

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

2 *****

3 HOWARD SHAPIRO and)
4 JENNA SHAPIRO)

5 Appellants,)
6 vs.)

Electronically Filed
Oct 21 2015 09:49 a.m.
Tracie K. Lindeman
Clerk of Supreme Court

SUP. CRT. CASE NO.: 67363

7 GLEN WELT, RHODA WELT,)
8 LYNN WELT, MICHELLE WELT,)
9 Individuals; DOES I through X, and)
10 ROE CORPORATIONS I through X,))
11 Inclusive,)

12 Respondents.)
13)

14 **APPELLANTS' APPENDIX VOLUME I**

15 ALEX GHIBAUDO
16 Nevada Bar No. 10592
17 Schwab Law Group
18 2800 W. Sahara Ave., Suite 1H
19 Las Vegas, Nevada 89102
20 (702) 489-4442
21 (702) 489-4812
22 alex@slglasvegas.com
23 Attorney for Appellant

MICHAEL LOWRY
Nevada Bar No. 10666
Thorndal Armstrong Delk
Balkenbush & Eisinger
1100 E. Bridger Ave.
P.O. Box 2070
Las Vegas, Nevada 89125
(702) 366-0622
(702) 366-0627
mlowry@thorndal.com
Attorney for Respondent

24 ADAM PAUL LAXALT
25 Nevada Attorney General
26 Nevada Bar No. 3926
27 100 North Carson Street
28 Carson City, Nevada 89701-4717

Appendix

Description	BATES NO.
Complaint	1-24
Order Dismissing Complaint	25-27

Dated this 1st day of October, 2015.

SCHWAB LAW GROUP

By: _____



ALEX GHIBAUDO, ESQ.

Nevada Bar No. 10592

2800 W. Sahara Ave., Suite 1H

Las Vegas, Nevada 89102

p: 702.489.4442

Counsel for Appellant


CLERK OF THE COURT

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

1 **COMB**
2 **ERIC P. ROY, ESQ.**
3 Nevada Bar No. 11869
4 **ALEX GHILBAUDO, 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
12 *Attorney for Plaintiff*

**DISTRICT COURT
CLARK COUNTY, NEVADA**

13 **HOWARD SHAPIRO and JENNA
SHAPIRO,**

14 **Plaintiffs,**

15 **v.**

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

17 **Defendant.**

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

COMPLAINT

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

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

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.

- 1 9. That at that time, Plaintiff exercised his power of attorney over his father and
- 2 arranged for his father to live in a nursing home/assisted care facility, upon
- 3 doctors recommendations.
- 4 10. That Plaintiff disposed of his father's property to pay for Walter's care.
- 5 11. That at that time, Defendants Rhoda Welt and Lynn Welt went to New Jersey,
- 6 where Walter lives and where the nursing home/assisted care facility was
- 7 located, where they commenced a campaign of harassment of Plaintiff and
- 8 undue influence upon Walter.
- 9 12. That Defendants, in concert, reported to Adult Protective Services that Plaintiff
- 10 was abusing/neglecting his father.
- 11 13. That upon investigation, Adult Protective Services determined that Defendants
- 12 withdrew \$7,500.00 from Walter's account and forced them to return that
- 13 money immediately or they would be charged with abusing an elderly person.
- 14 14. That Defendants, all of them, continued their campaign of harassment and
- 15 undue influence, calling Plaintiff repeatedly, almost daily, and telling Walter
- 16 that Plaintiff was taking his money. That as a result, Walter called Plaintiff
- 17 every day to demand to know where his money was, despite the fact that
- 18 Walter is incapable of making his own decisions.
- 19 15. That on July 3, 2014, Plaintiff's brother, Walter's son, drove him to Roseland,
- 20 New Jersey, to reside at Solana at Roseland. That at that time, Defendants
- 21 Rhonda and Lynn Welt went back to their residence in Georgia.
- 22 16. That Plaintiff has since filed a petition for guardianship, a hearing for which is
- 23 scheduled for September 22, 2014.
- 24
- 25
- 26
- 27
- 28

17. Since then, Defendants, in concert or individually, posted a website online, www.howardshapirovictim.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;

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.

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

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).

SECOND CAUSE OF ACTION

(DEFAMATION)

- 1
2
3 31. Plaintiffs repeat and re-allege each and every allegation contained in
4 Paragraphs 24 through 30 as though fully set forth herein and further allege the
5 following.
6
7 32. That Defendants made false statements as indicated in paragraph 17, among
8 other statements and allegations.
9 33. That Defendants' statements were not privileged by any common law or
10 statutory privilege and were, and are, being made in a public forum.
11 34. Defendants' conduct was entirely malicious and vindictive in that it was driven
12 by their desire to control Walter and their animosity for Plaintiff because he has
13 exercised his power of attorney.
14
15 35. That Plaintiff was harmed in an undetermined amount exceeding \$10,000.00.

THIRD CAUSE OF ACTION

(EXTORTION)

- 16
17
18
19 36. Plaintiff repeats and re-alleges each and every allegation contained in
20 Paragraphs 31 through 35 as though fully set forth herein and further allege the
21 following.
22
23 37. That Defendants intended to extort or gain money or property from Plaintiff,
24 and/or intended to compel or induce Plaintiff to make, subscribe, execute, alter
25 or destroy any valuable security or instrument or writing affecting or intended
26 to affect any cause of action or defense, or any property.
27
28

1 38. That Defendants attempt to gain money, property, or extort Plaintiff was by
2 threat, directly and indirectly, to accuse Plaintiff of a crime, to injure Plaintiff's
3 person and property, to publish or connive at publishing any libel, to expose or
4 impute to any person any disgrace, and to expose a secret, in the manner
5 indicated in paragraph 17 and Exhibit 4 of this complaint.
6

7 39. That Defendants conducted has proximately harmed Plaintiff in an
8 undetermined amount exceeding \$10,000.00.
9

10 FOURTH CAUSE OF ACTION

11 (CIVIL CONSPIRACY)

12 40. Plaintiff repeats and re-alleges each and every allegation contained in
13 Paragraphs 31 through 39 as though fully set forth herein and further allege the
14 following.
15

16 41. That Defendants' conspired amongst themselves to unlawfully harm Plaintiff
17 by constructing and posting www.howardshaprovictims.com.
18

19 42. That Defendants defrauded the public in furtherance of their scheme to extort
20 Plaintiff, as alleged in the second cause of action contained in this complaint,
21 by knowingly lying about Plaintiff in a public forum, namely
22 www.howardshaprovictims.com.
23

24 43. That Defendants' conduct caused Plaintiff substantial damage in an
25 undetermined amount exceeding \$10,000.00.
26
27
28

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

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 CHIBAUDO, ESQ.

Nevada Bar No. 10592

818 E. Charleston Blvd.

Las Vegas, NV 89104

(702) 423-3333

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



2005 photo

Accomplice:

Adam Roy Shapiro, age 52

a/k/a Roy A. Shapiro

2330 Peppercom St.

Kissimmee FL 34741

Home: 407-810-1645

Work: 863-676-1904

wife: Maryann Danielle Shapiro.

Age 50

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, Delarant 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 Shapiro 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.

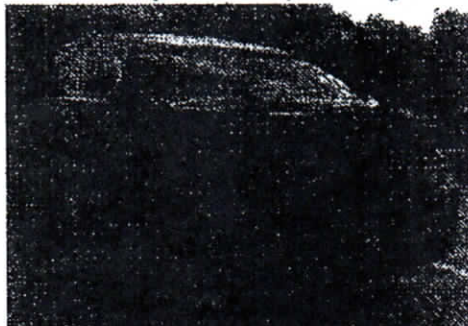
If information indicates appearance by Howard Shapiro, courtroom location & time will be posted HERE.

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
Subject: Howard Shapiro Victims
Reply-To: vip@glennwelt.com

Congratulations Howie,

Your actions have been deemed worthy of your own website.
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 48

a/k/a Howie Shapiro

623 Skyline Drive

Lake Hopatcong NJ 07849

Home Phone 973-406-2087

Cellular: 846-406-2087

Google Voice: 201-357-7331

Wife: Jenna G. Shapiro, age

42

973-663-1203

howardshapiro@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, Deferrent Technologies, J.P. 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

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

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, 623 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):

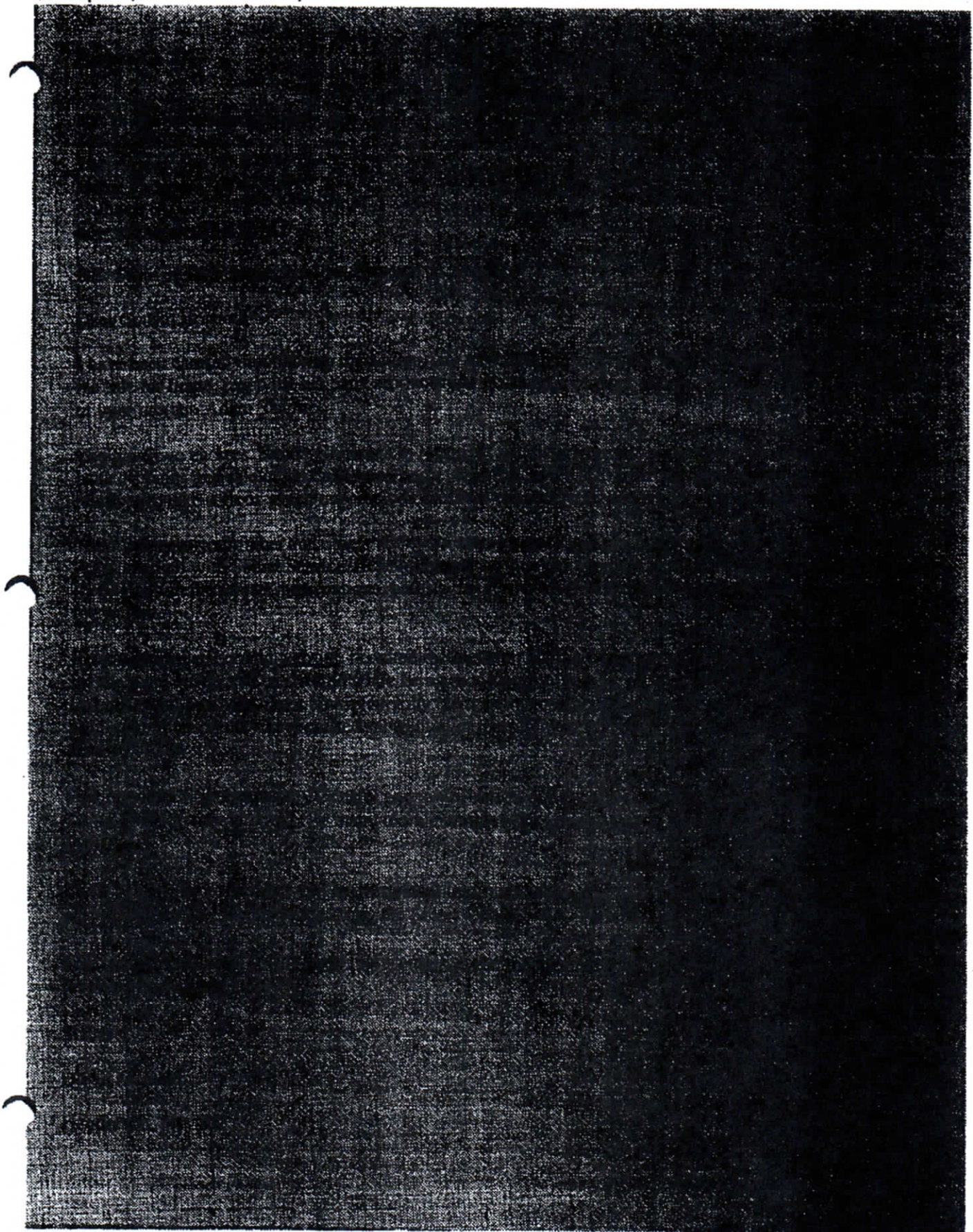


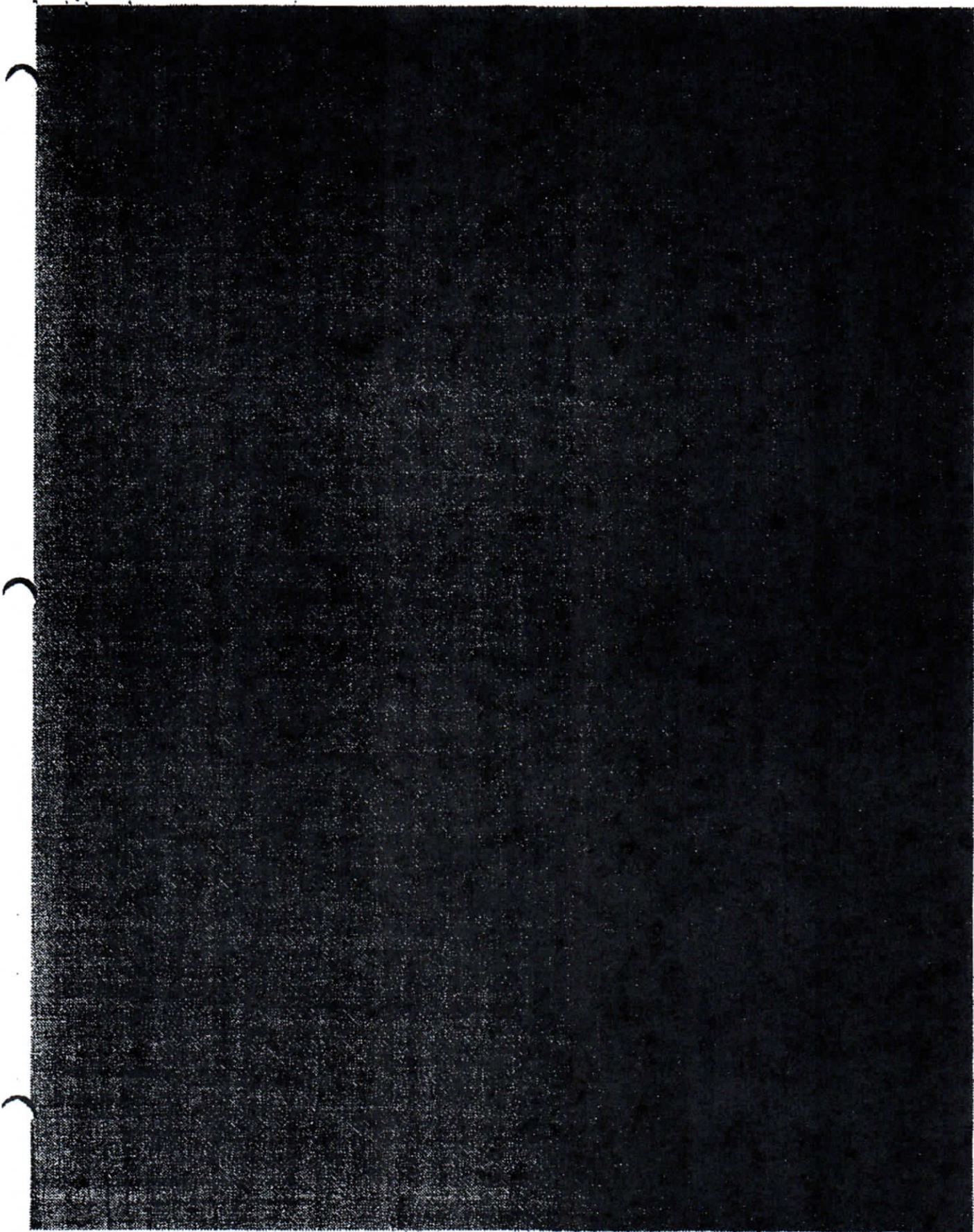
Howard Andrew Shapiro may need one of these:
[AAA Bailmaster Bail Bonds](#) 973-644-2200
[Elite Bail Bonds](#) 201-205-2351
[Mr. G Bail Bonds](#) 877-793-0514

© 2014 Glenn Welt

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

EXHIBIT 4





1 **ORDR**

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

Ann L. Johnson
CLERK OF THE COURT

4 **HOWARD SHAPIRO, JEAN SHAPIRO,**
5 **Plaintiffs**

CASE NO.: A-14-706566-C

6 **vs.**

DEPARTMENT 27

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

9
10 **ORDER GRANTING DEFENDANTS' MOTION TO DISMISS**

11
12 Defendants' Motion to Dismiss was filed on December 15, 2014 and was heard
13 on December 24, 2014 at 10:00 a.m., with a quick setting in compliance with NRS
14 41.660(3)(f); Michael Lowry, Esq. appearing on behalf of Defendants and Evan Swab,
15 Esq. appearing on behalf of Plaintiffs. The Court having considered the pleadings and
16 papers on file herein, and being fully advised in the premises, now makes the following
17 decision and order:

18
19 **COURT FINDS** after review that NRS 41.660(3) allows for a special motion to
20 dismiss when the subject of a law suit is "good faith communication in furtherance of . . .
21 the right to free speech in direct connection of an issue of public concern." NRS 41.660.
22 These statutes, commonly known as anti-SLAPP (strategic lawsuit against public
23 participation), is intended to prevent parties from filing law suits in an attempt to restrict
24 or punish communication on an issue of public interest. NRS 41.637. A defendant must
25 show "by a preponderance of the evidence, that the claim is based upon a good faith
26 communication in furtherance of the right to . . . free speech in direct connection with an
27 issue of public concern." NRS 41.660(3)(a). Then, the plaintiff must show by clear and

CLERK OF THE COURT

RECEIVED
JAN 02 2015

60

<input type="checkbox"/> Voluntary Dismissal	<input type="checkbox"/> Summary Judgment
<input type="checkbox"/> Involuntary Dismissal	<input type="checkbox"/> Stipulated Judgment
<input type="checkbox"/> Stipulated Dismissal	<input type="checkbox"/> Default Judgment
<input checked="" type="checkbox"/> Motion to Dismiss by Def(s)	<input type="checkbox"/> Judgment of Arbitration

25

1 convincing evidence that there is a probability of it prevailing on the claim. NRS
2 41.660(3)(b).

3 **COURT FURTHER FINDS** after review that Plaintiffs filed the present law suit
4 on September 9, 2014, alleging the following causes of action: 1) Defamation Per Se; 2)
5 Defamation; 3) Extortion; 4) Civil Conspiracy; 5) Fraud; and 6) Punitive Damages. These
6 causes of action arose out of website created by Defendants in response to an action by
7 Plaintiff Howard Shapiro for conservatorship of his father in the New Jersey court
8 system, the Defendants created a website cataloging the bad acts of Plaintiff Howard
9 Shapiro and asking for individuals with more information relating to the case to contact
10 the webmaster, Defendant Glen Welt.

11
12 **COURT FURTHER FINDS** after review that the Defendants have met their
13 burden to show by a preponderance of the evidence that the lawsuit was filed in an
14 attempt to prevent the good faith communication in connection with an issue of public
15 concern. Here, the website was communication regarding an ongoing lawsuit concerning
16 the rights of an elderly individual, and a matter of public concern under NRS 41.637(4).
17 The Defamation Per Se and Defamation causes of action are direct attempts to prevent
18 the communication from reaching the public; the remaining causes of action are
19 derivative of these substantive causes of action. Defendants have shown that the subject
20 of this lawsuit, the website, is protected under anti-SLAPP statutes.

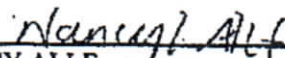
21
22 **COURT FURTHER FINDS** after review that Plaintiffs have not shown, through
23 clear and convincing evidence, a probability they will prevail on the lawsuit. The Nevada
24 Supreme Court recently reconfirmed its commitment to an absolute litigation privilege in
25 Jacobs v. Adelson, 130 Nev. Adv. Op. 44, 325 P.3d 1282, 1285 (2014). Here, the good
26 faith communication is related to the underlying New Jersey lawsuit and is likely
27
28

1 protected. Plaintiffs have not met their burden under NRS 41.660(3)(b) to show that there
2 is a probability of prevailing on the merits.

3 **COURT FURTHER FINDS** after review that NRS 41.670 states that the court
4 shall award reasonable costs and attorney's fees after a successful motion to dismiss. The
5 statute also gives the court discretion to allow an additional amount of up to \$10,000 to
6 the person against whom the action was brought.

7
8 **COURT ORDERS** for good cause appearing Defendants' Motion to Dismiss
9 under NRS 41.660 is GRANTED without prejudice. **COURT FURTHER ORDERS** for
10 good cause appearing that Defendants are entitled to their reasonable costs and attorney's
11 fees; counsel to provide an affidavit detailing their costs and fees.

12 Dated: December 31, 2014

13
14 
15 NANCY ALLF
16 DISTRICT COURT JUDGE

17 **CERTIFICATE OF SERVICE**

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

23 Thorndal, Armstrong, Delk, Balkenbush & Eisinger
24 Michael P. Lowry, Esq. - mplowry@thorndal.com

FAX - 702-364-0327

25 Law Offices of Eric P. Roy

26 Eric P. Roy, Esq. and Alex Ghibaud, Esq. - eric@ericroylawfirm.com

27 FAX - 702-524-2517

28 
Karen Lawrence
Judicial Executive Assistant