**United States, North America**

Resolute Forest Products v Greenpeace International

Case No. 17-cv-02824-JST

*Decision Date*: 22nd April 2020

**Summary and Outcome**

The US District Court in the Northern District of California ruled in favour of Greenpeace International by admitting its anti-SLAPP motion for attorney’s fees and compensation from the plaintiff that had filed criminal defamation case against it. In context of [grant of the motion](https://globalfreedomofexpression.columbia.edu/cases/resolute-forest-products-v-greenpeace-international/) to dismiss the criminal defamation case and motion to strike based on California anti-SLAPP statute in 2017, this decision of the Court provided consequential relief to the defendant.

**Facts**

The Plaintiff, Resolute Forest Products (‘Resolute’), is a multi-entity company (comprising of Resolute Forest Products, Inc.; Resolute FP US, Inc.; Resolute FP Augusta, LLC; Fibrek General Partnership; Fibrek U.S., Inc.; Fibrek International, Inc.; and Resolute FP Canada, Inc.) in the forest products industry, which harvests trees, and mills wood to generate paper and other products. The Defendant, Greenpeace International (‘Greenpeace’), is a non-profit organization that advocates for environmental protections. The Plaintiff claimed that the Defendant published false reports and lead targeted media campaigns aimed at gouging the profits of the Plaintiff by spreading, “whopping lie[s]…misrepresenting Resolute’s harvesting as a major climate change risk.” The Plaintiff alleged eleven causes of action against the Defendant in the complaint, including claims for racketeering, conspiracy, defamation, tortious interference with prospective business relations, tortious interference with contractual relations, and trademark dilution under the Racketeer Influenced and Corrupt Organizations Act (“RICO”), 18 U.S.C. § 1962 *et seq.*, and various state laws, including defamation and tortious interference with prospective and contractual business relations. The Defendant filed five separate motions to dismiss or strike, alleging that the conduct at the heart of Resolute’s lawsuit consisted of speech and other advocacy that is protected by the First Amendment. The District Court had granted this motion in 2017 and the present application was filed by the Greenpeace Defendants who sought $545,572.36 in attorneys’ fees and $20,687.18 in costs. Other defendants also sought similar amounts under the California Code of Civil Procedure section 425.16, subdivision (c) which entitles anti-SLAPP strikers to mandatory attorney fees.

**Decision Overview**

The Plaintiffs had contested the calculation of the attorney fee claimed by the defendants by averring that the fee award must not include expenses which were incurred on non-compensable claims under the federal RICO lawsuit. It submitted that GP Fund should not be ‘entitled to recover for duplicative motion practice necessitated by its own failure to meet its burden of proof on its initial motion’. While rejecting the objections that the defendants had not sufficiently reduced their, Judge Jon S Tigar noted a number of precedents that concluded that anti-SLAPP Fee awards include services for all proceedings “directly related” to the special motion to strike, as well as fees “addressing matters with factual or legal issues that are ‘inextricably intertwined’ with those issues raised in an anti-SLAPP motion.” Henry v. Bank of Am. Corp., No. C 09-0628 RS, 2010 WL 3324890, at \*4 (N.D. Cal. Aug. 23,2010). “Work that is inextricably intertwined with an anti-SLAPP motion is compensable,” but “work performed on federal claims is not compensable.” Fallay, 2016 WL 879632, at \*3.

Further, the court concluded that the defendants’ motions for fees and costs deserved to be granted. It noted that ‘Resolute cites no authority for this objection, but the Court has located two helpful cases. In Hirsch v. Compton Unified Sch. Dist., No. 12-CV-01269-RSWL(MRW), 2013 WL 1898553 (C.D. Cal. May 3, 2013), the plaintiff prevailed in an action under the Individuals with Disabilities Education Act. She then sought her attorney’s fees, which the Court awarded. The same attorney then filed a motion seeking fees in connection with her earlier, successful attorney’s fees motion. The court denied the second motion, holding that “receiving fees on fees on fees is too attenuated from the adjudication of the due process complaint to be reimbursable.” Id. at \*6 (quoting Wright v. District of Columbia, 883 F. Supp. 2d 132, 134 (D.D.C. 2012)).’ Citing Ford Motor Credit Co. LLC v. Gilbert, No. 6:15-CV-01610-JR, 2017 WL 2766168, at \*4 (D. Or. June 26, 2017), the court decided to reduce GP Fund’s request by $12,875 as declined to award fees for a successive fee application, because the renewed motion for fees was necessary only because the Court denied its first motion.

**Decision Direction**

The decision of the Court expands expression, especially in the context of aiding implementation of Anti-SLAPP statutes that seek to protect legitimate speech in the public interest.

**Global Perspective**

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