

**04-69 BERNARDO, ET AL. V. PLANNED PARENTHOOD
FEDERATION OF AMERICA, ET AL.**

Decision Below: 115 Cal.App.4th 322 (Cal. 2004)

QUESTIONS PRESENTED FOR REVIEW

Petitioners Agnes Bernardo, Pamela Colip, and Sandra Duffy-Hawkins (collectively "Bernardo") filed suit against Planned Parenthood Federation of America ("PPFA") and Planned Parenthood of San Diego and Riverside Counties ("PPSDRC") (collectively "PPFA ") under Cal. Bus. & Prof. Code ("B.P.C.") §§17200 & 17500, alleging that PPFA makes false and misleading statements about breast cancer risk, and the evidence relating to that risk, in connection with the provision of abortion services to women in the State of California. In lieu of an Answer, PPFA filed a Motion to Strike pursuant to Cal. Civ. Proc. Code ("C.C.P.") §425.16. Bernardo responded by providing evidence in support of her claims as required by the statute. Despite Bernardo's showing, the Superior Court of the State of California, County of San Diego, granted PPFA' motion to strike her Complaint and, later, ordered Bernardo to pay \$77,835.25 in fees. The Court of Appeals of the State of California affirmed, awarding further costs and fees to PPFA. The Supreme Court of the State of California denied Bernardo's Petition For Review.

Bernardo now petitions this Supreme Court of the United States for a writ of certiorari. The questions presented are as follows.

1. Does C.C.P. §425.16, Which Authorized the Dismissal of Bernardo's Complaint and A ward of Attorneys Fees and Costs, Violate Bernardo's Constitutional right to petition.
2. Does C.C.P. §425.16, Which Authorized the Dismissal of Bernardo's Complaint and A ward of Attorneys Fees and Costs, Violate Bernardo's Constitutional right to Due Process of Law.