

(ENDORSED)
FILED
OCT 12 2006
KIRI TORRE
Chief Executive Officer/Clerk
Superior Court of CA County of Santa Clara
BY DAVID K. WALKER DEPUTY

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF SANTA CLARA**

MORDECHAI TENDLER,

Plaintiff,

v.

JOHN DOE,

Defendant.

Case No. 1-06-CV-064307

ORDER RE: SPECIAL MOTION TO
STRIKE

The special motion to strike of the owners of internet web addresses www.jewishsurvivors.blogspot.com, www.jewishwhistleblower.blogspot.com, and www.NewHempsteadNews.blogspot.com, sued herein as defendant John Doe, came on for hearing before the Honorable Neal A. Cabrinha on October 12, 2006 at 9:00 A.M. in Department 10. The matter having been submitted, the Court now rules as follows:

On August 2, 2006, after defendants first filed a special motion to strike, plaintiff voluntarily dismissed this action. A plaintiff may not avoid liability for attorney fees and costs by voluntarily dismissing an action while a special motion to strike is pending. [See *ARP Pharmacy Services, Inc. v. Gallagher Bassett Services, Inc.* (2006) 138 Cal.App.4th 1307, 1323.] Although defendants

