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Derek Fisher

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**Superior Court of California, County of Alameda**  
**Rene C. Davidson Alameda County Courthouse**

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Hunter  <p style="text-align: center;">Plaintiff/Petitioner(s)</p> VS.  Fisher  <p style="text-align: center;">Defendant/Respondent(s) (Abbreviated Title)</p>	No. <u>RG13679736</u>  Order  Motion for Change of Venue (Out of County)  Granted
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The Motion for Change of Venue (Out of County) was set for hearing on 08/15/2013 at 03:45 PM in Department 24 before the Honorable Frank Roesch. The Tentative Ruling was published and has not been contested.

**IT IS HEREBY ORDERED THAT:**

The tentative ruling is affirmed as follows: The Motion to Transfer Venue to the Superior Court of Los Angeles County, filed on June 7, 2013 by Defendants Derek Fisher, Jamie Wior, and the National Basketball Players Association ("NBPA"), is GRANTED.

The court's reasoning follows:

Venue is proper where at least one defendant resides or, in actions arising upon a contract, where the contract was executed and or where the obligations upon the contract are to be performed. (CCP § 395(a).)

In this case, Plaintiff contends that venue is proper in Alameda County, not because it is where at least one defendant resides (none does), but because the crux of Plaintiff's complaint arises upon a contract that was executed in Alameda County, which is also where the obligations upon the contract were to be performed. (Complaint, ¶¶ 10, 11; Decl. of William Hunter ¶ 8.)

Nevertheless, this action includes twelve causes of action, of which only four are for breach of contract. In cases involving "mixed causes of action, a motion for change of venue must be granted on the entire complaint if the defendant is entitled to a change of venue on any one cause of action." (Brown v. Sup. Ct. (1984) 37 Cal.3d 477, 488.)

One cause of action asserted in the complaint is for defamation against Mr. Fisher. That cause of action does not arise upon a contract. Instead, based on the allegations in the complaint, the cause of action arises from statements allegedly made by Mr. Fisher to the NBPA, NBA executives, team owners, players, the media and the public. (Complaint, ¶¶ 199, 210.) Therefore, Mr. Fisher is entitled to seek a transfer of venue to the county of his residence under § 395(a). (J. C. Millett Co. v. Latchford-Marble Glass Co. (1956) 144 Cal. App. 2d 838, 839.)

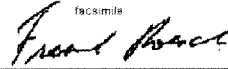
The court finds that Defendants have met their burden of showing that the proposed transfer to Los Angeles County is the proper venue for this action; it is where Mr. Fisher resides and where he maintains his "permanent residence . . . with his family," including at the time this action was brought. (Decl. of Derek Fisher, ¶ 2.)

Accordingly, the court ORDERS as follows:

(1) This action-Hunter v. Fisher, Case No. RG13679739-is TRANSFERRED to the Superior Court of the State of California for the County of Los Angeles.

(2) All required costs and fees of transfer, and of filing the case in the court to which it is transferred, shall be paid by Plaintiff within 14 days of the date of mailing of this order. All pending hearings are dropped and the action shall not be further prosecuted in any court until transfer to the Superior Court of Los Angeles County has been completed.

Dated: 08/15/2013

facsimile  


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Judge Frank Roesch