

**SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES**

DATE: 05/18/17

DEPT. 12

HONORABLE BARBARA A. MEIERS

JUDGE

J. ALVAREZ

DEPUTY CLERK

HONORABLE

JUDGE PRO TEM

ELECTRONIC RECORDING MONITOR

E. AVENA, C.A.

Deputy Sheriff

NONE

Reporter

BC651650

Plaintiff

Counsel

MANNING'S BEEF LLC ET AL

NO APPEARANCES

VS

Defendant

LOS ANGELES COW SAVE

Counsel

170.6-Malcolm H. Mackey(deft)

**NATURE OF PROCEEDINGS:**

MCMILLION & HIRTENSTEINER, LLP  
 5776-D LINDERO CANYON ROAD, # 231  
 WESTLAKE VILLAGE, CA, 91362

ADVANCING LAW FOR ANIMALS  
 506 N. FRANCISCA AVE., # A  
 REDONDO BEACH, CA, 90277

MATTHEW STRUGAR, ATTORNEY AT LAW  
 3435 WILSHIRE BLVD., # 2910  
 LOS ANGELES, CA, 90010

ANIMAL LEGAL DEFENSE FUND  
 170 E. COTATI AVE.  
 COTATI, CA, 94931

<p align="center"><b>MINUTES ENTERED</b>                  05/18/17                  COUNTY CLERK</p>
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**NATURE OF PROCEEDINGS:**

RULING ON SUBMITTED MATTER

Defendant's anti-SLAPP motion is granted. The activity in issue is protected activity by the Defendant organization, i.e., the organizing of a public protest on an issue of import and public concern. Even if Plaintiff's allegations that one or more protesters went too far and approached a truck (there is no competent evidence of entry onto Plaintiff's property for cow photos taken on the property,) or even stood at a point on its driveway outside the Plaintiff's walls, there is no evidence whatsoever that this person or persons was/were affiliated with the Defendant in the sense of being members or directors of the organization or anything else. Plaintiff has produced no law supporting a thesis that if someone calls for the public to come to a location and protest that person (or entity) then becomes liable either for equitable relief or damages if an unknown member of the public thereafter engages in improper activity at the scene. An approach to a court for relief is, on the other hand, appropriate if a protest is called to take place at a clearly impermissible, for example, the lobby of a Biltmore Hotel. Moreover, when the police were called upon in this case, according to Plaintiff, they immediately acted to require all persons to comply with the law and refrain from any interference with Plaintiff's property. This is

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**NATURE OF PROCEEDINGS:**

Plaintiff's proper remedy when, in essence, crowd control is at issue. There is no act attributed to the Defendant organization to be enjoined since its actions were totally protected with respect to Defendant's call to protest on the public/quasi public street and sidewalk in issue. As to Plaintiff's trespass and "resulting damage" claim, there are no facts submitted beyond pure speculation as to possible cow damage from trespass. Regarding declaratory relief, there is nothing in terms of an, ongoing dispute (the Defendant clearly having been in the right in calling for the already concluded protected activity in issue) for the court to resolve by declaring rights. From oral argument, it became very clear to the court that the parties are in accord as to what is and is not a "public area" versus, protected private property areas in this case, (including that the street and sidewalk are not private) and as to the protected nature of the overall demonstration.

In conclusion, the court finds that Plaintiff has no likelihood of succeeding on its Complaint, but has the recourse of calling upon law enforcement to protect its private property rights and/or to protect against a public nuisance and/or to enforce any and all other laws relating to the conduct of protesters or crowds as they may affect protected rights of property owners. Defendant may move for attorney fees and file for costs.

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**NATURE OF PROCEEDINGS:**

Clerk to give notice.

CLERK'S CERTIFICATE OF MAILING

I, the below-named Executive Officer/Clerk of the above-entitled court, do hereby certify that I am not a party to the cause herein, and that on this date I served the Minute Order upon each party or counsel named below by placing the document for collection and mailing so as to cause it to be deposited in the United States mail at the courthouse in Los Angeles, California, one copy of the original filed/entered herein in a separate sealed envelope to each address as shown below with the postage thereon fully prepaid, in accordance with standard court practices.

Dated: May 19, 2017

Sherrri R. Carter, Executive Officer/Clerk

By: \_\_\_\_\_



J. Alvarez

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