

JAMES McMANIS (40958)
SHARON KIRSCH (157157)
HILARY WEDDELL (293276)
McMANIS FAULKNER
a Professional Corporation
50 West San Fernando Street, 10th Floor
San Jose, California 95113
Telephone: (408) 279-8700
Facsimile: (408) 279-3244
Email: hweddel@mcmanislaw.com

Attorneys for Defendants,
CC-Palo Alto, Inc. a Delaware corporation;
Classic Residence Management Limited Partnership,
an Illinois limited partnership; and CC-Development
Group, Inc., a Delaware corporation

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

BURTON RICHTER, an individual;
LINDA COLLINS CORK, an individual;
GEORGIA L. MAY, an individual;
THOMAS MERIGAN, an individual;
ALFRED SPIVACK, an individual; and
JANICE R. ANDERSON, an individual; on
behalf of themselves and all other similarly
situated

Plaintiff,

vs.

CC-PALO ALTO, INC., a Delaware
corporation; **CLASSIC RESIDENCE**
MANAGEMENT LIMITED
PARTNERSHIP, an Illinois limited
partnership; and **CC-DEVELOPMENT**
GROUP, INC., a Delaware corporation

Defendant.

Case No.: C 14-00750 HRL

**[PROPOSED] ORDER GRANTING CC-
DEVELOPMENT GROUP, INC.'S
MOTION TO DISMISS CLASS ACTION
COMPLAINT FOR: 1. CONCEALMENT;
2. NEGLIGENT MISREPRESENTATION;
3. BREACH OF FIDUCIARY DUTY AND
CONSTRUCTIVE TRUST; 4. FINANCIAL
ABUSE OF ELDERS (CALIFORNIA
WELFARE AND INSTITUTIONS CODE
§§ 15600, ET SEQ.); 5. VIOLATION OF
CALIFORNIA CIVIL CODE §§ 1750, ET
SEQ.; 6. VIOLATION OF CALIFORNIA
BUSINESS AND PROFESSIONS CODE
§§ 17200, ET SEQ.; AND 7. BREACH OF
CONTRACT**

Date: June 3, 2014
Time: 10:00 a.m.
Dept.: 2, 5th Floor
Judge: The Hon. Howard R. Lloyd

Trial Date: Not set.

1 The hearing on the motion of defendant, CC-Development Group, Inc., to dismiss this
2 action against CC-Development Group, Inc., came on regularly for hearing by the Court on June
3 3, 2014, in Department 2, of the above-entitled court, before the Honorable Howard R. Lloyd.
4 Plaintiff and defendant appeared through their respective counsel of record.

5 After hearing, the matter was submitted to the Court for a ruling. The Court, having read
6 and considered the supporting and opposing points and authorities, and having heard and
7 considered the arguments of counsel, and good cause appearing therefore, makes the following
8 orders:

9 IT IS ORDERED that defendant, CC-Development Group, Inc.'s motion to dismiss the
10 cause of action for concealment (first cause of action), negligent misrepresentation (second cause
11 of action), breach of fiduciary duty and for imposition of a constructive trust (third cause of
12 action), financial abuse of elders (fourth cause of action), violation of California's Consumers
13 Legal Remedies Act (fifth cause of action), unfair competition (sixth cause of action), and breach
14 of contract (seventh cause of action) against CC-Development Group, Inc. is hereby
15 GRANTED, without leave to amend. The complaint, in its entirety, is therefore dismissed.

16
17
18
19 DATED: _____

UNITED STATES DISTRICT JUDGE