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7 ALTAMIRANO; and DAVID KINNEY

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9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
10 **IN AND FOR THE COUNTY OF SAN DIEGO – CENTRAL DIVISION**

11 ANTHONY J. JOHNSON,) Case No. 37-2019-00002457-CU-BT-CTL
12)
Plaintiffs,) **DEFENDANTS’ REPLY IN SUPPORT**
13) **OF MOTION FOR ATTORNEYS’**
vs.) **FEES ON APPEAL**
14) **IMAGED FILE**
DAVID HUFFMAN; RICHARD TURNER;)
15 MANUEL ALTAMIRANO; and DAVID)
KINNEY,) Hearing Date: October 22, 2021
16) Hearing Time: 11:00 a.m.
Defendants.)
17) Judge: Hon. Katherine Bacal
18) Dept.: C-69
19) Action Filed: January 14, 2019
20) Trial Date: Not Set Yet

21 Defendants, DAVID HUFFMAN, RICHARD TURNER, MANUEL ALTAMIRANO,
22 and DAVID KINNEY (“Defendants”) hereby respectfully submit their reply in support of their
23 motion for attorneys’ fees on appeal pursuant to Code of Civil Procedure § 425.16(c)(1).

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1 **I. DISCUSSION**

2 The issues raised by Johnson in his Opposition have nothing to do whatsoever with
3 Defendants’ motion for attorneys’ fees on appeal pursuant to Cal. Civ. Proc. Code § 425.16(c)(1).
4 Rather than oppose the reasonableness of the attorneys’ fees sought by Defendants, Johnson again
5 raises the issue that Defendants did not incur fees or costs. But Johnson raised this very issue on
6 appeal and the Court of Appeal flatly rejected his contention. (*See* ROA # 135 at 44-45.)

7 In addition, Johnson appears to challenge the court’s jurisdiction that heard the matter
8 underlying his malicious prosecution claim in this action. Johnson, however, did not raise that
9 issue on appeal in the underlying matter. (*See gen.* ROA # 135.) In fact, any such contention is
10 meritless as Johnson made a general appearance in the underlying matter by filing 3 demurrers, 2
11 motions to strike, a cross-complaint, and answer to the second amended complaint, affirmatively
12 submitting to the jurisdiction of the court. (*See* 37-2015-00028262-CU-BT-CTL, ROA ## 10-11,
13 39-41, 42-45, 36, 123-127, 146; *see also Roy v. Sup. Ct.*, 127 Cal.App.4th 337, 341 (2005) (“a party
14 waives any objection to the court’s exercise of personal jurisdiction when the party makes a general
15 appearance in the action.”) Any contention to the contrary is meritless and has been waived.

16 Finally, Johnson tries to interject irrelevant issues into this matter by highlighting his
17 pending lawsuit in the U.S. District Court for the Southern District of California against
18 Defendants, their current attorneys, and state and federal judges including the Judge assigned to
19 this matter. This proceeding has no bearing on the current issue before this Court and should be
20 disregarded.

21 In sum, Johnson does not challenge the itemized attorney fee statements supporting
22 Defendants’ motion nor did he submit any evidence the attorney fees and rates were unreasonable.
23 Accordingly, Defendants motion for attorney’s fees on appeal should be granted in full.


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1 **II. CONCLUSION**

2 Defendants respectfully request the Court grant their Motion and award attorneys' fees in
3 the amount of \$14,030.00 incurred in connection with the appeal, this Motion as well as fees that
4 Defendants incurred in replying to the opposition and will incur attending the hearing on this
5 Motion.

6 Dated: October 15, 2021

**WILSON, ELSER, MOSKOWITZ,
EDELMAN & DICKER LLP**

7
8 By: 

9 _____
10 Michael P. McCloskey, Esq.
11 Marty B. Ready, Esq.
12 Attorneys for Defendants,
13 DAVID HUFFMAN, RICHARD TURNER, MANUEL
14 ALTAMIRANO, and DAVID KINNEY
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1 *Anthony J. Johnson v. Richard Turner; David Kinney; Manuel Altamirano; David Huffman*
2 San Diego County Superior Court Case No. 37-2019-00002457-CU-BT-CTL

3 **PROOF OF SERVICE**
4 [CCP §§ 1013A(3) and 2015.5]

5 I, the undersigned, am employed in the county of San Diego, State of California. I am
6 over the age of eighteen (18) years and am not a party to the within action. My business address
7 is 401 West A Street, Suite 1900, San Diego, California, 92101.

8 On October 15, 2021, I caused to be served the following document(s) described as
9 follows:

10 **DEFENDANTS' REPLY IN SUPPORT OF MOTION FOR ATTORNEYS' FEES ON**
11 **APPEAL**

12 on the following parties in this action:

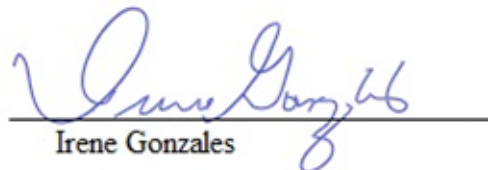
13 ***Plaintiff In Pro Per***

14 Anthony Johnson
15 1728 Griffith Avenue
16 Las Vegas, NV 89104
17 Telephone: (619) 246-6549
18 Email: flydiversd@gmail.com

19 by the following method of service:

- 20 **BY E-MAIL OR ELECTRONIC TRANSMISSION** - Based on a court order or an
21 agreement of the parties to accept service by e-mail or electronic transmission, I caused the
22 documents to be sent to the persons at the e-mail addresses listed below. I did not receive,
23 within a reasonable time after the transmission, any electronic message or other indication
24 that the transmission was unsuccessful.

25 Executed on October 15, 2021, at San Diego, California. I declare under penalty
26 of perjury under the laws of the State of California that the foregoing is true and correct.

27 
28 Irene Gonzales