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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION FIVE

OLUFEMI S. COLLINS et al.,

Plaintiffs and Appellants,

v.

JP MORGAN CHASE BANK N.A.
et al.,

Defendants and Respondents.

B267394

(Los Angeles County
Super. Ct. No. KC067654)

APPEAL from judgments of the Superior Court of Los Angeles County, Robert A. Dukes, Judge. Affirmed.

Olufemi S. Collins and Wanda D. Collins, in pro. per., for Plaintiffs and Appellants.

McCarthy & Holthus and Melissa Robbins Coutts for Defendant and Respondent McCarthy & Holthus and Gayle Eileen Jameson.

AlvaradoSmith and Jacob M. Clark for Defendants and Respondents AlvaradoSmith, Sung-Min Christopher Yoo, Lauren Marie Takos, and Marvin Belo Adviento.

Bryan Cave, Glenn J. Plattner and Deborah P. Heald for Defendants and Respondents JP Morgan Chase Bank, N.A. and Federal National Mortgage Association.

I. INTRODUCTION

Plaintiffs, Olufemi S. Collins and Wanda D. Collins, appeal from judgments entered after orders granting two special motions to strike and sustaining a demurrer without leave to amend. Defendants are: JP Morgan Chase Bank, N.A.; Federal National Mortgage Association, AlvaradoSmith, A Professional Corporation; Sung-Min Christopher Yoo; Lauren Marie Takos; Marvin Belo Adviento; McCarthy & Holthus, LLP; and Gayle Eileen Jameson. Plaintiff sued defendants for: violation of due process under the United States Constitution and California Constitutions pursuant to title 42 United States Code section 1983 and Civil Code section 52.1; unlawful eviction; fraud; and quiet title.

This appeal involves allegations of misconduct by defendants in connection with two prior related lawsuits. The first lawsuit was a foreclosure action and the second suit was an unlawful detainer suit. JP Morgan Chase Bank, N.A. and Federal National Mortgage Association had previously prevailed in the prior action regarding the foreclosure of plaintiffs' home. AlvaradoSmith, A Professional Corporation, Mr. Yoo, Ms. Takos,

and Mr. Adviento represented JP Morgan Chase Bank, N.A. and Federal National Mortgage Association in the prior action. For clarity's purposes, we will refer to the firm of AlvaradoSmith, A Professional Corporation and its lawyers collectively as the AlvaradoSmith defendants. McCarthy & Holthus, LLP previously represented Federal National Mortgage Association. In that capacity, McCarthy & Holthus, LLP and Ms. Jameson filed the unlawful detainer action and secured a writ of possession following a foreclosure sale of plaintiffs' property.

The AlvaradoSmith defendants, McCarthy & Holthus, LLP and Ms. Jameson filed special motions to strike the complaint. The trial court granted the separate special motions to strike of the AlvaradoSmith defendants, McCarthy & Holthus, LLP and Ms. Jameson. JP Morgan Chase Bank, N.A. and Federal National Mortgage Association demurred to plaintiffs' complaint. The demurrer was sustained without leave to amend. We affirm the judgments in their entirety.

II. BACKGROUND

A. Prior Actions

1. Plaintiffs' prior foreclosure complaint

We previously discussed the underlying prior foreclosure action in an unpublished opinion. (*Collins v. JP Morgan Chase Bank* (Apr. 16, 2014, B244252) [nonpub. opn].) We will recount the relevant facts. In 2003, plaintiffs obtained a loan for their home in Pomona, California. Mortgage Electronic Systems, Inc. was the beneficiary of the trust deed. Around December 2009,

plaintiffs began failing to make payments on the loan. On March 10, 2010, a notice of default and election to sell was issued regarding the loan and trust deed. On April 5, 2010, Mortgage Electronic Systems, Inc. assigned its beneficial interest in the trust deed to JP Morgan Chase Bank, N.A. JP Morgan Chase Bank, N.A. then assigned its interest in the trust deed to Federal National Mortgage Association on June 10, 2010. Federal National Mortgage Association purchased the real property at a foreclosure sale on March 23, 2011, and obtained a trustee's deed upon sale.

On May 31, 2011, plaintiffs sued JP Morgan Chase Bank, N.A. and Federal National Mortgage Association, amongst others. Plaintiffs alleged they had conspired to foreclose on the trust deed and obtain title to the house by fraudulently executing documents. Plaintiff alleged causes of action for title slander, forgery, quiet title and declaratory relief. Plaintiffs also alleged the fraud invalidated the foreclosure sale and trustee's deed upon sale. Plaintiffs primarily alleged Margaret Dalton was not a vice president employed by Mortgage Electronic Systems, Inc. when she signed documents assigning beneficial interest to JP Morgan Chase Bank, N.A.

On April 27, 2012, the defendants in the prior action moved for summary judgment. The defendants submitted Ms. Dalton's declaration in which she attested to being vice president of Mortgage Electronic Systems, Inc. and JP Morgan Chase Bank, N.A. On August 1, 2012, Judge R. Bruce Minto granted the summary judgment motion filed by the defendants, including JP Morgan Chase Bank, N.A. and Federal National Mortgage Association. Judge Minto ruled plaintiffs failed to submit any evidence disputing Ms. Dalton's declaration. Judge Minto also

imposed monetary sanctions against plaintiffs for failing to timely respond to: form and special interrogatories; admissions requests; and a production demand. We affirmed Judge Minto's orders. (*Collins v. JP Morgan Chase Bank, supra*, B244252.)

2. Federal National Mortgage Association's unlawful detainer action and the writ of possession

On April 15, 2011, McCarthy & Holthus, LLP and Ms. Jameson filed, on behalf of Federal National Mortgage Association, an unlawful detainer action against plaintiffs. Plaintiffs have presented no arguments on appeal concerning Ms. Jameson. On September 20, 2011, Judge Minto granted plaintiffs' preliminary injunction motion prohibiting further foreclosure proceedings. On April 10, 2013, McCarthy & Holthus, LLP and Ms. Jameson sought a writ of possession for the real property. On April 23, 2013, a writ of possession was issued which the Los Angeles County Sheriff's Department executed to remove plaintiffs from the property.

B. Current Action on Appeal

On May 19, 2015, plaintiffs filed their complaint against defendants and other parties who are not subject to this appeal. In summary, plaintiffs allege their eviction in 2013 was unlawful and premised on false documents. The complaint alleges that: JP Morgan Chase Bank, N.A. conspired to deceive plaintiffs into missing mortgage payments; McCarthy & Holthus, LLP conspired to dispossess plaintiffs of their real property by filing the unlawful detainer action and securing the writ of possession;

the preliminary injunction was never dissolved and prohibited the writ of possession from taking effect; the AlvaradoSmith defendants filed deceptive documents in the prior action on behalf of JP Morgan Chase Bank, N.A. and Federal National Mortgage Association; and the AlvaradoSmith defendants collected monetary sanctions to intimidate plaintiffs. Plaintiffs allege five causes of action against defendants: deprivation of their due process rights in violation of title 42 United States Code section 1983; deprivation of their procedural due process rights under Civil Code section 52.1; unlawful eviction based on defendants allegedly not possessing title to the real property; fraud based on defendants allegedly filing false documents to acquire the real property; and quiet title based on the alleged false documents recorded with the Los Angeles County Recorder.

C. JP Morgan Chase Bank, N.A. and Federal National Mortgage Association's Demurrer

On July 2, 2015, JP Morgan Chase Bank, N.A. and Federal National Mortgage Association demurred to plaintiffs' complaint. They asserted collateral estoppel principles required dismissal of the complaint, citing the prior action resolved by Judge Minto. They argued: plaintiffs failed to tender the amount owed; plaintiffs challenging a foreclosure must allege full tender of the outstanding loan balance; and plaintiffs failed to state a cause of action. JP Morgan Chase Bank, N.A. and Federal National Mortgage Association subsequently filed an amended demurrer on July 27, 2015, which changed the hearing date.

On July 6, 2015, plaintiffs requested entries of default against JP Morgan Chase Bank, N.A. and Federal National Mortgage Association. The superior court clerk rejected the default entry requests because JP Morgan Chase Bank, N.A. and Federal National Mortgage Association demurred on July 2, 2015. On July 10, 2015, plaintiffs requested entries of default again. Plaintiffs requested entries of default again on July 30 and August 3 and 13, 2015. The superior court clerk rejected all requests for entry of default. There is a proof of service stating JP Morgan Chase Bank, N.A. and Federal National Mortgage Association served the demurrer on plaintiffs by mail on July 2, 2015.

Plaintiffs argued the demurrer was untimely because it was purportedly filed four weeks late. Plaintiffs' sole argument was that JP Morgan Chase Bank, N.A. and Federal National Mortgage Association did not timely serve plaintiffs with their demurrer. On September 30, 2015, the trial court sustained the demurrer without leave to amend. The trial court ruled plaintiffs failed to state a cause of action.

D. The AlvaradoSmith Defendants' Special Motion to Strike and Ex Parte Motion

On July 2, 2015, the AlvaradoSmith defendants filed a special motion to strike plaintiffs' complaint pursuant to Code of Civil Procedure section 425.16, subdivision (b)(1).¹ They asserted all of plaintiffs' causes of action arose from the filing of defensive pleadings on behalf of JP Morgan Chase Bank, N.A. and Federal

¹ Further statutory references are to the Code of Civil Procedure unless otherwise noted.

National Mortgage Association. The AlvaradoSmith defendants also contended plaintiffs could not establish a probability of prevailing on their claims. The AlvaradoSmith defendants argued their conduct was protected under the Civil Code section 47, subdivision (b) litigation privilege. They also relied on the *Noerr-Pennington* doctrine which provides immunity for those who petition the government for redress of grievances. (*Mine Workers v. Pennington* (1965) 381 U.S. 657, 665-669; *Eastern R. Presidents Conf. v. Noerr Motor Freight, Inc.* (1961) 365 U.S. 127, 135-145.) They requested attorney's fees and costs if they should prevail on their special motion to strike. Plaintiffs argued the AlvaradoSmith defendants brought the special motion to strike in order to chill their right to petition for redress of grievances. Plaintiffs re-asserted their claims that AlvaradoSmith defendants conspired with others to evict plaintiffs.

On August 5, 2015, the trial court granted the special motion to strike of the AlvaradoSmith defendants in its entirety. The trial court ruled: the challenged actions were enumerated activity in section 425.16, subdivision (e); plaintiffs failed to establish a probability of success on the merits; plaintiffs failed to present any evidence in opposition; plaintiffs' causes of action were barred by the Civil Code section 47, subdivision (b) litigation privilege and the so called *Noerr-Pennington* doctrine. The trial court awarded \$2,580 in attorney's fees to be made payable to "AlvaradoSmith, APC." On August 19, 2015, judgment was entered in favor of the AlvaradoSmith defendants.

On September 30, 2015, the AlvaradoSmith defendants applied ex parte for an order clarifying the trial court's August 5, 2015 order. Plaintiffs had submitted a cashier's check in the amount of \$2,580 to "AlvaradoSmith, APC" and "Federal

National Mortgage Association.” The AlvaradoSmith defendants wanted a cashier’s check made out only to “AlvaradoSmith, APC.” On September 30, 2015, the trial court granted the AlvaradoSmith defendants’ ex parte application.

E. McCarthy & Holthus, LLP’s Special Motion to Strike

On July 17, 2015, McCarthy & Holthus, LLP and Ms. Jameson filed their special motion to strike plaintiffs’ complaint pursuant to section 425.16, subdivision (b)(1). McCarthy & Holthus, LLP and Ms. Jameson argued: their challenged conduct arose from the filing of the unlawful detainer action and securing the writ of possession on behalf of Federal National Mortgage Association; plaintiffs could not establish a probability of success on their claims; plaintiffs’ sole challenge was to Federal National Mortgage Association’s standing to pursue the unlawful detainer action; plaintiffs could not collaterally attack the unlawful detainer judgment with a separate lawsuit; plaintiffs raised no legal theory of liability; and they were entitled to attorney’s fees if they should prevail on their special motion to strike. Plaintiffs argued McCarthy & Holthus, LLP filed a fraudulent unlawful detainer action on behalf of Federal National Mortgage Association. Plaintiffs asserted Federal National Mortgage Association had no proof of legal title to plaintiffs’ property. Plaintiffs cited to a preliminary injunction prohibiting the seizure of the property that was granted in the prior action.

On September 15, 2015, the trial court granted the special motion to strike of McCarthy & Holthus, LLP and Ms. Jameson in its entirety. The trial court imposed \$2,620 in attorney’s fees on plaintiffs. The trial court found: McCarthy & Holthus, LLP

engaged in conduct enumerated in section 425.16, subdivision (e); plaintiffs failed to demonstrate a probability of success on their causes of action; McCarthy & Holthus, LLP's conduct was within the Civil Code section 47, subdivision (b) litigation privilege; and plaintiffs' causes of action were thus barred. Plaintiffs timely appealed from all orders.

III. DISCUSSION

A. The Special Motions to Strike Were Properly Granted

1. Special motion to strike standard of review

Plaintiffs appeal from the trial court's orders granting the special motions to strike. Plaintiffs also appeal from the trial court's order granting the AlvaradoSmith defendants ex parte application for clarification. For the reasons set forth below, we affirm the orders.

Section 425.16, subdivision (b)(1) provides for the dismissal of a lawsuit under these circumstances: "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." Section 425.16, subdivision (e) provides in part: "As used in this section, 'act in furtherance of a person's right of petition or free speech under the United States or California Constitution in connection with a public issue'

includes: (1) any written or oral statement or writing made before a . . . judicial proceeding, or any other official proceeding authorized by law, (2) any written or oral statement or writing made in connection with an issue under consideration or review by a . . . judicial body, or any other official proceeding authorized by law, (3) any written or oral statement or writing made in a place open to the public or a public forum in connection with an issue of public interest” In order to protect the constitutional rights of petition and free speech, the special motion to strike statute is to be construed broadly. (§ 425.16, subd. (a); *Kibler v. Northern Inyo County Local Hospital Dist.* (2006) 39 Cal.4th 192, 199; *Briggs v. Eden Council for Hope & Opportunity* (1999) 19 Cal.4th 1106, 1119-1121.)

When a special motion to strike is filed, the trial court must consider two components. First, the moving party has the initial burden of establishing a prima facie case that the plaintiff’s cause of action arose out of the defendant’s actions in the furtherance of petition or free speech rights. (§ 425.16, subd. (b)(1); *Flatley v. Mauro* (2006) 39 Cal.4th 299, 314; *Rusheen v. Cohen* (2006) 37 Cal.4th 1048, 1056.) Second, once the defendant establishes the complaint’s claims arise out of the exercise of petition or free expression rights, the burden shifts to plaintiff. The plaintiff must then establish a probability that he or she will prevail on the merits. (§ 425.16, subd. (b)(1); *Flatley v. Mauro, supra*, 39 Cal.4th at p. 314; *Rusheen v. Cohen, supra*, 37 Cal.4th at p. 1056.) The probability of prevailing element has been construed to require that a plaintiff only show its claims have minimal merit. (*Soukup v. Law Offices of Herbert Hafif* (2009) 39 Cal.4th 260, 291; *Navellier v. Sletten* (2002) 29 Cal.4th (2002) 29 Cal.4th 82, 89.) In reviewing the trial court’s order granting the motion,

we use our independent judgment to determine whether the defendants were engaged in the enumerated activity. (*Flatley v. Mauro*, *supra*, 39 Cal.4th at pp. 325-326; *Rusheen v. Cohen*, *supra*, 37 Cal.4th at p. 1055.) And, we independently determine whether a plaintiff met its burden of establishing a probability of prevailing on his claims. (*Monterey Plaza Hotel v. Hotel Employees & Restaurant Employees* (1999) 69 Cal.App.4th 1057, 1064; *Church of Scientology v. Wollersheim* (1996) 42 Cal.App.4th 628, 653, disapproved on another group in *Equilon Enterprises v. Consumer Cause, Inc.* (2002) 29 Cal.4th 53, 68, fn. 5.)

2. The AlvaradoSmith defendants' motion

a. the AlvaradoSmith defendants' protected activity

The AlvaradoSmith defendants asserted their challenged conduct was protected activity under section 425.16, subdivision (e). Plaintiffs alleged the AlvaradoSmith defendants violated plaintiffs' due process rights by filing deceptive documents on behalf of JP Morgan Chase Bank, N.A. and Federal National Mortgage Association. Filing court documents such as answers or discovery or summary judgment motions are writings made in a judicial proceeding pursuant to section 425.16, subdivisions (e)(1) and (e)(2). (*Healy v. Tuscan Hills Landscape & Recreation Corp.* (2006) 137 Cal.App.4th 1, 5; *Church of Scientology v. Wollersheim*, *supra*, 42 Cal.App.4th at pp. 647-648.) The AlvaradoSmith defendants have sustained their initial burden of proof.

b. plaintiffs' probability of prevailing on their claim

Plaintiffs have the burden of demonstrating their claims have minimal merit. Plaintiffs only allege the AlvaradoSmith defendants filed fraudulent documents in the prior action to deprive plaintiffs of their property. However, the AlvaradoSmith defendants' challenged actions are protected under the litigation privilege.

Civil Code section 47, subdivision (b) states in part, "A privileged publication or broadcast is one made: [¶] . . . [¶] In any (1) legislative proceeding, (2) judicial proceeding, (3) in any other official proceeding authorized by law, or (4) in the initiation or course of any other proceeding authorized by law and reviewable [by writ]" Our Supreme Court has held, "The usual formulation is that the 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." (*Silberg v. Anderson* (1990) 50 Cal.3d 205, 212; accord, *Action Apartment Assn., Inc. v. City of Santa Monica* (2007) 41 Cal.4th 1232, 1241.) Our Supreme Court has explained: "[c]ommunications with 'some relation' to judicial proceedings' are 'absolutely immune from tort liability' by the litigation privilege. [Citation.] It is not limited to statements made during a trial or other proceedings, but may extend to steps taken prior thereto, or afterwards. [Citation.]" (*Rusheen v. Cohen, supra*, 37 Cal.4th at p. 1057; accord, *Tom Jones Enterprises, Ltd. v. County of Los Angeles* (2013) 212 Cal.App.4th 1283, 1294.) Plaintiffs' causes of action are based on the AlvaradoSmith defendants' court filings on behalf of JP

Morgan Chase Bank, N.A. and Federal National Mortgage Association. Filing court documents is a communication in relation to a judicial proceeding for purposes of the litigation privilege. (*Rusheen v. Cohen, supra*, 37 Cal.4th at pp. 1057-1058; *Jarrow Formulas, Inc. v. LaMarche* (2003) 31 Cal.4th 728, 738.) Plaintiffs thus fail to establish a probability of success on their claims. The trial court properly granted AlvaradoSmith defendants' special motion to strike. We need not address the parties' contentions concerning the *Noerr-Pennington* doctrine.

3. The ex parte application

We also affirm the trial court's order granting the AlvaradoSmith defendants' ex parte application for a re-issued cashier's check to pay attorney's fees. The clarification order is part of the trial court's inherent power to enforce orderly conduct in the proceedings before it and is reviewed for abuse of discretion. (§ 128, subd. (a)(3); *San Francisco Unified School Dist. ex rel. Contreras v. First Student, Inc.* (2013) 213 Cal.App.4th 1212, 1226-1227.) The cashier's check initially sent by plaintiffs was made to the order of two parties, AlvaradoSmith and Federal National Mortgage Association. AlvaradoSmith represented itself in this action. As noted, the trial court ordered payment of attorney's fees to "AlvaradoSmith, APC" only. The first cashier's check did not comply with the trial court's order. The trial court did not abuse its discretion.

4. The special motion to strike of McCarthy & Holthus, LLP and
Ms. Jameson

Our prior analysis concerning the litigation privilege applies equally to the claims against McCarthy & Holthus, LLP. Like the AlvaradoSmith defendants, McCarthy & Holthus, LLP has also met its initial burden of demonstrating the challenged conduct arose from litigation related activity. Plaintiffs' causes of action are premised on McCarthy & Holthus, LLP filing the unlawful detainer action and securing the writ of possession. Filing an unlawful detainer action and a writ of possession is a writing made in a judicial proceeding within the meaning of section 425.16, subdivisions (e)(1) and (e)(2). (*Rusheen v. Cohen, supra*, 37 Cal.4th at p. 1056; *Church of Scientology v. Wollersheim, supra*, 42 Cal.App.4th at pp. 647-648.)

Plaintiffs assert the unlawful detainer action was fraudulent. Plaintiffs argue there was a preliminary injunction in effect that prevented execution of the writ of possession. Plaintiffs failed to demonstrate a probability of prevailing on their claims against McCarthy & Holthus, LLP. The litigation privilege immunized McCarthy & Holthus, LLP from liability for filing the unlawful detainer action and securing a writ of possession. (*Rusheen v. Cohen, supra*, 37 Cal.4th at pp. 1057-1058; *Jarrow Formulas, Inc. v. LaMarche, supra*, 31 Cal.4th at p. 738.) Plaintiffs' claims against McCarthy & Holthus, LLP are barred by the Civil Code section 47, subdivision (b) litigation privilege for the same reasons discussed in connection with the AlvaradoSmith defendants. The trial court did not err by granting the special motion to strike of McCarthy & Holthus, LLP.

Plaintiffs named Ms. Jameson as a defendant in their complaint. However, plaintiffs made no argument concerning Ms. Jameson in their opening brief. Plaintiffs thus forfeited any arguments concerning Ms. Jameson. (*Tiernan v. Trustees of Cal. State University & Colleges* (1982) 33 Cal.3d 211, 216, fn. 4; *Johnston v. Board of Supervisors* (1947) 31 Cal.2d 66, 70, disapproved on another ground in *Bailey v. Los Angeles* (1956) 46 Cal.2d 132, 139.) Even if plaintiffs had properly raised their arguments, we would affirm the order granting Ms. Jameson's special motion to strike as stated above. We need not address the parties' contentions concerning the *Noerr-Pennington* doctrine in connection with McCarthy & Holthus, LLP's special motion to strike.

B. The Demurrer Was Timely

Plaintiffs' only argument is that JP Morgan Chase Bank, N.A. and Federal National Mortgage Association untimely served the demurrer on plaintiffs. The parties do not dispute the response was due by July 2, 2015. Code of Civil Procedure section 585 provides for entry of default when a defendant fails to file a timely response with the court clerk. JP Morgan Chase Bank, N.A. and Federal National Mortgage Association filed their demurrer on July 2, 2015. A proof of service demonstrates JP Morgan Chase Bank, N.A. and Federal National Mortgage Association served plaintiffs on July 2, 2015. Entry of default was properly rejected.

Plaintiffs also assert the AlvaradoSmith defendants purportedly demurred on behalf of JP Morgan Chase Bank, N.A. and Federal National Mortgage Association. Plaintiffs reason this occurred even though the AlvaradoSmith defendants were never their attorneys in this action. Plaintiffs cite to nothing in the record in support of this assertion. JP Morgan Chase Bank, N.A. and Federal National Mortgage Association are represented by another law firm in this action. JP Morgan Chase Bank, N.A. and Federal National Mortgage Association's current law firm filed and served the demurrers on their behalf.

Plaintiffs raise no arguments in their briefs concerning the merits of JP Morgan Chase Bank, N.A. and Federal National Mortgage Association's demurrer. Accordingly, any arguments concerning the JP Morgan Chase Bank, N.A. and Federal National Mortgage Association demurrers are forfeited. (*Tiernan v. Trustees of Cal. State University & Colleges, supra*, 33 Cal.3d at p. 216, fn. 4; *Johnston v. Board of Supervisors, supra*, 31 Cal.2d at p. 70, disapproved on another ground in *Bailey v. Los Angeles, supra*, 46 Cal.2d at p. 139.) The trial court did not err by sustaining the demurrers without leave to amend.

IV. DISPOSITION

The judgments are affirmed. Defendants JP Morgan Chase Bank, N.A. and Federal National Mortgage Association may recover their appellate costs from plaintiffs, Olufemi S. Collins and Wanda D. Collins. Plaintiffs are to pay the appellate costs and attorney fees of: AlvaradoSmith, A Professional Corporation; Sung-Min Christopher Yoo; Lauren Marie Takos; Marvin Belo Adviento; McCarthy & Holthus, LLP; and Gayle Eileen Jameson. Any request for Code of Civil Procedure section 425.16, subdivision (c)(1) attorney fees shall be filed pursuant to California Rules of Court, rule 3.1702(c).

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TURNER, P. J.

We concur:

KRIEGLER, J.

KIN, J.*

* Judge of the Los Angeles Superior Court, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.