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SUPREME COURT
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March 9, 2011

Via Federal Express

Honorable Tani Cantil-Sakauye, Chief Justice
and Associate Justices
Supreme Court of California
350 McAllister Street, Room 1295
San Francisco, California 94102-3600

Re: ***Hardev Singh Grewal v. Amolak Singh Jammu et al.***
Court of Appeal Case No. A126239
Request for Depublication
(Cal. Rules of Court, rule 8.1125(a))

Dear Chief Justice Cantil-Sakauye and Associate Justices:

The ACLU of San Diego & Imperial Counties, the ACLU of Southern California, the American Civil Liberties Union Foundation of Northern California, the Asian Pacific American Legal Center, a member of the Asian American Center for Advancing Justice, the Association of Alternative Newsweeklies, the Association of Southern California Defense Counsel, the California Anti-SLAPP Project, the California Broadcasters Association, the California Newspaper Publishers Association, the Center for Judicial Excellence, the Coalition for Humane Immigrant Rights of Los Angeles, Dow Jones & Company, the Electronic Frontier Foundation, the Environmental Law Foundation, the First Amendment Coalition, the First Amendment Project, the Golden State Manufactured-Home Owners League, the Magazine Publishers of America, the Planning and Conservation League, and Public Counsel (collectively, the Coalition) respectfully urge this court to order the Court of Appeal's opinion in *Grewal v. Jammu* (2011) 191 Cal.App.4th 977 (*Grewal*) not to be published in the official reports.

Although *Grewal* is a straightforward appeal that implicated no important issues and involved no novel facts, the Court of Appeal published extensive dicta criticizing the anti-SLAPP statute's broad scope and its immediate right of appeal provision—points that were not addressed by the parties' briefs, were unnecessary to the resolution of the case before it, and which relied on erroneous examples of supposed abuse and misleading statistics to attack the anti-SLAPP statute. This is the rare case where depublication is necessary because *Grewal*'s dicta will escape review since no petition for review has been filed and the issues necessary to the resolution of the case are not worthy of review.

In particular, *Grewal*'s dicta: (1) selectively cited cases in an effort to show that some defendants have supposedly filed abusive anti-SLAPP motions challenging claims

that, in *Grewal*'s view, were not covered by the anti-SLAPP statute (*Grewal, supra*, 191 Cal.App.4th at pp. 999-1000) while ignoring contrary case authority concluding that the statute applies to such claims; and (2) relied on statistics that, in *Grewal*'s view, show that the anti-SLAPP statute is being abused (*id.* at pp. 998-999) while ignoring the complete statistical record that shows no such abuse is occurring. The court then used this misleading "evidence" of abuse to attack a defendant's statutory right to immediately appeal anti-SLAPP orders and asserted that there is no helpful legislative history supporting this right (*id.* at pp. 998, 1000-1003) while seeking to minimize the significant legislative history favoring a defendant's right to appeal and the balance struck by the Legislature between vindicating defendants' rights under the statute through appeal and the delay plaintiffs face during that process.

Absent depublication, *Grewal*'s erroneous dicta will remain published, fostering confusion among litigants and courts as well as threatening to deter parties from filing proper anti-SLAPP motions and appeals that are necessary to protect their fundamental constitutional rights to free speech and petition from SLAPP suits.

The interests of the Coalition

The Coalition consists of public interest organizations, trade associations, and businesses who have widely disparate goals and interests but who all share at least one key common interest: protecting the constitutional rights to free speech and petition.

The rights to free speech and to petition for redress of grievances are fundamental rights protected by the First Amendment and the California Constitution. (*Smith v. Silvey* (1983) 149 Cal.App.3d 400, 406.) Indeed, each of these ranks amongst the "most precious" of constitutional rights. (*Mine Workers v. Illinois Bar Assn.* (1967) 389 U.S. 217, 222; *San Francisco Forty-Niners v. Nishioka* (1999) 75 Cal.App.4th 637, 647.)

The anti-SLAPP statute, Code of Civil Procedure section 425.16, is "vital legislation" (*Paul for Council v. Hanyecz* (2001) 85 Cal.App.4th 1356, 1366, disapproved on another ground by *Equilon Enterprises v. Consumer Cause, Inc.* (2002) 29 Cal.4th 53, 68, fn. 5)—a statute " ' "designed to protect citizens in the exercise of their First Amendment constitutional rights of free speech and petition" ' " (*Bernardo v. Planned Parenthood Federation of America* (2004) 115 Cal.App.4th 322, 340). " ' "[T]he common feature of SLAPP suits are their lack of merit and chilling of defendants' valid exercise of free speech and the right to petition," ' " and section 425.16 " ' "was intended to address those features by providing a fast and inexpensive unmasking and dismissal of SLAPP's." ' " (*Ibid.*) Simply put, the Legislature enacted the anti-SLAPP statute because it believed this legislation was "needed" to "protect the public from lawsuits brought primarily to chill the valid exercise of First Amendment rights." (*Fox Searchlight Pictures, Inc. v. Paladino* (2001) 89 Cal.App.4th 294, 307.)

Why depublication is necessary

A. Depublication is necessary because *Grewal*'s dicta creates severe conflicts with the decisions of this court and the Courts of Appeal as well as the statute's plain language, and threatens to chill the filing of proper anti-SLAPP motions.

Grewal states in dicta that "actions against attorneys," "personal injury claims," and "insurance coverage cases" are all "cases that involve complaints that simply do not 'arise from' protected activity" covered by the anti-SLAPP statute yet in the *Grewal* court's view improperly "generate anti-SLAPP motions nevertheless." (*Grewal, supra,* 191 Cal.App.4th at p. 999.) Additionally, *Grewal* indicates that if one defendant in a case files an anti-SLAPP motion at one stage and a *different* defendant *later* files a *different* anti-SLAPP motion challenging the same claims, that "alone would be an abuse" of the anti-SLAPP statute. (*Id.* at pp. 982, 999-1000.) *Grewal*'s view that these two broad examples constitute abusive anti-SLAPP litigation is wrong and directly conflicts with the decisions of this court and the Courts of Appeal as well as the anti-SLAPP statute's plain language.

First, this court, the Courts of Appeal, or both have held that the anti-SLAPP statute *does* apply to claims against attorneys (including claims for malicious prosecution, abuse of process, and malpractice), personal injury claims, and claims involving insurers. (E.g., *Jarrow Formulas, Inc. v. LaMarche* (2003) 31 Cal.4th 728, 732-741 [anti-SLAPP statute applied to malicious prosecution action against attorney]; *Briggs v. Eden Council for Hope & Opportunity* (1999) 19 Cal.4th 1106, 1109, 1114-1115 [anti-SLAPP statute applied to claims for intentional and negligent infliction of emotional distress];[1] *State Farm Mutual Automobile Ins. Co. v. Lee* (Jan. 31, 2011, C062380) ___ Cal.App.4th ___ [2011 D.A.R. 3170, 3171-3172] [applying anti-SLAPP statute to cross-claims against insurer for abuse of process and unfair business practices] *Mallard v. Progressive Choice Ins. Co.* (2010) 188 Cal.App.4th 531, 534-542 [anti-SLAPP statute applied to abuse of process claim against attorney]; *Seltzer v. Barnes* (2010) 182 Cal.App.4th 953, 958-969 [anti-SLAPP statute applied to claim against attorney for intentional infliction of emotional distress]; *Premier Medical Management Systems, Inc. v. California Ins. Guarantee Assn.* (2006) 136 Cal.App.4th 464, 468-477 [anti-SLAPP statute applied to claims against insurers]; *Peregrine Funding, Inc. v. Sheppard Mullin Richter & Hampton LLP* (2005) 133 Cal.App.4th 658, 668-675 (*Peregrine*) [anti-SLAPP statute applied to claims against attorneys for

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[1] Claims for intentional and negligent infliction of emotional distress are personal injury claims. (See, e.g., *San Diego Gas & Electric Co. v. Superior Court* (1996) 13 Cal.4th 893, 912; *Bennett v. Suncloud* (1997) 56 Cal.App.4th 91, 97.)

professional malpractice and aiding and abetting breach of fiduciary duty]; *Dickens v. Provident Life & Accident Ins. Co.* (2004) 117 Cal.App.4th 705, 707-717 [anti-SLAPP statute applied to malicious prosecution claims against insurer].)

While other California appellate courts have either disagreed that the statute applies to some of these types of claims or identified instances where the statute might not apply to such claims in a specific case if they do not arise from acts in furtherance of the constitutional rights to free speech or petition (see *Grewal, supra,* 191 Cal.App.4th at p. 999 [collecting cases]), that does not mean the statute *never* applies to claims against attorneys, personal injury claims, or claims involving insurers. This case law simply reflects that California's appellate courts have determined that the anti-SLAPP statute applies to such claims in some instances but not in others depending on the specific bases for particular claims and that courts are split over whether the statute applies to certain types of claims, like those for malpractice. (Compare, e.g., *Peregrine, supra,* 133 Cal.App.4th at pp. 668-675 [anti-SLAPP statute applied to claims against attorneys for professional malpractice] with *PrediWave Corp. v. Simpson Thacher & Bartlett LLP* (2009) 179 Cal.App.4th 1204, 1224-1228 [disagreeing with *Peregrine* and holding anti-SLAPP statute did not apply to malpractice claims].)

Grewal ignores these significant nuances and instead broadly and erroneously suggests the anti-SLAPP statute *never* applies to claims against attorneys, personal injury claims, or claims involving insurers. By doing so, *Grewal* directly conflicts with the decisions of this court and the lower appellate courts.

Second, the fact one defendant files an earlier unsuccessful anti-SLAPP motion challenging certain claims does not bar another defendant from later filing a proper anti-SLAPP motion challenging those claims. The contrary view expressed in *Grewal* conflicts with the plain language of the anti-SLAPP statute, which provides that if a court "determines that the plaintiff has established a probability that he or she will prevail on the claim, neither that determination nor the fact of that determination shall be admissible in evidence at any later stage of the case, or in any subsequent action, and no burden of proof or degree of proof otherwise applicable shall be affected by that determination in any later stage of the case or in any subsequent proceeding." (Code Civ. Proc., § 425.16, subd. (b)(3).) This provision—which *Grewal* ignores and which must be construed broadly (see Code Civ. Proc., § 425.16, subd. (a))—bars a court from using its finding against one defendant under prong two of the anti-SLAPP statute as a basis for denying a different defendant's separate anti-SLAPP motion.

Moreover, *Grewal*'s contrary view makes no sense. When a plaintiff opposes anti-SLAPP motions brought by different defendants in the same lawsuit, the plaintiff may have sufficient admissible evidence to show he has a probability of prevailing against one defendant but may not have sufficient evidence to show a probability of

prevailing against the other defendants. (E.g., *Scalzo v. Baker* (2010) 185 Cal.App.4th 91, 94-96, 99-102 (*Scalzo*) [reversing order granting certain defendants' anti-SLAPP motion because plaintiffs had shown probability of prevailing against them but affirming order granting separate anti-SLAPP motion filed by other defendants (including attorney defendants who plaintiffs had sued) because plaintiffs had not shown a probability of prevailing against them].) If *Grewal*'s erroneous view of supposedly abusive anti-SLAPP litigation were the law, *Grewal* could not only be in conflict with cases like *Scalzo* but would also promote an improper race between each co-defendant to the courthouse to have each co-defendant's anti-SLAPP motion decided first to avoid having an anti-SLAPP motion conclusively predetermined as a matter of law by another defendant's earlier and unsuccessful anti-SLAPP motion.

In sum, depublication of *Grewal* is necessary because, by identifying the foregoing erroneous examples of abusive anti-SLAPP motions, *Grewal* is likely to foster confusion as to whether such motions may be filed in actions against attorneys, personal injury actions, actions involving insurers, or in cases where another defendant has previously filed an unsuccessful anti-SLAPP motion.

Depublication of *Grewal* is also necessary because, even assuming *Grewal*'s examples of abusive anti-SLAPP litigation were correct (they are not), *Grewal*'s overbroad definition of what constitutes an abusive anti-SLAPP motion nonetheless threatens to deter defendants from properly invoking the crucial protections of the anti-SLAPP statue to protect their vital constitutional rights from SLAPP suits.

In particular, *Grewal* suggests anti-SLAPP motions are abusive if they are filed in actions against attorneys, personal injury actions, or actions involving insurers based on prior appellate decisions in which other appellate courts had concluded the anti-SLAPP statute did not apply to particular claims. (See *Grewal*, *supra*, 191 Cal.App.4th at p. 999.) Plaintiffs and courts may thus construe *Grewal* as broadly defining an abusive anti-SLAPP motion as any motion challenging a claim where an appellate court had previously concluded the statute did not apply to a similar claim.

Under this broad standard, a defendant who knows that at least one Court of Appeal has held the anti-SLAPP statute does not apply to a particular claim might be accused of abusing the statute if he nonetheless files an anti-SLAPP motion challenging a similar claim. There is a real danger such a defendant would decline to bring an anti-SLAPP motion under those circumstances, especially to avoid the threat of having fees awarded against him under the anti-SLAPP statute (see Code Civ. Proc., § 425.16, subd. (c)(1))—and thereby be deterred from legitimately taking advantage of vital anti-SLAPP legislation designed to protect the defendant's constitutional rights. The right to invoke the critical protection of the anti-SLAPP statute against lawsuits brought to chill the exercise of fundamental constitutional rights should not be conditioned on whether one Court of Appeal has previously held the statute does not

apply to a claim in a specific case or whether a co-defendant has previously brought an unsuccessful anti-SLAPP motion. Otherwise, the anti-SLAPP statute's crucial safeguards that are designed to protect the rights to free speech and petition could be diluted or even rendered a nullity.

B. Depublication is necessary because *Grewal's* dicta relies on misleading and incomplete statistics.

Grewal also relies on the number of pages in the portion of the annotated code setting out the anti-SLAPP statute to suggest that the statute has been sorely abused. (See *Grewal, supra*, 191 Cal.App.4th at p. 998.) This view regarding the supposed "explosion" of allegedly abusive anti-SLAPP motions lead the court to call on the Legislature to repeal a defendant's right to immediately appeal from the denial of an anti-SLAPP motion because these appeals themselves abusively add to plaintiffs' delay. (See *id.* at pp. 998, 1000-1003.) But the actual facts regarding the number of written opinions show that no abuse is occurring—and that *Grewal*'s finding of abusive anti-SLAPP litigation and its call for a repeal of the defendant's right of appeal are thus without merit.

In 2010, the California intermediate appellate courts and this court decided 102 appeals (including both published and unpublished opinions) from orders granting or denying anti-SLAPP motions.[2] In 2009, 107 such appeals were decided. In comparison, the most recent Judicial Council statistics show that in the 2008-2009 fiscal year, the Courts of Appeal disposed of 11,477 appeals by written opinion. (See Judicial Council of Cal., Admin. Off. of Cts., Rep. on Court Statistics (2010) Courts of Appeal Table 5, p. 25 (hereafter 2010 Court Statistics Report).)[3] Thus, anti-SLAPP opinions by the appellate courts constitute roughly .9 percent of the total appellate opinions issued by California courts in recent years. Hardly a crisis.

More fundamentally, the actual dispositions of anti-SLAPP appeals do not show any abuse. The majority of anti-SLAPP appeals (59 in 2009 and 53 in 2010) occurred in appeals from orders *granting* anti-SLAPP motions—appeals that would likely have

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[2] Unless otherwise noted, the information for the statistics set forth in this section were gathered by searching the Westlaw database of California published and unpublished opinions for the terms "anti-slapp /10 motion /p appeal." At the court's request, we will provide a chart showing by name each opinion and its disposition. We were informed by the Clerk's office that our depublication request would not be filed if we appended such an extensive chart to our letter.

[3] This report is at available at the California Courts website. (*Court Statistics Report* <http://www.courts.ca.gov/13421.htm> [as of March 9, 2011].)

been taken as appeals from a final judgment irrespective of whether the anti-SLAPP statute gave any party a right to appeal. Furthermore, in the appeals from orders denying anti-SLAPP motions (49 in 2010 and 48 in 2009), the appellate courts reversed 22 of these orders, for a 22.6 percent reversal rate. This reversal rate is far greater than the general appellate reversal rate of 10 percent and also higher than the reversal rates in all civil cases of 19 percent. (See 2010 Court Statistics Report, *supra*, Courts of Appeal Table 6, p. 26.) Thus, far from confirming that defendants are filing meritless anti-SLAPP motions and appeals, these statistics confirm that defendants often require the immediate right of appeal to vindicate their right to early termination of a meritless SLAPP suit.

Grewal further relies on Judicial Council statistics that show the number of trial court anti-SLAPP filings per year as supposed support for its claim that the anti-SLAPP statute is being misused. (See *Grewal, supra*, 191 Cal.App.4th at pp. 998-999.) However, the total number of motions filed per year is a misleading measure of whether the statute has been abused. According to the same Judicial Council spreadsheet that *Grewal* relied on for its statistics, parties filed a total of 2,881 anti-SLAPP motions in trial courts throughout California between 2005 and 2010, or roughly 481 motions per year.[4] During that six-year period, an appeal was filed in only 375 of those cases—i.e., roughly 13 percent of the time (or roughly 62 anti-SLAPP appeals on average per year). Put another way, *in nearly ninety percent of cases, no anti-SLAPP appeal was filed.* Moreover, given the 6,199,276 total civil filings in the superior courts between the fiscal years of 2005 and 2009 (the latest date for which we have data), these 2,881 anti-SLAPP motions constitute only about .046 percent of total civil filings. (See 2010 Court Statistics Report, *supra*, Superior Courts Table 4, p. 47.) Thus, the evidence *Grewal* relies on confirms that there has been no abusive explosion of anti-SLAPP litigation. Again, no crisis here.

In short, there is no evidence that anti-SLAPP motions are overwhelming California courts or that there has been an abusive explosion of such motions or appeals. In fact, the Legislature accurately predicted the negligible effect the anti-SLAPP statute's right of appeal would have on appellate courts. The Department of Finance's enrolled bill report for Assembly Bill (AB) 1675 (the statute providing an immediate right of appeal for the granting or denial of anti-SLAPP motions) (1) concluded that under then-existing law (i.e., before defendants had an immediate right to appeal anti-SLAPP orders), appellate courts reviewed approximately 30 SLAPP motions each year and (2) noted that "the Judicial Council estimate[d] that the SLAPP

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[4] At the court's request, we will submit a copy of the extensive spreadsheet from the Judicial Council and show how we secured the information cited in our letter.

appeals authorized in AB 1675 would result in an increase of approximately 90 additional cases per year." (Dept. of Finance Enrolled Bill Report AB 1675 (Sept. 16, 1999).) In 2009 and 2010, the Courts of Appeal decided fewer than the 120 anti-SLAPP appeals per year that the Legislature expected would result from AB 1675's revision of the anti-SLAPP statute to include an immediate right of appeal.

Depublication is warranted to strike *Grewal*'s misleading statistics from the published reports to avoid confusion among courts and litigants as to whether a defendant has filed an abusive anti-SLAPP motion or appeal. As we next explain, the Court of Appeal's erroneous "evidence" of abuse of the statute should not be used as a court-sanctioned lobbying effort to convince the Legislature to eliminate the immediate right of appeal that it specifically added to the anti-SLAPP statute.

C. Depublication is warranted because *Grewal's* attempt to lobby for a statutory amendment based on misleading data and an erroneous view of legislative history should not remain in the published reports.

Prior to 1999, orders granting anti-SLAPP motions could be "appealed directly under most circumstances" but orders denying such motions could "only be reviewed by a writ until the proceedings in the trial court" were complete. (Braun, Increasing SLAPP Protection: Unburdening the Right of Petition in California (1999) 32 U.C. Davis L.Rev. 965, 1008 (hereafter Braun).) In 1998, at the request of the Judicial Council, SLAPP scholars George Pring and Penelope Canan prepared a report that recommended seven improvements to the original anti-SLAPP statute, including statutory authorization for an immediate right of appeal from orders denying anti-SLAPP motions. (Braun, California's Anti-SLAPP Remedy After Eleven Years (2003) 34 McGeorge L.Rev. 731, 778-779 & fn. 280.) The Judicial Council reported those recommendations to the Legislature in 1999 but the Council's report rejected all seven recommendations. (*Ibid.*) In rejecting the proposal for an immediate right of appeal, the Judicial Council insisted no such right was necessary because review by writ petition was "sufficient." (Braun, *supra*, at p. 1011 & fn. 182.) The Legislature, however, chose to override the Judicial Council's recommendation against an immediate right of appeal by enacting AB 1675 that same year, which amended the anti-SLAPP statute to expressly provide that "[a]n order granting or denying a special motion to strike shall be appealable." (Stats. 1999, ch. 960, § 1, p. 5486.)

Indeed, AB 1675's legislative history makes plain that the Legislature viewed a defendant's right to an immediate appeal as a vitally necessary component of the anti-SLAPP statute. As a report prepared by the Assembly Committee on Judiciary explained, the "key issue" addressed by AB 1675 was whether "a defendant subject to a 'S.L.A.P.P. Suit' [should] be permitted to immediately appeal the denial of a special motion to strike the law suit?" (Assem. Com. on Judiciary, Assem. Bill No. 1675 (1999-2000 Reg. Sess.) as introduced March 16, 1999, p. 1.) This report states that AB 1675

"furthers the purpose of the Anti-SLAPP Law . . . by allowing the defendant to immediately appeal a denial of a special motion to strike. Without this ability, a defendant will have to incur the cost of a lawsuit before having his or her right to free speech vindicated. When a meritorious anti-SLAPP motion is denied, the defendant, under current law, has only two options. The first is to file a writ of appeal, which is discretionary and rarely granted. The second is to defend the lawsuit. If the defendant wins, the Anti-SLAPP Law is useless and has failed to protect the defendant's constitutional rights." (*Id.* at p. 2; see also Sen. Com. on Judiciary, Analysis of Assem. Bill No. 1675 (1999-2000 Reg. Sess.) as amended May 28, 1999, p. 3 [recognizing key point of AB 1675 was to create right of appeal].)

In short, AB 1675's legislative history clearly confirms that the Legislature gave defendants statutory authorization to immediately appeal orders denying anti-SLAPP motions because this right to an appeal was essential to protecting defendants from SLAPP suits. (See *Varian Medical Systems, Inc. v. Delfino* (2005) 35 Cal.4th 180, 193 (*Varian*) [holding that AB 1675's legislative history confirms that Legislature amended anti-SLAPP statute to add an immediate right of appeal because, absent the ability to appeal, defendants would have to incur costs of a lawsuit to vindicate their constitutional rights]; *Doe v. Luster* (2006) 145 Cal.App.4th 139, 144-145 [observing that "[t]he Legislature concluded it was necessary to authorize an immediate appeal" and setting forth legislative history explaining why the right of appeal is critical to further the purpose of the anti-SLAPP statute].)

Using the erroneous evidence of abuse described above, and, notwithstanding the Legislature's rejection of the Judicial Council's resistance to an immediate right of appeal, its decision to amend the anti-SLAPP statute to unambiguously permit such appeals, and the clear statements in the legislative history confirming the balance the Legislature intended to strike, *Grewal* finds the legislative history for this amendment "not particularly illuminating" and concludes a defendant's right to immediately appeal orders denying anti-SLAPP motions is insufficiently important to balance out the prospect that a plaintiff who successfully opposes an anti-SLAPP motion may be forced to incur fees defending his victory. (See *Grewal, supra,* 191 Cal.App.4th at pp. 1000-1003.) *Grewal* therefore calls on the Legislature to eliminate a defendant's right to appeal from orders denying such motions. (See *id.* at pp. 1002-1003.)

While it may generally be proper for courts to urge the Legislature to amend a law, it is improper for *Grewal* to do so because its call for legislative action is based on misleading statistics that do not support its claimed abuse of the anti-SLAPP statute and on an erroneous view of AB 1675's clear legislative history favoring a defendant's vital right to immediately appeal from orders denying anti-SLAPP motions.

Grewal simply provides no legitimate evidence that the anti-SLAPP statute has fostered an explosion of abusive motions or appeals. This statute, like any other

procedural device, can undoubtedly be abused and may thus, on occasion, result in frivolous anti-SLAPP motions and appeals. (See *Varian, supra*, 35 Cal.4th at p. 195.) But trial and appellate courts are already well-armed to correct these occasional instances of abuse. (See *id.* at p. 196.) *Grewal*'s erroneous examples of abuse and misleading statistics are not a proper basis for urging the Legislature to revisit its prior determination that the anti-SLAPP statute—including its provision for appellate review—is vitally necessary to protect constitutional rights from the destructive impact of SLAPP suits.

Conclusion

For all of the foregoing reasons, this court should order the Court of Appeal's opinion in *Grewal* not to be published in the official reports.

Respectfully submitted,

HORVITZ & LEVY LLP
JEREMY B. ROSEN
FELIX SHAFIR

By: _____
Jeremy B. Rosen

Attorneys for Amici Curiae ACLU of San Diego & Imperial Counties, ACLU of Southern California, American Civil Liberties Union Foundation of Northern California, Asian Pacific American Legal Center, a member of Asian American Center for Advancing Justice, Association of Alternative Newsweeklies, Association of Southern California Defense Counsel, California Anti-SLAPP Project, California Broadcasters Association, California Newspaper Publishers Association, Center for Judicial Excellence, Coalition for Humane Immigrant Rights of Los Angeles, Dow Jones & Company, the Electronic Frontier Foundation, Environmental Law Foundation, First Amendment Coalition, First Amendment Project, Golden State Manufactured-Home Owners League, Magazine Publishers of America, Planning and Conservation League, and Public Counsel

cc: See attached Proof of Service.

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

At the time of service, I was over 18 years of age and not a party to this action. I am employed in the County of Los Angeles, State of California. My business address is 15760 Ventura Boulevard, 18th Floor, Encino, California 91436-3000.

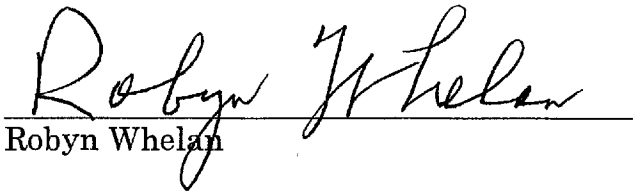
On March 9, 2011, I served true copies of the following document(s) described as **LETTER TO CALIFORNIA SUPREME COURT REQUESTING DEPUBLICATION OF COURT OF APPEAL OPINION** on the interested parties in this action as follows:

SEE ATTACHED SERVICE LIST

BY MAIL: I enclosed the document(s) in a sealed envelope or package addressed to the persons at the addresses listed in the Service List and placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with Horvitz & Levy LLP's practice for collecting and processing correspondence for mailing. On the same day that the correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid.

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

Executed on March 9, 2011, at Encino, California.



Robyn Whelan

SERVICE LIST

Hardev Singh Grewal v. Amolak Singh Jammu et al.
Supreme Court No. S_____
Court of Appeal No. A126239

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