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8 **UNITED STATES DISTRICT COURT**
9 **CENTRAL DISTRICT OF CALIFORNIA**
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11 STEPHANIE CLIFFORD a.k.a.
STORMY DANIELS,

12 Plaintiff,

13 vs.
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15 DONALD J. TRUMP,

16 Defendant.
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CASE NO.: 2:18-cv-06893-SJO-FFM

**PLAINTIFF STEPHANIE
CLIFFORD’S EVIDENTIARY
OBJECTIONS TO THE
DECLARATION OF CHARLES J.
HARDER IN SUPPORT OF
SPECIAL MOTION TO
STRIKE/DISMISS OF DEFENDANT
DONALD J. TRUMP PURSUANT TO
“ANTI-SLAPP” STATUTE OR,
ALTERNATIVELY, TO DISMISS
COMPLAINT PURSUANT TO FRCP
12(b)(6)**

Assigned to the Hon. S. James Otero

Action Filed: April 30, 2018

Hearing Date: September 24, 2018

Hearing Time: 10:00 a.m.

**Location: 350 West 1st Street
Courtroom 10C
Los Angeles, CA 90012**

1 Plaintiff Stephanie Clifford (“Plaintiff”) hereby objects to the fact declaration of
 2 Charles J. Harder as follows:

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 4 **OBJECTION TO DECLARATION OF CHARLES J. HARDER**

	Citation	Objection	Ruling
1. 7 8 9 10 11 12 13 14	Paragraph 2: Attached hereto as Exhibit A is a true and correct copy of the filmography for plaintiff Stephanie Clifford aka Stormy Daniels (“Ms. Clifford”) from the Internet Movie Database, which was obtained from the following URL: https://m.imdb.com/name/nm1317917/filmotype/actress?ref_=m_nmfm_1 .	Exhibit A is irrelevant. Fed. R. Evid. 401-402. It is also hearsay. Fed. R. Evid. 801. It also lacks foundation and is lacking in personal knowledge. Fed. R. Evid. 602.	Sustained: __ Overruled: __
2. 15 16 17 18 19 20 21 22	Paragraph 5: Attached hereto as Exhibit D is a true and correct copy of an uncertified transcript of the appearance by Ms. Clifford on <i>Saturday Night Live</i> on May 5, 2018, which was prepared by junior attorney Theodore Nguyen at my law firm. A video of Ms. Clifford’s appearance can be viewed at the following URL: https://www.youtube.com/watch?v=K1K8s-tQGqY .	Exhibit D is irrelevant. Fed. R. Evid. 401.	Sustained: __ Overruled: __
3. 24 25 26 27 28	Paragraph 6: At my instruction and under my supervision, Mr. Nguyen compiled a list of all television news appearances by Ms. Clifford and Mr. Avenatti between March 6, 2018 (the date Ms. Clifford filed her initial	Exhibit E is irrelevant and misstates the evidence. Fed. R. Evid. 401. It also lacks foundation. Fed. R. Evid. 602.	Sustained: __ Overruled: __

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	<p>action against Mr. Trump) and the date of this declaration (August 24, 2018). Mr. Nguyen performed this task by reviewing news organizations’ websites and social media accounts including CNN, ABC, NBC, CBS and others, and compiling a list of each individual appearance, by date. According to Mr. Nguyen’s analysis, Ms. Clifford and/or Mr. Avenatti have appeared on no less than 143 national television news shows, to talk about Ms. Clifford’s accusations against Mr. Trump and/or the ensuing litigation. Attached hereto as Exhibit E is the chart that Mr. Nguyen prepared, listing each of the television news appearances. A separate Declaration of Theodore Nguyen, attesting to his work, can be prepared and provided to the Court upon request.</p>		
<p>4.</p>	<p>Paragraph 7: Attached hereto as Exhibit F is a true and correct copy of a July 4, 2018 tweet by Mr. Avenatti, which was obtained from the following URL: https://twitter.com/MichaelAvenatti/status/1014509778062663681?ref_src=twsrc%5Etfw%7Ctwamp%5Etweetembed%7Ctwterm%5E1014509778062663681&ref_url=https%3A%2F%2Fwww.cbnews.com%2Fnews%2Fstormy-daniels-lawyer-michael-avenatti-might-run-for-president%2F. Mr. Avenatti’s tweet, which was in</p>	<p>Exhibit F is irrelevant. Fed. R. Evid. 401-402.</p>	<p>Sustained: __ Overruled: __</p>

<p>1 2 3 4 5 6 7 8 9</p>	<p>response to another user’s tweet asking, “When are you announcing your 2020 run?”, states: “IF (big) he seeks re-election, I will run, but only if I think that there is no other candidate in the race that has a REAL chance at beating him. We can’t relive 2016. I love this country, our values and our people too much to sit by while they are destroyed. #FightClub #Basta.”</p>		
<p>10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28</p>	<p>5. Paragraph 8: Attached hereto as Exhibit G is a true and correct copy of an August 14, 2018 tweet by Mr. Avenatti, which contains a list of his political policy positions, in connection with his possible run for president, in the areas of jobs, immigration, healthcare and other national issues, which was obtained from the following URL: https://twitter.com/michaelavenatti/status/1029385486958305280. Mr. Avenatti’s tweet states: “Many have asked me my position on various issues. Below is a summary of where I stand. This is not an exhaustive list and more positions & details will follow. Most importantly, I didn’t have to hire a pollster or political consultant to tell me what to say or what to believe.”</p>	<p>Exhibit G is irrelevant. Fed. R. Evid. 401-402.</p>	<p>Sustained: __ Overruled: __</p>

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<p>6.</p>	<p>Paragraph 9: Attached hereto as Exhibit H is a true and correct copy of an article entitled, <i>Michael Avenatti in Iowa: ‘I’m exploring a run for the presidency of the United States,’</i> which was published by the Des Moines Register on August 9, 2018, at the following URL: https://www.desmoinesregister.com/story/news/politics/2018/08/09/michael-avenatti-iowa-wing-ding-president-exploring-run-caucus-2020-stormy-daniels/935636002/.</p>	<p>Exhibit H is irrelevant. Fed. R. Evid. 401-402.</p>	<p>Sustained: __ Overruled: __</p>
<p>7.</p>	<p>Paragraph 10: Attached hereto as Exhibit I is a true and correct copy of an article entitled, <i>Michael Avenatti Visits New Hampshire, Furthering a Prospective Presidential Bid,</i> which was originally published by Time Magazine on August 19, 2018, at the following URL: http://time.com/5371362/michael-avenatti-trump-new-hampshire-presidency/.</p>	<p>Exhibit I is irrelevant. Fed. R. Evid. 401-402. It is also hearsay. Fed. R. Evid. 801.</p>	<p>Sustained: __ Overruled: __</p>
<p>8.</p>	<p>Paragraph 11: Attached hereto as Exhibit J are true and correct copies of posts from Ms. Clifford’s Instagram account detailing her tour appearances at live adult entertainment venues around the United States as part of her “Make America Horny Again” tour. These posts were obtained from the following URL: https://www.instagram.com/thestormydaniels/?hl=en.</p>	<p>Exhibit J is irrelevant. Fed. R. Evid. 401-402. It is also hearsay. Fed. R. Evid. 801.</p>	<p>Sustained: __ Overruled: __</p>

1 2 3 4 5 6 7	<p>9. Paragraph 12: Attached hereto as Exhibit K is a true and correct copy of a certified transcript of Mr. Avenatti's appearance on CNN on April 9, 2018. A video of Mr. Avenatti's appearance can be viewed at the following URL: https://www.youtube.com/watch?v=H5bXr-1seIw.</p>	Exhibit K is irrelevant. Fed. R. Evid. 401-402.	Sustained: __ Overruled: __
8 9 10 11 12 13 14 15 16 17 18 19 20	<p>10. Paragraph 13: Attached hereto as Exhibit L is a true and correct copy of an April 7, 2018 tweet by Mr. Avenatti, which was obtained from the following URL: https://twitter.com/michaelavenatti/status/982599066260353025?lang=en. Mr. Avenatti's tweet states: "Expect a major announcement in the coming days regarding our efforts to identify the thug who threatened Ms. Clifford in Las Vegas in 2011 to 'leave Trump alone' while making reference to her little girl. You can run but you can't hide. #thugsearch #seriousconsequences #basta."</p>	Exhibit L is irrelevant. Fed. R. Evid. 401-402.	Sustained: __ Overruled: __
21 22 23 24 25 26 27 28	<p>11. Paragraph 14: Attached hereto as Exhibit M is a true and correct copy of a certified transcript of Mr. Avenatti's appearance on CNN's The Situation Room With Wolf Blitzer on April 18, 2018. A video of Mr. Avenatti's appearance can be viewed at the following URL: https://www.youtube.com/watch?v=Ui6uXxlNAAs.</p>	Exhibit M is irrelevant. Fed. R. Evid. 401-402.	Sustained: __ Overruled: __

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12.	<p>Paragraph 15: Attached hereto as Exhibit N is a true and correct copy of the Declaration of Michael Cohen in Support of his Anti-SLAPP Motion, filed in Clifford v. Trump et at., Case No. 2:18-cv-02217-SJO-FFM.</p>	<p>Exhibit N is hearsay. Fed. R. Evid. 801</p>	<p>Sustained: __ Overruled: __</p>
13.	<p>Paragraph 16: Attached hereto as Exhibit O is a true and correct copy of the article entitled, So True? So False? Did Donald Trump Cheat on Melania With a Porn Star?!, which was published by E! News on or about October 12, 2011, and obtained from the following URL: http://www.eonline.com/news/269058/so-true-so-false-did-donald-trump-cheat-on-melania-with-a-porn-star.</p>	<p>Exhibit P is hearsay. Fed. R. Evid. 801; see <u>Larez v. City of Los Angeles</u>, 946 F.2d 630, 642-44 (9th Cir. 1991) (even if newspaper quotations were themselves admissions or statements by a party opponent, the newspaper articles were still hearsay and inadmissible, in part because the reporters who heard the speaker could have testified). It is also irrelevant. Fed. R. Evid. 401-402.</p>	<p>Sustained: __ Overruled: __</p>
14.	<p>Paragraph 17: Attached hereto as Exhibit P is a true and correct copy of the article entitled, Stormy Daniels says Trump scandal has been good for business, which was published by CNN on or about March 11, 2018, at the following URL: https://www.cnn.com/2018/03/10/politics/stormy-daniels-interview/index.html.</p>	<p>Exhibit P is hearsay. Fed. R. Evid. 801; see <u>Larez v. City of Los Angeles</u>, 946 F.2d 630, 642-44 (9th Cir. 1991) (even if newspaper quotations were themselves admissions or statements by a party opponent, the newspaper articles were still hearsay and inadmissible, in part because the reporters who heard the speaker could have testified). It is also irrelevant. Fed. R. Evid. 401-402.</p>	<p>Sustained: __ Overruled: __</p>

<p>1 2 3 4 5 6 7 8 9</p>	<p>Paragraph 18: Attached hereto as Exhibit Q is a true and correct copy of the article entitled, One Night with Stormy Daniels, the Hero America Needs, which was published by Rolling Stone on or about March 9, 2018, at the following URL: https://www.rollingstone.com/culture/features/one-night-with-stormy-daniels-the-hero-america-needs-w517692.</p>	<p>Exhibit Q is hearsay. Fed. R. Evid. 801; see <u>Larez v. City of Los Angeles</u>, 946 F.2d 630, 642-44 (9th Cir. 1991) (even if newspaper quotations were themselves admissions or statements by a party opponent, the newspaper articles were still hearsay and inadmissible, in part because the reporters who heard the speaker could have testified). It is also irrelevant. Fed. R. Evid. 401-402.</p>	<p>Sustained: __ Overruled: __</p>
<p>10 11 12 13 14</p>	<p>Paragraph 19: Attached hereto as Exhibit R is a true and correct copy of the homepage for the official website of Stormy Daniels (Ms. Clifford), which was obtained from the following URL: http://www.StormyDaniels.com/.</p>	<p>Exhibit R is irrelevant. Fed. R. Evid. 401-402. It is also hearsay. Fed. R. Evid. 801.</p>	<p>Sustained: __ Overruled: __</p>
<p>15 16 17 18 19 20 21 22</p>	<p>Paragraph 20: Attached hereto as Exhibit S are true and correct copies of posts from Ms. Clifford’s Instagram account promoting her appearances at live adult entertainment venues, which were obtained from the following URL: https://www.instagram.com/thestormydaniels/?hl=en.</p>	<p>Exhibit S is irrelevant. Fed. R. Evid. 401-402.</p>	<p>Sustained: __ Overruled: __</p>

23 Dated: September 3, 2018

AVENATTI & ASSOCIATES, APC

24 By: /s/ Michael J. Avenatti
 25 Michael J. Avenatti
 26 Ahmed Ibrahim
 27 Attorneys for Plaintiff Stephanie Clifford
 28 a.k.a. Stormy Daniels