

IN THE SUPREME COURT OF THE STATE OF NEVADA

* * * * *

VETERANS IN POLITICS
INTERNATIONAL, INC. AND STEVE W.
SANSON,

Appellant,

vs.

MARSHAL S. WILLICK AND WILLICK
LAW GROUP,

Respondent.

S.C. NO. 72778
D.C. NO: A-17-750671-1-C
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Elizabeth A. Brown
Clerk of Supreme Court

**RESPONDENTS' SUPPLEMENTAL BRIEF ADDRESSING THIS
COURT'S REQUESTS DURING ORAL ARGUMENT**

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ARGUMENT

During oral argument on January 9, 2019, this Court asked for citations pertaining to a purported “retraction or correction” posted by the Appellants to the false and defamatory claim that Mr. Willick was “convicted of sexual coercion of a minor child,” and inquired of the applicability of NRS 41.336 and NRS 41.337.

On January 14, Respondents filed a motion for leave to file a supplemental brief addressing, among other issues, those inquires, which Appellants opposed. On January 30, 2019, this Court entered an order granting the motion in part and directing Respondents to file a revised supplemental brief “solely addressing the purported retraction or correction of an allegation that respondent had been convicted of a criminal offense.”¹

Respondents’ brief follows.

I. THE ACTUAL STATEMENTS AND THEIR PUBLICATION

Beginning on January 12, 2017, Appellants posted an article, titled:²

Attorney Marshall Willick and his pal convicted of sexually coercion of a minor Richard Crane was found guilty of defaming a law student in a United States District Court Western District of Virginia signed by US District Judge Norman K. Moon.

This false assertion was spread to tens of thousands of people by being repeatedly posted, re-posted, copied, and “boosted” by Sanson.³ One of Sanson’s

¹ This was one of two false assertions of criminal convictions at issue in this case, as detailed below.

² AA II:000269.

³ AA II:000269; AA VII:001506. The publications and republications included at least the following:

1/12/17	11:04 pm	Steve.Sanson1 Facebook Page
1/12/17	11:42 pm	Twitter
1/12/17	11:51 pm	Nevada Court Watchers Facebook Page
1/12/17	11:52 pm	Veterans In Politics Facebook Page
1/12/17	11:57 pm	Veterans In Politics: Operation Never Forget Facebook Page
1/12/17	11:58 pm	Nevada Veterans in Politics Facebook Page
1/12/17	11:59 pm	Eye on Nevada Politics Facebook Page
1/12/17	11:59 pm	Steve W. Sanson Facebook Page
1/13/17	12:00 am	Veterans in Politics International Facebook Page
1/13/17	12:06 am	Twitter
1/13/17	12:07 am	Steve.Sanson3 Facebook Page
1/13/17	12:22 am	Family Court Support Group Facebook Page
1/13/17	12:32 am	Twitter
1/14/17	3:33 pm	Steve.Sanson1 Facebook page
1/14/17	3:33 pm	Veterans In Politics Facebook page
1/14/17	3:33 pm	Veterans In Politics International Facebook Page
1/14/17	3:33 pm	Eye on Nevada Politics Facebook page
1/14/17	3:33 pm	Steve W. Sanson Facebook page
1/14/17	3:33 pm	Veterans In Politics: Operation Never Forget
1/14/17	3:33 pm	Nevada Veterans in Politics Facebook page
1/14/17	3:34 pm	Twitter
1/14/17	4:07 pm	Twitter
1/16/17	10:00 am	Steve.Sanson1 Facebook page
1/16/17	10:00 am	Veterans in Politics Facebook page
1/16/17	10:00 am	Steve W. Sanson Facebook page
1/16/17	10:03 am	Eye on Nevada Politics Facebook page
1/16/17	10:03 am	Veterans In Politics International Facebook Page
1/16/17	10:03 am	Veterans In Politics: Operation Never Forget
1/16/17	10:03 am	Veterans In Politics Facebook page
1/18/17	11:00 am	Steve W. Sanson Facebook page
1/18/17	11:00 am	Eye on Nevada Politics Facebook page
1/18/17	11:00 am	Veterans In Politics: Operation Never Forget
1/18/17	11:00 am	Veterans in Politics Facebook page
1/18/17	11:00 am	Twitter
1/18/17	11:00 am	Veterans In Politics Facebook page

subscribers, Lee Pudemonhuchin Gilford, read the words exactly as they were intended to be understood, and responded by posting a comment on Facebook:

And this is how the defamation lawsuits begin. Nothing you shared indicates that Willick did anything but employ a nasty bastard. **You have intentionally indicated that he was convicted. I offer you a couple of choices to correct this, because as someone claiming to represent veterans, I would appreciate it at least done in a legal way.**

A) provide evidence that Willick was convicted.

B) change your caption

C) take this crap to your personal page.⁴

Sanson did not retract or correct the false original assertion, but doubled down by publishing the false assertion that the original false accusation was true:

Look Lee you are a Marine correct.. **Everything we put out is true..** If you don't believe that don't engage in our page. We been doing this for over a decade. Maybe you should do your own reserach [*sic*] before you engage in another conversation with our group. Semper Fi⁵

1/20/17	1:20 am	Twitter
1/20/17	1:22 am	Steve.Sanson3 Facebook page
1/21/17	9:32 am	Twitter
1/21/17	12:20 pm	Veterans In Politics International Facebook Page
1/21/17	12:30 pm	Steve.Sanson1 Facebook page
1/21/17	12:30 pm	Veterans In Politics Facebook page
1/21/17	12:30 pm	Eye on Nevada Politics Facebook page
1/21/17	12:30 pm	Steve W. Sanson Facebook page
1/21/17	12:30 pm	Veterans In Politics: Operation Never Forget
1/21/17	12:30 pm	Veterans In Politics Facebook page

⁴ AA II:000269 [Emphasis added]; As detailed in the briefs, the issue raised by a communication is the message conveyed to those reading the actual words used.

⁵ *Id.* [Emphasis added]

This was not a matter of “poor grammar” or “two missing commas” as falsely claimed by Ms. Levy during oral argument—this was an intentional and calculated campaign to defame Mr. Willick and harm his reputation with false accusations of criminal activity, which went on for months.⁶

The false accusations were *never* retracted or corrected. The postings above remained visible in their original form, unchanged and uncorrected, when the litigation at issue was filed to try to compel a retraction or correction.⁷

⁶ Ms Levy’s assertion at argument that there were “only five comments” was false. Various versions, cross-references, and republications of the false accusations were made to tens of thousands of people over a period of months in a wide variety of formats and media. There was nothing “accidental” about it whatsoever.

⁷ AA VII:001510. As of Friday, March 10, 2017, the original false accusation continued to be posted at:

1/12/17	11:42 pm	Twitter
1/12/17	11:51 pm	Nevada Court Watchers Facebook Page
1/12/17	11:57 pm	Veterans In Politics: Operation Never Forget Facebook Page
1/12/17	11:59 pm	Steve W. Sanson Facebook Page
1/13/17	12:06 am	Twitter
1/13/17	12:22 am	Family Court Support Group Facebook Page
1/13/17	12:32 am	Twitter
1/14/17	3:33 pm	Steve.Sanson1 Facebook page
1/14/17	3:33 pm	VeteransIn Politics Facebook page
1/14/17	3:33 pm	Veterans In Politics International Facebook Page
1/14/17	3:33 pm	Eye on Nevada Politics Facebook page
1/14/17	3:33 pm	Steve W. Sanson Facebook page
1/14/17	3:33 pm	Veterans In Politics: Operation Never Forget
1/14/17	3:33 pm	Nevada Veterans in Politics Facebook page
1/14/17	3:34 pm	Twitter
1/14/17	4:07 pm	Twitter
1/16/17	10:00 am	Steve.Sanson1 Facebook page

One of the variations of the false accusation consisted of the reposting of the original two days later, this time with a comma after the words “sexually coercion of a minor”:

Attorney Marshall Willick and his pal convicted of sexually coercion of a minor, Richard Crane was found guilty of defaming a law student in a United States District Court Western District of Virginia signed by US District Judge Norman K. Moon.⁸

That was no correction but actually, a worsening of the original defamatory post, which continued to make a directly false claim of fact about a criminal

1/16/17	10:00 am	Veterans in Politics Facebook page
1/16/17	10:00 am	Steve W. Sanson Facebook page
1/16/17	10:03 am	Eye on Nevada Politics Facebook page
1/16/17	10:03 am	Veterans In Politics International Facebook Page
1/16/17	10:03 am	Veterans In Politics: Operation Never Forget
1/16/17	10:03 am	VeteransIn Politics Facebook page
1/18/17	11:00 am	Steve W. Sanson Facebook page
1/18/17	11:00 am	Eye on Nevada Politics Facebook page
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1/18/17	11:00 am	VeteransIn Politics Facebook page
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⁸ AA VIII:001648

conviction of Mr. Willick that never happened, and emphasizing a second false accusation of a criminal conviction, targeting Mr. Willick's employee.⁹

On January 18, a purported "clarification" (***not*** a retraction ***or*** a correction) was posted by Sanson. It did not reference, retract, or correct the earlier false accusation of a criminal conviction of Mr. Willick.¹⁰ Nowhere in the "clarification" was the prior defamatory statement retracted.

Further, *after Sanson posted the "clarification," he reposted the original false and defamatory material at least 16 more times.*¹¹ As of today, they remain

⁹ This is discussed in the following section.

¹⁰ AA VII:001469.

CLARIFICATION:

Attorney Marshall Willick's letters against opposing party found defamatory per se in 2008; Willick settled before trial on issue privilege

Click onto link below:

<http://files.constantcontact.com/...../88ac11b2-cd2b-434e-a9fb-...>

Richard Crane, formerly with Willick's firm, guilty of sexual misconduct involving a minor and suspended from the practice of law.

Click onto the link below

<http://filese.constantcontact.com/...00cf69c6-5558-48e6-8f73...>

The "clarification" contains the false assertion that many years earlier a case was "settled before trial on issue privilege." In reality, the Virginia matter was a civil case settled by an insurance company having nothing to do with "issue privilege."

¹¹ AA VII:001512; AA VIII:001649.

1/18/17	11:00 am	Steve W. Sanson Facebook page
1/18/17	11:00 am	Eye on Nevada Politics Facebook page
1/18/17	11:00 am	Veterans In Politics: Operation Never Forget
1/18/17	11:00 am	Veterans in Politics Facebook page

posted—unretracted, and uncorrected, in multiple places under Sanson’s direct control.¹² This is a fact of which this Court can take judicial notice,¹³ and demonstrates that there was never any desire, or attempt, to retract or correct the original false accusations.

In short, there was no inadvertent omissions of a comma, no “correction,” and no retraction of the defamatory posts, and Ms. Levy’s assertions of such at oral argument were false. Sanson’s use of defamatory smear campaigns to harass, his

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1/21/17	12:30 pm	Veterans In Politics: Operation Never Forget
1/21/17	12:30 pm	Veterans in Politics Facebook page

¹² 34 of those original defamatory posts are still on Appellant’s Facebook pages and website.

¹³ *In Mack v. Estate of Mack*, 125 Nev. 80, 91-92, 206 P.3d 98, 106 (2009), the Nevada Supreme Court detailed matters about which the Court might take judicial notice, and the policies applicable in doing so. Specifically, the Court held: “we may take judicial notice of facts generally known or capable of verification from a reliable source, whether we are requested to or not. *See* NRS 47.150(1). Further, we may take judicial notice of facts that are “[c]apable of accurate and ready determination by resort to sources whose accuracy cannot reasonably be questioned, so that the fact is not subject to reasonable dispute.” *See* NRS 47.130(2)(b).” The fact of whether something is or is not posted on a web site as of a certain date is an objective fact susceptible to accurate and ready determination.

defiant refusal to correct or apologize for his wrongdoing, and his direct targeting of Mr. Willick and threatening members of the judiciary were noted by the Honorable Bryce Duckworth, in formal findings:

Even at the August 30, 2017 hearing, Mr. Sanson remained unapologetic. In fact, his demeanor and conduct was defiant, even lashing out at Mr. Willick to the point of being admonished by the Court. Instead of apologizing to the Court, his follow-up communication was a veiled threat to the Court. This threat by Mr. Sanson, as stated by Mr. Sanson and interpreted by the Court, was to harass the Court and to hurl baseless and defamatory accusations about the Court.¹⁴

If there ever had been a valid retraction or correction of the underlying false and defamatory accusations made by Sanson against Mr. Willick, the underlying lawsuit would likely not exist. Amongst the relief being sought in the case is a valid retraction and deletion of the false and defamatory material which remains posted today. Sanson has refused every request to do so.

¹⁴ See *Order of Recusal* entered by the Honorable Bryce Duckworth in *Irina Ansell v. Douglas Ansell*, filed on September 5, 2017, in Eighth Judicial District Court case number D-15-521960-D, attached as **Exhibit A**. This order is a public record from a reliable source; thus, this Court may take judicial notice of it. See *Mack, supra*; NRS 47.150(1); NRS 47.130(2)(b).

As expressly held by Judge Duckworth, VIPI and Sanson are in the business of attempting judicial corruption, and the smear campaign against Mr. Willick is VIPI doing its “business,” as it was in the smear campaign against Ms. Abrams in the *Saiter* matter. The VIPI Defendants are attempting to re-label their paid smear campaign as “protected speech.” However, smear campaigns for hire are no more deserving of protection than selling forged artwork, and Appellants should be rebuffed here for the same reason as in *Coker v. Sassone*, 135 Nev. Adv. Op. 2 (Jan. 3, 2019).

II. THE SECOND ACCUSATION THAT ANYONE WAS EVER “FOUND GUILTY OF DEFAMATION”

The original posting on January 12 made a second accusation of a criminal conviction, falsely claiming that Mr. Willick and/or his employee had been “found guilty” of defamation. Defamation is a crime in Virginia, but there was never a criminal defamation case against Mr. Crane or Mr. Willick, let alone a conviction.

As noted briefly above, many years ago there was a nuisance civil suit filed by Scotlund Vaile against Mr. Willick’s firm, which the insurance company chose to settle rather than expend resources to litigate.¹⁵

As detailed in the very attachment Sanson appended to the false accusation, stating that someone was “found guilty” of something constitutes, in Virginia, the direct accusation of a criminal conviction.¹⁶

This is what Ms. Levy attempted to deflect at oral argument by claiming that a false assertion of fact is somehow not a false assertion of fact if the person making the false assertion includes enough clues that a reader could eventually uncover that it was false. Her argument should be rejected, especially in light of Sanson’s express representation online, in response to a direct inquiry on the

¹⁵ This Court is, of course, familiar with the extremely litigious Mr. Vaile, who has had some 10 or 15 cases dismissed by this Court over the years. *See Vaile v. District Court*, 118 Nev. 262, 44 P.3d 506 (2002); *Vaile v. Porsboll*, 128 Nev. 27, 268 P. 3d 1272, 128 Nev. 27 (2012); *Vaile v. Vaile*, 133 Nev. ___, 396 P.3d 791 (Adv. Opn. 30, June 22, 2017).

¹⁶ *See* VII AA 723, opinion of Judge Moon attached by Sanson.

matter, that “everything we put out is true.” Judge Thompson rejected that argument, and this Court should do the same upon its *de novo* review of the motion hearing below.

The primary point here is that Sanson *never* retracted, corrected, or even referenced that his original accusation of a criminal conviction for defamation was false. In fact, he falsely posted online that it was true. That accusation, like the other one about “sexual coercion,” continued to be posted by Sanson repeatedly after the bogus “clarification” and it remains posted in multiple venues under Sanson’s direct control to this day.

III. SANSON’S BOGUS “CLARIFICATION” FAILS AS A “CORRECTION” UNDER NRS 41.336 AND NRS 41.337

A correction to “publication of libel in a newspaper, or of a slander by radio or television broadcast” is governed by NRS 41.336 and NRS 41.337. Neither the Nevada Legislature nor this Court has expanded the plain-meaning of those mediums to include postings on internet websites or other social media posts or by e-mail, which, unlike traditional newspaper, radio, and television, are routinely shared far beyond the original publication and disseminated beyond control. Based on the plain language of these statutes, they do not apply to the internet and social media postings and email blasts disseminated by the Sanson and the VIPI Defendants.

In 2015, the California legislature amended their statute, Cal. Civil Code Section 48a, to protect “enterprises engaged in the immediate dissemination of news on matters of public concern insofar as time constraints do not reasonably permit such enterprises to check sources for accuracy and stories for inadvertent errors. They expressly excluded, as undeserving of any such protections, “casual postings on a social networking Internet Web site, chat room, electronic bulletin board, discussion group, online forum, or other related Internet Web site”¹⁷

In this case, Sanson’s defamatory posts were not “breaking news.” In his targeting of Mr. Willick, Sanson dug up and dusted off an 8-year-old decision from Virginia and a 7-year-old conviction of Mr. Willick’s employee for use in the smear campaign against Mr. Willick. Sanson, who falsely holds himself out as running a media organization—had ample time and opportunity to ensure a factually-correct article and headline accompanied the referenced documents.

¹⁷ 2015 Cal Stats. ch. 343 (2015 Cal AB 998) at Sec. 1. The *Burnett* case cited by the California Legislature in these revisions was a case where the U.S. District Court held that the *National Enquirer* was not a “newspaper” for the purposes of protection under Cal. Civil Code § 48a because, in part, the publication: (1) was not “under pressure to disseminate ‘news while it is news.’”; (2) did not “publish news under circumstances where it cannot confirm the accuracy and reliability of its information and sources”; (3) “appear[ed] to ‘have the advantage of greater leisure in which to ascertain the truth of allegations before publishing them’”; and (4) “relies primarily on ‘newsworthiness’ aspects of its stories such as readership interest and visibility in the media rather than timeliness in determining what to publish.” *Burnett*, at 958-959. This is analogous to the untimeliness and style of content pushed by Appellants through their various platforms, including the posts at issue in this case.

Even if NRS 41.336 did apply to internet posts and e-mails, Sanson still did not and, as of today, has not corrected the false and defamatory statements as required under NRS 41.337. As noted above, the “clarification” did not retract the original defamatory statement made regarding Mr. Willick; Appellants never publicly stated that Mr. Willick was *not* “convicted of sexually coercion of a minor” or that the prior false statement about Mr. Willick was being retracted. They refuse to do so.

Additionally, the 20-day time period set forth in NRS 41.337 for the offending party to correct his libelous or slanderous statement requires that the correction be published or broadcast “in substantially as conspicuous a manner in the newspaper or by the broadcaster as the statements claimed to be libelous or slanderous.” As detailed in the record below, Appellants disseminated the original defamatory post at least 41 times beginning January 12, 2017, including at least 16 times *after* Appellants posted their “clarification” on January 18, 2017. As of the hearing on Appellant’s Anti-SLAPP motion on March 10, 2017, those posts remained visible online.¹⁸ The “clarification” was never distributed “in

¹⁸ As of January 8, 2019, the original admittedly defamatory posting was still publicly visible on at least one of Appellants’ Facebook pages. Further, a Google search of “Marshall Willick” (intentionally misspelled, as done by Appellant, with an extra “l” in Respondent’s first name) conducted on January 9, 2019, delivers a link to a Pinterest post by Appellant containing the original admittedly defamatory posting in the #6 spot on the first page, with Appellant’s January 18, 2017 “clarification” holding the #8 spot on the same page.

substantially as conspicuous a manner” as the original defamatory post—*e.g.*, the “clarification” was not included in as many email blasts, was not sponsored with paid Facebook advertising to an equivalent audience, and was not shared or re-posted by Appellants nearly as many times.

Accordingly, under no circumstances should this Court find—if it even considers Appellants’ so-called “clarification” in deciding this appeal—that Appellants are protected under NRS 41.336.

DATED: Wednesday, February 06, 2019.

Respectfully submitted,

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CERTIFICATE OF COMPLIANCE

1. I hereby certify that this brief complies with the formatting requirements of NRAP 32(a)(4), the typeface requirements of NRAP 32(a)(5) and the type style requirements of NRAP 32(a)(6) because:

- ☒ It has been prepared in a proportionally spaced typeface using Microsoft Word 2016 in font-size 14 of Times New Roman; or
- ☐ It has been prepared in a monospaced typeface using Microsoft Word 2016 with 10 ½ characters per inch of Courier New.

2. I further certify that this brief complies with the page- or type-volume limitations of NRAP 32(a)(7) because, excluding the parts of the brief exempted by NRAP 32(a)(7)(C), it is either:

- ☐ Proportionately spaced, has a typeface of 14 points or more, and does not exceed _____ words; or
- ☐ Monospaced, has 10.5 or fewer characters per inch, and does not exceed _____ words or _____ lines of text; or
- ☒ Does not exceed 30 pages.

3. Further, I hereby certify that I have read this appellate brief, and to the best of my knowledge, and belief, it is not frivolous or interposed for any improper purpose. I further certify that this *Brief* complies with all applicable Nevada Rules of Appellate Procedure, in particular NRAP 28(e)(1), which requires every assertion in the *Brief* regarding matters in the record to be supported by a reference

to the page and volume number, if any, of the transcript or appendix where the matter relied on is to be found. I understand that I may be subject to sanctions in the event that the accompanying *Brief* is not in conformity with the requirements of the Nevada Rules of Appellate Procedure.

DATED: Wednesday, February 06, 2019.

Respectfully submitted,

THE ABRAMS & MAYO LAW FIRM

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CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of THE ABRAMS & MAYO LAW FIRM and that, on this 6th day of February, 2019, *Respondent's Supplemental Brief Addressing this Court's Request During Oral Argument* was filed electronically with the Clerk of the Nevada Supreme Court, and therefore electronic service was made in accordance with the master service list as follows, to the attorney's listed below:

Anat Levy, Esq.
Anat Levy and Associates, P.C.
Attorney for Appellants

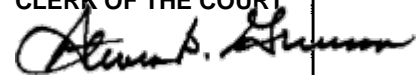
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Randazza Legal Group, PLLC
Counsel for Amici Curiae

/s/ David J. Schoen, IV, ACP
An Employee of THE ABRAMS & MAYO LAW FIRM

EXHIBIT A

EXHIBIT A

EXHIBIT A



1
2 ORDER

3
4 DISTRICT COURT

5 CLARK COUNTY, NEVADA

6
7 IRINA ANSELL,

8 Plaintiff,

9 v.

10 DOUGLAS ANSELL,

11 Defendant.

CASE NO. D-15-521960-D

DEPT NO. Q

Date of Hearing: August 30, 2017

Time of Hearing: 2:00 p.m.

12
13
14 ORDER OF RECUSAL

15 This matter came on for a hearing before this Court on August 30, 2017. The
16 matters before the Court included:

- 17
- 18 (1) Non-Party, Veterans In Politics International, Inc. and Steve Sanson's
19 Motion to Quash Subpoena Served on Verizon Wireless (Jul.26, 2017);
 - 20 (2) Non-Parties Steve Sanson, Veterans In Politics International, Inc., and
21 Sanson Corporation's Motion to Quash Subpoena Duces Tecum and
22 Deposition Subpoena Served on Steve Sanson on July 22, 2017 (Aug. 4,
23 2017); and
 - 24 (3) This Court's Amended Notice of Rescheduling of Hearing and Setting
25 Calendar Call (Aug. 28, 2017).

26 Associated motions and papers were considered and reviewed by the Court,
27 including requests for attorney's fees and Plaintiff's Motion to Compel (Aug. 10,
28 2017). The discovery issues previously were assigned to be heard by the Discovery
Commissioner on August 20, 2017. The Discovery Commissioner, however, recused

1
2 and the matter was placed on this Court's calendar on the above-referenced date.
3 Plaintiff did not appear personally, but was represented by her attorney, Marshal
4 Willick, Esq. Defendant did not appear personally, but was represented by his
5 attorney, John Jones, Esq. Steve Sanson appeared personally and with his attorney,
6 Anat Levy, Esq.
7

8 As previously noted, this Court reviewed a multitude of papers filed by and on
9 behalf of Plaintiff and Mr. Sanson or Veterans In Politics International (hereinafter
10 referred to individually and collectively as "Mr. Sanson") in preparation for the hearing.
11 This Court's preparation included review of the Omnibus Supplemental Declaration
12 of Steve Sanson in Support of: Motions to Quash Subpoenas Duces Tecum Served on
13 Verizon Wireless and Steve Sanson and Deposition Subpoena Served on Steve on July
14 22, 2017; Motion for Attorneys Fees (Aug. 22, 2017) (hereinafter referred to as Mr.
15 Sanson's "Sworn Declaration"). Therein, Mr. Sanson described his off-the-record
16 communications with this Court about this matter. Upon reviewing Mr. Sanson's
17 Sworn Declaration, this Court determined that it should recuse from any further
18 proceedings in this matter. This determination is based on the findings stated on the
19 record at the August 30, 2017 hearing and additional findings stated herein.
20
21
22

23 It is undisputed that Defendant designated Mr. Sanson as a witness. Moreover,
24 although Mr. Jones argued it was unlikely, Defendant could not definitively rule out
25 the possibility that Mr. Sanson might be called as a witness in future proceedings. It
26 also is undisputed that Mr. Sanson made specific reference to this case in a
27 communication directed at this Court off the record. In fact, this Court scheduled an
28

1
2 immediate hearing in May 2017 to address Mr. Sanson's ex-parte communication with
3 the Court.¹ Mr. Sanson's filing of his Sworn Declaration, however, was the first
4 instance in which this Court became aware that Mr. Sanson had stated in writing the
5 nature of his communications with the Court.
6

7 This Court noted that it was unaware of any legal authority that would excuse
8 someone from a deposition who had been designated as a witness in the matter. This
9 Court also noted its concern that the Subpoena Duces Tecum served on Mr. Sanson
10 was overbroad and should be narrowed significantly. Because, however, this Court
11 recognized the conflict created by Mr. Sanson's Sworn Declaration, the Court did not
12 rule on the discovery motions and determined that the Court's recusal from this matter
13 was appropriate.
14
15

16 In Mr. Sanson's Sworn Declaration, he acknowledged that he asked the
17 Court off the record: "Why do you allow Marshal Willick to get away with so much
18

19 ...

20 ...

21 ...

22 ...

23

24
25 ¹At the May 17, 2017 hearing, this Court disclosed Mr. Sanson's communications with
26 the Court. This Court also noted for the record the nature of the Court's relationship with Mr.
27 Sanson in the past. This has included this Court's endorsement by Veterans in Politics as a
28 candidate for office and his prior professional communications about general issues (including
Mr. Sanson repeatedly stating that he believed this Court should serve as the presiding judge
in the Family Division). At the time of the May 2017 communication, Mr. Sanson was aware
that litigation before the Court should never be discussed. Thus, any communication about
a specific case was completely unexpected.

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2 crap in Doug Ansell's case?"² For sake of completeness, the text messages and
3 telephone communication between Mr. Sanson and the Court took place as follows:

- 4 ● On May 11, 2017 at 8:20 p.m., Mr. Sanson texted: "Judge I need to
5 speak to you."
- 6 ● On May 12, 2017 at 6:52 a.m., the Court texted Mr. Sanson: "What do
7 you need to talk about?"
- 8 ● On May 12, 2017 at 9:29 a.m., Mr. Sanson responded with: "Call me at
9 your convenience or we can grab a cup of tea."
- 10 ● The Court called Mr. Sanson on May 13, 2017. After prefatory remarks
11 that included Mr. Sanson declaring that this Court should be the
12 presiding judge in the family division, Mr. Sanson, without prompting,
13 asked: "Why do you allow Marshal Willick to get away with so much
14 "crap" in Doug Ansell's case?"

15 ²On a number of occasions, this Court has lamented that **both** parties have engaged in,
16 to borrow Mr. Sanson's term, "crap" during this case. This Court repeatedly has chastised both
17 sides for their practice of hyperbole and exaggeration. Mr. Willick has almost incessantly
18 argued that this Court has allowed Defendant (Mr. Ansell) to get away with "crap" without
19 repercussion. Both Mr. Willick and Mr. Jones are adept at selectively handpicking those areas
20 of perceived wrongdoing of the other side and advocating through their myopic lenses. On Mr.
21 Jones' part, this was exemplified during the August 30, 2017 hearing through his argument that
22 the Court had given Plaintiff a "free pass" with respect to her alleged violation of the Order to
23 Seal Records (Oct. 16, 2015) (hereinafter referred to as the "Sealing Order"). The Sealing
24 Order *drafted and submitted by Defendant (Mr. Ansell)*, ordered that "all papers, records,
25 proceedings and evidence, including exhibits and transcripts of testimony in the above-entitled
26 matter, be, and the same hereby are, sealed and shall not be opened to inspection *except by the*
27 *parties* and their attorneys, or when required as evidence in another action or proceeding."
28 (Emphasis added). Mr. Jones' argument in Court notwithstanding, this matter was adjudicated
by the Court. See Order (Aug. 30, 2016). Thus, the Sealing Order *drafted and submitted by*
Defendant (Mr. Ansell), did not prohibit the conduct about which Defendant complained. NRS
125.110 provides that the papers sealed "shall not be open to inspection except *to* the parties
and their attorneys." The Sealing Order *prepared by Defendant* changed the statutory language
and provided that the papers sealed "shall not be opened to inspection except *by* the parties
and their attorneys." Recognizing the error of his own drafting, Defendant (Mr. Ansell)
submitted a second Order to Seal Records (Nov. 23, 2016). Mr. Jones knew these facts when
he lambasted the Court during the August 30, 2017 hearing for purportedly allowing Plaintiff
to violate a Sealing Order that did not proscribe the alleged conduct. Apart from these
examples of "crap," the Court has endured "crap" from **both** parties throughout this litigation.

- After immediately terminating the call, this Court texted Mr. Sanson as follows: "Please do not ever talk to me again about a pending case before me. I hold you in higher esteem than that. I'm sorry to end the call so abruptly. My integrity means too much to me than to be influenced by others outside of the courtroom and it shakes the very core of our system when anyone communicates with a judicial officer in this fashion. It simply cannot happen. I know that you know that and I have always trusted your judgment in that regard."
- Mr. Sanson's immediate text response reads: "You asked me a question because of our relationship I gave you my honest answer, so you can understand what direction we are headed."

This Court scheduled a hearing immediately (heard on May 17, 2017) to disclose the improper communication. Based on Mr. Sanson's testimony on August 30, 2017, he admitted that his communication with the Court was not intended to relay specific factual information about the Ansell case. When offered the opportunity to provide specific examples of "crap" perpetrated by Mr. Willick (such as a miscalculation by Mr. Willick, a fabricated fact, or some other specific example of "crap"), Mr. Sanson had nothing specific. As such, *the only purpose of his communication with the Court was to influence and intimidate the Court through a corrupt communication outside of court.*

Mr. Sanson could have limited his communication with the Court to a *general* accusation that Mr. Willick "gets away with crap," and left it at that.³ If Mr. Sanson's sole motivation was merely to attack Mr. Willick *in general* and not to influence the

³Based on the papers filed herein, this Court is aware that litigation is pending between Mr. Willick and Mr. Sanson. This Court's familiarity with this civil matter is limited to the disclosures contained in the papers filed in the Ansell matter. The animosity resulting from this civil litigation is palpable. Nevertheless, this animosity is not an excuse to attempt to manipulate and intimidate this Court – *particularly in regards to a specific case.*

1
2 Court about a specific case, he could have done so. Although such communication
3 remains improper, it is more egregious that Mr. Sanson *knowingly and intentionally*
4 *identified Doug Ansell's case*. It also is significant that Mr. Sanson's response was not
5 to offer an apology, or to assure the Court that he would refrain from doing so again.
6 Even at the August 30, 2017 hearing, Mr. Sanson remained unapologetic. In fact, his
7 demeanor and conduct was defiant, even lashing out at Mr. Willick to the point of
8 being admonished by the Court. Instead of apologizing to the Court, his follow-up
9 communication was a veiled threat to the Court. This threat by Mr. Sanson, as stated
10 by Mr. Sanson and interpreted by the Court, was to harass the Court and to hurl
11 baseless and defamatory accusations about the Court.
12

13
14 Mr. Sanson argues that his organization "exposes public corruption and
15 injustices." Further, despite the fact that Mr. Ansell designated Mr. Sanson as *his*
16 witness, Mr. Sanson states with emphasis that neither he nor VIPI "*have anything to do*
17 *with this case*." To reiterate for the record, Mr. Sanson intentionally interjected himself
18 into this matter by communicating with the Court in reference to this specific case.
19 Plaintiff understandably and justifiably has sought to determine the full extent of such
20 off-the-record communications. To be clear, however, Mr. Sanson's involvement in this
21 matter is not about exposing "injustice" or corruption. Mr. Sanson acknowledged that
22 he had never met Plaintiff and proclaimed that he meant her no "ill will." Indeed, Mr.
23 Sanson appeared to be unaware that Defendant (Doug Ansell) was the prevailing party
24 with respect to the child custody issues in this case – an issue that is of the highest
25 significance in *most* cases.
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2 As noted previously, when given the opportunity at the August 30, 2017 hearing
3 to explain the “crap” that was occurring in the Ansell matter, Mr. Sanson was unable
4 to identify any singular fact. As such, notwithstanding his self-proclaimed faux cover
5 of seeking to “expose injustice and corruption,” Mr. Sanson’s sole motivation for
6 communicating with this Court was to intimidate and harass the Court. Mr. Sanson
7 proudly proclaims that he has “declared war” on the Family Court. There is no doubt
8 that the courts are under attack and that the entire judiciary of this great State of
9 Nevada is on notice that, behind that false banner of “justice and corruption” is an
10 individual and group who seek to manipulate, intimidate and control. The arsenal of
11 weapons that Mr. Sanson utilizes include attempts to manipulate, intimidate and
12 control the judicial process through off-the-record communications. This case has
13 exposed the reality of his tactics.
14

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16
17 Rather than apologize for his unethical and corrupt conduct, *Mr. Sanson has the*
18 *audacity to blame this Court for his improper communication.* Specifically, Mr. Sanson
19 alleges under oath in his Sworn Declaration that his off-the-record *question* to the Court
20 was somehow an answer to a same-day related conversation. The timing of this entire
21 narrative offered by Mr. Sanson is significant as it belies Mr. Sanson’s story. Mr.
22 Sanson alleges in his Sworn Declaration that his originating text message took place on
23 the *same day* as a conversation with the Court in the courtroom (i.e., May 11, 2017).
24 To this end, Mr. Sanson’s narrative suggests that his text message was intended merely
25 to follow-up on a conversation earlier that same day. Mr. Sanson’s narrative, however,
26 is a *factual impossibility*. In this regard, May 11, 2017 was this Court’s Chamber
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2 Calendar day. No hearings were scheduled in Department Q on May 11, 2017. There
3 was no conversation on May 11, 2017 as Mr. Sanson has alleged.⁴ Regardless, even if
4 Mr. Sanson's sworn recitation of facts is believed, his communication with the Court
5 *remains improper.*
6

7 What should be frightening to this Court (and members of the Nevada judiciary
8 in general), is that Mr. Sanson refused to acknowledge at the August 30, 2017 hearing
9 that his communication with the Court about a pending case was inappropriate.
10 Specifically, Mr. Sanson, through his counsel, suggested it was the Court's fault based
11 on the earlier conversation cited above. This Court reiterates that it is inappropriate
12 to communicate with a judicial officer off the record about a pending case – *at any*
13 *time and under any circumstances.* Mr. Sanson's attempts to deflect blame to the
14 Court are appalling.
15
16

17 This Court's abrupt termination of the telephone call and immediate text to Mr.
18 Sanson that his communication was inappropriate was not Mr. Sanson's desired
19 response or reaction from the Court. It is now obvious that Mr. Sanson was looking
20 for a response from the Court more along the lines of: "I'm so sorry Mr. Sanson, I'll
21 make sure that Mr. Willick doesn't get his way," or, "I'm so sorry Mr. Sanson, I'll make
22 sure Mr. Ansell comes out on top," or even, "message received Mr. Sanson." *Is there*
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26 ⁴This is not simply a matter of "oops, I got the date wrong." Any change to the date
27 changes the entire narrative and creates a logical disconnection in time. This Court's staff
28 checked the videotape of the hearings in all cases held in Department Q on the preceding
Monday, Tuesday, and Wednesday of that same week and was unable to find Mr. Sanson in
the gallery at the beginning or conclusion of any case.

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2 *anything more corrupt than the influence Mr. Sanson sought to exert over the Court?*

3 And he proclaims that he seeks to expose corruption? Because this Court called him
4 out on the inappropriateness of his communication and refused to kowtow and cower
5 to his manipulation and control, Mr. Sanson predictably let the Court know that his
6 wrath was coming out against the Court. This type of threat to any judicial officer
7 strikes at the very core of the integrity of the judicial process. Moreover, such
8 threatening behavior is an attempt to manipulate and control judicial officers if they
9 do not succumb to Mr. Sanson's desired result.
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12 Mr. Jones argued that there is no evidence that Defendant had anything to do
13 with Mr. Sanson's communication with the Court or that he put Mr. Sanson "up to it."
14 Mr. Jones is correct that there was no testimony offered that indicates that Defendant
15 is responsible for Mr. Sanson's behavior. Defendant did not appear at the hearing to
16 offer his version of events. Although this Court is unable to attribute Mr. Sanson's
17 actions to Defendant directly, this Court notes that Mr. Sanson's communication with
18 the Court was not the first, nor the second, occasion in which the Court has received
19 outside communications about Defendant.⁵
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23 ⁵This Court previously disclosed at a prior hearing that an individual recently employed
24 by Defendant was this Court's direct ecclesiastical leader (Kurt Teshima). This Court disclosed
25 to the parties that the Court holds Mr. Teshima in high esteem. These disclosures were made
26 for full transparency in the event that either party desired that the Court recuse from the
27 matter. Mr. Willick offered (as an offer of proof) at the August 30, 2017 hearing that
28 Defendant, *together with Mr. Sanson*, had a breakfast meeting with Mr. Teshima. As an
additional offer of proof, when Defendant and Mr. Sanson attempted to discuss the divorce,
Mr. Teshima redirected the conversation to business matters. This Court is not surprised by
this redirection by Mr. Teshima and emphasizes that at no time has Mr. Teshima *ever* discussed
this matter with the Court. This Court has never felt any pressure or attempts to influence the
path of this case from Mr. Teshima.

1
2 This Court recognizes the judicial duty to sit. Mr. Sanson's Sworn Declaration
3 filed on August 22, 2017, however, creates a conflict for the Court. Moreover, it has
4 become evident based on the history of this matter that any decision by this Court that
5 favors Defendant in any manner is perceived by Plaintiff as being influenced by
6 something that has happened outside of this courtroom. Similarly, Defendant may
7 have the perception that, because this Court has declared its disgust and disdain for
8 outside efforts to influence this matter, the Court is somehow overcompensating to
9 counter Plaintiff's perception. These perceptions (although untrue on both accounts)
10 are unfair to both parties. Accordingly, it is appropriate that this Court recuse from
11 this matter.
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14 Finally, because there have been outside attempts to influence this Court in this
15 matter, complete transparency is warranted to maintain public confidence in the
16 administration of justice. Notably, Mr. Sanson (through counsel) argued that this
17 matter was improperly sealed. To clarify this Court's findings at the August 30, 2017
18 hearing, this Court concurs that the hearings in this matter and orders entered by the
19 Court should not be sealed and should be available for public inspection. However,
20 this Court recognizes that filings of the parties and experts contain sensitive
21 information related to both custody issues and financial issues. Consistent with NRS
22 125.110, those papers should remain sealed.
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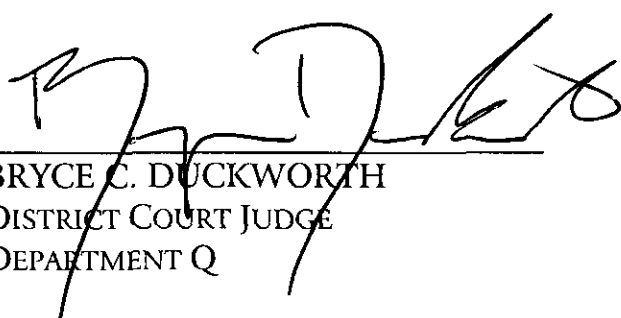
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2 Based on the foregoing, and good cause appearing therefor,

3 It is hereby ORDERED that this Court RECUSE from this case. It is further
4 ORDERED that, to the extent possible, this matter be referred to the Senior Judge
5 Program for further proceedings.
6

7 It is further ORDERED that the hearings pending before this Court, including
8 trial dates and hearings related to discovery issues, should be re-calendared upon the
9 reassignment of this matter.
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11 It is further ORDERED that the hearing videos and orders entered by this Court
12 should be unsealed.

13 DATED this 5th day of September, 2017.
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17 _____
18 BRYCE C. DUCKWORTH
19 DISTRICT COURT JUDGE
20 DEPARTMENT Q
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