

**IN THE SUPREME COURT OF THE STATE OF NEVADA**

**INDICATE FULL CAPTION:**

GLEN WELT, RHODA WELT, LYNN WELT,  
and MICHELLE WELT,  
Appellants

vs.

HOWARD SHAPIRO and JENNA SHAPIRO,  
Respondents

No. 67596

Electronically Filed  
Mar 24 2015 09:34 a.m.

DOCKETING STATEMENT  
CIVIL APPEALS  
Suzanne M. Lindeman  
Clerk of Supreme Court

**GENERAL INFORMATION**

All appellants not in proper person must complete this docketing statement. NRAP 14(a). The purpose of the docketing statement is to assist the Supreme Court in screening jurisdiction, classifying cases for en banc, panel, or expedited treatment, compiling statistical information and identifying parties and their counsel.

**WARNING**

This statement must be completed fully, accurately and on time. NRAP 14(c). The Supreme Court may impose sanctions on counsel or appellant if it appears that the information provided is incomplete or inaccurate. *Id.* Failure to fill out the statement completely or to file it in a timely manner constitutes grounds for the imposition of sanctions, including a fine and/or dismissal of the appeal.

A complete list of the documents that must be attached appears as Question 26 on this docketing statement. Failure to attach all required documents will result in the delay of your appeal and may result in the imposition of sanctions.

This court has noted that when attorneys do not take seriously their obligations under NRAP 14 to complete the docketing statement properly and conscientiously, they waste the valuable judicial resources of this court, making the imposition of sanctions appropriate. See KDI Sylvan Pools v. Workman, 107 Nev. 340, 344, 810 P.2d 1217, 1220 (1991). Please use tab dividers to separate any attached documents.

1. Judicial District Eighth Department 27  
County Clark Judge Nancy Alf  
District Ct. Case No. A-14-706566-C

**2. Attorney filing this docketing statement:**

Attorney Michael P. Lowry Telephone 702-366-0622  
Firm Thorndal Armstrong Delk Balkenbush & Eisinger  
Address Physical: 1100 E. Bridger Ave., Las Vegas, NV 89101  
Mailing: P.O. Drawer 2070, Las Vegas, NV 89125-2070

Client(s) Glenn Welt, Rhoda Welt, Lynn Welt, and Michelle Welt

If this is a joint statement by multiple appellants, add the names and addresses of other counsel and the names of their clients on an additional sheet accompanied by a certification that they concur in the filing of this statement.

**3. Attorney(s) representing respondents(s):**

Attorney Alex Ghibaud Telephone 702-489-4442  
Firm Schwab Law Group  
Address 2800 W. Sahara Ave., Suite 1H  
Las Vegas, NV 89102

Client(s) Howard Shapiro, Jenna Shapiro

Attorney \_\_\_\_\_ Telephone \_\_\_\_\_  
Firm \_\_\_\_\_  
Address \_\_\_\_\_

Client(s) \_\_\_\_\_

**4. Nature of disposition below (check all that apply):**

- |   |   |
|---|---|
| <input type="checkbox"/> Judgment after bench trial         | <input checked="" type="checkbox"/> Dismissal:                          |
| <input type="checkbox"/> Judgment after jury verdict        | <input type="checkbox"/> Lack of jurisdiction                           |
| <input type="checkbox"/> Summary judgment                   | <input type="checkbox"/> Failure to state a claim                       |
| <input type="checkbox"/> Default judgment                   | <input type="checkbox"/> Failure to prosecute                           |
| <input type="checkbox"/> Grant/Denial of NRCPP 60(b) relief | <input checked="" type="checkbox"/> Other (specify): <u>NRS 41.660</u>  |
| <input type="checkbox"/> Grant/Denial of injunction         | <input type="checkbox"/> Divorce Decree:                                |
| <input type="checkbox"/> Grant/Denial of declaratory relief | <input type="checkbox"/> Original <input type="checkbox"/> Modification |
| <input type="checkbox"/> Review of agency determination     | <input type="checkbox"/> Other disposition (specify): _____             |

**5. Does this appeal raise issues concerning any of the following?**

- Child Custody
- Venue
- Termination of parental rights

**6. Pending and prior proceedings in this court.** List the case name and docket number of all appeals or original proceedings presently or previously pending before this court which are related to this appeal:

HOWARD SHAPIRO and JENNA SHAPIRO,  
Appellant/Cross-Respondent

vs.

GLEN WELT, RHODA WELT, LYNN WELT, and MICHELLE WELT,  
Respondent/Cross-Appellants.

Docket 67363

**7. Pending and prior proceedings in other courts.** List the case name, number and court of all pending and prior proceedings in other courts which are related to this appeal (e.g., bankruptcy, consolidated or bifurcated proceedings) and their dates of disposition:  
In the Matter of Walter Shapiro, 206637, Superior Court of New Jersey, Chancery Division, Probate Part, Ocean County. Judgment of Conservatorship entered December 24, 2014.

**8. Nature of the action.** Briefly describe the nature of the action and the result below:

Howard Shapiro sought a conservatorship over his father, Walter Shapiro. This matter was pending in a New Jersey court. The Welts opposed Howard Shapiro's request to be named the conservator. Howard and Jenna Shapiro then sued the Welts in a Nevada state court for statements made in relation to the New Jersey proceeding. The Welts filed a special motion to dismiss as permitted by NRS 41.660. The motion was granted.

The Shapiros appealed this decision on February 5. The Welts cross-appealed on February 13. On February 20 the district court entered a post judgment order on attorneys' fees and costs. On March 14 the Welts appealed this order.

**9. Issues on appeal.** State specifically all issues in this appeal (attach separate sheets as necessary):

When an anti-SLAPP special motion to dismiss is granted, the court “shall award reasonable costs and attorney’s fees to the person against whom the action was brought...” NRS 41.670 (1)(a). The statute does not limit those fees and costs to those incurred in preparing and arguing the motion. The district court misapplied NRS 41.670 when it concluded “it is appropriate to only allow the work specifically relating to the successful Motion to Dismiss under NRS 41.660.”

**10. Pending proceedings in this court raising the same or similar issues.** If you are aware of any proceedings presently pending before this court which raises the same or similar issues raised in this appeal, list the case name and docket numbers and identify the same or similar issue raised:

None known.

**11. Constitutional issues.** If this appeal challenges the constitutionality of a statute, and the state, any state agency, or any officer or employee thereof is not a party to this appeal, have you notified the clerk of this court and the attorney general in accordance with NRAP 44 and NRS 30.130?

N/A

Yes

No

If not, explain:

**12. Other issues.** Does this appeal involve any of the following issues?

Reversal of well-settled Nevada precedent (identify the case(s))

An issue arising under the United States and/or Nevada Constitutions

A substantial issue of first impression

An issue of public policy

An issue where en banc consideration is necessary to maintain uniformity of this court's decisions

A ballot question

If so, explain: NRS 41.635-670, Nevada's anti-SLAPP statutes, were amended in the 2013 legislative session. In briefing their positions to the district court, the parties located no Nevada authority on point for this issue.

**13. Trial.** If this action proceeded to trial, how many days did the trial last? \_\_\_\_\_

Was it a bench or jury trial? \_\_\_\_\_

**14. Judicial Disqualification.** Do you intend to file a motion to disqualify or have a justice recuse him/herself from participation in this appeal? If so, which Justice?  
No.

## TIMELINESS OF NOTICE OF APPEAL

15. Date of entry of written judgment or order appealed from February 20, 2015

If no written judgment or order was filed in the district court, explain the basis for seeking appellate review:

16. Date written notice of entry of judgment or order was served February 23, 2015

Was service by:

Delivery

Mail/electronic/fax

17. If the time for filing the notice of appeal was tolled by a post-judgment motion (NRCP 50(b), 52(b), or 59)

(a) Specify the type of motion, the date and method of service of the motion, and the date of filing.

NRCP 50(b)      Date of filing \_\_\_\_\_

NRCP 52(b)      Date of filing \_\_\_\_\_

NRCP 59      Date of filing \_\_\_\_\_

**NOTE: Motions made pursuant to NRCP 60 or motions for rehearing or reconsideration may toll the time for filing a notice of appeal. See AA Primo Builders v. Washington, 126 Nev. \_\_\_\_, 245 P.3d 1190 (2010).**

(b) Date of entry of written order resolving tolling motion \_\_\_\_\_

(c) Date written notice of entry of order resolving tolling motion was served \_\_\_\_\_

Was service by:

Delivery

Mail

**18. Date notice of appeal filed** March 14, 2015

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If more than one party has appealed from the judgment or order, list the date each notice of appeal was filed and identify by name the party filing the notice of appeal:  
The Welts are the only parties to have appealed the order on attorneys' fees and costs.

**19. Specify statute or rule governing the time limit for filing the notice of appeal, e.g., NRAP 4(a) or other**

NRAP 4(a)

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**SUBSTANTIVE APPEALABILITY**

**20. Specify the statute or other authority granting this court jurisdiction to review the judgment or order appealed from:**

(a)

- |   |                                       |
|---|---------------------------------------|
| <input checked="" type="checkbox"/> NRAP 3A(b)(1) | <input type="checkbox"/> NRS 38.205   |
| <input type="checkbox"/> NRAP 3A(b)(2)            | <input type="checkbox"/> NRS 233B.150 |
| <input type="checkbox"/> NRAP 3A(b)(3)            | <input type="checkbox"/> NRS 703.376  |
| <input type="checkbox"/> Other (specify) _____    |                                       |

(b) Explain how each authority provides a basis for appeal from the judgment or order:  
The Welts appeal from the district court's post-judgment order granting attorneys' fees and costs.

**21. List all parties involved in the action or consolidated actions in the district court:**

(a) Parties:

Howard Shapiro, Jenna Shapiro v. Glen Welt, Rhoda Welt, Lynn Welt, Michelle Welt, Checksnet.com

(b) If all parties in the district court are not parties to this appeal, explain in detail why those parties are not involved in this appeal, *e.g.*, formally dismissed, not served, or other:

Checksnet.com is not a party on appeal. Plaintiffs voluntarily dismissed it per NRCF 41 on February 2, 2015.

**22. Give a brief description (3 to 5 words) of each party's separate claims, counterclaims, cross-claims, or third-party claims and the date of formal disposition of each claim.**

The Shapiros alleged 1) defamation; 2) defamation per se; 3) extortion; 4) civil conspiracy; and 5) fraud. No counter, cross or third-party claims were filed. All claims were disposed on January 2, 2015.

**23. Did the judgment or order appealed from adjudicate ALL the claims alleged below and the rights and liabilities of ALL the parties to the action or consolidated actions below?**

Yes

No

**24. If you answered "No" to question 23, complete the following:**

(a) Specify the claims remaining pending below:



(b) Specify the parties remaining below:

(c) Did the district court certify the judgment or order appealed from as a final judgment pursuant to NRCP 54(b)?

Yes

No

(d) Did the district court make an express determination, pursuant to NRCP 54(b), that there is no just reason for delay and an express direction for the entry of judgment?

Yes

No

**25. If you answered "No" to any part of question 24, explain the basis for seeking appellate review (e.g., order is independently appealable under NRAP 3A(b)):**

**26. Attach file-stamped copies of the following documents:**

- The latest-filed complaint, counterclaims, cross-claims, and third-party claims
- Any tolling motion(s) and order(s) resolving tolling motion(s)
- Orders of NRCP 41(a) dismissals formally resolving each claim, counterclaims, cross-claims and/or third-party claims asserted in the action or consolidated action below, even if not at issue on appeal
- Any other order challenged on appeal
- Notices of entry for each attached order

## VERIFICATION

I declare under penalty of perjury that I have read this docketing statement, that the information provided in this docketing statement is true and complete to the best of my knowledge, information and belief, and that I have attached all required documents to this docketing statement.

Glenn Welt, et. al.  
Name of appellant

Michael P. Lowry  
Name of counsel of record

March 24, 2015  
Date

/s/ Michael P. Lowry  
Signature of counsel of record

Clark County, Nevada  
State and county where signed

## CERTIFICATE OF SERVICE

I certify that on the 24th day of March, 2015, I served a copy of this completed docketing statement upon all counsel of record:

- By personally serving it upon him/her; or
- By mailing it by first class mail with sufficient postage prepaid to the following address(es): (NOTE: If all names and addresses cannot fit below, please list names below and attach a separate sheet with the addresses.)

Alex Ghibaudo  
Schwab Law Group  
2800 W. Sahara Ave., Suite 1H  
Las Vegas, NV 89102

Dated this 24th day of March, 2015

/s/ Michael P. Lowry  
Signature

# DISTRICT COURT CIVIL COVER SHEET

County, Nevada

Case No. **A-14-706566-C** Dept **XXVII**  
*(Assigned by Clerk's Office)*

## I. Party Information *(provide both home and mailing addresses if different)*

Plaintiff(s) (name/address/phone): <b>Howard Shapiro</b> <b>Jenna Shapiro</b>	Defendant(s) (name/address/phone): <b>Glen Welt, Rhoda Welt,</b> <b>Lynn Welt, and Checksnet.com</b>
Attorney (name/address/phone): <b>Eric P. Roy, Esq.</b> <b>818 E. Charleston Blvd., Las Vegas, NV 89104</b> <b>(702)423-3333 Nevada Bar No. 11869</b>	Attorney (name/address/phone): <b>Unknown</b>

## II. Nature of Controversy *(please select the one most applicable filing type below)*

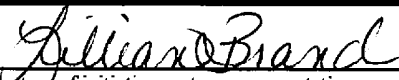
### Civil Case Filing Types

<b>Real Property</b> <b>Landlord/Tenant</b> <input type="checkbox"/> Unlawful Detainer <input type="checkbox"/> Other Landlord/Tenant <b>Title to Property</b> <input type="checkbox"/> Judicial Foreclosure <input type="checkbox"/> Other Title to Property <b>Other Real Property</b> <input type="checkbox"/> Condemnation/Eminent Domain <input type="checkbox"/> Other Real Property	<b>Negligence</b> <input type="checkbox"/> Auto <input type="checkbox"/> Premises Liability <input type="checkbox"/> Other Negligence <b>Malpractice</b> <input type="checkbox"/> Medical/Dental <input type="checkbox"/> Legal <input type="checkbox"/> Accounting <input type="checkbox"/> Other Malpractice	<b>Torts</b> <b>Other Torts</b> <input type="checkbox"/> Product Liability <input type="checkbox"/> Intentional Misconduct <input type="checkbox"/> Employment Tort <input type="checkbox"/> Insurance Tort <input type="checkbox"/> Other Tort
<b>Probate</b> <b>Probate <i>(select case type and estate value)</i></b> <input type="checkbox"/> Summary Administration <input type="checkbox"/> General Administration <input type="checkbox"/> Special Administration <input type="checkbox"/> Set Aside <input type="checkbox"/> Trust/Conservatorship <input type="checkbox"/> Other Probate <b>Estate Value</b> <input type="checkbox"/> Over \$200,000 <input type="checkbox"/> Between \$100,000 and \$200,000 <input type="checkbox"/> Under \$100,000 or Unknown <input type="checkbox"/> Under \$2,500	<b>Construction Defect &amp; Contract</b> <b>Construction Defect</b> <input type="checkbox"/> Chapter 40 <input type="checkbox"/> Other Construction Defect <b>Contract Case</b> <input type="checkbox"/> Uniform Commercial Code <input type="checkbox"/> Building and Construction <input type="checkbox"/> Insurance Carrier <input type="checkbox"/> Commercial Instrument <input type="checkbox"/> Collection of Accounts <input type="checkbox"/> Employment Contract <input type="checkbox"/> Other Contract	<b>Judicial Review/Appeal</b> <b>Judicial Review</b> <input type="checkbox"/> Foreclosure Mediation Case <input type="checkbox"/> Petition to Seal Records <input type="checkbox"/> Mental Competency <b>Nevada State Agency Appeal</b> <input type="checkbox"/> Department of Motor Vehicle <input type="checkbox"/> Worker's Compensation <input type="checkbox"/> Other Nevada State Agency <b>Appeal Other</b> <input type="checkbox"/> Appeal from Lower Court <input type="checkbox"/> Other Judicial Review/Appeal
<b>Civil Writ</b> <b>Civil Writ</b> <input type="checkbox"/> Writ of Habeas Corpus <input type="checkbox"/> Writ of Mandamus <input type="checkbox"/> Writ of Quo Warrant <input type="checkbox"/> Writ of Prohibition <input type="checkbox"/> Other Civil Writ	<b>Other Civil Filing</b> <b>Other Civil Filing</b> <input type="checkbox"/> Compromise of Minor's Claim <input type="checkbox"/> Foreign Judgment <input checked="" type="checkbox"/> Other Civil Matters	

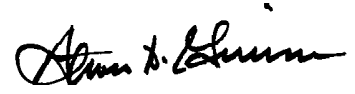
*Business Court filings should be filed using the Business Court civil coversheet.*

**9.4.14**

Date

  
Signature of initiating party or representative

*See other side for family-related case filings.*

  
CLERK OF THE COURT

1 **COMD**  
2 **ERIC P. ROY, ESQ.**  
3 Nevada Bar No. 11869  
4 **ALEX GHIBAUDO, ESQ.**  
5 Nevada Bar No. 10592  
6 **LAW OFFICES OF ERIC P. ROY**  
7 818 E. Charleston Blvd.  
8 Las Vegas, NV 89104  
9 (702) 423-3333  
10 (702) 924-2517  
11 [eric@ericroylawfirm.com](mailto:eric@ericroylawfirm.com)  
12 *Attorney for Plaintiff*

8 **DISTRICT COURT**  
9 **CLARK COUNTY, NEVADA**  
10 \*\*\*\*\*

10 HOWARD SHAPIRO and JENNA )  
11 SHAPIRO, )  
12 Plaintiffs, )  
13 v. )  
14 GLEN WELT, RHODA WELT, LYNN )  
15 WELT, MICHELLE WELT, )  
16 individuals; CHECKSNET.COM, a )  
17 corporation; DOES I through X and ROE )  
18 CORPORATIONS I through X, inclusive, )  
19 Defendant. )

CASE NO.: A-14-706566-C  
DEPT. NO.: XXVII

19 **COMPLAINT**

20 Plaintiff, Howard Shapiro ("Plaintiff"), through his attorney, Alex Ghibaudo, Esq., of  
21 The Law Offices of Eric Roy, and alleges as follows:

- 22 1. Plaintiff instituting this action is, and at all relevant times mentioned herein,  
23 was a resident of the State of New Jersey.
- 24 2. Defendant Glenn Welt is, and at all relevant times mentioned herein, was a  
25 Nevada resident residing in Clark County, Nevada.

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3. Defendant Rhoda Welt is, and at all relevant times mentioned herein, was a resident of the State of Georgia.

4. Defendant Lynn Welt is, and at all relevant times mentioned herein, was a resident of the State of Georgia.

5. Defendant Michelle Welt is, and at all relevant times mentioned herein, was a resident of the State of Georgia.

6. The true names or capacities, whether individual, corporate, association or otherwise, of Defendants, DOES I through DOES X, and ROE CORPORATION I through ROE CORPORATION X, are unknown to Plaintiff, who therefore sues said Defendants by such fictitious names. Plaintiff is informed and believes and therefore alleges that each of the said Defendants designated herein as DOE and ROE CORPORATION are responsible in some manner for the events and happenings referred to and caused damages proximately to Plaintiff as herein alleged, and that Plaintiff will ask leave of this Court to amend this Complaint, to insert the true names and capacities of DOES I through DOE X and ROE CORPORATIONS I through ROE CORPORATIONS X, when the same have been ascertained and to join such Defendants in this action.

7. That on about April of 2011, Plaintiff was given power of attorney over Walter Shapiro, his father, who is now 81 years of age, to handle Walter's estate and health care.

8. That on or about April 24, 2014, Walter was diagnosed with Lewy Dementia.

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9. That at that time, Plaintiff exercised his power of attorney over his father and arranged for his father to live in a nursing home/assisted care facility, upon doctors recommendations.
10. That Plaintiff disposed of his father's property to pay for Walter's care.
11. That at that time, Defendants Rhoda Welt and Lynn Welt went to New Jersey, where Walter lives and where the nursing home/assisted care facility was located, where they commenced a campaign of harassment of Plaintiff and undue influence upon Walter.
12. That Defendants, in concert, reported to Adult Protective Services that Plaintiff was abusing/neglecting his father.
13. That upon investigation, Adult Protective Services determined that Defendants withdrew \$7,500.00 from Walter's account and forced them to return that money immediately or they would be charged with abusing an elderly person.
14. That Defendants, all of them, continued their campaign of harassment and undue influence, calling Plaintiff repeatedly, almost daily, and telling Walter that Plaintiff was taking his money. That as a result, Walter called Plaintiff every day to demand to know where his money was, despite the fact that Walter is incapable of making his own decisions.
15. That on July 3, 2014, Plaintiff's brother, Walter's son, drove him to Roseland, New Jersey, to reside at Solana at Roseland. That at that time, Defendants Rhonda and Lynn Welt went back to their residence in Georgia.
16. That Plaintiff has since filed a petition for guardianship, a hearing for which is scheduled for September 22, 2014.

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17. Since then, Defendants, in concert or individually, posted a website online, www.howardshapirovictims.com, which was copyrighted, in which it is alleged that:

- a. Plaintiff has stolen over \$780,000.00 in cash and assets taken, and the same awarded in liens and judgments. (See Exhibit 1).
- b. That Plaintiff has filed several bankruptcies, that he has a criminal record, and 20 judgments made against him in the amount of \$361,871.00. That that money is owed to a public defender and a drug and rehabilitation center, in addition to multiple credit cards and other debts. (See Exhibit 1).
- c. That Walter Shapiro’s life is in danger because he gave Plaintiff power of attorney over him. That that decision cost Walter \$430,000.00, including a \$100,000.00 loan that Walter allegedly gave to Plaintiff.
- d. That Plaintiff committed the following “heinous acts”:
  - i. That Plaintiff abducted his father from his home and held him against his will;
  - ii. That Plaintiff sold his father’s home for \$230,000.00 and kept the proceeds for himself;
  - iii. That Plaintiff tangible and intangible goods, including large sums of cash and furniture, from his father;
  - iv. That Plaintiff diverted all of Walter’s retirement payments to himself.
  - v. That Plaintiff blocked Walter from any contact with his relatives;
  - vi. That Plaintiff left his father with no money;
  - vii. That Plaintiff prevented others from purchasing food for his father;

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viii. That Plaintiff has threatened his father’s life;

ix. That Plaintiff stole his father’s money and bragged about traveling with it;

e. Plaintiff may be carrying concealed weapons; and

f. That Plaintiff is lying about his home and business, listing a specific address belonging to Plaintiff.

18. Defendants further provide a photograph of Plaintiff’s vehicle and license plate number and encouraged the public to attend the adult guardianship proceedings indicated above.

19. That the website was “recorded by two (2) witnesses”, believed to a combination of the other named Defendants.

20. That the webmaster is Defendant Glenn Welt, who informed Plaintiff by email that he was posting the website. (See Exhibit 2).

21. That various iterations of the website were previously posted. (See Exhibit 3).

22. That Defendant Glenn Welt, in concert with other named Defendants, attempted to extort Plaintiff in a letter dated August 11, 2014, by threatening public humiliation, civil action, and criminal charges if his demands are not met, which include returning cash and property allegedly stolen by Plaintiff, presumably to Defendant Glenn Welt. (See Exhibit 4).

23. That Defendants conduct is ongoing and persistent, requiring the instant legal action.



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**FIRST CAUSE OF ACTION**

**(DEFAMATION PER SE)**

- 24. Plaintiffs repeat and re-allege each and every allegation contained in Paragraphs 1 through 23 as though fully set forth herein and further allege the following.
- 25. That Defendants made false statements as indicated in paragraph 17, among other statements and allegations.
- 26. That Defendants' statements were not privileged by any common law or statutory privilege and were, and are, being made in a public forum.
- 27. Defendants' conduct was entirely malicious and vindictive in that it was driven by their desire to control Walter and their animosity for Plaintiff because he has exercised his power of attorney.
- 28. That Plaintiff is a business owner, with a business located in New Jersey.
- 29. That Defendants conduct, targeting Plaintiff's alleged "moral turpitude", constitutes defamation per se.
- 30. As a result of Defendants' libelous writing, it is presumed economic damages in excess of \$10,000.00 were suffered under *Clark County Sch. Dist. v. Virtual Educ. Software, Inc.*, 125 Nev. 374, 385, 213 P.3d 496, 504, 2009 Nev. LEXIS 38, 17-18, 125 Nev. Adv. Rep. 31 (Nev. 2009).

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**SECOND CAUSE OF ACTION**

**(DEFAMATION)**

- 31. Plaintiffs repeat and re-allege each and every allegation contained in Paragraphs 24 through 30 as though fully set forth herein and further allege the following.
- 32. That Defendants made false statements as indicated in paragraph 17, among other statements and allegations.
- 33. That Defendants' statements were not privileged by any common law or statutory privilege and were, and are, being made in a public forum.
- 34. Defendants' conduct was entirely malicious and vindictive in that it was driven by their desire to control Walter and their animosity for Plaintiff because he has exercised his power of attorney.
- 35. That Plaintiff was harmed in an undetermined amount exceeding \$10,000.00.

**THIRD CAUSE OF ACTION**

**(EXTORTION)**

- 36. Plaintiff repeats and re-alleges each and every allegation contained in Paragraphs 31 through 35 as though fully set forth herein and further allege the following.
- 37. That Defendants intended to extort or gain money or property from Plaintiff, and/or intended to compel or induce Plaintiff to make, subscribe, execute, alter or destroy any valuable security or instrument or writing affecting or intended to affect any cause of action or defense, or any property.

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38. That Defendants attempt to gain money, property, or extort Plaintiff was by threat, directly and indirectly, to accuse Plaintiff of a crime, to injure Plaintiff's person and property, to publish or connive at publishing any libel, to expose or impute to any person any disgrace, and to expose a secret, in the manner indicated in paragraph 17 and Exhibit 4 of this complaint.

39. That Defendants conducted has proximately harmed Plaintiff in an undetermined amount exceeding \$10,000.00.

**FOURTH CAUSE OF ACTION**

**(CIVIL CONSPIRACY)**

40. Plaintiff repeats and re-alleges each and every allegation contained in Paragraphs 31 through 39 as though fully set forth herein and further allege the following.

41. That Defendants' conspired amongst themselves to unlawfully harm Plaintiff by constructing and posting www.howardshapirovictims.com.

42. That Defendants defrauded the public in furtherance of their scheme to extort Plaintiff, as alleged in the second cause of action contained in this complaint, by knowingly lying about Plaintiff in a public forum, namely www.howardshapirovictims.com.

43. That Defendants' conduct caused Plaintiff substantial damage in an undetermined amount exceeding \$10,000.00.

Law Offices of Eric P. Roy  
818 East Charleston Boulevard  
Las Vegas, Nevada 89104  
702.423.3333

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**FIFTH CAUSE OF ACTION**

**(FRAUD)**

44. Plaintiff repeats and re-alleges each and every allegation contained in Paragraphs 40 through 43 as though fully set forth herein and further allege the following.

45. That Defendants made statements in a public forum as described in paragraph 17 of this complaint.

46. That Defendants knew that those statements were false, or that they had an insufficient basis for making those representations as they had no contact or communication with Plaintiff and Walter is incapacitated, making it impossible for Defendants to rely on any statements made by Walter.

47. That Defendants intended to induce Plaintiff to pay money or turn over property, as evidenced by Exhibit 5.

48. That the public justifiably relied upon those representations to formulate an opinion of Plaintiff, putting pressure upon Plaintiff to cooperate with Defendants.

49. That Defendants conduct harmed Plaintiff in an undetermined amount exceeding \$10,000.00.

**CAUSE OF ACTION**

**(PUNITIVE DAMAGES)**

50. Plaintiff repeats and re-alleges each and every allegation contained in Paragraphs 44 through 49 as though fully set forth herein and further alleges the following.

Law Offices of Eric P. Roy  
818 East Charleston Boulevard  
Las Vegas, Nevada 89104  
702.423.3333

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51. That the Defendants actions were oppressive, fraudulent, and malicious. Defendants lied about Plaintiff's alleged "moral turpitude" and criminal behavior on a public forum that has injured Plaintiff's reputation and his business' good standing and economic welfare in the community.

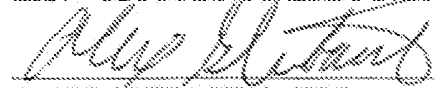
**WHEREFORE**, Plaintiff prays for judgment against Defendants as follows:

1. For an award of general damages in excess of \$10,000.00;
2. For an award of special damages in excess of \$10,000.00;
3. For an award of punitive damages in excess of \$10,000.00; and
4. For reasonable attorney's fees and cost of suit incurred;
5. For such further relief as the Court may deem just and proper under the circumstances.

DATED this 29 day of August, 2014.

Respectfully submitted,

**LAW OFFICES OF ERIC P. ROY**



**ALEX GHIBAUDO, ESQ.**

Nevada Bar No. 10592

818 E. Charleston Blvd.

Las Vegas, NV 89104

(702) 423-3333

[eric@ericroylawfirm.com](mailto:eric@ericroylawfirm.com)

*Attorney for Plaintiff*

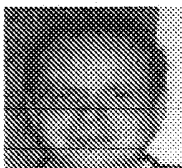
# **EXHIBIT 1**

**This website dedicated to helping victims of Howard Andrew Shapiro & warning others**

**Over \$780,000 in cash & assets taken, liens & judgements!**

**Howard Andrew Shapiro**

age 46  
 a/k/a Howie Shapiro  
 623 Skyline Drive  
 Lake Hopatcong NJ 07849  
 Home Phone 973-406-2087  
 Cellular: 646-406-2087  
 Wife: Jenna G. Shapiro, age 42  
 a/k/a Jenna Gail Thorland, Jenna T. Shapiro  
 973-663-1203  
[howardshapiro@aol.com](mailto:howardshapiro@aol.com)



2005 photo

**Accomplice:**

Adam Roy Shapiro, age 52  
 a/k/a Roy A. Shapiro  
 2330 Peppercorn St.  
 Kississimmí FL 34741  
 Home: 407-810-1645  
 Work: 863-676-1904  
 wife: Maryann Danielle Shapiro,  
 Age 50  
[AdamR1005@aol.com](mailto:AdamR1005@aol.com)



2005 photo

Background check of **Howard A. Shapiro** reveals **criminal record, 2 bankruptcies (1998 & 2008) plus 20 judgements and liens against him in past 16 years totaling \$361,871** owed to a public defender, drug & rehab center, [American Express](#), [Aurora Electrical Supply](#), [Beneficial New Jersey](#), [Deterrent Technologies](#), [JP Morgan Chase Bank](#), [PNC Bank](#), Home Vest Capital, [Household Finance Corporation](#), L&H. Plumbing & Heating, [Monmouth Auto Body](#), SPT Electric Supply, [Township of Jefferson](#) and more.

**Plus, Walter Shapiro made a \$430,000 mistake that may shorten his life.** Loaned his son Howard \$100,000 and gave him Power of Attorney. Howard never repaid the loan, then **desecrated** the power with recent **heinous** acts:

- Abducted his father who was "screaming as he was dragged out of the house" \*  
 Walter Shapiro owned and enjoyed his Lakewood, New Jersey home for over 40 years.
- Walter Shapiro was removed AFTER Lakewood Police advised AGAINST it.
- Sold the home for \$230,000 against his father's wishes & Howard pocketed ALL the money
- Confiscated all the home furnishings (with help from brother Adam Roy Shapiro and wife)
- Drained all his fathers bank accounts by as much as \$60,000
- Took expensive jewelry belonging to his father (& left for Walter Shapiro by his deceased wife)
- Diverted all future retirement payments for Walter Shapiro to himself. Payments include direct deposits from New York Times newspaper (where Walter Shapiro worked for 42 years), Worker's Union payments and Social Security payments.
- Blocked Walter Shapiro from seeing his sister (who flew from Atlanta but was forced to sit in the street for days due to threats from Howard Shapiro).
- Blocked visitation by other relatives.

8/27/2014

Howard Shapiro Criminal Bankruptcies Liens Judgements Elder Abuse Records

- Left his father with **NO MONEY** to buy food
- Prevented others from buying food for his father
- Threatening statements to his father include **"I will see you in your grave" and "I will bury you so deep, that no one will find you."**
- Brags about taking his family to Hawaii with Walter's money & traveling "first class"

**Police in a number of New Jersey jurisdictions have been alerted to these actions and that Howard Shapiro may be carrying concealed weapon(s).**

Howard Shairo currently resides in a \$500,000 Lake Hopatcong, New Jersey home. D&B reports he is president of Howard A Shapiro Electrical Contractor Inc, 623 Skyline Dr, Lake Hopatcong NJ. Phone 973-663-1191 with \$479,000 annual revenue. New Jersey has NO current record of corporation or any others registered to Howard A. Shapiro as of 8/17/2014.

If you are a creditor who is owed monies as a result of Howard Shapiro's criminal, bankruptcy, lien or judgement history, take collection action **before all of the estimated \$430,000 in cash & assets taken from his father has disappeared.**

**1st court date is Sept. 22, 2014 in New Jersey.**  
**If information indicates appearance by Howard Shapiro, courtroom location & time will be posted HERE.**

All persons with knowledge of Howard A. Shapiro's actions against Walter Shapiro or other illegal acts committed by Howard Shapiro are encouraged to appear in court. You may also submit information via email. Information is being forwarded to at least 4 attorneys representing injured parties, news media, government agencies and law enforcement as of 8/27/2014.

**Attendees: You may be photographed for TV & other media.**

**If Howard Shapiro is arrested, incarcerated or ordered to pay monies for above actions, information will be posted HERE.**

**Howard Shapiro last seen driving black BMW 650i, New Jersey tag BMWGC**



\*Recorded by 2 witnesses, will be presented in court. Walter Shapiro had no knowledge of this website creation, nor is he a contributor, yet Howard Shapiro harassed his father about its existence.



8/27/2014

Howard Shapiro Criminal Bankruptcies Liens Judgements Elder Abuse Records

Email if you have new information or questions: [Glenn Welt](#)

© 2014 Glenn Welt, Consumer Advocate who has worked with FBI, Secret Service, IRS, other law enforcement agencies  
and media in arrests & convictions of criminals.

# **EXHIBIT 2**

**Alex**

---

**From:** Howard [howardshapiro@aol.com]  
**Sent:** Friday, August 22, 2014 12:45 PM  
**To:** Alex  
**Subject:** Fwd: Howard Shapiro Victims

Better and better.

Howard A. Shapiro  
646.406.2087 Mobile

Begin forwarded message:

**From:** Glenn Welt <vip@glennwelt.com>  
**Date:** August 22, 2014 at 3:10:29 PM EDT  
**To:** [howardshapiro@aol.com](mailto:howardshapiro@aol.com)  
**Subject:** **Howard Shapiro Victims**  
**Reply-To:** [vip@glennwelt.com](mailto:vip@glennwelt.com)

Congratulations Howie,

Your actions have been deemed worthy of your own website.  
[www.HowardShapiroVictims.com](http://www.HowardShapiroVictims.com) is now **LIVE** and will be indexed by all the major search engines.

I am personally inviting EVERY one of your known victims to appear in court along with other caretakers, neighbors acquaintances and relatives you've threatened.

If you don't want to appear in court, your attorney can be served on your behalf.

Glenn Welt

# **EXHIBIT 3**

**This page dedicated to helping victims of Howard Andrew Shapiro & warning others**

**At least \$300,000 cash & assets taken from Walter Shapiro plus \$361,871 in liens & judgements by others!**

**Howard Andrew Shapiro**

age 46

a/k/a Howie Shapiro

623 Skyline Drive

Lake Hopatcong NJ 07849

Home Phone 973-406-2087

Cellular: 646-406-2087

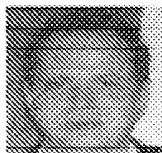
Google Voice: 201-357-7331

Wife: Jenna G. Shapiro, age

42

973-663-1203

[howardshapiro@aol.com](mailto:howardshapiro@aol.com)



**Accomplice:**

Adam Roy Shapiro, age 52

a/k/a Roy A. Shapiro

2330 Peppercorn St.

Kissimmee FL 34741

Home Phone 407-810-1645

wife: Maryann D. Shapiro

[AdamR1005@aol.com](mailto:AdamR1005@aol.com)



Background check of Howard A. Shapiro reveals a **criminal record, 2 bankruptcies (1998 & 2008) plus 20 judgements and liens against him in past 16 years totaling \$361,871 owed to a public defender, drug & rehab center, [American Express](#), [Aurora Electrical Supply](#), [Beneficial New Jersey](#), [Deterrent Technologies](#), [JP Morgan Chase Bank](#), [PNC Bank](#), Home Vest Capital, [Household Finance Corporation](#), L&H. Plumbing & Heating, [Monmouth Auto Body](#), [SPT Electric Supply](#), [Township of Jefferson](#) and more.**

Walter Shapiro made a **HUGE mistake** by giving Power of Attorney to his son. Howard Shapiro desecrated the power:

- Removed his father Walter Shapiro under duress from the Lakewood, New Jersey home Walter owned and enjoyed for over 40 years.
- Placed his father in a facility against his will
- Sold the home for \$230,000 against his father's wishes & pocketed ALL the money
- Confiscated all the home furnishings (with help from brother Adam Roy Shapiro)
- Drained all his fathers bank accounts by as much as \$60,000
- Took expensive jewelry belonging to his father
- Diverted future retirement payments to himself (3 direct deposits from New York Times, Worker's Union, Social Security)
- Tried to block Walter Shapiro from seeing his sister or other relatives.
- **Left his father with NO MONEY to buy food**
- **Prevented others from buying food for his father**

Currently, Howie resides in a \$500,000 Lake Hopatcong, New Jersey home. Dun & Bradstreet report says he is president of Howard A Shapiro Electrical Contractor Inc, 523 Skyline Drive, Lake Hopatcong NJ 07849 Phone 973-663-1191 with 4 employees and annual revenue of \$479,000. **State of New Jersey has NO current record of corporation or other businesses registered to Howard Shapiro as of 8/17/2014.**

If you are creditor who is owed monies as a result of Howard Shapiro's bankruptcies, judgements or liens, try collecting from Howie **before the estimated \$300,000 disappears.**

**One court date is being scheduled for Sept. 2014 in New Jersey. If information indicates that Howard Shapiro will appear, the exact location, time and date will be posted HERE.**

All persons with knowledge of Howard Shapiro's actions against Walter Shapiro or other illegal acts committed by Howard Shapiro are encouraged to appear in court. You may also submit information via email.

If anyone still doubts the character of Howard Andrew Shapiro, consider this:

- **Threatening statements to his father include "I will see you in your grave" and "I will bury you so deep, that no one will find you."**
- **He brags about his gun collection, presumably as an intimidation tool.**
- **He brags about taking his family to Hawaii with Walter's money and traveling "first class".**

**If Howard Shapiro is arrested, incarcerated or ordered to pay monies for above actions, information will be posted HERE.**

**Howie was last seen driving this black BMW 650i with New Jersey tag BMWGC**  
(a 2013 BMW is another of the many things taken from his father):



Howard Andrew Shapiro may need one of these:

AAA Bailmaster Bail Bonds 973-644-2200

Elite Bail Bonds 201-205-2351

Mr. G Bail Bonds 877-793-0514

© 2014 Glenn Welt

Email if you have information or questions: [Glenn Welt](mailto:Glenn.Welt@glennwelt.com)

# **EXHIBIT 4**



August 11, 2014

Mr. Howard Andrew Shapiro  
623 Sterling Drive  
Lake Hopatcong NJ 07849  
Home Phone 973-406-2087  
Cellular: 646-406-2087  
howardshapiro@aol.com

RE: State of New Jersey et al vs. Howard A. Shapiro

Dear Cousin Howard,

I have been carefully monitoring the actions you have taken against your father, Walter Shapiro including the sale his home, emptying his bank accounts and possession of other assets. I'm also aware of involvement of your brother, Adam Shapiro.

You have two choices. **Smart Choice** is to return all the material assets and monies you obtained from his bank accounts and sale of his Lakewood home. **Dumb Choice** is to force the legal system and numerous relatives to take actions which may include criminal charges, your arrest and incarceration.

You may scare your father and others with your statements. I've been under oath with the FBI for over 13 years, worked with Secret Service, IRS and numerous law enforcement agencies all over the United States. I've helped in the arrests, prosecutions, putting dangerous criminals in prison and obtained full restitution for victims.

Recent example. Look at [website](#). I created the website, got the Governor of Nevada involved and arranged for the main suspect to be arrested while being recorded for multiple airings on CBS TV. Suspect was jailed, lost his entire business, faces multiple felony charges that can result in prison time. His arrest, publicity and public humiliation may have caused substantial embarrassment and other problems for members of his family.

I've opposed a State Attorney General and multi-billion dollar public companies in federal courts. I won EVERY time. I could cite many more examples but I think you are intelligent enough to get the message.

I will personally come after you in every legal and media way if you do not restore the financial well-being of your father (my uncle) by choosing the Smart Choice.

You will be contacted by my legal representative, the media and/or me if this ultimatum is not met resolved by August 18, 2014.

Sincerely,

Glenn M. Welt  
Henderson, Nevada

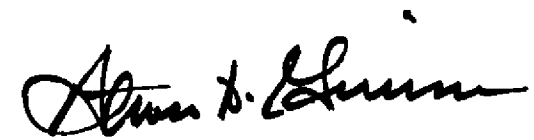


cc: Adam Shapiro [ashapiro@ny.gov](mailto:ashapiro@ny.gov)

PS: I will request all other pending legal actions against you by State of New Jersey and I intend that such  
relatives be halted and this web page will be removed when I have been notified by the Treasury Department and  
the State Council.

© 2014 Glenn Webb

Email if you have any questions: [Glenn@glennwebb.com](mailto:Glenn@glennwebb.com)



CLERK OF THE COURT

1 **VDSM**  
Evan D. Schwab, Esq.  
2 Nevada Bar No. 10984  
Alex B. Ghibaudo, Esq.  
3 Nevada Bar No. 10592  
**SCHWAB LAW GROUP PLLC**  
4 2800 W. Sahara Ave., Suite 1H  
Las Vegas, Nevada 89102  
5 T: 702-489-4442  
F: 702-489-4812  
6 evan@slglasvegas.com  
*Attorney for Plaintiffs*

**DISTRICT COURT, FAMILY DIVISION  
CLARK COUNTY, NEVADA**

\*\*\*\*

9 HOWARD SHAPIRO and )  
JENNA SHAPIRO )

10 Plaintiffs )

CASE NO.: A-14-706566-C  
DEPT.: 27

11 vs. )

12 GLEN WELT, RHODA WELT, )  
13 LYNN WELT, MICHELLE WELT, )  
Individuals; CHECKSNET.COM, )  
14 a corporation; DOES I through X, and )  
15 ROE CORPORATIONS I through X, )  
Inclusive, )

16 Defendants. )

**Voluntary Dismissal of Checksnet.com**

18 Comes now Plaintiffs Howard Shapiro and Jenna Shapiro ("Plaintiffs"), by and through  
19 their attorneys Schwab Law Group PLLC, and hereby voluntarily dismiss Defendant  
20 Checksnet.com only, with each party to bear their own fees and costs incurred herein. Said  
21 Defendant has yet to answer or file a motion for summary judgment, or otherwise appear herein.  
22

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1           This voluntarily dismissal is made in good faith, in the interests of judicial economy, and  
2 not for the purpose of delay.

3 Dated this 2<sup>nd</sup> day of February, 2015.

4 **Schwab Law Group PLLC**

5 

6 Evan D. Schwab, Esq.

7 Nevada Bar No. 10984

8 Alex B. Ghibaud, Esq.

9 2800 W. Sahara Ave., Suite 1H

10 Las Vegas, Nevada 89102

11 T: 702-489-4442

12 F: 702-489-4812

13 evan@schwablawgroup.com

14 *Attorneys for Plaintiffs*

15

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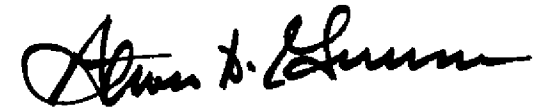
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CLERK OF THE COURT

1 **ORDR**

2 **DISTRICT COURT**  
3 **CLARK COUNTY, NEVADA**

4 HOWARD SHAPIRO, JEAN SHAPIRO,  
5 Plaintiffs

CASE NO.: A-14-706566-C

6 vs.

DEPARTMENT 27

7  
8 GLEN WELT, LYNN WELT, MICHELLE  
9 WELT and RHODA WELT, Defendants

10 **ORDER GRANTING DEFENDANTS' MOTION FOR ATTORNEYS' FEES**

11  
12 **COURT FINDS** after review that the Court's entered an Order Granting  
13 Defendants' Motion to Dismiss under the anti-SLAPP provisions of NRS 41.660 on  
14 January 2, 2015. As part of the order, the Court stated it would allow reasonable  
15 attorneys' fees under NRS 41.670 and requested Defendants' counsel provide an affidavit  
16 detailing their costs and fees.

17  
18 **COURT FURTHER FINDS** after review Defendants filed their Affidavit in  
19 Support of Fees and Costs per NRS 41.670 on January 5, 2015, requesting \$14,775.00 in  
20 attorneys' fees (59.1 hours at \$250.00 per hour) and \$554.68 in costs. Plaintiffs filed their  
21 Response on January 15, 2015 and Defendants' filed their Reply in Support on January  
22 17, 2015.

23 **COURT FURTHER FINDS** after review that NRS 41.670(1)(a) allows for an  
24 award of reasonable attorneys fees if a defendant prevails on a motion to dismiss.

25 **COURT FURTHER FINDS** after review the award of attorneys' fees is within  
the Court's discretion in applying the factors set forth in Brunzell v. Golden Gate Nat.  
Bank, 85 Nev. 345, 349, 455 P.2d 31, 33 (1969). Here, the hourly rate of \$250 is

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1 reasonable considering the skill and experience of the attorney. The character of the work  
2 done was intricate, and required research into a developing area of law. However,  
3 Defendants affidavit requested attorneys' fees that accrued throughout the entirety of the  
4 case. In applying a reasonableness standard, it is appropriate to only allow the work  
5 specifically relating to the successful Motion to Dismiss under NRS 41.660.<sup>1</sup> The totality  
6 of the costs are allowable.  
7

8 **COURT ORDERS** for good cause appearing Defendants are awarded \$4,500 in  
9 attorneys' fees and \$554.68 in costs as reasonable under NRS 41.670(1)(a).

10 Dated: February 18, 2015

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14 NANCY ALLF  
15 DISTRICT COURT JUDGE  
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21 <sup>1</sup> In reviewing the Defendants' Affidavit in Support of Fees and Costs per NRS 41.670, the Court  
22 determines the following entries are reasonable:

23	December 11, 2014	2.60 hours	\$650.00
	December 12, 2014	1.20 hours	\$300.00
	December 15, 2014	7.30 hours	\$1,825.00
	December 19, 2014	0.30 hours	\$75.00
	December 19, 2014	5.20 hours	\$1,300.00
	December 22, 2014	0.10 hours	\$25.00
	December 29, 2014	0.10 hours	\$25.00
	December 31, 2014	0.20 hours	\$50.00
	December 31, 2014	0.30 hours	\$75.00
	January 2, 2015	0.10 hours	\$25.00
	January 5, 2015	0.60 hours	\$150.00
	<u>Total</u>	<u>18.00 hours</u>	<u>\$4,500.00</u>


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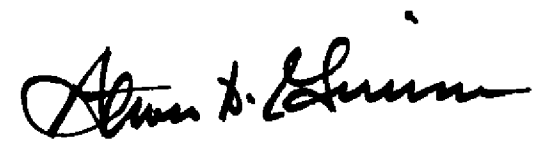
**CERTIFICATE OF SERVICE**

I hereby certify that on or about the date signed I caused the foregoing document to be served by placing same in the attorney folder located at the Regional Justice Center; and/or by fax; and/or pursuant to EDCR 8.05(a) and 8.05(f), to be electronically served through the Eighth Judicial District Court's electronic filing system, with the date and time of the electronic service substituted for the date and place of deposit in the mail.

Thorndal, Armstrong, Delk, Balkenbush & Eisinger  
Michael P. Lowry, Esq. – [mlowry@thorndal.com](mailto:mlowry@thorndal.com)  
Fax: 702-366-0327

Schwab Law Group  
Alex Ghibaudo, Esq. – [alex@slglasvegas.com](mailto:alex@slglasvegas.com)  
Fax: 702-489-4812

  
\_\_\_\_\_  
Karen Lawrence  
Judicial Executive Assistant



CLERK OF THE COURT

1 **NOEJ**  
2 **THORNDAL, ARMSTRONG, DELK,**  
3 **BALKENBUSH & EISINGER**

Michael P. Lowry, Esq.  
Nevada Bar No. 10666  
P.O. Drawer 2070  
Las Vegas, Nevada 89125-2070  
Tel: (702) 366-0622  
Fax: (702) 366-0327  
Email: [m\\_lowry@thorndal.com](mailto:m_lowry@thorndal.com)  
Attorneys for Glenn Welt, Rhoda Welt,  
Lynn Welt and Michele Welt

7 **DISTRICT COURT**

8 **CLARK COUNTY, NEVADA**

9 HOWARD SHAPIRO and JENNA SHAPIRO,

Case No.: A-14-706566-C  
Dept. No. 27

10 Plaintiffs,

11 vs.

**NOTICE OF ENTRY OF ORDER  
GRANTING MOTION FOR ATTORNEYS'  
FEES**

12 GLEN WELT, RHODA WELT, LYNN WELT,  
13 MICHELLE WELT, individuals;  
14 CHECKSNET.COM, a corporation; DOES I  
through X, and ROE CORPORATIONS I  
through X, inclusive,

15 Defendants.

16 PLEASE TAKE NOTICE that on February 20, 2015, the court entered the attached  
17 order granting a motion for attorneys' fees.

18 DATED this 20<sup>th</sup> day of February, 2015.

19 THORNDAL, ARMSTRONG, DELK,  
20 BALKENBUSH & EISINGER

21 */s/ Michael P. Lowry*

22 Michael P. Lowry, Esq.  
23 P.O. Drawer 2070  
24 Las Vegas, NV 89125-2070  
25 Attorneys for Glenn Welt, Rhoda Welt,  
26 Lynn Welt and Michele Welt



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**CERTIFICATE OF SERVICE**

Pursuant to NRCP 5(b), on February 20, 2015, **NOTICE OF ENTRY OF ORDER GRANTING MOTION FOR ATTORNEYS' FEES** was served upon each of the parties via electronic service through the Eighth Judicial District Court's Odyssey E-File and Serve system.

*/s/ Michael P. Lowry*

\_\_\_\_\_  
An Employee of Thorndal, Armstrong, Delk,  
Balkenbush & Eisinger



CLERK OF THE COURT

1 **ORDR**

2 **DISTRICT COURT**  
3 **CLARK COUNTY, NEVADA**

4 HOWARD SHAPIRO, JEAN SHAPIRO,  
5 Plaintiffs

CASE NO.: A-14-706566-C

6 vs.

DEPARTMENT 27

7  
8 GLEN WELT, LYNN WELT, MICHELLE  
9 WELT and RHODA WELT, Defendants

10 **ORDER GRANTING DEFENDANTS' MOTION FOR ATTORNEYS' FEES**

11  
12 **COURT FINDS** after review that the Court's entered an Order Granting  
13 Defendants' Motion to Dismiss under the anti-SLAPP provisions of NRS 41.660 on  
14 January 2, 2015. As part of the order, the Court stated it would allow reasonable  
15 attorneys' fees under NRS 41.670 and requested Defendants' counsel provide an affidavit  
16 detailing their costs and fees.

17  
18 **COURT FURTHER FINDS** after review Defendants filed their Affidavit in  
19 Support of Fees and Costs per NRS 41.670 on January 5, 2015, requesting \$14,775.00 in  
20 attorneys' fees (59.1 hours at \$250.00 per hour) and \$554.68 in costs. Plaintiffs filed their  
21 Response on January 15, 2015 and Defendants' filed their Reply in Support on January  
22 17, 2015.

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24 award of reasonable attorneys fees if a defendant prevails on a motion to dismiss.

25 **COURT FURTHER FINDS** after review the award of attorneys' fees is within  
the Court's discretion in applying the factors set forth in Brunzell v. Golden Gate Nat.  
Bank, 85 Nev. 345, 349, 455 P.2d 31, 33 (1969). Here, the hourly rate of \$250 is

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FEB 20 2015  
CLERK OF THE COURT

1 reasonable considering the skill and experience of the attorney. The character of the work  
2 done was intricate, and required research into a developing area of law. However,  
3 Defendants affidavit requested attorneys' fees that accrued throughout the entirety of the  
4 case. In applying a reasonableness standard, it is appropriate to only allow the work  
5 specifically relating to the successful Motion to Dismiss under NRS 41.660.<sup>1</sup> The totality  
6 of the costs are allowable.  
7

8 **COURT ORDERS** for good cause appearing Defendants are awarded \$4,500 in  
9 attorneys' fees and \$554.68 in costs as reasonable under NRS 41.670(1)(a).

10 Dated: February 18, 2015

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13 \_\_\_\_\_  
14 NANCY ALLF  
15 DISTRICT COURT JUDGE  
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21 <sup>1</sup> In reviewing the Defendants' Affidavit in Support of Fees and Costs per NRS 41.670, the Court  
22 determines the following entries are reasonable:

23	December 11, 2014	2.60 hours	\$650.00
	December 12, 2014	1.20 hours	\$300.00
24	December 15, 2014	7.30 hours	\$1,825.00
	December 19, 2014	0.30 hours	\$75.00
25	December 19, 2014	5.20 hours	\$1,300.00
	December 22, 2014	0.10 hours	\$25.00
26	December 29, 2014	0.10 hours	\$25.00
	December 31, 2014	0.20 hours	\$50.00
27	December 31, 2014	0.30 hours	\$75.00
	January 2, 2015	0.10 hours	\$25.00
28	January 5, 2015	0.60 hours	\$150.00
	<u>Total</u>	<u>18.00 hours</u>	<u>\$4,500.00</u>

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**CERTIFICATE OF SERVICE**

I hereby certify that on or about the date signed I caused the foregoing document to be served by placing same in the attorney folder located at the Regional Justice Center; and/or by fax; and/or pursuant to EDCR 8.05(a) and 8.05(f), to be electronically served through the Eighth Judicial District Court's electronic filing system, with the date and time of the electronic service substituted for the date and place of deposit in the mail.

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Karen Lawrence  
Judicial Executive Assistant