

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF MARIN**

DATE: 05/26/26 TIME: 1:30 P.M. DEPT: A CASE NO: CV0003775

PRESIDING: HON. STEPHEN P. FRECCERO

REPORTER:

CLERK: C. IBARRA

PLAINTIFF: RADU MIHAILA

vs.

DEFENDANT: ULTRAGENYX
PHARMACEUTICAL, INC.

NATURE OF PROCEEDINGS: MOTION – COMPEL – DISCOVERY FACILITATOR PROGRAM

RULING

Appearances required.

All parties must comply with Marin County Superior Court Local Rules, Rule 2.10(B) to contest the tentative decision. Parties who request oral argument are required to appear in person or remotely by ZOOM. Regardless of whether a party requests oral argument in accordance with Rule 2.10(B), the prevailing party shall prepare an order consistent with the announced ruling as required by Marin County Superior Court Local Rules, Rule 2.11.

The Zoom appearance information for May, 2026 is as follows:

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**SUPERIOR COURT OF CALIFORNIA
COUNTY OF MARIN**

DATE: 05/26/26 TIME: 1:30 P.M. DEPT: A CASE NO: CV0005199

PRESIDING: HON. STEPHEN P. FRECCERO

REPORTER:

CLERK: C. IBARRA

PLAINTIFF: L3 COMMERCIAL
TRAINING SOLUTIONS AIRLINE
ACADEMY, A COMMERCIAL FLIGHT
SCHOOL

vs.

DEFENDANT: COLIN J. HENRY, ET AL

NATURE OF PROCEEDINGS: MOTION – STRIKE

RULING

In light of the filing an amended pleading on March 16, 2026, the motion of Cross-Defendant L3 Commercial Training Solutions Airline Academy to strike is moot and ordered **OFF CALENDAR**.

All parties must comply with Marin County Superior Court Local Rules, Rule 2.10(B) to contest the tentative decision. Parties who request oral argument are required to appear in person or remotely by ZOOM. Regardless of whether a party requests oral argument in accordance with Rule 2.10(B), the prevailing party shall prepare an order consistent with the announced ruling as required by Marin County Superior Court Local Rules, Rule 2.11.

The Zoom appearance information for May, 2026 is as follows:

<https://marin-courts-ca-gov.zoomgov.com/j/1615162449?pwd=e5SqeATq2HOsxxD7FhrI3Q7qPFgFZa.1>

Meeting ID: 161 516 2449

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**SUPERIOR COURT OF CALIFORNIA
COUNTY OF MARIN**

DATE: 05/26/26 TIME: 1:30 P.M. DEPT: A CASE NO: CV0009233

PRESIDING: HON. STEPHEN P. FRECCERO

REPORTER:

CLERK: C. IBARRA

PETITIONER: CHERYL RUGGIERO

vs.

DEFENDANT: BOLINAS HEARSAY NEWS,
ET AL

NATURE OF PROCEEDINGS: 1) DEMURRER
2) MOTION – ANTI-SLAPP 425.16

RULING

Defendants Bolinas Hearsay News (“the Hearsay”), Jesse McCollum (“McCollum”), Mark Butler (“Butler”), Nicole Lavelle (“Lavelle”), and Jeff Manson’s (“Manson”) (collectively, “Defendants”) anti-SLAPP motion to strike is **GRANTED** as to all four of Plaintiff Cheryl Ruggiero’s (“Plaintiff”) causes of action. (Code Civ. Proc., § 425.16, subd. (b)(1).) Plaintiff’s request to take discovery under Code of Civil Procedure, section 425.16, subdivision (g) is **DENIED**. This ruling moots Defendants’ concurrently-filed demurrer.

Background

This is a defamation case pertaining to statements published in the Hearsay, a community-run newspaper. (Complaint, ¶ 8.) To contextualize Plaintiff’s allegations, the Court must describe her allegations in a separate, but related case pending before this Court, *Cheryl Ruggiero v. Bolinas Hearsay News et al.*, Case No. CV0007185 (“*Ruggiero I*”).¹

Plaintiff filed *Ruggiero I* in August 2025. The operative First Amended Complaint (“*Ruggiero I* FAC”) alleges that on August 5 and August 9, 2024, the Hearsay published two articles written by a José Leyva (“the Leyva Articles”). (*Ruggiero I* FAC, ¶¶ 5, 16.) Both articles accused Plaintiff of defending genocide, stating that she has vocally supported the state of Israel in its actions in Palestine. (*Id.* at Exs. A, B.) Both referred to her as a racist based on her commentary on the Israel-Palestine issue and on her participation in a group called Bolinas for Compassionate Land Use, which the articles describe as attempting to render certain Latino residents of Bolinas homeless. (*Ibid.*) In *Ruggiero I*, Plaintiff alleges that these statements and other statements in the Leyva Articles were “demonstrably false[.]” (*Id.* at ¶ 17.) Plaintiff’s causes of action in *Ruggiero I* include defamation (libel), libel per se, false light invasion of privacy, and intentional infliction of emotional distress.

¹ Defendants’ unopposed request for judicial notice is GRANTED. (Evid. Code, § 452, subd. (d).)

Plaintiff filed the instant case, *Ruggiero II*, on February 23, 2026.² In the operative complaint, Plaintiff alleges that on December 1, 2025, the newspaper published an article written by Manson on the Hearsay’s behalf. (Complaint, ¶¶ 40, 41.) The article “alert[ed] the community that Plaintiff had filed a lawsuit for defamation” (*Ruggiero I*) and stated that “[a]lthough we [the Hearsay’s editors] feel the complaint is without merit,” the Hearsay would need community assistance funding its defense. (*Id.* at ¶ 40.) It directed readers to a GoFundMe campaign. (*Ibid.*) In the same issue, on the same page, the Hearsay published a litigation funding update authored by Lavelle. (*Id.* at ¶ 41 & Ex. A.)

Also in the December 1, 2025 issue, and on the same page as the other two pieces, the Hearsay published a haiku written by McCollum (the “McCollum Haiku”) that Plaintiff alleges “refer[red] to and specifically endors[ed]” the Leyva Articles. (Complaint, ¶¶ 1-2.) The haiku read, in full, “HAIKU | for the record Jose was 100% right | it’s him you owe apology – jesse mccollum.” (*Id.* at ¶ 4 & Ex. A.) Plaintiff claims that the haiku was defamatory on the theory that, because it “endorses” the Leyva Articles, suggests that their content was true, and “reminds the readers” of their “defamatory content[,]” it is “akin to a republication of the injurious statements[.]” (*Id.* at ¶¶ 3-4; see also ¶¶ 31, 41, 42, 49.) She alleges that the haiku amounts to a demand that she apologize for, among other things, filing *Ruggiero I*. (*Id.* at ¶ 4)

The Court now considers Defendants’ anti-SLAPP motion to strike³ all four of *Ruggiero II*’s causes of action in their entirety. Defendants filed a demurrer to the complaint alongside their anti-SLAPP motion. The Court does not reach the merits of the demurrer based on its ruling on the anti-SLAPP motion.

Legal Standard

“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, unless the court determines that the plaintiff has established that there is a probability that the plaintiff will prevail on the claim.” (Code Civ. Proc., § 425.16, subd. (b)(1).) The purpose of this statute is to identify and dispose of lawsuits brought to chill the valid exercise of a litigant’s constitutional right of petition or free speech. (Code Civ. Proc., § 425.16, subd. (a); *Sylmar Air Conditioning v. Pueblo Contracting Services, Inc.* (2004) 122 Cal.App.4th 1049, 1055-1056.)

Courts use a two-step process to evaluate anti-SLAPP motions. (*Equilon Enterprises v. Consumer Cause, Inc.* (2002) 29 Cal.4th 53, 67.) First, the moving defendant must show that the challenged lawsuit arises from protected activity. (*Ibid.*) To establish protected activity, the defendant must demonstrate that “the act or acts underlying the plaintiff’s claim falls within one of the four categories [of protected activity] identified in section 425.16, subdivision (e).” (*Lee v.*

² The Court is very confused as to why Plaintiff chose to file an entirely new lawsuit instead of seeking leave to amend the *Ruggiero I* FAC to include her new allegations.

³ Defendants in *Ruggiero I* filed an anti-SLAPP motion in that case, which the Court denied. In her complaint in this new action, Plaintiff alleges that “as reflected” in the Court’s ruling on this anti-SLAPP motion in *Ruggiero I*, “Plaintiff’s claims are not meritless.” (Complaint, ¶ 49.) The Court has never addressed the merits of Plaintiff’s claims in *Ruggiero I*, in its ruling on that anti-SLAPP motion or elsewhere.

Silveira (2016) 6 Cal.App.5th 527, 538; accord *Howard Jarvis Taxpayers Assn. v. Powell* (2024) 105 Cal.App.5th 955, 968.) In determining whether a complaint or a subset of it “arises from” protected activity, “[t]he critical consideration is whether the cause of action is based on the defendant’s free speech or petitioning activity.” (*Navellier v. Sletten* (2002) 29 Cal.4th 82, 89 [emphasis added]; see also *Baral v. Schnitt* (2016) 1 Cal.5th 376, 396.) “Courts deciding an anti-SLAPP motion . . . must consider the claim’s elements, the actions alleged to establish those elements, and whether those actions are protected.” (*Bonni v. St. Joseph Health System* (2021) 11 Cal.5th 995, 1015; accord *Park v. Board of Trustees of California State University* (2017) 2 Cal.5th 1057, 1062.)

If the defendant makes this “threshold showing[,]” the court proceeds to the second step, where the plaintiff must demonstrate a probability of prevailing on the merits of the claims at issue. (*Equilon Enterprises, supra*, 29 Cal.4th 53, 67; Code Civ. Proc., § 425.16, subd. (b)(1).) This is not a particularly weighty burden. (See *Overstock.com, Inc. v. Gradient Analytics, Inc.* (2007) 151 Cal.App.4th 688, 699; *Navellier, supra*, 29 Cal.4th 82, 95 [only “minimal merit” is “required to survive an anti-SLAPP motion].) The plaintiff must merely “demonstrate that the complaint is both legally sufficient and supported by a sufficient prima facie showing of facts to sustain a favorable judgment if the evidence submitted by the plaintiff is credited.” (*Soukup v. Law Offices of Herbert Hafif* (2006) 39 Cal.4th 260, 291 [quoting *Matson v. Dvorak* (1995) 40 Cal.App.4th 539, 548]; see also *Bergman v. Drum* (2005) 129 Cal.App.4th 11, 18 [standard is similar to that governing a plaintiff’s burden in opposition to a defendant’s motion for summary judgment].) The court does not weigh the evidence, but accepts all evidence favorable to the plaintiff as true and asks whether it makes the required prima facie showing. (*Overstock.com, supra*, 151 Cal.App.4th 688, 699-700.) The court should consider evidence presented by the defendant at the merits stage, but only to the extent of determining whether such evidence defeats the plaintiff’s case as a matter of law. (*Ibid.*)

“Only a cause of action that satisfies *both* prongs of the anti-SLAPP statute – i.e., that arises from protected speech or petitioning *and* lacks even minimal merit – is a SLAPP, subject to being stricken under the statute.” (*Navellier, supra*, 29 Cal.4th 82, 89 [emphasis in original].)

Discussion

Protected Activity (All Causes of Action)

The Court has carefully reviewed the complaint and finds that the conduct underlying all four of Plaintiff’s causes of action is limited to the publication of the McCollum Haiku, despite the fact that the complaint describes numerous other publications. The Court arrives at this conclusion based on the language of the critical allegation for each cause of action (see Complaint, ¶¶ 53, 58, 65, 68-69) viewed through the lens of the framing that appears in the introduction of the complaint.⁴ (See Complaint, ¶ 1 [“This is an action for defamation for the publication in the

⁴ It is the language of the pleading, not the plaintiff’s subsequent characterization of the pleading, that matter at step one of the anti-SLAPP analysis. (See *Medical Marijuana, Inc. v. ProjectCBD.com* (2020) 46 Cal.App.5th 869, 883 [“[T]he act or acts underlying a claim for purposes of an anti-SLAPP statute is determined from the plaintiffs’ allegations.”] [emphasis in original].) That said, Plaintiff states vehemently that this interpretation of the pleading is what she intended. She intended to sue over the publication of the McCollum Haiku and is not, in this action, claiming that any other publication is actionable. (Opposition, pp. 1, 2-3.)

Bolinas Hearsay News (the ‘Hearsay’) of Defendant Jesse McCollum’s ‘haiku’ on December 1, 2025.”].)

The making of “any written or oral statement . . . in connection with an issue under consideration or review by a . . . judicial body” is protected activity under the anti-SLAPP statute. (Code Civ. Proc., § 425.16, subd. (e)(2).) “A statement is ‘in connection with’ an issue under consideration by a court in a judicial proceeding” within the meaning of this provision “if it relates to a substantive issue in the proceeding and is directed to a person having some interest in the proceeding.” (*Fremont Reorganizing Corp. v. Fagin* (2011) 198 Cal.App.4th 1153, 1167.)

In *Ruggiero I*, Plaintiff is suing the Hearsay and other defendants for defamation based on the idea that the statements in the Leyva Articles are defamatory. As falsity is an element of the tort of defamation (*John Doe 2 v. Superior Court* (2016) 1 Cal.App.5th 1300, 1312), the truth of the statements in the Leyva Articles is “an issue under consideration” (Code Civ. Proc., § 425.16, subd. (e)(2)) by the Court in *Ruggiero I*. Plaintiff herself alleges that the McCollum Haiku “communicates to readers that Leyva’s accusations are true, and that Plaintiff . . . engaged in the racist and genocide-supporting conduct alleged by Leyva.” (Complaint, ¶ 42.) This allegation compels the conclusion that the McCollum Haiku directly addressed “a substantive issue” before the court in *Ruggiero I*. (*Fremont Reorganizing, supra*, 198 Cal.App.4th 1153, 1167.) *Ruggiero I* is a lawsuit against the Hearsay, a community-operated newspaper. (Complaint, ¶¶ 5, 8.) The McCollum Haiku was printed in the Hearsay and thus directed at its readership, a population which has “some interest” in the lawsuit (*Fremont Reorganizing, supra*, 198 Cal.App.4th 1153, 1167) given that it both reads the paper and comprises the community that produces it. Printing the McCollum Haiku constitutes protected activity under Section 425.16(e)(2).

In arguing otherwise, Plaintiff relies on *Paul v. Friedman* (2002) 95 Cal.App.4th 853.⁵ There, the plaintiff had successfully sued a defendant in arbitration and filed a separate lawsuit against the attorney who had represented the defendant in the arbitration proceeding. (95 Cal.App.4th 853, 856-857.) The plaintiff alleged that the attorney had, in the arbitration proceeding, conducted an unduly intrusive investigation and made public disclosures of embarrassing private information about the plaintiff. (*Id.* at p. 858.) The Second District held that the defendant’s anti-SLAPP motion should have been denied. It stated that no part of the anti-SLAPP statute, including Section 425.16(e)(2), “accord[s] anti-SLAPP protection to suits arising from any act having any connection, however remote, with an official proceeding.” (*Id.* at p. 866.) Under Section 425.16(e)(2), “a connection to an issue under review in a proceeding, and not merely to a proceeding,” is required. (*Id.* at pp. 866, 867 [a “litigation nexus alone” is “not sufficient”].) Based on an examination of the statement of claim in the arbitration proceeding underlying *Paul*, the Second District determined that “the intrusive prehearing investigation of and disclosures concerning Paul’s personal life – the subject of the lawsuit – were unrelated to any issue under consideration in the arbitration.” (*Id.* at p. 867.) Thus, the plaintiff’s claims did not arise out of protected activity under Section 425.16(e)(2). (*Id.* at p. 868.)

⁵ Plaintiff also cites *Rothman v. Jackson* (1996) 49 Cal.App.4th 1134. That case did not discuss the anti-SLAPP statute.

The nexus that was missing in *Paul* is present in the instant case. Plaintiff herself paints the McCollum Haiku as directly commenting on the merits of the central issue before the Court in *Ruggiero I*.

The burden shifts to Plaintiff to demonstrate a probability of prevailing on the merits of her claims.

Probability of Prevailing

First Cause of Action: Defamation

“ ‘The elements of a defamation claim are (1) a publication that is (2) false, (3) defamatory, (4) unprivileged, and (5) has a natural tendency to injure or causes special damage.’ ” (*John Doe 2, supra*, 1 Cal.App.5th 1300, 1312 [quoting *Wong v. Jing* (2010) 189 Cal.App.4th 1354, 1369].) As discussed, Plaintiff contends that the McCollum Haiku constitutes actionable defamation purely because it gestures at certain statements and then endorses their truth, although it does not in any way repeat the substance of those statements. (Complaint, ¶¶ 1, 4, 42.) Defendants argue that this is not enough. They contend that to be actionable as defamation, the McCollum Haiku needed to reproduce the Leyva Articles’ allegations.

Defendants rely heavily, if not exclusively, on cases applying the single publication rule. The single publication rule provides that “for any single edition of a newspaper or book, there [is] but a single potential action for a defamatory statement contained in that newspaper or book, no matter how many copies of the newspaper or the book [are] distributed.” (*Shively v. Bozanich* (2003) 31 Cal.4th 1230, 1245; see also Civ. Code, § 3425.3.) Discussing the origins of the rule, *Shively* explained that at common law, every individual communication of a defamatory remark to a new audience constituted a separate publication and gave rise to a new cause of action. (*Shively, supra*, 31 Cal.4th 1230, 1243.) This meant, for example, that if a newspaper printed a defamatory statement, and it printed and delivered 10,000 units of the edition containing that statement, it was subject to 10,000 defamation claims even though the statement only ran in a single edition of the newspaper. (*Id.* at p. 1242-1243.) “This conclusion . . . had the potential to disturb the repose that the statute of limitations ordinarily would afford, because a new publication of the defamation could occur if a copy of the newspaper or book were preserved for many years and then came into the hands of a new reader who had not discovered it previously. The statute of limitations could be tolled indefinitely, perhaps forever, under this approach.” (*Id.* at p. 1243.)

The effect of the single publication rule is that (to use the example in the previous paragraph) the statute of limitations on any potential defamation claim based on that newspaper edition begins to run when that edition of the newspaper is “first made available to the public.” (*Yeager v. Bowlin* (2012) 693 F.3d 1076, 1082.) However, if the statement is “republished[,]” meaning “reprinted in something that is not part of the same ‘single integrated publication[,]’ ” it is considered a different publication capable of supporting a new action for defamation with its own statute of limitations. (*Ibid.* [quoting *Christoff v. Nestle USA, Inc.* (2009) 47 Cal.4th 468, 213 P.3d 132, 137].)

Returning to Defendants' argument, they argue that to be actionable, the McCollum Haiku must constitute a "republishing" in the sense in which that term is used in the single publication rule context. It is not clear why that would be the case when Defendants do not contend that the single publication rule applies to Plaintiff's defamation claim and renders it nonactionable. They do not argue that her defamation claim based on the McCollum Haiku is time-barred. They do not address whether the editions of the Hearsay that printed the Leyva Articles and the McCollum Haiku "constitute[] a 'single integrated publication[,]'" a threshold issue that must be addressed "[i]n order to apply the single-publication rule[.]" (*Christoff, supra*, 47 Cal.4th 468, 477 [quoting *Belli v. Roberts Brothers Furs* (1966) 240 Cal.App.2d 284, 289].) As a result, cases examining "republishing" as that term is used in reference to the republishing exception to the single publication rule are irrelevant. The single publication rule bears on the timeliness of a defamation claim. It does not govern whether the statement that is the subject of the claim can be legally considered defamatory in nature. The Court wants to make clear that its ruling on this motion is not based on the idea that the McCollum Haiku is not a "republishing" within the meaning of the single publication rule.

In order to carry her burden on her defamation claim, Plaintiff needs to establish the following: If Speaker A makes a defamatory statement,⁶ and Speaker B points at him and says *only*, "What Speaker A said is true," Speaker B is subject to liability for defamation. Plaintiff has not presented the Court with a single case in which a court held that this fact pattern gives rise to an actionable defamation claim against Speaker B.

Plaintiff has not met her burden as to her defamation claim and the motion is GRANTED as to this cause of action.

Second Cause of Action: Libel Per Se

"Libel is a form of defamation effected in writing." (*John Doe 2, supra*, 1 Cal.App.5th 1300, 1312; Civ. Code, § 44.) A statement is libelous per se if its defamatory meaning is apparent on its face, "without the necessity of explanatory matter[.]" (Civ. Code, § 45a; *McGarry v. University of San Diego* (2007) 154 Cal.App.4th 97, 112.)

The Court's conclusion that Plaintiff has not met her burden on her defamation claim compels it to hold that Plaintiff has not met her burden as to her libel per se claim. Also, Plaintiff's theory of how the McCollum Haiku is defamatory expressly relies on its relationship to other statements published months previously and on what the Hearsay's audience knows of Plaintiff, Leyva, and their public dispute. (Complaint, ¶¶ 1, 4, 31, 42.) This is not a legally viable theory of libel per se. (See Civ. Code, § 45a; *McGarry, supra*, 154 Cal.App.4th 97, 112.) The motion is GRANTED as to this cause of action.

Third Cause of Action: False Light Invasion of Privacy

"False light is a species of invasion of privacy, based on publicity that places a plaintiff before the public in a false light that would be highly offensive to a reasonable person, and where the

⁶ The Court is not implying that the Leyva Articles contain any statements that are actionable as defamation. It does not reach that issue.

defendant knew or acted in reckless disregard as to the falsity of the publicized matter and the false light in which the plaintiff would be placed.’” (*Jackson v. Mayweather* (2017) 10 Cal.App.5th 1240, 1264 [quoting *Price v. Operating Engineers Local Union No. 3* (2011) 195 Cal.App.4th 962, 970].)

“ ‘[W]hen a false light claim is coupled with a defamation claim, the false light claim is essentially superfluous, and stands or falls on whether it meets the same requirements as the defamation cause of action.’” (*Jackson, supra*, 10 Cal.App.5th 1240, 1264 [quoting *Eisenberg v. Alameda Newspapers, Inc.* (1999) 74 Cal.App.4th 1359, 1385, fn. 13].) As discussed, Plaintiff has not met her second-step burden as to her defamation cause of action, so the motion is GRANTED as to her false light claim.

Fourth Cause of Action: IIED

To prove IIED, a plaintiff must plead (1) extreme and outrageous conduct by the defendant, (2) intent to cause emotional distress or reckless disregard of the risk of causing the same, (3) severe emotional distress, and (4) causation. (*Cochran v. Cochran* (1998) 65 Cal.App.4th 488, 494.) To qualify as “extreme and outrageous,” the conduct must be “so outrageous in character, and so extreme in degree, as to go beyond all possible bounds of decency, and to be regarded as atrocious, and utterly intolerable in a civilized community.” (*Id.* at p. 496 [quoting Rest.2d Torts, § 46, com. d, p. 73].) “Liability for intentional infliction of emotional distress ‘does not extend to mere insults, indignities, threats, annoyances, petty oppressions, or other trivialities.’” (*Hughes v. Pair* (2009) 46 Cal.4th 1035, 1051 [quoting *Molko v. Holy Spirit Assn.* (1988) 46 Cal.3d 1092, 1122 (overruled on another ground by *Aguilar v. Atlantic Richfield Co.*, 25 Cal.4th 826, 853, fn. 19)].)

When determining whether conduct is sufficiently extreme and outrageous to support IIED liability as a matter of law, the Court uses the conduct determined, in other cases, to satisfy that high standard as a benchmark. Some examples of conduct deemed to meet the standard are a television camera crew’s entering a private residence without the residents’ consent to film paramedics’ ultimately unsuccessful attempts to save the life of a heart attack victim and subsequently broadcasting the footage (*Miller v. National Broadcasting Co.* (1986) 187 Cal.App.3d 1463, 1488); a 48-year-old doctor sexually abusing his underage coworker for an extended period of time while plying her with alcohol and drugs (*Angie M. v. Superior Court* (1995) 37 Cal.App.4th 1217, 1226); and making repeated, graphic threats of physical harm (*Delfino v. Agilent Technologies, Inc.* (2006) 145 Cal.App.4th 790, 809).

Plaintiff is not, in this case, trying to hold Defendants liable for IIED for publishing the Leyva Articles. She is alleging that they committed IIED by publishing a haiku that vouched for the truth of the statements in the Leyva Articles many months after their publication and without recounting any of the statements. This is the kind of “petty oppression” or “indignit[y]” (*Hughes, supra*, 46 Cal.4th 1035, 1051 [quoting *Molko, supra*, 46 Cal.3d 1092, 1122]) that cannot support IIED liability as a matter of law. “[O]utrageous conduct is that which is the most extremely offensive. . . . [O]ffensive conduct which falls along the remainder of the spectrum may be irritating, insulting or even distressing but it is not actionable and must simply be endured without resort to legal redress.” (*Yurick v. Superior Court* (1989) 209 Cal.App.3d 1116, 1129 [as

modified].) What Plaintiff is alleging is simply too different in kind from conduct deemed to satisfy the “outrageous” conduct element for her claim to be viable.

As an independent ground for concluding that Plaintiff has not met her burden on this claim, the Court notes that Plaintiff does not direct the Court to any evidence that the Hearsay published the McCollum Haiku or the underlying Leyva Articles with intent to cause her emotional distress or with reckless disregard of the risk of causing her emotional distress, nor has the Court located any such evidence in her showing.

The motion is GRANTED as to this cause of action.

Request for Discovery

Upon the filing of an anti-SLAPP motion, all discovery proceedings in the action are stayed. (Code Civ. Proc., § 425.16, subd. (g).) The court has discretion to permit specified discovery “on noticed motion and for good cause shown[.]” (*Ibid.*) In her opposition to this motion, Plaintiff requests that she be allowed to take discovery. Plaintiff did not make this request in a “noticed motion” and so has not triggered the Court’s discretion to grant it. (*Ibid.*) Moreover, to merit discovery under this provision, the plaintiff is required to explain “why the discovery is necessary to carry its burden on the anti-SLAPP motion.” (*Six4Three, LLC v. Facebook, Inc.* (2025) 109 Cal.App.5th 635, 659.) Plaintiff contends that she has carried her burden and is entitled to a ruling in her favor. She is requesting discovery in case “the Court believes additional evidence is necessary[.]” (Opposition, p. 15.) In other words, she believes she has all the evidence she needs and has provided it to the Court, but if the Court disagrees, she wants to take discovery and attempt a do-over. The request is denied.

All parties must comply with Marin County Superior Court Local Rules, Rule 2.10(B) to contest the tentative decision. Parties who request oral argument are required to appear in person or remotely by ZOOM. Regardless of whether a party requests oral argument in accordance with Rule 2.10(B), the prevailing party shall prepare an order consistent with the announced ruling as required by Marin County Superior Court Local Rules, Rule 2.11.

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**SUPERIOR COURT OF CALIFORNIA
COUNTY OF MARIN**

DATE: 05/26/26 TIME: 1:30 P.M. DEPT: A CASE NO: CV0009245

PRESIDING: HON. STEPHEN P. FRECCERO

REPORTER:

CLERK: C. IBARRA

IN THE MATTER OF EDWIN TAITANO

NATURE OF PROCEEDINGS: WRIT OF MANDATE HEARING

RULING

The hearing date is VACATED. This matter is set for a case management conference on July 15, 2026, at 9 am in Courtroom A.

All parties must comply with Marin County Superior Court Local Rules, Rule 2.10(B) to contest the tentative decision. Parties who request oral argument are required to appear in person or remotely by ZOOM. Regardless of whether a party requests oral argument in accordance with Rule 2.10(B), the prevailing party shall prepare an order consistent with the announced ruling as required by Marin County Superior Court Local Rules, Rule 2.11.

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