

CAUSE No. CC-12-06268-C

DR. RICHARD MALOUF, AND  
LEANNE MALOUF,

Plaintiffs,

v.

MARY CANDACE EVANS, LAURA  
C. WILSON, BELO  
CORPORATION, WFAA-TV, INC.,  
AND BYRON HARRIS,

Defendants.

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IN THE COUNTY COURT

AT LAW NO. 3

DALLAS COUNTY, TEXAS

MOTION TO DISMISS PURSUANT TO TEX. CIV. PRAC. & REM. CODE SECTION 27

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW Defendant Mary Candace Evans, (the “Defendant”) and files her Motion to Dismiss Pursuant to Tex. Civ. Prac. & Rem. Code Section 27, and, for cause, would respectfully show unto the Court, as follows:

I.

INTRODUCTION

1. The purpose of Tex. Civ. Prac. & Rem. Code Section 27 is to encourage and safeguard the constitutional rights of persons to petition, speak freely, associate freely, and otherwise participate in government to the maximum extent permitted by law and, at the same time, protect the rights of a person to file meritorious lawsuits for demonstrable injury.

## II.

### MOTION TO DISMISS

2. Defendant moves to dismiss the Plaintiffs' claims pursuant to the provisions of Section 27.001, et. seq., Tex. Civ. Prac. & Rem. Code.

3. Each communication forming the basis of the Plaintiffs' claims, if undertaken by the Defendant, was done in the exercise of the right to free speech, right of association or right to petition and was constitutionally protected.

4. Defendant alleges that pursuant to Section 27.007, Tex. Civ. Prac. & Rem. Code, the Plaintiffs' causes of action were brought to deter and/or prevent the Defendant from exercising her constitutional rights, was brought for an improper purpose, and was brought to embarrass and harass the Defendant.

5. Defendant requests that the Court set this Motion for hearing in accordance with the provisions of Section 27.004, Tex. Civ. Prac. & Rem. Code, within 30 days after the date of service of this Motion or at such later date as the Court's docket conditions allow.

6. Defendant further requests that the Court dismiss the Plaintiffs' claims by determining that such claims are based on or relate to the Defendant's exercise of her right to free speech, right of association or right to petition.

7. Furthermore, pursuant to Section 27.003, Tex. Civ. Prac. & Rem. Code except as provided by Section 27.006(b), on the filing of this Motion all is discovery in the legal action is suspended until the court has ruled on the motion to dismiss.

**PRAYER**

**WHEREFORE, PREMISES CONSIDERED,** Defendant respectfully requests that this Honorable Court grant the Defendant's Motion and, for all other relief, both general or special, at law or in equity, to which the Defendant may show herself to be justly entitled.

**DATED: October 19, 2012.**

**Respectfully Submitted,**

**FRIEDMAN & FEIGER, L.L.P.**

By:  \_\_\_\_\_

**Lawrence J. Friedman**

State Bar No. 07469300

**James S. Bell**

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**Jason H. Friedman**

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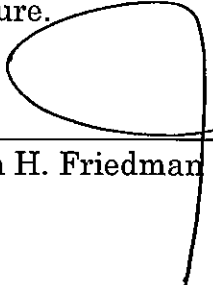
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**ATTORNEYS FOR DEFENDANT  
MARY CANDACE EVANS**

**CERTIFICATE OF SERVICE**

This is to certify that a true and correct copy of the above and foregoing document has been served on all counsel of record on this 19<sup>th</sup> day of October, 2012, in accordance with the Texas Rules of Civil Procedure.



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Jason H. Friedman