

1 BRIGGS LAW CORPORATION [FILE: 2078.01]
2 Cory J. Briggs (SBN 176284)
3 Nora Pasin (SBN 315730)
4 99 East "C" Street, Suite 203
5 Upland, CA 91786
6 Telephone: 909-949-7115

FILED
San Diego Superior Court

MAR 30 2023

Clerk of the Superior Court
By: A. Flores

Attorney for Respondent Liana Noreen LeBaron

7 SUPERIOR COURT OF THE STATE OF CALIFORNIA
8 COUNTY OF SAN DIEGO – EAST COUNTY REGIONAL CENTER

VIA FAX

10 JENNIFER LYNN MENDOZA,

11 Petitioner

12 vs.

13 LIANA NOREEN LEBARON,

14 Respondent.

CASE NO. 37-2023-00006784-CU-HR-EC

RESPONDENT LIANA NOREEN LEBARON'S OPENING BRIEF IN SUPPORT OF SPECIAL MOTION TO STRIKE PETITIONER'S REQUEST FOR CIVIL HARASSMENT RESTRAINING ORDER; DECLARATIONS OF LIANA NOREEN LEBARON, STEPHANIE KLEIN, FELINA THOM, ROSITA GALFORD, JEFFREY GALFORD, JESSICA HEREDIA, LAEL PROFFIT, TERESA ROSIAK PROFFIT, DAVID ECKLER, AND CORY J. BRIGGS

Action Filed: February 16, 2023
Department: E-21 (Lynch)

Hearing Date: _____
Hearing Time: _____

21 Respondent Liana Noreen LeBaron ("Respondent") respectfully submits this opening brief in
22 support of her special motion to strike the request for a civil harassment restraining order ("CHRO")
23 filed by Petitioner Jennifer Lynn Mendoza ("Petitioner") pursuant to Code of Civil Procedure Section
24 425.16 ("Section 425.16" or the "anti-SLAPP statute").¹

25 Date: March 29, 2023.

Respectfully submitted,

BRIGGS LAW CORPORATION

27 By: Cory J. Briggs
28 Cory J. Briggs

Attorneys for Respondent Liana Noreen LeBaron

¹All future statutory references are to the Code of Civil Procedure unless otherwise indicated.

1 BRIGGS LAW CORPORATION [FILE: 2078.01]
2 Cory J. Briggs (SBN 176284)
3 Nora Pasin (SBN 315730)
4 99 East "C" Street, Suite 203
5 Upland, CA 91786
6 Telephone: 909-949-7115

7 Attorney for Respondent Liana Noreen LeBaron

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 COUNTY OF SAN DIEGO – EAST COUNTY REGIONAL CENTER

10 JENNIFER LYNN MENDOZA,

11 Petitioner

12 vs.

13 LIANA NOREEN LEBARON,

14 Respondent.

) CASE NO. 37-2023-00006784-CU-HR-EC

) **RESPONDENT LIANA NOREEN**
) **LEBARON'S OPENING BRIEF IN**
) **SUPPORT OF SPECIAL MOTION TO**
) **STRIKE PETITIONER'S REQUEST FOR**
) **CIVIL HARASSMENT RESTRAINING**
) **ORDER; DECLARATIONS OF LIANA**
) **NOREEN LEBARON, STEPHANIE**
) **KLEIN, FELINA THOM, ROSITA**
) **GALFORD, JEFFREY GALFORD,**
) **JESSICA HEREDIA, LAEL PROFFIT,**
) **TERESA ROSIAK PROFFIT, DAVID**
) **ECKLER, AND CORY J. BRIGGS**

15 Action Filed: February 16, 2023
16 Department: E-21 (Lynch)

17 Hearing Date: _____
18 Hearing Time: _____

19
20
21 Respondent Liana Noreen LeBaron ("Respondent") respectfully submits this opening brief in
22 support of her special motion to strike the request for a civil harassment restraining order ("CHRO")
23 filed by Petitioner Jennifer Lynn Mendoza ("Petitioner") pursuant to Code of Civil Procedure Section
24 425.16 ("Section 425.16" or the "anti-SLAPP statute").¹

25 Date: March 29, 2023.

Respectfully submitted,

26 BRIGGS LAW CORPORATION

27 By:


28 Cory J. Briggs

Attorneys for Respondent Liana Noreen LeBaron

¹All future statutory references are to the Code of Civil Procedure unless otherwise indicated.

1 I. INTRODUCTION

2 Petitioner and Respondent are both members of the Lemon Grove City Council and have serious
3 political disagreements about how well and how honestly the City of Lemon Grove has been run and
4 is currently being run. Petitioner was already on the City Council when Respondent was elected in
5 2020. Respondent is frequently in the minority when it comes to advocating for transparency and fiscal
6 responsibility. Petitioner does not like the scrutiny and criticism that Respondent has been providing
7 for the last two-plus years and has now stooped to filing this frivolous lawsuit based on what Petitioner
8 herself describes in the accusations as campaign-related activities and/or as speech occurring at City
9 Council meetings.

10 As Petitioner’s declaration in support of her petition confirms, the “course of conduct” that she
11 must prove under Section 527.6 in order to establish actionable “harassment” is based on Respondent’s
12 “constitutionally protected activity.” See CIV. PROC. CODE § 527.6(a) (authorizing order after hearing
13 to prohibit “harassment”), § 527.6(b)(1) (defining “course of conduct” as “a series of acts over a period
14 of time, however short, evidencing a continuity of purpose” but expressly excluding “[c]onstitutionally
15 protected activity”), § 527.6(b)(3) (defining “harassment” to include “unlawful violence, a credible
16 threat of violence, or a knowing and willful course of conduct directed at a specific person . . . and that
17 serves no legitimate purpose”).

18 “The purpose of the anti-SLAPP statute is to encourage participation in matters of public
19 significance and to prevent meritless litigation designed to chill the exercise of First Amendment
20 rights.” *Hawran v. Hixson* (2012) 209 Cal.App.4th 256, 268 (citations omitted). Respondent’s conduct
21 and objectives fall squarely within the protections of the First Amendment and the state law designed
22 to encourage robust public participation in matters of politics and governance. Accordingly,
23 Respondent asks the Court to grant this motion and strike Petitioner’s petition for an injunction² because
24 it represents exactly what the anti-SLAPP statute proscribes: a “lawsuit[] brought primarily to chill the
25 valid exercise of the constitutional rights of freedom of speech and petition for the redress of
26 grievances.” CIV. PROC. CODE § 425.16(a).

27 _____
28 ² Although an application for a temporary restraining order is not subject to the anti-SLAPP statute, a
petition for an injunction against civil harassment is. *Thomas v. Quintero* (2005) 126 Cal.App.4th 635,
652 (“For all of these reasons, we hold that petitions brought pursuant to section 527.6 are subject to
attack by a special motion to strike under section 425.16.”)

1 in a row and honked her car's horn.³ *Id.*, ¶ 12 (emphasis added). And then, "[t]wo days before the
2 **campaign**," Respondent allegedly "jumps in front of [Petitioner's] elderly husband *to wave her friends'*
3 *campaign signs*." *Id.*, ¶ 13 (emphasis added).

4 Perhaps worst fatal of all, Petitioner admits that Respondent "has **not** directly threatened to harm
5 me." *Id.*, ¶ 17 (emphasis added). Recognizing the fatality of such an admission, Petitioner tries one
6 last time to poison the well against Respondent by claiming that she (Respondent) was arrested for
7 "abusing her husband," without informing the Court that no charges were ever filed; and by further
8 claiming that "[t]here is currently a restraining order in effect against [Respondent] for spousal abuse,"
9 without informing the Court that it was a temporary restraining order issued without a hearing and that
10 the husband dropped the case before any merits hearing could take place. *See* LeBaron Decl., ¶ 6.

11 Without the allegations about Respondent's constitutionally protected activities and the false
12 and irrelevant accusations about Respondent's husband, there is nothing left in Petitioner's evidence
13 to establish a "knowing and willful course of conduct directed at a specific person . . . and that serves
14 no legitimate purpose" amount to illegal "harassment." CIV. PROC. CODE § 527.6(b)(3). That means
15 Petitioner cannot prove even the minimal merit necessary to defeat this motion.

16 III. STANDARD OF REVIEW

17 "A cause of action against a person arising from any act of that person in furtherance of the
18 person's right of petition or free speech under the United States Constitution or the California
19 Constitution in connection with a public issue shall be subject to a special motion to strike. . . ." CIV.
20 PROC. CODE § 425.16(b)(1). Lawsuits asserting causes of action like these "are commonly known as
21 SLAPP suits (strategic lawsuits against public participation) – litigation of a harassing nature brought
22 to challenge the exercise of protected free speech [or petition] rights."⁴ *Sandlin v. McLaughlin* (2020)
23 50 Cal.App.5th 805, 818.

24 _____
25 ³ There was indeed a "car parade" in which Respondent and several other people participated in support
26 of several candidates for public office. However, the participants were honking at everyone they passed
27 in hopes of drawing attention to and support for the candidates. Nobody was targeting any individual,
especially not Petitioner. *See* LeBaron Decl., ¶¶ 4-5; Klein Decl., ¶¶ 2-3; Thom Decl., ¶¶ 2-3; R. Galford
Decl., ¶¶ 2-3; J. Galford Decl., ¶¶ 2-3; Heredia Decl., ¶¶ 2-3; L. Proffit Decl., ¶¶ 2-3; T.R. Proffit Decl.,
¶¶ 2-3; and Eckler Decl., ¶¶ 2-3

28 ⁴ These "suits 'are brought, not to vindicate a legal right, but rather to interfere with the defendant's
ability to pursue his or her interests.' . . . The aim is to force the defendants to devote time, energy and
money to combat the lawsuit long enough for the plaintiff to accomplish his underlying objectives."
San Diegans for Open Gov't v. Har Constr., Inc. (2015) 240 Cal.App.4th 611, 622 ("*Har Constr.*").

1 A special motion to strike such a lawsuit, known as an anti-SLAPP motion, must be filed within
2 60 days of service of the offending pleading or any later deadline set by the Court.⁵ CIV. PROC. CODE
3 § 425.16(f) & (h). “[S]ection 425.16 requires that a court engage in a two-step process when
4 determining whether a defendant’s anti-SLAPP motion should be granted. First, the court decides
5 whether the defendant has made a threshold showing that the challenged cause of action is one ‘arising
6 from’ protected activity.” *In re Episcopal Church Cases* (2009) 45 Cal.4th 467, 477 (citations omitted).
7 Second, “[i]f the court finds such a showing has been made, it then must consider whether the plaintiff
8 has demonstrated a probability of prevailing on the claim.” *Id.*

9 “In making its determination, the court shall consider the pleadings, and supporting and
10 opposing affidavits stating the facts upon which the liability or defense is based.” CIV. PROC. CODE §
11 425.16(b)(2).⁶ “[T]he court does not weigh the credibility or comparative probative strength of
12 competing evidence but instead should grant the motion if, as a matter of law, the defendant’s evidence
13 supporting the motion defeats the plaintiff’s attempt to establish evidentiary support for the claim.”
14 *Lien v. Lucky United Properties Inv., Inc.* (2008) 163 Cal.App.4th 620, 709. As with motions for
15 summary judgment, the pleadings “frame the issues” for an anti-SLAPP motion. *Church of Scientology*
16 *v. Wollersheim* (1996) 42 Cal.App.4th 628, 655 (disapproved on other grounds by *Equilon Enterprises*
17 *v. Consumer Cause, Inc.* (2002) 29 Cal.4th 53).

18 Of course, an anti-SLAPP motion need not be directed solely at an entire pleading or cause of
19 action. As the California Supreme Court has made clear, such a motion may be directed at **particular**
20 **allegations within** a cause of action. *Baral v. Schnitt* (2016) 1 Cal.5th 376, 394.

21 Although not applicable here, for the sake of completeness Respondent will point out that the
22 Legislature also enacted Section 425.17, a counterpart to Section 425.16, “which creates several
23 statutory exemptions to the anti-SLAPP statute” for claims that might otherwise fall within the anti-
24 SLAPP law’s reach. *Sandlin, supra*, 50 Cal.App.5th at 818. “Subdivisions (b) and (c) of section
25 425.17, respectively, carve out exceptions to the anti-SLAPP law for (1) actions taken in the public
26 interest and (2) actions against persons engaged in commercial speech. However, subdivision (d) of

27 ⁵ This motion is timely as having been filed within 60 days of the lawsuit’s filing.

28 ⁶ Because “it is in the public interest to encourage continued participation in matters of public
significance, and . . . this participation should not be chilled through abuse of the judicial process,” the
anti-SLAPP statute “shall be construed broadly.” CIV. PROC. CODE § 425.16(a).

1 Section 425.17 imposes limitations on the scope of these exceptions.” *Id.* “Unlike the anti-SLAPP
2 statute, which is ‘construed broadly’ . . . , Section 425.17, subdivision (b)’s exemptions are narrowly
3 construed. * * * The plaintiff [in this case, Petitioner] bears the burden of proof as to the applicability
4 of the exemptions.” *Id.* (internal and quotations omitted). Because of the personal nature of the relief
5 sought by Petitioner, this lawsuit does not fall under either exception to the anti-SLAPP statute.

6 What is applicable here, however, is the voluminous body of case law recognizing that public
7 officials sued for engaging in constitutionally protected activities may invoke the anti-SLAPP statute.
8 *See, e.g., Issa v. Applegate* (2019) 31 Cal.App.5th 689 (anti-SLAPP motion granted in libel action
9 brought by incumbent Congressman against statements made in two television advertisements published
10 by challenger’s campaign); *Reed v. Gallagher* (2016) 248 Cal.App.4th 841 (anti-SLAPP motion granting
11 in libel action brought by failed candidate for State Assembly against candidate who was elected);
12 *Schwarzburd v. Kensington Police Prot. & Comm’y Svcs. Dist. Bd.* (2014) 225 Cal.App.4th 1345 (anti-
13 SLAPP statute applied to protect individual board members sued for “how they voted and expressed
14 themselves”); *Beilenson v. Superior Ct.* (1996) 44 Cal.App.4th 944, 950 (“There is nothing in the
15 language of section 425.16 that denies its use by politicians”).

16 IV. DISCUSSION

17 This motion should be granted for the following reasons: (1) the anti-SLAPP statute applies
18 because none of Section 425.17’s exemptions is available to Petitioner; (2) Respondent satisfies Step
19 1 of the anti-SLAPP analysis because the allegations purporting to show a harassing “course of conduct”
20 actually reveal that she was exercising her right to speak as an elected member of the Lemon Grove City
21 Council or as a supporter of candidates for public office; and (3) Petitioner cannot meet her burden at
22 Step 2 because (i) the comments made by Respondent during City meetings were privileged under Civil
23 Code Section 47 or were protected by her constitutional free-speech rights, (ii) her conduct in support
24 of candidates for public office is also part of her free-speech rights; and (iii) there is no evidence of a
25 violence, credible threats of violence, or any harassing course of conduct.

26 A. This Motion Is Not Precluded by Section 425.17

27 “Before engaging in [the anti-SLAPP] two-step analysis, a court must consider any claims by
28 the plaintiff [*i.e.*, Petitioner] that a statutory exemption contained in section 425.17 applies.” *Har*

1 *Constr., supra*, 240 Cal.App.4th at 622. As such, Respondent addresses this topic first.

2 Section 425.17 identifies two statutory exemptions. The first one protects lawsuits “brought
3 solely in the public interest or on behalf of the general public” if certain enumerated conditions are met.
4 *See* CIV. PROC. CODE § 425.17(b) (emphasis added). This exemption does not apply because Petitioner
5 is suing for herself and her husband; she’s not seeking a benefit for the public generally.

6 The second exemption protects lawsuits “brought against a person primarily engaged in the
7 business of selling or leasing goods or services . . .” if, once again, certain enumerated conditions are
8 met. *See* CIV. PROC. CODE § 425.17(c). However, the exemption only applies to statements or conduct
9 by one competitor against another. *Muddy Waters, LLC v. Superior Ct.* (2021) 62 Cal.App.5th 905,
10 919-920. It’s inapplicable here because Petitioner and Respondent are not commercial competitors.

11 Accordingly, Respondent now moves to discussing Steps 1 and 2 of the anti-SLAPP analysis.

12 **B. Step 1: Respondent’s Conduct Was Protected Activity Covered by Section 425.16**

13 The anti-SLAPP statute defines “act in furtherance of a person’s right of petition or free speech
14 under the United States or California Constitution in connection with a public issue” to include, as
15 applicable here:

16 (2) any written or oral statement or writing made in connection with an
17 issue under consideration or review by a legislative, executive, or
judicial body, or any other official proceeding authorized by law,

18 (3) any written or oral statement or writing made in a place open to the
19 public or a public forum in connection with an issue of public interest,
or

20 (4) any other conduct in furtherance of the exercise of the constitutional
21 right of petition or the constitutional right of free speech in connection
with a public issue or an issue of public interest.

22 CIV. PROC. CODE § 425.16(e)(2)-(4). These protections are disjunctive. Thus, “[u]nder section 425.16,
23 a defendant moving to strike a cause of action arising from a statement made before, or in connection
24 with an issue under consideration by, a legally authorized official proceeding need not separately
25 demonstrate that the statement concerned an issue of public significance.” *Briggs v. Eden Council for*
26 *Hope & Opportunity* (1999) 19 Cal.4th 1106, 1123.

27 As noted in Section II above, Petitioner admitted that all but one exchange between her and
28 Respondent – that is, the recent one at the brewery’s anniversary event – took place as part of a City

1 meeting or during campaign activities in support of candidates for public office. In the context of doing
2 the City Council’s work, the California Supreme Court was unequivocal: “the councilmembers’ votes,
3 *as well as statements made in the course of their deliberations at the city council meeting* where the
4 votes were taken, qualify” for anti-SLAPP protection under Section 425.16(e)(2). *City of Montebello*
5 *v. Vasquez* (2016) 1 Cal.5th 409, 422 (emphasis added); *see also Levy v. City of Santa Monica* (2004)
6 114 Cal.App.4th 1252, 1261 (“Under the First Amendment, legislators are given the widest latitude to
7 express their views and there are no stricter ‘free speech’ standards on [them] than on the general
8 public.” (internal quotations omitted)). For its part, in the context of political campaigns, the U.S.
9 Supreme Court made clear long ago that “the constitutional guarantee [of free speech] has its fullest and
10 most urgent application *precisely to the conduct of campaigns for political office.*” *Buckley v. Valeo*
11 (1976) 424 U.S. 1, 15 (emphasis added). Respondent’s conduct thus falls squarely within the anti-
12 SLAPP statute’s protective embrace. *See, e.g., Rosenaur v. Scherer* (2001) 88 Cal.App.4th 260, 273
13 (“It is well settled that section 425.16 applies to actions arising from statements made in political
14 campaigns by politicians and their supporters. . . .”).

15 In sum, the speech and other activities that Petitioner cites as evidence of a harassing “course
16 of conduct” arose from protected activity as described in Section 425.16(e). The burden now shifts to
17 Petitioner to prove that her harassment claim has minimal merit – a burden she cannot meet as a matter
18 of law or as a matter of fact.

19 **C. Step 2: Petitioner Cannot Show a Probability of Prevailing on Her Allegations**

20 One of the essential requirements for issuance of a restraining order under Section 527.6 is this:
21 “the course of conduct *must be ongoing at the time the injunction is sought*, as a single incident of
22 harassment does not constitute a course of conduct entitling the applicant to injunctive relief.” *Scripps*
23 *Health v. Marin* (1999) 72 Cal.App.4th 324, 333 (emphasis added). In this regard, prior activities that
24 are constitutionally protected may not be used to establish the “course of conduct,” no matter how
25 harassing they may be. *Smith v. Silvey* (1983) 149 Cal.App.3d 400, 406. Thus, a restraining order that
26 “appears to prohibit lawful as well as unlawful activity” will be struck down. *Id.*

27 There are two fatal flaws in Petitioner’s request for a restraining order. On the one hand, there
28 is no evidence of an *ongoing* course of harassing conduct directed at Petitioner; at worst, there was a

1 *single* incident at a local brewery’s anniversary event, which Respondent vehemently denies. On the
2 other hand, Respondent’s activities prior to the brewery event were all constitutionally protected either
3 as part of Respondent’s job as an elected official or as part of her political activities in support of
4 candidates for public office.⁷

5 Making matters worse, Petitioner must prove that her petitioner has minimal merit not by a
6 preponderance of the evidence but by clear and convincing evidence. CIV. PROC. CODE § 527.6(i).
7 Because there is no evidence of an ongoing course of harassing conduct, *a fortiori* there is no such clear
8 and convincing evidence and the petition will fail.

9 V. CONCLUSION

10 For the foregoing reasons, Respondent has met her burden of showing that Petitioner’s lawsuit
11 is based on a “course of conduct” that is largely if not entirely protected activity. Respondent
12 accordingly requests that the Court grant this anti-SLAPP motion.⁸

26 ⁷ In this regard, it should be pointed out that the Court’s temporary restraining order (“TRO”) prohibits
27 Respondent from having any contact with Petitioner even though they are both members of the Lemon
28 Grove City Council and must interact with each other while serving in those capacities. To the extent
the TRO prohibits Respondent from fulfilling her duties as a public official, it is unconstitutionally
over-broad..

⁸ Per this motion’s notice, Respondent will file a separate motion or cost memorandum to recover
attorney fees.

**RESPONDENT LIANA NOREEN LEBARON'S OPENING BRIEF IN SUPPORT OF
SPECIAL MOTION TO STRIKE PETITIONER'S REQUEST FOR CIVIL
HARASSMENT RESTRAINING ORDER**

Declaration of Liana Noreen LeBaron

1 4. Along with many other people, I was personally involved in the organizing and carrying
2 out of a multi-day “car parade” campaign event during the last election cycle to support some of the
3 candidates running for public office. The primary component of the “car parade” involved driving
4 slowly up and down Lemon Grove streets and honking our horns in order to draw attention to the
5 candidate signs on our vehicles and to all the supporters participating in the parade, in hopes of
6 persuading people who hear and see us to support those candidates we were promoting.

7 5. At no time – whether before, during, or after the “car parade” – did anyone else involved
8 in the political demonstration or I mention Ms. Mendoza or in any way give any indication that anyone
9 had been trying to target her, her family, or her residence in connection with the “car parade.” If we
10 passed her, her family, or her residence, it was completely coincidental because she happens to live
11 along the “car parade” route. Our sole objective in planning and carrying out the “car parade” was to
12 draw everyone’s attention to the candidates we were supporting for public office. All of us participating
13 in the “car parade” were driving slowly, honking, and trying to draw the attention of all persons equally
14 along the entire route.

15 6. Last year, my husband (an El Cajon Police Officer) and I got into an argument and I
16 ultimately ended up filing for divorce. My husband filed a false police report against me, and as a result
17 I was arrested. However, after I explained what really happened during our argument, no charges were
18 ever filed against me. Related to that incident, my husband obtained a temporary restraining order in
19 San Diego County Superior Court case no. 22FDV01767E without a hearing but did not obtain a
20 permanent order; my husband dismissed that petition on June 14, 2022.

21 7. Mrs. Mendoza and I often disagree politically. Furthermore, as a member of the Lemon
22 Grove City Council, I have repeatedly expressed concerns during meetings and to the press that Mrs.
23 Mendoza and several of our colleagues have engaged in fraud, waste, and abuse of taxpayer funds, and
24 Mrs. Mendoza has interrupted me on many occasions while I’ve been trying to seek clarification for the
25 public’s benefit or while I’ve been criticizing her. However, I have never used profane language to
26 insult or threaten her; our meetings are always recorded, and the recordings are posted on the City’s
27 website for anyone to review.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

8. Other than seeing Mrs. Mendoza at Lemon Grove City Council meetings and other events we attend in our official capacities, and apart from official written communications that City staffers have with members of the City Council, I have little to no interactions with Mrs. Mendoza and have no plan or desire for that to change. One of the few times I tried being cordial while out in public – at the brewery’s anniversary event – she tried to injure me.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: March 30, 2023.



Liana Noreen LeBaron

**RESPONDENT LIANA NOREEN LEBARON'S OPENING BRIEF IN SUPPORT OF
SPECIAL MOTION TO STRIKE PETITIONER'S REQUEST FOR CIVIL
HARASSMENT RESTRAINING ORDER**

Declaration of Stephanie Klein

**RESPONDENT LIANA NOREEN LEBARON'S OPENING BRIEF IN SUPPORT OF
SPECIAL MOTION TO STRIKE PETITIONER'S REQUEST FOR CIVIL
HARASSMENT RESTRAINING ORDER**

Declaration of Felina Thom

**RESPONDENT LIANA NOREEN LEBARON'S OPENING BRIEF IN SUPPORT OF
SPECIAL MOTION TO STRIKE PETITIONER'S REQUEST FOR CIVIL
HARASSMENT RESTRAINING ORDER**

Declaration of Rosita Galford

**RESPONDENT LIANA NOREEN LEBARON'S OPENING BRIEF IN SUPPORT OF
SPECIAL MOTION TO STRIKE PETITIONER'S REQUEST FOR CIVIL
HARASSMENT RESTRAINING ORDER**

Declaration of Jeffrey Galford

**RESPONDENT LIANA NOREEN LEBARON'S OPENING BRIEF IN SUPPORT OF
SPECIAL MOTION TO STRIKE PETITIONER'S REQUEST FOR CIVIL
HARASSMENT RESTRAINING ORDER**

Declaration of Jessica Heredia

1 **DECLARATION OF JESSICA HEREDIA**

2 I, Jessica Heredia, am over the age of 18 years and, if called as a witness in this case, will testify
3 as follows:

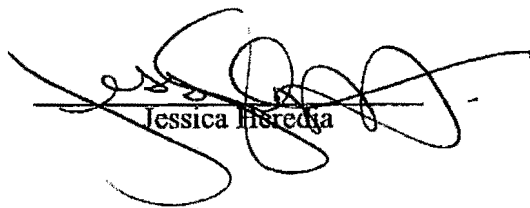
4 1. I understand that Lemon Grove City Councilmember Jennifer Lynn Mendoza has accused
5 her colleague, Liana Noreen LeBaron, of blocking the street in front of Ms. Mendoza's residence,
6 blocking the street, and honking her horn at Ms. Mendoza's home for several minutes during the latest
7 campaign cycle. The accusation is not true.

8 2. Along with many other people, including Ms. LeBaron, I was personally involved in the
9 organizing and carrying out of a multi-day "car parade" campaign event during the last election cycle
10 to support some of the candidates running for public office. The primary component of the "car parade"
11 involves driving slowly up and down Lemon Grove streets and honking our horns in order to draw
12 attention to the candidate signs on our vehicles and to all the supporters participating in the parade, in
13 hopes of persuading people who hear and see us to support those candidates we were promoting.

14 3. At no time – whether before, during, or after the "car parade" – did Ms. LeBaron or
15 anyone else mention Ms. Mendoza or in any way give any indication that anyone had been trying to
16 target Ms. Mendoza, her family, or her residence in connection with the "car parade." If we passed her,
17 her family, or her residence, it was completely coincidental because she happens to live along the "car
18 parade" route. Our sole objective in planning and carrying out the "car parade" was to draw everyone's
19 attention to the candidates we were supporting for public office. Ms. LeBaron and all other participants
20 in the "car parade" were driving slowly, honking, and trying to draw the attention of all persons equally
21 along the entire route.

22 I declare under penalty of perjury under the laws of the State of California that the foregoing is
23 true and correct.

24 Date: March 29, 2023.

25 
26 Jessica Heredia
27
28

**RESPONDENT LIANA NOREEN LEBARON'S OPENING BRIEF IN SUPPORT OF
SPECIAL MOTION TO STRIKE PETITIONER'S REQUEST FOR CIVIL
HARASSMENT RESTRAINING ORDER**

Declaration of Lael Proffit

1 **DECLARATION OF LAEL PROFFIT**

2 I, Lael Proffit, am over the age of 18 years and, if called as a witness in this case, will testify as
3 follows:

4 1. I understand that Lemon Grove City Councilmember Jennifer Lynn Mendoza has accused
5 her colleague, Liana Noreen LeBaron, of blocking the street in front of Ms. Mendoza's residence,
6 blocking the street, and honking her horn at Ms. Mendoza's home for several minutes during the latest
7 campaign cycle. The accusation is not true.

8 2. Along with many other people, including Ms. LeBaron, I was personally involved in the
9 organizing and carrying out of a multi-day "car parade" campaign event during the last election cycle
10 to support some of the candidates running for public office. The primary component of the "car parade"
11 involves driving slowly up and down Lemon Grove streets and honking our horns in order to draw
12 attention to the candidate signs on our vehicles and to all the supporters participating in the parade, in
13 hopes of persuading people who hear and see us to support those candidates we were promoting.

14 3. At no time – whether before, during, or after the "car parade" – did Ms. LeBaron or
15 anyone else mention Ms. Mendoza or in any way give any indication that anyone had been trying to
16 target Ms. Mendoza, her family, or her residence in connection with the "car parade." If we passed her,
17 her family, or her residence, it was completely coincidental because she happens to live along the "car
18 parade" route. Our sole objective in planning and carrying out the "car parade" was to draw everyone's
19 attention to the candidates we were supporting for public office. Ms. LeBaron and all other participants
20 in the "car parade" were driving slowly, honking, and trying to draw the attention of all persons equally
21 along the entire route.

22 I declare under penalty of perjury under the laws of the State of California that the foregoing is
23 true and correct.

24 Date: March 21, 2023.



Lael Proffit

**RESPONDENT LIANA NOREEN LEBARON'S OPENING BRIEF IN SUPPORT OF
SPECIAL MOTION TO STRIKE PETITIONER'S REQUEST FOR CIVIL
HARASSMENT RESTRAINING ORDER**

Declaration of Teresa Rosiak Proffit

**RESPONDENT LIANA NOREEN LEBARON'S OPENING BRIEF IN SUPPORT OF
SPECIAL MOTION TO STRIKE PETITIONER'S REQUEST FOR CIVIL
HARASSMENT RESTRAINING ORDER**

Declaration of David Eckler

**RESPONDENT LIANA NOREEN LEBARON'S OPENING BRIEF IN SUPPORT OF
SPECIAL MOTION TO STRIKE PETITIONER'S REQUEST FOR CIVIL
HARASSMENT RESTRAINING ORDER**

Declaration of Cory J. Briggs

PROOF OF SERVICE

1. My name is Keri Taylor. I am over the age of eighteen. I am employed in the State of California, County of San Bernardino.

2. My business _____ residence address is Briggs Law Corporation, 99 E. C St., Ste. 203
Upland, CA 91786

3. On March 30, 2023, I served _____ an original copy a true and correct copy of the following documents: Opening Brief in Support of Special Motion

4. I served the documents on the person(s) identified on the attached mailing/service list as follows:

_____ **by personal service.** I personally delivered the documents to the person(s) at the address(es) indicated on the list.

by U.S. mail. I sealed the documents in an envelope or package addressed to the person(s) at the address(es) indicated on the list, with first-class postage fully prepaid, and then I

_____ deposited the envelope/package with the U.S. Postal Service

placed the envelope/package in a box for outgoing mail in accordance with my office's ordinary practices for collecting and processing outgoing mail, with which I am readily familiar. On the same day that mail is placed in the box for outgoing mail, it is deposited in the ordinary course of business with the U.S. Postal Service.

I am a resident of or employed in the county where the mailing occurred. The mailing occurred in the city of _____ Upland, California.

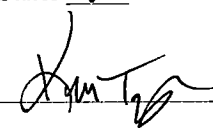
_____ **by overnight delivery.** I sealed the documents in an envelope/package provided by an overnight-delivery service and addressed to the person(s) at the address(es) indicated on the list, and then I placed the envelope/package for collection and overnight delivery in the service's box regularly utilized for receiving items for overnight delivery or at the service's office where such items are accepted for overnight delivery.

_____ **by facsimile transmission.** Based on an agreement of the parties or a court order, I sent the documents to the person(s) at the fax number(s) shown on the list. Afterward, the fax machine from which the documents were sent reported that they were sent successfully.

_____ **by e-mail delivery.** Based on the parties' agreement or a court order or rule, I sent the documents to the person(s) at the e-mail address(es) shown on the list. I did not receive, within a reasonable period of time afterward, any electronic message or other indication that the transmission was unsuccessful.

I declare under penalty of perjury under the laws _____ of the United States of the State of California that the foregoing is true and correct.

Date: March 30, 2023

Signature: 

SERVICE LIST

Jennifer Lynn Mendoza v. Liana Noreen LeBaron,
San Diego County Superior Court case no. 37-2023-00006784-CU-HR-EC

Jennifer Lynn Mendoza
7066 San Miguel Avenue
Lemon Grove, CA 91945

Petitioner