

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

DEC 3 2018

FOR THE NINTH CIRCUIT

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

STEEP HILL LABORATORIES, INC.;
JMICHAELE KELLER,

Plaintiffs-Appellees,

v.

DAVID HAROLD MOORE,

Defendant-Appellant.

No. 18-15433

D.C. No. 3:18-cv-00373-LB

MEMORANDUM*

Appeal from the United States District Court
for the Northern District of California
Laurel D. Beeler, Magistrate Judge, Presiding**

Submitted November 27, 2018***

Before: CANBY, TASHIMA, and FRIEDLAND, Circuit Judges.

David Harold Moore appeals pro se from the district court's order denying
his motion to strike under California's anti-Strategic Lawsuits Against Public

* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

** The parties consented to proceed before a magistrate judge. *See* 28 U.S.C. § 636(c).

*** The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

Participation (“anti-SLAPP”) statute in plaintiffs’ diversity action. We have jurisdiction under 28 U.S.C. § 1291. We review de novo. *See Safari Club Int’l v. Rudolph*, 862 F.3d 1113, 1119 (9th Cir. 2017). We affirm.

The district court properly denied Moore’s special motion to strike plaintiffs’ complaint because the conduct alleged in the complaint did not involve matters of public interest. *See Hilton v. Hallmark Cards*, 599 F.3d 894, 906-08 (9th Cir. 2010) (discussing various tests adopted by the California intermediate appellate courts for determining whether a defendant’s activity involves a matter of public interest protected by California’s anti-SLAPP statute); *Rivero v. Am. Fed’n of State, Cty. & Mun. Emps.*, 130 Cal. Rptr. 2d 81, 90-91 (Ct. App. 2003) (dispute between a former supervisor and employees was not a matter of public interest; publications do not turn an otherwise private matter into one of public interest).

Moore’s motion to take judicial notice (Docket Entry No. 23) is denied.

AFFIRMED.