



1 STATEMENT OF THE CASE

2 The relevant background and facts are set forth in Defendant John Doe “Stillworldly”’s  
3 Memorandum of Points and Authorities in Support of his Motion to Quash.

4 SUMMARY OF ARGUMENT

5 IA Global’s complaint against Stillworldly should be stricken under California’s Strategic  
6 Lawsuit Against Public Participation statute, because it was filed over Stillworldly’s exercise of  
7 his right to free speech in connection with a public issue – the performance of a publicly traded  
8 company – and because IA Global cannot demonstrate a likelihood of success on the merits of its  
9 claims. In addition to striking the complaint, the court should award Stillworldly his costs and  
10 reasonable attorney’s fees.

11 ARGUMENT

12 **I. The Court Should Strike the Complaint and Award Attorney’s Fees Under the**  
13 **Anti-SLAPP Statute.**

14 This Court should strike IA Global’s complaint against Stillworldly under the California  
15 Strategic Lawsuits Against Public Participation (SLAPP) statute. The complaint is within the  
16 scope of the SLAPP statute because it has been filed over an act of the defendant in furtherance of  
17 the right of petition, and/or the right of free speech in connection with a public issue. Code of  
18 Civil Procedure § 425.16(b)(1); *Braun v. Chronicle Publishing Co.*, 52 Cal. App. 4th 1036, 1042-  
19 43 (1997). IA Global’s claims all relate to “(3) written . . . statement[s] made in a place open to  
20 the public or a public forum in connection with an issue of public interest; (4) or any other conduct  
21 in furtherance of the exercise of the constitutional right of petition or the constitutional right of  
22 free speech in connection with a public issue or an issue of public interest.” Code of Civil  
23 Procedure § 425.16(e).

24 As one court has noted, “[t]he definition of ‘public interest’ within the meaning of the  
25 anti-SLAPP statute has been broadly construed to include not only governmental matters, but also  
26 private conduct that impacts a broad segment of society . . .” *Damon v. Ocean Hills Journalism*  
27 *Club*, 85 Cal. App. 4th 468, 479 (2000). California courts agree that the performance of publicly  
28 traded companies is a subject of public interest for the purpose of the anti-SLAPP statute and that

1 an Internet message board is a public forum. See *ComputerXpress, Inc. v. Jackson*, 93 Cal. App.  
2 4th 993, 1007 (2001); *Global Telemedia Intern., Inc. v. Doe 1*, 132 F. Supp. 2d 1261, 1265 (C.D.  
3 Cal. 2001). Stillworldly's postings, which convey his opinions about the performance of IA  
4 Global and predictions about its future stock value, are statements of significant public interest  
5 made in a public forum and accordingly are covered by subsections (e)(3) and (e)(4) of the anti-  
6 SLAPP law.

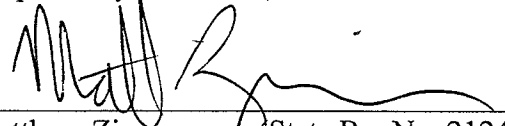
7 Once a defendant has made a prima facie showing that the lawsuit arises from petition or  
8 speech activity covered by section 425.16, as Stillworldly has done here, the burden shifts to the  
9 plaintiff to establish a probability of prevailing on its claims, which must be done by competent  
10 and admissible evidence. *Navellier v. Sletten*, 29 Cal. 4th 82, 88 (2002); *Ludwig v. Superior*  
11 *Court*, 37 Cal. App. 4th 8, 15-16, 21 n.16, 25 (1995). As discussed in Argument Sections III(B),  
12 (C) and (D) of Defendant John Doe 1's Memorandum of Points and Authorities in Support of his  
13 Motion to Quash, and hereby incorporated into this Memorandum, IA Global has not even set  
14 forth a facially valid complaint, and, even if the complaint were valid, has not provided any  
15 evidence on key elements of its claims. Accordingly, Stillworldly has a right to have the  
16 complaint itself stricken and to recover his costs and attorney's fees. See *Pfeiffer Venice*  
17 *Properties v. Bernard*, 101 Cal. App. 4th 211, 218-19 (2002).

18 **CONCLUSION**

19 The complaint against John Doe "Stillworldly" should be stricken under the SLAPP statute  
20 and this Court should award Stillworldly his costs and attorney's fees.  
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23 Respectfully submitted,

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