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Superior Court of California  
County of Fresno  
By: Jamie Nelson, Deputy

5 Attorneys for **Plaintiff**

8 SUPERIOR COURT OF CALIFORNIA

9 COUNTY OF FRESNO

10 \*\*\*

22CECG01469

11 NELSON ESPARZA, ) NO.  
12 )  
Plaintiff, )  
13 vs. ) **COMPLAINT FOR DEFAMATION**  
14 )  
GARRY BREDEFELD, in his )  
15 Individual Capacity; DOES 1 )  
through 20, )  
16 )  
Defendants. )

17  
18 Plaintiff complains of defendants, and each of them, and for  
causes of action, alleges as follows:

19 **PRELIMINARY ALLEGATIONS**

20  
21 1. That plaintiff is unaware of the true names and  
22 capacities of defendants named herein as DOE 1 through DOE 20  
23 ("DOES 1-20"), inclusive, and each of them, and therefore plaintiff  
24 sues said defendants by such fictitious names and will move to  
25 amend to insert the true names of said defendants when the true  
26 names, identities, and acts giving rise to their liability in  
27 regard to the above-entitled action, become known to plaintiff.  
28 Plaintiff is informed and believes and therefore alleges that each

1 of the defendants designated herein as a DOE defendant is  
2 responsible in some manner for the events and happenings referred  
3 to herein, and for negligently and wrongfully causing the personal  
4 injuries and economic damages hereinafter alleged.

5 2. Plaintiff is informed and believes and thereon alleges,  
6 at all times and places mentioned herein, defendants GARRY  
7 BREDEFELD and DOES 1 through 20 were and are residents of the  
8 County of Fresno, State of California.

9 3. Defendant Garry Bredefeld is sued in his individual  
10 capacity.

11 4. Fresno City Charter Article 8, Section 800 states:  
12 "There shall be a City Attorney and a City Clerk who  
13 shall be appointed by and serve at the pleasure of the  
14 Council, but who may be removed only by a majority vote  
15 of the entire Council."

16 5. On or about the 21<sup>st</sup> day of April, 2022 the Fresno City  
17 Council held a regularly scheduled council meeting. A discussion  
18 was held by the council concerning information from the City  
19 Attorney was being weaponized by other council members for the  
20 purpose of partisan political attacks. Prior to this time Garry  
21 Bredefeld had engaged in a pattern and practice of repeated  
22 accusations of misconduct leveled against other members of the  
23 Council with whom he had political differences. In response to  
24 these concerns by council members, the following Resolution  
25 (denoted on the agenda as File I.D. 22-612) was proposed and passed  
26 as an amendment to :

27 No Councilmember shall utilize the services of the City  
28 Attorney's Office or contract counsel for the City for

1 purposes of investigating or obtaining legal opinions  
2 concerning other Councilmembers or their actions. Should  
3 any Councilmember believe an investigation of one or more  
4 other Councilmembers is warranted, a closed session may  
5 be held and the Council may provide direction to the City  
6 Attorney to hire independent counsel to research,  
7 investigate, and advise the Council on the matter. All  
8 requests for public documents by Councilmembers shall be  
9 timely and appropriately responded to by the City  
10 Attorney's Office; however, if in the judgment of the  
11 City Attorney the documents requested concern or affect  
12 other Councilmembers, the documents provided shall also  
13 be provided to all Councilmembers at the same time. This  
14 resolution shall not prohibit the City Attorney's Office  
15 from investigating matters such as harassment and hostile  
16 work environment in which investigations are legally  
17 required. This paragraph shall be in effect only until  
18 July 21, 2022, and shall have no effect thereafter  
19 without Council approval.

20 6. The same April 21<sup>st</sup> meeting included a closed session at  
21 which certain personnel matters were discussed, including "Public  
22 Employee Performance Evaluation" concerning the City Attorney.

23 7. On the following day, April 22, 2022, City Attorney  
24 Douglas Sloan made an unscheduled stop by the office of Council  
25 President Nelson Esparza, plaintiff herein. Sloan's purpose in  
26 stopping by was to discuss the previous night's Employee  
27 Performance Evaluation. During this meeting, plaintiff Esparza  
28 discussed with Mr. Sloan the previous night's resolution, and

1 Councilmembers' concerns about the weaponizing of information  
2 provided by the City Attorney to council member Bredefeld.  
3 Plaintiff Esparza informed Mr. Sloan that, in his assessment,  
4 several Council members were displeased with the fact that his City  
5 Attorney's office had been weaponized for partisan purposes by  
6 Garry Bredefeld. Plaintiff further informed Mr. Sloan that he was  
7 not presently inclined to vote for termination but that, as a  
8 voting member of the Council he wanted to have reassurances that  
9 the previous night's resolution would be complied with and abided  
10 by. At no time did plaintiff Esparza direct, order, imply or  
11 suggest to Mr. Sloan that he should work only for "the majority" of  
12 the Council or only for any certain Councilmembers to the exclusion  
13 of any others. Plaintiff and Mr. Sloan additionally discussed  
14 confidential matters that had been the subject of the previous  
15 night's closed session items regarding the Employee Performance  
16 Evaluation. At the conclusion of their meeting, plaintiff confirmed  
17 with Mr. Sloan that their discussion was confidential and protected  
18 by attorney-client privilege.

19 8. On May 13, 2022, defendant Garry Bredefeld held a press  
20 conference with members of the media at which he charged plaintiff  
21 Esparza, orally and in writing, with the crime of extortion.  
22 Bredefeld stated: "Esparza may think and act like he's Al Capone."  
23 Bredefeld further accused plaintiff of "extort[ing] charter  
24 officials with threats of firing them if they don't do his  
25 bidding." The statements and accusations made by Garry Bredefeld  
26 were knowingly false and were made with malice.

27 Wherefore plaintiff prays judgment against defendants, and  
28 each of them, as set forth herein below.

1 **FIRST CAUSE OF ACTION**

2 **DEFAMATION; LIBEL; LIBEL PER SE**  
3 **CIVIL CODE SECTIONS 45; 45a; 46 et seq.**

4 9. Plaintiff restates and reiterates each and all of the  
5 paragraphs and allegations set forth above, and make them part of  
6 this cause of action as though fully set forth here.

7 10. Plaintiff is informed and believes and thereon alleges  
8 that defendants, by the herein-described acts did negligently,  
9 recklessly, intentionally and maliciously cause excessive and  
10 unsolicited publications of defamation, of and concerning plaintiff  
11 Esparza, to third persons and to the community. These false and  
12 defamatory statements included express and implied accusations that  
13 plaintiff is a criminal and commits crimes. The false statements  
14 tended to injure and did in fact injure plaintiff in his occupation  
15 and exposed plaintiff to contempt, ridicule, and/or shame.  
16 Defendant encouraged people to republish false and incendiary  
17 claims to inflict pain and financial pain on plaintiff. The  
18 defamation was published by defendants, and each of them, for the  
19 improper purpose of causing plaintiff harm and to impact  
20 plaintiff's profession. Plaintiff seeks damages for these  
21 publications and all foreseeable republications discovered up to  
22 the time of trial. The defamatory publications consisted of oral  
23 and written, knowingly false and unprivileged communications,  
24 tending directly to injury plaintiff and plaintiff's personal,  
25 business and professional reputations.

26 11. The defamatory meaning of all of the above-described  
27 false and defamatory statements, and other statements made by  
28 defendant at his May 13 press conference, and their reference to

1 plaintiff was understood by the above-referenced third person  
2 recipients and other members of the community. None of defendant's  
3 defamatory publications against plaintiff as referenced above are  
4 true.

5 12. The above-referenced defamatory statements, and other  
6 statements made by defendant at his May 13 press conference, were  
7 presented and understood as assertions of fact, and not as opinion.

8 13. Defendant published the above-referenced statements  
9 knowing them to be false, and to be the product of hostile  
10 witnesses. Defendant knew, or in the exercise of reasonable care  
11 and investigation should have known, that these statements were  
12 false. Defendant in fact knew the statements were false or, in the  
13 alternative, published the statements with a reckless disregard for  
14 whether the statements were true or false, with the intention of  
15 defaming plaintiff Esparza.

16 14. The above-referenced publications by defendant were made  
17 with hatred and ill will towards plaintiff and with the design and  
18 intent to injure plaintiff's good name, his reputation, and his  
19 business. Defendant published these statements with an illegal  
20 purpose, not with an intent to protect any interest intended to be  
21 protected by any privilege, but with negligence, recklessness,  
22 malice and/or an intent to injure plaintiff and destroy his  
23 reputation. Furthermore, these statements were not made in  
24 connection with any legislative or official proceeding or with any  
25 legislative purpose, but rather were made with intent to injure and  
26 cause harm to plaintiff. Defendant Bredefeld's slanderous  
27 accusations were not made in any legislative proceeding or in the  
28 course and scope of his employment as a member of the Fresno City

1 Council.

2 15. As a direct and proximate result of the above described  
3 acts, conduct, and omissions of defendants, plaintiff has suffered  
4 injury to his personal, business and professional reputation  
5 including suffering embarrassment, humiliation, severe emotional  
6 distress, shunning, anguish, fear, and significant economic loss,  
7 all to plaintiff's special and general damage in amount to be  
8 determined according to proof.

9 16. Defendant Garry Bredefeld committed the acts alleged  
10 herein recklessly, maliciously, fraudulently and oppressively, with  
11 the wrongful intention of injuring plaintiff for an improper and  
12 evil motive amounting to malice, and which abused and/or prevented  
13 the existence of any privileges, and with a reckless and conscious  
14 disregard of plaintiff's rights. Plaintiff is thus entitled to  
15 recover punitive and exemplary damages from defendant for these  
16 wanton and despicable acts.

17 WHEREFORE, plaintiff prays judgment against defendants, and  
18 each of them, as follows:

- 19 a. General/Non-Economic damages to be specified at a later  
20 date;
- 21 b. For special damages according to proof;
- 22 c. For attorneys' fees and costs of suit incurred herein;
- 23 d. For prejudgment interest in accordance with law;
- 24 e. For exemplary damages according to proof;

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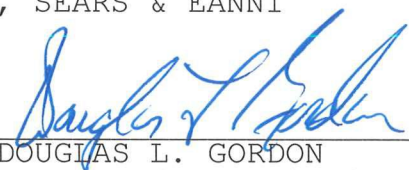
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f. For such other and further relief as to the court deems  
just and proper.

DATED: May 16, 2022

MILES, SEARS & EANNI

By:   
DOUGLAS L. GORDON  
Attorneys for Plaintiff