

FILED
San Francisco County Superior Court
JUN 07 2000

BY: ALAN CARLSON, Clerk
[Signature]
Deputy Clerk

CALIFORNIA SUPERIOR COURT
COUNTY OF SAN FRANCISCO
LAW & MOTION DEPARTMENT, ROOM 301

MARK FERGUSON, et al.,)
)
Plaintiffs,)
)
vs.)
)
FRIENDFINDER, INC., et al.,)
)
Defendants.)

NO. 307309

**ORDER SUSTAINING
DEFENDANTS' DEMURRER
WITHOUT LEAVE TO AMEND**

Defendants Friendfinder, Inc., Andrew Conru and Conru Interactive brought this demurrer for hearing on May 18, 2000, in Department 301 of the Superior Court in for the County of San Francisco, the Honorable David A. Garcia presiding. John Fallat appeared for Plaintiff, and Ira Rothken appeared for Defendants.

After hearing oral arguments, the Court took the matter under submission.

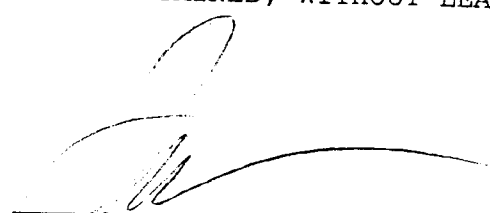
After considering all the arguments, both written and oral, as well as exhibits submitted in their support, the court FINDS

1 Case No. 307309 Order Sustaining Defendants' Demurrer Without Leave to Amend

1 that California Business and Professions Code section 17538.4
2 unconstitutionally subjects interstate use of the Internet to
3 inconsistent regulations, therefore violating the dormant
4 Commerce Clause of the United States Constitution.
5

6
7 Therefore, Defendants' demurrer is SUSTAINED, WITHOUT LEAVE
8 TO AMEND.

9 Dated: June 2, 2000

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11 
12 Honorable David A. Garcia
13 San Francisco Superior Court
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