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1 MARTIN D. SINGER (SBN 78166)
2 LYNDA B. GOLDMAN (SBN 119765)
3 ANDREW B. BRETTLER (BAR NO. 262928)
4 LAVELY & SINGER
5 PROFESSIONAL CORPORATION
6 2049 Century Park East, Suite 2400
7 Los Angeles, California 90067-2906
8 Telephone: (310) 556-3501
9 Facsimile: (310) 556-3615

CONFORMED COPY
OF ORIGINAL FILED
Los Angeles Superior Court

DEC 04 2014

Sharri R. Carter, Executive Officer/Clerk
By: Moses Soto, Deputy

6 Attorneys for Defendant WILLIAM HENRY COSBY, JR.
7 a/k/a BILL COSBY

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA

9 FOR THE COUNTY OF LOS ANGELES

10
11 JUDY HUTH, an individual,
12 Plaintiff,
13 v.
14 WILLIAM HENRY COSBY, JR. a/k/a
15 BILL COSBY,
16 Defendant.

CASE NO. BC 565560
[Hon. Teresa Beaudet – Dep’t 97]
Reservation ID: 141204034625

DEFENDANT’S NOTICE OF
DEMURRER AND DEMURRER;
MEMORANDUM OF POINTS AND
AUTHORITIES IN SUPPORT THEREOF

Date: November 3, 2015
Time: 1:30 p.m.
Dept.: 97

[Complaint Filed: December 2, 2014]

18
19 TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

20 PLEASE TAKE NOTICE that, on November 3, 2015 at 1:30 p.m., or as soon thereafter
21 as the matter may be heard, in Department 97 of the above-entitled Court, located at 111 North Hill
22 Street, Los Angeles, California, Defendant WILLIAM HENRY COSBY, JR. a/k/a BILL COSBY
23 will and hereby does demur to the Complaint and each cause of action asserted therein by Plaintiff
24 JUDY HUTH.

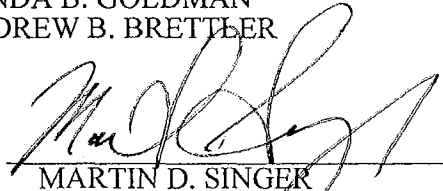
25 This Demurrer is made pursuant to California Code of Civil Procedure section 430.10, upon
26 the grounds that Plaintiff failed to file the requisite certificates pursuant to California Code of Civil
27 Procedure section 340.1, subdivision (1) and that Plaintiff’s Complaint fails to state sufficient facts
28 to constitute a cause of action for any claims arising out of alleged childhood sexual abuse. Among

1 other reasons, Plaintiff's 40-year old claims are barred by the applicable statute of limitations. (See
2 Code Civ. Proc. § 340.1, subd. (a).)

3 This Demurrer is based upon this Notice, the accompanying Demurrer and Memorandum of
4 Points and Authorities, all other pleadings and papers on file in this action, and such other
5 documents, oral evidence or argument as may be presented before or at the time of the hearing on
6 this matter.

7
8 DATE: December 4, 2014

LAVELY & SINGER
PROFESSIONAL CORPORATION
MARTIN D. SINGER
LYNDA B. GOLDMAN
ANDREW B. BRETTLER

9
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11
12 By: 
MARTIN D. SINGER

13 Attorneys for Defendant
14 WILLIAM HENRY COSBY, JR. a/k/a
15 BILL COSBY
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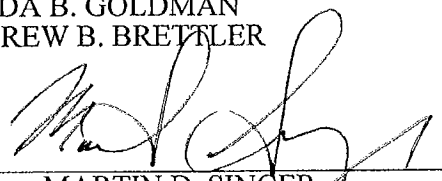
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WHEREFORE, Defendant respectfully requests that the demurrer to the Complaint be sustained as follows:

1. The demurrer to the first, second, and third causes of action be sustained without leave to amend;
2. An award of attorneys' fees and costs against Plaintiff in favor of Defendant; and
3. For such other and further relief as the Court may deem to be just and appropriate.

DATE: December 4, 2014

LAVELY & SINGER
PROFESSIONAL CORPORATION
MARTIN D. SINGER
LYNDA B. GOLDMAN
ANDREW B. BRETTLER

By: 
MARTIN D. SINGER
Attorneys for Defendant
WILLIAM HENRY COSBY, JR. a/k/a
BILL COSBY

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MEMORANDUM OF POINTS AND AUTHORITIES

I.

INTRODUCTION AND RELEVANT BACKGROUND

Plaintiff Judy Huth filed a meritless and unsupported 40-year old claim against Bill Cosby alleging decades-old sexual abuse immediately after Mr. Cosby rejected Plaintiff’s outrageous demand for money in order not to make her allegations public. Recognizing that they committed extortion and could face significant consequences for their conduct, Plaintiff’s counsel, Marc Strecker, rushed to the courthouse to file this lawsuit on behalf of his client. In doing so, Plaintiff and her attorney violated the express provisions of the statute mandating that such claims must be supported by Certificates of Merit executed both by Plaintiff’s counsel and by a mental health practitioner, who interviewed Plaintiff and found there to be meritorious cause for her claim. In addition, until the Court reviews the Certificates of Merit, and finds that there is reasonable and meritorious cause for filing this action against Mr. Cosby, under the statute, Plaintiff is required to name him as a “Doe” defendant, and is prohibited from publicly revealing his identity. Notwithstanding the express statutory requirements, in a blatant effort to garner publicity for himself and for his client, Mr. Strecker named Mr. Cosby as a defendant in the action before the Court could consider whether Plaintiff even had the right to pursue this baseless action. It is evident that the statutory requirements were willfully disregarded, as evidenced by the fact that in Paragraph 8 of the Complaint, Plaintiff actually cites the relevant statute, Code of Civil Procedure section 340.1.

Under California law, the only way that an alleged victim of childhood sexual abuse would be able to assert an otherwise time-barred claim is to allege that the psychological injury or illness had been repressed and was only discovered within the last three years. Without providing any specific allegations, or the mandated certification from a mental health professional to support her claim, Plaintiff alleges that she discovered her psychological injuries and illness “within the three years prior to the filing of [her] Complaint.” (Compl., ¶ 8.) Conspicuously absent from her Complaint, however, is the fact, confirmed by Plaintiff’s counsel, that Plaintiff unsuccessfully tried to sell her story to the tabloids nearly a decade ago. This fact belies the allegation in the lawsuit that Plaintiff only just discovered the basis for her claims within the past three years. Indeed, as of at

1 least 2005, Plaintiff tried to profit from them and obtain money by selling the media a story
2 containing her allegations.

3 Plaintiff and her attorney did not even attempt to comply with the statute by filing the
4 requisite Certificates of Merit because they knew Plaintiff's claim was meritless and that no mental
5 health practitioner would find her claim reasonable or meritorious. Indeed, Plaintiff's attorney
6 acknowledged that as of November 21, 2014, he was unaware of whether Plaintiff ever saw a mental
7 health practitioner regarding her claims. Nevertheless, recognizing that Mr. Cosby was not going
8 to cave into extortionate demands and that they faced exposure for their conduct, Plaintiff and her
9 attorney disregarded California law and hastily filed this action without the mandated supporting
10 documents. Worse, in violation of the statute, Plaintiff and her counsel publicized the filing by
11 naming Mr. Cosby as a defendant prior to obtaining Court permission to do so.

12 As a result of Plaintiff's failure to abide by the express provisions of the statute and the fact
13 that all of Plaintiff's claims are barred by the statute of limitations, the Court should sustain the
14 demurrer to the Complaint, without leave to amend. Further, as requested in the accompanying
15 Motion for Sanctions, the Court should issue terminating sanctions and monetary sanctions against
16 Plaintiff and her attorney, jointly and severally, including reasonable attorneys' fees and costs in
17 favor of Mr. Cosby.

18 II.

19 THE STANDARD ON DEMURRER

20 California Code of Civil Procedure section 430.10 requires that a demurrer be sustained
21 where a complaint fails to state facts sufficient to constitute a cause of action. A demurrer may be
22 used to challenge defects that appear on the face of the complaint, or for matters outside the
23 complaint that are judicially noticeable. (*Blank v. Kirwan* (1985) 39 Cal.3d 311, 318; Code Civ.
24 Proc. § 430.30, subd. (a).) "Generally, material facts alleged in the complaint are treated as true for
25 the purpose of ruling on the demurrer." (*C&H Foods Co. v. Hartford Ins. Co.* (1984) 163
26 Cal.App.3d 1055, 1062.) However, "contentions, deductions or conclusions of fact or law alleged
27 in the complaint are not considered in judging its sufficiency." (*Id.*; *20th Century Ins. Co. v.*
28 *Quackenbush* (1998) 64 Cal.App.4th 135, 138 fn. 1 ["argumentative allegations, and conclusions

1 of law, are not . . . presumed true”]; *Windham at Carmel Mountain Ranch Ass’n v. Superior Court*
2 (2003) 109 Cal.App.4th 1162, 1168 [“we do not assume the truth of contentions, deductions, or
3 conclusions of fact or law” on demurrer].) Moreover, unless the pleading party demonstrates how
4 the complaint can be amended, leave to amend is properly denied. (See *Goodman v. Kennedy* (1976)
5 18 Cal.3d 335, 349 [it is the pleading party’s burden to “show in what manner he can amend his
6 complaint and how that amendment will change the legal effect of his pleading”].) Where, as here,
7 “the insufficiency of the complaint is revealed on its face,” a demurrer should be sustained.
8 (*Seidler v. Municipal Court* (1993) 12 Cal.App.4th 1229, 1233.) There is no basis for Plaintiff’s
9 attorney to be able to amend the Complaint since Plaintiff was prohibited from identifying the
10 defendant by name without court permission. This fatal defect in violation of section 340.1 is
11 incapable of being cured.

12 **III.**

13 **ARGUMENT**

14 **A. The Court Should Sustain the Demurrer to Plaintiff’s Complaint Because She Failed**
15 **To File the Requisite Certificates of Merit Pursuant to the Code.**

16 By Plaintiff’s own admission, her claims arise from alleged “childhood sexual abuse”
17 pursuant to California Code of Civil Procedure § 340.1(e).” (Compl., ¶ 8.) Under the cited Code
18 section, the time for commencement of an action based on alleged childhood sexual abuse “shall be
19 within eight years of the date the plaintiff attains the age of majority or within three years of the date
20 the plaintiff discovers or reasonably should have discovered that psychological injury or illness
21 occurring after the age of majority was caused by the sexual abuse, whichever period expires later.”
22 (Code Civ. Proc. § 340.1, subd. (a).) Plaintiff was 15 years old in 1974 when the alleged abuse took
23 place, meaning Plaintiff was approximately 56 years old as of the date she filed her lawsuit.
24 (Compl., ¶ 3.) The Code further provides that “[e]very plaintiff 26 years of age or older at the time
25 the action is filed shall file Certificates of Merit . . . executed by the attorney for the plaintiff and by
26 a licensed mental health practitioner selected by the plaintiff.” (Code Civ. Proc. § 340.1, subds. (g)
27 and (h).) The respective Certificates of Merit from plaintiff’s counsel and the selected mental health
28 practitioner shall set forth the following information:

1 (1) That the attorney has reviewed the facts of the case, that the attorney has
2 consulted with at least one mental health practitioner who is licensed to practice and
3 practices in this state and who the attorney reasonably believes is knowledgeable of
4 the relevant facts and issues involved in the particular action, and that the attorney
has concluded on the basis of that review and consultation that there is reasonable
and meritorious cause for the filing of the action. The person consulted may not be
a party to the litigation.

5 (2) That the mental health practitioner consulted is licensed to practice and practices
6 in this state and is not a party to the action, that the practitioner is not treating and has
7 not treated the plaintiff, and that the practitioner has interviewed the plaintiff and is
8 knowledgeable of the relevant facts and issues involved in the particular action, and
has concluded, on the basis of his or her knowledge of the facts and issues, that in his
or her professional opinion there is a reasonable basis to believe that the plaintiff had
been subject to childhood sexual abuse.

9 (Code Civ. Proc. § 340.1, subd. (h).)

10 “The failure to file certificates in accordance with this section shall be grounds for a demurrer
11 pursuant to Section 430.10 or a motion to strike pursuant to Section 435.” (Code Civ. Proc. § 340.1,
12 subd. (l); see also *Jackson v. Doe* (2011) 192 Cal.App.4th 742, 752 [noting that the purpose of the
13 Certificates of Merit requirements is to impose “pleading hurdles aimed at reducing frivolous
14 claims”] [citing legislative history].) In *Jackson*, the plaintiff failed to file the requisite Certificates
15 of Merit with her original complaint. (*Id.* at p. 747.) The *Jackson* plaintiff then lodged a first
16 amended complaint to which she attached the Certificates of Merit in an effort to cure her prior
17 defect. (*Id.* at p. 748.) However, the trial court sustained the defendant’s demurrer, without leave
18 to amend, on statute of limitations grounds. (*Id.* at p. 751.) In affirming the trial court’s order, the
19 Court of Appeal held that section 340.1 “requires the filing of the Certificates of Merit before the
20 running of the statute of limitations” because the Certificates of Merit are “an aspect of the
21 complaint.” (*Id.* at p. 753 [citing *Doyle v. Fenster* (1996) 47 Cal.App.4th 1701, 1707].)

22 Here, Plaintiff did not even attempt to comply with the express provisions of section 340.1.
23 Like the *in propria persona* plaintiff in the *Jackson* case, Plaintiff in this action failed to file the
24 required Certificates of Merit with her Complaint even with the benefit of counsel.¹ Because, as
25 Mr. Strecker confirmed, Plaintiff attempted to sell her story to the tabloids more than nine years ago,

26 _____
27 ¹ Plaintiff will not be able to rely on section 340.1, subdivision (h)(3), which ostensibly permits
28 the requisite certificates to be filed within 60 days after filing the complaint because Plaintiff’s
counsel did not submit a certification claiming that he was unable to obtain the certificates prior
to the imminent expiration of the statute of limitations. (See *Doyle v. Fenster*, 47 Cal.App.4th at
p. 1706.)

1 she and her attorney knew there was no legitimate basis to claim that Plaintiff's alleged injuries due
2 to the alleged sexual abuse were discovered within the last three years. Fatal to her Complaint,
3 Plaintiff failed to plead—or support with the requisite certifications—any specific allegation
4 pertaining to the discovery of her alleged injuries and/or illness. Plaintiff does not even allege in her
5 Complaint the *approximate* date when she discovered her alleged injuries and illness. Rather, in
6 conclusory and self-serving fashion, Plaintiff merely asserts that the discovery was “within the three
7 years prior to the filing of this Complaint.” (Compl., ¶ 8.)

8 In light of these fatal flaws in Plaintiff's pleading and the absence of any Certificates of Merit
9 corroborating Plaintiff's allegations, the Court should sustain the Demurrer without leave to amend.

10 **B. The Court Should Sustain the Demurrer to Plaintiff's Complaint Because Plaintiff**
11 **Identified the Defendant by Name Prior to Obtaining the Court's Permission.**

12 There are two requirements for filing a lawsuit under Code section 340.1. First, as stated in
13 Section III.A, *supra*, a plaintiff must file the requisite Certificates of Merit, which Plaintiff failed to
14 do here. Second, a plaintiff cannot identify the defendant by name until the court gives permission
15 to the plaintiff to reveal the defendant's identity. In this case, it is impossible for Plaintiff to comply
16 with this obligation because Plaintiff already identified Mr. Cosby as the defendant prior to obtaining
17 permission from the Court.

18 Specifically, the statute provides that “no defendant may be named except by ‘Doe’
19 designation in any pleadings or papers filed in the action until there has been a showing of
20 corroborative fact as to the charging allegations against that defendant.” (Code Civ. Proc. § 340.1,
21 subd. (m).) Before any action can proceed against the anonymous defendant, the Court must find
22 “based solely on th[e] Certificates of Merit, that there is reasonable and meritorious cause for the
23 filing of the action against that defendant.” (*Id.* § 340.1, subd. (j).) Despite these clear requirements,
24 Plaintiff named Mr. Cosby in the lawsuit rather than referring to him as “John Doe,” as she was
25 required to do under the Code until the Court had the opportunity to review the certifications *in*
26 *camera* and make a determination that Plaintiff could proceed with a public claim against Mr. Cosby.
27 Obviously, Plaintiff and her attorney named Mr. Cosby to embarrass him, and to publicize the
28 lawsuit in an effort to put additional pressure on Mr. Cosby and to attract new potential clients for

1 Mr. Strecker. That Plaintiff publicly identified Mr. Cosby as the defendant instead of naming him
2 as a “Doe” illustrates that Plaintiff and her attorney had no intention of complying with any of the
3 provision of the statute now or at any time in the future.

4 There is no reported case that allows a plaintiff suing under Code section 340.1 to proceed
5 with a lawsuit where the plaintiff improperly identified a defendant by name prior to obtaining the
6 court’s permission. As cited above, in *Jackson* the plaintiff originally identified the defendant by
7 name prior to obtaining the trial court’s permission. (*Jackson v. Doe*, 192 Cal.App.4th at p. 746.)
8 In response to a demurrer, the plaintiff then lodged an amended complaint in which she alleged that
9 “Doe” molested her. (*Id.* at p. 747.) The trial court refused to allow the plaintiff to file her amended
10 complaint even though she attempted to cure the defects inherent in her original complaint. (*Ibid.*)
11 The appellate court affirmed the trial court’s order sustaining the demurrer without leave to amend.
12 (*Id.* at p. 756.)

13 **C. Each of Plaintiff’s Causes of Action Based on Alleged Childhood Sexual Abuse Are**
14 **Barred by the Applicable Statute of Limitations.**

15 As set forth above, all actions based on alleged childhood sexual abuse must be filed “within
16 eight years of the date the plaintiff attains the age of majority or within three years of the date the
17 plaintiff discovers or reasonably should have discovered that psychological injury or illness
18 occurring after the age of majority was caused by the sexual abuse, whichever period expires later.”
19 (Code Civ. Proc. § 340.1, subd. (a).) Because Plaintiff waited more than 30 years after her
20 eighteenth birthday to file this lawsuit against Mr. Cosby, the only way for her claims to be viable
21 under the statute of limitations would be if she did not discover or could not have reasonably
22 discovered her alleged injuries and/or illness until recently. On the face of the Complaint, Plaintiff’s
23 claims do not fall into the category of those discovered within the last three years because she does
24 not allege a single fact pertaining to the alleged recent discovery, or provide the requisite Certificates
25 of Merit to support the allegations.

26 Specifically, Plaintiff alleges that in 1974, while Plaintiff was 15 years old, Mr. Cosby
27 “proceeded to sexually molest her by attempting to put his hands down her pants, and then taking
28 her hand in his hand and performing a sex act on himself.” (Compl., ¶¶ 3, 6.) Plaintiff alleges that

1 this incident was “traumatic” and “caused psychological damage and mental anguish . . . that has
2 caused her significant problems throughout her life.” (Compl., ¶ 7.) The problem with Plaintiff’s
3 allegations (in addition to the fact that they are patently false) is that they are forty years old; and
4 therefore, are inherently unreliable. Accordingly, California law requires that such claims be
5 supported by two Certificates of Merit. The first shall be executed by the plaintiff’s attorney
6 declaring that he has reviewed the relevant facts and consulted with at least one mental health
7 practitioner, and that the attorney has concluded on the basis of that review and consultation that
8 there is reasonable and meritorious cause for the filing of the action. (Code Civ. Proc. § 340.1, subd.
9 (h)(1).) The second certificate of merit shall be executed by a mental health practitioner who
10 interviewed the plaintiff, who is knowledgeable of the relevant facts, and who concluded in his or
11 her professional opinion there is a reasonable basis to believe that the plaintiff had been subject to
12 childhood sexual abuse. (Code Civ. Proc. § 340.1, subd. (h)(2).)

13 Here, the 56-year old Plaintiff failed to file either of the Certificates of Merit required under
14 California law. As a result, Plaintiff cannot assert a viable claim for childhood sexual abuse 38
15 years after she attained the age of majority. If Plaintiff wanted to file these claims without having
16 to submit the Certificates of Merit, she would have had to file this lawsuit before she turned 26 years
17 old. (Code Civ. Proc. § 340.1, subd. (g) [“Every plaintiff 26 years of age or older at the time the
18 action is filed shall file Certificates of Merit . . .”].) Because Plaintiff waited until she was 56 years
19 old and filed this lawsuit without the requisite Certificates of Merit, her claims are time-barred. (See
20 *Jackson v. Doe*, 192 Cal.App.4th at p. 755 [“The Certificates of Merit described in section 340.1
21 subdivision (h) are ‘an aspect of the complaint’ and plaintiff’s action is time-barred because she
22 failed to file the Certificates of Merit.] [internal citation omitted].)

23 **D. Plaintiff’s Third Cause of Action For Negligent Infliction of Emotional Distress Fails**
24 **To State Facts Sufficient To Constitute a Cause of Action and Should Be Dismissed.**

25 In addition to the claim being barred by the applicable statute of limitations and Plaintiff’s
26 failure to comply with the requirements of section 340.1, Plaintiff’s third cause of action should be
27 dismissed on the additional grounds that Plaintiff failed to assert facts sufficient to constitute a viable
28 claim for negligent infliction of emotional distress. The California Supreme Court has allowed

1 plaintiffs to bring negligent infliction of emotional distress actions as “direct victims” in only three
2 types of factual situations: (1) the negligent mishandling of corpses (*Christensen v. Superior Court*
3 (1991) 54 Cal.3d 868, 879); (2) the negligent misdiagnosis of a disease that could potentially harm
4 another (*Molien v. Kaiser Found. Hosps.* (1980) 27 Cal.3d 916, 923); and (3) the negligent breach
5 of a duty arising out of a *preexisting* relationship. (*Burgess v. Superior Court* (1992) 2 Cal.4th 1064,
6 1076).

7 Here, none of these requisite factual situations are present. Obviously, there are no
8 allegations in the Complaint that Mr. Cosby mishandled a corpse or misdiagnosed a disease. Nor
9 has Plaintiff alleged any preexisting relationship between her and Mr. Cosby that would give rise to
10 a legal duty. In conclusory fashion only, Plaintiff alleges that Mr. Cosby “had a legal duty to refrain
11 from engaging in sexual conduct with Plaintiff when she was 15 years old and duty of care to ensure
12 that he did not cause sexual, emotional or psychological harm to her.” (Compl., ¶ 17.) Plaintiff does
13 not allege that she had any special relationship that would give rise to such a duty (e.g., a legal
14 guardianship). Plaintiff did not allege such a relationship because no such relationship existed.
15 Accordingly, Plaintiff has failed to state facts sufficient to constitute a cause of action against
16 Mr. Cosby for negligent infliction of emotional distress.

17 **E. Amendment of the Complaint Cannot Not Cure the Defects; Leave To Amend Should**
18 **Be Denied.**

19 Given that Plaintiff has already outed Mr. Cosby as the defendant in this action, in a blatant
20 violation of Code section 340.1, subdivision (m), no amendment of the Complaint can unring that
21 bell. It would be inherently prejudicial to Mr. Cosby if the Court were to allow Plaintiff an
22 opportunity to amend her Complaint and/or submit the requisite Certificates of Merit following this
23 demurrer. The plaintiff has the burden of showing how she can amend the pleading and how that
24 amendment will change the legal effect of the pleading. (*Goodman v. Kennedy*, 18 Cal.3d at p. 349.)
25 Here, Plaintiff cannot satisfy that burden because she already violated the statute by publicly
26 identifying Mr. Cosby as the defendant prior to receiving the Court’s permission to do so. (See
27 *Jackson v. Doe*, 192 Cal.App.4th at p.756 [affirming the trial court’s order sustaining the demurrer
28 without leave to amend].)

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IV.

CONCLUSION

Based on the foregoing, Mr. Cosby respectfully requests that the Court sustain the Demurrer to each cause of action in the Complaint without leave to amend, and for such other or further relief as the Court may deem to be just and appropriate.

Respectfully submitted,

DATE: December 4, 2014

LAVELY & SINGER
PROFESSIONAL CORPORATION
MARTIN D. SINGER
LYNDA B. GOLDMAN
ANDREW B. BRETTLER

By: 

MARTIN D. SINGER

Attorneys for Defendant
WILLIAM HENRY COSBY, JR. a/k/a
BILL COSBY

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PROOF OF SERVICE
1013A(3) C.C.P. Revised 5/1/88

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 2049 Century Park East, Suite 2400, Los Angeles, California 90067-2906.

On the date listed below, I served the foregoing document described as:

**DEFENDANT'S NOTICE OF DEMURRER AND DEMURRER;
MEMORANDUM OF POINTS AND AUTHORITIES
IN SUPPORT THEREOF**

on the interested parties in this action by placing:

a true and correct copy -OR- the original document thereof enclosed in sealed envelopes addressed as follows:

Marc S. Strecker, Esq. STRECKER LAW OFFICE 2600 Michelson Drive, Suite 1700 Irvine, CA 92612	Attorneys for Plaintiff: JUDY HUTH
---	---

- BY MAIL:**
- I deposited such envelope in the mail at Los Angeles, California. The envelope was mailed with postage thereon fully prepaid.
 - As follows: I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with U.S. postal service on that same day with postage thereon fully prepaid at Los Angeles, California in the ordinary course of business. I am aware that on motion of the 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.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed **December 4, 2014** at Los Angeles, California.

H. Hancock