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12 **UNITED STATES DISTRICT COURT**
 13 **CENTRAL DISTRICT OF CALIFORNIA**

14 STEPHANIE CLIFFORD a.k.a.
 15 STORMY DANIELS,

16 Plaintiff,

17 v.

18 DONALD J. TRUMP,

19 Defendant.

Case No. 2:18-cv-06893-SJO-FFM

**DECLARATION OF
 CHARLES J. HARDER
 IN SUPPORT OF SPECIAL MOTION
 OF DEFENDANT DONALD J.
 TRUMP TO DISMISS COMPLAINT
 PURSUANT TO “ANTI-SLAPP”
 STATUTE, ALTERNATIVELY, TO
 DISMISS COMPLAINT PURSUANT
 TO FRCP 12(b)(6)**

Assigned for All Purposes to the
 Hon. S. James Otero

Action Filed: April 30, 2018

1 Ms. Clifford's appearance can be viewed at the following URL:

2 <https://www.youtube.com/watch?v=K1K8s-tQGqY>.

3 6. At my instruction and under my supervision, Mr. Nguyen compiled a list
4 of all television news appearances by Ms. Clifford and Mr. Avenatti between March
5 6, 2018 (the date Ms. Clifford filed her initial action against Mr. Trump) and the date
6 of this declaration (August 24, 2018). Mr. Nguyen performed this task by reviewing
7 news organizations' websites and social media accounts including CNN, ABC, NBC,
8 CBS and others, and compiling a list of each individual appearance, by date.
9 According to Mr. Nguyen's analysis, Ms. Clifford and/or Mr. Avenatti have appeared
10 on no less than 143 national television news shows, to talk about Ms. Clifford's
11 accusations against Mr. Trump and/or the ensuing litigation. Attached hereto as
12 **Exhibit E** is the chart that Mr. Nguyen prepared, listing each of the television news
13 appearances. A separate Declaration of Theodore Nguyen, attesting to his work, can
14 be prepared and provided to the Court upon request.

15 7. Attached hereto as **Exhibit F** is a true and correct copy of a July 4, 2018
16 tweet by Mr. Avenatti, which was obtained from the following URL:
17 [https://twitter.com/MichaelAvenatti/status/1014509778062663681?ref_src=twsrc%5E](https://twitter.com/MichaelAvenatti/status/1014509778062663681?ref_src=twsrc%5Etfw%7Ctwcamp%5Etweetembed%7Ctwterm%5E1014509778062663681&ref_url=https%3A%2F%2Fwww.cbsnews.com%2Fnews%2Fstormy-daniels-lawyer-michael-avenatti-might-run-for-president%2F)
18 [tfw%7Ctwcamp%5Etweetembed%7Ctwterm%5E1014509778062663681&ref_url=ht](https://twitter.com/MichaelAvenatti/status/1014509778062663681?ref_src=twsrc%5Etfw%7Ctwcamp%5Etweetembed%7Ctwterm%5E1014509778062663681&ref_url=https%3A%2F%2Fwww.cbsnews.com%2Fnews%2Fstormy-daniels-lawyer-michael-avenatti-might-run-for-president%2F)
19 [tps%3A%2F%2Fwww.cbsnews.com%2Fnews%2Fstormy-daniels-lawyer-michael-](https://twitter.com/MichaelAvenatti/status/1014509778062663681?ref_src=twsrc%5Etfw%7Ctwcamp%5Etweetembed%7Ctwterm%5E1014509778062663681&ref_url=https%3A%2F%2Fwww.cbsnews.com%2Fnews%2Fstormy-daniels-lawyer-michael-avenatti-might-run-for-president%2F)
20 [avenatti-might-run-for-president%2F](https://twitter.com/MichaelAvenatti/status/1014509778062663681?ref_src=twsrc%5Etfw%7Ctwcamp%5Etweetembed%7Ctwterm%5E1014509778062663681&ref_url=https%3A%2F%2Fwww.cbsnews.com%2Fnews%2Fstormy-daniels-lawyer-michael-avenatti-might-run-for-president%2F). Mr. Avenatti's tweet, which was in response to
21 another user's tweet asking, "When are you announcing your 2020 run?", states: "IF
22 (big) he seeks re-election, I will run, but only if I think that there is no other candidate
23 in the race that has a REAL chance at beating him. We can't relive 2016. I love this
24 country, our values and our people too much to sit by while they are destroyed.
25 #FightClub #Basta."

26 8. Attached hereto as **Exhibit G** is a true and correct copy of an August 14,
27 2018 tweet by Mr. Avenatti, which contains a list of his political policy positions, in
28 connection with his possible run for president, in the areas of jobs, immigration,

1 healthcare and other national issues, which was obtained from the following URL:
2 <https://twitter.com/michaelavenatti/status/1029385486958305280>. Mr. Avenatti's
3 tweet states: "Many have asked me my position on various issues. Below is a
4 summary of where I stand. This is not an exhaustive list and more positions & details
5 will follow. Most importantly, I didn't have to hire a pollster or political consultant to
6 tell me what to say or what to believe."

7 9. Attached hereto as **Exhibit H** is a true and correct copy of an article
8 entitled, *Michael Avenatti in Iowa: 'I'm exploring a run for the presidency of the*
9 *United States,* which was published by the Des Moines Register on August 9, 2018,
10 at the following URL: [https://www.desmoinesregister.com/story/news/politics/2018/
11 08/09/michael-avenatti-iowa-wing-ding-president-exploring-run-caucus-2020-
12 stormy-daniels/935636002/](https://www.desmoinesregister.com/story/news/politics/2018/08/09/michael-avenatti-iowa-wing-ding-president-exploring-run-caucus-2020-stormy-daniels/935636002/).

13 10. Attached hereto as **Exhibit I** is a true and correct copy of an article
14 entitled, *Michael Avenatti Visits New Hampshire, Furthering a Prospective*
15 *Presidential Bid*, which was originally published by Time Magazine on August 19,
16 2018, at the following URL: [http://time.com/5371362/michael-avenatti-trump-new-
17 hampshire-presidency/](http://time.com/5371362/michael-avenatti-trump-new-hampshire-presidency/).

18 11. Attached hereto as **Exhibit J** are true and correct copies of posts from
19 Ms. Clifford's Instagram account detailing her tour appearances at live adult
20 entertainment venues around the United States as part of her "Make America Horny
21 Again" tour. These posts were obtained from the following URL:
22 <https://www.instagram.com/thestormydaniels/?hl=en>.

23 12. Attached hereto as **Exhibit K** is a true and correct copy of a certified
24 transcript of Mr. Avenatti's appearance on CNN on April 9, 2018. A video of Mr.
25 Avenatti's appearance can be viewed at the following URL:
26 <https://www.youtube.com/watch?v=H5bXr-1seIw>.

27 13. Attached hereto as **Exhibit L** is a true and correct copy of an April 7,
28 2018 tweet by Mr. Avenatti, which was obtained from the following URL:

1 <https://twitter.com/michaelavenatti/status/982599066260353025?lang=en>. Mr.
2 Avenatti's tweet states: "Expect a major announcement in the coming days regarding
3 our efforts to identify the thug who threatened Ms. Clifford in Las Vegas in 2011 to
4 'leave Trump alone' while making reference to her little girl. You can run but you
5 can't hide. #thugsearch #seriousconsequences #basta."

6 14. Attached hereto as **Exhibit M** is a true and correct copy of a certified
7 transcript of Mr. Avenatti's appearance on CNN's *The Situation Room With Wolf*
8 *Blitzer* on April 18, 2018. A video of Mr. Avenatti's appearance can be viewed at the
9 following URL: <https://www.youtube.com/watch?v=Ui6uXxlNAAs>.

10 15. Attached hereto as **Exhibit N** is a true and correct copy of the
11 Declaration of Michael Cohen in Support of his Anti-SLAPP Motion, filed in *Clifford*
12 *v. Trump et al.*, Case No. 2:18-cv-02217-SJO-FFM.

13 16. Attached hereto as **Exhibit O** is a true and correct copy of the article
14 entitled, *So True? So False? Did Donald Trump Cheat on Melania With a Porn*
15 *Star?!*, which was published by E! News on or about October 12, 2011, and obtained
16 from the following URL: [http://www.eonline.com/news/269058/so-true-so-false-did-](http://www.eonline.com/news/269058/so-true-so-false-did-donald-trump-cheat-on-melania-with-a-porn-star)
17 [donald-trump-cheat-on-melania-with-a-porn-star](http://www.eonline.com/news/269058/so-true-so-false-did-donald-trump-cheat-on-melania-with-a-porn-star).

18 17. Attached hereto as **Exhibit P** is a true and correct copy of the article
19 entitled, *Stormy Daniels says Trump scandal has been good for business*, which was
20 published by CNN on or about March 11, 2018, at the following URL:
21 <https://www.cnn.com/2018/03/10/politics/stormy-daniels-interview/index.html>.

22 18. Attached hereto as **Exhibit Q** is a true and correct copy of the article
23 entitled, *One Night with Stormy Daniels, the Hero America Needs*, which was
24 published by Rolling Stone on or about March 9, 2018, at the following URL:
25 [https://www.rollingstone.com/culture/features/one-night-with-stormy-daniels-the-](https://www.rollingstone.com/culture/features/one-night-with-stormy-daniels-the-hero-america-needs-w517692)
26 [hero-america-needs-w517692](https://www.rollingstone.com/culture/features/one-night-with-stormy-daniels-the-hero-america-needs-w517692).

27 19. Attached hereto as **Exhibit R** is a true and correct copy of the homepage
28 for the official website of Stormy Daniels (Ms. Clifford), which was obtained from

1 the following URL: <http://www.StormyDaniels.com/>.

2 20. Attached hereto as **Exhibit S** are true and correct copies of posts from
3 Ms. Clifford's Instagram account promoting her appearances at live adult
4 entertainment venues, which were obtained from the following URL:
5 <https://www.instagram.com/thestormydaniels/?hl=en>.

6 21. On August 20, 2018, my partner, Ryan J. Stonerock, sent an email to
7 counsel for Ms. Clifford detailing the grounds for this motion. Subsequently, on
8 August 20, 2018, I discussed those grounds during a telephonic meet and confer
9 conference Ms. Clifford's counsel, Ahmed Ibrahim, and Mr. Stonerock. Then, on
10 August 23, 2018, Mr. Stonerock and Mr. Ibrahim further discussed the instant motion,
11 including the grounds upon which Ms. Clifford intends to oppose the motion. No
12 agreement to eliminate the need for this motion was reached.

13 I declare under penalty of perjury under the laws of the United States of
14 America that the foregoing is true and correct.

15 Executed on August 27, 2018, at Los Angeles, California.

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CHARLES J. HARDER