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10 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
11 **FOR THE COUNTY OF SAN MATEO**

12 LIGIA PARMENTER,

13 Plaintiff,

14 vs.

15 ANDREW G. WATTERS, and DOES 1-50
16 inclusive,

17 Defendants.

18 Case No.: 25-CIV-01944

19 The Hon. Mark A. McCannon

20 **PLAINTIFF'S OPPOSITION TO THE
21 DEFENDANT'S SPECIAL MOTION TO
22 STRIKE (CCP § 425.16): MEMORANDUM
23 OF POINTS AND AUTHORITIES**

- 24 1. Defamation / Libel
2. Electronic Cyber-Harassment —
25 Cal. Penal Code § 653.2(a)-(c)(1)-(2)
3. Electronic Cyber-Stalking —
26 Cal. Penal Code § 646.9(a);(e)-(h)
4. Extortionate Threats —
27 Cal. Penal Code §§ 518, 519, 523(a)
5. Commercial Speech Exemption —
28 Cal. Civ. Code § 425.17(c)

[Concurrently herewith, Plaintiff files the following documents in support of her Opposition to Defendant's Special Motion to Strike: (1) Plaintiff's Declaration & Compendium of Evidence; (2) Declaration of Plaintiff Ligia Parmenter in Opposition; (3) Declaration of Nicholas Carroll; (4) Declaration of Jason McDonald; (5) Declaration of Sid Kalcheim, J.D., M.A., L.M.F.T.; (6) Declaration of Dr. Jose Perez, L.M.F.T.; (7) Declaration of Manuel Juarez, Esq.; (8) Declaration of K.S.; (9) Plaintiff's Evidentiary Objections to Defendant's Evidence and Declaration; and (10) [Proposed] Order Denying Defendant's Special Motion to Strike.]

29 Date: February 5, 2025
30 Time: 2:00 p.m.
31 Dept.: 2

32 Action Filed: March 10, 2025
33 Trial Date: None

**PLAINTIFF'S NOTICE OF OPPOSITION AND OPPOSITION TO
DEFENDANT'S SPECIAL MOTION TO STRIKE (CODE CIV. PROC., § 425.16)**

TO THE HONORABLE COURT, ALL PARTIES, AND THEIR RESPECTIVE
COUNSEL OF RECORD:

PLEASE TAKE NOTICE that Plaintiff Ligia Parmenter (“Plaintiff”) hereby submits this Opposition (“Opposition”) to Defendant Andrew Watters (“Defendants” or “Watters”) Special Motion to Strike Pursuant to Code of Civil Procedure Section 425.16 (“Motion”).

This Opposition is based upon the following grounds:

- The anti-SLAPP statute does not apply because Defendant Watters' false publications constitute criminal cyber-harassment (Penal Code § 653.2) and cyber-stalking (Penal Code § 646.9), issued after an extortionate threat dated September 19, 2023 (Penal Code §§ 518, 519, 523(a)). Watters falsely accused Plaintiff of criminal racketeering, timeshare scams, mental instability, and unfitness to practice law, and disseminated those accusations through his law-office website and major search platforms (Google, Bing, Yahoo, DuckDuckGo, ChatGPT) to dominate search results for Plaintiff's name and to harass and intimidate her as threatened. Criminal speech is not protected activity, and the Special Motion to Strike must be denied.
- Independently, the Motion is barred by the commercial-speech exemption. Watters, an attorney, publishes false statements about Plaintiff—a competing attorney—on his law-office website to promote his own legal services and divert business to himself. The statements are continuously disseminated through his website and search-engine manipulation for competitive advantage. Because this conduct constitutes false and misleading commercial advertising, Code of Civil Procedure § 425.17(c) applies, and the Special Motion to Strike must be denied.
- Even if the Court were to reach the two-step anti-SLAPP analysis, Watters cannot satisfy either prong. The challenged statements do not concern any matter of public interest; they arise from Watters' decision to defame, cyber-harass, and cyber-stalk Plaintiff after she refused to comply with his September 19, 2023 extortionate threat. Such conduct does not contribute to public discourse and is not protected activity. Watters' Motion further ignores the Supreme Court's required content-and-context analysis and instead misstates authority, disregards controlling California precedent, and relies on an

1 inapplicable Nevada case. For these reasons, the Motion fails at step one and must be
2 denied.

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- Under the second prong, Plaintiff establishes a probability of prevailing through admissible evidence demonstrating the falsity of Defendant's statements. By contrast, Defendant submits only his own declaration, which is defective, lacks personal knowledge, contains false statements and improper legal conclusions, and is subject to exclusion in its entirety as set forth in Plaintiff's evidentiary objections. Absent admissible evidence supporting protected activity or any viable defense, Defendant cannot meet his burden under Code of Civil Procedure § 425.16. The Motion therefore must be denied.

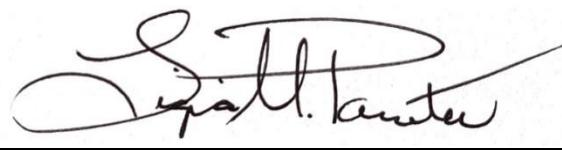
Plaintiff's Opposition to Defendant's Special Motion to Strike is based upon this Notice of Opposition, together with the concurrently filed and attached: (1) Memorandum of Points and Authorities in Support of the Opposition; (2) Plaintiff's Declaration and Compendium of Evidence; (3) Declaration of Plaintiff Ligia Parmenter in Opposition; (4) Declaration of Nicholas Carroll; (5) Declaration of Jason McDonald; (6) Declaration of Declaration of Sid Kalcheim, J.D., M.A., L.M.F.T; (7) Declaration of Dr. Jose Perez, L.M.F.T.; (8) Declaration of Manuel Juarez, Esq.; (9) Declaration of K.S.; (10) Plaintiff's Evidentiary Objections to Defendant's Evidence and Declaration; and (11) [Proposed] Order Denying Defendant's Special Motion to Strike.

Dated this 23rd day of January 2026.

Respectfully submitted,

PARMENTER LAW OFFICES

By:



Ligia Melendez Parmenter
Plaintiff in pro per

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MEMORANDUM OF POINTS AND AUTHORITIES IN OPPOSITION

I. INTRODUCTION

Pursuant to his September 19, 2023 threat, Watters has carried out a deliberate and sustained campaign to harm and harass Plaintiff by publishing blatantly false and inflammatory accusations on his attorney law-office website. He falsely portrays Plaintiff as a criminal racketeer in “Mexico,” a “timeshare scammer,” a lawyer who “should not be practicing law,” a “crazy attorney,” someone with “various issues,” and a “bat-shit insane attorney.” These are not careless remarks or isolated insults. Watters intentionally weaponizes these falsehoods through coordinated search-engine manipulation across Google, Bing, Yahoo, DuckDuckGo, etc. so that they dominate the top search results for Plaintiff’s name on a continuous, 24-hour-a-day basis—outranking Plaintiff’s own website and the State Bar of California’s official attorney-profile page. This manipulation is designed to mislead the public into believing that Plaintiff is a criminal, dishonest, morally corrupt, mentally deficient, incompetent, and professionally unfit to practice law. Watters then funnels readers to his law-office website, where he republishes the same false accusations while simultaneously promoting his legal services, exploiting reputational destruction as a marketing device. Watters’ conduct is categorically unprotected by the anti-SLAPP statute for multiple, independent reasons. First, his extortionate threats, cyber-harassment, and cyber-stalking constitute criminal conduct as a matter of law and fall outside anti-SLAPP protection entirely. Second, his publications constitute commercial speech squarely subject to the statutory exemption of Code of Civil Procedure section 425.17. (All statutory references are to the Code of Civil Procedure unless otherwise stated.) Third, Plaintiff is not a public figure, the challenged statements do not involve a matter of public interest, and Watters’ law-office website is not a public forum. Finally, even if the anti-SLAPP statute applied—which it does not—Plaintiff easily satisfies the minimal merits standard. Watters’ Special Motion to Strike must therefore be denied.

II. FACTS AND EVIDENCE

Plaintiff is a California-licensed attorney who has diligently maintained a pristine disciplinary record throughout more than 30 years of practice. (Parmenter Decl., ¶¶ 1.2; Plaintiff's Decl. & Compendium of Evidence ("Comp."), Exs. 6B1–5.) She is not a criminal (Parmenter Decl. ¶¶ 2, 3; Comp. Exs. 6A1–6A4), not a timeshare scammer in Mexico (Id.), is not mentally impaired, unstable, or mentally deficient (Parmenter Decl. ¶ 4; Comp. Exs. 6C1–6C4; Decl. of Sid Kalcheim, J.D., M.A., L.M.F.T.; Decl. of Dr. Jose Perez, L.M.F.T.), is fit to practice law (Id.), and has never violated any Rule

1 of Professional Conduct (Id.). These facts are readily verifiable through publicly available records and
2 routine searches. (Parmenter Decl. ¶ 2.)

3 Plaintiff has never given interviews to the press, made public statements, or sought media
4 attention regarding her legal work or any other matter. She has not published articles, conducted
5 seminars, or otherwise publicly commented on matters related to anything. She is virtually unknown to
6 the general public. (Parmenter Decl., ¶ 5; Comp. Exs. 7A-F)

7 Watters is also an attorney (Comp. Exs. 1A-P, 2A-I, 3A, 3C, 3D, 4A-G, 5A-J) who operates a
8 private law-office website that he exclusively controls and uses to promote his legal services. The
9 website is not open to public participation or commentary. (Parmenter Decl. ¶ 7; Comp. Exs. 6C1-4;
Decl. of Jason McDonald.)

10 Plaintiff has never met, spoken with, or been in Watters' presence at any time in her life.
11 Watters has never been "up close" to Plaintiff and has never "observed" her conduct. All conduct at
12 issue was initiated solely by Watters, occurred outside any litigation communications, and involved no
13 action or participation by Plaintiff. (Parmenter Decl., ¶ 6.)

14 In his memorandum, Watters misrepresents and improperly attempts to appropriate the statutory
15 authority of the State Bar in an effort to portray his privately fabricated attacks on Plaintiff as the
16 equivalent of official attorney discipline. (Watters MPA at p. 15, ll. 15-22.) By filing this motion,
17 Watters has escalated his misconduct by manufacturing new and patently false accusations, including
18 the false assertion that Plaintiff has violated the Rules of Professional Conduct. Watters is not affiliated
19 with the State Bar, is not State Bar Trial Counsel, and has no authority to investigate, discipline, or
regulate Plaintiff—who has committed no professional misconduct of any kind. (Parmenter Decl., ¶ 8.)

20 On **September 19, 2023**, Plaintiff received an unsolicited email from Watters in which he stated
21 that he had "serious concerns about her mental state," that "there was something seriously wrong" with
22 her, that he was "providing [her] notice that he was likely going to shame [her] as well for [her] lunatic
23 level behavior," and that he "hoped that [she] would reconsider while there was still time to avoid
24 having a potential Hall of Shame web page about [her] being higher ranked on Google than [her] own
25 website." (Comp. Ex. 2A.) The email constituted a clear extortionate threat of public shaming intended
26 to coerce Plaintiff to abandon a client. The communication caused Plaintiff severe fear and distress and
27 made her feel threatened and unsafe. (Parmenter Decl., ¶¶ 9, 10.) **September 19, 2023 to Present.**
28 Plaintiff has not abandoned any client and has at all times complied with her professional duties under
the California Rules of Professional Conduct. (Parmenter Decl., ¶ 10.)

1 On March 7, 2024, Watters began publishing false and defamatory matter on his law-office
2 website by creating a “shaming” webpage entitled “Ligia Parmenter, Esq.” at www.andrewwatters.com,
3 www.andrewwatters.com/hall-of-shame/ligia-parmenter/, and www.andrewwatters.com/hall-of-shame/,
4 falsely stating that Plaintiff is a mentally unstable lawyer and labeling her a “crazy attorney.”
5 (Parmenter Decl., ¶ 11; Comp. Exs. 1A–P, 2A–I, 3A, 3C, 3D, 4A–G, 5A–J.) Watters reinforced this
6 false publication by hyperlinking those accusations directly to Plaintiff’s own law-office webpage,
7 demonstrating an intent to present the statements as factual assertions rather than rhetorical hyperbole.
8 (Id., Ex. 4E1.) Watters has continuously published this content online from March 7, 2024, to the
9 present, making it freely available to the public at large. (Parmenter Decl., ¶¶ 9, 10; Comp. Exs. 1A–P,
10 2A–I, 3A, 3C, 3D, 4A–G, 5A–J; Decl. of Jason McDonald; Decl. of Nicholas Carroll.)

11 On the same date, Watters expressly warned that additional content was “coming soon,”
12 signaling an ongoing, targeted campaign rather than an isolated publication and conveying a further
13 threat that additional consequences would follow. (Parmenter Decl., ¶ 13; Comp. Ex. 2B.) Upon
14 becoming aware of these false and defamatory publications, Plaintiff suffered severe fear and distress
15 and was made to feel threatened and unsafe. (Parmenter Decl., ¶ 13.)

16 On June 26, 2024, Defendant escalated his false and defamatory publications concerning
17 Plaintiff on his law-office webpages titled “Ligia Parmenter, Esq.”, adding further false statements
18 asserting that Plaintiff was mentally unfit and deficient to practice law and labeling her a “batshit
19 insane” lawyer who “should not be practicing law.” (Parmenter Decl., ¶¶ 14–16; Comp. Exs. 4A, 4D–E,
20 4F.) These statements were presented as factual assertions regarding Plaintiff’s professional
21 competence and fitness to practice law—not rhetorical hyperbole. Watters reinforced that intent by
22 linking to a court pleading authored by Plaintiff as purported substantiation, signaling that the
23 accusations were intended to be taken as provable fact. (Parmenter Decl., ¶¶ 14–16; Comp. Ex. 4F.)
24 The pleading selectively republished by Watters was one in which Plaintiff prevailed and the court
25 imposed sanctions against Watters. Watters’ republication of that filing—without disclosing the
26 outcome—demonstrates an intent to mislead the public and confirms that the challenged statements
27 were presented as factual assertions rather than rhetorical hyperbole. (Parmenter Decl., ¶ 15.)

28 At or about the same time, and as Watters had threatened in his September 19, 2023 email,
29 Watters updated his “Hall of Shame” webpage—the centerpiece of his law-office website (Comp. Exs.
30 5A–E; Decl. of Jason McDonald), www.andrewwatters.com/hall-of-shame/—to generate and propagate
31 false and defamatory publications in the form of prominently displayed, top-ranking search-engine
32 snippets falsely branding Plaintiff as a RICO criminal in “Mexico” and a “time-share scammer” who

1 “should not be practicing law.” (Comp. Exs. 1A–P; Decl. of Jason McDonald.) These snippets appear
2 repeatedly and conspicuously across Google, Bing, Yahoo, DuckDuckGo, ChatGPT, and other major
3 platforms as the top search results whenever Plaintiff’s name was searched. (Id.) This conduct caused
4 Plaintiff severe fear and distress and made her feel threatened and unsafe. (Parmenter Decl., ¶ 16.)

5 On November 17, 2025, following Plaintiff’s receipt of a court-approved Americans with
6 Disabilities Act (ADA) accommodation from the Superior Court of San Mateo related to harm and
7 injuries caused by Watters’ conduct (Comp. Ex. 3B), Defendant again updated his webpage dedicated
8 to “Ligia Parmenter, Esq.” (Comp. Ex. 3C). That update stated that “completion of the page is on hold”
9 and “at least for now,” conveying an implicit retaliatory warning that further damaging publications
10 remain forthcoming in response to Plaintiff’s protected court-approved accommodation. (Id.; Parmenter
11 Decl., ¶ 17.) This retaliatory conduct again caused Plaintiff severe fear and distress and made her feel
12 threatened and unsafe. (Id.)

13 **Coordinated Search-Engine Manipulation as Threatened by Watters** At all times relevant,
14 Watters did not merely publish patently false statements about “Ligia Parmenter, Esq.” passively.
15 Instead, he deliberately structured and manipulated his law-office website to cause those false
16 statements to dominate search-engine results across Google, Bing, Yahoo, DuckDuckGo, and
17 ChatGPT—exactly as he threatened in his September 19, 2023 email. (Parmenter Decl., ¶¶ 18–20;
18 Comp. Exs. 1A–P, 2A–I, 3A, 3C, 3D, 4A–G, 5A–J; Decl. of Jason McDonald.) As a result, Watters’
19 defamatory content appears on a continuous, 24-hour-a-day basis as top search results for “Ligia
20 Parmenter, Esq.,” outranking Plaintiff’s own law-office website and the State Bar of California’s
21 official attorney-profile page. (Id.) Watters then diverts readers to his own law-office website, where
22 the same false statements are repeated alongside promotional content for his legal services. (Parmenter
23 Decl., ¶¶ 18–20; Comp. Exs. 1A–P, 2A–I, 3A, 3C, 3D, 4A–G, 5A–J; Decl. of Jason McDonald.)

24 Each search-engine result manufactured by Watters prominently displays Watters’ law-office
25 favicon alongside the defamatory snippets, visually branding the false publications as originating from
26 Watters’ law practice and reinforcing their perceived legitimacy. (Id., Ex. 10.) The favicon’s
27 appearance—commonly perceived by viewers as resembling an anarchist or extremist symbol—further
28 amplifies the alarming and stigmatizing impression conveyed to the public. (Parmenter Decl., ¶ 19;
Comp. Ex. 10; Decl. of Jason McDonald.)

29 These results are not incidental, accidental, or algorithmically random. They reflect deliberate
30 technical and editorial choices made by Watters to maximize visibility, repetition, and reputational
31 harm. (Decl. of Jason McDonald.) Plaintiff’s search-engine optimization expert confirms that the

1 structure, metadata, snippet generation, and branding elements reflect intentional conduct designed to
2 ensure persistent prominence and association with Plaintiff's name. (Id.)

3 Watters' malicious false publications, search-engine manipulation, and ongoing cyber-
4 harassment and cyber-stalking have deliberately cast Plaintiff in a false and stigmatizing light, causing
5 her to be viewed as criminal, dishonest, morally corrupt, incompetent, and professionally unfit.
6 (Parmenter Decl., ¶¶ 20–28; Decl. of Sid Kalcheim, J.D., M.A., L.M.F.T.; Decl. of Dr. Jose Perez,
7 L.M.F.T.) This coordinated online conduct has resulted in Plaintiff being unfairly shunned and
8 prejudged, as judges, jurors, attorneys, mediators, and expert witnesses encounter and are influenced by
9 these defamatory portrayals, producing substantial prejudice and bias against Plaintiff. (Parmenter
10 Decl., ¶¶ __.) Plaintiff has further been compelled to self-publish and refute Watters' publications,
11 which itself constitutes an additional source of humiliation and emotional distress. (Parmenter Decl., ¶¶
12 20–28.)

13 As a direct consequence of Watters' conduct, Plaintiff has experienced ongoing fear, distress,
14 and a sense of being unsafe, resulting in the need for medical treatment, physician-prescribed
15 medication for stress and anxiety, therapeutic care, and rehabilitative services to address the continuing
16 harm caused by Watters' campaign. (Parmenter Decl., ¶¶ 20–28; Decl. of Dr. Jose Perez, L.M.F.T.)
17 Plaintiff has also suffered substantial economic harm, including ongoing and future losses and the costs
18 of reputational repair and online defense. (Comp. Exs. 8A–D.) A qualified expert has estimated the
minimum cost of such remediation to be no less than \$300,000.00. (Decl. of Nicholas Carroll, ¶¶ 8(a)–
8(c).)

19 **III. LEGAL AUTHORITY AND ARGUMENT**

20 “The anti-SLAPP statute does not insulate defendant from *any* liability for claims arising
21 from the protected rights of petition or speech. It only provides a procedure for weeding out, at an
22 early stage, *meritless* claims arising from protected activity.” *Baral v. Schnitt* (2016) 1 Cal.5th
23 376, 384 (emphasis in the original). In deciding the motion, “the court shall consider the
24 pleadings, and supporting and opposing affidavits stating the facts upon which the liability or
25 defense is based.” § 425.16(b)(2); *Park v. Board of Trustees of Cal. State Univ.* (2017) 2 Cal.5th
26 1057, 1067. The Court “do[es] not, however, weigh the evidence, but accept[s] plaintiff’s
27 submissions as true and consider[s] only whether any contrary evidence from the defendant
establishes its entitlement to prevail as a matter of law.” *Park*, 2 Cal.5th at 1067.

28 **A. Watters’ Conduct Constitutes Criminal Extortion, Cyber-Harassment, And
Cyber-Stalking and Is Not Protected Speech Under *Flatley V. Mauro***

Watters cannot satisfy the first prong of the anti-SLAPP statute because his conduct is

1 criminal as a matter of law, and criminal conduct is not protected by section 425.16. Where
2 illegality is established, the Court need not reach the second prong. As the California Supreme
3 Court explained in *Flatley v. Mauro* (2006) 39 Cal.4th 299, 328, criminal extortion “has no more
4 constitutional protection than that uttered by a robber while ordering his victim to hand over the money,
5 which is no protection at all.” The same principle applies here. Watters’ extortionate threat, together
6 with his ensuing course of cyber-harassment and cyber-stalking, constitute criminal conduct as a matter
7 of law and therefore fall entirely outside the scope of anti-SLAPP protection.

8 When the evidence conclusively establishes illegality, the defendant is precluded from invoking
9 the statute, and no criminal conviction is required. (*Id.* at p. 320 [anti-SLAPP protection unavailable
10 where illegality is established by the evidence, not by adjudication].) Courts have consistently applied
11 *Flatley* to deny anti-SLAPP motions based on criminal conduct. *Stenehjem v. Sareen* (2014) 226
12 Cal.App.4th 1405, 1419; *Gerbosi v. Gaims, Weil, West & Epstein, LLP* (2011) 193 Cal.App.4th 435,
13 446; *Novartis Vaccines & Diagnostics, Inc. v. Stop Huntingdon Animal Cruelty USA, Inc.* (2006) 143
14 Cal.App.4th 1284, 1296.) Here, the evidence establishes that Watters engaged in a course of criminal
15 conduct, including extortionate threats, cyber-harassment, and cyberstalking, all punishable under the
16 California Penal Code and therefore outside anti-SLAPP protection.

17 **1. Watters Issued an Extortionate Threat and Then Followed Through**

18 On September 19, 2023, Watters sent Plaintiff an unsolicited email threatening to publicly
19 “shame” her online by falsely publishing, on his law-office website, that she was mentally
20 unstable and mentally deficient, and by manipulating search-engine results so that his damaging
21 false publications would appear above Plaintiff’s own law-office website on Google—unless she
22 altered her conduct in a pending legal matter, effectively demanding that she abandon a client.
23 (Comp., Ex. 2A.) This communication constitutes an extortionate threat within the meaning of
24 Penal Code sections 518, 519, and 523.

25 Plaintiff did not abandon any client; beginning on March 7, 2024, Watters executed his
26 September 19, 2023 threat by launching a continuing campaign of false online publications designed to
27 dominate search results for Plaintiff’s name across Google, Bing, Yahoo, and DuckDuckGo and to
28 divert readers to his law-office webpages, a pattern of cyber-harassment and cyber-stalking he
expressly confirmed by warning that more publications were “coming soon.”

29 **2. Watters Engaged In Ongoing Cyber-Harassment and Cyber-Stalking**

30 Following the September 19, 2023 extortionate threat, Watters engaged in a continuous course
31 of online conduct directed at Plaintiff, including the repeated publication and amplification of false

1 statements across search engines Google, Bing, Yahoo, DuckDuckGo, (Comp., Exs. 1-A- 1-P.) and his
2 law-office website (Comp., Ex. 2B [“coming soon threat]; 4A --G). As a result of Watters’ online
3 publications and search-engine manipulation, Plaintiff is continuously exposed to and impacted by
4 Watters recurring online attacks and defamatory content on a near-constant basis. Plaintiff has
5 documented the frequency and persistence of this exposure in a seven-day log reflecting 24/7 cyber-
6 harassment and cyberstalking effects, submitted as part of the Compendium of Evidence. (Comp., Ex.
7 1-P [7-Day Log].) This conduct constitutes cyber-harassment under Penal Code section 653.2 and
8 cyberstalking under Penal Code section 646.9, both of which criminalize repeated electronic
9 communications and online conduct intended to harass, alarm, or place a person in reasonable fear for
their safety.

10 **3. The November 17, 2025 Escalation Further Confirms Criminal Intent**

11 On November 17, 2025, Watters updated his webpage targeting Plaintiff to warn that further
12 publications were forthcoming, stating that “completion of the page is on hold” and “at least for now.”
13 (Comp., Ex. 3-C.) In light of Watters’ prior threats and his demonstrated follow-through, this language
14 reasonably conveyed that additional harassment was imminent, causing Plaintiff renewed fear and
15 distress. As a result of this escalation and the reasonable fear it has caused, Plaintiff is in the process of
filing a police report.

16 This threat mirrored Watters’ earlier conduct. On March 7, 2024, Watters posted a similar
17 warning —“coming soon”—signaling further harassment. (Comp., Ex. 2-B.) He then carried out that
18 threat on June 26, 2024, when he escalated the online attacks against Plaintiff. (Comp., Ex. 4-A.)

19 **4. *Flatley* Controls and Bars Anti-SLAPP Protection**

20 A criminal conviction is not required to bar anti-SLAPP protection. Under *Flatley*, at 333,
21 where the evidence establishes that the challenged conduct is illegal as a matter of law, the defendant is
22 categorically precluded from invoking section 425.16. Courts have repeatedly applied this rule to deny
23 anti-SLAPP motions based on unlawful conduct. In *Novartis Vaccines & Diagnostics, Inc.*, animal-
24 rights demonstrators were denied anti-SLAPP protection because their protest campaign involved
25 illegal acts of harassment and conspiracy—regardless of whether they were criminally convicted. The
26 same result follows here. The evidence shows that Watters engaged in extortionate threats, cyber-
27 harassment, and cyber-stalking through coordinated online conduct and search-engine manipulation.
28 Like the illegal campaign in *Novartis*, Watters’ conduct falls wholly outside the protection of section
425.16, and his motion fails at the first prong.

//

B. The Commercial-Speech Exemption Under § 425.17(C) Applies And Precludes Defendant's Motion

Even apart from the illegality of Watters’ conduct, his anti-SLAPP motion independently fails because the challenged statements fall within the commercial-speech exemption. Section 425.17(c), expressly excludes from anti-SLAPP protection claims brought against persons primarily engaged in the business of selling or leasing goods or *services*, and courts must resolve the applicability of section 425.17 as a threshold issue. § 425.17(c)(2); *Xu v. Huang* (2021) 73 Cal.App.5th 802, 807. Legal services qualify as “services” under the statute, and attorneys may therefore be persons primarily engaged in selling services. *Taheri Law Group v. Evans* (2008) 160 Cal.App.4th 482, 490.¹ The exemption applies where, as here, the challenged statements consist of representations of fact about a person’s or a business competitor’s services, made to promote or secure commercial transactions and directed to actual or potential consumers, even if the statements touch on matters of public interest. § 425.17(c)(1)–(2).

To invoke the commercial-speech exemption, a plaintiff must establish: (1) the cause of action is against a person primarily engaged in selling or leasing goods or *services*; (2) the claim arises from factual representations about that person's or a business competitor's goods or *services*; (3) the statements were made to promote or secure commercial transactions or in the course of delivering those *services*; and (4) the intended audience consists of actual or potential consumers. *Simpson Strong-Tie Co., Inc. v. Gore* (2010) 49 Cal.4th 12, 30.

1. Prong One Is Satisfied Because Watters Is Primarily Engaged in the Business of Selling Legal Services

Here, Plaintiff satisfies the first element of the commercial-speech exemption because the causes of action are brought against Defendant Watters, a competing attorney engaged in the business of selling legal services within the meaning of section 425.17(c). Plaintiff, an attorney (Parmenter Decl., ¶ 7; Comp., Exs. 4E1, 6B1, 6B5), brings these claims against Watters (Watters Decl., ¶¶ 1–2), who operates a law practice and markets his legal services to the public. (Watters Decl., ¶¶ 1, 3–6; Comp., Exs. 1A–3A, 3D–5J.)

In connection with his law practice, Watters operates and controls www.andrewwatters.com, including associated webpages at www.andrewwatters.com/hall-of-shame/ and

¹ The court in *Taheri Law Group v. Evans* (2008) 160 Cal.App.4th 482 did not apply the commercial-speech exemption **only because** the challenged conduct there consisted of legal advice given by an attorney to a **specific client** in a **private attorney-client context**. (Id. at pp. 490–491.) That circumstance is not present here. Watters' statements are public-facing publications on his law-office website, directed to the general public and prospective clients, and are made to promote himself and his legal services. Accordingly, the rationale for declining to apply the commercial-speech exemption in *Taheri* does not apply.

1 www.andrewwatters.com/hall-of-shame/ligia-parmenter/, which he uses to promote his legal services,
2 attract potential clients, and which are wholly authored, manipulated, and controlled by him. (Watters
3 Decl., ¶¶ 3–7; Comp., Exs. 1A–3A, -D–5J.) These webpages—particularly the “Hall of Shame” and
4 “Ligia Parmenter, Esq.” pages—form the cornerstone of Watters’ marketing campaign, as reflected by
5 search results for “Andrew Watters attorney,” in which his “Hall of Shame” page appears as a
6 prominent, top-ranked feature of his advertising and web manipulation. (Comp., Exs. 5-B–5-E.)

7 Watters admits that his “Hall of Shame” is intended to “inform the public about the conduct of
8 attorneys” he deems “subpar” and to publicly “shame” attorneys. (Watters Decl., ¶¶ 4, 6–8.) With
9 respect to Plaintiff, Watters states that his public shaming is intended to “help [Plaintiff] adhere to the
10 rules of professional conduct.” (Id., ¶ 8.) He further states that the “Hall of Shame” is about
11 “retribution” and advancing his own success as a lawyer in the “court of public opinion.” (Comp., Ex.
12 2-I.) These admissions confirm that Watters is asserting accusations of professional misconduct and
13 acting with punitive intent—not engaging in rhetorical hyperbole, as he now attempts to recharacterize
14 his conduct in this Motion.

15 **2. Prong Two Is Satisfied Because the Challenged Statements Consist of
16 Representations of Fact About Plaintiff’s Lawyer Services and Fitness to
17 Practice Law**

18 With respect to the second element of the commercial-speech exemption, a plaintiff must
19 show that the claims arise from the defendant’s statements or conduct “consisting of
20 representations of fact about [the defendant’s] or a business competitor’s business operations,
21 goods, or services.” *Simpson Strong-Tie Co.*, at 30.

22 That requirement is plainly met here. Watters’ challenged statements expressly target Plaintiff
23 as a lawyer, identifying her by name and professional title, “Ligia Parmenter, Esq.” (Watters Decl., ¶¶
24 7–10; Comp. Exs. 1A–3A, 3D–5J.) The statements directly attack Plaintiff’s professional services and
25 fitness to practice law, asserting, among other things, that Plaintiff “should not be practicing law due to
26 her various issues,” that she is involved in a “Timeshare RICO scam” in “Mexico,” and that she is a
27 “crazy attorney.” (Comp. Exs. 1A, 1D–1F, 1H–1J, 1L–1O, 2B, 3D, 4A, 4C, 4E.) Each of these
28 statements purports to assert facts about Plaintiff’s legal services, professional competence, and fitness
to practice law, not opinion or rhetorical commentary. The statements concern no subject other than
Plaintiff’s professional role as an attorney and are presented as factual determinations about her ability
to practice law. Watters further admits that he is a competing attorney, including acting as opposing
counsel in a legal matter. (Watters Decl., ¶ 2.) His statements therefore constitute representations of fact

about a business competitor's services within the meaning of section 425.17(c)(2). Accordingly, the second element of the commercial-speech exemption is satisfied.

3. Prongs Three and Four Are Satisfied Because Watters' Statements Were Made to Promote His Legal Services to the Public and Prospective Clients

The third and fourth elements of the commercial-speech exemption require proof that the challenged statements were made to promote or secure the defendant's goods or services and were directed to an audience of actual or potential consumers. *Simpson Strong-Tie Co. v. Gore* (2010) 49 Cal.4th 12, 30; § 425.17(c)(3)–(4). Both elements are satisfied here.

Watters deliberately structures online content so that search-engine snippets across Google, Bing, Yahoo, DuckDuckGo, and similar platforms dominate the top search results for Plaintiff's name, "Ligia Parmenter, Esq." (Comp. Exs. 1A–O.) Those snippets display Watters' law-office favicon and identify his law-office website as the source, directing users to his "Hall of Shame" and "Ligia Parmenter, Esq." webpages. (Id.) These webpages generate traffic, clicks, and visibility for Watters' law practice and function as marketing tools that promote his legal services. Watters' intended audience is the general public and prospective legal clients—actual or potential consumers of legal services. (Watters Decl., ¶ 8.) He admits that his "Hall of Fame" is maintained for potential clients "looking for representation." (Id., ¶ 5.) By publicly portraying himself as exposing and correcting "subpar" attorneys through his "Hall of Shame" content, Watters generates goodwill for himself and positions his law practice as a purportedly trustworthy alternative for prospective clients. His statements are therefore made to promote his law practice and secure commercial transactions, satisfying the commercial-speech elements under section 425.17(c), as further confirmed by expert analysis regarding search-engine positioning, branding, and reputational diversion. (Decl. of Jason McDonald.)

Watters' conduct falls squarely within the commercial-speech exemption of section 425.17 (c). Accordingly, the anti-SLAPP statute does not apply, and Watters' Motion must be denied.

C. Plaintiff's Claims Do Not Arise From Protected Activity Under Code of Civil Procedure Section 425.16

Watters' attempts to characterize his conduct as protected activity rests on a cascade of fundamental legal errors and misrepresentations. He repeatedly invokes a non-existent statutory provision—"425.16(a)(4)"—as a basis for protected activity. (Motion at p. 9, l. 6, et seq.) No such provision exists. The categories of protected activity are set forth exclusively in section 425.16 (e)(1)–(4), not subd. (a). Watters' repeated reliance on an invented statutory subsection—without identifying or analyzing any valid subdivision (e) category—is fatal to his burden under prong one. *City of Cotati v.*

1 *Cashman* (2002) 29 Cal.4th 69, 78; *Bonni v. St. Joseph Health System* (2021) 11 Cal.5th 995, 1009.
2 Compounding this defect, Watters improperly imports completely inapplicable Nevada authority
3 concerning attorney conduct in judicial proceedings, despite this case involving his private defamatory
4 publications made on his own law-office website, wholly outside any litigation. He then falsely
5 asserts—without analysis—that his conduct satisfies the test articulated in *FilmOn.com Inc. v.*
DoubleVerify Inc. (2019) 7 Cal.5th 133, even though his conduct clearly does not.

6 Most egregiously, Watters asserts that “[s]tatements made on a website concerning an attorney’s
7 conduct or professional qualifications as an attorney are considered a public issue for purposes of the
8 anti-SLAPP statute.” (Motion at p. 9, ll. 15–17.) That proposition appears nowhere in California law.
9 The case he cites, *Yang v. Tenet Healthcare Inc.* (2020) 48 Cal.App.5th 939, does not support such a
10 rule. *Yang* involved statements concerning a physician’s competence made in the context of hospital
11 peer review, a process with “primary responsibility for monitoring the professional conduct of
12 physicians licensed in California.” (*Id.* at 947.) An entity similar to the State Bar, *Yang* does not hold—
13 and nowhere suggests—that defamatory accusations published by a competing attorney on a privately
14 controlled law-office website automatically constitute a matter of public interest. Watters’ reliance on
15 *Yang* therefore reflects a material mischaracterization of controlling authority and underscores his
failure to meet the threshold burden under section 425.16.

16 Section 425.16 does not define “an issue of public interest,” but it “requires that there be
17 some attributes of the issue which make it one of public, rather than merely private, interest.”
18 *Weinberg v. Feisel* (2003) 110 Cal.App.4th 1122, 1132. Some guiding principles: “‘public interest’
19 does not equate with mere curiosity”; “a matter of public interest should be something of concern to
20 a substantial number of people … a matter of concern to the speaker and a relatively small, specific
21 audience is not a matter of public interest”; “there should be some degree of closeness between the
22 challenged statements and the asserted public interest”; “the assertion of a broad and amorphous
23 public interest is not sufficient”; and “the focus of the speaker’s conduct should be the public
24 interest.” *Id.* Also, Defendants “cannot, by their own conduct, create their own defense by making
25 the claimant a public figure,” and a person “cannot turn otherwise private information into a matter
of public interest simply by communicating it to a large number of people.” *Id.* at 1133.

26 Watters’ false allegations accusing Plaintiff of criminal conduct—including RICO activity and
27 unlawful practice of law—do not involve a matter of public interest. California courts are clear that
28 claims based on false accusations of criminal activity fall outside the anti-SLAPP statute. *Abuemeira v.*
Stephens (2016) 246 Cal.App.4th 1291, 1298; *Weinberg v. Feisel* (2003) 110 Cal.App.4th 1122, 1127.

1 Plaintiff is a private individual who has not injected herself into any public controversy, further
2 confirming that Watters' conduct is not protected activity.

3 Second, Watters has failed to identify any legitimate public issue or issue of public interest
4 implicated by his publications. Here, Watters' publications concern only one private attorney—
5 Plaintiff (an unknown).

6 Third, Watters' publications concern only Plaintiff and his own desire to harm and harass her,
7 exactly as he threatened in his September 19, 2023 email. The defamatory publications serve no public
8 purpose; they were issued to punish Plaintiff, coerce her conduct, and advance Watters' personal and
9 commercial interests. Context is dispositive: "The context in which statements are made holds
10 significant sway in determining whether they are made in furtherance of free speech in connection with
11 a public issue." *Xu v. Huang* (2021) 73 Cal.App.5th 802, 807. Watters' publications were to satisfy his
12 need to harm and harass and obtain "retribution" for himself - directed at prospective clients, designed
13 to damage Plaintiff, and to promote his law practice—not to contribute to any public debate. As
14 *FilmOn.com Inc. v. DoubleVerify Inc.* (2019) 7 Cal.5th 133, 150 makes clear, speech does not qualify
15 for anti-SLAPP protection unless it meaningfully contributes to a public conversation. Watters' conduct
16 does not.

17 Yet further, the case of *Bui v. Ngo* (2024) 101 Cal.App.5th 1061—where the plaintiff was
18 also a lawyer—is directly applicable here. In *Bui*, the Court of Appeal rejected the claim that the
19 plaintiff attorney was a public figure, even though she was married to a politician and tangentially
20 connected to matters of public discussion. The court reaffirmed that a person qualifies as a
21 limited-purpose public figure only if three elements are met: (1) the existence of a genuine public
22 controversy with foreseeable and substantial ramifications for nonparticipants; (2) a voluntary act
23 by the plaintiff to influence the resolution of that controversy; and (3) defamatory statements
24 germane to the plaintiff's participation in the controversy. *Id.* at p. 1073, citing *Ampex Corp. v. Cargle* (2005) 128 Cal.App.4th 1569, 1577. None of those elements are present here. There is no
25 public controversy involving Plaintiff, Plaintiff took no voluntary action to inject herself into any public
26 debate, and Watters' defamatory publications are not germane to any issue of public concern. As in *Bui*,
Plaintiff is a private attorney engaged in private litigation, and defamatory accusations directed at her
do not become matters of public interest simply because Watters' labels them as such.

27 **D. Watters' Privately Controlled Law-Office Website Is Not a Public Forum**

28 Watters falsely attempts to characterize his privately owned, commercially operated law-
office website—over which he alone creates, edits, manipulates, curates, and controls all content—

1 as a “public forum.” That assertion is legally incorrect and misleading.

2 A privately owned website controlled by a single speaker is not a public forum. California
3 courts have long held that a forum is not “public” where access, content, and participation are subject to
4 unilateral control by a private actor. *Clark v. Burleigh* (1992) 4 Cal.4th 474, 482; *Damon v. Ocean Hills*
5 *Journalism Club* (2000) 85 Cal.App.4th 468, 475. Watters’ website permits no public participation, no
6 commentary, no rebuttal, and no debate. The public cannot post, respond, correct, or challenge anything
7 Watters publishes.

8 Despite this, Watters improperly portrays his website as a quasi-regulatory or public-service
9 platform, invoking State Bar concepts to suggest his publications carry disciplinary or public-interest
10 authority. They do not. Watters is not affiliated with the State Bar, is not State Bar Trial Counsel, and is
11 not authorized to investigate, regulate, or discipline attorneys. His website is not listed, recognized, or
12 sanctioned by the State Bar of California in any capacity.

13 In reality, Watters’ website at www.andrewwatters.com, www.andrewwatters.com/hall-of-shame/ and www.andrewwatters.com/hall-of-shame/ligia-parmenter/ is a privately controlled marketing
14 vehicle for his law practice, used to publish one-sided scandalous falsehoods about selected targets he
15 torments and harasses without accountability or opposing input.

16 **E. Prong Two: Plaintiff Has Made the Required Prima Facie Showing**

17 If the Court were to reach Prong Two, Plaintiff’s burden is minimal. At this stage, the
18 Court does not weigh evidence or resolve conflicts; it asks only whether Plaintiff has stated a
19 legally sufficient claim and made a *prima facie* factual showing that would support a favorable
20 judgment, accepting Plaintiff’s evidence as true and drawing all reasonable inferences in her favor.
21 *Baral v. Schnitt* (2016) 1 Cal.5th 376, 384–385; *Monster Energy Co. v. Schechter* (2019) 7 Cal.5th
22 781, 795. Plaintiff easily meets that standard. Defamation requires a false, defamatory,
23 unprivileged publication with a natural tendency to injure. *Taus v. Loftus* (2007) 40 Cal.4th 683,
24 720. Libel includes written statements tending to injure a person in her profession. Civ. Code § 45.
25 False accusations of criminal conduct or professional unfitness constitute libel *per se*, for which
26 special damages need not be proven. Civ. Code §§ 45a, 48a(d)(2); *Balla v. Hall* (2021) 59
27 Cal.App.5th 652, 686.

28 Here, Watters published false statements accusing Plaintiff of criminal conduct and
29 professional unfitness, including that she is a RICO criminal, a “timeshare scammer,” and “should
30 not be practicing law.” The publications are undisputed, false, unprivileged, and injurious on their
31 face. (Comp. Exs. 6A1-4, 6B1-5, 6C1-3) Accordingly, Plaintiff has more than satisfied her *prima*

facie burden, and the Motion must be denied.

1. Watters' Publications Assert Provable Facts, Not Rhetorical
Hyperbole

Watters' publications were intended to be understood—and were presented—as serious, provable statements of fact, not rhetorical hyperbole. In his own declaration and repeated publications, Watters expressly states that Plaintiff is mentally deficient, unfit to practice law, and has violated the Rules of Professional Conduct, and that his purpose is to “inform the public” that Plaintiff “should not be practicing law.” (Watters Decl., ¶¶ 4–8.) This intent predates the publications. On September 19, 2023, Watters sent Plaintiff an unsolicited email asserting there was “something seriously wrong” with her, calling her a “lunatic,” and threatening to publicly publish that she was mentally unstable and unfit to practice law unless she altered her conduct. (Parmenter Decl.; Comp., Ex. 2-A). He then carried out that threat.

On his law-office’s “Hall of Shame” webpage, Watters repeatedly labels Plaintiff a “crazy attorney” and a “batshit insane” lawyer who “should not be practicing law,” while hyperlinking those accusations directly to Plaintiff’s own law-office website and to a court pleading authored by Plaintiff. This linkage was plainly intended to substantiate the accusations and signal that they were factual and verifiable, not exaggerated commentary. (Comp., Exs. 4A, 4B.) Notably, the pleading Watters selectively republished was one in which Plaintiff prevailed and in which sanctions were imposed against Watters—facts he omitted while presenting the document as supposed proof of Plaintiff’s incompetence.

Watters has further escalated these factual accusations in this Motion by newly asserting—falsely—that Plaintiff has violated the Rules of Professional Conduct and by improperly invoking State Bar authority as though he were empowered to discipline her. These are assertions of objective professional misconduct, not expressions of opinion. At no point does Watters disclaim factual intent or characterize his statements as satire, opinion, or hyperbole. To the contrary, he repeatedly insists that his publications are serious “warnings” to the public about an attorney who is allegedly “unfit to practice law,” as confirmed by his own Declaration submitted in support of this Motion. Viewed collectively, Watters’ admissions, threats, repeated publication, document-linking, and asserted quasi-disciplinary authority demonstrate that his statements were intended to be believed and acted upon as true statements of fact. Accordingly, they fall outside any protection for rhetorical hyperbole.

F. The Undisputed Evidence Demonstrates Actual Malice on Watters’ Part

Even if the Court were to apply an actual-malice standard, the evidence easily satisfies it. “Actual malice” exists where a defendant publishes statements with knowledge of falsity or with

1 reckless disregard for whether they are true or false. *Reader's Digest Assn. v. Superior Court*
2 (1984) 37 Cal.3d 244, 256. Reckless disregard is shown where the defendant lacks reasonable
3 grounds for belief in the truth of the publication, fails to investigate despite obvious reasons to
4 doubt accuracy, ignores readily available means of verification, or deliberately avoids confirming
5 facts. *Taus v. Loftus* (2007) 40 Cal.4th 683, 721–722; *Khawar v. Globe Int'l, Inc.* (1998) 19
6 Cal.4th 254, 276. Further, the record of knowing falsity and retaliation confirms that the Motion
7 is frivolous and brought in bad faith within the meaning of section 425.16(c).

8 The evidence overwhelmingly supports an inference of malice. Watters published
9 objectively verifiable and demonstrably false accusations that Plaintiff is a criminal racketeer, a
10 “timeshare scammer,” mentally unstable, and professionally unfit. Plaintiff is not a criminal, has
11 no disciplinary record, and there is no factual basis for any of these claims, all of which were
12 readily disprovable through basic public and State Bar records. Watters nevertheless failed to
13 verify the accusations before publishing them. (Parmenter Decl., ¶ 2.) Watters’ conduct was
14 deliberate, not inadvertent. He threatened Plaintiff in advance with public shaming and search-
15 engine manipulation and then executed that threat as promised by repeatedly republishing and
16 amplifying the false accusations, linking them to purported “proof,” and warning that additional
17 publications were “coming soon.” This sustained course of conduct demonstrates intentional
18 wrongdoing, or at minimum reckless disregard for the truth. (See Decl. Jason McDonald.)

19 Watters’ after-the-fact attempts to recast his publications as “opinion” or “hyperbole” do
20 not negate malice. Publishing provably false criminal and professional accusations, presenting
21 them as factual, and deliberately avoiding verification establishes reckless disregard as a matter of
22 law. *Reader's Digest*, *supra*, at 257–258. At this stage, Plaintiff’s evidence is accepted as true and
23 is more than sufficient to establish actual malice. Accordingly, even under the most demanding
24 standard, Watters cannot defeat Plaintiff’s *prima facie* showing, and the Motion must be denied.

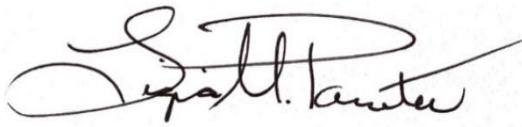
IV. CONCLUSION

25 For all of the foregoing reasons, the Court should deny the special motion to strike.

26 Dated this 23rd day of January 2026.

27 Respectfully submitted,

28 **PARMENTER LAW OFFICES**

29 By: 

30 _____
31 Ligia Melendez Parmenter
32 Plaintiff in pro per

PROOF OF SERVICE — CIVIL
[Code of Civ. Proc. §§ 1011, 1013, 1031a, 2015.5]

I, C. MELENDEZ, am not a party to this action, I am over 18 years of age. My business address is 501 'B' Street, Ste. 200, San Rafael, CA 94901. I declare under penalty of perjury that on the below-indicated date, I served the foregoing document(s) described as:

**PLAINTIFF'S OPPOSITION TO THE DEFENDANT'S SPECIAL MOTION TO STRIKE
(CCP § 425.16): MEMORANDUM OF POINTS AND AUTHORITIES**

on the interested parties in this action as follows:

Mr. Jeramy Stone, Esquire-
555 Twin Dolphin Drive, Ste, 135 Redwood City, CA 94065
JERAMY@WATTERS.LAW
JERAMY@ANDREWATTERS.COM

METHOD OF SERVICE:

VIA ELECTRONIC FILING SERVICE: By causing One Legal to effect e-service at the time the subject document(s) were submitted for filing with the Court using the email address for each recipient that is on file with One Legal for each party served, as per the “Order Receipt” from One Legal. Or in the alternative, in complying with Code of Civil Procedure §1010.6, I caused such document(s) to be electronically served through the One Legal system for the above-entitled case to those parties listed above or on the attached service list, maintained on its website for this case. The file transmission was reported as complete, and a copy of the Filing/Service Receipt will be maintained with the original document(s) in our office.

Executed in San Rafael, California on **JANUARY 23, 2026**

C. Melendez

C. Melendez