

**Bar Complaint <barcomplaints@gmail.com>** Jul 11

to Robert, legalresponsec., paralegalrespo., bcc:

Mr Rodriguez

We “get it” just fine – thank you.

First, we are not required to involve an attorney in responding to harassment emails making threats of a forthcoming frivolous and meritless lawsuit for “defamation.” We are perfectly capable of responding and well versed in this particular subject matter. A law license is NOT some special magic piece of paper that must be treated with reverence.

Second, the fundamental foundation for any alleged “defamation” claim requires that some form of a false statement was made against the plaintiff. You have not provided any clarification as to what exactly you are alleging is false that would constitute “defamation,” a required element in making such a claim. Your legal theory is based on an assertion that the State Bar of California information provided on the official website as public records is somehow false and thus defamatory. This is absurd on its face and will be addressed directly with the state bar regarding your claim requesting their input. Such a ludicrous claim will not meet the VERY low standard required to establish the “probability of prevailing” as you assert with such surety. That argument will certainly be laughed out of court. Which doesn’t even address how the republication of such factual information is somehow not exactly the type of content protected with immunity under Section 230 of the CDA? How long have you been practicing law? Oh... yeah, taking into account you were reinstated just 30 days ago 06/11/18 and all the suspensions associated with your arrest for physically assaulting a woman, not paying your state bar fees, not paying your court ordered child support and not being able to pass a mandatory testing update not to mention your default in district court for ignoring your duty to respond...not long.

Third, thank you for providing the three emails which clearly demonstrate your actual legal strategy. Your first contact emphasizing the duration and implied cost with litigation in Federal Court: “I will file a lawsuit in federal court for damages to judgment.” Your second email emphasizing the claimed need for a costly attorney to litigate the threatened lawsuit as an obvious intimidation tactic: “You are not an attorney and cannot practice law representing your organization. “ (Worth noting this is factually inaccurate as a LLC can be represented pro se in our jurisdiction in which you have already been notified – not a surprising error considering the lack of litigation experience and night school education – not relevant as experienced legal counsel would be retained as in previous successful litigation). The third email tries to hammer the point home that litigation is a costly endeavor and thus we better acquiesce to your threats: “You don't get it. You can't, and as I gather, no one at that organization can, represent a

corporation or LLC. You have my demand. “ Your email communications of threats demanding censorship utilizing legal bully tactics of intimidation referencing the cost of a legal defense is the very definition of a SLAPP:

“A strategic lawsuit against public participation (**SLAPP**) is a lawsuit that is intended to censor, intimidate, and silence critics by burdening them with the cost of a legal defense until they abandon their criticism or opposition.”

Fourth, as to we “have your demand,” yes we do and the answer is we will not be intimidated into relinquishing our protected right to free speech guaranteed by the First Amendment of the U.S. Constitution. You must have missed that class or perhaps Lincoln didn't include the subject in their curriculum in the night classes. The posting will not be removed under any circumstances.

Fifth, further back and forth is not necessary. You may certainly follow through with your threat of a frivolous and meritless lawsuit. We will seek a quick resolution with a Special Motion to Dismiss (Anti-SLAPP) and request the awarding of the “mandatory” court cost and attorney fees along with pursuing the allowed follow up punitive damage lawsuit as allowed per statute. As a required element of a Anti-SLAPP defense you have been adequately notified of the legal jeopardy of pursuing a SLAPP lawsuit. The next contact should be via our Nevada statutory agent (in the proper jurisdiction) who is authorized to accept legal service.  
BarComplaint.com Staff

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From: **Robert Rodriguez** <[rdresqmodesto@yahoo.com](mailto:rdresqmodesto@yahoo.com)>  
Date: Tue, Jul 10, 2018 at 12:43 PM  
Subject: Re: Response To California Attorney Robert D. Rodriguez Threats  
To:  
Cc: [legalresponsecontact@gmail.com](mailto:legalresponsecontact@gmail.com), [paralegalresponse@gmail.com](mailto:paralegalresponse@gmail.com)

You don't get it. You can't, and as I gather, no one at that organization can, represent a corporation or LLC. You have my demand.

On Tuesday, July 10, 2018, 12:33:03 PM PDT, Bar Complaint <[barcomplaints@gmail.com](mailto:barcomplaints@gmail.com)> wrote:

Mr. Robert D. Rodriguez  
CA Bar No.: **242396**  
Law Offices of Robert D. Rodriguez  
P.O. Box 2712  
San Ramon, CA 94583-7712

Mr Rodriguez,

No one from the “organization” claimed to be an attorney. If and when it becomes necessary to involve an attorney in your frivolous and meritless threat of a lawsuit, it will

be addressed appropriately as it was done in the past in previous victorious litigation. The most recent result just weeks ago garnering the “mandatory” award of \$70K in court cost and attorney fees based on a Special Motion to Dismiss (Anti-SLAPP).

Your new claim of unfounded “extortion” is truly ironic coming from the person making the threats. You sir are the one threatening a lawsuit if the legal republishing of online content of the legal and factual basis of the State Bar of California disciplinary history of YOUR CURRENTLY published information on the state’s official website is not removed. It appears if there is any “extortion” occurring in this matter, that conduct is associated with your actions.

The “definition of frivolous” is made abundantly clear in the extensive case law in California, Nevada and the 9<sup>th</sup> Circuit Court of Appeals rulings in regard to Anti-SLAPP, Section 230 CDA and First Amendment defenses in regard to the republishing of online content. The overwhelming decisions have affirmed your proposed claims are “frivolous” and meritless. Even last week’s California Supreme Court decision in *Hassell v. Bird* affirmed the VERY broad civil litigation liability immunity provisions provided by Section 230 of the CDA.

To pursue your threatened lawsuit for “defamation” is in direct defiance of the new California Rules of Professional Conduct. Specifically, your threatened lawsuit would be in violation of Rule 3.1 Meritorious Claims and Contentions going into effect later this year. We will be addressing your ethical violations with the State Bar of California who will easily recognize the absurdity of a CA attorney claiming factually based public record information provided on THEIR OWN WEBSITE is being claimed to be “defamation.”

Your reply merely demonstrates amateur bully legal tactics attempting to abuse the judicial system as a hammer. We’ve seen this before; it is not our first pony ride. Save your continued threats as there is no interest in your off-pitch serenade. Despite your extended suspension associated with the consequences of your conviction for physically assaulting a girlfriend, you probably still remember it requires a visit to the Clerk of the Court to actually file a lawsuit and properly serve. Although, due to the clear venue issue of jurisdiction, that of course will be in the State of Nevada, probably the Federal Courthouse in Reno will be the most convenient option.

You may want to consider the order of suspension signed by District Judge Virginia Phillips in CASE NO: 2:17-ad-00038-VAP before moving forward in District court.

BarComplaint.com Staff

On Tue, Jul 10, 2018 at 7:11 AM, Robert Rodriguez <[rdresqmodesto@yahoo.com](mailto:rdresqmodesto@yahoo.com)> wrote:

You are not an attorney and cannot practice law representing your organization. Basically, the manner in which you responded constitutes extortion in my view.

U.S. Constitution – First Amendment, specifically freedom of speech. Defamation is not protected speech under the U.S. Constitution – First Amendment.

Section 230 of the communications decency act (CDA) – online republication's absolute immunity from civil lawsuit liability - In the context of your defamatory publication, you have no absolute protection here.

SLAPP lawsuit – Strategic lawsuit against public participation. Not available in federal court under the Erie Doctrine. Even if you were to meet the first prong under California's Anti-SLAPP statute, all I have to show under the second prong is the probability of prevailing. Very low standard.

You do not know the definition of frivolous.

Get it off immediately or I will file a lawsuit to judgment.

Robert D Rodriguez

Attorney at Law

Immediately followed by Anti-SLAPP statutes in both California and Nevada that provide expedited court ruling along with **mandatory** recovery of court cost and attorney fees (plus a punitive damages lawsuit for counter claims allowed)

On Tuesday, July 10, 2018, 6:40:57 AM PDT, Bar Complaint <[barcomplaints@gmail.com](mailto:barcomplaints@gmail.com)> wrote:

Mr. Robert D. Rodriguez

CA Bar No.: **242392**

Law Offices of Robert D. Rodriguez

P.O. Box 2712

San Ramon, CA 94583-7712

In response to your email below of July 7, 2018, in which you “demand to immediately remove me from the barcomplaint web site,” the answer is an emphatic **NO**.

In the future, before threatening frivolous and frankly ridiculous legal action against websites displaying content you find personally objectionable, performing the basic required due diligence as to a legal and factual basis to make such unfounded assertions of "defamation" would be advisable. Subjects worth review can be readily found in the following areas:

U.S. Constitution – First Amendment, specifically freedom of speech.

Section 230 of the communications decency act (CDA) – online republication's absolute immunity from civil lawsuit liability

SLAPP lawsuit – Strategic lawsuit against public participation

Immediately followed by Anti-SLAPP statutes in both California and Nevada that provide expedited court ruling along with **mandatory** recovery of court cost and attorney fees (plus a punitive damages lawsuit for counter claims allowed)

The information concerning your disciplinary history with the State Bar of California is public record information and is made available on the official state bar website and other media outlets. The information found on the [barcomplaint.com](http://barcomplaint.com) website is protected content republished from the Northern California Record\* and CA State Bar\*\* websites. Are you asserting you have the intention to also sue the CA STATE BAR for providing publicly with the online publishing of the factual circumstances concerning the bar complaints that have been adjudicated involving you personally? We are sure the CA BAR will be very interested in such a development and abuse. As such, if we receive any further ludicrous legal threats, we will notify the State Bar of California of your assertions with a bar complaint of our own.

In an effort to educate and assist you in your required due diligence, please refer to the very recent California Supreme Court ruling reaffirming the protections for civil lawsuit liability with immunity for online content providers. The protection cited by the California Supreme Court being guarantees afforded by the First Amendment, Section 230 of the CDA and the California Anti-SLAPP statutes. The case being referenced is *Hassell v. Bird*.

The State Bar has been copied and request this email be forwarded to the proper department or to the attorney which handled the original case to be added to the case file for future reference 11-C-12129

Barcomplaint.com Staff

<http://www.barcomplaint.com/article-of-interest-copy-paste-ok/state-bar-court-of-california-suspends-modesto-attorney-robert-daniel-rodriguez-for-not-adhering-to-prior-discipline-order-involving-domestic-violence/>

\* <https://norcalrecord.com/stories/511126263-state-bar-court-of-california-suspends-modesto-attorney-for-not-adhering-to-prior-discipline-order>

\*\* <http://members.calbar.ca.gov/fal/Member/Detail/242396>

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----- Forwarded message -----

From: <[donotreply@domainsbyproxy.com](mailto:donotreply@domainsbyproxy.com)>

Date: Sat, Jul 7, 2018 at 9:56 AM

Subject: FWD: Robert D Rodriguez [[BARCOMPLAINT.COM@domainsbyproxy.com](mailto:BARCOMPLAINT.COM@domainsbyproxy.com)] (FROM: [rdresqmodesto@yahoo.com](mailto:rdresqmodesto@yahoo.com))

This is my demand to immediately remove me from the barcomplaint website. The information there is false and defamation. If there is no compliance, I will file a lawsuit in federal court for damages to judgment.

Robert D Rodriguez  
Attorney at Law

