

For comment, contact:
Sharon Wolff
sharon@riodelltimes.com

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JUDGE SIDES WITH LOCAL JOURNALISTS AGAINST MAJOR HUMBOLDT LAW FIRM IN “UNIQUE” DEFAMATION CASE

It started when a partner from the largest law firm in Humboldt County and her client – a court appointed conservator - sued a local independent journalist two times for defamation. It ended with a judge dismissing both defamation cases, ruling the lawsuits were “strategic lawsuits against public participation” (SLAPP) and ordering the attorney and her client to pay the journalist’s attorney over \$50,000.

“This is a wonderful outcome to a very bad chapter in my life,” said Sharon Wolff, the owner and publisher of the Rio Dell Times, a small, internet news media outlet that serves Humboldt County.

“These last few years have taken their toll on Sharon,” said Steven Wolff, Sharon’s husband and RioDellTimes.com Co-owner and operator. “We got sued for reporting on problems with the conservatorship system, which is a topic of local and national concern. Sure, we have a first amendment, free speech right to report on issues of public interest and importance, but how many of us can afford to defend that right in court? And what if you can’t even get an attorney to take your case? That’s what happened to us. But we got lucky.”

“This is a true David and Goliath story,” said Paul Nicholas Boylan, an attorney based in Davis, California, who specializes in representing reporters and small newspapers. “The largest law firm in Humboldt County against the smallest local newspaper, suing them for the exercise of constitutionally protected rights. It is rare to encounter people this deserving of assistance,” Boylan said.

Sharon’s nightmare began when Sharon’s elderly mother and her husband vanished from their home one night with no explanation – they were simply gone.

”I was terrified for the two of them,” Sharon said.

Sharon later learned that her mother and stepfather had been taken by Royce Mendonca, a distant relative of her stepfather, with the assistance of Chris Hamer, the Senior Partner at Stokes, Hamer, Kirk & Eads, LLP, a local prominent law firm.

Without any warning or notice, Hamer helped Mendonca take the elderly couple from their home in Fortuna days before a conservatorship hearing on a petition that Sharon filed. Hamer drew up legal documents and secured the signatures of the couple who suffer from dementia. The couple were then placed into a locked facility near Sacramento. Hamer then helped Mendonca get appointed as the elderly couple's conservator.

Sharon contested Mendonca's appointment and began reporting on her experiences within the larger context of examining the many abuses of the conservatorship system as a whole.

"My mother, Barbara, and her husband, Ron, were the victims of a court-sanctioned kidnapping. And then they had mom and Ron declared mentally incompetent, which meant they could control mom and Ron completely. That's what it felt like and looked like, and I said so in the Rio Dell Times," Sharon said. "This is a cautionary tale for all adult children of Alzheimer's and Dementia victims."

Mendonca and Hamer were not amused. What they did in response to Sharon's reporting was unusual.

"Hamer filed two petitions in probate court, as part of the ongoing conservatorship case," Steven Wolff said. "The petitions sought an injunction ordering us to stop reporting about the case, and stop us from writing letters and sending emails to state and local officials asking for much needed reforms to the conservatorship system," Wolff said.

"My best guess is that they were betting we couldn't afford to hire an attorney to defend against their lawsuits," Sharon said. "They were using court process to intimidate and censor the press, and it had been working for them so far" she said.

"The Wolff's got sued because they exercised their rights of free speech and their right to petition government for the redress of their grievances," Boylan said. "That is the textbook definition of a SLAPP. It is illegal, and defendants who are sued for exercising those rights can ask the Court to dismiss the case - and that's what we did." Boylan said.

But that isn't what persuaded Boylan to take the case. "To me, the really interesting part of all of this was Ms. Hamer and Mr. Mendonca's choice of forum," Boylan explained.

“If Hamer and Mendonca felt that Sharon’s reporting was defaming them, then they could have sued Sharon in superior court,” Boylan said.

“But they didn’t do that. They sued in probate court, naming Barbara and Ron as petitioners but seeking relief for themselves. I’ve never seen that done before. In my experience, it is unique – and dead wrong. Barbara and Ron’s lawsuits were the vehicle for Hamer and Mendonca to obtain benefits personal to them, having nothing to do with Barbara or Ron. And that shouldn’t be allowed,” Boylan said.

Hamer asked the Court to allow Mendonca to use Barbara and Ron’s money to pay Hamer for the hours she spent unsuccessfully opposing the Wolff’s motion to dismiss. Sharon protested, and the Court denied the request.

“Hamer and Mendonca were using my mom and Ron’s money to finance two lawsuits for Hamer and Mendonca’s benefit,” Sharon said. “I am grateful that the Court put a stop to it.”

Judge Kreis awarded Boylan \$53,445.34. The Order made it very clear that only Hamer and Mendonca would pay the award, and not Barbara or Ron. The Order stated “Petitioners Royce Mendonca and Chris Hamer are the real parties in interest and are jointly and severally liable for the attorney's fees owed to Respondents' counsel. Neither Ronald Wayne nor Barbara Lynn Keller, nor their estate, are liable for the attorney's fees ordered by this motion.”

“I am looking forward to reporting the news again without fear of being sued,” Sharon said. “But what I want most is for my mom and Ron to be part of my family’s life again.”