

SUPERIOR COURT OF CALIFORNIA, COUNTY OF MARIN		
KEVIN BRUNER PLAINTIFF(s) VS. TELLTALE INCORPORATED DEFENDANT(s)	DATE FILED:	2/27/2018
	CASE TYPE:	COMPLAINT
	CASE SUBTYPE:	BREACH OF CONTRACT
	DATE OF LAST ACTIVITY:	7/21/2020
	DATE/TIME RUN:	03/29/2024 08:04 AM
REGISTER OF ACTIONS	CASE NUMBER:	CIV 1800690

INVOLVED PERSON/PARTY AND ATTORNEY SUMMARY:

BRUNER, KEVIN is the PLAINTIFF and is represented by: SLATER, MARK K.

TELLTALE INCORPORATED, A DELAWARE CORPORATION is the DEFENDANT and is represented by: CHEN, ERICA ; GOLDSMITH, SCOTT D.; OLSON, MATTHEW J.

TELLTALE INCORPORATED is the CROSS COMPLAINANT and is represented by: GOLDSMITH, SCOTT D.; OLSON, MATTHEW J.

BRUNER, KEVIN is the CROSS DEFENDANT and is represented by: SLATER, MARK K.

REGISTER OF ACTIONS:

02/27/2018 CASE OPEN / ACTIVE STATUS HON ROY O CHERNUS

02/27/2018 FILING FEE PROCESSED: PLTF, KEVIN BRUNER - 435.00

02/27/2018 COMPLAINT/FIRST PAPER BREACH OF CONTRACT; DECLARATORY RELIEF; BREACH OF THE IMPLIED COVENANT OF GOOD FAITH AND FAIR DEALING

02/27/2018 SUMMONS ISSUED AND FILED

02/27/2018 HEARING CONFIRMED FOR: 05/08/2018 AT: 09:00 AM FOR APPEARANCE TYPE: OSCH IN DEPARTMENT: D06

02/27/2018 HEARING CONFIRMED FOR: 06/07/2018 AT: 09:00 AM FOR APPEARANCE TYPE: OSCH IN DEPARTMENT: D06

02/27/2018 HEARING CONFIRMED FOR: 07/17/2018 AT: 09:00 AM FOR APPEARANCE TYPE: CMGT IN DEPARTMENT: D06

02/28/2018 HEARING CONFIRMED FOR: 04/04/2018 AT: 01:30 PM FOR APPEARANCE TYPE: LMCV IN DEPARTMENT: D06

03/06/2018 PROOF OF SERVICE FILED, AS TO: DEFT, TELLTALE INCORPORATED, A DELAWARE CORPORATION BY PERSONAL SERVICE ON 2/27/18.

03/06/2018 APPEARANCE DROPPED FOR 05/08/2018 AT: 09:00 AM FOR APPEARANCE TYPE: OSCH IN DEPARTMENT: D06
DROP REASON: PROOF OF SERVICE FILED 3/6/18.

03/21/2018 STIPULATION JOINT STIPULATION TO EXTEND DEFENDANT TELLTALE INCORPORATED'S DEADLINE TO RESPOND TO COMPLAINT PURSUANT TO CALIFORNIA RULE OF COURT 3.110(D)

04/04/2018 MINUTE ORDER POSTED - Appearance: 04/04/2018 at 1:30PM for MOTION
JUDGE ROY O CHERNUS ,REPORTER NOT REPORTED , DEP CLK C. ASLESON
ATTORNEY MARK SLATER APPEARED FOR THE PLAINTIFF
HEARING BEFORE TRIAL
THIS MATTER COMES BEFORE THE COURT FOR ARGUMENT ON THE TENTATIVE RULING
NO ARGUMENT MADE
THE TENTATIVE RULING IS AFFIRMED AND MADE FINAL.
IT IS ORDERED:
RULING:
GOOD CAUSE APPEARING, PLAINTIFF'S APPLICATION TO SEAL IS GRANTED.

THE COURT HAS REVIEWED THE UNREDACTED COMPLAINT AND MOTION PAPERS. THERE ARE OVERRIDING INTERESTS, TO WIT: CONFIDENTIALITY AND FINANCIAL PRIVACY, THAT OVERCOME THE RIGHT OF PUBLIC ACCESS TO THE RECORD IN THIS CASE. THESE INTERESTS SUPPORT SEALING THE RECORD. THERE IS A SUBSTANTIAL PROBABILITY THAT THESE INTERESTS WILL BE PREJUDICED IF THE RECORD IS NOT SEALED. THE PROPOSED SEALING IS NARROWLY TAILORED. THERE IS NO LESS RESTRICTIVE MEANS TO PROTECT THESE INTERESTS.

PLAINTIFF'S PROPOSED ORDER IS ACCEPTABLE TO THE COURT.

ORDER SIGNED IN OPEN COURT AND PROVIDED TO COUNSEL FOR FILING IN THE CIVIL DIVISION

SUPERIOR COURT OF CALIFORNIA, COUNTY OF MARIN		
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REGISTER OF ACTIONS		CASE NUMBER: CIV 1800690

ENTERED BY: CA

04/13/2018 DEMURRER FILED BY: DEFENDANT TELLTALE INCORPORATED

04/16/2018 FILING FEE PROCESSED: DEFT, TELLTALE INCORPORATED, A DELAWARE CORPORATION - 435.00

04/16/2018 HEARING CONFIRMED FOR: 05/16/2018 AT: 01:30 PM FOR APPEARANCE TYPE: LMCV IN DEPARTMENT: D06

05/03/2018 OPPOSITION/RESPONSE TO MOTION FILED BY ATTY FOR PLTF, TO DEMURRER (05/16/18)

05/16/2018 MINUTE ORDER POSTED - Appearance: 05/16/2018 at 1:30PM for NOTICE OF MOTION
JUDGE ROY O. CHERNUS ,REPORTER DEBORAH BARTUNEK , DEP CLK S. HENDRYX
ATTORNEY MARK SLATER APPEARED FOR PLAINTIFF
NO APPEARANCE BY OR FOR THE DEFENDANT
HEARING BEFORE TRIAL
PLAINTIFF'S COUNSEL DOES NOT ARGUE THE COURT'S TENTATIVE RULING.
THE TENTATIVE RULING IS AFFIRMED AND MADE FINAL.
RULING: DEFENDANT'S DEMURRER IS OVERRULED AS FOLLOWS: ***SEE COURT'S FILE FOR ORDER***
PER MR. SLATER, COUNSEL AGREE TO SUBMIT A REDACTED ORDER TO THE COURT FOR SIGNATURE.
IT IS ORDERED: THE COURT WILL ALLOW THE PARTIES TO SUBMIT A REDACTED ORDER TO THE COURT, ALONG WITH AN UN-REDACTED ORDER, TO BE FILED UNDER SEAL.
ENTERED BY: SH
(AMENDED MINUTE ORDER)

05/17/2018 APPEARANCE DROPPED FOR 06/07/2018 AT: 09:00 AM FOR APPEARANCE TYPE: OSCH IN DEPARTMENT: D06
DROP REASON: DEMURRER FILED

05/29/2018 IT IS ORDERED: ORDER OVERRULING DEFENDANT'S DEMURRER TO COMPLAINT AND GRANTING APPLICATIONS TO FILE UNDER SEAL JUDGE ROY O. CHERNUS

05/29/2018 ANSWER DEFT, TELLTALE INCORPORATED, A DELAWARE CORPORATION

06/29/2018 JURY FEE DEPOSIT PLTF, KEVIN BRUNER - 150.00

07/17/2018 JURY FEE DEPOSIT DEFT, TELLTALE INCORPORATED, A DELAWARE CORPORATION - 150.00

07/17/2018 MINUTE ORDER POSTED - Appearance: 07/17/2018 at 9:00AM for CASE MANAGEMENT CONFERENCE
JUDGE ROY O CHERNUS ,REPORTER NOT REPORTED , DEP CLK C. YOUNG
ATTORNEY MARK SLATER APPEARED FOR THE PLAINTIFF
ATTORNEY BEN HUR APPEARED FOR THE DEFENDANT
HEARING BEFORE TRIAL
THIS MATTER COMES BEFORE THE COURT FOR A CASE MANAGEMENT CONFERENCE
PARTIES AGREE TO MEDIATION, AND MUST ALSO AGREE ON A MEDIATOR WITHIN 30 CALENDAR DAYS FROM THIS DATE
IF PARTIES CANNOT AGREE ON A MEDIATOR COUNSEL SHALL SO ADVISE THE COURT IN WRITING BY LETTER WITH 2 PROPOSED MEDIATORS AND THE COURT WILL SELECT A MEDIATOR FOR THEM
IT IS ORDERED:
REFERRED TO MEDIATION, TO BE COMPLETED BY: 10/17/2018
THE FUTURE CASE MANAGEMENT CONFERENCE 10/17/2018 AT 9:00 A.M. IN DEPARTMENT B FOR MEDIATION RESULTS
HEARING CONTINUED TO: 10/17/2018 AT: 09:00 AM FOR APPEARANCE TYPE: CMGT IN DEPARTMENT: D06 FROM DATE: 07/17/2018 FROM TIME: 09:00 AM FROM APPEARANCE TYPE: CMGT FROM DEPARTMENT: D06

SUPERIOR COURT OF CALIFORNIA, COUNTY OF MARIN		
KEVIN BRUNER PLAINTIFF(s) VS. TELLTALE INCORPORATED DEFENDANT(s)	DATE FILED:	2/27/2018
	CASE TYPE:	COMPLAINT
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	DATE OF LAST ACTIVITY:	7/21/2020
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REGISTER OF ACTIONS		CASE NUMBER: CIV 1800690

ENTERED BY: CY

10/17/2018 MINUTE ORDER POSTED - Appearance: 10/17/2018 at 9:00AM for CASE MANAGEMENT CONFERENCE
JUDGE ROY O CHERNUS ,REPORTER NOT REPORTED , DEP CLK C. YOUNG
VCOURT TELEPHONIC APPEARANCE BY MARK SLATER FOR THE PLAINTIFF
VCOURT TELEPHONIC APPEARANCE BY BEN HUR FOR THE DEFENDANT
HEARING BEFORE TRIAL
THIS MATTER COMES BEFORE THE COURT FOR A CASE MANAGEMENT CONFERENCE FOR MEDIATION RESULTS
COUNSEL MARK SLATER INFORMS THE COURT MEDIATION IS ONGOING AND SET FOR OCTOBER 31, 2018
IT IS ORDERED:
THE FUTURE CASE MANAGEMENT CONFERENCE 11/30/2018 AT 9:00 A.M. IN DEPARTMENT B FOR MEDIATION RESULTS
HEARING CONFIRMED FOR: 11/30/2018 AT: 09:00 AM FOR APPEARANCE TYPE: CMGT IN DEPARTMENT: D06
ENTERED BY: CY

11/29/2018 SUBSTITUTION OF ATTORNEY FILED, AS TO: OBO DEFT. FORMER ATTY. BENEDICT HUR / NEW ATTY. JEREMY ELMAN AND THOMAS HWANG

11/30/2018 MINUTE ORDER POSTED - Appearance: 11/30/2018 at 9:00AM for CASE MANAGEMENT CONFERENCE
JUDGE ROY O CHERNUS ,REPORTER NOT REPORTED , DEP CLK C. YOUNG
VCOURT TELEPHONIC APPEARANCE BY MARK SLATER FOR THE PLAINTIFF
VCOURT TELEPHONIC APPEARANCE BY JEREMY ELMAN FOR THE DEFENDANT
HEARING BEFORE TRIAL
THIS MATTER COMES BEFORE THE COURT FOR A CASE MANAGEMENT CONFERENCE FOR MEDIATION RESULTS
MEDIATION HAS NOT BEEN SUCCESSFUL
IT IS ORDERED:
THE FUTURE CASE MANAGEMENT CONFERENCE 01/11/2019 AT 9:00 A.M. IN DEPARTMENT B FOR TRIAL SETTING
HEARING CONTINUED TO: 01/11/2019 AT: 09:00 AM FOR APPEARANCE TYPE: CMGT IN DEPARTMENT: D06 FROM DATE: 11/30/2018 FROM TIME: 09:00 AM FROM APPEARANCE TYPE: CMGT FROM DEPARTMENT: D06
ENTERED BY: CY

12/31/2018 CASE REASSIGNED TO JUDGE HON JAMES T CHOU

12/31/2018 APPEARANCE MOVED TO: 01/11/2019 AT: 09:00 AM FOR APPEARANCE TYPE: CMGT IN DEPARTMENT: D19 MOVE REASON: RE-ASSIGNMENT FROM DATE: 01/11/2019 FROM TIME: 09:00 AM FROM APPEARANCE TYPE: CMGT FROM DEPARTMENT: D06

01/11/2019 MINUTE ORDER POSTED - Appearance: 01/11/2019 at 9:00AM for CASE MANAGEMENT CONFERENCE
JUDGE JAMES T. CHOU ,REPORTER NOT REPORTED , DEP CLK J. DALE
VCOURT TELEPHONIC APPEARANCE BY ATTORNEY MARK K. SLATER FOR THE PLAINTIFF
VCOURT TELEPHONIC APPEARANCE BY ATTORNEY JEREMY T. ELMAN FOR THE DEFENDANT
HEARING BEFORE TRIAL
MEDIATION UNSUCCESSFUL
DISCUSSION HELD REGARDING TRIAL SETTING. PARTIES REQUEST TIME FOR DISCOVERY.
IT IS ORDERED: CASE MANAGEMENT CONFERENCE SET 04/26/2019 AT 9:00 A.M. IN DEPARTMENT B FOR DISCOVERY STATUS AND TRIAL SET

SUPERIOR COURT OF CALIFORNIA, COUNTY OF MARIN		
KEVIN BRUNER PLAINTIFF(s) VS. TELLTALE INCORPORATED DEFENDANT(s)	DATE FILED:	2/27/2018
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	CASE SUBTYPE:	BREACH OF CONTRACT
	DATE OF LAST ACTIVITY:	7/21/2020
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HEARING CONTINUED TO: 04/26/2019 AT: 09:00 AM FOR APPEARANCE TYPE: CMGT IN DEPARTMENT: D19 FROM DATE: 01/11/2019 FROM TIME: 09:00 AM FROM APPEARANCE TYPE: CMGT FROM DEPARTMENT: D19

ENTERED BY: J. DALE

03/21/2019 NOTICE OF CHANGE OF FIRM NAME FILED BY MARK SLATER OF SLATER LAW GROUP, APC ON BEHALF OF PLAINTIFF KEVIN BRUNER

03/29/2019 HEARING CONFIRMED FOR: 05/15/2019 AT: 01:30 PM FOR APPEARANCE TYPE: LMCV IN DEPARTMENT: D19

04/05/2019 NOTICE OF MANDATORY PARTICIPATION IN DISCOVERY FACILITATOR PROGRAM (PLAINTIFF'S MOTION FILED 3-29-19).

04/16/2019 NOTICE OF APPOINTMENT OF DISCOVERY FACILITATOR PATRICIA MEDINA

04/18/2019 NOTICE OF VACATION OF PREVIOUS APPOINTMENT OF DISCOVERY FACILITATOR PATRICIA MEDINA AND NOTICE OF NEW APPOINTMENT OF DISCOVERY FACILITATOR SYLVIA SHAPIRO

04/26/2019 MINUTE ORDER POSTED - Appearance: 04/26/2019 at 9:00AM for CASE MANAGEMENT CONFERENCE
JUDGE JAMES T. CHOU ,REPORTER NOT REPORTED , DEP CLK J. DALE
ATTORNEY MARK K. SLATER APPEARED FOR THE PLAINTIFF
ATTORNEY JEREMY ELMAN APPEARED FOR THE DEFENDANT
HEARING BEFORE TRIAL
PLAINTIFF'S COUNSEL STATES THE PARTIES ARE MEETING AND CONFERRING RE: DISCOVERY AND MOTION TO COMPEL
JOINT REQUEST TO CONTINUE CASE MANAGEMENT CONFERENCE AND MOTION TO COMPEL
IT IS ORDERED: THE MOTION TO COMPEL SET 05/15/2019 AND THE CASE MANAGEMENT CONFERENCE ARE CONTINUED TO 05/29/2019 AT 1:30 P.M. IN COURTROOM B.
HEARING CONTINUED TO: 05/29/2019 AT: 01:30 PM FOR APPEARANCE TYPE: CMGT IN DEPARTMENT: D19 FROM DATE: 04/26/2019 FROM TIME: 09:00 AM FROM APPEARANCE TYPE: CMGT FROM DEPARTMENT: D19
APPEARANCE MOVED TO: 05/29/2019 AT: 01:30 PM FOR APPEARANCE TYPE: LMCV IN DEPARTMENT: D19 MOVE REASON: MINUTE ORDER 04/26/2019 FROM DATE: 05/15/2019 FROM TIME: 01:30 PM FROM APPEARANCE TYPE: LMCV FROM DEPARTMENT: D19
ENTERED BY: J. DALE

04/30/2019 DECLARATION OF NON RESOLUTION FILED BY PLAINTIFF .

05/21/2019 STIPULATION AND ORDER STIPULATED CONTINUANCE OF HEARING ON MOTION TO COMPEL FURTHER RESPONSES TO FORM INTERROGATORS SET ONE, SPECIAL INTERROGATORIES, SET ONE, REQUESTS FOR ADMISSIONS SET ONE, AND REQUESTS FOR PRODUCTION OF DOCUMENTS SET ONE; ORDER JUDGE JAMES T. CHOU FILED

05/21/2019 APPEARANCE MOVED TO: 06/24/2019 AT: 01:30 PM FOR APPEARANCE TYPE: LMCV IN DEPARTMENT: D19 MOVE REASON: ORDER 05/21/2019 FROM DATE: 05/29/2019 FROM TIME: 01:30 PM FROM APPEARANCE TYPE: LMCV FROM DEPARTMENT: D19

05/21/2019 APPEARANCE MOVED TO: 06/26/2019 AT: 01:30 PM FOR APPEARANCE TYPE: LMCV IN DEPARTMENT: D19 MOVE REASON: CLERICAL ERROR FROM DATE: 06/24/2019 FROM TIME: 01:30 PM FROM APPEARANCE TYPE: LMCV FROM DEPARTMENT: D19

05/21/2019 APPEARANCE MOVED TO: 06/26/2019 AT: 01:30 PM FOR APPEARANCE TYPE: CMGT IN DEPARTMENT: D19 MOVE REASON: ORDER 05/21/2019 FROM DATE: 05/29/2019 FROM TIME: 01:30 PM FROM APPEARANCE TYPE: CMGT FROM DEPARTMENT: D19

05/24/2019 (COPIES OF STIP. & ORDER LEFT IN WILL CALL UNDER MARIN PROCESS SERVICE)

05/30/2019 HEARING CONFIRMED FOR: 07/31/2019 AT: 01:30 PM FOR APPEARANCE TYPE: LMCV IN DEPARTMENT: D19

06/13/2019 OPPOSITION/RESPONSE TO MOTION FILED DEFENDANT TELLTALE INCORPORATED TO PLAINTIFF'S DISCOVERY MOTION TO COMPEL (6/26/2019)

SUPERIOR COURT OF CALIFORNIA, COUNTY OF MARIN		
KEVIN BRUNER PLAINTIFF(s) VS. TELLTALE INCORPORATED DEFENDANT(s)	DATE FILED:	2/27/2018
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06/17/2019 NOTICE OF NON - RESOLUTION OF DISCOVERY MOTION TO COMPEL FURTHER RESPONSS TO FORM INTERROGATORIES OBO PLTF.

06/26/2019 MINUTE ORDER POSTED - Appearance: 06/26/2019 at 1:30PM for CASE MANAGEMENT CONFERENCE
JUDGE JAMES CHOU ,REPORTER NOT REPORTED , DEP CLK T. JONES
ATTORNEY MARK SLATER APPEARED FOR PLAINTIFF
ATTORNEY JEREMY ELMAN APPEARED FOR DEFENDANT
HEARING BEFORE TRIAL
MR. SLATER REQUESTS TO SET THE CASE FOR TRIAL AND TO BE REFERRED TO THE DISCOVERY FACILITATOR A SECOND TIME TO ADDRESS THE 7/10/19 MOTION TO COMPEL CONTINUED FROM TODAY.
MR. ELMAN INFORMS THE COURT THERE IS A MOTION TO COMPEL ARBITRATION SET FOR 7/31/19 AND REQUESTS TO WAIT TO SET THE CASE FOR TRIAL AND IS OPEN TO MEETING WITH THE DISCOVERY FACILITATOR AGAIN.
IT IS ORDERED: PARTIES ARE RE-REFERRED TO THE DISCOVERY FACILITATOR. IF UNABLE TO MEET WITH A FACILITATOR BEFORE 7/10/19, COUNSEL TO NOTIFY THE COURT.
CASE MANAGEMENT CONFERENCE CONTINUED TO 7/31/19 AT 1:30 PM IN DEPT. B FOR TRIAL SETTING.
HEARING CONTINUED TO: 07/31/2019 AT: 01:30 PM FOR APPEARANCE TYPE: CMGT IN DEPARTMENT: D19 FROM DATE: 06/26/2019 FROM TIME: 01:30 PM FROM APPEARANCE TYPE: CMGT FROM DEPARTMENT: D19
ENTERED BY: T. JONES

06/26/2019 MINUTE ORDER POSTED - Appearance: 06/26/2019 at 1:30PM for MOTION TO COMPEL
JUDGE JAMES CHOU ,REPORTER NOT REPORTED , DEP CLK T. JONES
NO APPEARANCE BY OR FOR THE PARTIES
THE MATTER IS NOT HEARD OR REPORTED. THE TENTATIVE RULING IS FINAL.
RULING
PLAINTIFF'S MOTION TO COMPEL DISCOVERY IS CONTINUED UNTIL JULY 10, 2019 AT 1:30 P.M. IN DEPARTMENT B. AFTER INITIAL REVIEW OF THE MOTION, THE COURT STRONGLY ENCOURAGES THE PARTIES TO RESOLVE THIS DISCOVERY DISPUTE PRIOR TO JULY 10, 2019, AS THE COURT WILL CONSIDER SIGNIFICANT SANCTIONS FOR ABUSE OF THE DISCOVERY PROCESS IF IT IS REQUIRED TO RULE ON THE MATTER.
HEARING CONTINUED TO: 07/10/2019 AT: 01:30 PM FOR APPEARANCE TYPE: LMCV IN DEPARTMENT: D19 FROM DATE: 06/26/2019 FROM TIME: 01:30 PM FROM APPEARANCE TYPE: LMCV FROM DEPARTMENT: D19
ENTERED BY: T.JONES

07/05/2019 APPEARANCE DROPPED FOR 07/10/2019 AT: 01:30 PM FOR APPEARANCE TYPE: LMCV IN DEPARTMENT: D19
DROP REASON: REQUESTED BY MOVING PARTY

07/18/2019 OPPOSITION/RESPONSE TO MOTION FILED BY ATTORNEY FOR PLAINTIFF FOR MOTION TO COMPEL ON 07/31/2019.

07/29/2019 STIPULATION AND ORDER FOR LEAVE FOR PLAINTIFF TO FILE FIRST AMENDED COMPLAINT. SIGNED BY JUDGE JAMES CHOU. FILED

07/31/2019 MINUTE ORDER POSTED - Appearance: 07/31/2019 at 1:30PM for MOTION TO COMPEL
JUDGE JAMES CHOU ,REPORTER NOT REPORTED , DEP CLK T. JONES
NO APPEARANCE BY OR FOR THE PARTIES
HEARING BEFORE TRIAL
TENTATIVE RULING CONTINUED.
IT IS ORDERED: THE HEARING ON DEFENDANT'S MOTION TO COMPEL ARBITRATION AND OTHER RELATED MOTIONS IS CONTINUED UNTIL 8/7/19 AT 1:30 PM IN DEPT. B.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF MARIN		
KEVIN BRUNER PLAINTIFF(s) VS. TELLTALE INCORPORATED DEFENDANT(s)	DATE FILED:	2/27/2018
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	CASE SUBTYPE:	BREACH OF CONTRACT
	DATE OF LAST ACTIVITY:	7/21/2020
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HEARING CONTINUED TO: 08/07/2019 AT: 01:30 PM FOR APPEARANCE TYPE: LMCV IN DEPARTMENT: D19 FROM DATE: 07/31/2019 FROM TIME: 01:30 PM FROM APPEARANCE TYPE: LMCV FROM DEPARTMENT: D19
ENTERED BY: T. JONES

07/31/2019 MINUTE ORDER POSTED - Appearance: 07/31/2019 at 1:30PM for CASE MANAGEMENT CONFERENCE
JUDGE JAMES CHOU ,REPORTER NOT REPORTED , DEP CLK T.JONES
NO APPEARANCE BY OR FOR THE PARTIES

IT IS ORDERED: CASE MANAGEMENT CONFERENCE IS CONTINUED TO 8/7/19 AT 1:30 PM IN DEPT. B.

HEARING CONTINUED TO: 08/07/2019 AT: 09:00 AM FOR APPEARANCE TYPE: CMGT IN DEPARTMENT: D19 FROM DATE: 07/31/2019 FROM TIME: 01:30 PM FROM APPEARANCE TYPE: CMGT FROM DEPARTMENT: D19
ENTERED BY: T. JONES

08/07/2019 MINUTE ORDER POSTED - Appearance: 08/07/2019 at 1:30PM for CASE MANAGEMENT CONFERENCE
JUDGE JAMES T. CHOU ,REPORTER NOT REPORTED , DEP CLK S. HENDRYX
ATTORNEY MARK SLATER AND JUNYONG HUANG-STOWERS APPEARED FOR PLAINTIFF
VCOURT TELEPHONIC APPEARANCE BY JEREMY ELMAN FOR DEFENDANT
HEARING BEFORE TRIAL

THE MOTION TO COMPEL ARBITRATION IS DENIED. DEFENSE COUNSEL REQUESTS TIME TO CONDUCT DISCOVERY AND SET A DISPOSITIVE MOTION BEFORE TRIAL.

IT IS ORDERED: THIS MATTER SHALL BE SET FOR THE FOLLOWING: MANDATORY SETTLEMENT CONFERENCE: 3-2-2020 AT 9:00 A.M. IN DEPT. B; ISSUE CONFERENCE: 3-20-2020 AT 9:00 A.M. IN DEPT. B; AND JURY TRIAL: 3-24-2020 AT 9:00 A.M. IN DEPT. B. THE ESTIMATED LENGTH OF TRIAL IS 4 DAYS.

ALL PARTIES WITH SETTLEMENT AUTHORITY SHALL BE PERSONALLY PRESENT AT THE MANDATORY SETTLEMENT CONFERENCE. THE PARTIES SHOULD EXPECT THE MANDATORY SETTLEMENT CONFERENCE TO LAST ALL DAY.

HEARING CONFIRMED FOR: 03/02/2020 AT: 09:00 AM FOR APPEARANCE TYPE: STLC IN DEPARTMENT: D19

HEARING CONFIRMED FOR: 03/20/2020 AT: 09:00 AM FOR APPEARANCE TYPE: ISCF IN DEPARTMENT: D19

HEARING CONFIRMED FOR: 03/24/2020 AT: 09:00 AM FOR APPEARANCE TYPE: TRCL IN DEPARTMENT: D19

NOTICE OF HEARING MAILED TO ALL COUNSEL

ENTERED BY: SH

08/07/2019 MINUTE ORDER POSTED - Appearance: 08/07/2019 at 1:30PM for MOTION TO COMPEL
JUDGE JAMES T. CHOU ,REPORTER NOT REPORTED , DEP CLK S. HENDRYX
NO APPEARANCE BY OR FOR THE PARTIES

(COUNSEL ARE PRESENT ON THE COINCIDING CASE MANAGEMENT CONFERENCE, BUT ARE NOT PRESENT TO ARGUE THE COURT'S TENTATIVE RULING ON THE MOTION.)

THE MATTER IS NOT HEARD OR REPORTED. THE TENTATIVE RULING IS FINAL.

RULING:

SUPERIOR COURT OF CALIFORNIA, COUNTY OF MARIN		
KEVIN BRUNER PLAINTIFF(s) VS. TELLTALE INCORPORATED DEFENDANT(s)	DATE FILED:	2/27/2018
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THE MOTION TO COMPEL ARBITRATION BY DEFENDANT TELLTALE INCORPORATED, D/B/A TELLTALE GAMES ("DEFENDANT," "TELLTALE," OR "ASSIGNEE") PURSUANT TO CODE OF CIVIL PROCEDURE SECTION 1281.2 IS DENIED. THE COURT FINDS NO AGREEMENT TO ARBITRATE THE ISSUES RAISED IN THE CAUSES OF ACTION IN PLAINTIFF KEVIN BRUNER'S ("PLAINTIFF") COMPLAINT, AS EXPLAINED BELOW.

THE COURT FURTHER DENIES DEFENDANT'S ALTERNATIVE REQUESTS TO STAY THIS ACTION PENDING ARBITRATION OF THE PROMISSORY NOTE AT ISSUE (THE "NOTE") PURSUANT TO CODE OF CIVIL PROCEDURE SECTION 1281.4 (COOK V. SUPERIOR COURT OF LOS ANGELES COUNTY (1996) 240 CAL.APP.2D 880, 887 [COURT HAS DISCRETION TO STAY OR SEVER NONARBITRABLE ISSUES] AND LEAVE TO FILE A PERMISSIVE CROSS-COMPLAINT. (CODE CIV. PROC. § 428.50(C); WEIL & BROWN, CAL. PRACTICE GUIDE: CIVIL PROCEDURE BEFORE TRIAL (THE RUTTER GROUP 2018) ¶¶ 6:560 – 6:562 [A NOTICED MOTION IS REQUIRED TO SEEK LEAVE TO FILE A CROSS-COMPLAINT].)

APPLICATIONS TO FILE UNDER SEAL

THE APPLICATIONS TO FILE UNDER SEAL ARE GRANTED. THERE ARE OVERRIDING INTERESTS (CONFIDENTIALITY AND FINANCIAL PRIVACY) THAT OVERCOME THE RIGHT OF PUBLIC ACCESS TO THE RECORD IN THIS CASE. THESE INTERESTS SUPPORT SEALING THE DOCUMENTS. THERE IS A SUBSTANTIAL PROBABILITY THAT THESE INTERESTS WILL BE PREJUDICED IF THE RECORD IS NOT SEALED. THE PROPOSED SEALING IS NARROWLY TAILORED, AND THERE IS NO LESS RESTRICTIVE MEANS TO PROTECT THESE INTERESTS.

REQUEST FOR JUDICIAL NOTICE

AS AN INITIAL MATTER, WITHOUT CITING TO ANY AUTHORITY, DEFENDANT ASKS THIS COURT TO TAKE JUDICIAL NOTICE OF:

1. THE RESTRICTED STOCK PURCHASE AND EMPLOYMENT AGREEMENT DATED JUNE 9, 2004 (EXHIBIT A);
2. THE FULL-RECOURSE PROMISSORY NOTE DATED JULY 16, 2014 (EXHIBIT B);
3. THE STOCK PLEDGE AGREEMENT DATED JULY 16, 2014 (EXHIBIT C);
4. AN ARTICLE TITLED "TOXIC MANAGEMENT COST AN AWARD-WINNING GAME STUDIO ITS BEST DEVELOPERS (EXHIBIT D);
5. AN ARTICLE TITLED "THE TRAGIC END OF TELLTALE GAMES (EXHIBIT E);
6. AN ARTICLE TITLED "LAST TELLTALE GAMES TILES DISAPPEARING FROM GOG, OTHER STOREFRONTS" (EXHIBIT F); AND
7. THE SEVERANCE AGREEMENT DATED AUGUST 11, 2017 (EXHIBIT G).

SUPERIOR COURT OF CALIFORNIA, COUNTY OF MARIN		
KEVIN BRUNER PLAINTIFF(s) VS. TELLTALE INCORPORATED DEFENDANT(s)	DATE FILED:	2/27/2018
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THE COURT TAKES JUDICIAL NOTICE OF THE EXISTENCE OF THE CONTRACTS BETWEEN THE PARTIES, ATTACHED AS EXHIBITS A, B, C AND G, BUT DECLINES TO TAKE JUDICIAL NOTICE OF THEIR PROPER INTERPRETATION. (SEE FREMONT INDEMNITY CO. V. FREMONT GENERAL CORP. (2007) 148 CAL.APP.4TH 97, 103 [FINDING THE TRIAL COURT ERRED IN TAKING JUDICIAL NOTICE OF THE ENFORCEABILITY AND PROPER INTERPRETATION OF THE LETTER AGREEMENT BETWEEN THE PARTIES].) DEFENDANT HAS ALLEGED THEIR EXISTENCE AND ONCE ASSERTED, THE BURDEN SHIFTS TO PLAINTIFF TO PROVE FALSITY OF THE AGREEMENT, WHICH PLAINTIFF HAS FAILED TO DO HERE. (SEE CONDEE V. LONGWOOD MANAGEMENT CORP. (2001) 88 CAL.APP.4TH 215 [COURT WAS REQUIRED TO MAKE FINDING ONLY AS TO AGREEMENT'S EXISTENCE, NOT EVIDENTIARY DETERMINATION OF ITS VALIDITY, AND ONCE PETITIONERS ALLEGED THAT AGREEMENT EXISTED, BURDEN SHIFTED TO RESPONDENT TO PROVE FALSITY OF PURPORTED AGREEMENT]; SEE ALSO CAL. RULES OF COURT, RULE 3.1330.)

THE COURT DECLINES TO TAKE JUDICIAL NOTICE OF EXHIBITS D, E, AND F. THE TRUTH OF THE CONTENTS OF THE ARTICLES IS SUBJECT TO INTERPRETATION AND THUS NOT JUDICIALLY NOTICEABLE. (RAGLAND V. U.S. BANK NATIONAL ASSN. (2012) 209 CAL.APP.4TH 182, 194.)

MOTION TO COMPEL ARBITRATION

DEFENDANT CLAIMS THAT THE DISPUTES REGARDING THE NOTE AND EMPLOYMENT AGREEMENT MANDATE ARBITRATION OF THIS ACTION. DEFENDANT CLAIMS THAT THIS ACTION STEMS FROM THE SEVERANCE AGREEMENT SIGNED BY THE PARTIES AFTER PLAINTIFF WAS REMOVED AS CEO IN MARCH OF 2017 "IN THE WAKE OF SIGNIFICANT FINANCIAL TURMOIL RESULTING FROM HIS LEADERSHIP." (MPA P. 1:6-7.) TELLTALE CLAIMS THAT IT IS NO LONGER OPERATING AND EXECUTED AN ASSIGNMENT ON OCTOBER 11, 2018 TO CONDUCT A LIQUIDATION AND WINDING UP OF TELLTALE. DEFENDANT IS IN THE PROCESS OF LIQUIDATING AND WINDING UP TELLTALE WHICH IT CLAIMS IS AN "EVENT OF ACCELERATION" THAT TRIGGERS THE REPAYMENT OF A PROMISSORY NOTE DEFENDANT OBTAINED IN 2014 AFTER PLAINTIFF BORROWED 2 MILLION DOLLARS FROM TELLTALE, SECURED BY A STOCK PLEDGE AGREEMENT GRANTING TELLTALE A SECURITY INTEREST IN PLAINTIFF'S SHARES OF TELLTALE'S COMMON STOCK ISSUED PURSUANT TO HIS RESTRICTED STOCK PURCHASE AND EMPLOYMENT AGREEMENT. (RJN EXHIBITS A-C.)

DEFENDANT CONTENTS THAT THE NOTE IS NOW DUE AND PAYABLE BECAUSE OF THE TERMS OF THE AGREEMENT CONTAINED THEREIN AND THAT THIS ACTION MUST NOW BE ARBITRATED. THE NOTE HAS BECOME DUE BECAUSE OF ITS TERMS: NAMELY THAT EVENTS OF ACCELERATION WILL REQUIRE THE ENTIRE UNPAID PRINCIPAL SUM OF THE NOTE TO BE IMMEDIATELY DUE AND PAYABLE. "EVENTS OF ACCELERATION" INCLUDE THE DISSOLUTION, LIQUIDATION, OR WINDING UP OF THE COMPANY. (RJN EXHIBIT B, SECTION 4.B.) DEFENDANT ASSERTS THAT PLAINTIFF HAS REFUSED TO PAY THE NOTE BECAUSE OF HIS CLAIMS AGAINST DEFENDANT PURSUANT TO THE SEVERANCE AGREEMENT. DEFENDANT ARGUES THAT BECAUSE MULTIPLE AGREEMENTS BETWEEN THE PARTIES REQUIRE ARBITRATION, INCLUDING THE RESTRICTED STOCK PURCHASE AND EMPLOYMENT AGREEMENT, AS WELL AS THE STOCK PLEDGE AGREEMENT TIED TO THE NOTE, THE COURT MUST ORDER ARBITRATION OF THIS MATTER IN ITS ENTIRETY.

DEFENDANT ARGUES THAT THE NOTE, THE ACCOMPANYING STOCK PLEDGE AGREEMENT, AND THE EMPLOYMENT AGREEMENT WERE ALL EXPRESSLY REFERENCE AND INCORPORATED INTO THE SEVERANCE AGREEMENT AT ISSUE IN THE CURRENT MATTER. (SEE RJN EXHIBIT G, SECTION 10.)

PLAINTIFF ARGUES, INTER ALIA, THAT THERE IS NO OPERATIVE EMPLOYMENT AGREEMENT AND THAT THE KEY OBLIGATION SUED UPON HERE, I.E. THE ASSISTANCE OR LACK THEREOF THAT TELLTALE OWED TO BRUNER IN REGARDS TO THE SECONDARY SALE OF HIS SHARES UNDER SECTION 15 OF THE SEPARATION AGREEMENT, ARISES ENTIRELY FROM THE SEPARATION AGREEMENT WHICH DOES NOT HAVE AN ARBITRATION CLAUSE. NAMELY, PLAINTIFF ARGUES THAT "[T]HE HARM BRUNER SUFFERED WAS NEITHER MEASURED BY NOR DEPENDENT ON THE TERMS OF THE EMPLOYMENT AGREEMENT, BUT A RESULT OF TELLTALE'S BREACH OF THE SEPARATION AGREEMENT. (OPPO., P. 7:16-17.)

SUPERIOR COURT OF CALIFORNIA, COUNTY OF MARIN		
KEVIN BRUNER PLAINTIFF(s) VS. TELLTALE INCORPORATED DEFENDANT(s)	DATE FILED:	2/27/2018
	CASE TYPE:	COMPLAINT
	CASE SUBTYPE:	BREACH OF CONTRACT
	DATE OF LAST ACTIVITY:	7/21/2020
	DATE/TIME RUN:	03/29/2024 08:04 AM
REGISTER OF ACTIONS	CASE NUMBER:	CIV 1800690

DISCUSSION

A PARTY MAY COMPEL ARBITRATION OF A CONTROVERSY ONLY UPON THE EXISTENCE OF A WRITTEN AGREEMENT TO ARBITRATE SUCH CONTROVERSY. (CODE CIV. PROC. § 1281.2.) ARBITRATION IS A MATTER OF CONTRACT BETWEEN THE PARTIES, AND THE PARTIES TO AN ARBITRATION AGREEMENT ARE FREE TO DELINEATE THE SCOPE OF ISSUES SUBJECT TO ARBITRATION. (BADIE V. BANK OF AMERICA (1998) 67 CAL.APP.4TH 787,788.) UNDER A MOTION TO COMPEL ARBITRATION PURSUANT TO CODE CIV. PROC. SECTION 1281.2, THE TRIAL COURT DETERMINES IF THERE IS A DUTY TO ARBITRATE THE PARTICULAR CONTROVERSY THAT HAS ARISEN BETWEEN THE PARTIES. (UNITED TRANSPORTATION UNION V. SOUTHERN CAL. RAPID TRANSIT DIST. (1992) 7 CAL.APP.4TH 804, 808.) THE PERFORMANCE OF THIS DUTY REQUIRES THE COURT TO EXAMINE AND, TO A LIMITED EXTENT, CONSTRUER THE UNDERLYING AGREEMENT PURSUANT TO GENERAL CONTRACT LAW. (STATE FARM MUT. AUTO. INS. CO. V. SUPERIOR COURT (1994) 23 CAL.APP.4TH 1297, 1301; (VICTORIA V. SUPERIOR COURT (1985) 40 CAL.3D 734, 744; VIANNA V. DOCTORS' MANAGEMENT CO. (1994) 27 CAL.APP.4TH 1186, 1189; CIVIL CODE §1638 [THE CLEAR AND EXPLICIT LANGUAGE OF THE CONTRACT GOVERNS ITS INTERPRETATION].)

WITH RESPECT TO CONTRACT INTERPRETATION, THE COURT OF APPEAL IN GREY V. AMERICAN MANAGEMENT SERVICES (2012) 204 CAL.APP.4TH 803, 806-807 SETS FORTH THAT:

“ ‘THE BASIC GOAL OF CONTRACT INTERPRETATION IS TO GIVE EFFECT TO THE PARTIES' MUTUAL INTENT AT THE TIME OF CONTRACTING. (CIV.CODE, § 1636; **213 BANK OF THE WEST V. SUPERIOR COURT (1992) 2 CAL.4TH 1254, 1264 [10 CAL.RPTR.2D 538, 833 P.2D 545].) WHEN A CONTRACT IS REDUCED TO WRITING, THE PARTIES' INTENTION IS DETERMINED FROM THE WRITING ALONE, IF POSSIBLE. (CIV.CODE, § 1639.)’ (FOUNDING MEMBERS OF THE NEWPORT BEACH COUNTRY CLUB V. NEWPORT BEACH COUNTRY CLUB, INC. (2003) 109 CAL.APP.4TH 944, 955 [135 CAL.RPTR.2D 505] [(FOUNDING MEMBERS)].) ‘THE WORDS OF A CONTRACT ARE TO BE UNDERSTOOD IN THEIR ORDINARY *807 AND POPULAR SENSE....’ (CIV.CODE, § 1644.)” (CEDARS–SINAI MEDICAL CENTER V. SHEWRY (2006) 137 CAL.APP.4TH 964, 979, 41 CAL.RPTR.3D 48.) UNDER STATE LAW, THE TERMS OF A FINAL, INTEGRATED CONTRACT “MAY NOT BE CONTRADICTED BY EVIDENCE OF ANY PRIOR AGREEMENT OR OF A CONTEMPORANEOUS ORAL AGREEMENT.” (CODE CIV. PROC., § 1856, SUBD. (A).) BUT A WRITTEN INSTRUMENT “MAY BE EXPLAINED OR SUPPLEMENTED BY EVIDENCE OF CONSISTENT ADDITIONAL TERMS UNLESS THE WRITING IS INTENDED ALSO AS A COMPLETE AND EXCLUSIVE STATEMENT OF THE TERMS OF THE AGREEMENT.” (CODE CIV. PROC., § 1856, SUBD. (B).)

THE COURT DETERMINES WHETHER THE PARTIES INTENDED THE CONTRACT TO BE A FINAL AND COMPLETE EXPRESSION OF THEIR AGREEMENT. (GREY, SUPRA, 204 CAL.APP.4TH 803, 807.) AND IF THERE IS AN INTEGRATION CLAUSE, THAT IS A “KEY FACTOR IN DIVINING THAT INTENT.” (IBID.)

HERE, LIKE THE FACTS IN GREY, THE SEPARATION AGREEMENT HAS AN INTEGRATION CLAUSE. IN PARTICULAR IT STATES, “. . . THIS AGREEMENT RENDERS NULL AND VOID ALL PRIOR AGREEMENTS BETWEEN YOU AND THE COMPANY AND CONSTITUTES THE ENTIRE AGREEMENT BETWEEN YOU AND THE COMPANY REGARDING THE SUBJECT MATTER OF THIS AGREEMENT.” (RJN, EXHIBIT G, § 10.)

THE COURT FINDS, AND PLAINTIFF CORRECTLY REPRESENTS, THAT THERE IS NO AGREEMENT TO ARBITRATE CONTROVERSIES ARISING FROM THE SEPARATION AGREEMENT SIGNED BY PLAINTIFF ON AUGUST 14, 2017. WHILE SECTION 10 OF THE SEPARATION AGREEMENT REFERENCES AND INCLUDES PRIOR AGREEMENTS, IT DOES NOT EXPRESSLY INCORPORATE THE LANGUAGE OF THE OTHER AGREEMENTS INTO THE SEPARATION AGREEMENT. IN PARTICULAR, SECTION 10 STATES THAT:

AT ALL TIMES IN THE FUTURE, YOU AND THE COMPANY WILL REMAIN BOUND BY (A) YOUR RESTRICTED STOCK PURCHASE AND EMPLOYMENT AGREEMENT, AS AMENDED, WITH THE COMPANY, WHICH YOU SINGED ON JULY 19, 2004, . . . (C) YOUR FULL-RECOURSE PROMISSORY NOTE PAYABLE TO THE COMPANY AND SIGNED BY YOU ON JUNE 16, 2014. . . AND (D) YOUR STOCK PLEDGE AGREEMENT WITH THE COMPANY WHICH YOU SIGNED ON JUNE 16, 2014.
(RJN EXHIBIT G, § 10 [EMPHASIS ADDED].)

THE NOTE, THE ACCOMPANY

SUPERIOR COURT OF CALIFORNIA, COUNTY OF MARIN		
KEVIN BRUNER PLAINTIFF(s) VS. TELLTALE INCORPORATED DEFENDANT(s)	DATE FILED:	2/27/2018
	CASE TYPE:	COMPLAINT
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THE COURT DISAGREES. THE EMPLOYMENT AGREEMENT WHICH INCLUDED PLAINTIFF'S PURCHASE OF STOCK SHARES, NAMELY 2,486,400, HAD SUPERSEDED THE RESTRICTIONS CONTAINED THEREIN BY THE TIME PLAINTIFF WAS TERMINATED FROM HIS EMPLOYMENT WITH TELLTALE. THE SEPARATION AGREEMENT WHICH CONTAINED AN OBLIGATION OF TELLTALE IN THE ASSISTANCE OF SELLING PLAINTIFF'S SHARES OF STOCK, WAS SEPARATE AND APART FROM HIS EMPLOYMENT AGREEMENT—LIKE THE COURT FOUND IN HOWARD. THEREFORE A FINDING THAT THE DISPUTE HERE ARISES OUT OF THE EMPLOYMENT AGREEMENT AND IS THUS SUBJECT TO ARBITRATION IS INCORRECT. THE MATTERS ARE SEPARATE AND THIS ACTION IS NONARBITRABLE.

IN ADDITION, THE COURT FINDS DEFENDANT'S OWN ARGUMENT FURTHER SUPPORTS THAT THIS ACTION FAILS TO ARISE OUT OF THE NOTE SECURED BY THE STOCK PLEDGE AGREEMENT THAT CONTAINS AN ARBITRATION CLAUSE. DEFENDANT ADMITS THAT "[T]HERE IS NO SUPPORT THAT THE NOTE WHERE PLAINTIFF WAS LOANED \$2 MILLION IN 2014 AS PART OF HIS EMPLOYMENT WAS THE SAME TRANSACTION AS A SEPARATE AGREEMENT SIGNED FIVE MONTHS AFTER PLAINTIFF WAS REMOVED FROM HIS EMPLOYMENT, ESPECIALLY WHERE THE SEVERANCE AGREEMENT EXPRESSLY REFERENCED THE PRIOR NOTE AS A SEPARATE TRANSACTION, AND STATED THAT PLAINTIFF "REMAINS BOUND" BY THAT SEPARATE TRANSACTION." (MPA PP. 11:27 TO 12:3.)

THE MOTION TO COMPEL ARBITRATION IS DENIED.

ENTERED BY: SH

08/16/2019 NOTICE OF CHANGE OF ADDRESS OR OTHER CONTACT INFORMATION FILED BY ATTORNEY SLATER ON BEHALF OF PLAINTIFF

08/19/2019 IT IS ORDERED: ORDER DENYING DEFENDANT'S MOTION TO COMPEL ARBITRATION SIGNED BY JUDGE JAMES T CHOU. (UNREDACTED ORDER FILED UNDER SEAL, REDACTED IN COURT FILE) //COPIES PLACED IN WILL CALL UNDER ANDERSON PROCESS SERVICE 8/20/19

08/20/2019 NOTICE OF DEPARTURE OF ATTORNEY FROM FIRM FILED BY ATTORNEY GOLDSMITH AS TO COUNSEL JEREMY T. ELMAN WHO HAS DEPARTED EFFECTIVE 08/14/2019.

08/28/2019 HEARING CONFIRMED FOR: 11/27/2019 AT: 01:30 PM FOR APPEARANCE TYPE: LMCV IN DEPARTMENT: D19

08/29/2019 AMENDED COMPLAINT FILED (FIRST) FILED BY ATTORNEY FOR PLAINTIFF KEVIN BRUNER FOR BREACH OF CONTRACT, DECLARATORY RELIEF, BREACH OF THE IMPLIED COVENANT OF GOOD FAITH AND FAIR DEALING AND FAILURE TO PRESERVE COLLATERAL (NO NEW DEFENDANTS)

09/03/2019 APPEARANCE DROPPED FOR 11/27/2019 AT: 01:30 PM FOR APPEARANCE TYPE: LMCV IN DEPARTMENT: D19 DROP REASON: REQUESTED BY MOVING PARTY

09/27/2019 DEFENDANT TELLTALE INCORPORATED'S ANSWER TO PLAINTIFF KEVIN BRUNER'S FIRST AMENDED COMPLAINT

09/27/2019 HEARING CONFIRMED FOR: 01/15/2020 AT: 01:30 PM FOR APPEARANCE TYPE: LMCV IN DEPARTMENT: D19

10/15/2019 NOTICE OF DEPARTURE OF ATTORNEY FROM FIRM FILED BY SCOTT GOLDSMITH ON BEHALF OF DEFENDANT TELLTALE INCORPORATED

10/16/2019 HEARING CONFIRMED FOR: 10/28/2019 AT: 09:00 AM FOR APPEARANCE TYPE: XPRT IN DEPARTMENT: D19

10/21/2019 HEARING CONFIRMED FOR: 01/29/2020 AT: 01:30 PM FOR APPEARANCE TYPE: LMCV IN DEPARTMENT: D19

10/24/2019 APPEARANCE DROPPED FOR 01/15/2020 AT: 01:30 PM FOR APPEARANCE TYPE: LMCV IN DEPARTMENT: D19 DROP REASON: PER STIP AND ORDER SIGNED 10/24/19

10/24/2019 APPEARANCE DROPPED FOR 10/28/2019 AT: 09:00 AM FOR APPEARANCE TYPE: XPRT IN DEPARTMENT: D19 DROP REASON: PER STIP AND ORDER SIGNED 10/24/19

10/24/2019 IT IS ORDERED: ORDER GRANTING JOINT STIPULATION FOR LEAVE FOR DEFENDANT TELLTALE INCORPORATED TO FILE CROSS-COMPLAINT JUDGE JAMES T. CHOU

SUPERIOR COURT OF CALIFORNIA, COUNTY OF MARIN			
KEVIN BRUNER PLAINTIFF(s) VS. TELLTALE INCORPORATED DEFENDANT(s)	DATE FILED:	2/27/2018	
	CASE TYPE:	COMPLAINT	
	CASE SUBTYPE:	BREACH OF CONTRACT	
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11/14/2019	CROSS-COMPLAINT FILED (1) BY ATTORNEY SCOTT GOLDSMITH ON BEHALF OF CROSS-COMPLAINANT TELLTALE INCORPORATED D/B/A TELLTALE GAMES AGAINST THE CROSS-DEFENDANT KEVIN BRUNER
11/18/2019	ANSWER CRDF, KEVIN BRUNER (1) TO CROSS-COMPLAINT OF TELLTALE INCORPORATED
12/05/2019	HEARING CONFIRMED FOR: 03/18/2020 AT: 01:30 PM FOR APPEARANCE TYPE: LMCV IN DEPARTMENT: D19
12/11/2019	NOTICE OF APPEARANCE FILED BY ATTORNEY MATTHEW OLSON ON BEHALF OF DEFENDANT AND CROSS-COMPLAINANT TELLTALE INCORPORATED
12/13/2019	IT IS ORDERED: ORDER GRANTING DEFENDANT'S AND PLAINTIFF'S APPLICATIONS TO FILE THEIR MOTIONS FOR SUMMARY JUDGMENT UNDER SEAL AND SETTING A HEARING DATE FOR THEIR MOTIONS FOR SUMMARY JUDGMENT JUDGE JAMES T. CHOU
12/17/2019	APPEARANCE DROPPED FOR 03/18/2020 AT: 01:30 PM FOR APPEARANCE TYPE: LMCV IN DEPARTMENT: D19 DROP REASON: BY ORDER OF 12/13/19
12/23/2019	HEARING CONFIRMED FOR: 04/01/2020 AT: 01:30 PM FOR APPEARANCE TYPE: LMSJ IN DEPARTMENT: D19
12/24/2019	APPEARANCE MOVED TO: 02/26/2020 AT: 01:30 PM FOR APPEARANCE TYPE: LMSJ IN DEPARTMENT: D19 MOVE REASON: CLERICAL ERROR ORDER STATED 2/26/20 FROM DATE: 04/01/2020 FROM TIME: 01:30 PM FROM APPEARANCE TYPE: LMSJ FROM DEPARTMENT: D19
12/30/2019	APPEARANCE DROPPED FOR 01/29/2020 AT: 01:30 PM FOR APPEARANCE TYPE: LMCV IN DEPARTMENT: D19 DROP REASON: REQUESTED BY MOVING PARTY
01/30/2020	HEARING CONFIRMED FOR: 05/13/2020 AT: 01:30 PM FOR APPEARANCE TYPE: LMCV IN DEPARTMENT: D19
02/03/2020	NOTICE OF MANDATORY PARTICIPATION IN DISCOVERY FACILITATOR PROGRAM FOR PLAINTIFF'S MOTION FILED 1/30/2020.
02/05/2020	HEARING CONFIRMED FOR: 05/20/2020 AT: 01:30 PM FOR APPEARANCE TYPE: LMCV IN DEPARTMENT: D19
02/07/2020	REJECTION NOTICE RE: STIPULATION FOR ENTRY OF A PROTECTIVE ORDER AND [PROPOSED] ORDER MAILED TO PLAINTIFF'S COUNSEL. REJECTED FOR COMPLIANCE WITH CRC RULES 2.550 AND 2.551.
02/13/2020	OPPOSITION/RESPONSE TO MOTION FILED BY DEFENDANT TELLTALE INCORPORATED
02/13/2020	OPPOSITION/RESPONSE TO MOTION FILED BY DEFENDANT TELLTALE INCORPORATED
02/13/2020	HEARING CONFIRMED FOR: 06/10/2020 AT: 01:30 PM FOR APPEARANCE TYPE: LMCV IN DEPARTMENT: D19
02/19/2020	NOTICE OF APPOINTMENT OF DISCOVERY FACILITATOR SYLVIA K. SHAPIRO FOR PLAINTIFF'S MOTION FILED 1/30/2020.
02/19/2020	NOTICE OF APPOINTMENT OF DISCOVERY FACILITATOR SYLVIA K. SHAPIRO FOR PLAINTIFF'S MOTION FILED 2/5/2020.
02/21/2020	REPLY TO MOTION /RFOR FILED. BY ATTY OBO PLAINTIFF AND CRDF KEVIN BRUNER FOR MOTION FOR SUMMARY JUDGMENT ON 02/26/2020.
02/21/2020	REPLY TO MOTION /RFOR FILED. ATTY OBO PLTF/CRDF KEVIN BRUNER FOR MOTION FOR SUMMARY JUDGMENT ON 02/26/2020.
02/21/2020	REPLY TO MOTION /RFOR FILED. BY ATTY OBO DEFT TELLTALE INCORPORATED FOR MOTION FOR SUMMARY JUDGMENT ON 02/26/2020.
02/21/2020	REPLY TO MOTION /RFOR FILED. BY ATTY OBO DEFT TELLTALE INCORPORATED FOR MOTION FOR SUMMARY JUDGMENT ON 02/26/2020.
02/24/2020	STIPULATION JOINT STIPULATION FOR AN ORDER GRANTING PLAINTIFF'S AND DEFENDANT'S APPLICATIONS TO FILE THEIR OPPOSITIONS AND REPLIES TO THE PARTIES RESPECTIVE MOTIONS FOR SUMMARY JUDGMENT UNDER SEAL
02/26/2020	STIPULATION AND ORDER STIPULATION FOR ENTRY OF A PROTECTIVE ORDER AND ORDER JUDGE JAMES T. CHOU (COPIES LEFT IN WILL CALL UNDER D) FILED
02/26/2020	MINUTE ORDER POSTED - Appearance: 02/26/2020 at 1:30PM for MOTION FOR SUMMARY JUDGMENT JUDGE JAMES T. CHOU ,REPORTER NOT REPORTED , DEP CLK J. DALE NO APPEARANCE BY OR FOR THE PARTIES

SUPERIOR COURT OF CALIFORNIA, COUNTY OF MARIN		
KEVIN BRUNER PLAINTIFF(s) VS. TELLTALE INCORPORATED DEFENDANT(s)	DATE FILED:	2/27/2018
	CASE TYPE:	COMPLAINT
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TENTATIVE RULING CONTINUED.

RULING

THE COURT ORDERS THE PARTIES TO SUBMIT COPIES OF ALL UNREDACTED DOCUMENTS FILED IN SUPPORT OF OR IN OPPOSITION TO THE MOTIONS CURRENTLY SET FOR HEARING ON FEBRUARY 26, 2020 WITH THE REDACTED PORTIONS OF EACH DOCUMENT HIGHLIGHTED.

THESE HIGHLIGHTED COPIES SHOULD BE PROVIDED TO THE COURT BY NO LATER THAN MARCH 4, 2020. THESE ARE COURTESY COPIES FOR JUDGE'S CHAMBERS ONLY AND SHALL BE LABELED AS SUCH. IN ALL OTHER RESPECTS THEY SHALL COMPLY WITH RULE OF COURT, RULE 2.551(D).

THE COURT CONTINUES THE HEARING ON ALL MOTIONS CURRENTLY SET FOR FEBRUARY 26, 2020 TO MARCH 18, 2020 AT 1:30 P.M. IN DEPARTMENT B.

HEARING CONTINUED TO: 03/18/2020 AT: 01:30 PM FOR APPEARANCE TYPE: LMSJ IN DEPARTMENT: D19 FROM DATE: 02/26/2020 FROM TIME: 01:30 PM FROM APPEARANCE TYPE: LMSJ FROM DEPARTMENT: D19

ENTERED BY: J. DALE

03/02/2020

MINUTE ORDER POSTED - Appearance: 03/02/2020 at 9:00AM for SETTLEMENT CONFERENCE

JUDGE JAMES T. CHOU ,REPORTER NOT REPORTED , DEP CLK T. JONES

ATTORNEY MARK SLATER APPEARED FOR AND WITH PLAINTIFF KEVIN BRUNER

ATTORNEY SCOTT GOLDSMITH APPEARED FOR AND WITH DEFENDANT'S REPRESENTATIVE JAROD WADA
APPEARANCE BY PANELIST BRIAN KRAM.

HEARING BEFORE TRIAL

THIS MATTER COMES BEFORE THE COURT ON A MANDATORY SETTLEMENT CONFERENCE.

SETTLEMENT CONFERENCE HELD

CASE REPORTED NOT SETTLED

THE PARTIES REQUEST TO APPEAR BEFORE THE JUDGE TO DISCUSS HOW TO MOVE FORWARD.

THE MATTER IS CALLED AT 4:15 PM. NO COURT REPORTER PRESENT.

COUNSEL REQUEST TO SET ANOTHER MANDATORY SETTLEMENT CONFERENCE AND CONTINUE THE JURY TRIAL.

DISCUSSION HELD REGARDING SET-OFF ISSUES MENTIONED IN THE MOTION FOR SUMMARY JUDGMENT SET FOR 3/18/20.

TRIAL DATES DISCUSSED.

IT IS ORDERED:

MANDATORY SETTLEMENT CONFERENCE IS CONTINUED TO 4/14/20 AT 9:00 AM IN DEPT. B. JURY TRIAL CONTINUED TO 8/18/20 AT 9:00 AM IN DEPT. B. ISSUE CONFERENCE CONTINUED TO 8/14/20 AT 9:00 AM IN DEPT. B.

APPEARANCE MOVED TO: 08/14/2020 AT: 09:00 AM FOR APPEARANCE TYPE: ISCF IN DEPARTMENT: D19 MOVE REASON: PER COURT 3/2/20 FROM DATE: 03/20/2020 FROM TIME: 09:00 AM FROM APPEARANCE TYPE: ISCF FROM DEPARTMENT: D19

APPEARANCE MOVED TO: 08/18/2020 AT: 09:00 AM FOR APPEARANCE TYPE: TRCL IN DEPARTMENT: D19 MOVE REASON: PER COURT 3/2/20 FROM DATE: 03/24/2020 FROM TIME: 09:00 AM FROM APPEARANCE TYPE: TRCL FROM DEPARTMENT: D19

HEARING CONTINUED TO: 04/14/2020 AT: 09:00 AM FOR APPEARANCE TYPE: STLC IN DEPARTMENT: D19 FROM DATE: 03/02/2020 FROM TIME: 09:00 AM FROM APPEARANCE TYPE: STLC FROM DEPARTMENT: D19

MR. KRAM AGREES TO ACT AS PANELIST ON 4/14/20.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF MARIN		
KEVIN BRUNER PLAINTIFF(s) VS. TELLTALE INCORPORATED DEFENDANT(s)	DATE FILED:	2/27/2018
	CASE TYPE:	COMPLAINT
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THE PARTIES SHALL FILE A SUPPLEMENTAL BRIEF REGARDING WHICH PART OF THE MOTION FOR SUMMARY JUDGMENT PAPERS PERTAIN TO THE SET-OFF ISSUE.

ENTERED BY: T. JONES

03/04/2020 (COPIES OF STIP. & ORDER LEFT IN WILL CALL UNDER D)

03/18/2020 MINUTE ORDER POSTED - Appearance: 03/18/2020 at 1:30PM for MOTION FOR SUMMARY JUDGMENT
JUDGE JAMES CHOU ,REPORTER DEBORAH BARTUNEK , DEP CLK T. JONES
VCOURT TELEPHONIC APPEARANCE BY ATTORNEY MARK SLATER FOR PLAINTIFF
VCOURT TELEPHONIC APPEARANCE BY PLAINTIFF KEVIN BRUNER FOR HIMSELF (WITH COUNSEL)
VCOURT TELEPHONIC APPEARANCE BY ATTORNEY SCOTT GOLDSMITH FOR DEFENDANT
HEARING BEFORE TRIAL

THIS MATTER COMES BEFORE THE COURT FOR ARGUMENT ON THE TENTATIVE RULING.

MOTION(S) HEARD AND ARGUED.

ADDITIONAL CITATIONS PROVIDED BY DEFENSE COUNSEL FOR THE COURT'S CONSIDERATION.

COUNSEL SUGGESTS CONTINUING THE 4/14/20 MANDATORY SETTLEMENT CONFERENCE IN LIGHT OF THE SHELTER IN PLACE ORDER ISSUED IN MARIN COUNTY.

IT IS ORDERED:

THE COURT WILL TAKE THIS MATTER UNDER SUBMISSION TO CONSIDER MATTERS RAISED BY DEFENSE COUNSEL AND WILL ISSUE A FINAL ORDER WITHIN 30 DAYS.

CASE UNDER SUBMISSION

THE MANDATORY SETTLEMENT CONFERENCE IS CONTINUED FROM 4/14/20 TO 6/8/20 AT 9:00 AM IN DEPT. B. THE CLERK SHALL CONTACT PANELIST BRIAN KRAM REGARDING AVAILABILITY ON THIS DATE.

APPEARANCE MOVED TO: 06/08/2020 AT: 09:00 AM FOR APPEARANCE TYPE: STLC IN DEPARTMENT: D19 MOVE REASON: DUE TO COVID-19 PRECAUTIONS FROM DATE: 04/14/2020 FROM TIME: 09:00 AM FROM APPEARANCE TYPE: STLC FROM DEPARTMENT: D19

ENTERED BY: T. JONES

AFTER THE CALENDAR CONCLUDES, CLERK CONFIRMS PANELIST BRIAN KRAM IS AVAILABLE ON 6/8/20.

03/27/2020 IT IS ORDERED: ORDER AFTER HEARING (3/18/20) //JUDGE JAMES T. CHOU// ORDER MAILED TO MARK SLATER AND SCOTT GOLDSMITH WITH CLERK'S PROOF OF SERVICE BY MAIL.

03/27/2020 CASE NO LONGER UNDER SUBMISSION

04/10/2020 APPEARANCE MOVED TO: 07/08/2020 AT: 01:30 PM FOR APPEARANCE TYPE: LMCV IN DEPARTMENT: D19 MOVE REASON: ADMIN ORDER 20-06 FROM DATE: 05/13/2020 FROM TIME: 01:30 PM FROM APPEARANCE TYPE: LMCV FROM DEPARTMENT: D19

04/10/2020 NOTICE OF HEARING MAILED

04/10/2020 APPEARANCE MOVED TO: 08/05/2020 AT: 01:30 PM FOR APPEARANCE TYPE: LMCV IN DEPARTMENT: D19 MOVE REASON: ADMIN ORDER 20-06 FROM DATE: 05/20/2020 FROM TIME: 01:30 PM FROM APPEARANCE TYPE: LMCV FROM DEPARTMENT: D19

04/10/2020 NOTICE OF HEARING MAILED

06/05/2020 APPEARANCE DROPPED FOR 06/10/2020 AT: 01:30 PM FOR APPEARANCE TYPE: LMCV IN DEPARTMENT: D19 DROP REASON: OFF CALENDAR

06/08/2020 MINUTE ORDER POSTED - Appearance: 06/08/2020 at 9:00AM for SETTLEMENT CONFERENCE
JUDGE JAMES T. CHOU ,REPORTER CATHY SHAWLER (PRESENT ONLY FOR SETTLEMENT PORTION) , DEP CLK S. HENDRYX (PRESENT ONLY FOR SETTLEMENT PORTION)
HEARING BEFORE TRIAL

SUPERIOR COURT OF CALIFORNIA, COUNTY OF MARIN		
KEVIN BRUNER PLAINTIFF(s) VS. TELLTALE INCORPORATED DEFENDANT(s)	DATE FILED:	2/27/2018
	CASE TYPE:	COMPLAINT
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THIS MATTER COMES BEFORE THE COURT FOR A MANDATORY SETTLEMENT CONFERENCE. THE SETTLEMENT CONFERENCE IS CONDUCTED BY PANELIST BRIAN KRAM REMOTELY USING THE ZOOM APPLICATION. NO PARTIES ARE PRESENT IN THE COURTROOM.

SETTLEMENT CONFERENCE HELD

THE CASE HAS BEEN REPORTED SETTLED

ATTORNEY MARK SLATER AND JUNYONG HUANG APPEARED FOR AND WITH PLAINTIFF AND CROSS-DEFENDANT KEVIN BRUNER, ALL APPEARING VIA ZOOM

ATTORNEY SCOTT GOLDSMITH APPEARED FOR AND WITH J. WADA FROM TELLTALE INCORPORATED, BOTH APPEARING VIA ZOOM

APPEARANCE BY PANELIST BRIAN KRAM, APPEARING VIA ZOOM

MR. SLATER RECITES THE TERMS OF THE SETTLEMENT ON THE RECORD, WITH CLARIFICATIONS AND ADDITIONS BY MR. GOLDSMITH.

THIS IS A CONFIDENTIAL SETTLEMENT. MR. SLATER WILL DRAFT THE SETTLEMENT DOCUMENTS AND SUBMIT THEM TO THE COURT FOR SIGNATURE.

THE COURT VOIR DRES MR. BRUNER AND MR. WADA AS TO THEIR UNDERSTANDING AND AGREEMENT TO THE TERMS OF THE SETTLEMENT, AS RECITED.

BOTH AFFIRM.

IT IS ORDERED: THE COURT WILL SET AN ORDER TO SHOW CAUSE RE: CONFIRMATION OF SETTLEMENT ON 7-2-20 AT 9:00 A.M. IN DEPT. B. ALL OTHER FUTURE HEARING DATES ARE VACATED.

APPEARANCE DROPPED FOR 07/08/2020 AT: 01:30 PM FOR APPEARANCE TYPE: LMCV IN DEPARTMENT: D19
DROP REASON: CASE SETTLED 6-8-20

APPEARANCE DROPPED FOR 08/05/2020 AT: 01:30 PM FOR APPEARANCE TYPE: LMCV IN DEPARTMENT: D19
DROP REASON: CASE SETTLED 6-8-20

APPEARANCE DROPPED FOR 08/14/2020 AT: 09:00 AM FOR APPEARANCE TYPE: ISCF IN DEPARTMENT: D19
DROP REASON: CASE SETTLED 6-8-20

APPEARANCE DROPPED FOR 08/18/2020 AT: 09:00 AM FOR APPEARANCE TYPE: TRCL IN DEPARTMENT: D19
DROP REASON: CASE SETTLED 6-8-20

HEARING CONFIRMED FOR: 07/02/2020 AT: 09:00 AM FOR APPEARANCE TYPE: OSCH IN DEPARTMENT: D19

ENTERED BY: SH

07/02/2020 MINUTE ORDER POSTED - Appearance: 07/02/2020 at 9:00AM for OSC RE: DISMISSAL

JUDGE JAMES CHOU ,REPORTER NOT REPORTED , DEP CLK C. TAI

VCOURT TELEPHONIC APPEARANCE BY ATTORNEY MARK SLATER FOR PLAINTIFF

VCOURT TELEPHONIC APPEARANCE BY ATTORNEY SCOTT GOLDSMITH FOR DEFENDANT

HEARING BEFORE TRIAL

THIS MATTER COMES BEFORE THE COURT ON AN ORDER TO SHOW CAUSE RE: DISMISSAL.

PARTIES NEED 30 MORE DAYS TO FILE DISMISSAL.

IT IS ORDERED: THE ORDER TO SHOW CAUSE RE: DISMISSAL SHALL BE CONTINUED TO 8-10-20 AT 9:00 A.M. IN DEPT. B.

HEARING CONTINUED TO: 08/10/2020 AT: 09:00 AM FOR APPEARANCE TYPE: OSCH IN DEPARTMENT: D19 FROM DATE: 07/02/2020 FROM TIME: 09:00 AM FROM APPEARANCE TYPE: OSCH FROM DEPARTMENT: D19

ENTERED BY: CT

07/14/2020 CASE DISPOSED BEFORE TRIAL; DISMISSED - OTHER REASONS DISMISSAL OF ENTIRE ACTION OF ALL PARTIES AND CAUSES OF ACTION WITH PREJUDICE

07/14/2020 CASE DISPOSED IN ENTIRETY

SUPERIOR COURT OF CALIFORNIA, COUNTY OF MARIN		
KEVIN BRUNER PLAINTIFF(s) VS. TELLTALE INCORPRATED DEFENDANT(s)	DATE FILED:	2/27/2018
	CASE TYPE:	COMPLAINT
	CASE SUBTYPE:	BREACH OF CONTRACT
	DATE OF LAST ACTIVITY:	7/21/2020
	DATE/TIME RUN:	03/29/2024 08:04 AM
REGISTER OF ACTIONS	CASE NUMBER:	CIV 1800690

07/21/2020

APPEARANCE DROPPED FOR 08/10/2020 AT: 09:00 AM FOR APPEARANCE TYPE: OSCH IN DEPARTMENT: D19
DROP REASON: CASE DISMISSED