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10 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
11 COUNTY OF SAN DIEGO  
12 HALL OF JUSTICE

13 Herring Networks, Inc., a California  
corporation

14 Petitioner,

15 v.

16 Chelsea Goss (aka Chelsea Gods)

17 Respondent.  
18  
19

Case No. 26CU007658C

**RESPONDENT'S NOTICE OF MOTION  
AND SPECIAL MOTION TO STRIKE  
UNDER CODE OF CIVIL PROCEDURE  
SECTION 425.16 (ANTI-SLAPP);  
MEMORANDUM OF POINTS AND  
AUTHORITIES**

Judge: Hon. Chandra S. Reid

Hearing Date: April 20, 2026

Hearing Time: 1:30 p.m.

Courtroom: C-61

1 **NOTICE OF MOTION AND MOTION**

2 TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

3 PLEASE TAKE NOTICE that on April 20, 2026, at 1:30 p.m., or as soon thereafter as the  
4 matter may be heard, in Department C-61 of the above-entitled Court, located at the Hall of Justice,  
5 330 West Broadway, San Diego, California 92101, Respondent Chelsea Goss will and hereby does  
6 specially move this Court pursuant to Code of Civil Procedure section 425.16 for an order:

7 1. Striking the Petition for Workplace Violence Restraining Orders (Form WV-100) filed  
8 by Petitioner Herring Networks, Inc. in its entirety; or, in the alternative, striking each and every  
9 portion of the Petition that arises from protected activity and for which Petitioner cannot establish  
10 a probability of prevailing on the merits, including (a) all claims for relief directed at protecting  
11 Herring Networks, Inc. as a corporate entity, and (b) all allegations and corresponding relief based  
12 on Respondent’s social media speech and political commentary; and

13 2. Awarding Respondent her attorney’s fees and costs pursuant to Code of Civil  
14 Procedure section 425.16, subdivision (c)(1).

15 This motion is made on the grounds that the Petition is based on Respondent’s exercise of  
16 her constitutional rights of free speech and petition in connection with a public issue, and Petitioner  
17 cannot demonstrate a probability of prevailing on its claims. (Code Civ. Proc., § 425.16, subs.  
18 (b), (e).)

19 This motion is based on this Notice of Motion and Motion, the attached Memorandum of  
20 Points and Authorities, the Declaration of Chelsea Goss and Declaration of Connor Lynch filed  
21 concurrently herewith, and all papers and records on file in this action.

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1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **I. INTRODUCTION**

3 Petitioner Herring Networks, Inc. is a nationally known conservative news network. In  
4 2020 and years following, it became the subject of public controversy for its role in attempting to  
5 subvert our nation’s Constitution by spreading lies about the 2020 election.

6 Petitioner has more recently become the subject of public controversy for its hiring of  
7 former United States Congressman Matt Gaetz, who in October 2024 was briefly named as a  
8 prospective nominee for United States Attorney General. Gaetz resigned from office before the  
9 House Ethics Committee released a bipartisan report finding that “Representative Gaetz violated  
10 House Rules, state and federal laws, and other standards of conduct prohibiting prostitution,  
11 statutory rape, illicit drug use, acceptance of impermissible gifts, the provision of special favors  
12 and privileges, and obstruction of Congress.” In December 2024, Gaetz was hired by Petitioner.  
13 The controversial hire was reported by many major, reputable news organizations and was also  
14 reported by Petitioner’s own news network.

15 Respondent Chelsea Goss is a social media activist who produces political commentary on  
16 platforms including Instagram, Facebook, TikTok, and YouTube. Her work has been seen by  
17 millions, and her content receives about 40 to 50 million views each month. Through her speech  
18 and activism, she aims to be a voice for victims of sexual assault by powerful men—which led her  
19 to public commentary about Petitioner’s hiring of former Congressman Gaetz. She has posted  
20 dozens of videos about the hiring on social media, often using language like “pedophile” and “child  
21 fucker” to describe Mr. Gaetz, who was found by the House Ethics Committee to have committed  
22 statutory rape for having sex with a 17-year-old girl when he was 35.

23 Petitioner brought this action to silence Respondent from speaking about itself, Gaetz, and  
24 Mr. Herring. It asks the Court to order “that Goss be restrained from posting on Facebook,  
25 Instagram, X and any social media account any posts about Herring Networks or its employees.”  
26 They further ask she be ordered to remove all posts related to Herring Networks and its employees.

27 Petitioner’s grievances with Respondent’s political speech are wide ranging. It complains  
28 she “posts on her social media accounts several times a day” about “far-left politics and ideology,”

1 and that her posts about MAGA have used violent imagery. Respondent’s political speech is  
2 protected by the First Amendment.

3 Respondent’s speech cannot be transformed into harassment by her presence in Herring  
4 Networks’ parking lot on two occasions, during which she recorded video to post on social media  
5 while she referred to Gaetz as a “child fucker” and “pedophile” and asked those present about the  
6 House Ethics Committee report, in front of the office that hired Gaetz, to draw public attention to  
7 the issue. She left immediately when asked to leave. No threats of violence, no threats of harm;  
8 what Petitioner claims was verbal “harassing behavior” consisted nearly entirely of questions and  
9 commentary about Petitioner’s hiring of Matt Gaetz.

10 Petitioner has attempted to conceal the nature of the public issue from the Court by  
11 redacting the name of Gaetz from its memorandum and omitting it from other submissions. The  
12 omission is material: Gaetz is a public figure, Respondent’s statements about him are substantially  
13 true, and drawing attention to this public issue is a legitimate purpose.

14 Respondent brings this special motion to strike to protect her First Amendment right to  
15 speak publicly about issues of public concern, including on social media. The Court should reject  
16 Petitioner’s attempt to abuse California’s workplace violence laws to silence Respondent, grant  
17 this special motion to strike the Petition in its entirety and award mandatory attorneys’ fees.

18 **II. STATEMENT OF FACTS**

19 Respondent Chelsea Goss is a social media activist who produces political commentary on  
20 platforms including Instagram, Facebook, TikTok, and YouTube. (Goss Decl. ¶ 2.) Her content  
21 averages 40 to 50 million views per month across Facebook and Instagram alone, and she has  
22 approximately 150,000 subscribers on Facebook and 46,000 on Instagram. (Goss Decl. ¶ 2.) She  
23 uses the online handle “Chelsea Gods” and has appeared on CNN, on YouTube channels with  
24 millions of subscribers, and on numerous podcasts. (Goss Decl. ¶ 3.) Goss uses satire and  
25 hyperbole to draw attention to political and social issues. (Goss Decl. ¶ 4.)

26 Petitioner Herring Networks, Inc. operates One America News Network (“OANN”), a  
27 nationally known conservative cable news outlet headquartered at 4757 Morena Boulevard in San  
28 Diego, California. OANN has been the subject of extensive public controversy. Herring Networks’

1 and its CEO Charles Herring’s public role in high-profile defamation lawsuits brought over false  
2 claims related to the 2020 presidential election have been reported extensively by NPR, NBC  
3 News, CNN, and other major outlets. (Lynch Decl. Exs. D, E, F, G.) Its relationship with the  
4 Trump administration has been reported, including by Axios. (Lynch Decl. Exs. H, I.) Charles  
5 Herring is the sole natural person the Petition names to seek protection.

6 Goss’s social media content focuses on OANN specifically because of OANN’s  
7 employment of Matt Gaetz, former United States Congressman who ultimately resigned from  
8 office in connection with the release of a bipartisan Ethics Committee report about his statutory  
9 rape of a 17-year-old girl—a scandal covered extensively by The New York Times and other major  
10 national media outlets. (Goss Decl. ¶ 5; Lynch Decl. Exs. J–N.) The Ethics Committee “determined  
11 that there is substantial evidence that Representative Gaetz had sex with [the victim] in July 2017,  
12 when she was 17 years old, and he was 35.” (Report of the H. Comm. on Ethics, 118th Cong. (Dec.  
13 23, 2024), at 31; Lynch Decl. Exs. A–C.) The Committee further concluded there was “substantial  
14 evidence that Representative Gaetz violated House Rules, state and federal laws, and other  
15 standards of conduct prohibiting prostitution, statutory rape, illicit drug use, acceptance of  
16 impermissible gifts, the provision of special favors and privileges, and obstruction of Congress.”  
17 (Id. at 2; Lynch Decl. Exs. A–C.) Despite the findings, OANN hired Gaetz in December 2024 to  
18 host a primetime television show. As reported by CNN, POLITICO, and Variety, OANN  
19 announced the hire just weeks after the Ethics Committee had planned to vote on releasing its  
20 report. (Lynch Decl. Exs. J–L.) OANN President Charles Herring personally celebrated the hiring,  
21 calling Gaetz “a remarkable talent and a principled leader” with “insider access to America’s top  
22 policymakers.” (Lynch Decl. Ex. J.)

23 OANN’s own press announcement described Gaetz as a “powerhouse” while omitting all  
24 mention of his statutory rape. (Lynch Decl. Ex. M.) This despite the fact that OANN’s own  
25 reporting, published three weeks before the hire, had acknowledged the allegations that Gaetz paid  
26 two women, including a 17-year-old, for sex. (Lynch Decl. Ex. N.) Gaetz currently holds Pentagon  
27 press credentials through OANN. (Goss Decl. ¶ 6.) Respondent Goss believes that a national news  
28 network providing a platform and press credentials to a former United States Congressman found

1 to have raped a minor is a matter of significant public concern. (Goss Decl. ¶¶ 5–6.)

2 In approximately August 2025, Goss visited the public space outside Herring Networks to  
3 create satirical content about Gaetz’s employment at OANN. (Goss Decl. ¶ 7.) The video begins:  
4 Today we’re outside the headquarters of One America News  
5 Network, otherwise known as OAN. You may know them as one of  
6 the most egregious spreaders of right-wing propaganda in this  
7 country. I know them as the employer of pedophile Matt Gaetz.  
8 Today I’m dressed up like a 17-year-old girl to see if we can coax  
9 Matt Gaetz out of his hiding hole here at OAN.

10 (Goss Decl. Ex. P at 1:4–8.) She then filmed for around five minutes on the lot before two  
11 staff members approached and asked her to leave, then left voluntarily. (Goss Decl. ¶¶ 7–8.)

12 On February 3, 2026, Goss returned to the Herring Networks parking lot, motivated by her  
13 continued concern that Gaetz was working at OANN despite the findings about his conduct. (Goss  
14 Decl. ¶ 11.) A man approached and told Goss she needed to leave; Goss left voluntarily within less  
15 than three minutes. (Goss Decl. ¶ 13.) As she departed, she called the man a “pedophile protector”  
16 and asked if he remembered that Gaetz had sex with a 17-year-old—remarks directed at OANN’s  
17 decision to employ Gaetz. (Goss Decl. ¶ 14.) Goss later learned the man was Charles Herring.  
18 (Goss Decl. ¶¶ 13, 27.) No violence or threat of violence occurred at either visit. (Goss Decl. ¶ 15.)

19 On February 10, 2026, Petitioner filed this Petition. The Petition sweeps broadly, citing the  
20 entirety of Goss’s online social media presence, two parking lot visits, a repost to X by another  
21 user of her January 24 Instagram Reel posts about “MAGA,” and her social media commentary  
22 about OANN and its hiring of Gaetz as a “course of conduct.”

23 Petitioner requests sweeping prior-restraint speech restrictions: an order directing Goss not  
24 to post on social media about Herring Networks or its employees (including Gaetz and Herring),  
25 an order directing Goss to remove all prior posts concerning the same, and an order prohibiting  
26 Goss from posting Herring Networks’ or employees’ addresses or identifying information.

27 In the Instagram Story reposted by another user to X (and cited by Petitioner), Goss  
28 expresses her anger on the day that federal agents killed Alex Pretti. (Goss Decl. ¶ 18.) In what  
can be heard in the reposted clip from the Instagram Reel, she says:

... how fucking angry I am. And every MAGA, I wanna punch you  
in the fucking face, I wanna beat you up until you are a pulp on the  
ground, I wanna curb-stomp the shit out of you. You voted for  
Donald Trump? Come tell me in the comments. I’m going to find  
where you fucking live, I’m going to beat up your whole fucking

1 family. You have a five-year-old kid I'm going to pick them off too.  
2 I fucking hate you guys. You're choosing violence, you're choosing  
3 war, instead of peace on American streets; you destroyed the  
4 fucking country because you're so fucking racist. I hate every  
5 fucking one of you.

6 (Goss Decl. ¶¶ 18–19.) These comments were not directed (in any way) at Mr. Herring;  
7 (Goss Decl. ¶ 18.)

8 On February 11, 2026, the court granted a temporary restraining order in part, issuing  
9 personal conduct orders and a 100-yard stay-away order as to Charles Herring and his place of  
10 employment. (WV-110.) The court denied Petitioner's request for a prior restraint order. (WV-  
11 110, § 5, item (7) [struck through].) Had this relief been granted and legally effective, it would  
12 have silenced Respondent from speaking publicly at all regarding OANN or about disgraced  
13 former United States Congressman Matt Gaetz and the high-profile public scandal connected with  
14 his resignation from office. The court denied relief as to Herring Networks, Inc. as a protected  
15 party. (WV-109.)

16 After being served with the temporary restraining order on February 13, 2026, Goss posted  
17 video discussing this legal proceeding:

18 Apparently Charles Herring, who owns One America News  
19 Network, located at 4757 South Morena Blvd in San Diego. That's  
20 4757 South Morena Blvd in San Diego does not like it when you  
21 point out the fact that they hired a pedophile and sex trafficker, Matt  
22 Gaetz. Apparently that hurts their feelings. They might file a  
23 restraining order on you. But I can tell you guys this, until March  
24 third, I have a temporary restraining order and I cannot go to 4757  
25 South Morena Boulevard, but that doesn't mean that you can't go to  
26 4757 South Morena Boulevard and pay One America News a visit  
27 and let know what you think about the fact that they hire pedophiles.

28 (Goss. Decl. ¶ 22.) Petitioner attributes an anonymous voicemail received at Herring  
Networks on February 14, 2026. (Supp. Herring Decl. ¶ 6.) Goss did not make this phone call or  
direct anyone else to do so. (Goss Decl. ¶ 24.)

Petitioner now seeks permanent relief that is overwhelmingly directed at Goss's speech:  
(1) a restraining order that would prohibit Respondent from publicly demonstrating within 100  
yards of a nationally known conservative cable news network; (2) an order prohibiting Goss from  
posting on social media about Herring Networks or its employees, including Herring and Gaetz;  
and (3) an order directing Goss to remove all prior posts about the same.

Respondent brings this anti-SLAPP motion to protect her First Amendment rights.

1 **III. ARGUMENT**

2 **A. The Anti-SLAPP Statute Applies to Workplace Violence Petitions Under Code of**  
3 **Civil Procedure Section 527.8**

4 California’s anti-SLAPP statute provides that “[a] cause of action against a person arising  
5 from any act of that person in furtherance of the person’s right of petition or free speech under the  
6 United States Constitution or the California Constitution in connection with a public issue shall be  
7 subject to a special motion to strike, unless the court determines that the plaintiff has established  
8 that there is a probability that the plaintiff will prevail on the claim.” (Code Civ. Proc., § 425.16,  
9 subd. (b)(1).)<sup>1</sup> Indeed, “this section shall be construed broadly.” (§ 425.16, subd. (a).)

10 Workplace violence petitions are subject to motions to strike. (*City of Los Angeles v.*  
11 *Animal Defense League* (2006) 135 Cal.App.4th 606, 617–618.)

12 **B. Prong One: The Petition Arises from Goss’s Protected Speech and Petitioning**  
13 **Activity**

14 At the first step of the anti-SLAPP analysis, “the moving defendant bears the burden of  
15 identifying all allegations of protected activity, and the claims for relief supported by them,” based  
16 on pleadings and affidavits. (*Baral v. Schnitt* (2016) 1 Cal.5th 376, 396; § 425.16, subd. (b).) In  
17 ruling on an anti-SLAPP motion, “courts should consider the elements of the challenged claim and  
18 what actions by the defendant supply those elements and consequently form the basis for liability.”  
19 (*Park v. Board of Trustees of California State University* (2017) 2 Cal.5th 1057, 1063.)

20 The Petition here asserts claims for relief for workplace harassment of Charles Herring, for  
21 workplace harassment of Herring Networks, Inc., and for a restraining order requiring Respondent  
22 to delete all of her public commentary about Herring Networks, Inc., Mr. Herring, and former  
23 United States Congressmen Matt Gaetz and forbidding her from speaking publicly about any of  
24 them on social media in any way, including about their public scandals. As explained more fully  
25 below, the Petition arises from Respondent’s protected speech.

26 **1. The petition targets and arises from Goss’s protected speech.**

27 “[A] claim is subject to an anti-SLAPP motion to strike if its elements arise from protected  
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<sup>1</sup> All further statutory references are to the Code of Civil Procedure unless otherwise indicated.

1 activity.” (*Bonni v. St. Joseph Health System* (2021) 11 Cal.5th 995, 1015.) “Courts deciding an  
2 anti-SLAPP motion thus must consider the claim’s elements, the actions alleged to establish those  
3 elements, and whether those actions are protected.” (*Id.* at 1015.)

4 Here, Petitioner’s own brief is instructive. As Petitioner explains, “the primary medium of  
5 Goss’ harassment is through social media.” (Pet.’s Mem. P. & A., p. 4:15–16.)

6 Petitioner’s claims for relief rely on two categories of social media posts: (1) those of pure  
7 political commentary (social media posts criticizing OANN for its hiring of Mr. Gaetz and videos  
8 of her commentary on political issues such as the murder of Alex Pretti), and (2) those  
9 documenting Respondent’s public demonstration near and on the Herring Networks parking lot on  
10 two occasions. Both categories are cited to justify Petitioner’s request for sweeping speech  
11 restrictions that would prohibit Goss from publicly commenting at all on either OANN or its  
12 employees, including Mr. Herring and former United States Congressman Gaetz—both public  
13 figures who have been the subject of substantial public criticism. Even the allegations of trespass  
14 rely on Goss’s protected speech to support the harassment claim: “Respondent yelled profanities  
15 aggressively towards Herring”; “Goss yelled various obscenities to the employees of Herring  
16 Networks”; “[s]he also yelled at another of Petitioner’s employees who had just arrived”—the  
17 “yelling” in question here relates nearly entirely to Respondent’s public commentary, to be posted  
18 to social media, about Herring Networks’ hiring of Matt Gaetz and Herring Networks’ support of  
19 a White House administration conducting mass racial profiling. (*See* Goss Decl. ¶¶ 10, 17, Exs. O,  
20 P.) Much of the relief Petitioner seeks is pure speech restriction: (1) ordering Goss to stop posting  
21 about Herring Networks and its employees on social media; (2) ordering her to remove all prior  
22 posts about Herring Networks or its employees; and (3) prohibiting her from posting Herring  
23 Networks’ address, phone numbers, or identifying information.

24 All of Petitioner’s claims for relief arise from protected activity and must be analyzed under  
25 anti-SLAPP. (*See Bonni, supra*, 11 Cal.5th at 1009–1010.)

26 *Animal Defense League* confirms this analysis. There, the court held that the defendant’s  
27 protest activity—including “[d]emonstrations, leafleting and publication of articles on the Internet  
28 to criticize government policy”—constituted “a classic exercise of the constitutional rights of

1 petition and free speech in connection with a public issue or an issue of public interest” within the  
2 meaning of section 425.16, subdivision (e)(4), notwithstanding allegations that the defendants also  
3 engaged in trespass and threatening conduct at an employee’s home. (*Animal Defense League*,  
4 *supra*, 135 Cal.App.4th at 620.) So too here: whatever the merits of trespass allegations (and this  
5 is not an action for trespass), Goss’s social media political commentary, including on a national  
6 conservative news network’s hiring of a former U.S. Congressman who resigned in disgrace, is  
7 classic protected speech on matters of public interest and cannot be insulated from anti-SLAPP  
8 review merely because it is alleged alongside non-violent trespass. Petitioner’s allegations of post-  
9 petition conduct, related to Respondent’s commentary on this SLAPP suit, additionally implicate  
10 subdivision (e)(2), concerning “any written or oral statement or writing made in connection with  
11 an issue under consideration or review by a legislative, executive, or judicial body.”

12 **2. Goss’s social media commentary is speech on matters of public interest.**

13 Goss’s social media posts fall within multiple categories of protected activity under section  
14 425.16, subdivision (e). They are written or oral statements made “in a place open to the public or  
15 a public forum in connection with an issue of public interest” under subdivision (e)(3), and “any  
16 other conduct in furtherance of the exercise of the constitutional right of petition or the  
17 constitutional right of free speech in connection with a public issue or an issue of public interest”  
18 under subdivision (e)(4). (§ 425.16, subd. (e)(3), subd. (e)(4).)

19 Goss’s social media posts are in a public forum. In *Packingham v. North Carolina* (2017)  
20 582 U.S. 98, the Court explained, “[w]hile in the past there may have been difficulty in identifying  
21 the most important places (in a spatial sense) for the exchange of views, today the answer is clear.  
22 It is cyberspace—the “vast democratic forums of the Internet” in general, ... and social media in  
23 particular.” (*Id.* at 104.) Goss’s posts on social media criticizing OANN and its hiring of Mr. Gaetz  
24 are thus statements made in a public forum within the meaning of section 425.16, subdivision  
25 (e)(3), and constitute participation in the modern public square.

26 Goss’s speech likewise satisfies the public interest requirement. Under the two-part inquiry  
27 in *FilmOn.com Inc. v. DoubleVerify Inc.* (2019) 7 Cal.5th 133, a court first asks what public issue  
28 the speech implicates, and second, what functional relationship exists between the speech and the

1 public conversation about that issue. (*Id.* at 149–150.)

2 Here, the inquiry is easy: at the first step, the public issue implicated is a “nationally known  
3 conservative” news network, (WV-100, Attachment 5a), hiring a former United States  
4 Congressman who resigned amidst a credible finding that he statutorily raped a 17-year-old girl  
5 while a sitting Congressman. Other issues include the murder of Alex Pretti, the political  
6 atmosphere of the country, and racially discriminatory federal immigration enforcement. Given  
7 how closely Respondent’s commentary and the issues are intertwined, the second *FilmOn.com*  
8 step is nearly duplicative: Respondent’s public commentary aims squarely at these issues. She  
9 comments about OANN, its president Charles Herring, Matt Gaetz, and OANN’s hiring of Matt  
10 Gaetz. She dressed as a 17-year-old girl and stood outside OANN asking Matt Gaetz to come out—  
11 plain political satire aimed at a public figure and an issue of public interest.

12 Respondent’s speech is commentary directly on the public scandals related to these  
13 national figures, and it is core political speech. Her sharp language, including “child fucker” and  
14 “pedophile” (referring to Mr. Gaetz), dressing as a seventeen-year-old girl and asking Mr. Gaetz  
15 to come out of the building, her presence near the OANN building—all contribute to public  
16 conversation by drawing attention to the chasm between the depravity of Gaetz’s publicly reported  
17 statutory rape and the enthusiastic reception given to him by Petitioner’s nationally known  
18 conservative news network.

19 Respondent has no intention of ceasing to publicly comment on OANN, Charles Herring,  
20 or Matt Gaetz, and there is no shortage of public scandal to choose from. OANN has been the  
21 subject of extensive public controversy for its role in a public effort to attack our nation’s  
22 democratic process. (*See Lynch Decl. Exs. D, F, G.*) Charles Herring has likewise been the subject  
23 of substantial media coverage in connection with his role in the same effort. (*Lynch Decl. Ex. E,*  
24 *F.*) And both have been in the news recently over a deal with Voice of America that has been  
25 criticized as “outsourc[ing] [VOA’s] journalism to outlets aligned with the president’s agenda.”  
26 (*Lynch Decl. Exs. H, I.*)

27 Respondent’s videos are posted directly online and viewed by millions of people  
28 specifically to inform and comment on issues of public concern. Petitioner’s own brief recognizes

1 the political nature of Respondent’s online commentary it seeks to restrain: “A review of Goss’  
2 social media posts reveal that Goss appears to be aligned with far-left politics and ideology...”  
3 (Pet.’s Mem. P. & A., p. 3:18–22.) Petitioner’s nonspecific and conclusory criticisms of Goss’s  
4 political speech as a whole concede the point: these are criticisms of Goss’s political speech, of  
5 her “far-left politics.” Petitioner’s complaints strike the core of First Amendment protected speech.

6 **C. Prong Two: Petitioner Cannot Demonstrate a Probability of Prevailing**

7 At the second prong of the anti-SLAPP analysis, the burden shifts to petitioner to establish  
8 a probability of prevailing. (*Baral, supra*, 1 Cal.5th at 384.) At this prong, petitioner must present  
9 admissible evidence sufficient to present a prima facie case. (*Id.* at 384–385.) It also bears the  
10 burden of overcoming “any substantive defenses that exist,” (*Trinity Risk Management, LLC v.*  
11 *Simplified Labor Staffing Solutions, Inc.* (2021) 59 Cal.App.5th 995, 1006), “including, but not  
12 limited to constitutional defenses.” (*Traditional Cat Assn., Inc. v. Gilbreath* (2004) 118  
13 Cal.App.4th 392, 398; *see also Annette F. v. Sharon S.* (2004) 119 Cal.App.4th 1146, 1169  
14 [plaintiff’s burden to establish “actual malice” by evidence in anti-SLAPP on defamation action]).

15 In the context of a section 527.8 action, the Petitioner’s evidence must meet the clear-and-  
16 convincing evidence standard. (*See* § 527.8, subd. (k); *see Thomas v. Quintero* (2005) 126  
17 Cal.App.4th 635, 662 [holding the clear-and-convincing-evidence standard applies at the second  
18 prong of anti-SLAPP analysis for section 527.6]).

19 Petitioner cannot meet its burden.

20 **1. Petitioner fails to establish clear and convincing evidence of harassment.**

21 Petitioner’s evidence is deficient in multiple respects. The declarations of Charles Herring  
22 are conclusory and fail to establish the elements of “harassment” as defined by the statute. As  
23 further discussed below, the wide swath of speech-related grievances Petitioner brings to this court  
24 (e.g., Petitioner complains that Respondent is “aligned with far-left politics and ideology,” and she  
25 does not engage in what they would term “peaceable, constructive debate and conversation”) all  
26 concern First Amendment protected activity.

27 First, almost none of the social media posts Petitioner complains about has anything to do  
28 with Mr. Herring at all, the only employee Petitioner purportedly seeks to protect. *See, e.g.,*

1 Attachment 4b [citing the totality of Respondent’s social media presence: “Examples of Goss ...  
2 and her detestable behavior can be found on her website and social media accounts...”]. As  
3 Petitioner’s own brief confirms, Respondent’s social media accounts primarily concern political  
4 speech and commentary: “A review of Goss’ social media posts reveal that Goss appears to be  
5 aligned with far-left politics and ideology.” Petitioner highlights one post that includes violent  
6 imagery (“every MAGA, I wanna punch you in the fucking face...”), sourced not from Respondent  
7 but from an X user criticizing Respondent’s commentary on the recent Alex Pretti shooting (Goss  
8 Decl. ¶¶ 18–19.). Petitioner admits that this rant was “not against Herring directly.” It was “not  
9 against Herring,” or even about Herring, and at the time it was posted Respondent didn’t know  
10 who Herring was. (Goss Decl. ¶ 18.)

11 Respondent’s small number of social media posts that appear to concern Mr. Herring in  
12 some way neither alone nor together show harassment under section 527.8. In Respondent’s two  
13 videos in which she is in front of the OANN building, she is approached and asked to leave the  
14 parking lot. On both occasions, she did. Both videos also show (1) no violence, (2) no threats of  
15 violence, and (3) extensive and colorful commentary on OANN’s hiring of Matt Gaetz, the former  
16 United States Congressman found by a bipartisan House Ethics Committee to have committed  
17 statutory rape while a sitting member of Congress, a public issue on which Respondent seeks to  
18 bring public attention.

19 In Respondent’s recent video highlighted in Petitioner’s brief, in which she incidentally  
20 mentions Mr. Herring’s name, she comments on this judicial proceeding. After Petitioner sought  
21 to use this Court’s power to silence her from any and all public social media criticism of itself and  
22 commentary on OANN’s hiring of former United States Congressman Gaetz, Respondent posted  
23 a video describing the Temporary Restraining Order and indicating the order does not prohibit her  
24 social media followers from going to “pay One America News a visit and let them know what you  
25 think about the fact that they hire pedophiles,” referring to Mr. Gaetz. While Mr. Herring is  
26 mentioned in the post, the subject of the called for protest activity is One America News and Mr.  
27 Gaetz—not Mr. Herring personally.

28 Petitioner tries to bolster its deficient showing by attributing an anonymous phone call to

1 Respondent. Goss did not make the call nor direct anyone else to make the call, nor did she have  
2 any knowledge of it. Third-party speech cannot be imputed to Respondent absent any evidence.  
3 And in any event, according to Petitioner’s brief, the call was left “on Herring Networks’ company  
4 voicemail,” Pet.’s Mem. P. & A., p. 2:22–27, and it does not mention Mr. Herring—this is not a  
5 “course of conduct directed *at a specific person*” sought to be protected (§ 527.8, subd. (b)(4).)

6 Stripped of its attacks on constitutionally protected speech, Petitioner’s claim for  
7 harassment of Mr. Herring reduces to two encounters outside the One America News Network  
8 building, during which Respondent was asked to leave and did leave. The first encounter appears  
9 to have left such little impression on Mr. Herring that he did not even remember his own presence  
10 at the time the Petition was filed (compare Herring Decl., filed Feb. 10, 2026 with Herring Supp.  
11 Decl., filed Feb. 27, 2026). None of the alleged conduct constitutes “harassment” of Mr. Herring.  
12 Petitioner cannot show harassment by clear and convincing evidence.

13 **2. Respondent’s speech serves a legitimate purpose and is constitutionally protected**  
14 **speech because it is political commentary on issues of national importance, including**  
15 **Petitioner’s hiring of former United States Congressman Matt Gaetz.**

16 Petitioner cannot establish that the “course of conduct” they allege, which appears to  
17 include the entirety of Respondent’s social media political commentary, “serves no legitimate  
18 purpose.” (§ 527.8, subd. (b)(4).) Her political commentary serves the quintessential legitimate  
19 purpose at the core of the First Amendment: political speech and public discourse on matters of  
20 public concern. The First Amendment protects “[e]ven hurtful speech on public issues to ensure  
21 that we do not stifle public debate.” (*Snyder v. Phelps* (2011) 562 U.S. 443, 461.) Speech on  
22 matters of public concern “cannot be restricted simply because it is upsetting or arouses contempt.”  
23 (*Id.* at 458, 461.)

24 Goss focuses on OANN specifically because it employs a man who a bipartisan  
25 congressional Ethics Committee found violated Florida’s statutory rape law while a sitting United  
26 States Congressman—a matter of obvious public concern. (Goss Decl. ¶¶ 5–6.) Public political  
27 commentary and criticism of a national media company’s political coverage, editorial practices,  
28 and decisions to employ a former U.S. Congressman found by the House Ethics Committee to

1 have committed statutory rape and seek to judicially silence an advocate who points it out, are core  
2 protected speech that constitutes a “legitimate purpose.”

3 Respondent’s brief presence in Petitioner’s parking lot on two occasions does not transform  
4 Goss’s protected political speech into unprotected harassment. (*See Animal Defense League,*  
5 *supra*, 135 Cal.App.4th at 620.)

6 To the extent Petitioner claims any of Respondent’s speech is unprotected because it was  
7 threatening, it cannot satisfy the recklessness standard in *Counterman v. Colorado* (2023) 600 U.S.  
8 66. Petitioner cannot show that Respondent was reckless as to the “threat” posed by her heated  
9 political rhetoric directed generally at “MAGA.” First, those statements were not a threat at all, let  
10 alone a true threat. They were not directed at a “particular group,” see *Virginia v. Black* (2003)  
11 538 U.S. 343, 359, but to a general political movement. They were conditional on their face, their  
12 literal meaning suggesting no action at all to anyone who did not comment on the video (“You  
13 voted for Donald Trump? Come tell me in the comments.”). Petitioner cannot meet its burden to  
14 establish Respondent was reckless as to whether these statements were “true threats.” (*See*  
15 *Counterman, supra*, 600 U.S. at 69, 77–78.)

16 To the extent Petitioner claims any of Respondent’s speech is unprotected because it is  
17 defamatory, it cannot establish the “actual malice” required under *New York Times Co. v. Sullivan*  
18 (1964) 376 U.S. 254, 279–280, which requires reckless disregard as to the truth or falsity of a  
19 statement. Statements about a public figure that a speaker believes are true and has good reason  
20 for believing are true cannot establish a basis for actual malice as a matter of law. For example,  
21 calling Matt Gaetz a “pedophile” and a “child fucker” after a House Ethics Committee report found  
22 that he committed statutory rape of a minor is substantially true. (*See Masson v. New Yorker*  
23 *Magazine, Inc.* (1991) 501 U.S. 496, 517 [holding minor inaccuracies do not amount to falsity so  
24 long as “the substance, the gist, the sting, of the libelous charge be justified”].) Relatedly, Mr.  
25 Herring appears to be the individual actually responsible for hiring Matt Gaetz, and he is personally  
26 quoted in OANN’s statement praising Gaetz for joining the network. (Lynch Decl. Ex. J.) Those  
27 actions occurred after the allegations that Gaetz statutorily raped a minor had been widely reported.  
28 Against this factual context, even if calling Mr. Herring a “pedophile protector” were a statement

1 of fact rather than opinion (it is opinion), it is substantially true—and even if it were not, Petitioner  
2 has no hope of demonstrating “actual malice” by clear and convincing evidence.

3 **3. Section 527.8 and the First Amendment both bar the requested prior-restraint and**  
4 **injunctive social media post relief.**

5 Section 527.8 and the First Amendment each independently bar the speech restrictions  
6 Petitioner seeks. (*See* § 527.8, subd. (c); U.S. Const., 1st Amend.)

7 Here, Petitioner requests an order “that Goss be restrained from posting on Facebook,  
8 Instagram, X and any social media account any posts about Herring Networks or its employees.”

9 The requested relief is unconstitutional. “[P]rior restraints on speech and publication are  
10 the most serious and the least tolerable infringement on First Amendment rights.” (*DVD Copy*  
11 *Control Assn., Inc. v. Bunner* (2003) 31 Cal.4th 864, 886, quoting *Nebraska Press Assn. v. Stuart*  
12 (1976) 427 U.S. 539, 559.) An injunction that forbids speech before it occurs bears “‘heavy  
13 presumption’ against its constitutional validity.” (*Id.* at 892.) The California Supreme Court has  
14 held that only speech that has already been “judicially determined to be unlawful” may be enjoined.  
15 (*Balboa Island Village Inn, Inc. v. Lemen* (2007) 40 Cal.4th 1141, 1153.) Petitioner seeks an order  
16 prohibiting Goss from any social media posts about itself and its employees—speech that has never  
17 been found unlawful. This is a textbook prior restraint. And it is not narrowly tailored.

18 The Supreme Court’s decision in *Organization for a Better Austin v. Keefe* (1971) 402 U.S.  
19 415 is directly on point: the Court struck down an injunction against distributing leaflets “of any  
20 kind” after leafletting that included respondent’s business card and home phone number. “The  
21 claim that the expressions were intended to exercise a coercive impact on respondent does not  
22 remove them from the reach of the First Amendment.” (*Id.* at 419.) “[S]o long as the means are  
23 peaceful, the communication need not meet standards of acceptability.” (*Id.* at 419.) Respondent’s  
24 social media posts are no different. Her public political commentary is plainly protected. Her  
25 posting a corporation’s business address on social media and encouraging others to exercise their  
26 own First Amendment rights is likewise protected—just as the leaflets were in *Keefe*—  
27 notwithstanding that they do not meet Petitioner’s “standards of acceptability.”

28 Petitioner cannot demonstrate any probability of success on the merits of its claim for an

1 order blanket-banning Respondent from speaking publicly about it or its public controversies.

2 Petitioner’s demand that the Court order Goss to remove all prior social media posts about  
3 Herring Networks fares no better. As discussed at length above, Petitioner’s political commentary  
4 on social media is protected speech. As the Supreme Court observed in *Keefe*, “no prior decisions  
5 support the claim that the interest of an individual in being free from public criticism of his  
6 business practices . . . warrants use of the injunctive power of a court.” (*Id.* at 419–420.)

7 **4. Herring Networks, Inc., as a corporate entity, cannot be a protected party under**  
8 **section 527.8.**

9 Petitioner’s claim for relief as to Herring Networks, Inc. as a protected party fails because  
10 only natural persons can be protected parties under section 527.8. The statute authorizes “[a]ny  
11 employer” to seek a restraining order “on behalf of the employee who has suffered harassment . . .”  
12 (§ 527.8, subd. (a).) “Harassment” requires conduct “directed at a specific person that seriously  
13 alarms, annoys, or harasses the person.” (§ 527.8, subd. (b)(4).) A corporation cannot “suffer”  
14 harassment in the sense the statute contemplates. (*See Diamond View Ltd. v. Herz* (1986) 180  
15 Cal.App.3d 612, 618 [“emotional states [are] exhibited by natural persons, not by legal fictions”].)

16 **D. Respondent Is Entitled to Mandatory Attorney’s Fees**

17 Section 425.16 provides that “a prevailing defendant on a special motion to strike shall be  
18 entitled to recover that defendant’s attorney’s fees and costs.” (§ 425.16, subd. (c)(1).) This  
19 provision is mandatory. Respondent will seek her attorney’s fees and costs incurred in connection  
20 with this motion by separate motion. (*See Melbostad v. Fisher* (2008) 165 Cal.App.4th 987, 992.)

21 **IV. CONCLUSION**

22 For all foregoing reasons, Respondent respectfully requests that the Court: (1) grant this  
23 Special Motion to Strike and strike the Petition in its entirety; or, in the alternative, strike each and  
24 every claim for relief of the Petition that arises from protected activity, including all claims for  
25 relief directed at protecting Herring Networks, Inc. as a corporate entity and all allegations and  
26 corresponding relief based on Respondent’s social media speech and political commentary; and  
27 (2) award Respondent her attorney’s fees and costs.

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Dated: March 19, 2026

By: /s/ Connor Lynch  
Connor Lynch  
Brian Lynch  
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