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1 2 3 4 5 6	BRIGGS LAW CORPORATION [FILE: 2078.01] Cory J. Briggs (SBN 176284) Nora Pasin (SBN 315730) 99 East "C" Street, Suite 203 Upland, CA 91786 Telephone: 909-949-7115File E E San Diego Superior Court MAR 3 0 2023Attorney for Respondent Liana Noreen LeBaronClerk of the Superior Court By: A. Flores	
7	SUPERIOR COURT OF THE STATE OF CALIFORNIA	
8 9	COUNTY OF SAN DIEGO – EAST COUNTY REGIONAL CENTER	WB/A
10 11 12 13 14 15 16 17	JENNIFER LYNN MENDOZA, CASE NO. 37-2023-00006784-CU-HR-EC Petitioner RESPONDENT LIANA NOREEN vs. LEBARON'S OPENING BRIEF IN vs. SUPPORT OF SPECIAL MOTION TO LIANA NOREEN LEBARON, CIVIL HARASSMENT RESTRAINING Respondent. ORDER; DECLARATIONS OF LIANA NOREEN LEBARON, NOREEN LEBARON, STEPHANIE LIANA NOREEN LEBARON, 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 ECKLER, AND CORY J. BRIGGS	FAX
18 19 20	Action Filed: February 16, 2023 Department: E-21 (Lynch) Hearing Date: Hearing Time:	
21 22 23 24 25 26 27 28	Respondent Liana Noreen LeBaron ("Respondent") respectfully submits this opening brief in support of her special motion to strike the request for a civil harassment restraining order ("CHRO") filed by Petitioner Jennifer Lynn Mendoza ("Petitioner") pursuant to Code of Civil Procedure Section 425.16 ("Section 425.16" or the "anti-SLAPP statute"). ¹ Date: March 29, 2023. Respectfully submitted, BRIGGS LAW CORPORATION By: Cory J.Briggs Attorneys for Respondent Liana Noreen LeBaron	
	¹ All future statutory references are to the Code of Civil Procedure unless otherwise indicated.	

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10	JENNIFER LYNN MENDOZA,) CASE NO. 37-2023-00006784-CU-HR-EC
11	Petitioner) RESPONDENT LIANA NOREEN) LEBARON'S OPENING BRIEF IN
12	vs.) SUPPORT OF SPECIAL MOTION TO) STRIKE PETITIONER'S REQUEST FOR
13 14	LIANA NOREEN LEBARON, Respondent.) CIVIL HARASSMENT RESTRAINING) ORDER; DECLARATIONS OF LIANA) NOREEN LEBARON, STEPHANIE
15	Respondent.) NOREEN LEBARON, STEPHANIE KLEIN, FELINA THOM, ROSITA GALFORD, JEFFREY GALFORD,
16	JESSICA HEREDIA, LAEL PROFFIT, TERESA ROSIAK PROFFIT, DAVID
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24	425.16 ("Section 425.16" or the "anti-SLAPP statute"). ¹
25	Date: March 29, 2023. Respectfully submitted,
26	BRIGGS LAW CORPORATION
27 28	By: Cory J. Briggs
	Attorneys for Respondent Liana Noreen LeBaron
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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 protected activity"), § 527.6(b)(3) (defining "harassment" to include "unlawful violence, a credible 15 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 it represents exactly what the anti-SLAPP statute proscribes: a "lawsuit[] brought primarily to chill the 24 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).

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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.")

II. FACTUAL AND PROCEDURAL BACKGROUND

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According to Petitioner, she filed this lawsuit after Respondent out of the blue "snuck up behind me [at a local brewery's fourth anniversary party] and said she was glad to know that she could have control over me." See Req. for CHRO, Attach. 7(a)(3), ¶ 1. It turns out that Respondent has a very different version of events and called the sheriff to report that Petitioner had purposefully pushed her chair into Respondent without provocation. See LeBaron Decl., ¶ 3. Nonetheless, Petitioner accuses Respondent of "making baseless calls to law enforcement." See Req. for CHRO, Attach. 7(a)(3), ¶ 2.

8 The third paragraph of Petitioner's detailed allegations contains nothing but conclusory 9 accusations with no specifics. As Petitioner puts it, "employment complaints and investigations have 10 been filed at the city" because of alleged "bullying and harassing behavior with other council members, employees at the city and community members." See Req. for CHRO, Attach. 7(a)(3), ¶ 3. Not only 11 is this accusation untrue - Respondent's attorney requested copies of such complaints and investigations 12 13 on behalf of another client under the California Public Records Act and nothing was provided in response – but nowhere does Petitioner claim that she is one of the complainants and she provides no 14 15 specifics about any such conduct directed at her. See Briggs Decl., ¶ 1.

16 The remainder of Petitioner's evidence describes interactions between Petitioner and Respondent in their capacities as City Council members or during political events. For example, they 17 18 had a conversation (that Petitioner didn't like) "at city hall to talk about how we could communicate 19 better." See Req. for CHRO, Attach. 7(a)(3), ¶ 5 (emphasis added). Additionally, "[d]uring a monthly council briefing last year," Petitioner did not like how Respondent stuck up for herself when Petitioner 20answered a question that Respondent had asked to the city manager; at a Lion's Club meeting last year, 21 22 Respondent allegedly criticized Petitioner for being "juvenile and hypocritical for demanding that she 23 wear a mask at a *city meeting*"; and "[i]n a *recent meeting*" attended by the city manager and the 24 mayor, Petitioner and Respondent allegedly argued again about being interrupted by the other. Id., ¶¶ 25 7-9 (emphasis added).

On top of that, "[d]uring the recent *city council campaign*," Petitioner did not like how
Respondent allegedly positioned herself ahead of Petitioner in order to be seen standing on the corner
"grinning and waving at her friends' campaign signs." *Id.*, ¶ 11 (emphasis added). "Later that month,
during a *drive-by campaign parade through town*," Respondent drove by Petitioner's home two days

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

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

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

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III. STANDARD OF REVIEW

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

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³ There was indeed a "car parade" in which Respondent and several other people participated in support of several candidates for public office. However, the participants were honking at everyone they passed 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; 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 60 days of service of the offending pleading or any later deadline set by the Court.⁵ CIV. PROC. CODE 2 3 § 425.16(f) & (h). "[S]ection 425.16 requires that a court engage in a two-step process when determining whether a defendant's anti-SLAPP motion should be granted. First, the court decides 4 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 § 425.16(b)(2).⁶ "[T]he court does not weigh the credibility or comparative probative strength of 11 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 v. Wollersheim (1996) 42 Cal.App.4th 628, 655 (disapproved on other grounds by Equilon Enterprises 16 17 v. Consumer Cause, Inc. (2002) 29 Cal.4th 53).

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

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

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

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).

Section 425.17 imposes limitations on the scope of these exceptions." *Id.* "Unlike the anti-SLAPP
 statute, which is 'construed broadly' ..., Section 425.17, subdivision (b)'s exemptions are narrowly
 construed. * * The plaintiff [in this case, Petitioner] bears the burden of proof as to the applicability
 of the exemptions." *Id.* (internal and quotations omitted). Because of the personal nature of the relief
 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 by challenger's campaign); Reed v. Gallagher (2016) 248 Cal.App.4th 841(anti-SLAPP motion granting 10 in libel action brought by failed candidate for State Assembly against candidate who was elected); 11 12 Schwarzburd v. Kensington Police Prot. & Comm'y Svcs. Dist. Bd. (2014) 225 Cal.App.4th 1345 (anti-SLAPP statute applied to protect individual board members sued for "how they voted and expressed 13 themselves"); Beilenson v. Superior Ct. (1996) 44 Cal.App.4th 944, 950 ("There is nothing in the 14 15 language of section 425.16 that denies its use by politicians").

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IV. DISCUSSION

17 This motion should be granted for the following reasons: (1) the anti-SLAPP statute applies because none of Section 425.17's exemptions is available to Petitioner; (2) Respondent satisfies Step 18 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 Step 2 because (i) the comments made by Respondent during City meetings were privileged under Civil 22 Code Section 47 or were protected by her constitutional free-speech rights, (ii) her conduct in support 23 of candidates for public office is also part of her free-speech rights; and (iii) there is no evidence of a 24 25 violence, credible threats of violence, or any harassing course of conduct.

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A. <u>This Motion Is Not Precluded by Section 425.17</u>

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*

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

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

The second exemption protects lawsuits "brought against a person primarily engaged in the
business of selling or leasing goods or services . . ." if, once again, certain enumerated conditions are
met. See CIV. PROC. CODE § 425.17(c). However, the exemption only applies to statements or conduct
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.

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B. Step 1: Respondent's Conduct Was Protected Activity Covered by Section 425.16

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

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

- (2) any written or oral statement or writing made in connection with an issue under consideration or review by a legislative, executive, or judicial body, or any other official proceeding authorized by law,
 - (3) any written or oral statement or writing made in a place open to the public or a public forum in connection with an issue of public interest, or
 - (4) any other conduct in furtherance of the exercise of the constitutional 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.

As noted in Section II above, Petitioner admitted that all but one exchange between her and
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 votes were taken, qualify" for anti-SLAPP protection under Section 425.16(e)(2). City of Montebello 4 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-SLAPP statute's protective embrace. See, e.g., Rosenaur v. Scherer (2001) 88 Cal.App.4th 260, 273 12 13 ("It is well settled that section 425.16 applies to actions arising from statements made in political campaigns by politicians and their supporters...."). 14

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

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

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

There are two fatal flaws in Petitioner's request for a restraining order. On the one hand, there 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 preponderance of the evidence but by clear and convincing evidence. CIV. PROC. CODE § 527.6(i). Because there is no evidence of an ongoing course of harassing conduct, a fortiori there is no such clear and convincing evidence and the petition will fail.

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V. CONCLUSION

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

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⁷ In this regard, it should be pointed out that the Court's temporary restraining order ("TRO") prohibits Respondent from having any contact with Petitioner even though they are both members of the Lemon 26 27 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 28 over-broad..

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

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Declaration of Liana Noreen LeBaron

DECLARATION OF LIANA NOREEN LEBARON

I, Liana Noreen LeBaron, am over the age of 18 years and, if called as a witness in this case, will testify as follows:

4 1. I was elected to the Lemon Grove City Coucil in November 2020 and have served in that office continuously since being sworn into office in December 2020. Jennifer Lynn Mendoza was elected to the City Council before I was elected, and she and I are currently colleagues on the City Council. At each City Council meeting, we sit on the dais with our other three colleagues (and City staffers), just a few feet away from each other, and we frequently are required to communicate with each other as we deliberate the various items of public business on our agenda for the meeting.

10 2. Mrs. Mendoza lives on San Miguel Avenue, which is a major public road in the City of Lemon Grove. Her residence is very close to several schools and houses of worship and thus lies along 11 12 a very important roadway for purposes of exposure to other members of the Lemon Grove community.

13 3. On February 11, 2023, at approximately 7:40 p.m., I went to 13 Point Brewing Company because it was holding its fourth-anniversary event and, as an elected official, I wanted to show support 14 15 for this local business. When I arrived, the live band was playing very loudly and it was difficult to 16 communicate with people without having to lean over and talk directly into their ears. As I was walking 17 around, saying "hello" and exchanging pleasantries with others at the event, as I normally do in social 18 settings, I saw Mrs. Mendoza (and her husband) sitting at a table near the center of the room. I decided 19 to go over and say "hello" to her. She was not facing me, and based on the brewery's layout and where 20 she was sitting I had to approach her from behind. The music was very loud so, just as I leaned into the 21 side of her to say "hello," she turned and saw me and immediately jumped up, pushed back on her metal 22 chair as she stormed off; that caused her metal chair to hit me in my knees and feet. I was completely 23 shocked by her conduct, was very upset by her behavior, bothered by the pain her outburst had caused to my body, and decided that I should contact the Sheriff's Department to report the incident. I called, 24 25 and shortly thereafter Sheriff Deputies arrived at the brewery to take my statement. Apart from that brief encounter, Mrs. Mendoza and I had no other interaction that evening and have had none since then 26 27 except for our work at meetings of the Lemon Grove City Council.

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4. Along with many other people, I was personally involved in the organizing and carrying
 out of a multi-day "car parade" campaign event during the last election cycle to support some of the
 candidates running for public office. The primary component of the "car parade" involved driving
 slowly up and down Lemon Grove streets and honking our horns in order to draw attention to the
 candidate signs on our vehicles and to all the supporters participating in the parade, in hopes of
 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 being 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 along the "car parade" route. Our sole objective in planning and carrying out the "car parade" was to 11 12 draw everyone's attention to the candidates we were supporting for public office. All of us participating in the "car parade" were driving slowly, honking, and trying to draw the attention of all persons equally 13 along the entire route. 14

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

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

1	8. Other than seeing Mrs. Mendoza at Lemon Grove City Council meetings and other
2	events we attend in our official capacities, and apart from official written communications that City
3	staffers have with members of the City Council, I have little to no interactions with Mrs. Mendoza and
4	have no plan or desire for that to change. One of the few times I tried being cordial while out in public
5	– 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

Declaration of Stephanie Klein

DECLARATION OF STEPHANIE KLEIN

I, Stephanie Klein, am over the age of 18 years and, if called as a witness in this case, will testify as follows:

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

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

3. At no time – whether before, during, or after the "car parade" – did Ms. LeBaron or anyone else mention Ms. Mendoza or in any way give any indication that anyone had being trying to target Ms. Mendoza, her family, or her residence in connection with the "car parade." If we passed her, her family, or her residence, it was completely coincidental because she happens to live in Lemon Grove. Our sole objective in planning and carrying out the "car parade" was to draw the entire city's attention to the candidates the caravan was supporting for public office. Ms. LeBaron and all other participants in the "car parade" were driving slowly, honking, and trying to draw the attention of all persons equally along the entire route that stretched throughout the 3.8 miles of Lemon Grove.

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

Date: March **29**, 2023.

Channe Klein

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Declaration of Felina Thom

DECLARATION OF FELINA THOM

I, Felina Thom, am over the age of 18 years and, if called as a witness in this case, will testify
as follows:

I understand that Lemon Grove City Coucilmember Jennifer Lynn Mendoza has accused
 her colleague, Liana Noreen LeBaron, of blocking the street in front of Ms. Mendoza's residence,
 blocking the street, and honking her horn at Ms. Mendoza's home for several minutes during the latest
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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 being trying to target Ms. Mendoza, her family, or her residence in connection with the "car parade." If we passed her, 16 her family, or her residence, it was completely coincidental because she happens to live along the "car 17 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.

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

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Date: March 29, 2023.

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Felina Thom

Declaration of Rosita Galford

DECLARATION OF ROSITA GALFORD

I, Rosita Galford, am over the age of 18 years and, if called as a witness in this case, will testify as follows:

I understand that Lemon Grove City Coucilmember Jennifer Lynn Mendoza has accused
 her colleague, Liana Noreen LeBaron, of blocking the street in front of Ms. Mendoza's residence,
 blocking the street, and honking her horn at Ms. Mendoza's home for several minutes during the latest
 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.

3. At no time - whether before, during, or after the "car parade" - did Ms. LeBaron or 14 15 anyone else mention Ms. Mendoza or in any way give any indication that anyone had being 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.

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

Date: March 38, 2023.

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Declaration of Jeffrey Galford

DECLARATION OF JEFFREY GALFORD

I, Jeffrey Galford, am over the age of 18 years and, if called as a witness in this case, will testify
as follows:

I understand that Lemon Grove City Coucilmember Jennifer Lynn Mendoza has accused
 her colleague, Liana Noreen LeBaron, of blocking the street in front of Ms. Mendoza's residence,
 blocking the street, and honking her horn at Ms. Mendoza's home for several minutes during the latest
 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 anyone else mention Ms. Mendoza or in any way give any indication that anyone had being trying to 15 target Ms. Mendoza, her family, or her residence in connection with the "car parade." If we passed her, 16 her family, or her residence, it was completely coincidental because she happens to live along the "car 17 18 parade" route. Our sole objective in planning and carrying out the "car parade" was to draw everyone's attention to the candidates we were supporting for public office. Ms. LeBaron and all other participants 19 20 in the "car parade" were driving slowly, honking, and trying to draw the attention of all persons equally 21 along the entire route.

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

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Date: March <u>18</u>, 2023.

Jeffrey Galford

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Declaration of Jessica Heredia

DECLARATION OF JESSICA HEREDIA

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

I understand that Lemon Grove City Coucilmember Jennifer Lynn Mendoza has accused
 her colleague, Liana Noreen LeBaron, of blocking the street in front of Ms. Mendoza's residence,
 blocking the street, and honking her horn at Ms. Mendoza's home for several minutes during the latest
 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.

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

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

Date: March 20, 2023.

Jessica Heredia

Declaration of Lael Proffit

DECLARATION OF LAEL PROFFIT

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

I understand that Lemon Grove City Coucilmember Jennifer Lynn Mendoza has accused
 her colleague, Liana Noreen LeBaron, of blocking the street in front of Ms. Mendoza's residence,
 blocking the street, and honking her horn at Ms. Mendoza's home for several minutes during the latest
 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.

3. At no time - whether before, during, or after the "car parade" - did Ms. LeBaron or 14 15 anyone else mention Ms. Mendoza or in any way give any indication that anyone had being trying to 16 target Ms. Mendoza, her family, or her residence in connection with the "car parade." If we passed her, her family, or her residence, it was completely coincidental because she happens to live along the "car 17 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 20in the "car parade" were driving slowly, honking, and trying to draw the attention of all persons equally 21 along the entire route.

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

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Date: March 21, 2023.

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Declaration of Teresa Rosiak Proffit

DECLARATION OF TERESA ROSIAK PROFFIT

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

I understand that Lemon Grove City Coucilmember Jennifer Lynn Mendoza has accused
 her colleague, Liana Noreen LeBaron, of blocking the street in front of Ms. Mendoza's residence,
 blocking the street, and honking her horn at Ms. Mendoza's home for several minutes during the latest
 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.

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

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

Date: March 7, 2023.

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Declaration of David Eckler

DECLARATION OF DAVID ECKLER

2 I, David Eckler, 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 Coucilmember 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 to support some of the candidates running for public office. The primary component of the "car parade" 10 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.

At no time - whether before, during, or after the "car parade" - did Ms. LeBaron or 14 3. anyone else mention Ms. Mendoza or in any way give any indication that anyone had being trying to 15 16 target Ms. Mendoza, her family, or her residence in connection with the "car parade." If we passed her, her family, or her residence, it was completely coincidental because she happens to live along the "car 17 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.

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

Date: March 27, 2023.

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DAVID ECKLER David Eckler

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Declaration of Cory J. Briggs

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1	DECLARATION OF CORY J. BRIGGS
2	I, Cory J. Briggs, am over the age of 18 years and, if called as a witness in this case, will
3	testify as follows:
4	0. I am an attorney licensed to practice law before all courts of the State of California.
5	I am one of the attorneys of record in this lawsuit for Liana Noreen LeBaron ("Respondent").
6	1. On or about March 9, 2022, I submitted a request for public records to the City of
7	Lemon Grove on behalf of another client, Project for Open Government. Among other things, I
8	requested any and all claims filed by anyone since December 1, 2020, with the City of Lemon Grove
9	under Government Code Sections 810-998.3 and pertaining in any way to Councilmember LeBaron;
10	and for any and all contracts between the City and any investigator and/or investor's firm for any
11	investigation performed with respect to Councilmember LeBaron. The City provided no records in
12	response to those requests.
13	I declare under penalty of perjury under the laws of the State of California that the foregoing
14	is true and correct.
15	Date: March 29, 2023.
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	Page 1 of 1

PROOF OF SERVICE

- 1. My name is <u>Keri Taylor</u>. I am over the age of eighteen. I am employed in the State of California, County of <u>San Bernardino</u>.
- 2. My ✓ business _____ residence address is <u>Briggs Law Corporation, 99 E. C St., Ste. 203</u> 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

 \checkmark 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.

- **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 \checkmark of the State of California that the foregoing is true and correct.

Date: <u>March 30</u>, <u>2023</u>

Signature:	Ayun Tap	

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