

# SUPREME COURT COPY

Case No. S239777

## IN THE SUPREME COURT OF CALIFORNIA

NEWPORT HARBOR VENTURES, LLC, et al.,  
Plaintiffs and Respondents,

v.

MORRIS CERULLO WORLD EVANGELISM, et al.,  
Defendants and Appellants

SUPREME COURT  
**FILED**

DEC 15 2017

Jorge Navarrete Clerk

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Deputy

After a Decision of the Court of Appeal  
Fourth Appellate District, Division Three  
Court of Appeal Case No. G052660  
Orange County Superior Court Case No. 30-2013-00665314

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### RESPONDENTS' REQUEST FOR JUDICIAL NOTICE OF VERTICAL MEDIAL GROUP, INC.'S CORPORATE STATUS

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and Vertical Media Group, Inc.

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## MOTION

Pursuant to Rule 8.252, Respondents Newport Harbor Ventures, LLC and Vertical Media Group, Inc. (“Respondents”) request that this Court take judicial notice of the corporate status of Respondent Vertical Media Group, Inc. (“VMG”) as ACTIVE and in good standing, as reflected in the official records of the State of California. Evidence Code §§452(c), 452(h). See **Exhibit A**.

The matter to be judicially noticed is relevant to this appeal as Appellants have filed previously their own Request for Judicial Notice indicating VMG’s status on the California Secretary of State website as FTB Forfeited. However, as of December 13, 2017, VMG’s status is ACTIVE according to the Secretary of State website. As a result, VMG has the ability to maintain and pursue this litigation.

This matter was not presented to the trial court as it was not raised until Appellants filed their Request for Judicial Notice.

The corporate status of VMG is subject to judicial notice at this point as Appellants have brought VMG’s corporate status at issue. Evidence Code §452(c) allows this Court to take judicial notice of official acts of the executive department of California and the corporate status of VMG as indicated on California’s Secretary of State website. Further, Evidence code 452(h) allows judicial notice of “facts...that are not reasonably subject to dispute and are capable of immediate and accurate determination by resort to sources of reasonably indisputable accuracy.” The corporate status of VMG is reliable and not reasonably subject to dispute.

The corporate status of VMG is not something that “relates to proceedings occurring after the order or judgment that is the subject of the appeal.”

As required by Rule of Court 8.252(a)(3), served with this motion is a copy of the matter to be noticed. See **Exhibit A**.

## CONCLUSION

Respondents respectfully request that this Court take judicial notice of VMG's ACTIVE status on the California Secretary of State website in light of Appellant's previous request for judicial notice indicating that VMG was a FTB forfeited corporation, which is no longer accurate as VMG is in good standing with the Secretary of State.

Dated: December 13, 2017



Grant Hermes, Esq.  
Knypstra Hermes LLP  
Attorney for Plaintiffs and Respondents  
Newport Harbor Ventures, LLC and Vertical  
Media Group, Inc.

# **EXHIBIT “A”**

Alex Padilla  
California Secretary of State

## Business Search - Entity Detail

The California Business Search is updated daily and reflects work processed through Tuesday, December 12, 2017. Please refer to document [Processing Times](#) for the received dates of filings currently being processed. The data provided is not a complete or certified record of an entity. Not all images are available online.

C2847252 VERTICAL MEDIA GROUP, INC.

**Registration Date:** 12/09/2005  
**Jurisdiction:** DELAWARE  
**Entity Type:** FOREIGN STOCK  
**Status:** ACTIVE  
**Agent for Service of Process:** DENNIS D'ALESSIO  
 440 FAIR DRIVE, #200  
 COSTA MESA CA 92626  
**Entity Address:** 440 FAIR DRIVE, #200  
 COSTA MESA CA 92626  
**Entity Mailing Address:** 440 FAIR DRIVE, #200  
 COSTA MESA CA 92626

A Statement of Information is due EVERY year beginning five months before and through the end of December.

Document Type	↑↓ File Date	↑↓ PDF
SI-NO CHANGE	12/07/2017	
SI-COMPLETE	08/04/2015	
REGISTRATION	12/09/2005	

\* Indicates the information is not contained in the California Secretary of State's database.

- If the status of the corporation is "Surrender," the agent for service of process is automatically revoked. Please refer to California Corporations Code [section 2114](#) for information relating to service upon corporations that have surrendered.
- For information on checking or reserving a name, refer to [Name Availability](#).
- If the image is not available online, for information on ordering a copy refer to [Information Requests](#).
- For information on ordering certificates, status reports, certified copies of documents and copies of documents not currently available in the Business Search or to request a more extensive search for records, refer to [Information Requests](#).
- For help with searching an entity name, refer to [Search Tips](#).
- For descriptions of the various fields and status types, refer to [Frequently Asked Questions](#).

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**PROOF OF SERVICE AND DELIVERY**

STATE OF CALIFORNIA )  
  ) SS  
COUNTY OF ORANGE  )

I, Grant Hermes, declare that:

I am employed in the County of Orange, State of California. I am over the age of 18 and not a party to the within action, my business address is 2731 1/2 E Coast Hwy, Corona Del Mar, CA 92625.

On December 13, 2017, I served the foregoing document(s):

**RESPONDENTS' REQUEST FOR JUDICIAL NOTICE OF VERTICAL MEDIAL GROUP, INC.'S CORPORATE STATUS**

on the interested parties in this action by placing a true copy thereof enclosed in a sealed envelope addressed as follows:

Steven W. Blake, Esq.  
Daniel T. Watts, Esq.  
Galuppo & Blake APLC  
2792 Gateway Road, Suite 102  
Carlsbad, CA 92009

**Attorneys for Defendants and Appellants:**

I am readily familiar with the firm’s practice of collecting and processing of documents and correspondence for mailing with the United States Postal Service. Under that practice, on the above date, the envelope was sealed and placed for collection and mailing following the ordinary business practices of our office. This results in the envelope being delivered to the United States Postal Service that same day, with postage thereon fully prepaid.

I deposited each such envelope in the mail at Corona Del Mar, CA, with postage thereon fully paid.

Service was also made on the Supreme Court of California by depositing an envelope, containing the original and 13 copies of the above document, with postage thereon fully paid and addressed to:

Supreme Court of California  
350 McAllister Street  
San Francisco, CA 94102-4797

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on December 13, 2017, Corona Del Mar, California.

\_\_\_\_\_  
Grant Hermes