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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION SIX

KOFI KESSEY,

Plaintiff and Appellant,

v.

LOS ROBLES REGIONAL  
MEDICAL CENTER et al.,

Defendants and Respondents.

2d Civil No. B277523  
(Super. Ct. No. 56-2015-00469667-CU-  
MC-VTA)  
(Ventura County)

Doctor Kofi Kessey appeals from an order awarding defendants Los Robles Regional Medical Center (Hospital) and its affiliate, HCA Holdings, Inc. \$52,500 attorney fees after the trial court granted in part an anti-SLAPP motion to dismiss Kessey's whistleblower action. (Code Civ. Proc., § 425.16, subd. (c) [prevailing defendant on a special motion to strike entitled to attorney fees and costs].)<sup>1</sup> In a nonpublished opinion, *Kessey v.*

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<sup>1</sup> Defendants argue that the attorney fee award is not appealable and that we lack jurisdiction to hear the matter.

*Los Robles Regional Medical Center* (Nov. 6, 2017, B270156), we reversed the anti-SLAPP order based on *Park v. Board of Trustees of California State University* (2017) 2 Cal.5th 1057, 1069-1070.) Because defendants are no longer prevailing parties on the anti-SLAPP motion, the order awarding defendants attorney fees is reversed. (*City of Riverside v. Stansbury* (2007) 155 Cal.App.4th 1582, 1594.)

Kessey is awarded costs on appeal.

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YEGAN, Acting P. J.

We concur:

PERREN, J.

TANGEMAN, J.

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“Judgment” on the anti-SLAPP motion was entered February 5, 2016. The trial court awarded attorney fees five months later on July 5, 2016. An order awarding attorney fees following a successful anti-SLAPP motion is appealable as an “order after an appealable order. [Citations.]” (*Ellis Law Group, LLP v. Nevada City Sugar Loaf Properties, LLC* (2014) 230 Cal.App.4th 244, 251; see Code Civ. Proc., § 904.1, subd. (a)(2); Eisenberg et al., Cal. Practice Guide: Civil Appeals & Writs (The Rutter Group 2017) [¶] 2:135.14, p. 2-86.)

Vincent J. O'Neill, Judge

Superior Court County of Ventura

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