1	PETER C. LAGARIAS (SBN 77091) LAGARIAS LAW OFFICES	
2	1629 Fifth Avenue	
3	San Rafael, California 94901-1828 Telephone: (415) 460-0100	
4	Facsimile: (415) 460-1099	
5	Attorneys for Defendant Sean Kelly	
6		
7	SUPERIOR COURT OF THE STATE OF CALIFORNIA	
8		
9	COUNTY OF MENDOCINO MARK GOLOB,	
10)	CASE NO. SUUK CV PO-1463543
11	1	NOTICE OF MOTION OF DEFENDANT SEAN KELLY AND
12		SPECIAL MOTION OF SEAN KELLY TO STRIKE PLAINTIFF MARK
13	SEAN KELLY,	GOLOB'S CAUSES OF ACTION FOR INTENTIONAL TORT OF
	Defendants.)	DEFAMATION AND FOR GENERAL NEGLIGENCE (CCP 425.16)
14		
15 16		Date: April 11, 2014 Time: 9:30 a.m. Dept.: E (Hon. Richard Henderson) Complaint Filed: Feb. 5, 2014
17		
18	PLEASE TAKE NOTICE THAT, on April 11, 2104, at 9:00 a.m., or as soon thereafter as	
19	this matter may be heard in Department E of this Court, located at 100 North State Street, Ukiah,	
20	CA 95482, Defendant Sean Kelly will and hereby does specially move to strike the first and	
21	second causes of action and the entire complaint of Plaintiff Mark Golob based upon section	
22	425.16 of the Code of Civil Procedure – the anti-SLAPP statute. The special motion to strike is	
23	made on the ground the first and second causes of action arise from Defendant Sean Kelly's acts	
24	and conduct in furtherance of his constitutional rights of free speech, and that Plaintiff Golob is	
25	unable to establish a probability of prevailing on such causes of action, including as no	
26	defamatory statements were alleged as opinions, no false statements can be established, the	
27	speech is constitutionally protected, and the applicable statute of limitations have expired.	
28	Defendant Sean Kelly's special motion to stril	ke is based on this notice of motion; the
40	II	

1	memorandum of points and authorities filed in support of this motion; the declaration of Sean	
2	Kelly filed in support of this motion and exhibits thereto; the request for judicial notice, filed in	
3	support of this motion; any reply papers that Defendant shall file; the Court's entire file in this	
4	matter, and such arguments and evidence as the Court properly may permit at the hearing on this	
5	motion.	
6	37	
7	DATED: March 13, 2014 LAGARIAS LAW OFFICES	
8	By: Bet Gagn	
9	Peter C. Lagarias, Esq. Attorneys for Defendant Sean Kelly	
10		
11		
12		
13	N:\ACTIVE\Kelly, Sean\Pleadings\not of mot to strike.doc	
14		
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		
26		
27		

PROOF OF SERVICE BY MAIL, FACSIMILE, FEDERAL EXPRESS 1 CCP ' 1013a, 2015.5 2 3 I. Michelle M. Hughes, declare as follows: 4 I am over the age of 18 years, and not a party to the within action; my business address is 1629 Fifth Avenue, San Rafael, California 94901-1828; I am employed in Marin County. On the 5 date set forth below, I served copies of the following documents(s): 6 Notice Of Motion Of Defendant Sean Kelly And Special Motion Of Sean Kelly To 1. Strike Plaintiff Mark Golob's Causes Of Action For Intentional Tort Of Defamation 7 And For General Negligence (CCP 425.16 8 Memorandum Of Points And Authorities Of Defendant Sean Kelly In Support Of 2. Special Motion To Strike 9 Declaration Of Defendant Sean Kelly In Support Of Special Motion To Strike Of 3. 10 Defendant Sean Kelly Request For Judicial Notice In Support Of Special Motion Of Defendant Sean Kelly 11 To Strike Plaintiff Mark Golob's Causes Of Action For Intentional Tort Of Defamation And For General Negligence (CCP 425.16 12 Said document(s) were addressed as follows: 13 Nikolaus W. Reed, Esq. 14 Law Offices of Nikolaus W. Reed 15 135 10th Street San Francisco, CA 94103 16 17 The described document(s) were served by the method(s) indicated as following: 18 (BY MAIL) The above-described document(s) will be deposited with the United States П Postal Service on this same date in the ordinary course of business, in a sealed envelope(s) 19 with postage thereon fully prepaid and placed for collection in the United States mail at San Rafael, California. 20 (BY FEDERAL EXPRESS) I caused such envelope(s) with postage thereon fully prepaid [X]21 to be placed in the Federal Express office at San Rafael, California. 22 I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration was executed on March 13, 2014, at San 2.3 Rafael, California. 24 Michelle M. Hughes 25 Legal Assistant 26 N:\ACTIVE\Kelly, Sean\Proof\Reed 3-13-14.doc 27

28