

Kaplan Fox & Kilsheimer LLP
Attn: George, Matthew B
350 Sansome St.
#400
San Francisco, CA 94104

Mayer Brown LLP
Attn: Giali, Dale J.
350 S Grand Ave.
25th fl
Los Angeles, CA 90071-1503

Superior Court of California, County of Alameda
Rene C. Davidson Alameda County Courthouse

Parker <p style="text-align: right;">Plaintiff/Petitioner(s)</p> VS. Logitech, Inc. <p style="text-align: right;">Defendant/Respondent(s) (Abbreviated Title)</p>	No. <u>RG15781276</u> Order Motion to Strike Denied
--	--

The Motion to Strike was set for hearing on 12/08/2015 at 02:30 PM in Department 17 before the Honorable George C. Hernandez, Jr.. The Tentative Ruling was published and has not been contested.

IT IS HEREBY ORDERED THAT:

The tentative ruling is affirmed as follows: The motion of Defendant Logitech, Inc. to Strike Class Allegations is DENIED. For at least some of the pleaded theories, there is "a reasonable possibility the plaintiffs can plead a prima facie community of interest among class members." (Tucker v. Pac. Bell Mobile Servs. (2012) 208 Cal.App.4th 201, 215, internal citations and quotations omitted. See also Canon U.S.A., Inc. v. Superior Court (1998) 68 Cal.App.4th 1, 5-7.) This is not a mass tort or nuisance case where the fundamental nature of the claim, as pleaded, is not amenable to a class trial, regardless of what may surface during discovery. Defendant narrowly focuses on the details of Plaintiff's complaint (including the variety of alleged symptoms indicating product failure and the variety of tactics allegedly used by Defendant to thwart consumers' attempts to obtain relief under the warranty) and fails to read the complaint as a whole, in all of its parts, as is required at this stage. A more reasonable reading of the complaint is that the product at issue was profoundly defective, and despite knowing this, Defendant continued to sell the products without providing relief under the warranty. Whether Plaintiff will be able to develop evidence to demonstrate that this theory can be tried on a common basis is a different question, one which should be deferred until the class certification stage. (Id.)

Defendant's request for judicial notice is DENIED. The information provided is evidence outside of the complaint, which is not properly considered at the pleadings stage, even if it may be pertinent to class certification.

Dated: 12/08/2015

facsimile


Judge George C. Hernandez, Jr.

Superior Court of California, County of Alameda
Rene C. Davidson Alameda County Courthouse

Case Number: RG15781276
Order After Hearing Re: of 12/08/2015

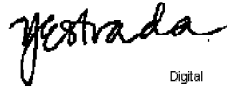
DECLARATION OF SERVICE BY MAIL

I certify that I am not a party to this cause and that a true and correct copy of the foregoing document was mailed first class, postage prepaid, in a sealed envelope, addressed as shown on the foregoing document or on the attached, and that the mailing of the foregoing and execution of this certificate occurred at 1225 Fallon Street, Oakland, California.

Executed on 12/09/2015.

Chad Finke Executive Officer / Clerk of the Superior Court

By



Digital

Deputy Clerk