

UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

Circuit Mediation Office

Phone (415) 355-7900 Fax (415) 355-8566

<http://www.ca9.uscourts.gov/mediation>

MEDIATION QUESTIONNAIRE

The purpose of this questionnaire is to help the court's mediators provide the best possible mediation service in this case; it serves no other function. Responses to this questionnaire are *not* confidential. Appellants/Petitioners must electronically file this document within 7 days of the docketing of the case. 9th Cir. R. 3-4 and 15-2. Appellees/Respondents may file the questionnaire, but are not required to do so.

9th Circuit Case Number(s):	18-56351		
District Court/Agency Case Number(s):	2:18-cv-06893-SJO-FFM		
District Court/Agency Location:	U.S. District Court for Central California, Los Angeles		
Case Name:	Stephanie Clifford, aka Stormy Daniels	v.	Donald J. Trump
If District Court, docket entry number(s) of order(s) appealed from:	Docket No. 36		
Name of party/parties submitting this form:	Plaintiff-Appellant, Stephanie Clifford, aka Stormy Daniels		

Please briefly describe the dispute that gave rise to this lawsuit.

On April 17, 2018 Appellant Clifford publicly released a sketch of a man who threatened Clifford if she disclosed her relationship with Appellee Trump. The next day, on April 18, 2018, Trump posted a defamatory Tweet stating "A sketch years later about a nonexistent man. A total can job, playing the Fake News Media for Fools (but they know it)!"

Briefly describe the result below and the main issues on appeal.

The Court granted Trump's special motion to strike under the Texas anti-SLAPP statute.

1. Does the Texas Citizens Participation Act (TCPA), the Texas version of anti-SLAPP, apply in federal court?
2. Is Trump's tweet defamatory?

Describe any proceedings remaining below or any related proceedings in other tribunals.

Trump intends to file a motion seeking the award of attorneys' fees. Further, Stephanie Clifford v. Donald J. Trump, Essential Consultants LLC, and Michael Cohen, Case No. 2:18-cv-02217-SJO-FFM, is pending before the same district judge. In that action, Clifford is seeking a declaratory judgment against Trump and Essential Consultants stating that a settlement and non-disclosure agreement was never formed and is, among other things, unlawful and violates public policy. Clifford also asserts a claim for defamation against Mr. Cohen.

Provide any other thoughts you would like to bring to the attention of the mediator.

Any party may provide additional information *in confidence* directly to the Circuit Mediation Office at ca09_mediation@ca9.uscourts.gov. Please provide the case name and Ninth Circuit case number in your message. Additional information might include interest in including this case in the mediation program, the case's settlement history, issues beyond the litigation that the parties might address in a settlement context, or future events that might affect the parties' willingness or ability to mediate the case.

CERTIFICATION OF COUNSEL

I certify that:

a current service list with telephone and fax numbers and email addresses
 is attached (see 9th Circuit Rule 3-2).

I understand that failure to provide the Court with a completed form and
 service list may result in sanctions, including dismissal of the appeal.

Signature

("s/" plus attorney name may be used in lieu of a manual signature on electronically-filed documents.)

Counsel for

Note: Use of the Appellate ECF system is mandatory for all attorneys filing in this Court, unless they are granted an exemption from using the system. **File this document electronically** in Appellate ECF by choosing Forms/Notices/Disclosure > File a Mediation Questionnaire.

STEPHANIE CLIFFORD v. DONALD J. TRUMP
9th Circuit Case No.: 18-56351

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