

**Beck | Redden**<sup>LLP</sup>

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

=====

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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## Title search: Avoiding (or Using) Anti-SLAPP Motions to Dismiss

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

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### **New Litigation Landmines**

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