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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

HOOMAN ABEDI KARAMIAN a/k/a NIK LAMAS-RICHIE,

Plaintiff,

v.

EVANDER KANE,

Defendant.

Case No. 5:26-cv-06348-NW

DEFENDANT'S REPLY IN SUPPORT OF MOTION TO DISMISS THE COMPLAINT UNDER FED. R. CIV. P. 12(b)(1), 12(b)(2), 12(b)(4), 12(b)(5), AND 12(b)(6)

[*Request for Judicial Notice filed concurrently*]

Hearing:
Date: October 21, 2026
Time: 9:00 a.m.
Place: Courtroom 3, 5th Floor
San Jose Federal Courthouse

Complaint Filed: June 25, 2026

TABLE OF CONTENTS

Page

I. INTRODUCTION 5

II. ARGUMENT 7

A. Plaintiff Lacks Standing. 7

1. The Opposition does not address redressability. 7

2. Voluntary cessation is a mootness doctrine and presupposes the standing Plaintiff lacks. 7

3. Judicial notice of a foreign order is not recognition or enforcement. 8

4. The alleged injury is not evading review; it has been reviewed three times. 9

5. Plaintiff may not assert Ms. Kane's rights, and he does not try to defend doing so. 9

6. The candor narrative is immaterial. 10

B. This Court Lacks Personal Jurisdiction Over Mr. Kane. 11

1. Adam v. Saenger goes unanswered. 11

2. The contacts Plaintiff identifies are not case-linked to this controversy. 11

3. The demand letter cannot supply jurisdiction. 12

C. Service of Process Was Insufficient. 13

D. In the Alternative, the Court Should Decline to Exercise Declaratory Jurisdiction. 14

E. The Complaint Fails to State a Claim. 16

1. Plaintiff is not a person against whom a foreign judgment was entered. 16

2. The Alberta Judgment is not a foreign judgment for defamation. 16

3. Mr. Kane is a private party. 17

F. Sanctions Remain Warranted. 18

G. Leave to Amend Would Be Futile as to the Rule 12(b)(6) Grounds. 19

III. CONCLUSION 19

TABLE OF AUTHORITIES

Page(s)

Cases

Adam v. Saenger,
303 U.S. 59 (1938).....11

Am. Mfrs. Mut. Ins. Co. v. Sullivan,
526 U.S. 40 (1999).....17

BHPH Cap. LLC v. JV Wholesalers LLC,
2024 U.S. Dist. LEXIS 20310 (D. Ariz. Feb. 5, 2024).....13

Brillhart v. Excess Ins. Co. of Am.,
316 U.S. 491 (1942).....14, 15

Bristol-Myers Squibb Co. v. Superior Court,
582 U.S. 255 (2017).....12

Brockmeyer v. May,
383 F.3d 798 (9th Cir. 2004).....13

Calder v. Jones,
465 U.S. 783 (1984).....12

Electronic Frontier Foundation v. Global Equity Management (SA) Pty Ltd.,
290 F. Supp. 3d 923 (N.D. Cal. 2017).....12, 16

Fink v. Gomez,
239 F.3d 989 (9th Cir. 2001).....18, 19

Friends of the Earth, Inc. v. Laidlaw Environmental Services (TOC), Inc.,
528 U.S. 167 (2000).....7

Golden v. Zwickler,
394 U.S. 103 (1969).....10

Goodyear Tire & Rubber Co. v. Haeger,
581 U.S. 101 (2017).....18

Gov't Emps. Ins. Co. v. Dizol,
133 F.3d 1220 (9th Cir. 1998) (en banc).....14, 15

Kowalski v. Tesmer,
543 U.S. 125 (2004).....10

Lujan v. Defs. of Wildlife,
504 U.S. 555 (1992).....7

Manhattan Community Access Corp. v. Halleck,
587 U.S. 802 (2019).....17

New York Times Co. v. Sullivan,
376 U.S. 254 (1964).....17

Red Wing Shoe Co. v. Hockerson-Halberstadt, Inc.,
148 F.3d 1355 (Fed. Cir. 1998).....12

Rutman Wine Co. v. E. & J. Gallo Winery,
829 F.2d 729 (9th Cir. 1987).....19

Schwarzenegger v. Fred Martin Motor Co.,
374 F.3d 797 (9th Cir. 2004).....11

Shelley v. Kraemer,
334 U.S. 1 (1948).....17

Skelly Oil Co. v. Phillips Petroleum Co.,
339 U.S. 667 (1950).....18

State Farm Fire & Cas. Co. v. Amazon.com Inc.,
2018 U.S. Dist. LEXIS 82469 (D. Ariz. May 16, 2018).....13

Steckman v. Hart Brewing, Inc.,
143 F.3d 1293 (9th Cir. 1998).....11

Steel Co. v. Citizens for a Better Env't,
523 U.S. 83 (1998).....5, 7

UFCW, Locals 197 & 373 v. Alpha Beta Co.,
736 F.2d 1371 (9th Cir. 1984).....13

Varian Med. Sys., Inc. v. Delfino,
35 Cal.4th 180 (2005).....6, 16

Walden v. Fiore,
571 U.S. 277 (2014).....12

Wilton v. Seven Falls Co.,
515 U.S. 277 (1995).....14, 15

Yahoo! Inc. v. La Ligue Contre Le Racisme et L'Antisemitisme,
433 F.3d 1199 (9th Cir. 2006) (en banc).....9, 12

Statutes

28 U.S.C.
§ 1331.....7
§ 1367.....7
§ 1927.....18

§§ 2201-2202 ..... 15, 18
§ 2201(a) 15
§ 4101(1) 17
§§ 4101-4105 ..... 5, 12, 15, 16
§ 4102 ..... 5, 8, 10, 15
§ 4104(a) 7
§ 4104(a)(1) ..... *passim*

42 U.S.C. § 1983 18

Alberta's Protection Against Family Violence Act 17

Cal. Civ. Proc. Code
§ 410.10 11
§ 425.16 ..... 6, 15
§ 527.6 ..... 5, 8, 9, 15
§ 916(a) 16

Other Authorities

Fed. R. Civ. P.
4(f)(1) 14
4(f)(3) 14
4(k)(1)(A) 11
11 19
12(b)(3) 11
12(b)(6) 19

MEMORANDUM OF POINTS AND AUTHORITIES

I. INTRODUCTION[1]

This action asks a federal court to declare unenforceable a Canadian court order that does not name Plaintiff, is not based on any claim alleged against Plaintiff, and is not based on Plaintiff's speech. After obtaining a protective order against his former spouse in Canada, after one had already been entered in Santa Clara Superior Court, on June 5, 2026, Mr. Kane petitioned the Orange County Superior Court for a civil harassment restraining order against Plaintiff under California Code of Civil Procedure section 527.6. The petition is based on *Plaintiff's own course of conduct*, which included directly collaborating and conspiring with Mr. Kane's former spouse, Ms. Deanna "Anna" Kane, to continue stalking and harassing conduct that Ms. Kane has been engaging in for years. Plaintiff responded by filing this suit under the SPEECH Act, 28 U.S.C. §§ 4101-4105, and the First and Fourteenth Amendments. Plaintiff admits that he was not a party to the Canadian court order ("Alberta Judgment"), was not served with it, and it was not entered against him. (Compl., ¶¶ 4, 17.)

The Motion to dismiss turns on two questions. Plaintiff's Opposition answers neither.

The first is redressability. The Motion argued that a declaration that the Alberta Judgment cannot be enforced against Plaintiff would leave his legal position precisely where it is today—unrestrained by a judgment that names Deanna Kane and no one else—and that federal courts do not issue declarations that change nothing. *Steel Co. v. Citizens for a Better Env't*, 523 U.S. 83, 107 (1998); (ECF No. 23 ("Motion") at 8.) Despite the opportunity to explain, Plaintiff's Opposition does not identify anything such a declaratory judgment would purportedly change. Indeed, the word "redressability" does not appear in his brief. Thus, it appears that Plaintiff concedes this point, which alone requires dismissal of the Complaint.

The second is the statutory line between recognition or enforcement on the one hand and evidentiary use on the other. Section 4102 governs whether a domestic court may "recognize or enforce" a foreign defamation judgment. The Motion stated that Plaintiff cited no authority extending that provision to the evidentiary use of a foreign court record, and that Mr. Kane was

[1] In filing this Reply, Mr. Kane does not consent to the jurisdiction of this Court, does not waive service of process, and does not make a general appearance.

aware of none. (Motion at 10.) The Opposition supplies none and fails to address the point that the foreign judgment *was not* "recognized or enforced;" it was only offered as circumstantial evidence for context. Instead, Plaintiff concedes there is no legal support for the argument that evidentiary use for context is the same as "recognition and enforcement," stating: "There do not appear to be any cases discussing the situation here," and "this is an issue of first impression." (Opp. at 15.) There are no cases to support Plaintiff's argument because his argument does not follow common sense or the plain language of the statute.

In place of those answers, the Opposition offers a narrative about candor. The narrative is inaccurate, as shown below, but it is also beside the point. Whether Mr. Kane has been consistent across two proceedings is not an element of Article III standing, of personal jurisdiction, of service, or of 28 U.S.C. § 4104(a)(1). This immaterial argument appears to be an attempt at distraction from the fact that Plaintiff's pleading on its face does not satisfy the requisite burden for the claims asserted.

One development since the Opposition was filed bears directly on Plaintiff's remaining arguments. On August 26, 2026, after full briefing and argument, the Orange County Superior Court denied Plaintiff's special motion to strike under Code of Civil Procedure section 425.16. In denying Plaintiff's anti-SLAPP motion, the court ruled against Plaintiff on both prongs, holding that Plaintiff's conduct is not protected activity and that Mr. Kane's petition has the required "minimal merit." (RJN, Ex. 1, Minute Order dated Aug. 26, 2026 ("August 26 Minute Order").) On August 27, 2026, Plaintiff filed a notice of appeal of the August 26 Minute Order, staying the proceeding, and on August 28, 2026, the Superior Court vacated the September 8-10, 2026 evidentiary hearing referenced in the Opposition. *Varian Med. Sys., Inc. v. Delfino*, 35 Cal.4th 180, 186-87 (2005). Both facts undercut the Opposition because the state court forum has now adjudicated the constitutional arguments upon which the Complaint is premised and which Plaintiff says only this Court can reach, and now, any further delay in that forum will be of Plaintiff's own making.

The Complaint should be dismissed in its entirety.

II. ARGUMENT

A. Plaintiff Lacks Standing.

1. *The Opposition does not address redressability.*

Standing requires injury in fact, causation, *and* redressability, and the plaintiff bears the burden on each element and for each form of relief.[2] *Lujan v. Defs. of Wildlife*, 504 U.S. 555, 560–61 (1992). The Motion argued that even accepting Plaintiff's injury theory, a declaration about a judgment that does not bind him would alter nothing. (Motion at 8.) The Opposition does not respond. It does not identify an obligation the declaration would lift, a restraint it would remove, or a consequence it would avert—it simply and admittedly seeks an advisory opinion on a judgment that does not bind or apply to Plaintiff.

The failure is dispositive across the board because every cause of action in the Complaint seeks the same thing: a declaration concerning the Alberta Judgment. (Compl., ¶¶ 39, 43, 48.) A federal court does not enter such a judgment merely because it would make a plaintiff happier. *Steel Co.*, 523 U.S. at 107.

2. *Voluntary cessation is a mootness doctrine and presupposes the standing Plaintiff lacks.*

Rather than address redressability, Plaintiff argues that Mr. Kane cannot escape this suit by abandoning the position that injured him. Specifically, Plaintiff's principal answer on standing is *Friends of the Earth, Inc. v. Laidlaw Environmental Services (TOC), Inc.*, 528 U.S. 167 (2000), and its "formidable burden" on a defendant who ceases challenged conduct. (Opp. at 9.) That doctrine asks a different question not applicable here. It governs *mootness*—whether a live controversy that indisputably existed has been extinguished by the defendant's cessation. The question and analysis on mootness presupposes that the plaintiff had standing when he sued. *Laidlaw Envtl. Servs.*, 528 U.S. at 189 ("Satisfied that [plaintiff] had standing under Article III to bring this action, we turn to the question of mootness.") It says nothing about whether a redressable injury *ever* existed. *See id.*

[2] Mr. Kane does not press the argument that a claim under 28 U.S.C. § 4104(a) fails to arise under federal law, but 28 U.S.C. § 1331 confers jurisdiction, not standing, and 28 U.S.C. § 1367 does not assist Plaintiff either, because supplemental jurisdiction attaches to claims forming part of a case or controversy and there is none here.

Mr. Kane has not abandoned a position that injured Plaintiff. His position has been the same throughout: the Alberta Judgment binds Ms. Kane, it was offered in the section 527.6 proceeding as evidence that she remains subject to an operative restriction, and it imposes no obligation on Plaintiff. Standing is measured as of the filing of the complaint. On June 25, 2026—the day Plaintiff filed this action—the June 8 temporary restraining order had already been dissolved. Plaintiff pleads the vacatur himself. (Compl., ¶ 22.) There was no restraint when this case was filed, and there is none now.

3. *Judicial notice of a foreign order is not recognition or enforcement.*

Plaintiff's injury theory depends on characterizing the Alberta Judgment as the basis for the June 8, 2026 temporary restraining order ("TRO"), and on treating the state court's reference to that judgment as "recognition or enforcement" within the meaning of section 4102. (Opp. at 8.) The TRO itself refutes both premises. The passage he block-quotes (Opp. at 8) omits material language from the ruling, and it shows that the Alberta Judgment was only considered as a *piece of evidence*, not the sole basis for the restraint. (Coy Decl., Ex. B at Attachment 5a(4), ECF No. 23-1.) Importantly, the Superior Court took judicial notice of Santa Clara Superior Court case number 21FL002586 in which the court issued a permanently extended domestic violence restraining order protecting Mr. Kane and his minor daughter, K.K. (*See id.*) Plaintiff's Complaint and Opposition completely ignore the court's statements in the first paragraph of Attachment 5a(4) of the TRO, and instead focus only on the second paragraph where the court "also" discusses the Alberta Judgment *as evidence* and finds that Plaintiff was "assisting in the violation of [that] order." (*Id.*; *see* Opp. at 8.) The Superior Court took judicial notice of the Alberta proceeding and then restrained Plaintiff "[b]ased on the allegations made in the petition" about *Plaintiff's own conduct*—that is, Commissioner Mondo's assessment of Plaintiff's own course of conduct under section 527.6. (Coy Decl., Ex. B at Attachment 5a(4).)

Plaintiff mischaracterizes the Alberta Judgment as "the specific basis" for the order. (Opp. at 8.) To recognize a foreign judgment is to give it preclusive effect; to enforce it is to compel obedience to its terms. Section 4102 uses those terms. It does not speak of influence, context, or

evidentiary weight. Contrary to Plaintiff's tortured interpretation, the statute simply does not reach a court's consideration of a foreign record as proof of what a third party is obligated to do.

4. *The alleged injury is not evading review; it has been reviewed three times.*

Plaintiff argues that section 527.6 orders are capable of repetition yet evading review, warning that a foreign judgment could otherwise restrain American speech "one short *ex parte* order at a time, without ever being tested." (Opp. at 9.) But his own litigation history refutes this claim. He moved to vacate the June 8 order and obtained dissolution on June 18—after ten days. He opposed Mr. Kane's August 5 application, which was denied on August 6—after one day. (RJN, Ex. 2, Minute Order dated Aug. 6, 2026.) He then obtained a full merits ruling on his special motion to strike on August 26, in a proceeding in which his First Amendment arguments were briefed at length and decided—his protected activity argument was rejected. (*See* RJN, Ex. 1, August 26 Minute Order.) Whatever else may be said of the section 527.6 procedure, it has tested Plaintiff's arguments in that case repeatedly and promptly.

Yahoo! remains the closest analogue, and it favors dismissal. There, French plaintiffs obtained orders from a French court directing Yahoo! to block certain content, and Yahoo! sought a declaration in this District that the orders were unenforceable; the en banc Ninth Circuit directed dismissal. *Yahoo! Inc. v. La Ligue Contre Le Racisme et L'Antisemitisme*, 433 F.3d 1199, 1211–12, 1223–24 (9th Cir. 2006) (en banc). Plaintiff says the plurality there found no ripe controversy because the French plaintiffs had not sought enforcement, while Mr. Kane "successfully sought enforcement." (Opp. at 9.) He did not. He sought a restraining order under section 527.6 based on Plaintiff's own course of conduct. And the comparison runs the wrong way for Plaintiff in any event: the *Yahoo!* plaintiff was *actually bound* by the foreign orders, had been served with them, and faced penalties accruing daily. *Yahoo!*, 433 F.3d at 1211–12. A stranger to the foreign order stands considerably further from justiciability, and here, the Alberta Judgment *does not bind* Plaintiff.

5. *Plaintiff may not assert Ms. Kane's rights, and he does not try to defend doing so.*

Paragraphs 35 and 46 of the Complaint assert that the Alberta Judgment is overbroad as applied to Ms. Kane, and the Motion argued that a litigant must assert his own legal interests rather

than those of third parties. *Kowalski v. Tesmer*, 543 U.S. 125, 129 (2004); (Motion at 8.) The Opposition does not respond. The argument is thus unopposed and should be treated as conceded.

6. *The candor narrative is immaterial.*

The Opposition's remaining theme is that Mr. Kane has taken inconsistent positions across the two proceedings. He has not. Plaintiff says Mr. Kane "briefed 28 U.S.C. § 4102 in defense of an order restraining Richie's speech," and is therefore "guilty of a lack of candor." (Opp. at 8.) Mr. Kane addressed that provision in the Orange County proceeding only because Plaintiff raised it first, in his motion to vacate the temporary restraining order. (RJN, Ex. 3, Motion to Vacate at 11:17-19.) Responding to an opponent's statutory argument is not the same as invoking the statute affirmatively.

Plaintiff also says Mr. Kane "offered th[e] domestication [of the Alberta Judgment] as a reason the TRO should stand." (Opp. at 11.) The passage Plaintiff cites only notes the fact that the judgment had been registered in a separate Santa Clara County family law case, of which the Superior Court had already taken judicial notice. (*See* Coy Decl., Ex. B at Attachment 5a(4).)

None of this supplies an element of any claim. Plaintiff does not explain how Mr. Kane's state-court briefing gives him an injury he would not otherwise have, makes a Canadian order binding on him, or brings him within section 4104(a)(1). *Plaintiff seeks an improper advisory opinion.*

None of the relief the Complaint requests is grantable, but one request in the prayer for relief is separately objectionable. Paragraph 3 asks the Court to declare that "any further state action by Mr. Kane based on the same speech would be subject to anti-SLAPP protection under California law." (Compl., Prayer for Relief ¶ 3.) That is a request for an advisory ruling on a hypothetical future motion, under a state procedural statute, in a state case that does not exist, and on a specific type of motion that the state court already denied. *Golden v. Zwickler*, 394 U.S. 103, 108 (1969); (Motion at 15; RJN, Ex. 1.) The Opposition does not respond to the point and, at a minimum, that request should be dismissed.

B. This Court Lacks Personal Jurisdiction Over Mr. Kane.

1. Adam v. Saenger *goes unanswered.*

Plaintiff's jurisdictional theory is that Mr. Kane invoked California courts. The Motion explained why that proves nothing: a litigant's submission by resort to a court is proceeding-specific, running to cross-demands asserted in that action by that defendant, and has never been understood to render a litigant answerable to strangers, in other courts, on unrelated claims. *Adam v. Saenger*, 303 U.S. 59, 67–68 (1938); (Motion at 12.) The Opposition never mentions *Adam*. Mr. Kane's argument on the governing principle from that authority stands unchallenged, and the argument should be treated as conceded.

2. The contacts Plaintiff identifies are not case-linked to this controversy.

The Opposition responds to Mr. Kane's personal jurisdiction argument by recasting it as an objection to venue. It argues that Mr. Kane has confused the two, that the relevant forum for the minimum-contacts inquiry is the State of California rather than this District, and that any venue objection has been waived. (Opp. at 11.) That response is another strawman argument, answering a motion Mr. Kane did not file.

Mr. Kane agrees that the relevant sovereign under Rule 4(k)(1)(A) is the State of California. (Motion at 11 (citing *Schwarzenegger v. Fred Martin Motor Co.*, 374 F.3d 797, 800–01 (9th Cir. 2004), and Cal. Civ. Proc. Code § 410.10).) Mr. Kane has not moved under Rule 12(b)(3), has not challenged venue, and does not challenge it now. There is nothing to waive.

The discussion at pages 12 to 13 of the Motion made a narrower and different point: the Complaint misdescribes the very order on which Plaintiff's claims rest. Paragraphs 5.d and 34 of the Complaint allege that Mr. Kane "obtained an order in this District." Mr. Kane has never obtained any order related to Plaintiff in this District. The minute order Plaintiff attached to his own Complaint shows that it issued from Department C64 of the Central Justice Center in Santa Ana—the Orange County Superior Court, which sits in the Central District. (Dkt. 1-3.) That is a pleading defect rather than a venue objection, and a court does not accept allegations that the pleading's own exhibits contradict. *Steckman v. Hart Brewing, Inc.*, 143 F.3d 1293, 1295–96 (9th Cir. 1998). The

error also confirms the jurisdictional point: until Plaintiff filed this action, no controversy between Plaintiff and Mr. Kane had ever been litigated in this District, or in any court within it.

What defeats jurisdiction is case-linkage. Specific jurisdiction requires an affiliation between the forum and the underlying controversy—the very controversy pleaded. *Bristol-Myers Squibb Co. v. Superior Court*, 582 U.S. 255, 262 (2017). The Orange County petition is an action Mr. Kane brought against Plaintiff, which Plaintiff is defending there. The Santa Clara registration is a step in a proceeding between Mr. Kane and Ms. Kane, and Plaintiff concedes he "was not identified" in it. (Opp. at 10.) A filing in a case to which Plaintiff is a stranger is not a contact out of which Plaintiff's claims arise. And these claims arise, if from anything, out of a judgment entered by a Canadian court in a proceeding with no California connection and no connection to Plaintiff.

3. *The demand letter cannot supply jurisdiction.*

The Motion relied on *Red Wing Shoe Co. v. Hockerson-Halberstadt, Inc.*, 148 F.3d 1355, 1361 (Fed. Cir. 1998), endorsed on this point in *Yahoo!*, 433 F.3d at 1208, for the rule that a rights-holder does not subject himself to a forum solely by informing a party who happens to be located there of a claimed violation. (Motion at 13.) The Opposition does not address *Red Wing Shoe*. Rather, it answers with *Calder v. Jones*, 465 U.S. 783 (1984), and never engages *Walden v. Fiore*, 571 U.S. 277, 284–86 (2014), which instructs that the analysis looks to the defendant's own contacts with the forum, not to his relationship with a plaintiff who resides there.

Plaintiff's own authority marks the line. In *Electronic Frontier Foundation v. Global Equity Management (SA) Pty Ltd.*, 290 F. Supp. 3d 923 (N.D. Cal. 2017), an Australian company obtained an injunction from an Australian court that ran against EFF and then served that injunction on EFF in California. *Id.* at 932. EFF later brought a SPEECH Act action. *Id.* The foreign order bound EFF (the SPEECH Act declaratory plaintiff) and serving it in California was a contact the Australian company had with California out of which the declaratory plaintiff's claims directly arose. *Id.*

None of that is true here. The Alberta Judgment runs against Ms. Kane, not Plaintiff. It was never served on Plaintiff and requires nothing of him. Plaintiff does not address the distinction.

C. Service of Process Was Insufficient.

The parties do not disagree about the law of service; they disagree about whether service happened. Plaintiff has filed two returns of service, at Docket Nos. 11 and 12. Mr. Kane's position is that neither describes a real event because he was not served and was not in the country. Plaintiff bears the burden of establishing valid service. *Brockmeyer v. May*, 383 F.3d 798, 801 (9th Cir. 2004). He offers a return of service. Mr. Kane offers a declaration under penalty of perjury that he was not in the United States on the date the return recites, was never at the location it names, and has never been handed a summons or a copy of the Complaint anywhere. (Kane Decl. ¶¶ 9–12.)

Plaintiff's answer is that Mr. Kane possesses "irrefutable evidence" and refuses to share it. (Opp. at 12, 16.) That inverts Plaintiff's burden. A sworn declaration *is* admissible evidence, and Mr. Kane's declaration does clearly and directly refute Plaintiff's claim of effective service. Yet, Plaintiff does not contest it with anything other than the self-serving return he filed.

More telling is what the Opposition does not mention. Plaintiff dismisses the conflict between Docket Nos. 11 and 12 as "an obvious typo." (Opp. at 12.) But on August 5, 2026—six days after undersigned counsel's letter identifying the returns as false, and two days after the requested withdrawal date—Plaintiff's counsel signed and filed a declaration in the Orange County proceeding stating under penalty of perjury that service in this action occurred on yet another date—July 21, 2026. (Coy Decl. ¶ 12, Ex. D.) The Opposition does not acknowledge that declaration anywhere. A typographical error does not produce a third date, sworn in a second court, after counsel has been told the first two are wrong.

Plaintiff's fallback is that any defect in service was harmless. He argues that Mr. Kane has actual notice of this action, that he has identified no prejudice, and that courts routinely excuse imperfect service on that basis. (Opp. at 12.) The three decisions he cites, however, do not reach this case. (*Id.*) In each, the defendant was in fact served and in fact received the summons and complaint; what was wrong was a technical irregularity in the manner of service. *See BHPH Cap. LLC v. JV Wholesalers LLC*, 2024 U.S. Dist. LEXIS 20310, *8 (D. Ariz. Feb. 5, 2024); *State Farm Fire & Cas. Co. v. Amazon.com Inc.*, 2018 U.S. Dist. LEXIS 82469, *4 (D. Ariz. May 16, 2018); *UFCW, Locals 197 & 373 v. Alpha Beta Co.*, 736 F.2d 1371, 1382 (9th Cir. 1984). Mr. Kane's

objection is not that service was made imperfectly or that there is some technical issue with service—it is that service was never made at all—not at the address Plaintiff's returns recite, not on the dates they recite, not anywhere at any time. A rule that forgives a technically defective manner of service does not control a situation where the alleged service *never occurred* and the returns of service describe an event that *never happened*.

Plaintiff's related assertion that Mr. Kane "has not argued that insufficient service of process has prejudiced him in any way" is likewise wrong. (Opp. at 12.) The prejudice is the Motion. But for the returns of service that Mr. Kane has sworn under penalty of perjury are false, no response deadline would have existed, and Mr. Kane—who has not been validly brought before this Court—would have no reason to appear at all.

Further, Mr. Kane resides in Canada. Rule 4(f)(1) requires an internationally agreed means of service unless the Court authorizes otherwise, and Plaintiff has neither used the Hague channel nor obtained an order under Rule 4(f)(3). His footnote that the Convention is "not the exclusive means" (Opp. at 12 n.3) does not identify any legal means he purportedly did use.

Finally, Plaintiff's positions are irreconcilable. He asks this Court for leave to serve Mr. Kane by alternative means, ECF Nos. 8, 20, while insisting that service is already complete. Both cannot be true, and the request for relief itself is an acknowledgment that the returns will not bear the weight he places on them.

D. In the Alternative, the Court Should Decline to Exercise Declaratory Jurisdiction.

Mr. Kane's Motion argued in the alternative that even if the Court has jurisdiction, it should decline to exercise it. (Motion at 15-16.) A district court has discretion to decline a declaratory judgment action that duplicates a pending state proceeding arising from the same facts. *Brillhart v. Excess Ins. Co. of Am.*, 316 U.S. 491, 495 (1942); *Wilton v. Seven Falls Co.*, 515 U.S. 277, 282–83 (1995); (Motion at 15-16.) That is this case: the Orange County petition was filed first, involves the same parties and the same conduct, and remains pending.

Plaintiff's answer is that the discretion does not apply, relying on footnote 6 of *Gov't Emps. Ins. Co. v. Dizol*, 133 F.3d 1220 (9th Cir. 1998) (en banc). (Opp. at 13–14.) The footnote says the

opposite of what Plaintiff needs it to say. Specifically, *Brillhart* discretion is displaced only where a declaratory claim is joined with a claim for independent relief—damages or another coercive remedy the court must adjudicate whether or not it issues the declaratory relief. *Dizol*, 133 F.3d at 1225 & n.6. This Complaint pleads no coercive claim. All three causes of action seek the same declaratory relief concerning the Alberta Judgment, and the prayer seeks nothing else but fees. The essence of the suit is declaratory, and the Court's discretion applies.

Plaintiff's own framing confirms it. He tells the Court that the SPEECH Act "places that action in federal court: a covered person 'may bring an action in district court, *under section 2201(a)*.'" (Opp. at 13 (quoting 28 U.S.C. § 4104(a)(1)) (emphasis added).) A cause of action Congress routed through the Declaratory Judgment Act carries the discretion that Act confers. 28 U.S.C. § 2201(a) (a court "may declare"); *Wilton v. Seven Falls Co.*, 515 U.S. 277, 287 (1995) ("We have repeatedly characterized the Declaratory Judgment Act as 'an enabling Act, which confers a discretion on the courts rather than an absolute right upon the litigant.'") (citations omitted).

The chronology also defeats Plaintiff's answer on forum shopping. He says he "did not select this forum to escape an adverse state ruling" and that he "filed after a California court had entered a prior restraint against him." (Opp. at 14.) The order he refers to is the June 8, 2026 temporary restraining order. The Orange County Superior Court dissolved that order on June 18, 2026, on Plaintiff's own motion. Plaintiff filed this action seven days later, on June 25, 2026—and by then he had already filed both a special motion to strike and a motion for an undertaking in the state case. Plaintiff did not come to federal court after losing in state court. He came after getting the TRO dissolved, with his state-court motions pending, and asked this Court to decide the same questions. Now that the state court has denied both of his motions, this action is a collateral attack on an adverse state ruling—precisely what *Brillhart* discretion exists to prevent. *See* 316 U.S. at 495.

Plaintiff also argues that abstention would produce no needless determination of state law because section 4102 is a federal question the Superior Court is not being asked to decide. But the questions this Complaint actually raises are questions of California law: whether section 527.6 relief may reach conduct with an expressive component, whether that conduct is constitutionally protected, and whether section 425.16 bars the petition. The Superior Court has now decided those

questions. On August 26, 2026, it denied Plaintiff's special motion to strike on both prongs. (RJN, Ex. 1, August 26 Minute Order.) Plaintiff has appealed, so those questions proceed to the California Court of Appeal on a full record, and the state proceeding is stayed by operation of law. *Varian*, 35 Cal. 4th at 186–87; Cal. Civ. Proc. Code § 916(a). The delay Plaintiff creates by his own appeal is not a reason for this Court to replace the forum where this dispute is actually being litigated.

E. The Complaint Fails to State a Claim.

1. Plaintiff is not a person against whom a foreign judgment was entered.

Section 4104(a)(1) confers a cause of action on a United States person "against whom a foreign judgment is entered on the basis of the content of any writing, utterance, or other speech *by that person* that has been published." 28 U.S.C. § 4104(a)(1). There are two elements: the judgment must have been entered against the plaintiff, and it must have rested on the plaintiff's own published speech. The Alberta Judgment was entered against Ms. Kane, on the basis of *her* conduct, in a proceeding to which Plaintiff was a stranger. He pleads all of it on the face of the Complaint. (Compl., ¶¶ 4, 17, 27, 43.)

Plaintiff's response is that no case addresses "the situation here" and that the question is one of first impression. (Opp. at 15.) That concedes the absence of supporting authority. His remaining answer—that Mr. Kane "must answer for" attempting to enforce the judgment—is a strawman argument. Mr. Kane did not "enforce" the judgment against Plaintiff and Plaintiff identifies no filing, order, or demand in which Mr. Kane sought to impose the judgment's terms on him. Plaintiff's own authority illustrates the same point: unlike here, in *Global Equity Management*, the SPEECH Act plaintiff was the party against whom the Australian injunction ran. 290 F. Supp. 3d at 932; (Opp. at 13, 15.)

2. The Alberta Judgment is not a foreign judgment for defamation.

Plaintiff argues that a judgment restraining "disparagement" is a judgment addressed to speech that "result[s] in criticism, dishonor, or condemnation," and is therefore a defamation judgment. (Opp. at 14.) Plaintiff's argument lifts the phrase "criticism, dishonor, or condemnation" out of the sentence it appears in. Those words come from the SPEECH Act's definition of "defamation," which reaches "any action or other proceeding for defamation, libel, slander, or

similar claim *alleging* that forms of speech are false, have caused damage to reputation or emotional distress, have presented any person in a false light, or have resulted in criticism, dishonor, or condemnation of any person." 28 U.S.C. § 4101(1) (emphasis added). The controlling word is "alleging." The quoted phrase describes what a defamation claim must *allege*, not what an order must forbid. What matters is what the foreign proceeding was about and what claim was alleged, not what relief it produced. And in any event, the Alberta Judgment is not against Plaintiff and is not addressed to Plaintiff's speech.

The Alberta proceeding was a family violence proceeding under Alberta's Protection Against Family Violence Act, entered on that court's notation of prior protection orders and a California domestic violence restraining order, and enforceable by arrest. (Compl., Ex. 2, Ex. B ¶¶ 2.A, 2.D.) It alleged no falsity and adjudicated none. Plaintiff does not contend otherwise. On his reading, every protective order limiting what a restrained party may post about a protected person becomes a foreign defamation judgment. There is no authority provided to support this proposition.

3. *Mr. Kane is a private party.*

The First and Second Causes of Action seek declarations from the Court that Mr. Kane violated Plaintiff's rights under the First and Fourteenth Amendments. Both Amendments constrain government actors; neither reaches private conduct. *Manhattan Community Access Corp. v. Halleck*, 587 U.S. 802, 808 (2019); *Am. Mfrs. Mut. Ins. Co. v. Sullivan*, 526 U.S. 40, 50 (1999). Mr. Kane is a private individual. All he is alleged to have done is file a petition in state court and defend it. (Compl., ¶¶ 23-26; Motion at 18.)

Plaintiff's answer is that Mr. Kane became a state actor by resorting to the courts, and he offers two cases for the proposition: *Shelley v. Kraemer*, 334 U.S. 1 (1948), and *New York Times Co. v. Sullivan*, 376 U.S. 254 (1964). Neither carries the load. *Shelley* held that a state court's own decree enforcing a racially restrictive covenant was state action; it did not hold that a private litigant becomes a state actor by filing a petition. 334 U.S. at 14-20. Were it otherwise, every civil defendant would have a constitutional claim against every plaintiff who sued him. *New York Times* concerned the constitutional limits a state must observe in its own common law of defamation, not a private party's amenability to constitutional claims. 376 U.S. at 265-69.

In any event, Plaintiff still does not identify what cause of action the First and Second Causes of Action state. He disclaims 42 U.S.C. § 1983. (Opp. at 15.) The Declaratory Judgment Act supplies no substantive right. *Skelly Oil Co. v. Phillips Petroleum Co.*, 339 U.S. 667, 671-72 (1950). What is left is a request for declaratory relief with no underlying claim attached to it.

F. Sanctions Remain Warranted.

The Motion seeks fees on two independent bases: against Plaintiff's counsel under 28 U.S.C. § 1927, for vexatiously multiplying these proceedings by filing and refusing to withdraw returns of service he was told were false; and against Plaintiff under the Court's inherent power, for pursuing this action for an improper purpose. (Motion at 18-23.) The Opposition contests causation, mental state, and bad faith in turn. None of its answers hold.

Plaintiff's causation argument is that because Mr. Kane maintains he was never served, no response was due and no fees were caused. (Opp. at 16.) That reasoning would immunize every false return of service ever filed, and it lacks common sense. A defendant is entitled to take a facially valid return at face value for the limited purpose of protecting himself against default, and that is precisely the harm: the returns manufactured a response deadline, and Mr. Kane filed within twenty-one days of the date they recite. Had the returns been withdrawn on August 3, 2026, as requested, that work would not have been necessary. *Goodyear Tire & Rubber Co. v. Haeger*, 581 U.S. 101, 108–09 (2017), asks what the sanctionable conduct caused, and the answer here is the need to file the Motion and this Reply.

The "irrefutable evidence" refrain does not change the analysis. Section 1927 requires subjective bad faith, and in this Circuit recklessness combined with knowledge that a filing is improper satisfies that standard. *Fink v. Gomez*, 239 F.3d 989, 993 (9th Cir. 2001). Both elements are present. Counsel was given the operative fact by letter on July 30, 2026 and was asked to withdraw returns he could not support. (Coy Decl. ¶ 10, Ex. C.) Counsel decided to leave them on the docket and double-down. Six days later, counsel for Plaintiff signed and filed a declaration in another court swearing under penalty of perjury to a third purported service date. (Coy Decl. ¶ 12, Ex. D.) The Opposition does not mention that declaration anywhere, and its silence on the point is itself telling.

On inherent-power sanctions, Plaintiff says Mr. Kane's "abrupt about-face demonstrates the merits" and "precludes a finding of bad faith." (Opp. at 17.) There has been no about-face. And the recorded statements are not ambiguous: a stated goal of "2.5," an expectation that Mr. Kane will be "financially drained" until he says, "I'm over it," and counsel's observation that it "is not a good idea to talk about your settlement strategy on camera." (Coy Decl. ¶ 13, Ex. E.) The countervailing quotation Plaintiff offers—the case involves "an absolutely grave first amendment violation"—is not inconsistent with improper purpose. A litigant may believe in his cause and pursue it vexatiously in bad faith to exhaust his opponent. *Fink* asks about purpose, not sincerity. 239 F.3d at 994.

G. Leave to Amend Would Be Futile as to the Rule 12(b)(6) Grounds.

Dismissal for lack of standing, lack of personal jurisdiction, and insufficient service is without prejudice by operation of law, and Mr. Kane has said so. (Motion at 23.) As to Rule 12(b)(6), amendment would be futile. *Rutman Wine Co. v. E. & J. Gallo Winery*, 829 F.2d 729, 738 (9th Cir. 1987). The section 4104(a)(1) defect rests on facts Plaintiff pleads four separate times and cannot un-plead consistently with Rule 11: the Alberta Judgment was entered against Ms. Kane, and Plaintiff was a stranger to the proceeding. No amendment can change who the Court of King's Bench entered judgment against. Thus, the Complaint should be dismissed in its entirety with prejudice and without leave to amend.

III. CONCLUSION

For the foregoing reasons and those stated in the Motion, Mr. Kane respectfully requests that the Court dismiss the Complaint in its entirety and award the fees and costs caused by the returns of service filed at Docket Nos. 11 and 12, in an amount to be established by supplemental declaration.

Respectfully Submitted,
BLANK ROME LLP

DATED: August 31, 2026

By: */s/ Ryan F. Coy*
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Ryan F. Coy

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

HOOMAN ABEDI KARAMIAN a/k/a NIK LAMAS-RICHIE,

Plaintiff,

v.

EVANDER KANE,

Defendant.

Case No. 5:26-cv-06348-NW

REQUEST FOR JUDICIAL NOTICE IN SUPPORT OF DEFENDANT'S REPLY SUPPORTING MOTION TO DISMISS THE COMPLAINT UNDER FED. R. CIV. P. 12(b)(1), 12(b)(2), 12(b)(4), 12(b)(5), AND 12(b)(6)

[*Reply in support of Motion to Dismiss the Complaint filed concurrently*]

Hearing
Date: October 21, 2026
Time: 9:00 a.m.
Place: Courtroom 3, 5th Floor
San Jose Federal Courthouse

Complaint Filed: June 25, 2026

Pursuant to Federal Rule of Evidence 201, specially appearing defendant Evander Frank Kane ("Defendant" or "Mr. Kane") hereby respectfully requests that the Court take judicial notice of the following facts and documents, copies of which are attached hereto as Exhibits 1-3:

1. Minute Order dated August 26, 2026, denying the special motion to strike filed by Hooman Abedi Karamian a/k/a Nik Lamas-Richie ("Karamian"), in *Kane v. Karamian*, Case No. 30-2026-01575619-CU-HR-CJC, pending in the Superior Court of California for Orange County. (**Exhibit 1**.)
2. Minute Order dated August 6, 2026, denying Mr. Kane's ex parte application for reinstatement of temporary restraining order, in *Kane v. Karamian*, Case No. 30-2026-01575619-CU-HR-CJC, pending in the Superior Court of California for Orange County. (**Exhibit 2**.)
3. Ex Parte Application for Order Vacating TRO (without declarations and exhibits), filed on June 15, 2026 by Karamian, in *Kane v. Karamian*, Case No. 30-2026-01575619-CU-HR-CJC, pending in the Superior Court of California for Orange County. (**Exhibit 3**.)

The foregoing document and facts are the proper subject of judicial notice. *See* Fed. R. Evid. 201. Rule 201 authorizes the Court to take judicial notice of "a fact that is not subject to reasonable dispute because it . . . can be accurately and readily determined from sources whose accuracy cannot reasonably be questioned." Fed. R. Evid. 201(b)(2). The minute order identified above and attached hereto is a record of a court of record of the state court and the fact of its entry and its content in the above-identified court "is not subject to reasonable dispute." Therefore, it is a proper subject of judicial notice. Further, judicial notice is mandatory under Rule 201(c)(2) because Defendant has timely requested judicial notice, supplied the Court with necessary information to enable it to take judicial notice, and provided notice to all parties. *See* Fed. R. Evid. 201(c)(2) ("The court . . . must take judicial notice if a party requests it and the court is supplied with the necessary information.").

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Accordingly, Defendant respectfully requests that the Court take judicial notice of the above-referenced facts and record in connection with the Reply and the Motion.

DATED: August 31, 2026

BLANK ROME LLP

By: */s/ Ryan F. Coy*
Joseph J. Mellema
Ryan F. Coy

Attorneys for Defendant
EVANDER FRANK KANE

Exhibit 1

SUPERIOR COURT OF CALIFORNIA,
COUNTY OF ORANGE
CENTRAL JUSTICE CENTER

MINUTE ORDER

DATE: 08/26/2026 TIME: 08:30:00 AM DEPT: C65

JUDICIAL OFFICER PRESIDING: Amber Poston
CLERK: S. Lopez
REPORTER/ERM: Kellan Oveson CSR# 14427
BAILIFF/COURT ATTENDANT: Deputy P. Sung

CASE NO: **30-2026-01575619-CU-HR-CJC** CASE INIT.DATE: 06/05/2026
CASE TITLE: **Kane vs. Karamian**
CASE CATEGORY: Civil - Unlimited CASE TYPE: Harassment

EVENT ID/DOCUMENT ID: 74888922

EVENT TYPE: Motion to Strike - Anti SLAPP
Hooman Abedi Karamian
CAUSAL DOCUMENT/DATE FILED: Motion to Strike - Anti SLAPP, 06/16/2026

APPEARANCES
Joseph J. Mellema and Ryan F. Coy, from Blank Rome Llp, present for Petitioner(s).
Evander Frank Kane, Petitioner, not present.
March J. Randazza, from Randazza Legal Group, PLLC, present for Respondent(s).
Hooman Abedi Karamian, Respondent is present.

Alex J. Shephard, from Randazza Legal Group, PLLC, present for Respondent(s) remotely.

Hearing held, participants appearing remotely and in person.

The Court addresses counsel's, Alex J. Shepard, remote appearance.

The Court will allow counsel to appear remotely for this hearing, only; any future hearings counsel will need Court approval.

The Court holds a hearing and addresses counsel regarding request to permit media coverage.

Media Request to Photograph, Record, or Broadcast is read and considered.

Motion to Strike - Anti SLAPP filed by respondent (ROA 35) is read and considered.

Court's ruling which is attached hereto and incorporated herein by reference.

The Court sets a further proceeding hearing to confirm respondent's counsel has filed a notice of appeal.

The Status Conference re: Notice of Appeal is scheduled for 08/28/2026 at 02:00 PM in Department C65.

Court orders Clerk to give notice.

The court has read and considered the request to photograph, record or broadcast court proceedings. After consulting counsel for the parties, and considering the factors outlined in California Rule of Court 1.150, the court denies the request.

The court overrules Respondent's Evidentiary Objections, Request for Evidentiary Hearing and Motion to Strike Anti-SLAPP for the reasons stated below.

A cause of action against a person arising from an act by that person in furtherance of the right of petition or free speech under the United States or California Constitutions in connection with a public issue (commonly known as a SLAPP suit, i.e., Strategic Litigation Against Public Participation) is subject to a special motion to strike. CCP §425.16(b)(1); (*Monster Energy Co. v Schechter* (2019) 7 Cal.5th 781, 788; *FilmOn.com Inc. v DoubleVerify Inc.* (2019) 7 Cal.5th 133, 139.)

The court has reviewed all filings and considered the arguments of counsel in this matter, of particular weight to the court are:

CH 100 – filed 6/5/26

Motion to Strike Anti SLAPP filed 6/16/26

Lodging of Exhibit 30 filed 6/18/26

Opposition to Anti SLAPP filed 8/7/26

Declarations of Evander Kane, Ryan F. Coy, and Mara Teigen filed 8/7/26

Respondent's Reply to the Opposition, Objection to Evidence in Support of Opposition, and Witness List and Request for Evidentiary Hearing filed 8/14/26

Petitioner's Response to Respondent's Objections to Evidence filed 8/17/26

Petitioner's Objection to an Evidentiary Hearing filed 8/18/26

Evander Kane's Supplemental Declaration in Support filed 8/24/26

Respondent's Response to Supplemental Declaration in Support filed 8/24/26

Evidentiary Objections and Request for Evidentiary Hearing

Pursuant to CCP §425.16(b)(2), in ruling on a special motion to strike, a judge must consider the pleadings as well as the supporting and opposing affidavits or declarations stating the facts on which the liability or defense is based. (Cal. Judges Benchbook: Civil Proceedings Before Trial (CJER 2026) Attacks on Pleadings, § 12.132, p. 1226) (Thompson-Reuters, California Judges Benchbook (2026 ed.)

Evidence may be considered at the anti-SLAPP motion stage if it is reasonably possible that the evidence set out in the supporting affidavits, declarations, or their equivalents will be admissible at trial. (*Id.* at 1229; *Sweetwater Union High School Dist. v Gilbane Bldg. Co.*, (2019) 6 Cal.5th at 947, 949.) The declarations filed in connection with a special motion to strike must contain competent admissible evidence within the declarant's personal knowledge. . . if it is reasonably possible that the evidence set out in the supporting affidavits, declarations, or their equivalents will be admissible at trial.. (*Id.* at 1227; *Sweetwater Union High School Dist. v Gilbane Bldg. Co.*, (2019) 6 Cal.5th at 947, 945-47.) (*Id.* at 947.) In evaluating the merits of a SLAPP motion, the court may consider evidence of matters occurring after the complaint was filed. (Cal. Judges Benchbook: Civil Proceedings Before Trial (CJER 2026) Attacks on Pleadings, § 12.133, p. 1229; *Slauson Partnership v. Ochoa* (2003) 112 Cal.App. 4th 1005, 1021, 1028–1029.)

A judge must apply a "summary-judgment-like" test, accepting as true the evidence favorable to the plaintiff and evaluating the defendant's evidence only to determine whether the defendant has defeated the plaintiff's claim as a matter of law. (Cal. Judges Benchbook: Civil Proceedings Before Trial (CJER 2026) Attacks on Pleadings, § 12.134, p. 1232; *Monster Energy Co. v Schechter*, supra, 7 Cal.5th at 795.) The respondent provides no authority for presenting witness testimony in a hearing on a SLAPP motion. The respondent asserts the court invited the parties to bring any witnesses they deemed necessary to the hearing set August 26, 2026. This court handles a variety of case types and as a matter of routine invites parties to come prepared when hearings are set with any evidence and witnesses, they intend to present. This was a general directive based on the many case types assigned to this courtroom, it was not a finding that witness testimony when it would be improper under the legal standards the court guided by. For these reasons, the court denies Respondent's request to present witness testimony at the hearing on this motion.

The court has reviewed and considered the 53 evidentiary objections raised by Respondent. The objections are form and do not articulate the factual bases for the form evidentiary objection. The objections are overruled in part for this reason. In addition, the court finds it is reasonably possible that the evidence set out in the supporting affidavits and declarations contain information within the declarant's personal knowledge and there is a reasonable possibility their equivalents will be admissible at trial. For these reasons, the court overrules Respondent's evidentiary objections.

CCP 425.16 Standard of Review

The moving defendant has the initial burden of showing that the challenged cause of action arises from protected free speech or petitioning activity. This burden is satisfied by demonstrating that the conduct underlying the plaintiff's claim fits into a category of protected activity set forth in CCP §425.16(e). . . The burden shifts to the plaintiff to show that the that the plaintiff's claims have at least "minimal merit. (Cal. Judges Benchbook: Civil Proceedings Before Trial (CJER 2026) Attacks on Pleadings, § 12.118, p. 1164; *Park v Board of Trustees of Cal. State Univ.* (2017) 2 Cal.5th 1057, 1061.)

Given that only a claim that satisfies both prongs of the anti-SLAPP statute is subject to being stricken, a court may choose to analyze only the probability of prevailing and resolve the anti-SLAPP motion on that basis alone. (Cal. Judges Benchbook: Civil Proceedings Before Trial (CJER 2026) Attacks on Pleadings, § 12.134, p. 1230; *Serova v Sony Music Entertainment* (2022) 13 Cal.5th 859, 872.) The plaintiff's burden of establishing a probability of prevailing is not high. ((Cal. Judges Benchbook: Civil Proceedings Before Trial (CJER 2026) Attacks on Pleadings, § 12.134, p. 1230*; Monster Energy Co. v Schechter* (2019) 7 Cal.5th 781, 793; *Whitehall v County of San Bernardino* (2017) 17 Cal.App.5th 352, 363.) "Probability" means a "reasonable probability" of prevailing, not prevailing by a preponderance of the evidence. (Cal. Judges Benchbook: Civil Proceedings Before Trial (CJER 2026) Attacks on Pleadings, § 12.134, p. 1230; *Trapp v Naiman* (2013) 218 Cal.App.4th 113, 119.)

Given the above, the court will start with Prong 2 analysis, the probability of prevailing.

CCP Section 527.6 defines harassment as "unlawful violence, a credible threat of violence, or a knowing and willful course of conduct directed at a specific person that seriously alarms, annoys, or harasses the person, and that serves no legitimate purpose. The course of conduct must be that which would cause a reasonable person to suffer substantial emotional distress, and must actually cause substantial emotional distress to the petitioner." (§ 527.6, subd. (b)(3).) A course of conduct is defined as "a pattern of conduct composed of a series of acts over a period of time, however short, evidencing a continuity of purpose, including following or stalking an individual, making harassing telephone calls to an individual, or sending harassing correspondence to an individual by any means, including, but not limited to, the use of public or private mails, interoffice mail, facsimile, or email." (§ 527.6, subd. (b)(1).)

The court must also consider challenged conduct is ongoing or likely to reoccur. (*E.G. v. M.L.* (2024) 105 Cal. App.5th 688, 706).

In assessing whether the Petitioner is likely to prevail on his claim pursuant to CCP § 527.6 the court considered all evidence presented and gave great weight to the following:

- Petitioner is a person of public notoriety, subject to many lawsuits alleging violence (including sexual violence), fraud and deception, and various other causes of action unrelated to Anna Kane or the Respondent.
- Family court order Santa Clara July 10, 2024
- Call to action asserted by Respondent - "Free Kensignton"
- Directives of Respondent to find and photograph Petitioner, his 4 minor children under the age of 7, and persons unrelated to Petitioner's public notoriety and/or the many lawsuits involving Petitioner unrelated to Anna Kane
- The many times the Petitioner, and his family, have been contacted by apparent followers of the Respondent (who number over 500,000) seemingly directed at the assertion that Petitioner has kidnapped Kensington is not being cared for appropriately.
- The June 10, 2026 Disneyland event
- The August 21, 2026 – Instagram message received by Petitioner from an unknown source

The court gave minimal weight to the following: The interactions between Respondent and Anna Kane and the interview between Respondent and Anna Kane on May 21, 2026.

The court considered the context of the matters given great weight. Respondent's challenged conduct regarding Petitioner, a public figure, does not clearly focus on matters of public interest including, access to justice, the administration of justice, or fostering a public discussion addressing the many issues surrounding the many lawsuits involving Mr. Kane, unrelated to Anna Kane. Respondent's conduct focuses on an assertion that Petitioner has kidnapped Kensington, despite the Respondent's knowledge of the Santa Calara County Superior Court Order of July 10, 2024 to the contrary. This conduct is amplified by a call to action to his many followers to locate Petitioner when he is with his minor children or locate the respondent's minor children and photograph them.

The court finds the Petitioner's claim has minimal merit, whether reviewed under a standard of a reasonable probably of prevailing or clear and convincing evidence.

<u>The court now considers Prong 1 analysis, protected speech:</u>

The court finds the conduct of Respondent occurred in a public forum, both Instagram and YouTube.

The court finds Petitioner is a person of public notoriety. The court finds Respondent's conduct concerns matters of public interest, in part. Matters of public interest include the many lawsuits alleging violence (including sexual violence), fraud and deception, and various other causes of action unrelated to Anna Kane or the Respondent.

The allegations by Anna Kane regarding family court orders relating to Kensington Kane is a closer call, this is where the context of Respondent's conduct relating to Petitioner and his minor children, despite the Santa Clara Superior Court order of July 10,2024, is revealing. This context leads to the conclusion that the conduct of Respondent involving court orders including Evander Kane, Kensington Kane, and Anna Kane are not matters of public interest and do not relate to, or amplify, the matters that are clearly of public interest, the many lawsuits that do not involve Kensington or Anna Kane and are thus not protected speech pursuant to CCP 425.16.

When causes of action are factually and legally intertwined, and the plaintiff shows the plaintiff will probably prevail on some, but not all, of the causes of action, the judge should deny the motion with respect to all causes of action. (Cal. Judges Benchbook: Civil Proceedings Before Trial (CJER 2026) Attacks on Pleadings, § 12.136, p. 1246; *M.G. v Time Warner,* Inc. (2001) 89 Cal.App.4th 623, 637.) Considering a portion of Respondent's conduct relates to matters protected speech, other conduct does not, the court finds the Respondent's SLAPP motion fails under Prong 1.

For all the reasons discussed the court denies the special motion to strike.

The court notes that following the conclusion of the proceedings in this matter, the court filed the request to photograph, record or broadcast court proceedings discussed above.

8/26/26

Judge Amber Pollom

Exhibit 2

SUPERIOR COURT OF CALIFORNIA,
COUNTY OF ORANGE
CENTRAL JUSTICE CENTER

MINUTE ORDER

DATE: 08/06/2026 TIME: 01:45:00 PM DEPT: C65

JUDICIAL OFFICER PRESIDING: Jennifer McCartney
CLERK: M. Hernandez
REPORTER/ERM: None
BAILIFF/COURT ATTENDANT: None

CASE NO: **30-2026-01575619-CU-HR-CJC** CASE INIT.DATE: 06/05/2026
CASE TITLE: **Kane vs. Karamian**
CASE CATEGORY: Civil - Unlimited CASE TYPE: Harassment

EVENT ID/DOCUMENT ID: 74921435

EVENT TYPE: Ex Parte
MOVING PARTY: Evander Frank Kane
CAUSAL DOCUMENT/DATE FILED: Ex Parte Application - Other, 08/05/2026

APPEARANCES
No Appearance by all parties

There are no appearances by any party.

The Court has read and considered the Petitioner Evander Kane's Ex Parte Application for Orders: (1) Reinstating and Continuing Temporary Restraining Order; (2) Expanding Protected Persons Pursuant to Code of Civil Procedure § 527.6(c); and, In The Alternative, (3) Expanding the Scope of the Evidentiary Hearing (ROA 93), the Declarations in Support of the Ex Parte Application (ROA 87, 89, and 91), Respondent's Opposition (ROA 97) and Petitioner's Reply (ROA 99).

The Court takes Judicial Notice of the previous filings in this matter, the 7/7/26 Minute Order, the 6/24/26 Minute Order, the 6/23/26 Minute Order, the 6/18/26 Minute Order, the 6/17/26 Minute Order, the 6/15/26 Minute Order, and the 6/8/26 Minute Order.

The Court has considered Respondent's prior arguments that his conduct constituted journalistic activity protected by the First Amendment and that Petitioner sought to restrain protected reporting. The Court rejects that characterization. Respondent's conduct in publishing Petitioner's location on social media, requesting that followers of his platform ("Dirty Army") locate Petitioner and his family, photograph them, and publish those photographs online bears no reasonable relationship to legitimate news gathering or reporting protected by the First Amendment.

Code of Civil Procedure section 527.6 authorizes injunctive relief where a petitioner has suffered harassment. As relevant here, harassment includes "a knowing and willful course of conduct directed at a specific person that seriously alarms, annoys, or harasses the person, and that serves no legitimate purpose," where the conduct would cause a reasonable person to suffer substantial emotional distress and actually causes such distress. (*E.G. v. M.L.* (2024) 105 Cal.App.5th 688, 698.)

The Court finds that Respondent engaged in a knowing and willful course of conduct directed specifically at Petitioner and Petitioner's immediate family. Respondent publicly posted the family's location, subsequently confirmed that location, and solicited third parties to locate Petitioner, photograph Petitioner, Petitioner's fiancée, and their four minor children, and publish those photographs online.

The accompanying language—including "Let's test the Dirty Army. Can anyone grab a pic in next 30 minutes"—demonstrates that Respondent was actively encouraging members of the public to seek out Petitioner's family in real time.

Based upon the declarations submitted by Petitioner and Ms. Teigen, together with the evidence describing the reactions of the minor children when approached by strangers in public, the Court finds that Respondent's conduct seriously alarmed, annoyed, and harassed Petitioner and his immediate family. The Court further finds that such conduct would cause a reasonable person to suffer substantial emotional distress and that it did, in fact, cause substantial emotional distress to Petitioner, Ms. Teigen, and the children.

The Court further finds that Respondent's conduct served no legitimate purpose. Respondent contends that the purpose of the posts was to determine Petitioner's location for service of legal process. The Court is not persuaded. The evidence demonstrates that Respondent already knew Petitioner's location when the challenged post was made. If the objective had been solely to facilitate service of process, there would have been no apparent reason to invite followers to "test the Dirty Army" by obtaining and publishing photographs of Petitioner's family within thirty minutes. The Court finds that the conduct exceeded any legitimate litigation-related purpose and instead constituted the use of Respondent's social media platform to direct third parties toward Petitioner and his family in a manner reasonably calculated to intimidate and harass them.

Not all speech enjoys constitutional protection. California Penal Code section 653.2(a) criminalizes certain electronic communications intended to place another person or that person's immediate family in reasonable fear for their safety by encouraging unwanted physical contact or harassment by third parties. Although Respondent's conduct is not before this Court in a criminal proceeding, the statute illustrates that the Legislature has recognized that certain online conduct encouraging third-party harassment falls outside the protections ordinarily afforded to speech.

The Court recognizes that modern journalism is not limited to members of the institutional press and that individuals may engage in news reporting through social media platforms. However, the protections afforded to journalistic activity do not extend to conduct that intentionally directs members of the public to locate identified individuals, including minor children, photograph them without consent, and disseminate those images online when such conduct constitutes harassment. Likewise, advance notice that one intends to engage in such conduct does not immunize the conduct from legal scrutiny. Numerous lawful mechanisms exist to accomplish service of process without publicly disclosing the location of a litigant and his minor children or encouraging third parties to approach and photograph them.

Accordingly, the Court concludes that Respondent's challenged conduct was not constitutionally protected activity.

The Court must also determine whether the challenged conduct is ongoing or likely to recur. (*E.G. v. M.L.* (2024) 105 Cal.App.5th 688, 706.) In evaluating the likelihood of future harm, the Court may consider any delay in seeking injunctive relief. (See *O'Connell v. Superior Court* (2006) 141 Cal.App.4th 1452, 1481.)

Petitioner filed the present ex parte application on August 5, 2026, approximately twenty-seven days after the July 10, 2026 incident. The evidence before the Court reflects no subsequent public requests by Respondent directing followers to locate, photograph, or publish images of Petitioner or Petitioner's family following the July 10 incident. Although Petitioner identifies prior incidents, those incidents are remote in time and the present record does not establish that they were specifically attributable to Respondent's challenged conduct.

The Court recognizes that any future conduct by Respondent directing third parties to locate, approach, photograph, or publish images of Petitioner or Petitioner's children could constitute an ongoing course of harassment warranting injunctive relief. However, on the present record, the Court finds that the July 10

CASE TITLE: Kane vs. Karamian CASE NO: **30-2026-01575619-CU-HR-CJC**

incident was isolated rather than part of an ongoing course of conduct.

Finally, the Court notes that Respondent's counsel, Marc J. Randazza, an attorney licensed in California and therefore subject to the duty of candor imposed by Rule 3.3 of the California Rules of Professional Conduct and Business and Professions Code section 6068, has affirmatively represented to the Court in writing that "there is no likelihood this alleged conduct will continue." The Court accepts counsel's representation as an officer of the Court. In light of that representation, together with the absence of evidence of subsequent similar conduct, the Court cannot presently find that the challenged conduct is ongoing or likely to recur as required under *E.G. v. M.L*.

As such, the Court **DENIES** the Petitioner’s request to reinstate the temporary restraining order.

The Court **DENIES** the Petitioner’s request to expand the scope of the already set evidentiary hearing on this matter.

The Court Clerk is to provide notice of the Court’s ruling.

Exhibit 3

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SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF ORANGE, CENTRAL JUSTICE CENTER

EVANDER KANE, Petitioner, vs. HOOMAN ABEDI KARAMIAN a/k/a NIK RICHIE, Respondent.	Case No. 30-2026-01575619-CU-HR-CJC Assigned To: The Commissioner Glenn Mondo Dept. C64 **EMERGENCY EX PARTE APPLICATION FOR AN ORDER VACATING UNCONSTITUTIONAL HARASSMENT RESTRAINING ORDER AGAINST NIK RICHIE; MEMORANDUM IN SUPPORT; DECLARATIONS OF NIK RICHIE AND ALEX J. SHEPARD** Date: _____ Time: _____ Dept: C64

EMERGENCY APPLICATION FOR EX PARTE RELIEF

Evander Kane obtained an unconstitutional prior restraint on journalism. He did so by lying to and misleading this Court; he did not provide the allegedly threatening or harassing communications at issue so that the Court could view them in context, nor did he mention that the California restraining order on which he based his request for relief is no longer valid, with all jurisdiction concerning that dispute transferred to a Canadian court. Mr. Kane relied on the expedited nature of proceedings under Cal. Code Civ. Proc. § 527.6 and omitted material facts the Court was entitled to consider." The Court should immediately correct its error, vacate the TRO

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in its entirety, award Respondent his costs and attorneys' fees, to be substantiated by a separate motion, and sanction the unethical counsel who improperly obtained the Order.

Dated: June 15, 2026.

Respectfully Submitted,

RANDAZZA LEGAL GROUP, PLLC

/s/ Marc J. Randazza

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TABLE OF CONTENTS

1.0 INTRODUCTION 1

2.0 FACTUAL BACKGROUND 1

2.1 Evander Kane's Fame and Legal Troubles 1

2.1.1 Criminal Investigation and Lawsuit for Rape Against Evander Kane 1

2.1.2 Arrest for Sexual Harassment 2

2.1.3 2019 Lawsuit for Failure to Pay Las Vegas Gambling Debt 2

2.1.4 2021 Bankruptcy 3

2.1.5 2021 Loan Fraud Lawsuit 3

2.1.6 2018 Lawsuit for Breach of Abortion Contract 3

2.1.7 Anna Kane's Allegations 4

2.2 Mr. Richie's Interview with Ms. Kane and Social Media Posts 4

3.0 LEGAL STANDARDS 7

3.1 Cal. Code Civ. Proc. § 527.6 7

3.2 Duty to Dissolve Unlawful Orders 8

4.0 ARGUMENT 8

4.1 The TRO is an Unconstitutional Prior Restraint on Speech 8

4.2 The Orders on Which Mr. Kane Relies are Invalid and Unenforceable 10

4.3 Richie Did Not Threaten or Harass Anyone 12

4.4 Mr. Kane's Counsel Violated Ethical Duties in Obtaining the TRO 13

5.0 CONCLUSION 14

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TABLE OF AUTHORITIES

Cases

Associated Press v. U.S. Dist. Court,
(9th Cir. 1983) 705 F.2d 1143 8

Balboa Island Village Inn, Inc. v. Lemen,
(2007) 40 Cal. 4th 1141 9

Berge v. School Comm. of Gloucester,
(1st Cir. 2024) 107 F.4th 33 10

Brandenburg v. Ohio,
(1969) 395 U.S. 444 13

Cox Broad. Corp. v. Cohn,
(1975) 420 U.S. 469 8

Elrod v. Burns,
(1976) 427 U.S. 347 8

Fla. Star v. B. J. F.,
(1989) 491 U.S. 524 8

Freedom Communications, Inc. v. Superior Court,
(2008) 167 Cal. App. 4th 150 9

Gerawan Farming, Inc. v. Lyons,
(2000) 24 Cal. 4th 468 8

Grosjean v. Am. Press Co.,
(1936) 297 U.S. 233 8

In re Providence Journal Co.,
(1st Cir. 1986) 820 F.2d 1342 8

InvestorsHub.com, Inc. v. Mina Mar Group, Inc.,
2011 U.S. Dist. LEXIS 87566 (N.D. Fla. June 20, 2011) 11

Kassim v. Carlisle Interests.,
308 S.W.3d 537 (Tex. App. 5th 2010) 8

Larson v. City and County of San Francisco,
(2011) 192 Cal. App. 4th 1263 13

Miami Herald v. Tornillo,
(1974) 418 U.S. 241 8

Minority Television Project, Inc. v. F.C.C.,
736 F.3d 1192 (9th Cir. 2013) 12

N.Y. Times v. Sullivan,
(1964) 376 U.S. 254 8

N.Y. Times v. United States,
403 U.S. 713 ..... 8, 9, 10

Near v. Minnesota,
(1931) 283 U.S. 697 8

Nebraska Press Ass'n v. Stuart,
(1976) 427 U.S. 539 8

New Tech Devs. v. Bank of Nova Scotia,
191 Cal. App. 3d 1065 (Ct. App. 1987) 8

Okla. Pub. Co. v. Dist. Court of Okla.,
(1977) 430 U.S. 308 8

Org. for a Better Austin v. Keefe,
(1971) 402 U.S. 415 8

People v. Peterson,
(2023) 95 Cal. App. 5th 1061 13

People v. Planchard,
(2025) 109 Cal. App. 5th 157 12

Russell v. Douvan,
(2003) 112 Cal. App. 4th 399 7

Smith v. Daily Mail Pub. Co.,
(1979) 443 U.S. 97 8

Trout Point Lodge, Ltd. v. Handshoe,
729 F.3d 481 (5th Cir. 2013) 11

Wilson v. Superior Court,
(1975) 13 Cal. 3d 652 8

Statutes

28 U.S.C. § 4101 ..... 1, 11

28 U.S.C. § 4102 11

RANDAZZA | LEGAL GROUP

Cal. Code Civ. Proc. § 527.6 ..... 7, 12, 14

Cal. Pen. Code § 646.9..... 12

Rules

California Rule of Professional Conduct 3.3 13

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MEMORANDUM OF POINTS AND AUTHORITIES

1.0 INTRODUCTION

Petitioner Evander Kane is a professional athlete with a years-long history of sexual assault allegations. He has an ongoing public dispute with his ex-wife, Deanna Sara Jeanne Kane, a/k/a Anna Kane ("Ms. Kane"). Mr. Kane obtained a Restraining Order against Ms. Kane in family court. Then, in 2025, Mr. Kane got a default against Ms. Kane. Neither of these orders restrain parties other than Ms. Kane, but Mr. Kane relied on these orders in seeking a prior restraint against Nik Lamas-Richie. This Court committed error in issuing the prior restraint and violated the SPEECH Act, 28 U.S.C. § 4101, *et seq,* by relying on a foreign judgment. Had Evander's lawyers informed Richie of the filing, instead of being underhanded by filing it in secret, this Court might have been informed of these issues before issuing this improvident order.

Richie is a journalist who conducted an interview with a newsworthy subject. He did no more than report on an issue of public interest, including by interviewing the primary witness for Mr. Kane's alleged misconduct. Neither Richie nor Ms. Kane conveyed anything that a reasonable person could construe as a threat. Despite this, the Court entered a prior restraint against Richie on the theory that reporting on a matter of public interest constitutes "stalking" and that the existence of a large audience transforms any criticism into "threats" because of the mere *possibility* that "someone" "could" respond badly. This prior restraint must be vacated immediately. Mr. Kane's TRO application is premised on lies and highly misleading omissions that warrant an award of costs, attorneys' fees, and sanctions against the attorneys who misled this Court to obtain it.

2.0 FACTUAL BACKGROUND

2.1 Evander Kane's Fame and Legal Troubles

Mr. Kane is a well-known Canadian professional hockey player. (Kane Dec. at ¶ 2.) The press has been interested in his legal troubles, a sampling of which is discussed below. This Court's Order restrains Mr. Richie from discussing any of this, since Ms. Kane discussed it all with him.

2.1.1 Criminal Investigation and Lawsuit for Rape Against Evander Kane

In 2015, Rachel Kuechle accused Evander Kane of rape. For months, the media reported on this. ("Sabres Evander Kane won't face charges after investigation," ESPN (Mar. 11, 2016), **Exhibit 1**; Chris Peters, "Sabres' Evander Kane not charged following sex offense investigation," CBS SPORTS (Mar. 11, 2016), **Exhibit 2**.) After prosecutors declined to charge Mr. Kane, Ms. Kuechle sued him in Erie County. (Complaint in *Kuechle v. Kane* lawsuit, **Exhibit 3**.) Kuechle

alleges that in 2015, Mr. Kane got her drunk, convinced her to come to his hotel room by lying and saying he was having a party there, then sexually battered her once they arrived at his hotel room so badly that Ms. Kuechle "was caused to suffer bodily injury including lacerations, extensive bleeding requiring multiple surgeries and blood transfusions, and serious emotional trauma." (*Id*. at ¶¶ 4–16.) Media all over the world reported on this lawsuit. ("Woman sues Buffalo Sabres' Evander Kane, says he injured her," GLOBAL NEWS (Aug. 2, 2016), **Exhibit 4**; Josh Cooper, "Evander Kane's legal troubles continue with assault lawsuit," YAHOO! SPORTS (Aug. 2, 2016), **Exhibit 5**.) After Mr. Kane filed a counterclaim for defamation—which was dismissed in part—an appeal, and a stay caused by Kane's bankruptcy, Ms. Kuechle and Mr. Kane settled. (Stipulation for dismissal in *Kuechle v. Kane*, **Exhibit 6**.) The Settlement received media coverage. ("Evander Kane's lawyer says player has settled lawsuit with Buffalo woman," SPORTSNET (Apr. 20, 2022), **Exhibit 7**; Daniel Kaplan, "Evander Kane settles 7-year-old assault lawsuit brought by Buffalo woman," THE ATHLETIC (Apr. 19, 2022), **Exhibit 8**.)

2.1.2 Arrest for Sexual Harassment

Mr. Kane got violent with four different women at a Buffalo bar, "including grabbing one of the women by her throat." (A.J. Perez, "Reports: Evander Kane arrested for June incident at Buffalo bar," USA TODAY (July 22, 20216), **Exhibit 9**.) Police reports about the incident stated Mr. Kane "either pulled [the women's] hair or grabbed them by [the] neck," and said "[y]ou're coming to my house with me and you're going to like it." ("Evander Kane pleads not guilty to charges in June bar incident," ESPN (Aug. 1, 2016), **Exhibit 10**.) This Court's order restrains Mr. Richie from talking about or reporting on this.

2.1.3 2019 Lawsuit for Failure to Pay Las Vegas Gambling Debt

In 2019, a Las Vegas casino sued Mr. Kane for failing to pay back $500,000 in gambling markers. (Complaint in *Nevada Property 1 LLC v. Kane*, No. A-19-804759-C, **Exhibit 11**.) This suit received media coverage. (Mick Akers, "Las Vegas casino sues NHL's Evander Kane over $500K in gambling markers," LAS VEGAS REVIEW-JOURNAL (Nov. 5, 2019), **Exhibit 12**; Philip Conneller, "Cosmopolitan Drops $500,000 Casino Marker Case Against NHL's Evander Kane," CASINO.ORG (July 19, 2021), **Exhibit 13**.) Because Ms. Kane discussed Mr. Kane's debts during her interview, Richie is restrained from talking about this.

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2.1.4 2021 Bankruptcy

In 2021, Mr. Kane filed bankruptcy. (Kane Chapter 7 Petition, **Exhibit 14**.) News outlets all over the world reported on it. (*See, e.g.*, "Reports: San Jose Sharks' Evander Kane files for bankruptcy, might not play," ESPN (Jan. 12, 2021), **Exhibit 15**; Justin Cuthbert, "Sharks' Evander Kane files for bankruptcy with more than $26 million in debt," YAHOO! SPORTS (Jan. 12, 2021), **Exhibit 16**; Daniel Kaplan, "Oilers' Evander Kane closer to erasing debts after judge's ruling in bankruptcy case," THE ATHLETIC (May 25, 2023), **Exhibit 17**; Bryan Murphy, "Evander Kane's timeline of trouble: From filing for bankruptcy to domestic assault allegations, list of controversies for Oilers forward," THE SPORTING NEWS (June 11, 2025), **Exhibit 18**.) This Court's prior restraint prohibits Mr. Richie from talking about or reporting on this, since Ms. Kane mentions Mr. Kane and his debts during the interview.

2.1.5 2021 Loan Fraud Lawsuit

On May 3, 2021, one of Mr. Kane's lenders filed a non-dischargeability complaint in Mr. Kane's bankruptcy. (*Professional Bank v. Kane* Non-Dischargeability Complaint, **Exhibit 19**.) Professional Bank alleged that Mr. Kane took out a $1.5 million loan and then immediately breached the loan agreement by failing to make payments—showing that he entered into the agreement with no intent to perform—and lied about his assets and liabilities when applying for the loan. (*Id.* at ¶¶ 4, 10–19.) Given Mr. Kane's pattern of violence, fraud, and malfeasance, it is no surprise that the press reported on this, as well. (Gabriel Fernandez, "Sharks' Evander Kane sued for $15 million by lender alleging fraud in $1.5M loan application," CBS SPORTS (May 4, 2021), attached as **Exhibit 20**; Curtis Pashelka, "Sharks' Evander Kane hit with $15 million lawsuit from bank," THE MERCURY NEWS (May 5, 2021), attached as **Exhibit 21**.)

2.1.6 2018 Lawsuit for Breach of Abortion Contract

In 2018, Hope Parker (Kane's ex girlfriend) sued him for fraudulently inducing her into having an abortion with a promise of paying her millions of dollars, and then reneging. (*Parker v. Kane* Non-dischargeability Complaint, **Exhibit 22**.) Parker alleged that she became pregnant three times during her relationship with Mr. Kane, and under "unrelenting pressure" from Mr. Kane, had an abortion each time. (*Id.* at ¶¶ 6–10 and 23–24.) Ms. Parker initially refused to abort the third pregnancy but Mr. Kane induced her into having a third abortion with the promise of $2–3 million. He never made the payment, nor did he ever intend to. (*Id.* at ¶¶ 11–26.)

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The media found this story newsworthy. ("Evander Kane Sued, DENIES OWING WOMAN $3 MIL . . . For Aborting His Baby," TMZ (June 18, 2019), **Exhibit 23**; Kyle Cantlon, "Embattled Sharks forward Evander Kane to face discovery in abortion-for-pay lawsuit," YAHOO! SPORTS (Aug. 24, 2021), **Exhibit 24**; Daniel Kaplan, "Judge rules Sharks' Evander Kane must face discovery in abortion-for-pay lawsuit," THE ATHLETIC (Aug. 23, 2021), **Exhibit 25**.) Mr. Richie, however, cannot talk about this because of this prior restraint imposed with no notice, no opportunity to be heard, and no consideration of the fact that we live in a free country where the First Amendment still exists.

2.1.7 Anna Kane's Allegations

Anna Kane is Mr. Kane's ex-wife and mother of their child, Kensington. (Kane Dec. at ¶¶ 3–4.) For years, media outlets have been reporting on Ms. Kane's allegations about Evander. The media reported on her revelations that Mr. Kane bets on his own hockey games which he then throws for profit; her claims that he was a negligent father; and that Mr. and Ms. Kane obtained restraining orders against one another. (Steven Psilhogios, "NHL investigating Evander Kane after wife claims he bet on his own games," YAHOO! SPORTS (July 31, 2021), **Exhibit 26**; Brad Hunter, "Sharks' Evander Kane granted restraining order, claims wife battered him," TORONTO SUN (Aug. 30, 2021), **Exhibit 27**; Curtis Pashelka, "Suspended Sharks forward Kane, estranged wife drop domestic violence restraining orders against each other," THE MERCURY News (Oct. 26, 2021), **Exhibit 28**.) The reporting about Mr. and Ms. Kane's dispute was ongoing even days before Richie published the interview. (Jim Parsons, "Former-Oiler Releases Serious Statement On Legal Battles With Ex-Wife," YAHOO! SPORTS (May 16, 2026), **Exhibit 29**.)

All these media outlets can talk about this. But this Court entered an injunction gagging Mr. Richie from reporting on it. No First Amendment, no due process.

2.2 Mr. Richie's Interview with Ms. Kane and Social Media Posts

Mr. Kane claimed that Richie interviewing Ms. Kane was "harassment." Richie published the interview on his YouTube channel on May 21, 2026[1] (the "Interview"). Richie promoted the interview on Instagram with excerpts. The interview is 72 minutes, but the alleged harassment contained within it only relates to cherry picked and out of context statements in the first half.

[1] Available at: https://www.youtube.com/watch?v=ztm4xF9h92U. A separate video file of this interview is attached as **Exhibit 30**.

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Ms. Kane recounts how the two met and how Mr. Kane "love bombed" her because he assumed that her family was wealthy. He saw this as a way out of his enormous debt. (Interview at 1:02–4:10.) She mentions how her first pregnancy with Mr. Kane resulted in a stillbirth because Mr. Kane was cheating on her and gave her an STI, which harmed their unborn child. (*Id*. at 5:00–5:30.) She mentions that they were married only a few weeks before she learned she was pregnant, and that typical sexual predator behavior is to "lock the girl in" by getting them pregnant so that they cannot leave. (*Id*. at 5:35–5:49.) She discusses how, in a subsequent miscarriage, Mr. Kane refused to visit the hospital, delaying necessary surgery. (*Id*. at 5:58–7:02.) Around the time she got pregnant again, Ms. Kane was planning to leave Mr. Kane. (*Id*. at 6:58–7:47.) She discusses a restraining order she obtained against Mr. Kane "for choking me while I was pregnant and for punching me in the face while I was holding Kensington at 3 months old,"[2] and a restraining order he obtained against her around the same time implausibly claiming he was afraid of her, a 5'4" woman without a criminal record. (*Id*. at 14:32–14:57.)

Ms. Kane discusses how Mr. Kane convinced her to drop the restraining order against him, after which he "ripped [Kensington] screaming out of my arms." (*Id*. at 14:59–15:44.) She discusses how he fabricated grounds for an additional restraining order against her by convincing her to have an abortion when she became pregnant again (as a face-saving measure for Mr. Kane's benefit because his new fiancée was also pregnant) and then using medical records regarding that abortion as evidence to falsely claim she wanted to harm Kensington. (*Id*. at 16:06–18:24.)

After obtaining his restraining order, Mr. Kane forcefully took Kensington from Ms. Kane in a private airport waiting area while threatening to call the police if she did not surrender their daughter. (*Id*. at 18:36–19:53.) She shares the trauma she suffered and depression she fell into. (*Id*. at 20:05–23:49.) She says she feared for Kensington's safety because Mara Teigen, Mr. Kane's new partner, "locks my daughter in the bathroom when Evander's out with the lights off and lets her scream for hours because Mara is an evil stepmother. Mara hates my daughter and treats her differently than her other kids." (*Id*. at 23:50–24:09.) Ms. Kane discusses that she has not seen Kensington in three years. (*Id*. at 26:20–28:46.)

Richie and Ms. Kane move on to discuss the *Kuechle v. Kane* lawsuit in New York. Ms. Kane repeats the allegations in that suit that Mr. Kane raped Ms. Kuechle. (*Id*. at 29:03–30:11.)

[2] This is the proper use of a restraining order – not to shut down unflattering journalism.

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Based on the allegations in that lawsuit, Ms. Kane says "I think he wakes up every day and looks for prey. I think he needs to be incarcerated." (*Id*. at 30:12–30:27.) Mr. Kane premises his allegations of harassment and stalking on these statements (Kane Dec. at ¶¶ 8(c)–(d), without disclosing that they relate to allegations in a lawsuit filed by a third party against Mr. Kane.

Ms. Kane then discusses a young girl named Cecily Eklund, who received media coverage in 2023 after Mr. Kane made a social media post in support of her after she was allegedly mistreated at an Edmonton Oilers game. (Michael Hoad, "Oilers star Evander Kane rips Kings fans for harassing 10-year-old cancer patient," YAHOO! SPORTS (Apr. 26, 2023), **Exhibit 31**.) She alleges she had been in touch with Cecily's mother, Cathy Eklund. Ms. Kane claims that Ms. Eklund told her that Evander was threatening her. (Interview at 30:52–32:58.) Ms. Kane then discusses how the NHL sweeps rape allegations under the rug, including allegations of rape against a former NHL player, Ryan Kesler.[3] (Interview at 34:07–36:01.) At no point do Ms. Kane or Mr. Richie make say anything that any reasonable person could construe as a threat.

Mr. Richie has *never* stated nor even suggested that anyone, follower or not, engage in any violence against anyone, much less the Kanes. (Declaration of Nik Lamas-Richie ["Richie Dec."] at ¶ 12.) Had the Court *watched the interview it based the restraint on*, it would have seen that. Of course, had Mr. Kane's counsel been honest with the Court, it wouldn't have had to.

Nor does Mr. Kane have any reason to believe that any member of Richie's audience would harm Mr. Kane or Kensington. (*Id*. at ¶ 9.) Mr. Richie conducted and published the interview with Ms. Kane because it was newsworthy material. (*Id*. at ¶ 14.) Mr. Richie is a journalist who has chosen to report on stories from women who have been harmed and exploited by rich and powerful men like Mr. Kane. (*Id*. at ¶ 4.) He knew that there was significant public interest in this issue, and he had every right (in fact a responsibility) to contribute to that discussion by interviewing the very person who knew the most about these issues. (*Id*. at ¶¶ 5–7.) Mr. Richie never intended to cause any harm to Mr. Kane. (*Id*. at ¶¶ 9–10.) Nor did Mr. Richie believe any harm was likely to result. (*Id*. at ¶ 11.) Richie has been reporting for 22 years. (*Id*. at ¶ 2.) Despite his reporting being pointed, cutting, and intense, not *one time in that 22-year career has any of Mr. Richie's controversial*

[3] These allegations, too, received media coverage. (*See* "Ex-NHL center Ryan Kesler faces criminal sexual conduct charges," ESPN (Oct. 28, 2025), **Exhibit 32**.

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reporting resulted in a single incident of violence being perpetrated against any subjects of his reporting. (*Id*. at ¶ 13.) Not once. Never.[4]

Mr. Richie had a legitimate purpose in publishing his statements. (*Id*. at ¶¶ 14–15.) He was engaged in journalism, and it is absurd to claim that publishing criticism of a public figure, without anything that could even conceivably constitute a threat of violence, is "harassment."

3.0 LEGAL STANDARDS

3.1 Cal. Code Civ. Proc. § 527.6

The TRO was granted under Cal. Code Civ. Proc. § 527.6, which provides that "[a] person who has suffered harassment" may seek a restraining order. "Harassment," in relevant part, means "a credible threat of violence, or a knowing and willful course of conduct directed at a specific person that seriously alarms, annoys, or harasses the person, ***and that serves no legitimate purpose***. The course of conduct must be that which would cause a reasonable person to suffer substantial emotional distress, and must actually cause substantial emotional distress to the petitioner." (*Id*. at § 527.6(b)(3) [emphasis added].) A "credible threat of violence" means "a knowing and willful statement or course of conduct that would place a reasonable person in fear for the person's safety or the safety of the person's immediate family, and that serves no legitimate purpose." (*Id*. at § 527.6(b)(2).) A "course of conduct' is "a pattern of conduct composed of a series of acts over a period of time, however short, evidencing a continuity of purpose, including following or stalking an individual, making harassing telephone calls to an individual, or sending harassing correspondence to an individual by any means, including, but not limited to, the use of public or private mail, facsimile, or email. **Constitutionally protected activity is not included within the meaning of 'course of conduct**.'" (*Id*. at § 527.6(b)(1) [emphasis added].) The trial court must find by clear and convincing evidence that unlawful harassment exists to issue a restraining order under this statute. (*Id*. at § 527.6(i).) This standard "requires a finding of high probability" of unlawful harassment. (*Russell v. Douvan,* (2003) 112 Cal. App. 4th 399, 401.)

The statute is not to be interpreted differently for celebrities.

[4] Meanwhile, reporting on Supreme Court decisions has led to assassination attempts on Supreme Court justices. Reporting on the President has led to multiple assassination attempts. If only the White House or the Supreme Court were aware that in Orange County, California, anyone can just get an injunction shutting down journalism by saying "I feel harassed."

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3.2 Duty to Dissolve Unlawful Orders

If the court's grant of an injunction results from a fundamental error, it has a duty to dissolve it. (*See New Tech Devs. v. Bank of Nova Scotia*, 191 Cal. App. 3d 1065, 1072 (Ct. App. 1987) ["A superior court should modify or vacate an injunction upon motion by the enjoined party if it finds a change in the facts or law or the ends of justice would be served by modifying or revoking the injunction"]; *see also Kassim v. Carlisle Interests.*, 308 S.W.3d 537, 540 (Tex. App. 5th 2010) [same].) Orders such as this are so unconstitutional that they can be ignored and challenged collaterally. (*See In re Providence Journal Co*., (1st Cir. 1986) 820 F.2d 1342.)

4.0 ARGUMENT

4.1 The TRO is an Unconstitutional Prior Restraint on Speech

The TRO restricts pure speech. Mr. Kane's application for a TRO only alleges that Mr. Richie engaged in speech, namely, publishing statements about Mr. Kane on social media and refusing to remove these statements in response to a baseless demand. (Kane Dec. at ¶¶ 7–8, 11–13.) The TRO on constitutionally protected reporting is a prior restraint, which is "the most serious and the least tolerable infringement on First Amendment rights." (*Nebraska Press Ass'n v. Stuart,* (1976) 427 U.S. 539, 559.) "The loss of First Amendment freedoms, even for minimal periods of time, unquestionably constitutes irreparable injury." (*Elrod v. Burns,* (1976) 427 U.S. 347, 373; *accord Associated Press v. U.S. Dist. Court,* (9th Cir. 1983) 705 F.2d 1143, 1147 [unconstitutional order in place for only 48 hours was "a total restraint on the public's first amendment right of access even though the restraint is limited in time"].)

There is a robust First Amendment[5] right to publish information—even illegal information—and strong, tall, and obvious barriers against any intrusion into that right. (*See e.g.*, *Fla. Star v. B. J. F.,* (1989) 491 U.S. 524; *Smith v. Daily Mail Pub. Co.,* (1979) 443 U.S. 97; *Okla. Pub. Co. v. Dist. Court of Okla.,* (1977) 430 U.S. 308; *Neb. Press Ass'n v. Stuart,* (1976) 427 U.S. 539; *Cox Broad. Corp. v. Cohn,* (1975) 420 U.S. 469; *Miami Herald v. Tornillo,* (1974) 418 U.S. 241; *Org. for a Better Austin v. Keefe,* (1971) 402 U.S. 415; *N.Y. Times v. United States*, 403 U.S. 713 (the "Pentagon Papers" case); *N.Y. Times v. Sullivan,* (1964) 376 U.S. 254; *Grosjean v. Am. Press Co.,* (1936) 297 U.S. 233; *Near v. Minnesota,* (1931) 283 U.S. 697. There is such a legion

[5] The California Constitution's guarantee of free speech and press is more protective than the First Amendment. (*Gerawan Farming, Inc. v. Lyons,* (2000) 24 Cal. 4th 468, 490–93; *Wilson v. Superior Court,* (1975) 13 Cal. 3d 652, 658.)

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of case law prohibiting this Order that a complete string cite would overwhelm the page limits. Meanwhile, there is not a single case that supports this Order.

In the Pentagon Papers case, the government sought to stop the New York Times from publishing a classified and stolen government report. (403 U.S. 713.) Giving the report to the New York Times violated federal espionage laws. (*Id*.) It does not get much more "unlawful" than that. Nevertheless, the Supreme Court held that the Times had a right to publish the information. (*Id*.) Even stolen state secrets can be published without government interference, but this Court's TRO exalts interviews with Ms. Kane above stolen state secrets.

California courts allow speech to be enjoined **only** after an adjudication on the merits. (*Balboa Island Village Inn, Inc. v. Lemen,* (2007) 40 Cal. 4th 1141, 1155–56.) This case also makes it clear that injunctions on speech must be narrowly tailored. (*Id*. at 1159.) Neither requirement has been satisfied here; the Court issued an ex parte TRO without notice, without reviewing the statements in context, and without any findings that Mr. Richie's statements were false or otherwise not protected. The closest the TRO comes is noting that, because of the DVRO (which is no longer in effect, was granted without Ms. Kane being heard, and contained no findings that anything Ms. Kane said was false), statements "that petitioner has kidnapped Kensington [are] false on their face." (TRO at Attachment 5a(4).) But the TRO enjoins far more speech than this, and the legality of Mr. Kane taking custody of Kensington is far from resolved, as Ms. Kane claims it was the result of Mr. Kane lying to her so that she would drop her restraining order against him, and then lying to a California court to obtain a subsequent restraining order. Furthermore, falsity is only one aspect of determining whether speech is unprotected; assuming he alleges such statements are defamatory, Mr. Kane would need to show the statements were also of a defamatory nature and made with the requisite level of fault (here, actual malice due to Mr. Kane's public figure status). There is no discussion of this in the TRO.

As the Fourth Appellate District Court of Appeal recognized, in vacating a prior restraint, the subject of the order was entitled to extraordinary writ relief and the order had to "immediately fall," because "[e]very moment's continuance of [such an order] amounts to a flagrant, indefensible, and continuing violation of the First Amendment." (*Freedom Communications, Inc. v. Superior Court,* (2008) 167 Cal. App. 4th 150, 154 [quoting *New York Times Co. v. United*

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States, (1971) 403 U.S. 713, 715 [Black, J., concurring].)[6]

4.2 The Orders on Which Mr. Kane Relies are Invalid and Unenforceable

In his Petition, Mr. Kane relies heavily on two orders entered against Ms. Kane, and Ms. Kane alone: (1) a 2024 California family court domestic violence restraining order (the "DVRO"); and (2) a 2025 Canadian default judgment, claiming that Mr. Richie's alleged conduct is facilitating Ms. Kane's violation of them. The first of these is no longer in effect (and doesn't restrain the conduct at issue, besides), and the second has no legal effect anywhere in the United States. To the extent the Court relied on these orders in granting the TRO, it erred. This information was known to Kane and his counsel when he sought the ex parte order, but it was not disclosed to the Court.

The prior DVRO was issued on July 10, 2024. (Petition at *Exh. A*.) Mr. Kane says the relevant portions of the order enjoin "annoy[ing] by phone or other electronical means (including repeatedly contact), or disturb the peace," with "disturb the peace" meaning "to destroy someone's mental or emotional calm" either "directly or indirectly, such as through someone else," which can "be done in any way, such as by phone, over text, or online." (Kane Dec. at ¶ 4.) He also notes the DVRO provides that Ms. Kane "must not contact [Mr. Kane] . . ., directly or indirectly, by any means, including by telephone, mail, email, or other electronical means." (*Id*.)

Leaving aside the question of whether merely talking about someone on the internet can constitute "disturbing the peace" — it cannot — Mr. Kane's gripe here is with Ms. Kane, not Mr. Richie. The DVRO does not bind anyone other than Ms. Kane. The DVRO is invalid against a third party.[7] But Mr. Kane could not do that because the DVRO is no longer in effect. Despite its claim of having no expiration, item 17 of the DVRO states that "Jurisdiction over Custody and Visitation," which the DVRO governs, "has transferred to Canada." The California family law

[6] If the Court does not immediately vacate the TRO, as it should, Richie requests that the Court lift the injunction pending an emergency writ and/or advance the June 30, 2026, hearing in this matter to the earliest possible date, and accept this Application as his opposition to the TRO and request for a restraining order.

[7] Mr. Kane may have a legitimate gripe against Ms. Kane, but that gripe does not extend to prohibiting Mr. Richie from doing anything. If Ms. Kane giving the interview violated an injunction against her, that is not Mr. Richie's problem. Even if he illegally obtained the information, he can publish it. (*See, e.g., Berge v. School Comm. of Gloucester,* (1st Cir. 2024) 107 F.4th 33, 43 [even if a party gathered information unlawfully, that creates no power to burden its publication].)

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court ceded jurisdiction over the dispute between Mr. and Ms. Kane to Canada; the California court no longer has the ability to enforce the DVRO. It is a nullity.

That leaves the Canadian default judgment. It purports to, in relevant part, restrict Ms. Kane "from posting anything to social media about the Plaintiffs, the Plaintiffs' children, about the parties' family dynamics, about KENSINGTON KANE, or the Defendant's parenting arrangements, about the court system, or about these or past legal proceedings or disparaging him or his family," on any form of social media, in perpetuity. (Petition at *Exhibit B*.) The first problem is that Mr. Richie has no connection of any kind to Canada (Richie Dec. at ¶ 16) and Mr. Kane has not alleged Ms. Kane resides there, is a citizen of the country, or otherwise subject to its jurisdiction. The Canadian judgment is thus meaningless unless it is domesticated in the U.S., and Mr. Kane provides no indication that it has.

If Mr. Kane had attempted to domesticate this judgment, it would have been rejected. Canada has no First Amendment. The Charter of Rights and Freedoms is an inadequate substitute. Giving it any credence at all is an abdication of our national sovereignty when it comes to freedom of speech. A perpetual restriction on speaking about a person, legal proceedings, or an ***entire court system*** with no restriction on subject matter could not possibly comply with the First Amendment. It is not just absurd on its face, but it is unenforceable under the U.S. SPEECH Act, 28 U.S.C. § 4101, *et seq*., unless the court applied speech protections consistent with U.S. law and the First Amendment to the U.S. Constitution. 28 U.S.C. § 4102(a)(1). A Canadian defamation[8] judgment is not enforceable in the U.S. – even one that was handed down after a trial on the merits. *See Trout Point Lodge, Ltd. v. Handshoe*, 729 F.3d 481 (5th Cir. 2013); *InvestorsHub.com, Inc. v. Mina Mar Group, Inc.*, 2011 U.S. Dist. LEXIS 87566, *6-7 (N.D. Fla. June 20, 2011) (finding that "Canadian law does not provide as much protection of speech as the First Amendment, federal law, and Florida law"); *see also Minority Television Project, Inc. v. F.C.C.*, 736 F.3d 1192, 1211 (9th Cir. 2013) ("No other nation—not even freedom-loving countries like Canada, England,

[8] The term "defamation" in the SPEECH Act is defined broadly to include "any action or other proceeding for defamation, libel, slander, or similar claim alleging that forms of speech are false, have caused damage to reputation or emotional distress, have presented any person in a false light, or have resulted in criticism, dishonor, or condemnation of any person." 28 U.S.C. § 4101(1). While Mr. Kane conspicuously avoided attaching a copy of the complaint or other case-initiating document in the Canadian case, his theory of liability there is premised on alleged emotional harm caused by Ms. Kane making statements about Mr. Kane on the internet. It is a defamation case.

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Australia, New Zealand, and Israel—has protections of free speech and free press like those enshrined in the First Amendment") (Kozinski, J., dissenting). The Court *cannot* premise any relief on the Canadian default judgment.

4.3 Richie Did Not Threaten or Harass Anyone

The TRO cites one case: *People v. Planchard,* (2025) 109 Cal. App. 5th 157, for the proposition that social media posts can constitute stalking under Cal. Pen. Code § 646.9, and correspondingly constitute harassment under Cal. Code Civ. Proc. § 527.6. But the facts in *Planchard* are so far afield of the facts here that it is shocking that anyone would compare the two.

The defendant in *Planchard* was convicted of stalking his victim and then, after that conviction, convinced a third party to regularly "relay messages to Doe," including '"You tell that bitch that I want to talk to my son. You tell that bitch that if I don't get to talk to my son, God is going to do something horrible to him.'" (*Id*. at 162–63.) Once this third party stopped relaying messages, the defendant "post[ed] pictures of convicted rapists and murderers" and "includ[ed] an associated caption: '[Doe], I should sic them on you,' [and] 'I'M SO SORRY FOR WISHING DEATH AND RAPE ON [Doe].'" (*Id*. at 163.) There was a large volume of posts over the course of several years, including unhinged rants claiming that the victim deserved to be raped, stating the alleged rapist "should have used a knife," and calling the victim a "SKANK!!" and "WHORE." (*Id*. at 164.) The statements included explicit violent threats against the victim and her family. (*Id*.) Finally, he "showed up at Doe's house . . . [and] yelled, screamed, and tried to kick in the front door" as he "called out for Doe's father and called Doe a 'bitch,' 'f–g whore' and 'f–g c–t.'" (*Id*. at 164.) The *Planchard* court observed that the speech at issue "could reasonably be interpreted as approval of the violence inflicted upon Doe, with a desire that more should have been inflicted," they "continued over the course of multiple years," and "[t]he messages convey a desire to either perform violent sexual acts and/or encourage others to do so and are 'threats' that 'pose a danger to society.'" (109 Cal. App. 5th at 170.)

Aside from use of the Internet, Richie's conduct has no similarity to *Planchard*. He never threatened anyone. He did not assist Ms. Kane in threatening anyone, as none of her statements made any threats. This was classic journalism, and this Court is enjoining it.

The closer analogue is found in *People v. Peterson,* (2023) 95 Cal. App. 5th 1061. The defendant there was convicted of stalking for reposting on Facebook a publicly available photo of a politician's family, along with comments mentioning the politician's daughters' absence from a

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recent open house event (*id*. at 1064) and his mailing of a "'confusing'" letter to the politician's wife criticizing local politics and accusing many local politicians of being liars (*id*. at 1065). With this letter, the defendant enclosed a check made payable to "'anyone who is not corrupt.'" (*Id*.) The court concluded that the defendant's stalking conviction rested entirely on his speech. Thus, "as a matter of law," his speech acts were not true threats but rather constitutionally protected speech and, therefore, did not constitute stalking. (*Id*. at 1068, 1071.)

Mr. Kane claims Richie's statements that Mr. Kane "kidnapped" or "stole" Kensington "create[s] a foreseeable and grave risk that one or more of Respondent's followers may attempt to 'rescue' Kensington from me by force, or may take violent action against me based on the false belief that I am a kidnapper and abuser of a child." (Mr. Kane Dec. at ¶ 10.) This is without Constitutional foundation. Speech is protected unless it falls into a small number of clearly defined exceptions: defamation, obscenity, incitement to **imminent** lawless action, "fighting words," and child pornography. (*Larson v. City and County of San Francisco,* (2011) 192 Cal. App. 4th 1263, 1284.) Mr. Kane invokes the incitement exception but fails to establish it. *Brandenburg v. Ohio* establishes the test for incitement. (1969) 395 U.S. 444, 447–48. Hypothetical fanciful audience reaction does not make, and has never made, protected speech into incitement.

By Kane's logic, a reporter saying that the President is destroying the country constitutes incitement because their audience could conceivably decide to assassinate the president in response. No court in the history of the United States has ever accepted so tenuous a connection as a justification for a prior restraint.

4.4 Mr. Kane's Counsel Violated Ethical Duties in Obtaining the TRO

California Rule of Professional Conduct 3.3(d) provides:

> *In an ex parte proceeding where notice to the opposing party in the proceeding is not required or given and the opposing party is not present, a lawyer shall inform the tribunal of all material facts known to the lawyer that will enable the tribunal to make an informed decision, whether or not the facts are adverse to the position of the client.*

An ex parte proceeding for a TRO makes accurate representation of the facts and law of crucial importance. Courts and ethics opinions routinely describe this as a "special," "expanded," or "heightened" obligation in ex parte TRO applications precisely because of their one-sided

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nature. (*See* Bradley Guinn, "Ethical Considerations when Applying for TROs," LOUISIANA BAR JOURNAL, Vol 72, No. 6.)[9]

Mr. Kane's counsel misled this Court to get the TRO. They relied on the DVRO without disclosing that jurisdiction had been transferred to Canada. They relied on the Canadian default judgment without mentioning the SPEECH Act, the lack of jurisdiction over Ms. Kane and Richie, or the lack of any attempt to domesticate that judgment in the U.S. They claimed that Ms. Kane and Richie were falsely accusing Mr. Kane of rape despite them merely relaying allegations by a third party that were the subject of widely-reported litigation years ago. They did not disclose that Mr. Richie was a journalist reporting on an issue of public interest. Nor did they disclose that the conduct they sought to enjoin was constitutionally protected, which definitionally cannot justify a restraining order under Cal. Code Civ. Proc. § 527.6.

For this unethical conduct in an emergency ex parte proceeding, the Court should sanction Mr. Kane's counsel. Furthermore, the Court may award prevailing party fees in these proceedings under Cal. Code Civ. Proc. § 527.6(s). It should do so here given how objectively frivolous Mr. Kane's claims of stalking and harassment are, and due to the bad-faith conduct of his counsel in obtaining an unconstitutional TRO.

5.0 CONCLUSION

The Court *must* vacate its unconstitutional TRO immediately. The Court should also award Mr. Richie his costs and attorneys' fees, to be substantiated in a separate motion.

Dated: June 15, 2026.

Respectfully Submitted,

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[9] Available at: https://www.lsba.org/documents/publications/BarJournal/Journal-Feature1-Guin-April-2025.pdf.

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PROOF OF SERVICE

Kane v. Karamian | Orange County Superior Court

At the time of service, I was over the age of 18 and not a party to this action. I am employed in the County of Clark, State of Nevada. My business address is Randazza Legal Group, PLLC, 8991 W. Flamingo Rd., Ste. B, Las Vegas, NV 89147.

On June 15, 2026, I served true and correct copies of the foregoing document on all interested parties in this action as stated on the attached service list.

BY ELECTRONIC MAIL. I electronically served the documents listed above to the persons at the electronic mail addresses listed above, from my electronic service address, dbd@randazza.com.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on June 15, 2026, at Las Vegas, Nevada.

/s/ Danielle Darkenwald
Danielle Darkenwald

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SERVICE LIST

***Kane v. Karamian* | Orange County Superior Court**
Case No. 30-2026-01575619-CU-HR-CJC

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