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1. Defendants’ motion to dismiss is *granted* in all respects.

2. Plaintiff Robert Jacobsen’s motions to strike portions of declarations of Matthew Katzer and Kevin Russell are *denied* in all respects.

3. It appearing that the plaintiffs’ second sur-reply and opposition memorandum of points and authorities are in their effect an unauthorized motion for reconsideration of this Court’s order granting defendants’ special motions to strike (Cal. Civ. Proc. Code § 425.16) defendant Kevin Russell shall recover his reasonable costs and fees incurred in preparing replies to the second sur-reply and opposition, including fees incurred in opposing the motion to strike portions of declaration.

Dated. \_\_\_\_\_

\_\_\_\_\_  
United States District Judge