SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF ORANGE - CENTRAL JUSTICE CENTER

DEPARTMENT C65

EVANDER FRANK KANE, PETITIONER, VS. HOOMAN ABEDI KARAMIAN AKA NIK RICHIE, RESPONDENT.	) CASE NO.: 30-2026-) 01575619-CU-HR-CJC

Certified Copy

HONORABLE AMBER L. POSTON, JUDGE PRESIDING

REPORTER'S TRANSCRIPT OF PROCEEDINGS

AUGUST 26, 2026

APPEARANCES:

FOR THE PETITIONER:
BLANK ROME LLP
BY: JOSEPH J. MELLEMA, RETAINED ATTORNEY
BY: RYAN F. COY, RETAINED ATTORNEY

FOR THE RESPONDENT:
RANDAZZA LEGAL GROUP
BY: MARC J. RANDAZZA, RETAINED ATTORNEY
BY: ALEX J. SHEPARD, RETAINED ATTORNEY (VIA TELECONFERENCE)

KELLAN OVESON, CSR 14427
OFFICIAL COURT REPORTER

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EXHIBITS

(Exhibits premarked for ID unless otherwise noted)

EXHIBIT	RFSD	ID	EVID

(NONE)

Santa Ana, California - Wednesday, August 26, 2026

Morning session

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(The following proceedings were held in open court:)

THE COURT: We're going to start with Matter 1 on the calendar, Kane versus Karamian, 2026-01575619. Counsel for the petitioners are here. Counsel for the respondent is here. Our respondent is present. I'll have appearances, please, starting with the petitioners.

MR. MELLEMA: Good morning, your Honor. Joseph Mellema on behalf of Petitioner Kane.

THE COURT: Good morning.

MR. COY: And Ryan Coy on behalf of the petitioner.

THE COURT: Good morning, and respondent's counsel.

MR. RANDAZZA: Good morning, Judge Poston. Marc Randazza on behalf of Mr. Richie. To my right is Mr. Richie.

THE COURT: Good morning, Mr. Richie.

MR. RICHIE: Good morning.

THE COURT: We also have Attorney Shepard on Zoom; is that correct?

MR. SHEPARD: Yes, your Honor. I'm aware that we did not file ahead of time a separate request for

remote appearance. I'm really just here to observe.

THE COURT: Well, I am going to grant your request to appear remotely today. Our Zoom room is not for online observation. Our Zoom room is for appearance of counsel and parties when authorized by the Court.

I will grant you a courtesy given that you recognize you didn't file the request to appear remotely in advance. I can appreciate that. Thank you for admitting to that fact, and I'm going to give you the courtesy of granting your remote appearance this morning for purposes of this hearing only. Should there be a request to appear remotely at any other time, all counsel are on notice that that request must be made in advance and addressed by the Court in advance of any future hearing.

Counsel for the petitioners, did you hear the Court's disclosure?

MR. MELLEMA: Yes, we did, your Honor.

THE COURT: Thank you. Counsel for respondent?

MR. RANDAZZA: We did, your Honor.

THE COURT: Thank you.

The first thing that we need to do this morning is address a media request to permit coverage that was submitted to the Court. The agency making the request is Unveiled and Uncensored Dirty Army Foundation 501(c)(3). The request is to make an accommodation for,

quote, "entire hearing and trial" -- it says, "and trail," T-R-A-I-L. I assume that's a grammatical error. "Trial and multi-day hearing schedule. Date of proposed coverage: August 26th, '26, and trail." Again, I'm going to assume that means "trial."

"Type of coverage: TV camera and recorder, still camera, motion picture camera, audio." The MC-500 form on which the request is made is certified, dated August 19th, 2026, by Julie M. Holburn, H-O-L-B-U-R-N.

In evaluating the request, the Court considers California Rule of Court 1.150 where subsection (e) directs the courts to factors to be considered by the Court should the Court hold a hearing on this matter. The Court is going to hold a brief hearing on this matter, and I am going to consider the factors that are outlined in California Rule of Court 1.150.

One of those factors is the parties' support of or opposition to the request. I will turn to counsel for both parties to get your input on that factor. First, counsel for the petitioner.

MR. MELLEMA: Thank you, your Honor. This is the first we've heard of any such request. We were never given any notice or service of the document you're referring to, and we would strongly oppose it. We don't think that's appropriate; and, again, it's an attempt at the last minute to create a spectacle instead of keeping

the decorum of this courthouse. So we would strongly object to any such request.

THE COURT: All right. The factors that the Court is to consider in addition to the parties' support of or opposition to are the following: The importance of maintaining public trust and confidence in the judicial system; the importance of promoting public access to the judicial system; the nature of the case; the privacy rights of all participants in the proceeding including witnesses, jurors, and victims; the effect on any minor who is a party, prospective witness, victim, or other participant in the proceeding.

The effect on the parties' ability to select a fair and unbiased jury; the effect on any ongoing law enforcement activity in the case; the effect on any unresolved identification issues; the effect on any subsequent proceedings in the case.

The effect of coverage on the willingness of witnesses to cooperate, including the risk that coverage will engender threats to the health or safety of any witness; the effect on excluded witnesses who would have access to the televised testimony of prior witnesses; the scope of the coverage and whether partial coverage might unfairly influence or distract the fact finder.

The difficulty of jury selection; the security and dignity of the Court; undue administrative or

financial burden to the Court or participants; the interference with neighboring courtrooms; the maintenance of the orderly conduct of the proceeding; and any other factor the judge deems relevant.

Hearing all of those factors outlined, is there anything else that you want to share with the Court, counsel for petitioner?

MR. MELLEMA: Well, having heard this for the very first time just now, the things that come into mind are, number one, the privacy aspect that you outlined as one of the factors. For example, the reason we're here is to protect and preserve our client's rights not to be harassed, and this does involve a minor a child who is being commercialized. Right now, there are apparel and paraphernalia for sale with that child's name on it, trying to capitalize on the spectacle that they're trying to create here.

And so those two things come into mind at the forefront, because what -- what respondent is trying to do here is to double down on that commercialization and expose the respondent and his family to additional harassment. So for those reasons -- and, again, this is off the top of my head. I haven't been able to think about these things before today, but off the top of my head, those are the things that come to mind.

THE COURT: Counsel for respondent. Counsel

Randazza, I'll turn to you.

MR. RANDAZZA: Thank you. This is also the first I've heard of it, but I am aware this person must be affiliated with my client. It's the same name, but I've not been prepared.

However, there is a tradition that goes back prior to the establishment of this republic that courts are open to the public for observation. There is also a First Amendment right to film proceedings. Now, that is tailored by the Court's orders, but there is a First Amendment right to access.

So whoever this person is -- I don't know if they're here. She is here. Okay. I only know because she raised her hand. I've never seen her before.

She has a right to be here, and the Court's presumption is openness and coverage. This fairy tale of a spectacle -- we're talking about somebody filming. I don't think she said she wanted to participate. She just wants to show the public what happens here.

Now, this is an open court. What better way to show the world that it is a fair and impartial proceeding where due process is going to be arrived at fairly than saying, "Everybody come and watch for yourself"?

I don't think there's, you know -- this Lanham Act argument he's raising now about commercialization is

a not part of this case. It's got nothing to do with it. So, you know, I don't care if -- if Anderson Cooper were sitting right here next to me and CNN wanted to cover it, I don't think there'd be a single lick of objection to that. It's the same thing.

So I understand they may not -- my friends here do not have the greatest respect for the First Amendment, but I think it should be here, alive and well.

THE COURT: Thank you, Counsel. All right.

The Court is considering only whether or not the requesting entity will be permitted to photograph or record any portion of the proceedings. The decision by no means would exclude any member of the public from access to this courtroom. Public access to courtrooms in the United States is a critical part of our justice system and critical to maintaining the trust and confidence in the judiciary as judges do their best day to day to make decisions that are incredibly important in the lives of the litigants that come before them.

One of the great beauties of our justice system is that anyone and everyone has access to the places where these decisions are made. That access has limits. It is illegal to photograph or videotape anything or anyone within the walls of a superior court in California. There's a Penal Code section that addresses

this directly, which is why the request for an authorized media agency to be able to do any of those things must come to a court and must be decided by a judge.

Considering the factors outlined in Rule 1.150, specifically the parties' support of or opposition to the request; the nature of the case; the affect on any minor who is a party, prospective witness, victim, or other participant in the proceedings; the Court is going to find that it would be counterproductive to the administration of justice to allow recording of this matter in any way. The Court is going to deny the request to photograph, record, or broadcast the proceedings.

The Court by no means is limiting the ability of any member of the public or the press to be present, to take notes, and to report on what happens in this courtroom. That is by no means being restricted by this order.

Anything further, counsel for petitioner?

MR. MELLEMA: No, your Honor. Not on that issue, at least.

THE COURT: Anything further, counsel for the respondent?

MR. RANDAZZA: I don't represent that person nor this entity at this time, but I would just like on

the record to note that the only person here who is a party who would be photographed or videotaped would be Mr. Richie himself who does not object.

THE COURT: And for clarification, today is a hearing on respondent's motion to strike, also known as an anti-SLAPP motion. The request for media broadcast coverage was a request for the entire hearing and trial and multi-day hearing schedule.

This is a civil harassment restraining order case. The order to show cause on the request for the civil harassment restraining order is currently set for September 8th, and the Court has blocked multiple days for that order to show cause should it be necessary. The request relates, at least by the plain reading of its request, to all hearings that are currently set and pending in this courtroom, not simply the motion scheduled for today.

Turning now to the next order of business, which is the motion. The Court is going to begin by providing some procedural background with regard to why we are here today.

A cause of action against a person arising from an act by that person in furtherance of the right of petition for free speech under the United States or California Constitution in connection with a public issue is subject to a special motion to strike. That

special motion is commonly known as a SLAPP motion or a SLAPP suit, a strategic litigation against public participation.

The Court has reviewed all of the filings in this matter. Of particular weight are the following:

The CH-100 filed by petitioner June 5th of 2026. All of the filings that I am about to recite were filed in the year 2026. The lodging of Exhibit 30 filed by respondent June 18th; the motion to strike anti-SLAPP filed by respondent June 16th; the opposition to the anti-SLAPP filed August 7th; the declarations of Evander Kane, Ryan Coy, and Mara Teigen, T-E-I-G-E-N, filed August 7th; respondent's reply to the opposition, objection to evidence in support of opposition, and witness list and request for evidentiary hearing filed August 14th.

Petitioner's response to respondent's objections to evidence filed August 17th; petitioner's objection to an evidentiary hearing filed August 18th; Evander Kane's supplemental declaration in support filed August 24th; and respondent's response to supplemental declaration in support filed August 24th.

Again, I have reviewed all of the filings in this matter. That is not all of them. Those are the ones in which the Court gives particular weight in its ruling today.

The Court is first going to turn to the evidentiary objections in the request for an evidentiary hearing. 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. California Code of Civil Procedure 425.16(b)(2) tells us this.

Evidence may be considered at the anti-SLAPP motion stage if it is reasonably possible that the evidence set out in the supporting affidavits, declaration, or their equivalents will be admissible at trial. Sweetwater Union High School District versus Gilbane Building Company, 6 Cal.5th 1947, a 2019 case, tells us this.

The declarations filed in connection with the 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. In evaluating the merits of the SLAPP motion, the Court may consider evidence of matters occurring after the complaint was filed. Slauson, S-L-A-U-S-O-N, Partnership versus Ochoa, O-C-H-O-A, tells us this, 112 Cal.App.4th 1005, a 2003 case.

I should clarify for the record the prior case I recited. The spelling of Gilbane is G-I-L-B-A-N-E.

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.

The respondent in this matter has requested an evidentiary hearing and the ability to present live witness testimony today. The request was presented in a three-page document entitled "Witness list and request to present testimony." The document provides no authority for presenting witness testimony on 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 today, August 26th, 2026. Admittedly, this Court handles a variety of case types and is a very busy calendar. As a matter of routine, I invite parties to come prepared to the hearings they set in this department including bringing any evidence or witnesses they intend to present. This was a general directive based on the many case types assigned to this particular courtroom. It was not a finding that witness testimony would be permitted if it would be improper under the legal standards the Court is guided by.

In reviewing the standards that the Court must apply in this matter, the Court has outlined that I am required to apply a summary judgment-like test, and the Court has been unable to find any authority or case in the voluminous progeny of SLAPP cases in the State of California where live witness testimony was presented.

Counsel Randazza, do you have any other legal authority for the presentation of live witnesses at a SLAPP motion?

MR. RANDAZZA: No, your Honor.

THE COURT: Counsel for the petitioner, Counsel Mellema, anything further on the issue of presenting live witness testimony today?

MR. MELLEMA: No, your Honor. I think you covered it well.

THE COURT: All right. The Court is going to deny respondent's request to present witness testimony for purposes of today's anti-SLAPP motion. The Court will, of course, hear witness testimony on the merits of the order to show cause, the civil harassment restraining order that has been requested in this matter; but the law is clear that this Court is to apply a summary judgment-like test, meaning the Court reviews the pleadings and the evidence presented in the form of motions, declarations, and affidavits or evidence that would otherwise be admissible through any of those

avenues for purposes of ruling on this motion.

Next going to turn to the 53 evidentiary objections raised by the respondent. The Court reviewed all 53 evidentiary objections and considered all 53 evidentiary objections. The objections are form and do not articulate the factual basis or analysis for the form evidentiary objections.

Is there anything further, Counsel Randazza, that you would like to present to the Court by way of argument regarding the evidentiary objections? And I'm not going to -- it would not be proper for me to allow you to articulate specific factual bases for the objections at this point. The objections were raised by way of pleading. I'm holding you to the objections that you have raised and asking if there's anything further that you would like to add based on the pleading that you provided this Court on August 14th, 2026.

MR. RANDAZZA: No, thank you, your Honor.

THE COURT: Anything further relating to the objection that you filed, Counsel Mellema, to the respondent's objections to evidence filed August 17th, '26?

MR. MELLEMA: I don't think so, your Honor.

THE COURT: The Court has already outlined the fact that the objections raised in respondent's pleadings are form and do not articulate the factual

bases for the objection. The objections are overruled in part for this reason. In addition, the Court finds it reasonably possible that the evidence set out in the supporting affidavits and declarations contain information within each declarant's personal knowledge, and there is a reasonable probability that their equivalents will be admissible at trial.

So just to sum up where we are to this point, the Court has denied the request to present witness testimony today related to the anti-SLAPP, and the Court is overruling the 53 evidentiary objections raised by respondent. This by no means prevents the respondent from raising evidentiary objections relating to these same 53 issues at the order to show cause regarding civil harassment restraining order hearing. The standards of review that this Court applies at that stage is very different than the standard of review the Court is directed to apply at the SLAPP motion stage; specifically, the difference between the guidance the Court is given under the Slauson Partnership case and the Sweetwater Union High School case indicating that simply if it is reasonably possible that the evidence set out in the supporting affidavits, declarations, or their equivalents will be admissible at trial. That is an exceptionally low standard and by no means indicates that these things will be admissible at the order to

show cause phase; however, it does require this Court to consider them at the phase of this SLAPP motion.

Now going to move to the standard of review in the SLAPP motion. Pursuant to CCP 425.16, 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 that provision. Park versus Board of Trustees of California State University, a 2017 case, 2 Cal.5th 1057, tells us this. The burden then shifts to the plaintiff to show that the plaintiff's claims have at least minimal merit. Park -- the same case, Park -- tells us that.

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. Serova versus Sony Music Entertainment, a 2022 case, 13 Cal.5th 859, tells us that. S-E-R-O-V-A.

The plaintiff's burden of establishing a probability of prevailing is not high. Monster Energy Company versus Schechter, S-C-H-E-C-H-T-E-R, a 2019 case, 7 Cal.5th 781, tells us that.

Probability means a reasonable probability of prevailing, not prevailing by a preponderance of the evidence. Trapp, T-R-A-P-P, versus Naiman, N-A-I-M-A-N, a 2013 case at 218 Cal.App.4th 113, tells us that, meaning the Court is not analyzing this prong through the lens of preponderance of the evidence. The Court is not analyzing this prong through the lens of clear and convincing evidence. The Court is analyzing this prong through a lower standard, a reasonable probability of prevailing, also explained as whether or not plaintiff's claims have at least minimal merit.

Given the cases the Court has just outlined, the Court is going to start this analysis with prong two of the SLAPP analysis: Whether or not the plaintiff's claims have minimal merit. California Code of Civil Procedure 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 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.

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 phone 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, interoffice mail, facsimile, or e-mail. The Court must also consider whether the challenged conduct is ongoing or likely to reoccur pursuant to E.G. versus M.L., a 2024 case, 105 Cal.App.5th 688.

The Court outlines the elements of a civil harassment restraining order that must be satisfied because the Court must decide whether there is minimal merit to the petitioner's claims that there has been unlawful harassment in this matter and that irreparable harm would result if an order to show -- excuse me. If a civil harassment restraining order did not issue in this case. In considering this prong, the Court considered all declarations and affidavits filed by both parties, all motions filed by both parties.

The Court has given particular weight to certain portions of the affidavits and declarations and exhibits filed in this matter. The family court order of Santa Clara Superior Court issued July 10th, 2024, was given great weight by this Court. The multiple calls to action asserted by the respondent to, quote, "Free Kensington," the minor child of the petitioner, was given great weight. The directives of the

respondent to find and photograph the four minor children, all under the age of seven, of the petitioner and persons unrelated to the many lawsuits involving the petitioner was given great weight.

MR. RANDAZZA: Your Honor, could you direct me to where -- I don't have -- could you direct me to where it is in the record?

THE COURT: I'm sorry, Counsel?

MR. RANDAZZA: Could you indulge me by directing me to where that portion is in the record?

THE COURT: I am explaining to you what I have reviewed in all of the filings, all of the declarations, all of the affidavits, all of the exhibits.

MR. RANDAZZA: Okay. Thank you, your Honor.

THE COURT: The multiple times the petitioner or members of his family have been contacted by apparent followers of the respondent, contacts seemingly directed at the assertion that the petitioner has kidnapped his daughter Kensington and that Kensington is not being cared for appropriately was given great weight by this Court. The June 10th, 2026, call to action by respondent for his followers to locate the petitioner and the petitioner's minor child Kensington at Disneyland Amusement Park in Anaheim, California; the fact that the petitioner and his family were located, photographed, and those photographs were posted to

social media within approximately 30 minutes of that call to action was given great weight by this Court.

The August 21st, 2026, anonymous message that was received by the petitioner, the direct message on Instagram, with the text, quote, "You son of a bitch, I will find and kill you," unquote, was given great weight by this Court in analyzing this particular motion.

In considering whether the petitioner's claim has minimal merit, the Court has to consider the legal sufficiency of the complaint, which is the request for the restraining order in this matter, the CH-100, as well as whether or not there has been a prima facie showing of facts to sustain judgment in the matter in favor of the petitioner if the evidence submitted by the petitioner at the stage of this anti-SLAPP motion is credited at the order to show cause regarding civil harassment restraining order hearing.

Given the low standard that the Court is legally required to apply, meaning whether the plaintiff's claims have at least minimal merit and whether or not there is a prima facie showing of facts to sustain judgment, the Court has considered the arguments of the respondent that the respondent is a journalist; that the respondent has an intention to report on issues of public interest and draw attention to those issues; and that the respondent himself is not

mentioned nor is the respondent's reporting mentioned in the August 21st, 2026, direct message on Instagram purporting a threat to find and kill the petitioner. But whether or not the petitioner's claim has minimal merit is a very low standard.

I'm going to turn to Counsel Randazza and ask that you give me your argument with regard to prong two, whether or not there is minimal merit to this petition, before I make a decision on that particular prong.

MR. RANDAZZA: Yes, your Honor. Respectfully, you're applying the wrong standard. While it is true, it is minimal merit, you have to also look at -- and I will turn your attention to Christian Research Institute versus Alnor, 148 Cal.App.4th 71.

THE COURT: I'm sorry. Give me the citation again.

MR. RANDAZZA: Yes. 148 Cal.App.4th 71. Now, the underlying principal here is that on a summary judgment-like inquiry, the Court has to ask whether a reasonable trier can find for the plaintiff under the governing burden of proof. You're more looking at it like a motion for sanctions under Rule 11. Here, the governing standard is clearly found in 527.6(i)(1), and that is that you must find by clear and convincing evidence that unlawful harassment exists.

So we don't just say, "Does this get over a

speed bump?" It has to get over the applicable standard. Now, if you still find based on what's in the record that, yeah, you're pretty sure at this hearing, he's going to get over clear and convincing, well, then, that's not a good day for me; however, we're not looking only at minimal merit here. We're looking at clear and convincing.

The second step here that we have to look at is first, we look at the speech, and we say, "Is it protected speech?" There are enumerated exceptions to the First Amendment. Incitement under Brandenburg. They've conceded that this is not incitement at page 16 of their opposition. Defamation, no claims pleaded, page 13 of their opposition. Public figure status, that's undisputed. Never contested.

Now, their reliance on this Canadian judgment. They now apparently abandoned that in their opposition at 17, 18. So that leaves two threats governed by Counterman, 600 US at 70. So that case involved hundreds of messages sent directly to the victim. Mr. Richie has never sent anything to Mr. Kane that's threatening in any manner. So 527.6(b)(1) is a definitional exclusion. If it is protected speech, it is not harassment.

Now, Commissioner Mondo got this wrong. He said if it's harassment, it's not protected speech.

That's not a categorical exception to the First Amendment. So if it's journalism, it's protected.

If it's part of petitioning activity -- for example, him looking for Mr. Kane to serve him with a complaint. You have every right to go on the street and say, "Has anybody seen Evander Kane?" You have every right to go on Twitter and say, "Has anybody seen Evander Kane? We want to find him to serve him."

He's got two protected categories of activity here. You may not like it, but it's still protected. Your Honor -- and I apologize for interrupting you on that -- on your findings of the facts, but there simply is nothing in the record supporting that he said to go take pictures of his children. That's simply not happened. If that's in the record and I am misspeaking, I will humbly apologize, but that's not there.

So it is their burden to show no legitimate purpose. It is their burden to show an exception to the First Amendment. They have not met that.

You're looking at a journalist here. I mean, think of any journalist who does controversial reporting. Nancy Grace made a career out of covering the Casey Anthony trial. Nancy Grace called Casey Anthony a murderer. She was found not guilty. I don't know how many journalists would be hauled in front of you if O.J. Simpson were alive today for being called a

murderer.

And you said that you did look at Exhibit 30, but I ask if you've watched it, because Commissioner Mondo declined to watch it, and if you watch that very short excerpt, you don't see somebody -- if you're taking their characterization of him going out there and saying he kidnapped his kids. Well, you have a right to say that anyway, but something where it's -- it's a colloquy between two people, and he mutters under his breath something about kidnapping. I ask, did the Court watch the video, or are we relying on their characterization of it? Because those are two very different things, but they still lead to the same place.

In Fortson versus Colangelo, a journalist was sued for saying that somebody committed attempted murder for throwing an elbow on a basketball court. We're not looking at this -- and that was found to be protected speech. When you have an opinion based on disclosed facts, that's still protected speech.

Paparazzi are so annoying. I can understand why people can't stand them, but if somebody is out there taking pictures of someone in a public place, there is no right to stop people from doing that. Not that that's what he did. I get it.

I don't know where in the record this is being found, and I will eat my words here if I'm wrong; but

even if that were the case, if he wants to go on his broadcast today and say, "If anybody can get a picture of Donald Trump, Arnold Schwarzenegger, anybody," you get to do that. This is a strike at journalism in a forum that they think maybe they can get some censorship, and I certainly hope that they cannot.

The record reflects nothing connecting Richie to any third party. I mean, we -- in his -- when he put in that new message saying that somebody was mad at him and wanted to kill him, what reason might somebody have for being upset with Mr. Kane? Is it the multiple rape allegations? Is it the fixing games? Is it the gambling issues? Is it the not paying his gambling debts?

I mean, there are a lot of reasons that a lot -- and, frankly, I wouldn't want to be an athlete in a professional league. You miss a shot, and somebody loses a bet on Polymarket, and they're going to be upset with you. There is nothing connecting any of this so-called harassment they say they've gotten to Mr. Richie.

Mr. Richie didn't intend it. Mr. Richie has never sought it. Mr. Richie is unaware of it ever happening in his 25 years as a reporter. All that happened here is Mr. Richie interviewed Mr. Kane's wife.

Now, Mr. Kane's wife does have an injunction

against her in Canada in an ex parte proceeding that she was neither informed of nor attended, and initially they tried to -- this was all based on -- their narrative shifts every single page. They can't even keep it consistent from page to page in each document, but this was to enforce a Canadian judgment stopping her from speaking. So anybody who lets her speak is somehow violating that order.

Now that narrative has shifted, but that's what this is about. He wants to shut his wife up. I mean, if every man who wanted to shut up his ex-wife got a restraining order, there would be a lot of silent women and a lot of smug men. She had every right to go on that show in the United States. He had every right to interview her, and he still -- and I understand, you know, based on their interim filing, they're upset that he was looking for him to serve him with a federal complaint in a SPEECH Act case, which is the exclusive forum for enforcing that act, and that act makes you liable if you try to enforce a foreign judgment to censor an American.

Now, if someone is hiding from service, which we've shown -- someone's ducking service, to go out and ask, "Where is he so I can serve him?" One time, and he did it -- and I mind you, in the record it does show that prior to doing so, we approached his counsel and

said, "Don't make us do it this way. Just accept service." So it wasn't like it was a surprise. It wasn't like they didn't have a chance to avoid it.

So if you rule against him today, you're ruling against him on the wrong standard. You're ruling against him for the wrong conduct, and you're ruling against him for the wrong reasons.

So Mr. Kane, in order to get through this motion, must show not that he shouldn't be sanctioned for seeking it, not the minimal merit standard alone in a vacuum. He must show he is likely to obtain an order under 527.6(i)(1). That means clear and convincing evidence of unlawful harassment, clear and convincing evidence of no legitimate purpose, clear and convincing evidence that this is not First Amendment protected activity. He doesn't dispute he's a public figure. He's abandoned both out-of-state orders.

What's left is a journalist interview with a witness published on the internet about a public figure, and that says -- 527.6(b)(1) says constitutionally protected activity is not a, quote, "course of conduct." You don't weigh things. You don't balance things. It's just not included. If you strip out everything that's protected here, you're left with nothing but an angry ex-husband who wants to shut his wife up, and he's collaterally attacking her through Mr. Richie.

THE COURT: Anything further on prong two?
MR. RANDAZZA: Beg your pardon?
THE COURT: Anything further on prong two?
MR. RANDAZZA: No, your Honor. Thank you.
THE COURT: All right. Counsel Mellema, your response on prong two.
MR. MELLEMA: Thank you, your Honor. Well, first of all, I'd like to correct the record on Mr. Randazza's characterization of the Disneyland incident. Exhibit 4 to the Coy declaration says, "According to DA intel, Evander, Mara, and all kids -- ate currently in Los Angeles." I think they meant "are." "If anyone knows their whereabouts, please let me know, then update. According to the Dirty Army, they're at Disneyland."
(Reporter clarification.)
MR. MELLEMA: "Dirty Army." Yes. Sorry. "They're at Disneyland." And then so it's clear --
THE COURT: The next statement in that message in Exhibit 4 is "If you spot them, please take a pic."
MR. MELLEMA: That's right.
THE COURT: "Kensington is at Disneyland. She is in America." And then there is a photograph of Kensington Kane; correct?
MR. MELLEMA: Correct. That's correct.
THE COURT: Very good.

MR. MELLEMA: And then subsequently, there's an additional photograph in Exhibit 6 which appears to be Mr. Kane and his family at Disneyland again. So --

THE COURT: That is an Instagram screenshot in Exhibit 6 from the same date, and the text that has been overlaid on to the photograph before it was posted on to Instagram is "That was fast. DA strong," exclamation point.

MR. MELLEMA: Correct.

MR. RANDAZZA: Your Honor, I would like to correct myself. I apologize. I can say that was shown. It's there.

THE COURT: Your apology is noted for the record. Thank you, Counsel. Go on.

MR. MELLEMA: I would like to read in one more, Exhibit 5. Same day, same time frame. The text says, "Looking for Monster Kane and co." "And co."

THE COURT: Again, this is a screenshot from an Instagram post. All of these Instagram posts were associated with respondent's reporting, and the overlaid text on to the post says, "Looking for Monster Kane and co. Let's test the Dirty Army. Can anyone grab a pic in next 30 minutes?" Heart emoji, Disneyland tagged.

MR. MELLEMA: That's correct.

The other thing I wanted to address, your Honor, was the mischaracterization of the standard on

this anti-SLAPP motion. Your Honor got it exactly correct. The standard on prong two is minimal merit, and that's from -- in addition to the case you referenced, the Baral versus Schnitt, 1 Cal.5th 376 at pages 384 to 385.

THE COURT: Please spell the name of the case.

MR. MELLEMA: Thank you. B-A-R-A-L versus S-C-H-N-I-T-T. That's from 2016. The plaintiff under that case needs only to state a legally sufficient claim and a prima facie factual showing sufficient to sustain a favorable judgment, and that case states that the standard is, quote, "minimal merit," end quote. And under that standard, the Court accepts the plaintiff's evidence as true and evaluates the defendant's showing only to determine whether it defeats the claim as a matter of law. That was the -- akin to the summary judgment standard that you referenced at the beginning of the hearing.

And so there's no weighing. There's no credibility findings. There's no resolution of conflicts. Every time he states that the evidence is too thin, the answer is the same; that, in fact, your Honor got it exactly correct. The standard is not the same clear and convincing evidence standard that we will be obligated to show at the evidentiary hearing.

So, lastly, I would like to also identify a

couple things that I think Mr. Randazza did not address. The first is he makes much of this Canadian judgment. He doesn't really talk about anything with respect to the Santa Clara order that your Honor gave great weight or some weight to.

THE COURT: I gave great weight to that order.

MR. MELLEMA: Great weight.

THE COURT: I gave some weight to the Canadian order, minimal. I gave great weight to the Santa Clara order.

MR. MELLEMA: And I didn't hear Mr. Randazza reference that once in his argument.

The second thing I wanted to point out is there is a course of conduct here under the standard that your Honor read into the record which we entirely agree with. 80 to 100 posts and videos about the family in a matter of months. The June -- I'm sorry. I would also add to the ones that your Honor gave weight to.

June 8th story publishing airport photos of Kane and Ms. Teigen with the children. That's in Exhibit 9 of the Coy declaration. I've already referenced the "Looking for Monster Kane and co." exhibits around July 10th of 2026. Then July 15th, Ms. Kane broadcasts where Mr. Kane was spotted from strangers' photographs. Then July 23rd, a joint post with Ms. Kane, "Free Kensington" over the interview

clip, and then "Bring Kensington home now."

And then I would point out just a couple facts from the declarations themselves. We're not talking about a situation where respondent can't -- where there's no connection between his conduct and -- that we're complaining of and respondent's actions. He has "Free Kensington" all over his websites. He -- like I said earlier, he advertises it and generates revenue from hats and T-shirts and other paraphernalia that he sells with that hashtag "Free Kensington" on it.

And then Ms. Teigen in her declaration specifically references a situation outside of a grocery store where she has a man in a truck yelling "Free Kensington" at her angrily, and she's there with her children, and her children hear the whole thing. So that's a --

THE COURT: If I can clarify.

MR. MELLEMA: Yes.

THE COURT: I indicated the many times petitioner and his family have been contacted by apparent followers of the respondent seemingly directed at the assertion that the petitioner has kidnapped Kensington encompassed the grocery store incident, the airport incident, as well as additional incidents outlined in all the petitioner's pleadings where various members of the family or the four minor children of

petitioner have been contacted in public by people who are using language that was generated by the respondent's reporting, quote, "Free Kensington," or have questioned adults present with the children about matters relating to custody of children, veracity of family court orders regarding the custody of children, leading this Court to the inference of these individuals that have approached petitioner's children or other adults that are present with the children are acting based on the calls to action included in the respondent's reporting on the petitioner to, quote, "Free Kensington," and questioning the veracity of orders that have been made by the Superior Court of Santa Clara County, California. Continue.

MR. MELLEMA: Thank you for that clarification and elaboration, your Honor. With that, I would also just finally mention that this suggestion that the respondent's acts in trying to find Monster Kane and co. at Disneyland is not simply ducking service. That's not -- that's not accurate. He's a Canadian citizen, and what they were indicating was that they wanted to go after not just Kane, but his family, and so this whole ducking service narrative that is being thrown around is just nonsense. With that, I'll pause and answer any other questions the Court may have.

THE COURT: This is your motion, Counsel

Randazza. Any response to the petitioner on prong two only?

MR. RANDAZZA: I had anticipated that they might accidentally invoke Baral. Baral, if you read it clearly, it governs credibility of evidence. The clear and convincing evidence standard still governs legal sufficiency. So you can take every word they say as true. It still doesn't add up to harassment under the code.

Now, here, even this sideshow of "Well, he's selling merchandise that has 'Free Kensington' on it." So what? In fact, better than so what. If his sole crass motivation was to sell hats, that's a legitimate purpose.

THE COURT: The selling of merchandise was not one of the evidentiary assertions that this Court gave great weight in its analysis.

MR. RANDAZZA: Well, it may wish to now that it's been raised. It may wish to look at the fact that if his purpose here, as they are asserting, is to sell hats and T-shirts, that's a legitimate purpose.

And I apologize. That piece of evidence had escaped me. So he absolutely did say, "If anybody has seen them, take a picture." So what? You get to do that. This is the United States of America.

You don't get to say, "You can't photograph

people in a public place." TMZ gets to send out paparazzi. The National Inquirer gets to send out paparazzi. He's writing a story about somebody who has, he feels and his subject of his interview feels, been unjustly whisked away from the mother who hasn't seen her in three years to a foreign country.

THE COURT: This goes to the prong one analysis.

MR. RANDAZZA: No. It goes to prong two, your Honor, because it goes to legitimate purpose.

THE COURT: Okay.

MR. RANDAZZA: You don't have to like what his point is. You don't have to like it at all. You can hate the fact that he's siding with the mother in a matter of public concern, this big public dispute that's all over the press.

He's the one who got the interview. He sat her down and talked to her, and he is biased. He's an absolutely biased journalist. He doesn't try to claim he isn't; but if he wants to send people out there and say, "Take a picture of the Trump family while they're out because -- for my story or to prove that they're actually somewhere they say they aren't," he gets to do that.

Evander Kane isn't special. He might be special when it comes to athletic ability, and he might

be special with the number of scandals he's involved in, but he's not special when it comes to shutting down journalism, and I fear that's what's going to be the result today.

So Baral is the wrong standard, and even if we take their entire narrative of this is some terrible thing that he's covering the story, I will tell you a lot of people don't like to be covered by the press. Every day, people are angry that the press might be covering their story, but Mr. Richie has a legitimate reason for doing it. The National Inquirer has legitimate reasons for doing it. The Daily Mail has reasonable reasons for doing it. These are legitimate purposes under the statute.

You can't run away from the fact that this statute carves out journalism, even if it's yellow journalism, even if it's awful tabloid journalism. I'm not saying that's what it is, but even if it was biased, nasty, negative journalism, that's the history of American journalism.

So on review of these facts and this law, they've got nothing. I don't know why Ms. Kane isn't the subject of this, not that I'm encouraging that, but I don't think she'd be subject to this as well. They went after the journalist.

I mean, you can give great credit to an order

in Santa Clara. What does that have to do with him? He wasn't a party to that. He doesn't have to follow an order that wasn't issued to him with notice to him, opportunity to be heard there. That should get no weight. Otherwise, let's take a look at all of the legal pleadings in every entanglement Mr. Kane has been involved in. I don't think we should do that except to show this is a public figure, and this reporting is on a matter of public concern.

THE COURT: Thank you, Counsel.

MR. RANDAZZA: Thank you, your Honor.

THE COURT: In making my final ruling on prong two, the Court will assume arguendo that even if the Court is to evaluate whether there's minimal merit of clear and convincing evidence of unlawful harassment, and even if the Court were required to evaluate whether there is minimal merit of clear and convincing evidence of irreparable harm, that that hurdle has been overcome by the evidence presented by petitioner. To summarize, the Court finds that petitioner's claim for an order to show cause regarding civil harassment restraining order does have minimal merit pursuant to the standards outlined by the Court.

The Court is now going to turn to considering prong one. Even though the Court has outlined that under the standard of review, a decision on prong two is

dispositive on this motion, the Court is going to consider prong one. I have fully considered all the arguments presented in the pleadings, and I want to clarify the matters that were given great weight by this Court with regard to its analysis of prong one.

The Court gave great weight to the consideration that the petitioner Evander Kane is a person of public notoriety; that Mr. Kane has been subject to many lawsuits alleging violence, including sexual violence, fraud, deception, and a variety of other causes of action. The Court gave limited weight to the interactions between Mr. Richie and Anna Kane. The Court gave minimal weight to the interview between respondent and Anna Kane.

The Court gave great weight, as it previously outlined, to the family court order issued by Santa Clara County Superior Court on July 10th, 2024, and the various and numerous calls to action asserted by Mr. Richie to, quote, "Free Kensington" as well as the directives of Mr. Richie to find and photograph the petitioner and specifically the petitioner's four minor children under the age of seven and any individuals unrelated to Mr. Kane's many lawsuits relating to violence, including sexual violence, fraud, deception, and other various causes of action.

The Court gave great weight to the many times

the petitioner and his family have been contacted by apparent followers of the respondent seemingly directed by the assertion that petitioner has kidnapped Kensington and that Kensington is not being cared for appropriately; the August 21st, 2026, anonymous Instagram message; the July 10, 2026, Disneyland encounter; and all related Instagram posts as well as the many Instagram posts relating to the various times that Mr. Richie's followers have contacted petitioner, petitioner's minor children, and other adults present with the minor children.

In considering prong one of the anti-SLAPP analysis, the Court has to determine whether Mr. Richie's forum in which he has been reporting on these matters is public. The Court finds that, of course, this is a public forum. Instagram, YouTube; those are public forums.

Next the Court turns to whether or not this is -- the issues that Mr. Richie has been reporting on are issues of public interest. This is a more complex analysis. Causes of action are factually and legally intertwined in an anti-SLAPP motion, and the petitioner indicates they will probably prevail on some but not all of the causes of action where the Court determines the petitioner will probably prevail on some but not all of the causes of action, the Court should deny the

anti-SLAPP motion with respect to all causes of action. M. G. versus Time Warner, Inc., a 2001 case at 89 Cal.App.4th 623, tells us that.

Turning to the issue of public interest. Are the many lawsuits that petitioner is subject to involving allegations of violence, including sexual violence, fraud, and deception, the many articles that were attached to respondent's pleadings regarding the various individuals that have claimed wrongdoing by petitioner, individuals that are not Anna Kane -- are those issues of public interest? Yes. Are the allegations made by Anna Kane regarding her relationship with the petitioner and allegations made by Anna Kane regarding family court orders relating to Kensington Kane? That is a closer call. The Court looks to context.

Mr. Randazza, you raised an argument today that spouses or parents that, in your opinion, were not provided justice by the court system is a matter of public interest. The Court does not reach that issue today. The Court is evaluating whether the outcome in the Santa Clara County Superior Court evidenced by the order of July 10th, 2024, which this Court is giving great weight, is a subject of public interest, and this is where the Court turns to context.

In Mr. Richie's reporting, the reporting that

this Court gave great weight to, was the calls to action to, quote, "Free Kensington." The inference that the petitioner has kidnapped their minor child; the directive that the minor child be located by the 500,000-plus followers of Mr. Richie and photographed; the fact that various members of Mr. Richie's followers have contacted the children and family in public places, approached them, caused them significant emotional distress -- all of those things are related to Mr. Richie's calls to action directed at Petitioner Kane and his minor child Kensington.

They are not related to drawing awareness to the administration of justice, drawing awareness to what might be matters of public concern; specifically, access to justice, litigants' abilities to be heard, litigants' abilities to access the courts of the State of California. It is not triggering a discussion about raising awareness regarding the difficulties families may face in the family courts. It's directing strangers to approach children and to relay messages that are not consistent with the truth, specifically that Kensington has been kidnapped by their father.

Based on the conduct of the respondent in reporting specifically on the status of Kensington Kane and analyzing the context of that reporting, the Court does not find that that reporting is related to a matter

of public interest and should be protected. When adults take issue with the rulings of courts and journalists rightfully want to draw attention to what they perceive to be injustices, there are many protected avenues of speech that permit talking about those issues. Targeting the children that are collaterally connected to these decisions in public forums by strangers and broadcasting their images on an online platform with over 500,000 followers, all of which would have who knows how many followers, is not what this Court contemplates as protected.

So although Mr. Richie has been reporting on a number of various other issues which this Court finds are reported in a public forum and are issues of public interest -- specifically the many lawsuits relating to the petitioner, the many allegations of reprehensible conduct -- the Court sees those as separate and different from the manner in which the reporting has been conducted with regard to the care and custody of Kensington Kane.

On prong one, do you have further argument, Counsel Randazza?

MR. RANDAZZA: I do not, your Honor. Thank you.

THE COURT: On prong one, do you have further argument, Counsel Mellema?

MR. MELLEMA: No, I do not, your Honor.

THE COURT: So to clarify where we are, under prong one, the Court does find that this reporting has occurred in a public forum. The Court finds that a large part of the reporting is of public interest, but the reporting that is raised in petitioner's many motions relating to the anti-SLAPP including everything that has happened since this petition has been filed relating to petitioner's custody and care of Kensington Kane is not a matter of public interest.

Since all of these things are factually intertwined, case law tells me that when they are factually intertwined, the Court is to deny the motion with regard to all causes of action. So the Court finds that the motion fails not only because petitioner's claim has minimal merit under prong two, but also fails under prong one. For that reason, the Court denies the special motion to strike.

Counsel, there is a provision where the Court is ordered to do specific procedural things should you choose to seek appellate review of the decision that was made today. So, Counsel Randazza, I turn to you for direction with regard to our currently set order to show cause hearing the first week of September.

MR. RANDAZZA: I believe it should be taken off calendar, because we do intend to seek appellate review.

THE COURT: Counsel Mellema?

MR. MELLEMA: Your Honor, with all candor, I don't know that Mr. Randazza or his client is held to that. It appears that they could change their mind. So I would prefer to keep that on calendar until we know for sure that Mr. Randazza and his client are going to seek appeal and do seek appeal.

MR. RANDAZZA: I swear under penalty of perjury with absolutely no room to back out or change my story before God and this Court, we will be seeking appellate review immediately. I can't back out of it.

THE COURT: All right. This is what I'm going to do. Counsel, how long do you need to file your notice?

MR. RANDAZZA: Mr. Shepard can do it right now.

THE COURT: So what I'm going to do is I'm going to schedule a date for counsel to appear remotely on Zoom. It will be a very short hearing to confirm the filing of the notice. At that point it should also be in this Court's system at which time the Court will, of course, follow the directive of the statute --

MR. RANDAZZA: Thank you.

THE COURT: Which would require me to stay these proceedings pending the outcome of that immediate appellate review. Let's go off the record while we talk about scheduling.

(Discussion held off the record.)

THE COURT: Let's go back on the record. I am going to schedule this matter for further proceedings Friday, August 28th at 2:00 p.m. here in C65. The purpose of that hearing will be to confirm the imminent notice of appeal that is going to be filed by Counsel Randazza, and the Court's tentative will be, of course, to stay these proceedings pending appellate review.

MR. RANDAZZA: Your Honor, just as a housekeeping matter, you're entering a written order today?

THE COURT: I am going to enter a written order today. It may not be until the conclusion of the day. So assuming you don't get notice of it perhaps until tomorrow morning, does that give you sufficient time to file your notice of appeal before Friday?

MR. RANDAZZA: It does, your Honor.

THE COURT: Very good.

Counsel Mellema, anything further?

MR. MELLEMA: Nothing, your Honor. Thank you.

THE COURT: Thank you very much, and thank you, Mr. Richie, for being here today.

MR. RICHIE: Thank you, your Honor.

MR. RANDAZZA: Thank you, your Honor.

(Proceedings concluded.)

REPORTER'S CERTIFICATE

State of California)
)
County of Orange)

I, KELLAN OVESON, CSR 14427, Official Court Reporter in and for the Superior Court of the State of California, County of Orange, do hereby certify that the foregoing reporter's transcript is a full, true, and correct transcript of my shorthand notes, and is a full, true, and correct statement of the proceedings had in said cause.

Dated at Santa Ana, California, this 2nd day of September, 2026.



KELLAN OVESON, CSR 14427
Official Court Reporter