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ACTIVISION BLIZZARD, INC. and TREYARCH

14 SUPERIOR COURT OF THE STATE OF CALIFORNIA
15 COUNTY OF LOS ANGELES

16 MANUEL NORIEGA,
17 Plaintiff,
18 vs.
19 ACTIVISION BLIZZARD, INC., a
20 corporation, d/b/a ACTIVISION and
TREYARCH, a corporation,
21 Defendants.

CASE NO. BC551747

**NOTICE OF SPECIAL MOTION AND
DEFENDANTS' SPECIAL MOTION TO
STRIKE PLAINTIFF'S COMPLAINT
UNDER THE CALIFORNIA ANTI-SLAPP
STATUTE, CIV. PROC. CODE §§ 425.16,
ET SEQ.**

[Memorandum of Points and Authorities in
Support; Request For Judicial Notice;
Supporting Declarations of Daniel Suarez, Todd
Harvey and Carolyn Hoecker Luedtke; and
[Proposed] Order Filed Concurrently]

Date: October 16, 2014
Time: 9:30 A.M.
Judge: Hon. William F. Fahey
Dept.: 69

Action Filed: July 15, 2014
Trial Date: None set

1 NOTICE OF MOTION AND MOTION

2 TO THIS HONORABLE COURT AND TO ALL PARTIES AND THEIR
3 COUNSEL OF RECORD, PLEASE TAKE NOTICE THAT on October 16, 2014, at 9:30 a.m.,
4 or as soon thereafter as the matter may be heard, in Department 69, of the above entitled court
5 located at 111 North Hill Street, Los Angeles, California, Defendants Activision Blizzard, Inc.
6 and Treyarch (“Defendants”) will and hereby do move, pursuant to California Code of Civil
7 Procedure § 425.16, for an Order striking each and every cause of action in Plaintiff’s Complaint,
8 and each and every cause of action asserted therein.¹ Defendants will and hereby do move to
9 recover from Plaintiff their attorneys’ fees and costs incurred in defending this action and
10 bringing this Special Motion to Strike, pursuant to the provisions of California Code of Civil
11 Procedure § 425.16(c). If the Court grants this Special Motion to Strike, Defendants will file a
12 separately noticed and supported motion to recover their attorneys’ fees and costs.

13 This motion is made on the following grounds:

14 (1) All of the causes of action asserted against Defendants are alleged to arise, in
15 whole or in part, from Defendants’ videogame, which constitutes protected expression on issues
16 of public interest, as set forth in § 425.16.

17 (2) Plaintiff cannot sustain his burden of establishing, through competent and
18 admissible evidence, a probability that he will prevail on its causes of action, as is his burden in
19 responding to this Special Motion to Strike.

20 This Special Motion to Strike is based upon this Notice of Motion and Motion; the
21 accompanying Memorandum of Points and Authorities, Request for Judicial Notice and
22 Declarations of Daniel Suarez, Todd Harvey, and Carolyn Hoecker Luedtke, and all exhibits
23 thereto; all pleadings and documents on file in this action; and such other materials and argument
24 as may properly come before the Court at or before the hearing on this Special Motion to Strike.

25 ¹ Plaintiff’s Complaint names the incorrect Activision entity as a Defendant. The entity that
26 publishes and sells the videogame at issue here is Activision Publishing, Inc., not Activision
27 Blizzard, Inc. The latter is the parent holding company of the former. Defendants will ask
28 Plaintiff to stipulate to substitute the correct named Defendant for the incorrectly named
Defendant. For purposes of this Special Motion to Strike, all references to “Activision” should be
deemed to include Activision Publishing, Inc.

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DATED: September 22, 2014

Respectfully submitted,
MUNGER, TOLLES & OLSON LLP

By: 
KELLY M. KLAUS

Attorneys for Defendants