

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

DAVIS WRIGHT TREMAINE LLP  
865 S. FIGUEROA ST.  
SUITE 2400  
LOS ANGELES, CALIFORNIA 90017-2566  
TELEPHONE (213) 633-6800  
FAX (213) 633-6899

KELLI L. SAGER (State Bar No. 170162)  
ALONZO WICKERS IV (State Bar No. 169454)  
SUSAN E. SEAGER (State Bar No. 204824)

Attorneys for Defendants  
CHICAGO TRIBUNE COMPANY,  
TRIBUNE PUBLISHING COMPANY, and  
CHICAGO TRIBUNE NEWSPAPERS, INC.

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF LOS ANGELES

AIR ZIMBABWE CORPORATION, a  
Zimbabwe corporation; and SITA WORLD  
TRAVEL, INC., a California Corporation,

Plaintiffs,

vs.

TRIBUNE PUBLISHING COMPANY, a  
Delaware corporation, CHICAGO  
TRIBUNE NEWSPAPERS, INC., an  
Illinois corporation, CHICAGO TRIBUNE  
COMPANY, an Illinois corporation, GABY  
PLATTNER, an individual, CTC, a business  
entity of unknown form, and DOES 1-100,

Defendants.

) Case No. BC 227735  
) [Complaint Filed on: April 5, 2000;  
) Assigned to Hon. Robert A. Dukes]

**[PROPOSED] ORDER GRANTING THE  
TRIBUNE DEFENDANTS' SPECIAL  
MOTIONS TO STRIKE PLAINTIFFS'  
COMPLAINT**

The Tribune defendants' Special Motions to Strike the Complaint of plaintiffs Air  
Zimbabwe Corporation ("AZC") and Sita World Travel, Inc., ("Sita") pursuant to Code of Civil  
Procedure § 425.16, came on regularly for hearing on July 27, 2000, before Judge Robert A. Dukes,

ED  
AUG 15 2019  
LOS ANGELES  
SUPERIOR COURT

1 presiding, in Department 25 of the above-entitled Court.<sup>1</sup> Kelli L. Sager appeared on behalf of the  
2 Tribune defendants and Surjit P. Soni appeared on behalf of the plaintiffs.

3 This Court, having read and considered the supporting points and authorities and evidence,  
4 having heard the argument of counsel, and good cause appearing therefor, orders as follows:

5 IT IS HEREBY ORDERED, ADJUDGED AND DECREED THAT the Tribune  
6 defendants' Special Motion to Strike plaintiff AZC's defamation and negligence causes of action is  
7 GRANTED, on the grounds that: (1) the Tribune defendants engaged in the acts of complained of  
8 in the Complaint in furtherance of their rights of free speech under the United States and California  
9 Constitutions in connection with a matter of public interest; and (2) AZC cannot establish that there  
10 is a probability that it will prevail on either of its causes of action. AZC cannot demonstrate a  
11 probability of prevailing on its defamation cause of action because: (a) AZC, as a government  
12 entity, is precluded under the First Amendment from pursuing a defamation claim; and/or (b) AZC,  
13 as a limited purpose public figure that has voluntarily entered the pre-existing public debate about  
14 its air safety record, has failed to make the required showing that the Tribune defendants acted with  
15 constitutional actual malice. AZC cannot demonstrate a probability of prevailing on its negligence  
16 cause of action because that cause of action is based on the same facts as its flawed defamation  
17 cause of action and therefore fails for the same reasons.

18 IT IS FURTHER ORDERED, ADJUDGED AND DECREED THAT the Tribune  
19 defendants' Special Motion to Strike plaintiff Sita's defamation and negligence causes of action is  
20 GRANTED, on the grounds that: (1) the Tribune defendants engaged in the acts of complained of  
21 in the Complaint in furtherance of their rights of free speech under the United States and California  
22 Constitutions in connection with a matter of public interest; and (2) plaintiff Sita cannot establish  
23 that there is a probability that it will prevail on either of its causes of action. Sita cannot  
24 demonstrate a probability of prevailing on its defamation cause of action because the Tribune  
25 defendants' article was not "of and concerning" Sita and Sita therefore cannot state a claim for  
26

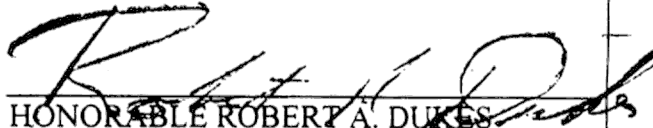
27 \_\_\_\_\_  
28 <sup>1</sup> The Tribune Publishing Company, Chicago Tribune Company, and Chicago Tribune  
Newspapers, Inc. are referred to collectively as "the Tribune defendants."

1 defamation. Sita cannot demonstrate a probability of prevailing on its negligence cause of action  
2 because that cause of action is based on the same facts as its flawed defamation cause of action and  
3 therefore fails for the same reasons.

4 IT IS FURTHER ORDERED, ADJUDGED AND DECREED THAT the Tribune  
5 defendants shall be awarded their attorneys' fees and costs incurred in this action pursuant to the  
6 Code of Civil Procedure § 425.16(c).

7 IT IS FURTHER ORDERED, ADJUDGED AND DECREED THAT AZC's and Sita's  
8 causes of action against the Tribune defendants shall be dismissed in their entirety.

9 DATED: Aug 22 2000, 2000

  
HONORABLE ROBERT A. DUKES  
Judge of the Superior Court

10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

Submitted by:

DAVIS WRIGHT TREMAINE LLP  
KELLI L. SAGER  
ALONZO WICKERS IV  
SUSAN E. SEAGER .

By:   
Alonzo Wickers IV

Attorneys for Defendants  
CHICAGO TRIBUNE COMPANY,  
TRIBUNE PUBLISHING COMPANY, and  
CHICAGO TRIBUNE NEWSPAPERS, INC.