

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

PAUL HENREID,

Plaintiff,

v.

RAYMOND NEAL HAYNES, DAVID  
SOTELO, and RICHARD SKAGGS,

Defendants.

No. 2:23-cv-2797-DJC-SCR

ORDER AND AMENDED FINDINGS AND  
RECOMMENDATIONS

Plaintiff Paul Henreid is proceeding pro se in this action, which was referred to the undersigned in accordance with Local Rule 302(c)(21) and 28 U.S.C. § 636(b)(1). Pending before the undersigned is a joint motion by Defendants Richard Skaggs and Raymond Haynes to dismiss this action for failure to state a claim (ECF No. 17), their joint motion for \$10,000 in sanctions (ECF No. 18), and Defendant Judge David Sotelo's motion to dismiss this action both for lack of subject matter jurisdiction and failure to state a claim (ECF No. 19). On March 18, 2025, the undersigned recommended the motions to dismiss be granted without leave to amend and the motion for sanctions be granted. ECF No. 37. Plaintiff then filed objections to the findings and recommendations (ECF No. 39) and a motion seeking leave to file a second amended complaint (ECF No. 40). Plaintiff also moved to recuse the undersigned. ECF No. 41. The undersigned issues these amended findings and recommendations to address Plaintiff's

1 objections and new motions, along with the other pending motions.

2 In this action, Plaintiff is effectively seeking to relitigate in federal court a defamation  
3 lawsuit that he pursued and lost in state court. Plaintiff alleges defamation and other causes of  
4 action against Skaggs (the defendant in the underlying defamation lawsuit), Haynes (who  
5 represented Skaggs in that lawsuit), and Judge Sotelo (the state court judge in that lawsuit). As  
6 explained below, Plaintiff's asserted causes of action are either barred by the litigation privilege,  
7 absolute immunity, or are not cognizable. The undersigned accordingly recommends that the  
8 Court dismiss all causes of action without leave to amend and grant the motion for sanctions in  
9 full. The undersigned also denies Plaintiff's recusal motion.

## 10 BACKGROUND AND PROCEDURAL HISTORY

### 11 I. The Underlying Defamation Litigation in State Court

12 In 2018, Plaintiff was a member of the Oso Town Council ("Council"), a local group in an  
13 unincorporated community in Los Angeles County, until a 20-year-old allegation of criminal  
14 activity resurfaced. ECF No. 17-1 at 6. In 1999, Plaintiff had been accused of using a hidden  
15 camera to record sexual encounters with various dates without their knowledge in Missouri. *Id.* at  
16 179. The charges were later expunged pursuant to Missouri law, but Plaintiff still agreed to  
17 resign from the Council after it learned about this history. *Id.* at 6-7. When someone applied to  
18 fill the vacancy, Defendant Skaggs—then-president of the Council—sent an email to the other  
19 Council members stating that the Council would not be deceived like it was with "Paul Henreid,  
20 who has a history of criminal convictions[.]"<sup>1</sup> *Id.* at 7.

21 Based on Skaggs' email, Plaintiff filed a lawsuit against him in Los Angeles County  
22 Superior Court ("LASC"), *Henreid v. Skaggs*, Case No. 19STCV20592 ("*Henreid I*"), alleging  
23 defamation per se and invasion of privacy by false light. *Id.* Defendant Haynes represented  
24 Skaggs in that action, while Defendant Judge Sotelo, who has since retired from the LASC,  
25 presided over the jury trial. ECF No. 5 (First Amended Complaint ("FAC")) at 6.

26 Prior to trial, Judge Sotelo ruled that Plaintiff was either a public figure or involved in a

27  
28 <sup>1</sup> The email contained a brief additional phrase characterizing Plaintiff's alleged criminal conduct  
that the Court will not repeat here.

1 matter of public concern and therefore needed to prove actual malice by clear and convincing  
2 evidence to prevail on his defamation claim. ECF No. 17-1 at 8. At trial, the jury found that  
3 although Skaggs had made false statements about Plaintiff, Plaintiff failed to show by clear and  
4 convincing evidence that Skaggs either knew the statements were false or had serious doubts  
5 about their veracity. *Id.* at 10. Judge Sotelo entered judgment against Plaintiff.

6 Plaintiff appealed. *See Henreid v. Skaggs*, Case No. B314741 (Ct. of App. 2d App. Dist.)  
7 (“*Henreid II*”); ECF No. 17-1 at 10. On February 10, 2023, while the appeal was pending and  
8 after Judge Sotelo’s retirement, Plaintiff moved the LASC to strike from the trial court record any  
9 allegations of criminal conduct by Plaintiff (collectively, the “Representations”).<sup>2</sup> ECF No. 17-1  
10 at 29-30. He also moved to sanction Haynes and hold him in contempt for spreading the  
11 Representations through an objection to Plaintiff’s proposed Statement on Appeal, despite  
12 knowing the Representations were false. *Id.* at 30. Plaintiff argued that although Haynes had  
13 invoked the litigation privilege in an email to Plaintiff, this privilege did not apply to  
14 “premeditated, libelous, and criminal misrepresentations to courts[.]” *Id.* at 37, 43. Haynes and  
15 Skaggs opposed the motion for sanctions on April 27, 2023. *Id.* at 46, 51.

16 On July 10, 2023, LASC Judge Anne Richardson granted Plaintiff’s motion to strike the  
17 Representations from Haynes’ objection to Plaintiff’s proposed Statement on Appeal. ECF No.  
18 21-1 at 42, 44. Judge Richardson also struck from the record and sealed any reference to the  
19 Representations in the objection, the opposition brief to Plaintiff’s motion for sanctions, and her  
20 own order. *Id.* at 42-43. Citing California Rules of Court, Rule 2.550(d), she held there was “an  
21 overriding interest in protecting” Plaintiff from having the erroneous Representations reproduced  
22 in the public sphere. *Id.* at 43. Judge Richardson denied the request for sanctions, however,  
23 because she found insufficient evidence that Skaggs had engaged in or agreed to any deceit or  
24 collusion. *Id.* She also advised Plaintiff that her rulings extended only to the trial court record,  
25 and that sealing such Representations in the appellate record would require a separate request to  
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27 <sup>2</sup> As the FAC in the instant action indicates, the specific Representations to which Plaintiff  
28 objects are that he has a “conviction for statutory rape” and was “charge[d]” with “distributing  
child pornography and child molestation ... [and] child abuse.” ECF No. 5 at 8.

1 the appellate court. *Id.* By then Plaintiff had already sought sanctions in *Henreid II* based on the  
2 reiteration of Representations in the appellate record. ECF No. 17-1 at 62-63, 82.

3 On February 16, 2024, the appellate court in *Henreid II* affirmed the LASC’s judgment  
4 against Plaintiff. ECF No. 17-1 at 5, 27. Because Plaintiff had not objected to Skaggs’ pre-trial  
5 motion concerning a heightened standard of proof, the *Henreid II* court held Plaintiff failed to  
6 preserve any such objection for appeal. *Id.* at 15. Plaintiff also failed to provide an adequate  
7 record for review of that issue. *Id.* at 16. The appellate court also found that Plaintiff failed to  
8 show that Judge Sotelo had erred in his rulings in *Henreid I*. *Id.* at 20.

9 The *Henreid II* court also denied Plaintiff’s motion for sanctions against Haynes, finding  
10 he failed to show that Haynes’ conduct was sanctionable under the California Rules of Court. *Id.*  
11 at 26. As to Plaintiff’s request to redact any reference to the Representations in the appellate  
12 record, the court found that he had failed to file a properly noticed motion to that effect. *Id.*

## 13 II. Allegations in the First Amended Complaint

14 Plaintiff, an attorney in good standing with the California Bar, commenced this action on  
15 December 1, 2023. The initial complaint named Haynes as the sole defendant. ECF No. 1. The  
16 operative FAC, filed May 13, 2024, adds Skaggs and Judge Sotelo as defendants.

17 The FAC alleges that in filings made in *Henreid I*, Skaggs and Haynes “intentionally and  
18 repeatedly” lied about Plaintiff having a “conviction for statutory rape, and the charges for  
19 distributing child pornography and child molestation ... [and] child abuse” (again, collectively  
20 referred to as the “Representations”). FAC at 8. Judicially noticed government records establish  
21 that the Representations are not true. *Id.* Plaintiff accuses Skaggs and Haynes of intentionally  
22 discrediting and defaming Plaintiff through these knowingly false assertions, including by using  
23 his name instead of “Plaintiff.” *Id.* at 8-9. Skaggs and Haynes sought to use court filings to  
24 spread the Representations online, insofar as searching Plaintiff’s name would yield snippets of  
25 filings that repeated the Representations. *Id.* at 9.

26 The FAC further alleges that Judge Sotelo’s ruling on Plaintiff’s motion for summary  
27 judgment in *Henreid I*, dated February 2, 2021, stated that one claim “factually involved a ‘sex  
28 crime’ with a minor[.]” *Id.* at 23. The FAC alleges that this statement, once republished online,

1 would make Plaintiff look guilty of a crime even though the charges were dismissed decades ago  
2 and the case is deemed confidential under Missouri law. *Id.* at 24-25. Plaintiff moved for  
3 reconsideration of Judge Sotelo’s summary judgment ruling, but Judge Sotelo’s amended ruling  
4 still contained these “defamatory fabrications[.]” *Id.* at 25. Judge Sotelo then repeated them in a  
5 subsequent ruling on a different motion. *Id.*

6 On June 11, 2021, the jury in *Henreid I* returned a verdict in Skaggs’ favor because  
7 Plaintiff failed to show that Skaggs knew the Representations were false or acted with reckless  
8 disregard for that possibility. *Id.* at 20. The FAC argues that the jury only applied this standard  
9 because Judge Sotelo ruled that Plaintiff was a public figure. *Id.* The FAC also alleges that  
10 Judge Sotelo should not have even submitted the truth of the Representations to the jury, and that  
11 he did so because it provided another opportunity for Plaintiff to lose. *Id.* at 20, 25.

12 On October 11, 2022, Plaintiff emailed Skaggs and Haynes a “Demand to Retract  
13 Defamatory Statements From Public Court Record[.]” *Id.* at 9. Haynes denied that he had done  
14 anything wrong and threatened to move for Rule 11 sanctions if Plaintiff did not withdraw the  
15 demand.<sup>3</sup> *Id.* Haynes filed for such sanctions on the same day that Plaintiff moved for summary  
16 judgment in *Henreid I*, on the basis that whether Plaintiff had a criminal record was a question of  
17 law to be resolved by a judge rather than a jury. *Id.* at 9-10.

18 The FAC also alleges that Judge Sotelo emboldened Haynes and Skaggs by continuously  
19 ruling in their favor, even when the law unambiguously favored Plaintiff. *Id.* at 10. Judge Sotelo  
20 improperly prevented Plaintiff from showing the jury laws that Plaintiff believes would have  
21 exposed Judge Sotelo’s erroneous legal rulings. *Id.* at 19. He allowed Haynes to testify at trial  
22 because Skaggs was absent, and to submit irrelevant newspaper articles during cross-examination  
23 of Plaintiff, despite this exceeding the scope of permissible cross-examination. *Id.* at 28. Judge  
24 Sotelo retired one day after Plaintiff filed his opening appellate brief in *Henreid II*. *Id.* at 10.

25 Plaintiff also complains of Defendants’ actions with respect to *Henreid II*. *Id.* On January  
26 13, 2023, despite being retired, Judge Sotelo issue a Settled Statement of Appeal for the Record

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28 <sup>3</sup> One presumes that Plaintiff meant Rule 11 of the Federal Rules of Criminal Procedure, even  
though *Henreid I* was in state court and subject to state procedural rules.

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