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Court of Appeal, Second District, Division 2, California.

Linda LUNA et al., Plaintiffs and Respondents,
v.
TOP DAWG ENTERTAINMENT LLC et al., Defendants and Appellants.

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Filed October 8, 2026

APPEAL from an order of the Superior Court of Los Angeles County, Michael E. Whitaker, Judge. Reversed and remanded with directions. (Los Angeles County Super. Ct. No. 24SMCV05929)

Attorneys and Law Firms

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Opinion

RICHARDSON, J.

***1** Plaintiffs Linda Luna and Ayah Altayri brought this action against Defendants Top Dawg Entertainment, LLC (TDE), Brandon Tiffith, Anthony Tiffith, Jr., and David Harrell. Defendants appeal the trial court's order denying their Code of Civil Procedure [1] section 425.16 special motion to strike Plaintiffs' sixth cause of action for doxing under Civil Code section 1708.89. [2]

We conclude the trial court erred in denying the motion because (1) the activity underlying the doxing cause of action, a press release denying Plaintiffs' allegations and disclosing their full names, constitutes protected activity; and (2) the disclosure of Plaintiffs' names is protected by the fair report privilege in the absence of a pending motion to seal. Accordingly, we reverse the order denying the motion and remand for further proceedings as directed below.

BACKGROUND

TDE is a renowned hip hop and R&B record label. The Tiffiths are executives at TDE. Harrell is alleged to be a TDE employee.

On December 6, 2024, Luna and Altayri commenced this action using the pseudonyms Jane Doe and Jane Roe. As Jane Doe, Luna alleged that while she performed services for TDE from 2019 to 2024, Brandon Tiffith sexually battered her and Anthony Tiffith, Jr. sexually harassed her. Luna further alleged TDE did not pay her for her services. As Jane Roe, Altayri alleged that while she resided in a TDE-owned home between 2020 and 2021 to provide moral support to a new TDE artist, Harrell sexually assaulted and harassed her.

When Plaintiffs commenced suit in December 2024, they did not file a motion or otherwise seek a court order to proceed in the trial court under pseudonyms. Nor did they make such a request after serving Defendants in mid-January 2025.

On January 31, 2025, two days before the Grammy Awards, Plaintiffs' counsel issued a press release regarding the lawsuit. The press release, using the pseudonyms, summarized Plaintiffs' allegations and then stated: " 'This lawsuit presents a glaring example of the systemic abuse and exploitation in the entertainment industry.' ... 'Our clients trusted TDE to act with integrity and professionalism. Instead, their trust was betrayed in profoundly damaging ways. They're bringing this lawsuit because they refuse to be silenced, and because they intend to hold TDE accountable in court.' "

On February 1, 2025, TDE responded with its own press release, as follows: " 'This is a clear example of a shakedown lawsuit by Linda Luna and Ayah Altayri who made a demand of $48 million through their attorneys on fabricated claims, and whose attorneys are looking for their ten minutes of fame.' ... 'There are text messages and communications that totally refute these baseless claims. Additionally, [Luna] and [Altayri] were never employees of [TDE]. We are confident that we will prevail in this action.' " At that time, Plaintiffs still had not requested permission from the trial court to proceed anonymously.

***2** On February 5, 2025, Plaintiffs amended their complaint to add a cause of action for doxing under Civil Code section

1708.89. Plaintiffs alleged TDE doxed them by disclosing their names in the February 1, 2025 press release.

On April 8, 2025, Defendants filed an anti-SLAPP motion to strike the doxing cause of action. Plaintiffs filed an opposition, conceding the doxing cause of action arose from protected activity but contending they could show a probability of prevailing on the merits.

On June 11, 2025, the trial court held a hearing and denied the motion. The crux of the court's ruling was that TDE's press release was not protected, whether by the anti-SLAPP statute or relevant statutory privileges, because the disclosure of Plaintiffs' names was not necessary to correct the narrative in the public records. In so holding, the court relied on rule 3.6 of the Rules of Professional Conduct, even though no party cited the rule in their briefing, to reason that the disclosure was an extrajudicial statement that defense counsel knew or reasonably should have known would be disseminated publicly and have a substantial likelihood of materially prejudicing the judicial proceedings.

Defendants timely appealed.

DISCUSSION

We agree with Defendants that the trial court should have granted the anti-SLAPP motion. Before delving into the anti-SLAPP analysis, we briefly discuss the proper procedure to proceed under a pseudonym.

I. The Procedure for a Party to Proceed Under a Pseudonym

The right of the public to access civil proceedings is guaranteed by the First Amendment (*NBC Subsidiary (KNBC-TV), Inc. v. Superior Court* (1999) 20 Cal.4th 1178, 1207–1208, 86 Cal.Rptr.2d 778, 980 P.2d 337), and this right "necessarily includes the right to know the identity of the parties" (*Department of Fair Employment and Housing v. Superior Court* (2022) 82 Cal.App.5th 105, 111, 297 Cal.Rptr.3d 834 (*Department of Fair Employment & Housing*)). Accordingly, "[t]he right of public access to court proceedings is implicated when a party is allowed to proceed anonymously." (*Roe v. Smith* (2025) 116 Cal.App.5th 227, 237, 339 Cal.Rptr.3d 152 (*Roe*).)

In light of these constitutional issues, absent a specific statutory authorization, a plaintiff does not have an absolute right to sue anonymously. (*Roe, supra*, 116 Cal.App.5th at p. 247, 339 Cal.Rptr.3d 152.) Instead, they must "file the initial complaint or petition *conditionally* under a pseudonym and then move for an order granting permission to proceed that way." (*Department of Fair Employment & Housing, supra*, 82 Cal.App.5th at p. 111, fn. 1, 297 Cal.Rptr.3d 834; see also Cal. Rules of Court, rule 2.551(b) [procedure for requesting that a record be filed under seal].) "[B]efore authorizing a civil litigant to use a pseudonym, the trial court must apply the 'overriding interest test' outlined in *NBC Subsidiary* and ... rule 2.550(d)." (*Roe*, at p. 238, 339 Cal.Rptr.3d 152.) That test requires the trial court to expressly find facts establishing that: (1) there exists an overriding interest that overcomes the right of public access to court records; (2) there is a substantial probability that interest will be prejudiced if a pseudonym is not used; (3) the use of the pseudonym is narrowly tailored to serve the overriding interest; and (4) there is no less restrictive means of achieving the overriding interest. (*Id.* at p. 247, 339 Cal.Rptr.3d 152.)

II. The Trial Court Should Have Granted the Anti-SLAPP Motion

A. Overview of Anti-SLAPP Principles and Standard of Review

***3** The anti-SLAPP statute "provides a procedure for weeding out, at an early stage, meritless claims arising from protected activity." (*Baral v. Schnitt* (2016) 1 Cal.5th 376, 384, 205 Cal.Rptr.3d 475, 376 P.3d 604, italics omitted (*Baral*).)

The trial court's ruling on an anti-SLAPP motion entails a two-step procedure. First, the "moving defendant bears the burden of identifying all allegations of protected activity, and the claims for relief supported by them." (*Baral, supra*, 1 Cal.5th at p. 396, 205 Cal.Rptr.3d 475, 376 P.3d 604.) If the defendant makes such a showing, at the second step the "burden shifts to the plaintiff to demonstrate that each challenged claim based on protected activity is legally sufficient and factually substantiated." (*Ibid.*) Without resolving evidentiary conflicts, the court determines "whether the plaintiff's showing, if accepted by the trier of fact, would be sufficient to sustain a favorable judgment." (*Ibid.*) "In the second prong of the analysis, where plaintiffs must demonstrate the 'minimal merit' of their claims, they must also show they can overcome any affirmative

defense defendant has raised." (*Dziubla v. Piazza* (2020) 59 Cal.App.5th 140, 154, 273 Cal.Rptr.3d 297 (*Dziubla*).)

We review an order granting or denying an anti-SLAPP motion de novo and in so doing, conduct the same two-step analysis. (*Monster Energy Co. v. Schechter* (2019) 7 Cal.5th 781, 788, 249 Cal.Rptr.3d 295, 444 P.3d 97.)

B. The Anti-SLAPP Statute Protects TDE's Press Release

We first conclude TDE's press release constitutes protected activity under section 425.16, subdivisions (e)(2) and (e)(4).

Section 425.16, subdivision (e)(2) applies to statements "made in connection with an issue under consideration or review by a ... judicial body." (*Ibid.*) A defendant's public statement addressing a plaintiff's lawsuit, such as TDE's press release here, is protected under subdivision (e)(2). (See *Dziubla, supra*, 59 Cal.App.5th at pp. 149–150, 273 Cal.Rptr.3d 297.)

Section 425.16, subdivision (e)(4) protects any communication or conduct "in furtherance of the exercise of the constitutional right of petition or the constitutional right of free speech in connection with a public issue or an issue of public interest." (*Ibid.*) TDE, a renowned record label that has launched the career of many famous artists, is an "entity in the public eye." (*Rivero v. American Federation of State, County, and Municipal Employees, AFL-CIO* (2003) 105 Cal.App.4th 913, 924, 130 Cal.Rptr.2d 81.) And Plaintiffs' allegations of sexual misconduct by figures in the music industry and TDE's public statement addressing those allegations concern an issue of public interest. (See *Bernstein v. LaBeouf* (2019) 43 Cal.App.5th 15, 23, 257 Cal.Rptr.3d 173 [public's interest in life and work of entertainers can create issue of public interest]; *Terry v. Davis Community Church* (2005) 131 Cal.App.4th 1534, 1547, 33 Cal.Rptr.3d 145 [societal interest in protecting children from sexual predators can create issue of public interest].) Thus, TDE's press release addressing serious allegations of sexual misconduct also satisfies subdivision (e)(4).

To the extent that the trial court held the press release is not protected because TDE inappropriately disclosed Plaintiffs' names, that was in error. As discussed in part I., *ante*, plaintiffs, absent a statutory authorization, may proceed anonymously only after they file a motion with the trial court to find an overriding interest supports their use of pseudonyms. Here, Plaintiffs never filed such a motion, and TDE violated no court order or rule when it disclosed Plaintiffs' names.

***4** We are, of course, sensitive to the nature of Plaintiffs' allegations, and they may have had a strong argument to remain anonymous. But it was incumbent on Plaintiffs to present their request to the trial court as soon as possible. Absent filing such a motion or a statutory basis, they simply had no "right" to remain anonymous while suing in court. (See Cal. Rules of Court, rule 2.551(b)(4) [pending determination of the motion, the lodged record will be conditionally under seal].)

Notably, Plaintiffs conceded in the trial court that TDE's press release was protected. That concession was well made. On appeal however, Plaintiffs contend the anti-SLAPP statute does not protect the press release because "the gravamen of the [doxing] claim is the electronic distribution of personally identifying information, not the exercise of free speech or petitioning rights."

We disagree. The Supreme Court has cautioned that at the first step, courts should not attempt to determine the gravamen of a claim as it would risk "saddling courts with an obligation to settle intractable, almost metaphysical problems about the 'essence' of a cause of action." (*Bonni v. St. Joseph Health System* (2021) 11 Cal.5th 995, 1011, 281 Cal.Rptr.3d 678, 491 P.3d 1058.) Instead, court should determine whether a protected act "suppl[ies] the basis for any claims." (*Id.* at p. 1010, 281 Cal.Rptr.3d 678, 491 P.3d 1058.) As already explained, the press release, a quintessential exercise of free speech or petitioning rights (*Dziubla, supra*, 59 Cal.App.5th at pp. 149–150, 273 Cal.Rptr.3d 297), is the basis for the doxing cause of action. And in the absence of any contention that the conduct that occurred here was illegal as a matter of law (see *id.* at pp. 150–153, 273 Cal.Rptr.3d 297), whether the electronic distribution of personally identifying information in this case is actionable under the doxing statute is relevant only to the second prong (*id.* at p. 154, 273 Cal.Rptr.3d 297).

C. The Fair Report Privilege Protects the Disclosure of Plaintiffs' Names

We next conclude Plaintiffs cannot show a probability of prevailing on the merits because the disclosure of their names is protected by the fair report privilege.

Under Civil Code section 47, subdivision (d), the fair report privilege "protects a 'fair and true report in, or a communication to, a public journal, of ... a judicial ...

proceeding, or anything said in the course thereof.' " (*Argentieri v. Zuckerberg* (2017) 8 Cal.App.5th 768, 787, 214 Cal.Rptr.3d 358.) " 'Fair and true' in this context does not refer to the truth or accuracy of the matters asserted in the judicial proceedings, but rather to the accuracy of the challenged statements with respect to what occurred in the judicial proceedings." (*Healthsmart Pacific, Inc. v. Kabateck* (2016) 7 Cal.App.5th 416, 434, 212 Cal.Rptr.3d 589 (*Healthsmart*).) The privilege is absolute—"that is, it applies regardless of the defendants' motive for making the report—and forecloses a plaintiff from showing a probability of prevailing on the merits." (*Argentieri*, at p. 787, 214 Cal.Rptr.3d 358.) "Courts have construed the privilege broadly, 'mindful of the Legislature's intent ... "to preserve the scarce resources of California's courts [and] to avoid using the courts for satellite litigation." ' " (*Healthsmart*, at p. 431, 212 Cal.Rptr.3d 589.) "Although the fair report privilege is typically invoked by news media defendants, it also protects those who communicate information to *the media*." (*Ibid.*) Whether the privilege applies is generally a question of law for the court to decide. (*Ibid.*)

Here, the portion of the press release Plaintiffs challenge is the disclosure of their names. That specific portion represented the complaint as a "lawsuit by Linda Luna and Ayah Altayri." That statement easily qualifies for the fair report privilege: Luna and Altayri are in fact the plaintiffs in this action. The fact they unilaterally chose to use pseudonyms but had not yet requested permission to do so does not alter this fact.

***5** The trial court appeared to hold that the statement is not protected because the fair report privilege does not apply when the communication to a public journal violates rule 3.6 of the Rules of Professional Conduct. (See Civ. Code, § 47, subd. (d)(2)(A).) But rule 3.6(b)(1) expressly allows lawyers to publicly communicate the "identity of the persons involved." And as discussed in part II.B., *ante*, no court rule or order prohibited TDE from doing that in this action because Plaintiffs had not sought authorization from the court to proceed anonymously. This is the critical distinction: TDE did not communicate their identities while such a motion was pending. Thus, to the extent the court found that there was an exception to the fair report privilege, that was in error.

In addition to echoing the trial court's concerns about rule 3.6 of the Rules of Professional Conduct, Plaintiffs offer two other reasons the fair report privilege does not apply. Neither is persuasive.

First, Plaintiffs argue the disclosure of their names was not a fair and true report because their names were never part of the judicial record. The privilege, however, is not limited to fair and true reports of statements *made* in the proceedings. It protects statements "about the proceedings *or* of what was said in the proceedings." (*Healthsmart, supra*, 7 Cal.App.5th at p. 435, 212 Cal.Rptr.3d 589, original italics omitted, italics added.) The fact that Plaintiffs' names were not yet part of the judicial record when TDE issued its press release does not defeat the fair report privilege; it is still an accurate report *about* the proceeding.

Sipple v. Foundation for Nat. Progress (1999) 71 Cal.App.4th 226, 83 Cal.Rptr.2d 677, supports our conclusion here. There, the defendants reported that in a custody dispute between the plaintiff, a nationally known political consultant, and his first wife, his former wives testified that he had physically and verbally abused them. (*Id.* at p. 230, 83 Cal.Rptr.2d 677.) The defendants based their assertion in part on depositions taken in the custody proceeding. (*Id.* at pp. 231, 242, 83 Cal.Rptr.2d 677.) On appeal, the plaintiff argued that the defendants' reporting of the depositions should not be protected because the depositions were never part of the judicial record. (*Id.* at p. 242, 83 Cal.Rptr.2d 677.) Another panel of our Division disagreed, explaining " 'case law is clear that reports which comprise a history of the proceeding come within the privilege, as do statements made outside the courtroom and invoking no function of the court.' " (*Ibid.*)

Second, Plaintiffs argue the fair report privilege does not apply because the press release made factual assertions that went beyond reporting about Plaintiffs' complaint. For example, Plaintiffs point to the press release's representation that the complaint "was a clear example of a shakedown" and had "baseless claims." But the fact that the press release also made these assertions is immaterial. In assessing whether the privilege applies, our focus is on "the accuracy of the *challenged statements*." (*Healthsmart, supra*, 7 Cal.App.5th at p. 434, 212 Cal.Rptr.3d 589, italics added.) Plaintiffs are not suing TDE for doxing because the statement said the lawsuit was a "shakedown" or had "baseless claims." Instead, Plaintiffs challenge only the statement that Luna and Altayri are the plaintiffs in the action. Because that statement is unquestionably accurate, the privilege applies.

Because we conclude the doxing cause of action fails on this basis, we do not reach Defendants' alternative arguments that the allegations do not constitute doxing as defined by Civil

Code section 1708.89 or that the First Amendment precludes its application here.

DISPOSITION

The order denying the anti-SLAPP motion is reversed. On remand, the trial court is directed to grant Defendants' anti-SLAPP motion and strike Plaintiffs' doxing cause of action. Defendants are entitled to costs on appeal.

WE CONCUR:

CHAVEZ, Acting P. J.

GOORVITCH, J.

All Citations

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Footnotes

1 Undesignated statutory references are to the Code of Civil Procedure.

2 All Defendants jointly filed the motion and are appellants in this appeal, but only TDE was sued for doxing. Thus, our discussion of the cause of action will only refer to TDE.

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