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14 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
15 **FOR THE COUNTY OF LOS ANGELES, CENTRAL DISTRICT**

16 LEAH REMINI,

17 Plaintiff,

18 v.

19 DAVID MISCAVIGE; CHURCH OF
SCIENTOLOGY INTERNATIONAL,
20 INC.; and RELIGIOUS TECHNOLOGY
CENTER, INC.,

21 Defendants.

CASE NO. 23STCV18300

Assigned to Hon. Randolph M. Hammock

**DEFENDANTS CHURCH OF SCIENTOLOGY
INTERNATIONAL AND RELIGIOUS
TECHNOLOGY CENTER'S SPECIAL
MOTION TO STRIKE ALLEGATIONS AND
CORRESPONDING CAUSES OF ACTION
FROM PLAINTIFF'S FIRST AMENDED
COMPLAINT [C.C.P. § 425.16]**

*[Filed Concurrently with Memorandum of Points
and Authorities; Supporting Declarations of Lynn
R. Farny, William H. Forman and Warren
McShane; [Proposed] Order and Proof of Service]*

Hearing Date: November 28, 2023
Time: 8:30 a.m.
25 Dept.: 49

RESERVATION ID: 231849099154

27 Complaint Filed: August 2, 2023
28 Trial Date: None Set

1 TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

2 PLEASE TAKE NOTICE that on November 28, 2023, at 8:30 a.m., or as soon thereafter as
3 this matter may be heard, in Department 49 of the above-entitled Court, located at 111 North Hill
4 Street, Los Angeles, CA 90012, Defendants Church of Scientology International (“CSI”) and
5 Religious Technology Center (“RTC”) (collectively, “Defendants”) will, and hereby do, move the
6 Court for an order striking the following allegations from the First Amended Complaint (“FAC”) of
7 Plaintiff Leah Remini (“Remini”).

- 8 1. Paragraphs 70, 90-91, 103-05 & the images contained in Paragraph 105, 113-30 & the
9 images contained in Paragraphs 126 & 129, fns. 34-35, 136-38, 148-51 & the images
10 contained in Paragraph 150, 161-63, 167-68, 170-73, 177-78 & the images contained
11 in Paragraph 178, 227:12-16, 231, 236, 250-51, 263-65, 273-74, 283-84, and 304-08 in
12 their entirety (protected speech on a matter of public interest in a public forum).
- 13 2. Paragraphs 95, 97-102, 105 & the images contained in Paragraph 105, 109, 124, 136-
14 38, 142-46, 148-52 & the images contained in Paragraph 150, 161-63, 167-68, 170-73,
15 227:12-16, 231, 250-51, 263-65, 269, 273-74, and 283-84 in their entirety (protected
16 boycott and lobbying speech).
- 17 3. Paragraphs 94, 106, fns. 30-32, 109-110, 117, 139, 173, 182-83, the words “following”
18 and “surveilling” at 227:9, 231(a), 236, 304-05, 308, and Prayer for Relief ¶ 3 in their
19 entirety (protected petitioning (alleged pre-litigation investigation)).
- 20 4. The Fourth through Ninth Causes of Action (Paragraphs 246-310) (premised entirely
21 on protected First Amendment activities), or, in the alternative, claims in the Fourth
22 through Ninth Causes of Action based on the stricken allegations, and claims in the
23 First through Third Causes of Action based on the stricken allegations.

24 For the Court’s convenience, Defendants have provided a copy of the FAC, which highlights
25 in yellow the paragraphs, portions of paragraphs, and causes of action that Defendants are moving to
26 strike though this Motion. (Declaration of William H. Forman, Ex. 106.)

27 On October 24, 2023, counsel for the Parties met and conferred regarding the grounds for this
28 Motion. During the meet and confer process, counsel were unable to reach agreement on any of the

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1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **I. INTRODUCTION**

3 After being expelled from the Church of Scientology over a decade ago for unethical conduct,
4 Plaintiff Leah Remini (“Plaintiff”) made a lucrative career spewing hate and inspiring violence against
5 the Church of Scientology, its parishioners, and the ecclesiastical leader of the Scientology religion.
6 She has done this through her autobiography, a cable television show, podcasts, and appearances on
7 broadcast television and radio. She has used those platforms to call the Church “pure fucking evil”
8 and its parishioners “sick assholes,” “fucking like body snatchers,” and “morally depleted,” and even
9 to falsely accuse the ecclesiastical leader of the religion of unidentified “crimes.” (Declaration of Lynn
10 R. Farny (“Farny Dec.”), Ex. 1.)

11 Plaintiff candidly admits that she spins hate for cash, boasting to ABC News, “I don’t work
12 for free.” (*Id.*, Ex. 2.) She admits her anti-Scientology TV show—supposedly “investigative
13 journalism”—was a sham: “Listen, that’s how it works, honey, doll, that’s how you do it. It’s not
14 reality. I work out—I plan out all these episodes and we figure them out beforehand on who’s going
15 to say what...” (*Id.*, Ex. 3.) Yet the harm and terror she has caused is all too real: Since Plaintiff started
16 her hate campaign, the Church of Scientology, its ecclesiastical leader, clergy, and parishioners have
17 endured more than 500 acts of hate, vandalism, incidents of harassment, and threats of violence and
18 death. Within an hour of the debut of the second season of Plaintiff’s TV show, the Church received
19 these threats and others:

- 20 • “You all are dead. I am gonna murder all of you pig cult bastards and blow up all your
21 building. You are fucked.”
- 22 • “All churches are going to be gone all every asshole Scientologist dead.”

23 (*Id.*, Exs. 4-5.)

24 Refusing to remain silent in the face of the threats and violence Plaintiff inspired, the Church
25 fought back. It shined a light on Plaintiff’s ugliness, showing the world the degrading comments
26 Plaintiff has made about Scientologists and their ecclesiastical leader. It let her supporters know that
27 they were giving comfort to an anti-religious bigot. It detailed the hundreds of threats and crimes
28 inspired by Plaintiff’s speech. And it did all of this committed to a principle alien to Plaintiff—*the Church always told the truth*. Everything the Church has said about Plaintiff’s hate and bigotry is
documented—most often out of the mouth of Plaintiff herself.

Now that she is on the receiving end of speech, Plaintiff has filed this Complaint and the attendant Application for Preliminary Injunction (“PI Application”) to stifle all dissent. This lawsuit

1 is nothing but an attempt by Plaintiff to stop Defendants Church of Scientology International (“CSI”) and Religious Technology Center (“RTC,” and collectively with RTC “Defendants” or the “Church”) from responding to her hateful attacks with truthful speech. Each cause of action she alleges seeks to impose liability on Defendants for stating opinions about Plaintiff’s hateful conduct—such as that she is a “bigot,” or of incontrovertible truth, such as that Plaintiff defended and continues to defend a man found liable for rape. Indeed, in her 310-paragraph complaint, Plaintiff has not identified a single statement by the Church that is neither an opinion nor true.

7 Plaintiff’s attempt to tortify a public debate—that she initiated and has profited from—is why California enacted its anti-SLAPP statute. It is no surprise that the allegations satisfy both the first and second prong of the anti-SLAPP analysis. Plaintiff cannot deny that, under prong 1, the statements at issue concern a matter of public interest—making them so has been her bread and butter for a decade. Alleged non-speech conduct—that Plaintiff characterizes as “surveillance”—is pre-litigation petitioning, and thus also protected prong 1 conduct. As to prong 2—whether Plaintiff can prevail on her claims—dozens of the allegations are barred by the applicable statute of limitations. And as to those that are not, they are nonactionable exercises of free speech, such as true statements, statements of opinion, and group boycott. In addition, Plaintiff cannot meet her burden to establish through admissible evidence elements of each of her claims, as she must to survive this motion.

16 The length of the Complaint belies how little is actually there. When stripped of the allegations that depend on nonactionable statements, protected petitioning, and are outside the statute of limitations, there is virtually nothing left. The anti-SLAPP statute demands that this frontal assault on First Amendment protected speech and conduct be stricken.

19 **II. FACTUAL BACKGROUND**

20 CSI is a nonprofit religious corporation that functions as the Mother Church of the Scientology religion. CSI is dedicated to the advancement of the Scientology religion through the churches under its ecclesiastical direction. (Farny Dec., ¶ 3.) RTC is also a nonprofit religious corporation whose central mission is to ensure the orthodox practice of the Scientology religion worldwide. (Declaration of Warren McShane (“McShane Dec.”), ¶ 4.)

24 Plaintiff describes herself as “a former Scientologist of nearly 40 years,” and “a two-time Emmy-award winning producer, actress and New York Times best-selling author.” (First Amended Complaint (“FAC”), ¶ 21.) She claims to have been “indoctrinated” into Scientology at age 8, “a public face for Scientology,” and “an example of a model Scientologist.” (*Id.*, ¶ 70.) She left the Scientology religion, amid much publicity, in 2013. (*Id.*, ¶ 89.)

1 Plaintiff then began a campaign to destroy the Church. (Farny Dec., Ex. 6.) Through an
2 autobiography, a cable television show called “The Aftermath” (aired on the A&E network for three
3 seasons), podcasts, media interviews, and her own social media accounts of 8.3 million followers,
4 Plaintiff has broadcast to the world and interjected herself into a public debate on the following:

- 5 • Plaintiff has demonized the entire Scientology religion as “pure fucking evil,” “poison,” a
6 “fraud,” “criminal,” “terrorist,” and “a dangerous vile cult.” “[K]now the difference
7 between somebody having faith and Scientology. They are two completely—they
8 shouldn’t even be in the same fucking sentence.” (Farny Dec., Ex. 7 (*Freedom Magazine*
9 March 4, 2022 article, referenced at FAC, ¶ 136).)
- 10 • She has falsely claimed that Scientologists are “robot[s],” “extremists,” “manipulators,”
11 “pussies,” “horrible,” “hateful,” and “a bunch of fucking like body snatchers” who are
12 “selling your soul to the devil,” “not mentally sound,” “have zero compassion,” do “not
13 enjoy their lives,” “can’t afford to feed their families,” “can’t think for themselves,” “don’t
14 give a shit,” are “morally depleted,” and have “done nothing good.” (Farny Dec., Ex. 8
15 (STAND¹ February 2, 2022 article, referenced at FAC, ¶ 119).)
- 16 • Despite the Church’s worldwide charitable and humanitarian endeavors, on Plaintiff’s
17 podcast, her co-host, Mike Rinder, said with Plaintiff’s approval that Scientologists “are
18 the people that will fly a plane into the World Trade Center, or blow up a bus in Tel Aviv
19 or whatever with a bomb strapped to them.” (Farny Dec., Ex. 7 (*Freedom Magazine* March
20 4, 2022 article, referenced in FAC, ¶ 136).) Plaintiff has said to the Church and its
21 adherents: “Shut the fuck up. Fucking religion. I’m going to tell you this, you can go fuck
22 yourself. A bunch of fucking body snatchers. Nazi youth. I don’t care what the fuck you
23 say. Don’t give a fuck. If you don’t fucking like it, get the fuck out!” (Farny Dec., Exs. 9-
24 10 (STAND January 29, 2023 article, referenced at FAC, ¶ 273).)
- 25 • Plaintiff has even threatened individual Scientologists: “And listen, you know, I’m gonna
26 say this to you Scientologists in good standing, you should really think about what the fuck
27 you say. Because, you know, well I have information about you too, about your family, and,
28 you know, I have information on all of you. And I could talk about it too.” (Farny Dec., Ex.
11 (Transcript excerpt of Scientology: Fair Game iHeartRadio podcast, July 20, 2020).)

¹ Scientologists Taking Action Against Discrimination—STAND—is a movement of Scientologists who stand up for the rights of Scientologists in the face of discrimination, like the Catholic League or the Anti-Defamation League.

1 The filth and threats go on and on. Plaintiff’s multi-media dehumanization of the Church as
2 “terrorist” and Scientologists as “morally depleted . . . robots” has, predictably, endangered
3 Scientologists throughout the world. To cite just a few acts of violence inspired by Plaintiff’s war of
4 words against Scientology:

- 5 • In December 2015, after posting on Facebook, “Leah Remini is a true inspiration!!” Erin
6 McMurtry drove her car through the front door of the Church of Scientology in Austin.
7 When McMurtry was arrested and she was told no one was hurt, she replied, “**That’s too**
8 **bad.**” (Farny Dec., Exs. 4, 12-14 (emphasis added).)
- 9 • In April 2016, Brandon Reisdorf sent several threatening emails to Scientologists, stating
10 that Scientology would be “going down” on April 29th and 30th—the date Plaintiff and
11 other anti-Scientologists were interviewed on ABC 20/20. Reisdorf was then arrested for
12 smashing a hammer through a plate glass window of the Church. He also made threats to
13 harm the ecclesiastical leader of the Scientology religion, Mr. Miscavige. (FAC, ¶ 103;
14 Farny Dec., Exs. 4, 15-21.) After this violent attack, Plaintiff featured Reisdorf on her
15 television show. (*Id.*, Ex. 22.) And after that, Reisdorf was arrested again for violating a
16 restraining order to protect the Church. (*Id.*, Ex. 23.)
- 17 • On December 1, 2016, Timothy James Kenney responded to a tweet by Leah Remini:
18 “@LeahRemini @Scientology #ScientologyTheAftermath #Success!!” Kenney then sent
19 a death threat to scientology.org: “You should all kill yourselves. Or come to my
20 neighborhood and let me do it for you.” His Facebook account included photos of his
21 assault rifle. (*Id.*, Exs. 4, 24-26.)
- 22 • On January 12, 2017, Patrick Hebb posted on Facebook that he hoped the Church leader
23 was assassinated and threatened that if any Church member ran into him in the street he
24 would “fuck one of you up!” Hebb added he would “join the fight with Leah Remini and
25 do my very best to end your miserable existence!” (*Id.*, Exs. 27-28.)
- 26 • On January 8, 2020, Donald Myers, a staff photographer for Plaintiff’s television show
27 (*id.*, Ex. 29), was arrested after he entered and refused to leave the Church of Scientology
28 Mission of Los Feliz. Myers, who was HIV positive, screamed at one of the Church staff,
kicked a table over hitting the staff member in the leg, and then spat in the face of the staff
member. While being arrested, Myers yelled, “I am setting you [the police] up to be on
Leah Remini’s show.” (*Id.*, Exs. 30-32.)

Plaintiff’s The Aftermath television show alone generated hundreds of threats against the

1 Church, including assassination threats against Mr. Miscavige, the ecclesiastical leader of the
2 Scientology religion:

- 3 • Sammi Shaw: “If you guys haven’t watched @LeahRemini and @MikeRinder and their
4 brave adventure fighting against @Scientology, called: Leah Remini, Scientology and the
5 Aftermath, you need to watch it so we can come together to destroy this brainwashing cult.”
- 6 • Gayspacegem: “leah remini’s AMA about Scientology holy shit” and “hey so who
7 wants to take one for the team and burn all scientology buildings to the ground and salt the
8 earth?”
- 9 • Greatdaneaddict: “Holy hell I am crying so hard watching Scientology and the Aftermath.
10 HOLY. HELL.” And “I don’t watch this show that often because it’s emotionally
11 exhausting. I want to burn down every single Scientology building. EVERY. SINGLE.
12 ONE.”
- 13 • Pete: “Rewatching episodes of my new fav show #Aftermath and wondering why no one
14 has assassinated Miscavige @LeahRemini just sayin”

15 (*Id.*, Ex. 33.)

16 Plaintiff’s hatemongering imperiled the lives of Scientologists worldwide. On January 3, 2019,
17 the inevitable occurred. A 19-year-old man stabbed to death a security guard at a Scientology church
18 in Australia. The assailant had expressed anti-Scientology sentiments. He had accessed on his cell
19 phone an anti-Scientology website with links to Plaintiff’s television show. (*Id.*, Ex. 35 (January 11,
20 2019, letter from CSI to Paul Buccieri, President of A&E Networks, referenced at FAC ¶ 105).)

21 In the face of Plaintiff’s blood libel, the Church responded by speaking the truth. It documented
22 Plaintiff’s hateful statements and compiled them on websites, so she could not later deny her own
23 words, including blogs such as “A&E and Leah Remini Spread Hate,” and “Leah Remini’s Real
24 Aftermath: Hate Speech, Threats and Violence.” (Farny Dec., Exs. 36-37 (websites, referenced in
25 FAC, ¶ 123).) The Church justly pointed out that Plaintiff is “an unhinged religious bigot who profits
26 by spreading hate.” (Farny Dec., Ex. 10 (referenced in FAC, ¶ 129).) Acting with STAND, the Church
27 sent letters and posted “open letters” to media platforms and corporate sponsors who gave Plaintiff a
28 megaphone, shaming them for “dehumanizing, hateful content” (Farny Dec., Exs. 38-40 (referenced
in FAC, ¶ 143)), “promoting hate” (*id.*, Ex. 41 (referenced in FAC, ¶ 144)), “sponsoring hate” (*id.*,
Ex. 42 (referenced in FAC, ¶ 145)), and for doing business with “an unhinged religious bigot who
profits by spreading hate” (*id.*, Exs. 10, 43, 46-47 (referenced in FAC, ¶¶ 129, 148, 265)), who engages
“in obscenity-laced and abusive language, to insult, defame and demean Scientologists” (*id.*, Ex. 7

1 (referenced in FAC, ¶ 136)).² The Church documented that Plaintiff’s show was a “Total Fraud”
2 because guests repeatedly misrepresented their experiences within Scientology (*id.*, Ex. 48 (referenced
3 in FAC, ¶ 123)). Defendants also supported their “fraud” interpretation of Plaintiff’s show by
4 demonstrating that it misrepresented the beliefs of the Scientology religion, consisted of scripted
5 interviews, was co-hosted by Mike Rinder (an admitted liar and domestic abuser), was cast with other
6 criminals and documented liars, and was knee-deep in payola for guests who appeared with their
7 “stories” about the Church. (*See* Farny Dec., Exs. 36-37, 48-56 (referenced at FAC, ¶ 123); and Farny
8 Dec., Ex. 57 (www.leahreminiaftermath.com, referenced at FAC, ¶ 90) (containing a video, for
9 instance, of a guest on Plaintiff’s show explaining how Plaintiff inspired him to commit felony
10 vandalism).) The Church also showed that Game Show Network—Plaintiff’s employer after A&E—
11 had no standards for airing Plaintiff’s bigotry: “What’s next? A game show ‘hosted’ by a KKK leader?
12 Neo-Nazi Jeopardy?” (*Id.*, Ex. 43 (referenced in FAC, ¶ 148).)

12 Defendants showed to the world that Plaintiff’s air of moral superiority bore within it the stench
13 of hypocrisy. This included STAND publishing the article, “Game Show Network Employs a Rape
14 Apologist as Their Host?” (Farny Dec., Ex. 46 (January 29, 2023 STAND article, referenced in FAC,
15 ¶¶ 148, 273b.ii) (pointing out Plaintiff’s undisputed support for (1) Paul Haggis, who was found liable
16 for \$10 million in a civil rape case where Plaintiff testified in his defense, and (2) Les Moonves, the
17 disgraced former head of CBS, exiled after an investigation into his sexual predation).)

17 Websites also featured interviews with Plaintiff’s former employees speaking of her abusive
18 behavior (Farny Dec., Exs. 58-59, 72), interviews with her family speaking of how she abandoned
19 them and welched on promises to pay for cancer treatment (*id.*, Ex. 60), and a friend recounting
20 Plaintiff’s use of “niglet” to refer to the friend’s African-American children (*id.*, Ex. 61). (All
21 referenced at FAC, ¶¶ 90-91 (see also, www.leahremininithefacts.com/videos and referenced videos).)

21 Plaintiff’s own ugly speech led to her demise as platforms and sponsors fled her toxic brand.
22 She has now attacked the Church and filed this lawsuit. She tellingly does not deny any of the bigoted,
23 obscenity-laced statements attributed to her, that her followers have committed crimes in her name, or

24 ² The Church was not alone for condemning A&E for giving a platform for Plaintiff’s hate. (Farny Dec., Ex. 62 (“Faith
25 Leaders From Harlem To Hollywood Demand A&E Networks To End Hate Broadcasting,” Harlem World, February 2019)
26 (describing picketing of A&E headquarters by interdenominational group of ministers: “We are Baptist, we are Christians,
27 we are Scientologists, Jews, Muslims, Sikhs, Buddhists, and many more denominations. We are family and united. And
28 we are here to say: shame on you A&E for spreading hate, when love is what conquers all. We ask you to meet with us. If
we do not hear from you, we will be forced to demand an international boycott of A&E and Disney through the power and
reach of our combined faiths.”).) Plaintiff, believe it or not, is suing over the picketing by this interdenominational group.
(FAC, ¶ 100.)

1 even that she is a defender of rapist Paul Haggis. Rather, *she is suing because the Church has pointed*
2 *this all out* and has made fair comment on these statements, such as that she is a “bigot,” does “spread
3 hate,” and, indeed, has “apologized” for a “rapist.” It is hard to imagine that any case has come to this
4 Court or any other court in California that more offends the First Amendment and is more deserving
5 of dismissal under the anti-SLAPP statute.

6 **III. THE IDENTIFIED PARAGRAPHS MUST BE STRICKEN UNDER THE ANTI-** 7 **SLAPP STATUTE**

8 **A. Legal Standards Governing Anti-SLAPP Motions.**

9 Section 425.16 creates a special motion to strike “[a] cause of action against a person arising
10 from any act of that person in furtherance of the person’s right of petition or free speech under the
11 United States or California Constitution in connection with a public issue.” Cal. Civ. Proc. Code §
12 425.16(b)(1). As the language of Section 425.16 itself makes clear, its protections “shall be construed
13 broadly.” *Briggs v. Eden Council for Hope & Opportunity*, 19 Cal. 4th 1106, 1119 (1999) (citing 1997
14 amendments to the statute); *see also Nygard, Inc. v. Uusi-Kerttula*, 159 Cal. App. 4th 1027, 1039
15 (2008) (Section 425.16 “states that its provisions ‘shall be construed broadly’ to safeguard ‘the valid
16 exercise of the constitutional rights of freedom of speech and petition for the redress of grievances.’”).

17 The anti-SLAPP analysis has two steps. First, the moving party must show that the challenged
18 claim³ arises from activity protected by Section 425.16. *Baral v. Schnitt*, 1 Cal. 5th 376, 384 (2016).
19 If the moving party meets its initial burden of showing that the claim arises from protected activity,
20 the burden shifts to the plaintiff “to demonstrate the merit of the claim by establishing a probability of
21 success.” *Baral*, 1 Cal. 5th at 384.

22 **B. The Pertinent Causes of Action.**

23 Remini incorporates the protected allegations into all nine of her Causes of Action, for (1) Civil
24 Harassment; (2) Stalking in purported violation of Cal. Civil Code § 1708.7; (3) Intentional Infliction
25 of Emotional Distress; (4) Interference With Contractual Relations; (5) Interference With Prospective

26 ³ As explained by *Baral*, a “claim” differs from a cause of action. A cause of action can be artfully pled to include several
27 claims—some based on protected activity, some not. A “claim” that is subject to an anti-SLAPP motion is not a formal
28 cause of action per se but “*allegations of protected activity that are asserted as grounds for relief.*” *Baral*, Cal. 5th at 395
(emphasis in original). “The targeted claim must amount to a ‘cause of action’ in the sense that it is alleged to justify a
remedy. By referring to a ‘cause of action’ against a person arising from *any act* of that person in furtherance of the
protected rights of petition and speech, the Legislature indicated that *particular* alleged acts giving rise to a claim for relief
may be the object of an anti-SLAPP motion. ([Cal. Civ. Proc. Code] § 425.16(b)(1), italics added.) Thus, in cases involving
allegations of both protected and unprotected activity, the plaintiff is required to establish a probability of prevailing on
any claim for relief based on allegations of protected activity. Unless the plaintiff can do so, the claim and its corresponding
allegations must be stricken. Neither the form of the complaint nor the primary right at stake is determinative.” *Id.*

1 Economic Advantage; (6) Defamation Per Se; (7) Defamation by Implication; (8) False Light
2 Defamation; and (9) Declaratory Relief. The charging allegations for each of these causes of action
3 expressly incorporate all prior factual allegations of the FAC, necessarily including the protected
4 conduct discussed above. (See FAC ¶¶ 225-310.) Plaintiff cannot show a probability of prevailing on
5 the merits of any of the claims based on protected activity. Therefore, all the identified allegations
6 must be stricken. As a result, the Fourth through Ninth Causes of Action (premised entirely on First
7 Amendment activities in a public forum) must be stricken in their entirety and the claims in the First
8 through Third Causes of Action based on the stricken allegations must be stricken.

9 **C. Prong 1: The Challenged Allegations Arise from Protected Speech, Petitioning**
10 **Activity, and Pre-litigation Investigation.**

11 Defendants satisfy prong 1 of the anti-SLAPP statute. The challenged allegations constitute
12 speech and/or petitioning activity protected under Section 425.16. Claims for relief within the Causes
13 of Action are “based on” such allegations of protected activity. *Baral*, 1 Cal. 5th at 384, 395.

14 **1. Allegedly False Online Statements (FAC ¶¶ 70, 90-91, 103-05, 113-30, 136-**
15 **38, 148-51, 161-63, 167-68, 170-73, 177-78, 227:12-16, 231, 236, 250-51, 263-**
16 **65, 273-74, and 283-84).**

17 Plaintiff alleges that Defendants posted on the internet, either through a website operated by
18 STAND or on Twitter, allegedly defamatory statements about Plaintiff’s hate campaign against the
19 Church and the violence it has caused.⁴ These internet postings meet one of the express statutory
20 definitions of protected speech: any “written or oral statement or writing made in a place open to the
21 public or a public forum in connection with an issue of public interest.” Cal. Civ. Proc. Code §
22 425.16(e)(3). As with the alleged postings here, “[w]eb sites accessible to the public ... are ‘public
23 forums’ for purposes of the anti-SLAPP statute.” *Nygaard*, 159 Cal. App. 4th at 1039 (ellipses in
24 original) (quoting *Barrett v. Rosenthal*, 40 Cal. 4th 33 (2006)). Moreover, “an issue of public interest”
25 under the anti-SLAPP statute means “*any issue in which the public is interested*. In other words, the
26 issue need not be ‘significant’ to be protected by the anti-SLAPP statute—it is enough that it is one in
27 which the public takes an interest.” *Nygaard*, 159 Cal. App. 4th at 1042 (emphasis original).

28 *An issue of public interest.* Determining whether the speech was made “in connection with an

26 ⁴ In many instances, it is hard to tell what Plaintiff is alleging. For instance, regarding Plaintiff’s association with the
27 publicity firm ID/PR (FAC, ¶¶ 156-172), Plaintiff does not say “who” said “what” about her, referring instead to “a set of
28 conspiracy theories that were utterly false and defamatory.” (*Id.*, ¶ 161.) It is impossible to respond to such vagaries, but
Plaintiff herself must think the ID/PR episode is immaterial, as she does not identify it as a business relationship – actual,
prospective, or otherwise – in her interference Causes of Action. (FAC, ¶¶ 247-249, 257-262.)

1 issue of public interest” calls for “a two-part analysis rooted in the statute’s purpose and internal logic.
2 First, we ask what ‘public issue or [] issue of public interest’ the speech in question implicates—a
3 question we answer by looking to the content of the speech. (§ 425.16, subd. (e)(4).) Second, we ask
4 what functional relationship exists between the speech and the public conversation about some matter
5 of public interest. It is at the latter stage that context proves useful.” *FilmOn.com Inc. v. DoubleVerify*
6 *Inc.*, 7 Cal.5th 133, 149–150 (2019).

7 Here the speech in question implicates Scientology and Plaintiff’s deliberate years-long
8 attempt to vilify Scientology in the public eye. Those are patently issues of “public interest.” *Weinberg*
9 *v. Feisel*, 110 Cal. App. 4th 1122, 1133 (2003) (noting that “statements concerning a lawsuit against
10 a large and wealthy church [the Church of Scientology] that had been the subject of extensive media
11 coverage” qualified as matter of public interest). Further, by her own admission, Plaintiff is also a
12 matter of public interest. *She* describes herself as a public figure. (FAC, ¶ 94.) As an admitted celebrity
13 and public figure, those factors alone qualify the Church’s statements about her as protected speech.
14 *See Jackson v. Mayweather*, 10 Cal. App. 5th 1240, 1254 (2017), as modified (Apr. 19, 2017),
15 (“postings and comments concerning [celebrity’s] relationship” satisfied public issue requirement
16 because “[i]n general, a public issue is implicated if the subject of the statement or activity underlying
17 the claim ... was a person or entity in the public eye”); *Hall v. Time Warner, Inc.*, 153 Cal. App. 4th
18 1337, 1347 (2007) (holding public interest satisfied where conduct related to a famous actor’s life).⁵
19 She discusses her Scientology-centric media history at length. (FAC, ¶¶ 93-105.) She boasts of
20 winning an Emmy for speech that the Church correctly labeled “hate speech,” and is now suing the
21 Church for its response.

22 Further, the “context” of events shows that the speech at issue and the “public conversation
23 about [the] matter of public interest” not only have a “functional relationship” but are one and the
24 same. *FilmOn.com Inc.*, 7 Cal.5th at 149-150. The above Statement of Facts shows that Plaintiff for
25 years has used every channel of international media to spread hate about the Church. The speech at
26 issue here is the Church’s response to Plaintiff’s unceasing attacks, by pointing out Plaintiff’s lies,
27 hypocrisy, immorality, and the immense harm to innocent people she continues to cause. Indeed, many
28 posts Plaintiff challenges address the repercussions of her own public statements or opine on those

⁵ For this reason, Defendants’ alleged republication of Plaintiff’s statements on a broadcast television show about how she taught her daughter to beat little girls and punch them in the face (FAC, ¶ 127 and discussion below) as well as a tweet made by an unidentified third party that Plaintiff sent her daughter to a psychiatrist (*id.*, ¶ 128), is also speech on a public issue. *See also Hilton v. Hallmark Cards*, 599 F.3d 894, 906-07 (9th Cir. 2010) (collecting California state court decisions); *FilmOn.com Inc.*, 7 Cal.5th at 145.

1 statements. (FAC, ¶¶ 105, 126, 129.) This case presents the “perfect storm” of an issue of public
2 interest: A public figure using worldwide media to attack a prominent institution that courts have
3 found is inherently of public interest.

4 2. **Alleged Interference by Lobbying Media Outlets and Sponsors. (FAC ¶¶**
5 **95, 97-102, 105, 109, 124, 136-38, 142-46, 148-52, 161-63, 167-68, 170-73,**
6 **227:12-16, 231, 250-51, 263-65, 269, 273-74, 283-84).**

7 Plaintiff complains of Defendants’ alleged communications with media outlets and corporate
8 sponsors to urge them to refrain from doing business with her given her bigoted hate speech.⁶ This is
9 protected speech. Code of Civil Procedure Section 425.16(e)(4) protects, “any conduct taken in
10 furtherance of the constitutional right of petition [or] free speech in connection with a public issue or
11 issue of public interest.” Advocating that media companies and advertisers boycott or shun Plaintiff’s
12 bigotry business is perhaps the classic example of such protected speech and conduct. “[T]he boycott
13 is a form of speech or conduct that is ordinarily entitled to protection under the First and Fourteenth
14 Amendments.” *Fashion Valley Mall, LLC v. Nat’l Labor Relations Bd.*, 42 Cal.4th 850, 867-68 (2007)
15 (quoting *NAACP v. Claiborne Hardware Co.*, 458 U.S. 886, 907 (1982)). **Even private**
16 **communications**, such as phone calls, texts, and emails, qualify for anti-SLAPP protection if those
17 private communications “furthered the public discourse” on a topic of public interest. *Murray v. Tran*,
18 55 Cal.App.5th 10 (2020) (affirming grant of anti-SLAPP motion; former dental practice partner’s
19 allegedly defamatory statements to dentist’s current employer were directly tethered to issue of public
20 interest (dentist’s competence), and promoted the public conversation on the issue because they were
21 made to a person who had direct connection to and authority over the patient population with whom
22 dentist was working).

23 As in *Murray*, the speech Plaintiff complains of in this case addresses matters of public
24 interest—a sitcom star’s public vendetta against a world-wide religion. And the communications, be
25 they texts, calls, emails, or letters, were directed at individuals with a “direct connection” to and
26 “authority over” the public’s opinion of Defendants. These were persons who aired a TV show about

27 ⁶ The specific allegations are: ¶ 95 – Defendants sent letters to ABC News and other media who were promoting Plaintiff’s
28 book; ¶¶ 97-100 – Defendants organized individual Scientologists and others to protest broadcasters, and sponsors
regarding Plaintiff; ¶ 101 – unnamed “Scientologists” sent texts and e-mails to producers and crew of *The Aftermath*
regarding hate speech; ¶ 102 – before Plaintiff’s appearance on Conan O’Brien promoting her book, Defendants sent a
letter objecting to her appearance, noting that Plaintiff was attacking Scientology only for the fame, money, and attention;
¶ 105 – Letters to the President of A&E advising of violence inspired by *The Aftermath*; ¶¶ 142-46 – Letter to AudioBoom,
platform of Plaintiff’s podcast, advising that carriage of program that advocated religious hate violated AudioBoom’s
terms of service; *see also* ¶¶ 148-49, 152, 231, 250-51, 263-65.

1 Defendants, published books about Defendants, hosted podcasts about Defendants, or sponsored
2 shows about Defendants. Communications to individuals with the power to sway public opinion on
3 Defendants falls within the “further the public discourse” prong.

4 **3. Petitioning (Alleged Pre-Litigation Surveillance) (FAC ¶¶ 94, 106, 109-10,**
5 **117, 139, 173, 182-83, 227:9, 231(a), 236).**

6 Plaintiff—a celebrity who courts paparazzi—alleges that Defendants “surveilled” her in
7 public. Public observation—or “surveillance—is not in itself tortious, and Plaintiff does not plead any
8 facts showing the alleged public surveillance was tortious. Plaintiff also states that Defendants’ alleged
9 “surveillance” was conducted by and through counsel. (FAC, ¶ 51; *see also id.*, ¶ 236.) Further,
10 Plaintiff acknowledges the Church publicized through the website <https://www.leahreminthefacts.org>
11 that she “fil[ed] a false police report and then attempt[ed] to extort Scientology.” (FAC, ¶ 120.) As the
12 website shows, Plaintiff’s false police report regarding the wife of the ecclesiastical leader of the
13 religion and Plaintiff’s extortionate threats to sue the Church date from 2013. (Farny Dec., Ex. 63.)
14 Thus from 2013 onwards—before any of the alleged surveillance—Plaintiff was threatening the
15 Church with legal action and the Church was in a pre-litigation stance. This qualifies as pre-litigation
16 investigation in connection with “a person’s right of petition” (Section 425.16(e)(4)) and thus is
17 protected conduct. *See Tichinin v. City of Morgan Hill*, 177 Cal. App. 4th 1049, 1068-1069 (2009)
18 (holding that the use of surveillance by a private investigator to investigate potential conflicts of
19 interest of a public official was protected First Amendment conduct; “[W]e consider it as proper and
20 appropriate to protect prelitigation investigation as it is to protect prelitigation letters that demand
21 settlement or threaten legal action discovery, and post litigation settlement talk. For the purposes of
22 an anti-SLAPP analysis, such conduct is protected even though a defendant denies committing the
23 conduct.”); *Bel-Air Internet, LLC v. Morales*, 20 Cal. App. 5th 924, 929 (2018) (holding that a
24 defendant did not have to confirm the truth of the alleged protected conduct “otherwise, a defendant
25 who disputes the plaintiff’s allegations . . . might be precluded from bringing an anti-SLAPP motion.”).
26 Likewise, such conduct is protected under the right of free speech. *See Tichinin*, 177 Cal. App. 4th at
27 1074 (“the ability to gather information is entitled to constitutional protection because it too facilitates
28 the exercise of free speech”); *see also id.*, at 1075-81.

29 **4. Each of the Causes of Action Arises from Defendants’ Protected Conduct**

30 Plaintiff’s Complaint demonstrates that each of her causes of action directly stems from and is
31 based on the protected activity identified above. First, every cause of action “incorporates and realleges
32 all allegations contained in the foregoing paragraphs as though fully set forth herein.” (FAC, ¶¶ 225,
33

234, 241, 246, 256, 272, 282, 292, 302.) Second, each cause of action’s brief charging allegations removes any doubt about its focus by referencing protected activity as the alleged source of liability:

Cause of Action	Protected Conduct Forming Basis of Alleged Liability
1. Civil Harassment	Online Statements; Lobbying Media Outlets; Petitioning (Pre-Litigation Surveillance): (FAC, ¶ 227:12-16 and “following” and “surveilling” at 227:9; <i>id.</i> , ¶¶ 231, 232.)
2. Stalking (Cal. Civ. Code § 1708.7)	Online Statements; Petitioning (Pre-Litigation Surveillance): “This continuous course of conduct in which Defendants engaged against Plaintiff includes being . . . surveilled by private investigators (through their lawyers) . . . posting threatening information to websites and via social media on a continuing basis.” (<i>Id.</i> , ¶ 236.)
3. Intentional Infliction of Emotional Distress	Online Statements; Lobbying Media Outlets; Petitioning (Pre-Litigation Surveillance): Realleging all prior allegations and claiming they comprise “a continuing course of conduct towards Ms. Remini that constitutes extreme and outrageous conduct” without any new allegations or factual detail. (<i>Id.</i> , ¶¶ 241-42.)
4. Tortious Interference with Contractual Relationship	Online Statements; Lobbying Media Outlets: Alleging interference with “contractual relationship with iHeartMedia . . . [by] writing false and disparaging accusations about Ms. Remini and her podcast on various social media websites and twitter accounts . . .; sending disparaging letters about Ms. Remini to iHeartMedia’s executive vice president and COO, producer, podcast audio editor, and advertisers . . .” (<i>Id.</i> , ¶ 250.) Alleging interference with AudioBoom . . . [by] sending disparaging letters about Ms. Remini and her podcast to the CEO of AudioBoom as well as AudioBoom’s advertisers and investors, encouraging AudioBoom to end their relationship with Ms. Remini . . .” (<i>Id.</i> , ¶ 251.)
5. Intentional Interference with	Online Statements; Lobbying Media Outlets: Repeating

Cause of Action	Protected Conduct Forming Basis of Alleged Liability
Prospective Economic Advantage	interference claims as to AudioBoom and iHeartMedia. (<i>Id.</i> , ¶¶ 263, 264.) Alleging interference with economic relationship with Game Show Network and by “sending disparaging and false open letters to the Game Show Network claiming that Ms. Remini is an ‘unhinged bigot,’ a ‘rape apologist,’ and someone who believes ‘it’s not a big deal to sexually abuse women;’ sending disparaging letters to the Game Show Network’s advertisers, encouraging them to pull their support from the Game Show Network for airing Ms. Remini’s show; and sending Defendants’ operatives to the Game Show Network with false claims that they were investigating allegations of Ms. Remini’s alleged abusive behavior in the workplace.” Alleging interference with economic relationship with Vice News by “harassing employees and directors at Vice News and encouraging them not to work with Ms. Remini.” (<i>Id.</i> , ¶ 265; <i>see also id.</i> , ¶ 269.)
6. Defamation and Defamation Per Se	Online Statements; Lobbying Media Outlets: “Since 2013, and continuing to this day, Defendants knowingly and willingly published, or caused to be published, false and defamatory statements about Ms. Remini.” (<i>Id.</i> , ¶ 273; <i>see also id.</i> , ¶¶ 273.a.-d.) “These false and defamatory statements were published on various social media . . .” (<i>Id.</i> , ¶ 274.)
7. Defamation by Implication	Online Statements; Lobbying Media Outlets: “Since 2013, and continuing to this day, Defendants knowingly and willingly published, or caused to be published, various statements about Ms. Remini . . .” (<i>Id.</i> , ¶ 283; <i>see also id.</i> , ¶¶ 283.a.-d.) “The above statements were published on social media for public consumption . . .” (<i>Id.</i> , ¶ 284.)
8. False Light	Online Statements; Lobbying Media Outlets: “Since 2013, and continuing to this day, Defendants knowingly and

Cause of Action	Protected Conduct Forming Basis of Alleged Liability
	willingly published, or caused to be published statements about Ms. Remini, as set forth herein, on social media for public consumption.” (<i>Id.</i> , ¶ 293.)
9. Declaratory Judgment—Cal. Civ. Proc. Code § 1060	Online Statements; Petitioning (Pre-Litigation Surveillance): In connection with this claim, the Prayer for Relief seeks an injunction “requiring Scientology to cease and desists its harassment” and “defamation.” (<i>Id.</i> , Prayer for Relief ¶ 3:1-2; <i>see also id.</i> , ¶¶ 307-08.)

D. Prong 2: Remini Cannot Establish a Probability of Success.

Because Defendants satisfied prong 1, Plaintiff “is required to establish a probability of prevailing on any claim for relief based on allegations of protected activity.” *Baral*, 1 Cal. 5th at 395. Where, as here, the *causes of action* are mixed between protected activity and unprotected activity, Plaintiff must satisfy her burden by showing that *the allegations of protected conduct alone supporting particular claims for relief* demonstrate a probability of success on the claim for relief that it supports.⁷ *Baral*, 1 Cal. 5th at 396 (“When relief is sought based on allegations of both protected and unprotected activity, the unprotected activity is disregarded . . . [where] the second step is reached . . . the burden shifts to the plaintiff to demonstrate that each challenged claim based on protected activity is legally sufficient and factually substantiated.”).

This Court must strike all the challenged allegations and causes of action four through nine because Plaintiff cannot establish a probability of success on specific claims for relief when they depend on the protected speech and activity. To overcome this Motion, Plaintiff “must demonstrate that the *complaint is both legally sufficient and supported by a sufficient prima facie showing of facts* to sustain a favorable judgment if the evidence submitted by the plaintiff is credited.” *Indus. Waste & Debris Box Serv., Inc. v. Murphy*, 4 Cal. App. 5th 1135, 1154 (2016) (emphasis original). Plaintiff cannot simply rely on her pleading, and instead must make her case “with competent and admissible evidence.” *Barker v. Fox & Assocs.*, 240 Cal. App. 4th 333, 348 (2015). This second step is a “summary-judgment-like procedure.” *Baral*, 1 Cal. 5th at 384-85. “To demonstrate a probability of

⁷ Causes of action four through nine are indisputably based solely on protected activity, while causes of action one through three appear to be “mixed” causes of action, based on protected and unprotected activity. As set forth below, all allegations of protected conduct must be stricken because Plaintiff cannot meet her burden of showing a probability of prevailing on the claim arising from protected activity.

1 prevailing on the second prong of the anti-SLAPP analysis,” Plaintiff is “required to produce
2 admissible evidence from which a trier of fact could find in h[er] favor, as to *every element* needed to
3 prove at trial” on her claims.⁸ *Lee v. Kim*, 41 Cal. App. 5th 705 (2019) (emphasis original). When the
4 challenged claims are based on protected and unprotected activity, Plaintiff may not meet her burden
5 by showing a likelihood of success on the claims arising from unprotected activity, but must show “a
6 probability of prevailing on ‘the claim’ arising from protected activity.” *Baral*, 1 Cal. 5th at 393.

7 **1. Plaintiff Cannot Prevail on Defamation-Based Claims (Sixth, Seventh, and**
8 **Eighth Causes of Action).**

9 Plaintiff’s Sixth, Seventh, and Eighth Causes of Action assert that Defendants published false
10 and defamatory statements about her. (FAC, ¶¶ 90-91, 95, 97-105, 109, 113-30, 136-38, 142-46, 148-
11 52, 161-63, 167-68, 170-72, 177-78, 227:12-16, 231, 236, 250-51, 263-65, 269, 273-75, 283-84.)⁹ The
12 challenged statements are: (1) barred by the one-year statute of limitations, (2) true statements of fact,
13 (3) nonactionable statements of opinion, and/or (4) not published by Defendants.

14 **a. Claims barred by statute of limitations.** If a claim depends on protected speech that
15 occurred outside the statute of limitations, that claim fails under the second prong of the anti-SLAPP
16 analysis. *Traditional Cat Ass’n, Inc. v. Gilbreath*, 118 Cal. App. 4th 392, 398–99, 405 n.6 (2004) (anti-
17 SLAPP statute contemplates consideration of complaint’s substantive merits as well as all available
18 defenses; plaintiffs could not establish a probability of prevailing because statute of limitations barred
19 their claim); *accord Barry v. State Bar of Cal.*, 2 Cal. 5th 318, 325 (2017). There is a one-year statute
20 of limitations for the defamation-based speech claims within Sixth, Seventh, and Eighth Causes of
21 Action.¹⁰ On the face of the complaint, these statements concern speech that occurred more than one

22 ⁸ The Court may consider evidence in the form of “affidavits, declarations, and their equivalents if it is reasonably
23 possible the proffered evidence set out in those statements will be admissible at trial.” *Sweetwater Union High Sch. Dist.*
24 *v. Gilbane Bldg. Co.*, 6 Cal.5th 931, 949 (2019).

25 ⁹ To prove defamation, Plaintiff must establish “(a) a publication that is (b) false, (c) defamatory, and (d) unprivileged,
26 and that (e) has a natural tendency to injure or that causes special damage.” *Sanchez v. Bezos*, 80 Cal. App. 5th 763, 763
27 (2022). To state a claim for defamation by implication, “the plaintiff must demonstrate that (1) his or her interpretation of
28 the statement is reasonable; (2) the implication or implications to be drawn convey defamatory facts, not opinions; (3) the
challenged implications are *not* “substantially true”; and (4) the identified reasonable implications could also be
reasonably deemed defamatory.” *Issa v. Applegate*, 31 Cal.App.5th 689, 707 (2019) (emphasis in original). As to the false
light cause of action, “when a false light claim is coupled with a defamation claim, the false light claim is essentially
superfluous, and stands or falls on whether it meets the same requirements as the defamation cause of action.” *Jackson*, 10
Cal. App. 5th at 1264.

¹⁰ The statute of limitations for defamation (“libel [or] slander”) is one year. Cal. Civ. Proc. Code § 340(c); *Knoell v.*
Petrovich, 76 Cal. App. 4th 164, 168 (1999) (affirming trial court ruling that “the defamation causes of action were barred
by the one-year statute of limitations” under Cal. Civ. Proc. Code § 340). The statute of limitations for false light is also

1 year before August 2, 2023 (the filing date of Complaint), and thus are barred: ¶¶ 95, 97-98, 100-105,
2 109, 116-30, 136-38, 152, 227:12-16, 231, 236, 250-51, and 263-65. Some paragraphs of the
3 Complaint do not allege the date of the alleged publication, but those “undated” allegations also fall
4 outside the statute of limitations. These are allegations in paragraphs 90-91 and 113-115. (See Farny
5 Dec., ¶ 71.) The Complaint alleges speech that occurred within a year of the filing of the Complaint
6 at paragraphs 142-146, 177-178, 273 and 283, **and nowhere else**.¹¹ The claims based on the protected
7 speech in those paragraphs fail the second prong for the reasons stated in the other parts of this
8 section.¹²

9 **b. Statements of Opinion.** Having spent years calling for the destruction of the Church
10 and demonizing Scientologists as child sex-traffickers, Plaintiff now sues Defendants for expressing
11 negative opinions of her views and what they say about her character. These statements all amount to
12 a “subjective judgment, rather than a provably false statement of fact,” and are not actionable. *Reed v.*
13 *Gallagher*, 248 Cal. App. 4th 841, 857, 858 (2016) (statement that plaintiff was “unscrupulous” non-
14 actionable); *McGarry v. Univ. of San Diego*, 154 Cal. App. 4th 97, 116-17 (2007) (statement implying
15 individual engaged in immoral behavior not actionable). Courts have held that calling someone
16 “racist” or “nazi” or invoking comparisons to the “KKK” are all statements of opinion or hyperbole,
17 not provable as fact in a court of law. *Overhill Farms, Inc. v. Lopez*, 190 Cal. App. 4th 1248, 1262
18 (2010) (“We agree that general statements charging a person with being racist, unfair, or unjust—
19 without more . . . constitute mere name calling and do not contain a provably false assertion of fact.”);
20 *Florio v. Gallaudet Univ.*, 619 F. Supp. 3d 36 (D.D.C. 2022) (collecting cases in which “[n]umerous
21 other courts have found similar commentary on racism or bigotry to be non-actionable opinion”);
22 *Skidmore v. Gilbert*, No. 20-cv-06415, 2022 WL 464177, at *9 (N.D. Cal. Feb. 15, 2022) (collecting
23 cases from “multiple courts” holding “that a term like ‘racist’ ... is not actionable under defamation-

24 one year. *Welsh v. Am. Home Mortg. Assets, LLC*, No. 4:13-CV-04750 CW, 2014 WL 4954144, at *13 (N.D. Cal. Sept.
25 30, 2014), citing Cal. Civ. Proc. Code § 340(c); *Roberts v. McAfee, Inc.*, 660 F.3d 1156, 1166-69 (9th Cir. 2011) (applying
26 California law) (granting anti-SLAPP motion and striking false light and defamation claims under § 340(c)).

27 ¹¹ Under the “single publication” rule, “[n]o person shall have more than one cause of action for damages for libel or
28 slander or invasion of privacy or any other tort founded upon any single publication or exhibition or utterance, such as any
one issue of a newspaper or book or magazine or any one presentation to an audience or any one broadcast over radio or
television or any one exhibition of a motion picture.” Cal. Civil Code § 3425.3. This means that Plaintiff’s defamation-
based claims based on internet postings that were first publicly posted before August 2, 2022, are time-barred
notwithstanding the fact that the postings remain accessible. *Traditional Cat Ass’n, Inc.*, 118 Cal. App. 4th at 399-400.

¹² As stated above, Plaintiff does allege some sort of conduct in 2023 in connection with her publicity agency ID/PR. (FAC,
¶¶ 156-170.) Whatever that is about, Plaintiff does not refer to it in her defamation causes of action when identifying
allegedly tortious conduct within the last year.

1 type claims.”); *Trump v. Cable News Network, Inc.*, No. 22-61842, 2023 WL 4845589 (S.D. Fla. July
2 28, 2023) (granting Defendant’s motion to dismiss claims by President Trump that CNN defamed him
3 by making statements comparing him to Hitler and the Nazi regime); *Bacon v. Nygard*, 189 A.D.3d
4 530, 531, 136 N.Y.S.3d 297 (2020) (dismissing as non-actionable opinion claims that defendant made
5 more than 100 posts stating that plaintiff “is KKK” and placing plaintiff’s picture next to violent,
6 graphic images of Ku Klux Klan lynchings and the colors of the confederate flag; “the disputed
7 statements at most assert pure opinions that plaintiff is racist by making nonspecific vague references
8 to the KKK and juxtaposing his picture with violent iconographic images associated with the KKK”).
9 Neither Plaintiff’s hurt feelings nor any ill-will Defendants understandably bear towards her matter to
this analysis. *Campanelli v. Regents of Univ. of Cal.*, 44 Cal. App. 4th 572, 578 (1996).

10 Plaintiff incorporates by reference in her defamation claims these statements of nonactionable
11 opinion—*i.e.*, statements that are not provably false statements of fact: “an untrustworthy apostate”
12 (FAC, ¶ 70); “a racist” (*id.*, ¶ 90); she “wanted her name in the news” and “has no morals” (*id.*, ¶ 91);
13 the “National Enquirer was more credible than Ms. Remini’s documentary series” (*id.*, ¶ 99); she
14 “incited bigotry” (*id.*, ¶ 100); Scientology “took credit” for the cancellation of her television show (*id.*,
15 ¶ 101); she was “speaking out against Scientology for the fame, money and attention” (*id.*, ¶ 102);
16 “comparing Ms. Remini and the A&E network to Ku Klux Klan members” (*id.*, ¶ 115); asking the
17 question, “Are Leah Remini and A&E responsible for the Wave of Violence Against the Jehovah’s
18 Witnesses’ Kingdom Halls?” (*id.*, ¶ 119); “a Disgrace to Women of Valor Everywhere” (*id.*, ¶ 119);
19 “Bigot Leah Remini Inspires Praise of Hitler” (*id.*, ¶¶ 119, 273, and 283); “A&E and Leah Remini
20 Spread Hate,” and “Leah Remini: The Dr. Jekyll and Ms. Hyde of Hollywood,” (*id.*, ¶ 123);
21 “dehumanizing, hateful content” (*id.*, ¶ 143); “promoting hate” (*id.*, ¶ 144); “sponsoring hate” (*id.*,
22 ¶ 145); “an unhinged religious bigot who profits by spreading hate” (*id.*, ¶ 119, and ¶¶ 129, 148 and
23 265 (“unhinged bigot”)); “What’s next? A game show ‘hosted’ by a KKK leader? Neo-Nazi Jeopardy?”
24 (*id.*, ¶ 148); “I wish I were a man so I could rape too!” (*id.*, ¶ 129 (referring to her very public support
25 of rapist Paul Haggis); *see also id.*, ¶¶ 126, 273, 283 (parody tweets “ReminiLovesRapists” and
26 “I[heart]rapists”)); “rape apologist” (*id.*, ¶¶ 148, 273, 283); engages “in obscenity-laced and abusive
27 language, to insult, defame and demean Scientologists” (*id.*, ¶ 136); “a vicious, lying, narcissistic,
28 deranged, demented and dangerous bigot” (*id.*, ¶¶ 273, 283); that plaintiff is “abusive” in the
workplace (*id.*, ¶¶ 152 and 265); that she should move to Russia (*id.*, ¶ 177); and syndicating a “hate

1 podcast of two rabid anti-Scientologists” and “bigotry” (*id.*, ¶ 142).¹³

2 Further, if any of the above opinions imply a statement of fact, the opinions themselves disclose
3 the bases for the opinion, and thus are not actionable. *J-M Manufacturing Co., Inc. v. Phillips & Cohen*
4 *LLP*, 247 Cal. App. 4th 87, 100 (2016) (“Even if an opinion can be understood as implying facts
5 capable of being proved true or false, however, it is not actionable if it also discloses the underlying
6 factual bases for the opinion and those statements are true.”). Defendants’ speech repeatedly identified
7 specific instances of hateful statements by Plaintiff against the Church, its leadership, and individual
8 Scientologists. (*See, e.g.*, publications and communications identified at FAC ¶¶ 119 and 143, 145 and
attached as Exhibits 38, 42, 68-70 to Farny Declaration.) To cite examples:

9 *Violence Against Jehovah’s Witnesses.* After Plaintiff aired an episode of *The Aftermath*
10 attacking the Jehovah’s Witnesses, including commentary that the religion was a cult, STAND posed
11 the question whether the violence relates to Plaintiff’s actions, citing the hateful content of the episode
12 and the spike in violence. (FAC, ¶ 119; Farny Dec., Ex. 68.) *Plaintiff is literally suing Defendants for*
asking the question, and explaining why they are asking the question.

13 *Inspires Praise of Hitler.* The article, “As the World Remembers the Holocaust, Bigot Leah
14 Remini Inspires Praise of Hitler” (FAC, ¶¶ 119, 273, 283; Farny Dec., Ex. 70) concerns a tweet from
15 Plaintiff falsely accusing the Church of “stalking” and “harassing” with the following reply from one
16 of her followers: “In the 1940’s there was a certain European politician who had big ideas.... He had
17 the right ideas, but went after the wrong groups.... Scientology is a plague and it needs to be
18 exterminated.” (Farny Dec., Exs. 70, 71.) The Church’s commentary on this exchange—the supposed
19 defamatory statement at issue—is: “The Anti-Defamation League’s Pyramid of Hate makes clear how
20 hate speech like Leah Remini’s advances to genocide against minority groups—genocide like that
21 called for by her supporter, an individual inflamed by Remini’s unhinged propaganda and bigotry—
22 an individual who is, not surprisingly, also a public supporter of Hitler.” (*Id.*) In what world is such
commentary on a disturbing social media exchange *defamatory*?

23 _____
24 ¹³ Paragraph 123 of the Complaint lists out the titles of interviews on the website www.leahreminiaftermath.com that
25 supposedly contain defamatory content. The Complaint does not identify any defamatory content in the interviews, but the
26 interviews cover similar issues of Plaintiff featuring liars and criminals on her show (*e.g.*, “Another Criminal Remini
27 Source Returns to Jail,” “A&E and Leah Remini Spread Hate,” “Remini: Aftermath Propaganda Inciting Religious Hate,”
28 “Leah’s Anti-Religious Sugar Daddy’s History of Drug Dealing and Cons,” “Leah’s New Liar 4 Hire is a Proud
Confederate Flag Lover,” “Leah Remini’s Paid Liar,” “Leah Remini’s Aftermath: Exposed As Lies Once Again,” “Leah
Remini’s Family Expose Leah’s Lies,” “Leah Remini’s FRAUD,” “Total Fraud,” “Leah Remini’s Real Aftermath: Hate
Speech, Threats, and Violence”). The interviews themselves provide the factual bases for those titles. For the sake of
completeness, Defendants attach the articles and transcripts of those interviews at Farny Dec., Exs. 36-37, 48-56, 67.

1 *Rape Apologist.* As noted above, Plaintiff complains that an editorial on STAND asked the
2 question if she was a “rape apologist” (FAC, ¶ 148), and of the use of hashtag “ReminiLovesRapists,”
3 and a photoshopped parody image of her with the tattoo “I [heart] rapists” (*id.*, ¶¶ 126, 273, 283). The
4 bases for the “rape apologist” opinion is revealed right in the article itself—Plaintiff’s vocal, public,
5 and continuing support for adjudicated rapist Paul Haggis and for disgraced accused sexual predator
6 Les Moonves. (Farny Dec., Ex. 46 (referenced in FAC, ¶¶ 148, 273, 283).) Even the parody tweets of
7 “I [heart] rapists” and the hashtag “ReminiLovesRapists” reveal the bases for the opinion, showing
8 tattoos of “I [heart] Paul” and “I [heart] Les” on Plaintiff’s arm. (FAC images at ¶ 126.) Any reader
9 can see the grounds for Defendants’ conclusion that Plaintiff supports rapists.¹⁴

10 *Abusive Employer.* Plaintiff complains that journalists, supposedly acting at the direction of
11 Defendants, interviewed persons about assertions that Plaintiff engaged in abusive workplace conduct.
12 (FAC, ¶¶ 152, 265.) Plaintiff does not identify any defamatory statement; a journalist asking questions
13 while researching a story cannot in itself be defamation. In any event, there is a long trail of former
14 employees and co-workers who assert Plaintiff is abusive in the workplace as *documented in the*
15 *websites Plaintiff complains about*: Plaintiff told a former assistant: “You’re doing a crappy job. You
16 don’t know what you’re doing. You’re a stupid person. Get out of my house. Get out of my life. Go
17 away, do whatever. Just don’t do it around me right now because you’re stupid and you’re pregnant.”
18 (Farny Dec., Ex. 58.) Another former assistant had the temerity to respond, “Fine,” in response to one
19 of Plaintiff’s demands, and suffered the consequences for not being sufficiently servile: “And Leah
20 tore into her. That’s abuse. She berated her, made her feel small, made her feel like shit, worthless.
21 Like, this is what—she pounded her into the ground for talking to her with an attitude.” (*Id.*, Ex. 59.)
22 Plaintiff’s former manager quit rather than continuing to endure Plaintiff’s abusive and belittling
23 behavior: “And then I would see her with other people, and it was the same way. Always putting
24 people down, always condescending, always treating them as if they weren’t good enough for her.”

23 ¹⁴ Plaintiff cites the January 29, 2023 STAND article as supposedly saying: “Remini obviously agrees... ‘it’s not a big
24 deal’ to sexually abuse women.” (Farny Dec., Ex. 46 (referenced in FAC, ¶¶ 148, 273, 283).) That strategic ellipses
25 obscures that the actual letter makes clear that ‘it’s not a big deal’ is not a quote from Plaintiff, but an opinion on her
26 feelings based on her support for the rapist Haggis and accused sexual predator Les Moonves: “[Plaintiff] testified under
27 oath that Paul Haggis was ‘the real victim’ in an action against Haggis for rape. He was later found guilty by a unanimous
28 jury verdict. Remini supports—and literally embraces—disgraced former TV executive Les Moonves, another accused
inveterate sexual predator. Moonves was forced to step down from CBS because of allegations of his repeated sexual abuse
of women [picture of Plaintiff embracing Moonves in article]. Remini obviously agrees with the actions of these men or
feels that ‘it’s not a big deal’ to sexually abuse women, because if she felt otherwise, she would cease associating with
them.” (Farny Dec., Exs. 44-46.) The full quote makes clear that “it’s not a big deal” is not a direct quote, but a “feeling”
the writer deduced because Plaintiff continues to pal around with known sexual predators.

1 And I went, ‘I’m not going to work with somebody like that.’ I couldn’t work with somebody like that
2 who didn’t appreciate others. I thought it was just me that she didn’t appreciate. But then when I saw
3 her with others it was true evil the way she was treating other people.” (*Id.*, Ex. 72.) Plaintiff’s
4 employees have complained about her abusive workplace behavior. It is a more than fair interpretation
5 of these disclosed—and *unchallenged* facts—to observe that Plaintiff is an abusive employer.

6 Yes, Defendants have expressed some blunt and well-earned opinions about Plaintiff. But
7 every time they also provide the bases of those opinions—usually Plaintiff’s own horrific words.

8 **c. True Statements.** True statements are “a complete defense to defamation.” *Terry v.*
9 *Davis Cmty. Church*, 131 Cal. App. 4th 1534, 1553 (2005) (affirming grant of anti-SLAPP motion on
10 libel claim because statements were true). “[T]o establish the defense of truth, the defendant need not
11 prove the literal truth of the allegedly libelous accusation, so long as the imputation is substantially
12 true so as to justify the ‘gist or sting’ of the remark.” *Campanelli*, 44 Cal. App. 4th at 581–82.
13 Furthermore, as Plaintiff is a public figure—and certainly with respect to her relation to the Church—
14 Plaintiff has the burden of showing that she will be able to produce at trial *clear and convincing*
15 evidence that the speech was made with “actual malice”: knowledge that the statement was false or
16 with reckless disregard as to whether it was true. *Sanchez v. Bezos*, 80 Cal. App. 5th 750, 763 n.4
(2022). These statements are true and are confirmed by either Plaintiff herself or by third parties, so
17 there is no actual malice. *Raghavan v. Boeing Co.*, 133 Cal. App. 4th 1120, 1132-1133 (2005).

18 *Plaintiff’s speech has inspired/resulted in violent acts and threats against the Church.* Plaintiff
19 is suing Defendants for defamation for asserting that her statements through the years had “generated
20 threats of and actual violence against the Church and its members as evidenced by multiple convictions
21 of individuals poisoned by [her] propaganda” (FAC, ¶¶ 177; *see also id.* ¶¶ 178, 273, 283), including
22 that “a man incited by [her] hate speech murdered a 24-year-old Scientologist,” (*id.*; *see also id.*, ¶¶
23 100, 103, 115, 123, and 149). The statements are true, or at the very least a fair opinion of events
24 where Defendants disclosed the supporting facts. Regarding the murder of the Scientologist in
25 Australia, the murderer used his cell phone to view an anti-Scientology website that featured a link to
26 Plaintiff’s television show. **Defendants made this fact known to the television network airing
27 Plaintiff’s show in correspondence that Plaintiff herself cites to in her complaint**, though the
28 Complaint omits that crucial fact. (Farny Dec., Ex. 35 (letter referenced in FAC, ¶ 105).) Defendants
show above other violent criminals inspired by Plaintiff’s hate campaign against the Church, and
incorporate that evidence here. This includes Brandon Reisdorf, who 1) attacked a Scientology Church
in anticipation of Plaintiff’s appearance on 20/20; 2) threatened the leader of the Scientology religion;

1 3) was then treated to a sympathetic interview by Plaintiff on her TV show, and 4) after his star turn,
2 was arrested again for violating a restraining order to protect the Church. (*Id.*, Exs. 15-23.) With
3 complete accuracy, @ExposeNetwork (not one of Defendants' accounts) tweeted that Plaintiff
4 "brought a convicted felon, who had vandalized the Church of #Scientology's U.S. Headquarters and
5 threatened to murder its leader, onto her show to praise his criminal conduct?" (*Id.*, Ex. 73.) Plaintiff
6 now sues for defamation for this very tweet! (FAC, ¶ 178.)

7 The Church has documented the hundreds of threats to Scientologists posted by her followers
8 on Plaintiff's Twitter feed. (Farny Dec., Exs. 74-77 (referenced in FAC, ¶¶ 149, 273.a.iii., 283.a.iii).)
9 Again, the very correspondence that Plaintiff relies on for her claims sets forth this evidence, but
10 Plaintiff disputes none of the evidence as false in her complaint. But that is unsurprising given her
11 documented disregard for the truth.

12 *Statements by Plaintiff's family that she is a liar and has stolen from them.* Plaintiff asserts that
13 Defendants somehow (and the how is not described) "manipulated" her family into making statements
14 about her. (FAC, ¶¶ 90-91.) But Plaintiff's father and stepmother did state that she "is a liar, that she
15 only wanted her name in the news, that she would not help to pay for her father's cancer treatments,
16 that she turned her back on her half-sister when she was in the hospital, that she ransacked her dying
17 grandmother's apartment, and that she has no morals." (Farny Dec., Exs. 60, 78-81 (Transcript of
18 interview with family members, found at the links in FAC, ¶ 90).)

19 Plaintiff concedes that her family made these accusations. (FAC, ¶ 92.) She does not point to
20 any part of the statements that would alert Defendants to supposed falsity, referring instead to some
21 secret documents she has. (*Id.*) Plaintiff's quarrel with Defendants is not that they fabricated a quote,
22 but that they "never approached Ms. Remini to seek comment or fact-check the false allegations her
23 father made about her on camera." (*Id.*) This is rich. Plaintiff boasted that she did "no vetting" of the
24 guests on her TV show and "takes their word for it." (Farny Dec., Exs. 82-83
25 (www.leahreminiaftermath.com).) Plaintiff crowed that "legal" at A&E "had" to accommodate her
26 "no vetting" process. Undoubtedly the legal department at A&E relied more on *St. Amant v.*
27 *Thompson*, 390 U.S. 727 (1968), which held that failure to fact check a story does *not* establish actual
28 malice.

29 *Plaintiff's calling her daughter the "c" word and admitting she trained her to beat other girls.*
30 Plaintiff alleges that an account operated by the Church tweeted that Plaintiff "called her daughter a
31 c**t, all the time." (FAC, ¶ 127.) The source for the statement is Julianne Williams, a former friend
32 of Plaintiff: "She was constantly just, like, an antagonistic person. You know, she called her daughter

1 a cunt, all the time. Like, I think at that time, her two, three, four-year-old, a ‘little bitch.’” (Farny
2 Dec., Ex. 84.)¹⁵ Plaintiff does not dispute that Williams made this statement.

3 As to the statement that Plaintiff admitted that she trained her daughter to beat other girls (FAC,
4 ¶ 127), any regular viewer of “The Wendy Williams Show” could verify that statement. On broadcast
5 television, Plaintiff explained that when her daughter came to her about problems she was having with
6 other girls, she advised her, “Beat the crap out of her. ... Don’t pull back. Grab—Grab her hair right
7 away. Hold it in your hands and you punch the [bleep].” The video shows Plaintiff demonstrating how
8 to grab the little girl by the hair and then repeatedly punch her in the face. (Farny Dec., Ex. 85.)

9 *Plaintiff’s hiring of and payment of criminals and liars.* Plaintiff complains that, in 2018,
10 Defendants stated that other contributors to her television show were criminals or were paid to appear
11 on her show. (FAC, ¶ 99.) The Complaint does not quote the statements made or identify the speaker,
12 and thus the claim fails for those reasons alone. But Plaintiff need look no further than Mike Rinder,
13 the co-host and co-producer of her television show. As shown in the websites the Complaint cites, Mr.
14 Rinder is a perpetrator of domestic violence and has admitted under oath to being a serial liar. (Farny
15 Dec., Ex. 86.) Other liars and/or criminals recruited to be on Plaintiff’s show include:

- 16 • Valerie Haney, Plaintiff’s own personal assistant, who has admitted she is a liar and
17 made statements on the show about her Scientology experience that flat-out
18 contradicted previous statements she had made praising the Church. (*Id.*, Exs. 87-88.)
- 19 • Brandon Reisdorf, who was convicted of felony vandalism of a Church facility. (*Id.*,
20 Exs. 16, 21, 37.)
- 21 • Zyanya Marsh, who once pled guilty to filing a false police report (*id.*, Ex. 89), was
22 recruited by Plaintiff to be on the show with promises of a free car (*id.*, Ex. 90,
23 Declaration of Cinjin Nichols).
- 24 • Bobette Riales, who was arrested in 2015 for domestic violence for which she received
25 a 1-year probationary sentence. (*Id.*, Ex. 91.)
- 26 • Paul Haggis, who a jury found to have committed rape and imposed a judgment of \$10
27 million. (*Id.*, Ex. 92.)

28 (*See also* Farny Dec., Exs. 93, 98-100.)

¹⁵ The Complaint also alleges that Defendants once stated that Plaintiff has involuntarily committed her college daughter to a psychiatric facility. (FAC, ¶ 128.) The Complaint does not place the statement in quotes—which it does for other statements that supposedly are actionable—or identify a speaker, a publication, or a date. Defendants have never said that Plaintiff involuntarily committed her daughter to a psychiatric facility. (Farny Dec., ¶ 90.)

1 A tipster told Church legal counsel that Plaintiff told guests that they needed to make their
2 Scientology experiences “as bad as possible” and that guests received payments for their interviews.
3 (Farny Dec., Ex. 94.) Morgan Bradham was compensated by Remini’s 501(c)(3) corporation, “The
4 Aftermath Foundation,” which bought a car for him for his appearance on the show. (*Id.*, Ex. 95, ¶ 4.)
5 When Bradham was in Los Angeles for his appearance on Plaintiff’s show, Plaintiff asked Aaron
6 Smith-Levin, a recruiter for the show, “What are we doing for him?” Smith-Levin said that Bradham
7 would be getting a car, some college tuition, and a place to live. (*Id.*, ¶ 6.) Bradham was later offered
8 \$200 to return to Los Angeles for additional filming. (*Id.*, Ex. 96, ¶ 3.) Zyanya Marsh, one of the
9 criminals mentioned, received financial assistance for her agreement to be on Plaintiff’s show. (*Id.*,
10 Ex. 90, ¶ 3.)

11 *Advertisers have left Plaintiff’s “People Puzzler” Show.* At paragraph 150, Plaintiff
12 screenshots a tweet from STAND that accurately states, “Another advertiser has cancelled their ads
13 on People Puzzler, the @GameShowNetwork program hosted by antireligious bigot @LeahRemini.
14 This marks the 5th advertiser to cancel Remini.” **Plaintiff does not dispute the truth of this
15 statement.** Instead, she asserts that it presents her in a “false light” because STAND also tweeted an
16 image of Plaintiff with the logos of sponsors of her show—21 logos to be precise. (Farny Dec., Ex. 97
17 [presenting full image of tweet].) But STAND did not claim that those sponsors had cancelled their
18 ads; the tweet preceding the image expressly stated that *five* sponsors had cancelled their ads, not 21.
19 Thus Defendants accurately stated the number of sponsors canceling ads; it then singled out for
20 approbation the sponsors that remained with Plaintiff. (Farny Dec., ¶ 103; *see also* FAC, ¶ 151
21 (complaining of statements regarding advertisers pulling their business from projects related to
22 Plaintiff).)

23 *Defendants are not liable for statements by third parties.* Plaintiff alleges —without any factual
24 support—that “Defendants, or individuals directed by Defendants, also have control over hundreds of
25 Twitter handles” that supposedly made defamatory statements. (FAC, ¶ 129, n.35.) That statement is
26 false. Many of the identified Twitter handles are neither Church accounts nor controlled by the Church.
27 Defendants neither control the handles, nor the individuals using those handles. (Farny Dec., ¶ 107.)
28 For instance, Plaintiff singles out tweets by @forensicfracker (FAC, ¶ 126 (regarding Paul Haggis)
and ¶ 129 (“I wish I were a man so I could rape too!”)), but @forensicfracker is not a Church account.
(Farny Dec., ¶ 107.) As such any claim of defamation against Defendants on the statements of third
parties fails. *Doe II v. MySpace Inc.*, 175 Cal. App. 4th 561, 570 (2009) (“Parties complaining that
they were harmed by a Web site . . . may sue the third party user who generated the content, but not

1 the interactive computer service that enabled them to publish the content online.”). Furthermore, under
2 Section 230 of Communications Decency Act, 47 U.S.C. § 230, no cause of action may lie under state
3 law for comments posted by others under a Twitter feed or other internet website operated by
4 Defendants. 47 USC § 230(c)(1); *Barnes v. Yahoo!, Inc.*, 570 F.3d 1096, 1102 (9th Cir. 2009).

5 **d. Plaintiff Cannot Demonstrate the Statements Were Made with Actual Malice.**

6 Given Plaintiff is a public figure, she has the burden of showing that she will be able to produce
7 at trial *clear and convincing* evidence that the speech was made with “actual malice”: knowledge that
8 the statement was false or with reckless disregard as to whether it was true. *Sanchez*, 80 Cal. App. 5th
9 at 763 n.4. The Supreme Court in *St. Amant v. Thompson*, 390 U.S. 727 (1968), the leading case on
10 actual malice, discussed the examples of evidence that would support the requisite showing, breaking
11 them down into three general categories: evidence that the story was (1) “fabricated”; (2) “so
12 inherently improbable that only a reckless man would have put [it] in circulation”; or (3) “based wholly
13 on an unverified anonymous telephone call” or some other source that the defendant had “obvious
14 reasons to doubt.” *Id.*, at 732. “[W]hether the evidence in the record in a defamation case is sufficient
15 to support a finding of actual malice is a question of law.” *Harte-Hanks Comm'ns, Inc. v.*
16 *Connaughton*, 491 U.S. 657, 685 (1989). The burden of actual malice is onerous and rarely overcome,
17 especially when defendants rely on sources for their reporting. *See, e.g., St. Amant*, 390 U.S. at 733
18 (reliance on single source with clear bias did not permit inference of actual malice where defendant
19 “had verified other aspects” of source’s information). Accordingly, even if Plaintiff can prove some
20 of Defendants’ factual assertions are false, she will never be able to surmount her burden given each
21 one was based on a reliable source, such as a family member or former colleague. (Farny Dec., Exs.
22 3, 55, 58-61, 63-65, 67, 72, 78-81, 84.)

23 **2. Plaintiff Cannot Prevail on IIED Claim (Third Cause of Action).¹⁶**

24 Public figures like Plaintiff may not recover for the tort of intentional infliction of emotional
25 distress based on a publication unless they show that the publication included a false statement of fact
26 made with “actual malice.” *Hustler Magazine v. Falwell*, 485 U.S. 46, 56 (1988). Plaintiff’s IIED
27 Cause of Action expressly includes claims **based on the same instances of protected speech**
28 **constituting her Defamation-based claims.** (FAC, ¶ 243.) Thus, all those claims must fail.

16 “A cause of action for IIED requires proof of: (1) extreme and outrageous conduct by the defendant with the intention of causing, or reckless disregard of the probability of causing emotional distress; (2) the plaintiff suffered severe emotional distress; and (3) the defendant’s extreme and outrageous conduct was the actual and proximate cause of the severe emotional distress.” *Crouch v. Trinity Christian Ctr. of Santa Ana, Inc.*, 39 Cal. App. 5th 995, 1007 (2019).

1 The IIED Cause of Action expressly relies on investigatory conduct—such as the putative
2 surveillance conducted for alleged pre-litigation purposes. (FAC, ¶¶ 94, 106, 110,¹⁷ 139, 173, 236
3 (alleging surveillance conducted at the direction of attorneys).)¹⁸ The claims based on investigatory
4 conduct must fail because such permissible and legal conduct cannot be “extreme and outrageous
5 conduct.” *Crough*, 39 Cal. App. 5th at 1007; *Pitman v. City of Oakland*, 197 Cal. App. 3d 1037, 1047
6 (1988). *See also Miller v. City of Los Angeles*, 169 Cal. App. 4th 1373, 1383 (2008) (affirming trial
7 court’s decision to grant anti-SLAPP motion because intentional infliction of emotional distress claims
8 were based on defendant city’s “investigation into [plaintiff]’s conduct in connection with his public
9 employment.”).

10 Finally, many of the putative claims for IIED are barred by the two-year statute of limitations.
11 *Wassmann v. S. Orange Cnty. Cmty. Coll. Dist.*, 24 Cal. App. 5th 825, 852-53 (2018); Cal. Civ. Proc.
12 Code § 335.1. The following IIED claims allegedly accrued before August 2, 2021, and thus are
13 barred: ¶ 94 (alleging surveillance in 2015); ¶ 100 (picketing of A&E headquarters from 2016-2019);
14 ¶ 101 (alleged “harassment” of *The Aftermath* cast & crew from 2016-2019); ¶ 106 (alleged
15 surveillance of Plaintiff from 2016-2018); and ¶ 107 (August 2020 break-in of Plaintiff’s gated
16 community by mentally-ill man).

17 **3. Plaintiff Cannot Prevail on Harassment Claim (First Cause of Action).**

18 Plaintiff attempts to assert a cause of action for civil harassment under Code of Civil Procedure
19 Section 527.6 and seeks “compensatory and punitive damages” as part of the claim. (FAC, ¶ 233.) The
20 Cause of Action fails on its face as there is no private right of action for monetary damages created by
21 Code of Civil Procedure Section 527.6; the statute provides only a mechanism for a party to obtain a
22 temporary restraining order. *Id.*; *see also Olson v. Doe*, 12 Cal. 5th 669 (2022) (holding that the
23 injunctive relief provided by Section 527.6 lies only to prevent threatened injury, and is not intended
24 to punish the restrained party for past acts of harassment).

25 Even if the Court construed Plaintiff’s Civil Harassment Cause of Action as a “petition” under
26 Section 527.6, it would still fail. A civil harassment petition for a temporary restraining order requires

27 ¹⁷ Paragraph 110 alleges “[u]pon information and belief,” actions taken by a third party (Talon Executive Services, Inc.)
28 at the home of a third party, Ms. Remini’s neighbors. Such conduct is not sufficiently attributed to Defendants and not
properly challenged by Ms. Remini (as opposed to her neighbors).

¹⁸ Plaintiff also alleges that Michael Rinder, Plaintiff’s co-host on *The Aftermath*, has been “surveilled” by a “suspicious
vehicle” (FAC, ¶¶ 182-183), and that podcast producers were “follow[ed]” and “harass[ed]” (*id.*, ¶ 139). Plaintiff cannot
assert claims on behalf of Mr. Rinder or unnamed producers, and the allegations do not even identify any tortious conduct.
Further, the FAC alleges that the putative “surveillance” was conducted in connection with this lawsuit (*id.*, ¶ 183), and
thus depends on allegations of non-tortious, protected conduct about a third party.

1 Plaintiff to prove: (1) unlawful violence, a credible threat of violence, or a knowing and willful course
2 of conduct directed at a specific person that seriously alarms, annoys, or harasses the person; (2) that
3 serves no legitimate purpose; (3) which would cause a reasonable person to suffer substantial
4 emotional distress; and (4) that actually caused her substantial emotional distress. *See* Cal. Civ. Proc.
Code § 527.6.¹⁹ Plaintiff cannot satisfy the second element of Section 527.6 for several reasons.

5 First, the Harassment “Cause of Action” plainly seeks injunctive relief to restrain *speech* as
6 supposed harassment. (FAC ¶ 227:12-16; *see also* PI Application.) California law *prohibits* a court
7 from issuing a prior restraint of speech before an adjudication at trial. *Balboa Island Village Inn, Inc.*
8 *v. Lemen*, 40 Cal.4th 1141 (2007). There simply is no cause of action at law to restrain speech – other
9 than a “credible threat of violence” – before trial, yet that is what Plaintiff is seeking.

10 Second, Plaintiff identifies several claims within her “Cause of Action,” including that “false
11 and malicious accusations [were] made against Ms. Remini, and at times, her family,” as well as a
12 “defamatory . . . pattern of conduct.” (FAC, ¶ 227:12-16.) As the conduct at issue here is inarguably
13 protected speech, it serves a “legitimate purpose” and is nonactionable. *Thomas v. Quintero*, 126 Cal.
14 App. 4th 635, 663 (2005) (reversing trial court’s denial of anti-SLAPP motion directed to claim of
15 civil harassment based on picketing of apartment building; “Even if [plaintiff] demonstrated that he
16 had been seriously alarmed, annoyed or harassed by [defendant’s] conduct, there was no showing that
17 [defendant’s] injurious actions were part of a “course of conduct [under Section 527.6]
18 Constitutionally protected activity is not included within the meaning of ‘course of conduct.’”).
Further, as has been extensively shown, the speech is neither false nor malicious.

19 Third, the “Cause of Action” also includes claims of “following” and “surveilling” Plaintiff.
20 (FAC, ¶ 227:9; *see also id.*, ¶ 231(a).) But such claims also include instances of protected conduct
21 such as pre-litigation investigation and thus cannot be said to have “no legitimate purpose.” *Briggs*,
22 19 Cal. 4th at 1115. In short, Plaintiff cannot meet her burden of demonstrating “that each challenged
23 claim [within the Harassment Cause of Action] based on protected activity is legally sufficient and
24 factually substantiated.” *Baral*, 1 Cal. 5th at 396.²⁰

25 ¹⁹ As part of her civil harassment claim, Plaintiff asserts that the alleged conduct “constitutes unlawful violence in violation
26 of Section 646.9 of the California Penal Code,” which describes criminal *stalking*. Plaintiff’s civil stalking claim is
discussed below.

27 ²⁰ Plaintiff also makes random allegations that do not appear to relate to any Cause of Action. She asserts that there is
28 “evidence of potential fraud” on her credit card statements, and “the business of [her] tutor was hacked.” (FAC, ¶¶ 180-
81.) These vague allegations support no cause of action and can be made only in an attempt to prejudice the Court.

1 **4. Plaintiff Cannot Prevail on Stalking Claim (Second Cause of Action).**

2 Disregarding all allegations of unprotected activity, Plaintiff cannot show a probability of
3 success on her stalking claim if it relies on protected activity. “To state a claim for stalking under
4 California Civil Code § 1708.7, a plaintiff must allege that: (1) defendant engaged in a pattern of
5 conduct the intent of which was to follow, alarm, or harass the plaintiff; (2) as a result that pattern of
6 conduct, plaintiff reasonably feared for his or her safety; and (3) defendant either made a credible
7 threat with intent to place the plaintiff in reasonable fear or violated a restraining order.” *Bolton v. City*
8 *of Berkeley*, No. 19-cv-05212, 2019 WL 6250927, at *4 (N.D. Cal. Nov. 22, 2019). Plaintiff has the
9 burden of demonstrating that the stalking claims based on protected activity are “legally and factually”
supported. *Baral*, 1 Cal.5th at 396. This she cannot do.

10 Plaintiff relies on many individual claims presuming both protected speech and protected pre-
11 litigation investigation. (FAC, ¶¶ 234, 236.) Those claims fail because that conduct is *legally*
12 nonactionable. “Constitutionally protected activity” cannot serve as a “credible threat” for purposes
13 of a stalking charge. *People v. Lopez*, 240 Cal. App. 4th 436, 446 (2015), *as modified on denial of*
14 *reh’g* (Sept. 30, 2015). Furthermore, the First Amendment protects even speech that a Plaintiff may
15 regard as threatening; the standard of an actionable, unprotected threat is whether “the defendant
16 consciously disregarded a substantial risk that his communications would be viewed as threatening
17 violence.” *Counterman v. Colorado*, 600 U.S. __ (2023) (June 27, 2023). In 310 paragraphs of
18 salacious and self-serving allegations, Plaintiff has not pointed to a single “credible threat” made
19 against her by Defendants under either § 1708.7 or the *Counterman* standard. This failure of a key
20 element also dooms the Stalking Cause of Action under the second prong. The Stalking Cause of
21 Action also has a three-year statute of limitations. CCP § 338(a). Thus, the stalking claims based on
the conduct identified as protected speech and alleged investigation are barred. In sum, Plaintiff cannot
meet her burden of proof that her stalking claims are either legally or factually supported.

22 **5. Plaintiff Cannot Prevail on Tortious Interference Claims (Fourth and**
23 **Fifth Causes of Action).**

24 In her Fourth Cause of Action, Plaintiff asserts that Defendants tortiously interfered with her
25 alleged contracts with iHeartMedia and AudioBoom by sending the “disparaging” correspondence
26 that has been described above. (FAC, ¶¶ 250-51.) Plaintiff alleges that AudioBoom had agreed to host
27 Plaintiff’s anti-Scientology podcast, and that operatives of Defendants subsequently sent
28 correspondence to AudioBoom consisting of (1) statements that Plaintiff and her co-host were “rabid
anti-Scientologists” (*id.*, ¶ 142) whose podcast consisted of “dehumanizing, hateful content” (*id.*,

1 ¶ 143) and was “promoting hate” (*id.*, ¶ 144) and that as a result AudioBoom was “sponsoring hate”
2 (*id.*, ¶ 145); and (2) notifying AudioBoom that the commercial sponsors of Plaintiff’s previous podcast
3 had pulled their commercials “upon learning they were sponsoring hate.” (*Id.*, ¶ 145.) As shown,
4 Defendants’ alleged statements that Plaintiff is an “anti-Scientologist” who “promotes” hate is a
5 nonactionable and fair opinion based on her past decade of attacking and demonizing the Church. That
6 protected speech cannot sustain a cause of action for tortious interference with contract. *Ixchel*
7 *Pharma, LLC v. Biogen, Inc.*, 9 Cal. 5th 1130, 1148 (2020) (“We therefore hold that to state a claim
8 for interference with an at-will contract by a third party, the plaintiff must allege that the defendant
9 engaged in an independently wrongful act.”). Plaintiff does not dispute that advertisers abandoned her
10 due to her hate speech. That is her theory of damages. (FAC, ¶¶ 250-51.) Plaintiff alleges that
11 Defendants organized a successful boycott of her podcasting career. That is a legitimate and
12 nonactionable exercise of Defendants’ First Amendment rights. *See, e.g., Fashion Valley Mall, LLC*
13 *v. Nat’l Labor Relations Bd.*, 42 Cal. 4th 850, 867-68 (2007).

14 The same analysis holds for Plaintiff’s claim that Defendants interfered with her iHeartMedia
15 podcast contract. Plaintiff alleges that on March 4, 2022, to derail her podcast, Defendants “directed
16 and controlled” a publication that Plaintiff’s podcast used “obscenity-laced and abusive language to
17 insult, defame and demean Scientologists.” (FAC, ¶ 136.) Defendants then supposedly called and
18 emailed iHeartMedia executives “in an attempt to prevent Ms. Remini’s podcast from airing.” (*Id.*,
19 ¶ 137.) To which Defendants respond, so what? It is a nonactionable, and very well-supported opinion
20 that Plaintiff’s podcast was filled with obscenity and abuse. (Farny Dec., Exs. 7, 8.) *That is her brand.*
21 And again, Defendants are entitled to exercise their free speech rights to demand a broadcaster remove
22 offensive content, as happens every single day in this country. As hard as it is for Plaintiff to accept,
23 she is not the only one who gets to express her opinion. The Cause of Action should be stricken in its
24 entirety.²¹

25 In her Fifth Cause of Action, Plaintiff alleges that Defendants interfered with her “prospective
26 economic advantage” with iHeartMedia, AudioBoom, Game Show Network, and Vice News. (FAC,
27 ¶¶ 257-61.) With respect to AudioBoom and iHeartMedia, Plaintiff cannot assert both causes of action
28

25 ²¹ The Fourth Cause of Action alleges interference for the iHeartMedia and AudioBoom relationships only, but it
26 incorporates all allegations. The Complaint alleges acts of supposed interference, at paragraphs 95 (disparaging letters sent
27 in 2015 to entities promoting Plaintiff’s book), 96 (communications with CNN in 2015), 98 (letter-writing campaign
28 between 2016-2019 to A&E Network and sponsors of Plaintiff’s show), and 102 (letters sent to Conan O’Brien in 2017
regarding appearance by Plaintiff). Those allegations are based on protected speech and are barred by the two-year statute
of limitations for interference claims. Cal. Civ. Proc. Code § 339; *Knoell v. Petrovich*, 76 Cal. App. 4th 164, 168 (1999).

1 for interference with contract *and* interference with prospective economic advantage. “Interference
2 with a prospective economic advantage “necessarily assumes that a contract has not yet been
3 formulated.” *Pmc, Inc. v. Saban Ent.*, 45 Cal. App. 4th 579, 595 (1996), disapproved in part on other
4 grounds, *Korea Supply Co. v. Lockheed Martin Corp.*, 29 Cal. 4th 1134, 1159 n.11 (2003). Because
5 Remini alleges that she *had* contracts with iHeartMedia and AudioBoom (FAC, ¶¶ 247-48), she cannot
6 state a claim for interference with prospective advantage as to those entities. The AudioBoom and
iHeartMedia prospective economic advantage claims must be stricken.

7 As to Game Show Network, Plaintiff alleges that Defendants posted open letters on the
8 STAND website calling Plaintiff an “unhinged bigot,” and “rape apologist” (FAC, ¶ 148), and pointed
9 out that Plaintiff has inspired “hundreds of threats and acts of violence” (*id.*, ¶ 149). Defendants
10 already addressed these statements of well-supported opinion and of fact respectively. But the Cause
11 of Action requires conduct that is wrongful by some legal measure *other than the fact of the*
12 *interference itself.* *Della Penna v. Toyota Motor Sales, U.S.A., Inc.*, 11 Cal. 4th 376, 393 (1995). The
Game Show Network claim fails because it depends entirely on protected speech.

13 As for Vice News, Plaintiff does not even allege that. All she says is that she was at one point
14 communicating with Vice about a documentary, and then the network broke off discussions. (FAC, ¶¶
15 154-55.) While Plaintiff elsewhere alleges “upon information and belief” that Defendants had
16 “encourage[ed]” Vice “not to work with” Plaintiff (*id.*, ¶ 265), she fails to identify a single
17 communication or act committed by Defendants in connection with the “prospective” Vice
relationship. The entire Cause of Action fails and must be stricken.

18 **6. Plaintiff Cannot Prevail on Declaratory Relief Claim (Ninth Cause of**
19 **Action).**

20 In her Ninth Cause of Action, Plaintiff incorporates all her previous allegations, Plaintiff seeks
21 an order enjoining the Church from future expressions of free speech and petitioning activity, and
22 most astonishingly, to alter actual and alleged church scripture. (FAC, ¶¶ 304-08.) Specifically, she
23 asks this Court for “a judicial declaration that the practice of Suppressive Persons operations are
24 unlawful and should be ceased immediately.” (*Id.*) Her Prayer for Relief is more straightforward,
25 wherein she asks for “injunctive relief requiring Scientology to cease and desist its harassment,
26 defamation, and other unlawful conduct and striking all Suppressive Person and Fair Game²² policies,
directives and OSA Network Orders.” (Prayer for Relief ¶ 3.) No artful phrasing can hide what she

27 _____
28 ²² Fair Game as claimed by Plaintiff is a fabricated doctrine by anti-Scientologists to marginalize Scientologists.

1 seeks from this Court: Plaintiff is asking for an unconstitutional prior restraint on Defendants’ speech
2 and petitioning activities and – beyond any precedent – for this Court to modify if not erase certain
3 Church doctrine and alleged scripture.

4 “[P]rior restraints [on speech] are regarded as the most serious and the least tolerable
5 infringement on First Amendment rights.” *Parris v. Super. Ct.*, 109 Cal. App. 4th 285, 296 (2003)
6 (quoting *Neb. Press Assn. v. Stuart*, 427 U.S. 539, 559 (1976)). Even if Plaintiff’s claims are fully
7 adjudicated in her favor, her sought-after injunction cannot pass constitutional muster because it is
8 impermissibly broad and could punish future conduct that may, because of endless possible contextual
9 variations, be constitutionally protected. *See Evans v. Evans*, 162 Cal. App. 4th 1157, 1167-69 (2008).
10 This Court must refuse Plaintiff’s request.

11 Even if this Court interprets Plaintiff’s request as seeking pure declaratory judgment, that
12 request would also violate Defendant’s constitutional rights. Plaintiff asks this Court for a declaration
13 that the purported “Fair Game” and “suppressive person” doctrines cannot be implemented against
14 her. (FAC, ¶¶ 307-08.) This claim fails for multiple reasons, namely that: (1) there is no “fair game”
15 doctrine within the Church (Farny Dec., ¶¶ 108-111) and (2) Defendants’ protected speech and
16 petitioning activities are not actionable. But more fundamentally, Remini’s claim fails because she
17 asks the Court to **modify the scripture of the Scientology religion** (FAC, Prayer for Relief ¶ 3
18 (requesting the Court “strik[e] all Suppressive Person and Fair Game policies, directives and OSA
19 Network Orders”).) Neither this Court nor any jury may adjudicate whether Remini’s misleading
20 description of supposed Scientology doctrine is truthful or accurate—much less edit the writings that
21 comprise a religion’s scripture. The United States Constitution prohibits the government from
22 interpreting or declaring the official doctrine of a religion. *See, e.g., Presbyterian Church in the U.S.*
23 *v. Mary Elizabeth Blue Hull Mem’l Presbyterian Church*, 393 U.S. 440, 450 (1969) (the First
24 Amendment “forbids” courts from “determin[ing] matters at the very core of a religion—the
25 interpretation of particular church doctrines and the importance of those doctrines to the religion.”).

26 **IV. DEFENDANTS ARE ENTITLED TO ATTORNEYS’ FEES AND COSTS**

27 “A prevailing defendant on a special motion [to strike] shall be entitled to recover his or her
28 attorney’s fees and costs.” Cal. Civ. Proc. Code § 425.16(c); *Ketchum v. Moses*, 25 Cal. 4th 1122,
1131 (2001) (successful defendant “entitled to mandatory attorney fees”). Defendants request that the
court set a briefing schedule and hearing date to resolve the attorneys’ fee issue.

29 **V. CONCLUSION**

For all these reasons, the Court should grant the Motion.

1 Dated: October 26, 2023

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William H. Forman
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6 Dated: October 26, 2023

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Make a Reservation

LEAH REMINI vs CHURCH OF SCIENTOLOGY INTERNATIONAL, INC., et al.

Case Number: 23STCV18300 Case Type: Civil Unlimited Category: Defamation (slander/libel)

Date Filed: 2023-08-02 Location: Stanley Mosk Courthouse - Department 49

Reservation

Case Name:

LEAH REMINI vs CHURCH OF SCIENTOLOGY INTERNATIONAL, INC., et al.

Case Number:

23STCV18300

Type:

Special Motion to Strike under CCP Section 425.16 (Anti-SLAPP motion)

Status:

RESERVED

Filing Party:

Church of Scientology International (Defendant)

Location:

Stanley Mosk Courthouse - Department 49

Date/Time:

11/28/2023 8:30 AM

Number of Motions:

1

Reservation ID:

231849099154

Confirmation Code:

CR-SMVHOR57KKDEUKVAO

Fees

Description	Fee	Qty	Amount
First Paper Fees (Unlimited Civil)	435.00	1	435.00
Credit Card Percentage Fee (2.75%)	11.96	1	11.96
TOTAL			\$446.96

Payment

Amount:

\$446.96

Type:

MasterCard

Account Number:

XXXX4402

Authorization:

005110

Payment Date:

1969-12-31

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