

SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES

DEPARTMENT 16

TENTATIVE RULING

DR. IMAN SADEGHI,

Plaintiff

vs.

PINSCREEN, INC., DR. HAO LI, YEN-
CHUN CHEN, LIWEN HU, HAN-WEI
KUNG,

Defendants

Case No.: BC709376

[Tentative] Order on Demurrer to First Amended Complaint, Demurrer to First Amended Complaint, Motion to Strike Portions of First Amended Complaint, Motion to Strike Portions of First Amended Complaint, Joinder in Demurrer and Motion to Strike

Hearing Date: April 11, 2019

TO PLAINTIFF DR. IMAN SADEGHI AND HIS ATTORNEYS OF RECORD AND DEFENDANTS PINSCREEN, INC., DR. HAO LI, YEN-CHUN CHEN, LIWEN HU, HAN-WEI KUNG AND THEIR ATTORNEYS OF RECORD:

Plaintiff filed this action alleging defendants Pinscreen and Li fraudulently induced him to accept employment with Pinscreen. Plaintiff discovered while working that Pinscreen was engaged in illegal practices, but was assured there would be no public misrepresentations. Pinscreen made public misrepresentations and terminated plaintiff, battering him and invading his privacy.

Defendants Pinscreen and Li have each filed a demurrer and a motion to strike portions of the complaint. Defendants Chen and Hy have attempted to join in Li's demurrer and motion, but it appears they did not file a separate motion. There is no distinct reservation number.

First Amended Complaint

The first amended complaint contains 439 paragraphs of allegations, in 74 pages, plus approximately 200 pages of exhibits. It includes emails, skypes, diagrams, pictures, policies, conversations, and day-to-day actions of parties and non-parties.

A complaint must contain a “statement of the facts constituting the cause of action, in ordinary and concise language.” (Code of Civ. Proc., § 425.10, subd. (a)(1).) “A pleading is no place to quote, paraphrase, or even allude to the testimony of witnesses,” or to summarize deposition testimony and other evidence. (*Blickman Turkus, LP v. MF Downtown Sunnyvale, LLC* (2008) 162 Cal. App. 4th 858, 868 n.1.) “It is both improper and insufficient for a plaintiff to simply plead the evidence by which [she or] he hopes to prove such ultimate facts.” (*Careau & Co. v. Sec. Pac. Bus. Credit* (1990) 222 Cal. App. 3d 1371, 1390.)

The complaint does not comply with the letter or spirit of subdivision (a)(1) of section 425.10 of the Code of Civil Procedure.

On its own motion, the court strikes the complaint as not drawn in conformity with the laws of the state and rules of court and contains irrelevant and improper material. (Code of Civ. Proc., § 436, subds. (a) and (b).)

Plaintiff is to file an amended complaint within ten days in conformity with Code of Civil Procedure section 425.10.

[It is so ordered.]

Dated: April 11, 2019

Hon. Lia Martin
Judge of the Superior Court