

STATE OF MINNESOTA
COUNTY OF RAMSEY

DISTRICT COURT
SECOND JUDICIAL DISTRICT

Anton J. Lazzaro,
Plaintiff,

Case Type: Civil - Other
Court File No. 62-CV-25-7666
Judge: Reynaldo Aligada, Jr.

vs.

ORDER

Jeffrey R. Anderson; and Jeff
Anderson & Associates, P.A.,
Defendants.

The above-entitled matter came before the Court for a February 11, 2026 hearing on Defendants' Special Motion for Expedited Relief. Plaintiff Anton J. Lazzaro appeared as a self-represented litigant. Patrick A. ("Gus") Cochran and Barry M. Landy of Ciresi Conlin LLP represent Defendants.

Pursuant to all the files, records, affidavits and arguments, the Court issues the following:

ORDER

1. Defendants' Special Motion for Expedited Relief pursuant to Minn. Stat. 554.09 and for Attorneys' Fees and Costs pursuant to Minn. Stat. § 554.16 and, alternatively, to Dismiss pursuant to Minn. R. Civ. P. 12.02(e) [Index No. 5] is **GRANTED**.
2. The Complaint [Index No. 1], including all claims stated therein, is **DISMISSED WITH PREJUDICE** pursuant to Minn. Stat. § 554.13.
3. Pursuant to Minn. Stat. § 554.16, Plaintiff is liable to Defendants in the amount of costs, attorneys' fees, and litigation expenses Defendants incurred related to the motion. Within fourteen (14) days of this Order, Defendants shall submit briefing

and a detailed accounting of any costs, attorneys' fees, and litigation expenses in connection with the motion. Plaintiff shall submit its objections to the requested amounts, if any, within fourteen (14) days of Defendants' submission.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: _____

BY THE COURT:

Reynaldo A. Aligada, Jr.
Judge of District Court

MEMORANDUM

I. INTRODUCTION

Plaintiff Anton Lazzaro brought claims for defamation and defamation per se after Defendant Jeffrey Anderson held a December 3, 2024 press conference to announce a civil lawsuit against Lazzaro and the Hotel Ivy. On March 31, 2023 Lazzaro was convicted of five counts of sex trafficking of a minor and one count of conspiracy to commit sex trafficking of minors, and sentenced to 21 years imprisonment. Defendants have brought a Special Motion for Expedited Relief pursuant to Minnesota’s Uniform Public Expression Act (“UPEPA”). For the reasons that follow, the Court grants Defendants’ motion and dismisses the Complaint with prejudice.

II. FACTUAL BACKGROUND

The factual record before the Court on a special motion for expedited relief under UPEPA must be viewed in the light most favorable to the nonmoving party. *Paragon Restorations, LLC v. Robinet Prods., LLC*, 31 N.W.3d 218, 220 (Minn. Ct. App. 2025).

A. Facts alleged in the Complaint

Plaintiff Anton Lazzaro is a resident of Minnesota who lived at all relevant times in Hennepin County, Minnesota. (Compl. ¶ 14, Index No. 1.) Defendant Jeffrey R. Anderson is an attorney and founder of the law firm Jeff Anderson & Associates, P.A. (Compl. ¶ 15.) Defendant Jeff Anderson & Associates, P.A. (“JAA”) is a law firm and Minnesota professional association with its principal place of business in St. Paul, Minnesota. (Compl. ¶ 16.). Defendants specialize in the representation of victims and survivors of childhood sex abuse. (Compl. ¶ 19.)

On March 31, 2023, Lazzaro was convicted in United States District Court of sex trafficking in violation of 18 U.S.C. §§ 1591(a). (Compl. ¶ 2.) Lazzaro’s conviction involved

some sexual partners who were 16 years old, while he was in his twenties at the time of his offense conduct. (Compl. ¶ 4.)

Defendants represent a plaintiff in two civil lawsuits; one against Lazzaro and one against the Ivy Hotel. (Compl. ¶ 2 & n.1; ¶ 20.) During a December 2024 press conference, Anderson made several statements the Complaint alleges were false and defamatory. (Compl. ¶ 20.) The Complaint references a YouTube web address where the press conference is published. (Compl. ¶ 26 n.4). The Complaint alleges claims of defamation (Count 1) and defamation per se (Count 2). Plaintiff seeks judgment in an amount exceeding \$1 million, costs and reasonable attorneys' fees. Lazzaro alleges having suffered "severe and permanent injuries in mind and body" and "ongoing reputational damages" exceeding \$1 million, although he pleads no facts to support these allegations. (Compl. ¶¶ 31, 37.)

B. Additional record evidence

As discussed below, Defendant's motion under UPEPA allows the Court to dismiss the Complaint if "there is no genuine issue as to any material fact and the moving party is entitled to judgment as a matter of law on the cause of action or part of the cause of action." Minn. Stat. § 554.13(a)(3)(ii)(B). Therefore, in addition to the facts alleged in the Complaint, the Court reviews additional exhibits that Defendant argues are (1) embraced by the pleadings; and (2) the authenticity of which is not genuinely disputed.

1. Lazzaro's political activity and media coverage

The record contains undisputed evidence that around the time of his indictment, Lazzaro was involved in political activity and public debate. Lazzaro founded and operated a political action committee ("PAC") known as Big Tent Republicans. (*See* Landy Decl. (hereinafter "Landy") Ex. I ¶ 4; Federal Election Commission, Big Tent Republicans PAC, Statement of Organization (Dec. 6, 2019),

<https://docquery.fec.gov/pdf/440/201912069166160440/201912069166160440.pdf>; *Lazzaro I*, Def.’s Am. Mot. to Dismiss For Selective and Vindictive Prosecution, ECF No. 236, at 15 (Aug. 29, 2022)). Lazzaro’s involvement in this PAC and other political debate resulted in national media coverage on several occasions in 2020 and 2021. Specifically, Defendants cite news stories and interviews with national media outlets regarding Lazzaro’s political activities on several occasions in August of 2021. (Def. Mem., Index No. 24 at 8–15 & n. 4; Landy Exs. D–H.) Lazzaro made multiple appearances on national news television networks as a political commentator. (*Id.*) It is also undisputed that Lazzaro maintained websites and social media accounts which he used to engage in public debate and political discourse. (*Lazzaro I*, Def.’s Am. Mtn. to Dismiss for Selective and Vindictive Prosecution, ECF No. 236 at 9 (Aug. 19, 2022).) Around 2019–2020, Lazzaro co-hosted a podcast, and was an author and contributor for Alpha News. (Def. Mem., Index No. 24 at 10–11.) Lazzaro developed a public profile as a political commentator and strategist through his appearances and engagement with the press and social media. (Landy Ex. D; Def. Mem., at 16 & n. 7.) There is no dispute that after Lazzaro was indicted, the criminal matter drew national, and international media coverage.

2. *Lazzaro’s federal criminal case*¹

Lazzaro’s criminal conviction followed a 2021 indictment, several years of pretrial litigation, and a jury trial in United States District Court for the District of Minnesota. The

¹ Parts of the record of Lazzaro’s criminal case were sealed by the federal district court, in compliance with 18 U.S.C. § 3509(d), which protects the privacy of child victims and child witnesses in certain federal criminal proceedings. (*See* Defendants’ Motion for Leave to File Materials as Confidential, Index No. 13). Consistent with 18 U.S.C. § 3509(d) and Rule 11.04(b) of the Minnesota General Rules of Practice, this Court granted Defendants’ request to file as confidential portions of minor victim testimony contained in Exhibits K, L, M, N, and O to the Landy Declaration as confidential. Defendants filed two versions of its memorandum in support of Special Motion for Expedited Relief, one with redacted quotations from minor victim trial testimony (Index No. 24) and one without redactions (Index No. 16). Consistent with 18 U.S.C. § 3509(d), this Court, whenever possible, will avoid using identifying information for the victims referenced in this lawsuit and will avoid directly quoting from the sealed federal trial transcripts.

indictment included a codefendant, Gisela Castro Medina. *See generally United States v. Anton Joseph Lazzaro and Gisela Castro Medina*, No. 21-cr-173 (D. Minn.) (hereinafter, “*Lazzaro I*”).

On December 19, 2022, Medina pleaded guilty to one count of conspiracy to commit sex trafficking of minors and one count of obstruction. Medina’s guilty plea was supported by a signed Plea Agreement and Sentencing Stipulations document. (*See Landy Ex. J; Lazzaro I*, ECF No. 271.)

In her Plea Agreement, Medina agreed to the following:

Lazzaro first contacted Medina—then 18 years-old—in May 2020 using a “sugar daddy” website. (*Id.*) Lazzaro began communicating with Medina and her friend, then-16-year-old Victim A. (*Id.*) After sending them money for food, Lazzaro invited Medina and Victim A to his condominium at the Hotel Ivy in Minneapolis, and he did so having been told that Victim A was just 16 years old. (*Id.*) Medina and Victim A then visited Lazzaro’s condo together on two separate occasions—in each case, Lazzaro served them alcohol before paying them for commercial sex acts. (*Id.* at 2–3.) Lazzaro continued to engage in commercial sex acts with Victim A after these first two visits, in each case paying a portion of proceeds to Medina even though she was no longer participating directly in the sexual encounters. (*Id.* at 3.) Medina further agreed that, eventually, Lazzaro made overt requests that she begin recruiting and soliciting young girls, including specifically minors, to engage in commercial sex acts, and Medina agreed. (*Id.* at 3–6.) Communicating on encrypted messaging platforms like WhatsApp and Signal, Medina would show Lazzaro pictures of minor girls with whom she was connected on Snapchat and Instagram, and he would respond indicating whether he was interested in particular girls. Medina would then provide Lazzaro with contact information for those girls he was interested in and would also relay information to those girls about Lazzaro, including “that

he had a lot of money, that he was not ‘creepy,’ and that he was interested in the particular girl.” (*Id.* at 3–4.)

Medina agreed that she went on to recruit each of five different minor victims identified in the Indictment into Lazzaro’s sex trafficking scheme—known as Victims A, B, C, D, and E in the criminal case—despite already knowing, or learning during the conspiracy, that each was younger than 18. (*Id.* at 2–5, 7.) Medina agreed she had “successfully recruited and attempted to recruit additional minor victims to engage in commercial sex acts with [Lazzaro]” who were “not named in the Indictment.” (*Id.* at 7.)

Medina agreed that she knew Victim C was just 15 years old and had “extensive discussions” about her age with Lazzaro during the time when he was engaged in commercial sex acts with Victim C. (Landy Ex. J at 4–5; see also *id.* at 7 (recounting Lazzaro’s efforts “to try to pay off [] Victim C to prevent her from talking to law enforcement because [Medina] and [Lazzaro] knew that [] Victim C was only 15 years old”).) Medina agreed that Lazzaro paid each of Victims A through E cash and other items of value—such as alcohol, vaping cartridges, food, smartphones, high-end purses, accommodations at the Hotel Ivy, and transportation—in exchange for sex. (*Id.* at 5.) In exchange for “identifying, recruiting, and introducing minor girls to [] Lazzaro for purposes of commercial sex acts with [Lazzaro],” Lazzaro paid Medina with significant amounts of cash, alcohol, Adderall, and Venmo payments. (*Id.* at 5–6.)

Medina also agreed to Lazzaro’s efforts to keep both Medina and certain of his victims silent and to obstruct the Government’s investigation into Lazzaro’s sex trafficking scheme. To secure Medina’s silence as to the sex trafficking conspiracy, for example, Lazzaro promised to pay for Medina’s future graduate school expenses and to buy her a house. (*Id.* at 6.) After search

warrants were executed at Medina’s and Lazzaro’s residences in December 2020, the two began speaking about the federal investigation to determine which minor victims had spoken with law enforcement. (*Id.*) In or about March 2021, Lazzaro and Medina hatched a hush money scheme, agreeing to try to “pay off” Victim C to prevent her from speaking to law enforcement about engaging in commercial sex acts with Lazzaro; Lazzaro and Medina did so knowing—and “because”—Victim C was just 15 years old. (*Id.* at 6–7.) Medina agreed that, on multiple occasions, she met with Victim C in an effort to obstruct and prevent her from speaking with law enforcement, providing her with “hundreds of dollars of cash, gift cards, vapes, and alcohol from [Lazzaro],” which he had supplied for the purpose of preventing Victim C from speaking with law enforcement about Lazzaro’s sex trafficking. (*Id.* at 7.)

After a jury trial, Lazzaro was convicted by of one count of conspiracy to commit sex trafficking of a minor and five counts of sex trafficking of a minor, in violation of 18 U.S.C. §§ 1591(a)(1), (b)(2) and § 1594. *Id.* Victims A, B, C, D, and E each testified at trial. The Court sentenced Lazzaro to concurrent prison terms of 252 months on each count, a 5-year term of supervised release, and to pay \$415,475.39 in restitution. (*Lazzaro I*, ECF Nos. 500, 502; *see also* Landy Ex. Y.) Lazzaro was also ordered to refrain from knowingly associating with any female under the age of 18, except in the presence of a responsible adult approved by a probation officer; to “register with the state sex-offender registration agency in Minnesota and in any other state” in which he lives, works, or attends school; and to follow “all of the other requirements of the Sex Offender Registration and Notification Act.” (*Lazzaro I*, ECF No. 502 at 5.)

On February 25, 2025, Lazzaro’s conviction and sentence were affirmed by a panel of the United States Court of Appeals for the Eighth Circuit. *See United States v. Lazzaro*, 129 F.4th 514, 520 (8th Cir. 2025). As discussed more fully below, in its opinion, the court summarized the

evidence supporting the jury’s verdict, including Lazzaro meeting Medina, who was 18 when he met her, and a 16-year-old friend of Medina. *Id.* at 520–522. Lazzaro paid them for sex on two separate occasions and requested that Medina act as his “recruiter” to “message girls on his behalf, and she would get paid to do so.” *Id.* at 520. The Eighth Circuit recited evidence from trial that “Lazzaro told [] Medina what he wanted: ‘younger girls’ between 16 and 18—with a preference for the former— who were ‘broken girls, sluts, [and] whores.’” *Id.* The court also summarized a portion of the record evidence:

In the months that followed, Castro Medina helped find more girls for Lazzaro. The interactions followed a similar pattern. Lazzaro or Castro Medina would identify young girls through social media. Then Castro Medina or someone acting on her behalf would reach out, asking if the girls wanted a “sugar daddy” and offering to put them in touch with Lazzaro. Often, the girls would be told how Lazzaro could get them alcohol or whatever else they wanted, and how he would pay for their time. They would receive photos of money and alcohol, or photos of Lazzaro with celebrities. The girls would then be put in touch with Lazzaro, who would talk with them through social media. Eventually, the girls would arrive at Lazzaro’s condo, where he would ply them with drugs or alcohol, while remaining sober himself. He would offer them money to remove their clothes, pose for photos, or kiss each other. Lazzaro would then have sex with the girls in his bedroom. After he was finished, Lazzaro would give the girls money or other expensive items, and each time, Castro Medina would get a cut for her help arranging the meeting.

Id. at 520–21.

The Eighth Circuit also observed that there were occasional “differences” in Lazzaro’s encounters with his victims, including the number of victims present, how victims traveled to Lazzaro’s residence, the “acts leading up to sex,” and the types of alcohol Lazzaro served them. *Id.* at 521–22 (“The alcohol differed, too. He gave them champagne, or vodka, or shots of grain alcohol, of schnapps.”). Yet,

[w]hatever these differences, many things remained the same. Lazzaro used Castro Medina to identify potential matches—most often underage girls—and to make the initial introduction. He used his condo to meet the girls and have sex with them. He always paid the girls afterwards, and he always paid Castro Medina for her assistance.

Id. at 522. The Eighth Circuit rejected Lazzaro sufficiency-of-the-evidence argument: “the evidence was sufficient to support Lazzaro’s convictions.” *Id.* at 529.

On October 6, 2025, the Supreme Court of the United States denied Lazzaro’s petition for a writ of certiorari. (Lazzaro I, ECF No. 600.)

3. *Media coverage of the trial*

Lazzaro’s indictment, arrest, and criminal trial garnered extensive local and national media attention and press coverage. (Def. Mem., at 16 & n. 7.) Lazzaro’s preexisting media presence and public profile, along with the nature of the proceedings, amplified the media attention. The press reported on the events of trial, and Lazzaro proactively made statements to the press about the charges and trial, including sending a letter directly to a Kare11 reporter. (*Id.* at 42–43.) His legal team gave statements to television news media, and Lazzaro was active on social media making statements about the prosecution and trial. (*Id.* at 43–45.)

4. *The press conference*

Defendants represent one of the minor victims named in *Lazzaro I*—i.e., “Victim A”—in two civil actions. (Compl. ¶ 2 & n.1; ¶ 20.) The first action, filed in 2021, asserts claims for sex trafficking a minor against Lazzaro. *See JA-Minor Doe 1, et al. v. Lazzaro*, No. 21-cv-1985 (D. Minn.). The second action, filed in December 2024, asserts related claims against the owners and operators of the Hotel Ivy. *See JA Doe 1 v. Heartland Ivy Partners LLC, et al.*, No. 23-cv-4347 (D. Minn.).

On December 3, 2024, Defendants hosted the press conference at issue in Lazzaro’s Complaint to announce details of the Ivy lawsuit. (Compl. ¶ 26). During the press conference, Anderson made statements relating to the criminal lawsuit, and stated that some evidence in the Ivy lawsuit was taken directly from the criminal trial. (*E.g.*, Press Conf. 1:12–2:01). The press

conference was livestreamed, and remains accessible, on a YouTube page hosted by JAA.² (Compl. ¶ 26). Because there is no genuine dispute as to the accuracy or authenticity of this recording, the Court considers the alleged statements as they are evidenced in this video recording, including where this evidence contradicts Lazzaro’s allegations. *See Hickman v. Schnell*, 2023 WL 1770132, at *4 (Minn. Ct. App. Feb. 6, 2023)³ (citing *Scott v. Harris*, 550 U.S. 372, 381 (2007)).

The press conference was attended by representatives of the Zero Abuse Project, who spoke to raise awareness on the issue of child abuse prevention and intervention. (*See* Press Conf. 15:30–17:58). Both during and before the press conference, Defendants stated that descriptions of Lazzaro’s sex trafficking conduct were derived from evidence and testimony from Lazzaro’s criminal case. (*Id.* 1:12–2:01; 7:26–8:10; 8:54–10:19). For example, Anderson stated “It’s 41 pages . . . of evidence . . . that we took from the criminal trial and the prosecution” and “I’m citing to testimony given under oath here and recited to testimony in this complaint.” *Id.* During the press conference, Anderson gestured to a poster board displaying excerpted trial testimony in quotations marks. (*E.g.*, *Id.* 9:59.) The press conference was attended by media members, and print, digital, and cable media reported on the press conference.⁴

5. *This lawsuit*

² https://www.youtube.com/watch?v=7s-7Qi5X_XM

³ Although this decision, and other decisions cited in this order, are designated as unpublished, are nonprecedential, and are not binding authority, this Court cites it as persuasive authority. Minn. Stat. § 480A.08, subd. 3(b); Minn. R. Civ. App. P. 136.01, subd. 1(c).

⁴ *See, e.g.*, Star Tribune, *Teen victim of Anton Lazzaro accuses Hotel Ivy staff of helping him traffic her and others* (Dec. 3, 2024), available at <https://www.startribune.com/one-of-antonlazzaros-teen-victims-now-accusing-hotel-ivy-staff-of-helping-him-traffic-her-others-in-plainsight/601190171>; CBS News, *Hotel Ivy in downtown Minneapolis made no effort to protect Anton Lazzaro’s sex trafficking victims, lawsuit claims* (Dec. 3, 2024), <https://www.cbsnews.com/minnesota/news/hotel-ivy-minneapolis-lawsuit-anton-lazzaro/>; Kare11, *Former Minneapolis hotel owners face lawsuit tied to Anton Lazzaro case* (Dec. 3, 2024), <https://www.kare11.com/article/news/crime/hotel-ivy-suit-anton-lazzaro/89-59693e91-1b11-452f-bafa-e11176e8dc64>; FOX 9, *Minneapolis hotel faces lawsuit over Anton Lazzaro crimes* (Dec. 3, 2024), <https://www.fox9.com/video/1556727>.

Lazzaro filed the Complaint on September 12, 2025. (Index No. 3). He filed affidavits purporting to establish service on Anderson as an individual and JAA. (Index Nos. 1–2). As discussed below, the affidavits of service filed by Lazzaro demonstrate neither personal service nor proper substitute service upon Anderson as an individual. (*See* Index. No. 2). Further, as discussed below, Lazzaro has failed to show that he properly served JAA. Defendants waived formal service of the summons and Complaint on November 5, 2025. (Index No. 11; Landy Exs. R, S, T.). Defendants filed the instant special motion for expedited relief on November 26, 2025. (Index No. 5).

The Complaint alleges that Anderson made seven defamatory statements. (Compl. ¶ 26.a-f.). The table below compares the seven statements as alleged in the Complaint, shown on the left-hand column, and the actual statements from the press conference recording, shown in the right-hand column.

<u>Alleged Defamatory Statement</u>	<u>Actual Statements Captured by Press Conference Recording</u>
Statement #1	
“Lazzaro is now serving, how much time is he serving? 30 years? Serving 30 years.” (Compl. ¶ 26.a.)	Anderson: “And so, Anton Lazzaro now serving—how much time is he serving? Molly Burke: “30 years.” Anderson: “Serving 30 years.” (Press Conf. 4:30-37.)
Statement #2	
“What he would do is use [Gisela Castro Medina] to recruit these girls and offer cash to them and ultimately in exchange for sex.” (Compl. ¶ 26.b.)	Anderson: “But what he would do is use [Medina] to recruit these girls and offer cash to them and ultimately in exchange for sex.” (Press Conf. 11:00–10.)
Statement #3	
“While in his control there was private elevator to the 19th floor that had to require the staff to accompany these girls there.” (Compl. ¶ 26.c.)	Anderson: “There was a private elevator to the 19th floor that had to—required the staff to accompany these girls there. The front desk would call, uh, Lazzaro when they would

	arrive so that he would give permission for them to come up.” (Press Conf. 11:44–12:00.)
Statement #4	
“Often times uh the girls were so intoxicated as I said they were unable to walk out uh on their own free will.” (Compl. ¶ 26.d.)	Anderson: “Often times, uh, the girls were so intoxicated, as I said, they were unable to walk out, uh, on their own free will, and then he’d arrange transportation.” (Press Conf. 12:04–12:17.)
Statement #5	
“Characterizing testimony from Lazzaro’s trial, Anderson stated: ‘[Victim B] went to the desk to report that Lazzaro is sex trafficking her and other girls that he is offering cash to her and other girls and other items to induce them in exchange for sex, her words, her report to the hotel staff. And then she asked them that they needed uh the staff to remove her sister from Lazzaro’s residence cuz she was still up there. And the staff’s response to her plea to them to save her sister was there’s nothing we can do so she called her dad. Her dad arrives and um she’s waiting for uh her dad uh the lobby and at that time the father goes back to the desk and implores the staff to retrieve his older daughter who’s still upstairs being trafficked, being used, being exploited, and abused. And when he asked him to save his daughter uh from the capture of Lazzaro.’ (emphasis added).” (Compl. ¶ 26.e.)	Anderson: “On one occasion, one of the girls reported to the staff. And, it is of record, that she was a victim and she went to the desk to report that Lazzaro is sex trafficking her and other girls. That he is offering cash to her and other girls and other items to induce them in exchange for sex. Her words, her report to the hotel staff. And then, she asked them that, uh, they needed, uh, the staff to remove her sister from Lazzaro’s residence ‘cause she was still up there. And the staff’s response to her plea to them—to save her sister—was, there’s nothing we can do. So, she called her dad. Her dad arrives and, um, she’s waiting for, uh, her dad in, uh, the lobby. And at that time, the father goes back to the desk and implores the staff to retrieve his other daughter who’s still upstairs being trafficked, being used, being exploited and abused. And when he asked him to save his daughter, uh, from the capture of Lazzaro, what is the Ivy staff’s response? There’s nothing we can do.” (Press Conf. 12:19–14:41.)
Statement #6	
“A father called, called me and said Anton Lazzaro has been having a sexual relationship with my teenage [16 year old] daughter and now he sent me an agreement where he wants me to sign it on behalf of my daughter in which he pays \$2,000. I said send me he [sic] agreement. And I immediately looked at that and realized this guy had committed serious felony.” (Compl. ¶ 26.f.)	Anderson: “Anton Lazzaro was not ever, uh, on the radar of the police or law enforcement, uh, for at least a year or two as he trafficked these girls. And it wasn’t until a father called me and said, ‘Anton Lazzaro has been having a sexual relationship with my teenage daughter, and he now sent me an agreement where he wants me to sign it on behalf of my daughter, in which he pays \$2,000.’ I said, ‘send me that agreement.’ And I immediately

	<p>looked at that and realized this guy had committed a serious felony. And thus, we reported Anton Lazzaro to law enforcement. That father, in that call to us, was the first time any action was taken to prevent—to protect these kids.”</p> <p style="text-align: right;">(Press Conf. 18:11–19:10.)</p>
Statement #7	
<p>“[Lazzaro] paid the [staff of his condo building] to look the other way.”</p> <p style="text-align: right;">(Compl. ¶ 26.g.)</p>	<p>Media Member: “Do we know if, uh, hotel staff were being paid off by Lazzaro or if there were any transactions?”</p> <p>Anderson: “The question is, do we know the hotel staff was being paid off by Lazzaro? We know this today: he had a lot of money, and he has a lot of money. And he lived very lavishly. And so the implications to us, and it’s subject to further investigation, are that he paid the staff a lot of money to look the other way, all-all the time. And that would account, in part, for their indifference and their blindsightedness. But we don’t have, and haven’t interviewed witnesses yet that has said, ‘I got paid.’ But we will, and we’ll be able to answer that question more definitively once we get into what we call discovery.”</p> <p style="text-align: right;">(Press Conf. 26:56–27:53.)</p>

III. LEGAL ANALYSIS

A. Minnesota’s Uniform Public Expression Act applies to this action.

Defendants filed their motion under Minnesota’s Uniform Public Expression Act (“UPEPA”), which applies to the “exercise of the right of freedom of speech or of the press . . . guaranteed by the United States Constitution or the Minnesota Constitution on a matter of public concern.” Minn. Stat. § 554.08(b)(3) (2024). UPEPA provides for the early adjudication of meritless claims aimed at preventing a person from exercising the constitutional right to free speech, and it incorporates standards for adjudication mirroring those prescribed by Minnesota Rules of Civil Procedure 12 and 56. If UPEPA governs this case, Lazzaro’s claims must be dismissed with prejudice if either: (1) Lazzaro “fails to establish a prima facie case as to each

essential element of the cause of action”; or (2) Defendants demonstrate that either: (a) Lazzaro has failed to state a claim upon which relief can be granted; or (b) there is no genuine issue as to any material fact and Defendants are “entitled to judgment as a matter of law on the cause of action or part of the cause of action.” Minn. Stat. § 554.13.

Applicable here, UPEPA permits a party to file a special motion for expedited relief to dismiss any cause of action “to which this chapter applies” within 60 days of service of the complaint or “at a later time on a showing of good cause.” Minn. Stat. § 554.09. The Court finds that Lazzaro failed to effect service of the summons and Complaint in accordance with Minn. R. Civ. P. 4.03 when he attempted service on July 15, 2025. (*See* Index Nos. 1–2). The Court makes this finding for two reasons.

First, Anderson as an individual must be served “personally or by leaving a copy at [his] usual place of abode with some person of suitable age and discretion then residing therein.” Minn. R. Civ. P. 4.03(a). Affidavits of service filed by Lazzaro demonstrate neither personal service nor proper substitute service upon Anderson as an individual. (*See* Index. No. 2). Second, JAA is a domestic corporation which must be served “by delivering a copy to an officer or managing agent, or to any other agent authorized expressly or impliedly or designated by statute to receive service of summons.” Minn. R. Civ. P. 4.03(c). Lazzaro has not demonstrated that the person who received the summons and Complaint on July 15, 2025 was a managing agent of JAA, designated by statute to accept service, or vested with actual or implied authority to accept legal process for JAA. (*See* Index. No. 1). Defendants waived formal service of the summons and Complaint on November 5, 2025. (Index No. 11; Landy Exs. R, S, T). Defendants filed this motion on November 26, 2025. (Index No. 5.) Accordingly, the Court concludes that Defendants’ motion was timely filed under Minn. Stat. § 554.09. Alternatively, the Court

concludes that the unique circumstances here—an incarcerated plaintiff who did not properly serve the defendants, followed by a waiver of formal service—constitutes good cause as to the timing requirements to file a special motion for expedited relief.

Having concluded that Defendants’ motion is timely, the Court now turns to the merits of the motion. Courts resolving motions under UPEPA apply a three-part analysis:

First, a district court must determine whether UPEPA applies to the action at issue. Minn. Stat. § 554.13(a)(1)-(2). Second, a district court must determine whether the nonmoving party has established a prima facie case for each essential element of the challenged causes of action. *Id.* (a)(3)(i). And third, a district court must determine whether the moving party has demonstrated a basis for dismissal either for failure to state a claim or because there are no genuine issues of material fact and judgment is appropriate as a matter of law. *Id.* (a)(3)(ii).

J&D Dental v. Hou, 26 N.W.3d 491, 496 (Minn. Ct. App. 2025).

Chapter 554 applies to any claim asserted against a person based on the person’s: (1) communication in a legislative, executive, judicial, administrative, or other governmental proceeding; (2) communication on an issue under consideration or review in a legislative, executive, judicial, administrative, or other governmental proceeding; or (3) exercise of the right of freedom of speech or of the press, the right to assemble or petition, or the right of association, guaranteed by the United States Constitution or the Minnesota Constitution on a matter of public concern. Minn. Stat. § 554.08(b). UPEPA “must be broadly construed and applied to protect the exercise of the right of freedom of speech . . . guaranteed by the United States Constitution or Minnesota Constitution.” Minn. Stat. § 554.17.

Here, the Court concludes that UPEPA governs for two independent reasons. First, Lazzaro’s claims are “based on [Defendants’] . . . communication on an issue under consideration or review in a legislative, executive, judicial, administrative, or other governmental proceeding.” Minn. Stat. § 554.08(b)(2). Each statement forming the basis of Lazzaro’s claims concerned the Ivy Lawsuit—a pending judicial proceeding—including the summation of

evidence and testimony from which the Ivy Lawsuit allegations derived. (See Compl. ¶ 26; *accord* Press Conf.) Further, each statement concerned Lazzaro’s criminal conviction and sentencing—a judicial proceeding in its own right—which remained on appeal in December 2024, when the alleged statements were uttered.

Second, UPEPA also applies because Lazzaro’s claims are “based on” Defendants’ “exercise of the right of freedom of speech . . . on a matter of public concern.” Minn. Stat. § 554.08(b)(3). For deciding whether a matter is one of “public concern,” Minnesota courts borrow the standard established by the U.S. Supreme Court:

Speech deals with matters of public concern when it can be fairly considered as relating to any matter of political, social, or other concern to the community, or when it is a subject of legitimate news interest; that is, a subject of general interest and of value and concern to the public.

J&D Dental, 26 N.W.3d at 497 (quoting *Snyder v. Phelps*, 526 U.S. 443, 453 (2011)). Whether speech implicates a “matter of public concern” under this standard is determined “on a case-by-case basis given the totality of circumstances, taking into consideration the content, form, and contexts of the speech, as well as any other pertinent factors.” *Id.* at 498; *see, e.g., Freborg*, 995 N.W.2d at 384–85 (Facebook post about sexual abuse deemed speech on a matter of public concern), *cert. denied*, 144 S. Ct. 819 (U.S. 2024); *Richie v. Paramount Pictures Corp.*, 544 N.W.2d 21, 26 (Minn. 1996) (statements uttered “during discussion of sexual abuse of children by their parents and legal recourse available,” publicized “via television media,” were “certainly of public concern”); *Jacobson v. Rochester Comm’ns Corp.*, 410 N.W.2d 830, 836 n.7 (Minn. 1987) (although petitioner was not a public figure, “the news report describing [his felony arson trial] and his activities were matters of ‘undoubted public concern’”).

The Court concludes that Defendants’ statements concerning the Ivy Lawsuit related to matters of public concern. As outlined above, Lazzaro’s criminal case was the subject of

widespread reporting by local, national, and international press. This coverage spanned several years and featured Lazzaro's history of participation in political activity, his social media presence, and his engaging with the media. As further evidence that the alleged statements concerned matters of public concern, print, digital, and cable media reported on and aired the press conference at which the alleged statements were uttered. *See* Def. Mem. at 58 n. 21. Additionally, the press conference was also attended by representatives of Zero Abuse Project, who spoke to raise awareness on the issues of sex trafficking and child abuse prevention and intervention—additional matters of public concern. *See, e.g., Freborg*, 995 N.W.2d at 384–85; *Richie*, 544 N.W.2d at 26. Thus, the Court concludes that UPEPA governs Lazzaro's claims in this action and will analyze them in accordance with Minn. Stat. § 554.13.

B. Lazzaro's claims must be dismissed in their entirety and with prejudice under UPEPA.

As noted above, UPEPA permits with-prejudice dismissal of claims if either (1) the plaintiff has not stated a cause of action upon which relief can be granted (i.e., borrowing Minn. R. Civ. P. 12.02(e)'s standard) or (2) there is no genuine issue as to any material fact and the moving party is entitled to judgment as a matter of law (i.e., borrowing Minn. R. Civ. P. 56.01's standard). The Court concludes that dismissal of Lazzaro's claims is independently appropriate under either standard. First, the Court has considered Lazzaro's allegations, construed all reasonable inferences in his favor, and considered documents and evidence embraced by the pleadings—the authenticity of which is not genuinely disputed—and concludes that Lazzaro has not stated any cause of action upon which relief can be granted. Second, the Court has also considered the parties' submissions and evidence and concludes that the evidence establishes the absence of any genuine issue of material fact and Defendants' entitlement to judgment as a matter of law on each of Lazzaro's asserted claims.

1. Statements #1–#6 are each true or substantially true.

To recover for defamation or defamation *per se*, Lazzaro must establish an essential element of each claim by proving the falsity of each statement. *McKee v. Laurion*, 825 N.W.2d 725, 730 (Minn. 2013). A plaintiff “cannot succeed in meeting the burden of proving falsity by showing only that the statement is not literally true in every detail. If the statement is true in substance, inaccuracies of expression or detail are immaterial.” *Jadwin v. Minneapolis Star & Tribune Co.*, 390 N.W.2d 437, 441 (Minn. Ct. App. 1986).

This “substantial-truth doctrine” instructs that “[m]inor accuracies do not amount to falsity so long as ‘the substance, the gist, the sting of the libelous charge [is] justified.’” *McKee*, 825 N.W.2d at 730. “A statement is substantially true if it would have the same effect on the mind of the reader or listener as that which the pleaded truth would have produced.” *Id.* The substantial-truth test is “broad”; “if any ‘reasonable person’ could find the statements to be ‘supportable interpretations’ of their subjects, the statements are incapable of carrying a defamatory meaning, even if ‘a reasonable jury’ could find that the statements were mischaracterizations.” *Hunter v. Hartman*, 545 N.W.2d 699, 707 (Minn. Ct. App. 1996), *rev. denied* (Minn. June 19, 1996).

When, as here, the underlying facts are not in dispute, “the question of whether the statements are substantially accurate is one of law for the district court to determine.” *Oaks Gallery & Country Store-Winona, Inc. v. Lee Enters., Inc.*, 613 N.W.2d 800, 803 (Minn. Ct. App. 2000) (citing *Jadwin*, 390 N.W.2d at 441); *accord Blackwell v. Collin*, 2025 WL 2256675, at *12 (Minn. Dist. Ct. Apr. 8, 2025).

a) Statement #1 is substantially true.

Statement #1—that Lazzaro’s prison term is 30 years, rather than 21 years—is substantially true and does no greater harm to Lazzaro’s reputation than the literal truth. The statement accurately conveyed that Lazzaro was sentenced to a prison term for his criminal

offenses. The Court concludes that the difference in the length of the term stated by Anderson versus the actual length of the prison term is a minor inaccuracy that does not rise to the level of falsity. The Court reaches this conclusion because of the totality of the components of Lazzaro's sentence, and the effect that Anderson's statement would have on a reasonable listener. There is no dispute that Lazzaro was sentenced to: (1) 21 years on each of the six counts of conviction, to be served concurrently; (2) a five-year term of supervised release following release from prison; and (3) conditions of supervised release that require him to refrain from knowingly associating with any female minor in the absence of a responsible adult; to register as a sex offender in Minnesota and any other state in which he lives, works, or attends school; and to abide by all requirements of the Sex Offender Registration and Notification Act. The Court concludes that in totality, Anderson's statement contained a minor inaccuracy about Lazzaro's sentence. Statement #1 was substantially true and, as a matter of law, could do no greater harm to Lazzaro's reputation than the literal truth. *See Woodard v. Sunbeam Television Corp.*, 616 So.2d 501, 503 (Fla. Dist. Ct. App. 1993) (“[t]he fact that [the plaintiff] actually spent two years in prison, as opposed to the four years reported by Steinberg, would not have had a different effect on the mind of the viewer since this fact does not affect the gist of the story.”); *Davis v. McKenzie*, 2017 WL 8809359, at *12–13 (S.D. Fla. Nov. 3, 2017), *report and recommendation adopted*, 2018 WL 1813897 (S.D. Fla. Jan. 19, 2018) (granting expedited anti-SLAPP relief where defamation plaintiff convicted of criminal offenses “thoroughly destroyed whatever favorable reputation he may have once enjoyed when he adopted a criminal lifestyle that incorporated repeated acts of violence and physical and sexual abuse, not only of adults, but of minors as well”); *Koniak v. Heritage Newspapers, Inc.*, 198 Mich. App. 577, 581 (Mich. Ct. App. 1993) (affirming summary disposition of defamation claims where “defendants’ article stating that

plaintiff had allegedly assaulted his stepdaughter thirty to fifty times . . . was close enough to the truth about the nature of the criminal sexual conduct charge . . . [where] the plaintiff assaulted her only eight times[.]”)

b) *Statement #2 is true*

Statement #2—that Lazzaro “use[d] [Medina] to recruit these girls and offer cash to them and ultimately in exchange for sex”—is a true recitation of testimony and evidence from Lazzaro’s criminal case. On appeal, Lazzaro’s criminal conviction was affirmed by the United States Court of Appeals for the Eighth Circuit. That court rejected Lazzaro’s claim that “there was no evidence that he ever explicitly offered anything for sex.” *Lazzaro*, 129 F.4th at 528–29 (“First, the evidence shows that he did make such a statement. He explicitly offered \$400 to [Victim B], her sister, and their friend for sex, and when the friend became uncomfortable, Lazzaro made clear that she would not get the money if she left.”). The Eighth Circuit also described the evidence as establishing Lazzaro’s use of Medina to “recruit” minor victims to whom he paid cash and other items of value in exchange for sex. *See, e.g., id.* at 520 (“[Lazzaro] wanted her to be, in his words, his ‘recruiter.’ As Lazzaro’s recruiter, Castro Medina would message girls on his behalf, and she would get paid to do so.”); *see also id.* at 522 (“Lazzaro used Castro Medina to identify potential matches—most often underage girls—and to make the initial introduction. He used his condo to meet the girls and have sex with them. He always paid the girls afterwards, and he always paid Castro Medina for her assistance.”).

In addition, Victims A–E each testified that Lazzaro paid them cash and other items of value in exchange for sex. (*See generally* Landy Exs. K–O). The victims also offered ample testimony that Medina recruited them, and that Lazzaro paid her with cash and other items of value for her recruiting efforts. (*See generally* Landy Exs. K, M, N and O). The factual basis of Medina’s guilty plea established that she conspired with Lazzaro to sex traffic minors, and in

doing so, she agreed that Lazzaro paid her to recruit minor victims, facilitating his commercial sex acts with those victims. (Landy Ex. J.) The Court concludes that the record from Lazzaro’s criminal trial and criminal conviction demonstrates that Statement #2 is true.

c) Statement #3 is true.

In Statement #3, Anderson stated “There was a private elevator to the 19th floor that had to—required the staff to accompany these girls there. The front desk would call, uh, Lazzaro when they would arrive so that he would give permission for them to come up.” This statement is a true recitation of the testimony and evidence at Lazzaro’s criminal trial. The trial testimony supported these facts, which were not seriously contested. Lazzaro himself alleges that, within the Hotel Ivy lobby, there are two elevator banks, one for residents and one for the hotel, depicting an image to this effect. (*See* Compl. ¶ 26.c.)

At trial, a manager of the Hotel Ivy testified that guests were required to “see a person at the front desk” before accessing or using the residential elevators and that residents would “either let us know, or when they arrive, we just call the resident and take their permission to let the guest up.” (Landy Ex. U, 1209:10–1212:6.) Testimony from the victims is consistent with the manager’s testimony. It includes testimony about staff from Ivy calling Lazzaro before escorting them in the elevator to Lazzaro’s apartment. (*See* Landy Exs. L and O).

The Court concludes that the record from Lazzaro’s criminal trial demonstrates that Statement # 3 is true. The Court also concludes that the specifics of whether a guest required permission and assistance to use the elevator do not harm Lazzaro’s reputation or “lower him in the estimation of the community.” *McKee*, 825 N.W.2d at 731. As a matter of law, Statement # 3 is true and, at minimum, substantially true.

d) Statement #4 is true.

Statement #4 is a true recitation of evidence and testimony from Lazzaro's criminal trial, which reflected that "[o]ften times, the girls were so intoxicated [that] they were unable to walk . . . on their own free will" and that, in some cases, Lazzaro then "arrange[d] transportation." (Press Conf. 12:04–12:17.) The Eighth Circuit's decision demonstrates the truth of this statement. *See Lazzaro*, 129 F.4th at 522 ("During this encounter, [Victim C] became so drunk that Lazzaro let her stay the night[.]"). Victim testimony also demonstrates the truth of Statement #4. The Victims testified that they drank enough that they could not walk or remember the night, and in at least one case, Lazzaro arranged transportation for the victim to go home. (*See Landy Exs. K, L and M*). Thus, as a matter of law, Statement # 4 is true and, at minimum, substantially true.

e) Statement #5 is substantially true.

The Complaint alleges that Statement #5 is a mischaracterization of Victim B's trial testimony. (*See Compl. ¶ 26.e.*) Anderson stated that one victim "went to the desk to report that Lazzaro is sex trafficking her and other girls" and that Lazzaro offered cash in exchange for sex. Anderson also stated that she told Ivy staff "to remove her sister from Lazzaro's residence 'cause she was still up there." Anderson stated that the victim called her father, who arrived and went "back to the desk and implores the staff to retrieve his other daughter who's still upstairs being trafficked, being used, being exploited and abused." Anderson also stated: "And when he asked him to save his daughter, uh, from the capture of Lazzaro, what is the Ivy staff's response? There's nothing we can do." (Press Conf. 12:19–14:41.) The Court concludes that each element of this statement, as accurately recited in the video evidence, is a true "characterization" of Victim B's testimony.

In summary, Victim B's testimony confirms that she (1) reported to Ivy staff that Lazzaro was paying cash to minors for sex and that she asked them to intervene; (2) that her sister was drunk and remained in Lazzaro's apartment; and (3) that Ivy staff father declined to intervene after she called her father and he asked for help. (Landy Ex. L). Therefore, Anderson's statement is a substantially true characterization of Victim B's trial testimony.

The Complaint alleges that Anderson's characterization of the *Lazzaro I* trial testimony is false. In particular, the Complaint focuses on the terms "abuse," and "capture," citing Minnesota criminal statutes relating to sexual abuse and kidnapping. (Compl. ¶ 26.e & n.7, n.8.) The Complaint alleges that testimony at trial did not meet the criminal statute definitions. *Id.* However, Anderson did not cite or otherwise imply a violation of these statutes, and "the meaning of an allegedly defamatory statement is not determined by legal research, but 'by the plain and ordinary meaning of the word.'" *Anderson v. Cramlet*, 789 F.2d 840, 844 (10th Cir. 1986) (citation omitted). The Court concludes that the conduct for which Lazzaro was convicted meets the ordinary definition of "abuse," and that a reasonable person could find that the facts of his convicted crimes support interpretation that the victims were "trafficked," "used," "exploited," and "abused" *See, e.g.*, Abuse, Black's Law Dictionary (12th ed. 2024) ("Cruel or violent treatment of someone; specif., physical or mental maltreatment, often resulting in mental, emotional, sexual, or physical injury."). Additionally, the Court concludes that Anderson's statement that Victim B testified that her father asked hotel staff to "save his daughter, uh, from the capture of Lazzaro," is a substantially true characterization of her testimony. She testified that hotel staff said there was nothing they could do. Even if the word "capture" was a mischaracterization, a reasonable person could find that "capture" is an interpretation supported by the facts. The Court concludes that Statement #5 is substantially true as a matter of law.

f) Statement #6 is true or substantially true.

Statement #6 addresses a 16-year-old victim's father contacting Defendants after allegedly receiving a payment agreement from Lazzaro, and Defendants reporting Lazzaro to law enforcement. During that statement, Anderson stated that when he saw the payment agreement, he "realized [Lazzaro] had committed a serious felony." The Court concludes that Defendants were correct insofar as they stated that Lazzaro had committed a felony. Lazzaro was convicted of six felonies. Insofar as Defendants stated that Lazzaro's felony offenses are "serious," the Statement is a matter of nonactionable opinion. As a factual matter, Anderson also correctly recited testimony that Lazzaro sought to prevent Victim A from speaking with law enforcement by offering money and presented her with a nondisclosure agreement. (Landy Ex. K). The truth of Anderson's statement is also confirmed by a federal court order in *Lazzaro I*. (See Landy Ex. Z at 7 (summarizing testimony that Lazzaro approached victim and her parent "to sign a nondisclosure and nondisparagement agreement in return for \$1000" after learning the "minor victim intended to go to the police").) Whether the existence of the payment agreement was a felony or not, the conduct for the basis of the agreement was a felony.

Citing Minn. Stat. § 609.345, Lazzaro also alleges that Statement #6 implies he committed felony criminal sexual conduct, and suggests this implication is false because Victim A was 16 years-old and "Minnesota's age of consent is 16" therefore "[t]here was no felony implied by the agreement." (Compl. ¶ 26.f & n.10.) For two reasons, this argument fails. First, as noted above, the evidence at trial established that Lazzaro had sexual intercourse with a 15-year-old (Victim C), meeting the definition of criminal sexual conduct. *See* Minn. Stat. § 609.345, subd. 1a(b). Second, Lazzaro also conspired with Medina in a similar effort to silence 15-year-old Victim C. Medina pleaded guilty to an obstruction charge, and the factual basis for her plea agreement included engaging in acts for the purpose of preventing Victim C from speaking to

law enforcement. (Landy Ex. J). Further, additional testimony of this conduct was also relied on by the federal court. (See Landy Ex. Z at 8 (summarizing testimony that Lazzaro messaged Victim C “please don’t say anything” and had “enlisted Medina [] and her boyfriend to contact that victim by going to her workplace and providing ‘a bottle of alcohol and cash’ in exchange for her silence”).)

In sum, Lazzaro’s allegations on Statement #6 seem to present a theory that Anderson wrongly implied that Victim A was below the age of 16, or wrongly implied that sex with a 16 year old is a felony, and, as a result, wrongly implied that Lazzaro committed criminal sexual conduct. But the evidence did establish that Lazzaro engaged in sexual intercourse with another victim under the age of 16 (Victim C), and that Lazzaro attempted to silence each of these victims with hush money payments. Further, Lazzaro was convicted for five counts of felony sex trafficking of minors and one felony count of conspiracy to do the same. As a matter of law, the “sting” and “gist” of Statement #6 is true and has the same material effect on Lazzaro’s reputation in the mind of the listener as would Lazzaro’s explanation that Minnesota’s age of consent is 16, and that there weren’t any felonies implied in the nondisclosure agreement.

2. *Statements #2–#6 are immunized by the fair and accurate reporting privilege.*

There is no genuine dispute that Statements #2–6 are immunized by the fair and accurate reporting privilege. This privilege offers an independent basis for dismissal of these Statements. “Even if every element of a defamation claim is established, a speaker is not liable if an absolute or qualified privilege protects the defamatory statement and the qualified privilege is not abused.” *Larson v. Gannett Co., Inc.*, 940 N.W.2d 120, 131 (Minn. 2020). The fair and accurate reporting privilege immunizes “publication of defamatory matter concerning another in a report of an official action or proceeding or of a meeting open to the public that deals with a matter of

public concern . . . if the report is accurate and complete or a fair abridgment of the occurrence reported.” *Id.* at 132 (quoting Restatement (Second) of Torts § 611 (Am. Law Inst. 1975)). “[F]ault is not determined by the truth or falsity of the content of the defamatory statement,” but “by the accuracy with which the statement is reported.” *Moreno v. Crookston Times Printing Co.*, 610 N.W.2d 321, 331 (Minn. 2000). The speaker “is not required either to provide every fact or to omit information that some may consider merely contextual in order to be protected by the privilege.” *Gabbert v. Star Tribune Media Co.*, 2022 WL 2911884, at *3 (Minn. Ct. App. July 25, 2022) (footnote omitted). “[L]ike an absolute privilege, the fair and accurate reporting privilege cannot be defeated by common law malice.” *Larson*, 940 N.W.2d at 131. “Whether the fair and accurate reporting privilege applies [] is a question of law.” *Id.*

Relevant here, the fair reporting privilege is not limited to “newspapers, broadcasting stations and others [] in the business of reporting news to the public,” but “extends to any person who makes an oral, written or printed report to pass on the information that is available to the general public.” Restatement (Second) of Torts § 611, cmt. c. Thus, courts have extended the privilege to nonmedia, including specifically to reports by law firms and attorneys. *See, e.g.*, *Myers v. D.C. Hous. Auth.*, 2021 WL 1167032, at *5 (D.D.C. Mar. 26, 2021) (application to “law firm’s ‘News & Updates’ section is []consistent with the privilege’s purpose to inform the public about ‘what occurs in official proceedings’”); *Healthsmart Pac., Inc. v. Kabateck*, 7 Cal. App. 5th 416, 431–37 (Cal. Ct. App. 2016), *as modified*, (Jan. 10, 2017) (protecting attorneys’ statements to media); *Sig Sauer, Inc. v. Jeffrey S. Bagnell, Esq., LLC*, 2023 WL 4421769, at *2–4 (D. Conn. July 10, 2023) (applied to animation and press release published online by law firm); *McNamara v. Koehler*, 429 P.3d 6, 11–13 (Wash. Ct. App. 2018) (privileged applied to statements published on law firm’s website).

The Minnesota Supreme Court has not expressly applied the fair reporting privilege to nonmedia members. The court has, however, adopted § 611—which endorses the privilege’s application to nonmedia—and further signaled that it would do so by observing the First Amendment’s equal application to media and nonmedia members alike. *See Maethner v. Someplace Safe, Inc.*, 929 N.W.2d 868, 878 (Minn. 2019) (“Minnesota affords to nonmedia defendants the same first amendment protection for criticism of public officials that it grants to the mass media. The rule should not be different when the plaintiff is a private individual but the matter nonetheless raises an issue of public concern.”) (citations omitted). This Court agrees with a majority of courts that have found the fair and accurate reporting privilege applies equally to those who are not considered members of the media.

Here, the alleged statements were reports of an official proceeding (*i.e.*, testimony from *Lazzaro I* and allegations in the Ivy Lawsuit). Defendants clearly explained—in the release announcing the press conference, on the webpage where it was livestreamed (and remains accessible), and during the press conference itself—that statements about Lazzaro’s conduct derived from “evidence” and “testimony” in the criminal proceedings. Through these channels, Defendants made clear that this testimony was being used for “allegations” made in the Ivy Lawsuit.

Next, for the same reasons Statements #2–6 are true or substantially true, they are also a fair and accurate report of evidence and sworn testimony elicited during Lazzaro’s criminal trial. As discussed above, each of these statements aligns with sworn testimony adduced at trial (and with the account of Lazzaro’s co-defendant). Thus, as a matter of law, Lazzaro’s claims must be dismissed with prejudice as to Statements #2–6. *See, e.g., Myers*, 2021 WL 1167032, at *3–4 (granting Rule 12 motion when similar language and context clues meant “only reasonable

interpretation” was that release summarized sexual harassment allegations in client’s complaint); *Healthsmart Pac., Inc.*, 7 Cal.App.5th at 434–38 (affirming award of expedited anti-SLAPP relief based on fair report privilege because attorneys’ statements to media were fair and true statements concerning allegations in complaint).

3. Statement #7 is a nonactionable opinion.

“The First Amendment protects opinion from defamation liability.” *Larson*, 940 N.W.2d at 147. “Courts consider four factors when determining whether a statement is one of fact or opinion: (1) the precision and specificity of the statement; (2) the statement’s verifiability; (3) the social and literary context of the statement; and (4) the public context in which the statement was made.” *Bebo v. Delander*, 632 N.W.2d 732, 740 (Minn. Ct. App. 2001). “Determining whether a statement is an opinion or a fact is a question of law.” *Blackwell*, 2025 WL 2256675, at *17 (collecting cases).

Statement #7—Defendants’ answer when questioned if Ivy staff were “paid off”—is nonactionable opinion. *Hunter v. Coughlin*, 2021 WL 1962905 (Minn. Ct. App. May 17, 2021), is instructive. There, the defendant allegedly said that “anyone who was favorable” to the plaintiff “must have been paid off.” *Id.* at *6. The court of appeals found this statement reflected mere “opinion” that plaintiff had bribed witnesses and, therefore, was nonactionable. *Id.* Here, when asked whether “hotel staff were being paid off by Lazzaro,” Defendants answered that the Hotel Ivy staff’s “indifference and their blindsightedness[]” created an “implication[] to us” that Lazzaro “paid the staff a lot of money to look the other way.” Defendants also stated that it was “subject to further investigation”; that Defendants “[had]n’t interviewed witnesses yet that ha[d] said, ‘I got paid,’”; and that Defendants would “be able to answer that question more definitively once we get into what we call discovery.” (Press Conf. 26:56-27:54.)

Furthermore, insofar as Statement #7 concerns Defendants' mere belief that further investigation could reveal evidence of payments to hotel staff, this similarly constitutes an opinion or "prediction of future events" that is "not actionable in defamation because it is not capable of being proven true or false." *Said v. Mayo Clinic*, 2021 WL 5371571, at *12 n.6 (D. Minn. Nov. 18, 2021) (quoting *Alexander v. Strong*, 2021 WL 2645516, at *5 (Minn. Ct. App. June 28, 2015)). The Court concludes that Statement #7 is a nonactionable opinion.

4. *Lazzaro cannot establish clear and convincing evidence of actual malice.*

To recover on claims of defamation or defamation per se, Lazzaro must show clear and convincing evidence of actual malice. As a matter of law, Lazzaro cannot make this showing. There are two independent bases on which Lazzaro must show actual malice.

First, Lazzaro is required to establish Defendant acted with malice because Lazzaro is a public figure. "There are three categories of public figures: an involuntary public figure, an all-purpose public figure, and a limited-purpose public figure." *Metge v. Cent. Neighborhood Improvement Ass'n*, 649 N.W.2d 488, 495 (Minn. Ct. App. 2002). Relevant here, an all-purpose public figure is "generally described as a celebrity or a prominent social figure," whereas a limited-purpose public figure is one who voluntarily "injects [herself] or is drawn into a particular public controversy and thereby becomes a public figure for a limited range of issues." *Id.* at 495–96. To determine if an individual is a limited-purpose public figure, courts consider (1) whether a public controversy existed; (2) whether the plaintiff played a meaningful role in the controversy; and (3) whether the allegedly defamatory statement related to the controversy. *Chafoulias v. Peterson*, 668 N.W.2d 642, 651 (Minn. 2003). "Whether a plaintiff is a public figure is a question of law" that, in some cases, "might involve disputes of material fact."

MacDonald v. Brodkorb, 939 N.W.2d 468, 477 (Minn. Ct. App. 2020) (public-figure status established as a matter of law).

Lazzaro is both an all-purpose and limited public figure. First, as discussed above, Lazzaro inserted himself into public political debate in the years preceding his criminal prosecution. Based on his political activity and his founding and operation of political action committee, he obtained notable visibility in the local and national media. He made recurring appearances on national television programming and posted about politics and public debate to social media. Additionally, even if Lazzaro could be considered an involuntary public figure because of his criminal case, he sent a letter to a television news station discussing his side of the case, and made additional public statements on social media and through his attorneys. Lazzaro’s criminal conduct and trial drew national media attention, and a public controversy existed. Lazzaro played a meaningful role in the controversy—both as the subject of it, and in its publicity—and that the allegedly defamatory statements relate to the controversy. The Court concludes that Lazzaro is a public figure.

In addition, Lazzaro cannot meet his burden to produce clear and convincing evidence of actual malice. “Actual malice is a term of art; it means that the defendant acted with knowledge that the publication was false or with reckless disregard of whether it was false or not.” *Chafoulias*, 668 N.W.2d at 654 (cleaned up). “[R]eckless disregard’ does not mean ‘recklessness’ in the ordinary sense of extreme negligence. Instead, ‘reckless disregard’ requires that a defendant make a statement while subjectively believing that the statement is probably false.” *Id.* at 654–55. “There must be sufficient evidence to permit the conclusion that the defendant in fact entertained serious doubts as to the truth of his publication. Publishing with such doubts shows reckless disregard for truth or falsity and demonstrates actual malice.” *Britton*

v. Koep, 470 N.W.2d 518, 524 (Minn. 1991) (quotation omitted). “Actual malice ‘has nothing to do with motive or ill will in the publishing of otherwise defamatory statements.’” *Id.* (quoting *Moreno v. Crookston Times Printing Co.*, 610 N.W.2d 321, 329 (Minn. 2000)).

A prima facie case of defamation requires “clear and convincing evidence” that the defendant acted with actual malice. *Chafoulias v. Peterson*, 668 N.W.2d 642, 654 (Minn. 2003). In *Cook v. Trimble*, the Minnesota Court of Appeals analyzed whether there was clear and convincing evidence that an attorney’s statements to the media were made with actual malice. 22 N.W.3d 196 (Minn. Ct. App. 2025). There, Cook sued attorneys representing his ex-girlfriend in a separate personal injury suit, alleging they defamed him in a press conference, including by reciting allegations that he “physically abused” and held her “hostage.” *Id.* at 201.

The district court denied the attorney’s UPEPA motion, finding the plaintiff had adequately pleaded actual malice, and later denied summary judgment. *Id.* at 202. On appeal, the Court of Appeals “reverse[d] the denial of [the] special motion for expedited relief” under UPEPA, finding Cook could not show actual malice by clear and convincing evidence. *Id.* at 208–09. Like here, the plaintiff disputed that the statements made to media were true, and the court determined that the evidence created a clear “factual dispute as to what transpired.” *Id.* Additionally, the court concluded that even if the statements were false, “the evidence is insufficient to prove that appellants made those statements either knowing that they were false or with reckless disregard for their truth.” This meant “no reasonable juror could find, by clear and convincing evidence, that [counsel] acted with actual malice in making the [] media statements.”⁵ *Id.* at 209.

⁵ The Minnesota Supreme Court recently granted cross-petitions for review in *Cook*. In doing so, the Court denied review on just one petitioned issue: the determination, as a matter of law, that Cook could not show clear and convincing evidence of actual malice. See *Cook v. Trimble*, No. A24-1486, Respondent’s Cross-Petition (June 23, 2025) & PFR Order (Aug. 12, 2025).

Lazzaro argues that Anderson knew the statements he was making were false. Lazzaro alleges that Anderson knew that Lazzaro never paid hotel staff to look the other way, and knew that Medina never testified to discussing sex with anyone or offering them money, and that there was no private elevator. While Lazzaro may dispute the facts and Anderson’s characterization of them, Defendants’ statements—and the derivative Ivy lawsuit allegations—were reciting and summarizing from sworn testimony and evidence that was already credited by a jury in convicting Lazzaro of all six counts. No reasonable juror could find that Anderson entertained serious doubts as to the truth of his statements or made them in reckless disregard of their truth. As stated above, the Court concludes that those statements were true or substantially true based on the evidence and testimony from the criminal trial, therefore Lazzaro has not met the burden of proving Anderson acted with malice by making the statements knowing they were false, or with reckless disregard for their truth.

Further, as noted above, Statement #1 is a substantially true statement of Lazzaro’s prison term that, as a legal matter, cannot cause additional harm to Lazzaro’s reputation. Assuming it could, Lazzaro still cannot show actual malice. As shown in the press conference recording, Anderson could not instantaneously recall the length of Lazzaro’s prison sentence while addressing media members—prompting a colleague to answer, mistakenly, that Lazzaro’s prison term was thirty years. (Press Conf. 4:30-37.) This shows not a knowingly false statement, but one of inadvertence. In fact, Defendants elsewhere consistently reported the correct length of Lazzaro’s prison sentence—including in the very release announcing the Press Conference. (*See* Landy Ex. P at 1) (“In 2023, Anton Lazzaro was sentenced to 21 years in prison for sex trafficking minor females.”); (Landy Ex. V) (“Today, [Lazzaro] was sentenced to 21 years in prison for his crimes.”). For these reasons, no reasonable juror could find that Statement #1 was

made with knowledge of falsity. Because Lazzaro cannot show clear and convincing evidence of actual malice by Defendant in any of the alleged defamatory statements, his claims must be dismissed.

In summary, the Court concludes that Lazzaro has failed to state a claim for both defamation and defamation per se. Further, the Court concludes that there are no genuine issues of material fact and Defendants are entitled to judgment as a matter of law as to both claims.

5. *Defendants are entitled to recover their costs, reasonable attorneys' fees, and expenses related to the motion.*

Because Defendants are entitled to prevail on the motion, the Court “shall award court costs, reasonable attorney fees, and reasonable litigation expenses related to the motion.” Minn. Stat. § 554.16 (emphasis added); *accord Anderson v. Anderson*, 2025 WL 2090526, at *2 (Minn. Ct. App. July 22, 2025) (prevailing party is “entitled” to award under § 554.16). As set forth above, the Court orders additional submissions from the parties to determine Plaintiffs’ liability under Minn. Stat. § 554.16.

IV. CONCLUSION

Pursuant to all the files, records, affidavits and arguments, Defendants’ Special Motion for Expedited Relief pursuant to Minn. Stat. 554.09 and for Attorneys’ Fees and Costs pursuant to Minn. Stat. § 554.16 and, alternatively, to Dismiss pursuant to Minn. R. Civ. P. 12.02(e) [Index No. 5] is granted. The Complaint is dismissed with prejudice. Plaintiff is liable to Defendants in the amount of costs, attorneys’ fees, and litigation expenses Defendants incurred related to the motion.

Dated: _____

BY THE COURT:

Reynaldo A. Aligada, Jr.
Judge of District Court