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6 *Attorneys for Appellants*  
7 *Jennifer V. Abrams; and*  
*The Abrams & Mayo Law Firm*

8 IN THE SUPREME COURT OF THE STATE OF NEVADA

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

Appellants,

11 vs.

12 STEVE W. SANSON; and  
13 VETERANS IN POLITICS  
INTERNATIONAL, INC.,

14 Respondents.

Supreme Court No. 73838

District Court No. A749318

Electronically Filed  
Sep 21 2017 08:28 a.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

15  
16 **DOCKETING STATEMENT CIVIL APPEALS**

## WARNING

A complete list of the documents that must be attached appears as Question 26 on this docketing statement. Failure to attach all required

documents will result in the delay of your appeal and may result in the imposition of sanctions.

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

**1. Judicial District:** Eighth Department: XII

County: Clark Judge: Michelle Leavitt

District Ct. Case No. A-17-749318-C

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

Attorney: Joshua P. Gilmore  
Telephone: (702) 562-8820  
Firm: Bailey❖Kennedy, LLP  
Address: 8984 Spanish Ridge Ave., Las Vegas, Nevada 89148

Clients: Jennifer V. Abrams and The Abrams & Mayo Law Firm.

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

1 N/A

2 **3. Attorney(s) representing respondent(s):**

3 Attorney: Margaret A. McLetchie  
4 Telephone: (702) 728-5300  
Firm: McLetchie Shell LLC  
Address: 701 East Bridger Ave., Ste. 520, Las Vegas, Nevada 89101

5 Clients: Veterans In Politics International, Inc. and Steve W. Sanson.

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

- 7 ☐ Judgment after bench trial ☒ Dismissal
- 8 ☐ Judgment after jury verdict ☐ Lack of jurisdiction
- 9 ☐ Summary Judgment ☐ Failure to state a claim
- 10 ☐ Default judgment ☐ Failure to prosecute
- 11 ☐ Grant/Denial of NRCP 60(b) relief ☒ Other (specify): Dismissal of
- 12 claims pursuant to NRS 41.660.
- 13 ☐ Grant/Denial of injunction ☐ Divorce Decree:
- 14 ☐ Grant/Denial of declaratory relief ☐ Original ☐ Modification
- 15 ☐ Review of agency determination ☐ Other disposition (specify):

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

- 17 ☐ Child custody
- 18 ☐ Venue

1           ☐ Termination of parental rights

2           N/A

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

- 6           •       *Veterans In Politics, International, Inc., et al. v. Marshal S.*

7 *Willick, et al.*, Supreme Court Case No. 72778 (District Court Case No. A-17-  
8 750171-C); and

- 9           •       *Brandon Paul Saiter v. Tina Marie Saiter*, Supreme Court Case  
10 No. 72819 (District Court Case No. D-521372-D).

11 **7.     Pending and prior proceedings in other courts.** List the case name,  
12 number and court of all pending and prior proceedings in other courts which  
13 are related to this appeal (e.g., bankruptcy, consolidated or bifurcated  
14 proceedings) and their dates of disposition:

15           N/A

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

1 Jennifer V. Abrams and her law firm, The Abrams & Mayo Law Firm  
2 (together, the “Abrams Parties”), initiated this action against, among others,  
3 Veterans In Politics International, Inc.—a corrupt organization that is widely  
4 known for trying to intimidate and influence state court judges—and its  
5 principal, Steve W. Sanson (together, the “VIPI Parties”)—a man who has  
6 proudly “declared war” on the Family Court—for commencing an unrelenting  
7 online smear campaign that was specifically designed to harm the reputation of  
8 Ms. Abrams and the goodwill of her law firm.

9 Alongside filing a motion to dismiss pursuant to N.R.C.P. 12(b)(5) and a  
10 motion to strike pursuant to N.R.C.P. 12(f), the VIPI Parties filed a special  
11 motion to dismiss (a/k/a SLAPP<sup>1</sup> motion) pursuant to NRS 41.660, arguing  
12 that they were sued for engaging in statutorily-protected speech and that the  
13 Abrams Parties lacked prima facie evidence supporting their claims.

14 The Abrams Parties opposed the SLAPP motion, arguing that they did  
15 not sue the VIPI Parties for making communications (i) that were either  
16 truthful or made without knowledge of their falsehood; (ii) in direct connection  
17 with an issue of public interest; or (iii) in a place open to the public or in a

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18 <sup>1</sup> “SLAPP” is an acronym for strategic lawsuit against public participation.

1 public forum. Even though the burden did *not* shift to them, the Abrams  
2 Parties also submitted substantial evidence demonstrating that they have a  
3 probability of prevailing on their claims; notwithstanding, the Abrams Parties  
4 requested time to conduct limited discovery in the event that the District Court  
5 questioned the sufficiency of the evidence supporting their claims.

6 On July 24, 2017, the District Court entered its Order granting the VIPI  
7 Defendants' SLAPP motion in its entirety. This appeal timely followed.

8 **9. Issues on appeal.** State concisely the principal issue(s) in this appeal  
9 (attach separate sheets as necessary):

10 • Whether the VIPI Defendants met their initial burden of proof,  
11 pursuant to NRS 41.660(3)(a), for each cause of action at issue in the Abrams  
12 Parties' First Amended Complaint, including:

13 ○ Whether the VIPI Parties demonstrated, by a preponderance  
14 of the evidence, that they were sued for making communications "in  
15 direct connection with an issue of public interest," NRS 41.637(4);

16 ○ Whether the VIPI Parties demonstrated, by a preponderance  
17 of the evidence, that they were sued for making communications "in a  
18 place open to the public or in a public forum," *id.*;

○ Whether the VIPI Parties demonstrated, by a preponderance of the evidence, that they were sued for making communications that were “truthful or [were] made without knowledge of [their] falsehood,” *id.*;

• Assuming (*arguendo*) that the VIPI Parties met their burden, whether the Abrams Parties demonstrated, with prima facie evidence, a probability of prevailing on their claims in accordance with NRS 41.660(3)(b); and

• Whether the Abrams Parties should have been permitted to conduct limited discovery pursuant to NRS 41.660(4).<sup>2</sup>

**10. Pending proceedings in this court raising the same or similar issues.**

If you are aware of any proceeding presently pending before this court which raises the same or similar issues raised in this appeal, list the case name and docket number and identify the same or similar issues raised:

Unknown

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<sup>2</sup> The Abrams Parties reserve the right to raise any other issue on appeal arising out of or relating to the District Court’s July 24, 2017 Order.



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

5 ☒ N/A

6 ☐ Yes

7 ☐ No

8 If not, explain:

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

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

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

12 ☒ A substantial issue of first-impression

13 ☒ An issue of public policy

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

16 ☐ A ballot question

17 If so, explain:

18

1 This appeal presents a substantial issue of first-impression and of public  
2 policy. Specifically, this appeal requires this Court to address the following  
3 related to NRS 41.637(4):

4 (i) Whether any statement about an attorney is automatically  
5 deemed to be a matter of “public interest”;

6 (ii) Whether any statement related to a “closed” hearing in a  
7 divorce proceeding (EDCR 5.02(a)) is automatically deemed to be a  
8 matter of “public interest”;

9 (iii) Whether an email to a company’s private listserv  
10 constitutes a statement that is “open to the public or in a public forum”;  
11 and

12 (iv) Whether a defendant can avoid proving that he or she was  
13 sued for making a statement “which is truthful or is made without  
14 knowledge of its falsehood” by instead arguing that the statement is a  
15 matter of opinion that is incapable of defamatory import.

16 Resolution of these issues will affect a defendant’s burden of proof in  
17 seeking dismissal of a claim pursuant to NRS 41.660.

18

1 **13. Assignment to the Court of Appeals or retention in the Supreme**

2 **Court.** Briefly set forth whether the matter is presumptively retained by the  
3 Supreme Court or assigned to the Court of Appeals under NRAP 17, and cite  
4 the subparagraph(s) of the Rule under which the matter falls. If appellant  
5 believes that the Supreme Court should retain the case despite its presumptive  
6 assignment to the Court of Appeals, identify the specific issue(s) or  
7 circumstance(s) that warrant retaining the case, and include an explanation of  
8 their importance or significance:

9 This appeal is not presumptively assigned to the Court of Appeals  
10 pursuant to NRAP 17(b). This Court should retain this appeal because it raises  
11 an issue of first impression involving the common law and a matter of  
12 statewide public importance as noted *supra*. NRAP 17(a)(13)-(14). In  
13 particular, attorneys licensed to practice law in Nevada have an interest in  
14 knowing whether publicized statements about what they say or do (whether  
15 true or false) automatically fall within the purview of NRS 41.637(4).

16 Moreover, any plaintiff facing a SLAPP motion has an interest in  
17 knowing whether the defendant can avoid satisfying the truth component of  
18 NRS 41.637 by instead arguing that his or her statement about the plaintiff was

1 a matter of opinion—a finding that should be made in conjunction with the  
2 second part of the SLAPP analysis under NRS 41.660(3)(b) (e.g., determining  
3 whether the plaintiff sued the defendant for making a false statement of *fact*)  
4 after the defendant meets his or her initial burden under NRS 41.660(3)(a).

5 Finally, because this Court hears and decides “an interlocutory appeal”  
6 from an order denying a SLAPP motion, NRS 41.670(4), so, too, this Court  
7 should hear and decide an appeal from an order granting a SLAPP motion.

8 **14. Trial.** If this action proceeded to trial, how many days did the trial last?

9 N/A

10 **15. Judicial disqualification.** Do you intend to file a motion to disqualify  
11 or have a justice recuse him/herself from participation in this appeal? If so,  
12 which Justice?

13 N/A

14 **TIMELINESS OF NOTICE OF APPEAL**

15 **16. Date of entry of written judgment or order appealed from:**

16 July 24, 2017

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

1 N/A

2 **17. Date written notice of entry of judgment or order served:**

3 July 24, 2017

4 Was service by:

5 ☐ Delivery

6 ☒ Mail/electronic/fax

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

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

11 ☐ NRCP 50(b) Date of filing: \_\_\_\_\_

12 ☐ NRCP 52(b) Date of filing: \_\_\_\_\_

13 ☐ NRCP 59 Date of filing: \_\_\_\_\_

14 N/A

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

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

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

Was service by:

☐ Delivery

☐ Mail

N/A

**19. Date notice of appeal was filed:** August 21, 2017.

If more than one party has appealed from the judgment or order, list the date each notice of appeal was filed and identify by name the party filing the notice of appeal:

Appellants Jennifer V. Abrams and The Abrams & Mayo Law Firm jointly filed their Notice of Appeal on August 21, 2017.

**20. Specify statute or rule governing the time limit for filing the notice of appeal, e.g., NRAP 4 or other:**

NRAP 4(a)(1).

### SUBSTANTIVE APPEALABILITY

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

1 (a)

2 ☒ NRAP 3A(b)(1)

☐ NRS 38.205

3 ☐ NRAP 3A(b)(2)

☐ NRS 233B.150

4 ☐ NRAP 3A(b)(3)

☐ NRS 703.376

5 ☐ Other (specify) \_\_\_\_\_

6 (b) Explain how each authority provides a basis for appeal from the  
7 judgment or order:

8 NRAP 3A(b)(1) provides that an appeal may be taken from a final  
9 judgment entered in an action. Pursuant to NRS 41.660(5), dismissal of an  
10 action based on a SLAPP motion “operates as an adjudication upon the  
11 merits.”

12 **22. List all parties involved in the action or consolidated actions in the**  
13 **district court:**

14 (a) Parties:

15 • Plaintiffs: Jennifer V. Abrams; and The Abrams & Mayo Law  
16 Firm.

17 • Defendants: Louis C. Schneider; Law Offices of Louis C.

18 Schneider, LLC; Steve W. Sanson; Veterans In Politics International, Inc.;

1 Heidi J. Hanusa; Christina Ortiz; Johnny Spicer; Don Woolbright; Sanson  
2 Corporation; and Karen Steelmon.

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

6 Defendants Louis C. Schneider and Law Offices of Louis C. Schneider,  
7 LLC (together, the “Schneider Parties”) are not parties to this appeal because  
8 they were not granted relief (pursuant to NRS 41.660) under the District  
9 Court’s July 24, 2017 Order. The District Court has yet to enter an Order  
10 granting a separate SLAPP motion filed by the Schneider Parties (such relief  
11 was granted by the District Court by minute Order dated June 22, 2017).

12 Defendants Heidi J. Hanusa, Christina Ortiz, Johnny Spicer, Don  
13 Woolbright, Sanson Corporation, and Karen Steelmon (collectively, the  
14 “Hanusa Parties”) are not parties to this appeal because on June 2, 2017, the  
15 Abrams Parties and the Hanusa Parties agreed in writing to dismissal (with  
16 prejudice) of all claims made by the Abrams Parties against the Hanusa Parties,  
17 with each party to bear his/her/its own fees and costs. (The agreement was put  
18 on the record at the June 5, 2017 hearing.) These parties are in the process of



1 preparing and submitting to the District Court a proposed Stipulation and  
2 Order memorializing their agreement.

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

6 The Abrams Parties Claims:

7 1st Cause of Action: Defamation

8 2nd Cause of Action: Intentional Infliction of Emotional Distress

9 3rd Cause of Action: Negligent Infliction of Emotional Distress

10 4th Cause of Action: False Light

11 5th Cause of Action: Business Disparagement

12 6th Cause of Action: Harassment

13 7th Cause of Action: Concert of Action

14 8th Cause of Action: Civil Conspiracy

15 9th Cause of Action: RICO Violations

16 10th Cause of Action: Copyright Infringement

17 11th Cause of Action: Injunction

18

1 All of the above causes of action brought by the Abrams Parties against  
2 the VIPI Parties were formally dismissed pursuant to the District Court's July  
3 24, 2017 Order.<sup>3</sup>

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

7 ☐ Yes

8 ☒ No

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

10 (a) Specify the claims remaining pending below:

11 None upon entry of further Orders by the District Court as noted *supra*.

12 (b) Specify the parties remaining below:

13 The Schneider Parties and the Hanusa Parties pending entry of further  
14 Orders of the District Court as noted *supra*.

15  
16  
17 <sup>3</sup> During the June 5, 2017 hearing, the Abrams Parties agreed to dismissal  
18 of their causes of action for harassment, RICO, injunctive relief, and copyright  
infringement pursuant to N.R.C.P. 12(b)(5). Notwithstanding, those causes of  
action were encompassed by the District Court's July 24, 2017 Order.

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

3 ☐ Yes

4 ☒ No

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

8 ☐ Yes

9 ☐ No

10 N/A

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

14 In order to avoid creating an unnecessary issue, the Abrams Parties  
15 appealed from the District Court’s July 24, 2017 Order prior to entry of  
16 separate Orders addressing the claims against the Schneider Parties and the  
17 Hanusa Parties.

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

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

10 **See the following attached documents:**

- 11 ■ Exhibit 1: First Amended Complaint, filed January 27, 2017;
- 12 ■ Exhibit 2: July 24, 2017 Order Granting VIPI Defendants' Special
- 13 Motion to Dismiss Pursuant to Nev. Rev. Stat. § 41.660 (Anti-SLAPP);
- 14 and
- 15 ■ Exhibit 3: July 24, 2017 Notice of Entry of Order Granting VIPI
- 16 Defendants' Special Motion to Dismiss Pursuant to Nev. Rev. Stat. §
- 17 41.660 (Anti-SLAPP).
- 18

VERIFICATION

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

Jennifer V. Abrams and The Abrams & Mayo Law Firm

Name of appellants

Joshua P. Gilmore

Name of counsel of record



Signature of counsel of record

September 20, 2017

Date

Clark County, Nevada

State and county where signed

**CERTIFICATE OF SERVICE**

I certify that I am an employee of BAILEY ♦ KENNEDY and that on the 20<sup>th</sup> day of September, 2017, service of the foregoing **DOCKETING STATEMENT – CIVIL APPEALS**, was made by electronic service through the Nevada Supreme Court’s electronic filing system and/or by depositing a true and correct copy in the U.S. Mail, first class postage prepaid, and addressed to the following at their last known addresses:

MAGGIE MCLETCHIE  
**MCLETCHIE SHELL LLC**  
701 E. Bridger Avenue, Ste. 520  
Las Vegas, NV 89101

Email: [maggie@nvlitigation.com](mailto:maggie@nvlitigation.com)

*Attorneys for Respondents*  
**STEVE W. SANSON and**  
**VETERANS IN POLITICS**  
**INTERNATIONAL, INC.**

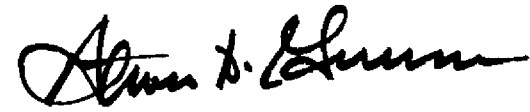
ROBERT F. SAINT-AUBIN  
23712 Colima Bay  
Monarch Beach, CA 92629

*Settlement Judge*

/s/ Susan Russo  
Employee of BAILEY ♦ KENNEDY

# **EXHIBIT 1**

# **EXHIBIT 1**



CLERK OF THE COURT

**ACOM**  
JENNIFER V. ABRAMS, ESQ.  
Nevada State Bar Number: 7575  
THE ABRAMS & MAYO LAW FIRM  
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Phone: (702) 222-4021  
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Attorney for Plaintiffs

DISTRICT COURT  
CLARK COUNTY, NEVADA

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

ACTION IN TORT

ARBITRATION EXEMPTION  
CLAIMED

**AMENDED COMPLAINT FOR DAMAGES**

**I.**  
**INTRODUCTION**

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



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

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

7  
8 2. Plaintiffs incorporate and re-allege all preceding paragraphs as if fully  
9 stated herein.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

20  
21   **IV.**  
   **FACTUAL ALLEGATIONS**

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

24     / / /

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

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

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

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

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

[Emphasis added.]

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

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

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

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

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

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

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

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

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

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

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

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

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

24  

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<sup>1</sup> A copy of the published “Attack” article is attached as Exhibit 1.

1 h. Veterans in Politics: groups/OperationNeverForget

2 i. Nevada-Veterans-In-Politics

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

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

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

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

12 c. Abrams is unethical;

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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23  
24  
<sup>2</sup> A copy of the published “Bully” article is attached as Exhibit 2.

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

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

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

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

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

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

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

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

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

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

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24           <sup>3</sup> A copy of the published “Seal-Happy” article is attached as Exhibit 3.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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<sup>5</sup> A copy of the published “Deceives” article is attached as Exhibit 5.



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

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

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

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

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

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

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

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

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

4 (hereinafter "the 'Inspection' videos").<sup>6</sup>

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

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

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

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

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

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

23 / / /

24 \_\_\_\_\_  
<sup>6</sup> A printout of the published "Inspection" videos is attached as Exhibit 6.

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

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

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

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

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

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

24     ///

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

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

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

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

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

**V.**  
**FIRST CLAIM FOR RELIEF**  
**(DEFAMATION)**

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

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

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

<sup>8</sup> For example, one person’s comment to the “Acting badly” article and video begins with “Hopefully, the jerk has a heart attack from all that anger and stress,” referring to Plaintiff’s partner, Vincent Mayo, Esq.

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

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

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

9 87. The referenced defamatory statements were not privileged.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**VIII.**  
**FOURTH CLAIM FOR RELIEF**  
**(FALSE LIGHT)**

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

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

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

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

///

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

**IX.**  
**FIFTH CLAIM FOR RELIEF**  
**(BUSINESS DISPARAGEMENT)**

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

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

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

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

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



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

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

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

**XII.**  
**EIGHTH CLAIM FOR RELIEF**  
**(CIVIL CONSPIRACY)**

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

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

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

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

**XIII.**  
**NINTH CLAIM FOR RELIEF**  
**(RICO VIOLATIONS)**

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

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

118. Here, Defendants<sup>9</sup> have all either committed, conspired to commit, or have attempted to commit the following crime(s):

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

---

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

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

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

24

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

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

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

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

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

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

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

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

---

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

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

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

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

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

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

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

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

24 / / /

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

24 / / /

1 a. Pursuant to 17 U.S.C. § 502(a), Defendants, their agents servants and  
2 employees and all parties in privity with them be enjoined permanently  
3 from infringing Plaintiff's copyrights in any manner.

4 b. Pursuant to 17 U.S.C § 504(b), Defendants be required to pay to the  
5 plaintiff, such actual damages as the Plaintiffs may have sustained in  
6 consequence of Defendants' infringement and all profits of Defendants  
7 that are attributable to the infringement of Plaintiffs' copyrights.  
8 Plaintiffs request Defendants account for all gains, profits, and  
9 advantages derived by Defendants from their infringement.

10 c. Pursuant to 17 U.S.C. § 504(c)(1), Defendants be required to pay an  
11 award of statutory damages in a sum not less than \$30,000.

12 d. The Court finds the Defendants' conduct was committed willfully.

13 e. Pursuant to 17 U.S.C. § 504(c)(2), Defendants be required to pay an  
14 award of increased statutory damages in a sum of not less than  
15 \$150,000 for willful infringement.

16 f. Pursuant to 17 U.S.C. § 505, Defendants be required to pay the  
17 Plaintiffs' full costs in this action and reasonable attorney's fees.

18 Defendants' conduct was willful or wanton and done in reckless disregard of  
19 Plaintiffs' rights thereby entitling Plaintiffs to recover punitive damages in an  
20 amount to be determined at trial.

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

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

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

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

9           WHEREFORE, Plaintiffs request the following injunctive relief:

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

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**XVI.**  
**CONCLUSION**

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

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

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

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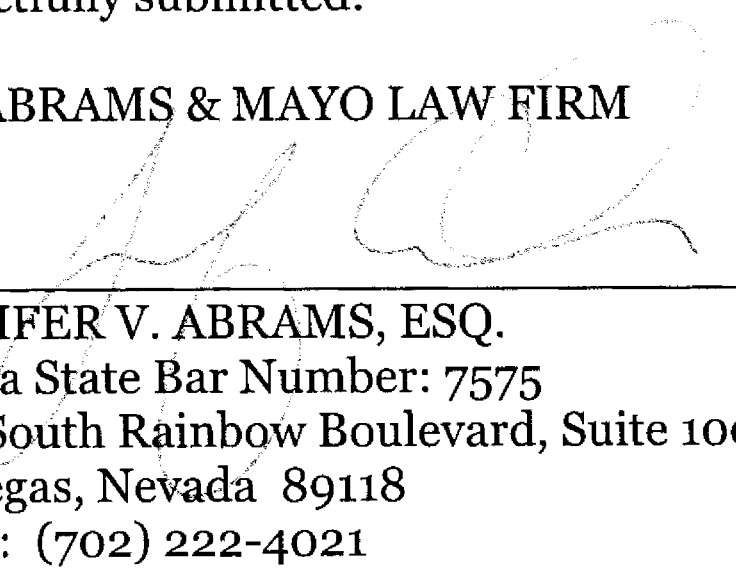
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1           6. For such other and further relief this Court may deem just and proper.

2   **DATED** this 27<sup>th</sup> day of January, 2017.

3                               Respectfully submitted:

4                               **THE ABRAMS & MAYO LAW FIRM**

5                                 
6                               JENNIFER V. ABRAMS, ESQ.

7                               Nevada State Bar Number: 7575

8                               6252 South Rainbow Boulevard, Suite 100

9                               Las Vegas, Nevada 89118

10                              Phone: (702) 222-4021

11                             Email: JVAGroup@theabramslawfirm.com

12                             Attorney for Plaintiffs

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**VERIFICATION**

STATE OF NEVADA       )  
                                      )  
COUNTY OF CLARK       )    ss:

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

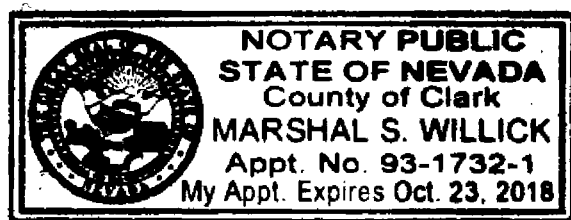
That her business is the Plaintiff in the above-entitled action; that she has  
read the above and foregoing *Amended Complaint for Damages* and knows the  
contents thereof and that the same is true of her own knowledge, except as to those  
matters therein stated on information and belief, and as to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

FURTHER, AFFIANT SAYETH NAUGHT.

  
\_\_\_\_\_  
JENNIFER V. ABRAMS, ESQ.

SUBSCRIBED and SWORN to before me  
this 27<sup>th</sup> day of January, 2017, by Jennifer V. Abrams, Esq.

  
\_\_\_\_\_  
NOTARY PUBLIC



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**CERTIFICATE OF SERVICE**

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

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

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

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

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

Johnny Spicer  
3589 East Gowan Road  
Las Vegas, Nevada 89115

Don Woolbright  
20 Fernwood Drive  
Saint Peters, Missouri 63376

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

Karen Steelmon  
2174 East Russell Road  
Las Vegas, Nevada 89119


  
An Employee of The Abrams & Mayo Law Firm



EXHIBIT 1

EXHIBIT 1

EXHIBIT 1

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VETERANS  
IN POLITICS

# Nevada Attorney attacks a Clark County Family Court Judge in Open Court

*A behind the scenes look  
inside our courtroom*

FIND OUT MORE



## *No boundaries in our courtrooms!*

In Clark County Nevada, we have noticed Justice of the Peace handcuffing Public Defenders unjustly as well as Municipal Court Judges incarcerating citizens that are not even before their court.

The above are examples of the court room over stepping boundaries. But what happens when a Divorce Attorney

crosses the line with a Clark County District Court Judge Family Division?

In a September 29, 2016 hearing in Clark County Family Court Department L Jennifer Abrams representing the plaintiff with co-council Brandon Leavitt and Louis Schneider representing the defendant. This case is about a 15 year marriage, plaintiff earns over 160,000 annually and defendant receives no alimony and no part of the business.

There was a war of words between Jennifer Abrams and Judge Jennifer Elliot.



Start 12:13:00 in the video the following conversation took place in open court.

**Judge Jennifer Elliot:**



I find that there is undue influence in the case.

There are enough ethical problems don't add to the problem.

If that's not an ethical problem I don't know what is.

Court is charged to making sure that justice is done.

Your client lied about his finances.

I am the judge and in a moment I am going to ask you to leave.

Your firm does this a lot and attack other lawyers.

I find it to be a pattern with your firm.

You are going to be taking out of here if you don't sit down.

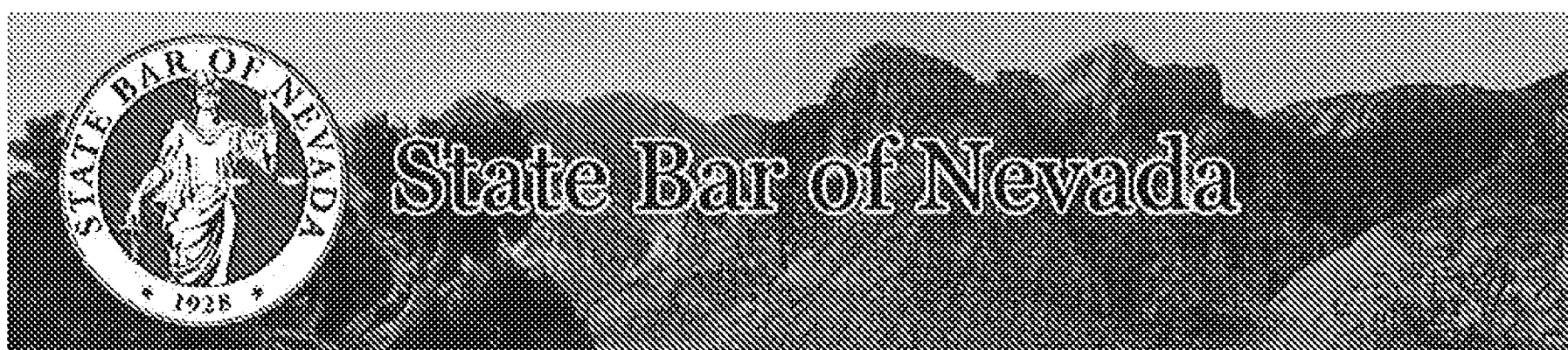
I am the Judge not you.

**Jennifer Abrams:**



Excuse me I was in the middle of a sentence.

Is there any relationship between you and Louis Schneider?



At what point should a judge sanction an attorney?

Is a judge too comfortable or intimidated by an attorney that they give them leeway to basically run their own courtroom?

If there is an ethical problem or the law has been broken by an attorney the Judge is mandated by law to report it to the

Nevada State Bar or a governing agency that could deal with the problem appropriately.

[Learn More about Nevada State Bar Ethics & Discipline](#)

#### UPCOMING EVENTS

[WEBSITE](#)

[NEWS](#)

[GOALS AND VALUES](#)

[OFFICERS](#)

[CONTACT US](#)



Veterans In Politics International Inc.

702-283-8888

[devildog1235@cs.com](mailto:devildog1235@cs.com)

[www.veteransinpolitics.org](http://www.veteransinpolitics.org)

[SIGN UP FOR EMAILS](#)

**Confirm that you like this.**

Click the "Like" button.

EXHIBIT 2

EXHIBIT 2

EXHIBIT 2





## District Court *Judge Bullied* by Family Attorney Jennifer Abrams



FIND OUT MORE

*District Court Judge Jennifer Elliott orders  
video of family court case to be removed.*



Clark County, Nevada

October 9, 2016

Yesterday, Veterans In Politics International, Inc. (VIPI) was served with a copy of a Court Order sealing case materials in a family court case on which we have been reporting, Saiter v. Saiter, case no. D-15-521372D.

We had recently posted a videotape of a hearing that took place on September 29, 2016 in the Saiter case. The video exposed the



disrespectful and obstructionist behavior of the husband's lawyer, Jennifer Abrams (click onto Nevada Attorney attacks a Clark County Family Court Judge in Open Court).



After our video posted, Abrams, seeking to stop us from showing the video, obtained a Court Order which stated that "the current post of the September 29, 2016 hearing video, and any and all other hearing video(s) from this case shall be immediately removed from the internet." The Order does not name VIPI but states that it pertains to "all persons or entities."

While we disagree that there is anything private in the video, we are abiding by it out of respect for the Court. The Order states that it is being issued "in the best interest of the four (4) children in the case," however, the focus of the video is the misbehavior of Abrams, not the children. Abrams is not a parent, child or a party in the case. Her embarrassing behavior before the judge has no bearing on the children.

This Order appears to just be an attempt by Abrams to hide her behavior from the rest of the legal community and the public.

We will, however, continue to work on behalf of our community to keep our courts and those working within them, accountable for their actions.

See order:

<p>CLARK COUNTY DISTRICT COURT JANUARY 10, 2016 CLARK COUNTY DISTRICT COURT</p>	
<p>DISTRICT COURT FAMILY COURT DIVISION CLARK COUNTY, NEVADA</p>	
<p>BRANDEN PAUL SAYER, Plaintiff, vs. TINA MARIE SAYER, Defendant.</p>	<p>CASE NO. 2015-00173-D DEPT. NO. 1 HEARING DATES: 9/29/16 HEARING TIMES: 10:00 a.m.</p>
<p><u>ORDER PROHIBITING DISSEMINATION OF CASE MATERIAL</u></p>	
<p>This matter having come before the Court for several pending matters on the 29<sup>th</sup> day of September at 10:00 a.m., Plaintiff Brandon Sayer represented by Jennifer Abrams, Esq. and Brandon Leavitt, Esq. and Defendant Tina Marie Sayer represented by Louis Schneider, Esq., and the Court having previously matters entertained and granted Ms. Abrams request for a closed hearing pursuant to RCR 2.101, with the exception of permitting the parents of Defendant to remain present to RCR 2.101 case (7)(d).</p>	
<p>Thereafter, the videography of this hearing was posted on youtube and a link to the video was emailed to multiple third parties not involved in the case on or about the 3<sup>rd</sup> day of October, 2016.</p>	
<p>On October 3, 2016, the parties received all orders required for a hearing on the matter. Counsel then requested to end the case and to disallow any further release of</p>	



case information and to demand that the current post of the September 29, 2016 hearing video, or any other hearing video from this case be immediately removed from the internet and to prohibit any portion of these proceedings from being disseminated or published and that any such publication or posting by anyone be immediately removed, as the September 29, 2016 hearing was a closed hearing. Additionally, counsel and the parties recognize that the case has been settled and that such an Order is in the best interest of the four (4) children in this case and is also authorized by NRS 125.080, NRS 125.110, EDCR 5.02, and Supreme Court Rules, Part VII, Rule 2(3)(a) and 3(4).

PURSUANT TO THE STIPULATION OF THE PARTIES, IT IS HEREBY ORDERED that the current post of the September 29, 2016 hearing video, or any and all other hearing video(s) from this case shall be immediately removed from the internet. All persons or entities shall be prohibited from publishing, displaying, showing, or making public any portion of these case proceedings, nothing from the case at bar shall be disseminated or published and that any such publication or posting by anyone or any entity shall be immediately removed as the Court finds the violation of the parties and this Court's Order to be in the best interest of the four (4) children in this case and to be fully supported by law (NRS 125.080, NRS 125.110, EDCR 5.02, and Supreme Court Rules, Part VII, Rule 2(3)(a) and 3(4)).

DATED this 1<sup>st</sup> day of October, 2016

  
Jennifer Bullard, District Court Judge  
Family Division, Dept. 1

[Read: Nevada Attorney attacks a Clark County Family Court Judge in Open Court](#)

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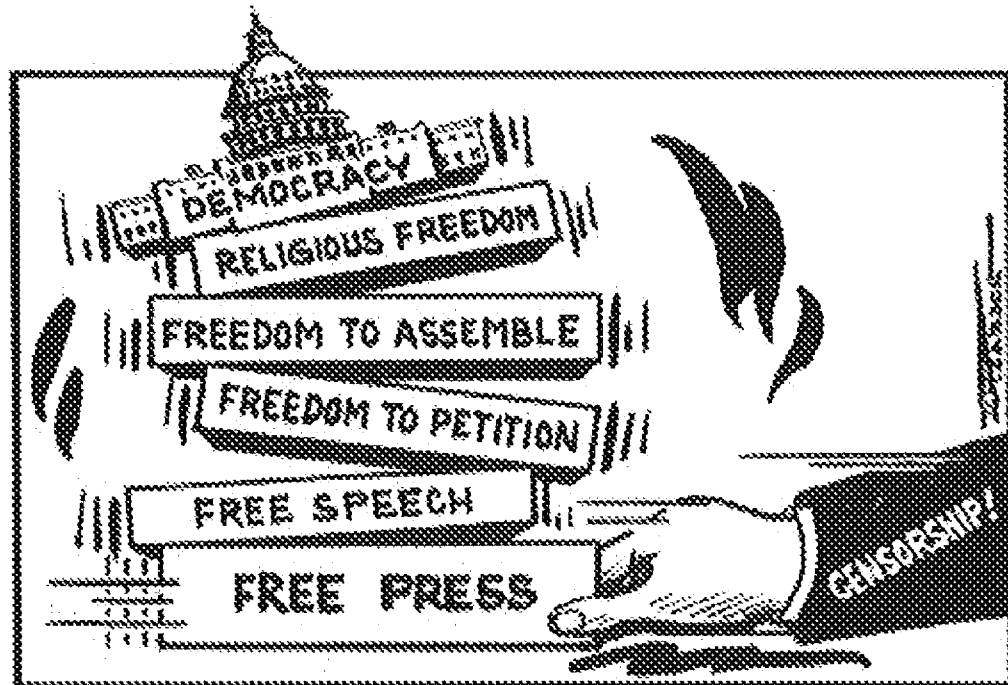
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# Law Frowns on Nevada Attorney Jennifer Abrams' "Seal-Happy" Practices

Clark County, Nevada  
November 6, 2016

Free access to civil court proceedings is protected by the First Amendment to the U.S. Constitution.

[FIND OUT MORE](#)



Its importance cannot be overstated!

State and federal courts, including Nevada's Supreme Court, recognize that public access to court proceedings serves vital public policy interests, including, serving as a check on corruption, educating the public about the judicial process, promoting informed discussion of government affairs, and enhancing the performance of the judge, the lawyers and all involved.

As former Nevada Supreme Court Justice Nancy Saitta wrote earlier this year regarding the Supreme Court's rules on sealing civil records,

*"the cornerstones of an effective, functioning judicial system are openness and transparency. Safeguarding these cornerstones requires public access not only to the judicial proceedings but also to judicial records and documents."*

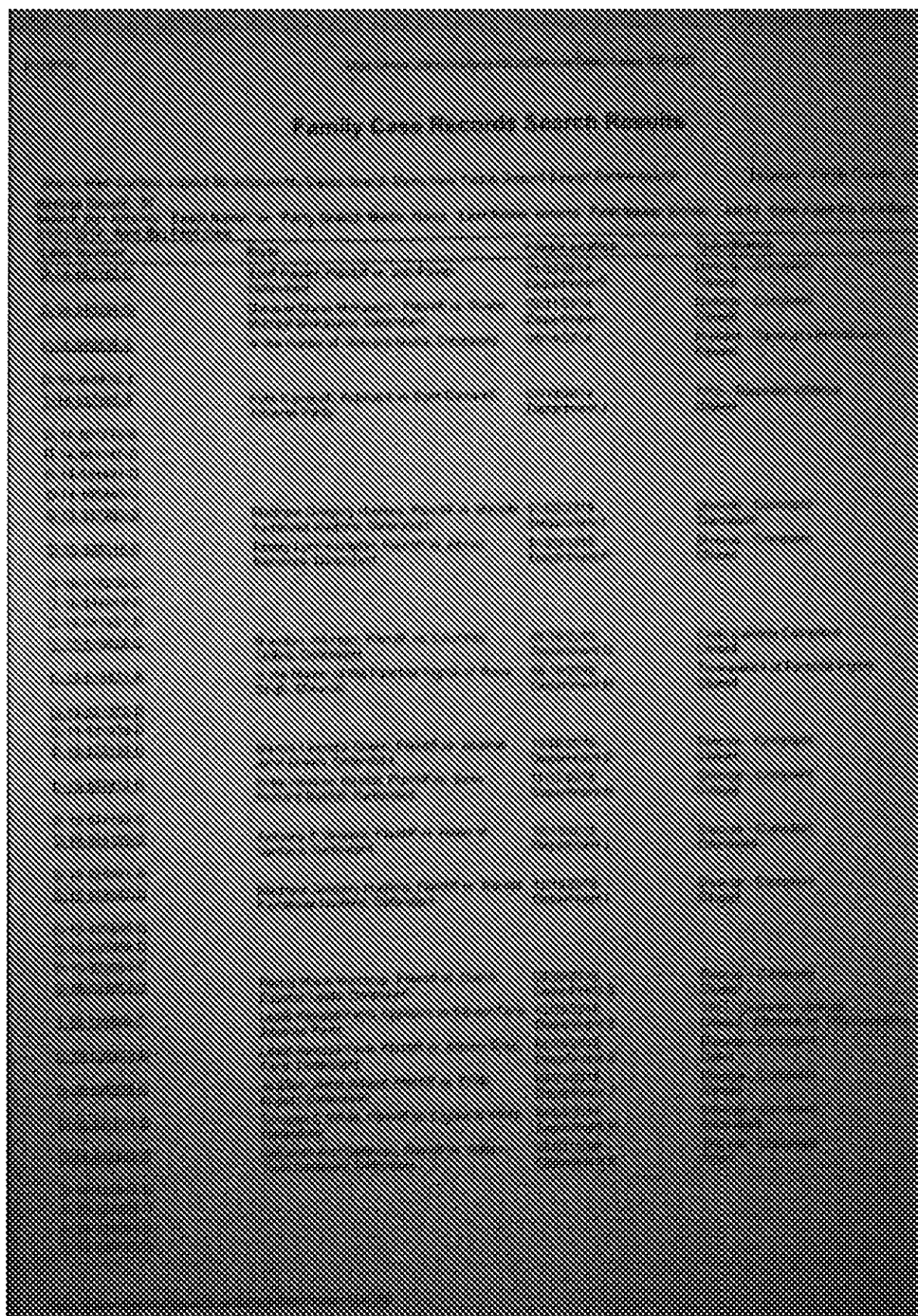


At least one lawyer in Nevada, however, Jennifer Abrams, appears to be "seal happy" when it comes to trying to seal her cases. She appears to have sealed many of her cases in the past few years, including filing a petition to seal in at least four cases just this past week, on 11/3/2016!



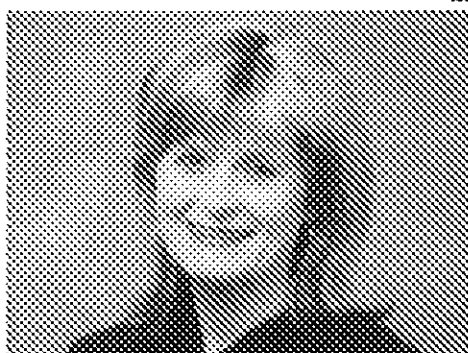
It also appears, however, that at least one of her cases, and perhaps more, may have been sealed to protect her own reputation, rather than to serve a compelling client privacy or safety interest.





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Veterans In Politics International (VIPI) recently released a video of Abrams bullying Judge Jennifer Elliot during a family court hearing in a case entitled Saiter v. Saiter, Case No. D-15-521372-D.



**[Click onto Nevada Attorney attacks a Clark County Family Court Judge in Open Court](#)**

In response to our article, Abrams sought and obtained a court order from Judge Elliott which does not name VIPI, but which purports to apply to the entirety of the general population. VIPI, however, was



served with the Order. The document orders all videos of Abrams' September 29, 2016 judicial browbeating to be taken off the internet.

[Click onto District Court Judge Bullied by Family Attorney Jennifer Abrams](#)

The Order further prohibits anyone from "publishing, displaying, showing or making public any portion of these case proceedings." The order goes on to state that "nothing from the case at bar shall be disseminated or published and that any such publication or posting by anyone or any entity shall be immediately removed."

While the order claims in a conclusory fashion to be "in the best interests of the children," nothing in the order explains why. Indeed, the September 29, 2016 video of the proceedings that is on the internet focuses on Abrams's disrespectful exchange with the judge, and does not materially involve the children in the case.



Start 12:13:00 in the video the following conversation  
took place in open court.

#### **Learn More**

Moreover, while the Court Order is broadly stated and purports to prohibit the public viewing or dissemination of "any portion of these case proceedings," such blanket prohibition on public access to the entire case is specifically disallowed by law.

Entire cases cannot be sealed. Moreover, even if a judge wants to seal part of the case, the judge must specifically justify such sealing and must seal only the minimum portion necessary to protect a "compelling privacy or safety interest."

The issue of open proceedings is so important that in 2008 the Review Journal reported the Nevada Supreme Court convened a special task force to address the issue of over-sealing.

[Click onto Standards for sealing civil cases tougher](#)

The Supreme Court thereafter enacted rules requiring judges to specify in writing why sealing a record or redacting a portion of it is justified. (Supreme Court Rules, Part VII, Rule 3.) Judges must identify *"compelling privacy or safety interests that outweigh the public interest in access to the court record."*



This requirement applies even when a party in a family law case tries to seal a case under NRS 125.110, the statute on which Abrams seems to routinely rely. This statute provides that certain evidence in a divorce case, such as records, exhibits, and transcripts of particular testimony, may be deemed "private" and sealed upon request of one of the parties. However, the Court must justify why these records have to be sealed, and cannot seal the entire case - complaints, pleadings and other documents must remain public.

In the 2009 case of Johansen v. District Court, the Nevada Supreme Court specifically held that broad unsupported orders sealing

documents in divorce cases are subject to reversal given the important public policies involved.

**The Court stated:**

*"We conclude that the district court was obligated to maintain the divorce proceedings' public status under NRS 125.110 and manifestly abused any discretion it possessed when it sealed the entire case file. We further conclude that the district court abused its discretion when it issued an overly broad gag order sua sponte, without giving notice or a meaningful opportunity to be heard, without making any factual findings with respect to the need for such an order in light of any clear and present danger or threat of serious and imminent harm to a protected interest, and without examining the existence of any alternative means by which to accomplish this purpose. Gag orders must be narrowly drawn if no less restrictive means are available; they may be entered only when there exists a serious and imminent threat to the administration of justice. This was certainly not the case here."*

**Click onto Johanson v. Dist. Ct., 182 P. 3d 94 - Nev. Supreme Court 2008**

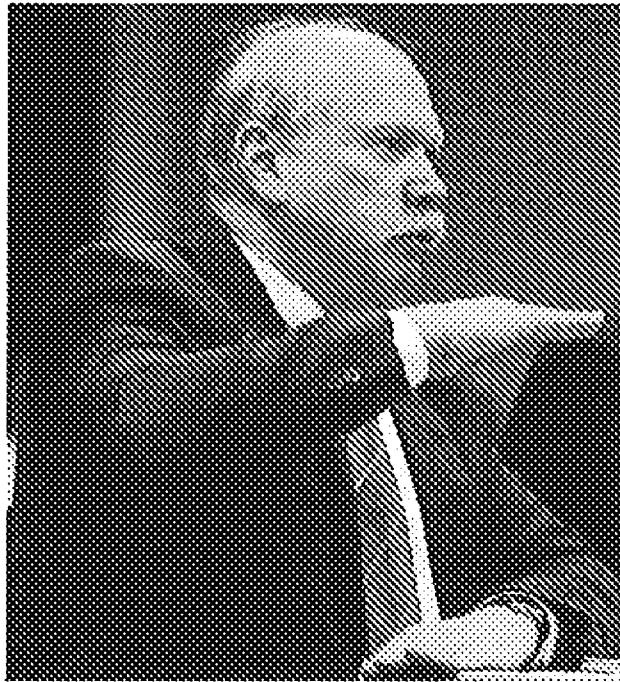
In the *Saiter* case, no notice was given to the general public for a hearing before the Order was issued, there was no opportunity for the public to be heard, no specific findings were made in the Order, and the Order was not drafted narrowly.

Indeed, it was drafted in the broadest possible terms to effectively seal the entire case! It is also questionable whether Judge Elliott had jurisdiction to issue the Order against the general public, who was not before her in court.

This all raises the question: What basis and justifications were given in the other cases which Abrams sought to seal?

Indeed, after issuing our initial story about Abrams' behavior in the *Salter* case, we were contacted by judges, attorneys and litigants eager to share similar battle-worn experiences with Jennifer Abrams.

Sources indicate that when Abrams was asked in one case by Judge Gerald Hardcastle whether she understood his order, *she replied that she only understood that the judge intended to bend over backwards for her opposing counsel.*



In another case, Northern Nevada Judge Jack Ames reportedly stood up and walked off the bench after a disrespectful tirade from Jennifer Abrams.



So, who is to blame here?

Of course Jennifer Abrams should be responsible and accountable for her own actions.

But, what judge allows a lawyer to bully her in court and then gets her to issue an overbroad, unsubstantiated order to seal and hide the lawyer's actions?

Shouldn't we expect more from our judges in controlling their courtrooms, controlling their cases, issuing orders in compliance with the law, and protecting the people against over-zealous, disrespectful lawyers who obstruct the judicial process and seek to stop the public from having access to otherwise public documents?

Surely, we should have this minimum expectation. Even in Nevada.

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<p style="text-align: center;">DISTRICT COURT FAMILY COURT DIVISION CLARK COUNTY, NEVADA</p>		<p style="text-align: right;">JENNIFER ABRAMS JENNIFER ABRAMS, Esq. <i>Jennifer Abrams</i> CLARK COUNTY, NEVADA</p>
<p>BRANDON PAUL SAITER, Plaintiff, vs. TINA MARIE SAITER, Defendant.</p>		<p>CASE NO. D-15-0017-D DEPT NO. 1  HEARING DATES: 9/28/16 HEARING TIMES: 10:00am</p>
<p><b>ORDER PROHIBITING DISSEMINATION OF CASE MATERIAL</b></p>		
<p>This matter having come before the Court for several pending matters on the 24<sup>th</sup> day of September at 10:00 a.m., Plaintiff Brandon Saiter represented by Jennifer Abrams, Esq. and Shandon Leavelle, Esq. and Defendant Tina Marie Saiter represented by Louis Schneider, Esq., and the Court hearing preliminary matters, entertained and granted Mr. Abrams request for a closed hearing pursuant to R.C.J. 3.02, with the exception of permitting the parents of Defendant to remain pursuant to R.C.J. 3.02(3)(d).</p>		
<p>Thereafter, the videotape of this hearing was posted on youtube and a link to the video was emailed to multiple third parties not involved in the case on or about the 3<sup>rd</sup> day of October, 2016.</p>		
<p>On October 1, 2016, the parties received all orders required for a hearing of Domestic Content then stipulated to seal the case and to disallow any further release of</p>		



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DATED this 17<sup>th</sup> day of October, 2016.

  
Jennifer Abrams, District Court Judge  
Family Division, Dept. 1

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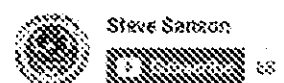
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## Lawyers acting badly in a Clark County Family Court



Steve Sanson



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District Court Judge Bullied by Family Attorney Jennifer Abrams

District Court Judge Jennifer Elliott orders video of family court case to be removed.

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Veterans in Politics International President Steve Sanson will fight for us!

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Nevada Attorney attacks a Clark County Family Court Judge in Open Court

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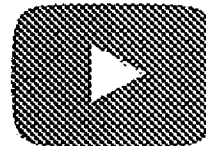
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Deploable actions by Family Court Judge Rena Hughes against a minor chil...



Clark County Family Court Judge willfully deceives a young child from the bench and it is on the record

**Case sealed five days "after" we exposed the unlawful behavior of Family Court Judge Rena Hughes**



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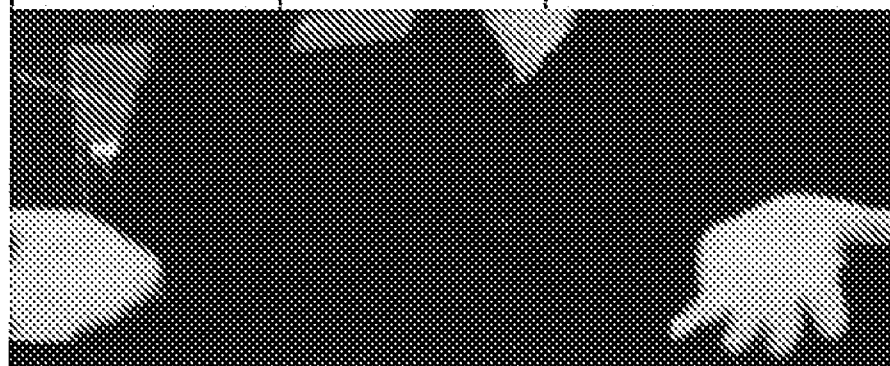
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Clark County Nevada; in a recent article "Deplorable actions by Family Court Judge Rena Hughes against a minor child".

<http://myemail.constantcontact.com/Deplorable-actions-by-Family-Court-Judge-Rena-Hughes-against-a-minor-child.html?soid=1119987097423&aid=cmGgluVljQk>

On October 6, 2016 the Veterans In Politics International (VIPI) highlighted the actions of Family Court Judge Hughes in three separate videos.

After doing more research we discovered that Judge Hughes actually lied to this young child in open court.

Judge Hughes made the following statement: *"it's not fun in Child Haven, they put you in a holding cell, exactly like a jail"...*

Click onto video:

**Part 3 threatened the minor child with Child Haven**

[https://www.youtube.com/watch?v=7Gg-\\_y2Xjvs](https://www.youtube.com/watch?v=7Gg-_y2Xjvs)

After speaking to the Manager of Child Haven, we were told that this statement made by the Judge is false.

Child Haven Website:



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See other related Videos:

**Part 1 on the Record**

<https://www.youtube.com/watch?v=wIJWLABhxo>

**Part 2 Heart wrenching video between the Judge Hughes and a minor defenseless child.**

<https://www.youtube.com/watch?v=bsDah-cz1uc>

**How can a parent helplessly watch their child be chastised by anyone?**

Andre Haynes, host of the EMG Radio Show and officer of Veterans In Politics said the following:

*When I watched the video of the minor child having a discussion on the record with Family Court Judge Rena Hughes without a parent or child advocate being present, I was shocked and in disagreement. After I saw the manner that Judge Hughes handled the minor child and the child's fearful and distraught emotional reaction, I was angry. I was angry because I pictured my 7 year old son in the same seat as the minor girl, without me, without his mom, without a child advocate and without an attorney. Minor children are often terrified to speak to adults, especially without their parent or someone familiar present and especially if the adult is perceived to be an authority figure.*

*Does the law allow for Judge Hughes to interview and interrogate a minor child without their parent or an attorney or child advocate present? If the law does allow this are there exceptions to this rule? Is there another way that Judge Hughes could have handled this manner? Those are questions that replay in my mind. My heart goes out to the minor child and especially to her mother. The worst feeling that a parent can experience is being helpless to defend their vulnerable child. If it were my 7 year old son in that video, helpless, distraught and angry is exactly how I would feel. Does the law and a Judge's behavior take precedence or hold more value than the emotions and perceived fear of a child or a parent's ability to protect their child?*

We commend Channel 8 I-Team for taking a proactive approach to expose this judge: I-Team: Judge criticized for exchange with child

<http://www.lasvegasnow.com/news/i-team-video-shows-family-court-judge-yelling-at-child-in-courtroom>



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## Law Frowns on Nevada Attorney Jennifer Abrams' "Seal-Happy" Practices

<http://myemail.constantcontact.com/Law-Frowns-on-Nevada-Attorney-Jennifer-Abrams---Seal-Happy-Practices.html?soid=1119987097423&aid=72nUXCzZGGM>

### Questions and Recommendations

Is this the type of behavior we should continue to expect from our judicial system?

Should judges continue to cover-up and down-play their colleague's bad behaviors?

Does this Family Court Judge have children of her own?

Should this Judge be reprimanded for this?

If you believe that this Judge should face sanctions or/and a public apology join us and file a complaint with the Nevada Judicial Discipline Commission by clicking onto the link below:

State of Nevada Commission on Judicial Discipline:

[http://judicial.nv.gov/Discipline/Complaint\\_Process/](http://judicial.nv.gov/Discipline/Complaint_Process/)

Any Judge that willfully deceives a child and especially on the record should be tossed off the bench!

Please watch the videos in full and come to your own conclusion.

BY STEVE SANSON IN NEWS, PRESS RELEASE TAGS ANDRE HAYNES, CASE SEALED, CLARK COUNTY FAMILY COURT JUDGE, DEPLORABLE ACTIONS, FAMILY COURT JUDGE RENA HUGHES, UNLAWFUL BEHAVIOR

November 17, 2016

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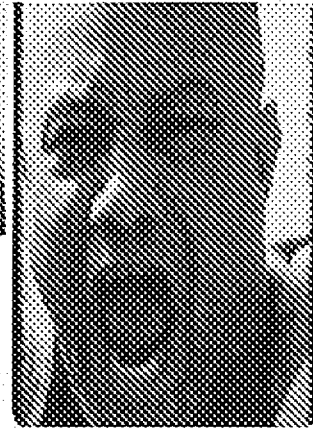
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## Veterans In Politics

@VIPSteveSanson

Steve Sanson strong commitment to his country and his community has been demonstrated through his leadership and service in the United States Marine Corps.

Las Vegas, Nevada

[veteransinpolitics.org](http://veteransinpolitics.org)

Joined February 2009

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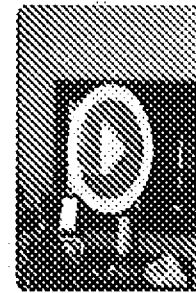
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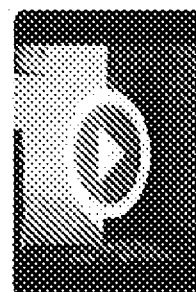


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Steve Sisolak & Isaac E. Barron & Michael Davis to appear on the

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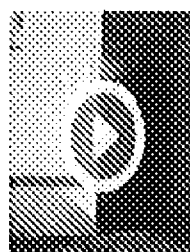
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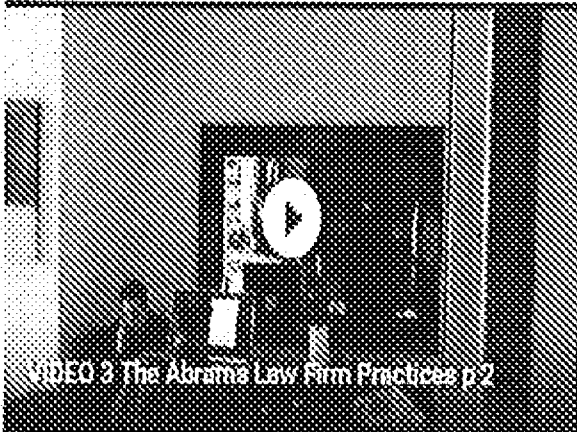
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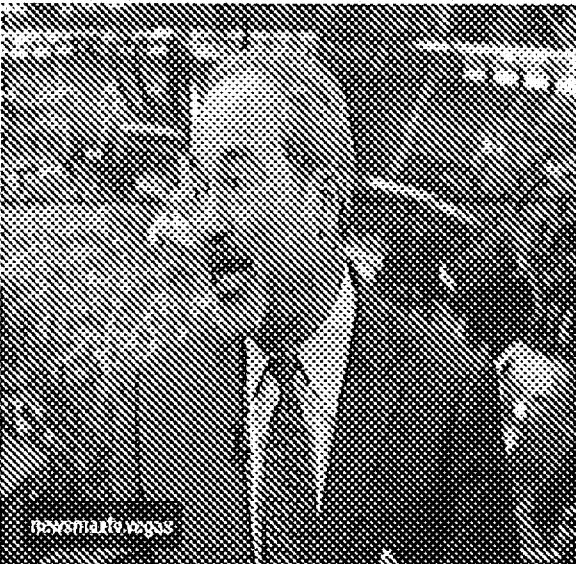
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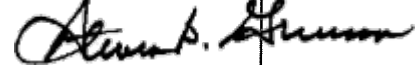
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# **EXHIBIT 2**

# **EXHIBIT 2**





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Veterans in Politics International, Inc.*

**EIGHTH JUDICIAL DISTRICT COURT  
CLARK COUNTY, NEVADA**

JENNIFER V. ABRAMS AND THE  
ABRAMS & MAYO LAW FIRM,

Plaintiffs,

vs.

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

Defendants.

Case No.: A-17-749318-C

Dept. No.: XII

**[PROPOSED] ORDER GRANTING  
VIPI DEFENDANTS' SPECIAL  
MOTION TO DISMISS PURSUANT  
TO NEV. REV. STAT. § 41.660  
(ANTI-SLAPP)**

Defendants Steve W. Sanson ("Sanson") and Veterans in Politics International's ("VIPI") Special Motion to Dismiss Pursuant to Nev. Rev. Stat. § 41.660 (Anti-SLAPP)<sup>1</sup> (the "Special Motion to Dismiss") having come on for hearing on June 5, 2017, the Honorable Michelle Leavitt presiding, Plaintiffs Jennifer V. Abrams ("Ms. Abrams") and The Abrams & Mayo Law Firm (together, the "Abrams Parties"), appearing by and through

<sup>1</sup> "SLAPP" is an acronym for "strategic lawsuit against public participation."

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1 their attorneys, Joshua P. Gilmore, of Bailey Kennedy and Marshal S. Willick of Willick  
2 Law Group, and Defendants Sanson and VIPI (together, the “VIPI Defendants”), appearing  
3 by and through their attorneys, Margaret A. McLetchie, and Alina M. Shell, of McLetchie  
4 Shell LLC, and the Court, having read and considered all of the papers and pleadings on file,  
5 and heard argument of counsel, and being fully advised, and good cause appearing therefor,  
6 hereby makes the following Findings of Fact, Conclusions of Law, and Order granting the  
7 VIPI Defendants’ Special Motion to Dismiss:

8 **I.**

9 **PROCEDURAL HISTORY AND FINDINGS OF FACT**

10 **A. Background on Sanson and VIPI**

11 1. Defendant Steve W. Sanson is the President of Defendant Veterans in  
12 Politics International, Inc. (“VIPI”), a non-profit corporation that advocates on behalf of  
13 veterans and works to expose public corruption and wrongdoing.

14 2. VIPI routinely publishes and distributes articles, and hosts a “weekly  
15 online” talk show which features public officials and others who discuss veterans’ political,  
16 judicial, and other issues of public concerns.

17 **B. Family Court Issues**

18 3. On October 5, 2016, acting in his capacity as President of VIPI, Mr. Sanson  
19 posted an article on the publicly-accessible website <veteransinpolitics.org> entitled  
20 “Nevada Attorney attacks a Clark County Family Court Judge in Open Court,” containing  
21 the court video transcript of a September 29, 2016 hearing in the case entitled *Saiter v. Saiter*,  
22 Eighth Judicial District Court, Family Division, Clark County, Nevada, Case No. D-15-  
23 521372 (the “*Saiter* Hearing”). The *Saiter* Hearing involved a heated exchange between Ms.  
24 Abrams and Judge Jennifer L. Elliot.

25 4. The article that accompanied the video posting contained both written  
26 excerpts of said exchange and Mr. Sanson’s opinions of Plaintiff Abrams’ and Judge Elliot’s  
27 behavior during the *Saiter* Hearing.

28 ///

1           5.       On October 5, 2016, Ms. Abrams sent the Honorable Jennifer L. Elliot  
2 Judge Elliot an email about the article in which she complained that the article placed her in  
3 a bad light, and requesting that Judge Elliot force VIPI to take the article down.

4           6.       Because Mr. Sanson believed that VIPI was within its rights to publish a  
5 video of a court proceeding, Mr. Sanson did not remove either the article or video.

6           7.       On October 8, 2016, Mr. Sanson was personally served with an October 6,  
7 2016 Court Order Prohibiting Dissemination of Case Materials issued by Judge Elliot in the  
8 *Saiter* case. This order purported to seal all the documents and proceedings in the *Saiter* case  
9 on a retroactive basis.

10          8.       Despite disagreeing with Judge Elliot's order, Mr. Sanson temporarily took  
11 the video down. On October 9, 2016, Mr. Sanson reposted the video to, among other  
12 websites, <veteransinpolitics.org> together with an article entitled "District Court Judge  
13 Bullied by Family Attorney Jennifer Abrams." The article contained a report on what had  
14 taken place and criticism of the practice of sealing court documents.

15          9.       On November 6, 2016, Mr. Sanson posted another ~~an~~ article to  
16 <veteransinpolitics.org> entitled "Law Frowns on Nevada Attorney Jennifer Abrams' 'Seal-  
17 Happy' Practices." This article was critical of Ms. Abrams' practice of sealing the records  
18 in many of her cases.

19          10.      On November 14, 2016, Mr. Sanson posted an article to  
20 <veteransinpolitics.org> entitled "Lawyers acting badly in a Clark County Family Court."

21          11.      On November 14, 2016, Mr. Sanson posted a video of the *Saiter* Hearing to  
22 the video-hosting website YouTube. In the description of said video, Mr. Sanson stated his  
23 opinion that Ms. Abrams' conduct in open court constituted "bullying." In this article, Mr.  
24 Sanson states his belief in the importance of public access to court proceedings.

25          12.      On November 16, 2016, Mr. Sanson posted an article to  
26 <veteransinpolitics.org> criticizing Judge Rena Hughes for making a misleading statement  
27 to an unrepresented child in Family Court. Like the others, this article reflects a core VIPI  
28 mission—exposing to the public and criticizing the behavior of officials.

1           13.    On December 21, 2016, the VIPI Defendants posted three videos to  
2 YouTube entitled “The Abrams Law Firm 10 05 15,” “The Abrams Law Firm Inspection  
3 part 1,” and “The Abrams Law Firm Practices p 2.”

4           14.    In addition to being published on the VIPI website, all of the above-listed  
5 articles were also simultaneously sent to VIPI email subscribers.

6           15.    On December 22, 2016, Mr. Sanson allegedly had a conversation with  
7 David J. Schoen, and employee of the Abrams & Mayo Law Firm. In this conversation, Mr.  
8 Sanson allegedly made several unflattering comments about Plaintiff Abrams.

9           **C.    The Abrams Parties’ Lawsuit, Attempt to Hold Mr. Sanson In**  
10           **Contempt, and Other Efforts.**

11           16.    On January 9, 2017, the Abrams Parties filed a Verified Complaint against  
12 the VIPI Defendants, as well as several other Defendants. The Complaint included purported  
13 causes of action for defamation, intentional infliction of emotional distress, negligent  
14 infliction of emotional distress, false light, business disparagement, harassment, concert of  
15 action, civil conspiracy, RICO, and injunctive relief.

16           17.    Besides the VIPI Defendants, the Abrams Parties sued a long list of other  
17 defendants.

18           18.    On January 27, 2017, the Abrams Parties filed a First Amended Verified  
19 Complaint, adding copyright infringement as a cause of action.

20           19.    On February 13, 2017, Ms. Abrams filed a Motion for an Order to Show  
21 Cause in *Saiter v. Saiter*, No. D-15-521372-D, (“OSC Motion”) In that Motion, Ms. Abrams  
22 suggested that the Family Court hold Mr. Sanson in contempt and incarcerate him for over  
23 seven years.

24           20.    The Honorable Judge Elliot denied Ms. Abrams’ motion, and vacated the  
25 Order Prohibiting Dissemination, holding that it was facially overbroad and not narrowly  
26 drawn.

27           21.    On January 30, 2017, the VIPI Defendants filed a Motion to Dismiss  
28 Plaintiffs’ First Amended Complaint Pursuant to Nev. R. Civ. P. 12(b)(5) (the “12(b)(5)

1 Motion to Dismiss”).

2 22. On February 17, 2017, the VIPI Defendants filed a Motion to Strike.

3 23. On March 6, 2017, the Abrams Parties filed an Opposition to the VIPI  
4 Defendants’ 12(b)(5) Motion to Dismiss and Countermotion for Attorney’s Fees and Costs.  
5 On March 9, 2017, the Abrams Parties filed an Errata to their Opposition and Countermotion.

6 24. On March 6, 2017, the Abrams Parties filed an Opposition to the VIPI  
7 Defendants’ Motion to Strike and Countermotion for Attorney’s Fees and Costs.

8 25. On March 28, 2017, the VIPI Defendants filed the Special Motion to  
9 Dismiss.

10 26. On April 28, 2017, the Abrams Parties filed an Omnibus Opposition to the  
11 VIPI Defendants’ Special Motion to Dismiss (and to the special Anti-SLAPP motions to  
12 dismiss filed by the other Defendants in this case).

13 27. On May 30, 2017, the VIPI Defendants filed an Omnibus Reply in Support  
14 of their 12(b)(5) Motion to Dismiss and Special Motion to Dismiss.

15 28. On May 30, 2017, the VIPI Defendants filed a Reply in Support of their  
16 Motion to Strike and Opposition to the Abrams Parties’ Countermotion for Attorney’s Fees.

17 29. On June 5, 2017, the Court heard oral argument on the VIPI Defendants’  
18 Special Motion to Dismiss.

19 30. On June 6, 2017, the Abrams Parties filed a Supplement to their Omnibus  
20 Opposition to the VIPI Defendants’ Special Motion to Dismiss.

21 31. On June 9, 2017, the Abrams Parties filed a Supplement to their Omnibus  
22 Reply in Support of their 12(b)(5) Motion to Dismiss and Special Motion to Dismiss.

23 32. On June 22, 2017, the Court entered a minute order granting the VIPI  
24 Defendants’ Special Motion to Dismiss.

25 **II.**

26 **CONCLUSIONS OF LAW**

27 33. Nevada’s Anti-SLAPP statute, Nev. Rev. Stat. § 41.635 *et seq.*, provides  
28 that if “an action is brought against a person based upon a good faith communication in

1 furtherance of ... the right to free speech in direct connection with an issue of public concern,  
2 [t]he person against whom the action is brought may file a special motion to dismiss.” Nev.  
3 Rev. Stat. § 41.660(1)(a).

4 34. Courts must evaluate a special Anti-SLAPP motion to dismiss using a two-  
5 step process. First, the moving party must establish by a preponderance of the evidence “that  
6 the claim is based upon a good faith communication in furtherance of the right to petition or  
7 the right to free speech in direct connection with an issue of public concern.” Nev. Rev. Stat.  
8 § 41.660(3)(a).

9 35. Second, if the defendant satisfies that threshold showing, a court must then  
10 “determine whether the plaintiff has demonstrated with prima facie evidence a probability of  
11 prevailing on the claim[s].” Nev. Rev. Stat. § 41.660(3)(b).

12 36. Nev. Rev. Stat. § 41.637 defines a “good faith communication in  
13 furtherance of the right to petition or the right to free speech in direct connection with an  
14 issue of public concern,” as follows:

15 Written or oral statement made in direct connection with an issue under  
16 consideration by a legislative, executive or judicial body, or any other  
17 official proceeding authorized by law; or

18 Communication made in direct connection with an issue of public interest  
19 in a place open to the public or in a public forum, which is truthful or is  
made without knowledge of its falsehood.

20 Nev. Rev. Stat. § 41.637(3) and (4).

21 37. In *Shapiro v. Welt*, 133 Nev., Adv. Op. 6, 389 P.3d 262 (2017), the Nevada  
22 Supreme Court identified the following guiding principles for determining what constitutes  
23 “public interest” for purposes of Nev. Rev. Stat. § 41.637(3) and (4).

24 (1) “public interest” does not equate with mere curiosity;

25 (2) a matter of public interest should be something of concern to a  
26 substantial number of people; a matter of concern to a speaker and a  
relatively small specific audience is not a matter of public interest;

27 (3) there should be some degree of closeness between the challenged  
28 statements and the asserted public interest—the assertion of a broad and  
amorphous public interest is not sufficient;

1 (4) the focus of the speaker's conduct should be the public interest rather  
2 than a mere effort to gather ammunition for another round of private  
3 controversy; and

4 (5) a person cannot turn otherwise private information into a matter of  
5 public interest simply by communicating it to a large number of people.

6 *Shapiro*, 389 P.3d at 268.

7 ***The VIPI Defendants Met Their Initial Burden***

8 38. Having reviewed the articles at issue in this case, the Court finds that the  
9 VIPI Defendants have met their burden, and that the statements at issue concern matters of  
10 public interest and were made in a public forum.

11 39. Courts have held that criticism of a professional's on-the-job performance  
12 is a matter of public interest. *See, e.g., Piping Rock Partners, Inc. v. David Lerner Assocs.,*  
13 *Inc.*, 946 F. Supp. 2d 957, 968 (N.D. Cal. 2013).

14 40. Additionally, the United States Supreme Court has provided guidance  
15 regarding whether speech involves a matter of public concern. In *Snyder v. Phelps*, 562 U.S.  
16 443 (2011), the Court explained that "[s]peech deals with matters of public concern when it  
17 can 'be fairly considered as relating to any matter of political, social, or other concern to the  
18 community,' ... or when it 'is a subject of legitimate news'." *Id.* at 453 (internal citations  
19 omitted).

20 41. The Ninth Circuit Court of Appeals has extended the principles set forth by  
21 the Supreme Court in *Snyder*, broadening the category of speech that touches on a matter of  
22 public concern. *See Obsidian Finance Group, LLC v. Cox*, 740 F.3d 1284, 1292 (9th Cir.  
23 2014) (blog posts accusing plaintiff of financial crimes in relation to bankruptcy involve a  
24 matter of public concern); *see also Gardner v. Martino*, 563 F.3d 981, 989 (9th Cir. 2009)  
25 (business owner's refusal to give a refund to a customer who bought an allegedly defective  
26 product is a matter of public concern); *Manufactured Home Cmty's, Inc. v. Cnty. Of San*  
27 *Diego*, 544 F.3d 959, 965 (9th Cir. 2008) (claim that mobile home park operator charged  
28 excessive rent is a matter of public concern).

42. In addition, the common law has long recognized that the public has a vital  
and ongoing interest in observing judicial proceedings. The United States Supreme Court has

1 explained that “[t]he early history of open trials in part reflects the widespread  
2 acknowledgment, long before there were behavioral scientists, that public trials had  
3 significant community therapeutic value.” *Richmond Newspapers, Inc. v. Virginia*, 448 U.S.  
4 555, 570–71, 100 S.Ct. 2814, 2824 (1980). The Nevada Supreme Court has recognized that  
5 the operation of Nevada’s courtrooms is a matter of great public concern *See Lubin v. Kunin*,  
6 117 Nev. 107, 114, 17 P.3d 422, 427 (2001) (“‘fair, accurate and impartial’ reporting of  
7 judicial proceedings is privileged and nonactionable, thus affirming the policy that Nevada  
8 citizens have a right to know what transpires in public and official legal proceedings”).

9 43. “[C]ourts of this country recognize a general right to inspect and copy  
10 public records and documents, including judicial records and documents.” *Nixon v. Warner*  
11 *Communications*, 435 U.S. 589, 597, 98 S.Ct. 1306, 1312 (1978). This right, which includes  
12 access to records and documents in judicial proceedings, is anchored in the value of keeping  
13 “a watchful eye on the workings of public agencies,” and in publishing “information  
14 concerning the operation of government.” *Id.* at 597-98.

15 44. The common law right of access is based on the need for courts to “have a  
16 measure of accountability and for the public to have confidence in the administration of  
17 justice.” *United States v. Amodeo*, 71 F.3d 1044, 1048 (2nd Cir. 1995); *see also Stephens*  
18 *Media LLC v. Eighth Judicial District Court*, 125 Nev. 849, 860, 221 P.3d 1240, 1248 (2009)  
19 (“Public access inherently promotes public scrutiny of the judicial process, which enhances  
20 both the fairness of criminal proceedings and the public confidence in the criminal justice  
21 system.”)

22 45. The public’s interest in observing the administration of justice is also rooted  
23 in the First Amendment. *See Mills v. Alabama*, 384 U.S. 214, 218, 86 S.Ct. 1434, 1437 (1966)  
24 (“Whatever differences may exist about interpretations of the First Amendment, there is  
25 practically universal agreement that a major purpose of that Amendment was to protect the  
26 free discussion of governmental affairs.”); *accord Del Papa v. Steffen*, 112 Nev. 369, 374,  
27 915 P.2d 245, 249 (1996) (citing *Landmark Communications, Inc. v. Virginia*, 435 U.S. 829,  
28 838 (1978)).



1           46. Courts addressing various states' anti-SLAPP statutes have found that  
2 criticizing attorneys is protected activity for anti-SLAPP purposes. *See, e.g., Davis v. Avvo,*  
3 *Inc.*, No. C11-1571RSM, 2012 WL 1067640, at \*3 (W.D. Wash. Mar. 28, 2012) ("The Court  
4 has no difficulty finding that the Avvo.com website is 'an action involving public  
5 participation,' in that it provides information to the general public which may be helpful to  
6 them in choosing a doctor, dentist, or lawyer"). A California Court, applying the test outlined  
7 in *Weinberg v. Feisel*, 110 Cal.App.4th 1122, 2 Cal.Rptr.3d 385, 392–93 (2003) and recently  
8 adopted in Nevada,<sup>2</sup> found "statements that an attorney has embezzled from clients, and is  
9 being prosecuted for doing so, relate to an issue of public interest." *Choyce v. SF Bay Area*  
10 *Indep. Media Ctr.*, No. 13-CV-01842-JST, 2013 WL 6234628, at \*8 (N.D. Cal. Dec. 2,  
11 2013).

12           47. The statements by the VIPI Defendants in this case pertained to Plaintiff  
13 Abrams' legal practices and courtroom behavior, topics which the above-precedent establish  
14 are matters of public interest. Accordingly, the Court finds the VIPI Defendants have met  
15 their burden of showing that the instant matter arises from good faith communications in  
16 furtherance of the right to free speech in direct connection with an issue of public concern.

17           48. Nevada's Anti-SLAPP statute requires that the communications giving rise  
18 to the suit must be made "in a place open to the public or in a public forum." Nev. Rev. Stat.  
19 § 41.637.

20           49. As discussed above, the articles at issue in this matter were published on  
21 VIPI's website and simultaneously sent to VIPI email subscribers.

22           50. The Abrams Parties argue that Nevada's anti-SLAPP statutes do not protect  
23 speech that is republished via "email blasts" to thousands of members of the public.

24           51. However, the Abrams Parties conflate the test that pertains to evaluating  
25 whether a forum is a public forum for the purposes of establishing which level of First  
26 Amendment scrutiny applies with the test for application of the anti-SLAPP law, which is  
27

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28 <sup>2</sup> *See Shapiro v. Welt*, 133 Nev. Adv. Op. 6, 389 P.3d 262, 268 (2017).

1 instead concerned with whether a statement is made in public or in private.

2           52.     The fact that a communication is made via email, in addition to being made  
3 on a publicly-accessible website, does not make it a private communication or remove it from  
4 the public forum. Indeed, as held in *Moreau v. Daily Indep.*, 2013 WL 85362 at \*4 (E.D.  
5 Cal., 2013), “the plain language of [California’s anti-SLAPP statutes applies] to statements  
6 made ‘in a place open to the public or a public forum, indicat[ing] that a public forum need  
7 not be open to the public.’” (emphasis added). Nevada’s statute parallels California’s. Nev.  
8 Rev. Stat. § 41.637(4).

9           53.     In *Am. Broad. Companies, Inc. v. Aereo, Inc.*, 134 S. Ct. 2498, 2503, 2507-  
10 2508, 189 L. Ed. 2d 476 (2014), the United States Supreme Court evaluated whether Aereo,  
11 a company that transmits television programming via the internet, performs the transmitted  
12 works “publicly.” The Court rejected the argument that because each individual transmission  
13 was to only one subscriber, the transmissions were not “to the public.” *Id.* at 2508. Instead,  
14 the Supreme Court found, an entity may transmit to the public through a set of actions. *Id.*  
15 The Court further found that—much like the subscribers to VIPI’s email list—the subscribers  
16 to whom Aereo transmits television programs constitute “the public.” It noted that “Aereo  
17 communicates the same contemporaneously perceptible images and sounds to a large number  
18 of people who are unrelated and unknown to each other.” *Id.* at 2509–10.

19           54.     Accordingly, communications are still made in the “public forum” even  
20 though they are sent via email blasts to members of the public and land in a place not open  
21 to the public—the individual email boxes of the recipients. VIPI’s email blasts were therefore  
22 public communications, and are protected by Nevada’s anti-SLAPP statute.

23 ***The VIPI Defendants’ Statement Are Not False Statements of Fact***

24           55.     Nevada’s Anti-SLAPP statute requires that a good faith communication is  
25 “truthful or made without knowledge of its falsehood.” Nev. Rev. Stat. § 41.637. The Court  
26 also finds that the statements at issue are not false statements of fact.

27           56.     Statements of opinion cannot be made with knowledge of their falsehood  
28 because there is no such thing as a false idea. *Pegasus v. Reno Newspapers, Inc.*, 118 Nev.

1 706, 714, 57 P.3d 82, 87 (Nev. 2002) (internal quotation omitted). However pernicious  
2 opinions may seem, courts depend on the competition of other ideas, rather than judges and  
3 juries, to correct them. *Id.* The court must therefore ask “whether a reasonable person would  
4 be likely to understand the remark as an expression of the source’s opinion or as a statement  
5 of existing fact.” *Id.* at 715.

6 57. All the statements identified by the Abrams Parties in their First Amended  
7 Complaint as being false and defamatory were either true statements of fact, or were  
8 statements of opinion which were incapable of being false.

9 58. Additionally, the October 5, 2016 YouTube video of the September 16,  
10 2016 courtroom proceedings in the *Saiter* matter cannot be considered defamatory because  
11 it is a real video of an actual proceeding. *Kegel v. Brown & Williamson Tobacco Corp.*, No.  
12 306-CV-00093-LRH-VPC, 2009 WL 656372, at \*17 (D. Nev. Mar. 10, 2009), *on*  
13 *reconsideration in part*, No. 3:06-CV-00093LRHVPC, 2009 WL 3125482 (D. Nev. Sept.  
14 24, 2009) (“the truthful statements relating to the admittedly accurate contents of the video  
15 cannot form the basis of Plaintiff’s defamation claim”).

16 ***Closing a Hearing Pursuant to EDCR 5.02 Does Not Involve Any Determination of***  
17 ***“Public Interest.”***

18 59. Following the June 5, 2017 hearing on this matter, the Abrams Parties filed  
19 a supplement to their opposition to Defendants’ Special Motion to Dismiss asserting that  
20 because Judge Elliot temporarily closed the September 26, 2016 hearing in *Saiter v. Saiter*  
21 pursuant to EDCR 5.02, the hearing suddenly and permanently no longer involved “an issue  
22 of public interest” under Nev. Rev. Stat. § 41.637(4).

23 60. Pursuant to EDCR 5.02(a), “the court **must**, upon demand of either party,  
24 direct that the trial or hearing(s) on any issue(s) of fact joined therein be private and upon  
25 such direction, all persons shall be excluded from the court or chambers wherein the action  
26 is heard, except officers of the court, the parties, their witnesses while testifying, and  
27 counsel.” EDCR 5.02(a) (emphasis added).

28 ///

1           61. That a hearing is “closed” or sealed does not change the fact that it is  
2 conducted in a publicly-funded courtroom and presided over by a taxpayer-paid and citizen-  
3 elected judge, nor does it alter the fact that members of the public have a vested interest in  
4 access to information about court proceedings and access to justice.

5           62. The Abrams Parties contend that “[i]f Mr. Sanson wanted access to the  
6 video from a closed hearing, he had to make a formal request for it so that the parties would  
7 have an opportunity to be heard in response to his request.” (Supp. Opp., p. 2:10-12.)  
8 However, neither sealing a transcript nor closing a hearing transforms court proceedings to  
9 wholly private matters outside the protection of the anti-SLAPP statute.

10           63. In any case, closing a hearing pursuant to EDCR 5.02 does not seal it. This  
11 fact is also clear from Ms. Abrams’ own actions. Specifically, on October 6, 2016—seven  
12 days after the hearing—Abrams prepared a separate order sealing the court records pursuant  
13 to Nev. Rev. Stat. § 125.110(2). Further, Judge Elliot’s findings in her order vacating the  
14 October 6, 2016 sealing order indicate that the video transcript of the hearing was never truly  
15 “private.” In that order, Judge Elliot found that the order was unconstitutionally overbroad.  
16 (October 6, 2016 Order in Saiter Matter (“Order”) at p. 18:19-23 (Exh. 2 to First Amended  
17 Complaint (article containing screenshot of Order)).) Moreover, Judge Elliot noted that  
18 although she would not enforce the sealing of the video even though it was circulated after  
19 the date of the sealing order because Nev. Rev. Stat. § 125.110(2) “reads as if it is limited to  
20 **documents only** and does not give proper notice to anyone as to the prohibitory use of a  
21 hearing video as a hearing transcript.” (Order at p. 20:15-22.)

22           64. Finally, Judge Elliot noted that it is “unquestionably vague as to *how the*  
23 *parties were . . .* harmed by the posting of the information online. (*Id.* at pp. 20:23-21:1.)  
24 Although Judge Elliot did note that she personally believed it was not “appropriate to . . .  
25 post the video on the internet” where the parties’ children might have access to it, she  
26 acknowledge “there is nothing this Court can do in this case to enforce this viewpoint.” (*Id.*  
27 at p. 19:3-10.)

28 ///

1           65. In short, Judge Elliot did not make a determination that the hearing was  
2 “private” and any findings or decisions it did make have no bearing on whether Mr. Sanson’s  
3 statements at issue are protected by Nevada’s robust anti-SLAPP law.

4           66. All the statements at issue are squarely within its protections—and this  
5 litigation is exactly what anti-SLAPP laws are designed to protect against. *See John v.*  
6 *Douglas Cnty. Sch. Dist.*, 125 Nev. 746, 758, 219 P. 3d 1276, 1284 (2009) (“the statutes  
7 create a procedural mechanism to prevent wasteful and abusive litigation...”).

8           67. Ms. Abrams has asserted that the discussion of the *Saiter* matter has caused  
9 her extreme emotional distress. Ms. Abrams’ embarrassment, however, does not overcome  
10 the strong presumption in favor of public access. The Nevada Supreme Court has recognized  
11 that court proceedings are presumptively public, and can sealed from public review “only  
12 where the public’s right to access is outweighed by competing interests.” *Howard v. State*,  
13 128 Nev. Adv. Op. 67, 291 P.3d 137, 141 (2012). Moreover, the Nevada Supreme Court has  
14 also made clear that “the desire to avoid unnecessary embarrassment ...alone is insufficient  
15 to warrant sealing court records from public inspection.” *Id.* at 144.

16           68. Matters such as courtroom administration and document sealing are not  
17 “private” or matters of “mere curiosity” (*Shapiro v. Welt*, 133 Nev. Adv. Op. 6, 389 P.3d  
18 262, 268 (2017) (citation omitted)) within the meaning of anti-SLAPP statutes. Instead, such  
19 matters are “of concern to a substantial number of people.” *Id.* The comments made directly  
20 pertain to the asserted public interest—courtroom proceedings. There is no “private  
21 controversy” (*id.*) between Ms. Abrams and Mr. Sanson—their dispute is entirely related to  
22 her conduct in court and his comments on it; they have no personal relationship.

23           69. That Judge Elliot closed the hearing pursuant to EDCR 5.02(a) does not  
24 change this analysis. Closing a hearing under EDCR 5.02(a) does not take the hearing out of  
25 the well-established realm of public access to court proceedings. Nor does it reflect that Judge  
26 Elliot made any determination that the interest in privacy outweighed the interest in  
27 disclosure, let alone that there was no public interest implicated by the hearing. Indeed, Judge  
28 Elliot made no determination of any sort whatsoever—consistent with EDCR 5.02(a), she

1 simply automatically closed the hearing upon Ms. Abrams' request.

2 ***The Abrams Parties Failed to Demonstrate a Probability of Success on Their Claims***

3 70. Because the VIPI Defendants met their burden, the burden shifted to the  
4 Abrams Parties to demonstrate "with prima facie evidence a probability of prevailing on the  
5 claims." Nev. Rev. Stat. § 41.660(3)(b).

6 71. The Abrams Parties have failed to meet their burden, as they cannot show a  
7 probability of success on their claims.

8 72. Indeed, at the June 5, 2017 hearing on Defendants' Special Motion to  
9 Dismiss, the Abrams Parties acknowledged that their causes of action for RICO, copyright  
10 infringement, injunctive relief, and harassment should be dismissed. The Abrams Parties'  
11 concession that these claims lack merit further demonstrates The Abrams Parties cannot  
12 satisfy their burden of demonstrating a probability of prevailing on their claims.

13 **Defamation**

14 73. In Nevada, the elements of a defamation claim are: (1) a false and  
15 defamatory statement by a defendant concerning the plaintiff; (2) an unprivileged publication  
16 of this statement to a third person; (3) fault of the Defendant, amounting to at least  
17 negligence; and (4) actual or presumed damages. *Pegasus*, 118 Nev. 706 at 718.

18 74. The VIPI Defendants' alleged speech consists of opinions or facts, none of  
19 which satisfy the first element of a defamation claim. Thus, the Abrams Parties have not  
20 established a probability of success on their defamation claim.

21 **Intentional Infliction of Emotional Distress ("IIED")**

22 75. The elements of a cause of action for intentional infliction of emotional  
23 distress ("IIED") are: "(1) extreme and outrageous conduct with either the intention of, or  
24 reckless disregard for, causing emotional distress, (2) the plaintiff's having suffered severe  
25 or extreme emotional distress and (3) actual or proximate causation." *Dillard Dep't Stores,*  
26 *Inc. v. Beckwith*, 115 Nev. 372, 378, 989 P.2d 882, 886 (1999) (quoting *Star v. Rabello*, 97  
27 Nev. 124, 125, 625 P.2d 90, 92 (1981)).

28 ///

1           76. Further, while the Abrams Parties brought all their claims on behalf of Ms.  
2 Abrams as well as her law firm, only a natural human person can bring a claim such as,  
3 intentional infliction of emotional distress for the obvious reason that a law firm cannot suffer  
4 mental distress. *See, e.g., Patel v. AT&T*, No. 94-B-49, 1997 WL 39907, at \*2 (Ohio Ct. App.  
5 Jan. 30, 1997).

6           77. The Abrams Parties fail to allege facts sufficient to show that the VIPI  
7 Defendants' conduct was "extreme and outrageous" or that the Abrams Parties suffered  
8 emotional distress, much less the "severe or extreme" emotional distress required to prevail  
9 on a claim of IIED. Thus, the Abrams Parties have not established a probability of success  
10 on their IIED claim.

#### 11           **Negligent Infliction of Emotional Distress ("NIED")**

12           78. Nevada courts recognize that "the negligent infliction of emotional distress  
13 can be an element of the damage sustained by the negligent acts committed directly against  
14 the victim-plaintiff." *Shoen v. Amerco, Inc.*, 111 Nev. 735, 748, 896 P.2d 469, 477 (1995).  
15 Thus, a cause of action for NIED has essentially the same elements as a cause of action for  
16 negligence: (1) duty owed by defendant to plaintiff, (2) breach of said duty by defendant, (3)  
17 said breach is the direct and proximate cause of plaintiff's emotional distress, and (4)  
18 damages (i.e., emotional distress).

19           79. The Abrams Parties fail to allege facts sufficient to show that the VIPI  
20 Defendants owed Ms. Abrams or her law firm any duty of care. The Abrams Parties also fail  
21 to allege facts sufficient to show that they suffered emotional distress. Thus, the Abrams  
22 Parties have not established a probability of success on their NIED claim.

#### 23           **False Light**

24           80. The false light tort requires that "(a) the false light in which the other was  
25 placed would be highly offensive to a reasonable person, and (b) the actor had knowledge of  
26 or acted in reckless disregard as to the falsity of the publicized matter and the false light in  
27 which the other would be placed." *Franchise Tax Bd. of Cal. v. Hyatt*, 130 Nev. Adv. Op.  
28 71, 335 P.3d 125, 141 (2014) (quoting Restatement (Second) of Torts § 652E (1977)).

1 Nevada courts require that plaintiffs suffer mental distress resulting from publicizing private  
2 matters: “the injury in [false light] privacy actions is mental distress from having been  
3 exposed to public views.” *Dobson v. Sprint Nextel Corp.*, 2014 WL 553314 at \*5 (D. Nev.  
4 Feb. 10, 2017.)

5 81. The Abrams Parties fail to allege facts sufficient to show that the VIPI  
6 Defendants placed them in a false light that would be “highly offensive to a reasonable  
7 person.” Furthermore, the Abrams Parties fail to allege facts sufficient to show that they  
8 have suffered emotional distress from any of the VIPI Defendants’ actions, much less as a  
9 result of being placed in a “false light.” Thus, the Abrams Parties have not established a  
10 probability of success on their false light claim.

11 **Business Disparagement**

12 82. The elements of a business disparagement cause of action are: “(1) a false  
13 and disparaging statement, (2) the unprivileged publication by the defendant, (3) malice, and  
14 (4) special damages.” *Clark Cty. Sch. Dist. v. Virtual Educ. Software, Inc.*, 125 Nev. 374,  
15 386, 213 P.3d 496, 504 (2009) (citing *Hurlbut v. Gulf Atlantic Life Ins. Co.*, 749 S.W.2d 762,  
16 766 (Tex. 1987)).

17 83. The Abrams Parties cannot prevail on their business disparagement claim  
18 for the same reasons that their defamation claim fails. Additionally, the Abrams Parties fail  
19 to specifically allege special damages as required by Rule 9(g) of the Nevada Rules of Civil  
20 Procedure. This is particularly fatal to the Abrams Parties’ business disparagement claim, as  
21 “[p]roof of special damages is an essential element of business disparagement.” *CCSD v.*  
22 *Virtual Ed. Software*, 125 Nev. at 87. The Abrams Parties have failed to allege any facts  
23 which demonstrate that Defendants’ communications have caused them any economic harm.  
24 Thus, the Abrams Parties have not established a probability of success on their business  
25 disparagement claim.

26 ///

27 ///



1                   **Harassment**

2           84.     “Harassment” is not a cause of action in Nevada. The Abrams Parties cannot  
3 prevail on a non-existent cause of action. As discussed *supra* at ¶ 65, the Abrams Parties  
4 have acknowledged this claim should be dismissed.

5                   **Concert of Action**

6           85.     The elements of a cause of action for concert of action are that two  
7 defendants commit a tort while acting in concert with one another or pursuant to a common  
8 design. *Dow Chemical Co. v. Mahlum*, 114 Nev. 1468, 1488, 970 P.2d 98, 111 (1998). The  
9 plaintiff must also show that the defendants “agreed to engage in conduct that is inherently  
10 dangerous or poses a substantial risk of harm to others.” *Tai-Si Kim v. Kearney*, 838 F. Supp.  
11 2d 1077, 1092 (D. Nev. 2012) (quoting *GES, Inc. v. Corbitt*, 117 Nev. 265, 270-71, 21 P.3d  
12 11, 14-15 (Nev. 2001)).

13          86.     The conduct alleged in this case is not inherently dangerous. Further,  
14 because the other tort claims fail, so does this one. Thus, the Abrams Parties have not  
15 established a probability of success on their concert of action claim.

16                  **Civil Conspiracy**

17          87.     The elements of a cause of action for civil conspiracy are: (1) defendants,  
18 “by some concerted action, intend to accomplish an unlawful objective for the purpose of  
19 harming another; and (2) damage resulting from the act or acts.” *Consol. Generator-Nevada,*  
20 *Inc. v. Cummins Engine Co.*, 114 Nev. 1304, 1311, 971 P.2d 1251, 1255 (Nev. 1999)  
21 (quoting *Hilton Hotels v. Butch Lewis Productions*, 109 Nev. 1043, 1048, 862 P.2d 1207,  
22 1210 (1993)).

23          88.     The Abrams Parties’ conspiracy claim is apparently predicated on their  
24 allegations that the VIPI Defendants disparaged them, placed them in a false light, inflicted  
25 emotional distress upon them, and harassed them.

26          89.     Because the other tort claims fail, so does this one. Thus, the Abrams  
27 Parties have not established a probability of success on their civil conspiracy claim.

28    ///

1                   **RICO**

2           90.     The elements of a civil RICO claim are: (1) defendant violated a predicate  
3 racketeering act; (2) plaintiff suffered injury in her business or property by reason of  
4 defendant's violation of the predicate racketeering act; (3) defendant's violation proximately  
5 caused plaintiff's injury; (4) plaintiff did not participate in the racketeering violation. Nev.  
6 Rev. Stat. § 207.470, Nev. Rev. Stat. § 207.400; *Allum v. Valley Bank of Nevada*, 109 Nev.  
7 280, 283, 849 P.2d 297, 299 (1993).

8           91.     The Nevada Supreme Court has held that civil racketeering claims must be  
9 pled not merely with specificity, but with the specificity required of a criminal indictment or  
10 information. *Hale v. Burkhardt*, 104 Nev. 632, 637-38, 764 P.2d 866, 869-70 (1988). The  
11 complaint must provide adequate information as to "when, where [and] how" the alleged  
12 criminal acts occurred. *Id.* at 637.

13           92.     The Abrams Parties allege in their First Amended Complaint that  
14 Defendants "either committed, conspired to commit, or have attempted to commit" twelve  
15 separate offenses. (*See* FAC at ¶ 118.) However, the bulk of the named offenses are not  
16 among the predicate racketeering acts enumerated in Nev. Rev. Stat. § 207.360. In addition,  
17 of the remaining five named offenses, the Abrams Parties fail to allege with sufficient  
18 specificity or provide adequate information as to "when, where and how" these alleged  
19 criminal acts occurred. The Abrams Parties therefore fail to allege a prima facie civil RICO  
20 claim, a fact which the Abrams Parties acknowledged at the June 5, 2017 hearing. (*See supra*,  
21 ¶ 65.)

22                   **Copyright Infringement**

23           93.     The Abrams Parties make a claim for copyright violation pursuant to 17  
24 USC § 501 et seq. for Defendants' use of photos allegedly belonging to the Abrams Parties.  
25 (*See* FAC at ¶¶ 141-147.) However, claims for copyright violations arising under federal law  
26 are subject to the exclusive original jurisdiction of the federal courts. *See* 28 U.S.C. §  
27 1338(a).

28     ///

1           94.     This Court lacks jurisdiction over federal copyright claims, thus the Abrams  
2 Parties cannot raise a federal copyright claim, much less prevail on one. Even assuming this  
3 Court did have jurisdiction to hear the Abrams Parties' copyright claims, such claims would  
4 fail because the Abrams Parties have not proven (or even alleged) ownership or registration  
5 of the copyrights of the pictures appearing on <veteransinpolitics.org>.

6           95.     Additionally, Defendants' use of publicly available pictures of the Abrams  
7 Parties falls under the "fair use" exception to the Copyright Act. The Abrams Parties have  
8 therefore failed to demonstrate any probability of succeeding on this claim, a fact which the  
9 Abrams Parties acknowledged at the June 5, 2017 hearing. (*See supra*, ¶ 72.)

10           **Injunctive Relief**

11           96.     The Abrams Parties incorrectly allege that "injunctive relief" is a cause of  
12 action. (FAC at ¶¶ 148-49.) However, "an injunction is a remedy, not a separate claim or  
13 cause of action ... a separately pled claim or cause of action for injunctive relief is  
14 inappropriate." *Jensen v. Quality Loan Serv. Corp.*, 702 F. Supp. 2d 1183, 1201 (E.D. Cal.  
15 2010). Because injunctive relief is not a cause of action, the Abrams Parties cannot prevail  
16 on such a claim, a fact which the Abrams Parties acknowledged at the June 5, 2017 hearing.  
17 (*See supra*, ¶ 72.)

18           97.     Accordingly, for the reasons stated above, the VIPI Defendants' Special  
19 Motion to Dismiss is GRANTED.

20           98.     If a Court grants a special Anti-SLAPP motion to dismiss, the defendants  
21 are entitled to an award of reasonable costs and attorneys' fees. Nev. Rev. Stat. §  
22 41.670(1)(a). The Court may also award an amount of up to \$10,000.00. Nev. Rev. Stat. §  
23 41.670(1)(a)-(b).

24           99.     Additionally, upon the granting of a special Anti-SLAPP motion to dismiss,  
25 the defendants may bring a separate action against the Abrams Parties for compensatory  
26 damages, punitive damages, and attorney's fees and costs of bringing the separate action.  
27 Nev. Rev. Stat. § 41.670(c).

28     ///

1           100. The VIPI Defendants may file any additional motions pursuant to Nev. Rev.  
2 Stat. § 41.670 on or before July 24, 2017.

3  
4 IT IS SO ORDERED this 20 day of July, 2017.

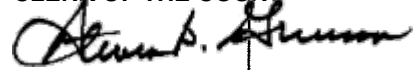
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7 HONORABLE JUDGE MICHELLE LEAVITT  
8 AL

8 Respectfully submitted by,

9  
10   
11  
12 Margaret A. McLetchie, Nevada Bar No. 10931  
13 MCLETCHIE SHELL LLC  
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17 Facsimile: (702) 425-8220  
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19 Attorneys for Defendants Steve W. Sanson and  
20 Veterans in Politics International, Inc.  
21  
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28

# **EXHIBIT 3**

# **EXHIBIT 3**



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10 *Veterans in Politics International, Inc.*

8 **EIGHTH JUDICIAL DISTRICT COURT**  
9 **CLARK COUNTY, NEVADA**

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

12 Plaintiffs,

13 vs.

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

22 Defendants.

Case No.: A-17-749318-C

Dept. No.: XII

**NOTICE OF ENTRY OF ORDER**

22 YOU ARE HEREBY NOTICED that an Order Granting VIPI Defendants' Special  
23 Motion to Dismiss Pursuant to Nev. Rev. Stat. § 41.660 (Anti-SLAPP) was entered on July  
24 24, 2017.

25 ///

26 ///

27 ///

28 ///

1 A copy of the Order Granting VIPI Defendants' Special Motion to Dismiss Pursuant  
2 to Nev. Rev. Stat. § 41.660 (Anti-SLAPP) is attached hereto as Exhibit 1.

3 DATED this 24<sup>th</sup> day of July, 2017.

4  
5 /s/ Margaret A. McLetchie

MARGARET A. MCLETCHIE, Nevada Bar No. 10931

6 ALINA M. SHELL, Nevada Bar No. 11711

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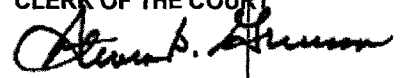
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Jennifer V. Abrams, Esq. THE ABRAMS & MAYO LAW FIRM 6252 S. Rainbow Blvd., Suite 100 Las Vegas, NV 89118	Cal Potter, III, Esq. C.J. Potter IV, Esq. POTTER LAW OFFICES 1125 Shadow Lane Las Vegas, NV 89102 <i>Attorneys for Schneider Defendants</i>
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Dennis L. Kennedy Joshua P. Gilmore BAILEY KENNEDY 8984 Spanish Ridge Avenue Las Vegas, NV 89148 <i>Attorneys for Plaintiffs</i>	

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# EXHIBIT 1



1 **ORDR**

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8 **EIGHTH JUDICIAL DISTRICT COURT**  
9 **CLARK COUNTY, NEVADA**

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

12 Plaintiffs,

13 vs.

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

22 Defendants.

Case No.: A-17-749318-C

Dept. No.: XII

**[PROPOSED] ORDER GRANTING**  
**VIPI DEFENDANTS' SPECIAL**  
**MOTION TO DISMISS PURSUANT**  
**TO NEV. REV. STAT. § 41.660**  
**(ANTI-SLAPP)**

22 Defendants Steve W. Sanson ("Sanson") and Veterans in Politics International's  
23 ("VIPI") Special Motion to Dismiss Pursuant to Nev. Rev. Stat. § 41.660 (Anti-SLAPP)<sup>1</sup>  
24 (the "Special Motion to Dismiss") having come on for hearing on June 5, 2017, the  
25 Honorable Michelle Leavitt presiding, Plaintiffs Jennifer V. Abrams ("Ms. Abrams") and  
26 The Abrams & Mayo Law Firm (together, the "Abrams Parties"), appearing by and through  
27

28 <sup>1</sup> "SLAPP" is an acronym for "strategic lawsuit against public participation."

**RECEIVED**

JUL 14 2017

**DEPT.12**

1 their attorneys, Joshua P. Gilmore, of Bailey Kennedy and Marshal S. Willick of Willick  
2 Law Group, and Defendants Sanson and VIPI (together, the “VIPI Defendants”), appearing  
3 by and through their attorneys, Margaret A. McLetchie, and Alina M. Shell, of McLetchie  
4 Shell LLC, and the Court, having read and considered all of the papers and pleadings on file,  
5 and heard argument of counsel, and being fully advised, and good cause appearing therefor,  
6 hereby makes the following Findings of Fact, Conclusions of Law, and Order granting the  
7 VIPI Defendants’ Special Motion to Dismiss:

8 I.

9 **PROCEDURAL HISTORY AND FINDINGS OF FACT**

10 **A. Background on Sanson and VIPI**

11 1. Defendant Steve W. Sanson is the President of Defendant Veterans in  
12 Politics International, Inc. (“VIPI”), a non-profit corporation that advocates on behalf of  
13 veterans and works to expose public corruption and wrongdoing.

14 2. VIPI routinely publishes and distributes articles, and hosts a “weekly  
15 online” talk show which features public officials and others who discuss veterans’ political,  
16 judicial, and other issues of public concerns.

17 **B. Family Court Issues**

18 3. On October 5, 2016, acting in his capacity as President of VIPI, Mr. Sanson  
19 posted an article on the publicly-accessible website <veteransinpolitics.org> entitled  
20 “Nevada Attorney attacks a Clark County Family Court Judge in Open Court,” containing  
21 the court video transcript of a September 29, 2016 hearing in the case entitled *Saiter v. Saiter*,  
22 Eighth Judicial District Court, Family Division, Clark County, Nevada, Case No. D-15-  
23 521372 (the “*Saiter* Hearing”). The *Saiter* Hearing involved a heated exchange between Ms.  
24 Abrams and Judge Jennifer L. Elliot.

25 4. The article that accompanied the video posting contained both written  
26 excerpts of said exchange and Mr. Sanson’s opinions of Plaintiff Abrams’ and Judge Elliot’s  
27 behavior during the *Saiter* Hearing.

28 ///

1           5.     On October 5, 2016, Ms. Abrams sent the Honorable Jennifer L. Elliot  
2 Judge Elliot an email about the article in which she complained that the article placed her in  
3 a bad light, and requesting that Judge Elliot force VIPI to take the article down.

4           6.     Because Mr. Sanson believed that VIPI was within its rights to publish a  
5 video of a court proceeding, Mr. Sanson did not remove either the article or video.

6           7.     On October 8, 2016, Mr. Sanson was personally served with an October 6,  
7 2016 Court Order Prohibiting Dissemination of Case Materials issued by Judge Elliot in the  
8 *Saiter* case. This order purported to seal all the documents and proceedings in the *Saiter* case  
9 on a retroactive basis.

10          8.     Despite disagreeing with Judge Elliot's order, Mr. Sanson temporarily took  
11 the video down. On October 9, 2016, Mr. Sanson reposted the video to, among other  
12 websites, <veteransinpolitics.org> together with an article entitled "District Court Judge  
13 Bullied by Family Attorney Jennifer Abrams." The article contained a report on what had  
14 taken place and criticism of the practice of sealing court documents.

15          9.     On November 6, 2016, Mr. Sanson posted another ~~an~~ article to  
16 <veteransinpolitics.org> entitled "Law Frowns on Nevada Attorney Jennifer Abrams' 'Seal-  
17 Happy' Practices." This article was critical of Ms. Abrams' practice of sealing the records  
18 in many of her cases.

19          10.    On November 14, 2016, Mr. Sanson posted an article to  
20 <veteransinpolitics.org> entitled "Lawyers acting badly in a Clark County Family Court."

21          11.    On November 14, 2016, Mr. Sanson posted a video of the *Saiter* Hearing to  
22 the video-hosting website YouTube. In the description of said video, Mr. Sanson stated his  
23 opinion that Ms. Abrams' conduct in open court constituted "bullying." In this article, Mr.  
24 Sanson states his belief in the importance of public access to court proceedings.

25          12.    On November 16, 2016, Mr. Sanson posted an article to  
26 <veteransinpolitics.org> criticizing Judge Rena Hughes for making a misleading statement  
27 to an unrepresented child in Family Court. Like the others, this article reflects a core VIPI  
28 mission—exposing to the public and criticizing the behavior of officials.

1           13. On December 21, 2016, the VIPI Defendants posted three videos to  
2 YouTube entitled "The Abrams Law Firm 10 05 15," "The Abrams Law Firm Inspection  
3 part 1," and "The Abrams Law Firm Practices p 2."

4           14. In addition to being published on the VIPI website, all of the above-listed  
5 articles were also simultaneously sent to VIPI email subscribers.

6           15. On December 22, 2016, Mr. Sanson allegedly had a conversation with  
7 David J. Schoen, and employee of the Abrams & Mayo Law Firm. In this conversation, Mr.  
8 Sanson allegedly made several unflattering comments about Plaintiff Abrams.

9           **C. The Abrams Parties' Lawsuit, Attempt to Hold Mr. Sanson In**  
10           **Contempt, and Other Efforts.**

11           16. On January 9, 2017, the Abrams Parties filed a Verified Complaint against  
12 the VIPI Defendants, as well as several other Defendants. The Complaint included purported  
13 causes of action for defamation, intentional infliction of emotional distress, negligent  
14 infliction of emotional distress, false light, business disparagement, harassment, concert of  
15 action, civil conspiracy, RICO, and injunctive relief.

16           17. Besides the VIPI Defendants, the Abrams Parties sued a long list of other  
17 defendants.

18           18. On January 27, 2017, the Abrams Parties filed a First Amended Verified  
19 Complaint, adding copyright infringement as a cause of action.

20           19. On February 13, 2017, Ms. Abrams filed a Motion for an Order to Show  
21 Cause in *Saiter v. Saiter*, No. D-15-521372-D, ("OSC Motion") In that Motion, Ms. Abrams  
22 suggested that the Family Court hold Mr. Sanson in contempt and incarcerate him for over  
23 seven years.

24           20. The Honorable Judge Elliot denied Ms. Abrams' motion, and vacated the  
25 Order Prohibiting Dissemination, holding that it was facially overbroad and not narrowly  
26 drawn.

27           21. On January 30, 2017, the VIPI Defendants filed a Motion to Dismiss  
28 Plaintiffs' First Amended Complaint Pursuant to Nev. R. Civ. P. 12(b)(5) (the "12(b)(5)

1 Motion to Dismiss”).

2 22. On February 17, 2017, the VIPI Defendants filed a Motion to Strike.

3 23. On March 6, 2017, the Abrams Parties filed an Opposition to the VIPI  
4 Defendants’ 12(b)(5) Motion to Dismiss and Countermotion for Attorney’s Fees and Costs.  
5 On March 9, 2017, the Abrams Parties filed an Errata to their Opposition and Countermotion.

6 24. On March 6, 2017, the Abrams Parties filed an Opposition to the VIPI  
7 Defendants’ Motion to Strike and Countermotion for Attorney’s Fees and Costs.

8 25. On March 28, 2017, the VIPI Defendants filed the Special Motion to  
9 Dismiss.

10 26. On April 28, 2017, the Abrams Parties filed an Omnibus Opposition to the  
11 VIPI Defendants’ Special Motion to Dismiss (and to the special Anti-SLAPP motions to  
12 dismiss filed by the other Defendants in this case).

13 27. On May 30, 2017, the VIPI Defendants filed an Omnibus Reply in Support  
14 of their 12(b)(5) Motion to Dismiss and Special Motion to Dismiss.

15 28. On May 30, 2017, the VIPI Defendants filed a Reply in Support of their  
16 Motion to Strike and Opposition to the Abrams Parties’ Countermotion for Attorney’s Fees.

17 29. On June 5, 2017, the Court heard oral argument on the VIPI Defendants’  
18 Special Motion to Dismiss.

19 30. On June 6, 2017, the Abrams Parties filed a Supplement to their Omnibus  
20 Opposition to the VIPI Defendants’ Special Motion to Dismiss.

21 31. On June 9, 2017, the Abrams Parties filed a Supplement to their Omnibus  
22 Reply in Support of their 12(b)(5) Motion to Dismiss and Special Motion to Dismiss.

23 32. On June 22, 2017, the Court entered a minute order granting the VIPI  
24 Defendants’ Special Motion to Dismiss.

25 **II.**

26 **CONCLUSIONS OF LAW**

27 33. Nevada’s Anti-SLAPP statute, Nev. Rev. Stat. § 41.635 *et seq.*, provides  
28 that if “an action is brought against a person based upon a good faith communication in

1 furtherance of ... the right to free speech in direct connection with an issue of public concern,  
2 [t]he person against whom the action is brought may file a special motion to dismiss.” Nev.  
3 Rev. Stat. § 41.660(1)(a).

4 34. Courts must evaluate a special Anti-SLAPP motion to dismiss using a two-  
5 step process. First, the moving party must establish by a preponderance of the evidence “that  
6 the claim is based upon a good faith communication in furtherance of the right to petition or  
7 the right to free speech in direct connection with an issue of public concern.” Nev. Rev. Stat.  
8 § 41.660(3)(a).

9 35. Second, if the defendant satisfies that threshold showing, a court must then  
10 “determine whether the plaintiff has demonstrated with prima facie evidence a probability of  
11 prevailing on the claim[s].” Nev. Rev. Stat. § 41.660(3)(b).

12 36. Nev. Rev. Stat. § 41.637 defines a “good faith communication in  
13 furtherance of the right to petition or the right to free speech in direct connection with an  
14 issue of public concern,” as follows:

15 Written or oral statement made in direct connection with an issue under  
16 consideration by a legislative, executive or judicial body, or any other  
17 official proceeding authorized by law; or

18 Communication made in direct connection with an issue of public interest  
19 in a place open to the public or in a public forum, which is truthful or is  
made without knowledge of its falsehood.

20 Nev. Rev. Stat. § 41.637(3) and (4).

21 37. In *Shapiro v. Welt*, 133 Nev., Adv. Op. 6, 389 P.3d 262 (2017), the Nevada  
22 Supreme Court identified the following guiding principles for determining what constitutes  
23 “public interest” for purposes of Nev. Rev. Stat. § 41.637(3) and (4).

24 (1) “public interest” does not equate with mere curiosity;

25 (2) a matter of public interest should be something of concern to a  
26 substantial number of people; a matter of concern to a speaker and a  
relatively small specific audience is not a matter of public interest;

27 (3) there should be some degree of closeness between the challenged  
28 statements and the asserted public interest—the assertion of a broad and  
amorphous public interest is not sufficient;

1 (4) the focus of the speaker's conduct should be the public interest rather  
2 than a mere effort to gather ammunition for another round of private  
3 controversy; and

4 (5) a person cannot turn otherwise private information into a matter of  
5 public interest simply by communicating it to a large number of people.

6 *Shapiro*, 389 P.3d at 268.

7 ***The VIPI Defendants Met Their Initial Burden***

8 38. Having reviewed the articles at issue in this case, the Court finds that the  
9 VIPI Defendants have met their burden, and that the statements at issue concern matters of  
10 public interest and were made in a public forum.

11 39. Courts have held that criticism of a professional's on-the-job performance  
12 is a matter of public interest. *See, e.g., Piping Rock Partners, Inc. v. David Lerner Assocs.,*  
13 *Inc.*, 946 F. Supp. 2d 957, 968 (N.D. Cal. 2013).

14 40. Additionally, the United States Supreme Court has provided guidance  
15 regarding whether speech involves a matter of public concern. In *Snyder v. Phelps*, 562 U.S.  
16 443 (2011), the Court explained that "[s]peech deals with matters of public concern when it  
17 can 'be fairly considered as relating to any matter of political, social, or other concern to the  
18 community,' ... or when it 'is a subject of legitimate news'." *Id.* at 453 (internal citations  
19 omitted).

20 41. The Ninth Circuit Court of Appeals has extended the principles set forth by  
21 the Supreme Court in *Snyder*, broadening the category of speech that touches on a matter of  
22 public concern. *See Obsidian Finance Group, LLC v. Cox*, 740 F.3d 1284, 1292 (9th Cir.  
23 2014) (blog posts accusing plaintiff of financial crimes in relation to bankruptcy involve a  
24 matter of public concern); *see also Gardner v. Martino*, 563 F.3d 981, 989 (9th Cir. 2009)  
25 (business owner's refusal to give a refund to a customer who bought an allegedly defective  
26 product is a matter of public concern); *Manufactured Home Cmty's., Inc. v. Cnty. Of San*  
27 *Diego*, 544 F.3d 959, 965 (9th Cir. 2008) (claim that mobile home park operator charged  
28 excessive rent is a matter of public concern).

42. In addition, the common law has long recognized that the public has a vital  
and ongoing interest in observing judicial proceedings. The United States Supreme Court has



1 explained that “[t]he early history of open trials in part reflects the widespread  
2 acknowledgment, long before there were behavioral scientists, that public trials had  
3 significant community therapeutic value.” *Richmond Newspapers, Inc. v. Virginia*, 448 U.S.  
4 555, 570–71, 100 S.Ct. 2814, 2824 (1980). The Nevada Supreme Court has recognized that  
5 the operation of Nevada’s courtrooms is a matter of great public concern *See Lubin v. Kunin*,  
6 117 Nev. 107, 114, 17 P.3d 422, 427 (2001) (“‘fair, accurate and impartial’ reporting of  
7 judicial proceedings is privileged and nonactionable, thus affirming the policy that Nevada  
8 citizens have a right to know what transpires in public and official legal proceedings”).

9 43. “[C]ourts of this country recognize a general right to inspect and copy  
10 public records and documents, including judicial records and documents.” *Nixon v. Warner*  
11 *Communications*, 435 U.S. 589, 597, 98 S.Ct. 1306, 1312 (1978). This right, which includes  
12 access to records and documents in judicial proceedings, is anchored in the value of keeping  
13 “a watchful eye on the workings of public agencies,” and in publishing “information  
14 concerning the operation of government.” *Id.* at 597-98.

15 44. The common law right of access is based on the need for courts to “have a  
16 measure of accountability and for the public to have confidence in the administration of  
17 justice.” *United States v. Amodeo*, 71 F.3d 1044, 1048 (2nd Cir. 1995); *see also Stephens*  
18 *Media LLC v. Eighth Judicial District Court*, 125 Nev. 849, 860, 221 P.3d 1240, 1248 (2009)  
19 (“Public access inherently promotes public scrutiny of the judicial process, which enhances  
20 both the fairness of criminal proceedings and the public confidence in the criminal justice  
21 system.”)

22 45. The public’s interest in observing the administration of justice is also rooted  
23 in the First Amendment. *See Mills v. Alabama*, 384 U.S. 214, 218, 86 S.Ct. 1434, 1437 (1966)  
24 (“Whatever differences may exist about interpretations of the First Amendment, there is  
25 practically universal agreement that a major purpose of that Amendment was to protect the  
26 free discussion of governmental affairs.”); *accord Del Papa v. Steffen*, 112 Nev. 369, 374,  
27 915 P.2d 245, 249 (1996) (citing *Landmark Communications, Inc. v. Virginia*, 435 U.S. 829,  
28 838 (1978)).

1           46. Courts addressing various states' anti-SLAPP statutes have found that  
2 criticizing attorneys is protected activity for anti-SLAPP purposes. *See, e.g., Davis v. Avvo,*  
3 *Inc.*, No. C11-1571RSM, 2012 WL 1067640, at \*3 (W.D. Wash. Mar. 28, 2012) ("The Court  
4 has no difficulty finding that the Avvo.com website is 'an action involving public  
5 participation,' in that it provides information to the general public which may be helpful to  
6 them in choosing a doctor, dentist, or lawyer"). A California Court, applying the test outlined  
7 in *Weinberg v. Feisel*, 110 Cal.App.4th 1122, 2 Cal.Rptr.3d 385, 392–93 (2003) and recently  
8 adopted in Nevada,<sup>2</sup> found "statements that an attorney has embezzled from clients, and is  
9 being prosecuted for doing so, relate to an issue of public interest." *Choyce v. SF Bay Area*  
10 *Indep. Media Ctr.*, No. 13-CV-01842-JST, 2013 WL 6234628, at \*8 (N.D. Cal. Dec. 2,  
11 2013).

12           47. The statements by the VIPI Defendants in this case pertained to Plaintiff  
13 Abrams' legal practices and courtroom behavior, topics which the above-precedent establish  
14 are matters of public interest. Accordingly, the Court finds the VIPI Defendants have met  
15 their burden of showing that the instant matter arises from good faith communications in  
16 furtherance of the right to free speech in direct connection with an issue of public concern.

17           48. Nevada's Anti-SLAPP statute requires that the communications giving rise  
18 to the suit must be made "in a place open to the public or in a public forum." Nev. Rev. Stat.  
19 § 41.637.

20           49. As discussed above, the articles at issue in this matter were published on  
21 VIPI's website and simultaneously sent to VIPI email subscribers.

22           50. The Abrams Parties argue that Nevada's anti-SLAPP statutes do not protect  
23 speech that is republished via "email blasts" to thousands of members of the public.

24           51. However, the Abrams Parties conflate the test that pertains to evaluating  
25 whether a forum is a public forum for the purposes of establishing which level of First  
26 Amendment scrutiny applies with the test for application of the anti-SLAPP law, which is  
27

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28 <sup>2</sup> *See Shapiro v. Welt*, 133 Nev. Adv. Op. 6, 389 P.3d 262, 268 (2017).

1 instead concerned with whether a statement is made in public or in private.

2           52. The fact that a communication is made via email, in addition to being made  
3 on a publicly-accessible website, does not make it a private communication or remove it from  
4 the public forum. Indeed, as held in *Moreau v. Daily Indep.*, 2013 WL 85362 at \*4 (E.D.  
5 Cal., 2013), “the plain language of [California’s anti-SLAPP statutes applies] to statements  
6 made ‘in a place open to the public or a public forum, indicat[ing] that a public forum need  
7 not be open to the public.’” (emphasis added). Nevada’s statute parallels California’s. Nev.  
8 Rev. Stat. § 41.637(4).

9           53. In *Am. Broad. Companies, Inc. v. Aereo, Inc.*, 134 S. Ct. 2498, 2503, 2507-  
10 2508, 189 L. Ed. 2d 476 (2014), the United States Supreme Court evaluated whether Aereo,  
11 a company that transmits television programming via the internet, performs the transmitted  
12 works “publicly.” The Court rejected the argument that because each individual transmission  
13 was to only one subscriber, the transmissions were not “to the public.” *Id.* at 2508. Instead,  
14 the Supreme Court found, an entity may transmit to the public through a set of actions. *Id.*  
15 The Court further found that—much like the subscribers to VIPI’s email list—the subscribers  
16 to whom Aereo transmits television programs constitute “the public.” It noted that “Aereo  
17 communicates the same contemporaneously perceptible images and sounds to a large number  
18 of people who are unrelated and unknown to each other.” *Id.* at 2509–10.

19           54. Accordingly, communications are still made in the “public forum” even  
20 though they are sent via email blasts to members of the public and land in a place not open  
21 to the public—the individual email boxes of the recipients. VIPI’s email blasts were therefore  
22 public communications, and are protected by Nevada’s anti-SLAPP statute.

23 ***The VIPI Defendants’ Statement Are Not False Statements of Fact***

24           55. Nevada’s Anti-SLAPP statute requires that a good faith communication is  
25 “truthful or made without knowledge of its falsehood.” Nev. Rev. Stat. § 41.637. The Court  
26 also finds that the statements at issue are not false statements of fact.

27           56. Statements of opinion cannot be made with knowledge of their falsehood  
28 because there is no such thing as a false idea. *Pegasus v. Reno Newspapers, Inc.*, 118 Nev.

1 706, 714, 57 P.3d 82, 87 (Nev. 2002) (internal quotation omitted). However pernicious  
2 opinions may seem, courts depend on the competition of other ideas, rather than judges and  
3 juries, to correct them. *Id.* The court must therefore ask “whether a reasonable person would  
4 be likely to understand the remark as an expression of the source’s opinion or as a statement  
5 of existing fact.” *Id.* at 715.

6 57. All the statements identified by the Abrams Parties in their First Amended  
7 Complaint as being false and defamatory were either true statements of fact, or were  
8 statements of opinion which were incapable of being false.

9 58. Additionally, the October 5, 2016 YouTube video of the September 16,  
10 2016 courtroom proceedings in the *Saiter* matter cannot be considered defamatory because  
11 it is a real video of an actual proceeding. *Kegel v. Brown & Williamson Tobacco Corp.*, No.  
12 306-CV-00093-LRH-VPC, 2009 WL 656372, at \*17 (D. Nev. Mar. 10, 2009), *on*  
13 *reconsideration in part*, No. 3:06-CV-00093LRHVPC, 2009 WL 3125482 (D. Nev. Sept.  
14 24, 2009) (“the truthful statements relating to the admittedly accurate contents of the video  
15 cannot form the basis of Plaintiff’s defamation claim”).

16 ***Closing a Hearing Pursuant to EDCR 5.02 Does Not Involve Any Determination of***  
17 ***“Public Interest.”***

18 59. Following the June 5, 2017 hearing on this matter, the Abrams Parties filed  
19 a supplement to their opposition to Defendants’ Special Motion to Dismiss asserting that  
20 because Judge Elliot temporarily closed the September 26, 2016 hearing in *Saiter v. Saiter*  
21 pursuant to EDCR 5.02, the hearing suddenly and permanently no longer involved “an issue  
22 of public interest” under Nev. Rev. Stat. § 41.637(4).

23 60. Pursuant to EDCR 5.02(a), “the court **must**, upon demand of either party,  
24 direct that the trial or hearing(s) on any issue(s) of fact joined therein be private and upon  
25 such direction, all persons shall be excluded from the court or chambers wherein the action  
26 is heard, except officers of the court, the parties, their witnesses while testifying, and  
27 counsel.” EDCR 5.02(a) (emphasis added).

28 ///

1           61. That a hearing is “closed” or sealed does not change the fact that it is  
2 conducted in a publicly-funded courtroom and presided over by a taxpayer-paid and citizen-  
3 elected judge, nor does it alter the fact that members of the public have a vested interest in  
4 access to information about court proceedings and access to justice.

5           62. The Abrams Parties contend that “[i]f Mr. Sanson wanted access to the  
6 video from a closed hearing, he had to make a formal request for it so that the parties would  
7 have an opportunity to be heard in response to his request.” (Supp. Opp., p. 2:10-12.)  
8 However, neither sealing a transcript nor closing a hearing transforms court proceedings to  
9 wholly private matters outside the protection of the anti-SLAPP statute.

10           63. In any case, closing a hearing pursuant to EDCR 5.02 does not seal it. This  
11 fact is also clear from Ms. Abrams’ own actions. Specifically, on October 6, 2016—seven  
12 days after the hearing—Abrams prepared a separate order sealing the court records pursuant  
13 to Nev. Rev. Stat. § 125.110(2). Further, Judge Elliot’s findings in her order vacating the  
14 October 6, 2016 sealing order indicate that the video transcript of the hearing was never truly  
15 “private.” In that order, Judge Elliot found that the order was unconstitutionally overbroad.  
16 (October 6, 2016 Order in Saiter Matter (“Order”) at p. 18:19-23 (Exh. 2 to First Amended  
17 Complaint (article containing screenshot of Order)).) Moreover, Judge Elliot noted that  
18 although she would not enforce the sealing of the video even though it was circulated after  
19 the date of the sealing order because Nev. Rev. Stat. § 125.110(2) “reads as if it is limited to  
20 *documents only* and does not give proper notice to anyone as to the prohibitory use of a  
21 hearing video as a hearing transcript.” (Order at p. 20:15-22.)

22           64. Finally, Judge Elliot noted that it is “unquestionably vague as to *how the*  
23 *parties were . . .* harmed by the posting of the information online. (*Id.* at pp. 20:23-21:1.)  
24 Although Judge Elliot did note that she personally believed it was not “appropriate to . . .  
25 post the video on the internet” where the parties’ children might have access to it, she  
26 acknowledge “there is nothing this Court can do in this case to enforce this viewpoint.” (*Id.*  
27 at p. 19:3-10.)

28 ///

1           65. In short, Judge Elliot did not make a determination that the hearing was  
2 “private” and any findings or decisions it did make have no bearing on whether Mr. Sanson’s  
3 statements at issue are protected by Nevada’s robust anti-SLAPP law.

4           66. All the statements at issue are squarely within its protections—and this  
5 litigation is exactly what anti-SLAPP laws are designed to protect against. *See John v.*  
6 *Douglas Cnty. Sch. Dist.*, 125 Nev. 746, 758, 219 P. 3d 1276, 1284 (2009) (“the statutes  
7 create a procedural mechanism to prevent wasteful and abusive litigation...”).

8           67. Ms. Abrams has asserted that the discussion of the *Saiter* matter has caused  
9 her extreme emotional distress. Ms. Abrams’ embarrassment, however, does not overcome  
10 the strong presumption in favor of public access. The Nevada Supreme Court has recognized  
11 that court proceedings are presumptively public, and can sealed from public review “only  
12 where the public’s right to access is outweighed by competing interests.” *Howard v. State*,  
13 128 Nev. Adv. Op. 67, 291 P.3d 137, 141 (2012). Moreover, the Nevada Supreme Court has  
14 also made clear that “the desire to avoid unnecessary embarrassment ...alone is insufficient  
15 to warrant sealing court records from public inspection.” *Id.* at 144.

16           68. Matters such as courtroom administration and document sealing are not  
17 “private” or matters of “mere curiosity” (*Shapiro v. Welt*, 133 Nev. Adv. Op. 6, 389 P.3d  
18 262, 268 (2017) (citation omitted)) within the meaning of anti-SLAPP statutes. Instead, such  
19 matters are “of concern to a substantial number of people.” *Id.* The comments made directly  
20 pertain to the asserted public interest—courtroom proceedings. There is no “private  
21 controversy” (*id.*) between Ms. Abrams and Mr. Sanson—their dispute is entirely related to  
22 her conduct in court and his comments on it; they have no personal relationship.

23           69. That Judge Elliot closed the hearing pursuant to EDCR 5.02(a) does not  
24 change this analysis. Closing a hearing under EDCR 5.02(a) does not take the hearing out of  
25 the well-established realm of public access to court proceedings. Nor does it reflect that Judge  
26 Elliot made any determination that the interest in privacy outweighed the interest in  
27 disclosure, let alone that there was no public interest implicated by the hearing. Indeed, Judge  
28 Elliot made no determination of any sort whatsoever—consistent with EDCR 5.02(a), she

1 simply automatically closed the hearing upon Ms. Abrams' request.

2 ***The Abrams Parties Failed to Demonstrate a Probability of Success on Their Claims***

3 70. Because the VIPI Defendants met their burden, the burden shifted to the  
4 Abrams Parties to demonstrate "with prima facie evidence a probability of prevailing on the  
5 claims." Nev. Rev. Stat. § 41.660(3)(b).

6 71. The Abrams Parties have failed to meet their burden, as they cannot show a  
7 probability of success on their claims.

8 72. Indeed, at the June 5, 2017 hearing on Defendants' Special Motion to  
9 Dismiss, the Abrams Parties acknowledged that their causes of action for RICO, copyright  
10 infringement, injunctive relief, and harassment should be dismissed. The Abrams Parties'  
11 concession that these claims lack merit further demonstrates The Abrams Parties cannot  
12 satisfy their burden of demonstrating a probability of prevailing on their claims.

13 **Defamation**

14 73. In Nevada, the elements of a defamation claim are: (1) a false and  
15 defamatory statement by a defendant concerning the plaintiff; (2) an unprivileged publication  
16 of this statement to a third person; (3) fault of the Defendant, amounting to at least  
17 negligence; and (4) actual or presumed damages. *Pegasus*, 118 Nev. 706 at 718.

18 74. The VIPI Defendants' alleged speech consists of opinions or facts, none of  
19 which satisfy the first element of a defamation claim. Thus, the Abrams Parties have not  
20 established a probability of success on their defamation claim.

21 **Intentional Infliction of Emotional Distress ("IIED")**

22 75. The elements of a cause of action for intentional infliction of emotional  
23 distress ("IIED") are: "(1) extreme and outrageous conduct with either the intention of, or  
24 reckless disregard for, causing emotional distress, (2) the plaintiff's having suffered severe  
25 or extreme emotional distress and (3) actual or proximate causation." *Dillard Dep't Stores,*  
26 *Inc. v. Beckwith*, 115 Nev. 372, 378, 989 P.2d 882, 886 (1999) (quoting *Star v. Rabello*, 97  
27 Nev. 124, 125, 625 P.2d 90, 92 (1981)).

28 ///

1           76. Further, while the Abrams Parties brought all their claims on behalf of Ms.  
2 Abrams as well as her law firm, only a natural human person can bring a claim such as,  
3 intentional infliction of emotional distress for the obvious reason that a law firm cannot suffer  
4 mental distress. *See, e.g., Patel v. AT&T*, No. 94-B-49, 1997 WL 39907, at \*2 (Ohio Ct. App.  
5 Jan. 30, 1997).

6           77. The Abrams Parties fail to allege facts sufficient to show that the VIPI  
7 Defendants' conduct was "extreme and outrageous" or that the Abrams Parties suffered  
8 emotional distress, much less the "severe or extreme" emotional distress required to prevail  
9 on a claim of IIED. Thus, the Abrams Parties have not established a probability of success  
10 on their IIED claim.

11           **Negligent Infliction of Emotional Distress ("NIED")**

12           78. Nevada courts recognize that "the negligent infliction of emotional distress  
13 can be an element of the damage sustained by the negligent acts committed directly against  
14 the victim-plaintiff." *Shoen v. Amerco, Inc.*, 111 Nev. 735, 748, 896 P.2d 469, 477 (1995).  
15 Thus, a cause of action for NIED has essentially the same elements as a cause of action for  
16 negligence: (1) duty owed by defendant to plaintiff, (2) breach of said duty by defendant, (3)  
17 said breach is the direct and proximate cause of plaintiff's emotional distress, and (4)  
18 damages (i.e., emotional distress).

19           79. The Abrams Parties fail to allege facts sufficient to show that the VIPI  
20 Defendants owed Ms. Abrams or her law firm any duty of care. The Abrams Parties also fail  
21 to allege facts sufficient to show that they suffered emotional distress. Thus, the Abrams  
22 Parties have not established a probability of success on their NIED claim.

23           **False Light**

24           80. The false light tort requires that "(a) the false light in which the other was  
25 placed would be highly offensive to a reasonable person, and (b) the actor had knowledge of  
26 or acted in reckless disregard as to the falsity of the publicized matter and the false light in  
27 which the other would be placed." *Franchise Tax Bd. of Cal. v. Hyatt*, 130 Nev. Adv. Op.  
28 71, 335 P.3d 125, 141 (2014) (quoting Restatement (Second) of Torts § 652E (1977)).



1 Nevada courts require that plaintiffs suffer mental distress resulting from publicizing private  
2 matters: “the injury in [false light] privacy actions is mental distress from having been  
3 exposed to public views.” *Dobson v. Sprint Nextel Corp.*, 2014 WL 553314 at \*5 (D. Nev.  
4 Feb. 10, 2017.)

5 81. The Abrams Parties fail to allege facts sufficient to show that the VIPI  
6 Defendants placed them in a false light that would be “highly offensive to a reasonable  
7 person.” Furthermore, the Abrams Parties fail to allege facts sufficient to show that they  
8 have suffered emotional distress from any of the VIPI Defendants’ actions, much less as a  
9 result of being placed in a “false light.” Thus, the Abrams Parties have not established a  
10 probability of success on their false light claim.

11 **Business Disparagement**

12 82. The elements of a business disparagement cause of action are: “(1) a false  
13 and disparaging statement, (2) the unprivileged publication by the defendant, (3) malice, and  
14 (4) special damages.” *Clark Cty. Sch. Dist. v. Virtual Educ. Software, Inc.*, 125 Nev. 374,  
15 386, 213 P.3d 496, 504 (2009) (citing *Hurlbut v. Gulf Atlantic Life Ins. Co.*, 749 S.W.2d 762,  
16 766 (Tex. 1987)).

17 83. The Abrams Parties cannot prevail on their business disparagement claim  
18 for the same reasons that their defamation claim fails. Additionally, the Abrams Parties fail  
19 to specifically allege special damages as required by Rule 9(g) of the Nevada Rules of Civil  
20 Procedure. This is particularly fatal to the Abrams Parties’ business disparagement claim, as  
21 “[p]roof of special damages is an essential element of business disparagement.” *CCSD v.*  
22 *Virtual Ed. Software*, 125 Nev. at 87. The Abrams Parties have failed to allege any facts  
23 which demonstrate that Defendants’ communications have caused them any economic harm.  
24 Thus, the Abrams Parties have not established a probability of success on their business  
25 disparagement claim.

26 ///

27 ///

1           **Harassment**

2           84.     “Harassment” is not a cause of action in Nevada. The Abrams Parties cannot  
3 prevail on a non-existent cause of action. As discussed *supra* at ¶ 65, the Abrams Parties  
4 have acknowledged this claim should be dismissed.

5           **Concert of Action**

6           85.     The elements of a cause of action for concert of action are that two  
7 defendants commit a tort while acting in concert with one another or pursuant to a common  
8 design. *Dow Chemical Co. v. Mahlum*, 114 Nev. 1468, 1488, 970 P.2d 98, 111 (1998). The  
9 plaintiff must also show that the defendants “agreed to engage in conduct that is inherently  
10 dangerous or poses a substantial risk of harm to others.” *Tai-Si Kim v. Kearney*, 838 F. Supp.  
11 2d 1077, 1092 (D. Nev. 2012) (quoting *GES, Inc. v. Corbitt*, 117 Nev. 265, 270-71, 21 P.3d  
12 11, 14-15 (Nev. 2001)).

13          86.     The conduct alleged in this case is not inherently dangerous. Further,  
14 because the other tort claims fail, so does this one. Thus, the Abrams Parties have not  
15 established a probability of success on their concert of action claim.

16          **Civil Conspiracy**

17          87.     The elements of a cause of action for civil conspiracy are: (1) defendants,  
18 “by some concerted action, intend to accomplish an unlawful objective for the purpose of  
19 harming another; and (2) damage resulting from the act or acts.” *Consol. Generator-Nevada,*  
20 *Inc. v. Cummins Engine Co.*, 114 Nev. 1304, 1311, 971 P.2d 1251, 1255 (Nev. 1999)  
21 (quoting *Hilton Hotels v. Butch Lewis Productions*, 109 Nev. 1043, 1048, 862 P.2d 1207,  
22 1210 (1993)).

23          88.     The Abrams Parties’ conspiracy claim is apparently predicated on their  
24 allegations that the VIPI Defendants disparaged them, placed them in a false light, inflicted  
25 emotional distress upon them, and harassed them.

26          89.     Because the other tort claims fail, so does this one. Thus, the Abrams  
27 Parties have not established a probability of success on their civil conspiracy claim.

28     ///

1                   **RICO**

2           90.     The elements of a civil RICO claim are: (1) defendant violated a predicate  
3 racketeering act; (2) plaintiff suffered injury in her business or property by reason of  
4 defendant's violation of the predicate racketeering act; (3) defendant's violation proximately  
5 caused plaintiff's injury; (4) plaintiff did not participate in the racketeering violation. Nev.  
6 Rev. Stat. § 207.470, Nev. Rev. Stat. § 207.400; *Allum v. Valley Bank of Nevada*, 109 Nev.  
7 280, 283, 849 P.2d 297, 299 (1993).

8           91.     The Nevada Supreme Court has held that civil racketeering claims must be  
9 pled not merely with specificity, but with the specificity required of a criminal indictment or  
10 information. *Hale v. Burkhardt*, 104 Nev. 632, 637-38, 764 P.2d 866, 869-70 (1988). The  
11 complaint must provide adequate information as to "when, where [and] how" the alleged  
12 criminal acts occurred. *Id.* at 637.

13           92.     The Abrams Parties allege in their First Amended Complaint that  
14 Defendants "either committed, conspired to commit, or have attempted to commit" twelve  
15 separate offenses. (*See* FAC at ¶ 118.) However, the bulk of the named offenses are not  
16 among the predicate racketeering acts enumerated in Nev. Rev. Stat. § 207.360. In addition,  
17 of the remaining five named offenses, the Abrams Parties fail to allege with sufficient  
18 specificity or provide adequate information as to "when, where and how" these alleged  
19 criminal acts occurred. The Abrams Parties therefore fail to allege a prima facie civil RICO  
20 claim, a fact which the Abrams Parties acknowledged at the June 5, 2017 hearing. (*See supra*,  
21 ¶ 65.)

22                   **Copyright Infringement**

23           93.     The Abrams Parties make a claim for copyright violation pursuant to 17  
24 USC § 501 et seq. for Defendants' use of photos allegedly belonging to the Abrams Parties.  
25 (*See* FAC at ¶¶ 141-147.) However, claims for copyright violations arising under federal law  
26 are subject to the exclusive original jurisdiction of the federal courts. *See* 28 U.S.C. §  
27 1338(a).

28     ///

1           94.     This Court lacks jurisdiction over federal copyright claims, thus the Abrams  
2 Parties cannot raise a federal copyright claim, much less prevail on one. Even assuming this  
3 Court did have jurisdiction to hear the Abrams Parties' copyright claims, such claims would  
4 fail because the Abrams Parties have not proven (or even alleged) ownership or registration  
5 of the copyrights of the pictures appearing on <veteransinpolitics.org>.

6           95.     Additionally, Defendants' use of publicly available pictures of the Abrams  
7 Parties falls under the "fair use" exception to the Copyright Act. The Abrams Parties have  
8 therefore failed to demonstrate any probability of succeeding on this claim, a fact which the  
9 Abrams Parties acknowledged at the June 5, 2017 hearing. (*See supra*, ¶ 72.)

10           **Injunctive Relief**

11           96.     The Abrams Parties incorrectly allege that "injunctive relief" is a cause of  
12 action. (FAC at ¶¶ 148-49.) However, "an injunction is a remedy, not a separate claim or  
13 cause of action ... a separately pled claim or cause of action for injunctive relief is  
14 inappropriate." *Jensen v. Quality Loan Serv. Corp.*, 702 F. Supp. 2d 1183, 1201 (E.D. Cal.  
15 2010). Because injunctive relief is not a cause of action, the Abrams Parties cannot prevail  
16 on such a claim, a fact which the Abrams Parties acknowledged at the June 5, 2017 hearing.  
17 (*See supra*, ¶ 72.)

18           97.     Accordingly, for the reasons stated above, the VIPI Defendants' Special  
19 Motion to Dismiss is GRANTED.

20           98.     If a Court grants a special Anti-SLAPP motion to dismiss, the defendants  
21 are entitled to an award of reasonable costs and attorneys' fees. Nev. Rev. Stat. §  
22 41.670(1)(a). The Court may also award an amount of up to \$10,000.00. Nev. Rev. Stat. §  
23 41.670(1)(a)-(b).

24           99.     Additionally, upon the granting of a special Anti-SLAPP motion to dismiss,  
25 the defendants may bring a separate action against the Abrams Parties for compensatory  
26 damages, punitive damages, and attorney's fees and costs of bringing the separate action.  
27 Nev. Rev. Stat. § 41.670(c).

28     ///

1           100. The VIPI Defendants may file any additional motions pursuant to Nev. Rev.  
2 Stat. § 41.670 on or before July 24, 2017.

3  
4 IT IS SO ORDERED this 20 day of July, 2017.

5  
6   
7 \_\_\_\_\_  
HONORABLE JUDGE MICHELLE LEAVITT

8 Respectfully submitted by,  
9

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