



**Bank's Credit Card Solicitations Not Eligible For Anti-SLAPP Protection**

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Is a bank's written solicitations to potential credit card customers a communication in connection with a public issues or issue of public interest? No, according to the court of appeal in Los Angeles. Thus, such communications are not eligible for protection under a California statute that permits trial courts to dismiss "strategic lawsuits against public participation" ("SLAPP"). *Jewitt v. Capital One Bank* (03 C.D.O.S. 10210 (Nov. 25, 2003)).

This case involved the claim that a bank's credit card solicitations were misleading in several respects. The bank responded with a so-called "anti-SLAPP" motion, which permits the court to dismiss non-meritorious claims that are brought to deter citizens from exercising their political or legal rights. The key issue in this case was whether the bank's written credit card solicitations fell within the scope of the statute as protected communications made in connection with a public issue or an issue of public interest.

On appeal, the Second District said no: "There is no indication that respondents' solicitations were designed to inform the public on an issue of public interest" and hence do not qualify for protection under the anti-SLAPP statute.

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