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NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION EIGHT

DEE JAY DANIELS, Plaintiff and Respondent, v. LOOP INTERACTIVE GROUP, LLC et al., Defendants and Appellants.	B254005 (Los Angeles County Super. Ct. No. SC120449)

APPEAL from an order of the Superior Court of Los Angeles County. Lisa Hart Cole, Judge. Reversed with directions.

Loeb & Loeb, Barry E. Mallen, and William M. Brody, for Defendant and Appellant Loop Interactive Group, LLC.

Doll Amir & Eley, Gregory L. Doll, and Ronald M. St. Marie, for Defendant and Appellant Mediatakeout.com LLC.

Sayre & Levitt; Treyzon & Associates, Federico Castelán Sayre and Adam L. Salamoff for Plaintiff and Respondent.

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Code of Civil Procedure section 425.16 (section 425.16) allows a defendant to seek early dismissal of a lawsuit that is a strategic lawsuit against public participation (also known as a SLAPP suit). (*Nygård, Inc. v. Uusi-Kerttula* (2008) 159 Cal.App.4th 1027, 1035.) A SLAPP is "'[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.'" (*Ibid*.)

Here, appellants Loop Interactive Group, LLC and Mediatakeout.com LLC filed motions seeking to dismiss Dee Jay Daniels's[1] complaint for defamation and false light. Both defendants published brief articles indicating that Daniels was charged with being a member of the Bloods gang and with being a murderer. It is undisputed that the charges had been levied against Daniels and that eventually he was acquitted of those charges.

The wrinkle in this case is that each article contained a subheading or heading implying that Daniels actually was either a gang member or both a gang member and murderer. We conclude that the single challenged line in each article may not be viewed in isolation, but instead must be viewed in the context of the entire article. Viewing the articles as a whole, no reasonable reader would conclude they portrayed Daniels as a gang member or murderer. Because Daniels failed to show the articles contained a false statement—the key to both his defamation and false light causes of action, we reverse the trial court's order denying appellants' anti-SLAPP motions.

FACTS AND PROCEDURE

Daniels was charged with murder and being a member of the Bloods gang. He was acquitted.

Mediatakeout.com LLC (MTO) and Loop Interactive Group, LLC (Loop) describe themselves as online newspapers and reported on the charges levied against Daniels. Daniels describes them as website operators. This lawsuit is based on their online articles.

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[1] Dee Jay Daniels is also known as Dorjan Daniels, but the parties use only the name Dee Jay Daniels.

1. Complaint

On March 26, 2013, Daniels sued Loop, its owner Darrell Williams, and MTO alleging causes of action for defamation, false light, and appropriation of likeness.

In his complaint, Daniels challenges only the following statement in a Loop article dated June 4, 2012, describing Daniels: "Dee Jay Daniels aka 'Michael Hughley' grew up to be a gang member, murderer." The following is the entire article:

"**Little Kid From 'The Hughleys' Charged with Murder**

"[reporter's name]

"Dee Jay Daniels aka 'Michael Hughley' grew up to be a gang member, murderer

"Another tragic 'child star' story.

"The actor who played DL Hugley's son on the hit sitcom 'The Hughleys[']' is facing life in prison on murder charges.

"According to Radar and Media Take Out . . . , the actor born Dorjan Lyndell Daniels (his stage name was Dee Jay Daniels) is being accused of stabbing to death 26-year-old John Joseph outside Chitivah's nightclub in Stockton, California in 2011.

"He is charged with two counts of street terrorism, one of willful, deliberate, premeditated murder and attempted murder: premeditated.

"The 23-year-old is reportedly a member of the Bloods gang and he is being held without bail.

"His next hearing is June 7 when jury trial is expected to be confirmed."

Comments posted online in response to the publication included the following: "Let him rot in hell with all the other gang members. Jail is just a resting spot for these people. . . ."

With respect to the MTO publication dated June 4, 2012, Daniels alleged the following headline was defamatory: "Guess Which Popular 1990s CHILD STAR Is A Member Of The BLOODS GANG . . . And Charged With MURDERING A MAN!!!" The text of the headline is printed in a larger font than the remainder of the article. The article following that headline provided:

"MediaTakeout.com has som [*sic*] SAD news. The actor who played little MICHAEL HUGHLEY (DL Hughley's son) on the hit 1990s series THE HUGHLEYS – has been charged with MURDERING A MAN!!!

"In a MediaTakeout.com EXCLUSIVE piece of reporting, we learned that last fall Actor Deejay Daniels (Dorjan Lyndell Daniels) was arrested in Stockton, CA – and charged with MURDER.

"Here's what popped off. Deejay and some associates got into a fight in Chivitas nightclub. The fight spilled out to the Waterfront Warehouse where a 26yr old man was stabbed to death. It's not clear WHO did the stabbing but DeeJay and two associates were taken into custody.

"Police claim that DeeJay and his boys are all members of the BLOODS gang. If convicted, he faces LIFE in prison.

"This is a MediaTakeout.com EXCLUSIVE report. Failure to credit us is considered PLAGIARISM. And we will NEVER link to you if you STEAL from us."

Photographs of Daniels accompanied the article.

Following the article, several persons wrote comments. These included the following in the order they were posted:

(1) "DAANNNG ….. LOOKING FOR GREAT HAIR FOR LOW PRICES???? VISIT WWW.[a hair Web site].NET....."

(2) "..... SOME PEOPLE BLOCK THEIR BLESSINGS....."

(3) "WOW Video on youtube of the real Madea 'Stories from my grandmother's past'"

(4) "SMH, that's a d*** shame... [¶] @KittyKat***"

(5) "follow me on instagram @ leoellis*** all my pictures are beautiful and different"

(6) "sad, as I say before, the lord needs to deliver us from country soon"

(7) "well you know what they say! But he still kinda cute"

(8) "THAS A D*** SHAME! WANT BIGGER BOOBS? VISIT WWW.[Web site name].COM"

(9) "frutta,dynumm"

(10) "D***he fine..."

One person asked, "He's a gangbanger. Really?" Someone else wrote: "U guys need help I mean he jus killed some1 and all u can comment abt is his looks." Another wrote, "DUmmy [*sic*] had access to Hollywood and could have taken any other route other than being a gang banging blood thug. This shows no matter what some of these young brothers upbringing is, they will still choose to do wrong if they want to." Another indicated, ". . . If this story is true he may go to jail for life . . . ." Another wrote, ". . . I hope his sexy a** didn't do it. If he did, lock him up for life . . . ."

Daniels alleged that the statements were on Loop and MTO's websites and broadly published. According to Daniels, the statements were false because although Daniels was charged with being a gang member and with committing murder, he was acquitted of all charges.

2. Loop's Anti-SLAPP Motion

On May 31, 2013, LOOP filed a special motion to strike pursuant to section 425.16. Loop argued, among other things, that Daniels "isolate[d] a single phrase out of context to falsely claim" that its report was libelous. In his declaration in opposition to Loop's motion, Daniels averred that he was acquitted of all charges. He stated that Loop was neither a newspaper nor a magazine because it did not offer any printed articles. He denied killing anyone and denied being a member of any gang. Daniels averred that comments posted following the Loop article indicated that readers understood him to be a murderer and gang member. Loop failed to qualify its headline with terms such as "allegedly" or "supposedly."

The court denied Loop's anti-SLAPP motion as to the defamation and false light causes of action. The court found that Loop "published false statements and that these statements were made with reckless disregard for the truth."

3. MTO's Anti-SLAPP Motion

MTO also sought to strike the complaint pursuant to section 425.16. MTO argued that its headline taken together with other statements demonstrated that there was no false statement in its report.

Daniels opposed the special motion and filed a declaration in opposition. He averred that he was not a member of the Bloods gang or any street gang. Daniels averred that readers of the MTO article believed he was a murderer and gang member.

The court denied MTO's motion as to Daniels's causes of action for defamation and false light. The court found that the article contained conflicting statements, some of which were defamatory. Williams was dismissed from the lawsuit and the appropriation of likeness causes of action were stricken.

DISCUSSION

1. Anti-SLAPP Principles

Section 425.16, known as the anti-SLAPP statute 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 Constitution or the 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." (§ 425.16, subd. (b)(1).)

"The analysis of an anti-SLAPP motion . . . involves two steps. 'First, the court decides whether the defendant has made a threshold showing that the challenged cause of action is one "arising from" protected activity. (§ 425.16, subd. (b)(1).) If the court finds such a showing has been made, it then must consider whether the plaintiff has demonstrated a probability of prevailing on the claim.' [Citation.] 'Only a cause of action that satisfies *both* prongs of the anti-SLAPP statute—i.e., that arises from protected speech or petitioning *and* lacks even minimal merit—is a SLAPP, subject to being stricken under the statute.' [Citation.] We review an order granting or denying a motion to strike under section 425.16 de novo." (*Oasis West Realty, LLC v. Goldman* (2011) 51 Cal.4th 811, 819.)

Here, we focus only on the second prong because Daniels concedes the first prong has been satisfied. The second prong requires Daniels "'"demonstrate that the complaint is both legally sufficient and supported by a sufficient prima facie showing of facts to sustain a favorable judgment if the evidence submitted by the plaintiff is credited."'" (*Navellier v. Sletten* (2002) 29 Cal.4th 82, 89.) "In deciding the question of potential merit, the trial court

considers the pleadings and evidentiary submissions of both the plaintiff and the defendant [citation]; though the court does not *weigh* the credibility or comparative probative strength of competing evidence, it should grant the motion if, as a matter of law, the defendant's evidence supporting the motion defeats the plaintiff's attempt to establish evidentiary support for the claim." (*Wilson v. Parker, Covert & Chidester* (2002) 28 Cal.4th 811, 821, superseded by statute on another ground as explained in *Hutton v. Hafif* (2007) 150 Cal.App.4th 527, 547-549.) "In denying a motion to strike on the ground that the plaintiff has established the requisite probability of success, therefore, the trial court necessarily concludes that the plaintiff has substantiated a legally tenable claim through a facially sufficient evidentiary showing and that the defendant's contrary showing, if any, does not defeat the plaintiff's as a matter of law." (*Ibid*.)

2. Defamation

"'Defamation constitutes an injury to reputation; the injury may occur by means of libel or slander. [Citation.] In general . . . , a written communication that is false, that is not protected by any privilege, and that exposes a person to contempt or ridicule or certain other reputational injuries, constitutes libel. [Citations.] A false and unprivileged oral communication attributing to a person specific misdeeds or certain unfavorable characteristics or qualities, or uttering certain other derogatory statements regarding a person, constitutes slander.'" (*Tamkin v. CBS Broadcasting, Inc.* (2011) 193 Cal.App.4th 133, 145.) """The sine qua non of recovery for defamation . . . is the existence of falsehood."""" (*Summit Bank v. Rogers* (2012) 206 Cal.App.4th 669, 698 (*Summit Bank*).)

California law consistently holds that "[i]n determining whether a publication has a defamatory meaning, the courts apply a totality of the circumstances test to review the meaning of the language *in context* and whether it is susceptible of a meaning alleged by the plaintiff." (*Balzaga v. Fox News Network, LLC* (2009) 173 Cal.App.4th 1325, 1337 (*Balzaga*), italics added.) "'[A] defamatory meaning must be found, if at all, in a reading of the publication as a whole.'" (*Id*. at p. 1338.) "'Defamation actions cannot be based on snippets taken out of context.'" (*Ibid*.) """This contextual analysis demands that the courts look at the nature and full content of the communication and to the knowledge and

understanding of the audience to whom the publication was directed. [Citation.] '"[T]he publication in question must be considered in its entirety; '[i]t may not be divided into segments and each portion treated as a separate unit.'"'"'"'" (*Ibid*.)

As Daniels points out, the law has been consistent for generations. Over half a century ago an appellate court explained: "In determining whether a publication is libelous, it must be considered in its entirety. It may not be divided into segments and each part treated as a separate unit. [Citation.] . . . If any material part be not proved true, the plaintiff is entitled to damages in respect to that part." (*Shumate v. Johnson Publishing Co.* (1956) 139 Cal.App.2d 121, 132.)

The court applied these principles in *Balzaga, supra*, 173 Cal.App.4th 1325. In *Balzaga*, the plaintiffs were portrayed in a television story about an anti-illegal immigrant activist and during the entire story the following caption was displayed: "'MANHUNT AT THE BORDER.'" (*Id.* at p. 1329.) The plaintiffs argued that the caption defamed them because it falsely suggested that law enforcement was searching for them. (*Ibid*.) Following defendant's anti-SLAPP motion, plaintiffs made clear their claim of defamation rested on that single statement. (*Id*. at p. 1333.) The court concluded that a person viewing the broadcast would not have concluded law enforcement was conducting a manhunt for plaintiffs. (*Id*. at p. 1339.) The broadcast stated that police were "investigating." (*Ibid*., italics omitted.) "[T]he caption cannot be reasonably viewed apart from the rest of the story because a viewer who saw the caption also necessarily heard the story. Even if the caption, when read in isolation, could be interpreted to mean that law enforcement was conducting an intensive search for fugitives, it would be unreasonable for a person to watch and listen to the broadcast and believe that the police were out hunting for plaintiffs." (*Id*. at pp. 1341-1342.) The court reached this conclusion notwithstanding the bedrock legal principle that "'not every word of an allegedly defamatory publication has to be false and defamatory to sustain a libel action. . . .'" (*Id*. at p. 1338.)

To the same effect, in *Monterey Plaza Hotel v. Hotel Employees & Restaurant Employees* (1999) 69 Cal.App.4th 1057 (*Monterey Plaza*), the plaintiff hotel had been charged with an unfair labor practice. (*Id*. at p. 1060.) A television station broadcast a story

about the labor dispute. (*Id.* at p. 1061.) The story indicated that the plaintiff hotel faced "escalating allegations" of illegally firing two housekeepers and stated that a hearing had been set before an administrative law judge. (*Ibid*.) In the context of discussing the charges, the reporter said that the "'federal government has found that, you know, the firings were illegal.'" (*Ibid*.) Ultimately the administrative law judge concluded that the hotel had not acted improperly in dismissing the housekeepers. (*Id*. at p. 1062.) The hotel sued for defamation arguing that the statement that the federal government found the firings were illegal was false and exposed the hotel to hatred and contempt. (*Ibid*.)

Monterey Plaza explained the relevant legal principles: "'The *sine qua non* of recovery for defamation . . . is the existence of falsehood.' [Citation.] In determining the falsity of a statement, 'the context in which the statement was made must be considered. . . . [¶] This contextual analysis demands that the courts look at the nature and full content of the communication and to the knowledge and understanding of the audience to whom the publication was directed. [Citation.] "'[T]he publication in question must be considered in its entirety; "[i]t may not be divided into segments and each portion treated as a separate unit." [Citation.] It must be read as a whole in order to understand its import and the effect which it was calculated to have on the reader [citations], and construed in the light of the whole scope and apparent object of the writer, considering not only the actual language used, but the sense and meaning which may have been fairly presumed to have been conveyed to those who read it. [Citation.] If the publication so construed is not reasonably susceptible of a defamatory meaning and cannot be reasonably understood in the defamatory sense pleaded, the demurrer was properly sustained.'"'" (*Monterey Plaza, supra*, 69 Cal.App.4th at pp. 1064-1065.)

Monterey Plaza further explained that although standing alone the statement that the federal government has found the firing illegal "could have been construed as false, that is, that there had been a final adjudication that plaintiff had engaged in unfair labor practices. However, when the challenged statement is considered within the context of the entire broadcast, no reasonable viewer could have reasonably interpreted it in such a way." (*Monterey Plaza, supra*, 69 Cal.App.4th at p. 1065.)

"[W]hen the alleged defamatory statement is contained in a headline, the headline must be read in conjunction with the entire article, and when so read the conclusion and inferences alleged by the plaintiff must be supported." (*Balzaga, supra*, 173 Cal.App.4th at p. 1339; see also *Selleck v. Globe International, Inc*. (1985) 166 Cal.App.3d 1123, 1131 ["Headlines and captions of an allegedly libelous article are regarded as a part of the article."].) In *Kaelin v. Globe Communs. Corp.* (9th Cir. 1998) 162 F.3d 1036 (*Kaelin*), the Ninth Circuit Court of Appeal considered whether the following headline defamed Brian "Kato" Kaelin: "KATO KAELIN . . . [¶] COPS THINK HE DID IT!" (*Id*. at p. 1038.) The headline was on the front page and the story was 17 pages into the magazine. (*Id*. at p. 1037.) The court held that the headline could be interpreted to mean that the police believed Kaelin committed murder and the "false insinuation" was not necessarily cured by the nondefamatory story, which appeared 17 pages later. (*Ibid*.) Headlines are elements of the publication (*id.* at p. 1040), and the headline in Globe Communications was "unlike a conventional headline that immediately precedes a newspaper story, and nowhere does the cover headline reference the internal page where readers could locate the article. A reasonable juror could conclude that the Kaelin article was too far removed from the cover headline to have the salutary effect that Globe claims." (*Id*. at. p. 1041; see also *Moyer v. Amador Valley J. Union High School Dist.* (1990) 225 Cal.App.3d 720, 725-726 [headline "Students terrorize Moyer" not actionable where remainder article accurately described events].)

A. When Considered in Its Entirety Loop's Article Was Not Defamatory

Daniels alleges the following statement in Loop's article defamed him: "Dee Jay Daniels aka 'Michael Hughley' grew up to be a gang member murderer." That sentence is best characterized as a subheading beneath a heading in larger, boldface font stating, "**Little Kid From 'The Hughleys' Charged with Murder**." Daniels's pictures are placed next to the subheading.

Monterey Plaza is on all fours with this case. In *Monterey Plaza*, the reporter revealed charges against the hotel and, in one line of the story, stated that the federal government had found the firings illegal. The court held that the one sentence must be read

in the context of the entire story and when so read it was not defamatory. Similarly here, the subheading must be read in the context of the entire story, and when so read the story conveys only the meaning that Daniels was charged, not convicted, of being a gang member and committing murder. Once the entire article is considered, it is not reasonably susceptible to the meaning that Daniels was a gang member and murderer.

First, the heading states that Daniels was *charged* with murder. The heading was more prominent than the subheading and revealed the accurate posture of the criminal case. Second, the article repeatedly refers to charges and accusations. It states that Daniels was accused of murder and identifies the "charges." The article qualified the statement that he was a gang member by using the term "reportedly" and indicated that he faces a court hearing in the near future. All of these references conveyed the meaning that Daniels has been charged with a crime, not that he is a criminal. Daniels's myopic view of the single sentence out of context does not support his defamation claim because it fails to consider the entire article.

Daniels's effort to distinguish *Monterey Plaza* is not persuasive. He argues in this case "readers were never informed that any hearing was going to be held . . . , the readers were never informed of the involvement of any adjudicatory forum . . . , and most significant, [Loop's] readers reasonably interpreted the article in the same defamatory manner asserted by the Plaintiff . . . ." Contrary to his assertion readers were informed a hearing was going to be held. The article stated "[h]is next hearing is June 7 . . . ." The adjudicatory forum—a court—was implied by the statement that the next hearing is June 7 "when jury trial is expected to be confirmed."

Daniels also relies on comments posted following the Loop article, but those comments are not indicative of the understanding of the average reader as it is not clear that the readers were commenting on their interpretation of the article. Moreover, even if some of the readers understood the article to mean Daniels was a gang member and murderer Daniels presents no showing that this is a reasonable interpretation of the article when read in context.

As Daniels acknowledges, quoting *Wong v. Jing* (2010) 189 Cal.App.4th 1354, 1370, the "'"sine qua non of recovery for defamation . . . is the existence of a falsehood."'" Even Daniels acknowledged in his declaration that the bulk of the Loop article correctly portrayed allegations against him. The one sentence in isolation cannot support a defamation cause of action because California law requires that it be considered in context and once it is viewed in that manner it is not susceptible to the meaning given it by Daniels. Daniels therefore fails to show a probability of prevailing in his cause of action for defamation against Loop.

B. MTO

As with the Loop article, the MTO article must be considered in its entirety. However, in contrast to the Loop article, MTO used the allegedly defamatory statement in it headline which stated: "Guess Which Popular 1990s CHILD STAR Is A Member Of The BLOODS GANG . . . And Charged With MURDERING A MAN!!!" In isolation, this headline suggests that a child star was a member of the Bloods gang, rather than that he was charged with being a member of the Bloods gang. But the headline does not identify Daniels. To identify Daniels the reader must review the rest of the article, which reflects that Daniels was charged with, not convicted of being a gang member. It states that police claim Daniels was a member of the Bloods gang. The statement, "If convicted, he faces LIFE in prison," indicated that Daniels has not been convicted of the charges. Additionally, in contrast to *Kaelin*, the article immediately followed the headline. A reasonable reader would have understood that Daniels was charged but not convicted of being a gang member. Although Daniels's argument "may be persuasive when viewing the [headline] with the photographs in isolation, that is not how the story was presented." (*Balzaga, supra*, 173 Cal.App.4th at p. 1340.) When the headline is viewed with the article that immediately followed it Daniels's argument is not persuasive.

Daniels argues that this case is distinguishable from *Balzaga, supra*, 173 Cal.App.4th 1325 because here comments posted after the article show that readers understood Daniels to be a member of the bloods gang. Assuming their admissibility, comments posted following the MTO article are not indicative of the average reader as it is not clear what question the commenters were answering. For example, the first five comments are as

follows: (1) "DAANNNG ….. LOOKING FOR GREAT HAIR FOR LOW PRICES???? VISIT WWW.[a hair Web site].NET....."; (2) ".....SOME PEOPLE BLOCK THEIR BLESSINGS....."; (3) "WOW Video on youtube of the real Madea 'Stories from my grandmother's past'"; (4) "SMH, that's a d*** shame... [¶] @KittyKat***"; and (5) "follow me on instagram @ leoellis*** all my pictures are beautiful and different." The comments are not indicative of whether the average reader understood Daniels was charged with being a gang member or Daniels was a gang member and do not suggest readers were answering that question.

Other courts have recognized that posts on Internet bulletin boards are often unreliable. "'[A]ny reader familiar with the culture of . . . most electronic bulletin boards . . . would know that board culture encourages discussion participants to play fast and loose with facts. . . . Indeed, the very fact that most of the posters remain anonymous, or pseudonymous, is a cue to discount their statements accordingly.'" (*Summit Bank, supra*, 206 Cal.App.4th at pp. 696-697.) Another court has explained "the relative anonymity afforded by the Internet forum promotes a looser, more relaxed communication style. Users are able to engage freely in informal debate and criticism, leading many to substitute gossip for accurate reporting and often to adopt a provocative, even combative tone." (*Krinsky v. Doe 6* (2008) 159 Cal.App.4th 1154, 1162.) In short, the internet comments—even those referring to Daniels as a gangbanger and murderer—are not shown to be indicative of the understanding of the average reader of the MTO article.

Monterey Plaza supports the conclusion that the MTO article must be considered in its entirety even though one statement when read in isolation may give an incorrect impression. As noted in that case, reporters stated that the federal government found the firings were illegal. (*Monterey Plaza, supra,* 69 Cal.App.4th at p. 1061.) Viewers of the broadcast understood that the hotel illegally fired employees as one viewer stated, "'I hear that you were found guilty of firing employees,' and 'I saw that you fired some employees illegally.'" (*Id*. at p. 1062.) As a result the hotel's customers canceled events and cost plaintiff over a million dollars worth of business. (*Ibid*.) Thus at least some of the viewers understood the broadcast in a defamatory manner. Nevertheless, the appellate court held

that when the broadcast was considered in its entirety, the average reader would not understand it to be defamatory. The fact that here a viewer may have misunderstood the article does not indicate the meaning ascribed by the average reader.

3. False Light

With respect to his cause of action for false light, Daniels alleged that Loop and MTO "publicized information or material that showed Plaintiff DANIELS in a false light." Because Daniels's cause of action for false light is based on the identical interpretation of the Loop and MTO articles he also fails to show a probability of prevailing on that cause of action. Daniels's claim for false light is based on the same alleged false statement and fails for the same reasons. (*Tamkin v. CBS Broadcasting, Inc., supra*, 193 CalApp.4th 133, 149.)

Because Daniels fails to show the average reader could interpret the challenged articles in the manner he alleged, he cannot demonstrate a probability of prevailing and we need not consider the parties' remaining arguments.

DISPOSITION

The order denying Loop's special motion to strike the causes of action for defamation and false light is reversed. The trial court is directed to enter a new order granting the motion. The order denying MTO's special motion to strike causes of action for defamation and false light is reversed. The trial court is directed to enter a new order granting the motion. Costs are awarded to appellants.

FLIER, J.

WE CONCUR:

RUBIN, Acting P. J.

GRIMES, J.