

Pen-0001

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF RIVERSIDE

AUG 27 2009

N. Tavaglione

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15 Attorneys for Plaintiffs

16 SUPERIOR COURT OF THE STATE OF CALIFORNIA
17 FOR THE COUNTY OF RIVERSIDE, RIVERSIDE COURT

18 JEANESSA FENDERSON; TRISTA
19 ESSEX; KATHLEEN ROGERS; DIANA
20 SHERBY; ANN MARIE WOOD; NANCY
21 MCGREGOR, individually and on behalf of
22 all other similarly situated,
23
24 Plaintiffs,
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26 v.
27
28 HEIDI DIAZ; KIMKINS, an unknown
business entity, and DOES 4 through 100,
Inclusive,
Defendants.

Case No. RIC 483005

CLASS ACTION

**NOTICE OF RULING ON PLAINTIFFS'
MOTION FOR SUMMARY JUDGMENT OR
IN THE ALTERNATIVE, SUMMARY
ADJUDICATION**

DATE: August 24, 2009
TIME: 8:30 A.M.
Dept: 5

**[Filed Concurrently With Notice,
Memorandum of Points and Authorities;
and Declaration of John E. Tiedt]**

[Assigned to Judge Mark E. Johnson,
Dept. 5]
Action Filed: October 15, 2007
Trial Date: None Set

TO ALL PARTIES AND ATTORNEYS OF RECORD HEREIN:

PLEASE TAKE NOTICE THAT Plaintiffs, JEANESSA FENDERSON; TRISTA
ESSEX; KATHLEEN ROGERS; DIANA SHERBY; ANN MARIE WOOD; NANCY
MCGREGOR, Motion for Summary Judgment or in the Alternative Summary Adjudication
came on regularly for hearing before the Honorable Judge Mark E. Johnson of the



1 Superior Court of California, on August 24, 2009, at 8:30 a.m., in Department 5 of the
2 above named court.

3 Appearing on behalf of Plaintiffs was John E. Tiedt of TIEDT & HURD. Appearing
4 on behalf of Defendant HEIDI DIAZ and KIMKINS was Timothy Peabody of the Law Office
5 of Timothy Peabody. Having considered the moving and opposing papers as well as
6 hearing oral argument, the court ruled as follows:

7 1. The motion for summary judgment or in the alternative motion for summary
8 adjudication is premature and is taken off calendar by the court;

9 2. The parties are ordered to attend a case conference pursuant to California
10 Rules of Court, Rule 3.762 and make a determination as to the method of notice to
11 potential class representatives, extent of damages incurred, and a method of dealing with
12 "opt out" claims. The Case Conference will occur on October 15, 2009, at 8:30 a.m., in
13 Department 5 of the above-entitled Court;

14 3. Counsel for Plaintiffs was ordered to give notice of the court's ruling.

15 DATED: August 24, 2009

TIEDT & HURD



JOHN E. TIEDT
MARC S. HURD



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PROOF OF SERVICE

STATE OF CALIFORNIA)
) **ss.**
COUNTY OF RIVERSIDE)

I, JILL HUSK, state that I am employed in the aforesaid County, State of California; I am over the age of eighteen years and not a party to the within action; my business address is 980 Montecito Drive, Suite 209, Corona, California, 92879.

On August 24, 2009, I served the foregoing NOTICE OF RULING on the interested parties by placing a true copy thereof, enclosed in a sealed envelope with postage thereon fully prepaid, in the United States mail at Corona, California, addressed as follows and/or by one of the methods of service as follows:

SEE ATTACHED SERVICE LIST

 X **BY MAIL:** I am readily familiar with this firm's practice of collection and processing of correspondence for mailing with the United States Postal Service, and that the correspondence shall be deposited with the United States Postal Service the same day in the ordinary course of business pursuant to Code of Civil Procedure section 1013(a).

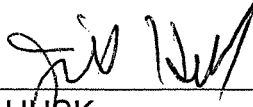
 BY FAX: In addition to service by mail as set forth above, a copy of said document(s) were also delivered by facsimile transmission to the addressee pursuant to Code of Civil Procedure section 1013(e).

 BY PERSONAL SERVICE: I caused to be hand-delivered said document(s) to the office of the addressee, using an attorney service, pursuant to Code of Civil Procedure section 1011.

 BY EXPRESS MAIL: I caused said document(s) to be placed in an Express Mail Overnight Envelope and deposited in an Express Mail DropBox to be delivered the following business day pursuant to Code of Civil Procedure section 1013(c).

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

Executed on August 24, 2009, at Corona, California.



JILL HUSK



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SERVICE LIST
Jeanessa Fenderson, et al v. Heidi Diaz, Kimkins, et al
RCSC, Riverside Court, Case No. RIC 483005
FEN-0001

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