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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 For All Purposes To: The
Commissioner Glenn Mondo
Dept. C64

**RESPONDENT’S REPLY TO
PETITIONER’S OPPOSITION TO
RESPONDENT’S EX PARTE
APPLICATION FOR AN ORDER
VACATING TEMPORARY
RESTRAINING ORDER**

Date: June 17, 2026
Time: 1:30 p.m.
Dept: C64

Respondent Nik Lamas-Richie files his reply in support of his Motion to Vacate the Court’s
Temporary Restraining Order.

1.0 INTRODUCTION

This matter is an abuse of the civil harassment restraining order process to try and silence
journalism, and as a collateral strike in family law litigation between Evander and Anna Kane.
Evander Kane is dissatisfied with Richie’s public characterization of a custody dispute. It is
undisputed that he has taken Anna Kane’s daughter from her. Richie may empathize with the
subject of his interview, but he has every right under the First Amendment to do so. Evander Kane
doesn’t like being criticized, so he obtained an unconstitutional prior restraint. Now challenged,
he resorts to relying on speculation about “harm” when the only harm that is being suffered is to

1 his fragile ego. Kane is a public figure. And discussions about his life and legal troubles are a
 2 matter of public concern.

3 Anna might be enjoined by an Alberta court from making such statements. Evander now
 4 claims that this Canadian injunction (including a restriction on Anna even speaking about the court
 5 proceedings) has been domesticated in Santa Clara County. Why there? Nobody knows. Where
 6 is the Order? Nobody knows. Why are we here, and not there? Nobody knows. Does the Santa
 7 Clara Court interpret the Order as enjoining journalists? That is doubtful.

8 Kane does not contend that Richie fabricated the underlying facts that he discloses, such
 9 as Evander pursuing and obtaining a result that left Anna without parenting time. To call that,
 10 colloquially, “kidnapping,” is a fair comment. And Kane does not contend that the injunction
 11 against Anna also enjoins Richie, and it never could.

12 **2.0 BACKGROUND**

13 Evander and Anna are the parents of a minor daughter, Kensington, and have hotly
 14 contested custody. Evander does not dispute that he obtained a family court order that has resulted
 15 in Anna not being able to see her daughter. Anna contends, and Richie has reported, that the
 16 order’s practical effect has been to deny her any meaningful relationship with the child. Richie is
 17 a journalist and online commentator who has published multiple pieces about the case, including
 18 a 75 minute interview with Anna, in which during a dialogue between Anna and Richie, Richie
 19 says (while Anna talks over him) in the form of a question, “but this was a plan to kidnap... to
 20 take Kensington.” Even in isolation, this is not legally actionable, but the Court must evaluate it
 21 in the context of the entire interview.

22 Evander obtained a prior restraint against further speech by Richie. Specifically, the TRO
 23 requires Richie to “cease any posting to social media alleging petitioner has kidnapped his
 24 daughter,” and prohibits him from “posting anything to social media . . . regarding petitioner or
 25 his daughter Kensington as described or relayed to respondent by Deanna Kane.” It is far broader
 26 than Kane acknowledges in his Opposition.

27 **3.0 Legal Argument**

28 **3.1 Legal Standard**

29 If the court’s grant of an injunction results from a fundamental error, it has a duty to
 30 dissolve it. (*See New Tech Devs. v. Bank of Nova Scotia* (1987) 191 Cal. App. 3d 1065, 1072 [“A
 31 superior court should modify or vacate an injunction upon motion by the enjoined party if it finds

1 a change in the facts or law or the ends of justice would be served by modifying or revoking the
 2 injunction”]; *see also Kassim v. Carlisle Interests* (Tex. App. 5th 2010) 308 S.W.3d 537, 540
 3 [same].) Orders such as this are so unconstitutional that they can be ignored and challenged
 4 collaterally. (*See In re Providence Journal Co.* (1st Cir. 1986) 820 F.2d 1342.)

5 **3.2 “Harassment” has a definition, and this is not it.**

6 Evander Kane seems to believe that if he calls speech “harassment,” that makes it so.
 7 “There is no categorical ‘harassment exception’ to the First Amendment’s free speech clause.”
 8 (*Rodriguez v. Maricopa County Community College Dist.* (9th Cir. 2010) 605 F.3d 703, 708.) It
 9 has been said that “speech that constitutes ‘harassment’ within the meaning of section 527.6 is not
 10 constitutionally protected” (*Huntingdon Life Sciences, Inc. v. Stop Huntingdon Animal*
 11 *Cruelty USA, Inc.* (2005) 129 Cal. App. 4th 1228, 1250.) Thus, even if the defendant’s conduct
 12 meets the statutory definition of harassment in every other way – i.e., it evidences a continuity of
 13 purpose, it is directed at a specific person, it causes the plaintiff to suffer substantial emotional
 14 distress, and it would cause a reasonable person to suffer substantial emotional distress – the court
 15 still must determine whether it is constitutionally protected. (*See Hustler Magazine v. Falwell*
 16 (1988) 485 U.S. 46, 50-56; *Commonwealth v. Welch* (2005) 444 Mass. 80, 99-100.) The California
 17 Legislature recognizes this, as Cal. Code Civ. Proc. § 527.6 specifically excludes constitutionally
 18 protected speech from its definition of “harassment.”

19 As much as Mr. Kane wants to claim otherwise, he is not trying to stop a call for violence
 20 or the coordination of a mob outside his home. He is trying to stop journalistic reporting on his
 21 misconduct. Richie has a First Amendment right to publish every complained-of word to his
 22 audience on the internet, and Cal. Code Civ. Proc. §527.6 does not permit Mr. Kane or this Court
 23 to silence him.

24 **3.3 “Kidnapped” Is Rhetoric, Not an Actionable False Statement of Fact**

25 Mr. Richie’s speech is not harassment, which leaves the undeveloped claim that his
 26 statements are defamatory. A defamatory statement must be one that can reasonably be understood
 27 by its audience as declaring or implying a provably false assertion of fact. (*Milkovich v. Lorain*
 28 *Journal Co.* (1990) 497 U.S. 1, 20.) Loose, figurative, hyperbolic language, including language
 29 that borrows the vocabulary of crime to express moral condemnation, is not actionable, because
 30 no reasonable reader or listener understands such language as a literal legal accusation. (*Greenbelt*
 31 *Cooperative Publishing Ass’n v. Bresler* (1970) 398 U.S. 6, 13; *Old Dominion Branch No. 496,*

1 *National Ass’n of Letter Carriers v. Austin* (1974) 418 U.S. 264, 285–86; *Seelig v. Infinity*
 2 *Broadcasting Corp.* (2002) 97 Cal. App. 4th 798, 810–11.) In *Fortson v. Colangelo* (S.D. Fla.
 3 2006) 434 F. Supp. 2d 1369, 1386, a sports executive’s statement that a player’s basketball court
 4 foul amounted to “attempted murder” was held non-actionable hyperbole, even though the player
 5 was never charged with that crime, because the context, commentary on a violent on-court
 6 incident, was not reasonably interpretable as a criminal accusation.

7 The same here: Richie’s commentary is plainly about Evander’s conduct in a custody
 8 dispute, a context in which Richie’s audience understands “kidnapped” as moral condemnation of
 9 what Richie portrays as an unjust separation of a mother from her child not as a representation that
 10 Evander was charged with the penal code offense of kidnapping. As in *Greenbelt*, “[i]t is simply
 11 impossible to believe” that any reader of Richie’s commentary understood him to be reporting that
 12 criminal kidnapping charges had been filed. The Penal Code’s specific elements for kidnapping
 13 force, fraud, or unlawful transportation by a non-custodial actor do not control how Richie’s lay
 14 audience reasonably understands his use of “kidnapped” to describe a parent’s manipulation of
 15 court process to sever the other parent’s relationship with their child.

16 **4.0 THE INJUNCTION FAILS**

17 Richie’s use of “kidnapped” is non-actionable rhetorical hyperbole and not defamatory, the
 18 Court must necessarily find that Evander has not demonstrated a likelihood of success on the merits
 19 of any underlying claim. Second, and independently, California law forecloses preliminary
 20 injunctive relief against speech. In *Balboa Island Village Inn, Inc. v. Lemen* (2007) 40 Cal. 4th
 21 1141, which itself arose in this County (Orange County Superior Court Case No. 01CC13243), the
 22 California Supreme Court held that a court may enjoin the repetition of speech only after a full
 23 trial on the merits has resulted in a final adjudication that the specific statements at issue are, in
 24 fact, false and defamatory — and even then, only as to the precise statements so adjudicated. The
 25 TRO is an unconstitutional prior restraint. *Balboa Island* independently requires denial of the
 26 motion on this ground, wholly apart from the rhetorical-hyperbole analysis above.

27 **5.0 THE HEARING ON THE 30TH IS NOT HAPPENING**

28 Evander Kane tries to extend the unconstitutional injunction to the 30th of June by claiming
 29 that this should be heard then. First, the Court is competent to decide this on the 17th of June; there
 30 are no complex factual issues or credibility determinations needed to dissolve the TRO. Second,
 31 if this Court declines to restore constitutional order today, it will not be holding a hearing on the

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30th anyway, because this matter will be before the Court of Appeals. (*See* Cal. Code Civ. Proc. § 904.01(a)(6) [permitting immediate appeal of an order refusing to dissolve an injunction].) And Mr. Kane just ignores the continuing harm to Mr. Richie’s Constitutional rights that continues every day the prior restraint is in effect. (*See* Motion to Vacate at 8 [citing *Elrod v. Burns* (1976) 427 U.S. 347, 373, for proposition that “[t]he loss of First Amendment freedoms, even for minimal periods of time, unquestionably constitutes irreparable injury”].) The Court must vacate the TRO immediately; Richie cannot wait until June 30.

Dated: June 16, 2026

Respectfully Submitted,
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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 16, 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, ajs@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 16, 2026, at Las Vegas, Nevada.

/s/ Alex J. Shepard
Alex J. Shepard

SERVICE LIST

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

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