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4 DEE THOMAS MURPHY;
ADVANCED ENVIRONMENTAL SYSTEMS, INC., and
5 AES CENTRAL COAST DISCHARGE ELIMINATION COMPANY

6 Respondent: Dee Thomas Murphy, et al.

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8 **IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA**
9 **IN AND FOR THE COUNTY OF SAN LUIS OBISPO**

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11 **DEE THOMAS MURPHY, et al,**

12 Petitioners,

13 vs.

14 **STATE OF CALIFORNIA, et al.**

15 Respondent

Case No: CV080510

**PLAINTIFF'S OPPOSITION TO
DEFENDANT STATE OF CALIFORNIA,
ET AL.'S MOTION AND MOTION TO
STRIKE STRATEGIC LAWSUIT
AGAINST PUBLIC PARTICIPATIOIN
INCLUDING REQUEST FOR
ATTORNEYS FEES**

Judge: Barry La Barbera

Trial Date: Not set

Action Filed: June 2, 2008

Moving Party: All Plaintiffs

Responding Party: All Defendants

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24 **INTRODUCTION**

25 In their motion, Defendants State of California et al. seek to strike the complaint of
26 Plaintiffs' Complain for Damages in this matter under Code of Civil Procedure section 425.16.
27 As set forth herein and as evidenced per attachments, all of which are to be inclusive as a part of
28 this case, Defendants' motion is substantively without merit, and should be denied.

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DECLARATIN OF FACTS

This is not a case regarding a public representative’s right to “freedom of speech” regarding a public issue, but a case against a public representative, it’s agency and its State government who have a fiduciary duty to administer and uphold the laws of the State and the U.S. Government, the United States Code, in the interest of public health and welfare, the health and welfare of our precious water resources and the environment, and are not. They are not because they are engaged in fraudulent activities, fraudulent activities that will be interfered with provided the sewage elimination and water purification technology of the Plaintiffs prevails. Substantial evidence to confirm the Plaintiffs’ claims that the Defendants are engaged in fraudulent activities is hereto this opposition attached.

Freedom of speech is not intended to allow public servants legal immunity for knowingly and maliciously lying to the very public to whom he is commissioned to serve and protect.

The Plaintiffs agree the Defendants have the constitutional right of petition and the constitutional right of free speech in connection with a public issue or an issue of public interest. However, the Defendants directed their untrue comments at the Plaintiffs and the Plaintiffs technology directly, knowingly lying about the integrity of the Plaintiffs technology, its capability and communicating to the public at large that Plaintiff, Dee Thomas Murphy, is a liar, stating his products do not do as claimed. In this great United States of America, such is NOT allowed them under the freedoms we all have rights to. Freedom of speech of a public servant does not mean freedom to lie about a public citizen, a local businessperson or his products or services of business.

These issues were more than public issues, they are regulatory issues. State environmental regulatory agencies are required to evaluate such technologies provided to them by those in the wastewater management industry like the Plaintiffs. Upon concluding, based upon data provided which demonstrates such technologies meet certain regulatory requirements not to produce pollutant discharges greater than is allowed, these regulators are obligated to promulgate such to the public in the interest of public health and welfare. In this case, the