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California's Anti-SLAPP Heads Off a Federal §1983 Claim, The Recorder

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A favored tool of the defense bar, California's anti-SLAPP statute empowers a trial court to dismiss claims brought by a plaintiff whose lawsuit is aimed at intimidating a person or business into silence by essentially burdening them with litigation costs. Code Civ. Proc. §425.16. Anti-SLAPP motions weed out, at an early stage, meritless claims arising from a defendant's free speech, or otherwise activity protected by law. Baral v. Schnitt (2016) 1 Cal.5th 376, 384.

In an interesting twist involving an employment law dispute, a recent case, Balubhai Patel, et al. v. Manuel Chavez, addressed the applicability of anti-SLAPP to federal law claims, specifically §1983 of title 42 of the United States Code. (May 6, 2020) 2020 DJDAR 4279. In that case, Balubhai Patel and his company, DTWO & E (collectively "Patel") owned a residential hotel in Los Angeles where Chavez worked as an on-site property manager. Chavez filed a complaint against Patel with the California Labor Commissioner for unpaid wages and various wage-and-hour violations. After a Berman hearing on the merits where Chavez testified in support of his claims, the Labor Commissioner ruled in Chavez's favor for $235,000 in unpaid wages, penalties, and interest.

Upset with this result, Patel sued Chavez and two individual Labor Commissioners for violation of §1983, a statue that gives individuals the right to sue the state government and individuals "acting under the color of law." Patel claimed that Chavez's act of falsely testifying at the hearing was sufficiently connected with the Labor Commissioner's state action to impose liability under §1983.

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