

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,

AND RELATED CROSS-ACTIONS

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

CONSOLIDATED WITH CASE NO. 37-2018-00004335-CU-MC-CTL

~~PROPOSED~~ JUDGMENT ON DEFENDANT/CROSS-COMPLAINANT/CROSS-DEFENDANT DAVID MIKKELSON'S INTERPLEADER CROSS-COMPLAINT

IMAGED FILE

Honorable Richard Whitney
Department C-68

On May 3, 2019, Defendant/Cross-Complainant/Cross-Defendant David Mikkelson's ("Mr. Mikkelson") motion for summary judgment on his Cross-Complaint against Drew Schoentrup and Christopher Richmond in the interpleader component of this consolidated case, i.e., Case No. 37-2018-00004335-CU-MC-CTL, came on regularly for hearing, the Honorable Richard Whitney presiding. The Court, after consideration of the papers filed in support thereof and in opposition thereto, and hearing oral argument thereon, granted Mr. Mikkelson's motion for the specific relief listed below, in its entirety.

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

2 1. Judgment on Mr. Mikkelson’s Interpleader Cross-Complaint for Declaratory
3 Relief is entered in favor of Mr. Mikkelson and against Drew Schoentrup and Christopher
4 Richmond.

5 2. Declaratory Judgment is issued, as follows:

- 6 a. That the Assignment of Promissory Note & Guarantee, between Barbara
7 Mikkelson, as the Assignor, and Drew Schoentrup and Christopher
8 Richmond, as the Assignees, dated October 4, 2017, and attached to Drew
9 Schoentrup and Christopher Richmond’s First Amended Cross-Complaint in
10 Interpleader as Exhibit 3, upon which Drew Schoentrup and Christopher
11 Richmond base their respective claims to the shares of Snopes Media Group
12 Inc. (formerly known as Bardav, Inc.) represented by certificate Nos. 3, 4, 5,
13 6, and 7 (the “Shares”), is an illegal contract and, thus, is void and
14 unenforceable.
- 15 b. That, as a result, Drew Schoentrup has no rights to, ownership of, or interest
16 in Barbara Mikkelson’s first priority security interest in the Shares, set forth
17 in the Guarantee, nor any interest in the shares represented by certificate Nos.
18 5, 6, or 7.
- 19 c. That, as a result, Christopher Richmond has no rights to, ownership of, or
20 interest in Barbara Mikkelson’s first priority security interest in the Shares,
21 set forth in the Guarantee, nor any interest in the shares represented by
22 certificate Nos. 5, 6, or 7.
- 23 d. That Mr. Mikkelson is the prevailing party and is entitled to his recoverable
24 costs of suit from Drew Schoentrup and Christopher Richmond.

25
26 Dated: 5-29, 2019



HONORABLE RICHARD WHITNEY
Judge, California Superior Court
Judge Richard S. Whitney

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Submitted by:

RICHARD P. SYBERT (SBN: 080731)
rsybert@gordonrees.com
KIMBERLY D. HOWATT (SBN: 196921)
khowatt@gordonrees.com
HOLLY L. K. HEFFNER (SBN: 245384)
hheffner@gordonrees.com
GORDON & REES LLP
101 W. Broadway Suite 2000
San Diego, CA 92101
Telephone: (619) 230-7461
Facsimile: (619) 696-7124

Attorneys for Defendant/Cross-Complainant/Cross-Defendant
DAVID MIKKELSON

1 RICHARD P. SYBERT (SBN: 080731)
rsybert@gordonrees.com
2 KIMBERLY D. HOWATT (SBN: 196921)
khowatt@gordonrees.com
3 HOLLY L. K. HEFFNER (SBN: 245384)
hheffner@gordonrees.com
4 GORDON REES SCULLY MANSUKHANI, LLP
101 W. Broadway Suite 2000
5 San Diego, CA 92101
Telephone: (619) 230-7461
6 Facsimile: (619) 696-7124

7 Attorneys for Defendant, Cross-complainant, and Cross-defendant
8 DAVID MIKKELSON

9 SUPERIOR COURT OF CALIFORNIA
10 COUNTY OF SAN DIEGO

11 PROPER MEDIA, LLC, a California limited
liability company; CHRISTOPHER
12 RICHMOND, an individual and DREW
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15 v.

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

18 Defendants.

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

CONSOLIDATED WITH CASE NO. 37-
2018-00004335-CU-MC-CTL

PROOF OF SERVICE

IMAGED FILE

Interpleader Complaint Filed: January 25,
2018

Trial Date: October 4, 2019

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20 AND RELATED CROSS-ACTIONS

21 I am a resident of the State of California, over the age of eighteen years, and not a party
22 to the within action. My business address is 101 W. Broadway, Suite 2000, San Diego, CA
23 92101, mcerezo@grsm.com. On May 24, 2019, I served the within documents:

24 **[PROPOSED] JUDGMENT ON DEFENDANT/CROSS- COMPLAINANT/CROSS-**
25 **DEFENDANT DAVID MIKKELSON'S INTERPLEADER CROSS-COMPLAINT**

26 **PERSONAL SERVICE:** By causing the document(s) listed above to be personally
27 delivered to the person(s) at the address(es) set forth below.

1 **BY ELECTRONIC COURT FILING AND E-SERVICE VIA ONE LEGAL.** By
2 sending electronically a true and correct copy thereof to ONE LEGAL
3 (www.onelegal.com) for filing at Court and electronic service on all counsel of record
4 maintained by One Legal website, pursuant to Court Order and pursuant to CCP
§ 1010.6 and CRC 2060(c). The transmission was reported as complete and without
error.

5 **MAIL:** By placing the document(s) listed above in a sealed envelope with postage
6 thereon fully prepaid, in United States mail in the State of California addressed as set
7 forth below. I am readily familiar with the firm's practice of collection and processing
8 correspondence for mailing. Under that practice it would be deposited with the U.S.
Postal Service on that same day with postage thereon fully prepaid in the ordinary
course of business. I am aware that on motion of the party served, service is presumed
invalid if postal cancellation date or postage meter date is more than one day after the
date of deposit for mailing in affidavit.

9 **ELECTRONIC TRANSMISSION:** By transmitting a pdf.format version of the
10 document(s) via electronic mail to the party(s) identified on the service list using the
email address(es) indicated.

11 **OVERNIGHT:** By placing a true copy thereof enclosed in a sealed envelope, at a
12 station designated for collection and processing of envelopes and packages for
overnight delivery by FedEx (or other overnight service) as part of the ordinary
business practices of Gordon & Rees LLP described below, addressed as follows:

13 **Attorneys for Lead Case Plaintiffs/Cross-**
14 **Defendants/Interpleader Cross-**
15 **Defendants and Cross-Complainants**
16 PROPER MEDIA, LLC, CHRISTOPHER
17 RICHMOND and DREW SCHOENTRUP
18 Steven Fox
19 John A. Yacovelle
20 Marisa B. Miller
21 Kristin P. Housh
22 SHEPPARD, MULLIN, RICHTER &
23 HAMPTON LLP
12275 El Camino Real, Suite 200
San Diego, CA 92130
Telephone: 858-720-8900
Facsimile: 858-509-3691
Email: SFox@sheppardmullin.com
jyacovelle@sheppardmullin.com
mmiller@sheppardmullin.com
khoush@sheppardmullin.com

13 **Attorneys for Lead Case Defendant/Cross-**
14 **Complainant and Interpleader Plaintiff**
15 BARDAV INC
16 Paul A. Tyrell
17 Ryan C. Caplan
18 Jacob Kozaczuk
19 PROCOPIO, CORY, HARGREAVES &
20 SAVITCH LLP
21 525 B Street, Suite 2200
22 San Diego, California 92101
23 Telephone: 619-238-1900
24 Facsimile: 619-235-0398
25 E-mail: paul.tyrell@procopio.com
26 ryan.caplan@procopio.com
27 Jacob.Kozaczuk@procopio.com

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Drew Schoentrup
PROPER MEDIA, LLC
4150 Mission Blvd. Suite 220
San Diego, CA 92109
Telephone: 509-995-5654
Email: drew@proper.io

**Attorneys for Lead Case
Defendants/Cross-
Complainants/Interpleader Defendants,
Cross-Complainants and Cross-
Defendants**

VINCENT GREEN and RYAN MILLER
John S. Kyle, Esq.
Jeffrey B. Harris, Esq.
KYLE HARRIS LLP
450 B Street, Suite 1410
San Diego, CA 92101
Telephone: 619-600-0086
Facsimile: 619-600-5144
Email: jharris@klhipbiz.com
jkyle@klhipbiz.com

I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed on May 24, 2019 at San Diego, California.

Maria G. Cerezo