*Shenefield v. Kovtun* (2024) \_\_\_\_ Cal.App.5th\_\_\_\_\_\_\_\_

Kovtun, an attorney for the restrained party under both a DVRO and CPO, told Jennifer, the protected party under the orders, that she had to attend a meeting at Kotvun’s office or Kovtun would file a request for full custody of the parties’ daughter on behalf of her client that would result in the child being removed from Jennifer’s care. Jennifer attended the meeting and during the meeting both the restrained party and Kovtun emotionally abused her. Kovtun screamed at Jennifer, called her a bad parent, and said she would hit the Jennifer if she were in the restrained parties’ position. Jennifer recorded some of the meeting and filed a police report.

Jennifer sued Kovtun for her conduct during the meeting. As her defense, Kovtun argued that “she was just advocating” for her client so she could not be held liable for her conduct under the litigation privilege. The trial court disagreed, finding that Kovtun “knowingly facilitated and then actively engaged in a contentious meeting between a victim of domestic violence and her abusive husband while criminal and civil protection orders were in place” and that Kovtun “participated in the abuse herself.” The trial court also found that Kovtun “’threaten[ed] baseless litigation without ‘good faith.’” Kovtun appealed.

Noting that it could infer from the trial court’s findings that Kovtun was not seriously, and in good faith, considering an imminent lawsuit to resolve the parties’ custody dispute, the appellate court agreed with the trial court that the litigation privilege did not apply to Kovtun’s communications.

*Statues used or effected:* Civil Code [section 47(b](https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=47.&lawCode=CIV)), Code of Civil Procedure [section 340.6.](https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=340.6.&lawCode=CCP)