



THE LITIGATION BULLPEN



WHEN ANTI-SLAPP SAVES THE GAME



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Raise your hand if you have ever...

litigated an Anti-SLAPP motion.

Either Way, You're in the right room.



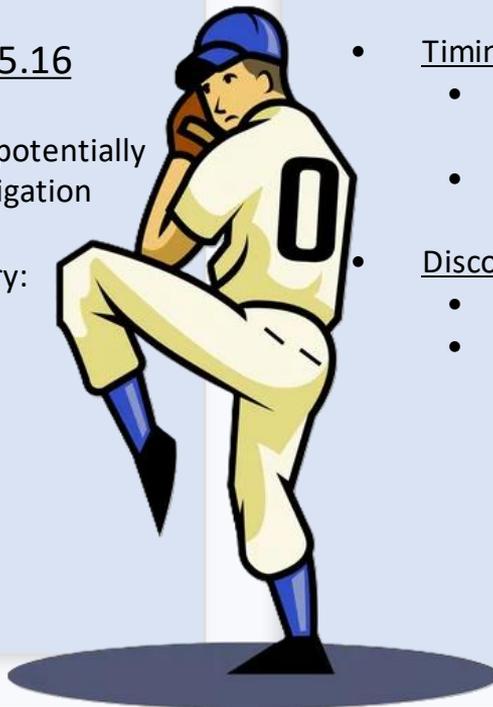
THE WIND-UP

What is an Anti-SLAPP Motion?

Strategic Lawsuits Against Public Participation

Code of Civil Procedure § 425.16

- Mechanism for defendants to strike potentially meritless causes of action early in litigation
- Court will engage in two-party inquiry:
 - 1) Protected Activity?
 - Defendant's burden
 - 2) Minimal Merit?
 - Plaintiff's burden
- Mandated Fees to Prevailing Party



Procedural Considerations

- Timing
 - Filed no later than 60 days after service of complaint
 - *Judicial Discretion for good cause
- Discovery
 - Stayed upon filing of motion
 - *Judicial Discretion for good cause



AT THE PLATE

What is an Anti-SLAPP Motion?

PLAINTIFF'S CONSIDERATIONS

Protecting a valid defamation lawsuit

Before filing:

- Do you have the facts?
 - You may have to prove them early; without discovery
- Is this protected speech?
 - Legislative
 - Judicial
 - Public forums re: public interest
 - Catchall
 - Public Issue / Public interest



DEFENDANT'S CONSIDERATIONS

Responding to defamation lawsuit

Upon service of complaint:

- Timing w/n 60 day of service
- Strategy
 - Do you have the facts?
 - Is this protected speech?
- Frivolous?
 - You lose; you pay.



FIRST PITCH

Where defamation gets complicated fast in sports & entertainment



False Statement

- 1 False statement of purported fact about you — not opinion.

Publication

- 2 Communicated to a third party – beyond you.
Libel (written) or Slander (oral)

Fault

- 3 Person who made the statement did so **negligently**, **recklessly**, or **intentionally**. For public figure, statement must be made with **actual malice**.

Damages

- 4 Reputation. Revenue. Relationships.

Who remembers the Shohei Ohtani interpreter scandal?



Scandal - when Anti-SLAPP matters most.

Los Angeles Times
Shohei Ohtani's attorneys accuse interpreter of 'massive theft' tied to alleged gambling
Representatives of Dodgers superstar Shohei Ohtani on Wednesday accused his interpreter of engaging in a "massive theft" of the ballplayer's funds to place...
Mar 23, 2024

MLB.com
Ohtani says he never bet on sports, had no knowledge of Mizuhara's gambling
LOS ANGELES – Shohei Ohtani sat back in his seat inside the press conference room at Dodger Stadium. He adjusted his cap and opened a folder that consisted...
Mar 26, 2024

The New York Times
The unanswered questions around the Shohei Ohtani, Ipppei Mizuhara betting scandal - The Athletic
The first, as told to ESPN by a spokesperson for Ohtani as well as by Mizuhara himself, is that the two-time MVP wired the money to cover his friend's gambling...
Jan 24, 2025

The Guardian
The Ohtani interpreter scandal reveals the grubby underbelly of sports betting
The Los Angeles Dodgers fired Ipppei Mizuhara, the interpreter for Shohei Ohtani, the team's two-way phenom, on Wednesday after an investigation revealed \$4.5m...
Mar 22, 2024

THE CRIMINAL COMPLAINT

Case 2:24-mj-02125-DUTY Document 1 Filed 04/11/24 Page 1 of 37 Page ID #:1

AO 91 (Rev. 11/11) Criminal Complaint (Rev. by USAO on 3/12/20)

Original Duplicate Original



UNITED STATES DISTRICT COURT

for the

Central District of California



United States of America

v.

IPPEI MIZUHARA,

Defendant(s)

Case No. 2:24-mj-02125-DUTY

**CRIMINAL COMPLAINT BY TELEPHONE
OR OTHER RELIABLE ELECTRONIC MEANS**

a. In or about May 2022, BOOKMAKER 1 communicated with an associate saved in BOOKMAKER 1's phone as "[Name] Indian Book." Based on my training, experience, and the context of the saved contact information, I believe this individual to be involved in bookmaking ("BOOKMAKER 3").

b. On or about May 18, 2022, BOOKMAKER 3 asked BOOKMAKER 1, "Send me wire info please." Later that day, BOOKMAKER 1 responded with a screenshot of wire information for an account ending in x9877 and a message stating "Name of account is. ippei Mizuhara." Bank A subsequently provided records that confirmed that the account ending in x9877 is in

11

Case 2:24-mj-02125-DUTY Document 1 Filed 04/11/24 Page 13 of 37 Page ID #:13

fact registered in the name of MIZUHARA (hereinafter, the "MIZUHARA Account").

WHAT **ESPN** SAID

Fletcher signed a five-year, \$26 million extension with the Angels in 2021 that includes two option years in 2026 and 2027 worth \$8 million and \$8.5 million, respectively. The team traded him to the Braves in December.

While with the Angels, he was often described as Ohtani's closest friend on the team.

"We're good friends," Fletcher told ESPN on March 18 when asked about his relationship with Ohtani. "We would talk on the bus and at the hotel."

Sources described Schultz as one of Fletcher's best friends. The two men, who are both 29, grew up in Orange County, California. Fletcher often appears in Schultz's Instagram posts.

In the federal complaint against Mizuhara, authorities say Bowyer sent Mizuhara's wire information to an associate known as "Bookmaker 3." **The sources told ESPN that Schultz is Bookmaker 3.**

“

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ESPN

What's The Analysis?

KLW'S ANALYSIS

- What is the false statement?
- Was there publication?
- Was there fault?
- Were there damages?

ESPN'S ANALYSIS

- Is this protected speech?
- Do we have the evidence to support statement?
- Cost vs Risk Analysis



THE DEMAND LETTER



KIMURA LONDON
& WHITE LLP

Our office has been retained by Mr. Colby Schultz (“Schultz”), to represent him in connection with your May 17, 2024 article titled, *Sources: Ex-Angels IF David Fletcher bet with Mizuhara bookie* (“Article”). Please direct any communications in connection with this matter to our office.

Mr. Schultz categorically denies the allegation that he is “Bookmaker 3” and received any “insider information” from David Fletcher, as referenced and implied in the Article. Mr. Schultz requests ESPN immediately issue a retraction.

The Article states: “Fletcher’s close friend, Colby Schultz, who played in the Kansas City Royals’ system from 2018 to 2020, placed bets on baseball, including on Angels games that Fletcher played in while he was on the team, sources told ESPN.” It goes on to state that, “[i]n the federal complaint against Mizuhara, authorities say Bowyer sent Mizuhara’s wire information to an associate known as ‘Bookmaker 3.’ The sources told ESPN that Schultz is Bookmaker 3.”

Again, Schultz is not “Bookmaker 3” and has no connection to the ongoing criminal proceeding involving Mizuhara. The implication Mr. Schultz received “insider information” is patently false. Mr. Schultz received an inquiry from Major League Baseball and intends to fully cooperate. Mr. Schultz is exploring all legal options arising from ESPN’s reckless reporting. ESPN must issue a retraction to the Article, to correct the record and mitigate further damage to Mr. Schultz professional reputation.



THE HOME RUN

An earlier version of this story incorrectly identified Mr. Schultz's role as "Bookmaker 3." ESPN regrets the error. Also, after publication, Mr. Schultz's attorney, Darrell P. White, wrote a letter to ESPN denying any implication that Schultz used inside information in placing bets. ESPN did not report, nor did it intend to imply, that Schultz possessed or employed inside information in making bets.



ESPN Issues Retraction.

No lawsuit.
Immediate full retraction.

The Ragdoll Cat Case.

Yoyo was in fact sick.



The Facts



LONDON & WHITE LLP

3 On October 26, 2020, Plaintiff Xinyue Gu filed the operative Complaint against
4 Defendant Yichen Sun for (1) trade libel and (2) breach of the covenant of good faith and fair
5 dealing. The allegations of the Complaint are as follows. Plaintiff is engaged in the business of
6 selling cats. Plaintiff sold a cat named “Yoyo” to Defendant. Before the sale, a veterinarian
7 ensured Yoyo was healthy. After the sale, Plaintiff learned from Defendant that Yoyo had
8 FHV-1 which is a very common illness. Although Yoyo made a full recovery, Defendant
9 accused Plaintiff of selling sick cats. Defendant made such accusations on various social media
10 platforms. “Defendants' false statements damaged Plaintiff’s reputation and business.” (Compl.
11 ¶ 19.)

12 Defendant brings an anti-SLAPP Motion arguing that Plaintiff’s claims are premised on
13 statements of public interest. Further, Defendant contends such claims lack merit because Yoyo
14 was in fact sick; Defendant’s other statements relate to non-actionable opinions; and Plaintiff
15 received the benefit of the parties’ agreement.

The Ragdoll Ruling

1

Protected Speech: Public Interest

1 Specifically, Defendant provides, “Sun made a truthful post regarding her experience with
2 Plaintiff on the ‘Ragdoll Cat Page,’ [of the Chinese website, BaiDuTieBa,[1]] which has
3 approximately 457,000 followers, who are owners, breeders, and admirers of the special
4 Ragdoll breed. (Sun Decl., ¶ 9.) Such a post on a page with 457,000 followers in this
5 community certainly constitutes conduct that could directly affect a large number of people as
6 the followers are primarily interested in discussions related to the Ragdoll breed.”

2

Minimal Merit

9 Because Plaintiff has failed to show that the subject statements were made with actual
10 malice, Plaintiff has failed to demonstrate that her claims have minimal merit. Thus, the
11 Anti-SLAPP Motion is granted. All objections not explicitly discussed herein are overruled as
12 immaterial.

3

Mandated Fees to Prevailing Party

13 [1] Defendant provides, “BaiduTieBa is a website, accessible to the public, whereby an
14 individual can create a page concerning a topic and others can post related threads and
15 comment on those threads. The ‘Ragdoll Cat Page’ is directed towards the community of
16 Ragdoll owners, breeders, and admirers.”

17 In addition, the Court ordered Plaintiff XINYUE GU to pay to Defendant YICHEN
18 SUN her attorneys’ fees and costs incurred in connection with the Anti-SLAPP Motion in the
19 amount of \$29,729.81 or _____.

21 Dated: 05/06/2021



John P. Doyle

Judge of the Superior Court
John P. Doyle / Judge

Recent Relevant Decisions



***Willis v. The Walt Disney Co.*, 115 Cal. App. 5th 1001 (2025)**

Willis alleged that Disney violated the UCL and committed fraud by deciding not to book a music band for future concerts and making false/misleading statements about the possibility of hiring the band for future performances. Court held that Disney's selection of musical acts was within the scope of conduct protected by the catchall provision of CCP § 425.16(e)(4). Because Disney's conduct furthered the public discourse on a public issue, it could reasonably be said to have been undertaken in furtherance of the exercise of a protected form of expression and in connection with a public issue — specifically, whether the band would perform at the company's theme parks.



***Sexton v. Apple Studios LLC*, 110 Cal. App. 5th 183 (2025)**

Sexton was offered film role conditioned on him receiving a COVID-19 vaccination. He refused but proposed regular testing as an alternative. Apple rejected this proposal, withdrew the offer, and cast another actor. Sexton sued for invasion of privacy and discrimination. Apple filed an anti-SLAPP motion, arguing its actions were protected activity re: public issues, including workplace safety and vaccination policy. The appellate court reversed the trial court's denial of the motion, holding that Sexton's claims lacked merit because he had no reasonable expectation of privacy and was unqualified for the role due to safety concerns.



***Murray v. Tran*, 55 Cal. App. 5th 10 (2020)**

Dr. Murray and Dr. Tran co-owned a dental practice, with Murray handling dentistry and Tran managing operations. After financial disputes, Tran accused Murray of poor care and made statements to others, including Murray's new employer. Murray sued for defamation, and Tran filed an anti-SLAPP motion. The court held only the statements to Murray's new employer were protected as part of a public discussion about professional competence. The appellate court affirmed that finding but ruled the other statements were not protected because they lacked public relevance.

EXTRA INNINGS

Ask your questions and meet the players



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