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FILED
LOS ANGELES SUPERIOR COURT

MAR 01 2011

JOHN A. CLARKE, CLERK
BY RAUL SANCHEZ, DEPUTY

8 Attorneys for Defendants,
9 CALIFORNIA SCIENCE CENTER FOUNDATION
10 and JEFFREY RUDOLPH in his capacity
11 as President of the California Science Center Foundation
12

13 SUPERIOR COURT, STATE OF CALIFORNIA
14 COUNTY OF LOS ANGELES
15 CENTRAL DIVISION
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17 AMERICAN FREEDOM ALLIANCE, a
18 nonprofit corporation;

19 Plaintiff,

20 v.

21 CALIFORNIA SCIENCE CENTER, a legal
22 entity of the State of California; CALIFORNIA
23 SCIENCE CENTER FOUNDATION, a
24 nonprofit corporation; JEFFREY RUDOLPH, an
25 individual; and DOES 1 through 50, inclusive;

26 Defendants.
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CASE NO. BC 423687
[Hon. Terry A. Green, Dept. 14]

**NOTICE OF RULING ON PLAINTIFF AND
CROSS-DEFENDANT AMERICAN
FREEDOM ALLIANCE'S DEMURRER TO
THE AMENDED CROSS-COMPLAINT
AND OTHER MATTERS**

DATE OF FILING
OF ORIGINAL
COMPLAINT: October 14, 2009

DATE OF FILING OF
THIRD AMENDED
COMPLAINT: August 18, 2010

TRIAL DATE: July 25, 2011

HEARING DATE: February 23, 2011

HEARING TIME: 8:45 a.m.

HEARING LOCATION: Dept. 14

33/23/11

1 **TO ALL PARTIES AND THEIR COUNSEL OF RECORD HEREIN:**

2 **PLEASE TAKE NOTICE** that on February 23, 2011, the Honorable Terry A. Green in
3 Department 14 of the above-entitled Court held a hearing on Plaintiff and Cross-Defendant American
4 Freedom Alliance's Demurrer to Defendant and Cross-Complainant California Science Center
5 Foundation's Amended Cross Complaint.

6 The Court ruled on Plaintiff and Cross-Defendant's demurrer as follows:

- 7 (i) As to Claim 1 (Breach of Contract), the demurrer was overruled;
8 (ii) As to Claim 2 (Breach of the Implied Covenant of Good Faith and Fair Dealing), the
9 demurrer was sustained;
10 (iii) As to Claim 3 (Fraud), the demurrer was overruled.

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12 The Court additionally ruled as follows:

- 13 (i) The Court set a new trial date for July 25, 2011. The new trial date applies for
14 purposes of trial, all trial-related dates (such as dates for motions in limine), and the
15 date by which the parties may file summary judgment motions. This new trial date
16 does not affect other dates, such as discovery cut-off dates.
17 (ii) The Court set the Final Status Conference for July 11, 2011. The Court stated that any
18 motions in limine shall be heard on that date.

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20 DATED: March 1, 2011

GIBSON, DUNN & CRUTCHER LLP

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23 By: 

24 James L. Zelenay, Jr.,
25 Attorneys for Defendants,
26 CALIFORNIA SCIENCE CENTER
27 FOUNDATION & JEFFREY RUDOLPH, IN
28 HIS CAPACITY AS PRESIDENT OF THE
CALIFORNIA SCIENCE CENTER
FOUNDATION

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CERTIFICATE OF SERVICE

I, James Zelenay, declare as follows:

I am employed in Los Angeles, California; I am over the age of eighteen years and am not a party to this action; my business address is 333 South Grand Avenue, Los Angeles, CA 90071. On March 1, 2011, I served the following document:

NOTICE OF RULING ON PLAINTIFF AND CROSS-DEFENDANT AMERICAN FREEDOM ALLIANCE'S DEMURRER TO THE CROSS-COMPLAINT AND OTHER MATTERS

through the method indicated below on the following parties:

William J. Becker, Jr.
The Becker Law Firm
11500 Olympic Blvd, Suite 400
Los Angeles, CA 90064
Tel: (310) 636-1018
Fax: (310) 765-6328

Allan S. Ono, Esq.
Deputy Attorney General
Natural Resources Law Section
Office of the Attorney General
300 S. Spring Street, 11th Floor
North Tower
Los Angeles, CA 90013
Fax: (213) 897-2802

Counsel for Plaintiff American Freedom Alliance

Counsel for defendants California Science Center and Jeffrey Rudolph, in his official capacity as President and CEO of the California Science Center

BY EMAIL: Per agreement of the parties.

BY MAIL: I placed a true copy in a sealed envelope addressed as indicated above, on the above-mentioned date. I am familiar with the firm's practice of collection and processing correspondence for mailing. It is deposited with the U.S. Postal Service on that same day in the ordinary course of business. I am aware that on motion of party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

BY PERSONAL SERVICE: I placed a true copy in a sealed envelope addressed to each person[s] named at the address[es] shown and giving same to a messenger for personal delivery before 5:00 p.m. on the above-mentioned date.

BY FACSIMILE: From facsimile machine telephone number (213) 229-7520, on the above-mentioned date, I served a full and complete copy of the above-referenced document[s] by facsimile transmission to the person[s] at the number[s] indicated.

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- BY OVERNIGHT MAIL: I placed a true copy in a sealed envelope addressed as indicated above, on the above-mentioned date. I am familiar with the firm's practice of collection and processing correspondence for delivery by overnight mail. Pursuant to that practice, envelopes placed for collection at designated locations during designated hours are delivered to the overnight mail service with a fully completed airbill, under which all delivery charges are paid by Gibson, Dunn & Crutcher LLP, that same day in the ordinary course of business.
 - (STATE) I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.
 - (FEDERAL) I declare under penalty of perjury that the foregoing is true and correct.

10 I declare under penalty of perjury under the laws of the State of California that the foregoing
11 is true and correct and that the foregoing document was printed on recycled paper. This Declaration
12 of Service was executed by me on March 1, 2011, at Los Angeles, California.

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14 /s/ James L. Zelenay
15 James Zelenay
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TT/CS/CE