

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

Civil Division

Central District, Stanley Mosk Courthouse, Department 53

24STCV17156

February 6, 2025

LA FORWARD INSTITUTE, A NON-PROFIT

10:00 AM

ORGANIZATION, et al. vs CITY OF LOS ANGELES, et al.

Judge: Honorable Robert B. Broadbelt

CSR: Ronald L. Cook, 13928

Judicial Assistant: K. Mason

ERM: None

Courtroom Assistant: C. Vaughn

Deputy Sheriff: None

APPEARANCES:

For Plaintiff(s): Dale K. Larson, Esq. and Kate McKeon

For Defendant(s): Patrick J. Richard; Ilse C. Scott

NATURE OF PROCEEDINGS: Hearing on Special Motion to Strike under CCP Section 425.16 (Anti-SLAPP motion) filed by Defendants on 09-10-2024;

Case is not called.

Pursuant to Government Code sections 68086, 70044, California Rules of Court, rule 2.956, and the stipulation of appearing parties, Ronald Cook, 13928, certified shorthand reporter is appointed as an official Court reporter pro tempore in these proceedings, and is ordered to comply with the terms of the Court Reporter Agreement. The Order is signed and filed this date.

Counsel appearing today represent that they have seen the Court's posted tentative ruling. The matter is argued and stands submitted. The tentative ruling is adopted as the Order of the Court on grounds fully reflected therein, and it is signed and filed this day- as the Court's specially-prepared written order.

The Special Motion to Strike under CCP Section 425.16 (Anti-SLAPP motion) filed by Defendants on 09-10-2024; filed by City of Los Angeles, Los Angeles City Council, Los Angeles Housing Department, Los Angeles Department of Transportation on 09/10/2024 is Denied.

The court considered the moving, opposition, and reply papers filed in connection with this motion.

REQUEST FOR JUDICIAL NOTICE

The court denies (1) defendant City of Los Angeles's request for judicial notice, filed on September 10, 2024, (2) defendant City of Los Angeles's supplemental request for judicial notice, filed on December 20, 2024, and (3) plaintiffs LA Forward Institute, Sylvia Aroth,

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Kathleen L. Coates, and Gary Williams’s request for judicial notice, filed on January 6, 2025, because the matters of which the parties request the court to take judicial notice are not relevant to the dispositive issues presented by this motion. (People ex rel. Schlesinger v. Sachs (2023) 97 Cal.App.5th 800, 812.)

The court (1) denies defendant City of Los Angeles’s second supplemental request for judicial notice, filed on January 28, 2025, because defendant City of Los Angeles was not authorized to file additional papers after the opposition and reply papers were filed, and therefore (2) sustains plaintiffs LA Forward Institute, Sylvia Aroth, Kathleen L. Coates, and Gary Williams’s evidentiary objection to that request.

EVIDENTIARY OBJECTIONS

The court does not rule on defendant City of Los Angeles’s evidentiary objections, filed on January 10, 2025, directed to the evidence filed by plaintiffs LA Forward Institute, Sylvia Aroth, Kathleen L. Coates, and Gary Williams’s in support of their opposition to this motion, because the objections are directed to evidence that (1) the court did not consider, and (2) is not relevant to the court’s disposition of this motion.

DISCUSSION

Plaintiffs LA Forward Institute (“LA Forward”), Sylvia Aroth (“Aroth”), Kathleen L. Coates (“Coates”), and Gary Williams (“Plaintiffs”) filed this action on July 10, 2024, alleging six causes of action for (1) violation of the Fair Employment and Housing Act (Gov. Code, § 12900 et seq.) (“FEHA”); (2) violation of Article I, section 7 of the California Constitution – intentional discrimination; (3) violation of Government Code section 65008, subdivision (b); (4) violation of Government Code section 65008, subdivision (d)(1); (5) violation of Government Code section 8899.50; and (6) violation of Los Angeles City Charter, section 244, California Constitution Article XI, section 7, City of Los Angeles Administrative Code section 2.1, and principles of non-delegation of police and municipal powers.

Defendant City of Los Angeles, on behalf of itself and its component parts erroneously named as defendants Los Angeles City Council, Los Angeles Housing Department, and Los Angeles Department of Transportation (“Defendant”) now moves the court for an order striking Plaintiffs’ Complaint pursuant to Code of Civil Procedure section 425.16, also known as the anti-SLAPP (“strategic lawsuit against public participation”) statute.¿

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“The anti-SLAPP procedures are designed to shield a defendant’s constitutionally protected conduct from the undue burden of frivolous litigation.” (Baral v. Schnitt (2016) 1 Cal.5th 376, 393.) “The anti-SLAPP statute does not insulate defendants from any liability for claims arising from the protected rights of petition or speech. It only provides a procedure for weeding out, at an early stage, meritless claims arising from protected activity.” (Id. at p. 384.) “Resolution of an anti-SLAPP motion involves two steps. First, the defendant must establish that the challenged claim arises from activity protected by section 425.16. If the defendant makes the required showing, the burden shifts to the plaintiff to demonstrate the merit of the claim by establishing a probability of success.” (Ibid. [citation omitted].) The California Supreme Court has “described this second step as a ‘summary-judgment-like procedure.’ The court does not weigh evidence or resolve conflicting factual claims. Its inquiry is limited to whether the plaintiff has stated a legally sufficient claim and made a prima facie factual showing sufficient to sustain a favorable judgment. It accepts the plaintiff’s evidence as true, and evaluates the defendant’s showing only to determine if it defeats the plaintiff’s claim as a matter of law. [C]laims with the requisite minimal merit may proceed.” (Id. at pp. 384-385 [citations omitted].)

1. Public Interest Exemption

Plaintiffs have argued, in their opposition papers, that this action falls within the public interest exemption to the anti-SLAPP statute. The court first evaluates this threshold issue before proceeding to the two-step analysis under section 425.16. (Exline v. Gillmor (2021) 67 Cal.App.5th 129, 138 [“Whether a lawsuit falls within the public interest exemption of section 425.17(b) is ‘a threshold issue, and [courts] address it prior to examining the applicability of section 425.16’ ”].)

“Section 425.16 does not apply to any action brought solely in the public interest or on behalf of the general public if all of the following conditions exist: [¶] (1) The plaintiff does not seek any relief greater than or different from the relief sought for the general public or a class of which the plaintiff is a member. A claim for attorney’s fees, costs, or penalties does not constitute greater or different relief for purposes of this subdivision. [¶] (2) The action, if successful, would enforce an important right affecting the public interest, and would confer a significant benefit, whether pecuniary or nonpecuniary, on the general public or a large class of persons. [¶] (3) Private enforcement is necessary and places a disproportionate financial burden on the plaintiff in relation to the plaintiff’s stake in the matter.” (Code Civ. Proc., § 425.17, subd. (b).) “Unlike the anti-SLAPP statute, which is construed broadly [citation], section 425.17, subdivision (b)’s exemptions are narrowly construed. [Citation.] The plaintiff bears the burden of proof as to the

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applicability of the exemptions.” (Exline, supra, 67 Cal.App.5th at p. 138 [internal quotation marks and citation omitted].) In determining whether the exemption applies, courts review “the allegations of the complaint because the public interest exception is a threshold issue based on the nature of the allegations and scope of relief sought in the prayer.” (Lindsay v. Patenaude & Felix APC (2024) 107 Cal.App.5th 335, 328 Cal.Rptr.3d 113, 120-121 [internal quotation marks and citation omitted].)

First, the court finds that Plaintiffs have met their burden to show that this action was brought solely in the public interest or on behalf of the general public. (Code Civ. Proc., § 425.17.)

“[T]o qualify for the public interest exemption, the ‘action, as opposed to a cause of action, must be brought solely in the public interest.’” (Howard Jarvis Taxpayers Assn. v. Powell (2024) 105 Cal.App.5th 955, 965 [emphasis in original].) “[A]s used in section 425.17, subdivision (b), the term ‘public interest’ [refers to] . . . suits brought for the public’s good or on behalf of the public and [t]he term ‘solely’ . . . expressly conveys the Legislative intent that [the public interest exception] not apply to an action that seeks a more narrow advantage for a particular plaintiff.” (Lindsay, supra, 328 Cal.Rptr.3d at p. 120.)

Here, Plaintiffs are seeking relief based on Defendant’s alleged obstruction of the Venice Dell Community project (the “Project”), which is a housing project that would create 136 units in Venice, half of which would be deemed permanent supportive housing for any person experiencing chronic homelessness and the other half of which would be deemed affordable housing for residents or individuals making below 60 percent of the area median income, in a manner that discriminates against persons of color and persons with disabilities in violation of law. (Compl., ¶¶ 1, 3, 10, 100, 127.) Thus, the court finds that, in seeking to address the development of affordable housing and the enjoining of Defendant’s obstruction of such development of affordable housing in a manner that discriminates against persons of color and persons with disabilities, Plaintiffs have filed this action “for the public’s good or on behalf of the public” (Lindsay, supra, 328 Cal.Rptr.3d at p. 120.)

In reply, Defendant has argued that this action was not brought solely in the public interest because Plaintiffs seek personal relief or individual advantage. The court disagrees.

As to plaintiff Coates, the court acknowledges that she has alleged that she “and her partner are chronically homeless, and would gladly live in supportive housing at Venice Dell if offered a residence there.” (Compl., ¶ 16.) However, favorable resolution of this litigation would not guarantee that plaintiff Coates would be offered a spot at Venice Dell. Plaintiff Coates has not,

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for example, prayed for relief that would require Defendant (1) to construct the Project, and (2) to allow her to live there. While it may provide plaintiff Coates an opportunity to live at Venice Dell, it would provide her the same opportunity to live there as other members of the public, such that this action does not provide her with an individual or greater advantage than the public. (Club Members for an Honest Election v. Sierra Club (2008) 45 Cal.4th 309, 312 [“If any part of the complaint seeks relief to directly benefit the plaintiff, by securing relief greater than or different from that sought on behalf of the general public, the section 425.17(b) exception does not apply”] [emphasis added]; Cruz v. City of Culver City (2016) 2 Cal.App.5th 239, 250 [finding that the public interest exemption did not apply because the relief requested to “keep[] the parking restriction at status quo would directly benefit plaintiff Farragut Drive homeowners[,]” such that the “plaintiffs sought personal relief in the form of a halt to any attempts by the church to undo the long-standing parking restrictions”].)

As to plaintiffs LA Forward and Aroth, the court acknowledges that the Complaint has alleged that (1) LA Forward (i) has advocated for affordable housing in Los Angeles, and (ii) has had its organizational mission thwarted by Defendant’s conduct, and (2) Aroth recognizes the need for affordable housing in Venice and supports the Project. (Compl., ¶¶ 12-14, 18.) However, the court finds that such interest and support of the Project does not show, by bringing this action, that plaintiffs LA Forward and Aroth have sought “relief greater than or different from that sought on behalf of the general public[.]” (Club Members for an Honest Election, supra, 45 Cal.4th at p. 312.)

The court further finds that Sandlin v. McLaughlin (2020) 50 Cal.App.5th 805, on which Defendant relies, is distinguishable. (Reply, p. 8:8-13.) There, the court—which did not decide whether the petitioner ultimately met his burden of establishing the elements of the section 425.17, subdivision (b) exemption—noted that it was “not clear” that the writ petition challenging candidate statements qualified as an action brought solely in the public interest or on behalf of the general public because (1) the petitioner filed the writ petition in an individual capacity, not on behalf of the public or other group of persons, and (2) the petitioner had a personal stake in the outcome of the litigation and the upcoming election, based on (i) his status as a prominent leader in the opposing campaign, (ii) his filing of two lawsuits against one of the real parties in interest, and (iii) the court’s characterization of “the parties’ history as political opponents[.]” (Sandlin, supra, 50 Cal.App.5th at p. 823 and n. 5.) Here, while plaintiffs LA Forward and Aroth have alleged their support for the Project, those allegations do not establish that they have a personal stake in the development of the Project greater to or different from what is sought on behalf of the general public as in Sandlin.

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Second, the court finds that Plaintiffs have met their burden to show that they do not seek relief greater than or different from the relief sought for the general public. (Code Civ. Proc., § 425.17, subd. (b)(1).) Plaintiffs seek (1) declaratory relief that the Defendant’s alleged policy of obstructing and delaying the Project is unlawful, is in conflict with various statutes, and is a wasteful expenditure of taxpayer dollars, and (2) injunctive relief that Defendant not take any further delays or steps to obstruct the Project and to take affirmative steps to allow Venice Dell to be constructed.[1] (Compl., Prayer, ¶¶ 1-6.) Moreover, for the reasons set forth above, the court finds that Plaintiffs’ individual interests in the subject matter of this action do not establish that they are seeking greater or different relief than what they seek for the general public.

Third, the court finds that Plaintiffs have met their burden to show that this action, if successful, would (1) enforce an important right affecting the public interest since, for example, it would result in (i) a declaration that Defendant’s policy to obstruct the Project is unlawful, conflicts with FEHA, and is a wasteful expenditure of taxpayer dollars, and (ii) an order enjoining Defendant from obstructing the development of affordable housing in a manner that discriminates against persons of color and persons with disabilities, and (2) confer a significant benefit on the general public in preventing discriminatory housing practices by a public entity and the class of persons that are affected by the alleged housing discrimination committed by Defendant. (Code Civ. Proc., § 425.17, subd. (b)(2); Compl., Prayer, ¶¶ 1-2, 5.)

Fourth, the court finds that Plaintiffs have met their burden to show that private enforcement is necessary and places a disproportionate financial burden on Plaintiffs in relation to their stake in the matter because (1) Defendant, a public entity, is alleged to have committed housing discrimination and no other public entity has sought to enforce the rights that Plaintiffs seek to vindicate in this action, and (2) as set forth above, Plaintiffs are not seeking to recover damages or financial relief aside from attorney’s fees and costs. (Code Civ. Proc., § 425.17, subd. (b)(3); *Tourgeman v. Nelson & Kennard* (2014) 222 Cal.App.4th 1447, 1464 [concluding that private enforcement was necessary because no public entity sought to enforce the rights that the plaintiff sought to vindicate in his lawsuit]; *Lindsay*, supra, 328 Cal.Rptr.3d at p. 123 [stating, after noting that the plaintiff expected to incur litigation costs and could be found liable for an adverse award of costs, that “[t]he prospect of such litigation expenses and costs awards, relative to [her] personal stake in the action, warrants a conclusion that the public interest exception’s disproportionate financial burden requirement had been met”].)

Finally, the court finds that (1) this action is not based on political works, and therefore (2) the political work exception to the public interest exemption does not apply. (Code Civ. Proc., § 425.17, subd. (d)(2); Reply, pp. 9:11-10:1.)

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The public interest exemption does not apply to “[a]ny action against any person or entity based upon the creation, dissemination, exhibition, advertisement, or other similar promotion of any . . . political . . . work, including, but not limited to, a motion picture or television program, or an article published in a newspaper or magazine of general circulation.” (Code Civ. Proc., § 425.17, subd. (d)(2).) The court finds that this action is not based on the creation or dissemination of Defendant’s political work.

The court acknowledges that (1) the “submission of candidate statements, which are by definition political writings, plainly fall within this exception” to the public interest exemption, and (2) the Complaint has described various statements made by Councilmember Traci Park (“Park”) and Los Angeles City Attorney Hydee Feldstein Soto (“Soto”) during their campaigns in which they vocalized their opposition to the Project, which may constitute political works. (Sandlin, supra, 50 Cal.App.5th at p. 824; Compl., ¶¶ 62-63 [Park expressed her intent to block the Project at a candidate forum], 64 [Soto stated, in public comment before the City Council’s Homelessness and Poverty Committee, that the Project should not be accelerated], 90 [Defendant’s explanations for the Project’s delay are belied by Park and Soto’s campaign promises].) However, the Complaint is not “based upon” those statements. (Code Civ. Proc., § 425.17, subd. (d)(2) [emphasis added].) Instead, these allegations are included in the Complaint to show that Defendant’s conduct in obstructing the development of the Project is based on discriminatory animus and its intentional efforts to terminate the Project. The court therefore finds that the inclusion of allegations regarding Park and Soto’s campaign statements do not bring this action within the political work exception to the public interest exemption.

Thus, the court finds that Plaintiffs have satisfied each requirement of the public interest exemption to the anti-SLAPP statute and therefore this action is exempt from application of the anti-SLAPP law.

Even if the court, however, were to find that (1) Plaintiffs did not meet their burden to establish this exemption or (2) this action was based on Defendant’s dissemination of political work, the court finds that Defendant has not met its burden to show that this action arises from Defendant’s acts in furtherance of its protected activity for the reasons set forth below.

2. First Prong: Protected Activity

As set forth above, courts analyze special motions to strike under a two-step approach. Initially, the moving defendant bears the burden of establishing that the challenged allegations

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or claims ‘aris[e] from’ protected activity in which the defendant has engaged.” (Park v. Board of Trustees of California State University (2017) 2 Cal.5th 1057, 1061.) “[T]he statutory phrase ‘cause of action... arising from’ means simply that the defendant’s act underlying the plaintiff’s cause of action must itself have been an act in furtherance of the right of petition or free speech. [Citation.] In the anti-SLAPP context, the critical point is whether the plaintiff’s cause of action itself was based on an act in furtherance of the defendant’s right of petition or free speech.” (City of Cotati v. Cashman (2002) 29 Cal.4th 69, 78.) The moving defendant will meet this burden by demonstrating that the plaintiff’s claim fits one of the categories outlined in Code of Civil Procedure section 425.16, subdivision (e). (Ibid.)

The protected acts in furtherance of a defendant’s right of petition or free speech include:

- Any written or oral statement or writing made before a legislative, executive, or judicial proceeding, or any other official proceeding authorized by law;
- Any written or oral statement made in connection with an issue under consideration or review by a legislative, executive, or judicial body, or any other official proceeding authorized by law;
- Any written or oral statement or writing made in a place open to the public or a public forum in connection with an issue of public interest;
- Any other conduct in furtherance of the exercise of the constitutional right of petition or free speech in connection with a public issue or an issue of public interest.

The parties do not appear to dispute, in the general sense, that Plaintiffs’ Complaint is based on Defendant’s alleged discriminatory housing practices and policies as it relates to the Project. (Mot., p. 11:8-13 [“All of Plaintiffs’ claims rest on two essential allegations: (1) the City slowed or obstructed the City’s and Coastal Commission’s review processes, and (2) the City did so for discriminatory reasons”]; Opp., p. 6:4-5 [“Plaintiffs seek to hold Defendants liable for their discriminatory actions, not their speech”] [emphasis in original].) The parties, however, dispute what allegations and claims form the basis of Plaintiffs’ causes of action. (Mot., pp. 11:21-13:4 [setting forth allegations on which Defendant contends this action is based]; Opp., p. 6:2-4 [asserting that this action is based on Defendant’s actions that unlawfully obstruct and delay the Project].)

Upon the court’s review of the allegations in the Complaint and the arguments presented by the parties, the court finds that (1) the first through third and fifth causes of action are based on the claims that Defendant delayed and obstructed the Project for a discriminatory purpose in

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violation of law, and (2) the fourth and sixth causes of action are based on the claims that Defendant has allowed a single Councilmember to veto or renegotiate an approved project, which (1) amounts to the imposition of different requirements on a residential department that is subsidized, finances, insured, or otherwise assisted by the government, and (2) unlawfully operates to delegate the legislative and executive power derived from the police power of the California Constitution. (Compl., ¶¶ 126-128 [first cause of action under FEHA], 134 and 136 [second cause of action for intentional discrimination under Constitution], 139-140 [third cause of action for violation of Gov. Code, § 65008, subd. (b)], [fourth cause of action for violation of Gov. Code, § 65008, subd. (d)(1)], 149-150 [fifth cause of action for violation of Gov. Code, § 8899.50], 143-144 155-156 [sixth cause of action for violation of LA City Charter, Constitution, City of LA Administrative Code].)

The court finds that Defendant has not met its burden to show that the “activity [that] underlies or forms the basis for” the six causes of action in the Complaint, as set forth above, arises from protected activity. (Park, supra, 2 Cal.5th at p. 1062.)

First, Defendant did not address, in its motion, the claim that Defendant has unlawfully “granted Councilmember Park de facto veto power over a fully-entitled Project,” on which the fourth and sixth causes of action are based. (Compl., ¶¶ 6, 143-144, 155-156.) This conduct, which is alleged to have violated FEHA and other laws, is not alleged to have arisen from speech or petitioning activity, and instead is based on Defendant’s conduct in allowing Park to solely veto or renegotiate the Project. (Compl., ¶¶ 6, 9, 126, 144, 155.) Because Defendant did not address this claim, Defendant has not met its burden to show that (1) the Complaint, in its entirety, is subject to the anti-SLAPP statute, and (2) alternatively, the fourth and sixth causes of action, in their entirety, are subject to the anti-SLAPP statute. (Code Civ. Proc., § 425.16, subd. (b)(1); Notice of Mot., p. 2:7-9 [moving to strike Complaint and all six causes of action, in their entirety].)

Second, the court finds that all of the acts or omissions constituting Defendant’s delay and obstruction of the Project do not arise from speech or petitioning activity.

As set forth above, the first through third and fifth causes of action are based on Defendant’s alleged obstruction of the Project, which Defendant does not meaningfully dispute. (Mot., p. 11:9-13.) The specific acts or omissions that constitute the actionable delay or obstruction set forth in the following allegations: (1) Defendant cancelled monthly meetings between key staff and developers to begin taking acts to obstruct progress on the Project (Compl., ¶ 69); (2) by March 2023, Defendant’s staff stopped responding to emails related to the parking structure at

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Venice Dell, for which an executed agreement remained outstanding (Compl., ¶ 70); (3) Defendant's staff was instructed to cease all contact regarding the Project as of April 2023 (Compl., ¶ 71); (4) Defendant's senior staff or officials instructed LAHD and LADOT to delay or obstruct the Project, and Defendant had not approved the contracts necessary to move the Project forward (Compl., ¶ 73); (5) LAHD staff's refused to process an application to initiate relocation assistance for the four existing households at the Project site (Compl., ¶ 75), (6) LADOT refused to move forward on a contract, including a project labor agreement, for development of the Project's public parking (Compl., ¶¶ 76-77); (6) Defendant has refused to comply with the Coastal Commission's requests made in connection with its review of the Land Use Plan amendment (Compl., ¶ 80); and (7) Defendant has refused to advance the drafting of a ground lease between Defendant and the developers (Compl., ¶ 83).

The court finds that Defendant did not show that all of the claims set forth above arise from acts in furtherance of its right of petition or free speech. Defendant did not, for example, address or present adequate argument, authority, and analysis to show that its alleged conduct in refusing to process an application to initiate relocation assistance constitutes any of the acts set forth in Code of Civil Procedure section 425.16, subdivision (e), and the court finds that this allegation does not describe a written or oral statement made by Defendant (1) before a legislative, executive, judicial, or other proceeding authorized by law (Code Civ. Proc., § 425.16, subd. (e)(1)), (2) in connection with an issue under consideration by a legislative, executive, or judicial body, or any other official proceeding authorized by law (Code Civ. Proc., § 425.16, subd. (e)(2)), or (3) in a place open to the public or a public forum in connection with an issue of public interest (Code Civ. Proc., § 425.16, subd. (e)(3)). (Compl., ¶ 75.) The court further finds that this allegation does not describe conduct in furtherance of Defendant's exercise of the right to petition or free speech (Code Civ. Proc., § 425.16, subd. (e)(4)). Similarly, Defendant did not address, and therefore did not meet its burden to show that they arise from acts in furtherance of its exercise of protected activity, the claims that Defendant cancelled meetings with the developers (Compl., ¶ 69) and instructed its staff to cease contact regarding the Project (Compl., ¶ 71).

Thus, while Defendant moved to strike all of Plaintiffs' causes of action in their entirety, Defendant did not address each claim on which each cause of action is based—some of which do not arise from Defendant's protected activity (e.g., Defendant's conduct in refusing to process an application)—and therefore has not met its burden to show that the court should strike the Complaint or any of the six causes of action in their entirety.[2] (Bonni v. St. Joseph Health System (2021) 11 Cal.5th 995, 1009 [“The defendant's burden is to identify what acts each challenged claim rests on [here, each of the six causes of action] and to show how those acts are protected under a statutorily defined category of protected activity”].)

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Further, most of the allegations and claims challenged in Defendant’s motion either do not form the basis of each cause of action or do not arise from Defendant’s protected activity. Specifically, Defendant has argued that Plaintiffs’ Complaint arises from its acts in furtherance of speech and petitioning activity based on the following allegations: (1) allegations detailing the complaints made about Defendant’s official public meetings and discussions of the Project, including the allegedly discriminatory opposition to the Project (Compl., ¶¶ 57-61, 69, 79, 85, 91); (2) allegations describing campaign statements (Compl., ¶¶ 62-64); (3) allegations of speech directed at compliance with laws (Compl., ¶¶ 62, 64, 79, 85, 96); and (4) allegations regarding Defendant’s conduct in furtherance of its scrutiny of the legality, feasibility, and processes of the Project (Compl., ¶¶ 79, 96).

The allegations regarding public complaints or opposing opinions about the Project set forth or referred to in paragraphs 57-61 and 69 (1) were made by persons other than Defendant, and therefore do not constitute an “act of [Defendant] in furtherance of [Defendant’s] right of petition or free speech” within the meaning of the anti-SLAPP statute, and (2) do not form the basis of any of the six causes of action (i.e., because these statements are not the acts complained of in each cause of action) which, as set forth above, are based on the allegation that Defendant obstructed the Project for discriminatory reasons. (Compl., ¶¶ 57 [op-ed authored by President of Venice Stakeholders Association], 58-61 [setting forth public comments authored by unnamed individuals], 69 [Defendant deferred to opinions of a vocal minority (i.e., individuals other than Defendant)]; Code Civ. Proc., § 425.16, subd. (b)(1) [emphasis added].) Defendant did not, for example, show that Plaintiffs have alleged that Defendant has violated FEHA and engaged in discriminatory housing practices because individuals other than Defendant made discriminatory remarks in a public form. Instead, fairly interpreted, these allegations provide evidentiary support for Plaintiffs’ claim that Defendant’s conduct was motivated by discriminatory animus (i.e., because Plaintiffs have alleged that Defendant deferred to the discriminatory opinions of these individuals). (Park, *supra*, 2 Cal.5th at p. 1065 [“Courts presented with suits alleging discriminatory actions have taken similar care not to treat such claims as arising from protected activity simply because the discriminatory animus might have been evidenced by one or more communications by a defendant”].)

Similarly, the allegations describing the campaign statements made by Park and Soto, in which they expressed their opposition to the Project (Compl., ¶¶ 62-64), do not form the basis of Defendant’s alleged liability because Plaintiffs’ causes of action are not based on Park and Soto’s making these campaign statements and instead are based on the subsequent acts by Defendant in blocking or obstructing the Project.[3] Rather than describing the wrongs of which

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

Civil Division

Central District, Stanley Mosk Courthouse, Department 53

24STCV17156

February 6, 2025

LA FORWARD INSTITUTE, A NON-PROFIT

10:00 AM

ORGANIZATION, et al. vs CITY OF LOS ANGELES, et al.

Judge: Honorable Robert B. Broadbelt

CSR: Ronald L. Cook, 13928

Judicial Assistant: K. Mason

ERM: None

Courtroom Assistant: C. Vaughn

Deputy Sheriff: None

Plaintiffs complain in each of their six causes of action, these allegations instead provide support for Plaintiffs' claim that Defendant was motivated by discriminatory animus and engaged in discriminatory housing practices. (Compl., ¶ 63 [alleging that Park echoed language evoking animus for disabled populations].)

The court notes, as Defendant has pointed out in its moving and reply papers, that Plaintiffs have also alleged that the City Attorney (Soto) told the California Coastal Commission "that she had significant concerns about, and was potentially directly opposed to, the Project's pending Coastal Development Permit and Land Use Plan amendment." (Compl., ¶ 79.) It does not appear, however, that this statement forms the basis for Plaintiffs' claim that Defendant "interfered with the California Coastal Commission's . . . review of the Project" as argued by Defendant in reply. (Compl., ¶ 78; Reply, p. 10:15-20.) Specifically, Plaintiffs do not allege that this statement constituted the subject interference. Instead, the alleged interference appears to be based on (1) Defendant's subsequent withdrawal and resubmission of the permit, "which indefinitely extended the timeline to act on the application" (Compl., ¶ 79), and (2) Defendant's refusal to comply with the Coastal Commission's requests for further information regarding the permit resubmission (Compl., ¶ 80). At most, the allegation regarding the City Attorney's statement to the Coastal Commission is included to support Plaintiffs' claim that Defendant's conduct was intended to block the Project, and is not itself the wrong of which Plaintiffs complain. (Compl., ¶¶ 78-80.)

Thus, the court finds that Defendant has not met its burden to show that each of Plaintiffs' six causes of action, in their entirety, are based on claims that arise out of acts of Defendant in furtherance of its right of petition or free speech. (Code Civ. Proc., § 425.16, subd. (b)(1); Nazari, supra, 93 Cal.App.5th at p. 1108.)

3. Conclusion

For the reasons set forth above, the court finds that (1) this action is exempt from application of the anti-SLAPP law pursuant to Code of Civil Procedure section 425.17, subdivision (b), and (2) even if this action were not exempt, Defendant did not meet its burden to show that the Complaint arises from acts in furtherance of its right of petition or free speech. The court therefore denies Defendant's special motion to strike Plaintiffs' Complaint.

ORDER

The court denies defendant City of Los Angeles, on behalf of itself and its component parts

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erroneously named as defendants Los Angeles City Council, Los Angeles Housing Department, and Los Angeles Department of Transportation's special motion to strike complaint.

The court orders plaintiffs LA Forward Institute, Slyvia Aroth, Kathleen Coates, and Gary Williams to give notice of this ruling.