

A solid yellow triangle pointing downwards, located to the left of the 'FIRM NEWS' header.

FIRM NEWS

Lathrop GPM Secures Precedent-Setting Victory in California Appeals Court

01/14/2025 | 2 minute read

January 14, 2025 – Lathrop GPM is pleased to announce a precedent-setting win on behalf of Allison Littlefield, a trustee of The Pony Tracks Ranch Trust, in an anti-SLAPP dispute at the California Court of Appeal, First Appellate District, Division Four. On January 14, 2025, the California Supreme Court elected not to review the case, validating the appeals court’s opinion in support of Littlefield, and creating citable precedent throughout California and beyond.

“This victory not only affirms the validity of our client’s lawsuit but also sets precedent for future defenses against frivolous anti-SLAPP motions,” said [Allonn Levy](#), Lathrop GPM partner and lead appellate counsel to Littlefield. “While the anti-SLAPP statute serves an important purpose, it’s subject to abuse. *Littlefield* serves as a strong warning to trial courts and practitioners that misuse in trust disputes can have severe consequences.”

The case stems from a petition filed by Littlefield against her brothers and aunt, the co-trustees of The Pony Tracks Ranch Trust, in the Superior Court of California, County of San Mateo, for alleged breaches of fiduciary duty and the trust. The defendants sought to strike her petition using an anti-SLAPP motion, which the trial court denied on multiple grounds, including the moving party’s failure to specifically identify how and why it claimed the petition arose from protected activity, and its failure to adhere to prior anti-SLAPP precedent. Despite the denial, the trial court did not find the motion to be frivolous and thus denied Littlefield’s request for attorney’s fees. The appeals court, however, reversed, finding the motion to be frivolous and approving the request for attorney’s fees.

Littlefield establishes that a moving party may be subject to sanctions if an anti-SLAPP motion does not clearly identify the portion of the complaint that is at issue. The ruling clarifies that pointing only to the remedy sought cannot satisfy the anti-SLAPP threshold “identification” requirement, and that mischaracterizing complaint allegations to contrive First Amendment-protected activity subjects a party to potential sanctions. For example, in *Littlefield*, the movant failed—in two ways—to demonstrate that alleged deliberation over how to react to an employee’s complaints was protected. First, the *Littlefield* court concluded that the deliberative process was not the core injury producing conduct alleged. And

Related People

Allonn E. Levy

Partner

San Jose

408.286.9800

allonn.levy@lathropgpm.com

Related Services

[Private Client Services](#)

[Appellate](#)

[Trust & Estate Litigation](#)



second, private personnel discussions held by a business do not usually trigger anti-SLAPP protection.

Notably, *Littlefield* also establishes precedent enabling trial courts to deny anti-SLAPP motions that challenge the entirety of complaints containing portions that the First Amendment does not protect. It may also signal a greater willingness by reviewing courts to find the rare “abuse of discretion” when trial courts do not find such motion to be frivolous under the anti-SLAPP statute.

About Lathrop GPM’s Private Client Services Team

Chambers High Net Worth-ranked in four states, with one of the largest, most well-known and established Private Client Services groups in the Upper and Central Midwest, Mountain West and Northern California, including Silicon Valley, Lathrop GPM offers comprehensive estate and wealth planning strategies for individuals and multigenerational families with significant wealth (and the advisors who support them), nonprofit foundations and family offices. In addition, the Private Client Services group offers litigation expertise should disputes in this area arise.

About Lathrop GPM LLP

Lathrop GPM is a full-service, Am Law 200 law firm with more than 360 attorneys and other legal professionals in 14 offices. Meeting the legal needs of businesses, organizations and high-net worth individuals, our attorneys provide a full spectrum of corporate legal services: corporate, tax and business transactions, labor, employment and franchise law, litigation, intellectual property, private client services, real estate, and trusts and estates. We help clients grow and succeed, anticipate trends, plan for challenges and bring their visions to life. Clients recognize Lathrop GPM for our commitment to client service, legal project management and innovative pricing capabilities. A Multilaw and Employment Law Alliance affiliate, we have the resources of more than 90 independent law firms in 100 countries worldwide. For more information, visit www.lathropgpm.com.