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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION FIVE

RICHARD HELTEBRAKE,

Plaintiff and Appellant,

v.

CITY OF LOS ANGELES et al.,

Defendants and Respondents.

B256287

(Los Angeles County  
Super. Ct. No. BC507269)

APPEAL from an order of the Superior Court of the County of Los Angeles,  
Elizabeth A. White, Judge. Reversed.

Thomas Law Firm, Allen L. Thomas, Sivi G. Pederson, Gordon C. Stuart for  
Plaintiff and Appellant.

Gregory P. Priamos, County Counsel, L. Alexandra Fong, Deputy County  
Counsel, for Defendant and Respondent.

Plaintiff and appellant Richard Heltebrake appeals from the trial court's order granting the motion of defendant and respondent the County of Riverside for attorney fees pursuant to the anti-SLAPP statute, Code of Civil Procedure section 425.16, subdivision (c)(1). Plaintiff contends, inter alia, that the trial court's award was excessive. We reverse because in our opinion on the merits of the County of Riverside's anti-SLAPP motion<sup>1</sup> (*Heltebrake v. City of Los Angeles* (August 11, 2015), B254132 [nonpub.opn.]), we reversed the trial court's order granting the anti-SLAPP motion.

“[A] prevailing defendant on a special motion to strike shall be entitled to recover his or her attorney's fees and costs.” (Code Civ. Proc., § 425.16, subd. (c)(1).) Because County of Riverside did not prevail on its anti-SLAPP motion, we reverse the trial court's order awarding it attorney fees.

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<sup>1</sup> “SLAPP is an acronym for strategic lawsuit against public participation. [Citation.]” (*Kenne v. Stennis* (2014) 230 Cal.App.4th 953, 957, fn. 3.)

## **DISPOSITION**

The order is reversed. The parties are to bear their own costs on appeal.

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MOSK, J.

We concur:

TURNER, P. J.

KRIEGLER, J.