



BARTKO PAVIA SECURES MAJOR VICTORY IN KALAMAS V. JOHN MUIR HEALTH

Press Release

09, November 2022

[Luzann Fernandez](#), [Patrick Ryan](#), [Chad DeVeaux](#), [Kerry Duffy](#), and [Lisa Ferguson](#) secured a major victory in *Kalamas v. John Muir Health*. The Bartko Pavia team filed an anti-SLAPP motion seeking to strike substantial portions of the plaintiff-doctor's 800-plus-page Complaint against our clients John Muir Health and Calvin Knight, and two other defendants. The Complaint seeks significant damages for employment retaliation, infliction of emotional distress, and breach of contract. In support of these claims, the Complaint targeted statements made during medical peer-review proceedings and academic critiques of medical protocols and scientific theories proposed by the plaintiff. Finding that these allegations targeted core speech and petition activities protected by the First Amendment, the California Constitution, and Civil Code § 47(b)'s litigation privilege, the Court granted Bartko's motion, striking the plaintiff's emotional distress and contract claims in their entirety, dramatically limiting the scope of her retaliation claims, and dismissing all the claims against the three remaining defendants. Please see the attached November 9, 2022 Order [here](#). This sets up a motion for attorneys' fees against a wealthy individual. This victory comes on the heels of a win in the *Peterson v. Sutter Med. Found.*, No. 3:21-cv-04908-WHO, 2022 WL 2869531 (N.D. Cal. July 20, 2022)—an important anti-SLAPP decision decided last July in a case handled by Michael Abraham, Steve Steinberg, and Chad DeVeaux, leveraging Chad's and Patrick's prior anti-SLAPP work in numerous other cases. Patrick and Chad are leading practitioners in anti-SLAPP jurisprudence, having collectively prevailed in over 25 such motions across their career and working on some of the most important cases, including at the California Supreme Court level. In fact, this recent victory marked a "hat trick" for Bartko, as this was the third anti-SLAPP victory of the year.

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