

Dongxiao Yue
2777 Alvarado St.
Suite C
San Leandro, CA 94577 _____

Wenbin William Yang
123-5863 Leslie Street
Toronto, Ontario M2H 1J8
Canada, XX 00000 _____

**Superior Court of California, County of Alameda
Hayward Hall of Justice**

Yue

Plaintiff/Petitioner(s)

VS.

Yang

Defendant/Respondent(s)

(Abbreviated Title)

No. HG15773556

Order

Motion to Strike
Denied

The Motion to Strike was set for hearing on 02/11/2016 at 02:30 PM in Department 522 before the Honorable Dennis Hayashi. The Tentative Ruling was published and has not been contested.

IT IS HEREBY ORDERED THAT:

The tentative ruling is affirmed as follows: The Special Motion of Defendant Muye Liu to Strike the First Amended Complaint of Plaintiff Dongxiao Yue, pursuant to CCP § 425.16(b)(1), is **DENIED WITHOUT PREJUDICE**.

Defendant's Motion to Strike fails to comply with the procedural requirements set forth in Rule of Court 3.1113. Defendant's memorandum of points and authorities is twenty-five (25) pages long. The limit is fifteen (15) pages unless prior authorization is given by the Court to exceed the limit. See Rule of Court 3.1113(d) and (e). Defendant also did not include a table of contents or table of authorities. See Rule of Court 3.1113(d). Furthermore, the memorandum does not comply with the requirements set forth in Rule of Court 3.1113(b) (concise statement of facts and applicable law). Finally, Defendant did not present any competent evidence in support of his motion.

Having reviewed the First Amended Complaint filed by Plaintiff on October 30, 2015, the Court has determined that it is not an amended complaint, but is instead a supplemental complaint because it is based on incidents occurring after the initial Complaint was filed on June 10, 2015. Plaintiff must obtain leave of court to file a supplemental complaint by noticed motion. See CCP § 464(a).

Plaintiff's First Amended Complaint is **HEREBY STRICKEN**.

Attorney for Defendant Liu shall file and serve the Notice of Entry of Order within five (5) days of the date shown on the Clerk's Certificate of Mailing.

Dated: 02/11/2016

facsimile


Judge Dennis Hayashi

SHORT TITLE: Yue VS Yang	CASE NUMBER: HG15773556
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ADDITIONAL ADDRESSEES

Muye Liu
2201 Francisco Dr., #140-538
El Dorado Hills, CA 95762_____