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8 **UNITED STATES DISTRICT COURT**
9 **CENTRAL DISTRICT OF CALIFORNIA**
10 **WESTERN DIVISION**

11 NADIA NAFFE, an individual)
12)
13 Plaintiff,)
14)
15 v.)
16)
17 JOHN PATRICK FREY, an)
18 individual, and the COUNTY OF)
19 LOS ANGELES, a municipal)
20 entity,)
21)
22 Defendants.)

Case No: CV12-08443-GW (MRWx)

**PLAINTIFF NADIA NAFFE'S
OPPOSITION TO DEFENDANT
JOHN PATRICK FREY'S MOTION
FOR A SECURITY UNDERTAKING
PURSUANT TO CALIFORNIA
CODE OF CIVIL PROCEDURE 1030**

Date: March 18, 2013
Time: 8:30 a.m.
Crtm.: 10

1
2 Defendant Frey now argues that this Court does not have jurisdiction over
3 Ms. Naffe's suit because she cannot meet the jurisdictional threshold for diversity
4 jurisdiction. Mot. To Dismiss, ECF. no. 35, at 2. He attempts to litigate how a
5 jury would view Ms. Naffe's claim for damages based on her interactions with
6 Defendant Frey, Andrew Breitbart and James O'Keefe. *Id.* at pp. 4-6. In other
7 words, because Ms. Naffe had the temerity to challenge misrepresentations made
8 about her and attempted to correct misconceptions, she is less deserving of
9 emotional damages. *Id.* at 4. According to Defendant Frey's logic, Ms. Naffe
10 would be more deserving of damages if she was frail, passive and meek. Once
11 again, Defendant Frey invokes stereotypes of gender roles and "proper" feminine
12 behavior to evaluate Ms. Naffe's conduct. It is reminiscent of the tone he
13 exhibited towards Ms. Naffe when he taunted her for failing to "call a cab to
14 escape the barn." First Amended Complaint (FAC) at ¶ 42.

15
16 The First Amended Complaint properly states facts that support this Court's
17 jurisdiction based on diversity of citizenship. The FAC states that Ms. Naffe is a
18 citizen of Massachusetts. Mr. Frey is a citizen of California. Additionally, the
19 FAC alleges facts that show Ms. Naffe suffered actual damages as a result of
20 Defendant Frey's conduct. Such damages will exceed the jurisdictional threshold
21 of \$75,000. *See* FAC ¶¶ 54, 57, 61-63.

1 Ms. Naffe's declaration, attached hereto and incorporated by reference,
2 further demonstrates the extent of the damages she suffered due to Defendant
3 Frey's conduct, which will easily exceed \$75,000. Ms. Naffe's Social Security
4 number is being used fraudulently by a variety of individuals. Decl. Nadia Naffe
5 at ¶¶ 3-4. She currently suffers from a bleeding ulcer, depression, anxiety, severe
6 migraines and difficulty concentrating. Decl. Nadia Naffe at ¶ 5. Ms. Naffe's
7 reputation is also ruined, hampering her employment prospects. *Id.* at ¶7. A
8 simple Google search of her name brings up the Patterico posts attacking Ms.
9 Naffe's credibility and honesty. *Id.*

10 For the foregoing reasons, Ms. Naffe respectfully requests that the Court
11 deny Defendant Frey's motion to dismiss pursuant to Fed. R. Civ. Pro. Rule
12 12(b)(1).

13 DATED February 21, 2013

Respectfully submitted,

14 /s/ Eugene Iredale
15 EUGENE G. IREDALE
16 Attorney for Plaintiff
17 NADIA NAFFE