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9 *Casa Verde Capital, LLC; Merry Jane Events, Inc.;*
10 *and Snoop Dogg’s LLC (the “Entity Defendants”)*

11 **UNITED STATES DISTRICT COURT**
12 **CENTRAL DISTRICT OF CALIFORNIA**

13 JANE DOE, an Individual Woman,

14 Plaintiff,

15 v.

16 CALVIN BROADUS AKA “SNOOP
17 DOGG”, individually; DONALD
18 CAMPBELL AKA “BISHOP DON
19 MAGIC JUAN”, individually; SNOOP
20 DOGG’S, LLC; THE BROADUS
21 COLLECTION, LLC; CASA VERDE
EVENTS, INC.,

22 Defendants.

Case No. 2:22-cv-00900-GW-AS

**ENTITY DEFENDANTS’ NOTICE
OF MOTION AND MOTION TO
DISMISS PLAINTIFF’S FIRST
AMENDED COMPLAINT;
MEMORANDUM OF POINTS AND
AUTHORITIES**

[Fed. R. Civ. P. 12(b)(6)]

The Hon. George H. Wu

Hearing Date: April 21, 2022

Time: 8:30 a.m.

1 **PLEASE TAKE NOTICE** that on April 21, 2022, at 8:30 a.m., or as soon
2 thereafter as counsel may be heard, Defendants The Broadus Collection, LLC; Casa
3 Verde Capital, LLC; Merry Jane Events, Inc.; and Snoop Dogg’s LLC (collectively,
4 the “Entity Defendants”), through their counsel, Steffeny Holtz, will move this
5 Court to dismiss the First Amended Complaint (“FAC”) of Jane Doe (“Plaintiff”) in
6 its entirety for failure to state a claim under Federal Rule of Civil Procedure Rule
7 12(b)(6).

8 The Entity Defendants bring this Motion because: (1) Plaintiff’s federal cause
9 of action under 18 U.S.C. § 1595 fails to state a claim for relief against them; (2) the
10 state law claims seeking liability for alleged events in 2013 are time-barred; and (3)
11 the FAC’s newly added claims (under California’s FEHA, Labor Code, and
12 common law for emotional distress and defamation) fail to state a claim. The Entity
13 Defendants also join each of the arguments made by co-defendant Calvin Broadus
14 (also known as “Snoop Dogg”) as set forth in his Motion to Dismiss filed today.

15 This Motion is made following the March 16, 2022, conference of counsel per
16 Local Rule 7-3, after which Plaintiff withdrew her fourth claim for alleged violation
17 of Title VII. This Motion is based on this Notice and the accompanying
18 Memorandum of Points and Authorities, the Declaration of Steffeny Holtz, the
19 accompanying Request for Judicial Notice, all pleadings, files, and records in this
20 action, and arguments of counsel.

21 Dated: March 24, 2022

LAW OFFICES OF STEFFENY HOLTZ

22 By: /s/ Steffeny Holtz

23 Steffeny Holtz

24 *Counsel for Entity Defendants The Broadus*
25 *Collection, LLC; Casa Verde Capital, LLC;*
26 *Merry Jane Events, Inc.; and Snoop Dogg’s*
27 *LLC*

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1 Defendants Broadus Collection, LLC, Casa Verde Capital, LLC, Merry Jane
2 Events, Inc., and Snoop Dogg’s LLC (collectively, the “Entity Defendants”) submit
3 this memorandum in support of their Motion to Dismiss the First Amended
4 Complaint (“FAC”) filed by Plaintiff Jane Doe (“Plaintiff”) on March 10, 2022.

5 **MEMORANDUM OF POINTS AND AUTHORITIES**

6 **I. INTRODUCTION**

7 Plaintiff bases her fabricated claims against the Entity Defendants on bald,
8 conclusory allegations that (1) she was “employed” by each of these entities in May
9 2013, (2) these entities “sexually assaulted and battered” her at that time, and (3)
10 they attempted to “prostitute” her in violation of the federal Trafficking Victims
11 Protection Act (“TVPA”). Plaintiff filed her TVPA and tort claims against the
12 Entity Defendants—each associated with co-defendant Calvin Broadus (known as
13 “Snoop Dogg”)—nearly nine years after the alleged May 2013 events purportedly
14 occurred and just four days before Mr. Broadus was scheduled to perform a much
15 publicized hip-hop showcase at the Super Bowl Halftime Show in Los Angeles.

16 Plaintiff’s FAC—like her original complaint, which she withdrew rather than
17 face the initial round of Rule 12(b)(6) motions she forced each defendant to file—
18 fails to allege how the Entity Defendants could have possibly violated the TVPA
19 and committed the alleged assault and battery.¹ Not only does the FAC fail to plead
20 any viable claim against Entity Defendants, but the judicially noticeable facts
21 undisputedly establish that these entities never “assaulted,” “battered” or
22 “trafficked” Plaintiff. *That’s because none of the Entity Defendants existed in*
23 *2013.* Based on uncontroverted public records filed with the California Secretary of
24
25

26 ¹ Although not the grounds for this Rule 12(b)(6) motion, there will be no
27 genuine dispute that Plaintiff’s false claims against the Entity Defendants were filed
28 against the Entity Defendants with an improper purpose—to harass Mr. Broadus and
shake-down his business interests with fabricated claims immediately before his
Super Bowl performance.

1 State, the Entity Defendants were not formed until well after May 2013. *See* Decl.
2 of Steffeny Holtz; Entity Defs.’ Request for Judicial Notice.

3 The undisputed fact that the Entity Defendants did not exist when Plaintiff
4 speciously claims she was somehow assaulted, battered and trafficked by them
5 explains why Plaintiff has repeatedly failed to allege the basic factual allegations
6 required to state any of her claims against the defendants. For example, nowhere in
7 her FAC does Plaintiff offer the factual details about: (1) any purported employment
8 relationship with any of the defendants; (2) when Plaintiff worked for any of them;
9 (3) how long she worked for them; (4) the existence, location, and description of her
10 purported workplace with them; (5) when and how she stopped working for them;
11 (6) which defendant, if any, paid her; and (7) any other terms of her purported
12 employment relationship.

13 Plaintiff’s claims against defendants are devoid of *any* factual allegations
14 demonstrating she is entitled to relief under the TVPA, much less allegations
15 sufficient to satisfy *Twombly* and *Iqbal*. Plaintiff is inviting this Court to expand the
16 scope of the TVPA to federalize every allegation of a local (and untrue) sexual
17 assault case. Like her deficient original complaint, Plaintiff’s FAC reiterates the
18 formulaic elements of a TVPA claim, but alleges no supporting facts against the
19 entities. Plaintiff still fails to allege *facts* demonstrating the Entity Defendants (or
20 Mr. Broadus) proposed any “enticement” to Plaintiff. Similarly, Plaintiff makes no
21 factual allegations of an actual benefit the Entity Defendants (or Mr. Broadus)
22 promised to Plaintiff, or otherwise discussed with her or offered, as part of any
23 purported quid pro quo. Plaintiff likewise fails to allege what the Entity Defendants
24 (or Mr. Broadus) said or did to her that would constitute a “commercial sex act”
25 under the statute. And, of course, the Entity Defendants did not even exist in May
26 2013, making it *impossible* for them to have been involved in any alleged
27 “trafficking” of Plaintiff. The Court should therefore dismiss with prejudice
28 Plaintiff’s TVPA allegations for failure to state a claim for relief under federal law.

1 Even if the Entity Defendants did exist in May 2013 (which they undisputedly
2 did not), Plaintiff’s state law claims against them about alleged conduct then—nine
3 years ago—should be dismissed with prejudice. Plaintiff was required to bring her
4 state law claims no later than one or two years (depending on the claim) after the
5 alleged conduct. Because she waited nearly nine years to bring her claims, they are
6 time-barred. The Court should therefore dismiss with prejudice these state law
7 claims as untimely.

8 The FAC’s nine newly added state law claims each fail to plead facts entitling
9 Plaintiff to relief. Plaintiff does not articulate sufficient facts in the FAC for each
10 claim, resorts to conclusory recitations of the claims’ elements, and fails to put
11 defendants (or the Court) on notice of the alleged conduct supporting her
12 allegations. Under *Twombly* and *Iqbal*, the Court should not countenance these
13 conclusory, threadbare allegations.

14 The nine claims are substantively deficient as well. Each of the FAC’s Labor
15 Code and FEHA claims fails to allege sufficiently: (i) an employment relationship at
16 any time with any defendant; (ii) that Plaintiff was an employee at the time of the
17 alleged 2022 events; (iii) any “adverse employment action” against her in 2022
18 when she concedes she was not employed by any defendant at that time; and (iv)
19 how defendants’ protected speech in 2022 refuting Plaintiff’s implausible and false
20 allegations resulted in any adverse change to the terms and conditions of Plaintiff’s
21 non-existent employment. Plaintiff’s emotional distress and defamation causes of
22 action fare no better, each failing to allege required elements of the claims. There is
23 nothing “outrageous” or “false” about defendants challenging the veracity of this
24 lawsuit’s false allegations that Plaintiff was somehow “assaulted,” “battered,” and
25 “trafficked” by entities that did not exist at the time of her fabricated May 2013
26 allegations.

1 Accordingly, Plaintiff’s FAC fails to state any claim against the Entity
2 Defendants under Rule 12(b)(6). These entities respectfully request the Court grant
3 their Motion and dismiss each of Plaintiff’s claims with prejudice.

4 **II. BACKGROUND**

5 **A. Plaintiff’s Allegations About May 2013**

6 Plaintiff alleges in conclusory fashion that the Entity Defendants “sexually
7 harassed, assaulted, and battered Plaintiff,” “knowingly recruited, enticed, harbored,
8 and/or obtained Plaintiff,” and “forcibly caused [her] to engage in an unwanted
9 sexual act for a commercial benefit.” FAC ¶¶ 92, 132, 143. But the FAC provides
10 no factual allegations of how the Entity Defendants purportedly did that. Other than
11 labels, the FAC does not allege what any Entity Defendant did, knew, or failed to do
12 to support Plaintiff’s causes of action against them. Instead, the FAC lumps the
13 Entity Defendants together and does not even make conclusory allegations about
14 what any specific entity knew or did. *See id.* ¶¶ 92-93, 95, 132, 139, 142-143, 154.
15 In violation of Rule 11, the FAC also ignores that the Entity Defendants could not
16 do *anything* to Plaintiff in May 2013 because *they did not exist* then. *See* Decl. of
17 Steffeny Holtz (“Holtz Decl.”); Request for Judicial Notice.

18 Plaintiff alleges on May 29, 2013, she and an unidentified friend attended one
19 of Mr. Broadus’s shows at a night club in Anaheim, California. FAC, ¶ 48. Plaintiff
20 and her friend entered a “VIP room,” where they encountered co-defendant Donald
21 Campbell. *Id.* Plaintiff claims later that night Mr. Campbell invited her and her
22 friend to Mr. Broadus’s studio. *Id.* ¶ 50. After they visited the studio, Campbell
23 took Plaintiff to his house. *Id.* ¶ 52.

24 Plaintiff alleges that when she arrived at Campbell’s home, she “was
25 exhausted and fell asleep.” *Id.* Plaintiff woke up the next morning next to
26 Campbell, who, according to the FAC, then purportedly “shoved” his “flaccid” penis
27 into Plaintiff’s mouth. *Id.* ¶ 53. The FAC does not allege any statements Mr.
28 Campbell made to Plaintiff about any future employment with him, Mr. Broadus,

1 the Entity Defendants, or anyone else before Mr. Campbell purportedly “forced” his
2 flaccid penis into Plaintiff’s mouth.

3 That same morning, Mr. Campbell told Plaintiff to get dressed and to come
4 with him to see Mr. Broadus. She claims Campbell told her “I want to see if
5 [Broadus] will make you the weather girl,” he “wants you there,” and accompanying
6 Campbell that morning “is a career move.” *Id.* ¶ 58. The FAC alleges—after what
7 it now claims was Mr. Campbell’s “sexual assault”—that Plaintiff went with
8 Campbell “in hopes of advancing her career.” *Id.* The FAC alleges Plaintiff hoped
9 to become a “weather girl” or obtain “another” undefined “job with Defendants” (*id.*
10 ¶ 59), and the FAC makes general assertions about the “weather girl” role, but
11 nowhere does Plaintiff state any discussions she had with Mr. Broadus or the Entity
12 Defendants about that role or any other role, position, or employment. Nor does the
13 FAC allege any statements Mr. Campbell made to Plaintiff about a “weather girl”
14 role or any other employment *before* the alleged oral sex she gave him.

15 According to the FAC, Campbell and Plaintiff went to a recording studio
16 where Broadus was filming a television series. *Id.* ¶ 72. Plaintiff does not clarify if
17 that studio was the same one that she claims she visited the night before. Plaintiff
18 claims while she was at this studio, she needed to use the bathroom; while she was
19 using the bathroom Mr. Broadus entered and allegedly “sexually assaulted” her
20 when he “removed his penis from his pants” and said, “Put it in your mouth.” *Id.* ¶¶
21 73-74. Plaintiff does not allege that Mr. Broadus or the Entity Defendants made any
22 promises, enticement, or threats. She does not claim Mr. Broadus said anything
23 else—at any time before saying “Put it in your mouth.” The FAC alleges Plaintiff
24 complied by putting Mr. Broadus’s penis in her mouth and also asserts that “Plaintiff
25 denied [Mr. Broadus’s] sexual advances and refused to be ‘pimped out,’ exploited,
26 or prostituted.” *Id.* ¶¶ 73-74, 76.

27 The FAC alleges that “after a few minutes” Mr. Broadus “withdrew his
28 penis,” “proceeded to masturbate,” and then, when finished, stated “I’ll be back, I’ll

1 get you something to clean up with.” *Id.* ¶ 74. Plaintiff alleges that he did not
2 return. *Id.* She claims after the alleged bathroom incident, she “wandered the
3 studio,” posed for a picture with Mr. Broadus, and then left. *Id.* ¶ 85. The FAC
4 claims that right before Plaintiff left, Mr. Broadus told Mr. Campbell “Make sure
5 you bring this one back.” *Id.* This alleged statement is the only factual allegation
6 the FAC added to the original complaint about what Mr. Broadus purportedly said or
7 did to Plaintiff in 2013.

8 Absent from Plaintiff’s claims is any factual allegation concerning what any
9 Entity Defendant did to Plaintiff or any Entity Defendant’s connection to the
10 allegations in this case. Without identifying any Entity Defendant by name, the
11 FAC contends in conclusory fashion that “Defendants violated Plaintiff’s rights
12 pursuant to [the] Trafficking Victims Protection Act . . . and laws of the State of
13 California.” FAC ¶ 1. Although Plaintiff itemizes each Entity Defendant in “The
14 Parties” section of her pleading (*id.* ¶¶ 11-14), the FAC provides no factual
15 allegation specific to any Entity Defendant. *See, e.g.*, ¶¶ 15-19, 48-95. The FAC
16 also fails to explain how any Entity Defendant participated in any alleged “sex
17 trafficking,” promised any actual benefit to Plaintiff, or offered any quid pro quo.
18 *Id.* ¶¶ 133-146.

19 Similarly, the FAC does not allege how any Entity Defendant committed a
20 sexual battery (the second cause of action) or sexual assault (the third cause of
21 action), or is liable for such alleged acts, under California law. *Id.* ¶¶ 92, 132, 147-
22 170. The FAC alleges in conclusory fashion that “Defendants were Plaintiff’s joint
23 employers and/or prospective employers” (*id.* ¶ 21) without identifying which Entity
24 Defendant, if any, actually employed Plaintiff, *or how that was possible before the*
25 *entities ever existed.* *See* Request for Judicial Notice, FAC ¶¶ 131, 142, 154, 167.

1 **B. Procedural History And The FAC’s Assertions About Defendants’**
2 **2022 Denial Of Plaintiff’s Allegations In This Action**

3 On February 9, 2022, nine years after the alleged 2013 events—and just four
4 days before Mr. Broadus’s much publicized Super Bowl Halftime Show
5 performance—Plaintiff filed this lawsuit against him, the Entity Defendants, and
6 Mr. Campbell. The original complaint asserted one federal claim—violation of the
7 TVPA, 18 U.S.C. § 1595—and two state law claims for alleged sexual assault and
8 battery. *See* Dkt. No. 1 (Compl.) ¶¶ 79-114.

9 On February 24, 2022, the defendants filed their Rule 12(b)(6) motions to
10 dismiss each of the original complaint’s claims. Plaintiff did not oppose those
11 motions. Instead, on March 10, 2022, Plaintiff filed her First Amended Complaint,
12 which repeated the prior three claims from the original complaint, added a federal
13 claim for an alleged violation of Title VII (subsequently withdrawn, as explained
14 below), and added nine additional state law claims (the fifth through thirteenth
15 claims under California’s FEHA, Labor Code, and defamation and emotional
16 distress common law).

17 The FAC added allegations against “Defendants” concerning a demand letter
18 from Mr. Broadus’s counsel to Plaintiff’s counsel on February 11, 2022, responding
19 to Plaintiff’s allegations from her February 9, 2022, original complaint (FAC ¶ 103),
20 and a “statement” by an unidentified “spokesperson” allegedly “authorized” by
21 Defendants to “release”—to an unidentified journalist—a refutation and denial of
22 Plaintiff’s allegations from her original complaint. *Id.* ¶ 104. The FAC does not
23 specifically allege whether this statement to the unidentified journalist was
24 published by any news media outlet. *Id.* The FAC also speciously claims
25 “Defendants” made “threats” of “criminal prosecution” but provides no factual
26 allegations supporting this assertion. Instead, Plaintiff contends that Mr. Broadus’s
27 one-time use of a “police emoji” in his February 2022 “gold digger” Instagram
28

1 post—which did not reference Plaintiff or her name—constituted such a purported
2 threat. *Id.* ¶¶ 97-98.

3 The parties met and conferred about this Motion on March 16, 2022. That
4 same day, after the meet and confer, Plaintiff’s counsel represented that Plaintiff was
5 withdrawing her alleged Title VII claim, leaving TVPA as the lone federal claim.
6 Holtz Decl., Ex. 6.

7 **III. LEGAL STANDARD**

8 “Dismissal under Rule 12(b)(6) is proper when the complaint either (1) lacks
9 a cognizable legal theory or (2) fails to allege sufficient facts to support a cognizable
10 legal theory.” *Somers v. Apple, Inc.*, 729 F.3d 953, 959 (9th Cir. 2013). “To survive
11 a motion to dismiss, a complaint must contain sufficient factual matter . . . to ‘state a
12 claim to relief that is plausible on its face.’” *Ashcroft v. Iqbal*, 556 U.S. 662, 678
13 (2009) (quoting *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 570 (2007)). The Court
14 must disregard allegations that are legal conclusions, even when disguised as facts.
15 *See id.* at 681 (“It is the conclusory nature of respondent’s allegations, rather than
16 their extravagantly fanciful nature, that disentitles them to the presumption of
17 truth.”). A complaint is insufficient if it offers mere “labels and conclusions” or “a
18 formulaic recitation of the elements of a cause of action” without more. *Id.* at 678.
19 After disregarding all of the “labels” and conclusory allegations, the Court must then
20 determine whether, based on the allegations that remain and all reasonable
21 inferences that may be drawn therefrom, the complaint alleges a plausible claim for
22 relief. *Id.* at 678-679. “Determining whether a complaint states a plausible claim for
23 relief is ‘a context-specific task that requires the reviewing court to draw on its
24 judicial experience and common sense.’” *Ebner v. Fresh, Inc.*, 838 F.3d 958, 963
25 (9th Cir. 2016) (quoting *Iqbal*, 556 U.S. at 679)

26 A court may consider judicially noticeable materials beyond the pleadings,
27 and doing so does not convert a Rule 12(b)(6) motion into a Rule 56 motion for
28 summary judgment. *Khoja v. Orexigen Therapeutics, Inc.*, 899 F.3d 988, 998 (9th

1 Cir. 2018); *Coto Settlement v. Eisenberg*, 593 F.3d 1031, 1038 (9th Cir. 2010) (“On
 2 a motion to dismiss, we may consider materials incorporated into the complaint or
 3 matters of public record.”); *Lee v. City of Los Angeles*, 250 F.3d 668, 688 (9th Cir.
 4 2001) (discussing that a court may take judicial notice of matters of public record
 5 without converting a motion to dismiss into a motion for summary judgment).
 6 Judicial notice under Federal Rule of Evidence 201 permits a court to take judicial
 7 notice of undisputed facts in matters of public record. *See, e.g., Khoja*, 899 F.3d at
 8 999. In resolving parties’ motions, California federal courts repeatedly take judicial
 9 notice of corporate filings with the California Secretary of State. *See, e.g.,*
 10 *Martinez-Sanchez v. Anthony Vineyards, Inc.*, 2020 WL 469341, *4 (E.D. Cal. Jan.
 11 29, 2020) (taking judicial notice of “defendants’ corporate filings” publicly filed
 12 with the California Secretary of State); *Maggiulli v. Wells Fargo & Co.*, 2018 WL
 13 2021435, *2 (C.D. Cal. Apr. 26, 2018) (taking judicial notice of “a document
 14 submitted to the California Secretary of State” as “a matter of public record” (*citing*
 15 *Lee*, 250 F.3d at 689)); *Juneau v. Kenner*, 2009 WL 10673055, *2 (C.D. Cal. May
 16 14, 2009).²

17 “Public records are properly the subject of judicial notice because the contents
 18 of such documents contain facts that are not subject to reasonable dispute, and the
 19 facts therein can be accurately and readily determined from sources whose accuracy
 20 cannot reasonably be questioned.” *Martinez-Sanchez*, 2020 WL 469341, *4 (citing
 21 Fed. R. Evid. 201(b); internal quotations omitted). “[T]he accuracy of the source of
 22

23 ² *See also Gerritsen v. Warner Bros. Entm't Inc.*, 112 F.Supp.3d 1011, 1034
 24 (C.D. Cal. 2015) (taking judicial notice of facts in a business entity profile on the
 25 California Secretary of State’s website); *Penn-Star Ins. Co. v. Parties Fantastic,*
 26 *LLC*, 2020 WL 8024860, *1, n.2 (C.D. Cal. Aug. 7, 2020) (granting judicial notice
 27 of LLC’s articles of incorporation); *Clark v. Transamerica Life Ins. Co.*, 2020 WL
 28 5110295, *2 (E.D. Cal. Aug. 31, 2020) (taking judicial notice of the records from
 the California Secretary of State “as these are all matters of public record”); *New
 Box Solutions, LLC v. Davis*, 2018 WL 4562764, *4 (C.D. Cal. Sept. 18, 2018)
 (taking judicial notice of articles of organization and related documents from
 California Secretary of State’s website; “California Secretary of State filings and its
 website are matters of public record, and are thus proper for judicial notice.”).

1 the records—the websites of the California Secretary of State . . . cannot reasonably
 2 by questioned.” *Id.* See also *Smelt v. City of Orange*, 447 F.3d 673, 676 n.4 (9th
 3 Cir. 2006) (describing filings with the California Secretary of State as appropriate
 4 subjects of judicial notice).

5 **IV. ARGUMENT**

6 **A. Plaintiff’s TVPA Claim Fails**

7 To state a claim against the Entity Defendants under 18 U.S.C. § 1595(a), the
 8 Trafficking Victims Protection Act (“TVPA”), Plaintiff must allege how each Entity
 9 Defendant “(i) ‘knowingly benefits’ (ii) from ‘participation in a venture’ (iii) that it
 10 ‘knew or should have known’ has engaged in sex trafficking. 18 U.S.C. § 1595(a).”
 11 *Eckhart v. Fox News Network, LLC*, 2021 WL 4124616, *11 (S.D.N.Y. Sept. 9,
 12 2021) (granting Fox News Network’s motion to dismiss plaintiff’s TVPA claim).

13 Plaintiff does not articulate any *facts* for her TVPA claim, only conclusory
 14 recitations of the elements of the claim. FAC ¶¶ 133-146. Her TVPA allegations
 15 are limited to mere labels parroting the statute.³ Running afoul of *Twombly* and
 16 *Iqbal*, the FAC fails to put the Entity Defendants on notice of the alleged basis for
 17 Plaintiff’s TVPA claim. See *Iqbal*, 556 U.S. at 678 (“To survive a motion to dismiss,
 18 a complaint must contain sufficient factual matter . . . to ‘state a claim to relief that
 19 is plausible on its face.’”).

20 The FAC does not—and Plaintiff cannot—allege any of the required factual
 21 allegations for a viable TVPA claim against the Entity Defendants. The Entity
 22 Defendants did not exist in May 2013. See Request for Judicial Notice; Holtz Decl.
 23 Ex. 1-5. The FAC does not—and cannot—sufficiently allege that any of the Entity
 24 Defendants “knowingly benefited” from “participation in a venture” that they “knew

25 _____
 26 ³ See FAC ¶ 139 (“Defendants subjected Plaintiffs to commercial sex acts by
 27 force and coercion, including both physical and financial.”); ¶ 142 (“Defendants
 28 conditioned Plaintiff’s employment, on Defendants’ ability to continue to sexually
 assault and engage in forced sex acts.”); ¶ 143 (“Defendants knowingly recruited,
 enticed, harbored, and/or obtained Plaintiff through means of force, threats of force,
 and by a combination of such forceful means[.]”).

1 or should have known” has engaged in sex trafficking. 18 U.S.C. § 1595(a);
2 *Eckhart*, 2021 WL 4124616, *11.

3 What little the FAC alleges against Mr. Broadus is insufficient to state a claim
4 against him for the reasons articulated in his motion to dismiss.⁴ Similarly, those
5 allegations fail to plead any facts that any Entity Defendant “knew or should have
6 known” about any alleged sex trafficking. 18 U.S.C. §1595(a); *Eckhart*, 2021 WL
7 4124616, *11 (holding “none of the conduct that [plaintiff] alleges Fox News had
8 knowledge of rises to the level of sex trafficking”). The FAC also fails to state how
9 any Entity Defendant participated in or “knowingly benefit[ted], financially or by
10 receiving anything of value” from the alleged sex act or purported trafficking. 18
11 U.S.C. §1595(a); *Corradino v. Liquidnet Holdings Inc.*, 2021 WL 2853362
12 (S.D.N.Y. July 8, 2021) (granting corporate entity’s motion to dismiss when
13 plaintiff’s allegations “do not sufficiently plead that Liquidnet benefitted from any
14 such [trafficking] scheme . . . the Complaint does not state a claim against Liquidnet
15 for participation in sex trafficking”).

16 Under the TVPA, “liability[] cannot be established by association alone[.]”
17 *Noble v. Weinstein*, 335 F. Supp. 3d 504, 524 (S.D.N.Y. 2018) (granting Robert
18 Weinstein’s motion to dismiss when plaintiff made “conclusory allegations about
19 Robert’s involvement in Harvey’s conduct.”). “Plaintiff must allege specific
20 conduct that furthered the sex trafficking venture.” *Id.* Here, the FAC provides no
21 factual allegations of any Entity Defendants’ “specific conduct.” *Id.* And, indeed,
22 Plaintiff cannot make any such allegations since none of the Entity Defendants
23 existed in 2013. *See* Request for Judicial Notice; Holtz Decl. Ex. 1-5.

24 The Entity Defendants’ Motion should be granted because Plaintiff has not
25 “supplied ‘factual content that allows the court to draw the reasonable inference that
26

27 ⁴ Each Entity Defendant joins Broadus’s arguments that Plaintiff’s FAC fails to
28 allege a “commercial sex act” and that with the requisite knowledge, Mr. Broadus
“enticed” Plaintiff in any way. *See* Broadus’s Motion to Dismiss, dated March 24,
2022; Entity Defendants’ Notice of Joinder, dated March 24, 2022.

1 the defendant is liable for the misconduct alleged.” *Noble*, 335 F. Supp. 3d at 514
 2 (citing *Iqbal*, 556 U.S. at 663 (quoting *Twombly*, 550 U.S. at 556). The Court
 3 should dismiss with prejudice Plaintiff’s TVPA claim.

4 **B. Plaintiff’s State Law Claims Also Fail**

5 With her withdrawal of the federal Title VII claim, Plaintiff’s FAC is *a single*
 6 *federal claim*—the defective TVPA allegations—wagging the tail of an *eleven-claim*
 7 *state law complaint*.⁵ Without a viable TVPA claim, the FAC contains no other
 8 federal claim and fails to allege diversity among the parties. In dismissing the
 9 TVPA claim, this Court need go no further, and can decline to exercise
 10 supplemental jurisdiction over the FAC’s remaining eleven state law claims. *See* 28
 11 U.S.C. § 1367(c)(3) (“The district courts may decline to exercise supplemental
 12 jurisdiction over a claim [if] ... the district court has dismissed all claims over which
 13 it has original jurisdiction[.]”); *Carnegie–Mellon Univ. v. Cohill*, 484 U.S. 343, 350
 14 n.7 (1988), superseded on other grounds by statute (“[I]n the usual case in which all
 15 federal-law claims are eliminated before trial, the balance of factors to be considered
 16 under the pendent jurisdiction doctrine—judicial economy, convenience, fairness,
 17 and comity—will point toward declining to exercise jurisdiction over the remaining
 18 state-law claims.”).

19 If, however, the Court is inclined to address each of Plaintiff’s eleven state
 20 law claims, none should survive.

21 **1. *Plaintiff’s state law claims from her original complaint—for***
 22 ***sexual assault and battery—are time-barred.***

23 Plaintiff’s original complaint included her second and third claims against the
 24 Entity Defendants for sexual assault and sexual battery, and the FAC repeats them.
 25 But Plaintiff’s assault and battery claims are all based on conduct she alleges took
 26

27 ⁵ As noted above, Plaintiff withdrew the FAC’s only other federal claim—the
 28 fourth cause of action for alleged violation of Title VII—on March 16 shortly after
 the meet and confer on this Motion. Holtz Decl., Ex. 6.

1 place on May 30, 2013. *See* FAC. ¶¶ 48-95. The FAC added nothing to salvage
2 these time-barred claims from dismissal. Each Entity Defendant joins Mr.
3 Broadus’s arguments that the state law claims are time-barred. *See* Broadus’s
4 Motion to Dismiss, dated March 24, 2022; Entity Defendants’ Notice of Joinder,
5 dated March 24, 2022.

6 Separate from those arguments, the Court should dismiss these claims because
7 Plaintiff fails to make the required factual allegations that any Entity Defendant
8 committed a sexual assault or battery. Although the FAC contends in conclusory
9 fashion the Entity Defendants “sexually assaulted” and “sexually battered Plaintiff”
10 (FAC ¶ 95), those labels are insufficient to state a cause of action. *Iqbal*, 556 U.S. at
11 681. Because these defendants are not human beings, the bald allegation that a
12 business entity somehow “sexually assaulted and battered” someone is nonsensical.
13 So is the allegation that the Entity Defendants—which undisputedly did not exist in
14 May 2013—committed these alleged acts at that time. *See* Request for Judicial
15 Notice; Holtz Decl. Ex. 1-5.

16 Plaintiff does not allege how any Entity Defendant committed an alleged
17 assault or battery or how it purportedly “ratified” such alleged conduct. FAC
18 ¶¶ 154, 167. The FAC offers no explanation or other factual allegations supporting
19 a purported “ratification” theory. Similarly, Plaintiff fails to identify which Entity
20 Defendant, if any, even employed her, or when that purportedly occurred—before,
21 during, or after—the alleged May 2013 incident. *Id.* ¶¶ 131, 142, 154, 167. The
22 FAC provides no factual allegations about what employment (or independent
23 contractor relationship) Plaintiff claims she had with any Entity Defendant. *Id.*
24 Plaintiff simply fails to make any of the required factual allegations for her second
25 and third causes of action against the Entity Defendants, let alone those sufficient to
26 escape the general rule in California that an entity cannot be held liable for its agent
27 allegedly sexually assaulting or battering a third party. *See, e.g., Doe v. Uber*
28 *Techs., Inc.*, 2019 WL 6251189 (N.D. Cal. Nov. 22, 2019) (granting corporate

1 entity’s Rule 12(b)(6) motion); *John R. v. Oakland Unified School Dist.*, 48 Cal. 3d
 2 438 (1989) (reversing Court of Appeal and holding trial court properly sustained
 3 entity defendant’s demurrer); *Rita M. v. Roman Catholic Archbishop*, 187 Cal. App.
 4 3d 1453 (1986) (affirming sustaining of demurrer and dismissal of entity defendant);
 5 *Alma W. v. Oakland Unified School Dist.*, 123 Cal. App. 3d 133 (1981) (same). *But*
 6 *see Mary M. v. City of Los Angeles* 54 Cal. 3d 202 (1991) (“unique” case of city’s
 7 liability for sexual assault committed by an on-duty police officer).

8 Plaintiff’s FAC adds no new factual allegations to salvage her time-barred
 9 claims from dismissal under the statute of limitations. As Plaintiff has now had two
 10 tries at stating the claims, and no claim can be alleged against entities that did not
 11 exist in May 2013, the Entity Defendants request these claims be dismissed with
 12 prejudice.

13 **2. California’s statutes of limitations bar each of the FAC’s other**
 14 **claims based on 2013 conduct.**

15 To the extent each of Plaintiff’s newly added state law claims seek to hold the
 16 Entity Defendants liable for anything that allegedly occurred in May 2013, those
 17 claims are also time-barred. California’s statutes of limitations for these claims
 18 range from one to two years,⁶ and here there is no dispute that Plaintiff filed these
 19

20 ⁶ For each of Plaintiff’s claims under California Government Code Section
 21 12940—the fifth through eighth causes of action—Plaintiff needed to file an
 22 administrative complaint with the DFEH no later than “one year from the date upon
 23 which the alleged unlawful practice...occurred.” *See, e.g., Pollock v. Tri-Modal*
 24 *Distribution Services, Inc.*, 11 Cal. 5th 918, 931 (2021) (citing Cal. Gov. Code §
 25 12960, former subd. (d), as providing the applicable one year FEHA statute of
 26 limitations, before it was lengthened to three years). Plaintiff’s ninth, tenth, and
 27 thirteenth causes of action (for defamation, false light, and violation of Labor Code
 28 Section 1102.5) are subject to California’s one year statute of limitations. Code Civ.
 Proc. § 340(a), (c); *I & U, Inc. v. Wolters Kluwer Health, Inc.*, 2019 WL 2750890,
 *2 (C.D. Cal. May 6, 2019) (California’s “statute of limitations for defamation and
 false light is one year”); *Fenters v. Chevron*, 2009 WL 4928362 (E.D. Cal. 2009)
 (one year statute of limitations under § 1102.5). Compare *Ayala v. Frito Lay, Inc.*,
 263 F. Supp. 3d 891 (2017) (up to three year statute of limitations under § 1102.5,
 depending on the alleged claim and remedy). Plaintiff’s eleventh and twelfth causes
 of action for intentional and negligent infliction of emotional distress are subject to a
 two year statute of limitations. Code Civ. Proc. § 335.1; *Kaldis v. Wells Fargo*

1 claims more than eight years after the alleged May 2013 incident. In addition, the
 2 Entity Defendants did not exist in May 2013 (*see* Request for Judicial Notice), and,
 3 accordingly, cannot be liable for any conduct alleged to have taken place then.

4 **3. The FAC’s newly added state claims fail to allege a claim.**

5 Plaintiff articulates virtually no *facts* under the headings for her newly added
 6 state claims (the fifth through thirteenth causes of action), instead resorting to
 7 incorporating by reference the FAC’s earlier paragraphs and then reciting the
 8 elements of each claim. *See* FAC ¶¶ 171-258. This style of pleading fails to put the
 9 Entity Defendants on notice of the alleged conduct supporting Plaintiff’s claim,
 10 running afoul of *Twombly* and *Iqbal*. *See Iqbal*, 556 U.S. at 678 (“To survive a
 11 motion to dismiss, a complaint must contain sufficient factual matter . . . to ‘state a
 12 claim to relief that is plausible on its face.’”).⁷

13 The FAC’s FEHA and Labor Code claims (the fifth through eighth and
 14 thirteenth causes of action), to the extent each is based on alleged events from 2013,
 15 are time-barred. *See* Section IV.B.2 *supra*. To the extent each is based on alleged
 16 events from 2022, these claims all fail because they do not—and cannot—allege that

17
 18 *Bank, N.A.*, 263 F. Supp. 3d 856, 867 (C.D. Cal. 2017) (intentional and negligent
 19 infliction of emotional distress claims “subject to the same two-year statute of
 20 limitations for personal injuries”).

21 ⁷ Each of the FAC’s claims should be dismissed for their failure to identify any
 22 acts committed by any particular Entity Defendant. Instead, the FAC impermissibly
 23 lumps them all together in conclusory, generalized allegations. *See, e.g., Yagman v.*
 24 *Wunderlich*, 2021 WL 6804219, *3 (C.D. Cal. Oct. 4, 2021) (holding complaint
 25 failed Rule 8 pleading requirements where plaintiff referenced “Defendants”
 26 throughout the complaint “without specifying which defendants engaged in which
 27 specific acts”); *Morris v. Sun Pharma Global*, 2021 WL 3913191, *3 (C.D. Cal.
 28 May 13, 2021) (granting motion to dismiss when the complaint impermissibly
 “lump[ed] four defendants into [a] group...without identifying what each of the four
 [] Defendants allegedly did”); *Muir v. City of Placentia*, 2019 WL 8195237, *2-3
 (C.D. Cal. Nov. 21, 2019); *In re iPhone Application Litig.*, 2011 WL 4403963, *8
 (N.D. Cal. Sept. 20, 2011); *Rendon v. County of Orange*, 2019 WL 4284521, *2
 (C.D. Cal. May 23, 2019) (granting defendants’ motion to dismiss because “[a]
 plaintiff suing multiple defendants cannot simply lump defendants together but
 instead must allege the basis of his claim against each defendant to satisfy Federal
 Rule of Civil Procedure 8(a)(2)” (quotation marks omitted)).

1 in 2022 Plaintiff was an employee of any defendant or experienced any “adverse
2 employment action” against her.

3 To state an FEHA claim for harassment or retaliation under Government Code
4 Section 12940, a plaintiff must first allege an employment relationship with her
5 alleged employer. *See Vernon v. State of California*, 116 Cal. App. 4th 114, 123
6 (2004) (requiring “existence of an employment relationship” for FEHA liability). A
7 plaintiff must also allege that her “employer subjected [her] to an adverse
8 employment action.” *Pinero v. Specialty Restaurants Corp.*, 130 Cal. App. 4th 635,
9 639 (2005). The same is true for a claim under Labor Code Section 1102.5. *See*
10 *Hansen v. California Dept. Of Corrections and Rehabilitation*, 171 Cal. App. 4th
11 1537, 1546 (2008) (“a prerequisite to asserting a Labor Code Section 1102.5
12 violation is the existence of an employer-employee relationship at the time the
13 allegedly retaliatory action occurred.”); *Fenters v. Chevron*, 2009 WL 4928362, *7
14 (E.D. Cal. Dec. 14, 2009) (same). Asserting an “adverse employment action”
15 requires allegations of an action that “materially affects the terms, conditions, or
16 privileges of employment.” *McRae v. Department of Corrections & Rehabilitation*,
17 142 Cal. App. 4th 377, 386 (2006). A plaintiff must allege that the employer’s
18 retaliatory action “result[ed] in a substantial adverse change in the terms and
19 conditions of the plaintiff’s employment.” *Akers v. Cnty. of San Diego*, 95 Cal.
20 App. 4th 1441, 1455 (2002).

21 Here, Plaintiff does not allege she was an employee of any defendant in 2022;
22 she does not allege any facts concerning any workplace before or after the alleged
23 May 2013 events; and she does not allege any employer’s action against her, let
24 alone an “adverse employment action” in 2022 that “result[ed] in a substantial
25 adverse change in the terms and conditions of [her] employment.” *Id.* The FAC
26 fails to allege any 2022 employment, workplace, or how defendants’ denials of
27 Plaintiff’s allegations in this lawsuit against them would constitute any “adverse
28 employment action” against Plaintiff that “materially affect[ed] the terms,

1 conditions, or privileges” of her not-alleged, non-existent “employment.” *McRae*,
2 142 Cal. App. 4th at 386. Nothing alleged in the FAC about what defendants said or
3 did in 2022 in response to Plaintiff’s allegations against them could be deemed an
4 “adverse employment action.”⁸

5 During the parties’ meet and confer for this Motion, Plaintiff’s counsel
6 claimed two cases supported her erroneous position that Plaintiff experienced an
7 “adverse employment action” in 2022 when she was admittedly not employed by
8 any defendant at that time. The first case Plaintiff’s counsel cited was *Aryeh v.*
9 *Canon Business Solutions, Inc.*, 55 Cal. 4th 1185 (2013), but that decision concerned
10 an unfair competition action under Business and Professions Code 17200 and did
11 not address any purported adverse employment action. The second case Plaintiff’s
12 counsel cited was *Jones v. Tracy School Dist.*, 27 Cal. 3d 99 (1980), a wage and
13 hour decision that also did not address an adverse employment action.

14 Plaintiff also fails to allege adequately that she was ever employed by any
15 defendant before, during, or after the purported May 2013 incident. As stated above
16 and established by their Request for Judicial Notice, the Entity Defendants did not
17 exist in 2013. The FAC has provided no factual allegations of any employment
18 agreement with the Entity Defendants (or Mr. Broadus), how Plaintiff was
19 purportedly “supervised,” whether or how she was purportedly paid, or any other
20 alleged terms of the non-existent “employment relationship,” including: when it
21 started or ended, her work schedule, or the existence, location, or description of her
22 alleged workplace.

23 For Plaintiff’s remaining and newly added defamation and emotional distress
24 claims, scouring the FAC and giving it the most generous reading, Plaintiff cannot
25 satisfy their requisite elements. The FAC’s infliction of emotional distress claims
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27 ⁸ Plaintiff does not allege that she sought and obtained a right to sue letter from
28 the DFEH regarding any of defendants’ alleged 2022 conduct or statements. Her
prior DFEH complaint—which Plaintiff submitted to the State of California in
December 2021—did not raise any 2022 conduct or statements.

1 fail to allege how defendants’ speaking out against and denying Plaintiff’s
2 allegations in this case rises to the level of “outrageous” behavior. *See, e.g.,*
3 *Considering Homeschooling v. Morningstar Educ. Network*, 2008 WL 11413459, *7
4 (C.D. Cal Aug. 06, 2008) (calling plaintiff “a liar” not outrageous or “beyond the
5 bounds of decency” as a matter of law); *Yurick v. Superior Court*, 209 Cal. App. 3d
6 1116, 1129 (1989) (calling plaintiff “a liar” in the presence of others held not
7 outrageous as matter of law); *McGough v. Univ. of San Francisco*, 214 Cal. App. 3d
8 1577, 1587-1588 (1989) (defendant “telling lies about Plaintiff” held not outrageous
9 and “cannot, in our view, support an infliction of emotional distress claim”). The
10 FAC’s claim for negligent infliction of emotional distress also fails to allege any
11 duty of care—required to maintain the claim—that the Entity Defendants
12 purportedly owed Plaintiff when she threatened to sue them, then did sue them, and
13 they reacted to her allegations in this case. *See* FAC ¶ 237; *Ragland v. U.S. Bank*
14 *National Assn.*, 209 Cal. App. 4th 182, 205 (2012) (allegations of negligent
15 infliction of emotional distress require plaintiff to allege “the violation of a duty
16 owed directly to the plaintiff”). Finally, Plaintiff’s purported defamation and false
17 light claims fail to allege that defense counsel’s litigation demand letter was sent to
18 anyone other than Plaintiff’s counsel, fail to allege adequately how anyone
19 threatened Plaintiff with “criminal prosecution,” and fail to allege that the so-called
20 “Defamatory Statement” press release was published by any news media outlet.
21 FAC ¶¶ 97-104, 219-238. The FAC also fails to allege how the Entity Defendants
22 purportedly made “false” statements denying Plaintiff’s May 2013 allegations
23 against them when the judicially noticeable facts before this Court establish that the
24 Entity Defendants never “sexually assaulted,” “sexually battered,” or “trafficked”
25 Plaintiff when they undisputedly did not exist at the time she falsely claims these
26 things purportedly occurred. *See* Request for Judicial Notice; Holtz Decl. Ex. 1-5.
27 The FAC also contends that the “Defamatory Statement” purportedly creating a
28

1 “false light” was about someone named “Ms. Dickinson” (FAC ¶ 230), which is not
2 Plaintiff’s name.

3 **V. CONCLUSION**

4 For the reasons set forth above, the Entity Defendants respectfully request that
5 the Court dismiss with prejudice the FAC’s one federal claim (under the TVPA), as
6 well as the eleven state law claims against them.

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Dated: March 24, 2022

LAW OFFICES OF STEFFENY HOLTZ

By: /s/ Steffeny Holtz

Steffeny Holtz

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Merry Jane Events, Inc.; and Snoop Dogg’s
LLC*

PROOF OF SERVICE

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STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am over the age of 18 and not a party to the within action. My business address is 222 N. Pacific Coast Highway, Suite 2000, El Segundo, California 90245. On March 24, 2022, I served the foregoing document described as

THE ENTITY DEFENDANTS’ NOTICE OF MOTION AND MOTION TO DISMISS PLAINTIFF’S FIRST AMENDED COMPLAINT; MEMORANDUM OF POINTS AND AUTHORITIES

on the following-listed attorneys who are not on the list to receive e-mail notices for this case (who therefore require manual notice) by the following means of service:

SERVED BY U.S. MAIL: There are currently no individuals on the list to receive mail notices for this case.

SERVED BY CM/ECF: I certify that, on March 24, 2022, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system. The filing of the foregoing document will send copies to the following CM/ECF participants:

The following are those who are currently on the list to receive e-mail notices for this case.

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I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct. Executed on March 24, 2022, at El Segundo, California.

/s/ Steffeny Holtz
Steffeny Holtz