

Case No. 3rd Civ. C088848  
(Sacramento Superior Court Case No.  
34-2018-00238699-CU-DF-GDS)

**COURT OF APPEAL OF THE STATE OF CALIFORNIA**  
**THIRD APPELLATE DISTRICT**

---

---

MATTHEW DABABNEH,  
*Plaintiff and Respondent,*

v.

PAMELA LOPEZ,  
*Defendant and Appellant.*

---

---

Appeal from Sacramento County Superior Court  
Hon. David Brown, Judge Presiding

---

---

**RESPONDENT'S OPPOSITION TO APPLICATION BY  
THE REPORTERS COMMITTEE FOR FREEDOM OF THE  
PRESS AND 13 MEDIA ORGANIZATIONS  
TO FILE AMICUS BRIEF**

---

---

JOEL N. KLEVENS (SBN 45446)  
jklevens@glaserweil.com  
ELIZABETH G. CHILTON (SBN 110326)  
echilton@glaserweil.com  
GLASER WEIL FINK HOWARD AVCHEN & SHAPIRO LLP  
10250 Constellation Boulevard, 19th Floor  
Los Angeles, California 90067  
Tel.: (310) 553-3000 Fax: (310) 556-2920

Attorneys for Respondent Matthew Dababneh

Respondent Matthew Dababneh opposes the application by The Reporters Committee For Freedom Of The Press and 13 Media Organizations (collectively, “Reporters”) to file an amicus brief in this matter.

First, the application is signed, and the proposed brief is submitted, by six attorneys, only one of whom (Katie Townsend) is licensed to practice law in California. Reporters’ Application 1, 5. Nor has any of the other five submitted an application to appear *pro hac vice*, as did out-of-state counsel representing another proposed amicus curiae. See Application of Danielle K. Citron To Appear As Counsel *Pro Hac Vice* for amicus curiae Cyber Civil Rights Institute.

It is obvious (except perhaps to Reporters’ out-of-state counsel) that an attorney signing a document to be filed in a California court must be licensed to practice law in California. Bus.&Prof. Code §6125. Indeed, even “[a]ppearing” on behalf of another in the caption of pleadings filed with the court may constitute the unauthorized practice of law where the filer is not licensed to practice or otherwise authorized to appear before the court. [See *Gentis v. Safeguard Business Systems, Inc.* (1998) 60 CA4th 1294, 1308, 71 CR2d 122, 130—denying petition for rehearing where attorney not licensed in Calif. was listed in caption as representing petitioner].” Cal.PracticeGuide:

Professional Responsibility, Ch. 1-D, §1:186.5. For this reason alone, Reporters’ application should be denied.

Even if the brief were submitted solely by California counsel, it should not be filed. It is black letter law that a would-be amicus curiae must take the case as it finds it and cannot “launch out on a juridical expedition of its own.” *Bunzl Distribution USA, Inc. v. Franchise Tax Board*, 27 Cal.App.5th 986, 999 n.8 (2018) (internal quotation marks omitted). Amici cannot interject new issues or expand the scope of the issues on review. *Crump v. Appellate Division of Superior Court*, 37 Cal.App.5th 222, 251 n.11 (2019); *C.S. v. Superior Court*, 29 Cal.App.5th 1009, 1039 (2018). Additional arguments raised by amici which go beyond those framed and urged by the parties will not be considered by the court. *Id.*; *Bunzl*, 27 Cal.App.5th at 999 n.8; *City of Jackson v. Workers’ Comp. Appeal Board*, 11 Cal.App.5th at 117 n.3 (2017).

Here, Reporters argue, *inter alia*, that the formatting of the *Los Angeles Times* article containing some of the defamatory statements by appellant Pamela Lopez are “editorial choices” by the paper which should not affect whether appellant’s statements are protected by the fair report privilege in Civ.Code §47(d)(1). Reporters’ Proposed Brief (“RPB”) 10. Reporters acknowledge that the trial court did not address this argument (*id.*), which is not surprising because Lopez never made it. Nor does she make

this argument on appeal. Accordingly, Reporters cannot assert it, either.

Reporters' three remaining arguments — on actual malice and the scope of the legislative and fair report privileges under Civ.Code §§47(b) and (d) — fare no better. The function of amici curiae is to provide the court with “a different perspective from the principal litigants,” assisting the court “by broadening its perspective on the issues raised by the parties.” *Connerly v. State Personnel Board*, 37 Cal.4th 1169, 1177 (2006).

Reporters' proposed brief does none of these things. Lopez has already filed briefs of nearly 150 pages on these very issues, and in far greater detail. *Cf.* Appellant's Opening Brief (“AOB”) 22-36, 39-63 and Appellant's Reply Brief (“ARB”) 12-23, 25-49; RPB 11-26. Lopez already cited the cases and other authorities cited again by Reporters. *Cf.* AOB 5-8 and ARB 4-9; RPB 5-6. Lopez already claimed that the First Amendment will be irreparably harmed if a public figure is allowed to defend himself from false allegations of sexual assault, a claim made again by Reporters. *Cf.* AOB 53-54, 65-66 and ARB 10-11; RPB 11-13, 15-17, 21-26.

