

1 David Casey  
2 230 E Park Ave  
3 Escondido, CA 92025  
4 [dave@caseylegal.org](mailto:dave@caseylegal.org)  
5 (619) 929-0065  
6 SBN 285704

7  
8 *Attorney for Respondent*

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

10 **CENTRAL DISTRICT**

11 SEAN RICHARD WEBER,

CASE NO. BS168929

Petitioner,

**RESPONDENT'S OPPOSITION TO  
REQUEST FOR CIVIL HARASSMENT  
RESTRAINING ORDER**

12 vs.

13 BRETT HADDOCK,

Hearing Date: June 20, 2017

Time: 8:30am

Dept. 2C

Complaint filed on: May 9, 2017

14 Respondent.

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19 Respondent Brett Haddock ("Respondent") respectfully submits this Answer to the Request filed  
20 by Sean Weber ("Petitioner"), dated May 9, 2017.  
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17 **Cases**

18 *Abend v. MCA, Inc.*, 863 F.2d 1465, 1479 (9th Cir. 1988)

19 *Alexander v. United States*, 509 U.S. 544, 550 (1993)

20 *Carroll v. Princess Anne* (1968) 393 U.S. 175, 183-184

21 *ComputerXpress, supra*, 93 Cal.App.4th 993, 1006, 113 Cal.Rptr.2d 625

22 *Damon v. Ocean Hills Journalism Club* (2000) 85 Cal. App. 4th 468, 475

23 *Evans v. Evans* 162 Cal.App.4th 1157 (2008)

24 *Gilbert v. Sykes* (2007) 147 Cal.App.4th 13

25 *Gold v. Los Angeles Democratic League* (1975) 49 CA3d 365, 372, 122 CR 732].

26 *Hurvitz v. Hoefflin, supra*, 84 Cal.App.4th at p. 1241

27 *Hustler Magazine v. Falwell*, 485 U.S. 46 (1988)

28 *In re M.S.* (1995) 10 Cal.4th 698, 710, 42 Cal.Rptr.2d 355, 896 P.2d 1365.)

- 1 Maggi v. Superior Court (2004) 119 Cal.App.4th 1218, 1225  
2 Metropolitan Opera Ass'n, Inc. v. Local 100 (2d Cir. 2001) 239 F.3d 172, 176  
3 NAACP v. Claiborne Hardware Co., 458 U.S. 886, 932–34 (1982)  
4 Neb. Press Ass'n v. Stuart, 427 U.S. 539, 559 (1976)  
5 New Net v. Lavasoft, 356 F. Supp. 2d 1071 (C.D. Cal. 2003)  
6 Noel v. River Hills Wilsons, Inc., 7 Cal. Rptr. 3d 216, 224 (Cal. Ct. App. 2003)  
7 Organization for a Better Austin v. Keefe  
8 Scripps Health v. Marin (1999) 72 CA4th 324, 332  
9 Snyder v. Phelps, 131 S. Ct. 1207, 1220 (2011)  
10 Terminiello v. City of Chicago (1949) 337 U.S. 1, 4  
11 Wilbanks v. Wolk, supra, 121 Cal.App.4th at p. 895, 17 Cal.Rptr.3d 497

12 **Statutes**

- 13 California Code of Civil Procedure section 525  
14 California Code of Civil Procedure section 527.6

15 **Constitutional Provisions**

- 16 Cal. Const., art. I, § 2, subd. (a.) ... *passim*  
17 U.S. Const. amend. I ... *passim*

18 **Secondary Sources**

- 19 Aaron H. Caplan, *Free Speech and Civil Harassment Orders*, 64 Hastings Law Journal 781, 850  
20 (2012)  
21 Erwin Chemerinsky, *Injunctions in Defamation Cases*, 57 Syracuse L. Rev. 157, 251 (2007)  
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1 SUMMARY OF ARGUMENT

2 Petitioner Sean Weber is upset that a political competitor for a city council position has  
3 published truthful, but unflattering, information concerning Petitioner's criminal record  
4 concerning a witness intimidation conviction. After repeatedly threatening to bring a libel action  
5 against Respondent Brett Haddock, Petitioner now views a civil harassment petition as a cost-  
6 effective and expedient tool to restrain his critics. The petition is premised entirely on  
7 constitutionally-protected speech -- political speech and requests for comment far short of the "no  
8 legitimate purpose" standard -- and unsupported insinuations that Respondent is responsible for  
9 mysterious sounds in the bushes.

10 ARGUMENT

11 **I. PETITIONER CANNOT PROVE A WILLFUL COURSE OF CONDUCT**

12 Under California law,

13 "Harassment" is unlawful violence, a credible threat of violence, or a knowing and  
14 willful course of conduct directed at a specific person that seriously alarms, annoys, or  
15 harasses the person, and that serves no legitimate purpose. The course of conduct must  
16 be that which would cause a reasonable person to suffer substantial emotional distress,  
17 and must actually cause substantial emotional distress to the petitioner.

18 California Code Of Civil Procedure § 527.6(b)(3).

19 Here, the totality of the conduct alleged took place online, which affords the Petitioner the  
20 unique position to be able to easily display the Respondent's offensive conduct for all to see. Mr.  
21 Weber had every opportunity to simply 'screen shot'<sup>1</sup> each and every offending message to show  
22 the court Respondent's course of behavior that is so egregious that caused Mr. Weber to fear "for  
23 his safety and that of his family." (Petitioner's CH-100 at 3). It is telling that Petitioner did no  
24 such thing, and as this Court can surmise by the exhibits the Respondent includes in this answer,  
25 no such offensive behavior exists.

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28 <sup>1</sup> A digital image created by the operating system or software running on the device, but it can also be a  
photograph

1 Respondent fully admits to being a thorn in the Petitioner's side, perhaps even to an unfair  
2 degree, but this conduct never rises to a course of harassing conduct. Mr. Haddock's private  
3 interactions with the Petitioner are at best infrequent, and at worst, uncivil. The last private  
4 message Respondent sent Mr. Weber was first to obtain a comment to a story he was writing, and  
5 no further messages were sent in the month between April 12 and the filing of this Request.  
6 (Exhibit 1) This is hardly a course of conduct so terrible that the court needs concern itself with.

7 Petitioner further asks this Court to forbid Respondent from "indirect contact" which  
8 would amount to an unlawful prior restraint of Mr. Haddock's ability to discuss Petitioner in a  
9 public setting in an online forum.<sup>2</sup> However, Petitioner claims that Mr. Haddock's private  
10 interactions with him are so awful as to create an ever-increasing fear for his safety, which is not,  
11 and cannot be supported by the evidence. Therefore, just on the absence of evidence alone, the  
12 Court must dismiss this Request.

## 13 **II. PETITIONER'S CRIMINAL PAST IS ARGUABLY A MATTER OF PUBLIC** 14 **CONCERN**

15 Those four words of § 527.6(b)(3) "serves no legitimate purpose" kills any hope of Mr.  
16 Weber succeeding on this Request. In Petitioner's own words, he and Respondent are political  
17 rivals. Because of the recent attempt by both the Petitioner and the Respondent to obtain a seat on  
18 Santa Clarita City Council, both parties (as well as dozens of others) have had some fiery and  
19 emotional interactions discussing politics on Facebook. As a result of those interactions,  
20 Respondent drafted and posted a break down of Mr. Weber's various public claims that he had  
21 made before, during, and since the city council race (the "Post" attached as Exhibit 3). The most  
22 inflammatory section of the Post dealt with Mr. Weber's criminal past. Evidently at some point,  
23 Mr. Weber had bragged that he worked in a homeless shelter, possibly in order to appear  
24 altruistic. In reality, it was because Mr. Weber was convicted in 2004 of dissuading a witness by  
25 force or threat, and as part of his plea deal, he agreed to do community service.

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28 <sup>2</sup> If a Facebook user 'mentions' another user by his or her user name, under default settings, it will give the mentioned user a notification in a separate column.

1 To that end, Respondent posted the publicly available court documents, which reflect the  
2 same. (Exhibit 3) However, Respondent made one change to the documents before posting them:  
3 he removed Petitioner's address and phone number. As the Court can see, nowhere in these edited  
4 documents does Mr. Weber's or Ms. Swiecicki's address or phone number appear. Even if Mr.  
5 Weber's address somehow slipped through Respondent's edits, Petitioner cannot show that  
6 posting publicly available court documents creates or even supports the basis of any harassment  
7 action. This Court can plainly see that at no point in Respondent's Post does Mr. Haddock  
8 encourage or incite others to contact, bother, harass or annoy the Petitioner or his family.

9 Knowing Petitioner's tendency to threaten litigation against Respondent and others on  
10 Facebook, Mr. Haddock reached out on April 12 to seek comment about the article he was  
11 drafting. (Exhibit 1) As this Court is aware, the question of actual malice in a defamation action  
12 considers whether a defendant sought comment from the plaintiff. Hoping to forestall a  
13 defamation lawsuit, Mr. Haddock made sure the Petitioner had an opportunity to clarify before he  
14 published his article. Considering Mr. Weber's notoriously combative behavior, this was a limited  
15 contact for a legitimate purpose, despite Mr. Weber's request that Respondent no longer contact  
16 him.

17 "This public interest finds expression in *New York Times Co. v. Sullivan* and its progeny,  
18 which establish that [...] people who reap the benefits of public power or notoriety need to  
19 develop thick skin." Aaron H. Caplan, *Free Speech and Civil Harassment Orders*, 64 *Hastings*  
20 *Law Journal* 781, 850 (2012). To that end, if Mr. Weber wants to remain in the public eye  
21 regarding political causes, he cannot create a loophole to the First Amendment just because he  
22 has a thin skin when it comes to his past.

### 23 **III. PETITIONER'S REQUEST IS SIMPLY GAMESMANSHIP**

24 Petitioner claims that giving Mr. Haddock any advance notice of this hearing would have  
25 been useless because he believes Mr. Haddock would (amongst other things) "Attempt to destroy  
26 and/or conceal electronic records and evidence." (Declaration of Ex Parte Notice) However, as  
27 stated above, Petitioner betrays that any and all evidence of this alleged harassment took place  
28 online, meaning Petitioner had every opportunity to preserve the evidence himself. Further,

1 providing the screen shots himself would allow him to prove whether Respondent's exhibits were  
2 not somehow electronically altered after the fact. Because the onus is on Petitioner to prove this  
3 course of harassment ever existed, it is telling that while it would not be difficult for him to  
4 provide this Court with evidence, he took absolutely no steps to do so.

5 The second reason Mr. Haddock could not know about this case ahead of time was out of  
6 a purported fear that he might "Take retaliatory [sic] actions against Petitioner & his family as he  
7 has 2 open lawsuits wherein he alleges psych injury." (Declaration of Ex Parte Notice) Curious  
8 that in a case where the Petitioner accuses Respondent of stalking him because Respondent  
9 posted publicly available information, that Petitioner mischaracterizes a workers compensation  
10 claim for a back injury against him. This worker's compensation claim, which is generally not  
11 publicly available, refers to Mr. Haddock's previous unrelated work injury, and his attorney  
12 added a psych-related component to the claim because of Mr. Haddock's difficulty sleeping and  
13 stress at having to deal with the injury. (Exhibit 4) However, Petitioner was almost certainly  
14 unaware of this claim until he began an investigation related to this Request, so it is transparent  
15 that he then uses this discovery as a reason to avoid serving Mr. Haddock until the last possible  
16 second. Further, I would ask this Court to take judicial notice of this compensation claim (Exhibit  
17 4). After examining this compensation claim, Petitioner knowingly and deliberately  
18 mischaracterized the nature of Respondent's claim in order to invent a reason for him to be  
19 fearful of someone. It strains credulity that Mr. Weber is afraid of someone because they recently  
20 underwent back surgery and is having difficulty sleeping.

21 Several times within the Request, Petitioner makes reference to fearing for his safety,  
22 "incessant day and night cyber harassment" and concern for retaliatory action, yet despite having  
23 the opportunity to show any foundation for such concerns, Petitioner decides not to. As this Court  
24 can see, Respondent's last private interaction with Petitioner was a request for comment on April  
25 12. Surely between then and May 9, Petitioner had the time to write up a short list of reasons he  
26 might fear for his safety. Between May 9 and the service of this Request on Respondent,  
27 Petitioner had the opportunity to amend his filing, or entirely dismiss the original request and re-  
28 file it with exhibits without injury or embarrassment. Further, if Respondent's actions were so

1 terrible as to cause harassment “day and night” and both friends and family to fear for their  
2 safety, surely time would be of the essence. Therefore it becomes clear that this Request is not  
3 about harassment, Petitioner’s Request is simply an attempt to bypass an expensive defamation  
4 case. Petition claims that he was so seriously alarmed and fearful that he waited an entire month  
5 to file for emergency relief, and then waited weeks to try the one thing that would immediately  
6 provide that relief – serving the Respondent.

#### 7 **IV. PETITIONER CANNOT JUSTIFY ANY INJUNCTIVE RELIEF**

8 The Ninth Circuit recognizes that “an injunction is a ‘harsh and drastic’ discretionary  
9 remedy, never an absolute right.” *Abend v. MCA, Inc.*, 863 F.2d 1465, 1479 (9<sup>th</sup> Cir. 1988). For  
10 this reason, courts have rejected attempts to obtain preliminary injunctive relief against Internet  
11 speech. *New Net v. Lavasoft*, 356 F. Supp. 2d 1071 (C.D. Cal. 2003)<sup>3</sup>. A preliminary injunction  
12 may only issue upon a showing that: (1) the moving party will suffer irreparable injury if  
13 injunctive relief is not granted, (2) the moving party probably will prevail on the merits, (3) the  
14 moving party will be helped more than the non-moving party will be harmed by the injunction,  
15 and (4) granting the preliminary injunction is in the public interest. Petitioner has not  
16 acknowledged this burden, nor made any attempt to explain how he exceeds these strict  
17 requirements. Therefore, Petitioner’s harm becomes purely speculative compared to Respondent’s  
18 First Amendment rights.

#### 19 **A. Petitioner Cannot Prevail On The Merits Because The Relief Sought Is An** 20 **Unconstitutional Prior Restraint.**

21 On its face, Petitioner’s Request makes several references to Respondent’s conduct in  
22 online forums (specifically, Facebook groups). The First Amendment protects “expression that  
23 engages in some fashion in public dialogue, that is, ‘ “communication in which the participants  
24 seek to persuade, or are persuaded; communication which is about changing or maintaining  
25 beliefs, or taking or refusing to take action on the basis of one’s beliefs....” ’ ” (*In re M.S.* (1995)  
26 10 Cal.4th 698, 710)

27 \_\_\_\_\_  
28 <sup>3</sup> Holding that a preliminary injunction is improper when there has been no prior adjudication of falsity.



1           Should Petitioner hope to ask this Court to limit Respondent's ability to participate in  
2 these or any online forums, that request would constitute prior restraint of Respondent's actions.  
3 Injunctions limiting future speech are a "classic" form of prior restraint, and prior restraints "are  
4 the most serious and the least tolerable infringement on First Amendment rights." *Neb. Press*  
5 *Ass'n v. Stuart*, 427 U.S. 539, 559 (1976). A court order prohibiting publication constitutes such  
6 a prior restraint. *Alexander v. United States*, 509 U.S. 544, 550 (1993).

7           More than just public concern, virtually all of Respondent's purportedly offensive speech  
8 took place in a public forum. "Cases construing the term 'public forum' ... have noted that the  
9 term 'is traditionally defined as a place that is open to the public where information is freely  
10 exchanged.' (*Damon v. Ocean Hills Journalism Club* (2000) 85 Cal. App. 4th 468, 475.) 'Under  
11 its plain meaning, a public forum is not limited to a physical setting, but also includes other forms  
12 of public communication.' " (*ComputerXpress*, *supra*, 93 Cal.App.4th 993, 1006, 113 Cal.Rptr.2d  
13 625.) Statements on Facebook.com are accessible to anyone who chooses to visit the site, and  
14 thus they "hardly could be more public." (*Wilbanks v. Wolk*, *supra*, 121 Cal.App.4th at p. 895, 17  
15 Cal.Rptr.3d 497; *ComputerXpress*, at p. 1007, 113 Cal.Rptr.2d 625.)

16           "Petitioners were engaged openly and vigorously in making the public aware of  
17 respondent's ... practices. Those practices were offensive to them, as the views and practices of  
18 petitioners are no doubt offensive to others. But so long as the means are peaceful, the  
19 communication need not meet standards of acceptability." *Organization for a Better Austin v.*  
20 *Keefe*

21           Thus, any attempt here to obtain any injunction against Respondent falls within the  
22 definition of a "prior restraint" as a "judicial order forbidding certain communications when  
23 issued in advance of the time that such communications are to occur." (*Alexander v. United*  
24 *States*, *supra*, 509 U.S. at p. 550)

25           **B. Prior Restraints Are Antithetical To The First Amendment Rights At The Core**  
26           **Of Our Democratic System.**

27           As the United States Supreme Court has recognized, restraining publication of  
28 information undermines the "main purpose" of the First Amendment, which is "to prevent all

1 such previous restraints upon publications as [have] been practiced by other governments.”  
2 Nebraska Press, 427 US at 557 (quoting Patterson v. Colorado, 205 US 454, 462).

3 Speech “may indeed best serve its high purpose when it induces a condition of unrest,  
4 creates dissatisfaction with conditions as they are, or even stirs people to anger. Speech is often  
5 provocative and challenging. It may strike at prejudices and preconceptions and have profound  
6 unsettling effects as it presses for acceptance of an idea.” (Terminiello v. City of Chicago (1949)  
7 337 U.S. 1, 4, 69 S.Ct. 894, 93 L.Ed. 1131.) Thus, prior restraints are highly disfavored and  
8 presumptively violate the First Amendment. (Maggi v. Superior Court (2004) 119 Cal.App.4th  
9 1218, 1225<sup>4</sup>. This is true even when the speech is expected to be of the type that is not  
10 constitutionally protected. (Near v. Minnesota, supra, 283 U.S. at pp. 704-705).<sup>5</sup>

11 An order prohibiting a party from making or publishing false statements is a classic type  
12 of an unconstitutional prior restraint. (See Metropolitan Opera Ass'n, Inc. v. Local 100 (2d Cir.  
13 2001) 239 F.3d 172, 176.) "While [a party may be] held responsible for abusing his right to speak  
14 freely in a subsequent tort action, he has the initial right to speak freely without censorship."  
15 (Gilbert v. National Enquirer, Inc. (1996) 43 Cal.App.4th 1135, 1145 [51 Cal.Rptr.2d 91].)

16 Thus, any attempt to forbid Mr. Haddock from speaking in the future constitutes prior  
17 restraint of his free speech rights. And as in these cases, Petitioner has not and cannot meet the  
18 incredible burden of proving that his desire to not be spoken about outweighs Mr. Haddock's  
19 rights. Consequently, his request for an injunction must be rejected.

20 **V. PETITIONER CANNOT AVOID STRICTURES OF DEFAMATION LAW BY**  
21 **PLEADING THE CLAIM AS HARASSMENT**

22 Petitioner should not be able to evade the limits on defamation law (many of them  
23 constitutionally mandated) by redesignating this claim as ‘civil harassment.’ The Supreme Court  
24 has consistently held that whenever the gist of a claim is injury to reputation, the plaintiff must  
25 adhere to the constitutional standards for defamation. Noel v. River Hills Wilsons, Inc., 7 Cal.

26 \_\_\_\_\_  
27 <sup>4</sup> See also: Hurvitz v. Hoefflin, supra, 84 Cal.App.4th at p. 1241.

28 <sup>5</sup> Rejecting restraint on publication of any periodical containing "malicious, scandalous and defamatory"  
matter.

1 Rptr. 3d 216, 224 (Cal. Ct. App. 2003).<sup>6 7</sup> Using a civil harassment action to decide whether  
2 derogatory public messages create a fear for one's safety is a waste of this court's time.  
3 (Petitioner's CH-100 at Page 3).

4 Petitioner claims that the alleged speech by Respondent caused him emotional distress.  
5 Speech *about* a petitioner may be emotionally distressing for reasons other than its defamatory  
6 effect on reputation, such as messages that condemn or express dislike for the Petitioner.  
7 However, the Supreme Court has found such speech to be constitutionally protected, at least  
8 where the speech involves topics of public concern. See *Snyder v. Phelps*, 131 S. Ct. 1207, 1220  
9 (2011); *NAACP v. Claiborne Hardware Co.*, 458 U.S. 886, 932-34 (1982).

10 Here, despite having every opportunity to do so, the Petitioner makes no attempts to show  
11 Mr. Haddock ever directly contacted him. In fact, the only communications provided to this Court  
12 are Respondent's Exhibits 1 and 2. This is hardly a 'course of conduct' as defined by Section  
13 527.6(b)(1). In addition, if this conduct is the basis of the harassment claim, Petitioner waited  
14 several weeks before seeking redress through this Court, while no further contact had been  
15 reported. Further, 527.6(b)(1) disallows constitutionally protected activity from being used to  
16 define a course of conduct. Lastly, 527(b)(3) requires the alleged course of conduct be directed *at*  
17 the petitioner. Here, Petitioner claims harassment via private messages, but has made no attempt  
18 to personally show Mr. Haddock communicating with or at him directly in any way. The court  
19 should ask itself whether it is more likely that a professional web developer couldn't figure out  
20 how to screen shot a series of harassing Facebook messages, or that no such messages exist.

21 Because there has been no trial and no determination on the merits that any statement  
22 made by Mr. Haddock was defamatory or derogatory, the court cannot prohibit him from making  
23 statements even if the court only forbade statements about petitioner that are characterized as  
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27 <sup>6</sup> “[P]laintiffs may not avoid the strictures of defamation law by artfully pleading their defamation claims  
to sound in other areas of tort law.”

28 <sup>7</sup> See also: *Hustler Magazine v. Falwell*, 485 U.S. 46 (1988)

1 "false and defamatory." *Evans v. Evans* 162 Cal.App.4th 1157 (2008).<sup>8</sup> Such a sweeping  
2 prohibition would fail to adequately delineate which of Mr. Haddock's future comments might  
3 violate the injunction and lead to contempt of court. (See *Balboa Island*, supra, 40 Cal.4th at p.  
4 1159.).

## 5 **VI. THE FORM OF RELIEF REQUESTED BY PETITIONER IS IMPROPER**

6 The only truly efficacious injunction against an alleged serial defamer would take the  
7 form of "do not tell lies about petitioner" or "do not say anything about petitioner." Such orders  
8 are hopelessly vague and overbroad, respectively. Given that the purpose of an injunction is to  
9 prevent *future* harm to the applicant by ordering the opposing party to refrain from doing a  
10 particular act, [see CCP § 525], injunctive relief is available only to prevent threatened injury and  
11 has no application to wrongful acts that have been completed [*Scripps Health v. Marin* (1999) 72  
12 CA4th 324, 332.<sup>9</sup> Further, any permissible order "must be couched in the narrowest terms that  
13 will accomplish the pin-pointed objective permitted by constitutional mandate and the essential  
14 needs of the public order...." (*Carroll v. Princess Anne* (1968) 393 U.S. 175, 183-184). Here,  
15 requesting that Mr. Haddock never make any reference to the petitioner on the internet would be  
16 so vague and overbroad as to be untenable.

17 The only genuinely content neutral injunction that could stop undesired speech about  
18 petitioner would be this: "Respondent may not communicate with anyone about anything."  
19 However, "[n]o prior decisions support the claim that the interest of an individual in being free  
20 from public criticism of his business practices ... warrants use of the injunctive power of a court."  
21 *Organization for a Better Austin v. Keefe*

22 The proper scope for civil harassment orders is to ban future contact with and surveillance  
23 of the petitioner—not to ban expression to others—even when petitioner is the subject matter of  
24 that expression. As a practical matter, obeying the rule against prior restraints causes no real harm  
25 for petitioners, because any injunction against specific utterances would inevitably be too narrow

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26  
27 <sup>8</sup> See also *Balboa Island*, supra, 40 Cal.4th at p. 1158; *Wilson v. Superior Court* (1975) 13 Cal.3d 652,  
658-659 [119 Cal.Rptr. 468, 532 P.2d 116].

28 <sup>9</sup> See also *Gold v. Los Angeles Democratic League* (1975) 49 CA3d 365, 372

1 to provide the desired relief. Erwin Chemerinsky, *Injunctions in Defamation Cases*, 57 Syracuse  
2 L. Rev. 157, 251 (2007)

3 **VII. CONCLUSION**

4 Political speech is at the core of the First Amendment, and much of what Petitioner  
5 complains about is outward speech, not speech to a captive audience -- so while Petitioner is the  
6 subject of much of it, it's "directed at" the public. Respondent's requests for comment are  
7 legitimate purposes because Petitioner had repeatedly threatened libel actions and the question of  
8 actual malice in a defamation action considers whether a defendant sought comment from the  
9 plaintiff. The limited contact directed at Petitioner -- the Facebook messages, e.g., is not only  
10 protected speech serving a legitimate purpose, but falls far short of conduct that "seriously alarms,  
11 annoys, or harasses" the person. On top of that, Petitioner waited a significant period of time not  
12 only to file the action, but then attempt to serve it, is indicia of how un-alarmed Petitioner is.

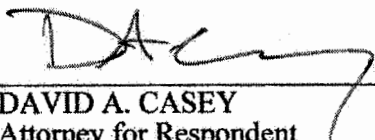
13 In summation, this case is an improper attempt by the petitioner to use the court's civil  
14 harassment docket to adjudicate defamation claims as a means to avoid the risk of a defamation  
15 lawsuit. Requesting a court demand that Mr. Haddock never mention the petitioner on the internet  
16 is at best optimistic, generally unlawful, and at worst, foolish.

17 **WHEREFORE**, Respondent respectfully requests that the Court enter judgment in his  
18 favor and against SEAN WEBER, dismissing petitioner's claims with prejudice and awarding  
19 such other relief as the Court deems appropriate. Pursuant to CCP §527.6(i), Respondent further  
20 requests that the Court award Respondent's attorney's fees as well.

21  
22 Dated: June 16, 2017

Sincerely,

23  
24  
25 By

  
26 DAVID A. CASEY  
27 Attorney for Respondent  
28