Desirée Townsend
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PLAINTIFF *IN PRO SE*

Plaintiff,
DESIREE GUERRIERE TOWNSEND

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES - UNLIMITED

DESIRÉE GUERRIÈRE TOWNSEND, an individual,

Plaintiff,

v.

MARIO LOPEZ, an individual; and DOES 1 through 50, inclusive,

Defendant.

Case No.: 25NNCV04089

ASSIGNED FOR ALL PURPOSES TO THE HON. ASHFAQ G. CHOWDHURY, DEPT. E

EVIDENTIARY OBJECTIONS TO THE DECLARATION OF DANIEL TAPETILLO IN SUPPORT OF DEFENDANT'S SPECIAL MOTION TO STRIKE FIRST AMENDED COMPLAINT

[*Filed concurrently with Opposition to Special Motion to Strike First Amended Complaint; Declaration of Desiree Townsend; Request for Judicial Notice; and Notice of Lodging*]

Date: September 19, 2025
Time: 8:30 AM
Place: Dept. E
Reservation ID: 760241912018

Plaintiff, Desiree Townsend ("Ms. Townsend"), submits the following Evidentiary Objections to the Declaration of Daniel Tapetillo ("Tapetillo Declaration") in support of Defendant's Special Motion to Strike First Amended Complaint ("Motion") as follows:

OBJECTIONS TO DECLARATION OF DANIEL TAPETILLO

MATERIAL OBJECTED TO:	GROUNDS FOR OBJECTION:	RULING ON OBJECTION:
1. Tapetillo Declaration, ¶1: "I am an attorney at Geragos & Geragos, APC, and counsel of record for the Defendant, Mario Lopez in this case. I am admitted to practice law in the state of California. I have personal knowledge of the following facts and if called as a witness, I would testify thereto."	1. Objection. The statements in the declaration are not stated on personal knowledge. (Evidence Code §702).	Sustained: _____ Overruled: _____
2. Tapetillo Declaration, ¶2: "I submit this declaration in support of Defendant's Special Motion to Strike, filed pursuant to Code of Civil Procedure section 425.16. The facts set forth below establish that Plaintiff's claims arise from protected activity, and that Plaintiff cannot meet her burden of showing a probability of	2. Objection. Calls for a Legal Conclusion; Improper Opinion (Evidence Code §800); Argumentative.	Sustained: _____ Overruled: _____

prevailing."		
3. Tapetillo Declaration, ¶4: "Based on my review of the public record, Plaintiff has actively and repeatedly engaged in public media appearances, interviews, and discussions concerning her alleged medical condition for more than 16 years. She has been the subject of, and has voluntarily participated in, extensive national and local media coverage, including the Inside Edition segment referenced in the FAC and multiple other televised interviews, online features, and public forums."	3. Objection. Lack of Foundation (Evidence Code § 403); Speculation/Lack of Personal Knowledge (Evidence Code § 702); Hearsay (Evidence Code § 1200).	Sustained: _____ Overruled: _____
4. Tapetillo Declaration, ¶5: "The single Instagram post referenced in paragraph 12 of the FAC was published on a public social media platform accessible to anyone with internet access. Defendant's account regularly features commentary on viral media, public figures, and entertainment-related topics of	4. Objection. Misstates Plaintiff's Pleadings; Hearsay (Evidence Code § 1200); Lack of Foundation (Evidence Code § 403); Speculation/Lack of Personal Knowledge (Evidence Code § 702); Assumes Facts Not in Evidence; and Improper Legal Conclusion.	Sustained: _____ Overruled: _____

general public interest. The post itself consisted of a verbatim repost of an existing news segment without alteration to the underlying factual content and accompanied by commentary in the nature of opinion. Plaintiff does not dispute the accuracy of the video segment itself."		
5. Tapetillo Declaration, ¶6: "In connection with preparing this motion, I also reviewed the allegations in paragraphs 18–23 of the FAC concerning anonymous postings on Reddit, TikTok, and other online platforms. Defendant did not create, direct, authorize, or have any knowledge of the creation of these postings. I have no personal knowledge of the identity of the individuals responsible for such postings, and no evidence has been presented to me suggesting Defendant's involvement."	5. Objection. Speculation/Lack of Personal Knowledge (Evidence Code §702); Improper Opinion (Evidence Code §800); Misstates Facts; Contradicted by Judicially Noticeable Testimony.	Sustained: _____ Overruled: _____
6. Tapetillo Declaration, ¶7-10:	6. Objection. Misstates Plaintiff's Pleadings; Calls for a Legal	Sustained: _____ Overruled: _____

¶7: "Instagram is a public forum under section 425.16, subdivision (e)(3), as it is an interactive website where users engage in discourse visible to the general public." ¶8: "Plaintiff's longstanding voluntary engagement with media about her condition has generated commentary, debate, and public interest for over a decade. The post at issue directly concerned this ongoing public discourse, satisfying section 425.16, subdivision (e)(4)." ¶9: "All of Plaintiff's claims in this action, including defamation, false light, intentional infliction of emotional distress, and civil conspiracy are entirely derivative of the same Instagram post constituting Defendant's protected expression and cannot survive if the defamation claim fails. No claim is based on any	Conclusion; Improper Opinion (Evidence Code §800); Lack of Foundation (Evidence Code §403); Argumentative; Speculation/Lack of Personal Knowledge (Evidence Code §702).	

separate or unprotected conduct." ¶10: "Because the Instagram post constitutes protected activity under Code of Civil Procedure §425.16, subdivisions (e)(3) and (e)(4), as a written statement made in a public forum in connection with an issue of public interest—all derivative claims implicate core constitutional free speech principles and must be stricken."		

Dated: September 8, 2025

Respectfully submitted,

By:_____
DESIREE GUERRIERE TOWNSEND
PLAINTIFF *IN PRO SE*

ORDER

The Court rules on the objections stated above as indicated in the "Ruling on Objection" column set forth above.

DATED: _____

_____
HONORABLE ASHFAQ G. CHOWDHURY
JUDGE OF THE SUPERIOR COURT

PROOF OF SERVICE
Case No. 25NNCV04089
State of California, County of Los Angeles

Defendant's counsel has consented to electronic service in this matter. Accordingly, I caused the foregoing documents, entitled **EVIDENTIARY OBJECTIONS TO THE DECLARATION OF DANIEL TAPETILLO** to be served electronically on the interested parties in this action as follows:

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Executed on September 8, 2025 in New York, NY.

By: _____
DESIREE GUERRIERE TOWNSEND