

1 Richard D. Ackerman (171900)  
Michael W. Sands, Jr. (145550)  
2 ACKERMAN, COWLES & LINDSLEY  
41690 Enterprise Circle North, Suite 216  
3 Temecula, California 92590  
(951) 308-6454 Tel.  
4 (951) 308-6453 Fax.  
TemeculaAttorneys@yahoo.com

5 Attorneys for Plaintiffs,  
6 ANONYMOUS INVESTOR

7  
8 **SUPERIOR COURT OF CALIFORNIA**  
9 **IN AND FOR THE COUNTY OF RIVERSIDE**  
10

11  
12 ANONYMOUS INVESTOR,  
13 [VICKY REISS],

14 Plaintiff,

15 vs.

16 JOVANE INVESTMENTS, et al.,

17 Defendants.  
18 )  
19 )  
20 )

) Case No. RIC463483

) **NOTICE OF RULING ON DEMURRER**

) DATE: July 25, 3007

) TIME: 8:30 a.m.

) DEPT: 11

) TRIAL:  
21 )  
22 )  
23 )  
24 )  
25 )  
26 )  
27 )  
28 )

***TO ALL PARTIES, BY AND THROUGH THEIR RESPECTIVE ATTORNEYS OF  
RECORD, PLEASE TAKE NOTICE AS FOLLOWS:***

The demurrer filed by JAMES DUNCAN as to the Second Amended Complaint of Plaintiffs came on for a regularly scheduled hearing before Judge Pro Tem Chris Jennsen on the above date and time before Department 11 of this Court. Paul Runes appeared on behalf of Chris Oetting, Pacific Wealth Management, Oetting Enterprises, and Maurice McLeod. Amy Nett appeared on behalf of Jovane Investments. F. Reich appeared for the demurring defendant, James Duncan. Richard D. Ackerman appeared for Plaintiff.

1 The demurrer addressed the causes of action for fraud, declaratory relief and fraudulent  
2 conveyance. The cause of action for unfair business practices was not challenged on  
3 demurrer.

4 After having considered the papers filed in support and opposition to the demurrer, and  
5 only those papers before the Court, and the comments and argument of counsel, the Court  
6 overruled the demurrer by Defendant JAMES DUNCAN and the parties joining in said  
7 demurrer.

8 Defendants were ordered to answer the complaint in 20 calendar days from today's  
9 date. Plaintiff's counsel was ordered to give notice of the Court's ruling.

10  
11  
12 Dated: July 25, 2007

Respectfully submitted:

ACKERMAN, COWLES & LINDSLEY

[original signed & forwarded to Court]

14 By:

15 \_\_\_\_\_  
RICHARD D. ACKERMAN  
Attorney for Plaintiff.