19-6631

No. _____

Supreme Court of the United States

Tatyana Evgenievna Drevaleva

Defendand-Appellant-Petitioner Pro Se

vs.

Mr. Charles Hamilton

Plaintiff-Respondent

On Petition for a Writ of Certiorari to the California Supreme Court

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PETITION FOR WRIT OF CERTIORARI

Tatyana E. Drevaleva

Petitioner Pro Se

225 41th St., Apt. 201

Oakland, CA, 94611

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I. Questions presented.

1) Can a Tenant who was being evicted by a Landlord for expressing a First Amendment right for a free speech file an anti-SLAPP Motion pursuant to the California C.C.P. §425.16 if the Unlawful Detainer lawsuit is a limited civil case?

II. A list of all Parties in the proceeding in the court whose judgment is sought to be reviewed.

a) Ms. Tatyana E. Drevaleva – Petitioner-Appellant-Defendant Pro Se.

I was a Defendant (an evicted Tenant) at the Superior Court of San Mateo County.

I was an Appellant at the Appellate Division of the Superior Court of San Mateo County.

I was a Petitioner at the California Court of Appeal for the First District.

I was a Petitioner at the California Supreme Court.

Tatyana E. Drevaleva

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b) Mr. Charles Hamilton – Respondent-Appellee-plaintiff.

He was a Plaintiff (a Landlord who evicted me) at the Superior Court of San Mateo County.

He was an Appellee at the Appellate Division of the Superior Court of San Mateo County.

He was an Appellee at the Court of Appeal for the First District.

He was a Respondent at the California Supreme Court.

Mr. Charles Hamilton

1063 Gilman Dr., Daly City, CA, 94015

For the Landlord's privacy, I am not providing his phone number and his email address because I haven't obtained his permission.

Mr. Hamilton was represented by Attorney at Law Ms. Joseph K. Bravo, Esq.

1315 Seventh Avenue, San Francisco, CA, 94122

(415) 512-6700; joebravo@bravolaw.com

III. Corporate disclosure statement according to Rule 29.6 of the Rules of the U.S. Supreme Court - not applicable.

IV. The Orders of the lower Courts that are challenged in this Petition.

a) The Order of the Supreme Court of California dated July 24, 2019 that denied my Petition for Review.

V. The basis of jurisdiction in the U.S. Supreme Court.

I am filing this Petition pursuant to Rule 10(c) of the Rules of the U.S. Supreme Court.

"**Rule 10**. Considerations Governing Review on Certiorari.

Review on a writ of certiorari is not a matter of right, but of judicial discretion. A petition for a writ of certiorari will be granted only for compelling reasons. The following, although neither controlling nor fully measuring the Court's discretion, indicate the character of the reasons the Court considers:

(c) a state court or a United States court of appeals has decided an important question of federal law that has not been, but should be, settled by this Court, or has decided an important federal question in a way that conflicts with relevant decisions of this Court."

VI. The Constitutional provisions that are involved in this case – the First Amendment to The U.S. Constitution.

VII. A concise statement of the case setting out the facts material to the consideration of the questions presented.

Petitioner and Defendant Tatyana Drevaleva was Mr. Charles Hamilton's Tenant. Mr. Hamilton is a 85 yo gentleman and a Veteran. Mr. Hamilton is one of Tatyana Drevaleva's closest friends. Mr. Hamilton has known me for 10 years, he is a close friend of my former boyfriend, and he attended my Naturalization Ceremony in 2013.

In September 2018, I faced the problem that I had nowhere to stay at home. I emailed Mr. Hamilton, and I was begging him to accept me as a Tenant. Mr. Hamilton owns a house in Daly City. Mr. Hamilton has another Tenant Mr. Victor Scheff who is living in the same house. Mr. Hamilton generously agreed to accept me as a Tenant. At that time, I was employed by two caregiving companies as a Caregiver taking care of elderly people. While I was employed, I had no problems to pay rent. In December 2018, I lost both jobs, and I lost my ability to pay rent. Mr. Hamilton seemed to understand my sudden trouble not to be able to pay rent, and he didn't insist me to pay rent.

On January 26, 2019, Mr. Scheff yelled into my face because I had put a dirty bucket and a dirty mop from my room to the garage, and Mr. Scheff wanted

to keep the bucket and the mop in my room against my will. Mr. Scheff is a tall and big man. He is taller than I am. When he approached me and started to yell into my face for moving the bucket and the mop downstairs to the garage, it was frightening for me. I called the Police, and I reported the abusive behavior of Mr. Scheff. I had a First Amendment right to call the Police and to report an abusive behavior of another Tenant. My speech had a significant Public issue because every Tenant has a right to quietly live at home not being abused by another Tenant and by a Landlord.

While living at the previous places of living, I faced the problem that other Landlords and other Tenants were harassing and abusive. They drank alcohol, smoked marijuana in the apartment, created a noise in the middle of the night, and used vulgar words. When Mr. Scheff started to yell into my face, I felt that it was important for me to protect myself from this abusive and harassing behavior. This is why I called the Police.

In four days after my phone call the Police, my Landlord Mr. Hamilton started to evict me. He served me with a Complaint for Unlawful Detainer alleging that I was not paying rent. It was not true because St. Vincent de Paul of San Mateo County had already mailed a check to pay rent for 1 month on my behalf. Also, Mr. Hamilton refused to accept the payment of the rent from the Daly City Community Center. I had no choice other than to file an anti-SLAPP Motion. My

only desire was to stay at home and not to be thrown out to the street. Before filing the anti-SLAPP Motion, I checked the existing case law and found the history of filing the anti-SLAPP Motions in the Unlawful Detainer lawsuits.

On April 11, 2019, Hon. Judge Susan Greenberg denied my anti-SLAPP Motion on the ground that I had not paid rent. On April 15, 2019, I filed a Notice of Appeal to the Court of Appeal for the First District pursuant to C.C.P. §904.1(a)(13) that allows to file an immediate Appeal of the Court's Order granting or denying a Special Motion to Strike under Section 425.16.

Soon, I received a notification from the Clerk of the San Mateo County Superior Court that said that my case is a limited civil case, and I was not entitled to file a Notice of Appeal to the Court of Appeal for the First District. The Clerk offered me to file a Notice of Appeal in a limited civil case and to submit it to the Appellate Division of the Superior Court of San Mateo County. I did it on April 29, 2019. I filed an Opening Brief on May 14, 2019.

Afterwards, Mr. Hamilton who was represented by his Attorney Mr. Joseph Bravo obtained a Clerk's Default to evict me on May 30. 2019. In this Petition, I am not discussing the details of how Mr. Hamilton and his Attorney obtained this Default. I am only saying that I was forced to move to another place of living. I

was lucky that I found such a place. I timely provided the Appellate Division of the Superior Court of San Mateo County with a Notice of a Change of Address.

On June 03, 2019, the Appellate Division of the Superior Court of San Mateo County denied my Appeal on the ground that the anti-SLAPP Motion could not be filed in a limited civil case. Judge V. Raymond Swope cited the case law *1550 Laurel Owner's Association, Inc . v. Appellate Division of the Superior Court of Los Angeles County,* B288091 (2018) that said that a Defendant couldn't file an anti-SLAPP Motion in a limited civil case.

I reviewed the case law. I disagreed with the reasoning of the Court of Appeal for the Second Appellate District, Division Three. I felt that this Opinion is a very big disadvantage for thousands of Tenants who are being evicted by their Landlords for expressing their Constitutional right for a free speech. In my particular situation, the anti-SLAPP Motion was the only remedy in the Unlawful Detainer lawsuit because I was being evicted for calling the Police and reporting the abusive behavior of another Tenant who was yelling into my face. After I called the Police and reported Mr. Scheff yelling into my face, my Landlord hired Attorney at Law Mr. Joseph Bravo, Esq. and filed a limited civil Unlawful Detainer lawsuit. When I filed the anti-SLAPP Motion, my only desire was to stay at home and not to be evicted. However, according to the wrongful decision of the

Court of Appeal for the Second Appellate District, Division Three that said that the anti-SLAPP Motion couldn't be filed in a limited civil case, I lost that remedy.

Subsequently, I petitioned to the Court of Appeal for the First District and the Supreme Court of California. On July 24, 2019, the California Supreme Court denied the discretionary review of my Petition. This is why I am petitioning the U.S. Supreme Court.

In this Petition for Writ of Certiorari, I am fighting for myself and thousands of other Tenants similarly situated who want to quietly stay at home, not to be abused by other Tenants and their Landlords, and not to be thrown out for expressing their Constitutional right for a free speech and petitioning.

VIII. Discussion.

Let us review the reasoning of the Court of Appeal for the Second Appellate District, Division Three in *1550 Laurel Owner's Association, Inc. v. Appellate Division of the Superior Court of Los Angeles County,* B288091 (2018.)

Read *1550 Laurel Owner's Association, Inc.,* "A limited civil case includes "[a] case at law in which the demand, exclusive of interest, or the value of the property in controversy amounts to twenty-five thousand dollars ($25,000) or less." (§ 86, subd. (a)(1).)4 An unlimited civil case is "[a] civil action or proceeding other than a limited civil case." (§ 88.)"

C.C.P. §92 "enumerates permissible pleadings and motions in limited civil cases."

Read C.C.P. §92, "(d) Motions to strike are allowed only on the ground that the damages or relief sought are not supported by the allegations of the complaint."

The essential question is: Can the Court consider a Special Motion to Strike the Complaint pursuant to C.C.P. §425.16 (the anti-SLAPP Motion) within the meaning of the Motion to Strike described in C.C.P. §92 and within the meaning of the Motion to Strike described in C.C.P. §435 et seq.?

In *1550 Laurel Owner's Association, Inc.,* a Defendant in a limited civil case filed an anti-SLAPP Motion that was denied by the trial Court. Defendant filed a Petition for a Writ of Mandate to the Appellate Division, and the Division vacated the trial Court's Order and granted the Motion. Afterwards, the Plaintiff filed a Petition for a Writ of Mandate to the Court of Appeal for the Second District to challenge the Appellate Division's ruling on the ground that C.C.P. §92(d) precludes filing an anti-SLAPP Motion in a limited civil case. The Court of Appeal for the Second District granted the writ and vacated the Order of the Appellate Division.

Reading the Opinion in *1550 Laurel Owner's Association, Inc.,* I observed that the high profile organizations such as the Superior Court of California, County of Los Angeles and the California Academy of Appellate Lawyers filed the Amicus Curiae Briefs in this case. I can only comment that the Attorneys at Law of these organizations who filed the Amicus Curiae Briefs enjoyed quietly sleeping in their homes at night, and they didn't have experience fighting for staying at home after being served with the eviction lawsuit for expressing their Constitutional right for a free speech.

I am a Defendant in the eviction lawsuit, and I am a Petitioner in this Petition. I am a penniless and homeless Pro Se Litigant. I am not a Lawyer, and English is my second language. I have experience fighting for staying at home

after my Landlord (who is my close friend) filed an eviction lawsuit knowing that I had nowhere to go, and I had no money to pay rent. I believe that my experience and my Petition for Review are more valuable that all opinions of all these Attorneys at Law who filed the Amicus Curiae Briefs in support of the erroneous decision of the Court of Appeal for the Second District.

Here is what the Court of Appeal for the Second District wrote in *1550 Laurel Owner's Association, Inc.,* "A special motion to strike, or anti-SLAPP motion, is one brought on the ground that the cause of action against the defendant arose from defendant's exercise of the Constitutional right of petition or free speech in connection with a public issue so as to require the plaintiff to establish a probability of prevailing on the claim (§ 425.16, subd. (b)(1))—not "on the ground that the damages or relief sought are not supported by the allegations of the complaint." (§ 92, subd. (d), hereafter, § 92(d).) We conclude the restrictive language of section 92(d), which limits the type of motions to strike that may be brought in a limited civil case, precludes the filing of a special motion to strike in such a case."

"As originally enacted in 1982, section 92, within the article entitled "Economic Litigation for Municipal and Justice Courts," stated in relevant part: "(d) Motions to strike under Section 453 are not allowed.[5] [¶] (e) Motions to strike under Section 435 are allowed only on the ground that the damages or relief

sought are not supported by the allegations of the complaint." (Stats. 1982, ch. 1581, § 1, pp. 6226–6227.)

The following year, section 92 was amended to its current form, so as to permit motions to strike "only on the ground that the damages or relief sought are not supported by the allegations of the complaint." (Stats. 1983, ch. 102, § 2.)

Thus, in 1992, at the time the Legislature enacted section 425.16 authorizing special motions to strike, section 92(d) was already in place so as to bar motions to strike in limited civil actions except for motions to strike that are brought "on the ground that the damages or relief sought are not supported by the allegations of the complaint." (§ 92(d).) Under its plain meaning, section 92(d), by permitting only a particular type of motion to strike to be brought in a limited civil case, disallows all other motions to strike, including special motions to strike. The enactment of section 425.16, authorizing anti-SLAPP motions, did not modify section 92(d)'s restriction on motions to strike in limited civil cases, either expressly or by implication.

The Legislature "is presumed to be aware of all laws in existence when it passes or amends a statute. [Citations.]" (*In re Greg F.* (2012) 55 Cal.4th 393, 407.) Therefore, the Legislature was aware of section 92(d) at the time it enacted section 425.16. Had the Legislature intended to modify section 92(d) at that time to

allow special motions to strike in limited civil cases, it would have so specified. (See, e.g. *People v. Albillar* (2013) 51 Cal.4th 47, 56 ["The Legislature clearly knew how to draft language limiting the nature of the [conduct addressed by the statute] and could have included such language had it desired to so limit the [statute's] reach"].)

Recent enactments affecting motions to strike and motions for judgment on the pleadings, specifically excluding their application to special motions to strike under section 425.16, demonstrate that the Legislature knows how to specify when a statutory provision does not apply to a special motion to strike. For example, section 435.5, which imposes a meet and confer requirement before the filing of a motion to strike, states at subdivision (d)(3) that it does not apply to a special motion to strike brought pursuant to section 425.16. (Stats. 2017, ch. 273, § 1.) Similarly, section 439, which imposes a meet and confer process prior to filing a motion for judgment on the pleadings, provides at subdivision (d)(3) that it does not apply to a special motion to strike brought under section 425.16. (Stats. 2017, ch. 273, § 2.) Also, section 472, which allows a party to amend its pleadings once without leave of court, states it does not apply to a special motion to strike brought under section 425.16. (Stats. 2017, ch. 273, § 3; § 472, subd. (b).) It therefore follows that had the Legislature intended to exclude special motions to strike from section 92(d)'s limitation on motions to strike that are allowed in limited civil

cases, it would have so provided. In the absence of limiting language such as in section 435.5, section 439, and section 472, we presume that notwithstanding section 425.16, the Legislature intended that section 92(d) continue to bar all motions to strike, with the exception of motions to strike that are brought "on the ground that the damages or relief sought are not supported by the allegations of the complaint." (§ 92(d).)

The Legislature's approach to appeals from orders granting or denying special motions to strike is also instructive. In 1999, section 425.16 and section 904.1 were amended to "provide that an appeal may be taken directly from an order granting or denying such a special motion to strike to the court of appeal, as specified." (Stats. 1999, ch. 960, Legis. Counsel's Dig., Assem. Bill No. 1675 (1999–2000 Reg. Sess.), italics added.) Subdivision (i) of section 425.16 now states that "[a]n order granting or denying a special motion to strike shall be appealable under Section 904.1," and consistent therewith, section 904.1, subdivision (a)(13) provides that in an unlimited civil case, such an order may be appealed to the Court of Appeal. However, nothing in section 425.16 provides for an order on an anti-SLAPP motion in a limited civil case to be appealed to the appellate division under section 904.2, and section 904.2, which lists the appeals that may be taken in a limited civil case to the appellate division of the superior court, likewise does not provide for an appeal of an order granting or denying a

special motion to strike. If anti-SLAPP motions could be brought in limited civil cases, the Legislature presumably would have amended both section 425.16 and section 904.2 to provide that in limited civil cases, orders on anti-SLAPP motions could be appealed to the appellate division. Implicit in those statutes is that anti-SLAPP motions are not cognizable in limited civil cases.

The absence of a statutory provision for an immediate appeal of an anti-SLAPP ruling in a limited civil case is significant for an additional reason. As the court observed in *Grewal v. Jammu* (2011) 191 Cal.App.4th 977 (*Grewal*): " '[W]hat use is a mechanism to allow you to get out of a case early if it is undercut by an erroneous decision of the trial judge? The point of the anti-SLAPP statute is that you have a right not to be dragged through the courts because you exercised your Constitutional rights. The right to appeal a denial of an anti-SLAPP motion is important because it protects the interest validated by the anti-SLAPP statute.' " (Id. at p. 1003.) Thus, without a statutory right to an immediate appeal of an anti-SLAPP ruling, any right to bring an anti-SLAPP motion in a limited civil case would be of limited utility. The fact that section 425.16, subdivision (i) and section 904.2 do not provide for an early appeal of an anti-SLAPP ruling in a limited civil case reflects that anti-SLAPP motions may not be brought in such cases.

Further, the appellate division's conclusion that a special motion to strike is not a motion to strike governed by section 92(d) is at odds with the Supreme

Court's reasoning in *Baral*, supra, 1 Cal.5th 376. *Baral* addressed mixed causes of action, i.e., causes of action that allege both protected and unprotected activity, and it concluded that section 425.16 may be used to strike discrete allegations of protected activity within a cause of action, without striking an entire cause of action. (1 Cal.5th at pp. 381–382.) Baral explained: "[T]he Legislature's choice of the term 'motion to strike' reflects the understanding that an anti-SLAPP motion, like a conventional motion to strike, may be used to attack parts of a count as pleaded. (§ 425.16(b)(1); *Cho[v. Chang* (2013)] 219 Cal.App.4th [521,] 527; *Wallace[v. McCubbin* (2011)] 196 Cal.App.4th [1169,] 1205, fn. 19; see § 435, subd. (b)(1) [motion to strike applies to 'the whole or any part' of a pleading], § 436, subd. (a) [court may '[s]trike out any irrelevant, false, or improper matter']; *PH II, Inc. v. Superior Court* (1995) 33 Cal.App.4th 1680, 1682 [defective portion of a cause of action is subject to a conventional motion to strike].) The bench and bar are used to thinking of motions to strike as a way of challenging particular allegations within a pleading. (See 5 Witkin, Cal. Procedure, supra, Pleading, §§ 1009, 1012, pp. 420–421, 423; Weil & Brown, Cal. Practice Guide: Civil Procedure Before Trial (The Rutter Group 2016) ¶ 7:156, p. 7(I)–70.) The drafters of the anti-SLAPP statute were surely familiar with this understanding." (*Baral,* supra, 1 Cal.5th at pp. 393–394, italics added.)

Accordingly, *Baral* teaches that the drafters of section 425.16, in devising special motions to strike, were well aware that motions to strike are a way of attacking particular allegations within a pleading. (*Baral*, supra, 1 Cal.5th at pp. 393–394.) Further, as we have indicated, the Legislature "is presumed to be aware of all laws in existence when it passes or amends a statute. [Citations.]" (In re Greg F., supra, 55 Cal.4th at p. 407.) Thus, the Legislature was mindful of section 92(d)'s restriction on motions to strike in limited civil cases at the time it enacted section 425.16. Nonetheless, the Legislature did not insert language in section 425.16 to override section 92(d), nor did it amend section 92(d) to broaden the scope of allowable motions to strike in limited civil cases.

It is for the Legislature, not the courts, to define the circumstances in which an anti-SLAPP motion be brought. (*Urick v. Urick* (2017) 15 Cal.App.5th 1182, 1195.) Section 425.16, subdivision (d), and section 425.17 set forth various actions to which section 425.16 does not apply. However, given that section 92(d)'s broad restriction on motions to strike in limited civil cases was already in place at the time section 425.16 was adopted, it was unnecessary for the Legislature to add language to section 92(d) or to section 425.16 specifying that a special motion to strike is not permitted in a limited civil case.

Stated another way, at the time the Legislature enacted section 425.16, it declined to add language either to section 92 or to section 425.16 to expand the

range of motions to strike that are allowed in limited civil cases. By refraining from doing so, the Legislature authorized special motions to strike to be filed in unlimited civil cases, but left unchanged section 92(d)'s restriction on motions to strike that may be brought in limited civil cases.

We also make the observation that construing section 92(d) to preclude special motions to strike in limited civil cases is consistent with economic litigation procedures for such cases (*Snukal v. Flightways Manufacturing, Inc.* (2000) 23 Cal.4th 754, 763, fn. 2; 2 Witkin, Cal. Procedure (5th ed. 2008) Courts, § 250 et seq., p. 340 et seq.), presumably to keep litigation costs rationally related to the $25,000 jurisdictional limit on the amount in controversy. (§ 86.) To that end, various procedures available in unlimited civil cases are unavailable in limited civil cases, to further the public policy of handling such cases efficiently and economically. For example, the statutory scheme governing limited civil cases prohibits special demurrers (§ 92, subd. (c)), and also imposes limitations on discovery (§§ 94–95).

In view of the potentially sizable expense of litigating an anti-SLAPP motion, as well as the statutory provision for attorney fees and costs to the prevailing party (§ 425.16, subd. (c)), allowing anti-SLAPP motions to be prosecuted in limited civil cases would escalate the cost of such litigation, and the attendant expense could readily exceed the amount in controversy.9 Permitting

anti-SLAPP motions in limited civil cases would also delay the resolution of such cases. (See *Grewal*, supra, 191 Cal.App.4th at pp. 999–1000 [noting that an anti-SLAPP motion "will cause the plaintiff to expend thousands of dollars to oppose it, all the while causing the plaintiff's case, and ability to do discovery, to be stayed"].) Thus, construing section 92(d) to permit anti-SLAPP motions to be brought in limited civil cases would undermine the Legislature's goal of efficient and cost-effective litigation in such cases.

For all these reasons, we conclude that section 92(d) precludes a defendant from bringing a special motion to strike in a limited civil case."

My argument.

I believe that the Special Motion to Strike pursuant to C.C.P. §425.16 (the anti-SLAPP Motion) doesn't fall into the definition of the Motion to Strike described in C.C.P. §92 and C.C.P. §435 et seq.

The purpose of the Motion to Strike that is described in C.C.P. §435-437 and C.C.P. §438 is "within the time allowed to respond to a pleading ... to strike the whole or any part thereof" [C.C.P. §435(b)(1)] of the "pleading" that is "a demurrer, answer, complaint, or cross-complaint" [C.C.P. §435(a)(2).]

Read C.C.P. §436,

"The court may, upon a motion made pursuant to Section 435, or at any time in its discretion, and upon terms it deems proper:

(a) Strike out any irrelevant, false, or improper matter inserted in any pleading.

(b) Strike out all or any part of any pleading not drawn or filed in conformity with the laws of this state, a court rule, or an order of the court.

(*Amended by Stats. 1983, Ch. 1167, Sec. 4.*)"

Read C.C.P. §437.

"(a) The grounds for a motion to strike shall appear on the face of the challenged pleading or from any matter of which the court is required to take judicial notice.

(b) Where the motion to strike is based on matter of which the court may take judicial notice pursuant to Section 452 or 453 of the Evidence Code, such matter shall be specified in the notice of motion, or in the supporting points and authorities, except as the court may otherwise permit.

(Added by Stats. 1982, Ch. 704, Sec. 4.)"

C.C.P. §436 and §437 allow the Defendant to strike any irrelevant, false, or improper matter inserted in any pleading (a complaint, a demurrer, an answer, and a cross-complaint), and this matter shall appear on the face of the pleading, and this matter is so obvious that the Court is required to take a judicial notice. Therefore, nothing in the plain language of C.C.P. §436 and §437 indicates that the Motion to Strike could be filed to strike the cause of action that arose from Plaintiff's expression of the Constitutional right for a free speech and petitioning.

Now, read about the purpose of the anti-SLAPP Motion or the Special Motion to Strike " a cause of action against a person arising from any act of that person in furtherance of the person's right of petition or free speech under the United States Constitution or the California Constitution in connection with a public issue" [C.C.P. §425.16(b)(1).] Nothing in the plain language of the anti-SLAPP Motion indicates that this Motion could be used to strike a Demurrer or an Answer. There is no existing case law that demonstrates that the anti-SLAPP Motion was ever used to strike "the whole or any part thereof" of the Demurrer or the Answer.

The plain language of C.C.P. §425.16 doesn't say that this Motion could be filed only in unlimited civil cases. The plain language of C.C.P. §425.16(i) says that "An order granting or denying a special motion to strike shall be appealable under Section 904.1."

The purpose of the Motion to Strike that is described in C.C.P. §92(d) is to "strike ... only on the ground that the damages or relief sought are not supported by the allegations of the complaint." The plain language of C.C.P. §92(d) is close to the plain language of C.C.P. §436(a) ["Strike out any irrelevant, false, or improper matter inserted in any pleading"] and §437(a) ["The grounds for a motion to strike shall appear on the face of the challenged pleading or from any matter of which the court is required to take judicial notice.] The intention and the plain language of C.C.P. §92 has nothing common with the intention and the plain language of C.C.P. §425.16.

Also, the Court of Appeal for the Second District disregarded C.C.P. §92, "(e) Except as limited by this section, all other motions are permitted."

IX. Reasons for granting the Writ.

I believe that the Writ shall be granted in order to protect thousands of the California Tenants who are being evicted by their Landlords for expressing the Tenant's Constitutional right for a free speech.

The decisions of both the Court of Appeal and the California Supreme Court are against the Assembly Bill No. 1675, April 20, 1999.

Read the Assembly Bill No. 1675,

"Background: SLAPP suits are used to silence public opposition or criticism. For example, a developer may bring a suit for interference with economic advantage against a community group opposed to the developer's project in or near their neighborhood, and **tenants** who criticized rental property as unsafe in the media **have been SLAPPed by landlords.** In 1993, the Legislature passed the Anti-SLAPP Law to give defendants who have been SLAPPed for exercising their right of petition or free speech a quick way to vindicate their constitutional rights by halting the lawsuit before it begins. Even the threat of a frivolous lawsuit can silence an individual if he or she cannot afford the cost of litigation."

X. Conclusion.

I am respectfully asking the U.S. Supreme Court to grant my Petition and to overturn the illogical decision of the Court of Appeal for the Second District and to allow the indigent Tenants who are being evicted by their Landlords for expressing the First Amendment Right for a free speech to end the frivolous lawsuits and to file the anti-SLAPP Motion in a limited civil case.

I declare under the penalty of perjury and under the Federal laws and under the laws of the State of California that all foregoing is true and correct. Executed at Oakland, CA on October 14, 2019.

Respectfully submitted,

s/ Tatyana Drevaleva

Petitioner Pro Se

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Date: October 14, 2019