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**FILED**  
JUL 21 2020

Clerk of the Court  
Superior Court of California County of Santa Clara  
BY FARRIS BRYANT DEPUTY

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

M. Kaul

Plaintiff,

vs.

Vasper Vitality Investors et al

Defendants.

17CV321005 (FB)  
Case No. 17CV312005-

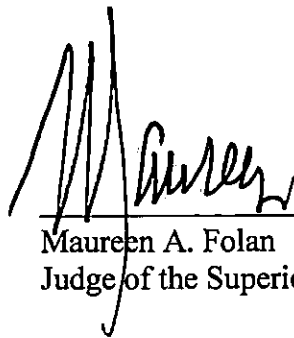
Order Granting Motion to Dismiss  
Plaintiff's Complaint

This matter came before the Court on July 21, 2020, the Honorable Maureen A. Folan presiding. The Court posted its tentative ruling by July 20, 2020 and no party contested the tentative ruling which now becomes the order of the Court as follows:

Defendants Vasper Vitality Investors, LLC; Vasper Systems LLC; Vasper Systems California and Peter Wasowski's Motion to Dismiss Plaintiff Meera Kaul's Complaint is UNOPPOSED and GRANTED, good cause appearing on two separate and independent grounds. First, plaintiff failed to post an undertaking in violation of the Court's January 16, 2020 order so dismissal is mandatory under Code of Civil Procedure 1030 (d) as to the defendants in whose favor the order requiring the undertaking was made. The January 16, 2020 order was made in favor of the above-listed defendants and moving parties herein. Second, plaintiff has failed to comply with 3 separate discovery orders and has demonstrated a pattern of discovery abuse. Plaintiff was warned in the Court's December 17, 2019 order that the Court would entertain a request for terminating sanctions if she failed to comply with her discovery obligations or violate future court

1 orders. Despite this admonishment, plaintiff remains defiant. Plaintiff has willfully defied the Court's  
2 orders to provide written discovery. As a result, defendants cannot fully prepare their defense in  
3 this case. Plaintiff has not opposed this motion nor shown that lesser sanctions would be  
4 appropriate. *Deyo v. Kilbourne* (1978) 84 CA3d 771,796; *Liberty Mutual Fire Ins. Co. v. LcD*  
5 *Administrators, Inc* (2008) 163 CA4th 1093, 1106.

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10 Date: 7-21, 2020

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12 \_\_\_\_\_  
13 Maureen A. Folan  
14 Judge of the Superior Court



**SUPERIOR COURT OF CALIFORNIA**  
**COUNTY OF SANTA CLARA**  
DOWNTOWN COURTHOUSE  
191 NORTH FIRST STREET  
SAN JOSE, CALIFORNIA 95113  
CIVIL DIVISION

**FILED**  
JUL 21 2020  
Clerk of the Court  
Superior Court of California County of Santa Clara  
BY FARRIS BRYANT DEPUTY

RE: **M. Kaul vs. Vasper Vitality Investors et al**  
Case Number: **17CV321005**

**PROOF OF SERVICE**

**ORDER GRANTING MOTION TO DISMISS PLAINTIFF'S COMPLAINT** was delivered to the parties listed below the above entitled case as set forth in the sworn declaration below.

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If you, a party represented by you, or a witness to be called on behalf of that party need an accommodation under the American with Disabilities Act, please contact the Court Administrator's office at (408) 882-2700, or use the Court's TDD line (408) 882-2690 or the Voice/TDD California Relay Service (800) 735-2922.

**DECLARATION OF SERVICE BY MAIL:** I declare that I served this notice by enclosing a true copy in a sealed envelope, addressed to each person whose name is shown below, and by depositing the envelope with postage fully prepaid, in the United States Mail at San Jose, CA on July 21, 2020. CLERK OF THE COURT, by Farris Bryant, Deputy.

cc: Meera Kaul c/o Chandra Paige Lilac Invest 530-B Harkle Road Suite 100 Santa Fe NM 87505  
Frank E Mayo 4962 El Camino Real Suite 104 Los Altos CA 94022  
Sumy Kim Lewis Brisbois Bisgaard & Smith LLP 333 Bush Street Suite 1100 San Francisco CA 94104  
Bradford J Hinshaw Hinshaw Marsh Still & Hinshaw LLP 12901 Saratoga Ave Saratoga CA 95070