

Significant citations from court filings, arguments and judicial reaction, in Los Angeles Daily Journal article *Tables turn on Hollywood's Lawyer*, published December 2, 2011 by Erica E. Phillips, quoted with permission

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In a letter sent in late July from Singer's firm, Lavelly & Singer PC, Arazm's lawyers told Malin they were planning to file a \$1 million lawsuit to recover money Malin and Moore had allegedly been "embezzling and stealing". . .

The draft lawsuit attached to Singer's letter contained detailed allegations of fraud and mismanagement and accused Malin of using company funds, email and cell phones to "arrange sexual encounters with older men."

In the letter, Singer wrote, "Because Mr. Moore has also received a copy of the enclosed lawsuit, I have deliberately left blank spaces in portions of the complaint dealing with your using company resources to arrange sexual liaisons ... When the complaint is filed with the Los Angeles Superior Court, there will be no blanks in the pleading."

* * *

[Singer's anti-SLAPP motion argued,] "Malin's claims are subject to the anti-SLAPP law because they are based on statements made in connection with a judicial proceeding. His claims are also meritless because the sending of a pre-litigation demand letter is absolutely privileged."

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At Tuesday's hearing on Singer's motion, King added, "What we have here is a threat letter, and a threat that is egregious ... It is well known that the filing of complaints in court are picked up by the press, particularly in Los Angeles County."

Mark Goldowitz of the California Anti-SLAPP Project replied for the defendants, noting, "There was no threat to publicize to media all over the world ... There was no raising allegations that were totally irrelevant to the underlying claims."

Strobel agreed with King's analysis and denied Singer's anti-SLAPP motion, and the case will now proceed to trial.

“It’s conclusively established in the letter in its redacted version that it's extortion as a matter of law,” Strobel said, “I understand it's not identical to *Flatley [v. Mauro, 39 Cal.4th 299 (2006)]* , however ... it is not a typical demand letter.”

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In a statement Singer's attorney, Goldowitz, said, “If this decision is allowed to stand, almost every lawyer's demand letter could arguably be so-called ‘extortion.’” He added that the threats in the *Flatley* case were much more explicit, including "a lengthy demand letter ablaze with capitalization, underscoring and italicizing to ratchet up its threatening tone."

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