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FILED
 LOS ANGELES SUPERIOR COURT

NOV 20 2009

JOHN A. CLARKE, CLERK
 BY PAUL SANCHEZ DEPUTY

6 Attorneys for DEFENDANTS DESTINY HOPE CYRUS
 aka MILEY CYRUS and SMILEY MILEY, INC.

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

10
 11 LUCIE J. KIM individually and on behalf of)
 all those similarly situated,)
 12 Plaintiffs,)
 13 v.)
 14 DEFENDANTS DESTINY HOPE CYRUS)
 15 aka MILEY CYRUS, an individual; SMILEY)
 MILEY, INC., a corporation; and DOES 1 TO)
 16 100, inclusive,)
 17 Defendants.)

Case No. BC407607
 [Assigned to Hon. Ronald Sohigian, Dept. 41]

NOTICE OF RULING AND DISMISSAL

Hearing Date: November 20, 2009
 Time: 8:30 a.m.
 Dept: 41

LAW OFFICES
 GLASER, WEIL, FINK, JACOBS, HOWARD & SHAPIRO, LLP
 10250 CONSTELLATION BOULEVARD
 NINETEENTH FLOOR
 LOS ANGELES, CALIFORNIA 90067
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1 **TO THE COURT, ALL PARTIES, AND THEIR ATTORNEYS OF RECORD:**

2 **PLEASE TAKE NOTICE THAT** on November 20, 2009, this matter came on regularly on
3 calendar before the Hon. Ronald Sohigian in Department 41 of the above-mentioned court.
4 Defendants Destiny Hope Cyrus (aka Miley Cyrus) and Smiley Miley, Inc. (collectively
5 "Defendants") appeared through their counsel Bryan M. Sullivan, Esq. Plaintiff Lucie J. Kim
6 ("Plaintiff") appeared through her counsel Henry M. Lee, Esq. After considering those papers and
7 arguments of counsel, for the reasons stated on the record, the Court ruled as follows:

8 1. Defendants' Demurrers to the Second Amended Complaint are sustained without
9 leave to amend.

10 2. Defendants' Motion for Sanctions Pursuant to CCP 128.7 For Filing Frivolous First
11 Amended Complaint is denied.

12 3. Defendants' Motion for Sanctions Pursuant to CCP 128.7 For Filing Frivolous
13 Second Amended Complaint is denied.

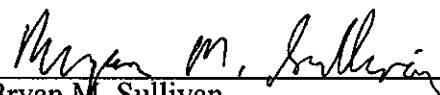
14 4. All other motions are off-calendar in light of the Court's ruling on Defendants'
15 Demurrers to the Second Amended Complaint and Plaintiff's representation to the Court that she
16 does not oppose dismissal in light of the Court's ruling on Defendants' Demurrers to the Second
17 Amended Complaint.

18 5. In light of the Court's ruling on Defendants' Demurrers to the Second Amended
19 Complaint, the case is dismissed.

20 6. Defendants are to serve this notice by mail on Plaintiff's counsel on November 20,
21 2009.

23 Dated: November 20, 2009

Glaser, Weil, Fink, Jacobs, Howard & Shapiro, LLP

25 By: 
26 Bryan M. Sullivan
27 Attorneys for Defendants

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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 10250 Constellation Boulevard, 19th Floor, Los Angeles, California 90067.

On November 20, 2009, I served the foregoing document(s) described as: **Notice of Ruling and Dismissal** on the interested parties to this action by placing a copy thereof enclosed in a sealed envelope addressed as follows:

Henry M. Lee, Esq.
HENRY M. LEE LAW CORP.
3530 Wilshire Blvd., Ste. 1710
Los Angeles, CA 90010

(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 this same day in the ordinary course of business at our Firm's office 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.

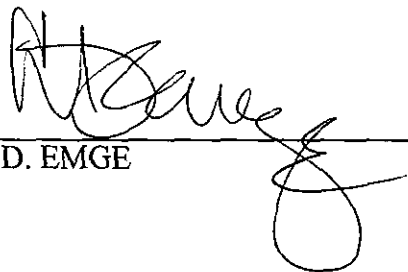
(BY OVERNIGHT DELIVERY SERVICE) I served the foregoing document by Federal Express, an express service carrier which provides overnight delivery, as follows. I placed true copies of the foregoing document in sealed envelopes or packages designated by the express service carrier, addressed to each interested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

(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 this 20th day of November, 2009, 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.



L.D. EMGE

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