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8
9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
10 **COUNTY OF LOS ANGELES**

11 CHRISTOPHER AVELLONE, an individual,
12
13 Plaintiff,

14 v.

15 KARISSA BARROWS, an individual; KELLY
BRISTOL, an individual; and DOES 1-100,
16 Defendants.

Case No. 21STCV22573

[Assigned to Hon. Theresa M. Traber]

**REPLY IN SUPPORT OF
DEFENDANTS' MOTION TO QUASH,
MOTION TO STRIKE (ANTI-SLAPP),
AND/OR MOTION TO DISMISS**

DATE: August 11, 2021
TIME: 10:00 a.m.
DEPT.: 47

RES ID: 278968973909

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REPLY MEMORANDUM

On the motion to quash, Mr. Avellone failed to meet his burden. Instead, he argues that merely talking about him online subjects a person to the jurisdiction of this Court. He also argues that exchanging messages with a California resident on mundane subjects like cats will create jurisdiction over a defendant for all purposes. (*See* Avellone Ex. 13.) No case law supports this. None of defendants’ alleged connections with California are enough to establish specific personal jurisdiction. The motion to quash should be granted.

On the anti-SLAPP motion, Mr. Avellone concedes he is a public figure and that the defendants’ statements were a matter of public interest. (Opp. 22:5–7.) That takes care of the first step of the anti-SLAPP analysis. Mr. Avellone also does not show a probability of success on the merits: the court lacks personal jurisdiction over the defendants; none of the statements he identifies are provably false; and even if any were, Mr. Avellone does not show that any of the statements were made with actual malice. The complaint should be struck.

Mr. Avellone also argues that the anti-SLAPP statute is irrelevant to questions about personal jurisdiction. But the Supreme Court has emphasized the need to apply the statute to cases with “nonmerits-based” defects as well. *Barry v. State Bar of Cal.*, 2 Cal. 5th 318, 320–21, 329 (2017). This case is precisely the type of strategic litigation against public participation that the statute was intended to discourage. In retaliation for their comments, Mr. Avellone has hauled the defendants into a courthouse 2,000 miles away from home, knowing they lacked the resources and California connections necessary to defend themselves here. The stress and publicity of this case has already taken a substantial toll. Granting relief under the anti-SLAPP statute will shift some of the burdens of litigation back on Mr. Avellone, giving defendants leverage they can use to negotiate for peace. Otherwise, Mr. Avellone’s litigious publicity stunt will continue unabated.

But if the Court disagrees, at the very least, the case should be dismissed on grounds of inconvenient forum. Mr. Avellone concedes that all of the important events occurred in Georgia. Even the witnesses whom he asked to submit declarations are located out-of-state. This case does not belong here, and keeping it here will only inflict further hardship on the defendants.

I. THE COURT LACKS PERSONAL JURISDICTION OVER DEFENDANTS

Mr. Avellone did not meet his burden of establishing personal jurisdiction over the defendants. The Court’s jurisdiction over each defendant must be scrutinized individually. The motion to quash should be granted as to both Ms. Barrows and Ms. Bristol.

First, Mr. Avellone argues jurisdiction may be found because defendants’ statements were *about* a California resident. (Opp. 17:4-5.) The Court of Appeal has repeatedly rejected this argument. *ViaView, Inc. v. Retzlaff*, 1 Cal. App. 5th 198, 209–10 (2016); *Strasner v. Touchstone Wireless Repair & Logistics, LP*, 5 Cal. App. 5th 215, 230–33 (2016); *Burdick v. Super. Ct.*, 233 Cal. App. 4th 8, 12 (2015). And none of the authorities cited by Mr. Avellone depart from this well-established rule. For example, in *Dongxiao Yue v. Wenbin Yang*, 62 Cal. App. 5th 539 (2021), the defendant published “California-focused” messages intended for a California audience. *Id.* at 547–78. The plaintiff threatened to travel to San Francisco and “bully” the plaintiff at his home and “openly challenged Plaintiff to sue him in California.” *Id.* The defendant also posted that he had “arrived in California” and urged his California “collaborators” to come to “the meeting” at the plaintiff’s home. *Id.* There are no such California-focused threats in this case.

Second, Mr. Avellone argues there is personal jurisdiction because he suffered damages here. (Opp. 17:23-24.) But this merely restates the argument that Mr. Avellone is a California resident. It is also not the law. *See Pavlovich v. Superior Court*, 29 Cal. 4th 262, 272 (2002) (“The knowledge that harm will likely be suffered in the forum state, when unaccompanied by other contacts, is [] too unfocused to justify personal jurisdiction.”). Ignoring the authorities above, Mr. Avellone cites *Integral Development Corp. v. Weissenbach*. 99 Cal. App. 4th 576 (2002). But in that case, the foreign defendant traveled to California, accepted employment from a California company, and then used that employment to misappropriate trade secrets. *Id.* at 589–90. The court found personal jurisdiction based on the contractual relationship that was entered in California, not the location of the alleged damages. *Id.*

In further support of his argument that the location of the damages matters, Mr. Avellone cites *Calder v. Jones*, 465 U.S. 783 (1984). In *Calder*, the Supreme Court considered whether California could assert personal jurisdiction over a journalist based in Florida, who had published

1 an article about a California resident in the National Enquirer. Among the facts of the case, the
2 Court noted that the journalist had traveled to California and called several California residents
3 while reporting the story. *Id.* at 785–786 & n.4. The defendant had also called the plaintiff in
4 California asking the plaintiff to comment on the allegations. *Id.* These facts show conduct that
5 was targeted at California.

6 Here, the only tangible connection to California alleged is Mr. Avellone’s assertion that
7 Ms. Barrows attended the San Diego Comic Con in July 2013. (Avellone Decl. ¶ 24.) According
8 to its website, Comic Con is dedicated to comics and related art forms, such as films and
9 literature. (*See* Allender Supp. Decl. Ex. M.) Even if Ms. Barrows attended the convention, her
10 presence there does not contradict her declaration testimony, which states she has never attended
11 “a video-game industry event” in California. (*See* Barrows Decl. ¶ 4.) And while Mr. Avellone
12 says he “saw” her there, presumably from afar (*see* Avellone Decl. ¶ 24), Mr. Avellone does not
13 claim they interacted at that convention or anywhere else in California. Mr. Avellone also does
14 not allege any connection between a trip to Comic Con in 2013 and the statements she made
15 about an encounter Georgia with Mr. Avellone in 2012. Unlike in *Calder*, there is no nexus
16 between Ms. Barrows’s statements and California that would support a finding of jurisdiction.

17 *Calder* also pre-dates the Internet and numerous California authorities addressing how
18 jurisdiction is applied in the age of social media. As *Burdick* explained, “[t]o narrow the
19 potentially broad scope of *Calder*, courts have interpreted the effects test as having an express
20 aiming requirement and requiring the plaintiff to ... point to specific activity indicating that the
21 defendant expressly aimed its tortious conduct at the forum.” 233 Cal. App. 4th at 8 (emphasis
22 added). In the Internet-age, the “effects” of anything posted online can be felt around the world.
23 That they are felt in California by happenstance is not enough.

24 Mr. Avellone has not identified any statements specifically *aimed* at California. Instead,
25 he argues that the defendants’ statements were *viewed* by residents of California. For example, he
26 cites a 2012 study showing that California has more Twitter users than any other state. This is not
27 a surprise. California is also the most populous. He also shows that the defendants’ statements
28 were reported by California-based news outlets and that individuals in California—including

1 some in the video game industry—reacted to those statements. None of these facts establish
2 jurisdiction. *ViaView*, *Burdick*, and *Strasner* all require evidence that the statements were directed
3 at a California audience—not simply that there be people in California who received or reacted to
4 them. If Mr. Avellone’s argument were the law, the result in each of those cases would have been
5 reversed, and—given the size of its population—California would become a forum for every
6 future Internet squabble.

7 Finally, Mr. Avellone speciously argues that “Defendants have both directly addressed
8 Electronic Arts’ employees over Twitter.” (Opp. 14:9-10.) But none of the posts allegedly
9 directed at Electronic Arts’ employees are actionable.

10 The connections of each defendant must be scrutinized individually. As for Ms. Bristol,
11 none of the Tweets allegedly sent to Electronic Arts even concern Mr. Avellone. Instead, they
12 discuss cats, COVID-19, Johnny Depp, music from the videogame *Dragon Age*, and the actor
13 George Ellis. (*See* Avellone Ex. 13.) There is no nexus between these tweets and the subject
14 matter of this case.

15 As for Ms. Barrows, one of the cited tweets is also about *Dragon Age* and the others are
16 replies to Ms. Barrows from third parties. (*See* Ex. 12.) Mr. Avellone’s declaration states that
17 these three replies are from individuals employed by Electronic Arts. (*See* Avellone Decl. ¶ 26.)
18 But their public LinkedIn profiles show that they are actually residents of Canada employed by
19 the Canadian video game developer, Bioware. (*See* Barrows Supp. Decl. ¶ 2–3; Allender Supp.
20 Decl. Ex. L.) Each is also a personal friend of Ms. Barrows, and the tweets Mr. Avellone
21 identified only show them offering messages of support—not Ms. Barrows directing any
22 allegedly libelous statements at them. (*See* Ex. 12.) Mr. Avellone also does not explain the
23 connection Bioware has with Electronic Arts, and he does not offer any evidence that three
24 employees from a Canadian affiliate had anything to do with the harm he suffered in California.
25 The nexus here is too attenuated to establish jurisdiction.

26 Finally, Mr. Avellone argues that Defendants waived their motion to quash by failing to
27 offer a separate memorandum. (Opp. 15:9-21.) Defendants’ opening memorandum includes an
28 entire section addressing the Court’s lack of personal jurisdiction, found under the heading “The

1 Court Lacks Personal Jurisdiction.” (Mot. 11:15-13:19.) That section concludes: “For these
2 reasons, the Court should grant the motion to quash” (Mot. 13:10.)

3 **II. THE COMPLAINT SHOULD BE STRUCK**

4 **A. Anti-SLAPP Relief Can Be Based On A Lack Of Personal Jurisdiction**

5 The Court can skip the first step of the anti-SLAPP analysis. Mr. Avellone admits that
6 each of the challenged statements were a matter of public interest. (Opp. 22:5–7.)

7 Mr. Avellone’s concession is dispositive. Because the Court lacks personal jurisdiction
8 over the defendants, Mr. Avellone has no probability of success on the merits. *See Barry v. State*
9 *Bar of Cal.*, 2 Cal. 5th 318, 320–21, 329 (2017). Therefore, in addition to quashing service of the
10 summonses, the Court should also strike the complaint pursuant to Section 425.16.

11 Mr. Avellone tries to distinguish *Barry* because it involved a lack of subject matter
12 jurisdiction. But the Court’s reasoning in *Barry* is directly applicable, and the Supreme Court
13 stressed that the anti-SLAPP statute is to be applied broadly. The Court explained that “while a
14 ruling on an anti-SLAPP motion may involve a determination of the merits of the plaintiff’s
15 claim, it may in other cases involve a determination that the plaintiff’s claim fails for another,
16 nonmerits-based reason, such as lack of subject matter jurisdiction.” *Id.* at 325. This case presents
17 exactly that: “another, nonmerits-based reason.” If the Supreme Court had intended *Barry* to only
18 apply to subject matter jurisdiction, it would not have included such broad language. And, as the
19 Supreme Court warned, failing to apply the anti-SLAPP statute here would create a loophole
20 allowing a plaintiff to file harassing litigation without fear of recourse against anyone over whom
21 the court lacks personal jurisdiction. *See id.* The statute must be applied broadly.

22 Mr. Avellone also relies on *Calder* to argue that jurisdictional concerns here are somehow
23 already accounted for in the First Amendment analysis underlying an anti-SLAPP motion. (Opp.
24 22:20-23:2.) *Calder* does not say anything about the anti-SLAPP statute. Nor could it. The
25 opinion came down 8 years before California enacted the law. *Calder* simply explains that
26 defendants do not get special procedural considerations in libel and defamation actions. But
27 nothing in the opinion says that a defamation defendant’s procedural protections are somehow
28

1 reduced. *Calder* stands for the proposition that personal jurisdiction and the First Amendment are
2 distinct—nothing more and nothing less. *Calder*, 465 U.S. at 790.

3 If the Court finds a lack of personal jurisdiction over the defendants, relief under the anti-
4 SLAPP statute is warranted as well.

5 **B. Defendants’ Statements Are Not Actionable, And Mr. Avellone Cannot Show**
6 **Actual Malice**

7 In addition to conceding the anti-SLAPP statute applies, Mr. Avellone admits he is a
8 public figure. (Opp. 22:5–7.) This means that he must prove a defamatory statement was made
9 with actual malice. *Christian Research Inst. v. Alnor*, 148 Cal. App. 4th 71, 92 (2007).

10 Mr. Avellone cannot meet this burden. When each statement is read as a whole and in the
11 context it appeared, none of the challenged statements is actionable. Whether a statement is
12 actionable is a question of law that can be decided based on the pleadings alone. *Campanelli v.*
13 *Regents of University of California*, 44 Cal. App. 4th 572, 578 (1996).

14 Here, Mr. Avellone relies on artificial emphasis to alter the general purpose and intent of
15 defendants’ statements. As the Court of Appeal has held, defamatory meaning cannot be based on
16 “snippets.” Statements must be read as a whole. *Issa v. Applegate* 31 Cal. App. 5th 689, 713
17 (2019). Yet Mr. Avellone’s opposition admits that he is relying on defamatory meaning that is
18 “isolated” from the context of the overall statements. (Opp. 23:9-11 (“Plaintiff has carefully
19 *isolated* ... Defendants’ statements that constitute libel...”))

20 In his appendix, Mr. Avellone carefully avoids quoting the statements in context. That is
21 not the proper approach.

22 **1. Ms. Barrows’s Statements**

23 ***Barrows Statement #1.*** The allegedly defamatory statement here is that Mr. Avellone
24 preys on young women. That is the only portion of the statement referenced in Mr. Avellone’s
25 appendix. (Opp. 6:4-15.) But even the Complaint itself acknowledges that the statement was part
26 of a longer statement explaining why Ms. Barrows has “ZERO interest” in Mr. Avellone. (Compl.
27 ¶ 21.) Here, Ms. Barrows is explaining her opinion about Mr. Avellone (i.e. that she has no
28 interest in him) and she discloses that her opinion is based on various facts that others had

1 previously disclosed about Mr. Avellone—not only that he preys on young women, but that he
2 shows up late to panels and is often drunk during working hours and that he treats his fans and
3 colleagues poorly. (*See id.*) The statement does not suggest Ms. Barrows has personal knowledge
4 of any of these facts. It is a comment about Mr. Avellone’s professional reputation and what
5 others have said about him. Mr. Avellone only takes issue with the part of the statement about
6 young women. He does dispute his reputation for being drunk and mistreating others.

7 Ms. Barrows was entitled to her opinion, and the statement, taken as a whole, is not actionable.

8 ***Barrows Statement #2.*** According to Mr. Avellone’s appendix, the only defamatory part
9 of this statement is that Mr. Avellone belongs on the “industry predator garbage pile.” This falls
10 squarely within the domain of opinion. There is no literal garbage pile for industry professionals.
11 Anyone reading this statement would understand it is intended to have a figurative meaning.
12 Moreover, the term “predator” by itself is not defamatory. “[C]ourts have consistently held that
13 hyperbolic name-calling such as ‘predator’ is loose, figurative speech that is suggestive of
14 exaggeration, ridicule, or subjective impression, not assertions of provable facts.” *Dossett v. Ho-*
15 *Chunk, Inc.*, 472 F. Supp. 3d 900, 914 (D. Or. 2020); *see also Byrnes v. Lockheed-Martin, Inc.*,
16 No. C-04-03941 RMW, 2005 WL 3555701, at *7 (N.D. Cal. Dec. 28, 2005) (finding statements
17 that plaintiff was a “sex harasser,” a “menace,” and “a danger to other employees” were
18 nonactionable); *Campos v. Jensen*, 296 Or. App. 402, 403–404 (2019) (holding that the terms
19 “liar” and “sexual predator,” among others, “constitutes defendant’s nonactionable opinion
20 regarding Ferguson's character and credibility”).

21 ***Barrows Statement #3.*** Mr. Avellone admits that he got Ms. Barrows drunk. There is
22 nothing in the statement implying that Mr. Avellone forced Ms. Barrows to get drunk. The phrase
23 “got me drunk” is commonly understood to mean the other party was paying for the drinks. It can
24 have both positive and negative meanings. Whether the situation was appropriate or inappropriate
25 is a matter of opinion. The only part of this statement that is remotely factual is whether or not the
26 drinks were purchased “on the company dime.” But this is a minor detail and is not the main point
27 of the story. By itself, it is not actionable. And, regardless, Mr. Avellone offers no evidence that
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1 Ms. Barrows knew she was lying when she assumed he used a company credit card—a
2 requirement to show actual malice. Mr. Avellone failed to carry his burden on this statement.

3 **Barrows Statement #4.** The fourth entry in Mr. Avellone’s appendix contains three brief
4 snippets taken out of a statement that is over 700 words long. The first explains Ms. Barrows
5 motivation for refusing Mr. Avellone’s sexual advances. Again, he acknowledges that he made
6 the sexual advance. And he does not dispute that she was drunk. (*See Opp.* 11:7–10 (quoting
7 portions of audio transcript where Mr. Avellone agrees Ms. Barrows was intoxicated).) Ms.
8 Barrows reasons for refusing Mr. Avellone are not actionable. Mr. Avellone’s second and third
9 snippets take issue with Ms. Barrows’s claims that she has seen Mr. Avellone make sexual
10 advances toward other women who were intoxicated. While Mr. Avellone’s declaration claims he
11 is not a “predator,” that only shows he disagrees with her opinion. Mr. Avellone tellingly does not
12 deny his promiscuity or deny that he made advances on other women who were intoxicated in the
13 presence of Ms. Barrows. The final snippet in this section again relates to Ms. Barrows’s opinion
14 that Mr. Avellone is “an abusive, abrasive, conniving sexual predator.” As above, these
15 statements are not actionable. *See Campos*, 296 Or. App. at 403–404.

16 **Barrows Statement #5.** Here, Mr. Avellone quibbles about whether he was fired or
17 voluntarily separated from his employer. Regardless of which occurred, Mr. Avellone only offers
18 his own declaration that he separated voluntarily. He offers no evidence that Ms. Barrows knew
19 her statement was false at the time it was made—which is necessary to show actual malice. And
20 this minor detail is not material to the statement that Ms. Barrows was making. In context, it is
21 not actionable.

22 **Barrows Statement #6.** Ms. Avellone isolates the phrase “you assaulted and abused my
23 friends” from a much longer post. (*See Compl.* ¶ 55.) The complete statement describes Ms.
24 Barrows’s feelings about Mr. Avellone, explaining why she ‘hates’ him. (*See id.*) The complete
25 statement gives lots of reasons for Ms. Barrows’s statements, including factors that Mr. Avellone
26 does not dispute, including that he “made life hell for dozens of fellow industry” personnel and
27 that he “abused [his] ‘star’ power.” Regardless, the part Mr. Avellone isolates in his appendix
28 references allegations that other women have made about Mr. Avellone—including all the other

1 women he omitted from this lawsuit. Ms. Barrows’s statement does not profess personal
2 knowledge that those other allegations were true. It merely indicates Ms. Barrows’ support for
3 those other women. *See Campos*, 296 Or. App. at 403–404 (defendant’s statements that plaintiff
4 was a “sexual predator” were protected, where defendant made those statements about plaintiff
5 after defendant’s friend accused plaintiff of rape, and defendant’s statement was intended to
6 support the accuser’s credibility rather than to express personal knowledge of the events).

7 **2. Ms. Bristol’s Statements**

8 Ms. Bristol’s statements must be considered independently.

9 ***Bristol Statement #1.*** This is the first of two snippets that Mr. Avellone identifies from
10 Ms. Bristol. In this one, Ms. Bristol states that Mr. Avellone groped her. In his declaration, he
11 does not deny that he touched Ms. Bristol. He only argues it was not sexual assault. (*See Avellone*
12 *Decl.* ¶ 22.) If he had not touched her at all, he would have said so. Instead, he is quibbling about
13 the characterization of his contact with her. Ms. Bristol is entitled to share her view about whether
14 the contact was consensual or non-consensual, whether it constituted “groping” or harmless
15 flirting, and how it made her feel. Regardless, having failed to deny that the contact took place,
16 Mr. Avellone does not offer any evidence that Ms. Bristol knew she was lying when she made
17 this statement—which is necessary to show actual malice.

18 ***Bristol Statement #2.*** The only allegedly defamatory meaning in this snippet is
19 Ms. Bristol’s opinion that Mr. Avellone is a predator. The whole statement reads: “As for my
20 thoughts on Avellone? He’s a sick man. I hope he gets help. But what happens to his or any other
21 predator’s career is on them, not their victims.” (Compl. ¶ 79.) As the authorities quoted above
22 demonstrate, the statement that someone is a predator is by itself not defamatory, especially in the
23 context here, where Ms. Bristol is sharing her opinions. *See Dossett*, 472 F. Supp. 3d at 914.

24 For the foregoing reasons, Mr. Avellone cannot establish a probability of success on the
25 merits as to either of the defendants, and the complaint should be struck.
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1 **III. THIS IS AN INCONVENIENT FORUM**

2 California is an inconvenient forum for this case. Mr. Avellone argues that defendants
3 failed to establish that they will need the testimony of witnesses outside California. But his own
4 opposition proves otherwise. Mr. Avellone relies on and attaches declarations from witnesses
5 located in Arkansas and North Carolina. He offers no declarations from witnesses in California.
6 He also admits that all the relevant interactions with Ms. Barrows and Ms. Bristol happened in
7 Georgia. (Avellone Decl. ¶¶ 5, 11.) Elsewhere in his opposition, he argues that there is a triable
8 question of fact concerning whether he acted inappropriately at those conventions. If this case
9 were to actually go to trial, defendants would need to take discovery from people who observed
10 Mr. Avellone at those conventions, including all the individuals identified in his own declarations
11 as attendees. Defendants would also need discovery from the convention organizers and hotel
12 personnel in Georgia.

13 Mr. Avellone also argues that forcing defendants to come to California would not truly be
14 a hardship. He argues that, if defendants could afford to go to Georgia in 2012, then they must
15 have the resources, in 2021 and following a pandemic, to come to California. Mr. Avellone offers
16 nothing to support argument except his own conjecture. The defendants' declarations about their
17 resources are un rebutted.

18 If no other relief is granted, the Court should exercise its discretion to dismiss this case on
19 the grounds of inconvenient forum.

20 **IV. CONCLUSION**

21 Defendants ask the Court for an order quashing service of the summonses (CCP §
22 418.10(a)(1)) and simultaneously striking the complaint (CCP § 425.16). In the alternative, the
23 Court should dismiss the case on grounds of inconvenient forum (CCP §§ 418.10(a)(2), 430.10).
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1 Dated: August 4, 2021

ROBINS KAPLAN LLP

2
3 By: *Daniel Allender*

4 Daniel L. Allender
Jessica Pettit

5 Attorneys for Defendants
6 KARISSA BARROWS and
7 KELLY BRISTOL
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I, Daniel Allender, state and declare as follows:

2. **Exhibit L** are the publicly available LinkedIn profiles of Allan Schumacher, John Epler, and Patrick Weekes which I printed on August 4, 2021. These profiles are authenticated in the declaration of Ms. Barrows, who is personally familiar with these individuals. As she explains, they are the three individuals who responded to her in the tweets that Mr. Avellone filed as Exhibit 12.

I declare under penalty of perjury under the laws of the California that the forgoing is true and correct. Executed on August 4, 2021, in Los Angeles, California.

By: *Daniel Allender*
Daniel Allender

DECLARATION OF KARISSA BARROWS

I, Karissa Barrows, state and declare as follows:

1. I have personal knowledge of each of the facts herein, except those set forth on information and belief and, as to those matters, I believe them to be true. If called as a witness, I could and would testify competently with respect to such facts.

2. I know Patrick Weekes, John Epler, and Allan Schumacher. I consider them friends. I know from personal experience that they live in Canada and that they are employed by the video game company, Bioware. Attached as **Exhibit L** are copies of their LinkedIn profiles.

3. I am not aware of any connection they have with decisions concerning Mr. Avellone's employment or career. When I interacted with them in 2020, to my knowledge, none of them worked with Mr. Avellone, they never had worked with him, and none of them would have any say over whether or not he would be hired or contracted at BioWare or Entertainment Arts.

4. My statements online were not directed at them or anyone else in particular. I was just responding to their replies.

I declare under penalty of perjury under the laws of the State of California and the United States that the forgoing is true and correct and that this declaration was executed this 3rd day of August, 2021, in Belleville, Illinois.

By: 
Karissa Barrows

EXHIBIT L

Contact

www.linkedin.com/in/patrick-weekes-44747947 (LinkedIn)

Top Skills

Narrative Design

Dialogue

Interactive Storytelling

Patrick Weekes

Currently lead writer on the Dragon Age franchise at BioWare.
Edmonton

Experience

Self-Employed

Novelist

September 2012 - Present (9 years)

The Rogues of the Republic Trilogy:

The Palace Job (2012) (Tyche Books, later 47North)

The Prophecy Con (2014) (47North)

The Paladin Caper (2015) (47North)

Dragon Age: The Masked Empire (2014) (Tor)

Feeder (2018) (Margaret K. McElderry Books, an imprint of Simon & Schuster)

BioWare, Corp.

Lead Writer

March 2005 - Present (16 years 6 months)

Mass Effect: (Writer)

Mass Effect 2: (Writer)

+Mass Effect 2: Lair of the Shadow Broker (DLC) (Writer, Manager)

Mass Effect 3: (Senior Writer, Manager with John Dombrow under Mac Walters)

+Mass Effect 3: From Ashes: (Senior Writer)

+Mass Effect 3: Leviathan: (Senior Writer)

+Mass Effect 3: Citadel (Senior Writer, Manager with John Dombrow)

Dragon Age: Inquisition (Senior Writer)

+Dragon Age: Inquisition: Jaws of Hakkon (DLC) (Lead Writer)

+Dragon Age: Inquisition: The Descent (DLC) (Consultant)

+Dragon Age: Inquisition: Trespasser (DLC) (Lead Writer)

Currently lead writer on the Dragon Age franchise, following David Gaider's departure after Dragon Age: Inquisition.

Education

Stanford University

Master of Arts (M.A.), English Language and Literature,
General · (1998 - 1999)

Stanford University

Bachelor of Arts (B.A.), English Language and Literature,
General · (1994 - 1998)

Contact

www.linkedin.com/in/john-epler
(LinkedIn)

Top Skills

Cinematics
PS3
Xbox 360

Languages

French (Full Professional)
English (Native or Bilingual)

Publications

Dragon Age Inquisition: Trespasser -
Building to an Emotional Theme

John Epler

Narrative Director at Bioware
Canada

Summary

I'm a passionate storyteller and designer with a knack for organization and leadership, a strong cinematic eye and an appreciation and deep understanding of games as a medium for narrative. I want to make games that players engage with on an emotional and instinctual level, and use those experiences to do my part to make the world a little bit more understanding.

I am fortunate enough to be surrounded by some of the most passionate and talented people in the industry, and am constantly learning and growing in my role as a senior creative lead within the franchise and the studio.

Experience

Bioware

13 years 10 months

Narrative Director

July 2018 - Present (3 years 2 months)

Edmonton, Canada Area

I am the vision-holder and director for Narrative and Storytelling on my project, and on my franchise.

As Narrative Director, I am ultimately responsible for the quality and coherence of our story – and importantly, the player's narrative experience of that story. I direct level designers, writers, cinematic animators and other disciplines in the construction of a compelling narrative that keeps the player engaged and caring about what comes next.

More succinctly, I own the 'why' of the game – why the player cares about our world, our game, and our mechanics. Through my work and my direction, my team feeds narrative into all other systems and aspects of the game, engaging other disciplines and ensuring a satisfying player experience.

Beyond that, I am the vision-holder for our next-generation of narrative tools, providing design, vision, and feature planning for a suite of technology that encompasses writing, cinematics and narrative writ large, working closely with programmers to build a roadmap that extends across multiple projects and allows us to tell the best stories we can.

On a project level, I work closely with the other Senior Leadership team members, bringing narrative into each of their disciplines and ensuring that our narrative experience satisfies the needs of their disciplines, ensuring cross-collaboration and pollination at the leadership of the project.

I am a strong advocate for team health and happiness at the leadership level, working with other projects and leaders within the company to ensure that my team, and the project as a whole, are happy and able to do their jobs effectively. I am a strong believer in team health, and continue to push hard to ensure that it remains a priority across the studio.

Lead Narrative Systems Designer

November 2015 - July 2018 (2 years 9 months)

Dragon Age Franchise

In my previous role as the Lead Narrative Systems Designer, I was responsible for managing the collaboration between narrative, animation, and design, in order to ensure that the player experience hit the intended emotional beats, and remained engaging throughout.

I was responsible for establishing the narrative presentation direction and vision for the Dragon Age franchise. This included stylistic choices, technology decisions and both paper design and road maps for developing next-gen cinematic tools.

In collaboration with the Lead Writer, I developed and evangelized the narrative vision for the game as a whole, including stylistic and storytelling flourishes, and ensured that the vision was maintained and respected across all content.

I worked closely with the Lead Designer, Lead Level Designer and Lead Gameplay Designer to develop narrative and emotional context around game systems and content, ensuring that our gameplay supported our narrative and vice versa, acting as the player advocate to ensure that neither component was at odds with the other.

I worked with the Animation Director and Lead Cinematic Animator to ensure continuity between gameplay and cinematics, and to storyboard out key scripted moments in order to maximize player engagement and emotional reaction.

I was the product owner for the living world pillar, and I lead a team of Presentation Designers who were responsible for creating memorable ambient life, as well as compelling narrative moments that were seamlessly integrated into the gameplay and the game world as a whole.

Lead Cinematic Designer

October 2014 - November 2015 (1 year 2 months)

Dragon Age Franchise

As the Lead Cinematic Designer, I was responsible for the creation and maintenance of the Cinematic vision for the Dragon Age Inquisition DLC, as well as mentoring, ambient life and collaboration across multiple teams. I worked closely with writing, audio, level design and animation to build narrative content both within traditional cutscenes, as well as within the levels themselves, using tension graphing and extensive preproduction to ensure a consistent user experience.

On Jaws of Hakkon DLC:

- Established cinematic vision for franchise going forward. Worked with Concept Art, Writing, Level Art and Level Design to integrate narrative more closely into gameplay, including handoffs between the various disciplines.

- Worked with other discipline leads and content creators to establish best practices for ambient storytelling, and provided vision for several ambient storytelling moments within the DLC.

On the Trespasser DLC

- Worked directly with Lead Writer to come up with story pitch, defining major narrative beats and flow in a unified feedback process.

- Worked with Level Design to refine and direct overall intensity and user experience flow of the DLC from beginning to end, including addressing problem areas.

- Worked with Concept Art and other key stakeholders to storyboard all major beats, and both directed and executed vision on these moments throughout the DLC.
- Established new best practices and refined existing ones to deliver extensive content with a small team, with minimal crunch.

Cinematic Designer

April 2010 - October 2014 (4 years 7 months)

On Dragon Age DLC, Dragon Age 2 and Dragon Age 2 DLC:

- built several hours worth of cinematic content. Worked with writing and level design teams collaboratively to refine existing ideas and ensure content best served the needs of the narrative and the restrictions of our toolset.

On Dragon Age: Inquisition:

- built out the gameplay camera system to a polished, shippable state, communicating with all core stakeholders to ensure needs were met and working closely with programming to build underlying camera technology that was reusable across not only BioWare products but across all studios using Frostbite.

- took the Simple Conversation system from paper prototyping through to its shipped state, working with multiple disciplines to ensure it met the needs of the project, as well as taking traditional BioWare writing and storytelling and providing a system that kept it more in-world.

- Created multiple hours of cinematic content, including one critical path plot and two followers, as well as multiple conversations throughout the rest of the game.

Quality Assurance Analyst

October 2008 - April 2010 (1 year 7 months)

Worked as a full-time Quality Assurance Analyst on an unannounced project as well as Mass Effect 2. Aided in the creation and development of QA best practices in regards to Narrative and Story Quality Assurance. Helped develop the Quality Assurance Story Team, a new initiative created for Mass Effect 2.

Quality Assurance Term Tester

November 2007 - October 2008 (1 year)

Worked as a term tester on Sonic Chronicles: The Dark Brotherhood and Dragon Age: Origins. Developed and executed multiple test plans in both technical and content-oriented realms. Helped develop first round of best practices for story and content testing on both projects. Helped ship Sonic Chronicles.

Education

University of Alberta

Bachelor of Arts, English and Film Studies · (2003 - 2007)

Contact

www.linkedin.com/in/allan-j-schumacher (LinkedIn)

Top Skills

Game Development

Video Games

Software Quality Assurance

Allan Schumacher

Associate SDET at Bioware
Canada

Summary

Experienced Quality Assurance Analyst with a demonstrated history of working in the computer games industry. Skilled in both test case and ad-hoc testing as an embedded QA Analyst within agile programming teams.

Strong quality assurance professional with a Bachelor of Science (B.Sc.) focused in Computer Science from University of Alberta.

Experience

Bioware

12 years 3 months

SDET 1

December 2019 - Present (1 year 9 months)

Canada

Associate SDET

April 2015 - December 2019 (4 years 9 months)

Edmonton, Canada Area

SDET role working on creating tools and automation to support QA teams at BioWare.

Quality Assurance Analyst

June 2009 - March 2015 (5 years 10 months)

Edmonton, Canada Area

Analyst embedded into Scrum teams to provide direct feature/functional testing support for programmers implementing new features.

Supplemented this work with content testing, both test case and ad-hoc driven, particularly as games approached ship date.

Education

University of Alberta

Bachelor of Science (B.Sc.), Computer Science · (2004 - 2009)

EXHIBIT M


COMIC-CON®
 INTERNATIONAL: SAN DIEGO

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 MEMBER ID

AWARDS

PAST EVENTS

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CONTACT

REFUNDS

JOHN ROGERS


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About Comic-Con International

MISSION STATEMENT

The SAN DIEGO COMIC CONVENTION (Comic-Con International) is a California Nonprofit Public Benefit Corporation organized for charitable purposes and dedicated to creating the general public's awareness of and appreciation for comics and related popular art forms, including participation in and support of public presentations, conventions, exhibits, museums and other public outreach activities which celebrate the historic and ongoing contribution of comics to art and culture.

From the beginning, the founders of the show set out to include not only the comic books they loved; but also other aspects of the popular arts that they enjoyed and felt deserved wider recognition, including films and science fiction/fantasy literature. After one more name change (San Diego's West Coast Comic Convention, in 1972), the show officially became the San Diego Comic-Con (SDCC) in 1973 with the fourth annual event. In 1995, the non-profit event changed its name to Comic-Con International: San Diego (CCI).



The show's main home in the 1970s was the fondly remembered El Cortez Hotel in downtown San Diego. In 1979, Comic-Con moved to the Convention and Performing Arts Center (CPAC), and stayed there until 1991, when the new San Diego Convention Center opened. Comic-Con has been at home in that facility for over two decades.

With attendance topping 130,000 in recent years—in a convention center facility that has maxed out in space—the event has grown to include satellite locations, including local hotels and outdoor parks. Programming events, games, anime, the Comic-Con International Independent Film Festival, and the Eisner Awards all take place outside of the Convention Center, creating a campus-type feel for the convention in downtown San Diego.



Photo by Kevin Green
 © 2012 SDCC

Over the years, Comic-Con has become the focal point for the world of comics conventions. The event continues to offer the complete convention experience: a giant Exhibit Hall (topping over 460,000 square feet in its current incarnation); a massive programming schedule (close to 700 separate events in 2014), featuring comics and all aspects of the popular arts, including hands-on workshops and educational and academic programming such as the Comics Arts Conference; anime and film screenings (including a separate film festival); games; the Will Eisner Comic Industry Awards, the "Oscars" of the comics industry; a Masquerade costume competition with prizes and trophies; an Autograph Area; an Art Show; and Portfolio Reviews, bringing together aspiring artists with major companies.

Comic-Con has presented literally thousands of special guests at its conventions over the years, bringing comics creators, science fiction and fantasy authors; film and television directors, producers, and writers, and creators from all aspects of the popular arts together with their fans for a fun and often times candid discussion of various art forms. The event has seen an amazing array of comics and book publishers in its Exhibit Hall over the years. Over its four-and-a-half decade-plus history, Comic-Con International has continually presented comic books and comic art to a growing audience. That love of the comics medium continues to be its guiding factor as the event moves toward its second half-century as the premier comic book and popular arts style convention in the world.

On November 10, 2018, Comic-Con President, COO and CFO **John Rogers** passed away. To read more about John and his longtime impact on the event and corporation, [please click here](#).

Awards

Past Events

About

Forms

Contact

Refunds

John Rogers

WonderCon and APE, the Alternative Press Expo

San Diego Comic Convention—the corporate name of the non-profit organization behind Comic-Con International: San Diego—also puts on WonderCon. From 1995 until 2014, Comic-Con also was in charge of APE, the Alternative Press Expo, in San Francisco (2002–2014) and San Jose (1995–2001).

APE, the Alternative Press Expo, started in San Jose in 1994. Founded by Dan Vado of SLG Publishing, the Alternative Press Expo was one of many shows across the United States that year that focused on independent comics. Vado's vision was to create an event that would spotlight small publishing companies, self-publishers, and creators working in the alternative and independent side of the comics industry. This show also allowed greater interaction between attendees and creators and added fuel to the DIY (Do-It-Yourself) comics movement growing around the world. That first APE tied into a series of like-minded gatherings around the country, coming off the "Spirits of Independence Tour" of Dave Sim, creator of *Cerebus*, and is one of only two conventions that survived and flourished beyond the first show.

Comic-Con International became involved with APE in its second year and has ran the show until 2014, maintaining the basic concept and feel that Dan Vado created. In 2000, it moved from San Jose to San Francisco, where it was held until 2014. Under Comic-Con, APE was on the forefront of the self-publishing movement. The 2014 event featured over 350 exhibitors, including some of the leading independent comics publishers, plus hundreds of creators and self-publishers; and over 5,500 attendees. In addition to its Exhibit Hall, APE under Comic-Con featured a full programming schedule, special guests, hands-on workshops, and the Comic Creator Connection (CCC), a program featured at all of the Comic-Con sponsored events. The CCC pairs up aspiring comics writers and artists, in hopes of creating the next great comics collaboration. At the end of the show in 2014, Comic-Con returned the reins of the show to Dan Vado, who will put on a 2015 event in the San Jose area.



Comic-Con took over the show in 2002 and moved it from Oakland to downtown San Francisco in 2003. After 15 years as a Bay Area event, WonderCon was forced to move to Anaheim in 2012, due to construction at its San Francisco home, the Moscone Center. Since 2012, the event—now called **Comic-Con International Presents WonderCon Anaheim**—has been held in southern California, at the Anaheim Convention Center. While it is still the hope to one day return the show to its San Francisco and Bay Area roots, WonderCon Anaheim has continued to grow in its southern California home.



WonderCon Anaheim has continued to grow in its southern California home. In 2016, WonderCon moved to Los Angeles for one year while the Anaheim Convention Center was undergoing construction on a new building. The show returned to Anaheim in 2017, and in 2018, 66,000 fans packed the newly expanded Anaheim Convention Center from all over the globe.

WonderCon is the sister show to Comic-Con, embracing all the main aspects of SDCC, including comics, movies, TV, animation, the Masquerade, and more. The event has grown in all aspects over the years: more attendees, more exhibitors, more programming, and more fun. In its current Anaheim-based incarnation, WonderCon continues to be a must-attend event on the comic book convention schedule.

Other Events

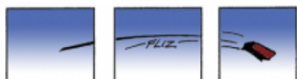
Over the years, San Diego Comic Convention has presented other conventions and events, including **Comic Book Expo**, a retail trade show for the comics industry, and **ProCon**, a convention for comic book industry creative professionals. In 1991, Comic-Con put on a separate convention, **Con/Fusion**, billed as "a fusion of the best aspects of a science fiction convention with the best aspects of a comic book convention."



Comic-Con International is the home of the **Will Eisner Comic Industry Awards**, the comic book equivalent of the "Oscars." The Eisner Awards, named after famous comics creator, **Will Eisner** (*The Spirit*, *Contract with God*), who is regarded as the father of the modern graphic novel, started at Comic-Con in 1987. For the awards' first two decades, Eisner himself was on stage to present the awards to each year's recipients. The Eisners are given out each year at Comic-Con International: San Diego in a gala event held the Friday evening of the convention at a local hotel. The awards feature more than two-dozen categories covering the best publications and creators of the previous year. A blue-ribbon committee selects nominees from thousands of entries submitted by publishers and creators, which are then voted on by members of the comic book industry.



Comic-Con International also runs the [Will Eisner Spirit of Comics Retailer Awards](#), an annual event featured at the San Diego convention that allows fans to nominate their favorite comic book stores from around the world. The prestigious award goes to those retailers who have done an outstanding job of supporting the comics medium, both in the community and within the industry at large. Visionary comic creator Will Eisner approached Comic-Con in the mid-1990s with the idea for this award. It's designed to acknowledge and celebrate the incredible contribution retailers make to the comic book industry by providing that crucial link between creator and reader in getting comics into the hands of the public. The award was named in his honor. Over the years, comic book stores from across the United States and around the globe—including Australia, Canada, Holland, Israel, and Spain—have won the award.



Comic-Con has been the host and supporting convention of the [Comics Arts Conference \(CAC\)](#), the nation's leading academic conference about comics and comic art. The conference began in 1992 when Peter M. Coogan, a graduate student at Michigan State University, and Randy

Duncan, Communication Department chair at Henderson State University, decided it was time for an academic conference devoted solely to the study of comics and to hold it at Comic-Con to facilitate the involvement of comics professionals and fans. Over the past two decades, the CAC has continued to grow at Comic-Con, offering programs and presentations all four days of the event. It has also added a second conference as part of WonderCon each year.

Since 2000, San Diego has been the home of the [Comic-Con International Independent Film Festival \(CCI-IFF\)](#), a four-day event that highlights the best in genre-related filmmaking. Created by Comic-Con, the festival includes action/adventure, animation, comics-oriented, documentary, horror/suspense, humor, and science fiction/fantasy short and long films, features prizes and trophies and is judged by a panel of film industry luminaries. Some CCI-IFF films have gone on to greater glory with distribution and creative deals at major studios for the films and filmmakers.

Read More About Us!

This website contains much more information about all of the above. Click on the links where available to read more about the featured topic. Comic-Con also published a coffee-table book in 2009 to celebrate its 40th anniversary, *Comic-Con: 40 Years of Artists, Writers, Fans & Friends*. The book is a 208-page hardbound treasure trove of articles and over 600 photos and pieces of art on the history of the show, plus APE, WonderCon, and much more. The book is on sale at both Comic-Con (at the Comic-Con Merch store) and WonderCon (at our T-shirt booth).

Website Credits

Developed in conjunction with [Sage Tree Solutions](#)

Consultant: **Marc Biagi**

Graphic design: **Gary Sassaman** for Comic-Con International: San Diego

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COMIC-CON
INTERNATIONAL: SAN DIEGO



WONDERCON
ANAHEIM



COMIC-CON
MUSEUM



COMIC-CON INTERNATIONAL

- Attending the Show
- Badges
- Exhibit Hall

SAM

- Attending the Show
- Programming
- Fan Activities

Mission Statement

The SAN DIEGO COMIC CONVENTION (Comic-Con)

PROOF OF SERVICE

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss.

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action; my business address is 2049 Century Park East, Suite 3400, Los Angeles, California 90067-3208.

On **August 4, 2021**, I served the foregoing document(s) described as **REPLY IN SUPPORT OF DEFENDANTS' MOTION TO QUASH, MOTION TO STRIKE (ANTI-SLAPP), AND/OR MOTION TO DISMISS** on the interested parties as follows:

Neville L. Johnson, Esq.
Aleeza L. Marashlian, Esq.
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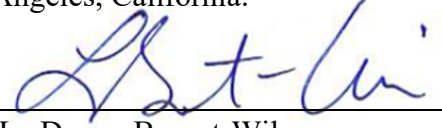
Attorneys for Plaintiff
Christopher Avellone

☒ **BY ELECTRONIC SERVICE:** I caused the document(s) to be sent by electronic transmission through One Legal, LLC, through the user interface at www.onelegal.com to the email addresses listed above. My electronic notification address is lbryant-wilson@robinskaplan.com.

☐ **BY MAIL:** I caused such envelope to be deposited in the mail at Los Angeles, California. The envelope was mailed with postage thereon fully prepaid. I am readily familiar with this firm's practice of collection and processing correspondence for mailing. Under that practice, it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid at Los Angeles, California, in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if the postal cancellation date or the postage meter date is more than one day after the date of deposit for mailing in affidavit.

☒ (State) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on **August 4, 2021**, at Los Angeles, California.


La Donna Bryant-Wilson