

UNITED STATES DISTRICT COURT
CRIMINAL DOCKET

U. S. vs CURTIS ALPHONSE BURNEY et al

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Yr. Docket No

DATE	PROCEEDINGS (continued)		V. EXCLUDABLE	
	(Document No.)	Portion	(a)	(b)
10/19/99	--	RECORDERS TRANSCRIPT of/Jury Trial (Day 5) (Tstmny of Jan Michael Wrobel) held 7/16/99 bfr (PMP). (C/Rec J. Bowman) cjb		
--	--	RECORDERS TRANSCRIPT of Portion of Jury Trial (Day 6) (Tstmny of Jan Michael Wrobel) held 7/19/99 bfr (PMP). (C/Rec J. Bowman) cjb		
10/21/99	441	STIPULATION/ORDER re D/Ford (PMP) ORD sntncng set 10/20/99 VACATED & reset 12/9/99 @ 3:30pm. cps dist cjb		
10/22/99	442	OBJECTIONS obo D/Filosi to p/s rpt (cpy to PMP)	lgm	
10/29/99	443	MOTION obo D/J.Wrobel to cont I/S (m) lgm (Dispo: <i>granted #444</i>)		
11-1-99	-	<i>Sub to PMP #443. CB</i>		
11/2/99	444	ORDER RE D/Jan Wrobel (PMP) ORD dtd 11/1/99 I/S set 11/8/99 @ 4pm VACATED & contd to 12/10/99 @ 9am. cps dist cjb		
11/16/99	445	MOTION re: D/Filosi obo gvrnmnt for dwnwrd departr (cpy to PMP) lgm (Dispo: <i>#447 granted</i>)		
11/16/99	446	LETTERS re: D/G.Wrobel (cpy to PMP) lgm		
--	447	MINUTES OF SENTENCING re: D/Filosi (PMP) ORD As to CT 47 of 3rd sprsdng indctmnt: 1) Gvrnmnts mtn for dwnwrd departr GRANTED 2) Sent impsd 3) Assessmnt 4) Remning CTs DISMD 5) D shll slf surr by 1/5/00 noon (C/R E.Davis) cps dist lgm		
--	448	LETTERS re: D/Filosi lgm		
--	449	SENTENCING INFORMATION re: D/Filosi's co-D's frm prob lgm		
--	450	SENTENCING INFORMATION re: D/Filosi & co-D's frm prob in CR-S-98-227-JBR(LRL) lgm		
--	451	STIPULATION/ORDER re: D/G.Wrobel dtd 11/16/99 (PMP) ORD 1) I/S set for 11/16/99 vctd & cont to 12/10/99 @ 10:30 am cps dist lgm		
11/18/99	452	JUDGMENT re: D/Filosi dtd 11/16/99 (PMP) ORD As to CTs 2 & 47: 1) 12 mths 1 dy cstdy USBOP 2) D shll surr bfr noon 1/5/00 3) 3 yrs sprvsd relse (see doc for spec conds) 4) 150 hrs commnty service 5) \$50.00 assessmnt 6) \$100,000.00 restitutn (EOD 11/19/99) cps dist lgm		

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11/18/99	453	ORDER re: D/J.Wrobel dtd 11/17/99 (PMP) ORD 1) I/S set for 12/10/99 @ 9:00 am cont IN TIME ONLY to 12/10/99 @ 11:00 am cps dist lgm				
11/23/99	454	ORDER re: D/G.Wrobel dtd 11/22/99 (PMP) ORD 1) Attchd ltr frm daughtr shll be distrbtd to cnsl of recrd for info & flng of any app mtn cps dist lgm				
11/24/99	455	ORDER re: D/G.Wrobel's ltr (attchd) re appntmnt of new cnsl dtd 11/23/99 (PMP) ORD 1) Cps to be dist to cnsl of recrd for info and/or fldng of any app mtn cps dist lgm				
11/29/99	456	JUDGMENT w/USM ret, D/Fried slf surr at FPC Nellis, Las Vegas, NV 11/22/99 lgm				
12/9/99	457	SENTENCING MEMORANDUM obo D/J.Wrobel (cpy to PMP) lgm				
--	458	SUPPLEMENT TO SENTENCING MEMORANDUM obo D/J.Wrobel (cpy to PMP) lgm				
12/9/99	459	EXPARTE MOTION/ORDER re: D/Pollock (PMP) ORD 1) USM shll arrng to transportatn for D frm Johnson City, Tennessee to LV, NV on or bfr 12/13/99 cps dist lgm				
12/9/99	460	RESPONSE obo gvrnmnt to D/J.Wrobel's mtn for dwnwrdr departr (m) lgm				
12/10/99	461	MINUTES OF SENTENCING re: D/Ford dtd 12/9/99 (PMP) ORD As to CT 62 of sprsdng indctmnt 1) Sent impsd 2) Assessmnt 3) Restitutn 4) CTs 1,50,59,60,61 DISMD 5) D shll slf surr bfr noon 1/12/00 (C/R A.Kamaka) cps dist lgm				
12/14/99	462	MINUTES OF SENTENCING re: D/J.Wrobel dtd 12/10/99 (PMP) ORD 1) I/S cont to 12/20/99 @ 3:00 pm (C/R E.Davis) cps dist lgm				
--	463	MINUTES OF SENTENCING re: D/G.Wrobel dtd 12/10/99 (PMP) ORD 1) D's cnsl atty Fadgen no prsnt 2) I/S cont to 12/16/99 @ 4:00 pm (C/R E.Davis) cps dist lgm				
12/14/99	464	JUDMGNET re: D/Ford dtd 12/9/99 (PMP) ORD As to CT 62: 1) 10 mths cstdy USBOP 2) D shll surr bfr noon 1/12/00 3) 2 yrs srpsvd relse (see doc for spec conds) 4) 150 hrs commnty service 5) \$50.00 assessmnt 6) \$38,495.20 restitutn 7) Remning CTs DISMD (EOD 12/15/99) cps dist lgm				
12/17/99	465	MINUTES OF SENTENCING re: D/G.Wrobel (PMP) ORD 1) I/S cont to 1/6/00 @ 3:00 pm 2) All mtn to be fld no ltr than 12/27/99 (C/R. E.Davis) cps dist lgm				

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12/20/99	466	SUPPLEMENTAL PLEADING obo D/J. Wrobel In Resp To Confdntl Addendm Provded By US Prob Offcr (m) lsd		
12/21/99	467	MINUTES OF SENTENCING re: D/J. Wrobel (PMP)ORD as to Glty Plea to Ct 74 of 3rd Sprsdng Indctmnt hld on 12/20/99: 1) Mtn For Dwnwrđ dprt GRANTED frm level 32 to 27 2) Sent impsd 3) Assessmnt 4) Restitutn 5) D advsd of appl rights; Spec Ord #86 gvn to cnsl 6) Remning Cts Dism'd 7) D shll self-surr to desig facilty by Noon on 2/16/00 (C/R E. Davis) cps dist lsd		
12/27/99	468	SENTENCING MEMORANDUM obo D/G.Wrobel (cpy to PMP)	lgm	
12/30/99	—	RECORDER'S TRANSCRIPT re D/Filosi dtd 11/16/99 re sentencing (PMP) (C/Rec Erica Davis). bh		
1/3/99	469	RESPONSE to Ds sentencing memo #468 re D/Wrobel obo govt. (m) (AT) bh		
1/5/2000	470	MOTION to amd judgmt in a criminal case obo D/Filosi (m) (AT) bh (DISPO: #475 <i>granted</i>)		
—	471	EMERGENCY MOTION to cont date for self surr obo D/Filosi (m) (AT) bh (DISPO: #475 <i>granted</i>)		
1/6/2000	<i>Sub 470, 471, to PMP. Da</i>			
1/6/00	472	JUDGMENT re: D/J.Wrobel dtd 12/20/99 (PMP) ORD As to CT 74: 1) 80 mths cstdy USBOP 2) D shll surr bfr noon 2/16/00 3) 3 yrs sprvsd relse (see doc for spec conds) 4) \$50.00 assessmnt 5) \$3,208,127.36 restitutn 6) Remning Cts DISMD (EOD 1/6/00) cps dist lgm		
1/6/00	473	MINUTES OF SENTENCING re: D/G.Wrobel (PMP) ORD As to CTs 1-28, 30-31, 33-46, 49,50,52-81 & 88 of 3rd sprsdng indctmnt: 1) D's mtn for dwnwrđ departr DENIED 2) Sent impsd 3) Assessmnt 4) Restitutn 5) D remnded to cstdy of USM 5) Atty Fadgen's orl mtn to withdrw as cnsl GRANTED; New cnsl to be appntd for appl (C/R E.Davis) cps dist lgm		
—	474	LETTERS re: D/G.Wrobel lgm		
—	475	ORDER re: D/Filosi's mtn to amnde judgmt (#470) (PMP) ORD 1) Mtn GRANTED; clrk shll frthwth entr amnded jdgmt which specfies crt's recommendatn D be designated to Nellis Prison Cmp 2) Mtn to cont surr dt (#471) GRANTED; D shll rpt to desgntd fcilty by 2/7/00 (EOD 1/7/00) cps dist lgm		

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1/7/00	476 JUDGMENT re: D/G.Wrobel dtd 1/6/00 (PMP) ORD As to CTs 1-28,30,31,33-46,49,50,52-81 & 88 of 3rd sprsdng indctmnt dtd 1/6/00 (PMP) ORD 1) 168 mths custdy USBOP total; 60 mths CTs 1-28,30,31,33-46,49,50,52-73, to run concurrnt to ech othr; 60 mths as to CTs 74-81, concurrnt to ech othr, consecutive to CTs 1-28, 30,31,33-46,49,50 & 52-73; 48 mths as to CT 88, consecutv to all othr CTs 2) D remnded to cstdy of USM 3) 3 yrs sprvsd relse (see doc for spec conds) 4) \$4,000.00 assessmnt 5) \$3,208,107.36 restitutn (EOD 1/10/00) cps dist lgm				
1/10/00	477 NOTICE OF APPEAL obo D/G.Wrobel re: Jdgmnt (#476) (C/A #: <u>00-10127</u>) Dispo: <u>#527 Affirmed</u> lgm				
1/11/00	478 TRANSMITTAL LETTER re: D/G.Wrobel's appl (#477) ORDER FOR TIME SCHEDULE Desig of R/T's due 1/31/00; R/T's due 3/1/00; Applnt's opning brf due 4/10/00; Appllee's brf due 5/10/00; Rply brf due 5/24/00 DOCKET FEE NOTIFICATION D FP status MEMORANDUM re: Crim expdng progrm cps dist lgm				
1/13/00	479 CJA-20 re: D/G.Wrobel, atty John Graves appntd for appeal lgm				
1/21/00	480 JUDGMENT w/USM ret, D/Ford slf surr to FPC Nellis, Las Vegas, NV on 1/12/00 lgm				
1/24/00	481 DESIGNATION OF TRANSCRIPTS obo D/Wrobel. cjb				
1/28/00	482 REQUEST/ORDER re: D/Azzarone (PMP) ORD 1) Prob mdfiled in convert ord for 6 mths clrk ctr to hme cnfnement w/elect mntring cps dist lgm				
2/1/00	483 WARRANT w/USM ret, D/Cohen arr 2/26/00 lgm				
2/15/00	484 TRANSFER OF JURISDICTION re: D/Burney, sprvsd relse trnsfrd to dist of N. Georgia lgm				
2/24/00	485 WARRANT w/USM ret, D/J.Wrobel slf surr to FCI Taft, CA on 2/16/00 lgm				
--	486 WARRANT w/USM ret, D/Filosi slf surr to FPC Nellis, Las Vegas, NV on 2/7/00 lgm				
--	487 REQUEST/ORDER re: D/Fried dtd 2/23/00 (PMP) ORD 1) Sprvsd relse mdfiled to inclde 5 mths hme cnfnement w/elect mntring & 5 mths commnty correctns ctr cps dist lgm				
2/28/00	488 LETTER re: D/Burney to dist of N. Georgio w/CC's of indctmnt & jdgmnt cps dist lgm				

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3/6/00	---	<u>RECORDERS TRANSCRIPTS</u> dtd 7/6/98 re: D/G.Wrobel & J. Wrobel's A/P bfr RJJ lgm		
--	---	<u>RECORDERS TRANSCRIPTS</u> dtd 1/28/99 re: D/G.Wrobel's I/A on viol of p/t relse conds bfr PMP (C/R E. Sanderson) lgm		
--	---	<u>RECORDERS TRANSCRIPTS</u> dtd 2/3/99 re: D/G.Wrobel's detentn hrng bfr PMP (C/R M.Lindi) lgm		
--	---	<u>RECORDERS TRANSCRIPTS</u> dtd 2/26/99 re: D/G.Wrobel's A/P bfr LRL lgm		
--	---	<u>RECORDERS TRANSCRIPTS</u> dtd 5/20/99 re: D/G.Wrobel's comptncy hrng bfr PMP (C/R E.Sanderson) lgm		
--	---	<u>RECORDERS TRANSCRIPTS</u> dtd 5/21/99 re: D/G.Wrobel's A/P bfr LRL (C/R M.Lindi) lgm		
--	---	<u>RECORDERS TRANSCRIPTS</u> dtd 7/6/99 re: D/G.Wrobel's P/T confrnce bfr PMP (C/R E.Sanderson) lgm		
--	---	<u>RECORDERS TRANSCRIPTS</u> dtd 7/12/99 re: D/G.Wrobel's J/T (Day 1) bfr PMP (C/R E.Sanderson) lgm		
--	---	<u>RECORDERS TRANSCRIPTS</u> dtd 7/13/99 re: D/G.Wrobel's J/T (Day 2) bfr PMP (C/R E.Sanderson) lgm		
--	---	<u>RECORDERS TRANSCRIPTS</u> dtd 7/14/99 re: D/G.Wrobel's J/T (Day 3) bfr PMP (C/R E.Sanderson) lgm		
--	---	<u>RECORDERS TRANSCRIPTS</u> dtd 7/15/99 re: D/G.Wrobel's J/T (Day 4) bfr PMP (C/R E.Sanderson & J.Bowman) lgm		
--	---	<u>RECORDERS TRANSCRIPTS</u> dtd 7/16/99 re: D/G.Wrobel's J/T (Day 5) bfr PMP (C/R J.Bowman) lgm		
--	---	<u>RECORDERS TRANSCRIPTS</u> dtd 7/19/99 re: D/G.Wrobel's J/T (Day 6) bfr PMP (C/R J.Bowman) lgm		
--	---	<u>RECORDERS TRANSCRIPTS</u> dtd 1/6/00 re: D/G.Wrobel's I/S bfr PMP (C/R E.Davis) lgm		
3/10/00	489	TRANSMITTAL LETTER re: D/G.Wrobel's appl (#477) CERTIFICATE OF RECORD to C/A this dt cps dist (Cpy desig of clks recrd & dkt sht to cnsl) lgm		
3/13/00	490	TRANSMITTAL LETTER (cpy #488) re: D/Burney's transfr of prob retrnd from dist of N. Georgia ack recp 3/7/00 # assgning case #1:00cr126 lgm		
3/14/00	491	JUDGMENT w/USM ret, D/G.Wrobel dlvr'd to FCI Dublin on 3/2/00 lgm		

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3/28/00	492 ORDER re: D/Cardin's ltr requestng suspensn of restitutn dtd 3/27/00 (PMP) ORD 1) Ltr & ord to be dist to cnsl & prob 2) Rspn's due 4/27/00 cps dist lgm <i>#493 nspn; #495 Denied</i>				
4/6/00	493 RESPONSE obo gvrnmnt to D/Cardin's mtn reqstn relf frm restitutn (#492)(m) lgm				
4/17/00	<i>494</i> <i>495</i> ORDER re: D/G.Wrobel's appl #00-10127 (Peter L. Shaw) ORD 1) Applnts lt fld unoppsd mtn for 4 mth extnsn GRANTED 2) Opning brf due 8/10/00; Answrng brf due 9/11/00; optnl rply brf due 14 dys frm servce of answrng brf 3) Any subseqnt mtn shll contn recital D's bail status lgm				
<i>5/4/00</i>	<i>Sub 492, 493 to PMP. No</i>				
5/4/00	495 ORDER re: D/Cardin's ltr/mtn (#492) requestng relf frm restitutn (PMP) ORD 1) Mtn DENIED (EOD 5/5/00) cps dist lgm				
6/22/00	496 REQUEST/ORDER re: D/Puklus dtd 6/21/00 (PMP) ORD 1) Sprvsd relse mdified to sub 6 mths hlfrway hse w/6 mths hme cnfnement w/elect mntrng cps dist lgm				
8/28/00	497 ORDER re: D/G.Wrobel dtd 8/25/00 (C/A) ORD 1) Mtn to excd brf length DENIED 2) Opning brf due 7 dys frm dt of this ord; answrng brf due 10/2/00; rply brf due 14 dys frm srvc lgm				
10/4/00	— <u>RECORDERS TRANSCRIPT</u> dtd 12/20/99 re: D/J.Wrobel's I/S bfr PMP (C/R E.Davis) lgm				
11/21/00	498 LETTER frm D/Azzarone requestng erly trm of sprvsd relse (nss) lgm (Dispo: #502 Rspn; #504 Granted)				
<i>11/28/00</i>	<i>Sub 498 to PMP. No</i>				
11/27/00	499 MOTION obo D/J.Wrobel to mdify conds of sent (m) lgm (Dispo: #501; #524 Granted & is extent)				
11/29/00	500 ORDER re: D/Azzarone's ltr requestng dischrq frm sprvsd relse (#498) dtd 11/28/00 (PMP) ORD 1) Gvrnmnt shll rspn by 12/15/00 cps dist lgm				
<i>12/1/00</i>	<i>Sub 499 to PMP. No</i>				
12/1/00	501 ORDER re: D/J.Wrobel's mtn to mdify conds of sent (#499) (PMP) ORD 1) Gvrnmnt shll file rspn by 12/15/00 cps dist lgm				
12/5/00	502 RESPONSE obo gvrnmnt to D/Azzarone's reqst for dischrq frm sprvsd relse (#498)(nss) lgm				

*12/7/00**Sub 502 to PMP. No*

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		(a)	(b)	(c)	(d)
12/13/00	503 RESPONSE obo prob to D/Azzaron's reqst for erly term lgm				
--	504 ORDER re: D/Azzarone's reqst to be dischrgd frm sprvsd relse (#498) dtd 12/12/00 (PMP) ORD 1) Mtn GRANTED cps dist lgm				
12/14/00	505 RESPONSE obo gvrnmnt to D/J.Wrobel's mtn to mdify conds of relse (m) lgm				
12/22/00	<i>Sub 499, 505 to PMP D^a</i>				
12/21/00	506 MOTION obo D/J.Wrobel purs to 28/2255 (CV-S-00-1525-PMP) (Dispo: #507; <i>#505 Granted</i>) (FILED SEPARATELY DUE TO SIZE)				
1/2/01	507 MINUTE ORDER re: D/J.Wrobel's 2255 mtn (PMP) ORD 1) Gvrnmnt shll have to 1/22/01 to fle rspn cps dist lgm				
--	508 ORDER re: D/J.Wrobel (PMP) ORD 1) Hrng set for 2/2/01 @ 10:00 re: D's mtn to mdify conds of sent (#499) (see doc) cps dist lgm				
1/3/01	509 REPLY obo D/J.Wrobel to gvrnmnt rspn (#505) to mtn to mdify conds of relse (#499)(m) lgm				
1/9/01	<i>Sub 509 to PMP D^a</i>				
1/12/00	510 MOTION re: D/J.Wrobel by atty Douglas A. Passon to prtce by non-member (m) lgm (Dispo: <i>UP Sent.</i>)				
1/18/00	<i>Sub 510 to PMP D^a</i>				
1/22/00	--- VERIFIED PETITION/DESIGNATION of loc cnsl sent to atty Douglas A. Passon per PMP lgm				
1/17/01	511 STIPULATION/ORDER re: D/J.Wrobel (PMP) ORD 1) Gvrnmnt shll have to 2/16/01 to fle rspn to D's 2255 mtn (#506) cps dist lgm				
2/7/01	<i>Sub to PMP for action on Admission to practice re: J. Wrobel</i>				
2/5/01	512 MINUTES OF PROCEEDINGS re: D/J.Wrobel's mtn to mdify conds of sent (#499) dtd 2/2/01 (PMP) ORD 1) This hrng vctd pndng recpt of stip'd brfng schdl; upon recpts, crt will reset hrng (C/R E.Davis) cps dist lgm				
--	513 ORDER re: D/J.Wrobel dtd 2/2/01 (PMP) ORD 1) Mtn to prtce BY atty Douglas Passon GRANTED lgm				

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2/6/01	514	DESIGNATION OF CLERK'S RECORD re: D/G.Wrobel's appl #00-10127 fld obo gvrnmnt lgm				
2/8/01	515	DESIGNATION OF CLERK'S RECORD re: D/G.Wrobel's appl #00-10127 fld obo D's cnsl lgm				
2/21/01	516	TRANSMITTAL LETTER re: D/G.Wrobel's appl #00-10127 RECORD (16 vol R/T's; 1 vol cpy of clks fle) to C/A this dt cps to cnsl lgm				
2/23/01		Sub # 506 & 512 to PMP. AD				
2/28/01	517	SATISFACTION OF JUDGMENT re: D/Goodman lgm				
3/2/01	518	NOTICE re: D/J.Wrobel obo gvrnmnt re brfng schdle; rspn to 2255 mtn due 3/2/01; rply due 3/16/01 lgm				
--	519	RESPONSE obo gvrnmnt to D/J.Wrobel's 2255 mtn (#506) (m) lgm				
3/8/01	520	VERIFIED PETITION re: D/J.Wrobel, atty Douglas A. Passon retnd as cnsl lgm				
--	521	DESIGNATION OF RESIDENT COUNSEL obo D/J.Wrobel, atty Louis E. Garfinkel rtnd lgm				
3/15/01	522	REPLY obo D/J.Wrobel to gvrnmnt's rspn (#519) to 2255 mtn (#506)(m) lgm				
3/19/01		Sub 506, 519, 522 to PMP. PC				
3/29/01	523	ORDER re: D/J.Wrobel dtd 3/27/01 (PMP) ORD 1) Hrng set for 4/27/01 @ 8:30 am re: Mtn to mdify conds (#499) cps dist lgm				
4/5/01	524	REQUEST/ORDER re: D/Ford (PMP) ORD 1) Conds of sprvsd relse mdified to inclde hme cnfnement w/elect mtrng for 4 mths cps dist lgm				
4/27/01	525	MINUTES OF PROCEEDINGS re: D/J.Wrobel's mtn to mdify conds of sent (#499) & mtn to correct sent (#506) (PMP) ORD 1) Mtn to mdify (#499) GRANTED to extnt that jdgmnt shll be amnded to \$50,000.00 restitutn to commnce upon relse 2) Mtn to corr (#506) GRANTED to extn that sent mdified as to restitutn; balnce of mtn DENIED (EOD 4/30/01) cps dist lgm				
--	526	MEMORANDUM re: D/G.Wrobel's appl #00-10127 (Reinhardt, Rymer & Fisher) ORD D/C jdgmnt AFFIRMED cps dist lgm				
--	527	JUDGMENT re: D/G.Wrobel's appl #00-10127 (C/R) ORD 1) D/C jdgmnt AFFIRMED cps dist lgm				

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	(Document No.)		(a)	(b)	(c)
4/30/01	528	ORDER ON MANDATE re: D/G.Wrobel (PMP) ORD Mandate sprd upon recrds of this crt cps dist lgm			
5/2/01	529	AMENDED JUDGMENT re: D/J.Wrobel dtd 4/27/01 (PMP) ORD As to CT 74: 1) 80 mths cstdy USBOP 2) D shll surr bfr noon 2/26/01 3) 3 yrs sprvsd relse (see doc for spec conds) 4) \$50.00 assessmnt 5) \$50,000.00 restitutn 6) CTs 1-73, 75-136 DISMD (EOD 5/2/01) cps dist lgm			
5/9/01	530	EXPARTE MOTION obo D/J.Wrobel to correct amnded judgmnt (m) lgm (Dispo: #532 <i>Granted</i>)			
5/10/01	531	REQUEST/ORDER re: D/Ford (PMP) ORD 1) Conds of sprvsd relse mdified to inclde 120 dys in commnty correctons ctr cps dist lgm			
5/14/01		<i>Sut 540 to PMP dc</i>			
5/15/01	532	EXPARTE MOTION/ORDER (cpy #530) obo D/J.Wrobel dtd 5/14/01 (PMP) ORD 1) Mtn to correct amnded jdgmnt GRANTED cps dist lgm			
5/16/01	533	AMENDED JUDGMENT re: D/J.Wrobel dtd 5/16/01 (PMP) ORD As to CT 1: 1) 80 mths cstdy USBOP 2) D shll surr bfr noon 2/26/00 3) 3 yrs sprvsd relse (see doc for spec conds) 4) 150 hrs commnty service 5) \$50.00 assessmnt 6) \$50,000.00 restitutn 7) CTs 1-73, 75-136 DISMD (EOD 5/16/01) cps dist lgm			
6/12/01	534	AMENDED JUDGMENT (dtd 4/27/01) w/USM ret, D/J.Wrobel dlvrtd to TCI Taft, CA on 2/16/01 lgm			
--	535	AMENDED JUDGMENT (dtd 5/16/01) w/USM ret, D/J.Wrobel dlvrtd to TCI Taft, CA on 2/16/01 lgm			
6/13/01	536	ORDER re: D/G.Wrobel's attch ltr reqst appntmnt of cnsl (PMP) ORD 1) Reqst DENIED cps dist lgm			
12/27/01	537	REQUEST/ORDER re: D/N.Ford (PMP) ORD suprvsd relse mdified to includ offndr to spend 4 consecutive weekends in cstdy @ NLVDC. cpys dist. kly			
2/25/02	538	FILES retrnd from C/A this dt lgm			
4/11/02	539	ORDER re: D/Fried's attch ltr reqstng eraly term of sprvsd relse (PMP) ORD 1) Gvrnmnt & prob shll fle rspn by 4/26/02 cps dist lgm <i>#541 Granted</i>			
4/22/02	540	RESPONSE obo gvrnmnt to D/Fried's req for erly term of sprvsd relse (#539)(nss) lgm			

UNITED STATES DISTRICT COURT
CRIMINAL DOCKET

CURTIS ALPHONSE BURNEY et al

AO 256A

Page 48

DATE	PROCEEDINGS (continued)	V. EXCLUDABLE DELAY			
		(a)	(b)	(c)	(d)
5/10/02	(Document No.) 537 Subbed 537 to PMP AA				
5/10/02	541 ORDER re: D/Fried (PMP) ORD 1) Ltr reqstng term of sprvsd relse (#539) GRANTED cps dist lgm				
10/3/02	542 X MOTION by D/D.Wrobel purs to 28/2255 (CV-S-02-1298-PMP(LRL)) (m) lgm (Dispo: #543; Mtn/Resp #544; <i>denied 545</i>)				
10/8/02	543 MINUTE ORDER re: D/G.Wrobel's 2255 mtn (#542) (PMP) ORD 1) Gvrnmnt shll have to 10/28/02 to fle rspn cps dist lgm				
11/13/02	544 X MOTION by Govt For Lve Of Crt To Fle Late Resp & Govt's RESPONSE to D/G.D.Wrobel's 28/2255 Mtn (#542) (m) lsd <i>denied #545</i>				
11/18/02	<i>Sub 544 to PMP. De</i>				
11/21/02	545 ORDER Pts Mtn #544 grtd. FUR ORD. Ds mtn #542 DENIED for the reason that it is procedurally barred. Cps dist. efm EOD 11/22/02				
12/9/02	546 REQUEST/APPROVAL re: D/Puklus (PMP) APPROVES expiratn of sprvsd relse 6/22/03 cps dist lgm				
--	547 REQUEST/APPROVAL re: D/Cardin (PMP) APPROVES expiratn of sprvsd relse 6/4/03 cps dist lgm				
2/3/03	548 X MOTION by D/Wrobel undr 18 USC 3742 review of sent. (m) kly (DISPO: #549; #550 rspn; #551 <i>denied</i>)				
2/5/03	<i>Sub 548 to PMP. De</i>				
2/10/03	549 ORDER re: D/Wrobel's mtn (#548) for revw of sent (PMP) ORD 1) Gvrnmnt shll have to 3/3/03 to fle rspn cps dist lgm				
2/27/03	550 RESPONSE obo gvrnmnt to D/G.Wrobel's mtn for revw of sent (#548)(m) lgm				
3/3	<i>Sub to PMP: 548, 550 De</i>				
3/4/03	551 ORDER re: D/G.Wrobel's mtn purs to 18/3742 (#548) dtd 3/3/03 (PMP) ORD 1) Mtn DENIED (EOD 3/4/04) cps dist lgm				
5/6/03	552 EXHIBIT ORDER DOCKETED IN NED BY PV				
7/10/03	553 DOCKET SHEET - ALL FURTHER DOCKETING IN NED lgm				

Interval
(per Section II)Start Date
End Date
Ltr. Total
Code Days

AA000186

Exhibit S

Tarkanian testifies he was target of false campaign ads

By Jeff Papp

Wednesday, July 29, 2009 | 8:56 p.m.

Danny Tarkanian said he expected his opponent in the 2004 state Senate race, Mike Schneider, would use campaign rhetoric and spin the facts.

"What I never expected was for my opponent to call me a criminal and say I was knowingly involved in criminal activity," Tarkanian said.

Schneider won the election by nearly 2,000 votes, or about 7 percentage points.

Following that election, Tarkanian sued Schneider, alleging defamation regarding campaign fliers and television interviews that alleged Tarkanian was linked to telemarketing scams that bilked senior citizens.

Tarkanian testified at trial today that he helped set up 75 to 100 businesses when he worked as a civil attorney in his private practice in the early 1990s.

At least four of those companies were indicted by the U.S. attorney general, and some of their officers were convicted of telemarketing scams.

One of those officers convicted was Cole Cloninger, whom Tarkanian knew as a ball boy during his time on the basketball team at UNLV. Tarkanian said Cloninger asked him to incorporate a number of nonprofit groups.

Cloninger, along with several others, was later indicted and convicted for wire fraud and money laundering in connection with the businesses Tarkanian incorporated.

Tarkanian said he set up the companies' incorporating documents and served as the resident agent but had no involvement in the day-to-day operations of any of them.

He said he was not aware that any of the companies were engaged in illegal activity at the time he helped set them up.

Leif Reid, a former prosecutor in the U.S. Attorney's Office in Las Vegas, testified today that Tarkanian was not part of any of his investigations into the telemarketing companies in Nevada.

Danny Tarkanian quit practicing law in 1995 when he became an assistant basketball coach for his father, Jerry Tarkanian, at Fresno State.

Danny Tarkanian returned to Las Vegas in 2002 and founded the Tarkanian Basketball Academy, a nonprofit group that runs basketball camps and mentoring programs for youths. He also started a real estate development company.

He moved into District 11 shortly before declaring his candidacy because he believed Schneider's seat was vulnerable, he said.

The negative mailers started arriving in voters' homes shortly after the two candidates appeared on a local television talk show, Tarkanian said.

Along with accusing him of associating with criminals, the ads from Schneider's camp accused Tarkanian of being under investigation by two grand juries and alleged that he cooperated with investigators of the telemarketing scams to secure a deal for himself.

Tarkanian said those allegations are false and he can't "quantify the damage that is done" to his reputation because of those allegations.

Tarkanian's campaign also mailed negative fliers about Schneider, but Tarkanian said they were aimed at Schneider's policies and were not personal.

Tarkanian's testimony will continue Thursday afternoon.

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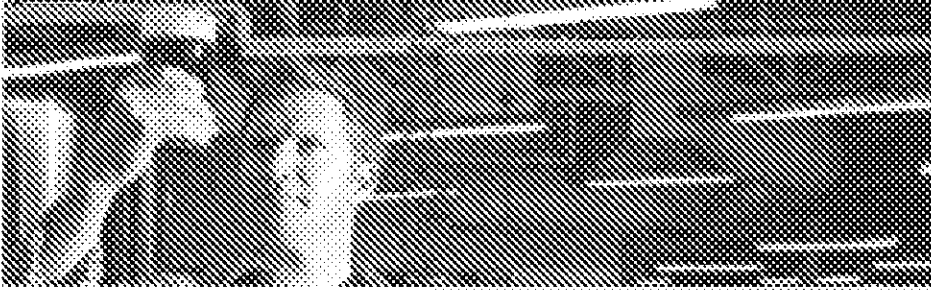
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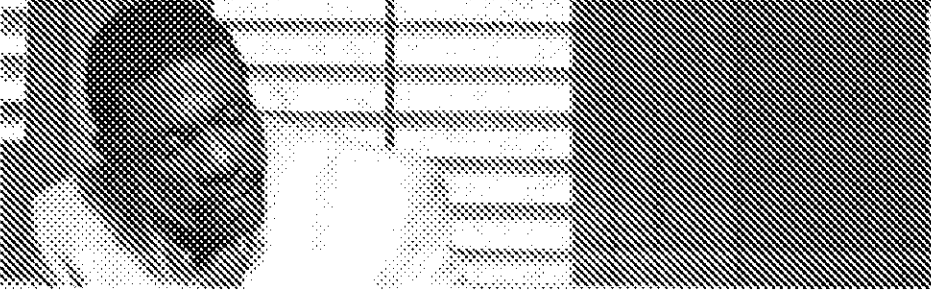
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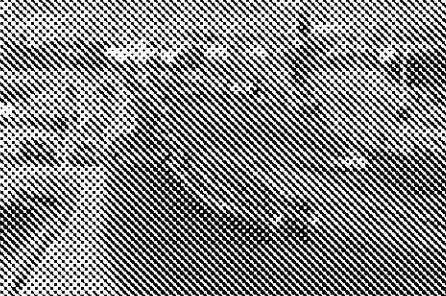
Keith Sweat: Set for intimate residency



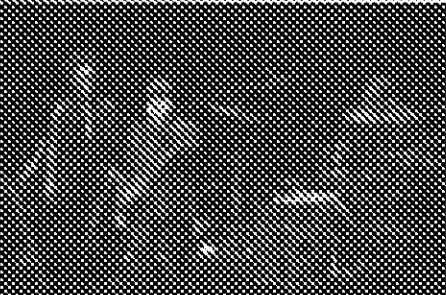
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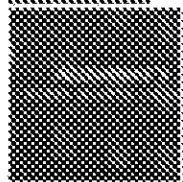
[18 Wed](#)

[19 Thu](#)

[20 Fri](#)

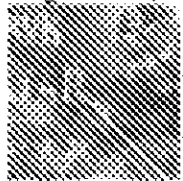
[21 Sat](#)

[22 Sun](#)



[Alzheimer's: Every Minute Counts Screening](#)

Optum, 2716 N. Tenaya Way, Las Vegas | 5 p.m. to 7:30 p.m.



[Toruk—The First Flight](#)

T-Mobile Arena



[Henderson State of the City 2017](#)

Green Valley Ranch Grand Event Center | noon to 1:30 p.m.

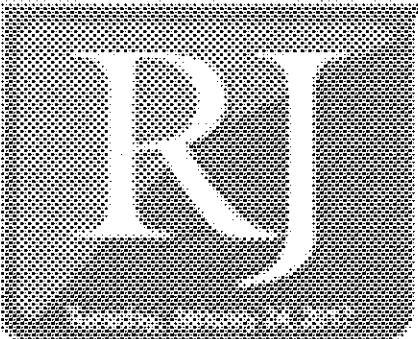
[All events on Wednesday »](#)



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Exhibit T



39°F, Clear
Las Vegas NV

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Tribute to the King of Pop

Parents' 57-year marriage...



Posted date August 9, 2008 - 9:02am

Opposition research: It just might be all in the family

Thomas Mitchell

If Danny Tarkanian thought he had a rough time in his race for state Senate and secretary of state, wait till he tries to go up against Harry Reid and his multi-million dollar war chest and team of opposition researchers.

Tarkanian won a libel suit against the shallow-pocketed state Sen. Mike Schneider, who defeated him five years ago, but Reid would be another matter. Schneider unsuccessfully tried to link Tarkanian to unsavory telemarketers who were being investigated by the U.S. attorney's office. One of the lawyers in that office was none other than Leif Reid, son of the Searchlight pugilist.

Leif Reid once wrote a letter to Tarkanian warning him not to claim that Leif had exonerated him in the probe.

Among other things, Leif Reid wrote: "As you should be aware, there is a significant difference between not being indicted for illegal activity and not being involved at all. It is true that you were never indicted for your involvement in helping facilitate your client, Cole Clonginger, in his illegal telemarketing schemes. It is patently false for you to claim that you had no involvement at all in this illegal activity."

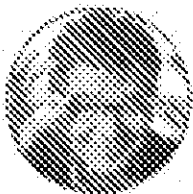
The letter then lists a number of Tarkanian clients and the names of their "fraudulent charities," such as H.E.L.P. Foundation, Worldwide Outreach, New Faith Foundation and People Against Drugs and Disease, along with the comment, "The names of these entities was designed to mislead as to their actual purpose."

What else does Leif Reid know?

Tribute to the King of Pop

Parents' 57-year marriage...

Parents' 57-year marriage...



KATSI



ROBIN LEACH

Most Popular

- Employee accidentally shot, killed by security guard during attempted jewelry store robbery in Henderson
- Several people swept away, rescued from wash near Hard Rock Hotel
- Coroner iDs jewelry store worker accidentally killed in Henderson robbery attempt
- American Airlines flight diverted to Las Vegas, passengers evacuated
- Indicted Las Vegas lawyer used firm's funds for church donations

Columnists | Features

Exhibit U

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FILED IN OPEN COURT
JUL 31 2009

EDWARD A. FRIEDLAND
CLERK OF THE COURT

BY Nora Peña 10:24 pm
NORA PEÑA DEPUTY

DISTRICT COURT
CLARK COUNTY, NEVADA

DANNY TARKANIAN, an individual,
Plaintiff,
vs.
MIKE SCHNEIDER, an individual;
DOES I-V, inclusive; and ROE ENTITIES
VI-X, inclusive,
Defendant.

Case No.: A500379
Dept No.: II

SPECIAL VERDICT FORM

05A500379
338759


1 **PLAINTIFF'S FIRST CLAIM FOR RELIEF - SLANDER PER SE**
2 **STATEMENTS ON RALSTON SHOW**

3 In regard to Plaintiff's First Claim for Relief (Slander per se):

4 1. Did the Defendant make false statement(s) regarding the Plaintiff?

5 Yes or No?

Yes

6 If your response is no to #1 then proceed to question #6 and circle yes. If you answered yes to #1
7 then proceed to #2

8 2. Were the Defendant's false statement(s) defamatory to the Plaintiff?

9 Yes or No?

Yes

10 If your response is no to #2 then proceed to question #6 and circle yes. If you answered yes to #2
11 then proceed to #3

12 3. Did the Defendant's false statement(s) fall into one of the four categories that constitute
13 slander per se:

14 a. That the Plaintiff committed a crime;

15 b. That the Plaintiff has contracted a loathsome disease;

16 c. That the Plaintiff lacked fitness for his trade, business, profession or office; or

17 d. That the Plaintiff committed serious sexual misconduct?

18 Yes or No?

Yes

19 If your response is no to #3 then proceed to question #6 and circle yes. If you answered yes to
20 #3 then proceed to #4

21 4. Did the Defendant make false statement(s) regarding the Plaintiff with actual malice, that is,

22 a. With knowledge that the statement(s) were false; or

23 b. Acted with reckless disregard for the truth.

24 Yes or No?


Yes

25 If your response is no to #4 then proceed to question #6 and circle yes. If you answered yes to #4
26 then proceed to #5

1 5. Having found that the Defendant slandered or defamed the Plaintiff, we find Defendant
2 liable under the First Claim for Relief and award the Plaintiff the amount of
3 \$ 30,000.

4 6. Having found that Plaintiff has not proven all of the above criteria required to establish a
5 claim for slander per se, we the jury find Defendant is not liable for Plaintiff's First Claim
6 for Relief (Slander per se) YES


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8 Dated 7-31- 2009

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12 JURY FOREPERSON
13 HELEN HENDERSON
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1 5. Having found that the Defendant slandered or defamed the Plaintiff, we find Defendant
2 liable under the Fourth Claim for Relief and award the Plaintiff the amount of
3 \$10,000.

4 6. Having found that Plaintiff has not proven all of the above criteria required to establish a
5 claim for slander per se, we the jury find Defendant is not liable for Plaintiff's Fourth Claim
6 for Relief (Libel per se) YES

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2 **PLAINTIFF'S FIFTH CLAIM FOR RELIEF - SLANDER PER SE**
3 **STATEMENTS REGARDING LAW LICENSE**

4 In regard to Plaintiff's Fifth Claim for Relief (Slander per se):

5 1. Did the Defendant make false statement(s) regarding the Plaintiff?

6 Yes or No?

Yes

7 If your response is no to #1 then proceed to question #6 and circle yes. If you answered yes to #1
8 then proceed to #2

9 2. Were the Defendant's false statement(s) defamatory to the Plaintiff?

10 Yes or No?

Yes

11 If your response is no to #2 then proceed to question #6 and circle yes. If you answered yes to #2
12 then proceed to #3

13 3. Did the Defendant's false statement(s) fall into one of the four categories that constitute
14 slander per se:

- 15 a. That the Plaintiff committed a crime;
16 b. That the Plaintiff has contracted a loathsome disease;
17 c. That the Plaintiff lacked fitness for his trade, business, profession or office; or
18 d. That the Plaintiff committed serious sexual misconduct?

19 Yes or No?

Yes

20 If your response is no to #3 then proceed to question #6 and circle yes. If you answered yes to #3
21 then proceed to #4

22 4. Did the Defendant make false statement(s) regarding the Plaintiff with actual malice, that is,

- 23 a. With knowledge that the statement(s) were false; or
24 b. Acted with reckless disregard for the truth.

25 Yes or No?

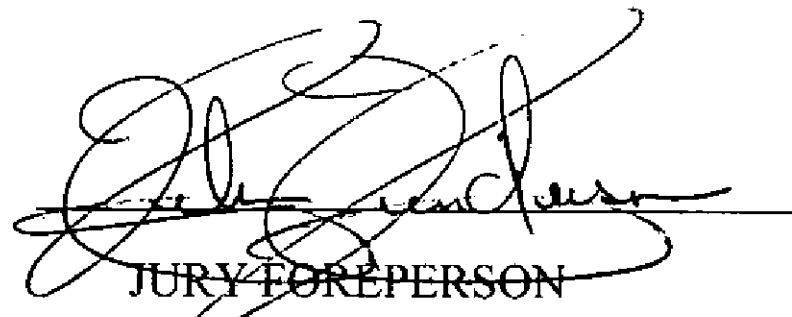
Yes

26 If your response is no to #4 then proceed to question #6 and circle yes. If you answered yes to #4
27 then proceed to #5

1 5. Having found that the Defendant slandered or defamed the Plaintiff, we find Defendant
2 liable under the Fifth Claim for Relief and award the Plaintiff the amount of
3 \$ 10,000.

4 6. Having found that Plaintiff has not proven all of the above criteria required to establish a
5 claim for slander per se, we the jury find Defendant is not liable for Plaintiff's Fifth Claim
6 for Relief (Slander per se) YES


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8 Dated 7-31- 2009

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12 Helen Henderson
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VERDICT FORM - PUNITIVE DAMAGES

We the Jury find that Plaintiff is entitled to punitive damages. Yes ☒ OR no (please circle one).

Dated 7-31- 2009


JURY FOREPERSON
Helen Thompson

ORIGINAL

FILED

JAN 26 2017

John J. Blum
CLERK OF COURT

1 EXHS

BRADLEY S. SCHRAGER, ESQ.

2 Nevada State Bar No. 10217

DANIEL BRAVO, ESQ.

3 Nevada Bar No. 13078

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8 GRAHAM WILSON, ESQ (pro hac vice motion to be filed)

ELISABETH C. FROST, ESQ. (pro hac vice motion to be filed)

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12 efrost@perkinscoie.com

13 *Attorneys for Defendants*

14 **EIGHTH JUDICIAL DISTRICT COURT**

15 **IN AND FOR CLARK COUNTY, STATE OF NEVADA**

17 DANNY TARKANIAN,

18 Plaintiff,

19 vs.

20 JACKY ROSEN, an individual; ROSEN FOR
21 NEVADA, a 527 Organization and DOES I-X
22 and ROES ENTITIES VI-X

23 Defendant.

Case No: A-16-746797-C

Dept. No.: IV

**EXHIBITS K AND L TO DEFENDANTS'
ANTI-SLAPP SPECIAL MOTION TO
DISMISS UNDER N.R.S. 41.660**

A-16-746797-C

EXHS
Exhibits
4617800



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CLERK OF THE COURT

Defendants by and through their attorneys of record, of the law firm of Wolf, Rifkin,
Shapiro, Schulman & Rabkin, LLP, hereby submit Video Exhibits K and L to their Anti-Slapp

///

///

AA000203

3

1 Special Motion to Dismiss under N.R.S. 41.600, which was filed on the 25th day of January, 2017.

2 DATED this 25th day of January, 2017.

3 **WOLF, RIFKIN, SHAPIRO,**
4 **SCHULMAN & RABKIN, LLP**

5 By: 

6 **BRADLEY S. SCHRAGER, ESQ.**

7 Nevada State Bar No. 10217

8 **DANIEL BRAVO, ESQ.**

9 Nevada Bar No. 13078

10 3556 E. Russell Road, Second Floor

11 Las Vegas, Nevada 89120

12 *Attorneys for Defendants*

1 **CERTIFICATE OF SERVICE**

2 I hereby certify that on this 25th day of January, 2017, a true and correct copy of
3 **EXHIBITS K AND L TO DEFENDANTS' ANTI-SLAPP SPECIAL MOTION TO**
4 **DISMISS UNDER N.R.S. 41.660** was filed over the counter with the Clerk of the Court and
5 served by depositing a true and correct copy of the same for mailing, in the U.S. Mail at Las
6 Vegas, Nevada, said envelope addressed to:

7 Samira C. Knight, Esq.
8 **TARKANIAN & KNIGHT**
9 **LAW GROUP, PLLC**
10 7220 S. Cimarron, Suite 100
11 Las Vegas, NV 89113
12 Attorney for Plaintiff

13 By: Dannielle Fresquez
14 Dannielle R. Fresquez, an Employee of WOLF,
15 RIFKIN, SHAPIRO, SCHULMAN &
16 RABKIN, LLP
17
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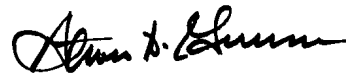


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Tel 702.341.5200 Fax 702.341.5300
www.wrslawyers.com
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WRSS&R Matter No.
LV4346-002

Case No.
A-16-746797-C

Danny Tarkanian v. Jacky Rosen
Exhibit K and Exhibit L to Defendants' Anti-Slapp
Special Motion to Dismiss N.R.S. 41.660
Filed on January 25, 2017



CLERK OF THE COURT

OPP
SAMIRA C. KNIGHT, ESQ.
Nevada Bar No. 13167
JENNY L. FOLEY, PH.D. ESQ.
Nevada Bar No. 09017
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Attorneys for Plaintiff

**DISTRICT COURT
CLARK COUNTY, NEVADA**

DANNY TARKANIAN

Plaintiff,

vs.

JACKY ROSEN, an individual; ROSEN FOR
NEVADA, a 527 Organization, and DOES 1-X
and ROES ENTITIES VI-X,

Defendants.

Case No.: A-16-746797-C

Dept. No.: IV

**OPPOSITION TO DEFENDANTS'
ANTI-SLAPP SPECIAL MOTION TO
DISMISS UNDER N.R.S. 41.660**

Plaintiff, Danny Tarkanian ("Danny"), hereby files his Opposition to Defendants' Anti-SLAPP Special Motion to Dismiss Under N.R.S. 41.660 (the "Motion"), and Danny's request for Attorney's Fees and Costs pursuant the Nevada Revised Statute.

I.

INTRODUCTION

This is not a lawsuit about the highest ideals of political speech protected under the First Amendment. This is a suit about a politician who deliberately lied to the public about her opponent ten (10) days before Election Day, accusing him of criminal conduct to change the outcome of an election. Defendants did not provide truthful information, but rather falsified primary sources in a political advertisement to create a malicious lie. Their advertisement purports to quote articles from well-regarded publications in Las Vegas, but (1) the articles do not actually contain the quoted language or for that matter, any similar language, and (2) the advertisement

1 misleads its audience by omitting the crucial context that Danny was never questioned,
2 subpoenaed, officially investigated, or indicted for any purported role in the unlawful operations
3 of the companies for which he filed incorporation paperwork. Defendants made these statements
4 even after a 2009 Clark County District Court jury found these statements to be false and
5 defamatory in a highly-publicized case.

6 The First Amendment broadly protects political speech, but such protection does not
7 extend to malicious falsehoods accusing political opponents of criminal conduct. It especially
8 does not extend to maliciously republishing accusations that have been adjudicated as defamatory.

9 II. 10 FACTUAL BACKGROUND

11 In 2004, Plaintiff, Danny Tarkanian ("Danny"), ran for Nevada State Senate against Mike
12 Schneider ("Mr. Schneider"). During the State Senate Campaign, Mr. Schneider made multiple
13 false statements regarding Danny, which resulted in Danny losing the election. Danny
14 subsequently filed a lawsuit in Clark County District Court, Case No. A500379, against Mr.
15 Schneider. ("Schneider case"). See **Exhibit 1: First Amended Complaint Tarkanian v. Schneider**.

16 The Schneider case centered on a total of five (5) statements Mr. Schneider made publicly
17 regarding Danny. The Schneider case was highly publicized and made headlines on multiple news
18 outlets as recently as 2016. During the Schneider Case, the Court determined as a matter of law,
19 that Danny was a limited purpose public figure. See **Exhibit 2: Schnieder Trial Transcripts, Day**
20 **5, page 73, line 24-25**. Outside of running for public office, Danny functions as any other local
21 Las Vegan. He is a businessman, married with four (4) children, who focuses most of his time on
22 taking care of his family.

23 The Schneider case went to trial in July of 2009, and resulted in a unanimous jury verdict
24 in Danny's favor. The jury found by clear and convincing evidence that five statements made by
25 Mr. Schneider were false and defamatory. See **Exhibit 3: Schneider Trial Transcripts, Day 5,**
26 **page 129, line 23 – page 136, line 11**. See **Exhibit 4: Certified Copy of 2009 Special Verdict**
27 **Form**. After the unanimous verdict in Danny's favor, the parties were scheduled to hold a second
28 trial regarding punitive damages. See **Exhibit 5: Schneider Trial Transcripts, Day 5, page 136,**

1 line 11 – 17. However, instead of holding another trial for punitive damages, the parties agreed
2 to an amount for punitive damages in Danny’s favor without the second trial. The Schneider trial
3 and the jury verdict have been continuously in the media since that time, a fact which Defendants
4 acknowledge in their Motion.

5 In 2016, Danny ran for United States Congress against Defendant Jacky Rosen. Defendant
6 Rosen, is a long-time Las Vegas resident, who began her career in computer programming as
7 early as the 1970’s. Over the years, Defendant Rosen built strong ties and friendships with
8 powerful politicians like Shelly Berkley and Harry Reid. She boasted continuously throughout
9 her campaign of her ties with these politicians, and the support and advise each gave to her.

10 During the campaign, approximately a week before the General Election,¹ Defendants
11 aired an advertisement on multiple media platforms, including but not limited, to television,
12 YouTube, Facebook, and Defendants’ website alleging Danny had been engaged in fraudulent
13 telemarketing schemes that targeted senior citizens.

14 Immediately thereafter, Danny sent Defendants a “Cease and Desist Letter” See **Exhibit**
15 **6: Danny Tarkanian’s Cease and Desist Letter**. The letter stated in relevant part: “A jury has
16 already found this line of attack to be defamatory. . . . A jury in Nevada has already found this
17 falsehood to be defamatory. . . . Mr. Tarkanian’s campaign opponent (Schneider) distributed a
18 flier falsely accusing Mr. Tarkanian of precisely the same allegations that you and the DCCC are
19 maliciously making against him today.” The Cease and Desist Letter further points out a link to
20 a Las Vegas Review Journal article stating “[p]lease see the following Las Vegas Review Journal
21 summarizing the jury’s determination in Mr. Tarkanian’s defamation action...”


22 Defendants did not acknowledgement or respond to the Cease and Desist Letter.
23 Defendants continue to air the advertisement on multiple television and social media outlets to
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¹ See Defendants’ Motion, pg. 5, line 21-13.

this day. See **Exhibit 7-9: Current Integrity Commercial Posting**. As a result, of this defamation, Danny lost the election by 1%.

Despite Defendants attempts to sway the Court otherwise, the statements Defendants made regarding Danny in their 2016 advertisement called "Integrity" ("Advertisement") are the same, or substantially similar, to the statements Mr. Schneider made which a 2009 Clark County District Court held defamatory. Defendants' Advertisement begins with the statement "[t]he targets: seniors" this sets the general tone of the Advertisement. The Advertisement then displays three defamatory statements, each of which is attributed to a well-regarded Las Vegas publication.²

The statements at issue are as follows:

STATEMENT # 1	
Schneider Statement ³	Rosen Statement
"Danny set up 19 fraudulent corporations for telemarketers."	"Danny Tarkanian set up 13 fake charities." 


Defendants' Advertisement cites to an article in the LAS VEGAS REVIEW-JOURNAL published August 9, 2009, which is a "Commentary" by Thomas Mitchell in the Las Vegas Review Journal. See **Exhibit 10** & Defendants' Exhibit H to the Motion. However, the 2009 article says nothing about Danny setting up fake charities or vulnerable seniors. Indeed, the phrases "fake charities" or "vulnerable seniors" do not even appear in the 2009 article.

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² See Defendants' Motion, Pg. 5 Lines 23-28

³ See *Schneider Case Amended Complaint, Exhibit, at ¶6(b), and Special Verdict Form Exhibit 4.*

STATEMENT # 2	
Schneider Statement	Rosen Statement
<i>"Why did [Danny] set up an organization to cheat us out over [sic] \$2 million of our hard-earned retirement money?"</i>	<i>"...seniors lost millions from the scams Danny Tarkanian helped set up..."</i> 

Like Statement #1, the "Integrity" Advertisement fabricated a statement and attributed it to a newspaper article, when the quoted language never appears in the Article. Defendants attribute the quote above to the same 2009 Las Vegas Review Journal "Commentary" written by Thomas Mitchell in the Las Vegas Review-Journal. However, the 2009 article does not contain the language, or any similar language, quoted by Defendants in their Advertisement. See *Defendants' Motion*, Pg. 5 Lines 23-28.

STATEMENT # 3	
Schneider Statement	Rosen Statement
<i>"Why did Danny Tarkanian betray the most vulnerable among the elderly"</i>	<i>"... that preyed on vulnerable seniors fronts for telemarketing schemes."</i> 

The Advertisement cites the article "Integrity Issues Dominate Campaign for Secretary of State," by Michael J. Mishak in the LAS VEGAS SUN published November 3, 2006. See *Defendants' Exhibit D*. The Advertisement literally picks a few words out of a sentence which Defendant's use to mislead the audience. The statement contained in the 2006 article actually says: "In 1994, Tarkanian incorporated at least four business entities later found by state and federal authorities to be fronts for telemarketing schemes. He also served as resident agent, or a point of legal contact, for those companies."

Defendants' N.R.S. 41.660 Motion falsely claims that their Advertisement "cited highly circulated newspaper articles as its sources for these statements." See *Defendants' Motion*, Pg. 5 Lines 23-28. As shown above, this is **blatantly false**. Defendants' Advertisement not only intentionally misled the viewers during the campaign and continues to do so on social media, but Defendants' Motion also misleads this court by making the same false claim.

Defendants' N.R.S. 41.660 Motion attempts to deceive the court with respect to the statements found defamatory in the Schneider case. The Schneider jury found that statements made on the local television show "Face to Face with Jon Ralston" and statements made in printed flyers sent to voters in District 11 were defamatory. See *Exhibit 4*.

The defamatory statements made on the Ralston show were:

1. Danny turned state's evidence and testified against his "fellow" telemarketers to keep from being personally charged with a crime.
2. Danny set up 19 fraudulent corporations for telemarketers.
3. Danny was under Grand Jury Investigation in two different locations and at two different places of employment. See *Exhibit 1*, Pg. 2, lines 14-17.

The defamatory statements made in the flyers were:

1. "Why Did Danny Tarkanian betray the most vulnerable among the elderly?"
2. "Why did [Danny] set up an organization to cheat us out over [sic] \$2 million of our hard-earned retirement money? . Id at Pg. 6, line 1-2.

Both Causes of Action which included all five (5) statements were determined by the *Schneider* jury to constitute Slander Per Se and Libel Per se. Further, the Jury verdict stated, "[w]e the Jury find that Plaintiff is entitled to Punitive damages: Yes." See *Exhibit 4*.

Nevertheless, Defendants' represent in their Motion to this court, that "The 2009 lawsuit challenged two alleged defamatory statements that bear no resemblance to the statements in the Advertisement Tarkanian now challenges: (1) that Tarkanian "turned state's evidence and testified against his 'fellow' telemarketers to keep from being personally charged with a crime,"

1 and (2) that Tarkanian "was under Grand Jury investigation in two different locations and at two
2 different places of employment." See *Defendants' Motion, Page 7, lines 1-6*.

3 Defendants were aware of all five defamatory statements as their Motion cited both the
4 2009 Special Verdict Form and the Amended Complaint. The only conceivable reason for
5 Defendants to omit the three defamatory statements that are nearly identical to Defendants'
6 Advertisement while acknowledging the two defamatory statements that are not, is to
7 intentionally deceive this court.

8
9 **II.**
LEGAL STANDARDS

10 **A. DEFENDANT'S SPECIAL MOTION IS TREATED AS A SUMMARY**
11 **JUDGMENT MOTION.**

12 It is important to note that courts treat a Motion to Dismiss under the Nevada's Anti-
13 SLAPP Statute ("NAS") as a species of summary judgment motion. See *John v. Douglas Cnty.*
14 *Sch. Dist.*, 125 Ne. 746, 753 (2009). This means that the Motion to Dismiss is treated as a "motion
15 for summary judgment, and if granted, as an adjudication on the merits. NRS 41.660(3) -(4); *John*
16 *v. Douglas Cnty. Sch. Dist.*, 125 Nev. 746, 753, 219 P.3d 1276, 1281 (2009); and *Lawrence v.*
17 *Krahne*, 2015 Nev. App. Unpub. LEXIS 452 *1, 2015 WL 5545555 (Nev. Ct. App. Sept. 16,
18 2015). The appropriate standard of review for granting a special motion to dismiss is the same as
19 for granting a summary judgment: de novo. . *Id.*; and *Wood v. Safeway, Inc.*, 121 Nev. 724, 729,
20 121 P.3d 1026, 1029 (2005).

21 Nevada's Rule of Civil Procedure ("NRC") 56 defines a Summary Judgment, in relevant
22 part, under Section (c) "[t]he judgment sought shall be rendered forthwith if the pleadings,
23 depositions, answers to interrogatories, and admissions on file, together with the affidavits, if any,
24 show that there is no genuine issue as to any material fact and that the moving party is entitled to
25 a judgment as a matter of law." (Emphasis added.) See *Wood v. Safeway, Inc.*, 121 Nev. 724, 729,
26 121 P.3d 1026, 1029 (2005); *Doe v. Brown*, No. 62752, 2015 Nev. Unpub. LEXIS 648, at *1
27 (May 29, 2015) and *Schmidt v. Washoe County*, 159 P.3d 1099, 1103 (Nev. 2007) ("Summary
28 judgment is only appropriate if the pleadings and other evidence on file, viewed in the light most

1 favorable to the nonmoving party, demonstrate that no genuine issue of material fact remains in
2 dispute and the moving party is entitled to judgment as a matter of law.").

3 When deciding a summary judgment motion, the court must accept the non-moving
4 party's evidence and all reasonable inferences derived therefrom, as true. See *Flatley v. Mauro*,
5 39 Cal. 4th 299, 326 (2006); *Lawrence v. Krahne*, 2015 Nev. App. Unpub. LEXIS 452 *1-2,
6 2015 WL 5545555 (Nev. Ct. App. Sept. 16, 2015); and *See Wood v. Safeway, Inc.*, 121 Nev.
7 724, 729, 121 P.3d 1026, 1029 (2005)

8 Further, the Court made it clear that after the moving party presents its argument, the
9 non-moving party may defeat the Motion providing specific facts and by affidavit to
10 demonstrate the existence of a genuine factual issue. The United States Supreme Court
11 employed similar language in *Matsushita Electric Industrial Co. v. Zenith Radio. Wood v.*
12 *Safeway, Inc.*, 121 Nev. 724, 731, 121 P.3d 1026, 1030-31 (2005); and *Lawrence v. Krahne*,
13 2015 Nev. App. Unpub. LEXIS 452 *1-2, 2015 WL 5545555 (Nev. Ct. App. Sept. 16, 2015).
14 As this Court shall see, there are multiple genuine issues of material fact for a jury decide, and
15 Defendant's cannot meet their burden as a matter of law. The Court should deny the Motion.

16 **B. UNDER NEVADA'S ANTI-SLAPP STATUTE DEFENDANTS MUST**
17 **SATISFY A TWO-PRONG TEST**

18 NRS 41.660(3) requires that two (2) prongs must be satisfied for Defendants' Special
19 Motion to Dismiss to be granted:

20 (1) Defendants must establish, by a preponderance of the evidence, that the
21 Advertisement about Danny is based upon their good faith communication in
22 furtherance of the right to petition or the right to free speech in direct connection with
an issue of public concern; and

23 (2) if Defendants meet this burden, then Danny must provide *prima facie* evidence
24 that he has a likelihood of prevailing on his claims.

25 **C. ANTI-SLAPP PRONG ONE (1): THE "GOOD FAITH" REQUIREMENT**

26 The first prong requires that communication be made in "good faith...in furtherance of
27 the right to petition or the right to free speech in direct connection with an issue of public concern,
28 that is truthful or made without knowledge of its falsity" NRS 41.660(3)(a) and 41.637.

1 Defendants' Motion fails to note that there is a "good faith" requirement in the statute⁴
2 and fails to acknowledge and argue that there are essential elements the moving party must satisfy
3 before any burden shifts to the non-moving party. Indeed, Defendant's Motion entirely misstates
4 the language of the Statute to create a false impression for the Court.

5 The Nevada Supreme Court explicitly states that "good faith" does not operate
6 independently within the anti-SLAPP statute. Rather, it is part of the phrase "good faith
7 communication in furtherance of the right to petition or the right to free speech in direct
8 connection with an issue of public concern." *Shapiro v. Welt*, 389 P.3d 262 (Nev. 2017).

9 For the Defendants to succeed under the first prong of NRS 41.660 they must prove by a
10 preponderance of the evidence that the speech in question was a "good faith communication" and
11 was "truthful or made without the knowledge of its falsehood." See NRS 41.637. "Good faith
12 communication" and "truthful or made without the knowledge of its falsehood," are essential
13 elements a moving party must prove to satisfy the first prong under the Anti-SLAPP statute.

14 The difference between Nevada's Anti-SLAPP statute and California's Anti-SLAPP statute
15 is that Nevada specifically requires the moving party to prove by a preponderance of the evidence
16 that the communication is in fact "truthful or is made without knowledge of its falsehood. The
17 Nevada Supreme Court stated in *Shapiro v. Welt*, 389 P.3d 262 (Nev. 2017), that "no
18 communication falls within the purview of NRS 41.660 unless it is 'truthful or is made without
19 knowledge of its falsehood.'"

20 However, in contrast, California's Anti-SLAPP does not require an element of
21 truthfulness. See **Exhibit 11: California Code of Civil Procedure, Sect. 425.16**. See also *Shapiro*
22 *v. Welt*, 389 P.3d 262 (Nev. 2017), cites *Piping Rock Partners, Inc. v. David Lerner Assoc.*, 946
23 F. Supp. 2d 957, (2013), to interpret the Anti-SLAPP statute. The Court in *Piper Rock Partners*
24 specifically stated that "California law does not require a statement to be serious or truthful to
25
26
27

28 ⁴ Defendants Motion, Pg. 8, line 20

1 concern an issue of public interest.” Nevada law specifically requires an element of truth for the
2 communication to fall within the protections of NRS 61.660.

3 The Nevada Supreme Court in *Doe v. Brown*, No. 62752, 2015 Nev. Unpub. LEXIS 648,
4 at 2-4 (May 29, 2015), concluded that since the moving party failed to sufficiently prove that the
5 comments in question were in fact ‘truthful or made without the knowledge of falsehood,’ that
6 the burden does not shift to the non-moving party. In Nevada, a moving party must prove by a
7 preponderance of the evidence that Defendants’ speech was “Good Faith Communication.” In
8 turn, “Good Faith Communication” must be “truthful or... made without knowledge of its
9 falsehood.” See NRS 41.637.

10 Further, all evidence Defendants rely upon in a request for relief under the Anti-SLAPP
11 Special Motion to Dismiss, must be admissible, and the evidence is not weighed by the court;
12 but presumed true if in favor of the Plaintiff. See *Piping Rock Partners, Inc. v. David Lerner*
13 *Assocs.*, 946 F. Supp. 2d 957, 967 (N.D. Cal. 2013). In Nevada, generally, relevant evidence is
14 admissible and irrelevant evidence is inadmissible. See NRS 48.025.

15 Therefore, only if Defendants show in their Motion by a preponderance of the, **admissible**
16 evidence that their communications were made in “good faith” and were in fact “truthful,” does
17 the burden shift. Then if Defendants’ are successful, Danny must provide *prima facie* evidence
18 that he has a likelihood of prevailing on his claims.

19 **a. LEGAL ARGUMENT: ANTI-SLAPP PRONG ONE**

20 Defendant’s would very much like the Court to believe that this is a lawsuit about the
21 highest ideals of political speech protected under the First Amendment. It is not. It is a lawsuit
22 about a politician who deliberately created a false Advertisement wherein she intentionally lied
23 about her opponent to the public and then widely distributed the Advertisement though multiple
24 media outlets including Television, YouTube, Social Media, and her website about a week before
25 Election Day. See *Defendants’ Motion*, Pg. 5, line 21-22. Defendants intentionally made an
26 unscrupulous Advertisement based upon fabricated and dishonest information regarding Danny,
27 including lies he engaged in criminal conduct, so they could change the outcome of an election.
28

1 Under the first prong of the Nevada's Anti-SLAPP Statute, Defendants are required to
2 prove by "preponderance of the evidence" that is admissible under NRS 48.025 that
3 Defendants' statements in the Advertisements were made in "Good Faith," and was "truthful or
4 made without knowledge of its falsehood." NRS 41.660 and 41.637. The Exhibits Defendants'
5 provided in their Motion are not admissible as to the rules of evidence, as they lack proper
6 foundation, authenticity, as well as include hearsay documents. Therefore, the Court shall not rely
7 on such evidence to support Defendants' argument to satisfy their burden under Prong One.

8 Defendants did not make their statements in good faith. Defendants' Advertisement
9 contains three statements attributed to prominent Las Vegas publications. The Advertisement
10 frames these statements in a manner that gives viewers the impression that they are quotes from
11 these articles; the font and background for the text, as well the citation provided and the
12 highlighted wording, is meant to look like a text from a printed article annotated by Defendants.
13 The purpose of this framing is to lead viewers to believe that Defendants are not making these
14 assertions themselves, but rather are merely repeating statements from a neutral press outlet, with
15 the intent of giving the statements more credibility. Defendants' Motion confirms this purpose.
16 Defendants' Motion, Pg. 5, lines 27-28 states, "The (Defendants) advertisement cited highly
17 circulated newspaper articles as its sources for these statements."

18 This is **patently and indisputably false** with respect to the statement that "*Danny*
19 *Tarkanian set up 13 fake charities*" or the statement that "*...seniors lost millions from the scams*
20 *Danny Tarkanian helped set up...*" These statements do not appear anywhere in the 2009 Las
21 Vegas Review Journal article the Defendants purport to quote. See Defendants' Exhibit H. In fact,
22 the article does not contain any language remotely similar to the statements made in Defendants'
23 Advertisement. The closest the article comes is when it merely states that in 2004 Mike Schneider
24 "sent out mailings saying [Danny] did work for telemarketing firms accused of scamming the
25 elderly." (*Id.*) The article does not at any point adopt these allegations or claim that Danny "set
26 up fake charities" or "set up" any form of "scam" targeting seniors. (*Id.*)

27 The Defendants' Advertisement not only creates factual allegations that do not exist in the
28 2009 article and attributes them to the article, but the entire article is about the defamation

1 judgement Danny received against Mike Schneider for making virtually the same statements
2 Defendants make in their Advertisement. The 2009 article Defendants cite actually argues, “[a]
3 politician should be allowed to lie about an opponent” See Defendants’ Exhibit H, Pg. 2, 10th
4 paragraph. Apparently, Defendants agreed with the article. Defendants purport to quote from an
5 article. Therefore, they should be charged with actual knowledge of the content of that article.

6 The statement, “*that preyed on vulnerable seniors fronts for telemarketing schemes.*” cites
7 a 2006 Las Vegas Sun article. The Advertisement literally picks a few words out of a long
8 sentence, which Defendant uses to create a lie. The statement contained in the article actually
9 says: “*In 1994, Tarkanian incorporated at least four business entities later found by state and*
10 *federal authorities to be fronts for telemarketing schemes. He also served as resident agent, or a*
11 *point of legal contact, for those companies.*” See Defendants’ Exhibit D. It contains explanations
12 from Danny that he only served as these firms’ registered agent and incorporated them, and had
13 no other involvement in the companies (*See id.*) Defendant’s Advertisement does not disclose
14 or even hint at any of this information. Taking this quote out of context from the article, and then
15 placing it between two other false and defamatory statements, creates the implication that Danny
16 was intimately involved in these “fronts for telemarketing schemes,” and thus that he engaged in
17 criminal conduct. Statements that imply false statements of fact are actionable. See *Milkovich v.*
18 *Lorain Journal Co.*, 497 U.S. 1, 19 (1990).

19 The statements in the Advertisements are false. There is ample record evidence to show
20 that Defendants made these statements knowing they were false. The Advertisement is designed
21 to look like a collection of newspaper clippings quoting the LAS VEGAS REVIEW-JOURNAL and
22 the LAS VEGAS SUN. In fact, Defendants Motion states that their “Advertisement cited highly
23 circulated newspaper articles as its source for these statements”. See *Defendants’ Motion*, Page 5
24 Lines 27-28. Nevertheless, the first and third statements in their advertisement does not appear
25 anywhere in the cited article, nor any words close to those statements Defendants unquestionably
26 knew that these statements did not appear in the cited article, as the first and third statements do
27 not contain quotation marks (though they keep all other indicia of quoted material), while the
28 second does contain quotation marks. Furthermore, Defendants knew that their statements had

1 already been adjudicated as false by a jury in Nevada. The 2009 LAS VEGAS REVIEW-JOURNAL
2 article they cite in their Advertisement is entirely about the jury verdict. See *Defendants' Exhibit*
3 *H*. In addition, Defendants received a Cease and Desist Letter from Danny specifically
4 mentioning the jury verdict.

5 Defendant's statements may be part of a political advertisement, but it fails to obtain the
6 protection of NRS 41.660 because it is not in "good faith" under NRS 41.637 because it is not
7 truthful. It is impossible for them to have made the advertisement in good faith. Either they had
8 the referenced articles and thus had evidence in their hands that their purported paraphrasing was
9 false, or they falsely stated that they were quoting their media source. They are in a factual catch-
10 22. At the very least, there is a dispute as to an issue of material fact on this question. Defendants
11 thus have not carried their burden under the first prong of the Anti-SLAPP statute, and the Court
12 must deny the Motion.

13 *i. False Speech Is Not Protected by The First Amendment*

14 Defendants would like the Court to believe that since their statements were disseminated
15 during a political campaign, that the First Amendment protects the speech. However, Defendants
16 fail to acknowledge that Nevada's Anti-SLAPP statute does not protect candidates for public
17 office when they knowingly make false statements. The United States Supreme Court ruled that
18 "the most repulsive speech enjoys immunity provided it falls short of a **deliberate or reckless**
19 **untruth**. [Emphasis Added]" *Linn v. Plant Guard Workers*, 383 U.S. 53, 63, 86 S. Ct. 657, 15 L.
20 Ed. 2d 582 (1965); *Old Dominion Branch No. 496 v. Austin*, 418 U.S. 264, 283-284, 94 S. Ct.
21 2770, 41 L. Ed. 2d 745 (1973).

22 A Plaintiff may properly state a defamation claim that survives First Amendment
23 challenge by presenting "evidence of a statement of fact that is provably false." *Seelig v. Infinity*
24 *Broadcasting Corp.*, 97 Cal. App. 4th 798, 809, 119 Cal. Rptr. 2d 108 (2002). "The critical
25 question is not whether a statement is fact or opinion, but whether a reasonable fact finder could
26 conclude the published statement declares or implies a provably false assertion of fact." *Wong v.*
27 *Tai Jing*, 189 Cal. App. 4th 1354, 1370, 117 Cal. Rptr. 3d 747 (2010) (internal quotation marks
28

1 omitted). *Piping Rock Partners, Inc. v. David Lerner Assocs.*, 946 F. Supp. 2d 957, 971 (N.D.
2 Cal. 2013). Here, a jury already determined that the statements at issue were both false and
3 defamatory.

4 The First Amendment broadly protects political speech, but these protections do not
5 extend to malicious falsehoods accusing political opponents of criminal activity. It especially
6 does not extend to someone maliciously republishing accusations that have already been
7 adjudicated as defamatory. Defendant's Motion argues that it is Danny's responsibility to prove
8 the falsity of the statements, but in fact, Defendants have the obligation under the first prong to
9 establish truthfulness or made without knowledge of its falsehood.

10 Defendants argue that because the speech was "aimed at procuring...electoral action,
11 result or outcome" and/or "Made in direct connection with an issue of public interest in a place
12 open to the public or in a public forum" (NRS 41.637 (1) and (2)) that the Advertisements are
13 protected. However, such communication is only protected when it is "truthful or is made without
14 knowledge of its falsehood" NRS 41.637. If such speech is not truthful or made without
15 knowledge of falsehood, it is not in good faith. Thus, the first prong must fail.

16 *ii. Since Danny is Limited Purpose Public Figure, Defendants*
17 *undeniably cannot meet their burden of proof after November*
18 *8, 2016.*

19 Danny was adjudicated as a Limited-Purpose Public Figure by the District Court in the
20 Schneider case. See **Exhibit 2**. Whether a plaintiff is a public figure or a limited-purpose public
21 figure is a question of law that this court reviews de novo. *Bongiovi v. Sullivan*, 122 Nev. 556,
22 572, 138 P.3d 433, 445 (2006) (citing *Schwartz v. Am. Coll. of Emergency Physicians*, 215 F.3d
23 1140, 1145 (10th Cir. 2000)). "A limited-purpose public figure is a person who voluntarily injects
24 himself or is thrust into a particular public controversy or public concern, and thereby becomes a
25 public figure for a limited range of issues." *Pegasus v. Reno Newspapers, Inc.*, 118 Nev. 706,
26 720, 57 P.3d 82, 91 (2002).

27 Aside from Defendants' failure to prove "good faith" and "truthfulness," Defendant's
28 Motion fails the first prong because **AFTER** November 8, 2016, Defendants' Advertisement does

1 not fall under the purview of the Nevada Anti-SLAPP Statute. Defendant's rely upon NRS
2 41.637(1) and (4), to meet their burden of proof under the Anti-SLAPP Statute. NRS 41.637(1)
3 and (4) states in part "Good faith communication ... with an issue of public concern" is:

- 4 1. Communication that is aimed at procuring any
5 governmental or electoral action, result or outcome; ...
6 4. Communication made in direct connection with an issue of
7 public interest in a place open to the public or in a public
8 forum, ..."⁵

9 After the election ended, there is no "public concern". The continued dissemination of
10 Defendants' advertisement is no longer aimed at procuring a government or electoral result nor
11 is it made in direct connection with an issue of public interest.

12 Quite simply, after the election these provisions of the statute are no longer applicable.
13 After the election, Danny went back to being a regular Clark County citizen. He went back to his
14 normal life of being a father, husband, and small business owner. Despite the fact that Danny is
15 no longer running for public office and the statements are no longer an issue of public concern,
16 Defendants continue to disseminate the false political advertisement on social media, YouTube
17 and Defendants' website. The continued distribution of these false and defamatory statements
18 after the election squarely defeats Defendants' assertion that NRS 41.637 (1) and/or (4) protect
19 their Advertisement. See Exhibits 7-9.

20 Defendant's statements were not made in "good faith" as defined in NRS 41.637, despite
21 being part of a political advertisement. Even assuming, *arguendo*, that the Court finds that the
22 statements were made in good faith during the campaign, NRS 41.637(1) and (4) no longer
23 protects the continued dissemination of the advertisement after the election. Quite simply,
24 Defendants cannot meet the test under the first prong. However, even if they could, Danny meets
25 his obligation to provide clear and convincing evidence of probability of prevailing on the claim.

26
27
28 ⁵ Statements are still assumed to be false and thus not applicable under the first statute, but for
further argument and support.

1 **D. ANTI-SLAPP PRONG TWO (2): PREVAIL ON THE MERITS**

2 For Danny to meet his burden under the second prong of the Anti-SLAPP analysis, he must
3 “demonstrate with prima facie evidence a probability of prevailing on the claim.” NRS
4 41.660(3)(b). The “prima facie” evidentiary burden is defined as “the same burden of proof that
5 a plaintiff has been required to meet pursuant to California’s anti-Strategic Lawsuits Against
6 Public Participation law as of June 8, 2015.” NRS 41.665(2).

7 This is not a heavy burden. In deciding an Anti-SLAPP motion, “the court does not weigh
8 the credibility or comparative probative strength of competing evidence. It should grant the
9 motion only if, as a matter of law, the defendant’s evidence supporting the motion defeats the
10 plaintiff’s attempt to establish evidentiary support for the claim.” *Jarrow Formulas, Inc. v. La*
11 *Marche*, 31 Cal. App. 4th 728, 741 (2003).

12 The California Appellate Court held in *Siam v. Kizilbash*, 130 Cal. App. 4th 1563, 1570,
13 31 Cal. Rptr. 3d 368 (2005) that “[i]n the second prong of the anti-SLAPP analysis the plaintiff’s
14 burden of demonstrating a probability of prevailing is subject to a standard similar to that used in
15 deciding a motion for nonsuit, directed verdict, or summary judgment. The court determines only
16 whether the plaintiff has made a prima facie showing of facts that would support a judgment if
17 proved at trial.”

18 As in a motion for summary judgment, the court must accept as true the evidence favorable
19 to the non-moving party and evaluate the moving party’s evidence only to determine if it has
20 defeated the evidence submitted by the non-moving party as a matter of law. *See Flatley v.*
21 *Mauro*, 39 Cal. 4th 299, 326 (2006). “The plaintiff need only establish that his or her claim has
22 ‘minimal merit’ to avoid being stricken as a SLAPP.” *Soukup v. Law Offices of Herbert Hafif*,
23 39 Cal. 4th 260, 291 (Cal. 2006) (citing *Navellier v. Sletten*, 29 Cal. 4th 82 (Cal. 2002)).

24 **a. DEFAMATION**

25 There is ample record evidence to show that Defendants both made false and defamatory
26 statements, and that they made these statements with actual malice. At the very least, however,
27 there is a question of material fact as to the falsity of the statements and Defendants’ actual malice
28

1 that precludes this Court from granting the Motion. Claims 1-6 are defamation *per se* claims
2 regarding the different venues in which Defendants published their defamatory Advertisement.
3 For purposes of this Opposition, all six claims share the same legal analysis.

4
5 In order to establish a claim for defamation, a plaintiff must show: (1) A false and
6 defamatory statement by defendant concerning the plaintiff; (2) an unprivileged publication to a
7 third person; (3) fault, amounting to at least negligence; and (4) actual or presumed damages as a
8 result. *See Pegasus v. Reno Newspapers, Inc.*, 118 Nev. 706, 714 (2002). If the defamation tends
9 to injure the plaintiff in his or her business or profession, it is deemed defamation *per se*, and
10 damages will be presumed. *See, Nevada Ind. Broadcasting v. Allen*, 99 Nev. 404, 409, 664 P.2d
11 337, 341 (1983).

12 13 *i. False and Defamatory Statement*

14 Defamation is an invasion of the interest in reputation. *Smith v. Maldonado*, 72 Cal. App.
15 4th 637, 645, 85 Cal. Rptr. 2d 397 (1999). A statement is deemed to be defamatory when it would
16 tend to lower the subject in the estimation of the community, excite derogatory opinions about
17 the subject, and hold the subject up to contempt." *Lubin v. Kunin*, 117 Nev. 107, 111, 17 P.3d
18 422, 425 (2001) (quoting *K-Mart Corporation v. Washington*, 109 Nev. 1180, 1191, 866 P.2d
19 274, 281-82 (1993), *receded from on other grounds as stated in Pope*, 121 Nev. at 317, 114 P.3d
20 at 283). Thus, "[i]n reviewing an allegedly defamatory statement, '[t]he words must be reviewed
21 in their entirety and in context to determine whether they are susceptible of a defamatory
22 meaning.'" *Lubin*, 117 Nev. at 111, 17 P.3d at 425 (second alteration in original) (quoting
23 *Chowdhry v. NLVH, Inc.*, 109 Nev. 478, 484, 851 P.2d 459, 463 (1993)). *Hardy v. Chromy*, No.
24 53956, 2010 Nev. Unpub. LEXIS 55, at *4-5 (Dec. 20, 2010)

25 Ordinarily, the question of whether a statement is defamatory is one of law. However,
26 similar to statements before this Court, where a statement is susceptible of multiple
27 interpretations, some of which is defamatory, the resolution of this ambiguity is left to the finder
28 of fact to determine whether the statement, if defamatory, is false. *Miller v. Jones*, 114 Nev. 1291,

1 1296, 970 P.2d 571, 575 (1998). Therefore, the defamatory statement becomes an issue of fact.
2 See *Lubin v. Kunin*, 117 Nev. 108, 111 (2001). When reviewing a defamatory statement, “[t]he
3 words must be reviewed in their entirety and in context to determine whether they are susceptible
4 of a defamatory meaning.” *Chowdhry v. NVLH, Inc.*, 109 Nev. 478, 484 (1993).

5 While truth is an absolute defense to a defamation claim, a statement can be defamatory
6 even when true if it provides a false and defamatory implication to the reader. See *Milkovich v.*
7 *Lorain Journal Co.*, 497 U.S. 1, 21 (1990); see also *Hawran v. Hixson*, 209 Cal. App. 4th 256,
8 293 (2012) (citing *Kapellas v. Kofman*, 1 Cal. 3d 20, 33 (Cal. 1969)). “To constitute a libel it is
9 not necessary that there be a direct and specific allegation of improper conduct The charge
10 may be either expressly stated or implied” *Thomas*, 189 F. Supp. 2d at 1012-1013 (quoting
11 *MacLeod v. Tribune Publishing Co.*, 52 Cal. 2d 536, 548-49 (Cal. 1959)). When dealing with
12 defamation by implication, the court “must determine whether the statements that form the basis
13 of a defamation claim: (1) . . . impliedly assert a fact that is susceptible to being proved false; and
14 (2) whether the language and tenor is such that it cannot ‘reasonably be interpreted as stating
15 actual facts.’” *Id.* (quoting *Weller v. American Broadcasting Sos., Inc.*, 232 Cal. App. 3d 991,
16 1001 (1991)). The latter question in this test is meant to protect statements of rhetorical hyperbole
17 that an audience would not consider factual and are thus protected under the First Amendment.
18 See *Weller*, 232 Cal. App. 3d at 1000-01.

19 *Hawran*, for example, dealt with a press release by the defendant’s company in the midst
20 of a publicized debacle regarding its diagnostic tests. The defendant’s press release stated that
21 the plaintiff and other employees had resigned from the company and denied any wrongdoing,
22 but “the special committee’s investigation has raised serious concerns, resulting in a loss of
23 confidence by the independent members of the company’s board of directors in the personnel
24 involved.” *Id.* at 264. The court found that even though it was literally true that a director of the
25 company told the plaintiff that the company’s board had lost confidence in the plaintiff, there was
26 a question of fact as to whether the press release was defamatory because it implied the plaintiff
27 had engaged in various forms of negligent and unethical conduct. See *id.* at 293. And in *Weller*,
28 the defendant made numerous statements about the plaintiff’s allegedly fraudulent sale of a stolen

1 silver candelabra, claiming, *inter alia*, that the plaintiff was associated with a man recently
2 convicted of insurance fraud involving silver. *See Weller*, 232 Cal. App. 3d at 998. The court
3 found that these statements communicated a defamatory implication because, among other things,
4 it stated true information about the convicted felon arranged in such a manner that it implied a
5 connection with the sale of the candelabra, thus making it appear that the plaintiff also engaged
6 in fraudulent activity. *See id.* at 1002.

7 "California courts in libel cases have emphasized that the publication is to be measured,
8 not so much by its effect when subjected to the critical analysis of a mind trained in the law, but
9 by the natural and probable effect upon the mind of the average reader." *Kaelin*, 162 F.3d at
10 1040 (citations and alterations omitted). "So long as the publication is reasonably susceptible of
11 a defamatory meaning, a factual question for the jury exists." *Id.* (citations and alterations
12 omitted). *Piping Rock Partners, Inc. v. David Lerner Assocs.*, 946 F. Supp. 2d 957, 979 (N.D.
13 Cal. 2013).

14 This case provides similar issues to those in *Hawran* and *Weller*. Defendants
15 Advertisement attempts to imply that Danny engaged in fraudulent activity and criminal conduct.
16 However, Danny's only involvement in the telemarketing operations to which Defendants'
17 Advertisement refers, was serving as an attorney in an unbundled capacity as their registered
18 agent, and filing incorporation paperwork. See **Exhibit 12**: Affidavit of Danny Tarkanian. He did
19 not take part in any fraudulent scheme, he did not have knowledge of any such activities, and he
20 was not even questioned for any purported involvement in such activities. But that is not the
21 impression the Defendants' Advertisement creates. In fact, the Defendants' Advertisements are
22 carefully crafted to avoid the truth.

23 The video Advertisement begins with the text "The Target: Seniors," displaying a senior
24 citizen answering a telephone call. It then identifies Danny by name and by providing a picture
25 of him, directly underneath another senior citizen answering a phone call. This creates the
26 implication that Danny himself took part in the telemarketing schemes to defraud seniors, which
27 involved calling seniors by telephone in their homes. This implication is objectively false, and
28 Defendants cannot provide any evidence even suggesting it to be true.

1 The video Advertisement has an announcer who says and it shows in big, bold, capital
2 letters "Danny Tarkanian set up 13 fake charities that preyed on vulnerable seniors," with a black
3 and white "mugshot" of Danny, and a senior citizen speaking on the phone. Defendants' cite to
4 the 2009 Las Vegas Review Journal article during the advertisement to appear credible. However,
5 as noted above, the quoted language does not appear in the 2009 article.

6 Defendants use the words "set-up" and "fake charities" to imply that Danny intended and
7 colluded with others to lay the groundwork to create illegal nonprofit corporations specifically to
8 defraud seniors. However, this is simply not true. Danny was only hired to create nonprofit
9 corporations, which he did legally with the Nevada Secretary of State. The charities were in fact
10 real, but it was later determined that the owners of the charities may have operated them illegally,
11 long after Danny's limited involvement in filing corporate paperwork. Nevertheless, Defendants
12 Advertisement attempts to imply that Danny was personally involved in defrauding senior
13 citizens.

14 Later, the video Advertisement has an announcer who says and it shows in big, bold,
15 capital letters "fronts for telemarketing schemes," with another black and white "mugshot" of
16 Danny and a focus on a senior citizen on a phone. The statement along with a senior citizen on
17 the phone implies that Danny engaged in telemarketing schemes targeting seniors. This is
18 patently untrue. The Advertisement cites to the 2006 Las Vegas Sun article. However, as noted
19 above, the quote is taken completely out of context. The article provides no allegation or
20 implication that Danny was involved with companies that were fronts for a telemarketing scheme.

21 The third statement in the video Advertisement has an announcer who says and it shows
22 in big, bold, capital letters that seniors lost millions "from the scams Tarkanian helped set up,"
23 with another black and white "mugshot" of Danny, and a clear focus on seniors. Alongside
24 Defendants' quote is another citation to the 2009 Las Vegas Review Journal article. However,
25 again, this article does not contain the language cited, nor any similar language or phrase.
26 Defendants' Advertisement **DOES NOT** imply that Danny incorporated legal entities that later
27 engaged in scams, but rather that he was an architect of the scams themselves. This is clearly
28 false as he had no involvement or knowledge of the illegal activities.

1 The three statements, viewed together and in the context of an advertisement portraying
2 vulnerable senior citizens falling prey to a telemarketing scheme, communicate to the viewer the
3 impression that Danny himself defrauded seniors. It does not provide accurate reporting that
4 Danny merely filed incorporation paperwork for these entities and served as their registered agent.
5 Danny did not take part in any fraudulent scheme, he did not have knowledge of any such
6 activities, and he was not even questioned for any purported involvement in such activities. But
7 that is not the impression the Defendants' Advertisement creates. In fact, the Defendants'
8 Advertisements are crafted carefully to avoid the truth and paint Danny as a criminal.

9 There is also no question that Defendants attempted to communicate this false implication
10 as an assertion of fact, rather than opinion. It does not contain any statements of opinion or
11 rhetorical hyperbole; rather, it contains factual representations capable of being proven false that
12 are then falsely attributed to neutral press outlets. The statements in the Advertisement imply
13 false factual assertions and are properly the subject of Danny's defamation claims. If the Court
14 finds that there is any ambiguity in the Advertisement's implications, then that is a question of
15 fact for the jury, and not properly disposed of on an Anti-SLAPP motion. Defendants have not
16 provided any evidence establishing the truth of their implication that Danny engaged in
17 wrongdoing.

18 Defendants attached numerous newspaper articles as exhibits to their motion and
19 erroneously claim these newspaper articles support their implication. However, a close reading
20 of Defendants' own exhibits proves the falsity of their claim. None of the articles state Danny
21 was involved in criminal activity. Indeed, the articles state that Danny's only involvement was
22 the performance of minor legal work, such as serving as a registered agent and filing incorporation
23 paperwork. These same articles quote Danny extensively as denying that he had any involvement
24 or knowledge of these clients' activities and that he had performed only minor legal work.

- 25 1. Exhibit A states, "Tarkanian's role as a registered agent for companies that acted as fronts
26 for fraudulent charities..." (Pg. 1 paragraph 2)
- 27 2. Exhibit B states, "A telemarketing fraud investigation into his former law clients." (Pg. 2
28 paragraph 4).

3. Exhibit C states, "Tarkanian was never charged with any wrongdoing." (pg. 3 paragraph 14). It further states, Tarkanian said he had no knowledge of criminal activity. He had no role in the day-to-day operation of the companies." (Pg. 3 paragraph 13)
4. Exhibit D states, "in 1994, Tarkanian incorporated at least four business entities later found by state and federal authorities to be fronts for telemarketing schemes. He also served as resident agent, or a point of legal contact, for those companies. (Pg. 1 paragraph 7). It quoted Danny as stating, "I did legal work for these companies... That's all." (pg. 1 last paragraph).
5. Exhibit E stated, "as an attorney he (Tarkanian) helped incorporate companies and that he had no involvement with any businesspeople who were later indicted."
6. Exhibit H stated, "Tarkanian admitted he was a registered agent for several telemarketing companies that were indicted on fraud charges, but he claimed he merely did legal work for the companies and knew nothing of any fraud." (Pg. 1 paragraph 5)
7. Exhibit J stated, "Tarkanian was a registered agent for several telemarketing companies that were indicted on fraud charges, but he said in later interviews that he was merely an attorney who did legal work on behalf of the companies and knew nothing of the fraud. (pg. 2 paragraph 5)
8. Exhibit S stated, "(Tarkanian) said he set up the companies' incorporating documents and served as the resident agent but had no involvement in the day-to-day operations of any of them...he said he was not aware that any of the companies were engaged in illegal activity at the time he helped set them up." (Pg. 1 paragraph 9-10)

Defendants' Motion tries to lump the campaigns of Ross Miller in 2006 and Stephen Horsford in 2012 together for the apparent proposition that Danny should have sued them for defamation. Defendants' motion states, "While the advertisement was new to the 2016 campaign, the statements were not. Political opponents... have publicly discussed and reported on these exact facts since as early as 2006 and as recently as 2012. Defendants cite exhibits A-E of their Motion to support this claim. See *Defendants' Motion*, Pg. 6, Lines 2-4 However, these exhibits refute Defendants' claims.

1. Exhibit A quoted Horsford's TV ad, "Tarkanian worked for telemarketing scammers". It went on to say Horsford's ad "Doesn't elaborate" (pg. 1 paragraph 6).
2. Exhibit A further quoted Horsford's campaign as stating, "(Tarkanian) has been involved, as a businessman and lawyer, with at least 13 fraudulent charities" (Pg. 2 paragraph 3)

1 3. Exhibit E quoted Miller as stating, "(Tarkanian) served as the resident agent and attorney
2 for many fraudulent telemarketing organizations who bilked senior citizens out of
3 millions of dollars."

4 None of the above statements assert that Danny set up scams, set up fake charities or acted as
5 a front for a telemarketing scheme as Defendants did in their "Integrity" Ad. Rather, the
6 statements above, while putting a distasteful slant on the associations, do, in fact, state the truth.
7 Specifically, that Danny served as a resident agent and did some minor legal work for some
8 companies.

9 Defendants attempt to use a politically motivated letter prepared by Leif Reid, the son of
10 Defendants' biggest supporter and advisor, Harry Reid, to create an inference that Danny was
11 involved in the criminal activity of the telemarketers he investigated See Defendant's Motion,
12 Pgs. 14-15 Lines 28-3. However, Defendants' exhibit S refutes this assertion. Exhibit S states that
13 Leif Reid "testified today that Tarkanian was **not part** of any of his investigations into the
14 telemarketing companies in Nevada" See Defendants' Motion, Page 1 paragraph 11.

15 *ii. Publication*

16 The statements made in the Advertisements pertain to Danny, as Defendants admit as
17 much in their Motion. The Advertisement containing the false defamatory statements were aired
18 on multiple television media outlets non-stop a week before the election, as well as posted and
19 continue to be posted on Youtube, Social Media websites, and Defendants' own website.
20 Therefore, it has clearly been published in context of Defamation.

21 *iii. The Record Shows That There Is At Least a Question Of Fact*
22 *As To Whether Defendants Made The Statements In the*
23 *Advertisement With Actual Malice.*

24 As previously mentioned, Danny, admittedly, was a limited purpose public figure, this
25 means that, to prevail on his defamation claims, that up until election day Danny must show
26 "actual malice," i.e., Defendants' knowledge that the statements are false or were made with
27 reckless disregard for their truth or falsity. See *New York Times Co. v. Sullivan*, 376 U.S. 254,
28 279-80 (1964). A defendant displays "reckless disregard" under this standard if it "in fact

entertained serious doubts as to the truth of [the] publication.” *Nevada Indep. Broad. Corp. v. Allen*, 99 Nev. 404, 414 (1983). This is a subjective test that focuses “on what the defendant believed and intended to convey, not what a reasonable person would have understood the message to be.” *Id.* at 415.⁶ As this inquiry looks to the subjective motivations of the defendant, actual malice is a question of fact. *See McCoy v. Hearst Corp.*, 42 Cal. 3d 835, 842 (1986) (Appellate courts will exercise independent review of actual malice determinations and are not strictly bound to the conclusions of the finder of fact on this question. *See id.* But this does not change the fact-intensive nature of this inquiry, which is a determination better left for full factual development after discovery).

The record easily provides the *prima facie* evidence showing Danny must provide as to Defendants’ actual malice and or reckless disregard for the truth. As already explained, Defendants framed their Advertisement to give viewers the impression that Defendants were merely quoting the LAS VEGAS REVIEW-JOURNAL and the LAS VEGAS SUN, when in reality they made false factual assertions and incorrectly attributed them to these publications to give them greater credibility. They knew that two of these three statements were not quotes from the 2009 Review Journal article because the language used in the Advertisement does not appear anywhere in that article. Furthermore, although the third statement does appear in the 2006 Las Vegas Sun article, they knew it was taken completely out of context.

The more important question, however, is whether Defendants knew that their implication regarding Danny’s involvement with fraudulent telemarketing schemes was false. There is ample evidence to establish this. Danny won a defamation jury verdict against Mike Schneider in 2009 for, *inter alia*, the statements:

1. Danny set up 19 fraudulent corporations for telemarketers. (*See Schneider Case Amended Complaint*, attached as Exhibit G to the Motion, at ¶6(b).)

⁶ Defendants correctly note that the plaintiff’s ultimate burden of proof at trial on the question of actual malice is by clear and convincing evidence. Danny’s burden to oppose the Motion, however, is only to show *prima facie* evidence of a *probability* of carrying this ultimate evidentiary burden.

- 1 2. "Why Did Danny Tarkanian betray the most vulnerable among the elderly?" (*Id.* at
2 ¶42.)
- 3 3. "Why did [Danny] set up an organization to cheat us out over [sic] \$2 million of our
4 hard-earned retirement money?" *Id.*

5 Defendants knew about this jury verdict when they published their Advertisement. The
6 2006 Las Vegas Sun article discusses the allegations in the Schneider Case while it was ongoing⁷,
7 the 2009 Review Journal article discusses the outcome of that case, including the jury verdict⁸
8 and, as Defendants note, the case was discussed in the media up through 2012.⁹ Furthermore,
9 Danny provided the Defendants a Cease and Desist Letter which specifically mentioned the
10 defamatory judgement against Schneider. Thus, Defendants repeated statements that they *knew*
11 *communicated a defamatory implication*. The Court does not even need to consider recklessness;
12 the facts establish knowing falsity.

13 Defendants' purported justification for their conduct is unavailing. They claim that they
14 could not have entertained subjective doubt about the veracity of their statements because the jury
15 verdict in the Schneider Case did not specify which statements were defamatory. But this is not
16 true. The defamatory statements in the Schneider Case were divided on the jury verdict form into
17 three categories: statements made on the Ralston Show, statements made in mailed flyers, and
18 statements made regarding revocation of Danny's law license.¹⁰ The verdict form shows that all
19 three categories of statements were defamatory. *id.*

20 The first two categories of statements are relevant here. Category one contains the
21 following defamatory statements, made on the Ralston Show:

- 22 1. Danny turned state's evidence and testified against his "fellow" telemarketers to keep
23 from being personally charged with a crime.
- 24 2. Danny set up 19 fraudulent corporations for telemarketers.

25
26 ⁷ See Defendants' Exhibit D

27 ⁸ See Defendants' Exhibit H

28 ⁹ See Defendants' Exhibit A

¹⁰ See Defendants' Exhibit U

1 3. Danny was under Grand Jury Investigation in two different locations and at two different
2 places of employment. See Defendants' Exhibit G at ¶6.

3 The second statement here is legally identical to the statement in Defendants' Advertisement
4 that Danny "set up 13 fake charities".

5 The second category contains statements made in mailed flyers to the voters:

- 6 1. "Why Did Danny Tarkanian betray the most vulnerable among the elderly?"
7 2. Why did [Danny] set up an organization to cheat us out over [sic] \$2 million of our hard-
8 earned retirement money?" Id. at ¶42.

9 There is no way to read the complaint and jury verdict form and not conclude that the jury
10 found the implication created by the allegation that Danny "set up" entities that defrauded seniors
11 is defamatory. There is thus a legitimate question as to Defendants' awareness of the falsity of
12 their statements in the Advertisement that precludes the Court from granting the Motion.

13 Even if Defendants somehow did not reach this conclusion, their purported thought
14 process was apparently convoluted and extremely risky. First, they must have assumed that the
15 jury in the Schneider Case found that not all the statements at issue were defamatory. There is
16 nothing in the record or trial transcript to indicate this is so. Second, they would have to have
17 concluded that the jury found one of the statements in category one of the jury verdict form and
18 both the statements in category two were not defamatory. There is no evidence of this in the
19 record or trial transcript, and regarding category two this is in fact impossible. Even if the Court
20 assumes that Defendants were completely unreasonable, Defendants made their statements with
21 the awareness that, *at best*, they had a 50% chance of defaming Danny. Defendants do not even
22 allege that they engaged in any form of investigation to mitigate this chance. This amounts to
23 reckless disregard for the truth. Lastly, after November 8, 2016, election Danny was no longer a
24 public figure, and therefore Danny only needs to show negligence to the statements that are still
25 being distributed to this day.

iv. *Defendant's Implication Is Defamatory Per Se Which Does Not Require a Showing of Damages*

"Certain classes of defamatory statements are considered so likely to cause serious injury to reputation and pecuniary loss that these statements are actionable without proof of damages." *K-Mart*, 109 Nev. at 1192. "[D]efamation per se primarily serves to protect the personal reputation of an individual." *Clark County School Dist. V. Virtual Edu. Software, Inc.*, 213 P.3d 496, 504 (2009). The four types of defamation historically designated as defamatory per se are false statements involving (1) the imputation of a crime; (2) the imputation of having a loathsome disease; (3) imputing a person's lack of fitness for trade, business, or profession; and (4) imputing serious sexual misconduct. *See Branda v. Sanford*, 97 Nev. 643, 646 (1981). "A statement is considered slander per se, and thus actionable without a showing of special damages, if it imputes that the plaintiff has committed a crime," here the systematic commission of fraud targeting senior citizens. *K-Mart*, 109 Nev. at 1194. The United States Supreme Court stated:

[T]he doctrine of presumed damages in the common law of defamation per se "is an oddity of tort law, for it allows recovery of purportedly compensatory damages without evidence of actual loss." *Gertz v. Robert Welch, Inc.*, 418 U.S. 323, 349 (1974). The doctrine has been defended on the grounds that those form of defamation that are actionable *per se* are virtually certain to cause serious injury to reputation, and that this kind of injury is extremely difficult to prove. *See id.* at 373, 376. Moreover, statements that are defamatory per se by their very nature are likely to cause mental and emotional distress, as well as injury to reputation, so there arguably is little reason or require proof of this kind of injury either.

K-Mart, 109 Nev. at 1194-95.

No proof of any actual harm to reputation or any other damage is required for the recovery of damages for these four kinds of defamation. *See id.* at 1182. Proof of the defamation itself is considered to establish the existence of some damages. *See id.* "Damages are presumed 'because of the impossibility of affixing an exact monetary amount for present and future injury to the plaintiff's reputation, wounded feelings and humiliation, loss of business, and any consequential physical illness or pain.'" *Id.* (citing *Gertz*, 418 U.S. at 373.)

1 Defendants implied that Danny was intimately involved in telemarketing schemes that
2 defrauded senior citizens in Nevada. Defendants stated Danny “helped set up (the) scams”. This
3 is an accusation that Danny engaged in criminal conduct. Furthermore, involvement in such
4 schemes would be utterly incompatible with the duties and expectations of an elected public
5 official. Defendants statements thus fall squarely into two of the categories traditionally
6 recognized as defamation *per se*. Danny thus does not need to provide any evidence of damages
7 to establish liability or to withstand Defendants’ Motion.

8 ***b. INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS***

9 The tort of intentional infliction of emotional distress has four elements: (1) the defendant
10 must act intentionally or recklessly; (2) the defendant's conduct must be extreme and outrageous;
11 and (3) the conduct must be the cause (4) of severe emotional distress. Recklessness, at the very
12 least is established above. The conduct of accusing a political opponent of criminal activity is
13 extreme and outrageous. Further, the conduct has, in fact, caused severe emotional distress.

14 **D. ATTORNEY FEES & COSTS**

15 The intent of NRS 41.660 is to stop frivolous lawsuits that chill our First Amendment
16 right to certain protected free speech. NRS 41.670 (1) requires reasonable costs and attorney fees
17 to be awarded against any person who brings such a frivolous lawsuit. However, the intent of
18 NRS 41.660 was not to eliminate all lawsuits with respect to the above-mentioned protected free
19 speech. The Nevada legislature did not intend for this statute, nor would it be constitutional, to
20 deny every citizen’s right to defend themselves against valid claims for defamation. In fact, the
21 statute provides similar language requiring the award of costs and attorney fees when a frivolous
22 NRS 41.660 motion is filed. NRS 41.670 (2) states, “if the court denies a special motion to dismiss
23 filed pursuant to NRS 41.660 and finds that the motion was frivolous or vexatious, the court
24 SHALL award to the prevailing party reasonable costs and attorney fees incurred...” There can
25 hardly be a case more suitable for an award of reasonable attorney’s fees and costs than this.

26 In all probability, this may be the first case where the defamatory language sued upon has
27 already been adjudicated defamatory by the same court in a previous lawsuit. As has been clearly
28 established above, the statements made in Defendants’ Advertisement are nearly identical to the

1 statements found defamatory by a unanimous jury in a 2009 Clark County District Court case.
2 There is no doubt that Defendants' knew about the 2009 defamatory judgement. Despite this
3 knowledge, Defendants chose to publicly air their defamatory Advertisement. In fact, they are
4 still posting this Advertisement on numerous social media outlets, more than four and a half
5 months after the election. These facts alone prove that Defendants "special motion" is frivolous
6 or vexatious". The frivolousness or vexatiousness of Defendants' motion is amplified by the way
7 Defendants' Motion attempts to mislead, if not deceive, this court.

8 ***a. Defendants' Intentionally Omitted Three Defamatory Statements from the 2009***
9 ***Judgement***

10 Defendants' Motion claims the Schneider jury found two statements defamatory, neither
11 of which were similar to Defendants' Advertisement (Page 7 lines 1-6). Their Motion
12 intentionally omitted the three additional statements found defamatory by the Schneider jury
13 which are nearly identical to Defendants' Advertisement. The only plausible reason for
14 Defendants' omission was to deceive the court.

15 ***b. Defendants' Advertisement Purports to Quote Articles from Major Newspapers***
16 ***but Purported Quotes are Not in the Articles:***

17 Defendants' Motion claims that their Advertisement "cited highly circulated newspaper
18 articles as its sources for these statements." Defendants' Motion, Pg. 5, Lines 23-28. However, as
19 explained above, the first and third statements used in Defendants' Advertisement do not appear
20 anywhere in the 2009 Las Vegas Review Journal article in which the Advertisement cites. In fact,
21 there are no similar words or phrases in the 2009 article. And the second statement used in
22 Defendants' Advertisement is taken completely out of context from the 2006 Las Vegas Sun
23 article in which it cites.

24 ***c. Defendants' Exhibits Prove the Falsity of their Claim that Newspaper Articles***
25 ***and Danny, himself, made the Same Statements as Defendants' Advertisement/***

26 Defendants' Motion claims that the statements made in Defendants' Advertisement "have
27 been widely reported by Nevada newspapers for a decade" and that "Tarkanian himself has
28 confirmed as much in the past." See Defendants' Motion, Pg. 4 Lines 16-18) However, as

1 discussed above, the newspaper articles and Danny's remarks are not similar to the statements
2 Defendants make in their Advertisement, but rather, clearly refutes Defendants' statements.

3 *d. Defendants' Exhibits Refute Defendants' Claim that Candidates in 2006 and*
4 *2012 Elections made Similar Statements to Defendants' 2016 Advertisement.*

5 Defendants' Motion claims that their Exhibits show that Danny's political opponents in
6 2006 and 2012 made similar statements as Defendants' Advertisement (Page 6 Lines 2-4).
7 However, as discussed above, the Exhibits show that the statements made by the these political
8 opponents were not similar to the statements made in Defendants' Advertisement.

9 In short, Defendants' entire basis for their NRS 41.660 motion is misrepresentations and
10 deceptive statements to this court. This is exactly the type of frivolous and vexatious motion
11 which NRS 41.670 (2) **requires** the court to award reasonable costs and attorney fees. Because
12 of the crucial ramifications of this decision and because this motion is based upon new statutes,
13 Danny was forced to hire additional counsel, the Randazza Law Firm, who specializes in Anti-
14 SLAPP statutes. As a result, Danny has expended substantial cost and expense in opposing this
15 motion.

16 Further, Plaintiff should be entitled to Sanctions and attorney's fees and costs pursuant to
17 EDCR 7.60 and NRS 7.085, for the same conduct described above. The frivolousness or
18 vexatiousness of Defendants' motion is amplified by the way Defendants' motion attempts to
19 mislead, if not deceive, this court. Therefore, the Court should sanction Defendant to the full
20 extent of the law, for her intentional abuse of the court system. Plaintiff should be awarded fees
21 and costs for having to defend this frivolous motion. This Court has jurisdiction to award
22 attorneys' fees under NRS § 18.010 which provides for an award of attorneys' fees to the
23 prevailing party.

24 The reasonableness of counsel's fees are assessed in light of the factors recited in
25 *Brunzell v. Golden Gate National Bank*, 85 Nev. 345, 455 P.2d 31 (1969) and *Miller v. Wilfong*,
26 121 Nev. 619, 119 P.3d 727 (2005), the courts determine the appropriate legal fees to award in
27 civil cases, they must consider the following factors including:
28

4. ***The Results Obtained:*** Plaintiff is entitled to the relief that he seeks and his award is justified. For these reasons, the Court can order the appropriate amount of attorney's fees be paid to Plaintiff in this matter and Danny respectfully requests an order for attorney's fees be granted.

III.


CONCLUSION

But there is line from political spin to outright lie that MUST NOT be crossed. This is even more serious when the statement alleges criminal conduct by a candidate. To use a more extreme example, if an attorney running for public office represented clients who were murders or child molesters it would be legally permissible for an opponent to claim that person defended, worked for, helped get off, or even took money from murders or child molesters. It would not be legally permissible to claim that person was involved in the murder or child molestation. This is exactly the reasoning used by Defendants. Since Danny incorporated companies that were later charged with wrongdoing, he is a criminal. This is not permissible, because it is a lie. Lies are


1 never protected by the First Amendment This lawsuit was filed because Defendants crossed the
2 line from political spin to outright lie when their Advertisement intentionally inferred Danny had
3 been involved in criminal activity with the telemarketing companies, instead of only providing
4 minor legal services.

5 The facts show, Defendants published a highly misleading political Advertisement on the
6 eve of an election, implying to voters that Danny was engaged in criminal conduct that targeted
7 some of the most vulnerable citizens in Nevada; citizens who are more likely to vote than the
8 average citizen. Defendants knew that this horrid insinuation was false and defamatory and had
9 even been adjudicated as false and defamatory years ago. Danny's defamation claims are a far
10 cry from the kinds of meritless suits meant to chill protected speech that Nevada's Anti-SLAPP
11 statute is intended to address. The Court should deny Defendants' Anti-SLAPP Motion. Danny
12 should be awarded his costs and attorney fees for having to defend this frivolous motion.

13
14 DATED this 10th day of April, 2017

15
16 
17 SAMIRA C. KNIGHT, ESQ.
18 Nevada Bar No. 13167
19 JENNY L. FOLEY, PH.D. ESQ.
20 Nevada Bar No. 09017
21 Tarkanian & Knight Law Group
22 7220 S. Cimarron, Suite 110
23 Las Vegas, NV 89113
24 Attorney for Plaintiff
25
26
27
28



Danny Tarkanian  shared Danny Tarkanian's post.


November 3, 2016 · 

Yesterday my wife Amy released a personal video for the campaign. Now my mother has done the same. Blessed to have the support of these two strong women in my life.



4,642 Views

Danny Tarkanian

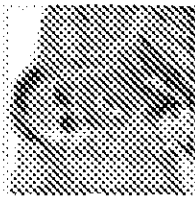
November 3, 2016 · 

My mother Lois made this personal video because she had something she needed to say. She tells it straight, like only my mother can.

158 Likes 40 Comments

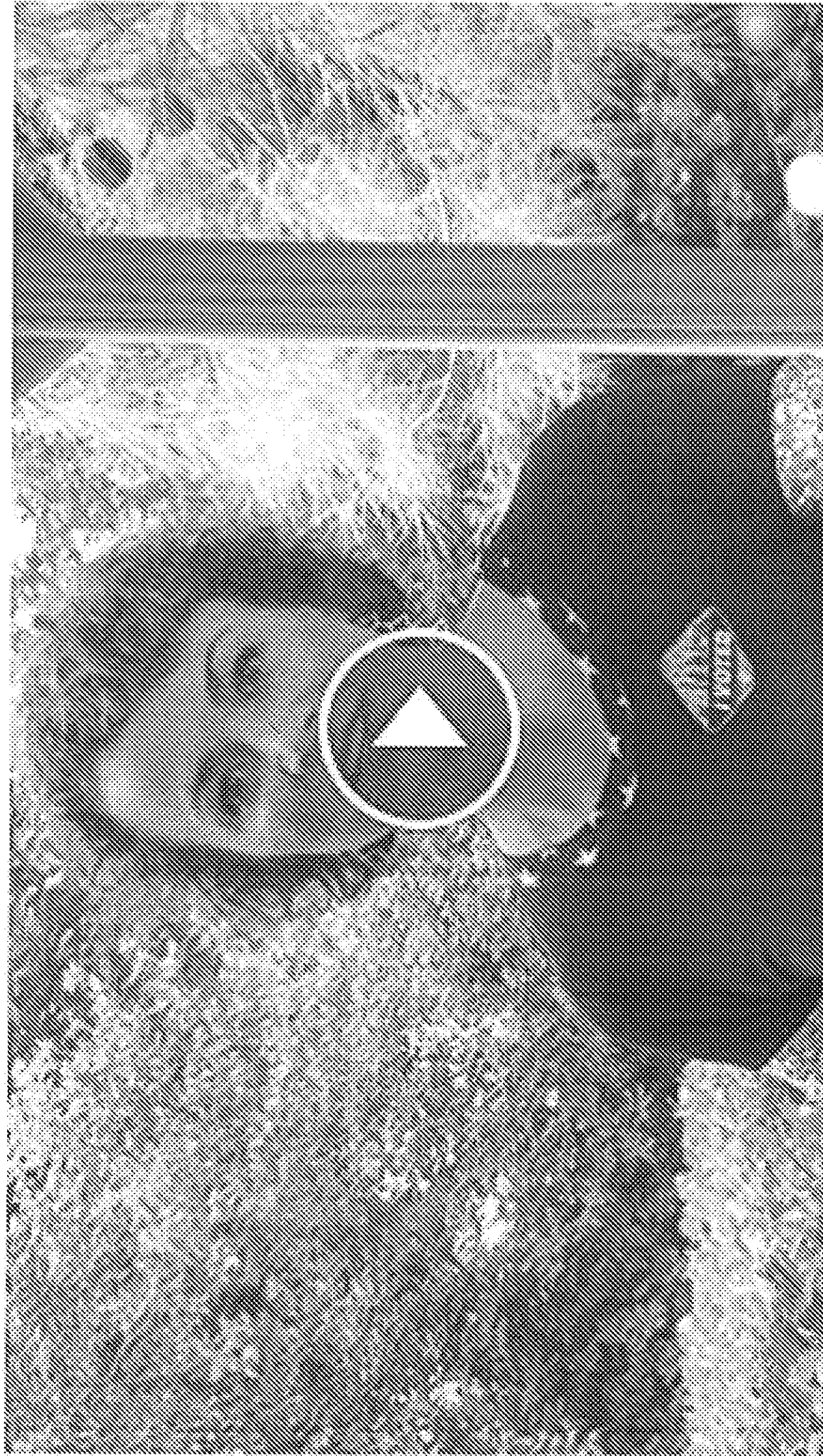
The full video is included on a separate disc.

Exhibit L




Danny Tarkanian  shared Amy Tarkanian's post

November 2, 2016 · 



5,505 Views

Amy Tarkanian

November 2, 2016 · OS X · 

With all the SuperPACs spending millions, I thought I'd make a simple, heartfelt ad about Danny and what he means to me and our family. I hope you like it.
Tarkforcongress.com

143 Likes 20 Comments

The full video is included on a separate disc.

Exhibit M



Statement on Danny Tarkanian Mailers Using Unauthorized Altered Photos of Boulder City's Sara Denton

Henderson, Nev. – Recent campaign mailers from the Nevada GOP on behalf of self-proclaimed Tea Party radical Danny Tarkanian include unauthorized altered photos of 91-year-old Sara Denton of Boulder City, whose late husband was former Clark County Commissioner and civil rights advocate Ralph Denton. Sara Denton, a prominent and well-respected community activist in her own right, appeared in a recent television ad on behalf of Jacky Rosen's campaign for Congress that highlighted Danny Tarkanian's Tea Party plans to privatize Social Security and raise the retirement age. She was so devastated by the distortion of her image being used to attack Henderson community leader Jacky Rosen that she had to be taken to the hospital.



91-year-old Sara Denton of Boulder City issued the following statement:

"This inappropriate use of my image with fake words to try to prop up a Tea Party radical like Danny Tarkanian is beyond shameful, and I expect it to stop immediately. I am a lifelong Democrat and a proud supporter of Jacky Rosen, and this deceitful campaign mailer upset me so much when I first saw it that I had to go to the hospital. I support Jacky because I know she's the kind of common sense community leader this district deserves to have fighting for us in Washington.

"Nevada seniors who hope their member of Congress will defend the promise of Social Security have every reason to be afraid of Danny Tarkanian. His extreme positions are unpopular and indefensible, which is why Danny has to resort to stealing a photo of me to find someone who will attack his opponent on the issue of protecting Social Security. Danny Tarkanian should apologize immediately for sending this dishonest mailer, and he must ensure that my image is not used again in support of his disgraceful campaign."

Posted by Campaign Team on November 03 2016

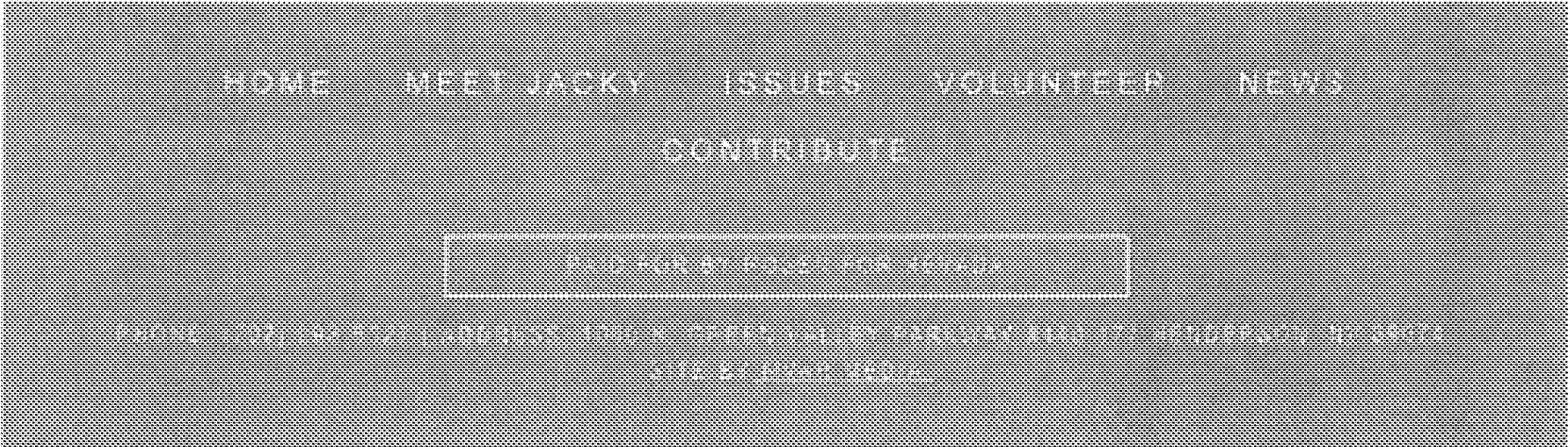


Exhibit N



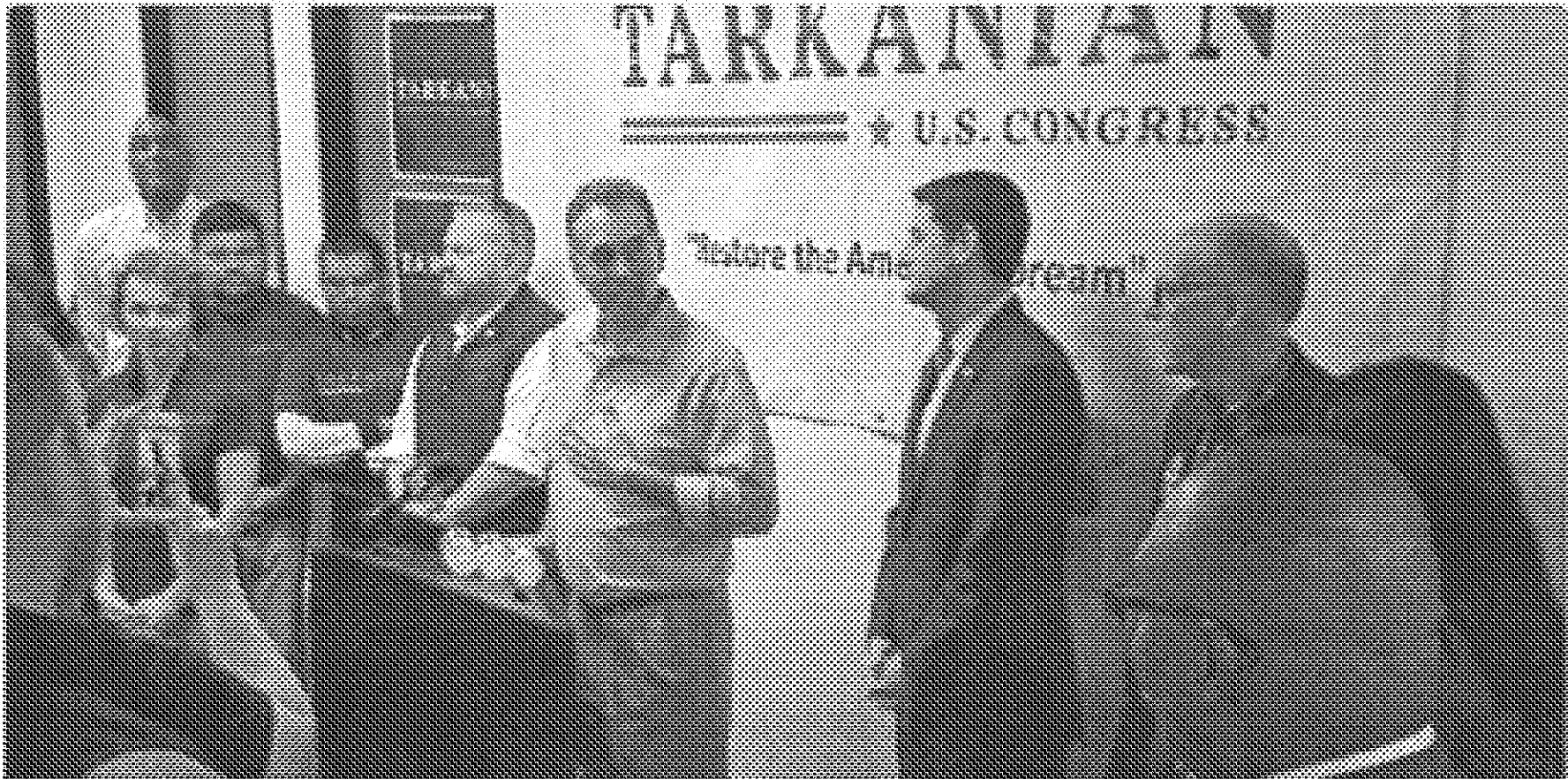
Danny Tarkanian

@DannyTarkanian

Follow



Honored to be joined by @speakerryan
@repgregwalden and a packed house of
#TeamTark volunteers! Working hard for victory
in #NV03



RETWEETS

9

LIKES

26



5:46 PM - 29 Oct 2016

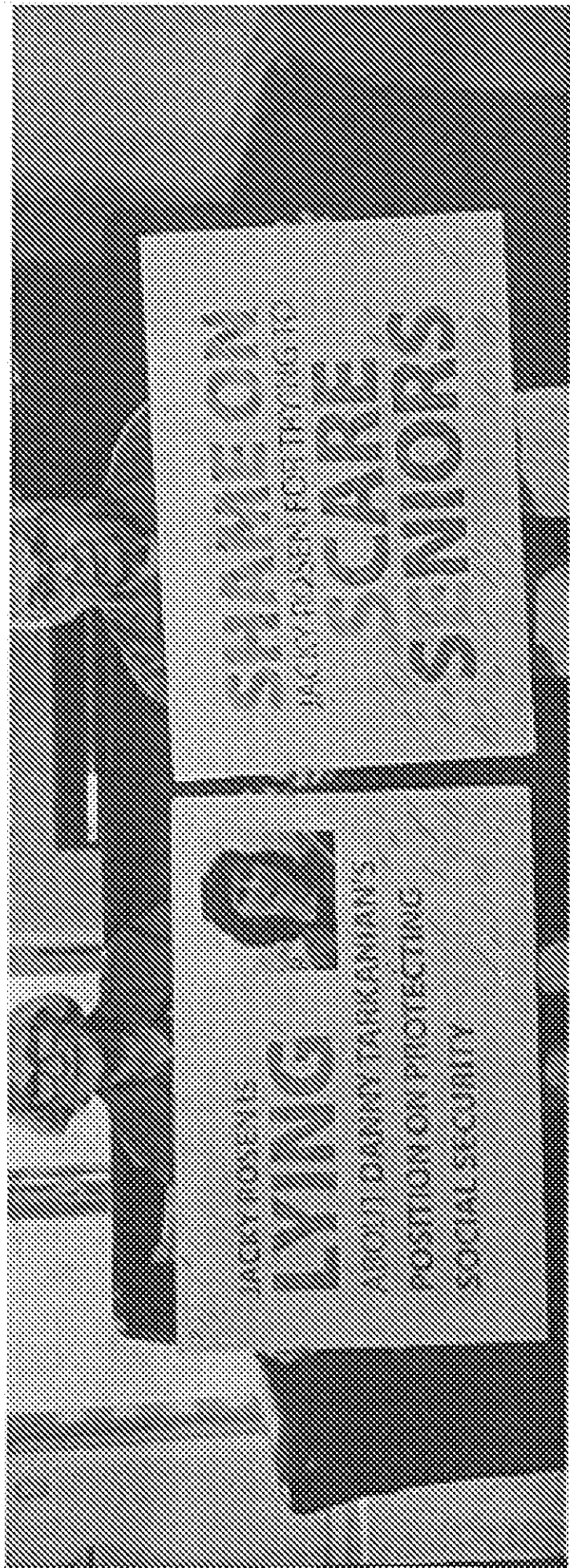
Amy Tarkanian, Paul Ryan and Rep. Greg Walden

1

9

26

Exhibit O



mrst106

Follow

16 likes

12w

mrst106 My husband's promise to seniors. He will protect&preserve social security. tarkforcongress.com #NVO3 #Mail mojganrahanbanoff #Tarkanian2016

ladysk16 Funny. That "senior" woman in the picture is actually my 92 year old grandmother named SARA DENTON from Boulder City who was posing in support of Rosen. She is a lifelong democrat and was put into the hospital when she discovered the campaign/party not only labeled her a Tarkanian supporter, but also a Republican! Those signs are fake and the words were changed to support Tarkanian. I can assure you that neither of the seniors in the photo are supporting Mr. Tarkanian. What a shame.



Add a comment...

...

Exhibit P

October 30, 2006

VIA FACSIMILE

Danny Tarkanian
P.O. Box 27406
Las Vegas, Nevada 89126

Dear Danny:

Yesterday, I learned from members of my church congregation that you were running a campaign advertisement featuring my name and stating that I personally "cleared Tarkanian (you) of any involvement" in illegal telemarketing fraud. Having now seen this ad, I demand that you immediately cease and desist from further airing it, as the advertisement is patently false, defamatory, and holds me in a false light.

As you should be aware, there is a significant difference between not being indicted for illegal activity and not being involved at all. It is true that you were never indicted for your involvement in helping to facilitate your client, Cole Cloninger, in his illegal telemarketing schemes. It is patently false for you to claim that you had no involvement at all in this illegal activity.

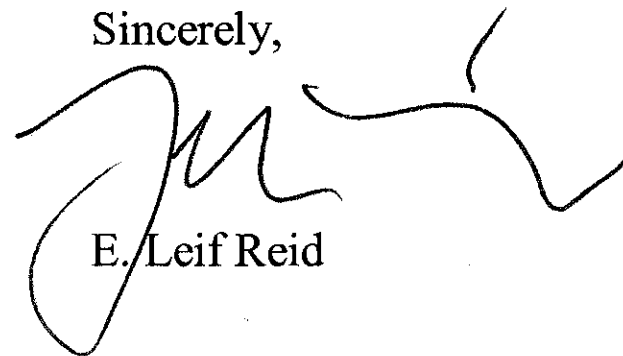
A simple search of the Nevada Secretary of State's website indicates that, over the eleven month period from February 1994 through January 1995, you incorporated at least thirteen fraudulent charities for your client.

The officers of these entities constitute a who's who list of individuals who were convicted of defrauding senior citizens in Nevada and around the country of millions of dollars. These names include Cole Cloninger, Mark Meisner, Brad Mitchell Lea, Michael Burns, and others. The entities you created were illegal telemarketing schemes that were the subject matter of numerous criminal prosecutions. These fraudulent charities included: Shoot for the Stars Foundation, America First Foundation, H.E.L.P. Foundation, Worldwide Outreach, New Faith Foundation, Save the Youth Foundation, Mission Foundation, The Faith Foundation, People Against Drugs and Disease, and Future of America. The names of these entities was designed to mislead as to their actual purpose.

I was a line attorney in the White Collar Crime Section of the U.S. Attorney's Office in Las Vegas. The decision of whether or not to indict an individual who is the target of an investigation is made by either the First Assistant U.S. Attorney or by the U.S. Attorney himself. It is further my belief that any decision of whether or not to prosecute you would have been

made after I left the U.S. Attorney's Office in August, 1999. As such, I never took any action to exonerate you from being involved in – or aiding and abetting – illegal telemarketing activity.

Sincerely,

A handwritten signature in black ink, appearing to be "E. Leif Reid", written over the typed name.

E. Leif Reid

ELR/jeb

Exhibit Q

United States District Court
District of Nevada (Las Vegas)
CRIMINAL DOCKET FOR CASE #: 2:97-cr-00236-RFB-VCF-1

Case title: USA vs Cole Cloninger

Date Filed: 10/16/1997

Date Terminated: 08/26/1998

Assigned to: Judge Richard F. Boulware, II
Referred to: Magistrate Judge Cam
Ferenbach

Defendant (1)

Cole Cloninger

TERMINATED: 08/26/1998

represented by **Thomas E. Pitaro**
601 Las Vegas Blvd. South
Las Vegas, NV 89101
702-382-9221
Fax: 702-382-9961
Email: kristine.fumolaw@gmail.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Retained

Pending Counts

18:1956-4999.F MONEY LAUNDERING
(1)

Disposition

Convicted Final Plea of Guilty; 36 mths
supervised release; 3375248.67 restitution;
150.00 assessment;

Highest Offense Level (Opening)

Felony

Terminated Counts

None

DispositionHighest Offense Level (Terminated)

None

Complaints

None

DispositionPlaintiff

USA

represented by **Daniel Schiess**
U.S. Attorney's Office
501 Las Vegas Blvd. South
Suite 1100

Las Vegas, NV 89101-
702-388-6336
Email: dan.schiess@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Roger W. Wenthe
U.S. Attorney's Office
501 Las Vegas Blvd So
Suite 1100
Las Vegas, NV 89101
702-388-6336
Fax: 702-388-6787
Email: roger.wenthe@usdoj.gov
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
	<u>0</u>	TRAVERSE ORIGINAL HARD COPY DOCKET SHEET (Entered: 03/14/2003)
10/16/1997	1	INFORMATION - FELONY no text (Entered: 10/22/2004)
10/22/2004	<u>13</u>	ORDER re D/Cloninger: Sprvsn to terminate at expiration (Entered: 10/22/2004)
02/10/2015	<u>14</u>	MOTION for Judgment Debtor Exam by USA as to Cole Cloninger. (Wenthe, Roger) (Entered: 02/10/2015)
02/11/2015	15	MINUTE ORDER IN CHAMBERS of the Honorable Chief Judge Gloria M. Navarro, as to Cole Cloninger on 2/11/2015. IT IS ORDERED that this case is reassigned to Magistrate Judge Cam Ferenbach for all further proceedings. All further documents must bear the correct case number 2:97-cr-00236-PMP-VCF. (no image attached) (Copies have been distributed pursuant to the NEF - RFJ) (Entered: 02/11/2015)
02/13/2015	16	MINUTE ORDER IN CHAMBERS of the Honorable Chief Judge Gloria M. Navarro, as to Cole Cloninger on 2/13/2015. IT IS ORDERED that this case is reassigned to Judge Richard F. Boulware, II for all further proceedings. All further documents must bear the correct case number 2:97-cr-00236-RFB-VCF. (no image attached) (Copies have been distributed pursuant to the NEF - RFJ) (Entered: 02/13/2015)
02/17/2015	<u>17</u>	ORDER Granting <u>14</u> Motion for Judgment Debtor Exam as to Cole Cloninger (1). Judgment Debtor Exam set for 4/30/2015 09:30 AM in LV Courtroom 3D before Magistrate Judge Cam Ferenbach. FURTHER ORDERED that a copy of this order shall be served upon the defendant by the United States Marshall or private process service at least 15 calendar days before the hearing scheduled herein. FURTHER ORDERED that the government is responsible for creating an efficient record of the Judgment Debtor Examination on April 30, 2015. The service of process must be filed with the court by April 23, 2015. Signed by Magistrate Judge Cam Ferenbach on 2/17/15. (Copies have been distributed pursuant to the NEF - MMM) (Entered: 02/18/2015)
04/03/2015	<u>18</u>	MOTION to Vacate <u>17</u> Order on Motion for Judgment Debtor Exam,,,,, by USA as to Cole Cloninger. (Wenthe, Roger) (Entered: 04/03/2015)
04/09/2015	<u>19</u>	ORDER, as to Cole Cloninger (1), that <u>18</u> Motion to Vacate Judgment Debtor

Examination scheduled for 4/30/15 at 9:30 am is GRANTED. Signed by Magistrate Judge Cam Ferenbach on 4/9/15. (Copies have been distributed pursuant to the NEF - MMM)
(Entered: 04/09/2015)

PACER Service Center			
Transaction Receipt			
01/19/2017 11:02:54			
PACER Login:	pcdc70013/4884567:0	Client Code:	004031.0088
Description:	Docket Report	Search Criteria:	2:97-cr-00236- RFB-VCF
Billable Pages:	2	Cost:	0.20

1 DANIEL G. BOGDEN

United States Attorney

2 District of Nevada

3 ROGER WENTHE

Assistant United States Attorney

4 United States Attorney's Office

333 Las Vegas Boulevard So., Suite 5000

5 Las Vegas, Nevada 89101

Tel: 702-388-6336

6 Fax: 702-388-6787

7 Email: roger.wenthe@usdoj.gov

8 UNITED STATES DISTRICT COURT

9 DISTRICT OF NEVADA

10 UNITED STATES OF AMERICA,

11 Plaintiff,

12 v.

13 COLE CLONINGER,

14 Defendant.

) Case No. 2:97-CR-236-RFB-VCF

) MOTION FOR SUPPLEMENTARY
) PROCEEDINGS (EXAMINATION OF
) JUDGEMENT DEBTOR)

15 The United States of America, by and through Daniel G. Bogden, United States Attorney, and
16 Roger Wenthe, Assistant United States Attorney, moves this Honorable Court for an order requiring
17 defendant, Cole Cloninger, to appear before a United States Magistrate Judge at a time and place to be
18 set by the court for examination supplementary to judgment pursuant to Rule 69 of Fed. R. Civ. P., 28
19 U.S.C. § 3105, and N.R.S. 21.270.
20

21 POINTS AND AUTHORITIES

22 The Federal Debt Collection Procedure Act is "the exclusive civil procedures for the United
23 States ... to recover a judgment on a debt." 28 U.S.C. § 3001(a) (1)). A debt is an amount owed "to the
24 United States on account of ... [an] other source of indebtedness to the United States ..." 28 U.S.C. §
25 3002(3) (B). A judgment is "a judgment ... entered in favor of the United States in a court and arising
26

1 from a ... criminal proceeding ..." 28 U.S.C. § 3002(8). A criminal money judgment against a defendant
2 is a judgment entered as a debt in favor of the Government. *See* 28 U.S.C. §§ 3001(a) (1), 3002(3) (B)
3 and (8), 3201, and 3202(a). The creation, duration, and renewal of judgment liens are part of Subchapter
4 C. *See* 28 U.S.C. §§ 3201 and 3202(a). Since judgments include criminal money judgments, the
5 judgment lien is good for 20 years and can be renewed for another 20 years. *See* 28 U.S.C. §§ 3002(8),
6 3201, and 3202(a).

7
8 This motion is based upon the attached Declaration and the pleadings and papers on file herein.

9 DATED this 9th day of February 2015.

10 DANIEL G. BOGDEN
11 United States Attorney

12 /s/ Roger Wenthe
13 ROGER WENTHE
14 Assistant United States Attorney
15
16
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DECLARATION

FOR MOTION FOR SUPPLEMENTARY PROCEEDINGS
(EXAMINATION OF JUDGMENT DEBTOR)

STATE OF NEVADA }
COUNTY OF CLARK }

Amy Ragsdale, declares pursuant to 28 U.S.C. §1746 under penalty of perjury that the foregoing is true and correct.

1. I am a Legal Assistant in the Financial Litigation Unit for the United States Attorney's Office, District of Nevada. I have custody of the records in this office pertaining to this collection matter.
2. Judgment was entered, for the plaintiff and against defendant on, August 26, 1998, for the sum of \$3,375,398.67, together with interest thereon from the date of judgment and court costs.
3. Cole Cloninger resides within the jurisdiction of this Court.
4. The judgment has not been satisfied, vacated, reversed, or barred by the Statute of Limitations, and is one on which execution may properly issue.
5. The judgment remains unpaid.

/s/ Amy Ragsdale
Amy Ragsdale
Legal Assistant
Financial Litigation Unit

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

v.
COLE CLONINGER,

Defendants.

Case No. 2:97-CR-236

ORDER FOR SUPPLEMENTARY PROCEEDINGS OF JUDGMENT
DEBTOR EXAMINATION

On plaintiff's motion and good cause appearing, the defendant, Cole Cloninger, is hereby Ordered to appear before the United States Magistrate in courtroom 3D, Lloyd D. George Federal Courthouse, 333 Las Vegas Boulevard South, Las Vegas, Nevada 89101, on the 30th day of April, 2015 at 9:30 a.m., to then and there answer upon oath concerning the property of the defendant and for such other proceedings as there may occur consistent with proceedings supplementary to execution.

It is further ordered that you, the defendant, bring to the hearing the following:

1. Your three most recent federal income tax returns with their attachments.
2. Copies of all personal and business financial statements concerning checking and savings accounts for the past twelve months.
3. A copy of the titles to all you and your spouses' vehicles, automobiles, boats, aircraft, etc
4. Copies of your earnings statements (i.e. paychecks) for the past twelve months.
5. Copies of your bills for the past twelve months to verify statements on the financial form.

1 It is further ordered that a copy of this order shall be served upon the defendant by the
2 United States Marshall or private process service at least 15 calendar days before the hearing
3 scheduled herein.

4 Failure to appear may subject you, the defendant, to punishment for contempt of court.
5

6 DATED this 17th day of February, 2015.
7

8
9 

10 United States Magistrate Judge

11
12 SUBMITTED BY:

13 DANIEL G. BOGDEN
14 United States Attorney

15 /s/ Roger Wenthe

16 ROGER WENTHE

17 Assistant United States Attorney
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26

IT IS FURTHER ORDERED that the government is responsible
for creating an efficient record of the Judgment Debtor
Examination on April 30, 2015. The service of process must be
filed with the court by April 23, 2015.

Exhibit R

BURNEY, CURTIS ALPHONSE
- AKA:David Baker

95	0328	1
----	------	---

Det's ☐ U.S. MAG
CASE NO.

4. CHARGES

III. KEY DATE

III. MAGISTRATE

1) Burney 2) Cron 3) Goodman 4) Grzesczuk 5) Phemister

RULE				••	
	20	21	40	ln	Qu

701 E. Bridger Av #800, Las Vegas, NV 89101 (702) 388-6336

Defense: 1 ☐ CJA. 2 ☐ Ret. 3 ☐ Waived. 4 ☐ Self. 5 ☐ Non / Other. 6 ☒ PD. 7 ☐ CD

Alex Modaber AFPD

POST INDICTMENT

APPEALS FEE PAYMENTS

Docket Entries Begin On Reverse Side

V. NAMES & ADDRESSES OF ATTORNEYS, SURETIES, ETC.

V. PROCEEDINGS		Start Date	End Date	Total Days
SPEEDY TRIAL CALCULATIONS				
Interval I				
Gross days - 0				
Less excludable - 0				
Net days - 0				
Interval II				
Gross days - 313				
Less excludable - T=283				
Net days - 30				

CRIMINAL DOCKET U.S. District Court Case 95-cr-00328-PMP Document 553 Filed 07/10/03 Page 3 of 65

PO ☐ 0978 2 7810 ☐ JUVENILE ☐ ALIAS

Misd. ☐ Disposition Sentence

Felony ☒ District Off Judge/Magistr. OFFENSE ON INDEX CARD

U.S. CRON, LARRY JAMES aka: Robert O'Neal

Case Filed 12/7/95 Docket No. 95 0328 2

No. of Def's 5 U.S. MAG CASE NO.

I. CHARGES

II. KEY DATE

U.S. TITLE/SECTION	OFFENSES CHARGED	ORIGINAL COUNTS	DISM NG	GUILTY NOLO
18/1343	FRAUD BY WIRE	CTs 19-20	2	
18/2	AIDING & ABETTING IN VIOL OF 18/1343	CTs 19-20	2	

SUPERSEDING COUNTS

INTERVAL ONE KEY DATE EARLIEST OF

END ONE AND/OR BEGIN TWO (OR RESTART PERIOD TO TRIAL) KEY DATE 12/7/95 APPLICABLE

END INTERVAL TWO KEY DATE APPLICABLE

1st appears with or waives counsel ARRAIGNMENT 1st Trial Ended RE TRIAL 2nd Trial Began DISPOSITION DATE SENTENCE DATE

PTD Noile Pros. FINAL CHARGES DISMISSED on def motion on gov motion

III. MAGISTRATE

Search Warrant	Issued	DATE	INITIAL/NO.	INITIAL APPEARANCE DATE	INITIAL/NO.	OUTCOME
Summons	Issued			PRELIMINARY EXAMINATION OR REMOVAL HEARING		
Arrest Warrant Issued	Served			DATE Scheduled		
COMPLAINT				DATE Held		
Date of Arrest				WAIVED NOT WAIVED		
				INTERVENING INDICTMENT		

DATE OF ARREST OFFENSE (In Complaint)

Show last names and suffix numbers of other defendants on same indictment/information:

1) Burney 2) Cron 3) Goodman 4) Grzesczuk 5) Phemister

RULE 20 21 40 In Out

IV. NAMES & ADDRESSES OF ATTORNEYS, SURETIES, ETC.

ATTORNEYS U. S. Attorney or Asst.

DANIEL HOLLINGSWORTH AUSA

701 E. Bridger Av #800, Las Vegas, NV 89101 (702) 388-6336

Defense: 1 ☒ CJA 2 ☐ Ret. 3 ☐ Waived 4 ☐ Self 5 ☐ Non / Other 6 ☐ PD 7 ☐ CD

12/2/96: #10280-026 PO Box 700, Kingsbury Unit Yankton, SD 57078

Theodore Manos (#53) 501 S. 6th St Las Vegas, NV 89101 (702) 385-9559 Vchr #0805570

WARRANT

FINE AND RESTITUTION PAYMENTS

DATE	RECEIPT NUMBER	C.D. NUMBER	DATE	RECEIPT NUMBER	C.D. NUMBER

Docket Entries Begin On Reverse Side

APPEALS FEE PAYMENTS

(OPTIONAL) Show last names of defendants

V. PROCEEDINGS

SPEEDY TRIAL CALCULATIONS

Interval I

Gross days - 0

Less excludable - 0

Net days - 0

Interval II

Gross days - 35

Less excludable - 0

Net days - 35

71 days "R" Time remaining

CONTINUED TO PAGE 2

AA000125

DATE	Case 2:95-cr-00328-PMP Document 553 Filed 07/10/03 Page 6 of 65	VI EXCLUDABLE DELAY
DOCUMENT NO.	PROCEEDINGS DOCKET FOR SINGLE DEFENDANT	Start Date End Date
		Ltr Code
		Total Days
OPTIONAL: Show last names of defendants		
V. PROCEEDINGS		
SPEEDY TRIAL CALCULATIONS:		
INTERVAL I:		
Gross = 4		
(no excludable)		
Net = 4		
INTERVAL II:		
Gross = 316		
(Less excludable = -283 days T time)		
Net = 33		
-0- days in custody		
JS-3 re: D/Goodman lsd		
CONTINUED TO PAGE 1		

AA000127

I. CHARGES

U.S. TITLE/SECTION	OFFENSES CHARGED	ORIGINAL COUNTS	DISM. NG	GUILTY NOLO
18/1343	FRAUD BY WIRE	CTs 24-27	4	
18/2	AIDING & ABETTING IN VIOL OF 18/1343	CTs 24-27	4	
SUPERSEDING INDICTMENT #141-----fld 8/27/97				
18/1343	FRAUD BY WIRE	CTs 1-4	4	
18/2	AIDING & ABETTING IN VIOL OF 18/1343	CTs 1-4	4	

II. KEY DATE

INTERVAL ONE	END ONE AND/OR BEGIN TWO (OR RESTART PERIOD TO TRIAL)	END INTERVAL TWO
KEY DATE EARLIEST OF <input type="checkbox"/> arrest <input type="checkbox"/> sum'ns <input type="checkbox"/> custody <input type="checkbox"/> appears on complaint	KEY DATE APPLICABLE <input checked="" type="checkbox"/> Indictment filed/unseated <input type="checkbox"/> consent to Magr. trial on complaint <input type="checkbox"/> Information <input type="checkbox"/> Felony-W/waver	KEY DATE APPLICABLE <input type="checkbox"/> Dismissal <input type="checkbox"/> Pled guilty <input type="checkbox"/> Nolo <input type="checkbox"/> Trial (voir dire) began
1st appears with or waives counsel	ARRAIGNMENT	1st Trial Ended
	RE TRIAL	2nd Trial Began
	DISPOSITION DATE	SENTENCE DATE
		PTD Nolle Pros
		FINAL CHARGES DISMISSED on S T grounds <input type="checkbox"/> W.P. <input type="checkbox"/> WOP

III. MAGISTRATE

Search Warrant	Issued	Return	DATE	INITIAL/NO.	INITIAL APPEARANCE DATE	INITIAL/NO.	OUTCOME
Summons	Issued	Served			PRELIMINARY EXAMINATION OR <input type="checkbox"/> REMOVAL HEARING <input type="checkbox"/> WAIVED <input type="checkbox"/> NOT WAIVED <input type="checkbox"/> INTERVENING INDICTMENT		<input type="checkbox"/> DISMISSED <input type="checkbox"/> HELD FOR GJ OR OTHER PROCEEDING IN THIS DISTRICT <input type="checkbox"/> HELD FOR GJ OR OTHER PROCEEDING IN DISTRICT BELOW
Arrest Warrant Issued					Date Scheduled Date Held		
COMPLAINT					Tape Number		
Date of Arrest			OFFENSE (In Complaint)				

Show last names and suffix numbers of other defendants on same indictment/information:

1) Burney 2) Cron 3) Goodman 4) Grzesczuk 5) Phemister

RULE ☐ 20 ☐ 21 ☐ 40 ☒ In ☐ Out

ATTORNEYS

DANIEL HOLLINGSWORTH AUSA
701 E. Bridger Av #800, Las Vegas, NV 89101 (702) 388-6336

Defense: 1 ☒ CJA 2 ☐ Ret. 3 ☐ Waived. 4 ☐ Self. 5 ☐ Non / Other. 6 ☐ PD. 7 ☐ CD

Don Green (#35)
633 S. 4th St #301
Las Vegas, NV 89101
(702) 388-7311
Vchr #0744157

BAIL • RELEASE

PRE INDICTMENT

Release Date	
<input type="checkbox"/> Bail Denied	<input type="checkbox"/> Fugitive
	<input type="checkbox"/> Pers. Rec.
AMOUNT SET	<input type="checkbox"/> PSA
\$	Conditions
Date Set	<input type="checkbox"/> 10% Dep.
	<input type="checkbox"/> Surety Bnd
<input type="checkbox"/> Bail Not Made	<input type="checkbox"/> Collateral
Date Bond Made	<input type="checkbox"/> 3rd Prty
	<input type="checkbox"/> Other

POST INDICTMENT

Release Date	
<input type="checkbox"/> Bail Denied	<input type="checkbox"/> Fugitive
	<input type="checkbox"/> Pers. Rec.
AMOUNT SET	<input type="checkbox"/> PSA
\$	Conditions
Date Set	<input type="checkbox"/> 10% Dep.
	<input type="checkbox"/> Surety Bnd
<input type="checkbox"/> Bail Not Made	<input type="checkbox"/> Collateral
Date Bond Made	<input type="checkbox"/> 3rd Prty
	<input type="checkbox"/> Other

FINE AND RESTITUTION PAYMENTS

Docket Entries Begin On Reverse Side.

DATE	RECEIPT NUMBER	C.D. NUMBER	DATE	RECEIPT NUMBER	C.D. NUMBER

APPEALS FEE PAYMENTS

I. CHARGES

U.S. TITLE/SECTION	OFFENSES CHARGED	ORIGINAL COUNTS	DISM. NO.	GUILTY NO.
18/1343	FRAUD BY WIRE	CTs 28	1	
18/2	AIDING & ABETTING IN VIOL OF 18/1343	CTs 28	1	

II. KEY DATE

INTERVAL ONE	END ONE AND/OR BEGIN TWO (OR RESTART PERIOD TO TRIAL)	END INTERVAL TWO
KEY DATE EARLIEST OF	KEY DATE APPLICABLE	KEY DATE APPLICABLE
<input type="checkbox"/> arrest <input type="checkbox"/> summons <input type="checkbox"/> custody <input type="checkbox"/> appears on complaint	<input checked="" type="checkbox"/> Indictment filed/unsealed <input type="checkbox"/> consent to Magr. trial on complaint <input type="checkbox"/> Information <input type="checkbox"/> Felony-W/waiver	<input type="checkbox"/> Dismissal <input type="checkbox"/> Plea <input type="checkbox"/> guilty <input type="checkbox"/> Nolo <input type="checkbox"/> Trial (voir dire) began
1st appears with or waives counsel	ARRAIGNMENT	1st Trial Ended
	RE TRIAL	2nd Trial Began
	DISPOSITION DATE	SENTENCE DATE
		PTD Noile Pros.
		FINAL CHARGES DISMISSED on S.T. grounds W.P. WOP

III. MAGISTRATE

Search Warrant	Issued	Return	Summons	Issued	Served	Arrest Warrant Issued	COMPLAINT	Date of Arrest	OFFENSE (In Complaint)	INITIAL APPEARANCE DATE	PRELIMINARY EXAMINATION	REMOVAL HEARING	WAIVED	NOT WAIVED	INTERVENING INDICTMENT	Outcome

Show last names and suffix numbers of other defendants on same indictment/information:
1) Burney 2) Cron 3) Goodman 4) Grzesczuk 5) Phemister

RULE ☐ 20 ☐ 21 ☐ 40 ☐ In ☐ Out

ATTORNEYS

DANIEL HOLLINGSWORTH AUSA
701 E. Bridger Av #800, Las Vegas, NV 89101 (702) 388-6336

Defense: 1 ☒ CJA 2 ☐ Ret. 3 ☐ Waived. 4 ☐ Self. 5 ☐ Non / Other 6 ☐ PD. 7 ☐ CD

Scott Bindrup (#80)
302 E. Carson Av #806
Las Vegas, NV 89101
(702) 382-2222
2525 W. Charleston
Las Vegas, NV 89101
(702) 870-4200

BAIL • RELEASE	
PRE INDICTMENT	
Release Date	
<input type="checkbox"/> Bail Denied	<input type="checkbox"/> Fugitive
	<input type="checkbox"/> Pers. Rec.
AMOUNT SET	<input type="checkbox"/> PSA
\$	Conditions
Date Set	<input type="checkbox"/> 10% Dep.
<input type="checkbox"/> Bail Not Made	<input type="checkbox"/> Surety Bnd
Date Bond Made	<input type="checkbox"/> Collateral
	<input type="checkbox"/> 3rd Prty
	<input type="checkbox"/> Other
POST INDICTMENT	
Release Date	
<input type="checkbox"/> Bail Denied	<input type="checkbox"/> Fugitive
	<input type="checkbox"/> Pers. Rec.
AMOUNT SET	<input type="checkbox"/> PSA
\$	Conditions
Date Set	<input type="checkbox"/> 10% Dep.
<input type="checkbox"/> Bail Not Made	<input type="checkbox"/> Surety Bnd
Date Bond Made	<input type="checkbox"/> Collateral
	<input type="checkbox"/> 3rd Prty
	<input type="checkbox"/> Other

IV. NAMES & ADDRESSES OF ATTORNEYS, SURETIES, ETC.

FINE AND RESTITUTION PAYMENTS

Docket Entries Begin On Reverse Side

DATE	RECEIPT NUMBER	C.D. NUMBER	DATE	RECEIPT NUMBER	C.D. NUMBER

APPEALS FEE PAYMENTS

DATE

DOCUMENT NO

Y:

Docket No.

Del

Case 2:95-cr-00328-JMP Document 553 Filed 07/10/03 Page 9 of 65

PROCEEDINGS DOCKET FOR SINGLE DEFENDANT

VI EXCLUDABLE DELAY

Start Date
End Date

Ex
Code

Total
Days

(OPTIONAL) Show last names of defendants

V. PROCEEDINGS

SPEEDY TRIAL CALCULATIONS

Interval I

Gross days - 0

Less excludable - 0

Net days - 0

Interval II

Gross days - 228

Less excludable - T=165

Net days - 63

CONTINUED TO PAGE

AA000130

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I. CHARGES

U.S. TITLE/SECTION	OFFENSES CHARGED	ORIGINAL COUNTS	DISMISSING	GUILTY
SUPERSEDING INDICTMENT #141				
18/1343	FRAUD BY WIRE	CTs 1-4 4		
18/2	AIDING & ABETTING IN VIOL OF 18/1343	CTs 1-4 4		
SECOND SUPERSEDING INDICTMENT #177 fld 5/13/98				
18/371	CONSPIRACY	CT 1 1		
18/1343	WIRE FRAUD	CTs 2-52 51		
18/1956(a)(1)(A)(i)	MONEY LAUNDERING	CTs 53-66 14		
18/1957	MONEY LAUNDERING	CTs 67-114 48		
18/2	AIDING & ABETTING	CTs 2-67 66		
18/982(a)(1)	FORFEITURE	CT 115 1		
THIRD SUPERSEDING INDICTMENT #262 fld 2/17/99				

SEE REVERSE

II. KEY DATE

INTERVAL ONE	END ONE AND/OR BEGIN TWO (OR RESTART PERIOD TO TRIAL)	END INTERVAL TWO
KEY DATE 5/2/97 EARLIEST OF <input type="checkbox"/> arrest <input type="checkbox"/> summons <input type="checkbox"/> custody <input type="checkbox"/> appears on complaint	KEY DATE 8/27/97 APPLICABLE <input checked="" type="checkbox"/> indictment filed/unsealed <input type="checkbox"/> consent to Magr. trial on complaint <input type="checkbox"/> Information <input type="checkbox"/> Felony W/waiver	KEY DATE APPLICABLE <input type="checkbox"/> Dismissal <input type="checkbox"/> Pled <input type="checkbox"/> Guilty <input type="checkbox"/> Noia <input type="checkbox"/> Trial (voir dire) began
1st appears with or waives counsel	ARRAIGNMENT	1st Trial Ended
	RE TRIAL	2nd Trial Began
	DISPOSITION DATE	SENTENCE DATE
	PTD Notie Pros.	FINAL CHARGES DISMISSED on S T grounds on Def motion on gov't motion

III. MAGISTRATE

Search Warrant	Issued	DATE	INITIAL/NO.	INITIAL APPEARANCE DATE	INITIAL/NO.	OUTCOME
Summons	Issued			PRELIMINARY EXAMINATION OR REMOVAL HEARING <input type="checkbox"/> WAIVED <input type="checkbox"/> NOT WAIVED <input type="checkbox"/> INTERVENING INDICTMENT		<input type="checkbox"/> DISMISSED <input type="checkbox"/> HELD FOR GJ OR OTHER PROCEEDING IN THIS DISTRICT <input type="checkbox"/> HELD FOR GJ OR OTHER PROCEEDING IN DISTRICT BELOW
Arrest Warrant Issued	Served			Date Scheduled Date Held		
COMPLAINT				Tape Number		
Date of Arrest		OFFENSE (In Complaint)				

Show last names and suffix numbers of other defendants on same indictment/information:

1) Burney 2) Cron 3) Goodman 4) Grzesczuk 5) Phemister 6) Wrobel

RULE 20 21 40 In Out

ATTORNEYS

U. S. Attorney or Asst

COLETTE RAUSCH AUSA

701 E. Bridger Av #800, Las Vegas, NV 89101 (702) 388-6336

Defense: 1 ☐ CJA 2 ☒ Ret. 3 ☐ Waived 4 ☐ Self 5 ☐ Non / Other 6 ☐ PD 7 ☐ CD

~~Michael Cherry~~
George Kelesis (#164)
600 S. Eighth St
Las Vegas, NV 89101
(702) 385-3788

~~Streich Lang~~ — Booker T. Evans (#223)
Renaissance One
Two North Central Av
Phoenix, Arizona 85004
(602) 229-5200
Cary L. Lackey (#352)
(602) 229-5408

IV. NAMES & ADDRESSES OF ATTORNEYS, SURETIES, ETC.



FINE AND RESTITUTION PAYMENTS

☐ Docket Entries Begin On Reverse Side

DATE	RECEIPT NUMBER	C.D. NUMBER	DATE	RECEIPT NUMBER	C.D. NUMBER

APPEALS FEE PAYMENTS

DATE		DOCUMENT NO.		Case 2:95-cr-00328-PMP Document 553 Filed 07/10/03 Page 11 of 65		MASTER DOCKET - MULTIPLE DEFENDANT CASE		PAGE 11 of 101		V. EXEMPTABLE DELAY	
						PROCEEDINGS DOCKET FOR SINGLE DEFENDANT					
				V. PROCEEDINGS							
				-THIRD SUPERSEDING INDICTMENT-#262-fld 2/17/99-							
18/371		CONSPIRACY						CT 1			1
18/1343		WIRE FRAUD						CTs 2-73			72
18/1956(a)(1)(A)(i)		LAUNDERING OF MONETARY INSTRUMENTS						CTs 74-87			14
18/1957		MONEY LAUNDERING						CTs 88-135			47
18/982(a)(1)		FORFEITURE						CT 136			1
18/2		AIDING & ABETTING						CTs 2-88			87

AA000132

PO ☐ 0978 2 7810
 Misd. ☐
 Felony ☒ District Off Judge/Magistr.

WROBEL, GEORGINA DIANE

5 13 98 95 0328 7
 No. of U.S. MAG. CASE NO.

U.S. TITLE/SECTION		OFFENSES CHARGED	ORIGINAL COUNTS	DISM	GUilty
SUPERSEDING INDICTMENT-----#177-----fld 5/13/98-----					
18/371	CONSPIRACY	CT 1	1		
18/1343	WIRE FRAUD	CTs 2-52	51		
18/1956(a)(1)(A)(i)	MONEY LAUNDERING	CTs 53-60	8		
18/1957	MONEY LAUNDERING	CT 67	1		
18/2	AIDING & ABETTING	CTs 2-60, 67	60		
THRID SUPERSEDING INDICTMENT-----#262-----fld 2/17/99-----					
18/371	CONSPIRACY	CT 1	1		
18/1343	WIRE FRAUD	CTs 2-73	72		
18/1956(a)(1)(A)(i)	LAUNDERING OF MONETARY INSTRUMENTS	CTs 74-81	8		
18/1957	MONEY LAUNDERING	CT 88	1		
18/2	AIDING & ABETTING	CTs 2-81, 88	91		

II. KEY DATE

Interval ONE: KEY DATE, arrest, sum'ns, custody, appears on complaint, EARLIEST OF, APPLICABLE

Interval TWO: KEY DATE, DISMISSAL, Pled guilty, Nolo, Trial (voir dire) began, APPLICABLE

1st appears with or waives counsel, ARRAIGNMENT, 1st Trial Ended, RE TRIAL, 2nd Trial Began, DISPOSITION DATE, SENTENCE DATE, PTD, Nolle, Pros, on S.T. grounds, WP, WOP, on def. motion, on gov't motion

III. MAGISTRATE		DATE	INITIAL/NO.	INITIAL APPEARANCE DATE	INITIAL/NO.	OUTCOME
Search Warrant	Issued			PRELIMINARY EXAMINATION OR		DISMISSED
Summons	Issued			REMOVAL HEARING		HELD FOR GJ OR OTHER PROCEEDING IN THIS DISTRICT
Arrest Warrant Issued	Served			WAIVED		HELD FOR GJ OR OTHER PROCEEDING IN DISTRICT BELOW
COMPLAINT				NOT WAIVED		
Date of Arrest	OFFENSE (In Complaint)			INTERVENING INDICTMENT		

Show last names and suffix numbers of other defendants on same indictment/information: 1) Burney 2) Cron 3) Goodman 4) Grzeszczuk 5) Phemister 6) J.Wrobel 7) G.Wrobel

ATTORNEYS
 U.S. Attorney or Asst. *Dea Schen*
 GOLETTE RAUSCH AUSA
 701 E. Bridger Av #800, Las Vegas, NV 89101 (702) 388-6336

Defense 1 ☐ CJA 2 ☒ Ret 3 ☐ Waived 4 ☐ Self 5 ☐ Non / Other 6 ☐ PD 7 ☐ CD

As of 10/3/02:

#12058-112

FCI

Dublin, *5701 8th St*
CAMP PARKS, CA 94506

Peter S. Christiansen (#1929)

810 S. Casino Ctr
 Las Vegas, NV 89101
 (702) 366-1528

SUBBED IN: (#259)

John P. Fadgen
 616 S. Third St
 Las Vegas, NV 89101
 (702) 384-7286

FOR APPEAL (#479):

John Graves
 601 S. 6th St
 Las Vegas, NV 89101
 (702) 385-7277

RULE ☐ 20 ☐ 21 ☐ 40 ☒ In ☐ Out

BAIL • RELEASE

PRE INDICTMENT

Release Date

Bail Denied

Fugitive

Pers. Rec.

AMOUNT SET

Conditions

Date Set

10% Dep

Surety Bond

Bail Not Made

Date Bond Made

Collateral

3rd Ptry

Other

POST INDICTMENT

Release Date

Bail Denied

Fugitive

Pers. Rec.

AMOUNT SET

Conditions

Date Set

10% Dep

Surety Bond

Bail Not Made

Date Bond Made

Collateral

3rd Ptry

Other

FINE AND RESTITUTION PAYMENTS

DATE

RECEIPT NUMBER

C.D. NUMBER

DATE

Docket Entries Begin On Reverse Side

RECEIPT NUMBER

C.D. NUMBER

APPEAL FEE PAYMENTS

AA000133

AA000134

1. CHARGES

KEY DATE

V. NAMES & ADDRESSES OF ATTORNEYS, SURETIES, ETC.

U.S. TITLE/SECTION		OFFENSES CHARGED		ORIGINAL COUNTS		DISMISSING		GUILTY/NOLO	
18/371		CONSPIRACY		f1d 2/17/99		CTs 1		1	
18/1343		WIRE FRAUD				CTs 2-73-57-53		2	
18/2		AIDING & ABETTING				CTs 2-73-57-53		2	
INTERVAL ONE		END ONE AND/OR BEGIN TWO (OR RESTART PERIOD TO TRIAL)		SUPERSEDING COUNTS		END INTERVAL TWO			
KEY DATE		KEY DATE		KEY DATE		KEY DATE			
2/17/99		2/17/99		2/17/99		2/17/99			
1st Trial Ended		2nd Trial Began		3rd Trial Began		4th Trial Began			
DATE		DATE		DATE		DATE			
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I. CHARGES

U.S. TITLE/SECTION	OFFENSES CHARGED	ORIGINAL COUNTS	DISMISSING	GUILTY NOLO
THIRD SUPERSEDING INDICTMENT-----#262-----fld 2/17/99-----				
18/371	CONSPIRACY	CTs 1	1	
18/1343	WIRE FRAUD	CTs 2-73	72	
18/2	AIDING & ABETTING	CTs 2-73	72	

II. KEY DATE

INTERVAL ONE	END ONE AND/OR BEGIN TWO (OR RESTART PERIOD TO TRIAL)	SUPERSEDING COUNTS	END INTERVAL TWO
KEY DATE: EARLIEST OF 1st appears with or waives counsel	KEY DATE: 2/17/99 APPLICABLE Indictment filed/unsealed consent to Magr. trial on complaint Information Felony W/waiver	a) 1st appears on pending charge / R40 b) I Receive file R20/21 c) I Supsdg I Indt Inf d) I Order New trial e) L Remand f) I G P Withdrawn	KEY DATE: APPLICABLE Dismissal Pled guilty After N.G. Nolo After nolo Trial (voir dire) began Jury N.J.

1st Trial Ended RE TRIAL 2nd Trial Began DISPOSITION DATE SENTENCE DATE
P.D. Noile Pros on S.T. grounds W.P. WOP on def. motion on gov. motion

III. MAGISTRATE

DATE	INITIAL/NO.	INITIAL APPEARANCE DATE	INITIAL/NO.	OUTCOME
Search Warrant Issued Summons Issued Arrest Warrant Issued COMPLAINT Date of Arrest	PRELIMINARY EXAMINATION REMOVAL OR HEARING WAIVED NOT WAIVED INTERVENING INDICTMENT	Date Scheduled Date Held		DISMISSED HELD FOR GJ OR OTHER PROCEEDING IN THIS DISTRICT HELD FOR GJ OR OTHER PROCEEDING IN DISTRICT BELOW

Show last names and suffix numbers of other defendants on same indictment/information: 1) Burney 2) Cron 3) Goodman 4) Grzeszczuk 5) Phemister 6) J. Wrobel 7) G. Wrobel 8) Azzarone 9) Cardin 10) Cohen 11) Filosi 12) Ford 13) Fried 14) Puklus

ATTORNEYS	U.S. Attorney or Asst.	BAIL • RELEASE
DANIEL SCHIESS AUSA 701 E. Bridger Av #800, Las Vegas, NV 89101 (702) 388-6336	Defense: 1 <input checked="" type="checkbox"/> CJA. 2 <input type="checkbox"/> Ret. 3 <input type="checkbox"/> Waived. 4 <input type="checkbox"/> Self. 5 <input type="checkbox"/> Non / Other. 6 <input type="checkbox"/> PD. 7 <input type="checkbox"/> CD	PRE-INDICTMENT Release Date Bail Denied Fugitive Pers. Rec. AMOUNT SET PSA Date Set Conditions 10% Dep. Surety Bnd Bail Not Made Collateral Date Bond Made 3rd Prty Other
Kevin Kelly (#297) 302 E. Carson #600 Las Vegas, NV 89101 (702) 385-7270 Vchr #1111969		POST-INDICTMENT Release Date Bail Denied Fugitive Pers. Rec. AMOUNT SET PSA Date Set Conditions 10% Dep. Surety Bnd Bail Not Made Collateral Date Bond Made 3rd Prty Other

IV. NAMES & ADDRESSES OF ATTORNEYS, SURETIES, ETC.

DATE	RECEIPT NUMBER	C.D. NUMBER

FINE AND RESTITUTION PAYMENTS

DATE	RECEIPT NUMBER	C.D. NUMBER

APPEALS FEE PAYMENTS

I. CHARGES

U.S. TITLE/SECTION	OFFENSES CHARGED	ORIGINAL COUNTS	DISM NG	GUILTY NOLO
18/371	CONSPIRACY	CTs 1	1	
18/1343	WIRE FRAUD	CTs 2-73	72	
18/2	AIDING & ABETTING	CTs 2-73	72	

II. KEY DATE

INTERVAL ONE	END ONE AND/OR BEGIN TWO (OR RESTART PERIOD TO TRIAL)	END INTERVAL TWO
KEY DATE EARLIEST OF 1st appears with or waives counsel	KEY DATE 2/17/99 APPLICABLE 1st Trial Ended	KEY DATE APPLICABLE 2nd Trial Began
ARRAIGNMENT	RE TRIAL	DISPOSITION DATE
1st appears on complaint	Indictment filed/unsealed consent to Magr. trial on complaint Information Felony W/waiver	1st appears on pending charge /R40 Receive file H20/21 Supdgy t. Indl. Inf Order New trial L. Alternand IG. P Withdrawn
1st Trial Began	SENTENCE DATE	FINAL CHARGES DISMISSED on def motion on gov't motion

III. MAGISTRATE

DATE	INITIAL/NO.	DATE	INITIAL/NO.	OUTCOME
Search Warrant Issued Summons Issued Arrest Warrant Issued COMPLAINT Date of Arrest	OFFENSE (In Complaint)	INITIAL APPEARANCE DATE PRELIMINARY EXAMINATION REMOVAL OR HEARING WAIVED NOT WAIVED INTERVENING INDICTMENT	DATE SCHEDULED DATE HELD	DISMISSED HELD FOR GJ OR OTHER PROCEEDING IN THIS DISTRICT HELD FOR GJ OR OTHER PROCEEDING IN DISTRICT BELOW

Show last names and suffix numbers of other defendants on same indictment/information:
1) Burney 2) Cron 3) Goodman 4) Grzeszczuk
5) Phemister 6) J. Wrobel 7) G. Wrobel 8) Azzarone 9) Cardin 10) Cohen 11) Filost

ATTORNEYS 12) Ford 13) Fried 14) Puklus

DANIEL SCHIESS AUSA
701 E. Bridger Av #800, Las Vegas, NV 89101 (702) 388-6336

Defense: 1 CJA. 2 X Ret. 3 Waived. 4 Self. 5 Non / Other. 6 PD. 7 CD

Ronald Colquitt (#409)
2700 W. Sahara Av 5th Flr
Las Vegas, NV 89102
(702) 474-6000

AMOUNT SET
Date Set
Bail Not Made
Date Bond Made

PRE-INDICTMENT

POST-INDICTMENT

APPEALS FEE PAYMENTS

SUMMONS

FINE AND RESTITUTION PAYMENTS			Docket Entries Begin On Reverse Side		
DATE	RECEIPT NUMBER	C.D. NUMBER	DATE	RECEIPT NUMBER	C.D. NUMBER

FRIED, HOWARD SCOTT

2 17 99 95 0328 13
No of
14 Def's U.S. MAG
CASE NO

ORIGINAL COUNTS

DISM	GUILTY
ING	NOLO

-----**THIRD SUPERSEDING**
18/371 CONSPIRACY
18/1343 WIRE FRAUD
18/2 AIDING & ABETTING

CTs 1	1
CTs 2-73	72
CTs 2-73	72

I. CHARGES

III. KEY DATE

SUPERSEDING COUNTS

INTERVAL ONE

KEY DATE

EARLIEST OF

- arrest
- summons
- custody
- appears on complaint

1st appears with or waives counsel

ARRAIGNMENT

END ONE AND/OR BEGIN TWO (OR RESTART PERIOD TO TRIAL)

KEY DATE 2/17/99

APPLICABLE

☒ Indictment filed/unsealed

☐ consent to Magr. trial on complaint

☐ Information

☐ Felony W/waiver

KEY DATE

a) ☐ 1st appears on pending charge / R40

b) ☐ Receive file R20/21

c) ☐ Supsig. / Ind. / Inf.

d) ☐ Order New trial

e) ☐ Demand

f) ☐ G.P. Withdrawn

END INTERVAL TWO

KEY DATE

APPLICABLE

☐ Dismissal
☐ Plead guilty ☐ After N G
☐ Nolo ☐ After nolo
☐ Trial (voir dire) began

Search Warrant	Issued	DATE
	Return	
Summons	Issued	
	Served	
Arrest Warrant Issued		
COMPLAINT ►		
Date of Arrest	OFFENSE (In Complaint)	

III. MAGISTRATE		INITIAL/NO.
INITIAL APPEARANCE DATE ▶		
PRELIMINARY EXAMINATION	Date Scheduled ▶ OR <input type="checkbox"/> REMOVAL HEARING Date Held ▶	
<input type="checkbox"/> WAIVED <input type="checkbox"/> INTERVENING INDICTMENT	<input type="checkbox"/> NOT WAIVED Tape Number	

OUTCOME:

☐ DISMISSED
HELD FOR GJ OR OTHER PRO-
☐ CEEDING IN THIS DISTRICT

☐ HELD FOR GJ OR OTHER PRO-
☐ CEEDING IN DISTRICT BELOW

Show last names and suffix numbers of other defendants on same indictment/information: 1) Burney 2) Cron 3) Goodman 4) Grzesczuk
5) Phemister 6) J. Wrobel 7) G. Wrobel 8) Azzarone 9) Cardin 10) Cohen 11) Filosi ^{RULE} ☐ ☐ ☐ ☐ ☐ ☐

ATTORNEYS ~~12) Ford 13) Fried 14) Puklus~~
U. S. Attorney or Asst.

DANIEL SCHIESS AUSA
701 E. Bridger Av #800, Las Vegas, NV 89101 (702) 388-6336

Defense: 1 ☒ CJA, 2 ☐ Ret., 3 ☐ Waived, 4 ☐ Self, 5 ☐ Non / Other, 6 ☐ PD, 7 ☐ CD

As of 4/11/02:
c/o World Wide Investments
2525 W. Charleston Blvd
Las Vegas, NV 89102

or
4025 Palo Verde #103
Las Vegas, NV 89119

Jacqueline Naylor (#316)
701 N. Green Valley Pkwy
#200
Henderson, NV 89014
(702) 990-3133
VCHR #1111995

20 21 40 In Out

BAIL • RELEASE

PRE INDICTMENT

Release Date	
Bail	
<input type="checkbox"/> Denied	<input type="checkbox"/> Fugitive
	<input type="checkbox"/> Pers. Rec.
AMOUNT SET	<input type="checkbox"/> PSA
\$	Conditions
Date Set	<input type="checkbox"/> 10% Dep.
	<input type="checkbox"/> Surety Bond
<input type="checkbox"/> Bail Not Made	<input type="checkbox"/> Collateral
Date Bond Made	<input type="checkbox"/> 3rd Party
	<input type="checkbox"/> Other

POST-INDICTMENT

Release Date	
Bail	
<input type="checkbox"/> Denied	<input type="checkbox"/> Fugitive
AMOUNT SET	<input type="checkbox"/> Pers. Rec.
\$	<input type="checkbox"/> PSA
Date Set	Conditions
	<input type="checkbox"/> 10% Dep.
<input type="checkbox"/> Bail Not Made	<input type="checkbox"/> Surety Bond
Date Bond Made	<input type="checkbox"/> Collateral
	<input type="checkbox"/> 3rd Prry
	<input type="checkbox"/> Other

APPEALS FEE PAYMENTS

FINE AND RESTITUTION PAYMENTS

Docket Entries Begin On Reverse Side

[illegible]

DATE	RECEIPT NUMBER	C.D. NUMBER
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~~AA000139~~

[illegible]

SUPERSEDED COUNTS					
I. KEY DATE	INTERVAL ONE	END ONE AND/OR BEGIN TWO (OR RESTART PERIOD TO TRIAL)		END INTERVAL TWO	
KEY DATE EARLIEST OF	<input type="checkbox"/> arrest <input type="checkbox"/> summons <input type="checkbox"/> custody <input type="checkbox"/> appears on complaint	KEY DATE 2/17/99 APPLICABLE	<input checked="" type="checkbox"/> Indictment filed/unsealed consent to Magr. trial on complaint <input type="checkbox"/> Information <input type="checkbox"/> Felony Waiver	KEY DATE APPLICABLE	<input type="checkbox"/> Dismissal Pled guilty { After N.G. <input type="checkbox"/> Nolo { After nolo <input type="checkbox"/> Trial (voir dire) began July NJ
1st appears with or waives counsel	MIRRAIGNMENT	1st Trial Ended	RE TRIAL	2nd Trial Began	DISPOSITION DATE SENTENCE DATE
III. MAGISTRATE					
Search Warrant Issued Return	DATE	INITIAL/NO.	INITIAL APPEARANCE DATE ► PRELIMINARY EXAMINATION OR <input type="checkbox"/> REMOVAL HEARING <input type="checkbox"/> WAIVED NOT WAIVED <input type="checkbox"/> INTERVENING INDICTMENT	INITIAL/NO.	OUTCOME <input type="checkbox"/> DISMISSED HELD FOR GJ OR OTHER PROCEEDING IN THIS DISTRICT <input type="checkbox"/> HELD FOR GJ OR OTHER PROCEEDING IN DISTRICT BELOW
Summons Issued Served			Tape Number		
Arrest Warrant Issued COMPLAINT ► Date of Arrest	OFFENSE (In Complaint)				

Show last names and suffix numbers of other defendants on same indictment/information: 1) Burney 2) Cron 3) Goodman 4) Grzeszczuk
5) Phemister 6) J. Wrobel 7) G. Wrobel 8) Azzarone 9) Cardin 10) Cohen 11) Filosi ^{RULE} ☐ ☐ ☐ : ☐ ☐

ATTORNEYS							20	21	40	In	Out	
U. S. Attorney or Asst.							BAIL • RELEASE					
12) Ford 13) Fried 14) Puklus												
DANIEL SCHIESS AUSA												
701 E. Bridger Av #800, Las Vegas, NV 89101							(702) 388-6336					
Defense: 1 <input checked="" type="checkbox"/> CJA. 2 <input type="checkbox"/> Ret. 3 <input type="checkbox"/> Waived. 4 <input type="checkbox"/> Self 5 <input type="checkbox"/> Non / Other. 6 <input type="checkbox"/> PD. 7 <input type="checkbox"/> CD												
<div style="text-align: right; padding-right: 50px;">Paul Wommer (#295) 3210 W Charleston #4 Las Vegas, NV 89102 (702) 388-8817 Vchr #1111968</div>							Release Date _____					
							<div style="display: flex; justify-content: space-between;"><div>Bail <input type="checkbox"/> Denied</div><div>Fugitive <input type="checkbox"/></div></div>					
							AMOUNT SET _____					
							<div style="display: flex; justify-content: space-between;"><div>\$ _____</div><div>PSA <input type="checkbox"/></div></div>					
							Date Set _____					
							<div style="display: flex; justify-content: space-between;"><div><input type="checkbox"/> Bail Not Made</div><div>Surety Bnd <input type="checkbox"/></div></div>					
							Date Bond Made _____					
							<div style="display: flex; justify-content: space-between;"><div></div><div>Collateral <input type="checkbox"/></div></div>					
							Conditions					
							<div style="display: flex; justify-content: space-between;"><div><input type="checkbox"/> 10% Dep.</div><div><input type="checkbox"/> 3rd Prty</div></div>					
							Other <input type="checkbox"/>					
							POST - INDICTMENT					
							Release Date _____					
							<div style="display: flex; justify-content: space-between;"><div>Bail <input type="checkbox"/> Denied</div><div>Fugitive <input type="checkbox"/></div></div>					
							AMOUNT SET _____					
							<div style="display: flex; justify-content: space-between;"><div>\$ _____</div><div>PSA <input type="checkbox"/></div></div>					
							Date Set _____					
							<div style="display: flex; justify-content: space-between;"><div><input type="checkbox"/> Bail Not Made</div><div>Surety Bnd <input type="checkbox"/></div></div>					
							Date Bond Made _____					
							<div style="display: flex; justify-content: space-between;"><div></div><div>Collateral <input type="checkbox"/></div></div>					
							Conditions					
							<div style="display: flex; justify-content: space-between;"><div><input type="checkbox"/> 10% Dep.</div><div><input type="checkbox"/> 3rd Prty</div></div>					
							Other <input type="checkbox"/>					
							APPEALS FEE PAYMENTS					

FINE AND RESTITUTION PAYMENTS

DATE	RECEIPT NUMBER	C.D. NUMBER	DATE	RECEIPT NUMBER	C.D. NUMBER

Docket Entries Begin On Reverse Side

UNITED STATES DISTRICT COURT
CRIMINAL DOCKET

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CURTIS ALPHONSE BURNEY

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AO 256A

DATE	PROCEEDINGS (continued)		V. EXCLUDABLE DELAY			
			(a)	(b)	(c)	(d)
12/6/95	1	INDICTMENT o/d 6/95 (SEALED) lgm				
--	-	JS-2 re: D/Burney (AT) (SEALED) lgm				
--	-	JS-2 re: D/Cron (AT) (SEALED) lgm				
--	-	JS-2 re: D/Goodman (AT) (SEALED) lgm				
--	-	JS-2 re: D/Grzesczuk (AT) (SEALED) lgm				
--	-	JS-2 re: D/Phemister (AT) (SEALED) lgm				
--	2	AO-257 re: D/Burney (SEALED) lgm				
--	3	AO-257 re: D/Cron (SEALED) lgm				
--	4	AO-257 re: D/Goodman (SEALED) lgm				
--	5	AO-257 re: D/Grzesczuk (SEALED) lgm				
--	6	AO-257 re: D/Phemister (SEALED) lgm				
--	7	MINUTES OF GRAND JURY (LRL) ORD 1) Indctmnt SEALED 2) Warrs to iss for all D's (C/R Kathryn Militi) cps dist (AT) lgm				
--	-	WARRANT issd to USM re: D/Burney (SEALED) lgm				
--	-	WARRANT issd to USM re: D/Cron (SEALED) lgm				
--	-	WARRANT issd to USM re: D/Goodman (SEALED) lgm				
--	-	WARRANT issd to USM re: D/Grzesczuk (SEALED) lgm				
--	-	WARRANT issd to USM re: D/Phemister (SEALED) lgm				
12/7/95	8	APPLICATION/ORDER dtd 12/6/95 (LDG) ORD 1) Indctmnt & Warrs UNSEALED cps dist (AT) lgm				
12/9/95	9	MINUTES OF INITIAL APPEARANCE re: D/Grzesczuk dtd 12/7/95 (RLH) ORD 1) Indctmnt UNSEALED 2) FPD appntd cns1 at this time 3) A/P set for 12/20/95 @ 10:00 am bfr RLH 4) PR bond set & exctd; D relsd (C/R K. Spataro) cps dist (AT) lgm				
--	10	BOND, PR pstd obo D/Grzesczuk 12/7/95 lgm (Bond exon: _____)				
12/11/95	11	MINUTES OF INITIAL APPEARANCE re: D/Goodman dtd 12/7/95 (RJJ) ORD 1) Indctmnt UNSEALED 2) FPD apntd cns1 3) A/P set for 12/15/95 @ 11:00 am bfr RLH 4) PR Bond set & exctd; D relsd (C/R K.Spataro) cps dist (AT) lgm				

Interval
(per Section II)Start Date
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UNITED STATES DISTRICT COURT
CRIMINAL DOCKET

CURTIS ALPHONSE BURNEY et al

AO 256A

DATE	PROCEEDINGS (continued)
	(Document No.)
12/11/95	12 FINANCIAL AFFIDAVIT re: D/Goodman lgm
--	13 BOND , PR pstd obo D/Goodman 12/7/95 lgm (Bond exon:_____)
12/11/95	14 WARRANT w/USM ret, D/Goodman arr 12/7/95 lgm
--	15 WARRANT w/USM ret, D/Grzesczuk arr 12/7/95 lgm
12/12/95	16 MINUTES OF INITIAL APPEARANCE re: D/Burney dtd 12/7/95 (RJJ) ORD 1) Indctmnt UNSEALED 2) FPD appnt cnsl 3) A/P set for 12/21/95 @ 8:30 am bfr RJJ 4) Bond, PR set & exctd; D relsd (C/R K.Spataro) cps dist (AT) lgm
--	17 BOND , PR pstd obo D/Burney 12/7/95 lgm (Bond exon:_____)
--	18 FINANCIAL AFFIDAVIT re: D/Burney lgm
12/13/95	19 WARRANT w/USM ret, D/Burney arr 12/7/95 lgm
12/15/95	20 ORDER re: D/Goodman (PMP) ORD 1) P/T mtns due 12/29/95 2) Rspn's due 1/10/96 3) Rply's due 1/13/96 cps to cnsl (AT) lgm
--	21 FINANCIAL AFFIDAVIT (CC) re: D/Grzesczuk lgm
12/18/95	22 MINUTES OF ARRAIGNMENT/PLEA re: D/Goodman dtd 12/15/95 (RLH) ORD 1) T/N: Same 2) D plds NG to CTs 21-23 3) Subj to jnt discvry statmnt 4) J/T set for 2/5/96 @ 8:30 am w/cal call 1/31/96 @ 8:15 am 5) Ord re p/t prcdr entrd & cps srvd on cnsl in opn crt 6) Tpes to be prvd to def cnsl 7) D cont on prsnt trms of relse (C/R J.Watson) cps dsit (AT) lgm
--	23 JOINT DISCOVERY STATEMENT re: D/Goodman lgm
12/20/95	24 MINUTES OF ARRAIGNMENT/PLEA re: D/Grzesczuk (LRL) ORD 1) T/N: Same 2) D plds NG to CTs 24-27 3) Subj to jnt discvry statmnt 4) J/T set for 2/5/96 @ 8:30 am w/cal call 1/31/96 @ 8:15 am 5) Ord re p/t prcdr entrd & cps srvd on cnsl in opn crt 6) Tpes to be prvd to def cnsl 7) D cont on prsnt trms of relse (C/R K.Spataro) cps dist (AT) lgm
--	25 ORDER re: D/Grzesczuk (PMP) ORD 1) P/T mtns due 1/3/96 2) Rspn's due 1/14/96 3) Rply's due 1/17/96 cps to cnsl (AT) lgm
12/21/95	26 JOINT DISCOVERY STATEMENT re: D/Grzesczuk lgm
--	27 JOINT DISCOVERY STATEMENT re: D/Burney lgm

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UNITED STATES DISTRICT COURT
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U. S. vs

CURTIS ALPHONSE BURNEY et al

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DATE	PROCEEDINGS (continued)		V. EXCLUDABLE DELAY			
			(a)	(b)	(c)	(d)
12/21/95	28	ORDER re: D/Burney (PMP) ORD 1) P/T mtns due 1/4/96 2) Rspn's due 1/16/95 3) Rply due 1/18/96 cps to cns1 (AT) lgm				
12/22/95	29	MINUTES OF ARRAIGNMENT/PLEA re: D/Burney dtd 12/21/95 (RJJ) ORD 1) T/N: Same 2) D plds NG to CTs 1-18 3) Discvry purs to jng statmnt 4) J/T set for 2/5/96 @ 8:30 am w/cal call 1/31/96 @ 8:15 am 5) Ord re p/t prcdr entrd & cps srvd on cns1 in opn crt 6) Tpes to be prvdcd to def cns1 7) D cont on prsnt trms of relse (C/R K.Spataro) cps dist (AT) lgm				
1/4/96	30	NOTICE re; D/Burney of ord not to obtn pssprt lgm				
1/8/96	31	STIPULATION/FINDINGS OF FACT/ORDER re: D/Burney, Goodman & Grzesczuk dtd 1/5/96 (PMP) ORD 1) Trl set for 2/5/96 vctd & cont to 5/20/96 @ 8:30 am w/ cal call 5/15/96 @ 8:15 am 2) Trl brfs, etc due 5/15/96 3) P/T mtns cont to 2/23/96; Rspn's cont to 3/22/96; Rply's cont to 3/29/96 (18/3161(h)(8) (B)(i) & 3161(h)(8)(B)(iv) cited) cps dist (AT) lgm				124
--	32	ORDER re: D/Goodman dtd 12/12/95 (RLH) ORD 1) Atty Catherine Woolf appntd cns1, USM to srv subp lgm				
--	33	CJA-20 re: D/Goodman, atty Catherine Woolf appntd cns1 Vchr #0744159 lgm				
--	34	ORDER re: D/Grzesczuk dtd 12/12/95 (LRL) ORD 1) Atty Donald Green appntd cns1, USM to srv subp lgm				
--	35	CJA-20 re: D/Grzesczuk, atty Donald Green appntd cns1 Vchr #0744157 lgm				
1/8/96	36	ORDER re: D/Burney dtd 12/12/95 (RJJ) ORD 1) FPD appntd cns1, USM to srv subp lgm				
1/31/96	37	NOTICE obo gvrnmnt of intent to use tpr recrdngs in evdnce at trl (m) lgm				
2/14/96	38	PETITION/ORDER re: D/Burney dtd 2/13/96 (RJJ) ORD 1) Warr to iss for viol of p/t relse conds cps dist (AT) lgm				
--	--	WARRANT issd to USM re: D/Burney lgm				
2/20/96	39	MINUTES OF INITIAL APPEARANCE re: D/Burney's viol of p/t relse conds (RLH) ORD 1) Revocatn hrng set for 2/29/96 @ 9:30 am bfr RJJ 2) D cont on bnd; D shll reside at Clrk Ctr w/wrk relse (Tape 96-3-20) cps dist (AT) lgm				

Interval
(per Section II)Start Date
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Code Days

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UNITED STATES DISTRICT COURT
CRIMINAL DOCKET

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DATE	PROCEEDINGS (continued)		V. EXCLUDABLE DELAY			
			(a)	(b)	(c)	(d)
	(Document No.)					
2/21/96	40	WARRANT w/USM ret, D/Burney arr 2/15/96 lgm				
2/23/96	41	AMENDED NOTICE obo gvrnmnt of intent to sue tpe recrdngs in evdnce at trl (m)(AT) lgm				
2/29/96	42	MINUTES OF INITIAL APPEARANCE re: D/Burney's viol of p/t relse conds (RJJ) ORD 1) D cont on bnd 2) Mdficatr to inclde D resdng at the Clrk ctr 3) Status ck on relse set for 3/19/96 @ 2:00 pm (Tape 96-4-29) cps dist (AT) lgm				
3/4/96	43	STIPULATION/FINDINGS OF FACT/ORDER re: All D's dtd 3/1/96 (PMP) ORD 1) Trl set for 5/20/96 vctd & cont to 7/8/96 @ 8:30 am w/cal call 7/3/96 @ 8:15 am 2) Trl brfs, etc due 7/3/95 3) P/T mtns cont to 4/5/96; rspn's cont to 5/3/96; rply's cont to 5/10/96 (18/3161(h)(8)(B)(i) & 3161(h)(8)(B)(iv) cited) cps dist (AT) lgm				
3/14/96	44	MINUTE ORDER re: D/Burney (RJJ) ORD 1) Stats ck set for 3/19/96 vctd & reset to 3/22/96 @ 9:30 cps dist (AT) lgm				
3/22/96	45	MINUTES OF PROCEEDINGS re: D/Burney & stats ck on p/t relse (RJJ) ORD 1) D to be relsed frm clrk ctr upon notificatr that telephn has been instlld in apt he will shre w/his family 2) Previous conds apply 3) Crfw hrs can be adjstd by p/t for employment purposes (Tape 96-4-41) cps dist (AT) lgm				
4/5/96	46	MINUTE ORDER re: D/Cron (RLH) ORD 1) D incstdy on state chrges 2) I/A & A/P set for 5/10/96 @ 8:30 am bfr RLH cps dist (AT) lgm				
4/15/96	47	STIPULATION/FINDINGS OF FACT/ORDER re: all D's (PMP) ORD 1) Trl set for 7/8/96 vctd & cont to 8/5/96 @ 8:30 am w/cal call 7/31/96 @ 8:15 am 2) Trl brfs, etc due 7/31/96 3) P/T mtns cont to 5/10/96; rspn's cont to 6/14/96; rply's cont to 6/21/96 (18/3161(h)(8)(B)(i) & 3161(h)(8)(B)(iv) cited) cps dist (AT) lgm				
4/26/96	48	MINUTES OF INITIAL APPEARANCE re: D/Cron (RJJ) ORD 1) Atty Theodore Manos appntd cnsl 2) A/P set for 5/2/96 @ 8:30 am bfr LRL 3) P/T detentn ord (Tape 96-4-53) cps dist (AT) lgm				
4/29/96	49	WARRANT w/USM ret, D/Cron arr 4/26/96 lgm				
--	50	ORDER re: D/Cron dtd 4/26/96 (RJJ) ORD D detnd pndng trl (EOD 4/29/96) cps dist (AT) lgm				
--	51	ORDER re: D/Cron dtd 4/26/96 (RJJ) ORD FPD appntd cnsl, USM to srv subp lgm				

Interval
(per Section II)Start Date
End DateLtr. Total
Code Days

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DATE	PROCEEDINGS (continued)		V. EXCLUDABLE DELAY			
	(Document No.)		(a)	(b)	(c)	(d)
4/29/96	52	FINANCIAL AFFIDAVIT re: D/Cron lgm				
--	53	CJA-20 re: D/Cron, atty Theodore Manos appntd cns1 Vchr #0805570 lgm				
5/2/96	54	JOINT DISCOVERY STATEMENT re: D/Cron lgm				
--	55	ORDER re: D/Cron (PMP) ORD 1) P/T mtns due 5/10/96 2) Rspn's due 6/14/96 3) Rply's cud 6/21/96 cps to cns1 (AT) lgm				
5/3/96	56	MINUTES OF ARRAIGNMENT/PLEA re: D/Cron dtd 5/2/96 (LRL) ORD 1) T/N: Same 2) D plds NG to CTs 19 & 20 3) Subj to jnt discvry statmnt 4) J/T set for 8/5/96 @ 8:30 am w/cal call 7/31/96 @ 8:15 am (18/3161(h)(7) cited) 5) Tpes to be prvd to def cns1 6) D remnded to cstdy (C/R K.Spataro) cps dist (AT) lgm				
5/13/96	57	MOTION obo D/Goodman for hrng to determ mentl cmptncy (m)(AT) lgm (Dispo: #61 rspn; #62; #70)				
5-14-96	-	<i>Sub to Rule #57.44</i>				
5/22/96	58	NOTICE re: D/Cron (PMP) ORD 1) Change of plea set for 5/31/96 @ 8:30 am cps dist (AT) lgm				
5/31/96	59	MINUTES OF CHANGE OF PLEA re: D/Cron (PMP)ORD 1) D allwed to w/draw NG plea & entrs Glty plea to Cts 19 & 20 2) Crt acpts D's newly entrd plea 3) Rffrd to prob dept for p/s invstgtn rprt 4) I/S set for 9/5/96 @ 3:30pm 5) Trl setting as to ths D vctd 6) D remnded to cstdy 7) ORD: D be trnsfrd back to fed facilty; Crt rcmmnds D be trnsprtd to Yankton, S.D. 8) Crt wll allw Mr. Cron to appr by telephone for sent; Govt shl arrng w/BOP to have D available by telephn (C/R J. Watson) cps dist (AT) lsd				
--	60	PLEA MEMORANDUM re: D/Cron lsd				
6/3/96	61	RESPONSE obo gvrnmnt to D/Goodman's mtn for hrng to detrmn mentl comtny (p)(AT) lgm				
6/4/96		<i>Sub # 57 to RLH, Ke</i>				
6/6/96	62	NOTICE re: D/Goodman (RLH) ORD 1) Hrng on mtn to detrmn cmptncy set for 6/18/96 @ 8:30 am bfr RLH cps dist (AT) lgm				
6/18/96	63	SEALED lgm				

Interval
(per Section II)

Start Date
End Date

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Code Days

AA000145

UNITED STATES DISTRICT COURT
CRIMINAL DOCKET

CURTIS ALPHONSE BURNEY et al

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DATE	PROCEEDINGS (continued)		V. EXCLUDABLE DELAY			
			(a)	(b)	(c)	(d)
6/18/96	64	MINUTES OF PROCEEDINGS re: D/Goodman's mtn to detrmn mental comptncy (#57) (RLH) ORD 1) Mtn cont to 7/30/96 @ 8:30 am for stats hrng (Tape 96-3-44) cps dist (AT) lgm				
7/3/96	65	PSYCHOLOGICAL ASSESSMENT re: D/Goodman (m)(AT) lgm				
<i>Sub 7/5/96</i>	—	<i>Sub # 65 to RLH. Ke</i>				
7/9/96	66	RESPONSE obo gvrnmnt to D/Grzesczuk's mtn for trnsprt to dist of NV (Mtn not filed in this case, only in CR-S-95-288-PMP(RJJ) (m)(AT) lgm				
<i>7-10-96</i>	—	<i>Sub # 66 to 8 MP. n/</i>				
7/11/96	67	REPLY obo D/Grzesczuk to gvrnmnts rspn (#66)(m) lgm				
7/12/96	68	ORDER re: D/Grzesczuk dtd 7/11/96 (PMP) ORD 1) D's mtn for trnsprt DENIED (EOD 7/15/96) cps dist (AT) lgm				
7/18/96	69	ORDER re: D/Burney, Goodman & Grzesczuk (PMP) ORD Trl set for & cns1 to subp wits for 8/5/96 @ 8:30 am w/ cal call 7/31/96 @ 8:15 am (see doc for specs) cps dist lgm				
7/26/96	70	MINUTE ORDER re: D/Goodman (RLH) ORD 1) Crt adpts findings by LRL in CR-S-95-329-IDG dtd 7/25/96 2) D find cmptent to pred to trl 3) Stats hrng set for 7/30/96 vctd cps dist (AT) lgm				
7/30/96	71	NOTICE re: D/Burney dtd 7/29/96 1) Change of plea set for 9/16/96 @ 3:30 pm cps dist (AT) lgm				
7/31/96	72	MINUTES OF CALENDAR CALL (PMP) ORD 1) App stip to cont to be fld by end of this week (C/R K.Spataro) cps dist (AT) lgm				
8/7/96	73	STIPULATION/FINDINGS OF FACT/ORDER re: D/Burney, Goodman & Grzesczuk (PMP) ORD 1) Trl set for 8/5/96 vctd & cont to 11/18/96 @ 8:30 am w/cal call 11/13/96 @ 8:15 am 2) Trl brfs, etc due 11/13/96 (18/3161(h)(8)(B)(i) & 3161(h)(8)(B)(iv) cited) cps dist (AT) lgm				
8/8/96	74	OBJECTIONS obo gvrnmnt to D/Cron's p/t rpn cpy to PMP lgm				
8/9/96	75	SUPPLEMENT obo gvrnmnt to stip to cont trl (#73) cpy to PMP lgm				

Interval
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UNITED STATES DISTRICT COURT
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DATE	PROCEEDINGS (continued)	V. EXCLUDABLE DELAY			
		(a)	(b)	(c)	(d)
8/21/96	76 TRANSCRIPT OF MAGISTRATE PAPERS frm dist of C. Calif Case #SA96-181M D/Phemister a) MINUTES OF PROCEEDINGS dtd 8/12/96 (Elgin Edwards) ORD 1) \$5,000.00 unsecd bond set & pstd 2) Waivr of remvl hrng exctd 3) D to appr in dist of NV 9/16/96 @ 12:00 noon. (CC) b) AFFIDAVIT re: Out of dist warr dtd 8/12/96 c) BOND (orig) pstd obo D 8/12/96 (Bond exon: _____) d) DOCKET SHEET (CC) lgm				
8/26/96	77 STIPULATION/ORDER re: D/Cron dtd 8/24/96 (PMP) ORD 1) Telephnc I/S set for 9/5/96 vctd & cont to 10/18/96 @ 10:00 am cps dist (AT) lgm				
8/27/96	78 WARRANT w/USM ret, D/Phemister arr 8/12/96 in dist of Centrl CA (Santa Ana) lgm				
9/13/96	79 STIPULATION/ORDER re: D/Burney (PMP) ORD 1) Chnge of plea set for 9/16/96 vctd & cont to 10/4/96 @ 8:30 am cps dist (AT) lgm				
9/17/96	80 MINTUES OF INITIAL APPEARANCE re: D/Phemister dtd 9/16/96 (RJJ) ORD 1) CJA atty Scott Bindrup appntd cnsl 2) PR Bond set & exctd; D relsd 3) \$5,000.00 unsecd bond vctd at this time (Tape 96-4-92) cps dist (AT) lgm				
--	81 BOND , PR pstd obo D/Phemister 9/16/96 lgm (Bond exon: _____)				
--	82 MINTUES OF ARRAIGNMENT/PLEA re: D/Phemister dtd 9/16/96 (RJJ) ORD 1) T/N: Same 2) D plds NG to CT 28 3) Subj to jng discvry statmnt 4) J/T set for 11/18/96 @ 8:30 am w/cal call 11/13/96 @ 8:15 am 5) Ord re p/t prcdr entrd & cps srvd on cnsl in opn crt 6) Tpes to be prvd to def cnsl 7) D cont on prsnt trms of relse (Tape 96-4-92) cps dist (AT) lgm				
--	83 ORDER re: D/Phemister (PMP) ORD 1) P/T mtns due 10/4/96 2) Rspn's due 10/16/96 3) Rply's due 10/16/96 cps to cnsl (AT) lgm				
9/18/96	84 ORDER (RJJ) ORD re D/Phemister Scott Bindrup apptd cnsl. cps dist (AT) bh				
--	85 FINANCIAL AFFIDAVIT re D/Phemister. bh				
--	86 CJA 20 ORDER (RJJ) ORD dtd 9/16/96 re D/Phemister (#0805942) Scott Bindrup apptd cnsl. cps dist (AT) bh				

D Phemister
MKT
11-25-96
33 days "C" time

CR-S-95-328-PMP(R)

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DATE	PROCEEDINGS (continued)	V. EXCLUDABLE DELAY			
		(a)	(b)	(c)	(d)
9/18/96	87 EMERGENCY MOTION for ord to S/C why D/Grzesczuk has not been transported to US Dist Crt. obo D. (m) (AT) bh (DISPO: #89; <i>sub #87 to PMP. nd</i>				
9-19-96	-				
9/16/96	88 NOTICE re: D/Grzesczuk 1) Hrng set for 9/25/96 @ 2:00 pm re mtn for ord to shw cause req (#87) cps dist (AT) lgm				
9/25/96	89 MINUTES OF PROCEEDINGS re: D/Grzesczuk's mtn (#87) (PMP) ORD 1) Status ck set for 10/17/96 @ 8:15; cnsl & gvrnmnt cnsl frm San Diego & D to be prsnt via phone (C/R J.Watson) cps dist (AT) lgm				
10/4/96	90 MINUTES OF CHANGE OF PLEA re: D/Burney (PMP) ORD 1) Mtrr cont to 10/15/96 @ 1:00 pm cps dist (AT) lgm				
10/11/96	91 SENTENCING MEMORANDUM obo D/Cron cpy to PMP lgm				
10/11/96	92 STIPULATION/FINDINGS OF FACT/ORDER re: all D's dtd 10/10/96 (PMP) ORD 1) Trl set for 11/18/96 vctd & cont to 2/10/97 @ 8:30 am w/cal call 2/5/97 @ 8:15 am 2) Trl brfs, etc due 2/5/97 3) P/T mtns cont to 11/4/96; rspn's cont to 11/18/96; rply's cont to 11/25/96 (18/3161(h)(8)(B)(i) & 3161(h)(8)(B)(iv) cited) cps dist (AT) lgm (D/Burney, Goodman, Grzesczuk & Phemister)	73 92	11-19-96 2-10-97 3-22-97	T	84
10/16/96	93 MINUTES OF CHANGE OF PLEA re: D/Burney dtd 10/15/96 (PMP) ORD 1) D allwd to withdrw NG plea to CTs 1-18 & plds G to sme; crt accpts plea 2) Non-binding plea agrement 3) I/S set for 1/24/97 @ 11:00 am 4) Refrmd to prob for p/s invstigatn/rpt 5) Trl dt vctd 6) D remnded to cstdy (C/R J.Bowman) cps dist (AT) lgm				
10/15/96	94 PLEA MEMORANDUM re: D/Burney lgm				
10/17/96	95 MINUTES OF PROCEEDINGS re: D/Grzesczuk (PMP) ORD 1) Mtrr set for frthr status cnfrnce 11/13/96 @ 8:15 am @ cal call (C/R J.Bowman) cps dist (AT) lgm				
10/18/96	96 MINUTES OF SENTENCING re: D/Cron (PMP) ORD As to Cts 19 & 20: 1) Sent impsd 2) Assessmnt 3) D remnded to cstdy (C/R J.Bowman) cps dist (AT) lgm				
--	97 JUDGMENT re: D/Cron (PMP) ORD As to CTs 19 & 20 (PMP) ORD 1) 15 mths cstdy USBOP ech ct, conccrnt; purs to 18/3147 1 mth cstdy USBOP consece; total sent 16 mths cstdy; to run sonsecutive to Minnesota convctn 2) D remnded to cstdy of USM 3) 3 yrs sprvsd relse (see doc for spec conds) 4) \$100.00 assessmnt (EOD 10/18/96) cps dist (AT) lgm				

JS-3 re: D/Cron lgm

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	(Document No.)		(a)	(b)
10/23/96	98	MINUTES OF CHANGE OF PLEA re: D/Goodman dtd 10/22/96 (LDG) ORD 1) D allwd to withdrw NG plea to CTs 21,22 & 23 & plds G to sme; crt accpts plea 2) Non-bndng plea agreemnt 3) Refrdr to prob for p/s rpt 4) I/S set for 2/14/97 @ 10:00 am 5) Trl dt vctd 6) This cse consoldtd w/CR-S-95-329-LDG(RLH) for purposes of sent bfr LDG (C/R K.Spataro) cps dist (AT) lgm		
10/29/96	99	ORDER re: D/Cron's lttr (attchd) dtd 10/28/96 (PMP) ORD 1) Lttr shll be treatd as Mtn to correct sent purs to rule 35(c) 2) Gvrnmnt shll file rspn by 11/13/96 cps dist (AT) lgm (Dispo: #101; #117 <i>Withdrawn</i>)		
11/4/96	100	STIPULATION/ORDER re: D/Goodman (LDG & PMP) ORD 1) This cse trnsfrdr to LDG for entry of plea & sent as to this D only cps dist (AT) lgm		
11/14/96	101	APPLICATION/ORDER re: D/Cron dtd 11/13/96 (PMP) ORD 1) Gvrnmnt shll have to 1/7/97 to file rspn to D's ltr (#99) cps dist (AT) lgm		
11/14/96	102	MINUTES OF PROCEEDINGS re: D/Grzesczuk, stats cnfrnce & cal call (PMP) ORD 1) D is in San Diego & trl in CA case set for 1/97 2) Crt apprvs stip to cont in CR-S-95-288-PMP(RJJ) & trl cont to 3/24/96 3) trl in this cse remns set for 2/10/97 (C/R K.Spataro) cps dist (AT) lgm		
11/19/96	103	PETITION/ORDER re: D/Phemister (RJJ) ORD 1) Warr to iss for viol of p/t relse conds cps dist (AT) lgm		
--	---	WARRANT issd to USM re: D/Phemister lgm		
11/26/96	104	STIPULATION/ORDER re: D/Burney (PMP) ORD 1) I/S set for 1/24/97 vctd & acclratd to 1/3/97 @ 11:00 am cps dist (AT) lgm		
12/2/96	105	MOTION by D/Cron purs to 28/2255, MOTION for cns1, MOTION to withdrw rule 35(c) mtn (nss) (AT) lgm (Dispo: #110; #122; <i>Sub #105 to 8 MP. nd</i>)		
12-5-96	-			
12/6/96	106	WARRANT w/USM ret, D/Phemister arr 12/5/96 lgm		
12/9/96	107	NOTICE OF CHANGE OF ADDRESS re: D/Phemister, atty Scott Bindrups new address is 2525 W. Charleston, LV, NV 89101 lgm		

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	(Document No.)				
12/9/96	108 MINUTES OF INITIAL APPEARANCE re: D/Phemister's viol of p/t relse conds dtd 12/6/96 (RLH) ORD 1) Bond, PR set & exctd; D relsd 2) Revocatn hrng set for 12/18/96 @ 3:00 pm bfr RJJ (Tape 96-3-105) cps dist (AT) lgm				
--	109 BOND , PR pstd obo D/Phemister 12/6/96 lgm (Bond exon: _____)				
12/10/96	110 ORDER re: D/Cron's mtn purs to 28/2255 dtd 12/9/96 (PMP) ORD 1) Gvrnmnt shll file rspn to D's mtn by 1/30/97 cps dist (Cpy of #105 to USA) (AT) lgm				
12/13/96	111 SUBMISSION OF DOCUMENTS obo D/Phemister (m)(AT) lgm				
12/18/96	--- RECORDERS TRANSCRIPT dtd 5/31/96 re: D/Cron's change of plea bfr PMP (C/R J.Watson) lgm				
--	--- RECORDERS TRANSCRIPT dtd 10/18/96 re: D/Cron's I/S bfr PMP (C/R J.Bowman) lgm				
12/23/96	112 MINUTES OF PROCEEDINGS re: D/Phemister's viol of p/t relse conds dtd 12/18/96 (RJJ) ORD 1) PR bond set & exctd; D relse 2) P/T conds mdified (see doc for specs) 3) Status hrng set for 1/15/97 @ 4:30 pm (Tape 96-4-129) cps dist (AT) lgm				
--	113 BOND , PR pstd obo D/Phemister 12/18/96 lgm (Bond exon: _____)				
1/6/97	114 MINUTES OF SENTENCING re: D/Burney dtd 1/3/97 (PMP) ORD As to CTs 1-18: 1) Sent impsd 2) Assessmnt 3) D remnded to cstdy (C/R J.Watson) cps dist (AT) lgm				
--	115 JUDGMENT re: D/Burney dtd 1/3/97 (PMP) ORD As to CTs 1-18: 1) 18 mths cstdy USBOP ech CT, concrnt & concrnt w/time in S. Calif case; crdt time srvd 2) D remnded to cstdy of USM 3) 3 yrs sprvsd relse (see doc for spec conds) 4) \$900.00 assessmnt (EOD 1/6/97) cps dist (AT) lgm				
--	--- JS-3 re: D/Burney lgm				
1/7/97	116 RESPONSE obo gvrnmnt to D/Cron's ltr dtd 10/21/96 (m)(AT) lgm				
1-8-97	— Sub #99 & 116 to PMP. rd				
1/14/97	117 ORDER re: D/Cron dtd 1/13/97 (PMP) ORD 1) Reqsts in ltr (#99) wthdrwn cps dist (AT) lgm				

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		(a)	(b)	(c)	(d)
1/16/97	118 AMENDED MINUTES OF PROCEEDINGS re: D/Phemister dtd 12/18/97 (RJJ) ORD 1) Bnd conds mdified (see doc for spec conds); D relsed 2) Stats hrng set for 1/15/97 @ 4:30 pm (Tape 96-4-129) cps dist (AT) lgm				
--	119 MINUTES OF PROCEEDINGS re: D/Phemister's stats ck dtd 1/15/97 (RJJ) ORD 1) D cont on p/t relse 2) conds mdified (see doc for specs) 3) Orl mtn for stats ck hrng in 30 dys DENIED (Tape 97-4-5) cps dist (AT) lgm				
--	120 BOND , PR pstd obo D/Phemister 1/15/97 lgm (Bond exon: _____)				
1/29/97	121 ORDER re: D/Grzesczuk & Phemister (PMP) ORD Trl set for & cnsl to subp wits for 2/10/97 @ 8:30 am w/ cal call 2/5/97 @ 8:15 am (see doc for specs) cps dist lgm				
1/30/97	122 APPLICATION/ORDER re: D/Cron (PMP) ORD 1) Gvrnmnt shll have to 3/31/97 to file rspn to D's 2255 mtn (#105) cps dist (AT) lgm				
2/4/97	123 STIPULATION/FINDINGS OF FACT/ORDER re: D/Grzesczuk & Phemister (PMP) ORD 1) Trl set for 2/10/97 vctd & cont to 6/2/97 @ 8:30 am w/cal call 5/28/97 @ 8:15 am 2) Trl brfs, etc due 5/28/97 (18/3161(h)(8)(B)(i) & 3161(h)(8)(B)(iv) cited) cps dist (AT) lgm	92	2-11-97	T	112
2/13/97	124 APPLICATION/ORDER re: D/Cron (PMP) ORD 1) Atty/clnt prvlge shll be dmd waivd 2) Atty's Laura Melia, Thomas Michaelides & Theodore Manos shll frthwth prvd gvrnmnt w/affidvt cps dist (AT) lgm		6-2-97		
02/14/97	125 MINUTES OF SENTENCING re: D/Goodman (LDG)ORD as to Gltty Plea to Cts 21-23 (& Cts 78-80 in CR-S-95-329-LDG) 1) Prob grntd 2) Fine impd 3) Assessmnt 4) Restitutn ord 5) Remning cts dism'd 6) Bnd ord exon (C/R J. Watson) cps dist (AT) lsd		1007		
--	126 JUDGMENT re: D/Goodman dtd 2/15/97 (LDG)ORD as to Cts 21-23 (& Cts 78-80 in CR-S-95-329): 1) Remning Cts Dism'd 2) 4yrs Prob (ea case to run cnrrnt) w/75hrs commnty servc & 6mos hme confnmnt w/elctrc montring (D shll pay 100% of cost) 3) \$300.00 Assessmnt 4) \$3,300.00 Restitutn 5) Fine waivd 6) dwnwrd deprtr per pkg plea agrmnt (EOD 2/18/97) cps dist (AT) lsd		7-12-97		
--	--- JS-3 re: D/Goodman lsd				

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		(a)	(b)	(c)	(d)
2/27/97	127 226 MOTION obo D/Phemister to mdify conds of relse (m) (AT) lgm (Dispo: #130 GRANTED)				
3/3/97	<i>Submitted to RJJ #127</i>				
3/5/97	128 MINUTE ORDER re: D/Phemister dtd 3/4/97 (RJJ) ORD 1) Hrng on D's mtn to mdify conds of relse (#127) set for 3/6/97 @ 9:30 am 2) D reqrd to be prsnt for hrng cps dist (AT) lgm				
3/5/97	129 RENEWED MOTION obo D/Grzesczuk for trnsprt of D frm San Diego for p/t & trl prcdngs (nss)(AT) lgm (Dispo: #131) #132 DENIED				
3/6/97	130 MINUTES OF PROCEEDINGS re: D/Phemister's mtn to mdify conds of p/t relse (RJJ) ORD 1) Mtn GRANTED (see docs for mdificatns) (Tape 97-4-31) cps dist (AT) lgm				
3/7/97	131 ORDER re: D/Grzexczuk dtd 3/6/97 (PMP) ORD 1) Hrng on mtn to trnsprt (#129) set for 3/11/97 @ 1:30 pm (Orig fld in CR-S-95-288) cps dist (AT) lgm				
3/11/97	132 MINUTES OF PROCEEDINGS re: D/Grzesczuk's renwd mtn for trnsprtatn (PMP) ORD 1) Mtn DENIED w/o prjdc 2) Upon I/S in San Diego, D shll be trnsprtd to LV NV 3) Crt to be nrified so stats hrng can be set (C/R J.Bowman) cps dist (AT) lgm				
3/31/97	133 APPLICATION obo gvrnmnt for extensin of time to rspnd to D/Cron's 2255 mtn (m)(AT) lgm (Dispo: #134 <i>See text</i>) <i>Sub #133 to 8 MB. n</i>				
4-97	—				
4/1/97	134 ORDER re: D/Cron & gvrnmnts app for extnso of time (#133) (PMP) ORD 1) App GRANTED to lmted extnt that gvrnmnt shll have to 4/25/97 to file rspn 2) D shll have to 5/27/97 to file rply to rspn cps dist (AT) lgm				
4/30/97	135 APPLICATION/ORDER (LDG) ORD re D/Cron that the govt shl have til 5/16/97 4pm to file aresp to 2255 mtn. cps dist (AT) bh				
5/2/97	136 APPLICATION/ORDER re: D/Phemister dtd 5/1/97 (PMP) ORD 1) Indctmnt DISMISSED as to this D only cps dist (AT) lgm				
--	--- JS-3 re: D/Phemister lgm				
5/16/97	137 RESPONSE obo gvrnmnt to D/Cron's 2255 mtn (#105)(m)(AT)				

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		(a)	(b)	(c)	(d)
5/20/97	138 ORDER re: D/Grzesczuk (PMP) ORD Trl set for & cnsl to subp wits for 6/2/97 @ 8:30 am w/cal call 5/28/97 @ 8:15 am (see doc for specs) cps dist lgm				
5/27/97	139 STIPULATION/FINDINGS OF FACT/ORDER re: D/Grzesczuk (PMP) ORD 1) Trl set for 6/2/97 vctd & cont to 8/25/97 @ 8:30 am w/cal call 8/14/97 @ 8:15 am 2) Trl brfs, etc due 8/14/97 (18/3161(h)(8)(B)(i) & 3161(h)(8)(B)(iv) cited) cps dist (AT) lgm	120	6-3-97	I	
5-28-97	Sub #105 + 137 to PMP. nd	139	6-3-97		
8/6/97	140 ORDER re: D/Grzesczuk (PMP) ORD Trl set for & cnsl to subp wits for 8/25/97 @ 8:30 am w/cal call 8/14/97 @ 8:15 am (see doc for specs) cps dist lgm				
8/27/97	141 SUPERSEDING INDICTMENT o/d 6/95 lgm				
--	142 AO-257 re: D/Wrobel lgm				
--	143 AO-257 re: D/Grzesczuk lgm				
--	144 MINUTES OF GRAND JURY re: D/Wrobel & Grzesczuk (RLH) ORD 1) Summs to iss 2) A/P set for 9/5/97 @ 8:30 am bfr RLH (C/R Paula Voyles) cps dist lgm				
--	--- SUMMONS issd to USA re: D/Wrobel lgm				
--	--- SUMMONS issd to USA re: D/Grzesczuk lgm				
8/28/97	145 AMENDED MINTUES OF GRAND JURY re: D/Wrobel & Grzesczuk (LRL) ORD 1) Summs to iss 2) A/P set for 9/5/97 @ 8:30 am bfr RLH (C/R Paula Voyles) cps dist lgm				
--	146 TRANSCRIPT OF MAGISTRATE PAPERS frm dist of NV Mag case #97-1082-M-RJJ D/Wrobel a) COMPLAINT dtd 5/3/97 b) WARRANT issd to USM 5/3/97 c) WARRANT w/USM ret, D arr 5/2/97 d) MINUTES OF INITIAL APPEARANCE dtd 5/5/97 (RJJ) ORD 1) Prelim hrng set for 5/27/97 @ 4:00 pm 2) Bond, \$10,000.00 csh or prop set 3) D remnded to cstdy of USM pndng pstng of bnd (Tape 97-4-53) e) BOND, \$10,000.00 csh or prop pstd obo D 5/5/97 (Bond exon: _____) f) RECEIPT for bnd pstd dtd 5/6/97 g) STIPULATION/ORDER dtd 5/23/97 (RJJ) ORD Prelim hrng set for 5/27/97 vctd & cont to 6/19/97 @ 4:00 pm (18/3161(b) cited) h) STIPULATION/ORDER dtd 6/16/97 (RJJ) ORD Prelim hrng set for 6/19/97 vctd & cont to 7/21/97 @ 4:00 pm (18/3161(b) cited)				

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		(a)	(b)	(c)	(d)
8/28/97	146 TRANSCRIPT OF MAGISTRATE PAPERS re: D/Wrobel cont fnd pg 12 1) STIPULATION/ORDER dtd 7/29/97 (RJJ) ORD Prelim hrng set for 7/21/97 vctd & cont to 9/2/97 @ 4:00 pm (18/3161(b) cited) 2) MINUTE ORDER dtd 8/28/97 (RJJ) ORD 1) D indctd 2) Prelim hrng set for 9/2/97 vctd 3) A/P set for 9/5/97 @ 8:30 am bfr RLH lgm				27
--	147 ORDER re: D/Cron's 2255 mtn (#105) (PMP) ORD 1) Mtn DENIED (EOD 8/29/97) cps dist lgm				
09/05/97	148 MINUTES OF ARRAIGNMENT/PLEA re: D/Grzesczuk (RLH) ORD 1) D prsnt on Sprsding Indctmnt fld 8/27/97 2) T/N: same 3) NG plea to Cts 1-4 4) Sbjet to jnt dscvry stmt 5) J/T set for MON, 8/25/97 (*Trailing) @ 8:30am 6) D contd on p/t rels in ths actn (but remns in State cstdy) 7) Cnsl for Dfdt infirms Crt tht he intnds to invoke right for 30 day cont to trl dte; stip is being prep'd to cont trl (C/R J. Watson/ A. Ota) cps dist lsd				
--	149 MINUTES OF ARRAIGNMENT/PLEA re: D/Wrobel (RLH) ORD 1) T/N: same 2) A/P contd to FRI, 9/12/97 @ 8:30am bfr LRL in Ctrm #5, 4th Flr 3) Atty Bailus rqsts cont in ord for Mr Cherry to confirm his reprsntatn of Mr. Wrobel (C/R J. Watson/ A. Ota) cps dist lsd				
09/08/97	150 STIPULATION/FINDINGS OF FACT/ORDER re: D/Grzesczuk (8th rqst)(PMP)ORD 1) 8/25/97 stckd trl setting vctd & contd to MON, 10/20/97 @ 8:30am (stckd) in Ctrm #2 w/cal call WEDS, 10/15/97 @ 8:15am 2) Trl brfs, etc due 10/15/97 @ 4:00pm (18/3161(h)(8)(B)(i) &(iv) cited) cps dist lsd				
9/15/97	151 PETITION/ORDER re: D/Cron dtd 9/12/97 (RLH) ORD Writ of habeas crps ad testfndm to iss for D cps dist lgm				
--	--- WRIT OF HABEAS CORPUS ad testfndm issd to USM re: D/Cron lgm				
--	152 PETITION/ORDER re: D/Burney dtd 9/12/97 (RLH) ORD Writ of habeas crps ad testfndm to iss for D cps dist lgm				
--	--- WRIT OF HABEAS CORPUS ad testfndm issd to USM re: D/Burney lgm				
--	153 PETITION/ORDER re: D/Deckard dtd 9/12/97 (RLH) ORD Writ of habeas crps ad testfndm to iss for D cps dist lgm				
--	--- WRIT OF HABEAS CORPUS ad testfndm issd to USM re: D/Deckard lgm				

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			(a)	(b)	(c)	(d)
9/19/97	154	MINUTES OF ARRAIGNMENT/PLEA re: D/Wrobel (LRL) ORD 1) T/N: Same 2) D plds NG to CTs 1-4 3) Subj to jnt discvry statmnt 4) J/T set for 10/20/97 @ 8:30 am w/cal call 10/15/97 @ 8:15 am 5) Ord re p/t prcdr entrd & cps srvd on cnsl by mail 6) Tpes to be prvd to def cnsl 7) D cont on prsnt trms of relse (C/R J.Watson) cps dist lgm				
--	155	ORDER re: D/Worbel (PMP) ORD 1) P/T mtns due 10/3/97 2) Rspn's due 10/14/97 3) Rply's due 10/17/97 cps to cnsl lgm				
9/23/97	156	PETITION/ORDER re: D/Burney (RLH) ORD 1) Writ of HC ad testfnd to iss for 10/29/97 @ 1:30 pm cps to cnsl, USM lgm				
--	---	WRIT OF HABEAS CORPUS ad testficndm issd to USM for D/Burney lgm				
9/24/97	157	WRIT OF HABEAS CORPUS issd 9/14/97 retrnd frm USM unexctd lgm				
10/3/97	158	JOINT DISCOVERY STATEMENT re: D/Wrobel lgm				
10/6/97	159	PETITION/ORDER dtd 10/3/97 (PMP) ORD 1) Writ of HC ad testficndm to iss for Terrell Purdue cps dist lgm				
--	---	WRIT OF HABEAS CORPUS adtestficndm issd for Terrell Purdue lgm				
10/7/97	160	ORDER re: D/Wrobel & Grzesczuk (PMP) ORD Trl set for & cnsl to subp wits for 10/20/97 @ 8:30 am w/ cal call 10/15/97 @ 8:15 am (see doc for specs) cps dist lgm				
10/15/97	161	STIPULATION/FINDINGS OF FACT/ORDER re: D/Grzesczuk Wrobel (PMP) ORD 1) Trl set for 10/20/97 vctd & cont to 1/20/98 @ 8:30 am w/cal call 1/14/97 @ 8:15 am 2) Trl brfs, etc due 1/14/97 3) NO FURTHER CONTNCES AS TO D/GREZESCZUK (18/3161(h)(8)(B)(i) & 3161(h)(8)(B)(iv) cited) cps dist lgm	150	10-20-97	T	93
10/21/97	---	LETTER re: D/Wrobel to atty Kelesis re: flng desig of retrnd cnsl lgm				
--	162	ORDER/PETITION for issnc of writ re: D/Deckard w/USM retrn lgm				
--	163	WRIT OF HABEAS CORPUS re: D/Cron w/USM ret lgm				
10/28/97	164	DESIGNATION OF RETAINED COUNSEL obo D/Wrobel, atty George Kelesis retrnd lgm				

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		(a)	(b)	(c)	(d)
1/2/98	165 WRIT OF HABEAS CORPUS w/USM ret re: D/Burney lgm				
1/5/97	166 STIPULATION/ORDER re: D/Wrobel dtd 1/3/98 (RJJ) ORD 1) Conds of p/t relse mdified deltng pstng of \$10,000.00 csh bnd & D be relsd on OR w/call othr conds remning in full frce cps dist (cc to fin) lgm				
1/6/98	167 ORDER re: D/Grzesczuk & Wrobel (PMP) ORD Trl set for & cnsl to subp wits for 1/20/98 @ 8:30 am w/cal call 1/14/98 @ 8:15 am (see doc for specs) cps dist lgm				
1/14/98	168 STIPULATION/FINDINGS OF FACT/ORDER re; D/Wrobel & Grzesczuk (PMP) ORD 1) Trl set for 1/20/98 vctd & cont to 4/6/98 @ 8:30 am w/cal call 4/1/98 @ 8:15 am 2) Trl brfs, etc due 4/1/98 (18/3161(h)(8)(B)(i) & 3161(h)(8)(B)(iv) cited) cps dist lgm				
--	169 MINUTES OF CHANGE OF PLEA re: D/Grzesczuk (PMP) ORD 1) D allwd to withdrw NG plea to CT 24 & plds G to sme; crt accpts plea 2) Non-bndng plea agrement 3) Refrrd to prob for p/s invstigatn & rpt 4) I/S & dispo of remning cts set for 4/8/98 @ 4:00 pm 5) Trl dt vctd 6) D remnded to cstdy (C/R A.Ota) cps dist lgm				
--	170 PLEA MEMORANDUM re: D/Grzesczuk lgm				
3/3/98	171 NOTICE re: D/Wrobel obo gvrnmnt of intent ot use tps as evdnce at trl (m) lgm				
3/23/98	172 ORDER re: D/Wrobel (PMP) ORD, Trl set for & cnsl to subp wits for 4/6/98 @ 8:30 am w/cal call 4/1/98 @ 8:15 am (see doc for specs) cps to cnsl lgm				
4/1/98	173 MINUTES OF CALENDAR CALL re: D/Wrobel (PMP) ORD 1) Stip to cont trl sgnd 2) D's p/t relse conds mdified for no p/t sprvsn (C/R A.Ota) cps dist lgm				
--	174 STIPULATION/FINIDNGS OF FACT/ORDER re: D/Wrobel (PMP) ORD 1) Trl set for 4/6/98 vctd & cont to 7/20/98 @ 8:30 am w/cal call 7/15/98 @ 8:15 am 2) Trl brfs, etc due 7/15/98 NO FURTHER CONTINUANCES (18/3161 (h)(8)(B)(i) & 3161(h)(8)(B)(iv) cited) cps dist lgm				
4/6/98	175 STIPULATION/ORDER re: D/Grzesczuk (PMP) ORD 1) I/S set for 4/8/98 vctd & cont to 6/1/98 @ 4:00 pm cps dist lgm				
5/07/98	176 VIOLATION REPORT/REQUEST FOR MODIFICATION/ORDER re: D/Goodman (LDG)ORD: Prob's rqst for waivr of bal of electrnc montring costs be waivd GRANTED cps dist lsd				

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			(a)	(b)	(c)	(d)
5/13/98	177	SUPERSEDING INDICTMENT o/d 5/96 lgm				
--	---	JS-2 re: D/G.Wrobel lgm				
--	178	AO-257 re: D/J.Wrobel lgm				
--	179	AO-257 re: D/G.wrobel lgm				
--	180	MINUTES OF GRAND JURY (LRL) ORD 1) Summs to iss for bth D's 2) A/P set for 5/22/98 @ 8:30 am bfr RJJ (C/R Diane McClure) cps dist lgm				
--	---	SUMMONS issd to USA re: D/J.Wrobel lgm				
--	---	SUMMONS issd to USA re: D/G.Wrobel lgm				
5/14/98	181	AMENDED MINUTES OF GRAND JURY (RLH) ORD 1) Summs to iss for bth D's 2) A/P set for 5/22/98 @ 8:30 am bfr RJJ (C/R Diane McClure) cps dist lgm				
5/21/98	182	STIPULATION/ORDER re: Bth D/Wrobel's (RJJ) ORD 1) A/P set for 5/22/98 vctd & cont to 6/4/98 @ 8:30 am bfr RLH cps dist lgm				
6/1/98	183	STIPULATION/ORDER re: D/Grzesczuk dtd 5/29/98 (PMP) ORD 1) I/S set for 6/1/98 vctd & cont to 7/31/98 @ 9:30 am cps dist lgm				
6/4/98	184	STIPULATION/ORDER re: Bth D/Wrobel's (RLH) ORD 1) A/P set for 6/4/98 vctd & cont to 7/6/98 @ 8:30 am cps dist lgm				
7/10/98	185	ORDER re: D/J.Wrobel & G.Wrobel (PMP) ORD Trl set for & cnsl to subp wits for 7/21/98 @ 8:30 am w/cal call 7/16/98 @ 8:15 am (see doc for specs) cps to cnsl lgm				
7/10/98	186	MINUTES OF ARRAIGNMENT/PLEA re: D/J.Wrobel dtd 7/6/98 (RJJ) ORD 1) T/N: Same 2) D plds NG to CTs 1-115 3) J/T set for 7/20/98 @ 8:30 am w/cal call 7/15/98 @ 8:15 am 4) Tpes to be prvd to def cnsl 5) D cont on prsnt trms of relse (see doc for mdificatns) (Tape 98-4-58) cps dist lgm				
7/13/98	---	LETTER re: D/G.Wrobel to atty Peter Christiansen re: flnd of desig of retnd cnsl lgm				
--	187	BOND, PR pstd obo D/J. Wrobel dtd 7/6/98 (RJJ) lsd (Bond exon: _____)				
--	188	BOND, PR pstd obo D/G. Wrobel dtd 7/6/98 (RJJ) lsd (Bond exon: _____)				

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		(a)	(b)	(c)	(d)
07/13/98	189 MINUTES OF ARRAIGNMENT/PLEA/INITIAL APPEARANCE re: D/G. Wrobel dtd 7/6/98 (RJJ)ORD 1) T/N: Georgina Diane Wrobel 2) D plds NG to Cts 1-60,67 of 2nd Sprsding Indctmnt fld 5/13/98 3) J/T set for 7/20/98 @ 8:30am in Ctrm #2 w/cal cal 7/15/98 @ 8:15am 4) Tpes to be provided to Dfs cnsl 5) D rels on P/R bnd (see doc for specs) 6) D cnsl advses ths is D's 1st apprnce & entitld to a min of 30days to prep for trl (set for 7/20/98); Crt advsd th D being set for same day as co-ds & assumblly a stip to cont wll be fld in writing & Crt wll hr stip immdlty upn rept (Tape #98-4-58) cps dist lsd				
7/16/98	190 STIPULATION/FINDINGS OF FACT/ORDER re: D/J.Wrobel & G.Wrobel (PMP) ORD 1) Trl set for 7/20/98 vctd & cont to 12/14/98 @ 8:30 am w/cal call 12/8/98 @ 8:15 am 2) Trl brfs, etc due 12/8/98 (18/3161(h)(8)(B)(i) & 3161(h)(8)(B)(iv) cited) cps dist lgm	174 190	7-21-98 12-14-98	I	147
7/23/98	191 NOTICE obo gvrnmnt of intent to use tpe recrdngs in evdnce at trl (m) lgm				
7/29/98	192 DESIGNATION OF RETAINED COUNSEL re: D/G.Wrobel, atty Peter Christiansen retnd lgm				
--	193 WAIVER OF PRESENCE obo D/G.Wrobel lgm				
8/3/98	194 STIPULATION/ORDER re: D/Grzeszczuk dtd 7/31/98 (PMP) ORD 1) I/S set for 7/31/98 vctd & cont to 12/28/98 @ 3:30 pm cps dist lgm				
9/14/98	195 STIPULATION/ORDER re: Bth D/Wrobel's (RLH) ORD 1) P/T mtns due 10/2/98 2) Rspn's due 10/16/98 3) Rply's due 10/30/98 cps dist lgm				
10/06/98	196 STIPULATION/ORDER re: D/s J & G Wrobel (PMP)ORD: P/T mtns due 10/9/98 cps dist lsd				
10/9/98	197 MOTION obo D/J.Wrobel to dismiss or in alt supprss (m) (Dispo: # 278 <i>Denied</i> #235 R/R)	lgm			
--	198 REQUEST obo D/J.Wrobel & G.Wrobel to inclde questns re juror exprnce w/telemrkng (m) lgm (Dispo: # 383 <i>Granted</i>)				
--	199 MOTION obo D/J.Wrobel & G.Wrobel to svr forftr CT (m) (Dispo: # 278 <i>Granted</i> #236 R/R)	lgm			
--	200 MOTION obo D/J.Wrobel & G.Wrobel to dismiss CT 1 (m) (Dispo: # 278 <i>Denied</i> #237 R/R)	lgm			
--	201 MOTION obo D/J.Wrobel & D/Wrobel to dismiss (m) (Dispo: # 278 <i>Denied</i> #238 R/R)	lgm			

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		(a)	(b)	(c)	(d)
10/9/98	202 X MOTION obo D/J.Wrobel & G.Wrobel to compl prodctn of gdeline sentncg info (m) lgm (Dispo: #278 <i>denied</i>)				
--	203 X MOTION obo D/J.Wrobel & G.Wrobel to strike srplsage (m) lgm (Dispo: #241 <i>R/R</i> ; #278 <i>denied</i>)				
10/15/98	204 SEALED lgm				
10/16/98	205 SEALED lgm				
--	206 SEALED lgm				
10/20/98	- <i>sub to RLH #204.R</i>				
10/21/98	207 ^{D.} NOTICE re: D/Wrobel's Mtns (#204,205,206) (RLH)ORD: Hrg set for TUES, 10/27/98 @ 10:30am in Crtrm #4, bfr RLH cps dist lsd				
10/23/98	208 X MOTION obo D/G. Wrobel To Dism Based Upn Pre-Accstry Delay & Memrndm of Pts/Auths In Spprt Of (m) lsd (Dispo: #242 <i>R/R</i> ; #278 <i>denied</i>)				
--	209 X MOTION obo D/G. Wrobel To Intrvw Prospective Govt Witns & Incorp Memrndm of Law (m) lsd (Dispo: #243 <i>denied</i>)				
--	210 X MOTION obo D/G. Wrobel For Brady Matrl (m) lsd (Dispo: #244 <i>denied</i>)				
--	211 X MOTION obo D/s J. & G. Wrobel To Preclude Govt From Arguing Or Suggsting During Trl Tht Age, Vulnrblty, Or Othr Subjectve Factrs Are Relev (m) lsd (Dispo: #245 <i>R/R</i> ; #278 <i>denied</i>)				
--	212 X MOTION obo D/J. Wrobel For Severnce Und FRCrP Rle 14 (m) lsd (Dispo: #248 <i>denied w/o pydee</i>)				
--	213 X MOTION obo D/G. Wrobel To Sever (m) lsd (Dispo: #251 <i>denied w/o pydee</i>)				
--	214 X MOTION obo D/G. Wrobel For Bill Of Partclrs (m) lsd (Dispo: #246 <i>denied</i>)				
--	215 X MOTION obo D/G. Wrobel To Disclose Intnt By Govt To Evid of Unchrgrd Crimes, Wrongs, Acts or Miscndct Und Any Form OF Res Gestae Theory Or Fed Rle of Evid Othr Than Rule 404(B) & MOTION IN LIMINE to Exclde Evid (m) lsd (Dispo: #247 <i>Granted to extent</i>)				

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		(a)	(b)	(c)	(d)
10/23/98	216 X MOTION obo D/G. Wrobel For List of Witns The Govt Intnds To Call At Trl (m) 1sd (Dispo: #249 <i>denied</i>)				
--	217 X MOTION obo D/G. Wrobel To Presrve All Agnts' Rough Notes (m) 1sd (Dispo: #250 <i>denied</i> .)				
--	218 X MOTION obo D/G. Wrobel For P/T Detrmntn Of Admssblty Of Co-Consprtrs' Stmts (m) 1sd (Dispo: #252 <i>denied</i>)				
--	219 X MOTION obo D/G. Wrobel To Cont Trl (m) 1sd (Dispo: #222 <i>Moat</i>)				
10/27/98	220 SEALED lgm				
10/30/98	221 SEALED lgm				
11/6/98	222 STIPULATION/FINDINGS OF FACT/ORDER re: Bth Wrobel's dtd 11/5/98 (PMP) ORD 1) P/T mtns cont to 12/18/98, 221 rspn's cont to 12/25/98; rply's cont to 1/8/99 2) Trl set for 12/14/98 vctd & cont to 2/22/99 @ 8:30 am w/cal call 2/17/99 @ 8:15 am 3) Trl brfs, etc due 2/17/99 (18/3161(h)(8)(B)(i) & 3161(h)(8)(B) (iv) cited) cps dist lgm				9
11-23-98	- Sub #220 to 221 to RLH. Ke				
11/30/98	223 SUBSTITUTION OF COUNSEL obo D/J. Wrobel, atty Booker T. Evans subs in place of George Kelesis cps dist lgm				
12/1/98	224 RECEIPT OF COPY of Doc. #223. cor				
12/18/98	225 SEALED lgm				
12/28/98	226 SEALED. 1sd				
--	227 SEALED. 1sd				
12/29/98	228 JOINT DISCOVERY STATEMENT re: D/D. Wrobel 1sd				
12/30/98	- Sub Appln to Seal #226 to RLH. Ke				
12/30/98	229 SEALED. 1sd				
1/12/99	230 STIPULATION/ORDER re: D/Grzeszczuk (PMP) ORD 1) I/S set for 1/11/99 vctd & cont to 1/26/99 @ 3:30 pm cps dist lgm				
1-13-98	Sub #197, 199, 200-203, 208-219. Ke				

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			(a)	(b)	(c)	(d)
1/12/99	231	PETITION/ORDER re: D/G.Wrobel (RJJ) ORD 1) Warr to iss for viol of p/t relse conds cps dist lgm				
--	---	WARRANT issd to USM re: D/G.Wrobel lgm				
1-13-99	Sub # 198 to RLH. Ke					
1/19/99	232	SEALED lgm				
1/20/99	233	ORDER re: D/G.Wrobel dtd 1/19/99 (PMP) ORD 1) Attchd ltr frm D's hsbnd re contact with D to be dstrbtd to cnsl of recrd for revw cps dist lgm				
1/21/99	234	SENTENCING MEMORANDUM obo D/Grzeszczuk lgm				
1/22/99	235	REPORT/RECOMMENDATION re: D/J.Wrobel's mtn to dism or in alt supprss (#197) dtd 1/21/99 (RLH) RECOMMENDS mtn be DENIED (EOD 1/22/99) cps dist lgm (Dispo: #278 Affirmed)				
--	236	REPORT/RECOMMENDATION re: Bth D/Wrobel's mtn to svr forftr CT (#199) dtd 1/21/99 (RLH) RECOMMENDS Mtn be GRANTED (EOD 1/22/99) cps dist lgm (Dispo: #278 Affirmed)				
--	237	REPORT/RECOMMENDATION re: Bth D/Wrobel's mtn to dism (#200) dtd 1/21/99 (RLH) RECOMMENDS Mtn be DENIED (EOD 1/22/99) cps dist lgm (Dispo: #278 Affirmed)				
--	238	REPORT/RECOMMENDATION re: Bth D'Wrobel's mtn to dism (#201) dtd 1/21/99 (RLH) RECOMMENDS Mtn be DENIED (EOD 1/22/99) cps dist lgm (Dispo: #278 Affirmed)				
--	239	REPORT/RECOMMENDATION re: Bth D/Wrobel's mtn to cmpl (#202) dtd 1/21/99 (RLH) RECOMMENDS Mtn be DENIED (EOD 1/22/99) cps dist lgm (Dispo: #278 Affirmed)				
1/25/99	240	TRANSCRIPT OF MAGISTRATE PAPERS frm dist of C. Calif Case #SA99-17M D/G.Wrobel a) AFFIDAVIT re: Out of dist warr (CC) b) MINUTES OF PROCEEDINGS dtd 1/13/99 (Elgin Edwards) ORD 1) Detentn ord; D commtted to cstdy of USM 2) Waivr of remvl hrng exctd 3) Warr of remvl & final commtmnt to iss (CC) c) FINAL COMMITMENT/WARRANT OF REMOVAL dtd 1/15/99 (CC) d) DOCKET SHEET (CC) lgm				

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		(a)	(b)	(c)	(d)
1/25/99	241 X REPORT/RECOMMENDATION re: Bth D's mtn to strike (#203) (RLH) RECOMMENDS Mtn be DENIED (EOD 1/26/99) cps dist lgm (Dispo: <i>#278 Affirmed</i>)				
--	242 X REPORT/RECOMMENDATION re: D/G.Wrobel's mtn to dism bsd upon pre-acstry delay (#208) (RLH) RECOMMENDS Mtn be DENIED (EOD 1/26/99) cps dist lgm (Dispo: <i>#278 Affirmed</i>)				
--	243 ORDER re: D/G.Wrobel's mtn to intrvw prspectv gov wits (#209) (RLH) ORD Mtn DENIED (EOD 1/26/99) cps dist lgm				
--	244 ORDER re: D/G.Wrobel's mtn for brdy mtrl (#210) (RLH) ORD 1) Mtn DENIED (EOD 1/26/99) cps dist lgm				
--	245 X REPORT/RECOMMENDATION re: Bth D/Wrobel's mtn to preclde gvrnmnt frm argng/sggstng that age, vlnrblties or orthr subjectv factrs are relvnd (#211) (RLH) RECOMMENDS Mtn be DENIED (EOD 1/26/99) cps dist lgm (Dispo: <i>#278 Affirmed</i>)				
1/26/99	246 ORDER re: D/G.Wrobel's mtn for bill of prtclrs (#214) (RLH) ORD 1) Mtn DENIED (EOD 1/26/99) cps dist lgm				
--	247 ORDER re: D/G.Wrobel's mtn to disclse intent (#215) (RLH) ORD 1) Mtn GRANTED to extent (see doc for specs) (EOD 1/26/99) cps dist lgm				
1/27/99	<i>Sub 198 to Dmp Da</i>				
1/27/99	248 ORDER re: D/J.Wrobel's mtn for svrnce (#212) dtd 1/26/99 (RLH) ORD 1) Mtn DENIED w/o prjdce (EOD 1/27/99) cps dist lgm				
--	249 ORDER re: D/G.Wrobel's mtn for list of wits (#216) dtd 1/26/99 (RLH) ORD 1) Mtn DENIED (EOD 1/27/99) cps dist lgm				
--	250 ORDER re: D/G.Wrobel's mtn to prsrv all agnts rgh notes (#217) dtd 1/26/99 (RLH) ORD 1) Mtn DENIED (EOD 1/27/99) cps dist lgm				
OUT OF DATE 1/26/99	ORDER 247a MINTUES OF SENTENCING re: D/Grzesczuk (PMP) ORD As to CT 4 of sprsdng indctmnt: 1) Sent impsd 2) Assessmnt 3) Restitutn 4) Remning CTs DISMD 5) D remnded to cstdy 6) Gvrnmnts mtn for dwnwrđ departr GRANTED (C/R M.Lindi) cps dist lgm				

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			(a)	(b)	(c)	(d)
1/27/99	251	ORDER re: D/G.Wrobel's mtn to svr (#213) dtd 1/26/99 (RLH) ORD 1) Mtn DENIED w/o prjdee (EOD 1/27/99) cps dist lgm				
--	252	ORDER re: D/G.Wrobel's mtn for p/t determinatn of admssblty of co-conspirators statmnts (#218) dtd 1/26/99 (RLH) ORD 1) Mtn DENIED (EOD 1/27/99) cps dist lgm				
1/27/99	253	WARRANT w/USM ret'd, D/G. Wrobel arr by FBI on 1/13/99 in Santa Ana, CA lsd				
--	254	JUDGMENT re: D/Grzeszczuk dtd 1/26/99 (PMP) ORD As to CT 4: 1) 6 mths cstdy USBOP, conccrnt to CR-S-95-288-PMP & Calif cases 2) D remnded to cstdy of USM 3) 3 yrs sprvsd relse (see doc for specs) 4) \$100.00 assessmnt 5) \$1,080,925.00 restitutn (EOD 1/28/99) cps dist lgm				
2/1/99	255	MINUTES OF INITIAL APPEARANCE re: D/G.Wrobel's viol of p/t relse conds dtd 1/28/99 (PMP) ORD 1) D shll be detnd pndng detentn hrng 2) Detentn hrng set for 2/2/99 @ 10:30 am 3) All medicl recrds preprd whilte D in fed cstdy urng Jan shld frthwth be prided for 2/2/99 hrng 4) Detentn hrng reset for 2/3/99 @ 9:00 am (C/R E. Sanderson) cps dist lgm				
2/4/99	256	MINUTES OF DETENTION HEARING re: D/G.Wrobel dtd 2/3/99 (PMP) ORD 1) D detnd pndng trl 2) D shll undergo psych eval to determ if she is competnt to stnd trl; USA to sub form of ord to crt 3) D remnded to cstdy of USM (C/R M.Lindi) cps dist lgm				
--	257	ORDER re: D/G.Wrobel for psych eval (see doc for specs) cps dist (3 CC's to USM) lgm				
2/12/99	258	RECEIPT OF COPY re: D/G.Wrobel of sub of cns1 lgm				
2/16/99	259	SUBSTITUTION OF ATTORNEY obo D/G.Wrobel atty John Fadgen subs in place of Peters Christiansen as retnd cns1 cps dist lgm				
2/16/99	260	SEALED lgm				
--	261	SEALED lgm				
2/17/99	Swt 197, 199, 200, 201, 202, 203, 208, 211, 226, 230, 235, 236, 237, 238, 241, 242, 245, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000					
2/17/99	262	THIRD SUPERSEDING INDICTMENT lgm				

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DATE	PROCEEDINGS (continued)		V. EXCLUDABLE DELAY			
			(a)	(b)	(c)	(d)
2/17/99	(Document No.)	263	AO-257 re: D/J.Wrobel lgm			
--		264	AO-257 re: D/G.Wrobel lgm			
--		265	AO-257 re: D/Azzarone lgm			
--		266	AO-257 re: D/Cardin lgm			
--		267	AO-257 re: D/Cohen lgm			
--		268	AO-257 re: D/Filosì lgm			
--		269	AO-257 re: D/Ford lgm			
--		270	AO-257 re: D/Fried lgm			
--		271	AO-257 re: D/Puklus lgm			
--		272	MINUTES OF GRAND JURY (RJ) ORD 1) Summs to iss for D's J.Wrobel, Azzarone, Cardin, Filosi, Ford & Puklus; A/P set for 2/26/99 @ 8:30 am 2) Warrs to iss for D's Cohen & Fried 3) D/G.Wrobel in fed cstdy (C/R Kimberly Powell) cps dist lgm			
--		---	SUMMONS issd to USA re: D/J.Wrobel lgm			
--		---	SUMMONS issd to USA re: D/Azzarone lgm			
--		---	SUMMONS issd to USA re: D/Cardin lgm			
--		---	WARRANT issd to USM re: D/Cohen lgm			
--		---	SUMMONS issd to USA re: D/Filosì lgm			
--		---	SUMMONS issd to USA re: D/Ford lgm			
--		---	WARRANT issd to USM re: D/Fried lgm			
--		---	SUMMONS issd to USA re: D/Puklus lgm			
2/18/99		273	SEALED lgm			
--		274	SEALED lgm			
2/19/99		275	MOTION/ORDER re: D/Azzarone, Cardin, Cohen, Filosi, Ford, Fried & Puklus dtd 2/19/99 (PMP) ORD Lve of crt GRANTED for flng of foregoing dismsl (No cps dist, this mtn fld in error on the wrong case; see motion to strike) lgm			
2/22/99		276	DESIGNATION OF RETAINED COUNSEL re: D/G.Wrobel, atty John P. Fadgen retnd lgm			

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DATE	PROCEEDINGS (continued)		V. EXCLUDABLE	
	(Document No.)		(a)	(b)
2/23/99	277	MOTION/ORDER obo gvrnmnt (PMP) ORD 1) Mtn to dismiss fld 2/19/99 (#275) STRICKEN cps dist lgm		
--	278	ORDER dtd 2/18/99 (PMP) ORD 1) Mag R/R's 235,236,237, 238,239,241,242 & 245) AFFIRMED; Mtn to dismiss (#197) DENIED; Mtn to svr forftr ct (#199) GRANTED; Mtn to dismiss (#200) DENIED; Mtn to dismiss (#201) DENIED; Mtn to compl (#202) DENIED; Mtn to strk (#203) DENIED; Mtn to dismiss (#208) DENIED & Mtn to precle (#211) DENIED (EOD 2/24/99) cps dist lgm		
2/24/99	279	MINUTE ORDER re: Bth D/Wrobel's dtd 1/22/99 (PMP) ORD 1) Cal call set for 2/17/99 & trl set for 2/22/99 vctd cps dist lgm		
--	280	MOTION obo D/J.Wrobel to cont A/P lgm (Dispo: #292 <i>granted</i> - ojm <i>Sub to R/L #280 - ojm</i>)		
2/26/99	281	MINUTES OF ARRAIGNMENT/PLEA re: D/J.Wrobel (LRL) ORD 1) Mtn to cont A/P pndng (Tape 99-1-22) cps dist lgm		
--	282	MINUTES OF ARRAIGNMENT/PLEA re: D/G.Wrobel (LRL) ORD 1) Gvrnmnt to ntify crt upon completng of mental exam for next A/P dt (Tape 99-1-22) cps dist lgm		
--	283	MINUTES OF ARRAIGNMENT/PLEA re: D/Ford (LRL) ORD 1) Gvrnmnt advises D is set for plea, A/P vctd (Tape 99-1-22) cps dist lgm		
--	284	MINUTES OF ARRAIGNMENT/PLEA re: D/Cardin (LRL) ORD 1) D nt prsnt 2) A/P cont to 3/5/99 @ 8:30 am bfr RLH (Tape 99-1-22) cps dist lgm		
--	285	MINUTES OF ARRAIGNMENT/PLEA re: D/Azzarone (LRL) ORD 1) T/N: Same 2) D plds NG to CTs 1, 53-56 3) Subj to jnt discvry statmnt 4) J/T set for 4/19/99 @ 8:30 am w/cal call 4/14/99 @ 8:15 am (18/3161(h)(n) cited) 5) ORD re p/t prcdr entrd & cps srvd on cnsl in opn crt 6) Tpes to be prvd to def cnsl INITIAL APPEARANCE 7) Atty Paul Wommer appntd cnsl 8) D relsd on PR bnd (Tape 99-1-22) cps dist lgm		
--	286	BOND, PR pstd obo D/Azzarone 2/26/99 lgm (Bond exon: <u>1-30-99</u>)		
--	287	MINUTES OF ARRAIGNMENT/PLEA re: D/Filosì (LRL) ORD 1) T/N: Rosario Filosi 2) D plds NG to CTs 1,47-56, 59-73 3) Subj to jnt discvry statmnt 4) J/T set for 4/19/99 @ 8:30 am w/cal call 4/14/99 @ 8:15 am (18/3161(h)(7) cited) 5) Ord re p/t prcdr entrd & cps srvd on cnsl in opn crt		

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			(a)	(b)	(c)	(d)
	(Document No.)					
2/26/99	287	MINUTES OF ARRAIGNMENT/PLEA re: D/Filosi con't frm pg 26: 6) Tpes to be prvd to def cns1 INITIAL APPEARANCE 7) Atty Kevin Kelly appntd cns1 8) D relsed on PR bnd (Tape 99-1-22) cps dist lgm				
--	288	BOND PR pstd obo D/Filosi 2/26/99 lgm (Bond exon: _____)				
--	289	MINUTES OF ARRAIGNMENT/PLEA re: D/Puklus (LRL) ORD 1) T/N: Same 2) D plds NG to CTs 1, 70-73 3) Subj to jnt discvry statmnt 4) J/T set for 4/19/99 @ 8:30 am w/cal call 4/14/99 @ 8:15 am (18/3161(h)(7) cited) 5) Ord re p/t prcdr entrd & cps srvd on cns1 in opn crt 6) Tpes to be prvd to def cns1 INITIAL APPEARANCE 7) Atty Scott Bindrup appntd cns1 8) D relsed on PR bnd (Tape 99-1-22) cps dist lgm				
--	290	BOND , PR pstd obo D/Puklus 2/26/99 lgm (Bond exon: _____)				
--	291	ORDER re: D/Azzarone, Filosi & Puklus (PMP) ORD 1) P/T mtns due 3/12/99; 2) Rspn's due 3/23/99 3) Rply's due 3/26/99 cps to cns1 lgm				
--	292	ORDER re: J.Wrobel (LRL) ORD 1) A/P set for 2/26/99 vctd & cont to 3/5/99 @ 8:30 am bfr RLH cps dist lgm				
3/3/99	293	JOINT DISCOVERY STATEMENT re: D/Ford lgm				
3/4/99	294	ORDER re: D/Azzorone (LRL) ORD 1) Atty Paul Wommer appntd cns1 2) USM to srv subp lgm				
--	295	CJA-20 re: D/Azzarone, atty Paul Wommer appntd cns1 VCHR #1111968 lgm				
--	296	ORDER re: D/Filosi (LRL) ORD 1) Atty Kevin Kelly appntd cns1 2) USM to srv subp lgm				
--	297	CJA-20 re: D/Filosi, atty Kevin Kelly appntd cns1 VCHR #1111969 lgm				
--	298	ORDER re: D/Puklus (LRL) ORD 1) Atty Scott Bindrup appntd cns1 2) USM to srv subp lgm				
--	299	CJA-20 re: D/Puklus, atty Scott Bindrup appntd cns1 VCHR #1111972 lgm				
3/5/99	300	MINUTES OF ARRAIGNMENT/PLEA re: D/Cardin (RLH) ORD 1) T/N: James Eli Cardin 2) D plds NG to CTs 1, 57-58 3) Subj to jnt discvry statmnt 4) J/T set for 4/19/99 @ 8:30 am w/cal call 4/14/99 @ 8:15 am 5) Ord re p/t prcdr entrd & cps srvd on cns1 in opn crt				

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			(a)	(b)	(c)
3/16/99	315	ORDER re: D/Fried dtd 3/12/99 (RJJ) ORD 1) Atty Jacqueline Naylor appntd cnsl cps dist lgm			
--	316	CJA-20 re: D/Fried, atty Jacqueline Naylor appntd cnsl VCHR #1111995 lgm			
3/16/99	317	MINUTES OF DETENTION PROCEEDINGS re: D/Fried (RJJ) ORD 1) PR bnd set & exctd; D relsd (Tape 99-4-22) cps dist lgm			
--	318	BOND, PR bnd pstd obo D/Fried 3/16/99 lgm (Bond exon: _____)			
3/15/99	319	ORDER re: D/Fried dtd 3/11/99 (RJJ) ORD 1) D detnd pndng detentn hrng (EOD 3/18/99) cps dist lgm			
3/18/99	320	STIPULATION/FINDINGS OF FACT/ORDER re: All D's (PMP) ORD 1) Trl set for 4/19/99 vctd & cont to 7/12/99 @ 8:30 am w/cal call 7/7/99 @ 8:15 am 2) P/T mtns cont to 4/9/99; rspn's cont to 5/7/99; rply's cont to 5/21/99 (18/3161(h)(8)(B)(i) & 3161(h)(8)(B)(iv) cited) cps dist lgm	285	4-19-99	T
3/19/99	321	MINUTES OF ARRAIGNMENT/PLEA re: D/Fried (LRL) ORD 1) T/N: Same 2) D plds NG to CTs 1,63-66 3) Subj to jnt discvry statmnt 4) J/T set for 4/19/99 @ 8:30 am w/cal call 4/14/99 @ 8:15 am (cnsl to do stip to jn othr D's) 5) Ord re p/t prcdr entrd & cps srvd on cnsl in opn crt 6) Tpes to be prvd to def cnsl 7) D cont on prsnt trms of relse (Tape 99-1-27) cps dist lgm	320	7-12-99	
--	322	ORDER re: D/Fried (PMP) ORD 1) P/T mtns due 4/2/99 2) Rspn's due 4/13/99 3) Rply's due 4/16/99 cps to cnsl lgm			
3/17/99	323	RULE 20 TRANSFER obo D/Cohen, case as to this D trnsfrd to dist of New Hampshire for disposition cps dist lgm			
--	324	CONSENT TO TRANSFER OF CASE re: D/Cohen to dist of New Hampshire lgm			
3/19/99	325	MOTION obo D/G.Wrobel for relse pndng trl (nss) lgm (Dispo: #336 Rspn's #345 denied)			
3/23/99	326	TRANSMITTAL LETTER re: D/Cohen to dist of N.Hampshire w/cc's of trnsfr & indctmnt cps dist lgm			
3/23/99	Swt 325 to PMP. Pa				
3/22/99	327	WARRANT w/USM ret, D/Fried arr 3/11/99 lgm			

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		(a)	(b)	(c)	(d)
4/9/99	(Document No.) 342 MOTION obo D/Puklus to sever (m) lgm (Dispo: #347 rspn; #344 mnt)				
--	343 MOTION obo D/Puklus to supprss (m) lgm (Dispo: Oppo #351; #344 mnt)				
4/12/99	- Sub 40 PMP # 325, 336, P)				
4/12/99	344 MOTION obo D/G.Wrobel to sever (nss) lgm (Dispo: #342 Rspn; DENIED # 373;				
4/13/99	345 ORDER re: D/G.Wrobel's mtn for relse (#325) dtd 4/12/99 (PMP) ORD 1) Mtn DENIED (EOD 4/13/99) cps dist lgm				
--	346 MINUTE ORDER re: D/Ford (PMP) ORD 1) I/A & A/P set for 4/13/99 vctd & mtr refrrd bck to LRL for I/A set for 4/23/99 @ 8:30 am cps dist lgm				
4/21/99	347 RESPONSE obo gvrnmnt to D/Puklus' mtn to sever(m) lgm				
4/23/99	348 MINUTES OF ARRAIGNMENT/PLEA re D/Ford held 4/23/99 (LRL) ORD: T/N: same; D plds NG to Cts 1,50,59-62; sbjct to jnt dscvry stmt; J/T set 7/12/99 @ 8:30am w/cal call 7/7/99 @ 8:15am purs 18 USC 3161(h)(7); Ord re p/t prcdr entrd & cps srvd on cnsl in open crt; INTIIAL APPEARANCE ORD dfnt relsd on P/R Bond (see doc for spcfc). (C/Rec J., Watson) cps dist cor				
--	349 ORDER re D/Ford (PMP) ORD p/t mtns due 5/7/99; rspns due 5/18/99; replies due 5/21/99. cor				
--	350 BOND, P/R, re D/Ford posted 4/23/99. (Bond Exon _____)				
--	351 OPPOSITION to D/Puklus' Mtn to Spprss (#343) obo govt. (m) cor				
4/26/99	352 VERIFIED PETITION re: D/J.Wrobel, atty Cary L. Lackey retnd cps dist lgm				
--	353 DESIGNATION OF LOCAL COUNSEL re: D/J.Wrobel, atty Booke T. Evans retnd lgm				
4/29/99	354 NOTICE re: D/G.Wrobel 1) Cmptncy hrng set for 4/30/99 vctd & cont to 5/20/99 @ 3:30 pm cps dist lgm				
5-12-99	- Sub # 344 to RLH. Ke				
5/12/99	355 AFFIDAVIT obo D/G.Wrobel of J.Wrobel lgm				
--	356 RECEIPT OF COPY obo D/G.Wrobel of mtn for relse & aff lgm				

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			(a)	(b)	(c)	(d)
	(Document No.)					
5/14/99	357	MINUTE ORDER re; D/G.Wrobel's mtn to svr (#344) (RLH) ORD 1) W/no prf of servce on file, cnsl for D shll srv gvrnmn & fle cert of servce within 5 dys frm dt of this ord 2) Gvrnmnt shll fle rspn no ltr than 10 dys frm srvc of mtn cps dist (cps mld 5/14/99) lgm				
5/20/99	358	MOTION obo D/G.Wrobel to sever (p) lgm (Dispo: #362 <i>Resp</i> ; DENIED # 373;				
5/21/99	359	MINUTES OF ARRAIGNMENT/PLEA re: D/G.Wrobel (LRL) ORD 1) T/N: Same 2) D plds NG to CTs 1-81, 88 3) Subj to jnt discvry statmnt 4) J/T set for 7/12/99 @ 8:30 am w/cal call 7/7/99 @ 8:15 am 5) Tpes to be provded to def cnsl 6) D remnded to cstdy (C/R M.Lindi) cps dist glm				
5/24/99	360	MINUTES OF COMPETENCY HEARING re: D/G.Wrobel dtd 5/20/99 (PMP) ORD 1) Crt fnds D competnt to stnd trl 2) D's orl mtn for p/t relse DENIED 3) A/P on sprsdng indcmnt set for 5/21/99 bfr LRL (C/R M.Lindi) cps dist lgm				
5-25-99	<i>Sub # 342 & 343 to RLH. K</i>					
6/1/99	361	NOTICE re: D/Puklus 1) Chnge of plea set for 6/7/99 @ 3:00 pm cps dist lgm				
--	362	RESPONSE obo gvrnmnt to D/G.Wrobel's mtn to svr (# 344 & 358)(m) lgm				
6/7/99	363	NOTICE re D/Filos1 (PMP) ORD change of plea hrg set 6/9/99 @ 10am. cps dist cjb				
6/8/99	364	MINUTES OF CHANGE OF PLEA re: D/Puklus dtd 6/7/99 (PMP) ORD 1) D allwd to withdrw NG plea to CT 70 & plds G to sme; crt accpts plea 2) Non-bndng plea agreemnt 3) Refrrd to prob for p/s invstigatn & rpt 4) I/S & dispo of remning CTs set for 9/7/99 @ 3:30 pm 5) Trl dt vctd 6) D cont on prsnt trms of relse (C/R E.Sanderson) cps dist lgm				
--	365	PLEA MEMORANDUM re: D/Puklus lgm				
--	366	STIPULATION/ORDER re: D/G.Wrobel dtd 6/7/99 (PMP) ORD 1) D shll have to 6/8/99 to fle rply to gvrnmnts rspn (#362) to mtn to svr (#344 & 358) cps dist lgm				
06/08/99	367	NOTICE re: D/Fried (PMP)ORD: Chg of Plea Hrg set for WEDS, 6/16/99 @ 9:00am in Crtrm #2, bfr PMP cps dist lsd				
--	368	REPLY obo D/G. Wrobel To Govt's Resp (#362) To D's Mtn To Sever (#s 344 & 358) (p) lsd				

Interval
(per Section II)Start Date
End DateTr. Code
Total Days

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DATE	PROCEEDINGS (continued)		V. EXCLUDABLE DELAY			
			(a)	(b)	(c)	(d)
	(Document No.)					
06/08/99	369	OBJECTIONS obo D/Azzarone To P/S Invstgtn Rprt (p)	lsd			
6/9/99	370	MINUTES OF CHANGE OF PLEA re D/Filosì (PMP) ORD dfnt allwd to w/draw NG plea & entrs plea of GLTY to Ct 47; Crt accpts dfnt's newly entrd plea; rfrrd to prob dept for p/s invstgtn rprt; I/S set 9/14/99 @ 4pm; remain cts to be dsmsd; trial vacated; dfnt contd on bond. (C/Rec E. Sanderson) cps dist cjb				
--	371	PLEA MEMORANDUM obo D/Filosì. cjb				
	372	WARRANT w/USM return: D/Snyder arrestd 6/8/99. cjb				
6-9-99	sub# 344, 358 to RLH, Kc					
06/11/99	372	RESPONSE by Govt To D/Azzarone's Objs (#369) To P/S Rprt (m) lsd				
06/15/99	373	ORDER re: D/G. Wrobel's Mtn To Sever (#358) (RLH) ORD: D's Mtn To Sever (#358) & (#344) DENIED w/o prej (EOD 6/15/99) cps dist lsd				
--	374	ORDER re: D/s G. Wrobel, J. Wrobel, Ford (PMP)ORD: Trl set for & cnsl to subp wits for MON, 7/12/99 @ 8:30am w/cal call WEDS, 7/7 /99 @ 8:15am (see doc for spec conds) cps dist lsd				
6/16/99	375	MINUTES OF CHANGE OF PLEA re D/Fried (PMP) ORD: Dfnt allwd to w/drw NG plea & pleads GLTY to Ct 63 of 3rd Super Indict; Crt accpts nwly entrd plea; Non-bndng plea agrmnt; matt'r rfrrd to prob dept for p/s invstgtn rprt; I/S set 9/20/99 @ 4pm; remain cts to be dsmsd; trial vacated; dfnt cont on bond. (C/Rec E. Sanderson) cps dist cjb				
--	376	PLEA MEMORANDUM obo D/Fried. cjb				
6/22/99	377	STIPULATION/ORDER re: D/Azzarone (PMP) ORD 1) I/S set for 6/2/999 vctd & cont to 7/30/99 @ 11:00 am cps dist lgm				
--	378	PETITION/ORDER re: D/Burney (RLH) ORD 1) Writ of habeas corps ad testificnd to iss for 7/12/99 @ 8:00 am cps dist lgm				
--	---	WRIT OF HABEAS CORPUS ad testificndm issd to USM re: D/Burney lgm				
--	379	PETITION/ORDER re: D/Grzeszczuk (RLH) ORD 1) Writ of habeas corps ad testificdm to iss for 7/12/99 @ 8:00 am cps dist lgm				
--	---	WRIT OF HABEAS CORPUS ad testificndm issd to USM Interval re: D/Grzeszczuk lgm (per Section II)				
			Start Date	Ltr. Total		
			End Date	Code Days		

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UNITED STATES DISTRICT COURT
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DATE	PROCEEDINGS (continued)	V. EXCLUDABLE DELAY			
		(a)	(b)	(c)	(d)
06/24/99	380 WRIT OF HABEAS CORPUS ad testif re: D/Burney ret'd unsrv'd by USM on 6/24/99 1sd				
6/29/99	381 NOTICE re: D/J.Wrobel, G.Wrobel & Ford 1) P/T cnfrnce set for 7/6/99 @ 9:00 am cps dist lgm				
6/30/99	--- LETTER re: D/Ford to atty Colquitt re desig of retnd cns'l lgm				
7/6/99	382 EXPARTE SUBMISSION obo gvrnmnt re p/s rpts (rpts subbed to PMP incamera) lgm				
7/7/99	383 MINUTES OF PRETRIAL CONFERENCE re: D/J.Wrobel, G.Wrobel & Ford dtd 7/6/99 (PMP) ORD 1) Mtn to inclde questns (#198) GRANTED 2) Prpsd voir dire & jry instructns due 7/8/99; crtsy cps to be subbed to chmbrs 3) Jry will cnsdr forftr cnts only aftr fnd of G on othr CTs 4) Chnge of plea re: D/Ford set for 7/8/99 @ 9:00 am 5) J/T to commnce 7/12/99 @ 12:30 pm (C/R E. Sanderson) cps dist lgm				
--	384 REQUESTED JURY INSTRUCTIONS obo D/G.Wrobel (cpy to PMP) lgm				
7/8/99	385 NOTICE re: D/J.Wrobel 1) Chnge of plea set for 7/9/99 @ 1:30 pm cps dist lgm				
--	386 MINUTES OF CHANGE OF PLEA re: D/Ford (PMP) ORD 1) D allwd to wthdrw NG plea as to CT 62 & plds G to sme; crt accpts plea 2) Non-bndng plea agrement 3) Refrrd to prob for p/s invstigatn & rpt 4) I/S & dispo of remning CTs set for 10/20/99 @ 4:00 pm 5) Trl dt vctd 6) D cont on prsnt trms of relse (C/R E.Sanderson) cps dist lgm				
--	387 PLEA MEMORANDUM re: D/Ford lgm				
7/9/99	388 ORDER re: D/J.Wrobel & G.Wrobel dtd 7/8/99 (PMP) ORD 1) Gvrnmnt shl frthwth disclse cps of redctd p/s rpts subbed for in cmra revw on 7/6/99 to cns'l 2) Clrk of crt shl retn in SEALED cond cps of redctd & unredctd p/t rpts cps dist lgm				
7/12/99	389 PROPOSED VOIR DIRE QUESTIONS re: D/G.Wrobel obo gvrnmnt lgm				
--	390 PROPOSED JURY INSTRUCTIONS re: D/G.Wrobel obo gvrnmnt lgm				
--	391 GOVERNMENT'S WITNESS LIST re: D/G.Wrobel lgm				
--	392 TRIAL MEMORANDUM re: D/G.Wrobel obo gvrnmnt lgm				

Interval
(per Section II)Start Date
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CodeTotal
Days

UNITED STATES DISTRICT COURT
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DATE	PROCEEDINGS (continued)		V. EXCLUDABLE C	
	(Document No.)		(a)	(b)
7/12/99	393	MINUTES OF JURY TRIAL (Day 1) re: D/G.Wrobel (PMP) ORD 1) CTs 29,32,47 & 48 of 3rd sprsdng indctmnt DISMD 2) D's orl renwed mtn to strk srplsge DENIED 3) Trl cont to 7/13/99 @ 8:30 am (C/R E.Sanderson) cps dist lgm		
7/14/99		<i>Sub to PMP Re: Dec. of RTND Cnsl from Colquitt. etc</i>		
7/9/99	394	PLEA MEMORANDUM re: D/J.Wrobel lgm		
7/12/99	395	MINUTES OF CHANGE OF PLEA re: D/J.Wrobel dtd 7/9/99 (PMP) ORD 1) D allwd to withdrw NG plea to CT 74 & plds G to sme; crt accpts plea 2) Non-bndng plea agremnt 3) Refrrd to prob for p/s invstigatn & rpt 4) I/S set for 11/5/99 @ 9:00 am 5) Trl dt vctd 6) D cont on prsnt trms of relse (C/R E.Sanderson) cps dist lgm		
7/13/99	396	MINUTES OF JURY TRIAL (Day 2) re: D/G.Wrobel (PMP) ORD 1) Rule of exclsn invkd 2) Stip re exhbts read into recrd 3) Gvrnmnts exhbts admttd inevdnce (see doc for specs 4) Trl cont to 7/14/99 @ 8:30 am 5) D remnded to cstdy (C/R E.Sanderson) cps dist lgm		
--	397	GOVERNMENT'S STIPULATIONS re: D/G.Wrobel lgm		
7/15/99	398	MINUTES OF JURY TRIAL (Day 3) re: D/G.Wrobel (PMP) ORD 1) Trl cont to 7/15/99 @ 8:00 am 2) D remnded to cstdy (C/R E.Sanderson) cps dist lgm		
--	399	ORDER re: D/Ford dtd 7/14/99 (PMP) ORD 1) Atty Ronald Colquitt shl shw cause in wring by 7/30/99 why he has faild to fle desig of retnd cnsl cps dist lgm		
--	400	STIPULATION of fct re: D/G.Wrobel obo gvrnmnt lgm		
7/16/99	401	MINUTES OF JURY TRIAL (Day 4) re: D/G.Wrobel dtd 7/15/99 (PMP) ORD 1) Trl cont to 7/16/99 @ 8:30 am 2) D remnded to cstdy (C/R E.Sanderson/J.Bowman) cps dist lgm		
--	402	MINUTES OF JURY TRIAL (Day 5) re: D/G.Wrobel (PMP) ORD 1) D's orl mtn for jdgmnt of acqttl DENIED 2) CT 51 DISMD 3) Trl cont to 7/19/99 @ 9:30 am 4) D remnded to cstdy (C/R J.Bowman) cps dist lgm		
7/19/99	403	JURY INSTRUCTIONS re: D/G.Wrobel lgm		
--	404	REDACTED INDICTMENT re: D/G.Wrobel given to jury for deliberatns lgm		

UNITED STATES DISTRICT COURT
CRIMINAL DOCKET

JAN MICHAEL WROBEL et al

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DATE	PROCEEDINGS (continued)	V. EXCLUDABLE DELAY			
		(a)	(b)	(c)	(d)
7/20/99	405 MINUTES OF JURY TRIAL (Day 6) re: D/G.Wrobel dtd 7/19/99 (PMP) ORD 1) D's renwd mtn for jdgmnt of acquittl DENIED 2) D fnd G on CTS 1-28,30,31,33-46, 49,50,52, & 81-88 of 3rd sprsdng indctmnt 3) I/S set for 10/19/99 @ 3:30 pm 4) D remnded to cstdy of USM (C/R J.Bowman) cps dist lgm				
--	406 VERDICT re: D/G.Wrobel lgm				
7/29/99	407 MOTION obo gvrnmnt re: D/Azzarone for dwnwrd departr (Cpy to PMP) lgm (Dispo: #408 GRANTED)				
7/30/99	408 MINUTES OF SENTENCING re: D/Azzarone (PMP) ORD As to CT 53 of sprsdng indctmnt: 1) Prob grntd 2) Assessmnt 3) Restitutn 4) Bond exon 5) Gvrnmnt's mtn for dwnwrd departr GRANTED (C/R J.Bowman) cps dist lgm				
--	409 DESIGNATION OF RETAINED COUNSEL obo D/Ford, atty Ronald Colquitt retnd lgm				
8/3/99	410 JUDGMENT re: D/Azzarone dtd 7/30/99 (PMP) ORD As to CT 53: 1) 4 yrs prob (see doc for spec conds) 2) 6 mths commnty correctns ctr 3) Remning CTs DISMD 4) \$100.00 assessmnt 5) \$48,011.16 restitutn (EOD 8/3/99) cps dist lgm				
8/5/99	411 MOTION obo gvrnmnt re: D/Cardin for dwnwrd departr (m) (cpy to PMP) lgm (Dispo: #412 <i>Granted</i>)				
8/6/99	412 MINUTES OF SENTENCING re: D/Cardin (PMP) ORD As to CTs 1 & 57 of 3rd sprsdng indctmnt: 1) Sent impsd 2) Assessmnt 3) Restitutn 4) CT 58 DISMD 5) Mtn for dwnwrd departr (#411) GRANTED 6) D shl1 surr by 10/8/99 @ noon (C/R E.Davis) cps dist lgm				
--	413 LETTERS re: D/Cardin lgm				
8/10/99	414 JUDGMENT re: D/Cardin dtd 8/6/99 (PMP) ORD As to CTs 1 & 57: 1) 8 mths cstdy USBOP 2) D shl1 surr by 10/8/99 noo 3) 3 yrs srpsd relse (see doc for spec conds) 4) 150 hrs commnty service 5) \$150.00 assessmnt 6) \$46,280.04 restitutn (EOD 8/10/99) cps dist lgm				
8/17/99	415 MOTION obo D/Filosi to cont I/S (m) lgm (Dispo: #416 <i>Granted</i>)				
8/18/99	<i>Sub 415 to PMP. Da</i>				
8/19/99	416 ORDER re: D/Filosi (PMP) ORD 1) Mtn to cont I/S (#415) GRANTED 2) I/S set for 9/14/99 vctd & cont to 10/5/99 @ 4:00 pm cps dist lgm				

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(per Section 11)Start Date
End DateLtr. Total
Code Days

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UNITED STATES DISTRICT COURT
CRIMINAL DOCKET

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DATE	PROCEEDINGS (continued)		V. EXCLUDABLE D		
	(Document No.)		(a)	(b)	(c)
8/24/99	417	NOTICE re: D/J.Wrobel 1) I/S set for 11/5/99 vctd & cont to 11/8/99 @ 4:00 pm cps dist lgm			
--	418	NOTICE re: D/Fried 1) I/S set for 9/20/99 vctd IN TIME ONLY & advncd to 9/20/99 @ 3:00 pm cps dist lgm			
8/25/99	419	NOTICE re: D/Pucklus 1) I/S set for 9/7/99 vctd & advncd to 9/3/99 @ 10:30 am cps dist lgm			
9/2/99	420	MOTION re: D/Puklus obo gvrnmnt for dwnwrđ departr (m) lgm (Dispo: #421 <i>Granted</i>)			
9/3/99	421	PLEA FOR LENIENCY frm D/Azzarone lgm (Dispo: #423; <i>Denied #434</i>)			
9/3/99	--	<i>Sub 421 to PMP. re</i> <u>RECORDERS TRANSCRIPT</u> re D/Azzarone's Sentencing held 7/30/99 bfr (PMP). (C/Rec J. Bowman) cjb			
9/3/99	422	NOTICE re D/Puklus (PMP) ORD sntncng contd on rqst of dfns cnsl fm 9/3/99 to 9/22/99 @ 4pm. cps dist cjb			
9/13/99	423	ORDER re: D/Azzarone's plea of lenincy (#421) (PMP) ORD 1) Gvrnmnt & prob shll file rspn by 9/24/99 cps dist lgm			
9/14/99	424	OBJECTIONS to PSR obo D/Fried. (m) cjb (Copy to PMP 9/15/99)			
9/15/99	425	SUBMISSION OF DOCUMENTS (ltrs) obo D/Puklus lgm (cpy to PMP)			
9/17/99	426	MOTION obo gvrnmnt re: D/Fried for dwnwrđ departr (cpy to PMP) lgm (Dispo: <i>Granted #428</i>)			
9/21/99	427	SUPPLEMENTAL SUBMISSION OF DOCUMENTS (ltrs) obo D/Puklus lgm			
--	428	MINUTES OF SENTENCING re; D/Fried dtd 9/20/99 (PMP) ORD As to CT 63 of 3rd sprsdng: 1) Sent impsd 2) Assessmnt 3) Restitutn 4) Gvrnmnt's mtn for dwnwrđ departr GRANTED 5) D shll slf surr by 11/22/99 @ noon (C/R E.Davis) cps dist lgm			
9/22/99	429	PETITION/ORDER re: D/Ford dtd 9/21/99 (LRL) ORD 1) Summs to iss for 10/5/99 @ 2:00 pm cps dist lgm			
--	---	SUMMONS issd to USM re: D/Ford lgm			

UNITED STATES DISTRICT COURT
CRIMINAL DOCKET

CURTIS ALPHONSE BURNEY et al

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DATE	PROCEEDINGS (continued)	V. EXCLUDABLE DELAY			
		(a)	(b)	(c)	(d)
9/22/99	430 JUDGMENT re: D/Fried dtd 9/20/99 (PMP) ORD As to CT 63: 1) 5 mths cstdy USBOP 2) D shll surr by noon 11/22/99 3) 3 yrs sprvsd relse (see doc for spec conds) 4) \$50.00 assessmnt 5) \$48,119.00 restitutn (EOD 9/23/99) cps dist lgm				
9/23/99	431 MINUTES OF SENTENCING re: D/Puklus dtd 9/22/99 (PMP) ORD As to CT 70 of 3rd sprsdng indctmnt: 1) Sent impsd 2) Assessmnt 3) Restitutn 4) Remning CTs DISMD 5) Gvrnmnts mtn for dwnrwd departr GRANTED 6) D shll slf surr by noon 12/27/99 (C/R E.Davis) cps dist lgm				
--	432 RESPONSE obo gvrnmnt to D/Azzaron'es ltr (#421)(m)	lgm			
9/27/99	Sub 421, 432 to PMP. Na				
9/24/99	433 JUDGMENT re: D/Puklus dtd 9/22/99 (PMP) ORD As to CT 70: 1) 6 mths cstdy USBOP 2) D shll surr bfr noon 12/27/99 3) 3 yrs sprvsd relse (see doc for spec conds) 4) \$50.00 assessmnt 5) \$72,501.96 restitutn (EOD 9/27/99) cps dist lgm				
9/28/99	434 ORDER dtd 9/27/99 re D/Azzarone, Jr. (PMP) ORD dfnt's rqst for mdftn of sntnc contained in ltr of 9/3/99 is DENIED. EOD: 9/29/99				
10/5/99	435 STIPULATION/ORDER re D/Filosi (PMP) ORD sntncg set 10/5/99 VACATED & reset 11/16/99 @ 4pm. cps dist cjb				
10/5/99	436 MINUTES OF PROCEEDING re Viol of P/T Relse obo D/Ford (LRL) ORD dfnt has until Noon 10/8/99 to prvd Mr. Pease (P/T Ofcr) documentation as to fine pymnts or warrant w/be issd; FUR ORD addtnl cond of relse shall be dfnt shl not posess illegal substance; dfnt shl not associate w/anyone using or possessing illegal substance; dfnt shal sbmt to drug testing & cnsng if deemed appropriate by PTS. (Tape 99-1-86/87). cps dist cjb				
10/7/99	437 SUMMONS re: D/Ford w/USM ret, D srvd 10/1/99 lgm				
10/15/99	438 JUDGMENT w/USM ret, D/Cardin slf surr to FPC Nellis Las Vegas, NV 10/8/99 lgm				
10/18/99	439 MOTION obo D/G.Wrobel to cont I/S (p) lgm (Dispo: #440 GRANTED)				
10/19/99	440 ORDER re: D/G.Wrobel's mtn to cont I/S dtd 10/18/99 (PMP) ORD 1) Mtn GRANTED; I/S set for 10/19/99 vctd & cont to 11/16/99 @ 3:30 pm cps dist lgm				

Interval
(per Section II)Start Date
End DateLtr. Total
Days

DISTRICT COURT CIVIL COVER SHEET A- 16- 746797- C

County, Nevada

I V

Case No. _____

(Assigned by Clerk's Office)

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

Plaintiff(s) (name/address/phone): Danny Tarkanian 7220 S. Cimarron Rd. #110 Las Vegas, NV 89113 702-508-4998	Defendant(s) (name/address/phone): Jacky Rosen, an individual; Rosen for Nevada, a 527 Organization and Does I-X and Does Entities VI-X 1000 N. Green Valley Parkway #440-177 Henderson, NV 89074 702-998-5327
Attorney (name/address/phone): Samira C. Knight, Esq. 7220 S. Cimarron Rd. #110 Las Vegas, NV 89113 702-508-4998	Attorney (name/address/phone):

II. Nature of Controversy (please select the one most applicable filing type below)**Civil Case Filing Types**

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

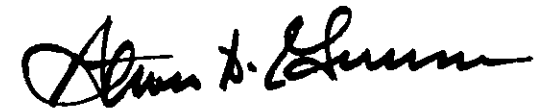
Business Court filings should be filed using the Business Court civil coversheet.

11/16/16

Date

Signature of initiating party or representative

See other side for family-related case filings.



CLERK OF THE COURT

SAMIRA C. KNIGHT, ESQ.
Nevada Bar No. 13167
Tarkanian & Knight Law Group, PLLC
7220 S. Cimarron, Suite 100
Las Vegas, NV 89113
Tel: (702) 508-4998
Fax: (702) 940-2792
E-mail: Samira@TKLawGroupNV.com
Attorney for Plaintiff

**DISTRICT COURT
CLARK COUNTY, NEVADA**

DANNY TARKANIAN,

Plaintiff,

vs.

JACKY ROSEN, an individual; Rosen for
Nevada, a 527 Organization and DOES I-X
and ROES ENTITIES VI-X,
Defendant.

Case No.: CASE NO.

Dept. No.: A- 16 - 746797 - C

I V

COMPLAINT

COMES NOW, the Plaintiff, Danny Tarkanian, by and through his attorney of record, Samira Knight, Esq. of Tarkanian & Knight Law Group, PLLC, and for his causes of action against the Defendants, alleges ad follows:

PARTIES

1. At all times material, hereto, the Plaintiff, DANNY TARKANIAN, (hereinafter referred to as the "Plaintiff") was and is a resident of Clark County, State of Nevada.

2. At all times material hereto, the Defendant, JACKY ROSEN, (Hereinafter referred to as the "ROSEN") was and is a resident of Clark County, Nevada.

3. At all times material hereto, the Defendant, ROSEN FOR NEVADA, (Hereinafter referred to as the "RFN") was and is a 527 Organization, and did business in Clark County.

1 4. The true names and capacities of the Defendants named herein as DOES I-X,
2 inclusive, and ROE ENTITIES VI-X, inclusive, whether individual, corporate, associate, or
3 otherwise, are presently unknown to the Plaintiff who therefore sue he said Defendants by
4 such fictitious names; and when the true names and capacities of such DOES I through X,
5 inclusive, and ROE ENTITIES VI-X, inclusive are discovered, the Plaintiff will ask leave to
6 amend this Complaint to substitute the true names of the said Defendants. The Plaintiff is
7 informed, believes and therefore alleges that the Defendants so designated herein are
8 responsible in some manner for the events and occurrences contained in this action.

9 **JURISDICTION AND VENUE**

10 5. This Court has subject matter jurisdiction over this action under Article 6, §6
11 of the Nevada Constitution.

12 6. This Court has personal jurisdiction over Defendants because they have had
13 continuous and systematic contacts with the State of Nevada, resides and regularly conducts
14 business in Las Vegas, Nevada, and committed the tortious conduct underlying Plaintiff's
15 claims in this judicial district.

16 7. Venue is proper in this Court pursuant to Nevada Revised Statute § 13.040
17 because the Defendants reside and did business here and Plaintiff's claims arose in this
18 judicial district.

19 **FACTS COMMON TO ALL CLAIMS**

20 8. In 2016, Plaintiff and Rosen were both candidates for election to the United
21 States Congress in Nevada's District three (3).

22 9. Rosen is the sole member of Rosen for Nevada, a 527 Organization.

23 10. As the sole member of RSN, Rosen makes all final decision on behalf of the
24 527 Organization.

25 11. During the election, Defendants intentionally produced a video advertisement
26 that contained false and defamatory statements (hereinafter "Advertisement") about the
27 Plaintiff, to wit:
28

1 a. Plaintiff "set up 13 fake charities that preyed on vulnerable seniors,
2 fronts for telemarketing schemes."

3 b. "Seniors lost millions from scams Danny Tarkanian helped set up."

4 12. Defendants approved the Advertisement and its language knowing that in July
5 of 2009, Plaintiff won a highly publicized unanimous jury verdict in Clark County District
6 Court, Case No. A500379 against another candidate running against Plaintiff for elected
7 office for Defamation, which Defendants' in this case made nearly identical false and
8 defamatory statements against Plaintiff in their Advertisement.

9 13. Further in 2016, prior to the production of the Advertisement, there was public
10 dissemination of the above stated court decision in multiple media outlets stating the
11 statements above were ruled false and defamatory.

12 14. Although Defendants were well-aware that their facts and claims in their
13 Advertisement were clearly false, right before early voting started before the November 8,
14 2016 election ("Election Day") Defendants disseminated the defamatory Advertisement
15 through multiple outlets including but not limited to Facebook, Youtube.com, and multiple
16 televisions stations.

17 15. On October 25, 2016, Defendants uploaded the Advertisement on to Youtube,
18 calling it Jacky Rosen Ad: "Integrity," through Defendants own Youtube page "Rosen Press"
19 with the URL of <https://youtu.be/v3J5nxOnBB8>.

20 16. On October 25, 2016, at 4:14pm, Defendants' uploaded the Advertisement to
21 their Facebook page "Jacky Rosen for Nevada," which her post specifically states above the
22 advertisement "Watch and share my new ad here."

23 17. Defendants purchased numerous amounts of television commercial time on
24 multiple networks roughly (2) weeks before Election Day which it constantly replayed the
25 Defamatory Advertisement until the Election Day.

26 18. Defendants knowingly disseminated false and defamatory statements regarding
27 Plaintiff, right when early voting began and two (2) weeks before Election Day, knowing that
28

1 it would cause Plaintiff substantial harm, and Plaintiff would be unable to remove such
2 Advertisements before early voting and Election Day.

3 19. On October 26, 2016, Plaintiff sent Defendants' a cease and desist letter,
4 requesting that they immediately stop the dissemination of the false and Defamatory
5 statements regarding Plaintiff, and further notified Defendants' again regarding the July of
6 2009, Jury verdict in favor of Plaintiff against a previous candidate running against Plaintiff
7 who made nearly identical statements against Plaintiff as Defendants have in this case.

8 20. Even after being served the Cease and Desist letter, Defendants refused to stop
9 disseminating the Defamatory Advertainments against Plaintiff.

10 21. To the best of Plaintiff's knowledge Defendants' continued to run the
11 Advertisements on television until Election Day, November 8, 2016.

12 22. Defendants still has the false and defamatory Advertisements posted on their
13 Facebook page and YouTube page, which continues to cause substantial harm to Plaintiff.

14 23. The Defendants' malicious and false statements are defamatory in that they
15 tend to lower the Plaintiff in the estimation of the community, excite derogatory opinions
16 about the Plaintiff, and hold the Plaintiff up to contempt.

17 24. Defendants' malicious and false statements have caused serious injury to
18 Plaintiff's reputation, which not only resulted in Plaintiff losing the election to Defendant due
19 to her false and defamatory statements, but pecuniary losses as to his business, trade and
20 profession.

21 25. Defendants' malicious and false statements continue to cause serious injury to
22 Plaintiff's reputation and pecuniary loss that they are actionable without proof of damages in
23 that the statements impute the Plaintiff as having a lack of fitness for trade, business or
24 profession, due to the Defamatory Advertisements are still on Facebook and Youtube.

25 26. As a result of Defendants' intentional extreme and outrageous actions to
26 disseminate a false and defamatory Advertisement regarding Plaintiff, which caused him, and
27 his family extreme emotional distress, turmoil and Defendants continues to do so.
28

FIRST CLAIM FOR RELIEF

(Libel per Se)

(Television)

27. Plaintiff hereby repleads, realleges and incorporates by reference each and every previous allegation contained in Paragraph 1 through 26 above, as though fully set forth herein.

28. On or about October 25, 2016, Defendants intentionally and maliciously approved the production and dissemination of the Advertisement to multiple television outlets knowing the Advertisement contained false and defamatory language regarding Plaintiff.

29. The Advertisement contained false and defamatory statements about the Plaintiff, to wit:

a. Plaintiff "set up 13 fake charities that preyed on vulnerable seniors, fronts for telemarketing schemes."

b. "Seniors lost millions from scams Danny Tarkanian helped set up."

30. The Defendants intentional, malicious and false statements lowered the Plaintiff in the estimation of the community, created derogatory opinions about the Plaintiff, diminished his integrity, forced the community to question his honesty, and is holding the Plaintiff for contempt due to Defendants' lies for her own material gain.

31. In July of 2009, in Clark County District Court, Case No. A500379, a unanimous jury ruled that the nearly identical statements made in Defendants' Advertisement were already ruled Defamatory.

32. The July 2009 well known verdict, was published again in the local media weeks before Defendants disseminated the False and Defamatory Advertisement to the television station, which put Defendants' on notice.

33. On October 26, 2016, Plaintiff sent Defendants a "Cease and Desist" letter notifying Defendants that their Advertisement was false and defamatory, which included the July 2009 verdict.

1 34. The False and Defamatory Advertisements Defendant which were
2 disseminated to the local televisions stations to be continuously aired for over two (2) weeks
3 was a continuous publication of a false statement of fact.

4 35. The Defendants malicious and false statements were an assertion of a fact or an
5 expression of an opinion that suggested that the Defendants knew certain facts to be true or
6 implied that certain facts existed.

7 36. Defendants acted with malice when Defendants knowingly produced, approved
8 and aired false and defamatory statements made in the Advertisement two (2) weeks before
9 Election Day, for Defendants' own personal gain to win the election.

10 37. The Defendants' malicious and false statements are defamatory in that they
11 tend to lower the Plaintiff in the estimation of the community, excite derogatory opinions
12 about the Plaintiff and hold the Plaintiff up to contempt.

13 38. The Defendant's malicious and false statements have caused serious injury to
14 reputation and pecuniary loss that they constitute libel per se.

15 39. The Defendants' malicious and false statements has caused serious injury to
16 reputation Plaintiff and pecuniary loss that they are actionable without proof of damages in
17 that the statements impute the Plaintiff as having a lack of fitness for trade, business or
18 profession.

19 40. The Plaintiff has suffered damage to his reputation and has suffered harm
20 which normally results from such defamation.

21 41. The Plaintiff has been damaged in an amount in excess of \$250,000.00.

22 42. It has become necessary for the Plaintiff to engage the services of an attorney
23 to commence this action and Plaintiff is, therefore, entitled to reasonable attorney's fees and
24 costs as damages.

25 43. The Defendant is guilty of oppression, fraud or malice, express or implied; as
26 Defendants knowingly defamed Plaintiff hurting his reputation right before early voting and
27 two (2) weeks before election day, knowing that Plaintiff will not be able to assert any legal
28 action until after the election and refusing to respond to Plaintiff's cease and desist letter;

1 therefore, the Plaintiff is entitled to recover damages for the sake of example and by way of
2 punishing the Defendants in an amount in excess of \$1,000,000.00.

3 **SECOND CLAIM FOR RELIEF**

4 **(libel per Se)**

5 **(YouTube)**

6 44. Plaintiff hereby repleads, realleges and incorporates by refence each and every
7 previous allegation contained in Paragraph 1 through 43 above, as though fully set forth
8 herein.

9 45. On or about October 25, 2016, Defendants intentionally and maliciously
10 approved the production and dissemination of the Advertisement which was uploaded and is
11 still on Youtube, calling it Jacky Rosen Ad: "Integrity," through Defendants own Youtube
12 page "Rosen Press" with the URL of <https://youtu.be/v3J5nxOnBB8>, knowing the

13 Advertisement contained false and defamatory language regarding Plaintiff.

14 46. The Advertisement contained false and defamatory statements about the
15 Plaintiff, to wit:

16 a. Plaintiff "set up 13 fake charities that preyed on vulnerable seniors,
17 fronts for telemarketing schemes."

18 b. "Seniors lost millions from scams Danny Tarkanian helped set up."

19 47. The Defendants intentional, malicious and false statements lowered the
20 Plaintiff in the estimation of the community, created derogatory opinions about the Plaintiff,
21 diminished his integrity, forced the community to question his honesty, and is holding the
22 Plaintiff for contempt due to Defendants' lies for her own material gain.

23 48. In July of 2009, in Clark County District Court, Case No. A500379, a
24 unanimous jury ruled that the nearly identical statements made in Defendants' Advertisement
25 were already ruled Defamatory.

26 49. The July 2009 well known verdict, was published again in the local media
27 weeks before Defendants uploaded the False and Defamatory Advertisement to the You Tube,
28 which put Defendants' on notice.

1 50. On October 26, 2016, Plaintiff sent Defendants a "Cease and Desist" letter
2 notifying Defendants that their Advertisement was false and defamatory, which included the
3 July 2009 verdict.

4 51. The False and Defamatory Advertisements is still on Youtube which is a
5 continuous publication of a false statement of fact.

6 52. The Defendants malicious and false statements were an assertion of a fact or an
7 expression of an opinion that suggested that the Defendants knew certain facts to be true or
8 implied that certain facts existed.

9 53. Defendants acted with malice when Defendants knowingly produced, approved
10 and aired false and defamatory statements made in the Advertisement two (2) weeks before
11 Election Day, for Defendants' own personal gain to win the election.

12 54. The Defendants' malicious and false statements are defamatory in that they
13 tend to lower the Plaintiff in the estimation of the community, excite derogatory opinions
14 about the Plaintiff and hold the Plaintiff up to contempt.

15 55. The Defendant's malicious and false statements have caused and continues to
16 cause Plaintiff serious injury to his reputation and pecuniary loss that they constitute libel per
17 se.

18 56. The Defendants' malicious and false statements has caused and continues to
19 cause Plaintiff serious injury to reputation and pecuniary loss that they are actionable without
20 proof of damages in that the statements impute the Plaintiff as having a lack of fitness for
21 trade, business or profession.

22 57. The Plaintiff has suffered damage to his reputation and has suffered harm
23 which normally results from such defamation.

24 58. The Plaintiff has been damaged in an amount in excess of \$250,000.00, and
25 continues to incur more damages the longer the Advertisement remains on Youtube.

26 59. It has become necessary for the Plaintiff to engage the services of an attorney
27 to commence this action and Plaintiff is, therefore, entitled to reasonable attorney's fees and
28 costs as damages.

1 65. In July of 2009, in Clark County District Court, Case No. A500379, a
2 unanimous jury ruled that the nearly identical statements made in Defendants' Advertisement
3 were already ruled Defamatory.

4 66. The July 2009 well known verdict, was published again in the local media
5 weeks before Defendants uploaded the False and Defamatory Advertisement to the Facebook,
6 which put Defendants' on notice.

7 67. On October 26, 2016, Plaintiff sent Defendants a "Cease and Desist" letter
8 notifying Defendants that their Advertisement was false and defamatory, which included the
9 July 2009 verdict.

10 68. The False and Defamatory Advertisements is still on Facebook which is a
11 continuous publication of a false statement of fact.

12 69. The Defendants malicious and false statements were an assertion of a fact or an
13 expression of an opinion that suggested that the Defendants knew certain facts to be true or
14 implied that certain facts existed.

15 70. Defendants acted with malice when Defendants knowingly produced, approved
16 and aired false and defamatory statements made in the Advertisement two (2) weeks before
17 Election Day, for Defendants' own personal gain to win the election.

18 71. The Defendants' malicious and false statements are defamatory in that they
19 tend to lower the Plaintiff in the estimation of the community, excite derogatory opinions
20 about the Plaintiff and hold the Plaintiff up to contempt.

21 72. The Defendant's malicious and false statements have caused and continues to
22 cause Plaintiff serious injury to his reputation and pecuniary loss that they constitute libel per
23 se.

24 73. The Defendants' malicious and false statements has caused and continues to
25 cause Plaintiff serious injury to reputation Plaintiff and pecuniary loss that they are actionable
26 without proof of damages in that the statements impute the Plaintiff as having a lack of fitness
27 for trade, business or profession.
28

1 74. The Plaintiff has suffered damage to his reputation and has suffered harm
2 which normally results from such defamation.

3 75. The Plaintiff has been damaged in an amount in excess of \$250,000.00, and
4 continues to incur more damages the longer the Advertisement remains on Facebook.

5 76. It has become necessary for the Plaintiff to engage the services of an attorney
6 to commence this action and Plaintiff is, therefore, entitled to reasonable attorney's fees and
7 costs as damages.

8 77. The Defendant is guilty of oppression, fraud or malice, express or implied; as
9 Defendants knowingly defamed Plaintiff hurting his reputation right before early voting and
10 two (2) weeks before election day, knowing that Plaintiff will not be able to assert any legal
11 action until after the election and refusing to respond to Plaintiff's cease and desist; therefore,
12 the Plaintiff is entitled to recover damages for the sake of example and by way of punishing
13 the Defendants in an amount in excess of \$1,000,000.00.

14 **FORTH CLAIM FOR RELIEF**

15 **(Slander per Se)**

16 **(Television)**

17 78. Plaintiff hereby repleads, realleges and incorporates by refence each and every
18 previous allegation contained in Paragraph 1 through 77 above, as though fully set forth
19 herein.

20 79. On or about October 25, 2016, Defendants intentionally and maliciously
21 approved the production and dissemination of the Advertisement to multiple television outlets
22 knowing the Advertisement contained false and defamatory language regarding Plaintiff.

23 80. The Advertisement contained false and defamatory statements about the
24 Plaintiff, to wit:

- 25 a. Plaintiff "set up 13 fake charities that preyed on vulnerable seniors, fronts
26 for telemarketing schemes."
27 b. "Seniors lost millions from scams Danny Tarkanian helped set up."
28

1 81. The Defendants intentional, malicious and false statements lowered the
2 Plaintiff in the estimation of the community, created derogatory opinions about the Plaintiff,
3 diminished his integrity, forced the community to question his honesty, and is holding the
4 Plaintiff for contempt due to Defendants' lies for her own material gain.

5 82. In July of 2009, in Clark County District Court, Case No. A500379, a
6 unanimous jury ruled that the nearly identical statements made in Defendants' Advertisement
7 were already ruled Defamatory.

8 83. The July 2009 well known verdict, was published again in the local media
9 weeks before Defendants disseminated the False and Defamatory Advertisement to the
10 television station, which put Defendants' on notice.

11 84. On October 26, 2016, Plaintiff sent Defendants a "Cease and Desist" letter
12 notifying Defendants that their Advertisement was false and defamatory, which included the
13 July 2009 verdict.

14 85. The False and Defamatory Advertisements Defendant which were
15 disseminated to the local televisions stations to be continuously aired for over two (2) weeks
16 was a publication of a false statement of fact.

17 86. The Defendants malicious and false statements were an assertion of a fact or an
18 expression of an opinion that suggested that the Defendants knew certain facts to be true or
19 implied that certain facts existed.

20 87. Defendants acted with malice when Defendants knowingly produced, approved
21 and aired false and defamatory statements made in the Advertisement two (2) weeks before
22 Election Day, for Defendants' own personal gain to win the election.

23 88. The Defendants' malicious and false statements are defamatory in that they
24 tend to lower the Plaintiff in the estimation of the community, excite derogatory opinions
25 about the Plaintiff and hold the Plaintiff up to contempt.

26 89. The Defendant's malicious and false statements have caused serious injury to
27 reputation and pecuniary loss that they constitute slander per se.
28

1 90. The Defendants' malicious and false statements has caused serious injury to
2 reputation Plaintiff and pecuniary loss that they are actionable without proof of damages in
3 that the statements impute the Plaintiff as having a lack of fitness for trade, business or
4 profession.

5 91. The Plaintiff has suffered damage to his reputation and has suffered harm
6 which normally results from such defamation.

7 92. The Plaintiff has been damaged in an amount in excess of \$250,000.00.

8 93. It has become necessary for the Plaintiff to engage the services of an attorney
9 to commence this action and Plaintiff is, therefore, entitled to reasonable attorney's fees and
10 costs as damages.

11 94. The Defendant is guilty of oppression, fraud or malice, express or implied; as
12 Defendants knowingly defamed Plaintiff hurting his reputation right before early voting and
13 two (2) weeks before election day, knowing that Plaintiff will not be able to assert any legal
14 action until after the election and refusing to respond to Plaintiff's cease and desist letter;
15 therefore, the Plaintiff is entitled to recover damages for the sake of example and by way of
16 punishing the Defendants in an amount in excess of \$1,000,000.00.

17 **FIFTH CLAIM FOR RELIEF**

18 **(Slander per Se)**

19 **(YouTube)**

20 95. Plaintiff hereby repleads, realleges and incorporates by refence each and every
21 previous allegation contained in Paragraph 1 through 94 above, as though fully set forth
22 herein.

23 96. On or about October 25, 2016, Defendants intentionally and maliciously
24 approved the production and dissemination of the Advertisement which was uploaded and is
25 still on Youtube, calling it Jacky Rosen Ad: "Integrity," through Defendants own Youtube
26 page "Rosen Press" with the URL of <https://youtu.be/v3J5nxOnBB8>, knowing the
27 Advertisement contained false and defamatory language regarding Plaintiff.
28

1 97. The Advertisement contained false and defamatory statements about the
2 Plaintiff, to wit:

3 a. Plaintiff “set up 13 fake charities that preyed on vulnerable seniors, fronts
4 for telemarketing schemes.”

5 b. “Seniors lost millions from scams Danny Tarkanian helped set up.”

6 98. The Defendants intentional, malicious and false statements lowered the
7 Plaintiff in the estimation of the community, created derogatory opinions about the Plaintiff,
8 diminished his integrity, forced the community to question his honesty, and is holding the
9 Plaintiff for contempt due to Defendants’ lies for her own material gain.

10 99. In July of 2009, in Clark County District Court, Case No. A500379, a
11 unanimous jury ruled that the nearly identical statements made in Defendants’ Advertisement
12 were already ruled Defamatory.

13 100. The July 2009 well known verdict, was published again in the local media
14 weeks before Defendants uploaded the False and Defamatory Advertisement to the You Tube,
15 which put Defendants’ on notice.

16 101. On October 26, 2016, Plaintiff sent Defendants a “Cease and Desist” letter
17 notifying Defendants that their Advertisement was false and defamatory, which included the
18 July 2009 verdict.

19 102. The False and Defamatory Advertisements is still on Youtube which is a
20 continuous publication of a false statement of fact.

21 103. The Defendants malicious and false statements were an assertion of a fact or an
22 expression of an opinion that suggested that the Defendants knew certain facts to be true or
23 implied that certain facts existed.

24 104. Defendants acted with malice when Defendants knowingly produced, approved
25 and aired false and defamatory statements made in the Advertisement two (2) weeks before
26 Election Day, for Defendants’ own personal gain to win the election.

1 105. The Defendants' malicious and false statements are defamatory in that they
2 tend to lower the Plaintiff in the estimation of the community, excite derogatory opinions
3 about the Plaintiff and hold the Plaintiff up to contempt.

4 106. The Defendant's malicious and false statements have caused and continues to
5 cause Plaintiff serious injury to his reputation and pecuniary loss that they constitute slander
6 per se.

7 107. The Defendants' malicious and false statements has caused and continues to
8 cause Plaintiff serious injury to reputation and pecuniary loss that they are actionable without
9 proof of damages in that the statements impute the Plaintiff as having a lack of fitness for
10 trade, business or profession.

11 108. The Plaintiff has suffered damage to his reputation and has suffered harm
12 which normally results from such defamation.

13 109. The Plaintiff has been damaged in an amount in excess of \$250,000.00, and
14 continues to incur more damages the longer the Advertisement remains on Youtube.

15 110. It has become necessary for the Plaintiff to engage the services of an attorney
16 to commence this action and Plaintiff is, therefore, entitled to reasonable attorney's fees and
17 costs as damages.

18 111. The Defendant is guilty of oppression, fraud or malice, express or implied; as
19 Defendants knowingly defamed Plaintiff hurting his reputation right before early voting and
20 two (2) weeks before election day, knowing that Plaintiff will not be able to assert any legal
21 action until after the election and refusing to respond to Plaintiff's cease and desist letter;
22 therefore, the Plaintiff is entitled to recover damages for the sake of example and by way of
23 punishing the Defendants in an amount in excess of \$1,000,000.00.

24 ///

25 ///

26 ///

27 ///

28 ///

SIXTH CLAIM FOR RELIEF

(Slander per Se)

(Facebook)

112. Plaintiff hereby repleads, realleges and incorporates by reference each and every previous allegation contained in Paragraph 1 through 111 above, as though fully set forth herein.

113. On October 25, 2016, at 4:14pm, Defendants intentionally and maliciously approved the production and dissemination of the Advertisement which was uploaded and is still on Defendants' Facebook page "Jacky Rosen for Nevada," which her post specifically states above the advertisement "Watch and share my new ad here," knowing the Advertisement contained false and defamatory language regarding Plaintiff.

114. The Advertisement contained false and defamatory statements about the Plaintiff, to wit:

- a. Plaintiff "set up 13 fake charities that preyed on vulnerable seniors, fronts for telemarketing schemes."
- b. "Seniors lost millions from scams Danny Tarkanian helped set up."

115. The Defendants intentional, malicious and false statements lowered the Plaintiff in the estimation of the community, created derogatory opinions about the Plaintiff, diminished his integrity, forced the community to question his honesty, and is holding the Plaintiff for contempt due to Defendants' lies for her own material gain.

116. In July of 2009, in Clark County District Court, Case No. A500379, a unanimous jury ruled that the nearly identical statements made in Defendants' Advertisement were already ruled Defamatory.

117. The July 2009 well known verdict, was published again in the local media weeks before Defendants uploaded the False and Defamatory Advertisement to the Facebook, which put Defendants' on notice.

1 118. On October 26, 2016, Plaintiff sent Defendants a "Cease and Desist" letter
2 notifying Defendants that their Advertisement was false and defamatory, which included the
3 July 2009 verdict.

4 119. The False and Defamatory Advertisements is still on Facebook which is a
5 continuous publication of a false statement of fact.

6 120. The Defendants malicious and false statements were an assertion of a fact or an
7 expression of an opinion that suggested that the Defendants knew certain facts to be true or
8 implied that certain facts existed.

9 121. Defendants acted with malice when Defendants knowingly produced, approved
10 and aired false and defamatory statements made in the Advertisement two (2) weeks before
11 Election Day, for Defendants' own personal gain to win the election.

12 122. The Defendants' malicious and false statements are defamatory in that they
13 tend to lower the Plaintiff in the estimation of the community, excite derogatory opinions
14 about the Plaintiff and hold the Plaintiff up to contempt.

15 123. The Defendant's malicious and false statements have caused and continues to
16 cause Plaintiff serious injury to his reputation and pecuniary loss that they constitute slander
17 per se.

18 124. The Defendants' malicious and false statements has caused and continues to
19 cause Plaintiff serious injury to reputation Plaintiff and pecuniary loss that they are actionable
20 without proof of damages in that the statements impute the Plaintiff as having a lack of fitness
21 for trade, business or profession.

22 125. The Plaintiff has suffered damage to his reputation and has suffered harm
23 which normally results from such defamation.

24 126. The Plaintiff has been damaged in an amount in excess of \$250,000.00, and
25 continues to incur more damages the longer the Advertisement remains on Facebook.

26 127. It has become necessary for the Plaintiff to engage the services of an attorney
27 to commence this action and Plaintiff is, therefore, entitled to reasonable attorney's fees and
28 costs as damages.

1 128. The Defendant is guilty of oppression, fraud or malice, express or implied; as
2 Defendants knowingly defamed Plaintiff hurting his reputation right before early voting and
3 two (2) weeks before election day, knowing that Plaintiff will not be able to assert any legal
4 action until after the election and refusing to respond to Plaintiff's cease and desist; therefore,
5 the Plaintiff is entitled to recover damages for the sake of example and by way of punishing
6 the Defendants in an amount in excess of \$1,000,000.00.

7 **SEVENTH CLAIM FOR RELIEF**

8 **(Intentional Infliction of Emotional Distress)**

9 129. Plaintiff hereby repleads, realleges and incorporates by refence each and every
10 previous allegation contained in Paragraph 1 through 128 above, as though fully set forth
11 herein.

12 130. Defendants' knowingly, intentionally and maliciously disseminated false and
13 defamatory statements about Plaintiff in an Advertisement right when early voting began and
14 two (2) weeks before election day, so that he would not have any recourse until after the
15 election..

16 131. As a result of Defendants' actions, Plaintiff has suffered severe emotion
17 distress and continues to suffer as Defendants' refuse to remove the defamatory
18 Advertisements.

19 132. Plaintiff has suffered damages in the excess of \$25,000.00.

20 133. It has become necessary for the Plaintiff to engage the services of an attorney
21 to commence this action and Plaintiff is, therefore, entitled to reasonable attorney's fees and
22 costs as damages.

23 ///

24 ///

25 ///

26 ///

27 ///

28

1 134. Plaintiff should be awarded punitive damages in the amount of \$500,000.00 for
2 Defendants' continuous, intentional and malicious conduct.

3 **WHEREFORE**, the Plaintiff respectfully requests that the Court grant the following
4 relief, and prays for a judgment as follows:

5 1. For damages sustained in an amount in excess of \$1,525,000.00 against
6 Defendants;

7 2. For punitive damages in an amount in excess of \$6,500,000.00 against
8 Defendants;

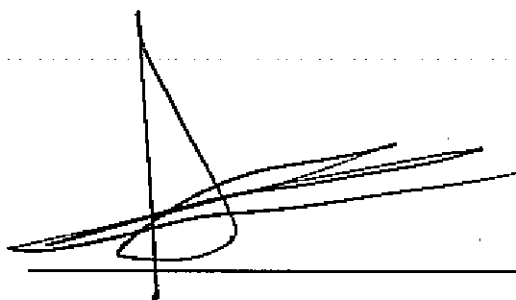
9 3. For all costs and all attorney's fees incurred and accrued in these proceeding
10 against Defendants;

11 4. For interest thereon at the legal rate until paid in full; and

12 5. For such other and further relief as the Court may deem just and proper in the
13 premises.

14 Dated this 16th day of November 2016.

15
16
17 **Tarkanian & Knight Law Group, PLLC**

18
19
20 

21 **SAMIRA C. KNIGHT, ESQ.**

22 Nevada Bar No. 13167

23 **Tarkanian & Knight Law Group, PLLC**

24 7220 S. Cimarron, Suite 100

25 Las Vegas, NV 89113

26 Tel: (702) 508-4998

27 Fax: (702) 940-2792

28 E-mail: Samira@TKLawGroupNV.com

Attorney for Plaintiff

1 **SUMM**
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3 Nevada Bar No. 13167
4 **Tarkanian & Knight Law Group, PLLC**
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6 Las Vegas, NV 89113
7 Tel: (702) 508-4998
8 Fax: (702) 940-2792
9 E-mail: Samira@TKLawGroupNV.com
10 *Attorney for Plaintiff*

7 **DISTRICT COURT**
8 **CLARK COUNTY, NEVADA**

9 DANNY TARKANIAN,

10 Plaintiff,

11 vs.

12 JACKY ROSEN, an individual; Rosen for
13 Nevada, a 527 Organization and DOES I-X
14 and ROES ENTITIES VI-X,
15 Defendant

Case No.: CASE NO.

Dept. No.:

16 **INITIAL APPEARANCE FEE DISCLOSURE (NRS CHAPTER 19)**

17 Pursuant to NRS Chapter 19, as amended by Senate Bill 106, filing fees are
18 submitted for parties appearing in the above entitled action as indicated below:

19 **DANNY TARKANIAN**

\$270.00

20
21 Total Remitted

\$270.00

22 DATED this 16th day of November, 2016.

23 Tarkanian & Knight Law Group, PLLC

24
25 
26 SAMIRA C. KNIGHT, ESQ.

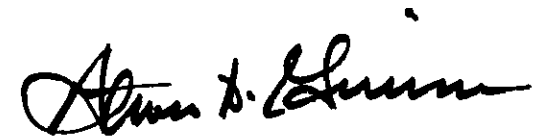
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27 Tel: (702) 508-4998

28 *Attorney for Plaintiff*



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Attorneys for Defendants

EIGHTH JUDICIAL DISTRICT COURT
IN AND FOR CLARK COUNTY, STATE OF NEVADA

DANNY TARKANIAN,

Plaintiff,

vs.

JACKY ROSEN, an individual; ROSEN FOR
NEVADA, a 527 Organization and DOES I-X
and ROES ENTITIES VI-X

Defendant.

Case No: A-16-746797-C

Dept. No.: IV

**ANTI-SLAPP SPECIAL MOTION TO
DISMISS UNDER N.R.S. 41.660**

Defendants, Jacky Rosen and Rosen for Nevada, a political campaign committee organized for the purpose of electing Jacky Rosen to Congress, hereby file their Special Motion to Dismiss under N.R.S. 41.660, which provides for special dismissal of meritless lawsuits brought against defendants for exercising their First Amendment rights. This Motion is based upon the attached

1 memorandum of points and authorities, the papers and pleadings on file herein, and any oral
2 argument permitted by this Court. Pursuant to N.R.S. 41.660(3)(f), the Court must rule on this
3 Motion within twenty judicial days after the Motion has been served on Plaintiff Danny
4 Tarkanian.

5 DATED this 25th day of January, 2017.

6 By: /s/ Bradley Schrager

BRADLEY S. SCHRAGER, ESQ.

Nevada State Bar No. 10217

DANIEL BRAVO, ESQ.

Nevada Bar No. 13078

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*Pro hac vice motion to be submitted

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NOTICE OF MOTION

To: Samira C. Knight, attorney for Plaintiff Danny Tarkanian

PLEASE TAKE NOTICE that the foregoing Special Motion to Dismiss will be heard on the 01 day of MARCH, 2017 at 9:00A.m., or as soon thereafter as counsel may be heard.

Dated this 25th day of January, 2017.

By: /s/ Bradley Schrager
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1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **I. INTRODUCTION**

3 Republican Danny Tarkanian lost his 2016 bid to represent Nevada’s 3rd Congressional
4 District to Democratic Congresswoman Jacky Rosen. Through this lawsuit, he seeks to exact
5 political retribution on the Congresswoman and her campaign committee, Rosen for Nevada,
6 (collectively, “Defendants”) alleging that two statements made in a 30-second ad approved by
7 Congresswoman Rosen entitled “Integrity,” which was aired on television and posted on
8 Defendants’ YouTube and Facebook pages during the campaign (the “Advertisement”), were
9 “intentionally and maliciously” “false and defamatory.” Compl. ¶¶ 11, 14-16, 28, 45, 62, 70, 96,
10 113, 130. To this end, he alleges seven claims for relief, all various forms of the torts of
11 defamation and “intentional infliction of emotional distress.” See generally *id.*

12 But Tarkanian cannot prove that the statements at issue—that he “set up 13 fake charities
13 that preyed on vulnerable seniors,” which were “fronts for telemarketing schemes,” and that
14 “[s]eniors lost millions from scams . . . Tarkanian set up,” *id.* ¶ 11—meet the legal standards
15 applicable to either a claim for defamation or intentional infliction of emotional distress. Most
16 manifestly, this is because the statements report undeniably true facts. Indeed, Tarkanian himself
17 has confirmed as much in the past. Moreover, and as the Advertisement clearly indicates, these are
18 allegations that have been widely reported by Nevada newspapers for a decade, including after
19 Tarkanian settled a prior defamation action against another political opponent in July of 2009,
20 relevant only because Tarkanian claims that settlement should have put Defendants on notice of
21 the falsity of the statements in the Advertisement (despite the fact that the statements at issue in
22 the 2009 litigation were markedly and meaningfully different). See, e.g., Ex. A to Decl. of B.
23 Schrager (“Schrager Decl.”) (2012 Las Vegas Review-Journal article discussing telemarketing
24 fraud investigation into Tarkanian’s former law clients); Ex. B (same).

25 Nor can there be any dispute this lawsuit is based on Defendants’ exercise of core First
26 Amendment rights. By Tarkanian’s own admission, the Advertisement was aired during the height
27 of a campaign for public office. And Tarkanian is unquestionably a public figure, well-known as a
28 perennial candidate for political office, former University of Nevada, Las Vegas basketball star,

1 and former collegiate basketball coach. As a public figure, he and his business dealings, including
2 his involvement in setting up fake charities that stole millions from some of our most vulnerable
3 citizens, have been the frequent and appropriate subject of media attention and are rightfully
4 matters of public concern. They are similarly appropriately—and repeatedly have been—the
5 subject of advertisements by his opponents during campaigns for political office, circumstances in
6 which, as the U.S. Supreme Court has stressed, the First Amendment “[provides] its fullest and
7 most urgent application.” *Eu v. S. F. Cnty. Democratic Cent. Comm.*, 489 U.S. 214, 223 (1989).

8 Seeking to protect the exercise of fundamental speech rights against meritless and
9 retaliatory suits like the one in question, the Nevada State Legislature passed one of the strongest
10 anti-SLAPP (Strategic Lawsuits Against Public Participation) laws in the country in 2015. See
11 N.R.S. 41.635 et seq. Thus, where a lawsuit such as this is brought against Defendants for
12 “communication made in direct connection with an issue of public interest in a place open to the
13 public or in a public forum,” N.R.S. 41.637(4), Nevada’s anti-SLAPP law permits Defendants to
14 bring a special motion to dismiss, in response to which Tarkanian must meet the heavy burden of
15 showing that his case has merit, or risk paying significant fees. The current lawsuit is a
16 quintessential example of the type of case that the anti-SLAPP statute is meant to protect against.
17 Moreover, the claims brought—defamation and intentional infliction of emotional distress—are
18 prototypical anti-SLAPP claims. Accordingly, and for the reasons discussed below, Defendants’
19 First Amendment rights must be protected, and Tarkanian’s Complaint dismissed.

20 **II. BACKGROUND**

21 In October 2016, in the last weeks before Election Day, an ad approved by
22 Congresswoman Jacky Rosen entitled “Integrity,” aired on television and was posted on
23 Defendants’ YouTube and Facebook pages. Compl. ¶¶ 11, 15, 16. This litigation is focused on two
24 statements in that Advertisement: (1) that Tarkanian, Congresswoman Rosen’s political opponent
25 in the race to represent Nevada’s 3rd Congressional District, “set up 13 fake charities that preyed
26 on vulnerable seniors,” which were “fronts for telemarketing schemes,” and that (2) “[s]eniors lost
27 millions from scams Danny Tarkanian set up.” Id. ¶ 11. The Advertisement cited highly circulated
28 newspaper articles as its sources for these statements. See Jacky Rosen Ad: “Integrity,” available

1 at: <https://www.youtube.com/watch?v=v3J5nxOnBB8> (last visited Jan. 24, 2017).

2 While the Advertisement was new to the 2016 campaign, the statements were not. Political
3 opponents and newspapers had publically discussed and reported on these exact facts since as
4 early as 2006 and as recently as 2012. See, e.g., Schrager Decl., Ex. A; Ex. B; Ex. C; Ex. D; Ex.
5 E. And Tarkanian has had ample opportunities to respond to these and similar statements,
6 including during the 2016 campaign, when he had many different avenues of making his case to
7 voters and specifically responded to allegations about his involvement in setting up fraudulent
8 telemarketing schemes. See, e.g., Ad Fact Check, Tarkanian U.S. Congress,
9 <http://tarkforcongress.com/ad-fact-check/> (responding to allegations about telemarketing scheme
10 in 2016 general election campaign); Schrager Decl., Ex. F (discussing publication entitled “Lies
11 About Danny Tarkanian” distributed to media as part of Tarkanian’s 2006 campaign).

12 On November 8, 2016, voters in Nevada’s 3rd Congressional District chose
13 Congresswoman Rosen as their Representative. Less than ten days later, Tarkanian filed the
14 instant lawsuit alleging that the aforementioned statements in the Advertisement were
15 “intentionally and maliciously” “false and defamatory.” Compl. ¶¶ 11, 14-16, 28, 45, 62, 70, 96,
16 113, 130. He alleges claims for libel, slander, and intentional infliction of emotional distress and
17 seeks compensatory and punitive damages in excess of \$8,025,000. Compl. ¶¶ 27-134.¹ Tarkanian
18 asserts that “Defendants approved the Advertisement . . . knowing that in July of 2009, Plaintiff
19 won a highly publicized unanimous jury verdict in Clark County District Court, Case No.
20 A500379 against another candidate running against Plaintiff for elected office for Defamation.”
21 Compl. ¶ 12. The Complaint asserts that State Senator Mike Schneider, the defendant in the 2009
22 case and Tarkanian’s opponent in his 2004 legislative run, “made nearly identical false and
23 defamatory statements,” and that there “was public dissemination of the [] court decision in
24 multiple media outlets.” Id. ¶¶ 12-13.

25
26 ¹ Defendants’ counsel agreed to accept service on Defendants’ behalf on December 27,
27 2016, in exchange for which Plaintiff’s counsel agreed that Defendants could have until January
28 25, 2017 to respond to the Complaint.

1 In fact, the allegations in the 2009 lawsuit were markedly different than the allegations
2 here. The 2009 lawsuit challenged two alleged defamatory statements that bear no resemblance to
3 the statements in the Advertisement Tarkanian now challenges: (1) that Tarkanian “turned state’s
4 evidence and testified against his ‘fellow’ telemarketers to keep from being personally charged
5 with a crime;” and (2) that Tarkanian “was under Grand Jury Investigation in two different
6 locations and at two different places of employment.” Schrager Decl., Ex. G, ¶ 6. And while it is
7 true that a jury verdict was entered, the case was ultimately resolved through a settlement
8 agreement paid for by the defendant’s insurance company and the trial verdict was never appealed.
9 Schrager Decl., Ex. H. At the time, the defendant, Senator Schneider, was quoted as stating that,
10 “[the] decision will have devastating ramifications on future campaigns and a chilling effect on
11 free speech in general. I am fairly confident we would have reversed the decision at the Supreme
12 Court. However, this matter has been a five year ordeal and it was time to put it to rest.” Id.

13 Importantly, in 2009, Nevada’s anti-SLAPP statute was markedly different from the
14 version in place today and, because of those differences, no anti-SLAPP defense was available.
15 See generally Schrager Decl., Ex. I.² In 2013, the Legislature strengthened the law significantly by
16 adding broad categories of speech protected under the First Amendment, including any
17 “communication made in direct connection with an issue of public interest in a place open to the
18 public or in a public forum,” id. at 9-10 (quoting N.R.S. 41.637(4)), which, as discussed below,
19 includes statements made during political campaigns. As a result, anti-SLAPP protections are now
20 clearly and directly applicable to this suit (and, for the reasons that follow, require dismissal).

21 Finally, Tarkanian’s Complaint also notably omits any mention of the several other
22 political advertisements that have aired containing statements highly similar to those in the
23

24 ² Until 2013, Nevada’s anti-SLAPP law applied only to “good faith communication in
25 furtherance of the right to petition.” Ex. I at 9 (quoting N.R.S. 41.637). Accordingly, its
26 protections were only available to suits based on an individual’s communications with a
27 government entity when petitioning for an official action or commenting upon an issue. See *John*
28 *v. Douglas Cty. Sch. Dist.*, 125 Nev. 746, 753 (Nev. 2009) (discussing reach of pre-2013 statute).
The Schneider allegations would not have come within the statute’s then-limited scope.

1 Advertisement now at issue, but which went unchallenged by Tarkanian in court. For instance, in
2 2012, Tarkanian ran for Congress in Nevada's 4th District against Steven Horsford.
3 Representative Horsford also ran ads discussing Tarkanian's connections with the fraudulent
4 telemarketing companies and stated publically that Tarkanian "has been involved, as a
5 businessman and lawyer, with at least 13 fraudulent charities." Schrager Decl., Ex. A. Yet,
6 Tarkanian took no legal action against Representative Horsford. In 2006, Ross Miller also made
7 similar allegations against Tarkanian, and no legal action was taken. See, e.g., Schrager Decl., Ex.
8 E (discussing accusation by Miller, who Tarkanian ran against for secretary of state, that
9 Tarkanian served as a registered agent "for many fraudulent telemarketing organizations who
10 bilked senior citizens out of millions of dollars"); Schrager Decl., Ex. J (noting no claims were
11 brought against Miller and statute of limitations has since passed).

12 **III. LEGAL STANDARD**

13 Nevada's anti-SLAPP statute, N.R.S. 41.635 et seq., permits a defendant who is subject to
14 a lawsuit "based upon a good faith communication in furtherance of the right to petition or the
15 right to free speech in direct connection with an issue of public concern," N.R.S. 41.660(3)(a), to
16 file a special motion to dismiss such an action within 60 days of service of the complaint. N.R.S.
17 41.660(2). Anti-SLAPP motions are evaluated under a two-step process:

18 First, the movant must show, by a preponderance of the evidence, that the claim is based
19 on First Amendment activity that comes within the reach of the anti-SLAPP statute. N.R.S.
20 41.660(3)(a). Two statutory categories of protected First Amendment activity particularly relevant
21 here are communications "aimed at procuring any . . . electoral action, result or outcome" and
22 those "made in direct connection with an issue of public interest in a place open to the public or in
23 a public forum." Id. § 41.637 (1), (4). Second, if the movant makes such a showing, the burden
24 shifts to the plaintiff, who must proffer sufficient evidence to demonstrate that he has a probability
25 of prevailing on his claims. N.R.S. 41.660(3)(b).³

26
27 ³ Nevada's anti-SLAPP statute was most recently amended in 2015. As part of the 2015
28 amendments, the Legislature was explicit that, in determining whether a plaintiff "has
(footnote continued)

1 If the plaintiff cannot meet its burden, the matter must be dismissed, and the defendant is
2 entitled to a reasonable award of costs and attorney's fees, as well as a monetary judgment of up to
3 \$10,000. N.R.S. 41.670(1)(a)-(b).

4 IV. ARGUMENT

5 A. Tarkanian's Suit Challenges Core Political Speech In Direct Connection With 6 An Issue of Public Concern Squarely Within Nevada's Anti-SLAPP Statute

7 There can be no question that Tarkanian's claims fall squarely within the reach of the anti-
8 SLAPP statute. The Advertisement was unmistakably political campaign speech, encouraging
9 voters to support Jacky Rosen in her bid for Congress over Tarkanian. As such, it was plainly
10 speech aimed at impacting the results of an electoral action—activity that is both categorically
11 covered by the Nevada statute and at the core of the First Amendment's protections. N.R.S. 41.
12 41.637(1); see also, e.g., *Collier v. Harris*, 240 Cal. App. 4th 41, 52–53 (Cal. Ct. App. 2015), as
13 modified (Sept. 1, 2015), review denied (Dec. 9, 2015) (“The character and qualifications of a
14 candidate for public office constitutes a public issue or public interest for purposes of section
15 425.16. . . . Section 425.16 [therefore] applies to suits involving statements made during political
16 campaigns.” (internal citations and quotation marks omitted)); *Roberts v. L.A. Cty. Bar Ass’n*, 105
17 Cal. App. 4th 604, 614 (Cal. Ct. App. 2003) (discussing application of California's anti-SLAPP
18 statute in connection with multiple political campaigns); *Rosenauro v. Scherer*, 88 Cal. App. 4th
19 260, 273–74 (Cal. Ct. App. 2001), as modified (Apr. 5, 2001) (“It is well settled that [the anti-
20 SLAPP statute] applies to actions arising from statements made in political campaigns by
21 politicians and their supporters, including statements made in campaign literature.”) (citations
22 omitted). And Tarkanian's defamation and intentional infliction of emotional distress claims are

23 demonstrated with prima facie evidence a probability of prevailing on the claim,” courts should
24 look to case law interpreting and applying “California's anti-[SLAPP] law as of [the effective date
25 of this act].” N.R.S. 41.665; see also Cal. Code Civ. Proc. § 425.16 (California's anti-SLAPP
26 law). This is consistent with the approach taken by Nevada courts even prior to the 2015
27 amendments, which have long recognized that, where there is no Nevada-specific case law on
28 point, consideration of California case law is appropriate “because California's anti-SLAPP statute
is similar in purpose and language to Nevada's anti-SLAPP statute.” *John v. Douglas Cnty. Sch.*
Dist., 125 Nev. at 756.

1 quintessential SLAPP claims. *Wilcox v. Super. Ct.*, 27 Cal. App. 4th 809, 816 (Cal. Ct. App.
2 1994), *as modified on denial of reh'g* (Sept. 15, 1994), disapproved of on other grounds by
3 *Equilon Enters. v. Consumer Cause, Inc.*, 29 Cal. 4th 53 (Cal. Ct. App. 2002), disapproved of on
4 other grounds by *Bidbay.com, Inc. v. Bruce Spry, Jr.*, No. B160126, 2003 WL 723297 (Cal. Ct.
5 App. Mar. 4, 2003) (“The favored causes of action in SLAPP suits are defamation, various
6 business torts such as interference with prospective economic advantage, nuisance and intentional
7 infliction of emotional distress.”) (citation omitted).

8 Imposing tort liability on Defendants would be incompatible not only with Nevada’s anti-
9 SLAPP law, but also “with the atmosphere of free discussion contemplated by the First
10 Amendment in the context of political campaigns.” *Brown v. Hartlage*, 456 U.S. 45, 61 (1952).
11 The U.S. Supreme Court has repeatedly and emphatically held that the First Amendment “has its
12 fullest and most urgent application to speech uttered during a campaign for political office.” *Eu*,
13 489 U.S. at 223 (internal quotation marks and citation omitted); see also *Buckley v. Valeo*, 424
14 U.S. 1, 14 (1976) (“Discussion of public issues and debate on the qualifications of candidates are
15 integral to the operation of the system of government established by our Constitution.”) (per
16 curium). Consistent with this well-established precedent, courts have repeatedly held that the
17 proper place to test the truth of statements made during a political campaign is the campaign itself,
18 not the courtroom. As the Supreme Court explained in *Brown*, under the First Amendment, “we
19 depend for . . . connection not on the conscience of judges and juries but on the competition of
20 other ideas.” *Brown*. 456 U.S. at 61 (quoting *Gertz v. Robert Welch, Inc.*, 418 U.S. 323, 339-40
21 (1974)). “In a political campaign, a candidate’s factual blunder is unlikely to escape the notice of
22 and correction by, the erring candidate’s political opponent.” *Id.* In this context, “[t]he preferred
23 First Amendment remedy of ‘more speech, not enforced silence,’ thus has special force.” *Id.*
24 (quoting *Witney v. Cal.*, 274 U.S. 357, 377 (1927)) (Brandeis, J., concurring); *Grillo v. Smith*, 144
25 Cal. App. 3d 868, 872 (Cal. Ct. App. 1983) (“The marketplace of ideas, not the tort system, is the
26 means by which our society evaluates those opinions.”) (citation omitted).

27 And that is precisely what happened here. Defendants’ political speech did not go
28 unanswered by Tarkanian, who published a “fact check” on his website. See Ad Fact Check,

1 Tarkanian U.S. Congress, <http://tarkforcongress.com/ad-fact-check/>. He, his campaign, and his
2 family also published numerous ads and campaign responses of their own.⁴ See, e.g., Schrager
3 Decl., Ex. K (video of Lois Tarkanian stating Rosen ads are false); Ex. L (video of Amy
4 Tarkanian stating “mud-slinging” in election not true); Ex. N (tweeting about visit with
5 Representative Paul Ryan); Ex. O (depicting mailer and signs disputing Rosen ads and promising
6 Tarkanian will protect seniors). Thus, Tarkanian cannot plausibly contend that he lacked extensive
7 opportunities to respond as the First Amendment contemplates he should. Nevada’s anti-SLAPP
8 statute and the First Amendment accordingly forbid Tarkanian from litigating this case in this
9 Court. *Paterno v. Super. Ct.*, 163 Cal. App. 4th 1342, 1353 (Cal. Ct. App. 2008) (granting anti-
10 SLAPP motion where plaintiff “ha[d] ample access to channels of effective communication”)
11 (internal quotation marks and citation omitted).

12 **B. Tarkanian Cannot Demonstrate a Probability of Success on the Merits of His**
13 **Claims**

14 Because Tarkanian’s claims fall squarely within Nevada’s anti-SLAPP statute, he bears the
15 burden of making a prima facie showing that the statements in the Advertisement satisfy all of the
16 elements of defamation or intentional infliction of emotional distress, or that he is likely to
17 succeed on the merits of either claim. To avoid dismissal, Tarkanian must present “prima facie
18 evidence a probability of prevailing on the claim.” N.R.S. § 41.660 (3)(b). Tarkanian cannot meet
19 his burden and his Complaint should be dismissed.

20 **1. Tarkanian Cannot Make a Prima Facie Case for Defamation**

21 To succeed on his defamation claims, Tarkanian must allege: “(1) a false and defamatory
22 statement by [the] defendant[s] concerning [him]; (2) an unprivileged publication to a third
23 person; (3) fault, amounting to at least negligence; and (4) actual or presumed damages.”⁵ Pegasus

25 ⁴ Not only did Tarkanian respond to the Advertisement, there is reason to believe his
26 response ads were dishonest. Compare Ex. O, with Ex. M. Nevertheless, the appropriate place to
27 litigate that issue is in the course of unfettered political discourse, not through legal actions based
28 on the exercise of core First Amendment rights.

⁵ Tarkanian’s Complaint raises three claims of libel per se and slander per se. While each
(footnote continued)

1 v. Reno Newspapers, Inc., 118 Nev. 706, 718 (Nev. 2002) (citation omitted). “A statement may
2 only be defamatory if it contains a factual assertion that can be proven false.” Pacquiao v.
3 Mayweather, 803 F. Supp. 2d 1208, 1211 (D. Nev. 2011). Determining whether a statement is
4 capable of being defamatory is a question of law. *Id.* (citing *Branda v. Sanford*, 637 P.2d 1223,
5 1225–26 (Nev. 1981)). “In reviewing an allegedly defamatory statement, the words must be
6 viewed in their entirety and in context to determine whether they are susceptible of a defamatory
7 meaning.” *Lubin v. Kunin*, 17 P.3d 422, 425–26 (Nev. 2001) (internal quotation marks omitted).
8 When a defamation claim is brought by a public figure like Tarkanian, the plaintiff faces an
9 additional hurdle.⁶ “To promote free criticism of public officials, and avoid any chilling effect
10 from the threat of a defamation action, the [Supreme Court] concluded that a defendant could not
11 be held liable for damages in a defamation action involving a public official plaintiff unless ‘actual
12 malice’ is alleged and proven.” *Pegasus*, 118 Nev. at 718-19.

13 Tarkanian can show neither that Defendants’ statements were false or made with actual
14 malice. As such, his claims must be dismissed.

15 **a. Defendants’ Statements Are Not False**

16 “There can be no liability for defamation without proof of falsity.” *Gordon v. Dalrymple*,
17 No. 3:07-CV-00085-LRH-RA, 2008 WL 2782914, at *3 (D. Nev. July 8, 2008). When
18 determining whether a statement is false, courts do not look at the literal truth of “each word or
19 detail used in a statement which determines whether or not it is defamatory; rather, the

20 _____
21 have their own elements, they are each variations of the tort of defamation and also require that the
22 basic elements of defamation be met. See *Flowers v. Carville*, 292 F. Supp. 2d 1225, 1232 n.1 (D.
23 Nev. 2003) (discussing breakdown of defamation into actions for libel and slander and analyzing
24 libel claim by first evaluating elements of defamation), *aff’d*, 161 F. App’x 697 (9th Cir. 2006). As
demonstrated herein, Tarkanian cannot meet his burden as to those elements; thus, his libel and
slander claims necessarily fail.

25 ⁶ The Nevada Supreme Court has recognized that “public figure,” in this context, includes
26 candidates for office. *Nevada Indep. Broad. Corp. v. Allen*, 99 Nev. 404, 414 (Nev. 1983)
27 (extending rule regarding public officials to a gubernatorial candidate); see also *Miller v. Jones*,
114 Nev. 1291, 1298–99 (Nev. 1998) (recognizing mayoral candidate as a public figure).

1 determinative question is whether the ‘gist or sting’ of the statement is true or false.” Oracle USA,
2 Inc. v. Rimini St., Inc., 6 F. Supp. 3d 1108, 1131 (D. Nev. 2014) (quoting Ringler Assocs. v.
3 Maryland Cas. Co., 80 Cal. App. 4th 1165, 1180–82 (Cal. Ct. App. 2000)), order clarified, No.
4 210-CV-00106-LRH-PAL, 2014 WL 5285963 (D. Nev. Oct. 14, 2014). As the plaintiff, Tarkanian
5 bears the burden of proving falsity. Nevada Indep. Broad. Corp., 99 Nev. at 412.

6 There is simply no basis upon which Tarkanian can credibly argue that the statements in
7 question are false. There are multiple public accounts—including statements made by Tarkanian—
8 that repeatedly prove their truth. Specifically, Tarkanian contends that the statements that he “set
9 up 13 fake charities that preyed on vulnerable seniors,” were “fronts for telemarketing schemes,”
10 and that “[s]eniors lost millions from scams Danny Tarkanian set up,” are false. Compl. ¶ 11. But
11 Tarkanian has stated under oath, as reported in numerous media publications, that he, in fact, did
12 “help[] set up 75 to 100 businesses,” at least thirteen of which were found by a court of law to be
13 fraudulent, officers of these companies were indicted for their participation in a telemarketing
14 scheme, and seniors lost millions of dollars as a result of the scheme. See, e.g., Schrager Decl., Ex.
15 F (discussing document published by Tarkanian acknowledging role in incorporating
16 telemarketing companies); Ex. P (discussing facts underlying incorporation of entities,
17 telemarketing scheme, and convictions); Ex. Q (indicating that participant in scheme indicted and
18 found guilty of charges); Ex. R (same); Ex. S; see also *id.* (stating Tarkanian “set up the
19 companies’ incorporating documents” and served as their registered agent).

20 In sum, while Tarkanian might dispute the extent of his involvement with the actual
21 operations of these companies, it is undisputable—and he has previously repeatedly admitted—
22 that he created the entities, they were found to be fronts for telemarketing schemes, and they took
23 millions of dollars from seniors. Thus, Tarkanian cannot succeed on his defamation claims.

24 **b. Tarkanian Cannot Show Actual Malice**

25 “Because [Tarkanian] was . . . a candidate in the [3rd Congressional] race, he was a public
26 figure at the relevant time and, therefore, must show that [Defendants] published [the alleged
27 defamatory statements] with either knowledge of [their] falsity or reckless disregard as to whether
28 the statement[s were] true or not.” Miller, 114 Nev. at 1298–99; see also Rosenaur, 88 Cal. App.

1 4th at 274 (quoting Beilenson, 44 Cal. App. 4th at 950) (striking defamation claim under anti-
2 SLAPP statute brought in local initiative campaign). To show “actual malice,” Tarkanian must
3 show that Defendants knew the statements were false or “in fact entertained serious doubts as to
4 the truth of [the] publication.” Nevada Indep. Broad. Corp., 99 Nev. at 414 (quoting St. Amant v.
5 Thompson, 390 U.S. 727, 731 (1968)) (emphasis in original); see also Christian Research Institute
6 v. Alnor, 148 Cal. App. 4th 71, 84 (Cal. Ct. App. 2007) (dismissing claim of defamation under
7 anti-SLAPP statute for failure to show “actual malice”) (citing Bose Corp. v. Consumers Union of
8 U.S., Inc., 466 U.S. 485, 511 (1984)). “The test is subjective, with the focus on what the defendant
9 believed and intended to convey, not what a reasonable person would have understood the message
10 to be.” Nevada Indep. Broad. Corp., 99 Nev. at 415 (citation omitted). A finding of “actual
11 malice” must be based on “clear and convincing evidence.” Id. at 414 (citation omitted).

12 Even assuming that the statements in question could be proven as false (and as discussed
13 above, they cannot), Tarkanian has no hope of showing that Defendants knew they were false or
14 “entertained serious doubts as to the[ir] truth.” Nevada Indep. Broad. Corp., 99 Nev. at 414. Not
15 only were the statements and the underlying story surrounding them covered ad nauseam in the
16 news and by competing political campaigns for over ten years, see, e.g., Schrager Decl., Ex. B;
17 Ex. C; Ex. D; Ex. E, such coverage continued even after the 2009 lawsuit, which is Tarkanian’s
18 sole basis for asserting Defendants should have known the statements were false. See, e.g.,
19 Schrager Decl., Ex. A (discussing telemarketing fraud investigation into Tarkanian’s former law
20 clients); Ex. B (same). And, as late as 2012, yet another political opponent of Tarkanian’s made
21 substantially similar statements regarding Tarkanian’s involvement with the telemarketing
22 schemes, and Tarkanian took no legal action against him. Schrager Decl., Ex. A.

23 It is also highly relevant that, in 2006, Tarkanian had a very public exchange with a former
24 federal prosecutor who explicitly refuted Tarkanian’s claim that he had no involvement in the
25 telemarketing scheme’s illegal activities. It began when Tarkanian claimed that E. Leif Reid—an
26 attorney at the U.S. Attorney’s Office in Las Vegas at the time that the investigation and
27 indictments into the telemarketing schemes took place—had personally “cleared Tarkanian of any
28 involvement” in the telemarketing schemes. Schrager Decl., Ex. P. In response, Mr. Reid sent

1 Tarkanian a letter specifically noting that, while Tarkanian was not indicted for his involvement in
2 the scheme, it was “patently false for [Tarkanian] to claim that [he] had no involvement at all in
3 [the] illegal activity.” Id. (emphasis added). This letter was reported in the news and made
4 publically available on the Internet. See, e.g., Schrager Decl., Ex. H, Ex. T.

5 Further, the 2009 lawsuit was based, in part, on allegations of defamatory statements that
6 go far beyond and significantly differ from the statements in the Advertisement at issue in this
7 case. See discussion supra. And these differences were also reported in the press. See Schrager
8 Decl., Ex. H (describing the defamation claims in the 2009 lawsuit as focusing on (1) the work
9 Tarkanian did for telemarketing firms, and (2) suggestions that Tarkanian escaped indictment by
10 turning state’s evidence). Accordingly, there is no basis upon which Defendants (or anyone else)
11 could know which of the particular statements at issue in that suit were found to be defamatory
12 and how, if at all, they overlapped with the statements at issue in the present Advertisement.⁷ For
13 that same reason, the jury verdict also cannot serve as proof of falsity (or knowledge of falsity) in
14 the instant case. Indeed, given all of the evidence discussed above—including that Tarkanian, who
15 had already demonstrated his willingness to sue a political opponent for defamation, let statements
16 that were virtually identical to those at issue here go without legal challenge in 2012—it is more
17 likely that Defendants would believe that the statements made in the Advertisement were true.
18 Simply put, existence of the 2009 suit does nothing to change the actual malice calculation and
19 Tarkanian is unable to meet his substantial burden.

20 Given this background, it is not plausible that Tarkanian could make a prima facie showing
21 that Defendants or anyone else knew the statements in the Advertisement were false (which they
22
23

24 ⁷ The special verdict form for the 2009 lawsuit does not separate out the statements at issue
25 in its questions regarding the defamatory nature of the statements in question there. Ex. U,
26 Tarkanian v. Schneider, et al., A500379 (Nev. Dist. Ct. July 21, 2008), Special Verdict Form.
27 Accordingly, unless one was sitting in the jury room at the time of the jury’s deliberations, there is
28 no way to parse out which statements of the three in question were actually found to be
defamatory or how they relate to the allegations in the instant suit.

1 are not), or even entertained serious doubts as to their veracity. His defamation claim must
2 accordingly be dismissed.

3 **2. Tarkanian Cannot Make a Prima Facie Case for Infliction of Emotional**
4 **Distress**

5 To succeed on a claim for intentional infliction of emotional distress “a plaintiff must show
6 (1) extreme and outrageous conduct on the part of the defendant; (2) intent to cause emotional
7 distress or reckless disregard for causing emotional distress; (3) that the plaintiff actually suffered
8 extreme or severe emotional distress; and (4) causation.” Miller, 114 Nev. at 1299–300 (citations
9 omitted). Where public figures seek to recover for an intentional infliction of emotional distress
10 claim caused by a publication, they must also show that “the publication contains a false statement
11 of fact which was made with ‘actual malice.’” Hustler Magazine, Inc. v. Falwell, 485 U.S. 46, 56,
12 (1988).

13 As discussed, the Advertisement did not contain false assertions of fact. Tarkanian himself
14 has admitted under oath that he set up the companies referred to in the Advertisement. Further, the
15 facts regarding the telemarketing scheme, i.e., that it occurred, was fraudulent, and took money
16 from millions of seniors are all independently verifiable through public documents.

17 Tarkanian also is unable to show actual malice. As discussed, given the longstanding and
18 wide-ranging media coverage and public discussion of the underlying telemarketing schemes
19 (including long after the 2009 jury verdict), it is inconceivable that Tarkanian can prove that
20 Defendants had or should have had “serious doubts” of the truth of the statements in the
21 Advertisement, or were otherwise on any notice that they were potentially false. With regard to the
22 2009 suit specifically, the marked differences in the allegations at issue in that litigation make it
23 impossible to find that the jury verdict in that suit would have alerted Defendants as to any
24 purported or potential falsity of the statements in their own Advertisement, nor would the 2009
25 jury verdict provide a basis to prove that the statements now at issue were false.

26 Finally, even if Tarkanian could overcome these barriers, his claim would still fail because
27 he cannot make a prima facie showing of the necessary elements of an intentional infliction of
28 emotional distress claim:

1 First, Plaintiff is unable to show extreme and outrageous conduct on the part of
2 Defendants. “[E]xtreme and outrageous conduct is that which is outside all possible bounds of
3 decency and is regarded as utterly intolerable in a civilized community.” *Chehade Refai v. Lazaro*,
4 614 F. Supp. 2d 1103, 1121 (D. Nev. 2009) (quoting *Maduik v. Agency Rent-A-Car*, 114 Nev. 1
5 (Nev. 1998) (per curiam)). The law recognizes that this sets a high bar and not every statement
6 that one finds personally upsetting may provide the basis for liability. See *id.* at 1121-22;
7 Restatement (Second) of Torts § 46 cmt. d. This is even more true in a political campaign.
8 “Campaigning for public office sometimes has the feel of a contact sport, with candidates, political
9 organizations, and others trading rhetorical jabs and sound-bite attacks in hopes of landing a
10 knockout blow at the polls, it is not for the thin-skinned or the fainthearted, to use two apropos
11 clichés.” *Schatz v. Republican State Leadership Comm.*, 669 F.3d 50, 52 (1st Cir. 2012)
12 (dismissing candidate’s claims for intentional infliction of emotional distress, libel, and false light
13 for failure to plausibly allege “actual malice”). Consequently, “[w]hen a candidate enters the
14 political arena, he or she must expect that the debate will sometimes be rough and personal.”
15 *Harte-Hanks Commc’ns, Inc. v. Connaughton*, 491 U.S. 657, 637 (1989) (internal quotation marks
16 omitted); see also *Desert Sun Publ’g Co. v. Super. Ct.*, 97 Cal. App. 3d 49, 54 (Cal. Ct. App.
17 1979) (“Once an individual decides to enter the political wars, he subjects himself to this kind of
18 treatment[, and] deeply ingrained in our political history is a tradition of free-wheeling,
19 irresponsible, bare knuckled, Pier 6, political brawls”). Indeed, judging by the fact that Defendants
20 were at least third in the line of candidates running the same or similar advertisements, e.g., former
21 Secretary of State Miller (2006) and Representative Horsford (2012), and that many similar ads
22 had been run prior to Defendants’ 2016 Advertisement without objection, there is simply nothing
23 in their conduct that can be classified as “outrageous” or even out of course with politics as usual
24 in Nevada.

25 Second, Tarkanian also cannot plausibly show that the statements in the Advertisement
26 caused him any “emotional distress,” or that Defendants proximately caused his distress. Given
27 that the underlying story has been widely publicized for a decade, any distress that Tarkanian
28 claims to have suffered cannot be demonstrably or credibly linked to the Advertisement itself.

Moreover, as discussed, the statements at issue are not false and, indeed, even Tarkanian has admitted as much. Thus, any distress Tarkanian feels by the statements can only squarely be placed on himself.

For the foregoing reasons, Tarkanian's claim for intentional infliction of emotional distress should be dismissed.

V. CONCLUSION

Tarkanian brought this lawsuit against Defendants to punish a successful political opponent for airing an advertisement during a congressional campaign that did nothing more than report facts about Tarkanian's much publicized involvement in setting up companies that engaged in reprehensible telemarketing schemes. This was unquestionably core political speech concerning an issue of public interest, falling squarely within the reach of Nevada's anti-SLAPP statute. Because Tarkanian cannot show that he is likely to prevail on the merits of these claims, Defendants are entitled to a prompt order of dismissal, as well as their reasonable attorney's fees incurred in connection with this motion, any reply brief in support, and any oral argument scheduled by the Court.

Dated: 25th of January, 2017.

Respectfully submitted,

By: /s/ Bradley Schrager

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Nevada State Bar No. 10217

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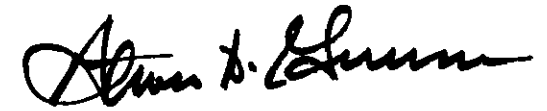
*Pro hac vice motion pending or to be submitted

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CERTIFICATE OF SERVICE

I hereby certify that on this 25th day of January, 2017, a true and correct copy of **ANTI-SLAPP SPECIAL MOTION TO DISMISS UNDER N.R.S. 41.660** was served by electronically filing with the Clerk of the Court using the Wiznet Electronic Service system and serving all parties with an email-address on record, pursuant to Administrative Order 14-2 and Rule 9 of the N.E.F.C.R.

By: /s/ Dannielle R. Fresquez
Dannielle R. Fresquez, an Employee of WOLF,
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CLERK OF THE COURT

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EIGHTH JUDICIAL DISTRICT COURT

IN AND FOR CLARK COUNTY, STATE OF NEVADA

DANNY TARKANIAN,

Plaintiff,

vs.

JACKY ROSEN, an individual; ROSEN FOR
NEVADA, a 527 Organization and DOES I-X
and ROES ENTITIES VI-X

Defendant.

Case No: A-16-746797-C

Dept. No.: IV

**DECLARATION OF BRADLEY
SCHRAGER IN SUPPORT OF
DEFENDANTS' ANTI-SLAPP SPECIAL
MOTION TO DISMISS UNDER N.R.S.
41.660**

DECLARATION OF BRADLEY SCHRAGER, ESQ.

I, Bradley Schrager, Esq., under penalty of perjury, declare as follows:

1. I am an attorney with the law firm of Wolf, Rifkin, Shapiro, Shulman & Rabkin, LLP, duly admitted to practice law in the state of Nevada, and counsel for Defendants in the above-captioned action. I make this declaration of personal, firsthand knowledge and, if called and

1 sworn as a witness, I could and would testify competently thereto. I have personal knowledge of
2 the facts stated herein and submit this Declaration in support of Defendants' Anti-Slapp Special
3 Motion to Dismiss Under N.R.S. 41.660.

4 1. Attached as Exhibit A is a true and correct copy of an article by Benjamin Spillman
5 published in the Las Vegas Review-Journal and entitled, *Old charges resurface in House race*,
6 dated Oct. 15, 2012, available on Westlaw at: 2012 WLNR 22002043.

7 2. Attached as Exhibit B is a true and correct copy of an article by Glenn Cook
8 published in the Las Vegas Review-Journal and entitled, *Breaking down Tark vs. Horsford*, dated
9 June 17, 2012, available on Westlaw at: 2012 WLNR 12776710.

10 3. Attached as Exhibit C is a true and correct copy of an article by Michael Mishak
11 published in the Las Vegas Sun and entitled, *Danny Tarkanian looks to step from father's shadow*,
12 *make name in politics*, dated May 2, 2010, available at:
13 <https://lasvegassun.com/news/2010/may/02/make-name-himself/>.

14 4. Attached as Exhibit D is a true and correct copy of an article by Michael Mishak
15 published in the Las Vegas Sun and entitled, *Integrity issues dominate campaigns for secretary of*
16 *state*, dated Nov. 3, 2006, available on Westlaw at: 2006 WLNR 19119024.

17 5. Attached as Exhibit E is a true and correct copy of an article by Paul Harasim
18 published in the Las Vegas Review-Journal and entitled, *Attacks in campaign erupt*, dated Oct. 5,
19 2006, available on Westlaw at: 2006 WLNR 17309929.

20 6. Attached as Exhibit F is a true and correct copy of an article by Jon Ralston
21 published in the Las Vegas Sun and entitled, *Jon Ralston on Danny Tarkanian's risky campaign*
22 *strategy*, dated Sept. 13, 2006, available on Westlaw at: 2006 WLNR 15902102.

23 7. Attached as Exhibit G is a true and correct copy of the First Amended Complaint in
24 *Tarkanian v. Schneider, et al.*, No. A500379, District Court of Clark County, Nevada, filed on Jan.
25 24, 2008.

26 8. Attached as Exhibit H is a true and correct copy of an article by Thomas Mitchell
27 published in the Las Vegas Review-Journal and entitled, *Gloves are coming off --- and being*
28 *replaced by lace*, dated Aug. 9, 2009, available on Westlaw at: 2009 WLNR 15509174.

1 9. Attached as Exhibit I is a true and correct copy of an article by Marc J. Randazza,
2 Esq., published in the Nevada Lawyer and entitled, *Anti-Slapp Law: The Silver State Sets the Gold*
3 *Standard*, dated Oct. 2013, available at: [http://www.nvbar.org/wp-content/uploads/NevLawyer_](http://www.nvbar.org/wp-content/uploads/NevLawyer_Oct_2013_ANTI_SLAPP.pdf)
4 [Oct_2013_ANTI_SLAPP.pdf](http://www.nvbar.org/wp-content/uploads/NevLawyer_Oct_2013_ANTI_SLAPP.pdf).

5 10. Attached as Exhibit J is a true and correct copy of an article by Lawrence Mower,
6 published in the Las Vegas Review-Journal and entitled, *Jury says lawmaker defamed opponent*,
7 dated Aug. 2, 2009, available on Westlaw at: 2009 WLNR 15024684.

8 11. Attached as Exhibit K is a true and correct screenshot of a video posted on Danny
9 Tarkanian's Facebook page on Nov. 3, 2016, a true and correct recording of the video footage is
10 submitted under separate cover and available at: [https://www.facebook.com/dannytarkanian](https://www.facebook.com/dannytarkanian/posts/10155425628604115)
11 [/posts/10155425628604115](https://www.facebook.com/dannytarkanian/posts/10155425628604115).

12 12. Attached as Exhibit L is a true and correct screenshot of a video posted on Danny
13 Tarkanian's Facebook page on Nov. 2, 2016, a true and correct recording of the video footage is
14 submitted under separate cover and available at: [https://www.facebook.com/dannytarkanian](https://www.facebook.com/dannytarkanian/posts/10155421895309115)
15 [/posts/10155421895309115](https://www.facebook.com/dannytarkanian/posts/10155421895309115).

16 13. Attached as Exhibit M is a true and correct copy of a news release posted on the
17 Jacky Rosen for Congress webpage on Nov. 3, 2016, available at:
18 [http://www.rosenfornevada.com/news/entry/statement-on-danny-tarkanian-mailers-using-](http://www.rosenfornevada.com/news/entry/statement-on-danny-tarkanian-mailers-using-unauthorized-altered-photos-of-b--)
19 [unauthorized-altered-photos-of-b --](http://www.rosenfornevada.com/news/entry/statement-on-danny-tarkanian-mailers-using-unauthorized-altered-photos-of-b--).

20 14. Attached as Exhibit N is a true and correct screenshot of a tweet from
21 @DannyTarkanian's Twitter account, tweeted on Oct. 29, 2016, available at:
22 <https://twitter.com/DannyTarkanian/status/792528036163837952>.

23 15. Attached as Exhibit O is a true and correct screenshot of a post on Amy
24 Tarkanian's (Plaintiff's wife) Instagram page, available at: [https://www.instagram.com](https://www.instagram.com/p/BMDLL26jGQ2/)
25 [/p/BMDLL26jGQ2/](https://www.instagram.com/p/BMDLL26jGQ2/).

26 16. Attached as Exhibit P is a true and correct copy of a letter from E. Leif Reid to D.
27 Tarkanian, dated Oct. 30, 2006.
28

17. Attached as Exhibit Q is a true and correct copy of the Docket and Motion for Supplementary Proceedings in *U.S. v. Clinger*, No. 97-CR-236 (D. Nev).

18. Attached as Exhibit R is a true and correct copy of the Docket for *U.S. v. Burney*, No. 95-CR-328 (D. Nev.).

19. Attached as Exhibit S is a true and correct copy of an article by Jeff Pope published in the Las Vegas Sun and entitled, *Tarkanian testifies he was target of false campaign ads*, dated July 29, 2009, available at: <https://lasvegassun.com/news/2009/jul/29/danny-tarkanian-testifies-he-was-target-false-camp/>.

20. Attached as Exhibit T is a true and correct copy of an article by Thomas Mitchell published in the Las Vegas Review-Journal and entitled, *Opposition research: It just might be all in the family*, dated Aug. 9, 2009, available at: <http://www.reviewjournal.com/columns-blogs/news/opposition-research-it-just-might-be-all-family>.

21. Attached as Exhibit U is a true and correct copy of the Special Verdict Form in *Tarkanian v. Schneider, et al.*, No. A500379, District Court of Clark County, Nevada, filed on July 31, 2009.

Under penalties of perjury under the laws of the United States of America and the State of Nevada, I declare that the foregoing is true and correct to my own knowledge.

DATED this 25th day of January, 2017.

/s/ Bradley Schrager
BRADLEY S. SCHRAGER, ESQ.
Nevada State Bar No. 10217

1 CERTIFICATE OF SERVICE

2 I hereby certify that on this 25th day of January, 2017, a true and correct copy of
3 **DECLARATION OF BRADLEY SCHRAGER IN SUPPORT OF DEFENDANTS' ANTI-**
4 **SLAPP SPECIAL MOTION TO DISMISS UNDER N.R.S. 41.660** was served by
5 electronically filing with the Clerk of the Court using the Wiznet Electronic Service
6 system and serving all parties with an email-address on record, pursuant to Administrative
7 Order 14-2 and Rule 9 of the N.E.F.C.R.

8 By: /s/ Dannielle R. Fresquez

9 Dannielle R. Fresquez, an Employee of WOLF,
10 RIFKIN, SHAPIRO, SCHULMAN &
11 RABKIN, LLP
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Exhibit A

NewsRoom

10/15/12 Las Vegas Rev.-J. 5B
2012 WLNR 22002043

Las Vegas Review-Journal (NV)
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October 15, 2012

Section: News

Old charges resurface in House race

Benjamin Spillman

By BENJAMIN SPILLMAN

LAS VEGAS REVIEW-JOURNAL

No doubt Danny Tarkanian's role as a former member of Las Vegas' beloved Runnin' Rebels basketball team is an asset to his congressional campaign.

But the campaign of his political opponent, state Sen. Steven Horsford, D-Las Vegas, is betting Tarkanian's role as a registered agent for companies that acted as fronts for fraudulent charities will offset good vibes voters have for the Republican's basketball glory.

It's a delicate dance for Democrats.

Tarkanian, son of former UNLV basketball coach Jerry Tarkanian, was never charged with breaking the law. And in 2009 he won a \$150,000 libel settlement from another Democrat whose campaign tied Tarkanian directly to the fraud.

Democrats have so far made two attempts to bring up the old allegation.

A new Horsford campaign TV ad refers to "shady business dealings" and says, "Tarkanian worked for telemarketing scammers," but it doesn't elaborate.

The Democratic Congressional Campaign Committee goes further, accusing Tarkanian of "helping to guide a teenager into criminal activity" and setting up a "business that bilked elderly people out of money."

The DCCC version is tacked on the bottom of a broader negative description of Tarkanian on the Democrats' general "Republican House of Scandal" website.

Attempts to revive the issue coincide with the final weeks of a campaign that is closer than Horsford might have imagined, given the hefty Democratic advantage in voter registration in the 4th Congressional District.

“I’m surprised it took this long, given that (Tarkanian) has the name recognition advantage,” said David Damore, a University of Nevada, Las Vegas political science professor. “If all people know is Tarkanian’s name, (Horsford backers) sort of need to give it a bad name.”

Horsford’s campaign argues that even if Tarkanian wasn’t implicated in criminal wrongdoing, he should have known better than to associate in any way with the firms.

“The company you keep determines the trouble you meet, and there is a clear pattern of irresponsibility that has plagued Danny throughout his personal and professional life,” said Tim Hogan, a spokesman for Horsford’s campaign. “He has been involved, as a businessman and lawyer, with at least 13 fraudulent charities.”

Tarkanian spokesman Ron Futrell said his role as a registered agent for troubled companies has been picked over by numerous opponents, and none established Tarkanian did anything wrong.

“It is ridiculous that this is being brought up again,” Futrell said. “Everyone knows what registered agents do. They have nothing to do with day-to-day operations of the company.”

A registered agent is a person or entity — often an attorney — who can accept legal documents and notifications from a state office on behalf of a corporate entity. The registered agent may or may not be involved with the actual management of the company, however.

Controversy over his past status as a registered agent for fraudulent charities has dogged Tarkanian throughout his political career. They were featured in Tarkanian’s 2004 legislative challenge of incumbent state Sen. Michael Schneider, D-Las Vegas, who later lost the court judgment, and in his 2006 race for secretary of state against Democrat Ross Miller. Tarkanian lost both races.

Tarkanian also lost in the 2010 Republican primary for U.S. Senate. His role as registered agent wasn’t a significant factor in that race.

The most pointed allegation raised by the Democratic Congressional Campaign Committee has to do with Jan Wrobel, who in 1999 was sentenced to several years in federal prison for his role with Master Fundraising. Evans described the setup as one where telemarketers would solicit donations they said were for charity with false promises about prizes for donors. Tarkanian was the registered agent for the company; and the attorney who defended Wrobel said Tarkanian and Lee Wrobel, Jan’s father, bore much of the responsibility for wrongdoing even though they weren’t charged.

Jan Wrobel was appointed sole director of the company when he was just 18 in an attempt to protect the adults who created the firm, attorney Booker Evans said.

“I really felt the kid Wrobel got screwed by Danny and his father,” Evans said in an interview. Later, Evans added, “There are things that you don’t do as a lawyer, and as a lawyer you don’t put an 18-year-old in charge of a corporation.”

Jan Wrobel has declined comment. Lee Wrobel is deceased. Georgina Diane Wrobel, Jan’s mother, was also convicted.

In a sentencing memorandum on Jan Wrobel’s behalf, Evans argued for lighter-than-recommended punishment on the grounds that Tarkanian and Lee Wrobel used the younger man as a pawn.

“Not only was Mr. Wrobel subject to parental influence, but Danny Tarkanian, the attorney who ‘set up’ the businesses, either knew or should have known that Jan lacked the capacity to carry out most of the actions necessary to establish and operate the businesses,” Evans wrote. “To a great extent, Jan Wrobel was a pawn.”

Evans says the argument in the sentencing memorandum was convincing enough to the court that Jan Wrobel was sentenced to 84 months, three years less than the recommended 120 months.

Futrell dismissed Evans' suggestion that Tarkanian bore any responsibility.

"That's what an attorney is going to say to try to protect their client," Futrell said. "That argument had no legs."

Indeed, the Nevada Secretary of State's office says it's legal for an 18-year-old to be a director or corporate officer and that registered agents generally aren't responsible for information provided by their customers.

"A registered agent takes the information given to them by the customer at face value, as we take business filings at face value," said Secretary of State spokeswoman Catherine Lu.

University of Nevada, Reno, political science professor Eric Herzik said that even though Tarkanian has repeatedly fended off attacks about his record as an attorney, it's no surprise they would surface again.

The recycled attacks, along with a recent \$17 million judgment against Tarkanian stemming from a real estate deal gone bad, are a lot for voters to overlook, Herzik said.

"The problem for Tarkanian is there is too much old news. And it is linked to current news," he said. "At a minimum it takes you off your message, at a maximum it raises questions about your honesty, your credibility."

Polling shows the race is close, even though Democrats outnumber Republicans by 10 percentage points in the district.

A recent Las Vegas Review-Journal/8NewsNow poll showed Tarkanian leading 45 percent to 42 percent, within the margin of error of 3.9 percentage points.

While anything Horsford does to turn voters against Tarkanian could be significant in a close race, the Democrat has his own baggage to lug.

He has been criticized for parking in a handicapped spot, accepting a tropical junket from an online poker company with business before the Legislature and proposing to offer donors special access to legislators based on how much money they give, a plan that was abandoned before it was enacted.

Herzik said it means voters should expect the final weeks of the campaign to be ugly.

"That's just the way politics is played now. You start at negative and go down from there."

Contact reporter Benjamin Spillman at bspillman@reviewjournal.com or 702-383-0285.

---- Index References ----

Company: LAS VEGAS REVIEW JOURNAL

News Subject: (Fraud (1FR30); Surveys & Polls (1SU08); Market Research (1MA99); Public Affairs (1PU31); Social Issues (1SO05); Business Management (1BU42); Sales & Marketing (1MA51); Government (1GO80); Political Parties (1PO73); Crime (1CR87))

Region: (North America (1NO39); U.S. West Region (1WE46); Americas (1AM92); Nevada (1NE81); USA (1US73))

Language: EN

Other Indexing: (TARKANIAN) (Ron Futrell; Catherine Lu; Danny Tarkanian; David Damore; Jerry Tarkanian; Tim Hogan; Steven Horsford; Georgina Diane Wrobel; Jan Wrobel; Eric Herzik; Booker Evans; Michael Schneider; Lee Wrobel; Ross Miller)

Keywords: Benjamin Spillman; Democrat; Las Vegas; politics; Republican; Tarkanian

Word Count: 1202

NewsRoom

Exhibit B

NewsRoom

6/17/12 Las Vegas Rev.-J. 3D
2012 WLNR 12776710

Las Vegas Review-Journal (NV)
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June 17, 2012

Section: Opinion

Breaking down Tark vs. Horsford

Glenn Cook

Danny Tarkanian is about to slide off the front page.

His victory in the 4th Congressional District Republican primary was the top story from Tuesday's election because of a lack of other competitive, high-profile nominating contests. For the next 4½ months, the presidential race and Nevada's neck-and-neck, high-stakes U.S. Senate campaign between Dean Heller and Shelley Berkley will dominate the local media. Tarkanian, the front-runner in his primary, now assumes the status of underdog in his November matchup against state Senate Majority Leader Steven Horsford, D-Las Vegas.

But does that mean the 4th District race is already decided? Far from it, the Tarkanian-Horsford matchup could very well turn into the most competitive House campaign in Nevada. Democrat Dina Titus has the 1st District sewn up. Republican Rep. Mark Amodei will coast in the 2nd District. The campaign of Assembly Speaker John Oceguera, D-Las Vegas, for the swing 3rd District has been dreadful; incumbent Republican Rep. Joe Heck has to be licking his chops.

So how might the urban-rural 4th District play out? A lot of dynamics are at play. For starters, here are four reasons why Tarkanian can win:

1. The majority of active registered voters in the 4th District are not Democrats. Yes, registered Democrats comprise 44 percent of the district's 257,000 voters, compared with the GOP's 35 percent. However, to win, Horsford will have to pick up plenty of support from the 21 percent of voters who are registered as nonpartisans or with another party. And in 2010, those voters overwhelmingly sided with Republicans in federal races. In fact, Republican Gov. Brian Sandoval carried what would have been the 4th District two years ago.

2. Horsford has given those independents no reason to vote for him. Thus far, he has stuck with lame party talking points and frequent attacks on Republicans as Tea Party extremists. Like the president, he believes tax hikes on the rich, green energy boondoggles and temporary tax incentives for businesses will create millions of jobs. Like the president, he aims to "protect" debt-growing entitlements by doing nothing to reform them. He wants more government and more spending, not less. Those aren't moderate positions.

3. Tarkanian has name recognition. Horsford's doesn't compare. Tarkanian is the son of UNLV basketball coaching legend Jerry Tarkanian and Las Vegas City Councilwoman Lois Tarkanian, and a former Runnin' Rebel star himself. But he also has two statewide campaigns under his belt: his unsuccessful runs for secretary of state and U.S. Senate.

Horsford has been elected to a small, bulletproof urban Las Vegas district twice. And despite his years in the news as a legislative leader, a lot of voters have no idea who serves in Carson City. Former Assembly Speaker Richard Perkins learned that lesson when he abandoned a bid for governor back in 2006.

4. Horsford has baggage that makes him an easy target for attacks. Votes for tax increases, and proposals for higher taxes beyond those enacted. His pay-to-play fundraising fumble, in which he sought to sell face time with committee chairs, smacked of corruption. He took a trip to the Bahamas at the expense of a web poker company with important legislation pending. He has a history of not paying his personal bills in a timely fashion. And then there's the general arrogance he has displayed in running the Senate. Horsford has likability issues.

On the other hand, here are four reasons why Horsford will beat Tarkanian:

1. Tarkanian has plenty of his own baggage. A sanction from the Nevada Supreme Court for practicing law while his license was on inactive status. Questionable business practices. A telemarketing fraud investigation into his former law clients. A recent \$17 million judgment against him and his family. And general questions about what exactly — beyond his name — qualifies Tarkanian to run for Congress.

2. Horsford will bury Tarkanian before the challenger can catch his breath. Sen. Harry Reid wrote this playbook in 2010 against Republican Sharron Angle. Angle emerged from a tough primary against Tarkanian and Sue Lowden with her resources exhausted. Reid pummelled her with attack ads before she could raise enough money to adequately respond. Horsford has big bucks in the bank, and Tarkanian is broke — and vulnerable.

3. Horsford will get the resources he needs, whenever he needs them, to win. If polling shows Tarkanian gaining ground at any point, Horsford will be able to respond with enough attacks, whatever they cost, to move the numbers in his favor. Meanwhile, the GOP establishment will be reluctant to heap support on Tarkanian unless he shows he has a solid chance to win.

4. Tarkanian couldn't carry Clark County in his Tuesday primary victory. He beat state Sen. Barbara Cegavske by dominating her in the district's rural counties. If name recognition is Tarkanian's greatest strength, why did more than two-thirds of Clark County's GOP voters side with Cegavske and political nobodies including Ken Wegner and Dan Schwartz?

This race should be better theater than anyone expected.

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---- Index References ----

News Subject: (U.S. Presidential Campaigns (1US04); Public Affairs (1PU31); Campaigns & Elections (1CA25); Government (1GO80); Political Parties (1PO73); World Elections (1WO93); Global Politics (1GL73))

Region: (Americas (1AM92); Nevada (1NE81); USA (1US73); North America (1NO39); U.S. West Region (1WE46))

Language: EN

Other Indexing: (Mark Amodei; Glenn Cook; Joe Heck; Dina Titus; Barbara Cegavske; John Ocegura; Sharron Angle; Steven Horsford; Shelley Berkley; Sue Lowden; Dan Schwartz; Danny Tarkanian; Dean Heller; Richard Perkins; Harry Reid; Ken Wegner; Jerry Tarkanian; Brian Sandoval; Lois Tarkanian)

Keywords: Glenn Cook; column; danny tarkanian; steven horsford; elections 2012

Word Count: 847

NewsRoom

Exhibit C

Danny Tarkanian looks to step from father's shadow, make name in politics

By Michael Mishak

Sunday, May 2, 2010 | 2 a.m.

Danny Tarkanian's famous last name might be his Senate campaign's biggest asset.

Associated statewide with his father, Jerry, the legendary UNLV basketball coach who brought the state an NCAA national championship, the Tarkanian name gave the lawyer and Las Vegas businessman instant recognition among voters when he announced last year his bid to unseat Senate Majority Leader Harry Reid.

Early polling marked him as the Republican favorite, winning — in one survey — more support than Rep. Dean Heller, one of the state's more popular elected officials.

Donations started to flow his way. Overnight, he became the next great GOP hope.

Eight months later, Tarkanian's campaign has failed to catch fire, overshadowed by his chief rival, Sue Lowden, the former state senator and chairwoman of the Nevada Republican Party.

He trails Lowden by double digits, despite keeping pace with her fundraising, ramping up ad buys and appealing directly to the state's most conservative voters. Tarkanian has raised \$1.1 million. According to the most recent analysis by the Center for Responsive Politics, 66 percent of that was raised out of state, with places where the family name has currency in basketball circles — Long Beach and Fresno — accounting for much of his haul.

In the Year of the Tea Party, he has positioned himself as the conservatives' conservative, a Constitution-thumping Republican out to win one for Ronald Reagan, just in time for the Gipper's 100th birthday.

Yet his positions differ little from the other GOP candidates, who all lament the federal bailouts of big banks and auto companies, the health care law and, most recently, immigration. That has him struggling to stand out as the most vehement critic of those policies.

Apparently sensing that time to overtake Lowden is quickly passing, Tarkanian has in recent weeks piggybacked on the Reid campaign's attacks. He is trying to score points by highlighting Lowden's biggest gaffe — her suggestion that bartering with doctors is an effective way to cut health care costs.

"We simply can't take a chance on a candidate that is unprepared," his campaign said last week.

For Tarkanian, 48, it must ring of déjà vu. In his past two runs for public office, both unsuccessful, he emerged as an early favorite who flamed out in the home stretch. This time, as voter preferences harden and Election Day nears, it's clear this famous son will need more than fading basketball glory and Nevadans' goodwill to win the right to challenge Reid.

Tarkanian's resume shows he has spent most of his adult life moving among careers, trying to make his name his own.

After practicing law, coaching Division I basketball alongside his dad and starting a real estate development firm, he's still known as Little Tark. A seat in the U.S. Senate would surely change that.

For his part, Tarkanian says his varied jobs were merely detours on the road to his real passion: politics.

If Tarkanian's lifelong dream was elected office, it was one his parents, friends and teammates never saw coming. Likewise, although he admired Reagan as a college student and was outspoken against abortion rights as a young adult, Tarkanian never struck those closest to him as a red-meat conservative.

His parents noticed a fierce competitive streak, though. Jerry Tarkanian recalls shooting hoops with his young son in the front yard of their Huntington Beach, Calif., home. "If he didn't win, we couldn't quit," he said. "It was double or nothing until he won."

Bragging rights were important, and the world of sports was a natural battlefield.

In his senior year, as the football team's star quarterback, he played with an injury to lead the team to a state championship.

But basketball was his passion. At Bishop Gorman, he played point guard and teammates remember him as a leader crucial to winning two state titles.

Set to attend UNR, his plans were derailed when the team's coach, Sonny Allen, announced his own son would be playing on the team — another point guard, no less. Tarkanian's father told him to look elsewhere, saying he would never get off the bench.

When USC's coach, a family friend, offered Danny a full scholarship, Jerry Tarkanian again told his son to move on: The team had a competitive point guard.

So Tarkanian spent his freshman year at Dixie Junior College in St. George, Utah, where he started for the basketball team, won the most valuable player trophy and the school's most outstanding student award. Back home, his father had his worst year at UNLV. It was the first time in his career his team had failed to win 20 games. Danny decided to transfer to UNLV and play for the Rebels, a move that at first made his father uneasy.

But UNLV needed a point guard, and, after soliciting his assistants' advice, Jerry Tarkanian signed his son. He would later say his son turned the Rebels around in his first year, helping the team win 24 consecutive games. In a flash, UNLV was ranked No. 1 nationally.

After graduating in 1984, Tarkanian was drafted by the San Antonio Spurs, but didn't make the team. Instead, he enrolled in law school at the University of San Diego, where he again developed a reputation as a hard worker — finishing third in his class to the surprise of friends and classmates.

"He wasn't one of those students who was always raising their hands or interjecting themselves into conversation," said Sean Brew, a longtime friend and classmate. "Sometimes he acted bewildered, but you knew he wasn't."

Public speaking wasn't his strong suit. In a mock trial, Tarkanian veered off message and froze, Brew recalled.

Still a law student, Danny worked with his father's attorneys on Jerry Tarkanian's lawsuit against the NCAA, which had ordered UNLV to suspend him for recruiting violations. The case advanced to the U.S. Supreme Court, which ruled against the coach, saying that the athletic association did not violate his rights to due process. Jerry Tarkanian, however, filed a second suit against the NCAA and, in 1998, the organization agreed to pay him \$2.5 million to settle the case.

The case became a touchstone for the younger Tarkanian, teaching him that persistence and determination pay off — sometimes literally.

But Tarkanian found little inspiration in the actual practice of law. He set up a civil practice and spent much of his time on mundane legal work, such as incorporating companies.

In 1995, Tarkanian followed his father to Fresno State University, serving as an assistant coach.

Jerry Tarkanian said his son threw himself into the job, and took every loss personally. "I think he thought coaching was going to be fun ---- and then he saw it wasn't that much fun when you weren't winning all the time," Jerry Tarkanian said.

Nevertheless, in seven seasons, the team enjoyed six seasons with 20-plus wins and two trips to the NCAA tournament. But the UNLV controversies followed.

In 1997, Fresno State was rocked by allegations that two players conspired with local gamblers to shave points in several games. The FBI probe produced two grand jury investigations but no convictions against the school's players, coaches or officials.

Danny Tarkanian was questioned by a grand jury regarding his connection to one of those gamblers, Kirk Vartanian. He claimed to have met Vartanian only once.

He also denied NCAA allegations that he turned a blind eye to academic fraud in the case of a former statistician who admitted to completing coursework for several Fresno State players. Fresno State, however, admitted to academic fraud and imposed penalties on itself.

In 2002, when his father retired, Tarkanian returned to Las Vegas and started a real estate business. He developed the Tarkanian Professional Center, a 150,000-square-foot office complex across from St. Rose Dominican Hospitals — San Martin Campus.

But all along, Tarkanian says he was really itching to begin a political career.

In 2004, after flirting with a run against Reid, he decided to challenge Democratic state Sen. Mike Schneider.

His parents and friends discouraged the run because it was a heavily Democratic district. His mother, Lois, the family's lone Democrat and a member of the Las Vegas City Council, encouraged him to switch parties and mount a primary campaign. He ran as a Republican, advocating capping property taxes and more local control of schools.

Schneider dismissed the political novice.

"He can shoot a basketball better than I can," he said at the time. "That doesn't mean he's a good legislator."

Turns out Tarkanian's flirtation with a run for U.S. Senate had caught the attention of Reid's researchers, who, according to media accounts at the time, compiled an opposition folder on the Republican. Schneider used the material in a series of attacks, which stemmed from Tarkanian's work as a lawyer in the early 1990s, when he incorporated at least four business entities later found by state and federal authorities to be fronts for telemarketing schemes.

Although he served as resident agent, or a point of legal contact, for those companies, Tarkanian said he had no knowledge of criminal activity. He had no role in the day-to-day operation of the companies, he said.

Tarkanian was never charged with any wrongdoing, but the case served as political fodder.

Tarkanian lost by 8 percentage points.

As he did at Fresno State, he took the loss personally.

"It stung him," Lois Tarkanian said.

Tarkanian continued the fight in court, suing Schneider for defamation in 2005.

As the case worked its way through the court system, Tarkanian mounted another campaign in 2006, this time for secretary of state. He faced another famous son, Democrat Ross Miller, scion of former Gov. Bob Miller.

Anticipating a replay of the Schneider race, Tarkanian released a document titled "Lies About Danny Tarkanian," detailing the telemarketing fraud charges and other allegations that dominated the campaign two years earlier.

The inoculation strategy failed, as Miller's campaign took up Schneider's playbook with glee. In fact, Tarkanian had disclosed material the rival campaign hadn't even planned to use.

Tarkanian's early lead diminished and he lost the race by 8 percentage points.

He was more determined than ever to win his defamation suit.

"He fought so hard to win that case because he felt that was the thing that swayed the voters the other way," longtime friend Michael Brown said.

In 2009, Tarkanian got his day in court ---- and won. A jury awarded Tarkanian \$50,000 in damages, and Schneider agreed to pay another \$100,000 to avoid the punitive phase of the trial.

The following week, Tarkanian announced his Senate bid.

On the campaign trail, he touts the lawsuit as an asset, arguing that he's bulletproof to Reid's attacks. He also has a reputation as a family man who has done a lot of charity work. But Reid has mostly ignored him so far, instead attacking Lowden on a near-daily basis.

Still, Tarkanian's past dogs him on the campaign trail.

At a campaign stop in Pahrump last month, Tarkanian faced fire from a group that should be his natural audience, Tea Party Republicans. Gathered in a dingy ballroom at the Pahrump Nugget, the self-described "Old Farts' Club" peppered Tarkanian with questions.

He acknowledged that his mother was a Democrat but said he had been a lifelong Republican.

Outside, Tarkanian said, "People are looking for someone who is not a political insider, someone who is independent, someone who has proved they will stand up for what's right. My core beliefs are limited government, personal responsibility, self-determination and individual liberty."

The "Old Farts," however, seemed to like the other two conservative warriors in the race, former Assemblywoman Sharron Angle and former Marine Bill Parson.

Tarkanian fared a bit better at the local senior center down the road.

"I like Danny, probably because of his dad," said Jack McGinnis, a retired electrical engineer. "Danny looks honest, by God. But I was a great fan of his dad."

Sun librarian Rebecca Clifford-Cruz contributed to this story.

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Exhibit D

NewsRoom

11/3/06 Las Vegas Sun A1
2006 WLNR 19119024

Las Vegas Sun
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November 3, 2006

Section: A

Integrity issues dominate campaigns for secretary of state

By Michael J. Mishak

With only a few days remaining before Election Day, the two candidates running for Nevada secretary of state are locked in a bitter media ad campaign focused more on their past than on their visions for the future.

Both Republican Danny Tarkanian and Democrat Ross Miller began the campaign with name recognition attributable primarily to their well-known fathers - former UNLV basketball coach Jerry Tarkanian and former Gov. Bob Miller . Each also can cite a political pedigree, with Tarkanian's mother being a member of the Las Vegas City Council.

On issues, both support tougher campaign finance and election laws.

But that's where the similarities end in what has become an acrimonious contest for a generally low-profile office responsible for managing elections, guarding against securities fraud and receiving business documents such as incorporation papers.

The two major candidates have spent considerably less time talking about the job's duties than they have on debating personal integrity. (Janine Hansen, an American Independent Party candidate from Elko, also is on the ballot.)

Ads on both sides focus on Tarkanian's contact with companies involved in telemarketing fraud.

In 1994, Tarkanian incorporated at least four business entities later found by state and federal authorities to be fronts for telemarketing schemes. He also served as resident agent, or a point of legal contact, for those companies.

While Tarkanian was never charged with any wrongdoing, Miller has tried to draw voters' attention to his opponent's connection to the businesses, which bilked millions of dollars from hundreds of victims across the country.

"I'm honest and have the integrity to lead the office," Miller said. "I think my opponent's background shows he's unfit to be secretary of state."

For his part, Tarkanian dismisses the attack, saying that Miller is simply resorting to negative campaigning by resurrecting charges that dogged Tarkanian in a 2004 Nevada Senate bid.

His argument remains the same. "I did legal work for these companies," he said. "That's all."

Tarkanian contends that Cole Cloninger, whom he knew as a ball boy during his years at UNLV, asked him to incorporate a number of nonprofit groups. Cloninger then referred some of his associates to Tarkanian's office, Tarkanian said.

Cloninger, along with several others, was later indicted and convicted for wire fraud and money laundering in connection with the businesses Tarkanian incorporated.

Tarkanian said his involvement went no further than serving as the attorney of incorporation for the businesses.

"When you're doing legal work, you don't go and check on someone's day-to-day business," he said. "You sit in your office, you write up the documents that you do as an attorney, and that's all your involvement."

By the time the first round of indictments was handed down in 1996, Tarkanian said he was no longer practicing law but coaching at Fresno State University. He said the U.S. attorney's office investigated his role in the companies but never questioned him in any of the related cases, despite his offers to cooperate.

"If they don't question you and they don't do anything else to you, you're cleared," he said.

Some legal experts support Tarkanian's view.

UNLV law professor Steve Johnson said incorporation papers are generally boilerplate documents, listing information such as a business' location and its board of directors, often with just a vague description of the firm's purpose.

Similarly, Richard Morgan, dean of UNLV's Boyd School of Law, said that while resident agents generally maintain ongoing relationships with their clients, that's not always the case. "The purpose of the resident agent is to be a place where legal business can be directed," he said.

Miller, however, cites one case in which he argues Tarkanian's involvement went beyond simple legal work.

In an affidavit released by Miller's campaign, Jan Wrobel, who spent about four years in prison for his part in a scheme that defrauded elderly victims out of more than \$3 million, said Tarkanian not only incorporated his family's telemarketing businesses but made Wrobel the sole corporate officer of one of those entities - one month after his 18th birthday.

According to Wrobel, Tarkanian said the move would "provide a strong defense ... in the event that the telemarketing business ran afoul of any federal or state law" because of Wrobel's youth and inexperience.

Tarkanian denies the allegations.

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When not raising questions about Tarkanian's fitness for the job, the 30-year-old Miller argues that his own background is a good match for the state post.

A prosecutor in the Clark County district attorney's office, Miller said he would push to toughen the state's campaign finance and election laws, upgrading major violations from civil misdemeanors to criminal felonies.

Under his proposal, elected officials would be required to file all contribution and expense reports electronically. Those documents then would be maintained in a searchable statewide database.

Miller's plan also would require candidates to file campaign finance reports more frequently than under the current system, which has quarterly filing deadlines. Under his plan, contributions of more than \$100 made in the month before the primary and general elections would have to be reported within two days. Miller's own campaign finance reports show that he has raised \$602,212 since Jan. 1.

On election reform, Miller supports extending the voter registration deadline and expanding early voting. He also supports centralizing the vote-by-mail system, currently conducted at the county level, in the secretary of state's office, and wants voters to be eligible for permanent vote-by-mail status.

"I want to make it easier to vote but harder to cheat," Miller said.

While not opposed to making voters show photo identification at the polls, Miller isn't pushing the issue like Tarkanian, who supports making such a measure state law. The key to preventing voter fraud, he said, is tougher penalties for violators.

"We need more voter participation, not less," Miller said.

He also would reform Nevada's ballot initiative process, which he argues allows out-of-state groups to pass special-interest legislation by using misleading language. Under his plan, the secretary of state's office, in conjunction with the attorney general, would draft the title and description of proposed petitions, not the initiative backers.

On other topics, Miller has suggested moving the sex offender Web registry and related documents from the Public Safety Department to the secretary of state's office. That switch, he said, would "free up resources for local law enforcement agencies to focus on the worst of the worst."

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Tarkanian, 44, also contends that his experience as a lawyer and businessman would be assets in the job.

Three years after starting his own law firm here, Tarkanian in 1995 followed his father to Fresno State, where the younger Tarkanian served as an assistant coach on the men's basketball team.

Democrats have raised two issues about Tarkanian's years in Fresno.

In 1997, the school was rocked by point-shaving allegations that ultimately produced two grand jury investigations but no convictions against Fresno State players, coaches or officials.

The FBI had investigated whether two players conspired with local gamblers to shave points in several games that year. Tarkanian was questioned by a grand jury regarding his connection to one of those gamblers, Kirk Vartanian. He claimed to have met Vartanian only once, though media reports at the time quoted witnesses saying the two associated with each other.

In an interview, Tarkanian dismissed the scandal in a single sentence. "There was no point-shaving in Fresno, so I couldn't have hung out with point fixers," he said.

He also denied allegations that he turned a blind eye to academic fraud in the case of a former statistician who admitted to completing coursework for several Fresno State players. In its investigation, the NCAA concluded that Tarkanian neglected to notify school officials after the statistician told him he had completed the players' work.

Tarkanian dismissed that charge, despite the fact that the school admitted to academic fraud and imposed penalties on itself. "The academic fraud thing is a joke," he said. "I thoroughly disproved that it happened at the NCAA, and the NCAA screwed my dad." He added: "It's not true."

In 2002, Tarkanian returned to Las Vegas and founded the Tarkanian Basketball Academy, a nonprofit group that runs basketball camps and mentoring programs for area youths. He also started a real estate development company.

Then he began pondering a public career.

Two years ago he ran unsuccessfully against state Sen. Mike Schneider, D-Las Vegas, and prior to this year's race considered bids for the Las Vegas City Council and U.S. Senate.

"I've wanted to get into public service for most of my life," Tarkanian said.

If elected, Tarkanian said he would use the secretary of state post to "restore integrity" to the election process. The first step, he said, is requiring voters to show proof of citizenship at the polls. Those without a government-issued form of ID, such as a driver's license, would be provided one free of charge, he said.

Under another Tarkanian proposal, candidates would be required to file monthly contribution and expense reports during election years. In addition, those running for public office would have to file daily finance reports in the month preceding an election. Tarkanian has invested heavily in his own campaign, with one-third - \$200,000 - of the \$597,518 he has raised since Jan. 1 being his own money.

He, too, supports making violations of campaign finance and election laws felony offenses. "If you're going to cheat to win elections, it's much worse than going out and stealing a car," Tarkanian said.

Tarkanian has proposed establishing a designated business court system, not unlike Delaware's chancery court, to encourage more businesses to incorporate in Nevada. Last year, Nevada raised \$70 million from incorporation-related fees, he said.

Michael J. Mishak can be reached at 259-2347 or at michael.mishak@lasvegassun.com.

---- Index References ----

Company: FURR S RESTAURANT GROUP INC; US SENATE; STATE OF NEVADA (USA)

News Subject: (Legal (1LE33); Social Issues (1SO05); Business Management (1BU42); Direct Marketing (1DI38); Police (1PO98); Sales & Marketing (1MA51); Direct Marketing via Phone & TV (1DI13); Crime (1CR87); Judicial (1JU36); Criminal Law (1CR79); Economics & Trade (1EC26))

Industry: (Retail (1RE82); Retailers (1RE64); Advertising Campaigns (1AD39); Retail Regulatory (1RE54); Advertising & Public Relations (1AD83); Advertising (1AD82))

Region: (Americas (1AM92); North America (1NO39); USA (1US73); California (1CA98); Nevada (1NE81))

Language: EN

Other Indexing: (AMERICAN INDEPENDENT PARTY; BOYD SCHOOL OF LAW; DELAWARE; FBI; FRESNO; FRESNO STATE; FRESNO STATE UNIVERSITY; GOV; NCAA; NEVADA; NEVADA SENATE; PUBLIC SAFETY DEPARTMENT; REPUBLICAN DANNY TARKANIAN; TARKANIAN BASKETBALL ACADEMY; US SENATE; UNLV) (Bob Miller; Cloninger; Cole Cloninger; Democrat Ross Miller; Jan Wrobel; Janine Hansen; Jerry Tarkanian; Kirk Vartanian; Michael J. Mishak; Mike Schneider; Miller; Richard Morgan; Steve Johnson; Tarkanian; Vartanian; Wrobel)

Word Count: 2075

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Exhibit E

NewsRoom

10/5/06 Las Vegas Rev.-J. 3B
2006 WLNR 17309929

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October 5, 2006

Section: City

Attacks in campaign erupt

Paul Harasim

By PAUL HARASIM

REVIEW-JOURNAL

As Republican secretary of state candidate Danny Tarkanian on Tuesday drove through rural Nevada, he said in a cell phone call that he doubted the Democrat running for the office, Ross Miller, would “personally attack” him in a campaign forum that will air tonight on public television.

He could not have been more wrong.

After Tarkanian said in the debate taped Wednesday he favored a bill that would subject unidentified automated phone callers to criminal penalties, Miller told KLVX-TV, Channel 10, host Mitch Fox, “Danny Tarkanian trying to suggest for an end to automated phone calls is a little bit like O.J. Simpson asking for an end to domestic violence.”

After the debate, co-sponsored by the Review-Journal, Fox said off camera: “I think these two men may have a grudge against one another.”

Tarkanian, 44, the son of former UNLV men’s basketball coach Jerry Tarkanian, held a 12 percentage point lead in the latest Review Journal poll. Miller is the 30-year-old son of former Nevada Gov. Bob Miller.

Tarkanian was so sure that Miller and Democrats would unleash “unfounded allegations” against him late in the campaign that in mid-September he took the unusual pre-emptive step of providing the media with a document called “Lies about Danny Tarkanian.” It listed seven “lies” with an explanation by Tarkanian of “what the real truth is.”

One of the “lies” was brought up by Miller in the debate.

“You served as the resident agent and attorney for many fraudulent telemarketing organizations who bilked senior citizens out of millions of dollars,” Miller said. “Why should the people elect you to oversee businesses when you have a history of forming fraudulent ones?”

Tarkanian said that as an attorney he helped incorporate companies and that he had no involvement with any businesspeople who were indicted.

“He (Miller) is just trying anything,” Tarkanian said after the debate. “I’m actually glad he brought this up today, so people could hear the truth.”

On voter fraud, Tarkanian said in the forum that it could largely be stopped if voters provided proof of citizenship the first time they registered to vote. He said as part of new legislation he would propose voters show a government-issued photo ID, such as a Nevada driver’s license, when they go to the polls.

Miller called Tarkanian’s ideas “impediments” to getting out the vote. He suggested that laws already on the books must be enforced more vigilantly.

The centerpiece of Miller’s campaign is to have the secretary of state’s office ensure that sex offenders register properly in the state. He said the office is particularly good at tracking criminals through a paper trail.

But Tarkanian said that police agencies are better suited to ensuring that sex offenders are registered. He said he found hard to believe that an office that investigates white-collar fraud could do better than law enforcement in keeping track of sex offenders.

Tarkanian said that because Miller’s experience is as a county prosecutor, Miller is trying to create an area in the secretary of state’s office that the office would not typically oversee to fit his background.

“Danny, throughout the campaign you have said that you are the most qualified because you are both a businessman and an attorney,” Miller said. “Recently, you were sanctioned by the Supreme Court for failing to comply with their directives and practicing law without a license. I think the public deserves an explanation.”

Tarkanian has said he did not remember he had placed his license on inactive status while handling a case that involved his family.

The secretary of state duties include ensuring the integrity of elections, facilitating business filings, protecting consumers from securities fraud and preserving public records.

---- Index References ----

Company: REVIEW JOURNAL; NEVADA SECRETARY OF STATE: DIVISION OF CORPORATIONS

Region: (North America (1NO39); Americas (1AM92); Nevada (1NE81); USA (1US73))

Language: EN

Other Indexing: (ATTACKS; KLVX; NEVADA; REVIEW JOURNAL; SUPREME COURT; UNLV) (Bob Miller; Danny; Danny Tarkanian; Democrats; Fox; Jerry Tarkanian; Lies; Miller; Mitch Fox; O.J. Simpson; PAUL HARASIM; Recently; Ross Miller; Tarkanian)

Keywords: Paul Harasim; channel 10 klvs tv pbs; debate photos kalinowsky; elections 2006; danny tarkanian ross miller; secretary of state; personal issues; autamated phone calls; voters proof citizenship

Word Count: 758

NewsRoom

Exhibit F

NewsRoom

9/13/06 Las Vegas Sun A5
2006 WLNR 15902102

Las Vegas Sun
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September 13, 2006

Section: A

Jon Ralston on Danny Tarkanian's risky campaign strategy

You see candidates do it all the time: In the argot of campaigns, it's called inoculation.

Sensing an impending attack from the opposition, contenders will adopt a "best defense is a good offense." So they will inject buzzwords to create a prophylactic effect - accused yes-men become "independent," for example.

But never in two decades of covering campaigns have I witnessed an inoculation of the magnitude being attempted by secretary of state hopeful Danny Tarkanian. There is enough potency in this shot to do more than immunize - it might just be fatal.

Tarkanian, the son of legendary basketball coach Jerry Tarkanian, is running against fellow fortunate son Ross Miller, scion of former Gov. Bob Miller. The younger Tarkanian is ignoring the advice of friends and advisers and embarking on an unprecedented strategy: He is going public with what he calls prevarications being whispered about him by the Democrats.

"I have nothing to hide," he declared this week, and thus he plans to disseminate to the media a document with the headline, "Lies About Danny Tarkanian."

It's one thing to sit down with a Fourth Estater and chat privately about what the opposition might be hoarding in its opposition research folder. But to offer up the information and then urge the media to use it - that is all but unprecedented.

The marquee item in the document is about his ties to telemarketers, the same subject that state Sen. Mike Schneider raised against Tarkanian in a 2004 legislative race. After he lost, Tarkanian sued Schneider for defamation, and the case remains unresolved. This same stuff was contained in what is known as "The Harry Reid packet," opposition research the senior senator's folks compiled on Tarkanian when the coach's son mused about running against the U.S. senator two years ago. That information is believed to be in the hands of Ross Miller's campaign.

Tarkanian's document leads with the telemarketing stuff, and it is jarring:

"LIE: Danny created phony companies to defraud elderly citizens and/or that Danny was the resident agent for companies that defrauded elderly citizens. Or in the alternative, Danny was almost indicted for telemarketing fraud."

Hadn't heard all of that. But now I have. And so have you. And then:

"TRUTH: Danny was an attorney who practiced in a variety of areas, including corporate law. He incorporated well over 100 companies and he was the resident agent for most of the companies he incorporated, as are most attorneys who perform incorporations.

"A man who had once served as a ball boy while Danny played at UNLV hired Danny to incorporate a nonprofit company for him. He subsequently hired Danny to incorporate other companies, and referred several friends to Danny to have their companies incorporated. This person, along with some, but not all, of the friends he had referred to Danny, was later indicted for telemarketing fraud.

"Danny had no involvement with the indicted businesspeople or their businesses except to act as their attorney for incorporation. The state attorney general's office investigated Danny to determine whether he was involved.

"Through his attorney, Danny contacted the attorney general's office and offered to meet with them to answer any questions they might have. The attorney general's office never asked to meet with Danny."

There is more about telemarketers and other issues in the three-page document but I will stop there - I don't want Tarkanian to do too much of the Miller campaign's work. The simple truth is that the Democratic contender's folks have been trying to connect the dots to make this sound worse than Tarkanian does here but have been unable to do so yet. My guess is they will be happy to discuss it now, though.

When I mentioned that the Miller folks also were saying that he recently had been slapped by the Supreme Court for practicing law without a license, Tarkanian said it was true, but that it was the result of helping out his parents and a family friend.

"So they are going to use that, too?" he wondered with a hint of melancholy. "I guess I better add that."

And so the "Lies About Danny Tarkanian" document got longer Tuesday.

Jon Ralston hosts the news discussion program "Face to Face With Jon Ralston" on Las Vegas ONE and publishes the daily e-mail newsletter "RalstonFlash.com." His column for the Las Vegas Sun appears Sunday, Wednesday and Friday. Ralston can be reached at 870-7997 or at ralston@vegas.com.

---- Index References ----

News Subject: (Direct Marketing via Phone & TV (1DI13); Judicial (1JU36); Legal (1LE33); Direct Marketing (1DI38); Government Litigation (1GO18))

Industry: (Retail (1RE82); Retailers (1RE64))

Region: (USA (1US73); Americas (1AM92); North America (1NO39); Nevada (1NE81))

Language: EN

Other Indexing: (DEMOCRATIC; FOURTH ESTATER; GOV; HARRY REID; SUPREME COURT; UNLV) (Bob Miller; Danny; Danny Tarkanian; Hadn; Jerry Tarkanian; Jon Ralston; Mike Schneider; Miller; Ross Miller; Schneider; Sensing; Tarkanian)

Word Count: 897

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NewsRoom

Exhibit G

ORIGINAL

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CLERK OF THE COURT

1 **ACOM**
2 GUS W. FLANGAS, ESQ.,
3 Nevada Bar No. 004989
4 KIM D. PRICE, ESQ.
5 Nevada Bar No. 007873
6 FLANGAS McMILLAN LAW GROUP
7 3275 South Jones Boulevard, Suite 105
8 Las Vegas, Nevada 89146
9 Telephone: (702) 307-9500
10 Facsimile: (702) 382-9452
11 Attorneys for Plaintiff, Danny Tarkanian

8 **DISTRICT COURT**

9 **CLARK COUNTY, NEVADA**

11 DANNY TARKANIAN, an individual,)
12)
13 Plaintiff,)
14)
15 vs.)
16)
17 MIKE SCHNEIDER, an individual;)
18 DOES I-V, inclusive; and ROE ENTITIES)
19 VI-X, inclusive,)
20 Defendant.)

Case No.: A500379
Dept No.: II

17 **FIRST AMENDED COMPLAINT**

18 COMES NOW the Plaintiff, DANNY TARKANIAN, by and through his attorneys, GUS
19 W. FLANGAS, ESQ. and KIM D. PRICE, ESQ., of the FLANGAS MCMILLAN LAW GROUP,
20 and for his causes of action against the Defendants, alleges as follows

21 **FIRST CLAIM FOR RELIEF**
22 (Slander Per Se)

23 1. At all times material hereto, the Plaintiff, DANNY TARKANIAN, (hereinafter referred
24 to as the "Plaintiff") was and is a resident of Clark County, State of Nevada.

25 2. At all times material hereto, the Defendant, MIKE SCHNEIDER, was and is a resident
26 of Clark County, Nevada.

27 3. The true names and capacities of the Defendants named herein as DOES I-X, inclusive,
28 and ROE ENTITIES VI-X, inclusive, whether individual, corporate, associate or otherwise, are

CLERK OF THE COURT

JAN 24 2008

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1 presently unknown to the Plaintiff who therefore sue the said Defendants by such fictitious names;
2 and when the true names and capacities of such DOES I through X, inclusive, and ROE ENTITIES
3 VI-X, inclusive, are discovered, the Plaintiff will ask leave to amend this Complaint to substitute the
4 true names of the said Defendants. The Plaintiff is informed, believes and therefore alleges that the
5 Defendants so designated herein are responsible in some manner for the events and occurrences
6 contained in this action.

7 4. The Plaintiff and Defendant were both candidates for election to the Nevada State Senate,
8 District 11.

9 5. On or about early October of 2004, the Plaintiff and Defendant appeared on a local
10 television show entitled "Face to Face with Jon Ralston" (hereinafter referred to as the "Ralston
11 Show").

12 6. While appearing on the Ralston Show, the Defendant made numerous false and
13 defamatory statements about the Plaintiff, to wit:

14 a. The Plaintiff turned state's evidence and testified against his "fellow"
15 telemarketers to keep from being personally charged with a crime.

16 b. The Plaintiff set up 19 fraudulent corporations for telemarketers.

17 c. The Plaintiff was under Grand Jury Investigation in two different locations and at
18 two different places of employment.

19 7. The defamatory statements made by the Defendant on the Ralston Show were a
20 publication of false statements of fact.

21 8. The Defendant's malicious and false statements were an assertion of a fact or an
22 expression of an opinion that suggested that the Defendant knew certain facts to be true or implied
23 that certain facts existed.

24 9. The Defendant knew the defamatory statements he made on the Ralston Show were false
25 and or were made with reckless disregard of whether they were false or not.

26 10. The Defendant's malicious and false statements are defamatory in that they tend to lower
27 the Plaintiff in the estimation of the community, excite derogatory opinions about the Plaintiff and
28 hold the Plaintiff up to contempt.

1 11. The Defendant's malicious and false statements are so likely to cause serious injury to
2 reputation and pecuniary loss that they constitute slander per se.

3 12. The Defendant's malicious and false statements are so likely to cause serious injury to
4 reputation and pecuniary loss that they are actionable without proof of damages in that the statements
5 impute the Plaintiff as having a lack of fitness for trade, business or profession.

6 13. The Plaintiff has suffered damage to his reputation and has suffered harm which
7 normally results from such a defamation.

8 14. The Plaintiff has been damaged in amount in excess of \$10,000.

9 15. It has become necessary for the Plaintiff to engage the services of an attorney to
10 commence this action and Plaintiff is, therefore, entitled to reasonable attorney's fees and costs as
11 damages.

12 16. The Defendant is guilty of oppression, fraud or malice, express or implied; therefore, the
13 Plaintiff is entitled to recover damages for the sake of example and by way of punishing the
14 Defendant in an amount in excess of \$10,000.

15 **SECOND CLAIM FOR RELIEF**
16 (Slander Per Se)

17 17. The Plaintiff repeats and realleges each and every allegation contained in Paragraphs 1
18 through 16 above and incorporates them as though fully set forth herein.

19 18. On or about October of 2004, the Defendant and/or his agents acting on his behalf caused
20 to be broadcast, certain radio advertisements which made defamatory statements about the Plaintiff,
21 to wit: the Plaintiff was involved in telemarketing fraud.

22 19. The defamatory statements made in the radio advertisements were a publication of false
23 statements of fact.

24 20. The malicious and false statements in the radio advertisements were an assertion of a fact
25 or an expression of an opinion that suggested that the Defendant knew certain facts to be true or
26 implied that certain facts existed.

27 21. The Defendant knew the defamatory statements made in the radio advertisements were
28 false and or were made with reckless disregard of whether they were false or not.

22. The malicious and false statements in the radio advertisements are defamatory in that they tend to lower the Plaintiff in the estimation of the community, excite derogatory opinions about the Plaintiff and hold the Plaintiff up to contempt.

23. The malicious and false statements in the radio advertisements are so likely to cause serious injury to reputation and pecuniary loss that they constitute slander per se.

24. The malicious and false statements in the radio advertisements are so likely to cause serious injury to reputation and pecuniary loss that they are actionable without proof of damages in that the statements impute the Plaintiff as having a lack of fitness for trade, business or profession.

25. The Plaintiff has suffered damage to his reputation and has suffered harm which normally results from such a defamation.

26. The Plaintiff has been damaged in amount in excess of \$10,000.

27. It has become necessary for the Plaintiff to engage the services of an attorney to commence this action and Plaintiff is, therefore, entitled to reasonable attorney's fees and costs as damages.

28. The Defendant is guilty of oppression, fraud or malice, express or implied; therefore, the Plaintiff is entitled to recover damages for the sake of example and by way of punishing the Defendant in an amount in excess of \$10,000.

THIRD CLAIM FOR RELIEF
(Slander Per Se)

29. The Plaintiff repeats and realleges each and every allegation contained in Paragraphs 1 through 28 above and incorporates them as though fully set forth herein.

30. On or about October of 2004, the Defendant and/or his agents acting on his behalf caused to be disseminated, certain telephone recordings to voters in District 11 which made defamatory statements about the Plaintiff, to wit: the Plaintiff was involved in telemarketing fraud and created companies to defraud the elderly.

31. The defamatory statements made in the telephone recordings were a publication of false statements of fact.

32. The malicious and false statements in the telephone recordings were an assertion of a fact

1 or an expression of an opinion that suggested that the Defendant knew certain facts to be true or
2 implied that certain facts existed.

3 33. The Defendant knew the defamatory statements made in the telephone recordings were
4 false and or were made with reckless disregard of whether they were false or not.

5 34. The malicious and false statements in the telephone recordings are defamatory in that
6 they tend to lower the Plaintiff in the estimation of the community, excite derogatory opinions about
7 the Plaintiff and hold the Plaintiff up to contempt.

8 35. The malicious and false statements in the telephone recordings are so likely to cause
9 serious injury to reputation and pecuniary loss that they constitute slander per se.

10 36. The malicious and false statements in the telephone recordings are so likely to cause
11 serious injury to reputation and pecuniary loss that they are actionable without proof of damages in
12 that the statements impute the Plaintiff as having a lack of fitness for trade, business or profession.

13 37. The Plaintiff has suffered damage to his reputation and has suffered harm which
14 normally results from such a defamation.

15 38. The Plaintiff has been damaged in amount in excess of \$10,000.

16 39. It has become necessary for the Plaintiff to engage the services of an attorney to
17 commence this action and Plaintiff is, therefore, entitled to reasonable attorney's fees and costs as
18 damages.

19 40. The Defendant is guilty of oppression, fraud or malice, express or implied; therefore, the
20 Plaintiff is entitled to recover damages for the sake of example and by way of punishing the
21 Defendant in an amount in excess of \$10,000.

22 **FOURTH CLAIM FOR RELIEF**
23 (Libel Per Se)

24 41. The Plaintiff repeats and realleges each and every allegation contained in Paragraphs 1
25 through 40 above and incorporates them as though fully set forth herein.

26 42. On or about October of 2004, the Defendant and/or his agents acting on his behalf caused
27 certain flyers to be sent to the voters in District 11 which made defamatory statements about the
28 Plaintiff, to wit:

- 1 a. "Why Did Danny Tarkanian betray the most vulnerable among the elderly?"
2 b. "Why did he [the Plaintiff] set up an organization to cheat us out over \$2 million
3 of our hard-earned retirement money?"

4 43. The defamatory statements contained in the flyers were a publication of false statements
5 of fact.

6 44. The malicious and false statements contained in the flyers were an assertion of a fact or
7 an expression of an opinion that suggested that the Defendant knew certain facts to be true or implied
8 that certain facts existed.

9 45. The Defendant knew the defamatory statements contained in the flyers were false and
10 or were made with reckless disregard of whether they were false or not.

11 46. The malicious and false statements contained in the flyers are defamatory in that they
12 tend to lower the Plaintiff in the estimation of the community, excite derogatory opinions about the
13 Plaintiff and hold the Plaintiff up to contempt.

14 47. The malicious and false statements contained in the flyers are so likely to cause serious
15 injury to reputation and pecuniary loss that they constitute slander per se.

16 48. The malicious and false statements contained in the flyers are so likely to cause serious
17 injury to reputation and pecuniary loss that they are actionable without proof of damages in that the
18 statements impute the Plaintiff as having a lack of fitness for trade, business or profession.

19 49. The Plaintiff has suffered damage to his reputation and has suffered harm which
20 normally results from such a defamation.

21 50. The Plaintiff has been damaged in amount in excess of \$10,000.

22 51. It has become necessary for the Plaintiff to engage the services of an attorney to
23 commence this action and Plaintiff is, therefore, entitled to reasonable attorney's fees and costs as
24 damages.

25 52. The Defendant is guilty of oppression, fraud or malice, express or implied; therefore, the
26 Plaintiff is entitled to recover damages for the sake of example and by way of punishing the
27 Defendant in an amount in excess of \$10,000.

28

FIFTH CLAIM FOR RELIEF
(Slander Per Se)

53. The Plaintiff repeats and realleges each and every allegation contained in Paragraphs 1 through 52 above and incorporates them as though fully set forth herein.

54. On or about the fall of 2004, the Defendant made numerous false and defamatory statements about the Plaintiff having his law license revoked or suspended with the implication that it was revoked or suspended due to wrongdoing on the part of the Plaintiff.

55. The defamatory statements about the Plaintiff's law license made by the Defendant were a publication of false statements of fact.

56. The Defendant's malicious and false statements about the Plaintiff's law license were an assertion of a fact or an expression of an opinion that suggested that the Defendant knew certain facts to be true or implied that certain facts existed.

57. The Defendant knew the defamatory statements he made about the Plaintiff's law license were false and or were made with reckless disregard of whether they were false or not.

58. The Defendant's malicious and false statements are defamatory in that they tend to lower the Plaintiff in the estimation of the community, excite derogatory opinions about the Plaintiff and hold the Plaintiff up to contempt.

59. The Defendant's malicious and false statements are so likely to cause serious injury to reputation and pecuniary loss that they constitute slander per se.

60. The Defendant's malicious and false statements are so likely to cause serious injury to reputation and pecuniary loss that they are actionable without proof of damages in that the statements impute the Plaintiff as having a lack of fitness for trade, business or profession.

61. The Plaintiff has suffered damage to his reputation and has suffered harm which normally results from such a defamation.

62. The Plaintiff has been damaged in amount in excess of \$10,000.


63. It has become necessary for the Plaintiff to engage the services of an attorney to commence this action and Plaintiff is, therefore, entitled to reasonable attorney's fees and costs as damages.

1 64. The Defendant is guilty of oppression, fraud or malice, express or implied; therefore, the
2 Plaintiff is entitled to recover damages for the sake of example and by way of punishing the
3 Defendant in an amount in excess of \$10,000.

4 **WHEREFORE**, the Plaintiff prays for judgment as follows:

- 5 1. For damages in an amount in excess of \$10,000;
6 2. For punitive damages in an amount in excess of \$10,000;
7 3. For reasonable attorney's fees and costs of suit; and
8 4. For such other and further relief as the Court may deem just and proper in the premises.

9 DATED this 24th day of January, 2008

10
11 
12 GUS W. FLANGAS, ESQ.
13 Nevada Bar No. 004989
14 KIM D. PRICE, ESQ.
15 Nevada Bar No. 007873
16 **FLANGAS MCMILLAN LAW GROUP**
17 3275 South Jones Blvd., Suite 105
18 Las Vegas, Nevada 89146
19 Telephone: (702) 307-9500
20 Attorneys for Plaintiff
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I HEREBY CERTIFY on this 24th day of January, 2008, I served a true and correct copy of the foregoing document entitled: **FIRST AMENDED COMPLAINT** by placing each copy in a sealed envelope, first-class postage fully prepaid thereon, and depositing each envelope in the U.S. mail at Las Vegas, Nevada, addressed as follows:

George F. Hand, Esq.
Bremer, Whyte, Brown & O'Meara, LLP
7670 West Lake Mead Blvd., Ste. 225
Las Vegas, Nevada 89128
Attorneys for Defendant MIKE SCHNEIDER

Joyce Falana
An Employee for Flangas McMillan Law Group

Exhibit H

NewsRoom

8/9/09 Las Vegas Rev.-J. 2D

2009 WLNR 15509174

Las Vegas Review-Journal (NV)

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August 9, 2009

Section: Commentary

Gloves are coming off --- and being replaced by lace

Thomas Mitchell

What kind of tea-sipping, lace-doily, pinky-finger-pointing kind of politics are we going to be left with if every failed candidate can run crying to the courts and get a \$150,000 tort jackpot just because his opponent said something mean about him?

A politician claiming he was libeled is like a boxer claiming he was assaulted. If you can't take a punch, don't get in the ring.

On Monday, state Sen. Mike Schneider's insurance company shelled out \$150,000 to settle a five-year libel case brought against him by Danny Tarkanian, son of the former UNLV basketball coach and the Las Vegas city councilwoman. A \$50,000 libel judgment was handed down by a Clark County jury the previous Friday, and the same jury was about to deliberate whether to assess punitive damages, which could have amounted to as much as \$300,000.

Tarkanian claimed he'd been defamed during his 2004 election campaign against Schneider, because his opponent sent out mailings saying he did work for telemarketing firms accused of scamming the elderly. It was suggested Tarkanian escaped by turning state's evidence.

Tarkanian admitted he was a registered agent for several telemarketing companies that were indicted on fraud charges, but he claimed he merely did legal work for the companies and knew nothing of any fraud.

Now, libel is not merely the act of saying something unkind about another. There are legal elements that must be established, and for a public figure, such as a candidate for state Senate, the bar is especially high. Or it was.

To prove libel, a statement must be false. It must be defamatory and damaging. It must be disseminated to a third party. You must prove all of them. Not just one.

Was the information false? He did incorporate companies later investigated. He was not prosecuted. How do you prove falsity?

These were circumstances ripe for innuendo and connecting the dots. Does that make what Schneider said provably false? Or is it a matter of interpretation and connotation and splitting hairs over what words were used?

In fact, a piece of evidence at trial offered still another view of things. When Tarkanian ran for another office in 2006, he sent out a flier claiming he was exonerated in the telemarketing probe. That prompted former federal prosecutor Leif Reid — yes, son of the Senate majority leader — to send a scathing letter saying that claim was “patently false, defamatory, and holds me in a false light.”

Reid went on to note “there is a significant difference between not being indicted for illegal activity and not being involved at all.”

As for defamation, Tarkanian’s a lawyer and a politician. How much lower in esteem can one get?

Damages? He lost the state Senate election as a Republican running in a heavily Democratic district. Has he lost any legal clients because of the allegations? If so, where’s the evidence?

As a public figure, Tarkanian had to prove actual malice or willful negligence. The first is a given in a political campaign and the second is pretty hard to prove in a rapid-fire, rough-and-tumble race. Jurors have to be mind-readers.

The biggest chunk of the jury award, \$30,000, was for what Schneider said about the telemarketing probe on an obscure cable television program called “Face to Face with Jon Ralston.” That brings us to dissemination. Was there a single witness presented who actually saw the program? Might be hard to find.

Schneider said in a statement: “I was very disappointed with the jury’s verdict in the Tarkanian case against me. I believe this decision will have devastating ramifications on future campaigns and a chilling effect on free speech in general.

“I am fairly confident we would have reversed the decision at the Supreme Court. However, this matter has been a five-year ordeal and it was time to put it to rest.”

What does it say about justice when winning in court comes down to outlasting your opponent’s willingness to expend time, money and personal aggravation?

In a political campaign, the bar should be much, much higher. A politician should be allowed to lie about an opponent — and then get caught in the act.

Yes, there have been recent campaigns in which incumbents were subjected to outright lies. Even if enough gullible voters were swayed by the dirty tricks, that is no reason to jettison our free-wheeling, bare-knuckled political donnybrooks for lace-glove treatment.

What one candidate says about another says more about that person’s character than it says about his opponent. If we assume voters are too stupid to figure it out, eventually, democracy is a failed experiment.

Thomas Mitchell is editor of the Review-Journal and writes about the role of the press and access to public information. He may be contacted at 383-0261 or via e-mail at tmitchell@reviewjournal.com. Read his blog at lvvj.com/blogs/mitchell.

---- Index References ----

News Subject: (Social Issues (ISO05); Criminal Law (1CR79); Legal (1LE33); Crime (1CR87); Direct Marketing (1DI38); Defamation, Libel & Slander (1DE07); Direct Marketing via Phone & TV (1DI13))

Industry: (Retail (1RE82))

Region: (North America (1NO39); Americas (1AM92); Nevada (1NE81); USA (1US73))

Language: EN

Other Indexing: (SENATE; STATE SENATE; SUPREME COURT; UNLV) (Danny Tarkanian; Leif Reid; Mike Schneider; Read; Reid; Schneider; Tarkanian; Thomas Mitchell)

Keywords: damages; danny tarkanian; defamation; dissemination; jon ralson; leif reid; libel; mike schneider; thomas mitchell; column

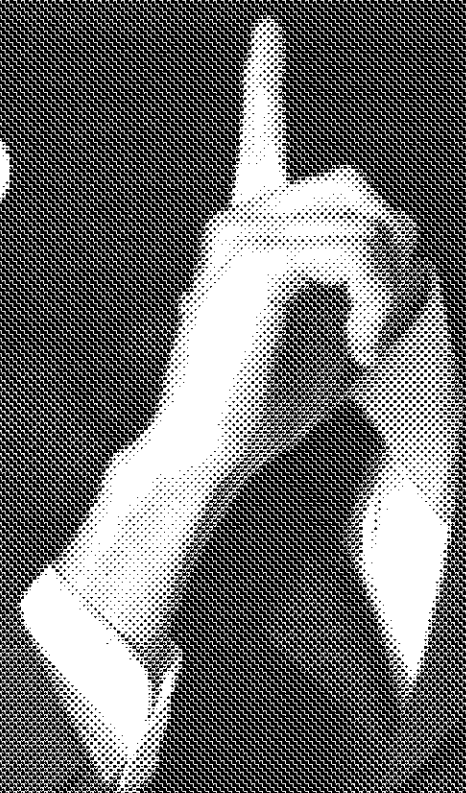
Word Count: 961

NewsRoom

Exhibit I

NEVADA'S NEW ANTI-SLAPP LAW: THE SILVER STATE SETS THE GOLD STANDARD

BY MARC J. RANDAZZA, ESQ.



A Strategic Lawsuit Against Public Participation, or SLAPP suit, is abusive litigation where a plaintiff brings a legally questionable claim in order to punish the defendant for exercising his or her First Amendment rights. Often, these suits are based upon defamation and other claims arising from expressive conduct. The purpose of a SLAPP suit is not necessarily to win, but to inflict the punishment of litigation itself. Because of SLAPP suits, many people find themselves facing the harsh reality that free speech is not necessarily “free.”

Laws commonly known as “anti-SLAPP statutes” provide special protection against this kind of suit. During the last legislative session, the Nevada Legislature passed Senate Bill 286 into law, making sweeping changes to Nevada’s existing anti-SLAPP statutes, which are found in Chapter 41 of the Nevada Revised Statutes (NRS). On October 1, 2013, the new law’s changes took effect, and Nevadans now have the strongest free speech protections in the United States.

The Origin of SLAPP Suits

In the most important SLAPP suit of all time, John Peter Zenger criticized the colonial governor of New York. (This was 1733, long before the First Amendment existed as a glimmer in the founding fathers’ eyes). In response, the governor had Zenger arrested and tried for the crime of “seditious libel.” The jury was charged only with deciding whether or not Zenger had published the words. Zenger’s attorney, Andrew Hamilton, argued that if a man speaks the truth, no law should punish him for doing so. After 10 minutes of deliberation, the jury rendered a not guilty verdict, establishing one of the first and most fundamental defenses to claims for defamation: truth is an absolute defense to liability.

The Digital Age Makes SLAPP Suits, and Anti-SLAPP Laws, Matter to More of Us

Until recent times, it was difficult for the ordinary citizen to find himself or herself the victim of a SLAPP suit. However, with almost everyone living online at this point, reality has changed. In *Reno v. ACLU*, the Supreme Court noted that on the internet, anyone can become “a town crier or a pamphleteer.”¹ But, what the court did not predict was that now every one of us could become the victim of a SLAPP suit – and even for conduct many may consider innocuous.

Along with California, Nevada was one of the first states to enact an anti-SLAPP statute. These laws allow for special motions that dismiss SLAPP suits early on, without subjecting

continued on page 9

NEVADA'S NEW ANTI-SLAPP LAW

continued from page 7

defendants to costly discovery, and resulting in an adjudication of the SLAPP suit on its merits (akin to a motion for summary judgment). Additionally, a staple of anti-SLAPP measures is awarding a prevailing movant his or her costs and reasonable attorneys' fees in bringing the anti-SLAPP motion.

While California and Nevada enacted anti-SLAPP laws around the same time, the parallels between the states' laws ended there. Unlike California's broad anti-SLAPP statute, Nevada's anti-SLAPP law initially protected only "good faith communication in furtherance of the right to petition." NRS 41.637. This limited the law's application to suits based on a speaker's communications with a government entity in order to comment upon an issue before it, or to procure its official action – an exceedingly limited scope.² Consequently, Nevada's anti-SLAPP statutes have been relatively unused, despite the problem of SLAPPs within the state. Meanwhile, Oregon, Washington, Texas and the District of Columbia all enacted strong anti-SLAPP laws,³ with Oregon revising its law even further when it was determined to be weaker than California's.⁴

NEVADA AWAKENS

This past legislative session, State Senator Justin Jones introduced Senate Bill 286 (SB 286) in an effort to make Nevada's anti-SLAPP laws among the best in the nation. The bill strengthened the law enough to make it truly meaningful, encompassing a broad

array of First Amendment-protected speech, not merely communication made to the government. Rather than simply replicating other states' laws, SB 286 made specific changes to Nevada's anti-SLAPP statutes, while maintaining provisions that were uniquely Nevadan. A summary of these changes follows:

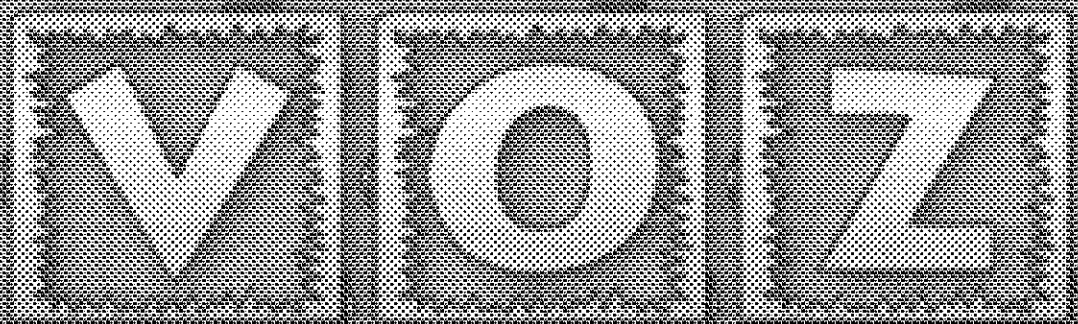
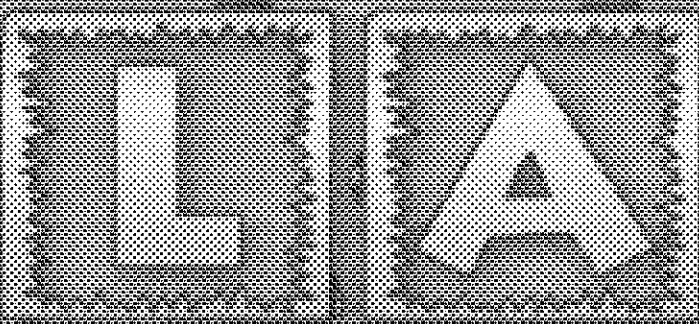
Expands the Breadth and Scope of Protected Speech

SB 286 broadens NRS 41.637 from just protecting good faith communication in furtherance of the right to petition, to also include "the right to free speech in direct connection with an issue of public concern." Within NRS 41.637's prior subsections,

good faith communication in furtherance of the right to petition was constrained to communication seeking to procure or influence government action. SB 286 adds a fourth definition for the expanded types of protected conduct, which

Unlike California's broad anti-SLAPP statute, Nevada's anti-SLAPP law initially protected only "good faith communication in furtherance of the right to petition."

continued on page 10



HISPANIC LAW STUDENTS ASSOCIATION

WILLIAM S. BOYD SCHOOL OF LAW
UNIVERSITY OF NEVADA, LAS VEGAS

NEVADA'S NEW ANTI-SLAPP LAW

continued from page 9

includes any "communication made in direct connection with an issue of public interest in a place open to the public or in a public forum," so long as the statement is truthful or made without knowledge of falsehood. Rather than being restricted to matters under government consideration, Nevada's anti-SLAPP statutes now cover all matters of public interest, so long as they are truthful and made in a place open to the public.

Allows For an Immediate Appeal of a Denied Anti-SLAPP Motion

Under prior Nevada law, NRS 41.650 provided immunity only from liability, rather than the underlying lawsuit. Therefore, if a movant's special motion to dismiss was denied, he or she had to wait until the end of trial to appeal the denial of an anti-SLAPP motion. See, e.g., *Metabolic Research, Inc. v. Ferrell*, 693 F.3d 795, 796 n. 1 (9th Cir. 2012). SB 286 modifies NRS 41.650 so that a movant is immune from any civil action – not just liability – from claims arising from his or her protected speech. Accordingly, any denial of an anti-SLAPP motion is immediately appealable.

Expedites Judicial Consideration of Anti-SLAPP Motions

Nevada's existing anti-SLAPP laws stayed all discovery within the proceeding and required the court to rule on the movant's motion within a defined, short period of time after it was filed. Currently, Nevada requires courts considering an anti-SLAPP motion to rule on those motions within 30 days of their filing. After SB 286, this time is reduced to seven judicial days after the motion is served upon the plaintiff.

Creates a \$10,000 Penalty to Deter Frivolous Claims

An inherent characteristic of anti-SLAPP statutes is the award of costs and reasonable attorneys' fees to a prevailing movant. This mechanism serves to encourage attorneys to file meritorious anti-SLAPP motions that might not otherwise be filed, and to incentivize the protection of the First Amendment. In addition to allowing for a movant's recovery of costs and attorneys' fees, SB 286's change to NRS 41.670 gives the court discretion to award a successful movant up to \$10,000 in addition to his or her reasonable costs and attorneys' fees. This discourages questionable attempts to silence successful movants' First Amendment rights.

Creates "SLAPP-Back" Provision to Prevent Frivolous Anti-SLAPP Motions

Because of the additional powers SB 286 infuses into Nevada's anti-SLAPP laws, the legislature incorporated a mechanism to prevent its abuse. Harkening to California's Civil Procedure Code § 425.17, SB 286 amends NRS 41.670 so that a court denying an anti-SLAPP motion must award the non-movant (i.e., the plaintiff) his or her costs and reasonable attorneys' fees upon finding that the anti-SLAPP motion was "frivolous or vexatious." This prevents frivolous anti-SLAPP motions from burdening the courts and becoming a basis for limiting the law's protections.

Retains Key Elements from Nevada's Existing Laws

Despite SB 286's changes, Nevada's existing statutes have, and retain, powerful provisions that are unique among anti-SLAPP laws. First, the Nevada Attorney General or the "chief legal officer or attorney of a political subdivision" in Nevada may "defend or otherwise support the person against whom the action is brought." NRS 41.660(1)(b). Simply stated, the Nevada Attorney General's Office, or the office of a municipal attorney, may act as counsel for a defendant in order to bring an anti-SLAPP motion for him or her.

Also unique to Nevada is its creation of a separate cause of action for prevailing on an anti-SLAPP motion. Thus, not only may successful anti-SLAPP movants recover their attorneys' fees and costs in dismissing the action against them, they may also pursue their own new claim against the party filing a SLAPP suit, with the statutory right to recover a wide range of costly damages under NRS 41.670.

Conclusion

So long as there are people willing to file vexatious lawsuits to shut down public debate, SLAPP suits will continue. However, SB 286 means that the victims of those cases are no longer certain to be victims, whether they win or lose.

All attorneys take an oath to uphold the Constitution, including the First Amendment. Unfortunately, previously, there was no downside to taking a limited view of this duty. While Rule 11 stands as a possible obstacle to the most frivolous claims, such sanctions are rare, and no impediment to a creative litigator's tools. However, this is not a sufficient protection when the possible victim is not just a citizen, but our most cherished Constitutional right. By adopting SB 286's changes to its anti-SLAPP statutes, Nevada enters the realm of states that treat its citizens' First Amendment rights like the sacred protections they truly are. ■

- 1 *Reno v. ACLU*, 521 U.S. 844, 870 (1997) "Through the use of chat rooms, any person with a phone line can become a town crier with a voice that resonates farther than it could from any soapbox. Through the use of Web pages, mail exploders, and newsgroups, the same individual can become a pamphleteer."
- 2 See *Metabolic Research, Inc. v. Ferrell*, 693 F.3d 795, 797 (9th Cir. 2012).
- 3 Cal. Civ. P. Code § 425.16 (West 2012); D.C. Code § 16-5502 (2012); Ore. Rev. Stat. §§ 31.150-31.155 (2012); Tex. Civ. Prac. & Rem. Code Ann. §§ 27.001-27.011 (West 2011); W.R.C. §§ 4.24.500-4.24.525 (2012).
- 4 Ore. Rev. Stat. §§ 31.150-31.155 (2012) (revising the Oregon anti-SLAPP law after *Englert v. MacDonell*, 551 F.3d 1099, 1106-07 (9th Cir. 2009), which interpreted Oregon's prior anti-SLAPP law as protecting defendants from liability but not from prosecution. Therefore, denying the defendant a right to an interlocutory appeal).

MARC J. RANDAZZA is the managing partner of the Randazza Legal Group, a law firm with offices in Las Vegas and Miami dedicated to the protection of free expression nationwide. Randazza is licensed in Arizona, California, Florida, Massachusetts and Nevada.

Exhibit J

NewsRoom

8/2/09 Las Vegas Rev.-J. 5B
2009 WLNR 15024684

Las Vegas Review-Journal (NV)
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August 2, 2009

Section: City

Jury says lawmaker defamed opponent

Lawrence Mower

By LAWRENCE MOWER

LAS VEGAS REVIEW-JOURNAL

A jury late Friday handed down a verdict and \$50,000 in damages in favor of Danny Tarkanian in his long-running legal feud against State Sen. Mike Schneider, D-Las Vegas.

At about 10:30 p.m., and after deliberating for more than three hours, the jury found Tarkanian's claims were justified, according to Tarkanian and his attorney, Gus Flangas.

"It was very gratifying — very nerve-racking, but very gratifying," Tarkanian said Saturday.

The lawsuit stemmed from a vicious 2004 state Senate campaign between the two men. After losing the race, Tarkanian sued Schneider, claiming that he was defamed and libeled during the campaign.

Tarkanian, who was running as a Republican in a heavily Democratic district, was accused of acting as a resident agent for several companies that later were investigated for illegal telemarketing scams that victimized the elderly.

Schneider also suggested that Tarkanian turned "state's evidence" to save himself in a criminal investigation.

Flangas said Saturday that he asked the jury for \$30,000 in damages over comments Schneider made about Tarkanian on the "Face to Face" show with journalist Jon Ralston, \$10,000 for fliers mailed out by Schneider's campaign and \$10,000 for comments Schneider made about the status of Tarkanian's law license.

The jury awarded all of that, plus determined that the case was eligible for punitive damages. Flangas said Tarkanian could be awarded up to \$300,000 during the punitive phase of the trial, which starts Monday.

Schneider released a statement Saturday saying he was "shocked and saddened" by the verdict.

The statement continued: “I entered public service to serve the people of Nevada and have always upheld the law. My family and I are spending time together. I respect Nevada’s judiciary system and am hopeful for a positive resolution of this matter.”

Tarkanian said the amount of the award was not as important as having the facts cleared up.

“I was going to settle the case for a lot, lot less if Mike had acknowledged that at the time he made the statements he thought they were true but he learned later that they were false,” Tarkanian said.

Schneider would not agree to that, Tarkanian said.

Tarkanian was a registered agent for several telemarketing companies that were indicted on fraud charges, but he said in later interviews that he was merely an attorney who did legal work on behalf of the companies and knew nothing of the fraud.

The same claims came up in a 2006 campaign for secretary of state, which he lost to Democrat Ross Miller. Tarkanian said he wanted to sue the first person who made the claims. He said he can’t sue Miller anyway because the statute of limitations has expired.

Tarkanian, the son of legendary former UNLV basketball coach Jerry Tarkanian and Las Vegas City Councilwoman Lois Tarkanian, said he is considering running for office again.

He wouldn’t say for what but felt he wouldn’t be able to win had the claims against him not been cleared up.

Contact reporter Lawrence Mower

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---- Index References ----

Company: JOURNAL

News Subject: (Social Issues (ISO05); Criminal Law (ICR79); Legal (ILE33); Crime (ICR87); Liability (ILI55); Defamation, Libel & Slander (IDE07))

Region: (North America (INO39); Americas (IAM92); Nevada (INE81); USA (IUS73))

Language: EN

Other Indexing: (COUNCILWOMAN LOIS TARKANIAN; DANNY TARKANIAN; DEMOCRAT ROSS MILLER; JERRY TARKANIAN; JOURNAL; MILLER; TARKANIAN; UNLV) (Flangas; Gus Flangas.; Jon Ralston; LAWRENCE MOWER; Mike; Mike Schneider; Nevada; Schneider)

Keywords: crime; Las Vegas; Lawrence Mower; police; danny tarkanian lawsuit; mik schneider photos; won damages favor; jury award flangas elections; defamation

Word Count: 616

NewsRoom

Exhibit K

**In the
Supreme Court of the State of Nevada**

JACKY ROSEN, AN
INDIVIDUAL; AND ROSEN FOR
NEVADA, A 527
ORGANIZATION,

Appellants,

vs.

DANNY TARKANIAN,

Respondent,

Electronically Filed
Jun 06 2018 08:31 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

Case No. 73274

District Court Case No.: A746797

Appellants' Appendix

Volume I of II

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DATED this 4th day of June, 2018.

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CERTIFICATE OF SERVICE

I hereby certify that on this 4th day of June, 2018, a true and correct copy of the foregoing **Appellants' Appendix Vol. I of II** was served upon all counsel of record by electronically filing the document using the Nevada Supreme Court's electronic filing system and by depositing a true copy of the same for mailing, postage pre-paid, in the U.S. Mail at Las Vegas, Nevada, said envelope addressed to:

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By: /s/ Dannielle Fresquez

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