

**SUPERIOR COURT OF THE DISTRICT OF COLUMBIA  
CIVIL DIVISION**

<b>ARI WILKENFELD,</b>	)	
	)	
<i>Plaintiff,</i>	)	Civil Case No. 2017 CA 003420 B
	)	Calendar 13
v.	)	Judge John M. Campbell
	)	
<b>STEWART PARTNERS HOLDINGS</b>	)	
<b>LLC, et al.</b>	)	
	)	
<i>Defendants.</i>	)	

**ORDER**

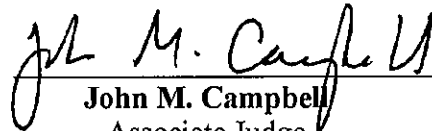
This is before the Court on the defendants’ motion to dismiss the complaint. The motion will be granted.

The complaint seeks a declaratory judgment from this Court that the defendants’ defamation claim against the plaintiff, which is in arbitration pursuant to Delaware law, is barred by D.C.’s Anti-SLAPP law, D.C. Code §16-5501 *et seq.* To be clear – there is no claim pending by the defendants against the plaintiff in D.C. Superior Court. In other words, the plaintiff seeks to use the Anti-SLAPP law as an offensive weapon to defeat an action that is pending in another jurisdiction.

In this Court’s view, the plaintiff misunderstands the nature and scope of the Anti-SLAPP law. It is a defensive, procedural device: it can be used by a defendant to obtain a dismissal of a defamation claim that is pending in this court on the ground that the claim is intended to suppress the defendant’s advocacy on public interest issues. The statute does not create an independent cause of action, and it cannot be used, in any event, against a claim that is pending somewhere else. Accordingly, and for the related reasons stated in the motion, it is this 23<sup>rd</sup> day of February 2018, hereby

**ORDERED**, that the motion to dismiss is **GRANTED**; and it is further

**ORDERED**, that this case is dismissed with prejudice.

  
**John M. Campbell**  
Associate Judge

Copies to:

Arinderjit Dhali, Esq.  
Barbara B. Brown, Esq.  
Sarah Besnoff, Esq.  
*Via CaseFileXpress*