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8 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
9 COUNTY OF SAN DIEGO – CENTRAL DIVISION

10  
11 JOSHUA BILLAUER,

12 Plaintiff,

13 vs.

14 OLGA MARCELA ESCOBAR-ECK *et al.*,

15 Defendants;

16 OLGA MARCELA ESCOBAR-ECK,

17 Cross-Complainant,

18 vs.

19 JOSHUA BILLAUER *et al.*,

20 Cross-Defendants.

CASE NO. 37-2021-00006367-CU-DF-CTL

***CONFIDENTIAL MANDATORY  
SETTLEMENT CONFERENCE BRIEF***

Action Filed:

Department: C-66 (Medel)

MSC Date: April 22, 2024

MSC Time: 9:30 a.m.

MSC Dep't: C-68 (Whitney)

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22  
23 Plaintiff and Cross-Defendant Joshua Billauer ("JB"), a financial advisor at Wells Fargo, lives  
24 in the Del Serro community in the City of San Diego, advocates for the community on Twitter through  
25 an account known as "@savedelcerro," and opposes a large institutional project on a site currently  
26 zoned for residential uses because the City needs more housing. Defendant and Cross-Complainant  
27 Olga Marcela Escobar-Eck ("OMEE") is the lobbyist and land-use consultant working for the developer  
28 on the project JB opposes. After a December 2020 remote (*i.e.*, Zoom) community meeting at which

1 JB (and many other members of the community) expressed strong opposition to the project and the  
2 decision-making body expressed a negative reaction to OMEE’s client’s proposal, OMEE took to  
3 Twitter and “tweeted” the following: “@savedelcerro @WellsFargo is this the kind of adviser you want  
4 working for you? A racist person who is engaging in cyberbullying?” The tweet was seen by JB’s  
5 employer, and it had adversely affected his job (though he was not terminated) and cost him some  
6 clients.

7 After JB sued OMEE for defamation over the false “cyberbullying” accusation,<sup>1</sup> OMEE filed  
8 a cross-complaint alleging that JB posted a series of false statements about her on social media. JB filed  
9 an anti-SLAPP motion against the cross-complaint because each of the posts related to the development  
10 project or to OMEE’s credibility as a lobbyist and was sent to the San Diego Mayor, City Attorney, and  
11 members of the City Council because the project was pending City approval and was therefore a matter  
12 of public interest. The anti-SLAPP motion was denied because OMEE declared that, during the remote  
13 community meeting at which the project received a negative reaction, JB sent her a direct message  
14 threatening to “send her back to where she came from,” with Judge Medel finding that such a statement  
15 if made would constitute malice sufficient to defeat the anti-SLAPP motion and that some of JB’s  
16 statements were not protected by Civil Code Section 47. The Court of Appeal affirmed his ruling.

17 OMEE is lying, and JB’s alleged threat never happened. During the remote community meeting,  
18 the direct-message function was not enabled and, conveniently enough, OMEE never made a screenshot  
19 of the alleged threat.

20 That’s not the only evidence of OMEE’s loose relationship with the truth. During her  
21 deposition, she testified that she closed her Wells Fargo bank accounts in early 2021 – that is, a few  
22 months after JB’s alleged threat – because she was afraid that he would do something improper with  
23 her accounts.<sup>2</sup> She doubled-down on this narrative in supplemental discovery responses asking her why  
24 she closed her accounts at Wells Fargo; she again claimed that she closed them because she feared what  
25 JB might do. However, Wells Fargo’s records for the closing of OMEE’s accounts indicate that she  
26 did so because she was dissatisfied with the bank’s delay in processing her Paycheck Protection

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27 <sup>1</sup> JB would have sued over the false “racist” accusation too, but case law does not currently allow such  
28 a claim to proceed.

<sup>2</sup> Nevermind that JB works for Wells Fargo Financial Advisors and does not have access to accounts maintained by affiliate Wells Fargo Bank.

1 Program loan and its prior refusal to increase her business line of credit. (A copy of Wells Fargo's  
2 account notations, obtained pursuant to subpoena, is attached hereto as Exhibit "A.")

3 In March 2023, JB sent a CCP 998 offer to OMEE and her insurance company and proposed  
4 dismissing his lawsuit with prejudice in exchange for \$99,999.99 from her and dismissal of her cross-  
5 complaint with prejudice; it was not accepted. In July 2023, OMEE offered to drop her cross-complaint  
6 in exchange for the same from JB along with a payment of roughly \$162,000.00; it was not accepted.

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8 The Wells Fargo account notes were not obtained by JB until after OMEE made her settlement  
9 offer, so undoubtedly the impeachment value of those notes were not taken into account when she  
10 rejected JB's settlement offer and made her own. JB remains willing to drop his lawsuit in exchange  
11 for a payment of \$100,000.00 and the dismissal of the cross-complaint.

12 Date: April 15, 2024.

Respectfully submitted,  
BRIGGS LAW CORPORATION

14  
15 By: \_\_\_\_\_  
Cory J. Briggs

16 Attorneys for Plaintiff and Cross-Defendant  
17 Joshua Billauer