

1 CHHABRA LAW FIRM, PC
ROHIT CHHABRA (SBN 278798)
Email: rohit@thelawfirm.io
2 257 Castro Street Suite 104
Mountain View, CA 94041
3 Telephone: (650) 564-7929

4 **Attorney for Plaintiffs**
Open Source Security Inc. &
5 Bradley Spengler

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7 **UNITED STATES DISTRICT COURT**
NORTHERN DISTRICT OF CALIFORNIA
8 **SAN FRANCISCO DIVISION**

9
10 OPEN SOURCE SECURITY INC. and
BRADLEY SPENGLER

Plaintiffs,

11 v.

12 BRUCE PERENS, and Does 1-50,

13 Defendants.

) Case No.: 3:17-cv-04002-LB

)
) **[Proposed] ORDER DENYING**
) **DEFENDANT’S MOTION TO**
) **DISMISS WITH PREJUDICE**
) **PURSUANT TO FED. R. CIV. P.**
) **12(b)(6) AND SPECIAL MOTION TO**
) **STRIKE PURSUANT TO THE**
) **CALIFORNIA ANTI-SLAPP**
) **STATUTE, CODE OF CIVIL**
) **PROCEDURE SECTION 425.16**

)
)
) Hearing Date: October 26, 2017
) Time: 9:30 a.m.
) Location: Courtroom C, 15th Floor
) Judge: Hon. Laurel Beeler

[PROPOSED] ORDER

1 Defendant Bruce Perens has moved to dismiss with prejudice Plaintiff’s Complaint under
2 Federal Rule of Civil Procedure Section 12(b)(6) and specially moves to strike Plaintiff’s
3 Complaint under California’s anti-SLAPP Statute, California Code of Civil Procedure
4 Section 425.16. On October 26, 2017, the Court held a hearing on the motion, with
5 Chhabra Law Firm, PC appearing for Plaintiff Open Source Security Inc. & Bradley
6 Spengler (“Plaintiffs”) and O’Melveny & Myers LLP appearing for Defendant.

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8 After considering Plaintiff’s opposition to Defendant’s moving papers and attached
9 exhibits, opposing and reply papers, arguments of counsel, and all other materials
10 presented to the Court, and good cause appearing, IT IS HEREBY ORDERED:

11 _____ Defendant’s motions to dismiss the Complaint pursuant to Federal
12 Rule of Civil Procedure Section 12(b)(6) and to strike Plaintiff’s claims pursuant to
13 California’s anti-SLAPP statute is DENIED.

14 _____ IT IS HEREBY FURTHER ORDERED that Plaintiffs are entitled to
15 reimbursement of his reasonable attorneys’ fees in opposing the motion, as provided
16 by California Code of Civil Procedure Section 425.16. Plaintiffs shall submit a motion
17 documenting their reasonable fees within thirty (30) days of the issuance of this order.

18 IT IS SO ORDERED.

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20 Date: _____

21 THE HONORABLE LAUREL BEELER
22 UNITED STATES DISTRICT COURT
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