Marc J. Randazza, SBN 269535
Alex J. Shepard, SBN 295058
RANDAZZA LEGAL GROUP, PLLC
8991 W Flamingo Rd., Suite B
Las Vegas, Nevada 89147
Telephone: 702-420-2001
ecf@randazza.com

Attorneys for Defendant
Craig Petty

IN THE UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

MESIKA MAGIC, a California corporation, YIGAL MESIKA, an individual,

Plaintiffs,

vs.

PENGUIN MAGIC, INC., a Nevada corporation, CRAIG PETTY, a resident of the United Kingdom, DOES 1-10, inclusive,

Defendants.

Case No. 2:25-cv-07943-MWF-MBK

Defendant Craig Petty's Reply in Support of Request for Judicial Notice in Support of Defendant's Motion to Dismiss Under Fed. R. Civ. P. 12(B)(6) and for Relief Under Cal. Code Civ. Proc. § 425.16

Hearing Date: June 10, 2026
Hearing Time: 10:00 a.m.
Courtroom: 5A

Defendant Craig Petty files his reply in support of his Request for Judicial Notice ("RJN") (ECF No. 51) in support of his Motion to Dismiss Under Fed. R. Civ. P. 12(b)(6) and for Relief Under Cal. Code Civ. Proc. § 425.16.

Petty's RJN introduces dozens of exhibits subject to judicial notice for the purpose of showing that Plaintiffs were public figures by the time Petty published the first of his videos at issue. It consists primarily of social media posts, media

articles, YouTube videos, and product listings showing Plaintiff Yigal Mesika's notoriety and the existence of a controversy concerning his "ring flight" invention at issue in this suit and his litigious habits. ECF No. 51 at 2-9. The RJN, with less than a page of discussion, requests only that the Court take judicial notice of the fact that the statements contained within these exhibits were made; it does not request that the Court take notice of the truth of any of the statements. ECF No. 51 at 10-11. Despite this narrow and routine request, Plaintiffs filed a 10-page memorandum in response, replete with misrepresentations. The Court should take judicial notice of the RJN's exhibits for the limited purpose requested in the RJN.

Plaintiffs claim that Petty is trying to conflate judicial notice with incorporation by reference. ECF No. 55 at 5-7. They are wrong, as the RJN specifically requests judicial notice of its exhibits. The exhibits to the Anti-SLAPP Motion are attached through incorporation by reference.

Plaintiffs identify the principle that evidence which post-dates the statements at issue generally does not establish public figure status. ECF No. 55 at 7-8. Petty does not dispute this. They attempt some sleight of hand, however, by claiming such cases further establish that if a printout of a website is created after the relevant time period, then it is similarly irrelevant to actual malice. *Id*. None of Plaintiffs' cases support this proposition, however, for the obvious reason that printouts to be used in a motion will not be created until after litigation is filed. Absent an actual reason to doubt the authenticity of a website printout – which Plaintiffs do not present – it is routine for courts to accept that the date of publication listed on a printout is the actual date on which it was published. *See Prodanova v. H.C. Wainwright & Co.,*

LLC, 2018 U.S. Dist. LEXIS 225334, *8 (C.D. Cal. Dec. 11, 2018) (taking judicial notice of "news articles published on public websites and blogs that show a date of publication" because "Plaintiffs have not shown that the content of these articles when accessed today is different than it was at the time of publication, or that the articles were not published [on] those dates"); *Cf. Shahar v. Hotwire, Inc.*, 2013 U.S. Dist. LEXIS 202256, *5-6 (N.D. Cal. Apr. 15, 2013) (refusing to take judicial notice of printouts of website's terms and conditions as they would have appeared on a certain date because the printout showed the terms and conditions had been updated after the relevant date). Plaintiffs speculate about the possibility of someone altering the contents of a website, but this is mere recalcitrance grounded in nothing. Each of the exhibits to the RJN is properly authenticated by a supporting declaration providing the URL of the website from which it was taken and the date the exhibit was created.[1]

Plaintiffs complain that the exhibits to the RJN are not government documents typically subject to judicial notice and imply that, somehow, the entirety of the internet is no longer trustworthy after they initiated this litigation. ECF No. 55 at 8-9. Baseless conspiracy theorizing aside, Plaintiffs misunderstand the purpose for which Petty provides these exhibits. As stated in the RJN, none of the

[1] Authentication of a printout of a website does not require much. Printouts are properly authenticated where the website, the URL, and the date on which the printout was taken are provided. *See 21st Century Fin. Servs., LLC v. Manchester Fin. Bank*, 255 F. Supp. 3d 1012, 1020 (S.D. Cal. 2017); *Haines v. Home Depot U.S.A., Inc.*, 2012 U.S. Dist. LEXIS 47967, *23 (E.D. Cal. Apr. 4, 2012); *Premier Nutrition, Inc. v. Organic Food Bar, Inc.*, 2008 U.S. Dist. LEXIS 78353, *19 (C.D. Cal. Mar. 27, 2008).

exhibits are used to prove the truth of the matters asserted therein. Rather, as is commonplace in public figure defamation cases, they are used to show the existence of certain statements and when those statements existed. When the *existence* of a statement itself is relevant, it is offered for a non-hearsay purpose and is subject to judicial notice. *See Left v. Anson Funds Mgmt. LP*, 2026 U.S. Dist. LEXIS 109795, *21-22 (C.D. Cal. Mar. 31, 2026) (in a defamation case, taking judicial notice of articles discussing plaintiff's reputation for the purpose of noting their existence); *EVO Brands, LLC v. Al Khalifa Grp. LLC*, 657 F. Supp. 3d 1312, 1323 (C.D. Cal. 2023) (about *Ciampi v. City of Palo Alto*, 790 F. Supp. 2d 1077, 1091 (N.D. Cal. 2011) (newspaper articles admissible to show publication of statements); *Asetek Danmark A/S v. CMI USA, Inc.,* No. 13-cv-00457-JST, 2014 U.S. Dist. LEXIS 197078, *6 (N.D. Cal. Nov. 19, 2014) (internet pages admissible to show existence of laudatory statements). Courts routinely take judicial notice of website articles and publications for this purpose under Fed. R. Evid. 201(b). *See, e.g., United States v. Kane*, No. 2:13-cr-250-JAD-VCF, 2013 U.S. Dist. LEXIS 154248, *24-25, 30 (D. Nev. Oct. 28, 2013). Petty does not offer any of these exhibits for the purpose of establishing, for example, that Mesika ripped off Steve Sheraton's Rinkey Dinky device. Rather, the exhibits are offered merely to show that third parties were making such allegations prior to Petty publishing any of the videos at issue.

Plaintiffs proceed with a chart that lays out his issues with the exhibits to the RJN (ECF No. 55 at 9-13), but this chart is wrong in all respects. URLs are provided for all exhibits available online, and even though Plaintiffs claim the URLs for several exhibits are wrong, they fail to show this. Petty's counsel went through each

allegedly erroneous URL, confirmed that they are correct as stated in the RJN, and have provided additional printouts showing this. Declaration of Casey Spring ("Spring Dec."). It appears some of this is a misunderstanding on Plaintiffs' part caused by copying and pasting the URL in some of the printouts themselves – rather than the URLs provided in the declarations and RJN – which were created using the "Awesome Screenshots" browser extension to preserve the content and legibility of the printouts. Spring Dec. at ¶ 4. And the "dates" column in their chart refers only to the dates on which the exhibit was created, rather than the date of publication.

Plaintiffs complain that the authenticating declarations do not contain the magic words "true and correct copies,"[2] even though they are sworn under penalty of perjury and attest that each exhibit is a printout that the declarant personally took from a given URL. ECF No. 55 at 13. Plaintiffs are putting form over substance, and there is no support for the idea that not using the specific wording "true and correct" renders an exhibit unauthenticated. Nevertheless, to accommodate Plaintiffs' insistence on strict adherence to formality, the Spring Dec. contains these magic words.

None of Plaintiffs' objections to the exhibits to the RJN have merit. The Court should grant Petty's request for the limited purpose of taking notice of what

[2] Plaintiffs should be cautious about relying on such pedantry, as their submissions do not comply with this Court's local rules. For example, their Opposition to Petty's Anti-SLAPP Motion is in a proportionally spaced font but is not 14-point, as required by L.R. 11-3.1.1. And if Plaintiffs are going to complain that less than a page of discussion about how judicial notice is proper is an attempt to circumvent word count limitations, then such a complaint surely applies to their 10-page opposition memorandum. The Court is concerned with resolving suits on the merits, not on petty squabbles over specific wording or formatting.

information was publicly available regarding Plaintiffs by the time Petty published his videos at issue.

Dated: May 27, 2026

Respectfully submitted,

RANDAZZA LEGAL GROUP, PLLC
/s/ Marc J. Randazza

Marc J. Randazza, SBN 269535
Alex J. Shepard, SBN 295058
8991 W Flamingo Rd., Suite B
Las Vegas, NV 89147

Attorneys for Defendant Craig Petty

CERTIFICATE OF COMPLIANCE

The undersigned, counsel of record for Defendant Craig Petty, certifies that this brief contains 1,358 words, which complies with the word limit of L.R. 11-6.1.

Dated: May 27, 2026

Respectfully submitted,

RANDAZZA LEGAL GROUP, PLLC

/s/ Marc J. Randazza
Marc J. Randazza, SBN 269535

Case No. 2:25-cv-07943-MWF-(MBK)

CERTIFICATE OF SERVICE

I CERTIFY that on May 27, 2026, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF. I further certify that a true and correct copy of the foregoing document is being served via transmission of Notice of Electronic Filing generated by CM/ECF.

Dated: May 27, 2026

Respectfully submitted,

RANDAZZA LEGAL GROUP, PLLC

/s/ Marc J. Randazza
Marc J. Randazza, SBN 269535