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8 SUPERIOR COURT OF CALIFORNIA

9 COUNTY OF SAN DIEGO

10 EAST COUNTY

11 MELINDA WIMAN , an individual

12 PLAINTIFF,

13 vs.

14 DENNIS BRAGG, an individual

15 and dba DONE RIGHT HOME

16 IMPROVEMENT

17 and DOES 1-20 inclusive

18 Defendants

19 Case No.: 37-2008-00066800-cu-bc-ec

20 HON. Laura W. Halgren

21 DEPT. E-15

22 **AMENDED NOTICE OF DEMUURER  
AND DEMURRER OF  
DENNIS BRAGG doing business as  
DONE RIGHT HOME IMPROVEMENT**

23 **Hearing Date: 10/9/09**

24 **Time: 9:00 a.m.**

25 **Dept.: E-15**

26 \_\_\_\_\_  
27 DONE RIGHT PARTNERS INC.

28 Case No. GIE 037120-LEAD CASE

29 v.

30 MELINDA WIMAN

31 \_\_\_\_\_  
32 MELINDA WIMAN

33 v.

34 \_\_\_\_\_  
35 DONE RIGHT PARTNERS INC.

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4 TO ALL PARTIES AND TO THEIR ATTORNEYS OF RECORD:

5 PLEASE TAKE NOTICE that on **October 9, 2009 at 9:00 a.m.** or as soon thereafter as the  
6 matter may be heard, in **Department E-15** of the above-entitled Court, located at  
7 250 East Main St. El Cajon California 92020 , Defendant DENNIS BRAGG, an individual dba  
8 DONE RIGHT HOME IMPROVEMENT ("BRAGG ") will demur to the unverified Complaint  
9 ("COMPLAINT") filed by Plaintiff MELINDA WIMAN (hereafter "WIMAN" or "Plaintiff").  
10 pursuant to California Code of Civil Procedure section 430.10 on each of the following  
11 grounds:

12 **First Cause of Action**

- 13 1. Defendants demur to the first cause of action for Breach of Contract because it  
14 fails to state facts sufficient to constitute a cause of action and is uncertain pursuant to  
15 Code of Civil Procedure section 430.10(e) and 430.10(f) and 430.10(g)

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17 **Second Cause of Action**

- 18 2. Defendant MARSHALL demurs to the second cause of action for Negligence on  
19 the ground that said cause of action fails to state facts sufficient to constitute a cause of action.  
20 Code Civ. Proc. § 430.10(e).430.10(f).

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22 **Third Cause of Action**

- 23 3. Defendants demur to the third cause of action for Unjust Enrichment  
24 because it fails to state facts sufficient to constitute a cause of action and is  
25 uncertain pursuant to Code of Civil Procedure section 430.10(e) and 430.10(f).

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#### Fourth Cause of Action

4. Defendants demur to the fourth cause of action for Fraud on the ground that said cause of action is uncertain and fails to state facts sufficient to constitute a cause of action. Code Civ. Proc. § 430.10(e) and 430.10(f).

#### Fifth Cause of Action

5. Defendants demur to the fifth cause of action for Unfair Business Practices on the ground that said cause of action is uncertain and fails to state facts sufficient to constitute a cause of action. Code Civ. Proc. § 430.10(e) and 430.10(f)

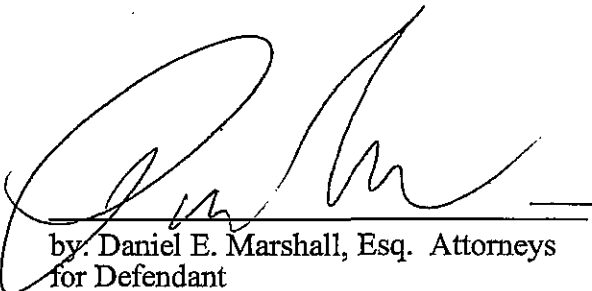
#### Sixth Cause of Action

6. Defendants demur to the fifth cause of action for Unfair Business Practices on the ground that said cause of action is uncertain and fails to state facts sufficient to constitute a cause of action. Code Civ. Proc. § 430.10(e) and 430.10(f)

The demurrer will be based upon this Notice of Demurrer, Demurrer, Memorandum of Points and Authorities, and supportive declarations and any Requests for Judicial Notice and Notice of Lodgment filed herewith, and all records, pleadings on files herein, as well as any oral argument the Court may entertain at the time of the hearing on this matter.

Respectfully submitted by:

DATED: 9/8 2009



by: Daniel E. Marshall, Esq. Attorneys  
for Defendant

**DENNIS BRAGG, an individual and  
dba DONE RIGHT HOME  
IMPROVEMENT**