

Campaign Expenses

Report Period: #3

15-Jan-09

Michelle Leavitt District Court Judge 12
Name Office District

*Expenses in Excess of \$100
 Transfer Total Amount of All Expenses to Line 8 of Expenses Summary*

Name	Address	Zip Code	City, State	Amount	Date	Category
Las Vegas Review Journal	1111 W. Bonanza Rd	89106	Las Vegas	\$5,190.00	10/28/2008	D
Valley Press	2675 East Patrick Lane	89120	Las Vegas, Nevada	\$3,629.45	11/4/2008	D
FineStationary.com	201 West 14th Street Suite 100	19801	Wilmington, Delaware	\$2,728.00	1/6/2009	D
Shirley Leavitt	229 Las Vegas Blvd So.	89101	Las Vegas, Nevada	\$2,500.00	11/20/2008	E
Al Cancio	229 S. Las Vegas Blvd	89101	Las Vegas, Nevada	\$500.00	11/4/2008	E
Staff Event	229 Las Vegas Blvd So.	89101	Las Vegas, Nevada	\$500.00	11/4/2008	H
Staff Event	229 S. Las Vegas Blvd	89101	Las Vegas, Nevada	\$500.00	12/2/2008	H
Staff Event	229 S. Las Vegas Blvd	89101	Las Vegas, Nevada	\$500.00	12/6/2008	H
Ricardo's	4930 West Flamingo	89103	Las Vegas, Nevada	\$474.10	12/6/2008	H
AT&T Communications	POB 60017	90060	Los Angeles, California	\$415.00	11/20/2008	A
Centennial High School	10200 Centennial Pkwy	89149	Las Vegas, Nevada	\$400.00	11/25/2008	H
Centennial High School	10200 Centennial Pkwy	89149	Las Vegas, Nevada	\$400.00	11/25/2008	D
AT&T Communications	POB 60017	90060	Los Angeles, California	\$400.00	12/23/2008	A
AT&T Communications	POB 60017	90060	Los Angeles, California	\$384.17	1/7/2009	A
Staff Party	229 Las Vegas Blvd So.	89101	Las Vegas, Nevada	\$300.00	11/4/2008	H
Maurine Linn	229 Las Vegas Blvd So.	89101	Las Vegas, Nevada	\$300.00	11/20/2008	E
Staff Event	229 S. Las Vegas Blvd	8911	Las Vegas, Nevada	\$250.00	12/23/2008	H
Judges Recognition Fund	200 East Lewis	89101	Las Vegas, Nevada	\$200.00	12/5/2008	H
U.S. Post Master	300 Las Vegas Blvd So.	89101	Las Vegas, Nevada	\$200.00	12/23/2008	A
Judges Recognition Fund	200 East Lewis	89101	Las Vegas, Nevada	\$189.00	12/5/2008	H
Tiger Lilly	700 E. Sahara Avenue	89104	Las Vegas, Nevada	\$179.78	1/7/2009	H
Passkey Systems	4395 Polaris Avenue	89103	Las Vegas, Nevada	\$145.22	11/20/2008	D

Tiger Lily	700 E. Sahara Avenue	89104	Las Vegas, Nevada	\$127.34	11/4/2008	H
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EXHIBIT 2

CAMPAIGN CONTRIBUTIONS AND EXPENSES REPORT

State of Nevada

MICHELLE LEAVITT

DISTRICT COURT JUDGE

XII

Name (print)

200 East Lewis Ave

Office (if applicable)

702 671-4372

District (if applicable)

Mailing Address (include city and zip code)

Leavitt M @ County Courts.com

Telephone No.

E-Mail Address

- Select Appropriate Box(es) CANDIDATE PAC POL PRTY IND EXP NONPROFIT CORP
 LEGAL DEFENSE FUND AMENDED

- Annual Filing - Due January 15, 2008
 Period: January 1, 2007 - December 31, 2007
- Report #1 - Due August 5, 2008*
 Period: Jan. 1, 2008 - July 31, 2008
- Report #2 Due - October 28, 2008*
 Period: Aug. 1, 2008 - Oct. 23, 2008
- Report #3 Due - January 15, 2009**
 Period: Oct. 24, 2008 - Dec. 31, 2008
- Annual Filing - Due January 15, 2009
 Period: January 1, 2008 - December 31, 2008

FOR OFFICE USE ONLY

REC'D BY COED
2008 AUG -4 P 12: 19

* These Reports are filed by incumbents/candidates running for office in the 2008 election cycle
 ** Third Report suffices for 2009 Annual Filing if candidate also filed Report Nos. 1 and 2

CONTRIBUTIONS SUMMARY

	This Period	Cumulative From Beginning of Report Period #1 through End of This Reporting Period
1. Total Monetary Contributions Received in Excess of \$100 (See page 1 of instruction sheet)	\$153,200.00	
2. Total Monetary Contributions Received of \$100 or Less (See page 2 of instruction sheet)	4,739.00	
3. Total Monetary Contributions in the form of loans guaranteed by a third party. (See page 2 of instruction sheet)		
4. Total Monetary Contributions in the form of loans that were forgiven (See page 2 of instruction sheet)		
5. Total Amount of Monetary Contributions Received (Add Lines 1 through 4) (See page 2 of instruction sheet)	\$157,939.00	
6. Total Amount of Written Commitments for Contributions (When commitment is funded, report as contribution (monetary or in kind)) (See page 2 of instruction sheet)		
7. Total Value of In Kind Contributions Received in Excess of \$100 (See page 2 of instruction sheet)		

EXPENSES SUMMARY

8. Total Monetary Expenses Paid in Excess of \$100 (See page 2 of instruction sheet)	\$113,124.46
9. Total Monetary Expenses Paid of \$100 or Less (See page 2 of instruction sheet)	1,913.72
10. Total Amount of All Monetary Expenses Paid (Add Lines 8 and 9) (See page 2 of instruction sheet)	\$115,038.18
11. Total Value of In Kind Expenses in Excess of \$100 (See page 3 of instruction sheet)	13,518.23
12. Disposition of Unspent Contributions (Only reported on Report #3, Annual Report or 15 th day of the second month after candidates defeat or incumbent does not run for reelection) (See page 3 of instruction sheet)	

AFFIRMATION

I Declare Under Penalty of Perjury That the Foregoing is True and Correct.

Signature: *Michelle Leavitt*

Date: 8/1/08

Campaign Contributions

Report Period: #1

8/5/08

Michelle Leavitt District Court Judge

12

Name

Office

District

Contributions in Excess of \$100 or, When Added Together from One Contributor Exceeds \$100
 Transfer Total Amount of All Contributions to Line 1 of Contributions Summary.

Contributor's Name	Address	Zip Code	City	Amount Of Contribution	Date	Check Here If Loan	Name and Address of 3rd Party If Loan Guaranteed by 3rd Party	Name and Address of Person Who Forgave The Loan, If Different From Contributor
All Star Bonding	501 S. 1st Street	89101	Las Vegas	\$7,500.00	4/25/2008			
Seaynoah Mayfield	2920 Delano Drive	89074	Henderson	\$7,500.00	4/25/2008			
South Point Casino Hotel	9770 Las Vegas Blvd South	89183	Las Vegas	\$5,000.00	2/19/2008			
William Boyd	3883 Howard Hughes Parkway	89169	Las Vegas	\$5,000.00	2/13/2008			
Robert D. Vannah	400 S. 4th Street	89101	Las Vegas	\$5,000.00	4/30/2008			
Arin & Assoc.	7201 W. Lake Mead Blvd	89128	Las Vegas	\$5,000.00	4/1/2008			
Mainor Eglet Cottle	400 S. 4th Street	89101	Las Vegas	\$5,000.00	2/21/2008			
Libery Oil and Refining	701 S. 9th Street	89101	Las Vegas	\$5,000.00	2/20/2008			
Plise Companies	5550 Painted Mirage Road	89149	Las Vegas	\$4,000.00	4/9/2008			
All Star Bonding	501 S. 1st Street	89101	Las Vegas	\$2,500.00	2/18/2008			
Seaynoah Mayfeild	2920 Delano Drive	89074	Henderson	\$2,500.00	2/18/2008			
Brownstein Hyatt Farber Schreck	100 City Pkwy	89106	Las Vegas	\$2,500.00	5/6/2008			
Adam S. Kutner	1137 South Rancho Drive	89102	Las Vegas	\$2,500.00	3/20/2008			
McDonald Carano Wilson	2300 West Sahara Ave	89102	Las Vegas	\$2,500.00	2/20/2008			
G. Dallas Horton & Assoc.	4435 S. Eastern Avenue	89119	Las Vegas	\$2,200.00	5/7/2008			
Laura FitzSimmons P.C.	3216 West Charleston Blvd	89102	Las Vegas	\$2,000.00	5/16/2008			
P & S Metal Supply co	516 Rogers Steet	89118	Las Vegas	\$2,000.00	2/22/2008			
Crockett & Meyers	700 S. 3rd Street	89101	Las Vegas	\$2,000.00	2/12/2008			
Robert W. Cottle	400 S. 4th Street	89101	Las Vegas	\$2,000.00	2/12/2008			

Richardson Construction	2207 W. Gowan	89032	North Las Vegas	\$1,500.00	5/2/2008			
John F. Momot	520 S. 4th Street	89101	Las Vegas	\$1,500.00	2/20/2008			
Hutchinson & Steffen	10080 W. Alta Drive	89145	Las Vegas	\$1,000.00	5/1/2008			
Hennessey & Haight	8972 Spanish Ridge Avenue	89148	Las Vegas	\$1,000.00	2/20/2008			
Oriental Tours	3245 S. Rainbow Blvd	89146	Las Vegas	\$1,000.00	5/6/2008			
Benchmark Contracting	3830 North Jones Blvd	89108	Las Vegas	\$1,000.00	5/2/2008			
Anderson Dairy Inc	8010 Searles Ave	89101	Las Vegas	\$1,000.00	7/9/2008			
Greater Las Vegas Assoc. of Realtors	1750 E. Sahara Ave	89104	Las Vegas	\$1,000.00	6/23/2008			
G. Dallas Horton & Assoc.	4435 S. Eastern Avenue	89119	Las Vegas	\$1,000.00	3/26/2008			
Walters Management Group	5500 E. Flamingo Rd.	89122	Las Vegas	\$1,000.00	6/3/2008			
David Brown	9804 Highridge Drive	89134	Las Vegas	\$1,000.00	5/13/2008			
Parker, Nelson & Assoc.	2460 Professional Court	89128	Las Vegas	\$1,000.00	5/2/2008			
Ana R Lemper	1401 Chambolle Ct	89144	Las Vegas	\$1,000.00	5/6/2008			
Robert M. Adams	400 S. 4th Street	89101	Las Vegas	\$1,000.00	5/5/2008			
Eglet & Eglet, APC	400 S. 4th Street	89101	Las Vegas	\$1,000.00	5/6/2008			
Professional Resources Inc	3210 West Charleston Blvd	89102	Las Vegas	\$1,000.00	3/25/2008			
Station Casinos Inc	1505 S. Pavillion Center Drive	89135	Las Vegas	\$1,000.00	3/6/2008			
J Colby Williams TTEE	205 Stone wood Court	89107	Las Vegas	\$1,000.00	3/12/2008			
Donald J. Campbell	700 S. 7th Street	89101	Las Vegas	\$1,000.00	3/12/2008			
S. Shane Mayfield & Assoc.	108 Clark Avenue	89101	Las Vegas	\$1,000.00	2/21/2008			
Patti, Sgro & Lewis	720 S. 7th Street	89101	Las Vegas	\$1,000.00	2/20/2008			
Eckley M. Keach	520 S. 4th Street	89101	Las Vegas	\$1,000.00	2/20/2008			
Robert E. Marshall	9744 Verlaine Court	89145	Las Vegas	\$1,000.00	2/1/2008			
Murdock & Assoc.	520 S. 4th Street	89101	Las Vegas	\$1,000.00	2/20/2008			
Bailey Kennedy	8984 Spanish Ridge Avenue	89148	Las Vegas	\$1,000.00	2/19/2008			
Robert J. Caldwell	3320 West Sahara Ave	89102	Las Vegas	\$1,000.00	2/19/2008			

Hutchinson & Steffen	10080 W. Alta Drive	89145	Las Vegas	\$1,000.00	2/20/2008			
Neil J. Beller	2915 W. Charleston Blvd	89102	Las Vegas	\$1,000.00	2/12/2008			
Red Rock Square Dr. Prabu	5701 West Charleston Blvd	89146	Las Vegas	\$1,000.00	2/20/2008			
Kathleen J. Keach	9129 Eagle Hills Drive	89134	Las Vegas	\$1,000.00	2/20/2008			
Robert and Marci Murdock	520 S. 4th Street	89101	Las Vegas	\$1,000.00	2/20/2008			
Lionel Sawyer & Collins	300 S. 4th Street	89101	Las Vegas	\$1,000.00	2/15/2008			
David Z. Chesnoff	520 S. 4th Street	89101	Las Vegas	\$1,000.00	2/20/2008			
Jones Vargas	3773 Howard Hughes Pkwy	89169	Las Vegas	\$1,000.00	2/13/2008			
Coberaga Law Firm	228 South 4th Street	89101	Las Vegas	\$1,000.00	2/13/2008			
Wynn Resorts	3131 Las Vegas Blvd South	89109	Las Vegas	\$750.00	4/23/2008			
Kummer Kaempfer	3800 Howard Hughes Pkwy	89169	Las Vegas	\$750.00	5/6/2008			
John T. Moran Jr.	630 South 4th Street	89101	Las Vegas	\$750.00	3/12/2008			
Cliff W. Marcek	700 South 3rd Street	89101	Las Vegas	\$750.00	2/14/2008			
Rana Goodman	2763 Foxtail Creek Avenue	89052	Henderson	\$500.00	5/1/2008			
Stutz, Artiano, Shinoff & Holtz	2488 Historic Decatur Rd	92106	San Diego	\$500.00	2/15/2008			
Michael J. Amador & Assoc.	800 S. 7th Street	89101	Las Vegas	\$500.00	3/16/2008			
Steve Morris	2508 Pinto Lane	89107	Las Vegas	\$500.00	4/6/2008			
Steven Wolfson	601 S. 7th Street	89101	Las Vegas	\$500.00	4/4/2008			
Chet Cox	2232 Chatsworth Court	89074	Henderson	\$500.00	2/20/2008			
Stutz, Artiano, Shinoff & Holtz	2488 Historic Decatur Rd	92106	San Diego	\$500.00	4/23/2008			
G. Dallas Horton & Assoc.	4435 S. Eastern Avenue	89119	Las Vegas	\$500.00	5/6/2008			
Luis J. Rojas	520 S. 4th Street	89101	Las Vegas	\$500.00	5/5/2008			
G. Dallas Horton & Assoc.	4435 S. Eastern Avenue	89119	Las Vegas	\$500.00	4/17/2008			
Randi C. Nelson Rogers	9447 So. Meckalee Cove	84094	Sandy	\$500.00	2/20/2008			
Ellis & Gordon	510 S. 9th Street	89101	Las Vegas	\$500.00	5/9/2008			
Don C. & Judith W. Tingey	2714 S. Westwind Rd	89146	Las Vegas	\$500.00	6/10/2008			
Tony Liker	1051 N. Eastern Avenue	89101	Las Vegas	\$500.00	6/1/2008			
Malcolm P. LaVergne	320 East Charelston Blvd	89104	Las Vegas	\$500.00	5/19/2008			

Carole Anne Kulla	4556 Clay Peak Drive	89129	Las Vegas	\$500.00	5/7/2008			
Palazzo Law Firm	520 S. 4th Street	89101	Las Vegas	\$500.00	5/6/2008			
Goodman Law Group	520 S. 4th Street	89101	Las Vegas	\$500.00	5/13/2008			
D Lee Roberts Jr	6380 Elmira Drive	89118	Las Vegas	\$500.00	5/1/2008			
Atkin Winner & Sherrod	7201 West Lake Mead Boulevard	89128	Las Vegas	\$500.00	5/7/2008			
Med Pac Political Action Account	2590 E. Russell Road	89120	Las Vegas	\$500.00	4/24/2008			
Bijan Mirzasafi	2620 Regatta Drive	89128	Las Vegas	\$500.00	5/6/2008			
Med Care Solutions LLC	10120 West Flamingo Rd	89147	Las Vegas	\$500.00	5/7/2008			
Offices of David G. Derrickson	2770 S. Maryland Pkwy	89109	Las Vegas	\$500.00	5/6/2008			
Gazda & Tadayon	2600 S. Rainbow Blvd	89146	Las Vegas	\$500.00	5/6/2008			
Andrew M. Cash	9241 Worsely Park Place	89145	Las Vegas	\$500.00	5/2/2008			
Lewis and Roca LLP	3993 Howard Hughes Pkwy	89169	Las Vegas	\$500.00	2/26/2008			
Backus Carranza	3020 South Durango Drive	89117	Las Vegas	\$500.00	3/26/2008			
Avece M. Higbee	7504 Summer Crest Lane	89129	Las Vegas	\$500.00	3/13/2008			
Jerry Herbst	4100 Paradise Rd	89101	Las Vegas	\$500.00	3/11/2008			
Marquis & Aurbach	10001 Park Run Drive	89145	Las Vegas	\$500.00	2/15/2008			
Gary Reese	1008 James Street	89101	Las Vegas	\$500.00	2/26/2008			
K. Michael Leavitt	601 East Bridger Avenue	89101	Las Vegas	\$500.00	2/22/2008			
Anthony Tegano	208 Tesoro Drive	89144	Las Vegas	\$500.00	2/20/2008			
George T. Bochanis	631 S. 9th Street	89101	Las Vegas	\$500.00	2/20/2008			
Quon Bruce Christensen	2330 Paseo Del Prado	89102	Las Vegas	\$500.00	2/20/2008			
Jesse Sbaih & Assoc.	701 N. Green Valley Pkwy	89074	Henderson	\$500.00	2/20/2008			
Allen Lee Investments	3912 Boca Chica Ave	89120	Las Vegas	\$500.00	2/20/2008			
Lin & Associates	3230 S. Buffalo Drive	89117	Las Vegas	\$500.00	2/20/2008			
Cristalli & Saggese	732 S. 6th Street	89101	Las Vegas	\$500.00	2/20/2008			
Santoro, Driggs, Walch, Kearney	400 S. 4th Street	89101	Las Vegas	\$500.00	2/20/2008			
David C. Amesbury	703 S. 8th Street	89101	Las Vegas	\$500.00	2/20/2008			

Richard A. Schonfeld	520 S. 4th Street	89101	Las Vegas	\$500.00	2/20/2008			
Cogburn Law Offices LLC	170 S. Green Valley Pkwy	89012	Henderson	\$500.00	2/22/2008			
Howard Roitman & Associates	8921 W. Sahara Ave	89117	Las Vegas	\$500.00	2/19/2008			
Ken Templeton Realty	3311 S. Rainbow Blvd	89146	Las Vegas	\$500.00	2/19/2008			
LJS & G LTD	5495 S. Rainbow Blvd	89118	Las Vegas	\$500.00	2/20/2008			
Whittle Sea Blue Cab Co.	1900 Industrial Road	89102	Las Vegas	\$500.00	2/20/2008			
Albright, Stoddard, Warnick	801 S. Rancho Drive	89106	Las Vegas	\$500.00	2/14/2008			
Fremont Coin	3375 Glen Ave	89121	Las Vegas	\$500.00	2/7/2008			
Knudson Law Offices	3960 Howard Hughes Pkwy	89109	Las Vegas	\$400.00	5/6/2008			
Jeffrey A. Bendavid	630 S. 4th Street	89101	Las Vegas	\$350.00	3/12/2008			
David M Cox	1604 Heritage Springs Drive	89052	Henderson	\$350.00	2/20/2008			
Hall Jaffe & Clayton	7455 W. Washington Ave	89128	Las Vegas	\$350.00	2/14/2008			
Thomas J. Murphrey	1500 S. Maryland Pkwy	89104	Las Vegas	\$350.00	2/11/2008			
Mark M. Jones	9601 Gavin Stone Ave	89145	Las Vegas	\$300.00	5/9/2008			
David B. Lebbby	6 Hassayampa Trail	89052	Henderson	\$300.00	4/30/2008			
Steven M Burris Esq	844 E. Sahara Ave	89104	Las Vegas	\$300.00	2/28/2008			
Lombino Law Studio	231 South 3rd Street	89101	Las Vegas	\$300.00	2/24/2008			
Benjamin Y. Kim	9 Dry Brook Trail	89052	Henderson	\$300.00	2/20/2008			
Lynn Avants	1212 Mercedes Circle	89102	Las Vegas	\$300.00	2/20/2008			
Jennings, Strouss & Salmon	8330 West Sahara Avenue	89117	Las Vegas	\$250.00	4/3/2008			
Source Marketing Inc	325 East Warm Springs Rd	89119	Las Vegas	\$250.00	2/20/2008			
Prince & Keating	3230 South Buffalo	89117	Las Vegas	\$250.00	2/14/2008			
Silmo Management Corp	1900 East Desert Inn Road	89169	Las Vegas	\$250.00	5/6/2008			
Kirsh Media Group	700 South 3rd Street	89101	Las Vegas	\$250.00	5/6/2008			
Thorndal Armstrong	PO Box 2070	89125	Las Vegas	\$250.00	5/5/2008			

Aaron Neck & Back	1204 S. Eastern Ave	89104	Las Vegas	\$250.00	5/6/2008			
Gallagher Law Firm	1820 East Sahara Ave	89104	Las Vegas	\$250.00	5/21/2008			
Gentile Law Group	1640 Alta Drive	89106	Las Vegas	\$250.00	5/2/2008			
DL-JT Management Services	4454 N. Decatur Blvd	89130	Las Vegas	\$250.00	4/29/2008			
Sean C. Petronzi	8737 Western Saddle Ave	89129	Las Vegas	\$250.00	5/6/2008			
Steven Staehr	7778 Barbican Ct	89147	Las Vegas	\$250.00	5/6/2008			
Lewis W. Brandon	23 Chenal Pass	89052	Henderson	\$250.00	3/11/2008			
John D. O'brien	700 S. 7th Street	89101	Las Vegas	\$250.00	3/5/2008			
Ghanem & Sullivan	930 S. 4th Street	89101	Las Vegas	\$250.00	2/20/2008			
G Timothy Kelly	8687 Rising Rock Circle	89129	Las Vegas	\$250.00	2/24/2008			
David Roger	6100 Elton Ave	89107	Las Vegas	\$250.00	2/13/2008			
Goldsmith & Guymon	2055 N. Village Center Circle	89134	Las Vegas	\$250.00	2/19/2008			
Gary Welte Insurance	9910 W. Cheyenne Ave	89129	Las Vegas	\$250.00	2/20/2008			
James L. Buchanan II	300 S. Maryland Pkwy	89101	Las Vegas	\$250.00	2/16/2008			
David R. Clayson	8355 Garnet Canyon Lane	89129	Las Vegas	\$250.00	2/16/2008			
Sean K. Claggett & Assoc.	9910 W. Cheyenne Ave	89129	Las Vegas	\$250.00	2/20/2008			
Ryan L. Dennett	3321 N. Buffalo Drive	89123	Las Vegas	\$250.00	2/20/2008			
Martin & Allison LTD	311 E. Warm Springs Rd	89120	Las Vegas	\$250.00	2/20/2008			
Jennings, Strouss & Salmon	8330 W. Sahara Ave	89117	Las Vegas	\$250.00	2/20/2008			
John P. Saggese	3111 Bel Air Drive	89109	Las Vegas	\$250.00	2/20/2008			
Thomas C. Naylor	701 N. Green Valley Pkwy	89074	Henderson	\$250.00	2/20/2008			
Marc. A Saggese	417 Grand Augusta Lane	89144	Las Vegas	\$250.00	2/20/2008			
Dale E. Haley	1284 Prairie View Drive	89110	Las Vegas	\$250.00	2/20/2008			
D.A. Barton	1806 Cahoon Ct	89014	Henderson	\$250.00	2/20/2008			
Cary Colt Payne	700 S. 8th Street	89101	Las Vegas	\$250.00	2/12/2008			
O. Steven Grimm	PO Box 42361	89116	Las Vegas	\$200.00	4/26/2008			
Judyth F. Gillies	1800 Bracken Avenue	89104	Las Vegas	\$200.00	4/11/2008			
Seegerblom for Assembly	704 S. 9th Street	89101	Las Vegas	\$200.00	2/27/2008			
David A. Straus	900 Rancho Lane	89106	Las Vegas	\$200.00	3/7/2008			

ABC Union Cab Company	5010 S. Valley View Blvd	89118	Las Vegas	\$200.00	5/8/2008			
Virgin Valley Cab Company	5010 S. Valley View Blvd	89118	Las Vegas	\$200.00	5/8/2008			
Ace Cab Company	5010 S. Valley View Blvd	89118	Las Vegas	\$200.00	5/8/2008			
A NLV Cab Company	5010 S. Valley View Blvd	89118	Las Vegas	\$200.00	5/8/2008			
Vegas Western Cab Company	5010 S. Valley View Blvd	89118	Las Vegas	\$200.00	5/8/2008			
Hall Jaffe & Clayton LLP	7455 W. Washington Ave	89128	Las Vegas	\$200.00	5/6/2008			
Office of Olson, Cannon, Gormley	9950 W. Cheyenne Ave	89129	Las Vegas	\$200.00	5/6/2008			
Bell and Young LTD	4001 Meadows Lane	89107	Las Vegas	\$200.00	5/6/2008			
Frank J. Nemecek	15 Quiet Moon Lane	89135	Las Vegas	\$200.00	5/6/2008			
Victoria A. Villegas	9428 Greenham Circle	89117	Las Vegas	\$200.00	5/6/2008			
S. Joseph La Mancusa	2812 Ashworth Circle	89107	Las Vegas	\$200.00	3/12/2008			
David R. Linn	POB 80276	89180	Las Vegas	\$200.00	2/20/2008			
Suzan Baucum	3017 Campbell Circle	89107	Las Vegas	\$200.00	2/20/2008			
Angelo A Cassaro	7470 Ullom Drive	89139	Las Vegas	\$200.00	2/20/2008			
Rosa Solis Rainey	7618 Eaglehelm Court	89123	Las Vegas	\$200.00	2/13/2008			
Feldman Graf	300 S. 4th Street	89101	Las Vegas	\$200.00	2/20/2008			
Williams & Associates	501 South Rancho Drive	89105	Las Vegas	\$200.00	2/13/2008			
John A. Repetti	8 Penn Cross Court	89052	Henderson	\$200.00	2/13/2008			
John G. Gubler	10655 Park Run Drive	89144	Las Vegas	\$200.00	2/13/2008			
Dan M. Winder	3507 W. Charleston Blvd	89102	Las Vegas	\$200.00	2/12/2008			
Scott M. Holper Esq	2925 Reatini Court	89052	Henderson	\$150.00	5/7/2008			
Valerie I. Fujii and Assoc.	3216 W. Charleston Blvd	89102	Las Vegas	\$150.00	5/7/2008			
Glen S. Cochrane	671 Loughton Street	89178	Las Vegas	\$150.00	5/6/2008			
Elizabeth Foley	601 S. Rancho Drive	89106	Las Vegas	\$150.00	5/6/2008			
Kathleen Jane England	10399 Starthistle Lane	89135	Las Vegas	\$150.00	2/20/2008			
Steven J. Parsons	7201 W. Lake Mead Blvd	89128	Las Vegas	\$150.00	2/13/2008			
Martin G. Orsinelli	851 Donelle Ave	89123	Las Vegas	\$150.00	2/20/2008			

Bush & Levy	528 S. Casino Center Blvd	89101	Las Vegas	\$150.00	2/20/2008			
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Campaign Expenses

Report Period: #1

5-Aug-08

Michelle Leavitt District Court Judge 12
Name Office District

Expenses in Excess of \$100

Transfer Total Amount of All Expenses to Line 8 of Expenses Summary

Contributor's Name	Address	Zip Code	City, State	Amount	Date	Category
Nevada Legal News	930 South Fourth Street	89101	Las Vegas, Nevada	\$200.00	1/18/2008	H
FineStationary.com	201 West 14th Street Suite 100	19801	Wilmington, Delaware	\$368.00	1/21/2008	D
Time Printing	1224 Western Avenue	89108	Las Vegas, Nevada	\$1,370.10	1/25/2008	A
Valley Press of Las Vegas	2675 East Patrick Lane	89120	Las Vegas, Nevada	\$2,452.55	1/29/2008	H
Time Printing	1224 Western Avenue	89102	Las Vegas, Nevada	\$497.96	2/1/2008	D
Postmaster	300 Las Vegas Blvd South	89101	Las Vegas, Nevada	\$246.00	2/6/2008	H
Valley Press of Las Vegas	2675 East Patrick Lane	89120	Las Vegas, Nevada	\$2,289.69	2/12/2008	D
Pasquale Records	720 S. 7th Street	89101	Las Vegas, Nevada	\$4,500.00	2/20/2008	H
Italian American Club	2330 East Sahara Avenue	89104	Las Vegas, Nevada	\$3,812.50	2/20/2008	H
Italian American Club	2330 East Sahara Avenue	89104	Las Vegas, Nevada	\$500.00	2/20/2008	H
Pat On The Back	1113 Plantation Court	89117	Las Vegas, Nevada	\$400.00	2/20/2008	H
Images of Nevada	3800 Euclid Street	89121	Las Vegas, Nevada	\$323.25	2/20/2008	H
Centennial High School Cheer	10200 Centennial Pkwy	89149	Las Vegas, Nevada	\$200.00	2/20/2008	H
AT&T Communications	POB 60017	90060	Los Angeles, California	\$290.56	3/1/2008	A
Silver Ball	3960 Las Vegas Blvd South	89119	Las Vegas, Nevada	\$2,000.00	3/3/2008	H
Sampsel Preston Photography	5850 Polaris Avenue	89118	Las Vegas, Nevada	\$225.00	3/5/2008	D
Bargain Pawn	1901 Las Vegas Blvd North	89030	Las Vegas, Nevada	\$310.00	3/7/2008	A
Legacy High School	150 E. Deer Springs Way	89084	North Las Vegas, NV	\$200.00	3/7/2008	D
AT&T Communications	POB 60017	90060	Los Angeles, California	\$400.00	3/17/2008	A
AT&T Communications	POB 60017	90060	Los Angeles, California	\$309.71	3/17/2008	A
Steve Wark	7474 W. Lake Mead	89128	Las Vegas, Nevada	\$2,500.00	4/1/2008	F
Shirley Leavitt	229 Las Vegas Blvd South	89101	Las Vegas, Nevada	\$1,000.00	4/1/2008	E
Time Printing	1224 Western Avenue	89102	Las Vegas, Nevada	\$921.27	4/1/2008	D
Best Buy	2050 N. Rainbow	89108	Las Vegas, Nevada	\$294.17	4/7/2008	A
Clark County Rodeo and Fair	1301 West Whipple Avenue	89021	Logandale, Nevada	\$1,500.00	4/8/2008	H
Image and Design	7474 W. Lake Mead	89102	Las Vegas, Nevada	\$2,950.00	4/14/2008	D

Steve Wark	7474 W. Lake Mead	89102	Las Vegas, Nevada	\$2,500.00	4/14/2008	F
Shonnie Marxen	7045 Darby	89117	Las Vegas, Nevada	\$750.00	4/14/2008	E
Gaming Law Section	6465 S. Rainbow	89118	Las Vegas, Nevada	\$650.00	4/14/2008	H
Nevada State ALF-CIO	1701 Whitney	89014	Henderson, Nevada	\$300.00	4/14/2008	H
Game Tyme Logos	8165 West Lone Mountain Rd	89129	Las Vegas, Nevada	\$750.00	4/17/2008	D
Image and Design	7474 W. Lake Mead	89102	Las Vegas, Nevada	\$7,640.00	4/18/2008	D
AT&T Communications	POB 60017	90060	Los Angeles, California	\$300.00	4/20/2008	A
S. Nevada Coalition of Concerned Women	POB 26923		Las Vegas, Nevada	\$225.00	4/23/2008	H
Best Buy	2050 N. Rainbow	89108	Las Vegas, Nevada	\$178.79	4/27/2008	A
Best Buy	2050 N. Rainbow	89108	Las Vegas, Nevada	\$100.16	4/28/2008	A
Ronald Lowes	200 East Lewis	89101	Las Vegas, Nevada	\$175.00	4/29/2008	D
Jim Izzolo	916 Niblick Drive	89108	Las Vegas, Nevada	\$1,000.00	5/8/2008	E
A-1 Banner Sign and Flag	3585 S. Maryland Pkwy	89169	Las Vegas, Nevada	\$896.48	5/11/2008	D
Game Tyme Logos	8165 West Lone Mountain Rd	89129	Las Vegas, Nevada	\$1,062.50	5/21/2008	D
Veterans In Politics	POB 28211	89126	Las Vegas, Nevada	\$300.00	5/27/2008	H
Sun City Residents Town	3008 Hawksdale Drive	89134	Las Vegas, Nevada	\$250.00	5/28/2008	H
Shirley Leavitt	229 Las Vegas Blvd South	89101	Las Vegas, Nevada	\$1,000.00	6/3/2008	E
Time Printing	1224 Western Avenue	89102	Las Vegas, Nevada	\$595.35	6/3/2008	D
The Tiger Lilly Flower Shop	700 East Sahara Ave	89104	Las Vegas, Nevada	\$281.17	6/3/2008	J
The Tiger Lilly Flower Shop	700 East Sahara Ave	89104	Las Vegas, Nevada	\$147.00	6/4/2008	J
Steve Wark	7474 W. Lake Mead	89102	Las Vegas, Nevada	\$2,500.00	6/17/2008	F
AT&T Communications	POB 60017	90060	Los Angeles, California	\$312.25	6/21/2008	A
Steve Wark	7474 W. Lake Mead	89102	Las Vegas, Nevada	\$2,500.00	6/27/2008	F
Clark County Democratic Party	1325 Vegas Valley Drive	89169	Las Vegas, Nevada	\$150.00	6/28/2008	H
Image and Design	7474 W. Lake Mead	89101	Las Vegas, Nevada	\$29,990.00	7/2/2008	D
Image and Design	7474 W. Lake Mead	89101	Las Vegas, Nevada	\$2,810.00	7/2/2008	D
Image and Design	7474 W. Lake Mead	89101	Las Vegas, Nevada	\$1,200.00	7/2/2008	D
Image and Design	7474 W. Lake Mead	89102	Las Vegas, Nevada	\$21,500.00	7/18/2008	D
Steve Wark	7474 W. Lake Mead	89102	Las Vegas, Nevada	\$2,500.00	7/18/2008	F
Jason Wright	229 Las Vegas Blvd South	89101	Las Vegas, Nevada	\$500.00	7/18/2008	E

IN KIND CAMPAIGN CONTRIBUTIONS

Report Period # 1

MICHELLE LEAVITT

DISTRICT COURT JUDGE

XII

Name (print)

Office (if applicable)

District (if applicable)

IN KIND

Contributions in Excess of \$100 or, When Added Together from One Contributor Exceeds \$100
Transfer Total Value of All In-Kind Campaign Contributions to Line 7 of Contributions Summary

CONTRIBUTOR'S NAME AND ADDRESS	DATE OF EACH IN KIND CONTRIBUTION	DESCRIPTION OF EACH IN KIND CONTRIBUTION	VALUE OR COST OF EACH IN KIND CONTRIBUTION/ COMMITMENT	CHECK HERE IF LOAN	NAME AND ADDRESS OF 3 RD PARTY IF LOAN GUARANTEED BY 3 RD PARTY	NAME AND ADDRESS OF PERSON WHO FORGAVE THE LOAN
DENNIS LEAVITT 229 LV Blvd. S LV NV 89101	1/1/08 7/29/08	Office Space	3,000.00			
HORTON & HORTON 4435 E. Eastern LV NV 89119	5/2/08	Fund Raiser	4,805.26			
KERMIT WATERS 704 S. 9th LV NV Grand Canyon West Develop. LLC., 3245 S. Rainbow, LV NV 89146	5/1/08 7/31/08	Bill Board	4,500.00			
	5/1/08	Fund Raiser	1,212.97			

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EXHIBIT 3

DISTRICT COURT CIVIL COVER SHEET

A-17-750171-C

CLARK

County, Nevada

XIX

Case No.

(Assigned by Clerk's Office)

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

Plaintiff(s) (name/address/phone): MARSHAL S. WILLICK and WILLICK LAW GROUP
3591 E. Bonanza Road
Las Vegas, Nevada 89110
(702) 438-4100
Attorney (name/address/phone): Jennifer V. Abrams, Esq. (NV Bar # 7575)
6252 S. Rainbow Blvd., Suite 100
Las Vegas, Nevada 89118
(702) 222-4021
Defendant(s) (name/address/phone): (See attached)
Attorney (name/address/phone):

II. Nature of Controversy (please select the one most applicable filing type below)

Civil Case Filing Types

Real Property: Landlord/Tenant, Title to Property, Other Real Property
Negligence: Auto, Premises Liability, Other Negligence
Malpractice: Medical/Dental, Legal, Accounting, Other Malpractice
Torts: Other Torts: Product Liability, Intentional Misconduct, Employment Tort, Insurance Tort, Other Tort
Probate: Probate (select case type and estate value), Estate Value
Construction Defect & Contract: Construction Defect, Contract Case
Judicial Review/Appeal: Judicial Review, Nevada State Agency Appeal, Appeal Other
Civil Writ: Civil Writ, Other Civil Filing

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

01/26/2017

Date

Signature of initiating party or representative

See other side for family-related case filings.

Defendants

STEVE W. SANSON

Phys.: 8908 Big Bear Pines Ave
Las Vegas, Nevada 89143

Mailing: P.O. Box 28211
Las Vegas, Nevada 89126

HEIDI J. HANUSA

Pers.: 8908 Big Bear Pines Ave
Las Vegas, Nevada 89143

Bus.: 2620 Regatta Drive, Suite 102
Las Vegas, Nevada 89128

CHRISTINA ORTIZ

Pers.: 10632 Valley Edge Court
Las Vegas, Nevada 89141

JOHNNY SPICER

Pers.: 3589 East Gowan Road
Las Vegas, Nevada 89115

DON WOOLBRIGHT

Pers.: 4230 Saint Linus Ln.
Saint Ann, Missouri 63074

VETERANS IN POLITICS INTERNATIONAL, INC.

Reg. Agent: c/o Clark McCourt
7371 Prairie Falcon Road, Ste. 120
Las Vegas, Nevada 89128

SANSON CORPORATION

Reg. Agent: c/o Clark McCourt
7371 Prairie Falcon Road, Ste. 120
Las Vegas, Nevada 89128

KAREN STEELMON
2174 East Russell Road
Las Vegas, Nevada 89119

DOES I THROUGH X
(Unknown)

1 **COMP**
 2 JENNIFER V. ABRAMS, ESQ.
 3 Nevada State Bar Number: 7575
 4 THE ABRAMS & MAYO LAW FIRM
 5 6252 South Rainbow Boulevard, Suite 100
 6 Las Vegas, Nevada 89118
 7 Phone: (702) 222-4021
 8 Email: JVAGroup@theabramslawfirm.com
 9 Attorney for Plaintiffs

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 CLERK OF THE COURT

DISTRICT COURT
 CLARK COUNTY, NEVADA

8	MARSHAL S. WILLICK and WILLICK)	Case No.: A-17-750171-C
9	LAW GROUP,)	
10)	Department: XIX
11	Plaintiff,)	
12	vs.)	
13)	
14	STEVE W. SANSON; HEIDI J. HANUSA;)	Hearing Date: N/A
15	CHRISTINA ORTIZ; JOHNNY SPICER;)	Hearing Time: N/A
16	DON WOOLBRIGHT; VETERANS IN)	
17	POLITICS INTERNATIONAL, INC.;)	
18	SANSON CORPORATION; KAREN)	ACTION IN TORT
19	STEELMON; and DOES I THROUGH X,)	
20	Defendant.)	ARBITRATION EXEMPTION CLAIMED

COMPLAINT FOR DAMAGES

**I.
INTRODUCTION**

19 1. Plaintiffs Marshal S. Willick and Willick Law Group ("Plaintiffs") by
 20 and through their attorney of record, Jennifer V. Abrams of The Abrams & Mayo
 21 Law Firm bring this action for damages based upon, and to redress, Defendant's
 22 Intentional Defamation of the character of the Plaintiffs through libelous writings
 23 and speech, for Intentional Infliction of Emotional Distress, Negligent Infliction of
 24 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 Steve W. Sanson, Heidi J.
3 Hanusa, Christina Ortiz, Johnny Spicer, Don Woolbright, Veterans in Politics
4 International, Inc., Sanson Corporation, Karen Steelmon, and Does I through X
5 (collectively "Defendants").

6 **II.**
VENUE AND JURISDICTION

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

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

12 **III.**
PARTIES

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

15 5. Plaintiff Marshal S. Willick is a natural person and an attorney licensed
16 to practice law in the State of Nevada. He practices exclusively in the field of
17 Domestic Relations and is A/V rated, a peer-reviewed and certified (and re-certified)
18 Fellow of the American Academy of Matrimonial Lawyers, and a Certified Specialist
19 in Family Law.

20 6. Willick Law Group is a d.b.a. of Marshal S. Willick P.C., a duly formed
21 professional corporation in the State of Nevada.

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1 7. Upon information and belief, Steve W. Sanson is a natural person, the
2 President of Veterans in Politics International, Inc., and the Treasurer and Director
3 of Sanson Corporation.

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

7 9. Upon information and belief, Christina Ortiz is a natural person and
8 the Director of Veterans in Politics International, Inc.

9 10. Upon information and belief, Johnny Spicer is a natural person and
10 Secretary of Veterans in Politics International, Inc.

11 11. Upon information and belief, Don Woolbright is a natural person and
12 Secretary of Veterans in Politics International, Inc.

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

19 13. Upon information and belief, Sanson Corporation is a duly formed
20 Domestic Corporation in the State of Nevada.

21 14. Upon information and belief, Karen Steelmon is a natural person and
22 is the Registrant of the Domain veteransinpolitics.org.

23 ///

24 ///

1 Assembly Bill 140 (2015) and other issues involving veterans issues in Family Law
2 (hereinafter "the Interview").

3 20. On or about December 25, 2016, Defendants published or caused to be
4 published on the veterensinpolitics.com, 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 Corporation,
7 Karen Steelmon, and Does I through X inclusive, a post entitled "Dr. Robin L. Titus
8 & Ron Q. Quilang to Appear on the Veterans in Politics video-talk show."

9 21. Included in this post, is a re-post of the "Interview" with the headline
10 "Veterans in Politics defense [sic] Military Veterans Service Connected Disability
11 Benefits" (hereinafter "the Defense post"). This re-post contains a link that re-
12 directs to a Soundcloud.com page with audio of the interview. This re-post also
13 contains a link to a Review-Journal article regarding Richard Crane, an employee of
14 the Willick Law Group (hereinafter "the Article").

15 22. Within the "Defense post," Defendants defame Mr. Willick and his law
16 firm, Willick Law Group, with false and misleading statements published, or
17 republished, or attributed to one another, or disseminated to third parties across
18 state lines, false and defamatory statements directed against Plaintiffs including
19 that:

20 a. "This is the type of hypocrisy we have in our community. People that
21 claim to be for veterans but yet they screw us for profit and power."

22 23. On or about December 31, 2016, Mr. Sanson sent an email blast with
23 the "Interview" and the "Article" (hereinafter "the E-mail blast").

24 ///

1 24. Within the "E-mail blast," Defendants defame Mr. Willick and his law
2 firm, Willick Law Group, with false and misleading statements.¹

3 25. The "Defense" post and the "E-mail blast" were published, republished,
4 or attributed to one another, or disseminated to third parties across state lines, via
5 email across multiple states, and via numerous social media sites including
6 Pinterest, Google+, Twitter, and the following Facebook pages:

- 7 a. steve.sanson1
- 8 b. steve.sanson.3
- 9 c. veteransinpolitics
- 10 d. veteransinpoliticsinternational
- 11 e. eye.on.nevada.politics
- 12 f. steve.w.sanson
- 13 g. Veterans-In-Politics-International-Endorsement-for-the-State-of-
- 14 Nevada
- 15 h. Veterans in Politics: groups/OperationNeverForget
- 16 i. Nevada-Veterans-In-Politics

17 26. On or about January 12, 2017, Defendants published or caused to be
18 published on veterensinpolitics.com, a website purportedly owned and controlled by
19 Defendants Steve W. Sanson, Heidi J. Hanusa, Christina Ortiz, Johnny Spicer, Don
20 Woolbright, Veterans in Politics International, Inc., Sanson Corporation, Karen
21 Steelmon, and Does I through X inclusive, a post entitled "Mark Amodei & Debra
22 March to appear on the Veterans In Politics video-talk show."

23 ///

24 ¹ The E-mail blast has identical language to the Defense post and so will not be repeated in the interest of economy.

1 27. Included in this post is a link with the title “Attorney Marshall [sic]
2 Willick and his pal convicted of sexually coercion [sic] of a minor Richard Crane was
3 found [sic] guilty of defaming a law student in a United States District Court Western
4 District of Virginia signed by US District Judge Norman K. Moon.” (Hereinafter “the
5 Virginia post”).²

6 28. Within the “Virginia post,” Defendants defame Mr. Willick and his law
7 firm, Willick Law Group, with false and misleading statements published, or
8 republished, or attributed to one another, or disseminated to third parties across
9 state lines, false and defamatory statements directed against Plaintiffs including
10 that:

- 11 a. “Attorney Marshall [sic] and his pal convicted of sexually [sic] coercion
12 [sic] of a minor.”
- 13 b. “Richard Crane was found guilty of defaming a law student.”
- 14 c. The “Virginia post” was accompanied by pages of a legal decision by a
15 Virginia judge stating on its face that using the word “guilty” to
16 describe a judgment in a civil case for damages constitutes defamation
17 *per se*.

18 29. The “Virginia post” was published, republished, or attributed to one
19 another, or disseminated to third parties across state lines, via email across multiple
20 states, and via numerous social media sites including Pinterest, Google+, Twitter,
21 and the following Facebook pages:

- 22 a. steve.sanson1

23
24 ² The link in the “Virginia post” re-directs to *Vaile v. Willick*, No. 6:07cv00011, 2008 U.S. Dist. LEXIS 53619 (W.D. Va. July 14, 2008), a skirmish in a lengthy multi-state pursuit of Mr. Vaile, the most infamous international child kidnapper and deadbeat dad in Nevada for whom an arrest warrant is outstanding, for over a million dollars in back child support, attorney’s fees, and tort damages.

- 1 b. steve.sanson.3
- 2 c. veteransinpolitics
- 3 d. veteransinpoliticsinternational
- 4 e. eye.on.nevada.politics
- 5 f. steve.w.sanson
- 6 g. Veterans in Politics: groups/OperationNeverForget
- 7 h. Nevada-Veterans-In-Politics

8 30. On or about January 14, 2017, Defendants published or caused to be
9 published on the Veterans in Politics International Facebook page, a Facebook page
10 purportedly controlled by Defendants Steve W. Sanson, Heidi J. Hanusa, Christina
11 Ortiz, Johnny Spicer, Don Woolbright, Veterans in Politics International, Inc.,
12 Sanson Corporation, Karen Steelmon, and Does I through X inclusive, a post
13 containing eight (8) photographs (hereinafter "VIPI Facebook post").

14 31. Within the "VIPI Facebook post," Defendants defame Mr. Willick and
15 his law firm, Willick Law Group, with false and misleading statements published, or
16 republished, or attributed to one another, or disseminated to third parties across
17 state lines, false and defamatory statements directed against Plaintiffs including
18 that:

- 19 a. "Would you have a Family Attorney handle your child custody case if
20 you knew a sex offender works in the same office? Welcome to The
21 [sic] Willick Law Group."

22 32. On or about January 14, 2017, Defendants published or caused to be
23 published on the Veterans in Politics Facebook page, a Facebook page purportedly
24 controlled by Defendants Steve W. Sanson, Heidi J. Hanusa, Christina Ortiz, Johnny

1 Spicer, Don Woolbright, Veterans in Politics International, Inc., Sanson Corporation,
2 Karen Steelmon, and Does I through X inclusive, a post entitled "Nevada Attorney
3 Marshall [sic] Willick gets the Nevada Supreme Court Decision" to which he
4 attached 12 photos of the *Leventhal v. Lobello* decision (hereinafter "VIP Facebook
5 post #1").³

6 33. Within the "VIP Facebook post #1," Defendants defame Mr. Willick
7 and his law firm, Willick Law Group, with false and misleading statements
8 published, or republished, or attributed to one another, or disseminated to third
9 parties across state lines, false and defamatory statements directed against Plaintiffs
10 including that:

- 11 a. "From looking at all these papers It's [sic] obvious that Willick
12 scammed his client and later scammed the court by misrepresenting
13 that he was entitled to recover property under his lien and reduce it to
14 judgement [sic]."
- 15 b. "He did not recover anything. The property was distributed in the
16 Decree of Divorce."
- 17 c. "Willick tried to get his client to start getting retirement benefits faster.
18 It was not with [sic] 100,000 [sic] in legal bills."
- 19 d. "Then he pressured his client into allowing him to continue with the
20 appeal."

21 34. On or about January 14, 2017, Defendants published or caused to be
22 published on the Veterans in Politics Facebook page, a Facebook page purportedly
23 controlled by Defendants Steve W. Sanson, Heidi J. Hanusa, Christina Ortiz, Johnny

24 ³ Mr. Sanson's intent to defame, denigrate, and harm the plaintiffs is so great that he completely ignores the fact that Plaintiffs had absolutely nothing to do with the *Lobello* decision.

1 Spicer, Don Woolbright, Veterans in Politics International, Inc., Sanson Corporation,
2 Karen Steelmon, and Does I through X inclusive, a post "Attorney Marshall [sic]
3 Willick loses his appeal to the Nevada Supreme Court," to which he attached 10
4 photos of the *Holyoak* decision (hereinafter "VIP Facebook post #2").

5 35. Within the VIP Facebook post #2, Defendants defame Mr. Willick and
6 his law firm, Willick Law Group, with false and misleading statements published, or
7 republished, or attributed to one another, or disseminated to third parties across
8 state lines, false and defamatory statements directed against Plaintiffs including
9 that:

10 a. "Attorney Marshall [sic] Willick loses his appeal to the Nevada
11 Supreme Court."

12 36. The defamatory statements by Defendants were intended to harm
13 Plaintiffs' reputation and livelihood, to harass, and to embarrass Plaintiffs.

14 37. The defamatory statements by Defendants have caused numerous
15 negative comments to be directed against Plaintiffs.⁴

16 38. Defendants have expressed the intention to continue attempts to harm
17 Plaintiff reputation and business to whatever degree they are able to achieve.

18 39. On January 24, 2017, Defendants posted online an offer to pay "up to
19 \$10,000 for verifiable information on Nevada Family Court Attorney Marshall
20 Willick."

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4 For example, a comment to the "Virginia post" states "Well well well, [sic] this always catches
up to those that try and perceive [sic] they are good [sic]."

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V.
FIRST CLAIM FOR RELIEF
(DEFAMATION)

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

41. Defendants, and/or Defendants' agents, representatives, and/or employees, either individually, or in concert with others, published one or more oral or written false statements which were intended to impugn Mr. Willick's honesty, integrity, virtue and/or personal and professional reputation.

42. Mr. Willick and the Willick Law Group are not public figures, as some or all of Defendants have acknowledged.

43. The statements imputed by Defendants to Mr. Willick and published by Defendants are slurs on Mr. Willick's character including his honesty, integrity, virtue, and/or reputation.

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

45. The referenced false and defamatory statements were unprivileged.

46. The referenced false and defamatory statements were published to at least one third party.

47. The referenced false and defamatory statements were published or republished deliberately or negligently by or under the authority and direction of one or more of each of the Defendants.

48. Some or all of the referenced false and defamatory statements constitute defamation *per se*, making them actionable irrespective of special harm.

1 49. Publication of some or all of the referenced false and defamatory
2 statements caused special harm in the form of damages to Mr. Willick and the
3 Willick Law Group.

4 WHEREFORE, Plaintiffs Marshal S. Willick and the Willick Law Group
5 demand judgment against named Defendants for actual, special, compensatory, and
6 punitive damages in an amount deemed at the time of trial to be just, fair, and
7 appropriate in an amount in excess of \$15,000.

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

10 50. Plaintiffs incorporate and re-allege all preceding paragraphs as if fully
11 stated herein.

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

18 52. As a result of Defendants' extreme and outrageous conduct, Mr. Willick
19 and the Willick Law Group was, is, and, with a high degree of likelihood, will
20 continue to be emotionally distressed due to the defamation.

21 53. As a result of Defendants' extreme and outrageous conduct, Mr. Willick
22 and the Willick Law Group have suffered and will continue to suffer mental pain and
23 anguish, and unjustifiable emotional trauma.

24 ///

1 and/or the Defendants published the false statements knowing their falsity or with
2 reckless disregard for the truth.

3 59. The statements made by the Defendants place Mr. Willick and the
4 Willick Law Group in a false light and are highly offensive and inflammatory, and
5 thus actionable.

6 WHEREFORE, Plaintiffs Marshal S. Willick and the Willick Law Group
7 demand judgment against named Defendants for actual, special, compensatory, and
8 punitive damages in an amount deemed at the time of trial to be just, fair, and
9 appropriate in an amount in excess of \$15,000.

10 IX.
11 FIFTH CLAIM FOR RELIEF
(BUSINESS DISPARAGEMENT)

12 60. Plaintiffs incorporate and re-allege all preceding paragraphs as if fully
13 stated herein.

14 61. Defendants and/or Defendants' agents, representatives, and/or
15 employees, either individually, or in concert with others, intentionally made false
16 and disparaging statements about Mr. Willick and the Willick Law Group and
17 disparaged Mr. Willick's business, the Willick Law Group.

18 62. The referenced statements and actions were specifically directed
19 towards the quality of Mr. Willick and the Willick Law Group's services.

20 63. The statements and actions were so extreme and outrageous as to
21 affect the ability of Mr. Willick and the Willick Law Group to conduct business.

22 64. The Defendants intended, in publishing the false and defamatory
23 statements, to cause harm to Plaintiffs and its pecuniary interests, and/or the
24

1 Defendants published the disparaging statements knowing their falsity or with
2 reckless disregard for the truth.

3 65. The false and defamatory statements by the Defendants resulted in
4 damages to Mr. Willick and the Willick Law Group.

5 WHEREFORE, Plaintiffs Marshal S. Willick and the Willick Law Group
6 demand judgment against named Defendants for actual, special, compensatory, and
7 punitive damages in an amount deemed at the time of trial to be just, fair, and
8 appropriate in an amount in excess of \$15,000.

9 X.
10 SIXTH CLAIM FOR RELIEF
(CONCERT OF ACTION)

11 66. Plaintiffs incorporate and re-allege all preceding paragraphs as if fully
12 stated herein.

13 67. Defendants and/or Defendants' agents, representatives, and/or
14 employees in concert with one another, based upon an explicit or tacit agreement,
15 intentionally committed a tort against Mr. Willick.

16 68. Defendants' concert of action resulted in damages to Mr. Willick and
17 the Willick Law Group.

18 WHEREFORE, Plaintiffs Marshal S. Willick and the Willick Law Group
19 demand judgment against named Defendants for actual, special, compensatory, and
20 punitive damages in an amount deemed at the time of trial to be just, fair, and
21 appropriate in an amount in excess of \$15,000.

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XI.
SEVENTH CLAIM FOR RELIEF
(CIVIL CONSPIRACY)

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

70. 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 for the specific purposes of harming Mr. Willick and the Willick Law Group's pecuniary interests.

71. Defendants' civil conspiracy resulted in damages to Mr. Willick and the Willick Law Group.

WHEREFORE, Plaintiffs Marshal S. Willick and the Willick Law Group 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
(RICO VIOLATIONS)

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

73. 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.

1 74. Here, Defendants have either committed, conspired to commit, or have
2 attempted to commit the following crime(s):

- 3 a. Criminal contempt (NRS 199.340(7), publication of a false or grossly
4 inaccurate report of court proceedings).
- 5 b. Challenges to fight (NRS 200.450).
- 6 c. Furnishing libelous information (NRS 200.550).
- 7 d. Harassment (NRS 200.571).
- 8 e. Multiple transactions involving fraud or deceit in the course of an
9 enterprise (NRS 205.377).
- 10 f. Taking property from another under circumstances not amounting to
11 robbery. (NRS 207.360(9)).
- 12 g. Extortion of "contributions" by implied threat of the mounting of
13 similar defamation campaigns against candidates and officials.

14 75. 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
18 International, Inc., Nevada Veterans in Politics, and Veterans in Politics are
19 organizations that has members—headed by Defendants Steve Sanson, Heidi
20 Hanusa, Christina Ortiz, Johnny Spicer, and Don Woolbright—that do come and go
21 and the organization continues on. These organizations and their principals have
22 conspired to engage in and have engaged in racketeering activity.

23 76. This group also meets the statutory definition—NRS 207.380—as an
24 enterprise:

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

3 Here Veterans in Politics International is a registered not for profit business
4 and Nevada Veterans in Politics and Veterans in Politics are sub-units of Veterans in
5 Politics International, Inc. Each can and should be considered individual legal
6 entities.⁵

7 77. Sanson Corporation is also a separate legal entity and is a registered
8 Nevada Corporation.

9 78. Even if not all Defendants are members of Veterans in Politics
10 International, Inc., Nevada Veterans in Politics, Veterans in Politics, and Sanson
11 Corporation, they meet the "association or other group of persons associated in fact"
12 requirements under the statute as an enterprise. The statute explicitly includes both
13 licit and illicit enterprises.

14 79. Racketeering is the engaging in at least two crimes related to
15 racketeering that have the same or similar pattern, intents, results, accomplices,
16 victims or methods of commission, or are otherwise interrelated by distinguishing
17 characteristics and are not isolated incidents, if at least one of the incidents occurred
18 after July 1, 1983, and the last of the incidents occurred within 5 years after a prior
19 commission of a crime related to racketeering.

20 80. Defendants published a false or grossly inaccurate report of court
21 proceedings on numerous occasions, including, but not limited to, the "Virginia
22 post," "VIP Facebook Post #1," and "VIP Facebook Post #2." (NRS 199.340(7)).

23 ///

24 ⁵ Nevada Veterans in Politics and Veterans in Politics operate numerous social media sites
where the defamation continues.

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

5 82. Defendants willfully stated, delivered or transmitted to a manager,
6 editor, publisher, reporter or other employee of a publisher of any newspaper,
7 magazine, publication, periodical or serial statements concerning Plaintiffs which, if
8 published therein, would be a libel. (NRS 200.550).

9 83. 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 84. 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 85. Defendants posted false and defamatory material no less than 50 times
23 in 10 separate defamatory campaigns against Plaintiffs. The total value of time
24 expended by Marshal S. Willick, and the Willick Law Group staff in responding to

1 inquiries from clients and attempting to have the defamatory material removed from
2 the internet was over \$15,000 and this does not include the cost of missed
3 opportunities or time that should have been spent working on cases for paying
4 clients. (NRS 2015.377 and NRS 207.360(9)).

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

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

19 The statute goes on to define the theft as a person or entity that "Takes, destroys,
20 conceals or disposes of property in which another person has a security interest, with
21 intent to defraud that person." Here, as Abraham Lincoln famously pointed out 150
22 years ago, time is a lawyer's stock in trade. Defendants—with malice—stole valuable
23 time from Mr. Willick. Also, the theft of Mr. Willick's and Willick Law Group's "good
24 will" by the making of false and defamatory comments and placing both Mr. Willick
and Willick Law Group in a false light has diminished the value of the business.
These are intangible thefts, but thefts nonetheless.

///

1 88. Defendants' illegal conduct resulted in damages to Mr. Willick and the
2 Willick Law Group.

3 WHEREFORE, Plaintiffs Marshal S. Willick and the Willick Law Group,
4 pursuant to NRS 207.470, are entitled to treble damages as a result of Defendants'
5 criminal conduct in the form of actual, special, compensatory, and punitive damages
6 in amount deemed at the time of trial to be just, fair, and appropriate in an amount
7 in excess of \$15,000.

8 **XIII.**
9 **NINTH CLAIM FOR RELIEF**
(COPYRIGHT INFRINGEMENT)

10 89. Plaintiffs incorporate and re-allege all preceding paragraphs as if fully
11 stated herein.

12 90. Defendants have infringed upon Plaintiffs' photographic works owned
13 by Plaintiff, for which copyright registration is being sought, by posting the work on
14 social media websites, including but not limited to, Facebook, Pinterest, Google+,
15 Twitter, and LinkedIn, without consent, approval or license of Plaintiffs and by
16 continuing to distribute and copy the commercial without compensation or credit to
17 the Plaintiffs.

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

20 92. Defendants' infringement of Plaintiffs' photographic works has yielded
21 Defendants profits in an amount not yet determined.

22 93. Defendants' infringement has been willful and deliberate and was done
23 for the purpose of defaming Plaintiffs and making commercial use of and profit on
24 Plaintiffs' material throughout the country and within this Judicial District.

1 Plaintiffs are entitled to recover increased damages as a result of such willful
2 copying.

3 94. Plaintiffs are entitled to attorneys' fees and full costs pursuant to 17
4 U.S.C. § 505 and otherwise according to law.

5 95. As a direct and proximate result of the foregoing acts and conduct,
6 Plaintiffs have sustained and will continue to sustain substantial, immediate, and
7 irreparable injury, for which there is no adequate remedy at law. Upon information
8 and belief, Plaintiffs believe that unless enjoined and restrained by this Court,
9 Defendants will continue to infringe Plaintiffs' rights in the infringed works.
10 Plaintiffs are entitled to preliminary and permanent injunctive relief to restrain and
11 enjoin Defendants' continuing infringing conduct.

12 WHEREFORE, Plaintiffs Marshal S. Willick and the Willick Law Group
13 demand that:

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

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

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

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- d. The Court finds the Defendants' conduct was committed willfully.
- e. Pursuant to 17 U.S.C. § 504(c)(2), Defendants be required to pay an award of increased statutory damages in a sum of not less than \$150,000 for willful infringement.
- f. Pursuant to 17 U.S.C. § 505, Defendants be required to pay the Plaintiffs' full costs in this action and reasonable attorney's fees.
- g. Defendants' conduct was willful or wanton and done in reckless disregard of Plaintiffs' rights thereby entitling Plaintiffs to recover punitive damages in an amount to be determined at trial.

XIV.
TENTH CLAIM FOR RELIEF
(INJUNCTION)

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

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

WHEREFORE, Plaintiffs request the following injunctive relief:

- a. That all named Defendants and members of the listed organizations be enjoined from approaching within 1000 feet, of the person of Marshal S. Willick, his vehicle, his home, the Willick Law Group offices and all of its employees, and their places of residence and vehicles.
- b. That all defamatory writings, video, postings, or any other documents or public display of the same, concerning Mr. Willick, the Willick Law

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Group, and the employees of the same, be removed from public view within 10 days of the issuance of the injunction.

c. That all innuendo of illegal, immoral, or unethical conduct that has already been attributed by Defendants to Mr. Willick, must never be repeated by any named Defendant or any member of any of the named organizations, with generalities toward lawyers in general to constitute a violation of the prohibition.

d. That a full retraction and apology be authored by Defendants Steve W. Sanson, approved by the Court, and disseminated everywhere the defamation occurred, including, but not limited to, the entirety of the mailing list(s), each and every social media site (Facebook, Twitter, Google+, Pinterest, LinkedIn, etc.) and anywhere else the defamatory material was disseminated.

**XV.
CONCLUSION**

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

WHEREFORE, Marshal S. Willick and the Willick Law Group respectfully pray that judgment be entered against Defendants, and each of them individually, as follows:

- a. General damages in an amount in excess of \$15,000 for each and every claim for relief;
- b. Compensatory damages in an amount in excess of \$15,000 for each and every claim for relief;

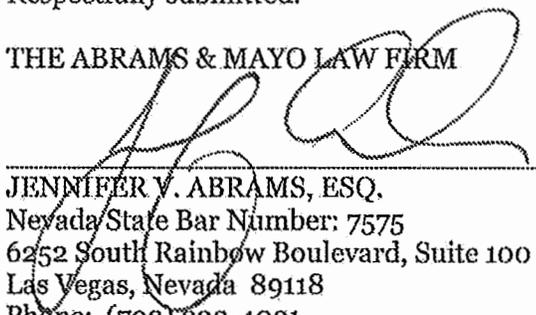
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- c. Punitive damages in an amount in excess of \$15,000 for each and every claim for relief;
- d. All attorney's fees and costs that have and/or may be incurred by Marshal S. Willick and the Willick Law Group in pursuing this action; and
- e. For such other and further relief this Court may deem just and proper.

DATED this 27th day of January, 2017.

Respectfully submitted:

THE ABRAMS & MAYO LAW FIRM



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

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 3 6252 South Rainbow Boulevard, Suite 100
 Las Vegas, Nevada 89118
 4 Phone: (702) 222-4021
 Email: JVAGroup@theabramslawfirm.com
 5 Attorney for Plaintiffs

6
 7 DISTRICT COURT
 CLARK COUNTY, NEVADA

8 MARSHAL S. WILLICK and WILLICK LAW) Case No.:
 GROUP,)
 9) Department:
 Plaintiff,)
 10)
 vs.)
 11)
 STEVE W. SANSON; HEIDI J. HANUSA;)
 12 CHRISTINA ORTIZ; JOHNNY SPICER;)
 DON WOOLBRIGHT; VETERANS IN)
 13 POLITICS INTERNATIONAL, INC.;)
 SANSON CORPORATION; KAREN)
 14 STEELMON; and DOES I THROUGH X,)
 15 Defendant.)

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

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

New Complaint Fee	1 st Appearance Fee
[] \$1530 [] \$520 [] \$299 [x] \$270.00	[] \$1483.00 [] \$473.00 [] \$223.00
Name: MARSHAL S. WILLICK	
WILLICK LAW GROUP	[x] \$30
	[] \$30

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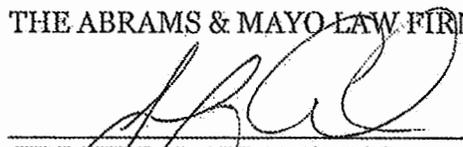
[] \$30

TOTAL REMITTED: (Required)	Total Paid	\$ 300
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DATED this 26th day of January, 2017.

Respectfully submitted:

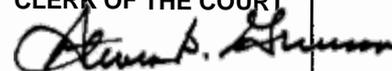
THE ABRAMS & MAYO LAW FIRM



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 Attorney for Plaintiffs

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1 JOSEPH W. HOUSTON, II, ESQ.
State Bar #1440
2 430 South 7th Street
Las Vegas, Nevada 89101
3 (702) 982-1200
Attorney for Defendant
4 LOUIS C. SCHNEIDER, individually
and LAW OFFICE OF LOUIS C. SCHNEIDER, LLC.

5
6 **DISTRICT COURT**
7 **CLARK COUNTY, NEVADA**

9 JENNIFER V. ABRAMS and the
ABRAMS & MAYO LAW FIRM,

10 Plaintiffs,

11 vs.

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

18 Defendant.

CASE NO. A-17-749318-C
DEPT. NO. XII

Date of Hearing: April 17, 2018
Time of Hearing: 9:00 AM

Oral Argument Is Requested

19 **JOINDER IN MOTION FOR RECONSIDERATION**

20 COMES NOW Defendants, LOUIS C. SCHNEIDER and LAW OFFICES
21 OF LOUIS C. SCHNEIDER, LLC by and through their attorney Joseph W.
22 Houston II, Esq., and joins in the Motion for Reconsideration filed by
23 Defendants STEVE W. SANSON and VETERAN'S IN POLITICS
24 INTERNATIONAL, INC.

25 The issue presented in the Motion to Disqualify was whether there was a
26 legal basis to disqualify the Honorable Judge Michelle Leavitt.

27 As previously set forth in the Opposition to Motion to Disqualify and the
28

1 Motion for Rehearing and the Affidavit of Judge Michelle Leavitt filed on
2 February 2, 2018, the Motion was untimely and there is no legal basis for the
3 merits of it to even be considered.

4 Also, Judge Michelle Leavitt's Affidavit sets forth statements showing
5 there is no legal basis for any finding that she is bias or prejudice against or for
6 any party to this action.

7 The Minute Order does not set forth any factual or legal grounds why
8 Judge Michelle Leavitt should be disqualified. Whether or not other judges may
9 have recused themselves is of no relevance whatsoever as to whether Judge
10 Michelle Leavitt should be disqualified.

11
12 Dated this 13 day of March, 2018.

13
14 
15 Joseph W. Houston, II, Esq.
16 State Bar #1440
17 430 South 7th Street
18 Las Vegas, Nevada 89101
19 (702) 982-1200
20 Attorney for Defendants
21 LOUIS C. SCHNEIDER, individually
22 and LAW OFFICE OF LOUIS C.
23 SCHNEIDER, LLC

24 ...

25 ...

26 ...

27 ...

28 ...

CERTIFICATE OF SERVICE

I hereby certify that I am an employee of Joseph W. Houston, II, Esq. and that on the 13th day of March, 2018 I served a true and correct copy of the above and forgoing Joinder in Motion for Reconsideration on the parties addressed as shown below:

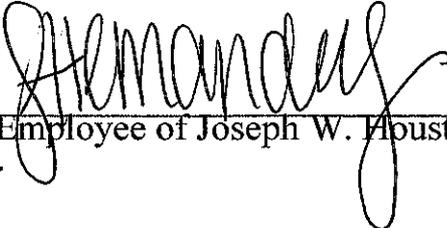
Dennis L. Kennedy, Esq. (Nevada Bar No. 1462)
Joshua P. Gilmore, Esq. (Nevada Bar No. 11576)
BAILEY KENNEDY
8984 Spanish Ridge Avenue
Las Vegas, Nevada 89148

Jennifer V. Abrams, Esq. (Nevada Bar No. 7575)
THE ABRAMS & MAYO LAW FIRM
6252 South Rainbow Blvd., Ste. 100
Las Vegas, Nevada 89118

Marshal S. Willick, Esq. (Nevada Bar No. 2515)
WILLICK LAW GROUP
3591 E. Bonanza Road
Las Vegas, Nevada 89110

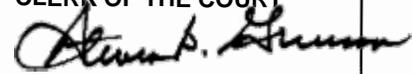
Margaret A. Mcletchie, Esq. (Nevada Bar No. 10931)
MCLETCHIE SHELL LLC
701 East Bridger Ave., Suite 520
Las Vegas, Nevada 89101

- Via Electronic Service [NEFR Rule 9]
- Via facsimile [EDCR 7.26(a)]
- Via U.S. Mail (NRCPC 5(b))


An Employee of Joseph W. Houston, II,
Esq.

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1 **OPPS**
2 WILLICK LAW GROUP
3 MARSHAL S. WILLICK, ESQ.
4 Nevada Bar No. 2515
5 3591 E. Bonanza Road, Suite 200
6 Las Vegas, NV 89110-2101
7 Phone (702) 438-4100; Fax (702) 438-5311
8 email@willicklawgroup.com
9 Attorney for *Plaintiffs*

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

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

13 vs.

14 LOUIS SCHNEIDER; LAW OFFICES OF LOUIS C.
15 SCHNEIDER, LLC; STEVE W. SANSON;
16 VETERANS IN POLITICS INTERNATIONAL, INC;
17 and DOES I THROUGH X,
18 Defendant.

CASE NO: A-17-749318-C
DEPT. NO: (Senior Judge)

DATE OF HEARING: 4/17/18
TIME OF HEARING: 9:00 am

18 **OPPOSITION TO**
19 **“MOTION TO RECONSIDER MARCH 2, 2018 MINUTE ORDER**
20 **GRANTING PLAINTIFFS’ MOTION TO DISQUALIFY”**
21 **AND**
22 **COUNTERMOTION FOR ATTORNEY’S FEES**

23 **I. INTRODUCTION**

24 Sanson’s motion to reconsider is an improper re-argument of points that were already
25 rejected. It is in violation of the relevant rules, was submitted for improper purposes, and is not well-
26 founded. If it was granted, it would treat similarly-situated people and cases differently, and require
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1 a great deal of additional discovery into the facts substantiating the actual bias and *ex parte* contacts
2 that are believed to have occurred.¹ It should be summarily denied.

3
4 **II. OPPOSITION TO MOTION**

5 **A. The Motion is Mere Improper Re-Argument**

6 A request for reconsideration is governed by EDCR 2.24, which provides:

7 (a) No motions once heard and disposed of may be renewed in the same cause, nor may the
8 same matters therein embraced be reheard, unless by leave of the court granted therefor,
after notice of such motion to the adverse parties.

9 (b) A party seeking reconsideration of a ruling of the court, other than any order which may
10 be addressed by motion pursuant to NRCP 50(b), 52(b), 59, or 60, must file a motion for
11 such relief within 10 days after service of written notice of the order or judgment unless the
time is shortened or enlarged by order. A motion for reconsideration does not toll the
30-day period for filing a notice of appeal from a final order or judgment.

12 (c) If a motion for rehearing is granted, the court may make a final disposition of the cause
13 without reargument or may reset it for reargument or resubmission or may make such other
orders as are deemed appropriate under the circumstances of the particular case.

14 Leave should not be granted. Sanson has not raised a single new issue that was not already
15 actually argued in writing or orally – or *should* have been argued – in the *Motion for*
16 *Disqualification*. Sanson does not even allege that any fact or law has changed since entry of the
17 order that might alter this Court’s analysis and order referring the case to the senior judge
18 department.

19 Instead, Sanson just re-asserts all of the arguments made in his prior opposition to the motion
20 for disqualification. As the Nevada Supreme Court has noted in various contexts, simply citing a
21 rule without providing “cogent argument” for its application is meaningless,² and it is equally
22 improper to simply re-assert positions that have already been rejected.

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26 ¹ Mr. Schneider’s one-page “joinder” filed March 13 added nothing of substance, either by
27 way of argument or citation.

28 ² See, e.g., *Givens v. Bryson*, No. 66449, Order of Affirmance (Unpublished Disposition, June
17, 2016).

1 **B. The Motion to Disqualify Remains Unrefuted**

2 The *Motion to Disqualify* and *Reply to Opposition* made a series of factual and legal
3 assertions that remain entirely unrefuted. Sanson’s current filing simply repeats the platitudes and
4 generalizations noted in the *Reply*. He summarily dismisses as “irrelevant” that essentially the entire
5 elected judiciary of the Eighth Judicial District has ***already concluded*** that Sanson’s actions have
6 created – at minimum – the appearance of impropriety that would exist for any judicial officer who
7 has run for office and had interaction with him to preside over one of these cases.

8 The most startling omissions from the current filing are among the most damning, including
9 the failure to even try to rationalize Sanson’s deliberate *ex parte* verbal assault on Judge David Jones
10 just a month ago, resulting in that judge’s immediate reporting of the corrupt contact to the Chief
11 Judge and Judge Jones’ immediate recusal.

12 If anything, what is notable about that sequence of events is that Judge Jones did not detail
13 the improper contact in his recusal; similar omissions exist in many of the dozens of other recusals
14 detailed in the *Motion to Disqualify* and the *Reply*. The absence of that detail does not in any way
15 make the overwhelming evidence of Sanson’s relentless campaign of improper *ex parte* contacts
16 with all possible judicial officers any less certain.

17 More immediately to the point, Sanson does not even pretend that Judge Leavitt has ***denied***
18 that improper *ex parte* contacts were made. Instead, the motion for reconsideration addresses the
19 extensive circumstantial evidence that improper *ex parte* contacts between Sanson (or his agents)
20 and Judge Leavitt appear to have occurred, and merely repeats his prior argument that we have not
21 documented those contacts. Of course, that is because we were not afforded the opportunity to do
22 sufficient discovery to prove them (this is further addressed below).

23 The point is that dozens of judges have independently concluded that the already-
24 ***documented*** interactions that Judge Leavitt shrugged off were definitionally disqualifying under the
25 judicial canons. In a lengthy tap-dance, Sanson ignores the issue of the collective findings of all
26 those judges, while Schneider (at 2) inexplicably labels it “irrelevant.” Sanson goes to great lengths
27 to rationalize how Judge Leavitt’s affidavit “could” be read to exhibit something other than actual
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1 bias, but his filing certainly provides no basis for any decision other than the order transferring the
2 case to the senior judge department.

3 Sanson does address Judge Duckworth’s detailed exposure of his tactics of attempted
4 intimidation and control, but only to attack and belittle the judge and try to minimize the relevance
5 of a judicial officer making explicit findings on the record that Sanson is at the head of an
6 organization dedicated to corruption of the judicial and political process.³ The Judge Duckworth
7 recusal order, *in and of itself*, substantiates and justifies the order of assignment to the senior judge
8 department. It is impossible to minimize the explicit findings that Sanson showed no compunction
9 about *ex parte* communications about a pending case, or that the judge concluded that there is
10 *nothing* more corrupt than Sanson’s actions.

11 Sanson’s current motion complains that the transfer to the senior judge department was based
12 in part on some of Sanson’s corrupt actions (the assaults on Judges Bailus and Jones, Justice Cherry,
13 and others) that were only discovered after the hearing in front of Judge Leavitt. If anything, that
14 fact further justifies this Court’s order – the fact that Sanson’s attempts at corruption have continued
15 unabated simply affirms the propriety of the reassignment order.

16 Sanson mis-states the actual holding of the little relevant authority he cites. The *Towbin* case,
17 discussed by Sanson (at 11) for the proposition that the disqualification motion was untimely under
18 the disqualification statute. The *Towbin* opinion states in its very first paragraph that “when new
19 grounds for disqualification are discovered after the statutory time has passed, the Nevada Code of
20 Judicial Conduct provides an additional, independent basis for seeking disqualification through a
21 motion under the governing court rules” This Court’s Minute Order states on its face that the
22 reassignment of this case was under the canons based on “the high number of recusals by sitting
23 district court judges.”

24 _____
25 ³ Judge Duckworth predicted exactly the sort of smear campaign launched against him
26 immediately following his order. The fact that Sanson launched that smear campaign further
27 validates this Court’s decision; as Judge Duckworth predicted, *any* elected judge making findings
28 against Sanson should expect to be on the receiving end of a volley of defamatory and negative
postings attempting to do as much damage to that judge’s future electoral chances as possible –
which is one of the ways Sanson tries to compel judges to rule in his favor. As noted in the *Motion
to Disqualify*, the tactic is morally indistinguishable from an old-style Mafia protection racket.

1 The revelations of Sanson’s corrupt practices have been ongoing – we only discovered his
2 improper *ex parte* contact with Judge Jones on February 9, while the *Motion to Disqualify* was
3 *pending*; there is without much doubt even more to uncover. The evidence indicating that the
4 reassignment was necessary has been continuing and cumulative; much of it has been learned only
5 recently. The motion was definitionally filed “as soon as possible after becoming aware of the new
6 information.”

7 This Court’s reassignment of the three cases involving Sanson was under the canons, based
8 on the fact that virtually every sitting judge of this judicial district has found (at minimum) an
9 “appearance of impropriety” and recused accordingly. That series of recusals and disqualifications
10 (the most recent of which was within the past ten days) provided the “additional, independent basis
11 for seeking disqualification” under the canons stated in *Towbin*. Sanson’s entire multi-page
12 complaint about timeliness under the statute – which is his primary argument – is disingenuous.

13 Not much of the remainder of the 25-page motion merits much specific discussion. The
14 purported “relevant facts and procedural history” (at 5-8) is the usual self-congratulatory distortion
15 ignoring Sanson’s extensive attempts at judicial corruption and defamation campaigns. Sanson still
16 refuses to admit the obvious fact that both this case and *Willick v. Sanson* directly stem from Mr.
17 Schneider’s improper enlistment of Sanson to conduct a smear campaign to try to obtain an illicit
18 advantage in the *Saiter* divorce case.⁴

19 We do not have a problem with the assertion (at 8) that the legal standard for a motion for
20 reconsideration can include whether the existing order is “clearly erroneous.” Since the
21 reassignment order was more than warranted under undeniable facts, the remainder of Sanson’s
22 reconsideration motion fails to set out any legitimate basis on which it might be granted. As noted
23 above, the bulk of Sanson’s current filing is mere re-argument of assertions he made previously that
24 have already been rejected. If there was something new in it, we did not find it, but if the Court
25 believes that there is some assertion meriting further written response, we will of course do so.

26 _____
27 ⁴ See, e.g., Sanson’s false assertion in footnote 13 on page 19, alleging that the cases do not
28 stem from the same facts. The fact that Sanson used different words in his defamation campaigns
against the various plaintiffs is irrelevant to issue of disqualification.

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C. Similarly Situated Litigants and Cases Should Be Treated Similarly

There are three parallel, and quite similar, cases now pending. This one, plus *Willick v. Sanson*, No. A-17-750171-C, and *DiCiero v. Sanson*, No. A-18-767961-C. All three – for identical reasons – have been assigned to the Senior Judge program, where they are set to proceed. The Minute Orders for all three cases were identical, issued for the same reason, in the same words. No motion was filed relating to the reassignments in either of the other two cases, and no such motion would now be timely.

In a wide variety of circumstances, the Nevada Supreme Court has held that even where it might be possible for district court judges to render impartial rulings, those rulings definitionally become unfair “when different parties similarly situated obtain different results.”⁵

Sanson spends little time addressing the fact that this is one of three parallel cases, dedicating to it (at 3) only the one-word claim that one of the other cases is “distinguishable.” His claim is false; for the purpose of *this* motion, relating to reassignment of cases due to Sanson’s relentless attempts at corruption of the elected judiciary, the cases are *identical*.

At bottom, Sanson’s motion is rooted in the belief that he does not want an actually disinterested jurist presiding over any of his cases. As we noted in the disqualification motion, Judge Leavitt is “interested in the outcome of the action” like all the other judges who found recusal to be mandatory. She was led to make a baseless finding that VIPI is a “legitimate organization” based on her prior endorsement and support of VIPI and her personal interest in not being associated with any organization that is bogus, corrupt, and a sham.

⁵ See, e.g., *Rivero v. Rivero*, 125 Nev. 410, 216 P.3d 213 (2009).

1 **D. Substantial Discovery Would Be Required if a Case Remained Before Judge**
2 **Leavitt**

3 As noted in prior filings (and at issue in the pending appeal), Judge Leavitt granted Sanson's
4 motion without permitting discovery to document how much Schneider paid Sanson and whether
5 that payment specifically included the resulting smear campaign against attorney Abrams.

6 If there was any possibility that any further proceedings could be pending before Judge
7 Leavitt, especially in light of her failure to address whether improper *ex parte* contacts were already
8 made, full discovery relating to the issue would be required. Given the methods employed by Sanson
9 as revealed by Judge Duckworth, the necessary discovery would include, at minimum, the cell
10 phone, e-mail, and text message history of Judge Leavitt, Sanson, Schneider, and each of Sanson's
11 lawyers for the 60 days preceding the motion hearing.

12
13 **III. COUNTERMOTION**

14 **A. ATTORNEY'S FEES**

15 Should the Court conclude, as we have, that there was never any legitimate purpose of
16 Sanson's current motion except to multiply efforts, cost extra money, and waste time and effort,
17 there is justification for an award of attorney's fees under EDCR 7.60, which sanctions obviously
18 frivolous, unnecessary, or vexatious litigation:

19 (b) The court may, after notice and an opportunity to be heard,
20 impose upon an attorney or a party any and all sanctions which may,
21 under the facts of the case, be reasonable, including the imposition of
22 fines, costs or attorney's fees when an attorney or a party without just
23 cause:

24 (1) Presents to the court a motion or opposition to a motion which is
25 obviously frivolous, unnecessary or unwarranted.

26 (3) So multiplies the proceedings in a case as to increase the costs
27 unreasonably and vexatiously.

28 Additionally, NRS 18.010, dealing with awards of attorney's fees, states that fees may be
awarded:

(b) Without regard to the recovery sought, when the court finds that
the claim, counterclaim, cross-claim or third-party complaint or
defense of the opposing party was brought or maintained without
reasonable ground or to harass the prevailing party. The court shall

1 liberally construe the provisions of this paragraph in favor of
2 awarding attorney's fees in all appropriate situations. ***It is the intent***
3 ***of the Legislature that the court award attorney's fees pursuant to***
4 ***this paragraph and impose sanctions pursuant to Rule 11 of the***
5 ***Nevada Rules of Civil Procedure in all appropriate situations to***
6 ***punish for and deter frivolous and vexatious claims and defense***
7 ***because such claims and defenses overburden limited judicial***
8 ***resources, hinder the timely resolution of meritorious claims and***
9 ***increase the costs of engaging in business and providing***
10 ***professional services to the public.***

11 [Emphasis added.]

12 The Supreme Court has re-adopted "well-known basic elements," which in addition to hourly
13 time schedules kept by an attorney, are to be considered in determining the reasonable value of an
14 attorney's services, and qualities, commonly referred to as the *Brunzell* factors:⁶

- 15 1. The Qualities of the Advocate: his ability, his training, education,
16 experience, professional standing and skill.
- 17 2. The Character of the Work to Be Done: its difficulty, its intricacy, its
18 importance, time and skill required, the responsibility imposed and the
19 prominence and character of the parties where they affect the importance of
20 the litigation.
- 21 3. The Work Actually Performed by the Lawyer: the skill, time and attention
22 given to the work.
- 23 4. The Result: whether the attorney was successful and what benefits were
24 derived.

25 Each of these factors should be given consideration, and no one element should predominate
26 or be given undue weight.⁷ Additional guidance is provided by reviewing the "attorney's fees" cases
27 most often cited in Family Law cases.⁸

28 The *Brunzell* factors require counsel to rather immodestly make a representation as to the
"qualities of the advocate," the character and difficulty of the work performed, and the work actually
performed by the attorney.

29 ⁶ *Brunzell v. Golden Gate National Bank*, 85 Nev. 345, 349, 455 P.2d 31, 33 (1969).

30 ⁷ *Miller v. Wilfong*, 121 Nev. 119, P.3d 727 (2005).

31 ⁸ Discretionary Awards: Awards of fees are neither automatic nor compulsory, but within
32 the sound discretion of the Court, and evidence must support the request. *Fletcher v. Fletcher*, 89
33 Nev. 540, 516 P.2d 103 (1973), *Levy v. Levy*, 96 Nev. 902, 620 P.2d 860 (1980), *Hybarger v.*
34 *Hybarger*, 103 Nev. 255, 737 P.2d 889 (1987).

1 First, respectfully, we suggest that the undersigned is A/V rated, a peer-reviewed and certified
2 (and re-certified) Fellow of the American Academy of Matrimonial Lawyers, and a Certified
3 Specialist in Family Law⁹ who has been in practice nearly 40 years. Mr. Willick is the principal of
4 the WILLICK LAW GROUP.

5 As to the “character and quality of the work performed,” we ask the Court to find our work
6 in this matter to have been adequate, both factually and legally; we have diligently reviewed the
7 applicable law, explored the relevant facts, and believe that we have properly applied one to the
8 other.

9 The fees charged by paralegal staff are reasonable, and compensable, as well. The tasks
10 performed by staff in this case were precisely those that were “some of the work that the attorney
11 would have to do anyway [performed] at substantially less cost per hour.”¹⁰ As the Nevada Supreme
12 Court reasoned, “the use of paralegals and other nonattorney staff reduces litigation costs, so long
13 as they are billed at a lower rate,” so ‘reasonable attorney’s fees’ . . . includes charges for persons
14 such as paralegals and law clerks.”

15 The work actually performed will be detailed in a *Memorandum of Fees and Costs*, at the
16 Court’s request (redacted as to confidential information), consistent with the requirements under
17 *Love*.¹¹

19 IV. CONCLUSION

20 Based on the above, Plaintiffs respectfully request that the Court issue the following orders:

- 21 1. Denying the *Motion for Reconsideration*, with prejudice.
- 22 2. Granting Plaintiffs’ request for fees.

24 ⁹ Per direct enactment of the Board of Governors of the Nevada State Bar, and independently
25 by the National Board of Trial Advocacy. Mr. Willick was privileged (and tasked) by the Bar to
26 write the examination that other would-be Nevada Family Law Specialists must pass to attain that
27 status.

27 ¹⁰ *LVMPD v. Yeghiazarian*, 129 Nev. ___, ___ P.3d ___ (Adv. Opn. No. 81, Nov. 7, 2013)
28 citing to *Missouri v. Jenkins*, 491 U.S. 274 (1989).

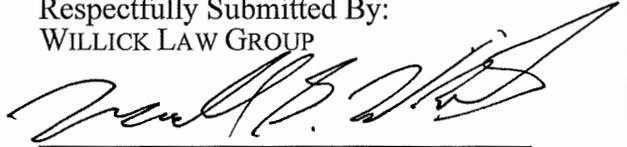
¹¹ *Love v. Love*, 114 Nev. 572, 959 P.2d 523 (1998).

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3. Such other and further orders as seem appropriate to the Court.

DATED this 26th day of March, 2018.

Respectfully Submitted By:
WILLICK LAW GROUP



MARSHAL S. WILLICK, ESQ.
Nevada Bar No. 2515
3591 E. Bonanza, Suite 200
Las Vegas, Nevada 89110-2101
(702) 438-4100 Fax (702) 438-5311
Attorney for *Plaintiffs*

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DECLARATION OF JENNIFER V. ABRAMS, ESQ.

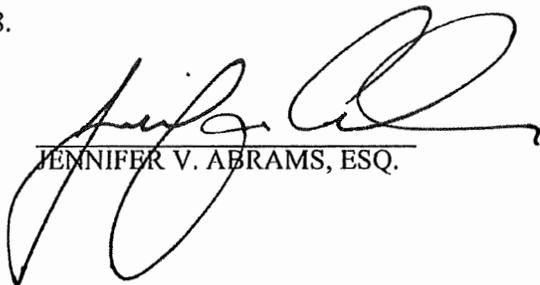
1. I, Jennifer V. Abrams, Esq., declare that I am competent to testify to the facts contained in the preceding filing.

2. I have read the preceding filing, and I have personal knowledge of the facts contained therein, unless stated otherwise. Further, the factual averments contained therein are true and correct to the best of my knowledge, except those matters based on information and belief, and as to those matters, I believe them to be true.

3. The factual averments contained in the preceding filing are incorporated herein as if set forth in full.

I declare under penalty of perjury, under the laws of the State of Nevada and the United States (NRS 53.045 and 28 U.S.C. § 1746), that the foregoing is true and correct.

EXECUTED this 26th day of March, 2018.



JENNIFER V. ABRAMS, ESQ.

1 **CERTIFICATE OF SERVICE**

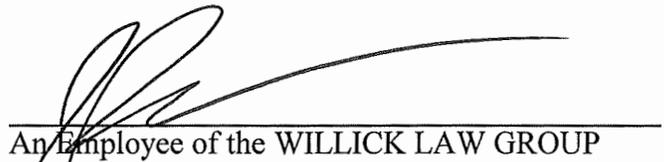
2 Pursuant to NRCP 5(b), I certify that I am an employee of the WILLICK LAW GROUP and that
3 on this 26th day of March, 2017, I caused the above and foregoing document, to be served as
4 follows:

- 5 Pursuant to EDCR 8.05(a), EDCR 8.05(f), NRCP 5(b)(2)(D) and Administrative
6 Order 14-2 captioned "In the Administrative Matter of Mandatory Electronic Service
7 in the Eighth Judicial District Court," by mandatory electronic service through the
8 Eighth Judicial District Court's electronic filing system.
- 9 by placing same to be deposited for mailing in the United States Mail, in a sealed
10 envelope upon which first class postage was prepaid in Las Vegas, Nevada; and by
11 email.
- 12 pursuant to EDCR 7.26, to be sent via facsimile, by duly executed consent for service
13 by electronic means.
- 14 by hand delivery with signed Receipt of Copy.

15 To the attorney and/or litigant listed below at the address, email address, and/or facsimile
16 number indicated below:

17 Maggie McLetchie, Esq.
18 MCLETCHIE SHELL LLC
19 701 E Bridger Avenue, #520,
20 Las Vegas, Nevada 89101
21 Attorney for *Steve W. Sanson* and
22 VETERANS IN POLITICS INTERNATIONAL, INC.

23 Joseph W. Houston, Esq.
24 430 S. Seventh St.
25 Las Vegas, Nevada 89101
26 Attorney for Louis C. Schneider, and
27 LAW OFFICES OF LOUIS C. SCHNEIDER, LLC

28 
An Employee of the WILLICK LAW GROUP

\\wlgserver\company\wp16\ABRAMS,JENNI\DRAFTS\00227480.WPD\jj

EXHIBIT 9

EXHIBIT 9

EXHIBIT 9

Jennifer Abrams

Subject: Abrams v Sanson, et al.

From: Jennifer Abrams
Sent: Thursday, June 01, 2017 3:51 PM
To: 'Joshua Gilmore'
Subject: Fwd: Abrams v Sanson, et al.

Please see below.

Begin forwarded message:

From: Brandon Leavitt <BLEavitt@theabramslawfirm.com>
Date: June 1, 2017 at 3:47:04 PM PDT
To: Jennifer Abrams <jabrams@theabramslawfirm.com>
Subject: Re: Abrams v Sanson, et al.

Yeah, we're related somewhere but she couldn't pick me out of a crowd. She has no idea who I am. Furthermore we're related like 8 generations back.

-Brandon K. Leavitt, Esq.

On Jun 1, 2017, at 3:44 PM, Jennifer Abrams <jabrams@theabramslawfirm.com> wrote:

Please see below. You indicated that she is a distant cousin, right?

Begin forwarded message:

From: Joshua Gilmore <JGilmore@baileykennedy.com>
Date: June 1, 2017 at 3:40:20 PM PDT
To: Jennifer Abrams <jabrams@theabramslawfirm.com>
Cc: Marshal Willick <marshal@willicklawgroup.com>, Susan Russo <SRusso@baileykennedy.com>, Kelly Stout <KStout@baileykennedy.com>
Subject: FW: Abrams v Sanson, et al.

See below. I suspect he's gearing up to seek disqualification. Let me know. Josh

Joshua P. Gilmore, Esq. | Bailey Kennedy, LLP
8984 Spanish Ridge Avenue, Las Vegas, Nevada 89148-1302
(702) 562-8820 (main) | (702) 562-8821 (fax) | (702) 789-4547 (direct)
| JGilmore@BaileyKennedy.com

www.BaileyKennedy.com

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may contain information that is a trade secret, proprietary, privileged or attorney work product. If you have received this message in error, or are not the named or intended recipient(s), please immediately notify the sender at 702-562-8820 and delete this e-mail message and any attachments from your workstation or network mail system.

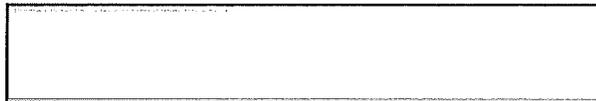
From: CJ Potter [mailto:cj@potterlawoffices.com]
Sent: Thursday, June 1, 2017 3:23 PM
To: Joshua Gilmore <JGilmore@baileykennedy.com>; maggie <maggie@nvlitigation.com>; Tanya Bain <tanya@potterlawoffices.com>
Cc: Susan Russo <SRusso@baileykennedy.com>; alex ghibaudo <alex@alexglaw.com>; pharan@nvlitigation.com; Cal Potter <cpotter@potterlawoffices.com>
Subject: RE: Abrams v Sanson, et al.

Mr. Gilmore,

In preparation for the hearing on Monday, I was advised by my client that Brandon Leavitt has told Louis, on two occasions, the Brandon is a cousin of Michelle Leavitt.

Are you able to confirm whether Brandon Leavitt is related to Michelle Leavitt?

C. J. Potter, IV, Esq.
1125 Shadow Lane | Las Vegas, NV 89102
Ph: (702) 385-1954 | Fax: (702) 385-9081
[website](#) | [facebook](#) | [twitter](#)



*"Further the rule of the law and the Civil Justice System,
and protect the rights of the accused"*

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EXHIBIT 10

EXHIBIT 10

EXHIBIT 10



January 24, 2017

6:27 PM

Edit

facebook.com

an MMA match-up before the official announcement on December 1, 2016.

Please share to get the word out.

2

1 Comment

Like

Comment

Share



Steve W. Sanson

5 hrs ·

A quote from Mr. T from the A-Team; "When I was hungry nobody invited me over for dinner. Now, that I can afford to buy my own restaurant everybody wants to invite me over for dinner".

So the same goes here when people needed someone to get dirty so they can stay nameless, we do it without hesitation. Where are those people now when we need some assistance?

Like

Comment

Share



Steve W. Sanson

Yesterday at 11:02am ·

He Defended Us, Let's Defend Him!



EXHIBIT 11

EXHIBIT 11

EXHIBIT 11

Internal Revenue Service
P. O. Box 2508
Cincinnati, OH 45201

Department of the Treasury

Date: March 27, 2017

Person to Contact:
MS. WILES
Toll Free Telephone Number:
877-829-5500

THE ABRAMS & MAYO FIRM
6262 S RAINBOW BLVD STE 100
LAS VEGAS, NV 89118

Dear Sir or Madam:

This is in response to your request, dated March 16, 2017, request for information about the tax-exempt status of VETERANS IN POLITICS INTERNATIONAL INC.

We have no record of this organization having tax-exempt status under Internal Revenue Code Section 501(a). Therefore, we're unable to provide any documents in response to your request.

You can find more information about tax-exempt entities and their organizational and operational requirements in Publication 557, Tax-Exempt Status for Your Organization. You can also visit our website at www.irs.gov/charities.

If you have questions, call 1-877-829-5500 between 8 a.m. and 5 p.m., local time, Monday through Friday (Alaska and Hawaii follow Pacific Time).

Sincerely yours,



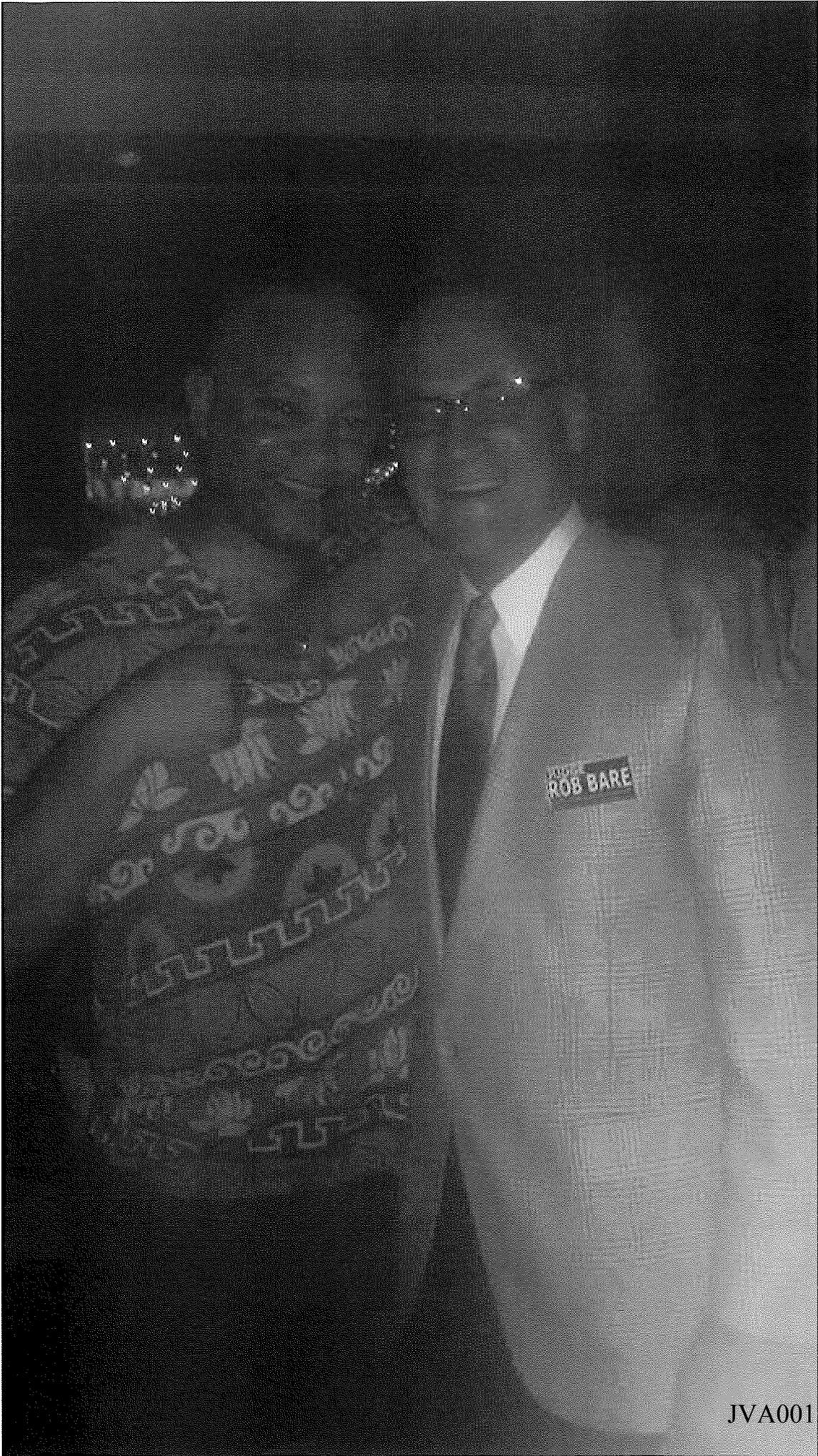
Jeffrey I. Cooper
Director, Exempt Organizations
Rulings and Agreements

JVA001499

EXHIBIT 12

EXHIBIT 12

EXHIBIT 12







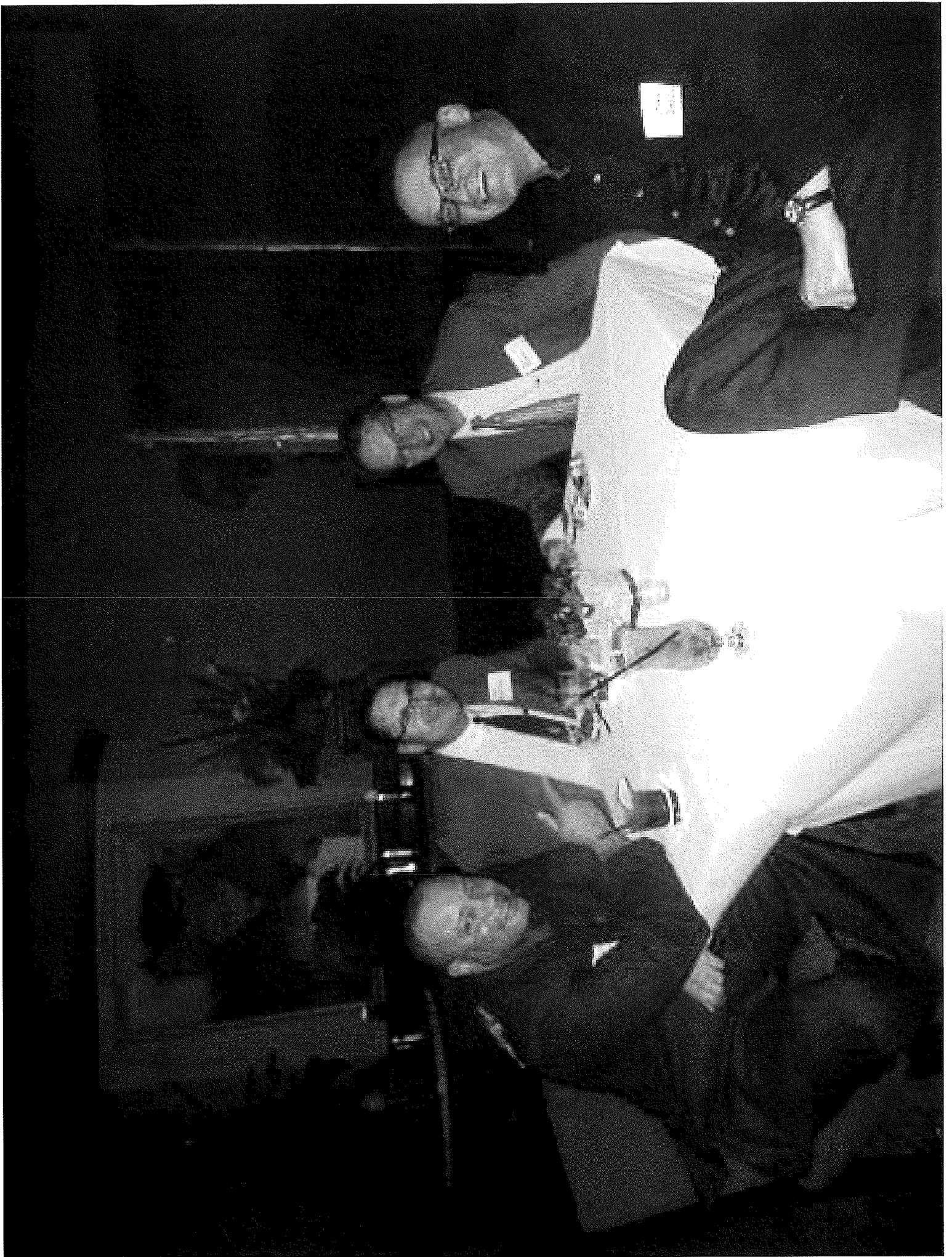


EXHIBIT 13

EXHIBIT 13

EXHIBIT 13

Jennifer Abrams

From: Chantel Wade
Sent: Wednesday, January 10, 2018 4:59 PM
To: JVA Group
Subject: FW: Veterans In Politics Int'l vs Willick (docket no. 72778); Abrams vs. Sanson (docket no. 73838); Saiter vs. Saiter (docket no. 72819)

Sincerely,

Chantel Wade
Office Manager
THE ABRAMS & MAYO LAW FIRM
6252 South Rainbow Blvd., Suite 100
Las Vegas, Nevada 89118
Tel: (702) 222-4021
Fax: (702) 248-9750
www.TheAbramsLawFirm.com

From: Cherry, Justice Michael [<mailto:mcherry@nvcourts.nv.gov>]
Sent: Wednesday, January 10, 2018 4:54 PM
To: Chantel Wade <CWade@theabramslawfirm.com>
Cc: Steve Sanson <eyeonnevada@cs.com>
Subject: Re: Veterans In Politics Int'l vs Willick (docket no. 72778); Abrams vs. Sanson (docket no. 73838); Saiter vs. Saiter (docket no. 72819)

Please be advised that I will not appear on the Veterans in Politics show on Saturday but will seek some advice from the Commission on Judicial Discipline on the issues raised by Attorney Abrams. Justice Michael Cherry

Sent from my iPad

On Jan 10, 2018, at 1:03 PM, Chantel Wade <CWade@theabramslawfirm.com> wrote:

PERSONAL AND CONFIDENTIAL

The information contained in this e-mail is from The Abrams & Mayo Law Firm which may be confidential and may also be attorney-client privileged. The information is intended for the use of the individual or entity to whom it is addressed and others who have been specifically authorized to receive it. If you are not the intended recipient, you are hereby instructed to return this e-mail unread and delete it from your inbox and recycle bin. You are hereby notified that any disclosure, dissemination, distribution, use or copying of the contents of this information is strictly prohibited.

Good afternoon,

Attached hereto please find today's correspondence from Attorney Abrams. The initial email failed to go through to your email address due to file size. I am re-sending the document to you with a smaller file size.

Sincerely,

Chantel Wade
Office Manager
THE ABRAMS & MAYO LAW FIRM
6252 South Rainbow Blvd., Suite 100
Las Vegas, Nevada 89118
Tel: (702) 222-4021
Fax: (702) 248-9750
www.TheAbramsLawFirm.com

From: Chantel Wade
Sent: Wednesday, January 10, 2018 12:47 PM
To: mcherry@nvcourts.nv.gov
Cc: alevy96@aol.com; maggie@nvlitigation.com; lcslawllc@yahoo.com; JVA Group
<JVAGroup@theabramslawfirm.com>
Subject: Veterans In Politics Int'l vs Willick (docket no. 72778); Abrams vs. Sanson (docket no. 73838);
Saiter vs. Saiter (docket no. 72819)

Good afternoon,

Attached hereto please find today's correspondence from Attorney Abrams.

Sincerely,

Chantel Wade
Office Manager
THE ABRAMS & MAYO LAW FIRM
6252 South Rainbow Blvd., Suite 100
Las Vegas, Nevada 89118
Tel: (702) 222-4021
Fax: (702) 248-9750
www.TheAbramsLawFirm.com

<Ltr to Justice Cherry dated 1-10-18.pdf>

[Spam](#)

[Phish/Fraud](#)

[Not spam](#)

[Forget previous vote](#)



† Jennifer V. Abrams, Esq.

† Vincent Mayo, Esq.

‡ Brandon K. Leavitt, Esq.

6252 South Rainbow Blvd., Suite 100

Las Vegas, Nevada 89118

P. 702.222.4021 F. 702.248.9750

www.TheAbramsLawFirm.com

Wednesday, January 10, 2018

Hon. Michael Cherry, Justice
Nevada Supreme Court
201 South Carson Street
Carson City, NV 89701

Re: **Veterans In Politics International radio appearance, scheduled for January 13, 2018**
Veterans In Politics Int'l, Inc. vs. Willick, docket no. 72778
Abrams vs. Sanson, docket no. 73838
Saiter vs. Saiter, docket no. 72819

Dear Justice Cherry:

We have received an "e-mail blast" from Steve Sanson and Veterans in Politics International ("VIPI") claiming that you have agreed to be a "guest" on Mr. Sanson's radio show. We believe this would be inappropriate.

There are three cases now pending before the Nevada Supreme Court to which Mr. Sanson is a party or is otherwise connected.¹ He has an established pattern of contacting and attempting to have out-of-court communications with judges before whom he has matters pending. The recent affidavit filed by Judge Bailus while recusing from one of those cases, noting at minimum the appearance of impropriety, is attached.

Our moving papers leading to that recusal noted:

Plaintiffs did not file their motion to disqualify over a misunderstanding or out of caution—this motion was necessary to address the systemic, organized efforts by Defendants to intimidate judges, build a personal rapport with them, and try to groom them to rule in Defendants' favor.

The *Reply* is attached.

¹ *Veterans In Politics Int'l, Inc. vs. Willick*, docket no. 72778; *Abrams vs. Sanson*, docket no. 73838; and *Saiter vs. Saiter*, docket no. 72819

† Board Certified Family Law Specialist

† Fellow of the American Academy of Matrimonial Lawyers; Admitted in Nevada, California, and Louisiana

‡ Admitted in Nevada and Washington

JVA001508

In August, Judge Duckworth was quite blunt in describing this pattern of activity:

[N]otwithstanding his self-proclaimed faux cover of seeking to “expose injustice and corruption,” Mr. Sanson’s sole motivation for communicating with this Court was to intimidate and harass the Court. Mr. Sanson proudly proclaims that he has “declared war” on the Family Court. There is no doubt that the courts are under attack and that the entire judiciary of this great State of Nevada is on notice that, behind that false banner of “justice and corruption” is an individual and group who seek to manipulate, intimidate and control. The arsenal of weapons that Mr. Sanson utilizes include attempts to manipulate, intimidate and control the judicial process through off-the-record communications. This case has exposed the reality of his tactics.

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

Is there anything more corrupt than the influence Mr. Sanson sought to exert over the Court? And he proclaims that he seeks to expose corruption? Because this Court called him out on the inappropriateness of his communication and refused to kowtow and cower to his manipulation and control, Mr. Sanson predictably let the Court know that his wrath was coming out against the Court. This type of threat to any judicial officer strikes at the very core of the integrity of the judicial process. Moreover, such threatening behavior is an attempt to manipulate and control judicial officers if they do not succumb to Mr. Sanson’s desired result.

Order of Recusal in Ansell v. Ansell, filed September 5, 2017, in Eighth Judicial District Court case number D-15-521960-D (emphasis in original), also attached.

We have considered the possibility that this communication might be attacked as itself being an *ex parte* communication, but we don’t think so, for two reasons. First, it is being copied to Sanson’s counsel. Second, everything in this letter is part of the record in the cases now before the Nevada Supreme Court, and therefore the Court is already on notice of them.

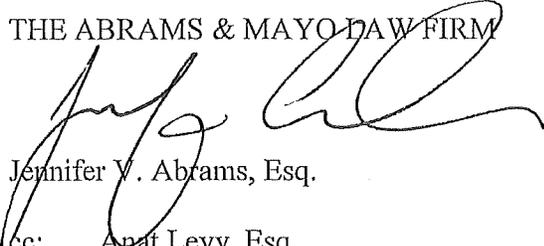
Wednesday, January 10, 2018
Page 3 of 3

The Abrams & Mayo Law Firm

For all these reasons, we respectfully request that no "appearances" or other meetings with Mr. Sanson would be appropriate without creating, at minimum, an "appearance of impropriety." Thank you.

Sincerely,

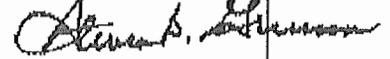
THE ABRAMS & MAYO LAW FIRM

A handwritten signature in black ink, appearing to read "Jennifer V. Abrams", written over the printed name below.

Jennifer V. Abrams, Esq.

cc: Anat Levy, Esq.
Maggie McLetchie, Esq.
Louis C. Schneider, Esq.

JVA001510



EIGHTH JUDICIAL DISTRICT COURT

CLARK COUNTY, NEVADA

MARSHAL S. WILLICK and WILLICK
LAW GROUP,

Plaintiffs,

CASE NO. A-17-750171-C
DEPT. NO.: XVIII

v.

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

Defendants.

AFFIDAVIT OF MARK B. BAILUS IN RESPONSE TO
PLAINTIFFS' MOTION TO DISQUALIFY JUDGE

I, Mark B. Bailus, solemnly swear as follows:

1. I make this Affidavit on my own knowledge except for those matters based on information and belief and as to those matters believe them to be true.
2. I am a District Court Judge, presiding over Department XVIII of the Eighth Judicial District Court and am competent to testify to all the matters stated herein.
3. The above-entitled case ("Subject Case") is assigned to Department XVIII.
4. On December 1, 2017, my Chambers was served with Plaintiffs' Motion to Disqualify Judge ("Motion") filed on November 29, 2017. Plaintiffs' Motion seeks to disqualify me from presiding over the Subject Case at some point in the future in the event the appeal from the denial of the Defendants' *Anti-SLAPP Special Motion to Dismiss Pursuant to NRS 41.650 et. seq.* ("Anti-SLAPP Motion") is returned to

1 Department XVIII for further proceedings, if any.

2 5. Based on the Court's Odyssey system, the complaint was filed on January
3 27, 2017. After a peremptory challenge was filed by Plaintiffs, Marshal S. Willick
4 ("Willick") and Willick Law Group ("WLG") (collectively, "Plaintiffs") and some
5 administrative reassignments due to recusals, this case was assigned to Department XVIII
6 on March 1, 2017 (which was vacant at the time and presided over by rotating senior
7 judges). After the Subject Case was initiated, Defendants, Veterans in Politics
8 International, Inc. ("VPII") and Steven W. Sanson ("Sanson") (collectively,
9 "Defendants"), filed an *Anti-SLAPP Special Motion to Dismiss Pursuant to NRS 41.650*
10 *et. seq.* ("Anti-SLAPP Motion") on February 17, 2017. Defendants' Anti-SLAPP Motion
11 was heard by the Honorable J. Charles Thompson, Senior Judge, who denied the same on
12 March 30, 2017. Defendants appealed said denial on April 3, 2017. Said appeal is
13 currently pending before the Nevada Supreme Court and has been stayed in the District
14 Court pending resolution of Defendants' appeal of Senior Judge Thompson's Anti-
15 SLAPP order.
16

17
18 6. While the appeal was pending, I was appointed to fill the vacancy in
19 Department XVIII and took the bench on May 31, 2017.

20
21 7. I submit this Affidavit, pursuant to NRS 1.235(6), in response to the
22 Plaintiffs' Motion.

23 8. NRS 1.230(1) provides: "[a] judge shall not act as such in an action or
24 proceeding when he entertains actual bias or prejudice for or against one of the parties to
25 the action." Furthermore, Canon 2 of the Revised Nevada Code of Judicial Conduct
26 ("NCJC") provides: "[a] judge shall perform the duties of judicial office impartially,
27 competently, and diligently." More specifically, NCJC, Rule 2.11(A)(1) provides, in
28

1 pertinent part, that a judge shall disqualify himself “in any proceeding in which the
2 judge’s impartiality might reasonably be questioned, including [circumstances where] the
3 judge has a personal bias or prejudice concerning a party or a party’s lawyer, or personal
4 knowledge of facts that are in dispute in the proceeding.” However, the mere appearance
5 of bias or prejudice is not sufficient to warrant disqualification. Implied bias is only
6 grounds for disqualification in certain limited circumstances not applicable here, pursuant
7 to NRS 1.230(2). A judge is “presumed to be impartial, [and] ‘the burden is upon the
8 party asserting the challenge to establish sufficient factual grounds warranting
9 disqualification.’ ” See *Ybarra v. State*, 127 Nev. 47, 247 P.3d 269, 274 (2011), quoting
10 *Goldman v. Bryan*, 104 Nev. 644, 649, 764 P.2d 1296, 12996 (1988).

12 9. On Saturday, November 25, 2017 at 2:00 p.m., I appeared on the VP
13 Radio Show where I was interviewed by Mr. Sanson and/or his co-host, about my
14 background, appointment, qualifications, judicial philosophy, election and other related
15 matters. At no time was there any discussion during the VP Radio Show about the
16 Subject Case. Plaintiffs in their Motion (at 5 and 16) seem to acknowledge the same.

18 10. I have never met or spoken to Mr. Sanson prior to my appearance on the
19 VP Radio Show and at no time was I alone with him on the day of the radio show’s
20 taping. I arrived at the location for the radio show approximately 20 minutes before it
21 was to air. At that point, Mr. Sanson had not yet arrived. I was chatting with another
22 guest, *i.e.*, Constable Jordan Ross, Laughlin Township, when Mr. Sanson arrived at the
23 studio shortly before the radio show was to air. After his arrival, Mr. Sanson and his co-
24 host promptly started the radio show. I left the studio after my segment was completed.
25 At no time before, on the day of the radio show or after was the Subject Case discussed
26 with Mr. Sanson.
27
28

1 11. I have reviewed Mr. Sanson's Declaration and my recollection is that his
2 Declaration substantially accurately reflects the manner in which the appearance was
3 scheduled and that there were no discussions of any kind regarding the Subject Case.

4 12. Over the Thanksgiving Holiday, an email was sent on Saturday,
5 November 25, 2017 at 10:55 a.m. by Mark DiCiero to my Chambers. After returning
6 from the Thanksgiving Holiday, I reviewed Mr. DiCiero's email which advised that it
7 was his understanding that I was "currently presiding over a case involving Mr. Sanson
8 and a local attorney." Mr. DiCiero's November 25, 2017 email did not identify the "local
9 attorney." Notwithstanding, Mr. DiCiero suggested in his November 25, 2017 email that
10 he was concerned about the "appearance of impropriety" that would exist by my
11 appearance on the VP11 Radio Show.
12

13 13. A trial judge has a duty to sit and "preside to the conclusion of all
14 proceedings, in the absence of some statute, rule of court, ethical standard, or other
15 compelling reason to the contrary." *See Las Vegas Downtown Redev. v. Dist. Ct.*, 116
16 Nev. 640, 643, 5 P.3d 1059, 1061 (2000) (quoting *Ham v. District Court*, 93 Nev. 409,
17 415, 566 P.2d 420, 424 (1977)). Accordingly, a Judge has a general duty to sit, unless a
18 judicial canon, statute, or rule requires the Judge's disqualification.
19

20 14. I will not be swayed by public clamor or fear of criticism. I will do my
21 duty as a Judge and hear the cases assigned to me, unless prevented by rule, statute, or
22 case law.
23

24 15. I can be fair and impartial to all parties in the Subject Case.

25 16. I have no actual or implied bias or prejudice toward or against any party to
26 this action and/or their counsel.
27
28

1 17. If I believed I could not be fair and impartial to any litigant in the
2 underlying matter, I would recuse as the rules require me to do.

3 18. In their Motion, Plaintiffs make no allegation of actual or implied bias. I
4 have not heard and/or decided any matter in this case as this case is currently pending
5 before the Nevada Supreme Court before I was even appointed to the bench. In addition,
6 there is an Order staying in the District Court the proceedings in the Subject Case.
7 Rather, Plaintiffs' Motion (at 7) alleges, *inter alia*, that "[t]he circumstances surrounding
8 Judge Bailus' appearance on the VIPI web radio show create *at least* the appearance of
9 impropriety." (Emphasis in original.)
10

11 19. One of the purposes behind NCJC, Rule 2.11 is to avoid even the
12 appearance of partiality and promote confidence in the judiciary. Thus, the possibility or
13 appearance of prejudice in the minds of the public is of significant concern for me. The
14 issue is not whether I am impartial, there is no question I am. Rather, the issue is whether
15 a reasonable person would conclude that the judge's impartiality "might be reasonably
16 questioned." *See* NCJC, Rule 2.11(A). "A judge should disclose on the record
17 information that the judge believes the parties or their lawyer might reasonably consider
18 relevant to a possible motion for disqualification, even if the judge believes there is no
19 basis for disqualification. A judge making such a disclosure should, where practicable,
20 follow the procedure set forth in Rule 2.11(C)." *See* NCJC, Rule 2.11, cmt. [5]. Due to
21 Plaintiffs' Motion, it is not practical to follow the procedure in Rule 2.11(C).
22
23

24 20. Notwithstanding, it has been my practice in any proceeding where my
25 impartiality might reasonably be questioned that I have disclosed on the record the basis
26 of my concern as to even the appearance of partiality and ask the parties and their lawyers
27 to consider outside my presence and court staff, court officials and others subject to the
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1 Judge's direction and control whether to waive the disqualification. See NCJC, Rule
2 2.11(A) and (C).

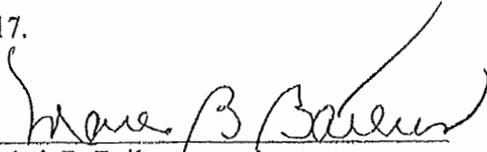
3 21. In the Subject Case, if it had come back before me, I would have disclosed
4 to Mr. Willick that I appeared on the VPII Radio Show and that Mr. Sanson was one of
5 the hosts and there was a broad discussion regarding my appointment, background,
6 qualifications, judicial philosophy, election, etc. I did not receive any monetary
7 compensation for appearing on the VPII Radio Show. However, it may be perceived that
8 I received some favorable publicity. Similarly, I would have disclosed to Mr. Sanson that
9 Mr. Willick had been retained by my client, Lisa Rizzolo, as an expert witness in the
10 *Henry v. Rizzolo*, Case No. 2:08-cv-00635-PMP-GWF ("Henry Case"), and had prepared
11 an expert report. In conjunction with the Henry Case, I had multiple discussions with Mr.
12 Willick, and he was paid an initial retainer of \$10,000.00 and I am informed and believe
13 additional fees in the amount of \$24,539.00.
14
15

16 22. While I have no actual bias or prejudice in this matter toward or against
17 either party and can be fair and impartial in any action involving either party, in order to
18 avoid even the appearance of impropriety, I would request that any decisions regarding
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1 future proceedings and/or filings by either party should be handled by another department
2 or a senior judge.

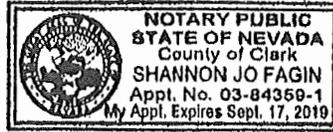
3 Further your Affiant sayeth naught.

4 DATED this 6th day of December, 2017.

5
6 
7 Mark B. Bailus
8 District Court Judge

9 SUBSCRIBED and SWORN to
10 before me this 6th day of December, 2017.

11 
12 NOTARY PUBLIC

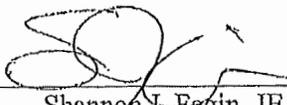


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CERTIFICATE OF SERVICE

I do hereby certify that on the 6th day of December, 2017, that a true and correct copy of the attached **AFFIDAVIT OF MARK B. BAILUS IN RESPONSE TO PLAINTIFFS' MOTION TO DISQUALIFY JUDGE**, served via the Court's electronic filing/service system (Odyssey) to all parties on the current service list.

- Alex Ghibaud, Esq. alex@alexglaw.com
- Anat Levy, Esq. alevy96@aol.com
- Maggie McLetchie, Esq. maggie@nvlitigation.com
- Marshal S. Willick, Esq. Marshal@willicklawgroup.com
- Bailey Kennedy bkfederaldownloads@baileykennedy.com
- Carlos A. Morales carlos@willicklawgroup.com
- Danielle Alvarado danielle@alexglaw.com
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- Jennifer Abrams JVAGroup@theabramslawfirm.com
- Jennifer Kennedy jkennedy@baileykennedy.com
- Joshua Gilmore jgilmore@baileykennedy.com
- Justin Justin@willicklawgroup.com
- Kelly B. Stout kstout@baileykennedy.com
- Margaret McLetchie maggie@nvlitigation.com
- Maryam Sabitian maryam@alexglaw.com
- Reception Email@willicklawgroup.com
- Susan Russo srusso@baileykennedy.com

By: 
Shannon J. Pugin, JEA
District Court Dept. XVIII



1 **RPLY**
2 JENNIFER V. ABRAMS, ESQ.
3 Nevada State Bar Number: 7575
4 THE ABRAMS & MAYO LAW FIRM
5 6252 South Rainbow Boulevard, Suite 100
6 Las Vegas, Nevada 89118
7 Phone: (702) 222-4021
8 Email: JVAGroup@theabramslawfirm.com
9 Attorney for Plaintiffs

EIGHTH JUDICIAL DISTRICT COURT
CLARK COUNTY, NEVADA

8	MARSHAL S. WILLICK and WILLICK LAW)	Case No.:	A-17-750171-C
9	GROUP,)	Department:	XVIII /XI
	Plaintiff,)		
10	vs.)		
11	STEVE W. SANSON; VETERANS IN)	Hearing date:	January 5, 2018
12	POLITICS INTERNATIONAL, INC.,)	Hearing time:	(In Chambers)
13	Defendant.)		

**REPLY TO OPPOSITION TO MOTION TO DISQUALIFY JUDGE,
AND OPPOSITION TO REQUEST FOR SANCTIONS**

16 **COME NOW** the Plaintiffs, MARSHAL S. WILLICK and WILLICK LAW
17 GROUP, by and through their attorney of record, Jennifer V. Abrams, Esq., of The
18 Abrams & Mayo Law Firm, and Joshua Gilmore, Esq. of Bailey Kennedy, and hereby
19 submit their *Reply to Opposition to Motion to Disqualify Judge, and Opposition to*
20 *Request for Sanctions.*

21 ///
22 ///
23 ///
24 ///

1 MEMORANDUM OF POINTS AND AUTHORITIES

2 I. REPLY TO OPPOSITION

3 A. Judge Bailus agrees this matter should be reassigned.

4 In his affidavit filed on December 6, 2017, Judge Bailus states that “in order to
5 avoid even the appearance of impropriety, [he] would request that any decisions
6 regarding future proceedings and/or filings by either party should be handled by
7 another department or a senior judge.”¹ That statement is enough to warrant the
8 relief requested.²

9 While NRS 1.235(5) permits Judge Bailus to voluntarily recuse and transfer
10 this matter to another department on his own accord, it appears he left the
11 reassignment to the Chief Judge in order to decide where this matter is reassigned.

12 Defendants have tainted the judicial pool to such a severe degree that the only
13 sound options in this matter are to either assign this matter to a senior judge (who is
14 not subject to elections and, thus, campaign attacks by the Defendants) or, to remove
15 this matter to another judicial district with a judge who has no connection to any
16 party to this case.

17 **B. Defendants’ opposition to this motion is indicative of their corrupt**
18 **efforts to gain control over the local judiciary.**

19 Plaintiffs did not file their motion to disqualify over a misunderstanding or
20 out of caution—this motion was necessary to address the systemic, organized efforts
21 by Defendants to intimidate judges, build a personal rapport with them, and try to
22 groom them to rule in Defendants’ favor.

23 ¹ *Affidavit of Mark B. Bailus in Response to Plaintiffs’ Motion to Disqualify Judge*, filed
December 6, 2017, beginning at page 6, line 17.

24 ² See NCJC Canon 1 (noting that a judge “shall avoid . . . the appearance of impropriety”).
Defendants even admit that Judge Bailus’ opinion on the matter involving disqualification must be
given “substantial weight.”

1 Even though this case was not specifically discussed, the underlying issues in
2 this case were absolutely at the forefront of the *ex parte* communications. For
3 example, Willick's *Complaint* alleges that Veterans in Politics International (VIPI) is
4 a sham organization who launches internet "smear campaigns" for pay. In other
5 words, Willick argues that VIPI is not a legitimate veteran's organization.

6 By his appearance on the VIPI "radio show," Judge Bailus is now necessarily
7 less likely to find that VIPI is a sham organization than if he had not been asked to
8 appear on the show and had not actually appeared on the show. Anyone who
9 voluntarily appears on a "radio show" of an organization is necessarily less likely to
10 view their own appearance as illegitimate or the organization hosting such
11 appearance as illegitimate. This is bias, which is defined as "prejudice in favor of or
12 against one thing, person, or group compared with another, usually in a way
13 considered to be unfair."³ It is very unlikely, if not impossible, for Judge Bailus not to
14 have been influenced by these events and made less likely to find (as any trier of fact
15 should and will) that VIPI is, in fact, a sham organization which launches internet
16 "smear campaigns" for pay.

17 Defendants argue that, even if Judge Bailus's appearance on the "radio show"
18 was a campaign contribution, such contributions are permitted because the elected-
19 judiciary system mandated by the Nevada Constitution makes campaign activities
20 necessary. However, Defendants' citation to *Ivey*⁴ is misplaced. While campaign
21 contributions alone are not sufficient to determine actual bias, the *Ivey* court stated

22
23
24 ³ "Bias." Def. 1. *Oxford English Dictionary Online*, 2nd edition, December 2017

⁴ *Ivey v. Eighth Judicial Dist. Ct. (Ivey)*, 129 Nev. ____, 299 P.3d 354 (2013).

1 that “[a] court must also review the timing of the campaign contributions in relation
2 to the judge's election and the status of the contributor's case.”⁵

3 Here, the timing of Defendants’ invitation to Judge Bailus is beyond
4 “suspect.” Judge Bailus was appointed by Governor Sandoval to Department XVIII
5 where Defendants’ case is assigned and, very shortly after taking the bench, was
6 invited by Mr. Sanson to appear on his “radio” show. During the interview, Judge
7 Bailus acknowledged that Mr. Sanson had no interest in Bailus’ appearance on the
8 show until he was appointed, and Mr. Sanson made multiple statements to Judge
9 Bailus questioning his viability in future elections—elections that Mr. Sanson has
10 publicly targeted in the past when candidates or sitting judges do not agree with him.

11 Defendants are quick to point out in their numerous social media postings
12 that Mr. Willick was hired as an expert witness in one of Bailus’ cases years before he
13 was appointed to Department XVIII. There is a vast difference between a *litigant*
14 directly communicating with the assigned judge *in the litigant’s own pending*
15 *case* vs. a lawyer who was retained in his professional capacity as an expert witness
16 years before the Judge was appointed or the pending case came into existence; the
17 two are not even remotely comparable.

18 This is not about a lawyer/expert/judge communication in some other case at
19 a remote point in the past in some other case; it is not about a State Bar approved
20 CLE; it is not about a committee meeting, etc. This is about a litigant seeking out the
21 judge assigned to preside over his case, attempting to establish a personal
22 connection to that judge, attempting to legitimize his organization in the eyes of that
23 judge, and publically interrogating that Judge about his ability to maintain a “future”
24

⁵ *Id.*, at 357, citing *Caperton v. A. T. Massey Coal Co.*, 556 U.S. 868, 886 (2009).

1 on the bench. It defies logic for Defendants to even suggest that such events do not
2 cast doubt on Judge Bailus' ability to remain impartial in this case.

3 Defendants correctly state that Judge Bailus has never heard a single matter
4 in this case. Contrary to Defendants' suggestion, if the Nevada Supreme Court
5 somehow finds that Defendants were sued for making communications that fall
6 within the purview of NRS 41.637(4) (they were not), this case will be remanded for
7 the District Court to address the second part of the anti-SLAPP analysis (e.g.,
8 whether Plaintiffs presented prima facie evidence of a probability of prevailing on
9 their claims). The Nevada Supreme Court will *not* undertake that analysis in the first
10 instance.⁶ That is a very compelling reason to re-assign the case—nothing will be
11 lost (*i.e.*, this matter won't have to start over with a new judge), and it won't make
12 any difference if Judge Bailus never hears this case.

13 This is far from an isolated instance of such misconduct by Defendants—it is
14 part and parcel of a deliberate attempt to corrupt judicial proceedings in numerous
15 cases over an extended period of time. As noted by the Administrator of Nevada
16 Court Watchers, Mark DiCiero, Defendants have “put[] together quite a history of
17 getting recusals for members of his disgruntled War mob – all while crying foul and
18 corruption at the same time. Hypocrisy at its finest.”⁷ The observation goes on to
19 identify multiple instances of attempted judge tampering by the Defendants in this

20
21 ⁶ See, e.g., *Ryan's Express v. Amador Stage Lines*, 128 Nev. ___, 279 P.3d 166, 172-73 (2012)
22 (“An appellate court is not particularly well-suited to make factual determinations in the first
23 instance.”); see also *Dorfman v. Proactive Inventory, Inc.*, No. 05-16-01286-CV, 2017 WL 2953058,
24 at *2 (Tex. App. July 11, 2017) (“However, by determining the Estate was not entitled under the
[Texas Citizens Participation Act] to seek dismissal of appellees' claims because the Estate denied
making the communications that form the bases of those claims, the trial court did not reach the
substantive merits of the Estate's motion. We conclude the trial court should have the initial
opportunity to do so.”)

⁷ DiCiero, Mark. (2017, December 27). Nevada Court Watchers [Facebook group]. Retrieved
from <https://www.facebook.com/groups/433293260115971/permalink/1322318161213472/>

1 case, including Judge Duckworth in *Ansell v. Ansell*, Judge Hughes in *Silva v. Silva*,
2 Judge Hughes in *Wagner v. Marino*, Judge Hughes in *Bourn v. Bourn*, Judge Bailus
3 in *Willick v. Sanson*, and Judge Marquis in *McDonald v. McDonald*.

4 The bottom line is that the various interests identified by Judge Bailus in his
5 affidavit: public perception, trust in the judiciary, appearance of impropriety, etc.;

6 **all** require a reassignment to a senior judge or another judicial district.

7 For these reasons, the Chief Judge should not only grant the motion to
8 disqualify requested by Plaintiffs and stipulated to by Judge Bailus, but should
9 further order the disclosure of **all** records of communication between Defendants
10 (or their agents and representatives) and Judge Bailus (or his staff and
11 representatives).

12 **II. OPPOSITION TO COUNTERMOTION FOR SANCTIONS**

13 Defendants move this Court for sanctions against Plaintiffs for filing their
14 motion to disqualify—a motion made necessary by Defendants’ *ex parte* attempts to
15 influence the judge in this pending action. Ironically, Defendants cite NRCP 11 as a
16 basis for their request, while simultaneously larding their request⁸ with pure
17 fabrications that could not have been made had there been any kind of “inquiry
18 reasonable under the circumstances.” In turn:

19 1. Public IRS records do show that VIPI hasn’t filed a tax return since
20 2009 and lost its “non-profit” designation in December 2013 (though Defendants
21 falsely claim on page 2, line 16 of their opposition that “VIPI is a non-profit media
22 outlet”);

23 ⁸ Defendants did not comply with Rule 11 in seeking sanctions, and therefore, the Chief Judge
24 should deny their sanctions request without further review. See, e.g., *Stubbs v. Strickland*, 129 Nev.
—, 297 P.3d 326, 331 n.2 (2013); see also *Woods v. Truckee Meadows Water Auth.*, No. 3:06-CV-
0189-LRH (VPC), 2007 WL 2264509, at *3 (D. Nev. Aug. 6, 2007) (noting that a party must strictly
comply with the procedural and safe harbor requirements of Rule 11).

1 2. The undersigned does not have a daughter named "Kelly Grob" and
2 never sent Mr. Sanson "anonymous text messages," as falsely alleged;

3 3. Plaintiffs or their representatives did not steal Mr. Sanson's SIM from
4 his cell phone, as falsely alleged;

5 4. Plaintiffs or their representatives are not the registered owners of the
6 "Warmonger's Facebook Page," nor do they have any control over the postings on
7 said page, as falsely alleged; and

8 5. Plaintiffs have no control over Mr. DiCiero's social media postings.

9 On the other hand, there have been judicial FINDINGS by Judge Duckworth
10 that "behind that false banner of 'justice and corruption' is an individual and group
11 who seek to manipulate, intimidate and control. The arsenal of weapons that Mr.
12 Sanson utilizes include attempts to manipulate, intimidate and control the judicial
13 process through off-the-record communications. This case has exposed the reality of
14 his tactics."

15 **III. CONCLUSION**

16 Defendants' should be sanctioned for their continued attempts to manipulate,
17 intimidate and control judicial officers in pending cases. Defendants should be
18 sanctioned for their continued false allegations regarding a phantom "daughter" of
19 Plaintiff's counsel and a bogus SIM card theft. Plaintiffs should be made whole for
20 having to fight for the disqualification of a Judge that **Defendants attempted to**
21 **corrupt in this pending case.**

22 Based upon the foregoing, Plaintiffs respectfully request that this Court deny
23 Defendants' request for sanctions and order that a full disclosure of
24 communications be made between Judge Bailus and Defendants, that Judge Bailus

1 be disqualified from this matter, and that this matter be reassigned to a senior
2 judge.

3 DATED Thursday, December 28, 2017.

4 Respectfully submitted:

5 THE ABRAMS & MAYO LAW FIRM

6 /s/ Jennifer V. Abrams, Esq.

7 Jennifer V. Abrams, Esq.

8 Nevada State Bar Number: 7575

9 6252 South Rainbow Boulevard, Suite 100

10 Las Vegas, Nevada 89118

11 Phone: (702) 222-4021

12 Email: JVAGroup@theabramslawfirm.com

13 Attorney for Plaintiffs

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CERTIFICATE OF SERVICE

I hereby certify that the foregoing *Reply to Opposition to Motion to Disqualify Judge, and Opposition to Request for Sanctions* was filed electronically with the Eighth Judicial District Court in the above-entitled matter on Thursday, December 28, 2017. Electronic service of the foregoing document shall be made in accordance with the Master Service List, pursuant to NEFCR 9, as follows:

Anat Levy, Esq.
Attorney for Defendants

/s/ David J. Schoen, IV, ACP
An Employee of The Abrams & Mayo Law Firm



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ORDR

DISTRICT COURT
CLARK COUNTY, NEVADA

IRINA ANSELL,)
)
Plaintiff,)
)
v.)
)
DOUGLAS ANSELL,)
)
Defendant.)

CASE NO. D-15-521960-D
DEPT NO. Q

Date of Hearing: August 30, 2017
Time of Hearing: 2:00 p.m.

ORDER OF RECUSAL

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

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

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

BRYCE C. DUCKWORTH
DISTRICT JUDGE

FAMILY DIVISION, DEPT. Q
LAS VEGAS, NEVADA 89101

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Mr. Sanson argues that his organization "exposes public corruption and injustices." Further, despite the fact that Mr. Ansell designated Mr. Sanson as *his* witness, Mr. Sanson states with emphasis that neither he nor VIPI "*have anything to do with this case.*" To reiterate for the record, Mr. Sanson intentionally interjected himself into this matter by communicating with the Court in reference to this specific case. Plaintiff understandably and justifiably has sought to determine the full extent of such off-the-record communications. To be clear, however, Mr. Sanson's involvement in this matter is not about exposing "injustice" or corruption. Mr. Sanson acknowledged that he had never met Plaintiff and proclaimed that he meant her no "ill will." Indeed, Mr. Sanson appeared to be unaware that Defendant (Doug Ansell) was the prevailing party with respect to the child custody issues in this case – an issue that is of the highest significance in *most* cases.

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As noted previously, when given the opportunity at the August 30, 2017 hearing to explain the “crap” that was occurring in the Ansell matter, Mr. Sanson was unable to identify any singular fact. As such, notwithstanding his self-proclaimed faux cover of seeking to “expose injustice and corruption,” Mr. Sanson’s sole motivation for communicating with this Court was to intimidate and harass the Court. Mr. Sanson proudly proclaims that he has “declared war” on the Family Court. There is no doubt that the courts are under attack and that the entire judiciary of this great State of Nevada is on notice that, behind that false banner of “justice and corruption” is an individual and group who seek to manipulate, intimidate and control. The arsenal of weapons that Mr. Sanson utilizes include attempts to manipulate, intimidate and control the judicial process through off-the-record communications. This case has exposed the reality of his tactics.

Rather than apologize for his unethical and corrupt conduct, *Mr. Sanson has the audacity to blame this Court for his improper communication.* Specifically, Mr. Sanson alleges under oath in his Sworn Declaration that his off-the-record *question* to the Court was somehow an answer to a same-day related conversation. The timing of this entire narrative offered by Mr. Sanson is significant as it belies Mr. Sanson’s story. Mr. Sanson alleges in his Sworn Declaration that his originating text message took place on the *same day* as a conversation with the Court in the courtroom (i.e., May 11, 2017). To this end, Mr. Sanson’s narrative suggests that his text message was intended merely to follow-up on a conversation earlier that same day. Mr. Sanson’s narrative, however, is a *factual impossibility*. In this regard, May 11, 2017 was this Court’s Chamber

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Calendar day. No hearings were scheduled in Department Q on May 11, 2017. There was no conversation on May 11, 2017 as Mr. Sanson has alleged.⁴ Regardless, even if Mr. Sanson's sworn recitation of facts is believed, his communication with the Court *remains improper.*

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

This Court's abrupt termination of the telephone call and immediate text to Mr. Sanson that his communication was inappropriate was not Mr. Sanson's desired response or reaction from the Court. It is now obvious that Mr. Sanson was looking for a response from the Court more along the lines of: "I'm so sorry Mr. Sanson, I'll make sure that Mr. Willick doesn't get his way," or, "I'm so sorry Mr. Sanson, I'll make sure Mr. Ansell comes out on top," or even, "message received Mr. Sanson." *Is there*

⁴This is not simply a matter of "oops, I got the date wrong." Any change to the date changes the entire narrative and creates a logical disconnection in time. This Court's staff checked the videotape of the hearings in all cases held in Department Q on the preceding Monday, Tuesday, and Wednesday of that same week and was unable to find Mr. Sanson in the gallery at the beginning or conclusion of any case.

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

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

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This Court recognizes the judicial duty to sit. Mr. Sanson's Sworn Declaration filed on August 22, 2017, however, creates a conflict for the Court. Moreover, it has become evident based on the history of this matter that any decision by this Court that favors Defendant in any manner is perceived by Plaintiff as being influenced by something that has happened outside of this courtroom. Similarly, Defendant may have the perception that, because this Court has declared its disgust and disdain for outside efforts to influence this matter, the Court is somehow overcompensating to counter Plaintiff's perception. These perceptions (although untrue on both accounts) are unfair to both parties. Accordingly, it is appropriate that this Court recuse from this matter.

Finally, because there have been outside attempts to influence this Court in this matter, complete transparency is warranted to maintain public confidence in the administration of justice. Notably, Mr. Sanson (through counsel) argued that this matter was improperly sealed. To clarify this Court's findings at the August 30, 2017 hearing, this Court concurs that the hearings in this matter and orders entered by the Court should not be sealed and should be available for public inspection. However, this Court recognizes that filings of the parties and experts contain sensitive information related to both custody issues and financial issues. Consistent with NRS 125.110, those papers should remain sealed.

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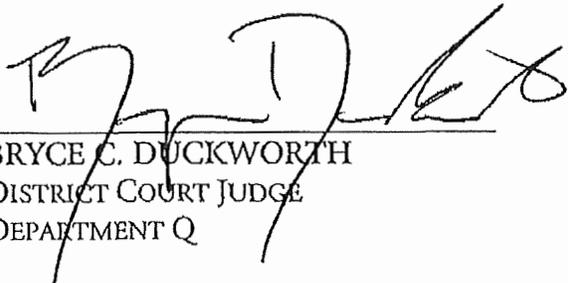
Based on the foregoing, and good cause appearing therefor,

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

It is further ORDERED that the hearings pending before this Court, including trial dates and hearings related to discovery issues, should be re-calendared upon the reassignment of this matter.

It is further ORDERED that the hearing videos and orders entered by this Court should be unsealed.

DATED this 5th day of September, 2017.


BRYCE C. DUCKWORTH
DISTRICT COURT JUDGE
DEPARTMENT Q

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A-17-749318-C

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Intentional Misconduct

COURT MINUTES

March 02, 2018

A-17-749318-C Jennifer Abrams, Plaintiff(s)
vs.
Louis Schneider, Defendant(s)

March 02, 2018 2:58 PM All Pending Motions

HEARD BY: Gonzalez, Elizabeth **COURTROOM:** Chambers

COURT CLERK: Dulce Romea

PARTIES None. Minute order only - no hearing held.
PRESENT:

JOURNAL ENTRIES

- PLAINTIFFS' MOTION TO DISQUALIFY EIGHTH JUDICIAL DISTRICT COURT ELECTED JUDICIARY, AND FOR PERMANENT ASSIGNMENT TO THE SENIOR JUDGE PROGRAM OR, ALTERNATIVELY, TO A DISTRICT COURT JUDGE OUTSIDE OF CLARK COUNTY...MINUTE ORDER RE: CASE REASSIGNMENT

COURT ORDERED, given the high number of recusals by sitting district judges, this matter is referred to the senior judge department for assignment of a senior judge to this case.

COURT FURTHER ORDERED, motion to disqualify OFF CALENDAR.

CLERK'S NOTE: Parties notified by distributing a copy of this minute order via the E-Service list. / 3-5-18

PRINT DATE: 03/05/2018

Page 1 of 1

Minutes Date: March 02, 2018

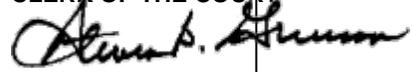
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1 **MRCN**
2 MARGARET A. MCLETCHIE, Nevada Bar No. 10931
3 ALINA M. SHELL, Nevada Bar No. 11711
4 **MCLETCHIE SHELL LLC**
5 701 East Bridger Ave., Suite 520
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8 Email: maggie@nvlitigation.com
9 *Attorneys for Defendants Steve W. Sanson and*
10 *Veterans in Politics International, Inc.*

11 **EIGHTH JUDICIAL DISTRICT COURT**

12 **CLARK COUNTY, NEVADA**

13 JENNIFER V. ABRAMS and THE
14 ABRAMS & MAYO LAW FIRM,
15 Plaintiff,

16 vs.

17 LOUIS C. SCHNEIDER; LAW OFFICES
18 OF LOUIS C. SCHENEIDER, LLC; STEVE
19 W. SANSON; VETERANS IN POLITICS
20 INTERNATIONAL, INC.; SANSON
21 CORPORATION; et al.,
22 Defendants.

Case No.: A-17-749318-C

Dept. No.: XI

23 **MOTION TO RECONSIDER**
24 **MARCH 2, 2018 MINUTE ORDER**
25 **GRANTING PLAINTIFFS'**
26 **MOTION TO DISQUALIFY**

27 Defendants Steve W. Sanson and Veterans in Politics, by and through their counsel,
28 Margaret A. McLetchie and Alina M. Shell of the law firm McLetchie Shell LLC, hereby
move this Court to reconsider the March 2, 2018 Minute Order granting Plaintiffs' Motion
to Disqualify the Eighth Judicial District Court Elected Judiciary, and for Permanent
Assignment to the Senior Judge Program. This Motion is made pursuant to Eighth Judicial
District Court Rule 2.24(b) and is based upon the attached memorandum of points and
authorities, the papers and pleadings on file herein, and any argument this Court may permit
at the hearing on this motion.

DATED this the 12th day of March, 2018.

/s/ Margaret A. McLetchie

Margaret A. McLetchie, Nevada State Bar No. 10931
MCLETCHIE SHELL, LLC

Attorney for Defendants Steve W. Sanson and
Veterans in Politics International

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NOTICE OF MOTION

TO: ALL INTERESTED PARTIES.

YOU WILL TAKE NOTICE that the undersigned will bring on for hearing the above-noted MOTION TO RECONSIDER MARCH 2, 2018 MINUTE ORDER GRANTING PLAINTIFFS' MOTION TO DISQUALIFY and to be heard the 17 day of **APRIL** 9:00A 2018, at the hour of 9:00A a.m./p.m., in the above-entitled Court or as soon thereafter as counsel may be heard.

DATED this the 12th day of March, 2018.

/s/ Margaret A. McLetchie
Margaret A. McLetchie, Nevada State Bar No. 10931
MCLETCHIE SHELL, LLC
Attorney for Defendants Steve W. Sanson and Veterans in Politics International

MEMORANDUM OF POINTS AND AUTHORITIES

I. INTRODUCTION

In October and November 2016, Defendant Steve W. Sanson (“Mr. Sanson”), President of Defendant Veterans In Politics International (“VIPI”) (collectively, the “VIPI Defendants”), published a series of articles in which he expressed views critical of Plaintiff Jennifer Abrams’ (“Ms. Abrams”) and two Family Court judges’ courtroom practices and decisions. Mr. Sanson distributed these articles on the public forum of the Internet, where readers were free to agree with him, disagree with him, or ignore him altogether. In January 2017, Ms. Abrams and her namesake law firm (“Plaintiffs”) filed the instant suit against Louis C. Schneider and the VIPI Defendants, alleging, *inter alia*, that Mr. Sanson’s articles were defamatory. After a June 5, 2017 hearing, Judge Michelle Leavitt dismissed Plaintiffs’ complaint with prejudice pursuant to Nevada’s Anti-SLAPP statute, codified as Nev. Rev. Stat. § 41.635 *et seq.*, which is meant to dispose of (and deter) meritless lawsuits intended to chill protected speech. The VIPI Defendants moved for fees on September 13, 2017. A hearing on the prevailing Defendants’ Motion for Attorney’s Fees and Costs was originally set for October 16, 2017. At Plaintiffs’ request, the hearing date was pushed back to February 12, 2018. After Plaintiffs appealed their suit’s dismissal, an unsuccessful mediation session was conducted on January 17, 2018 pursuant to Nevada’s Settlement Conference Program.

Then, suddenly, on January 24, 2018, Plaintiffs, along with plaintiffs in the similar (but distinguishable) lawsuit against the VIPI Defendants, *Willick v. Sanson*, Case No. A-17-750171-C, filed a Motion to Disqualify Eighth Judicial District Court Elected Judiciary, and For Permanent Assignment to the Senior Judge Program or, Alternatively, to a District Court Judge Outside of Clark County (the “Motion to Disqualify”). On March 2, 2018, this Court granted, in chambers and without a hearing, Plaintiffs’ Motion to Disqualify in the instant case and the related case. *See* March 2, 2018 Minute Order (the “Minute Order”), on file with this Court. Notably, the only rationale contained in this order is “given the high number of recusals by sitting district judges, this matter is referred to the senior judge department for assignment of a senior judge to this case.” *Id.*



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With regard to disqualifying Judge Leavitt from the instant case, the Court’s decision was clearly erroneous in several regards, and therefore merits reconsideration. First, the Motion to Disqualify was untimely by many, many months. By virtue of this untimeliness and by virtue of appearing in a contested matter before Judge Leavitt, Plaintiffs have long-since waived their ability to move to disqualify Judge Leavitt pursuant to Nev. Rev. Stat. § 1.235. Although Plaintiffs did not pursue this avenue¹, the fatal timeliness defect could theoretically be overcome by moving to disqualify pursuant to Nevada Code of Judicial Conduct (“NCJC”) Rule 2.11(A). However, to prevail on such a motion, Plaintiffs would have had to demonstrate that they discovered *new information* that calls into question the judge’s impartiality *and* that they moved to disqualify *as soon as possible after discovering said information*. Far from showing this, Plaintiffs *did not even allege* that they discovered new information about Judge Leavitt that would merit her disqualification. Even if, *arguendo*, Plaintiffs had discovered new information, they *did not allege* that they moved to disqualify “as soon as possible.” Plaintiffs have not met their burdens under either Nev. Rev. Stat. § 1.235 or NCJC Rule 2.11(A) to timely move this Court to disqualify Judge Leavitt, and therefore it was clear error for the Court to grant their Motion to Disqualify.

Disqualification was not only procedurally barred but also devoid of any substantive basis. Plaintiffs failed to demonstrate either actual or implied bias on the part of Judge Leavitt that would merit disqualification. Plaintiffs attempted to invent such bias, disingenuously comparing *voluntary* recusals—in which judges chose not to preside over the VIPI Defendants’ cases for their own reasons—to *involuntary* judicial disqualifications based on actual or implied bias sufficiently alleged by a party. Judges who choose not to recuse themselves are presumed to be impartial, and the challenging party must meet the “burden of establishing *sufficient factual grounds, not just speculation*, to warrant disqualification.” *Ybarra v. State*, 127 Nev. 47, 52, 247 P.3d 269, 272 (2011) (emphasis added). That other judges in the Eighth District believe they are unfit to preside over VIPI

¹ Plaintiffs explicitly noted that they moved to disqualify Judge Leavitt under Nev. Rev. Stat. § 1.235(5)(a) rather than NCJC Rule 2.11(A). (*See* Motion to Disqualify, p. 26:15.)

1 Defendants’ cases are facts about those judges. They are not facts about Judge Leavitt.
2 Because Plaintiffs’ Motion to Disqualify was based on pure speculation, this Court must
3 reconsider its decision to grant it.

4 There is no basis under Nev. Rev. Stat. § 1.230(2) under which Judge Leavitt could
5 be disqualified. If Plaintiffs had pursued a motion based on under NCJC Rule 2.11(A), it
6 would still have failed because none of their allegations would cause a reasonable person to
7 question Judge Leavitt’s impartiality. Plaintiffs’ allegations of “actual bias” are completely
8 baseless—they boil down to sour grapes over Judge Leavitt issuing a ruling adverse to them
9 in the instant litigation. Plaintiffs’ allegations of “implied bias” are likewise insufficient. As
10 Judge Leavitt stated in her Affidavit, filed with this Court on February 2, 2018 (the “Judge
11 Leavitt Affidavit”), she has “no actual or implied bias or prejudice against any of the parties
12 in this matter” and that she “can be fair and impartial to all parties to this action.” (Judge
13 Leavitt Affidavit, ¶¶ 18-19.) A judge’s decision not to disqualify him- or herself is to be
14 “given substantial weight and should not be overturned in the absence of clear abuse of
15 discretion.” *In re Dunleavy*, 104 Nev. 784, 788 (1988). This Court committed clear error by
16 seemingly affording no weight to Judge Leavitt’s affidavit, and disqualifying Judge Leavitt
17 despite finding no abuse of discretion on her part.

18 Because of these errors, this Court should not have granted Plaintiffs’ Motion to
19 Disqualify, and should now grant the VIPI Defendants’ Motion to Reconsider that decision
20 so it may be vacated in accordance with Nevada law. The Court did not have the power to
21 grant the Motion to Disqualify both because it was untimely and because it failed to set forth
22 a sufficient basis to do. Notably, even if this Court had the power to reassign the matter,
23 doing so would promote judicial inefficiency and gamesmanship.

24 **II. RELEVANT FACTS AND PROCEDURAL HISTORY**

25 On January 9, 2017, Plaintiffs filed a complaint against the VIPI Defendants, as
26 well as several other defendants. The Complaint included causes of action for defamation,
27 intentional infliction of emotional distress, negligent infliction of emotional distress, false
28

1 light, business disparagement, harassment, concert of action, civil conspiracy, RICO, and
2 injunctive relief. Plaintiffs subsequently filed an amended complaint on January 27, 2017.

3 The stated impetus for this suit was a series of online postings made by Mr.
4 Sanson—the president of VIPI—criticizing Ms. Abrams’ in-court behavior and her practices
5 in Family Court. (See July 24, 2017 Order, on file herein, ¶¶ 1-15.) Specifically, On October
6 5, 2016, acting in his capacity as President of VIPI, Mr. Sanson posted an article on the
7 publicly-accessible website <veteransinpolitics.org> entitled “Nevada Attorney attacks a
8 Clark County Family Court Judge in Open Court,” containing the video transcript of a
9 September 29, 2016 hearing in the case entitled *Saiter v. Saiter*, Eighth Judicial District
10 Court, Family Division, Clark County, Nevada, Case No. D-15-521372 (the “Saiter
11 Hearing”).The Saiter Hearing involved a heated exchange between Ms. Abrams and Judge
12 Jennifer Elliot. On November 6, 2016, Mr. Sanson posted another an article to
13 <veteransinpolitics.org> entitled “Law Frowns on Nevada Attorney Jennifer Abrams’ ‘Seal-
14 Happy’ Practices.” This article was critical of Ms. Abrams’ practice of sealing the records in
15 many of her cases. On November 14, 2016, Mr. Sanson posted an article to
16 <veteransinpolitics.org> entitled “Lawyers acting badly in a Clark County Family Court.”
17 That same day, Mr. Sanson posted a video of the Saiter Hearing to the video-hosting website
18 YouTube. In the description of the video, Mr. Sanson stated his opinion that Ms. Abrams’
19 conduct in open court constituted “bullying.” Mr. Sanson also stated his belief in the
20 importance of public access to court proceedings. On November 16, 2016, Mr. Sanson posted
21 an article to <veteransinpolitics.org> criticizing Judge Rena Hughes for making a misleading
22 statement to an unrepresented child in Family Court. Like the others, this article reflects a
23 core VIPI mission—exposing and criticizing the behavior of officials. Finally, on December
24 21, 2016, the VIPI Defendants posted three videos to YouTube entitled “The Abrams Law
25 Firm 10 05 15,” “The Abrams Law Firm Inspection part 1,” and “The Abrams Law Firm
26 Practices p 2.” All the above-listed articles were also simultaneously sent to VIPI email
27 subscribers.

28 ///

1 On March 28, 2017, the VIPI Defendants filed a Special Motion to Dismiss
2 pursuant to Nev. Rev. Stat. § 41.660. (July 24, 2017 Order, ¶ 25.) The Court heard oral
3 argument on the VIPI Defendants’ Special Motion to Dismiss on June 5, 2017. Following
4 supplemental briefing from the parties, the Court entered a minute order on June 22, 2017
5 granting the VIPI Defendants’ Special Motion to Dismiss. The Court subsequently entered a
6 written order on July 24, 2017. In its order, the Court found that the VIPI Defendants had
7 met their burden of demonstrating that the statements listed above all pertained to matters of
8 public interest and were made in a public forum, were not false statements of fact., and were
9 protected by Nevada’s Anti-SLAPP statute. (Id., ¶¶ 38, 54, 55, 66.)

10 The Court also found that the Abrams Parties had failed to meet their burden of
11 demonstrating “with prima facie evidence a probability of prevailing on the claims” as
12 required by Nev. Rev. Stat. § 41.660(3)(6). (Id., ¶¶ 70-71.) Indeed, the Court noted that
13 several of the claims asserted by the Abrams Parties were either not cognizable causes of
14 action (such as the Abrams’ Parties’ non-existent cause of action for “harassment,” their
15 “cause of action” for injunctive relief), were out-of-jurisdiction (their federal copyright
16 claim), or without merit, and should be dismissed.

17 On September 13, 2017, the prevailing VIPI Defendants filed a Motion for Attorney
18 Fees and Costs Pursuant to Nev. Rev. Stat. § 41.670. Subject to supplementing, the VIPI
19 Defendants requested \$94,624.49 in fees and \$982.69 in costs, which are mandatory² under
20 Nevada law. Additionally, the VIPI Defendants sought \$10,000 from each Plaintiff pursuant
21 to Nev. Rev. Stat. § 41.670(3)(a). A hearing on the prevailing Defendants’ Motion for
22 Attorney’s Fees and Costs was originally set for October 16, 2017, then rescheduled to
23 December 11, 2017. (See October 12, 2017 Stipulation and Order, on file with this Court, ¶
24 4.) To accommodate scheduling conflicts for Plaintiffs’ counsel, this hearing was against
25 rescheduled, this time for February 12, 2018. (See December 7, 2017 Stipulation and Order,
26 on file with this Court, ¶ 6.)

27 _____
28 ² “The Court *shall* award reasonable costs and attorney’s fees to the person against whom
the action was brought[.]” Nev. Rev. Stat. § 41.670(1)(a) (emphasis added).

1 Plaintiffs gave notice of appeal on August 21, 2017. Pursuant to Rule 16 of the
2 Nevada Rules of Appellate Procedure, Plaintiffs’ appeal, Supreme Court No. 73838, was
3 assigned to the NRAP 16 Settlement Program on September 1, 2017. A mediation session
4 was conducted on January 17, 2018 pursuant this program; the parties were unable to agree
5 to a settlement of this matter.

6 On January 24, 2018—less than three weeks before the scheduled hearing on the
7 VIPI Defendants’ Motion for Attorney’s Fees and Costs—Plaintiffs filed a Motion to
8 Disqualify Eighth Judicial District Court Elected Judiciary, and For Permanent Assignment
9 to the Senior Judge Program or, Alternatively, to a District Court Judge Outside of Clark
10 County (the “Motion to Disqualify”). On February 2, Judge Leavitt submitted an affidavit
11 (the “Judge Leavitt Affidavit”) to the Court in which she avowed her impartiality and
12 explained why she should uphold her duty to sit. On March 2, 2018, Chief Judge Elizabeth
13 Gonzalez, in chambers and without a hearing, granted Plaintiffs’ Motion to Disqualify in the
14 instant case. *See* March 2, 2018 Minute Order (the “Minute Order”), on file with this Court.
15 The only reasoning given for the decision was, “given the high number of recusals by sitting
16 district judges, this matter is referred to the senior judge department for assignment of a
17 senior judge to this case.” *Id.* Judge Leavitt had not recused herself. Now, the VIPI
18 Defendants move for this Court for reconsideration of the March 2, 2018 Minute Order.

19 **III. LEGAL ARGUMENT**

20 **A. Legal Standard for Motion to Reconsider.**

21 “[A] district court may consider a motion for reconsideration concerning a
22 previously decided issue if the decision was clearly erroneous.” *North Main, LLC v. Eighth*
23 *Judicial Dist. Court of State ex rel. County of Clark*, 128 Nev. 922, 2012 WL 1912173 at *2
24 (May 23, 2012) (citing *Masonry and Tile v. Jolley, Urga & Wirth*, 113 Nev. 737, 741, 941
25 P.2d 486, 489 (1997)).

26 Motions to Reconsider must be filed “within 10 days after service of written notice
27 of the order.” EDCR § 2.24(b). The VIPI Defendants were given notice of the Minute Order
28 on March 5, 2018 via the E-Service List. *See* Minute Order. Therefore, this Motion to

1 Reconsider is timely.

2 **B. The Court Committed Clear Error by Not Denying Plaintiffs’ Motion**
3 **to Disqualify as Untimely.**

4 **1. The Motion to Disqualify Was Filed Over Seven Months Too**
5 **Late Under Nev. Rev. Stat. § 1.235.**

6 Nev. Rev. Stat. § 1.235(1) sets clear time limits for when an affidavit to disqualify
7 a judge may be filed. In pertinent part, the affidavit must be filed “[n]ot less than 3 days
8 before the date set for the hearing of any pretrial matter.” Nev. Rev. Stat. § 1.235(1)(b). The
9 Supreme Court has interpreted these limits unambiguously: “NRS 1.235(1)(a) and (b) allow
10 only one window of opportunity in which to make a ‘for cause’ challenge; either twenty days
11 before the date set for a trial or hearing of the case, or three days before the date set for the
12 hearing of any pretrial matter, whichever occurs first.” *Valladares v. Second Judicial Dist.*
13 *Court In & For Cty. of Washoe*, 112 Nev. 79, 84, 910 P.2d 256, 260 (1996). The Court further
14 clarified that “the hearing of any pretrial matter” is to be interpreted as “the first pretrial
15 hearing.” *See Valladares*, 112 Nev. at 83.³ As the *Valladares* Court explained, this is sound
16 policy for multiple reasons: “[t]he imposition of a ‘whichever occurs first’ standard onto
17 NRS 1.235(1) insures that ‘for cause’ challenges are initiated *before any adversarial*
18 *proceedings are initiated*. This will prevent a party from ‘testing the waters’ before making
19 such a challenge, which would be *unfair to the adversary and a waste of the court’s time*
20 *and resources.*” *Id.* at 83–84 (emphasis added).

21 Here, Plaintiffs have not merely “tested the waters” before moving to disqualify
22 Judge Leavitt—they all but have drowned in them, waiting until the only remaining issue at

23 ³ “We interpret the rule as precluding the acceptance of a peremptory challenge at any time
24 after the thirty days preceding the date set for trial or at any time after three days preceding
25 the date set for a hearing of any pretrial matter. In other words the time at which filing a
26 peremptory challenge is foreclosed is set in two ways: failing to file within thirty days of
27 the trial date, or failing to file within three days of the first pretrial hearing. Failure to file
28 within either of these time strictures results in waiver of the right to make a peremptory
challenge.” *Valladares*, 112 Nev. at 83 (quoting *Jeaness v. District Court*, 97 Nev. 218,
626 P.2d 272 (1981)). The Supreme Court applied the reasoning of *Jeaness* to motions to
disqualify: “Though *Jeaness* interprets peremptory challenges under SCR 48.1(3), we find
this reasoning persuasive.” *Valladares*, 112 Nev. at 83.

1 bar is how much they will owe Defendants in attorney’s fees, costs, and statutory penalties.⁴
2 The first hearing in this matter was held before Judge Leavitt on June 5, 2017. Therefore, the
3 one and only window of opportunity for moving to disqualify Judge Leavitt pursuant to Nev.
4 Rev. Stat. § 1.235(1) closed on June 2, 2017. Plaintiffs filed their Motion to Disqualify on
5 January 24, 2018, over seven months past this date.⁵ Thus, granting Plaintiffs’ Motion to
6 Disqualify ran afoul of both the plain language of Nev. Rev. Stat. § 1.235(1) and the case
7 law interpreting it. Furthermore, it is unfair to the VIPI Defendants and a waste of this Court’s
8 resources to disqualify Judge Leavitt and require a new judge to familiarize him- or herself
9 with this case when—potential appeals aside—this litigation is nearing its conclusion. Thus,
10 the Court committed clear error by failing to address the Motion to Disqualify’s extreme
11 untimeliness; this Motion for Reconsideration should be granted to correct this manifest
12 error.

13 **2. Plaintiffs’ Motion to Disqualify is Not Based on New**
14 **Information; Even If It Were, Plaintiffs Did Not Move to Disqualify As**
15 **Soon As Possible After Discovering It.**

16 Plaintiffs correctly noted in their Motion to Disqualify that “[t]he NCJC provides a
17 basis for seeking a judge’s disqualification even when the time to do so under NRS 1.235
18 has passed if new information is discovered to support the judge’s disqualification.” (Motion
19 to Disqualify, p. 23:19-21.) Indeed, “if new grounds for a judge’s disqualification are
20 discovered after the time limits in NRS 1.235(1) have passed, then a party may file a motion
21 to disqualify based on Canon 3E⁶ as soon as possible after becoming aware of the new

22 ⁴ See Judge Leavitt Affidavit, ¶ 10 (“Plaintiff’s [sic] did not file any Motion to Disqualify
23 until the court issued a decision dismissing the complaint and indicating the court would
24 consider awarding attorney’s fees, costs and an amount up to \$10,000 to the person against
25 who the action was brought”).

26 ⁵ See Judge Leavitt Affidavit, ¶ 13 (“The court granted a Special Motion to Dismiss on
27 June 22, 2017, and therefore, [Plaintiffs’ Motion to Disqualify] is untimely”).

28 ⁶ In 2009, the Nevada Legislature revised the Nevada Code of Judicial Conduct, essentially
re-codifying and rearranging Canon 3E as Rule 2.11(A). In the context of the instant case,
the differences between former Canon 3E and current Rule 2.11(A) are immaterial.

1 information.” *Towbin Dodge, LLC v. Eighth Judicial Dist. Court of State ex rel. Cty. of Clark*,
2 121 Nev. 251, 260, 112 P.3d 1063, 1069 (2005).

3 In their Reply, however, Plaintiffs argue that “the time periods for filing
4 disqualification motions are irrelevant when they are inequitable because ‘the disqualifying
5 information was not available to [] counsel at that time.’” (Reply, p. 19:2-3.) To support this
6 argument, plaintiffs cite to *Oren v. Dept. of Human Resources*, 113 Nev. 594, 939 P.2d 1039
7 (1997). If *Oren* ever stood for the proposition that “new information” completely absolves a
8 litigant from the obligation to timely move for disqualification, it stopped doing so in 2005,
9 when the Supreme Court explicitly overturned it. *See Towbin Dodge*, 121 Nev. at 261, 112
10 P.3d at 1070 (“our decision in *Matter of Parental Rights as to Oren* is overruled to the extent
11 that it held the disqualification affidavit in that case timely”). Far from making time
12 irrelevant,⁷ the *Towbin* Court imposed an equitable time limit on motions to disqualify based
13 on newly discovered information: “*as soon as possible after becoming aware of the new*
14 *information.*” *Id.* at 260, 1069 (emphasis added).

15 While affording litigants the opportunity to disqualify a judge based on newly
16 discovered information serves justice, preventing wasteful late-stage judicial
17 disqualifications based on stale information is a sound policy that has been embraced in
18 Nevada. “[T]ime limitations on a challenge to a district judge’s impartiality are not
19 extended for litigants who knew or should have known the necessary facts at an earlier
20 date . . . counsel, knowing facts assertively supportive of a motion for reconsideration,
21 recusal or vacatur based upon charges of bias and impropriety, ‘may not lie in wait’ and raise
22 those allegations in a motion only after learning the court’s ruling on the merits.” *Ainsworth*
23 *v. Combined Ins. Co. of Am.*, 105 Nev. 237, 259–60, 774 P.2d 1003, 1019 (1989) (*abrogated*
24 *on other grounds* by *Powers v. United Servs. Auto. Ass’n*, 114 Nev. 690, 962 P.2d 596
25 (1998)) (internal quotations and citations omitted) (emphasis added).

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28 ⁷ Knowing misstatements of the law violate counsel’s duty of candor to the tribunal. *See*
Nev. R. Prof. Cond. 3.3(a)(1).

1 In the instant case, Plaintiffs wholly neglected to allege discovery of any new
2 information about Judge Leavitt that would support her disqualification seven months after
3 she dismissed Plaintiffs’ suit with prejudice. To be sure, Plaintiffs made allegations about
4 Judge Leavitt—that she gave \$300.00 to VIPI in 2008, that VIPI once endorsed Judge
5 Leavitt, and that Judge Leavitt once attended a VIPI event in 2013. (Motion to Disqualify, p.
6 21:15-17.) But Plaintiffs did not—either in their Motion, boilerplate affidavits, Reply, or the
7 exhibits attached thereto—allege that they discovered this information at any time after the
8 window to disqualify under Nev. Rev. Stat. § 1.235(1) had closed. In fact, they did not give
9 the Court any details regarding when they unearthed this information about Judge Leavitt.

10 Even if Plaintiffs had alleged that they were unaware of this information before
11 June 2, 2017, which would be nonsensical, they did not claim that they comported with the
12 requirement that they move for disqualification “as soon as possible after becoming aware
13 of the new information.” *Towbin Dodge*, 121 Nev. at 260. Plaintiffs simply stated that they
14 got their information about Judge Leavitt by “searching “[judge’s name] Steve Sanson” and
15 “[judge’s name] Veterans In Politics” in Google and Facebook, and by reviewing the Nevada
16 Secretary of State’s Election Division campaign reporting records.” (Motion to Disqualify,
17 p. 18:14-17.) They did not note when they performed these searches at all.⁸

18 Plaintiffs all but admit that they “sat on” more information—albeit information
19 about judges other than Judge Leavitt—that they allege provides grounds for
20 disqualification: “[i]n the months following the June hearing in *Abrams v. Schneider*, the
21 undersigned became aware of even more *ex parte* communications by Sanson with judges
22 concerning pending cases in an effort to illicitly influence the results.” (Reply, p. 16:16-18
23 (emphasis added).) This “new information,” in turn, apparently gave Plaintiffs “every reason
24

25 ⁸ The vague search terms, lack of dates searches were performed, and wholesale lack of
26 citation to the factual claims contained within the table on page 19 of Plaintiffs’ Motion to
27 Disqualify fall short of the requirement that “the allegations and other factual contentions
28 have evidentiary support or, if specifically so identified, are likely to have evidentiary
support after a reasonable opportunity for further investigation or discovery.” Nev. R. Civ.
P. 11(b)(3).

1 to believe [Mr. Sanson] attempted to, or did, communicate with Judge Leavitt[.]” (Reply, p.
2 18:6-7.) Basing a motion to disqualify on “new information” cultivated over a series of
3 months, as Plaintiffs appear to have done here, falls well short of the requirement that they
4 move for disqualification “as soon as possible after becoming aware of the new information.”
5 *Towbin Dodge*, 121 Nev. at 260.

6 Given their hypervigilant attention to the speech activities of the VIPI Defendants,
7 Plaintiffs (and their counsel) cannot plausibly claim that they did not first discover “grounds”
8 to disqualify Judge Leavitt until nearly eight months after she first presided over a hearing
9 in this case. As Judge Leavitt noted, the Motion to Disqualify “makes factual allegations
10 based on public information that was available to the Plaintiffs at the time of assignment of
11 the case to department XII.” (Judge Leavitt Affidavit, ¶ 14.) Plaintiffs themselves boasted
12 that this information was not difficult to obtain, claiming that Mr. Sanson’s alleged
13 “connections and influence” with the elected judiciary is “apparent with a simple internet
14 search.” (Motion to Disqualify, p. 20:15-16.) Indeed, it would be strange for Ms. Abrams
15 and her counsel, whose reputations as zealous and competent advocates precede them, to be
16 so dilatory in the routine task of researching the judge assigned to their case, which is
17 apparently “being watched closely by thousands of people in the community and [is] the
18 topic of significant discussion on numerous social media sites.” (Motion to Disqualify, p.
19 11:2-4.)

20 Plaintiffs seemingly argue that because Judge Duckworth’s Order of Recusal and
21 tirade against Mr. Sanson was authored after the June 5, 2017 Motion hearing, they can rely
22 on it as “new information” to disqualify Judge Leavitt. (Reply, pp. 13:3 – 15:8.) However,
23 Judge Duckworth’s Order was authored on September 5, 2017, more than four months before
24 Plaintiffs filed their Motion to Disqualify. Thus, even if Judge Duckworth’s order had
25 anything to do with Judge Leavitt, Plaintiffs cannot plausibly claim that they proffered these
26 “new found” bases for disqualification—which in any case contain absolutely no allegations
27 about Judge Leavitt—to this Court “as soon as possible.”

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It is simply beyond belief that, in the days before January 24, 2018, Plaintiffs (and their counsel) suddenly decided, for the very first time, to look into whether Judge Leavitt had ever interacted with the VIPI Defendants. Even if that outlandish scenario were true, Plaintiffs cannot avail themselves of willful ignorance or simple incompetence to prevail; either they knew about their bases for moving to Disqualify at some point well before January 24, 2018, or they should have. Either way, Plaintiffs have not met their burden under NCJC 2.11(A), as they have failed to claim that they discovered new information meriting disqualification of Judge Leavitt, or that they subsequently moved to disqualify her “as soon as possible.” Therefore, their Motion to Disqualify should have been denied with regard to Judge Leavitt. Because the Court committed clear error in granting the Motion to Disqualify despite its untimeliness, the instant Motion for Reconsideration should be granted.

3. Plaintiffs Waived their Ability to Disqualify Judge Leavitt by Appearing Before Her in this Case.

Plaintiffs have waived their ability to disqualify Judge Leavitt by virtue of having already appeared before her in this matter. The Supreme Court is clear on this issue: “once the party or his attorney is [notified that a judge has been assigned to hear the matter] and then proceeds with the hearing of a contested matter before that judge, the challenge of that judge under subsection 5 is waived, and the party is precluded from later exercising it as to that judge.” *State ex. rel. Welfare Division of State Dept. of Health, Welfare and Rehabilitation v. Eighth Judicial Dist. Court, Dept. Four*, 85 Nev. 642, 646, 462 P.2d 37, 39 (1969). Judge Leavitt presided over the first contested hearing in this matter on June 5, 2017, resulting in dismissal of Plaintiffs’ claims with prejudice. Because they have already waived their right to disqualify Judge Leavitt, Plaintiffs are precluded from attempting to do so in this instance; thus, the Court’s granting of Plaintiffs’ Motion to Disqualify was clear error.

C. The Court Erred by Not Considering Judge Leavitt’s Affidavit.

“[When] a judge or justice determines that he may not voluntarily disqualify himself, his decision should be given substantial weight, and *should not be overturned in the absence of a clear abuse of discretion.*” *In re Dunleavy*, 104 Nev. 784, 788 (1988) (emphasis added); *PETA v. Bobby Berosini, Ltd*, 111 Nev. 431, 437, 894 P.2d 337, 341

1 (1995) (citing *Goldman v. Bryan*, 104 Nev. 644, 649, 764 P.2d 1296, 1299 (1988)); *see also*
2 *Sonner v. State*, 112 Nev. 1328, 1335, 930 P.2d 707, 712 (1996) (“this court has always
3 accorded substantial weight to a judge’s determination that he can fairly and impartially
4 preside over a case”); *Caperton v. A.T. Massey Coal Co, Inc.*, 556 U.S. 868, 883, 129 S. Ct.
5 2252, 2263 (2009) (“The judge’s own inquiry into actual bias, then, is not one that the law
6 can easily superintend or review”).

7 In the instant case, Judge Leavitt filed an affidavit with this Court responding to
8 Plaintiffs’ Motion to Disqualify on February 2, 2018. In this Affidavit, Judge Leavitt
9 explained that she was impartial. She averred: “I will not be swayed by public clamor or fear
10 of criticism. I will do my duty as a Judge and hear the cases assigned to me, unless prevented
11 by rule, statute, or case law. There is no rule, statute or case that prevents me from presiding
12 over this matter.” (Judge Leavitt Affidavit, ¶ 20.) Then, she stated: “If I believed I could not
13 be fair and impartial to any litigant in the underlying matter, I would recuse as the rules
14 require me to do.” (*Id.*, ¶ 21.) Despite Judge Leavitt’s unambiguous denial of bias, a month
15 later, the Court simply held that, “given the high number of recusals by sitting district judges,
16 this matter is referred to the senior judge department for assignment of a senior judge to this
17 case.” *See* Minute Order. The Court did not indicate whether it considered Judge Leavitt’s
18 Affidavit, as precedent mandates. Nor did the Court find that Judge Leavitt abused her
19 discretion at all.

20 Of course, the Court could not possibly have found abuse of discretion—Plaintiffs
21 themselves failed to allege that Judge Leavitt clearly abused her discretion or evinced actual
22 bias. Plaintiffs merely implied it by complaining about how Judge Leavitt presided over the
23 June 5, 2017 hearing: “Judge Leavitt permitted Sanson’s counsel to speak, either
24 uninterrupted or with *assistance* from the judge, for more than 27 minutes [and thereafter]
25 inundat[ed] him with rhetorical questions, arguments in Defendants’ favor, and interruptions
26 and attacks which continued throughout the time he was permitted to speak.”⁹ (Reply, p. 9:2-

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28 ⁹ The VIPI Defendants dispute this inaccurate characterization of the June 5, 2017 hearing.

1 6.) (emphasis in original). It is folly to infer bias, much less abuse of discretion, from the
2 mere fact that the presiding judge asked more, and different, questions of one side’s attorney
3 than the other’s. This is something that occurs at almost every oral argument. Judges’
4 interactions with attorneys in court can be attributed to many factors wholly unrelated to the
5 judge’s supposed bias, such as the quality of a party’s facts, arguments and presentation. In
6 an adversarial system, one side’s argument must win and the other’s must lose—permitting
7 judicial disqualifications based on every loss or perceived courtroom slight is obviously
8 incompatible with the speedy and just resolution of cases.

9 Plaintiffs further claim that Judge Leavitt’s Affidavit evidences actual bias. (Reply,
10 pp. 10:15 – 12:6.) To “prove” this astounding contention, Plaintiffs invite this Court to
11 compare Judge Leavitt’s Affidavit to Judge Bailus’s Declaration of Recusal in *Willick v.*
12 *Sanson*, in which Judge Bailus detailed specific communications that allegedly occurred
13 between him and Mr. Sanson in the not-too-distant past. (*Id.*, p. 11:8-14.) Plaintiffs—perhaps
14 unable to see¹⁰ how their Motion to Disqualify and Reply were direct assaults on Judge
15 Leavitt’s integrity—imply that the “very defensive” tone of Judge Leavitt’s Affidavit is
16 evidence of “actual bias.” (*Id.*, p. 11:15.) This “very defensive” tone—assuming it exists
17 anywhere outside the mind of Ms. Abrams—would be a natural response to having one’s
18 character attacked, not evidence of bias.

19 Despite Plaintiffs’ disingenuous attempts to undermine the credibility of Judge
20 Leavitt’s Affidavit, the case law is clear: no matter how little one side believes in a judge’s
21 impartiality, a judge’s affidavit “should be given substantial weight, and should not be
22 overturned in the absence of a clear abuse of discretion.” *In re Dunleavy*, 104 Nev. at 788.
23 Based on the minimal contents of the Court’s March 2, 2018 Minute Order, it appears that
24 the Court committed clear error by not according Judge Leavitt’s affidavit substantial weight,

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26 ¹⁰ As Judge Duckworth said in his Order of Recusal in *Ansell v. Ansell*, “Mr. Willick and
27 Mr. Jones are adept at selectively handpicking those areas of perceived wrongdoing of the
28 other side and advocating through their myopic lenses.” (Motion to Disqualify, Exh. 5, p.
4, n.2.) Mr. Willick has served as both Ms. Abrams’ romantic partner and her attorney in
the instant litigation.

1 and by not finding that Judge Leavitt clearly abused her discretion. Thus, to ensure that the
2 Court adheres to these established standards for involuntarily disqualifying judges,
3 reconsideration of this Court’s order granting Plaintiffs’ Motion to Disqualify is imperative.

4 **D. Plaintiffs Failed to Sufficiently Allege Actual Bias with Regard to Judge**
5 **Leavitt.**

6 Plaintiffs claimed that both Judge Leavitt’s behavior during the June 5, 2017
7 hearing and the contents of Judge Leavitt’s Affidavit evidence actual bias. (*See, generally,*
8 *Reply*, pp. 7:10 – 12:6.); *see* §III(C), *supra*. Plaintiffs alleged that because Judge Leavitt
9 explored whether she was related to Brandon Leavitt (an attorney at Plaintiff law firm) but
10 did not explore or disclose her past interactions with the VIPI Defendants, she must have
11 harbored actual bias in favor of the VIPI Defendants and/or engaged in *ex parte*
12 communications with the VIPI Defendants. (*Id.*, pp. 7:13 – 8:24.) Plaintiffs argued that Judge
13 Leavitt’s “failure to make a record as to her relationship and prior dealings with [the VIPI
14 Defendants] and her failure to make any such record raises a red flag.” (*Id.*, p. 8:17-18.)

15 Plaintiffs leapt to an extremely inaccurate conclusion. Far from raising a red flag,
16 Judge Leavitt’s failure to make a record of her past interactions with the VIPI Defendants
17 instead underscores the *de minimis* nature of those interactions. Indeed, Judge Leavitt’s
18 Affidavit indicates that the \$300.00 her campaign spent in 2008 for advertising with Mr.
19 Sanson (Judge Leavitt Affidavit, ¶ 15) and the VIPI events she allegedly attended were not
20 particularly memorable.¹¹ During the 2008 Judicial Campaign, Judge Leavitt received
21 \$231,292.24 in campaign contributions and spent \$221,220.98 of those contributions. (*See*
22 *2008 Campaign Contributions and Expenses Report for Michelle Leavitt, Report Period #3,*
23 *attached hereto as Exhibit (“Exh.”) 1, p. 1.*) The \$300 Judge Leavitt’s campaign spent with
24 VIPI amounted to less than 0.14% of her campaign’s total expenditures in an election she

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26 _____
27 ¹¹ *See* Judge Leavitt Affidavit, ¶ 17 (“Plaintiffs fail to allege what the event and/or radio
28 program was, and therefore, I cannot admit or deny the allegation as required by NRS
1.235(5)(b). I do not recall ever appearing on a radio show with anyone associated with
Veterans in Politics in 2013, or any other time”).

1 won nearly a decade ago.¹² Thus, Judge Leavitt’s failure to disclose this campaign
2 contribution is not indicative of some grand conspiracy, but rather the lack of relationship
3 with—and therefore lack of bias toward—the VIPI Defendants.

4 Plaintiffs’ threadbare allegations about Judge Leavitt’s alleged bias are nothing
5 more than the lamentations of losing lawyers and litigants, displeased with the disposition of
6 their lawsuit. They fall far short of showing actual bias. Thus, this Court should grant
7 Defendants’ Motion to Reconsider and reject Plaintiffs’ spurious argument that Judge Leavitt
8 was actually biased in this case.

9 **E. Plaintiffs Failed to Sufficiently Allege Implied Bias with Regard to
10 Judge Leavitt.**

11 Plaintiffs failed to establish that Judge Leavitt is impliedly biased. “Rumor,
12 speculation, beliefs, conclusions, innuendo, suspicion, opinion, and similar non-factual
13 matters’ do not ordinarily satisfy the requirements for disqualification.” *Hogan v. Warden,*
14 *Ely State Prison*, 112 Nev. 553, 560, 916 P.2d 805, 809, n. 5 (1996) (citing *United States v.*
15 *Cooley*, 1 F.3d 985, 993 (10th Cir.1993), *cert. denied*, 515 U.S. 1104, 115 S.Ct. 2250, 132
16 L.Ed.2d 258 (1995)); *see also Ybarra*, 127 Nev. at 52, 247 P.3d at 272 (burden is on movant
17 to establish “sufficient factual grounds, not just speculation, to warrant disqualification”).
18 The Court’s observation that judges in other matters involving the VIPI Defendants have
19 recused themselves does not establish that Judge Leavitt is impliedly biased or that she
20 should be disqualified.

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25 ¹² The firm representing Plaintiffs in the instant litigation, Bailey Kennedy, contributed
26 \$1,000.00 to Judge Leavitt’s 2008 campaign. (*See* 2008 Campaign Contributions and
27 Expenses Report for Michelle Leavitt, Report Period #1, attached hereto as Exhibit 2, p.
28 3.) Judge Leavitt did not see fit to disclose this transaction to Defendants—much less
recuse herself on these grounds—even though it was for more than triple the amount
involved in Judge Leavitt’s transaction with VIPI.

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1. Plaintiffs Did Not Allege Category of Implied Bias Enumerated in Nev. Rev. Stat. § 1.230(2).

Nev. Rev. Stat. § 1.230(2) enumerates four instances in which “implied bias” must cause a judge *to recuse him- or herself*: “(a) When the judge is a party to or interested in the action or proceeding; (b) When the judge is related to either party by consanguinity or affinity within the third degree; (c) When the judge has been attorney or counsel for either of the parties in the particular action or proceeding before the court; (d) When the judge is related to an attorney or counselor for either of the parties by consanguinity or affinity within the third degree.” Nev. Rev. Stat. § 1.230(2).

In their Motion to Disqualify, Plaintiffs did not offer any facts which could allow this Court to infer that Judge Leavitt suffers from any of the aforementioned categories of “implied bias.” Plaintiffs did not allege that Judge Leavitt is a party to or interested in the action, that she is related to any party by consanguinity or affinity, that she has represented either party in this action (or any action, ever), or that she is related by consanguinity to any of the attorneys involved. Rather, Plaintiffs argued, without factual detail or elaboration, that Judge Leavitt gave \$300 to VIPI in 2008, that VIPI once endorsed Judge Leavitt, and that Judge Leavitt once attended a VIPI event in 2013. (Motion, p. 21:15-17.)¹³ Because none of these activities fall into the categories of implied bias enumerated in Nev. Rev. Stat. § 1.230(2), there can be no finding of implied bias in this case.

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¹³ Plaintiffs falsely claimed that *Abrams v. Schneider* and *Willick v. Sanson* stem from “the same basic fact pattern,” implying that the different outcomes in those cases were due to Judge Leavitt’s alleged bias. (Motion, p. 21:11-17.) A cursory examination of the Complaints in those cases reveals that while the suits’ causes of action are similar, the allegedly defamatory articles underlying them are completely different, and therefore they do not arise from “the same basic fact pattern.” In fact, there is no overlap between the speech Ms. Abrams claims defamed her in the instant case and the speech Mr. Willick claims defamed him in *Willick v. Sanson*. Compare First Amended Complaint, on file herein, with Complaint in *Willick v. Sanson*, attached hereto as Exhibit 3. Plaintiffs’ brazen misrepresentation of the facts of these cases violates their counsel’s duty of candor toward the tribunal. See Nev. R. Prof. Cond. 3.3(a)(1).

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2. Plaintiffs are Barred from Arguing Implied Bias Under NCJC 2.11(A).

Plaintiffs specifically noted that they moved the court to disqualify Judge Leavitt under Nev. Rev. Stat. § 1.235, not NCJC 2.11(A). *See* note 1, *supra*. Although Plaintiffs did cite to NCJC 2.11(A) in their Motion to Disqualify, by explicitly choosing to move for disqualification pursuant Nev. Rev. Stat. § 1.235, they have waived the opportunity to argue that they are entitled to relief under NCJC 2.11(A). Thus, this Court should not allow Plaintiffs to dodge the strict timeliness and substantive requirements of Nev. Rev. Stat. § 1.235 by availing themselves of the more lenient—but still not lenient enough for Plaintiffs to prevail, *see* § III(E)(3), *infra*—requirements of NCJC 2.11(A). Because allowing this was clear error by the Court, reconsideration is warranted.

3. Even if Plaintiffs Could Argue Implied Bias Under NCJC 2.11(A), the Interactions Between Judge Leavitt and the VIPI Defendants are Too Minimal to Give Rise to a Finding of Implied Bias.

To demonstrate implied bias, a Motion to Disqualify pursuant to NCJC 2.11(A) must “must set forth facts and reasons sufficient to cause a reasonable person to question the judge’s impartiality” *Towbin Dodge*, 121 Nev. at 260, 112 P.3d at 1069. In the instant case, Plaintiffs have failed to clear this threshold. As argued below, it is unreasonable to question a judge’s impartiality when the only proven connections she has with a litigant are a miniscule decade-old campaign expenditure, a similarly ancient campaign endorsement, and speculation that she attended a litigant’s social event five years ago. If Nevada courts were to apply this standard universally, recusals and disqualifications would become the norm instead of the exception, crippling the judiciary’s ability to perform its duties.

As the VIPI Defendants argued in their Opposition to Plaintiffs’ Motion to Disqualify, financial transactions between judges and parties must involve significant sums of money to give rise to an inference of bias. For instance, the Supreme Court found that a \$5,000 donation to a judicial campaign, along with in-kind contributions from a party’s attorney to that same judicial campaign, were “not significant enough to ‘raise a reasonable question’ as to [the judge’s] impartiality.” *Ivey v. Eighth Judicial Dist. Ct.*, 129 Nev. Adv.

1 Op. 16, 299 P.3d 354, 359 (2013). *See also City of Las Vegas Downtown Redevelopment*
2 *Agency v. Eighth Judicial Dist. Ct.*, 16 Nev. 640, 5 P.3d 1059 (2000) (ordering judge to hear
3 case in which he received contributions ranging from \$150.00 to \$2,000.00 from parties and
4 party affiliates); *see also O'Brien v. State Bar of Nevada*, 114 Nev. 71, 952 P.2d 952 (1998)
5 (judge not disqualified from voting on appointment to commission on judicial selection
6 despite having received over \$100,000.00 in campaign contributions from prospective
7 appointee and her partner).

8 In the instant case, a \$300.00 transaction between Judge Leavitt and the VIPI
9 Defendants made in 2013 does not even come close to the sums exchanged in the cases
10 above—cases in which the Supreme Court *still* declined to find implied bias—either in
11 absolute or proportional terms. For instance, in *Ivey*, the Supreme Court held that a \$5,000.00
12 contribution, comprising 7% of total cash contributions to a judicial campaign, was
13 insufficient to demonstrate actual or implied bias. *Ivey*, 299 P.3d at 356. *See also O'Brien*,
14 114 Nev. 71 (contributions of over \$100,000.00, comprising more than 25% of the money
15 the judge raised during his campaign, not sufficient to disqualify judge from voting on
16 contributor’s appointment to commission on judicial selection). If these cases could not
17 cause a reasonable person to question the judge’s impartiality, it stands to reason that there
18 can be no showing of implied bias in the instant case either, where the money Judge Leavitt
19 spent with VIPI was 0.14% of her total campaign expenditures. Thus, this Court should have
20 denied Plaintiffs’ Motion to Disqualify and should grant this Motion to Reconsider to correct
21 this clear error.

22 **4. Campaign Expenditures Should be Scrutinized Less Heavily**
23 **than Campaign Contributions.**

24 As Plaintiffs noted, “there has never been a discussion on how the recipient of
25 campaign *expenditures* and the source of campaign endorsements impacts a judge’s
26 disqualification.” (Motion to Disqualify, p. 25:14-16.) (emphasis in original). Plaintiffs went
27 on to argue that, because VIPI receives campaign expenditures and “hand[s] out ‘veteran
28 endorsements’ to judges and candidates,” campaign expenditures to them should be more
heavily scrutinized than campaign contributions. (Id., p. 25:17-19.) Unlike the traditional

1 theory of judicial bias—that litigants attempt to “buy” judges by contributing to their election
2 campaigns—Plaintiffs argued that because Judge Leavitt’s campaign bought advertising
3 time or space from VIPI in 2008, she is necessarily biased toward VIPI and should forever
4 be barred from presiding over VIPI Defendants.

5 Plaintiffs’ argument is out-of-step with reality. In jurisdictions where judges are
6 elected, judicial candidates inevitably incur campaign expenses of many different types,
7 which are distributed among many different businesses, organizations and individuals. For
8 instance, Judge Leavitt’s campaign paid almost \$1,200 to AT&T Communications during
9 the third reporting period of her 2008 campaign. (*See* Exh. 1, p 3.) Should the mere fact that
10 she (or her campaign team) chose AT&T in 2008, rather than a competing
11 telecommunications company, forever foreclose Judge Leavitt from presiding over any case
12 in which AT&T—or one of its employees—is a litigant? Of course not—a campaign’s
13 choosing one business or organization over another to render commonplace services is not
14 significant enough to make a reasonable person question the judge’s impartiality, as the
15 Supreme Court mandated in *Towbin Dodge*, 121 Nev. at 260, 112 P.3d at 1069.

16 All elected judges spend money on their campaigns; indeed, “[a] judge is compelled
17 to run for office by the Nevada Constitution, and raising money to finance a campaign is an
18 integral part of that process.” *O’Brien*, 114 Nev. at 79, 952 P.2d at 957 (Rose, J., dissenting).
19 If this Court were to entertain Plaintiffs’ rock-bottom bar for a finding of implied bias based
20 on years-old campaign contributions, endorsements, and expenditures, Nevada judges would
21 face never-ending motions for disqualification, particularly in cases that involve political or
22 quasi-political entities such as unions, advocacy groups, large corporations, churches and, of
23 course, law firms. This would be a disaster from the standpoint of the swift and fair
24 administration of justice, potentially turning thousands more cases into the judicial “hot
25 potatoes” Plaintiffs so detest. To avoid this calamity, this Court must reconsider its clearly
26 erroneous granting of Plaintiffs’ Motion to Disqualify.

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1 **IV. CONCLUSION**

2 In authoring the Motion to Disqualify and the Reply to Defendants’ Opposition to
3 said Motion, Ms. Abrams engaged in much of the same type of speech that she claimed was
4 tortious when Mr. Sanson did it in 2016. She expressed her opinion that Judge Leavitt is
5 biased toward the VIPI Defendants.¹⁴ She accused Mr. Sanson, without any evidentiary
6 support, of attempting to influence Judge Leavitt in this case.¹⁵ The main difference between
7 Mr. Sanson’s articles and Ms. Abrams’ pleadings is that Mr. Sanson shared his views with
8 willing readers, rather than abusing the adversarial system as a platform to foist hearsay¹⁶,
9 double hearsay¹⁷, gossip and personal attacks upon the overburdened officers of this Court.
10 By granting the VIPI Defendants’ Anti-SLAPP Motion to Dismiss in June 2017, Judge
11 Leavitt correctly vindicated Mr. Sanson’s First Amendment right to express his views of
12 Nevada’s courts, as well as the judges, attorneys and litigants who inhabit them.

13 This Court’s March 2, 2018 Minute Order Disqualifying Judge Leavitt at this late
14 stage of litigation was clearly erroneous, and must be vacated upon reconsideration. By the
15 plain language of Nev. Rev. Stat. § 1.235, Plaintiffs’ Motion to Disqualify Judge Leavitt was
16 ***untimely by over seven months***, and thus should have been denied. Disqualification under
17

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19 ¹⁴ “[Judge Leavitt’s] Affidavit reads more like it was written by an advocate for Sanson
20 than a neutral jurist.” (Reply, p. 11:18-19.)

21 ¹⁵ “[I]t seems likely that the same tactics of intimidation, harassment, manipulation and
22 control were utilized by Sanson in his own case of *Abrams v. Schneider*.” (Reply, p. 18:21-
23 24.)

24 ¹⁶ *See* Reply, p. 17:7-9 (“Judge Jones informed the undersigned that he was at a golf event
25 when Sanson deliberately approached him and immediately started talking to him about
26 his pending case *Willick v. Sanson*.”); *see also* Id., p.17:12-16 (“At least two judges have
27 informed Abrams and Willick that they saw Steve Sanson in the ‘back hallway’ of Family
28 Court . . . with Judge Jennifer Elliott where the two were ‘getting into it’”).

¹⁷ *See* Reply, p. 17:20-18:4 (“Family Court Judge Cheryl Moss has admitted to Willick
that, approximately two years ago, Steve Sanson invited her to meet him for lunch [and
subsequently attempted to pass her an envelope, which she allegedly interpreted as an
attempted bribe]”).

1 NCJC 2.11(A) is untimely, as well. Plaintiffs *did not allege that they discovered new*
2 *information about Judge Leavitt* on which they based their Motion to Disqualify. Even if
3 they had, Plaintiffs did not divulge when they discovered such “new information,” nor did
4 they allege that they moved to disqualify Judge Leavitt as soon as possible thereafter. The
5 timing of Plaintiffs’ untimely motion is no coincidence—it evinces a bad faith attempt to
6 forestall mandatory payment of fees, costs, and penalties under Nevada’s Anti-SLAPP
7 statute.

8 In addition to committing clear error by not denying the Motion to Disqualify based
9 on its procedural infirmities, this Court committed clear error by not denying the Motion to
10 Disqualify based on its substantive infirmities. The Court erred by not according sufficient
11 weight to Judge Leavitt’s affidavit, in which she explained why her years-old interactions
12 with the VIPI Defendants did not cause any bias, much less bias sufficient to merit recusal
13 or disqualification. That other judges in the Eighth Judicial District have voluntarily recused
14 themselves from cases involving the VIPI Defendants has no bearing over whether Judge
15 Leavitt may preside over this case to its conclusion. Finally, Plaintiffs failed to demonstrate
16 actual or implied bias on the part of Judge Leavitt; any connection between Judge Leavitt
17 and the VIPI Defendants is *de minimis* and would not cause a reasonable person to question
18 her impartiality.

19 For the foregoing reasons, and in the interests of fairness and judicial economy, the
20 VIPI Defendants respectfully request that this Court grant the instant Motion to Reconsider
21 so that the clearly erroneous Minute Order of March 2, 2018 may be vacated with regard to
22 disqualifying Judge Leavitt.

23 Respectfully submitted this 12th day of March, 2018.

24
25 */s/ Margaret A. McLetchie*
26 Margaret A. McLetchie, Nevada State Bar No. 10931
27 **MCLETCHIE SHELL, LLC**
28 701 E. Bridger Ave., Ste. 520
Las Vegas, NV 89101
*Attorney for Defendants Steve W. Sanson and
Veterans in Politics International*

CERTIFICATE OF SERVICE

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I hereby certify that on this 12th day of March, 2018, I served a true and correct copy of the foregoing MOTION TO RECONSIDER MARCH 2, 2018 MINUTE ORDER GRANTING PLAINTIFFS’ MOTION TO DISQUALIFY via electronic service using Odyssey File & Serve’s electronic court filing system and, pursuant to NRCP 5(b)(2)(B), by First Class United States Mail, postage fully prepaid, to the following:

Jennifer V. Abrams, Esq.
THE ABRAMS & MAYO LAW FIRM
6252 S. Rainbow Blvd., Suite 100
Las Vegas, NV 89118

Joseph E. Houston, Esq.
430 S. Seventh Street
Las Vegas, NV 89101
Attorneys for Schneider Defendants

Marshal Willick, Esq.
WILLICK LAW GROUP
3591 E. Bonanza Road, Suite 200
Las Vegas, NV 89110

Alex Ghibauda, Esq.
G LAW
703 S. Eighth Street
Las Vegas, NV 89101
Attorney for Defendants Ortiz, Hanusa, Spicer, Steelmon, Woolbright, and Sanson Corporation

Dennis L. Kennedy
Joshua P. Gilmore
BAILEY KENNEDY
8984 Spanish Ridge Avenue
Las Vegas, NV 89148
Attorneys for Plaintiffs

/s/ Pharan Burchfield
EMPLOYEE of McLetchie Shell LLC

EXHIBIT 1

CAMPAIGN CONTRIBUTIONS AND EXPENSES REPORT

State of Nevada

MICHELLE LEAVITT

DISTRICT COURT JUDGE

XII

Name (print) 200 East Lewis Las Vegas, NV 89101 Office (if applicable) 702 671-4372 District (if applicable)
 Mailing Address (include city and zip code) Telephone No.

E-Mail Address

Select Appropriate Box(es) CANDIDATE PAC POL PRTY IND EXP NONPROFIT CORP
 LEGAL DEFENSE FUND AMENDED

- Annual Filing - Due January 15, 2008
Period: January 1, 2007 - December 31, 2007
- Report #1 -- Due August 5, 2008*
Period: Jan. 1, 2008 - July 31, 2008
- Report #2 Due -- October 28, 2008*
Period: Aug. 1, 2008 - Oct. 23, 2008
- Report #3 Due -- January 15, 2009/**
Period: Oct. 24, 2008 - Dec. 31, 2008
- Annual Filing - Due January 15, 2009
Period: January 1, 2008 - December 31, 2008

RECEIVED
JAN 15 2009
Election Dept.
 FOR OFFICE USE ONLY

* These Reports are filed by incumbents/candidates running for office in the 2008 election cycle
 ** Third Report suffices for 2009 Annual Filing if candidate also filed Report Nos. 1 and 2

CONTRIBUTIONS SUMMARY

	This Period	Cumulative From Beginning of Report Period #1 through End of This Reporting Period
1. Total Monetary Contributions Received in Excess of \$100 (See page 1 of instruction sheet)	6,350.00	223,368.24
2. Total Monetary Contributions Received of \$100 or Less (See page 2 of instruction sheet)	350.00	7,924.00
3. Total Monetary Contributions in the form of loans guaranteed by a third party. (See page 2 of instruction sheet)		
4. Total Monetary Contributions in the form of loans that were forgiven (See page 2 of instruction sheet)		
5. Total Amount of Monetary Contributions Received (Add Lines 1 through 4) (See page 2 of instruction sheet)	6,700.00	231,292.24
6. Total Amount of Written Commitments for Contributions (When commitment is funded, report as contribution (monetary or in kind)) (See page 2 of instruction sheet)		
7. Total Value of In Kind Contributions Received in Excess of \$100 (See page 2 of instruction sheet)		

EXPENSES SUMMARY

8. Total Monetary Expenses Paid in Excess of \$100 (See page 2 of instruction sheet)	20,412.06	218,052.26
9. Total Monetary Expenses Paid of \$100 or Less (See page 2 of instruction sheet)		3,168.72
10. Total Amount of All Monetary Expenses Paid (Add Lines 8 and 9) (See page 2 of instruction sheet)	20,412.06	221,220.98
11. Total Value of In Kind Expenses in Excess of \$100 (See page 3 of instruction sheet)	3,000.	27,060.70
12. Disposition of Unspent Contributions (Only reported on Report #3, Annual Report or 15 th day of the second month after candidates defeat or incumbent does not run for reelection) (See page 3 of instruction sheet)		\$10,071.26

AFFIRMATION

I Declare Under Penalty of Perjury That the Foregoing is True and Correct.

Signature *Michelle Leavitt* Date 1/14/09

Campaign Contributions

Report Period: #3

1/15/08

Michelle Leavitt District Court Judge **12**
Name Office District

*Contributions in Excess of \$100 or, When Added Together from One Contributor Exceeds \$100
 Transfer Total Amount of All Contributions to Line 1 of Contributions Summary.*

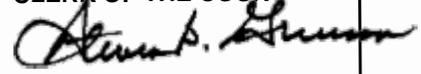
Contributor's Name	Address	Zip Code	City	Amount Of Contribution	Date	Check Here If Loan	Name and Address of 3rd Party If Loan Guaranteed by 3rd Party	Name and Address of Person Who Forgave The Loan, If Different From Contributor
Law Office Chad Golightly	8560 South Eastern Avenue	89123	Las Vegas	\$3,500.00	11/4/2008			
John Moran Jr.	630 S. 4th Street	89101	Las Vegas	\$1,000.00	11/6/2008			
Soil Tech	810 S. Casino Center	89101	Las Vegas	\$750.00	10/15/2008			
James Gallo, Esq.	711 4th Street	89101	Las Vegas	\$350.00	11/15/2008			
Neil Opfer	1920 Placed Ravine Street	89117	Las Vegas	\$250.00	10/30/2008			
Pariante Law Group	330 S 3rs Street	89101	Las Vegas	\$250.00	10/30/2008			
Shawn R. Huggins	528 S. Casino Center Blvd	89101	Las Vegas	\$250.00	11/4/2008			

49.	Reply to Oppositions to Motion to Disqualify Eighth Judicial District Court Elected Judiciary, and for Permanent Assignment to the Senior Judge Program or, Alternatively, to a District Court Judge Outside of Clark County	2/23/2018	JVA001471 - JVA001539
41.	Reply to Plaintiff's Opposition to an Award of Attorney's fees, Costs, and Statutory Sanctions	1/24/2018	JVA001260 - JVA001265
46.	Reply to Plaintiffs' Opposition to Motion for Attorney Fees and Costs Pursuant to Nev. Rev. Stat. 41.670	2/5/2018	JVA001398 - JVA001451
66.	Reply to Plaintiffs' Opposition to Motion to Reassign Case to Judge Michelle Leavitt and Request for Written Decision and Order and Opposition to Countermotion for Attorney's Fees	5/18/2018	JVA001718 - JVA001731
55.	Reply to Plaintiffs' Opposition to "Motion to Reconsider March 2, 2018 Minute Order granting Plaintiffs' Motion to Disqualify" and Countermotion and Attorney's Fees	4/10/2018	JVA001633 - JVA001663
25.	Reply to Plaintiffs' Opposition to Motion to Strike and Opposition to Plaintiffs' Countermotion for Attorney's Fees	5/30/2017	JVA000809 - JVA000817
35.	Schneider Defendants' Motion for Statutory Damages ad Attorney's Fees, Costs, and Damages Pursuant to NRS 41.670; and Motion for Sanction	9/12/2017	JVA001005 - JVA001013
18.	Schneider Defendants' Special Motion to Dismiss Plaintiffs' Slapp Suit Pursuant to NRS 41.660 and Request for Attorney's Fees, Costs, and Damages Pursuant to NRS 41.670	3/28/2017	JVA000337 - JVA000367
19.	Special Motion to Dismiss Pursuant to Nev. Rev. Stat. § 41.660 (Anti-Slapp)	3/28/2017	JVA000368 - JVA000405
81.	Stipulation and Order to Dismiss with Prejudice All Claims Against Hanusa Parties	10/13/2017	JVA001754 - JVA001756

30.	Transcript Re: All Pending Motions	7/5/2017	JVA000884 - JVA000950
26.	VIPI Defendants' Omnibus Reply to: (1) Plaintiffs' Opposition to Special motion to Dismiss Pursuant to Nev. Rev. Stat. § 41.660 (Anti-Slapp); and (2) Plaintiffs' Opposition to Motion to Dismiss and Countermotion for Attorneys' Fees	5/30/2017	JVA000818 - JVA000859
29.	VIPI Defendants' Supplement to VIPI Defendants' Omnibus Reply to: (1) Plaintiffs' Opposition to Special motion to Dismiss Pursuant to Nev. Rev. Stat. § 41.660 (Anti-Slapp); and (2) Plaintiffs' Opposition to Motion to Dismiss and Countermotion for Attorneys' Fees	6/9/2017	JVA000867 - JVA000883

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

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JENNIFER V. ABRAMS and THE)	
ABRAMS & MAYO LAW FIRM,)	
)	
Plaintiffs,)	CASE NO: A-17-749318-C
)	
vs)	
)	DEPARTMENT: XII
LOUIS C. SCHNEIDER; LAW)	
OFFICES OF LOUIS C. SCHNEIDER,)	
LLC; STEVE W. SANSON; and)	
VETERANS IN POLITICS)	
INTERNATIONAL, INC.,)	
)	
Defendants.)	

**AFFIDAVIT OF JUDGE MICHELLE LEAVITT IN RESPONSE
TO MOTION TO DISQUALIFY EIGHTH JUDICIAL DISTRICT COURT ELECTED
JUDICIARY, AND FOR PERMANENT ASSIGNMENT TO THE SENIOR JUDGE
PROGRAM OR, ALTERNATIVELY, TO A DISTRICT COURT JUDGE OUTSIDE
OF CLARK COUNTY**

I, Michelle Leavitt solemnly swear as follows:

1. I make this Affidavit on my own personal knowledge.
2. I am a District Court Judge, presiding in Department XII of the Eighth Judicial District Court.
3. The matter of *Jennifer V. Abrams vs. Louis Schneider, Case No.: A-17-749318-C* is assigned to department XII, and I am currently presiding over the matter.
4. The Complaint was filed on January 9, 2017. The Defendants filed a Special Motion to Dismiss pursuant to NRS 41.660. I granted the Special Motion to Dismiss on June 22, 2017. The parties currently have a Motion for Attorney's fees pending with a hearing scheduled for February 12, 2018.
5. On January 24, 2018, the Plaintiff filed the instant Motion to Disqualify.

MICHELLE LEAVITT
DISTRICT JUDGE

DEPARTMENT TWELVE
LAS VEGAS, NEVADA 89155

JVA001394

- 1 6. A copy of the Motion was not served on the court until Monday, January 29, 2018, when
2 a runner delivered a copy of the Motion to chambers.
- 3 7. The Motion seeks extraordinary relief in that it seeks disqualification of the entire
4 Eighth Judicial District Court, and in doing so seeks my disqualification. Interestingly,
5 the Plaintiffs seek disqualification of this court only **after** I granted a Special Motion to
Dismiss the complaint filed by the Plaintiff.
- 6 8. Although the motion is over thirty pages, and makes serious allegations as to other
7 judges in the Eighth Judicial District Court, the only allegations against the instant
8 Court are that I gave \$300 to Veterans In Politics in 2008, and received an endorsement.
9 Plaintiff further alleges I attended an event and/or a radio program in 2013.
- 10 9. In fact, curiously absent from the Motion is any allegation that I have actual bias or
11 prejudice for or against one of the parties to the action. NRS 1.230 Further, the motion
12 contends the information provided on the "table" was obtained from the public record.
13 *See* pg. 18, ll's 14-17.
- 14 10. The information provided in the motion regarding this court, based on their own
15 pleading, was available at the time Plaintiff's filed their complaint. Yet, Plaintiff's did
16 not file any Motion to Disqualify until the court issued a decision dismissing the
17 complaint and indicating the court would consider awarding attorney's fees, costs and
18 an amount up to \$10,000 to the person against whom the action was brought. NRS
19 41.670.
- 20 11. The Motion is governed by NRS 1.230, NRS 1.235 and the Nevada Code of Judicial
21 Conduct.
- 22 12. This affidavit is filed pursuant to NRS 1.235 (5) (b).
- 23 13. An affidavit in support of a Motion to Disqualify Judge **must be filed not less than**
24 **twenty (20) days before the date set for trial or hearing of the case; or not less than**
25 **three (3) days before the date set for the hearing of any pre-trial matter.**
26 **[Emphasis added].** *See* NRS 1.235 (a) (b). The court granted a Special Motion to
27 Dismiss on June 22, 2017, and therefore, this motion is untimely. Plaintiff was required
28 to file any motion prior to the June 22, 2017 hearing. *See* court docket in Case No.:
A-17-749318-C.
14. NRS 1.235(2) permits a party to file an affidavit of disqualification no later than the
commencement of trial or hearing of the case, if the facts upon which disqualification of
the judge is sought are *not known to the party*. However, the instant motion makes
factual allegations based on public information that was available to the Plaintiffs at the
time of assignment of the case to department XII. Accordingly, the motion is untimely.
15. Plaintiff contends this court paid \$300 over ten (10) years ago to Veterans In Politics.
See pg. 19 of Motion. Based on the allegation, it appears this was a campaign expense

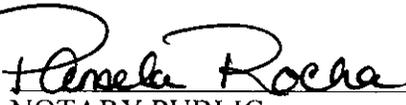
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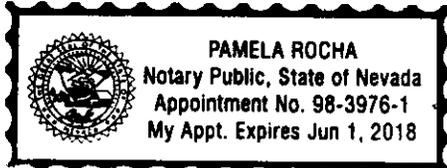
these circumstances a judge or justice is presumed not to be biased, and the burden is on the party asserting the challenge to establish sufficient factual grounds warranting disqualification." *In re Dunleavy*, 104 Nev. 784, 788 (1988).

Further your Affiant sayeth naught.

DATED this 2nd day of February, 2018.

SUBSCRIBED and SWORN to before me
this 2nd day of February, 2018

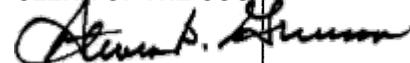

NOTARY PUBLIC




MICHELLE LEAVITT
DISTRICT COURT JUDGE
DEPARTMENT XII

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1 **RPLY**

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11 *Veterans in Politics International, Inc.*

12 **EIGHTH JUDICIAL DISTRICT COURT**

13 **CLARK COUNTY, NEVADA**

14 JENNIFER V. ABRAMS and THE
15 ABRAMS & MAYO LAW FIRM,
16 Plaintiff,

Case No.: A-17-749318-C

Dept. No.: XII

17 vs.

18 **REPLY TO PLAINTIFFS'**
19 **OPPOSITION TO MOTION FOR**
20 **ATTORNEY FEES AND COSTS**
21 **PURSUANT TO NEV. REV. STAT. §**
22 **41.670**

23 LOUIS C. SCHNEIDER; LAW OFFICES
24 OF LOUIS C. SCHENEIDER, LLC; STEVE
25 W. SANSON; HEIDI J. HANUSA;
26 CHRISTINA ORTIZ; JOHNNY SPICER;
27 DON WOOLBRIGHT; VETERANS IN
28 POLITICS INTERNATIONAL, INC.;
SANSON CORPORATION; KAREN
STEELMON; and DOES I THROUGH X,
Defendants.

Date of Hearing: 2/12/2018

Time of Hearing: 8:30 a.m.

20 Defendants Steve W. Sanson ("Sanson") and Veterans in Politics International
21 ("VIPI") (collectively, the "VIPI Defendants"), by and through their counsel, Margaret A.
22 McLetchie and Alina M. Shell of the law firm McLetchie Shell LLC, hereby reply to
23 Plaintiffs' Opposition to the Defendants' Motion for Attorney's Fees and Costs. This reply
24 is based upon the attached memorandum of points and authorities, the papers and pleadings
25 on file herein, and any argument this Court may permit at the hearing on this motion.

26 ///

27 ///

28 ///

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Dated this the 5th day of February, 2018.

/s/ Alina M. Shell
Margaret A. McLetchie, Nevada State Bar No. 10931
Alina M. Shell, Nevada State Bar No. 11711
MCLETCHIE SHELL, LLC
701 E. Bridger Ave., Ste. 520
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*Attorney for Defendants Steve W. Sanson and
Veterans in Politics International*

MEMORANDUM OF POINTS AND AUTHORITIES

I. INTRODUCTION

To borrow a phrase from the Honorable Judge Duckworth, Plaintiffs are “adept at selectively handpicking those areas of perceived wrongdoing of the other side and advocating through their myopic lenses.” (Opposition (“Opp.”), Exh. 6 (“Order of Recusal”) at p. 4, n. 2.) This propensity for cherry-picking is on full display in their Omnibus Opposition. For instance, Plaintiffs argue that Ms. McLetchie’s expertise precludes the Schneider Defendants from recovering fees because “Ms. McLetchie carried the day” in a July 5, 2017 hearing (Opp., p. 19:11.) But that same expertise somehow also precludes Ms. McLetchie (and her firm) from recovering for time spent researching applicable law (Opp., pp. 10:25 – 11:9)—as if being an expert means that attorneys should shirk their duties to research relevant (and constantly evolving) case law.

Plaintiffs’ myopic advocacy is not limited to claiming Ms. McLetchie’s expertise should prevent her from being compensated for her thorough research and zealous advocacy. They repeatedly grasp at straws and contract themselves, claiming that McLetchie-Shell charged too much, spent too much time on this matter, devoted too many employees to this matter, and didn’t adequately record the time spent on this matter. (Opp., pp. 6:8 – 13:28.) From one side of their mouths, Plaintiffs argue that they should not face sanctions because of the “complex nature of the issues presented in this matter” (Opp., p. 22:17-19); from the other side, they imply that this case was simple enough to warrant a 50% across-the-board decrease in hours billed by VIPI Defendants’ counsel. (Opp. p. 13:13-25.) They even imply

1 that McLetchie-Shell’s lawyers committed professional misconduct, speculating that
 2 McLetchie-Shell billed Plaintiffs for work done on another case.¹ (Opp., p. 12:18, n. 22.) On
 3 the contrary, McLetchie-Shell’s efforts saved their clients’ money (and this Court’s time) by
 4 nipping Plaintiffs’ bogus claims in the bud. If Plaintiffs had their druthers, this Court could
 5 be wasting its time entertaining an out-of-jurisdiction copyright infringement claim and a
 6 claim for the non-existent tort of “harassment,” the elements of which merely duplicated
 7 their other causes of action. Even if this Court declines to hold that Plaintiffs’ suit was
 8 “frivolous” or “vexatious,” Defendants’ counsel should be rewarded for sparing this Court
 9 from hearing Plaintiff’s facially invalid claims.

10 Sanctions are appropriate in this case as well. Plaintiffs argue that because Nev.
 11 Rev. Stat. § 41.670(2)-(3) requires the court to find that a defendant’s Anti-SLAPP motion
 12 is “frivolous or vexatious” before awarding fees, costs and sanctions to a plaintiff who
 13 prevails on an Anti-SLAPP motion, it follows that the court must find that a plaintiff’s
 14 complaint is “frivolous or vexatious” before awarding fees, costs and sanctions pursuant to
 15 Nev. Rev. Stat. § 41.670(1)(b) to a defendant who prevails on an Anti-SLAPP motion. This
 16 is a fantastical proposition; the plain language of Nev. Rev. Stat. § 41.670(1)(b) has no such
 17 requirement.² The fact that the legislature chose to explicitly insert a “frivolous or vexatious”
 18 requirement into Nev. Rev. Stat. 41.670(2)-(3), but not in the immediately preceding Nev.
 19 Rev. Stat. § 41.670(1)(b), should lead to the realization that the legislature *intended* a more
 20 stringent standard to apply to sanctioning SLAPP defendants than sanctioning SLAPP
 21 plaintiffs. Even if this Court does not agree with the VIPI Defendants’ contention that
 22 Plaintiffs’ suit was vexatious and frivolous, it does not preclude this Court from sanctioning
 23 the Plaintiffs for their attempts to litigate their critics into silence.

25 ¹ Plaintiffs’ implication that Ms. McLetchie and Mr. Wolpert worked on, and billed for, an
 26 anti-SLAPP motion in the separate *Willick v. Sanson* matter is false. Needless to say,
 27 dropping unsubstantiated allegations into briefs based on nothing more than paranoid
 hunches is a violation of NRCP Rule 11(b)(3).

28 ² “The court may award, in addition to reasonable costs and attorney’s fees awarded pursuant
 to paragraph (a), an amount of up to \$10,000 to the person against whom the action was
 brought.” Nev. Rev. Stat. 41.670(1)(b).

1 ///

2 In sum, Plaintiffs brought these heavy fees and sanctions upon themselves by filing
3 an “everything-but-the-kitchen-sink” complaint, presumably in the hope that the sheer
4 volume of their claims would cow the VIPI Defendants into silence. It did not. This Court
5 should not reward Plaintiffs’ scorched-earth litigation strategy and mendacious attempts to
6 proffer obviously hopeless claims. Nor should this Court punish the VIPI Defendants’
7 counsel for the substantial amount of high-quality work that resulted in prevailing on the
8 anti-SLAPP Motion to Dismiss. For these reasons, the VIPI Defendants respectfully request
9 that this Court grant the Motion for Fees, Costs, and Sanctions in the full amounts of
10 \$95,607.18 and \$20,000.

11 **II. LEGAL ARGUMENT**

12 **A. The Attorney’s Fees Sought by the VIPI Defendants are Reasonable.**

13 **1. The Hourly Rates Requested by Ms. McLetchie, Ms. Shell, and
14 Ms. Burchfield Are Not Above Market.**

15 Plaintiffs essentially argue that because Ms. McLetchie’s, Ms. Shell’s and Ms.
16 Burchfield’s hourly rates have been reduced in the past, they should be reduced in this case.
17 (Opp., p. 6:11 – 6:26.) It is true that the federal court for the District of Nevada—not this
18 Court—reduced their hourly rate in two instances. *See Jacob v. Las Vegas Metropolitan*
19 *Police Department*, Case No. 2:14-cv-00923-JADGWF, 2016 WL 344512 (D. Nev. Jan. 27,
20 2016); *Walker v. North Las Vegas Police Department*, Case No. 2:14-CV-01475-JADNJK,
21 2016 WL 3536172 (D. Nev. June 27, 2016). However, both of those decisions are based on
22 the work done in prevailing on a motion to compel depositions and disclosures from
23 intransigent parties in civil rights litigation. *See Jacob*, 2016 WL 344512 at *1; *Walker*, 2016
24 WL 3536172 at *1. This is completely unrelated to the work done in defending against a
25 Strategic Lawsuit Against Public Participation (“SLAPP”), which demanded significantly
26 more time, resources, and expertise than motions to compel discovery. Thus, it is
27 inappropriate to assume that the hourly rate for a motion to compel is, or should be, the same
28 as the hourly rate for seeing an Anti-SLAPP Motion to Dismiss through to victory.

1 Equally unavailing is Plaintiffs’ argument that because California courts have
 2 reduced fees awarded in Anti-SLAPP cases, the fees awarded to VIPI Defendants should be
 3 reduced as well. (Opp., p. 13:1-12.) The cases cite by Plaintiffs are distinguishable from the
 4 current case. For instance, in *539 East County Boulevard LLC v. Backcountry Against the*
 5 *Dump, Inc*, 6 Cal. App. 5th 426, 212 Cal. Rptr. 3d 304 (Ct. App. Cal. 2016), counsel charged
 6 \$750 per hour for a partner, \$350 per hour for 5th year associates, and billed 300 hours despite
 7 there only being “one cause of action that was the subject of the anti-SLAPP motion” which
 8 dealt with issues that “were not especially novel or complex.” 6 Cal. App. 5th at 431. In
 9 contrast, Plaintiffs’ amended complaint—the subject of the Anti-SLAPP motion to dismiss
 10 on which VIPI Defendants prevailed—contained ten³ causes of action, some of which serve
 11 no purpose other than to waste opposing counsel’s time. *See* Amended Complaint, ¶¶ 106-
 12 109 (made-up tort of “harassment”); ¶¶ 141-147 (claim for Copyright Infringement under 17
 13 U.S.C. § 505 even though state courts lack subject matter jurisdiction over such claims).
 14 Because McLetchie-Shell billed at a lower rate, for fewer hours, defending against a more
 15 complex complaint than the one at issue in *539 East County Boulevard*, this Court should
 16 not rely on it to justify slashing what McLetchie-Shell should recover for its work.

17 Plaintiffs also cite to *Christian Research Institute v. Alnor*, 165 Cal. App. 4th 1315,
 18 81 Cal. Rptr. 3d 866 (Ct. App. Cal. 2008), but it is likewise distinguishable. In *Christian*
 19 *Research Institute*, the prevailing counsel claimed that five lawyers worked over 600 hours
 20 on an anti-SLAPP motion (and appeal) that concerned a single cause of action, in which the
 21 plaintiff had already conceded the first prong of the two prong Anti-SLAPP test. 165 Cal.
 22 App. 4th at 1319. As noted above, Plaintiffs in this case submitted an amended complaint
 23 containing ten causes of action. Unlike the plaintiff in *Christian Research Institute*, the
 24 Plaintiffs in this case have fought tooth-and-nail every step of the way, conceding neither
 25 prong of the anti-SLAPP analysis. By battling so vigorously to silence the VIPI Defendants,
 26 Plaintiffs necessitated that the VIPI Defendants’ counsel devote extra time to their defense.

27 _____
 28 ³ The Amended Complaint also contains an eleventh “cause of action” for “injunction.” It
 does not take an experienced attorney to realize that “injunction” is not a tort, but rather a
 form of equitable relief that courts may grant.

1 Plaintiffs reliance on *Crowe v. Gogineni*, 2014 WL 130488 (E.D. Cal. 2014) is
 2 similarly misplaced. In *Crowe*, the plaintiff filed a complaint with only four causes of action.
 3 *Crowe*, 2014 WL 130488 at *1. Furthermore, the non-lawyer plaintiff in *Crowe* proceeded
 4 *pro se*. *Id.* In the instant case, Plaintiffs were (and are) represented by professional attorneys
 5 Marshal Willick, Joshua P. Gilmore, and Dennis L. Kennedy, the latter of whom is not known
 6 for being cheap.⁴ It should go without saying that litigating, and prevailing, against seasoned
 7 professionals is worth a higher hourly rate than litigating against a non-lawyer.

8 **2. All of the VIPI Defendants’ Attorney’s Fees Are Recoverable.**

9 Relying on cases interpreting California’s anti-SLAPP statute, Plaintiffs assert that the VIPI
 10 Defendants are not entitled to attorney’s fees for work that was not performed on the motions
 11 to dismiss. (Opp., p. 8:3-22.) Nevada’s anti-SLAPP statute, however, does not just provide
 12 for compensation of fees and costs incurred directly in connection with the anti-SLAPP
 13 motion itself; it is designed to provide complete immunity from suit. Specifically, Nev. Rev.
 14 Stat. § 41.650 provides that “[a] person who engages in a good faith communication in
 15 furtherance of the right to petition or the right to free speech in direct connection with an
 16 issue of public concern is immune from any civil action for claims based upon the
 17 communication.”

18 Similarly, nothing in Nevada’s anti-SLAPP statute limits a prevailing defendant’s
 19 entitlement to costs and attorney’s fees strictly to work performed on a motion to dismiss.
 20 Rather, Nev. Rev. Stat. § 41.670(1) provides that if a court grants a special motion to dismiss
 21 filed pursuant to Nev. Rev. Stat. § 41.660:

22 The court shall award reasonable costs and attorney’s fees to the person
 23 against whom the action was brought, except that the court shall award
 24 reasonable costs and attorney’s fees to this State or to the appropriate
 25 political subdivision of this State if the Attorney General, the chief legal
 officer or attorney of the political subdivision or special counsel provided
 the defense for the person pursuant to NRS 41.660.

26 ⁴ Notably, Mr. Kennedy billed Clark County at a rate of \$495 per hour to litigate against the
 27 Las Vegas Review-Journal’s public records requests. *See* Reply to Respondent’s Opposition
 28 to Motion for Attorney’s Fees and Costs filed January 1, 2018, *Las Vegas Review-Journal v.*
Clark County Office of the Coroner/Medical Examiner, Case No. A-17-758501-W, at p.
 11:24. (attached as “Exhibit 1”).

1 Thus, the VIPI Defendants are entitled to full compensation for all fees and costs incurred in
 2 defending against this frivolous action.

3 **3. Clerical Time is Recoverable.**

4 Plaintiffs assert that it is “undisputed” that a party cannot recover attorney’s fees
 5 for clerical tasks. (Opp., p. 9:1-4) (citing and quoting *Missouri v. Jenkins by Agyei*, 491 U.S.
 6 274, 288 n.10 (1989)). Plaintiffs’ reliance on *Jenkins*, however, is notably selective. As the
 7 Court explained in *Jenkins*, “a ‘reasonable attorney’s fee’ cannot have been meant to
 8 compensate only work performed personally by members of the bar. Rather, the term must
 9 refer to a reasonable fee for the work product of an attorney. Thus, the fee must take into
 10 account the work not only of attorneys, but also of secretaries, messengers, librarians,
 11 janitors, and others whose labor contributes to the work product for which an attorney bills
 12 her client.” *Id.* at 285; *see also LVMPD v. Yeghiazarian*, 129 Nev. Adv. Op. 81,312 P.3d
 13 503, 510 (2013) (holding that the district court did not abuse its discretion by including
 14 charges for paralegal and administrative services in its calculation of attorney fees). Thus,
 15 the VIPI Defendants are entitled to compensation for the work of its clerical staff.

16 Moreover, footnote 10 of the *Jenkins* opinion cited by Plaintiffs does not stand for
 17 the broad proposition that a party cannot recover attorney’s fees for clerical tasks. What
 18 footnote 10 of *Jenkins* actually says, as quoted by Plaintiffs, is that clerical tasks should not
 19 be billed at *paralegal rates*—not that clerical tasks cannot be billed at all. *Jenkins*, 491 U.S.
 20 at 288, n.10. In this case, Plaintiffs do not specify which exact billing entries they believe are
 21 purely clerical, instead generically describing them as entries related to delivering orders,
 22 mailing, and other similar tasks. (Opp., p. 9:7-11.) Consistent with *Jenkins*, those entries (to
 23 the extent the VIPI Defendants can identify which specific entries Plaintiffs complain of)
 24 were not billed at paralegal rates, but at the rate of \$25.00 per hour, counsel’s standard rate
 25 for clerical support staff.

26 Moreover, as the Nevada Supreme Court observed in *Yeghiazarian*, “the use of
 27 paralegals and other nonattorney staff reduces litigation costs, so long as they are billed at a
 28 lower rate.” *Yeghiazarian*, 312 P.3d at 510 (citing *Jenkins*, 491 U.S. at 288). Moreover, this

1 position has been adopted by the United States Court of Appeals for the Ninth Circuit. *Trs.*
2 *of Constr. Indus. & Laborers Health & Welfare Trust v. Redland Ins. Co.*, 460 F.3d 1253,
3 1257 (9th Cir.2006) (“[F]ees for work performed by nonattorneys such as paralegals may be
4 billed separately, at market rates, if this is the prevailing practice in a given community.”
5 (internal quotations omitted)). Plaintiffs’ assertion that the VIPI Defendants are not entitled
6 to attorney’s fees for clerical time is therefore without merit.

7 **4. The Number of Hours Worked Was Reasonable, and This Court**
8 **Should Not Apply Any Reduction to the Hours Claimed.**
9 *Extensive Research*

10 Plaintiffs attempt to punish Ms. McLetchie for her expertise, arguing that because
11 she and her firm have “extensive experience handling First Amendment cases, defamation
12 litigation, and similar matters,” they cannot recover for time spent researching anti-SLAPP
13 law. (Opp., p. 10:25 – 11:2.) Notably, Ms. McLetchie never claimed expertise in anti-SLAPP
14 law specifically. Claiming expertise in broad areas of law—such as defamation—does not
15 imply that an attorney should be forced to draft motions regarding a specific area of the law
16 such as anti-SLAPP motions to dismiss without performing research.

17 To bolster this argument, Plaintiffs point to *Ingram v. Oroudjian*, No. CV 08-3917
18 GAF (VBKx), 2009 WL 10680651, at *4 (C.D. Cal. Oct. 5, 2009), *aff’d*, 647 F.3d 925 (9th
19 Cir. 2011), a case in which counsel, “who claim[ed] substantial litigation experience in the
20 federal courts, contend[ed] they spent 14.7 hours researching the law on *Younger*
21 abstention.” (Opp., p. 11:2 – 11:9.) This is an extremely disingenuous argument. As the court
22 noted in *Ingram*, “the law is clear regarding parallel state and federal proceedings.” (*Id.*,
23 p.11:6.) (internal citation omitted). Indeed, *Younger* abstention is a topic that should be
24 familiar to any lawyer practicing in Federal Court. The same cannot be said for Anti-SLAPP
25 law, which is a specialized area of law that is continuously evolving as Nevada and California
26 courts regularly decide Anti-SLAPP motions and flesh how this law should apply to diverse
27 sets of facts. It is imperative that any lawyer defending against SLAPPs keep abreast of the
28 many recent developments concerning Anti-SLAPP law, no matter his or her level of

1 expertise. Thus, VIPI Defendants are entitled to recover fees associated with time spent
 2 researching Anti-SLAPP law.

3 ***Risk to Defendant***

4 The litigation strategy pursued by Plaintiffs in this and other cases presents
 5 immediate danger to the VIPI Defendants. For instance, Plaintiffs attempted to silence Mr.
 6 Sanson by asking the Family Court to imprison Mr. Sanson for several years for the “crime”
 7 of disobeying a court order (later overturned as unconstitutional) in a case to which Mr.
 8 Sanson was not a party.⁵ When Plaintiffs failed in their attempt to literally lock Mr. Sanson
 9 up, they resorted to this lawsuit, which threatens damages of over \$15,000 for each of its
 10 eleven causes of action. These are not trivial stakes; prevailing in this case is essential to
 11 maintaining the very existence of VIPI. Because of the heightened personal and financial
 12 risks to the VIPI Defendants in this lawsuit, it is more than reasonable for McLetchie Shell
 13 to expend large amounts of time and resources to litigate this matter to the best of its ability.

14 ***“Block Billing”***

15 Plaintiffs also complain that counsel for the VIPI Defendants engaged in “block
 16 billing,” and thus that the Court should automatically reduce the VIPI Defendants’ attorney’s
 17 fees request. (Opp., pp. 11:19-12:10.) This argument is misplaced for two reasons. First,
 18 Plaintiffs conflate providing detail with block billing. *See Hernandez v. Chipotle Mexican*
 19 *Grill, Inc.*, 257 F. Supp. 3d 100 * 10 (D.D.C. 2017) (rejecting request to reduce fees in part
 20 because “[t]he defendant appears to conflate entries in which plaintiff’s counsel has provided
 21 greater detail with impermissible block billing.”) In the Chipotle case, the court considered
 22 complaints about entries such as “Review closing statement; email P. Grossi feedback re:
 23 same” or “Confer with P. Grossi regarding arguments for surreply; research EEOC position
 24 statement case law for surreply.” *Id.* The court explained that “[t]hese entries, and the many
 25 entries like them, are not examples of block billing.” *Id.* Instead, “[e]xplaining the related

26 _____
 27 ⁵ See Motion for an Order to Show Cause filed February 13, 2017, *Saiter v. Saiter*, Case. No.
 28 D-15-521372-D, at p.17, n. 27 (attached as “Exhibit 2”) (claiming that Mr. Sanson could be
 imprisoned for over 7 years for contempt of court, but “magnanimously” asking the judge to
 imprison him for a more “reasonable” [but still illegal] 54 days).

1 tasks that went into drafting the closing statement, or in scheduling a conference call, or in
 2 drafting and researching a surreply is not block billing, but is detailing the specific tasks
 3 performed related to a larger overarching task.” *Id.* Thus, “[t]he inclusion of greater detail in
 4 these entries does not “mak[e] it impossible” for the Court “to evaluate their reasonableness.”
 5 *Id.*

6 Likewise, here, the time entries Plaintiffs complain of do not reflect block billing
 7 for multiple tasks; rather, they reflect an effort by counsel to comprehensively describe the
 8 work performed in this matter. For example, Plaintiffs complain—without bother to provide
 9 a record citation—that on February 16, 2017, Ms. Shell billed 9.1 hours for four different
 10 tasks. (Opp., p. 11:24-25.) This is a misreading of Ms. Shell’s time entry, which indicates as
 11 follows:

12 Attention to Motion to Dismiss: edit/expand section re defamation per Ms.
 13 McLetchie’s request. Draft separate section regarding sanctions. Edit
 14 motion to strike. Supervise finalization of tables and filing.

15 (Exh. 2 to Motion, p. 6.) Thus, as the entry demonstrates, the work described by Ms. Shell’s
 16 entry is not for four discrete or unrelated tasks; they were all tasks related directly to the
 17 Motion to Dismiss. The same applies to other entries by counsel; the entries are consistent
 18 with McLetchie Shell’s efforts to err on the side of fully describing the work performed in
 19 any given matter, albeit in a manner that is appropriate for a motion for fees.

20 Second, Plaintiffs’ argument for an across-the-board reduction of fees based on
 21 alleged “block-billing” is foreclosed by the case law from the Nevada Supreme Court and
 22 the Ninth Circuit. As the Nevada Supreme Court observed in *In re Margaret Mary Adams*
 23 *2006 Trust*, 2015 WL 1423378 (Nev. Mar. 26, 2015), “block-billed time entries are generally
 24 amenable to consideration under the *Brunzell* factors, . . . and a district court must consider
 25 block-billed time entries when awarding attorney fees.” *In re Mary Margaret Adams*, 2015
 26 WL 1423378, at *2 (citations omitted). If a court encounters difficulties in considering the
 27 *Brunzell* factors because of block billing, “then the district court may order additional
 28 briefing or discount the relevant block-billed entries by an appropriate amount.” *Id.* (citing
Welch v. Metro. Life Ins. Co., 480 F.3d 942, 948 (9th Cir.2007) (reversing a district court’s

1 20 percent across-the board reduction of a plaintiff’s attorney’s fees request for block-billed
 2 entries and directing the district court to provide specific findings regarding any reductions
 3). Thus, the Supreme Court has indicated that this Court must consider the alleged “block-
 4 billed” entries before ordering additional briefing or reducing the entries.

5 **B. The Costs Incurred by the VIPI Defendants are All Recoverable.**

6 Plaintiffs argue, without any factual support, that this Court should deny the VIPI
 7 Defendants’ request for \$1,427.09 in costs associated with forensic imaging of, and cloning,
 8 copying and reinstalling Mr. Sanson’s hard drive because they were “unrelated to the motions
 9 to dismiss.” (Opp., p. 14:4-9.) On the contrary, forensic imaging of Mr. Sanson’s computer
 10 is directly related to the Motion to Dismiss. A thorough examination of Mr. Sanson’s
 11 activities, as reflected by changes made to the data on his computers’ hard drives, could give
 12 the VIPI Defendants factual bases on which they may contest Plaintiffs’ claims. This Court
 13 should not deny the VIPI Defendants these justified costs merely on Plaintiff’s say-so.

14 Plaintiffs rely on an inapplicable statute and case to argue that the VIPI Defendants’
 15 cannot recover \$264.08 expended on photocopying. (Opp. p. 14:10-20.) In *Cadle Co. v.*
 16 *Woods & Erickson, LLP*, 131 Nev. Adv. Op. 15, 345 P.3d 1049 (2015) the Nevada Supreme
 17 Court did in fact reject a claim for costs of photocopying due to insufficient evidence of those
 18 costs being reasonable or necessary. *Cadle Co.*, 345 P.3d at 1054. However, that decision
 19 was explicitly made pursuant to Nev. Rev. Stat. § 18.110(1), not the cost-shifting provisions
 20 of Nevada’s Anti-SLAPP statute. *Id.* Because Nev. Rev. Stat. § 18.110 is not at issue in this
 21 case, Plaintiffs cannot avail themselves of its terms to avoid paying photocopying costs.

22 **C. The Abrams Parties Should be Sanctioned.**

23 **1. Standard of Decision to Impose Sanctions.**

24 Plaintiffs admit that Nev. Rev. Stat. § 47.670(1)(b), which permits this Court to
 25 award up to \$10,000 in sanctions to a prevailing anti-SLAPP defendant, is “silent in terms
 26 of the standard for obtaining sanctions.” (Opp., p. 20:20.) They contend that, because the
 27 federal court for the District of Nevada once read into Nev. Rev. Stat. § 47.670(1)(b) a
 28 requirement that a plaintiff’s complaint be “vexatious or frivolous” before awarding

1 sanctions to a prevailing anti-SLAPP defendant, this Court must “end the analysis in terms
 2 of sanctions” because this Court has not held that Plaintiffs’ complaint was “vexatious or
 3 frivolous.” (Opp., p.20:20 – p.21:5; p. 21:17 – 19.) (citing *Jablonski Enter., Ltd. v. Nye Cty.*,
 4 Case No. 2:15-cv-02296-GMN-GWF, 2017 WL 3775396, at *3 (D. Nev. Aug. 30, 2017).
 5 The federal court erred in its analysis, and this Court should look to the plain language of the
 6 statute, which does not mandate that an anti-SLAPP defendant show the plaintiff’s complaint
 7 was “frivolous or vexatious,” to reach the opposite conclusion.

8 Far from “interpret[ing] a rule or statute in harmony with other rules and statutes,”
 9 (Opp., p. 21:3-4.) imposing an unwritten requirement of showing “frivolity or vexatiousness”
 10 on prevailing anti-SLAPP defendants would completely undermine the statute as written by
 11 the legislature, which is entirely clear on its face. “When the words of the statute have a
 12 definite and ordinary meaning, this court will not look beyond the plain language of the
 13 statute, unless it is clear that this meaning was not intended.” *Carson-Tahoe Hosp. v.*
 14 *Building & Const. Trades Council of Northern Nevada*, 122 Nev. 218, 200, 128 P.3d 1065,
 15 1066-67 (2006) (internal citation omitted). The plain language of Nev. Rev. Stat. §
 16 47.670(1)(b) is completely silent as to the standard courts should use when imposing
 17 sanctions on SLAPP plaintiffs. Plaintiffs have not even attempted to argue that the Nevada
 18 Legislature—rather than the federal district court for the District of Nevada—intended a
 19 different meaning. Thus, there is no justification for imposing Plaintiffs’ requested standard.

20 Furthermore, “Nevada follows the maxim ‘expressio unius est exclusion alterius,’
 21 [i.e.] the expression of one thing is the exclusion of another.” *State v. Javier C*, 128 Nev.
 22 536, 541, 289 P.3d 1194, 1197 (2012). In the instant case, the Legislature specifically
 23 imposed a requirement that the *plaintiff* must show that a *defendant’s* Anti-SLAPP motion
 24 was “frivolous or vexatious” to recover sanctions. Nev. Rev. Stat. § 47.670(2)-(3). The fact
 25 that the Legislature specifically and explicitly imposed this requirement on plaintiffs, but not
 26 defendants, suggests that the legislature intended a stricter standard to apply when
 27 sanctioning defendants who file unsuccessful anti-SLAPP than the standard that governs
 28 sanctioning plaintiffs who have their claims dismissed by an Anti-SLAPP motion. Despite

1 Plaintiffs’ continued attempts to re-litigate their complaint and propagate conspiracy theories
2 the VIPI Defendants, they cannot avoid sanctions merely because no court has (yet) held
3 their complaint to be vexatious or frivolous.

4 **2. This Court Should Exercise its Discretion and Award Sanctions**
5 **to the VIPI Defendants in the Full Amount of \$20,000.**

6 Defendants argue that because they did not succeed in “shutting up” Mr. Sanson
7 with the instant litigation, they should not face sanctions for their failed attempt to do so.
8 (Opp., pp. 21:20 – 22:9.) There are no participation trophies in litigation. No matter how
9 much Plaintiffs object to the VIPI Defendants’ speech, it is protected by the First
10 Amendment, and this Court should not countenance Plaintiffs’ attempts to litigate their
11 critics into silence.

12 Defendants’ reliance on *Baldonado v. Wynn Las Vegas, LLC*, 124 Nev. 951, 967-
13 68, 194 P.3d 96, 106-07 is at best misplaced, and at worst an attempt to mislead this Court
14 by citing to a clearly inapplicable statute. Nevada’s Anti-SLAPP statute—the only statute
15 applicable to the imposition of sanctions in this case—is silent regarding the standard for
16 sanctioning plaintiffs whose claims are dismissed via an Anti-SLAPP motion (*see* § II(C)(1),
17 *supra*). By contrast, the statute on which the *Baldonado* court based its decision to refuse an
18 award of attorney’s fees explicitly contemplates imposing sanctions “to punish for and deter
19 frivolous or vexatious claims and defenses.” Nev. Rev. Stat. § 18.010(2)(b). This Court
20 should not permit Plaintiffs to escape the consequences of violating Nevada’s Anti-SLAPP
21 statute by grafting other statutes’ requirements onto Nev. Rev. Stat. § 41.670(1)(b).

22 Whether or not this Court has so declared, several of Plaintiffs’ claims are frivolous
23 on their faces and have no chance of prevailing. For instance, Plaintiffs attempted to create
24 a new tort of “harassment,” the elements of which were duplicative of other claims.
25 (Amended Complaint, *on file herein*, at ¶¶ 106 – 109.) Plaintiffs attempted to file a Copyright
26 Infringement claim in this Court (Id. at ¶¶ 141 – 147) when a cursory inspection of statute
27 reveals that federal courts have exclusive original jurisdiction over such claims. *See* 28
28 U.S.C. § 1338(a). Plaintiffs attempted to argue that a law firm could recover for infliction of
emotional distress, when in fact those are damages that only flesh-and-blood human beings

1 can recover. (Id. at ¶¶ 92 – 97.) Plaintiffs attempted to classify “injunction” as a cause of
2 action when it is in fact a form of relief. (Id. at ¶¶ 148 – 149.) Plaintiffs attempted to bootstrap
3 a RICO claim against VIPI Defendants by accusing them of crimes that were not predicate
4 crimes under RICO statutes. (Id. at ¶ 118.)

5 Whether their claims were borne of mistake or malice, they had the effect of
6 lengthening and complicating the instant litigation, which in turn required McLetchie-Shell
7 to devote substantial time and effort in protecting the VIPI Defendants. Nev. Rev. Stat. §
8 41.670(1)(b) gives this Court a mechanism to deter potential litigants from abusing the legal
9 system in this way—sanctions of up to \$10,000. This Court should sanction Plaintiffs
10 \$20,000—\$10,000 for each Plaintiff—to signal this Court’s unwillingness to tolerate
11 shoddily-pleaded complaints that target protected speech.

12 **III. CONCLUSION**

13 For these reasons, and for the reasons set forth in the VIPI Defendants’ Motion for
14 Attorney’s Fees and Costs, the VIPI Defendants respectfully request that this Court award
15 the VIPI Defendants their requested, reasonable attorneys’ fees and costs, pursuant to Nev.
16 Rev. Stat. § 41.670(1)(a), in the amount of \$95,607.18. Further, the VIPI Defendants
17 respectfully request that this Court sanction the Abrams Plaintiffs in the amount of \$20,000
18 pursuant to Nev. Rev. Stat. § 41.670(1)(b).

19 Respectfully submitted this 5th day of February, 2018.

20
21 /s/ Alina M. Shell
22 Margaret A. McLetchie, Nevada State Bar No. 10931
23 Alina Ms. Shell, Nevada State Bar No. 11711
24 MCLETCHIE SHELL, LLC
25 701 E. Bridger Ave., Ste. 520
26 Las Vegas, NV 89101
27 *Attorney for Defendants Steve W. Sanson and*
28 *Veterans in Politics International*

CERTIFICATE OF SERVICE

I hereby certify that on this 5th day of February, 2018, I served a true and correct copy of the foregoing REPLY TO PLAINTIFFS' OPPOSITION TO MOTION FOR ATTORNEY FEES AND COSTS PURSUANT TO NEV. REV. STAT. § 41.670 via electronic service using Odyssey File & Serve's electronic court filing system and, pursuant to NRCPC 5(b)(2)(B), by First Class United States Mail, postage fully prepaid, to the following:

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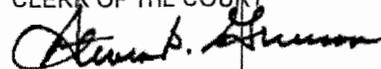
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/s/ Alina M. Shell
EMPLOYEE of McLetchie Shell LLC

EXHIBIT 1



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RPLY
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DISTRICT COURT

CLARK COUNTY NEVADA

LAS VEGAS REVIEW-JOURNAL,

Case No.: A-17-758501-W

Petitioner,

Dept. No.: XXIV

vs.

**REPLY TO RESPONDENT'S
OPPOSITION TO MOTION FOR
ATTORNEY'S FEES AND COSTS**

CLARK COUNTY OFFICE OF THE
CORONER/MEDICAL EXAMINER,

Respondent.

Petitioner the Las Vegas Review-Journal (the "LVRJ"), by and through its undersigned counsel, hereby submits this Reply to Respondent the Clark County Office of the Coroner/Medical Examiner's (the "Coroner's Office") Opposition to its Motion for Fees and Costs. This Reply is supported by the attached memorandum of points and authorities, any attached exhibits, the attached Declaration of Margaret A. McLetchie, the papers and pleadings already on file herein, and any oral argument the Court may permit at the hearing of this Motion.

Respectfully submitted this 4th day of January, 2018.

/s/ Margaret A. McLetchie

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1 MEMORANDUM OF POINTS AND AUTHORITIES

2 **I. INTRODUCTION**

3 As the prevailing party in this public records petition, the LVRJ is entitled to
4 reasonable attorney's fees and costs. Contrary to the arguments in the Coroner's Office
5 Opposition (*see generally* Opp., pp. 5-12), a prevailing requester's entitlement to attorney's
6 fees and costs is not predicated upon a finding that a governmental entity acted in bad faith
7 in refusing to disclose public records. Instead, the entire scheme of the NPRA, the plain
8 language of Nev. Rev. Stat. § 239.011(2), and the Nevada legislature's intent in adopting the
9 NPRA all dictate that a requester who is forced to bring a court action to obtain public records
10 and prevails is entitled to recoup his or her reasonable costs and fees.

11 Thus, the only question is whether the fees and costs are reasonable. This Court
12 should apply the *Brunzell* factors and fully grant the fees and costs requested. Contrary to
13 the Coroner's Office's arguments, the requested rates for the LVRJ's counsel and
14 paraprofessional staff are reasonable, fully documented, and are under market for the
15 experience brought to bear in this action.¹ The LVRJ supported its rates with declarations.
16 Further, the nature of the work and the qualities of the advocates merit a full award. To argue
17 otherwise, the Coroner's Office does not present credible support for the rates it contends
18 should be applied. Most importantly, the LVRJ was fully successful in its petition. While the
19 Coroner's Office is dismissive of the nature of the case at hand, the LVRJ vindicated
20 important rights enshrined in the NPRA. Further, providing full compensation is consistent
21 with the NPRA's expressed legislative intent (Nev. Rev. Stat. § 239.001) as ensuring that a
22 requester is compensated when court action is requires furthers access to records—and
23 disincentives noncompliance. Accordingly, the LVRJ is entitled to a full award for its
24 attorney's fees and costs.

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28 ¹ The Coroner's Office does not contest the work actually performed.

1 **II. LEGAL ARGUMENT**

2 **A. The LVRJ's Entitlement to Attorneys' Fees is Not Premised on Disproving**
3 **"Good Faith."**

4 Pursuant to Nev. Rev. Stat. § 239.011(2), if a "requester prevails [in applying to a
5 district court for access to public records], the requester is entitled to recover his or her costs
6 and reasonable attorney's fees in the proceeding from the governmental entity whose officer
7 has custody of the book or record.. Improperly bootstrapping this section of the NPRA to
8 another section which provides civil immunity to officers who act in good faith in
9 withholding public records, the Coroner's Office argues at length that a requester is only
10 entitled to fees and costs under § 239.011(2) if the requester can demonstrate that the
11 governmental entity acted in bad faith. (*See generally* Opp., pp. 5-12.) This interpretation of
12 § 239.011(2) fails for four reasons. First, this interpretation is contrary to the purpose of the
13 NPRA. Second, the Coroner's Office ignores the Nevada Supreme Court's longstanding rule
14 that a court need not look to legislative history when the meaning of a statute is plain on its
15 face. Third, it is premised on a misapprehension of the legislative history of § 239.011.
16 Fourth, the Coroner's Office's interpretation is contrary to the interpretation of the statute by
17 state governmental entities.

18 **1. Requiring a Requester to Demonstrate "Bad Faith" In Order to Recoup**
19 **Reasonable Fees and Costs is Contrary to the Purpose of the NPRA.**

20 Although public officials are immune from *damages* pursuant to Nev. Rev. Stat. §
21 239.012 ("A public officer or employee who acts in good faith in disclosing or refusing to
22 disclose information and the employer of the public officer or employee are immune from
23 liability for damages, either to the requester or to the person whom the information
24 concerns"), that does not eviscerate the provisions of the NPRA which, separately and
25 plainly, provide for attorney's fees. Nev. Rev. Stat. § 239.011(2) provides in part that "[i]f
26 the requester prevails, the requester is **entitled** to recover his or her costs and reasonable
27 attorney's fees in the proceeding from the governmental entity whose officer has custody of
28 the book or record." (emphasis added) Thus, "good faith" is irrelevant to the analysis
regarding entitlement to fees. And, this Court does not, contrary to the Coroner's Office's

1 arguments to the contrary, have discretion to deny fees (Opp., p. 12): the statute plainly
2 mandates that a prevailing requested be awarded fees and costs.²

3 To read a “good faith” exception from a separate section regarding damages into
4 the provision is incorrect and inconsistent with Nev. Rev. Stat. § 239.001 (“Legislative
5 findings and declaration”) which, first and foremost, reinforces the important nature of the
6 NPRA. Nev. Rev. Stat. § 239.001(1) (“[t]he purpose of this chapter is to foster democratic
7 principles by providing members of the public with access to inspect and copy public books
8 and records to the extent permitted by law”). Nev. Rev. Stat. § 239.001(2) then mandates
9 that “[t]he provisions of this chapter must be construed liberally to carry out this important
10 purpose.” The legislature also mandates that “[a]ny exemption, exception or balancing of
11 interests which limits or restricts access to public books and records by members of the public
12 must be construed narrowly.” Nev. Rev. Stat. § 239.001(3). Bootstrapping a limitation on
13 damages from one statute in the chapter into another statute addressing attorney’s fees would
14 violate these legislative mandates (as well as basic rules of statutory interpretation).

15 Moreover, the Coroner’s Office elides the fact that the provision regarding good
16 faith immunity from damages specifically only refers to immunity for “[a] public officer or
17 employee,” (i.e., an individual) whereas the provision on fees makes “governmental entities”
18 liable for fees. Nev. Rev. Stat. § 239.005 (5) defines “governmental entity” as follows:

- 19 (a) An elected or appointed officer of this State or of a political subdivision
20 of this State;
- 21 (b) An institution, board, commission, bureau, council, department,
22 division, authority or other unit of government of this State, including,
23 without limitation, an agency of the Executive Department, or of a political
24 subdivision of this State;
- 25 (c) A university foundation, as defined in NRS 396.405; or
- 26 (d) An educational foundation, as defined in NRS 388.750, to the extent that
the foundation is dedicated to the assistance of public schools.

27 ² Even if fees were discretionary, the Court should of course grant them to the LVRJ in this
28 case.

1 Thus, while non-elected or non-appointed officers and employees have good faith immunity
2 from *damages*, governmental entities such as the Coroner’s Office who fall within the
3 definition of Nev. Rev. Stat. § 239.005(5) do not. In short, even if the immunity from liability
4 provision applied, at best it only protects “[a] public employee or officer” (Nev. Rev. Stat. §
5 239.0112) and the Coroner’s Office is neither.

6 **2. The Legislative History Is Irrelevant.**

7 Even though the statute is clear on its face, and even though the legislative intent
8 favoring access to public records is spelled out in the NPRA itself, the Coroner’s Office asks
9 this Court to look at the legislative history to interpret the statute. This runs afoul of basic
10 canons of statutory interpretation which mandate that “when a statute is clear on its face, a
11 court cannot go beyond the statute in determining legislative intent.” *State v. Lucero*, 127
12 Nev. 92, 95, 249 P.3d 1226, 1228 (2011) (citation and internal quotation marks omitted); *see*
13 *also Robert E. v. Justice Court*, 99 Nev. 443, 445, 664 P.2d 957, 959 (1983) (same); *see also*
14 *State v. Catanio*, 120 Nev. 1030, 1033, 102 P.3d 588, 590 (2004) (“We must attribute the
15 plain meaning to a statute that is not ambiguous.”)

16 Here, the language of Nev. Rev. Stat. § 239.011(2) is plain: if a requester prevails
17 in an action to obtain public records, “the requester is entitled to recover his or her reasonable
18 costs and attorney’s fees in the proceeding from the governmental entity whose officer has
19 custody of the book or record.” The statute does not require a requester to demonstrate a
20 governmental entity acted in bad faith; it only requires that the requester prevail. Despite all
21 this, the Coroner’s Office is asking this Court to rely on outside “legislative history” to negate
22 an important provision of the NPRA. It should not do so.

23 **3. The Legislative History Does Not Support The Coroner’s Office’s Position.**

24 Even if it were properly before the Court, the legislative history of Nev. Rev. Stat.
25 § 239.011 supports awarding fees to a prevailing requester—and doing so expeditiously to
26 further access.

27 First, as the Society for Professional Journalists explained, the bill was designed
28 “so a signal is sent to the public employees who hold public records that it is their job to

1 ensure the public has easy access to those documents which indeed are open to review by
 2 taxpayers.” (Legislative History of 1993 Assembly Bill 365, attached as **Exh. 6**, p. 15³.)
 3 Rendering the fees and costs provision meaningless would be inconsistent with this purpose,
 4 which, as detailed above, is now enshrined in the NPRA.

5 Second, the history regarding the bill makes clear that there is no bad faith
 6 requirement in the fees and costs provision. Section 2 addressed fees and costs and Section
 7 3 separately addressed good faith liability from damages. With regard to Section 2, on May
 8 7, 1993, there was discussion making clear that, as initially written, Section 2 mandated that,
 9 if the requester prevails, “he was entitled to recover his costs and fees and attorney’s fees in
 10 the proceeding, from the agency whose officer had custody of the record. (*Id.*, pp. 43-44.)
 11 That is all it said as originally written. During the subcommittee hearing, there was some
 12 discussion about whether an agency should be entitled to fees if it prevailed—an idea which
 13 was rejected because it would restrict people from going to court. (*Id.*, p. 44.) The Legislative
 14 did, however, write one (and only one) limitation into the fees and costs provision: it added
 15 the word “reasonable” to qualify the fees and costs to which a requester is entitled. (*Id.*, p.
 16 44.) Then, a separate discussion ensued regarding Section 3 (addressing good faith
 17 immunity) (*id.*, p. 44.) *After passing a motion finalizing the fees and costs language*, the
 18 committee went on to discuss Section 3. There was explanation that Section 3 “was for a
 19 civil penalty to be imposed on a public employee who acted in bad faith.” (*Id.*, p. 45.)

20 Thus, the bill was designed to revamp and strengthen access to public records. It
 21 set forth a mechanism by which a requester could go to court—and get fees and costs upon
 22 prevailing. It also separately replaced a prior provision that imposed criminal liability with
 23 one limiting civil liability to those cases in which the governmental officer or employee did
 24 not act in good faith. Nothing in the record shows that Section 3 was intended as a limitation
 25 on Section 2. For example, while there was testimony to the committee that costs and fees

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 27 ³ The Coroner’s Office included a copy of the legislative history of 1993 A.B. 365 as Exh. B
 28 to its Opposition which omits pages 36 through 65; the LVRJ’s Exh. 6 is the complete
 legislative history of A.B. 365.

1 would be “granted only when it was a denial of what was clearly a public record,” that
2 sentence was sandwiched with a discussion of frivolous lawsuits; Ms. Engleman was not
3 urging a limitation on the fees and costs provision—she was assuring legislators that public
4 agencies would not be on the hook for fees and costs if a lawsuit was frivolous. In any case,
5 such “legislative history” certainly cannot be used to dodge the plain text of the NPRA.

6 **4. The Nevada Attorney General Does Not Read a “Bad Faith” Requirement**
7 **Into Nev. Rev. § 239.011(2).**

8 The Coroner relies on attorney general testimony to support its position that bad
9 faith is a prerequisite to a fee award in a NPRA case (Opp., p. 11:7-11). While arguably not
10 even relevant, in fact the Coroner’s Office’s interpretation of Nev. Rev. Stat. § 239.011(2) is
11 at odds with the State of Nevada’s interpretation of the statute. For example, Sarah Bradley,
12 a Senior Deputy Attorney General, authored an article for the April 2012 edition of the
13 Nevada Lawyer, an official publication of the State Bar of Nevada regarding the NPRA. In
14 that article, Deputy Attorney General Bradley noted that

15 [i]f a state agency decides not to disclose requested records and the issue is
16 litigated and the agency loses, the requestor is entitled to recover costs and
17 reasonable attorney’s fees in pursuing the court action (NRS 239.011).
Thus, it is important that the agency and its decision maker recognize that
an incorrect decision to withhold requested records may be costly.

18 Sara Bradley, *Public Records Under the Nevada Public Records Act*, Nevada Lawyer, April
19 2012, at 17-18.⁴ Ms. Bradley has also presented training to various municipal entities and
20 provided the same information regarding a requester’s entitlement to attorney’s fees and
21 costs in a public records action. (See **Exh. 7** (March 26, 2015 Public Records presentation
22 prepared for Carson City) at p. 32.) Although these publications do not carry the force of
23 law, they are strong indications that the Nevada Attorney General’s office—the state agency
24 tasked with interpreting Nevada’s laws—does not read a “bad faith” requirement into Nev.
25 Rev. Stat. § 239.011(2).

26 _____
27 ⁴ Available online at [https://www.nvbar.org/wp-](https://www.nvbar.org/wp-content/uploads/NevLawyer_April_2012_Public_Records_V2.pdf)
28 [content/uploads/NevLawyer_April_2012_Public_Records_V2.pdf](https://www.nvbar.org/wp-content/uploads/NevLawyer_April_2012_Public_Records_V2.pdf) (last accessed December
26, 2017).

1 **B. The Coroner's Office Did Not Act in Good Faith in Refusing to Disclose the**
2 **Requested Records**

3 Assuming *arguendo* that Nev. Rev. Stat. § 239.011(2) requires a prevailing
4 requester to demonstrate a governmental entity acted in bad faith in refusing to disclose
5 public records, the record of this matter demonstrates the Coroner's Office acted in bad faith.
6 Under the NPRA, a governmental entity which seeks to withhold public records must, within
7 five business days of receiving a request, provide the requester written notice of that fact
8 with citation to the "specific statute or other legal authority that makes the public book or
9 records, or a part thereof, confidential." Nev. Rev. Stat. § 239.0107(1)(d) (emphasis added).
10 Moreover, the governmental entity bears the burden of proving by a preponderance of
11 evidence that the record(s) it seeks to withhold are confidential. Nev. Rev. Stat. § 239.0113.

12 In prior papers filed in this matter, the Coroner's Office asserted that under the
13 leadership of its current Coroner, it has "received dozens of requests for autopsy reports from
14 the media, including the RJ." (Response to Memorandum in Support of Petition, pp. 24:28-
15 25-1.) Given this experience with responding to public records requests, the Coroner's Office
16 is presumably aware of its obligations under the NPRA. Yet, in spite of that apparent
17 familiarity with its obligations, the Coroner's Office failed to comply with §
18 239.0107(1)(d)'s requirement to timely provide specific legal authority to justify its refusal
19 to disclose the requested autopsy records, instead relying on a non-binding Attorney General
20 Opinion.

21 The Coroner's Office asserts that its reliance on AGO 82-12 demonstrates that it
22 acted in good faith. (Opp, pp. 15:4-16:7.) However, given the Coroner's Office's professed
23 experience with responding to records requests, it should have known it had an obligation to
24 provide legal authority to justify its nondisclosure of public records, and that Attorney
25 General Opinions are not legal authority. *See Univ. & Cmty. Coll. Sys. Of Nevada v. DR*
26 *Partners*, 117 Nev. 195, 203, 18 P.3d 1042, 1048 (2001) (citing *Goldman v. Bryan*, 106 Nev.
27 30, 42, 787 P.2d 372, 380 (1990)). Moreover, AGO 82-12 predated changes to the NPRA.
28 Thus, the Coroner's Office's reliance on AGO 82-12 does not support its assertion that it
acted in good faith.

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The Coroner's Office also argues that its refusal to disclose the requested records was in good faith because its "policy of limiting dissemination of autopsy reports to the next of kin is consistent with the practice of Washoe County and Elko County." (Opp., p. 14:13-14.) That argument, however, is misplaced, as the individual practices of local municipalities cannot trump the Nevada legislature's intent in adopting the NPRA. See, e.g., *Lamb v. Mirin*, 90 Nev. 329, 332, 526 P.2d 80, 82 (1974) ("Whenever a legislature sees fit to adopt a general scheme for the regulation of particular subject, local control over the same subject, through legislation, ceases.") accord *Crowley v. Duffrin*, 109 Nev. 597, 605, 855 P.2d 536, 541 (1993). Thus, once the legislature has adopted a scheme to regulate a particular subject—in this case, a general scheme for accessing public records—" [i]n no event may a county enforce regulations which are in conflict with the clear mandate of the legislature." *Lamb*, 90 Nev. 329, 333, 526 P.2d 80, 82 (citing *Mabank Corporation v. Board of Zoning Appeals*, 143 Conn. 132, 120 A.2d 149 (1956)).

The NPRA is a clear expression of the Nevada legislature's intent to develop a comprehensive statutory scheme to facilitate access to public records, and provides that absent statutory or legal authority to the contrary, governmental records are presumptively public records. The Nevada legislature also provided clear and specific guidance regarding the timing and manner for responding to public records request. Thus, that other municipalities take the same position is not relevant to whether the Coroner's Office acted in bad faith when it failed to meet its obligations under the NPRA.

C. The Hourly Rates for Attorney and Paralegal Work Are Reasonable.

This Case Was Not Simple.

The Coroner's Office also takes issue with the reasonable hourly rate counsel for the Review-Journal has requested for the work performed by attorneys, a paralegal, and support staff. The Coroner's Office first asserts that this was "not a time consuming or complex case," and that the "legal principles and arguments presented in this case are ones that these attorneys have analyzed, briefed, and argued many times." (Opp., p. 16:22-26.) While undersigned counsel has litigated NPRA matters, this case—as the Coroner's Office

1 admits in its Opposition—“involves an unsettled and contentious area of public records law
2 with serious legal questions of public importance.” (Opp., p. 16:4-5.) Because this is an
3 unsettled area of law, counsel for the LVRJ was required to do extensive research regarding
4 other states’ laws, state and federal court rulings regarding access to autopsy reports, and
5 research regarding the applicability of federal statutes such as HIPAA. Counsel for the LVRJ
6 also performed extensive research regarding Nev. Rev. Stat. § 432B.407, one of the statutes
7 untimely cited by the Coroner’s Office as a basis for its nondisclosure. And in addition to
8 traditional legal research, counsel for the LVRJ was also required to review the minutes from
9 several 2017 Nevada Legislative hearing to determine the applicability of Assembly Bill 57.

10 ***The Rates Sought Are Reasonable.***

11 With regards to the Coroner’s Office’s argument regarding the appropriate hourly
12 rate for the attorneys and paraprofessional support staff in this matter, the cases cited by
13 Coroner’s Office as establishing the “reasonable” hourly rates are inapposite to the instant
14 case. For example, *Webb v. Ada Cty*, 285 F.3d 829 (9th Cir. 2002)⁵ is entirely inapposite, as
15 the attorney’s fees in that case—a § 1983 civil rights class action—were limited by the Prison
16 Litigation Reform Act. *See id.* at n. 6 (“In law suits brought by prisoners, . . . the method of
17 calculating the hourly rate for attorney’s fees is dictated by the PLRA. *See* 42 U.S.C. §
18 1997e(d)(3)”). The remainder of the cases cited by the Coroner’s Office involved disputes in
19 comparatively straightforward civil matters. For example, *Archway Ins. Servs., LLC v.*
20 *Harris*, 2014 WL 384530 (D. Nev. 2014), (cited at Opp., p. 17:10-12), involved a dispute
21 over the reasonable hourly rate in a case involving fraud and breach of contract claims that
22 were dismissed by the district court because of plaintiffs’ motion for voluntary dismissal.
23 Another case cited by the Coroner’s Office, *Conboy v. Wynn Las Vegas, LLC*, 2014 WL
24 4079483 (D. Nev. 2014), involved a determination of the reasonable hourly rate in a federal
25 torts action. By contrast here, the LVRJ filed a complex petition asking the Court to mandate
26 the Coroner’s Office comply with the NPRA. This litigation was complex, and required
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28 ⁵ Opp, p. 17:7.

1 significant counsel to expend significant time and resources in successfully litigating the
 2 case.

3 Ms. McLetchie, the primary attorney in this matter, has many years' experience
 4 litigating complex civil rights and public records cases—both as an attorney with the ACLU,
 5 and while an attorney in private practice. Her hourly rate reflects that breadth of experience.
 6 Ms. Shell's hourly rate reflects her years of experience litigating complex federal criminal
 7 defense issues while working with the Federal Public Defender for the District of Nevada,
 8 and her work on complex civil rights and public records cases after transitioning into private
 9 practice in 2015. As reflected in the declaration of attorney Kathleen J. England, an attorney
 10 with 37 years of experience practicing in Nevada, the billing rates of McLetchie Shell are
 11 reasonable, and “below the market rates [Ms. McLetchie and Ms. Shell] could otherwise
 12 command in Southern Nevada.” (Exh. 5 (Declaration of Kathleen J. England), ¶ 14.)

13 In fact, the requested rates for Ms. McLetchie and Ms. Shell are reasonable when
 14 compared to the rates of another firm that was hired to litigate against McLetchie Shell in
 15 another recent NPRA matter. On March 20, 2017, the LVRJ submitted a public records
 16 request to the City of Henderson “seeking all public records related to the retention and
 17 payment of the law firm Bailey Kennedy pertaining to legal services” it provided in *Las*
 18 *Vegas Review-Journal v. City of Henderson*, Eighth Judicial District Court Case No. A-16-
 19 747289-W, another public records matter. (Exh. 8 (March 20, 2017 PRA request letter); *see*
 20 *also* Declaration of Margaret A. McLetchie (“McLetchie Decl.”) at ¶ 5.) Henderson provided
 21 documents responsive to that request on April 4, 2017 reflecting payments made to Bailey
 22 Kennedy for legal services provided between November 30, 2016 and February 28, 2017.
 23 (Exh. 9 (April 4, 2017 PRA response); McLetchie Decl. at ¶ 6.) Bailey Kennedy's top
 24 billers—Sarah E. Harmon and Dennis L. Kennedy—billed at a rate of \$495.00 per hour,
 25 while its lowest biller—Kelly B. Stout, a 2010 law graduate—billed at a rate of \$300.00 per
 26 hour. (Id. at ¶ 7) Moreover, the undersigned believes that these rates are reduced rates.

27 The Coroner's Office argument that the rate for paraprofessional Pharan Burchfield
 28 should be reduced is also misplaced. As with the cases it cited in support of its argument that

1 Ms. McLetchie and Ms. Shell’s rates are unreasonable, the cases it cites in support of
2 reducing Ms. Burchfield’s hourly rate from \$150.00 to \$125.00 are also inapposite. For
3 example, *Boliba v. Camping World, Inc.*, 2015 WL 5089808 (D. Nev. August 27, 2015)⁶,
4 dealt with a straightforward motion to strike a late disclosed expert report. *Id.* at *1.

5 **III. CONCLUSION**

6 For these reasons, and for the reasons set forth in the LVRJ’s Motion for Attorney’s
7 Fees and Costs, the LVRJ respectfully requests that this Court award the LVRJ all its
8 attorneys’ fees and costs, pursuant to Nev. Rev. Stat. § 239.011(2), in the total amount of
9 \$32,377.52. The LVRJ also hereby reserves the right to supplement its request for fees with
10 additional fees and costs incurred by counsel in defending its motion for fees and costs, as
11 well as any fees it may incur should it prevail in the appeal filed by the Coroner’s Office.

12
13 Respectfully submitted this 4th day of January, 2018.

14 /s/ Margaret A. McLetchie

15 Margaret A. McLetchie, Nevada Bar No. 10931

16 Alina M. Shell, Nevada Bar No. 11711

17 **MCLETCHIE SHELL LLC**

18 701 East Bridger Ave., Suite 520

19 Las Vegas, Nevada 89101

20 *Counsel for Petitioner*

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22
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27
28 ⁶ Opp, p. 18:17-18.

1 **CERTIFICATE OF SERVICE**

2 Pursuant to Administrative Order 14-2 and N.E.F.C.R. 9, I hereby certify that on
3 this 4th day of January, 2018, I did cause a true copy of the foregoing REPLY TO
4 RESPONDENT'S OPPOSITION TO MOTION FOR ATTORNEY'S FEES AND COSTS
5 in *Las Vegas Review-Journal v. Clark County Office of the Coroner/Medical Examiner*,
6 Clark County District Court Case No. A-17-758501-W, to be served electronically using the
7 Odyssey File & Serve electronic filing service system, to all parties with an email address on
8 record.

9 Pursuant to NRCP 5(b)(2)(B) I hereby further certify that on the 4th day of January,
10 2018, I mailed a true and correct copy of the foregoing REPLY TO RESPONDENT'S
11 OPPOSITION TO MOTION FOR ATTORNEY'S FEES AND COSTS by depositing the
12 same in the United States mail, first-class postage pre-paid, to the following:

13 Mary-Anne Miller and Laura Rehfeldt
14 **Clark County District Attorney's Office**
15 500 S. Grand Central Pkwy., Ste. 5075
16 Las Vegas, NV 89106
17 *Counsel for Respondent, Clark County Office of the Coroner/Medical Examiner*

18 */s/ Pharan Burchfield*
19 An Employee of MCLETCHIE SHELL LLC

20 **INDEX OF EXHIBITS**

21

Exhibit	Description	Bates
22 6	Legislative History of 1993 Assembly Bill 365	LVRJ001-LVRJ066
23 7	March 26, 2015 Public Records presentation prepared for Carson City	LVRJ067-LVRJ108
24 8	March 20, 2017 PRA request letter	LVRJ109-LVRJ110
25 9	April 4, 2017 PRA response	LVRJ111-LVRJ120

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27
28

MCLETCHIE SHELL
ATTORNEYS AT LAW
701 EAST BRIDGER AVE., SUITE 520
LAS VEGAS, NV 89101
(702) 226-5300 (T) / (702) 425-8220 (F)
WWW.NVLITIGATION.COM

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DECLARATION OF MARGARET A. MCLETCHIE

I, MARGARET A. MCLETCHIE, declare, pursuant to Nev. Rev. Stat. § 53.330, as follows:

1. I have personal knowledge of the facts set forth below, and, if called as a witness, could testify to them.

2. I am an attorney duly licensed to practice law in Nevada.

3. I am a partner at the law firm of McLetchie Shell, LLC, and I am lead counsel for the Las Vegas Review-Journal in *Las Vegas Review-Journal v. Clark County Office of Coroner/ Medical Examiner*, Clark County District Court Case No. A-17-758501-W.

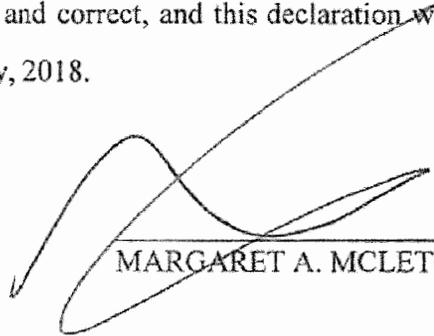
4. I am making this declaration to provide information justifying the fee and costs request in this case, to authenticate documents attached as exhibits in support of Reply to Respondent’s Opposition to Motion for Attorney’s Fees, and to verify factual representations contained in the Reply.

5. On March 20, 2017, my office submitted a public records request to the City of Henderson “seeking all public records related to the retention and payment of the law firm Bailey Kennedy pertaining to legal services” it provided in *Las Vegas Review-Journal v. City of Henderson*, Eighth Judicial District Court Case No. A-16-747289-W, another public records matter. Attached as Exhibit 8 is a true and correct copy of that request, maintained by my office as a regular course of litigation.

6. The City of Henderson provided documents responsive to that request on April 4, 2017 reflecting payments made to Bailey Kennedy for legal services provided between November 30, 2016 and February 28, 2017. Attached as Exhibit 9 is a true and correct copy of the response sent to my office from City of Henderson.

7. Bailey Kennedy’s top billers—Sarah E. Harmon and Dennis L. Kennedy—billed at a rate of \$495.00 per hour, while its lowest biller—Kelly B. Stout, a 2010 law graduate—billed at a rate of \$300.00 per hour. (See Exhibit 9.)

1 8. I certify and declare under the penalty of perjury under the law of the State
2 of Nevada that the foregoing is true and correct, and this declaration was executed at Las
3 Vegas, Nevada, the 4th day of January, 2018.



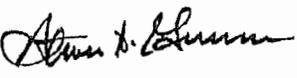
MARGARET A. MCLETCHIE

MCLETCHIE STEIN

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EXHIBIT 2


CLERK OF THE COURT

1 **MOT**
Jennifer V. Abrams, Esq.
2 Nevada State Bar Number: 7575
Brandon K. Leavitt, Esq.
3 Nevada State Bar Number: 11834
THE ABRAMS & MAYO LAW FIRM
4 6252 South Rainbow Blvd., Suite 100
Las Vegas, Nevada 89118
5 Tel: (702) 222-4021
Fax: (702) 248-9750
6 Email: bklgroup@theabramslawfirm.com
Attorneys for Plaintiff

Eighth Judicial District Court
Family Division
Clark County, Nevada

9 BRANDON PAUL SAITER,) Case No.: D-15-521372-D
10 Plaintiff,) Department: L
11 vs.)
12 TINA MARIE SAITER,) Hearing date: 03/30/17
13 Defendant.) Hearing time: 9:00 AM
) ORAL ARGUMENT REQUESTED

14 NOTICE: YOU ARE REQUIRED TO FILE A WRITTEN RESPONSE TO THIS MOTION
15 WITH THE CLERK OF THE COURT AND TO PROVIDE THE UNDERSIGNED WITH
16 A COPY OF YOUR RESPONSE WITHIN 10 DAYS OF YOUR RECEIPT OF THIS
17 MOTION. FAILURE TO FILE A WRITTEN RESPONSE WITH THE CLERK OF THE
18 COURT WITHIN 10 DAYS OF YOUR RECEIPT OF THIS MOTION MAY RESULT IN
19 THE REQUESTED RELIEF BEING GRANTED BY THE COURT WITHOUT A
20 HEARING PRIOR TO THE SCHEDULED HEARING DATE.

MOTION FOR AN ORDER TO SHOW CAUSE

19 COMES NOW Plaintiff, BRANDON PAUL SAITER, by and
20 through his attorney of record, Jennifer V. Abrams, Esq., of The Abrams
21 & Mayo Law Firm, and hereby submits his *Motion for an Order to Show*

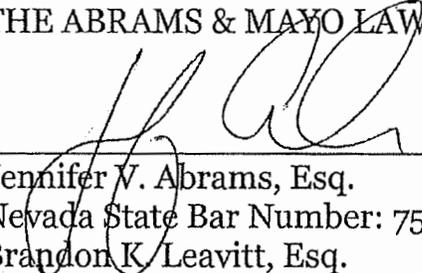
1 Cause, asking that this Court issue an Order to Show Cause against
2 Defendant's counsel of record, LOUIS C. SCHNEIDER, ESQ., and
3 STEVE W. SANSON, and ordering Defendant, TINA MARIE SAITER, to
4 personally appear at the hearing on this matter.

5 This motion is made and based upon the following Points and
6 Authorities, the affidavits and exhibits attached hereto, all papers and
7 pleadings on file herein, and any oral argument adduced at the hearing
8 of this matter.

9 DATED Monday, February 13, 2017.

10 Respectfully Submitted,

11 THE ABRAMS & MAYO LAW FIRM

12 
13 _____
14 Jennifer W. Abrams, Esq.
15 Nevada State Bar Number: 7575
16 Brandon K. Leavitt, Esq.
17 Nevada State Bar Number: 11834
18 6252 South Rainbow Blvd., Suite 100
19 Las Vegas, Nevada 89118
20 Tel: (702) 222-4021
21 Attorneys for Plaintiff

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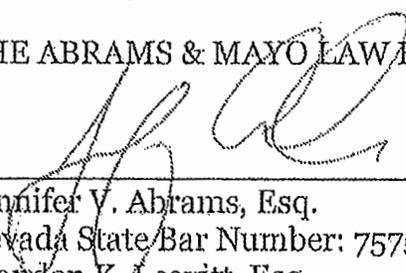
NOTICE OF MOTION

TO: TINA SAITER, Defendant;
TO: LOUIS C. SCHNEIDER, ESQ., attorney for Defendant; and
TO: STEVE W. SANSON, 8908 Big Bear Pines Avenue, Las Vegas,
Nevada 89143;

PLEASE TAKE NOTICE that the foregoing Motion will be heard on
March 30, 2017 at 9:00 AM, in
Department L of the above-entitled court.

DATED Monday, February 13, 2017.

Respectfully Submitted,

THE ABRAMS & MAYO LAW FIRM


Jennifer V. Abrams, Esq.
Nevada State Bar Number: 7575
Brandon K. Leavitt, Esq.
Nevada State Bar Number: 11834
6252 South Rainbow Blvd., Suite 100
Las Vegas, Nevada 89118
Tel: (702) 222-4021
Attorneys for Plaintiff

1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **I. STATEMENT OF FACTS**

3 Louis Schneider and Steve Sanson continue to harass and violate
4 the privacy of the Saiter family. This motion is filed for the protection of
5 the Saiter family from further harm.

6 On October 6, 2016, after Mr. Sanson disseminated videos on the
7 internet of the September 29, 2016 hearing, this Court entered an *Order*
8 *Prohibiting Dissemination of Case Material*. That order was personally
9 served on Mr. Sanson on October 8, 2016 and the Declaration of Service
10 was filed on October 14, 2016. Rather than abide by this Court's
11 directive, Mr. Sanson and VIPI continued to disseminate the Saiter case
12 materials repeatedly.

13 ***After*** having been served with this Court's *Order Prohibiting*
14 *Dissemination of Case Material*, a series of campaigns were launched by
15 Mr. Sanson and VIPI via email blast, YouTube, numerous Facebook
16 pages, Twitter accounts, Google+ accounts, and on various blogs and
17 Facebook "Groups" as well as unknown other avenues. These postings
18 included ***paid placements*** to more widely disseminate the Saiter
19 family's private material.¹ Mr. Sanson re-posted the embedded hearing

20 _____
21 ¹ While the video was still on YouTube, it garnered **thousands** of views in a
short few weeks. The extent of Mr. Sanson's Facebook and other social media reach
is unknown without data only accessible by Mr. Sanson; however, even a small

1 videos, copies of this Court's orders, **and named Brandon and Tina**
2 **Saiter personally**, listing their case number repeatedly. Mr. Sanson
3 continues to comment on Mr. Saiter's income and business information,
4 Ms. Saiter's emotional state, and commentary by this Court on very
5 sensitive, personal matters—which, frankly, have no place in the public
6 forum.²

7 The emotional well-being of everyone in the family (including their
8 four minor children) has been compromised by Mr. Schneider and Mr.
9 Sanson. **Both** parties, who both expressed to this Court that they
10 desperately wanted this case to be over so they could move on with their
11 lives and with raising their children, were mortified to learn that the
12 videos from their private divorce case were being repeatedly
13 disseminated all over the internet. Mr. Saiter expressed that he was
14 especially concerned about his four minor children, and the possibility
15 that either they, or their friends, would see their parents' private case
16 materials and false allegation that their father lied about his finances, as
17 three of the four Saiter children have Facebook accounts.

18 Mr. Saiter has attempted—for months—to resolve this problem
19 without litigation. After Mr. Sanson published the videos of two of the

20 amount of advertising spending on Facebook can reach tens, if not hundreds, of
thousands of people.

21 ² See, for example, Exhibit 1.

1 Saiter hearings on YouTube,³ Mr. Saiter submitted two privacy
2 complaints. As a result, YouTube removed the videos.⁴ When Mr. Sanson
3 learned that the videos were removed, he announced that he would
4 continue to post whatever he wanted and he posted the two Saiter videos
5 on vimeo.⁵ When Mr. Saiter learned that his private divorce hearings
6 were again being disseminated on the internet, he submitted two privacy
7 complaints to vimeo and they removed the videos.⁶ Again, as soon as Mr.
8 Sanson learned that the videos were removed, he found yet another
9 forum to violate the Saiter family's privacy—he posted them on a
10 Russian website and disseminated links to that website.⁷ In an interview
11 on February 2, 2017, Mr. Sanson admitted to posting the video to a
12 Russian website and stated "I'll be damned if anyone can get that one
13 down!"⁸ The link to the Russian-hosted video continues to be repeatedly
14 shared on social media.

15 ///

16 ///

17
18 ³ Mr. Sanson also published the false assertion that Mr. Saiter lied on his
Financial Disclosure Form.

19 ⁴ See Exhibit 2.

20 ⁵ See Exhibit 3.

21 ⁶ See Exhibit 4.

⁷ See Exhibit 5.

⁸ See Exhibit 6.

1 In an email blast dated January 25, 2017, Mr. Sanson stated that
2 this matter “involves an order by Judge Elliot (sic) ***who is the only***
3 ***one who can enforce that order or issue sanctions.***”⁹

4 Until Mr. Schneider and Mr. Sanson are compelled to remove and
5 stop re-posting private case information from the internet pursuant to
6 this Court’s order, the pain of the divorce will continue for the Saiters.

7 The only person (by Mr. Sanson’s own logic, as explained below)
8 with the authority to stop these continued invasions of privacy and
9 harassment of the Saiter family is this Court. Mr. Saiter therefore asks
10 that this Court issue Orders to Show Cause against Mr. Schneider and
11 Mr. Sanson, and issue an Order to Personally Appear in Court to Ms.
12 Tina Saiter.

13 **II. LAW AND ARGUMENT**

14 **A. This Honorable Court should has jurisdiction over all**
15 **named individuals. Mr. Schneider and Mr. Sanson**
16 **should be held in contempt for violations of this Court’s**
17 ***Order Prohibiting Dissemination of Case Material.***

18 NRS 22.010 states:

19 **Acts or omissions constituting contempt.** The
20 following acts or omissions shall be deemed contempt: . . .

21 ⁹ Emphasis added. See Exhibit 7.

1 3. Disobedience or resistance to any lawful writ, order,
2 rule or process issued by the court or judge at
3 chambers.

4 Case law provides guidance when assessing the matter of
5 contempt. In addition to having a final order or judgment, in order for a
6 party to be held in contempt and sanctioned for that acts of contempt,
7 the Court must find:

- 8 1. There is a clear and unambiguous order. “An order on which a
9 judgment of contempt is based must be clear and unambiguous,
10 and must spell out the details of compliance in clear, specific
11 and unambiguous terms so that the person will readily know
12 exactly what duties or obligations are imposed on him.”¹⁰
- 13 2. The person accused of contempt had the ability to comply with
14 the order.
- 15 3. The person willfully violated the clear order or judgment.
16 “Proof of contempt requires a showing that the defendant
17 wilfully violated the court order.” This is true even if the statute
18 does not mention wilfulness.¹¹

19 This Court’s order was crystal clear—all videos related to this case
20 needed to be removed from the internet and any case material is
21 prohibited from being disseminated by *anyone*. That order has been
ignored and ridiculed by Mr. Sanson. While there can be no question
that this Court has *in rem* jurisdiction over the case materials in the

20 ¹⁰ *Cunningham v. District Court*, 102 Nev. 551, 559-60, 729 P.2d 1328, 1333-34
(1986)

21 ¹¹ *State of Iowa v. Lipcamon*, 438 N.W.2d 605 (Iowa 1992)

1 Saiter matter, and there can be no question that this Court has
2 jurisdiction to enter any orders in the best interest of the four minor
3 Saiter children, Mr. Sanson has repeatedly alleged in his postings that
4 this Court has no jurisdiction over him and therefore, he believes he is
5 justified in continuing to blatantly flout this Court's orders.

6 If this Court really wants Mr. Saiter to interplead Mr. Sanson as a
7 named defendant in this case, he will do so, but such is not necessary for
8 this Court to exercise jurisdiction over him in this matter. Mr. Sanson
9 ***interjected himself into this case*** by taking possession of and
10 disseminating a closed hearing video ***for the purpose of impacting***
11 ***the outcome of the litigation in exchange for Mr. Schneider's***
12 ***payment to him*** (purportedly for "advertising") and by continually re-
13 posting two hearing videos after being personally served with an order
14 prohibiting their dissemination. Mr. Sanson has voluntarily brought
15 himself within the jurisdiction of this Court and should be held both
16 civilly and criminally accountable for his willful disregard of this Court's
17 orders. In an email blast dated January 25, 2017, Mr. Sanson even stated
18 that this matter "involves an order by Judge Elliot (sic) ***who is the***
19 ***only one who can enforce that order or issue sanctions.***"¹²

20 ///

21 ¹² Emphasis added. See Exhibit 7.

1 There is also the Court's duty to control the proceedings before it
2 so as to protect the integrity of the record. Courts have the inherent
3 power to protect and defend their cases and decrees and to give effect to
4 their orders; "[t]he power of courts to punish for contempt and to
5 maintain decency and dignity in their proceedings is inherent, and is as
6 old as courts are old."¹³

7 Further, by providing and publishing these videos, Attorney
8 Schneider and Mr. Sanson likely violated (and continue to violate) EDCR
9 5.301, which prohibits the publishing of case materials—either
10 personally or through a third party—in a place where it is likely or
11 foreseeable that any minor child will access those materials.¹⁴

12 In anticipation of Attorney Schneider and Mr. Sanson's response,
13 this Court should note that none of this is "free speech." First, the
14 hearing was "closed" which is defined as a hearing that is "closed to the
15 public." Next, the dissemination of the hearing videos was done in
16 conjunction with "smear campaigns" stemming from Mr. Schneider's
17 written threat to "take action beyond the opposition" in an effort to

18 ¹³ *In re Chartz*, 29 Nev. 110, 85 P. 352 (1907); *Halverson v. Hardcastle*, 123
Nev. 245, 163 P.3d 428 (2007).

19 ¹⁴ Formerly EDCR 5.03 which contained the same prohibitions. Of the four
20 Saiter children, the three oldest daughters have Facebook accounts. Based on Mr.
21 Sanson's paid advertising campaign along with using the last name "Saiter" in many
of these posts, it is likely that Mr. and Ms. Saiter's attempts to shield their children
from this litigation has been thwarted by Mr. Sanson's unilateral decision to
disseminate these private matters in an broad public forum.

1 coerce the withdrawal of the sanctions motion we filed against him.¹⁵
2 And, as stated in the initial email from the undersigned to this Court and
3 Mr. Schnieder on this topic, the information being disseminated with the
4 video is inaccurate and is “*intended* to place [the undersigned] in a bad
5 light.” In other words, there is *no legitimate purpose* for the invasion
6 of Mr. Saiter’s privacy or the risk of harm to his children—the
7 dissemination was the carrying out of a threat to coerce the withdrawal
8 of the sanctions motion filed against Mr. Schneider.

9 Accordingly, this Court should issue an Order to Show Cause
10 against Mr. Schneider and Mr. Sanson, requiring them to appear and
11 show cause as to why they should not be held in contempt for violating
12 this Court’s *Order Prohibiting Dissemination of Case Material*.

13 While Mr. Saiter does not believe that Tina Saiter has anything to
14 do with the disseminations of the videos (as she has expressed
15 unhappiness about their dissemination), both parties, both counsel, and
16 Mr. Sanson should *all* be required to appear in court for adjudication of
17 these issues to avoid false allegations or finger-pointing to anyone not
18 present.

19 ///

20

21 ¹⁵ See *Abrams, et al. v. Schneider, et al.*, Eighth Judicial District Court case
number A-17-749318-C.

1 **C. Mr. Schneider and Mr. Sanson must be afforded the**
2 **Constitutional protections associated with criminal**
3 **contempt.**

4 The Nevada Supreme Court has held that contempt proceedings,
5 while usually called civil or criminal, are, strictly speaking, neither. They
6 may best be characterized as sui generis, and may partake of the
7 characteristics of both.¹⁶

8 Whether a contempt proceeding is classified as criminal or civil in
9 nature depends on whether it is directed to punish the contemnor or,
10 instead, coerce his compliance with a court directive.¹⁷ The Nevada
11 Supreme Court has articulated the difference between criminal and civil
12 contempt in the following manner:

13 Criminal sanctions are punitive in that they serve the
14 purpose of preserving the dignity and authority of the court
15 by punishing a party for offensive behavior. In contrast, civil
16 contempt is said to be remedial in nature, as the sanctions
17 are intended to benefit a party by coercing or compelling the
18 contemnor's future compliance, not punishing them for past
19 bad acts. Moreover, a civil contempt order is indeterminate
20 or conditional; the contemnor's compliance is all that is
21 sought and with that compliance comes the termination of
any sanctions imposed. Criminal sanctions, on the other
hand, are unconditional or determinate, intended as
punishment for a party's past disobedience, with the

19 ¹⁶ *Warner v. Second Judicial Dist. Court*, 111 Nev. 1379, 1382, 906 P.2d 707,
20 709 (1995)(quoting *Marcisz v. Marcisz*, 65 Ill.2d 206, 312, 357 N.E.2d 477, 479
(1976))

21 ¹⁷ *Rodriguez v. Eighth Judicial Dist. Court ex rel. County of Clark*, 120 Nev.
798, 804-05, 102 P.3d 41, 45-46 (2004).

1 contemnor's future compliance having no effect on the
2 duration of the sentence imposed.¹⁸

3 For example, ordering a tribal council to post a \$10,000 bond only
4 if it violated the injunctions in the contempt order was designed to
5 coerce compliance and was, therefore, a civil contempt order regardless
6 of the district court's motive.¹⁹ Likewise, sentencing a husband to a
7 suspended jail sentence conditioned upon paying support arrearages
8 was intended to ensure compliance with a court order, and, therefore,
9 the process was deemed to be coercive in nature rather than punitive.²⁰

10 On the other hand, a set term of eleven months imprisonment for eleven
11 violations of court orders was held to be punishment rather than
12 coercive. Therefore, the contempt proceeding was deemed to be criminal
13 in nature.²¹

14 The character of the contempt proceeding is significant in that
15 criminal proceedings will invoke certain procedural safeguards. A
16 criminal contempt order issued to punish violation of an order requires

17
18 ¹⁸ *Id.*, *supra*. at 804-05, 102 P.3d at 45-46.

19 ¹⁹ *In re Humboldt River Stream*, 118 Nev. 901, 909, 59 P.3d 1226, 1231 (2002)

20 ²⁰ *Hildahl v. Hildahl*, 95 Nev. 657, 663, 601 P.2d 58, 62 (1979)

21 ²¹ *See Warner* at 1379, P.2d at 709; see also *City Council of City of Reno v. Reno Newspapers, Inc.*, 105 Nev. 886, 893-94, 784 P.2d 974, 979 (1989) (holding that, where a fine is imposed as punishment for violation of an injunction, the proceeding is criminal in nature)

1 proof beyond a reasonable doubt that the conduct was contemptuous.²²
2 Further, the Nevada Supreme Court recently held that any contempt
3 order that does not contain a purge clause is criminal in nature and,
4 therefore, the accused has a Constitutional right to counsel.²³

5 Here, the alleged contempt cannot be completely purged—the
6 videos were already posted on the internet and it is impossible to erase
7 history. The damage is already done. The only proactive remedy this
8 Court can take is to use civil sanctions to compel the accused to remove
9 any remaining videos on the internet. Thus, any contempt order entered
10 by this Court would need to be punitive rather than to coerce compliance
11 and Constitutional safeguards described herein must be implemented.

12 **D. Brandon should be awarded attorney's fees and costs.**

13 Brandon is forced to file this motion to ensure compliance with
14 this Court's orders. Attorney Schneider and Mr. Sanson are 100%
15 responsible for the actions leading up to these postings, and Brandon
16 should be made whole for the fees and costs associated with addressing
17 same.

18 In addition to the cases where an allowance of fees is authorized by
19 specific statute, an award of attorney's fees to a prevailing party is lawful

20 ²² *Hicks v. Feiock*, 485 U.S. 624, 631B32 (1988); *City Council of Reno v. Reno*
Newspapers, 105 Nev. 886, 893B94, 784 P.2d 974, 979 (1989)

21 ²³ *Lewis v. Lewis*, 132 Nev. ___, 373 P.3d 878 (2016)

1 under NRS 18.010 and EDCR 7.60. This matter is ripe for an award of
2 attorney's fees to Brandon. The parties must identify the legal basis for
3 the award, and the District Court must evaluate the *Brunzell* factors for
4 the attorney and their support staff.²⁴

5 As counsel of record for Tina, Mr. Schneider is further personally
6 liable for Brandon's attorney's fees and costs under NRS 7.085.

7 NRS 7.085 allows a district court to make an attorney personally
8 liable for the attorney fees and costs an opponent incurs when the
9 attorney files, maintains or defends a civil action that is not well-
10 grounded in fact or is not warranted by existing law or by a good-faith
11 argument for changing the existing law."²⁵

12 In *Watson Rounds, P.C.*, the Nevada Supreme Court held that
13 NRCP 11 and NRS 7.085 each represent a distinct, independent
14 mechanism for sanctioning attorney misconduct.²⁶ NRCP 11 sanctions
15 are designed to deter future misconduct by an attorney, while NRS 7.085
16 is designed to hold the attorney liable for fees incurred by the other party
17 as a result of the misconduct. Michael does not suggest that NRCP 11

18

19 ²⁴ *Brunzell v. Golden Gate National Bank*, 85 Nev. 345, 349, 455 P.2d 31, 33
(1969); *Las Vegas Metropolitan Police Department v. Yeghiazarian*, 129 Nev. 770,
790, 312 P.3d 503, 510 (2013).

20 ²⁵ *Watson Rounds, P.C., v. Eight Judicial Dist. Ct. (Himelfarb & Associates)*, 131
Nev. Adv. Op. 79, 10 (September 24, 2015)

21 ²⁶ *Id.* at 1.

1 sanctions are appropriate, as these posting are not related to
2 representations made to the Court; however, there is no doubt that Mr.
3 Schneider's actions maintained these unnecessary proceedings out of
4 bad faith and someone should be responsible for Brandon's attorney's
5 fees and costs associated with same.

6 A Memorandum of Attorney's Fees and Costs will be
7 supplemented at this Court's direction.

8 **III. CONCLUSION**

9 Based on the foregoing, Brandon respectfully requests that this
10 Court issue an Order to Show Cause against Mr. Schneider and Mr.
11 Sanson, issue an Order to Personally Appear in Court to Ms. Tina Saiter,
12 and at the evidentiary hearing on this matter, grant the following relief:

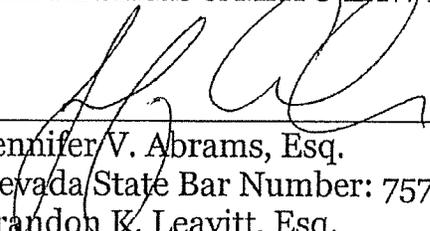
- 13 1. Find that Mr. Schneider and Mr. Sanson are individually in
14 contempt of this Court's *Order Prohibiting Dissemination of*
15 *Case Material*, entered on October 6, 2016;
- 16 2. Order sanctions against Mr. Schneider and Mr. Sanson, as
17 follows:
 - 18 a. An order requiring the removal of the videos from the
19 internet, including removal from the Russian website;
 - 20 b. \$500 in monetary sanctions for each violation of this
21 Court's order; and

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- c. 12 hours incarceration²⁷ for each violation of this Court's order;
- 3. Award Brandon attorney's fees and costs; and
- 4. For any other relief this Court deems fit and proper.

DATED Monday, February 13, 2017.

Respectfully Submitted,

THE ABRAMS & MAYO LAW FIRM


Jennifer V. Abrams, Esq.
Nevada State Bar Number: 7575
Brandon K. Leavitt, Esq.
Nevada State Bar Number: 11834
6252 South Rainbow Blvd., Suite 100
Las Vegas, Nevada 89118
Tel: (702) 222-4021
Attorneys for Plaintiff

²⁷ As of this motion, the undersigned has been able to log 108 distinct posts made by Mr. Sanson in violation of this Court's order. See Exhibit 8. If this Court were to apply the maximum penalty of 25 days allowed by law and ordered the sentence to be served consecutively, the term of incarceration would be 7 years, 4 months and 24 days. By only applying 12 hours per violation, the maximum term results in a more reasonable 54 days.

1 Facebook "Groups" as well as unknown other avenues. These postings
2 included paid placements to more widely disseminate my family's
3 private material. Mr. Sanson re-posted the embedded hearing videos,
4 copies of this Court's orders, and named myself and Tina Saiter
5 personally, listing our case number repeatedly. Mr. Sanson continues to
6 comment on my income and business information, Ms. Saiter's
7 emotional state, and commentary by this Court on very sensitive,
8 personal matters—which, frankly, have no place in the public forum.

9 5. The emotional well-being of everyone in my family
10 (including our four minor children) has been compromised by Mr.
11 Schneider and Mr. Sanson. Both myself and Ms. Saiter, who both
12 expressed to this Court that we desperately wanted this case to be over
13 so we could move on with our lives and with raising our children, were
14 mortified to learn that the videos from our private divorce case were
15 being repeatedly disseminated all over the internet. I am especially
16 concerned about my four minor children, and the possibility that either
17 they, or their friends, would see their parents' private case materials, as
18 three of our children have Facebook accounts.

19 6. I have attempted—for months—to resolve this problem
20 without litigation. After Mr. Sanson published the videos of two of the
21 hearings from our case on YouTube, I submitted two privacy complaints.

1 As a result, YouTube removed the videos. When Mr. Sanson learned that
2 the videos were removed, he announced that he would continue to post
3 whatever he wanted and he posted the same two videos on vimeo. When
4 I learned that my private divorce hearings were again being
5 disseminated on the internet, I submitted two privacy complaints to
6 vimeo and they removed the videos. Again, as soon as Mr. Sanson
7 learned that the videos were removed, he found yet another forum to
8 violate my family's privacy—he posted them on a Russian website and
9 disseminated links to that website. In an interview on February 2, 2017,
10 Mr. Sanson admitted to posting the video to a Russian website and
11 stated "I'll be damned if anyone can get that one down!" The link to the
12 Russian-hosted video continues to be repeatedly shared on social media.

13 7. Until Mr. Schneider and Mr. Sanson are compelled to
14 remove and stop re-posting private case information from the internet
15 pursuant to this Court's order, the pain of my divorce will continue for
16 myself and my family.

17 8. For the remaining points, I have read said motion and
18 hereby certify that the facts set forth in the Points and Authorities
19 attached thereto are true of my own knowledge, except for those matters
20 therein contained stated upon information and belief, and as to those

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1 matters, I believe them to be true. I incorporate said facts into this
2 Affidavit as though fully set forth herein.

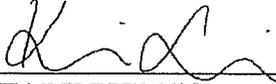
3 FURTHER, AFFIANT SAYETH NAUGHT.

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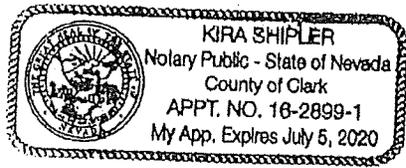


BRANDON PAUL SAITER

State of Nevada County of Clark
SUBSCRIBED AND SWORN to before
me this 10th day of February, 2017.
by Brandon Paul Saiter



NOTARY PUBLIC



MOFI

DISTRICT COURT
FAMILY DIVISION
CLARK COUNTY, NEVADA

BRANDON PAUL SAITER
Plaintiff/Petitioner
v.
TINA MARIE SAITER
Defendant/Respondent

Case No. D-15-521372-D

Dept. L

**MOTION/OPOSITION
FEE INFORMATION SHEET**

Notice: Motions and Oppositions filed after entry of a final order issued pursuant to NRS 125, 125B or 125C are subject to the reopen filing fee of \$25, unless specifically excluded by NRS 19.0312. Additionally, Motions and Oppositions filed in cases initiated by joint petition may be subject to an additional filing fee of \$129 or \$57 in accordance with Senate Bill 388 of the 2015 Legislative Session.

Step 1. Select either the \$25 or \$0 filing fee in the box below.

\$25 The Motion/Opposition being filed with this form is subject to the \$25 reopen fee.
-OR-
 \$0 The Motion/Opposition being filed with this form is not subject to the \$25 reopen fee because:

- The Motion/Opposition is being filed before a Divorce/Custody Decree has been entered.
- The Motion/Opposition is being filed solely to adjust the amount of child support established in a final order.
- The Motion/Opposition is for reconsideration or for a new trial, and is being filed within 10 days after a final judgment or decree was entered. The final order was entered on _____.
- Other Excluded Motion (must specify) _____.

Step 2. Select the \$0, \$129 or \$57 filing fee in the box below.

\$0 The Motion/Opposition being filed with this form is not subject to the \$129 or the \$57 fee because:

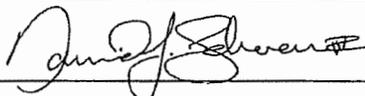
- The Motion/Opposition is being filed in a case that was not initiated by joint petition.
- The party filing the Motion/Opposition previously paid a fee of \$129 or \$57.

-OR-
 \$129 The Motion being filed with this form is subject to the \$129 fee because it is a motion to modify, adjust or enforce a final order.
-OR-
 \$57 The Motion/Opposition being filing with this form is subject to the \$57 fee because it is an opposition to a motion to modify, adjust or enforce a final order, or it is a motion and the opposing party has already paid a fee of \$129.

Step 3. Add the filing fees from Step 1 and Step 2.

The total filing fee for the motion/opposition I am filing with this form is:
 \$0 \$25 \$57 \$82 \$129 \$154

Party filing Motion/Opposition: Plaintiff/Petitioner Date 02/13/2017

Signature of Party or Preparer 

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DISTRICT COURT
CLARK COUNTY, NEVADA

Intentional Misconduct

COURT MINUTES

February 07, 2018

A-17-749318-C Jennifer Abrams, Plaintiff(s)
vs.
Louis Schneider, Defendant(s)

February 07, 2018 8:00 AM Minute Order Minute Order
regarding scheduled
hearing for February
12, 2018 at 9:30 a.m.

HEARD BY: Leavitt, Michelle

COURTROOM: Chambers

COURT CLERK: Susan Botzenhart

NO PARTIES PRESENT

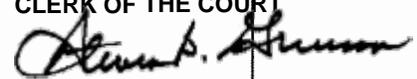
JOURNAL ENTRIES

COURT ORDERED, the matters currently scheduled for February 12, 2018 are VACATED at this time, pending written decision from Chief Judge Gonzalez on the Plaintiffs' Motion to disqualify.

CLERK'S NOTE: A copy of the above minute order has been forwarded to Attorneys Marshal S. Willick, Esq., Dennis Kennedy, Esq., Margaret A. McLetchie, Esq., and Joseph W. Houston, II, Esq.
/// sb

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1 **JOPP**
2 MARGARET A. MCLETCHE, Nevada Bar No. 10931
3 ALINA M. SHELL, Nevada Bar No. 11711
4 **MCLETCHE SHELL LLC**
5 701 East Bridger Ave., Suite 520
6 Las Vegas, Nevada 89101
7 Telephone: (702) 728-5300
8 Facsimile: (702) 425-8220
9 Email: maggie@nvlitigation.com
10 *Attorneys for Defendants Steve W. Sanson and*
11 *Veterans in Politics International, Inc.*

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

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

Case No.: A-17-749318-C

13 Plaintiffs,

Dept. No.: XII

14 vs.

**JOINDER TO LOUIS
SCHNEIDER'S OPPOSITION TO
PLAINTIFFS' MOTION TO
DISQUALIFY EIGHTH JUDICIAL
DISTRICT COURT ELECTED
JUDICIARY, AND FOR
PERMANENT ASSIGNMENT TO
THE SENIOR JUDGE PROGRAM
OR, ALTERNATIVELY, TO A
DISTRICT COURT JUDGE
OUTSIDE OF CLARK COUNTY**

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

23 Defendants.

22 Defendants Steve W. Sanson ("Sanson") and Veterans in Politics International
23 ("VIPI") (collectively, the "VIPI Defendants"), by and through their counsel, Margaret A.
24 McLetchie and Alina M. Shell of the law firm McLetchie Shell LLC, hereby join in the
25 Opposition to Plaintiffs' Motion to Disqualify Eighth Judicial District Court Elected
26 Judiciary, and For Permanent Assignment to the Senior Judge Program or, Alternatively, to
27 a District Court Judge Outside of Clark County filed by Louis C. Schneider, and adopt the
28 arguments and grounds as stated in the memorandum of points and authorities therein.

MCLETCHE SHELL
ATTORNEYS AT LAW
701 EAST BRIDGER AVE., SUITE 520
LAS VEGAS, NV 89101
(702) 728-5300 (T) / (702) 425-8220 (F)
WWW.NVLITIGATION.COM

1 Additionally, the VIPI Defendants provide additional analysis based upon the attached
2 memorandum of points and authorities. The VIPI Defendants also rely on the papers and
3 pleadings on file herein, and any argument this Court may permit at the hearing on this
4 motion.

5 DATED this the 7th day of February, 2018.

6 /s/ Margaret A. McLetchie
7 Margaret A. McLetchie, Nevada State Bar No. 10931
8 MCLETCHIE SHELL, LLC
9 701 E. Bridger Ave., Ste. 520
10 Las Vegas, NV 89101
11 *Attorney for Defendants Steve W. Sanson and*
12 *Veterans in Politics International*
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MEMORANDUM OF POINTS AND AUTHORITIES

I. INTRODUCTION

Plaintiffs’ Motion to Disqualify Eighth Judicial District Court Elected Judiciary, and For Permanent Assignment to the Senior Judge Program or, Alternatively, to a District Court Judge Outside of Clark County (the “Motion”) is as meritless as its title is long. This Court has ample reasons to deny this motion and sanction Plaintiffs (and their counsel) for filing it. First, this Motion is procedurally lacking: Plaintiffs have long-since waived their right to disqualify Judge Leavitt. The Motion is substantively lacking as well: Plaintiffs have not established that Judge Leavitt, or any other judge in the Eighth Judicial District, is actually or impliedly biased in favor of the VIPI Defendants.

Plaintiffs’ Motion contends that every member of the Eighth Judicial District bench is too biased to hear this case. Plaintiffs also insult the judiciary’s honor, implying that their integrity is on sale for the low price of an endorsement or radio appearance. Plaintiffs insult the judiciary’s courage, implying that they are so frightened of the VIPI Defendants that they “have sought out the endorsement of Mr. Sanson and VIPI if, for no other reason, to avoid becoming a target of their smear campaigns.” (Motion, p. 25:19-21.) Finally, Plaintiffs insult the judiciary’s intelligence, shamelessly filing a hopeless motion for the sole purposes of (1) delaying an Attorney Fee Hearing scheduled for February 12, 2018; and (2) having another platform to launch verbal attacks and baseless accusations at the VIPI Defendants. For these reasons, the Motion to Disqualify should be denied and Plaintiffs should be sanctioned for wasting this Court’s time.

II. LEGAL ARGUMENT

A. Judge Leavitt Should Not Be Disqualified.

1. Plaintiffs Have Waived Disqualification.

Plaintiffs have waived their ability to disqualify Judge Leavitt by virtue of having already appeared before her in this matter. The Nevada Supreme Court is clear on this issue: “once the party or his attorney is [notified that a judge has been assigned to hear the matter] and then proceeds with the hearing of a contested matter before that judge, the challenge of

1 that judge under [the subsection prohibiting a judge with actual bias or prejudice from
2 presiding over a matter] is waived, and the party is precluded from later exercising it as to
3 that judge.” *State ex. rel. Welfare Division of State Dept. of Health, Welfare and*
4 *Rehabilitation v. Eighth Judicial Dist. Court, Dept. Four*, 85 Nev. 642, 646, 462 P.2d 37, 39
5 (1969). Judge Leavitt presided over a contested hearing in this matter on June 5, 2017 (*see*
6 Docket, attached as **Exhibit A**), resulting in dismissal of the Abrams Plaintiffs’ claims.
7 Because they have already waived their right to disqualify Judge Leavitt, Plaintiffs are
8 precluded from attempting to do so in this instance. This alone should end this Court’s
9 inquiry as to whether Plaintiffs can prevail on their spurious Motion.

10 **2. Plaintiffs Have Not Established that Judge Leavitt is Actually or**
11 **Impliedly Biased.**

12 As argued in Defendant Schneider’s Opposition to this Motion (*see* Schneider
13 Opposition, pp. 1:25-2:5), the Abrams Plaintiffs have not established anything more than a
14 *de minimis* relationship between Judge Leavitt and the VIPI Defendants. Plaintiffs argue that
15 because Judge Leavitt once gave \$300.00 to VIPI,¹ VIPI endorsed Judge Leavitt,² and Judge
16 Leavitt attended a VIPI event,³ she cannot possibly be unbiased when Mr. Sanson or VIPI
17 appear before her. This is a far cry from the “extreme showing of bias that would permit
18 manipulation of the court and significantly impede the judicial process and the administration
19 of justice” necessary to disqualify a judge. *Millen v. Eighth Judicial Dist. Ct.*, 122 Nev. 1245,
20 1254-55, 148 P.3d 694, 701 (2006).

21 While Nevada Courts have only considered the biasing effect of a party’s financial
22 contribution to a judicial campaign (as opposed to the alleged biasing effect of a judge’s
23 financial contribution to a party, which is the gravamen of Plaintiffs’ argument), the dollar

24 _____
25 ¹ Plaintiffs fail to mention when this alleged transaction occurred.

26 ² Plaintiffs fail to mention when this alleged endorsement took place, or if it was for a judicial
27 election that Judge Leavitt won.

28 ³ Plaintiffs fail to mention which VIPI event Judge Leavitt allegedly attended.

1 amounts at issue in those cases are instructive. For instance, the Nevada Supreme Court
2 found that a \$5,000.00 donation to a judicial campaign, along with in-kind contributions from
3 a party’s attorney to that same judicial campaign, were “not significant enough to ‘raise a
4 reasonable question’ as to [the judge’s] impartiality.” *Ivey v. Eighth Judicial Dist. Ct.*, 129
5 Nev. Adv. Op. 16, 299 P.3d 354, 359 (2013) (citation omitted); *see also City of Las Vegas*
6 *Downtown Redevelopment Agency v. Eighth Judicial Dist. Ct.*, 16 Nev. 640, 5 P.3d 1059
7 (2000) (ordering judge to hear case in which he received contributions ranging from \$150 to
8 \$2000 from parties and party affiliates); *see also O’Brien v. State Bar of Nevada*, 114 Nev.
9 71, 952 P.2d 952 (1998) (judge not disqualified from voting on appointment to commission
10 on judicial selection despite having received over \$100,000.00 in campaign contributions
11 from prospective appointee and her partner).

12 As these cases illustrate, financial transactions between judges and parties must
13 involve significant sums of money to draw an inference of bias. If \$100,000.00 or \$5,000.00
14 given from party-to-judge is not enough to draw an inference of bias, then surely \$300.00
15 given from judge-to-party is not enough to draw such an inference.

16 **B. No Other Judges Should be Disqualified.**

17 **1. Nev. Rev. Stat. § 1.235 is Clear on its Face that No More than**
18 **One Judge May Be Challenged at Once.**

19 The Abrams Plaintiffs do not, and cannot, point to any authority in statute or case
20 law that authorizes mass disqualification of multiple judges in one fell swoop. “If a statute is
21 clear on its face a court cannot go beyond the language of the statute in determining the
22 legislature’s intent.” *Thompson v. First Judicial Dist. Court, Storey County*, 100 Nev. 352,
23 354, 683 P.2d 17, 19 (1984). In this instance, Nev. Rev. Stat. § 1.235 is clear on its face,
24 never once referring to disqualifying multiple judges, and exclusively referring to the
25 singular form of the word “judge.” If the Legislature had intended to allow for multiple
26 judges to be disqualified by motion, the Legislature would have used the plural “judges.”

27 This is in line with Nevada case law, which notes that “disqualification for personal
28 bias or prejudice or knowledge of disputed facts will depend on the circumstances of each

1 case ... [r]ecusal by a judge in such cases is best resolved on a case-by-case basis.” *Millen*,
2 122 Nev. at 1255, 148 P.3d at 701. Because disqualification of a judge is such an extreme
3 remedy, it makes sense that disqualification would require one affidavit for each judge,
4 clearly enumerating the specific reasons why that specific judge is impermissibly biased. In
5 the instant case, Plaintiffs cannot even muster that for one judge—nothing in the boilerplate
6 “affidavits” submitted by Mr. Willick or Ms. Abrams set forth sufficient facts to merit
7 disqualification of Judge Leavitt, let alone the other judges of the Eighth Judicial District.
8 For this reason, Plaintiffs’ motion should be rejected.

9 **2. Plaintiffs Have Not Established that Other Judges are Actually**
10 **or Impliedly Biased.**

11 Even assuming, *arguendo*, that having contributed money to VIPI, being endorsed
12 by VIPI, appearing at a VIPI event, or being on the VIPI radio show constitutes recusal-
13 worthy implied bias, Plaintiffs still cannot justify disqualification of every single judge in
14 the Eighth Judicial District. According to Plaintiffs’ chart (Motion, p. 19) there are two
15 judges who have never given money to VIPI, been endorsed by VIPI, been on VIPI’s radio
16 show, attended a VIPI event, or recused themselves from the *Abrams*, *Willick*, or *Anderson*
17 cases: Jennifer P. Togliatti and Elizabeth Gonzalez. Yet the *Abrams* Plaintiffs wish to
18 disqualify them as well, without even the threadbare “factual basis” on which they base their
19 attempts to disqualify other judges. This exposes Plaintiffs’ Motion for what it is—a
20 disingenuous tactic designed to delay a hearing at which they will be forced to pay attorney’s
21 fees.

22 **C. Plaintiffs and Their Counsel Should Be Sanctioned.**

23 The Nevada Rules of Civil Procedure expressly prohibit filing motions for “any
24 improper purpose, such as to harass or to cause unnecessary delay or needless increase in the
25 cost of litigation.” Nev. R. Civ. P. 11(b)(1). Those same rules also mandate that “the claims,
26 defenses, and other legal contentions therein are warranted by existing law or by a
27 nonfrivolous argument for the extension, modification or reversal of existing law or the
28 establishment of new law.” Nev. R. Civ. P. 11(b)(2). Plaintiffs’ Motion is clearly frivolous,

1 as they have already waived their right to disqualify Judge Leavitt (*see* § II(A)(1), *supra*) and
2 there exists no mechanism in Nevada law to disqualify the entire judiciary of a judicial
3 district in one fell swoop, particularly with the paucity of evidence of bias Plaintiffs provide.

4 Because there is no proper purpose for Plaintiffs filing their Motion, it must
5 necessarily be for an improper purpose. In the instant case, that improper purpose is to
6 unnecessarily delay litigation. It is no coincidence that Plaintiffs filed their Motion exactly
7 20 days before the Abrams Plaintiffs were scheduled for an Attorney Fee hearing at which
8 they could be ordered to pay significant sums to the VIPI Defendants. It is likewise no
9 coincidence that Plaintiffs requested that the hearing be delayed, and also waited until after
10 an unsuccessful settlement conference to file the motion to recuse. This Court should not
11 allow Plaintiffs to escape the consequences of launching a strategic lawsuit against public
12 participation by submitting frivolous motions, and therefore this Court should award to VIPI
13 Defendants the fees and costs of defending against this Motion, as well as an amount that
14 this Court determines would deter such gamesmanship in the future.

15 **III. CONCLUSION**

16 Whether Plaintiffs like it or not⁴, judges are elected in Nevada, and judicial
17 campaigns entail endorsements and money-raising. If this Court were to accept Plaintiffs'
18 ludicrously low bar for implied bias, it would prevent any entity that participates in the
19 election process—such as newspapers, unions, political action committees and other
20 businesses that endorse judicial candidates—from ever appearing in the Eighth Judicial
21 District. This would obviously be a chaotic result. If Plaintiffs want to spread conspiracy
22 theories and hurl insults at the VIPI Defendants, the proper avenue for doing so is posting on
23 Facebook, not filing specious motions with this Court. Thus, this Court should deny
24 Plaintiffs' motion and sanction Plaintiffs.

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27 _____
28 ⁴ Presumably Mr. Willick and Ms. Abrams are withdrawing from all cases in front of judges
to whom they donated.

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Respectfully submitted this 7th day of February, 2018.

/s/ Margaret A. McLetchie
Margaret A. McLetchie, Nevada State Bar No. 10931
MCLETCHIE SHELL, LLC
701 E. Bridger Ave., Ste. 520
Las Vegas, NV 89101
*Attorney for Defendants Steve W. Sanson and
Veterans in Politics International*

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WWW.INVESTIGATION.COM

CERTIFICATE OF SERVICE

I hereby certify that on this 7th day of February, 2018, I served a true and correct copy of the foregoing JOINDER TO LOUIS SCHNEIDER’S OPPOSITION TO PLAINTIFFS’ MOTION TO DISQUALIFY EIGHTH JUDICIAL DISTRICT COURT ELECTED JUDICIARY, AND FOR PERMANENT ASSIGNMENT TO THE SENIOR JUDGE PROGRAM OR, ALTERNATIVELY, TO A DISTRICT COURT JUDGE OUTSIDE OF CLARK COUNTY via electronic service using Odyssey File & Serve’s electronic court filing system and, pursuant to NRCP 5(b)(2)(B), by First Class United States Mail, postage fully prepaid, to the following:

Jennifer V. Abrams, Esq.
THE ABRAMS & MAYO LAW FIRM
6252 S. Rainbow Blvd., Suite 100
Las Vegas, NV 89118

Joseph E. Houston, Esq.
430 S. Seventh Street
Las Vegas, NV 89101
Attorneys for Schneider Defendants

Marshal Willick, Esq.
WILLICK LAW GROUP
3591 E. Bonanza Road, Suite 200
Las Vegas, NV 89110

Alex Ghibauda, Esq.
G LAW
703 S. Eighth Street
Las Vegas, NV 89101
Attorney for Defendants Ortiz, Hanusa, Spicer, Steelmon, Woolbright, and Sanson Corporation

Dennis L. Kennedy
Joshua P. Gilmore
BAILEY KENNEDY
8984 Spanish Ridge Avenue
Las Vegas, NV 89148
Attorneys for Plaintiffs

/s/ Pharan Burchfield
EMPLOYEE of McLetchie Shell LLC

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EXHIBIT A

REGISTER OF ACTIONS

CASE No. A-17-749318-C

Jennifer Abrams, Plaintiff(s) vs. Louis Schneider, Defendant(s)

§
§
§
§
§
§
§

Case Type: **Intentional Misconduct**
Date Filed: **01/09/2017**
Location: **Department 12**
Cross-Reference Case Number: **A749318**
Supreme Court No.: **73838**

PARTY INFORMATION

Lead Attorneys

Defendant Law Offices of Louis C Schneider LLC

Joseph W. Houston, II
Retained
702-982-1200(W)

Defendant Sanson, Steve W

Margaret A. McLetchie
Retained
702-728-5300(W)

Defendant Schneider, Louis C

Joseph W. Houston, II
Retained
702-982-1200(W)

Defendant Veterans In Politics International Inc.

Margaret A. McLetchie
Retained
702-728-5300(W)

Plaintiff Abrams & Mayou Law Firm

Jennifer V. Abrams
Retained
702-222-4021(W)

Plaintiff Abrams, Jennifer V

Jennifer V. Abrams
Retained
702-222-4021(W)

EVENTS & ORDERS OF THE COURT

DISPOSITIONS

07/24/2017 **Order of Dismissal** (Judicial Officer: Leavitt, Michelle)
Debtors: Jennifer V Abrams (Plaintiff), Abrams & Mayou Law Firm (Plaintiff)
Creditors: Steve W Sanson (Defendant), Veterans in Politics International Inc (Defendant)
Judgment: 07/24/2017, Docketed: 07/25/2017

10/13/2017 **Order of Dismissal With Prejudice** (Judicial Officer: Leavitt, Michelle)
Debtors: Heidi J Hanusa (Defendant), Christina Ortiz (Defendant), Johnny Spicer (Defendant), Don Woolbright (Defendant), Sanson Corporation (Defendant), Karen Steelmon (Defendant)
Creditors: Jennifer V Abrams (Plaintiff), Abrams & Mayou Law Firm (Plaintiff)
Judgment: 10/13/2017, Docketed: 10/13/2017

OTHER EVENTS AND HEARINGS

01/09/2017 **Complaint**
Complaint for Damages
01/09/2017 **Initial Appearance Fee Disclosure**

JVA001463

01/13/2017 **Initial Appearance Fee Disclosure (NRS Chapter 19)**
Declaration
Declaration of Service
 01/13/2017 **Declaration**
Declaration of Attempted Service
 01/13/2017 **Declaration**
Declaration of Service
 01/17/2017 **Peremptory Challenge**
Peremptory Challenge of Judge
 01/17/2017 **Notice of Appearance**
Notice of Appearance
 01/18/2017 **Notice of Department Reassignment**
Notice of Department Reassignment
 01/18/2017 **Initial Appearance Fee Disclosure**
Initial Appearance Fee Disclosure (NRS Chapter 19)
 01/18/2017 **Notice of Appearance**
Notice of Appearance
 01/19/2017 **Certificate of Service**
Certificate of Service
 01/19/2017 **Certificate of Service**
Certificate of Service
 01/20/2017 **Notice of Department Reassignment**
Notice of Department Reassignment
 01/24/2017 **Notice of Appearance**
Notice of Appearance
 01/24/2017 **Notice of Appearance**
Notice of Appearance
 01/24/2017 **Initial Appearance Fee Disclosure**
Initial Appearance Fee Disclosure (NRS Chapter 19)
 01/25/2017 **Certificate of Service**
Certificate of Service
 01/25/2017 **Declaration**
Declaration of Due Diligence
 01/25/2017 **Declaration**
Declaration of Service
 01/26/2017 **Affidavit of Service**
Affidavit of Service
 01/27/2017 **Motion**
Motion to Extend Pursuant to Nev. Rev. Stat. 41.660(6) and EDCR 2.25(a)
 01/27/2017 **Amended Complaint**
Amended Complaint for Damages
 01/30/2017 **Substitution of Attorney**
Substitution of Attorney
 01/30/2017 **Motion to Dismiss**
Defendant Louis Schneider's and Law Office of Louis Schneiders' Motion to Dimiss Complaint Pursuant to NRCP 12(b)(5)
 02/08/2017 **Declaration**
Declaration of Service
 02/10/2017 **Declaration**
Declaration of Service
 02/14/2017 **Opposition and Counter-motion**
(3/9/2017 See Errata) Opposition to "Defendant Louis Schneider's and Law Offices of Louis Schneider's Motion to Dismiss Complaint Pursuant to NRCP 12(B)(5)" and Counter-motion for Attorney's Fees
 02/16/2017 **Motion to Dismiss**
Notice of Motion to Dismiss; Memorandum of Points and Authorities in Support Thereof
 02/16/2017 **Motion for Leave to File**
Motion for Leave to Exceed Page Limit for Their Motion to Dismiss
 02/16/2017 **Motion to Strike**
Motion to Strike
 02/17/2017 **Notice of Appearance**
Notice of Appearance

02/17/2017 **Initial Appearance Fee Disclosure**
Initial Appearance Fee Disclosure Pursuant to NRS 19

03/03/2017 **Minute Order** (10:00 AM) (Judicial Officer Adair, Valerie)
Minutes
Result: Minute Order - No Hearing Held

03/06/2017 **Notice of Rescheduling**
Notice Of Rescheduling Of Hearing

03/06/2017 **Opposition to Motion to Dismiss**
Opposition to "Defendants Steve W. Sanson and Veterans In Politics International, Inc's Motion to Dismiss" and Countermotion for Attorney's Fees

03/06/2017 **Opposition and Countermotion**
Opposition to "Motion to Strike" and Countermotion for Attorney's Fees

03/08/2017 **Notice of Department Reassignment**
Notice of Department Reassignment

03/09/2017 **Errata**
Errata to "Opposition to "Defendants Steve W. Sanson and Veterans in Politics International, Inc's Motion to Dismiss" and Countermotion for Attorney's Fees."

03/16/2017 **Notice of Association of Counsel**
Notice of Association of Counsel

03/28/2017 **Motion**
Motion to File Under Seal

03/28/2017 **Motion to Dismiss**
Schneider Defendants' Special Motion to dismiss Plaintiffs' SLAPP Suit Pursuant to NRS 41.660 and Request for Attorney's Fees, Costs, and Damages Pursuant to NRS 41.670

03/28/2017 **Declaration**
Declaration of Steve Sanson in' Support of Special Anti-SLAPP Motion to Dismiss

03/28/2017 **Declaration**
Declaration of Margaret A. McLetchie in Support of Special Anti-SLAPP Motion to Dismiss

03/28/2017 **Motion to Dismiss**
Special Motion to Dismiss Pursuant to Nev. Rev. Stat. 41.660 (Anti-SLAPP)

03/29/2017 **Declaration**
Declaration of Service

03/31/2017 **Motion**
Defendants' Special Motion to Dismiss Under Nevada's Anti-SLAPP statute, NRS 41.660

04/19/2017 **Stipulation and Order**
Stipulation and Order to Extend Briefing Schedule and Hearing Date on Pending Motions to Dismiss, Motion to Strike, and Motion to Seal

04/20/2017 **Notice of Entry of Stipulation and Order**
Notice of Entry of Stipulation and Order to Extend Briefing Schedule and Hearing Date on Pending Motions to Dismiss, Motion to Strike, and Motion to Seal

04/28/2017 **Opposition**
Plaintiffs' Omnibus Opposition To: (1) Schneider Defendants' Special Motion To Dismiss Plaintiffs' Slapp Suit Pursuant To Nrs 41.660 And Request For Attorney's Fees, Costs, And Damages Pursuant To Nrs 41.670; (2) Special Motion To Dismiss Pursuant To Nev. Rev. Stat. 41.660 (Anti-Slapp); And (3) Defendants' Special Motion To Dismiss Under Nevada's Anti-Slapp Statute, NRS 41.660

04/28/2017 **Motion for Leave to File**
Plaintiffs' Motion For Leave To Exceed Page Limit For Their Omnibus Opposition To: (1) Schneider Defendants' Special Motion To Dismiss Plaintiffs' Slapp Suit Pursuant To Nrs 41.660 And Request For Attorney's Fees, Costs, And Damages Pursuant To Nrs 41.670; (2) Special Motion To Dismiss Pursuant To Nev. Rev. Stat. 41.660 (Anti-Slapp); And (3) Defendants' Special Motion To Dismiss Under Nevada's Anti-Slapp Statute, Nrs 41.660

05/03/2017 **Notice of Hearing**
Notice of Hearing on Plaintiffs' Motion for Leave to Exceed Page Limit for Their Omnibus Opposition to 1) Schneider Defendants' Special Motion to Dismiss Plaintiffs' Slapp Suit per NRS 41.660; 2) Special Motion to Dismiss per 41.660 (Anti-Slapp); and 3) Defendants' Special Motion to Dismiss Under Nevada's Anti-Slapp Statute per 41.660

05/04/2017 **Notice of Change of Hearing**
Notice of Change of Hearing

05/26/2017 **Request**
Defendants Steve W. Sanson and Veterans in Politics International, Inc.'s Request to Unseal Exhibit 13 o Their Special Motion to Dismiss Pursuant to Nev. Rev. Stat. 41.660 (anti-SLAPP)

05/30/2017 **Motion for Leave to File**
Defendants Steven W. Sanson and Veterans in Politics International, Inc.'s Motion for Leave to Exceed Page Limit for Their Omnibus Reply to: (1) Plaintiff's Opposition to Special Motion to Dismiss Pursuant to Nev. Rev. Stat. 41.660 (Anti-SLAPP); and (2) Plaintiff's Opposition to Motion to Dismiss and Countermotion for Attorney's Fees

05/30/2017 **Reply to Opposition**
VIPI Defendants' Omnibus Reply to: (1) Plaintiff's Opposition to Special Motion to Dismiss Pursuant to Nev. Rev. Stat. 41.660 (Anti-SLAPP); and (2) Plaintiff's Opposition to Motion to Dismiss and Countermotion for Attorney's Fees

05/30/2017 **Reply to Opposition**
Reply to Plaintiffs' Opposition to Motion to Strike and Opposition to Plaintiff's Countermotion for Attorney's Fees

06/01/2017 **Joinder**
Louis Schneider Defendants' Joinder to Defendant Steve W. Sanson and VIPI Defendant s Reply to Plaintiffs Opposition to Motion to Strike and Opposition to Plaintiffs Counter Motion for Attorney s Fees

06/05/2017 **Motion to Dismiss** (8:30 AM) (Judicial Officer Leavitt, Michelle)
Defendant Louis Schneider's and Law Office of Louis Schneiders' Motion to Dismiss Complaint Pursuant to NRCP 12(b)(5)
03/08/2017 Reset by Court to 04/24/2017
04/24/2017 Reset by Court to 06/05/2017

06/05/2017 **Result: Matter Heard**

06/05/2017 **Opposition and Countermotion** (8:30 AM) (Judicial Officer Leavitt, Michelle)
Opposition to "Defendant Louis Schneider's and Law Offices of Louis Schneider's Motion to Dismiss Complaint Pursuant to NRCP 12(B)(5)" and Countermotion for Attorney's Fees
03/08/2017 Reset by Court to 04/24/2017
04/24/2017 Reset by Court to 06/05/2017

06/05/2017 **Result: Matter Heard**

06/05/2017 **Motion to Dismiss** (8:30 AM) (Judicial Officer Leavitt, Michelle)
Defendants' Notice of Motion to Dismiss; Memorandum of Points and Authorities in Support Thereof

03/22/2017 *Reset by Court to 04/24/2017*
04/24/2017 *Reset by Court to 06/05/2017*
Result: Matter Heard
06/05/2017 **Motion to Strike** (8:30 AM) (Judicial Officer Leavitt, Michelle)
Defendants' Motion to Strike
03/22/2017 *Reset by Court to 04/24/2017*
04/24/2017 *Reset by Court to 06/05/2017*
Result: Matter Heard
06/05/2017 **Opposition and Countermotion** (8:30 AM) (Judicial Officer Leavitt, Michelle)
Opposition to "Defendants Steve W. Sanson and Veterans In Politics International, Inc's Motion to Dismiss" and Countermotion for Attorney's Fees
04/24/2017 *Reset by Court to 06/05/2017*
Result: Matter Heard
06/05/2017 **Opposition and Countermotion** (8:30 AM) (Judicial Officer Leavitt, Michelle)
Opposition to "Motion to Strike" and Countermotion for Attorney's Fees
04/24/2017 *Reset by Court to 06/05/2017*
Result: Matter Heard
06/05/2017 **Motion to Seal/Redact Records** (8:30 AM) (Judicial Officer Leavitt, Michelle)
Defendants' Motion to File Under Seal
05/01/2017 *Reset by Court to 06/05/2017*
Result: Matter Heard
06/05/2017 **Motion to Dismiss** (8:30 AM) (Judicial Officer Leavitt, Michelle)
Schneider Defendants' Special Motion to dismiss Plaintiffs' SLAPP Suit Pursuant to NRS 41.660 and Request for Attorney's Fees, Costs, and Damages Pursuant to NRS 41.670
04/24/2017 *Reset by Court to 06/05/2017*
Result: Matter Heard
06/05/2017 **Motion to Dismiss** (8:30 AM) (Judicial Officer Leavitt, Michelle)
Defendants' Special Motion to Dismiss Pursuant to Nev. Rev. Stat. 41.660 (Anti-SLAPP)
04/24/2017 *Reset by Court to 06/05/2017*
Result: Granted
06/05/2017 **Motion to Dismiss** (8:30 AM) (Judicial Officer Leavitt, Michelle)
Defendants' Special Motion to Dismiss Under Nevada's Anti-SLAPP statute, NRS 41.660
05/08/2017 *Reset by Court to 06/05/2017*
Result: Granted
06/05/2017 **Motion** (8:30 AM) (Judicial Officer Leavitt, Michelle)
Notice of Hearing on Plaintiffs' Motion for Leave to Exceed Page Limit for Their Omnibus Opposition to 1) Schneider Defendants' Special Motion to Dismiss Plaintiffs' Slapp Suit per NRS 41.660; 2) Special Motion to Dismiss per 41.660 (Anti-Slapp); and 3) Defendants' Special Motion to Dismiss Under Nevada's Anti-Slapp Statute per 41.660
Result: Matter Heard
06/05/2017 **All Pending Motions** (8:30 AM) (Judicial Officer Leavitt, Michelle)
Parties Present
Minutes
Result: Matter Heard
06/06/2017 **Supplement to Opposition**
Plaintiffs' Supplement to Their Omnibus Opposition to: 1. Schneider Defendants' Special Motion to Dismiss Plaintiffs' Slapp Suit Pursuant to NRS 41.660 and Request for Attorney's Fees, Costs, and Damages Pursuant to NRS 41.670; 2. Special Motion to Dismiss Pursuant to NRS 41.660 (Anti-Slapp); and 3. Defendants' Special Motion to Dismiss Under Nevada's Anti-Slapp Statute, NRS 41.660
06/09/2017 **Supplement to Response and Opposition**
VIPI Defendants' Supplement to VIPI Defendants' Omnibus Reply to: (1) Plaintiffs' Opposition to Special Motion to Dismiss Pursuant to Nev. Rev. Stat. 41.660 (Anti-SLAPP); and (2) Plaintiffs' Opposition to Motion to Dismiss and Countermotion for Attorneys' Fees
06/22/2017 **Minute Order** (3:00 AM) (Judicial Officer Leavitt, Michelle)
Minutes
Result: Minute Order - No Hearing Held
07/05/2017 **Recorders Transcript of Hearing**
Recorder's Transcript Re: All Pending Motions, Monday, June 5, 2017
07/24/2017 **Order**
Order Granting VIPI Defendants' Special Motion to Dismiss Pursuant to Nev. Rev. Stat. 41.660 (Anti-SLAPP)
07/24/2017 **Notice of Entry of Order**
Notice of Entry of Order
07/26/2017 **Stipulation and Order**
Stipulation and Order
07/26/2017 **Notice of Entry of Order**
Notice of Entry of Order
08/17/2017 **Stipulation and Order**
Stipulation and Order
08/17/2017 **Notice of Entry of Order**
Notice of Entry of Order
08/21/2017 **Notice of Appeal**
Notice of Appeal
08/21/2017 **Case Appeal Statement**
Case Appeal Statement
08/31/2017 **Stipulation and Order**
Stipulation and Order
08/31/2017 **Notice of Entry of Order**
Notice of Entry of Order
09/12/2017 **Motion for Attorney Fees and Costs**
Schneider Defendants' Motion for Statutory Damages and Attorney's Fees, Costs, and Damages Pursuant to NRS 41.670; and Motion for Sanctions
09/13/2017 **Motion for Attorney Fees and Costs**

2/7/2018

https://www.clarkcountycourts.us/Anonymous/CaseDetail.aspx?CaseID=11743690

- 09/13/2017 **Motion for Attorney Fees and Costs Pursuant to Nev. Rev. Stat. 41.670**
Notice of Change of Hearing
Notice of Change of Hearing
- 09/15/2017 **Joinder To Motion**
Louis Schneider Defendants Joinder to Defendant Steve W. Sanson and VIPI Defendnants' Motion for Attorney Fees and Costs Pursuant to Nev. Rev. Stat.41.670
- 10/05/2017 **Errata**
Errata to Motion for Attorney Fees and Costs Pursuant to Nev. Rev. Stat. 41.670
- 10/05/2017 **Motion for Attorney Fees and Costs**
Corrected Motion for Attorney Fees and Costs and Additional Awards Pursuant to Nev. Rev. Stat. 41.670
- 10/11/2017 **Substitution of Attorney**
Substitution of Attomey
- 10/13/2017 **Stipulation and Order**
Stipulation and Order to Dismiss with Prejudice all Claims Against Hanusa Parties
- 10/13/2017 **Stipulation and Order**
Stipulation and Order to Extend Briefing Schedule and Hearing Date on Pending Motions for Attorneys' Fees, Costs, and Damages
- 10/16/2017 **Notice of Entry of Stipulation and Order**
Notice of Entry of Stipulation and Order to Extend Briefing Schedule and Hearing Date on Pending Motions for Attorneys' Fees, Costs, and Damages
- 10/16/2017 **Notice of Entry of Stipulation and Order**
Notice of Entry of Stipulation and Order to Dismiss with Prejudice All Claims Against Hanusa Parties
- 10/27/2017 **Opposition to Motion**
Plaintiffs' Omnibus Opposition to Defendants' Motions for Attorneys' Fees, Costs, and Sanctions
- 12/11/2017 **Stipulation and Order**
Stipulation and Order to Extend Briefing Schedule and Hearing Date on Pending Motions for Attorneys' Fees, Costs, and Damages
- 12/11/2017 **Notice of Entry of Stipulation and Order**
Notice of Entry of Stipulation and Order to Extend Briefing Schedule and Hearing Date on Pending Motions for Attorneys' Fees, Costs, and Damages
- 01/24/2018 **Reply to Opposition**
Reply to Plaintiffs' Opposition to an Award of Attorney Fees, Costs and Statutory Sanctions
- 01/24/2018 **Motion to Disqualify Judge**
Motion to Disqualify Eighth Judicial District Court Elected Judiciary, and for Permanent Assignment to the Senior Judge Program or, Alternatively, to a District Court Judge Outside of Clark County
- 01/26/2018 **Affidavit**
AFFIDAVIT OF CAL POTTER, IV, ESQ.
- 01/31/2018 **Receipt of Copy**
- 01/31/2018 **Opposition to Motion**
Opposition to Motion to Disqualify
- 02/02/2018 **Affidavit**
Affidavit of Judge Michelle Leavitt in Response to Motion To Disqualify Eighth Judicial District Court Elected Judiciary, and For Permanent Assignment to the Senior Judge Program or Alternatively, to a District Court Judge Outside of Clark County
- 02/05/2018 **Reply**
Reply to Plaintiffs' Opposition to Motion for Attorney Fess and Costs Pursuant to Nev. Rev. Stat. 41.670
- 02/12/2018 **Motion for Attorney Fees and Costs (9:30 AM) (Judicial Officer Leavitt, Michelle)**
Schneider Defendants' Motion for Statutory Damages and Attorneys' Fees, Costs, and Damages Pursuant to NRS 41.670; and Motion for Sanctions
10/16/2017 Reset by Court to 12/11/2017
12/11/2017 Reset by Court to 02/12/2018
- 02/12/2018 **Motion for Attorney Fees and Costs (9:30 AM) (Judicial Officer Leavitt, Michelle)**
Motion for Attorney Fees and Costs Pursuant to Nev. Rev. Stat. 41.670
10/16/2017 Reset by Court to 12/11/2017
12/11/2017 Reset by Court to 02/12/2018
- 02/12/2018 **Joinder (9:30 AM) (Judicial Officer Leavitt, Michelle)**
Louis Schneider Defendants Joinder to Defendant Steve W. Sanson and VIPI Defendnants' Motion for Attorney Fees and Costs Pursuant to Nev. Rev. Stat.41.670
10/16/2017 Reset by Court to 12/11/2017
12/11/2017 Reset by Court to 02/12/2018
- 03/02/2018 **Motion to Disqualify Judge (3:00 AM) (Judicial Officer Gonzalez, Elizabeth)**
Plaintiffs' Motion to Disqualify Eighth Judicial District Court Elected Judiciary, and for Permanent Assignment to the Senior Judge Program or, Alternatively, to a District Court Judge Outside of Clark County

FINANCIAL INFORMATION

	Defendant Hanusa, Heidi J		
	Total Financial Assessment		223.00
	Total Payments and Credits		223.00
	Balance Due as of 02/07/2018		0.00
02/17/2017	Transaction Assessment		223.00
02/17/2017	Efile Payment	Receipt # 2017-16177-CCCLK	Hanusa, Heidi J
			(223.00)
	Defendant Law Offices of Louis C Schneider LLC		
	Total Financial Assessment		30.00
	Total Payments and Credits		30.00
	Balance Due as of 02/07/2018		0.00
01/19/2017	Transaction Assessment		30.00

JVA001467

2/7/2018

<https://www.clarkcountycourts.us/Anonymous/CaseDetail.aspx?CaseID=11743690>

01/19/2017	Efile Payment	Receipt # 2017-05778-CCCLK	Law Offices of Louis C Schneider LLC	(30.00)
	Defendant Ortiz, Christina			
	Total Financial Assessment			223.00
	Total Payments and Credits			223.00
	Balance Due as of 02/07/2018			0.00
01/19/2017	Transaction Assessment			223.00
01/19/2017	Efile Payment	Receipt # 2017-05643-CCCLK	Ortiz, Christina	(223.00)
	Defendant Sanson Corporation			
	Total Financial Assessment			30.00
	Total Payments and Credits			30.00
	Balance Due as of 02/07/2018			0.00
02/17/2017	Transaction Assessment			30.00
02/17/2017	Efile Payment	Receipt # 2017-16180-CCCLK	Sanson Corporation	(30.00)
	Defendant Sanson, Steve W			
	Total Financial Assessment			223.00
	Total Payments and Credits			223.00
	Balance Due as of 02/07/2018			0.00
01/24/2017	Transaction Assessment			223.00
01/24/2017	Efile Payment	Receipt # 2017-07620-CCCLK	Sanson, Steve W	(223.00)
	Defendant Schneider, Louis C			
	Total Financial Assessment			223.00
	Total Payments and Credits			223.00
	Balance Due as of 02/07/2018			0.00
01/19/2017	Transaction Assessment			223.00
01/19/2017	Efile Payment	Receipt # 2017-05777-CCCLK	Schneider, Louis C	(223.00)
	Defendant Spicer, Johnny			
	Total Financial Assessment			30.00
	Total Payments and Credits			30.00
	Balance Due as of 02/07/2018			0.00
02/17/2017	Transaction Assessment			30.00
02/17/2017	Efile Payment	Receipt # 2017-16178-CCCLK	Spicer, Johnny	(30.00)
	Defendant Steelmon, Karen			
	Total Financial Assessment			30.00
	Total Payments and Credits			30.00
	Balance Due as of 02/07/2018			0.00
02/17/2017	Transaction Assessment			30.00
02/17/2017	Efile Payment	Receipt # 2017-16181-CCCLK	Steelmon, Karen	(30.00)
	Defendant Veterans in Politics International Inc			
	Total Financial Assessment			30.00
	Total Payments and Credits			30.00
	Balance Due as of 02/07/2018			0.00
01/24/2017	Transaction Assessment			30.00
01/24/2017	Efile Payment	Receipt # 2017-07621-CCCLK	Veterans in Politics International Inc	(30.00)
	Defendant Woolbright, Don			
	Total Financial Assessment			30.00
	Total Payments and Credits			30.00
	Balance Due as of 02/07/2018			0.00
02/17/2017	Transaction Assessment			30.00
02/17/2017	Efile Payment	Receipt # 2017-16179-CCCLK	Woolbright, Don	(30.00)

JVA001468

2/7/2018

<https://www.clarkcountycourts.us/Anonymous/CaseDetail.aspx?CaseID=11743690>

Plaintiff Abrams & Mayou Law Firm

Total Financial Assessment	30.00
Total Payments and Credits	30.00
Balance Due as of 02/07/2018	0.00

01/09/2017	Transaction Assessment			30.00
01/09/2017	Efile Payment	Receipt # 2017-02465-CCCLK	The Abrams & Mayou Law Firm	(30.00)

Plaintiff Abrams, Jennifer V

Total Financial Assessment	744.00
Total Payments and Credits	744.00
Balance Due as of 02/07/2018	0.00

01/09/2017	Transaction Assessment			270.00
01/09/2017	Efile Payment	Receipt # 2017-02464-CCCLK	Abrams, Jennifer V	(270.00)
01/18/2017	Transaction Assessment			450.00
01/18/2017	Efile Payment	Receipt # 2017-05260-CCCLK	Abrams, Jennifer V	(450.00)
08/22/2017	Transaction Assessment			24.00
08/22/2017	Efile Payment	Receipt # 2017-66191-CCCLK	Abrams, Jennifer V	(24.00)

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

EIGHTH JUDICIAL DISTRICT COURT
CLARK COUNTY, NEVADA

MARSHAL S. WILLICK and WILLICK LAW) Case No.: A-17-750171-C
GROUP,)
) Department: XVIII
Plaintiffs,)
)
vs.)
)
STEVE W. SANSON and VETERANS IN)
POLITICS INTERNATIONAL, INC.,)
)
Defendants.)

JENNIFER V. ABRAMS and THE ABRAMS) Case No.: A-17-749318-C
& MAYO LAW FIRM,)
) Department: XII
Plaintiffs,)
)
vs.)
)
LOUIS C. SCHNEIDER; LAW OFFICES OF)
LOUIS C. SCHNEIDER, LLC; STEVE W.)
SANSON; and VETERANS IN POLITICS)
INTERNATIONAL, INC.,)
)
Defendants.)

**REPLY TO OPPOSITIONS TO MOTION TO DISQUALIFY EIGHTH
JUDICIAL DISTRICT COURT ELECTED JUDICIARY, AND FOR
PERMANENT ASSIGNMENT TO THE SENIOR JUDGE PROGRAM OR,
ALTERNATIVELY, TO A DISTRICT COURT JUDGE OUTSIDE OF CLARK
COUNTY**

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MEMORANDUM OF POINTS AND AUTHORITIES

I. INTRODUCTION

The Defendants’ oppositions feign outrage, ignoring the reality that a large number of members of the elected judiciary of Southern Nevada have **already made** exactly the findings requested by the pending motion. They would disregard the specific judicial findings of fact that Sanson is deliberately attempting to corrupt judicial proceedings, in favor of their own propaganda. Judge Leavitt’s Affidavit is deficient, failing to address the primary question raised by the pending *Motion*, and only serving to provide additional support for the disqualification that is sought.

II. REPLY TO OPPOSITION

A. The Oppositions Provide Mere General Platitudes

Mr. Houston’s *Opposition* filed January 31 has little substance. It suggests only that the *Motion to Disqualify* is untimely, that there is not proof in the record of disqualifying *ex parte* contact between Judge Leavitt and Sanson. Its first assertion is wrong, and the second misses the point entirely.

Attorney McCletchie’s “Joinder” filed February 7th mainly serves to provide insulting adjective-laden commentary, and (without any basis) question Plaintiffs’ motives, rephrasing Mr. Houston’s argument as “waiver” instead of “timeliness,” and providing a lot of mostly-irrelevant citations, while also ignoring Sanson’s documented history of repeated attempted corruption of judicial processes and officers.

///
///
///

1
2 **B. Most of the Elected Judiciary Has Already Determined that
Disqualification is Required**

3 The register of actions from Mr. Sanson’s 2016 filing against former-
4 Assemblyman Paul Anderson and the Clark County Registrar of Voters evidences
5 numerous judges’ findings that Steve Sanson’s involvement in elections was
6 compelling enough to justify recusal.

7 In the *Anderson* case, the Hon. Elissa F. Cadish referred to “[Sanson’s]
8 endorsement, support, and nomination” and found that “in light of [her] relationship
9 with Plaintiff [Steve Sanson], including endorsement and significant support by
10 Plaintiff of this Court’s campaigns and nomination, this Court’s impartiality might
11 reasonably be questioned.” Accordingly, Judge Cadish disqualified herself pursuant
12 to Rule 2.11(a) of the Revised Nevada Code of Judicial Conduct.

13 The “relationship” she described—*i.e.*, endorsement and campaign support—
14 is the **same** that exists between nearly the entirety of the EJDC Judiciary and Steve
15 Sanson, **including** Judge Leavitt. Judge Cadish found that such prior “relationship”
16 was sufficient for the Court’s impartiality to “reasonably be questioned.” Notably,
17 VIPI was not even a Plaintiff in the *Anderson* case; only Steve Sanson was a party.
18 The Hon. Stefany Miley made the same findings based on the same sort of
19 “relationship” with Sanson, as did the Hon. Joanna Kishner, the Hon. Mark Denton,
20 the Hon. Gloria Sturman, the Hon. Adriana Escobar, the Hon. Nancy Allf, and the
21 Hon. Kerry Earley. Both the Hon. Eric Johnson and the Hon. Douglas W. Herndon
22 also found it appropriate to recuse from that case because of Steve Sanson.

23 The same “relationship” and findings were made in the record of both of the
24 cases pending here.

1 In the *Abrams v. Schneider* case, the Hon. Valerie Adair recused because “this
2 Court is personally acquainted with Deft. Sanson, has appeared on his radio show
3 and has attended Deft’s events.” Despite her “duty to sit,” Judge Adair found that “in
4 accordance with Rule 2.11(a) and to avoid the appearance of impropriety and implied
5 bias this Court hereby disqualifies itself.”

6 In the *Willick v. Sanson* matter, the Hon. Kerry Earley found that “[a]s this
7 Court is familiar with one of the parties, in accordance with Rule 2.11(a), and to
8 avoid the appearance of impropriety and implied bias, this Court hereby disqualifies
9 itself.” Recusals followed by the Hon. Elissa F. Cadish, the Hon. Adriana Escobar,
10 the Hon. Valerie Adair, the Hon. Jim Crockett, the Hon. David Jones, and the Hon.
11 Mark Bailus.

12 A total of at least fifteen jurists in the Eighth Judicial District Court, Civil
13 Division are on record as having found it necessary to recuse nonetheless due to the
14 fact that their “impartiality might reasonably be questioned” in light of the obvious
15 “appearance of impropriety” under Rule 2.11(a) of the Nevada Code of Judicial
16 Conduct.

17 All of these jurists were bound by the same “duty to preside” at issue in the
18 motion pending here, and **all** of them found that implied bias exists, that the Court’s
19 impartiality might reasonably be questioned because of it, and each of them
20 therefore recused from cases involving Sanson. The *Oppositions* ignore those
21 inconvenient facts, silently implying that all of those judges do not know how to
22 apply the judicial canons.

23 It is worth stressing that none of those jurists cited to any actual bias or
24 prejudice for or against one of the parties to the action. None cited to a relationship

1 with Sanson by consanguinity or affinity within the third degree. None said they had
2 been the attorney or counsel for Sanson or had any relationship by consanguinity or
3 affinity within the third degree with Sanson’s counsel.

4 Rather, each and every one of the jurists who cited a reason for recusal cited
5 to Sanson’s involvement in the election process, which necessarily includes every
6 elected official in Clark County.

7 **C. Many More Judges Have Reached the Same Conclusion**

8 In both the *Abrams v. Schneider* and the *Willick v. Sanson* cases, **many**
9 more jurists recused than are documented above. The Clerk’s Office called the
10 undersigned’s office twice, once relating to each case, and both times stated that
11 rather than allow the cases to travel through “numerous departments” and be
12 delayed due to “numerous recusals,” the clerk was “calling around from one
13 department to the next” to “find a judge who would be willing to hear the case” with
14 “no luck yet.”

15 By the time of the call, according to the clerk, she had contacted “nearly every
16 department” but that she was “still waiting to hear from a couple of departments”
17 and that she would send out a notice as soon as she was able to place the case.

18 By assigning the *Abrams* and *Willick* cases in this manner, the clerk’s office
19 either recognized that cases involving Sanson are “unusual” and therefore did not
20 follow the requirements of EDCR 1.60(d) (mandating that judges who disqualify
21 themselves to enter an appropriate minute order for reassignment on a random
22 basis) or, there was a violation of EDCR 1.60(f) (“[n]o attorney or party may directly
23 or indirectly influence or attempt to influence the clerk of the court or court staff or
24 any officer thereof to assign a case to a particular judge”). In either event, the remedy

1 provided in EDCR 1.60(d) should have been followed—“the clerk must notify the
2 court administrator to reassign the case to a senior judge or visiting judge from
3 another district.”

4 On information and belief, the recused judges include virtually every judge
5 now on the Clark County bench. That overwhelming identity of conclusion from
6 dozens of judges plays an important part in the decision of the pending motions; for
7 the *Oppositions* to be correct, **all** of those judges have to be in error.

8
9 **D. Circumstantial Evidence Suggests Ex Parte Contacts Have Occurred**

10 As detailed below, there can be no question that Sanson has deliberately
11 sought *ex parte* contact with numerous judicial officers before whom he has matters
12 pending; there is some reason to believe it extends to the cases now at issue.

13 A hearing on Sanson’s anti-SLAPP motion was scheduled for June 5, 2017.
14 Four days earlier, on Thursday, June 1, then-counsel for Louis Schneider (Cal Potter)
15 emailed to Joshua Gilmore, counsel for Jennifer Abrams, “in preparation for the
16 hearing on Monday,” asking about the relationship between Judge Leavitt and
17 Brandon Leavitt (an associate attorney at The Abrams & Mayo Law Firm).

18 Attorney Gilmore forwarded the inquiry to Jennifer Abrams who then made
19 the inquiry of Brandon Leavitt.¹ The absence of any relationship was then confirmed
20 to Attorney Potter.

21 Four days later, at the beginning of the hearing, and before anyone said
22 **anything**, Judge Leavitt *sua sponte* addressed Sanson and his attorneys directly,
23

24

¹ See emails between Cal Potter, Esq., Joshua Gilmore, Esq., Jennifer V. Abrams, Esq., and Brandon K. Leavitt, Esq., attached hereto as **Exhibit 9**.

1 disclosing that she “consulted with her family members” and concluded that she is
2 not related, within three degrees of consanguinity, to Brandon Leavitt.

3 It is not by itself concerning that Judge Leavitt went to some lengths to
4 inquire of family members, count the degrees of consanguinity, and make a clear
5 record in what appeared to reassure Sanson and Schneider that she had no loyalty to
6 the Plaintiffs. After all, she read the papers filed by both sides, saw the name
7 Brandon Leavitt, and was making a disclosure that she had no personal relationship
8 and no familial relationship within three degrees of consanguinity with him.

9 What is notable is not the disclosure she did make, but rather the disclosure
10 she did **not** make. While Judge Leavitt took the time and effort to make the very
11 disclosure that attorney Potter had specifically asked about (out of court) a few days
12 earlier, she did **nothing** to disclose on the record her prior dealings or
13 communications with Sanson, VIPI, or Louis Schneider.

14 If Judge Leavitt had brought this up on her own because she saw a name that
15 she recognized and wanted to make sure a record was made that she did not have a
16 relationship on the Plaintiff’s side, the same logic should have compelled her to make
17 a record as to her relationship and prior dealings with Sanson, VIPI, and Schneider,
18 and her failure to make any such record raises a red flag.

19 A reasonable person might well ask whether an *ex parte* conversation led her
20 to answer in open court the question posed by Sanson’s counsel out of court just days
21 earlier. Such concern is exacerbated by the fact that both Sanson and attorney
22 Schneider have engaged in *ex parte* communications with judges regarding pending
23 matters. Exactly that occurred in the underlying *Saiter* case which led to this
24 litigation.

1 Thereafter, Judge Leavitt permitted Sanson's counsel to speak, either
2 uninterrupted or with **assistance** from the judge, for more than 27 minutes.
3 However, before Abrams' counsel, Joshua Gilmore, even stood up to speak, Judge
4 Leavitt was already inundating him with rhetorical questions, arguments in
5 Defendants' favor, and interruptions and attacks which continued throughout the
6 time he was permitted to speak.

7 Sanson is notoriously bad at disguising his emotional state, so much so that in
8 the appearance before Judge Duckworth discussed below he was admonished on the
9 record for being unable to control himself. Sanson's demeanor at the March 14,
10 2017, hearing before Senior Judge Thompson in *Willick v. Sanson* was drastically
11 different than his demeanor from the very start of the June 5 hearing before Judge
12 Leavitt.

13 In court with Judge Thompson, Sanson had a serious look on his face and sat
14 looking straight ahead during nearly the entirety of the hearing, not glancing around
15 or making faces or gestures. From the outset of the *Abrams v. Schneider* hearing
16 before Judge Leavitt, however, Sanson repeatedly stared at Plaintiff and her counsel
17 while visibly and audibly smirking and laughing.

18 After the ruling, counsel for the parties submitted competing orders to Judge
19 Leavitt. Sanson's counsel submitted a 20-page proposed order replete with bogus
20 and factually incorrect "findings" that do not exist in the record. Plaintiff's counsel
21 submitted a competing order without those bogus and factually incorrect "findings."
22 Without any request for further briefing or argument, without a hearing, and without
23 any legal basis, Judge Leavitt signed off on Sanson's proposed order.

24

1 One of the unfounded “findings” of concern as set forth in the underlying
2 Motions to Disqualify is the finding on page 1 of the *Order* that VIPI is “a non-profit
3 corporation that advocates on behalf of veterans and works to expose public
4 corruption and wrongdoing.” That “finding” is factually false as noted by
5 investigative journalists, a judicial finding, and otherwise, and was never established
6 in the underlying case. This suggests that actual bias exists as a result of Judge
7 Leavitt’s prior associations with Sanson and VIPI. Even though the allegation is
8 made in both the *Abrams* and *Willick* cases that VIPI is a sham organization which
9 launches internet “smear campaigns” for pay, and even though Sanson’s **admission**
10 of such was provided to the Court,² she sought to protect **her own** reputation due to
11 her prior associations with Sanson and VIPI by making the unsubstantiated
12 “finding” that VIPI is a legitimate “non-profit corporation³ that advocates on behalf
13 of veterans and works to expose public corruption and wrongdoing.” This is evidence
14 of actual bias.

15 **E. Judge Leavitt’s Affidavit evidences actual bias**

16 The *Motion to Disqualify Eighth Judicial District Court Elected Judiciary,*
17 *etc.* is 31 pages long. It specifically references concerns about Sanson’s *ex parte*
18 communications with the judiciary and specific judicial findings that Sanson is
19 corrupt and that his tactics include intimidation, harassment, and control of judges
20 in his communications with them. Yet, nowhere in her *Affidavit* does Judge Leavitt
21 deny having had *ex parte* communications with Sanson.

22 ² See Sanson’s Facebook post, dated January 24, 2017, stating “when people needed
23 someone (sic) to get dirty so they can stay nameless, we do it without hesitation,” attached
hereto as **Exhibit 10**.

24 ³ Upon inquiry to the Internal Revenue Service, it was discovered that VIPI does not
have status as a non-profit organization under Section 501. See correspondence from IRS
attached hereto as **Exhibit 11**.

1 In fact, Judge Leavitt dodged the question entirely, essentially stating that
2 Plaintiffs had not **proven** any contacts beyond those in the public record. Based on
3 the revelations detailed below that have come to light since the hearing about
4 Sanson's deliberate and repeated *ex parte* contacts with judges before whom he has
5 proceedings pending, no assumption of the lack of such contact can or should be
6 made, and Judge Leavitt should have very specifically detailed her contacts with
7 Sanson and his counsel. She didn't.

8 To illustrate why that is deficient, Judge Leavitt's *Affidavit* should be
9 compared with those of her fellow jurists detailed above. For example, the
10 *Declaration* filed by Judge Bailus in *Willick v. Sanson* detailed the specific
11 communications that occurred with Sanson, promising that no other
12 communications took place between them. Yet he still found the contacts sufficient
13 to cause the public to genuinely wonder whether the judge could be unbiased, found
14 an appearance of impropriety, and was removed from the case accordingly.

15 Judge Leavitt's *Affidavit* is strikingly different, and very defensive. Rather
16 than disclose her dealings with Sanson, Judge Leavitt asserts (correctly) that
17 Plaintiffs "can't prove" what the \$300 she paid was for, and largely repeats the
18 argument in Mr. Houston's *Opposition*. Her *Affidavit* reads more like it was written
19 by an advocate for Sanson than a neutral jurist.

20 Nowhere does Judge Leavitt deny having had communications with Sanson
21 and/or Schneider about the case prior to the hearing. She completely fails to explain
22 why her endorsement by VIPI, payment to VIPI, and participation in VIPI events
23 were not disclosed at the beginning of the June 5, 2017, hearing. And while she
24 claims that she only received the VIPI endorsement once, she only drew an opponent

1 in an election that one time. There is no “endorsement” for an unopposed candidate.
2 Essentially, she received the VIPI endorsement 100% of the time she ran opposed.

3 Judge Leavitt’s choice to make no disclosure was conscious. In light of
4 Sanson’s extensive record of illicit *ex parte* contacts, the lack of a denial should be
5 taken as an admission – one that could not be covered up by any new after-the fact
6 denial.

7 **F. The *Declaration of Rob Bare* is Deficient⁴**

8 The fact that there is a quantity of photographic and other evidence depicting
9 Judge Bare sitting, drinking, embracing, and otherwise socializing with Sanson could
10 and should be expected to, at minimum, raise an issue in the mind of the public as to
11 the judge’s impartiality.⁵ His “relationship” with Sanson is at least as deep and wide
12 as that of the many jurists who have found such contacts require recusal.

13 While Judge Bare does attempt to provide a detailed history of his dealings
14 with Sanson, he omits to mention the \$1,000 he paid to VIPI—a startling omission
15 from a jurist who is normally very thorough and organized.

16 Just as importantly here, however, is that for Judge Bare’s legal conclusion to
17 be correct, the opposite conclusion reached by dozens of his colleagues must be
18 wrong. The facts are identical, the appearance of impropriety is identical, and the
19 genuine question on the part of the public whether Judge Bare is or could be
20 unbiased is identical. Judge Bare has a personal interest—as would every other
21 judge who ever associated with Sanson or VIPI—in protecting his reputation and,
22 therefore, not finding that the person and organization with whom he has associated

23 ⁴ The *Declaration of Rob Bare* was filed in the *DiCiero v. Sanson* matter, case number
A-18-767961-C.

24 ⁵ See photographs of Judge Bare and Steve Sanson found on social media, attached
hereto as **Exhibit 12**.

1 over the years is corrupt or illegitimate. Judge Bare should be disqualified on the
2 same basis.

3 **G. Judge Duckworth’s Findings Were Made *After* the Motion Hearing**

4 The Hon. Bryce Duckworth has made specific findings in a written order that
5 Sanson is in the business of judicial corruption. In his *Order of Recusal* dated
6 September 5, 2017,⁶ Judge Duckworth explained the nature and extent of Sanson’s
7 attempt to discuss a pending case with him outside of court. Judge Duckworth
8 relayed the substance of his text message to Sanson following Sanson’s attempted ex
9 *parte* communication:

10 Please do not ever talk to me again about a pending case before me. I
11 hold you in higher esteem than that. I’m sorry to end the call so
12 abruptly. My integrity means too much to me than to be influenced by
13 others outside of the courtroom and **it shakes the very core of our
system when anyone communicates with a judicial officer in
this fashion.** It simply cannot happen. I know that you know that
and I have always trusted your judgment in that regard.

[Emphasis added.]

14
15 Judge Duckworth relayed the substance of Sanson’s immediate response:

16 You asked me a question because of our relationship I gave you my
17 honest answer, so you can understand what direction we are headed.

18 The meaning of “what direction we are headed” was the threat to begin a
19 smear campaign against Judge Duckworth—which is exactly what Sanson did once
20 he got an order he did not care for, in the form of the email blasted “dumpster fire”
21 attacks on Judge Duckworth that immediately followed.

22 Judge Duckworth’s *Order* following the hearing and Sanson’s testimony
23 found as a matter of fact that “***the only purpose of his communication with***

24 _____
⁶ Attached to the instant *Motion to Disqualify Eighth Judicial District Court Elected
Judiciary, et al.*, as **Exhibit 5**.

1 ***the Court was to influence and intimidate the Court through a corrupt***
2 ***communication outside of court.*** [Emphasis in original]. Judge Duckworth
3 further found:

4 It also is significant that Mr. Sanson's response was not to offer an
5 apology, or to assure the Court that he would refrain from doing so
6 again. Even at the August 30, 2017 hearing, Mr. Sanson remained
7 unapologetic. In fact, his demeanor and conduct was defiant, even
8 lashing out at Mr. Willick to the point of being admonished by the
9 Court. Instead of apologizing to the Court, his follow-up
10 communication was a veiled threat to the Court. This threat by Mr.
11 Sanson, as stated by Mr. Sanson and interpreted by the Court, was to
12 harass the Court and to hurl baseless and defamatory accusations
13 about the Court.

9 * * *

10 Mr. Sanson's sole motivation for communicating with this Court was to
11 intimidate and harass the Court. . . behind that false banner of "justice
12 and corruption" is an individual and a group who seek to manipulate,
13 intimidate and control. The arsenal of weapons that Mr. Sanson
14 utilizes include attempts to manipulate, intimidate and control the
15 judicial process through off-the-record communications. This case has
16 exposed the reality of his tactics.

14 Judge Duckworth warned: "What should be frightening to this Court (***and***
15 ***members of the Nevada judiciary in general***) is that Mr. Sanson refused to
16 acknowledge at the August 30, 2017 hearing that his communication with the Court
17 about a pending case was inappropriate." Judge Duckworth flatly asked: "***Is there***
18 ***anything more corrupt than the influence Mr. Sanson sought to exert***
19 ***over the Court?***" [Emphasis in original].

20 The consequence of refusing to "kowtow and cower to his manipulation and
21 control" is described by Judge Duckworth as "Mr. Sanson predictably let the Court
22 know that his wrath was coming out against the Court. This type of threat to any
23 judicial officer strikes at the very core of the integrity of the judicial process.

1 Moreover, such threatening behavior is an attempt to manipulate and control
2 judicial officers if they do not succumb to Mr. Sanson’s desired result.”

3 Despite the judicial duty to sit, Judge Duckworth found it necessary to recuse
4 from a case he had presided over for the prior two years. Seeking to avoid repetition,
5 Judge Duckworth specifically ordered that the matter “be referred to the Senior
6 Judge Program for further proceedings” and called for an investigation to be
7 conducted by law enforcement into the corruption of judicial proceedings by Sanson.
8 The case was assigned to Senior Judge Nancy Saitta for completion.

9
10 **H. Sanson’s Deliberate and Repeated Course of Attempted Judicial
Corruption is Undeniable**

11 The facts uncovered and disclosed on the record by Judge Duckworth were
12 not isolated events for Sanson.

13 When Governor Sandoval filled the vacancy in Department 18 with the Hon.
14 Mark Bailus, Sanson almost immediately contacted Judge Bailus. Plaintiff Willick
15 filed a *Motion to Disqualify Judge* based on the out-of-court communications
16 between Judge Bailus and Sanson, including the judge’s appearance on the VIPI
17 radio show ***while the case was pending in his department***. In his responsive
18 affidavit, Judge Bailus acknowledged he had a duty to sit, but recused himself based
19 on the obvious appearance of impropriety and appearance of bias.

20 The day following Chief Judge Gonzalez’s order to reassign the case, on
21 January 5th, Judge Escobar recused from the case, stating “[u]pon review of the
22 case, the COURT finds that due to its professional relationship with the Defendant
23 during previous campaigns for election and the Defendant’s endorsement, support,
24 and nomination; in order to avoid the appearance of impropriety and implied bias,

1 pursuant to Rule 2.11(A) of the Revised Nevada Code of Judicial Conduct, this Court
2 hereby disqualifies itself and ORDERS, this case to be REASSIGNED at random.”

3 Three days later, on January 8th, the Hon. Kerry Earley recused from the
4 matter as well, stating “[a]s this Court is familiar with one of the parties, in
5 accordance with Rule 2.11(a), and to avoid the appearance of impropriety and
6 implied bias, this Court hereby disqualifies itself and ORDERS this case be
7 REASSIGNED at random.” Judge Earley, who also recused in the *Sanson v.*
8 *Anderson* case, was previously endorsed by VIPI and, based on her Contribution &
9 Expense reports, had paid VIPI during her previous campaigns.

10 Following Judge Earley’s recusal, the case was assigned to the Hon. Nancy
11 Allf, against whom Sanson filed a peremptory challenge on January 14th.

12 As of the filing of this Reply—more than a month after the challenge of Judge
13 Allf—the *Willick v. Sanson* matter remains assigned to Department XXVII,
14 presumably in an indeterminate state based on the continuing slew of recusals and
15 challenges.

16 In the months following the June hearing in *Abrams v. Schneider*, the
17 undersigned became aware of even more *ex parte* communications by Sanson with
18 judges concerning pending cases in an effort to illicitly influence the results.

19 After Mark Bailus recused for going on VIPI’s radio show and while three
20 cases involving Steve Sanson are pending before the Nevada Supreme Court, Sanson
21 pursued contact with at least one member of *that* Court and disseminated an email
22 blast claiming that Nevada Supreme Court Justice Michael Cherry would be
23 appearing on his radio show.

24

1 A letter was sent to Justice Cherry regarding the appearance of impropriety
2 and the pending cases before the Nevada Supreme Court involving Sanson. Justice
3 Cherry responded “Please be advised that I will not appear on the Veterans In
4 Politics show on Saturday but will seek some advice from the Commission on
5 Judicial Discipline on the issues raised by Attorney Abrams.”⁷

6 Just a couple of weeks ago, on February 9, 2018, the undersigned was in the
7 Hon. David Jones’ courtroom on another matter. Judge Jones informed the
8 undersigned that he was at a golf event when Sanson deliberately approached him
9 and immediately started talking to him about his pending case *Willick v. Sanson*.
10 Judge Jones stated that when he saw that the case was assigned to him, he
11 immediately called Chief Judge Betsy Gonzales and then recused from the case.

12 And this pattern of misbehavior has gone on for **years**. At least two judges
13 have informed Abrams and Willick that they saw Steve Sanson in the “back hallway”
14 of Family Court—a back hallway between courtrooms with access to Judicial
15 Chambers and closed to the public—with Judge Jennifer Elliott where the two were
16 “getting into it.” Upon inquiry to then-Presiding Judge Charles Hoskin as to why
17 Sanson had any business being in the “back hallway” of Family Court, he explained
18 that he “tried to find out at the last judge’s meeting how Sanson gained access to the
19 back hallway” but that “no one would ‘fess up.’”

20 Family Court Judge Cheryl Moss has admitted to Willick that, approximately
21 two years ago, Steve Sanson invited her to meet him for lunch. When she arrived
22 and after they exchanged pleasantries, Sanson placed an envelope on the table,
23 started talking about a case that was pending before her, and then slid the envelope

24 ⁷ See correspondence to Justice Cherry and email response, attached hereto as
Exhibit 13.

1 towards her. Judge Moss said that she refused the envelope and said she didn't want
2 to know what was in it but that Sanson responded something to the effect of "this is
3 how all good decisions are made." Judge Moss stated that she promptly left the
4 meeting but did not report it to anyone.

5 Given Sanson's repeated, deliberate, and illicit communications with judges
6 regarding multiple pending cases, we have every reason to believe he likewise
7 attempted to, or did, communicate with Judge Leavitt and every other judge
8 touching either of these cases. He often attends events where judicial officers and
9 judicial candidates are in attendance for exactly that purpose. We had hoped that
10 this concern would have been alleviated by the *Affidavit* of Judge Leavitt but the
11 glaring omissions from that *Affidavit* as detailed above, have served instead to
12 greatly increase the concern.

13 Judge Duckworth's Order of Recusal spelled out that judge's history with
14 Sanson, the frequency and subject matters of their prior communications, and
15 Sanson's specific attempts—including dates, times, and quotes of the
16 communications—to communicate with him regarding the case. Judge Leavitt's
17 *Affidavit*, very loudly, is silent on all those points.

18 **I. The Legal Effect of Post-Hearing Facts on the Timeliness of the**
19 ***Motion to Disqualify***

20 Most of the events, and findings, detailed above occurred months ***after*** the
21 June 5, 2017, hearing before Judge Leavitt. Given the omissions from Judge
22 Leavitt's *Affidavit*, it seems likely that the same tactics of intimidation, harassment,
23 manipulation, and control were utilized by Sanson in his own case of *Abrams v.*
24 *Schneider*.

1 The little Nevada law existing for these circumstances states that the time
2 periods for filing disqualification motions are irrelevant when they are inequitable
3 because “the disqualifying information was not available to [] counsel at that time.”⁸
4 Suggesting that “litigants should make all efforts to file disqualification motions in
5 compliance with NRS 1.235,” the Nevada Supreme Court acknowledged that such
6 motions should be heard on their merits regardless of normal time limits in “unique
7 circumstances.”

8 Judge Duckworth’s extraordinary expose of Sanson’s tactics—and Sanson’s
9 now-uncovered and relentless hounding of judges hearing cases to which he is a
10 party both before and after Judge Duckworth’s order—certainly qualifies as
11 “unique.”

12 **III. CONCLUSION**

13 The fact that at least 15 judges have formally stated **on** the record, and a host
14 more **off** the record, that there would be at least an appearance of impropriety by
15 presiding over a case to which Sanson is a party should be an indication that there is
16 an appearance of impropriety for any elected judge assigned to his cases.

17 Precisely the scope and type of contacts that cause Judge Leavitt no concern
18 at all was **ample** proof to dozens of other jurists of an appearance of impropriety so
19 that failing to recuse would imperil the legitimacy of public perception of the
20 judiciary. Further, from her lack of disclosure at the beginning of the June 5, 2017
21 hearing regarding her prior relationship with Sanson, her *Affidavit* that does not
22 deny alleged *ex parte* communications with him, and her own personal interest in
23 protecting her reputation by making an unsupported “finding” that VIPI is a
24

⁸ *Oren v. Dept. of Human Resources*, 113 Nev. 594, 939 P.2d 1039 (1997)

1 legitimate non-profit organization, it appears that Judge Leavitt is actually biased in
2 this case.

3 Judge Duckworth issued a warning to the entire Nevada judiciary about
4 Sanson's deliberate seeking out of *ex parte* contacts with judges regarding pending
5 cases and cautioned that it would likely continue because of Sanson's utter lack of
6 remorse. The facts recited above show that Sanson had no remorse and did, in fact,
7 continue initiating corrupt *ex parte* communications numerous times in the months
8 that followed. As Judge Duckworth correctly concluded, an assignment to the
9 Senior Judge Program is the necessary response to Sanson's systematic efforts at
10 judicial corruption. Any decision by this Court falling short of that to address
11 Sanson's corrupt behavior would amount to complicity in allowing it to continue.
12 Plaintiff's reiterate their request for disqualification and re-assignment.

13 ///

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CERTIFICATE OF SERVICE

I hereby certify that the foregoing *Reply to Oppositions to Motion to Disqualify Eighth Judicial District Court Elected Judiciary, and for Permanent Assignment to the Senior Judge Program or, Alternatively, to a District Court Judge Outside of Clark County* was filed electronically with the Eighth Judicial District Court in the above-entitled matter on Friday, February 23, 2018. Electronic service of the foregoing document shall be made in accordance with the Master Service List, pursuant to NEFCR 9, as follows:

MARGARET A. McLETCHE, ESQ.
Attorney for Defendants, STEVE W. SANSON and
VETERANS IN POLITICS INTERNATIONAL, INC., in case
number A-17-749318-C

ANAT LEVY, ESQ.
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number A-17-750171-C

JOSEPH W. HOUSTON, II, ESQ.
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OFFICES OF LOUIS C. SCHNEIDER, LLC, in case number
A-17-749318-C

/s/ David J. Schoen, IV, ACP
An Employee of The Abrams & Mayo Law Firm

IN THE SUPREME COURT OF THE STATE OF NEVADA

* * * * *

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

Appellant,

vs.

LOUIS C. SCHNEIDER; LAW OFFICES
OF LOUIS C. SCHNEIDER, LLC; STEVE
W. SANSON; VETERANS IN
POLITICS INTERNATIONAL, INC;

Respondent.

SC NO: 7983875834
DC NO: A-17-749318-C
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**APPELLANT'S
INDEX TO
APPENDIX -
DATE ORDER
VOLUME VIII**

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APPENDIX INDEX

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5.	Declaration of Service	1/25/2017	JVA00084
6.	Amended Complaint for Damages	1/27/2017	JVA000085- JVA000164
7.	Defendant Louis Schneider's and Law Offices of Louis Schneider's Motion to Dismiss Plaintiffs' Complaint Pursuant to NRCP 12(b)(5)	1/30/2017	JVA000165 - JVA000177
8.	Declaration of Service	2/8/2017	JVA000178
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23.	Plaintiffs' Omnibus Opposition To: 1. Schneider Defendants' Special Motion to Dismiss Plaintiffs' Slapp Suit Pursuant to NRS 41.660 and Request for Attorney's Fees, Costs, and Damages Pursuant to NRS 41.670; 2. Special Motion to Dismiss Pursuant to Nev. Rev. Stat. § 41.660 (Anti-Slapp); and 3. Defendants' Special Motion to Dismiss Under Nevada's Anti Slapp Statute, NRS 41.660	4/28/2017	JVA000656 - JVA000804
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IN THE SUPREME COURT OF THE STATE OF NEVADA

* * * * *

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

Appellant,

vs.

STEVE W. SANSON; VETERANS IN
POLITICS INTERNATIONAL, INC; LOUIS
C. SCHNEIDER; AND LAW OFFICES
OF LOUIS C. SCHNEIDER, LLC;

Respondent.

SC NO: 73838/75834
DC NO: A-17-749318-C

**APPELLANTS'
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APPENDIX -
ALPHABETICAL
ORDER**

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