S164174

IN THE SUPREME COURT OF CALIFORNIA

SIMPSON STRONG-TIE CO., INC.,

Plaintiff and Appellant,

vs.

PIERCE GORE, ET AL.,

Defendants and Respondents.

Appeal From an Order of the Santa Clara County Superior Court
Honorable John Herlihy, Judge

Review After Judgment of the Court of Appeal,
Sixth Appellate District
Justice Conrad L. Rushing, Presiding Justice

DEFENDANTS/RESPONDENTS' SUPPLEMENTAL BRIEF

Thomas R. Burke (State Bar No. 141930)
Rochelle L. Wilcox (State Bar No. 197790)
Davis Wright Tremaine LLP
505 Montgomery Street, Suite 800
San Francisco, CA 94111-6533
Tel.: (415) 276-6500
Fax: (415) 276-6599
Attorneys for Defendants/Respondents
Pierce Gore and The Gore Law Firm

S164174

IN THE SUPREME COURT OF CALIFORNIA

SIMPSON STRONG-TIE CO., INC.,

Plaintiff and Appellant,

vs.

PIERCE GORE, ET AL.,

Defendants and Respondents.

Appeal From an Order of the Santa Clara County Superior Court
Honorable John Herlihy, Judge

Review After Judgment of the Court of Appeal,
Sixth Appellate District
Justice Conrad L. Rushing, Presiding Justice

DEFENDANTS/RESPONDENTS' SUPPLEMENTAL BRIEF

Thomas R. Burke (State Bar No. 141930)
Rochelle L. Wilcox (State Bar No. 197790)
Davis Wright Tremaine LLP
505 Montgomery Street, Suite 800
San Francisco, CA 94111-6533
Tel.: (415) 276-6500
Fax: (415) 276-6599
Attorneys for Defendants/Respondents
Pierce Gore and The Gore Law Firm

TABLE OF CONTENTS

TABLE OF AUTHORITIES

Page

Cases

Statutes

TO THE HONORABLE RONALD M. GEORGE, CHIEF JUSTICE OF THE STATE OF CALIFORNIA, AND TO THE ASSOCIATE JUSTICES OF THE CALIFORNIA SUPREME COURT:

Pursuant to Order of this Court entered February 24, 2010, Defendants/Respondents Pierce Gore and the Gore Law Firm ("Gore") respectfully submit this Supplemental Brief ("Gore S.B."), to address the following question:

> Does the anti-SLAPP exemption under Code of Civil Procedure section 425.17, subdivision (c), for a "statement or conduct ... made in the course of delivering the ... goods or services" of a person primarily engaged in the business of selling or leasing goods or services apply to any statement or conduct made in the course of delivering the person's goods or services or only to a statement or conduct made in the course of delivering the person's goods or services that "consists of representations of fact about that person's or a business competitor's business operations, goods, or services"?

Consistent with the plain language of the statute and the legislative history of Section 425.17(c), the "representations of fact" requirement applies to all statements or conduct that are the purported source of liability, including statements or conduct that occur "in the course of delivering the … goods or services" of defendant.

Thus, for the reasons set forth in this Brief and Gore's Answer Brief on Appeal, Gore requests that this Court affirm the orders of the trial court and court of appeal, granting and then affirming the grant of Gore's Special

Motion to Strike ("anti-SLAPP Motion") under California Code of Civil Procedure Section 425.16 (the "anti-SLAPP statute").

1. INTRODUCTION

Section 425.17(c) contains two requirements to exempt a subset of commercial speech from the protection of the anti-SLAPP statute. Subsection (c)(1) describes the type of statement or conduct that may trigger the exemption (including the two different contexts in which such statement or conduct may arise), while subsection (c)(2) describes the necessary audience for the statement or conduct to trigger the exemption. As the plain language of the statute makes clear and the courts of appeal consistently have recognized, Section 425.17(c) focuses on the *content* and *context* of defendant's speech. It exempts from the anti-SLAPP statute's protection speech and conduct that occurs in the business context only if the speech or conduct involves a factual representation. Thus, subsection (c)(1) necessarily includes that *content* requirement for both contexts identified.

Simpson's construction of the statute would render the exemption limitless and nonsensical and would obliterate the Legislature's careful delineation of speech that falls within the Section 425.17(c) exemption. This Court's embrace of Simpson's interpretation would by judicial fiat adopt the broad statute that the Legislature rejected the year before Section 425.17(c) was enacted, which focused on the defendant's identity, rather than the content of the speech at issue. Gore's interpretation of Section

425.17(c)(1) honors both the language used by the Legislature and the overall effect of the statute when it is read as a whole.

2. THE SECTION 425.17(c) EXEMPTION ONLY APPLIES IF DEFENDANT MAKES "REPRESENTATIONS OF FACT" ABOUT ITS PRODUCT OR A BUSINESS COMPETITOR'S PRODUCT

Section 425.17(c) exempts from the protection of the anti-SLAPP statute speech or conduct that meets two statutory criteria, providing in part:

> (c) Section 425.16 does not apply to any cause of action brought against a person primarily engaged in the business of selling or leasing goods or services ..., arising from any statement or conduct by that person if both of the following conditions exist:
>
> (1) The statement or conduct consists of representations of fact about that person's or a business competitor's business operations, goods, or services, that is made for the purpose of ... promoting, or securing sales or leases of, or commercial transactions in, the person's goods or services, or the statement or conduct was made in the course of delivering the person's goods or services.
>
> (2) The intended audience is an actual or potential buyer or customer, or a person likely to repeat the statement to, or otherwise influence, an actual or potential buyer or customer ....

Cal. Code Civ. Proc. § 425.17(c). The Court's inquiry here focuses on the second clause of Section 425.17(c)(1), which extends this so-called "commercial speech" exemption to statements or conduct that occur "in the course of delivering the person's goods or services."

A. The Structure of Section 425.17(c) Makes Clear that the "Representations of Fact" Requirement Applies to Statements Made in the Course of Delivering the Person's Goods or Services.

Simpson has previously argued that the "representations of fact" requirement does not apply to statements made in the course of delivering

the person's goods or services. Opening Brief on the Merits ("O.B.") at 14-15. Simpson thus argues that any statement at all, regardless of its content, that is made in the course of delivering goods or services, is exempt from the protection of the anti-SLAPP statute. Because the Legislature repeated "statement or conduct" in the second clause, without also repeating the representations of fact requirement contained in the first clause, Simpson argues that the Legislature intended to permit a different type of statement or conduct – one without any content requirement at all – to invoke the "course of delivery" exemption.

It is plain, however, that the Legislature intended for the "course of delivery" clause to incorporate the representations of fact requirement it defined in the first clause. The subsection (c)(1) exemption expressly requires that the "statement or conduct" at issue consist of "representations of fact" (as set forth at the beginning of the paragraph) made for the purpose of "promoting or securing sales," and then incorporates the identical content requirement (in the second clause) for statements or conduct made in the "course of delivering" the product. It does this by using the word "or" and by then repeating the identical phrase, "the statement or conduct." Thus, the Legislature simply repeated the phrase "statement or conduct" as short-hand (so to speak) for the entire "representations of fact" content requirement included in the first clause.

Gore's common-sense interpretation is fully supported by basic principles of statutory interpretation. As this Court recently emphasized in interpreting the companion exemption in Section 425.17(b) (the "public interest" exemption), like all statutory exemptions, Section 425.17(c) must be narrowly construed "lest it swallow the rule found in the anti-SLAPP statute." *Club Members for an Honest Election v. Sierra Club* (2008) 45 Cal.4th 309, 316, 319. Yet, Simpson argues for a remarkably broad exemption, far beyond the Legislature's obvious intent in enacting Section 425.17(c). *See* Section B, *infra*.

Simpson's fundamental error is in reading the "course of delivery" clause by itself, divorced from the remainder of Section 425.17(c). As this Court repeatedly has emphasized:

> [W]e do not consider statutory language in isolation. ... Instead, we examine the entire substance of the statute in order to determine the scope and purpose of the provision, construing its words in context and harmonizing its various parts. ... Moreover, we read every statute with reference to the entire scheme of law of which it is part so that the whole may be harmonized and retain effectiveness. ...

State Farm Mutual Automobile Ins. Co. v. Garamendi (2004) 32 Cal.4th 1029, 1043 (citations, internal quotes omitted). Thus, courts may not view a single clause in isolation, without reference to the remainder of the statute, but must consider its place in the statutory scheme as a whole, and the way in which it serves the Legislature's purpose in enacting the statute.

Simpson's interpretation would lead to absurd results, flatly contrary to the legislative intent in enacting the statute. As this Court repeatedly has held, "[i]t is a settled principle of statutory interpretation that language of a statute should not be given a literal meaning if doing so would result in absurd consequences which the Legislature did not intend." *E.g.*, *Commission on Peace Officer Stds. & Training v. Superior Court* (2007) 42 Cal.4th 278, 290 (citation, internal quotes omitted)). If Simpson's interpretation is accepted, it would follow that there is no requirement that the statement at issue be about the defendant's goods or services – that requirement also is part of the first clause of Section 425.17(c)(1). Yet, this interpretation would exempt from the anti-SLAPP statute a broad array of speech unconnected to commercial pursuits, which the Legislature clearly intended to remain protected by the anti-SLAPP statute.

For example, under Simpson's interpretation, if a person delivering a refrigerator to a home decided to talk local politics with the resident (to voice his negative opinion about a political candidate whose sign appeared on the resident's lawn, for example), that discussion would fall outside of the anti-SLAPP statute's protection because it occurred while goods were being delivered. Similarly, if a hot dog vendor disclosed the public exploits of a well-known actor that she personally observed to a local reporter, that statement would not be protected if it occurred while the vendor is working, but the same observations would be protected if they were made after the

vendor's working day was done. Or if a landscaper handed out a flier to a customer urging a vote against a planned development due to environmental concerns, the landscaper's statements would be unprotected by the anti-SLAPP statute if they were made "in the course of delivering" the landscaper's services. This makes no sense, and certainly is not what the Legislature intended in enacting Section 425.17(c).

The absurdity of Simpson's argument becomes abundantly clear when it is applied to professionals such as Gore. As a litigator, much of Gore's professional activities fall squarely within the anti-SLAPP statute's protection because his statements and conduct are "made in connection with an issue under consideration or review by a legislative, executive, or judicial body, or any other official proceeding authorized by law." Cal. Code Civ. Proc. § 425.16(e). California's courts routinely hold that statements or conduct occurring in connection with or in anticipation of litigation are protected by the anti-SLAPP statute. *E.g.*, *Neville v. Chudacoff* (2008) 160 Cal.App.4th 1255, 1258-1259; *Gallanis-Politis v. Medina* (2007) 152 Cal.App.4th 600, 610-611 (2007).

This protection extends to statements and conduct of the parties' lawyers in connection with such litigation, which are within the broad protection of the anti-SLAPP statute. *Taheri Law Group v. Evans* (2008) 160 Cal.App.4th 482, 485; *Kearney v. Foley & Lardner, LLP* (9th Cir. 2009) 582 F.3d 896, 905. Yet, under Simpson's argument, lawyers would lose the

protection of the anti-SLAPP statute for virtually all of their statements and conduct in connection with litigation because a lawyer's advice to her client, her statements to opposing counsel and the court, and her legal filings all would be actions by the lawyer in the "course of delivery" of her services, and therefore exempt from the anti-SLAPP statute's protection under Section 425.17(c)(1). Thus, this narrow exception would swallow the rule, removing the anti-SLAPP statute's broad protection for petitioning and litigation-related activities undertaken by lawyers.

But Simpson's argument does not end there. Simpson also urges the Court to conclude that the "course of delivery" contemplated by the statute is broad enough to include advertisements and other speech, so long as it is "part of ... the type of business transaction engaged in by defendants." O.B. at 37, citing *Brill Media Co., LLC v. TCW Group, Inc.* (2005) 132 Cal.App.4th 324, 341. After all, Simpson argues, everything that a lawyer does occurs in the "course of delivering" that lawyer's services. Indeed, according to Simpson, the lawyer does not even need to have a client to satisfy the "course of delivery" exemption. If the statement or conduct is something the lawyer does for clients generally, then the lawyer is delivering its services whenever it makes a similar statement or participates in such conduct, even if no client is being serviced. Thus, according to Simpson, "[a] grocer's defamatory advertisement *would* fall within the 'course of delivery' exemption." O.B. at 42.

Simpson's broad interpretation of "course of delivery" highlights the uncertainty that would result if the "course of delivery" exemption were interpreted as *not* including any content requirement. Simpson's interpretation would jettison the "representations of fact" requirement in the first clause of Section 425.17(c). If advertisements are part of the "course of delivery" of a business's goods or services as Simpson urges (O.B. at 42), then no reason would ever exist for a plaintiff to invoke the first clause of Section 425.17(c)(1), and comply with the demanding standards enunciated there. Simpson's interpretation would render completely meaningless the Legislature's careful delineation of the *content* of the speech that is exempt from the anti-SLAPP statute's protection, creating a broad exemption. Any interpretation that renders one part of a statute surplusage is to be avoided. *Elsner v. Uveges* (2004) 34 Cal.4th 915, 931. As the Court explained in *Metcalf v. County of San Joaquin* (2008) 42 Cal.4th 1121, 1135, courts should avoid an interpretation that would permit a party to meet a lesser burden than the burden set forth in the statute because if the Legislature wanted to impose the lesser burden, it easily could have done so.

Thus, it is no surprise that the First District Court of Appeal recently refused to interpret the "course of delivery" exemption as broadly as Simpson urges. *Stewart v. Rolling Stone LLC* (2010) 181 Cal.App.4th 664. There, plaintiff invoked Section 425.17(c), arguing that because the statements at issue were made within a magazine sold by defendants, they

were made in the "course of delivering" defendants' product. The First District "fail[ed] to see how section 425.17, subdivision (c), has any application to the present case." Instead of the broad interpretation urged by plaintiffs – like that urged by Simpson here – that court interpreted Section 425.17(c) as requiring "representations of fact about the business operations, goods or services" of Rolling Stone or one of its competitors, regardless of the context of the statement.[1] The First District refused to adopt the absurd interpretation urged by plaintiff, and this Court should do the same.

B. Section 425.17's Legislative History Strongly Supports an Interpretation that Would Exempt Statements Made in the Course of Delivering the Person's Goods or Services Only if Those Statements Contained Representations of Fact.

If the Court finds any ambiguity in the language of Section 425.17(c), it should review the statute's legislative history to discern the Legislature's intent in enacting this "commercial speech" exemption from the anti-SLAPP statute's protection. That history supports the conclusions of the trial court and the court of appeal that Section 425.17(c) has no application here.

---

[1] Any number of cases have applied the anti-SLAPP statute to speech made in the "course of delivering" a good or service – as that term is interpreted by Simpson – and would be placed at risk by a decision adopting Simpson's interpretation. *E.g.*, *Kronemyer v. Internet Movie Data Base, Inc.* (2007) 150 Cal.App.4th 941, 948-949 (film and television database is protected by Section 425.16 because it "is informational rather than directed at sales"); *ARP Pharmacy Srvcs., Inc. v. Gallagher Bassett Srvcs., Inc.* (2006) 138 Cal.App.4th 1307, 1317 (same re report by drug claims processor to third party insurers on average fees charged by pharmacies for dispensing pharmaceutical drugs to private customers).

As discussed above, Simpson's interpretation would jettison the content requirement for statements or conduct occurring in the course of delivering the goods or services. All speech regardless of its content, commercial or not, would be exempt from the anti-SLAPP statute's protection. Yet, the Legislature's clear intent was to include only a subcategory of *commercial speech* in the Section 425.17(c) exemption.[2] Thus, the Senate Judiciary Report explained that because the exemption applies only to "acts that would be categorized as commercial speech, the proposed exception to the anti-SLAPP law would not be unconstitutional." Motion for Judicial Notice filed in Court of Appeal ("MJN") at MJN0041.

Section 425.17(c) was enacted to reject cases such as *DuPont Merck Pharm. Co. v. Superior Court* (2000) 78 Cal.App.4th 562, which held that "allegations relating to the defendant's FDA activities were lobbying activities and fell squarely within the 'petitioning' prong of the statute." MJN at MJN0038-MJN0039. As described by the Consumer Attorneys of California ("CAOC"), a co-sponsor of SB 515, the bill was designed to prevent a corporation that "lies about a product" from relying on the anti-

---

[2] Simpson agrees, repeatedly recognizing that Section 425.17(c) is a "commercial speech" exemption from the anti-SLAPP statute. *E.g.*, O.B. at 3 (the Section 425.17(c) exemptions are "for two types of commercial speech by providers of goods and services"); R.B. at 21 (identifying the "course of delivery" exemption as "the second of the two commercial speech exemptions").

SLAPP statute to escape or stall litigation. *Id.* at MJN0057, MJN0128. "That is why SB 515 distinguishes between commercial activity, which includes statements about their products, from constitutionally protected speech." *Id.* at MJN0058, MJN0129. The "course of delivery" exemption was adopted to address cases such as those involving the Northridge earthquake, in which insurers were sued for fraud and related claims based on a purported conspiracy between the former insurance commissioner and insurers. MJN at MJN0053, MJN0124. The Legislature wanted to ensure that a business's lies about its goods or services, or those of a competitor, were not outside of the Section 425.17(c) exemption simply because they arguably occurred while the business serviced current clients.

The Senate report explains that SB 515 differed from prior, rejected, legislation, which "exempted motions brought by product manufacturers, sellers, etc. where the underlying action was based upon representations of that entity regarding its product, service or operations." MJN at MJN0055, MJN0126. Addressing concerns about such a broad approach, which focused on "a class of defendants," the Legislature chose a "focus on constitutionally protected conduct." *Id.* In doing so it "avoid[ed] the problem of over-inclusiveness when all speech and conduct by a class is excluded from protection, regardless of its content or context." *Id.* at MJN0056, MJN0127. Thus, "SB 515 exempts causes of action arising from 'commercial activity' from the scope of the anti-SLAPP statute." *Id.*

To implement its "commercial speech" exemption, the Legislature adopted the "factual content" requirement enunciated by this Court in *Kasky v. Nike, Inc.* (2002) 27 Cal.4th 939:

> Finally, the factual content of the message should be commercial in character. In the context of regulation of false or misleading advertising, this typically means that the speech consists of representations of fact about the business operations, products, or services of the speaker (or the individual or company that the speaker represents), made for the purpose of promoting sales of, or other commercial transactions in, the speaker's products or services.

Id. at MJN0107.

Critically, the legislative history does not distinguish based on the context of the statement, or suggest in any way that the content requirement – that the statement be a "representation of fact" about the business or a competitor – applies only when the statement is made in an attempt to sell the goods or services, and not when the goods are services are being delivered. To the contrary, the history unequivocally reflects that the Legislature viewed the "representations of fact" requirement as applying to any statement or conduct, regardless of its context. Thus, the Report by the Assembly Committee on Judiciary describes the exemption as follows:

> Prohibits the anti-SLAPP motion from being used in specified causes of action against businesses sued for statements or conduct consisting of representations of fact about their goods, services or business operations, or those of a competitor, when those statements or conduct were for the purpose of obtaining approval for, promoting, or securing sales or leases of the person's goods or services, *or in the course of delivering the person's goods or services* ....

MJN at MJN0102 (emphasis added); *accord id.* at MJN0107; MJN0200 (Assembly Republican Bill Analysis); MJN0205 (Senate Third Reading). The Senate used the same language in urging the Governor to sign SB 515 – perhaps the best evidence of the Legislature's intent that the "course of delivery" exemption also have a "representations of fact" content requirement. MJN at MJN0222.

The language at issue here originated in SB 789, which was vetoed by the Governor a year before, based on his concern "that this legislation unduly interferes with the court's discretion." MJN at MJN0350. SB 789 began as SB 1651, which would have exempted claims "against manufacturers, wholesalers, retailers or other entities involved in the stream of commerce arising from statements, representations, or other communications made in regard to their products or services nor business operations of that person or a competitor." *Id.* at MJN0359; *see generally* Motion for Judicial Notice filed in Supreme Court ("S.Ct. MJN"), Exh. A.

As amended, SB 789 reflected the Legislature's intent to reject the broad approach proposed in SB 1651 and exempt from the anti-SLAPP statute's protection only commercial speech as defined by *Kasky*. *Id.* at MJN0319-MJN0322; MJN0353. Thus, the Report of the Assembly Committee on Judiciary explains that "the author has amended the bill to closely track *Kasky*'s guidelines on commercial speech, focusing on the speaker, content of the message, and the intended audience." *Id.* at

MJN0322. In discussing the revised version of the statute, the Legislature used the same language to describe the "content of the covered speech" as was used in the reports described above explaining SB 515. *Compare id.* at MJN0322; MJN0333; MJN0339-MJN0340; MJN0364 *with id.* at MJN0102; MJN0107; MJN0200; MJN0205; MJN0222.

Simpson's argument that there is no "representations of fact" requirement for statements made during the course of delivering "goods and services" is contrary to this extensive legislative history. Simpson asks this Court to enact a business exemption much broader than the one rejected by the Legislature when it rejected SB 1651, that would have exempted all statements related to a business's goods or services from the protection of the anti-SLAPP statute. Simpson would remove the content requirement, and exempt all statements by a business, whether related to its goods or services, if those statements are made while the business is engaging in the type of transactions that are typical of it. As interpreted by Simpson, this would encompass virtually everything a business does to earn money. Simpson's grossly overbroad interpretation is contrary to the Legislature's intent and should be rejected.

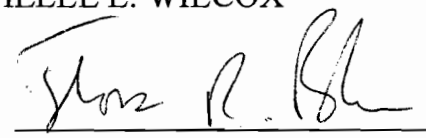
3. CONCLUSION

As demonstrated above, the "course of delivery" exemption from the anti-SLAPP statute extends only to statements with the specific content set forth in the statute. Gore respectfully requests that the Court reject the broad

exemption advocated by Simpson and, consistent with the plain language of the statute, its legislative history and the decisions by the trial court and the court of appeal, conclude that Section 425.17(c) has no application to Gore's statements at issue here. Gore therefore respectfully requests that the Court affirm the Order granting the anti-SLAPP motion in Gore's favor.

Dated: March 10, 2010

DAVIS WRIGHT TREMAINE LLP
THOMAS R. BURKE
ROCHELLE L. WILCOX

By: 
Thomas R. Burke

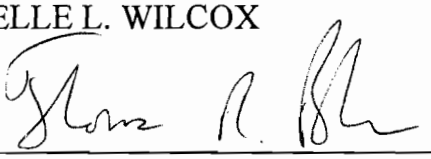
Attorneys for Defendants/Respondents
Pierce Gore and The Gore Law Firm

CERTIFICATE OF WORD COUNT

Pursuant to California Rule of Court 8.520(c)(1), the text of this brief, including footnotes and excluding the caption, table of contents, tables of authorities and this Certificate, consists of 3,880 words in 13-point Times New Roman type as counted by the Microsoft Word 2003 word-processing program used to generate the text.

Dated: March 10, 2010

DAVIS WRIGHT TREMAINE LLP
THOMAS R. BURKE
ROCHELLE L. WILCOX

By: 
Thomas R. Burke

Attorneys for Defendants/Respondents
Pierce Gore and The Gore Law Firm

Proof of Service

I, Natasha Majorko, declare under penalty of perjury under the laws of the State of California that the following is true and correct:

I am employed in the City and County of San Francisco, State of California, in the office of a member of the bar of this court, at whose direction the service was made. I am over the age of eighteen (18) years, and not a party to or interested in the within-entitled action. I am an employee of DAVIS WRIGHT TREMAINE LLP, and my business address is 505 Montgomery Street, Suite 800 San Francisco, California 94111.

I caused to be served the following document:

DEFENDANTS/RESPONDENTS' SUPPLEMENTAL BRIEF

I caused the above document to be served on each person on the attached list by the following means:

☒ I enclosed a true and correct copy of said document in an envelope and placed it for collection and mailing with the United States Post Office on **March 10, 2010**, following the ordinary business practice.
(Indicated on the attached address list by an [M] *next to the address.)*

☐ I enclosed a true and correct copy of said document in an envelope, and placed it for collection and mailing via Federal Express on _____, for guaranteed delivery on _____, following the ordinary business practice.
(Indicated on the attached address list by an [FD] *next to the address.)*

☐ I consigned a true and correct copy of said document for facsimile transmission on _____.
(Indicated on the attached address list by an [F] *next to the address.)*

☐ I enclosed a true and correct copy of said document in an envelope, and consigned it for hand delivery by messenger on _____.
(Indicated on the attached address list by an [H] *next to the address.)*

I am readily familiar with my firm's practice for collection and processing of correspondence for delivery in the manner indicated above, to wit, that correspondence will be deposited for collection in the above-described manner this same day in the ordinary course of business.

Executed on **March 10, 2010**, at San Francisco, California.

Natasha Majorko
NATASHA MAJORKO

Service List

Key:	[M] Delivery by Mail	[FD] Delivery by Federal Express	[H] Delivery by Hand
	[F] Delivery by Facsimile	[FM] Delivery by Facsimile and Mail	

[M] Arthur J. Shartsis/Erick C. Howard
Shartsis Friese LLP
One Martitime Plaza, 18th Floor
San Francisco, CA 94111-3598

Telephone: (415) 421-6500
Facsimile: (415) 421-2922

Attorneys for Plaintiff- Appellant and Petitioner SIMPSON STRONG-TIE COMPANY, INC.

[M] Jon B. Eisenberg/William N. Hancock
Eisenberg & Hancock LLP
180 Montgomery Street, Suite 2200
San Francisco, CA 94104

Telephone: (415) 984-0650
Facsimile: (415) 984-0651

Attorneys for Plaintiff- Appellant and Petitioner SIMPSON STRONG-TIE COMPANY, INC.

[M] Karl Olson
Levy, Ram & Olson LLP
639 Front Street, Fourth Floor
San Francisco, CA 94111-1913

Telephone: (415) 433-4949
Facsimile: (415) 433-7311

[M] Sharon J. Arkin
Arkin & Glovsky
27031 Vista Terrace, Suite 201
Lake Forest, CA 92630

[M] California Court of Appeal
Sixth Appellate District
333 West Santa Clara Street
Suite 1060
San Jose, CA 95113

[M] Clerk of the Court
Santa Clara County Superior Court
191 North First Street
San Jose, CA 94113

[M] District Attorney's Office
Santa Clara County
70 West Hedding Street, West Wing
San Jose, CA 95110

[M] Attorney General's Office
California Dept. of Justice
P. O. Box 944255
Sacramento, CA 94244-2550