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SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF ORANGE

THE BISHOP OF THE PROTESTANT EPISCOPAL CHURCH IN LOS ANGELES, etc., Plaintiff, v. GRIFFITH COMPANY, etc, et. al., Defendants.	Case No. 30-2015-00795665-CU-OR-CJC Assigned for All Purposes to: Judge Walter Schwarm **REPLY OF DEFENDANT, GRIFFITH COMPANY TO THE BISHOP'S OPPOSITION TO GRIFFITH COMPANY'S SPECIAL MOTION TO STRIKE THE BISHOP'S THIRD CAUSE OF ACTION FOR SLANDER OF TITLE, ETC.** **[Cal. *Code. Civ. Pro*. § 425.16]** HEARING DATE: November 3, 2015 HEARING TIME: 1:30 p.m. HEARING DEPT.: C-42 Complaint Filed: June 26, 2015

Defendant, GRIFFITH COMPANY, respectfully submits its Reply to the Opposition of Plaintiff, THE BISHOP OF THE PROTESTANT EPISCOPAL CHURCH IN LOS ANGELES ("THE BISHOP") to GRIFFITH COMPANY's Special Motion to strike the third cause of action of Plaintiff's Complaint for slander of title and request for award of attorneys' fees as follows:

I. THE BISHOP'S SUIT IS A PARADIGM SLAPP.

THE BISHOP's suit is a "paradigm SLAPP." As explained in *Wilcox vs. Superior Court* (1994) 27 Cal. App. 4th 809, 815-817 (overruled on other grounds *Equilon Enterprises vs. Consumer Cause, Inc*. (2002) 29 Cal. 4th 53, 68):

> "Litigation which has come to be known as SLAPP is defined . . . as 'civil lawsuits … aimed at preventing citizens from exercising their political rights or punishing those who have done so.' [Citation omitted.] The paradigm SLAPP is a suit filed by a large land developer against environmental activists or a neighborhood association intended to chill the defendants' continued political or legal opposition to the developers' plans. [Citations omitted.] . . . . ¶ SLAPP suits are brought to obtain an economic advantage over the defendant, not to vindicate a legally cognizable right of the plaintiff. [Citation omitted.] Indeed, one of the common characteristics of a SLAPP suit is its lack of merit. [Citation omitted.] But lack of merit is not of concern to the plaintiff because the plaintiff does not expect to succeed in the lawsuit, only to tie up the defendant's resources for a sufficient length of time to accomplish plaintiff's underlying objective. [Citation omitted.] As long as the defendant is forced to devote its time, energy and financial resources to combating the lawsuit its ability to combat the plaintiff in the political arena is substantially diminished. [Citation omitted.]" (At pg. 815-816.)

Here, Griffith Company expressed its legal opposition to the powerful BISHOP's plans to breach the "church purposes exclusively" condition to Griffith Company's 1945 gift, and THE BISHOP sued Griffith Company, without merit, for having expressed itself.

As one would expect given the SLAPP nature of this suit, THE BISHOP makes sweeping assertions supported by what can only be characterized as a woeful lack of admissible evidence in opposition to this motion. By way of example, Plaintiff makes the unequivocal claim that Griffith Company was paid $800,000.00 for the 1984 deed, but submits not one shred of competent, admissible evidence in support of that statement. Indeed, his sole submission in this regard is a hearsay email (Opp. Ex. 30) which lacks even the charade of an attempt to lay a foundation and contains unsubstantiated hearsay of a supposed conversation. Moreover, that claim is itself shown to be false as the 1984 deed in question explicitly states: "Documentary

transfer tax is $0 (Gift Deed)" (Opp. Ex. 2)[1]

In a like fashion, THE BISHOP proclaims that the supposed removal of a "church-use restriction" resulted in an increased value of the property. Yet once again, Plaintiff fails to submit any competent and admissible evidence on this point. Instead, he points only to what are, at best, hearsay documents totally lacking in any foundation and qualifying for no exception to that rule.

Plaintiff's proclamations are then taken to a new level when he asserts that the omission of Lot 1099 from the 1984 deed was a mere "typo", a "scrivener's error." Here too Plaintiff fails to present any competent, admissible evidence. Rather, he points only to the same inadmissible, unauthenticated email (Opp. Ex. 30) despite the fact that email refutes any claim of clerical error as Mr. Trane admits knowing of the omission of Lot 1099 and intending it as he thought it might be useful. Thus, Plaintiff fails to present any admissible evidence on any of these subjects and the "evidence" he does submit defeats his claims.

To make matters worse, where Plaintiff actually has some form of evidence such as deposition testimony, he badly misrepresents what was said. One notable instance is the Plaintiff's claim that "Griffith's former President [Mr. McGrew] disavows that George Griffith intended to retain a church-use restriction on any portion of the property." (Compendium, Item 12.) In fact, what Mr. McGrew actually said was that he never spoke with Mr. Griffith about the subject. Clearly, a lack of conversation about a subject is not a "disavowal."

The Opposition also makes a number of arguments that are nothing more than non-sequitur claims. Among these are its assertion that the June 10, 2015 letter that serves as the gravamen of THE BISHOP's slander of title cause of action is not within the litigation privilege because it was sent in the hope of resolving the matter without a lawsuit and because The Griffith Company felt it had enough litigation. Were this the test for the application of the litigation privilege, only Plaintiffs would be able to claim its benefit and then only when they were saying there would be no settlement or other resolution of a case short of active litigation. That, however, is not the law. In addition, Plaintiff claims that letter could not be a comment on a matter of public interest

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1 Even were one to consider the contents of the email (which is wholly inadmissible) it does not say what the Plaintiff wishes it said. It says only a "reverter" was released. It says nothing about the church-use only condition. Indeed, the document says that the local church wanted the reverter removed to increase the properties' value to reinvest loan proceeds ***for church purposes.***

because he claims Defendant intended it as a private letter. Again, no such conclusion logically follows and is itself belied by the fact THE BISHOP was already engaged with City officials relating to his proposed development when that letter was sent.

Finally recognizing that its allegations are fatally flawed, that Defendant's comments are non-actionable, and that the letter does not support a slander of title claim, Plaintiff attempts to advance new and previously unalleged claims. As shown below, the Plaintiff's new contentions can neither be considered (as a special motion to strike must be decided based on the allegations contained in the complaint itself) nor can they be used to change the basis for his cause of action at this late hour (as a plaintiff may not move to amend his complaint to escape the effects of such a motion). Further, even if those claims were to be given consideration, it would avail Plaintiff nothing as they contain the same statements as are set forth in the letter in question and are equally privileged, truthful and non-actionable. As such, it is respectfully submitted this motion should be granted and Plaintiff's Third Cause of Action for slander of title should be dismissed.

II. THE BISHOP'S ACTION "ARISES FROM" PROTECTED ACTIVITY.

Attempting to bury a weak argument that the June 10 demand letter was not made in connection with a public issue, the Bishop fails to address *IHHI v. Fitzgibbons*, (2006) 140 Cal. App. 4th 515; *Cross v. Cooper*, (2011) 197 Cal. App. 4th 357; *TDE v. SD*, (2003) 106 Cal.App.4th 1219; *Church of Scientology*, (1996) 42 Cal. App. 4th 628 (overruled on other grounds *Equilon Enterprises vs. Con-sumer Cause, Inc*. (2002) 29 Cal. 4th 53, 68 ftnt. 5); and/or the 250 pages of news articles, internet dialogue and City Council Minute Meetings attached to the moving papers. Instead, the Bishop sidesteps all such authority and evidence, and thereby sidetracks this Court, with flawed argument that Griffith Company's rights were 'incidental' to any public issue.

Yet, the June 10 demand letter, which is the *thrust* of Plaintiff's cause of action, is *not* incidental to Defendant's rights of petition and/or free speech, it is the *heart* of it. Hence, *Episcopal Church Cases* (2009) 45 Cal. 4th 467 is inapplicable as that case dealt with a church split in which one religious faction that argued its first amendment rights were implicated by disagreeing with higher church authorities. (*Id.* at pg. 477, 475-6.) The Court stated that simply because the property dispute arose *in that setting* did not mean that the protected activity was the gravamen of the action. In contrast, it is alleged here that Griffith Company's June 10 letter

slandered the Bishop's title. That letter is not 'lurking in the background', it is itself the dispute.

As the moving papers make clear, the June 10 letter related to *numerous* public issues, such as property development, the Bishop, the Church, the use condition, the impacts on the community, and even the letter itself! (Moving Papers ("MP") 6:3-22.) This is evidenced by the many articles, public minutes, and internet dialogue addressing these issues (MP 5:4-6: 17, 10:8-28). The Bishop completely fails to address *any of that*. As in *IHHI*, this Court should have 'little troubling' concluding the June 10 letter concerned issues of public interest.

The Bishop also ignores that (1) the development of a substantial parcel of bayfront property is the very definition of a matter of public interest (*TDE*); (2) he and the Church are *in and of themselves* issues of public interest (*Church of Scientology*); and (3) similar to *Cross*, his absurd complaint alleges he was unable to consummate a sale of real property because he was "forced" to disclose material facts to a buyer.

Finally, to be clear, even private communications about public issues are protected under § 425.16. (*Terry v. Davis Community Church*, (2005) 131 Cal. App. 4th 1534, 1545.) This is especially the case when a large, powerful organization such as the Bishop impacts the lives of so many. (*Church of Scientology*, *supra*, 42 Cal. App. 4th at pg. 649, 650.) The Bishop's assertion that this was intended to be a 'private letter' is a non-sequitur. Again, any such publications which occurred in public forums, such as City Council meetings, news articles, or internet are privileged under §425.16(e)(3) and the Bishop has entirely fails to address case law cited on the subject. (MP 14: 1-5.)

To the extent the Bishop argues that the June 10 Demand Letter was simply a 'private letter' not demanding any rights, it would still be privileged (1) as §425.16 governs even private communications so long as they relate to a public issue (*Terry, supra.*); and (2) as a communication made preparatory to a hearing is also protected.[2] [3] (§425.16(e)(2).) The Bishop has entirely failed to respond to this second issue. (MP 14: 19-23; *Moulton Niguel Water Dist. v.*

2 The June 10 Demand Letter was preparatory to the June 15 Town Hall meeting. Further, the Bishop's June 5 letter to Mayor Pro Tempore Dixon *predates* Mr. Pierce's letter. The Town Hall meeting was also announced via a June 4th St. James letter and at a June 9 City Council Meeting.

3 Plaintiff's statement that Voorhees formed Save St. James only after Angus emailed a copy of the June 10 letter to him is disingenuous. Save St. James was formed on June 9. (MP, Vorhees Dec. ¶9.) Angus's email to Voorhees was not sent until June 11 at 8:40 am. (Opp Ex. 27.)

Colombo (2003) 111 Cal. App. 4th 1210, 1215 [contentions are waived when a party fails to support them with reasoned argument and citations to authority].)

Ignoring all of the above public issues, the Bishop argues that Griffith Company focuses too narrowly on the June 10 demand letter. He then raises other alleged publications in an attempt to sidetrack this Court from the June 10 demand letter. First, those alleged publications are *not* mentioned anywhere in the Bishop's complaint (Complaint ¶¶14, 16, 31) and as such he cannot *now* hold Griffith Company responsible for what he *now* argues are additional comments. *(Comstock v. Aber* (2012) 212 Cal. App. 4th 931, 942 [The question is what is pled—not what is proven.], 946 [mixed cause of action is subject to dismissal if at least one act is protected].)

Second, "it is the principal thrust or gravamen of the plaintiff's cause of action that determines whether the anti-SLAPP statute applies." (*Martinez v. Metabolife*, (2003) 113 Cal. App. 4th 181, 188.) A simple reading of the Bishop's Verified Complaint leads to the conclusion its principal thrust is the June 10 demand letter. Paragraphs 14, 16, 31 all detail the June 10 demand letter with no other specifics. Hence, the Bishop's criticism that Griffith Company does not address 'other publications' is simply irrelevant.

The Bishop also argues that the litigation privilege does not apply as "to this day, Griffith has not filed suit" and thus its June 10 letter was not a "contemplated precursor to litigation." Yet as Griffith Company's moving papers make clear, it welcomes the Bishop's Quiet Title Action. Simply because the Bishop was first to the courthouse does not mean that Griffith Company did not *contemplate* litigation. (*Edwards v. Centex*, (1997) 53 Cal. App. 4th 15, 38.) It is immaterial whether the party whose communications are at issue is a potential *plaintiff* intent on filing a lawsuit, or a potential *defendant* contemplating imminent litigation. (*Ibid*.)

Moreover, the Bishop's argument that Griffith Company sought to avoid litigation is a non-sequitur. *If Griffith Company had intended to avoid the possibility of litigation, it would simply not have sent the June 10 demand letter*. Nevertheless, it *did* precisely because it anticipated imminent litigation. In that regard, all that is required is that the possibility has ripened into a *proposed* judicial proceeding. (*Id*. at pg. 32, 35 [actual "threat" not necessary]; *Dove v. Rosenfeld*, (1996) 47 Cal. App. 4th 777 [letter contacting *potential* clients about *potential* suit]; *Knoell v. Petrovich*, (1999) 76 Cal App 4th 164 review denied [letters merely questioning

another's ability to use real estate covered by the privilege].) That Griffith may not have *wanted* another lawsuit is irrelevant. The Bishop's reaction to the June 10 demand letter reveals that he viewed it as a serious threat of litigation and that both parties were contemplating litigation.[4]

III. THE BISHOP HAS NOT, AND CANNOT, CARRY HIS BURDEN.

Inasmuch as Griffith Company has met its threshold showing that the lawsuit arises from activity that is protected under the Anti-SLAPP statute, the burden shifts to the plaintiff to demonstrate *a probability of prevailing* on the claim by demonstrating with ***competent, admissible*** evidence that his claims have merit. *McGarry v. Univ. of San Diego* (2007) 154 Cal. App. 4th 97. If a plaintiff fails to substantiate ***all*** of the elements of a legally sufficient claim, the court ***must*** dismiss the action. *Vogel v. Felice*, (2005) 127 Cal. App. 4th 1006, 1017.

The cause of action at issue here, of course, is for slander of title. The elements of such a cause of action are (1) a publication, (2) which is without privilege or justification, (3) that falsely clouds title, and (4) that causes pecuniary loss. *La Jolla Group II vs. Bruce.* (2012) 211 Cal. App. 4th 461, 472. That means THE BISHOP must state and substantiate such a legally sufficient cause of action. *La Jolla Group II vs. Bruce, supra*, 471. Plaintiff therefore has the burden of proof to establish the publication of which it complains was false; that it was made without any privilege or justification;[5] and, that he has suffered pecuniary loss as a direct and proximate result of it having been made.[6]

(a) Plaintiff cannot meet its burden to show the publication was false or that it created a cloud on title.

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4 The Bishop's June 15 letter states that the "June 10 [demand] letter has *serious* implications," requests Griffith execute a *'simple document'* to "*resol[ve] this matter*", and concludes this is an *urgent* matter and could result *in millions of dollars of damages.* His June 17th follow up again states the Church could incur "*substantial monetary damages*" and demands a '*prompt* response.' ***The Bishop immediately filed suit the very next week.***

5 The plaintiff in a slander of title action bears the burden to establish such a publication is not privileged. *Hill vs. Allan* (1968) 259 Cal. App. 2d 470.

6 "Because [plaintiff's] slander of title cause of action is subject to the anti-SLAPP statute, ***the burden shift[s] to it to show, through competent, admissible evidence***, a probability of success on the merits of its claim . . . . [Citation omitted.] Accordingly, [plaintiff is] ***required to establish each of [those] four elements*** . . . ." (Emphasis added.) *Manhattan Loft, LLC vs. Mercury Liquors, Inc., supra,* 1050-1051.

The gravamen of Plaintiff's complaint, of course, is its assertion that the letter of June 10, 2015, from an attorney for Griffith Company somehow slandered title.[7] (Please see Plaintiff's Verified Complaint, pg. 6:20-23, para. 31.) In order to be actionable, then, that letter must have contained some falsehood. *La Jolla Group II vs. Bruce, supra*, 472. Yet a simple reading of the letter reveals it said nothing false whatsoever. That correspondence begins by explaining that Griffith Company was the original developer and builder of Lido Isle and surrounding areas; that it donated four lots for the St. James church site in 1945; that it gave another deed in 1984 by which, for the sake of argument, at most "released its covenant, condition, and restriction for 'church purposes,' and reversionary interest, in the three lots only"; and, that it "never released, and never intended to release, the covenant, condition, restriction for 'church purposes exclusively'" for the remaining lot. (Ex. 9 to the Opp.) Based thereon, Griffith Company simply stated that it continued "to assert[] any and all of its rights, title, and interest in the property." (*Id.*) Plaintiff has not, and cannot, sustain its burden to demonstrate those statements are false for the simple reason each of them is demonstrably true.

A review of the evidence Plaintiff has submitted on this motion shows that Griffith Company indeed donated the subject lots for the St. James church site in 1945. (Ex. 1 to Opp.) In addition, Griffith Company unquestionably gave another deed in 1984 concerning three of the lots at issue here (*i.e.*, Lots 1197, 1198, and 1200), but did not mention the fourth in any fashion (*i.e.*, Lot 1199). (Ex. 2 to Opp.) In the face of that utter silence, Plaintiff argues the 1984 deed contained a "typo", but submits not one scintilla of competent, admissible evidence to support

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7 Griffith Company is not compelled to respond to Plaintiff's belated assertion of "other" publications that were not pled in its Verified Complaint as a special motion to strike is to be determined based on the gravamen of the claims presented in the complaint. *Bergstein vs. Strook & Stroock & Lavan LLP* (2015) 236 Cal. App. 4th 793, 805. (See also, *Simmons vs. Allstate Ins. Co.* (2001) 92 Cal. App. 4th 1068, 1072-4 (no right to amend once a special motion to strike has been filed although some courts recognize certain limited exceptions, *e.g.*, *Nguyen-Lam vs. Cao* (2009) 171 Cal. App. 4th 858.) Complaint containing "mixed allegations" - that is, some subject to dismissal pursuant to the anti-SLAPP statute and some not, requires the ***entire*** cause of action be dismissed. *E.g., Haight Ashbury Free Clinics, Inc. vs. Happening House Ventures* (2010) 184 Cal. App. 4th 1539, 1552-3 (striking two entire causes of action where only two of sixteen allegations were within the statute). (But *contra*, *City of Colton vs. Singletary* (2012) 206 Cal. App. 4th 751, 772.) That authority notwithstanding, the analysis as to each of these separate, alleged publications is the same as each purportedly contains the same substantive claims.

any such assertion. Instead, THE BISHOP points to deposition transcripts in which witnesses stated they had no knowledge on the subject (*i.e.*, "Factual Item" 8 in Compendium), and cites double hearsay statements contained in unauthenticated documents that have no foundation as a business record or any other exception to the hearsay rule (*i.e.*, Compendium, "Factual Item" 9). In other words, Plaintiff has not carried its burden of proof. It is incontrovertible that the statements in the subject letter are accurate and THE BISHOP has not presented a shred of admissible evidence to the contrary.

Likewise, the letter did not create any false cloud on title. Rather, it confirmed the 1945 and 1984 deeds; confirmed the release of the 1945 deed's "covenant, condition, and restriction for 'church purposes'" as to three lots; and, correctly stated there had been no release of any "covenant, condition, [or] restriction for 'church purposes exclusively'" for the remaining lot. That was a simple and accurate statement of fact - even Plaintiff admits this, albeit claiming it was a "typo", but without any evidentiary support. Nothing in any of those comments in any way clouded THE BISHOP's claimed title, they simply repeated what the 1945 and 1984 deeds said and did not say. As such, it is respectfully submitted Plaintiff has failed to meet its burden on this element of its claim and this special motion to strike must be granted.

To be actionable as a slander of title, a statement need not be a complete denial of title in others, but must at the very least be any unfounded claim of an interest in the property which throws doubt upon its ownership. *M. F. Farming Co. vs. Couch Distributing Co., Inc., supra*, 198 - 199. Nothing that was said by Griffith Company ever questioned Plaintiff's ownership, but only confirmed that the deeds had been issued/recorded. Here, Defendant did no more than did the defendant in *M.F. Farming Co. vs. Couch Distributing Co. Inc., supra*. There, the defendant obtained permits, published site plans for development, and published certain maps pertaining to that matter. Yet none of those documents questioned plaintiff's ownership of the property (just as none of the documents here question Plaintiff's ownership), they created no cloud on title and plaintiff was wholly unable to present facts establishing a probability of prevailing on the merits. As such, the SLAPP motion was properly granted.

(b) Plaintiff cannot meet its burden to overcome the privilege.

As set forth above, the claims at issue here are clearly privileged under Civil Code section

47. Further, "a rival claimant of property is conditionally privileged" to make "honest and good faith assertions of an inconsistent" claim to property. *MF Farming vs. Couch Distributing Co., Inc.* (2012) 207 Cal. App. 4th 180, 198. Here, Plaintiff has been unable to present any evidence to establish any probability of overcoming those privileges and has failed to meet his burden.

(c) Plaintiff cannot meet its burden to show it suffered any cognizable damage.

As explained above, an essential element of a cause of action for slander of title is pecuniary damage proximately caused by the purportedly offending publication. The opinion in *M.F. Farming Co. vs. Couch Distributing Co. Inc., supra*, is instructive on this point. As explained there, the plaintiff failed to meet its burden of demonstrating a probability of prevailing because, among other things, it failed to "present any evidence of proximately caused pecuniary loss, an essential element of the cause of action. [Citations omitted.]" (At pg. 199-200.) That plaintiff, as is the case here, did not present any expert evidence that the supposedly offending publications actually impaired the marketability or value of the property in question.

Instead of presenting expert evidence on the supposed impairment of marketability and/or value of the property as a proximate result of what Defendant said, Plaintiff looks to a declaration from Mr. Tumilty in which he says in conclusory fashion that because of "the claims asserted by Griffith in the June 10 letter about the church-use restriction, the Church was compelled to disclose that June 10 letter to Legacy, which we did. As a result of Griffith's claims that the church-use restriction remains enforceable against the Church's property, the sale of the property did not close . . . ." (Tumilty Declaration, pg. 16-17, para. 9.) This is an important statement for a number of reasons: (1) There is no mention made of any statement or publication by Griffith Company other than the June 10 letter. Thus, if for no other reason, all those supposed publications fail as Plaintiff has not carried its burden to demonstrate the existence of pecuniary damage flowing therefrom. Indeed, there is no showing of any kind that any statement allegedly made by Griffith other than the June 10 letter was ever even communicated to Plaintiff's buyer. (2) Second, the declaration does ***not*** say the sale has been lost or cancelled. Rather, it says no more than it has not yet closed. (3) Third, there is no presentation of any admissible evidence as to why the buyer has not closed. Rather, Mr. Tumilty summarily says it is a result of the claim made in the June 10 letter. Yet he does not explain how

he would know that and he does not even say the buyer said that (which would be hearsay and inadmissible). The declaration fails to present any admissible evidence to establish a proximate cause relationship between the current status of the proposed sale and anything said or published by Griffith Company. Given this dearth of evidence, Plaintiff has failed to meet his burden.

Nonetheless, the plaintiff there, as here, "argue[d] that the essential element of pecuniary loss is satisfied because he is entitled to recover the expense of legal proceedings necessary to remove a cloud on title. . . ." While the court recognized that "the expense of legal proceedings necessary to remove a cloud on title may be recovered in a disparagement of title action," it also pointed out that "not every false publication regarding property creates a cloud on title. . . ." Because the plaintiff failed to "demonstrate a probability of prevailing on the merits of the third cause of action for cancellation of cloud on title", it had failed to provide sufficient evidence of pecuniary loss to overcome the SLAPP motion. (At pg. 198-200.) That same situation is present here as Plaintiff has failed to present any evidence to show it has a probability of prevailing on any claim to remove any purported cloud on its title. As a result, it fails to meet its burden.

IV. CONCLUSION.

This motion addresses what is a "paradigm SLAPP" suit by a large and powerful landowner (here THE BISHOP) seeking to punish defendant for daring to voice concern about his proposed sale/development and his changed land use from "church purposes exclusively," as the 1945 gift provided, to luxury condominiums. The June 10 letter that serves as the gravamen of Plaintiff's slander of title cause of action is privileged and Plaintiff fails to meet his burden to present competent, admissible evidence showing he is likely to prevail on the merits of this action. It is respectfully submitted this motion should be granted; Plaintiff's Third Cause of Action should be stricken; and, attorney's fees should be awarded as GRIFFITH COMPANY seeks.

DATED: October 27, 2015

LAW OFFICE OF TIMOTHY L. JOENS

Timothy L. Joens, Esq.
Matthew J. Joens, Esq.
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GRIFFITH COMPANY

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF ORANGE

I am employed in the County of Orange, State of California. I am over the age of 18 and not a party to the within action; my business address is 2201 Dupont Drive, Suite 820, Irvine, California 92612. I am an attorney admitted to practice before the bar of this court at whose direction the service was made.

On October 27, 2015, I served the foregoing document(s) described as **REPLY OF DEFENDANT, GRIFFITH COMPANY TO THE BISHOP'S OPPOSITION, ETC.,** on the person(s) listed below in the action of *The Bishop, etc. vs. Griffith Company, etc., et al.*, by placing a true copy thereof in sealed envelopes addressed as follows:

K. Erik Friess, Esq.
Brian R. Bauer, Esq.
ALLEN MATKINS
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Email - rfiess@allenmatkins.com
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[ ] By facsimile machine, I caused the above-referenced document(s) to be transmitted to the above person(s) at their respective facsimile number listed above. I received confirmation of a completed facsimile transmission.

[ ] I deposited such envelope(s) in a box or other facility regularly maintained by an express overnight service carrier, or delivered it to an authorized express overnight service driver or courier, in a sealed envelope, with postage fully prepaid.

[**X**] By email to the email addresses indicated above.

[**X**] I deposited the fully prepaid envelope with the United States Postal Service at Irvine, California.

[ ] I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with U.S. postal service on that same day with postage thereon fully prepaid at Irvine, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing set forth in this declaration.

Executed and served on October 27, 2015, at Irvine, California.

[✔] (State) I declare under penalty of perjury under the laws the State of California that the above is true and correct.

[ ] (Federal) I declare under the penalty of perjury under the laws of the United States and the State of California that I am employed in the office of an attorney admitted to practice before the bar of this court at whose direction the service was made and that the above is true and correct.

Timothy L. Joens

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Order Type:	eFiling-eService	**Case #:**	30-2015-00795665-CU-OR-CJC
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Attorney:	Timothy L Joens	**Court Branch:**	Superior Court of California, Orange County
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