

1 **BLUMENTHAL & NORDREHAUG**  
Norman B. Blumenthal (State Bar #068687)  
2 Kyle R. Nordrehaug (State Bar #205975)  
2255 Calle Clara  
3 La Jolla, California 92037  
(858)551-1223

4 **SCHWARTZ SEMERDJIAN HAILE BALLARD & CAULEY LLP**  
5 Kevin T. Cauley, Esq. (State Bar #105082)  
Jeff Temple, Esq. (State Bar No. 217144)  
6 101 West Broadway, Suite 810  
San Diego, CA 92101-8229  
7 Tel: (619) 236-8821  
Fax: (619)236-8827

8 Attorneys for Plaintiffs  
9

10 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
11 **IN AND FOR THE COUNTY OF SAN DIEGO**  
12

13 VINCENT FINCH, an individual, on behalf  
14 of himself, and on behalf of all persons  
similarly situated,

15 Plaintiffs,

16 vs.

17 LAMPS PLUS, INC., a California  
18 Corporation, and DOES 1 to 100, Inclusive,

19 Defendants.  
20

Civil Action No. GIC 875385

**CLASS ACTION**

NOTICE OF RULING AND ENTRY OF  
ORDER DENYING MOTION FOR  
JUDGMENT ON THE PLEADINGS

Judge: Hon. John S. Meyer  
Dept.: 61

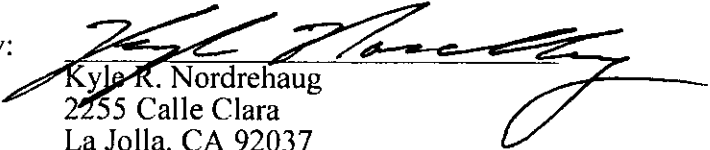
21  
22  
23  
24  
25  
26 **TO ALL PARTIES AND THEIR COUNSEL OF RECORD:**  
27  
28

1           **PLEASE TAKE NOTICE** that and notice is hereby given that on March 28, 2008 in the above  
2 entitled action , the Court ruled on Defendant's motion for judgment on the pleadings. A true and  
3 correct copy of the Court's Ruling is attached hereto as Exhibit #1. Following oral argument, the Court  
4 confirmed that the tentative ruling would be the Order of the Court and entered an order denying the  
5 motion for judgment on the pleadings.

6  
7 Dated: April 17, 2008

**BLUMENTHAL & NORDREHAUG**

8  
9 By:

  
Kyle R. Nordrehaug  
2255 Calle Clara  
La Jolla, CA 92037  
Tel: (858) 551-1223  
Fax: (858) 551-1232



SUPERIOR COURT OF CALIFORNIA,  
COUNTY OF SAN DIEGO  
HALL OF JUSTICE  
TENTATIVE RULINGS - March 27,2008

EVENT DATE: 03/28/2008      EVENT TIME: 10:30:00 AM      DEPT.: C-61  
JUDICIAL OFFICER: John S. Meyer

CASE NO.: GIC875385

CASE TITLE: FINCH VS LAMPS PLUS INC

CASE CATEGORY: Civil - Unlimited

CASE TYPE: Business Tort

EVENT TYPE: Motion Hearing (Civil)

CAUSAL DOCUMENT Notice of Motion and Supporting Declarations, 02/06/2008  
/DATE FILED:

---

Defendant Lamps Plus, Inc., brings this Motion for Judgment on the Pleadings, seeking judgment on the causes of action brought under the Song-Beverly Credit Card Act (Civ.C. §1747.08 and under Bus. & Prof. C. §17200.

Defendant contends that the entire Song-Beverly cause of action is barred by the statute of limitations. According to defendant, the claim "is based on conduct that occurred more than a year prior to the date the complaint was filed. Specifically, the putative class includes [consumers] 'who, within four years prior to the filing of [the] Complaint ...' [Notice of Motion, 2:16-19] Plaintiff filed this lawsuit on November 9, 2006. The one-year statute would include claims going back to November 9, 2005. The fact that plaintiff alleges claims going back an additional three years does not render the entire cause of action barred by the statute of limitations.

In order to have standing to bring a UCL claim under Bus. & Prof. C. §17200, et seq., on behalf of a class, a plaintiff is required to have "suffered injury in fact" and "lost money or property as a result of the unfair competition." [B&P §17204; *Californians for Disability Rights v. Mervyn's, LLC* (2006) 39 Cal.4th 223, 227; *Hall v. Time, Inc.* (2008) 158 Cal. App. 4th 847] In the moving papers, defendant contends that plaintiff did not and cannot allege that he suffered "injury in fact" to support the UCL cause of action.

"An injury is 'an act that damages, harms, or hurts: ... a violation of another's rights for which the law allows an action to recover damages or specific property or both: an actionable wrong.' (Webster's 3d New Internat. Dict. (1993) p. 1164.) 1 An injury in fact is '[a]n actual or imminent invasion of a legally protected interest, in contrast to an invasion that is conjectural or hypothetical.' (Black's Law Dict. (8th ed. 2004) p. 801.) To lose is 'to suffer deprivation of.' (Webster's 3d New Internat. Dict., supra, at p. 1338.) A loss is '[a]n undesirable outcome of a risk; the disappearance or diminution of value, usu. in an unexpected or relatively unpredictable way.'" (Black's Law Dict., supra, at p. 963.) [*Hall, supra*, at 853]

Plaintiff contends that there is a property interest in one's personal identification information. Civil Code §1747.08 provides protection for personal identification information. Compelled disclosure of personal identification information could be an "invasion of a legally protected interest," which supports the element of "injury in fact."

Although additional arguments are raised in opposition and in reply to this motion regarding restitution

---

and "loss of money and property," the motion was not brought on those grounds.

THEREFORE, the Motion for Judgment on the Pleadings is DENIED.