

**ENDORSED FILED**  
**SAN MATEO COUNTY**

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15 **SUPERIOR COURT OF CALIFORNIA**

16 **COUNTY OF SAN MATEO (UNLIMITED JURISDICTION)**

17 DANIEL L. BALSAM,	)	Case No.:	CIV471797
	)		
18 Plaintiff,	)	<b>ORDER DENYING DEFENDANTS'</b>	
	)	<b>MOTION TO STAY/CONTINUE TRIAL</b>	
19 vs.	)		
	)	Date:	August 10, 2009
21 TRANCOS INC. et al,	)	Time:	9:00 a.m.
	)	Dept:	11 (Courtroom 2D)
22 Defendants.	)	Judge:	Hon. John L. Grandsaert
	)		
	)	Action Commenced:	April 4, 2008
	)	Trial Date:	October 13, 2009

25  
26 Defendants' Motion to Stay/Continue Trial came on regularly for hearing before the  
27 Court on August 10, 2009, in Department 11, Courtroom 2D, in the Superior Court of San Mateo  
28 County. The parties appeared through their counsel of record.

29 This Court finds, and Defendants do not dispute, that the California Supreme Court's  
30 pending decision as to whether or not sending "spam" email from multiple domain names is  
31 unlawful under Cal. Business & Professions Code § 17529.5(a)(2) will not dispose of this Action

1 in its entirety. The question of whether sending spam from multiple domain names is unlawful  
2 under Bus. & Prof. Code § 17529.5(a)(2) was certified to the California Supreme Court by the  
3 Ninth Circuit in *Kleffman v. Vonage Holdings Corp.*, 551 F.3d 847 (9th Cir. 2008).

4 Defendants' Motion fails to demonstrate that a stay will result in judicial efficiency that  
5 sufficiently outweighs the burden of delaying trial.

6 Defendants' Motion to Stay Trial is DENIED.

7 Defendants' Motion to Continue Trial is DENIED without prejudice. The Motion  
8 properly should be brought to the Presiding Judge. (See Local Rule 3.2 – Presiding Judge to  
9 hear all motions affecting trial date.)

10  
11 **IT IS SO ORDERED.**

12  
13 Dated: Aug 31, 2009

**JOHN L. GRANDSAERT**

By \_\_\_\_\_  
Hon. John L. Grandsaert