

SUPERIOR COURT - MARTINEZ
COUNTY OF CONTRA COSTA
DEPARTMENT 09

REPORTER:

HEARING DATE: 11/27/07

CLERK: C. FORFANG

LOUIS JOHNSON

PLAINTIFF(S)

VS.

CASE NO. MSC07-01003

***** MINUTE ORDER *****

CLOWNS OF U.S.

DEFENDANT(S)

PROCEEDINGS: HEARING ON DEMURRER TO COMPLAINT of JOHNSON FILED BY CLOWNS O
U.S., CHRIS CADY, ALL STAR ENTERTAINMENT

Not Reported

LAW & MOTION MATTER HEARD BEFORE HON: JUDGE JUDITH S CRADDICK

Clerk: C. FORFANG

No Appearance, Either Party

There being no Opposition to the Court's Tentative Ruling, same is adopted as follows:

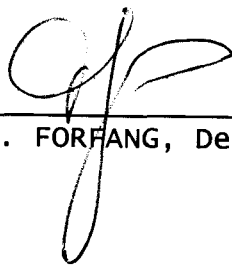
Defendants Clowns of the US and Chris Cady dba All Star Entertainment's demurrer to the Leah Johnson's fourth, fifth, and seventh causes of action is sustained without leave to amend. The wrongful conduct at issue in these causes of action is directed only at Louis Johnson. No special relationship is pled between Defendants and Leah Johnson.

Defendants' demurrer to Leah Johnson's ninth cause of action for negligent infliction of emotional distress is sustained with leave to amend to allege the elements of a bystander theory.

Defendants' demurrer to Louis Johnson's seventh cause of action for intentional infliction is sustained with leave to amend to allege the prima facie elements of this claim.

Defendants' motion to strike the punitive damages request is granted with leave to amend.

Date: 11/27/07

BY 
C. FORFANG, Deputy Clerk