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Panel guts much of Hollywood Press group member's lawsuit

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The 2nd District Court of Appeal gutted a journalist's lawsuit that accused the Hollywood Foreign Press Association of breach of contract, racial discrimination, sexual harassment, retaliation, as well as mismanagement and corruption.

An unpublished opinion issued last week reversed, in part, Los Angeles County Superior Court Judge Michael L. Stern's denial of an anti-SLAPP motion filed by the Hollywood Foreign Press Association.

It remanded the case with directions to enter an order granting the organization's special motion to strike seven of the 14 causes of action that the plaintiff initially alleged to the extent they are based on the association's issuance of news releases.

Robert J. Ellison, partner with Latham & Watkins in Century City, argued HFPA's case. He declined to discuss the case.

The plaintiff, Husam Asi, is a former member of the association. The organization put him on probation while an independent law firm investigated claims of sexual misconduct. The organization also issued news releases in response to media reports of misconduct within the organization.

Those releases formed the basis of a number of Asi's claims. *Husam Asi v. Hollywood Foreign Press Association, a California Mutual Benefit Corporation et al.*, 22STCV15728 (L.A. Super. Ct., filed May 11, 2022).

Asi is represented by Richard S. Busch, partner with King & Ballow. He could not be reached for comment.

The association sought to dismiss those claims, asserting that the matter was mostly based on First Amendment-protected articles in the news media detailing accusations of sexual harassment against the plaintiff, as well as his attacks against the publisher of one of those articles and the organization, in which he accused them of racism and slander.

Stern disagreed, saying that the plaintiff's evidence demonstrated a probability that he would prevail.

"From the evidence provided by plaintiff, it can be inferred for purposes of an anti-SLAPP analysis that the HFPA acted extremely and outrageously by issuing a press release announcing an investigation into allegations of sexual assault without following the organization's procedure and without any proof that plaintiff had committed any wrongful act. Plaintiff's declaration provides support for him sustaining emotional distress from the defendant's action, particularly in the context of a public release of

such claims," Stern wrote last December in a minute order denying the anti-SLAPP motion.

But the panel disagreed, finding that there was public interest in the organization's handling of public allegations of misconduct leveled against Asi.

"HFPA's public comments in the releases are not focused on the specifics or truthfulness of the allegations made against Asi but instead are focused on HFPA itself and how it would respond to these public accusations," Justice Helen Zukin wrote. Presiding Justice Brian S. Currey and Justice Audrey B. Collins concurred.

"HFPA's press releases were statements to the press made for public dissemination in response to public scrutiny which were intended to show it had legitimately reformed in the wake of public criticism," Zukin continued, citing *Bishop v. The Bishop's School* (2022) 86 Cal. App. 5th 893, 904.

"As with Bishop, HFPA's purpose in issuing these releases was to communicate to the public that it would follow its new policies and procedures to investigate accusations of misconduct. Under Bishop, such statements are protected activity for anti-SLAPP purposes under section 425.16, subdivision (e) (4) even if Asi himself is not a public figure."

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