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April 27, 2026

VIA ELECTRONIC MAIL

Catha Worthman
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Re: FJWW Cease and Desist Letters

Dear Ms. Worthman:

We represent Richard Lucas, and we write this letter in response to the "cease and desist" letters you sent him on February 10, 2026, and April 24, 2026 (the "Letters"). Please direct any further communication concerning Mr. Lucas on this or any other matter to us and not to Mr. Lucas.

We disagree with the assertions and conclusions in your Letters. For the reasons stated below, your clients—six proponents of a wealth tax that has garnered significant coverage and public debate—do not have a good-faith legal claim against Mr. Lucas. Moreover, any lawsuit that your clients file would subject them to liability under California's anti-SLAPP statute, including potential penalties, attorney's fees, and immediate dismissal.

Mr. Lucas's website and social media posts involve matters of public concern.

Mr. Lucas is a State Assembly candidate challenging high taxes in California as a key part of his campaign. He maintains multiple websites and social media pages related to his campaign.[1] Mr. Lucas is running as an Independent, seeking common ground with his potential constituents by appealing to shared frustrations, such as the high cost of housing, rampant homelessness, and government inefficiency.[2] In

[1] California Wealth Exodus, https://cawealthexodus.com/ (last visited Apr. 24, 2026); Dick Lucas for State Assembly, https://dicklucas.com/ (last visited Apr. 24, 2026); Dick Lucas, FACEBOOK, https://www.facebook.com/rlucas/; Dick Lucas (@dickclucas), INSTAGRAM, https://www.instagram.com/dickclucas/; Dick Lucas (@dickclucas), X, https://x.com/dickclucas.
[2] Dick Lucas for State Assembly, https://dicklucas.com/ (last visited Apr. 24, 2026).

particular, Mr. Lucas is seriously concerned about the potential economic ramifications of a current ballot proposal: the California Wealth Tax Act (which Mr. Lucas has referred to as the "Asset Seizure Act"). He believes that Californians need to know that this tax would do more harm than good, and that the best way to prevent the tax from becoming a reality is by raising public awareness of those harms.

As part of his campaign for office, Mr. Lucas seeks to persuade the public to voice concerns about the Wealth Tax Act ballot initiative directly to those who drafted and submitted it. Mr. Lucas bears no animus towards any individual, including those who disagree with him about the ballot initiative. Mr. Lucas simply wants to defeat a bad policy; and to do this effectively, he believes it is important to challenge those in positions of authority who support it publicly.

Suzanne Jimenez, Dave Regan, David Gamage, Brian Galle, Darien Shanske, and Emmanuel Saez are such figures. In addition to being involved in drafting and filing the measure, each of them has supported this tax in highly public forums, including in interviews, social media posts, and op-eds. They are academics and industry leaders whose voices carry significant authority on issues of economic law and policy. While it is perfectly acceptable for them to engage in public debate regarding California's wealth tax, they cannot at the same time make legal threats against those who publicly challenge their claims about its effects and encourage others, in good faith, to do the same.

Mr. Lucas's posts and website, while at times critical, do not violate California's anti-doxing laws and, in any event, are entirely protected by the First Amendment. As you noted in your Letters, Mr. Lucas's website, cawealthexodus.com, identifies the six individuals he regards as part of the "Looter Dream Team." This description is based on these individuals' public self-identification as proponents and drafters of the ballot proposal. As early as 2021, Mr. Gamage, Mr. Saez, and Mr. Shanske wrote an article for the *Los Angeles Times* titled, "California should pass a small tax on big wealth," in which they also identified Mr. Galle as a co-drafter of two wealth tax bills.[3] In the last six months, each of your clients has publicly called for the implementation of the California Wealth Tax Act in televised interviews, open letters, and articles.[4] Indeed, Ms. Jiminez was quoted as "spokeswoman for the

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[3] https://www.latimes.com/opinion/story/2021-04-22/california-wealth-tax.

[4] *See, e.g.*, KCRA 3, FULL INTERVIEW | Labor leader pushing California billionaire tax responds to criticism, at 1:18 (YouTube, Jan. 4, 2026) (featuring an interview in which Ms. Jimenez calls fears that tax revenue would ultimately be lost as a result of the ballot initiative "Chicken Little arguments"); Galle, et al., *Expert Report On The California 2026 Billionaire Tax: Revenue, Economic, and Constitutional Analysis*, Feb. 16, 2026 (https://tinyurl.com/3t9p6ze7); Jeremy B. White, *The*

Billionaire Tax Now coalition" in today's *Wall Street Journal*. *Backers Say Billionaire Tax Has the Signatures*, WALL ST. J., at A3 (Apr. 27, 2026). They have willingly entered the public sphere by throwing their support behind a controversial political opinion. As a result, they may be exposed to opinions—even harsh opinions—of those who disagree with them. *See Gertz v. Robert Welch, Inc.*, 418 U.S. 323, 352 (1974) (holding that person who "voluntarily injects himself . . . into a particular public controversy . . . becomes a public figure for a limited range of issues").

Mr. Lucas has not violated California Penal Code §653.2(a) or California Civil Code §1708.89 in his posts or website content.

Your letter contends that Mr. Lucas is liable under California's anti-doxing statutes, Penal Code §653.2(a) and Civil Code §1708.89. That contention is wrong for three reasons:

First, Mr. Lucas lacks the requisite intent. Under both statutes, liability requires an "intent to place another person in reasonable fear for their safety, or the safety of the other person's immediate family." Penal Code §653.2(a); Civil Code §1708.89. But Mr. Lucas bears no animus toward your clients and has shared his strong disagreement with their highly publicized opinions to shape public debate on the issue. Under these statutes, a person must act "for the purpose of imminently causing that other person unwanted physical contact, injury, or harassment." Penal Code §653.2(a); Civil Code §1708.89. Indeed, you do not even claim that Mr. Lucas intended to cause reasonable fear of "unwanted physical contact" or "injury."

Second, Mr. Lucas's website and social media posts have not placed your clients "in reasonable fear for their safety." His speech does not encourage or even suggest any illegal behavior, in contrast to the case you cited in your April 24 letter. There, the defendant falsely claimed to have a restraining order against his ex-wife, harassed her in public—violating *her* restraining order against him, and tweeted her location to encourage his followers to call the police on her if they saw her near her home. *See People v. Shivers*, 235 Cal. App. 4th Supp. 8, 11–12 (Cal. App. Dep't Super. Ct. 2015). These facts exemplify the high bar California sets for "doxing." Although "personal identifying information" can include identifiers such as photos and contact information, merely sharing these items is not sufficient to place anyone, especially a limited purpose public figure, in reasonable fear for their safety. If that were true, defamation and privacy statutes would be subsumed into this vast new body of law.

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union man who unleashed a political earthquake in California, POLITICO, Mar. 25, 2026 (https://tinyurl.com/yc3pwezy).

Nowhere within the website or posts at issue does Mr. Lucas suggest, imply, advocate for, or call for any harm to be done to anyone.

Mr. Lucas also has not shared or even attempted to gather nonpublic personal information. His website includes only publicly available information, the accuracy of which is not disputed by you in your Letter. Mr. Lucas wants only to engage in public debate on a controversial measure and encourage others to do the same. As *Shivers* illustrates, California's doxing law is intended to protect victims of stalking, domestic violence, and similarly abhorrent crimes. Mr. Lucas's speech is easily distinguishable from such conduct. His website and posts encourage viewers to express their concerns to your clients' public comments, on a matter of public concern, using only digital contact information which has been voluntarily made publicly available by your clients and their employers. This conduct does not reasonably implicate the safety of your clients.

Third, liability under California's anti-doxing statutes requires that a person act "for the purpose of imminently causing that other person unwanted physical contact, injury, or harassment." Penal Code §653.2(a); Civil Code §1708.89. Importantly, "harassment" is defined as a "knowing and willful course of conduct directed at a specific person that a reasonable person would consider as seriously alarming, seriously annoying, seriously tormenting, or seriously terrorizing the person *and that serves no legitimate purpose*." Penal Code §653.2; Civil Code §1708.89 (emphasis added). Mr. Lucas is running for office, and part of his platform involves criticizing California's notoriously high taxes, including a proposal that would levy massive new taxes on California's wealthiest residents. This is legitimate political speech. *See, e.g.*, *Reges v. Cauce*, 162 F.4th 979, 998 (9th Cir. 2025) (holding that where there is a "live controversy" about a matter of public concern, "core political speech [] merits the highest First Amendment protection"). Encouraging others to join him in voicing their concerns about a controversial new tax is a common way for politicians to effect grassroots change. *See Rosenblatt v. Baer*, 383 U.S. 75, 85 (1966) ("Criticism of government is at the very center of the constitutionally protected area of free discussion. Criticism of those responsible for government operations must be free, lest criticism of government itself be penalized.") Whether or not your clients find themselves annoyed by Mr. Lucas's speech, its purpose is undeniably legitimate.

Mr. Lucas's speech is protected by the First Amendment.

Mr. Lucas's speech—identifying your clients as drafters and proponents of the ballot initiative—is also political speech that is fully and robustly protected by the First Amendment.

"Discussion of public issues and debate on the qualifications of candidates are integral to the operation of the system of government established by our Constitution. The First Amendment affords the broadest protection to such political expression." *Buckley v. Valeo*, 424 U.S. 1, 14 (1976); *see also Dodge v. Evergreen Sch. Dist. #114*, 56 F.4th 767, 782 (9th Cir. 2022). In fact, "[t]he constitutional guarantee [of free speech] has its fullest and most urgent application precisely to the conduct of campaigns for political office." *Beilenson v. Superior Ct.*, 44 Cal. App. 4th 944, 950 (1996) (quoting *Buckley*, 424 U.S. at 15). Political speech receives the highest protection, dating back to the early days of the American legal system. *See, e.g.*, Scott Bomboy, *On this day, an early victory for the free press*, NAT'L CONST. CTR., Aug. 4, 2024 (describing acquittal of John Peter Zenger by a New York jury in 1735 following libel suit for truthful criticisms of New York's governor).

Mr. Lucas's speech is core political speech. As a candidate for public office, Mr. Lucas is engaging in the political process by encouraging public figures to change their minds about their controversial political opinions. This is the most foundational kind of political activism, and it is intended to encourage, not threaten, healthy debate and discussion. Your clients are not unwilling participants in the public sphere, and as such they cannot claim that it is against the law to identify them "without their consent." Not only was Mr. Lucas's post truthful and made without knowledge of falsehood, but also it was self-evidently a communication connected to an issue of public interest in a public forum. As a result, even if these individuals found Mr. Lucas's statements on the matter to be "seriously annoying," his speech serves a plainly legitimate purpose—even more so due to his ongoing campaign for public office. "If the First Amendment protects flag burning, funeral protests, and Nazi parades—despite the profound offense such spectacles cause—it surely protects political campaign speech despite popular opposition." *McCutcheon v. Fed. Election Comm'n*, 572 U.S. 185, 191 (2014).

Furthermore, Mr. Lucas's speech is not a "true threat" of the kind removed from the First Amendment's protection. "True threats are 'serious expression[s]" conveying that a speaker means to "commit an act of unlawful violence.'" *Counterman v. Colorado*, 600 U.S. 66, 74 (2023) (quoting *Virginia v. Black*, 538 U.S. 343, 359 (2003)). Indeed, Mr. Lucas's speech is not a threat in any sense of the word. *See Watts v. U.S.*, 394 U.S. 705, 707–08 (1969) (distinguishing "political hyperbole" from "threat" where attendee at political rally indicated desire to shoot President Johnson over draft). Mr. Lucas's characterization of your clients as "looters" and sharp criticism of the wealth tax is mere "rhetorical hyperbole that is common in political debate." *Beilenson*, 44 Cal. App. at 951. And his encouragements to "let your voice be heard" refer only to the policy positions on which your clients have chosen to make *their* voices heard.

California's anti-SLAPP statute protects Mr. Lucas.

California's anti-SLAPP statute protects "any written or oral statement or writing made in a place open to the public or a public forum in connection with an issue of public interest." CCP § 425.16. According to California courts, "[a]n issue of public interest is *any issue in which the public is interested.*" *Nygard, Inc. v. Uusi-Kerttula*, 159 Cal. App. 4th 1027, 1042 (2008) (emphasis in original); *see also, e.g.*, *Cross v. Facebook, Inc.*, 14 Cal. App. 5th 190, 199 (2017); *Indus. Waste & Debris Box Serv., Inc. v. Murphy*, 4 Cal. App. 5th 1135, 1151 (2016); *Rivera v. First DataBank, Inc.*, 187 Cal. App. 4th 709, 716 (2010). Under the statute, a defendant who is sued for publicly speaking about "an issue of public interest" may file a special motion to strike. CCP § 425.16. A successful motion subjects the losing party to liability for attorney's fees and costs and opens the door to possible compensatory and punitive damages under California's "SLAPPback" provision, which creates a private cause of action arising from a successful anti-SLAPP motion. *See* CCP § 425.16; CCP § 425.18. These protections apply regardless of whether action is brought in state or federal court. *See Gopher Media LLC v. Melone,* 154 F.4th 696, 700 (9th Cir. 2025). These protections also apply to candidates for office. The *Beilenson* court made this point succinctly: "Our Constitution protects everyone—even politicians." *Beilenson*, 44 Cal. App. at 946. There, the court explicitly held that California's "anti-SLAPP law protects statements made by a candidate for public office and his supporters." *Id.*

Any lawsuit against Mr. Lucas for exercising his First Amendment rights with regards to this matter would subject your clients to liability under California's anti-SLAPP statute. The content on cawealthexodus.com and social media posts by Mr. Lucas addressed in your Letters regard "an issue of public interest." A wealth tax, estimated to lose the state of California billions in tax revenue because of its mere *proposal*, is certainly an issue that attracts the public's interest. Your clients have vocally and publicly endorsed this tax, and Mr. Lucas has a constitutionally protected right to challenge those endorsements as he campaigns for public office. If your clients file suit to challenge Mr. Lucas's protected speech on a matter of public interest, they will be subject to liability for Mr. Lucas's attorneys' fees and costs under California's anti-SLAPP statute.

Conclusion

In short, Mr. Lucas has not acted unlawfully or violated the rights of your clients in any way. He therefore declines to take any of the actions demanded in your April 24, 2026 Letter. And if your clients file the claims threatened in your letter, they will be subject to liability under California's anti-SLAPP statute.

This letter should not be construed as a waiver of any additional claim or remedy available to Mr. Lucas under any applicable law. Nor is this letter an attempt to exhaustively set forth all the reasons that Mr. Lucas is not liable to your clients or all the claims that Mr. Lucas may have against your clients.

Should you wish to discuss this matter further, please contact David Shaneyfelt at dshaneyfelt@alvarezfirm.com or Christine Marsden at cmarsden@adflegal.org.

Respectfully yours,

THE ALVAREZ FIRM

David Shaneyfelt

Alliance Defending Freedom

Christine Marsden

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