

CLERK OF THE COURT

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2 Anat Levy, Esq. (State Bar No. 12550)

3 ANAT LEVY & ASSOCIATES, P.C.

4 5841 E. Charleston Blvd., #230-421

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8 Attorney for: DEFENDANTS VETERANS IN POLITICS INTERNATIONAL, INC. AND
9 STEVE W. SANSON

10 **DISTRICT COURT**
11 **CLARK COUNTY, NEVADA**

12 MARSHALL S. WILICK and WILICK LAW)
13 GROUP,)

CASE NO. A-17-750171-C

14 Plaintiffs,)

DEPT. NO.: XVIII (18)

15 vs.)

16 STEVE W. SANSON; HEIDI J. HANUSA;)
17 CHRISTINA ORTIZ; JOHNNY SPICER; DON)
18 WOOLBRIGHTS; VETERNAS IN POLITICS)
19 INTERNATIONAL, INC.; SANSON)
20 CORPORATION; KAREN STEELMON; and)
21 DOES 1 THROUGH X)

22 Defendants.)

23 **NOTICE OF APPEAL**

24 PLEASE TAKE NOTICE that, pursuant to NRS §41.670(4), Defendants Veterans in
25 Politics International, Inc. and Steve W. Sanson, hereby appeal to the Supreme Court of Nevada
26 from the court's Order Denying the VIPI Defendants' Anti-SLAPP Special Motion to Dismiss
27 Pursuant to NRS 41.650 (the "Order"). The Order was entered on March 30, 2017. Notice of
28 Entry of the Order was filed on March 31, 2017 and served on April 3, 2017.

DATED: April 3, 2017

By: 

Anat Levy, Esq. (Bar #12250)

Anat Levy & Associates, P.C.

5841 E. Charleston Blvd., #230-421

Las Vegas, NV 89142

Cell: (310) 621-1199; Alevy96@aol.com

NOTICE OF APPEAL

1 **CERTIFICATE OF SERVICE**

2
3 I am over the age of 18 and am not a party to the within action. On the date indicated
4 below I caused to be served a true and correct copy of the document entitled **NOTICE OF**
5 **APPEAL** on the below listed recipients by requesting the court's wiznet website to E-file and E-
6 serve such document at emails listed below.
7

8 Jennifer Abrams, Esq.
9 The Abrams & Mayo Law Firm
10 6252 S. Rainbow Blvd., Ste. 100
11 Las Vegas, NV 89118
12 (702) 222-4021
JVAGroup@theabramslawfirm.com

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(702) 924-6553
alex@alexglaw.com

13 Courtesy Copy:

14 Maggie McLetchie, Esq.
15 McLetchie Shell
16 702 E. Bridger Ave., Ste. 520
17 Las Vegas, NV 89101
(702) 728-5300
Maggie@nvlitigation.com

Joshua Gilmore, Esq. (Bar #11576)
Bailey Kennedy
8984 Spanish Ridge Ave.,
Las Vegas, NV 89148-1302
(702) 562-8820
glimore@BaileyKennedy.com

18 I declare under penalty of perjury under the laws of the State of Nevada that the
19 foregoing is true and correct.

20 Executed this 3rd day of April, 2017, in Las Vegas, NV

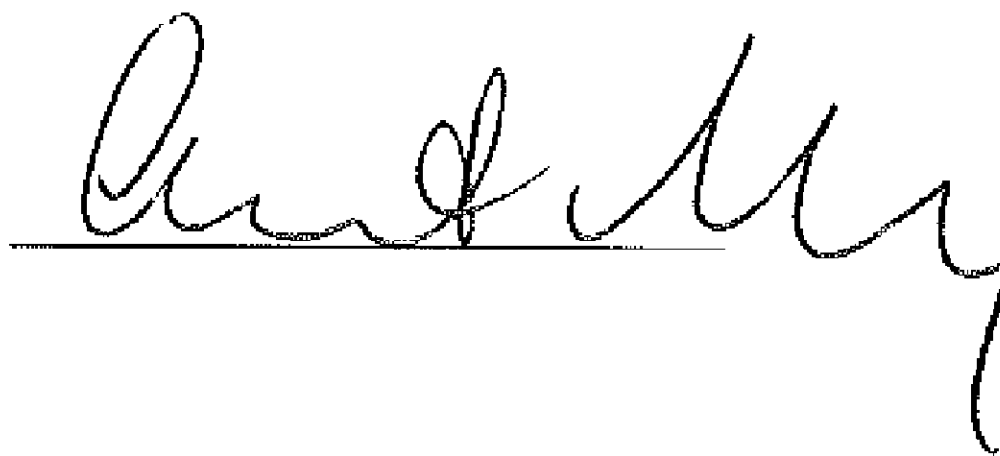
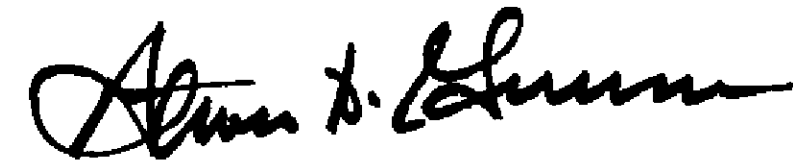
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EXHIBIT 3



CLERK OF THE COURT

ASTA
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Attorney for: DEFENDANTS VETERANS IN POLITICS INTERNATIONAL, INC. AND
STEVE W. SANSON

**DISTRICT COURT
CLARK COUNTY, NEVADA**

MARSHALL S. WILICK and WILICK LAW	)	CASE NO. A-17-750171-C
GROUP,)	
	)	DEPT. NO.: XVIII (18)
Plaintiffs,)	
)	
vs.)	
)	
STEVE W. SANSON; HEIDI J. HANUSA;)	
CHRISTINA ORTIZ; JOHNNY SPICER; DON)	
WOOLBRIGHTS; VETERNAS IN POLITICS)	
INTERNATIONAL, INC.; SANSON)	
CORPORATION; KAREN STEELMON; and)	
DOES 1 THROUGH X)	
)	
Defendants.)	

CASE APPEAL STATEMENT

1. Name of appellant filing this case appeal statement:

Defendants Veterans in Politics International, Inc. ("VIPI") and Steve W. Sanson ("Sanson").

2. Identify the judge issuing the decision, judgment, or order appealed from:

Judge Richard Thompson, Senior Judge, Eighth Judicial District Court, Dept. 18.

3. Identify each appellant and the name and address of counsel for each

appellant:

Appellants:

Veterans in Politics International, Inc.

1 Steve W. Sanson

2 Counsel for Appellants VIPI and Sanson:

3 Anat Levy, Esq. (Bar #12250)
4 Anat Levy & Associates, P.C.
5 5841 E. Charleston Blvd., #230
6 Las Vegas, NV 89142
7 Cell: (310) 621-1199
8 Alevy96@aol.com

9 **4. Identify each respondent and the name and address of appellate counsel, if
10 known, for each respondent (if the name of a respondent's appellate counsel is unknown,
11 indicate as much and provide the name and address of that respondent's trial counsel):**

12 Respondents:

13 Marshal S. Willick
14 Willick Law Group

15 Counsel for Respondents:

16 I do not know who the Appellate Counsel for Respondents will be, but the trial counsels for both

17 Respondents are:

18 Joshua Gilmore, Esq. (Bar #11576)
19 Bailey Kennedy
20 8984 Spanish Ridge Ave.,
21 Las Vegas, NV 89148-1302
22 (702) 562-8820
23 glimore@BaileyKennedy.com

24 Jennifer Abrams, Esq.
25 The Abrams & Mayo Law Firm
26 6252 S. Rainbow Blvd., Ste. 100
27 Las Vegas, NV 89118
28 (702) 222-4021
JVAGroup@theabramslawfirm.com

**5. Indicate whether any attorney identified above in response to question 3 or 4 is not
licensed to practice law in Nevada and if so, whether the district court granted that
attorney permission to appear under SCR 42 (attach a copy of any district court order
granting such permission:**

1 All attorneys identified in response to question 3 or 4 above are licensed to practice law
2 in Nevada.

3 **6. Indicate whether appellant was represented by appointed or retained counsel in the**
4 **district court:**

5 Appellant was represented by retained counsel.

6 **7. Indicate whether appellant is represented by appointed or retained counsel on**
7 **appeal:**

8 Appellant is represented by retained counsel on appeal.

9 **8. Indicate whether appellant was granted leave to proceed in forma pauperis, and the**
10 **date of entry of the district court order granting such leave:**

11 Appellant did not seek, and was not granted, leave to proceed in pro per.

12 **9. Indicate the date the proceedings commenced in the district court (e.g., date**
13 **complaint, indictment, information or petition was filed):**

14 Complaint was filed on 1/27/2017.

15 **10. Provide a brief description of the nature of the action and result in the district court,**
16 **including the type of judgment or order being appealed and the relief granted by the**
17 **district court:**

18 On January 27, 2017, Defendants Veterans in Politics International, Inc. ("VIPI) and its
19 President, Steve Sanson, were sued by Plaintiffs Marshal Willick, Esq. and his law firm, Willick
20 Law Group, for five statements that VIPI made online about Plaintiffs from December 25, 2016
21 to January 14, 2017.

22 Each of the statements was made in good faith, was either true, privileged or constituted
23 non-actionable opinion (including being hyperlinked to the relevant source documents), and were
24 made in furtherance of Defendants' free speech rights. Further, each statement was directly
25 related to an issue of "public concern" – a lawyer's (Willick's) views on then-pending legislation
26 on which he commented before the legislature; the lawyer's behavior towards an opponent being
27 found to constitute "defamation per se" by a Virginia federal judge; the lawyer's losing results in
28 a Supreme Court appeal in which he sought to overturn existing family law precedence; the fact

1 that a sex offender was employed at the lawyer's family law firm; and the lawyer's actions in
2 seeking to enforce a lien for over \$100,000 in fees in a case in which the parties divided their
3 property before even retaining him. In addition, Defendants believe that Plaintiff Willick and his
4 firm are "public figures" as defined by the Supreme Court in Gertz v. Robert Welch, Inc., infra.,
5 thereby heightening the public concern of the statements at issue.

6 On February 24, 2017, Defendants timely moved to dismiss the suit pursuant to Nevada's
7 anti-SLAPP statutes, NRS §§ 41.635 – 41.670 (the "Motion").

8 On March 30, 2017, the Court entered an Order denying the Motion.

9 This appeal follows, pursuant to NRS §41.670 (4), which states "[i]f the court denies the
10 special motion to dismiss filed pursuant to NRS 41.660, an interlocutory appeal lies to the
11 Supreme Court."

12 **11. Indicate whether the case has previously been the subject of an appeal to or original**
13 **writ proceeding in the Supreme Court and, if so, the caption and Supreme Court docket**
14 **number of the prior proceeding:**

15 No prior Supreme Court proceeding.

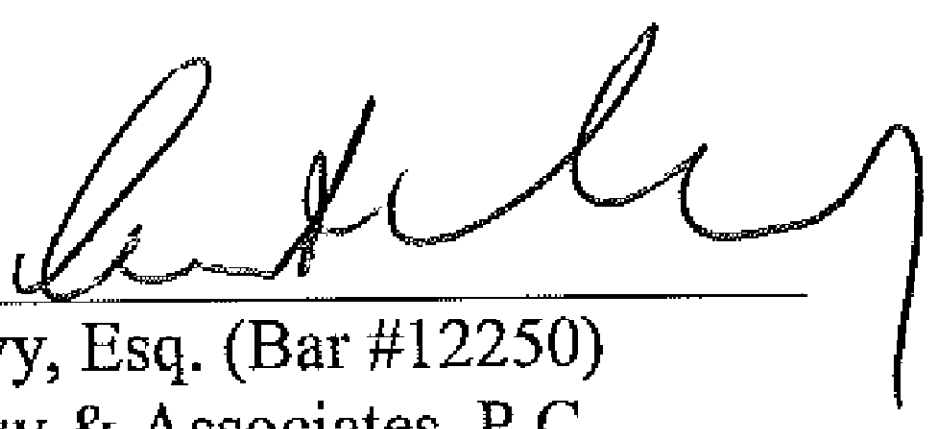
16 **12. Indicate whether this appeal involves child custody or visitation:**

17 No it does not.

18 **13. If this is a civil case, indicate whether this appeal involves the possibility of**
19 **settlement:**

20 No.

21 DATED: April 3, 2017

By: 
Anat Levy, Esq. (Bar #12250)
Anat Levy & Associates, P.C.
5841 E. Charleston Blvd., #230-421
Las Vegas, NV 89142
Cell: (310) 621-1199; Alevy96@aol.com

CERTIFICATE OF SERVICE

I am over the age of 18 and am not a party to the within action. On the date indicated below I caused to be served a true and correct copy of the document entitled **CASE APPEAL STATEMENT** on the below listed recipients by requesting the court's wiznet website to E-file and E-serve such document at emails listed below.

Jennifer Abrams, Esq.
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Joshua Gilmore, Esq. (Bar #11576)
Bailey Kennedy
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Las Vegas, NV 89148-1302
(702) 562-8820
glimore@BaileyKennedy.com

I declare under penalty of perjury under the laws of the State of Nevada that the foregoing is true and correct.

Executed this 3rd day of April, 2017, in Las Vegas, NV

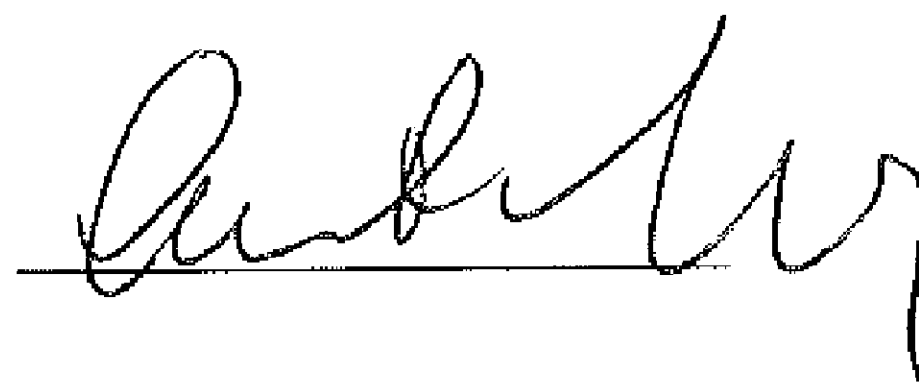


EXHIBIT 4


CLERK OF THE COURT

ACOM
JENNIFER V. ABRAMS, ESQ.
Nevada State Bar Number: 7575
THE ABRAMS & MAYO LAW FIRM
6252 South Rainbow Boulevard, Suite 100
Las Vegas, Nevada 89118
Phone: (702) 222-4021
Email: JVAGroup@theabramslawfirm.com
Attorney for Plaintiffs

DISTRICT COURT
CLARK COUNTY, NEVADA

JENNIFER V. ABRAMS and THE ABRAMS & MAYO LAW FIRM,	)	Case No.:	A-17-749318-C
)		
Plaintiff,	)	Department:	XXI
)		
vs.)		
)		
LOUIS C. SCHNEIDER; LAW OFFICES OF	)	Hearing Date:	N/A
LOUIS C. SCHNEIDER, LLC; STEVE W.	)	Hearing Time:	N/A
SANSON; HEIDI J. HANUSA; CHRISTINA)		
ORTIZ; JOHNNY SPICER; DON)		
WOOLBRIGHT; VETERANS IN POLITICS)		
INTERNATIONAL, INC.; SANSON)		
CORPORATION; KAREN STEELMON; and)		
DOES I THROUGH X,)		
)		
Defendant.)		

ACTION IN TORT
ARBITRATION EXEMPTION
CLAIMED

AMENDED COMPLAINT FOR DAMAGES

**I.
INTRODUCTION**

1. Plaintiffs, Jennifer V. Abrams and The Abrams & Mayo Law Firm ("Plaintiffs") bring this action for damages based upon, and to redress, Defendants' Intentional Defamation of the character of the Plaintiffs through libelous writings and slander, for Intentional Infliction of Emotional Distress, Negligent Infliction of Emotional Distress, False Light, Business Disparagement, Harassment, Concert of

1 Action, Civil Conspiracy, and violations of RICO, all of which were perpetrated
2 individually and in concert with others by defendants Louis C. Schneider, Louis C.
3 Schneider, LLC, Steve W. Sanson, Heidi J. Hanusa, Christina Ortiz, Johnny Spicer,
4 Don Woolbright, Veterans In Politics International, Inc., Sanson Corporation, Karen
5 Steelmon, and Does I Through X (collectively “Defendants”).

6 **II.**
7 **VENUE AND JURISDICTION**

8 2. Plaintiffs incorporate and re-allege all preceding paragraphs as if fully
9 stated herein.

10 3. Jurisdiction is proper in Nevada State court as all alleged claims were
11 transmitted to or performed in Nevada by the Defendants individually or in concert
12 with others.

13 **III.**
14 **PARTIES**

15 4. Plaintiffs incorporate and re-allege all preceding paragraphs as if fully
16 stated herein.

17 5. Plaintiff Jennifer V. Abrams, is a natural person and an attorney
18 licensed to practice law in the State of Nevada. She practices exclusively in the field
19 of Domestic Relations and is a peer-reviewed and certified Fellow of the American
20 Academy of Matrimonial Lawyers, and a Certified Specialist in Family Law.

21 6. The Abrams & Mayo Law Firm is a dba of The Abrams Law Firm, LLC,
22 a duly formed Limited Liability Company in the State of Nevada.

23 7. Upon information and belief, Louis C. Schneider is a natural person
24 who is admitted to practice law in the State of Nevada and is the managing member
of Law Offices of Louis C. Schneider, LLC.

1 8. Upon information and belief, Law Offices of Louis C. Schneider, LLC is
2 a duly formed Limited Liability Company located in Las Vegas, Nevada.

3 9. Upon information and belief, Steve W. Sanson is a natural person, the
4 President of Veterans In Politics International, Inc., and the Treasurer and Director
5 of Sanson Corporation.

6 10. Upon information and belief, Heidi J. Hanusa is a natural person, the
7 Treasurer of Veterans In Politics International, Inc., and the President and Secretary
8 of Sanson Corporation.

9 11. Upon information and belief, Christina Ortiz is a natural person and
10 the Director of Veterans In Politics International, Inc.

11 12. Upon information and belief, Johnny Spicer is a natural person and
12 Secretary of Veterans In Politics International, Inc.

13 13. Upon information and belief, Don Woolbright is a natural person and
14 Secretary of Veterans In Politics International, Inc.

15 14. Upon information and belief, Veterans In Politics International, Inc. is
16 a duly formed Domestic Non-Profit Corporation whose purported purpose is "[t]o
17 educate, organize, and awaken our veterans and their families to select, support and
18 intelligently vote for those candidates whom would help create a better world, to
19 protect ourselves from our own government(s) in a culture of corruption, and to be
20 the political voice for those in other groups who do not have one."

21 15. Upon information and belief, Sanson Corporation is a duly formed
22 Domestic Corporation in the State of Nevada.

23 16. Upon information and belief, Karen Steelmon is a natural person and
24 is the Registrant of the Domain veteransinpolitics.org.

17. Upon information and belief, additional persons and entities have been working with the above named Defendants either individually or in concert and have been added as Doe Defendants in this action until they are personally identified.

18. Jennifer V. Abrams and The Abrams & Mayo Law Firm are informed and believe, and therefore allege, that each of the Defendants designated herein as Louis C. Schneider, Law Offices of Louis C. Schneider, LLC, Steve W. Sanson, Heidi J. Hanusa, Christina Ortiz, Johnny Spicer, Don Woolbright, Veterans In Politics International, Inc., Sanson Corporation, Karen Steelmon, and Does I through X inclusive, are in some way legally responsible and liable for the events referred to herein, and directly or proximately caused the damages alleged herein.

19. At all times material hereto, and in doing the acts and omissions alleged herein, the Defendants, and each of them, including Louis C. Schneider, Law Offices of Louis C. Schneider, LLC, Steve W. Sanson, Heidi J. Hanusa, Christina Ortiz, Johnny Spicer, Don Woolbright, Veterans In Politics International, Inc., Sanson Corporation, Karen Steelmon, and Does I through X inclusive, acted individually and/or through their officers, agents, employees and co-conspirators, each of whom was acting within the purpose and scope of that agency, employment, and conspiracy, and these acts and omissions were known to, and authorized and ratified by, each of the other Defendants.

IV. FACTUAL ALLEGATIONS

20. Plaintiffs incorporate and re-allege all preceding paragraphs as if fully stated herein.

///

21. Plaintiffs represent Brandon Saiter (hereinafter “Husband”) in a divorce action pending in the Eighth Judicial District Court, County of Clark, Nevada, Family Division, Case Number D-15-521372-D (hereinafter “the ‘D’ Case”), Hon. Jennifer L. Elliott, Department L, presiding.

22. Defendants Louis C. Schneider and Law Offices of Louis C. Schneider, LLC (hereinafter collectively referred to as “Schneider”) represent Tina Saiter (hereinafter “Wife”) in the “D” Case.

23. On September 12, 2016, Plaintiffs, on behalf of Husband, filed a *Motion for Sanctions and Attorney's Fees* against Schneider in the "D" Case for Schneider's violations of both ethical and procedural rules. Schneider was served via electronic service the same day, September 12, 2016.

24. On September 15, 2016, Schneider sent the following email to Brandon Leavitt, Esq. at The Abrams & Mayo Law Firm, which states in relevant part:

I've had about all I can take.
Withdraw your Motion and I'll withdraw from the case.
Be advised – Tina has asked me not to leave the case.
I was getting ready to withdraw my motion to withdraw.
If your firm does not withdraw that motion, I will oppose it **and take additional action beyond the opposition.**

[Emphasis added.]

25. Plaintiffs did not withdraw the *Motion for Sanctions and Attorney's Fees* against Schneider. Said *Motion for Sanctions and Attorney's Fees* was set for hearing on September 29, 2016.

26. Upon information and belief, Schneider engaged in one or more *ex parte* communications with Judge Elliott, either directly or through her staff, between September 25, 2016 and the September 29, 2016 hearing.

1 27. At the beginning of the hearing on September 29, 2016, Plaintiffs, on
2 behalf of Husband, requested a “closed hearing” pursuant to EDCR 5.02. The request
3 was granted by Judge Elliott and the hearing was closed.

4 28. At the beginning of the hearing on September 29, 2016, Judge Elliott
5 accused Plaintiffs and Husband of misrepresenting financial information on
6 Husband’s Financial Disclosure Form and referred to Plaintiffs as “unethical.” By the
7 end of the one-hour and twelve minute hearing, Judge Elliott learned that she was
8 mistaken on a number of factual matters and retracted her incorrect accusations
9 against Plaintiffs.

10 29. A decision on Plaintiffs’ request for sanctions and fees against
11 Schneider in the “D” Case was deferred and is still pending submission and review of
12 additional briefing.

13 30. The day after the September 29, 2016 hearing, on September 30, 2016
14 at 8:02 am, Schneider sent an email to Kim Gurule at Video Transcription Services
15 stating, in relevant part:

16 Can you please upload the video from yesterday’s hearing?
17 Thank you.
18 :)

19 31. Upon information and belief, Schneider provided a copy of the
20 September 29, 2016 “closed hearing” to Defendants Steve W. Sanson and Veterans
In Politics International, Inc.

21 32. Upon information and belief, Defendants conspired to affect the
22 outcome of the pending “D” Case by defaming, inflicting emotional distress upon,
23 placing in a false light, disparaging the business of, and harassing Plaintiffs and
24

1 inflicting emotional distress upon Judge Elliott, and threatening to continue doing
2 so.

3 33. On October 5, 2016, Defendants published or caused to be published
4 on YouTube and on veteransinpolitics.org, a website purportedly owned and
5 controlled by Defendants Steve W. Sanson, Heidi J. Hanusa, Christina Ortiz, Johnny
6 Spicer, Don Woolbright, Veterans In Politics International, Inc., Sanson
7 Corporation, Karen Steelmon, and Does I through X inclusive, the video from the
8 “closed hearing” on September 29, 2016 in the “D” Case, with an article entitled
9 “Nevada Attorney attacks a Clark County Family Court Judge in Open Court”
10 (hereinafter “the ‘Attack’ article”).¹

11 34. The “Attack” article was published, or republished, or attributed to one
12 another, or disseminated to third parties across state lines, via email across multiple
13 states, including Veterans In Politics International, Inc. sending it directly to the
14 attorneys and paralegals at The Abrams & Mayo Law Firm, and via numerous social
15 media sites including Pinterest, Google+, Twitter, and the following Facebook pages:

- 16 a. steve.sanson.1
- 17 b. steve.sanson.3
- 18 c. veteransinpolitics
- 19 d. veteransinpoliticsinternational
- 20 e. eye.on.nevada.politics
- 21 f. steve.w.sanson
- 22 g. Veterans-In-Politics-International-Endorsement-for-the-State-of-
23 Nevada

24

¹ A copy of the published “Attack” article is attached as Exhibit 1.

1 h. Veterans in Politics: groups/OperationNeverForget

2 i. Nevada-Veterans-In-Politics

3 35. Within the “Attack” article, Defendants defame Jennifer V. Abrams and
4 her law firm, The Abrams & Mayo Law Firm, with a number of false and misleading
5 statements.

6 36. In the “Attack” article, the Defendants published, or republished, or
7 attributed to one another, or disseminated to third parties across state lines, false
8 and defamatory statements directed against Plaintiffs, including that:

9 a. Plaintiff, Jennifer Abrams “attacked” a Clark County Family Court
10 Judge in open court;

11 b. Abrams has “no boundaries in our courtrooms”;

12 c. Abrams is unethical;

13 d. There is a “problem” requiring Abrams to be reported to the Nevada
14 State Bar; and

15 e. That Abrams “crossed the line with a Clark County District Court
16 Judge.”

17 37. Despite knowledge that Judge Elliott retracted her accusations at the
18 end of the one hour and twelve minute “closed” hearing, the Defendants published,
19 or republished, or attributed to one another, or disseminated to third parties across
20 state lines, misleading statements about Plaintiffs, directing viewers only to the
21 portion of the video wherein the incorrect and later retracted accusations were made
22 (“Start 12:13:00”), and quoting only those misleading select portions. Although the
23 entire one hour and twelve minute video was posted, Defendants knew or should
24

1 have known that viewers were unlikely to watch the entirety (or any) of the video,
2 instead, relying upon the misleading snippets highlighted by Defendants.

3 38. During a break at another court hearing in the “D” case on October 5,
4 2016 (immediately after the dissemination of the “Attack” article via email),
5 Defendant Schneider said to Brandon K. Leavitt, Esq., of The Abrams & Mayo Law
6 Firm, that a withdrawal of the *Motion for Sanctions and Attorney Fees* would “make
7 this all go away,” or words to that effect.

8 39. Defendants were given the opportunity to voluntarily withdraw the
9 defamatory material. On October 5, 2016 at 6:02 pm, the Honorable Jennifer Elliott
10 sent an email to Defendants beginning with “I was made aware of this video today
11 and would kindly request that VIP please take it down.”

12 40. Defendants refused to voluntarily withdraw the defamatory material.
13 On October 5, 2016 at 11:16 pm, Defendants Steve W. Sanson and Veterans In
14 Politics International, Inc. responded to Judge Elliott stating in relevant part: “. . .
15 once we start a course of action we do not raise our hands in defeat,” and “[i]n
16 combat we never give up and we will not start given (sic) up.” Schneider was copied
17 on these exchanges and, by his silence, acquiesced.

18 41. Defendants were made aware that the information they disseminated
19 was incorrect and again were given an opportunity to withdraw the defamatory
20 material. On October 6, 2016 at 4:00 am, Judge Elliott sent an email to Defendants
21 stating, in relevant part: “I need you to know that I was wrong regarding the finances
22 as they had been disclosed at the outset of the case, from the first filing, albeit late. At
23 the further hearing we had in this matter I put on the record that I believe that he did
24 not hide anything on his financial disclosure form; it was a misunderstanding that

1 was explained and the record was corrected. . . . I understand that VIP does try to
2 educate and provide information to voters so they will be more informed about who
3 they are putting into office. In this case, the dynamic and the record was changed for
4 the better after that hearing. I think that information would be important to the
5 voters as well. It is my hope that you will reconsider your position.”

6 42. Defendants did not take down the article or the video and, instead,
7 continued to publish, republish, and disseminate the article and video they knew to
8 be false and defamatory.

9 43. On October 7, 2016, Defendants published, republished, or attributed
10 to one another, or disseminated to third parties across state lines, an advertisement
11 for Law Offices of Louis C. Schneider, stating “Law Offices of Louis Schneider” and
12 “Friends of Veterans in Politics.”

13 44. Upon information and belief, a payment of money was made by
14 Schneider to Defendants Steve W. Sanson, Heidi J. Hanusa, Christina Ortiz, Johnny
15 Spicer, Don Woolbright, Veterans In Politics International, Inc., Sanson
16 Corporation, Karen Steelmon, and Does I through X inclusive.

17 45. On October 8, 2016, Defendants were served with an Order Prohibiting
18 Dissemination of Case Material entered by Judge Elliott.

19 46. On October 9, 2016, Defendants published or caused to be published
20 on a website known as veteransinpolitics.org, a website purportedly owned and
21 controlled by Defendants Steve W. Sanson, Heidi J. Hanusa, Christina Ortiz, Johnny
22 Spicer, Don Woolbright, Veterans In Politics International, Inc., Sanson
23 Corporation, Karen Steelmon, and Does I through X inclusive, an article entitled
24 “BULLY District Court Judge Bullied by Family Attorney Jennifer Abrams”

1 (hereinafter “the ‘BULLY’ article”) along with a copy of the Order Prohibiting
2 Dissemination of Case Material.²

3 47. The “BULLY” article, containing a link to the “Attack” article, has been
4 re-published numerous times via email across multiple states, including Veterans In
5 Politics International, Inc. sending it directly to the attorneys and paralegals at The
6 Abrams & Mayo Law Firm, posting it on Twitter, Pinterest, Google+ and on the
7 following Facebook pages:

- 8 a. steve.sanson.1
- 9 b. steve.sanson.3
- 10 c. veteransinpolitics
- 11 d. veteransinpoliticsinternational
- 12 e. eye.on.nevada.politics
- 13 f. steve.w.sanson
- 14 g. Veterans-In-Politics-International-Endorsement-for-the-State-of-
15 Nevada
- 16 h. Veterans in Politics: groups/OperationNeverForget
- 17 i. Nevada-Veterans-In-Politics

18 as well as on multiple different Family Court Facebook groups including but not
19 limited to “Nevada COURT Watchers” and “Family Court Support Group (Clark
20 County, NV).”

21 48. Within the “BULLY” article, Defendants defame Jennifer V. Abrams
22 and her law firm, The Abrams & Mayo Law Firm, with a number of false statements.

23
24

² A copy of the published “Bully” article is attached as Exhibit 2.

1 49. The Defendants have published, or republished, or attributed to one
2 another, or disseminated to third parties across state lines, false and defamatory
3 statements directed against Abrams, including:

- 4 a. That Abrams bullied Judge Elliott into issuing the Order Prohibiting
5 Dissemination of Case Material;
6 b. That Abrams' behavior is "disrespectful and obstructionist";
7 c. That Abrams "misbehaved" in court;
8 d. That Abrams' behavior before the judge is "embarrassing"; and
9 e. That Judge Elliott's order appears to be "an attempt by Abrams to hide
10 her behavior from the rest of the legal community and the public."

11 On October 10, 2016 at 4:08 pm, Defendants responded in an email to Judge Elliott
12 stating, in relevant part: "When we expose folks we do it under the umbrella of a
13 journalist and we use the Freedom of information Act (sic)." and "We might have
14 sent out the second article prematurely..(sic) We have also received numerous
15 attorneys pointing us in the direction of other cases Abram's (sic) have had her
16 outburst and bullied other Judges and Attorneys."

17 50. On October 10, 2016, Plaintiffs sent an email to Defendants at 7:03
18 p.m., stating, in relevant part:

19 The Freedom of Information Act is inapplicable – it applies to
20 the Federal Government, not State divorce cases. And most
21 importantly, I am not a public figure or an elected official. I am a
22 private citizen with a private law practice. The umbrella of "a
23 journalist" does not apply as I am not running for public office
24 and there are no "voters" that have any right to know anything
 about my private practice or my private clients.

 I am a zealous advocate and will continue to pursue my client's
 interests without any hesitation whatsoever.

1 51. Upon information and belief, on or around October 11, 2016,
2 Defendants ran a background search on Plaintiff, Jennifer V. Abrams, and did not
3 find anything negative about her.

4 52. Defendants responded on October 10, 2016 at 10:03 p.m. via email,
5 again refusing to voluntarily withdraw the false and defamatory material. The email
6 states, in relevant part: “But what I find intriguing is that you think because you are
7 not elected that you are somehow untouchable to the media, then tell that to Lisa
8 Willardson, David Amesbury, Nancy Quon, David Schubert, Barry Levinson, Noel
9 Gage and Richard Crane all Nevada Attorneys not elected and never ran for public
10 office, just to name a few,” and “[d]on’t forget you practice law in a taxpayer’s
11 courtroom.” Unlike Plaintiffs, all of the attorneys mentioned were in some manner
12 involved or related to criminal investigations.

13 53. On or about November 6, 2016, Defendants published or caused to be
14 published on a website known as veteransinpolitics.org, a website purportedly
15 owned and controlled by Defendants Steve W. Sanson, Heidi J. Hanusa, Christina
16 Ortiz, Johnny Spicer, Don Woolbright, Veterans In Politics International, Inc.,
17 Sanson Corporation, Karen Steelmon, and Does I through X inclusive, an article
18 entitled “Law Frowns on Nevada Attorney Jennifer Abrams’ ‘Seal-Happy’ Practices”
19 (hereinafter “the ‘Seal-Happy’ article”) along with a printout of “Family Case Records
20 Search Results” revealing the case numbers, parties’ names, filing date, and type of
21 action of many of Abrams’ cases.³

22 54. The “Seal-Happy” article, containing a link to the “Attack” article,
23 containing a link to the “BULLY” article, and containing a link to the September 29,
24

³ A copy of the published “Seal-Happy” article is attached as Exhibit 3.

1 2016 “closed hearing” video still posted on YouTube, has been re-published
2 numerous times via email across multiple states, including Veterans In Politics
3 International, Inc. sending it directly to the attorneys and paralegals at The Abrams
4 & Mayo Law Firm, posting it on Twitter, Pinterest, Google+ and on the following
5 Facebook pages:

- 6 a. steve.sanson.1
- 7 b. steve.sanson.3
- 8 c. veteransinpolitics
- 9 d. veteransinpoliticsinternational
- 10 e. eye.on.nevada.politics
- 11 f. steve.w.sanson
- 12 g. Veterans-In-Politics-International-Endorsement-for-the-State-of-
13 Nevada
- 14 h. Veterans in Politics: groups/OperationNeverForget
- 15 i. Nevada-Veterans-In-Politics

16 as well as on Family Court Facebook groups including but not limited to “Family
17 Court Support Group (Clark County, NV).”

18 55. Within the “Seal-Happy” article, Defendants defame Jennifer V.
19 Abrams and her law firm, The Abrams & Mayo Law Firm, with a number of false
20 statements.

21 56. The Defendants have published, or republished, or attributed to one
22 another, or disseminated to third parties across state lines, false and defamatory
23 statements directed against Abrams, including that:

- a. Abrams “appears to be ‘seal happy’ when it comes to trying to seal her cases”;
- b. That Abrams seals cases in contravention of “openness and transparency”;
- c. That Abrams’ sealing of cases is intended “to protect her own reputation, rather than to serve a compelling client privacy or safety interest”;
- d. That Abrams engaged in “judicial browbeating”;
- e. That Abrams obtained an order that “is specifically disallowed by law”;
- f. That Abrams obtained the order against the “general public” with “no opportunity for the public to be heard”;
- g. That “after issuing our initial story about Abrams’ behavior in the *Saiter* case, we were contacted by judges, attorneys and litigants eager to share similar battle-worn experiences with Jennifer Abrams”;
- h. That Abrams obtained an “overbroad, unsubstantiated order to seal and hide the lawyer’s actions”; and
- i. That Abrams is an “over-zealous, disrespectful lawyer[] who obstruct[s] the judicial process and seek[s] to stop the public from having access to otherwise public documents.”

57. On or about November 14, 2016, Defendants published or caused to be published on a website known as veteransinpolitics.org, a website purportedly owned and controlled by Defendants Steve W. Sanson, Heidi J. Hanusa, Christina Ortiz, Johnny Spicer, Don Woolbright, Veterans In Politics International, Inc., Sanson Corporation, Karen Steelmon, and Does I through X inclusive, an article

1 entitled “Lawyers acting badly in a Clark County Family Court” (hereinafter “the
2 ‘Acting badly’ article”) along with another hearing video from the “D” Case.⁴

3 58. The “Acting badly” article, containing a link to the “Attack” article,
4 which contains a link to the “BULLY” article, has been re-published numerous times
5 via email across multiple states, including Veterans In Politics International, Inc.
6 sending it directly to the attorneys and paralegals at The Abrams & Mayo Law Firm,
7 posting it on Twitter, Pinterest, Google+ and on the following Facebook pages:

- 8 a. [steve.sanson.1](#)
- 9 b. [steve.sanson.3](#)
- 10 c. [veteransinpolitics](#)
- 11 d. [veteransinpoliticsinternational](#)
- 12 e. [eye.on.nevada.politics](#)
- 13 f. [steve.w.sanson](#)
- 14 g. [Veterans-In-Politics-International-Endorsement-for-the-State-of-](#)
15 [Nevada](#)
- 16 h. [Veterans in Politics: groups/OperationNeverForget](#)
- 17 i. [Nevada-Veterans-In-Politics](#)

18 59. Within the “Acting badly” article, Defendants defame Jennifer V.
19 Abrams and her law firm, The Abrams & Mayo Law Firm, with a number of false
20 statements.

21 60. The Defendants have published, or republished, or attributed to one
22 another, or disseminated to third parties across state lines, false and defamatory
23 statements directed against Abrams, including that:

24 ⁴ A copy of the published “Acting badly” article is attached as Exhibit 4.

- a. Plaintiffs were “acting badly” in Clark County Family Court;
- b. Abrams’ behavior is “disrespectful and obstructionist”;
- c. Judge Elliott’s order appears to be “an attempt by Abrams to hide her behavior from the rest of the legal community and the public”; and
- d. Abrams engaged in conduct for which she should be held “accountable.”

61. On or about November 16, 2016, Defendants published or caused to be published on a website known as veteransinpolitics.org, a website purportedly owned and controlled by Defendants Steve W. Sanson, Heidi J. Hanusa, Christina Ortiz, Johnny Spicer, Don Woolbright, Veterans In Politics International, Inc., Sanson Corporation, Karen Steelmon, and Does I through X inclusive, an article entitled “Clark County Family Court Judge willfully deceives a young child from the bench and it is on the record” (hereinafter “Deceives” article”).⁵

62. The “Deceives” article primarily attacks the Honorable Rena Hughes and also states the following: “In an unrelated story we exposed how Judges and Lawyers seal cases to cover their own bad behaviors. This is definitely an example of that.” Following this text is a link “click onto article Law Frowns on Nevada Attorney Jennifer Abrams’ ‘Seal-Happy’ Practices.” The “Deceives” article has been re-published numerous times via email across multiple states, including Veterans In Politics International, Inc. sending it directly to the attorneys and paralegals at The Abrams & Mayo Law Firm, posting it on Twitter, Pinterest, Google+ and on the following Facebook pages:

- a. [steve.sanson.1](#)

⁵ A copy of the published “Deceives” article is attached as Exhibit 5.

- b. steve.sanson.3
- c. veteransinpolitics
- d. veteransinpoliticsinternational
- e. eye.on.nevada.politics
- f. steve.w.sanson
- g. Veterans-In-Politics-International-Endorsement-for-the-State-of-Nevada
- h. Veterans in Politics: groups/OperationNeverForget
- i. Nevada-Veterans-In-Politics

as well as on Family Court Facebook groups including but not limited to “Family Court Support Group (Clark County, NV).”

63. Within the “Deceives” article, Defendants defame Jennifer V. Abrams and her law firm, The Abrams & Mayo Law Firm, with a number of false statements.

64. The Defendants have published, or republished, or attributed to one another, or disseminated to third parties across state lines, false and defamatory statements directed against Abrams, including that:

- a. Abrams “appears to be ‘seal happy’ when it comes to trying to seal her cases”; and
- b. Abrams “bad behaviors” were “exposed.”

65. On or about December 21, 2016, Defendants published or caused to be published on YouTube, on an account or accounts purportedly managed and controlled by Defendants Steve W. Sanson, Heidi J. Hanusa, Christina Ortiz, Johnny Spicer, Don Woolbright, Veterans In Politics International, Inc., Sanson Corporation, Karen Steelmon, and Does I through X inclusive, three videos entitled:

1 a. "VIDEO 1 The Abrams Law Firm 10 05 15,"

2 b. "VIDEO 2 The Abrams Law Firm Inspection part 1,"

3 c. "VIDEO 3 The Abrams Law Firm Practices p 2."

4 (hereinafter "the 'Inspection' videos").⁶

5 66. The "Inspection" videos stemmed from another divorce action wherein
6 Plaintiffs represented Husband, this one a 2014 "D" case, number D-14-507578-D.

7 67. Upon information and belief, Defendants obtained copies of the
8 "Inspection" videos from Wife in the 2014 "D" case, Yuliya Fohel F.K.A. Delaney.

9 68. Upon information and belief, Defendants knew, at the time they
10 published, republished, and disseminated the "Inspection" videos, that Yuliya Fohel
11 F.K.A. Delaney had been ordered to remove these same videos from the internet and
12 was prohibited from re-posting said videos either personally or through a third
13 party.

14 69. The "Inspection" videos depict David J. Schoen, IV, a Certified
15 Paralegal employed at The Abrams & Mayo Law Firm and include personal and
16 private information.

17 70. Mr. Schoen spoke with Defendant Steve W. Sanson on or about
18 December 22, 2016 and requested that Sanson remove the "Inspection" videos, or at
19 least blur his face and redact his personal information.

20 71. During the December 22, 2016 conversation with Mr. Schoen,
21 Defendant Steve W. Sanson falsely alleged that Mr. Schoen and Plaintiffs "bullied"
22 and "forced" Yuliya in "unlawfully" entering her home, or words to that effect.

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⁶ A printout of the published "Inspection" videos is attached as Exhibit 6.

1 72. During the December 22, 2016 conversation with Mr. Schoen,
2 Defendant Steve W. Sanson falsely alleged that Jennifer Abrams is “unethical and a
3 criminal,” or words to that effect.

4 73. During the December 22, 2016 conversation with Mr. Schoen,
5 Defendant Steve W. Sanson falsely alleged that Jennifer Abrams “doesn’t follow the
6 law,” or words to that effect.

7 74. During the December 22, 2016 conversation, Mr. Schoen said that it
8 was obvious that Schneider provided a copy of the September 29, 2016 “closed
9 hearing” video to Defendant Steve W. Sanson. Defendant Steve W. Sanson did not
10 deny that he received the video from Schneider and responded: “yeah, okay,” or
11 words to that effect.

12 75. During the December 22, 2016 conversation with Mr. Schoen,
13 Defendant Steve W. Sanson falsely alleged that Jennifer Abrams was “breaking the
14 law by sealing her cases,” or words to that effect.

15 76. During the December 22, 2016 conversation with Mr. Schoen,
16 Defendant Steve W. Sanson incorrectly alleged that he had a right under “the
17 Freedom of Information Act” to disseminate the “closed hearing,” despite having
18 been informed that the Freedom of Information Act is inapplicable and despite being
19 served with a court order prohibiting its dissemination.

20 77. During the December 22, 2016 conversation with Mr. Schoen,
21 Defendant Steve W. Sanson said that Jennifer Abrams is on his “priority list”
22 because she “insulted [his] intelligence” by having him served with an order,
23 allegedly “when the court had no jurisdiction over [him],” or words to that effect.

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78. During the December 22, 2016 conversation with Mr. Schoen, Defendant Steve W. Sanson said that Jennifer Abrams “started this war” and, had she just dropped the issue after the initial article and video (i.e., the “Attack” article), he never would have “kept digging,” or words to that effect.

79. During the December 22, 2016 conversation with Mr. Schoen, Defendant Steve W. Sanson said that he is in possession of “dozens of hours” of hearing videos from multiple cases where Jennifer Abrams is counsel of record, or words to that effect.

80. During the December 22, 2016 conversation with Mr. Schoen, Defendant Steve W. Sanson said that “Jennifer is in bed with Marshal Willick, that explains a lot about the kind of person she is,” or words to that effect.⁷

81. The defamatory statements by Defendants were intended to harm Plaintiffs' reputation and livelihood, to harass and embarrass Plaintiffs, and to impact the outcome of a pending action in the "D" case.

82. The defamatory statements by Defendants have caused numerous negative comments to be directed against Plaintiffs.⁸

V.
FIRST CLAIM FOR RELIEF
(DEFAMATION)

83. Plaintiffs incorporate and re-allege all preceding paragraphs as if fully stated herein.

84. Defendants, and/or Defendants' agents, representatives, and/or employees, either individually, or in concert with others, published one or more oral

7 The relationship between Jennifer V. Abrams and Marshal S. Willick is not being denied.

⁸ For example, one person's comment to the "Acting badly" article and video begins with "Hopefully, the jerk has a heart attack from all that anger and stress," referring to Plaintiff's partner, Vincent Mayo, Esq.

1 or written false or misleading statements which were intended to impugn Plaintiff's
2 honesty, integrity, virtue and/or personal and professional reputation.

3 85. Jennifer Abrams and The Abrams & Mayo Law Firm are not public
4 figures, as some or all of Defendants have acknowledged in writing, or been notified
5 of in writing.

6 86. The referenced defamatory statements would tend to lower the subject
7 in the estimation of the community, excite derogatory opinions about the subject,
8 and hold the subject up to contempt.

9 87. The referenced defamatory statements were not privileged.

10 88. The referenced defamatory statements were published to at least one
11 third party.

12 89. The referenced defamatory statements were published or republished
13 deliberately or negligently by one or more of each of the Defendants.

14 90. Some or all of the referenced defamatory statements constitute
15 defamation *per se*, making them actionable irrespective of special harm.

16 91. Publication of some or all of the referenced defamatory statements
17 caused special harm in the form of damages to Jennifer Abrams and The Abrams &
18 Mayo Law Firm.

19 WHEREFORE, Plaintiffs, Jennifer V. Abrams and The Abrams & Mayo Law
20 Firm, demand judgment against named Defendants for actual, special,
21 compensatory, and punitive damages in an amount deemed at the time of trial to be
22 just, fair, and appropriate in an amount in excess of \$15,000.

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VI.
SECOND CLAIM FOR RELIEF
(INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS)

92. Plaintiffs incorporate and re-allege all preceding paragraphs as if fully stated herein.

93. Defendants and/or Defendants' agents, representatives, and/or/ employees, either individually, or in concert with others, intentionally and deliberately inflicted emotional distress on Plaintiffs by defaming them to many people, including but not limited to the following: several of Plaintiff's friends, co-workers, colleagues, clients, and an unknown number of persons that were subjected to the defamatory comments on the internet.

94. As a result of Defendants' extreme and outrageous conduct, Plaintiff was, is, and, with a high degree of likelihood, will continue to be emotionally distressed due to the defamation.

95. As a result of Defendants' extreme and outrageous conduct, Plaintiffs have suffered and will continue to suffer mental pain and anguish, and unjustifiable emotional trauma.

WHEREFORE, Plaintiffs, Jennifer Abrams and The Abrams & Mayo Law Firm, demand judgment against named Defendants for actual, special, compensatory, and punitive damages in an amount deemed by this Court to be just and fair and appropriate, in an amount in excess of \$15,000.

VII.
THIRD CLAIM FOR RELIEF
(NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS)

96. Plaintiffs incorporate and re-allege all preceding paragraphs as if fully stated herein.

97. To whatever extent the infliction of emotional distress asserted in the preceding cause of action was not deliberate, it was a result of the reckless and wanton actions of the Defendants, either individually, or in concert with others.

WHEREFORE, Plaintiffs, Jennifer Abrams and The Abrams & Mayo Law Firm, demand judgment against named Defendants for actual, special, compensatory, and punitive damages in an amount deemed by this Court to be just and fair and appropriate, in an amount in excess of \$15,000.

VIII.
FOURTH CLAIM FOR RELIEF
(FALSE LIGHT)

98. Plaintiffs incorporate and re-allege all preceding paragraphs as if fully stated herein.

99. Defendants and/or Defendants' agents, representatives, and/or employees, either individually, or in concert with others, intentionally made and published false and misleading statements about Jennifer Abrams and The Abrams & Mayo Law Firm.

100. The statements made by the Defendants against Jennifer Abrams were made with the specific intent to cause harm to Plaintiffs and their pecuniary interests, or, in the alternative, the Defendants published the false and misleading statements knowing its falsity and inaccuracy or with reckless disregard for the truth.

101. The statements made by the Defendants place Jennifer Abrams and The Abrams & Mayo Law Firm in a false light and are highly offensive and inflammatory, and thus actionable.

// // //

WHEREFORE, Plaintiffs, Jennifer Abrams and The Abrams & Mayo Law Firm, demand judgment against named Defendants for actual, special, compensatory, and punitive damages in an amount deemed at the time of trial to be just, fair, and appropriate in an amount in excess of \$15,000.

IX.
FIFTH CLAIM FOR RELIEF
(BUSINESS DISPARAGEMENT)

102. Plaintiffs incorporate and re-allege all preceding paragraphs as if fully stated herein.

103. Defendants and/or Defendants' agents, representatives, and/or employees, either individually, or in concert with others, intentionally made false and disparaging statements about Jennifer Abrams and The Abrams & Mayo Law Firm and disparaged Jennifer Abrams and The Abrams & Mayo Law Firm's business.

104. The referenced statements and actions were specifically directed towards the quality of Jennifer Abrams and The Abrams & Mayo Law Firm's services, and were so extreme and outrageous as to affect the ability of Jennifer Abrams and The Abrams & Mayo Law Firm to conduct business.

105. The Defendants intended, in publishing the false and defamatory statements to cause harm to Plaintiffs and its pecuniary interests, or, in the alternative, the Defendants published the disparaging statements knowing their falsity or with reckless disregard for the truth.

WHEREFORE, Plaintiffs, Jennifer Abrams and The Abrams & Mayo Law Firm, demand judgment against named Defendants for actual, special, compensatory, and punitive damages in an amount deemed at the time of trial to be just, fair, and appropriate in an amount in excess of \$15,000.

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X.
SIXTH CLAIM FOR RELIEF
(HARASSMENT)

106. Plaintiffs incorporate and re-allege all preceding paragraphs as if fully stated herein.

107. Defendants and/or Defendants’ agents, representatives, and/or employees in concert with one another, have engaged in a defamatory campaign against Plaintiff and has threatened the dissemination of additional defamatory campaigns against Plaintiff.

108. Defendants’ making of false and defamatory statements and defamatory campaigns against Plaintiffs were specifically intended to interfere with Plaintiffs’ business, and to cause the apprehension or actuality of economic harm to Plaintiffs and Plaintiffs’ employees.

109. Defendants’ actions were intended to result in substantial harm to the Plaintiffs with respect to their mental health or safety, and to cause economic damage to Plaintiffs.

WHEREFORE, Plaintiffs, Jennifer Abrams and The Abrams & Mayo Law Firm, demand judgment against named Defendants for actual, special, compensatory, and punitive damages in an amount deemed at the time of trial to be just, fair, and appropriate in an amount in excess of \$15,000.

XI.
SEVENTH CLAIM FOR RELIEF
(CONCERT OF ACTION)

110. Plaintiffs incorporate and re-allege all preceding paragraphs as if fully stated herein.

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111. Defendants and/or Defendants' agents, representatives, and/or employees in concert with one another, based upon an explicit or tacit agreement, intentionally committed a tort against Plaintiffs.

112. Defendants' concert of action resulted in damages to Jennifer Abrams and The Abrams & Mayo Law Firm.

WHEREFORE, Plaintiffs, Jennifer Abrams and The Abrams & Mayo Law Firm, demand judgment against named Defendants for actual, special, compensatory, and punitive damages in an amount deemed at the time of trial to be just, fair, and appropriate in an amount in excess of \$15,000.

XII.
EIGHTH CLAIM FOR RELIEF
(CIVIL CONSPIRACY)

113. Plaintiffs incorporate and re-allege all preceding paragraphs as if fully stated herein.

114. Defendants and/or Defendants' agents, representatives, and/or employees, either individually, or in concert with others, based upon an explicit or tacit agreement, intended to accomplish an unlawful objective and intended to harm Jennifer Abrams and The Abrams & Mayo Law Firm's pecuniary interests and financial well-being.

115. Defendants' civil conspiracy resulted in damages to Jennifer Abrams and The Abrams & Mayo Law Firm.

WHEREFORE, Plaintiffs, Jennifer Abrams and The Abrams & Mayo Law Firm, demand judgment against named Defendants for actual, special, compensatory, and punitive damages in an amount deemed at the time of trial to be just, fair, and appropriate in an amount in excess of \$15,000.

XIII.
NINTH CLAIM FOR RELIEF
(RICO VIOLATIONS)

116. Plaintiffs incorporate and re-allege all preceding paragraphs as if fully stated herein.

117. Defendants and/or Defendants' agents, representatives, and/or employees, either individually, or in concert with others, engaged in at least two crimes related to racketeering pursuant to NRS 207.360 that have the same or similar pattern, intents, results, accomplices, victims or methods of commission or are otherwise interrelated by distinguishing characteristics and are not isolated incidents.

118. Here, Defendants⁹ have all either committed, conspired to commit, or have attempted to commit the following crime(s):

- a. Bribing or intimidating witness to influence testimony (NRS 199.240(b) – cause or induce witness to withhold true testimony).
- b. Bribing or intimidating witness to influence testimony (NRS 199.240(c) – cause or induce witness to withhold a record, document or other object from the proceeding).
- c. Intimidating public officer, public employee, juror, referee, arbitrator, appraiser, assessor or similar person (NRS 199.300(d) – to do any act not authorized by law and is intended to harm any person other than the person addressing the threat or intimidation with respect to the person's health, safety, business, financial condition or personal relationships).

⁹ The named Defendants—and others—constitute a criminal syndicate as defined in NRS 207.370.

- 1 d. Criminal contempt (NRS 199.340(4) – willful disobedience to the lawful
- 2 process or mandate of a court).
- 3 e. Criminal contempt (NRS 199.340(7) – publication of a false or grossly
- 4 inaccurate report of court proceedings).
- 5 f. Challenges to fight (NRS 200.450).
- 6 g. Furnishing libelous information (NRS 200.550).
- 7 h. Threatening to publish libel (NRS 200.560).
- 8 i. Harrassment (NRS 200.571).
- 9 j. Multiple transactions involving fraud or deceit in the course of an
- 10 enterprise (NRS 205.377).
- 11 k. Taking property from another under circumstances not amounting to
- 12 robbery (NRS 207.360(9)).
- 13 l. Extortion (NRS 207.360(10)).

14 119. Defendants comprise a criminal syndicate: Any combination of
15 persons, so structured that the organization will continue its operation even if
16 individual members enter or leave the organization, which engages in or has the
17 purpose of engaging in racketeering activity. Here, Veterans In Politics International,
18 Inc., Nevada Veterans In Politics, and Veterans in Politics are organizations—
19 headed by Defendants Steve W. Sanson, Heidi J. Hanusa, Christina Ortiz, Johhny
20 Spicer, Don Woolbright, and Karen Steelmon—that have members that do come and
21 go and the organization continues on. These organizations and their principals have
22 conspired to engage in and have engaged in racketeering activity. These
23 organizations conspire with others, such as Louis C. Schneider and Law Offices of

24

1 Louis C. Schneider, LLC, who come and go, to engage in and have engaged in
2 racketeering activity.

3 120. This group also meets the statutory definition – NRS 207.380 – as an
4 enterprise:

5 Any natural person, sole proprietorship, partnership, corporation,
6 business trust or other legal entity; and, any union, association or other
group of persons associated in fact although not a legal entity.

7 Here Veterans In Politics International, Inc. is a registered not-for-profit business
8 and Nevada Veterans In Politics and Veterans in Politics are sub-units of Veterans In
9 Politics International, Inc. Each can and should be considered individual legal
10 entities.¹⁰

11 121. Law Offices of Louis C. Schneider, LLC is a for-profit law firm in
12 Nevada and is definitionally a separate legal entity.

13 122. Sanson Corporation is also a separate legal entity and is a registered
14 Nevada corporation.

15 123. Even if not all Defendants are members of Veterans In Politics
16 International, Inc., Nevada Veterans In Politics, Veterans in Politics, and Law Offices
17 of Louis C. Schneider, they meet the “association or other group of persons
18 associated in fact” requirements under the statute as an enterprise. The statute
19 explicitly includes both licit and illicit enterprises.

20 124. Racketeering is the engaging in at least two crimes related to
21 racketeering that have the same or similar pattern, intents, results, accomplices,
22 victims or methods of commission, or are otherwise interrelated by distinguishing
23 characteristics and are not isolated incidents, if at least one of the incidents occurred

24 ¹⁰ Nevada Veterans In Politics and Veterans in Politics operate numerous social media sites
where the defamation continues.

1 after July 1, 1983, and the last of the incidents occurred within 5 years after a prior
2 commission of a crime related to racketeering.

3 125. Defendants used threats, intimidation, and deception with the intent to
4 cause or induce Plaintiff and Plaintiff's client to withhold testimony against
5 Schneider in the "D" case. (NRS 199.240)(b)).

6 126. Defendants used threats, intimidation, and deception with the intent to
7 cause or induce Plaintiff and Plaintiff's client to withhold a record, document or
8 other object from the legal proceedings in the "D" case. (NRS 199.240(c)).

9 127. Defendants, directly or indirectly, addressed threats and intimidation
10 to Judge Elliott with the intent to induce Judge Elliott contrary to her duty to make,
11 omit or delay any act, decision or determination, as the threat or intimidation
12 communicated the intent, either immediately or in the future, to do an act not
13 authorized by law and intended to harm Plaintiffs' emotional health, business, and
14 financial condition. (NRS 199.300(d)).

15 128. Defendants willfully disobeyed the lawful process or mandate of a
16 court. (NRS 199.340(4)).

17 129. Defendants published a false or grossly inaccurate report of family
18 court proceedings on numerous occasions, including, but not limited to, the "D"
19 case. (NRS 199.340(7)).

20 130. Defendants Steve W. Sanson, Heidi J. Hanusa, Christina Ortiz, Johnny
21 Spicer, Don Woolbright, Veterans In Politics International, Inc., Sanson
22 Corporation, Karen Steelmon, and Does I through X inclusive, gave or sent a
23 challenge in writing to fight Richard Carreon and others. (NRS 200.450).

24 / / /

1 131. Defendants willfully stated, delivered or transmitted to a manager,
2 editor, publisher, reporter or other employee of a publisher of any newspaper,
3 magazine, publication, periodical or serial statements concerning Plaintiffs which, if
4 published therein, would be a libel. (NRS 200.550).

5 132. Defendants threatened Plaintiffs with the publication of a libel
6 concerning Plaintiffs with the intent to extort the withdrawal of the *Motion for*
7 *Sanctions and Attorney Fees* and related legal proceedings in the “D” case. (NRS
8 200.560).

9 133. Defendants, without lawful authority, knowingly threatened to
10 substantially harm the health or safety of Plaintiff and, by words and conduct placed
11 Plaintiffs in reasonable fear that the threat would be carried out. (NRS 200.571).

12 134. Defendants, in the course of their enterprise, knowingly and with the
13 intent to defraud, engaged in an act, practice or course of business or employed a
14 device, scheme or artifice which operates or would operate as a fraud or deceit upon
15 a person by means of a false representation or omission of a material fact that
16 Defendants know to be false or omitted, Defendants intend for others to rely on, and
17 results in a loss to those who relied on the false representation or omission in at least
18 two transactions that have the same or similar pattern, intents, results, accomplices,
19 victims or methods of commission, or are otherwise interrelated by distinguishing
20 characteristics and are not isolated incidents within 4 years and in which the
21 aggregate loss or intended loss is more than \$650. (NRS 205.377).

22 135. Defendants posted false and defamatory material no less than 130
23 times in six separate defamatory campaigns against Plaintiffs. The total value of
24 time expended by Jennifer Abrams, and The Abrams & Mayo Law Firm staff in

1 responding to inquiries from clients, protecting client privacy, and attempting to
2 have the defamatory material removed from the internet was over \$15,000 and this
3 does not include the costs of missed opportunities or time that should have been
4 spent working on cases for paying clients. (NRS 205.377 and NRS 207.360(9)).

5 136. It was the intent of the Defendants to cause harm to Plaintiffs and
6 Plaintiff's client and the aggregate costs far exceed the \$650 threshold. Each act
7 which violates subsection one constitutes a separate offense and a person who
8 violates subsection one is guilty of a category B felony.

9 137. Additionally, NRS 205.0832 defines the actions which constitute theft
10 as including that which:

11 Obtains real, personal or ***intangible property or the services of***
12 ***another person***, by a material misrepresentation with intent to
13 deprive that person of the property or services. As used in this
14 paragraph, "material misrepresentation" means the use of any
15 pretense, or the making of any promise, representation or statement of
present, past or future fact which is fraudulent and which, when used
or made, is instrumental in causing the wrongful control or transfer of
property or services. The pretense may be verbal or it may be a
physical act.

16 Additionally the statute goes on to define the theft as a person or entity that "Takes,
17 destroys, conceals or disposes of property in which another person has a security
18 interest, with intent to defraud that person." Time is a lawyer's stock in trade.
19 Defendants—with malice—stole valuable time from Plaintiffs. Also, the theft of
20 Jennifer Abrams and The Abrams & Mayo Law Firm's "good will" by the making of
21 false and defamatory comments and placing both Jennifer Abrams and The Abrams

1 & Mayo Law Firm in a false light has diminished the value of the business. These are
2 intangible thefts, but thefts nonetheless.¹¹

3 138. Defendants attempted to extort Plaintiffs to withdraw the *Motion for*
4 *Sanctions and Attorney's Fees* through a series of veiled threats. When Plaintiffs
5 refused to withdraw the motion, Defendants disseminated additional defamatory
6 material with the intent to do damage to Plaintiffs and threatened to continue doing
7 so unless the motion was withdrawn. (NRS 207.360(10)).

8 139. The Defendants have attempted to or did use extortion to influence the
9 outcome of at least one other pending family law case.

10 140. Defendants' illegal conduct resulted in damages to Plaintiffs.

11 WHEREFORE, Plaintiffs, Jennifer Abrams and The Abrams & Mayo Law
12 Firm, pursuant to NRS 207.470, are entitled to treble damages as a result of
13 Defendants' criminal conduct in the form of actual, special, compensatory, and
14 punitive damages in amount deemed at the time of trial to be just, fair, and
15 appropriate in an amount in excess of \$15,000.

16 **XIV.**
17 **TENTH CLAIM FOR RELIEF**
(COPYRIGHT INFRINGEMENT)

18 141. Plaintiffs incorporate and re-allege all preceding paragraphs as if fully
19 stated herein.

20 142. Defendants have infringed upon Plaintiffs' photographic works owned
21 by Plaintiff, for which copyright registration is being sought, by posting the work on
22 social media websites, including but not limited to, Facebook, Pinterest, Google+,
23

24 ¹¹ Goodwill – "A business's reputation, patronage, and other intangible assets that are
considered when appraising the business, especially for purchase." *Black's Law Dictionary* 279
(Bryan A. Garner ed., Pocket ed., West 1996).

1 Twitter, and LinkedIn, without consent, approval or license of Plaintiffs and by
2 continuing to distribute and copy the commercial without compensation or credit to
3 the Plaintiffs.

4 143. As a direct and proximate result of said infringement by Defendants,
5 Plaintiff is entitled to damages in an amount to be proven at trial.

6 144. Defendants' infringement of Plaintiffs' photographic works has yielded
7 Defendants profits in an amount not yet determined.

8 145. Defendants' infringement has been willful and deliberate and was done
9 for the purpose of defaming Plaintiffs and making commercial use of and profit on
10 Plaintiffs' material throughout the country and within this Judicial District.
11 Plaintiffs are entitled to recover increased damages as a result of such willful
12 copying.

13 146. Plaintiffs are entitled to attorneys' fees and full costs pursuant to 17
14 U.S.C. § 505 and otherwise according to law.

15 147. As a direct and proximate result of the foregoing acts and conduct,
16 Plaintiffs have sustained and will continue to sustain substantial, immediate, and
17 irreparable injury, for which there is no adequate remedy at law. Upon information
18 and belief, Plaintiffs believe that unless enjoined and restrained by this Court,
19 Defendants will continue to infringe Plaintiffs' rights in the infringed works.
20 Plaintiffs are entitled to preliminary and permanent injunctive relief to restrain and
21 enjoin Defendants' continuing infringing conduct.

22 WHEREFORE, Plaintiffs, Jennifer V. Abrams and The Abrams & Mayo Law
23 Firm, demand that:

24 / / /

- 1 a. Pursuant to 17 U.S.C. § 502(a), Defendants, their agents servants and
2 employees and all parties in privity with them be enjoined permanently
3 from infringing Plaintiff's copyrights in any manner.
- 4 b. Pursuant to 17 U.S.C § 504(b), Defendants be required to pay to the
5 plaintiff, such actual damages as the Plaintiffs may have sustained in
6 consequence of Defendants' infringement and all profits of Defendants
7 that are attributable to the infringement of Plaintiffs' copyrights.
8 Plaintiffs request Defendants account for all gains, profits, and
9 advantages derived by Defendants from their infringement.
- 10 c. Pursuant to 17 U.S.C. § 504(c)(1), Defendants be required to pay an
11 award of statutory damages in a sum not less than \$30,000.
- 12 d. The Court finds the Defendants' conduct was committed willfully.
- 13 e. Pursuant to 17 U.S.C. § 504(c)(2), Defendants be required to pay an
14 award of increased statutory damages in a sum of not less than
15 \$150,000 for willful infringement.
- 16 f. Pursuant to 17 U.S.C. § 505, Defendants be required to pay the
17 Plaintiffs' full costs in this action and reasonable attorney's fees.
- 18 Defendants' conduct was willful or wanton and done in reckless disregard of
19 Plaintiffs' rights thereby entitling Plaintiffs to recover punitive damages in an
20 amount to be determined at trial.

21 **XV.**
22 **ELEVENTH CLAIM FOR RELIEF**
(INJUNCTION)

23 148. Plaintiffs incorporate and re-allege all preceding paragraphs as if fully
24 stated herein.

1 149. Defendants and/or Defendant's agents, representatives, and/or
2 employees, either individually, or in concert with others are attempting to extort a
3 result in the "D" case litigation by unlawful out-of-court means. The "D" case
4 litigation is ongoing and an injunction is necessary to stop the extortion and
5 continuation of harm and damage to Plaintiffs.

6 Defendants and/or Defendants' agents, representatives, and/or employees, either
7 individually, or in concert with others, engaged in acts that were so outrageous that
8 injunctive relief is necessary to effectuate justice.

9 WHEREFORE, Plaintiffs request the following injunctive relief:

- 10 a. That all defamatory writings, video, postings, or any other documents
11 or public display of the same, concerning Jennifer Abrams, The
12 Abrams & Mayo Law Firm, and the employees of the same, be removed
13 from public view within 10 days of the issuance of the injunction.
- 14 b. That all innuendo of illegal, immoral, or unethical conduct that has
15 already been attributed by defendants to Plaintiffs, must never be
16 repeated by any named Defendant or any member of any of the named
17 organizations. Generalities toward lawyers in general will constitute a
18 violation of the injunction.
- 19 c. That a full retraction and apology be authored by Defendants Steve W.
20 Sanson and Louis C. Schneider and disseminated everywhere the
21 defamation occurred, including, but not limited to, the entirety of the
22 mailing list(s), each and every social media site (Facebook, Twitter,
23 Google+, Pinterest, etc.) and anywhere else the defamatory material
24 was disseminated.

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XVI.
CONCLUSION

150. Jennifer Abrams and The Abrams & Mayo Law Firm incorporate and re-allege all preceding paragraphs as if fully stated herein.

WHEREFORE, Jennifer Abrams and The Abrams & Mayo Law Firm respectfully pray that judgment be entered against Defendants, and each of them individually, as follows:

1. General damages in an amount in excess of \$15,000 for each and every claim for relief;
2. Compensatory damages in an amount in excess of \$15,000 for each and every claim for relief;
3. Punitive damages in an amount in excess of \$15,000 for each and every claim for relief;
4. Treble damages for Defendants’ RICO violations pursuant to NRS 207.470 in the form of general, compensatory, and/or punitive damages in an amount in excess of \$15,000;
5. All attorney’s fees and costs that have and/or may be incurred by Jennifer V. Abrams and The Abrams & Mayo Law Firm in pursuing this action; and

///

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1 **VERIFICATION**

2 STATE OF NEVADA)
3 COUNTY OF CLARK) ss:

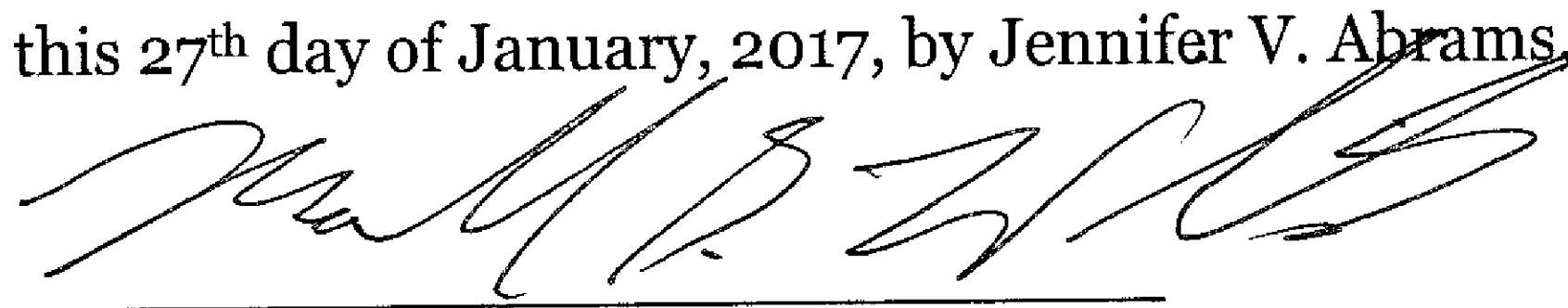
4 JENNIFER V. ABRAMS, ESQ., principal of THE ABRAMS & MAYO LAW
5 FIRM first being duly sworn, deposes and says:

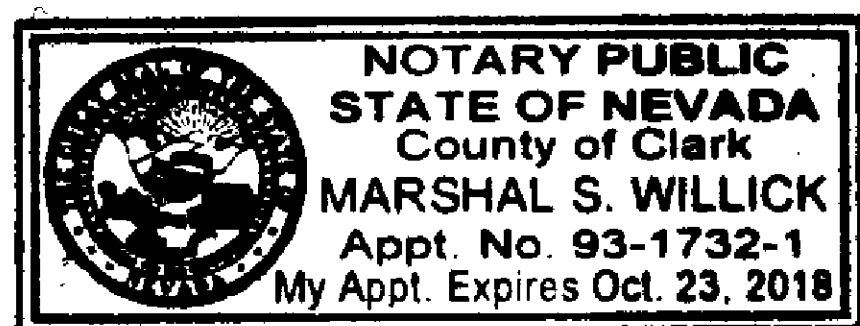
6 That her business is the Plaintiff in the above-entitled action; that she has
7 read the above and foregoing *Amended Complaint for Damages* and knows the
8 contents thereof and that the same is true of her own knowledge, except as to those
9 matters therein stated on information and belief, and as to those matters, she
10 believes them to be true.

11 FURTHER, AFFIANT SAYETH NAUGHT.

12
13 
14 JENNIFER V. ABRAMS, ESQ.

15 SUBSCRIBED and SWORN to before me
16 this 27th day of January, 2017, by Jennifer V. Abrams, Esq.

17 
18 NOTARY PUBLIC



1 **CERTIFICATE OF SERVICE**

2 I hereby certify that the foregoing *Amended Complaint for Damages* was filed
3 electronically with the Eighth Judicial District Court in the above-entitled matter on
4 Friday, January 27, 2017. Electronic service of the foregoing document shall be made
5 in accordance with the Master Service List, pursuant to NEFCR 9, as follows:

6 Maggie McLethcie, Esq.
7 Attorney for Defendants Steve W. Sanson and
Veterans in Politics International, Inc.

8 Alex Ghibaud, Esq.
9 Attorney for Defendants Louis C. Schneider,
Law Offices of Louis C. Schneider, LLC, and
Christina Ortiz

10
11 I further certify that on Monday, January 30, 2017, the foregoing *Amended*
12 *Complaint for Damages* was served on the following interested parties, via 1st Class
13 U.S. Mail, postage fully prepaid:

14 Heidi J. Hanusa
2620 Regatta Drive, Suite 102 8908 Big Bear Pines Avenue
15 Las Vegas, Nevada 89128 Las Vegas, Nevada 89143

16 Johnny Spicer
3589 East Gowan Road
17 Las Vegas, Nevada 89115

18 Don Woolbright
20 Fernwood Drive
19 Saint Peters, Missouri 63376

20 Sanson Corporation
c/o Clark McCourt, Registered Agent
21 7371 Prairie Falcon Road, Suite 120
Las Vegas, Nevada 89128

22 Karen Steelmon
23 2174 East Russell Road
Las Vegas, Nevada 89119


24

An Employee of The Abrams & Mayo Law Firm

EXHIBIT 5

1
2 NEO

DISTRICT COURT
FAMILY DIVISION
CLARK COUNTY, NEVADA


CLERK OF THE COURT

3 **Brandon Saiter,**
4 Plaintiff,

CASE NO: D-15-521372-D

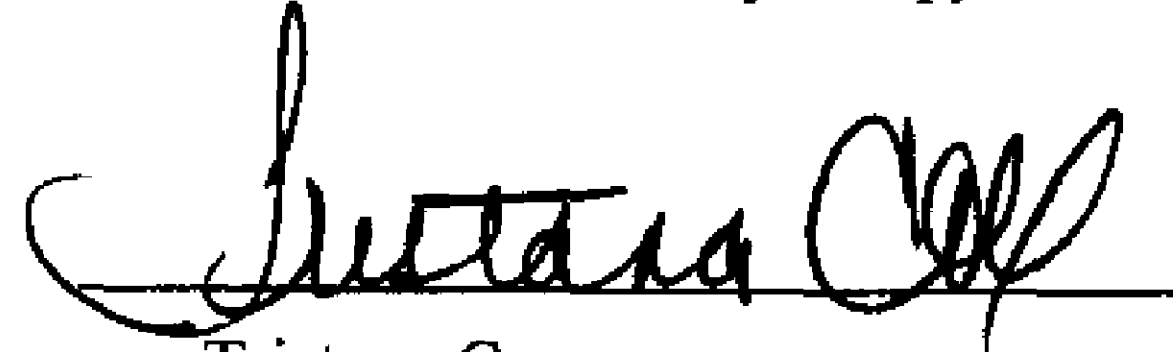
5 vs.

DEPT. L

6 **Tina Saiter,**
7 Defendant.

NOTICE OF ENTRY OF ORDER

8 Please take notice that an **ORDER WITHOUT HEARING PURSUANT TO**
9 **EDCR 2.23** was entered by this Court on March 21, 2017. A file stamped copy is attached
10 hereto.



11
12 Tristana Cox
13 Judicial Executive Assistant
14 Family Division, Department L

15 **CERTIFICATE OF SERVICE**


16 ☐ I hereby certify that on the above file stamped date, I placed a copy of the foregoing
17 Order Without Hearing Pursuant to EDCR 2.23 in the appropriate attorney folder
18 located in the Clerk of the Court's Office:

19 ☒ I hereby certify that on the above file stamped date, I mailed, via
20 first-class mail, postage fully prepaid the foregoing Order Without Hearing Pursuant
21 to EDCR 2.23 to:

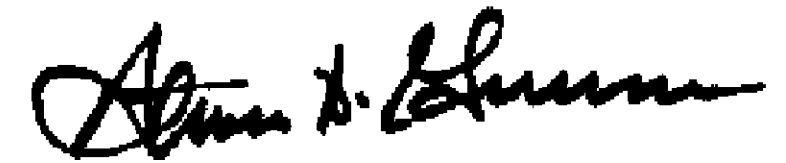
22 Jennifer Abrams, Esq.
23 6252 South Rainbow Blvd., Suite 100
24 Las Vegas, NV 89118

Margaret McLetchie, Esq.
701 East Bridger Ave., Suite 520
Las Vegas, NV 89101

25 Louis Schneider, Esq.
26 430 South 7th Street
27 Las Vegas, NV 89101



28 Tristana Cox
Judicial Executive Assistant
Family Division, Department L



CLERK OF THE COURT

ORDR

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

Brandon Saiter,

Plaintiff,

vs.

Tina Saiter,

Defendant.

CASE NO.: D-15-521372-D

DEPT. NO.: L

Date of Hearing: 3-21-16

Time of Hearing: 10:00 a.m.

ORDER WITHOUT HEARING
PURSUANT TO EDCR 2.23

The Court in review of Plaintiff's NRCP 60(A) Motion to Correct the Order After Hearing of September 29, 2016 filed February 2, 2017; Defendant's Opposition and Countermotion for Attorney's Fees and Costs filed February 14, 2017; Plaintiff's Reply and Opposition to Countermotion filed February 27, 2017; Plaintiff's Motion for an Order to Show Cause filed February 13, 2017; Steve Sanson's Opposition filed March 6, 2017; and Defendant's Opposition To Motion For Order To Show Cause Re: Contempt and Countermotion For Attorney's Fees filed March 7, 2017, hereby FINDS and ORDERS, pursuant to EDCR 2.23, that these matters are hereby decided without a hearing and vacates the hearings set for March 21, 2017 at 10:00 a.m. and March 30, 2017 at 9:00 a.m.

☐ Other
☐ Dismissed - Want of Prosecution
☐ Involuntary (Statutory) Dismissal
☐ Default Judgment
☐ Transferred
☐ Disposed After Trial Start
☐ Judgment Reached by Trial

Non-Trial Dispositions:
☒ Settled/Withdrawn
☐ Without Judicial Conf/Hrg
☐ With Judicial Conf/Hrg
☐ By ADR

Trial Dispositions:
☐ Judgment Reached by Trial

JENNIFER L. ELLIOTT
DISTRICT JUDGE
FAMILY DIVISION, DEPT. L
LAS VEGAS, NV 89101

1
2 **A. Relevant Factual Background**

3 1. The parties were divorced pursuant to the Decree of Divorce
4 (hereinafter "Decree") filed December 28, 2016.
5

6 2. Prior to the filing of the Decree, pursuant to emails between the
7 parties' counsel on October 5, 2016, and copied on the Court on October 6,
8 2016, the parties, through their counsel, stipulated to seal the case.
9

10 3. Additionally, Plaintiff filed a Petition to Seal Records Pursuant to
11 NRS 125.110(2), which was granted and an Order to Seal Records Pursuant
12 to NRS 125.110(2) was filed on October 6, 2016. An Order Prohibiting
13 Dissemination of Case Material was also filed on October 6, 2016.
14

15 4. Subsequently, on January 11, 2017, Plaintiff filed his Motion to
16 Enter the Order After Hearing of September 29, 2016.
17

18 5. On January 20, 2017, the Order from the September 29, 2016
19 hearing was prepared and filed by the Court because the parties' counsel
20 could not agree on the precise language of the order.
21

22 6. On February 2, 2017, Plaintiff filed his NRCP 60(a) Motion to
23 Correct the Court's Order After Hearing of September 29, 2016.
24

25 7. Defendant filed her Opposition and Countermotion for Attorney's
26 Fees and Costs on February 14, 2017.
27
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1
2 8. Plaintiff filed his Reply to Defendant's Opposition to Plaintiff's
3 NRCP 60(a) Motion and Opposition to Defendant's Countermotion for
4 Attorney's Fees and Costs on February 27, 2017.
5

6 9. On February 13, 2017, Plaintiff filed his Motion for an Order to
7 Show Cause Against Defendant's Counsel of Record, Louis Schneider, Esq.
8 (hereinafter "Schneider"), and a third party, Steve Sanson (hereinafter
9 "Sanson").
10

11 10. The Court takes judicial notice that Plaintiff's counsel of record,
12 Jennifer Abrams, Esq. (hereinafter "Abrams") and her firm, the Abrams and
13 Mayo Law Firm, has filed a civil suit against Schneider and Sanson, among
14 others, in case A-17-749318-C alleging defamation, intentional infliction of
15 emotional distress, negligent infliction of emotional distress, false light,
16 business disparagement, harassment, concert of action, civil conspiracy,
17 RICO violation, copyright infringement and injunction for acts that arose, in
18 part, from the current case. This case is pending before Department 21.
19
20
21

22 **B. Plaintiff's NRCP 60(a) Motion**

23 Plaintiff's NRCP 60(a) Motion seeks to amend the Order from the
24 September 29, 2016 hearing, specifically requesting the following three (3)
25 changes:
26

27 (1) "Upon Plaintiff's request, the hearing is closed to the public."
28

1
2 (2) "In an email dated September 16, 2016, Tina [Defendant] made it
3 clear that she no longer wanted to be represented by Mr. Schneider."

4 (3) Delete the "clerk's note" on page 3, lines 7 through 10 of the
5 order.

6 The Court, after review of all available records, **ORDERS that**
7
8 **Plaintiff's NRCP 60(a) Motion be granted in part and denied in part.**

9 As to the first request to close the hearing, Abrams, pursuant to EDCR 5.02
10 (which was then in effect) sought to close the hearing (*see* video record at
11 12:08:02).

12
13 **Rule 5.02. Hearings may be private.**

14 (a) In any contested action for divorce, annulment,
15 separate maintenance, breach of contract or partition
16 based upon a meretricious relationship, custody of
17 children or spousal support, the court must, upon demand
18 of either party, direct that the trial or hearing(s) on any
19 issue(s) of fact joined therein be private and upon such
20 direction, all persons shall be excluded from the court or
21 chambers wherein the action is heard, except officers of
22 the court, the parties, their witnesses while testifying, and
23 counsel. . .

24 At 12:08:04, the Court stated, "Sure." At 12:08:05, the Court Ordered
25
26 "All those not a party, not representing a party would please exit the
27 courtroom." Later in the hearing, Abrams states that her request to close the
28 hearing is still pending (*see* video record at 12:13:06). However, the Court
had already ruled on Abrams' request at the outset of this hearing, and the

1
2 Court, for good cause, had allowed Defendant's parents to remain as support
3 for the Defendant who was struggling with whether she should continue to
4 have legal representation. **Therefore, the Court GRANTS Plaintiff's**
5 **request to add this language to the minutes and the Order: "Upon**
6 **Plaintiff's request, the hearing is closed to the public."**
7

8 With regard to Plaintiff's second request as to Defendant's September
9 16, 2016 email to Schneider, and Plaintiff's position regarding whether
10 Defendant stated that she did not want to be represented by Schneider
11 therein. The Court did comment that the September 16, 2016 email was the
12 first time where it appeared that there was any settled purpose or clear intent
13 by Defendant not to be represented by Schneider.
14

15 However, this did not also mean that the Court made a finding or
16 believed that it was in the best interest of Defendant to be without assistance
17 of counsel. The Court was concerned with issues such as, the difference in
18 the economic knowledge/power balance between the parties, Defendant's
19 mental and emotional competency to make the decisions on behalf of
20 herself, issues pending such as the results of the forensic income report, and
21 later in the hearing, the allegation that Plaintiff must pay for the community
22 business from his post-tax personal income rather than through the business
23 itself, leaving Plaintiff apparently unable to pay alimony to Defendant while
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2 grossing over \$20,000 a month, and the significant equity in the business
3 that had not been accurately disclosed to Defendant, etc. Therefore, the
4 Court was especially concerned that both parties continue to have the benefit
5 of counsel pending the Court's ability to canvas and ensure the fairness of all
6 of the settlement terms.
7

8 The Court further FINDS that Schneider had his Motion to Withdraw
9 pending before the Court at this same hearing, which he withdrew after the
10 Court asked him to remain on the case to look into the financial aspects of
11 the parties' agreement, including the need to pay \$5,000 monthly business
12 debt payment from personal post-tax income and expenses that Plaintiff
13 listed on his Financial Disclosure Form (hereinafter "FDF") filed April 4,
14 2016.
15
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18 With those concerns having been mentioned, the Court GRANTS
19 Plaintiff's request to add to the order: "In an email dated September 16,
20 2016, Tina [defendant] made it clear that she no longer wanted to be
21 represented by Mr. Schneider."
22

23 As to the "Clerk's Note", those notes were specifically included at the
24 Court's request following the hearing and constitutes a finding of the Court.
25 Plaintiff's FDF, filed April 4, 2016, did not include the royalty payments
26 which were paid through mid-2016; the royalty payment was also not
27
28

1 included in his December 14, 2015 FDF. Plaintiff's objection to the
2 inclusion of the "Clerk's Note" is DENIED. Defendant's
3 Counter-motion for Attorney's Fees and Costs is DENIED.
4

5
6 **C. Plaintiff's Motion for an Order to Show Cause**

7 *1. Parties' Arguments*

8 **a. Plaintiff's Allegations**

9
10 Plaintiff alleged that Sanson, even after being served with the
11 Order Prohibiting Dissemination of Case Material, continued to post the
12 video from the September 29, 2016 hearing on various websites and
13 posted commentary that specifically referred to the parties' names and
14 case number. As a result, he alleged the safety of the parties' children
15 has been compromised and the parties' privacy had been invaded because
16 neither party wanted their divorce case to be public. Plaintiff managed to
17 take the video down from YouTube and Vimeo after making privacy
18 complaints, but Sanson allegedly continued to post the video on a
19 Russian website and despite further multiple requests, refused to take
20 down the videos.
21

22
23 Plaintiff argued that Sanson need not be inter-pled as a party
24 because he interjected himself into the case by obtaining a copy of the
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2 hearing video and posting it online in an attempt to influence the case,
3 bringing him within the jurisdiction of the Court.

4
5 Plaintiff further argued that Sanson's actions do not constitute free
6 speech because the hearing was closed to the public and there is no
7 legitimate purpose in invading the parties' privacy and risk of harm to the
8 parties' children. Furthermore, Schneider was complicit in Sanson's
9 actions because he acted in concert with Sanson to escalate the case and
10 released the case material to him. Plaintiff argued that since the violation
11 of the Order Prohibiting Dissemination of Case Material cannot be
12 completely purged, Sanson and Schneider's conduct constitutes criminal
13 contempt.
14

15
16 **b. Sanson's Allegations**

17
18 It is noted that Sanson made a special appearance to oppose
19 Plaintiff's Motion for an Order to Show Cause.
20

21 Sanson stated he is accused of violating an Order in a case to
22 which he is not a party and had not been given notice or opportunity to be
23 heard. He also notes the civil cases Abrams and her counsel, Marshal
24 Willick (hereinafter "Willick") brought against Sanson and his
25 organization, Veterans in Politics International (hereinafter "VIP"): case
26 numbers A-17-749318-C and A-17-750171-C. Sanson argued that his
27
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1 criticisms of Abrams and Willick's Court practices led to them filing
2 suits against Sanson and VIPI. Sanson additionally noted Plaintiff's
3 Motion for an Order to Show Cause failed to attach a supporting affidavit
4 from Plaintiff and concluded the motion was filed to strengthen Abrams
5 and her civil lawsuit against Sanson and VIPI and has nothing to do with
6 Plaintiff.
7
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9
10 Sanson noted that neither he nor VIPI were previously named as a
11 party or served with process; furthermore, the Order Prohibiting
12 Dissemination of Case Material was issued without a hearing or any due
13 process protection for Sanson or VIPI.
14

15 The gravamen of Sanson's opposition is as follows: (1) this Court
16 does not have jurisdiction over Sanson and (2) even if this Court has
17 jurisdiction, the Court's Order Prohibiting Dissemination of Case
18 Material is void as unconstitutionally overbroad, violating both federal
19 and state law. Sanson argued that this Court lacks subject matter
20 jurisdiction under *Del Papa v. Steffen*, 920 P.2d 489, 112 Nev. 369
21 (1996). However, even if this Court has subject matter jurisdiction, he
22 argues that there is a strong presumption for open courtroom
23 proceedings. Furthermore, Sanson argued that he has the right to free
24 speech to criticize Abrams' courtroom behavior and his posting of videos
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2 and making commentary regarding Abrams is a valid exercise of his right
3 to free speech. Furthermore, even if the case was sealed, under *Johanson*
4 *v. District Court*, 182 P.3d 94, 124 Nev. 245 (2008), sealing the entire
5 case file without notice or opportunity to be heard constitutes abuse of
6 discretion, especially if it fails to make findings of any clear and present
7 danger or threat of serious and imminent harm to a protected interest and
8 without examining alternative means to accomplish that purpose;
9
10 furthermore, the Order Prohibiting Dissemination of Case Material was
11 not narrowly drawn and failed to discuss whether any less restrictive
12 alternatives were available. Since the Order Prohibiting Dissemination of
13 Case Material cannot meet the *Johanson* test, Sanson argued that the
14 Court's Order Prohibiting Dissemination of Case Material is
15 impermissibly broad and thus, it should be vacated.
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19 In addition, Sanson argued that if Plaintiff's Motion for an Order to
20 Show Cause is granted, that this Court should be disqualified per Nevada
21 Code of Judicial Conduct, Rule 2.11 because he alleged that this Court's
22 impartiality may be questioned.
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2 **c. Defendant's Opposition**

3 Defendant's Opposition to Plaintiff's Motion for an Order to Show
4 Cause alleged simply that said motion is aimed solely at bolstering
5 Abrams' civil case against Schneider and Sanson.
6

7 **2. Relevant Law**

8 Pursuant to NRS 125.110(2), once a party requests that a domestic
9 case be sealed, the Court must seal the case. Other than pleadings,
10 findings of the Court, Orders, and Judgments, all other records shall be
11 sealed and shall not be open to inspection except to the parties or their
12 attorneys, or when required as evidence in another action or proceeding
13 (see below).
14
15

16 **NRS 125.110 What pleadings and papers open to**
17 **public inspection; written request of party for sealing.**

18 1. In any action for divorce, the following papers and
19 pleadings in the action shall be open to public inspection
20 in the clerk's office:

21 (a) In case the complaint is not answered by the
22 defendant, the summons, with the affidavit or proof
23 of service; the complaint with memorandum endorsed
24 thereon that the default of the defendant in not
25 answering was entered, and the judgment; and in case
26 where service is made by publication, the affidavit for
27 publication of summons and the order directing the
28 publication of summons.

(b) In all other cases, the pleadings, the finding of the
court, any order made on motion as provided in
Nevada Rules of Civil Procedure, and the judgment.

2. All other papers, records, proceedings and
evidence, including exhibits and transcript of the

1
2 testimony, shall, upon the written request of either
3 party to the action, filed with the clerk, be sealed
4 and shall not be open to inspection except to the
5 parties or their attorneys, or when required as
6 evidence in another action or proceeding.
7 (Emphasis added.)

8 Under *Landreth v. Malik*, 251 P.3d 163, 127 Nev. 175 (2011), even
9 if the matter at hand is outside the scope of a traditional Family Court
10 matter, Family Court Judges do have subject matter jurisdiction over
11 such matters and thus, *Landreth* overruled *Del Papa v. Steffan*.

12 The Court is mindful of the Nevada Supreme Court Rule VII, Rule
13 (3)(4), which states that sealing is justified by identified compelling
14 privacy or safety interests that outweigh the public interest in access to
15 the Court record. However, under *Johanson*, the Nevada Supreme Court
16 clarified the use of NRS 125.110 in sealing cases. In that case, the
17 District Court entered an Order sealing the entire case file and sua sponte
18 issued a gag order preventing all parties and attorneys from disclosing
19 any documents or discussing any portion of the case.
20

21 The *Johanson* Court adopted the following standard regarding gag
22 Orders, or an Order that prevents participants from making extrajudicial
23 statements about their own case: (1) a party must demonstrate a clear and
24 present danger or a serious and imminent threat to a protected competing
25 interest, (2) the order is narrowly drawn, and (3) less restrictive
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1 alternatives are not available. In *Johanson*, respondent argued that the
2 Court has inherent power to completely seal divorce cases beyond NRS
3 125.110. However, the Nevada Supreme Court declined to adopt such
4 broad standard and even assuming, in arguendo, that the Court indeed has
5 such broad power, one must show the Court that sealing the entire case
6 file is necessary to protect his, or another person's rights, or to otherwise
7 administer justice. *Johanson*, 182 P.3d at 97-98, 124 Nev. at 250.
8
9

10
11 Under NRS 22.010, disobedience or resistance to any lawful order
12 issued by the court constitutes contempt. Furthermore, under
13 *Cunningham v. District Court*, 102 Nev. 551, 559-60, 729 P.2d 1328,
14 1333-34 (1986), the order must be "clear and unambiguous."
15

16 Lastly, under new EDCR 5.301, (as with EDCR 5.03, in effect in
17 2016), the parties and their counsel are prohibited from knowingly
18 permitting others to (a) discuss the case with the minor children, (b)
19 allow minor children to review the proceedings, pleadings or any records,
20 or (c) leaving such materials in a place where it is likely or foreseeable
21 that any minor child will access those materials.
22
23

24 3. Discussion

25 The Order to Seal Records filed October 6, 2016 states the
26 following: "all documents filed... in the above-entitled action exception
27
28

1
2 for pleadings, findings of the Court, Orders made on motion... and any
3 judgments, shall be and are hereby sealed." There is no dispute as to the
4 validity of this Order. However, as Sanson alleged, there is a dispute
5 over the validity of the Court's Order Prohibiting Dissemination of Case
6 Material.
7

8 a. Does this Court have Subject Matter Jurisdiction over Sanson?
9

10 Sanson, citing *Del Papa*, argued that this Court lacks subject
11 matter jurisdiction over him. However, there is no discussion of how
12 *Landreth*, which grants family courts subject matter jurisdiction over
13 other matters, is distinguished. Accordingly, Sanson's argument facially
14 fails in this regard. The Court FINDS that it has subject matter
15 jurisdiction.
16
17

18 b. Even if this Court has Subject Matter Jurisdiction, is the Order
19 Prohibiting Dissemination of Case Material Impermissibly Broad?

20 The Order Prohibiting Dissemination of Case Material states,
21 pursuant to the stipulation of the parties, in the best interest of the
22 children, and the fact that the parties have settled their case, all hearing
23 videos shall be immediately removed from the internet and "all persons
24 or entities shall be prohibited from publishing, displaying, showing, or
25 making public any portion of these case proceedings." This Order clearly
26 constitutes a gag order as to the parties as well as non-parties as
27
28

1
2 contemplated in the *Johanson* case and hence, must be subject to the
3 *Johanson* 3-part test.

4
5 **1. Is there a Serious and Imminent Threat to a Protected
6 Competing Interest?**

7 The first amendment right to free speech and the freedom of the
8 press are obviously protected competing interests when weighed against
9 divorcing parties' privacy interests and the best interest of their children
10 in not being exposed to the case (*see* EDCR 5.301 and prior EDCR
11 5.03).

12
13 Plaintiff framed the issue as the parties and their children being
14 dragged through the mud by unwanted exposure through the actions of
15 Sanson and VIPI, allegedly acting in concert with Schneider. On the
16 other hand, Sanson framed the issue as the exercise of his right to free
17 speech in criticizing Abrams' courtroom behavior.
18

19
20 At the time the Court drafted the Order Prohibiting Dissemination
21 of Case Material, it was very cognizant that there were four (4) minor
22 children, ages 14, 12, 10 and 8 involved in the case and that their parents
23 had settled this matter after over a year of great acrimony between the
24 parties, as well as between their counsel. The Court believed it was
25 certainly not in the best interest of the parties or the children to access
26 YouTube, or hear from others who have accessed YouTube, or to see
27
28

1
2 their parents in Court during their divorce proceedings. This Court would
3 not want the children, their friends or relatives to see their mother
4 struggling with the divorce issues, struggling with whether or not to be
5 represented, to see their maternal grandparents in the background, clearly
6 worried about their daughter, who was very emotional and distraught
7 during the hearing, to listen to financial and other matters being discussed
8 in escalated tones, to hear accusations flying across the room, seeing their
9 parents in conflict in the courtroom setting where children are not
10 typically allowed to be present in divorce actions *for very good reasons*,
11 to know their friends and relatives can access this same video material
12 online at any time, etc. This material would clearly be disturbing
13 emotionally and mentally to most any child who witnessed it.
14
15
16
17

18 It was paramount in the Court's mind that the case simmers down
19 and that the parties get down to co-parenting and focusing on bringing
20 some peace to the restructuring they had done in two separate homes.
21 There had been little peace to date; in the Court's view, continuing the
22 case controversy based on any debate would not be in the best interest of
23 the parties or their children. Thus, the Court FINDS that the best interest
24 of the children would trump Sanson's and VIPI's free speech rights in
25 this case.
26
27
28

1
2 **2. Was the Order Narrowly Drawn?**

3 The Court must find that the Order is facially overbroad as it is not
4 narrowly drawn where it forbids ALL persons or entities to disseminate
5 information obtained prior to the sealing without giving notice or
6 opportunity to be heard on the issues. However, the Court finds that the
7 Order to Seal Records filed October 6, 2016 forbids dissemination of
8 videos of the hearing, which is covered as the official transcript under
9 NRS 125.110(2):
10
11

12 “All other papers, records, proceedings and evidence,
13 including exhibits and transcript of the testimony, shall,
14 upon the written request of either party to the action,
15 filed with the clerk, be sealed and shall not be open to
16 inspection except to the parties or their attorneys, or
17 when required as evidence in another action or
18 proceeding.” (Emphasis added.)

19 **3. Less Restrictive Alternatives Not Available?**

20 The Court Ordered removal of the video from the September 29,
21 2016 hearing from the entire “internet” and there was no discussion by
22 the Court of whether there were less restrictive means available (e.g.
23 removing the parties’ names or case number from the case--which would
24 be little help here where dealing with identification by
25 video...). Plaintiff’s motion mentioned that the parties’ minor children
26 have access to FaceBook and could have accessed the videos, and this
27
28

1
2 Court is in agreement with that view. In this era, children are frequently
3 online, especially watching videos on YouTube at age two (2) and older.
4

5 At this time, the Court FINDS that the only sure way it can
6 conceive of that would have worked to assure the restriction of the video
7 being shown only to interested adults, and not to children, would have
8 been through advertised scheduled showings in a place where children
9 are not allowed.
10

11 Again, the Court FINDS as the Order Prohibiting Dissemination of
12 Case Material failed to give notices to any of the "All persons or
13 entities," including Sanson, no one was given any means to challenge the
14 validity of the order. Thus, any non-party, without prior notice, could
15 have been dragged into court unconstitutionally, despite lack of any
16 reasonable connection with the case.
17
18

19 Accordingly, the Court FINDS that the Order Prohibiting
20 Dissemination of Case Material to be unconstitutionally overbroad
21 and as such, the Court **HEREBY ORDERS** the Order Prohibiting
22 Dissemination of Case Material shall be struck and vacated.
23
24

25 Although the Court must find that the Order fails and cannot be
26 enforced as written, nonetheless, this Court must always have the best
27 interests of children in mind in all decision-making, and as such is
28

1
2 compelled to find that, after the Court made it clear what the concerns
3 were, the Court does not find it was appropriate to continue to post the
4 hearing video on the internet where the parties' minor children would
5 have easy access to emotionally and mentally disturbing material,
6 without attempting to reach an intended audience in a more responsible
7 way. Notwithstanding, there is nothing this Court can do in this case to
8 enforce this viewpoint.
9
10

11 **4. Disqualification of the Court**

12 Since the Court finds that the Order Prohibiting Dissemination of
13 Case Material is overbroad and Orders that it be struck and vacated, it
14 need not rule on Sanson's request that should this court grant Plaintiff's
15 Motion for an Order to Show Cause, that the Court disqualify itself under
16 Nevada Code of Judicial Conduct, Rule 2.11 because Sanson argued that
17 he can reasonably infer that this Court is seeking to stifle criticism and
18 thus, the Court's impartiality may be questioned.
19
20
21

22 The Court would note that there is a great deal of case law under
23 which his argument fails and Sanson fails to cite any rule of law in his
24 support. Following his reasoning, if Sanson criticizes any or every
25 Judge, each and every Judge who he criticized must recuse from hearing
26 any case where Sanson involves himself. What then becomes of the
27
28

1 independence of the judiciary? Independent, except for Sanson?

2
3 Independent, except for this or that reporter, or newspaper, or news
4 station?

5
6 **D. ORDER TO SHOW CAUSE**

7 **The Court FINDS and Orders that without a valid Order**
8 **Prohibiting Dissemination of Case Material, that Plaintiff's Order to**
9 **Show Cause cannot stand.**
10

11 Although the Order to Seal Records (1) excludes any pleadings,
12 findings, orders and judgments per NRS 125.110 requirements and under
13 subsection (2) this includes the video as the "official transcript" in family
14 court; this however, is not a fact that is widely known. The Court does not
15 believe anyone working outside of the area of family court (or some inside
16 for that matter) would be aware that the video is the official transcript of the
17 hearing. Thus, the statute reads as if it is limited to documents only and does
18 not give proper notice to anyone as to the prohibitory use of a hearing video
19 as a hearing transcript.
20

21
22
23 Additionally, at this juncture, the Plaintiff's Motion for an Order to
24 Show Cause is unquestionably vague as to *how the parties were or even*
25 *Plaintiff* (real party/parties in interest in this case) was harmed by the posting
26
27
28

1
2 of the information on-line. Accordingly, the Court CANNOT FIND that
3 either Schneider or Sanson violated the Order to Seal Records.

4 The Court further FINDS that Plaintiff's Motions appear to be more
5 about bolstering Abrams' civil action against Schneider and Sanson,
6 especially since neither party has alleged specific harm. Proper venue to
7 hear this matter appears to be Abrams' civil action against Schneider and
8 Sanson, or the State Bar of Nevada, if appropriate.
9

10
11 Furthermore, it seems illogical that Plaintiff is seeking an order to
12 compel Defendant to personally appear in this matter when his Motion for
13 an Order to Show Cause is predominantly regarding allegations against
14 Sanson. Plaintiff stated that both he and Defendant were mortified that case
15 materials were being posted on-line. Plaintiff stated that he attempted to
16 resolve the matter, but Sanson refused to remove the case
17 materials. Schneider's alleged role in the matter was not made clear to the
18 Court. In his Motion for an Order to Show Cause, Plaintiff made no claims
19 against Defendant. The Court declines to Order Defendant to personally
20 appear.
21

22
23
24 **E. ATTORNEY'S FEES**

25
26 Furthermore, the Court ORDERS that all parties to bear their own
27 fees and costs in this matter.
28

1
2 The Court Orders that the Clerk shall remove the hearings from the
3 Court's calendar set for March 21, 2017 at 10:00 a.m. and March 30, 2017 at
4 9:00 a.m. and the case shall be CLOSED with the Notice of Entry of this
5 Order, which shall be prepared by Department L. The Order and Notice of
6 Entry of Order may be emailed and faxed to both counsel for the parties and
7 counsel for Mr. Sanson, who shall be advised there shall be no appearances.
8 Department L shall additionally mail the Order and Notice of Entry of Order
9 to all counsel.
10
11

12 Dated this 21st day of March, 2017.

13
14
15 
16 JENNIFER L. ELLIOTT
17 DISTRICT COURT JUDGE
18 FAMILY DIVISION, DEPT. L
19
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EXHIBIT 6


CLERK OF THE COURT

CAL J. POTTER, III, ESQ.
Nevada Bar No. 1988
C.J. POTTER, IV, ESQ.
Nevada Bar No. 13225
POTTER LAW OFFICES
1125 Shadow Lane
Las Vegas, Nevada 89102
Ph: (702) 385-1954
Fax: (702) 385-9081
Attorneys for Schneider Defendants

DISTRICT COURT
CLARK COUNTY, NEVADA

JENNIFER V. ABRAMS and,
THE ABRAMS and MAYO
LAW FIRM,

Plaintiff,
v.

LOUIS SCHNEIDER; LAW OFFICES
OF LOUIS SCHNEIDER, LLC; STEVE
W. SANSON; HEIDI J. HANUSA;
CHRISTINA ORTIZ; JOHNNY
SPICER; DON WOOLBRIGHT;
VETERANS IN POLITICS
INTERNATIONAL, INC.; SANSON
CORPORATION; KAREN STEELMON;
AND DOES I THROUGH X;

Defendants

Case No.: A-17-749318-C

Dept. No.: I

**DEFENDANT LOUIS SCHNEIDER'S
AND LAW OFFICES OF LOUIS
SCHNEIDER'S MOTION TO
DISMISS PLAINTIFFS'
COMPLAINT PURSUANT TO
NRCP 12(b)(5)**

COMES NOW, the Defendant, LOUIS SCHNEIDER, the Law Offices of Louis C.
Schneider by and through their attorneys, CAL J. POTTER, III, ESQ. and C. J. POTTER, IV,
ESQ. of POTTER LAW OFFICES, and moves this Honorable Court pursuant to NCRP
12(b)(5) to dismiss the complaint for Damages.

...

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...

1 This Motion is made and based upon the pleadings and papers on file herein, as well as
2 the Points and Authorities attached hereto, and the arguments of Counsel at the time of the
3 hearing of this motion.

4 DATED this 30th day of January, 2017

5 POTTER LAW OFFICES

6 By /s/ Cal J. Potter, III, Esq.
7 CAL J. POTTER, III, ESQ.
8 Nevada Bar No. 1988
9 C. J. POTTER, IV, ESQ.
10 Nevada Bar No. 13225
11 1125 Shadow Lane
12 Las Vegas, NV 89102
13 *Attorneys for Schneider Defendants*

11 **NOTICE OF MOTION**

12 TO: Jennifer V. Abrams; and The Abrams and Mayo Law Firm; and,

13 TO: Marshall Willick, Esq., their attorney;

14 YOU AND EACH OF YOU, will please take notice that the undersigned will bring the
15 foregoing Motion for hearing before the above-entitled Court on the 8th day of March,
16 2017, at the hour of 9:30am, or as soon thereafter as counsel can be heard, in Department
17 I of the Eighth Judicial District Court, 200 Lewis Avenue, Las Vegas, Nevada 89101.

18 DATED this 30th day of January, 2017

19 POTTER LAW OFFICES

20 By /s/ Cal J. Potter, III, Esq.
21 CAL J. POTTER, III, ESQ.
22 Nevada Bar No. 1988
23 C. J. POTTER, IV, ESQ.
24 Nevada Bar No. 13225
25 1125 Shadow Lane
26 Las Vegas, NV 89102
27 *Attorneys for Schneider Defendants*
28

1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **I.**

3 **INTRODUCTION**

4 Plaintiffs' Complaint for damages is filed in retaliation of Mr. Schneider's efforts to
5 sanction Attorney Brandon Leavitt's *ex parte* communications with Mr. Schneider's client in a
6 divorce proceeding where Mr. Schneider specifically declined to give Mr. Leavitt permission to
7 talk with his client on the eve of a divorce trial. Nonetheless, Brandon Leavitt met with the
8 represented party for approximately four hours concerning the subject of representation.

9 **II.**

10 **STATEMENT OF THE CASE**

11 Jennifer Abrams, Esq, is a duly licensed attorney in the State, who claims to practice
12 exclusively in the field of Domestic Relations, yet has e-filed a tort action in the State District
13 Court of Clark County, Nevada. The complaint for damages asserts claims for reliefs as
14 follows.: 1. Defamation; 2. IIED; 3. NIED; 4. False Light; 5. Business Disparagement; 6.
15 Harassment; 7. Concert of Action; 8. Civil Conspiracy; 9. Rico Violations; 10. Injunctive
16 Relief.

17 Dismissal of Plaintiffs' claims is appropriate because Plaintiffs' Complaint lacks factual
18 specificity concerning the moving Defendants. Rather the Complaint merely contains legal
19 conclusions and threadbare recitals of the elements of the causes of action.

20 Specifically, the entirety of the *factual* allegations against the moving Defendants
21 consist of the following:

22 "Defendants Louis C. Schneider and Law Offices of Louis C. Schneider, LLC represent
23 Tina Sailer hereinafter in the "D" Case." (Plaintiff's Complaint, ¶ 22).

24 "On September 15, 2016, Schneider sent the following email to Brandon Leavitt, Esq.
25 at The Abrams & Mayo Law Firm, which states in relevant part:

26 I've had about all I can take.
27 Withdraw your Motion and I'll withdraw from the case.
28 Be advised Tina has asked me not to leave the case.
I was getting ready to withdraw my motion to withdraw.
If your firm does not withdraw that motion, I will oppose it and

1 take additional action beyond the opposition.” (Plaintiff’s
2 Complaint, ¶ 24).

3 “The day after the September 29, 2016 hearing, on September 30, 2016 8:02 am,
4 Schneider sent an email to Kim Gurule at Video Transcription Services stating, in relevant part:

5 Can you please upload the video from yesterday's hearing?
6 Thank you.
7 :)” (Plaintiff’s Complaint, ¶ 30).

8 “Upon information and belief, Schneider provided a copy of the September 29, 2016
9 "closed hearing" to Defendants Steve W. Sanson and Veterans In Politics International, Inc.
10 (Plaintiff’s Complaint, ¶ 31).

11 “During a break at another court hearing in the "D" case on October 5, 2016
12 (immediately after the dissemination of the "Attack" article via email), Defendant Schneider
13 said to Brandon K. Leavitt, Esq., of The Abrams & Mayo Law Firm, that a withdrawal of the
14 Motion for Sanctions and Attorney Fees would "make this all go away," or words to that
15 effect.” (Plaintiff’s Complaint, ¶ 38).

16 Plaintiffs Complaint contains no other *facts* concerning the moving Schneider
17 Defendants.

18 **III.**

19 **ARGUMENT**

20 **A. STANDARD OF REVIEW**

21 Pursuant to NRCP 12(b)(5), all or part of a pleading may be dismissed for failure to
22 state a claim upon which relief can be granted. Bemus v. Estate of Bemus, 114 Nev. 1021, 967
23 P.2d 437 1998). When deciding a motion to dismiss under NRCP 12(b)(5), a court must treat
24 all factual allegations as true and draw all reasonable inferences in favor of the nonmoving
25 party. Buzz Stew LLC v. City of North Las Vegas, 124 Nev. 224, 181 P.3d 670, 672 (Nev.
26 2008). Nevertheless, a claim should be dismissed "if it appears beyond a doubt that [plaintiff]
27 could prove no set of facts, which if true, would entitle [plaintiff] to relief." Id. It is axiomatic
28 that an allegation consisting of conclusory verbiage, i.e., merely naming a legal element of a
claim, is insufficient to survive a motion to dismiss. Buzz Stew, 181 P.3d at 672; *accord* Bell

1 Atlantic Corp. v. Twombly, 550 U.S. 544, 561-562, 127 S.Ct. 1955, 1968-1969 (2007).

2 In 2007 and again in 2009 the United States Supreme Court issued two formative
3 decisions that instructed and clarified pleading standards and requirements: Bell Atlantic Corp.
4 v. Twombly, 550 U.S. 544 (2007) and Ashcroft v. Iqbal, 556 U.S. 662 (2009). Twombly was
5 notable for several holdings including the termination of the “no set of facts” language set forth
6 in Conley v. Gibson, 355 U.S. 41 (1957) that proscribed a dismissal for failure to state a claim
7 unless it appeared that “no set of facts” could be set forth to support the claim. Conley, 355
8 U.S. at 45–46.

9 Iqbal meanwhile proscribed such phrasing as “the-defendant-unlawfully-harmed-me
10 accusation.” Iqbal, 556 U.S. at 678. This comment is significant for purposes of this Motion
11 because such conclusory accusations are precisely what the Plaintiffs in this action have alleged
12 against the moving Defendant.

13 “To survive a motion to dismiss, a complaint must contain sufficient factual matter,
14 accepted as true, to ‘state a claim to relief that is plausible on its face.’ A claim only has facial
15 plausibility when the plaintiff pleads factual content that allows the court to draw the
16 reasonable inference that the defendant is liable for the misconduct alleged.” Iqbal, 556 U.S.
17 662, 678 (2009). The Court further explained in Twombly and Iqbal that conclusory statements
18 that merely recite the elements of a claim are insufficient for the purpose of a rule 12 motion.
19 Iqbal, 556 U.S. at 678 (“Threadbare recitals of the elements of a cause of action, supported by
20 mere conclusory statements, do not suffice.”); Twombly, 550 U.S. at 555 (“a plaintiff’s
21 obligation to provide the ‘grounds’ of his ‘entitle[ment] to relief’ requires more than labels and
22 conclusions, and a formulaic recitation of the elements of a cause of action will not do . . .”).

23 **B. PLAINTIFFS’ CIVIL RICO CLAIMS MUST BE DISMISSED BECAUSE THEY LACK FACTUAL**
24 **SPECIFICITY**

25 The Nevada Supreme Court determined that civil racketeering claims must be pled
26 with specificity. Hale v. Burkhardt, 104 Nev. 632, 637-38, 764 P.2d 866, 869-70 (1988). The
27 specificity required is that called for in a criminal indictment or information. Id. at 638, 764
28 P.2d at 869. “A civil RICO pleading must, in that portion of the pleading which describes the

1 criminal acts that the defendant is charged to have committed, contain a sufficiently 'plain,
2 concise and definite' statement of the essential facts such that it would provide a person of
3 ordinary understanding with notice of the charges." Id. at 638, 764 P.2d at 869-70. This means
4 the complaint should provide information as to "when, where [and] how" the underlying
5 criminal acts occurred. Id. at 637, 764 P.2d at 869.

6 The elements of a civil RICO claim are: 1. Defendant violated a predicate racketeering
7 act; 2. Plaintiff suffered injury in his business or property by reason of defendant's violation of
8 the predicate racketeering act; 3. Defendant's violation proximately caused plaintiff's injury; 4.
9 Plaintiff did not participate in the racketeering violation; 5. Therefore, under NRS 207.470,
10 plaintiff is entitled to damages from defendant for three times actual damages sustained. NRS
11 207.470, NRS 207.400; Allum v. Valley Bank of Nevada, 109 Nev. 280, 849 P.2d 297 (1993).

12 In this case, the entirety of Plaintiffs' allegations concerning the alleged civil RICO lack
13 factual specificity and are merely comprised of legal conclusions and rote recitation of
14 elements. (*See*, Plaintiffs' Complaint pp. 28-34). For example, Plaintiffs allege: "Defendants
15 used threats, intimidation, and deception with the intent to cause or induce Plaintiff and
16 Plaintiff's client to withhold testimony against Schneider in the "D" case." (Plaintiff's
17 Complaint at ¶ 25). Such conclusory language exemplifies the remainder of Plaintiffs RICO
18 claims, such as a seriatim list of alleged crimes, devoid of any facts, that Defendants allegedly
19 committed. These allegations fail to set forth the "when, where and how" the underlying
20 criminal acts occurred. Moreover, the allegations are exactly the type of
21 "the-defendant-unlawfully-harmed-me" allegation proscribed by *Twombly* and *Iqbal*.
22 Accordingly, the Plaintiffs' Complaint fails to set forth factual specificity that the Nevada
23 Supreme Court requires for a Civil RICO claim. Therefore, Plaintiffs' civil Rico claims should
24 be dismissed.

25 ...

26 ...

27 ...

28 ...

1 **C. REPUBLICATION OF, AND REPORTING CONCERNING, A JUDICIAL PROCEEDING**
2 **CANNOT CONSTITUTE DEFAMATION AS A MATTER OF LAW (A CLOSED HEARING IS**
3 **NOT A SEALED HEARING)**

4 In Nevada, the elements of a cause of action for defamation are: 1. Defendant made a
5 false and defamatory statement concerning plaintiff; 2. An unprivileged publication of this
6 statement was made to a third person; 3. Defendant was at least negligent in making the
7 statement; and 4. Plaintiff sustained actual or presumed damages as a result of the statement.
8 Pegasus v. Reno Newspapers, Inc., 118 Nev. 706, 57 P.3d 82 (2002).

9 Communications uttered or published in the course of judicial proceedings are
10 absolutely privileged. Fink v. Oshins, 118 Nev. 428, 49 P.3d 640 (2002). This privilege
11 precludes liability even where the defamatory statements are published with knowledge of their
12 falsity and personal ill will toward the plaintiff. Id. The defamatory communication need not be
13 strictly relevant to any issue involved in the proposed or pending litigation, it only need be in
14 some way pertinent to the subject of controversy. Id. Further, the privilege applies not only to
15 communications made during actual judicial proceedings, but also to communications
16 preliminary to a proposed judicial proceeding. Id. Courts should apply the absolute privilege
17 liberally, resolving any doubt in favor of its relevancy or pertinency. Id.

18 Additionally, republication of a judicial proceeding constitutes an absolute privilege
19 even when the statements are false or malicious and are republished with the intent to harm
20 another. Sahara Gaming Corp. v. Culinary Workers Union Local 226, 115 Nev. 212, 984 P.2d
21 164(1999). Reporting of judicial proceedings is privileged and nonactionable. Lubin v. Kunin,
22 117 Nev. 107, 17 P.3d 422 (2001).

23 The policy underlying the absolute privilege accorded to communications uttered or
24 published in the course of judicial proceedings is that, in certain situations, the public interest
25 in having people speak freely outweighs the risk that individuals will occasionally abuse the
26 privilege by making false and malicious statements. Circus Circus Hotel, Inc. v. Witherspoon,
27 99 Nev. 56, 657 P.2d 101 (1983).

28 For example, a trust attorney's allegedly defamatory statement to a family trustee that an

1 independent trustee was concealing trust assets was covered by absolute privilege applicable to
2 judicial proceedings. Fink, 118 Nev. 428 (2002).

3 Finally, defamation is a publication of a false statement of fact. Statements of opinion
4 cannot be defamatory because there is no such thing as a false idea. However pernicious an
5 opinion may seem, we depend for its correction not on the conscience of judges and juries but
6 on the competition of other ideas. The Court has held that statements of opinion as opposed to
7 statements of fact are not actionable. Pegasus v. Reno Newspapers, Inc., 118 Nev. 706, 57 P.3d
8 82 (2002).

9 In this case, the only factual statements attributed to the moving Defendants are
10 privileged communications related to judicial proceedings. Specifically, the September 15,
11 2016, email to Brandon Leavitt, Esq, the September 30, 2016, email to Kim Gurule at Video
12 Transcription Services; and the October 5, 2016, statement made to Brandon Leavitt, each are
13 privileged statements because each alleged statement is pertinent to the subject of controversy,
14 and made during the course of a pending judicial action. Moreover, providing a video of a
15 judicial proceeding cannot constitute Defamation because republication of a judicial
16 proceeding likewise enjoys an absolute privilege. Consequently, this Court should apply the
17 absolute privilege liberally, resolving any doubt in favor of its relevancy or pertinency and
18 dismiss Plaintiffs' Defamation claims with prejudice.

19 **D. PLAINTIFFS FAIL TO ALLEGE A PLAUSIBLE CLAIM FOR IIED**

20 The elements of a cause of action for Intentional Infliction of Emotional Distress
21 ("IIED") are: 1. Defendant's conduct was extreme or outrageous with either the intention of, or
22 reckless disregard for causing emotional distress to plaintiff; and 2. Plaintiff suffered severe or
23 extreme emotional distress as the actual or proximate result of defendant's conduct. Dillard
24 Dep't Stores, Inc. v. Beckwith, 115 Nev. 372, 989 P.2d 882 (1999).

25 Extreme and outrageous conduct is that which is outside all possible bounds of decency
26 and is regarded as utterly intolerable in a civilized community; persons must necessarily be
27 expected and required to be hardened to occasional acts that are definitely inconsiderate and
28 unkind. Maduike v. Agency Rent-A-Car, 114 Nev. 1, 953 P.2d 24 (1998).

1 A Plaintiff's deposition testimony that he was depressed for some time was not enough
2 to show severe or extreme emotional distress; plaintiff failed to seek any medical or psychiatric
3 assistance for the depression and presented no objectively verifiable indicia of the severity of
4 his emotional distress. Miller v. Jones, 114 Nev. 1291, 970 P.2d 571 (1998).

5 In this case, Plaintiffs Complaint fails to set forth any facts which tend to demonstrate
6 the Plaintiffs suffered emotional distress. Rather the Complaint merely contains a rote
7 recitation of the elements of the claim devoid of any facts. These threadbare recitals of
8 elements do not enjoy a presumption of truth and are insufficient to demonstrate a plausible
9 cause of action. Likewise, the Complaint does not set forth any fact demonstrating that the
10 moving Defendants alleged acts of sending a few emails transcends all possible bounds of
11 decency or is regarded as utterly intolerable in a civilized community. Consequently, Plaintiffs
12 Complaint should be dismissed because it fails to set forth facts which tend to demonstrate
13 plausible claims for relief.

14 **E. PLAINTIFFS FAIL TO ALLEGE A PLAUSIBLE CLAIM FOR NIED**

15 The elements of a cause of action for Negligent Infliction of Emotional Distress
16 ("NIED") are: 1. Defendant owed a duty of care to Plaintiff; 2. Defendant breached that duty; 3.
17 the breach was the legal cause of plaintiff's injuries; and, 4. Plaintiff suffered serious emotional
18 distress. Olivero v. Lowe, 116 Nev. 395, 995 P.2d 1023 (2000).

19 Like Plaintiffs' IIED claim, the NIED claim fails to which tend to demonstrate the
20 Plaintiffs suffered emotional distress. Furthermore, the claim does not even set forth any duty
21 owed by the Defendant or any alleged breach. The entire cause of action merely contains three
22 paragraphs, one of which incorporates the rest of the Complaints conclusory allegations by
23 reference, one that alleged damages "in excess of \$15,000" and the third a vague statement
24 devoid of any facts that alleges: "[t]o whatever extent the infliction of emotional distress
25 asserted in the preceding cause of action was not deliberate, it was a result of the reckless and
26 wanton actions of the Defendants, either individually, or in concert with others." On its face,
27 the allegations contains no particularized facts whatsoever and fails to state a plausible claim

28 . . .

1 for relief, let alone the elements of the cause of action. Accordingly, Plaintiffs' claim should be
2 dismissed.

3 **F. PLAINTIFFS FAIL TO ALLEGE A PLAUSIBLE CLAIM FOR FALSE LIGHT**

4 The elements of a cause of action for False Light are: 1. Defendant gave publicity to a
5 matter concerning plaintiff that placed plaintiff before the public in a false light; 2. The false
6 light under which plaintiff was placed would be highly offensive to a reasonable person; and 3.
7 Defendant had knowledge of or acted in reckless disregard as to the falsity of the publicized
8 matter and the false light in which plaintiff was placed. PETA v. Bobby Berosini, Ltd., 111
9 Nev. 615, 895 P.2d 1269 (1995).

10 Once again Plaintiff's claim fails to set forth any fact that enjoys the assumption of truth
11 hat the pleading stage. Plaintiffs' threadbare legal conclusion and not sufficient to state a claim
12 for relief and Plaintiffs' claim should be dismissed.

13 **G. PLAINTIFFS FAIL TO ALLEGE A PLAUSIBLE CLAIM FOR BUSINESS DISPARAGEMENT**

14 To succeed in a claim for business disparagement, the plaintiff must prove: (1) a false
15 and disparaging statement, (2) the unprivileged publication by the defendant, (3) malice, and
16 (4) special damages. *Id.* Clark County Sch. Dist. v. Virtual Educ. Software, Inc., 125 Nev. 374,
17 386 (Nev. 2009). Nev.R.Civ.P 9(g) requires that special damages be plead with specificity.

18 Here, Plaintiffs fail to plead the alleged special damages with specificity. On the
19 contrary, Plaintiffs merely state that they "demand judgment against named Defendants for
20 actual, special,
21 compensatory, and punitive damages in an amount deemed at the time of trial to be just, fair,
22 and appropriate in an amount in excess of \$15,000." On its fact the statement lacks specificity.
23 Likewise, there are no facts, whatsoever, demonstrating that the moving Defendants acted with
24 malice. Consequently, Plaintiffs' claim should be dismissed.

25 **H. PLAINTIFFS FAIL TO ALLEGE A PLAUSIBLE CLAIM FOR CONCERT OF ACTION**

26 The elements of a cause of action for Concert of Actions are: 1. Defendant acted with
27 another, or Defendants acted together, to commit a tort while acting in concert or pursuant to a
28 common design. Dow Chemical Co. v. Mahlum, 114 Nev. 1468, 970 P.2d 98 (1998). An

1 agreement alone is not sufficient, however, because it is essential that the conduct of each
2 tortfeasor be in itself tortious. Id.

3 In order to be jointly and severally liable under NRS 41.141(5)(d)'s concert of action
4 exception, the defendants must have agreed to engage in conduct that is inherently dangerous
5 or poses a substantial risk of harm to others. Thus, this requirement is met when the defendants
6 agree to engage in an inherently dangerous activity, with a known risk of harm, that could lead
7 to the commission of a tort. Mere joint negligence, or an agreement to act jointly, does not
8 suffice; such a construction of NRS 41.141(5)(d) would render meaningless the general rule of
9 several liability. GES, Inc. v. Corbitt, 117 Nev. 265, 21 P.3d 11 (2001).

10 As analyzed above, the moving Defendants' alleged statements enjoy an absolute
11 privilege. Therefore, the moving Defendants alleged conduct is not tortious as a matter of law.
12 Furthermore, there are no alleged facts which tend to demonstrate the Defendants engaged in
13 any activity which is inherently dangerous or poses a substantial risk of harm to others.
14 Consequently, this Court should dismiss Plaintiffs' conclusory claims.

15 **I. PLAINTIFFS FAIL TO ALLEGE A PLAUSIBLE CLAIM FOR CIVIL CONSPIRACY**

16 The elements of a cause of action for Civil Conspiracy are: 1. Defendants, by acting in
17 concert, intended to accomplish an unlawful objective for the purpose of harming plaintiff; and
18 2. Plaintiff sustained damage resulting from defendants' act or acts. Consol. Generator-Nevada,
19 Inc. v. Cummins Engine Co., 114 Nev. 1304, 971 P.2d 1251 (1999).

20 A claim for civil conspiracy should identify a combination between two or more
21 persons and should name the alleged parties to the conspiracy. In addition, the claim should
22 identify the required "unlawful objective." Morris v. Bank of Am. Nevada, 110 Nev, 1274, 886
23 P.2d 454 (1994).

24 As analyzed above, Plaintiffs' Complaint fails to set forth the "when, where and how"
25 of any alleged conspiracy. Likewise, the Complaint fails to set forth facts illustrating any
26 unlawful objective. Rather the Plaintiffs complain of vague
27 "the-defendant-unlawfully-harmed-me" allegations that fail to state a plausible claim for relief.
28 Accordingly, this Court should dismiss Plaintiffs' claim.

1 **J. HARASSMENT AND INJUNCTIVE RELIEF ARE NOT CAUSES OF ACTION AND SHOULD BE**
2 **DISMISSED**

3 Harassment is not a cause of action. Similarly, an injunction is an equitable remedy, not
4 a cause of action. Lippis v. Peters, 112 Nev. 1008, 1009 (Nev. 1996). Accordingly, the Court
5 should dismiss these two claims that do not constitute causes of action.

6 **IV.**
7 **CONCLUSION**

8 The Schneider Defendants respectfully request that this Court dismiss Plaintiffs claims
9 which are merely supported by a series of conclusory and implausible allegations that
10 do not put the moving Defendants on notice of specific instances of misconduct.

11 In addition, the Schneider Defendants reserve the right to file a pleading pursuant to an
12 anti-SLAPP suit pursuant to NRS 41.660.

13 DATED this 30th day of January, 2017

14 POTTER LAW OFFICES

15 By /s/ Cal J. Potter, III, Esq.
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22 *Attorneys for Schneider Defendants*
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that pursuant to EDCR 8.05, Administrative Order 14-2, and NEFCR 9 on the 30th day of January, 2017, I did serve at Las Vegas, Nevada a true and correct copy of **THE SCHNEIDER DEFENDANTS' MOTION TO DISMISS** on all parties to this action by:

- ☐ Facsimile
- ☐ U.S. Mail
- ☐ Hand Delivery
- ☒ Electronic Filing

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EXHIBIT 7


CLERK OF THE COURT

1 **MTD**

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7 *Veterans in Politics International, Inc.*

8 **EIGHTH JUDICIAL DISTRICT COURT**

9 **CLARK COUNTY, NEVADA**

10 JENNIFER V. ABRAMS and THE
11 ABRAMS & MAYO LAW FIRM,

12 Plaintiff,

13 vs.

14 LOUIS C. SCHNEIDER; LAW OFFICES
15 OF LOUIS C. SCHNEIDER, LLC; STEVE
16 W. SANSON; HEIDI J. HANUSA;
17 CHRISTINA ORTIZ; JOHNNY SPICER;
18 DON WOOLBRIGHT; VETERANS IN
POLITICS INTERNATIONAL, INC.;
SANSON CORPORATION; KAREN
STEELMON; and DOES I THROUGH X,

19 Defendants.
20

Case No.: A-17-749318-C

Dept. No.: I

**NOTICE OF MOTION TO
DISMISS; MEMORANDUM OF
POINTS AND AUTHORITIES IN
SUPPORT THEREOF**

21 Defendants Steve W. Sanson (“Sanson”) and Veterans in Politics International, Inc.
22 (“VIPI”) (collectively, the “VIPI Defendants”), by and through their counsel Margaret A.
23 McLetchie and Alina M. Shell of the law firm McLetchie Shell LLC, hereby moves to
24 dismiss Plaintiffs’ complaint pursuant to NRCP 12(b)(5). This motion is based on the
25 following Memorandum of Points and Authorities, the papers and pleadings already on file
26 herein, and any oral argument the Court may permit at the hearing of this Motion.

27 ///

28 ///

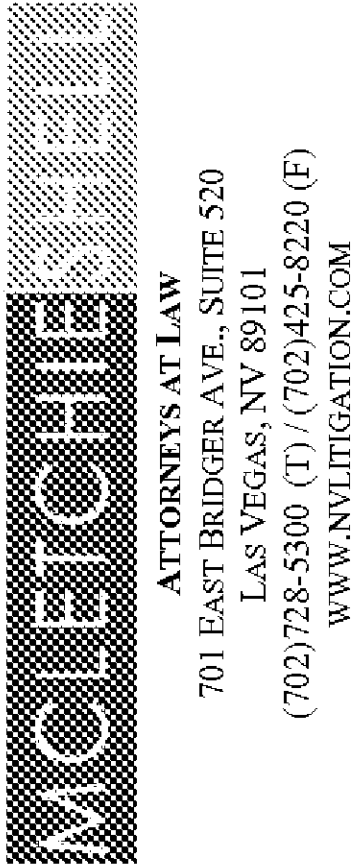
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DATED this 16th day of February, 2017.

/s/ Margaret A. McLetchie
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NOTICE OF HEARING

TO: ALL INTERESTED PARTIES.

YOU WILL TAKE NOTICE that the undersigned will bring on for hearing the above-noted MOTION TO DISMISS and to be heard the 22 day of March 2017, at the hour of 9:30 a.m./~~p.m.~~, in the above-entitled Court or as soon thereafter as counsel may be heard.

DATED this 16th day of February, 2017.

/s/ Margaret A. McLetchie
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NRCP 9(g) 32

MEMORANDUM OF POINTS AND AUTHORITIES

I. INTRODUCTION AND PROCEDURAL HISTORY

Plaintiff Abrams is a family law lawyer; her co-plaintiff is her firm. On January 9, 2017, on her own behalf and on behalf of her law firm,¹ Plaintiffs filed an everything-but-the-kitchen-sink complaint against multiple parties, including Mr. Sanson and VIPI. VIPI explains its mission in part as follows:

**We continue to fight for the freedom [of] our country, to uphold our
vow to protect and defend our Country and our United States
Constitution, beyond our military service.**

(See attached Exhibit (“Exh.”) A.).² Steve Sanson is VIPI’s President. (Exh. B.)³

On January 27, Plaintiffs filed an amended complaint (the “First Amended Complaint” or “FAC”), adding copyright infringement as cause of action. (FAC, ¶¶ 141-147). Each “fact” and allegation contained in the FAC was verified by Ms. Abrams. (FAC, p. 40 (verifying the contents “except as to those matters ... stated on information and belief”).)

In addition to copyright infringement, Plaintiffs are pursuing causes of action for defamation, intentional infliction of emotional distress, negligent infliction of emotional distress, false light, business disparagement, harassment, concert of action, civil conspiracy, RICO violations, and a “claim for relief” for an injunction. (FAC, ¶¶ 83-140, 148-149.) Boiled down, the ten causes of action complain about a series of public statements and internet postings made by Mr. Sanson and VIPI regarding Plaintiffs’ conduct in Family

¹ Ms. Abrams’ apparent significant other and fellow family law lawyer, Marshal Willick, subsequently filed a notice of appearance and is serving as her co-counsel in this case. And Ms. Abrams has filed a separate but very similar lawsuit on behalf of Mr. Willick (Eighth Judicial District Court Case No. A-17-750171-C). Both Mr. Willick and Ms. Abrams are at least possible witnesses in both matters, which may be the subject of a subsequent motion.

² Also available at: <http://veteransinpolitics.org/goals-and-values/> (last checked 2/16/2017).

³ Also available at: <http://veteransinpolitics.org/officers/> (last checked 2/16/2017).

1 Court. For example, Plaintiffs complain that Mr. Sanson has called Ms. Abrams “seal happy”
2 for, in his view, improperly closing too many Family Court records and proceedings from
3 the public. Of course, while attorneys may think they should be immune from criticism, such
4 statements are not legally actionable. Each and every one of Plaintiffs’ causes of action is
5 predicated on the false belief that lawyers can use the legal system to silence their critics.
6 Each and every claim fails.⁴

7 As will be detailed in a subsequent Special Anti-SLAPP Motion to Dismiss, the
8 FAC is a transparent attempt to silence Mr. Sanson and VIPI. In addition to monetary
9 damages, which are flimsily alleged, Plaintiffs request broad injunctive relief: scrubbing
10 allegedly defamatory material from the internet, prospectively gagging Defendants from
11 voicing negative opinions of Plaintiffs, and forcing Defendants Sanson and Schneider to
12 author and disseminate retractions and apologies. (FAC, ¶ 149.) The First Amendment and
13 the free speech protections contained in the Nevada Constitution of course bar such relief.
14 Whether or not Plaintiffs like it, courtrooms belong to the people and, unless a hearing is
15 properly closed, the VIPI Defendants are free to attend, disseminate videos of courtrooms—
16 and even to criticize the lawyers who appear in our courts.

17 II. SUMMARY OF PLAINTIFFS’ ALLEGATIONS

18 Plaintiff Jennifer V. Abrams (“Abrams”) and Defendant Louis C. Schneider
19 (“Schneider”) represented their respective clients in a divorce action before the Honorable
20 Jennifer L. Elliot. (FAC, ¶¶ 21-22.) In that case Abrams and Schneider had various disputes,
21 which are the genesis of the events detailed in the FAC. (FAC, ¶¶ 23-26.) On September 29,
22 2016, Abrams, Schneider and Judge Elliot were involved in a contentious hearing in which
23 Judge Elliot initially accused Abrams and her client of unethical behavior—specifically,
24 misrepresenting financial information on her client’s Financial Disclosure Form. (FAC, ¶¶
25 27-29.)

26 ///

27
28 ⁴ Indeed, some might consider Plaintiffs over-zealous for pursuing this action. And, if that
were not a matter of opinion, such persons would be absolutely correct.

Plaintiffs allege that Schneider obtained a copy of the video of the September 29, 2016 hearing and provided it to the VIPI Defendants. (FAC, ¶¶ 30-31). Without detail, the FAC asserts the legal conclusion that “Defendants conspired to affect the outcome of the pending “D” Case by defaming, inflicting emotional distress upon, placing in a false light, disparaging the business of, and harassing Plaintiffs and inflicting emotional distress upon Judge Elliot, and threatening to continue doing so.” (FAC, ¶ 32.) Judge Elliot is not a plaintiff.⁵

The FAC then, *inter alia*,⁶ alleges that the sets of statements below were made by “Defendants.”⁷

“Attack Article”

On October 5, 2016, Defendants published an article on veteransinpolitics.org entitled “Nevada Attorney attacks a Clark County Family Court Judge in Open Court.” (See FAC, ¶¶ 33-36 and FAC Exh. 1.) The FAC alleges, in conclusory fashion, that this “Attack Article” defamed Plaintiffs “with a number of false and misleading statements.” (FAC, ¶ 36.) The FAC specifies the statements it considers defamatory, which include such things as the view that Ms. Abrams is unethical. (FAC, ¶ 36.)⁸

The FAC also complains that the “Attack Article” contained an embedded video recording of the September 29, 2016 hearing, posted in its entirety, but alleges that Defendants only discuss and highlight portions of the video that portray Plaintiffs in a negative light. (FAC, ¶ 37.)

⁵ Of course, Plaintiffs do not have standing to assert any claims on behalf of the Honorable Judge Elliot.

⁶ The FAC is rife with inappropriate statements, such as the allegation concerning Judge Elliot. These statements are the subject of a separate Motion to Strike.

⁷ As indicated below, Plaintiffs lump all ten defendants in together. (See § V(A) (“The FAC Fails to Specify Its Allegations, and Is Conclusory”).)

⁸ The details of the specific statements at issue are all set forth below (see § V (B) (“Plaintiffs’ Defamation Claim Must Be Dismissed”).)

The FAC alleges that Judge Elliot requested that the video be taken down (FAC, ¶ 39) and that Judge Elliot also told Defendants her views of the “D” Case. (FAC, ¶ 41.) Defendant Sanson did not take down the Attack Article or the video (FAC, ¶ 40, ¶ 42-43.) Without support, the FAC also salaciously states “**Upon information and belief**, a payment of money was made” to Defendants—including Does I through X.” (FAC, ¶ 44 (emphasis added).) FAC alleges that “Defendants were served with an Order Prohibiting Dissemination of Case Material entered by Judge Elliot” (FAC, ¶ 45); however the FAC fails to (and cannot, as a matter of law) assert that Judge Elliot had jurisdiction over Defendants, who were not parties in the “D” Case.

“*Bully Article*”

The FAC next alleges that, on October 9, 2016, Defendants published an article on veteransinpolitics.org entitled “District Court Judge Bullied by Family Attorney Jennifer Abrams.” (FAC, ¶¶ 46-49; FAC Exh. 2.) Plaintiffs assert that several opinions asserted in the Bully Article—e.g., that Ms. Abrams’ behavior is embarrassing—are “false and defamatory statements.” (FAC, ¶ 49.)⁹

“*Seal Happy Article*”

The FAC alleges that on November 6, 2016, Sanson published an article on veteransinpolitics.org entitled “Law Frowns on Nevada Attorney Jennifer Abrams’ ‘Seal-Happy’ Practices.” (FAC, ¶¶ 54-56; FAC, Exh. 3.) In this article, Sanson states his belief in the importance of public access to court proceedings. (FAC, Exh. 3.) Then, Sanson levies criticism at Abrams for attempting to seal the records in many of her cases, a practice that Sanson contends hinders public access to the courts. (*Id.*) Additionally, it contains an image of publicly-accessible “Family Case Records Search Results” for Abrams’ cases, as well as Sanson’s opinion about the legality of Judge Elliot’s order. The FAC alleges, in conclusory

⁹ Plaintiffs then go on to allege the content of an email Ms. Abrams sent to Defendants and Sanson’s email response. (FAC, ¶¶ 50-52.) While these are not relevant to any claims (defamation, for example, requires publication), as discussed below, the email sent by Ms. Abrams makes clear that she does not believe the public has a right to know about her behavior in court.

1 fashion, that the opinions contained in the Seal Happy article—such as that Ms. Abrams
2 “seals cases in contravention of ‘openness and transparency’”—are “false and defamatory”
3 (FAC, ¶ 56.)

4 *“Acting Badly Article”*

5 On November 6, 2016, Sanson published an article on veteransinpolitics.org
6 entitled “Lawyers acting badly in a Clark County Family Court.” (FAC, ¶¶ 57-60; FAC,
7 Exh. 4.) This article consists entirely of an embedded YouTube video of a courtroom
8 proceeding dated July 14, 2016.¹⁰ The Plaintiffs allege that Defendants made “false and
9 defamatory statements against Abrams,” but only list statements of opinion such as that
10 “Abrams’ behavior is ‘disrespectful and obstructionist.’” (FAC, ¶ 60.)

11 *“Deceives Article”*

12 Plaintiffs include irrelevant criticism made of the Honorable Judge Hughes (FAC,
13 ¶¶ 61-62; FAC, Ex. 5), and note that the article also linked to Defendants’ other articles and
14 made “false and defamatory statements directed at Abrams.” (FAC, ¶ 64.). However, the
15 FAC only points to two opinions—that Abrams “appears to be ‘seal happy’ when it comes
16 to trying to seal her cases” and that her “‘bad behaviors’ were ‘exposed’.” (*Id.*)

17 *December 21, 2016 YouTube Videos*

18 The FAC alleges that, on December 21, 2016, Defendants posted three videos to
19 YouTube purporting to be an “investigation” of Plaintiffs’ business. (FAC, ¶¶ 65-66; FAC,
20 Exh. 6.) Plaintiffs allege that Defendants obtained these videos from Yuliya Fohel FKA
21 Delaney, who defied a court order prohibiting publication of said videos either personally or
22 through a third party. (FAC, ¶¶ 67-68.) Plaintiffs also allege “upon information and belief”
23 that Yuliya Fohel FKA Delaney had been ordered not to distribute the videos. (FAC, ¶ 68.)
24 Plaintiffs do not allege that the videos defame them. Instead, they allege that the videos
25 “depict *David J. Schoen*, a Certified Paralegal employed at The Abrams & Mayo Law Firm
26

27 ¹⁰ Plaintiffs did not provide a copy of the video.
28

and include personal and private information.” (FAC, ¶ 69 (emphasis added).)¹¹ Plaintiffs fail to allege what actual “personal and private information” was included.

Schoen Conversation

On December 22, 2016, Mr. Sanson allegedly had a conversation with David J. Schoen. In this conversation, Mr. Sanson allegedly made several unflattering comments about Plaintiff Abrams, including that she is “in bed with Marshal Willick.” (FAC, ¶¶ 70-80.) Plaintiffs do not allege that anyone else was present for the conversation. Amusingly, while Plaintiffs include the statement “Ms. Abrams is in bed with Marshal Willick” among what they consider a “defamatory statements,” they concede that the relationship exists. (FAC, ¶ 80, fn. 7.) Further, Mr. Willick is now Plaintiff Abrams’ attorney (and her client in the Willick Case). Thus, both literally and figuratively speaking, this statement appears to be true. More globally, Plaintiffs do not allege any harm that arose from this conversation between Mr. Schoen and Mr. Sanson.¹²

“Negative Comments”

It is hard to discern from the First Amended Complaint what, if any, harm Plaintiffs have suffered by such non-actionable things as having Ms. Abrams’ sealing practices criticized or Mr. Sanson stating that Ms. Abrams is “in bed with” the person with whom she devised the litigation at hand and with whom she is in a relationship. Plaintiffs allege that “[t]he defamatory statements by Defendants have caused numerous negative comments to be directed against Plaintiffs.” (FAC, ¶ 82.) The FAC goes on to note that a commenter on the “Acting Badly” article stated that he or she hoped Ms. Abrams’ law partner would have a heart attack. (*Id.*, ¶ 82, fn. 8.) While that comment is indeed distasteful, it was not directed to Ms. Abrams or even her firm; it was directed to her law partner, who is not a plaintiff. Moreover, there is no cause of action that protects Ms. Abrams or her firm from people who say things about them or the people that they are close to, even if those things are not nice.

¹¹ Mr. Schoen is not a plaintiff and it should be apparent that Plaintiffs cannot pursue a false light claim on his behalf, if that is their intent.

¹² Thus, assuming Mr. Schoen is part of the firm, it is hard to understand what the publication was.

III. THE NATURE OF COURTROOM PROCEEDINGS

In order for Plaintiffs’ allegations to have any merit, one must accept the assumption that underlies the entire First Amended Complaint: that Plaintiffs have some expectation that they are free from criticism for their behavior in court. Indeed, Plaintiffs allege that Ms. Abrams wrote to Mr. Sanson stating:

The umbrella of “a journalist” does not apply [to Mr. Sanson reporting on her] as I am not running for public office and there are no ‘voters’ that have the right to know anything about about my private practice or my private clients.

(FAC, ¶ 50.) This assumption— hat the public has no right to know anything about Ms. Abrams’ cases that are conducted in our public courts (or her conduct in court)—is, of course, wrong. The courts are part of our government and are taxpayer funded. And in Nevada judges are elected by the people.

For these reasons and others, there is a legal presumption—one going all the way back to common law—that courtroom proceedings are open to the public. *See, also., Stephens Media v. Eighth Judicial District Court*, 125 Nev. 849 (2009). *See, e.g., Richmond Newspapers, Inc. v. Virginia*, 448 U.S. 555, 564–69, 580, n. 17 (1980); *Gannett Co., Inc. v. DePasquale*, 443 U.S. 368, 386, n. 15 (1979); and *Nixon v. Warner Communications, Inc.*, 435 U.S. 589, 597–98 (1978). This presumption and its underlying principles also limit the circumstances under which documents can be sealed.

The United States Supreme Court recognized the importance of public access to both criminal and civil courts in *Gannett Co., v. DePasquale*, 443 U.S. at 386, n. 15. As the Court explained, “[f]or many centuries, both civil and criminal trials have traditionally been open to the public. As early as 1685, Sir John Hawles commented that open proceedings were necessary so ‘that truth may be discovered in civil *as well as* criminal matters.’” *Id.* (citation omitted; emphasis in original). In fact, the Court recognized that the salutary effect of public access is often as important in civil cases as it is in criminal trials:

Indeed, many of the advantages of public criminal trials are equally applicable in the civil trial context. While the operation of the judicial process in civil cases is often of interest only to the parties in the litigation,

1 this is not always the case. *E.g.*, *Dred Scott v. Sandford*, 19 How. 393, 15
2 L.Ed. 691; *Plessy v. Ferguson*, 163 U.S. 537, 16 S.Ct. 1138, 41 L.Ed. 256;
3 *Brown v. Board of Education*, 347 U.S. 483, 74 S.Ct. 686, 98 L.Ed. 873;
4 *University of California Regents v. Bakke*, 438 U.S. 265, 98 S.Ct. 2733, 57
L.Ed.2d 750. Thus, in some civil cases the public interest in access... may
be as strong as, or stronger than, in most criminal cases.

5 *Id.*; see also *Richmond Newspapers*, 448 U.S. at 580 n.17 (holding that “historically both
6 civil and criminal trials have been presumptively open”); see also *id.* at 596 (noting that
7 “mistakes of fact in civil litigation may inflict costs upon others than the plaintiff and
8 defendant. Facilitation of the trial fact-finding process, therefore, is of concern to the public
9 as well as to the parties.”)

10 While of course some matters in family court merit sealing, these principles also
11 apply in family court. ¹³ Nevada law explicitly recognizes that even family court matters are,
12 at least in part, public. For example, the Nevada Revised Statute Chapter pertaining to
13 divorce provides that papers and pleadings on file must be open to the public. Nev. Rev. Stat.
14 § 125.110(2) allows that some matters may be sealed upon the request of a party; it provides
15 that the following “shall be open to public inspection in the clerk’s office:”

16 (a) In case the complaint is not answered by the defendant, the
17 summons, with the affidavit or proof of service; the complaint with
18 memorandum endorsed thereon that the default of the defendant in not
19 answering was entered, and the judgment; and in case where service is made
by publication, the affidavit for publication of summons and the order
directing the publication of summons.

20 (b) In all other cases, the pleadings, the finding of the court, any order
21 made on motion as provided in Nevada Rules of Civil Procedure, and the
judgment.

22 Nev. Rev. Stat. § 125.110(1). Thus, the VIPI Defendants also have a right—as a nonprofit
23 that monitors government and as an activist—to critique attorneys’ behavior in court and to
24 complain when, in their opinion, an attorney excessively seals documents, effectively hiding
25

26
27 ¹³ See also *Ehrlich v. Lucci*, 2006 WL 3431218, at *1 (S.D.N.Y. Nov. 28, 2006) (denying
28 motion to seal family court records in fees collection case where nothing in family court
record was “so sensitive, embarrassing or inflammatory as to overcome the public’s interest
in the openness of judicial proceedings”).

1 them from the public.

2 IV. APPLICABLE LEGAL STANDARD

3 This Court has authority to dismiss Plaintiffs' claims against Sanson and VIPI
4 pursuant to NRCP 12(b)(5), which provides that a complaint may be dismissed if the pleading
5 fails to state a claim on which relief may be granted. A motion based on NRCP 12(b)(5) must
6 be granted when the plaintiff would be entitled to no relief under the facts set forth in the
7 pleading. *See Morris v. Bank of Am. Nev.*, 110 Nev. 1274, 1276, 886 P.2d 454, 456 (1994)
8 (citing *Edgar v. Wagner*, 101 Nev. 226, 228, 699 P.2d 110, 112 (1985)). In reviewing the
9 pleadings, the court "is to determine whether... the challenged pleading sets forth allegations
10 sufficient to make out the elements of a right to relief." *Edgar*, 699 P.2d at 111. "The test for
11 determining whether the allegations of a complaint are sufficient to assert a claim for relief
12 is whether the allegations give fair notice of the nature and basis of a legally sufficient claim
13 and the relief requested." *Vacation Village, Inc. v. Hitachi Am., Ltd.*, 110 Nev. 481, 484, 874
14 P.2d 744, 746 (1994) (citing *Ravera v. City of Reno*, 100 Nev. 68, 70, 675 P.2d 407,408
15 (1984)).

16 In analyzing a motion to dismiss pursuant to NRCP 12(b)(5), the court "must
17 construe the pleading liberally and draw every fair intendment in favor of the [nonmoving
18 party]." *Vacation Village*, 874 P.2d at 746 (quoting *Squires v. Sierra Nev. Educ. Found., Inc.*,
19 107 Nev. 902, 905, 823 P.2d 256, 257 (Nev. 1991)) (internal quotations omitted). Although
20 "[the nonmoving parties] are entitled to all reasonable factual inferences that logically flow
21 from the particularized facts alleged, ... conclusory allegations are not considered as
22 expressly pleaded facts or factual inferences." *In re Amerco Derivative Litigation*, 127 Nev.
23 196, 232, 252 P.3d 681, 706 (2011). Plaintiffs are required to comply with their duty to "set
24 forth sufficient *facts* to demonstrate the necessary elements of a claim for relief so that the
25 defending party has adequate notice of the nature of the claim and relief sought." *Western*
26 *States Const. v. Michoff*, 108 Nev. 931, 936, 840 P. 2d 1220, 1223 (1992).

27 Plaintiffs have relied on *Ashcroft v. Iqbal*, 556 U.S. 662 (2009), to support the
28

sufficiency of their complaint. (See Plaintiff’s Opposition to Defendant Louis Schneider’s Motion to Dismiss Complaint and Countermotion for Attorney’s Fees (“Plaintiffs’ Schneider Opposition”) (filed February 14, 2017) at p. 4:26-p.5:18, and fn 7)¹⁴. There, the United States Supreme Court explained that the complaint must contain more than just conclusory accusations: “[t]o survive a motion to dismiss, a complaint must contain sufficient factual matter, accepted as true, to ‘state a claim to relief that is plausible on its face ... [a] claim only has facial plausibility when the plaintiff pleads factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged.’” *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009).

Pleadings that consist of “labels and conclusions,” a “formulaic recitation of the elements of a cause of action,” “naked assertions devoid of further factual enhancements,” or “[t]hreadbare recitals of the elements of a cause of action, supported by mere conclusory statements” will not suffice. *Id.* (internal citations and quotations omitted). The United States Supreme Court has also explained that allegations consisting merely of conclusory verbiage, such as naming the legal elements of a claim, is insufficient to survive a motion to dismiss. *Accord Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 561-562 (2007). Despite their reliance on *Iqbal*, Plaintiffs’ causes of action consistently fail meet the standards of pleading articulated in the *Twombly* and *Iqbal* line of cases.

Furthermore, it is of note that a heightened pleading standard applies to Plaintiffs’ RICO claim, as detailed below, Plaintiffs have not met that standard. (See (§ V(J) (“Plaintiffs’ RICO Claim Must Be Dismissed”).) Similarly, as also discussed below (see § V(F) (“Plaintiffs’ Business Disparagement Claim Fails”)), Plaintiffs have failed to meet the heightened requirement of pleading special damages.

It is true that Plaintiffs’ First Amended Complaint is voluminous. It contains 150 paragraphs and spans approximately 40 pages, exclusive of exhibits. However, the length of a complaint is not pertinent—again, the complaint must set forth the nature and bases of each claim and the relief requested. *Vacation Village*, 110 Nev. at 484, 874 P.2d at 746. Rather

¹⁴ Plaintiffs’ Schneider Opposition is missing page numbers.

than setting forth valid claims, Plaintiffs’ FAC is filled with conclusions and allegations that do not fit within any cause of action, as well as matters not pertinent to the Court.¹⁵

V. LEGAL ARGUMENT

A. The FAC Fails to Specify Its Allegations, and Is Conclusory.

As a preliminary matter, the FAC is pled in a clumsy and obtuse fashion. For example, each and every claim is brought by both plaintiffs, which improperly assumes that each plaintiff would have the same right to relief. The Plaintiffs each must show how they are independently entitled to relief, and must each specify the damages they are seeking. For example, as discussed below, while the claim is also inappropriate for Ms. Abrams, it is absolutely nonsensical to bring causes of action for intentional or negligent infliction of emotional distress on behalf of her *law firm*. (See FAC, ¶¶ 95, 97.) Similarly, the FAC largely ascribes the statements it contends is defamatory to all the defendants. (See, e.g., FAC, ¶ 65.)

As set forth above, Plaintiffs are required to comply with their duty to “set forth sufficient *facts* to demonstrate the necessary elements of a claim for relief” *Michoff*, 108 Nev. at 936, 840 P. 2d at 1223. Because it lumps both the plaintiffs and all the defendants together, it is unclear from the face of the FAC what facts Plaintiffs are specifically alleging and how each plaintiff contends it is entitled to the relief sought. Thus, Plaintiffs have failed to plead “factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged.” *Iqbal*, 556 U.S. at 678, 129 S.Ct. at 1949.

Further, significant portions of the FAC contain the following type of “allegations:”

- “The statements made by the Defendants place Jennifer Abrams and The Abrams & Mayo Law Firm in a false light and are highly offensive and inflammatory, and thus actionable.” (FAC, ¶ 101.)
- “As a result of Defendants’ extreme and outrageous conduct, Plaintiffs have suffered and will continue to suffer mental pain and anguish, and unjustifiable emotional harm.” (FAC, ¶ 95.)

These are exactly the “labels and conclusions” and [t]hreadbare recitals of the elements of a

¹⁵ These will be addressed in a separate Motion to Strike.

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IN THE SUPREME COURT OF NEVADA

VETERANS IN POLITICS)	SUP. CT. CASE #: 72778
INTERNATIONAL, INC.; AND STEVE)	
W. SANSON)	
	)	DIST. CT. CASE #:
Appellants,	)	A-17-750171-C (Dept. 18)
)	
vs.)	
)	
MARSHAL S. WILICK; AND)	
WILICK LAW GROUP,)	
)	
Respondents.)	
)	
)	
)	

APPELLANTS' APPENDIX

VOLUME VIII OF IX

Appeal from Eight Judicial District Court, Clark County

Senior Judge, Hon. Charles Thompson, Dept. 18

APPELLANTS' APPENDIX

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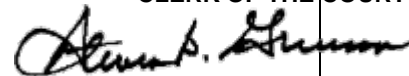
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1 **RTRAN**

2
3
4 DISTRICT COURT
5 CLARK COUNTY, NEVADA
6

7 MARSHAL WILLOCK,)
8)
9 Plaintiff,) CASE NO. A-17-750171-C
10 vs.) DEPT. XVIII
11 STEVE SANSON,)
12 Defendant.)
13)

14 BEFORE THE HONORABLE J. CHARLES THOMPSON, DISTRICT COURT JUDGE

15 **TUESDAY, MARCH 14, 2017**

16 **TRANSCRIPT OF PROCEEDINGS RE:**

17 **DEFENDANTS' ANTI-SLAPP SPECIAL MOTION TO DISMISS PURSUANT TO NRS**
18 **41.650 ET. SEQ.; AND COUNTERMOTION FOR ATTORNEY'S FEES AND COSTS**

19
20 **APPEARANCES:**

21 For the Plaintiff: JOSHUA P. GILMORE, ESQ.,
22 JENNIFER V. ABRAMS, ESQ.

23 For the Defendant: ANAT LEVY, ESQ.
24

25 RECORDED BY: JENNIFER P. GEROLD, COURT RECORDER

1 LAS VEGAS, NEVADA; TUESDAY, MARCH 14, 2017

2 [Proceeding commenced at 9:07 a.m.]

3
4 THE COURT: All right. Let's do this Willick case. That's
5 Marshal Willick versus Steve Sanson.

6 MS. LEVY: Good morning, Your Honor.

7 THE COURT: All right.

8 MR. GILMORE: Morning, Your Honor.

9 THE COURT: Counsel, if you'd give us your representations
10 please.

11 MS. LEVY: I'm Anat Levy of Anat Levy and Associates on behalf
12 of the moving parties. I'm here with my client, Steve Sanson,
13 Veterans In Politics.

14 MR. GILMORE: Good morning, Your Honor. Joshua Gilmore of
15 Bailey Kennedy on behalf of the Plaintiffs. We also have
16 Mr. Willick here today and Jennifer Abrams, co-counsel.

17 MS. ABRAMS: Good morning, Your Honor. Jennifer Abrams, bar
18 number 7575, on behalf of Mr. Willick.

19 THE COURT: All right. The Clerk this morning handed me a
20 copy of a motion to strike in response to Plaintiff's untimely
21 supplemental brief. And I had a chance to just briefly look at it.
22 Apparently addresses the affidavit of Marshal Willick filed
23 March 13th. I have never seen this affidavit of Marshal Willick
24 filed March 13th. That would be yesterday.
25

1 The law clerk placed on my desk all the motions for
2 today, including this matter and the moving papers on Friday of
3 last week. I had a chance to read them both over the weekend and
4 yesterday, but I have not seen Mr. Willick's motion, so that's kind
5 of moot as far as today's concerned.

6 Let's -- I'm not going to rule on this 'cause they
7 haven't had a chance to respond to it, so.

8 MS. LEVY: Well, it's their -- they filed an affidavit and --

9 THE COURT: Okay. I haven't seen the affidavit.
10

11 MS. LEVY: Right. But it's untimely anyway, and that's why I
12 filed this motion.

13 THE COURT: I haven't seen it. So I -- and they haven't
14 responded to the motion, so let's continue without it. If --
15 Ms. Levy, this is your motion under the anti-SLAPP statutes.

16 MS. LEVY: Yes. We filed the anti-SLAPP motion, Your Honor,
17 because under Nevada laws the --

18 THE COURT: You can be seated, sir. You don't have to stand
19 up.

20 MS. LEVY: The Defendant made comments online under his free
21 speech rights under the First Amendment. They concern public
22 matters. And the Plaintiff in this case made -- filed a lawsuit
23 for defamation and a host of other claims including RICO and
24 emotional distress and on and on to try to get that taken offline
25

1 to get those comments.

2 There are five comments at issue. The Plaintiffs say
3 that there's many more than those five because it's been
4 republished, but there are five that are alleged in the complaint.
5 And if we deal with those five, it handles all the republication of
6 those five.

7 The Court has seen what the five comments are. We've
8 gone through in your motion to set out the proof to show that the
9 comments were true, certainly substantially true. They were --
10 three of them are privileged. And certainly there was no malice,
11 if anything, it's not correct. And all of these statements were
12 hyperlinked to the source materials which under law makes them not
13 defamatory because readers can read the source materials and come
14 up with their own conclusions as whether the statements are true or
15 not or are opinion and therefore not actionable.

17 And so we laid all that out in our moving papers as the
18 Court knows and I'm happy to go through it if the Court would like?

19 THE COURT: It's your motion, you -- whichever you feel.

20 MS. LEVY: All right. Well, why don't we go through them
21 then?

22 THE COURT: All right. The --

23 MS. LEVY: And -- and just to set it out --

24 THE COURT: I have the complaint here.
25

1 MS. LEVY: Yes.

2 THE COURT: I think the first one is on page five.

3 MS. LEVY: Right. I'm not reading from the complaint right
4 now, I'm reading from my notes, but the -- the first statement
5 that's complained about is the December 25th, 2016 statement that
6 says, this is the type of hypocrisy we have in our community.
7 People that claim to be for veterans, but yet they screw us for
8 profit and power. That statement was hyperlinked to a
9 November 4th, 2015, interview that Mr. Willick gave to Veterans In
10 Politics.
11

12 That statement is opinion. The word hypocrisy itself
13 has been as a matter of law found to be opinion. People that screw
14 us for profit and power is certainly opinion. The Supreme Court
15 and other federal courts as well as Nevada courts have held that
16 opinions are statements that cannot be definitively proven true or
17 false. So any kind of hyperbole like this, a statement of whether
18 something's worth it, or someone's a hypocrite would fall under
19 that category.
20

21 I also want to remind the Court that Mr. Willick himself
22 called Mr. Sanson a hypocrite and -- and put that on online. I
23 think that was Exhibit 5 of Mr. Sanson's declaration showing that
24 Mr. Willick posted a picture of Mr. Sanson online with the word
25 hypocrite right across his chest. And also, published a letter,

1 supposedly to Mr. Sanson, but it was never sent to Mr. Sanson, in
2 which Mr. Willick posted on his website saying that Mr. Sanson is a
3 hypocrite and more and a con-artist and Veterans In Politics is a
4 fraud, et cetera and I lay all of that out in the moving papers.

5 But in any event, we're still sticking with statement
6 number one from December 25th, it also constitutes political
7 speech. And as because it -- it pertained to Assembly Bill AB 140,
8 which dealt with whether veteran's disability pay should be taken
9 into account when figuring out spousal support for ex-wives or
10 ex-husbands.

11 And, as we laid out in our papers, political speech is
12 given special leeway because people would expect the political
13 speech would contain hyperbole and would contain very fierce debate
14 and there's a strong government interest in making sure that that's
15 protected.

16 I also want to mention that this was an issue of public
17 concern. The Plaintiffs say that how can it be an issue of public
18 concern when it pertains to a bill that was passed over a year ago?

19 THE COURT: Mm-hmm.

20 MS. LEVY: Well, case law is such that if under the *Snyder*
21 case and U.S. Supreme Court has said if it has any -- if the
22 statement has anything to do with political, social, something of
23 general interest, then it is protected speech. And so -- and it is
24
25

1 an issue of public concern. So just because the legislation passed
2 a year earlier doesn't mean it's no longer of public concern.
3 There are people in the general population, including veterans,
4 that continue to be affected by this rule, and Mr. Willick as we
5 will argue afterwards, is a public figure. He was against this.
6 And -- and Veterans In Politics and Mr. Sanson have every right to
7 point that out. It has to do with the legislation.

8
9 Every statement that was made by Veterans In Politics
10 concern something in the public domain. Nothing involved private
11 facts. Everything was either in legislative transcripts or in
12 court records, et cetera. So there was nothing hidden that was
13 brought out into the public that wasn't already public.

14 So moving on to the second statement which is the one
15 dated January 12th, 2017. This one seems to be the one that's most
16 contentious between the parties. This statement said, Attorney
17 Marshal Willick and his pal convicted of sexually coercion of a
18 minor Richard Crane was found guilty of defaming a law student in
19 United States District Court Western District of Virginia, signed
20 by U.S. District Judge Norman K. Moon. A copy of that statement is
21 attached as Exhibit 10 to Steve Sanson's declaration. That
22 statement was hyperlinked to the Review Journal article about
23 Crane's conviction for --

24
25 THE COURT: I'm sorry, what does hyperlinked mean?

1 MS. LEVY: -- it means that there's a --

2 THE COURT: I'm an old Judge. I don't understand this
3 computer stuff.

4 MS. LEVY: Yeah. When you go online and you read something on
5 the computer, there may be a phrase or an address or something
6 that's generally it's in blue and you can click on that --

7 THE COURT: Okay.

8 MS. LEVY: -- and it'll take you --

9 THE COURT: That's what a hyperlink is?

10 MS. LEVY: -- to that document.

11 THE COURT: I've seen that. I just didn't know what they
12 called it.

13 MS. LEVY: Right. That's called a hyperlink.

14 THE COURT: Okay. All right. Thank you.

15 MS. LEVY: So that -- that article was hyperlinked to the
16 Review Journal article about Richard Crane and it was also --

17 THE COURT: Who's Richard Crane?

18 MS. LEVY: Richard Crane is a lawyer -- well, he used to be a
19 lawyer. He was -- his license was --

20 THE COURT: Okay. I don't know Richard -- I don't know what
21 he had to do with this.

22 MS. LEVY: The statement mentions Richard Crane being accused
23 of -- suspended because of sexual misconduct --
24
25

1 THE COURT: Oh.

2 MS. LEVY: And the Plaintiff says that when you wrote this,
3 you made it sound like I too was convicted of sexual misconduct.

4 THE COURT: Well, it does say that Attorney Marshal and his
5 pal convicted of sexually coercion of a minor -- now, that's pretty
6 serious if -- if what it says --

7 MS. LEVY: What happened, though, was that there were two
8 commas missing from that statement and it should have read:
9 Attorney Marshal Willick comma and his pal convicted of sexually
10 coercion of a minor Richard Crane comma was found guilty of
11 defaming.
12

13 THE COURT: Okay.

14 MS. LEVY: And that's the way it should have read and that was
15 an inadvertent mistake. And so the Defendant did fix that a few
16 days later when the mistake was realized. And he republished a
17 corrected, clarified version of -- of the article.

18 THE COURT: If the -- if the statement was defamatory when it
19 was first written, does the correction erase the defamatory
20 statement?

21 MS. LEVY: Well, there's a couple of points on that. First of
22 all, to be defamatory, the statement must have been done -- made
23 maliciously.
24

25 THE COURT: Right.

1 MS. LEVY: Here you had a statement that with the commas,
2 would not have implied --

3 THE COURT: Why does it have to be made maliciously?

4 MS. LEVY: -- anything -- I'm sorry?

5 THE COURT: Why does it have to be malicious?

6 MS. LEVY: Because Mr. Willick, the Plaintiff, is a public
7 figure.

8 THE COURT: If he's a public figure. I got to tell you, I've
9 had some problems with your argument that he's a public figure, but
10 we'll go on, we'll get to that.

11 MS. LEVY: Okay. Well, I can address that whenever --

12 THE COURT: Well, that's all right. You can go ahead.

13 MS. LEVY: All right. So let's say he's a public figure or
14 he's at a minimum a limited public figure. The statement in that
15 case must have been done maliciously; that's number one. The
16 statute -- Nevada Statute says, if you correct a statement that you
17 put out there before a request for correction is made, which is
18 what the Defendant did, then the other side is -- is entitled only
19 to quote special damages.
20

21 And the statute defines a special damage as only those
22 damages pertaining to business loss or -- or earning losses. And
23 there had been -- there's been zero, zero evidence of any such
24 damage in this case. This is the equivalent of a summary judgment
25

1 motion.

2 THE COURT: Well, it's a little early to talk about damages in
3 the case, isn't it?

4 MS. LEVY: Well she -- the other side filed the action --

5 THE COURT: Well, I understand that, but --

6 MS. LEVY: -- and damages is an element of the claim.

7 THE COURT: -- we'll -- we'll worry about damages if we ever
8 get to a trial.

9 MS. LEVY: All right.

10 THE COURT: Let's go on.

11 MS. LEVY: All right. But the thing is, this is a summary
12 judgment motion, and so on summary judgment --

13 THE COURT: It actually isn't. I know both of you have
14 referred in your motion to the fact that the summary judgment
15 statute is referred to in the statute and it's not. In 2013, the
16 summary judgment reference was deleted. So you're both dealing
17 with old --

18 MS. LEVY: No actually --

19 THE COURT: -- old copies of the statute.

20 MS. LEVY: No, Your Honor --

21 THE COURT: It used to be, you're right, it used to be treated
22 as a summary judgment. It is no longer treated as a summary
23 judgment.
24
25

1 MS. LEVY: The statute was revised again in 2015. And summary
2 judgment was put back in there, Your Honor, so --

3 THE COURT: Not in my copy.

4 MS. LEVY: I have it right here, Your Honor.

5 THE COURT: Well, I'll believe you.

6 MS. LEVY: I have an extra copy and I can show it to you.

7 THE COURT: But I -- the copy that I have doesn't have it in
8 there. Let's go on.

9 MS. LEVY: Okay. Well, I'll give you the citation. It's NRS
10 41.660 subsection 3 A and it says that the anti-SLAPP motions shall
11 be treated, quote, as a motion for summary judgment. The statute
12 as revised in 2015 made substantial changes to the 2013 statute.
13 And I have an extra copy of the 2015 statute that I'd like to hand
14 the Court.

15 THE COURT: Well, you can do that. 'Cause I -- you're talking
16 about 41.660?

17 MS. LEVY: One moment. 41.660 3A.

18 THE COURT: I have what I believe to be 41.660 3A the current
19 statute and it doesn't say summary judgment.

20 MS. LEVY: What year is your statute, Your Honor?

21 THE COURT: Well, I don't know. It doesn't have any --

22 MS. LEVY: It needs to be the 2015. And that's what I'll get
23 for the Court.
24
25

1 THE COURT: I think it's -- I think it's -- well, anyway, I
2 didn't think that it referred to summary judgments.

3 MS. LEVY: Yes, it does. Your Honor, may I approach? Or give
4 this to --

5 THE COURT: You certainly may. My law clerk says it doesn't,
6 so --

7 MS. LEVY: 41.660 3A.

8 THE COURT: Determine whether the moving party is established
9 by a preponderance of the evidence the Plaintiff's case -- it
10 doesn't say summary judgment. It doesn't say summary judgment.

11 MS. LEVY: I can take a look at it and mark it, Your Honor. I
12 don't have another copy of it. Okay. It -- it's an adjudication
13 upon the merits. And I've circled that provision. And I'll find
14 the other section, I'm sorry.

15 THE COURT: In 2015 they took out clear and convincing and
16 they made it prima facie. But the summary judgment reference was
17 taken out in 2013. That's all right. We can continue on.

18 MS. LEVY: All right. But it's -- I think it's critical
19 though.

20 THE COURT: Well --

21 MS. LEVY: Well, I have one section that I've circled. Even
22 the other side thought it summary judgment.

23 THE COURT: All right. Continue.
24
25

1 MS. LEVY: Yeah, 41.660(5) operates as adjudication on the
2 merits. All right.

3 In any event, we were talking about the second statement
4 which was made which is January 12th, 2017. It was hyperlinked to
5 the order of the Court in the Virginia case which determined that
6 Mr. Willick was guilty of defamation.

7 The clarification was republished six days later. And
8 there's been no showing of malice by any evidence. And there's
9 been no showing of damages, special damages. It also would fall
10 under the fair reporting privilege, Your Honor, because it has to
11 do with a court proceeding that the Defendant was reporting on.
12 And it has to do with a matter of public concern because it
13 involved a court proceeding open to the public. It involved
14 Mr. Willick who's a premiere family law attorney in this state.
15 And we believe a public figure.

16 The January 14th, 2017, statement that was on the
17 Veterans In Politics' website is the third one at issue. Would you
18 have a family attorney handle your child custody case if you knew a
19 sex offender works in the same office? Welcome to the Willick Law
20 Group. This was also linked to documents showing that Mr. Crane
21 was working for Mr. Willick. Mr. Crane is an attorney who was
22 suspended by the State Bar for malfeasance, sexual malfeasance with
23 a minor.
24
25

1 THE COURT: Is he a sexual offender?
2 MS. LEVY: I'm sorry.
3 THE COURT: Is he a sex offender?
4 MS. LEVY: Yes.
5 THE COURT: Okay. I don't know him and I don't know anything
6 about the --
7 MS. LEVY: Yeah. He -- he was suspended and has not yet
8 applied --
9 THE COURT: If -- if the statement's untrue, it's arguably
10 defamatory, but if he is in fact working --
11 MS. LEVY: It's true.
12 THE COURT: -- then it would be a true statement.
13 MS. LEVY: It's a true statement.
14 THE COURT: So I don't know whether he is or not.
15 MS. LEVY: It is a true statement and the Plaintiffs --
16 THE COURT: Okay.
17 MS. LEVY: -- have so admitted. And just for the record, it
18 was hyperlinked to the billing documents of the Marshal Law Firm
19 showing that he's working there and billing. It was privileged
20 because it's part of the fair reporting privilege that Mr. Crane
21 was suspended pursuant to public documents and it is a matter of
22 public concern.
23
24 The next two statements at issue were both issued on
25

1 January 14th, 2017, and they pertain to the *Holyoak versus Holyoak*
2 case. That is a case that Mr. Willick was handling. The first
3 case -- the first statement says, Nevada Attorney Marshal Willick
4 gets the Nevada Supreme Court decision colon, from looking at all
5 these papers it's obvious that Willick scammed his client and later
6 scammed the Court by misrepresenting that he was entitled to
7 recover property under his lien and reduce it to judgment. He did
8 not recover anything. The property was distributed in the decree
9 of divorce. Willick tried to get his client to start getting
10 retirement benefits faster. It was not worth, there's a typo
11 there, hundred thousand dollars in legal bills. Then he --

12
13 THE COURT: Why is that a matter of public interest? I mean,
14 if it was just a case in the Supreme Court?

15 MS. LEVY: Which part of it?

16 THE COURT: Well, why is it a matter of public interest?

17 MS. LEVY: Because Mr. Willick is, as he believes, the number
18 one family law attorney in this state. And what happened was he
19 took on a case that had already been settled between the parties
20 and there was an issue in that case -- in the *Holyoak* case --

21 THE COURT: I remember reading the case, but it wasn't, you
22 know, it was just another case in the Supreme Court.

23 MS. LEVY: Well -- well, actually it was not just another
24 case. What happened was that as part of the appeal -- the appeal
25

1 was over whether the pension fund should be --

2 THE COURT: Right.

3 MS. LEVY: -- distributed to the ex-wife --

4 THE COURT: I remember the issue.

5 MS. LEVY: -- now or afterwards. Right. But as part of that
6 response brief which were attached --

7 THE COURT: Had to do with statute of limitations as I recall
8 correctly.

9 MS. LEVY: No, it wasn't statute of limitations.

10 THE COURT: Maybe I'm thinking of a different case.

11 MS. LEVY: Yeah. Maybe. This is -- this is a case in which
12 the -- the ex-wife wanted the pensions to start right away and the
13 husband said no, we had an agreement that it would start when I
14 retire --

15 THE COURT: Right.

16 MS. LEVY: -- whenever that is. And the ex-wife said, no, it
17 should be starting to get paid to me at the time that you're
18 eligible for retirement. But that was just - that was the main
19 issue in the case. And what happened --

20 THE COURT: Well, those are typical issues raised in family
21 court.

22 MS. LEVY: Yes. But what happened was, Mr. Willick -- when
23 the other side appealed it, Mr. Willick devoted about 40,
24

1 45 percent of his brief to trying to overturn Supreme Court
2 precedence on the issue of survivability, survivorship rights, and
3 a pension, which was another issue that he just wanted the Supreme
4 Court to overturn. So when you have a Supreme Court case that
5 where one party is petitioning to overturn established precedent,
6 that is of public concern. And the issue of whether an ex-wife or
7 --

8
9 THE COURT: That isn't what the anti-SLAPP statute is
10 concerned about when it comes to issues of public concern. I don't
11 see this issue and the next one which you refer to, Willick loses
12 his appeal to the Nevada Supreme Court, as being issues of public
13 concern.

14 MS. LEVY: Why, Your Honor?

15 THE COURT: Well, first of all, you don't mean Willick --
16 Willick didn't lose an appeal. His client may have lost his
17 position. Willick was the attorney for his client that lost the
18 appeal. So the statement is technically incorrect because Willick
19 wasn't the -- wasn't a party. He didn't lose an appeal. The
20 client lost an appeal, but every case that goes to the Supreme
21 Court at least one half is losing the appeal; aren't they? So that
22 -- that's just not a matter of public concern.

23
24 MS. LEVY: The fact that he lost the appeal isn't --

25 THE COURT: Everybody loses an appeal.

1 MS. LEVY: I understand.

2 THE COURT: At least sometime.

3 MS. LEVY: But that's not the part that's of public concern.
4 The part that's of public concern was the fact that Mr. Willick was
5 trying to overturn, set Supreme Court precedent, and establish new
6 law. And that is of public concern. That's squarely on public
7 concern.

8 THE COURT: And lawyers do that every day, that's what they
9 do. And sometimes they win and sometimes they lose but --
10

11 MS. LEVY: And that's what makes it public concern.

12 THE COURT: Those two things aren't a matter of public
13 concern.

14 MS. LEVY: All right.

15 THE COURT: Let's get onto your motion.

16 MS. LEVY: Whether Mr. Willick scammed his client is a matter
17 of opinion. There's case law directly on that saying that the word
18 scam is opinion and we cited to that in the papers which I can
19 quote if the Court would like. It's the *McCabe versus Rattiner*
20 case. It says that using the word scam is -- is opinion. And
21 whether he misrepresented information to the Court is either true
22 or opinion. And whether the bill that Mr. Willick submitted for a
23 hundred thousand dollars what's worth the services that he provided
24 is of course a matter of opinion.
25

1 The document -- the statement was hyperlinked to the
2 *Lobello* case which sets out what's needed for an attorney to
3 recover his fees under a lien which is what Mr. Willick had done.
4 He had put a lien on the *Holyoak* case. And we still believe it is
5 a matter of public concern under *Snyder* because it deals with
6 political and social interest issues.

7 The next statement similar that he lost his appeal to
8 Nevada Supreme Court. I hear what you're saying, Your Honor, about
9 it being his client. He was representing the client. It was his
10 brief. He lost it. Didn't make the new law that he wanted to
11 make.
12

13 So those are the statements at issue. We set out in the
14 brief what constitutes opinions. How the hyperlinks to the source
15 materials makes documents not defamatory because readers can review
16 the source materials directly and make up their own minds. And we
17 also laid out the requirements for privilege, et cetera.

18 So under these statutes for anti-SLAPP, once the
19 Defendant sets out a prima facie case for why the -- why the
20 statements are a matter of public concern and should be protected
21 speech, then the burden shifts to the Plaintiff to then come
22 forward with showing a probability of success on the merits. And
23 they would need to do that for each of the causes of action. And I
24 can address that now or I can address it after they go whichever
25

1 the Court would like.

2 I know you're going to tell me it's my motion, but I
3 don't want to -- that's fine. Then I'll address it now, because I
4 don't want to miss something if you want to hear it.

5 THE COURT: It's up to you.

6 MS. LEVY: All right. With regard to the cause of action of
7 defamation. We've shown in the brief, at least we believe we did,
8 that each one of the statements constitute opinion which is not
9 subject to defamatory -- defamation claim or fact or -- and is true
10 or substantially true.

11
12 THE COURT: Well, some of them are opinion that a statement
13 that Willick was guilty or convicted of sexually coercing a minor
14 would not be opinion. That would be a statement of fact. Now, it
15 may be that that was an error.

16 MS. LEVY: That was an error.

17 THE COURT: I understand that, but at least at some point it
18 was a --

19 [Recording error from 9:36 a.m. to 9:44 a.m.]

20 THE COURT: All right. We think we're back working again.
21 Ms. Levy.

22 MS. LEVY: We had just gone through defamation and why we
23 believe that the Plaintiffs cannot show a probability of success on
24 the merits with that cause of action.
25

1 The next cause of action are intentional and negligent
2 infliction of emotional distress. There have been no sufficiently
3 outrageous conduct in this case to warrant a cause of action for
4 that. And in addition, the *Snyder* U.S. Supreme Court case says
5 that you can't have intentional infliction of emotional distress
6 over speech no matter how outrageous because what happens is the
7 judgment of the jury ends up being a filter of what's acceptable
8 speech or not. So the *Snyder* case is very clear on that.

9
10 And if the Court will recall in *Snyder*, you had a U.S.
11 Marine who had just died in Iraq and he was being buried in
12 Maryland. And he had picketers from a local church come out there
13 and start picketing outside of the funeral saying that IEDs are
14 good and they're glad he died and whole hosts of things that are
15 really outrageous for a family grieving the loss of their son in
16 the military. And the Court found that no matter how outrageous
17 the speech is, you can't have it be subject to an infliction of
18 emotional distress. They also have not shown any damages in
19 connection with that claim.

20 On false light business disparagement, false light
21 requires the public disclosure of a private fact. There are no
22 private facts here at all. And there was nothing that would
23 embarrass the Plaintiffs that's not already a matter of public
24 record.
25

1 Business disparagement again, you have to show that the
2 statements were false or were not opinion and you have to show
3 special damages. And the special damages have to be specially pled
4 and there's no indication at all and certainly no evidence that was
5 proffered in opposition to our motion that shows these kinds of
6 damages. The Plaintiff has said, well, we were subject to some
7 negative statements online, but those negative statements don't
8 show damages to your business. And they're not actionable. And
9 they're hearsay.

10
11 The next cause of action that we have was one for RICO.
12 RICO, Your Honor, they have not -- they've pled one RICO predicate
13 crime. And that one crime, out of all the ones, listed is the only
14 one that -- that falls under the RICO statute. But that one
15 allegation of fraud, there's no allegation of what the fraudulent
16 claims are, there's no allegation that the fraud was committed
17 against the Plaintiffs, there's no -- anything about it other than
18 a recitation of a legal elements of that alleged criminal act.

19 With regard to copyright infringement, Your Honor, I
20 think the Court knows the Court has no subject matter of
21 jurisdiction over federal copyright claims. And that, of course,
22 should be stricken.

23
24 We have filed 12(b)(5), 12(b)(1), and motions to strike
25 in addition because just the timing --

1 THE COURT: Yeah. All these arguments are contained in
2 another motion you've got set for another date; aren't they?

3 MS. LEVY: Well, they're -- they're both relevant because here
4 we --

5 THE COURT: 'Cause I haven't really prepared those other
6 motions.

7 MS. LEVY: All right.

8 THE COURT: So why don't we address though when we get to the
9 --

10 MS. LEVY: All right. I was just trying to show there was no
11 probability of success on the merits of those claims. So that's
12 why it's -- it was relevant here.

13 THE COURT: Okay.

14 MS. LEVY: But, I filed those other motions because of the
15 timing. The 12(b)(5) had --

16 THE COURT: I understand and --

17 MS. LEVY: Yes.

18 THE COURT: And I think they're set and I don't have it in
19 front of me --

20 MS. LEVY: Yes. April 2nd. They're set to be heard.

21 THE COURT: April 2nd. Okay.

22 MS. LEVY: Yes. Thank you, Your Honor.

23 THE COURT: Well, I'll be here.

1 MS. LEVY: Thank you, Your Honor.

2 THE COURT: Unfortunately.

3 MS. LEVY: Thank you, Your Honor. That's all I have.

4 THE COURT: April 4th? Oh, the Clerk says it's April 4.

5 MS. LEVY: April 4? Okay. I'll check it. Thank you.

6 THE COURT: I'll still be here, unfortunately.

7 MR. GILMORE: Good morning, Your Honor. Joshua Gilmore again
8 on behalf of Mr. Willick and his law firm. Your Honor alluded to
9 this during counsel's argument today. We're here on an anti-SLAPP
10 motion. We're not here on a motion to dismiss under NRCP 12(b)(5)
11 or 12(b)(1). We're not here on a motion for summary judgment under
12 NRCP 56. We're here on an anti-SLAPP motion --

14 THE COURT: Even though you're moving papers do mention
15 summary judgment.

16 MR. GILMORE: Well, and I think that comes from the *Jones* case
17 back in 2009, Your Honor. And I think the -- what we've seen at
18 least in the Federal District Court is there's some confusion about
19 that because you see the prima facie preponderance of the evidence
20 and I think courts construe that to mean maybe we're close, but
21 Miranda Du, for example, in the U.S. District Court has said, well,
22 no, we can also look at the complaint and take that together with
23 the evidence that you submit to decide whether this is anti-SLAPP
24 material.
25

1 But the point is this is an anti-SLAPP motion and there's
2 two steps that the Court has to go through when you take on an
3 anti-SLAPP motion. Your Honor knows this. The first and really
4 the most important step and the one that's really glossed over
5 today is whether or not the Defendant has been sued for engaging in
6 statutorily protected speech or activity. That's the most
7 important criteria.

8 Not every defamation case falls within the anti-SLAPP
9 statute. If it did the statute would say, if you've been sued for
10 defamation, you can bring this claim. So the most important thing
11 to do is to first assess whether or not each claim involves
12 statutorily protected speech or activity. If it does, then we get
13 to the merits and we hear about public figure and privilege and
14 hyperlinking documents.

15 All of that is argument you take up if you get past the
16 initial threshold when you're dealing with an anti-SLAPP statute.
17 They're conflating the analysis to say, well, look we've
18 hyperlinked documents so it's -- it's okay. Or it's substantially
19 true or you can figure it out for yourself, so it's okay. That's
20 not what the statute asks about. The statute says, has somebody
21 engaged in statutorily protected activity?

22 So what does that mean? Well NRS -- we start with NRS
23 41.650, a person who engages in a good faith communication in
24
25

1 furtherance of the right to petition or the right to free speech in
2 direct connection with an issue of public concern is immune from
3 any civil action for claims based upon the communication. That's a
4 long statement, but thankfully the Nevada Supreme -- the Nevada
5 Legislature has defined that for us.

6 Four types of good-faith communications that fit within
7 that. The only one that we're here talking about today is
8 subsection four which says, a communication made in direct
9 connection with an issue of public interest in a place open to the
10 public or in a public forum. They acknowledged in their reply
11 papers that's what we're talking about. We're talking about NRS
12 41.637 sub 4.
13

14 So what does that tell us? The communications at issue
15 here have to involve an issue of public interest. Now, what did we
16 hear today? Well, these are issues of public concern. And what do
17 we see in their reply paper? These are issues of public concern.
18 Look at the *Snyder* case; look at what the U.S. Supreme Court said
19 in a case that had nothing to do with anti-SLAPP motion. First
20 Amendment case.
21

22 But let's look at *Snyder*. Why don't we use the
23 definition from *Snyder* to tell us what the Nevada Legislature means
24 under NRS 41.637(4)? Why would you do that when you have the
25 *Shapiro* decision that the Nevada Supreme Court just came out with.

1 Where they say --

2 THE COURT: I have the -- I have it in front of me.

3 MR. GILMORE: Okay. We take this opportunity to adopt
4 California's guiding principles. We now know what to look at when
5 we're trying to figure out if a communication falls within the
6 ambit of 41.637(4). They don't even mention it. Why? 'Cause they
7 can't meet it. They can't meet that criteria. That's it. We're
8 done.

9
10 If they can't show that a communication involves a matter
11 of public interest, as our Nevada Supreme Court defined that term
12 specifically, then we're done. And all this stuff can come up
13 under their 12(b)(5) motion, can come up on a future 56 motion, but
14 not today.

15 Because if you're going to bring an anti-SLAPP motion and
16 you're going to say I want my fees and I want damages, well the
17 Nevada Legislature said, well then, the burden's a little higher.
18 It's a little higher to do other than just coming in here on a
19 12(b)(5) motion. Okay. So they haven't done that, but I'll --
20 I'll go through that and explain why they can't do that.

21
22 The other thing they have to do and the Nevada Supreme
23 Court said this in *Shapiro* as well, is show that your statement is
24 truthful or is made without knowledge of its falsehood. The
25 statute doesn't say, unless you've got a defense to that, you

1 hyperlinked some documents. So even though you disseminated false
2 material, you hyperlinked documents that lets you figure that out.
3 That's not in the statute. That's an exception that doesn't exist.
4 They don't cite a single Nevada case that says I can avoid getting
5 tossed out on an anti-SLAPP motion if I can show that even though I
6 made a false statement, I hyperlinked. That's a defense to a
7 defamation claim, perhaps. Doesn't work here. But it doesn't work
8 when you're trying to show that you fall within the purview of the
9 anti-SLAPP statute.

10
11 Good faith. The Nevada Legislature said it's got to be
12 good faith. You got to be speaking truthfully. We don't have that
13 here. And we don't have matters of public interest. Your Honor
14 hit it on the head. They're digging up old Nevada Supreme Court
15 opinions and saying look what happened and spewing false and
16 defamatory statements about those opinions and saying these are
17 matters of public interest. And you know what their hook is?
18 Well, Mr. Willick's a prominent family law attorney. It's a
19 limited purpose public figure. Not one of the five factors in
20 *Shapiro* --

21
22 THE COURT: That's kind of crucial to their motion, making him
23 a public figure is it not?

24 MR. GILMORE: It is for the second step of the anti-SLAPP
25 analysis; Your Honor doesn't get there. Public figure, we look at

1 the five factors that the Nevada Supreme Court talks about. Notice
2 that the target of the communication, his or her status, isn't
3 listed. Why? Because limited purpose public figure that addresses
4 the burden of proof on a defamation claim. We're looking at merits
5 again. We've gone past the first step. They want to skip the
6 first step of the anti-SLAPP analysis. Why? 'Cause they can't
7 meet it. But again, and I'm going to beat this dead, and I
8 apologize if I am.

9
10 THE COURT: No, that's all right.

11 MR. GILMORE: That's very important. If they cannot meet the
12 threshold showing. That's it. And I can read from a California
13 case that says if the moving Defendant cannot meet the threshold
14 showing, then the fact that he or she might be otherwise -- might
15 be able to otherwise prevail under the merits, under the
16 probability step, is irrelevant. Irrelevant.

17 So Your Honor doesn't need to figure out today if
18 Mr. Willick is a limited purpose public figure. We don't get
19 there. We don't need to 'cause it doesn't matter. The Supreme
20 Court said we don't look at that. That's not how we figure out if
21 somebody is talking about a matter of public interest. Not public
22 concern. We can't just use a different term than what the Nevada
23 Legislature uses. And what the Nevada Supreme Court has said to
24 use.
25

1 So what do we have here? At its core, we have a
2 Defendant who has decided to go out of his way to dig up dirt on
3 Mr. Willick. And I can't make that up. He said it in a post. He
4 said it in a post. An independent body is offering up to \$10,000
5 for verifiable information on Nevada Family Court Attorney Marshal
6 Willick. It's their words. What are they doing? They're digging
7 up dirt. Anywhere I can find it. I'm going to publish it on the
8 Internet.

9
10 The *Moon* case, Your Honor, you may have noticed, 2008.
11 2008. They go back six years looking for something and say, well
12 this is an issue of public interest. Look at this. Mr. Willick,
13 family law attorney. Everybody's got to be interested in that.
14 No. They go to the Nevada Supreme Court case the *Holyoak*. That's
15 almost eight or nine months old. But they want to talk about it.
16 Let's make it a matter of public interest.

17 What did the Nevada Supreme Court say? A person cannot
18 turn otherwise private information into a matter of public
19 interest. They're trying to convert what happens every day in
20 Court as Your Honor said. Happens all the time. But let's make it
21 a matter of public interest. They can't do that. They don't get
22 to decide what is a matter of public interest. There are factors
23 that you go through. They haven't even bothered to do that because
24 they can't.

25 But let's look at what we have here. The first

1 statement, Mr. Willick is out to screw veterans for profit and
2 power. Now, what you see a lot today is -- well, look at the word
3 screw, that's not defamatory. They say, look at the word
4 convicted. They try to cut up their own statements and say, we're
5 not trying to defame him. That's not how it works. Okay. You
6 have to look at it what does the reasonable person look at. You
7 read it in context. We don't pick words out of a sentence and
8 decide whether, well, if that word's not defamatory even if it's
9 built on some other stuff, well, now you're -- you're off the hook.
10 It doesn't work that way. Nevada Supreme Court says you look at
11 the statement in its context. What would a reasonable person think
12 when he reads that statement?

14 But going back, he's out to screw people for profit and
15 power. What are they doing? They're targeting one attorney. Are
16 we talking about all family law attorneys? No. Are we talking
17 about veterans issues which is what the Veterans In Politics is
18 what they're about? No. This is a family law attorney. What
19 issue of public interest?

21 They say, well, look, he used to talk about a legislative
22 bill that was under consideration 18 months ago. Wonderful. And
23 perhaps if this post had been made 18 months ago, well, now you got
24 a hook. But the bill went through the legislature, got amended,
25 and it got passed and life moved on. And now they can say, well, I

1 can go back in time and what was a public interest matter still is
2 today. No. Doesn't get there.

3 The second statement, he was convicted, found guilty of
4 defamation. Six years ago. Over six years ago [indiscernible]
5 he's not guilty of anything. Their own documents say that's
6 defamation. How's that public interest? There's nothing
7 innovative about that *Moon* decision that's creating new law on
8 defamation. Not a matter of public interest.

9
10 That the he has a sex offender working in his office.
11 Public interest there. Public interest. The Nevada Supreme Court
12 didn't disbar Mr. Crane. Certainly entitled a petition for
13 reinstatement, so if the public was concerned about him still
14 working, he wouldn't have the opportunity to come back.

15 Fourth statement that he scammed a client and made
16 misrepresentations to the Court. It's just a run-of-the-mill
17 family law case.

18 And the fifth case -- opinion, you lost. Again, these
19 are not matters of public interest, Your Honor. They don't fit
20 within 41.637(4). But they also don't fit within that statute for
21 another reason. Truth. They have to show that these statements
22 were true or they didn't know they were false. They can't do that.
23 They can't do that here.

24
25 It's not our burden. If they want to fall within the

1 ambit of the anti-SLAPP statute, they have to prove truth. They
2 haven't done that. What did they do? Well, we hyperlinked to some
3 documents. You can see we're lying. Go read the stuff yourself.
4 That's -- that's not what the statute says. They had to prove
5 truth, they didn't do that.

6 What would they need to do? Well, the first statement,
7 he scams his client. Do we see an affidavit from one client from
8 Mr. Willick saying, oh yeah, he bilked me out of fees. He's using
9 me as a stepping stones to make his way in the Nevada legal
10 community.

11 Saying he is out for power and greed and profit,
12 certainly defamatory to a lawyer who attempts to build a reputation
13 to be known as a quality advocate. That -- that's -- that's a deep
14 shot at a lawyer who's been in the legal community for a long time.
15 Somebody reading this might say to themselves [sic], huh, the
16 Defendant must have talked to some former Willick clients and
17 really has somebody to back this up. You don't see that. They
18 can't prove the truth of that statement.

19 He was convicted of sexual coercion. They don't even
20 bother to try. Instead, oh, God, we missed a couple commas, well
21 those are --
22

23 THE COURT: I can see where that was an error.

24 MR. GILMORE: That is a really important commas though; right?
25

1 Certainly very important commas.

2 THE COURT: Without the commas, you're right.

3 MR. GILMORE: Very important commas and you know what, with
4 the Internet today, Your Honor, once it's out there, it's always
5 out there. It's -- it's not that this floated in an RJ article
6 that, you know, if you don't keep a copy of it, you'd have to go to
7 the library and find it. No. Anything anybody puts on the
8 Internet today, it's there forever. Forever.

9
10 THE COURT: I've heard that. I --

11 MR. GILMORE: So -- and I can tell you, I know that. But
12 let's even set the commas aside. Let's set those aside.
13 Convicted, found guilty of defamation. That's not true. That's
14 not true. They don't even bother to try to prove the truth of that
15 statement.

16 That he made misrepresentations to the Court. That's a
17 serious statement. You're accusing a lawyer of violating Rule
18 3.3(a) of the Nevada Rules of Professional Conduct. We all know
19 you can't make false statements to the tribunal.

20 THE COURT: That's true.

21 MR. GILMORE: That's a fraud on the Court, Your Honor. The
22 underpinnings of that are grave. For a variety of reasons. What
23 do we got? Do we have a brief? Do we have a sentence highlighted
24 saying, look this was false? Nope. They don't try 'cause they
25

1 can't. It's not opinion. You can't come in and say, I was just
2 trying to express my opinion.

3 A person's going to read that -- and it talks about I've
4 read the files -- let's look at the wording that he used. From
5 looking at all these papers, he must have gone through the record.
6 He must have read the opening brief and the answering brief, the
7 reply brief, listened to oral argument, that's what you got to --
8 that's what you glean from this. Did we see any of that? No. We
9 don't see any of that.

10
11 And the last statement that he lost, as you said, his
12 client, but no, he was the Respondent. Order affirming. He won.
13 So they can't prove --

14 THE COURT: Is that right? I didn't know.

15 MR. GILMORE: It is.

16 THE COURT: He was counsel for the --

17 MR. GILMORE: And if you'd like to talk to them about the
18 case, you're certainly can. But yes, he's counsel for the
19 Respondent. The order affirming the lower court decision.

20 So, Your Honor, two reasons they cannot seek refuge under
21 the anti-SLAPP statute. One, no communication here involves a
22 matter of public interest. We're not worried about public concern
23 and First Amendment cases and the *Snyder* case. We don't need that.
24 Nevada Supreme Court has told us -- what do we look at? *Shapiro*.
25

1 Go through the factors. We go to California, you go through these
2 factors. None of them fit the bill here. None of them. And that's
3 why they don't --

4 THE COURT: It has to be something of concern to a substantial
5 number of people.

6 MR. GILMORE: Correct. And what here is a concern to a
7 substantial number of people? You haven't heard that from them,
8 Your Honor. They didn't put it in their moving papers. They
9 didn't put it in their reply papers. It's too late to try to
10 figure it out now.

12 THE COURT: It has to be some degree of closeness between the
13 challenge statements and the asserted public interest.

14 MR. GILMORE: Correct. And what we have here is the -- the
15 caveat to that that's saying the assertion of a broad and amorphous
16 public interest is not sufficient. That's what we have. Well,
17 he's a prominent family law attorney. Look he's written books and
18 he teaches CLEs. Everybody's interested in what he has to say and
19 what he does.

20 You know, that can't be the law. Otherwise, every
21 reputable person in every profession, accountants, engineers,
22 attorneys, doctors would all suddenly, anything you ever said about
23 them would fall within the purview of the anti-SLAPP statute.
24 Again, if you look at this, the target of the communication, his or
25

1 her status, is not a factor. Why? 'Cause we don't get there when
2 we're just trying to decide whether somebody has been sued for
3 engaging in statutorily protected speech.

4 If they haven't -- as the Supreme Court -- as the
5 California Courts have said, that's it, we're done. You may be
6 back. You may be back here on a 12(b)(5) motion. You may be back
7 here on a 56 motion. But we're not going to grant you relief under
8 the anti-SLAPP statute 'cause that's a serious thing.

9
10 If you can't prove public interest, which is what we're
11 dealing with here, and truth, and all these defenses that you want
12 to raise they don't factor into the analysis. They're conflating
13 the analysis by talking about defenses to the merits. When trying
14 to explain how they've been sued for statutorily protected speech.

15 We can't conflate the two, they're very different.
16 They're very different. And if you don't get through that first
17 threshold, their burden, that's it. We're done. And we may be
18 back -- we'll be back here in April and Your Honor can take a look
19 at the merits of a lot of these arguments and say, well, maybe the
20 fair reporting privilege kicks in here. So maybe as a matter of
21 law, I'm going to dismiss this. But you're not dismissing under the
22 anti-SLAPP statute.

23
24 I would submit and I'm -- I will address that briefly
25 here today that the fair reporting privilege has no application

1 here. But the point is, you don't get there today. And that's why
2 they spent just a minute or two in argument today talking about
3 public concern. And then 95 percent of the argument talking about
4 the merits of the claims and the defenses that they have. They
5 want to just kind of brush that aside. Of course --of course it's
6 public interest, let's move on. It's not that easy.

7 The California Supreme Court has said you don't just
8 rubber stamp assertions of a claim falling within the purview of
9 the anti-SLAPP statute. You got to go through the analysis. It's
10 important to go through that analysis. And if you don't do it,
11 then you don't get the benefits of the anti-SLAPP statute.

12 Now, I will take up briefly, Your Honor, just the second
13 step in case that you do find that you get there. I don't think
14 you do, but if you look at the second step which is, well, what
15 evidence do you have to support your claim? Minimal merit. That's
16 what the California Courts have said. Minimal merit. That's what
17 we're dealing with here. Do these claims have minimal merit?
18 Absolutely.

19 You can't go on the Internet and say these things about a
20 lawyer and expect to be immune from suit. That doesn't work that
21 way. If you want to exercise your right to use social media
22 platforms to publicly disparage someone. Drag him or her across
23 the metaphorical coals, you don't get to do that with impunity, you
24
25

1 don't.

2 What do we have here? Screwing us for profit and power.
3 Again, absolutely untrue. You read that -- somebody's going to
4 read that and say he's bilked a client or actually multiple
5 clients; right? And he takes on cases not because he's interested
6 in you, but because he sees you as a stepping stone to get
7 somewhere else. That's defamatory on its face. Has to be.
8 Lawyer's reputation, it's one of the most important tools that any
9 lawyer can have. You're going to say this about a lawyer, I
10 suspect you have clients who are going to come in here and attest
11 to it. Going to support you. We don't have any of that here
12 today.
13

14 The second statement, again the -- the missed commas,
15 whoops, you know that's defamation even from before they corrected
16 it. If we're going to fight over damages and well, it was only six
17 days' worth before I corrected it. What are we going to have to do
18 in discovery? Well, we're going to have to see how many people
19 read that post. And we can do that nowadays with the Internet.
20 You can get on there and get tech people and that's beyond my pay
21 grade, but you can get tech people to go in and say this many
22 people accessed this article. And this many people read this
23 article. And that rumor spread like wildfire. Because that's what
24 the Internet is capable of. In an instant. It's everywhere. And
25

1 everybody sees it. That's why it's so important to be careful what
2 you say on the Internet.

3 But even if you want to set aside the missed commas,
4 guilty of defamation. You say he committed a crime. It's a crime
5 in Nevada and in Virginia to commit defamation. You may not often
6 see it charged. You may not often see the DA indicting people on
7 that. We have a lot of other things to focus on, but it's a crime.
8 People reading this and we actually showed proof think has he
9 committed a crime? Has he been indicted?

10
11 Why is that important to a lawyer? Well, let's set aside
12 the criminal implications. State Bar of Nevada is going to be
13 knocking on your door, saying did you report this? Now we got to
14 take you in front of a panel of the disciplinary committee and
15 decide whether you're fit to continue practicing law. That's a big
16 deal to want to come in and say an attorney's been convicted, been
17 found guilty of a crime. That's defamation to do that.

18 This idea, well, I'm just reporting what happened. The
19 fair reporting privilege they talked about. Well, that requires
20 you to show an accurate and complete accounting. That's right out
21 of the *Sahara Gaming* case that they cite. It's right out of the
22 Restatement Second of Torts. Accurate and complete accounting.
23 That's not even close. Not even close.

24
25 They're not the RJ saying, hey, we just read this

1 document, let's be talk about it. They're not a reporter on the
2 news saying, here's the verdict, let's talk about what happened.
3 We watched the trial. That's not what he's doing. We know it.
4 We've seen the email. We're paying for dirt. What can you find
5 about Mr. Willick that we can publish? We're not trying to give a
6 fair and accurate accounting of what we may find somewhere buried
7 in the public record. Oh no. No. We're going to take it and then
8 say something that's completely inconsistent with what it says.
9 You can't dawn the fair reporting privilege upon yourself and say,
10 but I get to do that. I'm a reporter. No chance. No chance of
11 that. None of this is an accurate and complete accounting.
12

13 They said he lost. I mean, you got to look at the
14 decision. He's representing the respondent. That's not a complete
15 and accurate accounting of what happened. Not even close. He
16 misrepresented things to the Nevada Supreme Court. What do you
17 got? Nothing. Nothing. They're not reporting anything. If that
18 had happened, certainly somebody would be in there on a motion to
19 set aside if he had misrepresented anything in his filings.
20

21 So, Your Honor, if you get to the second step of the
22 anti-SLAPP analysis which I don't think you do, but if you get
23 there, these claims undoubtedly have minimal merit. You have the
24 statements in front of you. You have Mr. Willick saying under oath
25 all of this is false. All of this has hurt my reputation.

1 They say well, it wasn't sufficient for him sign an
2 affidavit supporting the opposition. Where's the case saying that?
3 So in effect in their theory, he needed to duplicate what was
4 written in the opposition in an affidavit and attest to it. Sure,
5 you can do that, but it's no different than verifying a complaint
6 which we see all the time. And you can do that. He's verified the
7 opposition. We have evidence. He stands here and attests to it.
8 He's here today. Attests to how this has harmed his character.
9 How these statements have impugned him. And unquestionably, this
10 individual was looking to do just that. We know that. The bounty
11 email.
12

13 But if you're not certain, the other comment we made,
14 here's the other post that he had where he says when people needed
15 someone to get dirty so they can stay nameless, we do it without
16 hesitation. Without hesitation.

17 Now, again, you be talked about the limited purpose
18 public figure earlier. We don't agree with that. But let's assume
19 for the sake of argument we're -- we're bound to that. That he is
20 a limited purpose public figure and he has to show actual malice.
21 Well, there it is. Recall reasonable inferences are drawn in our
22 favor. We've not had an opportunity to depose the Defendant.
23

24 You're never going to find the email saying I'm acting
25 with malice. You're never going to do that. Just the same as you

1 don't find an email saying, let's defraud so-and-so, here's how
2 we're going to do it. Circumstantial evidence is the only thing
3 you have for that. Between the bounty email and this email saying,
4 we will drag people through the mud without hesitation, got it.
5 That's what we're here for. That's what they're doing. That's
6 what they're doing right now.

7 When they're digging up things about Mr. Willick, some
8 back to 2008, and saying, oh, it's a matter of public interest,
9 he's a big deal, that's why we're doing this. We're here to help
10 the public. None of this is a matter of public interest. None of
11 this is defensible. And so I'd submit, Your Honor, that if you get
12 through the first threshold of the anti-SLAPP analysis, we've met
13 our burden under the second step of the anti-SLAPP analysis.

14 Each of these claims has minimal merit and we ask that
15 you deny the motion.
16

17 THE COURT: Anything further?

18 MS. ABRAMS: May I actually add just a little bit of
19 information --

20 MS. LEVY: Objection, Your Honor.

21 MS. ABRAMS: -- with regards to the allegations about the --
22

23 THE COURT: Is this a tag team?

24 MS. LEVY: Objection.

25 MS. ABRAMS: Your Honor --

1 THE COURT: On what?

2 MS. LEVY: Objection for two attorneys --

3 THE COURT: Wait a minute, wait a minute, let me hear what she
4 wants to add.

5 MS. ABRAMS: I just want to add that the allegation that there
6 was commas missing is absolutely false. We've attached to the
7 opposition and to the affidavit the actual postings, but the post
8 was made 46 times --

9 THE COURT: Okay.

10 MR. ABRAMS: -- on 7 or 10 different social media sites.

11 THE COURT: I don't care how many times it was made that's --

12 MS. ABRAMS: The first time --

13 THE COURT: -- that's for closing argument for the jury --

14 MS. ABRAMS: Sure. But the first time it was posted, it was
15 posted without any punctuation. The second time it was posted two
16 days later, he actually did add a comma, but where he added the
17 comma was after sexual coercion of a minor. So the way it read,
18 two days later, was attorney Marshal Willick and his pal convicted
19 of sexually coercion of a minor Richard Crane was found guilty of
20 defaming a law student.
21

22 So what it did was it actually made it worse and made it
23 more significant, more solid to make the allegation that he was
24 convicted of sexual coercion. There was a comment posted under
25

1 this to Mr. Sanson where this person, Lee Gilford, whoever it might
2 be --

3 MS. LEVY: I do need to object. This was all in the moving
4 papers --

5 MS. ABRAMS: -- it was in the moving papers --

6 MS. LEVY: -- Your Honor, and some things were not --

7 THE COURT: Okay. I remember reading about the commas in the
8 moving papers, but thank you, Ms. Abrams, I'm going to let Ms. Levy
9 --

10 MS. ABRAMS: -- may I just add one last thing about the
11 correction?
12

13 THE COURT: What's that?

14 MS. LEVY: This is part of problem, Your Honor, how --

15 MS. ABRAMS: After he posted the correction, he reposted the
16 defamatory -- the original defamatory material a number of times.
17 At least 18 times. And as we sit here today, 40 of those are still
18 visible on the Internet. He says in his supplemental affidavit
19 that he's deleted them. They're still on all of his social media
20 sites.
21

22 THE COURT: Well --

23 MS. ABRAMS: -- he deleted six --

24 THE COURT: -- Mr. Gilmore says it never goes away and I -- I
25 have heard that so --

1 MS. ABRAMS: -- but they're on his page.

2 MS. LEVY: Your Honor, it's more than that, Your Honor.

3 MS. ABRAMS: -- and he signed an affidavit saying to this
4 Court that to his knowledge they've all been deleted.

5 THE COURT: Okay.

6 MS. ABRAMS: Six have been deleted and 40 still remain up on
7 the Internet. After he posted his correction, he posted it again
8 another 18 times with the original lack of punctuation as he
9 alleges.
10

11 THE COURT: Sounds like your opening statement and closing
12 argument to the jury, Ms. Abrams.

13 MS. ABRAMS: Thank you.

14 THE COURT: Okay. Ms. Levy, anything further?

15 MS. LEVY: Thank you, yes. I have a lot further, Your Honor.
16 Would you like me to stand at the podium or if --

17 THE COURT: It's up to you.

18 MS. LEVY: All right. I'll just stay here since I have the
19 table here with my notes. Numerous things that the Plaintiff's
20 attorney has said that is not correct, Your Honor.

21 First of all, the notion that this is not a summary
22 judgment regardless of what you call it, it serves as an
23 adjudication on the merits. And the statute precisely expressly
24 states, they have to come forward with a preponderance of evidence
25

1 of probability of succeeding on the merits.

2 THE COURT: Well, that's if you get past this first stage.

3 MS. LEVY: Correct. All right. So let's -- so we'll focus on
4 that, but I wanted to raise that first 'cause they raised that
5 first. So there's still the issue of evidence.

6 I want to give some background on who Veterans In
7 Politics is and I think that this was in my reply brief and the
8 Court knows. It is not that Mr. Willick was targeted. It is not
9 that Ms. Abrams was targeted. It's not any of that. What happens
10 is Veterans In Politics is in the business of both lobbying for
11 veterans and for rooting out wrongdoing in courtrooms and in
12 government in areas of other -- in areas of government, so that's,
13 you know, legislature, et cetera. And when it finds things that
14 are going wrong, for example, what Ms. Abrams did in her courtroom
15 and what the Veterans In Politics saw with regard to Mr. Willick,
16 it exposes that and it puts out articles on it.

17
18 There have been many disciplinary actions taken as a
19 result of things that Veterans In Politics has exposed. So they
20 serve a critical function here. And especially in the State of
21 Nevada that's got its roots in corruption. So as the State is
22 evolving -- well, it does, way back with the gambling. And as the
23 state is evolving and has become obviously mainstream, you know,
24 there are still some problems that it's working out to overcome
25

1 that. So I think we've got to look at this in the broader picture.

2 And to think that this is the only case that the
3 Plaintiffs have filed would be absolutely wrong. Apparently they
4 think that everyone that criticizes them runs a RICO scam --
5 scheme. Apparently they think that every time they get criticized
6 they have --

7 THE COURT: We'll get to the RICO case at a later time. I'm
8 not so sure that they've got a RICO cause of action.

9 MS. LEVY: All right. All right. I also wanted to address
10 the issue of public concern versus public interest. Your Honor,
11 same thing, I think it's the same thing. You have this United
12 States Supreme Court --

13 THE COURT: Did you read *Shapiro versus Welt*?

14 MS. LEVY: Yes, I did. And we fall into -- I cited it in my
15 moving papers. That's why they cited it too. I cited it and we
16 went through the elements. And I'll do that, first, if the Court
17 wants. But certainly a State cannot be more restrictive on freedom
18 of speech than the -- than the federal constitution permits. And
19 the United States Supreme Court has said that anything that is of
20 political, legislative, general, social concern is of public
21 concern. Anything in those areas. It doesn't talk about but only
22 if the legislation is, you know, six months ago not a year ago.
23 And only if the case was two years old not six years old. It
24
25

1 doesn't make any reference like that.

2 Free speech is free speech. This is America. And this
3 country was founded on free speech. And it's especially important
4 when you're trying to bring up free speech in your address and what
5 happened in courtrooms and what happened in publicly filed
6 proceedings.

7 So I want to talk about -- let's talk about the *Shapiro*
8 case factors and go back to the *Snyder* case. Under the factors in
9 *Shapiro*, it says number one, public interest does not equate with
10 mere curiosity. Well, there's nothing here that's mere curiosity.
11 These are all things that were reported in the Review Journal, were
12 reported in various public places and are all part of public
13 documents. They pertain to laws that were hot -- heat -- hotly
14 contested in the legislature. They pertain to public proceedings
15 that affect a huge percentage of the population, particularly in
16 Nevada because they do pertain to veteran issues. The AB 140
17 specifically pertain to veteran issue whether veteran's disability
18 pay should be considered as part of spousal support.

19
20 The next prong, a matter of public interest should be
21 something of concern to a substantial number of people. A matter
22 of concern to a speaker and a relatively small specific audience is
23 not a matter of public interest. Each of the statements at issue
24 would pertain to a large number of people because they pertain to
25

1 either potential laws that are trying to be changed, case law
2 that's trying to be changed, overcharging by a family lawyer.

3 And by the way, Your Honor, the fact that he's a public
4 -- public figure is important because this is someone who has
5 intentionally injected himself into debates at the legislative
6 level. Has taken out commercials. Has a huge billboard in front
7 of his -- in front of his law firm right across the street from
8 Family Court. He has -- he's put out all kinds of things on the
9 Internet about his own firm.

10
11 And, by the way, Your Honor, I found it very ironic that
12 the Plaintiff's counsel is talking about making disparaging
13 comments online. If the Court will turn to Exhibit 5 -- Exhibit 4
14 and Exhibit 5 of Steve Sanson's initial declaration, you will find
15 a letter that Mr. Willick posted online saying as follows:
16 Veterans In Politics manipulates its candidate interview process.
17 He accuses Sanson of using Veterans In Politics income for his
18 personal expenses, not filing tax returns for Veterans In Politics,
19 all of this is absolutely false. Using Veterans In Politics as,
20 quote, unethical scheme to extort concessions. He further accuses
21 Sanson of being a quote, hypocrite, but even worse, a sleazy extra
22 out of Harper's -- Harper Valley PTA. He says that Sanson is a --
23 the very definition of hypocrite not to mention is slimy beyond
24 words.
25

1 Mr. Willick calls Sanson say two-bit unemployed hustler.
2 This is our veteran who served in the Marines for six years and the
3 Army for another six years. All right. A two-bit unemployed
4 hustler. Accuses him of shaking down candidates for cash and
5 conspiring with like-minded cronies. He calls Mr. Sanson
6 repugnant. He says that Veterans In Politics weekly radio show,
7 that's been going on for over ten years, is a fraud even though he
8 himself appeared on it.

9
10 And by the way, most every public official in Nevada has
11 appeared on it. And he says that Veterans In Politics is a sham
12 organization. He says that Mr. Sanson was forced to flee
13 California because of criminal wrongdoing. Forced to flee
14 California. And this is the man who's now complaining because
15 Mr. Sanson for Veterans In Politics said that he lost the case at
16 the Supreme Court. So if we want to talk about putting things out
17 on the Internet and the reprehensible nature of those comments,
18 then Mr. Willick should look inward first, I would say.

19 And Mr. Willick didn't just stop at disparaging
20 Mr. Sanson. He also when he wrote to the legislature, he went on
21 to the legislature to say how those who oppose what his point of
22 view was on AB 140 are a bunch of crackpots. They're a bunch of --
23 I'll tell you exactly what he said. Well, we have it attached,
24 Your Honor. I'm not finding it quickly, but we have it attached as
25

1 an exhibit and I would direct the Court to take a look at it.

2 He goes on for pages talking about how irrational and
3 irresponsible and crazy everyone is who opposes him. And that --
4 he not just put in the -- on the Internet, but he put that as part
5 of the minutes of the legislative proceedings. So, you know, this
6 whole thing of poor Mr. Willick got defamed, he's hardly the one to
7 throw a stone on that issue.

8 I would also say that the day that lawyer's feelings are
9 hurt or their reputation are hurt because someone said that they
10 overcharged for services rendered would mean that this courtroom
11 would be absolutely full of every lawyer in town. That's what
12 everyone thinks of lawyers anyway, so that's hardly defamatory and
13 Plaintiff's counsel admits that that's an opinion.

14 How are you going to show whether that's fact or not?
15 What they're really complaining about is the nature of the opinion.
16 They think it's unfair. And you know what? That comment was
17 hyperlinked to -- exactly as Plaintiff's counsel said, it was
18 hyperlinked to the client's own -- Mr. Willick's client's own brief
19 opposing an award of fees to Mr. Willick. And that brief laid out
20 every reason why Mr. Willick was not entitled to his fees and
21 should not be getting a hundred thousand dollars to simply deal
22 with one issue after the parties had already come to an agreement.
23 So these are opinions and what they're really upset about is the
24
25

1 nature of the opinions.

2 As far as the public concern, it does fit within each of
3 the factors in the *Shapiro* case. I think we need to go back to
4 those. I'm trying to find them in my brief, Your Honor. I'm
5 sorry. Oh, I'm sorry. Well, I just found what he said to the
6 legislature. He said, they're a so-called veteran's support group
7 who seek to pervert the family law for their personal enrichment.
8 This is exactly the type of speech he's now claiming that Mr. --

9
10 THE COURT: I'm sorry. I didn't understand that. What did he
11 say?

12 MS. LEVY: He said that the veterans who are supporting AB 140
13 --

14 THE COURT: Oh. Okay. Oh, this is has to do with AB 140?
15 Okay.

16 MS. LEVY: Yeah. He said they're so-called veteran support
17 groups who seek to pervert family law for their personal
18 enrichment. He calls them hack-jobs, nut-jobs and say that they
19 have an un-American political agenda. These are veterans who put
20 their lives on the line, have been maimed, thousands have died, and
21 he says that they have an un-American agenda.

22
23 In any event, going back to the factors. Factor number
24 three, there should be some degree of closeness between the
25 challenged statements and the asserted public interest. The

1 assertion of a broad and amorphous public interest is not
2 sufficient. Well, the challenge statements all relate to items in
3 the public domain in court proceedings or in legislative
4 proceedings.

5 THE COURT: Not all of them.

6 MS. LEVY: All of them.

7 THE COURT: Accusing them of sexual misconduct doesn't relate
8 to matters in the Court.

9 MS. LEVY: That's a Court proceeding, Your Honor. That was --

10 THE COURT: I don't know.

11 MS. LEVY: It's a court proceeding --

12 THE COURT: -- if it's -- if it's repeated on the -- on the
13 web --

14 MS. LEVY: -- the statement was hyperlinked or linked to the
15 court order of the Virginia District Court.

16 THE COURT: Yeah. But hyperlinking it doesn't change the fact
17 that he said the statement.

18 MS. LEVY: It actually -- there's -- there's numerous cases on
19 this at the federal level, Your Honor, that when you -- including a
20 New York Court that's applying Nevada law and it's -- it's the
21 *Adelson versus Harris* case. And I cite to it in the papers. And
22 it says, when you hyperlink, you are disclosing what your opinion
23 or what your facts is based on. And anyone can then read that and
24
25

1 make up their minds. And so a defamation case cannot stand when
2 you give people the underlying documents on which they can base
3 their opinion.

4 And in fact, Plaintiffs themselves, have put in their
5 opposition brief a statement that was put out by someone online
6 saying hey, Mr. Sanson, you shouldn't have said that because I
7 looked at what you hyperlinked to and that's not what it says.
8 Well, that's exactly why it's not defamatory. It's because people
9 can look at the underlying documents that Defendants themselves are
10 making available --

11
12 THE COURT: And know that it's not true?

13 MS. LEVY: I'm sorry.

14 THE COURT: And then by looking at the underlying document
15 they know that the statement is not true so that obviates the --

16 MS. LEVY: They can -- that does there's numerous cases on
17 that point, Your Honor. In fact, I quoted to it. But regardless
18 of that, even if you find that wasn't the case, you would have to
19 show that there was malice. The fact that he put out a -- a --

20 THE COURT: And that's if we find him to be a public figure.

21 MS. LEVY: I'm sorry.

22 THE COURT: And that's if we find Willick to be a public
23 figure.
24

25 MS. LEVY: Yes. Which -- all right. I still think he really

1 is because he fits every definition of a public figure under New
2 *York Times* case and under the *Gertz* case. He has purposely
3 injected himself into the political discussions in Nevada about
4 marital law, about all kinds of issues, disability benefits,
5 veterans, you name it. And he's not only put out books, but he's
6 appeared -- he's regularly cited in newspaper articles the *Review*
7 *Journal*, Elko this, and you name it. He's all over the press. He
8 is absolutely a public figure.

9
10 As I would say an Erwin Chemerinsky is with regard to
11 constitutional law. He's a public figure. He's the guy that
12 people go to that put on TV that -- that -- he's the authority.
13 And certainly I'm not agreeing that Mr. Willick is the authority,
14 but Mr. Willick himself believes he's the authority. So I don't
15 even think he'll challenge you on that. He says it himself. So
16 this is someone who is out in the public -- public place.

17 But regardless, the fact that it was corrected. I want
18 to address the issue of the original statement still being online.
19 That original statement rests on the Defendant's Constant Contact
20 account. Defendant cannot take it down because the Plaintiffs
21 wrote to Constant Contact and had them shut down his account. So
22 he cannot access that account because of the Plaintiffs' own work,
23 so -- own actions. They shut down his account and now they're
24 complaining that he can't take it down. He has no access to the
25

1 account and hasn't any since February 1st. When the -- when it was
2 actually shut down.

3 And before that, he tried to take down everything that he
4 knew he could, but -- but there are automatic settings on the
5 Constant Contact account and now he can't -- he can't take it down.
6 So if they want to withdraw their complaint to Constant Contact --

7 THE COURT: You're talking above my level of understanding, I
8 got to tell you.

9 MS. LEVY: All right. Here's the bottom line, he can't take
10 it down because the Plaintiffs have made it impossible for him to
11 take down.

12 THE COURT: And that may be, I just don't understand computers
13 that well.

14 MS. LEVY: All right. I want to go on to number four. The
15 focus of the speakers conduct should be the public interest rather
16 than a mere effort to gather ammunition for another round of
17 private controversy. There's no private controversy here.
18 Nothing. Everything --

19 THE COURT: Well, they obviously don't like each other.

20 MS. LEVY: I don't think they love each other, but I have to
21 tell you, Mr. Sanson does not harbor ill will towards Mr. Willick.

22 THE COURT: I'm glad.

23 MS. LEVY: Yeah. Veterans In Politics put things out on
24
25

1 various individuals. This is not a special case with Mr. Willick
2 as Mr. Willick thinks it is. So that's why, I mean, to think that
3 well, because he said these things, he must hate me. That's not
4 the case.

5 I wanted to -- number five, a person cannot turn
6 otherwise private information into a matter of public interest
7 simply by communicating it to a large number of people.

8 THE COURT: Now, that's kind of what he's done here; isn't it?
9

10 MS. LEVY: No. What private information, Your Honor?

11 THE COURT: Well, information about his handling of cases in
12 the Supreme Court and so on.

13 MS. LEVY: That's not private information. That's public
14 record.

15 THE COURT: Well, it's private in the sense, but it's his
16 personal --

17 MS. LEVY: That's not personal either.

18 THE COURT: -- communication with his client.

19 MS. LEVY: What goes on in these courtrooms are absolutely --
20 this is the public's --

21 THE COURT: It's public --

22 MS. LEVY: -- this is the public's courtroom.

23 THE COURT: But it's also private too. Well, okay.

24 MS. LEVY: The people's courtroom. That's why -- that's why
25

1 all the pleadings are always open to the public to review. This is
2 why we have media who sit in and report on what happens. This is
3 not private information or anything that should be kept a secret.
4 And the day it is is the day we have a major problem in our
5 democracy, Your Honor.

6 THE COURT: Okay. All right.

7 MS. LEVY: I wanted to go one other issue. The issue about
8 privilege. Plaintiff's counsel said that it had to be accurate and
9 complete accounting in order to take advantage of the reporting
10 privilege. Two points on that. And he also said that this isn't
11 the Review Journal.
12

13 Number one, the privilege does not apply only to
14 traditional media. It applies to any member of the public that
15 puts anything out that's a matter of news or matter of interest.

16 Number two, the standard is not at all accurate and
17 complete. If that were the standard then any time the Review
18 Journal or newspaper quotes to anything, it would have to provide
19 the entire speech that's provided by the speaker. And that's not
20 the case.
21

22 The standard is actually fair and accurate. So to the
23 extent that these are fair or accurate and he's got the underlying
24 documents there, it should fit within the privilege--

25 THE COURT: Well, they've convinced me that some of the

1 statements are inaccurate. I mean, certainly --

2 MS. LEVY: The only one -- no. The only one was the one in

3 which he made an error with the commas. That --

4 THE COURT: How about the -- he was representing the loser in

5 that lawsuit, he wasn't.

6 MS. LEVY: Because 40 percent -- no.

7 THE COURT: Wasn't he?

8 MS. LEVY: It says that he lost the Supreme Court case.

9 THE COURT: Right.

10 MS. LEVY: Forty percent of his brief was devoted to an issue

11 that the Supreme Court --

12 THE COURT: But he didn't lose the case; did he?

13 MS. LEVY: It didn't say he lost the case.

14 THE COURT: Well, that's the way I understood it.

15 MS. LEVY: All right. I'll read it.

16 THE COURT: Attorney Marshal Willick loses his appeal to the

17 Nevada Supreme Court.

18 MS. LEVY: He lost the appeal. Forty percent of his --

19 THE COURT: He lost the appeal?

20 MS. LEVY: Yes. Because he appealed --

21 THE COURT: He was the attorney for the loser in the case?

22 MS. LEVY: He had two issues he was trying to --

23 THE COURT: First of all, he wasn't the appellant, his client

24

25

1 was; right?

2 MS. LEVY: Right. But what's the difference? What happened
3 was -- I'll tell you --

4 THE COURT: Well, there's a difference, isn't there?

5 MS. LEVY: Well, I'll tell you -- actually he was an appellant
6 --

7 THE COURT: He was the party?

8 MS. LEVY: Yes. No, no. His client. I'm sorry. I
9 understand now. I didn't understand what you just said.
10

11 THE COURT: Well, he wasn't the party to the lawsuit; was he?

12 MS. LEVY: No. He was not, you're right.

13 THE COURT: All right. Let's go on. Is there anything
14 further?

15 MS. LEVY: No, Your Honor. He --

16 THE COURT: All right.

17 MS. LEVY: All right. Thank you.

18 THE COURT: First of all, and I know that you've both talked
19 about this and Mr. Gilmore doesn't think that it's as important as
20 I do, but I -- I think the real key here is whether Willick is a
21 public figure. And while there's lots of attorneys that could be
22 public figures, I suppose, if you were a prosecutor or maybe a
23 defense attorney prosecuting O.J. Simpson for murder maybe you
24 would be considered a public figure. But I'm not at all convinced
25

1 that Mr. Willick is a public figure just because he's a -- claims
2 to be a prominent attorney in doing family court matters.

3 I went and I looked up a case. Fortunately, our Supreme
4 Court now allows us to cite unpublished decisions in *Doe versus*
5 *Brown* which is a May 29th, 2015, opinion of our Supreme Court. The
6 Plaintiffs were Mary and Phil Brown. They were Chief Deputy
7 District Attorneys in the District Attorney's Office and the
8 comment complained about statements -- the statement that was
9 complained about was that Mary Brown had been promoted due to
10 intimate relations she had with Phil.

12 The Courts -- the Court said that she -- they were not --
13 and this was an anti-SLAPP case, the Court said that the Browns
14 were not public figures. And they cited that *Gertz* case that you
15 have both referred to. The Defendant argued that the Browns were
16 at a minimum limited purpose public persons because of their
17 professions and because they quote, thrust themselves into the
18 spotlight by swearing out an affidavit about Judge Jones'
19 inappropriate relationship with a prosecutor and then making it
20 public by talking to the media.

22 Now, I do know the *Jones* case. That was a case of public
23 interest. It was on the front page of the Review Journal many
24 times. And Jones' picture was there and I think he's in prison at
25 this point, but I'm not -- he may be out by now, but that clearly

1 was a matter of public interest.

2 But the fact that the Browns had done that and then were
3 -- were suing over this the Court said that they disagreed that the
4 Browns had to prove actual malice. As Deputy District Attorneys
5 the Browns were government employees, not elected officials. Now
6 Willick isn't -- isn't even a government employee. We conclude the
7 Browns are not public figures. Well, if they're not public
8 figures, I can't see how Willick became a public figure. I can see
9 cases where prosecutors and defense attorneys might become, like in
10 an O.J. Simpson case, but Willick isn't a public figure.

12 I also find that these are -- and I agree with
13 Mr. Gilmore, that these aren't matters of public interest. If you
14 look at the *Shapiro versus Welt* factors, I don't think that these
15 are matters of public interest. So I'm going to deny the motion to
16 dismiss under the anti-SLAPP statute.

17 The Plaintiff has asked for compensation, but in order to
18 get there I would have to find that these are frivolous motions.
19 I'm not going to make that finding, so I'm not going to award
20 attorney's fees at this point. I'm going to ask Mr. Gilmore to
21 prepare an appropriate order with findings. Will you do that?
22

23 MR. GILMORE: Will do, Your Honor. And I'll run it by defense
24 counsel.

25 THE COURT: Will you run it by counsel?

1 MR. GILMORE: Yes, Your Honor.

2 THE COURT: We'll see you in April.

3 MS. LEVY: Your Honor, we have the right to an immediate
4 appeal of the anti-SLAPP --

5 THE COURT: I believe that there is a right of appeal but I --

6 MR. GILMORE: We'll get the order done quickly, Your Honor.

7 MS. LEVY: Well, no. It's not just that, but if we can have
8 the case stayed pending the appeal --

9 THE COURT: I'm sorry.

10 MS. LEVY: Can we have the case stayed pending the appeal?

11 MR. GILMORE: I think they'd have to file a motion to that
12 effect, Your Honor. We're getting a little ahead of ourselves. If
13 they want to -- let's get the order entered --

14 THE COURT: We can continue on with the other motions that you
15 filed.

16 MS. LEVY: Well --

17 THE COURT: Pending the appeal, can we not?

18 MS. LEVY: -- the anti-SLAPP motion stays discovery, so I
19 don't want to have to expand all --

20 THE COURT: No. I don't want to go through discovery, but
21 we've got some motions, some of which may have merit --

22 MS. LEVY: Yes.

23 THE COURT: -- to dismiss other claims for relief.
24
25

1 MS. LEVY: I have no problem if the Court wants to --

2 THE COURT: I'd like to continue on with those unless you
3 don't want me to --

4 MS. LEVY: No, that's fine you can, but I don't want the case
5 to proceed into discovery. If you want to handle that and then
6 stay it that's fine pending the appeal. Because the whole purpose
7 -- it's not --

8 MR. GILMORE: [Indiscernible]

9 MS. LEVY: -- and, Your Honor, if you don't want to reach
10 those other motions, that's fine too.

11 THE COURT: Do you want to -- shall we just stay the whole
12 thing?

13 MR. GILMORE: I think we go forward, Your Honor. If they want
14 to bring a motion to stay, we'll certainly take that up on the
15 papers.

16 THE COURT: Okay.

17 MS. LEVY: Well --

18 MR. GILMORE: -- if they want to file it on shortened time to
19 have you resolve it after we address the pending motions, we're
20 happy to do that.

21 THE COURT: Let's address the other pending motions and get
22 rid of some -- some of those have merit, I think, and we need to
23 address them.

1 MS. LEVY: All right.

2 MR. GILMORE: And we'll take a look at that, Your Honor.

3 THE COURT: Okay.

4 MR. GILMORE: And we'll be back here on the fifth I think you
5 said.

6 THE CLERK: The fourth

7 THE COURT: The Clerk -- I thought he said the fourth.
8 Did you say the fourth?

9 THE CLERK: It's the fourth.

10 MR. GILMORE: April 4th. Okay.

11 THE COURT: He says April 4, which is a Tuesday.

12 MR. GILMORE: And I believe him. Thank you, Your Honor. We
13 appreciate your time today.

14 THE COURT: Have a good day.

15 MR. WILLICK: Thank you for the time.

16 MS. LEVY: Thank you, Your Honor.

17 [Proceeding concluded at 10:46 a.m.]

18

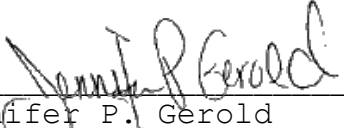
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20 ATTEST: I do hereby certify that I have truly and correctly
21 transcribed the audio/video proceedings in the above-entitled case
22 to the best of my ability.

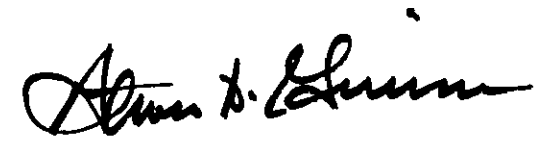
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Jennifer P. Gerold
Court Recorder/Transcriber


CLERK OF THE COURT

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Attorneys for Plaintiffs
Marshal S. Willick and Willick Law Group

DISTRICT COURT
CLARK COUNTY, NEVADA

MARSHAL S. WILLICK and WILLICK LAW
GROUP,

Plaintiffs,

vs.

STEVE W. SANSON; HEIDI J. HANUSA;
CHRISTINA ORTIZ; JOHNNY SPICER; DON
WOOLBRIGHT; VETERANS IN POLITICS
INTERNATIONAL, INC.; SANSON
CORPORATION; KAREN STEELMON; and
DOES I through X,

Defendants.

Case No. A-17-750171-C
Dept. No. XVIII

**PLAINTIFFS' RESPONSE TO
DEFENDANTS STEVE W. SANSON
AND VETERANS IN POLITICS
INTERNATIONAL, INC.'S**

- (i) **MOTION TO DISMISS
NINTH CAUSE OF ACTION
FOR COPYRIGHT
INFRINGEMENT FOR LACK
OF SUBJECT MATTER
JURISDICTION (N.R.C.P.
12(b)(1));**
- (ii) **MOTION TO DISMISS FOR
FAILURE TO STATE A
CLAIM (N.R.C.P. 12(b)(5));
AND**
- (iii) **MOTION TO STRIKE**

BAILEY ♦ KENNEDY
8984 SPANISH RIDGE AVENUE
LAS VEGAS, NEVADA 89148-1302
702.562.8820

Plaintiffs Marshal S. Willick (“Mr. Willick”) and Willick Law Group (“Willick Law”) (together, the “Willick Parties”), by and through their counsel, respond to Defendants Steve W. Sanson (“Mr. Sanson”) and Veterans in Politics International, Inc.’s (“VIPI”) (together, the “Sanson Parties”) Motion to Dismiss Ninth Cause of Action for Copyright Infringement for Lack of Subject Matter Jurisdiction (N.R.C.P. 12(b)(1)) (the “First Motion to Dismiss”), Motion to Dismiss for Failure to State a Claim (N.R.C.P. 12(b)(5)) (the “Second Motion to Dismiss”) (together, the “Motions to Dismiss”), and Motion to Strike, each filed on February 24, 2017, and served on March 2, 2017, by giving notice that the Willick Parties will file an Amended Complaint prior to the April 4, 2017 hearing as expressly permitted by N.R.C.P. 15(a), which will supersede the initial Complaint and render moot the pending Motions to Dismiss and Motion to Strike. *Las Vegas Network, Inc. v. B. Shawcross & Assocs.*, 80 Nev. 405, 407, 395 P.2d 520, 521 (1964) (noting that “an amended pleading supersedes the prior pleading”); *see also Aqua Fin., Inc. v. Harvest King, Inc.*, No. 07-C-015-C, 2007 WL 5404939, at *1 (W.D. Wis. Mar. 12, 2007) (“[T]he filing of an amended complaint renders moot any pending motion to dismiss.”).

DATED this 20th day of March, 2017.

BAILEY ♦ KENNEDY

By: /s/ Joshua P. Gilmore

DENNIS L. KENNEDY

JOSHUA P. GILMORE

and

JENNIFER V. ABRAMS

Nevada Bar No. 7575

THE ABRAMS & MAYO LAW FIRM

6252 South Rainbow Blvd., Ste. 100

Las Vegas, NV 89118

Attorneys for Plaintiffs

Marshal S. Willick and Willick Law Group

CERTIFICATE OF SERVICE

I certify that I am an employee of BAILEY ♦ KENNEDY and that on the 20th day of March, 2017, service of the foregoing **PLAINTIFFS' RESPONSE TO DEFENDANTS STEVE W. SANSON AND VETERANS IN POLITICS INTERNATIONAL, INC.'S (i) MOTION TO DISMISS NINTH CAUSE OF ACTION FOR COPYRIGHT INFRINGEMENT FOR LACK OF SUBJECT MATTER JURISDICTION (NRCP 12(b)(1)); (ii) MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM (NRCP 12(b)(5)); AND (iii) MOTION TO STRIKE** was made by mandatory electronic service through the Eighth Judicial District Court's electronic filing system and/or by depositing a true and correct copy in the U.S. Mail, first class postage prepaid, and addressed to the following at their last known address:

ANAT LEVY
ANAT LEVY & ASSOCIATES, P.C.
5841 E. Charleston Boulevard, #230-421
Las Vegas, NV 89142

Email: alevy96@aol.com

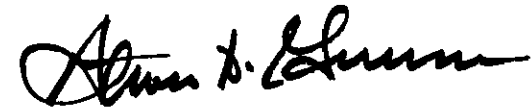
Attorneys for Defendants
VETERANS IN POLITICS
INTERNATIONAL, INC. and
STEVE SANSON

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Attorneys for Defendants
VETERANS IN POLITICS
INTERNATIONAL, INC. and
STEVE SANSON

/s/ Susan Russo
Employee of BAILEY ♦ KENNEDY



CLERK OF THE COURT

DECL

Anat Levy, Esq. (State Bar No. 12550)

ANAT LEVY & ASSOCIATES, P.C.

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Las Vegas, NV 89142

Phone: (310) 621-1199

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Attorney for: DEFENDANTS VETERANS IN POLITICS INTERNATIONAL, INC.
AND STEVE SANSON

**DISTRICT COURT
CLARK COUNTY, NEVADA**

MARSHALL S. WILICK and WILICK
LAW GROUP,

Plaintiffs,

vs.

STEVE W. SANSON; HEIDI J. HANUSA;
CHRISTINA ORTIZ; JOHNNY SPICER;
DON WOOLBRIGHTS; VETERNAS IN
POLITICS INTERNATIONAL, INC.;
SANSON CORPORATION; KAREN
STEELMON; and DOES 1 THROUGH X
Defendants.

CASE NO. A-17-750171-C

DEPT. NO.: XVIII (18)

[Proposed Order on
Defendants' Anti-SLAPP
Motion Attached]

DECLARATION OF ANAT LEVY;

PROPOSED ORDER ATTACHED THERETO

I, ANAT LEVY, hereby declare as follows:

1. I am counsel for defendants Veterans in Politics International, Inc. ("VIPI") and it's President, Steve Sanson, in the within action. I make this declaration based on my personal knowledge, except as to matters stated to be based on information and belief. I am competent to testify as to the truth of these statements if called upon to do so.

DECLARATION OF ANAT LEVY;
PROPOSED ORDER ON DEFENDANTS' ANTI-SLAPP MOTION ATTACHED THERETO

1 2. Attached hereto as Exhibit 1 is a proposed written Order on the Court's
2 March 14, 2017 ruling on Defendants' anti-SLAPP motion.

3 3. While the Court ordered Plaintiffs' counsel to prepare the order, I did not
4 receive a draft Order within the timeframes set forth in EDCR §7.21, which states as
5 follows: "counsel obtaining any order, judgment or decree must furnish the form of the
6 same to the clerk or the judge in charge of the court **within 10 days after counsel is**
7 **notified of the ruling, unless additional time is allowed by the court.**" (Emphasis
8 added.)

9 4. The deadline to provide the Order to the Court pursuant to EDCR §7.21
10 was March 24, 2017.

11 5. During the week of March 20, 2017, I had several communications with
12 Mr. Gilmore, counsel for Plaintiffs, to determine when I could expect to receive a draft
13 Order for review. I was advised that I would receive it this week. When I did not receive
14 it by Thursday, March 23, I prepared the attached Order and sent it to Plaintiffs' counsel
15 for comments in an effort to expedite the preparation and submission of the Order.

16 6. At approximately 4:30pm on March 24, the deadline, I received an email
17 from Plaintiffs' counsel advising that he would not be providing comments on my draft
18 but will provide me with his own draft "early next week."

19 7. Given the deadline to file, and in order to avoid unnecessary delay of my
20 clients' appeal, I am submitting the attached proposed Order for the Court's review and
21 signature. .

22 8. Paragraph 5 of the proposed Order states that Defendants are entitled to an
23 immediate appeal of the ruling pursuant to NRS §41.670(4) which states: "If the court
24 denies the special motion to dismiss filed pursuant to NRS 41.660, an interlocutory
25 appeal lies to the Supreme Court." While the Court initially anticipated hearing
26 Defendants' pending 12(b)(5), 12(b)(1), and motion to strike prior to Defendants' taking
27 their appeal, on March 20, 2017 Plaintiffs filed notice of an intent to file an amended
28

1 complaint by April 4, 2017, the date of the hearing on Defendants' pending motions.
2 While I do not believe that Plaintiffs should be permitted to amend their complaint at
3 this point without leave of court, they certainly should not have to respond to an
4 amended complaint before proceeding with their appeal. The very purpose of Nevada's
5 anti-SLAPP statutes is to give Defendants a fast and economical way of dismissing a
6 complaint without having to engage in protracted litigation.

7 9. In addition, a ruling from the Supreme Court may result in a remand on
8 Defendants' anti-SLAPP motion, which if ultimately granted, would bar the filing of an
9 amended complaint by Plaintiffs. At a minimum, the Supreme Court's ruling would
10 help the parties and this Court determine the next procedural steps in this case, and may
11 also shed light on certain substantive aspects of the case, for example, whether Plaintiff
12 Marshal Willick is a public figure, which will affect how the parties proceed on an
13 amended complaint, if any.

14 I declare under penalty of perjury under the laws of the State of Nevada that the
15 foregoing is true and correct to the best of my knowledge and belief.

16 DATED this 24th day of March, 2017 in Las Vegas, NV.

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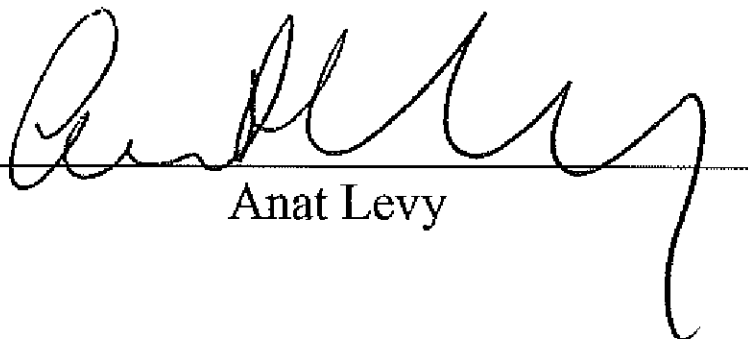

Anat Levy

EXHIBIT 1

1 ORDR

2 Anat Levy, Esq. (State Bar No. 12550)

3 ANAT LEVY & ASSOCIATES, P.C.

4 5841 E. Charleston Blvd., #230-421

5 Las Vegas, NV 89142

6 Phone: (310) 621-1199

7 E-mail: alevy96@aol.com; Fax: (310) 734-1538

8 Attorney for: DEFENDANTS VETERANS IN POLITICS INTERNATIONAL, INC.
9 AND STEVE SANSON

10 **DISTRICT COURT**
11 **CLARK COUNTY, NEVADA**

12 MARSHALL S. WILICK and WILICK
13 LAW GROUP,

14 Plaintiffs,

15 vs.

16 STEVE W. SANSON; HEIDI J. HANUSA;
17 CHRISTINA ORTIZ; JOHNNY SPICER;
18 DON WOOLBRIGHTS; VETERNAS IN
19 POLITICS INTERNATIONAL, INC.;
20 SANSON CORPORATION; KAREN
21 STEELMON; and DOES 1 THROUGH X

22 Defendants.

) CASE NO. A-17-750171-C

)
) DEPT. NO.: 18

)
) ORDER ON DEFENDANTS'
) ANTI-SLAPP MOTION TO
) DISMISS

)
) Hearing Date: 3/14/2017

)
) Hearing Time: 9:00 a.m.

23 Defendants Veterans in Politics International, Inc. ("VIPI") and Steve W. Sanson
24 ("Sanson") (collectively, "Defendants"), Anti-SLAPP Special Motion to Dismiss
25 Pursuant to NRS 41.650 et. seq. came on regularly for hearing on March 14, 2017 at 9:00
26 a.m, in Department 18 of the above-captioned court, the Honorable Richard Thompson
27 presiding.

28 Defendants were represented Anat Levy, Esq. of Anat Levy & Associates, P.C.,
and Steve Sanson appeared with counsel on behalf of VIPI and himself. Plaintiffs
Marshal Willick and Willick Law Group were represented by Joshua Gilmore of Bailey

1 Kennedy, LLP and Jennifer Abrams of the Abrams Mayo law firm. Marshal Willick
2 appeared with counsel on behalf of himself and the Willick Law Group.

3 The Court considered Defendants' motion with the supporting Declarations of
4 Steve Sanson and Anat Levy and the exhibits thereto filed on February 17, 2017,
5 Plaintiffs' opposition and supporting Declaration of Marshal Willick and exhibits filed
6 on March 8, 2017, Plaintiffs' Notice of Errata filed on March 8, 2017, and Defendants'
7 Reply and the Supplemental Declaration of Steve Sanson filed on March 9, 2017. The
8 Court did not consider Plaintiffs' Affidavit of Marshal Willick filed on March 13, 2017
9 nor Defendants' Motion to Strike such Affidavit filed on March 13, 2017. Having also
10 considered all arguments made by counsel at the hearing, and for GOOD CAUSE
11 appearing, ruled as follow:

12 **IT IS HEREBY ORDERED** that Defendants' anti-SLAPP motion is DENIED.
13 The Court finds that:

14 1. Defendants have not carried their burden of proof to establish that the
15 subject matters of Defendant's speech at issue in the complaint are of "public concern"
16 pursuant to N.R.S. §§41.637 et. seq., including NRS §41.660. Accordingly, the Court
17 does not reach the issue of whether Plaintiffs have shown a probability of success on the
18 merits of their claims.

19 2. The Court relies on unpublished opinion, Doe v. Brown, NV Sup. Ct., May
20 29, 2015, to find that Plaintiffs are not "public figures" for purposes of defamation law.

21 3. Defendants' anti-SLAPP motion is not treated as a summary judgment
22 motion.

23 4. Each party's respective motions for attorneys' fees and costs and
24 additional compensation of up to \$10,000 under the applicable provisions of the anti-
25 SLAPP statutes, NRS 41.670(1)(a) and (b) for Defendants, and NRS41.670(2) for
26 Plaintiffs, are hereby DENIED.

27 5. Defendants have a right to an immediate interlocutory appeal of this Order
28 pursuant to NRS §41.670(4) which states: "If the court denies the special motion to

1 dismiss filed pursuant to NRS 41.660, an interlocutory appeal lies to the Supreme
2 Court.”

3 6. Discovery in this case is hereby stayed pursuant to NRS §41.660(3)(e)
4 which states in relevant part: “Except as otherwise provided in subsection 4, stay
5 discovery pending: ...[t]he disposition of any appeal from the ruling on the motion.”
6

7 DATED: this ____ day of _____,
8 2017

By: _____
DISTRICT COURT JUDGE

9
10 Respectfully submitted,

11 ANAT LEVY & ASSOCIATES, P.C.

12
13 By: 

Anat Levy, Esq. (Bar #12250)

14 Anat Levy & Associates, P.C.

15 5841 E. Charleston Blvd., #230-421

Las Vegas, NV 89142

16 Cell: (310) 621-1199

17 Alevy96@aol.com

Counsel for Defendants Veterans in Politics

18 International, Inc. and Steve W. Sanson.

19
20 Approved as to form and content by:

21 BAILEY KENNEDY, LLP

22
23
24 By: _____

Joshua Gilmore, Esq. (Bar #11576)

25 Bailey Kennedy, LLP

26 8984 Spanish Ridge Ave.,

Las Vegas, NV 89148

27 Counsel for Plaintiffs Marshal Willick,

28 Esq. and Willick Law Group.

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On this date I asked the court to E-serve a true and correct copy of the document entitled DECLARATION OF ANAT LEVY IN SUPPORT OF ANTI-SLAPP MOTION TO DISMISS; PROPOSED ORDER ATTACHED THERETO on the below listed recipients through its e-serve service on wiznet to the following recipients.

Alex Ghouadi, Esq.
G Law
320 E. Charleston Blvd., Ste. 105
Las Vegas, NV 89104
(702) 217-7442
alex@alexglaw.com

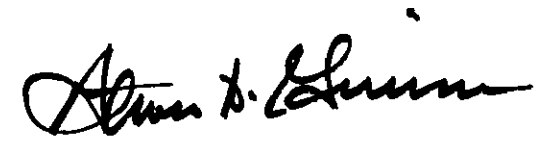
Maggie McLetchie, Esq.
McLetchie Shell
702 E. Bridger Ave., Ste. 520
Las Vegas, NV 89101
(702) 728-5300
Maggie@nvlitigation.com

I declare under penalty of perjury under the laws of the State of Nevada that the foregoing is true and correct.

Executed this 26th day of March, 2017, in Las Vegas, NV

- 4

AA001681


CLERK OF THE COURT

NEOJ
DENNIS L. KENNEDY
Nevada Bar No. 1462
JOSHUA P. GILMORE
Nevada Bar No. 11576
KELLY B. STOUT
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Attorneys for Plaintiffs
Marshal S. Willick and Willick Law Group

DISTRICT COURT
CLARK COUNTY, NEVADA

MARSHAL S. WILLICK and WILLICK LAW
GROUP,

Plaintiffs,

vs.

STEVE W. SANSON; HEIDI J. HANUSA;
CHRISTINA ORTIZ; JOHNNY SPICER; DON
WOOLBRIGHT; VETERANS IN POLITICS
INTERNATIONAL, INC.; SANSON
CORPORATION; KAREN STEELMON; and
DOES I through X,

Defendants.

Case No. A-17-750171-C
Dept. No. XVIII

**NOTICE OF ENTRY OF ORDER
DENYING: (i) THE VIPI DEFENDANTS'
ANTI-SLAPP SPECIAL MOTION TO
DISMISS PURSUANT TO NRS 41.650 ET
SEQ.; (ii) THE WILLICK PARTIES'
COUNTERMOTION FOR
ATTORNEY'S FEES AND COSTS**

///

///

///

PLEASE TAKE NOTICE that an Order Denying: (i) The VIPI Defendants' Anti-Slapp Special Motion to Dismiss Pursuant to NRS 41.650 et seq.; (ii) The Willick Parties Countermotion for Attorney's Fees and Costs was entered in the above-entitled action on the 30th day of March, 2017, a true and correct copy of which is attached hereto as Exhibit 1.

DATED this 31st of March, 2017.

BAILEY ♦ KENNEDY

By: /s/ Dennis L. Kennedy

DENNIS L. KENNEDY

JOSHUA P. GILMORE

KELLY B. STOUT

and

JENNIFER V. ABRAMS

Nevada Bar No. 7575

THE ABRAMS & MAYO LAW FIRM

6252 South Rainbow Blvd., Ste. 100

Las Vegas, NV 89118

Attorneys for Plaintiffs

Marshal S. Willick and Willick Law Group

CERTIFICATE OF SERVICE

I certify that I am an employee of BAILEY ♦ KENNEDY and that on the 31st day of March, 2017, service of the foregoing Notice of Entry of Order Denying: (i) The VIPI Defendants' Anti-Slapp Special Motion to Dismiss Pursuant to NRS 41.650 et seq.; (ii) The Willick Parties Countermotion for Attorney's Fees and Costs was made by mandatory electronic service through the Eighth Judicial District Court's electronic filing system and/or by depositing a true and correct copy in the U.S. Mail, first class postage prepaid, and addressed to the following at their last known address:

ANAT LEVY
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Las Vegas, NV 89142

Email: alevy96@aol.com
Attorneys for Defendants
VETERANS IN POLITICS
INTERNATIONAL, INC. and
STEVE SANSON

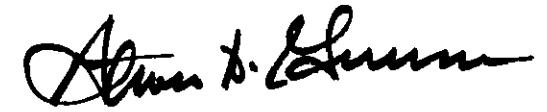
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Attorneys for Defendants
VETERANS IN POLITICS
INTERNATIONAL, INC. and
STEVE SANSON

/s/ Susan Russo
Employee of BAILEY ♦ KENNEDY

EXHIBIT 1

EXHIBIT 1



CLERK OF THE COURT

1 **ORDER**

2 DENNIS L. KENNEDY

3 Nevada Bar No. 1462

4 JOSHUA P. GILMORE

5 Nevada Bar No. 11576

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20 JVAGroup@theabramslawfirm.com

21 *Attorneys for Plaintiffs*

22 Marshal S. Willick and Willick Law Group

23 DISTRICT COURT

24 CLARK COUNTY, NEVADA

25 MARSHAL S. WILLICK and WILLICK LAW
26 GROUP,

27 Plaintiffs,

28 vs.

29 STEVE W. SANSON; HEIDI J. HANUSA;
30 CHRISTINA ORTIZ; JOHNNY SPICER; DON
31 WOOLBRIGHT; VETERANS IN POLITICS
32 INTERNATIONAL, INC.; SANSON
33 CORPORATION; KAREN STEELMON; and
34 DOES I through X,

35 Defendants.

Case No. A-17-750171-C
Dept. No. XVIII

**ORDER DENYING: (i) THE VIPI
DEFENDANTS' ANTI-SLAPP SPECIAL
MOTION TO DISMISS PURSUANT TO
NRS 41.650 ET SEQ.; (ii) THE WILLICK
PARTIES' COUNTERMOTION FOR
ATTORNEY'S FEES AND COSTS; AND
(iii) THE VIPI DEFENDANTS'
MOTION TO STRIKE** (pw)

36 This matter came before the Court (the Honorable Charles Thompson presiding) for hearing
37 on the 14th day of March, 2017, at 9:00 AM, in Department 18, on (i) Defendants Steve W. Sanson
38 ("Mr. Sanson") and Veterans in Politics International, Inc.'s ("VIPI") (together, the "VIPI

1 Defendants”) Anti-SLAPP Special Motion to Dismiss Pursuant to NRS 41.650 et seq. (the “Special
2 Motion to Dismiss”); and (ii) Plaintiffs Marshal S. Willick (“Mr. Willick”) and Willick Law Group’s
3 (“Willick Law”) (together, the “Willick Parties”) Countermotion for Attorney’s Fees and Costs (the
4 “Countermotion”). Joshua P. Gilmore, Esq. of Bailey ♦ Kennedy and Jennifer V. Abrams, Esq. of
5 The Abrams & Mayo Law Firm appeared on behalf of the Willick Parties. Anat Levy, Esq. of Anat
6 Levy & Associates, P.C. appeared on behalf of the VIPI Defendants.

7 The Court, having examined the memoranda of the parties and the records and documents on
8 file, heard argument of counsel, and being fully advised of the premises, and good cause appearing,
9 hereby makes the following Findings of Fact, Conclusions of Law, and Order with regard to the
10 Special Motion to Dismiss and Countermotion (and related Motion to Strike):

11 **FINDINGS OF FACT**

12 1. On January 27, 2017, the Willick Parties filed their Complaint against the VIPI
13 Defendants (among others).

14 2. On February 17, 2017, the VIPI Defendants filed their Special Motion to Dismiss,
15 arguing that the defamatory statements at issue in the Complaint fall within the ambit of NRS
16 41.637, in part because Mr. Willick is a public figure or limited purpose public figure, and that the
17 Willick Parties lack prima facie evidence supporting their claims.

18 3. On March 7, 2017, the Willick Parties filed their Opposition to the Special Motion to
19 Dismiss, arguing that the defamatory statements at issue in the Complaint do not fall within the
20 ambit of NRS 41.637; but, even if they did, they have presented prima facie evidence supporting
21 their claims. The Willick Parties also denied that Mr. Willick is a public figure or limited purpose
22 public figure. The Willick Parties separately filed their Countermotion, requesting an award of
23 attorneys’ fees and costs pursuant to NRS 41.670(2).

24 4. On March 9, 2017, the VIPI Defendants filed their Reply in Support of their Special
25 Motion to Dismiss, together with Mr. Sanson’s Supplemental Declaration, and their Opposition to
26 the Countermotion.

1 (4) the focus of the speaker's conduct should be the public interest rather than a mere
2 effort to gather ammunition for another round of private controversy; and

3 (5) a person cannot turn otherwise private information into a matter of public interest
4 simply by communicating it to a large number of people.

5 *Id.*, at ___, 389 P.3d at 268 (citation omitted).

6 4. If the Court determines that "the issue is of public interest, it must next determine
7 whether the communication was made 'in a place open to the public or in a public forum.'" *Id.*
8 (quoting NRS 41.673(4)). Finally, the Court must determine whether the communication was
9 "truthful or [was] made without knowledge of its falsehood." *Id.* (quoting NRS 41.637(4)).

10 5. Courts do not "simply rubber stamp" assertions by a defendant that a plaintiff's
11 claims fall within the ambit of the anti-SLAPP statute. *Flatley v. Mauro*, 139 P.3d 2, 13 (Cal. 2006).
12 Rather, the defendant must establish, by a preponderance of the evidence, that each claim is based on
13 a communication as specifically defined under NRS 41.637. NRS 41.660(3)(a); *see also Century 21*
14 *Chamberlain & Assocs. v. Haberman*, 92 Cal. Rptr. 3d 249, 256 (Cal. Ct. App. 2009) (stating that
15 the defendant bears the initial burden of establishing that each cause of action in the complaint arises
16 from "activity protected by the anti-SLAPP statute").

17 6. If the defendant is unable to meet its initial burden of proof, the burden does not shift
18 to the plaintiff to establish "with prima facie evidence a probability of prevailing on [each] claim."
19 NRS 41.660(3)(b); *see also Commonwealth Energy Corp. v. Investor Data Exchange, Inc.*, 1 Cal.
20 Rptr. 3d 390, 393 (Cal. Ct. App. 2003) ("The point is, if the moving defendant cannot meet the
21 threshold showing, then the fact that he or she might be able to otherwise prevail on the merits under
22 the 'probability' step is irrelevant.").

23 7. If the defendant meets its initial burden of proof, the burden shifts to the plaintiff to
24 put forth "prima facie evidence" of a probability of prevailing on each claim. NRS 41.660(3)(b). In
25 other words, the plaintiff must show that each claim has "minimal merit." *Soukup v. Law Offices of*
26 *Herbert Hafif*, 139 P.3d 30, 51 (Cal. 2006).

27 8. Based on these legal principles, the Court finds that the VIPI Defendants have failed
28 to meet their initial burden of proof with regard to their Special Motion to Dismiss, for the following
reasons:

1 a. First, having considered the *Shapiro* factors, the Court finds that the VIPI
2 Defendants have not established, by a preponderance of the evidence, that each claim in the
3 Complaint is based on a communication involving “an issue of public interest.”

4 b. Second, in light of the Nevada Supreme Court’s holding in *Doe v. Brown*, No.
5 62752, 2015 WL 3489404 (2015), the Court finds that Mr. Willick is not a public figure or
6 limited purpose public figure.

7 c. Third, upon review of the defamatory statements at issue in the Complaint, the
8 Court finds that the VIPI Defendants have not established, by a preponderance of the
9 evidence, that each was truthful or was made without knowledge of its falsehood.

10 9. Because the VIPI Defendants have failed to meet their initial burden of proof, the
11 Court need not address whether the Willick Parties have presented prima facie evidence supporting
12 their claims. *See, e.g., Stenehjem v. Sareen*, 173 Cal. Rptr. 3d 173, 191 n.19 (Cal. Ct. App. 2014)
13 (“Because we have concluded that Stenehjem did not meet his threshold showing that the activity
14 underlying the allegations of the Cross-Complaint was protected under the anti-SLAPP statute, we
15 need not consider the second prong, i.e., whether the record demonstrates that Sareen established a
16 probability of prevailing.”).

17 10. The Court does not find that the Special Motion to Dismiss was “frivolous or
18 vexatious,” and therefore, the Court declines to award fees and costs to the Willick Parties.

19 11. In light of the Court’s ruling, the Motion to Strike is deemed moot.

20 12. At the end of the March 14, 2017 hearing, the VIPI Defendants orally moved for a
21 stay of this proceeding pending an appeal, which the Court denied as premature.

22 13. Any conclusion of law set forth herein more appropriately designated as a finding of
23 fact shall be so designated.

24 ///

25 ///

26 **ORDER**

27 Based on the foregoing Findings of Fact and Conclusions of Law, and good cause appearing,
28

BAILEY ♦ KENNEDY
8984 SPANISH RIDGE AVENUE
LAS VEGAS, NEVADA 89148-1302
702.562.8820

1 THE COURT HEREBY ORDERS that the Special Motion to Dismiss shall be, and hereby
2 is, DENIED.

3 THE COURT HEREBY FURTHER ORDERS that the Countermotion shall be, and hereby
4 is, DENIED.

5 ~~THE COURT HEREBY FURTHER ORDERS that the Motion to Strike shall be, and hereby~~
6 ~~is, DENIED as moot.~~

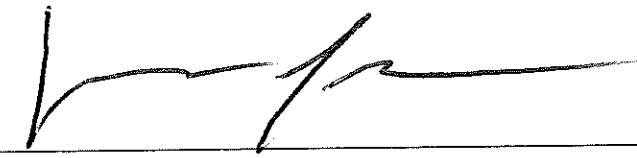
7 IT IS SO ORDERED.

8 DATED this 29th day of March, 2017.

9
10 
11 DISTRICT COURT JUDGE

12 Submitted by:

13 BAILEY ♦ KENNEDY

14 
15 By: _____
16 DENNIS L. KENNEDY
JOSHUA P. GILMORE

17 and

18 JENNIFER V. ABRAMS
Nevada Bar No. 7575
19 THE ABRAMS & MAYO LAW FIRM
6252 South Rainbow Blvd., Suite 100

20 *Attorneys for Plaintiffs,*
21 Marshal S. Willick and Willick Law Group
22
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27
28


CLERK OF THE COURT

FAC
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JOSHUA P. GILMORE
Nevada Bar No. 11576
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Attorneys for Plaintiffs
Marshal S. Willick and Marshal S. Willick LLC
d/b/a Willick Law Group

DISTRICT COURT
CLARK COUNTY, NEVADA

MARSHAL S. WILLICK and MARSHAL S.
WILLICK LLC d/b/a WILLICK LAW GROUP,

Plaintiffs,

vs.

STEVE W. SANSON; VETERANS IN
POLITICS INTERNATIONAL, INC.; and
DOES I through X,

Defendants.

Case No. A-17-750171-C
Dept. No. XVIII

FIRST AMENDED COMPLAINT

Exempt from Arbitration: NAR 3(A), 5
• Amount in Controversy in Excess
of \$50,000.00; and
• Action seeking equitable or
extraordinary relief.

BAILEY ♦ KENNEDY
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LAS VEGAS, NEVADA 89148-1302
702.562.8820

1 Plaintiffs Marshal S. Willick and Marshal S. Willick LLC d/b/a Willick Law Group (jointly,
2 “Plaintiffs”) by and through their attorneys of record, complain against Defendants Steve W. Sanson
3 and Veterans In Politics International, Inc. (each individually a “Defendant” and jointly,
4 “Defendants”) as follows:

5 **I. INTRODUCTION**

6 1. Plaintiffs seek monetary damages and injunctive relief to stop Defendants’ continuing
7 campaign of malicious, false, and/or misleading statements regarding Plaintiffs’ reputation and
8 business, which have given rise to Plaintiffs’ claims for Defamation, False Light Invasion of
9 Privacy, Business Disparagement, Deceptive Trade Practices, and Civil Conspiracy.

10 **II. VENUE AND JURISDICTION**

11 2. Venue is proper in Clark County because Defendants are believed to have resided in
12 Clark County at the time that this action was commenced.

13 3. Jurisdiction is proper because all alleged claims are based on actions believed to have
14 been performed in Nevada by Defendants, whether individually, jointly, or in concert with others.

15 **III. PARTIES**

16 4. Plaintiff Marshal S. Willick (“Mr. Willick”) is a natural person and an attorney
17 licensed to practice law in the State of Nevada. He practices exclusively in the field of Domestic
18 Relations. He is A/V rated, a peer-reviewed and certified (and re-certified) Fellow of the American
19 Academy of Matrimonial Lawyers, and a Certified Specialist in Family Law.

20 5. Plaintiff Marshal S. Willick LLC is a Nevada limited liability company doing
21 business as Willick Law Group (“Willick Law Group”).

22 6. Upon information and belief, Steve W. Sanson (“Mr. Sanson”) is a natural person and
23 resident of Clark County.

24 7. Upon information and belief, Veterans In Politics International, Inc. is a Nevada non-
25 profit corporation doing business as Veterans In Politics (“Veterans In Politics”), which claims “[t]o
26 educate, organize, and awaken our veterans and their families to select, support and intelligently vote
27 for those candidates whom would help create a better world, to protect ourselves from our own
28

government(s) in a culture of corruption, and to be the political voice for those in other groups who do not have one.”

8. Upon information and belief, Defendants own, operate, and/or control the Veterans In Politics website veteransinpolitics.org.

9. Upon information and belief, Defendants own, operate, and/or control a large number of internet accounts, websites, or other means of disseminating information over the internet.

10. Upon information and belief, Defendants control the following Facebook pages:

(a) <https://www.facebook.com/steve.sanson1>;

(b) <https://www.facebook.com/steve.sanson.3>;

(c) <https://www.facebook.com/veteransin.politics>;

(d) <https://www.facebook.com/VIPistavesanson/>;

(e) <https://www.facebook.com/vipistevesanson/>;

(f) <https://www.facebook.com/steve.w.sanson>;

(g) <https://www.facebook.com/Veterans-In-Politics-International-Endorsement-for-the-State-of-Nevada-1489841664563680/>;

(h) <https://www.facebook.com/groups/OperationNeverForget/>; and

(i) <https://www.facebook.com/Veterans-In-Politics-International-Endorsement-for-the-State-of-Nevada>.

11. Upon information and belief, additional persons and entities have been working with Defendants, either individually or in concert (DOES I through X), and will be added as additional named Defendants in this action when they are identified.

IV. FACTUAL ALLEGATIONS

A. The Interview

12. On or about November 14, 2015, Mr. Willick appeared by invitation on the Veterans In Politics Talk Show (the “VIP Talk Show”), a radio show hosted by Mr. Sanson in his capacity as President of Veterans In Politics (the “Interview”).

13. Although Mr. Willick had been asked to discuss family law issues for military families, Mr. Sanson quickly sandbagged Mr. Willick during the Interview with a profanity-laced

1 verbal assault about Assembly Bill 140, which changed Nevada law regarding the treatment of
2 veterans' benefits in divorce cases.

3 14. For the next 18 months, Veterans In Politics did not post any articles or material on
4 the internet related to the Interview.

5 **B. The Smear Campaign**

6 15. In 2016, Jennifer Abrams, Esq. ("Ms. Abrams") and Louis Schneider, Esq. ("Mr.
7 Schneider") appeared as opposing counsel in a family law case pending in the Eighth Judicial
8 District Court, Family Division, Clark County, Nevada, Case No. D-15-521372 (the "Family Law
9 Case").

10 16. During the Family law Case, Ms. Abrams filed a motion requesting that the Court
11 impose sanctions against Mr. Schneider (the "Motion for Sanctions").

12 17. Mr. Schneider responded by threatening to take actions "beyond the opposition" if
13 Ms. Abrams did not withdraw the Motion for Sanctions.

14 18. Ms. Abrams refused to withdraw the Motion for Sanctions.

15 19. Upon information and belief, Mr. Schneider retaliated against Ms. Abrams by paying
16 Mr. Sanson to commence an internet smear campaign designed to discredit Ms. Abrams (the "Smear
17 Campaign").

18 20. Upon information and belief, Mr. Sanson, as the President and owner of Veterans In
19 Politics, quickly learned of Mr. Willick's personal relationship with Ms. Abrams.

20 21. Upon information and belief, Defendants and Mr. Schneider extended the Smear
21 Campaign to include discrediting and harming Plaintiffs due to Mr. Willick's relationship with Ms.
22 Abrams.

23 22. In or around December 2016, Defendants published an audio recording of the
24 Interview on Soundcloud.com.

25 23. On or about December 25, 2016, Defendants published a press release entitled "Dr.
26 Robin L. Titus & Ron Q. Quilang to Appear on the Veterans In Politics video-talk show," which
27 included a hyperlink to a recording of the Interview under the headline "Veterans In Politics defense
28 [sic] Military Veterans Service Connected Disability Benefits" (the "Defense Post") and the teaser:

1 This is the type of hypocrisy we have in our community. People that
2 claim to be for veterans but yet they screw us for profit and power.

3 Listen to this show below (14:30 min into the program) and decide...
4 For mature audience only!"

5 24. Directly below the Defense Post was a hyperlink to a negative Las Vegas Review-
6 Journal article regarding Richard Crane, an employee of the Willick Law Group (the "Article").

7 25. On or about December 31, 2016, Veterans In Politics sent an email blast to its mailing
8 list, which included the same text and links as the Defense Post and the Article (the "E-mail Blast").

9 26. Upon information and belief, the Veterans In Politics mailing list includes thousands
10 of individuals spread across multiple states, and it may include more than 80,000 people.

11 27. On or about January 12, 2017, Veterans In Politics published a press release entitled
12 "Mark Amodei & Debra March to appear on the Veterans In Politics video-talk show," which
13 included a link to a post entitled "Attorney Marshall [sic] Willick and his pal convicted of sexually
14 [sic] coercion of a minor Richard Crane was found [sic] guilty of defaming a law student in a United
15 States District Court Western District of Virginia signed by US District Judge Norman K. Moon."
(the "Virginia Post").¹

16 28. Approximately two days later, on or about January 14, 2017, Defendants edited the
17 Virginia Post to read: "Attorney Marshall [sic] Willick and his pal convicted of sexually [sic]
18 coercion of a minor, Richard Crane was [sic] found guilty of defaming a law student in a United
19 States District Court Western District of Virginia signed by US District Judge Norman K. Moon."

20 29. The Virginia Post is false and/or misleading because Mr. Willick has not been
21 convicted of sexual coercion of a minor.

22 30. The Virginia Post is also false and/or misleading because neither Mr. Willick nor Mr.
23 Crane was found "guilty" of defaming a law student.

24 31. On or about January 14, 2017, the Veterans In Politics Facebook page published a
25 post entitled "Nevada Attorney Marshall [sic] Willick gets the Nevada Supreme Court Decision"

26
27 ¹ Ironically, the Virginia Post included a hyperlink to an opinion from *Vaile v. Willick*, United States District
28 Court, Western District of Virginia, Civil Action No. 6:07-cv-00011, in which U.S. District Judge Norman K. Moon held
that using the word "guilty" in order to describe a judgment in a civil case for damages constitutes defamation *per se*.

(the “*Leventhal* Facebook Post”), along with 12 photos of the Nevada Supreme Court’s decision in *Leventhal v. Black & LoBello* (the “*Leventhal* Matter”) and the following statements:

From looking at all these papers It’s [sic] obvious that Willick scammed his client and later scammed the court by misrepresenting that he was entitled to recover property under his lien and reduce it to judgement [sic].

He did not recover anything. The property was distributed in the Decree of Divorce.

Willick tried to get his client to start getting retirement benefits faster. It was not with [sic] 100,000 [sic] in legal bills.

Then he pressured his client into allowing him to continue with the appeal.

32. The title of the *Leventhal* Facebook Post is misleading because it implies that Plaintiffs represented a party in the *Leventhal* Matter, even though they did not.

33. Upon information and belief, Defendants’ statements in the *Leventhal* Facebook Post relate to Plaintiffs’ representation of a client in a case known as *Holyoak v. Holyoak* (the “*Holyoak* Matter”).

34. To the extent that they were referring to the Nevada Supreme Court’s decision in the *Holyoak* Matter in the *Leventhal* Facebook Post, Defendants’ statements were false and/or misleading because the Decree of Divorce did not accomplish what they say that it accomplished. Moreover, Plaintiffs did not pressure their client into continuing with the appeal—Plaintiffs’ client was the respondent on appeal, and therefore, she had to respond to the issues raised by the appellant on appeal.

35. On or about January 14, 2017, the Veterans In Politics Facebook page published a post entitled “Attorney Marshall [sic] Willick loses his appeal to the Nevada Supreme Court” (the “*Holyoak* Facebook Post”), along with 10 photos of the decision in the *Holyoak* Matter.

36. Contrary to Defendants’ representations, Plaintiffs’ client in the *Holyoak* Matter prevailed in the trial court, and the trial court’s decision was upheld by the Nevada Supreme Court.

37. The above false and/or misleading statements have caused numerous negative comments to be directed against Plaintiffs. For example, a comment to the Virginia Post states, “Well well well, [sic] this always catches up to those that try and perceive [sic] they are good.”

1 38. On January 24, 2017, Defendants published multiple Facebook posts offering to pay
2 “up to \$10,000 for verifiable information on Nevada Family Court Attorney Marshal Willick.”

3 39. On February 25, 2017, the VIP Talk Show purported to discuss “the unethical and
4 corrupt behavior of Nevada Family Court Attorney Marshal Willick,” and included the following
5 false and/or misleading statements:

6 a. Eric Holyoak was “correct in [his] figures” so that the numbers generated by
7 the Willick Law Group were incorrect;

8 b. Plaintiffs’ actions in the *Holyoak* Matter were “unethical and corrupt”; and

9 c. Plaintiffs aided and abetted the unauthorized practice of law by non-attorneys.

10 40. The above statements were false and/or misleading because:

11 a. The trial court and the Nevada Supreme Court found in favor of Plaintiffs’
12 client;

13 b. No finding was made, by the trial court or the Nevada Supreme Court, that
14 Plaintiffs’ actions were (or could have been) unethical or corrupt; and

15 c. Plaintiffs have not aided and abetting any non-lawyer to engage in the
16 unauthorized practice of law.

17 41. Defendants’ numerous acts demonstrate their ongoing intent to do as much harm as
18 possible to Plaintiffs’ reputation and business.

19 **FIRST CLAIM FOR RELIEF: DEFAMATION**

20 **(Mr. Willick Against Defendants)**

21 42. Plaintiffs incorporate and re-allege all preceding paragraphs as if fully stated herein.

22 43. Mr. Willick has not achieved pervasive fame or notoriety; therefore, he is not a public
23 figure.

24 44. Mr. Willick has neither voluntarily injected himself, nor was he thrust into a
25 particular public controversy or public concern; therefore, he is not a limited purpose public figure.

26 45. As the named partner in the Willick Law Group, Defendants’ false and/or misleading
27 statements of fact regarding the Willick Law Group can be imputed to Mr. Willick individually.

28 ///

1 46. Defendants intentionally made false and defamatory statements of fact about Mr.
2 Willick and the Willick Law Group that would tend to lower Mr. Willick in the estimation of the
3 community, excite derogatory opinions about Mr. Willick, and hold Mr. Willick up to contempt.

4 47. Defendants' false and defamatory statements of fact regarding Mr. Willick and the
5 Willick Law Group include, but are not limited to, the statements made in the Defense Post, the
6 Article, the Virginia Post, the *Leventhal* Facebook Post, the *Holyoak* Facebook Post, and/or during
7 the February 25, 2017 episode of the VIP Talk Show.

8 48. Defendants published and re-published to third parties each of the false and
9 defamatory statements of fact on the Veterans In Politics website and on multiple social media
10 accounts, including Facebook pages and Twitter accounts that Defendants own and/or control.

11 49. Each of Defendants' false and defamatory statements of fact regarding Mr. Willick
12 and the Willick Law Group was made negligently, recklessly, intentionally, and/or with actual
13 malice for the purpose of impugning Mr. Willick's honesty, integrity, virtue, and/or personal and
14 professional reputation.

15 50. Each of Defendants' false and defamatory statements of fact regarding Mr. Willick
16 and the Willick Law Group was made negligently, recklessly, intentionally, and/or with actual
17 malice for the purpose of harming Mr. Willick's reputation and livelihood, to harass Mr. Willick,
18 and/or to embarrass Mr. Willick.

19 51. Each of Defendants' false and defamatory statements of fact regarding Mr. Willick
20 and the Willick Law Group constitutes defamation *per se* because it imputes the commission of a
21 crime by Mr. Willick (*i.e.*, that Mr. Willick has committed sexual coercion of a minor), imputes Mr.
22 Willick's lack of fitness for trade, business, or profession, and/or would tend to injure Mr. Willick in
23 his business.

24 52. Each of Defendants' false and defamatory statements of fact regarding Mr. Willick
25 and the Willick Law Group was unprivileged.

26 53. Defendants' false and defamatory statements of fact regarding Mr. Willick and the
27 Willick Law Group has forced Mr. Willick to retain the services of an attorney and incur legal fees
28 and costs.

1 54. As a direct and proximate result of the above wrongful acts, Mr. Willick has suffered,
2 and will continue to suffer, general and special damages in excess of \$15,000.

3 55. Defendants' acts were characterized by fraud, oppression or malice, express or
4 implied, which justifies an award of punitive damages in favor of Mr. Willick and against
5 Defendants in order to deter Defendants and others similarly situated from engaging in like conduct
6 in the future.

7 **SECOND CLAIM FOR RELIEF: FALSE LIGHT INVASION OF PRIVACY**

8 **(Mr. Willick Against Defendants)**

9 56. Plaintiffs incorporate and re-allege all preceding paragraphs as if fully stated herein.

10 57. As the named partner in the Willick Law Group, Defendants' false and/or misleading
11 statements of fact regarding the Willick Law Group can be imputed to Mr. Willick individually.

12 58. Defendants intentionally made and published statements about Mr. Willick and the
13 Willick Law Group before the public, which placed Mr. Willick in a false light that would be highly
14 offensive to a reasonable person.

15 59. Defendants' statements that placed Mr. Willick and the Willick Law Group in a false
16 light include, but are not limited to, the statements made in the Defense Post, the Article, the
17 Virginia Post, the *Leventhal* Facebook Post, the *Holyoak* Facebook Post, and/or during the February
18 25, 2017 episode of the VIP Talk Show.

19 60. In making statements that placed Mr. Willick and the Willick Law Group in a false
20 light, Defendants had knowledge of or acted in reckless disregard as to the falsity and/or misleading
21 nature of the statements and the false light in which Mr. Willick would be placed.

22 61. In making the statements that placed Mr. Willick and the Willick Law Group in a
23 false light, Defendants acted with actual malice.

24 62. Defendants' statements that placed Mr. Willick and the Willick Law Group in a false
25 light have caused Mr. Willick to suffer mental distress.

26 63. Defendants' statements that placed Mr. Willick and the Willick Law Group in a false
27 light have forced Mr. Willick to retain the services of an attorney and incur legal fees and costs.

28 ///

64. As a direct and proximate result of the above wrongful acts, Mr. Willick has suffered, and will continue to suffer, general and special damages in excess of \$15,000.

65. Defendants' acts were characterized by fraud, oppression or malice, express or implied, which justifies an award of punitive damages in favor of Mr. Willick and against Defendants in order to deter Defendants and others similarly situated from engaging in like conduct in the future.

THIRD CLAIM FOR RELIEF: BUSINESS DISPARAGEMENT

(The Willick Law Group Against Defendants)

66. Plaintiffs incorporate and re-allege all preceding paragraphs as if fully stated herein.

67. Defendants intentionally made and published false and disparaging statements of fact about the Willick Law Group and/or its officers, agents, and/or employees.

68. Defendants' false and disparaging statements of fact about the Willick Law Group include, but are not limited to, the statements made in the Defense Post, the Article, the Virginia Post, the *Leventhal* Facebook Post, the *Holyoak* Facebook Post, and during the February 25, 2017 episode of the VIP Talk Show.

69. In making false and disparaging statements of fact about the Willick Law Group, Defendants acted with knowledge of their falsity or with reckless disregard for the truth.

70. In making false and disparaging statements of fact about the Willick Law Group, Defendants acted with the intent to cause harm to the Willick Law Group's pecuniary interests.

71. Defendants' false and disparaging statements of fact about the Willick Law Group were specifically directed toward the quality of the Willick Law Group's legal services.

72. Defendants' false and disparaging statements of fact about the Willick Law Group caused it to suffer economic loss.

73. Defendants' false and disparaging statements of fact about the Willick Law Group have forced it to retain the services of an attorney and incur legal fees and costs.

74. As a direct and proximate result of the above wrongful acts, the Willick Law Group has suffered, and will continue to suffer, general and special damages in excess of \$15,000.

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75. Defendants' acts were characterized by fraud, oppression or malice, express or implied, which justifies an award of punitive damages in favor of the Willick Law Group and against Defendants in order to deter Defendants and others similarly situated from engaging in like conduct in the future.

FOURTH CLAIM FOR RELIEF: DECEPTIVE TRADE PRACTICES

(Plaintiffs Against Defendants)

76. Plaintiffs incorporate and re-allege all preceding paragraphs as if fully stated herein.

77. Section 598.0915(8) of the Nevada Revised Statutes states, "A person engages in a "deceptive trade practice" if, in the course of his or her business or occupation, he or she . . . [d]isparages the goods, services or business of another person by false or misleading representation of fact."

78. Defendants engaged in a deceptive trade practice in the course of their business or occupation by knowingly making disparaging statements about the legal services and business of Mr. Willick and the Willick Law Group.

79. Defendants' disparaging statements about Mr. Willick and the Willick Law Group include, but are not limited to, the statements made in the Defense Post, the Article, the Virginia Post, the *Leventhal* Facebook Post, the *Holyoak* Facebook Post, and during the February 25, 2017 episode of the VIP Talk Show.

80. Defendants owed a statutory duty to Plaintiffs to refrain from committing deceptive trade practices in the course of their business or occupation.

81. Pursuant to NRS 41.600(1), Plaintiffs are entitled to pursue this claim for relief against Defendants as victims of "consumer fraud," which, under NRS 41.600(2)(e), is defined to include "[a] deceptive trade practice as defined in NRS 598.0915 to NRS 598.0925, inclusive."

82. Defendants' commission of deceptive trade practices have forced Plaintiffs to retain the services of an attorney and incur legal fees and costs, which are expressly recoverable by Plaintiffs pursuant to NRS 41.600(3)(c).

83. As a direct and proximate result of the above wrongful acts, Plaintiffs have suffered, and will continue to suffer, general and special damages in excess of \$15,000.

84. Pursuant to NRS 598.0999(3), Plaintiffs are entitled to recover all profits derived by Defendants from their knowing and willful engagement in the above deceptive trade practices as well as treble the amount of all damages suffered by Plaintiffs by reason of the above deceptive trade practices.

85. Defendants' acts were characterized by fraud, oppression or malice, express or implied, which justifies an award of punitive damages in favor of Plaintiffs and against Defendants in order to deter Defendants and others similarly situated from engaging in like conduct in the future.

FIFTH CAUSE OF ACTION: CIVIL CONSPIRACY

(Plaintiffs Against Defendants)

86. Plaintiffs incorporate and re-allege all preceding paragraphs as if fully stated herein.

87. Defendants entered into an agreement with Mr. Schneider to commence the Smear Campaign against Ms. Abrams and her law firm, the Abrams & Mayo Firm; Mr. Willick; and the Willick Law Group, with the intent to cause economic loss.

88. As part of the Smear Campaign, Defendants and Mr. Schneider agreed to and did make false, misleading, defamatory, and disparaging statements of fact regarding Mr. Willick and the Willick Law Group for the express purpose of harming Mr. Willick and the Willick Law Group.

89. The Smear Campaign has caused Plaintiffs to suffer economic loss.

90. Defendants' agreement to conspire against Plaintiffs and acts in furtherance of such conspiracy have forced Plaintiffs to retain the services of an attorney and incur legal fees and costs.

91. As a direct and proximate result of the conspiracy, Plaintiffs have suffered, and will continue to suffer, general and special damages in excess of \$15,000.

92. Defendants' acts were characterized by fraud, oppression or malice, express or implied, which justifies an award of punitive damages in favor of Plaintiffs and against Defendants in order to deter Defendants and others similarly situated from engaging in like conduct in the future.

WHEREFORE, Plaintiffs, and each of them, pray for relief as follows:

a. A temporary and permanent injunction requiring each Defendant (including agents, employees, and all other persons acting or purporting to act on behalf of one or both Defendants) to perform the following acts:

- i. Remove and/or destroy any false, misleading, defamatory, and/or disparaging statement of fact regarding Mr. Willick and the Willick Law Group, including any agent and employee of the Willick Law Group, that exists in the public domain; and
- ii. Publish on each website and/or social media account within Defendants' ownership and/or control a written retraction of each false, misleading, defamatory, and/or disparaging statement of fact regarding Mr. Willick and the Willick Law Group, including any agent and employee of the Willick Law Group;
- b. A temporary and permanent injunction preventing each Defendant (including agents, employees, and all other persons acting or purporting to act on behalf of one or both Defendants) from engaging in any of the following acts:
 - i. Coming within 1,000 feet of Mr. Willick, his vehicle, and his home;
 - ii. Coming within 1,000 feet of the Willick Law Group's office, any of its agents and employees, any agent and/or employee's place of residence, and any agent and/or employee's vehicle; and
 - iii. Publishing additional false, misleading, defamatory, and/or disparaging statements of fact regarding Mr. Willick and the Willick Law Group, including any agent and employee of the Willick Law Group;
- c. General, special, and compensatory damages in an amount to be proven at trial for each claim for relief set forth above;
- d. Exemplary and punitive damages in an amount to be proven at trial for each claim for relief set forth above;
- e. For an order compelling Defendants to disgorge all profits derived from their knowing and willful engagement in deceptive trade practices and awarding treble damages against them on all damages suffered by Plaintiffs by reason of Defendants' commission of deceptive trade practices;
- f. All attorney's fees and costs incurred by Plaintiffs in pursuing this action as may be permitted by law, including NRS 41.600(3)(c);

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- g. For an award of pre- and post-judgment interest at the highest rate allowed by law;
- and
- h. For such other and further relief this Court may deem just and proper.

DATED this 3rd day of April, 2017.

BAILEY ♦ KENNEDY

By: /s/ Dennis L. Kennedy

DENNIS L. KENNEDY

JOSHUA P. GILMORE

KELLY B. STOUT

and

JENNIFER V. ABRAMS

THE ABRAMS & MAYO LAW

FIRM

Attorneys for Plaintiffs

Marshal S. Willick and Marshal S. Willick
LLC d/b/a Willick Law Group

CERTIFICATE OF SERVICE

I certify that I am an employee of BAILEY ♦ KENNEDY and that on the 3rd day of April, 2017, service of the foregoing **FIRST AMENDED COMPLAINT** was made by mandatory electronic service through the Eighth Judicial District Court's electronic filing system and/or by depositing a true and correct copy in the U.S. Mail, first class postage prepaid, and addressed to the following at their last known address:

ANAT LEVY
ANAT LEVY & ASSOCIATES, P.C.
5841 E. Charleston Boulevard, #230-421
Las Vegas, NV 89142

Email: alevy96@aol.com

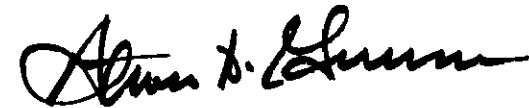
Attorneys for Defendants
**VETERANS IN POLITICS
INTERNATIONAL, INC. and
STEVE SANSON**

ALEX GHIBAUDO
G LAW
703 S. 8th Street
Las Vegas, NV 89101

Email: alex@alexglaw.com

Attorneys for Defendants
**VETERANS IN POLITICS
INTERNATIONAL, INC. and
STEVE SANSON**

/s/ Jennifer Kennedy
Employee of BAILEY ♦ KENNEDY



CLERK OF THE COURT

1 NOAS

2 Anat Levy, Esq. (State Bar No. 12550)

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5 Las Vegas, NV 89142

6 Phone: (310) 621-1199

7 E-mail: alevy96@aol.com; Fax: (310) 734-1538

8 Attorney for: DEFENDANTS VETERANS IN POLITICS INTERNATIONAL, INC. AND
9 STEVE W. SANSON

10 **DISTRICT COURT**
11 **CLARK COUNTY, NEVADA**

12 MARSHALL S. WILICK and WILICK LAW) CASE NO. A-17-750171-C
13 GROUP,)

14 Plaintiffs,)

15 DEPT. NO.: XVIII (18)

16 vs.)

17 STEVE W. SANSON; HEIDI J. HANUSA;)
18 CHRISTINA ORTIZ; JOHNNY SPICER; DON)
19 WOOLBRIGHTS; VETERNAS IN POLITICS)
20 INTERNATIONAL, INC.; SANSON)
21 CORPORATION; KAREN STEELMON; and)
22 DOES 1 THROUGH X)

23 Defendants.)

24 **NOTICE OF APPEAL**

25 PLEASE TAKE NOTICE that, pursuant to NRS §41.670(4), Defendants Veterans in
26 Politics International, Inc. and Steve W. Sanson, hereby appeal to the Supreme Court of Nevada
27 from the court's Order Denying the VIPI Defendants' Anti-SLAPP Special Motion to Dismiss
28 Pursuant to NRS 41.650 (the "Order"). The Order was entered on March 30, 2017. Notice of
Entry of the Order was filed on March 31, 2017 and served on April 3, 2017.

DATED: April 3, 2017

By: 

Anat Levy, Esq. (Bar #12250)

Anat Levy & Associates, P.C.

5841 E. Charleston Blvd., #230-421

Las Vegas, NV 89142

Cell: (310) 621-1199; Alevy96@aol.com

1 **CERTIFICATE OF SERVICE**

2
3 I am over the age of 18 and am not a party to the within action. On the date indicated
4 below I caused to be served a true and correct copy of the document entitled **NOTICE OF**
5 **APPEAL** on the below listed recipients by requesting the court's wiznet website to E-file and E-
6 serve such document at emails listed below.
7

8 Jennifer Abrams, Esq.
9 The Abrams & Mayo Law Firm
10 6252 S. Rainbow Blvd., Ste. 100
11 Las Vegas, NV 89118
12 (702) 222-4021
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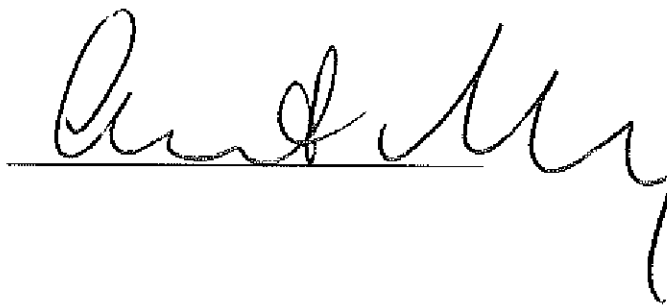
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Joshua Gilmore, Esq. (Bar #11576)
Bailey Kennedy
8984 Spanish Ridge Ave.,
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(702) 562-8820
glimore@BaileyKennedy.com

18 I declare under penalty of perjury under the laws of the State of Nevada that the
19 foregoing is true and correct.

20 Executed this 3rd day of April, 2017, in Las Vegas, NV

21
22 
23
24
25
26
27
28


CLERK OF THE COURT

MSTY
Anat Levy, Esq. (State Bar No. 12550)
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Attorney for: DEFENDANTS VETERANS IN POLITICS INTERNATIONAL, INC.
AND STEVE SANSON

**DISTRICT COURT
CLARK COUNTY, NEVADA**

MARSHALL S. WILLICK and WILLICK	)	Case No: A-17-750171-C
LAW GROUP,)	
	)	Dept.: XVIII (18)
Plaintiffs,)	
	)	<u>Filed concurrently with:</u>
vs.)	
	)	1) Declaration of Anat Levy
STEVE W. SANSON; HEIDI J. HANUSA;	)	in support thereof; and
CHRISTINA ORTIZ; JOHNNY SPICER;)	
DON WOOLBRIGHTS; VETERNAS IN	)	2) Ex Parte Motion to Shorten
POLITICS INTERNATIONAL, INC.;	)	Time on Motion to Stay
SANSON CORPORATION; KAREN	)	Proceedings Pending Appeal on
STEELMON; and DOES 1 THROUGH X	)	Order Denying Defendants'
	)	Anti-SLAPP Motion.
Defendants.)	

**MOTION TO STAY PROCEEDINGS PENDING APPEAL ON ORDER
DENYING DEFENDANTS' ANTI-SLAPP MOTION**

Defendants Veterans in Politics International, Inc. ("VIPI") and Steve W. Sanson ("Sanson") hereby move for an Order staying further proceedings in this case pending their appeal of the Court's March 30, 2017 Order Denying Defendants' Anti-SLAPP Special Motion to Dismiss Pursuant to NRS 41.650.

1 This motion is made pursuant to NRS §§41.660(3)(e)(2), 41.660(6), and is based
2 on the accompanying Memorandum of Points and Authorities, the pleadings and court
3 records in this case, and any argument and evidence submitted at the time of hearing.

4 DATED: April 7, 2017

5 By: 

6 Attorney for: VETERANS IN POLITICS
7 INTERNATIONAL, INC. and STEVE W.
8 SANSON

9 Anat Levy, Esq. (Bar #12250)

10 Anat Levy & Associates, P.C.

11 5841 E. Charleston Blvd., #230-421

12 Las Vegas, NV 89142

13 Cell: (310) 621-1199

14 Alevy96@aol.com

15 **NOTICE OF MOTION**

16 PLEASE TAKE NOTICE that the undersigned counsel will appear at the Clark County
17 Courthouse, Eighth Judicial District Court, Las Vegas, Nevada on the 11 day of

18 May, 2017 at 9:00 A.m. in Department 18, or as soon
19 thereafter as counsel may be heard, to bring this MOTION TO STAY PROCEEDINGS
20 PENDING APPEAL ON ORDER DENYING DEFENDANTS' ANTI-SLAPP
21 MOTION on for hearing.

22 DATED: April 7, 2017

23 By: 

24 Attorney for: VETERANS IN POLITICS
25 INTERNATIONAL, INC. and STEVE W.
26 SANSON

27 Anat Levy, Esq. (Bar #12250)

28 Anat Levy & Associates, P.C.

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1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2
3 **I. INTRODUCTION**

4 Defendant Veterans in Politics International, Inc. (“VIPI”) and its President,
5 Defendant Steve W. Sanson (“Sanson”), hereby move for a stay of proceedings pending
6 resolution of their appeal to the Supreme Court of the Court’s March 30, 2017 Order
7 denying their Anti-SLAPP motion. A copy of the Notice of Entry of Order, Notice of
8 Appeal and Case Appeal Statement, are attached as Exhibits 1, 2 and 3, respectively to
9 the Declaration of Anat Levy filed herewith (“Levy Decl.”).

10 Plaintiffs Marshal Willick and his law firm Willick Law Group, sued VIPI, Sanson
11 and six others on January 27, 2017 on a plethora of purported claims (including RICO,
12 copyright infringement, emotional distress, concert of action, etc.) over five statements
13 that VIPI made online about Plaintiffs from December 25, 2016 to January 14, 2017.

14 On April 3, 2017, the same day on which Defendants’ filed their Notice of Appeal,
15 and on the eve of the hearing on Defendants’ 12(b)(1) and 12(b)(5) motion to dismiss and
16 motion to strike, Plaintiffs filed a First Amended Complaint (“FAC”) without the Court’s
17 permission, claiming it was their right to do so under NRCP Rule 15(a).

18 Plaintiffs filed their FAC more than two months after filing their initial complaint,
19 after Defendants incurred significant expenses dealing with the breadth of the claims,
20 dealing with the myriad of other VIPI or Sanson related defendants (none of whom had
21 anything to do with the subject matter of the litigation), filing a comprehensive anti-
22 SLAPP motion with numerous related filings, and filing other motions to dismiss with a
23 comprehensive Request for Judicial Notice.

24 While Plaintiffs’ FAC streamlines some of the prior claims, it also now adds:

25 (a) new factual allegations, including with regarding Defendants’ alleged
26 motivation to engage in a “smear campaign” against Plaintiffs;

27 (b) an entirely new cause of action– Unfair Trade Practices – even though
28 Plaintiffs never conducted any trade with Defendants;

1 (c) another allegedly defamatory statement made on Defendants' February 25,
2 2017 live radio show. (This, notwithstanding that the additional statement is as a matter
3 of law not even defamatory); and

4 (d) wholly changes the "conspiracy" claim so that it is no longer between Sanson
5 and the other six (now dismissed) defendants, but rather, now purportedly between
6 Sanson and Louis Schneider, a well-established local family law attorney who was not
7 named in the original complaint and is not named in the FAC either. Perhaps Schneider
8 is not named in this lawsuit because he is named in an identical lawsuit filed by Abrams
9 which is presently pending in District Court (Abrams v. Schneider et. al., Case no. A-17-
10 749318-C; copy of the First Amended Complaint in that case is attached as Exhibit 4 to Levy
11 Decl.) (the "Abrams Case").) The allegations in this lawsuit now magically track the
12 allegations in that lawsuit, raising the issue of whether the two cases should be
13 consolidated if allowed to proceed after Defendants' appeal. In fact, attorney Abrams
14 *just last month* tried to have Sanson and Schneider incarcerated for contempt of court for
15 purportedly violating a court order in the then-pending family law case, Saiter v. Saiter,
16 Case No. D-15-521372-D *which now serves as the basis for allegations in the FAC*.
17 Sanson was never a party in that case and Schneider was Abrams opposing counsel in the
18 case. *Yes, attorney Abrams, who is suing Defendants for claiming that she is*
19 *overzealous, sought to have her opposing counsel incarcerated!* The Court refused to do
20 so and found that neither Sanson nor Schneider was in contempt of court, and vacated as
21 unconstitutionally broad her prior order under which Abrams sought to have them
22 incarcerated. *See*, Ex. 5 to Levy Decl., p. 18, lines 11-23: "Again, the Court FINDS as
23 the Order Prohibiting Dissemination of Case Material failed to give notices to any of the
24 "All persons or entities," including Sanson, no one was given any means to challenge the
25 validity of the order. Thus, any non-party, without prior notice, could have been dragged
26 into court unconstitutionally, despite lack of any reasonable connection with the case...
27 the Court FINDS that the Order Prohibiting Dissemination of Case Material to be
28

1 unconstitutionally overbroad and as such, the Court HEREBY ORDERS the Order
2 Prohibiting Dissemination of Case Material shall be struck and vacated.”

3 The timing of Plaintiffs’ FAC (especially in combination with all of the other
4 “maneuvers” that Plaintiffs have vengefully taken against Defendants, such as contacting
5 their internet service providers and having their service cut off, trying to incarcerate
6 Sanson requiring him to hire counsel to defend him, suing numerous other defendants
7 connected to either VIPI or Sanson regardless of their lack of involvement in the subject
8 matter of the case, posting malicious comments about Defendants online, etc.)
9 undermines the very purpose of Nevada’s anti-SLAPP statutes – to dismiss cases that
10 chill first amendment free speech rights as quickly and cheaply as possible. Plaintiffs had
11 months to amend their complaint and should have and could have made these changes:

12 (a) before filing their original complaint pursuant to even a perfunctory legal and
13 factual review of their claims, and

14 (b) certainly after the *identical* claims were challenged on 12(b)(5) and 12(b)(1)
15 grounds in motions filed on January 30, 2017 and February 17, 2017 in the Abrams Case.
16 (See Exs. 6 and 7 to Levy Decl.)

17 Moreover, *these were not new issues for Plaintiffs who are senior and experienced*
18 *attorneys in Nevada*. Plaintiffs filed the identical claims in a 2012 action against another
19 veterans group that was critical of them, and could have and should have learned from their
20 experiences in that case. *See*, Ex. 8 to Levy Decl.

21 There is simply no excuse for Plaintiffs’ failure to amend their complaint much earlier
22 and their attempts to do so at this point just as Defendants appeal the denial of their anti-SLAPP
23 motion should not be rewarded with requiring Defendants to respond before Defendants have
24 had their statutory right to appeal decided. This Court should control this litigation and order
25 that it be stayed pending the appeal on Defendants’ anti-SLAPP motion.

1 Plaintiffs timely filed their anti-SLAPP motion on February 24, 2017 pursuant to NRS
2 §§ 41.635 – 41.670 (the “Motion”)¹. On March 30, 2017, the Court entered an Order
3 denying the Motion. Nevada’s anti-SLAPP statutes provide for an immediate appeal
4 from a denial of this special motion to dismiss: **“If the court denies the special motion
5 to dismiss filed pursuant to NRS 41.660, an interlocutory appeal lies to the Supreme
6 Court.”** NRS 41.670(4) (emphasis added); *See also, Jensen v. City of Boulder City*
7 (Nev., 2014), unpub. op.

8 Had the Motion been granted, and certainly if the Supreme Court, which is entitled to
9 review the Motion de novo grants it, Plaintiffs would not have the opportunity to amend their
10 complaint and this litigation would be over.

11 Defendants’ counsel repeatedly tried to resolve the issue of a stay with Plaintiffs’
12 counsel before filing this motion, but to no avail. Levy Decl., ¶ 9 and Ex. 9 attached
13 thereto.

14 Neither VIPI nor Sanson have the resources to withstand wasteful litigation
15 proceedings. VIPI is a non-profit veteran’s organization that lobbies government and
16 works full time to vet election candidates for the public and expose public corruption and
17 wrongdoing. VIPI’s President, Steve Sanson, takes no salary from VIPI, and is 100%
18 combat-related disabled after serving six years in combat as a decorated Marine in Desert
19 Storm and Desert Shield, and serving as an Army reservist for another six years, and later
20 as a volunteer military chaplain.

21 By contrast, Plaintiffs are reknowned family law practitioners who are engaged to
22 each other and who *each* make hundreds of thousands of dollars (if not more) per year
23 from their respective practices. They actively engage in the preparation of their own
24 filings at no cost to each other and have the resources to out-spend the Defendants.

25
26 ¹ NRS 41.660. Nevada's first anti-SLAPP law was passed in 1993 and has been modified
27 by the Legislature several times, in 1997, 2013, and 2015. Crowley v. Thyssen, (Nev.
28 App., 2017)

1 The Court should level the playing field by issuing an immediate stay, especially
2 in this case where *the equities fully justify it and the law itself requires it*.

3
4 **II. THE COURT MUST STAY THE PROCEEDINGS**
5 **PENDING THE APPEAL.**

6 Nevada's anti-SLAPP statutes require the Court to make modifications in the case
7 schedule if doing so would serve the interests of justice. NRS §41.660(6) states:

8 The court **shall modify any deadlines** pursuant to this section or
9 any other deadlines relating to a complaint filed pursuant to this
10 section if such modification would serve the interests of justice.

11 (Emphasis added.)

12 Further, NRS 41.660(3)(e)(2) expressly requires the Court to "...stay discovery
13 pending ... [t]he disposition of any appeal from the ruling on the motion." Emphasis
14 added. See also, Foley v. Pont (D. Nev., 2012, p.7) (discovery stayed pending the
15 outcome of Defendant's anti-SLAPP motion to dismiss is warranted under NRS
16 41.660(3).)

17 **A. Failure to Stay the Proceedings Undermines the Very Purpose of**
18 **Nevada's Anti-SLAPP Statutes.**

19 The interests of justice would be served by staying the proceedings pending
20 Defendants' appeal, since failing to do so would undermine the very purpose of Nevada's
21 anti-SLAPP statutes – "to *quickly and cheaply* dispose of meritless suits against them
22 filed in retaliation for certain forms of speech." Panicaro v. Crowley, (Nev. App., 2017)
23 unpub. op.; emphasis added.)

24 The Nevada legislature enacted the anti-SLAPP statutes to "filter unmeritorious
25 claims in an effort to protect citizens from costly retaliatory lawsuits arising from their
26 right to free speech." Davis v. Parks (Nev., 2014 UNPUB). See also, Vess v. Ciba-Geigy
27 Corp., 317 F.3d 1097, 1109 (9th Cir., 2003) explaining that anti-SLAPP statutes allow for
28 "early dismissal of meritless first amendment cases aimed at chilling expression through
costly, time-consuming litigation."

1 This goal to quickly and cheaply dismiss claims that seek to suppress
2 constitutionally protected free speech is part of why a dismissal under anti-SLAPP
3 statutes operates as an adjudication on the merits of the claims. NRS § 41.660(5)
4 expressly states:

5 “If the court dismisses the action pursuant to a special motion to
6 dismiss filed pursuant to subsection 2, the dismissal operates as an
7 adjudication upon the merits.”

8 In Doe v. Brown (NV Sup. Ct. May 29, 2015), the unpublished opinion on which this
9 Court relied in part for denying Defendants’ anti-SLAPP motion, the court confirmed that
10 “[u]nder Nevada’s anti-SLAPP statute, district courts treat a special motion to dismiss as
11 a motion for summary judgment and, if granted, as an adjudication on the merits.”
12 (Emphasis added; *see also*, John v. Douglas Cnty. Sch. Dist., 219 P.3d 1276, 1282 (Nev.
13 2009); Pike v. Hester (D. Nev., 2013). Haack v. City of Carson City (D. Nev., 2012)
14 page 5.) Under this standard, had Defendants won their anti-SLAPP motion, Plaintiffs
15 would not have been permitted to amend their complaint, let alone proceed on it as they
16 now seek to do.²

17 As explained in more detail below, in Varian Med. Sys. v. Delfino, 25 Cal.Rptr.3d
18 298, 307-308, 35 Cal.4th 180, 106 P.3d 958 (Cal., 2005), in which the court granted a full
19 stay of proceedings pending the defendant’s anti-SLAPP appeal, “a proceeding affects
20 the effectiveness of the appeal if the very purpose of the appeal is to avoid the need for
21 that proceeding.” 35 Cal.4th at 190.

22 So will be the case here. The Supreme Court will be reviewing Defendants’
23 appeal *de novo* (Wood v. Safeway, Inc., 121 Nev. 724, 729, 121 P.3d 1026, 1029 (2005)
24 (“[t]he appropriate standard of review for a denial of a special motion to dismiss would
25 be the same as for a grant of summary judgment: *de novo*.”); Doe v. Brown (Nev., 2015,

26
27 ² Defendants may have purposely delayed the preparation of the March 30, 2017 Order
28 in this case beyond the 10 days required by law, so that they could file their amended
complaint before Defendants could file a Notice of Appeal and thereby stay the
proceedings.

unpub. op.). This would give the Supreme Court broad latitude to grant Defendants’ anti-SLAPP motion based on the breadth of evidence presented by Defendants and the utter lack of evidence presented by Plaintiffs. If the Supreme Court grants Defendants’ appeal, this litigation will end and the goals of the anti-SLAPP statutes would have been met, effectuating a quick and efficient means of dismissing this case.

B. Nevada Courts Look to California anti-SLAPP Cases – California Requires a Stay of Proceedings Pending the Appeal on the Denial of An Anti-SLAPP Motion.

The Nevada Supreme Court has recognized that Nevada and California Anti-SLAPP jurisprudence are essentially one body of law. Shapiro v. Welt, (Nev., 2017) (“Because this court has recognized that California’s and Nevada’s anti-SLAPP ‘statutes are similar in purpose and language’ . . . we look to California law for guidance on this issue.” 133 (Nev. Ad. Op. 6, Feb 2, 2017), citing, *John v. Douglas Cnty. Sch. Dist.*, 125 Nev. 746, 752 (2009). The Legislature and Nevada Supreme Court has pronounced that Nevada courts should rely on the rich body of California case-law in interpreting the Nevada statute, given the relatively scant case law on anti-SLAPP motions in Nevada.

California courts require the stay of proceedings pending an appeal from the denial of an anti-SLAPP motion. In Planned Parenthood Fed’n of Am., Inc. v. Ctr. for Med. Progress (N.D. Cal., 2016), the Court expressly held that “[t]he appeal of the denial of the Anti-SLAPP motion automatically stays all proceedings (including discovery) regarding the state law claims.” Citing, All One God Faith, Inc. v. Hain Celestial Grp., Inc., No. C 09-03517 JF (HRL), 2009 WL 4907433, at *2 n. 2 (N.D. Cal. Dec. 14, 2009)

Likewise in Varian Med. Sys. v. Delfino, 25 Cal.Rptr.3d 298, 307-308, 35 Cal.4th 180, 106 P.3d 958 (Cal., 2005) the court held that under California law, an appeal of a denial of an anti-SLAPP motion automatically stays further trial court proceedings on causes of action related to the motion.

Because granting a motion to strike under [California’s Anti-SLAPP statutes] results in the dismissal of a cause of action on the merits . . . an appellate reversal of an order denying such a motion may similarly result in

1 a dismissal. Such an appellate outcome is irreconcilable with a judgment
2 for the plaintiff on that cause of action following a proceeding on the
3 merits. Moreover, such a proceeding is inherently inconsistent with the
4 appeal because the appeal seeks to avoid that very proceeding. Indeed,
5 "[t]he point of the anti-SLAPP statute is that you have a right not to be
6 dragged through the courts because you exercised your constitutional
7 rights."

8 (Citations omitted; emphasis added).

9 In Makaeff v. Trump Univ. LLC (S.D. Cal., Feb. 2, 2011) the court stated
10 "[u]nder California law, an appeal of a denial of an anti-SLAPP motion automatically
11 stays further trial court proceedings on causes of action related to the motion." *See also,*
12 Fabre v. Walton (2002) 436 Mass. 517, 781 N.E.2d 780, 784 ["The protections afforded
13 by the anti-SLAPP statute against the harassment and burdens of litigation are in large
14 measure lost if the petitioner is forced to litigate a case to its conclusion before obtaining
15 a definitive judgment through the appellate process"].)

16 This is so regardless of the delay that such stay may cause the Plaintiffs. In
17 discussing the purpose of the anti-SLAPP statute, the California Supreme Court in
18 Varian, 35 Cal. 4th at 192-96 noted that, because the anti-SLAPP statutes protect
19 defendants, its automatic stay provision may subject plaintiffs to delay or to additional
20 litigation costs, but that is not determinative in issuing the stay. Similarly in Makaeff v.
21 Trump University, the California District Court held that the Counter-Plaintiffs'
22 concerns about additional litigation costs "are not relevant in deciding the breadth of the
23 automatic stay pending the cross-Defendant's anti-SLAPP appeal." Makaeff v. Trump
24 Univ. LLC (S.D. Cal., Feb. 2, 2011) p. 4; emphasis added. *See also,* Flores v. Fike,
25 2007 WL 963282, at *7 n.6 (E.D. Cal. Mar. 29, 2007) ("The purpose of the Anti-SLAPP
26 statute, to prevent parties from being dragged through the courts because they exercised
27 their constitutional rights, does not protect Plaintiffs, who filed the state law claims that
28 are the subject of the Anti-SLAPP motion.").

As stated above, Defendants have already incurred significant litigation costs to
date and have the right to have their anti-SLAPP motion heard by the Supreme Court

1 without delay and without having to incur additional litigation expenses responding to an
2 amended complaint which could not have been filed had their anti-SLAPP motion been
3 granted. Plaintiffs' First Amended Complaint will require additional research and
4 briefing as it makes new allegations, alleges a new cause of action, includes another
5 allegedly defamatory statement, and revises the factual predicates of the claims.

6 The balance of equities and the law itself require that the Court stay these
7 proceedings pending the outcome of Defendants' appeal.

8 **XII. CONCLUSION**

9 For all of the reasons stated above, Defendants respectfully request that the Court
10 stay the proceedings in this case pending the resolution of Defendants' appeal of the
11 Court's March 30, 2017 Order denying their anti-SLAPP motion.

12 DATED: April 7, 2017

13 By: 

14 Attorney for: VETERANS IN POLITICS
15 INTERNATIONAL, INC. and STEVE W. SANSON
16 Anat Levy, Esq. (Bar #12250)
17 Anat Levy & Associates, P.C.
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28

1 **CERTIFICATE OF SERVICE**

2

3 I am over the age of 18 and am not a party to the within action.

4 On the date indicated below, I caused to be served a true and correct copy of the
5 document entitled **MOTION TO STAY PROCEEDINGS PENDING APPEAL**
6 **ON ORDER DENYING DEFENDANTS' ANTI-SLAPP MOTION** on the below
7 listed recipients by requesting the court's wiznet website to E-file and E-serve such
8 document to their respective email addresses as indicated below.

9

10 Jennifer Abrams, Esq.
11 The Abrams & Mayo Law Firm
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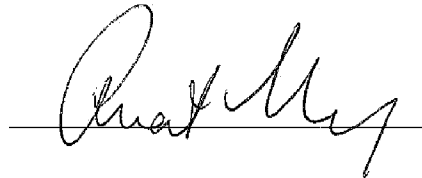
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Las Vegas, NV 89148-1302
(702) 562-8820
glimore@BaileyKennedy.com

21 I declare under penalty of perjury under the laws of the State of Nevada that the
22 foregoing is true and correct.

23 Executed this 7th day of April 2017, in Las Vegas, NV

24 
25
26
27
28


CLERK OF THE COURT

DECL
Anat Levy, Esq. (State Bar No. 12550)
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Attorney for: DEFENDANTS VETERANS IN POLITICS INTERNATIONAL, INC.
AND STEVE SANSON

**DISTRICT COURT
CLARK COUNTY, NEVADA**

MARSHALL S. WILLICK and WILLICK	)	CASE NO. A-17-750171-C
LAW GROUP,)	
	)	DEPT. NO.: XVIII (18)
Plaintiffs,)	
)	
vs.	)	Filed Concurrently with:
	)	1) Motion to Stay;
STEVE W. SANSON; HEIDI J. HANUSA;	)	2) Ex Parte Application to
CHRISTINA ORTIZ; JOHNNY SPICER;	)	Shorten Time on Motion to Stay;
DON WOOLBRIGHTS; VETERNAS IN)	
POLITICS INTERNATIONAL, INC.;)	
SANSON CORPORATION; KAREN)	
STEELMON; and DOES 1 THROUGH X)	
Defendants.)	

DECLARATION OF ANAT LEVY IN SUPPORT OF
DEFENDANTS' MOTION TO STAY PROCEEDINGS PENDING APPEAL ON
ORDER DENYING DEFENDANTS' ANTI-SLAPP MOTION

I, ANAT LEVY, hereby declare as follows:

I am counsel for defendants Veterans in Politics International, Inc. ("VIPI") and its President, Steve Sanson, in the above-captioned action. I make this declaration in support of Defendants' Motion to Stay Proceedings Pending Appeal on the Order Denying Defendants' Anti-SLAPP Motion. I make this Declaration based on my

DECLARATION OF ANAT LEVY
IN SUPPORT OF MOTION TO STAY PROCEEDINGS

1 personal knowledge, except as to matters stated to be based on information and belief,
2 and would testify competently as a witness on these matters if called upon to do so.

3 1. Attached hereto as Exhibit 1 is a true and correct copy of the Notice of
4 Entry of Order in this case.

5 2. Attached hereto as Exhibit 2 is a true and correct copy of the Notice of
6 Appeal in this case.

7 3. Attached hereto as Exhibit 3 is a true and correct copy of the Case Appeal
8 Statement in this case.

9 4. Attached hereto as Exhibit 4 is a true and correct copy of the First
10 Amended complaint that Plaintiffs *Willick* filed in January 2017 as counsel of record in
11 Abrams v. Schneider et. al. case, Case no. A-17-749318-C (the “Abrams Case”). The
12 causes of action are identical to those in this case.

13 5. Attached hereto as Exhibit 5 is a true and correct copy of the family court’s
14 Court’s Order finding that neither Sanson nor Schneider should be incarcerated for
15 contempt of court, and vacating the Order under which Abrams sought their incarceration
16 as unconstitutionally broad.

17 6. Attached hereto as Exhibit 6 is a true and correct copy of the NRCPP Rule
18 12(b)(5) motions filed on January 30, 2017 in the Abrams Case in which the lawfirm of
19 attorney Cal Potter challenges the sufficiency of the identical causes of action as alleged
20 as in this case. Plaintiff Willick is counsel of record for Plaintiff in that action.

21 7. Attached hereto as Exhibit 7 is a true and correct copy of the 12(b)(5)
22 motion filed on February 17, 2017 in the Abrams Case in which the lawfirm of
23 McLetchie Shell challenge the sufficiency of the identical causes of action as alleged as
24 in this case. Again, Plaintiff Willick is counsel of record for Abrams in that case.


25 8. Attached hereto as Exhibit 8 is a true and correct copy of the 2012
26 complaint that Willick filed against another veterans group again alleging the exact same
27 causes of action as were alleged in the present case.
28

DECLARATION OF ANAT LEVY
IN SUPPORT OF MOTION TO STAY PROCEEDINGS

9. I attempted to reach agreement with Plaintiffs' counsel on staying these proceedings before filing this motion. I first raised the issue at the March 14, 2017 hearing in open court, at which Plaintiffs' counsel indicated they did not want to stipulate to a stay. I thereafter again raised the issue with Plaintiffs' counsel in a series of emails in which I was also trying to get a timely draft Order on the denial of Defendants' anti-SLAPP motion. Both efforts were fruitless. Attached hereto as Exhibit 9 is a true and correct copy of my email exchanges with opposing counsel on these topics.

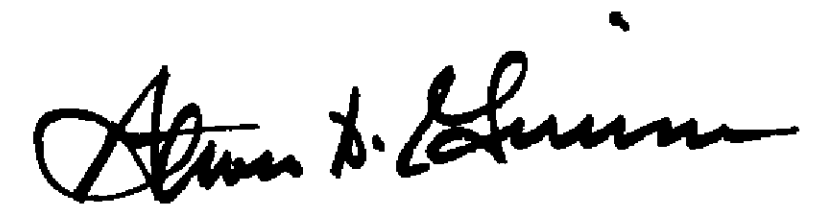
I declare under penalty of perjury under the laws of the State of Nevada that the foregoing is true and correct to the best of my knowledge and belief.

Dated this 7th day of March, 2017, and executed in Las Vegas, Clark County,
Nevada.


Anat Levy

DECLARATION OF ANAT LEVY
IN SUPPORT OF MOTION TO STAY PROCEEDINGS

EXHIBIT 1


CLERK OF THE COURT

NEOJ
DENNIS L. KENNEDY
Nevada Bar No. 1462
JOSHUA P. GILMORE
Nevada Bar No. 11576
KELLY B. STOUT
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JVAGroup@theabramslawfirm.com

Attorneys for Plaintiffs
Marshal S. Willick and Willick Law Group

DISTRICT COURT
CLARK COUNTY, NEVADA

MARSHAL S. WILLICK and WILLICK LAW
GROUP,

Plaintiffs,

vs.

STEVE W. SANSON; HEIDI J. HANUSA;
CHRISTINA ORTIZ; JOHNNY SPICER; DON
WOOLBRIGHT; VETERANS IN POLITICS
INTERNATIONAL, INC.; SANSON
CORPORATION; KAREN STEELMON; and
DOES I through X,

Defendants.

Case No. A-17-750171-C
Dept. No. XVIII

**NOTICE OF ENTRY OF ORDER
DENYING: (i) THE VIPI DEFENDANTS'
ANTI-SLAPP SPECIAL MOTION TO
DISMISS PURSUANT TO NRS 41.650 ET
SEQ.; (ii) THE WILLICK PARTIES'
COUNTERMOTION FOR
ATTORNEY'S FEES AND COSTS**

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1 PLEASE TAKE NOTICE that an Order Denying: (i) The VIPI Defendants' Anti-Slapp
2 Special Motion to Dismiss Pursuant to NRS 41.650 et seq.; (ii) The Willick Parties Countermotion
3 for Attorney's Fees and Costs was entered in the above-entitled action on the 30th day of March,
4 2017, a true and correct copy of which is attached hereto as Exhibit 1.

5 DATED this 31st of March, 2017.

6 BAILEY ♦ KENNEDY

7
8 By: /s/ Dennis L. Kennedy

9 DENNIS L. KENNEDY

JOSHUA P. GILMORE

10 KELLY B. STOUT

11 and

JENNIFER V. ABRAMS

12 Nevada Bar No. 7575

13 **THE ABRAMS & MAYO LAW FIRM**

6252 South Rainbow Blvd., Ste. 100

14 Las Vegas, NV 89118

15 *Attorneys for Plaintiffs*

16 Marshal S. Willick and Willick Law Group

CERTIFICATE OF SERVICE

I certify that I am an employee of BAILEY ♦ KENNEDY and that on the 31st day of March, 2017, service of the foregoing Notice of Entry of Order Denying: (i) The VIPI Defendants' Anti-Slapp Special Motion to Dismiss Pursuant to NRS 41.650 et seq.; (ii) The Willick Parties Countermotion for Attorney's Fees and Costs was made by mandatory electronic service through the Eighth Judicial District Court's electronic filing system and/or by depositing a true and correct copy in the U.S. Mail, first class postage prepaid, and addressed to the following at their last known address:

ANAT LEVY
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Las Vegas, NV 89142

Email: alevy96@aol.com
Attorneys for Defendants
VETERANS IN POLITICS
INTERNATIONAL, INC. and
STEVE SANSON

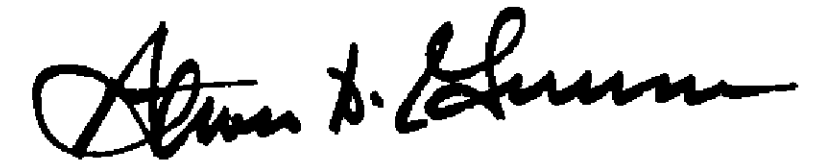
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Las Vegas, NV 89101

Email: alex@alexglaw.com
Attorneys for Defendants
VETERANS IN POLITICS
INTERNATIONAL, INC. and
STEVE SANSON

/s/ Susan Russo
Employee of BAILEY ♦ KENNEDY

EXHIBIT 1

EXHIBIT 1



CLERK OF THE COURT

1 **ORDR**

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21 *Attorneys for Plaintiffs*

22 Marshal S. Willick and Willick Law Group

DISTRICT COURT

CLARK COUNTY, NEVADA

23 MARSHAL S. WILLICK and WILLICK LAW
24 GROUP,

25 Plaintiffs,

26 vs.

27 STEVE W. SANSON; HEIDI J. HANUSA;
28 CHRISTINA ORTIZ; JOHNNY SPICER; DON
WOOLBRIGHT; VETERANS IN POLITICS
INTERNATIONAL, INC.; SANSON
CORPORATION; KAREN STEELMON; and
DOES I through X,

Defendants.

Case No. A-17-750171-C
Dept. No. XVIII

**ORDER DENYING: (i) THE VIPI
DEFENDANTS' ANTI-SLAPP SPECIAL
MOTION TO DISMISS PURSUANT TO
NRS 41.650 ET SEQ.; (ii) THE WILICK
PARTIES' COUNTERMOTION FOR
ATTORNEY'S FEES AND COSTS; AND
(iii) THE VIPI DEFENDANTS'
MOTION TO STRIKE** (pw)

26 This matter came before the Court (the Honorable Charles Thompson presiding) for hearing
27 on the 14th day of March, 2017, at 9:00 AM, in Department 18, on (i) Defendants Steve W. Sanson
28 ("Mr. Sanson") and Veterans in Politics International, Inc.'s ("VIPI") (together, the "VIPI

1 Defendants”) Anti-SLAPP Special Motion to Dismiss Pursuant to NRS 41.650 et seq. (the “Special
2 Motion to Dismiss”); and (ii) Plaintiffs Marshal S. Willick (“Mr. Willick”) and Willick Law Group’s
3 (“Willick Law”) (together, the “Willick Parties”) Countermotion for Attorney’s Fees and Costs (the
4 “Countermotion”). Joshua P. Gilmore, Esq. of Bailey ♦ Kennedy and Jennifer V. Abrams, Esq. of
5 The Abrams & Mayo Law Firm appeared on behalf of the Willick Parties. Anat Levy, Esq. of Anat
6 Levy & Associates, P.C. appeared on behalf of the VIPI Defendants.

7 The Court, having examined the memoranda of the parties and the records and documents on
8 file, heard argument of counsel, and being fully advised of the premises, and good cause appearing,
9 hereby makes the following Findings of Fact, Conclusions of Law, and Order with regard to the
10 Special Motion to Dismiss and Countermotion (and related Motion to Strike):

11 **FINDINGS OF FACT**

12 1. On January 27, 2017, the Willick Parties filed their Complaint against the VIPI
13 Defendants (among others).

14 2. On February 17, 2017, the VIPI Defendants filed their Special Motion to Dismiss,
15 arguing that the defamatory statements at issue in the Complaint fall within the ambit of NRS
16 41.637, in part because Mr. Willick is a public figure or limited purpose public figure, and that the
17 Willick Parties lack prima facie evidence supporting their claims.

18 3. On March 7, 2017, the Willick Parties filed their Opposition to the Special Motion to
19 Dismiss, arguing that the defamatory statements at issue in the Complaint do not fall within the
20 ambit of NRS 41.637; but, even if they did, they have presented prima facie evidence supporting
21 their claims. The Willick Parties also denied that Mr. Willick is a public figure or limited purpose
22 public figure. The Willick Parties separately filed their Countermotion, requesting an award of
23 attorneys’ fees and costs pursuant to NRS 41.670(2).

24 4. On March 9, 2017, the VIPI Defendants filed their Reply in Support of their Special
25 Motion to Dismiss, together with Mr. Sanson’s Supplemental Declaration, and their Opposition to
26 the Countermotion.

1 (4) the focus of the speaker's conduct should be the public interest rather than a mere
2 effort to gather ammunition for another round of private controversy; and

3 (5) a person cannot turn otherwise private information into a matter of public interest
4 simply by communicating it to a large number of people.

5 *Id.*, at ___, 389 P.3d at 268 (citation omitted).

6 4. If the Court determines that "the issue is of public interest, it must next determine
7 whether the communication was made 'in a place open to the public or in a public forum.'" *Id.*
8 (quoting NRS 41.673(4)). Finally, the Court must determine whether the communication was
9 "truthful or [was] made without knowledge of its falsehood." *Id.* (quoting NRS 41.637(4)).

10 5. Courts do not "simply rubber stamp" assertions by a defendant that a plaintiff's
11 claims fall within the ambit of the anti-SLAPP statute. *Flatley v. Mauro*, 139 P.3d 2, 13 (Cal. 2006).
12 Rather, the defendant must establish, by a preponderance of the evidence, that each claim is based on
13 a communication as specifically defined under NRS 41.637. NRS 41.660(3)(a); *see also Century 21*
14 *Chamberlain & Assocs. v. Haberman*, 92 Cal. Rptr. 3d 249, 256 (Cal. Ct. App. 2009) (stating that
15 the defendant bears the initial burden of establishing that each cause of action in the complaint arises
16 from "activity protected by the anti-SLAPP statute").

17 6. If the defendant is unable to meet its initial burden of proof, the burden does not shift
18 to the plaintiff to establish "with prima facie evidence a probability of prevailing on [each] claim."
19 NRS 41.660(3)(b); *see also Commonwealth Energy Corp. v. Investor Data Exchange, Inc.*, 1 Cal.
20 Rptr. 3d 390, 393 (Cal. Ct. App. 2003) ("The point is, if the moving defendant cannot meet the
21 threshold showing, then the fact that he or she might be able to otherwise prevail on the merits under
22 the 'probability' step is irrelevant.").

23 7. If the defendant meets its initial burden of proof, the burden shifts to the plaintiff to
24 put forth "prima facie evidence" of a probability of prevailing on each claim. NRS 41.660(3)(b). In
25 other words, the plaintiff must show that each claim has "minimal merit." *Soukup v. Law Offices of*
26 *Herbert Hafif*, 139 P.3d 30, 51 (Cal. 2006).

27 8. Based on these legal principles, the Court finds that the VIPI Defendants have failed
28 to meet their initial burden of proof with regard to their Special Motion to Dismiss, for the following
reasons:

1 a. First, having considered the *Shapiro* factors, the Court finds that the VIPI
2 Defendants have not established, by a preponderance of the evidence, that each claim in the
3 Complaint is based on a communication involving “an issue of public interest.”

4 b. Second, in light of the Nevada Supreme Court’s holding in *Doe v. Brown*, No.
5 62752, 2015 WL 3489404 (2015), the Court finds that Mr. Willick is not a public figure or
6 limited purpose public figure.

7 c. Third, upon review of the defamatory statements at issue in the Complaint, the
8 Court finds that the VIPI Defendants have not established, by a preponderance of the
9 evidence, that each was truthful or was made without knowledge of its falsehood.

10 9. Because the VIPI Defendants have failed to meet their initial burden of proof, the
11 Court need not address whether the Willick Parties have presented prima facie evidence supporting
12 their claims. *See, e.g., Stenehjem v. Sareen*, 173 Cal. Rptr. 3d 173, 191 n.19 (Cal. Ct. App. 2014)
13 (“Because we have concluded that Stenehjem did not meet his threshold showing that the activity
14 underlying the allegations of the Cross-Complaint was protected under the anti-SLAPP statute, we
15 need not consider the second prong, i.e., whether the record demonstrates that Sareen established a
16 probability of prevailing.”).

17 10. The Court does not find that the Special Motion to Dismiss was “frivolous or
18 vexatious,” and therefore, the Court declines to award fees and costs to the Willick Parties.

19 11. In light of the Court’s ruling, the Motion to Strike is deemed moot.

20 12. At the end of the March 14, 2017 hearing, the VIPI Defendants orally moved for a
21 stay of this proceeding pending an appeal, which the Court denied as premature.

22 13. Any conclusion of law set forth herein more appropriately designated as a finding of
23 fact shall be so designated.

24 ///

25 ///

26 **ORDER**

27 Based on the foregoing Findings of Fact and Conclusions of Law, and good cause appearing,
28

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702.562.8820

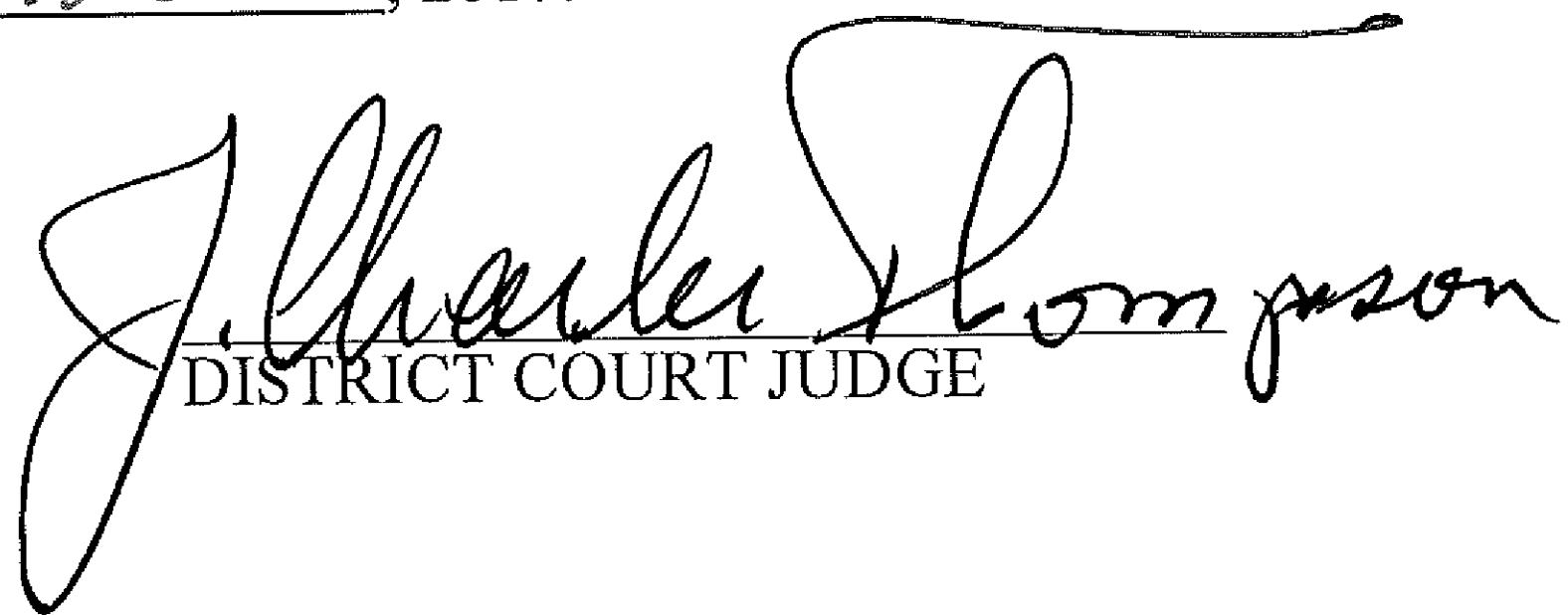
1 THE COURT HEREBY ORDERS that the Special Motion to Dismiss shall be, and hereby
2 is, DENIED.

3 THE COURT HEREBY FURTHER ORDERS that the Countermotion shall be, and hereby
4 is, DENIED.

5 ~~THE COURT HEREBY FURTHER ORDERS that the Motion to Strike shall be, and hereby~~
6 ~~is, DENIED as moot.~~

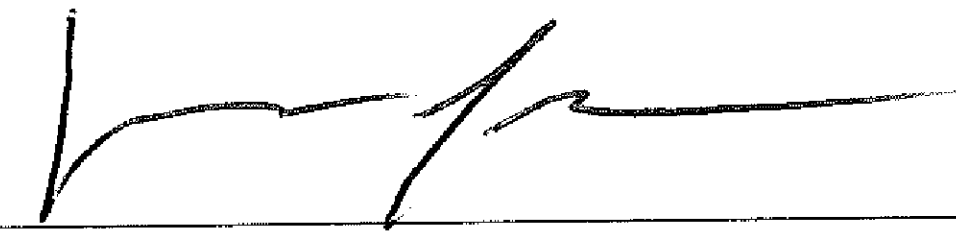
7 IT IS SO ORDERED.

8 DATED this 29th day of March, 2017.

9
10 
11 DISTRICT COURT JUDGE

12 Submitted by:

13 BAILEY ♦ KENNEDY

14 
15 By: _____
16 DENNIS L. KENNEDY
JOSHUA P. GILMORE

17 and

18 JENNIFER V. ABRAMS
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24
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27
28

EXHIBIT 2