

## Anti-SLAPP and First Amendment Rights

### Practices and Industries

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#### PRIMARY CONTACTS

**Laura Lee Prather**

+1 512.867.8476

**Thomas J. Williams**

+1 817.347.6625

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Haynes Boone has extensive experience in defending against Strategic Lawsuits Against Public Participation (SLAPPs) in state and federal court. We have been instrumental in the passage and defense of the Texas Anti-SLAPP statute, have worked with several other states in passing and amending existing statutes, and have been involved in efforts to get federal legislation passed. We have served as Advisor to the Uniform Law Commission in drafting and implementing its Model Anti-SLAPP law and are the only U.S. law firm that has worked internationally on efforts to get an EU Anti-SLAPP Directive and a UK Anti-SLAPP law passed. Our experience gives us the ability to defend against SLAPP suits in state and in federal court throughout the nation and advise on international matters.

The Anti-SLAPP and First Amendment Rights Practice Group includes several seasoned First Amendment, intellectual property, and social media lawyers who understand the unique aspects of SLAPP litigation. SLAPP matters arise out of content, which is what our group has experience in protecting. SLAPP cases can arise in a large array of disputes involving the right to free speech and press, the right to petition, and the right of association. Because SLAPP suits may involve a myriad of claims including defamation, tortious interference, abuse of process, breach of contract, invasion of privacy claims, and more, it is important to have the experience of those who have a deep understanding of Anti-SLAPP statutes to assist in defending against SLAPP suits.

#### FIGHTING AGAINST DISCOVERY IN SLAPP CASES

An important part of filing an Anti-SLAPP motion is being prepared for a request for discovery to respond to the motion. The laws limit whether and what kind of discovery can be obtained after an Anti-SLAPP motion has been filed - only specified and limited discovery is allowed on a showing of "good cause" - and our team has been very successful at fighting discovery requests. We have both succeeded in getting courts to refuse to grant discovery and in demonstrably limiting any discovery allowed by the court.

#### ATTORNEYS' FEES AND SANCTIONS

One of the core purposes of Anti-SLAPP laws is the award of attorneys' fees and sanctions to the party who has been forced to defend against a SLAPP suit. We have succeeded in obtaining not only dismissals of cases, but also attorneys' fees and sanctions awards for our clients. Attorneys'

fees awarded to our clients have ranged from \$11,000 to as high as \$250,000, depending on the complexity of the case.

## **INTERLOCUTORY APPEAL OF ANTI-SLAPP RULINGS**

Anti-SLAPP statutes often provide the right to immediately appeal rulings on Anti-SLAPP motions. Because of the breadth of our experience defending against SLAPP suits at the trial and appellate level, we are uniquely qualified to argue for the preservation of a trial court's Anti-SLAPP dismissal or overturning of the denial of an Anti-SLAPP motion.