

1 KING, HOLMES, PATERNO & SORIANO, LLP  
 HOWARD E. KING, ESQ., STATE BAR NO. 77012  
 2 JOHN G. SNOW, ESQ., STATE BAR NO. 280790  
 JACKSON S. TRUGMAN, ESQ., STATE BAR NO. 295145  
 3 JTRUGMAN@KHPSLAW.COM  
 1900 AVENUE OF THE STARS, TWENTY-FIFTH FLOOR  
 4 LOS ANGELES, CALIFORNIA 90067-4506  
 TELEPHONE: (310) 282-8989  
 5 FACSIMILE: (310) 282-8903

6 Attorneys for Plaintiff Brian Warner p/k/a  
 Marilyn Manson  
 7

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
 9 COUNTY OF LOS ANGELES, CENTRAL DISTRICT  
 10

11 BRIAN WARNER p/k/a MARILYN  
 MANSON,

12 Plaintiff,

13 vs.

14 EVAN RACHEL WOOD; ASHLEY GORE  
 15 a/k/a/ ILLMA GORE,

16 Defendants.  
 17  
 18  
 19

CASE NO. 22STCV07568

**PLAINTIFF'S OPPOSITION TO  
 DEFENDANT GORE'S SPECIAL  
 MOTION TO STRIKE**

[Filed concurrently with: Opposition to  
 Wood's anti-SLAPP Motion; King  
 Declaration; Supplemental King Declaration;  
 Berk Declaration; Warner Declaration; Balog  
 Declaration; Weiss Declaration; Meyer  
 Declaration; Kunkel Declaration; B. Gore  
 Declaration; Opposition to Gore's RJN;  
 Objections to Defendants' Evidence; Notice  
 of Lodging; Application to Seal; [Proposed]  
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1 **I. INTRODUCTION**

2 Defendant Evan Rachel Wood and her on-again, off-again romantic partner Defendant  
3 Illma Gore engaged in a campaign to publicly yet falsely cast Wood’s ex, Plaintiff Brian Warner,  
4 as a rapist and abuser. They recruited, pressured, and coached would-be accusers on specific acts  
5 of abuse to allege against Warner; forged a letter from a real FBI agent to create the false  
6 appearance that Warner was under federal investigation and his “victims” were in danger;  
7 promulgated falsehoods to shore up their manufactured narrative, including that Warner’s  
8 unreleased film “Groupie” was illegal child pornography; solicited personal information from  
9 Warner’s former employees; hacked his online accounts; manufactured evidence that he  
10 exchanged illicit pornography; and “swatted” Warner at his home to bring more attention to the  
11 false allegations Wood and Gore conspired to have made against him. Predictably, this malicious  
12 conduct derailed Warner’s successful career as a musician, filmmaker, and artist.

13 In March 2022, Warner sued Wood and Gore for intentional infliction of emotional  
14 distress, defamation, and illegal hacking and impersonation over the internet. Gore responded to  
15 the lawsuit not by denying her wrongful conduct, but by filing an anti-SLAPP motion (the  
16 “Motion” or “Gore Mot.”) seeking to strike portions of two of Warner’s four causes of actions and  
17 certain allegations in the Complaint. But the anti-SLAPP statute was not meant for a defendant  
18 like Gore, on a record like this, to avoid liability at this early stage.

19 *First*, Gore cannot strike the causes of action that arise from her defamatory statements  
20 about Warner and his film “Groupie.” Gore does not show, as she must, that falsely telling people  
21 the unreleased film is illegal child pornography was “protected activity” under the anti-SLAPP  
22 statute. Her overbroad contention that *any* statement about alleged child abuse automatically  
23 triggers protection under the anti-SLAPP statute is not supported by any authority. While the  
24 inquiry should end there, Warner can also make a *prima facie* showing on both causes of actions  
25 that arise from Gore’s defamatory statements. The film’s actress has provided sworn testimony  
26 that she was 21 years old when it was made—not a child. Gore’s contention that she was  
27 “virtually repeating” Warner’s own words fails, because Warner actually said the opposite. And  
28 Gore acted at least recklessly, peddling this slander to support her manufactured narrative about

1 Warner, and ignoring sources of information that would have revealed its falsity.

2       *Second*, the Court should not strike the cause of action that arises from Gore’s efforts to  
3 recruit, pressure, and organize people to make false accusations against Warner. Gore fails to  
4 carry her burden to demonstrate that this wrongful conduct falls into any of the protected  
5 categories set forth in CCP § 425.16(e). Gore cites no evidence to link her conduct to any official  
6 proceeding, and incorrectly argues that broadcasting otherwise private disputes (albeit false ones)  
7 transforms them into “public issues.” As separate grounds to deny the Motion, Warner can show  
8 that at this early stage his claim has at least the “minimal merit” to proceed.

9 **II. FACTUAL BACKGROUND**

10       Wood and Warner were romantic partners over twelve years ago, when Warner was known  
11 for his shock-rocker persona and spirited rock-and-roll lifestyle, and Wood, an actress, was known  
12 for being Warner’s “wild” partner who, despite having a “healthy, loving” relationship with  
13 Warner, “crav[ed] danger and excitement.” Compl., ¶ 2. Wood has since attempted to rebrand  
14 and distance herself from Warner. *See, e.g., id.*, ¶¶ 3, 16, 23. To that end, Wood and Gore  
15 conspired, recruited, and wrongfully caused women to make false public accusations of rape and  
16 sexual abuse against Warner. *See, e.g., id.*, ¶¶ 4-5, 23, 25-31. Gore and Wood weaponized  
17 Wood’s fame and influence, lies about Warner, and threats of fictitious government investigations  
18 to lure in would-be accusers, while engaging in outrageous and illegal acts to implant, secure,  
19 distribute, and amplify coordinated falsehoods. *See, e.g., id.*, ¶¶ 4, 21-23, 25-31, 32-35, 38-41, 42-  
20 50, 51-55, 56-61. While many refused to engage, others did not—and of these, some admitted  
21 gaining “new memories” of abuse after meeting with Gore and Wood. *See, e.g., Kump Ex. 7,*  
22 ¶¶ 108, 127; Kump Ex. 10, ¶¶ 44, 47.

23 [REDACTED]  
24 [REDACTED] King Ex. F (Gore Dep. Tr.) at 82:16-18, 85:9-22, 86:15-19, 87:15-18. [REDACTED]  
25 [REDACTED] *id.* at 36:19-24, Wood had; and Warner told Wood the actress was his ex-girlfriend  
26 Pola Weiss, Warner Decl., ¶ 5. Weiss was a 21-year-old actress and model at the time, and also  
27 starred in Warner’s music video for “Long Hard Road Out Of Hell.” Weiss Decl., ¶¶ 3-5.

28 [REDACTED]

1 [REDACTED]  
2 [REDACTED]. King Ex. F at 22:13-24:11, 26:7-11, 52:19-53:1, 58:23-59:4. [REDACTED]  
3 [REDACTED] *Id.* at  
4 59:5-8, 60:7-13. This was false. [REDACTED]  
5 [REDACTED] *Id.* at 23:1-17, 24:2-11,  
6 25:17-26:1. [REDACTED]  
7 [REDACTED] *Id.* at 37:5-14, 95:25-96:4.

8 By late 2020, Gore had told numerous people—including prospective accusers [REDACTED]  
9 [REDACTED] and Michele Meyer—that the “Groupie” actress was underage and  
10 the film was “child pornography” for which Warner would soon be indicted. Meyer Decl., ¶ 10;  
11 King Ex. F at 34:2-15. These lies about “Groupie” fit the narrative Gore was building—that  
12 Warner was a human trafficker and child pornographer—which she used as one of many tactics to  
13 recruit former teen “victims” and others. *See* King Ex. D; Balog Decl., ¶¶ 4-8 & Ex. A; Meyer  
14 Decl., ¶¶ 9-10; *see also* King Ex. I ([REDACTED]);  
15 King Exs. O, P (10/11/20 Gore research on human trafficking and child pornography); B. Gore  
16 Ex. D (checklists with references to child abuse). She wrote to McGaffigan in September and  
17 October 2020, stating she and Wood wanted to speak to teenage “survivors of violence,” and she  
18 and Wood knew of and were “speak[ing] about [G]roupie,” a so-called “similar experience[.]”  
19 King Ex. D. With Meyer, Gore was even more direct, stating in October 2020 calls that Warner  
20 “was part of a criminal enterprise,” “abused underage girls and was involved in the creation and  
21 distribution of child pornography,” including “Groupie.” Meyer Decl., ¶¶ 9-10.

### 22 III. LEGAL STANDARD

23 The anti-SLAPP statute provides a procedural remedy to dismiss at an early stage frivolous  
24 actions that chill the “valid exercise of the constitutional right of freedom of speech.”

25 CCP § 425.16(a). Section 425.16 sets forth a “two-step process” to analyze a special motion to  
26 strike. *Grenier v. Taylor*, 234 Cal. App. 4th 471, 480 (2015) (citing CCP § 425.16(b)(1)).

27 The Court first decides whether the defendant has shown the anti-SLAPP statute applies.  
28 CCP § 425.16(b)(1). “[S]ection 425.16 requires every defendant seeking its protection to

1 demonstrate that the subject cause of action is in fact one ‘arising from’” conduct “within one of  
2 the four categories described in subdivision (e).” *Equilon Enterprises v. Consumer Cause, Inc.*, 29  
3 Cal. 4th 53, 66 (2002). “[T]he statute envisions that the courts do more than simply rubber stamp  
4 such assertions before moving on to the second step.” *Flatley v. Mauro*, 39 Cal. 4th 299, 317  
5 (2006). If the defendant “fail[s] to make a threshold showing that the causes of action arose from  
6 protected activity” there is “no need to address the second step of the anti-SLAPP inquiry.” *Oasis*  
7 *W. Realty, LLC v. Goldman*, 51 Cal. 4th 811, 819 (2011).

8           Only if the defendant satisfies the first prong does the Court determine whether the  
9 plaintiff can demonstrate a “probability” of success. CCP § 425.16(b)(1). “[A]ll that a plaintiff  
10 must do to defeat an anti-SLAPP motion is to establish the claim has minimal merit.” *Grenier*,  
11 234 Cal. App. 4th at 486. To that end, courts “accept as true all evidence favorable to the  
12 plaintiff.” *Comstock v. Aber*, 212 Cal. App. 4th 931, 947 (2012). Courts may “not weigh the  
13 credibility or comparative probative strength of competing evidence,” *Gruber v. Gruber*, 48 Cal.  
14 App. 5th 529, 537 (2020), and are “required to ‘draw every legitimate favorable inference from the  
15 plaintiff’s evidence,’” *Kinsella v. Kinsella*, 45 Cal. App. 5th 442, 462 (2020). “Only a cause of  
16 action that satisfies *both* prongs of the anti-SLAPP statute—*i.e.*, that arises from protected speech  
17 or petitioning *and* lacks even minimal merit—is a SLAPP, subject to being stricken under the  
18 statute.” *Navellier v. Sletten*, 29 Cal. 4th 82, 89 (2002).

#### 19 **IV. ARGUMENT**

##### 20 **A. The Court should not strike any portion of Warner’s Complaint that arises** 21 **from Gore’s defamatory statements about “Groupie.”**

##### 22 **1. Calling “Groupie” “child pornography” is not “protected activity.”**

23 Gore does not carry her “burden . . . to demonstrate that the . . . acts of which the plaintiff  
24 complains” are “protected activity,” dooming her Motion at the outset. *Equilon*, 29 Cal. 4th 53,  
25 67. She cannot establish that calling an unreleased, fifteen-year-old film child pornography  
26 constituted “‘free speech in connection with a public issue or an issue of public interest,’” as she  
27 contends. Gore Mot. at 7 (quoting CCP § 425.16(e)(4)), 10-11 (incorporating earlier discussion).

28 Gore first argues that “[p]rotecting people from sex offenders is a matter of public

1 interest,” citing *Cross v. Cooper*, 197 Cal. App. 4th 357, 382 (2011). Gore Mot. at 7; *see also id.*  
2 at 10-11. But *Cross* involved a tenant’s warning to potential buyers of his rented house that a  
3 registered sex offender lived across the street. *Cross*, 197 Cal. App. 4th at 374. These “private  
4 communication[s] directly related to an issue of considerable interest to the general public,”  
5 triggering the anti-SLAPP statute, but only “insofar as [the tenant’s] disclosure served those  
6 interests by alerting prospective buyers of the potential risk to children posed by [the] registered  
7 sex offender.” *Id.* at 375. Here, however, Gore does not attempt to show her statements “alerted”  
8 or “protected” anyone. *See Gore Mot.* at 7. Nor can she. She defamed Warner to adults who,  
9 Gore claims, had been harmed by Warner years earlier. *See Meyer Decl.*, ¶ 10; King Ex. F at  
10 34:2-15, 55:7-17; 67:22-24; King Ex. D. And also unlike *Cross*, which involved a registered sex  
11 offender, statements about “Groupie” provide no basis to “protect[.]” children from Warner,  
12 because the film’s actress was not actually underage, Weiss Decl., ¶ 4, and [REDACTED]  
13 [REDACTED], King Ex. F at 64:13-65:2, 92:14-93:6.

14 Next, Gore argues that “the issue of child molestation . . . is a matter of public interest,”  
15 citing *M.G. v. Time Warner, Inc.*, 89 Cal. App. 4th 623 (2001). Gore Mot. at 7. But *M.G.* does  
16 not support the proposition that *every* discussion of child molestation is a “public issue.” “[T]he  
17 focus of [the Court’s] inquiry must be on ‘the specific nature of the speech,’ rather than on any  
18 ‘generalities that might be abstracted from it.’” *FilmOn.com Inc. v. DoubleVerify Inc.*, 7 Cal. 5th  
19 133, 152 (2019). In *M.G.*, a TV show and magazine “used the 1997 team photograph of a Little  
20 League team to illustrate stories about adult coaches who sexually molest youths playing team  
21 sports.” 89 Cal. App. 4th at 626. “The broad topic of the article and the program was not whether  
22 a particular child was molested but rather the general topic of child molestation in youth sports, an  
23 issue which, like domestic violence, is significant and of public interest.” *Id.* at 629. Here, Gore’s  
24 statements were not about “the general topic of child molestation.” *Id.* Rather, like in other cases  
25 distinguishing *M.G.*, “we have the opposite; focus on the particular and not on the broader topic,”  
26 namely false statement about *particular* conduct involving *particular* people. *See Dual Diagnosis*  
27 *Treatment Ctr., Inc. v. Buschel*, 6 Cal. App. 5th 1098, 1106 (2016) (“Given the focused nature of  
28 the statements at issue in this case, Buschel’s reliance on *M.G.* . . . is misplaced.”).

1 Gore’s remaining arguments also fail. She offers no evidence that her falsehoods were  
2 made “in anticipation of, or in connection with” *Phoenix Rising* or any actual “ongoing  
3 investigation” of Warner by law enforcement. Gore Mot. at 8; *see also id.* at 1, 4; King Ex. F at  
4 126:17-127:19 ( [REDACTED] ). Nor were her  
5 defamatory statements in 2020 connected to “passing legislation.” Gore Mot. at 1-2. By late 2019  
6 the “Phoenix Act” bill was already signed into law. Ziemianek Decl., ¶ 4.

7 Because Gore cannot meet her burden under the first prong, there is no further inquiry.  
8 *Musero v. Creative Artists Agency, LLC*, 72 Cal. App. 5th 802, 823 (2021) (“Because [defendants]  
9 did not carry their threshold burden under section 425.16, we need not consider whether [plaintiff]  
10 demonstrated a probability of prevailing on the merits of any of his claims[.]”).

11 **2. Warner’s claims have at least “minimal merit.”**

12 Warner separately defeats Gore’s Motion by making a *prima facie* showing on the  
13 challenged claims. *Navellier*, 29 Cal. 4th at 89.

14 **(a) Warner can make a *prima facie* showing of IIED.**

15 Warner can show that “(1) the defendant engaged in extreme and outrageous conduct with  
16 the intention of causing, or reckless disregard of the probability of causing, severe emotional  
17 distress to the plaintiff; (2) the plaintiff actually suffered severe or extreme emotional distress; and  
18 (3) the outrageous conduct was the actual and proximate cause of the emotional distress.” *Ross v.*  
19 *Creel Printing & Publ’g Co.*, 100 Cal. App. 4th 736, 744–45 (2002) (internal citations omitted).  
20 Warner can also show a “false statement of fact.” Gore Mot. at 10.

21 ***Outrageous conduct.*** The actress in “Groupie” was at least 21 years old, not a “child” as  
22 Gore claimed. Weiss Decl., ¶¶ 4-7; Meyer Decl. ¶ 10; King Ex. F at 34:2-15. False accusations of  
23 child abuse are extreme, outrageous conduct. *See Grenier v. Taylor*, 234 Cal. App. 4th 471, 487  
24 (2015) (accusations of “child molestation” are “not mere insults, indignities, threats, annoyances,  
25 petty oppressions or other trivialities”); *Siam v. Kizilbash*, 130 Cal. App. 4th 1563, 1582 (2005)  
26 (declining to strike IIED claim where defendants accused plaintiff of “abusing defendant’s  
27 children” and “[t]he crucial evidence that plaintiff submits is that he never abused the children”).  
28 Without citing any authority, Gore argues her false statement could not be outrageous as a matter

1 of law because, according to her, it “virtually repeated” Warner’s “own words.” Gore Mot at 9,  
2 10-11. But in the “transcript” Gore cites, Warner actually said the opposite—the actress was just  
3 “portraying a youngster” and it “was not a pornographic film.” Gore RJN Ex. 5 at 8 (emphasis  
4 added). Gore ignores this. Gore Mot. at 9. Gore’s defamatory statements are not reflected in the  
5 “comments made by Warner himself.” *Id.* Warner’s vague, in-character quip that he was told he  
6 would “go to jail” if the film was released says nothing about sex or the actress’s age. Gore Mot.  
7 at 9; *see also* Wood Mot. at 22 (admitting that “Warner *joked* that the actress *may* have been under  
8 18”) (emphasis added). [REDACTED]  
9 King Ex. F at 60:7-13; *see also id.* at 64:13-65:2, 92:14-93:6 ([REDACTED]).

10 ***Intentional/reckless conduct.*** At the very least, Gore recklessly disregarded the likelihood  
11 that her defamation would cause him severe emotional distress. [REDACTED]

12 [REDACTED]  
13 [REDACTED] King Ex. F at 38:5-13, 38:24-35:5, 40:8-15. [REDACTED]

14 [REDACTED]  
15 [REDACTED] *Id.* at 50:2-25. [REDACTED]

16 [REDACTED] Wood, [REDACTED] had actually  
17 seen the film and knew the actress was Weiss. *Id.* at 82:16-18; 86:15-19; 87:15-18; 89:16-19;  
18 95:11-18; 95:25-96:4; Warner Decl., ¶ 5. [REDACTED]

19 [REDACTED]  
20 [REDACTED] *Id.* at

21 22:13-23:17; 24:2-11; 25:17-26:1; 37:5-14; 59:5-8. Gore ignored inconvenient evidence right  
22 under her nose. She knew the actress in “Groupie” was also in the video for “Long Hard Road  
23 Out of Hell.” Meyer Decl., ¶ 10; *see also* King Ex. Q (10/11/20 Gore screenshot of “Long Hard  
24 Road Out of Hell”). Yet, instead of confirming this was Weiss, a paid, of-age actress, Gore  
25 peddled frivolous speculation that “the girl’s name was removed from the credits for everything  
26 she appeared in, such as Warner’s ‘Long Hard Road Out of Hell’ music video, so that when she  
27 was alive, no one would be able to find her and ask her about [‘]Groupie[’].” Meyer Decl., ¶ 10;  
28 *see also* Weiss Decl., ¶ 8. Around this time Gore also saw Warner’s 1998 film “Dead to the

1 World,” which featured clips of “Groupie,” but ignored that Weiss’s name was featured in the  
2 credits and Polard’s name was not. King Ex. K-N (9/25/20 Gore screenshots from “Dead to the  
3 World”), Ex. V at 4 (credits from “Dead to the World”); *see also* Weiss Decl., ¶ 7. [REDACTED]  
4 [REDACTED]  
5 [REDACTED]  
6 [REDACTED] King Ex. F at 30:25-31:20. Even after Gore undisputedly knew about Weiss, King Ex. U  
7 (2/9/21 image of Weiss on Gore’s former iPad); King Ex. F at 48:24-49:8, [REDACTED]  
8 [REDACTED], *id.* at 51:20-24—[REDACTED]  
9 [REDACTED] *id.* at 18:7-9, 18:16-21, 20:4-8.

10 It is no mystery why. The “Groupie” lie was one of many tactics Gore and Wood  
11 “exploited . . . for their own purposes” to further the campaign against Warner. *Belen v. Ryan*  
12 *Seacrest Prods., LLC*, 65 Cal. App. 5th 1145, 1165 (2021). Accusing Warner of this particular  
13 instance of child abuse fit with and purported to strengthen the fabricated narrative that Warner  
14 had abused and “trafficked” underage girls—“Groupie” became part of the pitch, and “underage”  
15 Polard, part of the story. *See* Compl., ¶¶ 56, 61; King Ex. D; Warner Decl., ¶ 5; King Ex. I; King  
16 Exs. O, P (10/11/20 Gore research on human trafficking and child pornography); B. Gore. Ex. D  
17 (checklist with references to child abuse); Meyer Decl. ¶¶ 9-10.<sup>1</sup>

18 ***Emotional distress.*** Warner provided a sworn declaration stating that he suffered severe  
19 emotional distress caused by Gore’s wrongful conduct, which included the defamatory falsehood.  
20 *See* Warner Decl., ¶¶ 8-11; *Belen*, 65 Cal. App. 5th at 1165 (sworn statement of plaintiff sufficient

21  
22 \_\_\_\_\_  
23 <sup>1</sup> [REDACTED]  
24 [REDACTED]  
25 [REDACTED]  
26 [REDACTED]  
27 [REDACTED]  
28 [REDACTED]

1 to make *prima facie* showing on second and third elements); *see also Godfrey v. Steinpress*, 128  
2 Cal. App. 3d 154, 173 (1982) (“the court determines whether severe emotional distress can be  
3 found; the jury determines whether on the evidence it has, in fact, existed”).

4 (b) Warner can make a *prima facie* showing of defamation.

5 Warner can show that Gore “intentionally communicated to a third person, either orally or  
6 in writing, a false, unprivileged statement about him that had a natural tendency to injure him or  
7 that caused him special damage.” *Reed v. Gallagher*, 248 Cal. App. 4th 841, 855 (2016). Warner  
8 can also show that “the challenged statements were made with actual malice,” *i.e.*, “a showing that  
9 the allegedly false statement was made ‘with knowledge that it was false or with reckless  
10 disregard of whether it was false or not.’” *Id.* at 861.<sup>2</sup>

11 **Communication to a third person.** Gore told at least Michele Meyer that “Groupie”  
12 contained child pornography. Meyer Decl., ¶ 10. [REDACTED]

13 [REDACTED] *See King Ex. F* at 69:3-12; 70:20-71:12. Gore also repeated falsehoods about  
14 “Groupie”—including that the actress was underage—to prospective accusers, including  
15 McGaffigan [REDACTED] *Id.* at 34:2-15; King Ex. D.

16 **False statement about Warner.** Gore said “the girl in Groupie was underage,” “Warner  
17 knew the girl was underage,” and “the film was child pornography.” Meyer Decl., ¶ 10. All of  
18 this is false. Weiss Decl., ¶ 4; Warner Decl., ¶ 5.

19 **Actual malice.** Gore acted at least “with reckless disregard of whether [her defamatory  
20 statements were] false or not.” *Reed*, 248 Cal. App. 4th at 855. [REDACTED]

21 [REDACTED]  
22 [REDACTED] King Ex. F at 60:7-13,  
23 64:13-17, 65:12-66:18. Yet, she told people “Groupie” was child pornography anyway.

24 Actual malice “may be proved by direct or circumstantial evidence.” *Mitchell v. Twin*

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<sup>2</sup> “Although at trial a public figure plaintiff must establish actual malice by clear and convincing evidence, in the context of an anti-SLAPP motion the plaintiff must instead establish only a ‘probability’ that he or she can produce clear and convincing evidence of actual malice.” *Edward v. Ellis*, 72 Cal. App. 5th 780, 793, *review denied* (Mar. 30, 2022).

1 *Galaxies, LLC*, 70 Cal. App. 5th 207, 221 (2021). Circumstantial evidence may include a “failure  
2 to investigate,” “anger and hostility,” or “reliance on sources known to be unreliable or biased”—  
3 some combination of which will “indicate that the publisher [herself] had serious doubts regarding  
4 the truth of [her] publication.” *Id.* at 221-24 (“An inference of actual malice may be made from  
5 Twin Galaxies’ failure to investigate and reliance on biased sources.”). Each indicia is present.

6 The records reflects “a [] decision to avoid facts that might confirm the probable falsity of  
7 the challenged statement.” *Id.* at 222-23. [REDACTED]

8 [REDACTED] King Ex. F at  
9 30:25-31:20, 20:4-8. [REDACTED]

10 [REDACTED]  
11 *Id.* at 23:1-17; 24:2-11; 25:17-26:1. [REDACTED]

12 [REDACTED] *Id.* at 89:16-19, 95:25-96:11;  
13 Warner Decl., ¶ 5. Gore saw “Dead to the World,” which featured clips of “Groupie,” and ignored

14 that the credits thanked Weiss, the real actress, but did not mention Polard. King Exs. K-N (“Dead  
15 to the World” screenshots), Ex. V at 4 (“Dead to the World” credits); Weiss, ¶ 6; *see also Mitchell*,

16 70 Cal. App. 5th at 224-25 (actual malice supported by “ample evidence that Twin Galaxies was  
17 alerted to potential contradictory facts”). Gore knew that the actress in the music video for “Long

18 Hard Road Out of Hell” was the same actress as in “Groupie,” but failed to probe because the truth  
19 did not support her narrative that Warner was a child abuser and pornographer. *See Meyer Decl.* ¶

20 10; King Ex. Q (10/11/20 Gore screenshot from “Long Hard Road Out of Hell”); *see also Balla v.*  
21 *Hall*, 59 Cal. App. 5th 652, 684 (2021) (“[A]ny investigation by [defendant] was inadequate, and

22 with the other evidence provides further proof of actual malice.”).  
23 Nor is there any doubt that Gore relied on biased/unreliable sources. *Mitchell*, 70 Cal.

24 App. 5th at 221, 223. [REDACTED]  
25 [REDACTED]

26 [REDACTED] King Ex. F at 22:13-25, 35:25-36:5, 61:6-17. [REDACTED]  
27 [REDACTED]

28 [REDACTED] *id.* at 37:5-14, [REDACTED]

1 [REDACTED] *id.* at 35:25-36:18; King Exs. D, M. While Gore claims to  
2 have relied on Warner’s “own words” from “Dinner for Five,” she ignored that Warner said the  
3 actress was only “*portraying* a youngster,” *supra*, § IV.A.2(a), and [REDACTED]  
4 [REDACTED], King Ex. F at 95:25-96:11.<sup>3</sup>

5 While evidence of the first two indicia establishes actual malice, Gore also harbored anger  
6 and hostility towards Warner. *See Mitchell*, 70 Cal. App. 5th at 223. From her verified Twitter  
7 account, Gore called Warner a “rapist pedophile motherfucker.” King Decl., Ex. B, Ex. F at 18:7-  
8 9, 18:16-21, 33:6-14. [REDACTED]  
9 [REDACTED], *id.* at 18:22-19:19; [REDACTED]  
10 [REDACTED] *id.* at 34:2-8, 38:24-39:5; 40:8-15; 42:13-24;  
11 [REDACTED], *id.* at 20:4-18.<sup>4</sup>

12 ***Injury/Damages.*** False accusations of a crime—*e.g.*, assault of a minor—are libelous *per*  
13 *se*, and thus injury is presumed. *Barnes-Hind, Inc. v. Superior Ct.*, 181 Cal. App. 3d 377, 382, 385  
14 (1986); *Grenier*, 234 Cal. App. 4th at 486 (“False statements that accuse the plaintiff of criminal  
15 conduct are defamatory on their face.”). Nevertheless, as discussed above, Warner has established  
16 harm caused by Gore’s conduct. *See Warner Decl.*, ¶¶ 8-11.

17 **B. The Court should not strike any portion of Warner’s Complaint that arises**  
18 **from certain communications with supposed “victims.”**

19 **1. Gore fails to demonstrate that recruiting, pressuring, and coordinating**  
20 **people to lie about Warner is protected activity.**

21 Gore does not carry her burden to establish the alleged acts are protected activity under  
22 either Section 425.16(e)(3) or (e)(4). Gore Mot. at 7; *see Equilon*, 29 Cal. 4th at 67.

23 <sup>3</sup> None of the hearsay articles that Gore asks the Court to take judicial notice of uses  
24 Warner’s “own words” as she contends. Gore Mot. at 11-12, n.5; Opp’n to Gore RJN at 2-4, 5-6.

25 <sup>4</sup> [REDACTED]  
26 [REDACTED]  
27 [REDACTED]  
28 [REDACTED]

1 First, Gore focuses on the wrong acts. *See Park v. Bd. of Trustees of California State*  
2 *Univ.*, 2 Cal. 5th 1057, 1062 (2017) (“A claim arises from protected activity when that activity  
3 underlies or forms the basis for the claim.”). The acts at issue are *Gore’s* recruiting, pressuring,  
4 and coordinating people to make false allegations, Compl., ¶ 63(d); *see also id.*, ¶¶ 4, 21-24, 25-  
5 31, *not* the subsequent (false) allegations those people made, Gore Mot. at 7. Nor does Gore  
6 attempt to argue that her *own* acts were “made in a place open to the public or a public forum,”  
7 sinking reliance on subdivision (e)(3). *See id.* at 7 (“statements made *by victims* . . . were made on  
8 social media, in press interviews, and in a [taped] survivor’s meeting”) (emphasis added); *see also*  
9 *Turnbull v. Lucerne Valley Unified Sch. Dist.*, 24 Cal. App. 5th 522, 534 (2018) (anti-SLAPP  
10 motion denied where defendants “have not established” that acts giving rise to claims “occurred in  
11 a place ‘open to the public or a public forum’”).

12 Similarly, Gore appears to argue that because the people she recruited, pressured, and  
13 coordinated went on to publicly accuse Warner of abuse, Gore’s preceding acts were “in  
14 connection with a public issue or an issue of public interest.” *Id.* at 7. But the accusers’  
15 individual disputes with Warner (albeit false disputes) are not transformed into public issues just  
16 by disseminating them publicly. *Weinberg v. Feisel*, 110 Cal. App. 4th 1122, 1133 (2003) (“A  
17 person cannot turn otherwise private information into a matter of public interest simply by  
18 communicating it to a large number of people.”). *Gore’s* conduct between herself and “a  
19 relatively small, specific audience is not a matter of public interest.” *Id.* at 1132.<sup>5</sup>

20 Gore is incorrect that *any* communication “regarding domestic violence” is automatically  
21 “an issue of public interest.” Gore Mot. at 8; *see also Musero*, 72 Cal. App. 5th at 820  
22 (“[C]onnecting a broad and amorphous public interest to a specific dispute is not enough.”). She  
23 ignores the particular facts of the one case she cites, *Sipple v. Found. for Nat’l Progress*, 71 Cal.  
24 App. 4th 226 (1999), in which the court found domestic violence to be a matter of public interest  
25 where “the plaintiff, by advising prominent political candidates to campaign against domestic  
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27 <sup>5</sup> The abuse allegations concern relationships from ten-plus years ago—hardly current,  
28 ongoing matters of public interest. *See Du Charme v. Int’l Bhd. of Elec. Workers*, 110 Cal. App.  
4th 107, 119 (2003); *Lieberman v. KCOP Television, Inc.*, 110 Cal. App. 4th 156, 164 (2003).

1 violence, had invited public comment regarding his alleged abusive conduct toward his own ex-  
2 wives.” *Albanese v. Menounos*, 218 Cal. App. 4th 923, 936 (2013) (distinguishing *Sipple* because  
3 “[t]here was no similar evidence in this case that [plaintiff], for example, by publicly promoting  
4 her own moral superiority had invited public comment”); *see also supra*, § IV.A.1 (discussing  
5 *Cross*). Gore does not even suggest that Warner put his “own moral superiority” at issue publicly.  
6 Nor can she characterize her alleged conduct more generally—efforts to recruit, coordinate, and  
7 pressure women to make false accusations *against Warner* concern a particular person, not  
8 domestic violence as a “general topic.” *Dual Diagnosis*, 6 Cal. App. 5th at 1106.

9 Gore’s other arguments also fail. She does not cite any evidence that her conduct was “in  
10 anticipation of, or in connection with, a criminal investigation.” Gore Mot. at 8; *see also id.* at 7  
11 (arguing Warner’s claim “arises from Gore’s . . . participating in law enforcement investigations”).  
12 She references a November 2021 L.A. County Sheriff’s Department “raid,” but offers nothing to  
13 show that the alleged conduct had anything to do with that “raid,” much less that she was involved  
14 at all. *Id.*; *Turnbull*, 24 Cal. App. 5th at 534. Gore also incorrectly contends that activity “in  
15 furtherance” of *any* “documentary” is protected activity *per se*. Gore Mot. at 8. The lone  
16 authority she cites, *Ojje v. Brown*, 43 Cal. App. 5th 1027 (2019), explains that she still must  
17 show the underlying subject matter concerned an issue of public interest, which, as discussed  
18 above, she has not done. *Id.* at 1036 (Syrian refugee crisis was an issue of public interest). Gore  
19 admits that the film is about Wood and Warner specifically, not domestic violence as a general  
20 topic. Gore Mot. at 3 (“In 2019, Wood and Gore began working on a documentary film project to  
21 chronicle Wood’s activities on behalf of the Phoenix Act . . . . Some . . . stories of abuse by  
22 Warner became part of the HBO documentary.”); *see also supra*, § IV.A.1.

23 **2. Warner can make a *prima facie* showing on his claim.**

24 Warner can make at least a *prima facie* showing on his IIED cause of action, separately  
25 defeating Gore’s motion. *See supra*, § IV.A.2(a) (elements of IIED claim).

26 ***Outrageous conduct.*** Warner’s denial of the alleged abuse is sufficient to show that false  
27 accusations of the same are outrageous. *Siam*, 130 Cal. App. 4th at 1582. [REDACTED]

28 [REDACTED]

1 [REDACTED] King Ex. I. Gore dangled proximity to Wood, defamatory  
2 statements about “child pornography,” and a false federal investigation, all to encourage  
3 participation. King Exs. D, R, S; Balog Ex. A. Some resisted, but others did not. Indeed, some  
4 accusers corralled by Gore and Wood admitted gaining “new memories” of abuse after meeting  
5 with Gore and Wood. *See, e.g.*, Kump Ex. 7, ¶¶ 108, 127, Ex. 10, ¶¶ 44, 47. And many of their  
6 allegations are strikingly similar—no wonder why. *See* B. Gore Exs. D-E (checklists and script);  
7 King Ex. T (draft statement received before coordinated release of public accusations on 2/1/21).

8 It would be improper to conclude now, as a matter of law, that Wood and Gore’s conduct,  
9 as alleged—recruiting, coordinating, and pressuring people to lie that Warner abused them (*see*  
10 Gore Mot. at 9-10)—was *not* outrageous. *See Plotnik v. Meihaus*, 208 Cal. App. 4th 1590, 1613-  
11 14 (2012). *Comstock*, the only case Gore cites, is distinguishable on several key facts. 212 Cal.  
12 App. 4th at 949-50, 954 (not outrageous for an employee to report an alleged sexual assault by a  
13 coworker to her HR department and a nurse, where the alleged attacker, did not deny the assault).

14 ***Intentional/reckless conduct.*** Gore started from the assumption that the people she  
15 recruited to speak out against Warner were, in fact, “victims.” *See, e.g.*, King Ex. J (Gore wanted  
16 a “standard protocol for reaching out to *victims*”); Balog Decl., ¶ 4, Ex. A (“We were organizing a  
17 group of people . . . to talk about experiences they had that might be *similar to yours*.”); King  
18 Ex. S (same), Ex. D (“I just wanted to reach out and say there is a group of *survivors of violence*  
19 here with *similar experiences*.”); Wood Decl., ¶ 14 (“I met with some of the other *victims* of Mr.  
20 Warner.”) (all emphasis added). This was false. *See, e.g.*, Warner Decl., ¶¶ 2-3; Balog Decl., ¶¶  
21 7-8; Kump Ex. 7, ¶¶ 108, 127-28, Ex. 10, ¶¶ 44, 47. However, it was against Gore’s interest for  
22 them to say otherwise. *See* Compl., ¶ 23.

23 ***False statement.*** Gore is wrong that Warner “cannot identify any false statement of fact  
24 made by Gore to any of the other victims.” Gore Mot. at 10. As noted above, Gore told these  
25 people, among other things, that they were victims of violence and abuse, even though they were  
26 not. Gore also made false statements about “Groupie” and a supposed “investigation” of him by  
27 an impersonated FBI agent. *See, e.g.*, King Ex. D (referencing FBI in recruiting message), Ex. R  
28 referencing “federal investigation” in recruiting message); *see also* King Ex. A at 26-27 (¶ 14)

1 (Gore’s name on copy of fake FBI letter—later deleted by Wood—at time Gore was recruiting  
2 prospective accusers). Gore cannot offer any evidence establishing an investigation by Agent  
3 Langer, who “never investigated Mr. Warner or any matter related to” him. Berk Decl., ¶ 5.

4 **Emotional distress.** Warner provided a sworn declaration stating that he suffered severe  
5 emotional distress caused by Gore’s wrongful conduct, which included recruiting, organizing, and  
6 pressuring prospective accusers to come forward with false accusations. See Warner Decl., ¶¶ 8-  
7 11; *Belen*, 65 Cal. App. 5th at 1165; see also *Godfrey*, 128 Cal. App. 3d at 173.<sup>6</sup>

8 **V. CONCLUSION**

9 Gore’s anti-SLAPP motion should be denied because she cannot show that any of the  
10 challenged causes of action arose from “protected activity,” and, even if she could, Warner’s  
11 claims have at least “minimal merit.”

12 DATED: November 15, 2022 Respectfully submitted,

13 KING, HOLMES, PATERNO & SORIANO, LLP

14  
15 By:                   /s/ Howard E. King                  

16 HOWARD E. KING

17 Attorneys for Plaintiff Brian Warner p/k/a Marilyn  
18 Manson

19  
20 <sup>6</sup> Gore asks the Court to strike many of Warner’s pleaded allegations. Gore Notice of Mot.  
21 at 1; Ziemianek Decl., ¶ 8 & Ex. 7. They should not be stricken, regardless of the Court’s ruling  
22 on other issues in the Motion. First, while Gore generally states that “[m]any of the allegations in  
23 the Complaint . . . allege protected activity,” Gore Mot. at 1, she fails to establish that all of these  
24 allegations arise from protected activity and “supply elements of the challenged claim[s].” *Park v.*  
25 *Bd. of Trustees of California State Univ.*, 2 Cal. 5th 1057, 1063 (2017). Second, the preceding  
26 allegations provide context for the *other causes of action* that Gore does not seek to strike. See  
27 *Baral v. Schnitt*, 1 Cal. 5th 376, 394 (2016) (“Allegations of protected activity that merely provide  
28 context, without supporting a claim for recovery, cannot be stricken under the anti-SLAPP  
statute.”). Allegations of acts to further Gore and Wood’s campaign against Warner give  
background and context to the causes of action that arise from Gore’s hacking, “swatting,” and  
impersonation of Warner, which the Motion does not challenge. See Compl., ¶¶ 1, 4-5, 38, 41, 49-  
50, 63(a), 63(b), 76, 85. Indeed, evidence shows Gore had been planning to “swat” Warner for six  
months before the coordinated February 2021 take-down, as other facets of the conspiracy  
discussed in the Motion unfolded in Fall 2020. King Decl. Exs. Y, Z; Compl., ¶¶ 44-50.

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**PROOF OF SERVICE**

**Brian Warner p/k/a Marilyn Manson v. Evelyn Rachel Wood, et al.  
Case No. 22STCV07568**

**STATE OF CALIFORNIA, COUNTY OF LOS ANGELES**

At the time of service, I was over 18 years of age and not a party to this action. I am employed in the County of Los Angeles, State of California. My business address is 1900 Avenue of the Stars, Twenty-Fifth Floor, Los Angeles, CA 90067-4506.

On November 15, 2022, I served true copies of the following document(s) described as **PLAINTIFF'S OPPOSITION TO DEFENDANT GORE'S SPECIAL MOTION TO STRIKE** on the interested parties in this action as follows:

**SEE ATTACHED SERVICE LIST**

**BY E-MAIL OR ELECTRONIC TRANSMISSION:** I caused a copy of the document(s) to be sent from e-mail address Eweinberger@khpslaw.com to the persons at the e-mail addresses listed in the Service List.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on November 15, 2022, at Los Angeles, California.

*/s/ Eniko Weinberger*  
\_\_\_\_\_  
Eniko Weinberger

