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8 **IN THE UNITED STATES DISTRICT COURT**
9 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
10 **SAN FRANCISCO DIVISION**

11 WPENGINE, INC., a Delaware corporation,

12 Plaintiff,

13 vs.

14 AUTOMATTIC INC., a Delaware
15 corporation; and MATTHEW CHARLES
16 MULLENWEG, an individual,

17 Defendants.
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Case No. 3:24-cv-06917-AMO

**[PROPOSED] ORDER RE:
DEFENDANTS AUTOMATTIC INC. AND
MATTHEW CHARLES MULLENWEG'S
MOTION TO STRIKE AND AWARDED
ATTORNEYS' FEES PURSUANT TO
C.C.P. 425.16**

Judge: Hon. Araceli Martinez-Olguín

Courtroom: 10

Hearing Date: March 6, 2025

Hearing Time: 2:00 p.m.

1 Defendants Automattic Inc. and Matthew Charles Mullenweg have filed a Motion to Strike
2 Pursuant to Cal. Civ. Proc. Code § 425.16.

3 Having fully considered the papers, the arguments of counsel, and good cause appearing
4 therefore:

5 **IT IS HEREBY ORDERED** that Defendants' Motion to Strike is **GRANTED**. Pursuant
6 to California's anti-SLAPP law, C.C.P. § 425.16(b)(1), and Rule 12(f) of the Federal Rules of
7 Civil Procedure, the following portions of Plaintiff WPEngine, Inc.'s Complaint are stricken
8 without leave to amend: (1) Paragraphs 179-187 in their entirety (comprising Cause of Action
9 Nine of the Complaint); (2) Paragraphs 188-196 in their entirety (comprising Cause of Action Ten
10 of the Complaint); (3) Paragraphs 197-208 in their entirety (comprising Cause of Action Eleven of
11 the Complaint); and (4) Paragraphs 8 and 9 of the "Prayer for Relief."

12 Defendants are awarded their attorneys' fees and costs pursuant to California Code of Civil
13 Procedure §425.16(c), which provides for a mandatory award of attorneys' fees and costs when a
14 Special Motion to Strike is granted. Defendants are to file a separate motion for their reasonable
15 attorneys' fees and costs, so that the amount of such award can be determined. Defendants' motion
16 for attorneys' fees pursuant to California Code of Civil Procedure §425.16 is to be filed within 30
17 days of the date of this Order.

18 **SO ORDERED.**

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22 Dated: _____, 2024

Honorable Araceli Martínez-Olguín
United States District Judge
Northern District of California