**SUPERIOR COURT OF CALIFORNIA,**
**COUNTY OF ORANGE**
**CENTRAL JUSTICE CENTER**

**MINUTE ORDER**

DATE: 08/06/2025 TIME: 11:01:00 AM DEPT: C27

JUDICIAL OFFICER PRESIDING: Bradley Erdosi
CLERK: J. Quamina
REPORTER/ERM:
BAILIFF/COURT ATTENDANT:

CASE NO: **30-2024-01442186-CU-DF-CJC** CASE INIT.DATE: 11/22/2024
CASE TITLE: **Sellars vs. Rose**
CASE CATEGORY: Civil - Unlimited CASE TYPE: Defamation

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EVENT ID/DOCUMENT ID: 74627176

**EVENT TYPE:** Under Submission Ruling

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**APPEARANCES**

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There are no appearances by any party.

On August 4, 2025, after hearing argument of counsel, the Court took under submission Defendant Karen Rose's Special Motion to Strike Pursuant to California Code of Civil Procedure § 425.16. The Court now issues its final ruling on Defendant's motion.

Defendant Karen Rose's ("Defendant") special motion to strike the complaint by plaintiffs John Sellars ("John"), Terri Sellars ("Terri"), and Christopher Sellars ("Christopher"),* pursuant to CCP section 425.16, is **GRANTED**.

**Procedural Issues**
Plaintiffs' evidentiary objection to the police report dated 10/22/82 (Exhibit I) is sustained, because Defendant has not properly authenticated the report. (See *People v. McVey* (2018) 24 Cal.App.5th 405, 416.) The remainder of Plaintiffs' un-numbered objections are overruled. (ROA 37.) The alleged hearsay statements are admissible under the "state of mind" exception (Evid. Code, § 1250, subd. (a)), or the exception for statements by a "party-opponent" (Evid. Code, § 1220). Newspapers articles are generally self-authenticating. (Evid. Code, § 645.1.)

Defendants' "omnibus" objection is overruled. (ROA 51.) Further, the court declines to take judicial notice of the amicus brief filed in the federal action (ROA 47), because Defendant is asking the court to consider it for the truth of the legal arguments made therein. (See *People v. Moore* (1997) 59 Cal.App.4th 168, 178.)

**Merits**
By their complaint, each of the Plaintiffs are suing Defendant for slander per se in connection with various statements she allegedly made on various episodes of the "Circumstance Podcast" in January and February of 2024. (ROA 2—Compl. at ¶¶ 15-26.) Defendant moves, under the anti-SLAPP statute, for an order striking each and every cause of action in Plaintiffs' complaint.

**Legal Standard**
CCP section 425.16 permits a special motion to strike Strategic Litigation Against Public Participation

("SLAPP") lawsuits. A SLAPP suit is "a meritless suit filed primarily to chill the defendant's exercise of First Amendment rights." (*Finton Construction, Inc. v. Bidna & Keys, APLC* (2015) 238 Cal.App.4th 200, 208.) The purpose of the anti-SLAPP law is "not [to] insulate defendants from any liability for claims arising from the protected rights of petition or speech. It only provides a procedure for weeding out, at an early stage, meritless claims arising from protected activity." (*Baral v. Schnitt* (2016) 1 Cal.5th 376, 384.)

The trial court engages in a two-step process to determine whether a special motion to strike should be granted. (Code Civ. Proc., § 425.16, subd. (b)(1); *Bonni v. St. Joseph Health System* (2021) 11 Cal.5th 995, 1065.) At the first step, the moving defendant bears the burden of identifying all allegations of protected activity, and the claims for relief supported by them. (*Baral, supra,* 1 Cal.5th at 396.) At step one, "the critical consideration is whether the cause of action is *based on* the defendant's protected free speech or petitioning activity." (*Navellier v. Sletten* (2002) 29 Cal.4th 82, 89.)
In making the determination of whether plaintiff's claims are subject to the anti-SLAPP statute, "the court shall consider the pleadings, and supporting and opposing affidavits stating the facts upon which the liability or defense is based." (Code Civ. Proc., § 425.16, subd. (b)(2).)

If the defendant makes the required showing, then the burden shifts to the plaintiff to demonstrate the merit of the claim by establishing a probability of success. (*Sweetwater Union High School Dist. v. Gilbane Building Co.* (2019) 6 Cal.5th 931, 940.) At this step, the court "does not weigh evidence or resolve conflicting factual claims. Its inquiry is limited to whether the plaintiff has stated a legal sufficient claim and made a prima facie factual showing sufficient to sustain a favorable judgment." (*Baral*, *supra*, 1 Cal.5th at 384-385.) The court shall consider the pleadings, and supporting and opposing affidavits stating the facts upon which the liability or defense is based. (*Sweetwater Union High School Dist.*, supra, 6 Cal.5th at 941.) For each claim that does arise from protected activity, the plaintiff must show the claim has "at least 'minimal merit.'" (*Bonni, supra*, 11 Cal.5th at 1065, citation omitted].) If the plaintiff cannot make this showing, the court will strike the claim. (*Ibid*.)

**First Step – Protected Activity**
The anti-SLAPP statute defines four categories of activities as an "act in furtherance of a person's right of petition or free speech under the United States or California Constitution in connection with a public issue. The only category at issue here is the third: "any written or oral statement or writing made in a place open to the public or a public forum in connection with an issue of public interest." (Code Civ. Proc., § 425.16, subd. (e)(3).)

With respect to the "public interest" component, our high court has explained:

In articulating what constitutes a matter of public interest, courts look to certain specific considerations, such as whether the subject of the speech or activity "was a person or entity in the public eye" or "could affect large numbers of people beyond the direct participants" (Citation); and whether the activity "occur [red] in the context of an ongoing controversy, dispute or discussion" (Citation), or "affect[ed] a community in a manner similar to that of a governmental entity. (Citation.) ( *Id.* at 145–146.)

It has been held that "an issue of public interest" refers to "*any issue in which the public is interested*"; and, "the issue need not be 'significant' to be protected by the anti-SLAPP statute." (*Nygard, Inc. v. Uusi-Kerttula* (2008) 159 Cal.App.4th 1027, 1042.) On the other hand, statements are not categorically protected solely because they were made in a public forum or because it refers to a subject of widespread public interest; "the statement must in some manner itself contribute to the public debate." *(Wilbanks v. Wolk* (2004) 121 Cal.App.4th 883, 898.)

Defendant contends that the first prong has been met because the podcast qualifies as a "public forum" and her "statements about her experience being raped by her ballet teacher is an issue of public concern." (Mot. at p. 7.) Plaintiffs "concede that the slanderous statements made by Defendant Karen Rose, were made on a public forum." (Opp'n at p. 5.) Thus, the Court proceeds to the question of

whether the statements were made in connection with an "issue of public interest."

The podcasts reflect that Defendant was being interviewed by the host to discuss the way sexual abuse shapes "who we are" in the context of Defendant's story. It is true that a person "cannot turn otherwise private information into a matter of public interest simply by communicating it to a large number of people," *Terry v. Davis Community Church* (2005) 131 Cal.App.4th 1534, 1547, but the subject of the podcasts had already been the subject of public comment and debate prior to the publication in the podcasts. Aside from the criminal trial (wherein John was acquitted), whether sexual abuse had occurred at the school had also been the subject of at least two newspaper articles, including one published in January 2023. (ROA 24—Exhs. J, L.) The podcasts at issue occurred in 2024.

These issues "could affect large numbers of people beyond the direct participants," as there are questions of whether there were more "victims" and whether there is any current danger. A "matter of public interest should be something of concern to a substantial number of people." (*Terry v. Davis Community Church* (2005) 131 Cal.App.4th 1534, 1547 accord *Weinberg v. Feisel* (2003) 110 Cal.App.4th 1122, 1132.) Apart from the criminal trial and the newspaper articles, Plaintiffs, themselves, allege that John "taught thousands of students in Huntington Beach, many of whom went on to join the best ballet academies in America"; that he "attracted many of Orange County's top youth dancers due to his teaching prowess"; and, it can be gleaned that Plaintiffs are well-known figures within the Orange County dance community. (Compl. at ¶¶ 7-11.)

As Defendant points out, courts have held that "the societal interest in protecting a substantial number of children from predators" in a matter that had been referred to the police for investigation—even if the police department ultimately concluded there was insufficient evidence of a crime—"clearly involved issues of public interest." (*Terry v. Davis Community Church* (2005) 131 Cal.App.4th 1534, 1547.) Although Plaintiffs contend that "many of the challenged slanderous statements address private grievances rather than any genuine matter of public concern," what Plaintiffs have done is parsed out statements that must be considered in the context they were made. Plaintiffs' reliance on *Li v. Jin* (2022) 83 Cal.App.5th 481 is misplaced, because it is factually inapposite. In *Li*, the purportedly defamatory financial filings were not made "in the context of an ongoing controversy, dispute or discussion, such that it warrants protection by a statute that embodies the public policy of encouraging *participation* in matters of public significance." (*Id.* at 496.) Unlike in *Li*, here, the discussion of whether there was a cover up of sexual abuse of minors at the dance school, even if the alleged abuse occurred decades ago, was part of an already existing, ongoing controversy, dispute or discussion, and is regarding a topic of "public significance."
Accordingly, the Court finds the "public interest" requirement has been satisfied, and Defendant has met her burden for the first step of the analysis.

**Second Step – Probability of Success**
The burden shifts to Plaintiffs to show that their slander per se claims have "minimal merit." Slander per se is defined by statute as "a false and unprivileged publication, orally uttered, and also communications by radio or any mechanical or other means which:
1. Charges any person with crime, or with having been indicted, convicted, or punished for crime;
2. Imputes in him the present existence of an infectious, contagious, or loathsome disease;
3. Tends directly to injure him in respect to his office, profession, trade or business, either by imputing to him general disqualification in those respects which the office or other occupation peculiarly requires, or by imputing something with reference to his office, profession, trade, or business that has a natural tendency to lessen its profits;
4. Imputes to him impotence or a want of chastity[.]" (Civ. Code, § 46, subd. (1)-(4); see also *Regalia v. The Nethercutt Collection* (2009) 172 Cal.App.4th 361, 367.)
Here, Plaintiffs appear to be claiming slander per se under division (1), because they allege that Defendant's statements led the podcast listeners to reasonably understand that: John "is a criminal and serial child molester" (Compl. at ¶ 39); Terri
"aided, abetted, and was an accessory to an alleged serial child molester" (Compl. at ¶ 51); and,

Christopher "enabled, aided, abetted, and was an accessory to an alleged serial child molester" (Compl. at ¶ 60). Plaintiffs contend they can establish their claims have "minimal merit," because they have evidence that controverts or undermines Defendant's statements that she was sexually abused by John while at the dance school, including declarations from John and Terri, and statements made in depositions from other purported victims in a different case that is pending in this court. (ROA 38, 40.) The Court agrees that this evidence is sufficient to establish "minimal merit" for their slander per se claims, at least as to the element of falsity. However, the inquiry does not end there. Section 47.1 requires that the statements not only be false, but that they be *unprivileged*.

The party asserting a privilege bears the burden of "establishing all preliminary facts necessary to justify applying the privilege to their communications." (*Edwards v. Centex Real Estate Corp.* (1997) 53 Cal.App.4th 15, 39-40.) Here, Defendant contends that her statements were privileged under a recently enacted statute, Civil Code section 47.1 (effective Jan. 1, 2024). Section 47.1 provides, in relevant part, that: "[a] communication made by an individual, without malice, regarding an incident of sexual assault, harassment, or discrimination is privileged under Section 47" (Civ. Code, § 47.1, subd. (a)); this section only applies "to an individual that has, or at any time had, a reasonable basis to file a complaint of sexual assault, harassment, or discrimination, whether the complaint is, or was, filed or not" (Civ. Code, § 47.1, subd. (b)); any, for the purpose of this section, "communication" means "factual information related to an incident of sexual assault, harassment, or discrimination experienced by the individual making the communication, including, but not limited to, any of the following: (1) An act of sexual assault" (Civ. Code, § 47.1, subd. (c)(1).)

Additionally, Defendant argues that some of the alleged statements (e.g., Terri is a "hot mess") are not actionable because they consist of hyperbole or opinion, not provably false statements of facts.

Whether a statement, on its face, constitutes slander per se, is a question for the Court (i.e., it is a question of law); the question of whether the listener understood the statement, in light of relevant extrinsic facts, to be defamatory, is a question for the factfinder. (*Regalia*, *supra*, 172 Cal.App.4th at 368; see also *Ferlauto v. Hamsher* (1999) 74 Cal.App.4th 1394, 1401.) Courts apply a "totality of the circumstances" test to decide whether the alleged statement is "reasonably susceptible of a defamatory interpretation," by considering "both the language of the statement and the context in which it is made. *(ZL Technologies, Inc. v. Does 1-7* (2017) 13 Cal.App.5th 603, 624.) "Part of the totality of the circumstances used in evaluating the language in question is whether the statements were made by participants in an adversarial setting, "in which the audience may anticipate efforts by the parties to persuade others to their positions by use of epithets, fiery rhetoric or hyperbole, language which generally might be considered as statements of fact may well assume the character of statements of opinion." (*Ferlauto*, supra, 74 Cal.App.4th at 1401–1402.)

Statements that "do not imply a provably false factual assertion" cannot "form the basis of a defamation action if they cannot " 'reasonably [be] interpreted as stating actual facts' about an individual." (*Ferlauto*, supra, 74 Cal.App.4th at 1401.) Language that is "hyperbolic," "informal," "crude," "ungrammatical," "satirical," "vituperative," or that consists of "juvenile name-calling," generally "provide support for the conclusion that offensive comments were nonactionable opinion." (*ZL Technologies*, supra, 13 Cal.App.5th at 624.) Likewise, insults that are "generalized in that they lack any specificity as to the time or place" also "signal to the reader there is no factual basis for the accusations." (*Chaker v. Mateo* (2012) 209 Cal.App.4th 1138, 1149; see also *ZL Technologies*, supra, 13 Cal.App.5th at 628 [an assertion stating a generalized conclusion "without tying it to specific conduct, or a time and place" suggests a statement of protected opinion, particularly when "preceded and followed by other broadly worded statements of opinion" and is "best understood as nonactionable opinion"].)

On the other hand, statements that are "factually specific," "earnest," "serious" in tone, or where the speakers represent themselves as being unbiased, or having first-hand knowledge or being a personal witness may signal that the statements are actionable. (*ZL Technologies*, supra, 13 Cal.App.5th at 624.)

The majority of the statements Plaintiffs allege Defendant made concerning John are statements that could be reasonably understood to charge him with being a "criminal and serial child molester." (See Compl. at ¶¶ 15, 17, 18, 20, 21, 22, 23.) All these statements are communications (i.e., factual information) related to acts of sexual assault that Defendant claims John perpetrated on her. Additionally, Defendant has proffered evidence to show that she "had a reasonable basis to file a complaint of sexual assault," including her contemporaneous diary entries (ROA 24—Exhs. E-H) and the Certificate of Merit (Exh. M). As explained, above, the statements within these documents are admissible to prove Defendant's state of mind, i.e., her existing state of mind as to whether John is a child abuser, and they are offered to prove or explain why Defendant made the statements that she did in the podcast.

Further, the legislative history reflects section 47.1 was enacted specifically to address "a concern for many who experience sexual assault and harassment." The bill would not only codify existing law, it would "also potentially help curb any unnecessary, and ultimately unsuccessful, litigation against individuals who choose to come forward with their stories of sexual assault and harassment," by extending protections that "would apply to individuals who, after relaying any factual statement, whether in the form of a formal complaint or a statement outside a formal proceeding such as to a media outlet, is sued for defamation." (California Bill Analysis, A.B. 933 Assem., 3/22/2023, emphasis added.) Applying the privilege is warranted, here, because Defendant is being sued by Plaintiffs for slander per se for statements Defendant made on a podcast, after Defendant brought her own suit for damages she allegedly suffered as a result of sexual abuse perpetrated by John when she was a minor.

Notably, in their opposition, Plaintiffs do not attempt to show that most of the statements complained of fall within the privilege established by section 47.1. Instead, Plaintiffs argue that at least some of Defendant's statements were not "factual information" relating to the incident of sexual assault. Their primary focus is Defendant's statement, "I don't even know if it's bisexual. I think he is so sick that he's everything. He's pansexual… I don't trust him with the dog." (Opp'n at p. 14.) Plaintiffs' argument misses the mark because charging John with being "bisexual," "so sick that he's everything," or "pansexual," are not statements that constitute slander per se under Civil Code section 46. The last statement, "I don't trust him with the dog," could possibly qualify as charging John with a crime *if on its face* the court finds Defendant is charging John with bestiality (a crime under Penal Code section 286.5); however, considering the totality of the circumstances, the statement, on its face, does not support such an interpretation. Even assuming the statement wasn't mere hyperbole or opinion (to emphasize how much Defendant distrusts John), it cannot reasonably be understood that Defendant is claiming John has actually committed bestiality, even if it is her opinion that he could be capable of committing such a crime

The same is true with respect to the alleged statement, "on [sic] his grandchildren or his own children." After Defendant says, "I don't trust him with the dog," she follows up with, "I don't trust him with his own grandchildren or his own children." This, too, does not charge John with having actually committed any crime against his grandchildren or children, however offensive Defendant's opinion may be to John. The statement is not tied to any specific conduct, or a time and place; and is made in the context of an "adversarial setting," in which the listeners have been informed that Defendant has sued the Sellars for the alleged child abuse.

Lastly, the statements alleged in paragraph 16, that John and Terri "took advantage of the emotions of parents" and that their manipulation included psychological abuse, also are not statements within any of the four categories that constitute slander per se in section 46.

With respect to the alleged statements about Terri, Plaintiffs claim the podcast listeners reasonably understood Defendant's statements about Terri to mean that Terri "aided, abetted, and was an accessory to an alleged serial child molester." This includes the allegations made in paragraphs 17 and 19, which expressed Terri's knowledge of John's abuse and her enabling of his crimes by instilling shame in children to prevent their reporting and "was full of shit" for denying the allegations. These statements are also privileged under section 47.1, which defines "communications" broadly to include factual information

*related* to an incident of sexual assault, and may include statements made about alleged witnesses to the sexual assault. The Court finds no merit in Plaintiffs' argument that these statements about Terri had "nothing to do with any incident of sexual assault or harassment that Defendant Rose experienced." (Opp'n at p. 14.)

The remainder of the allegations—that Terri was a "hot mess," "let herself go," and is an "extreme narcissist" that "portrayed an image of her trying to be the victim"—are not defamatory per se, nor are they actionable statements of fact. Although Defendant also expressed she believed Terri had been a "victim" of John's, claiming someone is a "victim" does not charge someone with a crime, or fit into any of the other three subdivisions of slander per se in section 46.

Finally, Christopher's slander per se claim against Defendant is based on the episode 4 (February 15, 2024) podcast, where Defendant *purportedly* "slanderously stated" that Christopher "returned from Utah to start a business with his wife, Catherine Morgan, a former prima ballerina, to 'save his daddy,'" and "maliciously exclaimed" that John "groomed other young individuals" and Christopher and his wife "can't teach dance in a studio 'if [they] are harboring and embedding a pedophile." (Compl. at ¶ 57.) But, the evidence reflects Plaintiffs' summation of Defendant's statements is inaccurate.

The conversation Plaintiffs are referring to occurs begins around the 14:50 mark. It begins:

So to speak to that, there should be cameras nowadays. So he did close the studio, the Huntington beach studio closed. He said that he retired, but his son, Christopher left a coveted job in Utah with Ballet West where he had a stellar career. We sued Sellars. Now, all of a sudden his son gets married to this former prima ballerina girl named Catherine Morgan. They leave Utah and they come back to Huntington Beach where he's online on one of her podcasts saying, I never thought I was going to have to come back to Huntington Beach. The real estate, everything, the tax, everything here is so expensive. He had to come and save his daddy.

Plaintiffs take issue with Defendant saying Christopher "had to come and save his daddy," but that is not an actionable statement of fact, much less an assertion that Christopher was aiding and abetting John in child abuse. In context, perhaps it could be interpreted to mean that Christopher came to provide financial help or to help "save" his father's reputation (because of the action brought by Defendant), but it is not reasonably understood to mean that Christopher was aiding and abetting any alleged abuse.

Further, Defendant does not say *Christopher* and his wife, Catherine Morgan, "can't teach dance in a studio 'if [they] are harboring and embedding a pedophile." What Defendant actually says (beginning around the 15:43 mark) is in reference to Christopher's wife:

They open up a studio by the post office on Edinger, I think, in Huntington Beach, and *she's* not coming out and taking a side. *She* needs to come out. *She* needs to face her following, that I don't care if he's my father in law … I don't care if it's my husband. This cannot happen. She has a responsibility the same way that Terri has a responsibility, to not allow this man—there's enough evidence out there, not to let her father-in-law in that ballet studio in Huntington Beach around children.

Even assuming there is an actionable statement in there, as Defendant points out, Christopher's wife, is not a plaintiff in this action.

Lastly, the court notes Defendant did make a statement around the 23:54 mark, that:

There's no evidence. I want to say this. There is no evidence that Chris himself has, you know, done anything, any impropriety. I'm not saying that. However, he is harboring his father, and he is—maybe that's what kids do automatically, they [sentence cut off] … Absolutely, this whole thing about the Sellars is predicated on fantasy world. Terri lives in Candyland. She thinks she a sugar plum fairy.

Considering the totality of the circumstances, the use of "harboring" does not suggest that Christopher aided and abetted John's alleged sexual abuse of minors. Defendant does not, for example, accuse John of having being a fugitive for his crimes and of having been "harbored" by Christopher to prevent John's arrest. Rather, it suggests Christopher is protecting his father from Defendant's allegations, because Christopher is in denial (living in a "fantasy world") like his mom Terri. The actual statements made by Defendant (as opposed to the summary created by Plaintiffs) cannot be a basis for a slander per se claim. As such, Christopher's claim should be stricken, too.

For the foregoing reasons, the Defendant's special motion to strike is **GRANTED** in its entirety.

Defendant is entitled to seek her reasonable attorneys' fees and costs, and possibly other damages, which she has stated she intends to seek by separate application or motion. (Code Civ. Proc., § 425.16, subd. (c)(1); Civ. Code, § 47.1, subd. (c).)

Within 10 days, Defendant shall prepare a proposed judgment for the Court's review. Defendant is ordered to give notice of the ruling.

***The use of Plaintiffs' first names is solely for ease of reference; no disrespect is intended.***