Action for Conversion, Third Cause of Action for Civil Conspiracy, Fourth Cause
8 of Action for Declaratory Relief, Fifth Cause of Action for Unfair Competition, and Seventh Cause
9 of Action for Conspiracy. At the hearing, the Court sustained LAKE’s demurs to the Seventh Cause
10 of Action for Conspiracy without leave to amend and the First Cause of Action for Violation of the
11 Cartwright Act with leave to amend.

12 PLEASE TAKE FURTHER NOTICE that on November 2, 2022 at 8:30 a.m., in Department
13 C-75 of the County of San Diego Superior Court, Central Division, located at 330 West Broadway,
14 San Diego, CA 92101, LAKE brought an *ex parte* application to dismiss Plaintiffs’ First Cause of
15 Action for violation of the Cartwright Act as a result of Plaintiffs’ failure to amend their First
16 Amended Complaint (“FAC”) as ordered by the Court on August 19, 2022. The Court, granted
17 LAKE’s motion and dismissed the First Cause of Action for Violation of the Cartwright Act with
18 prejudice.

19 PLEASE TAKE FURTHER NOTICE that on December 5, 2022, LAKE submitted a
20 Memorandum of Costs seeking costs in the amount of \$2,256.78. Plaintiff did not file a Motion to
21 Tax Costs or otherwise object to LAKE’s Memorandum of Costs.

22 PLEASE TAKE FURTHER NOTICE that on February 17, 2023 at 9:00 a.m., in Department
23 C-75 of the County of San Diego Superior Court, Central Division, located at 330 West Broadway,
24 San Diego, CA 92101, LAKE brought a Motion to Compel Discovery Responses resulting in
25 sanctions being awarded in favor of LAKE against SHERLOCK in the amount of \$1,920.

26 **IT IS ORDERED, ADJUDGED, AND DECREED** that:

- 27 1. Plaintiffs’ First Cause of Action for Violation of the Cartwright Act is hereby dismissed
28 with prejudice as to LAKE.

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- 2. Plaintiffs’ Seventh Cause of Action for Conspiracy is hereby dismissed with prejudice as to LAKE.
- 3. LAKE is the prevailing party as to Plaintiffs’ First Cause of Action for Violation of the Cartwright Act and Seventh Cause of Action as to Conspiracy.
- 4. LAKE is entitled to a payment of costs in the amount of \$2,256.78 against Plaintiffs pursuant to the Memorandum of Costs entered on December 5, 2022, which has not been contested or appealed..
- 5. LAKE is entitled to a payment of sanctions against Plaintiffs in the amount of \$1,920 against Plaintiffs. Pursuant to the order entered on February 17, 2023, which was not been contested or appealed.

IT IS SO ORDERED, ADJUDGED, AND DECREED.

Dated: 9/20/2024



HONORABLE JAMES A. MANGIONE
JUDGE OF THE SUPERIOR COURT OF
CALIFORNIA, COUNTY OF SAN DIEGO