

In summary, defendants Julie Ann Smith, Hannah Smith and Meaghan Varela's Special Motions to Strike are granted. The court finds that the defendant's internet postings on plaintiff's website and defendant Julie Ann Smith's blog site, were made in a public forum and concern an issue of public interest. The court further finds that plaintiff has not met the burden of presenting substantial evidence the defendant's statements are defamatory.

2. Award of Costs and Attorney Fees

Each defendant has requested in their Special Motions to Strike an award of costs and attorneys fees. A defendant who prevails on a special Motion to Strike made under ORS 31.150 shall be awarded reasonable attorneys fees and costs. ORS 31.152(3). As regards defendants Kathy Stephens and Jason Stephens, as prevailing parties, and as required by law, costs together with \$16,750.00 in attorney's fees are awarded. The invitation to reduce the requested amount of defendants Kathy and Jason Stephens' attorney's fees is declined. Although plaintiff dismissed the claims of defamation against the Stephen's defendants, dismissal did not occur until after their Special Motions to strike were filed¹¹. Moreover, plaintiff presented no evidence in response to Defendant Stephens Special Motions that demonstrate an objective basis for the claimed defamatory statements set forth in the amended complaint.¹² Counsel for defendants Kathy and Jason Stephens is asked to prepare a judgment consistent with the foregoing.

Defendant's Julie Ann Smith, Hannah Smith and Meaghan Varela are invited to submit Statements for Costs and Attorneys Fees.

Respectfully,



Jim Fun
Circuit Court Judge

C: court file

¹⁰ Paragraph 10(x): "Meaghan Varela posted a comment [on defendant Julie Ann Smith's blogspot] falsely stating *Chuck yelled all kinds of reviling remarks about us and came to her house with a mob of 30 or more with hatred in their faces.* She also stated [people at the church] were *being blindly persecuted.* Further that many folks were *abused at Beaverton Grace Christian (sic) Church and that the website was established by Julie Ann Smith exposing the darkness and deception that existed at Beaverton Grace Bible Church.*

¹¹ See *Sylmar Air Conditioning v. Pueblo Contracting Services Inc.*, 122 Cal App 4th 1049 (2004) (an award of attorneys fees is not barred by plaintiff's dismissal of the claims)

¹² See plaintiff's Memorandum in Opposition to Special Motion to Strike and Declarations, together with Second declaration of Charles O'Neal and Second declaration of Tonya Marie O'Neal.