

JUL 27 2026

David W. Slayton, Executive Officer/Clerk of Court

By: R. Mendoza, Deputy

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES**

JANE DOE, an Adult Individual Suing Under)
Anonymity Due to Privacy and Safety)
Concerns,)

Plaintiff,)

vs.)

NEXSTAR MEDIA GROUP, INC., a)
Delaware Corporation; ALEKSANDAR)
JOVANOVIC, an Individual; SEBASTIAN)
RUCCI, an Individual; and DOES 1)
through 10, inclusive,)

Defendants.

CASE NO.: 24STCV25789

ORDER RE:

DEFENDANT NEXSTAR MEDIA
GROUP, INC.'s SPECIAL MOTION TO
STRIKE UNDER CALIFORNIA'S ANTI-
SLAPP STATUTE

Dept. 733
8:30 a.m.
July 24, 2026

I. INTRODUCTION

This case arises from a publicized landlord-tenant dispute between Plaintiff Jane Doe ("Plaintiff") and Defendant Aleksandar Jovanovic ("Jovanovic"). Plaintiff alleges that Jovanovic made various false statements about Plaintiff to various third parties, including various news outlets for the sole purpose of terrorizing her, spreading outrageous lies about her, resulting in obscene threats to her physical safety.

On October 3, 2024, Plaintiff initiated this action.

On August 13, 2025, Plaintiff filed a first amended complaint ("FAC") against Defendants Jovanovic, Nexstar Media Group, Inc. ("Nexstar"), and Sebastian Rucci ("Rucci")

1 (“Defendants”), alleging causes of action for (1) Violation of Cal. Gov. Code Section 6208.1(a)
2 and (2) Intentional Infliction of Emotional Distress.

3 On February 5, 2026, Nexstar filed the instant special motion to strike (“anti-SLAPP”).

4 On July 9, 2026, Plaintiff filed an opposition.

5 On July 17, 2026, Nexstar filed a reply.

6 **II. LEGAL STANDARD**

7 “If a defendant brings a special motion under the anti-SLAPP statute [Code of Civil
8 Procedure Section 425.16] to strike a cause of action, the trial court evaluates that motion using a
9 two-step process: The first examines the nature of the conduct that underlies the plaintiff’s
10 allegations to determine whether the conduct is protected by section 425.16; the second assesses
11 the merits of the plaintiff’s claim. [Citation]” (*Laker v. Board of Trustees of California State*
12 *University* (2019) 32 Cal.App.5th 745, 759.)

14 “The defendant’s first-step burden is to identify the activity each challenged claim rests
15 on and demonstrate that that activity is protected by the anti-SLAPP statute. A ‘claim may be
16 struck only if the speech or petitioning activity *itself* is the wrong complained of, and not just
17 evidence of liability or a step leading to some different act for which liability is asserted.’
18 [Citation.] To determine whether a claim arises from protected activity, courts must ‘consider
19 the elements of the challenged claim and what actions by the defendant supply those elements
20 and consequently form the basis for liability.’ [Citation.] Courts then must evaluate whether the
21 defendant has shown any of these actions fall within one or more of the four categories of
22 ‘act[s]’ protected by the anti-SLAPP statute. [Citations.]” (*Wilson v. Cable News Network,*
23 *Inc.* (2019) 7 Cal.5th 871, 884 [italics in original].)

1 “In the first step of the analysis, the trial court determines whether the cause of action
2 ‘arises from’ an “‘act in furtherance of a person's right of petition or free speech under the
3 United States or California Constitution in connection with a public issue.’” [Citation] The first
4 step of the anti-SLAPP analysis ‘turns on two subsidiary questions: (1) What conduct does the
5 challenged cause of action ‘arise[] from’; and (2) is that conduct ‘protected activity’ under the
6 anti-SLAPP statute?’ [Citation]” (*Laker, supra*, 32 Cal.App.5th. at p.760.)

7 “The Supreme Court has clarified that ‘arising from’ means ‘based on.’ [Citation] This
8 element of the first step of the anti-SLAPP analysis is sometimes referred to as the ‘nexus’
9 requirement. [Citation] Conduct constitutes ‘protected activity,’ if it falls within one of the
10 categories set out in section 425.16, subdivision (e). Section 425.16, subdivision (e), in turn,
11 applies to (1) ‘any written or oral statement or writing made before a legislative, executive, or
12 judicial proceeding, or any other official proceeding authorized by law’; (2) ‘in connection with
13 an issue under consideration or review by a legislative, executive, or judicial body, or any other
14 official proceeding authorized by law’; (3) ‘in a place open to the public or a public forum in
15 connection with an issue of public interest’; or (4) ‘any other conduct in furtherance of the
16 exercise of the constitutional right of petition or the constitutional right of free speech in
17 connection with a public issue or an issue of public interest.’ [Citation] The defendant bringing
18 the anti-SLAPP motion to strike must make a prima facie showing that the allegations that form
19 the basis of the plaintiff's claims arise from conduct that falls under one of these categories.
20 [Citation]” (*Ibid.*)

21
22 “If the defendant prevails in this step of the analysis, the trial court must then assess the
23 merits of the plaintiff's claim. The Supreme Court has described this second step of the SLAPP
24 analysis as a ‘summary-judgment-like procedure.’ [Citation.] The plaintiff carries the burden of
25

1 demonstrating that its claim has ‘at least ‘minimal merit.’ [Citation.] If the plaintiff is unable to
2 demonstrate that his or her claim has at least minimal merit, then the trial court should deem the
3 cause of action a SLAPP and should strike it. [Citation.]” (*Ibid.*)

4 At this “second stage of an anti-SLAPP hearing, the court may consider affidavits,
5 declarations, and their equivalents if it is reasonably possible the proffered evidence set out in
6 those statements will be admissible at trial. Conversely, if the evidence relied upon cannot be
7 admitted at trial, because it is categorically barred or undisputed factual circumstances show
8 inadmissibility, the court may not consider it in the face of an objection. If an evidentiary
9 objection is made, the plaintiff may attempt to cure the asserted defect or demonstrate the defect
10 is curable.” (*Sweetwater Union High School Dist. v. Gilbane Building Co.* (2019) 6 Cal.5th 931,
11 949.)

13 The trial court properly considers the evidentiary submissions of both the plaintiff and the
14 defendant, but it may not weigh the credibility or comparative strength of the evidence and must
15 instead simply determine whether the plaintiff’s evidence would, if believed by the trier of fact,
16 be sufficient to result in a judgment for plaintiff. (*McGarry v. Univ. of San Diego* (2007) 154
17 Cal.App.4th 97, 108-09.) The court “accept[s] as true the evidence favorable to the plaintiff
18 [citation] and evaluate[s] the defendant’s evidence only to determine if it has defeated that
19 submitted by the plaintiff as a matter of law.’ [Citations.]” (*Flatley v. Mauro* (2006) 39 Cal.4th
20 299, 326.) Further, whether the evidence is in conflict, in the context of a motion to strike under
21 the anti-SLAPP statute, if the plaintiff has presented a sufficient pleading and has presented
22 evidence showing that a prima facie case will be established at trial, the plaintiff is entitled to
23 proceed. (*Moore v. Shaw* (2004) 116 Cal.App.4th 182, 193.) Only a minimal showing of merit is
24 required. (*Robinzine v. Vicory* (2006) 143 Cal.App.4th 1416, 1421.)
25

1 **III. JUDICIAL NOTICE**

2 Plaintiff requests for the Court to take judicial notice of the following pursuant to
3 Evidence Code section 452:

- 4 - Screenshot dating July 8, 2026 of Defendant's Sebastian Rucci's California State Bar
5 public profile
6
7 - Memorandum of Opinion Order in the matter Rucci v. Mahoning County, Case No.
8 4:11CV873
9
10 - news story dated July 2, 2015, regarding Defendant Rucci, and entitled, "Austintown
11 hotel owner checks in for 30-day jail sentence."
12
13 - press release dated April 21, 2020 from the Chief Judge of the United States Tax Court,
14 stating, in pertinent part, "ORDERED that, until reinstated, Mr. Rucci is prohibited from
15 holding himself out as a member of the Bar of the United States Tax Court."
16
17 - a news story dated January 12, 2022, and entitled, "Government alleges Medicaid fraud
18 at California Palms", where the story states, in pertinent part, "The government says
19 Rucci and others billed Medicaid for services that were never provided and 'upcoded'
20 assessments to maximize Medicaid reimbursements."
21

22 The Court denies Plaintiff's request as the documents pertain to Defendant Rucci, and are
23 simply irrelevant to the issues presented in the instant motion. The Court may decline to take
24 judicial notice of materials not "necessary, helpful or relevant." (*Jordache Enterprises, Inc. v.*
25 *Brobeck, Phleger & Harrison* (1998) 18 Cal.4th 739, 748, fn. 6.)

1
2 **IV. EVIDENTIARY OBJECTIONS**

3 Nexstar objects to certain portions of the Declarations of Jane Doe, Jordan Matthews,
4 Anne Speckhard, Ph.D. and Chris Silver Smith filed in opposition to the instant motion. The
5 Court rules as follows.

- 6 - Overruled: Nos. 1, 2, 3, 5, 6, 8, 10, 12, 13, 14, 15, 16, 18, 19, 20, 21, 22, 24, 25, 26,
7 28, 29, 30, 31, 32, 33, 34, 36, 38, 39, 41, 43, 44, 45, 46, 50.
8 - Sustained: 4, 7, 9, 11, 17, 23, 27, 35, 37, 40, 42, 47, 48, 49.
9

10 **V. DISCUSSION**

11 Nexstar files the instant anti-SLAPP motion to the entirety of Plaintiff's FAC.

12 1. First Prong: Protected Activity

13 "To prevail on an anti-SLAPP motion, the movant must first make 'a threshold showing
14 the challenged cause of action' arises from an act in furtherance of the right of petition or free
15 speech in connection with a public issue." (*Varian Medical Systems, Inc. v. Delfino* (2005) 35
16 Cal.4th 180, 192.) "[T]he focus is on determining what 'the defendant's activity [is] that gives
17 rise to his or her asserted liability—and whether that activity constitutes protected speech or
18 petitioning.' [Citation.]" (*Park v. Board of Trustees of California State University* (2017) 2
19 Cal.5th 1057, 1063.)

20 In determining whether an entire cause of action should be stricken from a complaint:
21 "[T]he statutory phrase 'cause of action ... arising from' means simply that the defendant's act
22 underlying the plaintiff's cause of action must *itself* have been an act in furtherance of the right of
23 petition or free speech." (*City of Cotati v. Cashman* (2002) 29 Cal.4th 69, 78.) "In the anti-
24 SLAPP context, the critical point is whether the plaintiff's cause of action itself was *based on an*
25

1 act in furtherance of the defendant's right of petition or free speech.” (*Ibid.*) “In terms of whether
2 relief is sought based on allegations of both protected and unprotected activity, “the unprotected
3 activity is disregarded at this stage. If the court determines that relief is sought based on
4 allegations arising from activity protected by statute, the second step is reached. There, the
5 burden shifts to the plaintiff to demonstrate that each challenged claim based on protected
6 activity is legally sufficient and factually substantiated ... If not, the claim is stricken.” (*Baral v.*
7 *Schnitt* (2016) 1 Cal.5th 376, 396.)

8
9 ““The only means specified in section 425.16 by which a moving defendant can satisfy
10 that [‘arising from’] requirement is to demonstrate that the defendant’s conduct by which
11 plaintiff claims to have been injured falls within one of the four categories described in
12 subdivision (e)’ [Citation.]” (*Ibid.*) Code of Civil Procedure Section 425.16 subdivision (e),
13 in pertinent part, defines protected acts to include “(1) any written or oral statement or writing
14 made before a legislative, executive, or judicial proceeding, or any other official proceeding
15 authorized by law, (2) any written or oral statement or writing made in connection with an issue
16 under consideration or review by a legislative, executive, or judicial body, or any other official
17 proceeding authorized by law, (3) any written or oral statement or writing made in a place open
18 to the public or a public forum in connection with an issue of public interest, or (4) any other
19 conduct in furtherance of the exercise of the constitutional right of petition or the constitutional
20 right of free speech in connection with a public issue or an issue of public interest.” (Code Civ.
21 Proc., § 425.16(e)(1-4).)

22
23 Pursuant to *Baral*, “[a]t the first step, the moving defendant bears the burden of
24 identifying all allegations of protected activity, and the claims for relief supported by
25 them.” (*Baral, supra*, 1 Cal. 5th at p, 396.)

1 On the first step of the anti-SLAPP analysis, a defendant may introduce extrinsic
2 evidence to meet its initial burden in demonstrating whether the disputed claims arise from
3 protected activity. (*Gunn v. Drage* (9th Cir. 2023) 65 F.4th 1109, 1118 [“Under California’s anti-
4 SLAPP statute, defendants are entitled to rely on their own proffered evidence to show that they
5 have met the *prima facie* burden of demonstrating protected activity. Indeed, California’s anti-
6 SLAPP statute *requires* courts to consider evidence outside the pleadings at both steps of the
7 analysis.”]; *Navellier v. Sletten* (2002) 29 Cal.4th 82 [examining declarations and other
8 documents at first prong to determine whether each of the acts “about which plaintiffs complain
9 falls squarely within the plain language of the anti-SLAPP statute”].) The defendant does not
10 have to solely rely on the pleadings, as “[s]uch conclusive deference would be difficult to
11 reconcile with the statutory admonition that courts must look beyond the pleadings to consider
12 any party evidentiary submissions as well.” (*Wilson v. Cable News Network, Inc.* (2019) 7
13 Cal.5th 871, 887; see *Stewart v. Rolling Stone LLC* (2010) 181 Cal.App.4th 664 [“[W]e do not
14 evaluate the first prong of the anti-SLAPP test solely through the lens of a plaintiff’s cause of
15 action.”].)

17 As to Nexstar, Plaintiff alleges the following. “Defendants Jovanovic and Rucci played
18 out this strategy by effectively making themselves stars of Defendant Nexstar’s show “Banfield”
19 hosted by Ashleigh Banfield (“Banfield”). On numerous episodes, Banfield hosted Defendants
20 Jovanovic and Rucci, outrageously and falsely stating, or otherwise inferring that Plaintiff was
21 engaging in criminal conduct, and other false stories. Defendant Nexstar otherwise plastered
22 Plaintiff’s image all throughout the internet and the national media, shaming Plaintiff, a sexual
23 assault survivor, inciting numerous third parties to threaten Plaintiff with physical violence.”
24 (FAC ¶ 4.) “Defendant Nexstar also posted Plaintiff’s image all over the national media and the
25

1 internet, shaming and humiliating her with lies.” (*Id.* ¶ 19.) “Nexstar know[s] that Plaintiff has
2 received numerous threats to her personal safety because her image and personal information is
3 posted on the internet in connection with a doxing and smear campaign” and still refuses “to
4 remove Plaintiff’s image and personal information from websites they own or otherwise
5 control.” (*Id.* ¶¶ 39-41.) “Plaintiff objectively and reasonably fears for her safety because []
6 Nexstar are posting her image and personal information on websites they own or otherwise
7 control and Plaintiff, as a sexual assault survivor, has received numerous abhorrent and vile
8 threats to her safety.” (*Id.* ¶ 43.)

9
10 It is clear that Nexstar’s alleged conduct arises from protected activity.

11 a. **Section 425.16(e)(2)**

12 First, Nexstar’s alleged conduct falls squarely within the protection of section
13 425.16(e)(2), as the alleged “smear campaign” arises from Nexstar’s reporting made in
14 connection with the underlying litigation between Plaintiff and Jovanovic, where Plaintiff has
15 engaged in a public lawsuit using her full name. (See Harris Decl., Ex. B [public court
16 documents from the case number 23SMCV02658] (“Civil Action”).) Plaintiff was also involved
17 in an unlawful detainer between herself and Jovanovic. (See Harris Decl., Ex. B-4 ¶¶ 30, 31
18 [Aug. 14, 2023 Doe declaration in prior lawsuit mentioning two additional lawsuits against her
19 related to landlord-tenant dispute]; Ex. B-6 at 1 [Nov. 13, 2023 court order mentioning unlawful
20 detainer action against Doe “that has been much in the news”]; Ex. B-5 at 2 [Sept. 11, 2013 court
21 order].)

22
23 As stated above, subdivision (e)(2) affords anti-SLAPP protection to “any written or oral
24 statement or writing made in connection with an issue under consideration or review by a
25

1 legislative, executive, or judicial body, or any other official proceeding authorized by law.”
2 (Code Civ. Proc., § 425.16, subd. (e)(2).)

3 The Civil Action remains ongoing and has garnered widespread media attention,
4 including the attention of Nexstar who began covering the dispute on October 5, 2023. (See
5 Harris Decl., Ex. A [fourteen news articles concerning the landlord-tenant dispute between
6 Jovanovic and Plaintiff].) Considering a defendant’s ability to proffer extrinsic evidence to help
7 meet its burden on the first prong, Nexstar provides the actual broadcasting segments that were
8 aired related to the dispute, which the Court has reviewed. (Smedick Decl., ¶ 2 Exs. D-H.)
9 NewsNation’s Banfield show discussed the dispute five times in total—on October 5, 6, 16, and
10 23, and November 6, 2023 (together, the “Segments”). (*Ibid.*)

11
12 Rucci, who was Jovanovic’s counsel in the Civil Action between Jovanovic and Plaintiff
13 (see Harris Decl., Ex. B), appeared as a guest on each of the five segments to provide updates on
14 the litigation. (Smedick Decl., Exs D-H.) On one episode, a third-party legal expert made a guest
15 appearance to explain the underlying law. (*Id.*, Ex. E.) In the October 5, 2023 NewsNation
16 segment, Banfield interviewed Rucci, who described Jovanovic’s original complaint against
17 Plaintiff, Plaintiff’s demurrer, the court’s rulings, another suit filed by Jovanovic against Plaintiff
18 that added the City of Los Angeles as a Defendant, and the overall happenings with the eviction
19 process. (Smedick Decl., Ex. D.) Later, on October 23, 2023, Rucci discussed the potential
20 evidence that could be admitted at the trial in the Civil Action that would be helpful for his
21 client, Jovanovic. (*Id.*, Ex. G.) On November 6, 2023, Banfield interviewed Rucci and Jovanovic
22 regarding an update on Plaintiff vacating the property at issue in the Civil Action and the latest
23 filings in the ongoing litigation between Jovanovic and Plaintiff. (*Id.*, Ex. H.)
24
25

1 Simply put, “statements to a news publication related to judicial proceedings qualify for
2 section 425.16(e)(2)’s protection.” (*Mandel v. Hafermann* (N.D. Cal. 2020) 503 F. Supp. 3d 946,
3 967–68; *Haight Ashbury Free Clinics, Inc. v. Happening House Ventures* (2010) 184
4 Cal.App.4th 1539, 1549 [“[Appellant’s] statements to the newspaper are within the scope of
5 subdivision (e)(2) of section 425.16, as a ‘written or oral statement or writing made in
6 connection with an issue under consideration or review by a ... judicial body[.]’ ”]; *Braun v.*
7 *Chron. Publ’g Co.* (1997) 52 Cal.App.4th 1036, 1048 [new articles “were made “in connection
8 with” [an investigative audit] proceeding: they reported that the investigation was being
9 conducted, its subject matter, the documents gathered and relied on by the investigators, as well
10 as the execution of the search warrant.”].)

12 Nexstar’s alleged conduct are all related to its broadcasting activity reporting on the Civil
13 Action between Jovanovic and Plaintiff, including general updates on the legal proceedings
14 related to that case. The broadcasts included statements from Rucci, Jovanovic and a third-party
15 legal expert discussing the underlying litigation. (*Neville v. Chudacoff* (2008) 160 Cal.App.4th
16 1255, 1266 [“[A] statement is ‘in connection with’ litigation under section 425.16, subdivision
17 (e)(2) if it relates to the substantive issues in the litigation and is directed to persons having some
18 interest in the litigation.”]; *see also id.* at p. 1270 [“[S]ection 425.16, subdivision (e)(2) ... has
19 been held to protect statements to persons who are not parties or potential parties to litigation,
20 provided such statements are made ‘in connection with’ pending or anticipated litigation.”
21 [citations].)

23 The Court notes that Plaintiff does not address subdivision (e)(2) at all in her opposition.
24 Thus, on this basis alone, the Court finds that Nexstar has met its burden on the first prong.

25 **b. Section 425.16(e)(4)**

1 Nonetheless, Nexstar's alleged conduct also falls squarely within the protection of section
2 425.16(e)(4), as Nexstar's alleged activities for which Plaintiff seeks to impose liability all relate
3 to Nexstar's news broadcasting.

4 As stated above, subdivision (e)(4) affords anti-SLAPP protection to "any other conduct
5 in furtherance of the exercise of the constitutional right of petition or the constitutional right of
6 free speech in connection with a public issue or an issue of public interest." (Code Civ. Proc., §
7 425.16, subd. (e)(4).)

8 This category is a " 'catch-all' " that extends the anti-SLAPP statutes beyond actual
9 instances of free speech to " 'all conduct in furtherance of the exercise of the right of free speech
10 in connection with a public issue.' " (Citation.) An act is in furtherance of the rights of free
11 speech " 'if the act helps to advance that right or assists in the exercise of that right.' "
12 (Citation.)" (*San Diegans for Open Gov't v. San Diego State Univ. Rsch. Found.* (2017) 13
14 Cal.App.5th 76, 101.)

15 "There is a protected free speech right to report the news. (Citation.) Reporting the news
16 and creating a television show both qualify as an exercise of free speech." (*Ibid.*) "Reporting the
17 news [qualifies] as an exercise of free speech. [Citation.] Reporting the news requires the
18 assistance of newsgathering and other related conduct and activity, which are acts undertaken in
19 furtherance of the news media's right to free speech. Such conduct is therefore protected conduct
20 under the anti-SLAPP statute." (*Ibid.*; *Tamkin v. CBS Broad., Inc.* (2011) 193 Cal.App.4th 133,
21 143; [defendants' use of plaintiffs' names in draft script of television show is protected activity
22 because it "helped to advance or assist in creating, casting, and broadcasting of an episode of a
23 popular television show"].) We see "no reason why newsgathering activity and other actions
24 contributing to a broadcast report should be less deserving of anti-SLAPP protection than the
25

1 broadcast report itself. Indeed, a lawsuit targeting newsgathering activity threatens to chill
2 participation in speech-related processes and, if successful, may block the exercise of free
3 speech.” (*Iloh v. Regents of Univ. of California* (2023) 94 Cal.App.5th 947, 959.)

4 Here, Plaintiff’s allegations about Nexstar’s conduct all pertain its alleged broadcast
5 activities. (See FAC ¶ 12 [alleging “Nexstar broadcast th[e] Banfield television show in Los
6 Angeles and specifically hosted Defendants Jovanovic and Rucci . . . on [the] show to ostracize
7 Plaintiff”]; *id.* ¶ 19 [alleging Nexstar “posted [Plaintiff’s] image all over the national news media
8 and internet.”]; FAC, Attachment 2 at 1 [“[W]e are writing regarding the flagrant use of Doe’s
9 name, image and likeness on the NewsNation show ‘Banfield’”].)

11 Furthermore, the broadcasts at issue pertain to the “public interest.” The definition of
12 “public interest” as it pertains to the anti-SLAPP statute has been “broadly construed to include
13 not only governmental matters, but also private conduct that impacts a broad segment of society
14 and/or that affects a community in a manner similar to that of a governmental entity.” (*Dual*
15 *Diagnosis Treatment Ctr., Inc. v. Buschel* (2016) 6 Cal.App.5th 1098, 1104 (citation omitted).)
16 Some examples “include situations in which the subject of the statement or activity was a person
17 or entity in the public eye, the statement or activity involved conduct that could affect large
18 numbers of people beyond the direct participants, or the statement or activity involved a topic of
19 ‘widespread, public interest.’” (*Ibid.*)

21 Courts “are required to consider the context as well as the content of a statement. We first
22 look to the content of the speech by asking what public issue or issue of public interest is
23 implicated by the speech in question. And then we ask “what functional relationship exists
24 between the speech and the public conversation about some matter of public interest.” “[W]e
25 examine whether a defendant—through public or private speech or conduct—participated in, or

1 furthered, the discourse that makes an issue one of public interest.” “[A] statement is made ‘in
2 connection with’ a public issue when it contributes to—that is, ‘participat[es]’ in or furthers—
3 some public conversation on the issue.” (*Gazal v. Echeverry* (2024) 101 Cal.App.5th 34, 43
4 (citing *FilmOn.com Inc. v. DoubleVerify Inc.* (2019) 7 Cal.5th 133).)

5 The Civil Action and the entire underlying landlord-tenant dispute garnered extensive
6 media coverage. (See Harris Decl., Ex. A.) The issues emphasized by the Civil Action directly
7 impacts the life of a large portion of the community of Los Angeles, such as homeowners,
8 tenants, Airbnb-hosts, and Airbnb-residents. (*FilmOn.com, supra*, 7 Cal.5th at pp. 145–146 [In
9 determining what constitutes a public issue, courts consider various factors, including “whether
10 the subject of the speech or activity ‘was a person or entity in the public eye’ or ‘could affect
11 large numbers of people beyond the direct participants’”]; *Smith v. Santa Rosa Democrat*, 2011
12 WL 5006463 at * 2 [“the subject matter of the [Segments]—contentious landlord-tenant
13 disputes and the consequences thereof—are a matter of significant public interest.”].)

14 Plaintiff’s reliance on *Woodhill Ventures, LLC v. Yang* (2011) 68 Cal.App.5th 624 is
15 misplaced. That case involved a customer’s statements on social media and on his podcast
16 criticizing a bakery criticizing bakery he hired to create his child’s birthday cake for making
17 decorations that customer alleged looked too much like real medication. (*Id.* at p. 635.) The court
18 there did not find that the statement was protected activity as the customer published the
19 statements “on his social media accounts to air his dissatisfaction with a particular cake” and
20 thus, his statements “were not part of a larger discussion.” (*Id.* at p. 636.)

21 *Woodhill* did not concern any broadcasting or other news-related activity. Here, Nexstar
22 like many other news outlets, reported on active, public litigation concerning Plaintiff and
23 Jovanovic, and thus its broadcasting activity is undoubtedly protected activity. This is even the
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25

1 case considering Plaintiff's allegations regarding Nexstar's refusal to depublish Plaintiff's
2 "personal information," including her name and image, even though she is protected by the
3 California Safe at Home Program. (FAC ¶¶ 5, 11, 16, 35; *Cox Broadcasting Corp. v. Cohn*
4 (1975) 420 U.S. 469 [First Amendment protected reporter who published rape victim's name in
5 violation of state criminal statute]; *Smith v. Daily Mail Publishing Co.* (1979) 443 U.S. 97
6 [invalidating state law that criminalized publication of juvenile murder suspect's name without
7 court permission]; *The Florida Star v. B.J.F.* (1989) 491 U.S. 524 [First Amendment protected
8 newspaper that published rape victim's name--inadvertently released by police--in violation of
9 state criminal statute]; *Laker v. Board of Trustees of California State University* (2019) 32
10 Cal.App.5th 745, 762 [" '[C]onduct that would otherwise be protected by the anti-SLAPP statute
11 does not lose its coverage simply because it is alleged to have been unlawful. [Citation.] If that
12 were the test, the anti-SLAPP statute would be meaningless.' [Citation.]"].)

14 Nexstar has sufficiently satisfied its burden under the first prong as both causes of action
15 alleged in the FAC are premised on Nexstar's protected activity of reporting on a publicized
16 legal dispute between Plaintiff and Jovanovic.

17 The burden now shifts to Plaintiff to show that she has a probability of success on the the
18 two causes of action.

19 2. Second Prong: Minimal Merit

20 For the second prong of the anti-SLAPP analysis, Plaintiff bears the burden of
21 establishing a probability of succeeding on the merits. (*See Kyle v. Carmon* (1999) 71
22 Cal.App.4th 901, 907.) However, Plaintiff is "not required 'to prove the specified claim to the
23 trial court;' rather, so as to not deprive the plaintiff of a jury trial, the appropriate inquiry is
24 whether the plaintiff has stated and substantiated a legally sufficient claim." (*Whitehall v.*
25

1 *County of San Bernardino* (2017) 17 Cal.App.5th 352, 364.) “Put another way, the plaintiff must
2 demonstrate that the complaint is both legally sufficient and supported by a sufficient prima facie
3 showing of facts to sustain a favorable judgment if the evidence submitted by the plaintiff is
4 credited.” [Citation.] (*Navellier v. Sletten* (2002) 29 Cal. 4th 82, 88–89.)

5 “In opposing an anti-SLAPP motion, the plaintiff cannot rely on the allegations of the
6 complaint, but must produce evidence that would be admissible at trial. [Citation.] Thus,
7 declarations may not be based upon ‘information and belief’ [Citation] and documents submitted
8 without the proper foundation will not be considered.” (*HMS Capital, Inc. v. Lawyers Title Co.*
9 (2004) 118 Cal.App.4th 204, 212.) The complaint, even if verified, is insufficient to carry the
10 plaintiff’s shifted burden. (*Roberts v. Los Angeles County Bar Association* (2003) 105
11 Cal.App.4th 604, 614; *Karnazes v. Ares* (2016) 244 Cal.App.4th 344, 354 [“pleadings do not
12 constitute evidence”].)

14 “The court considers the pleadings and evidence submitted by both sides, but does not
15 weigh credibility or compare the weight of the evidence. Rather, the court’s responsibility is to
16 accept as true the evidence favorable to the plaintiff [citation] and evaluate the defendant’s
17 evidence only to determine if it has defeated that submitted by the plaintiff as a matter of law.
18 [Citation.] The trial court merely determines whether a prima facie showing has been made that
19 would warrant the claim going forward.” (*HMS Capital, Inc., supra*, 118 Cal.App.4th at p. 212.)

20
21 **a. Fair Report Privilege**

22 Subject to some exceptions not relevant to the determination of the instant motion, the
23 “fair and true report” privilege found in Civil Code section 47, subdivision (d) provides
24 that a publication or broadcast is privileged if it is one made:
25

1 By a fair and true report in, or a communication to, a public journal, of (A) a judicial, (B)
2 legislative, or (C) other public official proceeding, or (D) of anything said in the course
3 thereof, or (E) of a verified charge or complaint made by any person to a public official,
4 upon which complaint a warrant has been issued.

5 (Civ. Code, § 47(d)(1); see Civ. Code, § 47(d)(2) [exceptions applicable to certain
6 communications that violate State Bar Rules of Professional Conduct or confidentiality
7 requirements, or that breach a court order].)

8
9 When the fair reporting privilege found in Civil Code section 47, subdivision (d)
10 applies, “the reported statements are ‘absolutely privileged regardless of the defendants’ motive
11 for reporting’ them.” (*Healthsmart Pacific, Inc. v. Kabateck (Healthsmart)* (2016) 7 Cal.App.5th
12 416, 431 (quoting *Hawran v. Hixson* (2012) 209 Cal.App.4th 256, 278); see *Argentieri v.*
13 *Zuckerberg* (2017) 8 Cal.App.5th 768, 787; *McClatchy Newspapers, Inc. v. Superior*
14 *Court (McClatchy)* (1987) 189 Cal.App.3d 961, 974 [“Even when the print media publish an
15 accurate report of a statement they know to be false, the protective cloak... remains intact, not
16 penetrated by a finding of malice.”].) “Courts have construed the privilege broadly, mindful of
17 the Legislature’s intent to preserve the scarce resources of California’s courts and to avoid using
18 the courts for satellite litigation.” (*Healthsmart, supra*, 7 Cal.App.5th at p. 431 (internal
19 quotations omitted).)

20
21 “Although the fair report privilege is typically invoked by news media defendants, it also
22 protects those who communicate information to the media.” (*Healthsmart, supra*, 7
23 Cal.App.5th at p. 431; see *Argentieri, supra*, 8 Cal.App.5th at p. 787 [“Unlike the litigation
24 privilege, the fair and true reporting privilege pertains specifically to communications to the
25

1 press, and it requires that the report be fair and true, not that it actually further the
2 underlying litigation.”.)

3 For a report to be protected by the fair reporting privilege, the report must be “fair and
4 true,” which “in this context does not refer to the truth or accuracy of the matters asserted in the
5 judicial proceedings, but rather to the accuracy of the challenged statements with respect to what
6 occurred in the judicial proceedings.” (*Healthsmart, supra*, 7 Cal.App.5th at p. 434 (citing
7 *McClatchy, supra*, 189 Cal.App.3d at p. 975); see, e.g., *Colt, supra*, 109 Cal.App.4th at pp. 250-
8 251 [“Thus the publication concerning legal proceedings is privileged as long as the substance of
9 the proceedings is described accurately.”]; *Sipple v. Foundation for Nat. Progress* (1999) 71
10 Cal.App.4th 226, 244; *McClatchy, supra* 189 Cal.App.3d at pp. 975-976 [“Thus, we are not
11 concerned with either the merits of [plaintiff’s] allegations or the truth
12 of [defendants’] statements to the media about plaintiffs, but rather the extent to which
13 the [defendant] attorneys’ statements accurately conveyed the substance of the allegations made
14 in the... [reported upon] complaint.”].)

15
16 However, “[i]t is undenied that a media defendant does not have to justify every word of
17 the alleged defamatory material that is published.” (*McClatchy, supra*, 189 Cal.App.3d at
18 p. 975.) Rather, “[t]he media’s responsibility lies in ensuring that the ‘gist or sting’ of the report-
19 its very substance-is accurately conveyed.” (*Ibid.* (citing *Hayward v. Watsonville Register-*
20 *Pajaronian & Sun* (1968) 265 Cal.App.2d 255, 262).) “Moreover, this responsibility carries with
21 it a certain amount of literary license.” (*Id.* at p. 976.) “The reporter is not bound by the
22 straitjacket of the testifier’s exact words; a degree of flexibility is tolerated in deciding what is
23 a ‘fair report.’” (*Ibid.*; see *Argentieri, supra*, 8 Cal.App.5th at pp. 787-788 [“The defendant is
24 entitled to a certain degree of ‘flexibility/literary license’ in this regard, such that the privilege
25

1 will apply even if there is a slight inaccuracy in details—one that does not lead the reader to be
2 affected differently by the report than he or she would be by the actual truth.”]; *Colt, supra*, 109
3 Cal.App.4th at p. 1558 [“The news article need not track verbatim the underlying
4 proceeding.”].)

5 When analyzing whether the report ensures the “gist or sting” of the report is accurately
6 conveyed, the court looks to the “natural and probable effect” of the report on the mind of the
7 average reader. (See, e.g., *Argentieri, supra*, 8 Cal.App.5th at 787; *Healthsmart, supra*, 7
8 Cal.App.5th at p. 431; *Colt, supra*, 109 Cal.App.4th at p. 1558 [“Only if the deviation is of such
9 a 'substantial character' that it 'produces a different effect' on the reader will the privilege be
10 suspended.”]; *Braun v. Chronicle Publishing Co.* (1997) 52 Cal.App.4th 1036, 1050, fn.
11 6; *McClatchy, supra*, 189 Cal.App.3d at pp. 975-976; see also *Kilgore v. Younger* (1982) 30
12 Cal.3d 770, 777 [analyzing the fair reporting privilege found in Civil Code section 47,
13 subdivision (e)].)

15 Whether a “privileged occasion” exists within the meaning of the fair reporting privilege
16 is a question of law, but whether a report is “fair and true” is a question of fact for the
17 jury, “provided reasonable minds could disagree as to the effect of the communication on the
18 average reader or listener....” (*Healthsmart, supra*, 7 Cal.App.5th at p. 431.) However, if “there
19 is no dispute as to what occurred in the judicial proceeding reported upon or as to what was
20 contained in the report” then the question is one of law. (*Id.* (quoting *McClatchy, supra*, 189
21 Cal.App.3d at p. 976).)

23 As provided above, the Segments provide updates on the status of the underlying
24 litigation between Jovanovic and Doe, and analyses of the parties’ arguments and positions in
25 that litigation. (See, e.g., Smedick Decl., Ex. D-H.) In providing information on the Civil Action,

1 including applicable law and recent filings, the Court finds that the Segments accurately capture
2 the gist and sting of the allegations and arguments in that litigation. Based on the Court's review
3 of the Segments, a reasonable viewer could understand that the broadcasts are merely reporting
4 on the underlying litigation between Plaintiff and Jovanovic.

5 The Court finds *Healthsmart* instructive, a case which concerned the defendant's
6 statements in a CBS radio report about a pending lawsuit. (*Healthsmart*, *supra*, 7 Cal.App.5th at
7 p. 419.) Defendant was counsel on the case, and he was introduced during the report as
8 such. (*Id.* at p. 422 ["In the approximately four and one-half minute report, the Fox 11 reporter
9 identifies Kabateck as Cavalieri's attorney in a lawsuit, which alleges that medical devices
10 were 'implanted in Cavalieri's body as part of a scam to illegally profit from insurance
11 companies and California taxpayers. The report alternates between scenes of Kabateck speaking
12 to a person off-camera, images of the complaint, video of persons and places referred to in the
13 story (such as Senator Calderon and Pacific Hospital's former facility), and the reporter speaking
14 to the camera."].) The reporter referenced the lawsuit several times during defendant's
15 interview and defendant himself referenced the "complaint." (*Id.* at 436.) Defendant used the
16 words "allege" and "alleged" when conveying the substance of his client's allegations, his
17 statements were "interspersed among the reporter's frequent references to the [] lawsuit and
18 images of the complaint shown in the background." (*Ibid.*) The Court found that the statements
19 "constituted fair and true communications to the news media about a judicial proceeding—i.e.,
20 the allegations in the Cavalieri complaint—and are therefore protected by the fair report
21 privilege."
22

23 Similarly here, Jovanovic, Rucci and a legal expert were hosted on the Segments
24 discussing the underlying litigation. They came on to discuss the status of the litigation and
25

1 further explain the law surrounding the issue and how such a dispute came to be so legally
2 contested in the first place. (See, e.g., Smedick Decl., Ex. D-H.) The Segments similarly used the
3 words “demurrer,” “complaint,” “appeal,” “with prejudice,” “unlawful detainer,” “damages,”
4 “countersue,” and other legal jargon when addressing the underlying litigation between
5 Jovanovic and Plaintiff. (*Ibid.*)

6
7 It is apparent that the fair report privilege applies, and Plaintiff has not meaningfully
8 addressed the privilege nor provided any evidence disputing its application. Thus, Plaintiff failed
9 to establish her burden on prong two of the anti-SLAPP analysis. In light of this, the Court need
10 not address Nexstar’s remaining arguments.

11 Nexstar’s motion is granted.

12 **VI. CONCLUSION**

13 Based on the foregoing,

14 Nexstar’s special motion to strike based on California’s Anti-SLAPP statute is
15 GRANTED. The entirety of Plaintiff’s complaint is hereby stricken as to Nexstar. When a court
16 grants an anti-SLAPP motion, the unsuccessful party is not entitled to leave to amend. (*Simmons*
17 *v. Allstate Ins. Co.* (2001) 92 Cal.App.4th 1068, 1074 [“[W]e believe that granting leave to
18 amend the complaint after the court finds the defendant had established its prima facie case
19 would be jamming a procedural square peg into a statutory round hole.”].)

20
21 Dated this 27th day of July 2026

22
23
24 

25
Hon. Gary D. Roberts
Judge of the Superior Court