

Beck | Redden^{LLP}

Trial and Appellate Attorneys

Avoiding (or Using) Anti-SLAPP Motions to Dismiss

UT CLE Corporate Counsel Institute
May 17, 2019
Allison Standish Miller

The Basics: Substance

The TCPA: What is It?

Strategic Lawsuits Against Public Participation

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CASE NO.: CV 18-06893 SJO (FFMx) DATE: October 15, 2018
TITLE: Stephanie Clifford v. Donald J. Trump

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PRESENT: THE HONORABLE S. JAMES OTERO, UNITED STATES DISTRICT JUDGE

Victor Paul Cruz
Courtroom Clerk

Not Present
Court Reporter

COUNSEL PRESENT FOR PLAINTIFF:

COUNSEL PRESENT FOR DEFENDANTS:

Not Present

Not Present

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PROCEEDINGS (in chambers): ORDER GRANTING DEFENDANT DONALD J. TRUMP'S SPECIAL MOTION TO DISMISS/STRIKE COMPLAINT [Docket No. 28]; ORDER DENYING AS MOOT DEFENDANT DONALD J. TRUMP'S ALTERNATIVE MOTION TO DISMISS COMPLAINT [Docket No. 28]

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The TCPA: What is It?

27.003 Motion to Dismiss

(a) If a legal action is based on, relates to, or is in response to a party's exercise of the right of free speech, right to petition, or right of association, that party may file a motion to dismiss the legal action.

The TCPA: What is It?

Adams v. Starside Custom Builders, TXSC June 2018:

- “The TCPA casts a wide net.”
- “the unique language of the TCPA directs courts to decide its applicability based on a holistic review of the pleadings.”

Youngkin v. Hines, TXSC April 2018:

- The TCPA doesn't just apply to constitutionally guaranteed activities – it is broader

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First appeared as part of the conference materials for the
41st Annual Corporate Counsel Institute session

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New Litigation Landmines

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