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BY ELECTRONIC FILING

August 12, 2020

California Court of Appeals
Fourth Appellate District, Division One
750 B Street, Suite 300
San Diego, CA 92101
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RE: Reply to Respondents' Supplemental Letter Brief
Storix, Inc. v. Anthony Johnson: Case No. D075308
Appeal Case No. D075308
San Diego County Super. Ct. No. 37-2015-00028262-CU-BT-CTL
San Diego County Super. Ct. No. 37-2015-00034545-CU-BT-CTL

To the Honorable Justices of the Court and All Parties:

On July 30, 2020, the Court requested the parties submit a supplemental letter brief addressing the timeliness of appellant Anthony Johnson's appeal of the order granting in part respondents' anti-SLAPP motion. The next day, Johnson submitted his letter brief. On August 12, 2020, respondents submitted their letter brief almost two weeks after receiving Johnson's brief, but failed to address any of Johnson's arguments or authority, including that an intermediate appeal of the partial grant of defendants' anti-SLAPP motion would have caused multiple appeals and an unnecessary stay of all consolidated actions.

Defendants refer to *Hewlett-Packard Co. v. Oracle Corp.*, 239 Cal. App. 4th 1174, 1185 & fn. 7 (2015), which refers to the use of an anti-SLAPP motion by the movant to "stop the entire lawsuit dead in its tracks until an appellate court completes its review" as a tactic to cause unnecessary delay. (*Ibid.*) In Appellant's Opening Brief, Johnson specifically requested the Court award his attorney's fees for opposing defendants' motion because:

"Cross-Defendants insisted all discovery be stayed for *all consolidated actions* during the eight (8) months this motion was pending. [] After the anti-SLAPP hearing, they demanded the first of three trial continuances that needlessly pushed the trial 12 months at no expense to themselves." (AOB at p. 45.)

Johnson tried to avoid such unnecessary delay by awaiting final judgment to appeal an anti-SLAPP order that only struck *specific language*. Regardless of the outcome of an intermediate appeal, this appeal would still have been necessary to resolve the same fundamental question – whether cross-defendants had authority to file the lawsuit against Johnson in the first place.

s/Anthony Johnson
Defendant/Cross-Claimant/Appellant