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**ELECTRONICALLY FILED**  
Superior Court of California,  
County of San Diego  
**02/05/2018** at 05:53:00 PM  
Clerk of the Superior Court  
By Lee McAlister, Deputy Clerk

SUPERIOR COURT OF CALIFORNIA  
COUNTY OF SAN DIEGO

PROPER MEDIA, LLC, a California limited liability company; CHRISTOPHER RICHMOND, an individual; and DREW SCHOENTRUP, an individual,

Plaintiffs,

v.

BARDAV INC, a California corporation, and DAVID MIKKELSON, an individual,

Defendants,

CASE NO. 37-2017-00016311-CU-BC-CTL

~~[PROPOSED]~~ **JUDGMENT OF DISMISSAL OF CLAIMS OF PLAINTIFF PROPER MEDIA, LLC AGAINST DEFENDANT DAVID MIKKELSON**

**[IMAGED FILE]**

Honorable: Judith F. Hayes  
Department: C-68

BARDAV INC. a California corporation,

Cross-Complainant,

v.

PROPER MEDIA, LLC, a California limited liability company; DREW SCHOENTRUP, an individual; and ROES 1 through 30, inclusive,

Cross-Defendants.

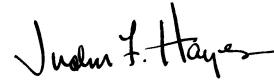
Defendant David Mikkelson’s (“Mr. Mikkelson”) demurrer to Plaintiff Proper Media, LLC’s (“Proper Media”) Second Amended Complaint came on regularly for hearing by the Court on January 26, 2018, the Honorable Judith F. Hayes presiding. The Court, after full consideration of the papers filed in support of and in opposition to the demurrer and hearing oral

1 argument thereon, and good cause appearing therefor, sustained without leave to amend each and  
2 all of Proper Media's causes of action against Mr. Mikkelson, specifically the Fifth Cause of  
3 Action for Abuse of Control, the Sixth Cause of Action for Corporate Waste, the Seventh Cause  
4 of Action for Breach of Fiduciary Duty, and the Tenth Cause of Action for Removal of Director.

5 **ACCORDINGLY, IT IS HEREBY ORDERED, ADJUDGED AND DECREED** that:

- 6 1. Judgment is entered in favor of Mr. Mikkelson and against Proper Media;  
7 2. Proper Media takes nothing by way of its Second Amended Complaint as against  
8 Mikkelson;  
9 3. Mikkelson is dismissed on the merits and with prejudice from Proper Media's  
10 causes of action against him;  
11 4. As the prevailing party, Mikkelson may recover costs according to statute as  
12 against Proper Media.

13  
14 Dated: **February 22**, 2018



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HONORABLE JUDITH F. HAYES

15  
16 Submitted by:

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