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FILED
SAN MATEO COUNTY

APR - 1 2008

Clerk of the Superior Court

By *[Signature]*
DEPUTY CLERK

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3/28/08

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 COUNTY OF SAN MATEO

10 Case No.: CIV 459547

11 JUDGMENT AFTER SPECIAL
12 VERDICT

13 Plaintiffs,

14 vs.

15
16
17 Defendants.

18 On March 11, 2008, the parties, plaintiffs and

19 defendants I appeared with counsel for a jury

20 trial before the Honorable Gerald Buchwald, Judge of the Superior Court, in Department 10.

21 The case was tried on claims of intentional misrepresentation, breach of fiduciary duty, and

22 breach of ^{oral} contract. At the conclusion of plaintiffs' case, plaintiffs' counsel submitted a proposed

23 first amended complaint to add a cause of action for professional negligence. Defendants moved.

24 for non-suit on all causes of action.

25 After an extended hearing, the court granted the motion for non-suit as to the causes of

26 action for fraud and breach of ^{oral} contract. For a number of reasons stated on the record in open

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1 court, including but not limited to the fact that plaintiffs had failed to introduce any expert
2 witness testimony that defendants had breached the standard of care, the court denied plaintiffs'
3 motion for leave to amend to conform to proof to add a cause of action for professional
4 negligence.

5
6 The jury was thus instructed and a special verdict was presented on the remaining cause
7 of action for breach of fiduciary duty. On March 17, 2008, the jury, by a vote of 12 to nothing,
8 returned a special verdict in favor of defendants, finding that defendants had not breached their
9 fiduciary duties based on the law and the evidence. Attached as Exhibit "A" is a true and correct
10 copy of the Special Verdict entered by this court in defendants' favor on or about March 17,

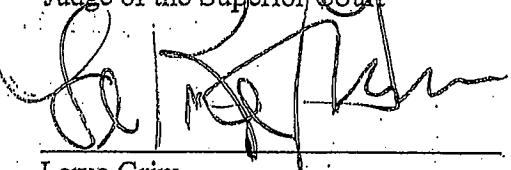
11 2008. *NOW THEREFORE,*
12 *IT IS ORDERED, ADJUDGED, AND DECREED* ~~that~~
13 Judgment, in favor of defendants is hereby entered by this court and plaintiffs shall
14 *on The Verdict* *might and to be*
15 recover nothing. Statutory costs in the amount of \$ *to be determined* and expert witness
16 fees in the amount of \$ *to be determined* for a total of Judgment of \$ *to be determined* are
17 hereby awarded to defendants; jointly and
18 severally against plaintiffs.

19 Dated 3/28, 2008


HONORABLE GERALD BUCHWALD,
Judge of the Superior Court

21 APPROVED AS TO FORM

22 Dated 3-19-, 2008


Lerue Grim
Attorney for Plaintiffs