TENTATIVE DECISION

Date: 11/6/26

Set For: 11/9/26

Washeleski v. City of Santa Clara, et al. (25CV463446)

Defendant Golnesa Monazamfar's Special Motion to Strike

The motion is granted.

I. INTRODUCTION

Self-represented plaintiff Pawl Washeleski's verified petition for writ of mandamus sought to compel various law enforcement agencies in Campbell and Santa Clara to perform ministerial duties under state and federal law. (Petition, pp. 2-3.) A week later, plaintiff changed course and filed a complaint which added two new defendants, Golnesa Monazamfar and the Honorable Brooke Blecher, and added allegations that they both acted improperly. Judge Blecher has since been dismissed.

Plaintiff accuses defendant Monazamfar of "repeatedly act[ing] under color of law to obstruct justice, file false claims, and interfere with court-ordered visitation," perjury, fraudulent filings, and interference with court-ordered visitation. Monazamfar's conduct occurred "on the record in front of Judge Brooke Blecher, who refused to acknowledge their legal weight, failed to enforce judicial process, and actively retaliated against Plaintiff." (Complaint, pp. 4-5.) Plaintiff asserts four causes of action for violation of due process under the California Constitution, Article I, § 7; intentional infliction of emotional distress ("IIED"); abuse of process; and civil conspiracy to violate rights. (Id.) Shortly after filing the Complaint, plaintiff filed a First Amended Complaint ("FAC") adding two other defendants and stated "[a]ll prior allegations and claims stated in the original complaint remain unchanged and are hereby incorporated by reference." (FAC, p. 2.) All alleged conduct by Monazamfar occurred while she was an attorney representing plaintiff's former romantic partner in a family law and domestic violence action, *Chelsey Watkins v. Pawl Washeleski*, Santa Clara County Superior Court no. 24CP000293.

II. LEGAL STANDARDS

Civil Procedure Code section 425.16, subdivision (b) provides: "A cause of action against a person arising from any act of that person in furtherance of the person's right of petition or free

speech under the United States or California Constitution in connection with a public issue shall be subject to a special motion to strike, unless the Court determines that the plaintiff has established that there is a probability that the plaintiff will prevail on the claim." (Code of Civ. Proc. § 425.16, subd. (b).) The court must construe this section broadly. (Code of Civ. Proc.§ 425.16, subd. (a).) In ruling on a special motion to strike under section 425.16, the court must follow a two-step process. (*Baral v. Schnitt* (2016) 1 Cal.5th 376, 384-385.) First, the court determines if the party moving to strike a cause of action has shown that the cause of action arises from an act in furtherance of the moving party's right of petition or free speech. (*Ibid*.) This is a threshold issue; if moving party fails to show the conduct is constitutionally protected, the court need not address prong two. (*Jarrow Formulas, Inc. v. LaMarche* (2003) 31 Cal.4th 728, 733.)

A. *Prong one – protected activity*

In the first step, the defendant must make a "threshold showing" that the challenged claims arise from protected activity. (*Rusheen v. Cohen* (2006) 37 Cal.4th 1048, 1056.) "[T]he moving defendant bears the burden of identifying all allegations of protected activity, and the claims for relief supported by them. When relief is sought based on allegations of both protected and unprotected activity, the unprotected activity is disregarded at this stage." (*Baral v. Schnitt, supra,* 1 Cal.5th at p. 396.) "A defendant meets the burden of showing that a plaintiff's action arises from a protected activity by showing that the acts underlying the plaintiff's cause of action fall within one of the four categories of conduct described in section 425.16, subdivision (e)." (*Siam v. Kizilbash* (2005) 130 Cal.App.4th 1563, 1569.)

Here, the operative category is "any written or oral statement made before a legislative, executive, or judicial proceeding, or any other official proceeding authorized by law" as well "as any written or oral statement or writing 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" or "any other conduct in furtherance of the exercise of constitutional right of petition or the constitutional right of free speech in connection with a public issue or an issue of public interest." (Code Civ. Proc., § 425.16, subd. (e)(1)(2), (4).)

B. *Prong two – probability of prevailing by nonmoving party*

The burden then shifts to plaintiff to "demonstrate that each challenged claim based on protected activity is legally sufficient and factually substantiated. The court, without resolving evidentiary conflicts, must determine whether the plaintiff's showing, if accepted by the trier of

fact, would be sufficient to sustain a favorable judgment. If not, the claim is stricken. Allegations of protected activity supporting the stricken claim are eliminated from the complaint, unless they also support a distinct claim on which the plaintiff has shown a probability of prevailing." (*Baral v. Schnitt, supra,* 1 Cal.5th at p. 396.)

"The litigation privilege is 'relevant to the second step in the anti-SLAPP analysis in that it may present a substantive defense a plaintiff must overcome to demonstrate a probability of prevailing.' [Citation.]" (*Contreras v. Dowling* (2016) 5 Cal.App.5th 394, 415.) "The litigation privilege applies 'to any communication (1) made in judicial or quasi-judicial proceedings; (2) by litigants or other participants authorized by law; (3) to achieve the objects of the litigation; and (4) that have some connection or logical relation to the action. [Citation.] 'This privilege is absolute in nature….'[Citation]." (*Ibid.*)

III. DISCUSSION

A. *Plaintiff's allegations arise from protected activity*

It is well-settled that claims based on "litigation activity" are subject to the anti-SLAPP statute. (*Rusheen v. Cohen, supra,* 37 Cal.4th at p. 1056; *Dowling v. Zimmerman* (2001) 85 Cal.App.4th 1400, 1418-1420.) The anti-SLAPP statute specifically applies to "any act. . . in furtherance of the . . . right [to] petition." (*Ludwig v. Superior Court* (1995) 37 Cal.App.4th 8, 19.) Statements protected by the litigation privilege are equally entitled to the benefits of section 425.16. (*Briggs v. Eden Council for Hope & Opportunity* (2009) 19 Cal.4th 1106, 1115.)

The Court finds plaintiff's claims arise from protected activity. Plaintiff seeks to impose liability on defendant Monazamfar for pleadings she filed while representing her former client Watkins, and for conduct, statements, communications, and arguments she advanced on behalf of Watkins in the underlying family law action. (See Complaint, pp. 3-4.) An attorney's actions done to further litigation efforts on behalf of clients are protected under section 425.16 as an exercise of the constitutional right to petition. (*MMM Holdings, Inc. v. Reich* (2018) 21 Cal.App.5th 167, 179.)

B. *Plaintiff has not established a reasonable probability of success on his claims*

Here, plaintiff's burden is to produce competent, admissible evidence supporting his claims. (*Navellier v. Sletten* (2002) 29 Cal.4th 82, 88.) Plaintiff cannot rely on the allegations of the complaint but must produce evidence admissible at trial. (*HMS Capital, Inc. v. Lawyers Title Co.* (2004) 118 Cal.App.4th 204, 212.) Although plaintiff has the burden of proof as to the probability of prevailing, evidence presented by the defendant remains relevant and courts

should grant anti-SLAPP motions where, "as a matter of law, the defendant's evidence […] defeats the plaintiff's attempt to establish evidentiary support for the claim." (*Hawran v. Hixon* (2012) 209 Cal.App.4th 256, 274.)

Plaintiff fails to provide support for prong two and the Court finds even if he did, his claims would be barred. First, plaintiff fails to produce any competent, admissible evidence supporting his claims. His declaration supporting his opposition solely discusses subpoena issues from the underlying family law matter in 2024, thereby conceding that all of defendant Monzamfar's conduct related to that proceeding. (Washeleski Declaration, ¶¶ 2-10.)

Second, plaintiff's claims are barred by the litigation privilege (Code of Civil Procedure section 47) and Civil Code section 1714.10. A publication or broadcast made in any judicial proceeding is absolutely privileged. (Code Civ. Proc., § 47, subd. (b)(2).) The privilege is applicable to any communication and all torts except malicious prosecution. (*Silberg v. Anderson* (1990) 50 Cal.3d 205, 209, 211-212.) "To be privileged under subdivision 2 of section 47, the [] matter need not be relevant, pertinent or material to any issue before the court, it only need have some connection or some relation to the judicial proceeding." (*Smith v. Hatch* (1969) 271 Cal.App.2d 39, 46.) All of defendant Monazamfar's at-issue conduct relates to statements made in the course of her representation of her client Watkins in official filings. (See Complaint, pp. 3-4.) The complaint itself concedes that the allegations are predicated on her statements made in court hearings and filings, and are directly connected to the judicial proceeding. (Complaint, p. 4.) Any characterization by plaintiff that Monazamfar's pleadings were fraudulent fails to overcome the litigation privilege. (*Thornton v. Rhoden* (1966) 245 Cal.App.2d 80, 90.) Finally, plaintiff failed to follow any of the procedural requirements for stating any conspiracy claim against defendant Monazamfar under Civil Code section 1714.10, and therefore cannot avail himself of that basis for liability. (Civil Code § 1714.10, subd. (a).)

The Court denies defendant's request for judicial notice of Exhibits A and D since the Court need not take judicial notice of its own records. The Court grants the remaining requests for judicial notice (Exhibits B, C, E, F) pursuant to Evidence Code section 452, subdivision (d).