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March 30, 2018

**VIA E-MAIL AND U.S. MAIL**

Lori Noflin  
Lori Noflin of Carson Connected, Inc.  
Carson Connected, Inc.  
P.O. Box 5503  
Carson, CA 90749  
310 885-5860  
310 885-5618

Re: **Libelous Publications/CEASE AND DESIST**

Dear Lori Noflin:

As you are aware, our office represents the City of Carson ("City") as its City Attorney. I am writing to you at the direction of the Carson City Council ("Council") regarding the recent publication of a false and misleading story on your website, Carson Connected, Inc., which you have then republished on your Facebook page, alleging the City Council has violated the law in its recent selection of Jawane Hilton to serve as Mayor Pro-Tempore and its original appointment of Mr. Hilton to the City Council in 2015.

You are hereby put on notice and demanded to immediately CEASE AND DESIST the publication or republication of this libelous story pursuant to California Civil Code §§ 43, 45. Libel is a false written publication which tends to injure someone's reputation, generally or with respect to his occupation. (*MacLeod v. Tribune Pub. Co.*, 52 Cal. 2d 536, 543 (1959).) Your publications falsely assert illegal actions taken by the Council, in its selection of Councilman Hilton to serve as Mayor Pro-Tempore on January 23, 2018 and in its appointment of Mr. Hilton to the City Council for the City of Carson on June 16, 2015. On February 25, 2018, you published the following libelous statement on the Carson Connected website:

*"On January 23, 2018, Jawane Hilton for a second time went against the Carson Municipal Code and accepted an appointment to a council seat. On that date and today the Carson municipal code calls for the Mayor Pro Tem to be selected the second regular council meeting in March of each even numbered year. After appointing Mr. Hilton as Mayor Pro Tem, city council changed the date of selection to be the second regular council meeting in January of each year.*

The second reading took place on February 20th, and shall be in full force and effect thirty days following its adoption and second reading. This ordinance is not in effect until March 8, 2018. Based on the new ordinance a new Mayor Pro Tem

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is not to be selected until the second meeting in January 2019. Therefore, Jawane Hilton needs to take his ill-gotten council seat and Councilwoman Lula Davis-Holmes resume in her legally gotten appointment to the seat of Mayor Po Tem.”  
*Councilman Hilton's first illegal appointment was on June 16, 2015 detailed in this letter from the District Attorney's office.”*

This statement was republished on your Facebook page three times on February 25, 2018, and once again on February 26, 2018, February 27, 2018, March 5, 2018, and March 6, 2018. You are alleging that the Council has twice violated the law. This is not true and your persistent assertions indicate a fundamental and willful disregard for the law on your part.

1. The proceedings which lead to the selection of Councilman Hilton to serve as Mayor Pro Tempore for the City of Carson were legally permissible and valid Council actions. The procedure for selection of a mayor pro tempore is provided in Section 2403(A) of the Carson Municipal Code. This provision does not establish requirements, conditions, qualifications, or any other substantive obligation for the selection of the mayor pro tempore, but simply sets the date for making such selection. In the context of selecting a mayor pro tempore, Section 2403(A) simply establishes a rule of procedure designed to foster the orderly conduct of Council business and government of its internal processes.

It is widely recognized that a city council's actions are not invalid due to a deviation from the council's own procedural rules. Councilman Hilton's selection as Mayor Pro Tempore was not conducted in conflict with state law and was approved by an unanimous vote of the City Council in light of a change in the election year by the Council. Therefore, even though Mayor Pro Tempore Hilton was selected at the second meeting in January, this proceeding was a legally permissible and a valid action of the Council, and anything alleged to the contrary is libelous. (*City of Pasadena v. Paine*, 126 Cal.App.2d 93 (1954) [an ordinance will not be held void because in its passage one of the parliamentary rules of the council was violated...The rules of parliamentary practice are merely procedural, and not substantive]; *Smith v. City of Dubuque*, 376 N.W.2d 602 (1985) [It is generally recognized that a council may abolish, suspend, modify or waive its own rules. This also may be done by implication, when action is had not in accordance therewith].)

2. The proceedings which lead to the appointment of Mr. Hilton to the City Council for the City of Carson were also legally permissible and valid Council actions. The June 16, 2015 City Council meeting was duly noticed and lawfully convened. The item relating to the consideration and possible appointment of a person to fill a Council vacancy was duly and lawfully agendaized. At the time the Council took action to appoint Mr. Hilton to fill the Council vacancy there was a legally compliant quorum present in the Council chamber. A minute action of appointment was properly taken and after the appointment, City staff contacted Mr. Hilton to

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request his presence at the Council meeting to be sworn in. There was nothing illegal about this proceeding and anything alleged to the contrary is libelous.

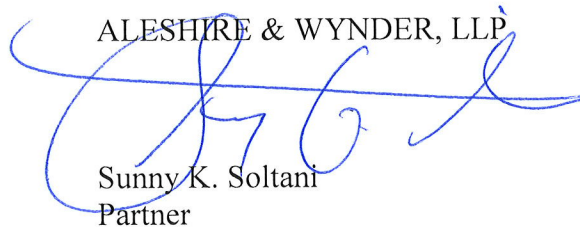
You have been an active participant in local politics for a long time and have most likely experienced instances when a council's procedural rules are not strictly followed, which is not a violation of the law. This letter, and the legal precedents cited herein, are further notice to you that the City Council's appointments of Mayor Pro Tempore/Councilman Hilton were legally permissible and valid exercises of the Council's authority.

You are hereby demanded by the unanimous Carson Council to within 48 hours of receipt of this letter to CEASE AND DESIST any further libelous publication and to remove any previous libelous publications posted on the Carson Connected website, any subsidiary or connected sites, or any other website or webpage that you maintain.

You may contact me with any questions regarding this at (949) 223-1170.

Sincerely,

ALESHIRE & WYNDER, LLP



Sunny K. Soltani  
Partner

SKS:LTF

cc: Honorable Mayor and City Council  
Kenneth Farfsing, City Manager